

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Thirteenth Congress
First Regular Session

House Bill No. 4373



Introduced by Hon. Roilo Golez

EXPLANATORY NOTE

A recent survey of 900 expatriate businessmen by the Hong Kong-based consultancy group Political and Economic Risk Consultancy, Ltd. shows that the Philippines is perceived to be the No. 2 most corrupt country in Asia.

Whether or not this perception is fair, one ought to look only at how the war against corruption is being fought where it counts the most – in our court system. Although the dedication and diligence of our Sandiganbayan Justices cannot be doubted, it still takes an average of seven years to try a graft case in the Philippines. Each of the anti-graft court's five divisions has an overwhelming workload of at least 2,000 cases.

In the meantime, the economy and the country's reputation in the global community continue to suffer from the scourge of corruption (US-based investment bank Morgan Stanley placed the losses at \$204 billion between 1965 and 2001).

This bill seeks to triple the current number of anti-graft court justices to ensure the speedy disposition of cases filed before the Sandiganbayan. Furthermore, while the current law provides that the Sandiganbayan Justices shall sit in five (5) divisions of three (3) Justices each, this bill proposes that corruption cases involving P5 million or less shall be handled by just one Justice.

While it is laudable that the government has stepped up its campaign against graft and corruption, it is more important that those charged be expeditiously processed through the justice system and promptly penalized if found guilty.

In view of the foregoing, the immediate approval of this bill is earnestly requested.

ROILO GOLEZ

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AN ACT
INCREASING THE NUMBER OF SANDIGANBAYAN DIVISIONS, AMENDING
FOR THIS PURPOSE PRESIDENTIAL DECREE NO. 1606, AS AMENDED, AND
FOR OTHER PURPOSES

SEC. 1. Section 1, first paragraph of P.D. No. 1606, as amended, is hereby further amended to read as follows:

“SECTION 1. Sandiganbayan; Composition; Qualifications; Tenure; Removal and Compensation. – A special court, of the same level as the Court of Appeals and possessing all the inherent powers of a court of justice, to be known as the Sandiganbayan is hereby created composed of a presiding Justice and [fourteen] FORTY FOUR (44) associate justices who shall be appointed by the President.”

SEC. 2. Section 2 of the same decree is hereby amended to read as follows:

“SECTION 2. Official Station; Place of Holding Sessions. – The Sandiganbayan shall have its principal office in the Metro Manila area. THE FIRST TO THIRTEENTH DIVISIONS OF THE SANDIGANBAYAN [and] shall hold sessions IN METRO MANILA [thereat] for the trial and determination of cases filed [with it] FROM THE GEOGRAPHICAL REGION OF LUZON, INCLUDING THOSE FROM THE NATIONAL CAPITAL REGION. THE FOURTEENTH AND FIFTEENTH DIVISIONS OF THE SANDIGANBAYAN SHALL HOLD SESSIONS IN CEBU CITY AND CAGAYAN DE ORO CITY, RESPECTIVELY, FOR THE TRIAL AND DETERMINATION OF

CASES FILED WITH IT FROM THE GEOGRAPHICAL REGIONS OF [: *Provided, however,* That cases originating from the principal geographical regions of the country, that is, from Luzon,] Visayas AND [or] Mindanao, RESPECTIVELY; [shall be heard in their respective regions of origin except only when the greater convenience of the accused and of the witnesses, or other compelling considerations require the contrary, in which instance a case originating from one geographical region may be heard in another geographical region:] *Provided [further]* HOWEVER, That [for this purpose] the presiding justice [shall] MAY authorize any division or divisions of the court to hold sessions at any time and place outside [Metro Manila] THEIR DESIGNATED STATIONS and, where the interest of justice so requires, outside the territorial boundaries of the Philippines. The Sandiganbayan may require the services of the personnel and use the facilities of the courts or other government offices where any of the divisions is holding sessions and the personnel of such courts or offices shall be subject to the orders of the Sandiganbayan."

SEC. 3. Section 3 of the same decree is hereby further amended to read as follows:

"SECTION 3. Divisions of the Court; Quorum – The Sandiganbayan shall sit in [five] FIFTEEN [(5)] divisions of three Justices each: *PROVIDED*, THAT ONLY ONE (1) JUSTICE SHALL PRESIDE OVER PROSECUTIONS FOR THE VIOLATION OF R.A. NO. 3019 OR CHAPTER TWO, SECTION TWO, TITLE SEVEN OF THE REVISED PENAL CODE WHERE THE GIFT, SHARE, PERCENTAGE, BENEFIT, OR OTHER CONSIDERATION INVOLVED IS LESS THAN FIVE MILLION PESOS (P5,000,000.00) OR AN EQUIVALENT AMOUNT. The [five] FIFTEEN [(5)] 15 may sit at the same time.

Three Justices shall constitute a quorum for sessions in divisions: *Provided*, That when the required quorum for the particular division cannot be had due to the legal disqualification or temporary disability of a Justice or of a vacancy occurring therein, the Presiding Justice may designate an Associate Justice of the Court, to be determined by strict rotation on the basis of the reverse order of precedence, to sit as a special member of said division with all the rights and prerogatives of a regular member of said division in the trial and determination of a case or cases assigned thereto, unless the operation of the court will be prejudiced thereby, in

which case the President shall, upon the recommendation of the Presiding Justice, designate any Justice or Justices of the Court of Appeals to sit temporarily therein."

SEC. 4. Section 5 of the same decree is hereby further amended to read as follows:

"SECTION 5. Proceedings, how conducted; votes required. – IN ALL CASES REQUIRED TO BE DECIDED BY A DIVISION, the unanimous vote of the three justices THEREIN [in a division] shall be necessary for the pronouncement of a judgment. In the event that the three justices do not reach a unanimous vote, the Presiding Judge shall designate two other justices from among the members of the Court to sit temporarily with them, forming a division of five justices, and the concurrence of a majority of such division shall be necessary for rendering judgment."

SEC. 5. *Separability Clause.* – If any portion of this Act is declared unconstitutional, the same shall not affect the validity and effectivity of the other provisions not affected thereby.

SEC. 6. *Repealing Clause.*– All laws, decrees, executive orders, rules and regulations, and other issuances or parts thereof which are inconsistent with this Act are hereby repealed, amended, or modified accordingly.

SEC. 7. *Effectivity.*– This Act shall take effect fifteen (15) days following its publication two national newspapers of general circulation.

Approved,