

**AQUILINO Q. PIMENTEL, JR., MANUEL B. VILLAR, JOKER P. ARROYO,
FRANCIS N. PANGILINAN, PIA S. CAYETANO, AND ALAN PETER S.
CAYETANO, PETITIONERS, VS. SENATE COMMITTEE OF THE WHOLE
...**

G.R. No. 187714. March 08, 2011

Ponente: CARPIO, J.

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CARPIO, J.:

The Case

Before the Court is a petition for prohibition^[1] with prayer for issuance of a writ of preliminary injunction and/or temporary restraining order filed by Senators Aquilino Q. Pimentel, Jr. (Senator Pimentel), Manuel B. Villar (Senator Villar), Joker P. Arroyo, Francis N. Pangilinan, Pia S. Cayetano, and Alan Peter S. Cayetano (petitioners). Petitioners seek to enjoin the Senate Committee of the Whole (respondent) from conducting further hearings on the complaint filed by Senator Maria Ana Consuelo A.S. Madrigal (Senator Madrigal) against Senator Villar pursuant to Senate Resolution No. 706 (P.S. Resolution 706) on the alleged double insertion of P200 million for the C-5 Road Extension Project in the 2008 General Appropriations Act.

The Antecedents

On 15 September 2008, Senator Panfilo Lacson (Senator Lacson) delivered a privilege speech entitled "Kaban ng Bayan, Bantayan!"^[2] In his privilege speech, Senator Lacson called attention to the congressional insertion in the 2008 General Appropriations Act, particularly the P200 million appropriated for the construction of the President Carlos P. Garcia Avenue Extension from Sucat Luzon Expressway to Sucat Road in Parañaque City including Right-of-Way (ROW), and another P200 million appropriated for the extension of C-5 road including ROW. Senator Lacson stated that C-5 is what was formerly called President Carlos P. Garcia Avenue and that the second appropriation covers the same stretch - from Sucat Luzon Expressway to Sucat Road in Parañaque City. Senator Lacson inquired from DBM Secretary Rolando Andaya, Jr. about the double entry and was informed that it was on account of a congressional insertion. Senator Lacson further stated that when he followed the narrow trail leading to the double entry, it led to Senator Villar, then the Senate President.

On 8 October 2008, Senator Madrigal introduced P.S. Resolution 706,^[3] the full text of which reads:

WHEREAS the Senate President has repeatedly and publicly "advocated" (sic) the construction of the C-5 Road/Pres. C.P. Garcia Avenue Extension linking Sucat Road in Parañaque City to the South Luzon Expressway;

WHEREAS it was discovered that there was a double insertion of P200 million for the C-5 Road Extension project in the 2008 General Appropriations Act;

WHEREAS Committee on Finance Chair Sen. Juan Ponce Enrile confirmed that the double insertion for the C-5 Road Extension Project was made by the Senate President;

WHEREAS this double insertion is only the tip of the iceberg;

WHEREAS there is overwhelming evidence to show that the Senate President, from the time he was member of the House of Representatives, used his influence on the executive to cause the realignment of the C-5 Road Extension project to ensure that his properties in Barangay San Dionisio, Parañaque City and Barangays Pulang Lupa and Mayuno Uno, Las Piñas would be financially benefited by the construction of the new road;

WHEREAS there is overwhelming evidence to show that the Senate President, through his corporations, negotiated the sale of his properties as roads right of way to the government, the same properties affected by the projects he proposed;

WHEREAS there is overwhelming evidence to show that the Senate President caused the sale of his landholdings to government as a grossly overpriced cost prejudicial to other lot owners in the area, the government, and the Filipino people;

WHEREAS there is overwhelming evidence to show that the Senate President, in the overpriced sale of another property, used his power and influence to extort from the original landowner the profit made from the overprice by the Villar owned corporations;

WHEREAS these acts of the Senate President are in direct violation of the Constitution, the Anti-Graft and Corrupt Practices Act, the Code of Conduct and Ethical Standards of Public Officers;

WHEREAS the Senate President has violated the public trust of the people in order to serve his personal interests thereby sacrificing the people's welfare;

WHEREAS the illegal and unethical conduct of the Senate President has betrayed the trust of the people, and by doing so has shamed the Philippine Senate;

WHEREAS it is incumbent upon the members of the Senate now to reclaim the people's trust and confidence and show that the illegal conduct of any of its member, even of its leaders, shall not go unpunished;

WHEREFORE, BE IT RESOLVED AS IT IS HEREBY RESOLVED, TO DIRECT THE COMMITTEE ON ETHICS AND PRIVILEGES TO INVESTIGATE THE CONDUCT OF SENATE PRESIDENT MANUEL B. VILLAR, JR. FOR USING HIS POSITION OF POWER TO INFLUENCE PUBLIC OFFICIALS IN RELOCATING THE C-5 ROAD EXTENSION PROJECT TO DELIBERATELY PASS THRU HIS PROPERTIES, AND TO NEGOTIATE THE OVERPRICED PURCHASE OF ROAD RIGHTS OF WAY THRU SEVERAL PROPERTIES ALSO OWNED BY HIS CORPORATIONS REDOUNDING IN HUGE PERSONAL FINANCIAL BENEFITS FOR HIM TO THE DETRIMENT OF THE FILIPINO PEOPLE, THEREBY RESULTING IN A BLATANT CONFLICT OF INTEREST.

Adopted,

(Sgd.)

M.A. MADRIGAL[4]

On even date, P.S. Resolution 706 was referred to the Committee on Ethics and Privileges (Ethics Committee) which at that time was composed of the following members:

Sen. Pia S. Cayetano - Chairperson
Sen. Loren Legarda - Member in lieu of Sen. Madrigal
Sen. Joker Arroyo - Member
Sen. Alan Peter Cayetano- Member
Sen. Miriam Defensor-Santiago- Member
Sen. Gregorio Honasan - Member
Sen. Panfilo Lacson - Inhibited and replaced by Sen. Rodolfo Biazon

On 17 November 2008, Senator Juan Ponce Enrile (Senator Enrile) was elected Senate President. The Ethics Committee was reorganized with the election of Senator Lacson as Chairperson, and Senators Richard Gordon, Gregorio Honasan, Loren Legarda, and Mar Roxas as members for the Majority. On 16 December 2008, Senator Lacson inquired whether the Minority was ready to name their representatives to the Ethics Committee.[5] After consultation with the members of the Minority, Senator Pimentel informed the body that there would be no member from the Minority in the Ethics Committee.[6] On 26 January 2009, Senator Lacson reiterated his appeal to the Minority to nominate their representatives to the Ethics Committee.[7] Senator Pimentel stated that it is the stand of the Minority not to nominate any of their members to the Ethics Committee, but he promised to convene a caucus to determine if the Minority's decision on the matter is final.[8] Thereafter, the Senate adopted the Rules of the Senate Committee on Ethics and Privileges (Committee Rules) which was published in the Official Gazette on 23 March 2009.[9]

On 20 April 2009, Senator Villar delivered a privilege speech[10] where he stated that he would answer the accusations against him on the floor and not before the Ethics Committee. On 27 April 2009, Senator Lacson delivered another privilege speech[11] where he stated that the Ethics Committee was not a kangaroo court. However, due to the accusation that the Ethics Committee could not act with fairness on Senator Villar's case, Senator Lacson moved that the responsibility of the Ethics Committee be undertaken by the Senate, acting as a Committee of the Whole. The motion was approved with ten members voting in favor, none against, and five abstentions.[12]

Respondent Senate Committee of the Whole conducted its hearings on 4 May 2009, with eleven Senators present, and on 7 May 2009, with eight Senators present. On both hearings, petitioners objected to the application of the Rules of the Ethics Committee to the Senate Committee of the Whole. In particular, petitioners questioned the determination of the quorum. On 11 May 2009, petitioners proposed 11 amendments to the Rules of the Ethics Committee that would constitute the Rules of the Senate Committee of the Whole, out of which three amendments were adopted. On 14 May 2009, Senator Pimentel raised as an issue the need to publish the proposed amended Rules of the Senate Committee of the Whole. On even date, respondent proceeded with the Preliminary Inquiry on P.S. Resolution 706. On 18 May 2009, the Chairman submitted a report on the Preliminary Inquiry with a directive to all Senators to come up with a decision on the preliminary report on 21 May 2009. On 21 May 2009, respondent declared that there was substantial evidence to proceed with the adjudicatory hearing. The preliminary conference was set on 26 May 2009.

Petitioners came to this Court for relief, raising the following grounds:

1. The transfer of the complaint against Senator Villar from the Ethics Committee to the Senate Committee of the Whole is violative of Senator Villar's constitutional right to equal protection;
2. The Rules adopted by the Senate Committee of the Whole for the investigation of the complaint filed by Senator Madrigal against Senator Villar is violative of Senator Villar's right to due process and of the majority quorum requirement under Art. VI, Sec. 16(2) of the Constitution; and
3. The Senate Committee of the Whole likewise violated the due process clause of the Constitution when it refused to publish the Rules of the Senate Committee of the Whole in spite of its own provision [which] require[s] its effectivity upon publication.[13]

In its Comment, respondent argues that:

1. The instant petition should be dismissed for failure to join or implead an indispensable party. In the alternative, the instant petition should be archived until such time that the said indispensable party has been joined or impleaded and afforded the opportunity to be heard;

2. There was no grave abuse of discretion on the part of respondent Committee;
3. Petitioners are not entitled to a writ of prohibition for failure to prove grave abuse of discretion on the part of respondent Committee of the Whole;
4. The principle of separation of powers must be upheld;
5. The instant petition must be dismissed for being premature. Petitioners failed to observe the doctrine or primary jurisdiction or prior resort;
6. It is within the power of Congress to discipline its members for disorderly behavior;
7. The determination of what constitutes disorderly behavior is a political question which exclusively pertains to Congress;
8. The Internal Rules of the Senate are not subject to judicial review in the absence of grave abuse of discretion; [and]
9. The Rules of the Ethics Committee, which have been duly published and adopted[,] allow the adoption of supplementary rules to govern adjudicatory hearings.[14]

The Issues

The issues for the Court's resolution are the following:

1. Whether Senator Madrigal, who filed the complaint against Senator Villar, is an indispensable party in this petition;
2. Whether the petition is premature for failure to observe the doctrine of primary jurisdiction or prior resort;
3. Whether the transfer of the complaint against Senator Villar from the Ethics Committee to the Senate Committee of the Whole is violative of Senator Villar's right to equal protection;
4. Whether the adoption of the Rules of the Ethics Committee as Rules of the Senate Committee of the Whole is a violative of Senator Villar's right to due process and of the majority quorum requirement under Art. VI, Section 16(2) of the Constitution; and
5. Whether publication of the Rules of the Senate Committee of the Whole is required for their effectivity.

The Ruling of this Court

Indispensable Party

Section 7, Rule 3 of the 1997 Rules of Civil Procedure provides:

SEC. 7 - Compulsory joinder of indispensable parties. - Parties in interest without whom no final determination can be had of an action shall be joined as plaintiffs or defendants.

The test to determine if a party is an indispensable party is as follows:

An indispensable party is a party who has an interest in the controversy or subject matter that a final adjudication cannot be made, in his absence, without injuring or affecting that interest, a party who has not only an interest in the subject matter of the controversy, but also has an interest of such nature that a final decree cannot be made without affecting his interest or leaving the controversy in such a condition that its final determination may be wholly inconsistent with equity and good conscience. It has also been considered that an indispensable party is a person in whose absence there cannot be a determination between the parties already before the court which is effective, complete or equitable. Further, an indispensable party is one who must be included in an action before it may properly go forward.

A person who is not an indispensable party, however, if his interest in the controversy or subject matter is separable from the interest of the other parties, so that it will not necessarily be directly or injuriously affected by a decree which does complete justice between them. Also, a person is not an indispensable party if his presence would merely permit a complete relief between him and those already parties to the action, or if he has no interest in the subject matter of the action. It is not a sufficient reason to declare a person to be an indispensable party that his presence will avoid multiple litigation.[15]

In this case, Senator Madrigal is not an indispensable party to the petition before the Court. While it may be true that she has an interest in the outcome of this case as the author of P.S. Resolution 706, the issues in this case are matters of jurisdiction and procedure on the part of the Senate Committee of the Whole which can be resolved without affecting Senator Madrigal's interest. The nature of Senator Madrigal's interest in this case is not of the nature that this case could not be resolved without her participation.

Doctrine of Primary Jurisdiction

Respondent asserts that the doctrine of primary jurisdiction "simply calls for the determination of administrative questions, which are ordinarily questions of fact, by administrative agencies rather than by courts of justice." [16] Citing *Pimentel v. HRET*, [17] respondent avers that primary recourse of petitioners should have been to the Senate and that this Court must uphold the separation of powers between the legislative and judicial branches of the government.

The doctrine of primary jurisdiction does not apply to this case. The Court has ruled:

x x x It may occur that the Court has jurisdiction to take cognizance of a particular case, which means that the matter involved is also judicial in character. However, if the case is such that its determination requires the expertise, specialized skills and knowledge of the proper administrative bodies because technical matters or intricate questions of fact are involved, then relief must first be obtained in an administrative proceeding before a remedy will be supplied by the courts even though the matter is within the proper jurisdiction of the court. x x [18]

The issues presented here do not require the expertise, specialized skills and knowledge of respondent for their resolution. On the contrary, the issues here are purely legal questions which are within the competence and jurisdiction of the Court, and not an administrative agency or the Senate to resolve. [19]

As regards respondent's invocation of separation of powers, the Court reiterates that "the inviolate doctrine of separation of powers among the legislative, executive or judicial branches of government by no means prescribes for absolute autonomy in the discharge by each of that part of the governmental power assigned to it by the sovereign people." [20] Thus, it has been held that "the power of judicial review is not so much power as it is [a] duty imposed on this Court by the Constitution and that we would be remiss in the performance of that duty if we decline to look behind the barriers set by the principle of separation of powers." [21] The Court, therefore, is not precluded from resolving the legal issues raised by the mere invocation by respondent of the doctrine of separation of powers. On the contrary, the resolution of the legal issues falls within the exclusive jurisdiction of this Court.

Transfer of the Complaint from the Ethics Committee to the Senate Committee on the Whole

Petitioners allege that the transfer of the complaint against Senator Villar to the Senate Committee of the Whole violates his constitutional right to equal protection. Petitioners allege that the Senate Committee of the Whole was constituted solely for the purpose of assuming jurisdiction over the complaint against Senator Villar. Petitioners further allege that the act was discriminatory and removed Senator Villar's recourse against any adverse report of

the Ethics Committee to the Senate as a body.

We do not agree with petitioners.

Reviewing the events that led to the constitution of the Senate Committee of the Whole, the Court notes that upon the election of Senator Enrile as Senate President on 17 November 2008, the Ethics Committee was also reorganized. Senator Lacson, who first called the Senate's attention to the alleged irregularities committed by Senator Villar, was elected as Chairperson. On 16 December 2008, when Senator Lacson inquired whether the Minority was ready to name their representatives to the Ethics Committee, Senator Pimentel informed the body that there would be no member from the Minority in the Ethics Committee. On 26 January 2009, Senator Lacson reiterated his appeal to the Minority to nominate their representatives to the Ethics Committee. Senator Pimentel informed him that it is the stand of the Minority not to nominate any of their members to the Ethics Committee. Senator Pimentel promised to convene a caucus to determine if the Minority's decision on the matter is final but the records did not show that a caucus was convened.

On 20 April 2009, Senator Villar delivered a privilege speech where he stated that he would answer the accusations against him on the floor and not before the Ethics Committee. It was because of the accusation that the Ethics Committee could not act with fairness on Senator Villar's case that Senator Lacson moved that the responsibility of the Ethics Committee be undertaken by the Senate acting as a Committee of the Whole, which motion was approved with ten members voting in favor, none against, and five abstentions.

The Rules of the Ethics Committee provide that "all matters relating to the conduct, rights, privileges, safety, dignity, integrity and reputation of the Senate and its Members shall be under the exclusive jurisdiction of the Senate Committee on Ethics and Privileges."^[22] However, in this case, the refusal of the Minority to name its members to the Ethics Committee stalled the investigation. In short, while ordinarily an investigation about one of its members' alleged irregular or unethical conduct is within the jurisdiction of the Ethics Committee, the Minority effectively prevented it from pursuing the investigation when they refused to nominate their members to the Ethics Committee. Even Senator Villar called the Ethics Committee a kangaroo court and declared that he would answer the accusations against him on the floor and not before the Ethics Committee. Given the circumstances, the referral of the investigation to the Committee of the Whole was an extraordinary remedy undertaken by the Ethics Committee and approved by a majority of the members of the Senate.

Adoption of the Rules of the Ethics Committee
by the Senate Committee of the Whole

Petitioners allege that the adoption of the Rules of the Ethics Committee by the Senate Committee of the Whole is violative of Senator Villar's right to due process.

We do not agree.

Again, we reiterate that, considering the circumstances of this case, the referral of the investigation by the Ethics Committee to the Senate Committee of the Whole is an extraordinary remedy that does not violate Senator Villar's right to due process. In the same manner, the adoption by the Senate Committee of the Whole of the Rules of the Ethics Committee does not violate Senator Villar's right to due process.

The Constitutional right of the Senate to promulgate its own rules of proceedings has been recognized and affirmed by this Court. Thus:

First. Section 16(3), Article VI of the Philippine Constitution states: "Each House shall determine the rules of its proceedings."

This provision has been traditionally construed as a grant of full discretionary authority to the House of Congress in the formulation, adoption and promulgation of its own rules. As such, the exercise of this power is generally exempt from judicial supervision and interference, except on a clear showing of such arbitrary and improvident use of the power as will constitute a denial of due process.

x x x. The issue partakes of the nature of a political question which, under the Constitution, is to be decided by the people in their sovereign capacity, or in regard to which full discretionary authority has been delegated to the legislative or executive branch of the government. Further, pursuant to his constitutional grant of virtually unrestricted authority to determine its own rules, the Senate is at liberty to alter or modify these rules at any time it may see fit, subject only to the imperatives of quorum, voting and publication.[23]

The only limitation to the power of Congress to promulgate its own rules is the observance of quorum, voting, and publication when required. As long as these requirements are complied with, the Court will not interfere with the right of Congress to amend its own rules.

Prior Publication

Petitioners assail the non-publication of the Rules of the Senate Committee of the Whole. Respondent counters that publication is not necessary because the Senate Committee of the Whole merely adopted the Rules of the Ethics Committee which had been published in the Official Gazette on 23 March 2009. Respondent alleges that there is only one set of Rules that governs both the Ethics Committee and the Senate Committee of the Whole.

In *Neri v. Senate Committee on Accountability of Public Officers and Investigations*,^[24] the Court declared void unpublished rules of procedure in Senate inquiries insofar as such rules affect the rights of witnesses. The Court cited Section 21, Article VI of the Constitution which mandates:

Sec. 21. The Senate or the House of Representatives or any of its respective Committees may conduct inquiries in aid of legislation in accordance with its duly published rules of procedure. The rights of persons appearing in or affected by such inquiries shall be respected. (Emphasis supplied)

The Court explained in the Resolution^[25] denying the motion for reconsideration:

The language of Section 21, Article VI of the Constitution requiring that the inquiry be conducted in accordance with the duly published rules of procedure is categorical. It is incumbent upon the Senate to publish the rules of its legislative inquiries in each Congress or otherwise make the published rules clearly state that the same shall be effective in the subsequent Congresses or until they are amended or repealed to sufficiently put public on notice.

If it was the intention of the Senate for its present rules on legislative inquiries to be effective even in the next Congress, it could have easily adopted the same language it had used in its main rules regarding effectivity.

Lest the Court be misconstrued, it should likewise be stressed that not all orders issued or proceedings conducted pursuant to the subject Rules are null and void. Only those that result in violation of the rights of witnesses should be considered null and void, considering that the rationale for the publication is to protect the rights of the witnesses as expressed in Section 21, Article VI of the Constitution. Sans such violation, orders and proceedings are considered valid and effective.^[26] (Emphasis supplied)

In the recent case of *Gutierrez v. The House of Representatives Committee on Justice, et al.*,^[27] the Court further clarified:

x x x inquiries in aid of legislation under Section 21, Article VI of the Constitution is the sole instance in the Constitution where there is a categorical directive to duly publish a set of rules of procedure. Significantly notable in *Neri* is that with respect to the issue of publication, the Court anchored its ruling on the 1987 Constitution's directive, without any reliance on or reference to the 1986 case of *Tañada v. Tuvera*. *Tañada*

naturally could neither have interpreted a forthcoming 1987 Constitution nor had kept a tight rein on the Constitution's intentions as expressed through the allowance of either a categorical term or a general sense of making known the issuances.[28]

The Constitution does not require publication of the internal rules of the House or Senate. Since rules of the House or the Senate that affect only their members are internal to the House or Senate, such rules need not be published, unless such rules expressly provide for their publication before the rules can take effect.

In this case, the proceedings before the Senate Committee of the Whole affect only members of the Senate since the proceedings involve the Senate's exercise of its disciplinary power over one of its members. Clearly, the Rules of the Senate Committee of the Whole are internal to the Senate. However, Section 81, Rule 15 of the Rules of the Senate Committee of the Whole provides:

Sec. 81. EFFECTIVITY. These Rules shall be effective after publication in the Official Gazette or in a newspaper of general circulation.[29]

Hence, in this particular case, the Rules of the Senate Committee of the Whole itself provide that the Rules must be published before the Rules can take effect. Thus, even if publication is not required under the Constitution, publication of the Rules of the Senate Committee of the Whole is required because the Rules expressly mandate their publication. The majority of the members of the Senate approved the Rules of the Senate Committee of the Whole, and the publication requirement which they adopted should be considered as the will of the majority. Respondent cannot dispense with the publication requirement just because the Rules of the Ethics Committee had already been published in the Official Gazette. To reiterate, the Rules of the Senate Committee of the Whole expressly require publication before the Rules can take effect. To comply with due process requirements, the Senate must follow its own internal rules if the rights of its own members are affected.

Incidentally, we note that Section 4, Rule 1 of the Rules of the Senate Committee of the Whole[30] is an exact reproduction of Section 4, Rule 1 of the Rules of the Senate Committee on Ethics and Privileges[31] which states that the Ethics Committee shall be composed of seven members, contrary to the fact that the Senate Committee of the Whole consists of all members of the Senate. In addition, Section 5(B), Rule 1 of the Rules of the Senate Committee of the Whole[32] is an exact reproduction of Section 5(B), Rule 1 of the Rules of the Senate Committee on Ethics and Privileges[33] which states that only two members of the Ethics Committee shall constitute a quorum, contrary to respondent's allegation in its Comment that eight members of the Senate Committee of the Whole shall constitute a quorum.[34]

However, if the Senate is constituted as a Committee of the Whole, a majority of the Senate is required to constitute a quorum to do business pursuant to Section 16(2), Article VI of the Constitution.[35] Otherwise, there will be a circumvention of this express provision of the Constitution on quorum requirement. Obviously, the Rules of the Senate Committee of the Whole require modification to comply with requirements of quorum and voting which the Senate must have overlooked in this case. In any event, in case of conflict between the Rules of the Senate Committee of the Whole and the Constitution, the latter will of course prevail.

WHEREFORE, we GRANT the petition in part. The referral of the complaint by the Committee on Ethics and Privileges to the Senate Committee of the Whole shall take effect only upon publication of the Rules of the Senate Committee of the Whole.

SO ORDERED.

Corona, C.J., Carpio Morales, Velasco, Jr., Leonardo-De Castro, Peralta, Bersamin, Del Castillo, Abad, Villarama, Jr., Perez, Mendoza, and Sereno, JJ., concur.
Nachura and Brion, JJ., on official leave.

[1] Under Rule 65 of the 1997 Rules of Civil Procedure.

[2] Rollo, pp. 117-123.

3Id. at 53-54. RESOLUTION DIRECTING THE COMMITTEE ON ETHICS AND PRIVILEGES TO INVESTIGATE THE CONDUCT OF SENATE PRESIDENT MANUEL B. VILLAR, JR. FOR USING HIS POSITION OF POWER TO INFLUENCE PUBLIC OFFICIALS IN RELOCATING THE C-5 ROAD EXTENSION PROJECT TO DELIBERATELY PASS THRU HIS PROPERTIES, AND TO NEGOTIATE THE OVERPRICED PURCHASE OF ROAD RIGHTS OF WAY THRU SEVERAL PROPERTIES ALSO OWNED BY HIS CORPORATIONS REDOUNDING IN HUGE PERSONAL PERSONAL FINANCIAL BENEFITS FOR HIM TO THE DETRIMENT OF THE FILIPINO PEOPLE, THEREBY RESULTING IN A BLATANT CONFLICT OF INTEREST.

[4] Id.

[5] Id. at 131. Journal of the Senate.

[6] Id.

[7] Id. at 132. Journal of the Senate.

[8] Id.

[9] Id. at 141-154.

[10] Id. at 155-159. Journal of the Senate.

[11] Id. at 162-164. Journal of the Senate.

[12] Id. at 165.

[13] Id. at 19-20.

[14] Id. at 86-87.

[15] Lagunilla v. Velasco, G.R. No. 169276, 16 June 2009, 589 SCRA 224, 232-233 citing Regner v. Logarta, G.R. No. 168747, 19 October 2007, 537 SCRA 277 and Arcelona v. Court of Appeals, 345 Phil. 250 (1997).

[16] Rollo, p. 108, Comment.

[17] 441 Phil. 492 (2002).

[18] Industrial Enterprises, Inc. v. Court of Appeals, G.R. No. 88550, 18 April 1990, 184 SCRA 426, 431-432.

[19] Arimao v. Taher, G.R. No. 152651, 7 August 2006, 498 SCRA 74.

[20] Francisco, Jr. v. House of Representatives, 460 Phil. 830 (2003).

[21] Tolentino v. Secretary of Finance, G.R. No. 115455, 25 August 1994, 235 SCRA 630.

[22] Section 2.

[23] *Dela Paz v. Senate Committee on Foreign Relations*, G.R. No. 184849, 13 February 2009, 579 SCRA 521, 525.

[24] G.R. No. 180643, 25 March 2008, 549 SCRA 77.

[25] G.R. No. 180643, 4 September 2008, 564 SCRA 152.

[26] *Id.* at 230-231.

[27] G.R. No. 193459, 15 February 2011.

[28] Emphasis in the original.

[29] *Rollo*, p. 52.

[30] *Id.* at 31.

[31] *Id.* at 141. It states:

Sec. 4. Composition. - It shall have seven (7) members who, including the Chairperson, shall be chosen by the Senate. The President Pro Tempore and both the Majority and Minority Leaders of the Senate are Ex-Officio Members of the Committee.

[32] *Id.* at 32.

[33] *Id.* at 141. It states:

Sec. 5. Meetings. x x x.

B. QUORUM: The presence of at least two (2) Members of the Committee shall constitute a quorum.

[34] *Id.* at 96. The Comment states:

x x x For instance, with respect to the quorum, the records of the deliberations of the Respondent Committee of the Whole will show that Senate President Enrile, after tracing the long history of instances when the Senate was constituted as a Senate Committee of the Whole, pointed out that for purposes of its proceedings and consistent with tradition and practice, eight (8) of its members - not two (2) as Petitioners claimed - will constitute the quorum.

[35] Section 16. x x x

(2) A majority of each House shall constitute a quorum to do business, but a smaller number may adjourn from day to day and may compel the attendance of absent Members in such manner, and under such penalties, as such House may provide.

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