

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS

First Regular Session

HOUSE BILL NO. **4108**



Introduced by Representatives Niel C. Tupas, Jr.

AN ACT
TO FURTHER STRENGTHEN THE FUNCTIONAL AND STRUCTURAL
ORGANIZATION OF THE SANDIGANBAYAN, FURTHER AMENDING
PRESIDENTIAL DECREE NO. 1606, AS AMENDED

EXPLANATORY NOTE

The Sandiganbayan was established forty years ago via Presidential Decree No. 1606. While it is an effective public accountability mechanism, it could hardly cope with the evolving crimes of graft and corruption that has marred our government institutions due to the ingenuity of some unscrupulous public officials and employees.

As currently structured, the Sandiganbayan completes the proceedings of a case - from the filing of the information to promulgation of judgment—in about **seven years**. This dismal rate of disposition reflects the heavily clogged dockets of the court, given that the cases filed before it has multiplied over the years. Such a drawn-out process of litigation undermines the objective for which it was created and reinforces the century old legal maxim "*Justice delayed is justice denied*".

This bill seeks to introduce structural reforms in the Sandiganbayan in order to strengthen the public accountability weapon of the government against graft and corruption. **First**, it introduces the system of "justice-designate" by capacitating the individual members of a division to hear and receive evidence, and resolve incidents arising during such session for the day, in behalf of the division to which a member belongs. To further expedite the proceedings, the measure likewise allows session to be held upon the attendance of two members of a division, instead of all three, as

presently required. Nevertheless, consistent with the principle of collegiality, all three members of the division shall be required to deliberate and decide the case, after all pieces of evidence have been presented. This new innovation is expected to accelerate the pace of case disposition, with minimal cost to the government.

Second, it transfers the so-called minor cases to the Regional Trial Courts which have the sufficient capability and competence to handle these cases. As of the last quarter of 2013, about 60% of the cases before the Sandiganbayan constitute "minor cases". Under this measure, "minor cases" shall pertain to the following:

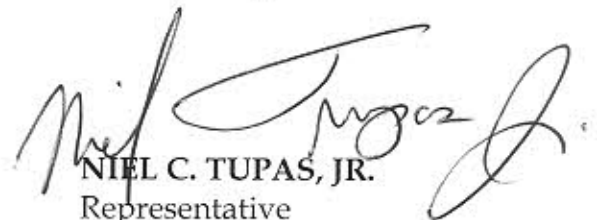
- 1) Those where the information does not allege any damage or bribe;
- 2) Those that allege damage or bribe that are unquantifiable; or
- 3) Those that allege damage or bribe arising from the same or closely related transactions or acts not exceeding One Million Pesos (Php1,000,000.00).

This amendment will enable the Sandiganbayan to concentrate its valuable time and resources in resolving the most significant and most complicated cases filed against public officials and render judgment swiftly but judiciously.

Third, this bill seeks to modify the voting requirement for promulgation of judgment. Under the existing Sandiganbayan charter, the unanimous vote of all three members is necessary for the rendition of final order. Failure to reach unanimity shall require the constitution of a special division of five members which takes several months to complete. Under the bill, the concurrence of two members is sufficient for promulgation of judgment.

Last but not the least, this bill guarantees the constitutional right enshrined in our Constitution that no *ex post facto* law shall be enacted by expressly providing that the amendments to the Sandiganbayan's jurisdiction and voting requirement for promulgation of judgement shall only apply to cases arising from offenses committed after the effectivity of this measure.

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


NIEL C. TUPAS, JR.
Representative
5th District, Iloilo

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

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

3
4 “Sec. 3. **CONSTITUTION OF THE** *DivisionS [of the Courts]; Quorum.* – The
5 *Sandiganbayan* shall sit in five (5) divisions of three justices each. [The five (5)
6 may sit at the same time.]

7
8 [Three] **TWO (2)** justices shall constitute a quorum for sessions in
9 divisions: *Provided,* That when the required quorum for the particular division
10 cannot be had due to the legal disqualification or temporary [disability]
11 **INCAPACITY** of a [Justice] **MEMBER** or [of] a vacancy [occurring] therein, the
12 Presiding Justice may designate [an Associate Justice of the Court] **A MEMBER**

1 **OF ANOTHER DIVISION** to be determined by strict rotation on the basis of the
2 reverse order of precedence, to sit as a special member of said division with all
3 the rights and prerogatives of a regular member of said division in the trial and
4 determination of a case or cases assigned thereto [, unless the operation of the
5 court will be prejudiced thereby, in which case, the President shall, upon the
6 recommendation of the Presiding Justice, designate any Justice or Justices of the
7 Court of Appeals to sit temporarily therein]."

8 **SECTION 2.** Section 4 of the same decree is hereby further amended to read as
9 follows:

10
11 "Sec. 4. *Jurisdiction.* - The *Sandiganbayan* shall exercise **EXCLUSIVE**
12 original jurisdiction in all cases involving:

13
14 a. Violations of Republic Act No. 3019, as amended, otherwise known as
15 the Anti-graft and Corrupt Practices Act, Republic Act No. 1379, and Chapter II,
16 Section 2, Title VII, Book II of the Revised Penal Code, where one or more of the
17 accused are officials occupying the following positions in the government
18 whether in a permanent, acting or interim capacity, at the time of the commission
19 of the offense:

20
21 (1) Officials of the executive branch occupying the positions of regional
22 director and higher, otherwise classified as Grade '27' and higher, of the
23 Compensation and Position Classification Act of 1989 (Republic Act No.
24 6758), specifically including:

25
26 (a) Provincial governors, vice-governors, members of the *sangguniang*
27 *panlalawigan*, and provincial treasurers, assessors, engineers, and other
28 provincial department head;

- (b) City mayors, vice-mayors, members of the *sangguniang panglungsod*, city treasurer, assessors, engineers, and other city department heads;
- (c) Officials of the diplomatic service occupying the position of consul and 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 education 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 the 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.

b. Other offenses or felonies whether simple or complexed with other crimes 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.

1 **PROVIDED, THAT THE REGIONAL TRIAL COURT SHALL HAVE**
2 **EXCLUSIVE ORIGINAL JURISDICTION WHERE THE INFORMATION (A)**
3 **DOES NOT ALLEGE ANY DAMAGE OR BRIBE; (B) ALLEGES DAMAGE**
4 **OR BRIBE THAT ARE UNQUANTIFIABLE; OR (C) ALLEGES DAMAGE OR**
5 **BRIBE ARISING FROM THE SAME OR CLOSELY RELATED**
6 **TRANSACTIONS OR ACTS NOT EXCEEDING ONE MILLION PESOS**
7 **(P1,000,000.00).**

8
9 **SUBJECT TO THE RULES PROMULGATED BY THE SUPREME**
10 **COURT, THE CASES FALLING UNDER THE JURISDICTION OF THE**
11 **REGIONAL TRIAL COURT UNDER THIS SECTION SHALL BE TRIED IN A**
12 **JUDICIAL REGION OTHER THAN WHERE THE OFFICIAL HOLDS**
13 **OFFICE.**

14
15 In cases where none of the accused are occupying positions corresponding
16 to Salary Grade "27" or higher, as prescribed in the said Republic Act No. 6758, or
17 military and PNP officers mentioned above, exclusive original jurisdiction thereof
18 shall be vested in the proper regional trial court, metropolitan trial court,
19 municipal trial court, and municipal circuit trial court, as the case may be,
20 pursuant to their respective jurisdictions as provided in Batas Pambansa Blg. 129,
21 as amended.

22
23 The *Sandiganbayan* shall exercise exclusive appellate jurisdiction over final
24 judgments, resolutions or orders of regional trial courts whether in the exercise of
25 their own original jurisdiction or of their appellate jurisdiction as herein
26 provided.

27
28 The *Sandiganbayan* shall have exclusive original jurisdiction over petitions
29 for the issuance of the *writs of mandamus, prohibition, certiorari, habeas corpus,*

1 *injunctions*, and other ancillary writs and processes in aid of its appellate
2 jurisdiction and over petitions of similar nature, including *quo warranto*, arising or
3 that may arise in cases filed or which may be filed under Executive Order Nos. 1,
4 2, 14 and 14-A, issued in 1986: *Provided*, That the jurisdiction over these petitions
5 shall not be exclusive of the Supreme Court.

6
7 The procedure prescribed in Batas Pambansa Blg. 129, as well as the
8 implementing rules that the Supreme Court has promulgated and may hereafter
9 promulgate, relative to appeals/petitions for review to the Court of Appeals,
10 shall apply to appeals and petitions for review filed with the *Sandiganbayan*. In
11 all cases elevated to the *Sandiganbayan* and from the *Sandiganbayan* to the
12 Supreme Court, the Office of the Ombudsman through its special prosecutor,
13 shall represent the People of the Philippines except in cases filed pursuant to
14 Executive Order Nos. 1, 2, 14 and 14-A, issued in 1986.

15
16 In case private individuals are charged as co-principals, accomplices or
17 accessories with the public officers or employees, including those employed in
18 government-owned or controlled corporations, they shall be tried jointly with
19 said public officers and employees in the proper courts which shall exercise
20 exclusive jurisdiction over them.

21
22 Any provision of law or Rules of Court to the contrary notwithstanding,
23 the criminal action and the corresponding civil action for the recovery of civil
24 liability shall at all times be simultaneously instituted with, and jointly
25 determined in, the same proceeding by the *Sandiganbayan* or to appropriate
26 courts, the filing of the criminal action being deemed to necessarily carry with it
27 the filing of civil action, and no right to reserve the filing of such civil action
28 separately from the criminal action shall be recognized: *Provided, however*, That
29 where the civil action had heretofore been filed separately but judgment therein

1 has not yet been rendered, and the criminal case is hereafter filed with the
2 *Sandiganbayan* or the appropriate court, said civil action shall be transferred to
3 the *Sandiganbayan* or the appropriate court, as the case may be, for consolidation
4 and joint determination with the criminal action, otherwise the separate civil
5 action shall be deemed abandoned.”

6
7 **SECTION 3.** Section 5 of the same decree is hereby further amended to read as
8 follows:

9
10 “Section 5. (A) *Proceedings, how conducted[; votes required]*. - WHEN
11 THERE ARE TWO OR MORE CASES READY FOR TRIAL ON A
12 PARTICULAR DAY, THE CHAIRPERSON OF A DIVISION SHALL
13 DESIGNATE A MEMBER TO HEAR AND RECEIVE EVIDENCE, AND
14 RESOLVE ALL INCIDENTS ARISING THEREFROM FOR THAT DAY.

15
16 (B) *VOTES REQUIRED FOR JUDGMENT OR FINAL ORDER*. - ALL
17 THREE (3) MEMBERS OF A DIVISION SHALL DELIBERATE ON A CASE
18 SUBMITTED FOR JUDGMENT OR FINAL ORDER.

19
20 The [unanimous vote] CONCURRENCE of [the three] TWO (2) Justices in
21 a division shall be necessary TO RENDER [for the pronouncement of a]
22 judgment OR FINAL ORDER. [In the event that the three Justices do not reach
23 a unanimous vote, the Presiding Judge shall designate two other Justices from
24 among the members of the Court to sit temporarily with them, forming a
25 division of five justices, and the concurrence of a majority of such division shall
26 be necessary for rendering judgment.]”

27
28 **SECTION 4.** *Administrative Personnel*. - The *Sandiganbayan* shall appoint such
29 personnel as it may deem necessary to discharge its functions under this Act, including

1 the upgrading of *plantilla* positions that provide administrative and adjudicative
2 support to the operations of the *Sandiganbayan*.

3
4 **SECTION 5.** *Funding and Appropriations.* – The amount necessary to carry out
5 the implementation of this Act shall be charged against the current appropriations of
6 the *Sandiganbayan*. Thereafter, such sums as may be needed for its full implementation
7 shall be included in the annual General Appropriations Act.

8
9 **SECTION 6.** *Transitory Provision.* – This Act shall apply to all cases pending in
10 the *Sandiganbayan* over which trial has not begun: *Provided, That:* (a) Section 2,
11 amending Section 4 of P.D. 1606, as amended, on “*Jurisdiction*”; and (b) Section 3,
12 amending Section 5 of P.D. 1606, as amended, and providing for Section 5 (B) on “*Votes*
13 *Required for Judgment or Final Order*”, shall apply to cases arising from offenses
14 committed after the effectivity of this Act.

15
16 **SECTION 7.** *Separability Clause.* Should any provision of this Act or part hereof
17 be declared unconstitutional, the other provisions or parts not affected thereby shall
18 remain valid and effective.

19
20 **SECTION 8.** *Repealing Clause.* All laws, decrees, orders, and issuances, or
21 portions thereof, which are inconsistent with the provisions of this Act, are hereby
22 repealed, amended or modified accordingly.

23
24 **SECTION 9.** *Effectivity.* This Act shall take effect after fifteen (15) days from its
25 publication in the Official Gazette or in two (2) newspapers of general circulation.

26
27 *Approved,*