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PART TWO

PROCEDURE IN SANDIGANBAYAN

I. STAGES IN CRIMINAL CASES

1. Filing of the Information after preliminary investigation conducted by the Office of the Ombudsman.
2. Judicial determination of probable cause to be determined by the Justices concerned.
 - 2.1 If the Court finds the existence of probable cause, the Court shall cause the issuance of Warrant of Arrest and Hold-departure Order against the accused, the first through the Chairman only, the second by Division – that is three (3) Justices signing the order;
 - 2.2 In some cases, the Court directs the Office of the Clerk of Court to schedule a hearing on the Information notifying only the prosecution (anent said hearing the Court may call the attention of the prosecution and to direct it to file a necessary pleading why the case should not be dismissed for lack of jurisdiction, why the information should not be quashed, why the accused should not be granted bail if the Office of the Ombudsman recommends no bail but the offense as seen by the Court is bailable);
 - 2.3 Possible Motion to Amend Information filed by the prosecution.
3. Arrest/Voluntary Surrender of the accused
4. Posting of Bail
 - 4.1 Possible motion for reinvestigation filed by accused. (alleging that accused was deprived of his/her right to file a motion for reconsideration before the Office of the Ombudsman on the latter's resolution/decision as mandated by Section 27 of the Ombudsman Act of 1989).
 - 4.2 Possible Motion to Withdraw Information/To Quash Information/Motion to Dismiss even if Motion for Re-Investigation is denied and/or granted.
5. Arraignment and plea
 - 5.1 Possible filing of a Motion to Suspend accused Pendente Lite by the prosecution.
 - 5.2 Possible Motion to Travel Abroad filed by the accused.
 - 5.2.1 The court will require certain conditions in the event said motion is granted such as posting of additional travel cash bond, conformity of the bondsmen if any, etc.

5.2.2 In some cases where accused files a Motion to Travel Abroad before his/her arraignment, the Court, during the hearing on the said Motion shall conduct/require a conditional arraignment of the accused if the case is pending re-investigation so that in the event the accused fails/refuses to return in the country, the court may opt to conduct a trial in absentia.

5.2.3 Possible Motion for Consolidation, if applicable.

6. Pre-trial

6.1 Submission of Joint stipulation of facts.

6.2 Issuance of Pre-Trial Inquest (Sec. 6 Rule VI)

6.3 Pre-Trial Order reciting the actions and/or proceedings taken and the alteration of presentation of evidence if warranted.

7. Trial

7.1 Prosecution presents evidence and rests case.

7.2 Possible filing of Demurrer to Evidence/Motion to Dismiss.

7.3 Presentation of defense evidence if Demurrer to Evidence/Motion to Dismiss is denied.

8. Judgment (Decision)

9. New Trial or Reconsideration

10. Appeal – Petition for Review for Certiorari under Rule 45

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