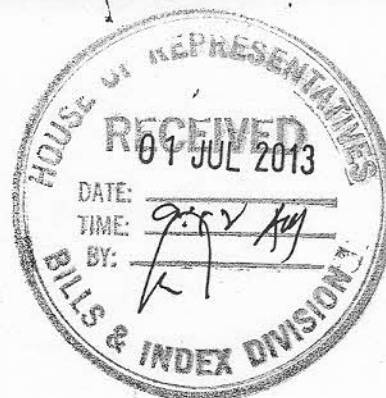


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 139



Introduced by: **HON. FRANCIS GERALD AGUINALDO ABAYA**

EXPLANATORY NOTE

As of 31 December 2006, the number of cases pending in the *Sandiganbayan* is two thousand five hundred fourteen (2,514). Because of this large number of cases vis-a-vis the number of *Sandiganbayan* Divisions (only five), in many instances, only two (2) hearings for every case are conducted every (2) two months.

The sheer volume of cases being handled by the *Sandiganbayan* makes it impossible to promptly dispose of said cases. This sad reality of heavily clogged dockets and the very limited number of justices and judges caused the trial of erring public officials to take years to complete. Meanwhile, graft and corrupt activities continue to go unhampered because the fear of conviction is undermined by the delay of the disposition of corruption cases.

This bill seeks to increase the number of divisions of the *Sandiganbayan* from its present five (5) divisions to fifteen (15) divisions to enhance its capacity to resolve anti-graft and corruption cases and to deter further acts of the same which will effectively save billions of pesos for the nation.

Continuous trials would require greater preparation by prosecutors and defense counsel at the outset but would reduce the amount of time taken for the trial, and reduce the possibility of fading memories on the part of witnesses, and the opportunity for interference with evidence. With the increased number of divisions and justice, the *Sandiganbayan* would be able to hold continuous trials.

The *Sandiganbayan* plays a critical role in fighting graft and corruption. Any delay in the resolution of anti-graft cases negatively impacts on its ability to deter others to commit similar acts of corruption. The search for a solution to this critical problem of congested dockets requires recourse to drastic but creative and economical measures.

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


FRANCIS GERALD AGUINALDO ABAYA
Representative, First District, Cavite

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. _____ 139

Introduced by: **HON. FRANCIS GERALD AGUINALDO ABAYA**

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

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

SECTION 1. The first paragraph of Section 1 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:

"SEC. 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 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 OR0 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 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:

"SEC.3. Divisions of the Court; Quorum. - The Sandiganbayan shall sit in [five] FIFTEEN [(5)] 15 divisions of three justices each. The [five] FIFTEEN 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 OR0 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]."

SEC. 4. *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. 5. *Repealing Clause*. - All laws, decrees, orders, rules and regulations or parts therefore, inconsistent with this Act are hereby amended or modified accordingly.

SEC. 6. *Effectivity Clause* - This act shall take effect fifteen (15) days following its publication in a newspaper of general circulation.

Approved,