

[REPUBLIC ACT NO. 10071, April 08, 2010]

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:

SECTION 1. *Title.* — This Act shall be known as the "Prosecution Service Act of 2010".

SEC. 2. *Scope.* — The constituent offices herein covered shall include the Prosecution Staff and the Regional, Provincial and City Prosecution Offices under the Secretary of Justice, that compose the National Prosecution Service as created and established in the succeeding sections.

SEC. 3. *Creation of the National Prosecution Service.* — There is hereby created and established a National Prosecution Service to be composed of the prosecution staff in the Office of the Secretary of Justice and such number of regional prosecution offices, offices of the provincial prosecutor and offices of the city prosecutor as are hereinafter provided, which shall be primarily responsible for the preliminary investigation and prosecution of all cases involving violations of penal laws under the supervision of the Secretary of Justice, subject to the provisions of Sections 4, 5 and 7 hereof.

SEC. 4. *Power of the Secretary of Justice.* — The power vested in the Secretary of Justice includes authority to act directly on any matter involving national security or a probable miscarriage of justice within the jurisdiction of the prosecution staff, regional prosecution office, and the provincial prosecutor or the city prosecutor and to review, reverse, revise, modify or affirm on appeal or petition for review as the law or the rules of the Department of Justice (DOJ) may provide, final judgments and orders of the prosecutor general, regional prosecutors, provincial prosecutors and city prosecutors.

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

SEC. 5. *The Prosecution Staff and its Functions.* — There shall be in the Office of the Secretary of Justice a prosecution staff that shall be composed of prosecuting officers in such number as hereinbelow determined. It shall be headed by a Prosecutor General who shall be assisted by the following:

- a. Five (5) Senior Deputy State Prosecutors;
- b. Five (5) Deputy State Prosecutors;
- c. Thirty-five (35) Senior Assistant State Prosecutors;
- 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:
 1. Assist the Secretary of Justice in the exercise of his/her appellate jurisdiction;
 2. 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;
 3. 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;
 4. Investigate administrative charges against prosecutors, other prosecution officers and members of their support staff;
 5. Prepare legal opinions on queries involving violations of the Revised Penal Code and special penal laws; and
 6. Monitor all criminal cases filed with the Office of the Prosecutor General; maintain an updated record of the status of each case, and adopt such systems and procedures as will expedite the monitoring and disposition of cases.

The Prosecutor General and Senior Deputy State Prosecutors shall act as a Selection and Promotion Board to screen applicants for appointment or promotion to any prosecutorial position in the Office of the Prosecutor General. The regional prosecutor, provincial prosecutor or city prosecutor shall sit as a member of the Board whenever it considers applicants for positions in his/her office. The Prosecutor General shall be the Chairperson of the Board.

SEC. 6. Regional Prosecution Office. — There shall be at each administrative region, except the National Capital Region (NCR), a Regional Prosecution Office to be headed by a Regional Prosecutor who shall be assisted by one (1) Deputy Regional Prosecutor, one (1) Senior Assistant Regional Prosecutor, three (3) Assistant Regional Prosecutors and one (1) Prosecution Attorney.

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

SEC. 7. Powers and Functions of the Regional Prosecutor. — The Regional Prosecutor shall, under the control and supervision of the Secretary of Justice, have the following powers and functions:

- a. Implement policies, plans, programs, memoranda, orders, circulars and rules and regulations of the DOJ relative to the investigation and prosecution of criminal cases in his/her region;

- b. Exercise immediate administrative supervision over all provincial and city prosecutors and other prosecuting officers for provinces and cities comprised within his/her region.;
- c. Prosecute any case arising within the region;
- d. When so delegated by the Secretary of Justice, resolve with finality appeals from or petitions for review of judgments and orders of provincial and city prosecutors and their assistants within the region in cases where the offenses charged are cognizable by the municipal trial court. This notwithstanding, the Secretary of Justice is not precluded from exercising his/her power of review over such resolutions of the Regional Prosecutor in instances where there lies grave abuse of discretion on the part of the Regional Prosecutor, and from determining the extent of the coverage of the power of review of the Regional Prosecutors;
- e. Designate a prosecutor from any office of the provincial or city prosecutor within the region as Acting Provincial or City Prosecutor to investigate and prosecute a case in instances where parties question the partiality or bias of a particular city or provincial prosecutor or where the city or provincial prosecutor voluntarily inhibits himself/herself by reason of relationship to any of the parties within the sixth (6th) civil degree of consanguinity or affinity;
- f. With respect to his/her regional office and the offices of the provincial and city prosecutors within his region, he/she shall:

1. Appoint such number of subordinate officers and employees as may be necessary; and approve transfer of subordinate personnel within the jurisdiction of the regional 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 (1) 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/her region;
4. Investigate administrative complaints against prosecutors and other prosecuting officers within the region and submit his/her 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;
5. Approve attendance of personnel in conferences, seminars and other training programs within the region;
6. Prepare the budget for the region for approval of the Secretary of Justice and administer the same;
7. Approve requisition for supplies, materials and equipment, as well as books, periodicals and the like and other items for the region in accordance with the approved supply procurement program; (8) Negotiate and conclude contracts for services or for furnishing supplies, materials and equipment and the likes within the budgetary limits set for the region;

8. Within his/her region, monitor the submission of all reports as may be required by the Secretary of Justice;
9. Coordinate with the regional offices of other departments, bureaus and agencies of the government and with local governments units in the region; and
10. Perform such other duties and functions as may be provided by law or as may further be delegated by the Secretary of Justice.

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

Upon the establishment of the new province or city, position items of Prosecutor of the Office of the Provincial Prosecutor for the mother province in excess of the new equivalent pursuant to the ratio established above for the courts or branches thereof that remained to be served by the office shall be transferred automatically to the Office of the Provincial Prosecutor or Office of the City Prosecutor for the new province or city, as the case may be: *Provided, further,* That when all or almost all of the regional trial court branches are seated at the city, the number of prosecutors for the city shall be proportional to the territorial jurisdiction covered by such branches of the courts.

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

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

SEC. 9. *Powers and Functions of the Provincial Prosecutor or City Prosecutor.* — The provincial prosecutor or the city prosecutor shall:

- a. Be the law officer of the province or city, as the case may be;
- b. Investigate and/or cause to be investigated all charges of crimes, misdemeanors and violations of penal laws and ordinances within their respective jurisdictions, and have the necessary information or complaint prepared or made and filed against the persons accused. In the conduct of

such investigations he/she or any of his/her assistants shall receive the statements under oath or take oral evidence of witnesses, and for this purpose may by *subpoena* summon witnesses to appear and testify under oath before him/her, and the attendance or evidence of an absent or recalcitrant witness may be enforced by application to any trial court; and

- c. Have charge of the prosecution of all crimes, misdemeanors and violations of city or municipal ordinances in the courts at the province or city and therein discharge all the duties incident to the institution of criminal actions, subject to the provisions of the second paragraph of Section 5 hereof.

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

(a) Bulacan: (47)

One (1) Provincial Prosecutor
Two (2) Deputy Provincial Prosecutors
Eighteen (18) Senior Assistant Provincial Prosecutors
Twenty-six (26) Assistant Provincial Prosecutors

(b) Pangasinan: (36)

One (1) Provincial Prosecutor
Two (2) Deputy Provincial Prosecutors
Ten (10) Senior Assistant Provincial Prosecutors
Twenty-three (23) Assistant Provincial Prosecutors

(c) Cebu: (33)

One (1) Provincial Prosecutor Two (2) Deputy Provincial Prosecutors Ten (10) Senior Assistant Provincial Prosecutors Twenty (20) Assistant Provincial Prosecutors

(d) Leyte: (32)

One (1) Provincial Prosecutor
Two (2) Deputy Provincial Prosecutors
Nine (9) Senior Assistant Provincial Prosecutors
Twenty (20) Assistant Provincial ProsecutorB

(e) Quezon; Camarinee Sur: (31)

One (1) Provincial Prosecutor
Two (2) Deputy Provincial Prosecutors
Nine (9) Senior Assistant Provincial Prosecutors
Nineteen (19) Assistant Provincial Prosecutors

(f) Cagayan: (28)