

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

7 JUN 30 2010

SENATE

RECEIVED BY: S. No. 259


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 INTRODUCED BY THE HONORABLE MAR ROXAS
 

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## EXPLANATORY NOTE

This bill seeks to streamline the operations of the *Sandiganbayan* by allowing its justices to sit individually and by narrowing down its jurisdiction. Specifically, it intends to allow individual justices of the *Sandiganbayan* to hear and receive evidence on an individual basis criminal and civil cases cognizable by the said court where (1) the information does not allege any damages or bribes, or alleges damages or bribes that are either unquantifiable or not quantified therein, or alleges quantified damages or bribes that amount to less than five (5) million pesos, and, (2) no official classified as Grade "30" or higher under the Compensation and Position Classification Act of 1989 is involved.

It also seeks to narrow down its jurisdiction by transferring cases to the regional trial courts where (1) none of the accused are occupying positions corresponding to salary grade "29" as prescribed in the Compensation and Position Classification Act of 1989, and, (2) where the information does not allege any damages or bribes, or alleges damages or bribes that are either unquantifiable or not quantified therein, or alleges quantified damages or bribes that amount to one (1) million pesos only or less.

National Statistical Coordination Board data show that in 2005, the ratio of *Sandiganbayan* cases decided/resolved to the cases filed was at 0.97, indicating an increasing backlog. Prior to this, the ratio was at a more manageable 3.08 and 1.98, in 2003 and 2004, respectively.

Aside from increasing the number of justices, which would entail funding requirements, a logical alternative therefore would be to rationalize the present jurisdiction of the *Sandiganbayan* and take full advantage of the expertise of its individual justices.

It is essential for the *Sandiganbayan* to conduct expeditious trials and speedy disposition of cases to impress upon the public its degree of responsibility, integrity, and accountability at all times.

In view of the foregoing, the immediate enactment of this measure is earnestly requested.



M A R ROXAS  
 Senator

FOURTEENTH CONGRESS OF THE )  
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AN ACT  
STREAMLINING THE JURISDICTION OF THE SANDIGANBAYAN,  
AMENDING FOR THE PURPOSE PRESIDENTIAL DECREE NO. 1606,  
AS AMENDED BY R.A. NO. 7975 AND R.A. NO. 8249,  
AND FOR OTHER PURPOSES.

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

1 SECTION 1. Section 4, paragraphs A and B, of the same decree is hereby further  
2 amended to read as follows:

3 "SEC. 4. *Jurisdiction.* - THE SANDIGANBAYAN SHALL EXERCISE  
4 EXCLUSIVE ORIGINAL JURISDICTION IN ALL CASES INVOLVING:

5 "A. Violations of Republic Act No. 3019, as amended,  
6 otherwise known as the Anti-Graft and Corrupt Practices Act, Republic  
7 Act No. 1379, and Chapter 11, Section 2, Title VII, Book 11 of the  
8 Revised Penal Code, where one or more of the accused are officials  
9 occupying the following positions in the government, whether in a  
10 permanent, acting or interim capacity, at the time of the commission of  
11 the offense:

12 "(1) SUBJECT TO THE PROVISIO IN PARAGRAPH (5)  
13 HEREOF, [O] officials of the executive branch occupying the  
14 positions of regional director and higher, otherwise classified as

1 Grade '27' and higher, of the Compensation and Position  
2 Classification Act of 1989 (Republic Act No. 6758), specifically  
3 including:

4 "(a) Provincial governors, vice-governors,  
5 members of the sangguniang panlalawigan, and  
6 provincial treasurers, assessors, engineers, and other city  
7 department heads;

8 "(b) City mayor, vice-mayors, members of the  
9 sangguniang panlungsod, city treasurers, assessors,  
10 engineers, and other city department heads;

11 "(c) Officials of the diplomatic service occupying  
12 the position of consul and higher;

13 "(d) Philippine army and air force colonels, naval  
14 captains, and all officers of higher rank;

15 "(e) Officers of the Philippine National Police  
16 while occupying the position of provincial director and  
17 those holding the rank of senior superintendent or  
18 higher;

19 "(f) City and provincial prosecutors and their  
20 assistants, and officials and prosecutors in the Office of  
21 the Ombudsman and Special Prosecutor;

22 "(g) Presidents, directors or trustees, or managers  
23 of government-owned or controlled corporations, state  
24 universities or educational institutions or foundations.

1                   “(2) Members of Congress and officials thereof classified  
2 as Grade ‘27’ and up under the Compensation and Position  
3 Classification Act of 1989;

4                   “(3) Members of the judiciary without prejudice to the  
5 provisions of the Constitution;

6                   “(4) Chairmen and members of Constitutional  
7 Commission, without prejudice to the provisions of the  
8 Constitution; and

9                   “(5) *All other national and local officials classified as*  
10 *Grade ‘27’ and higher under the Compensation and Position*  
11 *Classification Act of 1989 - PROVIDED, THAT, WHERE*  
12 *NONE OF THE ACCUSED ARE OCCUPYING POSITIONS*  
13 *CORRESPONDING TO SALARY GRADE “29” AS*  
14 *PRESCRIBED IN THE SAME COMPENSATION AND*  
15 *POSITION CLASSIFICATION ACT OF 1989, AND, THE*  
16 *INFORMATION FILED DOES NOT ALLEGE ANY DAMAGES*  
17 *OR BRIBES; OR ALLEGES DAMAGES OR BRIBES THAT ARE*  
18 *UNQUANTIFIABLE OR NOT QUANTIFIED THEREIN; OR*  
19 *ALLEGES QUANTIFIED DAMAGES OR BRIBES THAT*  
20 *AMOUNT TO ONE (1) MILLION PESOS ONLY OR LESS,*  
21 *EXCLUSIVE ORIGINAL JURISDICTION THEREOF SHALL BE*  
22 *VESTED IN THE PROPER REGIONAL TRIAL COURT;*  
23 *PROVIDED, FURTHER, THAT ANY CASE INVOLVING*  
24 *OFFICIALS CLASSIFIED AS GRADE “27” OR “28”, OVER*  
25 *WHICH THE REGIONAL TRIAL COURT HAS EXCLUSIVE*

1 ORIGINAL JURISDICTION BY VIRTUE OF THIS  
2 PARAGRAPH, SHALL BE TRIED, SUBJECT TO RULES  
3 PROMULGATED BY THE SUPREME COURT, IN THE TRIAL  
4 COURT OF A DIFFERENT REGION FROM WHERE THE  
5 OFFICIAL IS STATIONED.”

6 “B. Other offenses or felonies committed by the public officials  
7 and employees mentioned in subsection (a) of this section in relation to  
8 their office.

9 “C. Civil and criminal cases filed pursuant to and in connection  
10 with Executive Order Nos. 1,2,14 and 14-A.

11 "In cases where none of the accused are occupying positions  
12 corresponding to salary grade '27' or higher, as prescribed in the said Republic  
13 Act No. 6758, or military or PNP officers mentioned above, exclusive original  
14 jurisdiction thereof shall be vested in the proper regional trial court,  
15 metropolitan trial court, municipal trial court and municipal circuit trial court  
16 ' as the case may be, pursuant to their respective jurisdiction as provided in  
17 Batas Pambansa Blg. 129, as amended.

18 "The Sandiganbayan shall exercise exclusive appellate jurisdiction *over*  
19 *final judgments, resolutions or orders or regional trial courts whether* in the  
20 exercise of their own original jurisdiction or of their appellate jurisdiction as  
21 herein provided.

22 "The Sandiganbayan shall have exclusive original jurisdiction over  
23 petitions for the issuance of the writs of mandamus, prohibition, certiorari,  
24 habeas corpus, injunctions, and other ancillary writs and processes in aid of its  
25 appellate jurisdiction and over petitions of similar nature, including quo

1 warranto, arising or that may arise in cases filed or which may be filed under  
2 Executive Order Nos. 1,2,14 and 14-A, issued in 1986: Provided, That the  
3 jurisdiction over these petitions shall not be exclusive of the Supreme Court.

4 "The procedure prescribed in Batas Pambansa Blg. 129, as well as the  
5 implementing rules that the Supreme Court has promulgated and may  
6 hereafter promulgate, relative to appeals/petitions for review to the Court of  
7 Appeals, shall apply to appeals and petitions for review filed with the  
8 Sandiganbayan. In all cases elevated to the Sandiganbayan and from the  
9 Sandiganbayan to the Supreme Court, the Office of the Ombudsman, through  
10 its special prosecutor, shall represent the People of the Philippines, except in  
11 cases filed pursuant to Executive Order Nos. 1,2, 14 and 14-A. issued in 1986.

12 "In case private individuals are charged as co-principals, accomplices or  
13 accessories with the public officers or employees, including those employed in  
14 government-owned or controlled corporations, they shall be tried jointly with  
15 said public officers and employees in the proper courts which shall exercise  
16 exclusive jurisdiction over them.

17 "Any provisions of law or Rules of Court to the contrary  
18 notwithstanding, the criminal action and the corresponding civil action for the  
19 recovery of civil liability shall at all times be simultaneously instituted with,  
20 and jointly determined in, the same proceeding by the Sandiganbayan or the  
21 appropriate courts, the filing of the criminal action being deemed to  
22 necessarily carry with it the filing of the civil action, and no right to reserve  
23 the filing of such civil action separately from the criminal action shall be  
24 recognized: Provided, however, That where the civil action had therefore  
25 been filed separately but judgment therein has not yet been rendered, and the

1 criminal case is hereafter filed with the Sandiganbayan or the appropriate  
2 court, said civil action shall be transferred to the Sandiganbayan or the  
3 appropriate court, as the case may be, for consolidation and joint  
4 determination with the criminal action, otherwise the separate civil action  
5 shall be deemed abandoned."

6 SEC. 2. Section 5 of the same decree is hereby further amended to read as follows:

7 SEC. 5. *Proceedings, how conducted; votes required.* - (A) THE  
8 SANDIGANBAYAN SHALL DESIGNATE A JUSTICE TO HEAR THE CASE  
9 AND RECEIVE EVIDENCE IN CASES WHEREIN:

10 A) THE INFORMATION FILED -

11 I. DOES NOT ALLEGE ANY DAMAGES OR BRIBES; OR

12 II. ALLEGES DAMAGES OR BRIBES THAT ARE EITHER  
13 UNQUANTIFIABLE OR NOT QUANTIFIED THEREIN; OR

14 III. ALLEGES QUANTIFIED DAMAGES OR BRIBES THAT AMOUNT TO  
15 LESS THAN FIVE (5) MILLION PESOS; AND

16 B) NO OFFICIAL CLASSIFIED AS GRADE 30 OR HIGHER UNDER THE  
17 COMPENSATION AND POSITION CLASSIFICATION ACT OF 1989 IS  
18 INVOLVED.

19 THE JUSTICE ASSIGNED SHALL IMMEDIATELY SUBMIT TO THE  
20 DIVISION HIS FINDINGS, REPORTS, AND RECOMMENDATIONS WITHIN FIVE  
21 (5) DAYS FROM THE COMPLETION OF SUCH SUBMISSION OF EVIDENCE. THE

1 DIVISION SHALL RENDER ITS DECISION WITHIN FIVE (5) DAYS FROM  
2 RECEIPT THEREOF.

3 (B) ALL OTHER CASES SHALL BE HEARD AND DECIDED BY THE  
4 DIVISION.

5 (c) The unanimous vote of the three justices in a division shall be  
6 necessary for the pronouncement of a judgment. In the event that the  
7 three justices do not reach a unanimous vote, the Presiding Judge shall  
8 designate two other justices from among the members of the Court to  
9 sit temporarily with them, forming a division of five justices, and the  
10 concurrence of a majority of such division shall be necessary for  
11 rendering judgment.

12 SEC. 3. *Separability Clause.* - If for any reason any provision of this Act is declared  
13 unconstitutional or invalid, such parts or portions not affected thereby shall remain in full  
14 force and effect.

15 SEC. 4. *Repealing Clause.* - All acts, decrees, general orders and circulars, or parts  
16 thereof inconsistent with the provisions of this Act are hereby repealed or modified  
17 accordingly.

18 SEC. 5. *Effectivity.* - This Act shall take effect fifteen (15) days after its complete  
19 publication in at least two (2) newspapers of general circulation.

Approved,