RE: UNNUMBERED RESOLUTION OF THE SANDIGANBAYAN RE ACQUISITION OF THREE MOTOR VEHICLES FOR OFFICIAL USE OF JUSTICES,

A.M. No. 00-8-03-SB. August 31, 2001

Ponente: BELLOSILLO, J.

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BELLOSILLO, J.:

As their captions indicate, there are four (4) items to be resolved: (a) the acquisition of three (3) motor vehicles for the official use of Justices; (b) the appointments, promotions, assignments, suspensions, dismissals of, or disciplinary actions on, officials and employees of the Sandiganbayan; (c) the Amended Memorandum of Understanding with PEA; and, (d) the opening and leasing of the canteen to a concessionaire, the establishment of a medical-dental clinic, the adoption of a housing and an employee's health and welfare plan, and the setting up of a library for the Sandiganbayan.

On 16 January 2001 this Court referred the above problems to its Oversight Committee for study and recommendation. In pursuance therewith, the Chairman of the Committee scheduled a breakfast conference with the Presiding Justice and the Associate Justices of the Sandiganbayan to discuss the concerns being raised. Accordingly, on 19 January 2001, at 7:30 in the morning, a breakfast conference was held at the Justices' Lounge, Supreme Court, between the members of the Oversight Committee on one hand, and the Presiding Justice and Associate Justices of the Sandiganbayan on the other. The meeting was also attended by Chief Justice Hilario G. Davide, Jr. and Justice Sabino R. De Leon, Jr. who was specially invited being a former member of the Sandiganbayan.

As a result of the dialogue, the Oversight Committee directed the Chief, SC Motorpool to examine the condition of the vehicles sought to be replaced, and finding the necessity for the replacement, this Court in its Resolution of 13 February 2001 granted authority to the Sandiganbayan through its Presiding Justice to acquire three (3) new vehicles for the official use of three (3) Justices the amount to be drawn from its savings. Considering that the three (3) motor vehicles have already been purchased, A.M. No. 00-8-03-SB (Unnumbered Resolution of the Sandiganbayan re Acquisition of Three [3] Motor Vehicles for the Official Use of Justices) is now closed and terminated.

With respect to A.M. No. 00-8-04-SB (Unnumbered Resolution of the Sandiganbayan re Appointments, Promotions, Assignments, Suspensions, Dismissals of, or Disciplinary Actions on, Officials and Employees of the Sandiganbayan),and A.M. No. 00-8-06-SB (Unnumbered Resolution of the Sandiganbayan that Canteen be Opened and Leased to a Concessionaire, etc.), both of which concern the internal affairs of the Sandiganbayan, the Oversight Committee instructed Atty. Adelaida Cabe-Baumann, formerly Deputy Clerk of Court and Chief, Administrative Services of the Supreme Court, now Consultant, to make a study and recommendation on the delineation of the non-judicial powers of the Sandiganbayan. Thereafter, on 19 February 2001, Atty. Baumann submitted a Memorandum to the Chairman of the Oversight Committee, pertinently quoted thus -

This refers to His Honor's instruction to the undersigned to make a study/recommendation on the delineation of the non-judicial powers of the Sandiganbayan taking into consideration the various unnumbered resolutions of the said Court, the comment thereto of the Presiding Justice, as well as the reply of the Associate Justices.

Section 6, Article VIII of the 1987 Constitution provides:

"The Supreme Court shall have administrative supervision over all Courts and the personnel thereof."

Likewise, Section 10 of P.D. 1606 as amended, the law creating the Sandiganbayan, states:

"Section 10. Authority over internal affairs - The Sandiganbayan shall administer its 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" (underline supplied).0

Section 1, Rule II of the Revised Rules of the Sandiganbayan also provides:

"Section 1. Exclusive Control. - Except as otherwise provided by the Constitution and Presidential Decree No. 1606, the Sandiganbayan shall have exclusive control, direction and supervision of all matters pertaining to its internal affairs and the operation of its business" (underline supplied).

Pursuant to the aforequoted provisions, and in order that the non-judicial functions of the said court be properly identified and delineated, the undersigned respectfully recommends the creation through a Resolution of the Court, the following committees in the Sandiganbayan which will handle their respective areas of responsibility, to wit:

1. Committee on Personnel

a. Composition: A Chairman and at least 2 Members chosen by the Sandiganbayan Justices among themselves

b. Areas of Responsibility: Personnel matters such as appointment, recruitment, records management, leave matters, training, change of organizational structure, creation of position, discipline and retirement.

2. Committee on Security

a. Composition: A Chairman and at least 2 Members chosen by the Sandiganbayan Justices among themselves

b. Areas of Responsibility: i. Formulation of security policies, ii. Enforcement and implementation of safety measures such as wearing of I.D. card, control of visitors, etc.

3. Committee on Budget and Finance

a. Composition: A Chairman and at least 2 Members chosen by the Sandiganbayan Justices among themselves

b. Areas of Responsibility: i. Preparation and submission of annual budget, ii. Allotment of funds, iii. Accounting, iv. All financial transactions

4. Committee on Buildings and Grounds

a. Composition: A Chairman and at least 2 Members chosen by the Sandiganbayan among themselves

b. Areas of Responsibility: i. Repairs, improvements and maintenance of buildings and grounds, ii. Installation of safety and necessary devices

5. Committee on Purchase and Acquisition of Court Properties

a. Composition: A Chairman and at least 2 Members chosen by the Sandiganbayan Justices among themselves

b. Areas of Responsibility: i. Purchase and acquisition of vehicles, ii. Purchase, acquisition, repairs and

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disposal of office equipment, supplies, computers, furniture and books

6. Committee on Employee Welfare and Benefits

a. Composition: A Chairman and at least 2 Members chosen by the Sandiganbayan Justices among themselves

b. Areas of Responsibility: i. Creation of Medical and Dental Services, ii. Establishment and operation of Employee's Health and Welfare Plan, iii. Establishment of a Canteen for Justices, Officials and Employees, iv. Purchase of Shuttle Buses for the employees

7. Committee on Raffle of Cases

a. Composition: A Chairman and at least 2 Members chosen by the Sandiganbayan Justices among themselves

b. Areas of Responsibility: Raffle of Cases

8. Such other Committees which may be created by the Court En Banc (Sandiganbayan) as the need arises.

As the Sandiganbayan has the power to administer its internal affairs as stated above, the actions/recommendations of all the Committees shall be subject to the approval of the Court En Banc (Sandiganbayan) and/or the Supreme Court for those cases which need approval of the latter.

The Presiding Justice shall have the following powers:

1. Implement the policies, execute the resolutions and enforce the orders of the Court en banc;

2. Perform the functions specifically vested upon him by law, rules and regulations or those implied therefrom; and,

3. Perform all other functions and duties inherent in his position as Presiding Justice.

19 February 2001

On 12 July 2001 the Oversight Committee agreed to adopt the Memorandum of Atty. Baumann and recommended to this Court its adoption by the Sandiganbayan. Accordingly, it appearing that the recommendations of Atty. Baumann are apt and comprehensive enough to cover the issues raised in A.M. No. 00-8-04-SB (Unnumbered Resolution of the Sandiganbayan re Appointments, Promotions, Assignments, Suspensions, Dismissals of, or Disciplinary Actions on, Officials and Employees of the Sandiganbayan), and A.M. No. 00-8-06-SB (Unnumbered Resolution of the Sandiganbayan that Canteen be Opened and Leased to a Concessionaire, etc.), the Sandiganbayan is directed to implement the recommendations in the Memorandum of 19 February 2001.

With regard to A.M. No. 00-8-05-SB (Unnumbered Resolution of the Sandiganbayan re Presiding Justice Entering Into an Amended Memorandum of Understanding with PEA), as a consequence of the refusal of the Presiding Justice of the Sandiganbayan to accept the building and sign the corresponding Amended Memorandum of Understanding with PEA, the apprehensions of the Presiding Justice appear to be unfounded.

Admittedly, on 3 May 1999 the Sandiganbayan started occupying the building. On 8 June 1999 the Laguna Lake Development Authority submitted to the Presiding Justice of the Sandiganbayan the necessary Permit to Operate. On 18 October 1999 the Bureau of Fire Protection issued the Fire Safety and Inspection Certificate. On 20 October 1999 the Office of the City Engineer of Quezon City issued the Plumbing Certificate. On 8 November 1999 the Metropolitan Manila Development Authority issued the Certificate of Completion. On 24 November 2000 the Industrial Safety Division of the Department of Engineering of Quezon City issued the Mechanical Permit. On 11 December 2000 Hillmarc's Construction Corporation issued the Certificate of Operation for the

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machinery, internal combustion engines, elevator and the dumbwaiter installed in the building. The building has also been issued a Certificate of Structural Integrity.

It is also important to state that Congress has already appropriated funds to amortize the loan extended by the PEA to the Sandiganbayan for the construction of the building. The Finance and Budget Division of the Sandiganbayan has already examined the schedule of amortization attached to the amended memorandum of understanding and found it in order.

Finally, in the Memorandum for the Sandiganbayan submitted by its Associate Justices dated 7 February 2001 the concerns of the Presiding Justice as to mouldings infested with wood borers, cracked tiles, fire alarm detectors and illegal sewer pipe were sufficiently disputed, explained and supported by necessary documents. As observed by them in their Memorandum -

> x x x x The defects were minor and fully covered by warranties. They were remediable or replaceable, as in fact they were remedied or replaced. It was thus patently unfair to delay acceptance of the building - this half a billion-peso government facility - and to withhold payment of P123,738, 772.32 due to the PEA just on the basis of such minor defects all of which, according to Engr. Antonio Garcia of Hillmarc's Construction, did not even cost P3 Million! (see p. 8).

All told, there appears no substantial reason why the acceptance of the building and the consequent signing of the amended memorandum of understanding should be withheld. In fine, the Sandiganbayan (Presiding Justice and Associate Justices) should be directed to accept the building and sign the Amended Memorandum of Understanding with PEA so that payment of amortization can be made forthwith.

In his letter dated 16 July 2001 the Presiding Justice of the Sandiganbayan informed the Court that the total amortization due to PEA but which had remained unpaid as of 30 June 2001 was P164,985,029.76 and that the reason for the non-payment was the failure of the Department of Budget and Management (DBM) to act on the Sandiganbayan's request dated 11 June 2001 for the release of the Notice of Cash Allocation (NCA) of the amount.

IN VIEW WHEREOF, the Sandiganbayan (Presiding Justice and Associate Justices) is DIRECTED in A.M. No. 00-8-04-SB (Unnumbered Resolution of the Sandiganbayan re Appointments, Promotions, Assignments, Suspensions, Dismissals or Disciplinary Actions on Officials and Employees of the Sandiganbayan) and A.M. No. 00-8-06-SB (Unnumbered Resolution of the Sandiganbayan that Canteen be Opened and Leased to a Concessionaire, etc.), to ADOPT AND IMPLEMENT the recommendations contained in the Memorandum of Atty. Adelaida Cabe-Baumann dated 19 February 2000; and, in A.M. No. 00-8-05-SB (Unnumbered Resolution of the Sandiganbayan re Presiding Justice Entering Into an Amended Memorandum of Understanding with PEA), to ACCEPT the newly constructed building of the Sandiganbayan (now known as its "Centennial Building"), pay its obligation to PEA and SIGN the corresponding Amended Memorandum of Understanding with PEA without further delay.

Also, in A.M. No. 00-8-05-SB (Unnumbered Resolution of the Sandiganbayan re Presiding Justice Entering Into an Amended Memorandum of Understanding with PEA), the Department of Budget and Management is DIRECTED to RELEASE the Notice of Cash Allocation (NCA) in the amount of P164,985,029.76 requested by the Sandiganbayan on 11 June 2001 and referred to in the 16 June 2001 letter of the Presiding Justice to this Court.

A.M. No. 00-8-03-SB (Unnumbered Resolution of the Sandiganbayan re Acquisition of Three [3] Motor Vehicles for the Official Use of Justices) is CLOSED AND TERMINATED.

SO ORDERED.

Davide, Jr., C.J., Melo, Puno, Vitug, Kapunan, Mendoza, Quisumbing, Pardo, Buena, Gonzaga-Reyes, Ynares-Santiago, De Leon, Jr., and Sandoval-Gutierrez, JJ., concur.
Panganiban, J., concur except on the dispositions involving the SB Centennial Building (AM 00-8-05 SB)

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