

**[ REPUBLIC ACT NO. 6027, August 04, 1969 ]**

**AN ACT PROVIDING FOR ADDITIONAL ASSISTANT FISCALS IN THE OFFICE OF THE CITY FISCAL OF THE CITY OF MANILA, ENLARGING AND REORGANIZING ITS STAFF, AND FOR OTHER PURPOSES, BY FURTHER AMENDING REPUBLIC ACT NUMBERED FOUR HUNDRED NINE, AS AMENDED.**

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

SECTION 1. Sections thirty-eight, thirty-eight-A, thirty eight-B and thirty eight-C of Republic Act Numbered Four hundred nine, as amended, otherwise known as the Revised Charter of the City of Manila, are hereby repealed and in lieu thereof the following are enacted:

"SEC. 38. *The City Fiscal and assistant city fiscals.*— There shall be in the Office of the City Fiscal one chief to be known as the City Fiscal, with the rank of an associate justice of the Court of Appeals, an assistant chief to be known as the First Assistant City Fiscal, with the rank of a judge of the Court of First Instance, six second assistant city fiscals who shall each have the rank of a judge of the Court of First Instance, who shall be the chiefs of divisions and one hundred seventy-two assistant fiscals who shall discharge their duties under the general administrative supervision of the Secretary of Justice. The City Fiscal, the First Assistant City Fiscal, the six second assistant city fiscals, and the assistant fiscals shall be appointed by the President of the Philippines with the consent Of the Commission on Appointments. The qualifications of the City Fiscal shall be the same as those provided for members of the Court of Appeals. To be eligible for appointment as first assistant city fiscal and second assistant city fiscal, one must be a citizen of the Philippines and must have practiced law in the Philippines for a period of not less than ten years or held during a like period an office in the Philippine Government requiring admission to the practice of law as an indispensable requisite. To be eligible for appointment as assistant fiscal, one must be a citizen of the Philippines and must have practiced law for at least five years prior to his appointment or held during a like period an office in the Philippine Government requiring admission to the practice of law as an indispensable requisite.

"The City Fiscal and his assistants shall receive the salaries hereinafter set forth, which shall be paid by the City of Manila. The City Fiscal shall be entitled to commutable representation expenses in an amount which

shall not be less than that provided for the department heads, which shall be in addition to his salary; and his assistants shall be entitled to representation expenses at the discretion of the Municipal Board. The salaries of the City Fiscal and his assistants shall be as follows:

- "(a) City Fiscal, with a salary of thirty thousand pesos *per annum*;
- "(b) First Assistant City Fiscal, the salary of twenty-six thousand pesos;
- "(c) Six second assistant city fiscals, each the salary of twenty-three thousand pesos;
- "(d) Fifteen assistant fiscals, each a salary of twenty-one thousand two hundred pesos;
- "(e) Fifteen assistant fiscals, each a salary of six hundred pesos less than that provided for in the next preceding paragraph;
- "(f) Fifteen assistant fiscals, each a salary of six hundred pesos less than that provided for in the next preceding paragraph;
- "(g) Fifteen assistant fiscals, each a salary of six hundred pesos less than that provided for in the next preceding paragraph;
- "(h) Fifteen assistant fiscals, each a salary of six hundred pesos less than that provided for in the next preceding paragraph;
- "(i) Fifteen assistant fiscals, each a salary of six hundred pesos less than that provided for in the next preceding paragraph;
- "(j) Fifteen assistant fiscals, each a salary of six hundred pesos less than that provided for in the next preceding paragraph;
- "(k) Fifteen assistant fiscals, each a salary of six hundred pesos less than that provided for in the next preceding paragraph;
- "(l) Fifteen assistant fiscals, each a salary of six hundred pesos less than that provided for in the next preceding paragraph;
- "(m) Fifteen assistant fiscals, each a salary of six hundred pesos less than that provided for in the next preceding paragraph;
- "(n) Twenty-two assistant fiscals, each a salary of six hundred pesos less than that provided for in the next preceding paragraph.

"SEC. 38-A. *Duties of the City Fiscal*— The City Fiscal shall be the chief city prosecutor and shall have the responsibility and authority to investigate and prosecute all crimes and offenses committed in the City of Manila. He shall have charge of the prosecution of all crimes and violations of the city ordinances filed with the Court of First Instance, the

city courts and any other courts that are now or may hereafter be organized, and in addition, shall discharge all other duties in respect to criminal prosecutions enjoined by law upon provincial fiscals.

"Whenever it is brought to his knowledge that a grave or less grave felony has been committed within the jurisdiction of the City of Manila by any individual or individuals, or by any organized group or syndicate, or when public officials or employees are identified with said group or syndicate, the City Fiscal shall cause the same to be investigated by his assistant or authorized representative or by any government police agency. For the purpose of such investigation, he shall have the authority to require the aid of the Manila Police Department, or subject to the rules and conditions previously established by competent authority, the assistance of the National Bureau of Investigation and the Philippine Army or Philippine Constabulary: *Provided*, That the assistance of the National Bureau of Investigation, the Philippine Army or the Philippine Constabulary shall be limited to the investigation and not to the maintenance of peace and order.

"The City Fiscal shall cause to be investigated all charges of crimes and violations of ordinances and shall cause to be filed the necessary information or complaints against the person accused. He or his assistants may conduct such investigation by taking oral evidence of reputed witnesses, and for this purpose, may issue *subpoena* and *subpoena duces tecum* to summon witnesses to appear and testify under oath before him or bring the required papers or documents. Any one who, without lawful excuse, fails to appear in spite of the issuance of a *subpoena* or *subpoena duces tecum* or who, appearing in obedience to such summons, refuse to make oath, give testimony or produce documents for inspection, when thereunto lawfully required, shall be subject to discipline as in the case of contempt of court and, upon petition by the City Fiscal or any of his assistants, shall be punished for contempt by the court having jurisdiction of the case in the manner provided by law. For an offense cognizable by the Court of First Instance, the City Fiscal or any of his assistants shall certify under oath in the information to be filed by him that the defendant was given a chance to appear in person or by counsel at said investigation and that preliminary investigation in accordance with law has been conducted by the Office of the City Fiscal: *Provided*, That no assistant fiscal may file an information except with the prior approval of the City Fiscal: *Provided, further*, That any provision of law to the contrary notwithstanding, the recommendation of dismissal of a case by the investigating fiscal may be reversed by the reviewing fiscal who may, with the authority of the City Fiscal, file the corresponding information or complaint with, the court on the basis of the evidence adduced during the preliminary investigation and/or additional evidence received by him. No witness summoned to testify under this section shall be under obligation to give any testimony tending to incriminate himself.

"The City Fiscal shall also cause to be investigated the cause of sudden deaths which has not been satisfactorily explained or whose cause or causes are suspected to arise from the unlawful acts or omissions of

other persons, or from foul play, and in general, victims of violence, sex crimes, accidents, self-inflicted injuries, intoxications, drug addictions, states of malingering and mental disorders, which occur within the jurisdiction of the City of Manila, for the purpose of examining the evidence and obvious marks of crimes. For such purpose, he may cause autopsies to be made and he shall have the authority to require the aid of the Office of the Medical Examiner, or the Criminal Investigation Laboratory of the Manila Police Department, or subject to the rules and conditions previously established by the Secretary of Justice, the aid of the Medico-Legal Section of the National Bureau of Investigation and the Medico-Legal Section of the Crime Laboratory of the Philippine Constabulary to accomplish such investigations, examinations and autopsies. In case the City Fiscal deems it necessary to have further expert assistance for the satisfactory performance of his duties in relation with medico-legal matters or knowledge, including the giving of medical testimony in the courts of justice, he shall have authority to require the same, in the same manner and subject to the same rules and conditions as above specified, from the Office of the Medical Examiner, or the Criminal Investigation Laboratory of the Manila Police Department, or from the Medico-Legal Officer of the National Bureau of Investigation or the Philippine Constabulary, who shall thereupon furnish the assistance required in accordance with his powers and facilities. He shall at all times render such professional services as the Mayor or Board may require, and shall have such powers and perform such other duties as may be prescribed by the law or ordinance: *Provided*, That the functions performed by the City Fiscal as Legal Adviser and Legal Officer for civil cases of the city shall be transferred to the City Legal Officer and all civil cases pending at the time of the effectivity of this amendatory Act shall be transmitted to the Office of the City Legal Officer.

"SEC. 38-B. *Duties of the First Assistant City Fiscal and the organization of the Office into six divisions.*— The First Assistant City Fiscal shall have the following duties:

- "(1) To conduct studies and render periodic reports to the City Fiscal designed to improve the performance of each division;
- "(2) To render to the City Fiscal as often as practicable, a report on the integrity, competence and efficiency of the chiefs of divisions, the assistant fiscals and special counsels;
- "(3) To supervise together with the Chief of the Opinion and Research Division the preparation of bound opinions of the Office of the City Fiscal every year and the preparation of index cards according to legal subjects on monthly decisions of the Supreme Court, whether civil, criminal or administrative; and
- "(4) To perform such other duties as may from time to time be assigned to him by the City Fiscal.

"To promote a more efficient performance of the function and duties of