

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

THIRTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1575



Introduced by: **HONORABLE MARCELINO C. LIBANAN**

EXPLANATORY NOTE

This bill seeks to amend Section 1, paragraph 4 of Presidential Decree No. 1606 as amended in order to rectify what appears to be a glaring defect in the Decree so as to make it conform with the provisions of the Constitution.

Under Article XI, Section 2 of the 1987 Constitution, the impeachable officers are: the President of the Philippines, the Vice President, the members of the Supreme Court, the Members of the Constitutional Commissions, and the Ombudsman. This list, it is submitted, is exclusive and may not be increased or reduced by legislative enactment under the principle of '*expressio unius est exclusio alterius*'. Accordingly, Presidential Decree 1606 providing that Justices of the Sandiganbayan may be removed only through process of impeachment suffers from a constitutional infirmity, especially so in the light of the disciplinary power of the Supreme Court over judges of inferior courts - this includes the Sandiganbayan, and in view of the last sentence of Article XI, Section 2 of the Constitution to the effect that "all other public officers and employees may be removed from office as provided by law, but not impeachment."

Thus, consonant with the above mentioned constitutional mandate, the approval of this bill is earnestly sought.

A handwritten signature in black ink, appearing to be "MARCELINO C. LIBANAN", written over a horizontal line.

HON. MARCELINO C. LIBANAN

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**“AN ACT
PRESCRIBING THE MANNER OF REMOVAL OF THE PRESIDING
JUSTICE AND ASSOCIATE JUSTICES OF THE SANDIGANBAYAN,
AMENDING FOR THE PURPOSE, PRESIDENTIAL DECREE NO. 1606, AS
AMENDED”**

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

SECTION 1. The fourth paragraph of Section 1 of Presidential Decree No. 1606, as amended, is hereby further amended to read as follows:

“SECTION 1. Sandiganbayan; Composition; Qualifications; Tenure; Removal and Compensation. -

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The Presiding Justice and the Associate Justice shall [not be removed from office except on impeachment upon the grounds and in the manner provided for in Section 2, 3 and 4 Article XIII of the 1973 Constitution] **BE SUBJECT TO THE DISCIPLINARY POWER OF THE SUPREME COURT AND MAY BE REMOVED FROM OFFICE IN THE MANNER PROVIDED FOR IN SECTION 11 OF ARTICLE VIII OF THE 1987 CONSTITUTION.”**

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SEC. 2. *Repealing Clause.* - All laws, decrees, orders and rules which are inconsistent herewith are hereby repealed or modified accordingly.

SEC. 3. *Effectivity Clause.* - This Act shall take effect fifteen (15) days following its publication in the Official Gazette or in two (2) national newspaper of general circulation.

Approved,