

## Sandiganbayan Jurisdiction — Revisited

*Alan F. Paguia*

*58 ATENEO L.J. 449 (2013)*

*SUBJECTS: SANDIGANBAYAN JURISDICTION, CONSTITUTIONALITY,*

*KEYWORDS: SANDIGANBAYAN JURISDICTION, CONSTITUTIONALITY,  
PLEA BARGAINING, PESTANO MURDER CASE*

In 1978, The Sandiganbayan was created through Presidential Decree No. 1486. This established the Philippine Government's first anti-graft and corruption court. The Sandiganbayan handles cases against public officers and employees who have been charged with the commission of a variety of criminal offenses described and penalized by the Revised Penal Code and other special penal laws. A number of amendments have since been passed to further clarify the powers of the Sandiganbayan, as well as lay down its jurisdiction.

The Office of the Ombudsman is a constitutional body created under the 1987 Philippine Constitution, and is seen as an anti-graft and corruption investigating body that caters primarily to cases cognizable by the Sandiganbayan. The 1987 Philippine Constitution likewise laid down the constitutional elements of such body, and provided for the terms of office and constitutional powers of the Office of the Ombudsman.

The Article seeks to address the different laws and amendments that have since been passed and likewise seeks to engage the reader into an enlightened discussion on the constitutionality of such laws and amendments. Such amendments are studied by the Author in order to determine whether these laws, as created by the Legislature, allow for a violation of the Sandiganbayan's constitutional jurisdiction. The Author also enters into a brief, albeit informative discussion on the constitutionality of terms in office occupied in the past by Ombudsman Desierto, Ombudsman Manalo, and Ombudsman Gutierrez. The constitutionality of Resolutions and Decisions passed by the aforementioned public officers are also put into question as the Author finds that the constitutionality of their term in office largely affects the jurisdictional legality of their actions.

Certain arguments are also passed upon by the Author with regard to the Supreme Court's and the Ombudsman's decisions on plea bargaining. This is studied in light of the case of plunder raised against Maj. Gen. Carlos F. Garcia of the Armed Forces of the Philippines. The capacity of the Ombudsman to address the Pestano murder case is also discussed as the Author looks into the capacity of the Ombudsman to revive the investigation in light of further events that have transpired.

The Article's arguments on the constitutionality of the subjects mentioned above provide an enlightened take on the powers that come with the Sandiganbayan and the Office of the Ombudsman. The Author provides

his learned opinion on the matters at hand as he also refers to jurisprudence and the laws themselves to engage readers to re-think and re-address the jurisdiction and constitutionality of the Sandiganbayan and the Office of the Ombudsman.