

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

Sixteenth Congress
First Regular Session

HOUSE BILL NO. **3872**



Introduced by HONORABLE ROMERO "MIRO" S. QUIMBO

EXPLANATORY NOTE

Although statistics on Philippine corruption has been improving, most recently jumping 11 spots in both World Economic Forum's Global Competitiveness Report¹ and Transparency International's Corruption Perception Index in 2013², we still need to intensify the crusade against corruption. Despite the gains so far made, corruption still remains as the most problematic factor in doing business in the Philippines according to the Global Competitiveness Report³, which, accordingly, curtails the potentials of our economy. This is but one of the deleterious effects of the corrosion that corruption brings to our society. Also, the same report shows that in terms of efficiency of the legal framework, much has yet to be improved by our judicial institutions.

Perhaps one of the legal loopholes which inadvertently aid corruption in the country are the snail-paced prosecution and adjudication of cases, particularly in the Sandiganbayan. This, in turn, is attributed to congestion problems and limited number of Justices to sit on and dispose cases. At present, the Sandiganbayan is divided into five (5) divisions of three (3) Justices each. Considering the magnitude of cases the Justices have to hear and decide on, with 2,600 cases pending as of last year, the slow grind of the wheels of justice is an inevitable product of the current system. It has been said that the litigation of a case in Sandiganbayan takes about five to

¹ Desiderio, Louella. "Global Competitiveness: Phl Up Six Notches to 59th", *The Philippine Star* website, 5 September 2013. <<http://www.philstar.com/headlines/2013/09/05/1172731/global-competitiveness-phl-six-notches-59th>, accessed 09 February 2014>.

² Corruption Perception Index 2013, Transparency International website, December 2013. <<http://cpi.transparency.org/cpi2013/results/>, accessed 09 February 2014>.

³ Schwab, Klaus. Global Competitiveness Report 2012-2013, <http://www3.weforum.org/docs/WEF_GlobalCompetitivenessReport_2012-13.pdf, accessed 09 February 2014>.

eight years before they are promulgated⁴.

This bill is an ameliorative approach in declogging the dockets of the Sandiganbayan with the least cost to the government. The bill is aiming to amend Section 3 of Presidential Decree 1606, as amended, to allow individual justices of the Court to sit and receive evidence, for and in behalf of his/her Division instead of requiring the presence of the three justices before a case is heard and evidence is received. The bill also ensures that a Justice-in-Charge is able to oversee the development of cases in his/her division.

This legislative measure is a counterpart of Senate Bill 470, which Senator Franklin M. Drilon has authored. In my shared vision and commitment with Senator Drilon to improve our judicial system and support our government's fight against corruption, I am earnestly seeking the immediate approval of this measure by Congress.



HON. ROMERO "MIRO" S. QUIMBO
Representative
Second District, Marikina City

⁴ Bordadora, Norman. "2 Senate Bills to Make Sandigan More Effective", *The Philippine Daily Inquirer* website, 12 July 2013, <<http://newsinfo.inquirer.net/443387/2-senate-bills-to-make-sandigan-more-effective>, accessed 09 February 2014>.

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HOUSE BILL NO. 3872

Introduced by HONORABLE ROMERO "MIRO" S. QUIMBO

AN ACT
FURTHER AMENDING PRESIDENTIAL DECREE NO. 1606, AS AMENDED

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

SECTION 1. Section 3 of Presidential Decree No. 1606, as amended, is hereby further amended to read as follows:

"SEC. 3 – Divisions of Courts; Quorum. The Sandiganbayan shall sit in five (5) divisions of three justices each. [The five (5) 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 qualification or] **IN CASE OF** temporary disability of a Justice or [of] a vacancy [occurring therein], the Presiding Justice may designate [an Associate] **ANOTHER** 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 thereof [, unless the operation of the court will be prejudiced thereby, in which case, the President shall, upon recommendation of the Presiding Justice, designate any Justice or Justices of the Court of Appeals

to sit temporarily therein].

EVERY CASE FILED WITH THE SANDIGANBAYAN SHALL BE RAFFLED FOR ASSIGNMENT TO A JUSTICE-IN-CHARGE, WHO SHALL MONITOR AND REPORT THE DEVELOPMENTS IN THE CASE TO THE MEMBERS OF HIS DIVISION. THE JUSTICE-IN-CHARGE SHALL HEAR AND RECEIVE EVIDENCE FOR THE DIVISION TO WHICH HE BELONGS AND RESOLVE EVERY INCIDENT THAT ARISES IN THE COURSE OF THE PROCEEDING IN THAT CASE.

AFTER THE CASE HAS BEEN SUBMITTED FOR DECISION, THE JUSTICE-IN-CHARGE SHALL SUBMIT A REPORT TO THE DIVISION, WHICH REPORT SHALL CONTAIN A SUMMARY OF THE CONFLICTING CLAIMS OF THE PARTIES, THE ISSUE OR ISSUES INVOLVED, THE ARGUMENTS OF THE CONTENDING SIDES, AND THE LAWS AND JURISPRUDENCE THAT CAN AID THE DIVISION IN DECIDING OR RESOLVING THE CASE.

IN CONSULTATION, THE THREE MEMBERS OF THE DIVISION SHALL AGREE ON THE CONCLUSION OR CONCLUSIONS IN THE CASE AND ASSIGN A MEMBER TO WRITE THE DECISION FOR THE DIVISION. IF THE UNANIMOUS VOTE OF ALL ITS MEMBERS CANNOT BE HAD, THE PRESIDING JUSTICE SHALL DESIGNATE BY RAFFLE TWO SPECIAL MEMBERS FOR THE DIVISION TO CONSTITUTE IT INTO DIVISION OF FIVE JUSTICES. THE VOTE OF THE MAJORITY OF SUCH DIVISION SHALL PREVAIL.

SECTION 2. This Act shall take effect fifteen (15) days following its publication in at least two (2) newspapers of general circulation.

Approved,