

**REPUBLIC OF THE PHILIPPINES
SUPREME COURT
MANILA**

**REVISED INTERNAL RULES
of the
SANDIGANBAYAN**

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

Section 2. *Coverage.* – These Rules shall apply to the internal operations of the Sandiganbayan.

The Rules of Court, resolutions, circulars, and other issuances promulgated by the Supreme Court relating to or affecting the Regional Trial Courts and the Court of Appeals, insofar as applicable, shall govern all actions and proceedings filed with the Sandiganbayan.

Section 3. *Construction.* – These Rules shall be liberally construed to promote a just, expeditious and inexpensive determination of every action and proceeding brought before the Sandiganbayan.

**RULE II
ORGANIZATIONAL SET-UP**

Section 1. *Composition of the Court and Rule on Precedence.* –

(a) *Composition* – The Sandiganbayan is composed of a Presiding Justice and fourteen (14) 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 have 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.

Section 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. The Presiding Justice shall implement the policies and resolutions adopted by the Sandiganbayan *en banc*.

Section 3. *Constitution of the Divisions.* - The Sandiganbayan shall sit in five (5) Divisions of three (3) Justices each, including the Presiding Justice. The five (5) Divisions may sit separately at the same time. Each of the five (5) most senior Associate Justices including the Presiding Justice, shall be the Chairman of a Division; each of the five (5) Associate Justices next in rank shall be the Senior Member of a Division; and each of the last five (5) Associate Justices shall be the Junior Member of a Division.

Section 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 his office, the most senior Associate Justice shall act as Presiding Justice until the regular Presiding Justice returns and re-assumes his office, or his incapacity is removed.
- (b) In the position of Division Chairman - In the absence or temporary incapacity of a Chairman of a Division, the Senior Member of said Division shall act as Chairman; in the absence of temporary incapacity of both the Chairman and Senior Member of a Division, the Junior Member of said Division shall act as Chairman, 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 Chairman until the regular Chairman reassumes his office or his 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 Court 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 re-assumes his office or his incapacity is removed. The Associate Justice so designated shall continue as a regular member of his own Division.
- (d) Authority and Prerogatives of Acting Chairman and Special Member - The Acting Chairman or Special Member so designated pursuant to paragraphs (b) and (c) above shall exercise the authority and prerogatives of a regular Chairman or Member of said Division, as the case may be, in the trial or resolution of cases assigned thereto.

Section 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.

- (b) In the position of a Division Chairman - If a permanent vacancy occurs in the position of Chairman of a Division, the most senior Associate Justice in the Sandiganbayan who is not yet a Chairman shall become Chairman 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 of the Sandiganbayan 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.
- (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 of a new Associate Justice and his assumption of 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.

Section 6. *Court Officials and their Duties.* -

- (a) Clerk of Court - The Clerk of Court is the administrative officer of the Sandiganbayan. He shall discharge his functions under the control and supervision of the Sandiganbayan *en banc* through the Presiding Justice.

As administrative officer, he 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 staff of the Presiding Justice and the Associate Justices. He shall assist the Presiding Justice in the formulation of programs and policies for consideration and action of the Sandiganbayan *en banc*. 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 of the Sandiganbayan 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 Chairman.

- (2) The Division Clerk of Court shall have, among other duties and responsibilities, direct control and supervision over the staff of the Division; keep watch over the status and progress of cases assigned 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 Chairman 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 Chairman and Members of the Division the failure of any party to comply with any resolution or order of the Sandiganbayan within the period prescribed therefore.

Section 7. *Appointment of Court Officials and Other Employees.* -

The Supreme Court shall appoint the Clerk of Court, the Division Clerks of Court and all other personnel of the Sandiganbayan upon recommendation of the Sandiganbayan *en banc* chosen from a list of qualified applicants prepared in accordance with the Civil Service Law, rules and regulations.

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

Section 8. *Standing Committees.* - The following standing committees, each composed of a Chairman 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 Personnel - On matters involving personnel such as recruitment, appointment, monitoring of leaves of absence, training, change of organizational structure, creation of positions, discipline, retirement and termination of services.
- (b) 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.
- (c) Committee on Security and Safety - On matters involving: (1) formulation of security policies, (2) enforcement and implementation of safety measures such as wearing of I.D. cards, control of visitors, etc.
- (d) Committee on Records Management and Information Service - On matters involving the management of records, information, statistical data and computerization.
- (e) Committee on Employee Welfare and Benefits - On matters involving: (1) creation and maintenance of medical and dental services, (2) establishment and operation of a 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 and, (5) other related matters regarding employee welfare and benefits.

- (f) Committee on Legal and Research Services - On matters involving library services, publication of decisions and circulars of the Sandiganbayan, research on legal issues and other related matters referred to it by the Sandiganbayan.
- (g) Committee on Buildings and Grounds - On matters involving: (1) the construction, repairs, improvements and maintenance of buildings and grounds, (2) the installation of safety and necessary devices, (3) formulation and submission of proposals for the acquisition of sites, construction and maintenance of buildings for the Sandiganbayan's sessions outside Metro Manila.
- (h) Committee on Purchase and Acquisition of Facilities, Equipment and Supplies - On matters involving the purchase, acquisition, maintenance and disposal of vehicles, office equipment, supplies, books, computers and furniture of the Sandiganbayan, and conducting required biddings and awards in relation thereto.
- (i) Committee on Rules - On matters involving the revision of the internal rules, circulars and administrative orders of the Sandiganbayan.
- (j) 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.
- (k) Committee on Social Affairs and Liaison - On matters involving the social activities of the Sandiganbayan, and liaison with other government offices and agencies.

The Presiding Justice shall be a non-voting *ex-officio* member of all standing committees. The members of the standing committee shall serve for a term of one (1) year from date of appointment 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 therefore 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 five (5) Divisions. It sits *en banc* for the exercise of its administrative, ceremonial and non-adjudicatory functions.

Section 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 Court.

(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 Associate Justice to whom they are assigned who shall make the proper endorsement to the Sandiganbayan *en banc* for recommendation to the Supreme Court.

(c) Act on organizational matters, such as the creation or abolition of offices, unit or service 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 appropriate funeral 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 issues or matters.

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

Section 3. *Supreme Court 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. *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 resolution of cases filed with it: Provided, however, that cases originating from Luzon, Visayas and Mindanao, shall be heard in the region of origin, except 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 Metro Manila, and, where the greater interest of justice so requires, outside the Philippines.

Section 2. *Support Personnel and Facilities In Sessions Outside of Principal Office in Metro Manila.* - In sessions outside of its principal office in Metro Manila, the Sandiganbayan may require the services of the personnel and the use of facilities of the 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 Chairman of the Division.

Section 3. *Regular Court Sessions.* -

(a) Sandiganbayan *En banc* - The regular sessions of the Sandiganbayan *en banc* shall be held at least twice a month on a Friday morning, particularly on the first and third week of the month. The Presiding Justice or at least eight (8) Associate Justices may call a special session at another date and time.

(b) Divisions - Regular sessions for trial of cases brought to and cognizable by the Sandiganbayan shall be from 8:30 A.M. to 12:00 noon or from 2:00 P.M. to 4:30 P.M., from Monday to Friday. The Division Chairman, however, for urgent and valid reasons, may schedule the hearing of a case assigned to his Division on other dates and time after consultation with the parties.

RULE V

ISSUANCE OF PROCESSES

Section 1. *Writs and Processes Issued By The Court.* - Writs and processes of the Sandiganbayan, such as arrest or search warrants, which by requirement of law or the Rules of Court must be signed by a Justice, shall be issued by the Chairman of the Division, or in his absence, the Senior Member in the Division, or, in the absence of the latter, the Junior Member. 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. In the absence of the Presiding Justice, the same shall be issued by the most senior Associate Justice of the Sandiganbayan in attendance.

Section 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 Chairman or anyone acting as such, under the seal of the Sandiganbayan.

RULE VI

BAIL

Section 1. *How Amount Fixed; Approval.* - The amount of bail to be posted in cases of bailable offenses shall be fixed by the Chairman of the Division to which they are assigned or any Justice of the Division acting in his behalf. Such bail may be approved by any Justice of the Division to where the case is assigned or in their absence, by any Justice of the Sandiganbayan. The approved bail shall be immediately submitted to the members of the Division for confirmation. Where none of the Justices of the Sandiganbayan is available or where the accused is arrested, detained or otherwise placed in custody outside the Metro Manila area, Sections 17 and 19, Rule 114 of the Rules of Criminal Procedure shall apply.

RULE VII

MOTIONS

Section 1. *Motion Day.* - Except for motions which may be acted upon *ex parte*, all motions shall be scheduled for hearings on a Friday, or if that day is a non-working holiday, on the next working day.

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, as amended, on Motions shall apply.

Section 2. *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: Provided, however, that rulings on oral motions or objections made in the course of the trial or hearings shall be made by the Chairman of the Division: Provided, further, 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 (b), Rule VIII. A majority vote of such Special Division shall suffice to decide interlocutory or incidental motions.

A demurrer to evidence shall be resolved or decided within ninety (90) days from its submission.

RULE VIII

RENDITION OF JUDGMENT OR FINAL ORDER

Section 1. *Votes Required to Decide.* -

(a) *En banc* - The vote of at least eight (8) members of the Sandiganbayan shall be required for the adoption of a resolution.

(b) *In Division* - 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 and 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.

Section 2. *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 therefore.

Section 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 case, a vote of the majority shall be required.

Section 4. *Promulgation of Judgment.* - A judgment in a criminal case of a Division of the Sandiganbayan shall be promulgated by reading the judgment or sentence in the presence of the accused and any member of the Division which rendered the judgment.

In case an incident arises during the promulgation, the same shall be submitted in writing for resolution to the Division which rendered the judgment.

Where the judgment is promulgated outside Metro Manila, the Division which rendered the judgment may authorize another Division sitting outside Metro Manila to promulgate the judgment and resolve all incidents during the promulgation therein.

In the absence of the accused, Sec. 6, Rule 120 of the Revised Rules of Court shall apply.

RULE IX

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 may be filed within fifteen (15) days from promulgation of the judgment or from notice of the final order or judgment, and such Motion shall be decided within thirty (30) days from its submission.

Section 2. *The Justices Who Shall Act on a Motion for New Trial or Reconsideration.* -

(a) Motions for New Trial or Reconsideration of a decision or resolution 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 himself from acting on the motion, he shall be replaced by another Justice who shall be chosen by raffle from among the remaining members of the Division who participated in the decision or resolution and who concurred therein.

(c) If only one (1) member of the Division who participated and concurred in the decision or resolution remains, he 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 constitute a 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 Chairman may assign the case to any member of the Division and the motion shall be acted upon by him 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.

Section 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.

Section 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 Rules of Criminal Procedure in criminal cases appealed to or decided by the Sandiganbayan.

Section 5. *Effect of Granting a New Trial.* - When a new trial is granted in civil cases, the provisions of Rule 37 or Rule 53 shall apply in the proper case. When a new trial is granted in criminal cases, Rule 121 or Rule 124 shall apply in the proper case.

Section 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.

Section 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.

Section 8. *Effect of Filing an Appeal in the Supreme Court.* - No Motion for Reconsideration or New Trial shall be acted upon if the movant has filed with the Supreme Court an appeal by *certiorari* or a motion for extension of time to file such petition. The Motion for Reconsideration or New Trial pending with the Sandiganbayan shall be deemed abandoned upon the filing of the petition.

RULE X

REVIEW OF JUDGMENTS AND FINAL ORDERS

Section 1. *Method of Review.* -

(a) In General - A party may appeal from a judgment or final order of the Sandiganbayan imposing or affirming a penalty less than death, life imprisonment or *reclusion perpetua* in criminal cases, and, in civil cases, by filing with the Supreme Court a petition for review on *certiorari* in accordance with Rule 45 of the 1997 Rules of Civil Procedure.

(b) Exceptions - Where the judgment or final order of the Sandiganbayan, in the exercise of its original jurisdiction, imposes the penalty of life imprisonment or *reclusion perpetua* or where a lesser penalty is imposed involving offenses committed on the same occasion or which arose out of the same occurrence that gave rise to the more serious offense for which the penalty of death, *reclusion perpetua* or life imprisonment is imposed, the appeal shall be taken by filing a notice of appeal with the Sandiganbayan and serving a copy thereof to the adverse party.

(c) Automatic Appeal - Whenever the Sandiganbayan in the exercise of its original jurisdiction imposes the death penalty, the records shall be forwarded to the Supreme Court for automatic review and judgment 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. The transcript shall also be forwarded within ten (10) days after the filing thereof by the stenographic reporter.

Whenever the Sandiganbayan, in the exercise of its appellate jurisdiction, finds that the penalty of death, *reclusion perpetua* or life imprisonment should be imposed, it shall render judgment accordingly. However, it shall refrain from entering the judgment and forthwith certify the case and elevate its entire record to the Supreme Court for review.

(d) Form, Finality and Enforcement of Decisions and Final Orders – Section 7 of Presidential Decree No. 1606, as amended, governs the form, finality and enforcement of decisions and final orders rendered by the Sandiganbayan through its Divisions.

PART III

MODES OF APPEAL TO THE SANDIGANBAYAN

RULE XI

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 Rules of Criminal Procedure as amended, as the case may be.

Section 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

RULE XII

ASSIGNMENT, DISTRIBUTION AND CONSOLIDATION OF CASES

Section 1. *Distribution of Cases* - All cases filed with the Sandiganbayan shall be distributed among the five (5) Divisions for hearing and decision by regular raffle at 1:30 P. M. of every Friday or if that day is non-working day, on the next succeeding working day, at the session hall of the First Division. A special raffle of a case may be conducted by the Raffle Committee before the next regular raffle day for valid and urgent reasons determined by the Chairman of the Raffle Committee or, in his absence, by any of the members thereof.

Section 2. *Consolidation 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 raffled.

(a) *Before Cases Are Raffled* – Should the propriety of consolidation appear upon the filing of the cases concerned as determined by the Raffle Committee, all such cases shall be consolidated and considered as one case for purposes of the raffle and inventory of pending cases assigned to each of the Divisions.

(b) *After Cases Are Raffled* – Should the propriety of such consolidation become apparent only after the cases are raffled, consolidation may be effected 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 in which the case with the lowest docket number is assigned. The Division to which the cases are consolidated shall transfer to the Division from which the consolidated cases

came, an equivalent number of cases of approximately the same age, nature and stage in the proceedings, with proper notice to the parties in said cases.

Section 3. *Assignment of Cases; Permanent.* – Cases assigned to a Division of the Sandiganbayan shall remain with said Division notwithstanding changes in its composition. All matters raised therein shall be resolved by all the Justices who are members of the Division at the time said matters were submitted for resolution. However, only such Justices who are members of the Division at the time the case is submitted for decision shall take part in the resolution of the case. 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.

Section 4. *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 Revised Rules of Court or by the Court itself.

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

(d) Within five (5) days from submittal of the case or matter for decision or resolution, the Chairman of the Division shall assign by raffle a member thereof to study and make a report on the case or matter. If the Chairman fails to make the assignment, he shall be deemed to be the one to study and report on the case.

(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 Chairman 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 the date of the deliberation, a justice may submit his dissent to the other members of the Division. The written dissenting opinion shall not be attached to the rollo. The Chairman 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.

(h) After a member of the Division has expressed his dissent 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 causes.

(i) After due consultation, the members of the Special Division of Five whose opinion constitute the majority shall choose from among them the *ponente*. Any member may write a separate concurring or dissenting opinion, which, together with the majority opinion shall be duly promulgated and attached to the rollo.

(j) If the consultation in the Special Division of Five results in a unanimous concurrence, all its members shall sign the decision or resolution.

(k) If the justice to whom the case is assigned for study and report is transferred to another Division as its permanent member, he shall bring with him and write his report of the cases assigned to him in his original Division together with the other members of the Division to which the case was submitted for decision.

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

(l) If the Justice to whom the case is assigned for study and report ceases to be a member of the Sandiganbayan, due to retirement, resignation or for any other cause, his pending cases shall remain with the Division to which they were assigned. However, in appropriate cases and for compelling reasons, the Chairman may assign said cases to the new appointee for study and report.

(m) An Associate Justice who is about to retire shall not be assigned cases for study and report three (3) months before his retirement date.

Section 5. *Grounds for Inhibition of Division Members* –

A Division member may inhibit himself from a case on the following grounds:

(a) When he was the *Ponente* of the appealed decision of the lower court;

(b) When he was counsel or member of a law firm which was counsel in a case before the Division; or he, his wife or child is pecuniarily interested in said case as heir, legatee, creditor or otherwise; or he 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 the civil law; or he has been executor, administrator, guardian or trustee in the case.

A Division member may inhibit himself for any compelling reason other than those mentioned above.

Section 6. *Effect of Inhibition from Particular Cases* – Should the Chairman of a Division inhibit himself or is disqualified from participating in a case, it shall be transferred to any of the four (4) other Divisions by raffle. If a Senior or Junior Member inhibits himself or is disqualified in a case, he shall be replaced in accordance with the procedure stated in Section 4 (c) of Rule II but the case shall remain with the Division.

RULE XIII

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

Section 2. *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.

Section 3. *Repealing Clause* - Upon effectivity of these Rules, all rules, circulars and administrative orders of the Sandiganbayan inconsistent therewith are hereby repealed.

Section 4. *Effectivity Clause* - These Rules shall take effect on October 1, 2002 following its publication in two (2) newspapers of general circulation.