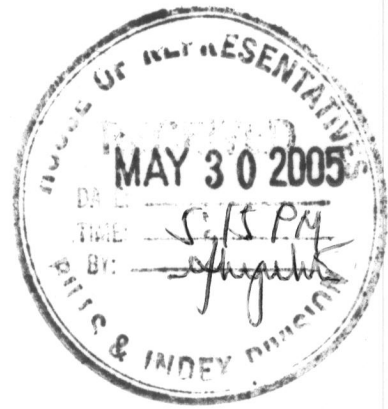


**Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City**



Thirteenth Congress

First Regular Session

House Bill No. 4380

Introduced by Honorable MONICO O. PUENTEVELLA

EXPLANATORY NOTE

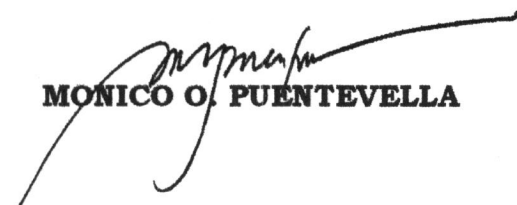
The Sandiganbayan is instrumental in fighting graft and corruption. Any delay in the resolution of anti-graft cases has a negative impact on its ability to deter other to commit similar acts of corruption. Unfortunately, the sheer volume of cases being handled by the Sandiganbayan and the limited number of justices and judges make it impossible to dispose of said cases efficiently and rapidly.

As of 2004, there are almost two thousand pending cases in the Sandiganbayan, and this is bound to increase given the fact that recent findings revealed that each justice has a workload of 441 cases, and each division handles more than 1000 cases a year.

It has long been quoted that justice delayed is justice denied. This bill seeks to increase the number of divisions of the Sandiganbayan from its present five (5) divisions to fourteen (14) divisions to enhance its capacity to resolve graft and corruption cases. By divesting some of the Sandiganbayan's jurisdiction to the Regional Trial Courts and streamlining its functions, it is the hope of this bill that the implementation of our laws be carried in a just and expeditious manner.

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

Approved,


MONICO O. PUENTEVELLA

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Thirteenth Congress

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House Bill No. 4380

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**AN ACT INCREASING THE NUMBER OF SANDIGANBAYAN DIVISIONS
AND STREAMLINING THE JURISDICTION OF THE SANDIGANBAYAN,
AMENDING FOR THE PURPOSE PRESIDENTIAL DECREE NO. 1606 AS
AMENDED BY R.A. NOS. 7975 AND 8249 AND FOR OTHER PURPOSES**

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

SEC. 1. Section 1, first paragraph, of the same decree 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 further 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 the use of facilities of the courts or other government offices where any of the divisions is holding session 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] [(5)] FIFTEEN (15) divisions of three justices each. The [five] [(5)] FIFTEEN (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 SANDIGANBAYAN [court] will be prejudiced thereby, PROVIDED, THAT IN CASES BEFORE THE SANDIGANBAYAN DIVISIONS STATIONED IN CEBU CITY AND CAGAYAN DE ORO CITY, THE SENIOR ASSOCIATE JUSTICES OF THE COURT OF APPEALS IN THOSE CITIES DULY AUTHORIZED BY THE COURT OF APPEALS PRESIDING JUSTICE FOR THE PURPOSE SHALL IMMEDIATELY MAKE THE DESIGNATION, UPON REQUEST OF THE CHAIRMAN OF THE ASSOCIATE JUSTICES OF THE COURT OF APPEALS DIVISIONS IN CEBU CITY AND CAGAYAN DE ORO CITY, RESPECTIVELY [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]: PROVIDED, FURTHER, THAT THE SANDIGANBAYAN SHALL DESIGNATE A JUSTICE TO HEAR THE CASE AND RECEIVE EVIDENCE IN CASES WHEREIN:

- 1) THE INFORMATION FILED ALLEGES QUANTIFIED DAMAGES OR BRIBES THAT AMOUNT TO MORE THAN ONE (1) MILLION PESOS BUT LESS THAN FIVE (5) MILLION PESOS; AND
- 2) NO OFFICIAL HOLDING A POSITION EQUIVALENT TO SALARY GRADE '30' OR HIGHER UNDER THE COMPENSATION AND POSITION CLASSIFICATION ACT OF 1989 IS INVOLVED."

THE JUSTICE ASSIGNED SHALL IMMEDIATELY SUBMIT TO THE DIVISION HIS FINDINGS, REPORTS AND RECOMMENDATIONS WITHIN FIFTEEN (15) DAYS FROM THE COMPLETION OF SUCH SUBMISSION OF EVIDENCE. THE DIVISION SHALL RENDER ITS DECISION WITHIN FIFTEEN (15) DAYS FROM RECEIPT THEREOF. ALL OTHER CASES SHALL BE HEARD AND DECIDED BY THE DIVISION.

SECTION 4. Section 4, paragraphs A and B of PD 1606 as amended by RA 7975 and RA 8249 is further amended to read as follows:

"Sec. 4. *Jurisdiction.* – The Sandiganbayan shall exercise exclusive jurisdiction in all cases involving:

"A. Violations of Republic Act No. 3019, as amended, otherwise known as the Anti-graft and Corrupt Practices Act, Republic Act No. 1379, and Chapter II, Section 2, Title VII, Book II of the Revised Penal Code, where one or more of the accused are officials occupying the following positions in the government, whether in a permanent, acting or interim capacity, at the time of the commission of the offense:

"(1) SUBJECT TO THE PROVISIONS OF PARAGRAPH (5) HEREOF, [O] Officials of the executive branch occupying positions of regional director and higher, otherwise classified as Grade '27' or higher, of the Compensation and Position Classification Act of 1989 (Republic Act No. 6758), specifically including:

"(a) Provincial governors, vice-governors, members of the sangguniang panlalawigan, and provincial treasurers, assessors, engineers, and other provincial department heads;

"(b) City mayors, vice-mayors, members of the sangguniang panlungsod, and city treasurers, assessors, engineers, and other city department heads;

"(c) Officials of the diplomatic service occupying the position of consul or higher;

"(d) Philippine army and air force colonels, naval captains, and all officers of higher rank;

"(e) Officers of the Philippine National Police while occupying the position of provincial director and those holding the rank of senior superintendent or higher;

"(f) City and provincial prosecutors and their assistants, and officials and prosecutors in the Office of the Ombudsman and Special Prosecutor;

"(g) Presidents, directors or trustees, or managers of government-owned or controlled corporations, state universities or educational institutions or foundations;

"(2) Members of Congress and officials thereof classified as Grade '27' and up under the Compensation and Position Classification Act of 1989;

"(3) Members of the judiciary without prejudice to the provisions of the Constitution;

"(4) Chairmen and members of Constitutional Commissions, without prejudice to the provisions of the Constitution; and

"(5) All other national and local officials classified as Grade '27' and higher under the Compensation and Position Classification Act of 1989; PROVIDED, THAT, WHERE NONE OF THE ACCUSED ARE OCCUPYING POSITIONS CORRESPONDING TO SALARY GRADE '30' OR HIGHER AS PRESCRIBED IN THE SAME COMPENSATION AND POSITION CLASSIFICATION ACT OF 1989, AND, THE INFORMATION FILED DOES NOT ALLEGE ANY DAMAGES OR BRIBES; OR ALLEGES DAMAGES OR BRIBES THAT ARE UNQUANTIFIABLE OR NOT QUANTIFIED THEREIN; OR ALLEGES QUANTIFIED DAMAGES OR BRIBES THAT AMOUNT TO ONE (1) MILLION PESOS OR LESS, THE EXCLUSIVE JURISDICTION THEREOF SHALL BE VESTED IN THE PROPER REGIONAL TRIAL COURT; PROVIDED, FURTHER, THAT ANY CASE INVOLVING OFFICIALS CLASSIFIED AS GRADE '27' OR '28', OVER WHICH THE REGIONAL TRIAL COURT HAS EXCLUSIVE ORIGINAL JURISDICTION BY VIRTUE OF THIS PARAGRAPH, SHALL BE TRIED, SUBJECT TO THE RULES PROMULGATED BY THE SUPREME COURT, IN THE REGIONAL TRIAL COURT OF A DIFFERENT REGION FROM WHERE THE OFFICIAL IS STATIONED."

"B. Other offenses or felonies committed by the public officials and employees mentioned in subsection (A) of this section in relation to their office.

"C. Civil and criminal cases filed pursuant to and in connection with Executive Order Nos. 1, 2, 14 and 14-A, issued in 1986.

"In cases where none of the accused are occupying positions corresponding to salary grade '27' or higher as prescribed in the said Republic Act 6758, or military or PNP officers mentioned above, exclusive original jurisdiction thereof shall be vested in the proper regional trial court, metropolitan trial court, municipal trial court and municipal circuit trial court, as the case may be, pursuant to their respective jurisdiction as provided in Batas Pambansa Blg. 129, as amended.

"The Sandiganbayan shall have exclusive original jurisdiction over petitions for the issuance of the writs of mandamus, prohibition, certiorari, habeas corpus, injunctions, and other ancillary writs and processes in aid of its appellate jurisdiction and over petitions of similar nature, including quo warranto, arising or that may arise in cases filed or which may be filed under Executive Order Nos. 1, 2, 14 and 14-A, issued in 1986: Provided, That the jurisdiction over these petitions shall not be exclusive of the Supreme Court.

"The procedure prescribed in Batas Pambansa Blg. 129, as well as the implementing rules that the Supreme Court has promulgated and may hereafter promulgate, relative to appeals/petitions for review to the Court of Appeals, shall apply to appeals and petitions for review filed with the Sandiganbayan. In all cases elevated to the Sandiganbayan and from the Sandiganbayan to the Supreme Court, the Office of the Ombudsman, through its special prosecutor, shall represent the People of the Philippines, except in cases filed pursuant to Executive Order Nos. 1, 2, 14 and 14-A, issued in 1986.

"In case private individuals are charged as co-principals, accomplices or accessories with the public officers or employees, including those employed in government-owned or controlled corporations, they shall be tried jointly with said public officers and employees in the proper courts which shall exercise exclusive jurisdiction over them.

"Any provisions of law or Rules of Court to the contrary notwithstanding, the criminal action and the corresponding civil action for the recovery of civil liability shall at all times be simultaneously instituted with, and jointly determined in the same proceeding by the Sandiganbayan or the appropriate courts, the filing of the criminal action being deemed to necessarily carry with it the filing of the civil action, and no right to reserve the filing of such civil action separately from the criminal action shall be recognized: Provided, however, That where the civil action had therefore been filed separately but judgment therein has not yet been rendered, and the criminal case is hereafter filed with the Sandiganbayan or the appropriate court, said civil action shall be transferred to the Sandiganbayan or the appropriate court, as the case may be, for consolidation and joint

determination with the criminal action, otherwise the separate civil action shall be deemed abandoned.”

SEC. 5. Separability Clause – If any provision or part hereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SEC. 6. Repealing Clause – All laws, decrees, orders, rules and regulations or parts therefore, inconsistent with this Act are hereby amended or modified accordingly.

SEC. 7. Effectivity Clause – This Act shall take effect fifteen (15) days following its publication in a newspaper of general circulation.

Approved,