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Republic of the Philippines  
Supreme Court  
Manila

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EN BANC

A.M. No. 13-7-05-SB

**2018 REVISED INTERNAL RULES OF THE SANDIGANBAYAN**

Acting on the recommendation of Associate Justice Diosdado M. Peralta, the Chairperson of the Special Committee on the *Revised Internal Rules of the Sandiganbayan*, submitting for this Court's consideration and approval the proposed *2018 Revised Internal Rules of the Sandiganbayan*, the Court resolved to **APPROVE** the same.

The *2018 Revised Internal Rules of the Sandiganbayan* shall take effect on 16 November 2018 following its publication in two (2) newspapers of general circulation.

9 October 2018.

TERESITA J. LEONARDO-DE CASTRO  
Chief Justice

ANTONIO T. CARPIO  
Associate Justice

DIOSDADO M. PERALTA  
Associate Justice

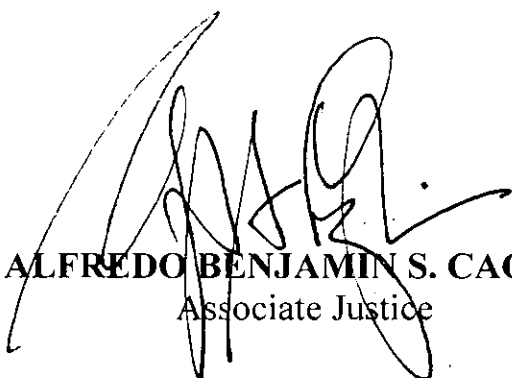
LUCAS P. BERSAMIN  
Associate Justice

MARIANO C. DEL CASTILO  
Associate Justice

ESTELA M. PERLAS-BERNABE  
Associate Justice

*I concur except with respect to the PHDO provisions wherein I maintain my dissent*  
  
MARVIC M.V.F. LEONEN  
Associate Justice

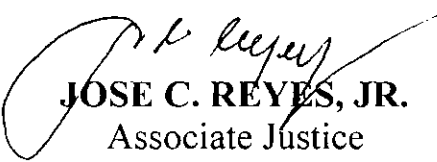
  
**FRANCIS H. JARDELEZA**  
Associate Justice

  
**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice

  
**NOEL GIMENEZ TIJAM**  
Associate Justice

  
**ANDRES B. REYES, JR.**  
Associate Justice

*I certify that Justice Gesmundo left  
his vote to approve the 2018 Revised  
Internal Rules of the Sandiganbayan  
Presented by Leonardo de los Angeles*  
**ALEXANDER G. GESMUNDO**  
Associate Justice

  
**JOSE C. REYES, JR.**  
Associate Justice

**2018 PROPOSED REVISED INTERNAL RULES SUBMITTED BY  
THE SANDIGANBAYAN**  
(As of September 27, 2018)

**2018 REVISED INTERNAL RULES  
OF THE SANDIGANBAYAN**

Pursuant to Section 9 of Presidential Decree No. 1606, as amended, the Sandiganbayan adopts and promulgates the following 2018 REVISED INTERNAL RULES OF THE SANDIGANBAYAN.

**PART I  
GENERAL PROVISIONS**

**RULE I  
TITLE, COVERAGE AND CONSTRUCTION**

*Section 1. Title of the Rules.* — These Rules shall be known and cited as the 2018 REVISED INTERNAL RULES OF THE SANDIGANBAYAN.

*Sec. 2. Coverage.* — These Rules shall apply to the proceedings and internal operations of the Sandiganbayan.

The Rules of Court, resolutions, circulars, and other issuances promulgated by the Supreme Court, insofar as applicable, shall govern all actions and proceedings before the Sandiganbayan.

*Sec. 3. Construction.* — These Rules shall be liberally construed to promote a just, expeditious and inexpensive determination of every action and proceeding in the Sandiganbayan.

**RULE II  
ORGANIZATIONAL SET-UP**

*Section 1. Composition of the Sandiganbayan and Rule on Precedence.*  
— (a) *Composition.* — The Sandiganbayan shall be composed of a Presiding Justice and twenty (20) Associate Justices appointed by the President of the Philippines.

(b) *Rule on Precedence.* — The Presiding Justice shall enjoy precedence over the other members of the Sandiganbayan in all official functions. The Associate Justices shall enjoy precedence according to the order of their appointments.

(c) The Rule on Precedence shall apply:

- 1) In the seating arrangement;
- 2) In the choice of office space, facilities and equipment, transportation and cottages;

(d) The Rule on Precedence shall not be observed:

- 1) In social and other non-official functions;
- 2) To justify any variation in the assignment of cases, amount of compensation, allowances or other forms of remuneration.

***Sec. 2. Sandiganbayan En Banc.*** — The Sandiganbayan *en banc* shall have exclusive control, direction and supervision of all matters pertaining to the conduct of its affairs. It shall be presided over by the Presiding Justice who shall implement its policies and resolutions, or, in his/her absence, by the most senior Justice in attendance.

***Sec. 3. Constitution of the Divisions.*** — The Sandiganbayan shall sit in seven (7) Divisions of three (3) Justices each, including the Presiding Justice. The seven (7) Divisions may sit at the same time. The Presiding Justice and each of the six (6) most senior Associate Justices shall be the Chairperson of a Division; each of the seven (7) most senior Associate Justices next in rank shall be the Senior Member of a Division, and each of the last seven (7) Associate Justices shall be the Junior Member of a Division.

***Sec. 4. Filling up of Vacancy Due to Absence or Temporary Incapacity.***  
— (a) *In the office of the Presiding Justice.* — In the absence or temporary incapacity of the Presiding Justice to exercise the powers and perform the duties of the office, the most senior Associate Justice shall act as the Presiding Justice until the regular Presiding Justice returns and re-assumes the office, or the incapacity is removed.

(b) *In the position of Division Chairperson.* - In the absence or temporary incapacity of a Chairperson of a Division, the Senior Member of said Division shall act as Chairperson; in the absence or temporary incapacity of both the Chairperson and Senior Member of a Division, the Junior Member of said Division shall act as Chairperson, notwithstanding the seniority of the Special Members designated to complete the membership of said Division. The Senior Member or Junior Member, as the case may be, shall act as Chairperson until the regular Chairperson returns and re-assumes the office or the incapacity is removed.

(c) *In the position of Senior or Junior Member .-* In the absence or temporary incapacity of a Senior or Junior Member of a Division, the Presiding Justice shall designate an Associate Justice of the Sandiganbayan from any of the other Divisions, to be determined by rotation on the basis of the reverse order of precedence or, if this be not feasible, by raffle among those available, to sit as Special Member of said Division until the Regular Member returns and re-assumes the office or the incapacity is removed. The Associate Justice so designated shall continue as a Regular Member of his/her Division.

(d) *Authority and Prerogatives of Acting Chairperson and Special Member.* - The Acting Chairperson or Special Member so designated, pursuant to paragraphs (b) and (c) above, shall exercise the authority and prerogatives of a regular Chairperson or Member of said Division, as the case may be, in the trial or resolution/decision of cases assigned thereto. However, such Special Member shall not be assigned as *ponente* for decisions or resolutions.

(e) *Designation of Special Members in Hearings.* - The Presiding Justice, in case of unavailability of any Member of a Division, shall designate a temporary Member in the reverse order of precedence to ensure continuity and stability in the hearing of cases.

**Sec. 5. Filling Up of Permanent Vacancy.** - (a) *In the position of the Presiding Justice.* - A permanent vacancy in the position of Presiding Justice shall be filled by a new Presiding Justice duly appointed by the President of the Philippines. In the interim, the most senior Associate Justice shall exercise the powers and perform the duties of the Presiding Justice, except the functions of a Chairperson which shall be exercised in an acting capacity by the most senior Associate Justice who is not a Chairperson, until the appointment of a new Presiding Justice who shall be the Chairperson of that Division, unless the latter is already a Chairperson of a Division.

(b) *In the position of a Division Chairperson.* — If a permanent vacancy occurs in the position of Chairperson of a Division other than the Presiding Justice, the most senior Associate Justice who is not yet a Chairperson shall become Chairperson of that Division.

(c) *In the position of Senior Member of a Division.* — If a permanent vacancy occurs in the position of Senior Member of a Division, the most senior ranking among the Junior Members shall become Senior Member of the Division.

(d) *In the position of Junior Member of a Division.* — If a permanent vacancy occurs in the position of Junior Member of a Division, the Associate Justice appointed by the President of the Philippines shall be the Junior Member of the Division. In the meantime, Section 4(c) of this Rule shall apply.

(e) *In the positions of Senior and Junior Members of a Division.* — If permanent vacancies occur simultaneously in the positions of Senior and Junior Members of a Division, the vacancies shall be filled in the manner stated in the preceding paragraphs (c) and (d).

(f) *Effect of the Appointment of a New Associate Justice.* — The appointment and assumption of a new Associate Justice to the vacant position in the Division as its Junior Member shall not disturb the composition of the other Divisions and shall not prejudice the consequent changes in the ranking or seniority among the Associate Justices.

(g) *Ranking within a Division Does not Affect Seniority in the Sandiganbayan.* — The ranking of the Associate Justices within each Division does not affect their seniority in the Sandiganbayan, which is based on the order of their respective appointments.

**Sec. 6. Court Officials and their Duties.** — (a) Clerk of Court. — The Clerk of Court is the administrative officer of the Sandiganbayan, who shall discharge the functions of the office under the control and supervision of the Sandiganbayan *en banc* through the Presiding Justice.

As administrative officer, the Clerk of Court shall take direct charge of the administrative operations of the Sandiganbayan and exercise general supervision over its subordinate officials and employees, except those belonging to the confidential staff of the Presiding Justice and the Associate Justices, and shall assist the Presiding Justice in the formulation of programs and policies for consideration and action of the Sandiganbayan *en banc*. The

Office of the Clerk of Court shall act as its Secretariat and prepare its agenda, minutes of meetings and resolutions.

(b) *Division Clerks of Court.* — Each Division shall have a staff composed of one (1) Division Clerk of Court and such personnel as the exigencies of the service may require.

(1) In the exercise of their functions, the Division Clerk of Court and the staff shall be under the control and supervision of the Division through its Chairperson.

(2) The Division Clerk of Court shall have, among other duties and responsibilities, direct control and supervision over the staff of the Office; monitor the status and progress of cases raffled to the Division, monitor papers, pleadings and motions filed with the Receiving Section in connection with any pending case and update the records of cases to be acted upon by the Division, both in the completion process and decisional stage, such as, but not limited to, the filing of briefs, memoranda and other legal papers within the allowable periods, preparation of the agenda of motions and other incidental matters for action by the Division; release minute resolutions, notices of decisions, resolutions and hearings, summonses, subpoenas, writs and other processes by and under the authority of the Chairperson of the Division; supervise the stenographers in the recording of the proceedings and preparation of its minutes; receive the decisions and resolutions of the Division for promulgation; and make entries of judgment in accordance with the Rules of Court.

(3) The Division Clerk of Court shall immediately report to the Chairperson and Members of the Division the failure of any party to comply with any resolution or order of the Sandiganbayan within the period prescribed therefor.

(4) If the records of a case are required to be transmitted to the Supreme Court, the Division Clerk of Court shall make a duplicate copy thereof, which shall serve as the back-up copy of the Sandiganbayan, before transmitting the original records of the case to the Supreme Court. The back-up copy shall serve as the authentic duplicate original of the records.

(5) In case of absence or unavailability of the Division Clerk of Court, the functions of the Division Clerk of Court shall be performed by the Assistant Division Clerk of Court.

***Sec. 7. Appointment, Termination and Disciplinary Action Against Court Officials and Other Employees.*** — The Sandiganbayan *en banc* shall

recommend, from a list of qualified applicants, appointments to the positions of the Clerk of Court, the Division Clerks of Court, the Assistant Division Clerks of Court, and all other personnel to the Supreme Court.

All resignations, terminations of services and disciplinary actions against officials and employees of the Sandiganbayan shall be submitted by the Sandiganbayan *en banc*, through the Presiding Justice, to the Supreme Court for appropriate action.

**Sec. 8. *Standing Committees.*** — The following standing committees, each composed of a Chairperson and at least two (2) members, all of whom are appointed by the Sandiganbayan *en banc*, shall assist the Sandiganbayan in the following administrative matters:

**(a) COMMITTEE ON GENDER-RESPONSIVENESS.** — On matters involving the implementation of the "Philippine Plan for Gender-Responsive Development, 1995-2025" adopted in Executive Order No. 273 issued on September 8, 1995 pursuant to Republic Act No. 7192, otherwise known as the "Women in Development and Nation-Building Act" dated February 12, 1992.

**(b) COMMITTEE ON PERSONNEL.** — On matters involving the recruitment, appointment, monitoring of leaves of absence, training, change in organizational structure, creation of positions, retirement and termination of services of personnel.

**(c) COMMITTEE ON BUDGET AND FINANCE.** — On matters involving: (1) the preparation of annual budget for submission to the Sandiganbayan *en banc* for approval; (2) allotment of funds; (3) accounting; and (4) all financial transactions.

**(d) COMMITTEE ON SECURITY AND SAFETY.** — On matters involving: (1) formulation of security policies; (2) installation, monitoring and maintenance of security and safety devices; and (3) enforcement and implementation of safety measures, such as wearing of I.D. cards, control of visitors, etc.

**(e) COMMITTEE ON RECORDS MANAGEMENT AND INFORMATION SERVICE.** — On matters involving the management of records, information, statistical data, and acquisition of Information Technology (IT)-related equipment and supplies.

**(f) COMMITTEE ON JUSTICES, OFFICIALS AND EMPLOYEES WELFARE, INCENTIVES AND BENEFITS** — On matters involving: (1) creation and maintenance of medical and dental services; (2) establishment



and operation of health and welfare plan; (3) establishment and supervision of canteen for Justices, officials and employees, cultural and sports activities; (4) maintenance of shuttle buses and other equipment for employees; (5) grant of awards and incentives, both monetary and non-monetary, to deserving Justices, officials and employees, pursuant to existing laws, rules and regulations; and (6) other related matters regarding employee welfare and benefits.

(g) **COMMITTEE ON LEGAL AND RESEARCH SERVICES** — On matters involving acquisition of books and other reading and research materials and library services, publication of decisions and circulars of the Sandiganbayan, research on legal issues and other related matters referred to it by the Sandiganbayan.

(h) **COMMITTEE ON BUILDINGS AND GROUNDS**. — On matters involving: (1) the construction, repairs, improvements and maintenance of buildings and grounds; and (2) formulation and submission of proposals for the acquisition of sites, construction and maintenance of buildings for the Sandiganbayan sessions outside of its principal office.

(i) **COMMITTEE ON ACQUISITION, PROCUREMENT, MAINTENANCE AND DISPOSAL OF FACILITIES, EQUIPMENT AND SUPPLIES**. — On matters involving the purchase, acquisition, maintenance and disposal of vehicles, office equipment, supplies, and furniture of the Sandiganbayan, and conducting required biddings and awards in relation thereto.

(j) **COMMITTEE ON RULES**. — On matters involving the revision of the internal rules, circulars and administrative orders of the Sandiganbayan.

(k) **COMMITTEE ON RAFFLE OF CASES**. — On matters involving the raffle and assignment of cases, the conduct of the regular raffle of cases filed with the Sandiganbayan, classification of cases for purposes of consolidation before the scheduled raffle, and the propriety and legality of conducting a special raffle of particular cases *motu proprio* or upon motion of a litigant.

(l) **COMMITTEE ON SOCIAL AFFAIRS AND LIAISON**. — On matters involving the social activities of the Sandiganbayan, and liaison with other government offices, and agencies.

(m) **COMMITTEE ON ETHICS**. — On matters involving ethics and discipline of the members of the Sandiganbayan, its officials and employees, including review and submission of comments and recommendations on reports of Investigating Officers on administrative complaints against officials and employees of the Sandiganbayan; and formulation and

recommendation of policies and administrative procedures on disciplining of Court officials and employees;

(n) **COMMITTEE ON SPECIAL CONCERNS.** — On matters involving identification of problems in the performance of duties of the Sandiganbayan to ensure honest, effective, efficient and speedy administration of justice; preparation and submission of recommendations to the Presiding Justice of recommendations and suggestions to solve said problems; and performance of other related tasks or duties as may be assigned by the Presiding Justice or the Sandiganbayan *en banc*.

The members of the standing committee shall serve for a term of one (1) year from date of appointment by the Sandiganbayan *en banc*, and shall continue to serve on a hold-over capacity until their successors shall have been appointed.

In case of a vacancy, whether permanent or temporary, the Presiding Justice may, in the interest of the service, designate a member to sit temporarily in the committee as member. In case a vacancy occurs in the position of Chairperson of a standing committee, the most senior member of the committee shall act as Chairperson until a regular Chairperson is appointed by the Sandiganbayan *en banc*.

The foregoing notwithstanding, the Sandiganbayan may create *ad hoc* committees for specific projects or undertakings. It may also modify the functions and responsibilities of the standing committees as the need therefor arises.

The various standing and *ad hoc* committees shall submit their recommendations to the Sandiganbayan *en banc* for appropriate action.

### **RULE III**

#### **POWERS AND FUNCTIONS OF THE SANDIGANBAYAN**

**Section 1. Exercise of Adjudicatory Powers and Functions.** — The Sandiganbayan shall exercise its adjudicatory powers, functions and duties through its seven (7) Divisions. It sits *en banc* for the exercise of its administrative, ceremonial and non-adjudicatory functions.

**Sec. 2. Matters Cognizable by the Sandiganbayan En Banc.** — The Sandiganbayan shall sit *en banc* to:

(a) Promulgate rules or orders, amend, revise or repeal existing rules or orders or parts thereof, and formulate and adopt policies relative to administrative matters, such as the distribution of cases and the internal operation and management of the Sandiganbayan.

(b) Recommend to the Supreme Court the appointment of the Clerk of Court, Division Clerks of Court and other court employees chosen from a list of all qualified applicants for each vacant position prepared in accordance with the Civil Service Law, rules and regulations, except for positions that are confidential in nature and coterminous with the term of office of a particular Justice to whom they are assigned, who shall make the proper endorsement to the Sandiganbayan *en banc* for recommendation to the Supreme Court.

(c) Study and recommend to the Supreme Court organizational matters, such as the creation or abolition of offices, units or services or their regrouping or merger as the exigencies of the service may require.

(d) Receive foreign and local dignitaries, important guests and visitors, honor a colleague or retiring member of the Sandiganbayan, and hold necrological services for deceased members.

(e) Adopt uniform administrative measures, procedures and policies for the protection and preservation of the integrity of the judicial processes, the speedy disposition of cases and the promotion of efficiency of the personnel.

(f) Provide a forum for discussion of various court-related issues or matters.

(g) Take up other administrative matters which the Presiding Justice or any member of the Sandiganbayan may suggest for consideration.

(h) Adopt resolutions which shall be numbered, dated and indexed.

**Sec. 3. Creation of Special Division.** – The Sandiganbayan *en banc* may request or recommend to the Supreme Court the creation of a Special Division to try cases where compelling reasons and the interest of justice so require.

## PART II ORIGINAL ACTIONS

### RULE IV SESSIONS AND TRIALS

*Section 1. Principal Office; Place of Holding Sessions.*—The Sandiganbayan shall have its principal office at the Sandiganbayan Centennial Building in Quezon City, and shall hold sessions thereat for the trial and hearing of cases filed with it: provided that trial and hearing of cases originating from Luzon, Visayas and Mindanao, shall be held in the region of origin, only when the greater convenience of the parties and of the witnesses or other compelling considerations require the contrary, in which instance a case originating from one region may be heard in another region: provided, further, that for this purpose the Presiding Justice shall authorize any Division or Divisions of the Sandiganbayan to hold sessions at any time and place outside of its principal office, and, where the greater interest of justice so requires, outside the Philippines.

*Sec. 2. Support Personnel and Facilities in Sessions Outside of Principal Office.* — In sessions outside of its principal office, the Sandiganbayan may require the services of the personnel and the use of facilities of other courts or other government offices where any of the Divisions is holding sessions and the personnel of such courts or offices shall be subject to the orders of the Sandiganbayan, acting through the Chairperson of the Division.

*Sec. 3. Court Sessions.* — (a) *Sandiganbayan En Banc.* — The regular sessions of the Sandiganbayan *en banc* shall be held every first and third Monday of the month at 11:00 a.m., or at any date and time as may be agreed upon. The Presiding Justice or at least seven (7) Associate Justices may call a special session at another date and time, by written notice to all the Justices.

The presence of a majority of the members of the Sandiganbayan shall constitute a quorum of the *en banc*. Upon a quorum having been established, it continues until the session is finally adjourned or terminated. The votes of a majority of the quorum shall be required to pass a resolution.

(b) Divisions. — Regular sessions for trial of cases before the Divisions shall be from 8:30 a.m. to 12:00 p.m. and/or from 1:30 p.m. to 4:30 p.m., from Monday to Friday, without prejudice to extension of the session hours in the interest of the service. The Division Chairperson, however, for urgent and valid reasons, may schedule the hearing of a case assigned to the Division on other dates and time after consultation with the parties.

At the start of the session, a quorum of three (3) Justices is required for a Division to validly conduct proceedings, provided that, for cases over which trial has not started on the date of effectivity of Republic Act (R.A.) No. 10660, a majority of two (2) Justices shall be required to constitute a quorum. Upon a quorum having been established, it continues until the session is finally adjourned or terminated. The Chairperson shall preside over the proceedings during the session of the Division; provided that the Chairperson may designate another member to preside over the proceedings. In the absence of the Chairperson, the Senior Member or, in the latter's absence, the Junior Member, of the Division shall preside.

## RULE V ISSUANCE OF WRITS AND PROCESSES

*Section 1. Writs and Processes Issued by the Sandiganbayan.* — Writs and processes of the Sandiganbayan, such as warrants of arrest and search warrants shall be issued by the Chairperson of the Division where the case was raffled, or in his/her absence, the most senior member present after having determined the existence of probable cause in accordance with the pertinent provisions of the Rules of Court. However, where there is an urgent necessity for the issuance thereof before the case is raffled to a Division, the writ or process shall be issued by the Presiding Justice or in his/her absence, by the most senior Associate Justice present.

*Sec. 2. Writs and Processes Issued by Clerks of Court.* — All other writs and processes shall be issued by the Clerk of Court or the Division Clerk of Court, upon order of the Division, through the Chairperson or anyone acting as such, under the seal of the Sandiganbayan.

*Sec. 3. Subpoenas and Notices.* — In addition to the provisions of Rules 13 and 21 of the 1997 Rules of Civil Procedure, the Sandiganbayan may serve subpoenas and notices to parties, their counsels and witnesses in criminal

and civil cases through e-mail, telephone call (landline or mobile phone), or by Short Message Service (SMS). In cases where there are detainees, such service shall be made through the officer having the management of the jail or penal institution where the inmates are detained.

**Sec. 4. Official E-mail Address.** - The Sandiganbayan shall use the official e-mail address, mobile phone and landline numbers provided by the Supreme Court Management Information Systems Office (MISO) for the service of subpoenas and notices. The Sandiganbayan shall also inform the parties, their counsels, witnesses, or the officer having the management of the jail or penal institution, of the Sandiganbayan's official e-mail address, landline and mobile phone numbers.

**Sec. 5. Authority to Serve.** - The Division Clerk of Court shall designate at least two (2) Court personnel to call or electronically serve subpoenas and notices, whose name shall be submitted to the SB MISD.

For this purpose, the attached Form "A" shall be used and the accomplished form shall be sent via e-mail to the e-mail address to be provided by the Division Clerk of Court, in accordance with OCA Circular No. 33-2017 dated 7 February 2017.

**Sec. 6. Duty to Furnish Contact Details.** - In criminal cases, the Sandiganbayan shall direct the public prosecutors to furnish the court his /her e-mail address, landline and mobile phone numbers, including those of the complainant/s and his/her witnesses. Where a private prosecutor enters his/her appearance, the duty to furnish these data shall be on the private prosecutor. Where the accused is represented by a counsel *de parte*, or counsel *de officio*, including the public attorney, the responsibility of supplying the above data shall belong to them. The Sandiganbayan shall see to it that these requirements are complied with. For this purpose, the attached Form "B" shall be used.

In civil cases, the Sandiganbayan shall direct the counsels, or in their absence, the parties, to furnish the court with the e-mail addresses, and the landline and mobile phone numbers of the parties, their counsels, and witnesses through which they can be served with subpoenas and notices. For this purpose, the attached Form "B" shall be used.

**Sec. 7. Modes of Service.** – Without prejudice to the provisions of Rules 13 and 21 of the 1997 Rules of Civil Procedure, the subpoenas and notices shall first be electronically served through e-mail or SMS. If these modes of service are not feasible, then the notices and subpoenas shall, with prior clearance from the justices, be served by telephone calls, either through landline or mobile phone. For this purpose, the attached Form “C” shall be used.

For accuracy and uniformity, service through SMS should include the court of origin, the case number, and the notice itself. The SMS should resemble the sample SMS hereto attached as Annex “1”.

The electronic service or service by telephone call under these guidelines shall be proved by any of the following:

- a. printouts of sent e-mail and the acknowledgment by the recipient;
- b. printouts of SMS transmitted through the Sandiganbayan’s equipment or device and the acknowledgment by the recipient; or
- c. report of phone call made by the designated court personnel.

## **RULE VI BAIL**

**Section 1. Non-bailable offense.** – All offenses are bailable except those punishable by death, *reclusion perpetua* or life imprisonment, when the evidence of guilt is strong.

**Sec. 2. Bailable offense; How Amount Fixed; Approval.** – a) Where a case involving a bailable offense has not been raffled to a Division, the amount of bail shall be fixed and approved by the Presiding Justice or, in the latter’s absence, the most senior Justice present.

b) Where a case has been raffled to a Division, the amount of bail shall be fixed and approved by its Chairperson or, in his/her absence, by any Justice of the Division or, in their absence, by any Justice of the Sandiganbayan.

Where the accused is arrested, detained or otherwise placed in custody outside the National Capital Region, Sections 17 and 19, Rule 114 of the Revised Rules of Criminal Procedure shall apply.

All bonds approved shall be without prejudice to the final action thereon by the Division handling the case, which may either confirm the bond or require the posting of additional or different bond for the accused.

## **RULE VII MOTIONS**

**Section 1. Motion Day.** — Except for motions which may be acted upon *ex parte*, all motions shall be scheduled for hearing on a Friday, or if that day is a non-working holiday, on the next working day. However, a Division may designate for justifiable reason any other motion day, provided that the parties shall be duly notified thereof.

In all litigated motions, the movant shall file proof of service to the adverse party, pursuant to Section 13 of Rule 13 of the 1997 Rules of Civil Procedure; otherwise, the Sandiganbayan may not give due course thereto.

Motions requiring immediate action may be acted upon on shorter notice.

In appealed cases, the provision of Sec. 3, Rule 49 of the 1997 Rules of Civil Procedure, on Motions shall apply.

**Sec. 2. Prohibited Motions.** — The following are prohibited motions:

(a) Motion for judicial determination of probable cause;

(b) Motion for preliminary investigation filed beyond the five (5)-day reglementary period in inquest proceedings under Section 6, Rule 112, or when preliminary investigation is required under Section 8, Rule 112, or allowed in inquest proceedings and the accused failed to participate in the preliminary investigation despite due notice;

(c) Motion for reinvestigation of the prosecutor recommending the filing of information once the information has been filed before the Sandiganbayan [1] if the motion is filed without prior leave of court; [2] when preliminary investigation



is not required under Section 8, Rule 112; and [3] when the regular preliminary investigation is required and has been actually conducted, and the grounds relied upon in the motion are not meritorious, such as issues of credibility, admissibility of evidence, innocence of the accused, or lack of due process when the accused was actually notified, among others;

(d) Motion to quash information when the ground is not one of those stated in Section 3, Rule 117;

(e) Motion for bill of particulars that does not conform to Section 9, Rule 116;

(f) Motion to suspend arraignment based on grounds not stated under Section 11, Rule 116; and

(g) Petition to suspend the criminal action on the ground of prejudicial question, when no civil case has been filed, pursuant to Section 7, Rule 111.

The Sandiganbayan shall deny outright any prohibited motion.

***Sec. 3. Resolution on Interlocutory or Incidental Motions.*** — Rulings on all written motions on interlocutory or incidental matters submitted to any regular Division for resolution shall be reached in consultation among and by the unanimous vote of the three (3) Justices participating in the consideration thereof.

Rulings on oral motions or objections made in the course of the trial or hearing shall be made by the Chairperson of the Division or the Justice actually presiding over the proceedings: *Provided*, that oral motions or objections on substantial but interlocutory or incidental matters may be ordered reduced into writing and shall likewise be resolved by the unanimous vote of the three (3) Justices of the Division.

In case a unanimous vote cannot be obtained, a Special Division of five (5) Justices shall be constituted pursuant to Section 1, Rule IX. A majority vote of such Special Division shall suffice to resolve interlocutory or incidental motions.

However, for cases arising from offenses committed after the effectivity of Republic Act R.A. No. 10660, the concurrence of a majority of the members of the Division shall be necessary to resolve such motions.

*Sec. 4. Period to comment and to resolve.* – In case of meritorious motions, the comment of the adverse party shall be filed within a period of ten (10) calendar days from notice or receipt of the order of the Sandiganbayan to file the same, and it shall resolve the motion within a period of thirty (30) calendar days from the expiration of the ten (10)-day period, with or without comment.

At its discretion, the Sandiganbayan may set the motion for hearing within a period of ten (10) calendar days from the expiration of the ten (10)-day period to file comment, in which case the same shall be submitted for resolution after the termination of the hearing, and shall be resolved within a non-extendible period of ten (10) calendar days thereafter.

Reply and memorandum shall not be allowed.

## RULE VIII PROCEDURES AND PROCEEDINGS BEFORE THE SANDIGANBAYAN

*Sec. 1. Arraignment; How Made; Waiver of Reading.* – Arraignment shall be conducted in accordance with Section 1, Rule 116 of the Revised Rules of Criminal Procedure. The handling Division, however, may request in writing another Division conducting hearings outside of its principal office, to arraign an accused and resolve all incidents during the arraignment therein, and such arraignment and any order issued relative thereto shall be valid and binding as if done by the handling Division.

Upon motion showing good cause therefor, or when the Sandiganbayan deems it appropriate, both the arraignment and pre-trial of an accused may be conducted outside the principal office of the Sandiganbayan by the handling division or, upon request in writing by the latter, by another division conducting hearing in the locality. If the accused pleads guilty during the arraignment, whether to the offense charged or to a lesser offense, pursuant to Section 2 of Rule 116, a judgment of conviction may be rendered forthwith. If rendered by another Division, the judgment shall be valid and binding as if done by the handling Division.

The accused may waive the reading of the Information provided that the Sandiganbayan is satisfied that he/she has full understanding of the nature and cause of the accusation/s contained in the Information/s filed, as explained to him by his/her counsel, as well as full understanding of the consequences of the waiver. The waiver shall be reduced in writing and

signed by the accused and his counsel, and shall be stated in the minutes/certificate of arraignment and the order of arraignment.

**Sec. 2. Conditional Arraignment.** — Where an accused seeks to travel outside the Philippines prior to arraignment, the Sandiganbayan, in its discretion, may arraign the accused under the following conditions:

(a) That if the information is not subsequently amended or re-filed, the conditional arraignment shall be considered as a regular arraignment and the case may proceed even in the absence of the accused;

(b) That if the Information be subsequently amended or re-filed, the accused shall be deemed to have waived the right against double jeopardy and the accused shall be arraigned under the amended or new information;

(c) That the accused will not lose the right under the rules to question in a motion to quash the amended or new information filed subsequent to the conditional arraignment; and

(d) That in case the Information be subsequently quashed or withdrawn, the arraignment shall be considered of no force and effect and/or shall not be used as ground to invoke the right against double jeopardy;

The order issued at the arraignment shall state that the above conditions were explained to the accused in unmistakable terms, and that the accused clearly understood and expressly accepted the terms and conditions.

**Sec. 3. Precautionary Hold Departure Order.** – (a) A precautionary hold departure order (PHDO) under A.M. No. 18-07-05-SC dated 7 August 2018 is an order in writing issued by a court commanding the Bureau of Immigration to prevent any attempt by a person suspected of a crime to depart from the Philippines, which shall be issued *ex-parte* in cases involving crimes where the minimum of the penalty prescribed by law is at least six (6) years and one (1) day or when the offender is a foreigner regardless of the imposable penalty.

(b) The application for a PHDO may be filed by the Office of the Ombudsman with the Sandiganbayan.

(c) Upon motion by the complainant in a criminal complaint filed before the Office of the Ombudsman, and upon a preliminary determination of probable cause based on the complaints and attachments,

the Office of the Ombudsman may file an application in the name of the People of the Philippines for a PHDO with the Sandiganbayan. The application shall be accompanied by the complaint-affidavit and its attachments, personal details, passport number and a photograph of the respondent, if available.

(d) A PHDO shall not issue except upon determination by a Division of the Sandiganbayan, where the application is raffled, that probable cause exists, and there is a high probability that respondent will depart from the Philippines to evade arrest and prosecution of crime against him or her. The Division shall personally examine under oath or affirmation, in the form of searching questions and answers in writing, the applicant and the witnesses he/she may produce on facts personally known to them and attaching to the record their sworn statements.

If the Division finds that probable cause exists and there is a high probability that respondent will depart, it shall issue the PHDO and direct the Bureau of Immigration to hold and prevent the departure of the respondent at any Philippine airport or ports. Otherwise, the Division shall order the dismissal of the application.

(e) Since the finding of probable cause by the Division is solely based on the complaint and is specifically issued for the purpose of issuing the PHDO, the same shall be without prejudice to the resolution of the Office of the Ombudsman of the criminal complaint considering the complaint-affidavit, counter-affidavit, reply-affidavit, and the evidence presented by both parties during the preliminary investigation. If the Office of the Ombudsman, after preliminary investigation, dismisses the criminal complaint for lack of probable cause, then the respondent may use the dismissal as a ground for the lifting of the PHDO with the Sandiganbayan. If the Office of the Ombudsman finds probable cause and files the criminal information, the case with the Division that issued the PHDO, on motion of the Office of the Ombudsman, shall be consolidated with the Division where the criminal information is filed.

(f) The PHDO shall indicate the name of the respondent, his/her alleged crime, the time and place of its commission, and the name of the complainant. (See Annex "A" of A.M. No. 18-07-05-SC dated 7 August 2018). A copy of the application, personal details, passport number, photograph of the respondent, if available, shall be appended to the order. The order shall be valid until lifted by the issuing Division as may be warranted by the result of the preliminary investigation.

The Division shall furnish the Bureau of Immigration with a duly certified copy of the hold departure order within twenty-four (24) hours from issuance.

(g) The respondent may file a verified motion before the issuing Division for the temporary lifting of PHDO on meritorious ground; that, based on the complaint-affidavit and the evidence that he/she will present, there is doubt that probable cause exists to issue the PHDO or it is shown that he/she is not a flight risk; *Provided*, that the respondent posts a bond; *Provided, further*, that the lifting of the PHDO is without prejudice to the resolution of the preliminary investigation against the respondent.

(h) Respondent may ask the issuing Division to allow him or her to leave the country upon posting of a bond in an amount to be determined by the Sandiganbayan subject to the conditions set forth in the Order granting the temporary lifting of the PHDO.

**Sec. 4. *Suspension Pendente Lite.*** – After the arraignment of an accused public officer against whom a valid information charging any of the violations referred to in Section 13 of R.A. No. 3019 is filed, the Sandiganbayan shall *motu proprio* give the said accused a non-extendible period of ten (10) calendar days from notice within which to explain in writing why he should not be preventively suspended. Thereafter, the Sandiganbayan shall issue an order of preventive suspension of the accused, if found warranted under the aforesaid provision of R.A. No. 3019, as well as applicable decisions of the Supreme Court.

**Sec. 5. *Preliminary Conference and Pre-Trial.*** – The preliminary conference and pre-trial conference shall be set at the time of the arraignment. Strict observance of the guidelines on preliminary conference as provided in A.M. No. 03-1-09-SC dated 13 July 2004,<sup>1</sup> as amended by A.M. No. 15-06-10-SC dated 25 April 2017,<sup>2</sup> shall be mandatory.

**Sec. 6. *Form of Testimony.*** – The testimony of witnesses shall consist of the duly subscribed written statements given to law enforcement or peace officers or the affidavits or counter affidavits submitted before the Office of the Ombudsman, and if such are not available, testimonies shall be in the

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<sup>1</sup> Guidelines to be Observed by Trial Court Judges and Clerks of Court in the Conduct of Pre-trial and Use of Deposition and Discovery Measures.

<sup>2</sup> The Revised Guidelines for Continuous Trial of Criminal Cases.

form of judicial affidavits, in accordance with the Judicial Affidavit Rule. In all other cases where the culpability or the innocence of the accused is based on the testimonies of the alleged eyewitnesses, the testimonies of these witnesses shall be in oral form.

**Sec. 7. Offer of Evidence.** — As a rule, an offer of evidence shall be made orally immediately after the party has finished the presentation of its evidence. Comments and/or objections thereto shall likewise be made orally, and the Sandiganbayan shall thereafter rule thereon.

However, upon oral motion, and immediately after the party has presented its last witness, the Sandiganbayan, in the same proceeding, may authorize the offer and the comments/objections thereto be made in writing when there are voluminous and/or numerous documents involved. The formal offer shall be made within a non-extendible period of ten (10) calendar days from its grant, and the adverse party shall be given a non-extendible period of ten (10) calendar days from receipt of the said offer to comment/object thereto. Thereafter, the formal offer and the comment/objection shall be resolved within a non-extendible period of ten (10) calendar days, with or without comment/objection.

**Sec. 8. Demurrer to Evidence.** — The filing of a demurrer to evidence shall be governed by Section 23, Rule 119 of the Revised Rules of Criminal Procedure, and shall be resolved or decided within forty-five (45) calendar days from its submission. However, where a case involves several accused, and one or some of the accused did not file such demurrer, the demurrer may be resolved or decided simultaneously or jointly with the main decision after the presentation of evidence for the other accused, for the orderly disposition of the case.

## RULE IX RENDITION OF JUDGMENT OR FINAL ORDER

**Sec. 1. Procedure in Deciding Cases.** — The conclusions of a regular or Special Division of the Sandiganbayan in any case submitted to it for decision shall be reached in consultation among the members thereof before the case is assigned to one of them for the writing of the opinion of the Division.

A certification to this effect signed by the Presiding Justice shall be issued and a copy thereof attached to the record of the case and served upon the parties. Any Member who took no part, dissented or abstained from a decision or resolution must state the reason therefor.

*Sec. 2. Votes Required to Decide.* — The unanimous vote of three (3) Justices in a Division shall be necessary for the rendition of a judgment or final order. In the event a unanimous vote is not obtained, the Presiding Justice shall designate by raffle, on rotation basis, two (2) Justices from all the other members of the Sandiganbayan to sit temporarily with them, forming a Special Division of five (5) Justices, and the vote of a majority of such Special Division shall be necessary for the rendition of a judgment or final order.

*Sec. 3. Judgment in Joint Trials.* — In a joint trial involving more than one case, the Division may render a joint or separate judgment when appropriate. In case there are more than one (1) accused, the Division may also render judgment, for or against one or more of the accused, when proper. In either case, where the required unanimous vote is not secured, a Special Division of five (5) Justices shall be constituted to resolve the remaining case or the criminal or civil liability of the remaining accused. In such a case, a vote of the majority shall be required.

*Sec. 4. Voting Requirement for Cases Arising from Offenses Committed after the Effectivity of R.A. No. 10660.* — The above notwithstanding, for cases arising from offenses after the effectivity of R.A. No. 10660, the concurrence of a majority of the members of the Division shall be necessary to render judgment or final order.

*Sec. 5. Promulgation of Judgment.* — A judgment in a criminal case by a Division shall be promulgated within ninety (90) days for those rendered in the exercise of its original jurisdiction, and twelve (12) months for those rendered in the exercise of its appellate jurisdiction, from the time the case was submitted for decision, in accordance with Section 6, Rule 120 of the Revised Rules of Criminal Procedure.

The Division which rendered the judgment may request in writing another Division conducting hearings outside of its principal office, to promulgate the judgment and resolve all incidents during the promulgation

therein, and such promulgation and any order issued relative thereto shall be valid and binding as if done by the Division which rendered the decision.

In civil cases, the decision shall be rendered in accordance with Rule 36 of the 1997 Rules of Civil Procedure.

**Sec. 6. Execution of Judgment.** — Immediately after the judgment has become final and executory, if the accused is not detained, the Sandiganbayan shall issue a Warrant of Arrest and order the bondsperson to produce the accused within ten (10) calendar days. If the bondsperson fails to produce the accused as ordered, the Sandiganbayan shall forfeit the bond and order the bondsperson to show cause why judgment shall not be rendered against the bond.

If the bondsperson fails to justify its failure to produce the accused, judgment shall be rendered against the bond.

Upon the arrest, production by the bondsperson or voluntary surrender of the accused, or if the accused is already detained, *mittimus* shall issue to commit the accused for service of sentence.

Insofar as civil liability, if any, is concerned, the same shall be executed in accordance with Rule 39 of the 1997 Rules of Civil Procedure.

## RULE X MOTION FOR NEW TRIAL OR RECONSIDERATION

**Section 1. Period to File Motion for New Trial or Reconsideration.** — A Motion for New Trial or Reconsideration of a decision or final order shall be filed within fifteen (15) calendar days from promulgation of the judgment or from notice of the final order or judgment. The motion shall be decided within thirty (30) calendar days from the date of submission for resolution.

**Sec. 2. Resolutions on Motions for New Trial or Reconsideration.** —

(a) Motions for New Trial or Reconsideration of a decision or final order shall be acted upon by the *ponente* and the other members of the Division who participated in the decision or resolution sought to be reconsidered, irrespective of whether or not such members are already in other Divisions at the time the said motions were filed. They shall be



deemed constituted as a Special Division of the Division to which the *ponente* belonged at the time of the promulgation of the decision or resolution.

(b) If the *ponente* is no longer a member of the Sandiganbayan or is disqualified or has inhibited from acting on the motion, his/her replacement shall be chosen by raffle from among the remaining members of the Division who participated and concurred in the decision or resolution.

(c) If only one (1) member of the Division who participated and concurred in the decision or resolution remains, that member shall be the *ponente*.

(d) Any vacancy in the Special Division shall be filled by raffle from among the other members of the Sandiganbayan to complete the Special Division of five (5) members.

(e) If the *ponente* and all members of the Division that rendered the decision or resolution are no longer members of the Sandiganbayan, the new Chairperson may assign the case to any member of the Division who shall act upon the motion with the participation of the other members of the Division.

(f) Motions for reconsideration shall be resolved by a Division by unanimous vote of its members, and in case of a Special Division of five (5), by the concurrence of at least three (3) of its members. However, for cases arising from offenses committed after the effectivity of R.A. No. 10660, the concurrence of a majority of the members of the Division shall be necessary to resolve the motion.

**Sec. 3. Grounds for New Trial in Civil Cases.** — A new trial may be granted in civil cases decided by the Sandiganbayan in the exercise of its original jurisdiction on the grounds provided in Section 1 of Rule 37 of the 1997 Rules of Civil Procedure.

In civil cases appealed to or decided by the Sandiganbayan, a new trial may be granted on the ground provided in Section 1 of Rule 53 of the 1997 Rules of Civil Procedure.

**Sec. 4. Grounds for New Trial in Criminal Cases.** — A new trial may be granted in criminal cases decided by the Sandiganbayan in the exercise of its original jurisdiction on the grounds provided in Sec. 2 of Rule 121, or on the ground provided in Sec. 14, Rule 124, of the Revised Rules of Criminal Procedure in criminal cases appealed to or decided by the Sandiganbayan.

**Sec. 5. *Effect of Granting a New Trial.*** — When a new trial is granted in civil cases, the provisions of Rule 37 or Rule 53 of the 1997 Rules of Civil Procedure shall apply in the proper case. When a new trial is granted in criminal cases, Rule 121 or Rule 124 of the Revised Rules of Criminal Procedure shall apply in the proper case.

**Sec. 6. *Period to Decide Case on New Trial.*** — When a new trial is granted in the cases under the immediately preceding Sections 3, 4 and 5, the same period of time granted to the Sandiganbayan to decide a case submitted for decision shall apply.

**Sec. 7. *Form of Disposition.*** — In all cases where the Sandiganbayan grants new trial or reconsideration, the original judgment shall be set aside or vacated and a new or amended judgment rendered accordingly.

**Sec. 8. *Effect of Filing an Appeal and a Petition for Review on Certiorari in the Supreme Court.*** — No Motion for Reconsideration or New Trial shall be acted upon if the movant has filed a notice of appeal with the Sandiganbayan, or petition for review on *certiorari* or a motion for extension of time to file such petition with the Supreme Court. The Motion for Reconsideration or New Trial pending with the Sandiganbayan shall be deemed abandoned upon the filing of a petition or such motion for extension.

## RULE XI REVIEW OF JUDGMENTS AND FINAL ORDERS

### ***Section 1. Methods of Review.*** —

(a) ***In General.*** — The appeal to the Supreme Court in criminal cases decided by the Sandiganbayan in the exercise of its original jurisdiction shall be by notice of appeal filed with the Sandiganbayan and by serving a copy thereof upon the adverse party.

The appeal to the Supreme Court in criminal cases decided by the Sandiganbayan in the exercise of its appellate jurisdiction, and in civil cases shall be by petition for review on *certiorari* under Rule 45 of the 1997 Rules of Civil Procedure.

(b) *Automatic appeal.* — Whenever the Sandiganbayan in the exercise of its original jurisdiction imposes the death penalty, the records of the case, together with the transcript of stenographic notes, shall be forwarded within five (5) days after the fifteenth (15th) day following the promulgation of the judgment or notice of denial of a Motion for New Trial or Reconsideration to the Supreme Court for automatic review and judgment.

### **PART III**

#### **MODES OF APPEAL TO THE SANDIGANBAYAN**

#### **RULE XII**

##### **APPEAL AND PETITION FOR REVIEW**

*Section 1. Ordinary Appeal.* — Appeal to the Sandiganbayan from a decision rendered by a Regional Trial Court in the exercise of its original jurisdiction shall be by ordinary appeal under Rules 41 and 44 of the 1997 Rules of Civil Procedure, or Rules 122 and 124 of the Revised Rules of Criminal Procedure, as the case may be.

*Sec. 2. Petition for Review.* — Appeal to the Sandiganbayan from a decision of the Regional Trial Court in the exercise of its appellate jurisdiction shall be by Petition for Review under Rule 42 of the 1997 Rules of Civil Procedure.

### **PART IV**

#### **PROVISIONS COMMON TO ORIGINAL AND APPEALED CASES AND PETITIONS FOR REVIEW AND MISCELLANEOUS PROVISIONS**

#### **RULE XIII**

##### **ASSIGNMENT, DISTRIBUTION, CONSOLIDATION, TRANSFER, RE-RAFFLE AND PROCESSING OF CASES**

*Section 1. Filing of Informations and Pleadings.* — Informations and pleadings shall be filed in five (5) copies.

The Information shall be accompanied by the duly subscribed written statements given to law enforcement or peace officers, or the affidavits or

counter-affidavits submitted before the Office of the Ombudsman, together with the Resolution of the Ombudsman and its supporting evidence, including a certification that copy of the resolution has been duly served upon the accused or counsel pursuant to the Rules of Court, and that the reglementary period to file a motion for reconsideration in accordance with the rules of the Office of the Ombudsman, has expired, or that the resolution denying the Motion for Reconsideration has been duly served upon the accused or counsel.

A pleading or motion shall indicate the filing party's or counsel's contact details, *e.g.*, telephone number, fax number, mobile phone number or e-mail address, in addition to the other requirements mandated by the Rules.

Non-compliance with the above requirements may be a ground for the Sandiganbayan to dismiss or not to act on the Information or pleading pending submission of the requirement(s).

**Sec. 2. *Distribution of Cases.*** — All cases filed with the Sandiganbayan shall be distributed among the seven (7) Divisions by regular raffle at 11:00 a.m. of every Friday or if that day is a non-working day, on the next succeeding working day, or at any other day and time as may be set by the Sandiganbayan *en banc*, at the session hall of the First Division or another Division agreed upon by the Raffle Committee. A special raffle of a case may be conducted by the Raffle Committee on any day as soon as possible, upon motion by any party for valid and urgent reasons as determined by the Chairperson of the Raffle Committee or, in the latter's absence, by any of its members. The raffle shall be made public with proper notices/postings in three (3) conspicuous places in the Sandiganbayan at least one (1) day before the raffle date.

**Sec. 3. *Assignment of Cases.*** — Cases assigned to a Division shall remain with said Division notwithstanding changes in its composition. All matters raised therein shall be resolved by all the Justices who are regular members of the Division at the time said matters were submitted for resolution. If a member of the Division ceases to be a member of the Sandiganbayan for any reason whatsoever, the Associate Justice chosen to fill the vacancy in accordance with the manner provided in Sec. 4 or 5, Rule II of these Rules, shall participate in the resolution of said case.

**Sec. 4. Consolidation and Transfer of Cases.** — Cases arising from the same incident or series of incidents, or involving common questions of fact and law, may be consolidated in the Division to which the case bearing the lowest docket number is assigned, in order to promote the speedy disposition of cases, and serve the convenience of the parties and the interest of justice.

(a) *Before Cases are Raffled.* — If the propriety of consolidation appears upon the filing of the cases concerned as determined by the Raffle Committee, all such cases shall be consolidated but considered individually except for purposes of the raffle determining Division caseload.

(b) *After the Cases are Raffled.* — If the propriety of such consolidation becomes apparent only after the cases are raffled, consolidation may be effected *motu proprio* by the Division or upon written motion of a litigant concerned filed with the Division taking cognizance of the case to be consolidated. If the motion is granted, consolidation shall be made to the Division with the lowest docket number, and if the latter accepts the consolidation, it may transfer to the former, an equivalent number of cases of approximately the same number of parties, age, nature and stage in the proceedings, with proper notice to the parties in said cases.

**Sec. 5. Unloading of Cases.** — There shall be unloading of cases: (1) when there is/are new Division(s) or a need to balance the caseload of Divisions as may be determined by the Sandiganbayan *en banc*; and (2) where there is/are member/s of the confidential staff in the Division related to a party or counsel.

**Sec. 6. Cases Submitted for Decision; Assignment to Ponente.** —

(a) In original actions, a case shall be considered submitted for decision upon the filing of the last pleading, brief or memorandum required by the Rules of Court or by the Sandiganbayan or the expiration of the period to do so.

(b) In appealed cases and petitions for review, the case shall be deemed submitted for decision or resolution upon the filing of the last pleading, brief or memorandum required by the Rules of Court or by the Sandiganbayan itself.

(c) Motions and other incidents in a case shall be deemed submitted for resolution when so declared by the Sandiganbayan.

(d) Within ten (10) days from submission of the case or matter for decision or resolution, the Chairperson of the Division shall assign the same by raffle to a member thereof for study and report.

(e) Within ninety (90) days from the time the case was submitted for decision or resolution, the Justice to whom the case is assigned for study and report shall submit a written report thereon to the other members of the Division for consultation. The Chairperson shall include the case in an agenda for a meeting of the Division for its deliberation.

(f) After such deliberation, if the other members of the Division agree with the report, the member to whom the case is assigned for study and report shall write the decision for signature and immediate promulgation. Minutes of the meeting shall be kept.

(g) Within ten (10) days from receipt of the report and recommendation for deliberation, a justice may submit a dissent to the other members of the Division within the same period.

(h) After a member of the Division dissented in writing and the Special Division of Five is thus constituted, it shall retain the case until its final disposition despite changes in its membership caused by reorganization or other reasons.

(i) The *ponente* of the Special Division of Five shall be determined as follows:

- i) If the majority agrees with the *ponencia*, the *ponente* thereof shall write the majority opinion;
- ii) If there is only one dissenting opinion but the majority of the Special Division agrees with the dissent, the Justice who dissented shall be the *ponente* of the majority opinion;
- iii) If there are two dissents, and the majority of the Special Division agrees to dissent, the Justice who submitted the first dissent shall be the *ponente*.
- iv) In case the *ponente*, as determined above, had ceased to be connected with the Sandiganbayan before the decision is promulgated, the *ponente* shall then be one of Justices who concurred in the majority decision, to be determined in the sequence that they have submitted their concurrence thereto.
- v) All the members of the Special Division of Five shall sign the decision or resolution. Any member may write a

separate concurring or dissenting opinion which shall be attached to the duly promulgated majority opinion.

(j) The foregoing rules pertaining to the creation of a Special Division of five (5) shall not apply to cases arising from offenses committed after the effectivity of R.A. No. 10660, which shall be covered by Section 4, Rule IX.

(k) The above rules on assignment of cases for *ponencia* shall remain, notwithstanding any subsequent transfer of the *ponente* to another Division.

(l) The Division from which the Justice to whom the case is assigned for study and report came shall be known as a Special Division.

(m) If a case is assigned for study and report to a Justice who ceased to be a member of the Sandiganbayan, due to retirement, resignation or for any other cause, the case shall remain with the Division, and the Chairperson may assign the case to the new member of the Division or to any of the original members of the Division, as the Chairperson may deem proper, for study and report in accordance with Section 3, Rule XIII.

Pursuant to R.A. No. 10660, the majority vote shall suffice to decide the case. The *ponente* of the decision shall be determined as follows:

- (1) If the majority agrees with the *ponencia*, the *ponente* thereof shall write the majority opinion;
- (2) If the majority dissents from the *ponencia*, the Justice who submitted the first dissent shall be the *ponente* of the majority opinion.

However, if there is a dissent in cases arising from offenses committed before the effectivity of R.A. No. 10660, the procedure shall be as follows:

- (1) The written majority and dissenting opinions shall not be attached to the record;
- (2) The Chairperson of the Division shall then refer the case to the Presiding Justice who shall designate by raffle two justices on rotation basis from all the other members of the Sandiganbayan to sit temporarily with them, forming a Special Division of Five;
- (3) If the vote of the Special Division of Five is not unanimous, the *ponente* of the majority and dissenting opinions shall be determined in accordance with the first paragraph hereof; however, if the Special Division of Five arrives at

a unanimous decision, the Special Division of Five shall be automatically dissolved, and the Decision shall be penned by the member of the regular Division who penned the opinion that became the majority opinion.

(n) A Justice shall not be assigned cases for decision or resolution within three (3) months before retirement.

**Sec. 7. *Per Curiam Decisions and Resolutions.*** — Decisions and Resolutions may be rendered *per curiam* by the Division only when arrived at by a unanimous vote of its members.

**Sec. 8. *Grounds for Inhibition of Division Members.*** — A Justice may inhibit from a case on the following grounds:

(a) When the Justice was the *ponente* of the appealed decision of the lower court;

(b) When the Justice was counsel or member of a law firm which was counsel in a case before the Division, within ten (10) years from joining the Sandiganbayan unless the Justice was no longer a partner or member of the law firm when it was engaged as counsel in the case and the Justice votes against the client of such law firm. In any event, the mandatory inhibition shall cease after the lapse of ten (10) years from the resignation or withdrawal of the Justice from the law firm, unless the Justice personally handled the case when he/she was a partner member of the law firm; or

(c) When the Justice, spouse or child, or any member of the family, is pecuniarily interested in said case as heir, legatee, creditor or otherwise; or

(d) When the Justice is related to either party in the case within the sixth degree of consanguinity or affinity or to counsel within the fourth degree, computed according to the rules of civil law; or

(e) When the Justice has been executor, administrator, guardian or trustee in the case.

A Justice may also inhibit for any compelling reason or cause other than those mentioned above or for any other ground provided for under the Rules, subject to the condition that the replacement shall be by raffle.



**Sec. 9. *Effect of Inhibition from Particular Cases.*** — If the Justice inhibits or is disqualified in a case, the case shall remain with the division and the same procedure provided in Section 4, Sub-sections (b) and (c) of Rule II, shall be observed in constituting the membership thereof. The special member shall be the third member in the Special Division, without losing seniority in the Sandiganbayan. The designated Justice shall exercise the authority and prerogatives of a regular member in the Special Division, in addition to the functions as regular member of the other Division. The Special Member, however, shall not be assigned to write decisions or extended resolutions in the case.

If the entire Division, on its own initiative or upon motion of any of the parties in a case or cases, decide to inhibit from a case or cases, the case/s shall be re-raffled to another Division. The Division to which the case is/are raffled may transfer to the Division from which the consolidated cases came, an equivalent number of cases of approximately the same number of parties, age, nature and stage in the proceedings, with proper notice to the parties in said case/s.

#### **RULE XIV MISCELLANEOUS PROVISIONS**

**Section 1. *Publication of Decision.*** — The decision of the Sandiganbayan may be published in the Official Gazette in the language in which they have been originally written. The syllabi for the decision shall be prepared by the Office of Legal Research and Technical Staff, copies of which shall be furnished the members of the Sandiganbayan.

**Sec. 2. *Electronic Dissemination of Decisions and Resolutions.*** —

a) There shall be electronic raffle of cases where facilities are available.

b) The Division Clerks of Court shall furnish the Management Information Systems Division (MISD) with an electronic copy of the decision or extended resolution upon promulgation, for immediate publication in the Sandiganbayan website.

**Sec. 3. *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 the word "Sandiganbayan" and, on the lower margin, the words "Republika ng Pilipinas", with 13 stars representing the existing judicial regions immediately along the outer edge of the inner circle; and with a design at the center, 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 left side, "KAPANAGUTAN" on the right 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.

*Sec. 4. Repealing Clause.* – Upon effectivity of these Rules, all rules, circulars and administrative orders of the Sandiganbayan inconsistent therewith are hereby repealed.

*Sec. 5. Effectivity Clause.* – These Rules shall take effect on 16 November 2018 following its publication in two (2) newspapers of general circulation.



REPUBLIC OF THE PHILIPPINES  
*SANDIGANBAYAN*  
Quezon City

The following court personnel are hereby authorized to send subpoenas and notices to parties, their counsels, and witnesses in the cases before this Court:

1. Criminal Cases

a. Name: \_\_\_\_\_

b. Position: \_\_\_\_\_

2. Civil Cases

a. Name: \_\_\_\_\_

b. Position: \_\_\_\_\_

Furthermore, the following e-mail address, mobile phone and landline numbers of the Court will be used for such service:

E-mail address: \_\_\_\_\_

Mobile number: \_\_\_\_\_

Landline: \_\_\_\_\_

Dated this \_\_\_\_ day of \_\_\_\_\_, 201\_\_.

DIVISION CLERK OF COURT



REPUBLIC OF THE PHILIPPINES  
**SANDIGANBAYAN**  
 Quezon City

**People of the Philippines,**  
*Plaintiff,*

-versus-

**Crim. Case Nos. SB-\_\_-CRM-\_\_**

\_\_\_\_\_,  
*Accused.*  
 X=====X

I, \_\_\_\_\_, may be served with subpoenas and/or notices in the above-captioned case through my preferred e-mail address, landline or mobile phone number as indicated below:

E-mail address	
Mobile phone number	
Landline number	

I undertake to immediately acknowledge receipt of the subpoenas and notices sent through e-mails and mobile phones.

I also undertake to immediately inform the Court, in writing, of any changes in any of my e-mail addresses and/or contact numbers.

I understand that the service herein shall be proved by printouts of sent e-mail or SMS, and is presumed complete upon transmission. For notices made through phone calls, proof of service shall be through a report of the phone call made by the designated court personnel.

Dated this \_\_\_\_ day of \_\_\_\_\_, 201\_\_.

Name and Signature of Party/Counsel/Witness



REPUBLIC OF THE PHILIPPINES  
**SANDIGANBAYAN**  
Quezon City

\_\_\_\_\_, is hereby authorized to serve through phone  
call a subpoena or notice and should state the following:

Case title/docket number: \_\_\_\_\_

Party/counsel/witness to be served: \_\_\_\_\_

Material facts of the notice or subpoena:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dated this \_\_\_\_ day of \_\_\_\_\_, 201\_\_.

Chairperson

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Date: \_\_\_\_\_

Time of call: \_\_\_\_\_

Answer of the party/counsel/witness to the notice or subpoena:

\_\_\_\_\_  
\_\_\_\_\_

Branch Clerk/Authorized Representative



REPUBLIC OF THE PHILIPPINES  
**SANDIGANBAYAN**  
Quezon City

**SAMPLE SMS – PRODUCE ORDER**

From SB THIRD DIV Re: CC Nos. SB-\_\_-CRM-\_\_\_\_. Case Title: PP v. Reyes. To Jail Warden: PRODUCE accused JOHN DOE on 19 Jan 2018 at 8:30 a.m. for ARRAIGNMENT, SB Centennial Bldg., Commonwealth Ave., QC. Reply to acknowledge receipt.

**SAMPLE SMS – SUBPOENA AD TESTIFICANDUM**

From SB THIRD DIV Re: CC Nos. SB-\_\_-CRM-\_\_\_\_. Case Title: PP v. Reyes. To JOHN DOE: APPEAR and TESTIFY on 19 Jan 2018 at 8:30 a.m. at SB Centennial Bldg., Commonwealth Ave., Q.C. Reply to acknowledge receipt.

**SAMPLE SMS – SUBPOENA DUCES TECUM**

From SB THIRD DIV Re: CC Nos. SB-\_\_-CRM-\_\_\_\_. Case Title: PP v. Reyes. To JOHN DOE: APPEAR and BRING with you the following evidence \_\_\_\_\_ on 19 Jan 2018 at 8:30 a.m., SB Centennial Bldg., Commonwealth Ave., Q.C. Reply to acknowledge receipt.

**SAMPLE SMS – NOTICE OF HEARING**

From SB THIRD DIV Re: CC Nos. SB-\_\_-CRM-\_\_\_\_. Case Title: PP v. Reyes. To ATTY. JOHN DOE: Case set for hearing on 19 Jan 2018 at 8:30 a.m., SB Centennial Bldg., Commonwealth Ave., Q.C. Reply to acknowledge receipt.