

COMMITTEE REPORT NO. 23

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COMMITTEE REPORT NO. 23

Submitted by the Committee on Constitutional

Guarantees on September 13, 1934.

Mr. President:

Your Committee on Constitutional Guarantees has the honor to report that after an extended, careful and conscientious deliberation it has decided to support the creation of a special regulating and compromise body, composed of members selected from the three different branches of the Government—the Executive, the Legislative and the Judicial—conferred with jurisdiction to hear and determine impeachment cases against the highest officers in the Government and election protests not only against the Chief Executive but against the members of the Legislature as well, under the conditions recited in the project of proposition hereto attached. This was the result of the discussion of a previous draft prepared by a sub-committee of five composed of Delegates Perfecto, Romualdez, Hontiveros, Morales, and the undersigned.

In transferring the power of deciding election protests against the members of the Legislature to this special tribunal your Committee has been guided by precedents to be found in other countries, including individual states within the Union known as the United States of America, and by the fact that such protests require a true judicial determination. A sub-committee is composed of Delegates Beltran, Pelayo and Perez.

Article (4) was included as an expression of the idea and opinion of the Committee as to the prerequisite condition to the initiation of impeachment proceedings although this matter may come under the Committee on Impeachment.

The Committee has also on former occasions returned to the Constitutional Convention for redistribution several proposed constitutional precepts, as shown by former committee reports.

It is, therefore, recommended that the attached draft be approved and embodied in the Constitution.

Respectfully submitted,

(Sgd.) MANUEL LIM

Chairman

Committee on Constitution Guarantees

To the Honorable President

Constitutional Convention

CHAPTER

TRIBUNAL OF CONSTITUTIONAL SECURITY

Article 1. A Tribunal of Constitutional Security is hereby established which shall have exclusive, supreme and definite jurisdiction and competence to decide the following:

- (a) Impeachment proceedings against the President and Vice-President of the Government, the ministers or secretaries of the departments, the chief justice and associate justices of the Supreme Court, the attorney-general, and the solicitor general.
- (b) Election protests against election of the executive officers for whose election the vote of the whole nation is required.
- (c) Election protest against members of the Legislature of Congress.

Art. 2. The Tribunal of Constitutional Security shall be composed of the following:

Three justices of the Supreme Court, to be designated by its members; two senators, to be designated one each from the two major parties in the Senate, two representatives or congressmen, to be designated one each from the two major parties in the House of Representatives; and two representatives of the executive power, to be designated by the President or by the one acting in his place.

This Tribunal shall be presided by the senior justice of the Supreme Court, unless the president thereof is a member, in which case the latter shall preside.

Art. 3. The Clerk of the Supreme Court shall be ipso facto the clerk of this Tribunal.

Art. 4. No impeachment proceedings shall be started as provided in paragraph (a) of Article 1 of this chapter except upon the petition signed by one-third of the members of the House of Representatives.

Art. 5. The respective members of the Tribunal shall be designated by the Supreme Court, as soon as the latter is organized; by the Legislature, as soon as it is organized after each and every legislative session: and by the executive power after the President or the one acting in his place had qualified.

Art. 6. The Tribunal shall prescribe the rules and regulations it may deem convenient for the proper and speedy disposal of cases within its jurisdiction.

Art. 7. The members of this Tribunal shall hold office during the term corresponding to a legislative period.

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