

[PRESIDENTIAL DECREE NO. 1486, June 11, 1978]

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 the 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 Constitution and pursuant to Proclamation No. 1081, dated September 21, 1972, do hereby order and decree as follows:

SECTION 1. *Sandiganbayan; Composition; Qualifications; tenure; removal and compensation.*—A special court, possessing all the inherent powers of a court of justice, to be known as the Sandiganbayan is hereby created composed of a Presiding Judge and eight (8) Associate Judges who shall be appointed by the President and shall be subject to the same inhibitions and/or disqualifications as judges of courts of first instance.

No person shall be appointed Presiding Judge or Associate Judge of the *Sandiganbayan*, unless he is a natural-born citizen of the Philippines, at least 40 years of age and for at least ten (10) years or more had 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 prerequisite for a like period.

The Presiding Judge shall be so designated in his commission and the other judges shall have precedence according to the dates of their respective commissions, or when the commissions of two (2) 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 Judge and the Associate Judges shall not be removed from office except on impeachment upon the grounds and in the manner provided for in Sections 2 and 3 of Article III of the 1973 Constitution.

The Presiding Judge shall receive an annual compensation of P60,000.00 and each Associate Judge P50,000.00 which shall not be diminished during their continuance in office.

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

SEC. 2. *Official Station; Place of Holding Sessions.*—The *Sandiganbayan* shall have its principal office in the Metro Manila Area; *Provided, however*, that the Presiding Judge may authorize any division or divisions of the court to hold sessions at any

time and place outside Metro Manila to hear and decide cases emanating from any of the existing judicial districts.

Whenever necessary, the *Sandiganbayan* may require the services of the personnel and the use of the facilities of any agency of the Government, national or local, including the courts of first instance of the province where any of the divisions is holding session and those personnel of such agencies or courts shall be subject to the order of the *Sandiganbayan*.

SEC. 3. Quorum.—Five judges shall constitute a quorum for sessions en banc, and two judges for sessions in division; Provided, that when a quorum and/or the majority required for a decision of the *Sandiganbayan* either *en banc* or in division, or the trial or hearing of cases cannot be had due to the legal disqualification or temporary disability of a judge or of a vacancy occurring therein, the President shall, upon recommendation of the Presiding Judge, designate any judge of the court of first instance or of the circuit criminal court of the judicial district concerned to sit temporarily therein.

The *Sandiganbayan* shall as a body, sit *en banc* but it may sit in three (3) divisions of three (3) judges each. The three (3) divisions may sit at the same time.

If the Presiding Judge is present in any session of the court, whether *en banc* or in division, he shall preside. In his absence the Associate Judge attending who is first in precedence shall preside.

SEC. 4. Jurisdiction.—Except as herein provided, the *Sandiganbayan* shall have original and exclusive jurisdiction to try and decide:

- a. Violations of Republic Act No. 3019, as amended, otherwise known as the Anti-Graft and Corrupt Practices Act and Republic Act No. 1379;
- b. Crimes committed by public officers or employees, including those employed in government-owned or controlled corporations, embraced in Title VII of the Revised Penal Code;
- c. Other crimes or offenses committed by public officers or employees including those employed in government-owned or controlled corporations in relation to their office; Provided, that, in case private individuals are accused as principals, accomplices or accessories in the commission of the crimes hereinabove mentioned, they shall be tried jointly with the public officers or employees concerned.

Where the accused is charged of an offense in relation to his office and the evidence is insufficient to establish the offense so charged, he may nevertheless be convicted and sentenced for the offense included in that which is charged.

- d. Civil suits brought in connection with the aforementioned crimes for restitution or reparation of damages, recovery of the instruments and effect of the crimes, or forfeiture proceedings provided for under Republic Act No. 1379;
- e. Civil actions brought under Articles 32 and 34 of the Civil Code.

Exception from the foregoing provisions during the period of martial law are criminal cases against officers and members of the Armed Forces of the Philippines, and all others who fall under the exclusive jurisdiction of the military tribunals.

SEC. 5. Proceedings against constitutional officers; votes required.—All cases involving constitutional officers shall be heard and decided by the *Sandiganbayan en*