

**Republic of the Philippines**  
**Department of Social Welfare and Development**

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**MEMORANDUM CIRCULAR NO. 03**

Series of 2011

**SUBJECT: REVISED OPERATIONAL GUIDELINES FOR THE  
DEPARTMENT'S ANTI-GRAFT AND ANTI-CORRUPTION COMMITTEE**

**1.0 OBJECTIVE:**

To have a uniform and standard guidelines for the AG/AC Committee(s) regarding the disposition of graft and corruption cases in the Department of Social Welfare and Development and its attached agencies.

**2.0 LEGAL BASIS**

Sec. 1, Article XI of the 1987 Constitution on the Accountability of Public Officers provides that, *"Public office is a public trust. Public officers and employees must at all times be accountable to the people, serve them with the utmost responsibility, integrity, loyalty, and efficiency, act with patriotism and justice and lead modest lives."*

**3.0 COVERAGE**

The guidelines shall be applicable to all officials and employees of the Department in the Central Office, as well as in the various Field Offices, and also in the attached agencies.

**4.0 DEFINITION OF TERM**

Probable cause - the existence of such facts and circumstances as would excite the belief, in a reasonable mind, acting on the facts within the knowledge of the prosecution, that the person charged was guilty of the offense for which he was prosecuted

## 5.0 COMPOSITION:

5.1 For the Central Office, the Anti-Graft and Anti-Corruption Committee shall be chaired by the Resident Ombudsman, unless a Staff of the Office of the Ombudsman is detailed to the Department to act as such, and Vice-chaired by the Director of the Internal Audit Service with the following members:

- a.) Director of the Financial Management Service
- b.) Division Chief of the Legal Service
- c.) SWEAP President
- d.) OCBG Representative (Director Level) to be recommended and designated by the Undersecretary for OCBG
- e.) PPG Representative (Director Level) to be recommended and designated by the Undersecretary for PPG

The Internal Audit Service will act as Secretariat.

The Committee shall conduct Fact-Finding Investigations for complaints involving graft and corruption. If necessary, it may create a Technical Working Group (TWG) to assist in its fact-finding investigations. The TWG shall be composed of one representative each from the GASSG, OCBG and PPG Cluster, to be recommended and designated by the Cluster's Undersecretaries.

5.2 For the Field Office, the Anti-Graft and Anti-Corruption Committee shall be chaired by the Assistant Regional Director with the following as members:

- a.) Division Chief of Management Division
- b.) Retainer Lawyer
- c.) SWEAP Representative
- d.) Management Audit Analyst

The Management Audit Analyst will act as Secretariat.

A member of the Committee must be of proven competence, integrity, honesty and objectivity.

The presence of at least three (3) members shall constitute a quorum to do business and shall be governed by a majority vote of all the members constituting a quorum, except in the case of amendments to or revision of the guidelines.

## **6.0 BASES FOR ACTION:**

1. Signed letter
  - the anomaly or irregularity must be specifically described and the person(s) involved must be identified;
2. Printed Articles alleging acts of graft and corruption;
3. Reports of employees submitted in the course of regular and official function;
4. Audit reports of the Commission on Audit;
5. Referrals made by other offices and publics for investigation.

## **7.0 HOW INSTITUTED:**

7.1 Written complaints including anonymous complaints, petitions and/or reports including text messages may be filed by any person, whether an employee or not of the Department, either personally or by mail to the Central Office or any of the Field Offices.

7.2 In case of press releases, radio and television commentaries, the Committee concerned on motion of any party or on its own initiative, shall conduct the necessary inquiry to determine the probability as to warrant the conduct of a formal investigation.

## **8.0 FACT-FINDING PROCEDURE**

The Procedure to be observed shall be the Guidelines in the Conduct of Fact-Finding Investigation (Memorandum Circular No. 16, Series of 2003).

## **9.0 REPORT**

Within five (5) days after the termination of the preliminary investigation the committee shall forward the result of the investigation to

the Undersecretary for General Administration and Support Services Group (GASSG) for the Central Office and to the Regional Director for the Field Office. If the report remains unacted upon by the Undersecretary for GASSG for the CO or the Regional Director for FO for reasons beyond their control, after thirty (30) days the AG/AC may forward its investigation to the Office of the Ombudsman for criminal prosecution and for the rest of the employees to the Legal Service for administrative proceedings.

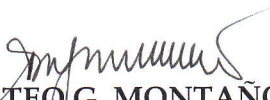
The specific cases that will be forwarded to the Office of the Ombudsman are those provided for in Sec. 4 of Republic Act (RA) No. 8249 otherwise known as *An Act Further Defining The Jurisdiction Of The Sandiganbayan, Amending For The Purpose Presidential Decree No. 1606, As Amended, Providing Funds Therefor, And For Other Purposes*, and those enumerated in Sec. 3 of R.A. No. 3019 otherwise known as the *Anti-Graft and Corrupt Practices Act*. (Attached herein is a copy of RA No. 8249 and RA 3019).

On the other hand, the report of the Resident Ombudsman, unless a Staff of the Office of the Ombudsman is detailed to the Department to act as such, may be directly submitted to the Office of the Ombudsman for appropriate action if the case involves any violation of R.A. Nos. 8249 or 3019.

#### 10.0 EFFECTIVITY

The guidelines shall take effect immediately upon the approval of the Secretary.

Approved this 3rd day of February 2011, at Quezon City, Philippines.

  
MATEO G. MONTAÑO  
OIC Secretary



MEMORANDUM CIRCULAR NO. 16  
Series of 2003

2003  
*[Handwritten signature]*

**Subject: GUIDELINES FOR THE CONDUCT OF FACT  
FINDING INVESTIGATION**

**Rationale**

Public office is a public trust and all government employees are enjoined to serve the public with utmost competence, integrity, diligence and probity. As such the promotion of good governance and the eradication of corruption is of utmost concern to the Department. Thus, complaints of alleged irregular transactions entered into and improper conduct committed by the employees and officials of the Department must be properly investigated.

Cognizant of the need to ascertain the truth of the complaints and in line with the complained employees/officials to be presumed innocent the following guidelines is hereby issued in order to promote a fair and impartial investigation of complaints that reach the Department.

**Legal Basis**

Art. XI, Section 3 of the Constitution provides that "Public office is a public trust. Public officers and employees must at all times be accountable to the people, serve them with utmost responsibility, integrity, competence and efficiency, and act with patriotism and justice, and lead modest lives".

Book IV, Chapter 2, Section 7 (c) of the Administrative Code of 1987 provides that the Secretary shall "exercise disciplinary powers over officers and employees under the Secretary in accordance with law, including their investigation and the designation of a committee or officer to conduct such investigation."

Book V, Rule IV, Section 32 of the same Code provides that the Secretary shall have "jurisdiction to investigate and decide matters involving disciplinary action against officers and employees under their jurisdiction."

Book IV, Chapter 5, Section 27 (4) of the Administrative Code provides that Regional Directors shall "appoint personnel to positions in the first level and casual and seasonal employees, and exercise disciplinary actions over them in accordance with Civil Service Law"

REPUBLIKA NG PILIPINAS  
KAGAWARAN NG KAGALINGANG PANLIPUNAN AT PAGPAPAUNLAD  
(DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT)  
BATASAN PAMBANSA COMPLEX, CONSTITUTION HILLS  
QUEZON CITY

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Book IV, Chapter 5, Section 27 (14) of this Code further provides that Regional Directors shall "perform such other duties and functions as may be provided by law or further delegated by the head of the agency or other proper authorities concerned".

Section 1. Definition, Fact-Finding Investigation - It is a proceeding seeking to determine whether there is sufficient ground to engender a well founded belief that an irregularity, or an improper conduct or an offense has been committed and the employee and/or official complained of is probably guilty thereof.

Section 2. Who May Call for a Fact-Finding - The Secretary, acting on a complaint, request, or on her own initiative, can initiate the conduct of a fact-finding investigation.


A Regional Director may also initiate the conduct of a fact-finding investigation in cases that fall within his/her jurisdiction.

Section 3. Designation of Fact-Finding Committee - The Secretary or the Regional Director shall issue a special order designating a fact-finding Committee composed of competent officers and/or employees of the Department who shall conduct the fact finding investigation of a particular irregularity and/or misconduct. The Secretary/Regional Director may designate the Chairperson for the Committee.

Section 4. Authority of the Fact Finding Committee - The Committee is authorized to do the following acts:

- a. Summon witnesses and take their testimonies
- b. Issue subpoena duces tecum (ordering a person to bring documents) and ad testificandum (ordering a person to testify)
- c. Conduct *ex-parte* (without the presence of the other party) examinations of records, documents, book of entries and financial journals which are readily available in the Department and in other government agencies (e.g. Commission on Audit, Bureau of Internal Revenue, Government Services Insurance Commission, etc.)

Section 5. Duration of the Investigation- The Investigation shall commence not later than five (5) days from the issuance of the special order and shall be terminated within thirty (30) days.



Section 6. Minutes of the Investigation- The Minutes of the Investigation shall be duly recorded and transcribed. It shall be duly attested by the Chairperson or any member of the Committee. The Chairperson may designate a staff to provide support service to the Committee (i.e. typing, record keeping) for the duration of the investigation.

Section 7. Confidentiality of the Investigation- The Committee shall not disclose or make public any records or information in connection with an ongoing investigation.

Section 8. Investigation Report - After five (5) days from the termination of the Fact Finding Investigation the Fact-Finding Committee shall submit a Report to the Secretary or to the Regional Director as the case maybe.

Section 9. Contents of the Investigation Report - The following shall be the contents of the Report:


- a. Narration of material facts established in the course of the Investigation,
- b. The findings and the evidence supporting the said findings
- c. Conclusion and Recommendation

Section 10. Repealing Clause - This Guideline shall repeal Sections 8.1 and 8.2 of Department Order No. 6 Series of 2001 with subject: Conduct of Investigation and Disposition of Administrative Cases in the Department

Other orders and issuances inconsistent herewith are likewise repealed accordingly.

Section 11. Effectivity- This Order shall take effect fifteen (15) days after its filing with the Administrative Register at the University of the Philippines Law Center.

Issued in Quezon City this 16th day of June 2003,

  
CORAZON JULIANO SOLIMAN  
Secretary *ds*

## REPUBLIC ACT No. 3019

### ANTI-GRAFT AND CORRUPT PRACTICES ACT

**Section 1.** *Statement of policy.* It is the policy of the Philippine Government, in line with the principle that a public office is a public trust, to repress certain acts of public officers and private persons alike which constitute graft or corrupt practices or which may lead thereto.

**Section 2.** *Definition of terms.* As used in this Act, that term

(a) "Government" includes the national government, the local governments, the government-owned and government-controlled corporations, and all other instrumentalities or agencies of the Republic of the Philippines and their branches.

(b) "Public officer" includes elective and appointive officials and employees, permanent or temporary, whether in the classified or unclassified or exempt service receiving compensation, even nominal, from the government as defined in the preceding subparagraph.

(c) "Receiving any gift" includes the act of accepting directly or indirectly a gift from a person other than a member of the public officer's immediate family, in behalf of himself or of any member of his family or relative within the fourth civil degree, either by consanguinity or affinity, even on the occasion of a family celebration or national festivity like Christmas, if the value of the gift is under the circumstances manifestly excessive.

(d) "Person" includes natural and juridical persons, unless the context indicates otherwise.

**Section 3.** *Corrupt practices of public officers.* In addition to acts or omissions of public officers already penalized by existing law, the following shall constitute corrupt practices of any public officer and are hereby declared to be unlawful:

(a) Persuading, inducing or influencing another public officer to perform an act constituting a violation of rules and regulations duly promulgated by competent authority or an offense in connection with the official duties of the latter, or allowing himself to be persuaded, induced, or influenced to commit such violation or offense.

(b) Directly or indirectly requesting or receiving any gift, present, share, percentage, or benefit, for himself or for any other person, in connection with any contract or transaction between the Government and any other



part, wherein the public officer in his official capacity has to intervene under the law.

(c) Directly or indirectly requesting or receiving any gift, present or other pecuniary or material benefit, for himself or for another, from any person for whom the public officer, in any manner or capacity, has secured or obtained, or will secure or obtain, any Government permit or license, in consideration for the help given or to be given, without prejudice to Section thirteen of this Act.

(d) Accepting or having any member of his family accept employment in a private enterprise which has pending official business with him during the pendency thereof or within one year after its termination.

(e) Causing any undue injury to any party, including the Government, or giving any private party any unwarranted benefits, advantage or preference in the discharge of his official administrative or judicial functions through manifest partiality, evident bad faith or gross inexcusable negligence. This provision shall apply to officers and employees of offices or government corporations charged with the grant of licenses or permits or other concessions.

(f) Neglecting or refusing, after due demand or request, without sufficient justification, to act within a reasonable time on any matter pending before him for the purpose of obtaining, directly or indirectly, from any person interested in the matter some pecuniary or material benefit or advantage, or for the purpose of favoring his own interest or giving undue advantage in favor of or discriminating against any other interested party.

(g) Entering, on behalf of the Government, into any contract or transaction manifestly and grossly disadvantageous to the same, whether or not the public officer profited or will profit thereby.

(h) Directly or indirectly having financing or pecuniary interest in any business, contract or transaction in connection with which he intervenes or takes part in his official capacity, or in which he is prohibited by the Constitution or by any law from having any interest.

(i) Directly or indirectly becoming interested, for personal gain, or having a material interest in any transaction or act requiring the approval of a board, panel or group of which he is a member, and which exercises discretion in such approval, even if he votes against the same or does not participate in the action of the board, committee, panel or group.

Interest for personal gain shall be presumed against those public officers responsible for the approval of manifestly unlawful, inequitable, or irregular transaction or acts by the board, panel or group to which they belong.

(j) Knowingly approving or granting any license, permit, privilege or benefit in favor of any person not qualified for or not legally entitled to such license, permit, privilege or advantage, or of a mere representative or dummy of one who is not so qualified or entitled.

(k) Divulging valuable information of a confidential character, acquired by his office or by him on account of his official position to unauthorized persons, or releasing such information in advance of its authorized release date.

The person giving the gift, present, share, percentage or benefit referred to in subparagraphs (b) and (c); or offering or giving to the public officer the employment mentioned in subparagraph (d); or urging the divulging or untimely release of the confidential information referred to in subparagraph (k) of this section shall, together with the offending public officer, be punished under Section nine of this Act and shall be permanently or temporarily disqualified in the discretion of the Court, from transacting business in any form with the Government.

**Section 4. Prohibition on private individuals.** (a) It shall be unlawful for any person having family or close personal relation with any public official to capitalize or exploit or take advantage of such family or close personal relation by directly or indirectly requesting or receiving any present, gift or material or pecuniary advantage from any other person having some business, transaction, application, request or contract with the government, in which such public official has to intervene. Family relation shall include the spouse or relatives by consanguinity or affinity in the third civil degree. The word "close personal relation" shall include close personal friendship, social and fraternal connections, and professional employment all giving rise to intimacy which assures free access to such public officer.

(b) It shall be unlawful for any person knowingly to induce or cause any public official to commit any of the offenses defined in Section 3 hereof.

**Section 5. Prohibition on certain relatives.** It shall be unlawful for the spouse or for any relative, by consanguinity or affinity, within the third civil degree, of the President of the Philippines, the Vice-President of the Philippines, the President of the Senate, or the Speaker of the House of Representatives, to intervene,

directly or indirectly, in any business, transaction, contract or application with the Government: Provided, That this section shall not apply to any person who, prior to the assumption of office of any of the above officials to whom he is related, has been already dealing with the Government along the same line of business, nor to any transaction, contract or application already existing or pending at the time of such assumption of public office, nor to any application filed by him the approval of which is not discretionary on the part of the official or officials concerned but depends upon compliance with requisites provided by law, or rules or regulations issued pursuant to law, nor to any act lawfully performed in an official capacity or in the exercise of a profession.

**Section 6. *Prohibition on Members of Congress.*** It shall be unlawful hereafter for any Member of the Congress during the term for which he has been elected, to acquire or receive any personal pecuniary interest in any specific business enterprise which will be directly and particularly favored or benefited by any law or resolution authored by him previously approved or adopted by the Congress during the same term.

The provision of this section shall apply to any other public officer who recommended the initiation in Congress of the enactment or adoption of any law or resolution, and acquires or receives any such interest during his incumbency.

It shall likewise be unlawful for such member of Congress or other public officer, who, having such interest prior to the approval of such law or resolution authored or recommended by him, continues for thirty days after such approval to retain such interest.

**Section 7. *Statement of assets and liabilities.*** Every public officer, within thirty days after the approval of this Act or after assuming office, and within the month of January of every other year thereafter, as well as upon the expiration of his term of office, or upon his resignation or separation from office, shall prepare and file with the office of the corresponding Department Head, or in the case of a Head of Department or chief of an independent office, with the Office of the President, or in the case of members of the Congress and the officials and employees thereof, with the Office of the Secretary of the corresponding House, a true detailed and sworn statement of assets and liabilities, including a statement of the amounts and sources of his income, the amounts of his personal and family expenses and the amount of income taxes paid for the next preceding calendar year: Provided, That public officers assuming office less than two months before the end of the calendar year, may file their statements in the following months of January.

**Section 8. *Dismissal due to unexplained wealth.*** If in accordance with the provisions of Republic Act Numbered One thousand three hundred seventy-nine, a public official has been found to have acquired during his incumbency, whether in his name or in the name of other persons, an amount of property and/or money manifestly out of proportion to his salary and to his other lawful income, that fact shall be a ground for dismissal or removal. Properties in the name of the spouse and unmarried children of such public official may be taken into consideration, when their acquisition through legitimate means cannot be satisfactorily shown. Bank deposits shall be taken into consideration in the enforcement of this section, notwithstanding any provision of law to the contrary.

**Section 9. *Penalties for violations.*** (a) Any public officer or private person committing any of the unlawful acts or omissions enumerated in Sections 3, 4, 5 and 6 of this Act shall be punished with imprisonment for not less than one year nor more than ten years, perpetual disqualification from public office, and confiscation or forfeiture in favor of the Government of any prohibited interest and unexplained wealth manifestly out of proportion to his salary and other lawful income.

Any complaining party at whose complaint the criminal prosecution was initiated shall, in case of conviction of the accused, be entitled to recover in the criminal action with priority over the forfeiture in favor of the Government, the amount of money or the thing he may have given to the accused, or the value of such thing.

(b) Any public officer violation any of the provisions of Section 7 of this Act shall be punished by a fine of not less than one hundred pesos nor more than one thousand pesos, or by imprisonment not exceeding one year, or by both such fine and imprisonment, at the discretion of the Court.

The violation of said section proven in a proper administrative proceeding shall be sufficient cause for removal or dismissal of a public officer, even if no criminal prosecution is instituted against him.

**Section 10. *Competent court.*** Until otherwise provided by law, all prosecutions under this Act shall be within the original jurisdiction of the proper Court of First Instance.

**Section 11. *Prescription of offenses.*** All offenses punishable under this Act shall prescribe in ten years.

**Section 12. *Termination of office.*** No public officer shall be allowed to resign or retire pending an investigation, criminal or administrative, or pending a prosecution against him, for any offense under this Act or under the provisions of the Revised Penal Code on bribery.

**Section 13. *Suspension and loss of benefits.*** Any public officer against whom any criminal prosecution under a valid information under this Act or under the provisions of the Revised Penal Code on bribery is pending in court, shall be suspended from office. Should he be convicted by final judgment, he shall lose all retirement or gratuity benefits under any law, but if he is acquitted, he shall be entitled to reinstatement and to the salaries and benefits which he failed to receive during suspension, unless in the meantime administrative proceedings have been filed against him.

**Section 14. *Exception.*** Unsolicited gifts or presents of small or insignificant value offered or given as a mere ordinary token of gratitude or friendship according to local customs or usage, shall be excepted from the provisions of this Act.

Nothing in this Act shall be interpreted to prejudice or prohibit the practice of any profession, lawful trade or occupation by any private person or by any public officer who under the law may legitimately practice his profession, trade or occupation, during his incumbency, except where the practice of such profession, trade or occupation involves conspiracy with any other person or public official to commit any of the violations penalized in this Act.

**Section 15. *Separability clause.*** If any provision of this Act or the application of such provision to any person or circumstances is declared invalid, the remainder of the Act or the application of such provision to other persons or circumstances shall not be affected by such declaration.

**Section 16. *Effectivity.*** This Act shall take effect on its approval, but for the purpose of determining unexplained wealth, all property acquired by a public officer since he assumed office shall be taken into consideration.

Approved: August 17, 1960

REPUBLIC ACT NO. 8249

AN ACT FURTHER DEFINING THE JURISDICTION OF THE SANDIGANBAYAN, AMENDING FOR THE PURPOSE PRESIDENTIAL DECREE NO. 1606, AS AMENDED, PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSES.

*Be it enacted by the Senate and House of representatives of the Philippines in Congress assembled:*

Section 1. The first paragraph of Sec. 1 of Presidential Decree No. 1606, as amended, is hereby further amended to read as follows:

"Sec. 1. *Sandiganbayan; Composition, Qualifications; Tenure; Removal and Compensation.* - A special court, of the same level as the Court of Appeals and possessing all the inherent powers of a court of justice, to be known as the Sandiganbayan is hereby created composed of a presiding justice and fourteen associate justices who shall be appointed by the President."

Sec. 2. Sec. 2 of the same decree is hereby further amended to read as follows:

"Sec. 2. *Official Station; Place of Holding Sessions.* - The Sandiganbayan shall have its principal office in the Metro Manila area and shall hold sessions thereat for the trial and determination of cases filed with it: Provided, however, That cases originating from the principal geographical regions of the country, that is, from Luzon, Visayas or Mindanao, shall be heard in their respective regions of origin except only when the greater convenience of the accused and of the witnesses, or other compelling considerations require the contrary, in which instance a case originating from one geographical region may be heard in another geographical region: Provided, further, That for this purpose the presiding justice shall authorize any divisions of the court to hold sessions at any time and place outside Metro Manila and, where the interest of justice so requires, outside the territorial boundaries of the Philippines. 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."

Sec. 3. The second paragraph of Sec. 3 of the same decree is hereby deleted.

Sec. 4. Sec. 4 of the same decree is hereby further amended to read as follows:

"a. Violations of Republic Act No. 3019, as amended, otherwise known as the Anti-graft and Corrupt Practices Act, Republic Act No. 1379, and Chapter II, Sec. 2, Title VII, Book II of the Revised Penal Code, where one or more of the accused are officials occupying the following positions in the government whether in a permanent, acting or interim capacity, at the time of the commission of the offense:

"(1) Officials of the executive branch occupying the positions of regional director and higher, otherwise classified as Grade '27' and higher, of the Compensation and Position Classification Act of 1989 (Republic Act No. 6758), specifically including:

"(a) Provincial governors, vice-governors, members of the sangguniang panlalawigan and provincial treasurers, assessors, engineers and other provincial department heads;

"(b) City mayors, vice-mayors, members of the sangguniang panlungsod, city treasurers, assessors, engineers and other city department heads;

"(c) Officials of the diplomatic service occupying the position of consul and higher;

"(d) Philippine army and air force colonels, naval captains, and all officers of higher rank;

"(e) Officers of the Philippine National Police while occupying the position of provincial director and those holding the rank of senior superintendent or higher;

"(f) City and provincial prosecutors and their assistants, and officials and prosecutors in the Office of the Ombudsman and special prosecutor;

"(g) Presidents, directors or trustees, or managers of government-owned or -controlled corporations, state universities or educational institutions or foundations;

"(2) Members of Congress and officials thereof classified as Grade '27' and up under the Compensation and Position Classification Act of 1989;

"(3) Members of the judiciary without prejudice to the provisions of the Constitution;

"(4) Chairmen and members of Constitutional Commissions, without prejudice to

the provisions of the Constitution; and

"(5) All other national and local officials classified as Grade '27' and higher under the Compensation and Position Classification Act of 1989.

"b. Other offenses or felonies whether simple or complexed with other crimes committed by the public officials and employees mentioned in sub Sec. a of this Sec. in relation to their office.

"c. Civil and criminal cases filed pursuant to and in connection with Executive Order Nos. 1, 2, 14 and 14-A, issued in 1986.

"In cases where none of the accused are occupying positions corresponding to salary grade '27' or higher, as prescribed in the said Republic Act No. 6758, or military or PNP officers mentioned above, exclusive original jurisdiction thereof shall be vested in the proper regional trial court, metropolitan trial court, municipal trial court and municipal circuit trial court ' as the case may be, pursuant to their respective jurisdiction as provided in Batas Pambansa Blg. 129, as amended.

"The Sandiganbayan shall exercise exclusive appellate jurisdiction over final judgments, resolutions or orders or regional trial courts whether in the exercise of their own original jurisdiction or of their appellate jurisdiction as herein provided.

"The Sandiganbayan shall have exclusive original jurisdiction over petitions for the issuance of the writs of mandamus, prohibition, certiorari, habeas corpus, injunctions, and other ancillary writs and processes in aid of its appellate jurisdiction and over petitions of similar nature, including quo warranto, arising or that may arise in cases filed or which may be filed under Executive Order Nos. 1, 2, 14 and 14-A, issued in 1986: Provided, That the jurisdiction over these petitions shall not be exclusive of the Supreme Court.

The procedure prescribed in Batas Pambansa Blg. 129, as well as the implementing rules that the Supreme Court has promulgated and may hereafter promulgate, relative to appeals/petitions for review to the Court of Appeals, shall apply to appeals and petitions for review filed with the Sandiganbayan. In all cases elevated to the Sandiganbayan and from the Sandiganbayan to the Supreme Court, the Office of the Ombudsman, through its special prosecutor, shall represent the People of the Philippines, except in cases filed pursuant to Executive Order Nos. 1, 2, 14 and 14-A, issued in 1986.

"In case private individuals are charged as co-principals, accomplices or



accessories with the public officers or employees, including those employed in government-owned or controlled corporations, they shall be tried jointly with said public officers and employees in the proper courts which shall exercise exclusive jurisdiction over them.

"Any provisions of law or Rules of Court to the contrary notwithstanding, the criminal action and the corresponding civil action for the recovery of civil liability shall at all times be simultaneously instituted with, and jointly determined in, the same proceeding by the Sandiganbayan or the appropriate courts, the filing of the criminal action being deemed to necessarily carry with it the filing of the civil action, and no right to reserve the filing of such civil action separately from the criminal action shall be recognized: Provided, however, That where the civil action had therefore been filed separately but judgment therein has not yet been rendered, and the criminal case is hereafter filed with the Sandiganbayan or the appropriate court, said civil action shall be transferred to the Sandiganbayan or the appropriate court, as the case may be, for consolidation and joint determination with the criminal action, otherwise the separate civil action shall be deemed abandoned."

Sec. 5. Sec. 7 of the same decree is hereby further amended to read as follows:

"Sec. 7. *Form, Finality and Enforcement of Decisions.* - All decisions and final orders determining the merits of a case or finally disposing of the action or proceedings of the Sandiganbayan shall contain complete findings of the facts and the law on which they are based, on all issues properly raised before it and necessary in deciding the case.

"A petition for reconsideration of any final order or decision may be filed within fifteen (15) days from promulgation or notice of the final order on judgment, and such motion for reconsideration shall be decided within thirty (30) days from submission thereon.

"Decisions and final orders of the Sandiganbayan shall be appealable to the Supreme Court by petition for review on certiorari raising pure questions of law in accordance with Rule 45 of the Rules of Court. Whenever, in any case decided by the Sandiganbayan, the penalty of reclusion perpetua, life imprisonment or death is imposed, the decision shall be appealable to the Supreme Court in the manner prescribed in the Rules of Court.

"Judgments and orders of the Sandiganbayan shall be executed and enforced in the manner provided by law.

"Decisions and final orders of other courts in cases cognizable by said courts under this decree as well as those rendered by them in the exercise of their appellate jurisdiction shall be appealable to, or be reviewable by, the Sandiganbayan in the manner provided by Rule 122 of the Rules of the Court.

"In case, however, the imposed penalty by the Sandiganbayan or the regional trial court in the proper exercise of their respective jurisdictions, is death, review by the Supreme Court shall be automatic, whether or not accused files an appeal."

Sec. 6. *Appropriations.* - The amount necessary to carry out the initial implementation of this Act shall be charged against the current fiscal year appropriations of the Sandiganbayan. Thereafter, such sums as may be needed for its continued implementation shall be included in the annual General Appropriations Act.

Sec. 7. *Transitory Provision.* - This Act shall apply to all cases pending in any court over which trial has not begun as of the approval hereof

Sec. 8. *Separability of Provisions.* - If for any reason any provision of this Act is declared unconstitutional or invalid, such parts or portions not affected thereby shall remain in full force and effect.

Sec. 9. *Repealing Clause.* - All acts, decrees, general orders and circulars, or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

Sec. 10. *Effectivity.* - This Act shall take effect fifteen (15) days after its complete publication in at least two (2) newspapers of general circulation.

*Approved: February 5, 1997*