

PRESIDENTIAL DECREE NO. 1606, as amended by
R.A. NO. 7975* and R.A. NO. 8249*

(REVISING PRESIDENTIAL DECREE NO. 1486 CREATING A SPECIAL
COURT TO BE KNOWN AS "SANDIGANBAYAN" AND FOR
OTHER PURPOSES)

WHEREAS, the new Constitution declares that a public office is a public trust and ordains that public officers and employees shall serve with a highest degree of responsibility, integrity, loyalty and efficiency and shall remain at all times accountable to the people;

WHEREAS, to attain the highest norms of official conduct required of public officers and employees, Section 5, Article XIII of the New Constitution provides for the creation of a special court to be known as *Sandiganbayan*;

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

Section 1. Sandiganbayan; composition; qualifications; tenure; removal; and compensation. -- A special court, of the same level as the Court of Appeals and possessing all the inherent powers of a court of justice, to be known as the *Sandiganbayan* is hereby created composed of a Presiding Justice and fourteen Associate Justices who shall be appointed by the President. (As amended by R.A. No. 8249)

No person shall be appointed Presiding Justice or Associate Justice of the *Sandiganbayan*; unless he is natural-born citizen of the Philippines, at least 40 years of age and for at least ten years has been a judge of a court of record or been engaged in the practice of law in the Philippines or has held office requiring admission to the bar as a pre-requisite for a like period.

The Presiding Justice shall be so designated in his commission and the other Justices shall have precedence according to the dates of their respective of commission, or, when the commission of two or more of them shall bear the same date, according to the order in which their commissions have been issued by the President.

The Presiding Justice and the Associate Justices shall not be removed from office except on impeachment upon the grounds and in the manner provided for in Section 2, 3 and 4 of Article XIII of the 1973 Constitution.

The Presiding Justice shall receive an annual compensation of P60, 000.00 and each Associate Justice P 55, 000.00 which shall be diminished during their continuance in office. They shall have the same rank, privileges and other emoluments, be subject to the same inhibition and disqualifications, and enjoy the same retirement and other benefits as those provided for under existing laws for the Presiding Justice and Associate Justices of the Court of Appeals.

*R.A. No. 8249 took effect on February 23, 1997

*R.A. No. 7975 took effect on May 6, 1995

Whenever the salaries of the Presiding Justice and Associate Justices of the Court of Appeals are increased, such increases in salaries shall be correspondingly extended to and enjoyed by the Presiding Justice and Associate Justices of the *Sandiganbayan*.

They shall hold office until they reach the age of 65 years or become incapacitated to discharge the duties of their office.

Section 2. Official Station; Place of Holding Sessions. -- The *Sandiganbayan* shall have its principal office in the Metro Manila area and shall hold sessions thereat for the trial and determination of cases filed with it: *Provided, however,* That cases originating from the principal geographical regions of the country, that is, from Luzon, Visayas, or Mindanao, shall be heard in their respective regions of origin except only when the greater convenience of the accused and of the witnesses, or other compelling considerations require the contrary, in which instance a case originating from one geographical region: *Provided, further,* That for this purpose the presiding justice shall authorize any division or divisions of the court to hold sessions at any time and place outside Metro Manila and, where the interest of justice so requires, outside the territorial boundaries of the Philippines. "The *Sandiganbayan* may require the services of the personnel and the use of facilities of the courts or other government offices where any of the divisions is holding sessions and the personnel of such courts or offices shall be subject to the orders of the *Sandiganbayan*. (As amended by R.A. NO. 8249)

Section 3. Division of the Court; Quorum -- The *Sandiganbayan* shall sit in five (5) divisions of three Justices each. The five (5) may sit at the same time.

Three Justices shall constitute a quorum for sessions in divisions: *Provided,* that when the required quorum for the particular division cannot be had due to the legal qualification or temporary disability of a Justice or of a vacancy occurring therein, the Presiding Justice may designate an Associate Justice of the Court, to be determined by strict rotation on the basis of the reverse order of precedence, to sit as a special member of said division with all the rights and prerogatives of a regular member of said division in the trial and determination of a case or cases assigned thereto, unless the operation of the court will be prejudice thereby, in which case the President shall, upon the recommendation of the Presiding Justice, designate any Justice or Justices of the Court of Appeals to sit temporarily therein. (As amended by R.A. No. 7975)

Section 4. Jurisdiction -- The *Sandiganbayan* shall exercise exclusive original jurisdiction in all cases involving:

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

- (1) Officials of the executive branch occupying the positions of regional director and higher, otherwise classified as Grade "27" and higher of the Compensation and Position Classification Act of 1989 (Republic Act No. 6758), specifically including:
 - (a) Provincial governors, vice-governors, members of the *sangguniang panlalawigan*, and provincial treasurers, assessors, engineers, and other provincial department heads;
 - (b) City mayors, vice-mayors, members of the *sangguniang panlungsod*, city treasurers, assessors, engineers, and other city department heads;
 - (c) Officials of the diplomatic service occupying the position of consul and higher;
 - (d) Philippine army and air force colonels, naval captains, and all officers of higher rank;
 - (e) Officers of the Philippine National Police while occupying the position of provincial director and those holding the rank of senior superintendent or higher;
 - (f) City and provincial prosecutors and their assistants, and officials and prosecutors in the Office of the Ombudsman and special prosecutor;
 - (g) Presidents, directors or trustees, or managers of government-owned or controlled corporations, state universities or educational institutions or foundations;
- (2) Members of Congress and officials thereof classified as Grade "27" and up under the Compensation and Position Classification Act of 1989;
- (3) Members of the judiciary without prejudice to the provisions of the Constitution;
- (4) Chairmen and members of Constitutional Commissions, without prejudice to the provisions of the Constitution; and
- (5) All other national and local officials classified as Grade "27" and higher under the Compensation and Position Classification Act of 1989.

(B) Other offenses or felonies whether simple or complexed with other crimes committed by the public officials and employees mentioned in subsection of this section in relation to their office.

(C) Civil and criminal cases filed pursuant to and in connection with Executive Order Nos. 1, 2, 14 and 14-A, issued in 1986.

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

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

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

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

In case private individuals are charged as co-principals, accomplices or accessories 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 in the proper courts which shall exercise exclusive jurisdiction over them.

Any provision of law or Rules of Court to the contrary notwithstanding, the criminal action and the corresponding civil action for the recovery of civil liability shall at all times be simultaneously instituted with, and jointly determined in, the same proceeding by the *Sandiganbayan* or to appropriate courts, the filing of the criminal action being deemed to necessarily carry with it the filing of civil action, and no right to reserve the filing of such civil action separately from the criminal action shall be recognized:

Provided, however, That where the civil action had heretofore been filed separately but judgment therein has not yet been rendered, and the criminal case is hereafter filed with the *Sandiganbayan* or the appropriate court, said civil action shall be transferred to the *Sandiganbayan* or the appropriate court, as the case may be, for consolidation and joint determination with the criminal action, otherwise the separate civil action shall be deemed abandoned. (As amended by R.A. No. 8249)

Section 5. Proceedings, how conducted; votes required. – The unanimous vote of the three justices in a division shall be necessary for the pronouncement of a judgment. In the event that the three justices do not reach a unanimous vote, the Presiding Justice shall designate two other justices from among the members of the Court to sit temporarily with them, forming a division of five justices, and the concurrence of a majority of such division shall be necessary for rendering judgment.

Section 6. Maximum period for termination of cases. – As far as practicable, the trial of cases before the *Sandiganbayan* once commenced shall be continuous until terminated and the judgment shall be rendered within three (3) months from the date the case was submitted for decision.

Section 7. Form, Finality and Enforcement of Decisions. – All decisions and final orders determining the merits of a case or finally disposing of the action or proceedings of the *Sandiganbayan* shall contain complete findings of the facts and the law on which they are based, on all issues properly raised before it and necessary in deciding the case.

A petition for reconsideration of any final order or decision may be filed within fifteen (15) days from promulgation or notice of the final order or judgement, and such motion for reconsideration shall be decided within thirty (30) days from submission thereon.

Decisions and final orders of the *Sandiganbayan* shall be appealable to the Supreme Court by petition for review on *certiorari* raising pure questions of law in accordance with Rule 45 of the Rules of Court. Whenever, in any case decided by the *Sandiganbayan*, the penalty of *reclusion perpetua*, life imprisonment or death is imposed, the decision shall be appealable to the Supreme Court in the manner prescribed in the Rules of Court.

Judgements and orders of the *Sandiganbayan* will be executed and enforced in the manner provided by law.

Decisions and final orders of other courts in cases cognizable by said courts under this decree as well as those rendered by them in exercise of their appellate jurisdiction shall be appealable to, or be reviewable by, the *Sandiganbayan* in the manner provided by Rule 122 of the Rules of Court.

In case, however, the imposed penalty by the *Sandiganbayan* or the regional trial court in the proper exercise of their respective jurisdiction, is death, review by the Supreme Court shall be automatic, whether or not the accused files an appeal. (As amended by R.A. No. 8249)

Section 8. Transfer of cases. - As of the date of the effectivity of this decree any case cognizable by the *Sandiganbayan* within its exclusive jurisdiction where none of the accused has been arraigned shall be transferred to the *Sandiganbayan*.

Section 9. Rules of Procedure. - The Rules of Court promulgated by the Supreme Court shall apply to all cases and proceedings filed with the *Sandiganbayan*. The *Sandiganbayan* shall have no power to promulgate its own rules of procedure, except to adopt internal rules governing the allotment of cases among the division, the rotation of justices among them, and other matters relating to the internal operations of the court which shall be enforced until repealed or modified by the Supreme Court. (As amended by R.A. No. 7975)

Section 10. (Repealed by R.A. No. 7975)

Section 11. Proceeding free of charge. - All proceedings in the *Sandiganbayan* shall be conducted at no cost to the complainant and/or his witnesses.

No criminal information or complaint shall be entertained by the *Sandiganbayan* except upon a certification by the Investigating Prosecutor of the existence of a *prima facie* case to be determined after a preliminary investigation conducted in accordance with applicable laws and approved by the Chief Special Prosecutor.

Section 12. Administrative personnel. - The *Sandiganbayan* shall select and appoint such personnel as it may deem necessary to discharge its functions under this Decree including a Clerk of Court and three (3) Deputy Clerks of Court who shall be members of the Bar.

The Clerk of Court shall have an annual compensation of P36,000.00 and the Deputy Clerks of Court P30,000.00.

All other subordinate employees of the *Sandiganbayan* shall be governed by the provisions of the Civil Service Law; *Provided*, that the *Sandiganbayan* may, by resolution *en banc*, remove any of them for cause.

Section 13. Report to the President. - The *Sandiganbayan* shall submit an annual report to the President, including all disbursements of funds entrusted to it, within two months from the end of the Fiscal Year.

Section 14. Funding. - There is hereby immediately appropriated the sum of Five Million Pesos (P5,000,000.00) out of any funds in the National Treasury to carry out

the provisions of this Decree and thereafter to be included in the general appropriations act. The appropriations for the *Sandiganbayan* shall be automatically released in accordance with a schedule submitted by the *Sandiganbayan*.

Section 15. Separability of Provisions. - If for any reason, any section or provision of this Decree is declared to be unconstitutional or invalid, other sections or provisions thereof which are not affected thereby, shall continue in full force and effect.

Section 16. Repealing Clause. - This Decree hereby repeals Presidential Decree No. 1486 and all other provisions of law, General Orders, Presidential Decrees, Letters of Instructions, rules or regulations inconsistent herewith.

Section 17. Effectivity. - This Decree shall take effect immediately.

Done in the City of Manila, this 10th day of December, in the year of Our Lord, nineteen hundred and seventy-eight.