

REVISING PRESIDENTIAL DECREE NO. 1486 CREATING A SPECIAL COURT TO BE KNOWN AS “SANDIGANBAYAN” AND FOR OTHER PURPOSES.

PRESIDENTIAL DECREE No. 1606, December 10, 1978

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WHEREAS, the new Constitution declares that a public office is a public trust and ordains that public officers and employees shall serve with the highest degree of responsibility, integrity, loyalty and efficiency and shall remain at all times accountable to the people;

WHEREAS, to attain the highest norms of official conduct required of public officers and employees, Section 5, Article XIII of the New Constitution provides for the creation of a special court to be known as Sandiganbayan;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers in me vested by the Constitution, do hereby order and decree as follows:

SECTION 1. Sandiganbayan; composition; qualifications; tenure; removal and composition. 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 eight Associate Justices who shall be appointed by the President.

No person shall be appointed Presiding Justice or Associate Justice of the Sandiganbayan; unless he is a natural-born citizen of the Philippines, at least 40 years of age and for at least ten years has been a judge of a court of record or been engaged in the practice of law in the Philippines or has held office requiring admission to the bar as a pre-requisite for a like period.

The Presiding Justice shall be so designated in his commission and the other Justices shall have precedence according to the dates of their respective commissions, or, when the commissions of two or more of them shall bear the same date, according to the order in which their commissions have been issued by the President.

The Presiding Justice and the Associate Justices shall not be removed from office except on impeachment upon the grounds and in the manner provided for in Sections 2, 3 and 4 of Article XIII of the 1973 Constitution.

The Presiding Justice shall receive an annual compensation of P60,000.00 and each Associate Justice P55,000.00 which shall not be diminished during their continuance in office. They shall have the same rank, privileges and other emoluments, be subject to the same inhibitions and disqualifications, and enjoy the same retirement and other benefits as those provided for under existing laws of the Presiding Justice and Associate Justices of the Court of Appeals.

Whenever the salaries of the Presiding Justice and the Associate Justices of the Court of Appeals are increased, such increases in salaries shall be correspondingly extended to and enjoyed by the Presiding Justice and the Associate Justices of the Sandiganbayan.

They shall hold office until they reach the age of 65 years or become incapacitated to discharge the duties of their office.

SEC. 2. Official Station; Place of Holding Sessions. The Sandiganbayan shall have its principal office in the Metro Manila area and shall hold sessions thereat for the trial and determination of all cases filed with it irrespective of the place where they may have arisen; Provided, however, that the Presiding Justice may authorize any division or divisions of court to hold sessions at any time and place outside Metro Manila to hear and decide cases emanating from any of the existing judicial districts. Whenever necessary, the Sandiganbayan may require the services of the personnel and the use of the facilities of any agency of the Government, national or local, including the courts of first instance of the province where any of the divisions is holding session, and those personnel of such agencies or courts shall be subject to the orders of the Sandiganbayan.

SEC. 3. Divisions of the Courts; Quorum. The Sandiganbayan shall sit in three divisions of three Justices each. The three divisions may sit at the same time.

Three Justices shall constitute a quorum for session in division; Provided, that when the required quorum cannot be had due to the legal disqualification or temporary disability of a Justice or of a vacancy occurring therein, the President shall, upon recommendation of the Presiding Justice, designate any Justice of the Court of Appeals or Judge of the Court of First Instance or of the Circuit Criminal Court of the judicial district concerned to sit temporarily therein.

SEC. 4. Jurisdiction. The Sandiganbayan shall have jurisdiction over:

- (a) Violations of Republic Act No. 3019, as amended, otherwise, known as the Anti-Graft and Corrupt Practices Act, and Republic Act No. 1379;
- (b) Crimes committed by public officers and employees including those employed in government-owned or controlled corporations, embraced in Title VII of the Revised Penal Code, whether simple or complexed with other crimes; and
- (c) Other crimes or offenses committed by public officers or employees, including those employed in government-owned or controlled corporations, in relation to their office.

The jurisdiction herein conferred shall be original and exclusive if the offense charged is punishable by a penalty higher than prison correccional, or its equivalent, except as herein provided; in other offenses, it shall be concurrent with the regular courts.

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.

Where an accused is tried for any of the above offenses and the evidence is insufficient to establish the offense charged, he may nevertheless be convicted and sentenced for the offense proved, included in that which is charged.

Any provision of law or the Rules of Court to the contrary notwithstanding, the criminal action and the corresponding civil action for the recovery of civil liability arising from the offense charged shall at all times be simultaneously instituted with, and jointly determined in the same proceeding by, the Sandiganbayan, 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 action shall be recognized; Provided, however, that, in cases within the exclusive jurisdiction of the Sandiganbayan, where the civil action had therefore been filed separately with a regular court but judgment therein has not yet been rendered and the criminal case is hereafter filed with the Sandiganbayan, said civil action shall be transferred to the Sandiganbayan for consolidation and joint determination with the criminal action,

otherwise, the criminal action may no longer be filed with the Sandiganbayan, its exclusive jurisdiction over the same notwithstanding, but may be filed and prosecuted only in the regular courts of competent jurisdiction; Provided, further, that, in cases within the concurrent jurisdiction of the Sandiganbayan and the regular courts, where either the criminal or civil action is first filed with the regular courts, the corresponding civil or criminal action, as the case may be, shall only be filed with the regular courts of competent jurisdiction.

Excepted from the foregoing provisions, during martial law, are criminal cases against officers and members of the armed forces in the active service.

SEC. 5. Proceedings, how conducted; votes required. The unanimous vote of the three justices in a division shall be necessary for the pronouncement of a judgment. In the event that the three justices do not reach a unanimous vote, the Presiding Judge shall designate two other justices from among the members of the Court to sit temporarily with them, forming a division of five justices, and the concurrence of a majority of such division shall be necessary for rendering judgment.

SEC. 6. Maximum period for termination of cases. As far as practicable, the trial of cases before the Sandiganbayan once commenced shall be continuous until terminated and the judgment shall be rendered within three (3) months from the date the case was submitted for decision.

SEC. 7. Form, finality and enforcement of decisions. Decisions and final orders of the Sandiganbayan shall contain complete findings of facts on all issues properly raised before it.

A petition for reconsideration of any final order or decision may be filed within (15) days from promulgation or notice of the final order or judgment, and such petition for reconsideration shall be decided within thirty (30) days from submission thereon.

Decisions and final orders shall be subject to review on certiorari by the Supreme Court in accordance with Rule 45 of the Rules of Court. The Supreme Court shall decide any case on appeal promptly and without the necessity of placing it upon the regular calendar. Whenever, in any case decided, the death penalty shall have been imposed, the records shall be forwarded to the Supreme Court, whether the accused shall have appealed or not, for review and judgment, as law and justice shall dictate.

Final judgments and orders of the Sandiganbayan shall be executed and enforced in the manner provided by law.

SEC. 8. Transfer of cases. As of the date of the effectivity of this decree, any case cognizable by the Sandiganbayan within its exclusive jurisdiction where none of the accused has been arraigned shall be transferred to the Sandiganbayan.

SEC. 9. Rule-making Power. The Sandiganbayan shall have the power to promulgate its own rules of procedure and, pending such promulgation, the Rules of Court shall govern its proceedings.

SEC. 10. Authority over internal affairs. The Sandiganbayan shall administer its own internal affairs and may adopt such rules governing the constitution of its divisions, the allocation of cases among them, the rotation of justices and other matters relating to its business.

SEC. 11. Proceeding free of charge. All proceedings in the Sandiganbayan shall be conducted at no cost to the complainant and/or his witnesses.

No criminal information or complaint shall be entertained by the Sandiganbayan except upon a certification by the Investigating Prosecutor of the existence of a prima facie case to be determined after a preliminary investigation conducted in accordance with applicable laws and approved by the Chief Special Prosecutor.

SEC. 12. Administrative personnel. The Sandiganbayan shall reelect and appoint such personnel as it may deem necessary to discharge its functions under this Decree including a Clerk of Court and three (3) Deputy Clerks of Court who shall be members of the Bar.

The Clerk of Court shall have an annual compensation of P36,000.00 and the Deputy Clerks of Court, P30,000.00.

All other subordinate employees of the Sandiganbayan shall be governed by the provisions of the Civil Service Law; Provided, that the Sandiganbayan may, by resolution en banc, remove any of them for cause.

SEC. 13. Report to the President. The Sandiganbayan shall submit an annual report to the President, including all disbursements of funds entrusted to it, within two months from the end of the Fiscal Year.

SEC. 14. Funding. There is hereby immediately appropriated the sum of Five Million Pesos (P5,000.00) out of any funds in the National Treasury to carry out the provisions of this Decree and thereafter to be included in the general appropriations act. The appropriations for the Sandiganbayan shall be automatically released in accordance with a schedule submitted by the Sandiganbayan.

SEC. 15. Separability of Provisions. If for any reason, any section or provision of this Decree is declared to be unconstitutional or invalid, other sections or provisions thereof which are not affected thereby, shall continue in full force and effect.

SEC. 16. Repealing Clause. This Decree hereby repeals Presidential Decree No. 1486 and all other provisions of law, General Orders, Presidential Decrees, Letters of Instructions, rules or regulations inconsistent herewith.

SEC. 17. Effectivity. This Decree shall take effect immediately.

Done in the City of Manila, this 10th day of December, in the year of Our Lord, nineteen hundred and seventy-eight.

(Sgd.) FERDINAND E. MARCOS
President of the Philippines

By the President:

(Sgd.) JUAN C. TUVERA
Presidential Assistant

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