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SENATE

S. No. 2138

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(In substitution of Senate Bill Nos. 470 and 472)

Prepared by the Committee on Justice and Human Rights with Senators Drilon,
Guingona and Pimentel as authors thereof

AN ACT
FURTHER AMENDING PRESIDENTIAL DECREE NO. 1606,
AS AMENDED

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

1 SECTION 1. Section 3 of Presidential Decree No. 1606, as amended, is hereby
2 further amended to read as follows:

3
4 "Sec. 3. **CONSTITUTION OF THE Divisions** [of the Courts]; *Quorum*. - The
5 *Sandiganbayan* shall sit in five (5) divisions of three justices each. [The five (5)
6 may sit at the same time.]

7
8 [Three] TWO' (2) justices shall constitute a quorum for sessions in divisions:
9 *Provided*, That when the required quorum for the particular division cannot be
10 had due to the legal disqualification or temporary [disability] **INCAPACITY** of
11 a [Justice] **MEMBER** or [of] a vacancy [occurring] therein, the *Presiding Justice*
12 may designate [an Associate Justice of the Court] **A MEMBER OF ANOTHER**
13 **DIVISION** to be determined by strict rotation on the basis of the reverse order
14 of precedence, to sit as a special member of said division with all the rights and
15 prerogatives of a regular member of said division in the trial and determination
16 of a case or cases assigned thereto [, unless the operation of the court will be
17 prejudiced thereby, in which case, the President shall, upon the

1 recommendation of the Presiding Justice, designate any Justice or Justices of the
2 Court of Appeals to sit temporarily therein].”

3
4 **SECTION 2.** Section 4 of the same decree is hereby further amended to read as
5 follows:

6
7 “Sec. 4. *Jurisdiction.* – The *Sandiganbayan* shall exercise **EXCLUSIVE** original
8 jurisdiction in all cases involving:

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

16
17 (1) Officials of the executive branch occupying the positions of regional
18 director and higher, otherwise classified as Grade ‘27’ and higher, of the
19 Compensation and Position Classification Act of 1989 (Republic Act No.
20 6758), specifically including:

21
22 (a) Provincial governors, vice-governors, members of the *sangguniang*
23 *panlalawigan*, and provincial treasurers, assessors, engineers, and
24 other provincial department head;

25 (b) City mayors, vice-mayors, members of the *sangguniang panglungsod*,
26 city treasurer, assessors, engineers, and other city department heads;

27 (c) Officials of the diplomatic service occupying the position of consul
28 and higher;

29 (d) Philippine army and air force colonels, naval captains, and all officers
30 of higher rank;

31 (e) Officers of the Philippine National Police while occupying the
32 position of provincial director and those holding the rank of senior
33 superintendent or higher;

34 (f) City and provincial prosecutors and their assistants, and officials and
35 prosecutors in the Office of the Ombudsman and special prosecutor;

1 (g) Presidents, directors or trustees, or managers of government-owned
2 or controlled corporations, state universities or education institutions
3 or foundations;

4
5 (2) Members of Congress and officials thereof classified as Grade "27" and
6 up under the Compensation and Position Classification Act of 1989;

7 (3) Members of the Judiciary without prejudice to the provisions of the
8 Constitution;

9 (4) Chairmen and members of the Constitutional Commissions, without
10 prejudice to the provisions of the Constitution; and

11 (5) All other national and local officials classified as Grade '27' and higher
12 under the Compensation and Position Classification Act of 1989.

13
14 b. Other offenses or felonies whether simple or complexed with other crimes
15 committed by the public officials and employees mentioned in subsection a of
16 this section in relation to their office.

17 c. Civil and criminal cases filed pursuant to and in connection with Executive
18 Order Nos. 1, 2, 14 and 14-A, issued in 1986.

19
20 **PROVIDED, THAT THE REGIONAL TRIAL COURT SHALL HAVE**
21 **EXCLUSIVE ORIGINAL JURISDICTION WHERE THE INFORMATION (A)**
22 **DOES NOT ALLEGE ANY DAMAGE OR BRIBE; (B) ALLEGES DAMAGE**
23 **OR BRIBE THAT ARE UNQUANTIFIABLE; OR (C) ALLEGES DAMAGE**
24 **OR BRIBE ARISING FROM THE SAME OR CLOSELY RELATED**
25 **TRANSACTIONS OR ACTS NOT EXCEEDING ONE MILLION PESOS**
26 **(P1,000,000.00).**

27
28 **SUBJECT TO THE RULES PROMULGATED BY THE SUPREME COURT,**
29 **THE CASES FALLING UNDER THE JURISDICTION OF THE REGIONAL**
30 **TRIAL COURT UNDER THIS SECTION SHALL BE TRIED IN A JUDICIAL**
31 **REGION OTHER THAN WHERE THE OFFICIAL HOLDS OFFICE.**

32
33 In cases where none of the accused are occupying positions corresponding to
34 Salary Grade "27" or higher, as prescribed in the said Republic Act No. 6758, or
35 military and PNP officers mentioned above, exclusive original jurisdiction
36 thereof shall be vested in the proper regional trial court, metropolitan trial court,

1 municipal trial court, and municipal circuit trial court, as the case may be,
2 pursuant to their respective jurisdictions as provided in Batas Pambansa Blg.
3 129, as amended.

4
5 The *Sandiganbayan* shall exercise exclusive appellate jurisdiction over final
6 judgments, resolutions or orders of regional trial courts whether in the exercise
7 of their own original jurisdiction or of their appellate jurisdiction as herein
8 provided.

9
10 The *Sandiganbayan* shall have exclusive original jurisdiction over petitions for
11 the issuance of the *writs of mandamus, prohibition, certiorari, habeas corpus,*
12 *injunctions,* and other ancillary writs and processes in aid of its appellate
13 jurisdiction and over petitions of similar nature, including *quo warranto,* arising
14 or that may arise in cases filed or which may be filed under Executive Order
15 Nos. 1, 2, 14 and 14-A, issued in 1986: *Provided,* That the jurisdiction over these
16 petitions shall not be exclusive of the Supreme Court.

17
18 The procedure prescribed in Batas Pambansa Blg 129, as well as the
19 implementing rules that the Supreme Court has promulgated and may
20 hereafter promulgate, relative to appeals/petitions for review to the Court of
21 Appeals, shall apply to appeals and petitions for review filed with the
22 *Sandiganbayan.* In all cases elevated to the *Sandiganbayan* and from the
23 *Sandiganbayan* to the Supreme Court, the Office of the Ombudsman through its
24 special prosecutor, shall represent the People of the Philippines except in cases
25 filed pursuant to Executive Order Nos. 1, 2, 14 and 14-A, issued in 1986.

26
27 In case private individuals are charged as co-principals, accomplices or
28 accessories with the public officers or employees, including those employed in
29 government-owned or controlled corporations, they shall be tried jointly with
30 said public officers and employees in the proper courts which shall exercise
31 exclusive jurisdiction over them.

32
33 Any provision of law or Rules of Court to the contrary notwithstanding, the
34 criminal action and the corresponding civil action for the recovery of civil
35 liability shall at all times be simultaneously instituted with, and jointly

1 determined in, the same proceeding by the *Sandiganbayan* or to appropriate
2 courts, the filing of the criminal action being deemed to necessarily carry with
3 it the filing of civil action, and no right to reserve the filing of such civil action
4 separately from the criminal action shall be recognized: *Provided, however,* That
5 where the civil action had heretofore been filed separately but judgment
6 therein has not yet been rendered, and the criminal case is hereafter filed with
7 the *Sandiganbayan* or the appropriate court, said civil action shall be transferred
8 to the *Sandiganbayan* or the appropriate court, as the case may be, for
9 consolidation and joint determination with the criminal action, otherwise the
10 separate civil action shall be deemed abandoned.”

11
12 **SECTION 3.** Section 5 of the same decree is hereby further amended to read as
13 follows:

14
15 “Section 5. (A). *Proceedings, how conducted [; votes required].* - WHEN THERE
16 ARE TWO OR MORE CASES READY FOR TRIAL ON A PARTICULAR
17 DAY, THE CHAIRPERSON OF A DIVISION SHALL DESIGNATE A
18 MEMBER TO HEAR AND RECEIVE EVIDENCE, AND RESOLVE ALL
19 INCIDENTS ARISING THEREFROM FOR THAT DAY.

20
21 (B) *VOTES REQUIRED FOR JUDGMENT OR FINAL ORDER.* - ALL
22 THREE (3) MEMBERS OF A DIVISION SHALL DELIBERATE ON A CASE
23 SUBMITTED FOR JUDGMENT OR FINAL ORDER.

24
25 The [unanimous vote] **CONCURRENCE** of [the three] **TWO (2)** Justices
26 in a division shall be necessary **TO RENDER** [for the pronouncement of a]
27 judgment **OR FINAL ORDER.** [In the event that the three Justices do not reach
28 a unanimous vote, the Presiding Judge shall designate two other Justices from
29 among the members of the Court to sit temporarily with them, forming a
30 division of five justices, and the concurrence of a majority of such division shall
31 be necessary for rendering judgment.]”

32
33 **SECTION 4.** *Administrative Personnel.* - The *Sandiganbayan* shall appoint such
34 personnel as it may deem necessary to discharge its functions under this Act,
35 including the upgrading of plantilla positions that provide administrative and
36 adjudicative support to the operations of the *Sandiganbayan*.

1
2 **SECTION 5. *Funding and Appropriations.*** – The amount necessary to carry out
3 the implementation of this Act shall be charged against the current appropriations of
4 the *Sandiganbayan*. Thereafter, such sums as may be needed for its full implementation
5 shall be included in the annual General Appropriations Act.
6

7 **SECTION 6. *Transitory Provision.*** – This Act shall apply to all cases pending in
8 the *Sandiganbayan* over which trial has not begun: *Provided, That:* (a) Section 2,
9 amending Section 4 of P.D. 1606, as amended, on “*Jurisdiction*”; and (b) Section 3,
10 amending Section 5 of P.D. 1606, as amended, and providing for Section 5 (B) on
11 “*Votes Required for Judgment or Final Order*”, shall apply to cases arising from offenses
12 committed after the effectivity of this Act.
13

14 **SECTION 7. *Separability Clause.*** Should any provision of this Act or part
15 hereof be declared unconstitutional, the other provisions or parts not affected thereby
16 shall remain valid and effective.
17

18 **SECTION 8. *Repealing Clause.*** All laws, decrees, orders, and issuances, or
19 portions thereof, which are inconsistent with the provisions of this Act, are hereby
20 repealed, amended or modified accordingly.
21

22 **SECTION 9. *Effectivity.*** This Act shall take effect after fifteen (15) days from
23 its publication in the *Official Gazette* or in two (2) newspapers of general circulation.
24

25 *Approved,*