

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. **6017**



Introduced by REPRESENTATIVE REYNALDO V. UMALI

EXPLANATORY NOTE

The Sandiganbayan is a special court that was created pursuant to the original mandate of Section 5, Article XIII of the 1973 Constitution, which reads:

"SEC. 5. The National Assembly shall create a special court, to be known as Sandiganbayan, which shall have jurisdiction over criminal and civil cases involving graft and corrupt practices and such other offenses committed by public officers and employees, including those in government-owned or controlled corporations, in relation to their office as may be determined by law."

Thus, under Presidential Decree (PD) No. 1486, which was later revised by PD No. 1606, the Sandiganbayan was created with jurisdiction over violations of Republic Act (RA) No. 3019, or the Anti-Graft and Corrupt Practices Act and of RA No. 1379¹ on the forfeiture of unlawfully acquired property by any public officer or employee, over crimes committed by public officers under Title VII of the Revised Penal Code (RPC), and over other crimes or offenses committed by public officers in relation to their office.

Under the present 1987 Constitution, the jurisdiction of the anti-graft court known as the Sandiganbayan shall be provided by law². Accordingly, the latest law defining the jurisdiction of the Sandiganbayan is RA No. 10660 which grants the Sandiganbayan exclusive original jurisdiction over the following cases:

- (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, when committed by officials occupying positions with salary grade 27 and higher, including other officials listed in Sec. 4 (a) of RA 10660;

¹ "An Act Declaring Forfeiture In Favor Of The State Any Property Found To Have Been Unlawfully Acquired By Any Public Officer Or Employee And Providing For The Proceedings Therefor."

² Section 4, Article XI of the 1987 Constitution states: "The present anti-graft court known as the Sandiganbayan shall continue to function and exercise its jurisdiction as now or hereafter may be provided by law."

- (b) **Other offenses or felonies** whether simple or complexed with other crimes committed by the public officials and employees mentioned in Sec. 4 (a) of RA 10660, **in relation to their office**; and
- (c) Civil and criminal cases filed pursuant to and in connection with Executive Order Nos. 1, 2, 14 and 14-A, issued in 1986.

The important role of the Sandiganbayan in the fight against graft and corruption is undeniable. However, the jurisdiction of the Sandiganbayan as mentioned in paragraph (b) above has caused confusion and more delays in the resolution of cases involving public officials, since the term "in relation to their office" – referring to offenses or felonies committed by public officers – is vague and subject to different interpretations. This has led to several absurd situations where public officials, as enumerated in the law, have been haled to court for crimes allegedly committed in relation to their office.

In recent progression of cases involving public officers, there has arisen specific legal dilemma as to whether it is the trial courts or the Sandiganbayan which has exclusive jurisdiction over ordinary offenses punishable by either the Revised Penal Code or special laws. This qualifier "in relation to their office" has indubitably caused the apparent absurdity and confusion in the determination of charges and prosecution of offenses, adding great burden to our already saddled criminal justice system.

Moreover, the concerned provision par. 4 (b) of RA 8249, for all the good intention of the present law in apportioning to the Sandiganbayan the vast, exclusive power to try and decide cases involving particular government officials and employees, veritably takes away from the trial courts the capacity to hear other special, or even ordinary offenses, which, by virtue of their very nature and constitution, they have acquired a long standing experience of presiding over and resolving to culmination.

To a significant degree, it also effectively limits, or even diminishes the Sandiganbayan as a special court as the sole tribunal for graft and related cases and "share" with or concurrently hear ordinary cases outside of their ideal power and authority, that is, the exercise of jurisdiction over graft and similar cases against erring public officers and officials.

By rationalizing the jurisdiction of the Sandiganbayan as a specialized court, this Bill aims to achieve a more efficient and responsive Court, able and equipped to fully serve its constitutional mandate.

In view thereof, early consideration and approval of this bill is earnestly sought.



REP. REYNALDO V. UMALI
2nd District, Oriental Mindoro

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HOUSE OF REPRESENTATIVES
CONGRESS OF THE PHILIPPINES
Quezon City, Metro Manila

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House Bill No. **6017**

Introduced by Honorable REYNALDO V. UMALI

AN ACT
AMENDING THE JURISDICTION OF THE SANDIGANBAYAN, AMENDING FOR
THE PURPOSE REPUBLIC ACT NO. 1606, AS AMENDED, PROVIDING FUNDS
THEREFOR, AND FOR OTHER PURPOSES.

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

SECTION 1. Section 4 of Presidential Decree No. 1606, as amended by Republic Act 8249 and further amended by Republic 10660, is hereby amended to read as follows:

“SEC. 4. Jurisdiction. – The Sandiganbayan shall exercise exclusive original 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) Officials of the executive branch occupying the positions of regional director and higher, otherwise classified as Grade ‘27’ and 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, city treasurers, 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 and 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 higher 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.] **B.** Civil and criminal cases filed pursuant to and in connection with Executive Order Nos. 1, 2, 14 and 14-A, issued in 1986.

Provided, that the Regional Trial Court shall have exclusive original jurisdiction where the information: (a) does not allege any damage to the government or any bribery; or (b) alleges damage to the government or bribery arising from the same or closely related transactions or acts in an amount not exceeding One million pesos (P1,000,000.00).

Subject to the rules promulgated by the Supreme Court, the cases falling under the jurisdiction of the Regional Trial Court under this section shall be tried in a judicial region other than where the official holds office.

In cases where none of the accused are occupying positions corresponding to Salary Grade '27' or higher, as prescribed in the said Republic Act No. 6758, or military and 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 jurisdictions as provided in Batas Pambansa Blg. 129, as amended.

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

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 heretofore 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."

Section 2. This Act shall apply to cases arising from offenses committed after the effectivity of this Act.

Section 3. Should any provision of this Act or part hereof be declared unconstitutional, the other provisions or parts not affected thereby shall remain valid and effective.

Section 4. All laws, decrees, orders, and issuances, or portions thereof, which are inconsistent with the provisions of this Act, are hereby repealed, amended or modified accordingly.

Section 5. This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,