

## *Documents Section*

# The Sandiganbayan and Tanodbayan Decrees

PRESIDENTIAL DECREE NO. 1606 -  
REVISING PRESIDENTIAL DE-  
CREE 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 employes 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 employes, 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 prerequisite 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 for 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.

**SECTION 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 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 orders of the Sandiganbayan.

**SECTION 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 sessions 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.

**SECTION 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 employes, 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 employes, 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 employes including those employed in government-owned or controlled corporations, they shall be tried jointly with said public officers and employes.

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, and jointly determined in the same proceeding by, the Sandiganbayan, 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, in cases within the exclusive jurisdiction of the Sandiganbayan, where the civil action had theretofore been filed separately with a regular court but judgment therein has not yet been rendered and the criminal case is hereafter filed with the Sandiganbayan, said civil action shall be transferred to the Sandiganbayan for consolidation and joint determination with the criminal action, otherwise, the criminal action may no longer be filed with the Sandiganbayan, its exclusive jurisdiction over the same notwithstanding, but may be filed and prosecuted only in the regular courts of competent jurisdiction; Provided, further, that, in cases within the concurrent jurisdiction of the Sandiganbayan and the regular courts, where either the criminal or civil action is first filed with the regular courts, the corresponding civil or criminal action, as the case may be, shall only be filed with the regular courts of competent jurisdiction.

Excepted from the foregoing provisions, during martial law, are criminal cases against officers and members of the armed forces in the active service.

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 for 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.*—Decisions and final orders of the Sandiganbayan shall contain complete findings of facts on all issues properly raised before it.

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 judgment, and such peti-

tion for reconsideration shall be decided within thirty (30) days from submission thereon.

Decisions and final orders shall be subject to review on certiorari by the Supreme Court in accordance with Rule 45 of the Rules of Court. The Supreme Court shall decide any case on appeal promptly and without the necessity of placing it upon the regular calendar. Whenever, in any case decided, the death penalty shall have been imposed the records shall be forwarded to the Supreme Court, whether the accused shall have appealed or not, for review and judgment, as law and justice shall dictate.

Final judgments and orders of the Sandiganbayan shall be executed and enforced in the manner provided by law.

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. *Rule-making Power.*—The Sandiganbayan shall have the power to promulgate its own rules of procedure and, pending such promulgation, the Rules of Court shall govern its proceedings.

SECTION 10. *Authority over internal affairs.*—The Sandiganbayan shall administer its own 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.

SECTION 11. *Proceedings 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 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 ₱36,000.00 and the Deputy Clerk of Court, ₱30,000.00.

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 (₱5,000,000.00) out of any funds in the National Treasury to carry out the provisions 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 continue 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.

## RULES OF THE SANDIGANBAYAN

Pursuant to the provisions of Section 5 of Article XIII of the Constitution of the Philippines, as implemented by Presidential Decree No. 1606, the Sandiganbayan hereby adopts and promulgates the following rules to govern the conduct of its business.

### RULE I

#### TITLE AND CONSTRUCTION

SECTION 1. *Title of the Rules.* — These Rules shall be known and cited as the Rules of the Sandiganbayan.

SECTION 2. *Construction.*—These Rules shall be liberally construed in order to promote their objectives and to achieve a just, expeditious and inexpensive determination of every action and proceeding before the Sandiganbayan.

### RULE II

#### CONTROL OF FUNCTIONS AND SUCCESSION

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.

SECTION 2. *Succession in the Office of Presiding Justice.*—In case of vacancy in the position of Pre-

siding Justice of the Sandiganbayan or his temporary incapacity to exercise the powers and perform the duties of his office, the same shall devolve upon the most qualified senior Associate Justices until such incapacity is removed or another Presiding Justice is appointed and has duly qualified.

### RULE III

#### COMPOSITION OF DIVISIONS

SECTION 1. *How Divisions Constituted.*—The Sandiganbayan shall consist of three divisions which shall be known as the First Division, Second Division, and Third Division, and shall each be composed of the Presiding Justice and the first two Associate Justices in the order of precedence as the respective Chairmen; the next three Associate Justices in the order of precedence as the respective senior members; and the last three Associate Justices in the order of precedence as the respective junior members. However, until the entire complement of the Sandiganbayan shall have been appointed and qualified, the Presiding Justice and the two Associate Justices first appointed and qualified shall constitute the First Division.

SECTION 2. *Vacancy; How Filled.*—In case of any vacancy in the composition of a division, whether permanent or temporary, 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 prece-

dence, 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 cases assigned thereto, unless the operation of the other divisions of the Court will be prejudiced thereby, in which case, the procedure provided for in Section 3, Rule VIII of these Rules shall apply.

#### RULE IV

##### FILING OF CASES

**SECTION 1. *Proceedings Free of Charge.***—All proceedings in the Sandiganbayan shall be conducted at no cost to the complainant and or his witnesses.

**SECTION 2. *Preliminary Investigation Necessary.***—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 applicable laws and approved by the Chief Special Prosecutor.

**SECTION 3. *Where Cases Filed.***—All cases to be filed with the Sandiganbayan shall be filed with the Office of the Clerk of Court of the Sandiganbayan which shall be open for the purpose of receiving complaints, informations, motions and the like from eight to twelve o'clock in the morning and twelve-thirty to four-thirty o'clock in the afternoon,

on Mondays to Fridays, except on public or special holidays.

#### RULE V

##### DISTRIBUTION AND CONSOLIDATION OF CASES

**SECTION 1. *Distribution of Cases.***—All cases filed with the Sandiganbayan shall be allotted among the three divisions for hearing and decision by raffle to be conducted by a Raffle Committee composed of the Presiding Justice and the two most senior Associate Justices available, on such days as may hereafter be fixed by the Presiding Justice depending upon the need for such raffle to be made in view of the number of cases filed, with notice to the interested parties who may, if they so desire, be present therein by themselves or through counsel.

**SECTION 2. *Consolidation of Cases.***—Cases arising from the same incident or series of incidents, or involving common questions of fact and law, may, in the discretion of the Sandiganbayan, be consolidated in only one division. Should the propriety of such consolidation appear upon the filing of the cases concerned and before they are raffled, all such cases shall be considered as one case for purposes of the raffle; but, should the propriety of such consolidation become apparent only thereafter, consolidation may be effected upon motion of an interested party filed with the division taking cognizance of the case to be consolidated and, if granted,

consolidation shall be made in the division before which the case with the lowest number is pending. In either case, the division in which consolidation is effected shall be entitled to be credited in the distribution of cases with the same number of cases transferred to it to the end that all divisions shall, as much as possible, receive more or less the same number of cases filed with the Sandiganbayan.

**SECTION 3. *Assignment of Cases Permanent.***—Cases assigned to a division of the Sandiganbayan in accordance with these Rules shall remain with said division notwithstanding changes in the composition thereof and all matters raised therein shall be deemed to be submitted for consideration and adjudication by any and all of the Justices who are members of the division aforesaid at the time said matters are up, irrespective of whether they were or were not members of the division at the time the case was first assigned thereto: Provided, however, that only such Justices who are members of the division at the time a case is submitted for decision shall take part in the consideration and adjudication of said case, unless any such member thereafter ceases to be a member of the Sandiganbayan for any reason whatsoever in which case any Justice chosen to fill the vacancy in accordance with the manner provided in Section 2, Rule III, of these Rules shall participate in the consideration and adjudication of said case;

Provided, lastly, that the Sandiganbayan *en banc* may, for special or compelling reasons, transfer cases from one division thereof to another.

## RULE VI PROCESSES

Processes and writs of the Sandiganbayan which by their nature or by provision of existing laws or the Rules of Court are to be issued under the signature of a Judge or a Justice shall be signed by the Chairman of the division concerned: Provided, that if there is an urgent necessity for the issuance thereof before the case is raffled to a division, the same shall be signed by the Presiding Justice. In the absence of the Presiding Justice or the Chairman aforesaid, the process or writ shall be signed by the senior Associate Justice in the Sandiganbayan or in the divisions concerned, respectively. All other processes or writs issued upon authority of the Sandiganbayan or a division thereof shall be signed by the Clerk of Court or, in his absence, by the Deputy Clerk of the division concerned.

## RULE VII BAIL

**SECTION 1. *How Amount Fixed; Approval.***—The amount of bail to be posted in cases in the Sandiganbayan shall be fixed by the Chairman of the division thereof to which they are assigned; and such bail may be approved by any Justice of



the Sandiganbayan, but preferably by a Justice of the division concerned: Provided, however, that where the accused is arrested, detained or otherwise placed in custody outside the Metropolitan Manila area, any judge of the Court of First Instance or Circuit Criminal Court may accept and approve the bail for his appearance before the division to which his case is assigned and release him, and shall inform the division issuing the order of arrest of his action, forwarding thereto the papers in this case.

**SECTION 2. Condition of the Bail.**—The condition of the bail is that the accused shall appear and answer the complaint or information in the division of the Sandiganbayan to which it is assigned or transferred for trial and submit himself to the orders and processes thereof and, after conviction, if the case is appealed to the Supreme Court, that he will surrender himself for the execution of such judgment as the Supreme Court may render; or, that, in case the cause is to be tried anew or remanded for a new trial, he will appear in the division to which it may be remanded and submit himself to the orders and processes thereof.

## RULE VIII SESSIONS AND TRIAL

**SECTION 1. How Sessions Held.**—The Sandiganbayan shall, for administrative purposes, sit *en banc*; and, for the trial and determination

of cases, sit in three divisions of three Justices each. The three divisions may sit at the same time.

**SECTION 2. Presiding Officer.**—Sessions of the Sandiganbayan *en banc* shall be presided by the Presiding Justice; whereas sessions in division shall be presided by the respective Chairman of each division. In the absence of the Presiding Justice or the Chairman of a division, as the case may be, the Associate Justice attending the session *en banc* or in division who is first in the order of precedence and able to preside, shall do so.

**SECTION 3. Quorum.**—Five Justices shall constitute a quorum for sessions *en banc*, and three Justices for sessions in division: Provided, that when a quorum and/or the votes required for a resolution or 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 Justice or of a vacancy occurring therein, the President shall, upon recommendation of the Presiding Justice, designate any Justice of the Court of Appeals, Judge of the Court of First Instance or of the Circuit Criminal Court to sit temporarily therein.

**SECTION 4. Place of Holding Sessions.**—Sessions of the Sandiganbayan, whether *en banc* or in division, shall be held in the place of its principal office in the Metropolitan Manila area where it shall try and determine 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 the Court to hold sessions at any time and place outside Metropolitan Manila to hear and decide cases emanating therefrom. For this purpose and 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 or Circuit Criminal Court of the province or city 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.

**SECTION 5. *Time of Holding Sessions.*** — Sessions of the Sandiganbayan *en banc* may be called at any time by the Presiding Justice or at the instance of at least five Associate Justices. Sessions for the trial of cases cognizable by it shall be held on such days and at such times as the divisions thereof may, by order and upon notice to the parties concerned, fix.

**SECTION 6. *Pre-Trial Inquest.***— After the arraignment of an accused who pleads not guilty, the division concerned shall, without prejudice to the invocation by the accused of his constitutional rights, direct the prosecutor and the accused and his counsel to appear before any of the Justices thereof for a conference to consider:

(a) Admissions of facts about which there can be no dispute;

(b) Marking for identification of documentary or real evidence of the parties;

(c) Waiver of objections to admissibility of evidence;

(d) Procedure on objections where there are multiple counsel;

(e) Order of presentation of evidence and arguments where there are multiple accused;

(f) Order of cross-examination where there are multiple accused; and

(g) Such other matters as will promote a fair and expeditious termination of the trial.

After the pre-trial inquest, a pre-trial order shall be issued by the Associate Justice presiding the conference reciting the actions and/or proceedings taken thereat, the admissions of facts made, the documents and real evidence marked, and the agreement entered into by the parties as to any of the matters taken up therein. Such order shall limit the issues for trial to those not disposed of by the admissions or agreements of the parties and when entered shall bind the parties and control the course of the action during the trial, on appeal, and in post-conviction proceedings, unless modified by the division concerned before trial to prevent manifest injustice.

## RULE IX MOTIONS

SECTION 1. *Motion Day.*—The first hours of the morning session of the divisions every Friday shall be devoted to the hearing of motions, unless, upon motion of an interested party and for special reasons, the division concerned shall fix another day for the hearing of any particular motion.

SECTION 2. *Resolution on Interlocutory or Incidental Motions.*—Rulings on all written motions submitted to the Sandiganbayan or any division thereof for resolution shall be reached in consultation among the Justices participating in the consideration thereof: Provided, however, that rulings on oral motions or on objections made in the course of the trial or hearing shall be handed down by the Chairman of the division concerned.

## RULE X JUDGMENT

SECTION 1. *Votes Necessary to Decide.*—The unanimous vote of three Justices in a division shall be necessary for the rendition of a judgment or order. In the event that the three Justices do not reach a unanimous vote, the Presiding Justice shall designate by raffle two Justices from among the other members of the Sandiganbayan to sit temporarily with them forming a special division of five Justices, and the vote of a majority of such

special division shall be necessary for the rendition of a judgment or order.

SECTION 2. *Procedure in Deciding Cases.*—The conclusions of a division of the Sandiganbayan in any case submitted to it for decision shall be reached in consultation before the case is assigned to a Justice for the writing of the opinion of the division. Any Justice dissenting from a judgment shall state the reasons for his dissent.

SECTION 3. *Maximum Period to Decide Cases.*—The judgment or final order of a decision of the Sandiganbayan shall be rendered within three (3) months from the date the case was submitted for decision.

SECTION 4. *Form of judgment and final order of a division of the Sandiganbayan shall contain complete findings of fact and a statement of the law on all issues properly raised before it.*

## RULE XI PROMULGATION OF JUDGMENT

A judgment of a division of the Sandiganbayan shall be promulgated by reading the judgment or sentence in the presence of the accused and any Justice of the division which rendered the same: Provided, that, if the accused is confined or detained in a place outside Metropolitan Manila or of the city or province in which any division of

the Sandiganbayan is sitting at the time of such promulgation, the judgment may, upon delegation by the division concerned be promulgated by any judge of the Court of First Instance or Circuit Criminal Court having jurisdiction over the place of confinement or detention, in which event the Court so promulgating the judgment shall have authority to accept and approve the appeal bond.

RULE XII  
PETITION FOR  
RECONSIDERATION

Within fifteen(15) days from the promulgation or notice of a judgment or final order of a division of the Sandiganbayan, unless said judgment or order had in the meantime otherwise attained finality, a petition for the reconsideration thereof may be filed upon the grounds, in the form and subject to the requirements, for motions for new trial in criminal cases under Rule 121 of the Rules of Court, and such petition for reconsideration shall be decided within thirty (30) days from submission thereof.

RULE XIII  
REVIEW OF JUDGMENTS  
AND FINAL ORDERS

SECTION 1. *Method of Review.*—A party may appeal from a judgment or final order of a division of the Sandiganbayan by filing with the Supreme Court a petition for certiorari in accordance with Rule 45

of the Rules of Court and by serving a copy there to the Sandiganbayan.

Whenever, in any case decided, the death penalty shall have been imposed, the records shall be forwarded to the Supreme Court, whether the accused shall have appealed or not, for review and judgment, as law and justice shall dictate.

SECTION 2. *Bail Pending Appeal.*—An accused who has been released on bail shall not be committed to jail upon conviction pending the expiration of the period for appeal or pending an appeal reasonably taken, except when the penalty imposed is *reclusion perpetua* or death, in which case, the accused may forthwith be committed to jail after the promulgation of the sentence. The division of the Sandiganbayan concerned, however, may, for good cause, cancel the bond or increase the amount of bail and commit the accused into custody pending appeal, unless he gives bail in the increased amount. The surety shall also be responsible for the surrender of the accused after judgment shall have become final.

RULE XIV  
PUBLICATION OF DECISIONS

With the consent of the respective writers thereof, the decisions of the Sandiganbayan may be published in the Official Gazette in the language in which they have been originally written. The syllabi for the deci-

sions shall be prepared by the Clerk of Court in consultation with the writers thereof.

RULE XV  
APPLICABILITY OF THE  
RULES OF COURT

Except as otherwise herein provided or as may hereafter be modified from time to time by the Sandiganbayan and insofar as practicable, the Rules of Court shall govern proceedings in the Sandiganbayan.

RULE XVI  
SEAL OF THE SANDIGANBAYAN

The seal of the Sandiganbayan shall be of standard size, circular in form, consisting of two concentric circles as its margin, with the inscription, running from left to right, on the upper margin of the word "Sandiganbayan" and on the lower margin of the words "*Republika ng Pilipinas*"; with 16 stars, representing the existing 16 judicial districts, immediately along the outer edge of a triangle, with a trisected area composed of the national colors of white on its upper part, blue on the left and red on the right, with the words "KATAPATAN" on the right side, "KAPANAGUTAN" on the left side, and "KARANGALAN" on the base; a star in each corner of the triangle representing Luzon, Visayas and Mindanao; and a bolo inside the triangle on which is superimposed a balance.

RULE XVII  
SEPARABILITY CLAUSE

If, for any reason, any section or provision of these Rules shall be held to be unconstitutional or invalid, no other section or provision thereof shall be effected thereby.

RULE XVIII  
EFFECTIVITY

The Rules shall take effect upon approval.

Done in the City of Manila, this 10th day of January, in the year of Our Lord, nineteen hundred and seventy-nine.

PRESIDENTIAL DECREE NO. 1629

AMENDING PRESIDENTIAL DECREE NO. 1486, CREATING A SPECIAL COURT TO BE KNOWN AS "SANDIGANBAYAN," AS REVISED BY PRESIDENTIAL DECREE NO. 1606.

WHEREAS, it has been found necessary, to amend Section 11 of Presidential Decree No. 1486, as revised by Presidential Decree No. 1606;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by the Constitution, do hereby order and decree:

SECTION 1. Section 11 of Presidential Decree No. 1606 is hereby

*July-October*

amended by deleting the second paragraph thereof.

SECTION 2. This Decree shall take effect immediately.

Done in the City of Manila, this 18th day of July, in the year of Our Lord, nineteen hundred and seventy-nine.

PRESIDENTIAL DECREE NO. 1630

FURTHER REVISING PRESIDENTIAL DECREE NO. 1487, AS REVISED BY PRESIDENTIAL DECREE NO. 1607, CREATING THE OFFICE OF THE TANODBAYAN.

To give effect to the constitutional right of the people to petition the government for redress of grievances and to promote higher standards of integrity and efficiency in the government service, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me under the Constitution, hereby order and decree as follows:

SECTION 1. *Short Title.* — This Decree may be cited as the *Tanodbayan Decree*.

SECTION 2. *Establishment of Office.*—An independent Office of the Ombudsman, to be called the Office of the Tanodbayan, is hereby created. The Chief of said Office of the Tanodbayan shall be called the Tanodbayan who shall have two (2)

deputies for Luzon, one for the Visayas and one for Mindanao.

SECTION 3. *Appointment.*—The President shall appoint the Tanodbayan and his Deputies.

SECTION 4. *Qualifications.*—The Tanodbayan and his Deputies shall be members of the bar, well equipped to analyze problems of law, administration, and public policy, and shall not have been actively involved in partisan affairs.

SECTION 5. *Disqualifications.*—The Tanodbayan and his Deputies shall not, during their tenure in office, engage in the practice of any profession or in the management of any business, or be financially interested directly or indirectly in any contract with or in any franchise or privilege granted by, the Government, or any subdivision, agency, or instrumentality thereof including government-owned or controlled corporations.

SECTION 6. *Term of Office.*—(a) The Tanodbayan and his Deputies shall serve for a term of seven years without reappointment unless removed by the President upon his determination that the Tanodbayan or any of his Deputies has become incapacitated or has been guilty of neglect of duty, or misconduct.

(b) If the Office of Tanodbayan becomes vacant for any cause, the Senior Deputy Tanodbayan shall serve as Acting Tanodbayan until the Tanodbayan shall have been appointed for a full term.

**SECTION 7. Salary.**—Unless otherwise provided by law, the Tanodbayan and each Deputy Tanodbayan shall receive an annual salary of sixty thousand pesos and fifty thousand pesos, respectively, which shall not be diminished during their continuance in office.

**SECTION 8. Organization of Office.**  
—(a) The Office of the Tanodbayan shall have one Executive Director; an Administrative Office; a Finance, Management and Planning Office; a Legal Office; and an Investigation and Prosecution Office.

The Executive Director shall have a compensation of forty two thousand (P42,000.00) pesos per annum, and each of the aforesaid offices shall be headed by a Director with compensation of forty thousand (P40,000.00) pesos each per annum.

The Investigation and Prosecution Office shall, aside from the Director, have twelve (12) Special Prosecutors with compensation of thirty-eight thousand (P38,000.00) pesos each per annum, and twelve (12) investigators with compensation of thirty-five thousand (P35,000.00) pesos each per annum. The Special Prosecutors shall have the same qualifications as Provincial and City Fiscals.

The Legal Office shall, aside from the Director, have nine (9) Legal Officers with a compensation of thirty-five thousand (P35,000.00) pesos each per annum.

The Administrative Office shall consist of the General Service Division and Personnel Division. Until such time as the Administrative Office is actually organized, the Complaints and Investigation Office shall continue to serve as the administrative arm of the Tanodbayan.

The Finance, Management and Planning Office shall consist of the Budget Division, Accounting Division, and Management and Planning Division. Each of these divisions shall be headed by a Division Chief with a compensation of thirty-seven thousand (P37,000.00) pesos per annum. There shall also be a Private Secretary to the Tanodbayan with a compensation of twenty-seven thousand (P27,000.00) pesos per annum.

All of these officials shall be appointed by the President upon the recommendation of the Tanodbayan. The Tanodbayan may also select, appoint, and compensate in accordance with law and within the amount available by appropriation, such other assistants and employes as he may deem necessary to discharge his responsibilities under this Decree;

(b) When the Tanodbayan is disabled or absent and so notifies his office, the Senior Deputy Tanodbayan shall have authority to act in his stead.

(c) The Tanodbayan may delegate to other members of his staff

any of his authority or duties under this Decree except his power of decision in all cases and the duty of formally making recommendations to administrative agencies or reports to the President or the National Assembly.

SECTION 9. *Definitions.*—As used in this Decree, the term—

(a) “Administrative agency” means any department or other governmental unit including any government-owned or controlled corporation, any official, or any employe acting or purporting to act by reason of connection with the government but it does not include (1) any court or judge, or appurtenant judicial staff; (2) the members, committees or staffs of the National Assembly; (3) the President or his personal staff; and (4) the members of the Constitutional Commissions and their personal staffs.

(b) “Administrative Act” refers to any action, including, but not limited to, decisions, omissions, recommendations, practices or procedures of an administrative agency.

(c) “Failure of Justice” refers to the defeat of a particular right, or the failure of reparation for a particular wrong, from the lack of inadequacy of a legal remedy for the enforcement of the one or the redress of the other. There is also failure of justice when a public official or employe commits any administrative act or omission war-

ranting criminal prosecution or the filing of an appropriate criminal, civil or administrative case.

SECTION 10. *Powers.*—The Tanodbayan shall have the following powers:

(a) He may investigate, on complaint by any person or on his own motion or initiative, any administrative act whether amounting to any criminal offense or not of any administrative agency including any government-owned or controlled corporation;

(b) He may prescribe the methods by which complaints are to be made, received, and acted upon; he may determine the scope and manner of investigations to be made; and, subject to the requirements of this Decree, he may determine the form, frequency, and distribution of his conclusions and recommendations;

(c) He may request and unless as herein provided for he shall be given by each administrative agency the assistance and information he deems necessary to the discharge of his responsibilities; he may examine the records and documents of all administrative agencies; and he may enter and inspect premises within any administrative agency’s control, provided, however, that where the President in writing certifies that such information, examination or inspection might prejudice the national interest or violate existing law, the Tanodbayan shall desist.



All information so obtained shall be confidential, unless the President, in the interest of public service, decides otherwise.

(d) He may issue a *subpoena* to compel any person to appear, give sworn testimony, or produce documentary or other evidence the Tanodbayan deems relevant to a matter under his inquiry;

(e) If after preliminary investigation he finds a *prima facie* case, he may file the necessary information or complaint with the Sandiganbayan or any proper court or administrative agency and prosecute the same;

(f) He may file and prosecute civil and administrative cases involving graft and corrupt practices and such other offenses committed by public officers and employes, including those in government-owned or controlled corporations, in relation to their office;

(g) He may undertake, participate in, or cooperate with general studies or inquiries, whether or not related to any particular administrative agency or any particular administrative act, if he believes that they may enhance knowledge about or lead to improvements in the functioning of administrative agencies.

In carrying out his functions, the Tanodbayan may with the approval of the President, deputize or call upon any official or employe of the government or any agency or office and during such deputation the

official or employe concerned shall be under the supervision and control of the Tanodbayan.

SECTION 11. *Powers and Functions of the Tanodbayan Deputies.*

—The Tanodbayan Deputies shall assist the Tanodbayan in performing his duties and functions under this Decree. The provisions of Section 2 of this Decree notwithstanding, the Tanodbayan may designate or assign any of his Deputies to assist him in the performance of his duties in any region or geographical area of the country.

SECTION 12. *Matters appropriate for Investigation.*—(a) In selecting

matters for his attention, the Tanodbayan should also address himself to an administrative act that might be—

(1) contrary to law or regulations;

(2) unreasonable, unfair, oppressive, or inconsistent with the general course of an administrative agency's functioning;

(3) mistaken in law or arbitrary in ascertainment of facts;

(4) improper in motivation or based on irrelevant considerations;

(5) unclear or inadequately explained when reasons should have been revealed;

(6) inefficiently performed; or

(7) otherwise objectionable.

(b) The Tanodbayan may concern himself also with strengthening

procedures and practices which lessen the risk of occurrence of any objectionable administrative acts.

SECTION 13. *Action on Complaints.*—(a) The Tanodbayan may receive a complaint from any source concerning an administrative act. At no expense to the complainant, he may conduct a suitable investigation into the things complained of:

(b) After completing his consideration of a complaint, whether or not it has been investigated, the Tanodbayan shall suitably inform the complainant and, when appropriate, the administrative agency of agencies involved.

(c) A letter to the Tanodbayan from a person in a place of detention or in a hospital or other institution under the control of an administrative agency shall be immediately forwarded, unopened, to the Tanodbayan.

SECTION 14. *Consultation with Agency.*—Before announcing a conclusion or recommendation that criticizes an administrative agency or any person, the Tanodbayan shall consult with that agency or person.

SECTION 15. *Recommendations.*—(a) If, having considered a complaint and whatever material he deems pertinent, the Tanodbayan is of the opinion that an administrative agency should (1) consider the matter further, (2) modify or cancel an administrative act, (3) alter a regulation or ruling, (4) explain

fully the administrative act in question, or (5) take any other step, he shall state his recommendations to the administrative agency. If the Tanodbayan so requests, the agency shall, within the time he has specified, inform him about the action taken on his recommendations or the reasons for not complying with them.

(b) If the Tanodbayan believes that an administrative action has been dictated by laws whose results are unfair or otherwise objectionable, he shall bring to the notice of the President and the National Assembly his views concerning desirable statutory change.

SECTION 16. *Publication of Recommendations.*—In every case where a *prima facie* case of the commission of a crime or failure or neglect in the performance of duty, is found by the Tanodbayan, the Tanodbayan shall transmit his conclusions, recommendations, and suggestions to the President so that he may take such immediate action as may be necessary. When transmitting an opinion adverse to an administrative agency or official he shall, unless excused by the agency or official affected, include the substance of any statement the administrative agency or official may have made to him by way of explaining past difficulties or present rejection of the Tanodbayan's proposals.

SECTION 17. *Investigation and Prosecution of Cases.*—The Office

of the Tanodbayan shall have the exclusive authority to conduct preliminary investigation of all cases cognizable by the Sandiganbayan; to file information therefore and to direct and control the prosecution of said cases. The Tanodbayan may utilize the personnel of his office and/or with the approval of the President, designate or deputize any fiscal, state prosecutor or lawyer in the government service to act as special investigator or prosecutor to assist in the investigation and prosecution of said cases. Those designated or deputized to assist him as herein provided shall be under his supervision and control.

No publicity shall be allowed during the pendency of such preliminary investigation and the name of the complainant and the accused shall not be made public until an information is filed by the Tanodbayan.

The Tanodbayan, his investigators and prosecutors, whether regular members of his staff or designated by him as herein provided, shall have the authority to administer oaths, to issue *subpoena* and *subpoena duces tecum*, to summon and compel witnesses to appear and testify under oath before them and/or to bring books, documents and other things under their control, and to secure the attendance or presence of any absent or recalcitrant witness through application before the Sandiganbayan or before any inferior or superior court hav-

ing jurisdiction of the place where the witness or evidence is found.

The resolution and actions of the Tanodbayan shall not be subject to review by any administrative agency.

**SECTION 18. *Prosecution of Public Personnel or Other Person.***—If the Tanodbayan has reason to believe that any public official, employe, or other person has acted in a manner warranting criminal or disciplinary action or proceedings, he shall conduct the necessary investigation and shall file and prosecute the corresponding criminal or administrative case before the Sandiganbayan or the proper court or before the proper administrative agency.

**SECTION 19. *Tanodbayan's Immunities.***—(a) No proceeding, opinion, or expression of the Tanodbayan or any member of his staff, shall be reviewable in any court.

(b) No civil action shall lie against the Tanodbayan or any member of his staff for anything done or said or omitted, in discharging the responsibilities contemplated by this Decree;

(c) Neither the Tanodbayan nor any member of his staff shall be required to testify or produce evidence in any judicial, legislative or administrative proceeding concerning matters within his official cognizance, except in a proceeding brought to enforce this Decree.

**SECTION 20. *Rights and Duties of Witnesses.***—(a) A person required

by the Tanodbayan to provide information shall be paid the same fees and travel allowances as are extended to witnesses whose attendance has been required in the courts of first instance.

(b) A person who, with or without service of compulsory process, provides oral or documentary information requested by the Tanodbayan shall be accorded the same privileges and immunities as are extended to witnesses in the courts, and shall also be entitled to be assisted by counsel while being questioned.

(c) If a person refuses to respond to the Tanodbayan's *subpoena*, refuses to be examined or engages in obstructive misconduct, the Tanodbayan shall certify the facts to the Sandiganbayan or the court of first instance. The court shall thereupon issue an order directing the person to appear before it to show cause why he should not be punished as for contempt. The order and copy of the Tanodbayan's certified statement shall be served on the person. Thereafter the court shall have jurisdiction of the matter. The same proceedings shall be had, the same penalties may be imposed, and the person charged may purge himself of the contempt in the same way as in the case of a person who has committed a contempt in the trial or a criminal or civil action before the court.

SECTION 21. *Duty to Render Assistance to the Office of the Tanod-*

*bayan.*—Any official or employe of any ministry, agency, bureau or office of the government, including government-owned or controlled corporations and local governments, when called upon or required by the Tanodbayan, upon approval by the President shall be obliged to render assistance or services to the Office of the Tanodbayan, otherwise he shall be subject to administrative disciplinary action.

SECTION 22. *Obstruction.*—A person who wilfully obstructs or hinders the proper exercise of the Tanodbayan's functions or who wilfully misleads or attempts to mislead the Tanodbayan in his inquiries, shall be fined not more than ₱5,000.00.

SECTION 23. *Franking Privilege.*—All mail matters and telegrams of the Tanodbayan addressed for delivery within the Philippines, shall be received, transmitted and delivered free of charge; Provided, that such mail matter when addressed to persons or offices other than government officers or offices shall not exceed one hundred and twenty grams in weight.

SECTION 24. *Repealing Clause and Relation to Other Laws.*—Republic Act No. 6028 and all laws, General Orders, Presidential Decrees, Letters of Instructions, rules and regulations inconsistent with this Decree are hereby repealed; but, otherwise, the provisions of this Decree are in addition to and do not limit or affect the provisions of any other

enactment under which any remedy or right of appeal is provided for any person, or any procedure is provided for the inquiry into or investigation of any matter. The powers conferred on the Tanodbayan may be exercised notwithstanding any provision in any enactment that any administrative action shall be final or unappealable.

SECTION 25. *Appropriation.*— There is hereby appropriated the

sum of Five Million Pesos (P5,000,000.00) to carry out the provisions of this Decree. Thereafter the appropriation for the Office of the Tanodbayan shall be included in the General Appropriations Act.

SECTION 26. This Decree shall take effect immediately.

Done in the City of Manila, this 18th day of July, in the year of Our Lord, nineteen hundred and seventy-nine.