

AN ACT CREATING THE POSITIONS OF ASSISTANT CITY FISCALS IN THE CITY OF CAGAYAN DE ORO, AMENDING FOR THE PURPOSE SECTION TWENTY-FOUR OF REPUBLIC ACT NUMBERED FIVE HUNDRED TWENTY-...

REPUBLIC ACT NO. 4575, June 19, 1965

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

SECTION 1. Section twenty-four of Republic Act Numbered Five hundred twenty-one, otherwise known as the Charter of the City of Cagayan de Oro, is hereby amended to read as follows:

"SEC. 24. The City Fiscal and Assistant City Fiscals—Their powers, duties and compensation.—The city fiscal shall be the chief legal adviser of the city, and in the performance and discharge of his duties, he shall be assisted by four assistant city fiscals, namely, the first assistant city fiscal, second assistant city fiscal, third assistant city fiscal, and fourth assistant city fiscal. The compensation of the city fiscal, the first, second, third and fourth assistant city fiscals shall be that provided by law for officials of the same rank and performing the same functions.

"(a) The city fiscal and the assistant city fiscals shall represent the city in all civil cases wherein the city or any officer thereof, in his official capacity, is a party.

"(b) They shall, when directed by the Mayor, institute and prosecute in the city's interest all suits on any bond, lease, or other contract and upon any breach or violation thereof.

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

"(d) They shall give their opinion in writing, when requested by the Mayor or the Board or any of the heads of the city department, upon any question relating to the city or the rights or duties of any city officer thereof.

"(e) They shall, whenever it is brought to their knowledge 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 or cause to be investigated the same and report to the Mayor.

"(f) They shall investigate all charges of crime, misdemeanors, and violation of laws and city ordinances and prepare the necessary informations or make the necessary complaints against the persons accused. They 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 them, or to produce documents and other evidence before them, and the attendance of, or the production of documents and other evidence by an absent or recalcitrant witness may be enforced by application to the city court or the Court of First Instance.

"(g) They shall have charge of the prosecution of all crimes, misdemeanors and violations of law and city

ordinances triable in the Court of First Instance of Misamis Oriental and the city court of the city, and shall discharge all the duties in respect to criminal prosecution enjoined by law upon provincial fiscals.

"(h) They shall cause to be investigated the causes of sudden deaths which have not been satisfactorily explained and when there is suspicion that the cause arose from unlawful acts or omissions of other persons or from foul play. For that purpose they 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 or autopsies the aid of the city health officer.

"(i) They shall at all times render such professional service as the Mayor or Board may require, and shall have such powers and perform such duties as may be prescribed by law or ordinance.

"(j) They shall perform the duties prescribed by law for register of deeds in the absence of the latter."

SEC. 2. The appointment of each of the incumbent first, second, third and fourth special counsel, of the office of the city fiscal shall automatically be considered as converted and considered for that of the first, second, third and fourth assistant city fiscal, respectively.

SEC. 3. This Act shall take effect upon its approval.

Approved, June 19, 1965.

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