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

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

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 lease 40 years of age

and for at lease 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.

63 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 of 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 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

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. 8249)

Section 4. Jurisdiction – The Sandiganbayan shall exercise 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 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:

64 (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 treasurer, 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.

65 (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 prescribe 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:

66 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 of 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 for 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 order 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.

67 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 a 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

68 the provision 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 continues 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.

69