

# **[ PRESIDENTIAL DECREE No. 1606, December 10, 1978 ]**

## **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 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 the Constitution, do hereby order and decree as follows:

SECTION 1. Sandiganbayan; composition; qualifications; tenure; removal and composition. 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 eight Associate Justices who shall be appointed by the President.

No person shall be appointed Presiding Justice or Associate Justice of the Sandiganbayan; unless he is a 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 commissions, or, when the commissions 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 Sections 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 P55,000.00 which shall not be diminished during their continuance in office. They shall have the same rank, privileges and other emoluments, be subject to the same inhibitions and disqualifications, and enjoy the same retirement and other benefits as those provided for under existing laws of the Presiding Justice and Associate Justices of the Court of Appeals.

Whenever the salaries of the Presiding Justice and the 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 the 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.

SEC. 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 all cases filed with it irrespective of the place where they may have arisen; Provided, however, that the Presiding Justice may authorize any division or divisions of 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 orders of the Sandiganbayan.

SEC. 3. Divisions of the Courts; Quorum. The Sandiganbayan shall sit in three divisions of three Justices each. The three divisions may sit at the same time.

Three Justices shall constitute a quorum for session in division; Provided, that when the required quorum cannot be had due to the legal disqualification or temporary disability of a Justice or of a vacancy occurring therein, the President shall, upon recommendation of the Presiding Justice, designate any Justice of the Court of Appeals or Judge of the Court of First Instance or of the Circuit Criminal Court of the judicial district concerned to sit temporarily therein.

SEC. 4. Jurisdiction. The Sandiganbayan shall have jurisdiction over:

(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 and employees including those employed in government-owned or controlled corporations, embraced in Title VII of the Revised Penal Code, whether simple or complexed with other crimes; and

(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.

The jurisdiction herein conferred shall be original and exclusive if the offense charged is punishable by a penalty higher than prision correccional, or its equivalent, except as herein provided; in other offenses, it shall be concurrent with the regular courts.

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.

Where an accused is tried for any of the above offenses and the evidence is insufficient to establish the offense charged, he may nevertheless be convicted and sentenced for the offense proved, included in that which is charged.

Any provision of law or the Rules of Court to the contrary notwithstanding, the criminal action and the corresponding civil action for the recovery of civil liability arising from the offense charged shall at all times be simultaneously instituted with,