

AMENDING THE PERTINENT PROVISIONS OF PRESIDENTIAL DECREE NO. 1606 AND BATAS PAMBANSA BLG. 129 RELATIVE TO THE JURISDICTION OF THE SANDIGANBAYAN AND FOR OTHER PURPOSES.

PRESIDENTIAL DECREE NO. 1860, January 14, 1983

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WHEREAS, Batas Pambansa Blg. 129 has simplified the rules on Jurisdiction by, among others, abolishing the concurrent jurisdiction of the Sandiganbayan and the regular courts;

WHEREAS, Batas Pambansa Blg. 129 expanded the exclusive original jurisdiction of the Sandiganbayan over the offenses enumerated in Section 4 of Presidential Decree No. 1606, to embrace all such offenses irrespective of the imposable penalty;

WHEREAS, there has been a proliferation and marked increase in the filing of cases before the Sandiganbayan where the offense charged is punishable by a penalty not higher than prision correccional or its equivalent;

WHEREAS, unless otherwise authorized by its Presiding Justice, the Sandiganbayan holds its sessions at its principal office in Metro Manila, so that public officials accused of offenses punishable by a penalty not higher than prision correccional or its equivalent and their witnesses, have undergo the inconvenience of and incur unnecessary expenses in attending hearings before the Sandiganbayan:

WHEREAS, considering that cases where the offense charged is punishable by a penalty not exceeding prision correccional or its equivalent are not of a serious nature, it would be more expeditious and less cumbersome for the parties and witnesses if the cases are tried by the proper Regional Trial Court, Metropolitan Trial Court, Municipal Trial Court or Municipal Circuit Trial Court; the Revised Penal Code, whether simple or complexed

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

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

"SEC. 4. Jurisdiction. — The Sandiganbayan shall have the 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 prision correccional or its equivalent. In all other offenses, original and exclusive

jurisdiction shall vest in the appropriate court in accordance with the provisions of Batas Pambansa Blg. 129.

"In case private individuals are charged as co-principals, accomplices or accessories together 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 of any of the above offenses and the evidence is insufficient to establish the offense charged, he may nevertheless be convicted of 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 or the appropriate court. The filing of the criminal action shall be 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, in cases within the exclusive original jurisdiction of the Sandiganbayan, where the civil action had been filed separately with a regular court but judgment therein has not 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."

SEC. 2. Section 20 of Batas Pambansa Blg. 129 is hereby modified accordingly to reflect the above amendment.

SEC. 3. The provisions of this decree notwithstanding, the Office of the Tanodbayan shall continue to have the exclusive authority to conduct preliminary investigation, file the necessary information, and direct and control the prosecution of all cases enumerated in Section 4 of Presidential Decree No. 1606, whether such cases be within the exclusive jurisdiction of the Sandiganbayan or the regular courts in accordance with the provisions of Presidential Decree 1630.

SEC. 4. All other laws, orders, promulgations, rules and regulations or parts thereof, which are inconsistent herewith are hereby amended, repealed or modified accordingly.

SEC. 5. This Decree shall take effect immediately.

Done in the City of Manila, this 14th day of January, in the year of Our Lord, nineteen hundred and eighty-three.

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

By the President:

(Sgd.) JUAN C. TUVERA
Presidential Executive Assistant

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