

AN ACT CREATING THE OFFICE OF STATE ATTORNEYS IN THE DEPARTMENT OF JUSTICE AND DEFINING ITS POWERS AND DUTIES AND AUTHORIZING THE APPROPRIATION OF FUNDS THEREFOR.

REPUBLIC ACT NO. 1198, August 28, 1954

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

SECTION 1. There shall be in the Department of Justice Office of State Attorneys composed of one chief, two distant chiefs and sixteen state attorneys whose term of office shall expire on the thirty-first day of December, nineteen hundred and fifty-seven. The Chief of the Office shall receive a salary of twelve thousand pesos per annum, and have the rank of Solicitor General. He shall be assisted by two Assistant Chief Attorneys who shall each receive a salary of nine thousand pesos per annum and sixteen State Attorneys who shall each receive a salary of eight thousand pesos per annum.

The Chief and Assistant Chiefs of the Office of State Attorneys and the sixteen State Attorneys shall be appointed by the President of the Philippines with the concurrence of the Commission on Appointments.

No one shall be appointed as Chief or Assistant Chief of the Office of State Attorneys unless he has had least ten years of trial court practice, and as State Attorney unless he has had at least five years of trial court practice in the Philippines; and appointment may take into account equitable representation of provinces in the Office considering, for this purpose the representation the provinces now already have in the offices of the provincial fiscals.

SEC. 2. The Chief and Assistant Chiefs of the Office of State Attorneys and the State Attorneys shall have the same powers as the provincial or city fiscal as provided for by law: Provided, That the State Attorney shall only assist or collaborate with the provincial fiscal or city attorney unless otherwise expressly directed and authorized by the Secretary of Justice.

In all cases involving crimes cognizable by the Court of First Instance, no complaint or information shall be filed without first giving the accused a chance to be heard in a preliminary investigation, where such accused shall be subpoenaed and appears before the investigating state attorney with the right to cross-examine the complainant and his witnesses. The preliminary investigation shall be held at the capital of the province where the crime was committed. The State Attorney shall certify under oath in the information to be filed by him that the defendant was given a chance to appear on his behalf or by counsel. Provided, however, That when a preliminary investigation has already been conducted by the Justice of the Peace the Provincial or City Fiscal and where such official has found at least a prima facie case, the State Attorney may not conduct another preliminary investigation. To this end, the State Attorney may summon witnesses and require them to appear and testify under oath before him and/or issue subpoena duces tecum. The attendance of absent or recalcitrant witnesses who may be summoned or whose testimony may be required by the State Attorneys under the authority conferred shall be enforced by proper process upon location to the corresponding Court of First Instance. In the investigation of criminal cases, any State Attorney shall be entitled to request the assistance of any law enforcement or investigation agency of the government.

The Chief of the Office of State Attorneys and the State Attorneys shall perform such other duties as in the interest of the public service may be assigned to them from time to time by the Secretary of Justice.

SEC. 3. The Office of State Attorneys shall be provided with such subordinate personnel as may be authorized by the appropriation law.

SEC. 4. Upon the organization of the Office of State Attorneys, the Prosecution Division in the Department of Justice shall be deemed abolished and its properties, furniture, equipment and records shall be transferred to the Office of State Attorneys.

SEC. 5. There is hereby authorized to be appropriated, out of any funds of the National Treasury not otherwise appropriated, the sum of three hundred thousand pesos for the salaries of the State Attorneys and their personnel and maintenance of the Office.

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

Approved, August 28, 1954.

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