

ALICE L. GUO, PETITIONER, VS. SENATE OF THE PHILIPPINES – COMMITTEE ON WOMEN, CHILDREN, FAMILY RELATIONS, AND GENDER EQUALITY, REPRESENTED BY HON. RISA HONTIVEROS, CHAIRPERSON, ...

G.R. No. 274351, August 12, 2025

Ponente: DIMAAMPAO, J.

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DIMAAMPAO, J.:

Before this Court is a Petition for Certiorari and/or Prohibition with Extremely Urgent Prayer for Temporary Restraining Order [TRO] and/or Preliminary Writ of Injunction[1] filed by petitioner Alice Leal Guo (Guo), the incumbent Mayor of the Municipality of Bamban, Tarlac. Guo beseeches the Court to enjoin and declare as void the Subpoena Ad Testificandum[2] dated July 1, 2024 of the Senate of the Philippines Committee on Women, Children, Family Relations, and Gender Equality (the Senate Committee), represented by its Chairperson, Senator Risa Hontiveros (Senator Hontiveros) and issue an Order directing the Senate Committee to desist from further inviting her to appear as a resource person on the matters covered by the said subpoena.[3]

The *prevenient* facts follow.

On the basis of two search and seizure warrants issued by Branch 81 of the Regional Trial Court of Malolos, Bulacan (RTC), the Presidential Anti-Organized Crime Commission (PAOCC) conducted a raid on March 13, 2024, in the compound of Baofu Land Development, Inc. (Baofu). The Baofu compound was purportedly leased to Zun Yuan Technology, Inc. (Zun Yuan Technology), a Philippine Offshore Gaming Operators (POGO) and provisional internet gaming licensee (IGL). The raid stemmed from a complaint for physical injuries and serious illegal detention filed by a Vietnamese national who escaped from the POGO's compound. There were purportedly 875 workers inside the compound, comprising Filipino, Chinese, Vietnamese, Malaysian, Rwandan, Indonesian, and Taiwanese nationals.[4]

In a press release on March 25, 2024, Senator Sherwin Gatchalian (Senator Gatchalian) intimated his suspicions over Guo's involvement in the operation of POGOs in the municipality of Bamban. He cited a September 2020 Sangguniang Bayan Resolution approving an application lodged by Guo, then a private citizen, for a license to operate Hongsheng Gaming Technology, Inc., another POGO raided in February 2023. Additionally, among the documents found inside the premises of Zun Yuan Technology were a list of vehicles, one of which was verified with the Land Transportation Office to be registered under Guo's name, and an electricity bill amounting to PHP 15.111 million issued in the name of Guo by Tarlac II Electric Cooperative, Inc. Senator Gatchalian, thus, urged the Department of the Interior and Local Government (DILG) to investigate Guo's liability.[5]

The DILG created a task force to investigate Guo's purported links to the illegal POGO operations in Bamban on April 5, 2024.[6] Upon the DILG's finding of "serious illegal acts which may have severe legal implications," it recommended to the Ombudsman the issuance of a preventive suspension order against Guo.[7]

In the interstice, the Senate Committee issued a Notice of Public Hearing for the conduct of an inquiry in aid of legislation in relation to Senator Hontiveros' s Privilege Speech on Human Trafficking delivered on November 21, 2022, and Senate Resolutions Nos. 595 (Inquiry, in Aid of Legislation, on the Alleged Human Trafficking and Cyber Fraud Operation at Clark), 611 (Human Trafficking Inside the Clark Freeport Zone), 853 (Involvement of an Internet Gaming Licensee of PAGCOR on the Alleged Crimes or Offenses), and 977 (Human Trafficking, Serious Illegal Detention, and Physical Abuse and Torture).[8] Senator Gatchalian subsequently filed Senate Resolution No. 1032 directing the conduct of an inquiry, on human trafficking and involvement in scamming activities. The purpose of the said inquiry was to craft "legislation or policy recommendation, as may be necessary"[9] on human trafficking and the regulation of POGOs.[10] Thereafter, the Senate Committee sent an invitation to Guo to appear as a resource person in its public hearing.[11]

Guo appeared before the Senate Committee on May 7, 2024. During the course of the hearing, Senator Hontiveros interrogated her on the following matters: (1) her parents' occupation; (2) the delayed registration of her birth; (3) her educational attainment; and (4) her relations with certain individuals, namely: Seimen Guo, Shiela Guo, Jian Zhong Guo, and Lin Wenyi. Senator Hontiveros also dubbed her as a "Chinese spy" who posed a threat to national security.[12]

Thereafter, in the succeeding hearing, Guo's birth certificate, Statements of Assets, Liabilities, and Net Worth (SALNs), and business records were revealed to the public. Moreover, to her utter dismay, Senator Jinggoy Estrada (Senator Estrada) accused her of having romantic relations with another Mayor in Pangasinan, while Senator Raffy Tulfo (Senator Tulfo) called her a "liar." [13] Guo asseverates that the questions hurled against her by the Senators were irrelevant to the matters subject of the inquiry, and violated her constitutional rights to due process, privacy, and security.[14]

Guo likewise deplored the conduct of the Senate Committee hearings, likening them to a criminal prosecution or trial proceedings, as the Senators adjudged her guilty of the accusations, contrary to the legislature's mandate of conducting inquiries in aid of legislation. Due to the intrusive and humiliating questions about her personal life, she was subjected to public ridicule and malicious public prosecution. Withal, she received numerous threats, placing her life and liberty in jeopardy.[15]

Guo eventually failed to attend the June 26 and July 10, 2024 hearings, prompting the Senate Committee to issue an order of arrest against her. The Senate Committee also ordered her detention at the Office of the Senate Sergeant-at-Arms until such time as she would appear and give her testimony.[16]

Meanwhile, Guo filed the present Petition directly before this Court on July 10, 2024, ascribing grave abuse of discretion amounting to lack or excess of jurisdiction on the part of the Senate Committee for violating her rights to due process, privacy, and security, as well as the Senate Rules "in the guise of holding an inquiry in aid of legislation." [17]

Guo maintains that the Senate Committee violated her rights by propounding questions relating to her personal life and divulging her personal information, which were avowedly unrelated to the matters subject of the inquiry. She seeks the following reliefs: first, the Subpoena Ad Testificandum dated July 1, 2024 issued by the Senate Committee, directing her to appear as a resource person in the July 10, 2024 public hearing, be annulled and set aside; and second, for this Court to issue an order directing the Senate Committee to desist from inviting her to its hearings on the matters subject of the inquiry and the proposed senate resolutions.[18]

By the same token, Guo prays for the Court to issue a TRO and/or writ of preliminary injunction to enjoin the Senate Committee and all other persons acting for and on its behalf from implementing the Subpoena Ad Testificandum dated July 1, 2024 and requiring her to attend its hearings, until the resolution of the present

Petition.[19]

Finally, Guo avers that her Petition raises issues of transcendental importance, thereby necessitating direct recourse to this Court.[20]

In its Comment/Opposition To the Petition for Certiorari And/Or Prohibition With Extremely Urgent Prayer For [TRO] And/Or Writ of Preliminary Injunction dated July 9, 2024,[21] the Senate Committee beseeches the dismissal of Guo's Petition for being riddled with procedural errors, considering that she violated the principle of hierarchy of courts and raised political questions.[22]

On the substantive aspect, the Senate Committee asserts that Guo cannot seek the Court's relief as she came to the Court with unclean hands; she cannot ask for the issuance of the writ of certiorari when she herself was in bad faith and maintained a defiant stance against attending the hearings. Moreover, there can be no violation of the right to due process, the subject proceedings being a valid exercise of legislative power, and not akin to criminal proceedings. Guo likewise cannot claim a violation of her right to privacy to evade a lawful subpoena.[23]

Lastly, in opposing Guo's application for injunctive relief, the Senate Committee contends that she failed to establish that her life was under threat or that she was at the risk of suffering an irreparable injury.[24]

On July 11, 2024, the Senate Committee cited Guo in contempt for refusing to appear, despite due notice, at its June 26, 2024, and July 10, 2024 hearings.[25] Thereafter, Senator Hontiveros shared information from the National Bureau of Investigation (NBI) that Guo left the Philippines sometime in July.[26]

Indonesian authorities eventually arrested Guo on September 4, 2024, in Tangerang City, Jakarta, Indonesia.[27] Following her extradition to the Philippines, she attended the Senate Committee's hearing on September 9, 2024, during which she was again cited in contempt for refusing to respond to questions propounded by some of the senators.[28] Aggrieved, she filed an Omnibus Motion (to Resolve the Petition and to Lift Order of Contempt)[29] before this Court, beseeching the Court to order the immediate lifting of the Senate's contempt orders and to direct the Senate Committee to desist from inviting her to its hearings on the matters subject of the inquiry and the proposed Senate resolutions.[30]

The Issues

A percipient analysis of the Petition divulges the following procedural issues for resolution by this Court:

First, whether Guo failed to comply with the rule on hierarchy of courts; and

Second, whether the Petition falls within the Court's expanded power of judicial review.

On the other hand, the following are the substantive issues:

One, whether there was a violation of Guo's right to due process, constituting grave abuse of discretion amounting to lack or excess of jurisdiction;

Two, whether there was an abuse of Guo's right to privacy, constituting grave abuse of discretion amounting to lack or excess of jurisdiction; and

Three, whether Guo is entitled to the issuance of a TRO and/or writ of preliminary injunction.

The following issue must also be resolved on account of Guo's Omnibus Motion:

Whether the contempt orders dated July 11, 2024 and September 9, 2024, against Guo should be lifted.

The Court's Ruling

Upon judicious rumination, the Court resolves to dismiss the Petition and deny the prayer for the issuance of a

TRO and/or writ of preliminary injunction.

Before delving into the merits of the case, this Court shall first pass upon the procedural issues.

Direct recourse to the Court is justified by the transcendental nature and exigency of the case

The Senate Committee postulates that the Petition should be dismissed since it involves the determination of factual issues sans any showing that direct resort to the Court was warranted under the exceptions, thereby disregarding the principle of hierarchy of courts.[31]

On the other hand, Guo asserts in her Petition that she raises novel questions of law, justifying her direct invocation of this Court's jurisdiction.[32] She further argues that the Petition sets forth questions of transcendental importance, given that the Senate Committee violated her constitutional rights.[33]

Well-ensconced is the rule that jurisdiction over petitions for certiorari and prohibition is shared by this Court, the Court of Appeals, the Sandiganbayan, and the regional trial courts.[34] Nevertheless, despite this shared original jurisdiction, parties do not have unfettered discretion in selecting the forum to which their application will be directed.[35] The litigant must first seek relief from lower courts sharing concurrent jurisdiction with a higher court.[36] The direct invocation of this Court's original jurisdiction to issue these writs is allowed only when there are special and important reasons, which must be clearly and specifically set out in the petition.[37]

Notwithstanding the foregoing, it has been decreed, time and again, that the Court retains full discretionary power to assume jurisdiction over petitions for certiorari filed directly with it when there are compelling reasons therefor.[38] In *The Diocese of Bacolod v. COMELEC*,[39] the Court enumerated such instances, to wit: (1) when there are genuine issues of constitutionality that must be addressed at the most immediate time; (2) when the issues involved are of transcendental importance; (3) in cases of first impression; (4) the constitutional issues raised are better decided by the Supreme Court; (5) the time element or exigency in certain situations; (6) the filed petition reviews an act of a constitutional organ; (7) when there is no other plain, speedy, and adequate remedy in the ordinary course of law; and (8) the petition includes questions that are dictated by public welfare and the advancement of public policy, or demanded by the broader interest of justice, or the orders complained of were found to be patent nullities, or the appeal was considered as clearly an inappropriate remedy.[40]

As aptly pointed out by Guo, the second exception applies. Jurisprudence dictates that the imminence and clarity of the threat to fundamental constitutional rights must outweigh the necessity for prudence. The doctrine relating to constitutional issues of transcendental importance prevents courts from the paralysis of procedural niceties when clearly faced with the need for substantial protection.[41] Notably, in *Diocese of Bacolod*, the Court brushed aside the COMELEC's political question defense and held that "the concept of a political question...never precludes [a] judicial review when the act of a constitutional organ infringes upon a fundamental individual or collective right." [42] Thus, the Court had discernibly taken cognizance of the issues in *Ong v. Senate of the Philippines*,[43] *In re Sabio*,[44] and *Standard Chartered Bank v. Senate Committee on Banks, Financial Institutions and Currencies*,[45] wherein the constitutional rights of the resource persons—including the right to privacy, the right against self-incrimination, and the right to due process—were similarly asserted in opposition to the power of Congress to conduct inquiries in aid of legislation. Guo contends that the manner by which the hearings were conducted transgressed her fundamental rights to due process and privacy and that her continuous attendance would ostensibly subvert these basic rights.[46]

The Court also finds that the fifth exception applies to the instant case. Time is of the essence herein, not only due

to the grave accusations of impairment of Guo's rights but also owing to the immediacy of the Senate Committee's issuance of the order of arrest against Guo.[47] However, the Court notes that despite the order, Guo remains at large and has failed to submit herself to the Senate. Patently, the exigency of the situation requires immediate action and justifies direct resort to this Court.

The Court is not unmindful of the ruling in *Gios-Samar, Inc. v. Department of Transportation and Communications*,[48] where it decreed that, in determining whether direct resort to it shall be allowed, the decisive factor is not merely the presence of one or more of "special and important reasons," but rather the nature of the question raised by the parties. *Gios-Samar* stressed that only controversies involving legal questions may be entertained at the first instance, such that when a question before the Court involves the determination of a factual issue indispensable to the resolution of the legal issue, the Court will refuse to resolve the question regardless of the allegation or invocation of compelling reasons, such as the transcendental or paramount importance of the case.[49]

Even so, the Court finds that the issues raised by Guo in her Petition may be resolved through the application of well-settled constitutional principles relating to inquiries in aid of legislation. Thence, immediate recourse to the Court is warranted.

In *ACT Teachers Representative Tinio v. President Duterte*,[50] the Court pronounced that it may pass upon a controversy when its resolution may already be had through the application of well-settled constitutional or legal principles.[51] In other words, "when there are no factual questions—or when there are extant factual issues but they are not material to the constitutional issue—that direct recourse to this Court under Section 5, Article VIII of the Constitution may be permitted." [52]

Guo bewails the violation of her constitutional rights in the course of the legislative inquiry. Following the doctrine laid down in *ACT Teachers Representative Tinio*, while the instant case involves the factual determination of whether the acts of the Senate Committee impaired Guo's rights, at the core of the Petition is the authority of the Senate Committee to conduct the inquiry in aid of legislation. On this score, the Court highly esteems the authority of Congress or any of its committees to conduct inquiries in aid of legislation, in accordance with Article VI, Section 21[53] of the Constitution, and this shall be elaborated in the succeeding discussions.

The political question doctrine does not apply. The Court takes cognizance of the case under its expanded judicial power

Another impediment that the Senate Committee found in the Petition is that Guo seeks to have this Court resolve political questions or those "with regard to which full discretionary authority has been delegated to the legislature or executive branch of Government [and which] are beyond the pale of judicial review power." [54]

The Court is not convinced.

It bears stressing that the bedrock of the principle of non-justiciability of political questions is the principle of separation of powers, viz.:

Within its own sphere — but only within such sphere — each department is supreme and independent of the others, and each is devoid of authority not only to encroach upon the powers or field of action assigned to any of the other departments, but also to inquire into or pass upon the advisability or wisdom of the acts performed, measures taken or decisions made by the other departments — provided that such acts, measures or decision are within the area allocated thereto by the Constitution.[55] (Emphasis in the original, citation omitted)

Conversely, an issue pertaining to whether constitutionally prescribed qualifications or conditions upon a grant of power have been met or the limitations thereto respected, is justiciable or non-political since the crux thereof is the legality or validity of the contested act, and not its wisdom. Otherwise, said qualifications, conditions, or limitations—particularly those prescribed by the Constitution—would be set at naught.[56]

In the seminal case of *Tañada v. Angara*,[57] the Court illumined that the petition seeking to nullify an act of the Senate on the ground that it contravenes the Constitution raises a justiciable controversy, thus:

Where an action of the legislative branch is seriously alleged to have infringed the Constitution, it becomes not only the right but in fact the duty of the [J]udiciary to settle the dispute. "The question thus posed is judicial rather than political. The duty (to adjudicate) remains to assure that the supremacy of the Constitution is upheld." Once a "controversy as to the application or interpretation of a constitutional provision is raised before this Court (as in the instant case), it becomes a legal issue which the Court is bound by constitutional mandate to decide." [58]

Ineluctably, it is this Court's bounden duty and power under Article VIII, Section 1[59] of the Constitution to determine whether or there has been a grave abuse of discretion amounting to lack or excess of jurisdiction on the part of any branch or instrumentality of the government, including Congress. The Court will not shirk, digress from, or abandon its sacred duty and authority to uphold the Constitution in matters that involve grave abuse of discretion brought before it in appropriate cases committed by any officer, agency, instrumentality, or department of the government.[60]

Appositely, *Bengzon Jr. v. Senate Blue Ribbon Committee*[61] explicates that—

The "allocation of constitutional boundaries" is a task that this Court must perform under the Constitution. Moreover, as held in a recent case, "(t)he political question doctrine neither interposes an obstacle to judicial determination of the rival claims. The jurisdiction to delimit constitutional boundaries has been given to this Court. It cannot abdicate that obligation mandated by the 1987 Constitution, although said provision by no means does away with the applicability of the principle in appropriate cases."

The Court is thus of the considered view that it has jurisdiction over the present controversy for the purpose of determining the scope and extent of the power of the Senate Blue Ribbon Committee to conduct inquiries into private affairs in purported aid of legislation.[62]

Based on the foregoing jurisprudential touchstones and in light of the Court's expanded power of judicial review, the Senate Committee cannot shield itself with the political question doctrine against the constitutional challenges vis-à-vis the conduct of its hearings. It is primal that the question as to whether any part or instrumentality of the government had authority or had abused its authority to the extent of lacking jurisdiction or exceeding jurisdiction is not a political question.[63]

Having traversed these procedural matters, the Court shall now proceed to rule on the substantive issues raised in Guo's Petition.

The Senate Committee's conduct of the inquiry is a valid exercise of legislative power

Article VI, Section 21 of the Constitution empowers the Congress to conduct inquiries in aid of legislation—

SECTION 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.

Pertinently, Section 1 of the Senate Rules of Procedure Governing Inquiries in Aid of Legislation states:

SECTION 1. Power to Conduct Formal Inquiries or Investigations. – The Senate or any of its Committees may conduct formal inquiries or investigations in aid of legislation in accordance with these Rules.

Such inquiries may refer to the implementation or re-examination of any law or appropriation, or in connection with any proposed legislation or the formulation of, or in connection with future legislation, or will aid in the review or formulation of a new legislative policy or enactment. They may also extend to any and all matters vested by the Constitution in Congress and/or in the Senate alone.

Time and again, the Court has affirmed the power of the legislature to conduct investigations. In *Senate of the Philippines v. Executive Secretary Medialdea*,^[64] the Court explained the nature and purpose of inquiries in aid of legislation:

Inquiries in aid of legislation serve as tools to enable the legislative body to gather information and, thus, legislate wisely and effectively; and to determine whether there is a need to improve existing laws or enact new or remedial legislation, albeit the inquiry need not result in any potential legislation. To be within the jurisdiction of the legislative body making it, the inquiry must be material or necessary to the exercise of a power vested in it by the Constitution, such as to legislate or to expel a member.^[65] (Emphasis in the original)

"The power of Congress to conduct inquiries in aid of legislation is inherent in its power to legislate."^[66] As early as the landmark case of *Arnault v. Nazareno*,^[67] the Court decreed that the power of Congress to conduct investigations in aid of legislation did not need textual grant as it was implied and essential to the legislative function:

Although there is no provision in the Constitution expressly investing either House of Congress with power to make investigations and exact testimony to the end that it may exercise its legislative functions advisedly and effectively, such power is so far incidental to the legislative function as to be implied. In other words, the power of inquiry — with process to enforce it — is an essential and appropriate auxiliary to the legislative function.^[68]

In asserting that the Senate Committee gravely abused its discretion when it violated the Senate Rules and failed to observe the procedural and substantial limitations set by the Constitution in the conduct of its inquiry,^[69] Guo posits that some of the questions propounded to her during the hearings conducted on May 7 and 22, 2024, were irrelevant to the proposed legislation meant to address the proliferation of human trafficking, torture, and cyber fraud operations in POGO. She was never asked about her duty to regulate the POGOs as the incumbent Mayor of Bamban.^[70] Instead, "her personal life became the center of the inquiry, which [was] totally unrelated, unconnected, and unassociated with the pending resolutions subject of the public hearing. As a result, she was asked and forced to divulge matters of her private life, childhood, love life, and personal businesses to the public under the pain of contempt."^[71]

As underscored by Associate Justice Alfredo Benjamin S. Caguioa in his Concurring Opinion, the Court held in *Arnault* that the relevance of the questions asked during the inquiry should be assessed in relation to the subject of the inquiry, rather than the proposed legislation. In other words, it is not necessary for a question to be crucial to potential legislation. It is sufficient that the question is pertinent to the subject of the inquiry. The Court decreed, thusly—

Once an inquiry is admitted or established to be within the jurisdiction of a legislative body to make, we think the investigating committee has the power to require a witness to answer any question pertinent to that inquiry, subject of course to his constitutional right against self-incrimination. The inquiry, to be within the jurisdiction of the legislative body to make, must be material or necessary to the exercise of a power in it vested by the Constitution, such as to legislate, or to expel a Member; and every question which the investigator is

empowered to coerce a witness to answer must be material or pertinent to the subject of the inquiry or investigation. So a witness may not be coerced to answer a question that obviously has no relation to the subject of the inquiry. But from this it does not follow that every question that may be propounded to a witness must be material to any proposed or possible legislation. In other words, the materiality of the question must be determined by its direct relation to the subject of the inquiry and not by its indirect relation to any proposed or possible legislation. The reason is, that the necessity or lack of necessity for legislative action and the form and character of the action itself are determined by the sum total of the information to be gathered as a result of the investigation, and not by a fraction of such information elicited from a single question.[72] (Emphasis supplied)

Along this grain, Ong enunciates that inquiries into personal circumstances are not beyond the scope of legislative inquiry—

[P]ieces of information which relate to personal circumstances are not by themselves beyond the scope of legislative inquiry especially so where, as above-stated, a contemplated legislation is being considered by the Congress.[73]

In this case, the purpose of the Senate Committee's inquiry is to aid Congress in crafting laws to counteract the proliferation of human trafficking, cyber fraud operations, serious illegal detention, physical abuse, and torture, and investigate the involvement of POGO operations in the commission of these crimes.[74]

Guo's name appeared in multiple documents connected with the illegal POGO operations of Zun Yuan Technology in Bamban, Tarlac.[75] She was identified as an incorporator and past president of Baofu, which owned the compound where Zun Yuan Technology's offices were located. Upon thorough investigation, the DILG task force also found out that Guo was personally involved in the processing of clearances and permits for Baofu's operations, prior to and even after assuming office as mayor of Bamban in 2022.[76] These findings further stirred queries pertaining to her identity, family history, relationships, connections, wealth, properties, and business interests. Such queries are not merely allowed, but also undisputedly necessary, as these are intimately related to the issues of whether she accumulated wealth in connection with the illegal POGO operations, whether her family is involved in the said operations, whether she took advantage of her public office and used her position and authority, and whether she has acquaintances in the government or private sector who are similarly involved in protecting these POGOs or who likewise accumulated wealth in connection with the illegal POGO operations.

Verily, Guo's personal circumstances are central to the proceedings and are well within the Senate Committee's scope of inquiry. Besides, questioning the wisdom of lawmakers in conducting their investigations would be akin to probing into their power to legislate.[77] The Court cannot interfere with the wisdom of the Senate Committee lest the sacred principle of separation of powers be unduly violated. On this score, the Court held in *Senator Pangilinan v. Cayetano*[78]—

[T]he Courts will not normally interfere with the workings of another [coequal] branch unless the case shows a clear need for the courts to step in to uphold the law and the Constitution.[79] (Citation omitted)

The investigatory power of the legislative branch is given wide latitude. In the absence of information pertinent to a contemplated legislation, Congress will not be able to fully and effectively perform its function to conduct inquiries in aid of legislation. Thence, so long as the inquiry is in accordance with the Senate's rules of procedure and takes into account the rights of those affected or appearing thereat,[80] the Court will not intrude into or interfere in the proceedings of the legislative branch in the legitimate exercise of its powers.

There was no violation of Guo's right to due process

Guo likens the Senate Committee hearings to a criminal trial, where she was "branded, called, and concluded to be a 'liar,' 'spy,' and 'POGO operator'" purportedly in violation of her right to due process. She invokes Article III, Section 14 or the Bill of Rights of the Constitution,[81] which provides that:

Section 14. (1) No person shall be held to answer for a criminal offense without due process of law.

(2) In all criminal prosecutions, the accused shall be presumed innocent until the contrary is proved[.]

It bears emphasis that inquiries in aid of legislation are not criminal proceedings, but a sui generis constitutional power to ensure effective legislation.[82] As the Court edifyingly elucidated in *Romero II v. Senator Estrada*[83]—

A legislative investigation in aid of legislation and court proceedings has different purposes. On one hand, courts conduct hearings or like adjudicative procedures to settle, through the application of a law, actual controversies arising between adverse litigants and involving demandable rights. On the other hand, inquiries in aid of legislation are, inter alia, undertaken as tools to enable the legislative body to gather information and, thus, legislate wisely and effectively; and to determine whether there is a need to improve existing laws or enact new or remedial legislation, albeit the inquiry need not result in any potential legislation. On-going judicial proceedings do not preclude congressional hearings in aid of legislation.[84]

Patently, in the Senate Committee's hearings conducted on May 7 and 22, 2024, Guo was neither indicted as an accused in a criminal proceeding, nor did the Senate have the authority to convict her as a criminal. Rather, she was merely summoned and required to provide clear and honest responses as a resource person to aid in the legislative process. The issuance of the subpoena compelling her attendance in the public hearings, as well as the succeeding order of arrest[85] citing her in contempt was in accordance with the Senate Rules.

Besides, Guo was not unaware of the subject of the Senate Committee's inquiry. In truth, the Senate Committee furnished her with copies of the measures to ensure that she was fully aware of the agenda.

In any event, Guo is accorded the privilege to invoke her right against self-incrimination during the proceedings—a right that she failed to exercise.[86] Henceforth, she cannot altogether decline appearing before the Senate on the ground that her right to due process was being violated.

There was no abuse of Guo's right to privacy

Guo laments that her birth certificate, SALNs, personal data sheet, NBI clearance, her corporations' general information sheet, and details of her private personal life were released by the Senate to the media, resulting in the violation of her constitutional right to privacy.[87]

Guo's averment is out on a limb.

The right to privacy is enshrined in Article III, Section 3 or the Bill of Rights of the Constitution:

SECTION 3. (1) The privacy of communication and correspondence shall be inviolable except upon lawful order of the court, or when public safety or order requires otherwise as prescribed by law.

(2) Any evidence obtained in violation of this or the preceding section shall be inadmissible for any purpose in any proceeding.

Ople v. Torres[88] further elucidated that the right to privacy is protected in the other provisions, i.e., Sections 1, 2, 6, 8, and 17 of the Bill of Rights.

However, in Ayer Productions PTY LTD. v. Hon. Capulong,[89] the Court had the occasion to rule that a public officer has a limited right to privacy when the information sought to be published about him or her constitutes matters of public character; thus, the right is not a defense against publication and dissemination of matters of public interest.[90]

In Ayer, former Senator Juan Ponce Enrile (Enrile) refused to be included in a mini-television series entitled, "The Four[-]Day Revolution," which tackled the EDSA Revolution. He applied for the issuance of a writ of preliminary injunction to enjoin the production of the mini-series, invoking his right to privacy. The Court ruled in favor of the production company, holding that Enrile's major participation and role in the revolution could not be omitted from the mini-series; otherwise, it would be grossly unhistorical. In so ruling, the Court emphasized that Enrile continued to be a public figure whose right of privacy "is necessarily narrower than that of an ordinary citizen." [91]

Ingeminating the Ayer doctrine, Ong instructs that the right to privacy is not absolute and cannot gain ascendancy over compelling state interest. In the said case, the Senate conducted an investigation in aid of legislation on the expenditures of the Department of Health during the COVID-19 pandemic. During the pendency of the investigation, the Senate ordered one of the petitioners, Michael Yang, to submit documents in relation to his income tax return, studies, and length of stay in the country, which he deemed to be beyond the scope of the inquiry and would violate his right to privacy. Yang then filed a petition for certiorari and prohibition before this Court. In striking down his arguments, the Court held that Yang's right to privacy could not override the purpose of the inquiry to resolve the misuse of public funds in relation to the pandemic response.[92]

In the present controversy, the Senate Committee's public inquiry touches upon Guo's degree of participation in relation to the illegal activities committed alongside POGO operations. In obeisance to Ayer and Ong, the Court, thus, holds that Guo, as the mayor of Bamban, has a limited expectation of privacy as an average citizen. The documents containing her personal information are deeply intertwined with the subject of the inquiry. Thus, she cannot simply invoke her right to privacy to prevent an inquiry into her personal information.

It also bears stressing that generally, investigations in aid of legislation are public in nature, unless the Senate Committee, motu proprio or upon motion of any interested party, determines that the interrogation should be conducted in an executive session to protect national security.[93] This determination—whether to publicize or conduct the proceedings through an executive session—falls squarely within the Senate's internal policy and generally beyond this Court's power to review.

Besides, as heretofore adumbrated, the documents containing Guo's personal information are inextricably interwoven with the subject of the inquiry. Her name appeared in multiple documents connected with the illegal POGO operations of Zun Yuan Technology in Bamban, Tarlac.[94] As more details from the DILG Task Force's findings surfaced, questions arose about her identity, family history, relationships, connections, wealth, properties, and business interests. These findings, coupled with the discovery that members of her family and some of her acquaintances were involved in the POGO operations, and that the foreign nationals arrested within the Baofu compound, which she presumably owns, possessed Philippine passports and identification cards, effectively necessitate an inquiry into her personal circumstances.

Withal, Guo's lack of consent to the release of her personal information does not violate her right to privacy.

Rivetingly, she cannot seek refuge in Republic Act No. 10173 or the Data Privacy Act of 2012. Rule II, Sections 5(a)(l) and (d) of the Implementing Rules and Regulations (IRR) of Republic Act No. 10173 expressly clarified that the Act and the rules do not apply to "information processed for purpose of allowing public access to information that fall within matters of public concern" or those pertaining to "any individual who is or was an officer or employee of government that relates to his or her position or functions." Similarly, the Act and its implementing rules do not apply to "information necessary in order to carry out the functions of public authority, in accordance with a constitutionally or statutorily mandated function pertaining to law enforcement or regulatory function." Section 12(e) of Republic Act No. 10173 further states that the processing of personal information is permitted when its purpose is to "comply with the requirements of public order and safety or to fulfill functions of public authority."

To recapitulate, the Senate Committee, pursuant to its constitutional mandate, is conducting an inquiry in aid of legislation to determine the extent of illegal operations within the POGOs and formulate laws to regulate or counteract the same. Guo is a public officer whose involvement in the POGOs is being questioned. As such, the public necessity of legislation preventing crimes and preserving public safety trumps the need for Guo's consent to the discussion of the information contained in the documents.

This being so, the Court deems it necessary to iterate the following constitutional safeguards that proscribe the legislative power of inquiry:

One, it is imperative that the inquiry be done in accordance with the Senate's duly published rules of procedure; and

Two, the rights of persons appearing in or affected by such inquiries must be respected in accordance with the Bill of Rights.[95] The goal of a legislative inquiry, in contrast to a court proceeding, is not to force an admission or a finding of guilt, but to ensure effective legislation.[96]

Guo is not entitled to the issuance of a TRO and/or writ of preliminary injunction

Finally, the Court denies Guo's prayer for the issuance of a TRO and/or writ of preliminary injunction.

A writ of preliminary injunction may be granted if the following requisites are met: (1) the applicant must have a clear and unmistakable right, that is a right in esse; (2) there is a material and substantial invasion of such right; (3) there is an urgent need for the writ to prevent irreparable injury to the applicant; and (4) no other ordinary, speedy, and adequate remedy exists to prevent the infliction of irreparable injury.[97]

To be entitled to an injunctive writ, the applicant must show that there exists a right to be protected which is directly threatened by an act sought to be enjoined.[98]

Evidently, Guo miserably failed to discharge such burden. A perusal of her Petition reveals no clear showing of grave injustice or irreparable injury to her unless the prayer for injunctive relief is granted. With the passing of the July 10, 2024 hearing, and considering her absence therein, her prayer to prevent the Senate from requiring her to attend as a resource speaker on the matters and resolutions subject of the Subpoena Ad Testificandum dated July 1, 2024 has been rendered moot.

As for Guo's prayer for the Court to issue an order directing the Senate Committee to desist from further inviting her to its hearings on the matters subject of the inquiry and the Senate resolutions,[99] the same is also denied. In refusing to attend the subsequent hearings, Guo argues that these shall likewise violate her constitutional rights to

due process and privacy. Clearly, her argument is highly speculative. As earlier discussed, the Court finds no violation of her rights to due process and privacy during the May 7 and 22, 2024 hearings. She, or even this Court, has nary a basis to predict or presume that the Senate's line of questioning for the subsequent hearings would violate her constitutional rights. This being so, the prayer for the issuance of injunctive relief ought to be denied.

The contempt orders issued by the Senate are valid

Concomitant to the power of the Legislature to conduct inquiries in aid of legislation is its power of contempt impliedly provided under the Constitution. This coercive process is essential to the Legislature's discharge of its functions. This power permits either House of the Legislature to perform its duties without impediment, as it enables the Senate or the House of Representatives to legislate wisely or effectively because they have the power to compel the availability of information necessary in shaping legislation.[100]

Being wholly ancillary to the power to investigate, the contempt power of the Legislature is *sui generis* and allows it to punish contumacious acts against it (such as a witness's refusal to be sworn, testify, answer a proper question, appear, or bring required documents),[101] Moreover, by citing a person in contempt, the Legislature asserts its authority as one of the three independent and coordinate branches of government.[102]

It bears stressing that in citing a resource person for contempt, the Legislature only needs to show that it has a clear, factual basis for such determination.[103] Here, clear and factual bases were shown—first, Guo left the Philippines despite due notice, prompting the issuance of the first contempt order; and second, she refused to respond even to the simplest of questions propounded by the senators during the September 9, 2024 hearing, prompting the issuance of the second contempt order. Consequently, the Court will respect the Senate's finding, consistent with the esteem accorded to a coequal branch of government and the *sui generis* character of legislative contempt.

ACCORDINGLY, the Petition for Certiorari is DISMISSED and the application for issuance of a temporary restraining order and/or writ of preliminary injunction and the Omnibus Motion to lift the contempt orders dated July 11, 2024 and September 9, 2024 are DENIED.

SO ORDERED.

Gesmundo, C.J., Hernando, Lazaro-Javier, Inting, Zalameda, Gaerlan, Rosario, J. Lopez, Marquez, Kho, Jr., and Villanueva, JJ., concur.

Leonen, SAJ. and Caguioa, J., see concurring opinion.

Singh,[*] J., on leave but left a concurring vote.

[*] On leave.

[1] Rollo, pp. 3-95, 597-601.

[2] *Id.* at 97-98.

[3] *Id.* at 94.

[4] *Id.* at 616, 695.

[5] *Id.* at 616-617.

[6] Id. at 103-104.

[7] Id. at 126.

[8] Id. at 617.

[9] Id. at 1109.

[10] Id. at 653.

[11] Id. at 99-102.

[12] Id. at 15-24.

[13] Id. at 25-28.

[14] Id. at 15.

[15] Id. at 24-25.

[16] Id. 625-627.

[17] Id. at 30.

[18] Id. at 94.

[19] Id.

[20] Id. at 32.

[21] Id. at 615-673.

[22] Id. at 629.

[23] Id.

[24] Id. at 670.

[25] Id. at 1521.

[26] Senator Risa Hontiveros, August 20, 2024 Press Release, available at http://legacy.senate.gov.ph/press_release/2024/0820_hontiveros2.asp (last accessed on October 3, 2024).

[27] Bureau of Immigration, September 4, 2024 Press Release, available at <https://immigration.gov.ph/alice-guo-arrested-in-indonesia/> (last accessed on October 3, 2024).

[28] Rollo, p. 1522.

[29] Id. at 1521-1531.

[30] Id. at 1528.

[31] Id. at 630-636.

[32] Id. at 8-12.

[33] Id. at 32.

[34] *Private Hospitals Association of the Philippines, Inc. v. Exec. Sec. Medialdea*, 842 Phil. 747, 779 (2018) [Per J. Tijam, En Banc].

[35] *Gios-Samar, Inc. v. Department of Transportation and Communications*, 849 Phil. 120, 131 (2019) [Per J. Jardeleza, En Banc].

[36] *Acosta v. Ochoa*, 865 Phil. 400, 450 (2019) [Per J. Leonen, En Banc].

[37] *Integrated Bar of the Philippines v. Secretary Purisima*, 940 Phil. 589, 612 (2023) [Per J. Leonen, En Banc].

[38] *Sen. De Lima v. Judge Guerrero*, 819 Phil. 616, 1204 (2017) [Per J. Velasco, Jr., En Banc].

[39] 751 Phil. 301 (2015) [Per J. Leonen, En Banc] .

[40] *Id.* at 344.

[41] *Pemberton v. De Lima*, 784 Phil. 918, 933 (2016) [Per J. Leonen, Second Division].

[42] *The Diocese of Bacolod v. COMELEC*, 751 Phil. 301, 338 (2015) [Per J. Leonen, En Banc].

[43] 938 Phil. 929 (2023) [Per J. Inting, En Banc].

[44] 535 Phil. 687 (2006) [Per J. Sandoval-Gutierrez, En Banc].

[45] 565 Phil. 744 (2007) [Per J. Nachura, En Banc].

[46] *Rollo*, p. 30.

[47] *Id.* at 625-627.

[48] 849 Phil. 120 (2019) [Per J. Jardeleza, En Banc].

[49] *Id.* at 131-132.

[50] 934 Phil. 212 (2023) [Per J. Dimaampao, En Banc].

[51] *Id.* at 274.

[52] *Atty. Calleja v. Executive Secretary Medialdea*, 918-B Phil. 1, 68 (2021) [Per J. Carandang, En Banc]. (Citations omitted)

[53] Section 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.

[54] *Rollo*, p. 636.

[55] *Sen. Defensor Santiago v. Sen. Guingona, Jr.*, 359 Phil. 276, 292 (1998) [Per J. Panganiban, En Banc].

[56] *Id.* at 292- 293.

[57] 338 Phil. 546 (1997) [Per J. Panganiban, En Banc].

[58] *Id.* at 574 .

[59] Section 1. The judicial power shall be vested in one Supreme Court and in such lower courts as may be established by law.

Judicial power includes the duty of the courts of justice to settle actual controversies involving rights which are legally demandable and enforceable, and to determine whether or not there has been a grave abuse of discretion amounting to lack or excess of jurisdiction on the part of any branch or instrumentality of the Government.

- [60] Tañada v. Angara, 338 Phil. 546, 575 (1997) [Per J. Panganiban, En Banc].
- [61] 280 Phil. 829 (1991) [Per J. Padilla, En Banc].
- [62] Id. at 840.
- [63] Atty. Calleja v. Executive Secretary Medialdea, 918-B Phil. 1, 54 (2021) [Per J. Carandang, En Banc].
- [64] 924 Phil. 814 (2022) [Per J. Lazaro-Javier, En Banc].
- [65] Id. at 830.
- [66] Id. at 829.
- [67] 87 Phil. 29 (1950) [Per J. Ozaeta, En Banc].
- [68] Id. at 45.
- [69] Rollo, p. 30.
- [70] Id. at 74.
- [71] Id. at 48-49.
- [72] Arnault v. Nazareno, 87 Phil. 29, 48 (1950) [Per J. Ozaeta, En Banc].
- [73] Ong v. Senate of the Philippines, 938 Phil. 929, 985 (2023) [Per J. Inting, En Banc].
- [74] Rollo, p. 99.
- [75] Id. at 121-122, 616-617.
- [76] Id. at 122-123.
- [77] Id. at 652.
- [78] 898 Phil. 522 (2021) [Per J. Leonen, En Banc].
- [79] Id. at 624.
- [80] See Ong v. Senate of the Philippines, 938 Phil. 929, 949 (2023) [Per J. Inting, En Banc].
- [81] Rollo, p. 45.
- [82] See Ong v. Senate of the Philippines, 938 Phil. 929, 947 (2023) [Per J. Inting, En Banc].
- [83] 602 Phil. 312 (2009) [Per J. Velasco, Jr., En Banc].
- [84] Id. at 321.
- [85] Rollo, pp. 625-627.
- [86] Id. at 660.
- [87] Id. at 25-28, 77-85.
- [88] 354 Phil. 948 (1998) [Per J. Puno, En Banc].
- [89] 241 Phil. 1007 (1988) [Per J. Feliciano, En Banc].
- [90] Id. at 1018.

[91] Id. at 1024.

[92] See *Ong v. Senate of the Philippines*, 938 Phil. 929, 984 (2023) [Per J. Inting, En Banc].

[93] Resolution No. 5, The Senate Rules of Procedure Governing Inquiries in Aid of Legislation, sec. 11.

[94] Rollo, pp. 121-123.

[95] *Senate of the Philippines v. Medialdea*, 924 Phil. 814, 833 (2022) [Per J. Lazaro-Javier, En Banc].

[96] *Ong v. Senate of the Philippines*, 938 Phil. 929, 948 (2023) [Per J. Inting, En Banc].

[97] *Amalgamated Motors v. Secretary of Transportation and Communications*, 924 Phil. 505, 511-512 (2022) [Per J. Lopez, Second Division]. (Citation omitted)

[98] *Philippine Development and Industrial Corporation v. Court of Appeals*, 901 Phil. 211, 223 (2021) [Per J. Delos Santos, Third Division]. (Citation omitted)

[99] Rollo, p. 94.

[100] See *Ong v. Senate of the Philippines*, 938 Phil. 929, 946-947 (2023) [Per J. Inting, En Banc].

[101] Id. at 999.

[102] Id. at 1003.

[103] Id. at 1006.

SEPARATE CONCURRING OPINION

LEONEN, SAJ.:

I agree with the ponencia's erudite discussion of inquiries in aid of legislation. It has long been settled that the question of its scope is not a matter to be waived off as falling within the discretion of the legislative branch. Indeed, an inquiry in aid of legislation is a mighty power crucial to and inherent in legislative function. The expanse of this power is all the more reason for the Court to remain zealous in its duty to allocate constitutional boundaries. The Court must ensure that the power is wielded within constitutional bounds. Further, the doctrine of separation of powers is the basis for, not the defense against, the judicial review of the scope and extent of respondent's power to conduct inquiries into private affairs in purported aid of legislation.

The power to conduct inquiries in aid of legislation ought to be exercised in a way that actualizes the mandate of the Constitution to the fullest extent. The Constitution demands the Senate, House of Representatives, or any of its committees, to conduct inquiries in aid of legislation in accordance with its duly published rules of procedure and with due respect to the rights of persons appearing in or affected by such inquiries. Lest, individual liberties be crushed under purported public interest each time.

I

Section 1 of the Senate Rules of Procedure Governing Inquiries in Aid of Legislation states:

Such inquiries may refer to the implementation or re-examination of any law or appropriation, or in connection with any proposed legislation or the formulation of, or in connection with future legislation, or will aid in the review or formulation of a new legislative policy or enactment. They may also extend to any and all matters

vested by the Constitution in Congress and/or in the Senate alone.[1]

An inquiry in aid of legislation must be material or necessary to the implementation, re-examination, or formulation of legislation.[2]

It is insufficient to add "in aid of legislation" to justify any inquiry. The relationship of the inquiry to a proposed law must be established for the inquiry to be genuinely in aid of legislation. In *Bengzon, Jr. v. Senate Blue Ribbon Committee*,^[3] the Court looked into the circumstances surrounding the inquiry, especially respondent's substantiation of its claim that the inquiry is being conducted in aid of legislation. Thus, the Court in *Bengzon* resorted to the speeches and resolutions under which the inquiry was proposed to be made. In this case, the Court determined that the inquiry was not actually in aid of legislation because the investigation aimed to find out whether the Anti-Graft and Corruption Practices Act was violated.^[4]

The Court also took note that at the time when the investigation was initiated, a case was already pending with the Sandiganbayan to determine whether graft and corruption were committed:

[T]he issue sought to be investigated by the respondent Committee is one over which jurisdiction had been acquired by the Sandiganbayan. In short, the issue has been pre-empted by that court. To allow the respondent Committee to conduct its own investigation of an issue already before the Sandiganbayan would not only pose the possibility of conflicting judgments between a legislative committee and a judicial tribunal, but if the Committee's judgment were to be reached before that of the Sandiganbayan, the possibility of its influence being made to bear on the ultimate judgment of the Sandiganbayan can not be discounted.^[5]

Section 3 of the Senate Rules of Procedure Governing Inquiries in Aid of Legislation provides that the filing, pendency, or any prosecution of criminal or administrative action shall not stop or abate any inquiry to carry out a legislative purpose. Indeed, "[o]n-going judicial proceedings do not preclude congressional hearings in aid of legislation"^[6] because they should have different purposes. The inquiry must carry out a legislative purpose. Therefore, if the sole purpose of the inquiry is to determine guilt for violation of laws, it cannot be said to be in aid of legislation. In that case, the court is the appropriate venue to determine culpability for violation of laws given that the Constitution allocated the power of adjudication to the Judiciary. A legislative inquiry must prove to be in aid of legislation and not for other purposes such as gathering incriminatory evidence and punishing those investigated.^[7]

To date, criminal complaints have been initiated against petitioner for human trafficking,^[8] graft,^[9] tax evasion,^[10] money laundering,^[11] and perjury.^[12] The Office of the Solicitor General also filed a petition to cancel petitioner's birth certificate^[13] while the Manila Regional Trial Court has granted the quo warranto petition attacking her eligibility to occupy public office.^[14] Further, the Ombudsman dismissed petitioner from service after administrative cases for grave misconduct, serious dishonesty, gross neglect of duty, and conduct prejudicial to the best interest of the service were filed against her.^[15]

The intent of the inquiry should not overlap with those of the cases filed before the courts. If the purpose of the inquiry is pre-empted by the foregoing, the doctrine of separation of power dictates that respondent desist from intruding on judicial jurisdiction.

Upon finding that the inquiry is legitimately in aid of legislation, petitioner loses justification to altogether refuse to appear before respondent. Still, a resource person's rights must be respected during inquiries in aid of legislation.^[16] Appearance in an inquiry in aid of legislation is not an absolute warrant to question petitioner on all matters imaginable. Respondent must also establish the pertinency of the information sought to a proposed law or the amendment of an existing one.^[17] Petitioner should not be subjected to relentless abuse. Resource persons in inquiries in aid of legislation do not shed their rights at the doors of Congress:

[L]egislative inquiry must respect the individual rights of the persons invited to or affected by the legislative inquiry or investigation. Hence, the power of legislative inquiry must be carefully balanced with the private rights of those affected. A person's right against self-incrimination and to due process cannot be swept aside in favor of the purported public need of a legislative inquiry.

It must be stressed that persons invited to appear before a legislative inquiry do so as resource persons and not as accused in a criminal proceeding. Thus, they should be accorded respect and courtesy since they were under no compulsion to accept the invitation extended before them, yet they did so anyway. Their accommodation of a request should not in any way be repaid with insinuations.

The basic rules of decorum and decency must govern any undertaking done in one's official capacity as an agent of the State, in tacit recognition of one's role as a public servant. However, the deportment and decorum of the members of any constitutional organ, such as both Houses of Congress during a legislative inquiry, are beyond the judicial realm. All this Court can do is exercise its own power with care and wisdom, acting in a manner befitting its dignified status as public servant and never weaponizing shame under the guise of a public hearing.[18] (Citations omitted)

II

The right to privacy is no trivial thing. It is so elemental to one's freedom that it need not be overtly stated in the Constitution to warrant recognition and protection. "[T]he reservation of a very broad sphere of individual privacy or individual autonomy is implied in the very concept of society governed under a constitutional and democratic order." [19] Thus, privacy is better characterized as a penumbra of rights rather than a finite list of impermissible government intrusions. The right to privacy certainly goes beyond correspondence and communication.[20] "Certain fundamental rights create penumbras where corresponding privacy rights lie, otherwise known as 'zones of privacy.'" [21] *Morfe v. Mutuc* [22] discussed the breadth of zones of privacy:

[I]n the leading case of *Griswold v. Connecticut*, Justice Douglas, speaking for five members of the Court, stated: "Various guarantees create zones of privacy. The right of association contained in the penumbra of the First Amendment is one, as we have seen. The Third Amendment in its prohibition against the quartering of soldiers 'in any house' in time of peace without the consent of the owner is another facet of that privacy. The Fourth Amendment explicitly affirms the 'right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures.' The Fifth Amendment in its Self-Incrimination clause enables the citizen to create a zone of privacy which government may not force him to surrender to his detriment. The Ninth Amendment provides: 'The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.'" After referring to various American Supreme Court decisions, Justice Douglas continued: "These cases bear witness that the right of privacy which presses for recognition is a legitimate one."

The *Griswold* case invalidated a Connecticut statute which made the use of contraceptives a criminal offense on the ground of its amounting to an unconstitutional invasion of the right of privacy of married persons; rightfully it stressed "a relationship lying within the zone of privacy created by several fundamental constitutional guarantees." It has wider implication though. The constitutional right to privacy has come into its own.

So it is likewise in our jurisdiction. The right to privacy as such is accorded recognition independently of its identification with liberty; in itself, it is fully deserving of constitutional protection. The language of Prof. Emerson is particularly apt: "The concept of limited government has always included the idea that governmental powers stop short of certain intrusions into the personal life of the citizen. This is indeed one of the basic distinctions between absolute and limited government. Ultimate and pervasive control of the individual, in all aspects of his life, is the hallmark of the absolute state. In contrast, a system of limited government safeguards a private sector, which belongs to the individual, firmly distinguishing it from the

public sector, which the state can control. Protection of this private sector — protection, in other words, of the dignity and integrity of the individual — has become increasingly important as modern society has developed. All the forces of a technological age — industrialization, urbanization, and organization — operate to narrow the area of privacy and facilitate intrusion into it. In modern terms, the capacity to maintain and support this enclave of private life marks the difference between a democratic and a totalitarian society."^[23] (Citations omitted)

The right to privacy has many dimensions.^[24] Although incapable of exact enumeration, privacy may be categorized into three strands: (1) locational privacy, (2) informational privacy, and (3) decisional privacy:^[25]

Locational privacy, also known as situational privacy, pertains to privacy that is felt in a physical space. It may be violated through an act of trespass or through an unlawful search. Meanwhile, informational privacy refers to one's right to control "the processing — i.e., acquisition, disclosure, and use — of personal information."

Decisional privacy, regarded as the most controversial among the three, refers to one's right "to make certain kinds of fundamental choices with respect to their personal and reproductive autonomy."

....

Informational privacy has two aspects: the right not to have private information disclosed, and the right to live freely without surveillance and intrusion. In determining whether or not a matter is entitled to the right to privacy, this Court has laid down a two-fold test. The first is a subjective test, where one claiming the right must have an actual or legitimate expectation of privacy over a certain matter. The second is an objective test, where his or her expectation of privacy must be one society is prepared to accept as objectively reasonable.^[26] (Citations omitted)

The Court in *In Re: Sabio*^[27] set forth the standard to assess whether the State impermissibly intrudes into the zones of privacy:

In evaluating a claim for violation of the right to privacy, a court must determine whether a person has exhibited a reasonable expectation of privacy and, if so, whether that expectation has been violated by unreasonable government intrusion.^[28] (Citation omitted)

By choosing to occupy public office, a public officer's reasonable expectation of privacy is necessarily narrower than that of an ordinary citizen.^[29] After all, public office is a public trust.^[30] It begets public scrutiny.^[31] A public officer's right to privacy may be intruded upon when public interest so requires and it cannot be invoked to resist neither inquiry into nor dissemination of matters of public interest.^[32]

Nevertheless, while a public officer's right to privacy may be narrower, it is not altogether inexistent. "[T]his Court endeavors to strike a balance between the accountability of public officers as a result of public office being a privilege, on the one hand, and their right to privacy as protected in the Bill of Rights, on the other."^[33]

On top of occupying an elective public office, petitioner is also a resource person in an inquiry in aid of legislation, all the more justifying disclosure. Still, in *Bengzon*, the Court recognized the need to respect an individual's right to privacy in light of an inquiry in aid of legislation:

[T]he mere semblance of legislative purpose would not justify an inquiry in the face of the Bill of Rights. The critical element is the existence of, and the weight to be ascribed to, the interest of the Congress in demanding disclosures from an unwilling witness. We cannot simply assume, however, that every congressional investigation is justified by a public need that over-balances any private rights affected. To do so would be to abdicate the responsibility placed by the Constitution upon the judiciary to insure that the Congress does not unjustifiably encroach upon an individual's right to privacy.^[34] (Citations omitted)

Questions on petitioner's personal life, such as romantic relations she may have, should be material or necessary to the implementation, re-examination, or formulation of legislation. Otherwise, neither respondent nor the public has business demanding its disclosure.

Time and again, the Court has maintained that public office is a public trust. Thus, petitioner cannot claim total immunity from being asked to disclose matters that are rightfully of public concern. However, this is not an open invitation for members of the legislature to intrude on irrelevant, intimate matters. Generally, intimate personal relationships should not be the subject of open public scrutiny. The circumstances of every case will determine what is relevant to the inquiry. Inquiries in aid of legislation are not meant to satisfy mere morbid curiosity. "There is no Congressional power to expose for the sake of exposure." [35]

III

Notice and an opportunity to be heard are basic components of due process. [36] Inquiries in aid of legislation must also provide notice and an opportunity to be heard to afford due process to resource persons. Further, the subject and purpose of inquiries made in aid of legislation should be made known to resource persons. [37]

An invitation to resource persons must indicate the legislation subject of the inquiry, the gist of the testimony being required, and the connection to the said inquiry. [38] Any documents that will be used to confront witnesses should also be shown to them ahead of time if previously available. Like trials, inquiries in aid of legislation should not be conducted like a game of cards where one gains the upper hand by surprising the opponent. [39] Without proper notice of the subject and purpose of the inquiry, resource persons will not be able to prepare. [40] This leaves resource persons vulnerable to contempt orders if they are unable to answer to the legislators' satisfaction. [41] Worse, the inquiries expending taxpayers' pesos, will become a futile exercise.

The imperative of due process is not only that one is not adjudged guilty prior to having their day in court but that they be treated as innocent until then. While an inquiry in aid of legislation does not result in a finding of guilt, derogatory treatment of the resource person coupled with the public nature of such inquiries practically lead to the same thing. An invitation to an inquiry in aid of legislation becomes an invitation to be maligned.

The Court is just as invested, if not more, to see justice be served. Yet, the rule of law demands that justice be served in equally just means. The allegations about POGOs, if proven true, are truly horrifying and we should all be outraged at the abuse of our laws and processes. Nevertheless, we will be no different from perpetrators if we railroad the administration of justice. "Investigations conducted solely for the personal aggrandizement of the investigators or to 'punish' those investigated are indefensible." [42] Tactics to embarrass persons suspected of violating laws may produce some gratification, but when it interferes with the proper administration of justice, it might only lead to worse impunity. In *Angara v. Electoral Commission*: [43]

In times of social disquietude or political excitement, the great landmarks of the Constitution are apt to be forgotten or marred, if not entirely obliterated. In cases of conflict, the judicial department is the only constitutional organ which can be called upon to determine the proper allocation of powers between the several departments and among the integral or constituent units thereof. [44]

III (A)

Section 14 of the Senate Rules of Procedure Governing Inquiries in Aid of Legislation recognizes resource persons' right to counsel. This is an additional layer of protection to ensure that resource persons' rights are respected during inquiries in aid of legislation. While counsel are not allowed to argue before the Senate Committee on behalf of their client, the right to counsel becomes hollow if resource persons are not afforded reasonably sufficient time to consult counsel. Allowing the presence of counsel but preventing them from counselling resource persons during inquiries renders the right meaningless. In some instances, petitioner's right

to counsel was restricted.[45] At one point, a senator seemingly cautions petitioner's counsel to cooperate lest they become the next victims of criminal syndicates.[46]

The right to counsel becomes even more important when a simple inquiry devolves into an accusatory hearing. In *Babst v. National Intelligence Board*:[47]

[I]t is not idle to note that ordinarily, an invitation to attend a hearing and answer some questions, which the person invited may heed or refuse at his pleasure, is not illegal or constitutionally objectionable. Under certain circumstances, however, such an invitation can easily assume a different appearance. Thus, where the invitation comes from a powerful group composed predominantly of ranking military officers issued at a time when the country has just emerged from martial rule and when the suspension of the privilege of the writ of habeas corpus has not entirely been lifted, and the designated interrogation site is a military camp, the same can easily be taken, not as a strictly voluntary invitation which it purports to be, but as an authoritative command which one can only defy at his peril, especially where, as in the instant case, the invitation carries the ominous warning that "failure to appear... shall be considered as a waiver... and this Committee will be constrained to proceed in accordance with law." Fortunately, the NIB director general and chairman saw the wisdom of terminating the proceedings and the unwelcome interrogation.[48]

Some requests to appear have been deemed arrests in the sense that they were authoritative commands which may not be reasonably expected to be defied:

When the accused is in an environment made hostile by the presence and actuations of law enforcers where it can be reasonably inferred that they had no choice except to willingly go with them, then there is an arrest.[49]

In this case, the invitation to the inquiry in aid of legislation, coupled with the threat of contempt, had adopted a hostile atmosphere. Not only was petitioner actually arrested to appear before the Senate Committee, but the questions propounded to a supposed witness were of an accusatory nature. To recall, petitioner was repeatedly referred to as "Guo Hua Ping" to her face and declared to have lied and disrespected the Senate and the people.[50] In such case, the whole blanket of rights of an accused are triggered, including the right to remain silent and to counsel.

IV

Petitioner was cited in contempt for testifying falsely and evasively.[51] In this matter, I reiterate my opinion in *Ong v. Senate of the Philippines*[52] that the portion of Section 18 of the Senate Rules of Procedure Governing Inquiries in Aid of Legislation allowing a resource person to be cited in contempt for testifying "evasively" is vague and should be struck down "on its face" as sending a chilling effect on the right to free speech:

"Congress is not restricted in the form of expression of its will, and its inability to so define the words employed in a statute will not necessarily result in the vagueness or ambiguity of the law so long as the legislative will is clear, or at least, can be gathered from the whole act[.]" However, here, not only is the term "evasively" not defined, but also the legislative will in using this term is not clear as can be gathered from the respondents' varying interpretation of the term.

By citing in contempt a witness on the ground of testifying "evasively," which is vague, respondent Senate sends a chilling effect on the right to free speech.

The scope of freedom of expression is as broad as the matters by which the Senate may inquire in aid of legislation: The scope of freedom of expression is so broad that it extends protection to nearly all forms of communication. It protects speech, print and assembly regarding secular as well as political causes, and is not confined to any particular field of human interest. The protection covers myriad matters of public interest or concern embracing all issues, about which information is needed or appropriate, so as to enable members of society to cope with the exigencies of their period. The constitutional protection assures the broadest possible

exercise of free speech and free press for religious, political, economic, scientific, news, or informational ends, inasmuch as the Constitution's basic guarantee of freedom to advocate ideas is not confined to the expression of ideas that are conventional or shared by a majority.

The constitutional protection is not limited to the exposition of ideas. The protection afforded free speech extends to speech or publications that are entertaining as well as instructive or informative.

To immediately adjudge a testimony as "evasive" during an inquiry in aid of legislation would be to straitjacket the exercise of freedom of speech. The Senate may then fail to acquire the information necessary to legislate wisely or effectively, or it may limit its exercise of legislative power to conventional ideas. The ultimate purpose of its contempt powers — to obtain the necessary information to legislate wisely or effectively — will be defeated. Thus, unlike "falsely," the term "evasively" in Section 18 of the Senate Rules of Procedure Governing Inquiries in Aid of Legislation should be struck down as unconstitutional for being void for vagueness.

However, to pass constitutionality, the term "evasive" should be defined as failure to directly and satisfactorily respond to any relevant question, without any express and valid claim of right or privilege.[53] (Citations omitted)

In some instances that petitioner was accused of answering "evasively," she requested to have an executive session so that she might divulge without hesitation.[54] However, petitioner was rebuffed on account of the public's supposed right to know. The requests were also denied because the subject was not deemed a matter of national security. Fearful for her personal safety, petitioner was constrained not to respond.

All told, petitioner's prayer to annul and set aside the Subpoena Ad Testificandum to appear at the July 10, 2024 public hearing has become moot. In any case, petitioner cannot, on these grounds, ask this Court to indiscriminately order the Senate or any of its committees to desist from inviting petitioner or causing her to appear at inquiries in aid of legislation altogether.

The Court has ruled that the power of inquiry is so pertinent to the power to legislate that a textual grant in the Constitution is not even necessary:[55]

Although there is no provision in the Constitution expressly investing either House of Congress with power to make investigations and exact testimony to the end that it may exercise its legislative functions advisedly and effectively, such power is so far incidental to the legislative function as to be implied. In other words, the power of inquiry — with process to enforce it — is an essential and appropriate auxiliary to the legislative function. A legislative body cannot legislate wisely or effectively in the absence of information respecting the conditions which the legislation is intended to affect or change; and where the legislative body does not itself possess the requisite information — which is not infrequently true — recourse must be had to others who do possess it. Experience has shown that mere requests for such information are often unavailing, and also that information which is volunteered is not always accurate or complete; so some means of compulsion is essential to obtain what is needed.[56]

Although implied and essential to the legislative function, the power to conduct inquiries in aid of legislation is not unconditional.[57] The Court cannot overemphasize the mandate to respect the rights of persons appearing in or affected by such inquiries. The Constitution declares: "The State values the dignity of every human person and guarantees full respect for human rights." [58] We value the dignity of every human person without qualification. Citizens, aliens, innocents, and criminals—even the worst ones—deserve to be treated with dignity under the Constitution we pledge to uphold.

In inquiries in aid of legislation, there is a power imbalance between legislators and resource persons. Legislators have full control over the conduct of the proceedings because they create the rules of procedure. They propound the questions and determine themselves whether the answers are satisfactory. Otherwise, they have the power to

cite resource persons in contempt. Any utterance made by legislators in a speech or debate in Congress or in any committee is protected by parliamentary immunity.[59] In contrast, resource persons are mere guests in these proceedings. They are subjected to diminution of their privacy and are vulnerable to contempt charges. Resource persons are also not immune from potential administrative, civil, or criminal liability for their testimony. Understandably, resource persons hesitate to speak for the sake of self-preservation.

To mitigate this imbalance, resource persons ought to be treated with dignity—that is, a modicum of fairness, politeness, and courtesy. This is the bare minimum any person is entitled to. By doing so, resource persons are not intimidated into silence. Also, Senators or members of the House of Representatives conducting inquiries in aid of legislation better ensure cooperation. Ultimately, the intent of the inquiry to obtain helpful information for better legislation will more likely be achieved.

We do not scrutinize the motives behind the legislators' actions in exercising the power of judicial review of inquiries in aid of legislation. Valiant as their intentions may be, the Court must also be faithful and unbiased in the allocation of constitutional boundaries. Otherwise, the mighty legislative power to conduct inquiries in aid of legislation will go unchecked, wreaking havoc and leaving both the innocent and the guilty in its wake. In *Neri v. Senate Committee on Accountability of Public Officers and Investigations*:[60]

In this present crusade to "search for truth", we should turn to the fundamental constitutional principles which underlie our tripartite system of government, where the Legislature enacts the law, the Judiciary interprets it and the Executive implements it. They are considered separate, co-equal, coordinate and supreme within their respective spheres but, imbued with a system of checks and balances to prevent unwarranted exercise of power. The Court's mandate is to preserve these constitutional principles at all times to keep the political branches of government within constitutional bounds in the exercise of their respective powers and prerogatives, even if it be in the search for truth. This is the only way we can preserve the stability of our democratic institutions and uphold the Rule of Law.[61]

As much as the public desires and deserves answers, an inquiry in aid of legislation is not always the proper venue. I reiterate, courts are precisely the forum for this endeavor.

The Court must remain steadfast in its duty to uphold the Constitution and the rule of law. Justice cannot be dispensed without fairness and equality.

For these reasons, I concur in the result.

[1] Senate Resolution No. 5 (2010), as amended by Senate Resolution Nos. 9, 145, Rules of Procedure Governing Inquiries in Aid of Legislation.

[2] *Bengzon, Jr. v. Senate Blue Ribbon Committee*, 280 Phil. 829, 841-842 (1991) [Per J. Padilla, En Banc].

[3] *Id.* at 829.

[4] *Id.* at 842-847.

[5] *Id.* at 848.

[6] *Romero II v. Estrada*, 602 Phil. 312, 321 (2009) [Per J. Velasco, Jr., En Banc].

[7] *Calida v. Trillanes IV*, 861 Phil. 656, 663 (2019) [Per J. Leonen, En Banc], citing *Neri v. Senate Committee on Accountability of Public Officers and Investigations*, 586 Phil. 135, 189 (2008) [Per J. Leonardo-De Castro, En Banc].

- [8] Press Release, Arrests warrants out for Guo and 15 others for qualified trafficking; Remulla urges other co-accused to surrender, Department of Justice, September 20, 2024, available at https://www.doj.gov.ph/news_article.html?newsid=FG0iVOGZ78iSJeHX_nXRolkaKSPazmgDhNLOoXPPhN4 (last accessed on September 18, 2025).
- [9] Benjamin Pulta, NBI files criminal raps vs. Alice Guo over Pangasinan properties, PHILIPPINE NEWS AGENCY, March 12, 2025, available at <https://www.pna.gov.ph/articles/1245902> (last accessed on September 18, 2025).
- [10] Media Release, Lumagui: BIR files Criminal Case for Tax Evasion against Alice Guo, Jack Uy, and Baofu Corporate Secretary, Bureau of Internal Revenue, August 14, 2024, available at <https://bir-cdn.bir.gov.ph/BIR/pdf/PR54AUG1424.pdf> (last accessed on September 18, 2025).
- [11] Press Release, AMLC files money laundering cases against fugitive Alice Guo, Shiela Guo, and Cassandra 'Cassy' Li Ong, Anti-Money Laundering Council, August 30, 2024, available at <http://www.amlc.gov.ph/16-news-and-announcements/531-amlc-files-money-laundering-cases-against-the-fugitive-alice-guo-sheila-guo-and-cassandra-cassy-li-ong> (last accessed on September 18, 2022).
- [12] Benjamin Pulta, Falsification raps filed vs. Guo, notary public, PHILIPPINE NEWS AGENCY, October 3, 2024, available at <https://www.pna.gov.ph/articles/1234713> (last accessed on September 18, 2025).
- [13] Benjamin Pulta, SolGen asks Tarlac RTC to cancel Guo's birth certificate, PHILIPPINE NEWS AGENCY, July 5, 2024, available at <https://www.pna.gov.ph/articles/1228382> (last accessed on September 18, 2025).
- [14] Benjamin Pulta, RTC ruling disqualifying Guo result of whole of government approach, PHILIPPINE NEWS AGENCY, June 30, 2025, available at <https://www.pna.gov.ph/articles/1253186> (last accessed on September 18, 2025).
- [15] Benjamin Pulta, Ombudsman dismisses Alice Guo from service, PHILIPPINE NEWS AGENCY, October 3, 2024, available at <https://www.pna.gov.ph/articles/1231093> (last accessed on September 18, 2025).
- [16] *Standard Chartered Bank v. Senate Committee on Banks*, 565 Phil. 744, 758 (2007) [Per J. Nachura, En Banc], citing *Bengzon, Jr. v. Senate Blue Ribbon Committee*, 280 Phil. 829, 841 (1991) [Per J. Padilla, En Banc].
- [17] *See Agan, Jr. v. Philippine International Air Terminals Co., Inc.*, 465 Phil. 545, 585 (2004) [Per J. Puno, En Banc].
- [18] *Calida v. Trillanes IV*, 861 Phil. 656, 663-664 (2019) [Per J. Leonen, En Banc].
- [19] J. Leonen, Concurring Opinion in *Subido Pagente Certeza Mendoza and Binay Law Offices v. Court of Appeals*, 802 Phil. 314, 381 (2016) [Per J. Perez, En Banc].
- [20] *Integrated Bar of the Philippines v. Purisima*, 940 Phil. 589, 628 (2023) [Per J. Leonen, En Banc].
- [21] *Id.*
- [22] 130 Phil. 415 (1988) [Per J. Fernando, En Banc].
- [23] *Id.*
- [24] *People v. Cogaed*, 740 Phil. 212, 227 (2014) [Per J. Leonen, Third Division].
- [25] *Vivares v. St. Theresa's College*, 744 Phil. 451, 467 (2014) [Per J. Velasco, Jr., Third Division], citing Former Chief Justice Reynato S. Puno, *The Common Right to Privacy, Delivered before the Forum on The Writ*

of Habeas Data and Human Rights, sponsored by the National Union of Peoples' Lawyers on March 12, 2008 at the Innotech Seminar Hall, Commonwealth Ave., Quezon City.

[26] Integrated Bar of the Philippines v. Purisima, 940 Phil. 589, 631 (2023) [Per J. Leonen, En Banc].

[27] In the Matter of the Petition for Issuance of Writ of Habeas Corpus of Sabio v. Gordon, 535 Phil. 687 (2006) [Per J. Sandoval-Gutierrez, En Banc].

[28] Id. at 715.

[29] Ayer Productions Pty. Ltd. v. Hon. Capulong, 243 Phil. 1007, 1024 (1988) [Per J. Feliciano, En Banc].

[30] CONST., art. XI, sec. 1.

[31] Labargan v. People, 949 Phil. 1008, 1017 [Per J. Leonen, Second Division].

[32] Id.

[33] Iglesias v. Office of the Ombudsman, 817 Phil. 338 (2017) [Per J. Leonen, Third Division].

[34] Bengzon Jr. v. Senate Blue Ribbon Committee, 280 Phil. 829, 849 (1991) [Per J. Padilla, En Banc].

[35] Neri v. Senate Committee on Accountability of Public Officers and Investigations, 586 Phil. 135, 189 (2008) [Per J. Leonardo-De Castro, En Banc]. (Citations omitted)

[36] Office of the Ombudsman v. Conti, 806 Phil. 384, 395 (2017) [Per J. Mendoza, Second Division]. (Citation omitted)

[37] Senate of the Philippines v. Ermita, 522 Phil. 1, 35-36 (2006) [Per J. Carpio-Morales, En Banc].

[38] Id.

[39] See Eagleridge Development Corp. v. Cameron Granville 3 Asset Management, Inc., 708 Phil. 693, 698 (2013) [Per J. Leonen, Third Division].

[40] See Neri v. Senate Committee on Accountability of Public Officers and Investigations, 572 Phil. 554, 658 (2008) [Per J. Leonardo-De Castro, En Banc].

[41] See Ong v. Senate of the Philippines, 938 Phil. 929, 976 (2023) [Per J. Inting, En Banc].

[42] Bengzon Jr. v. Senate Blue Ribbon Committee, 280 Phil. 829, 848 (1991) [Per J. Padilla, En Banc]. (Citations omitted)

[43] 63 Phil. 139 (1936) [Per J. Laurel, En Banc].

[44] Id. at 156.

[45] TSN, September 9, 2024, Annex E, Omnibus Petition, p. 147.

[46] Id. at 97.

"Baka hindi alam nitong mga abogado ni Alice Guo na later on, baka sila rin, mabibiktima nitong sindikato na ito kung hindi tayo magtutulungan dito."

[47] 217 Phil. 302 (1984) [Per J. Plana, En Banc].

[48] Id. at 312.

[49] *Duropan v. People*, 873 Phil. 919, 940 (2022) [Per J. Leonen, Third Division].

[50] TSN, September 9, 2024, Annex E, Omnibus Petition, pp. 7, 15, 61, etc.

[51] TSN, September 9, 2024, Annex E, Omnibus Petition, p. 57.

[52] 938 Phil. 929 (2023) [Per J. Inting, En Banc].

[53] *Id.* at 1036-1037.

[54] TSN, September 9, 2024, Annex E, Omnibus Petition, pp. 102-103.

[55] *Arnault v. Nazareno*, 87 Phil. 29, 45 (1950) [Per J. Ozaeta, En Banc].

[56] *Id.*

[57] *Calida v. Trillanes*, 861 Phil. 656, 662 (2019) [Per J. Leonen, En Banc].

[58] CONST., art. II, sec. 11.

[59] CONST., art. VI, sec. 11. See also *Trillanes IV v. Castillo-Marigomen*, 828 Phil. 336 (2018) [Per J. Tijam, First Division].

[60] 572 Phil. 554 (2008) [Per J. Leonardo-De Castro, En Banc].

[61] *Id.* at 664.

CONCURRING OPINION

CAGUIOA, J.:

I concur.

The legislative power of inquiry is an essential aspect of the plenary power of Congress to legislate. It is through these inquiries that Congress is able to formulate policies that are grounded in facts and data. It is in this regard, and precisely for the purpose that it is able to ascertain such facts and data, that Congress is imbued with the contempt power to compel the attendance of witnesses and resource persons, and to elicit the necessary information during these proceedings. For, as the Court held in *Arnault v. Balagtas*,^[1] "[h]ow could a legislative body obtain the knowledge and information on which to base intended legislation if it cannot require and compel the disclosure of such knowledge and information, if it is impotent to punish a defiance of its power and authority?"^[2]

Guided by these principles, I write this Concurring Opinion to expound on the reasons for my concurrence to the dismissal of the petition and the validity of the contempt orders against petitioner Alice L. Guo (Guo). As well, there is a need to emphasize the narrow parameters of the Court's review whenever a challenge is made to the power of Congress to cite persons in contempt.

I.

To recall, Guo filed the present petition against the Senate Committee on Women, Children, Family Relations & Gender Equality (Committee), primarily for allegedly violating her right to due process during the joint hearings

with the Committees on Migrant Works, and Public Order and Dangerous Drugs. She argues that, while the purpose of the inquiry is to aid Congress in crafting laws on human trafficking, cyber fraud, and the regulation of Philippine Offshore Gaming Operators (POGOs), the questions propounded during the proceedings concerned her personal life, which, according to her, are "unrelated, unconnected, and unassociated with the pending resolutions subject of the hearing." [3]

In its comment, the Committee ripostes that there is no clear and convincing showing of grave abuse of discretion. The Committee maintains that the hearings were all conducted in accordance with the Rules of the Senate and with respect to the rights of Guo. The petition merely raises factual disagreements with the matters that were surfaced during the Committee hearings. The Committee argues that asking difficult, or even harsh questions, cannot be tantamount to grave abuse of discretion. [4]

The ponencia rules that the issues raised in the petition are justiciable and within the scope of the Court's expanded power of judicial review. The authority of the Committee is also upheld, as the personal circumstances of Guo are intimately related to the issue of the POGOs' ability to engage in illicit activities with impunity due to the protection they received from government officials or entities. [5]

As stated at the onset, I agree with the ponencia.

There is no question that the Court may pass upon the issues raised in the petition, there being an allegation of grave abuse of discretion, amounting to lack or excess of jurisdiction; on the part of the Committee. The Court has an important role in the system of checks and balances, and it has the sole authority to determine the "allocation of constitutional boundaries." [6]

That being said, it should nonetheless be emphasized that this scope of judicial review in cases involving inquiries in aid of legislation and the exercise of Congress' inherent contempt power is narrow:

We must also and that (sic) provided the contempt is related to the exercise of the legislative power and is committed in the course of the legislative process, the legislature's authority to deal with the defiant and contumacious witness should be supreme, and unless there is a manifest and absolute disregard of discretion and a mere exertion of arbitrary power coming within the reach of constitutional limitations, the exercise of the authority is not subject to judicial interference. (Marshal vs. Gordon, supra). [7] (Emphasis supplied)

The limited scope of the Court's intrusion highlights the significant role of Congress' contempt power to the performance of its legislative function. In this regard, the Court's ruling in *Arnault v. Nazareno* [8] is instructive, viz.:

Although there is no provision in the Constitution expressly investing either House of Congress with power to make investigations and exact testimony to the end that it may exercise its legislative functions advisedly and effectively, such power is so far incidental to the legislative function as to be implied. In other words, the power of inquiry—with process to enforce it—is an essential and appropriate auxiliary to the legislative function. A legislative body cannot legislate wisely or effectively in the absence of information respecting the conditions which the legislation is intended to affect or change; and where the legislative body does not itself possess the requisite information—which is not frequently true—recourse must be had to others who do possess it. Experience has shown that mere requests for such information are often unavailing, and also that information which is volunteered is not always accurate or complete; so some means of compulsion is essential to obtain what is needed. (*McGrain vs. Daugherty*, 273 U.S., 135; 71 L. ed., 580; 50 A. L. R., 1.) The fact that the Constitution expressly gives to congress the power to punish its Members for disorderly behaviour, does not by necessary implication exclude the power to punish for contempt any other person. (*Anderson vs. Dunn*, 6 Wheaton, 204; 5 L. ed., 242.) [9] (Emphasis supplied)

In other words, I emphasize that the Court cannot overextend its jurisdiction when there is no clear violation of the constitutional limitations to the power of legislative inquiry. Bearing in mind that the contempt power is indispensable to the sovereign legislative function of Congress, any unwarranted intrusion by the Court may hamper its power to legislate. Thus, whenever the Court is asked to resolve whether Congress exceeded the limits of its authority in conducting legislative inquiries, there should be a patent showing of an arbitrary or capricious exercise of Congress' contempt power before the Court can interfere with its exercise.

II.

Having established the lens through which the Court must examine challenges to Congress' exercise of its contempt power, I now turn to the core issue—whether there was grave abuse of discretion on the part of the Committee in asking Guo questions relating to her personal life, during an inquiry in aid of legislation.

Before Congress may punish a witness for contempt, it must be established that the witness' testimony pertains to a subject matter within the authority of Congress to inquire upon, and the question asked of the witness must be pertinent to the subject matter of the inquiry. In other words, there should be: (i) an inquiry properly made in aid of legislation; and (ii) a question—refused to be answered by the witness—that is pertinent to the subject matter of the inquiry.[10]

Considering the plenary scope of Congress' power to legislate, it may inquire into practically any matter. As the Court observed in *Nazareno*, it would be difficult to define any limits by which the subject matter of Congress' inquiry can be bounded. The Court deemed it unnecessary to do so in said case, concluding that it suffices for such scope to be coextensive with the range of the legislative power.[11]

In *Bengzon, Jr. v. Senate Blue Ribbon Committee*,[12] the Court ruled that the inquiry subject of the case was outside the jurisdiction of Congress, and more within the scope of judicial functions. It bears noting, however, that the investigation in *Bengzon* involved the liability of the relatives of former President Ferdinand E. Marcos and Mr. Ricardo Lopa under Republic Act No. 3019. In the later case of *Senate of the Philippines v. Exec. Sec. Ermita*,[13] it was emphasized that the invitations of Congress should indicate the possible or intended statute that prompted the need for the inquiry. Notably, *Ermita* reiterated the Court's recognition that the field of inquiry in investigations in aid of legislation is broad and "co-extensive with the power to legislate." [14]

As for the relevance of the question propounded to the witness, it is sufficient that the questions are pertinent to the subject of the inquiry. The questions need not be material to any intended legislation, as ultimately, it is the totality of the information gathered from the investigation that becomes the basis for any legislative action. Again, the Court elucidated in *Nazareno* that:

Once an inquiry is admitted or established to be within the jurisdiction of a legislative body to make, we think the investigating committee has the power to require a witness to answer any question pertinent to that inquiry, subject of course to his constitutional right against self-incrimination. The inquiry, to be within the jurisdiction of the legislative body to make, must be material or necessary to the exercise of a power in it vested by the Constitution, such as to legislate, or to expel a Member; and every question which the investigator is empowered to coerce a witness to answer must be material or pertinent to the subject of the inquiry or investigation. So a witness may not be coerced to answer a question that obviously has no relation to the subject of the inquiry. But from this it does not follow that every question that may be propounded to a witness must be material to any proposed or possible legislation. In other words, the materiality of the question must be determined by its direct relation to the subject of the inquiry and not by its indirect relation to any proposed or possible legislation. The reason is, that the necessity or lack of necessity for legislative action and the form and character of the action itself are determined by the sum total of the information to be gathered as a result of the investigation, and not by a fraction of such information elicited from a single question.[15] (Emphasis supplied)

Applying the foregoing principles in the present case, it is apparent that the subject matter of the Committee's inquiry—particularly, the illegal activities of POGOs—is within the authority of Congress. As well, the questions that relate to Guo's personal information and circumstances are pertinent and material to the subject of the inquiry.

III

The inquiry of the Committee relates to the illegal activities of POGOs, which is evident from the Notice of Public Hearing[16] that the Committee issued on April 29, 2024, enumerating the following as the subject of the inquiry:

- Privilege Speech of Senator Risa Hontiveros on Human Trafficking, delivered on Nov. 21, 2022;
- Senate Resolution No. 595 - Inquiry in Aid of Legislation, on the Alleged Human Trafficking and Cyber Fraud Operation at Clark (Introduced by Senator Grace Poe);[17]
- Senate Resolution No. 611 - Human Trafficking inside the Clark Freeport Zone (Introduced by Senator Sherwin Gatchalian [Senator Gatchalian]);[18]
- Senate Resolution No. 853 - Involvement of an Internet Gaming Licensee of PAGCOR on the Alleged Crimes or Offenses (Introduced by Senator Gatchalian);[19] and
- Senate Resolution No. 977 - Human Trafficking, Serious Illegal Detention, and Physical Abuse and Torture (Introduced by Senator Gatchalian).[20]

Senator Gatchalian subsequently filed Senate Resolution No. 1032 on Human Trafficking and Involvement in Scamming Activities,[21] which the Committee included in the succeeding agendas of the ongoing inquiry.[22]

At this point, it bears noting that Guo was not caught unaware of the subject matter of the Committee's inquiry. Whenever Guo was invited to attend the public hearing as a resource person, she was given copies of the measures so that she was fully apprised of the agenda.[23]

A careful review of the Resolutions and the Privilege Speech would reveal that these primarily relate to the widespread problem of trafficking of Filipinos and foreign nationals in the country, which was being linked to the operations of POGOs. The Resolutions were specifically premised on the results of the raids conducted by law enforcement, which revealed POGO premises with "aquarium-style viewing chambers, a torture chamber, and massage parlor" where various illicit activities were conducted. Rescued individuals during the raids also claimed that they were tortured and kidnapped by POGO operators. Considering that even POGOs licensed to operate were among those involved in these criminal activities, it was deemed necessary by several members of the Senate to conduct an inquiry in aid of legislation to address this issue.

In other words, the inquiry was clearly intended to review state policy on the issuance of operating licenses to POGOs, and to institute regulatory safeguards to address these threats to public safety and order. Certainly, these fall within the purview of the plenary power of Congress.

Having established that the Committee's inquiry is one properly made in aid of legislation, the issue on the

relevance of the questions propounded to Guo should likewise be resolved. Guo, in particular, assails the Committee's questions as to her biological parents, educational attainment, personal relationships, business records, and Sworn Statement of Assets, Liabilities and Net Worth. According to her, her personal information and circumstances are irrelevant to the proposed legislation on the regulation of POGOs.[24]

Guo's arguments are completely bereft of merit.

As the Court held in *Nazareno*, the relevance of the questions asked during the investigation should be assessed relative to the subject of the inquiry—not to the proposed legislation. In other words, a question's materiality relative to any possible legislation is unnecessary.

Here, Senate Resolution No. 977 was based on the raid of the premises of Zun[25] Yuan Technology, Inc. (Zun Yuan), a POGO and grantee of a provisional internet gaming license located in Bamban, Tarlac, where Guo) was elected mayor. The raid on March 13, 2024 was based on two search and seizure warrants issued by the Regional Trial Court of Malolos, Bulacan after a Vietnamese national who escaped from the premises filed a complaint for physical injuries and serious illegal detention.[26]

Among the discoveries made during the raid was the connection of Guo, then incumbent Mayor of Bamban, to the operations of Zun Yuan. These include: (i) a Sangguniang Bayan Resolution in September 2020 from the Municipality of Bamban, which approved the application of Guo, who was still a private citizen at that time, for a license to operate Hongsheng Gaming Technology, Inc.;[27] (ii) a list of vehicles found in the premises of Zun Yuan, which includes one vehicle registered in Guo's name; and (iii) a statement of account issued to Guo by the local electric cooperative for electricity amounting to PHP 15.111 million covering the period September 2023 to February 2024.[28]

During the course of the inquiry, it was discovered that Guo was an incorporator of Baofu Land Development Corporation, the registered owner of the 7.9-hectare property where Zun Yuan was located—the same premises that were raided by law enforcement. In order to trace her connections, questions were asked as to her occupation prior to her election as Mayor of Bamban, evidently with the intention of finding out whether her connections to the POGO are merely coincidental or negligible. While it may be argued that her answers as to her identity and personal relationships, by themselves, do not bear any relation to any intended legislation, identifying the underhanded schemes to operate a criminal enterprise under the guise of a legitimate business would benefit the legislators in crafting the appropriate policies.[29]

IV.

In his Dissenting Opinion, Senior Associate Justice Marvic M.V.F. Leonen reiterated his opinion in *Ong v. Senate of the Philippines*[30] that Section 18 of the Senate Rules of Procedure Governing Inquiries in Aid of Legislation, particularly the provision that testifying evasively may be punished with contempt, should be struck down as vague as it creates a chilling effect on the right to free speech.[31]

Respectfully, I disagree.

At the outset, it must be noted that the issue on whether testifying "evasively" "is vague" is not initially raised as an issue in this case because Guo's initial contempt citation was for "unduly refusing to appear, despite due notices" at the hearings of the Committee.[32] While she was allegedly cited in contempt for testifying evasively, Guo did not challenge the validity of her contempt citation on the ground of vagueness. Verily, this issue is not even relevant to the resolution of the present petition.

At any rate, I maintain my concurrence with the majority's opinion in *Ong*. The phrase "testifies falsely or evasively" has a straightforward meaning. It is neither vague nor ambiguous:

Surely, contumacy should not be confined to merely refusing to attend a legislative hearing, to produce required documents, or to answer questions propounded during the inquiry. The witness may be present but if he or she provides circuitous or unresponsive answers to reasonable queries from the members of Congress, Congress should be able to resort to its coercive power by penalizing the witness for his or her uncooperative behavior. Willful refusal to provide information within the witness' knowledge, and in response to queries pertinent to the subject of the inquiry, is tantamount to a refusal to testify. Citing that witness in contempt is not any less coercive in nature, even when, as in this case, it was brought about by the exasperation of the members of the Senate Blue Ribbon Committee with the roundabout answers of the witnesses.

....

Here, an examination of the assailed Senate Rules of Procedure on Inquiries and the Rules of the Senate Blue Ribbon Committee would reveal that both Rules refer to a "proper question" of the Senate Blue Ribbon Committee or its members, in relation to the contumacious refusal of a witness to answer. In order to be contumacious, the witness must refuse to testify or answer a proper question, or when testifying, must testify falsely or evasively. Such "proper question" thus circumscribes the discretion granted to the Senate or the Senate Blue Ribbon Committee as it may not compel witnesses under the pain of contempt to answer queries that are not relevant to, or outside the scope of the legislative inquiry.

In the same manner, the assailed Rules are not lacking in parameters on what constitutes a false or evasive testimony. As may be gleaned from the relevant provisions of the Senate Rules of Procedure on Inquiries and the Rules of the Senate Blue Ribbon Committee, the meaning of the phrase "testifies falsely or evasively" may be inferred from the other acts that constitute contempt, all of which illustrate a patent refusal or disobedience to the lawful processes of the Senate or the Senate Blue Ribbon Committee: (1) disobeying any order; (2) refusing to be sworn or to testify or to answer a proper question; and (3) unduly refusing to appear or bring before the Senate Blue Ribbon Committee certain documents or evidence notwithstanding the issuance of the appropriate subpoena therefor. From these acts, it may be reasonably inferred that the phrase "testifies falsely or evasively" is meant to cover situations where a witness does not refuse outright to answer the question propounded by the Senate Blue Ribbon Committee or its members but provides a false answer or a non-answer that is tantamount to a refusal to testify. Such testimony, taking into consideration the purpose for the inherent contempt power of the Senate, must be of such character that is disruptive to the orderly administration of its legislative functions.[33] (Emphasis in the original)

The majority in *Ong*, through the ponente, Associate Justice Henri Jean Paul. B. Inting, also held that:

On the other hand, an evasive answer refers to a response that is given, which does not directly answer the question posed. Evasive answers are often seen in the legal world when a party refuses to confirm or deny allegation(s) against him or her. An evasive answer is likewise defined as "one which consists in refusing either to admit or to deny a matter in a direct, straightforward manner as to which a person is necessarily presumed to have knowledge."

As early as 1950, the Court, in *Arnault*, already pronounced that a testimony which is obviously false or evasive is equivalent to a refusal to testify and is punishable as contempt, assuming that a refusal to testify would be so punishable. Thus, in *Arnault*, the Court recognized the power of the Senate and its committees to cite a witness in contempt for testifying falsely and evasively during an inquiry.

In *People v. Saure*, the Court considered a testimony of a witness as evasive when he did not remember the facts which he ought to know because they were related to his own self-serving allegation.

There is no doubt that the phrase "testifies falsely or evasively" can be understood by any person of common knowledge or intelligence.[34] (Citations omitted)

Based on the foregoing, there are clear standards on what constitutes testifying evasively, especially since its

general meaning and acceptance is readily understandable. Any lawyer who has a modicum of trial experience can easily recognize whether a witness is testifying "evasively" and seek recourse with the judge hearing the case to exercise the court's contempt power to force or compel the witness to directly answer the propounded questions.

Again, the coercive power of Congress is integral to its conduct of inquiries in aid of legislation. If the Court were to strike down the phrase "testifies evasively," it not only encroaches upon the power of a co-equal branch but effectively handicaps Congress in the exercise of its mandate to legislate policies wisely and effectively.

V.

In all, while the Court may determine whether Congress overstepped its boundaries in conducting inquiries or citing persons in contempt, the Court cannot exceed its own authority and substitute its own judgment for the findings of Congress.

To be sure, this does not mean that the Court is bound to accord immediate validity to the actions of Congress in inquiries in aid of legislation. Section 21, Article VI of the 1987 Constitution has sufficient safeguards against the arbitrary exercise of the Congressional power of inquiry in aid of legislation, especially since it mandates that the rights of persons appearing in or affected by such inquiries be respected. The Court, as held in *Balag v. Senate of the Philippines*,^[35] must strike a balance between the interest of the Senate and the rights of persons cited in contempt during legislative inquiries."^[36]

Such balancing of interest requires the Court forestall any abuse of the exercise of a co-equal branch's power. In discharging this duty, the Court should be minded not to unwittingly tilt that balance and set a precedent that erodes or encroaches upon the inherent powers of Congress.

ACCORDINGLY, I join the majority in dismissing the present petition.

[1] 97 Phil. 358 (1955) [Per J. Labrador, First Division].

[2] *Id.* at 370.

[3] Rollo, pp. 48-49, Petition for Certiorari and/or Prohibition With Extremely Urgent Prayer for Temporary Restraining Order and/or Preliminary Writ of Injunction.

[4] *Id.* at 636-637, Comment.

[5] Ponencia, pp. 9-18.

[6] *Bengzon, Jr. v. Senate Blue Ribbon Committee*, 280 Phil. 829, 857 (1991) [Per J. Padilla, En Banc], citing *Angara v. Electoral Commission*, 63 Phil. 139, 182 (1936) [Per J. Laurel, En Banc].

[7] *Arnault v. Balagtas*, *supra* note 1, at 370-371.

[8] 87 Phil. 29 (1950) [Per J. Ozaeta, En Banc].

[9] *Id.* at 405.

[10] *Id.* at 45-46.

[11] *Id.* at 46.

[12] 280 Phil. 829 (1991) [Per J. Padilla, En Banc].

[13] 522 Phil. 1 (2006) [Per J. Carpio Morales, En Banc].

[14] Id. at 34.

[15] *Arnault v. Nazareno*, supra note 8, at 48.

[16] Rollo, p. 674, Annex "A" of Comment of the Committee.

[17] Id. at 686-688, "Resolution Urging the Appropriate Senate Committee/s to Conduct an Inquiry, In Aid of Legislation, on the Alleged Human Trafficking and Cyber Fraud Operations at the Clark Sun Valley Hub Corporation Inside the Clark Freeport Zone with the End in View of Eliminating Human Trafficking in Cyber Fraud Industries in the Country" (Annex "B-1" of Comment of the Committee).

[18] Id. at 689-691, "Resolution Directing the Appropriate Senate Committee to Conduct an Inquiry, In Aid of Legislation, on the Human Trafficking Inside the Clark Freeport Zone which are Being Linked to Philippine Offshore Gaming Operators (POGO), with an End View of Crafting a Legislation or Policy Recommendation, As May Be Necessary" (Annex "B-2" of Comment of the Committee).

[19] Id. at 692-694, "Resolution Directing the Appropriate Senate Committee to Conduct an Inquiry, In Aid of Legislation, on the Involvement of an Internet Gaming Licensee of the Philippine Amusement and Gaming Corporation (PAGCOR) on the Alleged Crimes or Offenses, particularly Prostitution, Human Trafficking, Torture, Kidnapping for Ransom, and Online Scams, with an End View of Crafting a Legislation or Policy Recommendation, As May Be Necessary" (Annex "B-3" of Comment of the Committee).

[20] Id. at 695-697, "Resolution Directing the Appropriate Senate Committee to Conduct an Inquiry, In Aid of Legislation, on the Alleged Human Trafficking, Serious Illegal Detention, and Physical Abuse and Torture in the Premises of an Internet Gaming Licensee of Philippine Amusement Gaming Corporation (PAGCOR) in Tarlac, with an End View of Crafting a Legislation or Policy Recommendation, As May Be Necessary" (Annex "B-4" of Comment of the Committee).

[21] Id. at 1109-1113, "Resolution Directing the Appropriate Senate Committee to Conduct an Inquiry, In Aid of Legislation, on the Alleged Human Trafficking and Involvement in Scamming Activities, Violating the Cybercrime Prevention Act of 2012, Within Multinational Village in Parañaque City, with an End View of Crafting a Legislation or Policy Recommendation, As May Be Necessary." (Annex "I" of Comment of the Committee).

[22] Id. at 1111-1112, Notice of Change of Date and Venue dated June 19, 2024 (Annex "J" of Comment of the Committee).

[23] Id. at 698-700, Invitation to a Public Hearing dated April 30, 2024 (Annex "C" of Comment of the Committee); id. at 888, Invitation to a Public Hearing dated May 16, 2024 (Annex "F" of Comment of the Committee); id. at 1114, Invitation to a Public Hearing dated June 20, 2024 (Annex "K" of Comment of the Committee).

[24] Id. at 74, Petition.

[25] Spelled as "Zuan" in Senate Resolution No. 977.

[26] Rollo, pp. 695-696, Senate Resolution No. 977.

[27] N.B. Hongsheng Gaming Technology, Inc. is another POGO that allegedly leased the premises of Baofu Land Development Corporation before Zun Yuan. See Records of the Committee, May 7, 2024 (Annex "D" of Comment of the Committee), id. at 797-799.

[28] Id. at 616-617, Comment.

[29] See *In the Matter of the Petition for Issuance of Writ of Habeas Corpus of Sabio v. Senator Gordon*, 535 Phil. 687 (2006) [Per J. Sandoval-Gutierrez, En Banc].

[30] 938 Phil. 929 (2023) [Per J. Inting, En Banc].

[31] SAJ. Leonen, Dissenting Opinion, p. 10.

[32] Rollo, p. 1517, Annex "R" of Comment of the Committee (Order dated July 11, 2024 of the Committee).

[33] *Ong v. Senate of the Philippines*, supra note 30, at 1058, 1061-1062.

[34] *Id.* at 979-980.

[35] 835 Phil. 451 (2018) [Per J. Gesmundo, En Banc].

[36] *Id.* at 471.

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