

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. Nos. 278353 and G.R. No. 278359, January 28, 2026

Ponente: LEONEN, SAJ.

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LEONEN, SAJ.:

"I'm for truth, no matter who tells it. I'm for justice, no matter who it is for or against."

— Malcolm X, *The Autobiography of Malcolm X* (1965)

"Our ruling does not absolve petitioner Duterte from any of the charges."

— SAJ Leonen, *Decision in Duterte v. House of Representatives*, July 25, 2025

We affirm that impeachment is a powerful process to exact accountability from government especially from public officers mentioned in the Constitution. We affirm that accountability done in accordance with the Constitution is a core value in a democratic and republican government.

We also affirm that the House of Representatives has the sole prerogative to initiate impeachment complaints and to promulgate its rules of impeachment in accordance with the requirements of the Constitution. However, its Rules must be consistent with the provisions of our Constitution.

It is in this light that we deny the Motion for Reconsideration filed by respondents.

We clarify the constitutional requirements of impeachment:

First, the impeachment process is primarily a legal, political, and constitutional procedure. 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.[1] However, the application of the due process clause in the initiation stage of the impeachment process is *sui generis*.

Second, given the nature of the offices and institutions subject to impeachment, the effect of impeachment on the independence of constitutional departments and organs, and its status as a constitutional process, and our power

under Article VIII, Section 1 of the Constitution, constitutional issues involving impeachment proceedings may, in proper cases, be subject to judicial review.

The Court does not determine when, who, and whether an impeachable officer may be removed and disqualified from political office. It only has the duty to construe the process in proper cases and its limitations as mandated by the Constitution.[2]

Third, Article XI, Section 3(2) of the Constitution requires that a verified impeachment complaint be immediately put in the Order of Business within 10 session days from its endorsement. A session day, only for purposes of this constitutional provision, means a calendar day on which the House of Representatives holds a plenary session.

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. The House may opt to consolidate all properly commenced and endorsed impeachment complaints.[3]

We are aware that for legislative purposes, a session day follows the interpretation of the House, which 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.

However, for the initiation stage of impeachment which is a constitutional process, a session day is a calendar day in which the House of Representatives holds a session. This aligns with the primordial value of accountability of impeachable public officials and therefore that impeachment proceedings should be accorded the weight and priority that it is due.

Respondents were therefore not 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 within 10 session days. Thus, the fourth impeachment complaint, even if endorsed by more than one-third of all the members of the House of Representatives, is barred by Article XI, Section 3(5) of the Constitution.

Fourth, complaints based on the first mode or Article XI, Section 3(2) is deemed to have been initiated for purposes of the one-year bar under Section 3(5) when: (a) it is referred to the Committee on Justice; (b) it is properly verified and endorsed by a member of the House of Representatives and it is not put in the Order of Business or referred to the proper committee within the constitutional periods; (c) it is properly verified and endorsed or it has been properly referred to the proper committee but has not been acted upon by the House upon its adjournment sine die.

For this purpose, we reiterate and amplify *Gutierrez v. House of Representatives*[4] based on the facts of this case.

Complaints based on the second mode or Article XI, Section 3(4) of the Constitution are deemed initiated for purposes of the one-year bar under Article XI, Section 3(5) upon the valid endorsement of at least one-third of all the members of the House of Representatives. A valid endorsement includes valid verifications from all endorsing members that they have also seen the evidence supporting the allegations of the complaint as provided in the current Rules on Impeachment of the House of Representatives.

Fifth, we clarify that in cases of multiple complaints, the Constitution does not require any priority between the first and second modes of initiating impeachment complaints. The process of gathering support for impeachment complaints under the second mode is not constitutionally prohibited, even while the House is considering complaints filed under the first mode. However, the second mode of impeachment will be barred under Article XI, Section 3(5) if there are pending complaints under the first mode that violate the periods mandated in the

Constitution.

Sixth, the House of Representatives has the prerogative to determine that the requirements of the second mode of initiating a complaint under Article XI, Section 3(4)—that it is properly verified, accompanied with evidence and endorsed by at least one-third of all its members—have been met. This process can be done by the plenary of the House of Representatives, or through the verification of the appropriate committee prior to the endorsement of the majority floor leader or as provided for in the Rules for transmittal in plenary session, or any other alternative means at the discretion of the House of Representatives.

However, the House of Representatives of the 19[th] Congress provided in Section 2 of its Rules of Impeachment that the complaint be referred to the Committee on Justice. Granting respect to the ability of the House of Representatives to craft its own rules, and the presumption of constitutionality, we interpret that to mean that the referral to the Committee for complaints under the second mode of initiating an impeachment complaint, that is when there is at least one-third of all its members who have endorsed and verified, is not mandatory.

To be consistent with the Constitution, when the House opts to refer a complaint under the second mode of initiating an impeachment complaint to the Committee on Justice, it is only for the following purposes:

- (1) To ensure that the endorsement of the members of the House is verified;
- (2) To confirm that the evidence supporting the grounds in the complaint exists, and that every endorsing member has been given a copy of the complaint, as well as the evidence supporting it; and
- (3) To respect the House's prerogative to consolidate multiple complaints, if any, so that only one complaint is endorsed to the plenary for transmittal to the Senate.

Referral to the Committee on Justice under the first mode of initiating impeachment complaints is for a different purpose, that is the determination of the sufficiency in form and substance. This is different from referral to the Committee on Justice to verify whether the requirements of the second mode as stated above have been fully complied with.

Obviously, sham complaints—for example, those that are not verified—should be dismissed immediately. These types of dismissals will not trigger the one-year bar covered under Article XI, Section 3(5) of the Constitution.

Seventh, 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.^[5] Due process as applied to the impeachment process is *sui generis*.

Eighth, the fairness and non-arbitrariness principles of due process for the second mode or for transmittals under Article XI, Section 3(4) 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 meet the quantum of proof determined by the House of Representatives to establish the charges in the Articles of Impeachment;
- (3) During the plenary that endorses the draft Articles of Impeachment, their accompanying evidence should also be made available to all the members of the House of Representatives for their information. The Constitution, however, requires that the transmittal can be made for so long as there is at least one-third of all the members who have endorsed the complaint.
- (4) The respondent's opportunity to be fully heard on the entire Articles of Impeachment and the supporting

evidence shall be during the trial in the Senate;

(5) 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 offenses described in Article XI, Section 2. For the other impeachable officers, the acts must be sufficiently grave that they undermine and outweigh the respect for their constitutional independence and autonomy.

Again, while we deem the fourth complaint as barred by Article XI, Section 3(5) under the unique circumstances of this case, we underscore that the July 25, 2025 Decision did not absolve Vice President Sara Duterte. At the House's discretion, the grounds raised in the Articles of Impeachment may again be raised based on any evidence that may have been discovered, if any. It is for Congress, by initiation of the House of Representatives and trial by the Senate, to determine the fate of the incumbent Vice President.

We further clarify by reiterating the factual backdrop and addressing the issues raised in the Solicitor General's Motion for Reconsideration and the Petitioners' Comments.

Before this Court are the: (1) Motion for Reconsideration[6] filed by respondent House of Representatives, through the Office of the Solicitor General; (2) Consolidated Motion with Leave of Court to Intervene and to Admit Attached Omnibus Motion for Reconsideration, Status Quo Ante Order, and for Oral Arguments[7] filed by movants-intervenors 1Sambayan Coalition, Cielo D. Magno, Dante B. Gatmaytan, Christian S. Monsod, Katrina Diane Noelle C. Monsod, Gen. Noel A. Baraceros, Bishop Gerardo A. Alminaza, Father Odine L. Areola, Fr. Geowen A. Porcincula, Fr. Joselito S. Sarabia, Fr. Emmanuel Alfonso, Pastor Eduardo P. De Guzman, and members of San Beda College Alabang Human Rights Center, namely Aramaine P. Balon, Gloriette Marie C. Abundo, Elvie T. Amiscosa, Gillian Aia G. Capili, Sarah Katrina T. Maralit, and Charmae Ann Sherina Maravilla; (3) Motion for Reconsideration Ad Cautelam[8] filed by movant-intervenors Percival V. Ceñdana, as a member of the House of Representatives, Sylvia Estrada Claudio, Francis Joseph A. Dee, Teresita Quintos Deles, Eugene Louie P. Gonzalez, Ma. Yvonne Christina C. Jereza, Alicia Murphy, and Filomena Cinco; (4) Omnibus Motion for Leave to Intervene, Adopt the Comment filed by Respondent House of Representatives dated March 6, 2025 as their Comment in Intervention, and to Admit the Attached Motion for Reconsideration[9] filed by movants-intervenors ACT Teachers Partylist Representative Antonio Tinio, KABATAAN Partylist Representative Renee Louise Co, France Castro, Arlene Brosas, Raoul Manuel, Liza Largoza Maza, Teodoro A. Casiño, Renato M. Reyes, Jr., Eufemia P. Doringo, Modesto Floranda, and Amirah Lidasan; and (5) Omnibus Motion for Leave to Intervene and Motion for Reconsideration in Intervention,[10] filed by Reverend Father Antonio Labiao, Jr., Reverend Father Joel Saballa, Reverend Father Ruben Villanueva, Wilfredo G. Villanueva, Pinky L. Tam, Union of Peoples' Lawyers in Mindanao, and Maria Loreto A. Lopez, seeking this Court's reconsideration of its July 25, 2025 Decision,[11] declaring the Articles of Impeachment against petitioner Vice President Duterte as unconstitutional and void ab initio.

The facts surrounding the impeachment case against the vice president, as culled from the case records and subsequent developments following the promulgation of the assailed Decision, are restated as follows:

In December 2024, three impeachment complaints were filed against the vice president: (1) the first impeachment complaint was filed on December 2, 2024 by private individuals and various organizations led by Teresita Quintos Deles, Father Flaviano Villanueva, and Gary Alejano, among others, and endorsed on the same day by Akbayan Partylist Representative Percival Ceñdana;[12] (2) the second impeachment complaint was filed on December 4, 2024 led by Bagong Alyansang Makabayan and endorsed on the same day by ACT Teachers Partylist Representative France Castro, Gabriela Partylist Representative Arlene Brosas, and Kabataan Partylist

Representative Raoul Manuel;[13] and (3) the third impeachment complaint was filed on December 19, 2024 by a coalition of religious workers, lawyers, and civil society members led by Father Antonio E. Labiao, Jr. and Father Joel Saballa of the Diocese of Novaliches, and Carmelite priests Father Rico Ponce and Father Esmeraldo Reforeal, and endorsed[14] by Camarines Sur Third District Representative Gabriel Bordado, Jr. and AAMBIS-OWA Partylist Representative Lex Anthony Cris Colada.[15]

These three impeachment complaints were filed pursuant to the first mode of initiation under Article XI, Section 3(2) of the Constitution,[16] as implemented by Rule II, Section 2(b) of the Rules of Procedure in Impeachment Proceedings (House Rules on Impeachment).[17] Under these provisions, private citizens may file a verified complaint for impeachment against an impeachable officer upon a resolution or endorsement by any member of the House of Representatives.[18]

The first three complaints alleged several grounds, as follows: (a) unaccounted or misused confidential and intelligence funds amounting to PHP 612.5 million from 2022 to 2025 with the Office of the Vice President and the Department of Education;[19] (b) fabricated or falsified liquidation reports;[20] (c) defiance of congressional oversight during budget deliberations;[21] (d) unexplained wealth and omissions in the vice president's Statement of Assets, Liabilities, and Net Worth;[22] (e) procurement irregularities in her capacity as secretary of Education;[23] (f) public threats to kill or contract an assassin to kill the president, the first lady, and the speaker of the House of Representatives;[24] (g) alleged involvement in Davao Death Squad killings in 2011 to 2013 and 2016 to 2022;[25] and (h) other high crimes and moral unfitness or psychological incapacity.[26]

The three complaints were referred to the speaker of the House on February 5, 2025.[27]

On that date, February 5, 2025, a fourth impeachment complaint was filed against Vice President Duterte by one-third of all the members of the House of Representatives, or 215 members,[28] pursuant to the second mode of initiation under Article XI, Section 3(4) of the Constitution,[29] as implemented by Rule II, Section 2(c) of the House Rules on Impeachment.[30]

The fourth impeachment complaint was transmitted to the plenary and included as an Additional Reference of Business of the 19th Congress's 36[th] Session, alongside the first three impeachment complaints.[31]

The secretary general confirmed that 215 members of the House of Representatives had signed and verified the fourth impeachment complaint. Representative and House Majority Leader Manuel Jose Dalipe (Majority Leader Dalipe) affirmed that the one-third constitutional threshold had been met, and thereafter moved for the immediate endorsement of the fourth impeachment complaint to the Senate.[32]

With no objection to the motion, the speaker of the House then directed the secretary general to immediately endorse the fourth impeachment complaint to the Senate, thereby constituting the Articles of Impeachment.[33]

After the approval to transmit the Articles of Impeachment to the Senate, Majority Leader Dalipe moved to send the first three impeachment complaints to the Archives. Again, with no objection to the motion, the House speaker ordered the archiving of the first three impeachment complaints.[34]

The 19th Congress adjourned its 36[th] Regular Session on February 5, 2025 at 7:27 p.m.[35] The 37[th] Regular Session was scheduled to resume on June 2, 2025.[36]

This Court takes judicial notice of the 19[th] Congress's House Rules on Impeachment, adopted on May 30, 2023 and published on June 2, 2023.[37]

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.), assailing the constitutionality of the fourth impeachment complaint. The Petitions were docketed as G.R. No. 278353 and G.R. No. 278359, respectively.[38]

On June 10, 2025, the Senate convened as an impeachment court.[39] Sitting in this capacity, the Senate voted to return the impeachment case to the House of Representatives to clarify its constitutionality. In response, the House issued Resolution No. 328, certifying the regularity and lawfulness of the proceedings that led to the constitution of the Articles of Impeachment.[40]

On June 13, 2025, the 19th Congress adjourned sine die.[41] The first three impeachment complaints remained archived and unacted upon at the time of adjournment.

On June 30, 2025, Vice President Duterte filed her Answer Ad Cautelam to the Articles of Impeachment before the Senate, reiterating her position that the impeachment complaint was void ab initio for violating the one-year bar rule under Article XI, Section 3(5) of the Constitution—the same argument she had raised before this Court as petitioner.[42]

On July 8, 2025, this Court issued a Resolution[43] directing all parties to respond and submit, under oath, the necessary documents relating to the procedure employed by the House of Representatives in handling the four impeachment complaints.

On July 16, 2025, respondent House of Representatives filed its Compliance.[44] It clarified the exact dates of filing of the first three impeachment complaints, their respective status,[45] and the number of session days that had lapsed from their endorsement to transmittal.[46] Regarding this Court's inquiries on the "preparation, circulation, and perusal of the impeachment complaint, as well as its attachments," respondent House of Representatives maintained that these are "matters [pertaining] to its internal proceedings ... [and] regarded as beyond the jurisdiction and scrutiny of this Honorable Court." [47]

On July 25, 2025, this Court issued the assailed Decision,[48] partially granting the Petitions and declaring the Articles of Impeachment unconstitutional and void ab initio for violating the one-year bar rule under Article XI, Section 3(5) of the Constitution and the constitutional requirements of due process.[49]

Respondent House of Representatives filed its Motion for Reconsideration dated August 4, 2025,[50] seeking reconsideration of this Court's July 25, 2025 Decision, the dismissal of the Petitions for lack of merit, and the reversal of the immediately executory nature of the Decision.[51]

Respondent House of Representatives maintains that it faithfully observed the procedure mandated in the Constitution in handling the first three impeachment complaints. It also asserts that the fourth impeachment complaint did not violate the one-year bar rule or the constitutional requirements on due process.[52] Further, it contends that even assuming it was bound by the new rules introduced by this Court in the assailed Decision, it should not be prejudiced for having relied on the existing guidelines established in *Francisco, Jr. v. House of Representatives*,[53] and thus seeks the prospective application of any new rule.[54]

On August 5, 2025, this Court directed petitioners Duterte and Torreon et al. to file their respective Comments within 10 days from receipt.[55]

On August 13, 2025, petitioners Torreon et al. filed their Comment to the Motion for Reconsideration.[56]

Petitioners Torreon et al. contend that respondent House of Representatives gravely abused its discretion when it archived the first three impeachment complaints and delayed taking action on them until the filing of the fourth

impeachment complaint, which they describe as a "calculated move to circumvent the one-year bar rule." [57]

First, petitioners Torreon et al. point out that the deliberate nonreferral of the first three impeachment complaints to the House Committee on Justice constituted a "blatant departure from the Constitution's prescribed impeachment procedure." [58] They stress that such "inaction cannot be used to perpetually freeze complaints to evade the [one-year] bar," as this would effectively "[manipulate] the impeachment process for political ends." [59] They note that by expanding the trigger to include termination through archiving, this Court addressed "the specific abuse of stalling minority-endorsed complaints to favor a majority-backed one." [60]

Second, petitioners Torreon et al. argue that respondent House of Representatives' position that the one-year bar was triggered only by the fourth complaint is a "self-serving and novel reading of the Constitution" and goes against established doctrine. [61]

Third, petitioners Torreon et al. oppose the prayer for prospective application, maintaining that the constitutional requirements, particularly the referral to the Committee on Justice and the observance of the one-year bar and adherence to due process, were already settled principles and not "new standards" as respondents claim. [62] They assert that this Court's Decision merely applied the doctrine laid down in the cases of Francisco and Gutierrez "to address procedural abuses that the House itself created" through its willful departure from already established procedures under the Constitution and jurisprudence. [63]

On August 11, 2025, petitioners Torreon et al. filed their Opposition to the Motions to Intervene (with Motion to Expunge Submissions), [64] seeking the denial of the intervenors' Motions for Reconsideration and to strike off these Motions from the records of the case. [65] They subsequently filed a Consolidated Comment / Opposition Ad Cautelam dated August 14, 2025, [66] reiterating the same arguments they raised in their Comment to the Motion for Reconsideration; [67] and a Supplemental Opposition dated August 15, 2025, [68] mainly arguing that the intervenors lack legal interest in the case [69] and that their Motions were filed out of time. [70]

On August 18, 2025, petitioner Duterte filed her Comment to the Motion for Reconsideration. [71]

Petitioner Duterte preliminarily argues that the Motion for Reconsideration is an unauthorized pleading, as the Office of the Solicitor General did not first submit it for deliberation and approval by the plenary of the 20th Congress. Consequently, she asserts that the Motion must be dismissed outright. [72]

Even assuming that the pleading was authorized by respondent House of Representatives, petitioner Duterte maintains that the House nonetheless committed grave abuse of discretion by exceeding its constitutional authority to initiate impeachment proceedings. She claims that the House of Representatives' "fixation[s] on peripheral details" diverts attention from issues already settled in the assailed Decision. [73]

First, petitioner Duterte contends that no plenary vote was conducted in the manner required by respondent House of Representatives' own Internal Rules of Procedure. [74]

Second, petitioner Duterte argues that the archival of the first three impeachment complaints constituted a "deliberate act of disposition," specifically an inaction that "indicates a calculated effort to evade the [one-year bar rule]." [75] She emphasizes that by neglecting these complaints, respondent House of Representatives failed to comply with the constitutional periods—10 session days to include the complaints in the Order of Business and three session days to refer them to the Committee on Justice. [76]

Third, petitioner Duterte posits that the Constitution, when interpreted as a whole, mandates the observance of due process at every stage of the proceedings, underscoring that impeachment is both a political and legal process. [77]

Finally, petitioner Duterte insists that the principle of prospective application should not apply in this case, arguing that jurisprudence allowing prospectivity is intended only to protect nonparties who would otherwise be affected by a ruling.[78]

From the arguments raised in the Motion for Reconsideration of respondent House of Representatives, the issues for this Court's resolution are as follows:

First, whether respondent House of Representatives committed grave abuse of discretion in the interpretation and application of their Rules of Impeachment in relation to the provisions of the Constitution;

Second, whether the House of Representatives had the discretion to choose which mode of impeachment to prioritize among several impeachment complaints; and

Third, whether petitioner Duterte's right to due process was violated when the House of Representatives transmitted the fourth impeachment complaint to the Senate.

Before addressing the substantive issues, this Court must first resolve the procedural question of whether the Office of the Solicitor General was authorized to file the Motion for Reconsideration on behalf of the House of Representatives of the 20[th] Congress.

Ordinarily, under Rule 3, Section 17[79] of the Rules of Court, a public officer who is a party to a case but ceases to hold office during its pendency may be substituted by their successor, provided that the successor is given an opportunity to be heard before the substitution. In this case, the respondent is the House of Representatives of the 19[th] Congress, which became *functus officio* as of July 30, 2025.[80] Thus, if this Court were to strictly apply the Rules of Court, the Office of the Solicitor General would first have to secure the authority of the House of Representatives of the 20[th] Congress before filing the Motion for Reconsideration.

The requirement of notice and opportunity to be heard in the substitution of parties is a principle grounded in due process. Considering that the House of Representatives of the 20[th] Congress made no objection before this Court to the Office of the Solicitor General's filing of the Motion for Reconsideration on its behalf, nor disputed any of the arguments raised in the Motion, it cannot be said that its right to due process was violated.

In any case, this Court has previously stated that "[a]bove all, the transcendental importance to the public of these cases demands that they be settled promptly and definitely, brushing aside, if we must, technicalities of procedure." [81] The novelty of the issues, the repercussions they may have on future cases, and the fact that this involves impeachment—an important accountability measure of the Constitution—are sufficient reasons to set aside lingering procedural issues such as the one raised by petitioner Duterte.

We proceed to resolve the Motion on the merits.

I.

Interpretation of the Rules of Impeachment of the House of Representatives during the 19[th] Congress

The House of Representatives has the prerogative to promulgate its own Rules of Impeachment.[82] These Rules must be consistent with the Constitution. Definitely, any deviation by the House of Representatives from its own Rules will be considered as a grave abuse of discretion.

We reproduce the entire Rules of Impeachment of the House of Representatives during its 19[th] Congress[83] for reference:

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.

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 ten (10) session days from receipt. It shall then be referred to the Committee on Justice within three (3) session days thereafter.

RULE III

Finding Probable Cause for Impeachment

A. COMMITTEE PROCEEDINGS

SECTION 4. Determination of Sufficiency in Form. – Upon due referral, the Committee on Justice shall determine whether the complaint is sufficient in form. If the committee finds that the complaint is insufficient in form, it shall return the same to the Secretary General within three (3) session days with a written explanation of the insufficiency. The Secretary General shall return the same to the complainant(s) together with the committee's written explanation within three (3) session days from receipt of the committee resolution finding the complaint insufficient in form.

SECTION 5. Determination of Sufficiency in Substance. – Should the committee find the complaint sufficient in form, it shall then determine if the complaint is sufficient in substance. The requirement of substance is met if there is a recital of facts constituting the offense charged and determinative of the jurisdiction of the committee. If the committee finds that the complaint is not sufficient in substance, it shall dismiss the complaint and shall submit its report as provided hereunder.

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.

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.

SECTION 8. Protection to Complainants or Witnesses. – The House may, upon proper petition, provide adequate protection to a complainant or witness if it is shown that the personal safety of the complainant or witness is in jeopardy because of participating in the impeachment proceeding.

SECTION 9. Report and Recommendation. – The Committee on Justice after hearing, and by a majority vote of all its Members, shall submit its report to the House containing its findings and recommendations within sixty (60) session days from the referral to it of the verified complaint and/or resolution. Together with the report shall be a formal resolution of the Committee regarding the disposition of the complaint which shall be calendared for consideration by the House within ten (10) session days from receipt thereof.

If the Committee finds by a vote of the majority of all its Members that a probable cause exists on the basis of the evidence adduced before the Committee, it shall submit with its report a resolution setting forth the Articles of Impeachment. Otherwise, the complaint shall be dismissed subject to Section 12 of these Rules.

SECTION 10. Report to be Calendared. – The Committee on Rules shall calendar the report and the accompanying resolution of the Committee on Justice regarding the disposition of the complaint in accordance

with the Rules of the House of Representatives. The House shall dispose of the report within sixty (60) session days from its submission by the Committee on Justice.

B. HOUSE ACTION

SECTION 11. Vote Required for Approval. – A vote of at least one-third (1/3) of all the Members of the House is necessary for the approval of the resolution setting forth the Articles of Impeachment. If the resolution is approved by the required vote, it shall then be endorsed to the Senate.

On the other hand, should the resolution fail to secure approval by the required vote, it shall result in the dismissal of the complaint for impeachment.

SECTION 12. Where Dismissal [is] Recommended. – When the report of the Committee on Justice dismisses the complaint, it shall submit to the House a resolution for the dismissal of the verified complaint and/or resolution of impeachment. A vote of at least one-third (1/3) of all the Members of the House shall be necessary to override such resolution, in which case the Committee on Justice shall forthwith prepare the Articles of Impeachment.

SECTION 13. Vote by Roll Call. – The voting on a resolution with the Articles of Impeachment of the Committee on Justice or a contrary resolution dismissing the impeachment complaint shall be by roll call, and the Secretary General shall record the vote of each Member.

RULE IV

Verified Complaint/Resolution by One-Third of Members

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 of 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)

RULE V

Bar Against Impeachment

SECTION 15. Scope of Bar. – No impeachment proceeding shall be initiated against the same official more than once within a period of one (1) year.

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.

RULE VII

Applicability of the Rules of Court

SECTION 17. Rules of Procedure. – The Rules of Court shall, as far as practicable, apply to impeachment proceedings before the House.

Adopted, May 30, 2023

Published, June 2, 2023[84]

The opening paragraph of Rule II, Section 2 and subsection (c) of the Rules of Impeachment clearly provides:

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

....

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

The opening paragraph seems to require that even a verified complaint or resolution of impeachment already filed by at least one-third of the members of the House of Representatives still needs referral to the Committee on Justice.

A strict textual reading appears to support this conclusion due to the use of the words "shall" and "filing and subsequent referral." Applying the rules on syntax and statutory construction, this seems to mean that both filing and referral to the Committee on Justice are imperative and conjunctive requirements for all the modes of initiating impeachment complaints.

We accord the House of Representatives its competence and power as the legislative branch of government in promulgating its Rules on Impeachment. However, in their interpretation of their Rules, it cannot contravene the clear and unambiguous provisions of the Constitution.

We cannot read the provision as implied by our colleague, Justice Raul B. Villanueva, to be worded this way:[85]

RULE II

Initiating Impeachment

SECTION 2. Mode of Initiating Impeachment. – Impeachment shall be initiated by:

(a)

the filing and referral to the Committee of Justice of a verified complaint for impeachment filed by any Member of the House of Representatives; or

(b)

the filing and referral of a verified complaint filed by any citizen upon a resolution of endorsement by any Member thereof; or

(c)

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

If it were to be crafted based on the House's interpretation, the wording should have expressly required that the

first mode of initiating an impeachment complaint under Rule II, Section 2(a) and (b) requires both filing and referral to the Committee on Justice while the second mode under Rule II, Section 2(c) only requires the filing of an impeachment complaint and no more referral to the Committee on Justice.

Instead, we read the current House Rules on Impeachment to mandatorily require referral of any complaint or complaints filed under Article XI, Section 3(2) or the first mode of initiating a complaint to the Committee on Justice.

However, based on the House Rules on Impeachment, the House of Representatives may also refer any complaint filed under Article XI, Section 3(4) or the second mode of initiating a complaint to the committee but only for a limited purpose. Clearly, the referral under the second mode of initiating an impeachment complaint is not mandatory.

The Court cannot ignore the formulation of this provision without undermining the constitutional prerogative of the House of Representatives to promulgate its own Rules of Impeachment. We cannot also read the provisions so that they contravene the provisions of the Constitution.

We assume that the speaker and members of the House of Representatives were fully aware of the two modes of initiating a complaint under Article XI, Section 3 of the Constitution:

SECTION 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.

(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.

Article XI, Section 3, subsections (2) and (3) cover the first mode of initiating an impeachment complaint.

Article XI, Section 3, subsection (4) covers the second mode of initiating an impeachment complaint.

In the first mode, as contemplated under subsections (2) and (3), impeachment is initiated through the regular and deliberative process in the House of Representatives. A verified complaint may be filed either by a member of the House or by a private citizen with the endorsement of a member. Upon filing, the complaint is referred to the House Committee on Justice, which evaluates its sufficiency in form and substance and conducts the appropriate hearings. Only after favorable committee action does the impeachment process proceed further. This mode therefore emphasizes institutional screening and committee review.

By contrast, subsection (4) introduces an alternative and more direct mechanism for initiating impeachment. Under this provision, a verified complaint or resolution of impeachment signed by at least one-third of all the members of the House of Representatives immediately initiates impeachment proceedings.

These provisions reflect a deliberate constitutional design; subsections (2) and (3) provide a structured and committee-directed approach, while subsection (4) allows a streamlined initiation when a sufficient level of consensus already exists.

Given the House's plenary power under the Constitution to craft its own Rules, the House formulated the present House Rules on Impeachment and required the filing and referral of the impeachment complaint under the two modes.

I.A.

Referral under the First Mode

The first mode of filing an impeachment complaint pertains to the filing of a complaint by a citizen, which should be subsequently endorsed by a member of the House of Representatives, or by the filing of a complaint by a member of the House.

In such cases, the Constitution and the House Rules on Impeachment require that impeachment complaints be included in the Order of Business within 10 session days from receipt, and referred to the Committee on Justice within three session days thereafter.

Rule II, Section 2, paragraphs (a) and (b) and Rule III provide for the procedure as detailed in the Rules of Impeachment approved by the House of Representatives.[86]

From the Rules of the House of Representatives, the purpose of the referral is for the Committee to receive the evidence for the purpose of evaluating it so that the Committee itself will draft the report to be submitted to the plenary. Also, the procedure already clearly respects the respondent's due process rights.

I.B.

Referral under the Second Mode

A cursory reading of Article XI, Section 3(4) might suggest that referral to a committee of the House is no longer necessary or even contrary to its intent.

The second mode exists because the Constitution requires that impeachment can commence with the support of only one-third of all the members of the House of Representatives.

However, the House Rules on Impeachment require that any ground raised in a complaint must be supported by evidence and that this evidence has been furnished to and evaluated by the endorsing member.

This is clear in the provision on verification in Rule IV, Section 14 of the House Rules on Impeachment, thus:

RULE IV

Verified Complaint/Resolution by One-Third of Members

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 of 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) (Emphasis supplied)

The verification requirement in the House Rules exacts compliance under oath that the endorsing members read the contents of the complaint and examined the evidence pertinent to the allegations.

To give effect to the House Rules on Impeachment, as well as to the intent of the constitutional provision, the optional referral to the Committee on Justice provided by the opening paragraph of Section 2 in relation to Subsection (c) of the same provision, if availed of by the House, should only be for the following purposes:

- (1) To ensure that the endorsement of the members of the House is verified;
- (2) To confirm that the evidence supporting the grounds in the complaint exists, and that every member has been given a copy of the complaint, as well as the evidence supporting it; and
- (3) To respect the Committee's prerogative to consolidate different formulations of the complaint, if any, so that only one complaint is endorsed to the plenary for transmittal to the Senate.

Unlike during the referral under the first mode, the Committee does not need to hold a hearing to present witnesses or documentary or other evidence. If the House opts to refer the complaint to the Committee under the second mode, the process is more expedited. It merely requires the endorsement by at least one-third of the members of the House.

Initiating an impeachment complaint under the second mode is the act of the entire House of Representatives. It does so with only a one-third vote of all its members, manifested through their endorsement and verification of a draft Articles of Impeachment. Thus, the transmittal of the endorsed complaint as the Articles of Impeachment can only be done in a plenary session where the transmittal is part of the Order of Business.

This means that all members of the House of Representatives should have been given copies of the complaint and its accompanying evidence. However, the transmittal should be made immediately if it appears that one-third of the House membership has already endorsed the complaint. Providing the other non-endorsing members with copies during plenary is not only a matter of courtesy but also so they can properly inform their constituents that an impeachment complaint has already been initiated. This is not idle ceremony, it is an essential so all members—not only those who endorse—can discharge their functions as representatives.[87]

II.

Distinguishing initiated complaints from sham complaints

This Court is aware that, as in this case, multiple impeachment complaints may sometimes be filed against the same official within the same period. Hence, in the assailed Decision, this Court introduced a rule:

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.[88] (Emphasis supplied)

This rule reinforces the doctrine established in the case of Gutierrez, which sought to prevent the filing of

frivolous or sham complaints.[89] Sham complaints may be weaponized to create a false "initiation" and, in effect, insulate an impeachable officer from legitimate impeachment proceedings for one year.

Under the House Rules on Impeachment, insufficiency of form determines whether an impeachment complaint is a sham complaint. While it should be the respondent House that determines how it dismisses sham complaints, the 19[th] Congress has, through its House Rules on Impeachment, determined that it be only through referral to the Committee on Justice.

Respondent House of Representatives, in turn, has already provided in its own Rules what constitutes a sham complaint.

At the minimum, an impeachment complaint is determined to be a sham complaint if: (1) under the first mode, it is not properly verified when it was first filed and, therefore, should not be included in the Order of Business, or it was not properly endorsed by a member of the House (Rule III, Sections 3 and 4); or (2) under the second mode, it is insufficient in form, such as when the signing members of the House did not properly verify in accordance with the House Rules on Impeachment (Rule IV, Section 14), or it was not endorsed by at least one-third of all members of the House in accordance with Article XI, Section 3(4) of the Constitution.

In any case, mindful of the doctrine of separation of powers, we reiterate that while this Court may define what constitutes initiation for constitutional purposes, we will not intrude upon the discretion of respondent House of Representatives, as a collective body, to determine whether an impeachment complaint is sufficient in form and in substance. This Court is likewise not positioned to make such factual determinations in the present case, particularly in deference to the House of Representatives, which opted not to respond to the Court's specific inquiry in its July 8, 2025 Resolution.[90]

The House Rules on Impeachment already provide guidance on how to address sham complaints or those that are not properly verified. It is not for this Court to dictate how the House of Representatives should exercise its discretion in making these determinations; neither is it within the authority of the speaker or the secretary general to do so unilaterally on behalf of the entire House.

III.

On the Priority between the First and Second Mode of Impeachment

We clarify that the Constitution accords no priority to either the first or the second mode of initiating an impeachment complaint. The House has the prerogative to file impeachment complaints, to dismiss impeachment complaints for being sham complaints or due to insufficiency in form or substance, to choose which among multiple complaints to prioritize, or to consolidate multiple complaints.

We thus rule that the transmittal of the Articles of Impeachment was not rendered invalid merely because it was based on the fourth complaint, which was endorsed by at least one-third of the members of the House of Representatives. Rather, the transmittal was invalid because it was already barred by Article XI, Section 3(5) of the Constitution.

The circumstances of this case are unique. At the time the House acted on the fourth impeachment complaint endorsed by at least one-third of all House members, three impeachment complaints had already been properly filed and endorsed under the first mode and remained pending.

The Constitution and the House Rules on Impeachment prescribe specific timelines within which the House must act on impeachment complaints filed under the first mode. Consequently, preference may be accorded to a complaint filed under the second mode only insofar as doing so does not result in the violation of the timelines or

procedural requirements governing complaints filed under the first mode.

During the deliberations of this Resolution, Justice Amy Lazaro-Javier and Justice Henri Jean Paul Inting submitted that the constitutional periods in Article XI should be interpreted to mean calendar days when respondent House is in session.[91]

Citing Gutierrez, Justice Lazaro-Javier pointed out that the constitutional mandates, particularly the prescribed timelines under the Constitution, are self-executing provisions that do not need legislation to take effect. Otherwise, they would be rendered ineffective by the action or inaction of Congress.[92]

Justice Inting also raised that the definition of a session day, as the term used in the Constitution, should be interpreted in its plain and ordinary meaning, and not as a technical term in legislation.[93]

We agree. Article XI, Section 3(2) provides for the constitutional periods to be observed by respondent House in impeachment proceedings, as follows:

(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)

We are aware that, for legislative purposes, a session day follows the interpretation of the House, which 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. In our July 25, 2025 Decision, we previously interpreted session days as follows:

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. Second, we consider how the Rules of the House of Representatives are interpreted and implemented by the House.[94]

However, this is not the only interpretation.

There are two approaches in interpreting the length of a session day: first, how respondent House applies it; and second, how the wording in the Constitution is to be interpreted within its plain, ordinary meaning. Ultimately, interpreting the Constitution is a judicial function. The role of the Judiciary is to give spirit to the values of every provision of the Constitution in light of its entire context and the present social reality.

Considering the two approaches, the intention of the impeachment process is that it be done expeditiously. If the allegations are true and can be proven during trial, an impeachable officer should not be allowed to continue to serve within the soonest possible time. Impeachable officers enumerated under Article XI, Section 2 play a significant role in the constitutional order and have a great impact on the Filipino people.

If, however, the allegations are not true, having an efficient and expeditious impeachment process means not subjecting the impeachable officer to further harassment.

The 10 session days is sufficient to include the complaint in the agenda and refer it to the proper committee. During this period, the House may decide to wait for other impeachment complaints, if any, such as in this case, to make sure that the impeachment is taken as a serious process and any sham complaint is not considered or entertained.

Based on the tabulated session days of the first three impeachment complaints submitted by Justice Inting in his Separate Concurring and Dissenting Opinion,[95] the House had session on the following dates:

Impeachment Complaints

Filing Date

Session days lapsed

First Impeachment Complaint

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

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

December 19, 2024

11 Session days: January 13, 14, 15, 20, 21, 22, 27, and 28, 2025; February 3, 4, and 5, 2025

Here, the 10 session days should be reckoned from the filing and endorsement of the first impeachment complaint on December 2, 2024. Thus, respondent House had until January 14, 2025 to include it in the Order of Business and until January 21, 2025 to refer it to the proper committee. As Justice Ramon Paul Hernando raised during deliberations, any delay in the proceeding is immoral.

Since the first impeachment complaint failed to follow the constitutional periods, any succeeding complaints are barred by Article XI, Section 3(5).

IV.

On Due Process of Law

There is insistence that the due process clause does not apply to impeachment proceedings.

One strand of the argument posits that Article XI of the Constitution should be interpreted separately from any provision in Article III, and that due process protections shall only be applicable during the Senate trial stage.

Another strand contends that entitlement to an elective public office such as the Office of the Vice President does not fall within the "life, liberty, or property" protected under Article III, Section 1 of the Constitution.

IV.A.

Nature of Impeachment

Impeachment—the power of Congress to remove the highest public officials for serious crimes and misconduct resulting in loss of public trust^[96]—is not merely a political process. It is a mechanism provided in the Constitution and, therefore, a constitutional, legal, and political process.^[97]

Impeachment was not designed to be merely adjudicatory, nor was it intended to operate exclusively as a political exercise. Rather, it draws from both legal and political foundations to ensure accountability at the highest levels of government. As such, impeachment proceedings must comply with the Constitution as a whole and must operate within its bounds, including the fundamental requirements of due process.

The Constitution mandates the observance of due process in all proceedings, including impeachment. Article III,

Section 1 provides:

SECTION 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.[98]

"Every person is guaranteed the right to due process before any judgment against them is issued." [99] Thus, applying due process principles to the constitutional provisions on impeachment is neither novel nor extraneous, but a necessary, holistic approach to giving full effect to the Constitution.

Due process is anchored on fairness and equity. It is flexible and context-dependent, shaped by the circumstances, subject matter, and necessities of the situation.[100] At its core, due process requires notice, hearing, and a fair opportunity to be heard.[101]

A due process issue arises "if a person has not been given the opportunity to squarely and intelligently answer the accusations or rebut the evidence presented against [them], or raise substantive defenses through the proper pleadings before a quasi-judicial body ... where [they stand] charged." [102]

At the same time, impeachment is undeniably political in character. The Constitution vests in Congress the exclusive power to initiate impeachment[103] and to promulgate its own rules to govern the process.[104] It is political in the sense that impeachment authority is exercised by politically accountable bodies: the House of Representatives, which initiates, and the Senate, which tries and decides.

This political character reflects the framers' intent to entrust the ultimate judgment over impeachable officials to the people's representatives. During the deliberations on Article XI, one of the framers proposed that procedural matters be left to Congress's discretion, as follows:

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 the Congress.[105] (Emphasis supplied)

However, impeachment being a legal, political, and constitutional process, Congress's authority is not unbridled. Where constitutional rights are violated or grave abuse of discretion is committed, judicial review lies. In cases where there is no grave abuse of discretion, this Court must defer to Congress. Where two interpretations of the Rules on Impeachment are possible—one consistent with the Constitution and the other not—the constitutional interpretation must prevail.

IV.B.

Inalienable Rights

Past jurisprudence already reflects recognition that the due process clause also applies to impeachment proceedings.

In his Separate Concurring Opinion in *Francisco*, former Chief Justice Artemio Panganiban explained:

The due process clause, enshrined in our fundamental law, is a *conditio sine qua non* that cannot be ignored in any proceeding—administrative, judicial or otherwise. It is deemed written into every law, rule or contract, even though not expressly stated therein. Hence, the House rules on impeachment, insofar as they do not provide the charged official with (1) notice and (2) opportunity to be heard prior to being impeached, are also

unconstitutional.[106] (Citations omitted)

Former Chief Justice Panganiban agreed that the impeachment proceedings against former Chief Justice Hilario Davide, Jr. were void ab initio for failure to comply with the twin requirements of notice and hearing. He further rejected the view that the Court lacks jurisdiction to intervene in impeachment proceedings simply because the House of Representatives has the "exclusive" power to initiate impeachment cases and the Senate the "sole" prerogative to try and decide them.[107] He also clarified that the jurisdiction of this Court may be invoked in cases of grave abuse of discretion:

3. The Constitution has granted many powers and prerogatives exclusively to Congress. However, when these are exercised in violation of the Constitution or with grave abuse of discretion, the jurisdiction of the Court has been invoked; and its decisions thereon, respected by the legislative branch. Thus, in *Avelino v. Cuenco*, the Court ruled on the issue of who was the duly elected President of the Senate, a question normally left to the sole discretion of that chamber; in *Santiago v. Guingona*, on who was the minority floor leader of the Senate; in *Daza v. Singson* and *Coseteng v. Mitra Jr.*, on who were the duly designated members of the Commission on Appointments representing the House of Representatives. It was held in the latter two cases that the Court could intervene because the question involved was "the legality, not the wisdom, of the manner of filling the Commission on Appointment as prescribed by the Constitution." [108] (Emphasis supplied, citations omitted)

The Court's intervention in such cases is not an intrusion into political questions, but the discharge of its duty to resolve justiciable controversies arising from constitutional violations.[109]

The phrase "right to life, liberty, or property" should not be read with undue literalism. It must be accorded reasonable flexibility to achieve its intent of protecting inherent and inalienable rights that could not have been exhaustively articulated at the time of its framing. The due process clause embodies the fundamental constitutional commitment to reasonableness, fairness, and non-arbitrariness. It envisions that we cannot have a true democratic and republican/representative state that is arbitrary and unfair.

The Office of the Vice President is neither decorative nor ornamental. It was deliberately created to ensure continuity in executive leadership.

Thus, extending due process protections in impeachment proceedings does not merely safeguard the incumbent, but also protects the electorate that entrusted the office to them and their right to have a competent and qualified commander-in-chief leading them.

In *Morfe v. Mutuc*, [110] this Court considered security of tenure as a constitutional guarantee "analogous to property" that should be protected by due process.[111]

However, the privilege to serve the public is more than just property. Security of tenure is founded on public trust, conferred by the electorate, whose right to competent and lawful governance must likewise be protected. Public service is sometimes a profession or even a vocation. In some cases, the public itself is invested in both the office and in its incumbent, as in the case of elected public officers. In this instance, the public selects the public officer who they will entrust the duty of delivering the kind of public service they want.

The right to the public office or the privilege to serve is not only a choice of occupation but an answer to the call of the electorate to deliver the public service committed to them. This right is not only held by the incumbent but also by the public, knowing that their chosen public officers serve them.

Jurisprudence also provides that due process is a malleable and flexible concept anchored on fairness and equity and dependent on the circumstances, subject matter, and necessities of the situation.[112] It does not have a controlling and precise definition but responds to reason, obeys justice, and avoids arbitrariness and

unfairness.[113] It does not have a particular form of procedure but nonetheless protects substantial rights[114] and promotes orderly administration of justice.

IV.C.

Impeachment Proceedings are Sui Generis

We clarify further that the application of the due process clause in impeachment proceedings at the initiation stage is sui generis.

Particularly under the second mode of impeachment, and as raised by Chief Justice Alexander G. Gesmundo during deliberations, due process is required under the House of Representatives' own Rules. This due process requirement is a class of its own because it does not demand an administrative hearing or a mandatory referral of the impeachment complaint to the Committee on Justice.

For the process of initiating the impeachment complaint under Article XI, Section 3(4), due process only requires:

One. The grounds invoked in the complaint or resolution are those contained in Article XI, Section 2 of the Constitution.

Two. The procedure is governed by the Rules on Impeachment promulgated by the House of Representatives prior to any filing of any impeachment complaint.

Three. As already provided by the current House Rules on Impeachment, all endorsing members should have been given a copy of the complaint and all its supporting evidence.

V.

The Doctrine of Operative Fact

Respondents submit that the July 25, 2025 Decision should be applied and enforced only "prospectively in the commencement of future impeachment complaints,"[115] arguing that its immediate application "would simply be unfair." [116] They also suggest that the "doctrine of operative fact" should apply to this case to justify the prospective applicability of the guidelines stated in the Decision.[117]

The general rule for the applicability of laws and administrative acts can be found in Article 7 of the Civil Code, which states:

ARTICLE 7. Laws are repealed only by subsequent ones, and their violation or non-observance shall not be excused by disuse, or custom or practice to the contrary.

When the courts declare a law to be inconsistent with the Constitution, the former shall be void and the latter shall govern.

Administrative or executive acts, orders and regulations shall be valid only when they are not contrary to the laws or the Constitution.

In the 1971 case of *Serrano de Agbayani v. Philippine National Bank*,[118] this Court was confronted with the issue of whether a bank could still foreclose on a mortgage in 1959 for a loan that matured in 1944. The debtor's defense was that the period for foreclosure had already prescribed. The bank argued, however, that in 1945, a law had decreed a moratorium on the collection of loans, which was subsequently nullified in 1948. The nullification of the law had been further affirmed by the 1953 case of *Rutter v. Esteban*. [119] In resolving the issue, the Court explained:

The decision now on appeal reflects the orthodox view that an unconstitutional act, for that matter an executive order or a municipal ordinance likewise suffering from that infirmity, cannot be the source of any legal rights or duties. Nor can it justify any official act taken under it. Its repugnancy to the fundamental law once

judicially declared results in its being to all intents and purposes a mere scrap of paper. As the new Civil Code puts it: "When the courts declare a law to be inconsistent with the Constitution, the former shall be void and the latter shall govern. Administrative or executive acts, orders and regulations shall be valid only when they are not contrary to the laws of the Constitution." It is understandable why it should be so, the Constitution being supreme and paramount. Any legislative or executive act contrary to its terms cannot survive.

Such a view has support in logic and possesses the merit of simplicity. It may not however be sufficiently realistic. It does not admit of doubt that prior to the declaration of nullity such challenged legislative or executive act must have been in force and had to be complied with. This is so as until after the judiciary, in an appropriate case, declares its invalidity, it is entitled to obedience and respect. Parties may have acted under it and may have changed their positions. What could be more fitting than that in a subsequent litigation regard be had to what has been done while such legislative or executive act was in operation and presumed to be valid in all respects. It is now accepted as a doctrine that prior to its being nullified, its existence as a fact must be reckoned with. This is merely to reflect awareness that precisely because the judiciary is the governmental organ which has the final say on whether or not a legislative or executive measure is valid, a period of time may have elapsed before it can exercise the power of judicial review that may lead to a declaration of nullity. It would be to deprive the law of its quality of fairness and justice then, if there be no recognition of what had transpired prior to such adjudication.

In the language of an American Supreme Court decision: "The actual existence of a statute, prior to such a determination [of unconstitutionality], is an operative fact and may have consequences which cannot justly be ignored. The past cannot always be erased by a new judicial declaration. The effect of the subsequent ruling as to invalidity may have to be considered in various aspects, with respect to particular relations, individual and corporate, and particular conduct, private and official." This language has been quoted with approval in a resolution in *Araneta v. Hill* and the decision in *Manila Motor Co., Inc. v. Flores*. An even more recent instance is the opinion of Justice Zaldivar speaking for the Court in *Fernandez v. Cuerva and Co.*[120] (Citations omitted)

In *Commissioner of Internal Revenue v. San Roque Power Corporation*,[121] the doctrine of operative fact is described as "an exception to the general rule, such that a judicial declaration of invalidity may not necessarily obliterate all the effects and consequences of a void act prior to such declaration." [122] This Court further stated:

[F]or the operative fact doctrine to apply, there must be a "legislative or executive measure," meaning a law or executive issuance, that is invalidated by the court. From the passage of such law or promulgation of such executive issuance until its invalidation by the court, the effects of the law or executive issuance, when relied upon by the public in good faith, may have to be recognized as valid.[123]

As an exception to a general rule, the doctrine "is resorted to only as a matter of equity and fair play." [124] In *Araullo v. Aquino III*,[125] although the Disbursement Acceleration Program (DAP) was unconstitutional, its consequences and all its related issuances could no longer be undone without causing grave inequity, given the scale of reliance, the good faith of the actors involved, and the irreversible nature of the resulting public projects:

The doctrine of operative fact recognizes the existence of the law or executive act prior to the determination of its unconstitutionality as an operative fact that produced consequences that cannot always be erased, ignored or disregarded. In short, it nullifies the void law or executive act but sustains its effects. It provides an exception to the general rule that a void or unconstitutional law produces no effect. But its use must be subjected to great scrutiny and circumspection, and it cannot be invoked to validate an unconstitutional law or executive act, but is resorted to only as a matter of equity and fair play. It applies only to cases where extraordinary circumstances exist, and only when the extraordinary circumstances have met the stringent conditions that will permit its application.

We find the doctrine of operative fact applicable to the adoption and implementation of the DAP. Its

application to the DAP proceeds from equity and fair play. The consequences resulting from the DAP and its related issuances could not be ignored or could no longer be undone.

....

It is clear from the foregoing that the adoption and the implementation of the DAP and its related issuances were executive acts. The DAP itself, as a policy, transcended a merely administrative practice especially after the Executive, through the DBM, implemented it by issuing various memoranda and circulars. The pooling of savings pursuant to the DAP from the allotments made available to the different agencies and departments was consistently applied throughout the entire Executive. With the Executive, through the DBM, being in charge of the third phase of the budget cycle — the budget execution phase, the President could legitimately adopt a policy like the DAP by virtue of his primary responsibility as the Chief Executive of directing the national economy towards growth and development. This is simply because savings could and should be determined only during the budget execution phase.

As already mentioned, the implementation of the DAP resulted into the use of savings pooled by the Executive to finance the PAPs that were not covered in the GAA, or that did not have proper appropriation covers, as well as to augment items pertaining to other departments of the Government in clear violation of the Constitution. To declare the implementation of the DAP unconstitutional without recognizing that its prior implementation constituted an operative fact that produced consequences in the real as well as juristic worlds of the Government and the Nation is to be impractical and unfair. Unless the doctrine is held to apply, the Executive as the disburser and the offices under it and elsewhere as the recipients could be required to undo everything that they had implemented in good faith under the DAP. That scenario would be enormously burdensome for the Government. Equity alleviates such burden.

The other side of the coin is that it has been adequately shown as to be beyond debate that the implementation of the DAP yielded undeniably positive results that enhanced the economic welfare of the country. To count the positive results may be impossible, but the visible ones, like public infrastructure, could easily include roads, bridges, homes for the homeless, hospitals, classrooms and the like. Not to apply the doctrine of operative fact to the DAP could literally cause the physical undoing of such worthy results by destruction, and would result in most undesirable wastefulness.[126] (Citations omitted)

This Court further emphasized that the doctrine "can be invoked only in situations where the nullification of the effects of what used to be a valid law would result in inequity and injustice:"[127]

This doctrine, in the interest of justice and equity, can be applied liberally and in a broad sense to encompass said decisions of the executive branch. In keeping with the demands of equity, the Court can apply the operative fact doctrine to acts and consequences that resulted from the reliance not only on a law or executive act which is quasi-legislative in nature but also on decisions or orders of the executive branch which were later nullified. This Court is not unmindful that such acts and consequences must be recognized in the higher interest of justice, equity and fairness.[128]

Likewise, laws and governmental acts are presumed constitutional until otherwise declared to the contrary by this Court, and thus the public should not be penalized for its reliance in good faith in its validity. Justice Fernando explains in his Concurring Opinion in *Municipality of Malabang v. Benito*: [129]

Since under our Constitution, judicial review exists precisely to test the validity of executive or legislative acts in an appropriate legal proceeding, there is always the possibility of their being declared inoperative and void. Realism compels the acceptance of the thought that there could be a time-lag between the initiation of such Presidential or congressional exercise of power and the final declaration of nullity. In the meanwhile, it would be productive of confusion, perhaps at times even of chaos, if the parties affected were left free to speculate as to its fate being one of doom, thus leaving them free to disobey it in the meanwhile. Since, however, the orderly processes of government, not to mention common sense, requires that the presumption of validity be

accorded an act of Congress or an order of the President, it would be less than fair, and it may be productive of injustice, if no notice of its existence as a fact be paid to it, even if thereafter, it is stricken down as contrary, in the case of Presidential act, either to the Constitution or a controlling statute.[130]

Thus, the doctrine of operative fact is a doctrine rooted in equity and fair play. It calls for the prospective application of this Court's decision when the consequences of nonprospectivity would result, for example, in "the physical undoing of [worthy results such as public infrastructure, could easily include roads, bridges, homes for the homeless, hospitals, classrooms, and the like] by destruction" or "most undesirable wastefulness." [131] The consequences must be of a magnitude that it can no longer be undone. Thus, the doctrine of operative fact does not apply in every case where parties invoke it.

In *Mandanas v. Ochoa*, [132] the doctrine of operative fact "applies only to cases where extraordinary circumstances exist, and only when the extraordinary circumstances have met the stringent conditions that will permit its application." [133] *Film Development Council of the Philippines v. Colon Heritage Realty Corporation* [134] explains further:

Therefore, in applying the doctrine of operative fact, courts ought to examine with particularity the effects of the already accomplished acts arising from the unconstitutional statute, and determine, on the basis of equity and fair play, if such effects should be allowed to stand. It should not operate to give any unwarranted advantage to parties, but merely seeks to protect those who, in good faith, relied on the invalid law. [135]

In *Commissioner of Internal Revenue v. San Roque Power Corporation*, [136] this Court hesitated to apply the doctrine to a mere administrative practice not formalized as a rule or ruling and not known to the general public:

Under Section 246, taxpayers may rely upon a rule or ruling issued by the Commissioner from the time the rule or ruling is issued up to its reversal by the Commissioner or this Court. The reversal is not given retroactive effect. This, in essence, is the doctrine of operative fact. There must, however, be a rule or ruling issued by the Commissioner that is relied upon by the taxpayer in good faith. A mere administrative practice, not formalized into a rule or ruling, will not suffice because such a mere administrative practice may not be uniformly and consistently applied. An administrative practice, if not formalized as a rule or ruling, will not be known to the general public and can be availed of only by those with informal contacts with the government agency. [137]

While *Araullo* recognized the beneficial effects that would be undone based on a good faith application of an otherwise invalid executive act, not all alleged "beneficial consequences" are to be considered in applying the doctrine. In *Concerned Officials and Employees of the National Food Authority-Regional Office No. II, Santiago, Isabela v. Commission on Audit*, [138] the continuous grant of benefits to employees did not merit retroactive application in circumstances where the facts clearly show a failure to comply with the pertinent rules and regulations:

The situation in the case at bar, however, does not call for the application of the doctrine of operative fact. The basis of the underlying disallowance that precipitated this case was not because of a statute, law, or executive issuance or act being judicially declared unconstitutional or invalid. The disallowance was for failure to follow the pertinent laws or rules for the grant of additional benefits to NFA personnel. As a rule, originating from considerations of equity, the doctrine does not and cannot bypass or erase laws, rules, or regulations that apply to a certain state of facts on the basis of an allegation that an executive act or issuance is valid because of its beneficial consequences — in this case the grant of FGI to NFA personnel — when these state of facts clearly demonstrate a failure to comply with the pertinent laws, rules, or regulations. This is not how the doctrine of operative fact should be applied. To subscribe to this line of thinking that petitioners would most certainly render the audit power of COA over the use of public funds nugatory. [139]

Thus, the doctrine of operative fact is not a tool to legitimize noncompliance with rules, regulations, laws, or the

Constitution, or to validate unlawful or unconstitutional acts. It can only be invoked by the party who acted in good faith, and cannot be used by a party directly responsible in the commission of an illegal or unlawful act. An Opinion in *Araullo v. Aquino III*[140] explains:

As a rule of equity, the doctrine of operative fact can be invoked only by those who relied in good faith on the law or the administrative issuance, prior to its declaration of nullity. Those who acted in bad faith or with gross negligence cannot invoke the doctrine. Likewise, those directly responsible for an illegal or unconstitutional act cannot invoke the doctrine. He who comes to equity must come with clean hands, and he who seeks equity must do equity. Only those who merely relied in good faith on the illegal or unconstitutional act, without any direct participation in the commission of the illegal or unconstitutional act, can invoke the doctrine.[141] (Citation omitted)

Most recently, in *Castañeda v. Commission on Audit*,[142] this Court emphasized:

To stress, the doctrine of operative fact is an equitable tool designed to mitigate the unintended negative consequences of the subsequent invalidation of statutes or executive issuances. It is not a tool to validate or excuse actions that were never lawful in the first place.[143]

In this case, the doctrine of operative fact has doubtful applicability. The July 25, 2025 Decision squarely found that respondent House of Representatives failed to comply with the requirements of Article XI, Section 3 of the Constitution and its own House Rules on Impeachment in initiating the impeachment complaints, effectively resulting in a violation of petitioner Duterte's fundamental right to due process. The operative fact invoked by respondents—the transmittal to the Senate of the Articles of Impeachment against petitioner Duterte—was itself tainted by serious constitutional and procedural infirmities, all of which were already extensively discussed in the assailed Decision and reiterated in this Resolution.

We clarify the constitutional requirements of impeachment:

First, the impeachment process is primarily a legal, political, and constitutional procedure. 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.[144] However, the application of the due process clause in the initiation stage of the impeachment process is *sui generis*.

Second, given the nature of the offices and institutions subject to impeachment, the effect of impeachment on the independence of constitutional departments and organs, and its status as a constitutional process, and our power under Article VIII, Section 1, constitutional issues involving impeachment proceedings may, in proper cases, be subject to judicial review.

The Court does not determine when, who, and whether an impeachable officer may be removed and disqualified from political office. It only has the duty to construe the process in proper cases and its limitations as mandated by the Constitution.[145]

Third, Article XI, Section 3(2) of the Constitution requires that a verified impeachment complaint be immediately put in the Order of Business within 10 session days from its endorsement. A session day, only for purposes of this constitutional provision, means a calendar day on which the House of Representatives holds a plenary session.

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. The House may opt to consolidate all properly commenced and endorsed impeachment complaints.[146]

We are aware that for legislative purposes, a session day follows the interpretation of the House, which 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.

However, for the initiation stage of impeachment which is a constitutional process, a session day is a calendar day in which the House of Representatives holds a session. This aligns with the primordial value of accountability of impeachable public officials and therefore that impeachment proceedings should be accorded the weight and priority that it is due.

Respondents were therefore not 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 within 10 session days. Thus, the fourth impeachment complaint, even if endorsed by more than one-third of all the members of the House of Representatives, is barred by Article XI, Section 3(5) of the Constitution.

Fourth, complaints based on the first mode or Article XI, Section 3(2) is deemed to have been initiated for purposes of the one-year bar under Section 3(5) when: (a) it is referred to the Committee on Justice; (b) it is properly verified and endorsed by a member of the House of Representatives and it is not put in the Order of Business or referred to the proper committee within the constitutional periods; (c) it is properly verified and endorsed or it has been properly referred to the proper committee but has not been acted upon by the House upon its adjournment sine die.

For this purpose, we reiterate and amplify *Gutierrez v. House of Representatives*[147] based on the facts of this case.

Complaints based on the second mode or Article XI, Section 3(4) of the Constitution are deemed initiated for purposes of the one-year bar under Article XI, Section 3(5) upon the valid endorsement of at least one-third of all the members of the House of Representatives. A valid endorsement includes valid verifications from all endorsing members that they have also seen the evidence supporting the allegations of the complaint as provided in the current Rules on Impeachment of the House of Representatives.

Fifth, we clarify that in cases of multiple complaints, the Constitution does not require any priority between the first and second modes of initiating impeachment complaints. The process of gathering support for impeachment complaints under the second mode is not constitutionally prohibited, even while the House is considering complaints filed under the first mode. However, the second mode of impeachment will be barred under Article XI, Section 3(5) if there are pending complaints under the first mode that violate the periods mandated in the Constitution.

Sixth, the House of Representatives has the prerogative to determine that the requirements of the second mode of initiating a complaint under Article XI, Section 3(4)—that it is properly verified, accompanied with evidence and endorsed by at least one-third of all its members—have been met. This process can be done by the plenary of the House of Representatives, or through the verification of the appropriate committee prior to the endorsement of the majority floor leader or as provided for in the Rules for transmittal in plenary session, or any other alternative means at the discretion of the House of Representatives.

However, the House of Representatives of the 19th Congress provided in Section 2 of its Rules of Impeachment that the complaint be referred to the Committee on Justice. Granting respect to the ability of the House of Representatives to craft its own rules, and the presumption of constitutionality, we interpret that to mean that the referral to the Committee for complaints under the second mode of initiating an impeachment complaint, that is when there is at least one-third of all its members who have endorsed and verified, is not mandatory.

To be consistent with the Constitution, when the House opts to refer a complaint under the second mode of initiating an impeachment complaint to the Committee on Justice, it is only for the following purposes:

- (1) To ensure that the endorsement of the members of the House is verified;
- (2) To confirm that the evidence supporting the grounds in the complaint exists, and that every endorsing member has been given a copy of the complaint, as well as the evidence supporting it; and
- (3) To respect the House's prerogative to consolidate multiple complaints, if any, so that only one complaint is endorsed to the plenary for transmittal to the Senate.

Referral to the Committee on Justice under the first mode of initiating impeachment complaints is for a different purpose, that is the determination of the sufficiency in form and substance. This is different from referral to the Committee on Justice to verify whether the requirements of the second mode as stated above have been fully complied with.

Obviously, sham complaints—for example, those that are not verified—should be dismissed immediately. These types of dismissals will not trigger the one-year ban covered under Article XI, Section 3(5) of the Constitution.

Seventh, 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.^[148] Due process as applied to the impeachment process is *sui generis*.

Eighth, the fairness and non-arbitrariness principles of due process for the second mode or for transmittals under Article XI, Section 3(4) 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 meet the quantum of proof determined by the House of Representatives to establish the charges in the Articles of Impeachment;
- (3) During the plenary that endorses the draft Articles of Impeachment, their accompanying evidence should also be made available to all the members of the House of Representatives for their information. The Constitution, however, requires that the transmittal can be made for so long as there is at least one-third of all the members who have endorsed the complaint.
- (4) The respondent's opportunity to be fully heard on the entire Articles of Impeachment and the supporting evidence shall be during the trial in the Senate;
- (5) 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 offenses described in Article XI, Section 2. For the other impeachable officers, the acts must be sufficiently grave that they undermine and outweigh the respect for their constitutional independence and autonomy.

Again, while we deem the fourth complaint as barred by Article XI, Section 3(5) under the unique circumstances of this case, we underscore that the July 25, 2025 Decision did not absolve Vice President Duterte. At the House's discretion, the grounds raised in the Articles of Impeachment may again be raised based on any evidence that may have been discovered, if any. It is for Congress, by initiation of the House of Representatives and trial by the Senate, to determine the fate of the incumbent Vice President.

A FINAL NOTE

The Court once more underscores the nature of all public office as a public trust. We emphasize that impeachment, carried out in accordance with the promulgated rules for initiation by the House of Representatives and trial by the Senate, and, more importantly, in accordance with the Constitution, is a powerful public and democratic process to ensure accountability.

Corruption and abuse in any form are a failure to discharge the public trust. It is a failure of the incumbent who, given the temporary privilege of power, fails to discharge the fiduciary agency given to them by its principal: our people.

Impeachment is a powerful democratic process to call out corruption and grave abuse.

But impeachment can be abused. It has never been imagined in our basic law as a tool for the powerful to maintain the status quo, to maintain a political faction in power by silencing independent, strident, and insistent critics. Impeachment should never be abused to maintain the hegemonic dominance of greed by shaming those who occupy high government positions into preventing them into doing what they were sworn to do.

This is why impeachment has been designed so that it is not merely a political process initiated by mere allegations or by perceived public acclaim shaped by the propagandistic effect of timed press releases or irresponsible viral posts on social media. Impeachment is conscious, deliberate, and grave. Impeachment is a constitutional, legal, and political process.

Justice works not with the speed of a social media commentary but with the due, deliberate, conscious, and impartial consideration of issues properly framed and with evidence fairly presented.

The mandate of this Court is to check abuses by examining the process and ensuring that its interpretation of the rules, the law, and the Constitution cannot be used to undermine the values and the goals embedded in the impeachment process. Every justice that sits in this Court should have the moral courage to have that foresight and the conscience to decide justly, even if their decision produces a result contrary to their political predilections.

Judicial decisions are laid down not for the political convenience of a faction of those in power. Judicial decisions are also not laid down for the political convenience of the opposition.

The rule of law that does justice is our lodestar. Justice includes accountability. Justice also includes fairness. Without fairness, there is abuse. This fairness is what our democracy is all about.

There is a right way to do the right thing at the right time. That is inherent in the rule of law. That is inherent in the rule of justice.

ACCORDINGLY, the Motion for Reconsideration is DENIED WITH FINALITY.

The following Motions are NOTED:

- The Consolidated Motion with Leave of Court to Intervene and Admit the Attached Omnibus Motion for Reconsideration, Status Quo Ante Order, and for Oral Arguments dated August 1, 2025 filed by movants-intervenors 1Sambayan Coalition et al.;
- Omnibus Motion for Leave to Intervene, Adopt the Comment filed by respondent House of Representatives dated March 6, 2025, and Admit the Attached Motion for Reconsideration dated August 7, 2025 filed by movants-intervenors-respondents ACT Teachers Partylist Representative Antonio Tinio et al.;
- Omnibus Motion for Leave to Intervene and Motion for Reconsideration in Intervention, the Omnibus Motion (1. For Reconsideration; 2. For Status Quo Ante Order; and 3. For Oral Arguments) dated August 8, 2025 filed by movants-intervenors Rev. Fr. Antonio Labiao, Jr. et al.;

- Motion for Reconsideration Ad Cautelam and Joint Motion for Reconsideration [of the Decision dated July 25, 2025] dated August 1, 2025 filed by intervenors Percival V. Ceñdana et al.;
- Opposition to the Motions to Intervene (with Motions to Expunge Submissions) dated August 11, 2025 filed by petitioners in G.R. No. 278353;
- Consolidated Comment/Opposition Ad Cautelam (to the Motions for Reconsideration filed by Movants-Intervenors) dated August 14, 2025 filed by petitioners in G.R. No. 278359;
- Supplemental Opposition (to the Motion to Intervene of Labiao, Jr. et al.; to the Motion for Status Quo Ante Order; and to the Motion for Oral Arguments) dated August 15, 2025 filed by petitioners in G.R. No. 278359; and
- Motion for Leave of Court to Intervene with Attached Petition-In-Intervention dated September 11, 2025 filed by movant-intervenor Henry R. Giron.

This Resolution is IMMEDIATELY EXECUTORY. It shall be deemed served on the parties 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.

No further pleadings shall be allowed.

Let entry of judgment be issued IMMEDIATELY.

SO ORDERED.

Gesmundo, C.J., Zalameda, Gaerlan, J. Lopez, Dimaampao, Marquez, and Kho, Jr., JJ., concur.

Caguioa,[*] J., no part.

Hernando, Inting, and Rosario, JJ., see separate concurring opinion.

Lazaro-Javier and Villanueva, JJ., see separate opinion.

Singh,**] J., on leave.

[*] No part.

[**] On leave.

[1] Duterte v. House of Representatives, G.R. Nos. 278353 and 278359, July 25, 2025 [Per S.A.J. Leonen, En Banc] at 3. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

[2] Id.

[3] Id.

[4] 660 Phil. 271 (2011) [Per J. Carpio-Morales, En Banc].

[5] Duterte v. House of Representatives, G.R. Nos. 278353 and 278359, July 25, 2025 [Per S.A.J. Leonen, En Banc] at 4.

[6] Motion for Reconsideration (Respondent House of Representatives) dated August 4, 2025, pp. 1-71.

[7] Consolidated Motion with Leave of Court to Intervene and to Admit Attached Omnibus Motion for Reconsideration, Status Quo Ante Order, and for Oral Arguments (Movants-Intervenors 1Sambayan Coalition et al.) dated August 1, 2025, pp. 1-23; Omnibus Motion for Reconsideration (Movants-Intervenors 1Sambayan Coalition et al.) dated August 1, 2025, pp. 1-116.

- [8] Motion for Reconsideration Ad Cautelam (Movants-Intervenors Cendeña et al.) dated August 1, 2025, pp. 1-22.
- [9] Omnibus Motion for Leave to Intervene, Adopt the Comment filed by respondent House of Representatives dated March 6, 2025 as their Comment in Intervention, and to Admit the Attached Motion for Reconsideration (Movants-Intervenors ACT Teachers Partylist et al.) dated August 7, 2025, pp. 1-27; Joint Motion for Reconsideration dated August 7, 2025, pp. 1-27.
- [10] Omnibus Motion for Leave to Intervene and Admit Attached Motion for Reconsideration in Intervention (Movants-Intervenors Labiao, Jr. et al.) dated August 8, 2025, pp. 1-88.
- [11] Duterte v. House of Representatives, G.R. Nos. 278353 and 278359, July 25, 2025 [Per S.A.J. Leonen, En Banc].
- [12] Compliance (Respondent House of Representatives) dated July 16, 2025, pp. 4, 6; See Annex B to the Petition, Impeachment Complaint dated December 2, 2024, pp. 1-50.
- [13] Compliance (Respondent House of Representatives) dated July 16, 2025, pp. 4, 6; See Annex C to the Petition, Impeachment Complaint dated December 4, 2024, pp. 1-48.
- [14] The endorsement did not contain any dates. See Annex D to the Petition, Impeachment Complaint dated December 19, 2024, pp. 1-2.
- [15] Compliance (Respondent House of Representatives) dated July 16, 2025, pp. 4, 6; see Annex D to the Petition, Impeachment Complaint dated December 19, 2024, pp. 1-48.
- [16] Motion for Reconsideration (Respondent House of Representatives) dated August 4, 2025, p. 5.
- [17] Comment (Respondent House of Representatives) dated March 24, 2025, p. 4; see Rules of Procedure in Impeachment Proceedings (2023), Rule II, sec. 2(b), which provides:

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

....

(b) a verified complaint filed by any citizen upon a resolution of endorsement by any Member thereof[.]

- [18] CONST., art. XI, sec. 3(2) reads:

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). See also Rules of Procedure in Impeachment Proceedings (2023), Rule II, sec. 2; Francisco, Jr. v. House of Representatives, 460 Phil. 830 (2003) [Per J. Carpio-Morales, En Banc].

- [19] See Annex B (First Impeachment Complaint dated December 2, 2024), pp. 4-7, 8-11; Annex C (Second Impeachment Complaint dated December 4, 2024), pp. 15-28; and Annex D (Third Impeachment Complaint dated December 19, 2024), pp. 63-66.
- [20] See Annex C (Second Impeachment Complaint dated December 4, 2024), pp. 28-34.

[21] See Annex B (First Impeachment Complaint dated December 2, 2024), pp. 7-8 and Annex C (Second Impeachment Complaint dated December 4, 2024), pp. 34-39.

[22] See Annex B (First Impeachment Complaint dated December 2, 2024), pp. 18-19.

[23] Id. at 16-17.

[24] Id. at 24, 31-33.

[25] Id. at 23-24.

[26] Id. at 25-26, 28-31.

[27] Comment (Respondent House of Representatives) dated July 16, 2025, p. 4.

[28] Motion for Reconsideration (Respondent House of Representatives) dated August 4, 2025, p. 7. See Journal No. 36, House, 19[th] Congress, Third Regular Session (February 3 to 5, 2025), pp. 75-76.

[29] CONST., art. XI, sec. 3(4) reads:

SECTION 3. —

....

(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.

[30] Comment (Respondent House of Representatives) dated March 24, 2025, p. 4. See Rules of Procedure in Impeachment Proceedings (2023), Rule II, sec. 2(c), which provides:

SECTION 2. Mode of Initiating Impeachment. — Impeachment shall be initiated by the filing and subsequent referral to the Committee on Justice of:

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

[31] Motion for Reconsideration (Respondent House of Representatives) dated August 4, 2025, p. 5; See Journal No. 36, House, 19[th] Congress, Third Regular Session (February 3 to 5, 2025), p. 75; See Annex 1 (Additional Reference of Business) of Compliance dated July 16, 2025 (Respondent House of Representatives), p. 1.

In the assailed Decision, footnote 30 on p. 8 was misplaced. It should have been placed five words prior to the original placement. This will be corrected according to how errors in proofreading are usually corrected by the Court in due time. With the promulgation of this Resolution, the corrected pages will be released, published, and served to the parties. Whether there was a plenary vote or not is not determinative of the resolution of this case. (See *Duterte v. House of Representatives*, G.R. Nos. 278353 and 278359, July 25, 2025 [Per S.A.J. Leonen, En Banc] at 8.) The misplacement of the footnote did not affect the substantive reasoning in the main Decision.

[32] Motion for Reconsideration (Respondent House of Representatives) dated August 4, 2025, p. 8; See Journal No. 36, House, 19[th] Congress, Third Regular Session (February 3 to 5, 2025), p. 75.

[33] Motion for Reconsideration (Respondent House of Representatives) dated August 4, 2025, p. 6; See Journal No. 36, House, 19[th] Congress, Third Regular Session (February 3 to 5, 2025), p. 75.

[34] Motion for Reconsideration (Respondent House of Representatives) dated August 4, 2025, p. 6; See Journal No. 36, House, 19[th] Congress, Third Regular Session (February 3 to 5, 2025), pp. 75-76.

[35] See Journal No. 36, House, 19[th] Congress, Third Regular Session (February 3 to 5, 2025), p. 88. The numbering of session days are adopted from the House of Representatives' Compliance dated July 16, 2025.

[36] Id.

[37] Rules of Procedure in Impeachment Proceedings (2023). See Rules of the House of Representatives, Nineteenth Congress, pp. 121-129, available at <https://docs.congress.hrep.online/download/docs/hrep.house.rules.adopted.ebook.pdf> (last accessed on November 24, 2025).

[38] Rollo (G.R. No. 278353), pp. 8-43; rollo (G.R. No. 278359), pp. 3-146.

[39] Compliance (Respondent House of Representatives) dated July 16, 2025, p. 11.

[40] Id. at 10. See also Annex 5 of the Compliance, Resolution No. 328 dated June 11, 2025, pp. 1-2.

[41] Motion for Reconsideration dated August 4, 2025, pp. 9, 14-15; Sine die is a Latin maxim for "without a day." In the context of a parliamentary body such as the House of Representatives, it means they adjourn without setting a specific day to reconvene. In some cases, it marks the end of a congressional term. All bills and actions in the House of Representatives not completed are terminated. They will have to be refiled. See BLACK'S LAW DICTIONARY 47 (9th ed., 2009); CONST., art. VI, secs. 4, 7, and 15; Rules of the House of Representatives, Nineteenth Congress, rule XXII, sec. 147, pp. 79.

[42] Manifestation with Submission dated June 30, 2025, pp. 1-4.

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

[44] Compliance (Respondent House of Representatives) dated July 16, 2025, pp. 1-16. As of this time, respondent Senate has not yet submitted its Compliance.

[45] Id. at 3-4.

[46] Id. at 6-7.

[47] Id. at 9.

[48] G.R. Nos. 278353 and 278359, July 25, 2025 [Per S.A.J. Leonen, En Banc].

[49] Id. at 95.

[50] Motion for Reconsideration (Respondent House of Representatives) dated August 4, 2025, pp. 1-71.

[51] Id. at 61.

[52] Id. at 45-47, 53.

[53] 460 Phil. 830 (2003) [Per J. Carpio-Morales, En Banc].

[54] Motion for Reconsideration (Respondent House of Representatives) dated August 4, 2025, pp. 26-27, 31-34.

[55] August 5, 2025 Resolution, pp. 1-2.

[56] Comment/Opposition to the Motion for Reconsideration filed by Respondent House of Representatives (Petitioners Torreon et al.) dated August 13, 2025, pp. 1-54.

[57] Id. at ii, 5.

[58] Id. at 4.

[59] Id. at 10.

[60] Id. at 11.

[61] Id. at 5.

[62] Id. at 6.

[63] Comment (Petitioners Torreon et al.), pp. 33-35.

[64] Opposition to the Motions to Intervene (with Motion to Expunge Submissions) (Petitioners Torreon et al.) dated August 11, 2025, pp. 1-35.

[65] Id. at 28-29.

[66] Consolidated Comment / Opposition Ad Cautelam (Petitioners Torreon et al.) dated August 14, 2025, pp. 1-35.

[67] Id. at 3, 5, 13, 30-31.

[68] Supplemental Opposition (Petitioners Torreon et al.) dated August 15, 2025, pp. 1-35.

[69] Id. at 5.

[70] Id. at 8.

[71] Comment to the Motion for Reconsideration filed by Respondent House of Representatives (Petitioner Duterte) dated August 18, 2025, pp. 1-28.

[72] Id. at 6-7.

[73] Id. at 2.

[74] Id. at 4.

[75] Id. at 5.

[76] Id. at 13.

[77] Id. at 24-25.

[78] Id. at 16, 19.

[79] RULES OF COURT, Rule 3, sec. 17 reads:

SECTION 17. Death or separation of a party who is a public officer. — When a public officer is a party in an action in his official capacity and during its pendency dies, resigns, or otherwise ceases to hold office, the action may be continued and maintained by or against his successor if, within thirty (30) days after the successor takes office or such time as may be granted by the court, it is satisfactorily shown to the court by any party that there is a substantial need for continuing or maintaining it and that the successor adopts or continues or threatens to adopt or continue the action of his predecessor. Before a substitution is made, the party or officer to be affected, unless expressly assenting thereto, shall be given reasonable notice of the application therefor and accorded an opportunity to be heard.

[80] See CONST., art. VI, secs. 4 and 7.

[81] *Araneta v. Dinglasan*, 84 Phil. 368, 383 (1949) [Per J. Tuason, En Banc].

[82] CONST., art. XI, sec. 3(8) provides:

SECTION 3 — ... (8) The Congress shall promulgate its rules on impeachment to effectively carry out the purpose of this section.

[83] Rules of Procedure in Impeachment Proceedings (2023). See Rules of the House of Representatives, Nineteenth Congress, pp. 121-129, available at <https://docs.congress.hrep.online/download/docs/hrep.house.rules.adopted.ebook.pdf> (last accessed on November 24, 2025).

[84] Rules of Procedure in Impeachment Proceedings (2023), secs. 1-17. (Citation omitted)

[85] J. Villanueva, Separate Opinion, p. 19.

[86] Rules of Procedure in Impeachment Proceedings (2023), Rule II, sec. 2(a) and 2(b) and Rule III.

[87] The ponencia notes without action the statements made by Senator Rodante Marcoleta and former Senate President Francis Escudero at the floor of the Senate. Senator Marcoleta suggested that even as a member of the House of Representatives during its 19th Session, he did not receive a copy of the complaint together with its evidence. (See Journal No. 6, Senate, 20th Congress, First Regular Session (August 6, 2025), p. 12). Former Senate President Escudero alleged that, to his knowledge the endorsement of many of the members of the House of Representatives to the Fourth Impeachment Complaint were in consideration for favorable provisions in the Appropriations Act (See Journal No. 25, Senate, 20th Congress, First Regular Session (September 29, 2025), pp. 2-7). While serious, it is not within the competence of this Court to consider these disturbing allegations because they were not properly presented in evidence here.

[88] *Duterte v. House of Representatives*, G.R. Nos. 278353 and 278359, July 25, 2025 [Per S.A.J. Leonen, En Banc] at 92.

[89] *Gutierrez v. House of Representatives*, 660 Phil. 271 (2011) [Per J. Carpio-Morales, En Banc].

[90] See Compliance (Respondent House of Representatives) dated July 16, 2025, p. 9.

[91] See J. Lazaro-Javier, Separate Opinion, pp. 11-16; See also J. Inting, Separate Concurring and Dissenting Opinion.

[92] J. Lazaro-Javier, Separate Opinion, p. 7.

[93] J. Inting, Separate Concurring and Dissenting Opinion, p. 3.

[94] *Duterte v. House of Representatives*, G.R. Nos. 278353 and 278359, July 25, 2025 [Per S.A.J. Leonen, En Banc] at 61.

[95] J. Inting, Separate Concurring and Dissenting Opinion, pp. 3-4.

[96] CONST., art. XI, sec. 2 reads:

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.

[97] See J. Vitug, Separate Opinion in *Francisco, Jr. v. House of Representatives*, 460 Phil. 830 (2003) [Per J. Carpio-Morales, En Banc].

[98] CONST., art. III, sec. 1.

[99] *Flores-Concepcion v. Judge Castañeda*, 884 Phil. 66, 92 (2020) [Per J. Leonen, En Banc].

[100] *Saunar v. Executive Secretary Ermita*, 822 Phil. 536, 546 (2017) [Per J. Martires, Third Division].

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

[102] *Fontanilla v. The Commission Proper, COA*, 787 Phil. 713, 725-726 (2016) [Per J. Brion, En Banc].

[103] CONST., art. XI, sec. 3(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.

[104] CONST., art. XI, sec. 3(8). The Congress shall promulgate its rules on impeachment to effectively carry out the purpose of this section.

[105] Records of the Constitutional Commission No. 41, July 28, 1986.

[106] J. Panganiban, Separate Concurring Opinion in *Francisco v. House of Representatives*, 460 Phil. 830, 979 (2003) [Per J. Carpio Morales, En Banc].

[107] *Id.* at 977.

[108] *Id.* at 978.

[109] *Tañada v. Angara*, 338 Phil. 546, 574-575 (1997) [Per J. Panganiban, En Banc].

[110] 130 Phil. 415 (1968) [Per J. Fernando, En Banc].

[111] *Id.* at 428-429, 430.

[112] *Saunar v. Executive Secretary Ermita*, 822 Phil. 536, 546, 555 (2017) [Per J. Martires, Third Division].

[113] *Ermita-Malate Hotel and Motel Operators Association, Inc. v. City Mayor of Manila*, 127 Phil. 306, 319 (1967) [Per J. Fernando, En Banc].

[114] *Board of Commissioners of the Bureau of Immigration v. Wenle*, 937 Phil. 148, 180 (2023) [Per C.J. Gesmundo, En Banc].

[115] Motion for Reconsideration (Respondent House of Representatives) dated August 4, 2025, p. 4.

[116] *Id.*

[117] See Motion for Reconsideration *Ad Cautelam* (Movants-Intervenors Ceñdana et al.) dated August 1, 2025, p. 13; Omnibus Motion for Leave to Intervene and Admit Attached Motion for Reconsideration in Intervention (Movants-Intervenors Labiao, Jr. et al.) dated August 8, 2025, pp. 66-70.

[118] 148 Phil. 443 (1971) [Per J. Fernando, En Banc].

[119] 93 Phil. 68 (1953) [Per J. Bautista Angelo, En Banc].

[120] *De Agbayani v. Philippine National Bank*, 148 Phil. 443, 447-448 (1971) [Per J. Fernando, En Banc].

- [121] 719 Phil. 137 (2013) [Per J. Carpio, En Banc].
- [122] Id. at 157.
- [123] Id. at 158.
- [124] Araullo v. Aquino III, 737 Phil. 457, 621 (2014) [Per J. Bersamin, En Banc].
- [125] 737 Phil. 457 (2014) [Per J. Bersamin, En Banc].
- [126] Id. at 620-621, 624-625.
- [127] Id. at 625.
- [128] Id. at 623.
- [129] 137 Phil. 358 (1969) [Per J. Ruiz Castro, En Banc].
- [130] J. Fernando, Concurring Opinion in Municipality of Malabang v. Benito, 137 Phil. 358, 370 (1969) [Per J. Ruiz Castro, En Banc].
- [131] Araullo v. Aquino III, 737 Phil. 457, 625 (2014) [Per J. Bersamin, En Banc].
- [132] 835 Phil. 97 (2018) [Per J. Bersamin, En Banc].
- [133] Id. at 171.
- [134] 865 Phil. 384 (2019) [Per J. Perlas-Bernabe, En Banc].
- [135] Id. at 395.
- [136] 719 Phil. 137 (2013) [Per J. Carpio, En Banc].
- [137] Id. at 162.
- [138] 913 Phil. 1020 (2021) [Per J. Carandang, En Banc].
- [139] Id. at 1035.
- [140] 737 Phil. 457 (2014) [Per J. Bersamin, En Banc].
- [141] J. Carpio, Separate Opinion in Araullo v. Aquino III, 737 Phil. 457, 658 (2014) [Per J. Bersamin, En Banc].
- [142] G.R. No. 263014, February 25, 2025 [Per J. Inting, En Banc].
- [143] Id.
- [144] Duterte v. House of Representatives, G.R. Nos. 278353 and 278359, July 25, 2025 [Per S.A.J. Leonen, En Banc] at 3. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.
- [145] Id.
- [146] Id.
- [147] 660 Phil. 271 (2011) [Per J. Carpio-Morales, En Banc].
- [148] Duterte v. House of Representatives, G.R. Nos. 278353 and 278359, July 25, 2025 [Per S.A.J. Leonen, En Banc] at 4.

SEPARATE CONCURRING OPINION

HERNANDO, J.:

I join the ponencia in denying the Motion for Reconsideration of the House of Representatives^[1] (respondent House) concerning the issue on the viability of the fourth impeachment complaint. I reiterate that the fourth impeachment complaint is constitutionally proscribed by the one-year bar rule, albeit based on different reasons. The orchestrated and synchronized actions of respondent House and former Secretary General Reginald S. Velasco (respondent Secretary General Velasco) unveil a clear attempt to circumvent the one-year bar rule under Article XI, Section 3(5) of the Constitution.^[2] Their deliberate and unjustified inaction on the first three impeachment complaints^[3] lodged against petitioner Vice President Sarah Z. Duterte thus amounts to a grave abuse of discretion and constitutes more than a sufficient ground to bar the fourth impeachment complaint.^[4]

The one-year bar rule was violated in principle

Respondent House maintains that the one-year bar rule was never violated, and that based on the records, the referral of the fourth impeachment complaint happened first, while the archiving of the first three impeachment complaints only came afterwards.^[5] It insists that its actions are hinged upon a faithful adherence to the rulings^[6] in *Francisco, Jr. v. House of Representatives*^[7] and *Gutierrez v. House of Representatives Committee on Justice*.^[8]

I disagree.

As extensively discussed in my main Separate Concurring Opinion,^[9] the one-year bar rule was put in place to strike a balance between accountability and stability. It is a constitutional limitation installed mainly to protect impeachable officials—like the vice president of the Republic—from harassment, and at the same time, to enable Congress to focus on its principal task of legislation. Thus, whenever interpretation of the rule is necessary, this is the mindset that must be kept.

In the present case, the totality of circumstances reveals without a doubt the intent of the respondent House to sidestep this rule: Consider these: (a) the inclusion of the first three impeachment complaints in respondent House's order of business only on February 5, 2025 despite having been filed as early as December 2024, without any plausible explanation; (b) the admission of respondent Secretary General Velasco in public interviews that certain members of respondent House asked him to withhold action on the first three impeachment complaints; and (c) the refusal of respondent House to immediately refer the first three impeachment complaints to the Speaker of the House, thereby violating its own impeachment rules. Only an impulsive adherence to the rulings in *Francisco* and *Gutierrez*, would show that respondent House was able to hurdle every loophole, achieve its purpose of preventing the operation of the one-year bar rule, and push through with the fourth impeachment complaint. However, an in-depth and rigorous review of *Francisco* and *Gutierrez* would reveal that the purpose of the one-year bar rule was not attained.

I stress that with the respondent House's machinations, the one-year bar rule was not only corrupted but veered away from its purpose. It was circumvented. A mechanism, crafted to foster balance between stability and accountability, and given life through jurisprudence in order to achieve those ends, was instead handled in a manner comparable to any other procedural hurdle or technicality that must be overcome. As guardians of the Constitution, the Court cannot allow this degradation.

Respondent House treated the one-year bar rule as a mere formality or technicality that it only needs to follow,

unconcerned whether the intent behind it is fulfilled or not. It lost sight of the rule's significant purpose, and instead viewed it as a shallow, cursory decree. But this should not be the case. We must remember that the Constitution and its provisions are sacred; it must be distinguished and treated differently from the normal, everyday rules and regulations we encounter.

To emphasize, the one-year bar rule is installed as a mechanism to balance extracting accountability from public officers, and stability of government operations. We can neither court impeachment too much, nor excessively avoid it. Drift too much to one side, and disorder ensues. As one of the three major branches of the government, I would like to think that Our interpretation, application, and obedience to laws—more so, to constitutional provisions—should not stop at mere cursory compliance. A deeper contemplation must be made, anchored to the avowed intent and purpose of every regulation.

Triggering the one-year bar rule and averting the progress of the fourth impeachment complaint on the basis of these circumstances is the only course of action that is fair, just, and faithful to the intended purpose of the relevant constitutional provisions. Otherwise, these great systems—which deserve respect and reverence—will lose their power and will be relegated to but mere nuisances that must be overcome to satisfy one's aims.

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.

I reiterate my position that the 20[th] Congress cannot continue the business of the 19[th] Congress.

Having already discussed all the rules, jurisprudence, and statutes relevant to this view, I wish however to emphasize the higher reason for this: the newly elected Congress could not be bound by the acts of the previous Congress. The people exercise government authority through the election of representatives. Binding the succeeding Congress to the acts of the previous one would be 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. There is no reason for impeachment proceedings to be classified differently from the other constitutional powers and duties that only the House and Senate can exercise. Thus, the phrase "all unfinished business" in the last statement, second paragraph of Rule XI, Section 80(a) of the House Rules (pertaining to the end of 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.

However, as before, with due consideration of public accountability, the 20[th] Congress is by no means precluded from initiating a fresh impeachment complaint, subject to relevant constitutional limitations, such as the one-year bar rule under Article XI, Section 3(5) of the Constitution.

Respondent House should not be allowed to use the doctrine of operative fact as a defense

According to respondent House, it faithfully relied on the rulings in *Francisco* and *Gutierrez*; thus, its actions must be sustained on the basis of the doctrine of operative fact:

92. The House acted within the bounds of existing jurisprudence when it acted on the fourth impeachment complaint and transmitted the Articles of Impeachment to the Senate. However, in its recent pronouncement, the Honorable Court appears to have adopted a substantially different meaning of the term "initiate," thereby holding that even impeachment complaints that have not been endorsed or acted upon by the House, even if compliant within the periods mandated by the Constitution, may nonetheless be considered "initiated" for purposes of applying the [one]-year constitutional proscription on the initiation of impeachment proceedings.

. . . .

94. In view of this sudden doctrinal shift, it is respectfully submitted that respondent House should clearly not be found to have acted with grave abuse of discretion for having faithfully and judiciously adhered to the prevailing interpretation of the Constitution at the time it acted upon the fourth complaint, particularly given that such interpretation was established by no less than the Honorable Court itself.[10] (Emphasis supplied)

I cannot agree with respondent House's claims. The rulings in Francisco and Gutierrez were never meant to allow the skirting of the one-year bar rule.

Looking back at Francisco, the Court laid down the proper interpretation of the word "initiate" as used in the context of impeachment proceedings:

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.[11]

Meanwhile, in Gutierrez, the Court discussed the dangers prevented by the Francisco interpretation of the word "initiate":

Contrary to petitioner's emphasis on impeachment complaint, what the Constitution mentions is impeachment "proceedings." Her reliance on the singular tense of the word "complaint" to denote the limit prescribed by the Constitution goes against the basic rule of statutory construction that a word covers its enlarged and plural sense.

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...

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 gets 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.[12] (Emphasis in the original, citations omitted)

In Gutierrez, what was sought to be avoided was the possibility of upsetting the entire impeachment mechanism through the triggering of the one-year bar rule, by a sham baseless complaint that was filed hastily. In other words, the Francisco interpretation aims to prevent the "first-to-file" scheme. The rulings were never meant to allow an avenue where the one-year bar rule is to be avoided by unreasonably sitting on an impeachment complaint while contemplating the filing of another one.

Was this also the objective of respondent House behind its actions? I do not think so, for the many reasons already discussed above.

Given this, I cannot accept respondent House's claim that it "acted within the bounds of existing jurisprudence," or that it "faithfully and judiciously adhered to the prevailing interpretation of the Constitution"[13] when in the same breath, it effectively admitted, through respondent Secretary General Velasco, that it was merely avoiding the one-year bar rule. Respondent Secretary General Velasco's statement in a public interview on January 7, 2025 is illuminating:

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 the 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.[14]

Meanwhile, in another public interview on January 20, 2025, respondent Secretary General Velasco made the following statements:

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.

....

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 [sic], 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.[15]

Evidently, respondent Secretary General Velasco's answers were vague and avoidant at best. There really was no meaningful response to the question as to why he refused to act on the first three impeachment complaints. What is more surprising is his claim, albeit false, that he is not bound by any period within which to act, when

respondent House's own impeachment rules[16] require him to immediately refer a complaint to the Speaker:

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)

In light of all these findings, it would be unreasonable to allow respondent House to use the doctrine of operative fact as a defense. In *Film Development Council of the Philippines v. Colon Heritage Realty Corporation*,[17] the doctrine is discussed:

The operative fact doctrine recognizes the existence and validity of a legal provision prior to its being declared as unconstitutional and hence, legitimizes otherwise invalid acts done pursuant thereto because of considerations of practicality and fairness. In this regard, certain acts done pursuant to a legal provision which was just recently declared as unconstitutional by the Court cannot be anymore undone because not only would it be highly impractical to do so, but more so, unfair to those who have relied on the said legal provision prior to the time it was struck down.

. . . .

Therefore, in applying the doctrine of operative fact, courts ought to examine with particularity the effects of the already accomplished acts arising from the unconstitutional statute, and determine, on the basis of equity and fair play, if such effects should be allowed to stand. It should not operate to give any unwarranted advantage to parties, but merely seeks to protect those who, in good faith, relied on the invalid law.[18] (Emphasis supplied, citation omitted)

As can be seen, this doctrine first and foremost, was borne out of considerations of justice and fair play—qualities both lacking in respondent House's actions. Its invocation requires reliance in good faith on an otherwise invalid law. Here, however, there was neither a genuine reliance nor a faithful adherence; instead, what happened was a narrow legal and technical approach. Thus, it would be unfair to allow respondent House to invoke the doctrine of operative fact as a defense, when there is failure to fully observe—in word and in spirit—the principal case law it relies upon.

ACCORDINGLY, I vote to deny the motion for reconsideration.

[1] August 4, 2025 Motion for Reconsideration filed by respondent House of Representatives through the Office of the Solicitor General (Motion for Reconsideration of the House).

[2] CONST., art. XI, sec. 3(5) states: "(5) No impeachment proceedings shall be initiated against the same official more than once within a period of one year."

[3] The first three impeachment complaints are: (1) Verified Complaint for Impeachment endorsed by Representative Percival V. Ceñdana and filed on December 2, 2024; (2) Verified Impeachment Complaint endorsed by Representatives France L. Castro, Arlene D. Brosas and Raoul Dannel A. Manuel, and filed on December 4, 2024; and (3) Impeachment Complaint endorsed by Representatives Gabriel Bordado, Jr. and Lex Anthony Cris A. Colada, and filed on December 19, 2024.

[4] The fourth impeachment complaint refers to the Verified Complaint for Impeachment filed by 215 members, or more than one-third of all the members, of the House of Representatives on February 5, 2025, and endorsed to the Senate during the February 5, 2025 plenary session of the House of Representatives, III Record, House, 19[th] Congress, 3[rd] Session (February 5, 2025).

- [5] Motion for Reconsideration of the House, pp. 19, 52.
- [6] Motion for Reconsideration of the House, pp. 30-31.
- [7] 460 Phil. 830 (2003) [Per J. Carpio-Morales, En Banc].
- [8] 660 Phil. 271 (2011) [Per J. Carpio-Morales, En Banc].
- [9] J. Hernando, Separate Concurring Opinion in Duterte v. House of Representatives, G.R. Nos. 278353 and 278359, July 25, 2025 [Per S.A.J. Leonen, En Banc].
- [10] Motion for Reconsideration of the House, pp. 33-34.
- [11] Francisco, Jr. v. House of Representatives, 460 Phil. 830, 932-933 (2003) [Per J. Carpio-Morales, En Banc].
- [12] Gutierrez v. House of Representatives Committee on Justice, 660 Phil. 271, 393-395 (2011) [Per J. Carpio-Morales, En Banc].
- [13] Motion for Reconsideration of the House, pp. 33-34.
- [14] Petition (G.R. No. 278353) p. 10, citing ANC 24/7, Headstart: House Secretary General Velasco on status of impeachment raps vs VP Duterte, available at <https://www.youtube.com/watch?v=gxKiv87iugE> (last accessed on August 22, 2025).
- [15] 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 on August 22, 2025).
- [16] Rules of Procedure in Impeachment Proceedings of the House of Representatives (19[th] Congress).
- [17] 865 Phil. 384 (2019) [Per J. Perlas-Bernabe, En Banc].
- [18] Id. at 394-395.

SEPARATE OPINION

LAZARO-JAVIER, J.:

Prefatory

We find ourselves caught in the quagmire of an intense political debate. Ordinarily, this discourse should not command our collective concern. Yet, in extraordinary fashion, it has – and continues to do so.

From one vantage point, this debate reshapes how we understand legal rules. It challenges the conception of courts as neutral institutions, bound to enforce what the law actually says rather than what it could or should mean in relation to broader political or social currents. This perspective insists on fidelity to the text and intent of the law, independent of external pressures.

But from another angle, the debate affirms a truth we often overlook or prefer to ignore: judges are human. They are shaped by their experiences, values, and even their political beliefs. To deny this is to deny the human element inherent in adjudication. The law is not applied in a vacuum; it is interpreted and enforced through the lens of human judgment.

This tension between law as an objective command and law as a human enterprise sits at the heart of our present discourse. It is uncomfortable, but necessary. It is a challenge, but also a reminder: our legal system is both fragile and deeply human.

The task before us is not to silence this debate but to engage it honestly. We must demand fidelity to the law while recognizing the human element that inevitably shapes its application. Courts must remain faithful to the law as written, but we must also acknowledge that judges, as human actors, bring their lived experiences to bear.

The current political debate surrounding and before the judiciary is not mere noise. It is a reflection of deeper institutional realities. Recognizing the duality and the tension it brings is essential to preserving both the integrity of the legal system and the public's trust in our processes. Only by doing so can we give life to both.

Facts

I adopt the facts summarized in the ponencia, thus:

In December 2024, three impeachment complaints were filed against the vice president: (1) the first impeachment complaint was filed on December 2, 2024 by private individuals and various organizations led by Teresita Quintos Deles, Father Flaviano Villanueva, and Gary Alejano, among others, and endorsed on the same day by Akbayan Partylist Representative Percival Ceñdana; (2) the second impeachment complaint was filed on December 4, 2024 led by Bagong Alyansang Makabayan and endorsed on the same day by ACT Teachers Partylist Representative France Castro, Gabriela Partylist Representative Arlene Brosas, and Kabataan Partylist Representative Raoul Manuel; and (3) the third impeachment complaint was filed on December 19, 2024 by a coalition of religious workers, lawyers, and civil society members led by Father Antonio E. Labiao, Jr. and Father Joel Saballa of the Diocese of Novaliches, and Carmelite priests Father Rico Ponce and Father Esmeralda Reforeal, and endorsed by Camarines Sur Third District Representative Gabriel Bordado, Jr. and AAMBIS-OWA Partylist Representative Lex Anthony Cris Colada.

These three impeachment complaints were filed pursuant to the first mode of initiation under Article XI, Section 3(2) of the Constitution, as implemented by Rule II, Section 2(b) of the Rules of Procedure in Impeachment Proceedings (House Rules on Impeachment). Under these provisions, private citizens may file a verified complaint for impeachment against an impeachable officer upon a resolution or endorsement by any member of the House of Representatives.

....

The three complaints were referred to the speaker of the House on February 5, 2025.

On that date, February 5, 2025, a fourth impeachment complaint was filed against Vice President Duterte by one-third of all the members of the House of Representatives, or 215 members, pursuant to the second mode of initiation under Article XI, Section 3(4) of the Constitution, as implemented by Rule II, Section 2(c) of the House Rules on Impeachment.

The fourth impeachment complaint was transmitted to the plenary and included as an Additional Reference of Business of the 19th Congress's 36th Session, alongside the first three impeachment complaints.

The secretary general confirmed that 215 members of the House of Representatives had signed and verified the fourth impeachment complaint. Representative and House Majority Leader Manuel Jose Dalipe (Majority Leader Dalipe) affirmed that the one-third constitutional threshold had been met, and thereafter moved for the immediate endorsement of the fourth impeachment complaint to the Senate.

With no objection to the motion, the speaker of the House then directed the secretary general to immediately endorse the fourth impeachment complaint to the Senate, thereby constituting the Articles of Impeachment.

After the approval to transmit the Articles of Impeachment to the Senate, Majority Leader Dalipe moved to send the first three impeachment complaints to the Archives. Again, with no objection to the motion, the House speaker ordered the archiving of the first three impeachment complaints.

The 19th Congress adjourned its 36th Regular Session on February 5, 2025 at 7:27 p.m. The 37th Regular

Session was scheduled to resume on June 2, 2025.[1]

Issues

The ponente identified the broad issues arising from the parties' respective submissions, viz.:

1. Whether the Office of the Solicitor General (OSG) was authorized to file the Motion for Reconsideration on behalf of respondent House of Representatives (House of Representatives or House) of the 20th Congress.[2]
2. Whether respondent House of Representatives had the discretion to choose which mode of impeachment to prioritize among several impeachment complaints.[3]
3. Whether petitioner Vice President Sara Z. Duterte's (petitioner) right to due process was violated when respondent House of Representatives transmitted the fourth impeachment complaint to the Senate.[4]

As regards the first issue, I opt to take judicial notice of the OSG's status as the statutorily designated counsel for government agencies, including the House of Representatives. Hence, I also reasonably presume that the OSG's appearance in this case was undertaken with the knowledge and conformity of their client.

In my view, the core issues of this controversy that must be resolved are the following:

1. Constitutional Value of Accountability

How should the constitutional value of accountability inform our reading of the rules on impeachment? Does this value require strict adherence to the procedural timelines and commands of Section 3, Article XI[5] of the Constitution, or may it be tempered by pragmatic considerations of legislative discretion?

2. Validity of the First Three Impeachment Complaints

- a. Did the lengthy inaction of the House of Representatives on the first three impeachment complaints infringe Section 3(2), Article XI of the Constitution?

- b. If so, what is the appropriate remedy for this violation? Should they be deemed dismissed by operation of law, or is there another constitutional consequence?

3. Validity of the Fourth Impeachment Complaint

- a. Is the fourth impeachment complaint against petitioner void for either of the following reasons:

- Infringing Section 3(5), Article XI of the Constitution, which imposes the one-year bar on initiating impeachment proceedings against the same official;
- Violating petitioner's right to due process, whether by cumulative prejudice or procedural irregularity?

- b. If the answer to either question is in the affirmative, what is the appropriate remedy for this violation? Should the complaint be struck down in its entirety, or should the proceedings be annulled with directions for compliance?

In my view, the proper disposition would have been to deny all the motions for reconsideration and affirm the Court's July 25, 2025 Decision which declared: (i) the first three impeachment complaints as having been effectively dismissed; (ii) the fourth impeachment complaint as void for infringing Article XI, Section 3(5) of the Constitution and the right of petitioner to due process; (iii) the Senate as not having acquired jurisdiction to constitute itself into an impeachment court; and (iv) the Decision itself as final and immediately executory and barred the commencement of impeachment proceedings against petitioner earlier than February 6, 2026.

Reasons

1. Constitutional Value of Accountability

How should the constitutional value of accountability inform our reading of the rules on impeachment? Does this value require a strict adherence to the procedural timelines and commands of Section 3, Article XI of the Constitution, or may it be tempered by pragmatic considerations of legislative discretion?

The constitutional value of accountability is not a peripheral aspiration but a fundamental principle that must animate our understanding of impeachment. Impeachment, therefore, is more than a constitutional mechanism for removing officials. It is a test of how faithfully our institutions embody responsibility, fairness, and restraint.

Yet accountability, if genuine, cannot flow in only one direction. By its very nature, it is reciprocal. An impeachable officer must answer for the stewardship of their office and the trust invested in them by the Constitution and the people. But the institution that wields the power of impeachment must also be answerable for the fairness of their procedures, the integrity of their motives, and the restraint with which they exercise this extraordinary authority.

Too often, the focus of accountability in impeachment falls solely on the officer under scrutiny. Presidents, vice-presidents, justices, and constitutional officers are rightly held to the highest standards for their decisions shape the lives of millions. The framers of our constitutional order understood that unchecked power corrodes democracy. Impeachment was designed as a safeguard against that corrosion.

But impeachment is not a trial in the ordinary sense. The House of Representatives, in exercising the power to impeach, is not a neutral tribunal but a political body acting under constitutional mandate but with practical political impulse. Their members are themselves elected officials, accountable to the people but also prophets of political tides and vagaries. When impeachment is wielded as a weapon of partisan convenience rather than as a solemn remedy, accountability is not upheld. Rather, it is betrayed.

Thus, accountability must cut both ways. The impeached officer is judged but so too is the impeaching body. The fairness of the process, the transparency of the proceedings, and fidelity to constitutional norms all become part of the verdict. If impeachment is pursued recklessly, the damage reverberates beyond the officer removed. It erodes confidence in the legislature and weakens the moral authority of the Constitution itself.

For this reason, the rules of impeachment require the strictest adherence to the procedural timelines and commands of Section 3, Article XI of the Constitution. These rules cannot be tempered by pragmatic considerations of legislative discretion. To allow discretion to override constitutional command is to invite arbitrariness, erode public trust, and distort accountability into expedience.

Our history offers sobering lessons. Impeachment has been both a shield and a sword. At its best, it safeguarded democracy, reminding us that no office is immune from scrutiny. At its worst, it imperiled judicial independence, twisting accountability into intimidation. When judges were threatened with removal for unpopular decisions rather than genuine misconduct, impeachment ceased to be a safeguard and became instead a weapon of imbalance. In those moments, what was meant to protect the rule of law risked undermining it, leaving institutions vulnerable to partisan retaliation rather than strengthened by principled restraint.

Accountability, then, is not only about outcomes but about process. The process is found in the strictest adherence to the procedural timelines and commands of Section 3, Article XI of the Constitution – not in the pragmatic considerations of legislative discretion. The impeachable officer must defend their conduct; the impeaching body must defend its fairness. Both are judged not only by the many peoples, whose collective trust is the lifeblood of democracy, but also by the Constitution, whose words are the peoples' clearest articulation of their intentions and aspirations.

In concrete terms, this dual accountability requires restraint. We must resist the temptation to treat impeachment as a shortcut for political battles better fought at the ballot box. We must ensure that procedures are transparent, evidence is weighed carefully, and motives are guided by constitutional fidelity rather than partisan gain. Only then can impeachment fulfill its true purpose: safeguarding the rule of law and the dignity of public office.

True accountability is a shared burden. It requires that both the individual and the institution stand before the bar of public trust. The impeached officer must answer for their stewardship; the impeaching body must answer for the integrity of their process. Both must be measured by the same principle, for both are guardians of democracy.

When accountability is demanded of one but neglected by the other, impeachment ceases to be a safeguard and becomes a weapon. It ceases to protect democracy and begins to corrode it. But when accountability is embraced as reciprocal, impeachment becomes what it was meant to be: a solemn reaffirmation of the rule of law, a reminder that no one – not the impeachable officer and certainly not the impeaching institution – is above the law.

The good ponente's reminder is timely. Accountability is not a slogan to be invoked when convenient; it is the discipline that sustains democracy. Impeachment, as the gravest of remedies, must embody this fundamental value in full. Only when both the impeachable officer and the impeaching institution submit to the discipline of accountability can impeachment fulfill its true purpose: not as an act of vengeance or expedience, but as a solemn reaffirmation of justice, fairness, and the enduring dignity of our institutions.

From this teleological anchor, I address the rest of the issues one by one.

2. Validity of the First Three Impeachment Complaints

a.

Did the lengthy inaction of the House of Representatives first three impeachment complaints infringe Section 3(2), Article XI of the Constitution?

b.

If so, what is the appropriate remedy for this violation? Should they be deemed dismissed by operation of law, or is there another constitutional consequence?

The lengthy inaction of the House of Representatives on the first three impeachment complaints infringed Section 3(2), Article XI of the Constitution.

Section 3(2), Article XI of the Constitution prescribes a mandatory and self-executing procedure for the initiation of impeachment complaints. It requires the following:

(1)

Inclusion of the verified complaint in the Order of Business within 10 session days from filing or endorsement;

(2)

Referral to the proper Committee within three session days thereafter;

(3)

Committee report within sixty session days from referral; and

(4)

Calendaring of the resolution for consideration within ten session days from receipt.

This constitutional command is reiterated in Section 3, Rule II of the House Rules on Impeachment of the 19[th] Congress.[6]

Jurisprudence confirms its self-executing and mandatory character. In *Gutierrez v. House of Representatives Committee on Justice et al.*,[7] the Court emphasized that impeachment provisions are not dependent on legislation for their effectivity. To treat them otherwise would allow Congress to nullify constitutional mandates by mere inaction, viz.:

The discussion clearly rejects the notion that the impeachment provisions are not self-executing. Section 3(8) does not, in any circumstance, operate to suspend the entire impeachment mechanism which the Constitutional Commission took pains in designing even its details.

As against constitutions of the past, modern constitutions have been generally drafted upon a different principle and have often become in effect extensive codes of laws intended to operate directly upon the people in a manner similar to that of statutory enactments, and the function of constitutional conventions has evolved into one more like that of a legislative body. Hence, unless it is expressly provided that a legislative act is necessary to enforce a constitutional mandate, the presumption now is that all provisions of the constitution are self-executing. If the constitutional provisions are treated as requiring legislation instead of self-executing, the legislature would have the power to ignore and practically nullify the mandate of the fundamental law. This can be cataclysmic. That is why the prevailing view is, as it has always been, that —... in case of doubt, the Constitution should be considered self-executing rather than non-self-executing ... Unless the contrary is clearly intended, the provisions of the Constitution should be considered self-executing, as a contrary rule would give the legislature discretion to determine when, or whether, they shall be effective. These provisions would be subordinated to the will of the lawmaking body, which could make them entirely meaningless by simply refusing to pass the needed implementing statute.

Even assuming *arguendo* that publication is required, lack of it does not nullify the proceedings taken prior to the effectivity of the Impeachment Rules which faithfully comply with the relevant self-executing provisions of the Constitution. Otherwise, in cases where impeachment complaints are filed at the start of each Congress, the mandated periods under Section 3, Article XI of the Constitution would already run or even lapse while awaiting the expiration of the 15-day period of publication prior to the effectivity of the Impeachment Rules. In effect, the House would already violate the Constitution for its inaction on the impeachment complaints pending the completion of the publication requirement.[8]

Even Justice Arturo D. Brion's dissent underscored that the first two periods, i.e., ten session days for inclusion and three session days for referral – are constitutional commands that cannot be altered by the rules of the House of Representatives:

The ponencia also posits that the lack of publication would not nullify the proceedings taken prior to the effectivity of the impeachment rules, because the 15-day period after publication would run counter to the mandated periods under Section 3, Article XI of the Constitution.

I find this argument unpersuasive for two very practical reasons.

First, the due process guarantee does not strictly require that the time gap between the publication and the effectivity of an enactment be fifteen (15) days. The clear terms of Article 2 of the Civil Code show that the House of Representatives has the discretion to specify a period lesser than 15 days before a statute, law or rule becomes effective. Thus, it could have provided for a shorter period if its intent had been to ensure compliance with the impeachment periods imposed by the Constitution. Unfortunately, it did not so provide and this failure cannot now be used as an argument against the application of the publication requirement.

Second, three (3) periods regulate the actions of the House of Representatives on the impeachment proceedings. The first is the inclusion in the Order of Business which shall be made within 10 session days from the filing of the impeachment complaint. The second is the three-session-day period within which to refer the complaint to the proper committee. The third is the sixty-session-day period for the committee to report out its actions and recommendations to the plenary. All these are mandatory periods. But of these periods, the first two involve specific actions of the House of Representatives that are required by the Constitution itself and cannot, thus, be affected by the Rules. The committee actions, on the other hand, have been left by the Constitution for the House of Representatives to determine and undertake at its discretion, subject only to the requirement of a hearing; to the vote required to decide at the committee; and to the general provisions of the Constitution on the protection of the constitutional rights of the impeachable official. The temporal constitutional limitation is on the period given to the committee to act – it must complete its proceedings and report back to the House of Representatives in plenary within 60 session days from the referral.

Under the attendant facts of the case where the publication of the adopted Rules of impeachment came after the impeachment complaints had been referred to the Justice Committee for action, the required 15-day period before it took effect necessarily fell within the mandatory 60-session-day period given to the Committee. Thus, the opportunity to act within the mandatory 60-session-day period was lessened by the 15-day waiting time for the impeachment rules to take effect.

The intrusion of the publication period on the mandatory period for action by the Justice Committee, however, does not necessarily mean that the publication requirement must give way to the constitutional mandatory period because the mandatory 60-session-day period has not repealed or modified, impliedly or expressly, the publication requirement. No facial repeal is evident from Section [3(8)] of Article XI of the Constitution, nor is there any plain intent to do away with the publication requirement discernible from the terms of the constitutional provision. Neither is there any irreconcilable inconsistency or repugnancy between the two legal provisions. Thus, no reason exists in law preventing the two legal requirements from standing side by side and from being applied to the attendant facts of the case.

An important consideration in the above conclusion relates to the length of the respective mandatory periods. The Justice Committee is given 60 session days (i.e., not only 60 calendar days) within which to act, while the period involved under Article 2 of the Civil Code is 15 calendar days. Under these terms, the simultaneous application of the two requirements is not an impossibility, considering especially that the Justice Committee has control over the impeachment proceedings and can make adjustments as it sees fit to ensure compliance with the required 60-session-day period.[9]

Against this backdrop, the House of Representatives breached Section 3(2), Article XI of the Constitution in two respects:

First, the archival of the first three impeachment complaints is neither inclusion in the Order of Business nor referral to the Committee. It is a disposition outside the constitutional framework.

Second, as Associate Justice Henri Jean Paul B. Inting (Associate Justice Inting) observed, none of the first three impeachment complaints filed in December 2024 was timely included or referred. The House of Representatives acted only on February 5, 2025 – already well-outside the constitutional periods for them to do what they should have done earlier. To illustrate:

- The First Complaint filed on December 2, 2024 should have been included by January 14, 2025 and referred by January 21, 2025, when the House was in session;
- The Second Complaint filed on December 4, 2024 should have been included by January 20, 2025 and referred by January 27, 2025, when the House was in session.

- The Third Complaint filed on December 19, 2024 should have been included by February 4, 2025.

The House of Representatives' lengthy inaction on the first three impeachment complaints was not a harmless delay – it was a constitutional violation. Section 3(2) is explicit: complaints shall be included in the Order of Business within 10 session days and shall be referred to the Committee on Justice within three session days thereafter. The Constitution's use of "shall" imposes a duty, not a discretion.

Once these periods had lapsed without action, and by choosing instead to "archive" the complaints, the House of Representatives sidestepped the mandatory steps and undermined the very safeguards meant to protect due process and accountability.

As will be further discussed below, the failure to follow tasks within strict timelines doomed the complaints. By disregarding the Constitution's rigid deadlines, the House of Representatives rendered the first three impeachment complaints functus officio. As such, they had lost legal efficacy that then resulted in their dismissal by operation of law.

Further, the subsequent filing of a fourth impeachment complaint does not erase the violation. Once the deadlines passed without action, the breach was complete. To excuse such inaction would strip the Constitution's timelines of meaning and invite future disregard of its commands.

Clarification on "Session Days" versus "Legislative Days"

The Constitution deliberately uses the term session days in its plain and ordinary sense: each calendar day when Congress is convened and transacts business, excluding adjournments and overnight recesses. A legislative day, by contrast, is a technical construct that may extend across several calendar days until the chamber formally adjourns. To conflate the two is to disregard both the textual choice of the Constitution and comparative legislative practice, which consistently distinguishes between them.

I am not alone in this view. The ponente as well as Associate Justice Inting correctly emphasized that "session days" under Article XI, Section 3(2) of the Constitution cannot be equated with "legislative days". Associate Justice Inting explained that a legislative day is a technical term referring to the period from the opening of a session until adjournment, which may span several calendar days. By contrast, he rightly observed, the Constitution must be read in its plain and ordinary sense: a session day simply means each calendar day when Congress is in session, excluding overnight recesses and adjournments. This interpretation is consistent with the text of Article XI, Section 3(2), which ties the timeframe directly to the House of Representative's Order of Business. Even the House of Representative's own rules recognize this distinction, requiring under Section 723 that a daily order of business be prepared to correspond to every calendar day when the House of Representatives is in session.[10]

The factual record confirms the breach. The House of Representatives was in session until December 18, 2024,[11] and resumed on January 13, 2025.[12] There were sufficient session days immediately following the filing or endorsement of the first three impeachment complaints. But it failed to include them in the Order of Business within ten session days or refer them to the Committee on Justice within three session days thereafter. The Constitution mentions "session days," not "legislative days." The two are different, and the House of Representative's failure to observe this distinction resulted in a clear violation of the Constitution's mandatory timelines and procedures.

This interpretation is reinforced by comparative legislative practice. In the United States Congress, from which

our legislative framework was patterned, "session days" and "legislative days" are distinct terms. A session day refers to each calendar day when Congress is convened. If Congress meets on Monday, recesses that evening, and reconvenes Tuesday, those are two separate session days. By contrast, a legislative day begins when the chamber convenes and does not end until it adjourns; if the House convenes on Monday and recesses daily without formally adjourning, the same legislative day can stretch across several calendar days. Thus, the House of Representatives may meet on multiple calendar days under a single legislative day. Session days are used for constitutional and statutory requirements tied to the calendar, such as reporting deadlines or timeframes for certain actions, while legislative days are fewer in number and serve technical procedural purposes.

This distinction is explicitly recognized in the records of the U.S. House of Representatives and explained in congressional reference materials:

Summary

The House and Senate use the terms session, adjournment, and recess in both informal and more formal ways, but the concepts apply in parallel ways to both the daily and the annual activities of Congress. A session begins when the chamber convenes and ends when it adjourns. A recess, by contrast, does not terminate a session, but only suspends it temporarily.

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.

A regular annual session of Congress begins when the two chambers convene in January, pursuant to the Constitution (or to law). An annual session ends with an adjournment sine die. Until the next annual session convenes, Congress is then in a period of sine die adjournment (or "intersession recess"). If the President were to call an additional, "extraordinary" session, it would be procedurally similar to a regular annual session.

....

In either a daily or an annual context, generally speaking, a session is a period when a chamber is formally assembled as a body and can, in principle, engage in business. A session begins when a chamber convenes, or assembles, and ends when it adjourns.

In the period between convening and adjournment, the chamber is said to be "in session." Once a chamber adjourns, it may be said to "stand adjourned," and until it reconvenes, it may be said to be "out of session," or "in adjournment." The period from a chamber's adjournment until its next convening is also often called "an adjournment."

The term recess, by contrast, is generally used to refer to a temporary suspension of a session, or a break within a session. For a break within the daily session, this term is a formal designation; for a break within an annual session, the term is only colloquial, but is in general use. In either context, a recess begins when the chamber recesses, or "goes into recess." For most purposes, it can be said that a recess, like an adjournment, ends when the chamber reconvenes. During the period between recessing and reconvening, the chamber is said to be "in recess" or to "stand in recess." When a chamber reconvenes from a recess, the suspended session resumes. For some purposes, nevertheless, it can be convenient to speak of a period between convening and recessing, or between reconvening and adjourning, or between recesses, also as "a session."

....

Daily Sessions and Their Adjournments and Recesses

In context of the daily activities of Congress, each chamber convenes, or assembles, by being called to order by the chair; it is then commonly said to be "in session." Once a daily session is convened, a chamber remains in session, in this sense, until it adjourns for the day (or perhaps until it recesses for the day, although, as elaborated later, the formal effect of recessing is in some respects different).

Generally speaking, it is only when the chamber is in session in this sense that it can engage in official business. When a chamber is in session, in this sense, a presiding officer will be in the chair, Members may be present in their official capacities and participate in acts of the body, and the presence of a quorum may be required. In particular circumstances, however, either chamber may provide that, during a specific daily session, no business, or none of specified kinds, may occur.

In these terms, the period between the convening of a daily session and its adjournment or recess is necessarily a continuous period of time. Normally, on any day on which a chamber convenes, it adjourns (or recesses for the day) later on the same day. A calendar day on which a chamber convenes and then adjourns or recesses until a later calendar day may be called a "calendar day of session" or, more informally, simply a "day of session" for that chamber. In some Senate contexts, the term "session day" is used in a technical sense, especially, as described later, in connection with expedited or "fast track" procedures. The House, on the other hand, makes no use of this term in formal contexts.

It sometimes happens that a chamber convenes on one day and remains continuously in session, without adjourning or recessing, until the next calendar day (or even until some later day). Whether it might be appropriate to describe such a period as a single "day of session" or two (or more) could depend on the specific procedural context. If, on the other hand, a chamber were to be out of session at all points throughout an entire calendar day, it could not, in general, be appropriate to speak of that day as a "day of session" for that chamber.

Adjournment from Day to Day

An adjournment of the daily session of either chamber, more formally called an adjournment from day to day, terminates that daily session. More technically, an adjournment from day to day terminates a "legislative day," a concept that is more fully addressed below in the section on "Relation of 'Days of Session' and Legislative Days."

A chamber normally adjourns its daily session by adopting a motion to adjourn. The Senate sometimes adjourns, instead, by agreement to a unanimous consent request. In the practice of the House, however, adjournment by unanimous consent occurs only by declaration of the Speaker, and only "when no Member is available" to offer the motion. The Senate also may adjourn pursuant to a previous order setting the time at which adjournment will occur; the House generally does not use such a practice. Finally, Senate rules authorize the chair to declare a daily adjournment of the Senate if notified of an "imminent threat."

Once a chamber adjourns, it is "in adjournment." At that point, no daily session is in progress, which means, in general, that the chamber cannot conduct any official business as a body. A chamber may, however, adopt orders (while it is in session) providing that certain kinds of administrative business, such as the receipt of messages from the President or reports of committees, may occur during an adjournment.

....

Recess of the Daily Session

In addition to a daily adjournment, which terminates a daily session, a chamber may take a recess within its daily session. For example, a chamber may recess while awaiting the arrival of a specific item of business, or in order to convene in a joint meeting with the other chamber to hear an address by a foreign dignitary. Unlike a daily adjournment, a recess of the daily session does not terminate the daily session. Instead, when a chamber

reconvenes after a recess, the same daily session resumes, and business continues from the point it had reached when the recess began.

A recess often occupies only a brief period during a day's session. A chamber, however, also may recess its daily session overnight or for a longer period. In some respects, the effects of an overnight recess may resemble those of a daily adjournment

....

Formally, however, a recess, even one that lasts overnight, is unlike an adjournment, in that it does not procedurally terminate a legislative day. Whenever a chamber reconvenes after a daily recess, even if the recess began on a preceding calendar day, the previously existing legislative day is considered as resuming, and business continues from the point at which it stood when the recess began. In the terms being used here, as a result, a single legislative day may include more than one calendar day of session.

....

Relation of "Days of Session" and Legislative Days

The distinction between recesses and adjournments (of the daily session) underlies the concept of the "legislative day." Although the term "legislative day" is sometimes informally used to mean a calendar day on which a chamber is in session, this usage is, in most technical contexts, incorrect. In cases when the significant distinction is whether or not any daily session of a chamber occurred on a specific calendar day, it will be less ambiguous or misleading simply to speak of a calendar day of session of the chamber (or, more informally, as suggested earlier, of a "day of session").

A calendar day of session, in this sense, and a legislative day will not necessarily begin and terminate at the same point in time. A legislative day ends only when the chamber adjourns, and a new legislative day begins whenever the chamber reconvenes after an adjournment.

When a chamber reconvenes after recessing, by contrast, no new legislative day begins, because no adjournment has intervened. If the chamber has recessed overnight, clearly a new calendar day of session begins, but still there is no new legislative day. As a result, a legislative day is not always the same as a "day of session," in either the House or Senate. By recessing overnight rather than adjourning, a chamber may continue a single legislative day into a second calendar day. By repeating this proceeding, a chamber may continue the same legislative day for many days, even for several weeks or months.

....

Legislative Day. A period beginning with the convening of a chamber after an adjournment and ending with an adjournment.

(Daily) Session. A period (on a calendar day) during which a chamber is in session.

"Day of Session." Informal term to describe a calendar day during some part of which a chamber is in session.

Daily Adjournment (Adjournment from Day to Day). The means through which a legislative day is terminated. If the chamber does not reconvene until the following calendar day, the adjournment also terminates a "day of session."

Daily Recess. The means through which a legislative day is suspended. When the chamber reconvenes, the same legislative day continues, even if the recess extended overnight, and thereby terminated the previous "day of session."^[13]

Our comparative practice with the U.S. Congress confirms the respective positions of the ponente and Associate Justice Inting: "session days" are ordinary calendar days when Congress is in session, not the elongated legislative

days invoked by the House. The Constitution's mandatory timelines must therefore be reckoned in session days. The House of Representatives' failure to comply with the timelines in "session days" rendered the first three impeachment complaints fundamentally fatally defective.

What is the appropriate remedy for this violation?

The consequence of non-compliance with the demands of Section 3(2), Article XI of the Constitution is dismissal by operation of law. By failing to observe the mandatory timelines and actions, the House of Representatives themselves cancelled the first three impeachment complaints.

The impeachment mechanism is deliberately designed with rigid periods and tasks to prevent indefinite delay and partisan maneuvering. Once the House of Representatives failed to comply, each complaint became *functus officio*. Each of them lost legal efficacy and thus could no longer sustain the impeachment proceedings – in effect, these complaints were dismissed by operation of law.

Having lost legal efficacy, the first three complaints were effectively dismissed well before their formal archival on February 5, 2025. The archival merely confirmed what had already transpired, i.e., the initiation and termination of impeachment proceedings had already been effected by the lapse of the prescribed session days without House action.

No showing of abuse of right^[14] or process^[15] is required. The fact of non-compliance itself suffices because the violated provisions are constitutional commands, not discretionary rules. The Constitution's use of "shall" imposes a duty, not an option.

Accordingly, the first three impeachment complaints must be regarded as dismissed by operation of law due to the failure to comply with Section 3(2), Article XI of the Constitution. This interpretation preserves the integrity and supremacy of the Constitution. To hold otherwise would allow the House of Representatives to suspend or nullify constitutional mandates by inaction – a result explicitly warned against in *Gutierrez*. No other constitutional consequence is consistent with the text, structure, and jurisprudence of Section 3, Article XI of the Constitution.

Is the breach excused by the February 5, 2025 intervention?

On February 5, 2025, a fourth impeachment complaint was filed against petitioner by one-third of all the members of the House of Representatives, pursuant to the second mode of initiation under Section 3(4), Article XI of the Constitution.

But this intervention did not cure the earlier breach. The violation had already occurred. February 5, 2025 was beyond the periods mandated by Section 3(2) of Article XI. What the House of Representatives did was to archive, not to include and refer. Archival is neither contemplated nor permitted by Section 3(2). The constitutional violation was committed as soon as the House of Representatives failed to act within the prescribed 10-session-day and three-session-day periods.

The subsequent filing under Section 3(4) cannot retroactively erase or toll the earlier breach. To hold otherwise would render the mandatory timelines and actions under Section 3(2) meaningless, inviting future disregard of constitutional commands.

To repeat, the breach of Section 3(2), Article XI was final and complete once the House failed to include and refer

the first three impeachment complaints within the mandated periods. Archival was an unconstitutional substitute for the required actions. The later filing under Section 3(4) cannot excuse or undo this violation. To preserve the integrity of the impeachment process and the supremacy of the Constitution, the only consistent constitutional consequence is that the first three complaints must be deemed dismissed by operation of law.

3. Validity of the Fourth Impeachment Complaint

a.

Is the fourth impeachment complaint against petitioner void for either of the following reasons:

i.

Infringing Section 3(5), Article XI of the Constitution, which imposes the one-year bar on initiating impeachment proceedings against the same official;

ii.

Violating petitioner's right to due process, whether by cumulative prejudice or procedural irregularity?

b.

If the answer to either question is in the affirmative, what is the appropriate remedy for this violation? Should the complaint be struck down in its entirety, or should the proceedings be annulled with directions for compliance?

The fourth impeachment complaint against petitioner is void for infringing Section 3(5), Article XI of the Constitution, which imposes the one-year bar on initiating impeachment proceedings against the same official.

The Constitution sets a clear boundary, i.e., "(n)o impeachment proceedings shall be initiated against the same official more than once within a period of one year."^[16] This safeguard exists to prevent harassment through repeated filings.

In this case, the House of Representatives doomed the first three impeachment complaints. By failing to act within the strict timelines and procedures set by the Constitution, the House of Representatives allowed these complaints to lapse and become *functus officio*. As such, they had lost legal efficacy that then resulted in their dismissal by operation of law – long before they were formally archived on February 5, 2025. The subsequent archival of the complaints merely confirmed the initiation and termination of the impeachment proceedings that had already been effected by the lapse of the prescribed session days without House action.

Proof of abuse of right^[17] or process^[18] is unnecessary—the fact of non-compliance with the Constitution suffices to trigger dismissal. The Constitution makes compliance with timelines and procedure a matter of substance, not merely form. The Constitution treats its own rules as substantive safeguards. Constitutional rules are not suggestions. They are the foundation of fairness. When institutions fail to follow them, the consequences are clear and binding. Hence, by constitutional design, this non-compliance by the House operates to set off dismissal by operation of law. Once the House failed to meet their obligations, the first three impeachment complaints were deemed dismissed.

Accordingly, the one-year bar under Section 3(5), Article XI of the Constitution applies. The first three complaints were initiated and terminated, thereby barring any subsequent initiation within one year. No new complaint could be initiated with the House of Representatives until February 6, 2026. This bar includes the

fourth impeachment complaint. This complaint was barred from the start. It is void and incapable of vesting jurisdiction upon the Senate to act as an impeachment court.

The fourth impeachment complaint against petitioner is void for violating her right to due process by cumulative prejudice or procedural irregularity.

The fourth impeachment complaint was also filed by one-third of all the Members of the House of Representatives without affording petitioner even the barest minimum of her right to due process. She was not notified of the existence of this complaint, much less the charges alleged therein. Given her lack of involvement in the filing, she was obviously not given the opportunity to explain her side or to contest the accusations.

Recognition of Due Process in the Second Mode of Initiation

The House of Representatives has maintained that petitioner need not be notified or heard at this stage, asserting that she could very well be informed of and heard on the specifics of the complaint only during trial.

This position is fundamentally flawed. It reduces due process to a perfunctory formality at the trial stage, rather than recognizing it as a constitutional guarantee that must be observed in the course of the impeachment proceedings at the House of Representatives – whatever mode was used in the initiation of the impeachment proceedings.

Indeed, Section 14, Rule IV of the 19th Congress' House Rules on Impeachment impliedly acknowledges the availability of due process rights. It requires every legislator signing the impeachment complaint under the second mode to swear an oath before the Secretary General, thus:

RULE IV

Verified Complaint/Resolution by One-Third of Members

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 of 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)[19]

This verification requirement presupposes that the complaint must be supported by evidence and vetted against such evidence by the legislators swearing to its merits. The oath is not a mere formality. It is a safeguard designed to ensure fairness and accountability in the initiation of impeachment proceedings. The oath cannot be divorced

from the constitutional guarantee of due process owed to the impeachable officer.

Due Process Rights Written Into Constitutional Practice

Beyond the requirements of verification, the principled and legal moorings of due process rights vis-à-vis an impeachment complaint under the second mode of initiation are clear. The due process rights of an impeachable officer are deemed written into the black letter law and practice of impeachment proceedings.

The fact that Section 3(4), Article XI does not explicitly mention due process does not mean that such rights are unavailable. To argue otherwise is a non-sequitur. Our laws are replete with provisions authorizing deprivations of rights and privileges without expressly referencing due process, yet these provisions are always construed in harmony with constitutional guarantees. Even contracts that appear confiscatory in nature are ultimately interpreted to embody observance of due process and other charter rights.

As a general rule, public decision-makers who have the power to decide matters affecting the rights, interests, property, privileges, or liberty of any person are subject to a duty of observing due process, particularly procedural fairness. Only the extent of this duty varies with the nature and function of the decision-maker.

In the context of impeachment, due process does not necessarily replicate the full panoply of rights available in a criminal trial. Yet it does require, at a minimum, notice of the charges and a meaningful opportunity to be heard before jurisdiction is vested in the Senate.

By affirming that these rights apply even under the second mode of initiation, I reject the notion that the constitutional silence in Section 3(4), Article XI amounts to a denial of procedural fairness. Instead, it recognizes that the Constitution must always be read in harmony with its overarching principles – foremost among them the guarantee of due process.

This configuration is both principled and pragmatic. It ensures that the impeachable officer is not blindsided by accusations secretly endorsed by one-third of the House, while at the same time respecting the constitutional design that allows such endorsement to serve as the Articles of Impeachment. In this way, we preserve the balance between accountability and fairness, and between the political nature of impeachment and the legal rights of the impeachable officer subject to it.

The fourth impeachment complaint should be struck down in its entirety.

A proceeding initiated in violation of the due process guarantee cannot vest jurisdiction upon the Senate to act as an impeachment trial court. Due process is not a mere formality but a constitutional safeguard that ensures fairness, notice, and the opportunity to be heard at the very threshold of proceedings. Where this guarantee is absent, no lawful initiation can occur, and jurisdiction cannot be conferred.

The fourth impeachment complaint, therefore, is void ab initio. It is not simply defective in form or procedure; it is legally incapable of sustaining the gravest of constitutional remedies. Impeachment, being an extraordinary mechanism for accountability, demands the strictest adherence to constitutional requirements. Any departure from these requirements strips the complaint of legal efficacy.

Apart from the transmittal to the Senate of the Articles of Impeachment, there are no other proceedings to be

nullified, for none has been undertaken validly or otherwise. What purports to be an impeachment complaint is but a constitutional nullity, incapable of ripening into jurisdiction before the Senate. The absence of due process at initiation renders the entire undertaking void, leaving nothing upon which the Senate may lawfully act.

To repeat, a proceeding initiated in violation of due process guarantee cannot vest jurisdiction upon the Senate to act as an impeachment court. The fourth impeachment complaint is void – not merely defective, but legally incapable of hearing and sustaining the gravest of constitutional remedies.

For these reasons, I VOTE to DENY the Motions for Reconsideration and affirm the July 25, 2025 Decision.

[1] Ponencia, pp. 8-11.

[2] Id. at 14.

[3] Id.

[4] Id.

[5] Sec. 3, art. XI of the Constitution provides:

(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.

[6] HOUSE RULES ON IMPEACHMENT OF THE 19[TH] CONGRESS, rule II, sec 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.

[7] 658 Phil. 322 (2011) [Per J. Carpio-Morales, En Banc].

[8] Id. at 384-385.

[9] Id. at 507-509. J. Brion, Dissenting Opinion.

[10] J. Inting, Separate Concurring Opinion.

[11] House of Representatives at <https://congress.gov.ph/media/view/?content=5722&title=LAST+SESSION+DAY+FOR+2024%3A+HOUSE+ADJOURNS+FOR+CHRISTMAS+BREAK>, last accessed on November 29, 2025.

[12] House of Representatives at <https://congress.gov.ph/media/view/?content=5728&title=ROMUALDEZ+RALLIES+HOUSE+MEMBERS+TO+CONTINUE+LEGISLATING+FOR+THE+FILIPINO>, last accessed on November 29, 2025.

[13] Sessions, Adjournments, and Recesses of Congress" in Congress.Gov at https://www.congress.gov/crs-product/R42977#_Ref349658771, last accessed November 29, 2025.

[14] See *Camp John Hay Development Corp. v. Office of the Ombudsman*, 893 Phil. 728 (2021) [Per J. Leonen, Third Division], which provides "(b)oth parties agree that to constitute an abuse of rights under Article 19 the defendant must act with bad faith or intent to prejudice the plaintiff. They cite the following comments of Tolentino as their authority: Test of Abuse of Right. — Modern jurisprudence does not permit acts which, although not unlawful, are anti-social. There is undoubtedly an abuse of right when it is exercised for the only purpose of prejudicing or injuring another. When the objective of the actor is illegitimate, the illicit act cannot be concealed under the guise of exercising a right. The principle does not permit acts which, without utility or legitimate purpose cause damage to another, because they violate the concept of social solidarity which considers law as rational and just. Hence, every abnormal exercise of a right, contrary to its socio-economic purpose, is an abuse that will give rise to liability. The exercise of a right must be in accordance with the purpose for which it was

established, and must not be excessive or unduly harsh; there must be no intention to injure another. Ultimately, however, and in practice, courts, in the sound exercise of their discretion, will have to determine all the facts and circumstances when the exercise of a right is unjust, or when there has been an abuse of right. The question, therefore, is whether private respondent intended to prejudice or injure petitioner when it rejected petitioner's offer and filed the action for collection."

[15] See *TSI International Group Inc. v. Formosa et al.*, 2016 ONSC 3750 (Ontario, Canada) (CanLII), <<https://canlii.ca/t/gs15v>>, retrieved on 2025-11-29: "(t)here are four elements to the tort of abuse of process: (1) the plaintiff is or was the subject of a lawsuit initiated by the defendant; (2) the defendant's predominant purpose in initiating the lawsuit was to further some improper purpose collateral or outside the ambit of the legal process; (3) the defendant performed a definite act or threat in furtherance of that improper purpose; and (4) the plaintiff was caused to suffer some special damages unique to him or her."

[16] CONSTITUTION, art. XI, sec. 3, par. 5.

[17] *Camp John Hay Development Corp. v. Office of the Ombudsman*, G.R. No. 225565, January 13, 2021, which provides "(b)oth parties agree that to constitute an abuse of rights under Article 19 the defendant must act with bad faith or intent to prejudice the plaintiff. They cite the following comments of Tolentino as their authority: Test of Abuse of Right. — Modern jurisprudence does not permit acts which, although not unlawful, are anti-social. There is undoubtedly an abuse of right when it is exercised for the only purpose of prejudicing or injuring another. When the objective of the actor is illegitimate, the illicit act cannot be concealed under the guise of exercising a right. The principle does not permit acts which, without utility or legitimate purpose cause damage to another, because they violate the concept of social solidarity which considers law as rational and just. Hence, every abnormal exercise of a right, contrary to its socio-economic purpose, is an abuse that will give rise to liability. The exercise of a right must be in accordance with the purpose for which it was established, and must not be excessive or unduly harsh; there must be no intention to injure another. Ultimately, however, and in practice, courts, in the sound exercise of their discretion, will have to determine all the facts and circumstances when the exercise of a right is unjust, or when there has been an abuse of right. The question, therefore, is whether private respondent intended to prejudice or injure petitioner when it rejected petitioner's offer and filed the action for collection."

[18] *TSI International Group Inc. v. Formosa et al.*, 2016 ONSC 3750 (Ontario, Canada) (CanLII), <<https://canlii.ca/t/gs15v>>, retrieved on 2025-11-29: "(t)here are four elements to the tort of abuse of process: (1) the plaintiff is or was the subject of a lawsuit initiated by the defendant; (2) the defendant's predominant purpose in initiating the lawsuit was to further some improper purpose collateral or outside the ambit of the legal process; (3) the defendant performed a definite act or threat in furtherance of that improper purpose; and (4) the plaintiff was caused to suffer some special damages unique to him or her."

[19] Rules of Procedure in Impeachment Proceedings (2023). See Rules of the House of Representatives, Nineteenth Congress, pp. 121-129, available at <https://docs.congress.hrep.online/download/docs/hrep.house.rules.adopted.ebook.pdf> (last accessed on November 30, 2025).

SEPARATE CONCURRING OPINION

INTING, J.:

I concur in the ponencia's denial of respondents' Motion for Reconsideration. The Verified Complaint for Impeachment (subject Impeachment Complaint) filed against Vice-President Sara Z. Duterte (VP Duterte) on

February 5, 2025, is void and unconstitutional for being violative of Article XI, Section 3, paragraphs 2[1] and 5[2] of the 1987 Constitution. Further, the subject Impeachment Complaint was deemed terminated upon the expiration of the term of the Nineteenth (19[th]) Congress on June 30, 2025.

There is no dispute that at the time of the filing of the subject Impeachment Complaint on February 5, 2025, three impeachment complaints (collectively, the 2024 Impeachment Complaints) had been previously filed against VP Duterte, to wit: (1) the First Impeachment Complaint endorsed by Akbayan Citizen's Action Party Representative Percival Ceñdana filed on December 2, 2024; (2) the 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 filed on December 4, 2024; and (3) the Third Impeachment Complaint endorsed by Camarines Sur Representative Gabriel Bordado, Jr. and Ang Asosasyon Sang Mangunguma Nga Bisaya-Owa Mangunguma, Inc. Representative Lex Colada filed on December 19, 2024.

In relation thereto, Article XI, Section 3(2) of the 1987 Constitution states that a verified impeachment complaint filed by a House member, or by any citizen upon a resolution of endorsement by a House member, "shall be included in the Order of Business within ten session days, and referred to the proper Committee within three session days thereafter." Article XI, Section 3(2) sets a mandatory timeframe within which the House must act upon an impeachment complaint. Indeed, in *Gutierrez v. House of Representatives Committee on Justice*,^[3] the Court unequivocally ruled that the House, in deciding to initiate an impeachment proceeding, is limited by this timeframe. The resolution of the motion for reconsideration in *Gutierrez*^[4] further teaches that absent a subsisting bar, the House cannot refuse to refer an impeachment complaint to its Committee on Justice within three session days.

Indubitably, the House should have observed the constitutional timeframe in Article XI, Section 3(2) in acting upon the 2024 Impeachment Complaints. However, the records show that the complaints were included in the House's order of business only on February 5, 2025, beyond the 10-session day period set forth in the constitution. Based on the Compliance submitted by the Office of the Solicitor General, the session days that lapsed from the filing date of the 2024 Impeachment Complaints are as follows:

Impeachment Complaints

Filing Date

Session days lapsed^[5]

First Impeachment Complaint

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

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

December 19, 2024

11 Session days: January 13, 14, 15, 20, 21, 22, 27, and 28, 2025; February 3, 4, and 5, 2025

Evidently, the House violated the constitutional timeframe within which the 2024 Impeachment Complaints should have been included in the House's order of business. Had Article XI, Section 3(2) been observed, both the first and second impeachment complaints would have already triggered the one-year bar by the time that the subject Impeachment Complaint was filed on February 5, 2025. Specifically, 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.

The House attempted to skirt the foregoing constitutional timeframe by construing a "session day" as a "legislative day," which is a technical term in legislation—it refers to that period of time when Congress begins its session up to its adjournment. However, the term "session day" should be interpreted in its plain and ordinary meaning because the 1987 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]

In my view, a "session day" under Article XI, Section 3(2) of the 1987 Constitution simply refers to each calendar day when the Congress is in session, but not when it is in adjournment. This is more consistent with the language of Article XI, Section 3(2), which clearly relates a "session day" to the House's Order of Business. Even the House recognizes this because under Section 72^[7] of the Rules of the House of the 19th Congress, a daily order of business must be prepared.

Further, for each calendar day when the House is in session, it could incorporate matters for deliberation through an Additional Reference of Business. 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 on February 5, 2025, through an Additional Reference of Business. Besides, had the framers of the 1987 Constitution intended to refer to a "legislative day" in Article XI, Section 3(2), then they would have used the technical term in the provision itself, yet they did not.

Given that the House violated Article XI, Section 3(2) of the 1987 Constitution, the subject Impeachment Complaint must be struck down for being void and unconstitutional. To rule otherwise is tantamount to holding that the House's flagrant violation of the Constitution is inconsequential. The House cannot be allowed to disregard the clear timeframe espoused in Article XI, Section 3(2) and effectively circumvent the one-year bar rule.

I again emphasize that the requirement for a verified impeachment complaint to be included in the House's order of business 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. At that time, impeachment complaints against the president were immediately quashed without even being referred to the then Batasang Pambansa, as a collective political body, for its consideration.^[8]

To my mind, the definition of "session day" adopted by the House 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 and definite period. The House could very well construe a "session day" into any number of calendar days until the mandatory yearly adjournment of Congress. This could then prevent the inclusion of an impeachment complaint in the House's order of business until the expiration of one Congress.

To be sure, the interpretation and construction of the term "session day" as it appears in Article XI, Section 3(2) of the 1987 Constitution is the function of the Court, not the Congress. "Once a controversy as to the application or

interpretation of a constitutional provision is raised before the Court, it becomes a legal issue which the Court is bound by Constitutional mandate to decide." [9] Stated otherwise, the interpretation of the 1987 Constitution is vested in the Court and is outside the sphere of the Legislature. [10] To hold otherwise would not only breach the fundamental principle of separation of powers but also cause confusion and instability in our system of government. [11]

At any rate, as I stated in my Separate Concurring Opinion dated July 25, 2025, the impeachment proceedings against VP Duterte based on the subject Impeachment Complaint were deemed terminated with the expiration of the term of the 19[th] Congress on June 30, 2025.

I reiterate that under the 1987 Constitution, the House and the Senate are not continuing bodies. Rather, pursuant to Article VI, Sections 4 [12] and 7 [13] in relation to Article VI, Section 1 [14] of the 1987 Constitution, the term of every Congress is only for three years. At the end of the term of one Congress, the House and the Senate of that Congress cease to exist.

Particularly with regard to the Senate, the Court has explained in *Garcillano v. House of Representatives Committees on Public Information* [15] that the Senate is not a continuing body because 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. The remaining 12 senators cannot constitute a quorum, [16] which, in turn, means that they can no longer do any business that could continue into the next Congress.

The inability of the Senate to continue with an impeachment trial beyond the term of one Congress is emphasized by the fact that under Article XI, Section 3(6) [17] 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. The remaining members are less than a majority of the Senate and, hence, cannot constitute a quorum, much less render a judgment of conviction in an impeachment case.

In addition, impeachment is a political exercise [18] that is "undertaken by the legislature to determine whether the public officer concerned committed any of the impeachable offenses." [19] A resolution by a House of one 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 that House and cannot continue beyond the term of the 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.

Moreover, in an impeachment case, the House accuses or acts as the prosecutor. [20] This is confirmed by Rule VI, Section 16 of the Rules of Procedure in Impeachment Proceedings of the House of Representatives of the 19[th] Congress, in relation to Part I of the Rules of Procedure on Impeachment Trials of the Senate of the 19[th] Congress, viz.:

Rules of Procedure in Impeachment Proceedings of the House of the 19[th] 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 19[th] 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 incumbent 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 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. Should the 20[th] Senate proceed with the impeachment trial of VP Duterte, it would have to do so based on the Articles of Impeachment by the House of the 19[th] Congress that no longer exists. The 20[th] House must also constitute a committee for the appointment of prosecutors, 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.

I stress that the Philippines is a democratic and republican State.[21] Under the essential principles of democracy, each Congress must be considered as equal.[22] 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 were terminated and rendered inefficacious with the expiration of the term of the 19[th] Congress on June 30, 2025. 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.

In my humble view, the charges of impeachable offenses against VP Duterte during the 19[th] Congress, at most, could only be presented anew to the House of the 20[th] Congress. It is up to the incumbent members of 20[th] House to consider the subject Impeachment Complaint, as well as any evidence gathered in relation thereto, and to ascertain whether an impeachment proceeding should be initiated against VP Duterte during their term.

In view of the foregoing, I vote to DENY the Motion for Reconsideration with finality.

[1] (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.

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

[3] 658 Phil. 322 (2011) [Per J. Carpio Morales, En Banc].

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

[5] Rules of Court, Rule 22, Section 1, states:

Section 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.

[6] *Spouses Imbong v. Ochoa, Jr.*, 732 Phil. 1 (2014) [Per J. Mendoza, En Banc].

[7] 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.

[8] Records of the 1986 Constitutional Commission, October 12, 1986 [R.C.C. No. 106].

[9] *Guingona, Jr. v. Gonzales*, G.R. No. 106971, March 1, 1993 [Per J. Campos, Jr. En Banc].

[10] *Republic v. Prieto*, 117 Phil. 1021 (1963) [J. Barrera, En Banc].

[11] *Araullo v. Aquino III*, G.R. No. 209287, February 3, 2015 [Per J. Bersamin, En Banc].

[12] 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[.]

[13] 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[.]

[14] 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.

[15] 595 Phil. 775 (2008) [Per J. Nachura, En Banc].

[16] 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.

[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.

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

[19] Republic v. Sereno, G.R. No. 237428, June 19, 2018 [Per J. Tijam, En Banc].

[20] Re: Ma. Cristina Roco Corona, A.M. No. 20-07-10-SC, January 12, 2021 [Per J. Hernando, En Banc].

[21] 1987 Constitution, Article II, Section 1.

[22] City of Davao v. Regional Trial Court, 504 Phil. 543 (2005) [Per J. Tinga, Second Division].

SEPARATE CONCURRING OPINION

ROSARIO, J.:

I vote for the denial of the Motion for Reconsideration.

In explaining the considerations that have informed my vote, I begin with a reiteration of the settled facts.

On December 2, 2024, private individuals and various organizations filed an impeachment complaint against Vice President Sara Duterte (Duterte) in the House of Representatives. This complaint asserted, among others, that Duterte misused public funds, failed to oppose China's unlawful claims in the West Philippine Sea, and participated in the extrajudicial killings perpetrated by the Davao Death Squad. This complaint was endorsed by Representative Percival Cendeña of Akbayan Party-list.[1]

On December 4, 2024, a second group of private citizens and groups filed another impeachment complaint against Duterte before the House of Representatives. This second impeachment complaint alleged that Duterte committed grave abuse of discretionary powers and betrayed public trust when she misused confidential funds in the amount of PH 612.5 million. The second impeachment complaint was endorsed by Representative France Castro of ACT Teachers Party-list, Arlene Brosas of Gabriela Party-list, and Raoul Daniel Manuel of Kabataan Party-list.[2]

On December 19, 2024, a third impeachment complaint was filed by a coalition of religious workers, lawyers, and civil society members. This impeachment complaint charged Duterte with plunder, graft, and corruption due to her handling of confidential funds. The complaint was endorsed by Representative Gabriel Bordado of the third district of Camarines Sur and Representative Lex Anthony Cris Colada of AAMBIS-OWA Party-List.[3]

The three complaints were filed in accordance with Article XI, Section 3 (2) of the Constitution, which grants ordinary citizens direct recourse to hold an impeachable public officer accountable through the filing of a verified complaint in the House of Representatives, upon a resolution or endorsement by a member of the House of Representatives. As the three complaints were initiated by private citizens and properly endorsed by members of the House of Representatives, constitutionally, nothing more was required of them.

The onus shifted to the House of Representatives. In particular, Article XI, Section 3 (2) of the Constitution commands that a verified impeachment complaint shall be included in the Order of Business within 10 session days and referred to the proper Committee within three session days thereafter.

Yet, the three impeachment complaints were not immediately transmitted to the speaker of the House of Representatives for inclusion in the Order of Business. The secretary general of the House explained that his office needed time to review the complaints. More significantly, he admitted that he did not act on the complaints upon the request of some members of the House of Representatives, specifically to avoid triggering the one-year bar under the Constitution.[4]

In its Comment filed before the Court, the House of Representatives explained that, consistent with its power to promulgate impeachment rules, it has the power to introduce an interim step between the receipt of an

impeachment complaint and the running of the 10-day period. Thus, the House of Representatives asserted, the 10-day period should be reckoned only from the speaker's receipt of the complaint from the secretary general.[5]

Thus, the three impeachment complaints were deliberately allowed to remain unacted upon in the Office of the Secretary General for several months until they were finally included in the Order of Business on February 5, 2025. To be sure, as the Court acknowledged in its assailed Decision, the complaints were technically included in the Order of Business within the constitutionally prescribed 10-session-day period. That formal compliance, however, does not tell the whole story. The admissions of both the secretary general and the House of Representatives make clear that there was a conscious decision not to calendar the complaints earlier, despite their earlier filing. In addition, the timing of their transmittal to the speaker was effectively placed in the hands of the secretary general, who openly acknowledged that he withheld forwarding the complaints at the request of certain members of the House of Representatives, in order to avoid triggering the one-year bar.

On February 5, 2025, the same day that the three impeachment complaints were included in the Order of Business, a fourth impeachment complaint, endorsed by 215 members of the House of Representatives, was filed under Article XI, Section 3 (4) and likewise calendared.[6]

During that session, the majority leader moved for the immediate transmittal of the fourth impeachment complaint to the Senate. There was no objection. Thereafter, again without objection, the House of Representatives voted to archive the three earlier complaints. House Journal No. 36 reveals that there were no prior discussions regarding the three impeachment complaints before the House of Representatives opted to transmit the fourth complaint to the Senate. Nor were there discussions regarding these three complaints before they were archived.[7] That evening, the House of Representatives adjourned its session. The session resumed only on June 2, 2025, after the May 2025 elections.[8]

Petitions were filed before this Court challenging the constitutionality of the fourth impeachment complaint, which became the Articles of Impeachment transmitted to the Senate. In the assailed Decision, the Court granted the Petitions and declared the Articles of Impeachment unconstitutional for violating the one-year bar and the requirements of due process. The House of Representatives now seeks reconsideration.

The Resolution on the Motion for Reconsideration rules that it should be denied and the assailed Decision affirmed. I concur.

This case brings to the fore constitutional questions of profound consequence to our constitutional democracy. In resolving these questions, the Court must return to first principles.

Impeachment is a constitutional tool for the protection of the State

Impeachment is a constitutionally enshrined mechanism to hold certain public officers accountable through their removal from office on specific grounds. Article XI, Sections 2 and 3 of the Constitution provide the ground rules for impeachment:

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.

Impeachment is *sui generis*. 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."^[9]

The Constitution provides that only certain public officers, i.e., 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 solely through impeachment. This deliberate limitation reflects a constitutional balancing of interests. Because these officials may be removed only by impeachment, they are accorded a measure of independence necessary to discharge their duties without unwarranted fear of constant or retaliatory efforts to secure their removal.^[10] At the same time, the State is assured that removal from office is reserved for only the most serious offenses, and only after the official has been subjected to the Constitution's most exacting and rigorous accountability process.

In the same vein, impeachment provides an immediate and direct constitutional remedy in circumstances where there is a compelling need to protect the State from an erring impeachable officer. Unlike administrative or judicial proceedings, impeachment is not constrained by the requirements of ordinary adjudicative processes. Its constitutional design allows for a prompt yet structured response to serious breaches of public trust. Through impeachment, an impeachable officer is called to account directly before the people, acting through their elected representatives, first, through the initiation of proceedings in the House of Representatives, and ultimately, through trial and judgment in the Senate. In this way, impeachment balances urgency with legitimacy. It allows

for swift action while ensuring that the ultimate judgment is rendered through a process that is representative and fair.

That the only penalties that may be imposed in an impeachment trial are removal from office and perpetual disqualification from holding public office underscores the true nature of impeachment. It is, at its core, a protective constitutional mechanism and not a punitive one. Impeachment is designed to shield the State from the continued exercise of public power by an officer who has gravely betrayed the public trust. This is why impeachment does not impose criminal penalties. The legal system provides separate and distinct avenues, such as criminal prosecution and administrative proceedings, through which an impeachable officer may be held personally liable for violations of law.

Historically, impeachment emerged from a profound concern that a nation must not be left defenseless against leaders who abuse power or betray the State.^[11] This was the animating motivation behind the inclusion of impeachment in the American Constitution, from which our own impeachment framework was substantially drawn. The framers recognized that certain abuses demand a remedy that is political in form but constitutional in character, a remedy that allows the State to remove dangerous officials swiftly while preserving institutional legitimacy. That same imperative to protect the State and ensure its survival—guided the framers of the Constitution in embedding impeachment into our constitutional system.

The Constitution carefully and deliberately circumscribes the impeachment power

Precisely because impeachment is such a powerful and extraordinary remedy, the Constitution carefully circumscribes its exercise: It prescribes a specific process through which an impeachable officer may be charged, tried, and convicted. It also imposes distinct limitations to prevent abuse. These procedural and substantive constraints are essential to ensuring that impeachment remains an effective instrument to protect the State from real threats and not a tool of partisanship, retaliation, or political expediency.

A key constitutional limitation lies in the deliberate division of the impeachment power between the House of Representatives and the Senate. While the Constitution entrusts the Legislature with one of the most consequential powers in our legal system, it carefully avoids concentrating that power in a single body. Instead, it allocates distinct roles to each chamber. The House of Representatives functions as the initiating and prosecutorial body, while the Senate sits as the sole court for the trial of impeachment cases. The House of Representatives is tasked with determining whether there is sufficient basis to compel an impeachable officer to answer before the Senate, while the Senate independently adjudicates guilt or innocence. The wisdom of this allocation is evident. When an impeachable officer is alleged to have betrayed or imperiled the State, the people's elected representatives in the House of Representatives are institutionally best situated to investigate, evaluate, and, if warranted, bring formal charges,^[12] subject always to trial and judgment by a separate body, thereby preserving both accountability and restraint.

In *Gutierrez v. House of Representatives Committee on Justice*,^[13] the Court emphasized that because the Constitution vests in the House of Representatives the exclusive power to initiate impeachment proceedings, that power must be exercised by the House of Representatives acting as a body, and not by an individual member or a subordinate committee. The Court said:

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.[14] (Emphasis supplied, citations omitted)

Another important limitation is that the Constitution allows only two specific ways through which an impeachment complaint may be initiated. Under the Constitution, impeachment may be initiated only in two specific and exclusive modes.

First, a verified complaint may be filed by any member of the House of Representatives or by any citizen, provided it is endorsed by at least one member of the House of Representatives, after which it must be included in the Order of Business and processed in accordance with the periods and procedures fixed by the Constitution.[15] Second, impeachment may be initiated by a verified complaint or resolution filed by at least one-third of all the members of the House of Representatives, which immediately constitutes the Articles of Impeachment.[16] The Constitution's deliberate choice to confine initiation to these two modes is itself a restraint. Impeachment is not left to the unstructured discretion of the political branches and is instead channeled through defined constitutional pathways.

Significantly, the first mode is exceptional in our constitutional design. It allows a private citizen direct recourse to hold an impeachable officer to account, subject only to the endorsement of a single legislator. Outside of elections and the constitutional mechanism for people's initiative, there is no other instrument in the Constitution that permits this level of direct citizen participation in governance and accountability. This design reflects a conscious judgment by the framers that impeachment should not be the monopoly of political majorities alone. It must remain accessible to the people themselves as an expression of popular sovereignty, tempered at all times by the procedural and temporal limits imposed by the Constitution.

Corollary to this requirement, the Constitution mandates that a verified impeachment complaint filed under the first mode be included in the Order of Business within 10 session days and referred to the Committee on Justice within three session days thereafter.[17] These temporal requirements are not perfunctory. They are constitutional limitations designed to ensure that citizen-initiated impeachment complaints are seasonably acted upon, meaningfully presented to, and considered by the House of Representatives in plenary, and not consigned to inaction or neglect. By imposing definite timelines, the Constitution guards against the very danger that such complaints may be allowed to languish in the records of Congress without genuine consideration.

The Constitution also limits the frequency of initiating impeachment complaints against impeachable officers. It mandates that no impeachment proceedings shall be initiated against the same official more than once within a period of one year. This prohibition serves a structural and institutional purpose. It protects an impeachable officer from repeated harassment through successive or piecemeal impeachment attempts that could otherwise be used to weaken, distract, or delegitimize an official without affording stability to public office. At the same time, the one-year bar safeguards the institutional capacity of the House of Representatives. Impeachment is an exacting and consuming constitutional process. Without a temporal limitation, the House of Representatives could be perpetually mired in impeachment proceedings, to the detriment of its primary constitutional functions of legislation, oversight, and representation.[18] The one-year bar thus ensures that impeachment remains a solemn and exceptional remedy rather than a recurring political tactic that undermines both effective governance and the orderly functioning of Congress.

Beyond these textual restraints, the Constitution itself imposes a further and equally important limitation on the impeachment power through the Court's expanded judicial review under Article VIII, Section 1 of the Constitution. As this Court explained in *Francisco v. House of Representatives*,^[19] impeachment, though political in character, is not beyond the reach of judicial review when constitutional boundaries are implicated. The Court, in *Francisco*, squarely held that it has the duty to determine whether the House of Representatives committed grave abuse of discretion in the exercise of its impeachment powers, stressing that the political nature of impeachment does not license disregard of constitutional commands.^[20] At the same time, Gutierrez carefully delineated the limits of this judicial power. In particular, the Court opined in *Gutierrez* that courts do not inquire into the wisdom, sufficiency, or merits of impeachment charges, nor do they supplant the discretion of Congress in matters textually committed to it.^[21] Judicial review intervenes only to ensure that the Constitution itself is respected and that the House of Representatives acts within the bounds of the Constitution, observes the limits it imposes, and does not transgress them through grave abuse of discretion. In this sense, expanded judicial review is not an intrusion into impeachment, but a constitutional check upon it, ensuring that even this most political of accountability mechanisms remains anchored to the rule of law.

Constitutional limitations on the impeachment power exist to ensure that its exercise remains measured and even-handed, even in times of political turbulence

These constitutional limitations are especially vital because impeachment almost invariably unfolds in a climate of political turmoil. It is often initiated in moments of crisis, heightened public emotion, and intense partisan contestation. In these circumstances, there is a real and ever-present risk that the political branches may be tempted to act with bias, or that party allegiance and political expediency may eclipse the sober demands of constitutional duty. The framers were acutely aware of this danger. They therefore embedded in the impeachment process a network of procedural, temporal, and institutional restraints precisely to discipline political judgment when it is most strained. These limitations serve to steady the House of Representatives and the Senate and compel them to pause, deliberate, and act with restraint even amid pressure and drama. They prevent impeachment from degenerating into a partisan spectacle or a mere contest of numbers. They grant the Legislature the means to ensure that impeachment remains a process anchored in fairness, reason, and justice. In this way, the Constitution insists that even in times of great political upheaval, accountability must be pursued not by passion or faction, but by clear-headed adherence to constitutional process.

The imperative that impeachment be conducted in a manner that prevents it from degenerating into mere party politics or a simple contest of numbers cannot be ignored. When impeachment is perceived as nothing more than a partisan weapon, one that is activated or neutralized solely by shifting political majorities, it loses its legitimacy and moral authority. Worse, this perception does not confine its damage to the impeachment process alone. It reverberates outward to undermine the sanctity of elections themselves. In discussing the importance of preventing impeachment from devolving into a purely partisan exercise, Laurence Tribe and Joshua Matz observe in *To End a Presidency*:

The presumption against partisan impeachments is also supported by pragmatic concerns. As Professor Keith Whittington has explained: "If the impeachment power is perceived to be little more than a partisan tool for undermining elected officials and overturning election results, then the value of elections for resolving our political disagreements is significantly reduced. We do not want to be in a situation in which neither side trusts the other to [abide] by election results." The risk of destabilizing our political system mustn't be underestimated. It's easy to envision how a successful partisan removal could unleash a cycle of bitter, destructive recrimination. Accordingly, impeachment should almost always be confined to cases where there is

some bipartisan consensus that the president is too dangerous to be allowed to remain in office.[22]

An impeachment that is driven primarily by partisanship risks transforming elections into provisional victories, perpetually subject to reversal by legislative majorities rather than respected as expressions of popular will. When impeachment is reduced to a routine instrument of political struggle, it threatens to destabilize democratic legitimacy by signaling that electoral mandates may be displaced not by extraordinary constitutional necessity, but by ordinary partisan advantage. The Constitution's insistence on restraint, process, and limitation reflects a deeper concern that impeachment must remain an exceptional remedy and not a surrogate for electoral defeat nor a shortcut around the judgment of the electorate.

It was precisely in pursuit of this constitutional ideal—that impeachment must remain fair, restrained, and just even amid political turbulence—that this Court exercised its expanded judicial review power in Francisco. In Francisco, the Court intervened not to second-guess the political judgment of the House of Representatives, but to prevent a construction of the impeachment process that would have rendered the one-year bar inutile and exposed impeachable officers to harassment through successive complaints. The Court held that, for purposes of the one-year prohibition, an impeachment proceeding is deemed "initiated" only upon the concurrence of two acts: the filing of a verified impeachment complaint and its referral to the Committee on Justice. This definition was crafted to strike a constitutional balance, thus ensuring that the House of Representatives retained discretion in acting on complaints, while at the same time preventing the manipulation of procedure to either prematurely trigger or indefinitely evade the one-year bar.

My vote for the denial of the Motion for Reconsideration is anchored on these first principles.

The present case requires a more nuanced interpretation of "initiation" under Article XI, Section 3 of the Constitution

This case is not on all fours with Francisco. In the assailed Decision, the Court did not abandon the definition of "initiation" articulated in Francisco. It only clarified and supplemented it in response to a factual situation not previously contemplated.

The facts are worth reiterating. Three impeachment complaints were filed pursuant to the first mode of initiation under Article XI, Section 3 (2) of the Constitution. Although these complaints were eventually included in the Order of Business within the 10-session-day period, both the secretary general and the House of Representatives have admitted that there was a deliberate decision not to forward the complaints immediately to the speaker. The secretary general expressly confirmed that certain members of the House of Representatives requested the delay in order to avoid triggering the one-year bar. When the three impeachment complaints were finally calendared, they were placed alongside a fourth impeachment complaint already endorsed by more than one-third of all the members of the House of Representatives. The latter complaint was immediately prioritized and transmitted to the Senate. The records do not indicate that the first three complaints were meaningfully considered, appreciated, or discussed before they were ultimately archived. Simply stated, action on the first three complaints was intentionally delayed to avoid the constitutional bar. When they were finally calendared, the House of Representatives deliberately declined to give them any meaningful consideration in favor of the fourth complaint.

The assailed Decision thus concluded that in order to remain true to the Constitution and Francisco, a more nuanced approach in interpreting "initiation" is required. Thus, the Court ruled in the assailed Decision that the one-year bar is "reckoned from the time an impeachment complaint is dismissed or becomes no longer

viable."[23]

I agree. In particular, I submit this refinement of the ruling: where a duly filed impeachment complaint is rendered no longer viable because of the delay or inaction attributable to the House of Representatives or due to its failure to afford the impeachment complaint meaningful consideration, the complaint must be deemed initiated at the point it ceases to be viable. This refinement ensures that the constitutional limitations on impeachment remain operative and cannot be defeated by procedural inaction, while remaining faithful to the core principles articulated in Francisco.

The House of Representatives has discretion in the exercise of its power to refer an impeachment complaint to the proper Committee, but this power must not be gravely abused

Article XI, Section 3 (2) of the Constitution mandates that a verified impeachment complaint filed through the first mode must be included in the Order of Business within 10 session days and referred to the appropriate Committee within three session days thereafter. For clarity, I reproduce the relevant provisions here:

SECTION 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)

The provision employs the word "shall," which is ordinarily understood as mandatory. It is settled, however, that this is not an absolute rule in statutory construction, and its true import depends upon the complete context of the entire provision.[24] In the case of Article XI, Section 3 (2), this textual command cannot be read in isolation. Its meaning must be understood in light of several important considerations. First, the provision requires that a verified impeachment complaint be included in the Order of Business for consideration by the House of Representatives acting as a plenary body. This underscores that the constitutional actor is the House of Representatives itself, not any individual officer or committee. Second, while the Constitution fixes a three-session-day period within which the plenary may refer the complaint to the proper Committee, this temporal requirement presupposes institutional deliberation and not mechanical transmission. Third, and most significantly, the Constitution vests in the House of Representatives the exclusive power to initiate impeachment proceedings. Read together, these features indicate that the mandatory language of the provision ensures timely plenary consideration but does not strip the House of Representatives of the discretion inherent in its constitutionally assigned role as the sole initiator of impeachment proceedings.

Expounding on the power of the House of Representatives to initiate impeachment proceedings by referring an impeachment complaint to the Committee on Justice, the Court said in Gutierrez:

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.[25] (Emphasis supplied)

I submit that the House of Representatives is not a mere conduit for impeachment complaints. While the Constitution mandates compliance with the 10-session-day and three-session-day requirements for calendaring and referral, it does not reduce the House of Representatives to a purely mechanical actor. The House of Representatives necessarily exercises a measure of discretion in determining whether an impeachment complaint should be referred to the Committee on Justice, whether multiple complaints may be consolidated and acted upon together, and whether referral may be withheld for legitimate constitutional reasons, such as to avoid violating the one-year bar.

This understanding is consistent with the Constitution's express grant to the House of Representatives of the exclusive power to initiate impeachment proceedings. A contrary interpretation—one that compels the House of Representatives to transmit every complaint automatically through plenary and committee processes without any room for judgment—would reduce it to a mere pass-through, a rubber stamp devoid of institutional agency. Under such a view, the constitutional grant to the House of Representatives of exclusive power to initiate impeachment proceedings would be emptied of substance and transformed into a ministerial obligation instead of a genuine constitutional authority.

Even worse, a system that treats the House of Representatives as a mere conduit inevitably results in a first-to-file regime, a consequence aptly noted by Justice Zalameda in his Concurring Opinion to the assailed Decision. Such a regime is precisely what this Court sought to prevent in *Francisco and Gutierrez*. Those cases rejected interpretations of impeachment procedure that would allow enterprising complainants, or interested political actors, to manipulate timing and sequence in order to trigger the one-year bar through strategic filings rather than through deliberate institutional action by the House of Representatives itself.

Established principles of constitutional construction reinforce this conclusion. Constitutional provisions must be read in harmony, not in isolation. Interpretations that render one provision nugatory in favor of another are disfavored. A reading of Article XI of the Constitution that strips the House of Representatives of any discretion in initiating impeachment proceedings effectively nullifies the grant of the exclusive power conferred upon it. This could not have been the intent of the framers. The more faithful reading is that the House of Representatives retains discretion in determining the referral of impeachment complaints to the Committee on Justice, subject always to the limits imposed by the Constitution.

In this regard, I echo the pronouncement in the Resolution that the House of Representatives exercises discretion to formulate, craft, and implement its own rules of impeachment, provided that it is not contrary to the Constitution.[26] I also agree that the House of Representatives has the power to choose between the two constitutionally mandated modes for initiating impeachment.[27]

That discretion, however, is not unbounded. Like all governmental power, it must be exercised in good faith and within constitutional limits. It may not be wielded in a manner that precludes genuine and meaningful consideration of duly filed impeachment complaints in favor of another. It cannot be gravely abused. That, regrettably, is what transpired in this case. The House of Representatives, purporting to exercise discretion, declined to give even cursory consideration to the first three impeachment complaints and instead proceeded, almost reflexively, to transmit the fourth complaint. This was not a legitimate exercise of constitutional discretion. With due respect, it was grave abuse of this discretion.

While the House of Representatives ultimately forwarded the three impeachment complaints within the

10-session-day period, it is also admitted that the secretary general deliberately withheld their immediate transmittal at the request of certain members of the House. Such conduct finds no basis in the Constitution. Consistent with the Court's ruling in *Gutierrez*, the secretary general performs a ministerial role in the impeachment process and has no authority to determine whether or when impeachment complaints should be forwarded. By permitting the secretary general to delay transmittal for reasons wholly unrelated to constitutional compliance, the House of Representatives abdicated its institutional responsibility and acted with grave abuse of discretion. This, in turn, contributed to the House's effectively perfunctory refusal to meaningfully act on the three impeachment complaints. Significantly, this act of withholding the three impeachment complaints upon the request of some members of the House of Representatives is also a violation of the House of Representatives' own Rules of Impeachment, which categorically state in Article II, Section 3, that an impeachment complaint filed before the Office of the Secretary General shall be "immediately referred to the [s]peaker."^[28]

Moreover, when the three impeachment complaints were finally included in the Order of Business, the House of Representatives in plenary afforded them no meaningful consideration at all. Instead, it chose to immediately act on the fourth impeachment complaint, filed only on February 5, 2025, despite the fact that the earlier complaints had been pending for several months. The sequence of events leaves little doubt that the first three complaints were never given a genuine opportunity for consideration, appreciation, or debate, let alone referral to the Committee on Justice. While the House of Representatives retains discretion in determining whether, and which, impeachment complaints should be referred, such discretion must be exercised fairly and even-handedly, with due regard to all pending complaints. Discretion exercised in a manner that effectively forecloses any meaningful consideration of earlier filed complaints in favor of a later one is not a legitimate exercise of constitutional authority. In failing to accord the three impeachment complaints any real opportunity for consideration, the House further acted with grave abuse of discretion.

To be clear, the grave abuse of discretion in this case does not lie in the House of Representatives' decision to transmit the fourth impeachment complaint rather than refer the first three complaints to the Committee on Justice. As I have already explained, my view is that the House of Representatives is constitutionally granted a measure of discretion in this matter. The constitutional infirmity arises from the manner in which that decision was reached. The House of Representatives acted without affording all pending impeachment complaints fair, even-handed, and meaningful consideration. The record does not indicate that the first three complaints were genuinely evaluated at all. It is this deliberate failure to meaningfully consider duly filed complaints that constitutes grave abuse of discretion.

In taking this view, I do not suggest that the Court has the authority to direct the House of Representatives as to which impeachment complaints must be referred to the Committee on Justice, let alone to deny that the House of Representatives possesses discretion in this regard. At the risk of repetition, I recognize that the House of Representatives retains a measure of constitutional discretion in the initiation of impeachment proceedings. What the Constitution likewise commands, however, is that the Court, in the exercise of its power of judicial review, may determine whether that discretion has been exercised with grave abuse. The focus of judicial inquiry is therefore not the substantive outcome reached by the House of Representatives, but the fairness and constitutionality of the process by which that outcome was arrived at.

This point warrants particular emphasis. It is especially important that an impeachment complaint filed under the first mode of initiation be accorded a fair and genuine opportunity for consideration. Absent such a safeguard, the impeachment process risks devolving into a mere contest of numbers, where a duly filed citizen-initiated complaint may be conveniently ignored once another complaint, backed by sufficient political support, emerges in the House of Representatives. Such a system would effectively render the first mode illusory. The Constitution

did not include this mode by accident. It occupies a unique and almost sacrosanct place in our constitutional design, as it is among the very few mechanisms through which ordinary citizens are granted direct participation in governance and in the accountability of the highest public officers. Without a safeguard that ensures that all impeachment complaints, regardless of the mode of initiation, receive meaningful and good-faith consideration, there is a real danger that complaints initiated by ordinary citizens will be drowned out by partisan alignments and sheer numerical strength. This outcome would subvert the constitutional balance deliberately crafted by the framers and reduce impeachment to a process dictated not by constitutional deliberation but by political arithmetic.

Equally significant, this inaction undermines the very purpose of the one-year bar. The constitutional prohibition against initiating more than one impeachment proceeding within a year is meant to provide finality, stability, and repose, both for the respondent and for the institutions tasked with carrying out impeachment. If impeachment complaints are permitted to remain "floating," neither meaningfully calendared nor referred to the proper Committee, this constitutional protection is effectively nullified. Complaints may accumulate over time without ever triggering the one-year bar, thereby exposing the respondent to prolonged uncertainty, psychological strain, and the constant specter of impeachment without resolution.

At the same time, the House of Representatives is placed in a precarious position as it becomes vulnerable to being mired in successive unresolved impeachment matters, each capable of being revived or sidelined at will. Such a system invites strategic filings and procedural gamesmanship. The respondent is left in a state of limbo, unsure whether, when, or how the pending complaints will be addressed. Moreover, the House of Representatives would be deprived of the institutional stability necessary to perform its core legislative and oversight functions. This outcome is precisely what the one-year bar was designed to prevent. The resulting harm, therefore, extends beyond the immediate parties. It erodes the credibility, coherence, and legitimacy of the impeachment process itself and transforms a solemn constitutional remedy into an instrument of uncertainty and political maneuvering.

These considerations call for a more nuanced interpretation of the one-year bar, one that is faithful to the reason for which this constitutional limitation was adopted. The one-year bar was intended to operate as a real and effective safeguard. It is not a proscription that may be avoided through delay, inaction, or selective consideration. Accordingly, where a duly filed impeachment complaint ceases to be viable because of the House's undue delay, inaction, or failure to afford it meaningful consideration, the complaint must be deemed initiated at the point it becomes incapable of further action. This interpretation does not expand the impeachment power nor diminish legislative discretion. It ensures that constitutional limits remain operative. To hold otherwise would permit constitutional safeguards to be defeated by procedural maneuvering. It would render the one-year bar illusory and reduce impeachment to a matter of strategic timing and procedural gamesmanship.

This nuanced interpretation of "initiation" likewise serves an important protective function for the first mode of impeachment. By recognizing that a complaint may be deemed initiated when it is rendered non-viable through inaction or lack of meaningful consideration, the Constitution is prevented from being construed in a manner that allows citizen-initiated complaints to be silenced by numerical dominance alone. Without this nuanced interpretation, impeachment could devolve into a process where a complaint filed by ordinary citizens may be ignored or sidelined indefinitely until another complaint, supported by sufficient political numbers, emerges and is acted upon. This refined interpretation, which requires that a citizen-initiated impeachment complaint be treated more than a procedural formality, ensures that the first mode retains its constitutional significance. It compels the House of Representatives to engage with such complaints in good faith. This preserves the Constitution's deliberate choice to allow direct citizen participation in the impeachment process and ensures that accountability is not determined solely by partisan strength.

The doctrine of operative fact does not apply in this case

I further agree with the Resolution that the doctrine of operative fact does not apply in this case.

The doctrine is an exception to the general rule. The governing principle is found in Article 7, paragraph 2 of the Civil Code, which provides that when the courts declare a law to be unconstitutional, the law shall be void and the Constitution shall prevail. This reflects the fundamental premise that an unconstitutional act confers no rights and imposes no obligations. The Constitution admits of no presumption in favor of the continued operation of an unconstitutional act. Any departure from this rule must therefore be strictly justified. As the Court explained in *Planters Products, Inc. v. Fertiphil Corporation*,^[29] the doctrine of operative fact applies only as a matter of equity and fair play.^[30]

This limitation is essential because the very purpose of the Court's power of judicial review is to prevent or correct constitutional violations. Judicial review would be severely diminished if constitutional rulings were routinely applied only prospectively. In such a regime, unconstitutional conduct would escape meaningful correction. Further, the Court's decisions would amount to little more than guidance for future behavior. The Constitution does not contemplate a system where violations are acknowledged yet left unremedied. The corrective function of judicial review presupposes that constitutional rulings operate with immediate and binding effect, except in the rarest of circumstances.

The Court has therefore repeatedly stressed that the operative fact doctrine must be applied with great caution. In *Araullo v. Aquino III*,^[31] the Court underscored that the doctrine may be resorted to only when extraordinary circumstances exist. Even then, it applies only where nullification would result in inequity and injustice. It cannot be invoked to validate an unconstitutional law.^[32] Where no inequity would ensue, the general rule that an unconstitutional act is wholly ineffective must prevail.

Tested against these standards, there is no justification for applying the operative fact doctrine in this case. The doctrine is invoked to prevent inequity arising from good-faith reliance on an act later declared unconstitutional. No such reliance interests are implicated here.

There is similarly no basis to conclude that the adherence to the general rule would result in inequity or injustice. On the contrary, there is a real danger that applying the doctrine of operative fact here would reward and encourage constitutional evasion instead of preventing injustice. If constitutional violations are insulated from consequences simply because they were done before any judicial clarification, the incentive to adhere strictly to constitutional limits is weakened. The Constitution does not countenance such a result. The doctrine was never intended to temper the immediate force of the Constitution. It should not be made to do so here.

Fidelity to the Constitution and the rule of law must prevail even in times of great political turmoil

Denying the Motion for Reconsideration, and necessarily, affirming the assailed Decision, which stated that no impeachment complaint may be filed earlier than February 6, 2026, is not intended to shield any public officer. It cannot be overemphasized that neither the Assailed Decision nor the Resolution on the Motion for Reconsideration absolves Duterte of any wrongdoing. What these rulings affirm is a more fundamental principle: that accountability of public officers must be pursued in accordance with the mechanisms prescribed by the Constitution. Accountability is indispensable to a constitutional democracy. But equally indispensable is the rule

of law.

The Constitution deliberately provides specific and exacting procedures by which the highest public officers may be impeached and removed from office. In a functioning democracy, fidelity to these procedures is not optional. They cannot be set aside by the urgency or perceived righteousness of any impeachment effort. Fidelity to the Constitution is required not for the benefit of any particular official, but in service of the public good.

The Court has the constitutional duty to decide cases solely on the basis of the facts, the law, and above all, the Constitution. In discharging this duty, the Court is not engaged in politicking or policy making. It is simply performing its limited but vital role to determine what the Constitution requires and to ensure that its commands are faithfully observed.

As has long been settled, "it is emphatically the province and duty of the judicial department to say what the law is." [33] This duty does not ebb in moments of controversy. Nor does it yield to the urgency of political events. On the contrary, it is precisely in times of heightened tension and public clamor that constitutional adjudication must remain disciplined, restrained, and principled.

The Court's duty is to interpret and apply the Constitution and the law as they are written. In times of great political turbulence, it is precisely the Constitution and the law that steady the Court's hand, keep its judgment level-headed, and anchor its decisions in principle rather than passion. This fidelity ensures that justice remains constitutional rather than ad hoc. This is important because fidelity to the Constitution and the law, regardless of circumstance or the personalities involved, is the only means by which the law can afford protection to all, without exception. Indeed, it is precisely when adherence to the Constitution is most difficult that its faithful application becomes most necessary. This is the strength of our constitutional framework—that the law applies even, and especially, in difficult and controversial cases.

Fidelity to the law, irrespective of circumstance, is the foundation of a legal system that aspires to render justice consistently and impartially, for all and in all situations. Fidelity to the Constitution in difficult cases ensures that such fidelity endures at all times, even when those before the courts are neither powerful nor influential. It is for this reason that faithfulness to constitutional limits in moments of great political turbulence ultimately serves the protection of the common citizen, who is entitled to the assurance that the law will be applied with consistency, principle, and equal force, regardless of circumstance or status. This fidelity is the essence of the rule of law.

To be sure, the rule of law is not a condition that, once achieved, sustains itself. Like democracy, it must be continually defended, especially when the temptation to take constitutional shortcuts is strongest, when bending established rules appears expedient, or when disregarding procedure seems justified in the name of popular will. The Constitution does not sanction such expediency. It establishes procedures and limitations precisely to ensure that, even amid turmoil, institutions remain clear-headed, fair, and just.

Thus, the Court exercises its power in this case not to protect any individual, but to uphold the rule of law itself, ultimately for the benefit of the Filipino people. In doing so, it affirms a constitutional culture in which the Constitution cannot be casually set aside and in which accountability is pursued through law, not through expedience. This, I submit, is essential, not for the benefit of any particular individual, but in the service of the common citizen, who is entitled to the assurance that the Court will remain faithful to the Constitution at all times and in all circumstances, even when doing so is unpopular or difficult.

In voting for the denial of the Motion for Reconsideration, this is what I seek to uphold: the rule of law, with utmost fidelity and without exception.

[1] Duterte v. House of Representatives, G.R. Nos. 278353 & 278359, July 25, 2025 [Per S.A.J. Leonen, En Banc] at p. 6. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

[2] Id.

[3] Id. at 7.

[4] Id. at 57.

[5] Id. at 13.

[6] Id. at 7-8.

[7] Id. at 67-68.

[8] Id. at 8.

[9] Republic v. Sereno, 831 Phil. 271, 394 (2018) [Per J. Tijam, En Banc].

[10] Gutierrez v. House of Representatives Committee on Justice, 658 Phil. 322, 400-401 (2011) [Per J. Carpio-Morales, En Banc].

[11] LAURENCE TRIBE & JOSHUA MATZ, TO END A PRESIDENCY 9 (2018).

[12] Id. at 117.

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

[14] Id. at 396.

[15] CONST., art. XI, sec. 3, par. 2.

[16] CONST., art. XI, sec. 3, par. 3.

[17] CONST., art. XI, sec. 3, par. 2.

[18] Gutierrez v. House of Representatives Committee on Justice, 658 Phil. 322, 400-401 (2011) [Per J. Carpio-Morales, En Banc].

[19] 460 Phil. 830 (2003) [Per J. Carpio-Morales, En Banc].

[20] Id. at 890-892.

[21] Gutierrez v. House of Representatives Committee on Justice, 658 Phil. 322, 378-382 (2011) [Per J. Carpio-Morales, En Banc].

[22] LAURENCE TRIBE & JOSHUA MATZ, TO END A PRESIDENCY 140 (2018).

[23] Duterte v. House of Representatives, G.R. Nos. 278353 & 278359, July 25, 2025 [Per S.A.J. Leonen, En Banc] at p. 46. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

[24] Director of Lands v. Court of Appeals, 342 Phil. 239, 247 (1997) [Per J. Panganiban, Third Division].

[25] Gutierrez v. House of Representatives Committee on Justice, 658 Phil. 322, 397 (2011) [Per J. Carpio-Morales, En Banc].

[26] Resolution, p. 16.

[27] Id. at 27.

[28] Resolution, p. 17.

[29] 572 Phil. 270 (2008) [Per J. Reyes, R.T., Third Division].

[30] Id. at 301.

[31] 737 Phil. 457 (2014) [Per J. Bersamin, En Banc].

[32] Id. at 621.

[33] *Marbury v. Madison*, 5 US 137 (1803).

SEPARATE OPINION

VILLANUEVA, J.:

As firmly enshrined in the Constitution, public office is a public trust.^[1] To ensure that this basic doctrine is faithfully observed, the fundamental principle of accountability of public officers mandates that all public officials, regardless of rank or position, "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."^[2] These accountability measures enable the State to protect public interests and preserve the integrity of public service. Yet, accountability of public officers, whether occupying high- or low-ranking positions, is not limitless as there are guiderails imposed that the Constitution explicitly mandates.

When it comes to the President, the Vice President, the Members of the Supreme Court, the Members of the Constitutional Commissions, and the Ombudsman, they belong to a separate and distinct class of high public officials in the Executive and Judicial Departments, as well as from independent commissions and a tribunal created under the Constitution, whose accountability, while in office, is specifically provided in the Constitution. They can be removed from office only "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."^[3] In this regard, no less than the Constitution provides the manner by which impeachable officials can be removed from office and held accountable, in proceedings before the Legislative Department, and nowhere else.

As removal from office is the Constitutional penalty for impeached and convicted officials, strict adherence to impeachment proceedings is earnestly warranted.

Pending incidents

To recall, the Court in its July 25, 2025 Decision^[4], partially granted "the Petitions [in G.R. Nos. 278353 and 278359] and declar[ed] the Articles of Impeachment unconstitutional and void ab initio for violating the one-year bar rule under Article XI, Section 3(5) of the Constitution and the constitutional requirements of due process."^[5] The Articles of Impeachment declared as unconstitutional pertain to the fourth impeachment complaint that was transmitted to the plenary of the House of Representatives and included as an Additional Reference of Business of the 19th Congress's 36th Session, alongside the first three impeachment complaints.^[6]

Thereafter, the following pleadings were filed: (1) Motion for Reconsideration filed by respondent House of Representatives, through the Office of the Solicitor General; (2) Consolidated Motion with Leave of Court to

Intervene and to Admit Attached Omnibus Motion for Reconsideration, Status Quo Ante Order, and for Oral Arguments filed by movant-intervenors 1Sambayan Coalition, Cielo D. Magno, Dante B. Gatmaytan, Christian S. Monsod, Katrina Diane Noelle C. Monsod, Gen. Noel A. Baraceros, Bishop Gerardo A. Alminaza, Father Odine L. Areola, Fr. Geowen A. Porcincula, Fr. Joselito S. Sarabia, Fr. Emmanuel Alfonso, Pastor Eduardo P. De Guzman, and members of San Beda College Alabang Human Rights Center, namely Aramaine P. Balon, Gloriette Marie C. Abundo, Elvie T. Amiscosa, Gillian Aia G. Capili, Sarah Katrina T. Maralit, and Charmae Ann Sherina Maravilla; (3) Motion for Reconsideration Ad Cautelam filed by movant-intervenors Percival V. Ceñdana, as a member of the House of Representatives, Sylvia Estrada Claudio, Francis Joseph A. Dee, Teresita Quintos Deles, Eugene Louie P. Gonzalez, Ma. Yvonne Christina C. Jereza, Alicia Murphy, and Filomena Cinco; (4) Omnibus Motion for Leave to Intervene, Adopt the Comment filed by Respondent House of Representatives dated March 6, 2025 as their Comment in Intervention, and to Admit the Attached Motion for Reconsideration filed by movant-intervenors ACT Teachers Partylist Representative Antonio Tinio, KABATAAN Partylist Representative Renee Louise Co, France Castro, Arlene Brosas, Raoul Manuel, Liza Largoza Maza, Teodoro A. Casiño, Renato M. Reyes, Jr., Eufemia P. Doringo, Modesto Floranda, and Amirah Lidasan; and (5) Omnibus Motion for Leave to Intervene and Motion for Reconsideration in Intervention, filed by Reverend Father Antonio Labiao, Jr., Reverend Father Joel Saballa, Reverend Father Ruben Villanueva, Wilfredo G. Villanueva, Pinky L. Tam, Union of Peoples' Lawyers in Mindanao, and Maria Loreto A. Lopez.[7]

Petitioners Atty. Israelito Torreon et al. (Torreon et al.) then filed on August 13, 2025, their Comment to the Motion for Reconsideration. Likewise, on August 18, 2025, Torreon et al. filed their Opposition to the Motions to Intervene (with Motion to Expunge Submissions), seeking the denial of the intervenors' Motion for Reconsideration and to strike off these Motions from the records of the case. Also, they subsequently filed a Consolidated Comment/Opposition Ad Cautelum dated August 14, 2025, reiterating the same arguments they raised in their Comment to the Motion for Reconsideration; and a Supplemental Opposition dated August 15, 2025, mainly arguing that the intervenors lack legal interest in the case and that their Motions were filed out of time.[8]

For her part, petitioner Vice President Sara Z. Duterte (Vice President Duterte) filed her Comment to the Motion for Reconsideration on August 18, 2025.[9]

The issues for this Court's resolution, as taken from the arguments raised in the Motion for Reconsideration of respondent House of Representatives, include the following:

First, whether respondent House of Representatives committed grave abuse of discretion in the interpretation and application of their Rules of Impeachment in relation to the provisions of the Constitution;

Second, whether the [respondent] House of Representatives had the discretion to choose which mode of impeachment to prioritize among several impeachment complaints; and

Third, whether petitioner [Vice President] Duterte's right to due process was violated when the House of Representatives transmitted the fourth impeachment complaint to the Senate.[10]

In the dispositive portion, the ponencia ruled as follows:

ACCORDINGLY, the Motion for Reconsideration is DENIED WITH FINALITY.

....

The following Motions are NOTED:

....

The Resolution 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.

No further pleadings are allowed.

Let entry of judgment be issued IMMEDIATELY.

SO ORDERED.[11] (Emphasis in the original)

I concur with the disposition of the Motion for Reconsideration of respondent House of Representatives. However, in so ruling, the ponencia cites that the "Respondents [particularly the House of Representatives] were therefore not 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 within 10 session days. Thus, the fourth impeachment complaint, even if endorsed by more than one-third of all the members of the House of Representatives, is barred by Article XI, Section 3(5) of the Constitution." [12] This apparently sets aside the basis of the July 25, 2025 Decision of the Court, which held that:

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.

... 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.[13] (Emphasis in the original)

The above pronouncements, among others, are the underpinning reasons of the Court in ruling that:

1. the subsequent filing of the fourth impeachment complaint, which served as the Articles of Impeachment under Article XI, Section 3(4) against Vice President 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, so that the Articles of Impeachment has been "DECLARED BARRED BY ARTICLE XI, SECTION 3(5) OF THE CONSTITUTION" and therefore is "UNCONSTITUTIONAL and [is] deemed NULL and VOID AB INITIO;" [14] and

2. the Senate "DID NOT ACQUIRE jurisdiction to constitute itself into an impeachment court." [15]

Save for some rulings that I concur with, and no longer specifically discussed herein, I respectfully submit my Separate Opinion to the ponencia.

There was grave abuse of discretion on the part of the House of Representatives in archiving the first three impeachment complaints and transmitting the fourth impeachment complaint to the Senate

It is undisputed that, on separate dates, four impeachment complaints were filed before the House of Representatives against respondent Vice President Duterte:

1. On December 2, 2024, private individuals and various organizations, led by Teresita Quintos Deles, Fr.

Flaviano Villanueva, and Gary Alejano, among others, filed the first impeachment complaint;

2. On December 4, 2024, another group of complainants led by the Bagong Alyansang Makabayan filed a second impeachment complaint;

3. 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 a third impeachment complaint; and

4. On February 5, 2025, a fourth impeachment complaint was filed and endorsed by one-third of all the members of the House of Representatives, or 215 members, pursuant to the second mode of initiation under Article XI, Section 3(5) of the Constitution, as implemented by Rule II, Section 2(c) of the its 2023 Rules of Procedure in Impeachment Proceedings (House Rules on Impeachment).[16]

The grounds alleged in the first three complaints include the following: (a) unaccounted or misused confidential and intelligence funds amounting to PHP 612.5 million from 2022 to 2025 with the Office of the Vice President and the Department of Education; (b) fabricated or falsified liquidation reports; (c) defiance of congressional oversight during budget deliberations; (d) unexplained wealth and omissions in the vice president's Statement of Assets, Liabilities, and Net Worth; (e) procurement irregularities in her capacity as Secretary of Education; (f) public threats to kill or contract an assassin to kill the President, the First Lady, and the Speaker of the House of Representatives; (g) alleged involvement in Davao Death Squad killings in 2011 to 2013 and 2016 to 2022; and (h) other high crimes and moral unfairness or psychological incapacity.[17]

As established, the fourth impeachment complaint was transmitted to the plenary and included as an Additional Reference of Business of the 19[th] Congress's 36[th] Session, alongside the first three impeachment complaints. It was confirmed as well that 215 members of the House of Representatives had signed and verified the fourth impeachment complaint. It was Representative and House Majority Leader Manuel Jose Dalipe (Majority Leader Dalipe) who affirmed that the one-third constitutional threshold had been met, and thereafter, he moved for the immediate endorsement of the fourth impeachment complaint to the Senate. As no one objected to the motion, the Speaker of the House of Representatives then directed the Secretary General to immediately endorse the fourth impeachment complaint to the Senate, which thereby was constituted as the Articles of Impeachment. With the approval to transmit the Articles of Impeachment to the Senate, Majority Leader Dalipe moved to send the first three impeachment complaints to the Archives, which was not objected to as well. Thus, the Speaker of the House of Representatives ordered the archiving of the first three impeachment complaints.[18]

Thereafter, on February 18, 2025, two separate Petitions for Certiorari and Prohibition were filed before the Court by Vice President Duterte and a group of lawyers led by Atty. Torreon, challenging the constitutionality of the fourth impeachment complaint. Eventually, and as earlier discussed, the Court decided to "partially grant" the Petitions declaring, among others, in its July 25, 2025 Decision that:

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).[19]

Clearly, these rulings were "the right way to do the right thing at the right time," which is what upholding "the Rule of Just Law"[20] is all about, particularly regarding the two modes of filing an impeachment complaint, which have been identified as follows:

The first mode [under Article XI, Section 3(2) of the Constitution] 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-third] 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.[21] (Emphasis supplied)

It is not proper, therefore, to focus on just another ground now, no matter how sound it may be, as if to change the outcome of the earlier July 25, 2025 Decision of the Court as the ponencia now seemingly suggests.

i. Archiving is a mode of disposing impeachment complaints

At the time the Petitions were decided, it was already noted that the first three impeachment complaints were not acted upon by the House of Representatives and, instead, the same were later "archived," thus:

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 19[th] 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." [22] (Emphasis in the original)

By reason of the said archiving of the first three complaints, it was ruled that "[f]or constitutional purposes, the first three complaints were effectively dismissed" so that "the fourth impeachment complaint and the Articles of Impeachment from it are barred." [23]

There is absolutely nothing wrong with this ruling. Indeed, Article XI, Section 3(2)[24] of the Constitution, which governs the procedures when an impeachment complaint is filed by any Member of the House of Representatives or any citizen upon a resolution of endorsement by any Member thereof, does not provide at all for any archiving of such a complaint. No power was given by the Constitution to the House of Representatives to archive impeachment complaints filed before it. Simply put, the House of Representatives should act on an impeachment complaint, in accordance with its rules as guided by the Constitution, by dismissing it or giving it due course, in which case it should transmit the impeachment complaint initiated under any of the first two modes provided for in Article XI, Section 3(2), to the Senate for trial.

Certainly, when the respondent House of Representatives introduced the concept of "archiving" the first three impeachment complaints during its session last February 5, 2025, and acted only on the fourth impeachment complaint by transmitting it to the Senate post-haste on the same day, it did so without any authority whatsoever, either in House Rules on Impeachment, the Constitution, or even in jurisprudence. There is no basis at all for such archiving and, instead, this is utterly violative of the proceedings required for impeachment complaints filed under the first mode sanctioned by Article XI, Section 3(2).

Undeniably, impeachment complaints cannot simply be archived to avoid their resolution or to render these as insignificant for purposes of the one-year bar rule. To allow this is to sanction a completely baseless, abusive, and arbitrary act, not to mention being entirely unconstitutional. It is an imaginative mode of disposition that does not stand on any solid ground.

Again, the act of archiving that the House of Representatives did regarding the first three impeachment complaints operated as an effective dismissal thereof, thereby resulting in the constitutional one-year bar against

the fourth impeachment complaint, or the Articles of Impeachment that were invalidly transmitted to the Senate. Nothing is more evident.

More importantly, it must be emphasized that any act of "archiving" and the ruling against it applies only to impeachment complaints initiated via the first mode. It finds no application for impeachment complaints filed pursuant to the second mode. After all, it is a no-brainer that an impeachment complaint once endorsed by at least one-third of the Members of the House of Representatives cannot be archived. Doing so is not only constitutionally infirm but also downright preposterous.

ii. The fourth impeachment complaint is covered by the one-year bar rule

In its July 25, 2025 Decision, the Court stood firm in its finding that *Francisco, Jr. v. House of Representatives*[25] did not foresee a situation where the House of Representatives deliberately refrains from acting on duly filed impeachment complaints, as in this case. The Court, in *Francisco*, "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 [to conduct impeachment proceedings], 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." [26]

In the herein decided case of Vice President Duterte, pursuant to the July 25, 2025 Decision of the Court, what was adopted was a more nuanced definition and understanding of initiation, faithful as to when the one-year bar should be considered, viz.:

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 its jurisdiction.

In this case, the [first] 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.[27] (Emphasis in the original)

With the first three impeachment complaints having been considered as "dismissed," the fourth impeachment complaint that was filed and transmitted to the Senate by the House of Representatives on the same day, February 5, 2025, was correctly declared as violative of the one-year bar rule.

The July 25, 2025 Decision ruled that the "Senate DID NOT ACQUIRE jurisdiction to constitute itself into an impeachment court"[28] since the fourth impeachment complaint transmitted to it was covered by the one-year bar rule, so much so that all its proceedings, including receiving the Answer from respondent Vice-President Duterte, ended up being invalid. In addition, "accountability" is all about the conduct of valid proceedings, not about statements or actions that flow or are sourced from flawed proceedings.

Undoubtedly, an unconstitutional fourth impeachment complaint cannot give rise to a valid transmittal thereof by the House of Representatives to the Senate. Instead, the declaration about when another impeachment complaint may be filed, if any, against petitioner Vice President Duterte by February 6, 2026, should prevail as directed by the Court in its assailed July 25, 2025 Decision. After all, and as often repeated, the Court did "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." [29]

Essentially, the declaration by the Court that the fourth impeachment complaint against Vice President Duterte is barred by the one-year bar rule as provided in Article XI, Section 3(5), [30] of the Constitution was the right call. The archiving of the first three impeachment complaints simply triggered this.

Article XI, Section 3(2) requires that a verified impeachment complaint be immediately put in the Order of Business within 10 session days from endorsement

The ponencia now posits that "for the initiation stage of impeachment which is a constitutional process, a session day is a calendar day in which the House of Representatives holds a session. This aligns with the primordial value of accountability of impeachable public officials and therefore that impeachment proceedings should be accorded the weight and priority that it is due." [31]

Under Article XI, Section 3(2) of the Constitution, the constitutional periods to be observed by the House of Representatives in impeachment proceedings are as follows:

(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. (Emphasis supplied)

Based thereon, the ponencia cited that "[t]here are two approaches in interpreting the length of a session day: first, how respondent House applies it; and second, how the wording in the Constitution is to be interpreted within its plain, ordinary meaning. Ultimately, interpreting the Constitution is a judicial function. The role of the Judiciary is to give spirit to the values of every provision of the Constitution in light of its entire context and the present social reality." [32]

Considering the above, and after looking into the tabulated session days of the first three impeachment complaints, [33] it was concluded that "the 10 session days should be reckoned from the filing and endorsement of the first impeachment complaint on December 2, 2024. Thus, respondent House had until January 14, 2025 to include it in the Order of Business and until January 21, 2025 to refer it to the proper committee." [34] It was then concluded that "[s]ince the first impeachment complaint failed to follow the constitutional periods, any succeeding complaints are barred by Article XI, Section 3(5)." [35]

Simply put, and as repeated in the ponencia to which we agree, "[r]espondents were therefore not 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 within 10 session days. Thus, the fourth impeachment complaint, even if endorsed by more than one-third of all the members of the House of Representatives, is barred by Article XI, Section 3(5) of the Constitution." [36] This implies that the non-inclusion of the first three impeachment complaints in the Order of Business of the House of Representatives within the 10-day session period was deemed as proceedings or incidents that rendered them dismissed or no longer viable which set into motion the one-year bar rule.

At this point, there is no compelling reason to question such finding. We subscribe to the pronouncement that "the prescribed timelines under the Constitution, are self-executing provisions that do not need legislation to take effect. Otherwise, they would be rendered ineffective by the action or inaction of Congress." [37]

Indeed, while aware that for legislative purposes, "a session day follows the interpretation of the House, which is not equivalent to a calendar day," but still, "for the initiation stage of impeachment which is a constitutional process, a session day is a calendar day on which the House of Representatives holds a [plenary] session." [38] After all, impeachment proceedings cannot be subject to arbitrary legislative whims as these are "proceedings [that] should be accorded the weight and priority that it is due." [39]

Referral to a committee of an impeachment complaint under the second mode

The ponencia recognized that "the House of Representatives of the 19[th] Congress provided in Section 2 of its Rules of Impeachment that the complaint be referred to the Committee on Justice. Granting respect to the ability of the House of Representatives to craft its own rules, and the presumption of constitutionality, we interpret that to mean that the referral to the Committee for complaints under the second mode of initiating an impeachment complaint, that is when there is at least one-third of all its members who have endorsed and verified, is not mandatory." [40]

To be clear, Rule II, Section 2 of the House Rules on Impeachment, provides that:

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. (Emphasis supplied)

In turn, the same House Rules on Impeachment has a rule devoted entirely to the complaint of at least one-third of the members of the House of Representatives, particularly Rule IV, Section 14 thereof, which reads as follows:

RULE IV

Verified Complaint/Resolution by One-Third of Members

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.

There is no doubt that the specific provision on the verified complaint/resolution of impeachment filed by at least 215 members of the House of Representatives, comprising at least more than the required one-third membership of the said legislative chamber, right away constituted the Articles of Impeachment against Vice President Duterte that should "be endorsed to the Senate in the same manner as an approved bill of the House." This being so, in transmitting the Articles of Impeachment to the Senate on February 5, 2025, without letting this pass through the House Committee on Justice as suggested in Rule II, Section 2(c), such action was also in accordance with its own House Rules on Impeachment and consistent with Rule IV, Section 14.

Moreso, Rule IV, Section 14 is in complete accord and does not conflict with Article XI, Section 3(4) of the Constitution since "[i]n 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." There is no requirement in the Constitution that the verified complaint or resolution under the

second mode of filing an impeachment complaint, as contemplated in Article XI, Section 3(4), must still pass through the House Committee on Justice. Thus, when the House of Representatives decided to transmit the fourth impeachment complaint against Vice President Duterte that was signed and verified by at least one-third of all the members of the House of Representatives, or 215 of its members, it was sanctioned by its own House Rules on Impeachment and consistent with the pertinent constitutional provision on the matter. This notwithstanding what is stated in Rule II, Section 2(c), whether its language is mandatory or not.

Still, the Court cannot at this time impose its own reading of the House Rules on Impeachment, whether expressly or impliedly, when this is not at issue. Moreso, the Court cannot dwell on how Rule II, Section 2 in its entirety should be understood, or the purposes for which these were formulated or how this should be implemented, when the House of Representatives has other specific provisions in the House Rules on Impeachment, like Rule IV, Section 14, that will guide its actions as well when it comes to impeachment complaints, especially those filed under the second mode.

Thus, it is not correct to insist that, in the second mode of filing an impeachment complaint, a referral to the Committee on Justice, whether mandatory or not, or the need for a comment from the respondent, should be observed even on the pretext that "[t]he Committee's process under the second mode is more expedited. It merely requires that the Committee ensure that the respondent has been given the opportunity to comment on the allegations and ensure that the complaint was properly verified."^[41] There is no basis for this requirement or interpretation when reckoned with the clear provisions of Article XI, Section 3(4) of the 1987 Constitution.

Lest it be forgotten, "[C]ourts of justice have no jurisdiction or power to decide a question not in issue' and that a judgment going outside the issues and purporting to adjudicate something upon which the parties were not heard is not merely irregular, but extrajudicial and invalid."^[42] Evidently, there is no need to rule on the interpretation of Rule II, Section 2 of the House Rules on Impeachment regarding the second mode of filing an impeachment complaint, particularly on whether or not what is required in Rule II, Section 2(c), on referral of the complaint to a committee, is mandatory or not mandatory. After all, there is Rule IV, Section 14, specifically pertaining to the second mode as well, which does not require such referral.

As held in the July 25, 2025 Decision of the Court, "[t]he one-year bar is reckoned from the time an impeachment complaint is dismissed or no longer viable."^[43] With the first three impeachment complaints being considered effectively dismissed already, the fourth impeachment complaint against Vice President Duterte is the one simply covered by the one-year bar rule. Essentially, the one-year bar rule is not about violations of the House Rules on Impeachment, rather, it involves barring impeachment proceedings on an impeachment complaint that was preceded by an earlier impeachment complaint, whether filed under the first mode (based on Article XI, Section 2(2)) or second mode (based on Article XI, Section 2(4)), or that has been dismissed or no longer viable, as in this case. To reiterate, the fourth impeachment complaint cannot prosper since this is forbidden by the one-year bar rule, and its transmittal to the Senate, whether valid or not, cannot cure it.

Again, it was highlighted in *Francisco* that the one-year bar "will be reckoned from the initiation of the impeachment complaint[.]"^[44] In *Gutierrez v. House of Representatives Committee on Justice*,^[45] the Court considered as "unconstitutional the act of referring an impeachment complaint that is covered by the one-year bar[.]"^[46] What triggers the application of Article XI, Section 3(5) of the Constitution is a subsequent impeachment complaint that was preceded by an earlier impeachment complaint attended by due proceedings, or that was either dismissed or no longer viable, nothing more, nothing less.

The right to due process regarding the proceedings involving the fourth impeachment complaint

i. Article XI, Section 3(4) requires no guidelines on due process

The Constitution is very clear, pursuant to Article XI, Section 3(4), "[i]n 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." This constitutional provision leaves no room for interpretation, much less is it required to be covered by guidelines laid down by the Court on due process, as proposed in the July 25, 2025 Decision.

Article XI, Section 3(4) explicitly mandates that, when at least one-third of the members of the House of Representatives "files" an impeachment complaint, then "trial by the Senate shall forthwith proceed." Thus, so long as the complaint or resolution of impeachment is "verified" in the manner observed by the House of Representatives pursuant to its rules, no intrusion should be entertained. Moreso, no additional requirement should be imposed where none is required by the Constitution. After all, it is now up to the Senate, sitting as an impeachment court, which should deal with trying and deciding "all cases of impeachment,"^[47] including issues pertaining to possible defects on proceedings before the House Committee on Justice, the verification process, or the manner of transmittal, whether initiated via the first or second mode. When an impeachment complaint is validly transmitted, it is during the subsequent trial at the Senate, the latter sitting as an impeachment court, that the right to due process of any respondent impeachable officer, at every stage of the proceedings, should be tightly guarded, faithfully observed, and uncompromisingly protected.

Unlike in some provisions of the Constitution, this particular provision, found in Article XI, Section 3(4), is self-executing, as it is complete and requires no legislative action. As held in *Manila Prince Hotel v. Government Service Insurance System*,^[48] "a provision which is complete in itself and become[s] operative without the aid of supplementary or enabling legislation, or that which supplies sufficient rule by means of which the right it grants may be enjoyed or protected, is self-executing. Thus[,] a constitutional provision is self-executing if the nature and extent of the right conferred and the liability imposed are fixed by the constitution itself, so that they can be determined by an examination and construction of its terms, and there is no language indicating that the subject is referred to the legislature for action."^[49]

It was correctly decreed that "[i]n 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)."^[50] As such, nothing more is needed to protect the interest of Vice President Duterte as a respondent impeachable officer by reason of such ruling and she cannot be subject to impeachment proceedings regarding the fourth impeachment complaint.

ii. The rules of Congress on impeachment proceedings must be respected

As aptly quoted, the House Rules on Impeachment provided the manner by which a verified complaint/resolution by one-third of the members of the House of Representatives will be processed, thus:

RULE IV

Verified Complaint/Resolution by One-Third of Members

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 of 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 behalf on the basis of our reading and appreciation of documents and other records pertinent thereto.

_____"
(Signature)[51]

While Vice President Duterte is entitled to basic due process protection in the impeachment proceedings, this is only insofar as may be prescribed, as applied in this case, by the 19[th] Congress's House Rules on Impeachment. To reiterate, a verified impeachment complaint/resolution under the second mode is governed by Rule IV, Section 14 of the 19[th] Congress's House Rules on Impeachment, which clearly provides that a verified complaint/resolution of impeachment filed by at least one-third 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 of Representatives. This rule is derived from Article XI, Section 3(4) of the Constitution.

When the aforementioned rule is observed, it cannot be said that Vice President Duterte was not afforded due process on the fourth impeachment complaint that was filed, endorsed, and transmitted to the Senate on the same day. A reading of certain provisions of Article XI, Section 3 of the Constitution would sustain this position. It states:

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.

(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)

It must be stressed that only when the impeachment complaint is initiated pursuant to the first mode under Article XI, Section 3(2) of the Constitution, will the appropriate Committee, in this case, the House Committee on Justice, be involved. Insofar as an impeachment complaint initiated via the second mode under Article XI, Section 3(4) of the Constitution is concerned, there is no mention at all of any committee involvement. The ponencia even substantially subscribes to or concurs with this when it recognized "the optional referral to the Committee on Justice provided by the opening paragraph of Section 2 in relation to Subsection (c) of the same provision,"[52] or, stated differently, that the referral to a committee under the second mode of initiating an impeachment complaint is not mandatory.

Thus, it may not be appropriate to maintain that "the House of Representatives has the prerogative to determine that the requirements of the second mode of initiating a complaint under Article XI, Section 3(4)—that it is

properly verified, accompanied with evidence and the respondent's comment, if any, and endorsed by at least one-third of all its members—have been met.”[53]

Again, if the framers of the Constitution intended to require a comment in relation to an impeachment complaint under the second mode, or requiring a "verification of the appropriate committee"[54] regarding the determination of the requirements of the second mode of initiating a complaint under Article XI, Section 3(4), such intent should have been duly embodied in the subject provision. Instead, the framers proceeded to state that the trial by the Senate shall forthwith proceed.

As a legislative process, the drafting of the rules on impeachment proceedings should be left to the discretion of Congress. Indeed, the House of Representatives should be accorded "its competence and power as the legislative branch of government in promulgating its Rules on Impeachment.”[55] The 19[th] Congress's House Rules on Impeachment manifest the intention to treat differently the verified complaint or resolution of impeachment filed by at least one-third of all members of the House of Representatives. Precisely, and as previously discussed, the House Rules on Impeachment allotted a separate rule to govern the same.

Following the above rule, the Secretary General has a direct participation when it comes to impeachment complaints initiated via the second mode, particularly to meet the requirement that the complaint/resolution is "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.”[56] Thereafter, the Articles of Impeachment under the second mode should no longer undergo the same procedure as a bill that goes through at least three readings, but instead, be treated as "an approved bill of the House"[57] that is past such or other unmentioned stages. To require otherwise may constitute judicial overreach.

Thereafter, and upon transmittal of the Articles of Impeachment from the House of Representatives to the Senate, the Senate Rules of Procedure on Impeachment Trials per Senate Resolution No. 39,[58] or the Senate Rules on Impeachment will now govern. Here, the impeached officer shall be notified and given an opportunity to be heard, as such:

VII. Upon the presentation of articles of impeachment and the organization of the Senate as hereinbefore provided, a writ of summons shall be issued to the person impeached, reciting or incorporating said articles, and notifying him/her to appear before the Senate upon a day and at a place to be fixed by the Senate and named in such writ, and to file his/her Answer to said articles of impeachment within a non-extendible period of ten (10) days from receipt thereof; to which the prosecutors may Reply within a non-extendible period of five (5) days therefrom; and to stand to and abide by the orders and judgments of the Senate.

....

IX. The person impeached shall then be called to appear and answer the articles of impeachment against him/her. If he/she appears, or any person for him/her, the appearance shall be recorded, stating particularly if by himself/herself, or by agent or counsel, naming the person appearing and the capacity in which he/she appears. If he/she does not appear, either personally or by agent or counsel, the same shall be recorded.

....

XIII. Counsel for the parties shall be admitted to appear and be heard upon an impeachment: Provided, That counsel for the prosecutors shall be under the control and supervision of the panel of prosecutors of the House of Representatives.

....

XV. Witnesses shall be examined by one person on behalf of the party producing them, and then

cross-examined by one person on the other side.

The Senate Rules on Impeachment do not distinguish between an impeachment complaint that was initiated via the first mode vis-à-vis an impeachment complaint filed pursuant to the second mode. Clearly, then, the due process rights being extended by the Senate Rules on Impeachment apply in both modes of initiation. This just goes to show that it is before the Senate, which has the sole power to try and decide all cases of impeachment, where due process must be faithfully observed, as is so done in accordance with its rules. The impeached officer, therefore, is not deprived of his or her right to due process for impeachment complaints filed under the second mode simply because the guidelines set by the Court or being contemplated in the ponencia are not complied with.

Instead, even more than the Court, which gives utmost deference and respect to the impeachment rules of both the House of Representatives and the Senate, should not formulate its own guidelines that must be followed mandatorily by Congress. It is the complete absence of due process that the Court should be vigilant about and guard against, not one that recognizes it even if, based on the Court's own assessment, it needs improvement.

Essentially, the core issue raised in the Petitions is the unconstitutionality of the fourth impeachment complaint, not primarily the imagined lack of due process that Vice President Duterte was supposedly deprived of. Still, and if at all, the issue of due process is relevant to the first three impeachment complaints since no proceedings were conducted at all with respect thereto, depriving Vice President Duterte of her right to be heard regarding the same. Instead, these were archived when they were included in the Order of Business of the House of Representatives during its session held on February 5, 2025. However, in resolving the constitutionality or unconstitutionality of the fourth impeachment complaint, the issue of due process is not the core issue that should result in establishing due process requisites not explicitly provided for in the Constitution when it comes to impeachment proceedings initiated pursuant to the second mode.

Impeachment is a legislative process

Historically, our impeachment process has been greatly influenced by foreign governments, particularly the United States, after which we patterned our own impeachment system. Judicial intervention may perhaps come in post-impeachment, or simultaneously thereto, such as in the criminal prosecution of the concerned official for the impeachable offenses committed while in office. In this sense, the impeachment process is inherently vested in the legislative branch, with the legislators, particularly the Senators, assuming the role of "pseudo judges" or "pseudo jurists." The following disquisitions during the hearings of the Constitutional Commission support this stance:

MS. AQUINO [Commissioner Felicitas S. Aquino].

....

Impeachment originated in England but it had been in disuse for one century and a half ago. In fact, the last time it was used was sometime in the first years of the 19th century. It had been partly discredited and proven to be practically obsolete when the English countries adopted the principle of ministerial responsibility, such that in the trend of legal history, there was a growing tendency to vest the powers of impeachment, not in the legislature but in the judiciary. This procedure of vesting impeachment powers in the legislature found its way in the constitutions of the American colonies and eventually in the Constitution of the United States.

....

I might be trailblazing here, but I am seriously considering the idea of transferring the powers of impeachment trial, after it has been initiated by the joint action of the legislative chamber to the judicial courts, the way it is being adopted now in the countries of the United States and in Europe.

....

MR. MONSOD [Commissioner Christian S. Monsod]. Mr. Presiding Officer, when we were reviewing the provisions on impeachment, those same questions were asked in our discussions. The Committee decided that the presence of the impeachment provision by itself, even if it has not been successful, would act even as a deterrent if liberalized. We accepted the fact that the impeachment proceeding is primarily a political act, and we are not sure that it did not serve its purpose, for example, the last time it was used, even if it appeared that it failed. The events and the sequence of decisions after that seem to indicate that the President at the time really exerted all his efforts to defeat the impeachment proceeding. This, by itself, showed that it had impact. Second, this subsequent calling of snap elections may have been influenced to some extent by the fact that there was an attempt at impeachment:

So, in terms of achieving its purpose, it being a political act, and calling the attention of the people to certain actions that would make the incumbent seek a fresh mandate from the people, keeping it in the Constitution would still serve a purpose.

As far as judicial action is concerned, the resort to judicial action for certain crimes, as the provision itself says, is still there. It does not preclude the judicial process.

....

MS. AQUINO. Do I take it to mean that I am effectively foreclosed in terms of a conceptual redefinition of impeachment procedures when I would attempt to vest it in the judicial courts insofar as the presidency is concerned?

MR. MONSOD. Yes, Mr. Presiding Officer, I believe the Committee at this point believes that an overhaul in that direction might not be appropriate. But we would be amenable to other suggestions in order to make it a more effective deterrent.[59] (Emphasis supplied)

....

MS. AQUINO. Am I in agreement with the Committee that impeachment proceedings are essentially judicial in nature?

MR. ROMULO [Commissioner Ricardo J. Romulo]. No, we believe that they are political. Judicial aspects may come in the procedures such as the forming of the articles, the actual trial being presided over by the Chief Justice, and so on. But we still believe that they are essentially a political act rather than a judicial act.

MS. AQUINO. Precisely, I was very careful on my formulation of terms when I said impeachment proceedings, not impeachment power. So, we are agreed on the premise that impeachment proceedings are essentially judicial in nature. Does it follow, therefore, that when the legislative chamber sits to undertake impeachment proceedings, it sits not as a legislative body but as a judicial body; rather, it sits as a court of justice?

MR. ROMULO. In a way, they probably sit more like jurists, as finders of fact and the law, I suppose. They combine those functions. We could say that there is an exercise of judicial power involved.[60]

....

MR. TREÑAS. Madam President, may I just ask a few questions of the Committee for clarification.

According to Section 3, subparagraph 2, after a complaint for impeachment is filed, it is referred to the proper committee of the House for investigation and report. My question now is: If after the investigation and report, notwithstanding the overwhelming evidence in support of the complaint for impeachment and taking into account political considerations, especially if it is an impeachment against the President and the House is

controlled by his party, and necessarily the committee also, it is dismissed, the complaint is already denied; am I right?

MR. ROMULO. Yes, that is right.

MR. TREÑAS. Will the person who filed the impeachment have any remedy in view of the overwhelming evidence and the fact that the committee acted in a capricious and whimsical manner?

MR. ROMULO. Under this proposal, the answer must be "no" that is why I think Commissioner Davide has some amendments in mind to cure these gaps in the procedure.

MR. TREÑAS. May it not be subject of a judicial review?

MR. ROMULO. As the Commissioner knows, in the definition of judicial power, one might be able to secure a review by certiorari, but that is not an expeditious remedy. So, we are open to suggestions.[61]

Therefore, being "essentially a political act rather than a judicial act,"[62] the Court must be cautious in encroaching into the constitutional powers given to Congress when proceeding to impeach impeachable officers who should be held accountable and removed from office, upon conviction, for committing offenses or violations as identified in the Constitution.

To get a full grasp of the impeachment procedure, its roots may be traced in the presidential form of government that the country currently has in place, as opposed to the parliamentary form of government that was then being contemplated. The esteemed constitutionalist Commissioner Joaquin G. Bernas explained how impeachment, although cumbersome, is considered an effective tool to make national leaders accountable:

FR. BERNAS.

... When we classify governments on the basis of the relationship between the executive power and the legislative power, we generally classify governments into the presidential system, the parliamentary system or some kind of a combination of the two. And, as we are very familiar with the matter, we can say that the primary characteristic of the presidential form of government is separation of powers between the executive, legislative[,] and judicial branches of the government characterized by the independence of the three but with the President holding some paramount position of precedence. And for that reason, it is referred to as a presidential form of government. Moreover, in this system we have fixed terms both for the executive and for the members of the legislature.

In the parliamentary system, the primary characteristic, it would seem to me, is that executive power is exercised by a Cabinet headed by a Prime Minister which for all practical purposes is a committee of the legislative body, and the executive and the members of the Cabinet hold office at the pleasure of the legislative body. In other words, it is without a fixed term. And the mechanism for terminating the tenure of the members of the Cabinet and of the Prime Minister is by a no-confidence vote whenever there is a fundamental difference or disagreement between the legislature and the executive department. And the democratic character of this system is manifested by the fact that when there is a vote of no confidence, the point of disagreement is thrown to the people. The executive also has a weapon against Parliament in that he can dissolve Parliament. And when there is a disagreement between the two, this is thrown to the people. When national elections are held, the people align themselves either in favor of the legislature or the executive. If a majority of those who were in Parliament are reelected, then that would be an indication that the executive has lost the struggle with Parliament.[63] (Emphasis supplied)

....

FR. BERNAS. At this stage, I would tentatively contemplate a situation where we would have a fixed term but with an easy terminable tenure. What I mean under the present system, if we have a presidential system the

only way of ousting an unsatisfactory president would be by the cumbersome process of impeachment.[64]
(Emphasis supplied)

Thus, and knowing how cumbersome it is already, the Court should not make the process of impeachment more burdensome by providing guidelines it wants written in the rules of both the House of Representatives and the Senate. This, it is submitted, suggests judicial overreach.

Under its expanded jurisdiction, the Court is empowered 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." [65] It is submitted that, when it comes to impeachment proceedings, whether the impeachment complaint is initiated via the first or second mode, the Court should exercise this power with caution, ensuring that it does not exceed its bounds by dictating, especially down to the minutest details, how the legislative branch should perform its exclusive mandate on the matter. While the Court exercises its judicial function, it must remain steadfast in upholding the supremacy of the principle of separation of powers.

The July 25, 2025 Decision applies retroactively

The ponencia was not wrong in brushing aside the claim of the respondent House of Representatives that the July 25, 2025 Decision "should be applied and enforced prospectively in the commencement of future impeachment complaints[.]" [66] As aptly held, "the doctrine of operative fact is not a tool to legitimize noncompliance with rules, regulations, laws, or the Constitution, or to validate unlawful or unconstitutional acts. It can only be invoked by the party who acted in good faith and cannot be used by a party directly responsible for the commission of an illegal or unlawful act." [67] Thus, there is no need to reverse such a stand.

To apply prospectively the ruling of the Court in the July 25, 2025 Decision would be to ignore and sanction instead the serious violation committed by the House of Representatives in archiving the first three impeachment complaints and transmitting to the Senate a constitutionally infirm fourth impeachment complaint against Vice President Duterte. As the Articles of Impeachment against her are prohibited by the one-year bar rule and considering that the first three impeachment complaints were not included in the Order of Business of the House of Representatives within 10 session days, no impeachment proceedings can validly take place before the Senate.

FOR THESE REASONS, I concur with the ponencia as it DENIES with FINALITY the Motion for Reconsideration dated August 4, 2025 filed by respondent House of Representatives as the fourth impeachment complaint against petitioner Vice President Sara Z. Duterte that was transmitted to the Senate is covered by the one-year bar rule.

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

[2] Id.

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

[4] Duterte v. House of Representative, G.R. No. 278353 and 278359, July 25, 2025 [Per S.A.J. Leonen, En Banc].

[5] Ponencia, p. 12, citing Duterte v. House of Representatives, G.R. Nos. 278353 and 278359, July 25, 2025 [Per S.A.J. Leonen, En Banc] at 95.

[6] Id. at 10.

[7] Id. at 7-8. (Citations omitted)

[8] Id. at 13-14. (Citations omitted)

[9] Id. at 14.

[10] Id. at 15.

[11] Id. at 46-48.

[12] Id. at 43.

[13] Duterte v. House of Representatives, G.R. Nos. 278353 and 278359, July 25, 2025 [Per S.A.J. Leonen, En Banc] at 3-4. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

[14] Id. at 95. (Emphasis in the original)

[15] Id. (Emphasis in the original)

[16] Ponencia, pp. 8-10. (Citations omitted)

[17] Id. at 9.

[18] Id. at 10.

[19] Duterte v. House of Representatives, G.R. No. 278353 and 278359, July 25, 2025 [Per S.A.J. Leonen, En Banc] at 75.

[20] Id. at 95.

[21] Id. at 43-44.

[22] Id. at 56.

[23] Id. at 56-57.

[24] CONST., art. XI, sec. 3(2) reads:

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.

[25] 460 Phil. 830 (2003) [Per J. Carpio-Morales, En Banc].

[26] Duterte v. House of Representatives, G.R. Nos. 278353 and 278359, July 25, 2025 [Per S.A.J. Leonen, En Banc] at 42.

[27] Id. at 77-78.

[28] Id. at 95. (Emphasis in the original)

[29] Id. at 5. (Emphasis in the original)

[30] CONST., art. XI, sec. 3(5) reads:

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

[31] Ponencia, pp. 42-43.

[32] *Id.* at 29.

[33] *Id.* at 29-30, citing J. Inting, Separate Concurring and Dissenting Opinion, pp. 3-4.

[34] *Id.* at 30.

[35] *Id.* (Emphasis in the original)

[36] *Id.* at 4.

[37] *Id.* at 28, citing J. Lazaro-Javier, Separate Opinion, p. 7.

[38] *Id.* at 42.

[39] *Id.* at 43.

[40] *Id.* at 44.

[41] *Id.* at 25.

[42] *Chinatrust (Phils.) Commercial Bank v. Turner*, 812 Phil. 1, 17 (2017) [Per J. Leonen, Second Division], citing *Bernas v. Court of Appeals*, 296-A Phil. 90, 140 (1993) [Per J. Padilla, En Banc].

[43] *Duterte v. House of Representatives*, G.R. Nos. 278353 and 278359, July 25, 2025 [Per S.A.J. Leonen, En Banc] at 4.

[44] *Id.* at 76.

[45] 660 Phil. 271 (2011) [Per. J. Carpio-Morales, En Banc].

[46] *Duterte v. House of Representatives*, G.R. Nos. 278353 and 278359, July 25, 2025 [Per S.A.J. Leonen, En Banc] at 77.

[47] CONST., art. XI, sec. 3(6) reads:

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.

[48] 335 Phil. 82 (1997) [Per J. Bellosillo, Second Division].

[49] *Id.* at 102.

[50] *Duterte v. House of Representatives*, G.R. Nos. 278353 and 278359, July 25, 2025 [Per S.A.J. Leonen, En Banc] at 75. (Emphasis in the original)

[51] Ponencia, pp. 19-20, citing Rules of Procedure in Impeachment Proceedings (2023), sec. 14. (Citations omitted)

[52] *Id.* at 25. (Emphasis in the original)

[53] *Id.* at 43. (Emphasis supplied)

[54] Id. at 43-44. (Emphasis supplied)

[55] Id. at 21. (Emphasis in the original)

[56] Rules of Procedure in Impeachment Proceedings (2023), sec. 14.

[57] Id.

[58] Entitled "Resolution Adopting the Rules of Procedure on Impeachment Trials" (2011).

[59] II Record, Constitutional Commission 352-353 (July 26, 1986).

[60] Id. at 355.

[61] Id. at 287.

[62] Id. at 355.

[63] I Record, Constitutional Commission 24 (June 3, 1986).

[64] Id. at 25.

[65] CONST., art. VIII, sec. 1.

[66] Ponencia, p. 35.

[67] Id. at 41.

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