

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

EIGHTEENTH CONGRESS
First Regular Session

H.B. No. 4217



Introduced by: HON. LORD ALLAN JAY Q. VELASCO

"AN ACT AMENDING SECTIONS 15 AND 16 OF REPUBLIC ACT 10071 OTHERWISE KNOWN AS THE 'NATIONAL PROSECUTION SERVICE ACT OF 2010,' APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES"

EXPLANATORY NOTE

As the third pillar of this country's criminal justice system, the crucial role of the National Prosecution Service (NPS) of the Department of Justice in the speedy and efficient dispensation of justice cannot be overemphasized.

Without the NPS, the vision of, among others, providing the public an effective system or process in the community by which crimes are investigated and persons suspected thereof taken into custody, prosecuted in court and punished if found guilty, would simply remain to be a myth.

Hence, the NPS deserves the utmost support the government can extend to an equally important component or agency in the Executive Department.

Sections 15 and 16 of Republic Act No. 10071, otherwise known as the "Prosecution Service Act of 2010," provide for the qualifications, ranks, category, prerogatives, salary grade and salaries, allowances, emoluments, retirement benefits and other privileges, among others, of prosecutors to be the same as those of the corresponding justices and judges, as follows:

Prosecutor with the rank of Prosecutor V shall have the same qualification for appointment, rank, category, prerogatives, salary grade, and salaries, allowances, and emoluments and other privileges, shall be subject to the same inhibitions and disqualifications; and shall enjoy the same retirement and other benefits as those of an Associate Justice of the Court of Appeals.

Prosecutors with the rank of Prosecutor IV shall have the same qualifications for appointment, rank, category, prerogatives, salary grade and salaries, allowances, emoluments and other privileges, shall be subject to the same inhibitions and disqualifications; and shall enjoy the same retirement and other benefit as those of a Judge of the Regional Trial Court.

Prosecutor with the rank of Prosecutor III shall have the same qualifications for appointment, rank, category, prerogatives, salary grade and salaries, allowances, emoluments and other privileges, shall be subject to the same inhibitions and disqualifications; and shall enjoy the same retirement and other benefit as those of a Judge of the Metropolitan Trial Court.

Prosecutor with the rank of Prosecutor II shall have the same qualifications for appointment, rank, category, prerogatives, salary grade and salaries, allowances, emoluments and other privileges, shall be subject to the same

inhibitions and disqualifications; and shall enjoy the same retirement and other benefit as those of a Judge of the Municipal Trial Court in cities.

Prosecutor with the rank of Prosecutor I shall have the same qualifications for appointment, rank, category, prerogatives, salary grade and salaries, allowances, emoluments and other privileges, shall be subject to the same inhibitions and disqualifications; and shall enjoy the same retirement and other benefit as those of a Judge of the Municipal Trial Court.

Paragraph 6, of the same Section 16 of the Act, further provides, that:

Any increase after the approval of this Act in the salaries, allowances or retirement benefits **or any upgrading of the grades or levels thereof of any or all of the justices or judges** referred to herein to whom said emoluments are assimilated **shall apply to the corresponding prosecutors.** (emphasis and underscoring supplied)

In an *En Banc* Resolution issued on June 26, 2018, the Supreme Court upgraded the positions of the Judges of all first level courts as follows:

A.M. No. 17-09-07-SC (Re: Upgrading of the Salary Grades of the Judges of the Municipal Trial Courts, Municipal Circuit Trial Courts, and Shari'a Circuit Trial Courts, and Municipal Trial Courts in Cities from Salary Grade (SG) 26 and SG 27, respectively, to SG 28) – The Court Resolved to

- (a) NOTE the Memorandum dated June 25, 2018 of Atty. Corazon G. Ferrer-Flores, Deputy Clerk of Court and Chief, Fiscal Management and Budget Office, submitting her report on the instant administrative matter;
- (b) GRANT the Petition dated August 22, 2017 filed by Judge Ricky C. Regino, in his capacity as National President of the Philippine Trial Judges League, Inc.; and
- (c) UPGRADE the positions of the judges of all first level courts as follows:
 - (i) Municipal Trial Courts, Municipal Circuit Trial Courts and Shari'a Circuit Courts, from SG 26 to SG 28; and
 - (ii) Municipal Trial Court in Cities, from SG 27 to SG 28.

XX XX XX

Applying, therefore, the aforequoted paragraph 6, Section 16 of Republic Act No. 10071, in relation to the subject *En Banc* Resolution of the Supreme Court in A.M. No. 17-09-07-SC, all prosecutors with the salary grades of SG 26 and SG 27 shall, **by force of law**, likewise be deemed upgraded to SG 28.

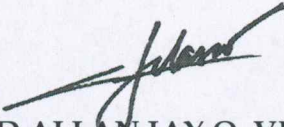
The upgrading of the salary grades or levels of the concerned prosecutors to SG 28, however, would cause a distortion in the qualifications, ranks and category of prosecutors as provided in Sections 15 and 16 of the same Act, since the concerned prosecutors will now have the same qualifications, ranks and category as those of the deputy city and deputy provincial prosecutors and other higher level prosecutors who presently have the salary grades of SG 28.

Meanwhile, all city prosecutors in the city prosecution offices of Metro Manila, regardless of the size of their offices and the number of their assistants, enjoy the salary grade of SG 30;

while the city and provincial prosecutors outside of Metro Manila, unless they have at least 25 assistants, only had salary grades of SG 29.

In order to remedy the seeming distortion in the qualifications, ranks and category of prosecutors as provided in Sections 15 and 16 of Republic Act No. 10071, as a result of the upgrading, as mandated by law, of the salary grades of all assistant prosecutors to SG 28, and so as to arrive at a standard, uniform and consistent salary grades or levels of all associate city and associate provincial prosecutors; assistant city and assistant provincial prosecutors; deputy city and deputy provincial prosecutors, and city and provincial prosecutors throughout the country (*that is*: SG 28 for all associate city and associate provincial prosecutors; assistant city and assistant provincial prosecutors; SG 29 for all deputy city and deputy provincial prosecutors; and SG 30 for all city and provincial prosecutors), it is now imperative to amend Sections 15 and 16 of the same Act.

In view thereof, the approval of this bill is earnestly sought.



LORD ALLAN JAY Q. VELASCO

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

EIGHTEENTH CONGRESS
First Regular Session

H.B. No. ~~4217~~

Introduced by: HON. LORD ALLAN JAY Q. VELASCO

"AN ACT AMENDING SECTIONS 15 AND 16 OF REPUBLIC ACT 10071 OTHERWISE KNOWN AS THE 'NATIONAL PROSECUTION SERVICE ACT OF 2010,' APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES"

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

SECTION 1. Section 15 of Republic Act No. 10071 is hereby amended to read as follows:

SEC. 15. *Ranks of Prosecutors.* – The Prosecutors in the National Prosecution Service shall have the following ranks and salary grades:

RANK	POSITION/ TITLE
Prosecutor V (SG 30)	(1) Senior Deputy State Prosecutors (2) Regional Prosecutors (3) Provincial Prosecutors (4) City Prosecutors
Prosecutor IV (SG 29)	(1) Deputy State Prosecutors (2) Deputy Regional Prosecutors (3) Deputy Provincial Prosecutors (4) Deputy City Prosecutors
Prosecutor III (SG 28)	(1) Senior Assistant State Prosecutors (2) Senior Assistant Regional Prosecutors (3) Senior Assistant Provincial Prosecutors (4) Senior Assistant City Prosecutors (5) Assistant State Prosecutors (6) Assistant Regional Prosecutors (7) Assistant Provincial Prosecutors (8) Assistant City Prosecutors (9) Associate Provincial Prosecutors (10) Associate City Prosecutors

All Associate Provincial Prosecutors and Associate City Prosecutors whose salary grades have herein been upgraded shall be referred to as Assistant Provincial Prosecutors and Assistant City Prosecutors, respectively.

1 SEC. 2. Section 16 of Republic Act No. 10071 is hereby amended to read as follows:

2
3 SEC. 16. *Qualifications, Ranks, and Appointments of Prosecutors and*
4 *other Prosecution Officers.* - Prosecutors with the rank of
5 Prosecutor V shall have the same qualifications for
6 appointment, rank, category, prerogatives, salary grade and
7 salaries, allowances, emoluments and other privileges, shall be
8 subject to the same inhibitions and disqualifications, and shall
9 enjoy the same retirement and other benefits as those of an
10 Associate Justice of the Court Appeals.

11
12 Prosecutors with the rank of Prosecutor IV shall have the same
13 qualifications for appointment, rank, category, prerogatives,
14 salary grade and salaries, allowances, emoluments and other
15 privileges, shall be subject to the same inhibitions and
16 disqualifications, and shall enjoy the same retirement and other
17 benefits as those of a Judge of the Regional Trial Court.

18
19 Prosecutors with the rank of Prosecutor III shall have the same
20 qualifications for appointment, rank, category, privileges,
21 salary grade and salaries, allowances, emoluments and other
22 privileges, shall be subject to the same inhibitions and
23 disqualifications, and shall enjoy the same retirement and other
24 benefits as those of a Judge of the Metropolitan Trial Court.

25
26 Any increase after the approval of this Act in the salaries,
27 allowances or retirement benefits or any upgrading of the
28 grades or levels thereof of any or all of the Justices or Judges
29 referred to herein to whom said emoluments are assimilated
30 shall apply to the corresponding prosecutors.

31
32 All the above prosecutors shall be selected from among
33 qualified and professionally trained members of the legal
34 profession who are of proven integrity and competence. They
35 shall be appointed by the President of the Philippines upon
36 recommendation of the Secretary of Justice and shall serve until
37 they reach the age of sixty-five (65) years old: *Provided, however,*
38 *That the ages of "seventy years" and "sixty-five years" and the*
39 *years of service "twenty years" provided in Republic Act No.*
40 *910, as amended, and other retirement laws for judges shall be*
41 *understood as "sixty-five years" and "sixty years," and "fifteen*
42 *years," respectively, when applied to prosecutors.*

43
44 A prosecution attorney or special counsel shall be a member of
45 the bar in good standing and shall have a salary under Salary
46 Grade 26. Such prosecution officer shall be appointed by the
47 Secretary of Justice: *Provided, however, That with respect to a*
48 *special counsel, his/her appointment shall be upon the*
49 *recommendation of the provincial governor or city mayor and*
50 *with the endorsement of the provincial prosecutor or city*
51 *prosecutor, as the case may be.*

52
53 Subject to Section 20 hereof, the salaries and allowances of
54 regional, provincial and city prosecutors and their assistants,

1 and the members of the prosecution staff, including
2 prosecution attorneys, shall be paid entirely out of national
3 funds and included in the annual appropriations of the DOJ:
4 *Provided, however,* that this provision is without prejudice to the
5 grant of allowances to the above-mentioned prosecutors by
6 their respective local governments in amounts not exceeding
7 fifty percent (50%) of their basic salaries: *Provided, further,* That
8 the whole of the allowances or portion thereof, whether
9 granted by the national or local government, shall be exempt
10 from income tax.

11
12 The salaries, allowances and other emoluments herein fixed
13 shall not apply to officers other than those of prosecutors in the
14 National Prosecution Service, notwithstanding any provisions
15 of law assimilating the salaries of other officers to those herein
16 mentioned.

17
18 **SEC. 3.** The Department of Justice (DOJ) shall include in its programs the immediate
19 implementation of this Act. The funding requirements for the corresponding salary
20 adjustments herein shall be included in the General Appropriations Act. The Department
21 of Budget and Management (DBM) shall immediately issue the corresponding Notice of
22 Organization, Staffing and Compensation Action (NOSCA) and release the consequent
23 funds.

24
25 **SEC. 4.** If, for any reason, a portion of this Act is declared unconstitutional or invalid, the
26 same shall not affect the validity of the other provisions not affected thereby.

27
28 **SEC. 5.** All laws, decrees, executive orders, issuances, rules and regulations or parts
29 thereof inconsistent with this Act are hereby repealed or modified accordingly.

30
31 **SEC. 6.** This Act shall take effect fifteen (15) days after its publication in at least two (2)
32 newspapers of general circulation.

33
34 *Approved,*