

AN ACT FURTHER AMENDING SECTIONS SIXTEEN HUNDRED SEVENTY-FOUR, SIXTEEN HUNDRED SEVENTY-FIVE AND SIXTEEN HUNDRED EIGHTY-SEVEN OF THE REVISED ADMINISTRATIVE CODE, AS AMENDED BY RE...

REPUBLIC ACT NO. 1799, June 21, 1957

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

SECTION 1. Sections sixteen hundred seventy-four, sixteen hundred seventy-five and sixteen hundred eighty-seven of the Revised Administrative Code, as amended by Republic Acts Numbered Seven hundred thirty-two and Nine hundred eighty-four, Six hundred sixty-one and Seven hundred thirty-two, respectively, are further ,amend so as to read as follows:

"SEC. 1674. Assistant Provincial Fiscals.—In the follow provinces there shall be assistant provincial fiscals such numbers as are hereinafter provided:

"Abra, one assistant provincial fiscal;
"Agusan, one assistant provincial fiscal;
"Albay, four assistent provincial fiscals;
"Antique, one assistant provincial fiscals;
"Bataan, one assistant provincial fiscal;
"Batangas, five assistant provincial fiscals;
"Bohol, three assistant provincial fiscals;
"Bukidnon, one assistant provincial fiscal;
"Bulacan, three assistant provincial fiscals;
"Cagayan, three assistant provincial fiscals;
"Camarines Norte, two assistant provincial fiscals;
"Camarines Sur, four assistant provincial fiscals;
"Capiz, three assistant provincial fiscals;
"Catanduanes, one assistant provincial fiscal;
"Cavite, four assistant provincial fiscals;
"Cebu, nine assistant provincial fiscals;
"Cotabato, four assistant provincial fiscals;
"Davao, four assistant provincial fiscals;
"Ilocos Norte, three assistant provincial fiscals;
"Ilocos Sur, four assistant provincial fiscals;
"Iloilo, eight assistant provincial fiscals;
"Isabela, three assistant provincial fiscals;
"Laguna four assistant provincial fiscals;
"Lanao four assistant provincial fiscals;
"La Union, three assistant provincial fiscals;
"Leyteassistant provincial fiscals;
"Marinduque, one assistant provincial fiscal,

"Masbate, one assistant provincial fiscal;
"Mountain Province, two assistant provincial fiscals;
"Nueva Ecija, six assistant provincial fiscals,
"Nueva Vizcaya, three assistant provincial fiscals.
"Occidental Mindoro, one assistant provincial fiscal;
"Oriental Mindoro, one assistant provincial fiscal;
"Occidental Misamis, two assistant provincial fiscals;
"Oriental Misamis, two assistant provincial fiscals,
"Occidental Negros, eight assistant provincial fiscals
"Oriental Negros, four assistant provincial fiscals:

Provided, That one assistant fiscal shall be assigned to the Subprovince of Siquijor with station at Larena;

"Palawan, one assistant provincial fiscal;
"Pampanga, six assistant provincial fiscals;
"Pangasinan, nine assistant provincial fiscals;
"Quezon, five assistant provincial fiscals;
"Rizal, nine assistant provincial fiscals;
"Romblon, one assistant provincial fiscal;
"Samar, six assistant provincial fiscals;
"Sorsogon, two assistant provincial fiscals;
"Sulu, two assistant provincial fiscals;
"Surigao, two assistant provincial fiscals;
"Tarlac, three assistant provincial fiscals;
"Zambales, two assistant provincial fiscals;
"Zamboanga del Norte, two assistant provincial fiscals;
"Zamboanga del Sur, two assistant provincial fiscals;

Assistant provincial fiscals shall receive such salaries as hereinafter provided:

"(A) In first class provinces A and B, the first assistant provincial fiscal, six thousand pesos per annum, the second assistant provincial fiscal, four thousand eight hundred pesos per annum, and the other assistant provincial fiscals, four thousand two hundred pesos each, per annum;

"(B) In first class provinces, the first assistant provincial fiscal, four thousand eight hundred pesos per annum, the other assistant provincial fiscals, four thousand two hundred pesos each, per annum;

"(C) In second, third, fourth, and fifth class provinces, four thousand two hundred pesos each, per annum;

These officers shall be appointed by the President of the Philippines with the consent of the Commission on Appointments of the Congress of the Philippines, and their salaries shall be paid by the provinces concerned. The salary of the assistant provincial fiscal shall be included in the annual appropriation of the province in the same manner the salary of the provincial fiscal To be eligible for appointment to this position, a person must a citizen of the Philippines who has been duly admitted to practice law in the Court of said Islands and has been actual practice for at least five years, prior to his appointment: Provided, however, That incumbent assistant provincial fiscals whose appointments have been duly acted upon and approved by the Commission on Appointments of the Congress of the Philippines prior to the approval this Act, shall be deemed reappointed and their appointments confirmed and, therefore, entitled to the benefits of this Act."

"SEC. 1675. Salaries of provincial fiscals.—The provincial fiscals shall receive the salaries herein below fixed:

"(a) In first class A provinces, seven thousand two hundred pesos per annum.

"(b) In first class B provinces, six thousand nine hundred pesos per annum.

"(c) In first class provinces, six thousand six hundred pesos per annum.

"(d) In second class provinces, six thousand pesos per annum.

"(e) In third class provinces, five thousand seven hundred pesos per annum.

"(f) In fourth class provinces, five thousand pesos per annum.

(g) In all other provinces below the fourth class, four and eight hundred pesos per annum.

"Provided, That vacancies left by provincial fiscals who retired or may retire under Act Numbered Two thousand five hundred and eighty-nine, entitled 'An Act providing gratuity by reason of retirement to officers and of the Philippine Government who have rendered satisfactory services during six continuous years or more, and for other purposes,' of any other retirement Act, that may hereafter be enacted, shall be filled in accordance with the provision of this section.

"SEC. 1687. Authority of fiscal, assistant fiscal and special counsel to conduct investigation in criminal matter.—A provincial fiscal, an assistant provincial fiscal and a special counsel appointed under section 1686 of this Code shall ha authority to conduct investigation into the matter of any crime or misdemeanor and have the necessary information or complaint prepared or made against persons with the commission of the same. If the offense charged falls within the original jurisdiction of the Court of First Instance, the defendant shall not be entitled as a matter of right to preliminary investigation in any case where the provincial fiscal himself, or an assistant provincial fiscal, or a special counsel, after due investigation of the facts made in the presence of the accused if the latter so requested, shall have presented an information against him in proper form and certified under oath by the said provincial fiscal or assistant provincial fiscal or special counsel that he conducted a proper preliminary investigation. To this end, he may, with due notice to the accused, summon reputed witnesses and require them to appear before him and testify and be cross-examined under oath by the accused upon the latter's request. The attendance or evidence of absent or recalcitrant witnesses who may be summoned or whose testimony may be required by the provincial fiscal, or assistant provincial fiscal, or special counsel under the authority herein conferred shall be enforced by proper process upon application to be made by the provincial fiscal, or assistant provincial fiscal, or special counsel to any Judge of First Instance of the Judicial District. But no witness summoned to testify under section shall be compelled to give testimony to incriminate himself.

"The Provincial Fiscal shall also cause to be investigate the cause of sudden deaths which have not boon satisfactorily explained and when there is suspicion that the 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, the aid of the medico-legal section of the National Bureau of Investigation or of the district health officer and the different presidents of the sanitary divisions of the province."

SEC. 2. This Act shall take effect upon its approval.

Approved, June 21, 1957.

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