

**[ REPUBLIC ACT NO. 5156, June 16, 1967 ]**

**AN ACT AMENDING CERTAIN SECTIONS OF REPUBLIC ACT  
NUMBERED FORTY-SIX HUNDRED SIXTY, KNOWN AS THE  
CHARTER OF THE CITY OF TAGBILARAN, AND FOR OTHER  
PURPOSES.**

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

SECTION 1. Sections forty-two and forty-three of Republic Act Numbered Forty-six hundred sixty is hereby amended to read as follows:

"SEC. 42. *The City Fiscal and Assistant City Fiscals.*— *Their powers and duties.*—There shall be in the Office of the City Fiscal one chief to be known as the City Fiscal, an assistant chief to be known as the First Assistant City Fiscal, one Second Assistant City Fiscal and two Third Assistant City Fiscals who shall discharge their duties under the direction and supervision of the City Fiscal and the Secretary of Justice. To be eligible for appointment as City Fiscal or Assistant City Fiscal, one must have practiced law in the Philippines 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 as provided by existing laws or as hereinbelow fixed, whichever is higher:

"(a) City Fiscal, fifteen thousand pesos *per annum*, of which seven thousand two hundred pesos shall be paid by the City Government and seven thousand eight hundred shall be paid by the National Government.

"(b) First Assistant City Fiscal, eleven thousand four hundred pesos *per annum*, of which four thousand eight hundred pesos shall be paid by the City Government and six thousand six hundred pesos shall be paid by the National Government.

"(c) Second Assistant City Fiscal, ten thousand eight hundred pesos *per annum*, of which four thousand two hundred pesos shall be paid by the City Government and six thousand six hundred shall be paid by the National Government.

"(d) Third Assistant City Fiscals. nine thousand six hundred pesos *per annum*, each, of which three thousand six hundred pesos each shall be paid by the City Government and six thousand pesos each shall be paid by the National Government.

"(e) Other Assistant Fiscals, the positions of which vary be created by the City Board pursuant to the provisions of the next succeeding<sup>1</sup> section, seven thousand two hundred pesos each, half of which shall be payable by the National Government and the other half by the City Government.

"The City Fiscal shall be the chief Legal Adviser and Chief Prosecutor of the city. He shall have the following powers and duties:

"(a) He shall personally or through any assistant, represent the city in all civil cases wherein the city or any officer thereof, in his official capacity, is a party, or wherein governmental, monetary or proprietary interests of the city are involved.

"(b) He shall when requested, attend the meetings of the City Board, draw ordinances, contracts, bonds, leases, and other instruments involving any interest of the city and inspect and pass upon any such instrument already drawn.

"(c) He shall give his opinion in writing, when requested by the Mayor or the Board or any of the heads of the city departments, upon any question relating to the city or the rights or duties of any officer. Upon request, it shall be his duty to promptly reexamine, review, study and pass upon the legality or propriety of any resolution or ordinance enacted or proposed to be enacted by the City Board and of any executive orders or circular promulgated or proposed to be promulgated by the City Mayor, and he shall thereafter inform the City Board or the City Mayor, as the case may be, of any defect or impropriety which he may discover therein and make such other comment or criticism or recommendation as shall appear to him proper under the circumstances.

"(d) He shall, whenever it is brought to his knowledge that any city officer<sup>1</sup> or employee is guilty of neglect or misconduct in office or that any person, firm, or corporation holding any franchise or public privilege from the city, has failed to comply with any condition, or to pay any consideration mentioned in the grant of such franchise or privilege, investigate or cause to be investigated the same and report his findings and recommendations to Mayor. Upon request of the proper authorities, he shall assist in the prosecution of administrative charges against city officials and employees pursuant to the provisions of existing laws.

"(e) He shall, when directed by the Mayor, institute and prosecute in the city's interest a suit on any bond, lease, or other contract, and upon any breach or violation thereof, and shall prosecute and defend all civil actions related or connected with, any city office or interest.

"(f) He shall investigate all charges of crimes, misdemeanors, and violation of laws and city ordinances and complaint against the persons accused. He or any of his assistants may conduct such investigations by taking oral evidence of reputed witnesses and for this purpose may, by *subpoena or subpoena duces tecum* summon witnesses to appear and testify under oath before him or to produce documents and other

evidence before him, and the attendance of or the production of documents and other evidence of an absent or recalcitrant witness may be enforced by application to the City Court or the Court of First Instance. No witness summoned to testify under this section shall be under obligation to give testimony tending to incriminate himself.

"(g) He shall have charge of the prosecution of all crimes, misdemeanors and violations of laws and city ordinances triable in the City Court or Court of First Instance and shall discharge all the duties in respect to criminal prosecutions enjoined by law upon provincial fiscals.

"(h) He shall cause to be investigated the causes of sudden deaths which have not been satisfactorily explained when there is suspicion that the cause arose from unlawful acts or omissions of other persons or from foul play and in general, victims of violence, sex crimes, accidents, self-inflicted injuries, intoxication, drug addiction, state of malingering and mental disorders which occur within the jurisdiction of the city and the examination of evidences and telltale marks of crimes. For that purpose he may cause autopsies to be made in case it is deemed necessary and shall be entitled to demand and receive for the purpose of such investigations and/or autopsies the aid of the health authorities.

"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 request the same from the Head of the Department of Legal Medicine and Surgery of the University of the Philippines, or the aid of the Medico-legal Section of the National Bureau of Investigation or of any other national police agencies which shall thereupon, furnish the assistance required in accordance with its powers and facilities.

"(i) He shall at all times render such professional services as the Mayor or Board may require, and act on all matters wherein the City Government or any branch or office thereof, or its officers, shall require the services of a lawyer, and shall have such powers and perform such duties as may be prescribed by law or ordinance.

"(j) He shall discharge such other duties as may be assigned to him or as may be directed by the Secretary of Justice in connection with his functions as a government prosecutor.

"(k) He shall be entitled to demand and receive the full cooperation and assistance of the City Police Department and other offices of the city, and of other national police agencies in matters or cases under investigation or prosecution.

"(l) On his own or in cooperation and collaboration with the Mayor, National Police Commission, National Bureau of Investigation, Philippine Constabulary and/or other police agencies, he shall from time to time initiate or actively assist in organizing, holding and conducting training programs, seminars, and conferences of the members of the city police