

EN BANC

[A.M. No. 00-8-03-SB, August 31, 2001]

RE: UNNUMBERED RESOLUTION OF THE SANDIGANBAYAN RE ACQUISITION OF THREE[3] MOTOR VEHICLES FOR OFFICIAL USE OF JUSTICES,

[A.M. NO. 00-8-04-SB]

RE: UNNUMBERED RESOLUTION OF THE SANDIGANBAYAN RE APPOINTMENTS, PROMOTIONS, ASSIGNMENTS, SUSPENSIONS, DISMISSALS OF, OR DISCIPLINARY ACTIONS ON, OFFICIALS AND EMPLOYEES OF THE SANDIGANBAYAN,

[A.M. NO. 00-8-05-SB]

RE: UNNUMBERED RESOLUTION OF THE SANDIGANBAYAN RE PRESIDING JUSTICE ENTERING INTO AN AMENDED MEMORANDUM OF UNDERSTANDING WITH PEA; AND

[A.M. NO. 00-8-06-SB]

RE: UNNUMBERED RESOLUTION OF THE SANDIGANBAYAN THAT CANTEEN BE OPENED AND LEASED TO A CONCESSIONAIRE, ETC.,

R E S O L U T I O N

BELLOSILLO, J.:

As their captions indicate, there are four (4) items to be resolved: (a) the acquisition of three (3) motor vehicles for the official use of Justices; (b) the appointments, promotions, assignments, suspensions, dismissals of, or disciplinary actions on, officials and employees of the Sandiganbayan; (c) the *Amended Memorandum of Understanding* with PEA; and, (d) the opening and leasing of the canteen to a concessionaire, the establishment of a medical-dental clinic, the adoption of a housing and an employee's health and welfare plan, and the setting up of a library for the Sandiganbayan.

On 16 January 2001 this Court referred the above problems to its Oversight Committee for study and recommendation. In pursuance therewith, the Chairman of the Committee scheduled a breakfast conference with the Presiding Justice and the Associate Justices of the Sandiganbayan to discuss the concerns being raised. Accordingly, on 19 January 2001, at 7:30 in the morning, a breakfast conference was held at the Justices' Lounge, Supreme Court, between the members of the Oversight Committee on one hand, and the Presiding Justice and Associate Justices of the Sandiganbayan on the other. The meeting was also attended by Chief Justice Hilario G. Davide, Jr. and Justice Sabino R. De Leon, Jr. who was specially invited

being a former member of the Sandiganbayan.

As a result of the dialogue, the Oversight Committee directed the Chief, SC Motorpool to examine the condition of the vehicles sought to be replaced, and finding the necessity for the replacement, this Court in its Resolution of 13 February 2001 granted authority to the Sandiganbayan through its Presiding Justice to acquire three (3) new vehicles for the official use of three (3) Justices the amount to be drawn from its savings. Considering that the three (3) motor vehicles have already been purchased, A.M. No. 00-8-03-SB (Unnumbered Resolution of the Sandiganbayan re Acquisition of Three [3] Motor Vehicles for the Official Use of Justices) is now closed and terminated.

With respect to A.M. No. 00-8-04-SB (Unnumbered Resolution of the Sandiganbayan re Appointments, Promotions, Assignments, Suspensions, Dismissals of, or Disciplinary Actions on, Officials and Employees of the Sandiganbayan), and A.M. No. 00-8-06-SB (Unnumbered Resolution of the Sandiganbayan that Canteen be Opened and Leased to a Concessionaire, etc.), both of which concern the internal affairs of the Sandiganbayan, the Oversight Committee instructed Atty. Adelaida Cabe-Baumann, formerly Deputy Clerk of Court and Chief, Administrative Services of the Supreme Court, now Consultant, to make a study and recommendation on the delineation of the non-judicial powers of the Sandiganbayan. Thereafter, on 19 February 2001, Atty. Baumann submitted a *Memorandum* to the Chairman of the Oversight Committee, pertinently quoted thus -

This refers to His Honor's instruction to the undersigned to make a study/recommendation on the delineation of the non-judicial powers of the Sandiganbayan taking into consideration the various unnumbered resolutions of the said Court, the comment thereto of the Presiding Justice, as well as the reply of the Associate Justices.

Section 6, Article VIII of the 1987 Constitution provides:

"The Supreme Court shall have administrative supervision over all Courts and the personnel thereof."

Likewise, Section 10 of P.D. 1606 as amended, the law creating the Sandiganbayan, states:

*"Section 10. Authority over internal affairs - The Sandiganbayan shall administer its internal affairs and may adopt such rules governing the constitution of its divisions, the allocation of cases among them, the rotation of justices and other matters relating to its business" (underline supplied).*⁰

Section 1, Rule II of the Revised Rules of the Sandiganbayan also provides:

"Section 1. Exclusive Control. - Except as otherwise provided by the Constitution and Presidential Decree No. 1606, the Sandiganbayan shall

have exclusive control, direction and supervision of all matters pertaining to its internal affairs and the operation of its business" (underline supplied).

Pursuant to the aforequoted provisions, and in order that the non-judicial functions of the said court be properly identified and delineated, the undersigned respectfully recommends the creation through a Resolution of the Court, the following committees in the Sandiganbayan which will handle their respective areas of responsibility, to wit:

1. Committee on Personnel

- a. Composition: A Chairman and at least 2 Members chosen by the Sandiganbayan Justices among themselves
- b. Areas of Responsibility: Personnel matters such as appointment, recruitment, records management, leave matters, training, change of organizational structure, creation of position, discipline and retirement.

2. Committee on Security

- a. Composition: A Chairman and at least 2 Members chosen by the Sandiganbayan Justices among themselves
- b. Areas of Responsibility: i. Formulation of security policies, ii. Enforcement and implementation of safety measures such as wearing of I.D. card, control of visitors, etc.

3. Committee on Budget and Finance

- a. Composition: A Chairman and at least 2 Members chosen by the Sandiganbayan Justices among themselves
- b. Areas of Responsibility: i. Preparation and submission of annual budget, ii. Allotment of funds, iii. Accounting, iv. All financial transactions

4. Committee on Buildings and Grounds

- a. Composition: A Chairman and at least 2 Members chosen by the Sandiganbayan among themselves
- b. Areas of Responsibility: i. Repairs, improvements and maintenance of buildings and grounds, ii. Installation of safety and necessary devices