

S. No. 2138
H. No. 5283

Republic of the Philippines
Congress of the Philippines
Metro Manila
Sixteenth Congress
Second Regular Session

Begun and held in Metro Manila, on Monday, the twenty-eighth day of July, two thousand fourteen.

[REPUBLIC ACT NO. 10660]

AN ACT STRENGTHENING FURTHER THE FUNCTIONAL AND STRUCTURAL ORGANIZATION OF THE SANDIGANBAYAN, FURTHER AMENDING PRESIDENTIAL DECREE NO. 1606, AS AMENDED, AND APPROPRIATING FUNDS THEREFOR

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

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

“SEC. 3. *Constitution of the Divisions; Quorum.*
– The Sandiganbayan shall sit in seven (7) divisions of three (3) members each.

"Two (2) members 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 disqualification or temporary incapacity of a member or a vacancy therein, the Presiding Justice may designate a member of another division 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."

SEC. 2. Section 4 of the same decree, as amended, is hereby further amended to read as follows:

"SEC. 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 Corrupt Practices Act, 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 and 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 higher 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 the 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 complex with other crimes committed by the public officials and employees mentioned in subsection a. of this section in relation to their office.

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

"*Provided*, That the Regional Trial Court shall have exclusive original jurisdiction where the information: (a) does not allege any damage to the government or any bribery; or (b) alleges damage to the government or bribery arising from the same or closely related transactions or acts in an amount not exceeding One million pesos (P1,000,000.00).

"Subject to the rules promulgated by the Supreme Court, the cases falling under the jurisdiction of the Regional Trial Court under this section shall be tried in a judicial region other than where the official holds office.

"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 provisions 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 the appropriate courts, the filing of the criminal action being deemed to necessarily carry with it the filing of the 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.”

SEC. 3 Section 5 of the same decree is hereby amended to read as follows:

“SEC. 5. *Proceedings, How Conducted; Decision by Majority Vote.* – All three (3) members of a division shall deliberate on all matters submitted for judgment, decision, final order, or resolution.

“The concurrence of a majority of the members of a division shall be necessary to render a judgment, decision, or final order, or to resolve interlocutory or incidental motions.”

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

SEC. 5. *Transitory Provision.* – This Act shall apply to all cases pending in the Sandiganbayan over which trial has not begun: *Provided, That:* (a) Section 2, amending Section 4 of Presidential Decree No. 1606, as amended, on “Jurisdiction”; and (b) Section 3, amending Section 5 of Presidential Decree No. 1606, as amended, on “Proceedings, How Conducted; Decision by Majority Vote” shall apply to cases arising from offenses committed after the effectivity of this Act.

SEC. 6. *Separability Clause.* – Should any provision of this Act or part hereof be declared unconstitutional, the other provisions or parts not affected thereby shall remain valid and effective.

SEC. 7. *Repealing Clause.* – All laws, decrees, orders, and issuances, or portions thereof, which are inconsistent with the provisions of this Act, are hereby repealed, amended or modified accordingly.

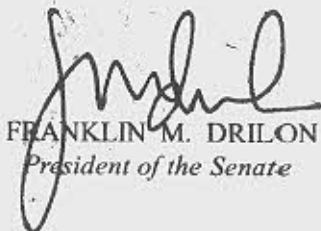
SEC. 8. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in two (2) newspapers of general circulation.

Approved,



FELICIANO BELMONTE JR.

*Speaker of the House
of Representatives*



FRANKLIN M. DRILON

President of the Senate

This Act which is a consolidation of Senate Bill No. 2138 and House Bill No. 5283 was finally passed by the Senate and the House of Representatives on February 25, 2015.



MARILYN B. BARUA-YAP

*Secretary General
House of Representatives*



OSCAR S. YABES

Secretary of the Senate

Approved: **APR 16 2015**



BENIGNO S. AQUINO III

President of the Philippines



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