

CONGRESS OF THE PHILIPPINES  
FOURTEENTH CONGRESS  
*Third Regular Session* }

## HOUSE OF REPRESENTATIVES

H. No. 7112

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BY REPRESENTATIVES RODRIGUEZ, JALOSJOS, JALOSJOS-CARREON,  
DEFENSOR (M.), ARROYO (D.), CUA (J.), CODILLA, CAYETANO,  
GARAY, GATCHALIAN, CASTELO-DAZA, OLAÑO, NOGRALES,  
GUNIGUNDO, GONZALES (N.), DE GUZMAN AND VILLAFUERTE, PER  
COMMITTEE REPORT NO. 2575

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### AN ACT STRENGTHENING AND RATIONALIZING THE NATIONAL PROSECUTION SERVICE

*Be it enacted by the Senate and House of Representatives of the Philippines in  
Congress assembled:*

1           SECTION 1. *Title.* – This Act shall be known as the “Prosecution  
2   Service Act of 2009”.

3           SEC. 2. *Scope.* – The constituent offices herein covered shall  
4   include the Prosecution Staff and the Regional, Provincial

1 and City Prosecution Offices under the Secretary of Justice, that  
2 compose the National Prosecution Service as created and  
3 established in the succeeding sections.

4           SEC. 3. *Creation of the National Prosecution Service.* –

5 There is hereby created and established a National Prosecution  
6 Service to be composed of the prosecution staff in the Office of  
7 the Secretary of Justice and such number of regional prosecution  
8 offices, offices of the provincial prosecutor and offices of the city  
9 prosecutor as are hereinafter provided, which shall be primarily  
10 responsible for the preliminary investigation and prosecution of  
11 all cases involving violations of penal laws under the supervision  
12 of the Secretary of Justice, subject to the provisions of Sections 4,  
13 5 and 7 hereof.

14           SEC. 4. *Power of the Secretary of Justice.* – The power  
15 vested in the Secretary of Justice includes authority to act directly  
16 on any matter involving national security or a probable  
17 miscarriage of justice within the jurisdiction of the prosecution  
18 staff, regional prosecution office, and the provincial prosecutor or  
19 the city prosecutor and to review, reverse, revise, modify or

1 affirm on appeal or petition for review as the law or the rules of  
2 the Department of Justice (DOJ) may provide, final judgements  
3 and orders of the prosecutor general, regional prosecutors,  
4 provincial prosecutors, and city prosecutors.

5 For purposes of determining the cases which may be  
6 acted on, directly by the Secretary of Justice, the phrase "national  
7 security" shall refer to crimes against national security as  
8 provided under the Penal Code, Book II, Title 1, and other  
9 cases involving acts of terrorism as defined under the Human  
10 Security Act under Republic Act No. 9372.

11 SEC. 5. *The Prosecution Staff and its Functions.* –

12 There shall be in the Office of the Secretary of Justice a  
13 prosecution staff that shall be composed of prosecuting officers  
14 in such number as hereinbelow determined. It shall be headed by  
15 a Prosecutor General who shall be assisted by the following:

- 16 (a) Five (5) Senior Deputy State Prosecutors;  
17 (b) Five (5) Deputy State Prosecutors;  
18 (c) Thirty five (35) Senior Assistant State Prosecutors;  
19 (d) Eighty (80) Assistant State Prosecutors; and

(e) Twenty (20) Prosecution Attorneys.

The Prosecution Staff, which shall be under the control and supervision of the Secretary of Justice, shall have the following functions:

(a) Assist the Secretary of Justice in the exercise of his appellate jurisdiction;

(b) Conduct the preliminary investigation and prosecution of criminal cases involving national security, those for which task forces have been created, and criminal cases whose venues are transferred to avoid miscarriage of justice, all when so directed by the Secretary of Justice as public interest may require;

(c) Act as counsel for the People of the Philippines in any case involving or arising from a criminal complaint investigated by any of its prosecutors and pending before any trial court;

(d) Investigate administrative charges against prosecutors, other prosecution officers and members of their support staff;

(e) Prepare legal opinions on queries involving violations of the Revised Penal Code and special penal laws; and

1           (f) Monitor all criminal cases filed with the Office of the  
2 Prosecutor General; maintain an updated record of the status of  
3 each case, and adopt such systems and procedures as will  
4 expedite the monitoring and disposition of cases.

5           The Prosecutor General and Senior Deputy State  
6 Prosecutors shall act as a Selection and Promotion Board to  
7 screen applicants for appointment or promotion to any  
8 prosecutorial position in the Office of the Prosecutor  
9 General. The regional prosecutor, provincial prosecutor or city  
10 prosecutor shall sit as a member of the Board whenever it  
11 considers applicants for positions in his office. The Prosecutor  
12 General shall be the chairperson of the Board.

13           SEC. 6. *Regional Prosecution Office*. – There shall be at  
14 each administrative region, except the National Capital Region  
15 (NCR), a Regional Prosecution Office to be headed by a  
16 Regional Prosecutor who shall be assisted by one (1) Deputy  
17 Regional Prosecutor, one (1) Senior Assistant Regional  
18 Prosecutor, three (3) Assistant Regional Prosecutors, and one (1)  
19 Prosecution Attorney.

1           For purposes of this regionalization, the NCR shall be  
2 placed under the administrative supervision of the Prosecutor  
3 General.

4           SEC. 7. *Powers and Functions of the Regional*  
5 *Prosecutor.* – The Regional Prosecutor shall, under the control  
6 and supervision of the Secretary of Justice, have the following  
7 powers and functions:

8           (a) Implement policies, plans, programs, memoranda,  
9 orders, circulars and rules and regulations of the DOJ relative to  
10 the investigation and prosecution of criminal cases in his region;

11           (b) Exercise immediate administrative supervision over  
12 all provincial and city prosecutors and other prosecuting officers  
13 for provinces and cities comprised within his region;

14           (c) Prosecute any case arising within the region;

15           (d) When so delegated by the Secretary of Justice,  
16 resolve with finality appeals from or petitions for review of  
17 judgments and orders of provincial and city prosecutors and their  
18 assistants within the region in cases where the offenses charged  
19 are cognizable by the municipal trial court. This notwithstanding,

1 the Secretary of Justice is not precluded from exercising his 1  
2 power of review over such resolutions of the Regional Prosecutor 2  
3 in instances where there lies grave abuse of discretion on the part 3  
4 of the Regional Prosecutor, and from determining the extent of 4  
5 the coverage of the power of review of the Regional Prosecutors; 5

6 (e) Designate a prosecutor from any office of the 6  
7 provincial or city prosecutor within the region as Acting 7  
8 Provincial or City Prosecutor to investigate and prosecute a case 8  
9 in instances where parties question the partiality or bias of a 9  
10 particular city or provincial prosecutor or where the city or 10  
11 provincial prosecutor voluntarily inhibits himself/herself by 11  
12 reason of relationship to any of the parties within the sixth civil 12  
13 degree of consanguinity or affinity; 13

14 (f) With respect to his regional office and the offices of 14  
15 the provincial and city prosecutors within his region, he/she shall: 15

16 1. Appoint such number of subordinate officers and 16  
17 employees as may be necessary; and approve transfer of 17  
18 subordinate personnel within the jurisdiction of the regional 18

office and exercise disciplinary actions over them in accordance with the Civil Service Law, other existing laws and regulations;

2. Approve requests for sick, vacation and maternity and other kinds of leaves, with or without pay, for a period not exceeding one year; for overtime services; for permission to exercise their profession or to engage in business outside of office hours; for official travel within the region for periods not exceeding thirty (30) days; and for claims and benefits under existing laws;

3. Exercise immediate administrative supervision over all provincial and city prosecutors, their assistants and all other prosecuting officers of the provinces and cities within his region,

4. Investigate administrative complaints against prosecutors and other prosecuting officers within the region and submit his recommendation to the Secretary of Justice who shall, after review thereof and where warranted, submit the appropriate recommendation to the Office of the President for the latter's consideration;



- 1           5. Approve attendance of personnel in conferences,  
2 seminars and other training programs within the region;
- 3           6. Prepare the budget for the region for approval of the  
4 Secretary of Justice and administer the same;
- 5           7. Approve requisition for supplies, materials and  
6 equipment, as well as books, periodicals and the like and other  
7 items for the region in accordance with the approved supply  
8 procurement program;
- 9           8. Negotiate and conclude contracts for services or for  
10 furnishing supplies, materials and equipment and the likes within  
11 the budgetary limits set for the region;
- 12          9. Within his/her region, monitor the submission of all  
13 reports as may be required by the Secretary of Justice;
- 14          10. Coordinate with the regional offices of other  
15 departments, bureaus and agencies of the government and with  
16 local governments units in the region; and
- 17          11. Perform such other duties and functions as may be  
18 provided by law or as may further be delegated by the Secretary  
19 of Justice.

1           SEC. 8. *The Provincial Prosecutor or City Prosecutor.*

2     – There shall be for each province or city a Provincial Prosecutor  
3     or City Prosecutor, as the case may be, who shall be assisted by  
4     at least one (1) Deputy Provincial Prosecutor or Deputy City  
5     Prosecutor and such number of assistant and associate  
6     prosecutors as provided for hereinafter: *Provided, however,* That  
7     whenever a new province or city is created, it shall have a  
8     provincial prosecutor or city prosecutor, a deputy provincial  
9     prosecutor or deputy city prosecutor and such number of  
10    assistant and associate prosecutors as there are court branches  
11    therein at the ratio of two (2) prosecutors for each branch of  
12    regional trial court, one (1) prosecutor for each branch of  
13    metropolitan trial court or municipal trial court in cities, and one  
14    (1) prosecutor for every two (2) municipal trial courts in  
15    municipalities or branches thereof or municipal circuit trial  
16    courts.

17           Upon the establishment of the new province or city,  
18    position items of Prosecutor of the Office of the Provincial  
19    Prosecutor for the mother province in excess of the new

1 equivalent pursuant to the ratio established above for the courts  
2 or branches thereof that remained to be served by the office shall  
3 be transferred automatically to the Office of the Provincial  
4 Prosecutor or Office of the City Prosecutor for the new province  
5 or city, as the case may be: *Provided, further,* That when all or  
6 almost all of the regional trial court branches are seated at the  
7 city, the number of prosecutors for the city shall be proportional  
8 to the territorial jurisdiction covered by such branches of the  
9 courts.

10 In case a province is reverted to the mother province or a  
11 city is reconverted into a municipality for whatever reason, all the  
12 prosecution position items of the Office of the Provincial  
13 Prosecutor or Office of the City Prosecutor shall go to the Office  
14 of the Provincial Prosecutor for the mother province: *Provided,*  
15 *however,* That the position title provincial prosecutor or city  
16 prosecutor for the former province or city shall be changed to  
17 Assistant Provincial Prosecutor or Associate City Prosecutor, as  
18 the case may be, and shall have the corresponding rank provided  
19 in Section 15.

1           When the exigencies of the service so require, a province  
2 or city may create positions for special counsels whose salaries  
3 and other emoluments shall come exclusively from local funds.

4           SEC. 9. *Powers and Functions of the Provincial*  
5 *Prosecutor or City Prosecutor.* – The provincial prosecutor or the  
6 city prosecutor shall:

7           (a) Be the law officer of the province or city, as the case  
8 may be.

9           (b) Investigate and/or cause to be investigated all charges  
10 of crimes, misdemeanors and violations of penal laws and  
11 ordinances within their respective jurisdictions, and have the  
12 necessary information or complaint prepared or made and filed  
13 against the persons accused. In the conduct of such investigations  
14 he or any of his assistants shall receive the statements under oath  
15 or take oral evidence of witnesses, and for this purpose may by  
16 *subpoena* summon witnesses to appear and testify under oath  
17 before him, and the attendance or evidence of an absent or  
18 recalcitrant witness may be enforced by application to any trial  
19 court.

1           (c) Have charge of the prosecution of all crimes,  
2 misdemeanors and violations of city or municipal ordinances in  
3 the courts at the province or city and therein discharge all the  
4 duties incident to the institution of criminal actions, subject to the  
5 provisions of third paragraph of Section 5 hereof.

6           SEC. 10. *Office of the Provincial Prosecutor: Number of*  
7 *Prosecutors in Each Province.* – There shall be for each of the  
8 following provinces the corresponding number of provincial  
9 prosecutor and his deputies, assistants and associates:

10       A) Bulacan: (47)

11           One (1) Provincial Prosecutor

12           Two (2) Deputy Provincial Prosecutors

13           Eighteen (18) Senior Assistant Provincial Prosecutors

14           Twenty-six (26) Assistant Provincial Prosecutors

15       B) Pangasinan: (36)

16           One (1) Provincial Prosecutor

17           Two (2) Deputy Provincial Prosecutors

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1 Ten (10) Senior Assistant Provincial Prosecutors

2 Twenty-three (23) Assistant Provincial Prosecutors

3 C) Cebu: (33)

4 One (1) Provincial Prosecutor

5 Two (2) Deputy Provincial Prosecutors

6 Ten (10) Senior Assistant Provincial Prosecutors

7 Twenty (20) Assistant Provincial Prosecutors

8 D) Leyte: (32)

9 One (1) Provincial Prosecutor

10 Two (2) Deputy Provincial Prosecutors

11 Nine (9) Senior Assistant Provincial Prosecutors

12 Twenty (20) Assistant Provincial Prosecutors

13 E) Quezon; Camarines Sur: (31)

14 One (1) Provincial Prosecutor

15 Two (2) Deputy Provincial Prosecutors

1 Nine (9) Senior Assistant Provincial Prosecutors

2 Nineteen (19) Assistant Provincial Prosecutors

3 F) Cagayan: (28)

4 One (1) Provincial Prosecutor

5 Two (2) Deputy Provincial Prosecutors

6 Eight (8) Senior Assistant Provincial Prosecutors

7 Seventeen (17) Assistant Provincial Prosecutors

8 G) Nueva Ecija; Batangas; Laguna; Rizal: (26)

9 One (1) Provincial Prosecutor

10 Two (2) Deputy Provincial Prosecutors

11 Eight (8) Senior Assistant Provincial Prosecutors

12 Fifteen (15) Assistant Provincial Prosecutors

13 H) Iloilo: (24)

14 One (1) Provincial Prosecutor

15 One (1) Deputy Provincial Prosecutor

16 Seven (7) Assistant Provincial Prosecutors

1 Fifteen (15) Associate Provincial Prosecutors

2 I) Cavite; Bohol: (23)

3 One (1) Provincial Prosecutor

4 One (1) Deputy Provincial Prosecutor

5 Seven (7) Assistant Provincial Prosecutors

6 Fourteen (14) Associate Provincial Prosecutors

7 J) Isabela; Pampanga; Aklan: (22)

8 One (1) Provincial Prosecutor

9 One (1) Deputy Provincial Prosecutor

10 Seven (7) Assistant Provincial Prosecutors

11 Thirteen (13) Associate Provincial Prosecutors

12 K) Samar; Zamboanga Del Sur: (20)

13 One (1) Provincial Prosecutor

14 One (1) Deputy Provincial Prosecutor

15 Six (6) Assistant Provincial Prosecutors



- 1            Twelve (12) Associate Provincial Prosecutors
- 2   . L) Northern Samar; Eastern Samar: (19)
- 3            One (1) Provincial Prosecutor
- 4            One (1) Deputy Provincial Prosecutor
- 5            Six (6) Assistant Provincial Prosecutors
- 6            Eleven (11) Associate Provincial Prosecutors
- 7   M) La Union; Lanao Del Sur: (18)
- 8            One (1) Provincial Prosecutor
- 9            One (1) Deputy Provincial Prosecutor
- 10           Five (5) Assistant Provincial Prosecutors
- 11           Eleven (11) Associate Provincial Prosecutors
- 12   N) Ilocos Sur: (17)
- 13           One (1) Provincial Prosecutor
- 14           One (1) Deputy Provincial Prosecutor
- 15           Five (5) Assistant Provincial Prosecutors
- 16           Ten (10) Associate Provincial Prosecutors
- 17   O) Benguet; Camarines Norte; Negros Oriental; (16)

- 1           One (1) Provincial Prosecutor
- 2           One (1) Deputy Provincial Prosecutor
- 3           Five (5) Assistant Provincial Prosecutors
- 4           Nine (9) Associate Provincial Prosecutors
- 5    P) Nueva Vizcaya; Misamis Oriental: (15)
- 6           One (1) Provincial Prosecutor
- 7           One (1) Deputy Provincial Prosecutor
- 8           Four (4) Assistant Provincial Prosecutors
- 9           Nine (9) Associate Provincial Prosecutors
- 10   Q) Ilocos Norte; Antique; Negros Occidental; Cotabato: (14)
- 11           One (1) Provincial Prosecutor
- 12           One (1) Deputy Provincial Prosecutor
- 13           Four (4) Assistant Provincial Prosecutors
- 14           Eight (8) Associate Provincial Prosecutors

- 1 R) Albay; Zamboanga Del Norte; Lanao del Norte: (13)
- 2           One (1) Provincial Prosecutor
- 3           One (1) Deputy Provincial Prosecutor
- 4           Four (4) Assistant Provincial Prosecutors
- 5           Seven (7) Associate Provincial Prosecutors
- 6 S) Abra; Surigao del Sur; Davao Oriental; Sulu: (12)
- 7           One (1) Provincial Prosecutor
- 8           One (1) Deputy Provincial Prosecutor
- 9           Three (3) Assistant Provincial Prosecutors
- 10          Seven (7) Associate Provincial Prosecutors
- 11 T) Zambales; Oriental Mindoro; Masbate; Sorsogon; Southern
- 12          Leyte; Capiz; Tawi-Tawi: (11)
- 13          One (1) Provincial Prosecutor
- 14          One (1) Deputy Provincial Prosecutor
- 15          Three (3) Assistant Provincial Prosecutors
- 16          Six (6) Associate Provincial Prosecutors

1 U) Tarlac; Occidental Mindoro; Palawan; Surigao del Norte;

2 Agusan Del Norte; Maguindanao: (10)

3 One (1) Provincial Prosecutor

4 One (1) Deputy Provincial Prosecutor

5 Three (3) Assistant Provincial Prosecutors

6 Five (5) Associate Provincial Prosecutors

7 V) Davao Del Sur; Sultan Kudarat: (9)

8 One (1) Provincial Prosecutor

9 One (1) Deputy Provincial Prosecutor

10 Three (3) Assistant Provincial Prosecutors

11 Four (4) Associate Provincial Prosecutors

12 W) Ifugao; Quirino; Bataan; Romblon; Misamis Occidental;

13 Bukidnon: (8)

14 One (1) Provincial Prosecutor

15 One (1) Deputy Provincial Prosecutor

16 Three (3) Assistant Provincial Prosecutors

- 1                    Three (3) Associate Provincial Prosecutors
- 2    X) Mt. Province; Marinduque; Catanduanes; Zamboanga
- 3                    Sibugay; Agusan del Sur; South Cotabato : (7)
- 4                    One (1) Provincial Prosecutor
- 5                    One (1) Deputy Provincial Prosecutor
- 6                    Two (2) Assistant Provincial Prosecutors
- 7                    Three (3) Associate Provincial Prosecutors
- 8    Y) Aurora; Biliran; Compostela Valley: (6)
- 9                    One (1) Provincial Prosecutor
- 10                   One (1) Deputy Provincial Prosecutor
- 11                   Two (2) Assistant Provincial Prosecutors
- 12                   Two (2) Associate Provincial Prosecutors
- 13    Z) Batanes; Kalinga; Apayao; Camiguin; Basilan; Davao
- 14                   del Norte; Sarangani: (4)
- 15                   One (1) Provincial Prosecutor
- 16                   One (1) Deputy Provincial Prosecutor

1           One (1) Assistant Provincial Prosecutor

2           One (1) Associate Provincial Prosecutors

3   AA) Guimaras; Siquijor; Dinagat Islands: (3)

4           One (1) Provincial Prosecutor

5           One (1) Deputy Provincial Prosecutor

6           One (1) Associate Provincial Prosecutors

7           After the approval of this Act, there shall be for each  
8   province one (1) deputy provincial prosecutor for every twenty-  
9   five (25) prosecutors or a fraction thereof. When an office of the  
10   provincial prosecutor has more than one (1) deputy provincial  
11   prosecutor, the incumbent deputy provincial prosecutor first  
12   appointed shall be called senior deputy provincial prosecutor.

13           SEC. 11. *Office of the City Prosecutor: Number of*  
14   *Prosecutors for Each City.* – There shall be for each of the  
15   following cities the corresponding number of City Prosecutor and  
16   his deputies, assistants and associates:

17   A) Manila: (178)

- 1            One (1) City Prosecutor
- 2            Seven (7) Deputy City Prosecutors
- 3            Seventy-four (74) Senior Assistant City Prosecutors
- 4            Ninety-Six (96) Assistant City Prosecutors

5        B) Quezon City: (109)

- 6            One (1) City Prosecutor
- 7            Five (5) Deputy City Prosecutors
- 8            Forty-eight (48) Senior Assistant City Prosecutors
- 9            Fifty-five (55) Assistant City Prosecutors

10       C) Makati: (107)

- 11           One (1) City Prosecutor
- 12           Five (5) Deputy City Prosecutors
- 13           Fifty (50) Senior Assistant City Prosecutors
- 14           Fifty-one (51) Assistant City Prosecutors

15       D) Cebu: (42)

- 16           One (1) City Prosecutor

- 1           Two (2) Deputy City Prosecutors
- 2           Seventeen (17) Senior Assistant City Prosecutors
- 3           Twenty-two (22) Assistant City Prosecutors
- 4   E) Pasig: (37)
- 5           One (1) City Prosecutor
- 6           Two (2) Deputy City Prosecutors
- 7           Sixteen (16) Senior Assistant City Prosecutors
- 8           Eighteen (18) Assistant City Prosecutors
- 9   F) Iloilo: (36)
- 10          One (1) City Prosecutor
- 11          Two (2) Deputy City Prosecutors
- 12          Thirteen (13) Senior Assistant City Prosecutors
- 13          Twenty (20) Assistant City Prosecutors
- 14   G) Caloocan: (35)
- 15          One (1) City Prosecutor
- 16          Two (2) Deputy City Prosecutors



- 1 Thirteen (13) Senior Assistant City Prosecutors
- 2 Nineteen (19) Assistant City Prosecutors
- 3 H) Pasay: (31)
  - 4 One (1) City Prosecutor
  - 5 Two (2) Deputy City Prosecutors
  - 6 Thirteen (13) Senior Assistant City Prosecutors
  - 7 Fifteen (15) Assistant City Prosecutors
- 8 I) Bacolod; Davao; Cagayan de Oro: (30)
  - 9 One (1) City Prosecutor
  - 10 Two (2) Deputy City Prosecutors
  - 11 Thirteen (13) Senior Assistant City Prosecutors
  - 12 Fourteen (14) Assistant City Prosecutors
- 13 J) Naga (Camarines Sur): (27)
  - 14 One (1) City Prosecutor
  - 15 Two (2) Deputy City Prosecutors
  - 16 Twelve (12) Senior Assistant City Prosecutors

1 Twelve (12) Assistant City Prosecutors

2 K) Paranaque: (23)

3 One (1) City Prosecutor

4 One (1) Deputy City Prosecutor

5 Eight (8) Senior Assistant City Prosecutors

6 Thirteen (13) Assistant City Prosecutors

7 L) Marikina: (22)

8 One (1) City Prosecutor

9 One (1) Deputy City Prosecutor

10 Eight (8) Senior Assistant City Prosecutors

11 Twelve (12) Assistant City Prosecutors

12 M) Las Pinas: (21)

13 One (1) City Prosecutor

14 One (1) Deputy City Prosecutor

15 Ten (10) Senior Assistant City Prosecutors

16 Nine (9) Assistant City Prosecutors

- 1 N) Mandaluyong: (16)
- 2       One (1) City Prosecutor
- 3       One (1) Deputy City Prosecutor
- 4       Seven (7) Senior Assistant City Prosecutors
- 5       Seven (7) Assistant City Prosecutors
- 6 O) Valenzuela; Muntinlupa; Taguig: (15)
- 7       One (1) City Prosecutor
- 8       One (1) Deputy City Prosecutor
- 9       Seven (7) Senior Assistant City Prosecutors
- 10       Six (6) Assistant City Prosecutors
- 11 P) Malabon and Navotas: (13)
- 12       One (1) City Prosecutor
- 13       One (1) Deputy City Prosecutor
- 14       Five (5) Senior Assistant City Prosecutors
- 15       Six (6) Assistant City Prosecutors
- 16 Q) San Juan: (10)

- 1           One (1) City Prosecutor
- 2           One (1) Deputy City Prosecutor
- 3           Four (4) Senior Assistant City Prosecutors
- 4           Four (4) Assistant City Prosecutors
- 5   R) Baguio; San Fernando (Pampanga); Antipolo:
- 6       Dumaguete. (20)
- 7           One (1) City Prosecutor
- 8           One (1) Deputy City Prosecutor
- 9           Eight (8) Assistant City Prosecutors
- 10          Ten (10) Associate City Prosecutors
- 11   S) Cabanatuan; Legaspi: (19)
- 12          One (1) City Prosecutor
- 13          One (1) Deputy City Prosecutor
- 14          Eight (8) Assistant City Prosecutors
- 15          Nine (9) Associate City Prosecutors
- 16   T) Batangas: (18)

- 1            One (1) City Prosecutor
- 2            One (1) Deputy City Prosecutor
- 3            Eight (8) Assistant City Prosecutors
- 4            Eight (8) Associate City Prosecutors
- 5    U) Angeles: (17)
- 6            One (1) City Prosecutor
- 7            One (1) Deputy City Prosecutor
- 8            Seven (7) Assistant City Prosecutors
- 9            Eight (8) Associate City Prosecutors
- 10   V) Tacloban; Zamboanga: (16)
- 11           One (1) City Prosecutor
- 12           One (1) Deputy City Prosecutor
- 13           Seven (7) Assistant City Prosecutors
- 14           Seven (7) Associate City Prosecutors
- 15   W) Iligan: (15)
- 16           One (1) City Prosecutor

- 1            One (1) Deputy City Prosecutor
- 2            Six (6) Assistant City Prosecutors
- 3            Seven (7) Associate City Prosecutors
- 4    X) Laoag; San Fernando (La Union); Tuguegarao; Lucena; Iriga;
- 5            Roxas: (14)
- 6            One (1) City Prosecutor
- 7            One (1) Deputy City Prosecutor
- 8            Six (6) Assistant City Prosecutors
- 9            Six (6) Associate City Prosecutors
- 10    Y) Dagupan; Olongapo; Calamba; General Santos: (13)
- 11            One (1) City Prosecutor
- 12            One (1) Deputy City Prosecutor
- 13            Five (5) Assistant City Prosecutors
- 14            Six (6) Associate City Prosecutors
- 15    Z) Tagbilaran; Butuan: (12)
- 16            One (1) City Prosecutor

- 1            One (1) Deputy City Prosecutor
- 2            Five (5) Assistant City Prosecutors
- 3            Five (5) Associate City Prosecutors
- 4    AA) Urdaneta; Puerto Princesa: (11)
- 5            One (1) City Prosecutor
- 6            One (1) Deputy City Prosecutor
- 7            Five (5) Assistant City Prosecutors
- 8            Four (4) Associate City Prosecutors
- 9    BB) Dipolog; Pagadian: (10)
- 10           One (1) City Prosecutor
- 11           One (1) Deputy City Prosecutor
- 12           Four (4) Assistant City Prosecutors
- 13           Four (4) Associate City Prosecutors
- 14    CC) San Jose Del Monte; San Pablo; Masbate; Mandaue: (9)
- 15           One (1) City Prosecutor
- 16           One (1) Deputy City Prosecutor

1 Three (3) Assistant City Prosecutors

2 Four (4) Associate City Prosecutors

3 DD) Santiago; Malolos; Meycauayan; Tarlac; Sorsogon;

4 Oroquieta: (8)

5 One (1) City Prosecutor

6 One (1) Deputy City Prosecutor

7 Three (3) Assistant City Prosecutors

8 Three (3) Associate City Prosecutors

9 EE) Gapan; Balanga; Lipa; Ligao; Tabaco; Lapu-Lapu;

10 Tagum: (7)

11 One (1) City Prosecutor

12 One (1) Deputy City Prosecutor

13 Three (3) Assistant City Prosecutors

14 Two (2) Associate City Prosecutors

15 FF) San Jose; Cavite; Talisay (Cebu): (6)

16 One (1) City Prosecutor



- 1           One (1) Deputy City Prosecutor
- 2           Two (2) Assistant City Prosecutors
- 3           Two (2) Associate City Prosecutors
- 4   GG) Candon; Vigan; Alaminos; Cauayan; San Carlos
- 5           (Pangasinan); Tanauan; Calapan; San Carlos (Negros
- 6           Occidental); Calbayog; Ormoc; Ozamis; Malaybalay;
- 7           Cotabato; Gingoog; Digos; Koronadal; Kidapawan;
- 8           Marawi: (5)
- 9           One (1) City Prosecutor
- 10          One (1) Deputy City Prosecutor
- 11          Two (2) Assistant City Prosecutors
- 12          One (1) Associate City Prosecutor
- 13   HH) Surigao: (4)
- 14          One (1) City Prosecutor
- 15          One (1) Deputy City Prosecutor
- 16          One (1) Assistant City Prosecutor
- 17          One (1) Associate City Prosecutor

1 II) Palayan; Science City of Munoz; Sta. Rosa; Tagaytay; Trece  
2 Martirez; Passi; Bago; Cadiz; Himamaylan; Kabankalan; La  
3 Carlota; Silay; Sagay; Danao; Toledo; Bais; Bayawan;  
4 Canlaon; Tanjay; Maasin; Dapitan; Isabela; Tangub; Panabo;  
5 Island Garden City of Samal; Bislig; Tacurong: (3)

6 One (1) City Prosecutor

7 One (1) Deputy City Prosecutor

8 One (1) Associate City Prosecutor

9 JJ) Escalante; Sipalay; Talisay (Negros Occidental); Victorias;  
10 Valencia: (2)

11 One (1) City Prosecutor

12 One (1) Deputy City Prosecutor

13 After the approval of this Act, there shall be for each  
14 city one (1) deputy city prosecutor for every twenty-five (25)  
15 prosecutors or a fraction thereof. When an Office of the City  
16 Prosecutor has more than one (1) deputy city prosecutor, the  
17 incumbent deputy city prosecutor first appointed shall be called  
18 senior deputy city prosecutor.

1           SEC. 12. *Realignment of Position Items.* – Upon the  
2 approval of this Act, the Prosecutor General shall transfer vacant  
3 excess position items of prosecutors to the cities within the  
4 province or to the province of which the cities used to be  
5 municipalities or to other cities within the province: *Provided,*  
6 *however,* That if the position items are occupied, they shall be  
7 transferred as soon as they become vacant or when the incumbent  
8 prosecutors consent to their transfer.

9           When new cities or provinces are created and court  
10 branch seats are realigned or redistributed, the Secretary of  
11 Justice shall correspondingly realign position items of  
12 prosecutors to the new cities or provinces from the provinces  
13 where the cities are located or the provinces used to be part of,  
14 without prejudice to the provisions of Section 8 hereof.

15           After the approval of this Act, branches of the regional  
16 trial court that are seated at a city and hitherto try and hear  
17 criminal cases filed by either the office of the provincial  
18 prosecutor or office of the city prosecutor shall proportionally  
19 divide themselves into branches where criminal and other cases

1 filed, and those to be prosecuted or defended by the Office of the  
2 Provincial Prosecutor shall be exclusively raffled to, tried and  
3 heard, and branches where criminal and other cases filed, and  
4 those to be prosecuted or defended by the Office of the City  
5 Prosecutor shall be exclusively raffled to, tried and heard. Upon  
6 such division, the Secretary of Justice shall also realign position  
7 items of prosecutor of the Office of the Provincial Prosecutor and  
8 the Office of the City Prosecutor affected.

9           SEC. 13. *Automatic Creation of Positions of Prosecutor.* --

10 Whenever new courts or branches thereof are created, there shall  
11 be automatically created for the province or city where such  
12 courts or branches are seated positions of assistant and associate  
13 prosecutors in such number determined pursuant to the ratio  
14 established in Section 8 hereof: *Provided, however,* That if the  
15 branches of a regional trial court shall be seated at a city outside  
16 of a metropolitan area established by law, the number of  
17 positions shall be distributed between the city and the province  
18 where the city is located according to the territorial jurisdiction  
19 covered by such branch: *Provided, further,* That in case the

1 branches created are of regional trial court, not less than one-half  
2 of the corresponding prosecutors shall have the rank of  
3 Prosecutor III if the province or city has at least twenty-five (25)  
4 prosecutors, including the additional, or the city is in a  
5 metropolitan area established by law, and the rest, Prosecutor II;  
6 otherwise, they may have the ranks of Prosecutor II and  
7 Prosecutor I.

8           SEC. 14. *Qualifications, Rank, and Appointment of the*  
9 *Prosecutor General* – The Prosecutor General shall have the  
10 same qualifications for appointment, rank, category, prerogatives,  
11 salary grade and salaries, allowances, emoluments and other  
12 privileges, shall be subject to the same inhibitions and  
13 disqualifications, and shall enjoy the same retirement and other  
14 benefits as those of the Presiding Justice of the Court of Appeals  
15 and shall be appointed by the President.

16           SEC. 15. *Ranks of Prosecutors.* – The Prosecutors in the  
17 National Prosecution Service shall have the following ranks:

1	RANK	POSITION/ TITLE
2	Prosecutor V	1. Senior Deputy State Prosecutors;
3		2. Regional Prosecutors; and
4		3. Provincial Prosecutors or City
5		Prosecutors of provinces or cities with
6		at least twenty-five (25) prosecutors.
7		and City Prosecutors of cities within a
8		metropolitan area established by law.
9	Prosecutor IV	1. Deputy State Prosecutors;
10		2. Deputy Regional Prosecutors:
11		3. Provincial Prosecutors or City
12		Prosecutors of provinces or cities
13		with less than twenty-five (25)
14		prosecutors; and
15		4. Deputy Provincial Prosecutors or
16		Deputy City Prosecutors of
17		provinces or cities with at least

1 twenty-five (25) prosecutors; and  
2 Deputy City Prosecutors of cities  
3 within a metropolitan area  
4 established by law.

- 5 Prosecutor III
- 6 1. Senior Assistant State Prosecutors  
7 and Senior Assistant Regional  
8 Prosecutors;
  - 9 2. Deputy Provincial Prosecutors  
10 or Deputy City Prosecutors of  
11 provinces or cities with less than  
12 twenty-five (25) prosecutors; and
  - 13 3. *Senior Assistant Provincial*  
14 Prosecutors or Senior Assistant City  
15 Prosecutors.

- 16 Prosecutor II
- 17 1. Assistant State Prosecutors;
  - 18 2. Assistant Regional Prosecutors; and
  3. Assistant Provincial Prosecutors

1 or Assistant City Prosecutors.

2 Prosecutor I 1. Associate Provincial Prosecutors or

3 Associate City Prosecutors.

4 Whenever a province or city shall have had at least  
5 twenty-five (25) prosecutors or a city shall have been made a  
6 part of a metropolitan area established by law, each level of the  
7 prosecution position items of the Office of the Provincial  
8 Prosecutor or Office of the City Prosecutor thereof shall be  
9 automatically upgraded one rank higher and shall have the  
10 corresponding position titles provided in this section.

11 SEC. 16. *Qualifications, Ranks and Appointments of*  
12 *Prosecutors and other Prosecution Officers.* – Prosecutors with  
13 the rank of Prosecutor V shall have the same qualifications for  
14 appointment, rank, category, prerogatives, salary grade and  
15 salaries, allowances, emoluments and other privileges, shall be  
16 subject to the same inhibitions and disqualifications, and shall  
17 enjoy the same retirement and other benefits as those of an  
18 associate justice of the Court Appeals.



1           Prosecutors with the rank of Prosecutor IV shall have the  
2 same qualifications for appointment, rank, category, prerogatives,  
3 salary grade and salaries, allowances, emoluments and other  
4 privileges, shall be subject to the same inhibitions and  
5 disqualifications, and shall enjoy the same retirement and other  
6 benefits as those of a judge of the Regional Trial Court.

7           Prosecutors with the rank of Prosecutor III shall have the  
8 same qualifications for appointment, rank, category, privileges,  
9 salary grade and salaries, allowances, emoluments and other  
10 privileges, shall be subject to the same inhibitions and  
11 disqualifications, and shall enjoy the same retirement and other  
12 benefits as those of a judge of the Metropolitan Trial Court.

13           Prosecutor with the rank of Prosecutor II shall have the  
14 same qualifications for appointment, rank, category, privileges,  
15 salary grade and salaries, allowances, emoluments and other  
16 privileges, shall be subject to the same inhibitions and  
17 disqualifications, and shall enjoy the same retirement and other  
18 benefits as those of the Municipal Trial Court in cities.

1           Prosecutor with the rank of Prosecutor I shall have the  
2 same qualifications for appointment, rank, category, privileges,  
3 salary grade and salaries, allowances, emoluments and other  
4 privileges, shall be subject to the same inhibitions and  
5 disqualifications, and shall enjoy the same retirement and other  
6 benefits as those of a judge of the Municipal Trial Court in  
7 municipalities.

8           Any increase after the approval of this Act in the salaries,  
9 allowances or retirement benefits or any upgrading of the grades  
10 or levels thereof of any or all of the justices or judges referred to  
11 herein to whom said emoluments are assimilated shall apply to  
12 the corresponding prosecutors.

13           All the above prosecutors shall be selected from among  
14 qualified and professionally trained members of the legal  
15 profession who are of proven integrity and competence. They  
16 shall be appointed by the President of the Philippines upon  
17 recommendation of the Secretary of Justice and shall serve until  
18 they reach the age of sixty-five (65) years old: *Provided,*  
19 *however,* That the ages of “seventy years” and “sixty-five years”

1 and the years of service “twenty years” provided in Republic Act  
2 No. 910, as amended, and other retirement laws for judges shall  
3 be understood as “sixty-five years” and “sixty years,” and  
4 “fifteen years,” respectively, when applied to prosecutors.

5 A prosecution attorney or special counsel shall be a  
6 member of the bar in good standing and shall have a salary under  
7 salary grade 25. Such prosecution officer shall be appointed by  
8 the Secretary of Justice: *Provided, however,* That with respect to  
9 a special counsel, his/her appointment shall be upon the  
10 recommendation of the provincial governor or city mayor and  
11 with the endorsement of the provincial prosecutor or city  
12 prosecutor, as the case may be.

13 Subject to Section 20 hereof, the salaries and allowances  
14 of regional, provincial and city prosecutors and their assistants,  
15 and the members of the prosecution staff, including prosecution  
16 attorneys, shall be paid entirely out of national funds and  
17 included in the annual appropriations of the DOJ: *Provided,*  
18 *however,* That this provision is without prejudice to the grant of  
19 allowances to the above-mentioned prosecutors by their

1    respective local governments in amounts not exceeding fifty  
2    percent (50%) of their basic salaries: *Provided, further,* That the  
3    whole of the allowances or portion thereof, whether granted by  
4    the national or local government, shall be exempt from income  
5    tax.

6           The salaries, allowances and other emoluments herein  
7    fixed shall not apply to officers other than those of prosecutors in  
8    the National Prosecution Service, notwithstanding any provisions  
9    of law assimilating the salaries of other officers to those herein  
10   mentioned.

11           *SEC. 17. Continuation in Office of Prosecutors.* – Upon  
12   approval of this Act, the prosecuting officers, including the  
13   prosecution attorneys, in the present prosecution staff shall  
14   continue in office to discharge the functions under this Act. and  
15   the position titles Chief State Prosecutor and Assistant Chief  
16   State Prosecutor are respectively renamed Prosecutor General  
17   and Senior Deputy State Prosecutor. All prosecutors who have  
18   the ranks of Prosecutor III and Prosecutor II in the existing  
19   prosecution staff shall be called Senior Assistant State

1 Prosecutors and Assistant State Prosecutors, respectively, under  
2 this Act.

3           The Regional, Provincial or City Prosecution Office  
4 established at each of the regions, provinces or cities pursuant to  
5 law is retained and renamed Regional Prosecution Office, Office  
6 of the Provincial Prosecutor or Office of the City Prosecutor, as  
7 the case may be.

8           All regional, provincial and city prosecutors and their  
9 assistants shall continue in office to discharge their functions  
10 under this Act.

11           All assistant prosecutors who have the ranks of Prosecutor  
12 IV, Prosecutor III, Prosecutor II and Prosecutor I in each of the  
13 existing regional, provincial and city prosecution offices shall be  
14 known by the position titles provided in Section 15  
15 hereof: *Provided, however,* That in provinces or cities with at  
16 least twenty-five (25) prosecutors and in cities within a  
17 metropolitan area established by law all assistant prosecutors  
18 with the rank of Prosecutor I before the enactment of this Act  
19 shall be upgraded to Prosecutor II upon the approval of this Act

1 and shall bear the title Assistant Provincial Prosecutor or  
2 Assistant City Prosecutor, as the case may be.

3           SEC. 18. *No Demotion or Diminution of Salary.* –  
4 Nothing in this act shall be construed to demote a prosecutor or to  
5 diminish his salary. In the event that all the incumbent  
6 prosecutors are not accommodated by the number of position  
7 items allocated, the excess incumbents shall continue in the  
8 service until they are accommodated, transferred or separated.

9           SEC. 19. *No Undermining of Security of Tenure.* –  
10 Nothing in this Act shall be construed to allow the transfer,  
11 except as provided herein or in case of temporary assignment, as  
12 public interest may require, of any prosecutor to any place or  
13 station or to undermine the security of tenure of incumbent  
14 prosecutors as provided in the laws. Such temporary assignment  
15 shall not exceed three (3) months without his or her written  
16 consent. No Provincial Prosecutor or City Prosecutor shall be  
17 detailed or assigned to another office or station, except in a  
18 concurrent capacity and with his or her written consent.

1           SEC. 20. *Special Allowances.* – The special allowances  
2 granted to the members of the National Prosecution Service  
3 under Republic Act No. 9279 shall continue to be given to them  
4 subject to the provisions hereof: *Provided, however,* That the  
5 amount not supported by the funding source specified in Section  
6 3 thereof to complete the equivalent of hundred per cent (100%)  
7 of the basic salary shall be paid through appropriations included  
8 in the budget of the DOJ: *Provided, further,* That when the  
9 amount being supported by the said funding source shall have  
10 been also included in the General Appropriations, the fees  
11 authorized under said Section 3 shall no longer be collected.

12           SEC. 21. *Retirement Benefits.* – When a prosecutor, who  
13 has rendered at least fifteen (15) years of service either in the  
14 National Prosecution Service or in any branch of government, or  
15 in both, retires for having attained the age of sixty-five (65)  
16 years, or resigns by reason of incapacity to discharge the duties of  
17 his/her office, he/she shall, during the residue of his/her natural  
18 life, in the manner hereinafter provided, receive a retirement  
19 pension based on the highest monthly salary, plus the highest

1 monthly aggregate of transportation, living, and representation  
 2 allowances, which he/she was receiving at the time of his/her  
 3 retirement or resignation.

4 When a prosecutor has attained the age of sixty (60) years  
 5 and has rendered at least fifteen (15) years of service in  
 6 government, the last five (5) years of which must have been  
 7 continuously rendered in the prosecution service, he/she shall  
 8 likewise be entitled to retire and receive during the residue of  
 9 his/her natural life the same benefits provided for in this section:

10 *Provided, however,* that those with less than fifteen (15) years of  
 11 service in the government shall be entitled to a *pro-rata* pension  
 12 computed as follows:

13	No. of Years	Basic Pay Plus The Highest
14	In Government	Monthly Aggregate Of
15	----- X	Transportation, Living
16	15 Years	And Representation
17		Allowances

18 SEC. 22. *Conditions.* – To maintain entitlement to the  
 19 pension herein provided, no prosecutor, during the time he/she is



1 receiving said pension, shall appear as counsel before any judicial  
2 or quasi-judicial agency in any civil case wherein the  
3 Government or any agency, subdivision, or instrumentality  
4 thereof is an adverse party, or in any criminal case wherein any  
5 officer or employee of the Government is accused of an offense  
6 committed in relation to his/her office, or collect any fee for  
7 his/her appearance in any administrative proceedings to maintain  
8 an interest adverse to the government, whether national,  
9 provincial, or municipal or to any of its legally constituted  
10 officers. When a prosecutor covered under this Act shall assume  
11 an elective public office, he/she shall not, upon assumption of  
12 office and during his/her term, receive the monthly pension or  
13 any of the allowance due him/her.

14           SEC. 23. *Automatic Increase.* – All pension benefits of  
15 retired prosecutors of the National Prosecution Service shall be  
16 automatically increased whenever there is an increase in the  
17 salary and allowance of the same position from which he retired.

1           SEC. 24. *Retroactivity.* – The benefits mentioned in  
2 Sections 14 and 16 hereof shall be granted to all those who  
3 retired prior to the effectivity of this Act.

4           SEC. 25. *Applicability.* – All benefits heretofore extended  
5 under Republic Act No. 910, as amended, and all other benefits  
6 that may be extended by way of amendment thereto shall  
7 likewise be given to the prosecutors covered by this Act.

8           SEC. 26. *Appropriation.* – There is hereby appropriated  
9 initially the sum of Fifty million pesos (P50,000,000) from the  
10 funds of the National Treasury not otherwise appropriated for the  
11 organization and operational expenses of the Office of the  
12 Prosecutor General for a period of one (1) year from the  
13 effectivity of this Act. The said amount shall be added to the  
14 annual budget of the DOJ.

15           SEC. 27. *Repeal.* – All acts, laws, decrees, executive  
16 orders, letters of instructions and regulations or any part thereof  
17 which are inconsistent with any provision of this Act are hereby  
18 repealed and/or modified accordingly.

1           SEC. 28. *Separability Clause.* -- If for any reason, any  
2 section or provision of this Act is declared to be unconstitutional  
3 or invalid, the other sections or provisions of this Act which are  
4 not affected shall continue in full force and effect.

5           SEC. 29. *Effectivity.* -- This Act shall take effect after  
6 fifteen (15) days following its publication in at least two (2)  
7 newspapers of general circulation or in the *Official Gazette*.

Approved,