

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 NATIO...

PRESIDENTIAL DECREE NO. 1275, April 11, 1978

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/c72fa79e2c7e/>

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:

- Investigate administrative charges against fiscals and other prosecution officers;
- Conduct the investigation and prosecution of all crimes;
- Prepare legal opinions on queries involving violations of the Revised Penal Code and special penal laws; and
- 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, Guingoog, 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:

- 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.
- Exercise immediate administrative supervision over all provincial and city fiscals and other prosecuting officers of provinces and cities comprised within his region.
- Prosecute any case arising within the region.
- With respect to his regional office and the offices of the provincial and city fiscals within his region, he shall:
 - 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.
 - 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.
 - 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.

- 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.
- Prepare the budget for the region for approval of the Secretary of Justice and administer the same.
- Negotiate and conclude contracts for services or for furnishing supplies, materials and equipment for amounts not exceeding P50,000.00 for each quarter.
- 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:

- 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.
- Investigate and/or cause to be investigated all charges of crimes, misdemeanors and violations of all penal laws and ordinances within their respective jurisdictions and have the necessary information or complaint prepared or made against the persons accused. In the conduct of such investigations he or his assistants shall receive the sworn statements or take oral evidence of witnesses summoned by subpoena for the purpose.
- Investigate commissions of criminal acts and take an active part in the gathering of relevant evidence. For this purpose, the National Bureau of Investigation, the Philippine Constabulary and other offices and agencies of the government shall extend to him the necessary assistance.
- Any provision of Republic Act No. 2264, otherwise known as the Local Autonomy Act, and Republic Act No. 5185, also known as the Decentralization Act, to the contrary notwithstanding, the provincial or city fiscal may, concurrently with the Municipal Attorney or with the Provincial Attorney/City Legal Officer, whose positions are provided for in the above-mentioned Acts, act as legal adviser of the municipal or city mayor and council or sanggunian of the various municipalities, and municipal districts of the province, or the provincial or city government and its officers or of the city. As such he shall, when so requested, submit his opinion in writing upon any legal question submitted to him by any such officer or body pertinent to the duties thereof.

- Assist the Solicitor General, when so deputized in the public interest, in the performance of any function or in the discharge of any duty incumbent upon the latter, within the territorial jurisdiction of the former, in which cases, he shall be under the control and supervision of the Solicitor General with regard to the conduct of the proceedings assigned to him and render reports thereon.

SECTION 12. Offices of the Provincial Fiscal: Their Number in Each Province/Sub-Province.—There shall be in each of the following provinces and sub-provinces the corresponding number of provincial fiscals and their assistants:

- Rizal:

- One Provincial Fiscal
- One First Assistant
- Ten Second Assistants
- Ten Third Assistants
- Fourteen Fourth Assistants
- Fourteen Assistants

- Cebu:

- One Provincial Fiscal
- One First Assistant
- Four Second Assistants
- Four Third Assistants
- Six Fourth Assistants
- Eight Assistants

- Pangasinan:

- One Provincial Fiscal
- One First Assistant
- Three Second Assistants
- Three Third Assistants
- Six Fourth Assistants
- Seven Assistants

- Quezon:

- One Provincial Fiscal
- One First Assistant
- Two Second Assistants
- Two Third Assistants
- Four Fourth Assistants
- Five Assistants

- Leyte; Negros Occidental:

- One Provincial Fiscal
- One First Assistant
- Three Second Assistants
- Four Third Assistants
- Five Fourth Assistants

- Bulacan; Nueva Ecija:

One Provincial Fiscal
One First Assistant
Two Second Assistants
Four Third Assistants
Four Fourth Assistants

- Iloilo:

One Provincial Fiscal
One First Assistant
Four Second Assistants
Five Third Assistants

- Pampanga; Batangas; Ilocos Norte, Ilocos Laguna; Albay, Davao del Sur; Camarines Sur:

One Provincial Fiscal
One First Assistant
Three Second Assistants
Four Third Assistants

- Cagayan; Isabela; Negros Oriental; La Union; Misamis Oriental; Cavite; Zamboanga del Sur;

One Provincial Fiscal
One First Assistant
Three Second Assistants
Three Third assistants

- Benguet; Tarlac; Northern Samar; Bohol; Capiz; Zamboanga del Norte; Palawan;

One Provincial Fiscal
One First Assistant
Two Second Assistants
Two Third Assistants

- Western Samar; Zambales; Sorsogon; Masbate; Surigao del Norte; Surigao del Sur; Misamis Occidental; Camarines Norte; Aklan, Davao del Norte; Davao Oriental; Eastern Samar; Bukidnon; Lanao del Norte; Nueva Viscaya:

One Provincial Fiscal
One First Assistant
Three Second Assistants

- South Cotabato; Bataan; Antique; Agusan del Norte; Abra; North Cotabato; Mindoro Oriental; Mindoro Occidental; Catanduanes; Kalinga-Apayao; Lanao del Sur; Southern Leyte; Maguindanao; Sulu:

One Provincial Fiscal
One First Assistant
One Second Assistant

- Agusan del Sur; Romblon; Marinduque; Camiguin; Quirino; Mountain Province; Ifugao; Siquijor; Batanes; Sultan-Kudarat; Tawi-Tawi; Basilan:

One Provincial Fiscal
One First Assistant

- Sub-Provinces of Aurora; Biliran; Guimaras:

One Provincial Fiscal
One First Assistant

SECTION 13. Offices of the City Fiscal: Their Number in Each City.—There shall be in each of the following cities the corresponding number of city fiscals and their assistants:

- Manila:

One City Fiscal
One First Assistant
Twenty Four Second Assistants
Thirty Third Assistants
Thirty Fourth Assistants
Forty Assistants

- Quezon City:

One City Fiscal
One First Assistant
Twenty Two Second Assistants
Twenty Two Third Assistants
Twenty Two Fourth Assistants
Twenty Two Assistants

- Pasay City:

One City Fiscal
One First Assistant
Six Second Assistants
Six Third Assistants
Eight Fourth Assistants
Eight Assistants

- Caloocan City:

One City Fiscal
One First Assistant
Five Second Assistants
Six Third Assistants
Six Fourth Assistants
Six Assistants

- Dagupan:

One City Fiscal
One First Assistant
Four Second Assistants
Five Third Assistants
Five Fourth Assistants
Five Assistants

- City of Cebu:

One City Fiscal
One First Assistant
Four Second Assistants
Six Third Assistants
Six Fourth Assistants

- City of Davao:

One City Fiscal
One First Assistant
Three Second Assistants
Six Third Assistants
Six Fourth Assistants

- City of Iloilo:

One City Fiscal
One First Assistant
Three Second Assistants
Five Third Assistants
Five Fourth Assistants

- Olongapo:

One City Fiscal
One First Assistant
Three Second Assistants
Three Third Assistants
Six Fourth Assistants

- Bacolod; Baguio:

One City Fiscal
One First Assistant
Two Second Assistants
Two Third Assistants
Four Fourth Assistants

- Lucena:

One City Fiscal
One First Assistant
Two Second Assistants
Four Third Assistants

- San Pablo; Cabanatuan; Angeles; Legaspi; Cagayan de Oro:

One City Fiscal
One First Assistant
Two Second Assistants
Three Third Assistants

- Naga; Dumaguete; Tacloban; Tagbilaran:

One City Fiscal

One First Assistant
Two Second Assistants
Two Third Assistants

- Laoag; Cavite City; Batangas City; Roxas City; Dipolog; Zamboanga City; Pagadian:

One City Fiscal
One First Assistant
Three Second Assistants

- Butuan; Surigao City; General Santos; Oroquieta; Ozamis:

One City Fiscal
One First Assistant
Two Second Assistants

- San Jose; Puerto Princesa; Lipa; Iriga; San Carlos; (Neg. Occ.); Ormoc; Mandaue; Iligan; Marawi; Cotabato City:

One City Fiscal
One First Assistant
One Second Assistant

- San Carlos (Pangasinan); Tagaytay; Trece Martires; Cadiz; Silay; Calbayog; Danao; Lapu-Lapu; Toledo; Palayan; Bago; La Carlota; Bais; Canloan; Gingoog; Tangub; Dapitan:

One City Fiscal
One First Assistant

SECTION 14. Offices of Provincial and City Fiscals: Salaries.—The annual salaries of Provincial and City Fiscals and their Assistants shall be as approved by the President upon recommendation of the Commissioner of the Budget and pursuant to P.D. No. 985.

The salaries of provincial and city fiscals and their assistants shall be paid entirely out of national funds and included in the annual appropriations of the Department of Justice. This is without prejudice to the grant of allowances to the above-mentioned fiscals by their respective local governments, in amounts not exceeding twenty-five percent (25%) of their basic salaries.

The salaries of clerks, stenographers and other subordinate employees in the offices of the provincial and city fiscals shall be paid by the province or city where they are assigned.

SECTION 15. Special Counsels.—Whenever the exigencies of the service require the creation of positions of additional counsel to assist provincial and city fiscals in the discharge of their duties, positions of Special Counsels may be created by any province or city, subject to the approval of the Secretary of Justice, and with salaries chargeable against provincial or city funds. The Secretary of Justice shall appoint said Special Counsels, upon recommendation of the provincial or city fiscal and regional state prosecutor concerned, either on permanent or temporary basis.

Special Counsels shall be appointed from members of the bar and shall be allowed not more than the salary rate provided in this Decree for the lowest rank or grade of assistant fiscal in the province or city where assigned.

SECTION 16. Office Space, Maintenance and Other Incidental Expenses.—Pending the construction of regional government centers in each of the administrative regions as provided in the Integrated Regorganization plan, the

Budget Commission and other departments or agencies concerned are hereby directed to provide the Department of Justice such technical, assistance and establish suitable building sites and office spaces for the Regional State Prosecution Offices created herein. Rental costs and other expenses incidental to the maintenance of the Regional State Prosecution Offices shall be paid out of national funds.

The provincial and city governments shall be responsible for providing adequate office spaces for the offices of their respective provincial or city fiscals and all expenses incidental to the maintenance of said offices, including rental payments, shall be paid by the province or city concerned.

SECTION 17. Transitory Provisions: Abolition of Existing Prosecution and Fiscals' Offices and Positions.—After the approval of this Decree, the President shall issue the necessary letter/s of implementation specifying the details of the reorganization provided herein.

All existing prosecution offices and positions in the Department of Justice and the Offices of the Provincial and City Fiscals throughout the country as well as all positions of districts state prosecutors and special counsels shall cease to exist from the date specified in the letter of implementation issued by the President pursuant to the proceeding paragraph. Their pertinent functions, applicable appropriations, records, equipment, property and such clerical and subordinate personnel as may be necessary shall be transferred to the appropriate staff or offices created above.

SECTION 18. Transitory Provisions: Incumbents; Vacation of Offices.—The provision of the second paragraph of the preceding section notwithstanding, all officials in the prosecution service whose appointments are by this Decree vested in the President shall continue in office until, and shall vacate the same only upon, the appointment and qualification of the officials to whom their powers, functions and responsibilities substantially pertain; Provided, however, that with respect to the incumbent district state prosecutors, each of them shall continue in office until the appointment and qualification of the Regional State Prosecutor of the region to which his district pertains.

An incumbent who is appointed by the President to a similar or equivalent position created in this Decree shall be allowed to receive either the salary rate authorized for the position or his present salary whichever is higher.

SECTION 19. Transitory Provisions; Payment of Gratuity.—All officers and employees who may be separated or removed from the service by reason of the reorganization authorized herein shall be granted a gratuity at a rate equivalent to one month's salary for every year of continuous satisfactory service rendered, or equivalent nearest fraction thereof favorable to them on the basis of the highest salary received; Provided, That any such officer or employee already entitled to gratuity or pension under existing law shall have the option to select between said gratuity or pension and the gratuity provided for in this Decree.

The officers and employees referred to in the preceding paragraph shall not lose their civil service eligibilities and their names shall be entered in a preferential re-employment list so as to facilitate their reappointment to appropriate positions created pursuant to this Decree.

SECTION 20. Appropriation.—There is hereby appropriated initially the sum of THIRTY-ONE MILLION FIVE HUNDRED THOUSAND PESOS (P31,500,000.00) from the funds of the National Treasury not otherwise appropriated for the organization and operational expenses of the National Prosecution Service for a period of one year from the issuance of this Decree. Henceforth the said amount shall be added to the annual budget of the Department of Justice.

SECTION 21. Repeal.—All acts, laws, decrees, executive orders, letters of instructions and regulations or any part thereof which are inconsistent with any of the provisions of this Decree are hereby repealed and/or modified

accordingly.

SECTION 22. Separability Clause.—If for any reason, any section or provision of this Decree is declared to be unconstitutional or invalid, the other sections or provisions of this Decree which are not affected thereby shall continue in full force and effect.

SECTION 23. Effectivity.—This Decree shall take effect immediately.

Done in the City of Manila, this 11th day of April, in the year of Our Lord, nineteen hundred and seventy-eight.

(Sgd.) FERDINAND E. MARCOS
President of the Philippines

By the President:

(Sgd.) JACOBO C. CLAVE
Presidential Executive Assistant

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.