

# [ PRESIDENTIAL DECREE NO. 1275, April 11, 1978 ]

## **REORGANIZING THE PROSECUTION STAFF OF THE DEPARTMENT OF JUSTICE AND THE OFFICES OF THE PROVINCIAL AND CITY FISCALS, REGIONALIZING THE PROSECUTION SERVICE, AND CREATING THE NATIONAL PROSECUTION SERVICE.**

**WHEREAS**, to improve the quality of prosecution services, it becomes imperative, in the public interest, to reorganize and restructure the entire prosecution system, in line with the general reorganization of the executive branch of the government which is a priority measure of the Administration;

**WHEREAS**, there is a need to regionalize the prosecution service in line with the government policy of decentralization, to rationalize the allocation of prosecution positions and functions in accordance with the requirements of the service, and to upgrade the salaries of all prosecutors, and of provincial and city fiscals;

**NOW, THEREFORE, I, FERDINAND E. MARCOS**, President of the Philippines, by virtue of the powers in me vested by the Constitution, do hereby order and decree the following:

**SECTION 1.** *Creation of the National Prosecution Service; Supervision and Control of the Secretary of Justice.*—There is hereby created and established a National Prosecution Service under the supervision and control of the Secretary of Justice, to be composed of the Prosecution Staff in the Office of the Secretary of Justice and such number of Regional State Prosecution Offices, and Provincial and City Fiscal's Offices as are hereinafter provided, which shall be primarily responsible for the investigation and prosecution of all cases involving violations of penal laws.

The power of supervision and control vested in the Secretary of Justice includes the authority to act directly on any matter within the jurisdiction of the Prosecution Staff, the Regional State Prosecution Office or the Office of the Provincial or City Fiscal and to review, modify or revoke any decision or action of the Chief of said staff or office.

**SECTION 2.** *The Prosecution Staff: Functions.*—There shall be a Prosecution Staff in the Office of the Secretary of Justice, which shall perform the following functions under the control of the Secretary of Justice:

- a. Investigate administrative charges against fiscals and other prosecution officers;
- b. Conduct the investigation and prosecution of all crimes;
- c. Prepare legal opinions on queries involving violations of the Revised Penal Code and special penal laws; and
- d. Review appeals from the resolutions of fiscals and other prosecuting officers in connection with criminal cases handled by them.

**SECTION 3.** *Prosecution Staff: Organization, Qualifications, Appointment.*—The Prosecution Staff shall be composed of prosecuting officers in such number as hereinbelow determined. It shall be headed by a Chief State Prosecutor who shall be assisted by three Assistant Chief State Prosecutors.

The Chief State Prosecutor, the three Assistant Chief State Prosecutors, and the members of the Prosecution Staff shall be selected from among qualified and professionally trained members of the legal profession who are of proven integrity and competence and have been in the actual practice of the legal profession for at least five (5) years prior to their appointment or have held during like period, any position requiring the qualifications of a lawyer.

They shall be appointed by the President of the Philippines upon recommendation of the Secretary of Justice.

**SECTION 4.** *Prosecution Staff: Composition and Salaries.*—The composition of the Prosecution Staff shall be as follows:

One Chief State Prosecutor  
Three Assistant Chief State Prosecutors;  
Six Senior State Prosecutors;  
Six Senior State Prosecutors;  
Six State Prosecutors;  
Six State Prosecutors;  
Six State Prosecutors;  
Ten State Prosecutors;  
Ten State Prosecutors;  
Six State Prosecutors;  
Six State Prosecutors;  
Six State Prosecutors.

In addition, there shall be in the Office of the Secretary of Justice, six Prosecution Attorneys, who shall be members of the bar, to be appointed by the Secretary of Justice, and who shall assist the Prosecution Staff in the performance of its functions as hereinabove provided.

**SECTION 5.** *Compensation.*—The compensation of the Prosecution Staff and Prosecution Attorneys shall be proved by the President upon recommendation of the Commissioner of the Budget and pursuant to P.D. No. 985.

**SECTION 6.** *The Regional State Prosecution Office: Regions.*—There shall be an office, to be known as the Regional Prosecution Office in each of the following regions:

Region I	Center	— San Fernando, La Union
	Area	— Abra, Benguet, Ilocos Norte, Ilocos Sur, La Union, Mt. Province, Pangasinan and the cities of Baguio, Dagupan, Laoag and San Carlos
Region II	Center	— Tuguegarao, Cagayan
	Area	— Batanes, Cagayan, Ifugao, Isabela, Kalinga-Apayao Nueva Viscaya and Quirino
Region III	Center	— San Fernando, Pampanga
	Area	— Bataan, Bulacan, Nueva Ecija, Pampanga, Tarlac, Zambales and

		the cities of Angeles, Cabanatuan, Olongapo, Palayan and San Jose
Region IV-A	Center	— Pasig, Metro Manila
	Area	— Batangas, Cavite, Laguna, Marinduque, Mindoro Oriental, Mindoro Occidental, Palawan, Quezon, Rizal, Romblon, Aurora Sub-Province and the cities of Batangas, Cavite, Lipa, Lucena, Puerto Princesa, San Pablo, Tagaytay and Trece Martires
Region V	Center	— Legaspi City
	Area	— Albay, Camarines Sur, Camarines Norte, Catanduanes, Masbate, Sorsogon and the cities of Legaspi, Naga and Iriga
Region VI	Center	— Iloilo City
	Area	— Aklan, Antique, Capiz, Iloilo, Negros Occidental and the cities of Bacolod, Bago, Cadiz, Iloilo, La Carlota, Roxas, San Carlos and Silay
Region VII	Center	— Cebu City
	Area	— Bohol, Cebu, Negros Oriental, Siquijor and the cities of Bais, Canlaon, Cebu, Danao, Dumaguete, Lapu-Lapu, Mandaue, Tagbilaran and Toledo
Region VIII	Center	— Tacloban City
	Area	— Eastern Samar, Leyte, Northern Samar, Southern Leyte, Western Samar, Biliran Sub-Province and the cities of Calbayog, Ormoc and Tacloban
Region IX-A	Center	— Jolo
	Area	— Basilan, Sulu and Tawi-Tawi
Region IX-B	Center	— Zamboanga City
	Area	— Zamboanga del Norte and Zamboanga del Sur and the cities of Dapitan, Dipolog, Pagadian and Zamboanga
Region X	Center	— Cagayan de Oro City
	Area	— Agusan del Norte, Agusan del Sur, Bukidnon, Camiguin, Misamis Occidental, Misamis Oriental, Surigao del Norte and the cities of Butuan, Cagayan de Oro, Gingoog, Ozamis, Oroquieta, Surigao and Tangub

Region XI	Center	— Davao City
	Area	— Davao del Norte, Davao Oriental, Davao del Sur, South Cotabato, Surigao del Sur and the cities of Davao and General Santos
Region XII	Center	— Cotabato City
	Area	— Lanao del Norte, Lanao del Sur, Maguindanao, North Cotabato, Sultan Kudarat and the cities of Cotabato, Iligan and Marawi

For purposes of this regionalization, Region IV comprising the cities of Manila, Quezon, Pasay and Caloocan, as well as all the municipalities comprised within the Metropolitan Manila Area under P. D. No. 824, shall be placed directly under the administrative supervision of the Chief State Prosecutor.

**SECTION 7.** *The Regional State Prosecution Office: Staffing, Appointment, Qualification and Salaries.*—Each State Prosecution Office shall be headed by a Regional State Prosecutor, who shall be assisted by an Assistant Regional State Prosecutor, and three State Prosecutors, all of whom shall be appointed by the President upon the recommendation of the Secretary of Justice.

The Regional State Prosecutors and the Assistant Regional State Prosecutors shall have the same qualifications as those provided in section 3 hereof for members of the Prosecution Staff.

They shall receive the same salaries provided for the Assistant Chief State Prosecutors and the higher ranking Senior State Prosecutors, respectively, in section 5 hereof.

The three State Prosecutors shall have the same qualifications and shall receive the same salaries provided for the highest ranking State Prosecutors in sections 3 and 5 hereof.

The salaries herein fixed for the Regional State Prosecutors, the Assistant Regional State Prosecutors, and the three State Prosecutors as well as those of the subordinate personnel of the Regional State Prosecution Office shall be paid entirely out of national funds and included in the annual appropriations of the Department of Justice.

**SECTION 8.** *The Regional State Prosecution Office: Functions of Regional State Prosecutor*—The Regional State Prosecutor shall, under the control of the Secretary of Justice, have the following functions:

- a. Implement policies, plans, programs, memoranda, orders, circulars and rules and regulations of the Department of Justice relative to the investigation and prosecution of criminal cases in his region.
- b. Exercise immediate administrative supervision over all provincial and city fiscals and other prosecuting officers of provinces and cities comprised within his region.
- c. Prosecute any case arising within the region.
- d. With respect to his regional office and the offices of the provincial and city fiscals within his region, he shall:

1. Appoint such number of subordinate officers and employees as may be necessary; and approve transfers of subordinate personnel within the jurisdiction of the regional office.
2. Investigate administrative complaints against fiscals and other prosecuting officers within his region and submit his recommendation thereon to the Secretary of Justice who shall, after review thereof, submit the appropriate recommendation to the Office of the President: *Provided*, That where the Secretary of Justice finds insufficient grounds for the filing of charges, he may render a decision of dismissal thereof.
3. Investigate administrative complaints against subordinate personnel of the region and submit his recommendations thereon to the Secretary of Justice who shall have the authority to render decision thereon.
4. Approve requests for sick, vacation and maternity leaves of absence 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 days; and for benefits under Section 699 of the Revised Administrative Code.
5. Prepare the budget for the region for approval of the Secretary of Justice and administer the same.
6. Negotiate and conclude contracts for services or for furnishing supplies, materials and equipment for amounts not exceeding P50,000.00 for each quarter.

e. Coordinate with regional offices of other departments, with bureaus/agencies under the Department of Justice, and with local governments and police units in the region.

**SECTION 9.** *Offices of Provincial Fiscals and City Fiscals; Staffing*—There shall be in each province and each sub-province, one provincial fiscal and such number of assistant provincial fiscals as may hereinafter be provided for.

There shall be in each city one city fiscal and such number of assistant city fiscals as may hereinafter be provided.

**SECTION 10.** *Provincial Fiscals and City Fiscals and their Assistants: Qualifications and Appointment*.—No person shall be eligible for appointment to the position of provincial fiscal, city fiscal, assistant provincial fiscal or assistant city fiscal unless he possesses the same qualifications as members of the Prosecution Staff as provided in Section 3 hereof.

Provincial and city fiscals and their assistants shall be appointed by the President upon recommendation of the Secretary of Justice.

**SECTION 11.** *Provincial Fiscals and City Fiscals; Duties and Functions*.—The provincial fiscal or the city fiscal shall:

- a. Be the law officer of the province or city, as the case may be. He shall have charge of the prosecution of all crimes, misdemeanors and violations of city or municipal ordinances in the courts of such province or city and shall therein discharge all the duties incident to the institution of criminal prosecutions.
- b. Investigate and/or cause to be investigated all charges of crimes, misdemeanors and violations of all penal laws and ordinances within their