

AN ACT TO AMEND AND REPEAL CERTAIN SECTIONS OF REPUBLIC ACT NUMBERED FOUR HUNDRED NINE, AND FOR OTHER PURPOSES.

REPUBLIC ACT NO. 1201, September 02, 1954

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

SECTION 1. Section twenty of Republic Act Numbere Four hundred nine is amended to read as follows:

"SEC. 20. City Departments.—There shall be the following city departments over which the Mayor shall have direct supervision and control, except over the Office of the City Fiscal which shall be under the Department of Justice, any existing law to the contrary notwithstanding:

- Department of Engineering and Public Works
- Police Department
- Office of the City Fiscal
- Fire Department
- Department of Finance
- Department of Assessment
- Department of Health
- Department of Public Services

"The Board may from time to time make such readjustment of the duties of the several departments as the public interest may demand."

SEC. 2. Article VIII of the same Act, including section thirty-eight under said Article, is repealed and in lieu thereof the following is inserted:

"ARTICLE VIII.—The Office of the City Fiscal

"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 a district judge, an assistant chief to be known as the first assistant city fiscal, three second assistant city fiscals, who shall be the chiefs of divisions, and thirty-eight assistant fiscals, who shall discharge their duties under the general supervision of the Secretary of Justice.

"The City Fiscal and his assistants shall receive the salaries hereinafter set forth, which shall be paid by the city of Manila:

- City Fiscal, twelve thousand pesos per annum.
- First assistant city fiscal, eleven thousand pesos per annum.
- Three second assistant city fiscals who shall be the chiefs of the three divisions, ten thousand pesos per annum each.

- Three assistant fiscals, eight thousand four hundred Pesos per annum each.
- Six assistant fiscals, seven thousand two hundred pesos per annum each.
- Six assistant fiscals, six thousand six hundred pesos per annum each.
- Six assistant fiscals, six thousand pesos per annum each..
- Six assistant fiscals, five thousand four hundred pesos per annum each.
- Six assistant fiscals, five thousand one hundred pesos per annum each.
- Five assistant fiscals, four thousand eight hundred pesos per annum each."

"SEC. 38-A. Organization of the Office into three divisions.—To promote a more efficient performance of the functions and duties of the Office, the City Fiscal shall organize said office into three divisions as follows:abel

- Preliminary Investigation Division which shall have exclusive charge of the conduct of preliminary investigations of all crimes and violations of city ordinances;
- Prosecution Division which shall have exclusive charge of the prosecution of criminal cases and shall represent the city in all civil cases wherein the city or any officer thereof in his official capacity is a party; and
- Miscellaneous Division which shall render legal opinions, draw ordinances, when required by the Board, contracts, bonds, leases, and other documents involving any interest of the city, and inspect and pass upon all such documents already drawn but pending approval by the city officer concerned.

"The City Fiscal shall effect, from time to time, such changes in the organization of the said three divisions as the exigencies of the service demand. This organizatio: shall be without prejudice to the power of the City Fiscal to designate any single assistant fiscal or group of assistant fiscals to investigate and also prosecute the same case or cases: Provided, That notwithstanding any provision herein to the contrary, no assistant fiscal already holding office on passage of this Act shall, by reason of any reorgai tion, be removed from office or be demoted to a lower category or scale of salary except for cause and compliance of the due processes provided for by law."

"SEC. 38-B. Duties of the City Fiscal.—The City Fiscal shall be the chief legal adviser of the city and all offices and departments thereof. He shall, personally or through assistant, represent the city in all civil cases wherein city or any officer thereof in his official capacity is a party; shall attend, when required, meetings of the Board, draw ordinances, contracts, bonds, leases, and other documents involving any interests of the city and inspect and ass upon all such documents already drawn; shall give his opinion in writing when requested by the Mayor or Board upon any question relating to the city, or the rights or duties of any city officer; shall, whenever it is brought to his knowledge that any city officer or employee is guilty of neglect or misconduct in office, or that any person, firm, or corporation holding or exercising 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 the same and report to the Mayor; 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 to or connected with any city office or interest. He shall also have charge of the prosecution of all crimes and violations of the city ordinances, in the Court of First Instance and the municipal courts of the city, and shall discharge all the duties in respect to criminal prosecutions enjoined by law upon Provincial fiscals.

"The City Fiscal shall cause to be investigated all charges of crimes and violations of ordinances and have the necessary informations or complaints prepared or made 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 issue sub-poena, summon witnesses, to appear and testify under oath before him, and the attendance or evidence of

any absent or recalcitrant witness may be enforced by application to the municipal court or the Court of First Instance. No witness summoned to testify under this section 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 have not been satisfactorily explained and when there is suspicion cause arose from the unlawful acts or omissions of other persons, or from foul play. For that purpose, he may cause autopsies to be made, and shall be entitled to demand and receive for purposes of such investigations or autopsies subject to the rules and conditions previously established by the Secretary of Justice, the aid of the medical section of the National Bureau of Investigation. In case the fiscal of the city 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, in the same manner and subject to the same rules and conditions as above specified, from the medico-legal officer of the said bureau 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 law or ordinance.

"SEC. 38-C. Preliminary investigation of cases cognizable by the Court of First Instance.—In all cases brought to the Office of the City Fiscal involving crimes cognizable by the Court of First Instance, where the accused is already in the legal custody of the police, no complaint or information shall be filed without first giving the accused a chance to be heard in a preliminary investigation, where such accused can be subpoenaed and appears before the investigating fiscal, with the right to cross-examine the complainant and his witnesses: Provided, That the accused is detained, he may ask for a preliminary investigation, but he must sign a waiver of the provisions of Article One hundred twenty-five of the Revised Code, as amended: And provided, further, That if the case has already been filed in court, he may ask for a reinvestigation thereof later on with the same right to cross-examine the witnesses against him: Provided, finally, That notwithstanding such waiver, the said investigation must be determined within seven days from its inception."

SEC. 3. The first and last paragraphs of section thirty-nine of the same Act are amended to read as follows:

"SEC. 39 The Municipal Court.—There shall be a municipal court for the City of Manila, for which eight judges shall be appointed. An executive judge shall be chosen from among them, in such manner and at such times as the Secretary of Justice may determine. Three judges shall be designated by the Secretary of Justice to try traffic cases exclusively, such judges so designated shall hold session in such manner that there shall be one judge on duty from eight o'clock in the morning until midnight.

* * * * *

"The judges shall have a compensation of ten thousand pesos per annum each."

SEC. 4. Section forty-seven of the same Act is hereby amended to read as follows:

"SEC. 47. Persons arrested to be promptly brought before a court—Preliminary examinations in city fiscals' office, municipal court and Court of First Instance.—Every person arrested shall, without unnecessary delay, be brought before the city fiscal, the municipal court, or the Court of First Instance for preliminary hearing, release on bail, or trial. In cases triable in the municipal court the defendant shall not be entitled as of right to a preliminary examination, except to a summary one to enable the court to fix the bail, in any case where the prosecution announces itself ready and is ready for trial within three days, not including Sundays, after the request for an examination is presented."

SEC. 5. This Act shall take effect upon its approval.

Approved, September 2, 1954.

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