

FIFTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



'11 MAY 11 P1:28

SENATE

RECEIVED BY: 

S. No. **2813**

Introduced by Senator **FRANCIS G. ESCUDERO**

EXPLANATORY NOTE

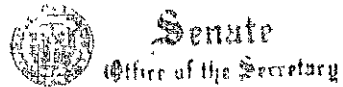
Decongestion of court dockets must be addressed, especially in a collegial and the anti-graft judicial body of our country, the Sandiganbayan.

Under the present law, the unavailability of one Justice in the Sandiganbayan can cause delay in the disposition of a case. It has caused, as a matter of record, a considerable backlog in the Sandiganbayan dockets.

Hence, this proposal further amends Section 3 of Presidential Decree No. 1606, as amended, to allow a Justice in the Sandiganbayan to hear and receive evidence while maintaining the collegial requirement for rendering decisions.


FRANCIS G. ESCUDERO

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AN ACT
AMENDING SECTION 3 OF PRESIDENTIAL DECREE NO. 1606,
AS AMENDED, OR THE LAW CREATING THE
SANDIGANBAYAN

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

1 SECTION 1. Section 3 of Presidential Decree No.1606, as amended by Republic
2 Act Nos. 7975 and 8249, is hereby amended to read as follows:

3

4 "Sec. 3. Division of the Court; Quorum. - The Sandiganbayan shall sit
5 in five (5) divisions of three justices each. [The five (5) may sit at the
6 same time.

7

8 Three Justices shall constitute a quorum for sessions in divisions:
9 Provided, That when the required quorum for the particular division
10 cannot be had due to the legal disqualification or temporary
11 disability of a Justice or of a vacancy occurring therein,] **IN CASE OF**
12 **TEMPORARY DISABILITY OF A JUSTICE OR A VACANCY**, the
13 Presiding Justice may designate [an Associate] **ANOTHER** Justice [of
14 the Court], to be determined by strict rotation on the basis of the
15 reverse order of precedence, to sit as a special member of [said] **A**
16 division with all the rights and prerogatives of a regular member [of
17 said division in the trial and] **IN THE** determination of a case or cases
18 assigned thereto, unless the operation of the court will be prejudiced
19 thereby, in which case, the President shall, upon the recommendation
20 of the Presiding Justice, designate any Justice or Justices of the Court
21 of Appeals to sit temporarily therein."

22

23 **EVERY CASE FILED IN THE SANDIGANBAYAN SHALL BE**
24 **RAFFLED FOR ASSIGNMENT TO A JUSTICE-IN-CHARGE**
25 **WHO SHALL MONITOR AND REPORT THE DEVELOPMENTS**

1 IN THE CASE TO THE MEMBERS OF HIS/HER DIVISION. THE
2 JUSTICE-IN-CHARGE MAY HEAR AND RECEIVE EVIDENCE
3 FOR THE DIVISION TO WHICH HE/SHE BELONGS AND
4 RESOLVE EVERY INCIDENT THAT ARISES IN CONNECTION
5 WITH THE PRESENTATION OF EVIDENCE IN THAT CASE.

6
7 AFTER THE CASE HAS BEEN SUBMITTED FOR DECISION,
8 THE JUSTICE-IN-CHARGE SHALL SUBMIT A REPORT TO THE
9 DIVISION WHICH SHALL CONTAIN A SUMMARY OF THE
10 CONFLICTING CLAIMS OF THE PARTIES, THE ISSUE OR
11 ISSUES INVOLVED, THE ARGUMENTS OF THE CONTENDING
12 SIDES, AND THE LAWS AND JURISPRUDENCE THAT CAN
13 AID THE DIVISION IN DECIDING OR RESOLVING THE CASE.

14
15 IN CONSULTATION, THE THREE MEMBERS OF THE
16 DIVISION SHALL AGREE ON THE CONCLUSION OR
17 CONCLUSIONS IN THE CASE AND ASSIGN A MEMBER
18 THEREOF TO WRITE THE DECISION OR RESOLUTION FOR
19 THE DIVISION. IF THE UNANIMOUS VOTE OF ALL ITS
20 MEMBERS CANNOT BE HAD, THE PRESIDING JUSTICE
21 SHALL DESIGNATE BY RAFFLE TWO SPECIAL MEMBERS FOR
22 THE DIVISION TO CONSTITUTE IT INTO A DIVISION OF
23 FIVE JUSTICES. THE MAJORITY VOTE OF SUCH DIVISION
24 SHALL PREVAIL."

25
26 **SEC. 2.** All laws, presidential decrees, executive orders, proclamations
27 and/or administrative regulations which are inconsistent with the provisions of
28 this Act are hereby amended, modified, superseded or repealed accordingly.

29 **SEC. 3.** This Act shall take effect fifteen (15) days from its publication in
30 the Official Gazette or at least three (3) newspapers of national circulation.

Approved,