

SARA Z. DUTERTE, IN HER CAPACITY AS THE VICE PRESIDENT OF THE PHILIPPINES, PETITIONER, VS. HOUSE OF REPRESENTATIVES, REPRESENTED BY FERDINAND MARTIN G. ROMUALDEZ, IN HIS CAPACIT...

G.R. No. 278353, July 25, 2025

Ponente: LEONEN, SAJ.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-278353/>

LEONEN, SAJ.:

The process of impeachment is a constitutional and therefore legal process that takes place within a political environment. That it is *sui generis* does not convert it to a purely political process isolated from the requirements of the Constitution as a whole.

The basic constitutional mandate is that public office is a public trust. Being a constitutional value, any process seeking accountability of our public officers must take place within the strict framework and procedure outlined in the Constitution. Those who participate in this process are as accountable to our people as those who are made the subject of impeachment.

This Court, regardless of the political result, will not evade its duty to declare when an act is done with grave abuse of discretion amounting to an excess of jurisdiction of any department, organ, or office.

Thus, we rule:

First, the impeachment process is primarily a legal and constitutional procedure but with political characteristics. It may be *sui generis*, but it is not a purely political proceeding. This means that the Bill of Rights, especially the due process clause and the right to speedy disposition of cases, applies to the entire impeachment process.

Second, considering the nature of the offices and the institutions that are subject to impeachment, its effect on the independence of constitutional departments and organs, and its nature as a constitutional process, all legal issues involving impeachment proceedings are subject to judicial review. While the Court does not determine when, who, and whether an impeachable officer may be removed and disqualified from political office, it has the duty to construe the process mandated by the Constitution.

Third, Article XI, Section 3(2) of the Constitution clearly requires that a verified impeachment complaint be immediately put in the Order of Business within 10 session days from its endorsement. Neither the secretary general nor the speaker of the House is granted by the Constitution any discretion to determine when this period commences. Neither does the House of Representatives have any discretion except to refer these matters to the proper committee within three session days. Within these periods, the House may opt to consolidate all impeachment complaints properly commenced and endorsed.

Obviously, sham complaints, for example, those that are not verified, should be dismissed immediately, even if endorsed. Complaints that are not properly endorsed by a member of the House of Representatives within a

reasonable period should also be dismissed. These types of dismissals will not trigger the one-year ban.

A session day, however, is not equivalent to a calendar day. It is a period that starts from a call to order until the session is adjourned, regardless of the passage of time.

Respondents were able to comply with Article XI, Section 3(2) by putting the three endorsed impeachment complaints in the Order of Business of the House of Representatives. However, since the 19[th] Congress terminated, the three impeachment complaints became unacted upon. Since these complaints were archived, they were effectively terminated and dismissed.

Fourth, the filing of the Articles of Impeachment under a different mode, namely Article XI, Section 3(4), is different from Article XI, Section 3(2). It is a separate and distinct mode of initiating an impeachment complaint. Therefore, it is already barred by Article XI, Section 3(5).

The one-year bar is reckoned from the time an impeachment complaint is dismissed or no longer viable.

Fifth, Article XI, Section 3(4) does not exist in isolation of the other provisions of the Constitution. Therefore, it is subject to the requirement of due process of law. Due process principles require that:

(1) The draft Articles of Impeachment or resolution should be accompanied by evidence when made available to the members of the House, especially those who are considering its endorsement;

(2) The evidence should be sufficient to prove the charges in the Articles of Impeachment;

(3) The draft Articles of Impeachment and their accompanying evidence should also be made available to all the members of the House of Representatives, and not only those who are being considered to endorse. Impeachment is an act of the entire House of Representatives which requires a qualified minority vote of only one-third of its members to be transmitted to the Senate. However, the House of Representatives is a deliberative assembly where each member should be allowed to represent the views of their constituents;

(4) The respondent should have had the opportunity to be heard on the draft Articles of Impeachment and the supporting evidence to prove the charges prior to the transmittal to the Senate and regardless of the number of members of the House of Representatives that have already endorsed;

(5) A reasonable period of time determined on the basis of the complexity of the charges must be given to all the members of the House of Representatives for them to reach their independent decision of whether or not to endorse an impeachment complaint. The determination of this period principally lies with the House of Representatives. However, the Court has the power to review whether this period is sufficient, but the petitioner should discharge the burden of overcoming regularity in the performance of their functions;

(6) The basis of any charge must be for impeachable acts or omissions committed in relation to their office and during the current term of the impeachable officer. For the president and vice president, these acts must be sufficiently grave amounting to the crimes described in Article XI, Section 3(1) or a betrayal of public trust given by the majority of the electorate. For the other impeachable officers, the acts must be sufficiently grave that they undermine and outweigh the respect for their constitutional independence and autonomy;

(7) At the very least, to accord the opportunity to be heard under the requirement of due process in the procedure under Article XI, Section 3(4), after the draft Articles of Impeachment and the required proof are arrived at:

(a)

The House of Representatives should provide a copy of this draft and its accompanying evidence to the respondent to give him/her an opportunity to respond within a reasonable period to be determined by the

House rules. The Constitution only requires an opportunity to be heard. It is up to the respondent to waive this fundamental right and opt to present his/her evidence at the Senate trial; and

(b)

The draft Articles of Impeachment, with its accompanying evidence, and the comment of the respondent, if any, should be made available to all the members of the House of Representatives. It is the House—not one-third of the House—that has the sole prerogative to initiate impeachment complaints. Thus, there must be some modicum of deliberation so that each member representing their constituents can be heard and thus convince others to their position. The transmittal however will only take place upon the qualified vote of one-third of the House.

Consequently, in this case, the Articles of Impeachment transmitted by the House of Representatives based upon the fourth impeachment complaint is barred by the one-year rule under Article XI, Section 3(5).

The Articles of Impeachment violated due process of law, as the draft and its accompanying evidence were not made available to the respondent, thereby denying her the opportunity to be heard by the members of the House of Representatives. The Articles of Impeachment, besides being barred, are also constitutionally infirm and therefore null and void ab initio.

Respondent Senate, therefore, did not acquire jurisdiction over the impeachment proceedings.

Our ruling does not absolve petitioner Duterte from any of the charges. Any ruling on the charges against her can only be accomplished through another impeachment process, followed by a trial and conviction by the Senate.

However, new impeachment complaints against the vice president, if any, initiated either through Article XI, Section 3(2) or Section 3(4) of the Constitution, can only be commenced in accordance with this Decision no earlier than February 6, 2026.

We explain.

The Case

Before this Court are Petitions for Certiorari and Prohibition under Rule 65 of the Rules of Court assailing the constitutionality of the fourth impeachment complaint filed against Vice President Sara Z. Duterte (Vice President Duterte), citing a violation of the one-year bar rule under the Constitution. The Petitions also challenge the impeachment complaint as having violated due process of law and the requirement for speedy disposition of cases.

On December 2, 2024, private individuals and various organizations, led by Teresita Quintos Deles, Fr. Flaviano Villanueva, and Gary Alejano, among others, filed an impeachment complaint against Vice President Duterte in the House of Representatives (first impeachment complaint).[1] The first impeachment complaint enumerated "24 articles, including allegations of graft and corruption, bribery and culpable violation of the Constitution, betrayal of public trust, and other high crimes." [2] It specifically accused Vice President Duterte of misuse and mishandling of public funds,[3] failure to oppose China's aggressive claims in the West Philippine Sea,[4] and alleged direct involvement in the extrajudicial killings perpetrated by the Davao Death Squad,[5] among others. The first impeachment complaint was endorsed by Representative Percival Cendeña of Akbayan Party-list.[6]

On December 4, 2024, another group of complainants led by the Bagong Alyansang Makabayan filed a second impeachment complaint against Vice President Duterte (second impeachment complaint),[7] focusing on the vice president's alleged misuse and mishandling of PHP 612.5 million in confidential funds,[8] accusing her of gross abuse of discretionary powers, and betrayal of public trust.[9] The second impeachment complaint was endorsed by Representatives France Castro of ACT Teachers Party-list, Arlene Brosas of Gabriela Party-list, and Raoul

Daniel Manuel of Kabataan Party-list.[10]

Subsequently, on December 19, 2024, a coalition of religious workers, lawyers, and civil society members, led by Father Antonio E. Labiao and Father Joel Saballa of the Diocese of Novaliches, and Carmelite priests Father Rico Ponce and Father Esmeraldo Reforeal, lodged another impeachment complaint against Vice President Duterte (third impeachment complaint).[11] The third impeachment complaint centered on allegations of plunder, graft, and corruption related to the vice president's handling of her confidential funds.[12] It was endorsed by Representatives Gabriel Bordado, Jr. of the Third District of Camarines Sur and Rep. Lex Anthony Cris Colada of AAMBIS--OWA Party-list.[13]

The three impeachment complaints were filed pursuant to Article XI, Section 3(2) of the Constitution, as implemented by Rule II, Section 2(b) of the Rules of Procedure in Impeachment Proceedings of the House of Representatives, 19th Congress (House Rules on Impeachment).[14] These provisions allow private citizens, upon a resolution or endorsement by any member of the House of Representatives, to file a verified complaint for impeachment against an impeachable officer.[15]

Despite the filing of the three impeachment complaints, the House of Representatives did not act on them nor refer them to the speaker of the House until February 5, 2025, when Secretary General Reginald Velasco (House Secretary Velasco) transmitted them to Speaker Ferdinand Martin Romualdez (House Speaker Romualdez).[16]

Under Article XI, Section 3(2) of the Constitution,[17] the verified complaint for impeachment should be included in the Order of Business within 10 session days from receipt and immediately referred to the House Committee on Justice[18] within three session days.[19]

On the same day, February 5, 2025, during the Congress' third and final Regular Session,[20] the members of the House were reportedly summoned to the Romualdez Hall for a "caucus," allegedly without being informed of its purpose or agenda.[21] During said caucus, members of the House filed another impeachment complaint against Vice President Duterte (fourth impeachment complaint),[22] pursuant to Article XI, Section 3(4), as implemented by the House Rules on Impeachment, Rule II, Section 2(c).[23] These provisions allow the filing of a verified impeachment of complaint by at least one-third of all the members of the House. Thereafter, the verified complaint "shall constitute the Articles of Impeachment, and trial by the Senate shall forthwith proceed." [24]

A total of 215 out of 306 members of the House of Representatives signed the fourth impeachment complaint.[25] The action exceeded the constitutional threshold of one-third vote of all the members of the House. Consequently, the fourth impeachment complaint constituted the Articles of Impeachment.[26]

The charges in the Articles of Impeachment included corruption for the alleged misuse of confidential intelligence funds,[27] an assassination threat against President Ferdinand Marcos, Jr.,[28] and incitement to insurrection and public disorder.[29]

At 4:47 p.m. of February 5, 2025, House Secretary Velasco transmitted the Articles of Impeachment to the Senate even without a plenary vote.[30] However, no formal action was taken by the Senate. The Senate adjourned its plenary session until June 2, 2025, without addressing the Articles of Impeachment. There were no objections raised between the filing of the motion to adjourn and the approval of the motion.[31]

On February 6, 2025, during the Kapihan sa Senado media briefing, Senate President Francis Escudero (Senate President Escudero) issued a public statement clarifying that the Senate cannot convene as an impeachment court during congressional recess to hear the complaints against Vice President Duterte as these were transmitted by the House only on the late afternoon of February 5, 2025.[32]

On February 7, 2025, an additional 25 members of the House signed the fourth impeachment complaint, bringing the total number of signatures to 240.[33]

During a radio interview with DWIZ on February 8, 2025, Senate President Escudero reiterated that the impeachment trial of Vice President Duterte cannot yet proceed and explained that if the impeachment complaint were included in the agenda of a special session, it would merely be discussed on the Senate floor.[34]

On February 10, 2025, Senate Secretary Renato Bantug, Jr. completed the checking of the signatures contained in the impeachment complaint and reported to Senate President Escudero that per visual inspection, it contained the wet ink signatures of 215 members of the House of Representatives. Senate President Escudero then announced during an official Senate press conference that copies of the Articles of Impeachment, including its annexes, had been distributed to all 23 senators and uploaded in the Senate website for public access.[35] He also explained that the Senate, acting as an impeachment court, must first establish its rules, issue summonses, and conduct pre-trial proceedings.[36]

On February 18, 2025, two separate Petitions for Certiorari and Prohibition were filed before this Court by Vice President Duterte and a group of lawyers led by Atty. Israelito P. Torreon (Torreon et al.), challenging the constitutionality of the fourth impeachment complaint. The separate Petitions were docketed as G.R. No. 278353 and G.R. No. 278359, respectively.[37]

On February 19, 2025, Senate President Escudero publicly announced the preparations being done by the Senate for the impeachment trial, including a mock set-up for the impeachment court, logistical and administrative preparations, such as the procurement of robes and arranging an ID system for guests and members of the prosecution and defense.[38]

On February 20, 2025, Senate Special Order No. 2025-015 was issued, providing for the organization of the administrative support to the Senate sitting as an impeachment court for the trial of Vice President Duterte. The Special Order designated both the impeachment court's clerk of court and support offices, outlined their respective functions, and authorized the secretary of the Senate to issue administrative orders, directives, and guidelines as may be necessary to implement it.[39]

On February 27, 2025, a Letter dated February 25, 2025 from Senate President Escudero to petitioner Vice President Duterte was circulated in several media outlets online.[40] The letter contained the steps being taken by the Senate to act as an impeachment court[41] and the timeline or calendar of the impeachment trial.[42]

In the meantime, the Senate reconvened on June 2, 2025, with only eight legislative session days remaining before Congress adjourns on June 13, 2025.[43]

On June 9, 2025, Minority Senators Aquilino "Koko" Pimentel III (Senator Pimentel) and Risa Hontiveros (Senator Hontiveros) "moved to suspend all legislative business and immediately convene the Senate as an impeachment court." Their motion was blocked by other senators who refused to vote on the matter.[44]

Senator Joel Villanueva suggested that only Senate President Escudero take his oath on that day, with the rest of the senators following on June 10. The Senate adopted this arrangement without resolving Senator Pimentel and Senator Hontiveros' motion to suspend all legislative business.[45]

Senate President Escudero thereafter took his oath as presiding officer of the Senate sitting as an impeachment court. The Senate then referred the Articles of Impeachment to the Committee on Rules chaired by Senator Francis Tolentino.[46]

On June 10, 2025, the Senate convened as an impeachment court.[47] Sitting as an impeachment court, the Senate

voted to return the impeachment case to the House of Representatives to clarify its constitutionality. The Senate justified the move by saying that the trial was not terminated per se, but only being sent back to the House to certify the lawfulness of how the Articles of Impeachment was constituted.[48]

On June 11, 2025, Vice President Duterte received the Articles of Impeachment and the writ of summons issued by the Senate impeachment court.[49]

On June 17, 2025, Vice President Duterte filed her Answer Ad Cautelam, where she maintained that the impeachment complaint should be declared void ab initio for violating the one-year ban rule under Article XI, Section 3(5) of the Constitution, the same argument she raised as petitioner before this Court.[50]

On July 8, 2025, this Court issued a Resolution,[51] directing all parties to respond to and submit the necessary documents under oath relating to the procedure employed by the Congress in handling the four impeachment complaint, as follows:

(a)

the status of the first three complaints filed by private citizens;

(b)

the exact date/s on which the complaints filed by the private citizens were endorsed by a member or members of Congress;

(c)

as to the complaints filed by private citizens, whether the secretary general possesses discretion on when to transmit to the speaker of the House of Representatives any impeachment complaint properly endorsed by a member or members of Congress;

(d)

as to the complaints filed by the private citizens, the basis and authority of the secretary general to refuse the transmittal of the complaints for impeachment to the speaker of the House of Representatives for inclusion in the Order of Business within 10 session days from the time it was properly endorsed by a member of the House of Representatives;

(e)

as to the complaints filed by the private citizens and regardless of the legal position of the respondents, the number of session days that lapsed from the time the complaints were properly endorsed by a member of the House of Representatives to its transmittal to the speaker of the House of Representatives and its inclusion in the Order of Business;

(f)

as to the Articles of Impeachment transmitted to the Senate, which office or committee prepared the draft of the Articles of Impeachment and when it was completed;

(g)

as to the Articles of Impeachment transmitted to the Senate, when it was circulated to the members of the House of Representatives and whether it was circulated to all the members of the House of Representatives;

(h)

as to the Articles of Impeachment transmitted to the Senate, when it was circulated to the members of the

House of Representatives, whether it was accompanied by the evidence for each Article charged or if there was a committee report for the information of the members to decide on whether to endorse or not;

(i)

as to the Articles of Impeachment transmitted to the Senate and as to the evidence supporting each and every Article, whether Vice President Sara Z. Duterte was given the opportunity to be heard on the evidence shared with the members of the House of Representatives;

(j)

as to the Articles of Impeachment transmitted to the Senate, whether each of the members of the House of Representatives had time to peruse the charges and the evidence before affixing their consent; and

(k)

as to the Articles of Impeachment transmitted to the Senate, when it was included in the Order of Business of the House of Representatives for consideration by the entire plenary.[52]

On July 16, 2025, respondent House of Representatives filed its Compliance.[53]

Hence, the two Petitions pending before this Court, both assailing the impeachment complaints filed against Vice President Duterte before the House of Representatives.

The Arguments of the Parties

In G.R. No. 278353, petitioner Vice President Duterte (petitioner Duterte) sought the issuance of a writ of certiorari to annul the fourth impeachment complaint for being unconstitutional.[54]

Petitioner Duterte submits that direct resort to this Court in its original jurisdiction is justified, stating that "most, if not all of [the] exceptions" in *Diocese of Bacolod v. Commission on Elections*[55] are present in this case. She asserts that the main issue to be resolved in the Petition is "novel and purely legal in nature." She also argues that the Petition involved a genuine issue of constitutionality as it aims to clarify the one-year bar rule under Article XI, Section 3(5) of the Constitution.[56]

She alleges that the House of Representatives, by deliberately freezing the first three impeachment complaints, effectively "acted" upon them, thereby triggering the one-year bar under Article XI, Section 3(5) of the Constitution.[57] She cites public statements by House Secretary Velasco as proof of the House's tacit decision. Petitioner Duterte claims that such inaction amounted to a grave abuse of discretion.[58] She further argues that the House had a mandatory duty under the Constitution to immediately refer the impeachment complaint to the House Committee on Justice[59] and that alleged inaction was intended to buy more time for the fourth impeachment complaint,"[ultimately] railroading the impeachment process." [60]

Petitioner Duterte further seeks the issuance of a temporary restraining order and a writ of preliminary injunction on the following grounds: (1) petitioner, in her capacity as the vice president, had the constitutional right not to be impeached more than once in span of a year;[61] (2) "there is an urgent need to prevent irreparable injury" since she will be subjected to a public trial despite the fourth impeachment complaint's fatal constitutional infirmity; and (3) there is no other plain, speedy, and adequate remedy for petitioner.[62]

On February 7, 2025, respondent House of Representatives, through the Office of the Solicitor General, filed its Comment.[63] Respondent maintains that "[i]mpeachment proceedings are a political exercise," and that pursuant to the political question doctrine, the Petition is beyond the ambit of this Court's power of judicial review.[64]

Even assuming that this Court may take jurisdiction, respondent argues that it is within its power to promulgate

impeachment rules such as introducing an "interim" step between the receipt of an impeachment complaint by the Secretary General and the running of the 10-day period. It argues that "[o]nly upon transmittal to the Speaker will the ten days found in the Constitution begin to run." [65] It insists that even though the constitutional provisions contained certain periods, there was room for Congress to adopt its own impeachment rules. [66]

Respondent claims that the filing and endorsement of the fourth impeachment complaint is not barred for the following reasons: (1) the first-to-file-rule was already rejected by this Court in *Francisco, Jr. v. House of Representatives*; [67] (2) none of the first three impeachment complaints were referred to the House Committee on Justice, which effectively ended the initiation process; [68] and (3) petitioner Duterte is estopped from questioning the freezing of the first three impeachment complaints for not immediately assailing it. [69]

On March 24, 2025, petitioner Duterte filed a Reply. [70] She counters that the issue in this case is justiciable and not falling under the political question doctrine since the Constitution did not envision an unrestrained power in the concept of separation of powers. She insists that administrative or executive acts shall only be valid as long as they are not contrary to the Constitution or the laws, unlike what respondent did in this case when it introduced the so-called interim step, [71] when the Constitution clearly stated the period. [72]

Petitioner Duterte also argues that the promulgation of rules on impeachment was mandated by the Constitution in order to "effectively carry out the purpose of Section 3, Article XI." [73] She posits that this "necessarily includes strict observance not only of the periods, [but also] of the other constitutionally imposed limitations." [74] She contends that if respondent is allowed this unrestrained discretion, "it will open the floodgates to an arbitrary exercise of a power by members of a political branch, who are, undeniably, partisan." [75]

In G.R. No. 278359, petitioners *Torreon et. al* likewise assail the constitutionality of the fourth impeachment complaint. [76] They echo petitioner Duterte's argument that the deliberate nonreferral of the first three impeachment complaints to the House Committee on Justice circumvents the one-year bar rule on impeachment proceedings, thus unconstitutional. [77]

Preliminarily, petitioners *Torreon et. al* argue that their Petition satisfies all the requisites for judicial review. [78] First, they contend that when the House of Representatives violates constitutional provisions, either through its conduct or its rules, the issue becomes constitutional and thus falls within this Court's power of judicial review. [79] They further assert that "the main issue is whether, in initiating the fourth [i]mpeachment [c]omplaint, the House [violated] Article XI, Section 3(4)," a matter that requires an interpretation of the Constitution and falls squarely within this Court's jurisdiction. [80]

Second, they claim legal standing not only as Filipino citizens but as registered voters representing the 32 million Filipinos who voted for the vice president, challenging the unconstitutional impeachment complaint that "seeks to invalidate the [people's] democratic mandate." [81] They additionally assert that as taxpayers, they have the standing to challenge the allocation and expenditure of public funds for a proceeding arising from a defective and unconstitutional impeachment complaint. [82] They also invoke standing as members of the Philippine Bar who have the duty to uphold and defend the rule of law. [83] Finally, they contend that even assuming that they lacked standing, this Court should relax the rule on legal standing as this case is one of transcendental importance. [84]

On the merits, petitioners *Torreon et al.* argue that the fourth impeachment complaint lacked proper verification. It pointed out that there were no affidavits or separate pages that contained the verification of all 215 members of the House who supposedly signed the complaint. Consequently, petitioners *Torreon et al.* argue that this should be deemed an unsigned pleading. [85] This indicates that the signatories failed to "personally [examine] the factual allegations and [failed to] attest to their truthfulness based on their personal knowledge or authentic records." [86] Petitioners *Torreon et al.* assert that the verification defect "is not a mere technicality, but a substantial and

jurisdictional flaw that deprives the impeachment complaint of constitutional legitimacy." [87]

Petitioners further note that prior to the signing of the fourth impeachment complaint, many, if not all, of the members of the House of Representatives called to the caucus were unaware of it beforehand. Petitioners also claim that the fourth impeachment complaint against Vice President Duterte was only introduced as an Additional Reference of Business at 3:37 p.m. They contend that these indicate "a coordinated but last-minute effort to secure votes." [88] Petitioners also raise the concern that the motion to immediately endorse the impeachment complaint to the Senate after the 1/3 vote had been secured was met with no objections, with the Articles of Impeachment being transmitted on the same day at 5:49 p.m. [89] They point out that given the voluminous records and the members signed the fourth impeachment complaint in a mere number of hours, "each member had only about 1.4 minutes to read, understand and verify the complaint," which is "not enough time for a meaningful review." [90]

According to petitioners, these circumstances violate the vice president's right to due process under the Constitution. [91] They emphasize that "[t]he impeachment process, though political in nature, must still adhere to due process requirements." They point out that the vice president was not given prior notice [92] and other members of the House were deliberately excluded. [93] They further state that it remains unsettled whether members of the House are required to determine the sufficiency in form and substance of the impeachment complaint or determine the existence of probable cause before signing. Hence, they posit that this issue on due process is now ripe for this Court's judicial determination. [94]

Petitioners strongly oppose the impeachment proceedings because of the due process violation committed by respondent House, "[c]ompromising" the integrity of the impeachment process [and] reducing it to a political maneuver rather than a constitutional exercise of accountability." [95]

On March 24, 2025, respondents, through the Office of the Solicitor General, filed their Comment and requested for this Court to exercise judicial restraint. [96] First, it argues that an impeachment case is a fundamentally political process within the Congress' constitutional duty to uphold public accountability. As such, this Court should not exercise its power of judicial review for a determination of the facts and evidence in the impeachment case would unnecessarily encroach in the operations of its co-equal branch. [97]

Respondents also counter that contrary to petitioners' claim, the fourth impeachment complaint satisfied all the constitutional and procedural requirements, both in form and in substance. [98] Respondents further explain that petitioners' reliance on the issue of verification is demonstrably false and a "blatant misrepresentation of its text." [99] They posit that the argument on the authenticity of signatures were unsupported by evidence and amount to mere speculation. [100]

Respondents likewise vehemently deny any violation of the vice president's right to due process. They argue that petitioners' arguments are misplaced as impeachment does not implicate life, liberty, or property; they emphasized that public office is not a vested right but a public trust. [101] Thus, the due process clause cannot shield an impeachable officer through constitutionally prescribed political processes. They also argue that the vice president will be afforded full opportunity to respond to the charges during trial before the Senate sitting as an impeachment court. [102] They also pointed out that for this Court to adjudicate this matter would constitute judicial overreach. [103]

On April 2, 2025, petitioners filed a Reply. [104] Petitioners concede that impeachment is a political process but maintained that "it is not wholly insulated from judicial scrutiny" [105] especially when constitutional boundaries are transgressed. [106] They also counter that while their Petition points to several factual circumstances, the issues that they posed for this Court's resolution are legal questions thus: (a) the one-year bar rule; (b) the due process rights of an impeachable officer during impeachment proceedings; and (c) the constitutional requirement

of verification for impeachment complaints.[107]

On May 27, 2025, petitioners filed a Supplemental Reply.[108] Petitioners submitted new pieces of evidence, allegedly showing more members of the House admitting through public statements[109] that they signed the fourth impeachment complaint under duress and with due consideration with regard to their "infrastructure projects, budget allocations, or political protection." [110]

Still unsatisfied, petitioners once again filed a Supplemental Petition on June 10, 2025, and mainly argued the lack of jurisdiction of the 20[th] Congress.[111] Petitioners Torreon et. al argue that the 20[th] Congress cannot resume the 19[th] Congress' unresolved trial as it is "an unconstitutional usurpation of jurisdiction, [violative of] the principle of legislative discontinuity and [undermines] the integrity of the impeachment process." [112] It contends that the Senate's "sole power to try and decide all cases of impeachment" under the Constitution is not inherent, but is a "limited and temporary adjudicatory jurisdiction." [113]

Petitioners contend that upon the 19[th] Congress' adjournment on June 13, 2025, and the Senate is reconstituted, the legal authority of the Senate of the 19[th] Congress to act on the impeachment case is legally dissolved. They argue that its jurisdiction cannot carry over into the next Congress since this was not explicitly mentioned in the Constitution.[114]

Petitioners further argue that the principle of legislative discontinuity, well-settled by this Court in several cases, is "intrinsic to the structure of Congress" and requires "[all] bills, resolutions, or unfinished matters not expressly saved by law or constitutional provision automatically lapse with the termination of the congressional term." [115] Hence, they contend that "once the 19[th] Congress lapses, the jurisdiction of its Senate to try the impeachment case lapses with it." [116] The window time to try the impeachment case against Vice President Duterte, then, becomes very limited and "is grossly insufficient to conduct a full, fair, and impartial impeachment trial consistent with [constitutional guarantees of due process]." [117]

Petitioners also reiterate the constitutional infirmities with the fourth impeachment complaint, making it null and void.[118] They also emphasize anew how the impeachment complaint violated Vice President Duterte's right to due process for failure to inform her of its contents prior to its filing.[119]

In response to this Court's July 8, 2025 Resolution requiring the parties to provide additional information, respondents House of Representatives filed a Compliance.[120] They initially clarified that while they maintain it is within their power "to introduce intermediate steps between the filing . . . and the inclusion thereof in the House's Order of Business," the steps provided in their Rules comply with the Constitution.[121]

Respondent House further state that the submission of the fourth impeachment complaint to the plenary on February 5, 2025 mooted the first three impeachment complaints. Accordingly, they archived the first three complaints.[122]

Citing *Gutierrez v. House of Representatives*, [123] respondent House emphasizes that there is no requirement for the Secretary General to transmit the impeachment complaints on the same day of filing and endorsement, as *Gutierrez* "[cautioned] against senseless haste in the House's disposition of impeachment complaints." [124] Respondent House affirms that "the Secretary General has no discretion to . . . refuse transmittal to the Speaker of the House," but explain that all four impeachment complaints were transmitted to the House Speaker on February 5, 2025, as reflected in House Journal No. 36.[125] They firmly assert that the first three impeachment complaints were transmitted within the prescribed 10-day period from their respective filing and endorsement: (1) the first impeachment complaint on the 10[th] session day; (2) the second impeachment complaint on the 9[th] session day; and (3) the third impeachment complaint on the 7[th] session day.[126] They further clarify that calendar

days are not the same as session days, explaining that one session day may span more than one calendar day, "when the session is only suspended, and not adjourned, at the end of a calendar day." [127]

Respondent House confirms that petitioner Duterte was not given the opportunity to be heard on the evidence submitted in support of the Articles of Impeachment, but insists that the Constitution does not require that the impeachable officer be afforded an opportunity to be heard prior to the transmittal of the Articles of Impeachment to the Senate. [128]

Respondent House declines to respond to inquiries pertaining to the preparation, circulation, and perusal of each member of the impeachment complaints, asserting that these are matters internal to the Congress and beyond this Court's jurisdiction, pursuant to the doctrine of separation of powers under the Constitution. [129] Nevertheless, they submit a copy of Resolution No. 328, which they submitted to the Senate Impeachment Court on June 25, 2025, affirming the regularity and validity of the fourth impeachment complaint. [130]

Finally, respondent House submits that the issues raised in this Court's July 8, 2025 Resolution pertain to factual matters that may be appropriately addressed during the trial before the Senate Impeachment Court. [131]

The Issues Before This Court

The issues for this Court to resolve are as follows:

(1)

Whether the nature of impeachment proceedings allow this Court to exercise its power of judicial review under Article VIII, Section 1 of the Constitution;

(2)

Whether the nature of impeachment proceedings is a legal and constitutional procedure that can be subject of this Court's expanded power of judicial review;

(3)

With respect to the procedure outlined in Article XI, Section 3(2) of the Constitution:

a.

Whether the House of Representatives complied with the requirement to refer the three impeachment complaints to the proper committee within three session days from the time they were put in the agenda; and

b.

Whether the transmittal of the fourth impeachment complaint to the Senate tolled the constitutional period for the referral of the three impeachment complaints to the proper committee;

(4)

Whether the House of Representatives committed grave abuse of discretion when it verified the fourth impeachment complaint and transmitted the Articles of Impeachment to the Senate; and

(5)

Whether the fourth impeachment complaint is unconstitutional, in that:

a.

Whether Congress' inaction on the first three impeachment complaints violated the one-year bar rule under Article XI, Section 3(5) of the Constitution; and

b.

Whether the fourth impeachment violated Vice President Duterte's constitutional right to due process and speedy disposition of cases under Article III of the Constitution.

I

Judicial Power and Justiciability

These cases are within the jurisdiction of this Court. They do not present any complicated issue relating to their justiciability. Respondents however misunderstand the concept of judicial restraint and/or the idea of "political questions."

The Constitution grants this Court the power to determine grave abuse of discretion on any branch or instrumentality of government, even of its co--equal branches, under its expanded certiorari jurisdiction. Article VIII, Section 1, Paragraph 2 states:

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 the Government. (Emphasis supplied)

For this Court to exercise its power of judicial review, the controversy must not only be within the jurisdiction of the Court, they must also be justiciable.

In *The Provincial Bus Operators Association of the Philippines v. Department of Labor and Employment*:^[132]

As a rule, "the constitutionality of a statute will be passed on only if, and to the extent that, it is directly and necessarily involved in a justiciable controversy and is essential to the protection of the rights of the parties concerned." A controversy is said to be justiciable if: first, there is an actual case or controversy involving legal rights that are capable of judicial determination; second, the parties raising the issue must have standing or locus standi to raise the constitutional issue; third, the constitutionality must be raised at the earliest opportunity; and fourth, resolving the constitutionality must be essential to the disposition of the case.^[133] (Citations omitted)

We discuss the application of all these elements of justiciability.

I.A

Actual Case and Actual Controversy is Present

There is an actual case or controversy when the petition is "one that involves a conflict of legal rights, an assertion of opposite legal claims susceptible of judicial resolution."^[134]

In its most traditional, core, and thick version, having an actual case or controversy means that the issues presented must be "definite and concrete, touching on the legal relations of parties having adverse legal interests."^[135] There should exist actual facts that will enable this Court to intelligently. adjudicate on the issues presented.^[136]

The existence of actual facts is not controverted. This is a case where there is not only a showing of contrariety of legal rights, but one where there has already been direct, personal, and substantial injury on the part of the petitioner.

In recent cases, the Court clarified that in its exercise of its extraordinary jurisdiction, there can also be an actual case and controversy when there is a clear and convincing showing of a contrariety of legal rights.^[137]

Thus, in *Belgica v. Ochoa*:^[138]

Jurisprudence provides that an actual case or controversy is one which "involves a conflict of legal rights, an assertion of opposite legal claims, susceptible of judicial resolution as distinguished from a hypothetical or abstract difference or dispute." In other words, "[t]here must be a contrariety of legal rights that can be interpreted and enforced on the basis of existing law and jurisprudence."^[139]

Calleja v. Executive Secretary^[140] explains the contrariety of legal rights as one:

. . . that can be interpreted and enforced on the basis of existing law and jurisprudence. Corollary thereto, the case must not be moot or academic, or based on extra-legal or other similar considerations not cognizable by a court of justice. All these are in line with the well-settled rule that this Court does not issue advisory opinions, nor does it resolve mere academic questions, abstract quandaries, hypothetical or feigned problems, or mental exercises, no matter how challenging or interesting they may be. Instead, case law requires that there is ample showing of prima facie grave abuse of discretion in the assailed governmental act in the context of actual, not merely theoretical, facts.^[141]

In *Universal Robina Corp. v. DTI*,^[142] this Court clarified that judicial review is proper only when a "clear and convincing contrariety of rights" exists, referring to a genuine, substantial conflict between legally enforceable rights or obligations.^[143]

In *Executive Secretary Mendoza v. Pilipinas Shell Petroleum Corp.*,^[144] the Court explained that to establish a contrariety of legal rights, a party must do more than allege conflicting interests. They must show that the law is so incompatible with their rights that no saving interpretation would render it constitutional:

[I]n asserting a contrariness of legal rights, merely alleging an incongruence of rights between the parties is not enough." The party availing of the remedy must demonstrate that the law is so contrary to their rights that there is no interpretation other than that there is a breach of rights. No demonstrable contrariness of legal rights exists when there are possible ways to interpret the provision of a statute, regulation, or ordinance that will save its constitutionality.^[145]

Lagman v. Executive Secretary Ochoa^[146] reiterated that an actual case or controversy exists when there is a "conflict of legal rights, an assertion of opposite legal claims susceptible of judicial resolution"^[147] and that "it requires the existence of actual facts where there is a real conflict of rights and duties."^[148] Consistent with this,

the Court affirmed its authority to exercise judicial review is not confined to "actual cases," but also extends to "actual controversies," situations involving a clear and compelling demonstration of contrariety of legal rights, and where a determination on the constitutionality of a government act is necessary.[149]

A party challenging the government act must establish the existence of an actual case by either (a) presenting actual facts proving direct injury, or (b) demonstrating a clear and convincing contrariety of rights.[150] These fall under an as-applied challenge, where courts assess whether an actual case or controversy exists by examining the facts and allegations of unconstitutionality as applied to the petitioner. This requirement ensures that "the act being challenged has had a direct adverse effect on the individual challenging it." [151] As such, the pleading must allege that the petitioner has "sustained or is immediately in danger of sustaining some direct injury as a result of the act complained of." [152]

Where an as-applied challenge is unavailable or insufficient, a party may resort to a facial challenge. Unlike an as-applied challenge, which requires a party to assert a violation of their own rights based on specific facts and circumstances,[153] a facial challenge allows for the review of the constitutionality of the law where "the constitutional violation is visible on the face of the statute," [154] even without the need for specific facts.

In *IDEALS, Inc. v. Senate*, [155] the Court explained the nature and the limited application of facial review:

A facial review has been characterized as "an examination of the entire law, pinpointing its flaws and defects, not only on the basis of its actual operation to the parties, but also on the assumption or prediction that its very existence may cause others not before the court to refrain from constitutionally protected speech or activities."

By asserting a facial challenge, a litigant must show that "a statute is invalid on its face as written and authoritatively construed," measured against the Constitution, without need to look at the facts of a case. "The inquiry uses the lens of relevant constitutional text and principle and focuses on what is within the four corners of the statute, that is, on how its provisions are worded. The constitutional violation is visible on the face of the statute." [156]

The use of facial review of a government act, or the requirement of actual controversy rather than actual facts, is allowed in three specific instances, as outlined in *Universal Robina Corporation*:

First, in cases involving freedom of expression and its cognates, a facial challenge of a law may be allowed. This contemplates cases where a law: (1) exerts prior restraint on free speech; and (2) is overbroad, creating a chilling effect on free speech. Thus, where no chilling effect is alleged, courts should exercise judicial restraint.

Thus, in *Calleja*, despite the absence of actual facts, a facial review of the law was permitted because the petitioners sufficiently raised "concerns regarding the freedom of speech, expression, and its cognate rights." This Court held: As such, the petitions present a permissible facial challenge on the ATA in the context of the freedom of speech and its cognate rights — and it is only on these bases that the Court will rule upon the constitutionality of the law In fact, the Court is mindful that several of the petitioners have already come under the operation of the ATA as they have been designated as terrorists.

Second, judicial review is also proper, despite no actual facts, when a violation of fundamental rights is involved — one so egregious or so imminent that judicial restraint would mean that such fundamental rights would be violated. In *Parcon-Song v. Parcon*, this Court explained:

The violation must be so demonstrably and urgently egregious that it outweighs a reasonable policy of deference in such specific instance. The facts constituting that violation must either be uncontested or established on trial. The basis for ruling on the constitutional issue must also be clearly alleged and traversed by the parties. Otherwise, this Court will not take cognizance of the constitutional issue, let alone rule on it.

"Egregiousness" pertains to how prevalent such violations of fundamental rights would be. They should be so

widespread that virtually any citizen, properly situated, could raise the issue. An example of a law with such wide coverage was ruled upon in *Samahan ng mga Progresibong Kabataan v. Quezon City*, which reviewed curfew ordinances issued by the local governments of Quezon City, Manila, and Navotas.

Not all constitutional questions are susceptible to fall under this exception. Questions involving the allocation of power among the different branches of government, those pertaining to the constitutional framework of the Philippine economy, and those relating to the amendment and revision of the Constitution are such that this Court can and should exercise judicial restraint. Such questions can await an actual case to be properly threshed out and decided by courts.

Third[,] judicial review is proper, despite no actual facts, when it involves a constitutional provision invoking emergency or urgent measures, and such review can potentially be rendered moot by the transitoriness of the emergency. Thus, the questioned action would be capable of repetition, yet because of the transitoriness of the emergency involved, would evade judicial review and not allow any relief. Under such circumstances, this Court may provide controlling doctrine over the provision.[157] (Emphasis in the original, citations omitted)

In *Falcis v. Civil Registrar*,[158] the Court however reminded that a facial challenge is a "manifestly strong medicine," that must be used sparingly and only as a last resort. Those who assert such a challenge must bear the burden "to prove that the narrowly drawn exception for an extraordinary judicial review of such statute or regulation applies." [159] This cautious approach reflects the Court's duty to exercise restraint in constitutional adjudication and its respect for the presumption of validity accorded to government acts. It also ensures that the Judiciary does not overstep its role by prematurely invalidating statutes without the benefit of a concrete, fact-based controversy.

The requirement of an actual case or controversy is closely linked to the requirement that the issues be ripe for this Court's determination. In *Belgica v. Ochoa*: [160]

Related to the requirement of an actual case or controversy is the requirement of "ripeness," meaning that the questions raised for constitutional scrutiny are already ripe for adjudication. "A question is ripe for adjudication when the act being challenged has had a direct adverse effect on the individual challenging it. It is a prerequisite that something had then been accomplished or performed by either branch before a court may come into the picture, and the petitioner must allege the existence of an immediate or threatened injury to itself as a result of the challenged action." "Withal, courts will decline to pass upon constitutional issues through advisory opinions, bereft as they are of authority to resolve hypothetical or moot questions." [161] (Citations omitted)

For a controversy to be considered ripe for judicial determination, the issues raised must not be conjectural or anticipatory. This Court's decision must not amount to a mere advisory opinion on a particular legislative or executive action. In *Angara v. Electoral Commission*: [162]

[T]his power of judicial review is limited to actual cases and controversies to be exercised after full opportunity of argument by the parties, and limited further to the constitutional question raised or the very *lis mota* presented. Any attempt at abstraction could only lead to dialectics and barren legal questions and to sterile conclusions unrelated to actualities. Narrowed as its function is in this manner, the judiciary does not pass upon questions of wisdom, justice or expediency of legislation. More than that, courts accord the presumption of constitutionality to legislative enactments, not only because the legislature is presumed to abide by the Constitution but also because the judiciary in the determination of actual cases and controversies must reflect the wisdom and justice of the people as expressed through their representatives in the executive and legislative departments of the governments. [163]

This Court has long held that questions on impeachment proceedings are justiciable, especially when it involves

the determination of the metes and bounds of constitutional powers conferred on political bodies or when there is an allegation of violation of fundamental rights.

In *Tañada v. Angara*:^[164]

In seeking to nullify an act of the Philippine Senate on the ground that it contravenes the Constitution, the petition no doubt raises a justiciable controversy. 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 judiciary 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."^[165] (Citations omitted)

Francisco, Jr. v. House of Representatives^[166] precisely states that where there is a question as to the allocation of constitutional powers, this Court will not shirk from its responsibility of resolving the issues raised before us:

This Court did not heed the call to adopt a hands-off stance as far as the question of the constitutionality of initiating the impeachment complaint against Chief Justice Davide is concerned. To reiterate what has been already explained, the Court found the existence in full of all the requisite conditions for its exercise of its constitutionally vested power and duty of judicial review over an issue whose resolution precisely called for the construction or interpretation of a provision of the fundamental law of the land. What lies in here is an issue of a genuine constitutional material which only this Court can properly and competently address and adjudicate in accordance with the clear-cut allocation of powers under our system of government. Face-to-face thus with a matter or problem that squarely falls under the Court's jurisdiction, no other course of action can be had but for it to pass upon that problem head on.

The claim, therefore, that this Court by judicially entangling itself with the process of impeachment has effectively set up a regime of judicial supremacy, is patently without basis in fact and in law.

This Court in the present petitions subjected to judicial scrutiny and resolved on the merits only the main issue of whether the impeachment proceedings initiated against the Chief Justice transgressed the constitutionally imposed one-year time bar rule. Beyond this, it did not go about assuming jurisdiction where it had none, nor indiscriminately turn justiciable issues out of decidedly political questions. Because it is not at all the business of this Court to assert judicial dominance over the other two great branches of the government. Rather, the *raison d'être* of the judiciary is to complement the discharge by the executive and legislative of their own powers to bring about ultimately the beneficent effects of having founded and ordered our society upon the rule of law.^[167]

In taking cognizance of this case, this Court does not assert dominance over its co-equal bodies. This Court merely interprets strict provisions of the Constitution, over which derives all sovereign will. It is within this Court's constitutional power to determine whether grave abuse of discretion amounting to lack or excess of jurisdiction has been committed by any branch or instrumentality of government and exercise corrective measures in order to uphold the supremacy of the fundamental law.

I.B

Legal Standing of the Parties

Despite the existence of an actual case or controversy, parties must also prove that they have legal standing to file the petition before this Court.

Legal standing is defined as "as a personal and substantial interest in the case such that the party has sustained or will sustain direct injury as a result of the governmental act that is being challenged."^[168] The party must prove "such personal stake in the outcome of the controversy as to assure that concrete adverseness which sharpens the

presentation of issues upon which the court depends for illumination of difficult constitutional questions." [169]

The standing of petitioner Duterte is clear. As the respondent of the impeachment complaint, she will sustain direct injury, that is, removal from office, as a result of the governmental act being challenged.

The Torreon Petition, however, claims legal standing not only as Filipino citizens but as registered voters representing the 32 million Filipinos who voted for petitioner Duterte, arguing that the impeachment complaint "seeks to invalidate the [people's] democratic mandate." [170] They likewise assert their standing as taxpayers to challenge the allocation and expenditure of public funds for a proceeding arising from an allegedly defective and unconstitutional impeachment complaint. [171]

In *Francisco, Jr.*, taxpayers suits are allowed when the petitioner claims that the assailed governmental act results in a wastage of public funds:

In the case of a taxpayer, he is allowed to sue where there is a claim that public funds are illegally disbursed, or that public money is being deflected to any improper purpose, or that there is a wastage of public funds through the enforcement of an invalid or unconstitutional law. Before he can invoke the power of judicial review, however, he must specifically prove that he has sufficient interest in preventing the illegal expenditure of money raised by taxation and that he would sustain a direct injury as a result of the enforcement of the questioned statute or contract. It is not sufficient that he has merely a general interest common to all members of the public.

At all events, courts are vested with discretion as to whether or not a taxpayer's suit should be entertained. This Court has opted to grant standing to most of the petitioners, given their allegation that any impending transmittal to the Senate of the Articles of Impeachment and the ensuing trial of the Chief Justice will necessarily involve the expenditure of public funds. [172] (Citations omitted)

If the impeachment proceedings are allowed to continue despite infringing on the Constitution, it will indeed result in the illegal disbursement of public funds. Thus, petitioners *Torreon et al.* have standing to question the constitutionality of the proceedings as taxpayers.

This Court, however, can only grant petitioners in *Torreon* with standing as a taxpayer and as a citizen. It cannot grant petitioners in the *Torreon* Petition standing on the basis of a class suit that they are among the 32 million who voted for petitioner Duterte.

Petitioner Duterte has already been validly elected as vice president. Petitioner in the *Torreon* Petition cannot claim any direct injury caused by her removal from public office through a constitutional process, simply because no part of this process involves their electoral rights or infringes on their right to suffrage. It does not likewise follow that any impeachable officer who wins the popular vote becomes immune from the impeachment process. Thus, petitioners cannot claim legal standing based on their alleged electoral disenfranchisement.

I.C

Ripeness and *Lis Mota*

Also crucial to the doctrine of justiciability in these consolidated cases are the requirements that the issue of constitutionality be raised at the earliest opportunity and that the constitutionality must be the very *lis mota* of the case.

Province of Sulu v. Medialdea [173] reiterated how to determine when the issue of constitutionality is raised at the earliest opportunity:

"[It] is not the date of filing of the petition that determines whether the constitutional issue was raised at the earliest opportunity. The earliest opportunity to raise a constitutional issue is to raise it in the pleadings before

a competent court that can resolve the same[.]”[174]

Further, as a rule, “this Court will not pass upon a constitutional question, although properly presented by the record, if the case can be disposed of on some other ground such as the application of a statute or general law.”[175] Thus, the petition must show that there can be no proper disposition of the case without passing upon the constitutionality of the law.[176]

Here, petitioners raised the constitutionality question at the earliest possible opportunity. Their petitions were timely filed before this Court which has the competent jurisdiction to resolve them. Specifically, the Torreon Petition challenges the constitutionality of the impeachment complaint, citing fatal procedural flaws and defects in its verification.[177] The Duterte Petition argues that the House of Representatives deliberately circumvented the one-year bar by directing its secretary general to allegedly “give more time to file the fourth impeachment complaint.”[178] Collectively, these petitions call into question the constitutionality of the impeachment process. In these consolidated cases, the constitutional question lies at the core of the controversy—it is the *lis mota*, the principal legal issue without which the case cannot be resolved.

I.D

No violation of the Hierarchy doctrine

While the doctrine of the hierarchy of courts generally bars litigants from bypassing lower courts, *Gios Samar, Inc. v. Department of Tourism*[179] reminds us that this is not merely a rule of policy but a constitutional safeguard. This Court explained that it is not a trier of facts and is ill-equipped to assess evidence in the first instance. As such, cases raising factual issues are better resolved by lower courts or regulatory agencies. It explained:

In fine, while this Court has original and concurrent jurisdiction with the RTC and the CA in the issuance of writs of certiorari, prohibition, mandamus, quo warranto, and habeas corpus (extraordinary writs), direct recourse to this Court is proper only to seek resolution of questions of law. Save for the single specific instance provided by the Constitution under Section 18, Article VII, cases the resolution of which depends on the determination of questions of fact cannot be brought directly before the Court because we are not a trier of facts. We are not equipped, either by structure or rule, to receive and evaluate evidence in the first instance; these are the primary functions of the lower courts or regulatory agencies. This is the *raison d'être* behind the doctrine of hierarchy of courts. It operates as a constitutional filtering mechanism designed to enable this Court to focus on the more fundamental tasks assigned to it by the Constitution. It is a bright-line rule which cannot be brushed aside by an invocation of the transcendental importance or constitutional dimension of the issue or cause raised.[180] (Citations omitted)

However, in *Diocese of Bacolod v. Commission on Elections*,[181] this Court enumerated recognized exceptions to the doctrine of the hierarchy of courts, which allow the direct invocation of this Court's jurisdiction under certain circumstances. These include: (1) genuine issues of constitutionality that must be addressed immediately; (2) issues of transcendental importance where fundamental constitutional rights are imminently and threatened; (3) matters of first impression where no controlling jurisprudence exists (4) constitutional questions more appropriately resolved by the Court; (5) cases involving urgency due to exigent circumstances where delay would defeat the purposed of the petition; (6) review of an act of a constitutional organ; or (7) lack of any other plain, speedy, and adequate remedy in the ordinary course of law; and (8) questions dictated by public welfare, advancement of public policy or broader interests of justice, where the challenged order orders are patent nullities, or appeal is inappropriate.

Gios Samar explained that the doctrine of transcendental importance was first invoked in *Araneta v. Dinglasan*,[182] where this Court prioritized resolving urgent constitutional questions, despite technical objections, due to their significant public impact. There, the Court ruled on the validity of presidential emergency

powers and upheld jurisdiction, even in the absence of clear legal standing, citing the need for a prompt resolution. Over time, this doctrine evolved beyond standing issues; in *Chavez v. Public Estates Authority*,^[183] it was used to justify bypassing lower courts and allowing direct recourse to this Court in cases of exceptional public importance, even in the absence of factual disputes.

The resolution of these Petitions is a matter of transcendental importance. The Petitions in these consolidated cases raise substantial constitutional questions arising from the impeachment complaint filed against Vice President Duterte. As the second-highest official, any move to subject her to impeachment carries both legal and institutional consequences.

Among the issues raised are whether the complaint met the constitutional requirement for verification, whether due deliberation was unduly bypassed, and whether the one-year bar under Article XI, Section 3(5) of the Constitution was effectively circumvented. These are not incidental matters. They delve into the core of the impeachment process, engaging the fundamental guarantees of due process and separation of powers. The proper resolution of these questions requires this Court's authoritative and final interpretation.

Until these constitutional concerns are addressed, legal uncertainty will persist. This uncertainty affects not only the vice president but also the integrity of a process intended to serve as a constitutional check on public officials. In proceedings of this nature, where the stakes involve both individual rights and the structure of our government, the applicable standards must be clearly understood and properly observed.

This Court, as the final arbiter of constitutional questions, is duty-bound to determine whether the actions of a co-equal branch of government fall within the bounds set by the Constitution. In the absence of settled precedent and given the far-reaching implications of the issues presented, this Court must exercise its constitutional mandate with clarity and prudence.

I.E

Judicial Review and

The Misconception regarding Political Questions

As previously discussed, impeachment is a *sui generis* constitutional proceeding that is primarily legal with political characteristics.

Republic v. Sereno^[184] elucidates the other aspects of impeachment proceedings as follows:

Impeachment is characterized as a *sui generis* proceeding that is both legal and political in nature. It is legal in the sense that like criminal cases, it requires basic evidentiary rules and due process. As in administrative proceedings, it results in the removal and disqualification of the official. It is political in the sense that it is used as "a constitutional measure designed to protect the State from official delinquencies and malfeasance, the punishment of the offender being merely incidental."^[185] (Emphasis supplied, citations omitted)

The legal nature of an impeachment proceeding brings it under the expanded certiorari jurisdiction of this Court under Article VIII, Section 1 of the Constitution, which states:

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. (Emphasis supplied)

This Court's expanded jurisdiction is exercised when there is grave abuse of discretion on any branch of the

government. Pascual v. Burgos[186] defines grave abuse of discretion as:

such capricious and whimsical exercise of judgment as is equivalent to lack of jurisdiction. The abuse of discretion must be grave as where the power is exercised in an arbitrary or despotic manner by reason of passion or personal hostility and must be so patent and gross as to amount to an evasion of positive duty or to a virtual refusal to perform the duty enjoined by or to act at all in contemplation of law.

Grave abuse of discretion refers not merely to palpable errors of jurisdiction; or to violations of the Constitution, the law and jurisprudence. It refers also to cases in which, for various reasons, there has been a gross misapprehension of facts.[187] (Emphasis supplied, citation omitted)

The expanded certiorari jurisdiction is not only a power but also a duty mandated by the Constitution. Santiago v. Guingona[188] clarifies that this Court respects the sovereign acts of a co-equal branch of the government, hence, it may not intervene in the internal affairs of the legislature. However, if the affairs are attended with grave abuse of discretion, they are no longer solely political. A breach of the Constitution is always justiciable.[189]

Santiago further explains:

While no provision of the Constitution or the laws or the rules and even the practice of the Senate was violated, and while the judiciary is without power to decide matters over which full discretionary authority has been lodged in the legislative department, this Court may still inquire whether an act of Congress or its officials has been made with grave abuse of discretion. This is the plain implication of Section 1, Article VIII of the Constitution, which expressly confers upon the judiciary the power and the duty not only "to settle actual controversies involving rights which are legally demandable and enforceable," but likewise "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."

Explaining the above-quoted clause, former Chief Justice Concepcion, who was a member of the 1986 Constitutional Commission, said in part. ". . . the powers of government are generally considered divided into three branches: the Legislative, the Executive and the Judiciary. Each one is supreme within its own sphere and independent of the others. Because of that supremacy[, the] power to determine whether a given law is valid or not is vested in courts of justice.

"Briefly stated, courts of justice determine the limits of power of the agencies and offices of the government as well as those of its officers. In other words, the judiciary is the final arbiter on the question whether or not a branch of government or any of its officials has acted without jurisdiction or in excess of jurisdiction, or so capriciously as to constitute an abuse of discretion amounting to excess of jurisdiction or lack of jurisdiction. This is not only a judicial power but a duty to pass judgment on matters of this nature.

"This is the background of paragraph 2 of Section 1, which means that the courts cannot hereafter evade the duty to settle matters of this nature, by claiming that such matters constitute a political question."[190] (Emphasis supplied, citations omitted)

In its Comment, the House of Representatives urged this Court to exercise judicial restraint to avoid encroaching on the constitutional domain of the legislature and violating the principle of separation of powers.[191]

Despite the justiciability of this controversy, respondents, through the Solicitor General, pleads for judicial restraint. In various parts of their pleadings, they also argue that the issues raised here by petitioner are political questions which are not subject to judicial inquiry.

They are gravely mistaken.

During our watch, and despite the perceived political repercussions by intrepid commentators, we have consistently taken the position that we will not evade our duty. We will not contribute to the weakening of the

power of judicial review inherent in a constitutional order.

There is a clear and demonstrable textual commitment in the Constitution for the Court to act on any grave abuse of discretion of any branch or instrumentality of government. This includes the House of Representatives or the Senate in their exercise of their prerogatives with respect to the process of impeachment. Grave abuse of discretion, from the provision, does not only mean actions without jurisdiction. It includes acts which originally may have been within their discretion but subsequently the subject of a violation of a Constitutional right. This is what is meant by "excess of jurisdiction."

Respondents imply that Article XI, Section 3(1) disables judicial review. Again, this is an inaccurate view of what the Constitution is all about. The provision they point to states:

The House of Representatives shall have the exclusive power to initiate all cases of impeachment.[192]

The proposition is that the grant of "exclusive power to initiate all cases of impeachment" negates any form of judicial review. In effect, they would highlight this provision to render invisible the power of judicial review in Article VIII, Section 1, the constitutional process and limitations required to initiate in Article XI, Section 3, and significantly, the application of the provisions in Article III, Section 1 in impeachment processes.

The further implication is that in the favored Article XI, Section 3 (1), when invoked by respondent House of Representatives, gives them the sole power to interpret the Constitution exclusive of this Court.

This is, at best, inaccurate. At its worse, it is a misleading position undermining the basic concepts of what the Judiciary is all about.

This Court does not decide whether and when to initiate a case of impeachment. However, the Court has the power to decide how the provisions which limit the exercise are to be interpreted.

In doing so, we cannot adopt the parochial view of limiting the exercise of the power to some chosen provisions. The Constitution operates as a whole. Every provision is interpreted in the context of all the relevant provisions in the fundamental law. Therefore, Article XI of the Constitution should be interpreted in relation to Article III and Article VIII.

In construing all the relevant provisions, this Court will give effect to accountability not in a selective manner. It will give effect to the power of impeachment but not amounting to grave abuse of discretion.

The second paragraph of Article VIII, Section 1 on the extraordinary jurisdiction of the Court to correct grave abuses of discretion has considerably reduced, if not totally eliminated, the pre-1987 Constitution concept of "political question."

Estrada v. Desierto[193] states in no uncertain terms that "the 1987 Constitution has narrowed the reach of the political question doctrine when it expanded the power of judicial review":

In the Philippine setting, this Court has been continuously confronted with cases calling for a firmer delineation of the inner and outer perimeters of a political question. Our leading case is Tanada v. Cuenco, where this Court, through former Chief Justice Roberto Concepcion, held that political questions refer "to those questions which, under the Constitution, are to be decided by the people in their sovereign capacity, or in regard to which full discretionary authority has been delegated to the legislative or executive branch of the government. It is concerned with issues dependent upon the wisdom, not legality of a particular measure." To a great degree, the 1987 Constitution has narrowed the reach of the political question doctrine when it expanded the power of judicial review of this court not only to settle actual controversies involving rights which are legally demandable and enforceable but also 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 government. Heretofore, the judiciary has focused on the "thou shalt not's" of the Constitution directed against the exercise of its jurisdiction. With the new provision, however, courts are given a greater prerogative to determine what it can do to prevent grave abuse of discretion amounting to lack or excess of jurisdiction on the part of any branch or instrumentality of government. Clearly, the new provision did not just grant the Court power of doing nothing. In sync and symmetry with this intent are other provisions of the 1987 Constitution trimming the so called political thicket. Prominent of these provisions is section 18 of Article VII which empowers this Court in limpid language to ". . . review, in an appropriate proceeding filed by any citizen, the sufficiency of the factual basis of the proclamation of martial law or the suspension of the privilege of the writ (of habeas corpus) or the extension thereof . . ."

. . . .

Needless to state, the cases at bar pose legal and not political questions. The principal issues for resolution require the proper interpretation of certain provisions in the 1987 Constitution, notably section 1 of Article II, and section 8 of Article VII, and the allocation of governmental powers under section 11 of Article VII. The issues likewise call for a ruling on the scope of presidential immunity from suit. They also involve the correct calibration of the right of petitioner against prejudicial publicity. As early as the 1803 case of *Marbury v. Madison*, the doctrine has been laid down that "it is emphatically the province and duty of the judicial department to say what the law is . . ." Thus, respondent's invocation of the doctrine of political is but a foray in the dark.[194] (Citations omitted)

Francisco likewise emphasizes that "the Constitution did not intend to leave the matter of impeachment to the sole discretion of Congress:"

There is indeed a plethora of cases in which this Court exercised the power of judicial review over congressional action. Thus, in *Santiago v. Guingona, Jr.*, this Court ruled that it is well within the power and jurisdiction of the Court to inquire whether the Senate or its officials committed a violation of the Constitution or grave abuse of discretion in the exercise of their functions and prerogatives. In *Tanada v. Angara*, in seeking to nullify an act of the Philippine Senate on the ground that it contravened the Constitution, it held that the petition raises a justiciable controversy and that when 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 judiciary to settle the dispute. In *Bondoc v. Pineda*, this Court declared null and void a resolution of the House of Representatives withdrawing the nomination, and rescinding the election, of a congressman as a member of the House Electoral Tribunal for being violative of Section 17, Article VI of the Constitution. In *Coseteng v. Mitra*, it held that the resolution of whether the House representation in the Commission on Appointments was based on proportional representation of the political parties as provided in Section 18, Article VI of the Constitution is subject to judicial review. In *Daza v. Singson*, it held that the act of the House of Representatives in removing the petitioner from the Commission on Appointments is subject to judicial review. In *Tanada v. Cuenco*, it held that although under the Constitution, the legislative power is vested exclusively in Congress, this does not detract from the power of the courts to pass upon the constitutionality of acts of Congress. In *Angara v. Electoral Commission*, it ruled that confirmation by the National Assembly of the election of any member, irrespective of whether his election is contested, is not essential before such member-elect may discharge the duties and enjoy the privileges of a member of the National Assembly.

Finally, there exists no constitutional basis for the contention that the exercise of judicial review over impeachment proceedings would upset the system of checks and balances. Verily, the Constitution is to be interpreted as a whole and "one section is not to be allowed to defeat another." Both are integral components of the calibrated system of independence and interdependence that insures that no branch of government act beyond the powers assigned to it by the Constitution.[195] (Citations omitted)

Being a constitutional process, the Constitution itself grants this Court the power to review whether the

proceedings conducted by the Legislative are within the limits provided by our fundamental law. The same instrument likewise grants this Court the power to invalidate any act which reaches beyond the constitutional boundaries, regardless of whether or not this act was done by a co-equal branch of government.

To clarify further: When used properly, impeachment is a tool for accountability. When abused, it is a tool for political retribution. It is only by compliance with the constitutional process that the proper balance between accountability and the ability of the public officers covered by impeachment to discharge their responsibilities can be respected.

Impeachment is not a chance to settle political scores. Both the House of Representatives and the Senate have a responsibility to treat the impeachment process with seriousness, not as a chance to go after personalities or political opponents, but as a constitutional tool to address specific acts of misconduct. Allegations like corruption demand careful, evidence-based scrutiny. This process was never meant to be a stage for political theater or personal attacks. It is about determining whether a public official has committed actions that truly rise to the level of impeachable offenses, as defined by the Constitution. When the focus shifts to the person rather than the alleged wrongdoing, the process loses its integrity, and impeachment risks becoming a blunt political weapon instead of a safeguard for public accountability.

We reiterate: Integrity is a constitutional imperative. But, it applies to the impeachable officers as well as those involved in the constitutional process of impeaching and convicting for constitutionally provided offenses done in a constitutionally required manner.

II

History and Nature of Impeachment

Understanding the exact nature of an impeachment proceeding within this jurisdiction requires an examination into its history and the impeachment cases that have come before this Court.

The history of impeachment has already been passed upon in prior cases, most recently in *Sereno*. An Opinion explains:

The history of impeachment enlightens us on the balance of values which have been considered in the removal of the class of public officers mentioned in Article XI, Section 2 of the Constitution.

Impeachment as a mode of removal of public officers was introduced in this jurisdiction through the 1935 Constitution. It was carried over from the American Constitution, which in turn, was carried over from English practice. In 14th century England, impeachment was used by Parliament to gain authority over the King's ministers who were thought to be above the law. The proceeding was widely used until the 19th century, when the doctrine of ministerial responsibility was established and the Parliament, with a mere vote of no confidence, could oust an erring official.

While it was virtually obsolete in England, the United Constitution adapted the proceeding as a "method of national inquest into the conduct of public men." The American Founding Fathers, however, were careful to distinguish their proceeding from that of the English. The English form of impeachment applied to any private citizen or commoner for treason or high crimes and to the high-born lords for any crime, and thus, was considered a criminal proceeding. The American form, however, narrowly restricted its applicability to only "the chief of state, members of the cabinet and those in the judiciary" and the impeachable offenses to "treason, bribery, or other high crimes and misdemeanors." Hence, the proceeding was treated differently from any other proceeding.[196] (Citations omitted)

Impeachment was introduced in our jurisdiction in the 1922 case of *In Re Horilleno*,^[197] which involved the removal of a judge. This Court described the process as "highly penal in character" and thus, governed by

ordinary criminal laws:

The grounds for removal of a judge of first instance under Philippine law are two: (1) Serious misconduct and (2) inefficiency. The latter ground is not involved in these proceedings. As to the first, the law provides that "sufficient cause" must exist in the judgment of the Supreme Court involving "serious misconduct." The adjective is "serious;" that is, important, weighty, momentous, and not trifling. The noun is 'misconduct;' that is, a transgression of some established and definite rule of action, more particularly, unlawful behavior or gross negligence by the public officer. The word "misconduct" implies a wrongful intention and not a mere error of judgment. For serious misconduct to exist, there must be reliable evidence showing that the judicial acts complained of were corrupt or inspired by an intention to violate the law, or were in persistent disregard of well-known legal rules.

The procedure for the impeachment of judges of first instance has heretofore not been well defined. The Supreme Court has not as yet adopted rules of procedure, as it is authorized to do by law. In practice, it is usual for the court to require that charges made against a judge of first instance shall be presented in due form and sworn to: thereafter, to give the respondent judge an opportunity to answer; thereafter, if the explanation of the respondent be deemed satisfactory, to file the charges without further annoyance for the judge; while if the charges establish a prima facie case, they are referred to the Attorney-General who acts for the court in conducting an inquiry into the conduct of the respondent judge. On the conclusion of the Attorney-General's investigation, a hearing is had before the court en banc and it sits in judgment to determine if sufficient cause exists involving the serious misconduct or inefficiency of the respondent judge as warrants the court in recommending his removal to the Governor-General.

Impeachment proceedings before courts have been said, in other jurisdictions, to be in their nature highly penal in character and to be governed by the rules of law applicable to criminal cases. The charges must, therefore, be proved beyond reasonable doubt.[198]

It was not until 1935 when the framers of the Constitution found it proper to enshrine the procedure in our fundamental law by adopting its American iteration:

ARTICLE IX. IMPEACHMENT

SECTION 1. The President, the Vice-President, the Justices of the Supreme Court, and the Auditor General, shall be removed from office on impeachment for, and conviction of, culpable violation of the Constitution, treason, bribery, or other high crimes.

In its original version, the National Assembly was given the sole power to impeach:

SECTION 2. The Commission on Impeachment of the National Assembly, by a vote of two-thirds of its Members, shall have the sole power of impeachment.

SECTION 3. The National Assembly shall have the sole power to try all impeachments. When sitting for that purpose the Members shall be on oath or affirmation. When the President of the Philippines is on trial, the Chief Justice of the Supreme Court shall preside. No person shall be convicted without the concurrence of three-fourths of all the Members who do not belong to the Commission on Impeachment.

In 1940, however, the provisions were amended when the form of legislature changed from unicameral to bicameral:

SECTION 2. The House of Representatives by a vote of two-thirds of all its Members, shall have the sole power of impeachment.

SECTION 3. The Senate shall have the sole power to try all impeachment. When sitting for that purpose, the Senators shall be on oath or affirmation. When the President of the Philippines is on trial, the Chief Justice of the Supreme Court shall preside. No person shall be convicted without the concurrence of three-fourths of all

the Members of the Senate.

The amendment emphasized the gravity of the impeachment procedure as a method of removing the highest government officials. Thus, the vote of two-thirds of the House of Representatives was required for an impeachment to proceed, while no less than the vote of three-fourths of the Senate was required to convict. Rather than placing the provision on impeachment within the powers of the Legislative, impeachment was given its own part of the Constitution, further emphasizing that impeachment was not just a mere legislative process, but a key aspect of checks and balances within the government structure.

The 1973 Constitution retained the process of impeachment despite reverting back to the unicameral system of legislature; however, it added an interesting provision:

ARTICLE XIII

Accountability of Public Officers

SECTION 1. Public office is a public trust. Public officers and employees shall serve with the highest degree of responsibility, integrity, loyalty, and efficiency, and shall remain accountable to the people.

For the first time, impeachment was seen as a measure of accountability for public officers, rather than just as a mere method of removal from public office.

The 1987 Constitution further expanded this concept and added additional safeguards before an official could be impeached. In its current form, the Constitution states:

ARTICLE XI

ACCOUNTABILITY OF PUBLIC OFFICERS

SECTION 1. Public office is a public trust. Public officers and employees must, at all times, be accountable to the people, serve them with utmost responsibility, integrity, loyalty, and efficiency; act with patriotism and justice, and lead modest lives.

SECTION 2. The President, the Vice-President, the Members of the Supreme Court, the Members of the Constitutional Commissions, and the Ombudsman may be removed from office on impeachment for, and conviction of, culpable violation of the Constitution, treason, bribery, graft and corruption, other high crimes, or betrayal of public trust. All other public officers and employees may be removed from office as provided by law, but not by impeachment.

SECTION 3. (1) The House of Representatives shall have the exclusive power to initiate all cases of impeachment.

(2) A verified complaint for impeachment may be filed by any Member of the House of Representatives or by any citizen upon a resolution of endorsement by any Member thereof, which shall be included in the Order of Business within ten session days, and referred to the proper Committee within three session days thereafter. The Committee, after hearing, and by a majority vote of all its members, shall submit its report to the House within sixty session days from such referral, together with the corresponding resolution. The resolution shall be calendared for consideration by the House within ten session days from receipt thereof.

(3) A vote of at least one-third of all the Members of the House shall be necessary either to affirm a favorable resolution with the Articles of Impeachment of the Committee or override its contrary resolution. The vote of each Member shall be recorded.

(4) In case the verified complaint or resolution of impeachment is filed by at least one-third of all the Members of the House, the same shall constitute the Articles of impeachment, and trial by the Senate shall forthwith proceed.

(5) No impeachment proceedings shall be initiated against the same official more than once within a period of one year.

(6) The Senate shall have the sole power to try and decide all cases of impeachment. When sitting for that purpose, the Senators shall be on oath or affirmation. When the President of the Philippines is on trial, the Chief Justice of the Supreme Court shall preside, but shall not vote. No person shall be convicted without the concurrence of two-thirds of all the Members of the Senate.

(7) Judgment in cases of impeachment shall not extend further than removal from office and disqualification to hold any office under the Republic of the Philippines, but the party convicted shall nevertheless be liable and subject to prosecution, trial and punishment according to law.

(8) The Congress shall promulgate its rules on impeachment to effectively carry out the purpose of this section.

Instead of stating that legislature had the "sole power to impeach" in the previous versions of the Constitution, the current Constitution states that the House of Representatives has the "exclusive power to initiate."

In the landmark case of *Francisco*, this Court was tasked to determine when a complaint was deemed initiated. Despite arguments that the issue was a political question, considering that it was a political body that was given the exclusive power by the Constitution, this Court proceeded to hold that a complaint was deemed initiated upon the filing and referral or endorsement to the House Committee on Justice, or by the filing of at least one-third of the members of the House.[199] This Court, in no uncertain terms, declared:

What lies in here is an issue of a genuine constitutional material which only this Court can properly and competently address and adjudicate in accordance with the clear-cut allocation of powers under our system of government. Face-to-face thus with a matter or problem that squarely falls under the Court's jurisdiction, no other course of action can be had but for it to pass upon that problem head on.

The claim, therefore, that this Court by judicially entangling itself with the process of impeachment has effectively set up a regime of judicial supremacy, is patently without basis in fact and in law.[200]

Impeachment, therefore, is not solely a political process. It is a *sui generis* constitutional process that is primarily legal, but with political characteristics.[201] Any interpretation regarding its procedures, grounds, and consequences must be read with the entirety of the Constitution. Decisions regarding whether to file Articles of Impeachment, or to acquit or convict must be based upon clear charges supported by sufficiently clear and convincing evidence.

Unlike cases decided by judges, it only so happens that the decision to impeach and remove an official is done by elected representatives in Congress. However, despite their being elected representatives, they are compelled by the Constitution to be impartial and decide to impeach or convict based only on the evidence, properly according the respondent all their rights under the same Constitution.

Impeachment is "a constitutional measure designed to protect the State from official delinquencies and malfeasance, the punishment of the offender being merely incidental." [202] It is political in the sense that the proceedings are left in the hands of politically-elected bodies: the House of Representatives, who has the exclusive power to initiate, and the Senate, which has the power to convict. While the institutions that have control over the proceedings are inherently political, the proceeding itself was designed by the Constitution to be nonpartisan. Thus, how an impeachment proceeding should be conducted is not dependent on the will of politicians or a majority of one-third of the House of Representatives, but rather based on the strict language of the Constitution.

"[I]mpeachment is primarily for the protection of the people as a body politic, and not for the punishment of the

offender." [203] Impeachment is a primarily legal process, in the sense that like administrative cases, it results in the removal of a public officer, and like criminal cases, it requires evidentiary rules and due process. [204]

Article XI, Section 3(2) of the Constitution states the two ways of filing an impeachment complaint. The first mode is by a "verified complaint" by a citizen or member of the House of Representatives, which should be included in the Order of Business and referred to the House Committee on Justice. The Committee shall conduct a hearing, and by a majority vote of the Committee members, shall submit its Report and its corresponding Resolution to the House to be calendared for deliberation. The House may then, by a vote of one-thirds of all its members, either affirm the Committee's Resolution or override it, as the case may be. The Resolution, if affirmed, shall constitute the Articles of Impeachment.

The second mode under Article XI, Section 3(4) is a "verified complaint or resolution" of impeachment filed by at least one-third of all the members of the House of Representatives.

Article XI, Section 3(8) likewise states that the House of Representatives may promulgate its own rules to effectively carry out these provisions. Thus, the Rules of Procedure in Impeachment Proceedings of the 19th Congress state:

SECTION 2. Mode of Initiating Impeachment. – Impeachment shall be initiated by the filing and subsequent referral to the Committee on Justice of: a. a verified complaint for impeachment filed by any Member of the House of Representatives; or

b. a verified complaint filed by any citizen upon a resolution of endorsement by any Member thereof; or

c. a verified complaint or resolution of impeachment filed by at least one-third (1/3) of all the Members of the House. [205]

If a verified complaint filed under Article XI, Section 3(2) is considered to be sufficient in form and substance, the House Committee on Justice, to whom the complaint is referred to, shall give notice to the respondent to answer the complaint:

SECTION 6. Notice to Respondents and Time to Plead. – If the committee finds the complaint sufficient in form and substance, it shall immediately furnish the respondent(s) with a copy of the resolution and/or verified complaint, as the case may be, with written notice that the respondent shall answer the complaint within ten (10) days from receipt of notice thereof and serve a copy of the answer to the complainant(s). No motion to dismiss shall be allowed within the period to answer the complaint.

The answer, which shall be under oath, may include affirmative defenses. If the respondent fails or refuses to file an answer within the reglementary period, the respondent is deemed to have interposed a general denial to the complaint. Within three (3) days from receipt of the answer, the complainant may file a reply, serving a copy thereof to the respondent who may file a rejoinder within three (3) days from receipt of the reply, serving a copy thereof to the complainant. If the complainant fails to file a reply, all the material allegations in the answer are deemed controverted. Together with their pleadings, the parties shall file their affidavits or counter-affidavits, as the case may be, with their documentary evidence. Such affidavits or counter-affidavits shall be subscribed before the Chairperson of the Committee on Justice or the Secretary General. Notwithstanding all the foregoing, failure to file an answer will not preclude the respondent from presenting evidence to support the defenses.

When there are more than one respondent, each shall be furnished with a copy of the verified complaint of a Member of the House or a copy of the verified complaint of a private citizen together with the resolution of endorsement thereof by a Member of the House of Representatives and a written notice to answer. In this case, reference to respondent in these Rules shall be understood as respondents. [206]

The House Rules likewise mandate that the Committee receive pleadings and other relevant evidence to assess the sufficiency of the grounds for impeachment, after which it shall schedule a hearing:

SECTION 7. Submission of Evidence and Memoranda. – After receipt of the pleadings, affidavits and counter-affidavits and relevant documents provided for in Section 6, or the expiration of the time within which they may be filed, the Committee shall determine whether the complaint alleges sufficient grounds for impeachment.

If it finds that sufficient grounds for impeachment do not exist, the Committee shall dismiss the complaint and submit the report required hereunder. If the Committee finds that sufficient grounds for impeachment exist, the Committee shall conduct a hearing. The Committee, through the Chairperson, may limit the period of examination and cross-examination by members of the Committee. The Committee shall have the power to issue compulsory processes for the attendance of witnesses and the production of documents and other related evidence.

Hearings before the Committee shall be open to the public except when the security of the State or public interest requires that the hearings be held in executive session.

After the submission of evidence, the Committee may require the submission of memoranda, after which the matter shall be submitted for resolution.[207]

The requirement, thus, of submission of evidence, the grant of time for respondent to answer the allegations, and the conduct of a hearing are vital components of Articles of Impeachment before it could be validly endorsed to the Senate.

A complaint under Article XI, Section 3(4), however, has a different mode of endorsement to the Senate:

SECTION 14. Endorsement of the Complaint/Resolution to the Senate. – A verified complaint/resolution of impeachment filed by at least one-third (1/3) of all the Members of the House shall constitute the Articles of Impeachment, and in this case the verified complaint/ resolution shall be endorsed to the Senate in the same manner as an approved bill of the House.

The complaint/resolution must, at the time of filing, be verified and sworn to before the Secretary General by each of the Members constituting at least one-third (1/3) of all the Members of the House.

The contents of the verification shall be as follows: "We, after being sworn in accordance with law, depose and state: That we are the complainants in the above-entitled complaint/resolution or impeachment; that we have caused the said complaint/resolution to be prepared and have read the contents thereof; and that the allegations therein are true of our own knowledge and belief on the basis of our reading and appreciation of documents and other records pertinent thereto.

" (Signature)[208]

While this does not state outright that the submission of evidence and the conduct of a hearing are required, the House Rules clearly state that the members who sign the complaint or resolution verified that: (1) they "have read the contents" of the complaint/resolution and (2) "the allegations therein are true of our own knowledge and belief on the basis of our reading and appreciation of documents and other records pertinent thereto." [209]

The required verification presupposes that any complaint or resolution filed under this manner had attached documents and other pertinent records to support its allegations. It is a basic rule that "[m]ere allegation is not an evidence." [210] By signing the Articles of Impeachment, the members of the House of Representatives verify under oath that they have not only read the complaint or resolution but have fully comprehended and appreciated

all the attached pieces of evidence to support each allegation. Otherwise, the complaint or resolution is considered an unverified complaint and therefore insufficient to initiate the process of impeachment.

This distinction is necessary due to the sui generis nature of impeachment proceedings. It is not to be invoked at the slightest provocation and is limited "only to the officials occupying the highest echelons of responsibility in our government." [211] It is considered "the most difficult and cumbersome mode of removing a public officer from office," [212] which must be done within the confines and mandates of the Constitution. In *Gonzales III v. Office of the President*: [213]

While the manner and cause of removal are left to congressional determination, this must still be consistent with constitutional guarantees and principles, namely: the right to procedural and substantive due process; the constitutional guarantee of security of tenure; the principle of separation of powers; and the principle of checks and balances.

In short, the authority granted by the Constitution to Congress to provide for the manner and cause or removal of all other public officers and employees does not mean that Congress can ignore the basic principles and precepts established by the Constitution. [214] (Citation omitted)

By its own Rules, the House of Representatives requires that before a verified complaint or resolution can be endorsed to the Senate, it must first comply with the basic constitutional right of due process. In order for this Court to determine if the House upheld the vice president's right to due process, the process of the House in endorsing its Articles of Impeachment must first be subjected to judicial review.

The importance of impeachment complaints, that it affects officials who have either been elected at large or whose independence and autonomy are to be jealously guarded, and to prevent future abuses of the process to settle political vendettas or leverage political negotiations, compels this Court to inquire into issues relating to impeachment with judicial review. Under this modality, this Court will examine (a) whether the constitutional process has been strictly followed; (b) whether the grounds for impeachment are those included in the enumeration in the Constitution and whether these acts are alleged to have been committed during the incumbency of the respondent; and (c) whether the fundamental rights of the respondent have been fully respected.

While the House of Representatives and the Senate are granted the power to promulgate rules for their various roles during the impeachment process, these rules should not contravene the mandates provided under the Constitution. Judicial review, therefore, means deference that is discerning, prudent, and circumspect.

Judicial inquiry is not meant to induce an acquittal but to ensure that the values enshrined by the Constitution are respected. It also seeks to preserve the balance between political departments and constitutional organs and, in the process, ensuring that the fundamental rights of respondents and the electorate are respected.

The design of the Constitution is that judicial review assures that it is only the gravest of offenses done by those in the highest echelons of government that can be the subject of offenses. Also, it is judicial review which will reduce the possibility that the impeachment process is used to settle political scores, to remove the temptation to indict dissenters who decide against the wishes of those in power or who are no longer with the current administration or have been seen to have acted against the political wishes of the majority in any chamber of the Legislative or even against the president.

In effect, judicial review ensures that impeachment is truly used to exact accountability and nothing else.

III

The Impeachment Process Under the Constitution;

Consequences of Removal from Office

The impeachment process was designed to serve as a check on public officials, who, unlike elected lawmakers, are shielded from the usual pressures of seeking reelection or maintaining public favor.

Consistent with this design, the Constitution lays down a specific system to ensure accountability at the highest levels of government, foremost among these tools is the process of impeachment. Impeachment is the "power of Congress to remove a public official for serious crimes or misconduct as provided in the Constitution." [215] It is a "proceeding exercised by the legislative, as representatives of the sovereign, to vindicate the breach of the trust reposed by the people in the hands of the public officer by determining the public officer's fitness to stay in the office." [216]

Article XI, Section 2 of the Constitution enumerates who the impeachable officers are:

SECTION 2. The President, the Vice-President, the Members of the Supreme Court, the Members of the Constitutional commissions, and the Ombudsman may be removed from office, on impeachment for, and conviction of, culpable violation of the Constitution, treason, bribery, graft and corruption, other high crimes, or betrayal of public trust. All other public officers and employees may be removed from office as provided by law, but not by impeachment.

The enumeration of impeachable public officers is exclusive. Only the president, the vice president, members of the Supreme Court, members of the Constitutional Commissions, and the Ombudsman may be removed through this process. All other public officers may be removed from office as provided by law, but not by impeachment. [217]

These public officers occupy positions of great constitutional significance and are entrusted with maintaining the independence of their respective offices. The Constitution provides certain protections to safeguard this independence and ensure the unimpeded performance of their duties. In this regard, the president is granted immunity from suit during their tenure, allowing them to fulfill the responsibilities of the office "without any hindrance or distraction, thereby giving their office and the country the undivided attention that they deserve." [218]

This protection, however, is not a license for abuse. This does not equate to impunity. Although the grounds for impeachment, namely culpable violation of the Constitution, treason, bribery, graft and corruption, other high crimes, or betrayal of public trust, [219] cover a wide range of conduct, they are not without limit. These grounds must be established through evidence, and the process must strictly follow the Constitution and the rules set for impeachment.

Francisco emphasized that "[a]lthough Section 2 of Article XI of the Constitution enumerates six grounds for impeachment, two of these, namely, other high crimes and betrayal of public trust, elude a precise definition. In fact, an examination of the records of the 1986 Constitutional Commission shows that the framers could find no better way to approximate the boundaries of betrayal of public trust and other high crimes than by alluding to both positive and negative examples of both, without arriving at their clear definition or even a standard therefor. Clearly, what constitutes betrayal of public trust and other high crimes calls for this Court to decide a non-justiciable political question which is beyond the scope of its judicial power under Section 1, Article VIII." [220]

In light of past experience, we modify and clarify the scope of judicial review in relation to the basis for impeachment.

III.A

Impeachable officers are not immune from liability for wrongdoing during their tenure; they are immune only from being subjected to suit or being removed by means other than impeachment.

Once a public officer is impeached and convicted, the judgment consists of removal from office and disqualification from holding any future public office.[221] This principle was reaffirmed in *Re: Letter of Mrs. Corona* requesting the grant of retirement and other benefits of the late former Chief Justice Corona,[222] where the Court reiterated that the effects of a judgment on an impeachment complaint extend no further than removal from office and disqualification from holding any public office.[223] In addition, it ruled that "by sharply distinguishing a criminal prosecution from an impeachment, the Framers [of the Constitution] had made it clear that impeachment is not the means intended to redress and punish offenses against the state, but rather a mere political safeguard designed to preserve the state and its system of laws from internal harm. Precisely, it was not crafted to mete out punishment." [224] Consistent with this view, this Court also clarified that "impeachment does not imply immunity from court processes, nor does it preclude other forms of discipline." [225]

Unlike ordinary criminal convictions, an impeachment conviction cannot be pardoned.[226]

This underscores the unique nature of impeachment as a mechanism of accountability. While impeachable officers may be protected from suit during their tenure, this immunity is merely procedural, not absolute. Impeachable officers are not shielded from responsibility for their actions while in office. Once removed or upon the end of their term, they may still be held liable through appropriate criminal, civil, or administrative proceedings.

In the case of Estrada, a former president may still be prosecuted for acts committed during their tenure, despite enjoying immunity while in office.[227] When former President Joseph Estrada stepped down on January 20, 2001, the Ombudsman had not initiated any preliminary investigation due to his then-immunity. As a result, no case was considered pending under Section 12[228] of Republic Act No. 3019 or the Anti-Graft and Corrupt Practices Act, which applies only when there are no legal impediments to prosecution. Moreover, the impeachment proceedings had effectively collapsed following the prosecutors' walkout and the indefinite suspension of the trial. Thus, no pending case existed to bar the legal recognition of his resignation or subsequent prosecution:

This is in accord with our ruling in *In Re: Saturnino Bermudez* that "incumbent Presidents are immune from suit or from being brought to court during the period of their incumbency and tenure" but not beyond. Considering the peculiar circumstance that the impeachment process against the petitioner has been aborted and thereafter he lost the presidency, petitioner Estrada cannot demand as a condition sine qua non to his criminal prosecution before the Ombudsman that he be convicted in the impeachment proceedings. His reliance on the case of *Lecaroz vs. Sandiganbayan* and related cases are in apropos for they have a different factual milieu.

We now come to the scope of immunity that can be claimed by petitioner as a non-sitting President. The cases filed against petitioner Estrada are criminal in character. They involve plunder, bribery and graft and corruption. By no stretch of the imagination can these crimes, especially plunder which carries the death penalty, be covered by the alleged mantle of immunity of a non-sitting president. Petitioner cannot cite any decision of this Court licensing the President to commit criminal acts and wrapping him with post-tenure immunity from liability. It will be anomalous to hold that immunity is an inoculation from liability for unlawful acts and omissions. The rule is that unlawful acts of public officials are not acts of the State and the officer who acts illegally is not acting as such but stands in the same footing as any other trespasser.

Indeed, a critical reading of current literature on executive immunity will reveal a judicial disinclination to expand the privilege especially when it impedes the search for truth or impairs the vindication of a right. In the

1974 case of *US v. Nixon*, US President Richard Nixon, a sitting President, was subpoenaed to produce certain recordings and documents relating to his conversations with aids and advisers. Seven advisers of President Nixon's associates were facing charges of conspiracy to obstruct justice and other offenses which were committed in a burglary of the Democratic National Headquarters in Washington's Watergate Hotel during the 1972 presidential campaign. President Nixon himself was named an unindicted co-conspirator. President Nixon moved to quash the subpoena on the ground, among others, that the President was not subject to judicial process and that he should first be impeached and removed from office before he could be made amenable to judicial proceedings. The claim was rejected by the US Supreme Court. It concluded that "when the ground for asserting privilege as to subpoenaed materials sought for use in a criminal trial is based only on the generalized interest in confidentiality, it cannot prevail over the fundamental demands of due process of law in the fair administration of criminal justice." In the 1982 case of *Nixon v. Fitzgerald*, the US Supreme Court further held that the immunity of the President from civil damages covers only "official acts." Recently, the US Supreme Court had the occasion to reiterate this doctrine in the case of *Clinton v. Jones* where it held that the US President's immunity from suits for money damages arising out of their official acts is inapplicable to unofficial conduct.

There are more reasons not to be sympathetic to appeals to stretch the scope of executive immunity in our jurisdiction. One of the great themes of the 1987 Constitution is that a public office is a public trust. It declared as a state policy that "(t)he State shall maintain honesty and integrity in the public service and take positive and effective measures against graft and corruption." It ordained that "(p)ublic officers and employees must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty, and efficiency, act with patriotism and justice, and lead modest lives." It set the rule that "(t)he right of the State to recover properties unlawfully acquired by public officials or employees, from them or from their nominees or transferees, shall not be barred by prescription, laches or estoppel." It maintained the Sandiganbayan as an anti-graft court. It created the office of the Ombudsman and endowed it with enormous powers, among which is to "(i)nvestigate on its own, or on complaint by any person, any act or omission of any public official, employee, office or agency, when such act or omission appears to be illegal, unjust, improper, or inefficient." The Office of the Ombudsman was also given fiscal autonomy. These constitutional policies will be devalued if we sustain petitioner's claim that a non-sitting president enjoys immunity from suit for criminal acts committed during his incumbency.[229] (Citations omitted)

In *Office of Ombudsman v. Court of Appeals and Mojica*,[230] "[t]he rule that an impeachable officer cannot be criminally prosecuted for the same offenses which constitute grounds for impeachment presupposes [their] continuance in office. Hence, the moment [they are] no longer in office because of [their] removal, resignation, or permanent disability, there can be no bar to [their] criminal prosecution in the courts."

In *Re: Raul M. Gonzalez*[231] reaffirmed the principle from *Cuenca v. Fernan*[232] that a public officer who is required by the Constitution to be a member of the Philippine Bar and can only be removed by impeachment, such as a justice of the Supreme Court, cannot be subjected to disbarment proceedings while still in office. It emphasized that "[a] public officer who under the Constitution is required to be a member of the Philippine Bar as a qualification for the office held by him and who may be removed from office only by impeachment, cannot be charged with disbarment during the incumbency of such public officer." [233]

Following the announcement of the impeachment judgment on May 29, 2012, the late Chief Justice Renato Corona faced multiple charges in 2014, including tax evasion, criminal cases for perjury, administrative complaints for violating Republic Act No. 6713, the Code of Conduct and Ethical Standards for Public Officials and Employees, and a civil forfeiture case. However, these proceedings were terminated upon his death.

The case of *Re: Letter of Mrs. Corona* emphasized that an official facing impeachment does not stand to lose fundamental constitutional rights such as life, liberty, or property.[234] These rights can only be taken away

through a separate judicial process that results in a conviction. Absent such conviction, the sole consequence of impeachment is removal from office, with the Senate having the discretion to impose the additional penalty of permanent disqualification from holding any future public office.[235] Applying this principle, the Court recognized that "having been removed by the Congress from office with a lifetime ban from occupying any and all future public posts, but without a proper determination of or even a basis for any recoverable liability under the law due to causes beyond his control, Chief Justice Corona may be considered involuntarily retired from public service." [236] The Court emphasized that impeachment is not a punitive remedy in that "[n]o legally actionable liability attaches to the public officer by a mere judgment of impeachment against him or her, and thus lies the necessity for a separate conviction for charges that must be properly filed with courts of law." [237] III.B

Limited procedural immunity for impeachable public officers exists to prevent disruption of government functions, preserve the balance and separation of powers, and safeguard institutional independence.

Impeachable officers enjoy a certain degree of immunity while in office. By limiting the grounds for impeachment under Article XI of the Constitution, the intent is to shield such impeachable officers from "malicious or bothersome suits" that could disrupt the performance of their constitutional duties. An Opinion [238] in Sereno emphasized that:

Difficult decisions will be made by the President, members of the Supreme Court, members of the Constitutional Commissions, and the Ombudsman. In their decisions, there will be powerful perhaps even moneyed individuals who will be affected adversely. Certainly, the ideal should be that all the impeachable officers will decide on the basis of both principle and public good without fear of the detriment that will be felt by the losing parties. Structurally, the Constitution should be read as providing the incentive for them to do their duties. [239]

In stressing this point further, the Opinion added that:

In the same manner, public officers cannot rest easy with the threat of being unseated at any time looming over their heads. The right of civil servants to occupy their seats must not be subjected to constant uncertainty. A public officer cannot afford to be distracted from his or her duties. When public officers cannot do their work effectively, it is not just the office that deteriorates. The nature of the office is such that it is the public that is inconvenienced and ultimately suffers. [240]

The same Opinion emphasized that while Supreme Court justices are not immune from liability for criminal or ethical violations, they can only be held accountable after removal through impeachment, as required by the Constitution. This safeguard is rooted in the principles of judicial independence and separation of powers, which protect the Judiciary from politically motivated or retaliatory charges. Allowing direct prosecution without impeachment would undermine this Court's independence and disrupt the balance among co-equal branches. Thus, any complaint must first go through the constitutionally mandated impeachment process:

It is important to make clear that the Court is not here saying that its Members or the other constitutional officers we referred to above are entitled to immunity from liability for possibly criminal acts or for alleged violation of the Canons of Judicial Ethics or other supposed misbehavior. What the Court is saying is that there is a fundamental procedural requirement that must be observed before such liability may be determined and enforced. A Member of the Supreme Court must first be removed from office via the constitutional route of impeachment under Sections 2 and 3 of Article XI of the 1987 Constitution. Should the tenure of the Supreme Court Justice be thus terminated by impeachment, he may then be held to answer either criminally or administratively (by disbarment proceedings) for any wrong or misbehavior that may be proven against him in appropriate proceedings.

The above rule rests on the fundamental principles of judicial independence and separation of powers. The rule is important because judicial independence is important. Without the protection of this rule, Members of the

Supreme Court would be vulnerable to all manner of charges which might be brought against them by unsuccessful litigants or their lawyers or by other parties who, for any number of reasons might seek to affect the exercise of judicial authority by the Court.

It follows from the foregoing that a fiscal or other prosecuting officer should forthwith and motu proprio dismiss any charges brought against a Member of this Court. The remedy of a person with a legitimate grievance is to file impeachment proceedings.[241]

IV

Grounds for Impeachment

Article XI, Section 2 of the Constitution provides:

The President, the Vice-President, the Members of the Supreme Court, the Members of the Constitutional Commissions, and the Ombudsman may be removed from office, on impeachment for, and conviction of, culpable violation of the Constitution, treason, bribery, graft and corruption, other high crimes, or betrayal of public trust. All other public officers and employees may be removed from office as provided by law, but not by impeachment.

Corruption as ground for removal must involve acts committed while in office.

When invoked as a ground for impeachment, corruption must be supported by more than bare allegations. It calls for clear, convincing, and timely evidence of abuse of power, acts committed while in office, and acts done with intent or in a manner that betrays the public trust.

Impeachment, one of the gravest constitutional mechanisms available in a democracy, was not designed as a political shortcut or a tool to exact retribution. When used improperly, it threatens to damage not just individuals but also the public's faith in constitutional accountability itself and can undermine the independence and autonomy of the president, the vice president, the Supreme Court, the constitutional commissions, and the Ombudsman.

As with all constitutional processes, impeachment must be exercised with strict adherence to due process and fairness. It is not a stage for political drama or factional fights. It should be invoked only when truly necessary, and always in the service of the public good.

In Francisco, while impeachment is largely a political question, it is not immune from judicial review, particularly when there is evidence of grave abuse of discretion.[242] When impeachment is weaponized for personal gain or political retaliation, it undermines its legitimacy, opening the process to challenge.

For this reason, the House of Representatives, which initiates impeachment, must hold itself to the same standard of integrity it demands of the officials it seeks to remove. No institution is expected to be flawless, but the Constitution requires good faith, responsibility, and restraint.

There is also the issue of selective accountability. Some public officials are impeached for seemingly minor or even infractions prior to holding public office, while others with more serious allegations remain untouched. This uneven application of justice feeds public cynicism in the entire impeachment process.

The consequences of impeachment are serious. While not criminal in nature, removal from office and disqualification under Article XI, Section 3(7) of the Constitution are sanctions that carry permanent reputational and professional weight for individuals. When exercised improperly, rather than instill accountability, it can instill the weight of the threat against legitimate disagreement and dissent with the views or policies of Congress.

It is for these reasons, that impeachment is the only way to remove an impeachable public official or to hold them

to account while they serve their tenure.

In *Re: Norberto B. Villamin*,^[243] this Court dismissed the administrative complaints against Associate Justices Rosmari D. Carandang and Mario V. Lopez, holding that as sitting members of this Court, they were impeachable officers and may be disciplined only through impeachment under Article XI, Section 2 of the 1987 Constitution. This Court emphasized that it has no jurisdiction over such complaints, as the exclusive power to initiate impeachment lies with the House of Representatives.

V

The first three impeachment complaints were effectively dismissed.

The first three impeachment complaints were filed on separate dates in December 2024, while the fourth impeachment complaint was initiated by the House of Representatives and transmitted to the Senate on February 5, 2025. The fourth impeachment complaint is separate and distinct from the first three.

These impeachment complaints were included in the caucus of February 5, 2025 and later in the Order of Business through an Additional Reference of Business within the constitutionally required 10 session days after the endorsement of the first complaint. The House of Representatives, however, was unable to act on the first three impeachment complaints because of the adjournment of the 19th Congress. The impeachment complaints were neither referred to the Committee on Justice nor deliberated or voted upon by the members. They were in fact declared by the House as "archived."

For constitutional purposes, the first three complaints were effectively dismissed.

The Articles of Impeachment filed by virtue of Article XI, Section 3(4) cannot substitute as the action on the first three complaints which were filed in accordance with Article XI, Section 3(2).

The fourth impeachment complaint, filed under Article XI, Section 3(4), was not the product of the process of committee hearings and deliberation of the first three impeachment complaints. It was prepared independently of these endorsed complaints. It is therefore a separate and distinct action to initiate an impeachment process. Therefore, the fourth impeachment complaint and the Articles of Impeachment from it are barred.

We first clarify some issues in the process mandated by Article XI, Section 3(2).

V.A

Ministerial duty of the secretary general and the speaker

The House secretary general explained that his office needed time to review the first three complaints. He admitted that his office did not act on them upon the request of some members to avoid triggering the one-year bar.

Article XI, Section 3 of the Constitution provides the modes of and procedure for the impeachment of high-ranking officials, which includes the vice president.^[244] The impeachment procedure under the Constitution is as follows:

SECTION 3. (1) The House of Representatives shall have the exclusive power to initiate all cases of impeachment.

(2) A verified complaint for impeachment may be filed by any Member of the House of Representatives or by any citizen upon a resolution of endorsement by any Member thereof, which shall be included in the Order of Business within ten session days, and referred to the proper Committee within three session days thereafter. The Committee, after hearing, and by a majority vote of all its Members, shall submit its report to the House within sixty session days from such referral, together with the corresponding resolution. The resolution shall be

calendared for consideration by the House within ten session days from receipt thereof.

(3) A vote of at least one-third of all the Members of the House shall be necessary either to affirm a favorable resolution with the Articles of Impeachment of the Committee or override its contrary resolution. The vote of each Member shall be recorded.

(4) In case the verified complaint or resolution of impeachment is filed by at least one-third of all the Members of the House, the same shall constitute the Articles of Impeachment, and trial by the Senate shall forthwith proceed.

(5) No impeachment proceedings shall be initiated against the same official more than once within a period of one year.

(6) The Senate shall have the sole power to try and decide all cases of impeachment. When sitting for that purpose; the Senators shall be on oath or affirmation. When the President of the Philippines is on trial, the Chief Justice of the Supreme Court shall preside, but shall not vote. No person shall be convicted without the concurrence of two-thirds of all the Members of the Senate.

(7) Judgment in cases of impeachment shall not extend further than removal from office and disqualification to hold any office under the Republic of the Philippines, but the party convicted shall nevertheless be liable and subject to prosecution, trial, and punishment according to law.

(8) The Congress shall promulgate its rules on impeachment to effectively carry out the purpose of this section.[245] (Emphasis supplied)

In interpreting the Constitution, the Court is mandated to apply the law based on its plain meaning:

It is the duty of the Court to apply the law the way it is worded. Basic is the rule of statutory construction that when the law is clear and unambiguous, the court is left with no alternative but to apply the same according to its clear language. The courts can only pronounce what the law is and what the rights of the parties thereunder are. Fidelity to such a task precludes construction or interpretation, unless application is impossible or inadequate without it. Thus, it is only when the law is ambiguous or of doubtful meaning may the court interpret or construe its true intent.

Parenthetically, the "plain meaning rule" or *verba legis* in statutory construction enjoins that if the statute is clear, plain and free from ambiguity, it must be given its literal meaning and applied without interpretation. This rule of interpretation is in deference to the plenary power of Congress to make, alter and repeal laws as this power is an embodiment of the People's sovereign will. Accordingly, when the words of a statute are clear and unambiguous, courts cannot deviate from the text of the law and resort to interpretation lest they end up betraying their solemn duty to uphold the law and worse, violating the constitutional principle of separation of powers.[246] (Emphasis supplied, citations omitted)

Applying the *verba legis* principle, a verified impeachment complaint filed by either a citizen or a member of the House must be included in the Order of Business within 10 session days, and referred to the proper committee within three session days thereafter. The use of the word "shall" impresses the generally imperative or mandatory nature of these steps. "Shall" is a word of command "which has always or which must be given a compulsory meaning." [247]

A plain textual reading of the Article XI, Section 3(2) of the Constitution reveals the intent to proceed with impeachment complaints within a required constitutional period. Clearly, the phrase ". . . which shall be included" refers not to the action of the secretary general or the speaker, but to the complaint when endorsed or filed by a member of the House. It also does not grant the secretary general or the speaker of the House or the House of the Representatives itself the discretion to ignore or archive an impeachment complaint filed by a member of the

House or one that is filed by a private citizen and properly endorsed.

There is no "intermediary" step after the filing of an impeachment complaint that is properly endorsed or one that is filed by a member of the House. All actions of the secretary general and the speaker must be within the 10-session-day period for putting the matter in the Order of Business.

Velasco v. Belmonte, Jr.[248] differentiated a ministerial and discretionary act as follows:

The distinction between a ministerial and discretionary act is well delineated. A purely ministerial act or duty is one which an officer or tribunal performs in a given state of facts, in a prescribed manner, in obedience to the mandate of a legal authority, without regard to or the exercise of his own judgment upon the propriety or impropriety of the act done. If the law imposes a duty upon a public officer and gives him the right to decide how or when the duty shall be performed, such duty is discretionary and not ministerial. The duty is ministerial only when the discharge of the same requires neither the exercise of official discretion or judgment.[249] (Emphasis supplied)

The Constitution unequivocally requires that impeachment complaints filed by a citizen or a member of the House be included in the Order of Business and referred to the proper committee. These steps are clear and compulsory, and do not require the exercise of official discretion or judgment by the House, its secretary general, or its speaker.

The secretary general and the speaker have the ministerial duty to ensure that these are complied with. They have no discretion on whether or not to put the matter in the Order of Business within 10 session days. The House also has no discretion on whether or not to refer the endorsed complaints to the proper committee.

Moreover, Gutierrez v. House of Representatives Committee on Justice[250] categorically identifies the House of Representatives, not its speaker or secretary general, as having the power to decide to initiate an impeachment complaint and, in a public plenary session, to refer it to the proper committee:

. . . Conscious of the legal import of each step, the House, in taking charge of its own proceedings, must deliberately decide to initiate an impeachment proceeding, subject to the time frame and other limitations imposed by the Constitution. This chamber of Congress alone, not its officers or members or any private individual, should own up to its processes.

The Constitution did not place the power of the "final say" on the lips of the House Secretary General who would otherwise be calling the shots in forwarding or freezing any impeachment complaint. Referral of the complaint to the proper committee is not done by the House Speaker alone either, which explains why there is a need to include it in the Order of Business of the House. It is the House of Representatives, in public plenary session, which has the power to set its own chamber into special operation by referring the complaint or to otherwise guard against the initiation of a second impeachment proceeding by rejecting a patently unconstitutional complaint.

. . . With respect to complaints for impeachment, the House has the discretion not to refer a subsequent impeachment complaint to the Committee on Justice where official records and further debate show that an impeachment complaint filed against the same impeachable officer has already been referred to the said committee and the one year period has not yet expired, lest it becomes instrumental in perpetrating a constitutionally prohibited second impeachment proceeding. Far from being mechanical, before the referral stage, a period of deliberation is afforded the House, as the Constitution, in fact, grants a maximum of three session days within which to make the proper referral.[251] (Emphasis supplied)

Neither the secretary general nor the speaker can substitute for the discretion of the entire House. They cannot deny the collective body composed of elected representatives the decision as to whether to dismiss outright or

refer the complaint to the proper legislative body within 10 session days from the time the complaint is endorsed or filed by a member of the House.

The interpretation of respondent House that their power to promulgate rules grants them immunity from judicial inquiry as to whether they can give discretion to the secretary general when to transmit to the speaker and therefore to extend the constitutionally provided period is clearly unwarranted. It is grave abuse of discretion.

The solicitor general and respondent House likewise erred in arguing that the House is free to insert an "intermediary" step, i.e., to give discretion to the secretary general to determine when he may transmit to the speaker, with such transmittal being the reckoning point for the 10 session days.

In this case, between the procedures in the first mode under Article XI, Section 3(2) and (3) and the second mode under Article XI, Section 3(4) of the Constitution, the first mode, if already existing, should be given priority by the House since this requires fullest deliberation. The dismissal of these impeachment complaints to do the second mode undoubtedly commences the one-year bar provided in Article XI, Section 3(5), to trigger the constitutionally imposed prescriptive period.

V.B

Compliance with the 10-session-day constitutional period
under Article XI, Section 3(2)

The inclusion in the Order of Business and referral to the proper committee are mandatory steps and ministerial duties of the House. Hence, these steps should be complied with as a matter of course.

Any inaction or delay should be considered as denial or discretion and an action in itself.

To ascertain the secretary general's justification of delay, his actions should be viewed within the framework of reasonableness. Board of Commissioners of the Bureau of Immigration and the Jail Warden v. Wenle[252] discusses "reasonable time" as follows:

"Reasonable time" is defined as "so much time as is necessary under the circumstances for a reasonably prudent and diligent man to do, conveniently, what the contract or duty requires that should be done, having a regard for the rights and possibility of loss, if any, to the other party." Although it has been said that the question as to what shall be considered such a "reasonable time" is for the determination of the legislature and is, in no sense, a judicial question; courts may infer — pursuant to the constitutional due process clause — what "reasonable" time is under attendant circumstances in order to determine the validity[,] life and effectivity of an administrative warrant. What is "reasonable" (in cases where a statute fails to provide a period for the filing of formal charges) becomes a factual issue which requires evidence to substantiate — ultimately susceptible of judicial review if the subject dispute is eventually introduced into the judicial framework via appeal or certiorari. The "possibility of loss" in relation to indefinite deprivations of rights or entitlements may be gauged by considering attendant facts that trigger the need to protect due process rights. Such factual evaluation affords adjudicative bodies the proper facility to determine what constitutes "reasonable time" for purposes of determining the validity and life or extent of the effect of a warrant in question. Consistent with the second guideline requiring that a deprivation through an administrative warrant must be provisional, the "reasonable time" requirement for the filing of formal charges prevents administrative authorities from effecting an indefinite deprivation which would virtually amount to a denial of due process for approximating a state of finality.[253] (Emphasis supplied, citations omitted)

Here, the Constitution already provided the required steps for the House, especially the secretary general and the speaker, to comply.

The secretary general,[254] the speaker, or the House in general had no discretion to decide that the fourth

impeachment complaint takes precedence over the first three complaints. To be valid and constitutional, the resolution or decision should be a result of the House going through the entire prescribed impeachment procedure.

A review of the session bulletins,[255] journals,[256] and records of committee meetings[257] of the House of Representatives shows that the first three impeachment complaints were effectively unacted upon.

They were filed and endorsed using the first mode of initiating impeachment and they met the requirement of putting the matter in the Order of Business within 10 session days.

However, they were not referred to the Committee on Justice and voted upon by the plenary body of the House, as required by the Constitution or the House Rules on Impeachment.

Session days, however, are not calendar dates. To determine the session days, we first refer to House Concurrent Resolution No. 30 of both the Senate and the House.[258] Second, we consider how the Rules of the House of Representatives are interpreted and implemented by the House.[259]

First, House Concurrent Resolution No. 30[260] provides that the sessions resumed on November 4 to December 20, 2024 and January 13 to February 7, 2025. November 4 to December 20, 2024 covers the dates when the first three impeachment complaints were filed. January 13 to February 7, 2025 includes the dates when Kabataan Party-list Representative Manuel delivered his privilege speech on the first three impeachment complaints and the fateful February 5, 2025 when these complaints were archived, the fourth impeachment complaint was endorsed to the Senate, and the 36[th] session day was adjourned. The next session was scheduled to resume on June 2 to 13, 2025, when the midterm elections have already concluded and the new members of the House and the Senate already elected.

Second, the commentaries to the Rules of the House of Representatives provide guidance on the conduct of House proceedings:[261]

In contemplation of rules and special orders of the House, a day is a legislative day and not a calendar day, and the two are not always the same (IV, 3192). The legislative day continues until terminated by an adjournment, irrespective of the passage of calendar days; there must be an adjournment before the legislative day will terminate, and an adjournment does not take place by reason of the arrival of the time for the regular daily meeting of the House.[262] (Emphasis supplied)

The first impeachment complaint, which was filed and endorsed on December 2, 2024,[263] had 10 session days—not calendar days—to be included in the Order of Business and three days thereafter to be referred to the Committee on Justice.

The next session day after the filing of the first impeachment complaint was December 3, 2024, the 27[th] session day of the 19[th] Congress, which adjourned on December 4, 2024.[264] Hence, counting 10 session days starting from the 27[th] session day on December 3, 2024 leads to the 36[th] session day.[265]

Based on the session bulletins, the 36[th] session day convened on February 3, 2025 (Day 1) and adjourned on February 5, 2025 (Day 3).[266] Hence, the inclusion in the Order of Business of the first three impeachment complaints on February 5, 2025[267] is still within 10 session days as required under the Constitution and the House Rules on Impeachment. However, such action is incomplete if the first three impeachment complaints are to be considered initiated because they were still not referred to the proper committee, i.e., the Committee on Justice.[268]

Calendar Day

Session Bulletin

19[th] Congress Session No.

Day

December 2024[269]

3

27[th]

Day 1

4

Day 2

(adjournment)[270]

9

28[th]

Day 1

10

Day 2

11

Day 3

(adjournment)[271]

16

29[th]

Day 1

17

Day 2

18

Day 3

(adjournment)[272]

January 2025[273]

13

30[th]

14

31[st]

Day 1

15

Day 2
(adjournment)[274]

20

32[nd]

21

33[rd]

22

34[th]

27

35[th]

Day 1

28

Day 2
(adjournment)[275]

February 2025[276]

3

36[th]

Day 1

4

Day 2

5

Day 3
(adjournment)[277]

Parenthetically, the only time the House recorded a discussion relating to the first three impeachment complaints was on January 13, 2025,[278] when Kabataan Party-list Representative Manuel delivered a privilege speech on these complaints, which were referred to the Committee on Rules[279] for appropriate action:

PRIVILEGE SPEECH
OF REPRESENTATIVE MANUEL

Recognized by the Chair upon motion of Representative Lagan (D.), Rep. Raoul Daniel A. Manuel spoke about the three impeachment complaints filed against incumbent Vice President Sara Zimmerman Duterte, the first of which was filed last December 2, 2024, for culpable violation of the Constitution, graft and corruption, bribery, betrayal of public trust, and other high crimes; the second was filed last December 4, 2024 for betrayal of public trust, as endorsed by himself and Representatives Castro (F.) and Brosas, including 72 complainants from different sectors and grassroots organizations and 21 youth and student leaders; and the third complaint was filed last December 19, 2024, on the grounds of betrayal of public trust, graft and corruption, and other high crimes.

He pointed out that (1) public opinion bends towards holding the Vice President accountable based on the latest survey; (2) legislators have the mandate to address and process any complaint filed in their office, in accordance with the principle of checks and balances; and (3) no official, not even the two highest officials of the land is above public scrutiny in the name of transparency, accountability, and good governance.

Representative Manuel stated that the people are now urging the Members to hold unscrupulous government officials accountable and to oppose any form of corruption in the government. He also suggested that instead of investing public funds in questionable expenses such as confidential and intelligence funds, they should be allocated to social services. He then called upon the Members to act on the call of the people to impeach Vice President Duterte.

REFERRAL OF PRIVILEGE SPEECH OF REPRESENTATIVE MANUEL

On motion of Representative Lagon (D.), there being no objection, the Body approved to refer the privilege speech of Representative Manuel to the Committee on Rules for its appropriate action.

Thereupon, on motion of Representative Lagon, the Chair recognized Representative Castro (F.) for her privilege speech.[280] (Emphasis supplied)

Notably, the House referred Representative Manuel's privilege speech only to the Committee on Rules, not the Committee on Justice, without further acting on the impeachment complaints which Representative Manuel urged the House to act on. No action or even a suggestion on how to move forward with the first three impeachment complaints was made despite the House Rules on Impeachment expressly providing that the speaker include them in the Order of Business[281] within 10 session days from receipt and refer them to the Committee on Justice within three session days thereafter. At the time of Representative Manuel's privilege speech, the first impeachment complaint was already filed for more than a month, and four session days have already elapsed.

Further, despite being filed prior to the fourth impeachment complaint, the first three impeachment complaints were also archived on the same day that the fourth impeachment complaint was endorsed to the Senate and the last session day for February 2025 was adjourned.[282]

The relevant portions of House Journal No. 36 are as follows:

ADDITIONAL REFERENCE OF BUSINESS

Upon resumption of session, on motion of Majority Leader Jose Manuel "Mannix" M. Dalipe, there being no objection, the Body proceeded to the Additional Reference of Business.

Upon direction of the Chair, the Secretary General read the following Verified Complaints for Impeachment:

VERIFIED COMPLAINTS FOR IMPEACHMENT

Impeachment Complaint against Vice President Sara Z. Duterte filed by at least 1/3 of all the Members of the House of Representatives on February 5, 2025.

Impeachment Complaint against Vice President Sara Z. Duterte filed by Teresita Quintos Deles, Fr. Flaviniano Villanueva, SVD, Gary Alejano, et al, and endorsed by Rep. Percival V. Cendaña of the AKBAYAN Party-List on December 2, 2024.

Impeachment Complaint against Vice President Sara Z. Duterte filed by Teodoro Casiño, Liza Maza, Neri Colmenares, et al, and endorsed by Rep. France L. Castro of the ACT Teachers Party-List, Rep. Arlene D. Brosas of the GABRIELA Party-List, and Rep. Raoul Daniel A. Manuel of the KABATAAN Party-List on December 4, 2024.

Impeachment Complaint against Vice President Sara Z. Duterte filed by Rev. Father Antonio Labiao, Jr, Rev. Father Rico P. Ponce, Rev. Father Dionisio V. Ramos, et. al, and endorsed by Rep. Gabriel H. Bordado Jr. of the 3rd District of Camarines Sur and Rep. Lex Anthony Cris A. Colada of the AAMBIS-OWA Party-list on December 19, 2024.

ENDORSEMENT TO THE SENATE OF IMPEACHMENT COMPLAINT

In accordance with Section 3(4), Article XI of the Constitution on "Accountability of Public Officers," and pursuant to Section 14, Rule IV of the Rules of Procedure in Impeachment Proceedings of the House of Representatives, on motion of Majority Leader Dalipe, there being no objection, the Speaker directed the Secretary General to immediately endorse to the Senate the impeachment complaint against Vice President Sara Zimmerman Duterte, which was filed by more than one-third of the House membership—total of 215 out of 306 Members as confirmed by the Secretary General.

....

ELECTION OF HOUSE MEMBERS AS PROSECUTORS IN THE IMPEACHMENT TRIAL

In accordance with Section 16, Rule VI of the Rules of Procedure in Impeachment Proceedings of the House of Representatives, on motion of Majority Leader Dalipe, there being no objection, the Body elected the following Members as prosecutors in the impeachment trial against Vice President Duterte:

....

TRANSMITTAL TO THE ARCHIVES OF IMPEACHMENT COMPLAINTS

Pursuant to the Rules of Procedure in Impeachment Proceedings of the House of Representatives, considering that the Plenary had just transmitted to the Senate the impeachment complaint filed by 215 Members, on another motion of Majority Leader Dalipe, there being no objection, the Speaker directed the Secretary General to immediately transmit to the Archives the three other impeachment complaints against Vice President Duterte which were filed on December 2, 4 and 19, 2024, as earlier read by the Secretary General during the Additional Reference of Business.

....

ADJOURNMENT OF SESSION

Subsequently, on motion of Majority Leader Dalipe, there being no objection, the Chair declared the session adjourned until three o'clock in the afternoon of Monday, June 2, 2025. It was 7:27 p.m. of Wednesday, February 5, 2025.[283] (Emphasis supplied)

These turn of events show that the first three complaints were neglected or even willfully unacted upon.

Considerii1g that the 36[th] session has already adjourned,[284] any action made on the first three impeachment complaints would already be beyond the mandated 10 session days for inclusion in the Order of Business and referral to the proper committee. Article VI, Section 15 of the Constitution provides for the convening and the regular sessions of Congress:

SECTION 15. The Congress shall convene once every year on the fourth Monday of July for its regular session, unless a different date is fixed by law, and shall continue to be in session for such number of days as it may determine until thirty days before the opening of its next regular session, exclusive of Saturdays, Sundays, and legal holidays. The President may call a special session at any time.

Also, any business that remains unacted upon by the House of Representatives at the end of a Congress' term do not cross over to a new Congress after the new membership of the House has been elected. In *Arnault v.*

Nazareno,[285] while the Senate remains a continuing body, the House of Representatives is not, and its power of contempt terminates upon the end of its term:

Had said resolution of commitment been adopted by the House of Representatives, we think it could be enforced until the final adjournment of the last session of the Second Congress in 1953. We find no sound reason to limit the power of a legislative body to punish for contempt to the end of every session and not to the end of the last session terminating the existence of that body. The very reason for the exercise of the power to punish for contempt is to enable the legislative body to perform its constitutional function without impediment or obstruction. Legislative functions may be and in practice are performed during recess by duly constituted committees charged with the duty of performing investigations or conducting hearing relative to any proposed legislation. To deny to such committees the power of inquiry with process to enforce it would be to defeat the very purpose for which that power is recognized in the legislative body as an essential and appropriate auxiliary to its legislative function. It is but logical to say that the power of self-preservation is co-existent with the life to be preserved.[286]

Balag v. Senate of the Philippines[287] reiterates this distinction:

Notably, Arnault gave a distinction between the Senate and the House of Representatives' power of contempt. In the former, since it is a continuing body, there is no time limit in the exercise of its power to punish for contempt; on the other hand, the House of Representatives, as it is not a continuing body, has a limit in the exercise of its power to punish for contempt, which is on the final adjournment of its last session.[288]

This Court, however, clarified that the Senate is considered a continuing body for the purpose of exercising its power of contempt. However, in the conduct of its day-to-day business, all pending matters and proceedings that remain unacted upon at the expiration of the term of Congress, whether in the Senate or in the House of Representatives, are considered terminated. In *Neri v. Senate Committee on Accountability of Public Officers and Investigations*: [289]

Respondent Committees argue that the Senate does not have to publish its Rules because the same was published in 1995 and in 2006. Further, they claim that the Senate is a continuing body; thus, it is not required to republish the Rules, unless the same is repealed or amended.

On the nature of the Senate as a "continuing body", this Court sees fit to issue a clarification. Certainly, there is no debate that the Senate as an institution is "continuing", as it is not dissolved as an entity with each national election or change in the composition of its members. However, in the conduct of its day-to-day business the Senate of each Congress acts separately and independently of the Senate of the Congress before it. The Rules of the Senate itself confirms this when it states: RULE XLIV

UNFINISHED BUSINESS

SEC. 123. Unfinished business at the end of the session shall be taken up at the next session in the same status.

All pending matters and proceedings shall terminate upon the expiration of one (1) Congress, but may be taken by the succeeding Congress as if presented for the first time.

Undeniably from the foregoing, all pending matters and proceedings, i.e., unpassed bills and even legislative investigations, of the Senate of a particular Congress are considered terminated upon the expiration of that Congress and it is merely optional on the Senate of the succeeding Congress to take up such unfinished matters, not in the same status, but as if presented for the first time. The logic and practicality of such a rule is readily apparent considering that the Senate of the succeeding Congress (which will typically have a different composition as that of the previous Congress) should not be bound by the acts and deliberations of the Senate of which they had no part. If the Senate is a continuing body even with respect to the conduct of its business, then pending matters will not be deemed terminated with the expiration of one Congress but will, as a matter of course, continue into the next Congress with the same status.

This dichotomy of the continuity of the Senate as an institution and of the opposite nature of the conduct of its business is reflected in its Rules. The Rules of the Senate (i.e., the Senate's main rules of procedure) states:

<blockquote>RULE LI</blockquote>

<blockquote>AMENDMENTS TO, OR REVISIONS OF, THE RULES</blockquote>

<blockquote></blockquote>

<blockquote>

SEC. 136. At the start of each session in which the Senators elected in the preceding elections shall begin their term of office, the President may endorse the Rules to the appropriate committee for amendment or revision.

The Rules may also be amended by means of a motion which should be presented at least one day before its consideration, and the vote of the majority of the Senators present in the session shall be required for its approval.

RULE LII

DATE OF TAKING EFFECT

SEC. 137. These Rules shall take effect on the date of their adoption and shall remain in force until they are amended or repealed.</blockquote>

Section 136 of the Senate Rules quoted above takes into account the new composition of the Senate after an election and the possibility of the amendment or revision of the Rules at the start of each session in which the newly elected Senators shall begin their term.

However, it is evident that the Senate has determined that its main rules are intended to be valid from the date of their adoption until they are amended or repealed. Such language is conspicuously absent from the Rules. The Rules simply state "(t)hese Rules shall take effect seven (7) days after publication in two (2) newspapers of general circulation". The latter does not explicitly provide for the continued effectivity of such rules until they are amended or repealed. In view of the difference in the language of the two sets of Senate rules, it cannot be presumed that the Rules (on legislative inquiries) would continue into the next Congress. The Senate of the next Congress may easily adopt different rules for its legislative inquiries which come within the rule on unfinished business.

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

If it was the intention of the Senate for its present rules on legislative inquiries to be effective even in the next Congress, it could have easily adopted the same language it had used in its main rules regarding effectivity.[290] (Citation omitted)

Likewise, in *Ang Nars Party List v. Executive Secretary*: [291]

The Rules of the Senate and the Rules of the House of Representatives can change since a new Congress is not bound to adopt the rules of the previous Congress. In fact, the Senate and the House of Representatives of every Congress can amend their own Rules of Procedure at any time. In *Neri v. Senate Committee on Accountability of Public Officers and Investigations*, the Court sustained the OSG that "every Senate is distinct from the one before it or after it. Since Senatorial elections are held every three (3) years for one-half of the Senate's membership, the composition of the Senate also changes by the end of each term. Each Senate may thus enact a different set of rules as it may deem fit." Thus, in that case, the Court required the publication of the Rules of Procedure of the Senate Governing the Inquiries in Aid of Legislation for the 14th Congress.[292]

(Citation omitted)

The same rule can be found in the Rules of the House of Representatives of the current 19[th] Congress, which states:

RULE XI

The Session

SECTION 80. Calendar of Business. – The Calendar of Business shall consist of the following:

a. Unfinished Business. – This is business being considered by the House at the time of its last adjournment. Its consideration shall be resumed until it is disposed of. The Unfinished Business at the end of a session shall be resumed at the commencement of the next session as if no adjournment has taken place. At the end of the term of a Congress, all unfinished business are deemed terminated. (Emphasis supplied)

Without the action of the 19[th] Congress and with the change in membership of the 20[th] Congress due to the midterm elections, the first three impeachment complaints are considered *functus officio*. The House of Representatives during its 20[th] Congress is not a continuation of the House of Representatives of the 19[th] Congress. Matters remaining in the 19[th] Congress' Order of Business cannot automatically remain for the next Congress.

Here, the inaction of the House in the 19[th] Congress on the endorsed complaints within the constitutionally mandated period and procedure commences the running of the one-year prescriptive period. The 10 session days required by the Constitution is counted after the valid endorsement of the complaints, which were deemed dismissed when they became *functus officio*.

In any case, the transmittal of the fourth impeachment complaint did not toll the constitutional period for the referral of the three impeachment complaints to the proper committee. The first three impeachment complaints were terminated or dismissed.

V.C

The Articles of Impeachment is barred by the one-year period.

Article XI, Section 3(5) of the Constitution provides for the one-year bar:

(5) No impeachment proceedings shall be initiated against the same official more than once within a period of one year.[293]

This Court has discussed the rationale and reckoning point of the one--year bar in several cases. *Gutierrez v. House of Representatives Committee on Justice*[294] highlights the need to insulate both respondent and the House from senseless impeachment complaints and to balance respondent's accountability with her ability to perform her official functions.

The Court does not lose sight of the salutary reason of confining only one impeachment proceeding in a year. Petitioner concededly cites Justice Adolfo Azcuna's separate opinion that concurred with the Francisco ruling. Justice Azcuna stated that the purpose of the one-year bar is two-fold: "[1]) to prevent undue or too frequent harassment; and 2) to allow the legislature to do its principal task [of] legislation," with main reference to the records of the Constitutional Commission, that reads:MR. ROMULO. Yes, the intention here really is to limit. This is not only to protect public officials who, in this case, are of the highest category from harassment but also to allow the legislative body to do its work which is lawmaking. Impeachment proceedings take a lot of time. And if we allow multiple impeachment charges on the same individual to take place, the legislature will do nothing else but that.

It becomes clear that the consideration behind the intended limitation refers to the element of time, and not the

number of complaints. The impeachable officer should defend himself in only one impeachment proceeding, so that he will not be precluded from performing his official functions and duties. Similarly, Congress should run only one impeachment proceeding so as not to leave it with little time to attend to its main work of law-making. The doctrine laid down in *Francisco* that initiation means filing and referral remains congruent to the rationale of the constitutional provision.[295] (Emphasis supplied, citations omitted)

Article XI, Section 3 of the Constitution provides the two modes for initiating impeachment complaints. The first mode under Article XI, Section 3(2) and (3) of the Constitution contemplates complaints filed by either a citizen or a member of the House of Representatives. An impeachment complaint filed by a citizen must be endorsed by a House member before being included in the Order of Business. However, no endorsement is required if an impeachment complaint is filed by a member.

After its inclusion in the Order of Business, the impeachment complaint under the first mode will then be referred to the proper committee. The respondent is then afforded an opportunity to be heard during committee hearings, where pleadings and evidence are submitted and exchanged. By a majority vote of its members, the proper committee shall submit its report and resolution to the House. At least one-third vote of the members of the House is required to affirm or override the committee's resolution. These votes shall be recorded.

The second mode under Article XI, Section 3(4) of the Constitution pertains to a verified impeachment complaint, endorsed by at least one-third of the members, which is then considered as the Articles of Impeachment to be transmitted to the Senate.

Under Article XI, Section 3(8) of the Constitution, the House of Representatives is mandated to promulgate its rules on impeachment to effectively carry out the objectives under Article XI, Section 3 of the Constitution. Thus, the 19th Congress refers to its House Rules on Impeachment Proceedings. These two authorities—the constitutional provision and the House Rules—provide the framework against which the validity or infirmity of the filed impeachment complaints is determined.

Adopting the ruling in *Francisco, Jr. v. House of Representatives*,^[296] Rule II (Initiating Impeachment) of the House Rules on Impeachment^[297] clarified that all modes require the filing of the impeachment complaints and their referral to the Committee on Justice. It also emphasized the importance of verifying the complaint and the consequences of failure to do so. Rule II of the House Rules on Impeachment provides:

Rule II

Initiating Impeachment

SECTION 2. Mode of Initiating Impeachment. – Impeachment shall be initiated by the filing and subsequent referral to the Committee on Justice of:^[298]

- A VERIFIED COMPLAINT FOR IMPEACHMENT FILED BY ANY MEMBER OF THE HOUSE OF REPRESENTATIVES[; OR]

- A VERIFIED COMPLAINT FILED BY ANY CITIZEN UPON A RESOLUTION OF ENDORSEMENT BY ANY MEMBER THEREOF; OR

- A VERIFIED COMPLAINT OR RESOLUTION OF IMPEACHMENT FILED BY AT LEAST ONE-THIRD (1/3) OF ALL THE MEMBERS OF THE HOUSE.

SECTION 3. Filing and Referral of Verified Complaints. – A verified complaint for impeachment by a Member of the House or by any citizen upon a resolution of endorsement by any Member thereof shall be filed with the office of the Secretary General and immediately referred to the Speaker.

An impeachment complaint is verified by an affidavit that the complainant has read the complaint and that the

allegations therein are true and correct of his personal knowledge or based on authentic records.

An impeachment complaint required to be verified which contains a verification based on "information and belief", or upon "knowledge, information and belief," or lacks a proper verification, shall be treated as an unsigned impeachment complaint.

The Speaker shall have it included in the Order of Business within ten (10) session days from receipt. It shall then be referred to the Committee on Justice within three (3) session days thereafter. (Emphasis supplied)

Contrary to the blanket requirement of filing and referral for all modes of initiating impeachment complaints under Section 2, Section 3 (Filing and Referral of Verified Complaints) only covers the first mode, or complaints filed by either a citizen or a House member.

Further, taking off from Section 3 under Rule II (Finding Probable Cause for Impeachment) also seems to contemplate only the first mode.[299] Rule III discusses the Committee Proceedings and House Action. The section on Committee Proceedings provides for the determination of the complaint's sufficiency in form and substance. It also lays down the notice and opportunity given to respondents to plead their case and submit evidence and memoranda.[300] At this stage, the respondent is involved in the proceeding and afforded due process. Afterward, the section on House Action prescribes the vote requirement for the House's action on the Committee's report and resolution.[301]

It is clear that the impeachment complaint commenced through Article XI, Section 3(2) is different from the impeachment complaint filed through Section 3(4). In light of the archiving, dismissal, or rendering of the first three complaints as *functus officio*, the Articles of Impeachment filed on February 5, 2025 is therefore barred because of the violation of the one-year bar under Section 3(5).

V.D

How to compute the one-year bar

No reckoning point was expressly identified for the one-year bar under Article XI, Section 3(5) of the Constitution. Further, the second mode of initiating impeachment complaints under Article XI, Section 3(4) of the Constitution did not provide how the House should act upon a complaint prior to its transmittal to the Senate.

To address this gap, resort to constitutional construction is necessary. One principle prescribes that the Constitution is to be interpreted as a whole.[302] Another principle directs the proper interpretation to the ordinary meaning of the text and the understanding of the people adopting it, instead of the intent of the framers. *Padilla v. Congress of the Philippines*[303] explains:

While it is permissible in this jurisdiction to consult the debates and proceedings of the constitutional convention in order to arrive at the reason and purpose of the resulting Constitution, resort thereto may be had only when other guides as said proceedings are powerless to vary the terms of the Constitution when the meaning is clear. Debates in the constitutional convention "are of value as showing the views of the individual members, and as indicating the reasons for their votes, but they give us no light as to the views of the large majority who did not talk, much less of the mass of our fellow citizens whose votes at the polls gave that instrument the force of fundamental law. We think it safer to construe the constitution from what appears upon its face. " The proper interpretation therefore depends more on how it was understood by the people adopting it than in the framer's understanding thereof.[304] (Emphasis supplied, citation omitted)

In *Francisco, Jr.*, this Court highlighted that the one-year bar will be reckoned from the initiation of the impeachment complaint, i.e., when it is filed and referred to the proper committee:

"Initiate" of course is understood by ordinary men to mean, as dictionaries [define it], to begin, to commence,

or set going. As Webster's Third New International Dictionary of the English Language concisely puts it, it means "to perform or facilitate the first action," which jibes with Justice Regalado's position, and that of Father Bernas, who elucidated during the oral arguments of the instant petitions on November 5, 2003 in this wise: Briefly then, an impeachment proceeding is not a single act. It is a complexus of acts consisting of a beginning, a middle and an end. The end is the transmittal of the articles of impeachment to the Senate. The middle consists of those deliberative moments leading to the formulation of the articles of impeachment. The beginning or the initiation is the filing of the complaint and its referral to the Committee on Justice.

Finally, it should be noted that the House Rule relied upon by Representatives Cojuangco and Fuentebella says that impeachment is "deemed initiated" when the Justice Committee votes in favor of impeachment or when the House reverses a contrary vote of the Committee. Note that the Rule does not say "impeachment proceedings" are initiated but rather are "deemed initiated." The language is recognition that initiation happened earlier, but by legal fiction there is an attempt to postpone it to a time after actual initiation.

....

Having concluded that the initiation takes place by the act of filing and referral or endorsement of the impeachment complaint to the House Committee on Justice or, by the filing by at least one-third of the members of the House of Representatives with the Secretary General of the House, the meaning of Section 3(5) of Article XI becomes clear. Once an impeachment complaint has been initiated, another impeachment complaint may not be filed against the same official within a one year period following Article XI, Section 3(5) of the Constitution.[305] (Emphasis supplied)

Gutierrez v. House of Representatives Committee on Justice (Resolution)[306] considers unconstitutional the act of referring an impeachment complaint that is covered by the one-year bar:

The House cannot indeed refuse to refer an impeachment complaint that is filed without a subsisting bar. To refer an impeachment complaint within an existing one-year bar, however, is to commit the apparently unconstitutional act of initiating a second impeachment proceeding, which may be struck down under Rule 65 for grave abuse of discretion. It bears recalling that the one-year bar rule itself is a constitutional limitation on the House's power or function to refer a complaint.

Tackling on the House floor in its order of business a clearly constitutionally-prohibited second impeachment complaint on the matter of whether to make the appropriate referral goes precisely into the propriety of the referral and not on the merits of the complaint. The House needs only to ascertain the existence or expiry of the constitutional ban of one year, without any regard to the claims set forth in the complaint.[307] (Emphasis supplied)

The provisions on initiating impeachment complaints, i.e., the first mode under Article XI, Section 3(2) and (3) and the second mode under Section 3(4) of the Constitution, should be read in light of other constitutional provisions and sections. These include the provisions on the one-year bar, public accountability, powers of the Legislative and Judicial branches, and the Bill of Rights.

The one-year bar ensures that impeachable officers are not unduly disrupted or harassed in performing their duties. The article on public accountability highlights that a public office is a public trust, and that impeachment protects the government from erring high-ranking officials. The boundaries between the Legislative and Judicial branches cement the system of checks-and-balances between them and the role of each branch in exacting high standards of public service. The Bill of Rights ensures that all citizens, including public officials, are entitled to protection from government abuse, especially through the presumption of innocence, and the rights to due process and speedy disposition of cases.

Hence, a nuanced approach is warranted to remain faithful to the purpose of the one-year bar, given the

impossibility of initiation due to the House's inaction and adjournment of its term. The one-year bar should be reckoned from the initiation of the impeachment complaint if unacted upon or when it is dismissed if it has been partially acted upon. The one-year bar may also start to commence upon the violation of the fundamental rights of the respondent which ousts the House or the Senate of jurisdiction.

In this case, the three impeachment complaints were properly endorsed within the 10-session-day constitutional requirement. However, the three impeachment complaints were archived and therefore deemed terminated or dismissed on February 5, 2025. Therefore, no new impeachment complaint, if any, may be commenced earlier than February 6, 2026.

VI

Due process requirement

Besides being barred by Article XI, Section 3(5), the Articles of Impeachment filed via Article XI, Section 3(4) is null and void due to a violation of the due process clause.

Due process, as a requirement, must be present in the entire impeachment process. It should be present in both Article XI, Section 3(2) and Section 3(4).

Given the grave and far-reaching effects of impeachment on an elected official, the House of Representatives must exercise due diligence and caution in ensuring that impeachment complaints are properly initiated, and the fundamental rights of the respondent and the integrity and independence of their public office are protected.

Republic v. Sereno^[308] aptly captures the precarious, partisan, and political aspects of impeachment proceedings:

. . . While the proceeding itself is non-partisan, the powers to initiate impeachment and to conduct trial are exercised by Congress, a political body that may be susceptible to partisan influence. The sanction also carries with it "the stigmatization of the offender."

Impeachment is designed for occasional use, not to be invoked lightly, but reserved only for the most serious offenses enumerated under the Constitution:[I]mpeachment is the heaviest piece of artillery in the congressional arsenal, but because it is so heavy it is unfit for ordinary use. It is like a hundred-ton gun which needs complex machinery to bring it into position, an enormous charge of powder to fire it, and a large mark to aim at.

Due to its complex nature, "impeachment is the most difficult and cumbersome mode of removing a public officer from office." Factors that must be examined and considered include "the process required to initiate the proceeding; the one-year limitation or bar for its initiation; the limited grounds for impeachment the defined instrumentality given the power to try impeachment cases; and the number of votes required for a finding of guilt." Proceedings stall legislative work, are costly to prosecute, and result in the divisiveness of the nation. Thus, impeachment is limited "only to the officials occupying the highest echelons of responsibility in our government."

In recognition of the immense responsibility reposed upon the highest officers of the land, the Constitution has decreed that they may only be removed via impeachment providing them with a level of immunity while in office but accountable after retirement, resignation, or removal.^[309] (Emphasis supplied, citations omitted)

The first mode under Article XI, Section 3(2) and (3) of the Constitution and Rule II of the House Rules on Impeachment already provide a comprehensive procedure. The provision on the first mode under the Constitution states:

(2) A verified complaint for impeachment may be filed by any Member of the House of Representatives or by any citizen upon a resolution of endorsement by any Member thereof, which shall be included in the Order of

Business within ten session days, and referred to the proper Committee within three session days thereafter. The Committee, after hearing, and by a majority vote of all its Members, shall submit its report to the House within sixty session days from such referral, together with the corresponding resolution. The resolution shall be calendared for consideration by the House within ten session days from receipt thereof.

(3) A vote of at least one-third of all the Members of the House shall be necessary either to affirm a favorable resolution with the Articles of Impeachment of the Committee or override its contrary resolution. The vote of each Member shall be recorded. (Emphasis supplied)

Essentially, the elements of hearing, deliberations, and voting manifest participation and respect the respondent's right to due process and presumption of innocence.

Expanding these elements would show the following steps and sequence: (1) the inclusion in the Order of Business within 10 session days from the endorsement of the verified impeachment complaint (which necessarily includes the speaker's receipt of the verified impeachment complaint); (2) the referral of the verified impeachment complaint to the proper committee within three session days from its inclusion in the Order of Business; (3) the committee proceedings which should conclude with a report and resolution within 60 session days; and (4) the inclusion in the calendar of the House of Representatives within 10 session days from its receipt of the committee's report and resolution.

The hearing and deliberations are important to due process. The respondent is involved and thus granted an opportunity to be heard in these proceedings. "To be heard" does not mean only verbal arguments in court; one may be heard also through pleadings. Where opportunity to be heard is accorded, whether through oral arguments or pleadings, there is no denial of procedural due process.[310]

In all cases, the members of the House are expected to be provided with information pertinent to the impeachment complaint. These reference materials ensure that the members are prepared for the plenary deliberations and that the allegations are conclusions of fact based on demonstrable and existing pieces of evidence.

To avoid partisan influence or unfounded or malicious complaints, the House of Representatives should not merely rely on the allegations therein but should require evidence to arrive at conclusions of fact. "[B]are allegations, unsubstantiated by evidence, are not equivalent to proof." [311] Further, the party who alleges has the burden of proving their allegation with the requisite quantum of evidence.[312]

Moreover, the members can express their views and votes prior to arriving at a resolution or official action. They can utilize the prescribed 10 session days from the endorsement of the complaint and the three session days prior to referral to the proper committee to study the complaint and prepare for the plenary deliberation.

The prescribed timeline also observes the respondent's right to speedy disposition of cases. The House of Representatives is required to keep a Journal and a Record of its proceedings, positions, and votes,[313] thereby encouraging the members to genuinely and conscientiously participate in the proceedings. The recording of votes thus exacts accountability from the members.

VI.A

Due process requirement in Article XI, Section 3(4)

People v. Belmonte[314] discussed the concept of presumption of innocence as follows:

Basic in all criminal prosecutions is the presumption that the accused is innocent until the contrary is proved. Thus, the well-established jurisprudence is that the prosecution bears the burden to overcome such presumption; otherwise, the accused deserves a judgment of acquittal. Concomitant thereto, the evidence of the prosecution must stand on its own strength and not rely on the weakness of the evidence of the defense.[315]

(Emphasis supplied, citations omitted)

Resident Marine Mammals of the Protected Seascape Tañon Strait v. DENR Secretary Reyes[316] highlighted that the Constitution is the fundamental and paramount law of the land; hence, it is deemed written in every statute or contract. Further, the Constitution establishes fixed principles on which the government is founded:

A constitution is a system of fundamental laws for the governance and administration of a nation. It is supreme, imperious, absolute and unalterable except by the authority from which it emanates. It has been defined as the fundamental and paramount law of the nation. It prescribes the permanent framework of a system of a government, assigns to the different departments their respective powers and duties, and establishes certain fixed principles on which government is founded. The fundamental conception in other words is that it is a supreme law to which all other laws must conform and in accordance with which all private rights must be determined and all public authority administered. Under the doctrine of constitutional supremacy, if a law or contract violates any norm of the constitution that law or contract whether promulgated by the legislative or by the executive branch or entered into by private persons for private purposes is null and void and without any force and effect. Thus, since the Constitution is the fundamental, paramount and supreme law of the nation, it is deemed written in every statute and contract.[317] (Emphasis supplied)

In Francisco, Jr., citing Justice Reynato S. Puno's Concurring and Dissenting Opinion in Arroyo v. De Venecia,[318] the rulemaking power of Congress concerning impeachment is bound by constitutional restraints and fundamental rights:

. . . The question, therefore, is as to the validity of this rule, and not what methods the Speaker may of his own motion resort to for determining the presence of a quorum, nor what matters the Speaker or clerk may of their own volition place upon the journal. Neither do the advantages or disadvantages, the wisdom or folly, of such a rule present any matters for judicial consideration. With the courts the question is only one of power. The Constitution empowers each house to determine its rules of proceedings. It may not by its rules ignore constitutional restraints or violate fundamental rights, and there should be a reasonable relation between the mode or method of proceedings established by the rule and the result which is sought to be attained. But within these limitations all matters of method are open to the determination of the House, and it is no impeachment of the rule to say that some other way would be better, more accurate, or even more just. It is no objection to the validity of a rule that a different one has been prescribed and in force for a length of time. The power to make rules is not one which on[ce] exercised is exhausted. It is a continuous power, always subject to be exercised by the House, and within the limitations suggested, absolute and beyond the challenge of any other body or tribunal."[319] (Emphasis supplied)

The constitutional presumption of innocence is "demanded by the due process clause of the Constitution which protects the accused from conviction except upon proof beyond reasonable doubt of every fact necessary to constitute the crime [they are] charged with."[320]

Due process is essentially a party's right to be heard or to be given the "opportunity to defend [their] interests in due course."[321] "Despite the debate on the historical meaning of 'due process of law,' compliance with both procedural and substantive due process is required in this jurisdiction."[322]

Office of the Ombudsman v. Conti,[323] adopting Ang Tibay v. Court of Industrial Relations,[324] describes "[p]rocedural due process [a]s that which hears before it condemns, which proceeds upon inquiry and renders judgment only after trial. It contemplates notice and opportunity to be heard before judgment is rendered affecting one's person or property."[325]

While due process evades a precise definition, this Court distinguished procedural and substantive due process as follows:

The primary constitutional question that confronts us is one of due process, as guaranteed under Section 1, Article III of the Constitution. Due process evades a precise definition. The purpose of the guaranty is to prevent arbitrary governmental encroachment against the life, liberty and property of individuals. The due process guaranty serves as a protection against arbitrary regulation or seizure. Even corporations and partnerships are protected by the guaranty insofar as their property is concerned.

The due process guaranty has traditionally been interpreted as imposing two related but distinct restrictions on government, "procedural due process" and "substantive due process." Procedural due process refers to the procedures that the government must follow before it deprives a person of life, liberty, or property. Procedural due process concerns itself with government action adhering to the established process when it makes an intrusion into the private sphere. Examples range from the form of notice given to the level of formality of a hearing.

If due process were confined solely to its procedural aspects, there would arise absurd situation of arbitrary government action, provided the proper formalities are followed. Substantive due process completes the protection envisioned by the due process clause. It inquires whether the government has sufficient justification for depriving a person of life, liberty, or property.[326] (Emphasis supplied, citations omitted)

Ang Tibay outlined the following cardinal primary rights that must be respected even in administrative proceedings:

- (1) The first of these rights is the right to a hearing which includes the right of the party interested or affected to present his own case and submit evidence in support thereof[. . .]
- (2) Not only must the party be given an opportunity to present his case and to adduce evidence tending to establish the rights which he asserts but the tribunal must consider the evidence presented[. . .]
- (3) "While the duty to deliberate does not impose the obligation to decide right, it does imply a necessity which cannot be disregarded, namely, that of having something to support its decision[. . .]
- (4) Not only must there be some evidence to support a finding or conclusion[,] but the evidence must be "substantial."[. . .]
- (5) The decision must be rendered on the evidence presented at the hearing, or at least contained in the record and disclosed to the parties affected[...]
- (6) The Court of Industrial Relations or any of its judges, therefore, must act on its or his own independent consideration of the law and facts of the controversy, and not simply accept the views of a subordinate in arriving at a decision[. . .]
- (7) The Court of Industrial Relations should, in all controversial questions, render its decision in such a manner that the parties to the proceeding can know the various issues involved, and the reasons for the decisions rendered. The performance of this duty is inseparable from the authority conferred upon it.[327](Emphasis supplied)

The United States jurisprudence cited in Ang Tibay still remain good law, mostly cited neutrally, positively, or with caution, but rarely questioned.[328] The cardinal rights and the "fluid concept of administrative due process also continue[s] to progress [in Philippine jurisprudence]."[329]

Magcamit v. Internal Affairs Service-Philippine Drug Enforcement Agency[330] summarizes these cardinal rights as follows:

The first of the enumerated rights pertains to the substantive rights of a party at the hearing stage of the proceedings.

The second, third, fourth, fifth, and sixth aspects of the Ang Tibay requirements are reinforcements of the right to a hearing and are the inviolable rights applicable at the deliberative stage, as the decision maker decides on the evidence presented during the hearing. These standards set forth the guiding considerations in deliberating on the case and are the material and substantial components of decision making.

Finally, the last requirement, relating to the form and substance of the decision of a quasi-judicial body, further complements the hearing and decision-making due process rights and is similar in substance to the constitutional requirement that a decision of a court must state distinctly the facts and the law upon which it is based.[331] (Emphasis supplied, citations omitted)

"The opportunity to be heard must be present at every single stage of the proceedings. It cannot be lost even after judgment." [332]

Ang Tibay highlights the importance of procedural due process in ensuring that the right to due process of affected parties or respondents is respected. Essentially, the prescribed cardinal rights are designed to ensure that the respondent is given an opportunity to be heard and that the tribunal arrives at a decision that is supported by both facts and evidence.

"[D]ue process in administrative proceedings does not necessarily require a trial type of hearing [nor] an exchange of pleadings between or among the parties." [333] As long as it is "grounded on evidence, and expressed in a manner that sufficiently informs the parties of the factual and legal bases of the decision," due process is met. [334]

Saunar v. Ermita [335] stressed the importance of hearing, exchange of pleadings, and presentation of evidence to ensure that decisions of administrative bodies are based on the accurate appreciation of facts. [336] It even reminded administrative bodies that they "have the active duty to use the authorized legal methods of securing evidence and informing itself of facts material and relevant to the controversy." [337] It then explained that due process is anchored on fairness and equity:

To reiterate, due process is a malleable concept anchored on fairness and equity. The due process requirement before administrative bodies are not as strict compared to judicial tribunals in that it suffices that a party is given a reasonable opportunity to be heard. Nevertheless, such "reasonable opportunity" should not be confined to the mere submission of position papers and/or affidavits and the parties must be given the opportunity to examine the witnesses against them. The right to a hearing is a right which may be invoked by the parties to thresh out substantial factual issues. It becomes even more imperative when the rules itself of the administrative body provides for one. While the absence of a formal hearing does not necessarily result in the deprivation of due process, it should be acceptable only when the party does not invoke the said right or waives the same. [338] (Emphasis supplied)

Manggagawa sa Komunikasyon ng Pilipinas v. PLDT, Inc. [339] reaffirms the importance of substantiating findings and allegations with evidence:

It is, therefore, evident that even if labor proceedings, such as the Secretary of Labor's exercise of his or her visitorial and enforcement powers, are not tethered to technical rules of procedure, the process cannot completely ignore basic tenets of appreciating evidence. For instance, self-serving statements cannot be accepted as evidence. Also settled is the rule that bare allegations, unsubstantiated by evidence, are not equivalent to proof. [340] (Emphasis supplied, citations omitted)

Notably, implied among the cardinal rights is the impartiality of the tribunal in ensuring an outcome that is not only legal and just but also independent of political or personal motivations. Estrada v. Office of the Ombudsman [341] pointed this inference of impartiality from the cardinal rights:

The guidelines set forth in *Ang Tibay* are further clarified in *GSIS v. CA* (GSIS): "what *Ang Tibay* failed to explicitly state was, prescinding from the general principles governing due process, the requirement of an impartial tribunal which, needless to say, dictates that one called upon to resolve a dispute may not sit as judge and jury simultaneously, neither may he review his decision on appeal." [342] (Emphasis supplied, citations omitted)

The subsequent cases expressly interpret impartiality among the cardinal rights.

In *Gas Corporation of the Philippines v. Inciong*, [343] "the standard of due process . . . allows a certain latitude as long as the element of fairness is not ignored." [344] *Flores-Concepcion v. Castañeda* [345] reiterates this pronouncement and stated that "the failure to strictly apply the regulations required by *Ang Tibay* will not necessarily result in the denial of due process, as long as the elements of fairness are not ignored[.]" [346]

Commissioner of Internal Revenue v. Avon Products Manufacturing, Inc. [347] elucidates on the last requirement or cardinal right as imposing upon the decision-maker the "'duty to give reason' to enable the affected person to understand how the rule of fairness has been administered in [their] case[.]" [348]

Part of due process is for a party to be given "an opportunity to enlighten the quasi-judicial body of its grievances that may possibly sway its original decision" [349] after a decision is issued. Further, due process takes precedence over the internal rules of administrative bodies. [350]

These concepts and principles apply to impeachment proceedings given its legal and political nature. They complement the judicial review that will be applied on the alleged constitutional violations plaguing the impeachment complaints in issue here.

Hence, impeachment proceedings will be scrutinized based on the House's compliance with procedural due process, including the elements of notice and hearing. This will ensure that the tribunal is impartial and its decision is supported by facts and evidence. Lacking any of these requisites, the proceedings go against the Constitution and must be struck down.

The current jurisprudence relating, adopting, and developing *Ang Tibay* already provide clear guidelines and sufficient design to ensure that the proceedings, parties, and tribunal do not violate constitutional rights and are insulated from political or personal interests.

Grave abuse of discretion is anathema to due process and invites judicial inquiry when committed by a certain branch of government. The legal nature of impeachment proceedings, particularly its criminal and administrative aspects, requires upholding the right to due process [351] and the presumption of innocence [352] at all times.

Thus, the House of Representatives must ensure that the following due process safeguards are observed:

First, the acts or omissions constituting the proper charge must be: (a) committed during the term of the impeachable officer, not before they were elected or appointed; (b) fall under the crimes or offenses enumerated under Article XI, Section 2 of the Constitution, namely culpable violation of the Constitution, treason, bribery, graft and corruption, other high crimes, or betrayal of public trust.

The violations charged should be sufficiently grave as to be a violation of the definition of public trust in Article XI, Section 1 of the Constitution. For the president and the vice president, the violation charged must betray the trust of the electorate. For the members of the Supreme Court, the members of the constitutional commissions, and the Ombudsman, the violation charged must undermine their autonomy, independence, and impartiality. Members of collegial bodies cannot be answerable for any impeachment based upon the decisions of the collegial bodies as a whole, especially if these decisions pertain to their decisional prerogatives.

Second, the proper charge should be accompanied with sufficiently clear and convincing evidence that constitutes proof of the acts and omissions that are considered as impeachable offenses.

Third, the respondent must have been given the opportunity to be heard on the pieces of evidence offered to prove the alleged impeachable offenses. The evidence that leads to an inference of proof of the existence and commission of the acts or omissions considered as impeachable offenses must not be *ex parte*.

However, the constitutional requirement is merely an opportunity to be heard. At the very least, to accord due process in the procedure under Article XI, Section 3(4), after the draft Articles of Impeachment and the required proof are arrived at:

(a)

The House of Representatives should provide a copy of the draft Articles of Impeachment and its accompanying evidence to the respondent to give her an opportunity to respond within a reasonable period to be determined by their rules. The Constitution only requires an opportunity to be heard. It is up the respondent to waive this fundamental right and opt to present her evidence at the Senate trial; and

(b)

The draft Articles of Impeachment, with its accompanying evidence, and the comment of the respondent, if any, should be made available to all the members of the House. It is the House as a whole—not one-third of the House—that has the sole prerogative to initiate impeachment complaints. Thus, there must be some modicum of deliberation so each member representing their constituents can be heard and thus convince others to their position. The transmittal, however, will only take place upon the qualified vote of one-third of the House.

Respondent House of Representatives insists that the verification and signature of at least one-third of its members are sufficient to meet due process of law. Alternatively, it also argues that the due process rights of the vice president is inherent in the trial that should be conducted by the Senate.

This presumption confuses the belief of the members of the House with the requirement of an opportunity to be heard. It also fails to appreciate the nature of the impeachment process and that due process applies to all stages of the impeachment process, including the trial and conviction of any respondent subjected to this process.

Grave abuse of discretion has been defined as a "capricious or whimsical exercise of judgment that is patent and gross as to amount to an evasion of positive duty or a virtual refusal to perform a duty enjoined by law."^[353]

Since due process is a fundamental and constitutional right, a decision rendered without due process strips the entity making the decision of its jurisdiction, thereby rendering the decision void:

The doctrine consistently adhered to by this Court is that a decision rendered without due process is void *ab initio* and may be attacked directly or collaterally. A decision is void for lack of due process if, as a result, a party is deprived of the opportunity to be heard. "The cardinal precept is that where there is a violation of basic constitutional rights, courts are ousted of their jurisdiction. Thus, the violation of the State['s] right to due process raises a serious jurisdiction issue which cannot be glossed over or disregarded at will. Where the denial of the fundamental right of due process is apparent, a decision rendered in disregard of that right is void for lack of jurisdiction. Any judgment or decision rendered notwithstanding such violation may be regarded as a lawless thing, which can be treated as an outlaw and slain at sight, or ignored wherever it exhibits its head."

Consequently, such nullity not only applies to the entire judgment rendered by the Ombudsman but likewise nullifies the judgment rendered by the CA reversing the findings of the Ombudsman as to Conti's liability. With the violation of Conti's right to due process, it is therefore plain, that any judgment arising from it is void, whether the same be favorable to him or otherwise.^[354] (Emphasis supplied, citations omitted)

Hence, with grave abuse of discretion tainting the impeachment proceedings using Article XI, Section 3(4), the Articles of Impeachment transmitted to the Senate was void ab initio.

Being void ab initio, the Articles of Impeachment could not be the basis for the Senate to acquire jurisdiction to try and decide the allegations raised in this impeachment process.

Being void ab initio, the filing of the Articles of Impeachment cannot also be the basis for reckoning the one-year ban mandated by Article XI, Section 3(5).

VI.B

Allegations of whimsical same-day filing without sufficient proof

Petitioners further claim that the expedited, same-day filing and transmittal of the fourth impeachment complaint indicates a whimsical exercise of judgment on the House of Representatives.

We cannot grant this argument without sufficient proof.

In *Gutierrez*, we held that "[a]n abbreviated pace in the conduct of proceedings is not per se an indication of bias." [355] The more pressing considerations are whether the House of Representatives was transparent on the agenda and the processing of the fourth impeachment complaint, and if the members thoroughly studied and genuinely approved it based on facts and law. Although petitioners point to some statements made by some of the members of the House publicly, they are of the form that this Court cannot admit in evidence.

Petitioners *Torreon et. al* argue that the caucus lacked transparency, the assembly was sudden, and clear information was absent. Effectively, the members were deliberately kept uninformed to prevent deliberation, debate, or dissent before they were pressured to support the impeachment complaint. [356]

Petitioners also call attention to the same-day filing, processing, and transmittal to the Senate of the fourth impeachment complaint, which the Members only learned about that day. This leaves much room for explanation. As pointed out by petitioners *Torreon et al.*, it is far-fetched to assume that the members of the House thoroughly read and understood the fourth impeachment complaint of 890 pages in just a day.

Further, petitioners allege that prior to the caucus, several members were captured walking toward the session hall seemingly puzzled and unaware of the specific agenda for the caucus or that they would be urged to sign the fourth impeachment complaint. [357]

Besides the vague invitation to the caucus, the fourth impeachment complaint was introduced only as an Additional Reference of Business by the House secretary general before the plenary. Thereafter, the speaker presided over the session and "ensured that the impeachment complaint was addressed immediately under the House Rules." The majority leader then moved for the immediate endorsement of the fourth impeachment complaint to the Senate. The motion was adopted without objection, and the fourth impeachment complaint was officially transmitted to the Senate on the same day. Finally, the House of Representatives elected the panel of prosecutors. [358]

It cannot be denied that it took only a little over two hours, from 3:37 p.m. to 5:49 p.m. of February 5, 2025, to complete the caucus. The records did not indicate any plenary deliberation among the members.

However, these are mere allegations. Allegations do not constitute proof.

The Court decided as a matter of courtesy through the Resolution dated July 8, 2025 to allow the House to provide its own explanation.

It is true that the House of Representatives did not fully dispute petitioners *Torreon et al.*'s account of events,

opting instead. to raise the defense that impeachment proceedings are political in nature. But this approach to argument cannot be deemed an admission of a flaw in the process.

Petitioners Torreon et al.'s allegations on this point amounted to a serious assertion that the members of the House of Representatives did not have the patience, courage, and integrity to read what was before them. To prove these allegations requires more to overcome the presumed regularity of functions of a co-equal department of government. The fundamental requirements of courtesy to a constitutionally created branch of government compel us not to accept allegations of this nature merely upon the allegation of a petitioner.

VII

Summary

We reiterate the crucial considerations in determining the justiciability and validity of impeachment proceedings, based on their nature as a *sui generis* proceeding under the Constitution.

First, the impeachment process is primarily a legal and constitutional procedure but with political characteristics. It may be *sui generis*, but it is not a purely political proceeding. This means that the Bill of Rights, especially the due process clause and the right to speedy disposition of cases, applies to the entire impeachment process.

Second, considering the nature of the offices and the institutions that are subject to impeachment, its effect on the independence of constitutional departments and organs, and its nature as a constitutional process, all legal issues involving impeachment proceedings are subject to judicial review. While the Court does not determine when, who, and whether an impeachable officer may be removed and disqualified from political office, it has the duty to construe the process mandated in the Constitution.

Third, Article XI, Section 3(2) of the Constitution clearly requires that a verified impeachment complaint be immediately put in the Order of Business within 10 session days from its endorsement. Neither the secretary general nor the speaker of the House is granted by the Constitution any discretion to determine when this period commences. Neither does the House of Representatives have any discretion except to refer these matters to the proper committee within three session days. Within these periods, the House may opt to consolidate all impeachment complaints properly commenced and endorsed.

Obviously, sham complaints, for example, those that are not verified, should be dismissed immediately, even if endorsed. Complaints that are not properly endorsed by a member of the House of Representatives within a reasonable period should also be dismissed. These types of dismissals will not trigger the one-year ban.

A session day, however, is not equivalent to a calendar day. It is a period that starts from a call to order until the session is adjourned, regardless of the passage of time.

Respondents were able to comply with Article XI, Section 3(2) by putting the three endorsed impeachment complaints in the Order of Business of the House of Representatives. However, since the 19[th] Congress terminated, the three impeachment complaints became unacted upon. Since these complaints were archived, they were effectively terminated and dismissed.

Fourth, the filing of the Articles of Impeachment under a different mode, namely Article XI, Section 3(4), is different from Article XI, Section 3(2). It is a different and separate mode of initiating an impeachment complaint. Therefore, it is already barred by Article XI, Section 3(5).

The one-year bar is reckoned from the time an impeachment complaint is dismissed or becomes no longer viable.

Fifth, Article XI, Section 3(4) does not exist in isolation of the other provisions of the Constitution. Therefore, it is subject to the requirement of due process of law. Due process principles require that:

(1)

The draft Articles of Impeachment or resolution should be accompanied by evidence when made available to the members of the House, especially those who are considering its endorsement;

(2)

The evidence should be sufficient to prove the charges in the Articles of Impeachment;

(3)

The draft Articles of Impeachment and their accompanying evidence should also be made available to all the members of the House of Representatives, and not only to those who are being considered to endorse. Impeachment is an act of the entire House, which requires a qualified minority of only one-third of its members to be transmitted to the Senate. However, the House of Representatives is a deliberative assembly where each member should be allowed to represent the views of their constituents;

(4)

The respondent should have had the opportunity to be heard on the draft Articles of Impeachment and the supporting evidence to prove the charges prior to the transmittal to the Senate and regardless of the number of members of the House of Representatives that have already endorsed;

(5)

A reasonable period of time determined on the basis of the complexity of the charges must be given to all the members of the House of Representatives for them to reach their independent decision of whether or not to endorse an impeachment complaint. The determination of this period principally lies with the House of Representatives. However, the Court has the power to review whether this period is sufficient, but the petitioner should discharge the burden of overcoming regularity in the performance of their functions;

(6)

The basis of any charge must be for impeachable acts or omissions committed in relation to their office and during the current term of the impeachable officer. For the president and vice president, these acts must be sufficiently grave amounting to the crimes described in Article XI, Section i or a betrayal of public trust given by the majority of the electorate. For the other impeachable officers, the acts must be sufficiently grave that they undermine and outweigh the respect for their constitutional independence and autonomy;

(7)

At the very least, to accord the opportunity to be heard under the requirement of due process in the procedure under Article XI, Section 3(4), after the draft Articles of Impeachment and the required proof are arrived at:

(a)

The House of Representatives should provide a copy of the draft Articles and its accompanying evidence to the respondent to give her an opportunity to respond within a reasonable period to be determined by their rules. The Constitution only requires an opportunity to be heard. It is up to the respondent to waive this fundamental right and opt to present her evidence at the Senate trial; and

(b)

The draft Articles of Impeachment, with its accompanying evidence, and the comment of the respondent, if any, should be made available to all the members of the House. It is the entire House—not one-third of the House—that has the sole prerogative to initiate impeachment complaints. Thus, there must be some modicum of

deliberation so each member representing their constituents can be heard and thus convince others to their position. The transmittal, however, will only take place upon the qualified vote of one-third of the House.

Consequently, the Articles of Impeachment transmitted by the House of Representatives based upon the fourth impeachment complaint is barred by the one-year rule under Article XI, Section 3(5). It is also constitutionally infirm and therefore null and void ab initio.

New impeachment complaints against the respondent, if any, may only be commenced no earlier than February 6, 2026.

A FINAL NOTE

It is not our duty to favor any political result. Ours is to ensure that politics are framed within the Rule of Just Law.

We cannot concede the sobriety of fairness inherent in due process of law to the passions of a political moment. Our fundamental law is clear: The end does not justify the means.

We understand our history. We have learned that in the past, momentary desires to do what is convenient and concede means to ends have inadvertently created precedents that weaken the succor of law for those who dissent, or those at our society's margins, or those who may have fallen out of grace from the powers that be. We have learned that the clash of political interests in the past, often disguised by noble intentions, has obscured the need to address the real problems of corruption, inequality, poverty, and disempowerment faced by our people.

We will not allow that to happen again. We will not hesitate to declare what is legal, just, and right for our people.

There is a right way to do the right thing at the right time. This is what the Rule of Just Law means. This is what fairness or due process of law means, even for impeachment.

ACCORDINGLY, the Petitions in G.R. Nos. 278353 and 278359 are PARTIALLY GRANTED.

The three impeachment complaints filed under Article XI, Section 3(2) and placed in the Order of Business of the House of Representatives remained unacted upon and archived by the 19[th] Congress prior to its adjournment. They were effectively dismissed.

The subsequent filing of the Articles of Impeachment under Article XI, Section 3(4) against Vice President Sara Z. Duterte, and its transmittal by the House of Representatives to the Senate of the 19[th] Congress is considered to be a separate and distinct mode of initiating the impeachment process. The Articles of Impeachment are DECLARED BARRED BY ARTICLE XI, SECTION 3(5) OF THE CONSTITUTION. Likewise, they are UNCONSTITUTIONAL and are deemed NULL and VOID AB INITIO.

Consequently, the Senate DID NOT ACQUIRE jurisdiction to constitute itself into an impeachment court.

This Decision is IMMEDIATELY EXECUTORY. It shall be deemed served on petitioners and released upon publication in the Supreme Court website and receipt of the parties of their digital copy in accordance with A.M. No. 25-05-16-SC or the Guidelines on the Transition to Electronic Filing in the Supreme Court.

Considering Article XI, Section 3(5) of the Constitution, no impeachment proceedings may be commenced at the House of Representatives during its 20[th] Congress against Vice President Sara Z. Duterte earlier than February 6, 2026.

SO ORDERED.

Gesmunno, C.J., Rosario, Marquez, Kho, Jr., and Villanueva, JJ., concur.
Hernando, J., see separate concurring opinion.
Inting, Zalameda, Gaerlan, and J. Lopez, JJ., with concurring opinion.
Lazaro-Javier,[**] J., on official business left concurring vote.
Dimaampao,[***] J., on leave but left a vote; concurring.
Caguioa,[*] J., on official business. No part.
Singh,[****] J., on leave.

[*] No part and on official business.

[**] On official business.

[***] On leave but left a vote.

[****] On leave.

[1] Rollo (G.R. No. 278353), Annex B to the Petition, Impeachment Complaint dated December 2, 2025, pp. 1-50.

[2] Id. at 3.

[3] Id. at 3-16.

[4] Id. at 21-22.

[5] Id. at 22.

[6] Id. at 1.

[7] Id. at 1-48.

[8] Id. at 15-25.

[9] Id. at 12-15.

[10] Id. at 1.

[11] Id. at 1-87.

[12] Id. at 33-50.

[13] Id. at 1-2.

[14] Rollo (G.R. No. 278359), Comment, p. 4.

[15] CONST., art. XI, sec. 3(2). A verified complaint for impeachment may be filed by any Member of the House of Representatives or by any citizen upon a resolution of endorsement by any Member thereof, which shall be included in the Order of Business within ten session days, and referred to the proper Committee within three session days thereafter. The Committee, after hearing, and by a majority vote of all its Members, shall submit its report to the House within sixty session days from such referral, together with the corresponding resolution. The resolution shall be calendared for consideration by the House within ten session days from receipt thereof. (Emphasis supplied)

Rules of Procedure in Impeachment Proceedings of the House of Representatives, Rule II, sec. 2, provides:

Mode of Initiating Impeachment. – Impeachment shall be initiated by the filing and subsequent referral to the Committee on Justice of:

(a)

a verified complaint for impeachment filed by any Member of the House of Representatives;

(b)

a verified complaint filed by any citizen upon a resolution of endorsement by any Member thereof;

(c)

a verified complaint or resolution of impeachment filed by at least one-third (1/3) of all the Members of the House. (Emphasis supplied)

[16] Rollo (G.R. No. 278359), Comment, p. 4.

[17] CONST., art. XI, sec. 3(2).

[18] Rules of Procedure in Impeachment Proceedings of the House of Representatives, rule II, sec. 2.

[19] Rollo (G.R. No. 278359), Petition for Certiorari and Prohibition, p. 18; see CONST. art. XI, sec. 3(2).

[20] Rollo (G.R. No. 278353), Reply with Motion, p. 11.

[21] Rollo (G.R. No. 278359), Petition for Certiorari and Prohibition, p. 18-23; See Annexes "E" to "I".

[22] Rollo (G.R. No. 278359), Annex A to the Petition, Articles of Impeachment, pp. 1-890.

[23] CONST. art. XI, sec. 3(4); and Rules of Procedure in Impeachment Proceedings of the House of Representatives, Rule II, sec. 2(c).

[24] CONST. art. XI, sec. 3(4).

[25] Rollo (G.R. No. 278359), Annex A to the Petition, pp. 33-45.

[26] Rollo (G.R. No. 278359), Petition for Certiorari and Prohibition, p. 24; see CONST. art. XI, sec. 3(4).

[27] Rollo (G.R. No. 278353), Annex A to the Petition, Articles of Impeachment, pp. 9-21.

[28] Id. at 4-9.

[29] Id. at 26-29.

[30] Victoria Tulad, Senate formally receives articles of impeachment v. VP Sara Duterte from House, ABS-CBN News, February 5, 2025, available at <https://www.abs-cbn.com/news/nation/2025/2/5/house-impeaches-vp-sara-duterte-1551>.

[31] RG Cruz, Senate adjourns for 4-month election season without acting on impeachment vs. Sara Duterte, ABS-CBN News, February 5, 2025, available at <https://www.abs-cbn.com/news/nation/2025/2/5/senate-adjourns-for-4-month-election-season-without-acting-on-impeachment-vs-sara-duterte-2035>.

[32] Senate of the Philippines, Press Release dated February 6, 2025, available at https://web.senate.gov.ph/photo_release/2025/0206_00.asp.

- [33] Rollo (G.R. No. 278359), Petition for Certiorari and Prohibition, p. 25; citing House: 25 lawmakers sign forms to join impeachment complaint vs. Sara Duterte". ABS-CBN News. February 7, 2025, available at <https://www.abs-cbn.com/news/nation/2025/2/7/house-25-lawmakers-sign-forms-to-join-impeachment-complaint-vs-sara-duterte-1430>.
- [34] Dhel Nazario, Impeachment trial cannot start even in special session-Chiz, Manila Bulletin, February 8, 2025, available at <https://mb.com.ph/8/2/2025/impeachment-trial-cannot-start-even-in-special-session-chiz>.
- [35] Wilnard Bacelonia, Senate makes VP Sura impeachment complaint public, Philippine News Agency, February 10, 2025, available at <https://www.pna.gov.ph/index.php/articles/1243726>.
- [36] Senate of the Philippines Press Release dated February 10, 2025, available at https://web.senate.gov.ph/photo_release/2025/0210_00.asp.
- [37] Rollo (G.R. No. 278353), Petition for Certiorari and Prohibition, pp. 1-36; Rollo (G.R. No. 278359), Petition for Certiorari and Prohibition, pp. 1-112.
- [38] Press Conference of Senate President Francis "Chiz" G. Escudero, February 19, 2025, available at <https://www.youtube.com/watch?v=aoRtqFeENvk>.
- [39] Rollo (G.R. No. 278353), Annex C to the Reply with Motion, p. 3.
- [40] Rollo (G.R. No. 278353), Reply with motion, p 18; G.R. No. 278311, Comment, p. 4.
- [41] Rollo (G.R. No. 278353), Annex A to the Reply with Motion; G.R. No. 278311, Comment, p. 4.
- [42] Rollo (G.R. No. 278353), Annex B to the Reply with Motion, p. 1.
- [43] Rollo (G.R. No. 278359), Supplemental Petition. p. 7; citing Senate of the Philippines Facebook page, available at <https://www.facebook.com/senateph/posts/pfbid031yvJYRVrcGLCxepEPJlHS894X3YQdnKuBcxSkJyYvS19LSQ7SY67oSNRwHjBadtCl?rdid=INFu7EIsIsVvYxrW#>.
- [44] Rollo (G.R. No. 278359), Supplemental Petition, p. 2; citing Giselle Ombay, "Minority moves for Senate to convene as impeachment court in VP Sara trial," GMA Integrated News, June 9, 2025, accessible at: <https://www.gmanetwork.com/news/topstories/nation/948815/senate-minority-moves-for-senate-toconvene-as-impeachment-court-in-vp-sara-trial/story/>.
- [45] Rollo (G.R. No. 278359), Supplemental Petition, p. 2.
- [46] Rollo (G.R. No. 278359), Supplemental Petition, p. 2.
- [47] Dwight De Leon and Jairo Bolledo, Senate convenes as impeachment court for trial of VP Sara Duterte, Rappler, June 10, 2025, available at <https://www.rappler.com/philippines/senate-convenes-impeachment-court-trial-vice-president-sara-duterte/>.
- [48] Karen Lerma and Mikhail Flores, Philippine Senate returns VP impeachment case to lower house hours after convening trial, Reuters, June 11, 2025, available at <https://www.reuters.com/world/asia-pacific/philippine-senators-prepare-be-jurors-sara-dutertes-impeachment-trial-2025-06-10/>.
- [49] Zacarian Sarao, Sara Duterte's office receives impeachment court summons, Phil. Daily Inq., June 11, 2025, accessible at <https://newsinfo.inquirer.net/2069540/sara-dutertes-office-receives-impeachment-court-summons>.

[50] Rollo (G.R. No. 278353), Manifestation with Submission dated June 30, 2025, pp. 1-4.

[51] July 8, 2025 Resolution, pp. 1-3.

[52] July 8, 2025 Resolution, p. 2.

[53] Compliance dated July 16, 2025, pp. 1-16. As of this time, respondent Senate have not yet submitted their Compliance.

[54] Rollo (G.R. No. 278353), Petition for Certiorari and Prohibition, pp. 1-36.

[55] 751 Phil. 301 (2015) [Per J. Leonen, En Banc].

[56] Rollo (G.R. No. 278353), Petition for Certiorari and Prohibition, pp. 5-6.

[57] Id. at 20.

[58] Id. at 21.

[59] Id. at 23.

[60] Id. at 28.

[61] Id. at 30.

[62] Id. at 31.

[63] Rollo (G.R. No. 278353), Comment, pp. 1-37.

[64] Id. at 7.

[65] Id. at 11.

[66] Id. at 12.

[67] Id. at 20.

[68] Id. at 21.

[69] Id. at 20.

[70] Rollo (G.R. No. 278353), Reply with Motion, pp. 1-18.

[71] Id. at 2, 5.

[72] Id. at 5.

[73] Id. at 5.

[74] Id. at 6.

[75] Id. at 8.

[76] Rollo (G.R. No. 278359), Petition for Certiorari and Prohibition, pp. 1-112.

[77] Id. at 10-11.

[78] Id. at 29.

[79] Id. at 30.

- [80] Id. at 31-32.
- [81] Id. at 35.
- [82] Id. at 36.
- [83] Id. at 36-37.
- [84] Id. at 37-38.
- [85] Id. at 50-53.
- [86] Id. at 55.
- [87] Id. at 62.
- [88] Id. at 23.
- [89] Id. at 24-25.
- [90] Id. at 62.
- [91] Id. at 77.
- [92] Rollo (G.R. No. 278359), Petition for Certiorari and Prohibition, p. 79.
- [93] Id. at 80.
- [94] Id. at 78.
- [95] Id. at 81.
- [96] Rollo (G.R. No. 278359), Comment, pp. 1-58, 10.
- [97] Id. at 12-13.
- [98] Id. at 43.
- [99] Id. at 23.
- [100] Id. at 23.
- [101] Id. at 44.
- [102] Id. at 43.
- [103] Rollo (G.R. No. 278359), Comment, p. 31-32.
- [104] Rollo (G.R. No. 278359), Reply, pp. 1-57.
- [105] Id. at 2.
- [106] Id. at 5-6.
- [107] Id. at 10-11.
- [108] Rollo (G.R. No. 278359), Supplemental Reply, pp. 1-33.
- [109] Id. at 8-25.
- [110] Id. at 2-7.

- [111] Rollo (G.R. No. 278359), Supplemental Petition, p. 6.
- [112] Id. at 6.
- [113] Id. at 8.
- [114] Id. at 8.
- [115] Rollo (G.R. No. 278359), Supplemental Petition, p. 8.
- [116] Id. at 11.
- [117] Id. at 12.
- [118] Id. at 15-20.
- [119] Id.
- [120] Rollo (G.R. Nos. 278353 and 278359), Compliance dated July 16, 2025, pp. 1-16.
- [121] Id. at 3.
- [122] Id. at 3-4.
- [123] 660 Phil. 271 (2011) [Per J. Carpio-Morales, En Banc].
- [124] Rollo (G.R. Nos. 278353 and 278359), Compliance dated July 16, 2025, pp. 5-6.
- [125] Id. at 6.
- [126] Rollo (G.R. Nos. 278353 and 278359), Compliance dated July 16, 2025, p. 6; See Annexes 2 and 3 to the Compliance dated July 6, 2025.
- [127] Rollo (G.R. Nos. 278353 and 278359), Compliance dated July 16, 2025, p. 7.
- [128] Id. at 8.
- [129] Id. at 9-10.
- [130] Rollo (G.R. Nos. 278353 and 278359), Compliance dated July 16, 2025, p. 10; See Annex 5 to the Compliance date July 6, 2025.
- [131] Rollo (G.R. Nos. 278353 and 278359), Compliance dated July 16, 2025, p. 11.
- [132] 836 Phil. 205 (2018) [Per J. Leonen, En Banc].
- [133] Id. at 244.
- [134] Information Technology Foundation of the Philippines v. COMELEC, 499 Phil. 281, 304 (2005) [Per C.J. Panganiban, En Banc].
- [135] Id. at 304-305.
- [136] The Provincial Bus Operators Association of the Philippines v. Department of Labor and Employment, 836 Phil. 205 (2018) [Per J. Leonen, En Banc].
- [137] Province of North Cotabato v. Government of the Republic of the Philippines Peace Panel on Ancestral Domain, 589 Phil. 387, 481 (2008) [Per J. Carpio-Morales, En Banc].

- [138] 721 Phil. 416 (2013) [Per J. Perlas-Bernabe, En Banc].
- [139] Id. at 519.
- [140] 918-B Phil. 1 (2021) [Per J. Carandang, En Banc].
- [141] Id. at 56.
- [142] 936 Phil. 17 (2023) [Per SAJ Leonen, En Banc].
- [143] Id. at 29.
- [144] 936 Phil. 538 (2023) [Per SAJ Leonen, En Banc].
- [145] Id. at 564.
- [146] 888 Phil. 434 (2020) [Per J. Leonen, En Banc].
- [147] Id. at 472-473, citing Provincial Bus Operators Association of the Philippines v. DOLE, 836 Phil. 205, 2018) [Per J. Leonen, En Banc].
- [148] Lagman v. Executive Secretary Ochoa, 888 Phil. 434, 473 (2020) [Per J. Leonen, En Banc], citing J. Leonen, Dissenting Opinion in Spouses Imbong v. Ochoa, Jr., 732 Phil. 1 (2014) [Per J. Mendoza, En Banc].
- [149] 936 Phil. 538 (2023) [Per SAJ Leonen, En Banc].
- [150] IDEALS Inc. v. Senate, 942 Phil. 1, 3 (2023) [Per Acting C.J. Leonen, En Banc].
- [151] Samahan ng mga Progresibong Kabataan v. Quezon City, 815 Phil. 1067, 1090 (2017) [Per J. Perlas--Bernabe, En Banc], citing Imbong v. Ochoa, 732 Phil. 1, 124 (2014) [Per J. Mendoza, En Banc].
- [152] Samahan ng mga Progresihong Kabataan v. Quezon City, 815 Phil. 1067, 1091 (2017) [Per J. Perlas--Bernabe, En Banc].
- [153] Disini v. Secretary of Justice, 727 Phil. 28, 122 (2014) [Per J. Abad, En Banc].
- [154] IDEALS Inc. v. Senate, 942 Phil. 1, 34 (2023) [Per Acting C.J. Leonen, En Banc].
- [155] 942 Phil. 1 (2023) [Per Acting C.J. Leonen, En Banc].
- [156] Id. at 34, citing Southern Hemisphere Engagement Network, Inc. v. Anti-Terrorism Council, 646 Phil. 452, 489 (2010) [Per J. Carpio-Morales, En Banc].
- [157] 936 Phil. 17, 31-32 (2023) [Per SAJ Leonen, En Banc].
- [158] 861 Phil. 388, 446, 449 (2019) [Per J. Leonen, En Banc].
- [159] Province of Sulu v. Medialdea, G.R. No. 242255, 243246 & 243693, September 9, 2024 [Per SAJ Leonen, En Banc], citing Falcis v. Civil Registrar General, 861 Phil. 388, 446, 449 (2019) [Per J. Leonen, En Banc].
- [160] 721 Phil. 416 (2013) [Per J. Perlas-Bernabe, En Banc].
- [161] Id. at 519-520.
- [162] 63 Phil. 139 (1936) [Per J. Laurel, En Banc].
- [163] Id. at 158.
- [164] 338 Phil. 546 (1997) [Per J. Panganiban, En Banc].

- [165] Id. at 574.
- [166] 460 Phil. 830 (2003) [Per J. Carpio-Morales, En Banc].
- [167] Id. at 941-942.
- [168] Id. at 893.
- [169] Id.
- [170] Rollo (G.R. No. 278359), Petition for Certiorari and Prohibition, p. 35.
- [171] Id. at 36.
- [172] Francisco, Jr. v. House of Representatives, 460 Phil. 830, 896-897 (2003) [Per J. Carpio-Morales, En Banc].
- [173] G.R. No. 242255, 243246 & 243693, September 9, 2024 [Per SAJ Leonen, En Banc].
- [174] Id., citing Matibag v. Benipayo, 429 Phil. 554, 578 (2002) [Per J. Carpio, En Banc].
- [175] Id., citing Laurel v. Gurcia, 265 Phil. 827, 845-846 (1990) [Per J. Gutierrez, Jr., En Banc].
- [176] Id., citing People v. Vera, 65 Phil. 56, 82 (1938) [Per J. Laurel, En Banc].
- [177] Rollo (G.R. No. 278359), Petition for Certiorari and Prohibition, p. 4.
- [178] Rollo (G.R. No. 278353), Petition for Certiorari and Prohibition, p. 2.
- [179] 849 Phil. 120 (2019) [Per J. Jardeleza, En Banc].
- [180] Id. at 149-150.
- [181] 751 Phil. 301 (2015) [Per J. Leonen, En Banc].
- [182] 84 Phil. 368 (1949) [Per J. Tuazon, En Banc].
- [183] 433 Phil. 506 (2002) [Per J. Carpio, En Banc].
- [184] 831 Phil. 271 (2018) [Per J. Tijam, En Banc].
- [185] Id. at 934-935.
- [186] 776 Phil. 167 (2016) [Per J. Leonen, Second Division].
- [187] Id. at 185-186.
- [188] 359 Phil. 276 (1998) [Per J. Panganiban, En Banc].
- [189] Id. at 288-296.
- [190] Id. at 301-302.
- [191] Rollo (G.R. No. 278353), House of Representatives Comment (to Torreon Petition), par. 19, p. 10.
- [192] CONST., art. XI, sec. 3(1).
- [193] 406 Phil. 1 (2001) [Per J. Puno, En Banc].
- [194] Id. at 42-44.
- [195] Francisco, Jr. v. House of Representatives, 460 Phil. 830, 891-892 (2003) [Per Carpio-Morales, En Banc].

- [196] Republic v. Sereno, 831 Phil. 271, 932-933 (2018) [Per J. Tijam, En Banc].
- [197] 43 Phil. 212 (1922) [Per J. Malcolm, En Banc].
- [198] Id. at 214-215.
- [199] Francisco, Jr. v. House of Representatives, 460 Phil. 830, 932 (2003) [Per J. Carpio-Morales, En Banc].
- [200] Id. at 941-942.
- [201] See J. Vitug, Separate Opinion in Francisco, Jr. v. House of Representatives, 460 Phil. 830 (2003) [Per J. Carpio-Morales, En Banc].
- [202] J. Vitug, Separate Opinion in Francisco, Jr. v. House of Representatives, 460 Phil. 830, 957 (2003) [Per J. Carpio-Morales, En Banc].
- [203] Gutierrez v. House of Representatives Committee on Justice, 658 Phil. 322, 386 (2011) [Per J. Carpio--Morales, En Banc].
- [204] J. Vitug, Separate Opinion in Francisco, Jr. v. House of Representatives, 460 Phil. 830, 957-958 (2003) [Per J. Carpio-Morales, En Banc].
- [205] Rules of Procedure in Impeachment Proceedings, Rule II, 19th Cong., 1st Sess. (2022).
- [206] Rule of Procedure in Impeachment Proceedings, Rule III, 19th Cong., 1st Sess. (2022).
- [207] Rule of Procedure in Impeachment Proceedings, Rule III, 19th Cong., 1st Sess. (2022).
- [208] Rules of Procedure in Impeachment Proceedings. Rule IV, 19th Cong., 1st Sess. (2022).
- [209] Id.
- [210] Lagasca v. De Vera, 79 Phil. 376 (1947) [Per H. Perfecto, En Banc].
- [211] Gonzales III v. Office of the President of the Philippines, 725 Phil. 380, 408 (2014) [Per J. Brion, En Banc].
- [212] Id.
- [213] 725 Phil. 380 (2014) [Per J. Brion, En Banc].
- [214] Id. at 408-409.
- [215] Corona v. Senate, 691 Phil. 156, 170 (2012) [Per J. Villarama, Jr., En Banc].
- [216] Republic v. Sereno, 831 Phil. 271, 396 (2018) [Per J. Tijam, En Banc].
- [217] J. Leonen, Dissenting Opinion in Republic v. Sereno, 831 Phil. 271, 921 (2018) [Per J. Tijam, En Banc].
- [218] J. Leonen, Dissenting Opinion in Republic v. Sereno, 831 Phil. 271, 921 (2018) [Per J. Tijam, En Banc] citing Soliven v. Makasiar, 249 Phil. 394 (1988) [Per Curiam, En Banc].
- [219] CONST., art. XI, sec. 2.
- [220] Francisco, Jr. v. House of Representatives, 460 Phil. 830, 913 (2003) [Per J. Carpio-Morales, En Banc].
- [221] CONST., art. XI, sec. 3(7).
- [222] 893 Phil. 231 (2021) [Per J. Hernando, En Banc].

[223] Id. at 237-238.

[224] Id. at 240.

[225] Id.

[226] CONST., art. VII, sec. 19.

[227] Estrada v. Desierto, 406 Phil. 1 (2001) [Per J. Puno, En Banc].

[228] SECTION 12. Termination of office. — No public officer shall be allowed to resign or retire from office during the pendency of any case filed against him under this Act or under the provisions of the Revised Penal Code on bribery and corruption, or any offense involving fraud upon government or public funds or property.

[229] Estrada v. Desierto, 406 Phil. 1, 75-78 (2001) [Per J. Puno, En Banc].

[230] 493 Phil. 63 (2005) [Per J. Chico-Nazario, Second Division].

[231] 243 Phil. 167 (1988) [Per Curiam, En Banc].

[232] Id.

[233] Id.

[234] Re: Letter of Mrs. Corona, 893 Phil. 231, 248 (2021) [Per J. Hernando, En Banc].

[235] Id.

[236] Id.

[237] Id. at 243.

[238] J. Leonen, Dissenting Opinion in Republic v. Sereno, 831 Phil. 271, 911 (2018) [Per J. Tijam, En Banc].

[239] Id. at 925.

[240] Id. at 926-927.

[241] Id., citing In re: Gonzalez, 243 Phil. 167 (1988) [Per Curiam, En Banc].

[242] Francisco, Jr. v. House of Representatives, 460 Phil. 830, 891 (2003) [Per J. Carpio-Morales, En Banc].

[243] IPI No. 17-256-CA-J, February 18, 2020 [Per J. Delos Santos, En Banc].

[244] CONST., art. XI, sec. 2

SECTION 2. The President, the Vice-President, the Members of the Supreme Court, the Members of the Constitutional Commissions, and the Ombudsman may be removed from office, on impeachment for, and conviction of, culpable violation of the Constitution, treason, bribery, graft and corruption, other high crimes, or betrayal of public trust. All other public officers and employees may be removed from office as provided by law, but not by impeachment.

[245] CONST., art. XI, sec. 3.

[246] H. Villarica Pawnshop, Inc. v. Social Security Commission, 613, 628-629 (2018) [Per J. Gesmundo, Second Division].

[247] Enriquez v. Enriquez, 505 Phil. 193, 199 (2005) [Per J. Sandoval-Gutierrez, Third Division].

[248] 777 Phil. 169 (2016) [Per J. Leonardo-De Castro, En Banc].

[249] Id. at 207.

[250] 658 Phil. 322 (2011) [Per J. Carpio Morales, En Banc].

[251] Id. at 395-397.

[252] 937 Phil. 148 (2023) [Per C.J. Gesmundo, En Banc].

[253] Id. at 200-201.

[254] INOCENCIO B. PAREJA, RULES OF THE HOUSE OF REPRESENTATIVES COMMENTED AND ANNOTATED (1963):

The Secretary is in charge of, and himself performs, upon order of the Speaker, the first reading of bills, resolutions, messages, communications, petitions and memorials. The first reading of bills and resolutions is by their authors, numbers and titles; communications, petitions and memorials, by their numbers; and messages by the summarized information they contain. However, messages from the President are read in full.

Bills, resolutions, communications, petitions and memorials are numbered by the Secretary when referred. Messages, although subject to reference under this provision, are not numbered.

The Secretary, through his assistants, distributes to Members the copies of bills or resolutions on or before the time of their reference to committees. Such distribution does not generally apply to messages, communications, petitions and memorials[.]

[255] Committee on Rules Session Bulletins, available at <https://www.congress.gov.ph/legislative-documents/session-bulletin/>.

[256] INOCENCIO B. PAREJA, RULES OF THE HOUSE OF REPRESENTATIVES COMMENTED AND ANNOTATED 185-183 (1963):

THE JOURNAL AS OFFICIAL RECORD

The Constitution requires the House to keep and publish a Journal, excepting from publication such parts as require secrecy (IV, 2726). The Journal, and not the Congressional Record, is the official record of the proceedings of the House (IV, 2727). Its certified extracts are admitted as evidence in the courts of the United States (IV, 2810).

While the Journal ought to be a correct transcript of proceedings, the House has not insisted on a strict chronological order of entries (IV, 2815). It records acts, but not the reasons thereof (IV, 2811). It records the proceedings simply, and not the circumstances attending them (IV, 2812), or the statements and opinions of Members (IV, 2817-20).

[257] Committee Meetings, available at <https://www.congress.gov.ph/committees/committee-meetings>.

[258] House Concurrent Resolution No. 30, available at <https://www.congress.gov.ph/legislative-information/calendar-session/>.

[259] INOCENCIO B. PAREJA, RULES OF THE HOUSE OF REPRESENTATIVES COMMENTED AND ANNOTATED (1963).

[260] House Concurrent Resolution No. 30, available at <https://www.congress.gov.ph/legislative-information/calendar-session/>.

[261] INOCENCIO B. PAREJA, RULES OF THE HOUSE OF REPRESENTATIVES COMMENTED AND ANNOTATED (1963).

[262] INOCENCIO B. PAREJA, RULES OF THE HOUSE OF REPRESENTATIVES COMMENTED AND ANNOTATED 162 (1963).

[263] Rollo (G.R. No. 278353), Annex B to the Petition, Impeachment Complaint dated December 2, 2025, p. 1.

[264] Committee on Rules Session Bulletins for 176th Session (Days 1 to 2, December 3 to 4, 2024), available at <https://www.congress.gov.ph/legislative-documents/session-bulletin/>.

[265] See Table above.

[266] Committee on Rules Session Bulletins for 185th Session (Days 1 to 3, February 3 to 5, 2025), available at <https://www.congress.gov.ph/legislative-documents/session-bulletin/>.

[267] House Journal No. 36, February 3 to 5, 2025. pp. 75-76 and 88, available at <https://www.congress.gov.ph/legislative-documents/house-journals/>.

[268] Rules of Procedure in Impeachment Cases, Rule II, sec. 2.

[269] Rollo (G.R. Nos. 278353 and 278359). Compliance (Respondents) dated July 16, 2025, pp. 7-8.

[270] House Journal No. 27, December 3 to 4, 2024, p. 18, available at <https://www.congress.gov.ph/legislative-documents/house-journals/>; See Rollo (G.R. Nos. 278353 and 278359), Compliance (Respondents) dated July 16, 2025, pp. 7-8.

[271] House Journal No. 28, December 9 to 11, 2024, p. 52, available at <https://www.congress.gov.ph/legislative-documents/house-journals/>; See Rollo (G.R. Nos. 278353 and 278359), Compliance (Respondents) dated July 16, 2025, pp. 7-8.

[272] House Journal No. 29, December 16 to 18, 2024, p. 42, available at <https://www.congress.gov.ph/legislative-documents/house-journals/>.

[273] Rollo (G.R. Nos. 278353 and 278359), Compliance (Respondents) dated July 16, 2025, pp. 7-8.

[274] House Journal No. 31, January 14 to 15, 2025, p. 32, available at <https://www.congress.gov.ph/legislative-documents/house-journals/>; See Rollo (G.R. Nos. 278353 and 278359), Compliance (Respondents) dated July 16, 2025, pp. 7-8.

[275] House Journal No. 35, January 27 to 28, 2025, p. 71, available at <https://www.congress.gov.ph/legislative-documents/house-journals/>.

[276] Rollo (G.R. Nos. 278353 and 278359), Compliance (Respondents) dated July 16, 2025, pp. 7-8.

[277] House Journal No. 36, February 3 to 5, 2025, p. 88, available at <https://www.congress.gov.ph/legislative-documents/house-journals/>; See Rollo (G.R. Nos. 278353 and 278359), Compliance (Respondents) dated July 16, 2025, pp. 7-8.

[278] House Journal No. 30, January 13, 2025, pp. 1-26, available at <https://www.congress.gov.ph/legislative-documents/house-journals/>; See Rollo (G.R. Nos. 278353 and 278359), Compliance (Respondents) dated July 16, 2025, pp. 7-8.

[279] House Journal No. 30, January 13, 2025, p. 23, available at <https://www.congress.gov.ph/legislative-documents/house-journals/>.

[280] Id.

[281] INOCENCIO B. PAREJA, RULES OF THE HOUSE OF REPRESENTATIVES COMMENTED AND ANNOTATED 181 (1963):

Order of business is the agendum of things to be done, as items of business or discussion to be brought up at the daily session of the House. It discloses the day's work and provides a place for each matter to be considered at its proper time to the exclusion of everything else.

[282] House Journal No. 36, February 3 to 5, 2025, pp. 75-76 and 88, available at <https://www.congress.gov.ph/legislative-documents/house-journals/https://www.congress.gov.ph/legislative-documents/house-journals/>.

[283] Id.

[284] Id. at 88.

[285] 87 Phil. 29 (1950) [Per J. Ozaeta, En Banc].

[286] Id. at 62.

[287] 835 Phil. 451 (2018) [Per J. Gesmundo, En Banc].

[288] Id. at 467.

[289] 586 Phil. 135 (2008) [Per J. Leonardo-De Castro, En Banc].

[290] Id. at 196-199.

[291] 864 Phil. 607 (2019) [Per J. Carpio, En Banc].

[292] Id. at 643-644.

[293] Section 3(5), Article XI of the Constitution.

[294] Gutierrez v. House of Representatives Committee on Justice, 658 Phil. 322 (2011) [Per J. Carpio Morales, En Banc].

[295] Id. at 400-401.

[296] 460 Phil. 830 (2003) [Per J. Carpio Morales, En Banc].

[297] House Rules on Impeachment, Rule I (Applicability of Rules):

SECTION 1, Applicability of Rules. – These Rules shall apply to all proceedings for impeachment in the House of Representatives against the President, Vice-President, the Members of the Supreme Court, the Members of the Constitutional Commissions and the Ombudsman for culpable violation of the Constitution, treason, bribery, graft and corruption, other high crimes or betrayal of public trust.

[298] The Supreme Court Decision in Francisco, Jr. vs. House of Representatives (G.R. No. 160261, 10 November 2003) states that impeachment proceedings are initiated upon filing of the complaint and/or resolution and its referral to the Committee on Justice.

[299] House Rules on Impeachment, Rule III(A), sec. 4.

[300] House Rules on Impeachment, Rule III(A).

[301] House Rules on Impeachment, Rule III(B).

[302] Peralta v. Philippine Postal Corporation, 844 Phil. 603, 639 (2019) [Per J. Tijam, En Banc].

[303] 814 Phil. 344 (2017) [Per J. Leonardo-De Castro, En Banc].

[304] Id. at 387.

[305] Id. at 932-933.

[306] Gutierrez v. House of Representatives Committee on Justice (Resolution), 660 Phil. 271 (2011) [Per J. Carpio Morales, En Banc].

[307] Id. at 281-282.

[308] 831 Phil. 271 (2018) [Per J. Tijam, En Banc].

[309] See J. Leonen, Dissenting Opinion in Republic v. Sereno, 831 Phil. 271, 934-936 (2018) [Per J. Tijam, En Banc].

[310] Casimiro v. Tandog, 498 Phil. 660, 666 (2005) [Per J. Chico-Nazario, Second Division].

[311] Toyo Seat Philippines Corporation v. Velasco, G.R. No. 240774, March 3, 2021 [Per J. Gaerlan, First Division].

[312] Tacis v. Shields Security Services, Inc., 907 Phil. 456, 466 (2021) [Per J. Hernando, Third Division].

[313] CONST., art. VI, sec. 16(4):

Each House shall keep a Journal of its proceedings, and from time to time publish the same, excepting such parts as may, in its judgment, affect national security; and the yeas and nays on any question shall, at the request of one-fifth of the Members present, be entered in the Journal.

Each House shall also keep a Record of its proceedings.

[314] 835 Phil. 719 (2018) [Per J. Martires, Third Division].

[315] Id. at 734-735.

[316] 758 Phil. 724 (2015) [Per J. Leonardo-De Castro, En Banc].

[317] Id. at 767.

[318] 343 Phil. 42 (1997) [Per J. Mendoza, En Banc].

[319] Francisco, Jr. v. House of Representatives, 460 Phil. 830, 935-936 (2003) [Per J. Carpio Morales, En Banc].

[320] XXX v. People, 887 Phil. 161, 171 (2020) [Per J. Delos Santos, Second Division].

[321] Legarda v. Court of Appeals, 345 Phil. 890, 905 (1997) [Per J. Romero, En Banc].

[322] Provincial Bus Operators Association of the Philippines v. Department of Labor and Employment, 836 Phil. 205, 262 (2018) [Per J. Leonen, En Banc].

[323] 806 Phil. 384 (2017) [Per J. Mendoza, Second Division].

[324] 69 Phil. 635 (1940) [Per J. Laurel, En Banc].

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

omitted)

[326] *White Light Corporation v. City of Manila*, 596 Phil. 444, 461 (2009) [Per J. Tinga, En Banc].

[327] *Ang Tibay v. Court of Industrial Relations*, 69 Phil. 635 (1940) [Per J. Laurel, En Banc].

[328] The following cases were shepardized using Lexis Nexis on July 7, 2025:

- *Morgan v. US*, 304 U.S. 1, 58 S. Ct. 773, 999, 82 Law. ed. 1129;
- *Washington, Virginia & Maryland Coach Co. v. National Labor Relations Board*, 301 U.S. 142, 147, 57 S. Ct. 648, 650, 81 Law ed. 965;
- *Appalachian Electric Power v. National Labor Relations Board*, 4 Cir., 93 F. 2d 985, 989;
- *National Labor Relations Board v. Thompson Products*, 6 Cir., 97 F. 2d 13, 15;
- *Ballston-stillwater Knitting Co. v. National Labor Relations Board*, 2 Cir., 98 F. 2d 758, 760;
- *Interstate Commerce Commission v. Baird*, 194 U.S. 25, 44, 24 S. Ct. 563, 568, 48 Law. ed. 860;
- *Interstate Commerce Commission v. Louisville & Nashville R. Co.*, 227 U.S. 88, 93, 33 S. Ct. 185, 187, 57 Law ed. 431;
- *United States v. Abilene & Southern Ry, Co.*, 265 U.S. 274, 288, 44 S. Ct. 565, 569, 68 Law ed. Lola;
- *Tagg Bros. & Moorhead v. United States*, 280 U.S. 420, 442, 50 S. Ct. 220, 225, 74 Law ed. 624; and
- *Consolidated Edison Co. v. National Labor Relations Board*, 59 S. Ct. 206, 83 Law ed. No. 4, Adv. Op., p. 131.

[329] *Saunar v. Ermita*, 822 Phil. 536, 549 (2017) [Per J. Martires, Third Division].

[330] 779 Phil. 43 (2016) [Per J. Brion, Second Division].

[331] *Id.* at 53-54.

[332] *Manggagawa sa Komunikasyon ng Pilipinas v. PLDT, Inc.*, G.R. Nos. 244695, 244752 & 245294, February 14, 2024 [Per J. Zalameda, First Division] at 26-27. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

[333] *Gutierrez v. Commission on Audit*, 750 Phil. 413, 430 (2015) [Per J. Leonen, En Banc].

[334] *Flores v. Montemayor*, 666 Phil. 393, 408 (2011) [Per J. Villarama, Jr., Special Third Division].

[335] 822 Phil. 536 (2017) [Per J. Martires, Third Division].

[336] *Id.* at 551.

[337] *Id.* (Emphasis supplied)

[338] *Id.* at 555. (Emphasis supplied)

[339] G.R. Nos. 244695, 244752 & 245294, February 14, 2024 [Per J. Zalameda, First Division].

[340] *Id.* at 27. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

[341] 751 Phil. 821 (2015) [Per J. Carpio, En Banc].

[342] *Id.* at 867.

[343] 182 Phil. 215 (1979) [Per C.J. Fernando, Second Division].

[344] *Id.* at 221.

[345] 884 Phil. 66, 97 (2020) [Per J. Leonen, En Banc].

[346] *Id.* at 97, citing *Gas Corporation of the Philippines v. Inciong*, 182 Phil. 215, 221 (1979) [Per C.J. Fernando, Second Division].

[347] 841 Phil. 114 (2018) [Per J. Leonen, Third Division].

[348] *Id.* at 136.

[349] *Globe Telecom, Inc. v. National Telecommunications Commission*, 935 Phil. 837, 869 (2023) [Per J. Leonen, Second Division], citing *Montoya v. Varilla*, 595 Phil. 507, 520 (2008) [Per J. Chico-Nazario, En Banc].

[350] *Globe Telecom, Inc. v. National Telecommunications Commission*, 935 Phil. 837, 867-869 (2023) [Per J. Leonen, Second Division], citing *Montoya v. Varilla*, 595 Phil. 507, 519-521 (2008) [Per J. Chico-Nazario, En Banc].

[351] CONST, art. III, sec. 1:

No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws. (Emphasis supplied)

[352] CONST, art. III, sec. 1:

(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, and shall enjoy the right to be heard by himself and counsel, to be informed of the nature and cause of the accusation against him, to have a speedy, impartial, and public trial, to meet the witnesses face to face, and to have compulsory process to secure the attendance of witnesses and the production of evidence in his behalf. However, after arraignment, trial may proceed notwithstanding the absence of the accused provided that he has been duly notified and his failure to appear is unjustifiable. (Emphasis supplied)

[353] *Cruz v. People*, 812 Phil. 166, 173 (2017) [Per J. Leonen, Second Division].

[354] *Office of the Ombudsman v. Conti*, 806 Phil. 384, 396 (2017) [Per J. Mendoza, Second Division].

[355] *Gutierrez v. House of Representatives Committee on Justice*, 658 Phil. 322, 375-378 (2011) [Per J. Carpio Morales, En Banc].

[356] *Rollo* (G.R. No. 278359), *Petition for Review on Certiorari and Prohibition*, p. 23.

[357] *Id.* at 19-23.

[358] *Id.* at 18-26.

SEPARATE CONCURRING OPINION

HERNANDO, J.:

I join the ponencia in granting the petitions for certiorari but espouse my own view in this separate concurring opinion. The acts of the House of Representatives and its Secretary General in the impeachment proceedings against Vice President Sara Z. Duterte (petitioner Duterte) constituted grave abuse of discretion. Perforce, the

impeachment complaint must be dismissed.

In December 2024, three verified impeachment complaints (first three impeachment complaints) were filed against petitioner Duterte and received by Secretary General Reginald S. Velasco (Secretary General Velasco) of the House:

- Verified Complaint for Impeachment endorsed by Representative Percival V. Cendaña, and filed on December 2, 2024 (first impeachment complaint);
- Verified Impeachment Complaint endorsed by Representatives France L. Castro, Arlene D. Brosas and Raoul Dannel A. Manuel, and filed on December 4, 2024 (second impeachment complaint); and
- Impeachment Complaint endorsed by Representatives Gabriel Bordado, Jr. and Lex Anthony Cris A. Colada, and filed on December 19, 2024 (third impeachment complaint).[1]

The first two impeachment complaints were filed while the House was in session. The third impeachment complaint was filed a day after the session was adjourned on December 18, 2024.[2] The session resumed on January 13, 2025.[3] Interestingly, Secretary General Velasco merely sat on these three impeachment complaints. They were neither referred to respondent Speaker Ferdinand Martin G. Romualdez (Speaker) nor included by the Speaker in the order of business, as they should be, as mandated by no less than the Constitution.

By way of explanation, Secretary General Velasco publicly announced on several occasions that although the first three impeachment complaints were ready for transmittal to the Speaker, he refrained from doing so upon the request of several members of the House of Representatives on the pretext that they needed more time to either endorse, consolidate, or file a fourth complaint.[4]

On February 5, 2025, 215 out of 306 members of the House signed the fourth impeachment complaint and verified the same before Secretary General Velasco.

During the plenary session on the same date, at around 3:37 p.m., Secretary General Velasco read the fourth impeachment complaint and the first three impeachment complaints, which were included in the additional reference of business:[5]

At 3:37 p.m., the session was resumed with Speaker Ferdinand Martin G. Romualdez Presiding.

. . . .

REP. DALIPE. Mr. Speaker, I move that we proceed with the Additional Reference of Business, and request that the Secretary General be directed to read the same.

THE SPEAKER. Is there any objection? (Silence) The Chair hears none; the motion is approved.

The Secretary General will please read the Additional Reference of Business.

ADDITIONAL REFERENCE OF BUSINESS

The Secretary General read the following Verified Complaints for Impeachment as filed:

VERIFIED COMPLAINTS FOR IMPEACHMENT

Impeachment Complaint against Vice President Sara Z. Duterte filed by at least one-third of all the Members of the House of Representatives on February 5, 2025.

Impeachment Complaint against Vice President Sara Z. Duterte filed by Teresita Quintas Deles, Fr. Flaviano Villanueva, SVD, Gary Alejano, et al., and endorsed by Rep. Percival V. Cendaña of AKBAYAN Party-List on December 2, 2024.

Impeachment Complaint against Vice President Sara Z. Duterte filed by Teodoro Casino, Liza Maza, Neri Colmenares, et al., and endorsed by Rep. France L. Castro of ACT TEACHERS Party-List, Rep. Arlene D. Brosas of GABRIELA Party-List, and Rep. Raoul Dannel A. Manuel of KABATAAN Party-List on December 4, 2024.

Impeachment Complaint against Vice President Sara Z. Duterte filed by Rev. Father Antonio Labiao, Jr., Rev. Father Rico P. Ponce, Rev. Father Dionisio V. Ramos, et al., and endorsed by Rep. Gabriel H. Bordado[,] Jr. of the 3[rd] district of Camarines Sur and Rep. Lex Anthony Cris A. Colada of AAMBIS-OWA Party-List on December 19, 2024.[6]

During the same plenary session, the House directed Secretary General Velasco to endorse the fourth impeachment complaint to the Senate:

REP. DALIPE. Mr. Speaker, today, as provided for in our Additional Reference of Business, a verified impeachment complaint against Vice President Sara Zimmerman Duterte has been filed by at least one-third of all the Members of the House of Representatives on February 5, 2025.

Mr. Speaker. for the record, may we inquire from the Secretary General the total membership of the House as of today, February 5, 2025.

THE SPEAKER. The Secretary General will please respond.

THE SECRETARY GENERAL. Mr. Speaker, as of the present, the total number of Members of the House of Representatives is 306.

THE SPEAKER. The Majority Leader is recognized.

REP. DALIPE. Mr. Speaker, may we inquire from the Secretary General how many Members of the House verified and swore before him the impeachment complaint?

THE SPEAKER. Secretary General, please respond to the query of the Majority Leader.

THE SECRETARY GENERAL. Yes, Mr. Speaker. Pursuant to Section 14, Rule 4 of the Rules of Procedure in Impeachment Proceedings, the total number of House Members who verified and swore before me this impeachment complaint is 215 House Members . . .

THE SPEAKER. The Majority Leader is recognized.

REP. DALIPE. Mr. Speaker, may we know what is one-third of the total number of the Members of the House?

THE SPEAKER. The Secretary General will please respond.

THE SECRETARY GENERAL. Mr. Speaker, one-third of the total number of Members of the House is 102.

THE SPEAKER. The Secretary General has responded to the query of the Majority Leader.

The Majority Leader is recognized.

REP. DALIPE. Mr. Speaker, for the record, in consonance with the Constitution on Article XI on Accountability of Public Officers, particularly Section 3, Paragraph 4, and pursuant to Section 14, Rule IV of the Rules of Procedure in Impeachment Proceedings which provides as follows:

"Section 14. Endorsement of the Complaint/Resolution to the Senate. – A verified complaint/resolution of impeachment filed by at least one-third (1/3) of all the Members of the House shall constitute the Articles of Impeachment, and in this case, the verified complaint/resolution shall be endorsed to the Senate in the same manner as an approved bill of the House."

Considering that the Secretary General had certified that at least 215 Members of the House of Representatives had verified and swore before him the said impeachment complaint against Vice President Sara Zimmerman Duterte and consistent with our rules, I move that the Secretary General be directed to immediately endorse the same to the Senate.

THE SPEAKER. There is a motion to direct the Secretary General to immediately endorse to the Senate the impeachment complaint having been filed by more than one-third of the membership of the House or a total of 215 Members. Is there any objection? (Silence) The Chair hears none; the motion is approved. The Secretary General is so directed.

SUSPENSION OF SESSION

THE SPEAKER. The session is suspended. (Applause)

It was 3:44 p.m.[7] (Emphasis supplied)

Upon resumption of the plenary session at 3:45 p.m., the House approved the election of 11 of its members as prosecutors in the impeachment trial.[8]

Then, in an unprecedented move, the House approved to archive the first three impeachment complaints:

REP. DALIPE. Mr. Speaker, in the Additional Reference of Business earlier read by the Secretary General, there are three other impeachment complaints filed against Vice President Sara Z. Duterte. These are the impeachment complaints filed by Teresita Quintos Deles, Fr. Flaviano Villanueva, Gary Alejano, et al., and endorsed by Rep. Percival Cendaña of AKBAYAN Party-List on December 2, 2024.

Next is an impeachment complaint filed by Teodoro Casiño, Liza Maza, Neri Colmenares, et al., and endorsed by Rep. France L. Castro of ACT TEACHERS Party-List, Rep. Arlene Brosas of GABRIELA Party-List, and Rep. Raoul Dannel Manuel of KABATAAAN Party-List on December 4, 2024.

And the last one, Mr. Speaker, the third one, impeachment complaint filed by Rev. Father Antonio Labiao Jr., Rev. Father Rico Ponce, Rev. Father Dionisio Ramos, et al., and endorsed by Rep. Gabriel Bordado Jr. of the Third District of Camarines Sur, and Rep. Lex Anthony Cris Colada of AAMBIS-OWA Party-List on December 19, 2024.

Pursuant to our Rules of Procedure in Impeachment Proceedings, considering that the Plenary has already transmitted to the Senate the impeachment complaint filed by 215 Members on February 5, 2025, that is today, I move that the three other impeachment complaints filed on December 2, 2024, December 4, 2024, and December 19, 2024, be transmitted to the Archives.

I so move, Mr. Speaker.

THE SPEAKER. There is a motion to transmit to the Archives the aforementioned three impeachment complaints filed last December 2, 4 and 19, 2024. Is there any objection? (Silence) The Chair hears none; the motion is approved. These impeachment complaints are transmitted to the Archives.[9] (Emphasis supplied)

The foregoing records clearly established that the first three impeachment complaints and the fourth impeachment complaint were simultaneously included in the order of business of the plenary session of the House on February 5, 2025. Following the endorsement of the fourth impeachment complaint to the Senate, the first three impeachment complaints were then transmitted to the archives.

The Court's expanded certiorari jurisdiction

The country, once more, is at a historic crossroads. And the Court is again called upon to exercise its unassailable expanded certiorari jurisdiction to decide issues that will have far-reaching consequences.

Under Article VIII, Section 1 of the 1987 Constitution, judicial power is vested upon the Supreme Court which 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 a lack or excess of jurisdiction on the part of any branch or instrumentality of the Government." Article VIII, Section 1 of the 1987 Constitution, reads:

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.

Essentially, the second paragraph of Article VIII, Section 1 of the Constitution embraces two concepts of judicial power: traditional and expanded judicial power. Traditional judicial power is understood to be the settling of actual controversies involving legally demandable and enforceable rights^[10] The Constitution has expanded this concept, and the power of judicial review now includes the determination of whether or not there was grave abuse of discretion on the part of any branch or instrumentality of the Government.^[11] The scope was broadened to "prevent courts from seeking refuge behind the political question doctrine and turning a blind eye to the abuses committed by the other branches of government."^[12] However, the exercise of the Court's expanded certiorari jurisdiction is not an assertion of superiority over the Legislature, but an enforcement of the Constitution's supremacy as the repository of the sovereign will.^[13]

In *Araullo v. Aquino*,^[14] We clarified that the remedies of certiorari and prohibition are broad in scope and applicability, and they may be issued to correct errors of jurisdiction committed not only by a tribunal, corporation, board or officer exercising judicial, quasi-judicial or ministerial functions but also to correct, undo, and restrain any act of grave abuse of discretion amounting to a lack or excess of jurisdiction by any branch or instrumentality of the Government, even if the latter does not exercise judicial, quasi-judicial or ministerial functions.^[15]

Indeed, grave abuse of discretion implies such capricious and whimsical exercise of judgment as to be equivalent to a lack or excess of jurisdiction. It refers to power that is exercised in an arbitrary or despotic manner by reason of passion, prejudice, or personal hostility; and such exercise is so patent or so gross as to amount to an evasion of a positive duty or to a virtual refusal either to perform the duty enjoined or to act at all in contemplation of law.^[16]

Impeachment proceedings, although highly political in nature, is still subject to Constitutionally-imposed limits

In *Francisco, Jr. v. House of Representatives*,^[17] the Court has settled that the power of judicial review extends over justiciable issues in impeachment proceedings.^[18] Thus, while We have recognized in *Gutierrez v. House of Representatives*^[19] that impeachment is a political exercise rather than a judicial proceeding, We have likewise reiterated that such "highly-politicized intramural" is nonetheless subject to Constitutionally-imposed limits.^[20] Indeed, it is the duty of the judiciary to settle controversies involving alleged transgressions of the Constitution by the legislative branch.^[21]

Here, petitioner Duterte invokes the remedy of certiorari to assail how the subject impeachment complaints were

lodged against her and contends that these were in gross circumvention of the one-year bar rule provided in the Constitution. In reviewing the congressional action brought before the Court, the Court will only consider whether the acts of the respondent House spilled over the constitutional limitations.

In resolving the instant case, the Court will refrain from educating the House, in plenary, a co-equal branch of government, on how it should have acted on the first three impeachment complaints prior to its resolution on the fourth impeachment complaint. It will not encroach upon matters that rightly fall under the authority and wisdom of a co-equal branch, or matters classified as political questions.[22] The Court will thus not delve into the merits of these impeachment complaints.

The framers of the Constitution expressly crafted limitations on the power of the House to initiate impeachment proceedings

Impeachment refers to the power of Congress to remove certain public officials[23] from office for impeachable offenses as provided in the Constitution.[24] It is a "constitutional process that takes place within the political departments of our government," where "[t]he House of Representatives accuses, and the Senate, sitting as an Impeachment Court, decides."[25] It is properly characterized as a sui generis proceeding, being both legal and political in nature, that is primarily for the protection of the people as a body politic.[26]

Article XI of the Constitution, which covers the provisions on impeachment, is designed to exact accountability from public officers.[27] This emanates from the principle that public office is a public trust. Article XI, Section 1 of the Constitution provides:

Section 1. Public office is a public trust. Public officers and employees must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty, and efficiency, act with patriotism and justice, and lead modest lives.

Under Article XI, Section 3(1) of the Constitution, "[t]he House of Representatives shall have the exclusive power to initiate all cases of impeachment."[28] The exercise of the exclusive power to initiate impeachment cases is subject, however, to the following limitations under the Constitution:

ARTICLE XI

Accountability of Public Officers. . . .

Section 3. (1) . . .

(2) A verified complaint may be filed by any Member of the House of Representatives or by any citizen upon a resolution of endorsement by any Member thereof, which shall be included in the Order of Business within ten session days, and referred to the proper Committee within three session days thereafter. The Committee, after hearing, and by a majority vote of all its Members, shall submit its report to the House within sixty session days from such referral, together with the corresponding resolution. The resolution shall be calendared for consideration by the House within ten session days from receipt thereof.

(3) A vote of at least one-third of all the Members of the House shall be necessary either to affirm a favorable resolution with the Articles of Impeachment of the Committee, or override its contrary resolution. The vote of each Member shall be recorded.

(4) In case the verified complaint or resolution of impeachment is filed by at least one-third of all the Members of the House, the same shall constitute the Articles of Impeachment, and trial by the Senate shall forthwith proceed.

(5) No impeachment proceedings shall be initiated against the same official more than once within a period of one year. (Emphasis supplied)

The Constitution designed three modes of filing a verified impeachment complaint:

First mode: verified complaint filed by any member of the House;

Second mode: verified complaint filed by any citizen upon a resolution of endorsement by the House; and

Third mode: verified complaint or resolution of impeachment filed by at least one third of all the members of the House.

The Constitution mandates that a verified impeachment complaint filed by any member of the House of Representatives or by any citizen upon a resolution of endorsement by any member thereof, shall be included in the Order of Business within 10 session days, and referred to the proper Committee within three session days.[29] This applies to verified impeachment complaints filed through the first mode or second mode.

Meanwhile, Rule II, Section 3 of the House Impeachment Rules, provides:

Section 3. Filing and Referral of Verified Complaints. – A verified complaint for impeachment by a Member of the House or by any citizen upon a resolution of endorsement by any Member thereof shall be filed with the office of the Secretary General and immediately referred to the Speaker.

An impeachment complaint is verified by an affidavit that the complainant has read the complaint and that the allegations therein are true and correct of his[her] personal knowledge or based on authentic records.

An impeachment complaint required to be verified which contains a verification based on "information and belief", or upon "knowledge, information and belief," or lacks a proper verification, shall be treated as an unsigned impeachment complaint.

The Speaker shall have it included in the Order of Business within ten (10) session days from receipt. It shall then be referred to the Committee on Justice within three (3) session days thereafter. (Emphasis supplied)

Rule II, Section 3 of the House Impeachment Rules appears to have operationalized Article XI, Section 3(2) of the Constitution by introducing the following steps: (1) the impeachment complaint shall first be filed with the Office of the Secretary General of the House; (2) the Secretary General shall immediately refer the same to the Speaker of the House (intermediate step); and (3) the Speaker shall then have it included in the Order of Business of the House within 10 days from receipt.

As correctly claimed by respondents, the House has the power to introduce additional steps and procedures to carry out its role in an impeachment proceeding[30] under Article XI, Section 3(8) of the Constitution. This provision serves as a vehicle for Congress to fill the gaps in the impeachment process.[31] This is evident from the deliberations of the Constitutional Commission:

MR. REGALADO. Mr. Presiding Officer, I have decided to put in an additional section because, for instance, under Section 3(2), there is mention of indorsing a verified complaint for impeachment by any citizen alleging ultimate facts constituting a ground or grounds for impeachment. In other words, it is just like a provision in the rules of court. Instead, I propose that this procedural requirement, like indorsement of a complaint by a citizen to avoid harassment or crank complaints, could very well be taken up in a new section 4 which shall read as follows: THE CONGRESS SHALL PROMULGATE ITS RULES ON IMPEACHMENT TO EFFECTIVELY CARRY OUT THE PURPOSES THEREOF. I think all these other procedural requirements could be taken care of by the Rules of Congress.[32] (Emphasis supplied)

Thus, several procedural steps in the impeachment mechanism are mandated by virtue of the impeachment rules

promulgated by the House. For instance, the determination of the sufficiency of form and substance of a verified impeachment complaint is not explicitly required under Article XI, Section 3(2) of the Constitution. The same provision only requires that a "hearing" be conducted. Nevertheless, the House deemed it necessary to include such additional requirement to effectively carry out the impeachment process.[33]

Similarly, the House also has the prerogative to grant the Secretary General certain duties and powers relating, in particular, to the impeachment mechanism. Indeed, it is correct to state that the House has the power to introduce additional steps and procedures to carry out its role in an impeachment proceeding[34] under Article XI, Section 3(8) of the Constitution.

The power of respondent House to introduce additional procedural steps to the impeachment mechanism is not absolute; it must still be within the confines of the Constitution

Respondent House's prerogative to introduce additional procedural steps to the impeachment mechanism is not absolute or unqualified. It is fundamental that the exercise of such power must be done within the confines of, and in reverence to the Constitution from which its power emanates. Otherwise stated, the House Impeachment Rules must not contravene the Constitution. Otherwise, "if . . . Congress had absolute rule making power, then it would by necessary implication have the power to alter or amend the meaning of the Constitution[.]"[35]

At first glance, it may be argued that the internal rules of a co-equal branch of the government, respondent House in particular, is beyond the ambit of review by the Court, pursuant to the principle of respect to a co-equal branch of the government. However, when it is alleged that there is grave abuse of discretion on the part of that co-equal branch, the certiorari prerogative of the Court comes into play. In the exercise of its certiorari power, the Court may pry into the internal rules of respondent House to determine whether it has breached the constitutional confines as to amount to a grave abuse of discretion. This is part of the principle of check and balance espoused by the Constitution.

Deliberate inaction on the first three complaints to give way to the fourth impeachment complaint

The Secretary General, upon the request of certain members of the House, deliberately held hostage the first three impeachment complaints in an attempt to circumvent the one-year bar

The Constitution is categorical on the manner by which an impeachment complaint should be handled upon filing thereof:

ARTICLE XI

Accountability of Public Officers. . . .

Section 3. (1) . . .

(2) A verified complaint may be filed by any Member of the House of Representatives or by any citizen upon a resolution of endorsement by any Member thereof, which shall be included in the Order of Business within ten session days, and referred to the proper Committee within three session days thereafter. The Committee, after hearing, and by a majority vote of all its Members, shall submit its report to the House within sixty session days from such referral, together with the corresponding resolution. The resolution shall be calendared for consideration by the House within ten session days from receipt thereof. (Emphasis supplied)

Meanwhile, the internal rules of the respondent House provide:

Section 3. Filing and Referral of Verified Complaints. – A verified complaint for impeachment by a Member of the House or by any citizen upon a resolution of endorsement by any Member thereof shall be filed with the office of the Secretary General and immediately referred to the Speaker. (Emphasis supplied)

Secretary General Velasco publicly admitted that upon his receipt of the first three impeachment complaints, he did not transmit the same to the Speaker, notwithstanding his avowed duty to immediately refer the same to the Speaker.[36]

In a public interview on January 7, 2025, Secretary General Velasco ratiocinated that certain members of the House requested him to withhold the first three impeachment complaints:

Karen Davila: So you are expecting a fourth impeachment complaint against Vice President Sara Duterte, and sources say that the fourth impeachment complaint is going to come from [H]ouse majority members, is this correct?

Secretary General Velasco: Well[,] those . . . [H]ouse members who requested that [I] give them some more time to either . . . endorse another complaint . . . that will constitute the fourth impeachment complaint.

. . . .

Karen Davila: Now the three impeachment complaints are now in your office. And your office has been under pressure to already act on these three complaints. Take us through this process. Upon receiving the three complaints, should you have already reported to the [O]ffice of the Speaker? What made you not to?

Secretary General Velasco: It's really the request of the House [m]embers. There will be complications if I will refer for instance the three impeachment complaints. Because this is one of the rare times where there [is] more than one complaint. So, if I will transmit the three complaints filed so far then that [sic] would be the only complaints that will be studied by the [O]ffice of the [S]peaker for referring to the [C]ommittee on [R]ules, plenary, then from the plenary to the [C]ommittee on [J]ustice. So, the House [m]embers that whatever complaints they will file[,] or they will endorse will be referred to the Speaker at the same time, one package, instead of just referring the first, the second, and the third, and then the fourth will not be referred or transmitted to the [O]ffice of the Speaker.[37]

In another public interview on January 20, 2025, Secretary General Velasco claimed that at least 12 members of the House requested him to withhold the first three impeachment complaints:

Secretary General Velasco: Ang problem, alam mo na Christmas break, karamihan sa kanila nasa districts nila or nagbabakasyon with the family or loved ones, so wala, kailangan pagbigyan natin sila . . . Anyway, sila boss ko eh, 'di naman ako 'yong boss.

. . . .

Interviewer: Puwede po ba naming malaman kung ilan po 'yong House members na nakikiusap sa inyo?

Secretary General Velasco: Well, 'yon nga 'yong sabi ko, mga 12 sila . . . and they come from the majority and some from the minority . . . so kaya kailangan pagbigyan natin sila . . .

. . . .

Interviewer: Meron kaming naririnig lang na information, 'yon pong nagpahiwatig na 'yong magfa-file ng fourth impeachment complaint ay galing sa young guns.

Secretary General Velasco: Well, galing sa majority 'yon.

Interviewer: But not necessarily from the young guns?

Secretary General Velasco: Ah not necessarily from the young guns. Kaya, sabi nga sa inyo, this information was shared to me in confidence kaya I cannot reveal them to you. But some of them, in fact, 'yong iba sumulat pa sa akin na bigyan sila ng time, bigyan sila ng kopya, therefore bigyan sila ng time napag-aralan 'yong complaints, so hindi lang verbal, may mga written. . . After this exercise[,] I'll give it to you pag[]natapos, natransmit ko na sa inyo sa Speaker, I will give you a copy of these communications I received.

....

Interviewer: Sir, how much time will you give them? Cause 'yon nga, ang sinasabi nung isa sa mga endorser ng first three, more than enough time na 'yong one month . . . to transmit.

Secretary General Velasco: Well kasi nga, in my case, wala kasing nakalagay na naka specify . . . Unfortunately, 'yun 'yung rules natin na it's really up to me to decide. Walang time na nakalagay. Unlike Speaker has 10 session days, the Committee on Rules has three session days, Committee on Justice has 60 session days. Sa akin kasi wala eh. So it's my decision . . .

'Yon nga 'yong ibang members, nakiusap sa akin na sandali lang SecGen, wag mo muna i-transmit.[38]

The House did not find anything wrong in the actions of Secretary General Velasco. In fact, it appears that they acquiesced in his action as they even justified the same in their Comment, by arguing that the House may introduce an intermediate step between the filing of the verified impeachment complaint and its inclusion in the order of business:[39]

26. In the exercise of its wisdom, and pursuant to its constitutional authority, the House saw fit to introduce an intermediate step between the receipt of a complaint by the Secretary General and the running of the ten-day period. Only upon transmittal to the Speaker will the ten days found in the Constitution begin to run. This was completely within the power of the House to decide, following its Constitutionally vested rule-making power, and the same is in keeping with the orderly and faithful fulfillment by the House of its role in the impeachment process.

....

28. Evidently, even as the final version of the Constitution provision includes certain periods, the framers always intended for the provision to accommodate the rules future Congresses would create.[40] (Emphasis supplied)

Respondent House asserts that compliance with the House Impeachment Rules is an internal matter to be determined by the House, which the Court cannot review. According to the Respondent House, it has the power to determine whether Secretary General Velasco complied with his duty to immediately refer the verified impeachment complaint to the Speaker.[41]

Respondent House even went further by arguing that the 10-session day period should be reckoned from the date of the Secretary General's transmittal of the impeachment complaint to the Speaker.[42]

I disagree with the position of the House.

There is no dispute that the House, pursuant to its power to promulgate rules on impeachment, may grant the Secretary General certain duties and powers relating to the impeachment mechanism. Nonetheless, I emphasize that such powers and their exercise by the Secretary General must conform with—and must not contravene nor circumvent—the limitations set by the Constitution. As I mentioned earlier, it is to this extent that the Court may review whether the Secretary General committed grave abuse of discretion.

Rule II, Section 3 of the House Impeachment Rules—insofar as it allows the reckoning of the 10-day period from the date the Secretary General refers the complaint to the Speaker—contravenes the meaning and evident purpose of Article XI, Section 3(2) of the Constitution. Based on the wording and structure of Article XI, Section 3(2) of the Constitution, the relative clause "which shall be included in the Order of Business within ten session days" clearly refers to the "verified complaint" that is "filed by any Member of the House of Representatives or by any citizen upon a resolution of endorsement by any Member thereof." Allowing the Secretary General to dictate the reckoning of the 10-session day period, by giving him/her the discretion when to transmit the impeachment complaint to the Speaker, violates the very spirit and purpose of the specific periods under Article XI, Section 3(2) of the Constitution, and gives unfettered discretion on the part of the Secretary General, who, incidentally, was not even mentioned in the Constitution. To recall, the Secretary General is a personality created only by the House. Thus, it is illogical and unacceptable that the Secretary General be given the sole power and discretion to determine when to refer the impeachment complaint to the Speaker. Clearly, this contradicts the Constitution. For the respondent House to even tolerate and allow this is a clear case of grave abuse of discretion.

For emphasis, the Constitution provides that it shall be mandatory to include the verified impeachment complaint in the order of business within 10 session days reckoned from: (1) the filing of the verified impeachment complaint by a Member of the House, in case of the first mode; or (2) the endorsement by a Member of the House of a verified impeachment complaint filed by a citizen, in case of the second mode.

Indeed, the 10-session day period to include the first three impeachment complaints in the order of business of the House was complied with, despite the deliberate delay on the part of Secretary General Velasco. The first impeachment complaint was included in the order of business on February 5, 2025,[43] which falls under the 10[th] session day from the date of its filing and endorsement.[44] The second and third impeachment complaints were included in the order of business on the same day,[45] which falls within the applicable 10-session day period.[46]

However, notwithstanding the compliance with the 10-session day period, the deliberate inaction and delay by Secretary General Velasco in referring the first three impeachment complaints to the Speaker, his public pronouncements and respondent House's arguments, coupled with Congress's own failure to act on the complaints, reveal an attempt to circumvent the one-year bar rule.

Rather than complying with his duty under the House Impeachment Rules, Secretary General Velasco did not "immediately" refer the first three impeachment complaints to the Speaker, claiming that the non-referral was at the request of certain members of the House. As Secretary General Velasco himself publicly admitted, he deliberately withheld the first three impeachment complaints to give way for certain members of the House to, among others, endorse another complaint. True enough, 215 members of the House later came up with the fourth impeachment complaint, and only then were the first three impeachment complaints finally included in the order of business of the House.

Furthermore, Secretary General Velasco's inaction on the first three impeachment complaints amounted to a deliberate nonperformance of a duty and an arrogation of the House's exclusive power to determine the initial action to be taken, thus tantamount to a grave abuse of discretion. Each house of Congress conducts its legislative work in plenary session,[47] including the undertaking of impeachment proceedings. Having "sole and absolute control" over the initiation of impeachment proceedings, the House of Representatives "in taking charge of its own proceedings, must deliberately decide to initiate an impeachment proceeding, subject to the time frame and other limitations imposed by the Constitution. This chamber of Congress alone, not its officers or members or any private individual, should own up to its processes." [48] When Secretary General Velasco held hostage the first

three impeachment complaints, the House was deprived of an opportunity to decide as a plenary, upon inclusion of the complaints in the order of business, whether to refer the complaints to the Committee on Justice.

I state that the Secretary General has absolutely no discretion to decide when to refer the impeachment complaints to the Speaker. The Constitution and the internal rules of respondent House already specifically provided for the period within which the Secretary General ought to perform his duty. The Secretary General's non-observance of said period, as well as the respondent House's acquiescence and approval thereof, amounted to a grave abuse of discretion. The respondent House cannot simply tolerate the Secretary General's action even if it aligns to its agenda. Still, the Constitution is above the House of Representatives and should be strictly complied with.

The archiving of the first three impeachment complaints was the inevitable consequence of the failure of the Congress to act upon them

Under Article XI, Section 3(2) of the Constitution, a filed impeachment complaint must thereafter be referred to the proper Committee within three session days from its inclusion into the Order of Business. Rule II, Section 3 of the House Impeachment Rules expressly identifies the Committee on Justice as such proper forum.[49]

Under the House Impeachment Rules, the Committee on Justice determines the impeachment complaint's sufficiency in both form and substance. At various stages from filing, the Committee on Justice is empowered to dismiss an impeachment complaint, upon a finding (a) that the same is not sufficient in form;[50] (b) that it is compliant in form but insufficient in substance based on the allegations;[51] (c) that sufficient grounds for impeachment do not exist, after its review of the pleadings, affidavits, and counter-affidavits;[52] and (d) that probable cause does not exist, even after hearing.[53] Otherwise, the filed impeachment complaint proceeds and is given due course. If majority of the members of the Committee on Justice finds that probable cause exists on the basis of the evidence before it, it shall submit a report with a resolution setting forth the Articles of Impeachment.[54]

In Gutierrez, the Court further discussed such act of referral to the Committee on Justice as follows:

The Constitution did not place the power of the "final say" on the lips of the House Secretary General who would otherwise be calling the shots in forwarding or freezing any impeachment complaint. Referral of the complaint to the proper committee is not done by the House Speaker alone either, which explains why there is a need to include it in the Order of Business of the House. It is the House of Representatives, in public plenary session, which has the power to set its own chamber into special operation by referring the complaint or to otherwise guard against the initiation of a second impeachment proceeding by rejecting a patently unconstitutional complaint.

Under the Rules of the House, a motion to refer is not among those motions that shall be decided without debate, but any debate thereon is only made subject to the five-minute rule. Moreover, it is common parliamentary practice that a motion to refer a matter or question to a committee may be debated upon, not as to the merits thereof, but only as to the propriety of the referral. With respect to complaints for impeachment, the House has the discretion not to refer a subsequent impeachment complaint to the Committee on Justice where official records and further debate show that an impeachment complaint filed against the same impeachable officer has already been referred to the said committee and the one year period has not yet expired, lest it becomes instrumental in perpetrating a constitutionally prohibited second impeachment proceeding. Far from being mechanical, before the referral stage, a period of deliberation is afforded the House, as the Constitution, in fact, grants a maximum of three session days within which to make the proper referral.[55] (Citations omitted)

While Gutierrez recognizes that the referral of an impeachment complaint to the Committee on Justice is neither automatic nor mechanical, it significantly limits the justification for non-referral to such instance when official records and debate would show that the impeachment complaint filed should no longer be entertained due to the one-year bar, always as a product of the plenary's deliberative action.

Here, congressional records do not show that any referral was made of the first three impeachment complaints to the Committee on Justice. Neither was it demonstrated that the House of Representatives, on plenary and after deliberation, determined that referral of the first three impeachment complaints were unnecessary because there had already been a prior referral to the committee or that the one-year period has not yet expired.

Indeed, the House records a discussion on January 13, 2025, where Representative Raoul Dannel A. Manuel in his Privilege Speech called upon the members to act on the first three impeachment complaints against petitioner Duterte, and that such privilege speech, upon motion, was referred to the Committee on Rules for appropriate action.^[56] However, this can hardly be considered as the referral to the proper committee contemplated by the Constitution and the House Impeachment Rules.

Interestingly, the next instance the first three impeachment complaints were brought up was on February 5, 2025 when during plenary session, all four impeachment complaints were included in the additional reference of business. The House then directed Secretary General Velasco to endorse the fourth impeachment complaint to the Senate, and as a consequence thereof, to transmit the first three impeachment complaints to the congressional archives.^[57] Where there was no discussion therein relating to the propriety of referring the first three impeachment complaints or if these were already Constitutionally-prohibited in the first place, it is difficult to imagine how their being summarily archived qualifies as the deliberative plenary action contemplated in jurisprudence.

On this score, absent any finding on whether they should have been either dismissed (e.g., for insufficiency of form, substance, due to Constitutional prohibition, etc.) or given due course to eventually ripen into Articles of Impeachment, then the first three impeachment complaints that were already filed remained active and pending, albeit unresolved. Absent any action by the House, either on plenary or through the Committee on Justice, then the first three impeachment complaints were in limbo, not having been adequately disposed of before they were archived.

Notably, neither the Constitution nor the House Impeachment Rules provides a mechanism for archiving impeachment complaints. While Rule XXII, Section 147 of the Regular House Rules mentions the delivery of papers to the Archives, they pertain to the papers and records relating to the completed business of the House. The same provision provides that all pending matters and proceedings shall terminate upon expiration of the Congress, and records pertaining thereto shall be delivered to the Archives. Here, the first three impeachment complaints were not yet part of the completed business of the House, and their archiving on February 5, 2025 was not pursuant to the expiration of the 19th Congress. Indeed, the Constitution provides for alternative modes of initiating the impeachment process; however, nowhere in the Constitution nor the House Impeachment Rules does it sanction the replacement, substitution, or supplanting of impeachment complaints filed prior through whichever mode, just because another mode of initiation has suddenly become more convenient or preferred.^[58] Permitting such maneuver without legal basis risks politicizing impeachment and eroding public trust.

The delayed inclusion of the first three impeachment complaints in the Order of Business—coinciding with the final day of the Congress's third and last regular session, and occurring on the very same day the fourth impeachment complaint was adopted—casts serious doubt on the integrity and timing of the House's actions

In their Comment, the House admitted that Secretary General Velasco transmitted the first three impeachment complaints to the Office of the Speaker only on February 5, 2025, during the last day of the Congress's third and final Regular Session.[59] On the same day, the members of the House were allegedly summoned to the Romualdez Hall for a "caucus," without being informed of its purpose or agenda. During said caucus, a fourth impeachment complaint was filed against Duterte, signed by 215 out of 306 House members, surpassing the one-third requirement under Article XI, Section 3 (4) of the 1987 Constitution. Consequently, the fourth impeachment complaint constituted the Articles of Impeachment, which was forthwith transmitted to the Senate even without a plenary vote.[60]

As a result of the endorsement of the fourth impeachment complaint, the House has ordered the transmittal of the first three impeachment complaints to the congressional archives.

Clearly, the timing of the inclusion of the first three impeachment complaints in the House's order of business on February 5, 2025 is highly suspect as it came about just as the fourth impeachment complaint had already become available for endorsement by the members of the House.

It is evident that the House's decision to withhold the referral of the first three impeachment complaints was intentional to give way to the fourth complaint. By doing so, the House sought to secure the endorsement of at least one-third of the members—an approach that is clearly more expedient and convenient, as it does not involve committee-level review and deliberation. This is strengthened by Secretary General Velasco's admission that the referral of the first three impeachment complaints was held in abeyance because certain members of the House requested him to withhold the same to "give them some more time to either endorse one of the three complaints . . . or endorse another complaint." [61]

Moreover, as reflected in the recorded exchanges between members of the media and some members of the House on February 5, 2025, it was revealed that they were unaware of any caucus scheduled for that day, more so the agenda or purpose of said caucus. Admittedly, they were not given prior notice of the existence of a fourth impeachment complaint.[62] The lack of transparency regarding the caucus, the abrupt manner in which it was convened, and the lack of a clear communication, collectively suggest a deliberate effort to withhold information from members of the House. These actions clearly demonstrate a calculated and hastened effort to push the fourth impeachment complaint with deliberate speed and minimal scrutiny.

Indeed, the totality of circumstances, i.e., the House's deliberate inaction on the first three impeachment complaints, the swift endorsement and adoption of the fourth, and the subsequent archiving of the initial three—clearly indicates a pattern of unequal treatment and undue preference for the fourth complaint. This sequence of events strongly suggests an attempt to circumvent the constitutional one-year bar on initiating multiple impeachment proceedings against the same official.

The circumvention of the one-year bar rule nonetheless triggers its operation

Article XI, Section 3(5) of the Constitution provides:

(5) No impeachment proceedings shall be initiated against the same official more than once within a period of one year.

This provision, called the "one-year bar rule," is a measure installed as a constitutional limitation to the filing of impeachment complaints mainly to protect impeachable officials from harassment and to enable Congress to focus on its principal task of legislation. Considering that only select high-ranking officials may be subject to

impeachment, the rule aims to strike an important but delicate balance between accountability of erring officials, and stability of government operations. Without this, the impeachment process can be easily weaponized for political advances and undue harassment is likely to arise, crippling at least two main government branches every time impeachment is initiated: the legislature, and either the executive or judiciary, or worse, both. Records of the deliberations of the 1986 Constitutional Commission bear this:

MR. ROMULO. Yes, the intention here really is to limit. This is not only to protect public officials who, in this case, are of the highest category from harassment but also to allow the legislative body to do its work which is lawmaking. Impeachment proceedings take a lot of time. And if we allow multiple impeachment charges on the same individual to take place, the legislature will do nothing else but that.

In Francisco, the Court laid down the principle that the word "initiate," as used in Article XI, Sec. 3(5)—which triggers the one-year bar rule—requires two distinct events: (1) the act of filing of the impeachment complaint; and (2) the referral to the House Committee on Justice. The Court states:

From the records of the Constitutional Commission, to the amicus curiae briefs of two former Constitutional Commissioners, it is without a doubt that the term "to initiate" refers to the filing of the impeachment complaint coupled with Congress' taking initial action of said complaint.

Having concluded that the initiation takes place by the act of filing and referral or endorsement of the impeachment complaint to the House Committee on Justice or, by the filing by at least one-third of the members of the House of Representatives with the Secretary General of the House, the meaning of Section 3(5) of Article XI becomes clear. Once an impeachment complaint has been initiated, another impeachment complaint may not be filed against the same official within a one year period.[63]

Meanwhile, Justice Arturo D. Brion, in his Dissenting Opinion in Gutierrez, clarifies his view on what should trigger this constitutional mechanism. Seeing that the Francisco guidelines do not significantly carry out the intended purpose of the one-year bar rule, he advances the opinion that there must be a more meaningful "process that goes beyond this physical act of filing":

In this light, the bar against impeachment that Section 3(5), Article XI of the Constitution speaks of cannot simply be confined to the mechanical act of filing an impeachment complaint. As every citizen enjoys the right to file a complaint, a bar triggered by the mere physical act of filing one complaint is practically a negation of the granted right without a meaningful basis. Thus, the initiation of an impeachment complaint, understood in the sense used in Section 3(5), Article XI of the Constitution, must involve a process that goes beyond this physical act of filing; initiation must be a participatory act that involves the receiving entity, in this case, the House of Representatives.

To be consistent with the nature and effects of the bar, the participation of the House of Representatives in the initiation phase must itself be meaningful; it must be an act characterized by the exercise of discretion in determining that the filed impeachment complaint is valid and can be the basis for the impeachment proceedings to follow, subject to supporting and duly admitted evidence. To state the obvious, only a valid impeachment complaint should serve as a bar; otherwise, no meaningful balance would exist between the impeachment and the bar that can frustrate it.[64]

In other words, Justice Brion is of the conviction that the manner laid down in Francisco to activate the one-year bar rule is too simple—so much that it is practically a negation of the rule's intended purpose. Thus, he seeks to guard the bar from undue set-up by offering a stricter method of prompting it.

The case at hand, however, is the complete opposite. It is my assessment that there is undue avoidance of the bar; a circumvention of the rule which is similarly intended to negate its envisioned purpose. Thus, its reexamination is warranted.

Aware that referring it to the House Committee on Justice will trigger the one-year bar rule, the House chose to withhold action on the first three complaints. It methodically placed the three complaints in limbo—neither here nor there, so to speak. It thus appears that the House's actions accomplished two interrelated but distinct purposes: (1) prevent the triggering of the one-year bar rule; and (2) allow it to take cognizance of the fourth impeachment complaint. Clearly, a circumvention of the one-year bar rule, which the Constitution unqualifiedly advocates.

In light of these circumstances, it is my position that the filing of the first three complaints, coupled with the Secretary General's withholding the same, and viewed against the totality of circumstances pointing to no other conclusion than an attempt at circumvention, constitute more than sufficient grounds to trigger the one-year bar rule. This, despite the lack of referral to the Committee on Justice and fulfillment of the technical meaning of the term "initiation." I am of the position that this view passes constitutional tests, and is more in keeping with fairness, logic, and the contemplated purpose of the rule.

The rule, broken down to its frames, essentially tells us that a second impeachment proceeding cannot be "initiated" against the same official within the same year. Once a first impeachment proceeding is "initiated," the one-year bar rule is set up, and a second one can no longer be accommodated. This is very much established.

However, is the reverse also true? In other words, if the initiation triggers the one-year bar rule, does it also mean that the one-year bar rule is triggered only by the initiation of an impeachment complaint, as clarified in *Francisco*?

I do not think so, and for two reasons.

First, a closer reading of the constitutional provision reveals that the prohibition applies only against initiation. Nowhere does it state that the bar may be triggered exclusively by the initiation of a complaint. Thus, there is no constitutional breach, and it is a fair interpretation that the bar may be utilized if only to accomplish its purpose which is, again, to strike a balance between public accountability and government stability. Conversely, the bar may be curbed if it would otherwise promote imbalance by unduly favoring either the filing of impeachment complaints which results in government instability, or lack of public accountability.

Second, it is my humble opinion that this view is more in keeping with fairness, justice, and reason. At the risk of being repetitive, I must remind that the one-year bar rule is merely an instrument developed to promote balance. Thus, its interpretation and operation should be continuously evolving, constantly guided by the understanding that it is but simply a tool for a certain purpose, nothing more and nothing less. The question that should always be asked: are we courting impeachment too much, or are we excessively avoiding it? It is only with this curiosity that we can effectively and fairly interpret the one-year bar rule.

Tasked by the Constitution as the ultimate interpreter of laws, it would be a great diminution for the Court to be reduced to a mechanical adherent to literal texts devoid of empirical contexts and emasculated by former interpretations which do not conform to present realities. Hence, with the House's action of withholding the first three impeachment complaints and entertaining only the fourth, I submit that the rule had veered away from its purpose. Instead, it was weaponized, and its aim negated by the handy excuse given by the Secretary General that the first three complaints were never referred to the House Committee on Justice—an excuse so lame and convenient that it is extremely difficult to ignore the impunity that comes with it. The nonperformance by the Secretary General of his duty should not cause prejudice or unfairness to the other official being impeached, or result to the circumvention of the Constitution. Holding hostage the impeachment complaints on the part of the Secretary General should be deemed as a trigger point for the one-year bar rule to kick in, in order to restore the balance, the protection of which it is crafted for. It is also an effective tool which will serve as a barricade against the Secretary General from further acting beyond his domain that will have far-reaching consequences, and for

the House to use the Office of the Secretary General to implement its intended purpose.

Having said everything, it is important to maintain a mindset that the one--year bar rule, in itself and taken as a whole, is a measure that is inherently good as it aims to promote equilibrium in the complex machinery of a democratic government and between the competing values of dishonesty and accountability—values which are undeniably essential in any kind of system, not just government. However, its two sides are unlike its whole—they are neither inherently good nor bad, and an excess of either yields an undesirable result. It is a double-edged sword, and its effect largely depends on the one wielding it. Thus, in dealing with the one-year bar rule, careful consideration should be taken if one side is favored too much. Encourage its operation and dissuade impeachment proceedings, public accountability is reduced; but suppress the rule and invite impeachment complaints, government stability is sacrificed.

In fine, the House abused its discretion when it tolerated and approved the Secretary General's act of withholding action on the first three complaints. The totality of attendant circumstances reveals the true nature of the House's action: to circumvent the one-year bar rule in order to fabricate a superficially legal strategy and make the fourth complaint viable. The move was as clever as it was iniquitous and a prime example of a technically legal but highly immoral maneuver; a mere subterfuge for political gain, for it exploited a weak point in our democratic institutions.

Again, the one-year bar rule is merely an instrument put in place to strike a balance between accountability and stability. Thus, it must be viewed exactly as that, and in no instance should greater importance be placed on the stifling definition of the tool than its envisioned purpose. No system is fool-proof, and it is impossible to craft rules that will definitively guard against every loophole, gap, ambiguity, or indistinctness. Thus, in the small crevices of every imperfectly-built organization lie the opportunity for us, the Judiciary, to hark back to the values of fairness, justice, and reason—values which made this democratic republic possible in the first place.

The approval of the fourth impeachment complaint likewise constitutes grave abuse of discretion

The House, in filing the fourth impeachment complaint used the mode of initiating an impeachment complaint under Article XI, Section 3(4) of the Constitution which provides that "in case the verified complaint or resolution of impeachment is filed by at least one-third of all the Members of the House, the same shall constitute the Articles of Impeachment, and trial by the Senate shall forthwith proceed." While this is explicitly stated under the Constitution, the application of this provision must be read in conjunction with Article XI, Section 3(5) of the Constitution which declares that "no impeachment proceedings shall be initiated against the same official more than once within a period of one year."

Significantly, in Francisco, the Court, for the purpose of applying the one--year bar rule took the opportunity to settle the meaning of the term "to initiate." It concluded that initiation is the filing of the impeachment complaint coupled with the initial action of the Congress, i.e. the act of referring or endorsing the impeachment complaint to the House Committee on Justice.[65] However, as I discussed earlier, this pronouncement in Francisco is not applicable to the factual circumstances of this case. At the risk of being too repetitive, I espouse the view that since there was no "initiation" to speak of as contemplated by Francisco, but rather the withholding of the first three impeachment complaints until they were archived on February 5, 2025 and the swift adoption of the fourth impeachment complaint, there was an attempt by the House to circumvent the one-year bar rule, thus, effectively rendering it to be operative.

The act of withholding the first three impeachment complaints and proceeding only to entertain the fourth impeachment constitutes sufficient grounds to render the one-year bar operative. Thus, the House committed grave abuse of discretion when it approved during the plenary session on February 5, 2025, the fourth impeachment complaint against petitioner and subsequently, resolved to transmit the same to the Senate, when it is already barred due to the one-year bar rule. We cannot countenance such act as it was done arbitrarily and in clear contravention of Article XI, Section 3(5) of the Constitution. Without a doubt, an act done that is contrary to the Constitution constitutes grave abuse of discretion that warrants the grant of the extraordinary writ of certiorari.[66]

All told, the totality of the acts on the part of the respondent House was an attempt to circumvent the one-year bar rule, thus amounting to a grave abuse of discretion. To reiterate, grave abuse of discretion attended the commission of the following acts: (1) the deliberate inaction and delay of the Secretary General in the referral of the first three impeachment complaints and the respondent House's acquiescence and approval thereof; (2) the House's inaction on the first three impeachment complaints; and (3) the House's approval of the fourth impeachment complaint in violation of the one-year bar rule.

Finally, while the authority granted by the Constitution to Congress provides for the manner and cause of removal of all other public officers and employees, it does not provide Congress with carte blanche authority to ignore the basic principles and precepts established by the Constitution.[67] Any undue departure or deviation by the House from the express limitations provided for in the Constitution is tantamount to grave abuse of discretion and is thus the proper subject of the Court's power of judicial review.

The impeachment proceedings and the pending fourth impeachment case before the House and Senate, respectively, of the 19[th] Congress, cannot crossover to the 20[th] Congress.

In any event, the 20[th] Congress cannot be expected to continue the business of the 19[th] Congress.

The Rules of both the House of Representatives and the Senate currently in effect under the 19[th] Congress provide that all pending matters or unfinished business at the end of the term of a Congress are terminated, thus:

Rule XI [of the Rules of the House of Representatives]
The Session. . . .

Section 80. Calendar of Business. – The Calendar of Business shall consist of the following:

a. Unfinished Business. – This is business being considered by the House at the time of its last adjournment. Its consideration shall be resumed until it is disposed of.

The Unfinished Business at the end of a session shall be resumed at the commencement of the next session as if no adjournment has taken place. At the end of the term of a Congress, all unfinished business [is] deemed terminated.

RULE XLIV [of the Senate]
Unfinished Business

SEC. 123. Unfinished business at the end of the session shall be taken up at the next session in the same status.

All pending matters and proceedings shall terminate upon the expiration of one (1) Congress, but may be taken by the succeeding Congress as if presented for the first time.

Further, this Court already had the occasion to discuss the non-continuing nature of both bodies (albeit referring to

different constitutional functions).

In *Ang Nars Party List v. Executive Secretary*,^[68] the Court stated, "[i]n particular, the House is admittedly not a continuing body since the terms of all Members of the House end at the same time upon the expiration of every Congress. Thus, upon the expiration of every Congress, the Rules of Procedure of the House also expire."^[69] Then *Balag v. Senate*^[70] reiterated that the House is not a continuing body, although referring to its power of contempt: "on the other hand, the House of Representatives, as it is not a continuing body, has a limit in the exercise of its power to punish for contempt, which is on the final adjournment of its last session."^[71] Of course, all Members of the House of Representatives are elected for a term of three years.^[72]

The Court also characterized the Senate as not a continuing body. In the Court's Resolution in *Neri v. Senate Committee*,^[73] the Court clarified that the Senate is continuing as an institution but non-continuing with respect to its business and day-to-day matters.^[74] "[The Senate] is not dissolved as an entity with each national election or change in composition of its members."^[75] However, upon the expiration of a particular Congress, all pending matters before the Senate of that Congress are terminated, and it is up to the succeeding Senate to adopt such terminated matters as if presented for the first time.^[76] The Court added that the new Senate should not be bound by the acts of the previous Senate of which they had no part.^[77] This was reiterated by the Court in *Balag*, that all pending matters and proceedings, even legislative investigations, of the Senate are considered terminated upon the expiration of that Congress.^[78]

The Rules of both the House and Senate, as well as the foregoing pronouncements of the Court clearly did not mention of impeachment proceedings. To my mind, however, these principles can likewise be applied to impeachment proceedings pending in either or both the Houses.

The newly elected Congress could not be bound by the acts of the previous Congress. "The Philippines is a democratic and republican State. Sovereignty resides in the people and all government authority emanates from them."^[79] The people exercise government authority through the election of representatives. Binding the succeeding Congress to the acts of the previous Congress is tantamount to restricting or even disregarding the will of the people which was expressed anew in the conduct of elections. Casting a vote is the representation of the change or reaffirmation of the people's will.

The foregoing principles should be applied to impeachment proceedings. The reason is that only the House can impeach, and only the Senate can try and decide impeachment cases, as provided by the Constitution. There is no reason for impeachment proceedings to be classified differently from the other constitutional powers and duties that only the House and the Senate can perform. Thus, the phrase "all unfinished business" in the last statement, second paragraph of Section 80(a), Rule XI of the House Rules (pertaining to the end of a term of a Congress), as well as the phrase "All pending matters and proceedings" in the second paragraph of Rule 123 of the Senate Rules, shall cover impeachment proceedings and pending impeachment cases, respectively.

Therefore, notwithstanding and in addition to my disquisition in this Opinion, it is my view that the first three impeachment complaints before the House of Representatives of the 19th Congress, although transmitted to the archives, are terminated by reason of the expiration of the term of the 19th Congress. The fourth impeachment complaint already transmitted and pending before the Senate of the 19th Congress, as the Senate had already convened as an impeachment court, is likewise terminated by reason of the expiration of the term of the 19th Congress.

Now, with due consideration of the principle of public accountability, the 20th Congress is by all means not precluded from initiating impeachment complaints, subject to the constitutional limitations, of course, such as the one-year bar under Art. XI, Sec. 3(5).

ACCORDINGLY, I vote to grant the petitions for certiorari.

[1] Petition (G.R. No. 278353), p. 8; Petition (G.R. No. 278359), pp. 17-18.

[2] III Record, House, 19[th] Congress, 3[rd] Session (December 18, 2024). Pursuant to Rule 129, Section 1 of the Rules of Court, as amended, the Court shall take mandatory judicial notice of the official acts of the legislative department of the National Government.

[3] III Record, House, 19[th] Congress, 3[rd] Session (January 13, 2025).

[4] ANC 24/7, Headstart: House Secretary General Reginald Velasco on the status of impeachment raps vs VP Duterte, available at <https://www.youtube.com/watch?v=gxKiv87iugE> (last accessed on July 24, 2025); Vivienne Gulla, 4[th] Impeachment complaint looms vs Sara Duterte, ABS-CBN News, available at <https://www.abs-cbn.com/news/nation/2025/1/2/4th-impeachment-complaint-looms-vs-sara-duterte-1708> (last accessed on July 24, 2025); ANC 24/7, WATCH: House Sec. General Reginald Velasco gives updates on impeachment raps vs VP Duterte, available at <https://www.youtube.com/watch?v=CxzIbKeCyZU> (last accessed on July 24, 2025).

[5] See also Additional Reference of Business, House of Representatives, 19[th], Congress, 3[rd] Session (February 5, 2025), available at <https://docs.congress.hrep.online/legisdocs/ob/cba9b-AROB-461-20250205-4.pdf> (last accessed on July 24, 2025).

[6] III Record, House, 19[th] Congress, 3[rd] Session (February 5, 2025).

[7] Id.

[8] Id.

[9] Id.

[10] *Kilusang Magbubukid ng Pilipinas v. Aurora Pacific Economic Zone and Freeport Authority*, 890 Phil. 944, 982 (2020) [Per J. Leonen, En Banc].

[11] *Gutierrez v. House of Representatives*, 660 Phil. 271, 371 (2011) [Per J. Carpio-Morales, En Banc].

[12] *Sanota v. Bureau of Customs*, G.R. No. 199479, April 3, 2024 [Per J. Lopez, J., En Banc] at 8. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website. (Citation omitted)

[13] *Gutierrez v. House of Representatives*, 660 Phil. 271, 371 (2011) [Per J. Carpio-Morales, En Banc].

[14] 737 Phil. 457 (2014) [Per J. Bersamin, En Banc].

[15] Id. at 531.

[16] *Padilla v. Congress of the Philippines*, 814 Phil. 344, 440 (2017) [Per J. Leonardo-De Castro, En Banc]. (Emphasis supplied)

[17] 460 Phil. 830 (2003) [Per J. Carpio-Morales, En Banc].

[18] Id. at 919.

[19] 660 Phil. 271 (2011) [Per J. Carpio-Morales, En Banc].

[20] Id. at 270.

[21] Tañada v. Angara, 338 Phil. 546, 574 (1997) [Per J. Panganiban, En Banc].

[22] See Syjuco, Jr. v. Abaya, 938 Phil. 786, 874 (2023) [Per J. Lopez, J., En Banc]. See Arroyo v. De Venecia, 343 Phil. 42, 104 (1997) [Per J. Mendoza, En Banc].

[23] CONST., art. XI, sec. 2 states: "The President, the Vice-President, the Members of the Supreme Court, the Members of the Constitutional Commissions, and the Ombudsman may be removed from office, on impeachment for, and conviction of, culpable violation of the Constitution, treason, bribery, graft and corruption, other high crimes, or betrayal of public trust. All other public officers and employees may be removed from office as provided by law, but not by impeachment."

[24] Corona v. Senate of the Philippines, 691 Phil. 156, 170 (2012) [Per J. Villarama, Jr., En Banc].

[25] Re: Letter of Mrs. Ma. Cristina Roco Corona, 893 Phil. 231, 231 (2021) [Per J. Hernando, En Banc].

[26] Gutierrez v. House of Representatives, 658 Phil. 322, 386 (2011) [Per J. Carpio Morales, En Banc].

[27] JOAQUIN G. BERNAS, S.J., THE 1987 CONSTITUTION OF THE REPUBLIC OF THE PHILIPPINES: A COMMENTARY 1148 (2009).

[28] See Francisco, Jr. v. The House of Representatives, 460 Phil. 830, 930-932 (2003) [Per J. Carpio-Morales, En Banc]. The House of Representatives has the exclusive power to bring an impeachment case to the Senate. An impeachment case refers to the legal controversy that must be decided by the Senate. It is initiated when a verified impeachment complaint is upheld by at least 1/3 of the membership of the House, and the Articles of Impeachment are prepared and transmitted to the Senate. This is distinguished from "impeachment proceeding" which is initiated by the filing of a verified impeachment complaint and its referral to the House Committee on Justice.

[29] CONST., art. XI, sec. 3(2).

[30] Comment (G.R. No. 278353), p. 10.

[31] Gutierrez v. House of Representatives, 660 Phil. 271, 383 (2011) [Per J. Carpio-Morales, En Banc].

[32] II Record, Constitutional Commission 372 (July 28, 1986).

[33] Gutierrez v. House of Representatives, 660 Phil. 271, 378-379 (2011) [Per J. Carpio-Morales, En Banc].

[34] Comment (G.R. No. 278353), p. 10.

[35] Francisco, Jr. v. The House of Representatives, 460 Phil. 830, 935 (2003) [Per J. Carpio-Morales, En Banc].

[36] Petition (G.R. No. 278353), pp. 9-13, citing ANC 24/7, Headstart: House Secretary General Reginald Velasco on status of impeachment raps vs VP Duterte, available at <https://www.youtube.com/watch?v=gxKiv87iugE> (last accessed on July 24, 2025); ANC 24/7, WATCH: House Sec. General Reginald Velasco gives updates on impeachment raps vs VP Duterte, available at <https://www.youtube.com/watch?v=CxzIbKeCyZU> (last accessed on July 24, 2025).

[37] Petition (G.R. No. 278353), p. 10, citing ANC 24/7, Headstart: House Secretary General Reginald Velasco on status of impeachment raps vs VP Duterte, available at <https://www.youtube.com/watch?v=gxKiv87iugE> (last accessed July 24, 2025).

[38] Petition (G.R. No. 278353), pp. 11-13, citing ANC 24/7, WATCH: House Sec. General Reginald Velasco gives updates on impeachment raps vs VP Duterte, available at

<https://www.youtube.com/watch?v=CxzIbKeCyZU> (last accessed July 24, 2025).

[39] Comment (G.R. No. 278353), pp. 9-15.

[40] *Id.* at 11-12.

[41] *Id.* at 15-18.

[42] *Id.* at 10-11.

[43] XXXVI, Journal, House, 19[th] Congress, 3[rd] Session (February 3-5, 2025). III Record, House, 19[th] Congress, 3[rd] Session (February 5, 2025); Additional Reference of Business, House of Representatives, 19[th] Congress, 3[rd] Session (February 5, 2025).

[44] The following are the 10 session days reckoned from December 2, 2024: (1) session day of December 3-4, 2024; (2) session day of December 9-11, 2024; (3) session day of December 16-18, 2024; (4) session day of January 13, 2025; (5) session day of January 14-15, 2025; (6) session day of January 20, 2025; (7) session day of January 21, 2025; (8) session day of January 22, 2025; (9) session day of January 27-28, 2025; and (10) session day of February 3-5, 2025.

[45] XXXVI, Journal, House, 19[th] Congress, 3[rd] Session (February 3-5, 2025). III Record, House, 19[th] Congress, 3[rd] Session (February 5, 2025); Additional Reference of Business, House of Representatives, 19[th] Congress, 3[rd] Session (February 5, 2025).

[46] February 5, 2025 falls under the ninth session day from the filing and endorsement of the second impeachment complaint, and the seventh session day from the filing and endorsement of the third impeachment complaint.

[47] *Kida v. Senate of the Philippines*, 675 Phil. 316, 398-399 (2011) [Per J. Brion, En Banc].

[48] *Gutierrez v. House of Representatives*, 658 Phil. 322, 396 (2011) [Per J. Carpio Morales, En Banc].

[49] House Impeachment Rules (2023), Rule II, sec. 3.

[50] House Impeachment Rules (2023), Rule III, sec. 4.

[51] House Impeachment Rules (2023), Rule III, sec. 5.

[52] House Impeachment Rules (2023), Rule III, sec. 7.

[53] House Impeachment Rules (2023), Rule III, sec. 9.

[54] House Impeachment Rules (2023), Rule III, sec. 9.

[55] *Gutierrez v. House of Representatives*, 658 Phil. 322, 396-397 (2011) [Per J. Carpio-Morales, En Banc].

[56] 19[th] Congress, Third Regular Session, House Journal No. 30, January 13, 2025, p. 23, available at <https://www.congress.gov.ph/legislative-documents/house-journals/> (last accessed on July 24, 2025).

[57] 19[th] Congress, Third Regular Session, House Journal No. 36, February 5, 2025, pp. 75-76, available at <https://www.congress.gov.ph/legislative-documents/house-journals/> (last accessed on July 24, 2025).

[58] House Impeachment Rules (2023), Rule II, sec. 2.

[59] Petition (G.R. No. 278359), p. 4.

[60] Victoria Tulad, "Senate formally receives articles of impeachment v. VP Sara Duterte from House," ABS-

CBN News, February 5, 2025, available at <https://www.abs-cbn.com/news/nation/2025/2/5/senate-formally-receives-articles-of-impeachment-vs-vp-sara-duterte-from-house-1910> (last accessed on July 24, 2025).

[61] Petition (G.R. No. 278353), pp. 10-13.

[62] Petition (G.R. No. 278359), pp. 19-23.

[63] Francisco, Jr. v. The House of Representatives, 460 Phil. 830, 932-933 (2003) [Per J. Carpio-Morales, En Banc].

[64] Gutierrez v. House of Representatives, 658 Phil. 322, 358-359 (2011) [Per J. Carpio-Morales, En Banc].

[65] 460 Phil. 830, 932-933 (2003) [Per J. Carpio-Morales, En Banc].

[66] Tirol v. Tayengco-Lopingco, 920 Phil. 884, 898 (2022) [Per J. Inting, First Division]. (Citation omitted)

[67] Gonzales III v. Office of the President of the Philippines, 725 Phil. 380, 409 (2014) [Per J. Brion, En Banc].

[68] 864 Phil. 607 (2019) [Per J. Carpio, En Banc].

[69] Id. at 644.

[70] 835 Phil. 451 (2018) [Per J. Gesmundo, En Banc].

[71] Id. at 467.

[72] CONST., art. VI, sec. 7.

[73] 586 Phil. 135 (2008) [Per J. Leonardo-De Castro, En Banc].

[74] Id. at 196-197.

[75] Id. at 196.

[76] Id. at 197.

[77] Id.

[78] Balag v. Senate, 835 Phil. 451, 469 (2018) [Per J. Gesmundo, En Banc].

[79] CONST., art. II, sec. 1.

SEPARATE CONCURRING OPINION

INTING, J.:

I agree with the ponencia insofar as it prohibits the Senate from holding further proceedings on the subject Impeachment Complaint.[1] I submit the following grounds: (1) the Verified Complaint for Impeachment (subject Impeachment Complaint) filed against petitioner Sara Z. Duterte (VP Duterte) on February 5, 2025 is violative of the one-year bar rule under Article XI, Section 3(5) of the 1987 Constitution because the House of Representatives (House) circumvented its application by disregarding the constitutional timeframe set forth in Article XI, Section 3(2) of the 1987 Constitution; and (2) the Twentieth (20th) Senate cannot act upon the Articles of Impeachment that was passed by the House of the Nineteenth (19th) Congress.

A.

The one-year bar rule prohibits any further action on the subject Impeachment Complaint

Respondents, through the Office of the Solicitor General (OSG), assert that the three impeachment complaints filed against VP Duterte in December 2024 (collectively, the 2024 Impeachment Complaints) were all included in the House's Order of Business on February 5, 2025, within 10 session days from their filing date, i.e., December 2, 4, and 19, 2024.[2] They posit that a "session day" may include more than one calendar day if the session was not adjourned but merely suspended. The OSG thus provides the following computation of the "session days" that lapsed from the filing of the 2024 Impeachment Complaints, viz.: [3]

Nineteenth Congress Session No.

Calendar Day/s

26

December 2, 2024

27

December 3-4, 2024

28

December 9-11, 2024

29

December 16-18, 2024

30

January 13, 2025

31

January 14-15, 2025

32

January 20, 2025

33

January 21, 2025

34

January 22, 2025

35

January 27-28, 2025

36

February 3-5, 2025

Respondents' argument fails to persuade. None of the 2024 Impeachment Complaints were included in the House's Order of Business within 10 session days from their filing date.

In *Gutierrez v. House of Representatives Committee on Justice*,^[4] the Court ruled that the House, in deciding to initiate an impeachment proceeding, is limited by the timeframe in Article XI, Section 3(2)^[5] of the 1987 Constitution. This timeframe should be interpreted in its plain and ordinary meaning because the Constitution, as the fundamental law of the land, "is not primarily a lawyer's document but essentially that of the people, in whose consciousness it should ever be present as an important condition for the rule of law to prevail."^[6]

Article XI, Section 3(2) of the 1987 Constitution is clear: when a verified complaint for impeachment is filed by any member of the House or by any citizen upon a resolution of endorsement by any member of the House, the verified complaint must be included in the House's Order of Business within 10 session days counted from its filing, and referred to the proper Committee within three session days thereafter. "Filing" refers to the submission of pleadings or papers to the House,^[7] through its officer whose duty is to receive and keep them as part of the House records,^[8] i.e., the Secretary General.^[9] Gutierrez further teaches that the period for the inclusion of the verified impeachment complaint in the House's Order of Business only runs when the Congress is in session and not when it is in adjournment.^[10]

In my view, respondents' definition of a "session day" lacks basis in the 1987 Constitution. Article VI, Section 15 of the 1987 Constitution recognizes two kinds of congressional sessions, i.e., regular and special, to wit:

Section 15. The Congress shall convene once every year on the fourth Monday of July for its regular session, unless a different date is fixed by law, and shall continue to be in session for such number of days as it may determine until thirty days before the opening of its next regular session, exclusive of Saturdays, Sundays, and legal holidays. The President may call a special session at any time.

In the records of the 1986 Constitutional Commission, the commissioners consistently contrasted the foregoing provision to Article VI, Section 9^[11] of the 1935 Constitution, where the Congress' regular session was not to exceed 100 days, while a special session shall not continue beyond 30 days.^[12] Under Article VI, Section 15 of the 1987 Constitution, the idea is for Congress to remain in session throughout the year except for a 30-day compulsory adjournment.^[13]

"Session days" thus refer to the days when the Congress is in regular or special session, but not when it is in adjournment. This was the construction of "session days" adopted by the Court in *Gutierrez*, viz.:

In the present case, petitioner failed to establish grave abuse of discretion on the allegedly "belated" referral of the first impeachment complaint filed by the Baraquel group. For while the said complaint was filed on July 22, 2010, there was yet then no session in Congress. It was only four days later or on July 26, 2010 that the 15th Congress opened from which date the 10-day session period started to run. When, by Memorandum of August 2, 2010, Speaker Belmonte directed the Committee on Rules to include the complaint in its Order of Business, it was well within the said 10-day session period.

It appears that respondents are conflating the term "session day" with the technical term, "legislative day."^[14] However, as earlier mentioned, the constitutional timeframe should be interpreted in its plain and ordinary meaning, especially considering that the technical term, "legislative day," was not employed in Article XI, Section 3(2) of the 1987 Constitution.

That each day when the Congress is in session, but not when it is in adjournment, is deemed a "session day" is more consistent with the language of Article XI, Section 3(2) of the 1987 Constitution, which clearly relates a "session day" to the House's Order of Business. Even the House recognizes this because under Section 72^[15] of the Rules of the House of the 19th Congress, a daily order of business must be prepared.

Besides, even in those "session numbers" comprising several calendar days, i.e., Session No. 27 (December 3-4, 2024), Session No. 28 (December 9-11, 2024), Session No. 29 (December 16-18, 2024), Session No. 31 (January 14-15, 2025), Session No. 35 (January 27-28, 2025), and Session No. 36 (February 3-5, 2025), the House included additional matters into its Order of Business through additional references of business.[16] In fact, the House's Journal and Record show that the four impeachment complaints against VP Duterte were included in the House's Order of Business through an Additional Reference of Business. This only goes to show that the House could include the four impeachment complaints in its Order of Business at any day that it is in session.

Moreover, the interpretation of a "session day" forwarded by respondents in their Compliance appears to be nothing more than a mere afterthought. In its Comment on the Petition in G.R. No. 278353, the OSG forwarded the argument that the period of 10 session days commenced to run only from the time when the impeachment complaint has been referred by the Secretary General to the Speaker of the House. Supposedly, the House may introduce an "intermediate step" from the filing of the complaint with the Secretary General, who may be given time to assess the complaint and ensure its "compliance with minimum requirements." [17]

I emphasize that the requirement for a verified impeachment complaint to be included in the Order of Business of the House within 10 session days from filing was deliberately included by the framers of the 1987 Constitution to avoid the situation during the regime of former President Ferdinand Marcos, Sr., wherein an impeachment complaint filed against the President was immediately quashed without even being referred to the then Batasang Pambansa, as a collective political body, for its consideration:

SPONSORSHIP SPEECH OF COMMISSIONER GUINGONA

MR. GUINGONA: Thank you, Mr. Presiding Officer.

This sponsorship speech is for the entire draft of the Constitution of the Republic of the Philippines.

Today, we have completed the task of drafting a Constitution which is reflective of the spirit of our time -a spirit of nationalism, a spirit of liberation, a spirit of rising expectations.

....

An additional ground for impeachment, "betrayal of public trust," which need not be an indictable offense, has been introduced. The House of Representatives shall have the exclusive power to initiate all cases of impeachment. The committee to which the verified complaint is sent cannot quash the same through nonreferral to the House, as was done during the Marcos regime.[18] (Emphasis supplied)

Respondents' definition of a "session day" cannot be given merit because it denigrates the purpose behind the constitutional requirement for an impeachment complaint to be submitted to the House, as a plenary body, for consideration, within a certain period of time. Verily, following respondents' argument, the House could very well construe a "session day" into any number of days until the mandatory yearly adjournment of Congress, i.e., 30 days before the opening of its next regular session beginning the fourth Monday of July. Such a situation could effectively prevent the inclusion of an impeachment complaint in the House's Order of Business within 10 "session days," as defined by respondents, until the expiration of one Congress.

Contrary to respondents' assertions, following the session days provided by the OSG, none of the 2024 Impeachment Complaints were included in the House's Order of Business within 10 session days:

Impeachment Complaints

Filing Date

Session days lapsed[19]

First Impeachment Complaint endorsed by Akbayan Citizen's Action Party Representative Percival Cendaña

December 2, 2024

19 Session days:

December 3, 4, 9, 10, 11, 16, 17, and 18, 2024; January 13, 14, 15, 20, 21, 22, 27, and 28, 2025; February 3, 4, and 5, 2025

Second Impeachment Complaint endorsed by ACT Teachers Party Representative France L. Castro, Gabriela Women's Party Representative Arlene D. Brosas, and Kabataan Party Representative Raoul Dannel A. Manuel

December 4, 2024

17 Session days:

December 9, 10, 11, 16, 17, and 18, 2024; January 13, 14, 15, 20, 21, 22, 27, and 28, 2025; February 3, 4, and 5, 2025

Third Impeachment Complaint endorsed by Camarines Sur Representative Gabriel Bordado, Jr. and Ang Asosasyon Sang Mangunguma Nga Bisaya-Owa Mangunguma, Inc. Representative Lex Colada

December 19, 2024

11 Session days:

January 13, 14, 15, 20, 21, 22, 27, and 28, 2025; February 3, 4, and 5, 2025

The House thus acted with grave abuse of discretion in failing to comply with the constitutional deadline for the inclusion of the 2024 Impeachment Complaints in its Order of Business.

Importantly, in the Resolution of the motion for reconsideration in Gutierrez, the Court held that the House cannot refuse to refer an impeachment complaint to its Committee on Justice within the timeframe of three session days under Article XI, Section 3(2) of the 1987 Constitution, in the absence of a subsisting bar, viz.:

Petitioner goes on to argue that the House has no discretion on the matter of referral of an impeachment complaint and that once filed, an impeachment complaint should, as a matter of course, be referred to the Committee.

The House cannot indeed refuse to refer an impeachment complaint that is filed without a subsisting bar. To refer an impeachment complaint within an existing one-year bar, however, is to commit the apparently unconstitutional act of initiating a second impeachment proceeding, which may be struck down under Rule 65 for grave abuse of discretion. It bears recalling that the one-year bar rule itself is a constitutional limitation on the House's power or function to refer a complaint.[20]

As seen above, it is evident that the House circumvented the application of the one-year bar rule to the subject Impeachment Complaint. Had the House observed the timeframe in Article XI, Section 3(2) of the 1987 Constitution, the First Impeachment Complaint should have been included in the House's Order of Business for January 14, 2025, at the latest, and then referred to the House's Committee on Justice on January 21, 2025, at the latest. As to the Second Impeachment Complaint, it should have been included in the House's Order of Business for January 20, 2025, at the latest, and then referred to the House's Committee on Justice on January 27, 2025, at the latest.

Clearly, had the constitutional timeframe been duly observed by the House, both the First and Second Impeachment Complaints would have already triggered the one-year bar rule by the time that the subject Impeachment Complaint was filed on February 5, 2025. Given the circumstances, I am constrained to conclude that the subject Impeachment Complaint is violative of the one-year bar rule.

The OSG nonetheless submits that the House, through the Secretary General, should be allowed to essentially filter impeachment complaints to ensure that only those that meet the minimum requirements under the Constitution are included in the House's Order of Business.

To be sure, the Constitution expressly states that only a verified complaint for impeachment by a House member or by any citizen upon a resolution of endorsement by any House member has to be included in the House's Order of Business within 10 session days from filing. Article XI, Section 2 of the 1987 Constitution further enumerates the impeachable officers.[21] An impeachment complaint that does not comply with the foregoing requirements need not be included in the House's Order of Business. For instance, if an impeachment complaint is unverified, or if it was filed against a public officer who is not impeachable, the constitutional deadline of 10 session days is not triggered.

However, if an impeachment complaint meets the constitutional requirements and those which may be set forth by the House of Representatives, then it should be included in the House's Order of Business within 10 session days so that the House, as a collective political body, may decide on how to proceed with the complaint. This was explained by the Court in *Gutierrez*, to wit:

The Constitution did not place the power of the "final say" on the lips of the House Secretary General who would otherwise be calling the shots in forwarding or freezing any impeachment complaint. Referral of the complaint to the proper committee is not done by the House Speaker alone either, which explains why there is a need to include it in the Order of Business of the House. It is the House of Representatives, in public plenary session, which has the power to set its own chamber into special operation by referring the complaint or to otherwise guard against the initiation of a second impeachment proceeding by rejecting a patently unconstitutional complaint. (Emphasis supplied)

While the Secretary General may certainly make a preliminary assessment on whether an impeachment complaint complies with the minimum requirements of the 1987 Constitution and the House's Impeachment Rules, he or she should do so without contravening the constitutional timeframe of 10 session days for the matter to be included in the House's Order of Business. Neither the Secretary General nor the Speaker of the House may unilaterally decide not to include a verified impeachment complaint that meets the foregoing minimum requirements in the House's Order of Business within the constitutional timeframe; otherwise, they would unlawfully arrogate unto themselves a power that was bestowed upon the House, as a collective political body, by the 1987 Constitution.

B.

The subject Impeachment Complaint was deemed terminated with the expiration of the term of the Nineteenth Congress

In addition to the foregoing, I respectfully submit that the subject Impeachment Complaint is deemed terminated and inefficacious with the expiration of the term of the 19th Congress. Hence, the Senate, which is not a continuing body, cannot conduct any further proceedings on the subject Impeachment Complaint.

In *Arnault v. Nazareno*,^[22] the Court ruled that the House of Representatives is not a continuing body because its members are elected for only a term of four years, so that the term of every Congress, at that time, is only four years. In another case,^[23] the Court reiterated that the House is not a continuing body because "the terms of all Members of the House end at the same time upon the expiration of every Congress." Indeed, under Article VI, Section 7^[24] of the 1987 Constitution, the House is not a continuing body because its members are elected for a

term of only three years.

Likewise, in *Garcillano v. House of Representatives Committees on Public Information*,^[25] the Court held that the Senate is not a continuing body because the term of office of the senators under Article VI, Section 4^[26] of the 1987 Constitution is only for a period of six years. Further, under our present system of government, the term of 12 out of the 24 senators, or one-half of the Senate, expires every three years. With the expiration of the term of one-half of the Senate, the remaining senators cannot constitute a quorum, which, in turn, means that they can no longer do any business that could continue into the next Congress:

Justice Antonio T. Carpio, in his Dissenting and Concurring Opinion, reinforces this ruling with the following rationalization: The present Senate under the 1987 Constitution is no longer a continuing legislative body. The present Senate has twenty-four members, twelve of whom are elected every three years for a term of six years each. Thus, the term of twelve Senators expires every three years, leaving less than a majority of Senators to continue into the next Congress. The 1987 Constitution, like the 1935 Constitution, requires a majority of Senators to "constitute a quorum to do business". Applying the same reasoning in *Arnault v. Nazareno*, the Senate under the 1987 Constitution is not a continuing body because less than majority of the Senators continue into the next Congress. The consequence is that the Rules of Procedure must be republished by the Senate after every expiry of the term of twelve Senators.

The subject was explained with greater lucidity in our Resolution (On the Motion for Reconsideration) in the same case, viz.:

On the nature of the Senate as a "continuing body", this Court sees fit to issue a clarification. Certainly, there is no debate that the Senate as an institution is "continuing", as it is not dissolved as an entity with each national election or change in the composition of its members. However, in the conduct of its day-to-day business the Senate of each Congress acts separately and independently of the Senate of the Congress before it[.] (Emphases in the Original)

The Court has further distinguished between the effects of the expiration of the term of one Congress on the latter's legislative and non-legislative powers. In *Pimentel, Jr. v. Joint Committee of Congress*,^[27] the Court, through an unsigned resolution, ruled that the legislative functions of the Twelfth (12th) Congress terminated upon its final adjournment. However, the non-legislative functions of the 12th Congress, such as the canvassing of votes under Article VII, Section 4^[28] of the 1987 Constitution, continued beyond its final adjournment. The Court explained that under Article VI, Sections 4 and 7 of the 1987 Constitution, the terms of office of the House and the Senate last until "noon on the thirtieth day of June next following their election." As such, "until June 30, 2004, the present [12th] Congress to which the present legislators belong cannot be said to have 'passed out of legal existence.'"

To restate, under the 1987 Constitution, the House and the Senate are not continuing bodies. Rather, pursuant to Article VI, Sections 4 and 7 in relation to Article VI, Section 1^[29] of the 1987 Constitution, the term of every Congress is only for three years. Moreover, following *Pimentel*, the legislative powers granted to the House and the Senate of every Congress last only until the final or sine die adjournment of the session. Meanwhile, upon the expiration of the term of a Congress, the ability of the House and the Senate to conduct their day-to-day business terminates.^[30]

Given that the House and the Senate are not continuing bodies, a relevant issue before the Court is whether an impeachment case that was initiated by the outgoing House may be tried by the incoming Senate once the term of office of the new Senators begins.

In my humble opinion, the Court must rule in the negative. I find guidance in American jurisprudence, which, while not controlling, certainly has persuasive value, especially considering that our Constitution and present

system of governance have American origins.[31]

In this regard, the Supreme Courts of North Dakota and Oregon have held that upon the final or sine die adjournment of the Congress, all its functions as a legislative body cease.[32] With the sine die adjournment, all the committees that the Congress created also cease to exist because the committees cannot continue as a legal entity beyond the termination of the Congress that created it.[33] Likewise, the Supreme Court of California, whose system of government is similar to ours, has held that a resolution by the House is ineffectual to authorize a committee to function after its final or sine die adjournment because after such period, all the legislative powers of both the House and the Senate terminate, including their auxiliary power of functioning through committees, viz.:

Petitioners contend that, even if it be held that the assembly cannot lawfully create committees with authority to sit after adjournment, for the reason that the assembly is not a continuing body because all of its members are elected each two years, such rule has no application to the senate where only one-half of the membership is elected every two years. It is contended that for this reason the senate must be held to be a continuing body, with power to appoint its committees with authority to sit after adjournment. In this connection petitioners rely on *McGrain v. Daugherty*, 273 U.S. 135 [47 Sup. Ct. 319, 71 L. Ed. 580, 50 A. L. R. 1].

To this contention there are two answers. In the first place the legal basis of the rule holding that a single house resolution is ineffectual to authorize a committee to function after adjournment is that upon adjournment sine die all legislative power of both houses terminates, including the auxiliary power of functioning through legislative committees. In the second place, even if we were inclined to follow the holding of the *Daugherty* case, supra, the rule of that case would not be applicable here. As was pointed out in the assembly committee case, L. A. No. 16753 (ante, p. 497 [90 Pac. (2d) 304]), in the *Daugherty* case the United States Supreme Court held that senate interim committees could lawfully sit after adjournment for the reason that the senate is a continuing body, two-thirds of its membership at each new session of congress consisting of holdover senators. The United States Supreme Court intimated that this rule probably did not apply to the house of representatives whose entire membership is elected anew each two years. Apparently the theory of the *Daugherty* case is that a senate interim committee when it reports back to the senate will be reporting back to a body whose membership consists of at least two-thirds of the members that originally appointed the committee. The California senate cannot be held to be a continuing body under any such theory. Article IV, section 8, of the Constitution provides that 'A majority of each house shall constitute a quorum to do business . . .' As already pointed out fifty per cent of the senators are elected anew each two years. It follows that since fifty per cent of the senate membership at each regular session is newly elected, there is not present a "majority" of the membership of the body that originally appointed the committee.[34] (Emphasis and underscoring supplied)

As to the non-legislative functions of a Senate that is not a continuing body, such as its function as an impeachment court, the ruling of the Supreme Court of Pennsylvania in *Krasner v. Ward*[35] is instructive. Therein, the Supreme Court of Pennsylvania explained that because Pennsylvania's House of Representatives and its Senate are not continuing bodies and the term of its Congress lasts only for a period of two years, the House and the Senate of the next Congress are not permitted to take any further action on matters which the House or the Senate of the previous Congress may have begun but not finished during the latter's term. Thus, the Senate must conduct a trial on the Articles of Impeachment before the expiration of its term:

Under the aforementioned provisions of the Constitution which delineate the powers of the House and the Senate with respect to impeachment proceedings, Article VI, Section 4, confers on the "House of Representatives" the sole power of impeachment. This means that only the House of Representatives, acting as a collective body, may exercise this power. The collective body that constitutes the House of Representatives when utilizing this power is comprised of the 203 Representatives elected for a term of two years which begin on the first day of December following their election in the preceding November. See Pa. Const. art. II, §§ 2, 3;

Pa. Const. art. II, § 16 (dividing the Commonwealth into "203 representative districts"); see also 101 Pa. Code § 7.2. ("The General Assembly consists of a: . . . (2) House of Representatives, composed of 203 Representatives elected for terms of two years beginning on the first day of December next after their election.").

Once the House of Representatives has exercised its power of impeachment, then, textually, this immediately triggers the requirement of Article VI, Section 5, that "the Senate," again acting collectively as a body, hold a trial on the articles of impeachment passed by the House. The collective body of the Senate when this duty arises is comprised of 50 Senators, half of whom will be those members elected for terms of four years which begin on the first day of December following their election in November of that year, and the other half will be those serving the remainder of their four-year terms which began two years earlier. See Pa. Const. art. II, §§ 2, 3; Pa. Const. art. II, § 16 (dividing the Commonwealth into "50 senatorial" districts); see also 101 Pa. Code § 7.2. ("The General Assembly consists of a: (1) Senate, composed of 50 Senators elected for terms of four years beginning on the first day of December next after their election. One-half of the Senators are elected every two years.").

As set forth above, Article II, Section 4, entitled "Sessions," establishes that the General Assembly — which is further defined in Article II, Section 1, as consisting of the House of Representatives and the Senate — "shall be a continuing body during the term for which its Representatives are elected." Pa. Const. art. II, § 4. Under Article II, Section 2, the term of an elected Representative begins on December 1 and, under Section 3 it is two years in duration; thus, it ends two years later on November 30. Therefore, under Article II, Section 4, the General Assembly is a continuing body only for this two year session, and, upon the expiration of that session, it ceases to exist. Necessarily then, so do the House of Representatives and the Senate, which together comprise the General Assembly, cease to exist as functioning bodies at that time as well. See *Stroup v. Kapleau*, 455 Pa. 171, 313 A.2d 237, 242 (Pa. 1973) (after final adjournment "the Senate was not physically nor . . . technically [i]n session").

Concomitantly, all powers granted by the Constitution to the House of Representatives and the Senate last only for the duration of the session of the General Assembly in which those bodies came into being under Article II, and those powers expire when that session expires. The Constitution simply does not textually permit the House and the Senate of a subsequent session of the General Assembly to take any further action on matters which the House or Senate of a prior session of the General Assembly may have begun, but not finished during that session, given that they are constitutionally distinct entities under Article II. Accordingly, given these explicit constitutional constraints, we conclude that, when the House exercises its power of impeachment during one session of the General Assembly via the passage of articles of impeachment, trial on those articles must be held by the Senate of that session before it ends.[36] (Underscoring supplied)

The foregoing conclusion in *Krasner* was reinforced by the fact that the articles of impeachment are passed by the Pennsylvania House of Representatives through a resolution, which is generally regarded as a formal expression of the opinion of an official body. Hence, the transmittal of the articles of impeachment is an expression of the will of the then-sitting House that the then-sitting Senate conduct a trial on the allegations contained in the articles of impeachment and that the trial be held and concluded before the expiration of the term of the then-sitting Congress. Upon the expiration of the then-sitting Congress, the articles of impeachment transmitted to the then--sitting Senate becomes null and void. Otherwise, it would result in an absurd situation where a previous Congress could bind the will of the next Congress:

This conclusion is reinforced by the manner in which the impeachment process is conducted. As in this case, articles of impeachment are passed by the House in the form of a simple legislative resolution, which is either approved or disapproved by the House via majority vote. As our Court has held, such a legislative resolution is generally regarded as "[a] formal expression of the opinion or will of an official body or a public assembly, adopted by vote." *McGinley v. Scott*, 401 Pa. 310, 164 A.2d 424, 430 (Pa. 1960). Thus, an impeachment

resolution must be considered the formal expression of the opinion of the House of Representatives of the session of the General Assembly which passed it that the subject of the impeachment committed the acts described in the articles, as well as its opinion that those acts constituted misbehavior in office as that behavior is defined in Article VI, Section 6. In directing that the articles be transmitted to the Senate for trial thereon, such a resolution must also be considered an expression of the will of the then-sitting House of Representatives that the then-sitting Senate conduct a trial on the allegations contained in the articles.

Likewise, resolutions adopted by the Senate for the purposes of conducting a trial on impeachment articles passed by the House of Representatives in a session of the General Assembly function as an expression of the collective will of the Senate of that session that a trial be conducted by that particular body in accordance with the terms therein. Given that, under Article II, a House impeachment resolution authorizing impeachment and the transmission of articles of impeachment to the Senate for trial, and a Senate resolution which accepts those articles for trial, expire with that session of the General Assembly, such resolutions can have no legal force and effect in a new session of the General Assembly whose membership has been altered by an intervening election and is now composed of both reelected and newly elected members.

Moreover, a contrary interpretation permitting one legislative body to direct the actions of a future legislative body could yield incongruous and legally impracticable results, such as indefinitely obligating any and all future sessions of the Senate to conduct a trial on impeachment articles once such articles have been passed by the House in a prior session of the General Assembly, no matter how long ago that passage may have been. Further, it would permit impeachment managers who are members of the House of Representatives, and appointed when such articles are first passed, to continue to serve indefinitely in that capacity to represent the House in a Senate trial during any future session of the General Assembly, even if it is no longer consistent with the will of the then-sitting House and, indeed, arguably, even if such managers are no longer duly elected members of that body.

That is precisely the type of incongruous result which threatens to transpire in this case, given that the Senate of the 206th Session of the General Assembly, before final adjournment, issued a summons to the DA to appear for an impeachment trial that would, of necessity, occur in the Senate of the 207th Session of the General Assembly which had not yet come into existence. See S.R. 388. The composition of the 207th Senate differs from the 206th Senate in that it has 50 newly elected or reelected members, some of whom were not in office at the time the 206th Senate accepted the Articles of Impeachment for trial. Moreover, if a trial were held by the 207th Senate, it would be conducted, under the terms of the Impeachment Resolution, by Impeachment Managers "on behalf of the House of Representatives." Impeachment Resolution at 50. This "House of Representatives" is the 206th House of Representatives, the one which approved the resolution, and it no longer exists; thus, there is no longer an entity which the Impeachment Managers can act "on behalf of" in an impeachment trial in the 207th Senate. We must reject an interpretation of our organic charter which permits such nonsensical results. As our Court has emphasized, "[c]onstitutional provisions, like all laws, must receive a sensible and reasonable construction." *Commonwealth v. Novak*, 395 Pa. 199, 150 A.2d 102, 109-10 (Pa. 1959); *Commonwealth v. Darcy*, 362 Pa. 259, 66 A.2d 663, 670 (Pa. 1949) (constitutional language should not be construed in a manner which will yield an unreasonable or absurd result).

For all of these reasons, we hold that the Articles of Impeachment passed by the House of Representatives of the 206th Session of the General Assembly, and transmitted to the Senate of the 206th Session of the General Assembly, became null and void upon the expiration of the 206th Session of the General Assembly on November 30, 2022. Accordingly, we must reverse that portion of the order of the Commonwealth Court which denied the DA summary judgment relief on this question.[37] (Emphasis and underscoring supplied)

The circumstances in *Krasner* are similar to the case at bar. For one, like the Constitution of Pennsylvania, our 1987 Constitution provides that the House may pass the articles of impeachment through a legislative resolution,[38] which has been defined by the Court as "a declaration of the sentiment or opinion of a lawmaking

body on a specific matter." [39] As opposed to an ordinance, which has a more permanent character, a resolution is temporary in nature. [40]

For another, similar to Krasner, the subject Impeachment Complaint was transmitted by the House to the Senate of the 19[th] Congress before the expiration of the latter's term. Specifically, the subject Impeachment Complaint was transmitted to the Senate on February 5, 2025 by the concerned members of the House, whose term of office under Article VI, Section 7 of the 1987 Constitution is only from June 30, 2022 until June 30, 2025. From February 5, 2025 to June 1, 2025, both the House and the Senate of the 19[th] Congress adjourned their session. Although the Senate thereafter commenced the trial on the Articles of Impeachment, it was not concluded before the expiration of the term of the 19[th] Congress on June 30, 2025.

Given the likeness of our system of government with that of Pennsylvania and the similarity between the circumstances in the present case and those in Krasner, the latter may provide guidance on whether an impeachment trial may proceed beyond the term of the House that created the articles of impeachment and the term of the Senate that received it.

Like in Krasner, the House and the Senate of the 19[th] Congress are not continuing bodies under the 1987 Constitution. Upon the expiration of the term of the 19[th] Congress, its House and Senate cease to exist. Consequently, upon the expiration of the term of the 19[th] Congress on June 30, 2025, the impeachment case that was initiated against VP Duterte on February 5, 2025 was deemed terminated. Even the Rules of the House of Representatives and the Rules of the Senate of the 19[th] Congress recognize that all unfinished businesses are deemed terminated upon the expiration of one Congress:

Rules of the House of Representatives of the 19th Congress

Section 80. Calendar of Business. – The Calendar of Business shall consist of the following: a. Unfinished Business. – This is business being considered by the House at the time of its last adjournment. Its consideration shall be resumed until it is disposed of.

The Unfinished Business at the end of a session shall be resumed at the commencement of the next session as if no adjournment has taken place. At the end of the term of a Congress, all unfinished business are deemed terminated. (Emphasis supplied)

....

Rules of the Senate of the 19th Congress

SEC. 123. Unfinished business at the end of the session shall be taken up at the next session in the same status.

All pending matters and proceedings shall terminate upon the expiration of one (1) Congress, but may be taken by the succeeding Congress as if presented for the first time. (Emphasis supplied)

Although the Rules of the Senate of the 19[th] Congress states that all pending matters "may be taken by the succeeding Congress as if presented for the first time," the matter should not be allowed insofar as the subject Impeachment Complaint is concerned for being a legal impossibility and for being constitutionally impermissible.

I stress the well-established principle that impeachment is a political exercise, [41] which is "undertaken by the legislature to determine whether the public officer committed any of the impeachable offenses, namely, culpable violation of the Constitution, treason, bribery, graft and corruption, other high crimes, or betrayal of public trust." [42] It has been described as "the most formidable weapon in the arsenal of democracy," that creates "divisions, partialities and enmities," or highlights "pre-existing factions with the greatest danger that 'the decision will be regulated more by the comparative strength of parties, than by the real demonstrations of innocence or guilt.'" [43]

A resolution by a House of a particular Congress to pass the articles of impeachment against an impeachable officer is therefore an expression of the political will of the members of that specific House. Necessarily, such expression of political will terminates upon the expiration of the House and cannot continue beyond the term of the House members who manifested it. The articles of impeachment by a sitting House cannot bind the political will of the next House, which is composed of members who are distinct and different from those of the previous House.

Under the same line of reasoning, the articles of impeachment is a resolution by the sitting House for the sitting Senate to conduct a trial thereon. An impeachment trial cannot go beyond the term of the House that created the articles of impeachment because in an impeachment case, the House accuses or acts as the prosecutor, while the Senate, as the impeachment tribunal, conducts the trial and decides the case.^[44] This is confirmed by Rule VI, Section 16 of the Rules of Procedure in Impeachment Proceedings of the House of Representatives of the 19th Congress (Impeachment Rules) in relation to Part I of the Rules of Procedure on Impeachment Trials of the Senate of the 19th Congress, viz.:

Rules of Procedure in Impeachment Proceedings of the House of the 19th Congress

Rule VI

Prosecutor in All Impeachment Proceedings

Section 16. Impeachment Prosecutor. – The House of Representatives shall act as the prosecutor at the trial in the Senate through a committee of eleven (11) Members thereof to be elected by a majority vote of the Members present, there being a quorum.

Rules of Procedure on Impeachment Trials of the Senate of the 19th Congress

- When the Senate receives articles of impeachment pursuant to Article XI, Sections 2 and 3 of the Constitution, the President of the Senate shall inform the House of Representatives that the Senate shall take proper order on the subject of impeachment and shall be ready to receive the prosecutors on such time and date as the Senate may specify.

If an impeachment trial is allowed to proceed beyond the term of the House that created the articles of impeachment, it would result in an absurd situation where a previous House is able to bind the will of the present House. The sitting House would be obligated to act as a prosecutor based on the articles of impeachment that it did not pass but instead originated from the previous House, regardless of whether its present members share the same political will as the previous House.

The inability of the Senate to continue with an impeachment trial beyond the term of one Congress is further emphasized by the fact that under Article XI, Section 3(6)^[45] of the 1987 Constitution, conviction in an impeachment case requires the concurrence of two-thirds of all the members of the Senate. With the expiration of one Congress, only one-half of the sitting members of the Senate continue to the next Congress.^[46] The remaining members are less than a majority of the Senate and, hence, cannot constitute a quorum,^[47] much less render a judgment of conviction in an impeachment case.

Pertinently, the Court has acknowledged the basic constitutional principle that the Legislature cannot enact irrepealable laws because only the Constitution may impose restrictions on the power of each Congress to pass and repeal statutes.^[48] Neither may a sitting Congress enact a law that requires the future Congress to amend or repeal a law only through a supermajority vote.^[49] The foregoing rule is founded on the very essence of democracy and the doctrine that every Congress is equal. Hence, a situation in which a sitting Congress may bind the will and actions of a future Congress is anathema and obnoxious to the democratic principles espoused by our Constitution:

The second paragraph of Section 33 of P.D. No. 1146, as amended, effectively imposes restrictions on the competency of the Congress to enact future legislation on the taxability of the GSIS. This places an undue restraint on the plenary power of the legislature to amend or repeal laws, especially considering that it is a lawmaker's act that imposes such burden. Only the Constitution may operate to preclude or place restrictions on the amendment or repeal of laws. Constitutional dicta is of higher order than legislative statutes, and the latter should always yield to the former in cases of irreconcilable conflict.

It is a basic precept that among the implied substantive limitations on the legislative powers is the prohibition against the passage of irrepealable laws. Irrepealable laws deprive succeeding legislatures of the fundamental best senses *carte blanche* in crafting laws appropriate to the operative milieu. Their allowance promotes an unhealthy stasis in the legislative front and dissuades dynamic democratic impetus that may be responsive to the times. As Senior Associate Justice Reynato S. Puno once observed, "[t]o be sure, there are no irrepealable laws just as there are no irrepealable Constitutions. Change is the predicate of progress and we should not fear change."

Moreover, it would be noxious anathema to democratic principles for a legislative body to have the ability to bind the actions of future legislative body, considering that both assemblies are regarded with equal footing, exercising as they do the same plenary powers. Perpetual infallibility is not one of the attributes desired in a legislative body, and a legislature which attempts to forestall future amendments or repeals of its enactments labors under delusions of omniscience.[50] (Emphasis supplied)

It would be more in line with the foundations of our democratic State to hold that the Articles of Impeachment that were transmitted by the 19[th] House to the 19[th] Senate was terminated and rendered inefficacious with the expiration of the term of the 19[th] Congress on June 30, 2025. To iterate, the subject Impeachment Complaint, which constitutes the Articles of Impeachment, is an expression of the political will of the 19[th] House for the 19[th] Senate to conduct a trial based on the allegations therein during the term of the 19[th] Congress. Because the 19[th] Congress is on equal footing with the 20[th] Congress, the latter should not be bound by the previous will or opinion of the House of the 19[th] Congress. The resolution to impeach VP Duterte, while certainly the will of the 19[th] House, is not necessarily reflective of the will of the 20[th] House, whose members are distinct and different from the 19[th] House.

Verily, if the Senate of the 20[th] Congress is allowed to continue with trial on the subject Impeachment Complaint, it would have to proceed based on the Articles of Impeachment by the House of the 19[th] Congress that no longer exists. It would also have to receive an impeachment prosecutor from the 20[th] House, which must then constitute a committee for this purpose, even though it was not the one that voted on the Articles of Impeachment and the latter may not necessarily be reflective of the political will of its incumbent members. Such a situation is tantamount to the creation of an irrepealable statute, which is constitutionally impermissible.

At most, the charges of impeachable offenses against VP Duterte during the 19[th] Congress may be presented anew to the House of the 20[th] Congress. The latter may consider the subject Impeachment Complaint, as well as any evidence gathered in relation thereto, in ascertaining whether an impeachment case should be initiated against VP Duterte during the term of the 20[th] Congress. Otherwise said, the House of the 20[th] Congress, in its discretion, and by a vote of at least one-third of its members,[51] may resolve to impeach VP Duterte as may be warranted by the evidence that was gathered during the term of the 19[th] Congress,[52] subject to compliance with the requirements of and the restrictions imposed by Article XI, Section 3 of the 1987 Constitution.

I am aware of the decision rendered in *Pimentel, Jr. v. Joint Committee of Congress*,[53] wherein it was held that the non-legislative functions of the 12[th] Congress continued beyond its sine die adjournment. The case, however, finds no application here. For one, the non-legislative function performed by the 12[th] Congress in that

case pertained to its duty as the National Board of Canvassers, which bears no relation to the impeachment proceedings extant in the present case. For another, Article VII, Section 4 of the 1987 Constitution expressly provides a period of "not later than [30] days after the day of the election" within which the Congress must convene to canvass the votes, on a date which may go beyond the sine die adjournment of Congress. No similar provision is found in Article XI in relation to impeachment proceedings.

Moreover, the issue in Pimentel was whether the term of the 12[th] Congress terminates and expires upon its final or sine die adjournment. The Court ruled in the negative and held that based on Article VI, Sections 4 and 7 of the 1987 Constitution, until June 30, 2004, the 12[th] Congress cannot be said to have passed out of legal existence, which is a recognition that the term of one Congress expires at noon of the thirtieth of June every three years.

I am also conscious of Article XI, Section 1 of the 1987 Constitution, which states that public office is a public trust; hence, "[p]ublic officers and employees must at all times be accountable to the people[.]" In my view, holding that an impeachment trial must be concluded within the term of the House that issued the articles of impeachment does not denigrate the accountability of impeachable officers to the people. Because the Philippines is a democratic and republican state, it is precisely the representatives elected by the people to the Congress who represent the people's will. As such, the political will to hold an impeachable officer accountable to the people rests in the sitting House of Representatives, whose members, during their term of office, are free to decide whether to impeach an impeachable officer.

I am likewise cognizant of the statement in Section 135 of the Rules of the Senate of the 19[th] Congress, which states:

Section. 135. If there is no Rule applicable to a specific case, the precedents of the Legislative Department of the Philippines shall be resorted to, and as supplement to these, the Rules contained in Jefferson's Manual, Riddick's Precedents and Practices, and Hind's Precedents.

Notably, Section 620 of Jefferson's Manual[54] and Section 2005 of Hind's Precedents[55] both provide that "[a]n impeachment is not discontinued by the dissolution of Parliament, but may be resumed by the new Parliament." Jefferson's Manual further states that in the United States (US), impeachment trials have been extended by the Senate from one Congress to the next. It then proceeds to enumerate several district court judges and a US President whose respective impeachment trials continued beyond the term of one Congress.

However, Section 620 of Jefferson's Manual and Section 2005 of Hind's Precedents find no application in the Philippine setting because they both contemplate a system of governance in the US, whose Senate is a continuing body. The nature of the US Senate as a continuing body was explained by the Court in *Arnault v. Nazareno*,[56] wherein it noted that US senators "are all elected for a term of six years and so divided into classes that the seats of one third only become vacant at the end of each Congress, two thirds always continuing into the next Congress." The remaining two-thirds of the US senators constitute a quorum that could continue any pending business into the next Congress and could even render a verdict impeaching a respondent.[57]

The Court in *Garcillano v. House of Representatives Committees on Public Information*[58] had already rejected the discussion in *Arnault* in characterizing the Philippine Senate as a continuing body because, unlike in the US where two-thirds of its senators remain in office every biennial election and thus constitute a quorum to continue any unfinished business into the next Congress, only one-half of the incumbent senators in the Philippines remain in office every three years. As such, the remaining senators cannot constitute a quorum that could continue any unfinished business into the next Philippine Congress. Again, even the Senate Rules recognize this, as it clearly states that "[a]ll pending matters and proceedings shall terminate upon the expiration of one (1) Congress[.]"

In fine, with the expiration of the term of the 19[th] Congress, the subject Impeachment Complaint, which

constitutes the Articles of Impeachment, was terminated and rendered inefficacious. The Senate of the 20[th] Congress is not constitutionally permitted to proceed with the trial on the Articles of Impeachment from the House of the 19[th] Congress that has ceased to exist. The Articles of Impeachment cannot continue as a legally binding and efficacious legislative resolution beyond the termination of the House that created it.

In view of the foregoing, I vote to GRANT the Petitions in G.R. No. 278353 and G.R. No. 278359. The Verified Complaint for Impeachment, filed by the concerned members of the House of Representatives of the Nineteenth Congress against petitioner Sara Z. Duterte on February 5, 2025, is DECLARED UNCONSTITUTIONAL for being violative of the one-year bar rule in Article XI, Section 3(5) of the 1987 Constitution, and is DEEMED TERMINATED and INEFFICACIOUS in view of the expiration of the term of the Nineteenth Congress on June 30, 2025. Accordingly, the Senate of the Twentieth Congress is ENJOINED from proceeding with the impeachment trial based on the Verified Complaint for Impeachment from the House of Representatives of the Nineteenth Congress.

[1] Ponencia, p. 99.

[2] Compliance, pp. 4, 6.

[3] Id. at 7-8.

[4] 658 Phil. 322 (2011).

[5] (2) A verified complaint for impeachment may be filed by any Member of the House of Representatives or by any citizen upon a resolution of endorsement by any Member thereof, which shall be included in the Order of Business within ten session days, and referred to the proper Committee within three session days thereafter. The Committee, after hearing, and by a majority vote of all its Members, shall submit its report to the House within sixty session days from such referral, together with the corresponding resolution. The resolution shall be calendared for consideration by the House within ten session days from receipt thereof.

[6] *Spouses Imbong v. Ochoa, Jr.*, 732 Phil. 1 (2014).

[7] See 2019 Revised Rules on Civil Procedure, Rule 13, Section 2, which defines "filing" as "the act of submitting the pleading or other paper to the court."

[8] Black's Law Dictionary (1968), Revised Fourth Edition, pp. 755-756. It defines "file" as follows:

FILE, v. To lay away papers for presentation and reference. In practice, to put upon the files, or deposit in the custody or among the records of a court. To deliver an instrument or other paper to the proper officer for the purpose of being kept on file by him in the proper place. It carries the idea of permanent preservation as a public record.

The term "filed" is used to denote the paper placed with the clerk, and assigned by law to his official keeping.

"To file" a paper, on the part of a party, is to place it in the official custody of the cleric "To file," on the part of the clerk, is to indorse upon the paper the date of its reception, and retain it in his office, subject to inspection by whomsoever It may concern.

[9] Rules of the House of Representatives 19th Congress, Rule VI, Section 18(r) states:

Section 18. Duties and Powers. – The duties and powers of the Secretary General are:

....

r. to serve as custodian of the property and records of the House and all government property within the House premises, and to make an inventory of all these property and records at the beginning and end of each regular session[.]

[10] *Gutierrez v. House of Representatives Committee on Justice*, 658 Phil. 322 (2011).

[11] Section 9. The Congress shall convene in regular session once every year on the fourth Monday of January, unless a different date is fixed by law. It may be called in special session at any time by the President to consider general legislation or only such subjects as he may designate. No special session shall continue longer than thirty days and no regular session longer than one hundred days, exclusive of Sundays.

[12] Records of the Constitutional Commission No. 044, July 31, 1986; Records of the Constitutional Commission No. 037, July 23, 1986.

[13] *Matibag v. Benipayo*, 429 Phil. 554 (2002).

[14] See Heitshusen, Valerie (July 19, 2016). Sessions, Adjournments, and Recess of Congress. Available at <https://www.congress.gov/crs-product/R42977#page=10> [Last accessed on July 25, 2025.]

The relevant portion of the citation reads as follows:

In context of the daily activities of Congress, any calendar day on which a chamber is in session may be called a (calendar) "day of session." A legislative day, by contrast, continues until the chamber adjourns. A session that continues into a second calendar day without adjourning still constitutes only one legislative day, but if a chamber adjourns, then reconvenes later on the same day, the single day of session includes two legislative days. Conversely, if a chamber recesses and then reconvenes on the same day, the same day of session and the same legislative day both continue. Finally, when a chamber recesses overnight, instead of adjourning, although a new calendar day of session begins when it reconvenes, the same legislative day continues.

[15] Sec. 72. Order of Business. – The daily Order of Business shall be as follows:

- a. Roll call;
- b. Approval of the Journal of the previous session;
- c. First Reading of bills and resolutions;
- d. Referral of committee reports, messages, communications, petitions and memorials;
- e. Unfinished Business;
- f. Business for the Day;
- g. Business for a Certain Date;
- h. Business for Thursday and Friday;
- i. Bills and Joint Resolutions for Third Reading; and
- j. Unassigned Business.

The daily Order of Business shall be posted in the House website and, as far as practicable, sent through electronic mail to the Members one (1) hour before the commencement of session.

[16] House of Representatives, 19th Congress Website. Order of Business. Available at <https://www.congress.gov.ph/legislative-documents/order-of-business/> [Last accessed on July 22, 2025]

[17] Comment (G.R. No. 278353), pp. 10-15.

[18] Records of the 1986 Constitutional Commission, October 12, 1986 [R.C.C. No. 106].

[19] RULES OF COURT, Rule 22, sec. 1, states:

Sec. 1. How to compute time. – In computing any period of time prescribed or allowed by these Rules, or by

order of the court, or by any applicable statute, the day of the act or event from which the designated period of time begins to run is to be excluded and the date of performance included. If the last day of the period, as thus computed, falls on a Saturday a Sunday, or a legal holiday in the place where the court sits, the time shall not run until the next working day.

[20] *Gutierrez v. House of Representatives Committee on Justice*, 660 Phil. 271 (2011).

[21] Sec. 2. The President, the Vice-President, the Members of the Supreme Court, the Members of the Constitutional Commissions, and the Ombudsman may be removed from office, on impeachment for, and conviction of, culpable violation of the Constitution, treason, bribery, graft and corruption, other high crimes, or betrayal of public trust. All other public officers and employees may be removed from office as provided by law, but not by impeachment.

[22] 87 Phil. 29 (1950).

[23] *Ang Nars Party List v. Executive Secretary*, 864 Phil. 607 (2019).

[24] Sec. 7. The Members of the House of Representatives shall be elected for a term of three years which shall begin, unless otherwise provided by law, at noon on the thirtieth day of June next following their election[.]

[25] 595 Phil. 775 (2008).

[26] Sec. 4. The term of office of the Senators shall be six years and shall commence, unless otherwise provided by law, at noon on the thirtieth day of June next following their election[.]

[27] G.R. No. 163783, June 22, 2004 [Notice].

[28] Sec. 4. The President and the Vice-President shall be elected by direct vote of the people for a term of six years which shall begin at noon on the thirtieth day of June next following the day of the election and shall end at noon of the same date six years thereafter. The President shall not be eligible for any reelection. No person who has succeeded as President and has served as such for more than four years shall be qualified for election to the same office at any time.

No Vice-President shall serve for more than two consecutive terms. Voluntary renunciation of the office for any length of time shall not be considered as an interruption in the continuity of the service for the full term for which he was elected.

Unless otherwise provided by law, the regular election for President and Vice-President shall be held on the second Monday of May.

The returns of every election for President and Vice-President, duly certified by the board of canvassers of each province or city, shall be transmitted to the Congress, directed to the President of the Senate. Upon receipt of the certificates of canvass, the President of the Senate shall, not later than thirty days after the day of the election, open all certificates in the presence of the Senate and the House of Representatives in joint public session, and the Congress, upon determination of the authenticity and due execution thereof in the manner provided by law, canvass the votes.

The person having the highest number of votes shall be proclaimed elected, but in case two or more shall have an equal and highest number of votes, one of them shall forthwith be chosen by the vote of a majority of all the Members of both Houses of the Congress, voting separately.

The Congress shall promulgate its rules for the canvassing of the certificates.

The Supreme Court, sitting en banc, shall be the sole judge of all contests relating to the election, returns, and qualifications of the President or Vice-President, and may promulgate its rules for the purpose.

[29] Sec. 1. The legislative power shall be vested in the Congress of the Philippines which shall consist of a Senate and a House of Representatives, except to the extent reserved to the people by the provision on initiative and referendum.

[30] See *Balag v. Senate of the Philippines*, G.R. No. 234608, July 3, 2018.

[31] See *Dimal v. People*, 830 Phil. 309 (2018); *Javellana v. Executive Secretary*, 151-A Phil. 35 (1973).

[32] *Verry v. Trenbeath*, 148 N.W.2d 567, 573 (N.D. 1967); *State ex rel. Overhulse v. Appling*, 226 Or. 575, 592-593, 361 P.2d 86, 95 (1961).

[33] *Torres v. House Standing Comm. on Judiciary & Governmental Operations*, 2023 MP 10 (2023); *State ex rel. Overhulse v. Appling*, 226 Or. 575, 592-593, 361 P.2d 86, 95 (1961).

[34] *Swing v. Riley*, 13 Cal. 2d 513, 517, 90 P.2d 313, 315 (1939).

[35] 323 A.3d 674 (Pa. 2024).

[36] *Krasner v. Ward*, 323 A.3d 674, 703-704 (Pa. 2024).

[37] *Krasner v. Ward*, 323 A.3d 674, 705-706 (Pa. 2024).

[38] 1987 CONSTITUTION, art. XI, sec. 3(3) and (4):

(3) A vote of at least one-third of all the Members of the House shall be necessary either to affirm a favorable resolution with the Articles of Impeachment of the Committee, or override its contrary resolution. The vote of each Member shall be recorded.

(4) In case the verified complaint or resolution of impeachment is filed by at least one-third of all the Members of the House, the same shall constitute the Articles of Impeachment, and trial by the Senate shall forthwith proceed.

[39] *Civil Service Commission v. Unda*, 818 Phil. 185 (2017), *Municipality of Parañaque v. V.M. Realty Corp.*, 354 Phil. 684 (1998).

[40] *Id.*

[41] *Gutierrez v. House of Representatives Committee on Justice*, 660 Phil. 271 (2011).

[42] *Republic v. Sereno*, G.R. No. 237428, June 19, 2018.

[43] *Corona v. Senate of the Philippines*, 691 Phil. 156 (2012).

[44] *Re: Ma. Cristina Roco Corona*, A.M. No. 20-07-10-SC, January 12, 2021.

[45] (6) The Senate shall have the sole power to try and decide all cases of impeachment. When sitting for that purpose, the Senators shall be on oath or affirmation. When the President of the Philippines is on trial, the Chief Justice of the Supreme Court shall preside, but shall not vote. No person shall be convicted without the concurrence of two-thirds of all the Members of the Senate.

[46] *Garcillano v. House of Representatives Committees on Public Information*, 595 Phil. 775 (2008).

[47] See 1987 Constitution, Article VI, Section 16(2), which states:

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

[48] *City of Davao v. Regional Trial Court*, 504 Phil. 543 (2005).

[49] *Abas Kida v. Senate of the Philippines*, 675 Phil. 316 (2011).

[50] *City of Davao v. Regional Trial Court*, 504 Phil. 543 (2005).

[51] Article XI, Section 3(3) and (4) of the 1987 Constitution, which states:

(3) A vote of at least one-third of all the Members of the House shall be necessary either to affirm a favorable resolution with the Articles of Impeachment of the Committee, or override its contrary resolution. The vote of each Member shall be recorded.

(4) In case the verified complaint or resolution of impeachment is filed by at least one-third of all the Members of the House, the same shall constitute the Articles of Impeachment, and trial by the Senate shall forthwith proceed.

[52] See Deschler's Precedents, Volume III, Chapter 14, § 4.4, pp. 2018-2019. Deschler discusses the impeachment of Halsted R. Ritter, a federal judge of a district court of the United States, who was impeached through a House resolution by the 74th Congress based on the evidence gathered by a committee organized by the 73rd Congress, to wit:

§ 4.4 Where the Committee on the Judiciary investigated charges of impeachable offenses against a federal judge in one Congress and reported to the House a resolution of impeachment in the next, the resolution indicated that impeachment was warranted by the evidence gathered in the investigation conducted in the preceding Congress.

On Feb. 20, 1936, the Committee on the Judiciary submitted a privileged report (H. Rept. No. 74-2025) on the impeachment of District Judge Halsted L. Ritter to the House. The report and the accompanying resolution recited that the evidence taken by the Committee on the Judiciary in the prior Congress, the 73d Congress, pursuant to authorizing resolution, sustained articles of impeachment (the charges of impeachable offenses had been presented anew in the 74th Congress and referred to the committee):

The Committee on the Judiciary, having had under consideration charges of official misconduct against Halsted L. Ritter, a district judge of the United States for the Southern District of Florida, and having taken testimony with regard to the official conduct of said judge under the authority of House Resolution 163 of the Seventy-third Congress, report the accompanying resolution of impeachment and articles of impeachment against Halsted L. Ritter to the House of Representatives with the recommendation that the same be adopted by the House and presented to the Senate.

[H. Res. 422, 74th Cong., 2d sess. (Rept. No. 2025)]

RESOLUTION

Resolved, That Halsted L. Ritter, who is a United States district judge for the southern district of Florida, be impeached for misbehavior, and for high crimes and misdemeanors; and that the evidence heretofore taken by the sub-committee of the Committee on the Judiciary of the House of Representatives under House Resolution 163 of the Seventy-third Congress sustains articles of impeachment, which are hereinafter set out; and that the said articles be, and they are hereby, adopted by the House of Representatives, and that the same shall be exhibited to the Senate in the following words and figures, to wit: . . . (Emphasis supplied)

Available

at

<https://www.govinfo.gov/content/pkg/GPO-HPREC-DESCHLERS-V3/pdf/GPO-HPREC-DESCHLERS-V3-5-2-4.pdf> [Last accessed on July 22, 2025.]

[53] G.R. No. 163783, June 22, 2004 [Notice].

[54] Available at <https://www.govinfo.gov/content/pkg/HMAN-112/pdf/HMAN-112-jeffersonman.pdf> [Last accessed on July 22, 2025.]

[55] Available at <https://www.govinfo.gov/content/pkg/GPO-HPREC-HINDS-V3/pdf/GPO-HPREC-HINDS-V3.pdf> [Last accessed on July 22, 2025.]

[56] 87 Phil. 29 (1950).

[57] The US Constitution provides that "a Majority of each [House] shall constitute a quorum to do business." Available at <https://www.congress.gov/crs-product/96-452> [Last accessed on July 22, 2025.]

[58] 595 Phil. 775 (2008).

SEPARATE CONCURRING OPINION ZALAMEDA, J.:

At the outset, it is imperative to state that the verba legis rule must be observed in constitutional interpretation. That is, the words in the Constitution must be given their ordinary meaning except where technical terms are employed.^[1] No law, however, can account for all possible permutations of a situation. The interstices, or the gaps in the law, are bridged by Our decisions which set precedent. This is how courts participate in the formulation of laws. Even, as We weave through the interstices, new developments force Us to rethink, and reexamine whether Our previous solutions remain, relevant.

When, this Court issued its rulings in *Francisco, Jr. v. House of Representatives*^[2] (*Francisco*) and *Gutierrez v. The House of Representatives Committee on Justice*^[3] (*Gutierrez*), We formulated, a definition of "initiation" to prevent the first impeachment complaint filed, before the House of Representatives from immediately qualifying as the bar to forestall any other impeachment complaint. An initiated impeachment complaint required the conjunction of the filing of a complaint and the referral of such complaint to the Committee on Justice. We assumed that future events would run their usual course; We did not foresee a situation where the operation of the one-year bar would be triggered, effectively preventing a first impeachment complaint from finishing these required steps.

As We are confronted with a different set of facts, We find that a rigid application of Our previous pronouncements do not facilitate the intended purposes of the one-year bar; which are to prevent undue or too frequent harassment and to allow Congress to accomplish its principal task of legislation. As the rulings stand, there is nothing to prevent this gap from being exploited. One may conceivably rely on the current interpretations of initiation and a subsequent ministerial, referral, to instigate the filing of a clearly defective impeachment complaint to put the one-year bar into effect. We find Ourselves at the interstices once again to seek solutions to mend this gap. It is realized that a ministerial referral produces the same result as a first-to-file initiation. They both leave the act of initiation to the complainants and ignore the constitutional mandate that the House of Representatives has the exclusive power to initiate all cases of impeachment.

Thus, We are called to examine the Constitution's provisions and this Court's relevant pronouncements on the impeachment process and their impact on the factual situation before Us.

The referral of the fourth impeachment complaint to the Senate terminated the first three impeachment complaints and effectively prevented their initiation

Article XI, Section 3 of the Constitution provides the necessary guidelines in the conduct of impeachment proceedings.

Section 3.

- The House of Representatives shall have the exclusive power to initiate all cases of impeachment.
- A verified complaint for impeachment may be filed by any Member of the House of Representatives or by any citizen upon a resolution or endorsement by any Member thereof, which shall be included in the Order of Business within ten session days, and referred to the proper Committee within three session days thereafter. The Committee, after hearing, and by a majority vote of all its Members, shall submit its report to the House within sixty session days from such referral, together with the corresponding resolution. The resolution shall be calendared for consideration by the House within ten session days from receipt thereof.
- A vote of at least one-third of all the Members of the House shall be necessary either to affirm a favorable resolution with the Articles of Impeachment of the Committee, or override its contrary resolution. The vote of each Member shall, be recorded.
- In case the verified complaint or resolution of impeachment is filed, by at least one-third, of all the Members of the House, the same shall constitute the Articles of Impeachment, and trial by the Senate shall forthwith proceed.
- No impeachment proceedings shall be initiated against the same official more than once within a period of one year.
- The Senate shall have the sole power to try and decide all cases of impeachment. When sitting for that purpose, the Senators shall be on oath or affirmation. When the President of the Philippines is on trial, the Chief Justice of the Supreme Court shall, preside, but shall not vote. No person shall be convicted without the concurrence of two-thirds of all the Members of the Senate.
- Judgment in cases of impeachment shall not extend further than removal from office and disqualification to hold any office under the Republic of the Philippines, but the party convicted shall nevertheless be liable and subject to prosecution, trial, and punishment, according to law.
- The Congress shall promulgate its rules on impeachment to effectively carry out the purpose of this section.

All paragraphs in Article XI, Section 3 use the word "shall." The word "shall" connotes a mandatory order or an imperative obligation—pointing to a command that must be given a compulsory meaning.[4] The use of the modal verb "shall" in Article XI, Section 3(2) and (3) signifies a command, to the House of Representatives to perform and accomplish certain acts within a specified period:

- When a verified complaint for impeachment is filed, by one of its Members or by any citizen upon resolution or endorsement by one its Members, the House shall include it in its "Order of Business within [10] session days,"
- The House shall then, refer the verified complaint for impeachment to the "proper Committee within three session days thereafter,"
- The proper Committee shall submit its report and its corresponding resolution to the House "within [60]

session days from such referral,"

- The House shall calendar the resolution for consideration "within [10] session days from receipt thereof," and
- The Members of the House shall vote to affirm a favorable resolution with the Articles of Impeachment of the Committee. The vote of each Member shall be recorded.

The Constitution clearly intended the House of Representatives to act on a verified impeachment complaint within a given period. It expressly provided the number of session days when a specific act must be done or accomplished. Out of the five enumerated steps above, case law tells us that steps one and two should be accomplished together to qualify as an initiation of an impeachment complaint. However, Our previous rulings failed, to account or the possibility of inaction which renders impossible the accomplishment of step two.

In December 2024, there were three impeachment complaints filed against Vice President Sara Duterte (VP Duterte) under the mode provided, in Section 3(2). Despite the multiple filings, there is no evidence in the records to suggest that the House of Representatives completed its constitutional duties. The House secretary general only referred the three impeachment complains to the House speaker on the tenth session day. The eventual adjournment of the session effectively prevented the other steps, i.e., referral to the proper committee, and submission of a committee report and resolution for consideration of the plenary.

The House of Representatives found itself in a situation wherein it could, no longer validly act on the three impeachment complaints after February 5, 2025.[5] The ponencia illustrated the effect of the concept of a session day to show that February 5, 2025 was the tenth session day for the inclusion of the three impeachment complaints in the Order of Business.[6]

On the same date as the transmittal of the three impeachment, complains to the Houses Speaker, members of the House of Representatives attended a caucus to sign another impeachment complaint. A total of 215 out of its 306 members, exceeding the constitutional requirement of 1/3 of the Members of the House of Representatives, signed the fourth impeachment complaint. The fourth impeachment complaint against VP Duterte was filed under the mode in Section 3 (4).

All four impeachment, complaints were read in the Additional Reference of Business on February 3, 2025,[7] but only the fourth impeachment complaint was endorsed to the Senate.[8] The first three impeachment complaints were immediately transmitted to the Archives.[9] The transmittal of the fourth impeachment complaint to the Senate was used by the House of Representatives to justify the archival of the first three impeachment complaints.[10] At this point, any action on the first three impeachment complaints would already be beyond the constitutionally mandated 10 session days for inclusion in the Order of Business.[11]

Francisco has determined that "initiation" takes place by "the act of filing and referral or endorsement of the impeachment complaint to the House Committee on Justice or, by the filing by at least one-third of the members of the House of Representatives with the Secretary General of the House." [12] In defining "to initiate," Francisco also distinguished "impeachment case" from "impeachment proceeding," thus:

During the oral arguments before this Court, Father Bernas clarified that the word "initiate," appearing in the constitutional provision on impeachment, viz:Section 3 (1) The House of Representatives shall have the exclusive power to initiate all cases of impeachment.

[. . .]

(5) No impeachment proceedings shall be initiated, against the same official more than once within a period of one year, (Italics supplied)

refers to two objects, "impeachment case" and "impeachment proceeding."

Father Bernas explains that in these two provisions, the common verb is "to initiate." The object in the first sentence is "impeachment case." The object in the second sentence is "impeachment proceeding." Following the principle of *reddendo singula singulis*, the term "cases" must be distinguished from the term "proceedings." An impeachment case is the legal controversy that must be decided by the Senate. [The] [a]bove-quoted first provision provides that the House, by a vote of one-third of all its members, can bring a case to the Senate. It is in that sense that the House has "exclusive power" to initiate all cases of impeachment. No other body can do it. However, before a decision is made to initiate a case in the Senate, a "proceeding" must be followed to arrive at a conclusion. A proceeding must be "initiated." To initiate, which comes from the Latin word *initium*, means to begin. On the other hand, proceeding is a progressive noun. It has a beginning, a middle, and an end. It takes place not in the Senate but in the House and consists of several steps: (1) there is (the filing of a verified complaint either by a Member of the House of Representatives or by a private citizen endorsed by a Member of the House of Representatives; (2) there is the processing of this complaint by the proper Committee which may either reject the complaint or uphold it; (3) whether the resolution of the Committee rejects or upholds the complaint, the resolution must be forwarded to the House for further processing; and (4) there is the processing of the same complaint by the House of Representatives which either affirms a favorable resolution of the Committee or overrides a contrary resolution by a vote of one-third, of all the numbers. If at least one third of all the Members upholds the complaint, Articles of Impeachment are prepared, and transmitted to the Senate. It is at this point that the House "initiates an impeachment case." It is at this point that an impeachable public official is successfully impeached. That is, he or she is successfully charged with an impeachment "case" before the Senate as impeachment court.

Father Bernas further explains: The "impeachment proceeding" is not initiated when the complaint is transmitted to the Senate for trial because that is the end of the House proceeding and the beginning of another proceeding, namely the trial. Neither is the "impeachment proceeding" initiated when the House deliberates on the resolution passed on to it by the Committee, because something prior to that has already been done. The action of the House is already a further step in the proceeding, not its initiation or beginning. Rather, the proceeding is initiated or begins, when a verified complaint is filed and referred to the Committee on Justice for action. This is the initiating step which triggers the series of steps that follow.

The framers of the Constitution also understood initiation in its ordinary meaning. Thus when a proposal reached the floor proposing that "A vote of at least one-third of all the Members of the House shall be necessary... to initiate impeachment proceedings," this was met by a proposal to delete the line on the ground that the vote of the House does not initiate impeachment proceeding but rather the filing of a complaint does. Thus the line was deleted and is not found in the present Constitution.

Father Bernas concludes that when Section 3(5) says, "No impeachment proceeding shall be initiated against the same official more than once within a period of one year," it means that no second verified complaint may be accepted and referred to the Committee on Justice for action. By his explanation, this interpretation, is founded on the common understanding of the meaning of "to initiate" which means to begin. He reminds that the Constitution is ratified by the people, both ordinary and sophisticated, as they understand it; and that ordinary people read ordinary meaning into ordinary words and not abstruse meaning, they ratify words as they understand it and not as sophisticated lawyers confuse it.

Thus, the argument that only the House of Representatives as a body can initiate impeachment proceedings because Section 3 (1) says "The House of Representatives shall have the exclusive power to initiate all cases of impeachment," This is a misreading of said provision and is contrary to the principle of *reddendo singula singulis*

by equating "impeachment cases" with "impeachment proceeding."

From the records of the Constitutional Commission, to the amicus curiae briefs of two former Constitutional Commissioners, it is without a doubt that the term "to initiate" refers to the filing of the impeachment complaint coupled with Congress' taking initial action, of said complaint.

Having concluded that the initiation takes place by the act of filing and referral or endorsement of the impeachment complaint to the House Committee on Justice or, by the filing by at least one-third of the members of the House of Representatives with the Secretary General of the House, the meaning of Section 3(5) of Article XI becomes clear. Once an impeachment complaint has been initiated, another impeachment complaint may not be filed, against the same official within, a one year period.

Under Sections 16 and 17 of Rule V of the House Impeachment Rules [of the 12th Congress], impeachment proceedings are deemed initiated (1) if there is a finding by the House Committee on Justice that the verified complaint and/or resolution is sufficient in substance, or (2) once the House itself affirms or overturns the finding of the Committee on Justice that the verified complaint and/or resolution is not sufficient in substance or (3) by the filing or endorsement before the Secretary-General of the House of Representatives of a verified complaint or a resolution of impeachment by at least 1/3 of the members of the House. These rules clearly contravene Section 3(5) of Article XI since the rules give the term "initiate" a meaning different meaning from, filing and referral.[13] (Emphasis in the original. Citations omitted)

Under the Francisco definition of initiation, the first three impeachment complaints filed under Section 3(2) have not been initiated because there was no referral to the House Committee on Justice. As the first three impeachment complaints did not initiate any impeachment case, the fourth impeachment complaint was not placed under the one-year bar. It is the fourth impeachment complaint filed under Section 3(4) that initiated the impeachment proceedings.

The ponencia took Francisco's determination of initiation further. It ruled that the inaction of the House of Representatives in the 19th Congress led to the effective termination of the three impeachment complaints, and commenced the running of the one-year bar.[14]

I concur with the ponencia's refinement of Francisco's determination, of initiation. As a result, I likewise agree with the ponencia's conclusion that the termination of the three impeachment complaints barred the fourth impeachment complaint, and the Senate did not acquire jurisdiction to constitute itself into an impeachment court.

The House of Representatives has the exclusive power to initiate all cases of impeachment

We now seek to find a balance between, the House of Representative's exclusive power to initiate all cases of impeachment and the seeming ministerial referral to the Committee on Justice after an impeachment complaint has been included in the Order of Business.

The Rules of Procedure in Impeachment Proceedings of the House of Representatives during the 19th Congress (House Impeachment Rules) provide the procedure of initiating a complaint as follows:

RULE II

Initiating Impeachment

Section 2. Mode of Initiating Impeachment. — Impeachment shall be initiated by the filing and subsequent

referral to the Committee on Justice of:

- a verified complaint for impeachment filed by any Member of the House of Representatives or;
- a verified complaint filed by any citizen upon a resolution of endorsement by any Member thereof; or
- a verified complaint or resolution of impeachment filed by at least one-third (1/3) of all the Members of the House.

Section 3. Filing and Referral of Verified Complaints. – A verified complaint for impeachment by a Member of the House or by any citizen upon a resolution of endorsement by any Member thereof shall be filed with the office of the Secretary General and immediately referred to the Speaker.

An impeachment complaint is verified by an affidavit that the complainant has read the complaint and that the allegations therein are true and correct of his personal knowledge or based on authentic records.

An impeachment complaint required to be verified which contains a verification based on "information, and belief", or upon, "knowledge, information and belief," or lacks a proper verification, shall be treated as an unsigned impeachment complaint.

The Speaker shall have it included in the Order of Business within [10] session days from receipt. It shall then be referred to the Committee on Justice within [three] session days thereafter.

A footnote in Section 2 explains that the Supreme Court decision in *Francisco* states that impeachment proceedings are initiated upon filing of the complaint and/or resolution and its referral to the Committee on Justice.

The House Impeachment Rules echoes the Constitution in its ministerial duty to refer the matter to the speaker and, subsequently, to the Committee on Justice. As mentioned above, this practice detracts from Article XI, Section 3(1), which grants the House of Representatives exclusive power to impeach.

In line with its sui generis character, the House of Representatives has the authority to facially examine, for sufficiency in form, and substance, any impeachment complaint included in its Order of Business prior to the referral, of said complaint to the Committee on Justice. This facial examination may be done by the Committee on Rules or by a sub-committee created for this specific purpose, consistent with power of the House of Representatives to promulgate its own rules. A decision for or against referral may be subsequently voted by the plenary. This intermediate step retains the House of Representatives' discretion to initiate and prevents any automatic operation of the one-year bar. It is also consistent with the Rules of the House of Representatives on Precedence of Motions.[15]

Since only the House of Representatives has the "exclusive power to initiate all cases of impeachment," the same body should also have the discretion to decide whether a defective impeachment complaint should be referred to the Committee on Justice. When the Constitution stated "which shall be included in the Order of Business within [10] session days, and referred, to the proper Committee within three session days thereafter," it was only imposing a period within which the plenary must make an initial decision on an impeachment complaint. If the plenary determined that the impeachment complaint is, on its face, insufficient in form, and substance, then the House of Representatives should not be obligated to refer it to the Committee on Justice and trigger the one-year bar.

It cannot be emphasized, enough that if We accept the propositions that once an impeachment complaint is filed with the secretary general of the House of Representatives and that such should be automatically referred to the Committee on Justice, then the power to initiate the impeachment proceedings rests on the complainant. Viewing

referral as a ministerial duty removes the power to initiate from the House of Representatives. To be sure, the framers of the 1987 Constitution intended to allow the House of Representatives to make an initial determination regarding an impeachment complaint's sufficiency before being referred to the Committee on Justice:

MR. DAVIDE: Under the impeachment rules of the Interim Batasang Pambansa, an impeachment charge may be filed by a Member of the Batasan either by a verified complaint or an ordinary resolution, and must forthwith be calendared within three session days from its filing. It would not even require a certification by the Speaker as to its correctness in form. But in the matter now of a complaint filed by an ordinary citizen, would it be immediately calendared also, or shall it pass the Speaker for him to determine the correctness in form of the complaint?

MR. ROMULO: We leave that to the procedures of the House.[16] (Emphasis supplied)

The foregoing clearly shows that referral to the Committee on Justice is not ministerial on the part of the House of Representatives. Indeed, it is allowed to make an initial determination of an impeachment complaint's sufficiency in form before referring the same to the Committee on Justice, pursuant to the House's exclusive power to initiate impeachment proceedings and promulgate its own rules on impeachment.

To rule otherwise would weaponize the filing of utterly baseless impeachment complaints for the sole purpose of triggering the one-year bar and prevent the filing of legitimate ones. This is precisely why the framers of the 1987 Constitution allowed the House of Representatives to set up a filtering mechanism against baseless impeachment complaints and inoculate the people against the political machinations of a few savvy ones.

Multiple impeachment complaints may be validly referred to the Committee on Justice at the same time. A simultaneous referral is counted as only one initiation. This was Our ruling in *Gutierrez*, where We also underscored the importance of the one-year bar:

The Court, of course, does not downplay the importance of an impeachment complaint, for it is the matchstick that kindles the candle of impeachment proceedings. The filing of an impeachment complaint is like the lighting of a matchstick. Lighting the matchstick alone, however, cannot light up the candle, unless the lighted matchstick reaches or torches the candle wick. Referring the complaint to the proper committee ignites the impeachment proceeding. With a simultaneous referral of multiple complaints filed, more than one lighted matchsticks light the candle at the same time. What is important is that there should only be ONE CANDLE that is kindled in a year, such that once the candle starts burning, subsequent matchsticks can no longer rekindle the candle.

A restrictive interpretation renders the impeachment mechanism both illusive and illusory.

For one, it puts premium on senseless haste. Petitioner's stance suggests that whoever files the first impeachment complaint exclusively goes the attention of Congress which sets in motion an exceptional once-a-year mechanism wherein government resources are devoted. A prospective complainant, regardless of ill motives or best intentions, can wittingly or unwittingly desecrate the entire process by the expediency of submitting a haphazard complaint out of sheer hope to be the first in line. It also puts to naught the effort of other prospective complainants who, after diligently gathering evidence first to buttress the case, would be barred days or even hours later from filing an impeachment complaint.

Placing an exceedingly narrow gateway to the avenue of impeachment proceedings turns its laudable purpose into a laughable matter. One needs only to be an early bird even without seriously intending to catch the worm, when the process is precisely intended to effectively weed out "worms" in high offices which could otherwise be ably caught by other prompt birds within the ultra-limited season.

Moreover, the first-to-file scheme places undue strain on the part of the actual complainants, injured party or principal witnesses who, by mere happenstance of an almost always unforeseeable filing of a first

impeachment complaint, would be brushed aside and restricted from directly participating in the impeachment process.

Further, prospective complainants, along with their counsel and members of the House of Representatives who sign, endorse and file subsequent impeachment complaints against the same impeachable officer run the risk of violating the Constitution since they would have already initiated a second impeachment proceeding within the same year. Virtually anybody can initiate a second or third, impeachment proceeding by the mere filing of endorsed impeachment complaints. Without any public notice that could charge them with knowledge, even members of the House of Representatives could not readily ascertain whether no other impeachment complaint has been filed at the time of committing their endorsement.

The question as to who should, administer or pronounce that an impeachment proceeding has been initiated rests also on the body that administers the proceedings prior to the impeachment trial. As gathered from Commissioner Bernas' disquisition, in Francisco, a proceeding which "takes place not in the Senate but in the House" precedes the bringing of an impeachment case to the Senate. In fact, petitioner concedes that the initiation of impeachment proceedings is within the sole and absolute control of the House of Representatives. Conscious of the legal import of each step, the House, in taking charge of its own proceedings, must deliberately decide to initiate an impeachment proceedings, subject to the time frame and other limitations imposed by the Constitution. This chamber of Congress alone, not its officers or members or any private individual, should own up to its processes.

The Constitution did not place the power of the "final say" on the lips of the House Secretary General who would otherwise be calling the shots in forwarding or freezing any impeachment complaint. Referral of the complaint to the proper committee is not done by the House Speaker alone either, which explains why there is a need to include it in the Order of Business of the House. It is the House of Representatives, in public plenary session, which has the power to set its own chamber into special operation by referring the complaint or to otherwise guard against the initiation of a second impeachment proceeding by rejecting a patently unconstitutional complaint.

Under the Rules of the House, a motion to refer is not among those motions that shall be decided without debate, but any debate thereon is only made subject to the five-minute rule. Moreover, it is common parliamentary practice that a motion to refer a matter or question to a committee may be debated upon, not as to the merits thereof, but only as to the propriety of the referral. With respect to complaints for impeachment, the House has the discretion not to refer a subsequent impeachment complaint to the Committee on Justice where official records and further debate show that an impeachment complaint filed against the same impeachable officer has already been referred to the said committee and the one year period has not expired, lest it becomes instrumental in perpetrating a constitutionally prohibited second impeachment proceeding. Far from being mechanical, before the referral stage, a period of deliberation is afforded the House, as the Constitution, in fact, grants a maximum of three session days within which to make the proper referral.

As mentioned, one limitation imposed on the House in initiating an impeachment proceeding deals with deadlines. The Constitution states that "[a] verified complaint for impeachment may be filed by any Member of the House of Representatives or by any citizen upon a resolution or endorsement by any Member thereof, which shall be included in the Order of Business within ten session days, and referred to the proper Committee within three session days thereafter."

In the present case, petitioner, failed to establish grave abuse of discretion on the allegedly "belated" referral of the first impeachment complaint filed by the Baraquel group. For while the said complaint was filed on July 22, 2010, there was yet then no session in Congress. It was only four days later or on July 26, 2010 that the 15th Congress opened from which date the 10-day session period started to run. When, by Memorandum of August 2, 2010, Speaker Belmonte directed the Committee on Rules to include the complaint in its Order of Business, it was well within, the said 10-day session period.

There is no evident point in rushing at closing the door the moment an impeachment complaint is filed. Depriving the people (recall that impeachment is primarily for the protection of the people as a body politic) of reasonable access to the limited political vent simply prolongs the agony frustrates the collective rage of an entire citizenry whose trust has been betrayed by an impeachable officer. It shortchanges the promise of reasonable opportunity to remove an impeachable officer through the mechanism enshrined in the Constitution.

But neither does the Court find merit in respondents' alternative contention that the initiation of the impeachment proceedings, which sets into motion the one-year bar, should include or await, at the earliest, the Committee on Justice report. To public respondent, the reckoning point of initiation should refer to the disposition of the complaint by the vote of at least one-third (1/3) of all the members of the House. To the Reyes group, initiation means the act of transmitting the Articles of Impeachment to the Senate. To respondent-intervenor, it should last until the Committee on Justice's recommendation to the House plenary.

The Court, in *Francisco*, rejected a parallel thesis in which a related proposition was inputed in the therein assailed provisions of the Impeachment Rules of the [12th] Congress. The present case involving an impeachment proceeding against the Ombudsman, offers no cogent reason for the Court to deviate from, what was settled in *Francisco* that dealt with the impeachment proceeding against the then Chief Justice. To change the reckoning point of initiation on no other basis but to accommodate the socio-political considerations of respondents does not sit well in a court of law... We ought to be guided by the doctrine of *stare decisis et non quieta movere*. This doctrine, which is really "adherence to precedents," mandates that once a case has been decided one way, then another case involving exactly the same point at issue should, be decided in the same manner. This doctrine is one of policy grounded on the necessity for securing certainty and stability of judicial decisions. As the renowned jurist Benjamin Cardozo stated in his treatise *The Nature of the Judicial Process*: It will not do to decide the same question one way between one set of litigants and the opposite way between another. "If a group of cases involves the same point, the parties expect the same decision. It would be a gross injustice to decide alternate cases on opposite principles. If a case was decided against me yesterday when I was a defendant, I shall look for the same judgment today if I am plaintiff. To decide differently would raise a feeling of resentment and wrong in my breast; it would be an infringement, material and moral, of my rights." Adherence to precedent must then be the rule rather than the exception if litigants are to have faith in the even-handed administration of justice in the courts.

As pointed out in *Francisco*, the impeachment proceeding is not initiated "when the House deliberates on the resolution passed on to it by the Committee, because something prior to that has already been done. The action of the House is already a further step in the proceeding, not its initiation or beginning. Rather, the proceeding is initiated or begins, when a verified complaint is filed and referred to the Committee on Justice for action. This is the initiating step which triggers the series of steps that follow."

Allowing an expansive construction of the term "initiate" beyond, the act of referral, allows the unmitigated influx of successive complaints, each having their own respective 60-session-day period of disposition from referral. Worse, the Committee shall conduct overlapping hearings until and unless the disposition of one of the complaints ends with the affirmance of a resolution for impeachment or the overriding of a contrary resolution (as espoused by public respondent), or the House transmits the Articles of Impeachment (as advocated by the Reyes group), or the Committee on Justice concludes its first report to the House plenary regardless of the recommendation (as posited, by respondent-intervenor). Each of these scenarios runs roughshod the very purpose behind the constitutionally imposed one-year bar. Opening the floodgates too loosely would disrupt the series of steps operating in unison under one proceeding.

The Court does not lose sight of the salutary reason of confining only one impeachment proceeding in a year. Petitioner concededly cites Justice Adolfo Azcuna's separate opinion that concurred with the *Francisco* ruling. Justice Azcuna stated that the purpose of the one-year bar is two-fold: "to prevent undue or too frequent

harassment; and 2) to allow the legislature to do its principal task [of] legislation," with main reference to the records of the Constitutional Commission, that reads:

MR. ROMULO. Yes, the intention here really is to limit. This is not only to protect public officials who, in this case, are of the highest category from harassment but also to allow the legislative body to do its work which is lawmaking. Impeachment proceedings take a lot of time. And if we allow multiple impeachment charges on the same individual to take place, the legislature will do nothing else but that. (underscoring supplied)

It becomes clear that the consideration behind the intended limitation refers to the element of time, and not the number of complaints. The impeachable officer should defend himself in only one impeachment proceeding, so that he will not be precluded from performing his official functions and duties. Similarly, Congress should run only one impeachment proceeding so as not to leave it with little time to attend to its main work of law-making. The doctrine laid down in Francisco that initiation means filing and referral remains congruent to the rationale of the constitutional provision.

Petitioner complains that an impeachable officer may be subjected to harassment by the filing of multiple impeachment, complaints during the intervening period of a maximum of 13 session days between the date of the filing of the first impeachment complaint to the date of referral.

As pointed out during the oral, arguments by the counsel for respondent-intervenor, the framework of privilege and layers of protection for an impeachable officer abound. The requirements or restrictions of a one-year bar, a single proceeding, verification of complaint, endorsement by a House member, and a finding of sufficiency of form and substance – all these must be met before bothering a respondent to answer – already weigh heavily in favor of an impeachable officer.

Aside from the probability of an early referral and the improbability of inclusion in the agenda, of a complaint filed on the 11th hour (owing to pre-agenda standard operating procedure), the number of complaints may still be filtered or reduced to nil after the Committee decides once and for all on the sufficiency of form and substance. Besides, if only to douse petitioner's fear, a complaint will not last the primary stage if it does not have the stated preliminary requisites.

To petitioner, disturbance of her performance of official duties and the deleterious effects of bad publicity are enough oppression.

Petitioner's claim is based on the premise that the exertion of time, energy and other resources runs directly proportional to the number of complaints filed. This is non sequitur. What the Constitution, assures an impeachable officer is not freedom from arduous effort to defend, oneself, which depends on the qualitative assessment of the charges and evidence and not on the quantitative aspect of complaints or offenses. In considering the side of the impeachable officers, the Constitution does not promise an absolutely smooth ride for them, especially if the charges entail, genuine and grave issues. The framers of the Constitution did not concern, themselves with the media tolerance level or internal disposition of an impeachable officer when they deliberated on the impairment of performance of official functions. The measure of protection afforded by the Constitution is that if the impeachable officer is made to undergo such ride, he or she should be made to traverse it just once. Similarly, if Congress is called upon to operate itself as a vehicle, it should do so just once. There is no repeat ride for one full year. This is the whole import of the constitutional safeguard of one-year bar rule.[17]

Gutierrez identified this period before the impeachment complaint's inclusion in the Order of Business as one of deliberation, with the House using its discretion to decide whether to make the proper referral. In the current situation, one may take the unpopular perspective that: the 'House of Representatives' seeming inaction on the first three impeachment complaints served as a mantle of protection to VP Duterte and saved her from the burden of

having to answer allegations against her more than once. With the limitation set by Francisco's definition of initiation and the undersigned's proposal, it is no longer conceivable that an impeachable official's time and energy may be fully occupied by answering baseless complaints. Similarly, the House of Representatives is allowed, to carve out space to predetermine worthy complaints and to conduct its principal business of legislation.

With the foregoing disquisitions, I vote to GRANT the Petitions.

[1] Francisco, Jr. v. House of Representatives, 460 Phil. 830, 884 (2003) [Per J. Carpio Morales, En Banc.

[2] Id.

[3] 658 Phil. 322 (2011) [Per J. Carpio-Morales, En Banc].

[4] National Grid Corporation of the Philippines v. Manila Electric Company, G.R. No. 239829, May 29, 2024 [Per J. Zalameda, First Division].

[5] Ponencia, pp. 7-8, 66-72.

[6] Id. at 63-65.

[7] Id. at 66-67.

[8] Id. at 67.

[9] Id. at 67-68.

[10] Id. at 68.

[11] Id.

[12] Francisco, Jr., v. House of Representatives, 460 Phil. 830, 932 (2003) [Per J. Carpio Morales, En Banc].

[13] Id. at 930-933.

[14] Ponencia, p. 72,

[15] Rules of the House of Representatives on Precedence of Motions, Sec. 100 states:

Section 100. Precedence of Motions. – When a question is before the body, the following motions shall be entertained and, subject, to Sections 58 and 120 of these Rules, shall take precedence in the following order:

- First – Motion to Adjourn;
- Second – Motion to Raise a Point of Order;
- Third – Motion to Raise a Question of Privilege;
- Fourth – Motion to Declare a Recess;
- Fifth – Motion for Reconsideration;
- Sixth – Motion to Lay on the Table;
- Seventh – Motion to Postpone to a Day Certain;
- Eighth – Motion to Refer to or to Re-Refer;
- Ninth – Motion to Amend; and
- Tenth – Motion to Postpone Indefinitely

The first seven (7) motions shall be decided without debate, while the last three (3) motions shall be decided subject to the five-minute rule: Provided, That during the last five (5) days before adjournment of every session period or during the last fifteen (15) days before adjournment, of a regular session, a question of privilege shall

only be entertained after the consideration of urgent measures pending in the Calendar of Business as determined by the Committee on Rules.

[16] Record Constitutional Commission 280 (July 26, 1986).

[17] *Gutierrez v. The House of Representative, Committee on Justice, et al.*, 658 Phil. 322, 394-402 (2011) [Per J. Carpio-Morales, En Banc]. (Citations omitted. Boldfacing with italicization and underlining supplied. Other means of emphasis in the original.)

CONCURRING OPINION

GAERLAN, J.:

The importance of impeachment as a tool of accountability cannot be overstated. As Prof. Edward Corwin, a leading expositor of the United States Constitution (from where our constitutional provisions on impeachment were lifted), puts it, "impeachment is the most formidable weapon in the arsenal of democracy." [1] Impeachment is a device that maintains the true essence of a representative government. [2]

The 1987 Philippine Constitution states that "[t]he Philippines is a democratic and republican State; Sovereignty resides in the people and all government authority emanates from them." [3] Impeachment embodies this declaration by questioning the legitimacy of the impeached public officer in the light of his/her alleged misconduct in office. [4] The process will determine whether or not the governed (or the people), through their representatives (the Senators), would still allow the impeached public officer to remain in office. [5] This is the reason why the impeachment trial is lodged in the Senate and not in the Supreme Court.

Impeachment plays a vital role in the checks and balances of the three branches of the government. It is the mechanism by which the Legislature may check the Executive and the Judiciary. Nevertheless, as powerful as it is, impeachment does not rob and should not rob impeachable public officers of their rights. Public officers do not lose their rights as citizens when they assume public office. The principle that no person shall be deprived of their life, liberty, or property except by 'the law of the land,' or its synonym, 'due process of law' is older than written constitutions. [6]

In this regard, I concur with the eloquent ponencia of Senior Associate Justice Marvic Leonen that impeachment is not a purely political proceeding and that the Bill of Rights, especially the due process clause, applies to the entire impeachment process. [7] Considering that Vice President Sara Duterte's (VP Sara) right to due process was violated, the fourth Articles of Impeachment transmitted to the Senate is indeed null and void.

Let me expound.

Nature of Impeachment

In *Gutierrez v. The House of Representatives Committee on Justice*, [8] (*Gutierrez*), the Court declared that, "[i]ndubitably, an impeachment is not a judicial proceeding, but rather a political exercise." [9] This sentiment is maintained in *Rep. of the Phils. v. Sereno* [10] and *Re: Letter of Mrs. Corona Requesting Grant of Retirement/Benefits to the Late Former C.J. Corona and Her Claim Under [Republic Act] No. 9946*. [11] The ponencia now abandons this view. The ponencia rules that impeachment is not solely a political process. It is a *sui generis* constitutional process, that is, primarily legal but with political characteristics. [12]

I agree. It is further my humble submission that impeachment is "quasi-judicial and quasi-political." [13] It is

political, on the one hand, because the right to accuse is exclusively given to the House of Representatives (HOR), and the right to try and decide is given to the Senate and not to the Supreme Court.[14] On the other hand, it is judicial because the Senate, acting as the impeachment court, would determine the guilt or innocence of the accused, and the senators are required to be under oath or affirmation.[15]

Consequently, the judicial aspect of impeachment partakes a penal nature; that is, impeachment is akin to a criminal proceeding.[16] Article XI, Section 3(6) and (7) of the 1987 Constitution use the word "convicted," which is ordinarily associated with a criminal case.[17] Three of the grounds for impeachment are well-defined criminal offenses such as treason, bribery, and graft and corruption.[18] The penalty for impeachment also carries with it perpetual disqualification from any office in the government—a punishment provided under the Revised Penal Code.[19] The stigma of being convicted in a criminal proceeding arising from a common crime obtains in an impeachment trial. Not only is the position of the impeached public officer at stake, but also their reputation and the possibility of future employment in the government. As then Senator Mirriam Defensor-Santiago quipped, "conviction on impeachment is a stunning penalty, the ruin of a life." [20]

Significantly, the framers of the 1987 Constitution see impeachment as essentially a political act; albeit, with a procedure analogous to a criminal proceeding. The exchange of Mr. Maambong and Mr. Romulo during the 1986 Constitutional Convention is instructive, thus:

MR. MAAMBONG:

....

I will start by asking the Committee this question: What is really the thinking of the Committee as far as impeachment proceedings are concerned? Are impeachment proceedings criminal in nature or not? In order to answer this very clearly, I would like to indicate the following: In the case of *State v. Lersé*, 70 Nebraska 92, which is United States case, the Supreme Court ruled that the proceeding is likened to a proceeding by indictment in a court of criminal jurisdiction. It is in its nature highly penal and its governed by rules of law applicable to criminal prosecution. I would like to indicate this to the Committee that in case of official misconduct, we have here statements which I think the Committee should comment on. Official misconduct is supposed to fall into three categories: One, exceeding the constitutional bounds of the powers of the office in derogation of the powers of another branch of government; two, behaving in a manner grossly incompatible with the proper function and purpose of the office; and, three, employing the power of the office for an improper purpose or personal gain.

The provision which we have here says:

... [I]mpeachment and criminal law serve fundamentally different purposes. Impeachment is the first step in a remedial process. The purpose is not personal punishment. Its function is primarily to maintain constitutional government. The general applicability of the criminal law also makes it inappropriate as the standard. In an impeachment proceeding, a President is called to account for abusing powers which only a President possesses. Impeachable conduct may include the serious failure to discharge the affirmative duties imposed on the President by the Constitution. Unlike a criminal case, the cause for removal may be based on his entire course of conduct in office. It may be a course of conduct more than individual acts that has a tendency to subvert constitutional government. (Powers of Impeachment – Guide to Congress, p. 149)

For the purpose of proper elucidation, what is the thinking now of the Committee as far as this impeachment procedure is concerned? Is this a criminal proceeding? If so, we have to use the principle of criminal law.

MR. ROMULO: Yes. Firstly, we agree with the quotation that the Commissioner has read. Insofar as we are concerned, the procedure is analogous to a criminal trial but is not a criminal proceeding per se.[21] (Emphasis supplied)

....

MR. MAAMBONG: Last point, just to enrich our records. I would like the Committee to comment on this quotation from the Philippine Constitution by Former Chief Justice Fernando, where he said:

In the United States Constitution, the term is high crime and misdemeanors. The Philippine Constitution speaks only of high crimes. There is support for the view that while there need not be a showing of the criminal character of the act imputed, it must be of sufficient seriousness as to justify the belief that there was a grave violation of the trust imposed on the official sought to be impeached. (pp. 460-461).

Would the Committee agree to this statement?

MR. ROMULO: Yes. Let me say that essentially, impeachment is a political act.[22] (Emphasis supplied)

From the foregoing, it is clear that the Philippine concept of impeachment involves a commixture of political and judicial components.[23]

Due process in impeachment

The ponencia is groundbreaking as it addresses categorically, for the first time, the issue of whether the due process clause of the Constitution applies to impeachment proceedings.

Gutierrez is the first case where the respondent in an impeachment proceeding raised a violation of her right to due process. Former Ombudsman Merceditas Gutierrez (OMB Gutierrez) filed a special civil action for certiorari and prohibition before the Supreme Court, primarily questioning the constitutionality of the simultaneous referral of the HOR of two impeachment complaints filed against her to the Committee on Justice. "She anchored her claim on the alleged violation of the one-year bar rule and the due process clause of the 1987 Constitution." [24]

OMB Gutierrez alleged that the proceeding before the Committee on Justice headed by then Representative Niel Tupas, Jr. (Rep. Tupas) was tainted with partiality and haste, thus effectively depriving her of a proceeding before an impartial tribunal. She narrated that Rep. Tupas was the subject of an investigation she was conducting, while his father had been charged by her under the Anti-Graft and Corrupt Practices Act before the Sandiganbayan. In addition, she maintained that she was denied due process by the delay in the publication of the Impeachment Rules. The said Rules was published only after a day that the Committee on Justice ruled that the impeachment complaints filed against her were sufficient in substance.[25]

The Court tacitly acknowledged OMB Merceditas' right to due process when it did not shy away from resolving her claim of denial of the right. It found OMB Gutierrez's allegations of "bias and vindictiveness as bereft of merit," [26] just as it also rebuffed her contention regarding the need for publication of the House Impeachment Rules. The Court explained that unlike in inquiries in aid of legislation wherein the 1987 Constitution explicitly requires the publication of its rules, the rules on impeachment need only to be "promulgated" and "when the Constitution itself has not prescribed a specific method of promulgation," the court itself is in no position to take a specific mode.[27]

Subsequently in *Chief Justice Corona v. Senate of the Philippines*, [28] former Chief Justice C. Renato Corona (CJ Corona) filed a Petition for Certiorari and prohibition before the Court, claiming that his right to due process was being violated during the impeachment proceedings as certain Senator-Judges had lost the cold neutrality of impartial judges. However, during the pendency of the case, the impeachment trial ended with the conviction of CJ Corona. Thus, the Court no longer resolved the due process issue and dismissed the petition on the ground of mootness.

The present case marks the third time that violation of due process rights is alleged in an impeachment case.

Petitioners argue that VP Sara was not given prior notice, and other members of the House were deliberately excluded. They also questioned whether members of the House were required to determine the sufficiency in form and substance of the impeachment complaint or the existence of probable cause before signing.[29] Respondents denied violation of VP Sara's due process right. They asserted that petitioners' arguments are misplaced as impeachment does not implicate life, liberty, or property, as public office is not a vested right. VP Sara would also be given an opportunity to respond to the charges against her before the Senate sitting as an impeachment court.[30]

The ponencia found that the right to due process of VP Sara was violated. It held that the HOR is mistaken in believing that the verification and signature of at least one-third of its members are sufficient to meet due process of law. It underscored that due process applies to all stages of the impeachment process.[31] The impeachment proceeding would be scrutinized based on the HOR's compliance with procedural due process, which includes notice and hearing, an impartial tribunal, and a decision supported by facts and evidence.[32]

The ponencia is correct. It is high time for the Court to make a clear ruling on the applicability of due process in impeachment proceedings, as well as what constitutes the same.

To my mind, the very nature of due process as a fundamental right speaks in favor of its application in impeachment proceedings. First, due process of law is not only guaranteed by the Philippine Constitutions but also by international instruments, such as the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR), to which the Philippines is a signatory. The UDHR provides that "no one shall be arbitrarily deprived of his property." [33] The ICCPR conveys that, ". . . everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law." [34]

Second, the right to due process antedates any written constitution in the world and is considered an "inalienable right of every man and woman that cannot be brushed aside either in time of peace or in time of war." [35]

Third, public office may be considered as a property right in a limited sense in the context of security of tenure. Hence, the right to due process could rightfully be invoked. [36]

Fourth, the framers of the 1987 Constitution contemplated that due process of law shall be observed in impeachment proceedings, thus:

MR. MAAMBONG: May I proceed now to two very short questions considering that we have already identified the problem and the answer is that it is not a purely criminal prosecution in terms of procedure. We have here a statement in the book of Simpson which reads:

"A person subject to impeachment by Congress is entitled to due process of law although presently there is little judicial authority. It can be suggested that he is also entitled to his privilege against self-incrimination, right to counsel, right to be informed of the nature and the cause of the accusation against him, and the right to be confronted with adversary witnesses." (Treaties on Federal Impeachment, p. 27)

Would this statement be applicable to an impeachment proceeding?

MR. ROMULO: As the provisions now read, I think the Senate, as well as the House, will set up its own rules. I do not know whether or not we have to adhere to that because what the Commissioner has read, strictly speaking, is a criminal proceeding. But the President like any citizen is entitled to the bill of rights, like confrontation of witnesses, notice of the charges and so on. I think those are fundamental and he is entitled to them. [37] (Emphasis supplied)

Corollary, it is apparent from the foregoing that the framers of the Constitution gave leeway to the HOR and the

Senate to formulate their own rules for impeachment. Hence, the Constitution provides that "[t]he Congress shall promulgate its rules on impeachment to effectively carry out the purpose of this section." [38] However, in creating their respective rules, the two chambers of the Congress are expected to ensure that the right to due process of the public officer is observed.

As pointed out in the ponencia, Article XI, Section 3(2) and (3) of the Constitution, constituting the first mode of impeachment, and Rule II of the House Rules on Impeachment of the 19[th] Congress (House Rules) provide a comprehensive procedure [39] observing procedural process. The provision reads:

ARTICLE XI
ACCOUNTABILITY OF PUBLIC OFFICERS
Section 3.

1. The House of Representatives shall have the exclusive power to initiate all cases of impeachment.
2. A verified complaint for impeachment may be filed by any Member of the House of Representatives or by any citizen upon a resolution or endorsement by any Member thereof, which shall be included in the Order of Business within ten session days, and referred to the proper Committee within three session days thereafter. The Committee, after hearing, and by a majority vote of all its Members, shall submit its report to the House within sixty session days from such referral, together with the corresponding resolution. The resolution shall be calendared for consideration by the House within ten session days from receipt thereof.
3. A vote of at least one-third of all the Members of the House shall be necessary either to affirm a favorable resolution with the Articles of Impeachment of the Committee, or override its contrary resolution. The vote of each Member shall be recorded.

....

RULE II
Initiating Impeachment

Section 2. Mode of Initiating Impeachment. – Impeachment shall be initiated by the filing and subsequent referral to the Committee on Justice of:

- a. a verified complaint for impeachment filed by any Member of the House of Representatives or;
- b. a verified complaint filed by any citizen upon a resolution of endorsement by any Member thereof; or
- c. a verified complaint or resolution of impeachment filed by at least one--third (1/3) of all the Members of the House.

Section 3. Filing and Referral of Verified Complaints. – A verified complaint for impeachment by a Member of the House or by any citizen upon a resolution of endorsement by any Member thereof shall be filed with the office of the Secretary General and immediately referred to the Speaker.

An impeachment complaint is verified by an affidavit that the complainant has read the complaint and that the allegations therein are true and correct of his personal knowledge or based on authentic records.

An impeachment complaint required to be verified which contains a verification based on "information and belief," or upon "knowledge, information and belief," or lacks a proper verification, shall be treated as an unsigned impeachment complaint.

The Speaker shall have it included in the Order of Business within ten (10) session days from receipt. It shall then be referred to the Committee on Justice within three (3) session days thereafter.

I observe that the House Rules is silent as to the procedural due process in place when the verified complaint or

resolution of impeachment is filed by at least one-third of all the Members of the HOR. Nevertheless, as the ponencia suggests, at the very least, the HOR should have given the respondent, VP Sara in this case, a copy of the draft Articles of Impeachment and its accompanying evidence and an opportunity to respond thereto within a reasonable period. Thereafter, the draft articles of impeachment, its accompanying evidence, and the comment of respondent should be made available to all the members of the HOR. There should be some moment of deliberation allowing each member to be heard. After the foregoing, the draft impeachment would be transmitted to the Senate upon the vote of one-third of the members of the HOR.[40]

Here, as admitted by the HOR in their Compliance before the Court, VP Sara was not given the opportunity to be heard in relation to the fourth Articles of Impeachment transmitted to the Senate. The HOR posits that neither the Constitution nor the House Rules imposes any requirement of prior opportunity to be heard: (1) before Members constituting at least one--third of the HOR may file a verified complaint for impeachment; or (2) before transmitting to the Senate the Articles of Impeachment filed by at least one--third of all the Members of the HOR.[41]

At the risk of repetition, the fundamental right to due process applies in all proceedings. Impeachment is not an exception. Due process of law does not distinguish between a private citizen and a public servant. If in disciplinary actions against non-impeachable/ordinary public officers, due process is guaranteed, the more reason that it should be applied in the case of impeachable public officers who occupy positions of greater responsibility in the government.

Whatever the kind of proceedings may be, the violation of the constitutional right to due process, substantive or procedural, would render the entire proceedings null and void. Thus, the Court opined that:

The cardinal precept is that where there is a violation of basic constitutional rights, courts are ousted from their jurisdiction. The violation of a party's right to due process raises a serious jurisdictional issue which cannot be glossed over or disregarded at will. Where the denial of the fundamental right to due process is apparent, a decision rendered in disregard of that right is void for lack of jurisdiction. This rule is equally true in quasi-judicial and administrative proceedings, for the constitutional guarantee that no man shall be deprived of life, liberty, or property without due process is unqualified by the type of proceedings (whether judicial or administrative) where he stands to lose the same.[42] (Emphasis supplied)

In fine, due to the HOR's violation of VP Sara's right to due process, the fourth Articles of Impeachment is null and void. The Senate, sitting as an Impeachment Court, has no jurisdiction over the transmitted Articles of Impeachment.

All told, I vote to GRANT the Petitions for Certiorari.

[1] Chief Justice Corona v. Senate of the Philippines, 691 Phil. 156, 169 (2012) [Per J. Villarama, Jr., En Banc], citing Edward S. Corwin, cited in Judicial Review of Impeachment: The Judicialization of Philippine Politics by Franco Aristotle G. Larcina, University of Santo Tomas (UST) Law Review, Vol. L, AY 2005-2006.

[2] Jonathan Turley, Senate Trials and Factional Disputes: Impeachment as a Madisonian Device, 49 DUKE L.J. 1, 3 (Oct. 1999).

[3] CONST., art. II, sec. 1.

[4] Jonathan Turley, Senate Trials and Factional Disputes: Impeachment as a Madisonian Device, 49 DUKE L.J. 1, 4 (Oct. 1999).

[5] Id.

[6] *City of Manila v. Posadas, Jr.*, 48 Phil. 309 (1925) [Per J. Johns, En Banc].

[7] Ponencia, p. 3.

[8] 660 Phil. 271 (2011) [Per J. Carpio Morales, En Banc].

[9] Id. at 284.

[10] 831 Phil. 271 (2018) [Per J. Tijam, En Banc].

[11] A.M. No. 20-07-10-SC, January 12, 2021 [Per J. Hernando, En Banc].

[12] Ponencia, p. 43.

[13] Senator Miriam Defensor-Santiago, citing Professor Charles Black of Yale University and Professor Raoul Berger of Harvard University, during the Impeachment Trial of Honorable Chief Justice Renato C. Corona. See Transcript of Stenographic Notes, In re: Impeachment Trial of Honorable Chief Justice Renato C. Corona, Case No. 002-2011 (May 29, 2012), 14.

[14] Chief Justice Renato V. Puno, concurring and dissenting opinion in *Francisco, Jr. v. The House of Representatives*, 460 Phil. 830 (2003) [Per J. Carpio Morales, En Banc].

[15] Renato V. Puno, Comment, *The Process of Impeachment and its Applicability in the Philippine Legal System*, 26 *Ateneo L.J.* 162, 168 (March, 1982).

[16] Chief Justice Renato V. Puno, concurring and dissenting opinion in *Francisco, Jr. v. The House of Representatives*, 460 Phil. 830 (2003) [Per J. Carpio Morales, En Banc].

[17] (6) The Senate shall have the sole power to try and decide all cases of impeachment. When sitting for that purpose, the Senators shall be on oath or affirmation. When the President of the Philippines is on trial, the Chief Justice of the Supreme Court shall preside, but shall not vote. No person shall be convicted without the concurrence of two-thirds of all the Members of the Senate.

(7) Judgment in cases of impeachment shall not extend further than removal from office and disqualification to hold any office under the Republic of the Philippines, but the party convicted shall nevertheless be liable and subject to prosecution, trial, and punishment according to law. (Emphasis supplied)

[18] Chief Justice Renato V. Puno, concurring and dissenting opinion in *Francisco, Jr. v. The House of Representatives*, 460 Phil. 830 (2003) [Per J. Carpio Morales, En Banc].

[19] An Act Revising the Penal Code and Other Penal Laws, Act No. 3815, art. 30 (1932).

[20] Transcript of Stenographic Notes, In re: Impeachment Trial of Honorable Chief Justice Renato C. Corona, Case No. 002-2011 (May 29, 2012), 11.

[21] II Record of the Constitutional Commission: Proceedings and Debates 276-277 (1987).

[22] Id. at 278.

[23] Chief Justice Renato V. Puno, concurring and dissenting opinion in *Francisco, Jr. v. The House of Representatives*, 460 Phil. 830 (2003) [Per J. Carpio Morales, En Banc].

[24] *Gutierrez v. The House of Representatives Committee on Justice*, 660 Phil. 271 (2011) [Per. J. Carpio Morales, En Banc].

- [25] Id. at 279.
- [26] Id. at 284.
- [27] Id. at 283.
- [28] 691 Phil. 156 (2012) [Per J. Villarama Jr., En Banc].
- [29] Ponencia, p. 16.
- [30] Id. at 17.
- [31] Id. at 92.
- [32] Id. at 90.
- [33] Universal Declaration of Human Rights, GA Res 217A (III), art. 17(2), A/RES/3/217 A, (December 10, 1948).
- [34] ICCPR, art. 14(1).
- [35] I AMBROSIO B. PADILLA, THE 1987 CONSTITUTION OF THE REPUBLIC OF THE PHILIPPINES WITH COMMENTS AND Cases 121 (1987 ed.), p. 131, citing Raquiza v. Bradford, 75 Phil. 50, 65 (1945) [Per J. Hilado, En Banc].
- [36] Lumiqued v. Exevea, 346 Phil. 807-830 (1997) [Per J. Romero, En Banc]. See also Morfe v. Mutuc, 130 Phil. 415 (1968) [Per J. Fernando, En Banc].
- [37] II Record of the Constitutional Commission: Proceedings and Debates 276-277 (1987) at 277.
- [38] CONST. art. XI, sec. 3(8).
- [39] Ponencia, p. 79.
- [40] Ponencia, p 88.
- [41] Compliance, p. 8.
- [42] Garcia v. Molina and Velasco, 642 Phil. 6, 22 (2010) [Per J. Nachura, En Banc].

SEPARATE CONCURRING OPINION

LOPEZ, J.:

I concur with the ruling of the Honorable Ponente, which comprehensively addresses the constitutional issues raised in these cases as it gives life to the constitutional provisions governing accountability of public officials and at the same time safeguards the procedures mandatorily laid out to exact this accountability. More, giving importance to the limitations imposed by the Constitution, specifically as to the one-year period that bars the initiation of another impeachment complaint, gives the official subject of the impeachment complaint more time to focus on the delivery of public service. Nonetheless, We must not set aside that the one-year limitation also serves as the period upon which end signals the start of another window that may subject the same official to another impeachment complaint. I write separately to highlight the provisions of the Constitution, which this Court is duty bound to interpret, and with our adjudicatory powers exercised in line with the constitutional provisions, to point out and tread a path for the observance of essential constitutional processes.

The three modes of impeachment; when impeachment initiated

Impeachment "refers to the power of Congress to remove a public official for serious crimes or misconduct as provided in the Constitution."^[1] This is a power given by the Constitution to exact accountability from certain officials on grounds provided under the Constitution. This emphasizes that public officers and employees are required to always be accountable to the people. Article XI, Section 1 and 2 on Accountability of Public Officers, reads:

SECTION 1. Public office is a public trust. Public officers and employees must, at all times, be accountable to the people, serve them with utmost responsibility, integrity, loyalty, and efficiency, act with patriotism and justice, and lead modest lives.

SECTION 2. The President, the Vice-President, the Members of the Supreme Court, the Members of the Constitutional Commissions, and the Ombudsman may be removed from office on impeachment for, and conviction of culpable violation of the Constitution, treason, bribery, graft and corruption, other high crimes, or betrayal of public trust. All other public officers and employees may be removed from office as provided by law, but not by impeachment. (Emphasis supplied)

As such, the method of removal of a public officer through an impeachment cannot be based on whimsical grounds. They must constitute the most grave violation of public trust and confidence as enumerated above. More, as a mode of removal of the highest officials of the land, the Constitution itself mandates the procedure by which impeachment must be carried out. Article XI, Section 3 of the 1987 Constitution reads:

SECTION 3. (1) The House of Representatives shall have the exclusive power to initiate all cases of impeachment.

(2) A verified complaint for impeachment may be filed by any Member of the House of Representatives or by any citizen upon a resolution of endorsement by any Member thereof, which shall be included in the Order of Business within ten session days, and referred to the proper Committee within three session days thereafter. The Committee, after hearing, and by a majority vote of all its Members, shall submit its report to the House within sixty session days from such referral, together with the corresponding resolution. The resolution shall be calendared for consideration by the House within ten session days from receipt thereof.

(3) A vote of at least one-third of all the Members of the House shall be necessary either to affirm a favorable resolution with the Articles of Impeachment of the Committee, or override its contrary resolution. The vote of each Member shall be recorded.

(4) In case the verified complaint or resolution of impeachment is filed by at least one-third of all the Members of the House, the same shall constitute the Articles of Impeachment, and trial by the Senate shall forthwith proceed.

(5) No impeachment proceedings shall be initiated against the same official more than once within a period of one year.

(6) The Senate shall have the sole power to try and decide all cases of impeachment. When sitting for that purpose, the Senators shall be on oath or affirmation. When the President of the Philippines is on trial, the Chief Justice of the Supreme Court shall preside, but shall not vote. No person shall be convicted without the concurrence of two-thirds of all the Members of the Senate.

(7) Judgment in cases of impeachment shall not extend further than removal from office and disqualification to hold any office under the Republic of the Philippines, but the party convicted shall nevertheless be liable and

subject to prosecution, trial, and punishment according to law.

(8) The Congress shall promulgate its rules on impeachment to effectively carry out the purpose of this section.
(Emphasis supplied)

As can be gleaned from the constitutional provision, there are three modes of initiating an impeachment: (a) the filing of a verified complaint by a Member of the House of Representatives (first mode); (b) the filing of a verified complaint by a citizen upon the endorsement by any Member of the House of Representatives (second mode); and (c) the filing of a verified complaint or resolution of impeachment, filed by at least one-third (1/3) of all Members of the House of Representatives (third mode).

Importantly, *Francisco, Jr. v. House of Representatives*[2] (*Francisco Jr.*) explains when an impeachment proceeding is initiated:

From the records of the Constitutional Commission, to the amicus curiae briefs of two former Constitutional Commissioners, it is without a doubt that the term "to initiate" refers to the filing of the impeachment complaint coupled with Congress' taking initial action of said complaint.[3] (Emphasis supplied)

For the first two modes, which are found in Article XI, Section III, par. 2 of the 1987 Constitution, subsequent referral to the proper committee, the House Committee on Justice, completes the "initiation." This is because Section 3, par. 2 clearly provides that a verified complaint for impeachment filed by any Member of the House of Representatives (first mode) or by any citizen upon a resolution of endorsement by any Member of the House of Representatives (second mode) "shall be referred to the proper Committee." Thus, this referral is the level of involvement explicitly required of the House of Representatives by the Constitution.

Imperatively, *Francisco Jr.* clarifies the two necessary steps for initiation under the first and second modes:

. . . Neither is the "impeachment proceeding" initiated when the House deliberates on the resolution passed on to it by the Committee, because something prior to that has already been done. The action of the House is already a further step in the proceeding, not its initiation or beginning. Rather, the proceeding is initiated or begins, when a verified complaint is filed and referred to the Committee on Justice for action. This is the initiating step which triggers the series of steps that follow.[4] (Emphasis supplied)

Thus, it is clear that the involvement of the House of Representatives in taking initial action on the verified complaint under the first and second modes—to refer to the Committee on Justice—is essential for initiation to take place under Article XI, Section 3, par. 2 of the 1987 Constitution.

Meanwhile, for the third mode, Article XI, Section 3, par. 4 of the 1987 Constitution would no longer require such referral. The verified complaint or resolution shall already "constitute the Articles of Impeachment."

The difference becomes apparent when looking at Section 3, par. 2 in relation to Section 3, par. 3:

(2) A verified complaint for impeachment may be filed by any Member of the House of Representatives or by any citizen upon a resolution of endorsement by any Member thereof, which shall be included in the Order of Business within ten session days, and referred to the proper Committee within three session days thereafter. The Committee, after hearing, and by a majority vote of all its Members, shall submit its report to the House within sixty session days from such referral, together with the corresponding resolution. The resolution shall be calendared for consideration by the House within ten session days from receipt thereof.

(3) A vote of at least one-third of all the Members of the House shall be necessary either to affirm a favorable resolution with the Articles of Impeachment of the Committee, or override its contrary resolution. The vote of each Member shall be recorded. (Emphasis supplied)

Under the first and second modes, the verified complaint for impeachment shall be referred to the Committee on Justice. Thereafter, a hearing takes place. Then, by a majority vote of its members, the Committee on Justice shall submit its report to the House. At least one-third vote of the Members of the House is required to affirm or override the committee's resolution; these votes shall be recorded. Thus, if impeachment is to take place, at least one-third of all the Members of the House of Representatives is necessary—in either case of affirming a favorable resolution with the Articles of Impeachment of the Committee on Justice, or overriding a contrary resolution.

On the other hand, the third mode does not need such a referral because it was directly filed by at least one-third of all the Members of the House of Representatives. In effect, it already met such requirement from the beginning. Notably, Section 3, par. 4 provides a different consequence:

(4) In case the verified complaint or resolution of impeachment is filed by at least one-third of all the Members of the House, the same shall constitute the Articles of Impeachment, and trial by the Senate shall forthwith proceed. (Emphasis supplied)

Therefore, the conclusion of Francisco Jr. becomes clear that some level of involvement of the House of Representatives is necessary for initiation to take place, but the level of involvement differs as to the modes chosen, thus:

Having concluded that the initiation takes place by the act of filing and referral or endorsement of the impeachment complaint to the House Committee on Justice [under the first and second mode] or, by the filing by at least one-third of the members of the House of Representatives with the Secretary General of the House [under the third mode], the meaning of Section 3(5) of Article XI becomes clear. Once an impeachment complaint has been initiated, another impeachment complaint may not be filed against the same official within a one year period.[5] (Emphasis supplied)

For clarity, the initiation for the first and second modes require two distinct steps: (a) the filing of a verified complaint by a Member of the House of Representatives (for the first mode) or the filing of a verified complaint by a citizen upon the endorsement by any Member of the House of Representatives (for the second mode); and (b) the referral to the House Committee on Justice. These two steps initiate an impeachment proceeding for the first and second modes. Meanwhile, the initiation for the third mode only requires one step: the filing of a verified complaint or resolution of impeachment, filed by at least one-third (1/3) of all Members of the House of Representatives. This lone step initiates the impeachment proceeding for the third mode.

At this juncture, it is well to note that the first, second, and third impeachment complaints were filed and endorsed following Article XI, Section 3, pars. 2 and 3 of the 1987 Constitution, which require that a verified complaint filed by any citizen must be endorsed by a Member of the House of Representatives.

The 1987 Constitution and the House Rules of Procedure in Impeachment Proceedings (19th Congress) outline the steps when a verified impeachment complaint is filed under Art. XI, Sec. 3, pars. 2 and 3 of the 1987 Constitution, in this manner:

Sequence

Step

Person/Office Responsible

Constitutional Timeframe

1

Filing of a verified impeachment complaint

- 1) By any member of the House of Representatives; or
- 2) By any citizen upon a resolution of endorsement by any member of the House

2

Forwarding the complaint for action

By the Secretary General to the Speaker of the House

3

Inclusion in the Order of Business

By the Speaker of the House to the Committee on Justice

Within 10 session days

4

Referral to the Committee on Justice

By the Speaker of the House

Within three session days

5

Determination whether the complaint is sufficient in form and substance

By the Committee on Justice

Within 60 session days from referral of the complaint

6

Notice to Respondents

By the Committee on Justice

7

Evaluation of Submitted Evidence and Memoranda

By the Committee on Justice

8

Report and Recommendation which could either be 1) a Resolution setting forth the Articles of Impeachment; or 2. a Resolution dismissing the complaint

By the Committee on Justice

9

Report to be Calendared

By the Committee on Rules

Within 10 session days from receipt of the report

10

Voting

- 1) At least 1/3 to approve the resolution setting forth the Articles of Impeachment - otherwise, dismissed;
- 2) At least 1/3 to overturn a resolution of dismissal

By the plenary body

11

Transmittal of the Articles of Impeachment to the Senate

By the Secretary-General

Here, as found by the ponencia, the House of Representatives met the requirement of putting the matter in the Order of Business within ten session days. However, they were not referred to the Committee on Justice and voted upon by the plenary body of the House, as required by the Constitution or House Rules on Impeachment.[6] This is because the 19[th] Congress had already declared a final adjournment of its session on February 5, 2025, with the three impeachment cases having been archived. More, on the same day, the fourth impeachment complaint was also endorsed to the Senate.

The Ministerial Constitutional Duty to Include Impeachment Complaints under the First and Second Modes in the Order of Business and Refer them to the Committee on Justice

To determine the effect of nonreferral of the impeachment complaint to the Committee on Justice, pertinent provisions of the Constitution must be examined. For the first and second modes of impeachment, Article XI, Section 3, par. 2 of the 1987 Constitution provides that impeachment complaints must be included in the Order of Business within ten session days, and referred to the Committee on Justice within three session days thereafter, thus:

(2) A verified complaint for impeachment may be filed by any Member of the House of Representatives or by any citizen upon a resolution of endorsement by any Member thereof, which shall be included in the Order of Business within ten session days, and referred to the proper Committee within three session days thereafter. The Committee, after hearing, and by a majority vote of all its Members, shall submit its report to the House within sixty session days from such referral, together with the corresponding resolution. The resolution shall be calendared for consideration by the House within ten session days from receipt thereof. (Emphasis supplied)

As a rule, the term "shall" is a word of command that must be given a compulsory meaning.[7] The word "shall" signifies that one "[h]as a duty to; more broadly, is required to." [8] As explained in *Gonzales v. Chavez*: [9]

Under the principles of statutory construction, so familiar even to law students, the term "shall" is nothing if not mandatory.

In common or ordinary parlance and in its ordinary significance, the term 'shall' is a word of command, and one which has always and which must be given a compulsory meaning, and it is generally imperative or mandatory. It has the invariable significance of operating to impose a duty which may be enforced, particularly if public policy is in favor of this meaning or when public interest is involved or where the public or persons have rights which ought to be exercised or enforced, unless a contrary intent appears.[10] (Citation omitted, emphasis supplied)

Therefore, under the present Constitution, it is a bounden duty for verified complaints of impeachment under the

first and second modes to be: (1) included in the Order of Business of the House of Representatives; and (2) referred to the proper committee, which is the Committee on Justice as dictated by the House Impeachment Rules.

As explained in *Philippine International Trading Corporation v. Commission on Audit*:^[11]

It is a rule in statutory construction that every part of the statute must be interpreted with reference to the context, i.e., that every part of the statute must be considered together with the other parts, and kept subservient to the general intent of the whole enactment. Because the law must not be read in truncated parts, its provisions must be read in relation to the whole law. The statute's clauses and phrases must not, consequently, be taken as detached and isolated expressions, but the whole and every part thereof must be considered in fixing the meaning of any of its parts in order to produce a harmonious whole. Consistent with the fundamentals of statutory construction, all the words in the statute must be taken into consideration in order to ascertain its meaning.^[12] (Citations omitted, emphasis supplied)

Thus, as a "proceeding exercised by the legislative, as representatives of the sovereign, to vindicate the breach of the trust reposed by the people in the hands of the public officer by determining the public officer's fitness to stay in the office,"^[13] impeachment is of high importance and its procedures must be given great respect. Public policy demands that the word "shall" in Article XI, Section 3, par. 2 of the 1987 Constitution be given mandatory effect.

Verified complaints of impeachment under the first and second modes shall, mandatorily and unequivocally be: (1) included in the Order of Business of the House of Representatives; and (2) referred to the Committee on Justice. No less than the Constitution, which is "the creation of the will of the people, who are deemed the source of all political powers"^[14] demands such procedures to be followed.

Consequently, there is no room for any discretion in this constitutional requirement. Importantly, *De Castro v. Judicial and Bar Council*^[15] discusses ministerial duties vis-à-vis discretionary acts, as follows:

The distinction between a ministerial and discretionary act is well delineated. A purely ministerial act or duty is one which an officer or tribunal performs in a given state of facts, in a prescribed manner, in obedience to the mandate of a legal authority, without regard to or the exercise of his own judgment upon the propriety or impropriety of the act done. If the law imposes a duty upon a public officer and gives him the right to decide how or when the duty shall be performed, such duty is discretionary and not ministerial. The duty is ministerial only when the discharge of the same requires neither the exercise of official discretion or judgment.^[16] (Emphasis supplied)

Thus, the elucidations of this Court in *Gutierrez v. House of Representatives Committee on Justice*^[17] are instructive:

The Constitution did not place the power of the "final say" on the lips of the House Secretary General who would otherwise be calling the shots in forwarding or freezing any impeachment complaint. Referral of the complaint to the proper committee is not done by the House Speaker alone either, which explains why there is a need to include it in the Order of Business of the House. It is the House of Representatives, in public plenary session, which has the power to set its own chamber into special operation by referring the complaint or to otherwise guard against the initiation of a second impeachment proceeding by rejecting a patently unconstitutional complaint.^[18]

....

As mentioned, one limitation imposed on the House in initiating an impeachment proceeding deals with deadlines. The Constitution states that "[a] verified complaint for impeachment may be filed by any Member of the House of Representatives or by any citizen upon a resolution or endorsement by any Member thereof, which shall be included in the Order of Business within ten session days, and referred to the proper Committee

within three session days thereafter." [19] (Emphasis supplied)

Verily, the Constitution itself imposes an explicit and unambiguous limitation on the House of Representatives in initiating an impeachment proceeding. This clear limitation deals with deadlines that must be complied with. The fundamental law categorically mandates that verified impeachment complaints duly filed under the first and second modes shall be included in the Order of Business and referred to the appropriate committee. Such procedural requirements are mandatory and imperative in character, leaving no room for the exercise of discretionary powers by any Member or official of the House of Representatives.

This contrasts with subsequent impeachment complaints where one impeachment complaint was already filed and referred to the Committee on Justice:

With respect to complaints for impeachment, the House has the discretion not to refer a subsequent impeachment complaint to the Committee on Justice where official records and further debate show that an impeachment complaint filed against the same impeachable officer has already been referred to the said committee and the one year period has not yet expired, lest it becomes instrumental in perpetrating a constitutionally prohibited second impeachment proceeding. Far from being mechanical, before the referral stage, a period of deliberation is afforded the House, as the Constitution, in fact, grants a maximum of three session days within which to make the proper referral. [20] (Emphasis supplied)

This difference is because of Article XI, Section 3, par. 5 of the 1987 Constitution, which provides:

(5) No impeachment proceedings shall be initiated against the same official more than once within a period of one year.

Further, the pendency of an impeachment complaint that was filed under the first and second modes pursuant to Article XI, Sections 3, pars. 2 and 3, should undergo the relevant constitutional processes until its referral to the Committee on Justice, and eventual action of the House of Representatives for it to be considered as having been initiated. Thus, there is a need to tackle the impeachment complaint that was filed to set in motion the initiation of impeachment proceedings. In this case, however, while the process has been initiated with the inclusion of the impeachment complaints in the Order of Business, the impeachment proceedings were not completed because the element of time had already set in, with the adjournment of the 19th Congress. The effect of this adjournment should not prejudice the subject public official in waiting for a complete action of the House of Representatives. Thus, in cases where a particular batch of the House of Representatives has already ended their term, and where that particular Congress ends, the act of not referring an impeachment complaint to the appropriate committee, specifically the Committee on Justice, would constitute the initial action contemplated by the Constitution for purposes of determining that an impeachment proceeding has been duly initiated.

The receipt and retention of the verified complaint by the House of Representatives, coupled with the lapse of the constitutionally mandated period without compliance with the ministerial duties prescribed under the circumstance of a final adjournment of Congress, operates ipso facto as the commencement of impeachment proceedings under the first or second modes. To hold otherwise would render nugatory the constitutional safeguards designed to prevent the indefinite postponement or suppression of impeachment complaints and not merely leave them in limbo. Thus, with the adjournment of the 19th Congress, the non-referral to the Committee on Justice on the last day of session of the 19th Congress constitutes the action necessary on the part of the House to initiate the impeachment proceeding.

The 10-session-day period and three-session-day thereafter, as a constitutional enforcement mechanism

The requirements of 10-session-day inclusion in the Order of Business and the three-session-day referral to the appropriate committee, specifically the Committee on Justice under Article XI, Section 3, par. 2 serves as more than mere procedural housekeeping—it functions as a constitutional enforcement mechanism that compels legislative accountability while preventing institutional manipulation.

The constitutional purpose of the 10 and three-session-day rule lies not merely in its specific timeframe, but in its elimination of what could otherwise become perpetual constitutional limbo. Without such temporal boundaries, impeachment complaints could exist in indefinite suspension, creating uncertainty about the status of impeachable officials. The Constitution recognizes that indefinite pending proceedings constitute, in themselves, a form of constitutional harm that undermines the very accountability mechanisms the impeachment process seeks to protect.

More critically, the 10 and three-session-day rule prevents what amounts to passive nullification of the impeachment power. By creating automatic consequences for legislative silence, the Constitution ensures that the House cannot govern through strategic inaction—a form of constitutional avoidance that would effectively render the impeachment mechanism nugatory. Without this deadline, political calculations could indefinitely postpone constitutional accountability, transforming impeachment from a constitutional remedy into a discretionary political tool.

More, the constitutional significance of the ten and three session day rule becomes particularly glaring when considered alongside the fact that the House of Representatives is not a continuing body as it undergoes complete reconstitution every electoral cycle.

The session-day calculation, as explained in the ponencia,[21] acknowledges the natural rhythm of legislative work while maintaining constitutional urgency. The Constitution's deliberate choice to measure time in "session days" rather than calendar days acknowledges that reality that Congress does not operate on a continuous calendar schedule but follows the ebb and flow of formal legislative sessions, adjournments, and recesses.

The House is not a continuing body; the first three Complaints have been functionally dismissed

Any unfinished business in the House of Representatives does not carry over to a new Congress. This principle, a concept that may be called "congressional distinctiveness," is based on the fact that the House of Representatives is not a continuing body and each batch of representatives elected every three years is distinct from the batch of representatives constituting the previous composition of the House of Representatives, and who may independently advance their respective advocacies.

This doctrine of congressional distinctiveness was aptly explained in *Ang Nars Party List v. Executive Secretary*,[22] thus:

The Rules of the Senate and the Rules of the House of Representatives can change since a new Congress is not bound to adopt the rules of the previous Congress. In fact, the Senate and the House of Representatives of every Congress can amend their own Rules of Procedure at any time. In *Neri v. Senate Committee on Accountability of Public Officers and Investigations*, the Court sustained the OSG that "every Senate is distinct from the one before it or after it. Since Senatorial elections are held every three (3) years for one-half of the Senate's membership, the composition of the Senate also changes by the end of each term. Each Senate may thus enact a different set of rules as it may deem fit." Thus, in that case, the Court required the publication of the Rules of Procedure of the Senate Governing the Inquiries in Aid of Legislation for the 14th Congress.

The same rule applies to the House of Representatives. The House of every Congress must adopt its own rules at the start of its term. In particular, the House is admittedly not a continuing body since the terms of all Members of the House end at the same time upon the expiration of every Congress. Thus, upon the expiration of every Congress, the Rules of Procedure of the House also expire. That is why Section 1, Rule 1 of the Rules of the House of Representatives of the 17th Congress, adopted on 25 July 2016, provides: "After the oath-taking of the newly-elected Speaker, the body shall proceed to the adoption of the rules of the immediately preceding Congress to govern its proceedings until the approval and adoption of the rules of the current Congress." [23] (Citations omitted, emphasis supplied)

Further, the Court explained in *Balag v. Senate of the Philippines*: [24]

Notably, Arnault gave a distinction between the Senate and the House of Representatives' power of contempt. In the former, since it is a continuing body, there is no time limit in the exercise of its power to punish for contempt; on the other hand, the House of Representatives, as it is not a continuing body, has a limit in the exercise of its power to punish for contempt, which is on the final adjournment of its last session. [25]

Importantly, the Constitution establishes that each Congress serves a specific three-year term, with the House of Representatives being completely reconstituted every election cycle. When a new Congress convenes, it essentially starts with a clean slate.

This is supported by the Rules of the House of Representatives, 19[th] Congress (House Rules), which provides:

Section 80. Calendar of Business. – The Calendar of Business shall consist of the following:

- Unfinished Business. – This is business being considered by the House at the time of its last adjournment. Its consideration shall be resumed until it is disposed of.

The Unfinished Business at the end of a session shall be resumed at the commencement of the next session as if no adjournment has taken place. At the end of the term of a Congress, all unfinished business are deemed terminated. (Emphasis supplied)

Thus, when a congressional term ends, all pending bills, resolutions, and other measures that have not been enacted into law automatically terminates. The incoming Congress must reintroduce any measures it wishes to pursue, even if they were substantially similar to bills from the previous Congress.

Consequently, as found by the ponencia, while the ten-session day period to include the three impeachment complaints in the Order of Business was complied with as shown by the records of the House of Representatives, the constitutional requirement of three-session-day referral to the appropriate committee was not complied with. This is equivalent to an incomplete action on the part of the 19[th] Congress in evaluating the first three impeachment complaints, until its session adjourned on February 5, 2025. As explained by the ponencia, rather than referring the first three impeachment complaints to the Committee on Justice, these were instead archived until the adjournment of the session of the 19[th] Congress. It must be emphasized that this adjournment is not of a temporary nature referring to a specific session day by which matters not taken up may be continued into the next session day. Instead, this adjournment constitutes the final adjournment of the entirety of the session held by the 19[th] Congress from the time they convened on the fourth Monday of July of the year they assumed office. [26]

When the 19[th] Congress concluded without complete action on the first three impeachment complaints, these complaints became *functus officio* not merely through temporal expiration, but through "congressional distinctiveness" inherent in the House's institutional structure. The combination of the 10 and three-session-day rule, together with congressional distinctiveness creates a constitutional mechanism and safeguard: complaints must be processed within the prescribed timeframe completed by a particular Congress, or they face automatic,

functional dismissal upon congressional transition. This two-sided enforcement mechanism prevents any undue delay and ensures that a mandatory duty imposed on a particular Congress is followed in accordance with the letter of the Constitution.

Thus, the end of the 19[th] Congress's session on February 5, 2025, without following the constitutional mandate pertaining to the procedure to in evaluating an impeachment complaint filed by a citizen and endorsed by a member of the House of Representatives, equates to a functionally dismissed impeachment complaint.

The Fourth Impeachment Complaint violated the one-year bar rule

As to the fourth impeachment complaint, petitioners alleged that the impeachment complaints were filed whimsically and without a careful reading of the members of the House of Representatives. This lacks merit. In observance of the principle of separation of powers, We accord the legislative chamber the presumption of regularity in the performance of its duties. The signing of the verification on the complaint contemplates a situation where the signatories have read and understood the allegations in the complaint. In the absence of proof, an impeachment complaint cannot be dismissed on this ground. Nonetheless, the fourth impeachment complaint must still be dismissed on the ground of the one-year bar rule.

Article XI, Section 3, par. 5 of the 1987 Constitution, states that "[n]o impeachment proceedings shall be initiated against the same official more than once within a period of one year." [27]

During the deliberations, the Constitutional Commission explained why the provision was integrated into the 1987 Constitution, in this wise:

THE PRESIDENT: Commissioner Villacorta is recognized.

MR. VILLACORTA: Madam President, I would just like to ask the Committee three questions.

On Section 3, page 2, lines 12 to 14, the last paragraph reads as follows: "No impeachment proceedings shall be initiated against the same official more than once within a period of one year." Does this mean that even if an evidence is discovered to support another charge or ground for impeachment, a second or subsequent proceeding cannot be initiated against the same official within a period of one year? In other words, one year has to elapse before a second or subsequent charge or proceeding can be initiated. The intention may be to protect the public official from undue harassment. On the other hand, is this not undue limitation on the accountability of public officers? Anyway, when a person accepts a public trust, does he not consider taking the risk of accounting for his acts or misfeasance in office?

MR. ROMULO: Yes, the intention here really is to limit. This is not only to protect public officials who, in this case, are of the highest category from harassment but also to allow the legislative body to do its work which is lawmaking. Impeachment proceedings take a lot of time. And if we allow multiple impeachment charges on the same individual to take place, the legislature will do nothing else but that.

MR. VILLACORTA: Thank you, Madam President. . . [28] (Emphasis supplied)

The inclusion of the one-year bar rule in the 1987 Constitution was adopted by the Framers to serve two principal objectives: first, to shield high--ranking public officials from undue harassment through successive impeachment attempts; and second, to preserve the legislature's capacity to fulfill its primary constitutional mandate of enacting laws, by preventing the undue diversion of its time and resources toward repeated impeachment proceedings.

Notably, in *Francisco Jr.*, [29] this Court clarified when an impeachment proceeding is deemed "initiated" for purposes of applying the one-year bar rule:

Amicus curiae Constitutional Commissioner Regalado is of the same view as is Father Bernas, who was also a member of the 1986 Constitutional Commission, that the word "initiate" as used in Article XI, Section 3(5) means to file, both adding, however, that the filing must be accompanied by an action to set the complaint moving.

During the oral arguments before this Court, Father Bernas clarified that the word "initiate," appearing in the constitutional provision on impeachment, viz:

Section 3 (1). The House of Representatives shall have the exclusive power to initiate all cases of impeachment.

[. . .]

(5) No impeachment proceedings shall be initiated against the same official more than once within a period of one year,

refers to two objects, "impeachment case" and "impeachment proceeding."

Father Bernas explains that in these two provisions, the common verb is "to initiate." The object in the first sentence is "impeachment case." The object in the second sentence is "impeachment proceeding." Following the principle of *reddendo singula sinuulis*, the term "cases" must be distinguished from the term "proceedings." An impeachment case is the legal controversy that must be decided by the Senate. Above-quoted first provision provides that the House, by a vote of one-third of all its members, can bring a case to the Senate. It is in that sense that the House has "exclusive power" to initiate all cases of impeachment. No other body can do it. However, before a decision is made to initiate a case in the Senate, a "proceeding" must be followed to arrive at a conclusion. A proceeding must be "initiated." To initiate, which comes from the Latin word *initium*, means to begin. On the other hand, proceeding is a progressive noun. It has a beginning, a middle, and an end. It takes place not in the Senate but in the House and consists of several steps: (1) there is the filing of a verified complaint either by a Member of the House of Representatives or by a private citizen endorsed by a Member of the House of the Representatives; (2) there is the processing of this complaint by the proper Committee which may either reject the complaint or uphold it; (3) whether the resolution of the Committee rejects or upholds the complaint, the resolution must be forwarded to the House for further processing; and (4) there is the processing of the same complaint by the House of Representatives which either affirms a favorable resolution of the Committee or overrides a contrary resolution by a vote of one-third of all the members. If at least one third of all the Members upholds the complaint, Articles of Impeachment are prepared and transmitted to the Senate. It is at this point that the House "initiates an impeachment case." It is at this point that an impeachable public official is successfully impeached.[30] (Emphasis supplied)

In *Francisco, Jr.*, this Court categorically held that the term "initiate," as used in Article XI, Section 3, par. 5 of the 1987 Constitution, requires the filing of a verified impeachment complaint and the taking of a formal action upon it. In other words, the act of filing must be accompanied by a step that sets the impeachment process in motion.[31] Consequently, "[o]nce an impeachment complaint has been initiated, another impeachment complaint may not be filed against the same official within a one[-]year period." [32]

The ruling in *Francisco, Jr.*, was also upheld in *Gutierrez v. House of Representatives Committee on Justice (Gutierrez)*[33] where this Court underscored that initiation "refers to the filing of the impeachment complaint coupled with Congress's taking initial action of the said complaint. The initial action taken by the House on the complaint is the referral of the complaint to the Committee on Justice." [34] More, in *Gutierrez*, this Court also ruled that the doctrine established in *Francisco, Jr.*, that initiation means the filing and referral of an impeachment complaint, remains consistent with the rationale of the constitutional provision:

It becomes clear that the consideration behind the intended limitation refers to the element of time, and not the number of complaints. The impeachable officer should defend himself [or herself] in only one impeachment

proceeding, so that he [or she] will not be precluded from performing his [or her] official functions and duties. Similarly, Congress should run only one impeachment proceeding so as not to leave it with little time to attend to its main work of law-making. The doctrine laid down in *Francisco* that initiation means filing and referral remains congruent to the rationale of the constitutional provision.[35] (Emphasis in the original).

At this point, it is important to emphasize that the fourth impeachment complaint, which constitutes the Articles of Impeachment, was filed pursuant to Article XI, Section 3, par. 4 of the 1987 Constitution.[36] It states:

(4) In case the verified complaint or resolution of impeachment is filed by at least one-third of all the Members of the House, the same shall constitute the Articles of Impeachment, and trial by the Senate shall forthwith proceed.[37] (Emphasis supplied)

The 1987 Constitution, along with the House Rules of Procedure in Impeachment Proceedings (19th Congress), outlines the process to be followed when an impeachment complaint is filed by at least one-third of all Members of the House of Representatives, as follows:

Sequence

Step

Person / Office Responsible

1

Filing of a verified impeachment complaint by at least 1/3 of all the members of the House of Representatives

By at least 1/3 of all the members of the House of Representatives

2

Endorsement of the complaint or resolution as the Articles of Impeachment

By the Speaker, through the Secretary General, in the same manner as an approved bill of the House of Representatives

3

Transmittal of the Articles of Impeachment

By the Secretary--General to the Senate

In this context, the Constitutional Commission explained the reason for adopting the one-third votes of the Members of the House of Representatives as the threshold to facilitate the initiation of the direct transmittal of the verified impeachment complaint, in this way:

I am now on Section 3(2), which I propose to be reworded as follows: "A verified complaint for impeachment may be filed by any of its members, or by ANY citizen UPON A RESOLUTION OF ENDORSEMENT BY ANY MEMBER OF THE HOUSE, WHICH SHALL BE INCLUDED IN THE ORDER OF BUSINESS WITHIN TEN SESSION DAYS AND REFERRED TO THE PROPER COMMITTEE WITHIN THREE SESSION DAYS THEREAFTER. THE COMMITTEE, AFTER HEARING AND BY A MAJORITY VOTE OF ALL ITS MEMBERS, SHALL SUBMIT ITS REPORT TO THE HOUSE WITHIN SIXTY SESSION DAYS FROM SUCH REFERRAL, TOGETHER WITH THE CORRESPONDING RESOLUTION. THE RESOLUTION SHALL BE CALENDARED FOR CONSIDERATION BY THE HOUSE WITHIN TEN SESSION DAYS FROM RECEIPT THEREOF FROM THE COMMITTEE."

Section 3 (3) is proposed to read: A VOTE OF AT LEAST ONE-THIRD OF ALL THE MEMBERS OF THE

HOUSE SHALL BE NECESSARY TO INITIATE IMPEACHMENT PROCEEDINGS, EITHER TO AFFIRM A RESOLUTION OF IMPEACHMENT BY THE COMMITTEE OR OVERRIDE ITS CONTRARY RESOLUTION. THE VOTES OF EACH MEMBER SHALL BE RECORDED.

Section 3 (4) shall read: IN CASE THE VERIFIED COMPLAINT OR RESOLUTION OF IMPEACHMENT IS FILED BY AT LEAST ONE--THIRD OF ALL THE MEMBERS OF THE HOUSE, THE SAME SHALL CONSTITUTE THE ARTICLES OF IMPEACHMENT AND THE TRIAL BY THE SENATE SHALL FORTHWITH PROCEED.[38]

. . . .

MR. RODRIGO: Why the very big jump in the case of the House? Why not from two-thirds to one-half?

MR. REGALADO: In conjunction with the 1973 Constitution, the vote required to initiate impeachment proceedings was one-fifth; the vote needed to convict was two-thirds. The Committee originally proposed a majority. We considered, however, the fact that, as contemplated in the constitutional framework, there may be 200 to 250 Members of the House of Representatives. Therefore, if we follow the 1973 Constitution which requires one-fifth, with a maximum of 250 Members of the House of Representatives, the votes of only 50 will be required. We feel that it would be very easy to get that vote to initiate impeachment proceedings, especially considering, first, — that impeachment proceedings will necessarily be upon the initiation of the opposition, and that we do not discount the fact that the opposition could easily get or muster the required number of votes if we stick to the 1973 Constitution.

On the other hand, the 1935 Constitution which requires a vote of two-thirds to initiate the impeachment proceedings was a little too demanding because a bigger number of votes is needed just to initiate the proceedings. If we stick to the 1973 Constitution, the President may be the subject of harassment by the initiation of impeachment proceedings every year. On the other hand, if there is really a need for impeachment proceedings to be initiated, and if we stick to the 1935 Constitution which requires a vote of two-thirds, then 167 votes will be required.

So, we thought that a happy compromise could be drawn by putting it at one-third, neither to make it very easy to initiate nor to make it very difficult to initiate. And one-third of 250 will be somewhere in the neighborhood of 83 or 84.[39] (Emphasis supplied).

The discussion of the Constitutional Commission highlights two important points:

First, the one-third threshold was established as a deliberate compromise to ensure that the impeachment process is neither excessively easy nor prohibitively difficult to initiate. If the threshold is too low, it would be easy to initiate impeachment proceedings, that could potentially lead to a flood of politically motivated or unsubstantiated complaints that could waste legislative time and resources. Conversely, if the threshold is too high, it would be difficult to initiate impeachment, that could shield public officials from accountability. The objective was to create a clear path for initiating impeachment that was accessible but not frivolous to prevent political harassment and undue obstruction.

Second, the 1987 Constitution grants the House of Representatives the exclusive power to initiate impeachment cases. Article XI, Section 3, par. 4 represents a specific mode of exercising this power, where the act of one-third of the Members of the House of Representatives filing the complaint itself constitutes the Articles of Impeachment.

Indeed, securing the support of one-third of the House membership requires a significant degree of deliberation,

investigation, and consensus-building among representatives coming from different districts and often with diverse political views. When a substantial portion of the House of Representatives has determined that there is good cause to support an impeachment complaint, their collective judgment lends credence that the charges have factual and legal basis to proceed to trial.

Essentially, the one-third vote serves as a balance point, one that is high enough to prevent baseless complaints, but at the same time, low enough to ensure that public officials who commit serious offenses can be held accountable.

Be that as it may, it is crucial to emphasize that while impeachment is a sui generis process^[40] distinct from judicial proceedings, it must still adhere to the fundamental requirements of due process. Significantly, the following deliberations of the Constitutional Commission offered important insights as to how due process is understood in the context of impeachment proceedings in the Philippines:

MR. MAAMBONG: May I proceed now to two very short questions considering that we have already identified the problem and the answer is that it is not a purely criminal prosecution in terms of procedure. We have here a statement in the book of Simpson which reads:

A person subject to impeachment by Congress is entitled to due process of law although presently there is little judicial authority. It can be suggested that he is also entitled to his privilege against self-incrimination, right to counsel, right to be informed of the nature and the cause of the accusation against him, and the right to be confronted with adversary witnesses. (Treaties on Federal Impeachment, p. 27)

Would this statement be applicable to an impeachment proceeding?

MR. ROMULO: As the provisions now read, I think the Senate, as well as the House, will set up its own rules. I do not know whether or not we have to adhere to that because what the Commissioner has read, strictly speaking, is a criminal proceeding. But the President like any citizen is entitled to the bill of rights, like confrontation of witnesses, notice of the charges and so on. I think those are fundamental and he is entitled to them.^[41] (Emphasis supplied)

The deliberations underscore that impeachment is not criminal in nature. However, the Framers affirmed that the Bill of Rights remains applicable to the respondent public official, ensuring protections such as the right to be informed of the charges, the right to counsel, the right to confront witnesses, and the right against self-incrimination. This reflects a commitment to uphold due process and protect individual liberties, even within the context of a political proceeding.

In addition to the right to due process, the Constitution also guarantees the right to the speedy disposition of cases under Article III, Section 16 of the 1987 Constitution, which states, "[a]ll persons shall have the right to a speedy disposition of their cases before all judicial, quasi-judicial, or administrative bodies."^[42]

At this juncture, it is well to note that the first, second, and third impeachment complaints were filed and endorsed following Article XI, Section 3, pars. 2 and 3 of the 1987 Constitution, which require that a verified complaint filed by any citizen must be endorsed by a Member of the House of Representatives.

To emphasize, the House of Representatives failed to completely act on the first three impeachment complaints within the constitutionally mandated period. To put the status of these impeachment cases in limbo or simply archived because of an incomplete action on the part of the House of Representatives would amount to an infringement of the respondent's rights to due process and to the speedy disposition of cases. This is because the resulting effect would be bypassing the existence of the three prior impeachment complaints, as if no prior impeachment complaint had been filed. As a consequence, the one-year bar rule in the initiation of an

impeachment complaint would also be effectively bypassed. To prevent this scenario, it is only imperative that with the final adjournment of the 19[th] Congress, the retention of the verified complaints, coupled with the lapse of the prescribed timeframe without the discharge of the House's ministerial duties, ipso facto constitutes the commencement of impeachment proceedings for purposes of invoking the one-year bar rule. The one-year bar rule thus took effect on February 5, 2025 when the 19[th] Congress had the final adjournment of its session.

Consequently, the direct transmittal of the fourth impeachment complaint to the Senate, on the same day the first three complaints were archived without referral to the appropriate committee, effectively initiated a second impeachment proceeding against Vice-President Duterte, in clear contravention of the one-year bar rule under Article XI, Section 3, par. 5 of the 1987 Constitution. This interpretation is necessary to uphold the constitutional intent behind the one-year bar rule, which is designed to prevent repeated or prolonged impeachment proceedings that disrupt the public official's ability to perform their official duties and expose them to political harassment. It also ensures that the balance between public accountability and the protection of constitutional rights is preserved.

Indeed, impeachment is a tool for public accountability. While the Constitution permits the direct filing of an impeachment complaint upon the endorsement of at least one-third of all House Members, this expedited process must not come at the expense of the respondent public official's constitutional rights. The respondent public official's constitutional rights, especially the right to due process and the speedy disposition of cases, remain fully operative even in the context of impeachment. These rights are not diminished by the method chosen to initiate the complaint. Therefore, the one--year bar rule under Article XI, Section 3, par. 5 should be interpreted not merely as a procedural safeguard, but as a substantive constitutional guarantee. It serves to prevent repeated impeachment attempts that could undermine both the public official's ability to perform official duties and the integrity of the legislative process.

Considering that the final adjournment of the 19[th] Congress occurred on February 5, 2025, no impeachment complaint should be filed within one year from the said period. Any impeachment complaint against the same public official may only be allowed one year after this period.

With the foregoing, I join the ponencia.

[1] *Corona v. Senate of the Philippines*, 691 Phil. 156, 170 (2012) [Per J. Villarama, En Banc].

[2] 460 Phil. 830 (2003) [Per J. Carpio-Morales, En Banc].

[3] *Id.* at 932.

[4] *Id.* at 931.

[5] *Francisco, Jr. v. House of Representatives*, 460 Phil. 932-933 (2003) [Per J. Carpio-Morales, En Banc].

[6] Ponencia, p. 67.

[7] *Pimentel, Jr. v. Aguirre*, 391 Phil. 84, 106 (2000) [Per J. Panganiban, En Banc].

[8] BLACK'S LAW DICTIONARY 1499 (9[th] ed., 2009).

[9] 282 Phil. 858 (1992) [Per J. Romero, En Banc].

[10] *Gonzales v. Chavez*, 282 Phil. 880 (1992) [Per J. Romero, En Banc].

[11] 635 Phil. 447 (2010) [Per J. Perez, En Banc].

[12] Id. at 454.

[13] Republic v. Sereno, 831 Phil. 271, 396 (2018) [Per J. XXX, En Banc].

[14] Concurring Opinion of C.J. Puno in Province of North Cotabato v. GRP Peace Panel on Ancestral Domain, 589 Phil. 387 (2008) [Per J. Carpio-Morales, En Banc].

[15] 629 Phil. 629 (2010) [Per J. Bersamin, En Banc].

[16] Id. at 706-707.

[17] 658 Phil. 322 (2011) [Per J. Carpio-Morales, En Banc].

[18] Id. at 396.

[19] Id. at 397.

[20] Id. at 397.

[21] Ponencia, pp. 67-69.

[22] 864 Phil. 607 (2019) [Per J. Caprio, En Banc].

[23] 864 Phil. 643-644 (2019) [Per J. Caprio, En Banc].

[24] 835 Phil. 451 (2018) [Per J. Gesmundo, En Banc].

[25] 835 Phil. 467 (2018) [Per J. Gesmundo, En Banc].

[26] CONST., art. VI, sec. 15 states: The Congress shall convene once every year on the fourth Monday of July for its regular session, unless a different date is fixed by law, and shall continue to be in session for such number of days as it may determine until thirty days before the opening of its next regular session, exclusive of Saturdays, Sundays, and legal holidays. The President may call a special session at any time.

[27] CONST., art. XI, sec. 3, par. 5.

[28] II Record, Constitutional Commission No. 40, p. 282 (July 26, 1986).

[29] 460 Phil. 830 (2003) [Per J. Carpio-Morales, En Banc].

[30] Id. at 930-931.

[31] Id. at 940.

[32] Id.

[33] 658 Phil. 322 (2011) [Per J. Carpio-Morales, En Banc].

[34] Id. at 387.

[35] Id. at 401.

[36] Rollo, (G.R. No. 278359), p. 458.

[37] CONST., art. XI, Sec. 3, par. 4.

[38] II Record, Constitutional Commission No. 41, pp. 373-374 (July 28, 1986).

[39] II Record, Constitutional Commission No. 41, pp. 373-374 (July 28, 1986).

[40] Re: Ma. Cristina Roca Corona, 893 Phil. 231, 244 (2021) [Per J. Hernando, En Banc].

[41] II Record, Constitutional Commission No. 40, p. 277 (July 26, 1986).

[42] CONST., art. III, sec. 16.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.