

AN ACT TO AMEND SECTIONS SIXTEEN HUNDRED AND SEVENTY-FOUR, SIXTEEN HUNDRED AND SEVENTY-NINE, SIXTEEN HUNDRED AND EIGHTY, SIXTEEN HUNDRED AND EIGHTY-SIX, AND TWENTY-FOUR HUNDRED ...

Commonwealth Act No. 144, November 07, 1936

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Be it enacted by the National Assembly of the Philippines:

SECTION 1. Section sixteen hundred and seventy-four of the Administrative Code is hereby amended to read as follows:

“SEC. 1674. Assistant provincial fiscals.-In the following provinces there shall be assistant provincial fiscals in such numbers and with such salaries as are hereinafter provided:

“Cagayan, one assistant provincial fiscal at two thousand pesos per annum;

“Ilocos Norte, one assistant provincial fiscal at two thousand per annum;

“Ilocos Sur, one assistant provincial fiscal at two thousand per annum;

“Mountain province, one assistant provincial fiscal at two thousand per annum;

“Pangasinan, one assistant provincial fiscal at two thousand per annum;

“Nueva Ecija, one assistant provincial fiscal at two thousand per annum;

“Cavite, one assistant provincial fiscal at two thousand pesos per annum;

“Tayabas, two assistant provincial fiscals at two thousand eight hundred pesos and two thousand four hundred pesos; 'espeetively, per annum;

“Sorsogon, one assistant provincial fiscal at two thousand pesos per annum;

“Capiz, one assistant provincial fiscal at two thousand pesos per annum;

“Iloilo, three assistant provincial fiscals at two thousand eight hundred pesos, two thousand fuur hundred pesos, and ;wo thousand pesos, respectively, per annum;

“Occidental Negros, two assistant provincial fiscals at two thousand eight hundred pesos and two thousand four hundred pesos, respectively, per annum;

“Leyte, two assistant provincial fiseals at two thousand four hundred pesos and two thousand pesos, respective!?, per annum;

“Cebu, four assistant provincial fiscals at two thousand eight hundred pesos, two thousand four hundred pesos, two thousand pesos, and one thousand six hundred pesoa, respectively, per annum;

“Oriental Misamis, one assistant provincial fiscal at two thousand pesos per annum;

"Camarines Sur, one assistant provincial fiscal at two thousand pesos per annum;

"Zamboanga, one assistant provincial fiscal at one thousand six hundred pesos per annum; and "Sulu, one assistant provincial fiscal at one thousand six hundred pesos per annum.

"These officers shall be appointed by the President of the Philippines with the consent of the Commission on Appointments of the National Assembly, and their salaries shall be paid to the provinces concerned. To be eligible for appointment to this position, a person must be a citizen of the Philippines who has been duly admitted to practice in the courts of said islands, and has been in actual practice for at least three years, prior to his appointment, or has held during a like period, within the Philippines, the office of clerk of court, law clerk in a bureau of the Government, or an office requiring the services of a lawyer."

Sec. 2. Section sixteen hundred and seventy-nine of the Administrative Code is hereby amended to read as follows:

"Sec. 1679. When Secretary of Justice shall appoint acting provincial fiscal.—When a provincial fiscal shall be disqualified by personal interest to act in a particular case or when for any reason he shall be unable, or shall fail, to discharge any of the duties of his position, the Secretary of Justice shall appoint an acting provincial fiscal, who shall discharge all the duties of the regular provincial fiscal which — shall, for the days actually employed, be paid out of the provincial treasury the same compensation per day as that provided by law for the regular provincial fiscal. The person so appointed shall be either a practising attorney or some competent officer of the Department of Justice or office of any provincial fiscal. This may also be done in case of vacancy, pending the appointment of a permanent fiscal."

Sec. 3. Section sixteen hundred and eighty of the Administrative Code, as amended, is hereby further amended to read as follows:

"Sec. 1680. Temporary detail of provincial fiscal to other province.—The Secretary of Justice may, in the interest of the public service, direct the temporary detail of any provincial fiscal or deputy provincial fiscal from one province to any other province in the Islands, or to the City of Manila, there to perform such duties pertaining to the office of provincial fiscal or of the city fiscal, or such other duties as may be specified by the Secretary of Justice in such assignment.

"The travel expense of a fiscal so detailed shall be paid by the province to which he is temporarily assigned or by the Department of Justice if assigned to work in the aforesaid Department in Manila, or by the City of Manila, if assigned to work in the office of the city fiscal."

Sec. 4. Section sixteen hundred and eighty-six of the Administrative Code, as amended, is hereby further amended to read as follows:

"Sec. 1686. Additional counsel to assist fiscal.—The Secretary of Justice may appoint any lawyer, being either a subordinate from his office or a competent person not in the public service, temporarily to assist a fiscal or prosecuting attorney in the discharge of his duties, and with the same authority therein as might be exercised by the Attorney-General or Solicitor-General.

"In addition to travel expense, such appointee, if not in the Government service, shall receive such compensation as shall be stipulated for, not exceeding thirty pesos per day for the time employed."

Section. 5. Section twenty-four hundred and sixty-five of the Administrative Code, as amended, is hereby further amended so as to read as follows:

"Sec. 2465. The fiscal of the city—His assistants—His duties.—The law department shall consist of the fiscal of the city and of eighteen assistants, who shall discharge their duties under the general supervision of the Secretary of Justice. The fiscal of the city shall be the chief legal adviser of the city and all offices and

departments thereof; shall represent the city in all civil cases wherein the 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 interest of the city and inspect and pass upon and 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, misdemeanors, and violations of city ordinances, in the Court of First Instance and the municipal court of the city, and shall discharge all the duties in respect to criminal prosecutions enjoined by law upon provincial fiscals.

"The fiscal of the city shall cause to be investigated all charges of crimes, misdemeanors, 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 by subpoena summon witnesses to appear and testify under oath before him, and the attendance or evidence of an 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 shall be under obligation to give any testimony tending to incriminate himself, and no testimony elicited from a "witness by such examination under oath before the fiscal of the city or his assistants under this section shall be used against such witness in any prosecution pending or thereafter instituted against him.

"The fiscal of the city shall also 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 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 mutual agreement between the Secretary of Justice and the Board of Regents of the University of the Philippines, the aid of the department of legal medicine of the College of Medicine and Surgery of the University of the Philippines. 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 head of said department of legal medicine of the College of Medicine and Surgery of the University of the Philippines, 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.

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

- "(a) Fiscal of the city, nine thousand pesos per annum.
- "(b) One assistant fiscal, six thousand pesos per annum.
- "(c) One assistant fiscal, five thousand five hundred pesos per annum;
- "(d) One assistant fiscal, five thousand pesos per annum;
- "(e) One assistant fiscal, four thousand eight hundred pesos per annum;

- "(f) One assistant fiscal, four thousand five hundred pesos per annum;
- "(g) One assistant fiscal, four thousand two hundred pesos per annum;
- "(i) One assistant fiscal, three thousand six hundred pesos per annum;
- "(j) One assistant fiscal, three thousand two hundred pesos per annum;
- "(k) One assistant fiscal, two thousand eight hundred pesos per annum;
- "(l) Two assistant fiscals, two thousand four hundred pesos per annum each;
- "(m) Five assistant fiscals, two thousand pesos per annum each;
- "(n) One assistant fiscal, one thousand eight hundred pesos per annum."

Sec. 6. This Act shall take effect upon its approval.

Approved, November 7, 1936

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