

Republic of the Philippines
Supreme Court
Manila

EN BANC

SARA Z. DUTERTE, in her G.R. No. 278353
capacity as the vice president of the
Philippines,
Petitioner,

-versus-

HOUSE OF REPRESENTATIVES,
represented by FERDINAND
MARTIN G. ROMUALDEZ, in his
capacity as the speaker of the House
of Representatives, REGINALDO S.
VELASCO, in his capacity as the
secretary-general of the House of
Representatives, THE SENATE OF
THE PHILIPPINES, represented by
FRANCIS G. ESCUDERO, in his
capacity as the president of the
Senate,

Respondents.

ATTY. ISRAELITO P. TORREON, G.R. No. 278359
ATTY. MARTIN DELGRA III,
ATTY. JAMES T. RESERVA,
ATTY. HILLARY OLGA M.
RESERVA, J. MELCHOR
QUITAIN, JR., LUNA MARIA
DOMINIQUE S. ACOSTA, BAI
HUNDRA CASSANDRA
DOMINIQUE N. ADVINCULA, AL
RYAN S. ALEJANDRE, DANTE L.
APOSTOL, SR., CONRADO C.
BALURAN, JESSICA M.
BONGUYAN, LOUIE JOHN J.
BONGUYAN, PILAR C. BRAGA,
JONARD C. DAYAP, EDGAR P.

Present:

GESMUNDO, *Chief Justice*,
LEONEN, *SAJ*,
CAGUIOA,*
HERNANDO,
LAZARO-JAVIER,**
INTING,
ZALAMEDA,
GAERLAN,
ROSARIO,

* No part and on official business.

** On official business.

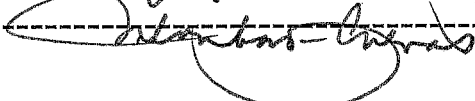
IBUYAN, JR., RICHLYN N. LOPEZ, J.,
 JUSTOL-BAGUILOD, MYRNA G. DIMAAMPAO,***
 DALODO-ORTIZ, DIOSDADO MARQUEZ,
 ANGELO JUNIOR R. MAHIPUS, KHO, JR.,
 BONZ ANDRE A. MILITAR, SINGH,**** and
 ALBERTO T. UNGAB, TRISHA VILLANUEVA, JJ.
 ANN J. VILLAFUERTE,
 LORENZO BENJAMIN D.
 VILLAFUERTE, JESUS JOSEPH
 P. ZOZOBRAO III, DARWIN G.
 SALCEDO, RODOLFO MANDE,
 KRISTINE MAY JOHN ABDUL
 MERCADO, LORD OLIVER
 RAYMUND MONFERO
 CRISTOBAL, and LORD BYRON
 MONFERO CRISTOBAL,
 Petitioners,

-versus-

HOUSE OF REPRESENTATIVES,
 represented by House Speaker
 FERDINAND MARTIN G.
 ROMUALDEZ and SENATE OF
 THE PHILIPPINES, represented by
 Senate President FRANCIS
 JOSEPH G. ESCUDERO,
 Respondents.

Promulgated:

July 25, 2025

X----------X

DECISION

LEONEN, S.A.J.:

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

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

*** On leave but left a vote.

**** On leave.

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

Thus, we rule:

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


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

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

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

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

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



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

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

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

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

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

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

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

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

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

electorate. For the other impeachable officers, the acts must be sufficiently grave that they undermine and outweigh the respect for their constitutional independence and autonomy;

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

- (a) The House of Representatives should provide a copy of this draft and its accompanying evidence to the respondent to give him/her an opportunity to respond within a reasonable period to be determined by the House rules. The Constitution only requires an opportunity to be heard. It is up to the respondent to waive this fundamental right and opt to present his/her evidence at the Senate trial; and
- (b) The draft Articles of Impeachment, with its accompanying evidence, and the comment of the respondent, if any, should be made available to all the members of the House of Representatives. It is the House—not one-third of the House—that has the sole prerogative to initiate impeachment complaints. Thus, there must be some modicum of deliberation so that each member representing their constituents can be heard and thus convince others to their position. The transmittal however will only take place upon the qualified vote of one-third of the House.

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

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

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

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

However, new impeachment complaints against the vice president, if any, initiated either through Article XI, Section 3(2) or Section 3(4) of the



Constitution, can only be commenced in accordance with this Decision no earlier than February 6, 2026.

We explain.

The Case

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

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

On December 4, 2024, another group of complainants led by the Bagong Alyansang Makabayan filed a second impeachment complaint against Vice President Duterte (second impeachment complaint),⁷ focusing on the vice president’s alleged misuse and mishandling of PHP 612.5 million in confidential funds,⁸ accusing her of gross abuse of discretionary powers, and betrayal of public trust.⁹ The second impeachment complaint was endorsed by Representatives France Castro of ACT Teachers Party-list, Arlene Brosas of Gabriela Party-list, and Raoul Daniel Manuel of Kabataan Party-list.¹⁰

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

² *Id.* at 3.

³ *Id.* at 3–16.

⁴ *Id.* at 21–22.

⁵ *Id.* at 22.

⁶ *Id.* at 1.

⁷ *Id.* at 1–48.

⁸ *Id.* at 15–25.

⁹ *Id.* at 12–15.

¹⁰ *Id.* at 1.

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

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

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

Under Article XI, Section 3(2) of the Constitution,¹⁷ the verified complaint for impeachment should be included in the Order of Business within 10 session days from receipt and immediately referred to the House Committee on Justice¹⁸ within three session days.¹⁹

¹¹ *Id.* at 1–87.

¹² *Id.* at 33–50.

¹³ *Id.* at 1–2.

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

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

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

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

(a) a verified complaint for impeachment filed by any Member of the House of Representatives;
(b) a verified complaint filed by any citizen upon a resolution of endorsement by any Member thereof;
(c) a verified complaint or resolution of impeachment filed by at least one-third (1/3) of all the Members of the House. (Emphasis supplied)

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

¹⁷ CONST., art. XI, sec. 3(2).

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

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

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

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

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

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

On February 6, 2025, during the Kapihan sa Senado media briefing, Senate President Francis Escudero (Senate President Escudero) issued a public statement clarifying that the Senate cannot convene as an impeachment

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

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

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

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

²⁴ CONST. art. XI, sec. 3(4).

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

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

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

²⁸ *Id.* at 4-9.

²⁹ *Id.* at 26-29.

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

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

court during congressional recess to hear the complaints against Vice President Duterte as these were transmitted by the House only on the late afternoon of February 5, 2025.³²

On February 7, 2025, an additional 25 members of the House signed the fourth impeachment complaint, bringing the total number of signatures to 240.³³

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

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

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

On February 19, 2025, Senate President Escudero publicly announced the preparations being done by the Senate for the impeachment trial, including a mock set-up for the impeachment court, logistical and administrative

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

³³ *Rollo* (G.R. No. 278359), Petition for *Certiorari* and Prohibition, p. 25; citing *House: 25 lawmakers sign forms to join impeachment complaint vs Sara Duterte*. ABS-CBN News. February 7, 2025, available at <https://www.abs-cbn.com/news/nation/2025/2/7/house-25-lawmakers-sign-forms-to-join-impeachment-complaint-vs-sara-duterte-1430>

³⁴ Dhel Nazario, *Impeachment trial cannot start even in special session-Chiz*, Manila Bulletin, February 8, 2025, available at <https://mb.com.ph/8/2/2025/impeachment-trial-cannot-start-even-in-special-session-chiz>.

³⁵ Wilnard Bacelonia, *Senate makes VP Sara impeachment complaint public*, Philippine News Agency, February 10, 2025, available at <https://www.pna.gov.ph/index.php/articles/1243726>.

³⁶ Senate of the Philippines Press Release dated February 10, 2025, available at https://web.senate.gov.ph/photo_release/2025/0210_00.asp.

³⁷ *Rollo* (G.R. No. 278353), Petition for *Certiorari* and Prohibition, pp. 1-36; *Rollo* (G.R. No. 278359), Petition for *Certiorari* and Prohibition, pp. 1-112.

preparations, such as the procurement of robes and arranging an ID system for guests and members of the prosecution and defense.³⁸

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

On February 27, 2025, a Letter dated February 25, 2025 from Senate President Escudero to petitioner Vice President Duterte was circulated in several media outlets online.⁴⁰ The letter contained the steps being taken by the Senate to act as an impeachment court⁴¹ and the timeline or calendar of the impeachment trial.⁴²

In the meantime, the Senate reconvened on June 2, 2025, with only eight legislative session days remaining before Congress adjourns on June 13, 2025.⁴³

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

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

Senate President Escudero thereafter took his oath as presiding officer of the Senate sitting as an impeachment court. The Senate then referred the

³⁸ Press Conference of Senate President Francis "Chiz" G. Escudero, February 19, 2025, available at <https://www.youtube.com/watch?v=aoRtqFeENvk>.

³⁹ Rollo (G.R. No. 278353), Annex C to the Reply with Motion, p. 3.

⁴⁰ Rollo (G.R. No. 278353), Reply with motion, p. 18; G.R. No. 278311, Comment, p. 4.

⁴¹ Rollo (G.R. No. 278353), Annex A to the Reply with Motion; G.R. No. 278311, Comment, p. 4.

⁴² Rollo (G.R. No. 278353), Annex B to the Reply with Motion, p. 1.

⁴³ Rollo (G.R. No. 278359), Supplemental Petition, p. 7; *citing* Senate of the Philippines Facebook page, available at <https://www.facebook.com/senateph/posts/pfbid031yvJYRVrcGLCxepEPJ1HS894X3YQdnKuBcxSkJyYvS19LSQ7SY67oSNRwHjBadtCl?rddid=INFu7EIsVsVvYxrW#>

⁴⁴ Rollo (G.R. No. 278359), Supplemental Petition, p. 2; *citing* Giselle Ombay, "Minority moves for Senate to convene as impeachment court in VP Sara trial," GMA Integrated News, June 9, 2025, accessible at: <https://www.gmanetwork.com/news/topstories/nation/948815/senate-minority-moves-for-senate-to-convene-as-impeachment-court-in-vp-sara-trial/story/>

⁴⁵ Rollo (G.R. No. 278359), Supplemental Petition, p. 2.

Articles of Impeachment to the Committee on Rules chaired by Senator Francis Tolentino.⁴⁶

On June 10, 2025, the Senate convened as an impeachment court.⁴⁷ Sitting as an impeachment court, the Senate voted to return the impeachment case to the House of Representatives to clarify its constitutionality. The Senate justified the move by saying that the trial was not terminated *per se*, but only being sent back to the House to certify the lawfulness of how the Articles of Impeachment was constituted.⁴⁸

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

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

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

- (a) the status of the first three complaints filed by private citizens;
- (b) the exact date/s on which the complaints filed by the private citizens were endorsed by a member or members of Congress;
- (c) as to the complaints filed by private citizens, whether the secretary general possesses discretion on when to transmit to the speaker of the House of Representatives any impeachment complaint properly endorsed by a member or members of Congress;
- (d) as to the complaints filed by the private citizens, the basis and authority of the secretary general to refuse the transmittal of the complaints for impeachment to the speaker of the House of Representatives for inclusion in the Order of Business within 10 session days from the time it was properly endorsed by a member of the House of Representatives;
- (e) as to the complaints filed by the private citizens and regardless of the legal position of the respondents, the number of session days that lapsed

⁴⁶ Rollo (G.R. No. 278359), Supplemental Petition, p. 2.

⁴⁷ Dwight De Leon and Jairo Bolledo, *Senate convenes as impeachment court for trial of VP Sara Duterte*, Rappler, June 10, 2025, available at <https://www.rappler.com/philippines/senate-convenes-impeachment-court-trial-vice-president-sara-duterte/>.

⁴⁸ Karen Lerma and Mikhail Flores, *Philippine Senate returns VP impeachment case to lower house hours after convening trial*, Reuters, June 11, 2025, available at <https://www.reuters.com/world/asia-pacific/philippine-senators-prepare-be-jurors-sara-dutertes-impeachment-trial-2025-06-10/>.

⁴⁹ Zacarian Sarao, *Sara Duterte's office receives impeachment court summons*, Phil. Daily Inq., June 11, 2025, accessible at <https://newsinfo.inquirer.net/2069540/sara-dutertes-office-receives-impeachment-court-summons>.

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

⁵¹ July 8, 2025 Resolution, pp. 1–3.

- from the time the complaints were properly endorsed by a member of the House of Representatives to its transmittal to the speaker of the House of Representatives and its inclusion in the Order of Business;
- (f) as to the Articles of Impeachment transmitted to the Senate, which office or committee prepared the draft of the Articles of Impeachment and when it was completed;
 - (g) as to the Articles of Impeachment transmitted to the Senate, when it was circulated to the members of the House of Representatives and whether it was circulated to all the members of the House of Representatives;
 - (h) as to the Articles of Impeachment transmitted to the Senate, when it was circulated to the members of the House of Representatives, whether it was accompanied by the evidence for each Article charged or if there was a committee report for the information of the members to decide on whether to endorse or not;
 - (i) as to the Articles of Impeachment transmitted to the Senate and as to the evidence supporting each and every Article, whether Vice President Sara Z. Duterte was given the opportunity to be heard on the evidence shared with the members of the House of Representatives;
 - (j) as to the Articles of Impeachment transmitted to the Senate, whether each of the members of the House of Representatives had time to peruse the charges and the evidence before affixing their consent; and
 - (k) as to the Articles of Impeachment transmitted to the Senate, when it was included in the Order of Business of the House of Representatives for consideration by the entire plenary.⁵²

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

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

The Arguments of the Parties

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

Petitioner Duterte submits that direct resort to this Court in its original jurisdiction is justified, stating that “most, if not all of [the] exceptions” in *Diocese of Bacolod v. Commission on Elections*⁵⁵ are present in this case. She asserts that the main issue to be resolved in the Petition is “novel and purely legal in nature.” She also argues that the Petition involved a genuine issue of

⁵² July 8, 2025 Resolution, p. 2.

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

⁵⁴ *Rollo* (G.R. No. 278353), Petition for *Certiorari* and Prohibition, pp. 1–36.

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

constitutionality as it aims to clarify the one-year bar rule under Article XI, Section 3(5) of the Constitution.⁵⁶

She alleges that the House of Representatives, by deliberately freezing the first three impeachment complaints, effectively “acted” upon them, thereby triggering the one-year bar under Article XI, Section 3(5) of the Constitution.⁵⁷ She cites public statements by House Secretary Velasco as proof of the House’s tacit decision. Petitioner Duterte claims that such inaction amounted to a grave abuse of discretion.⁵⁸ She further argues that the House had a mandatory duty under the Constitution to immediately refer the impeachment complaint to the House Committee on Justice⁵⁹ and that alleged inaction was intended to buy more time for the fourth impeachment complaint, “[ultimately] railroading the impeachment process.”⁶⁰

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

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

Even assuming that this Court may take jurisdiction, respondent argues that it is within its power to promulgate impeachment rules such as introducing an “interim” step between the receipt of an impeachment complaint by the Secretary General and the running of the 10-day period. It argues that “[o]nly upon transmittal to the Speaker will the ten days found in the Constitution begin to run.”⁶⁵ It insists that even though the constitutional provisions contained certain periods, there was room for Congress to adopt its own impeachment rules.⁶⁶

⁵⁶ *Rollo* (G.R. No. 278353), Petition for *Certiorari* and Prohibition, pp. 5–6.

⁵⁷ *Id.* at 20.

⁵⁸ *Id.* at 21.

⁵⁹ *Id.* at 23.

⁶⁰ *Id.* at 28.

⁶¹ *Id.* at 30.

⁶² *Id.* at 31.

⁶³ *Rollo* (G.R. No. 278353), Comment, pp. 1–37.

⁶⁴ *Id.* at 7.

⁶⁵ *Id.* at 11.

⁶⁶ *Id.* at 12.

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

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

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

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

Preliminarily, petitioners Torreon et. al argue that their Petition satisfies all the requisites for judicial review.⁷⁸ First, they contend that when the House of Representatives violates constitutional provisions, either through its conduct or its rules, the issue becomes constitutional and thus falls within this Court’s power of judicial review.⁷⁹ They further assert that “the main issue is

⁶⁷ *Id.* at 20.

⁶⁸ *Id.* at 21.

⁶⁹ *Id.* at 20.

⁷⁰ *Rollo* (G.R. No. 278353), Reply with Motion, pp. 1–18.

⁷¹ *Id.* at 2, 5.

⁷² *Id.* at 5.

⁷³ *Id.* at 5.

⁷⁴ *Id.* at 6.

⁷⁵ *Id.* at 8.

⁷⁶ *Rollo* (G.R. No. 278359), Petition for *Certiorari* and Prohibition, pp. 1–112.

⁷⁷ *Id.* at 10–11.

⁷⁸ *Id.* at 29.

⁷⁹ *Id.* at 30.

whether, in initiating the fourth [i]mpeachment [c]omplaint, the House [violated] Article XI, Section 3(4),” a matter that requires an interpretation of the Constitution and falls squarely within this Court’s jurisdiction.⁸⁰

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

On the merits, petitioners Torreon et al. argue that the fourth impeachment complaint lacked proper verification. It pointed out that there were no affidavits or separate pages that contained the verification of all 215 members of the House who supposedly signed the complaint. Consequently, petitioners Torreon et al. argue that this should be deemed an unsigned pleading.⁸⁵ This indicates that the signatories failed to “personally [examine] the factual allegations and [failed to] attest to their truthfulness based on their personal knowledge or authentic records.”⁸⁶ Petitioners Torreon et al. assert that the verification defect “is not a mere technicality, but a substantial and jurisdictional flaw that deprives the impeachment complaint of constitutional legitimacy.”⁸⁷

Petitioners further note that prior to the signing of the fourth impeachment complaint, many, if not all, of the members of the House of Representatives called to the caucus were unaware of it beforehand. Petitioners also claim that the fourth impeachment complaint against Vice President Duterte was only introduced as an Additional Reference of Business at 3:37 p.m. They contend that these indicate “a coordinated but last-minute effort to secure votes.”⁸⁸ Petitioners also raise the concern that the motion to immediately endorse the impeachment complaint to the Senate after the 1/3 vote had been secured was met with no objections, with the Articles of Impeachment being transmitted on the same day at 5:49 p.m.⁸⁹ They point out that given the voluminous records and the members signed the fourth

⁸⁰ *Id.* at 31–32.

⁸¹ *Id.* at 35.

⁸² *Id.* at 36.

⁸³ *Id.* at 36–37.

⁸⁴ *Id.* at 37–38.

⁸⁵ *Id.* at 50–53.

⁸⁶ *Id.* at 55.

⁸⁷ *Id.* at 62.

⁸⁸ *Id.* at 23.

⁸⁹ *Id.* at 24–25.

impeachment complaint in a mere number of hours, “each member had only about 1.4 minutes to read, understand and verify the complaint,” which is “not enough time for a meaningful review.”⁹⁰

According to petitioners, these circumstances violate the vice president’s right to due process under the Constitution.⁹¹ They emphasize that “[t]he impeachment process, though political in nature, must still adhere to due process requirements.” They point out that the vice president was not given prior notice⁹² and other members of the House were deliberately excluded.⁹³ They further state that it remains unsettled whether members of the House are required to determine the sufficiency in form and substance of the impeachment complaint or determine the existence of probable cause before signing. Hence, they posit that this issue on due process is now ripe for this Court’s judicial determination.⁹⁴

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

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

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

Respondents likewise vehemently deny any violation of the vice president’s right to due process. They argue that petitioners’ arguments are

⁹⁰ *Id.* at 62.

⁹¹ *Id.* at 77.

⁹² *Rollo* (G.R. No. 278359), Petition for *Certiorari* and Prohibition, p. 79.

⁹³ *Id.* at 80.

⁹⁴ *Id.* at 78.

⁹⁵ *Id.* at 81.

⁹⁶ *Rollo* (G.R. No. 278359), Comment, pp. 1–58, 10.

⁹⁷ *Id.* at 12–13.

⁹⁸ *Id.* at 43.

⁹⁹ *Id.* at 23.

¹⁰⁰ *Id.* at 23.

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

On April 2, 2025, petitioners filed a Reply.¹⁰⁴ Petitioners concede that impeachment is a political process but maintained that “it is not wholly insulated from judicial scrutiny”¹⁰⁵ especially when constitutional boundaries are transgressed.¹⁰⁶ They also counter that while their Petition points to several factual circumstances, the issues that they posed for this Court’s resolution are legal questions thus: (a) the one-year bar rule; (b) the due process rights of an impeachable officer during impeachment proceedings; and (c) the constitutional requirement of verification for impeachment complaints.¹⁰⁷

On May 27, 2025, petitioners filed a Supplemental Reply.¹⁰⁸ Petitioners submitted new pieces of evidence, allegedly showing more members of the House admitting through public statements¹⁰⁹ that they signed the fourth impeachment complaint under duress and with due consideration with regard to their “infrastructure projects, budget allocations, or political protection.”¹¹⁰

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

¹⁰¹ *Id.* at 44.

¹⁰² *Id.* at 43.

¹⁰³ *Rollo* (G.R. No. 278359), Comment, p. 31–32.

¹⁰⁴ *Rollo* (G.R. No. 278359), Reply, pp. 1–57.

¹⁰⁵ *Id.* at 2.

¹⁰⁶ *Id.* at 5–6.

¹⁰⁷ *Id.* at 10–11.

¹⁰⁸ *Rollo* (G.R. No. 278359), Supplemental Reply, pp. 1–33.

¹⁰⁹ *Id.* at 8–25.

¹¹⁰ *Id.* at 2–7.

¹¹¹ *Rollo* (G.R. No. 278359), Supplemental Petition, p. 6.

¹¹² *Id.* at 6.

¹¹³ *Id.* at 8.

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

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

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

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

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

Citing *Gutierrez v. House of Representatives*,¹²³ respondent House emphasizes that there is no requirement for the Secretary General to transmit the impeachment complaints on the same day of filing and endorsement, as *Gutierrez* "[cautioned] against senseless haste in the House's disposition of

¹¹⁴ *Id.* at 8.

¹¹⁵ *Rollo* (G.R. No. 278359), Supplemental Petition, p. 8.

¹¹⁶ *Id.* at 11.

¹¹⁷ *Id.* at 12.

¹¹⁸ *Id.* at 15–20.

¹¹⁹ *Id.*

¹²⁰ *Rollo* (G.R. Nos. 278353 and 278359), Compliance dated July 16, 2025, pp. 1–16.

¹²¹ *Id.* at 3.

¹²² *Id.* at 3–4.

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

impeachment complaints.”¹²⁴ Respondent House affirms that “the Secretary General has no discretion to . . . refuse transmittal to the Speaker of the House,” but explain that all four impeachment complaints were transmitted to the House Speaker on February 5, 2025, as reflected in House Journal No. 36.¹²⁵ They firmly assert that the first three impeachment complaints were transmitted within the prescribed 10-day period from their respective filing and endorsement: (1) the first impeachment complaint on the 10th session day; (2) the second impeachment complaint on the 9th session day; and (3) the third impeachment complaint on the 7th session day.¹²⁶ They further clarify that calendar days are not the same as session days, explaining that one session day may span more than one calendar day, “when the session is only suspended, and not adjourned, at the end of a calendar day.”¹²⁷

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

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

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

The Issues Before This Court

The issues for this Court to resolve are as follows:

¹²⁴ *Rollo* (G.R. Nos. 278353 and 278359), Compliance dated July 16, 2025, pp. 5–6.

¹²⁵ *Id.* at 6.

¹²⁶ *Rollo* (G.R. Nos. 278353 and 278359), Compliance dated July 16, 2025, p. 6; *See* Annexes 2 and 3 to the Compliance dated July 6, 2025.

¹²⁷ *Rollo* (G.R. Nos. 278353 and 278359), Compliance dated July 16, 2025, p. 7.

¹²⁸ *Id.* at 8.

¹²⁹ *Id.* at 9–10.

¹³⁰ *Rollo* (G.R. Nos. 278353 and 278359), Compliance dated July 16, 2025, p. 10; *See* Annex 5 to the Compliance date July 6, 2025.


¹³¹ *Rollo* (G.R. Nos. 278353 and 278359), Compliance dated July 16, 2025, p. 11.

- (1) Whether the nature of impeachment proceedings allow this Court to exercise its power of judicial review under Article VIII, Section 1 of the Constitution;
- (2) Whether the nature of impeachment proceedings is a legal and constitutional procedure that can be subject of this Court's expanded power of judicial review;
- (3) With respect to the procedure outlined in Article XI, Section 3(2) of the Constitution:
 - a. Whether the House of Representatives complied with the requirement to refer the three impeachment complaints to the proper committee within three session days from the time they were put in the agenda; and
 - b. Whether the transmittal of the fourth impeachment complaint to the Senate tolled the constitutional period for the referral of the three impeachment complaints to the proper committee;
- (4) Whether the House of Representatives committed grave abuse of discretion when it verified the fourth impeachment complaint and transmitted the Articles of Impeachment to the Senate; and
- (5) Whether the fourth impeachment complaint is unconstitutional, in that:
 - a. Whether Congress' inaction on the first three impeachment complaints violated the one-year bar rule under Article XI, Section 3(5) of the Constitution; and
 - b. Whether the fourth impeachment violated Vice President Duterte's constitutional right to due process and speedy disposition of cases under Article III of the Constitution.

I

Judicial Power and Justiciability

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



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

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

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

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

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

We discuss the application of all these elements of justiciability.

I.A

Actual Case and Actual Controversy is Present

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

In its most traditional, core, and thick version, having an actual case or controversy means that the issues presented must be “definite and concrete, touching on the legal relations of parties having adverse legal interests.”¹³⁵

¹³² 836 Phil. 205 (2018) [Per J. Leonen, *En Banc*].

¹³³ *Id.* at 244.

¹³⁴ *Information Technology Foundation of the Philippines v. COMELEC*, 499 Phil. 281, 304 (2005) [Per C.J. Panganiban, *En Banc*].

¹³⁵ *Id.* at 304–305.

There should exist actual facts that will enable this Court to intelligently adjudicate on the issues presented.¹³⁶

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

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

Thus, in *Belgica v. Ochoa*:¹³⁸

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

*Calleja v. Executive Secretary*¹⁴⁰ explains the contrariety of legal rights as one:

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

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

¹³⁶ *The Provincial Bus Operators Association of the Philippines v. Department of Labor and Employment*, 836 Phil. 205 (2018) [Per J. Leonen, *En Banc*].

¹³⁷ *Province of North Cotabato v. Government of the Republic of the Philippines Peace Panel on Ancestral Domain*, 589 Phil. 387, 481 (2008) [Per J. Carpio-Morales, *En Banc*].

¹³⁸ 721 Phil. 416 (2013) [Per J. Perlas-Bernabe, *En Banc*].

¹³⁹ *Id.* at 519.

¹⁴⁰ 918-B Phil. 1 (2021) [Per J. Carandang, *En Banc*].

¹⁴¹ *Id.* at 56..

¹⁴² 936 Phil. 17 (2023) [Per SAJ Leonen, *En Banc*].

¹⁴³ *Id.* at 29.

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

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

*Lagman v. Executive Secretary Ochoa*¹⁴⁶ reiterated that an actual case or controversy exists when there is a “conflict of legal rights, an assertion of opposite legal claims susceptible of judicial resolution”¹⁴⁷ and that “it requires the existence of actual facts where there is a real conflict of rights and duties.”¹⁴⁸ Consistent with this, the Court affirmed its authority to exercise judicial review is not confined to “actual cases,” but also extends to “actual controversies,” situations involving a clear and compelling demonstration of contrariety of legal rights, and where a determination on the constitutionality of a government act is necessary.¹⁴⁹

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

¹⁴⁴ 936 Phil. 538 (2023) [Per SAJ Leonen, *En Banc*].

¹⁴⁵ *Id.* at 564.

¹⁴⁶ 888 Phil. 434 (2020) [Per J. Leonen, *En Banc*].

¹⁴⁷ *Id.* at 472–473, citing *Provincial Bus Operators Association of the Philippines v. DOLE*, 836 Phil. 205, 2018) [Per J. Leonen, *En Banc*].

¹⁴⁸ *Lagman v. Executive Secretary Ochoa*, 888 Phil. 434, 473 (2020) [Per J. Leonen, *En Banc*], citing J. Leonen, Dissenting Opinion in *Spouses Imbong v. Ochoa, Jr.*, 732 Phil. 1 (2014) [Per J. Mendoza, *En Banc*].

¹⁴⁹ 936 Phil. 538 (2023) [Per SAJ Leonen, *En Banc*].

¹⁵⁰ *IDEALS Inc. v. Senate*, 942 Phil. 1, 3 (2023) [Per Acting C.J. Leonen, *En Banc*].

¹⁵¹ *Samahan ng mga Progresibong Kabataan v. Quezon City*, 815 Phil. 1067, 1090 (2017) [Per J. Perlas-Bernabe, *En Banc*], citing *Imbong v. Ochoa*, 732 Phil. 1, 124 (2014) [Per J. Mendoza, *En Banc*].

¹⁵² *Samahan ng mga Progresibong Kabataan v. Quezon City*, 815 Phil. 1067, 1091 (2017) [Per J. Perlas-Bernabe, *En Banc*].

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

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

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

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

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

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

Thus, in *Calleja*, despite the absence of actual facts, a facial review of the law was permitted because the petitioners sufficiently raised “concerns regarding the freedom of speech, expression, and its cognate rights.” This Court held:

As such, the petitions present a permissible facial challenge on the ATA in the context of the freedom of speech and its cognate rights — and it is only on these bases that the Court will rule upon the constitutionality of the law. . . . In fact, the Court is mindful that several of the petitioners have already come under the operation of the ATA as they have been designated as terrorists.

¹⁵³ *Disini v. Secretary of Justice*, 727 Phil. 28, 122 (2014) [Per J. Abad, *En Banc*].

¹⁵⁴ *IDEALS Inc. v. Senate*, 942 Phil. 1, 34 (2023) [Per Acting C.J. Leonen, *En Banc*].

¹⁵⁵ 942 Phil. 1 (2023) [Per Acting C.J. Leonen, *En Banc*].

¹⁵⁶ *Id.* at 34, citing *Southern Hemisphere Engagement Network, Inc. v. Anti-Terrorism Council*, 646 Phil. 452, 489 (2010) [Per J. Carpio-Morales, *En Banc*].

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

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

“Egregiousness” pertains to how prevalent such violations of fundamental rights would be. They should be so widespread that virtually any citizen, properly situated, could raise the issue. An example of a law with such wide coverage was ruled upon in *Samahan ng mg Progresibong Kabataan v. Quezon City*, which reviewed curfew ordinances issued by the local governments of Quezon City, Manila, and Navotas.

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

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

In *Falcis v. Civil Registrar*,¹⁵⁸ the Court however reminded that a facial challenge is a “manifestly strong medicine,” that must be used sparingly and only as a last resort. Those who assert such a challenge must bear the burden “to prove that the narrowly drawn exception for an extraordinary judicial review of such statute or regulation applies.”¹⁵⁹ This cautious approach reflects the Court’s duty to exercise restraint in constitutional adjudication and its respect for the presumption of validity accorded to government acts. It also ensures that the Judiciary does not

¹⁵⁷ 936 Phil. 17, 31–32 (2023) [Per SAJ Leonen, *En Banc*].

¹⁵⁸ 861 Phil. 388, 446, 449 (2019) [Per J. Leonen, *En Banc*].

¹⁵⁹ *Province of Sulu v. Medialdea*, G.R. No. 242255, 243246 & 243693, September 9, 2024 [Per SAJ Leonen, *En Banc*], citing *Falcis v. Civil Registrar General*, 861 Phil. 388, 446, 449 (2019) [Per J. Leonen, *En Banc*].

overstep its role by prematurely invalidating statutes without the benefit of a concrete, fact-based controversy.

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

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

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

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

This Court has long held that questions on impeachment proceedings are justiciable, especially when it involves the determination of the metes and bounds of constitutional powers conferred on political bodies or when there is an allegation of violation of fundamental rights.

In *Tañada v. Angara*:¹⁶⁴

¹⁶⁰ 721 Phil. 416 (2013) [Per J. Perlas-Bernabe, *En Banc*].

¹⁶¹ *Id.* at 519–520.

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

¹⁶³ *Id.* at 158.

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

In seeking to nullify an act of the Philippine Senate on the ground that it contravenes the Constitution, the petition no doubt raises a justiciable controversy. Where an action of the legislative branch is seriously alleged to have infringed the Constitution, it becomes not only the right but in fact the duty of the judiciary to settle the dispute. "The question thus posed is judicial rather than political. The duty (to adjudicate) remains to assure that the supremacy of the Constitution is upheld." Once a "controversy as to the application or interpretation of a constitutional provision is raised before this Court (as in the instant case), it becomes a legal issue which the Court is bound by constitutional mandate to decide."¹⁶⁵ (Citations omitted)

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

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

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

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

In taking cognizance of this case, this Court does not assert dominance over its co-equal bodies. This Court merely interprets strict provisions of the Constitution, over which derives all sovereign will. It is within this Court's

¹⁶⁵ *Id.* at 574.

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

¹⁶⁷ *Id.* at 941-942.

constitutional power to determine whether grave abuse of discretion amounting to lack or excess of jurisdiction has been committed by any branch or instrumentality of government and exercise corrective measures in order to uphold the supremacy of the fundamental law.

I.B

Legal Standing of the Parties

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

Legal standing is defined as “as a personal and substantial interest in the case such that the party has sustained or will sustain direct injury as a result of the governmental act that is being challenged.”¹⁶⁸ The party must prove “such personal stake in the outcome of the controversy as to assure that concrete adverseness which sharpens the presentation of issues upon which the court depends for illumination of difficult constitutional questions.”¹⁶⁹

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

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

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

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

¹⁶⁸ *Id.* at 893.

¹⁶⁹ *Id.*

¹⁷⁰ *Rollo* (G.R. No. 278359), Petition for *Certiorari* and Prohibition, p. 35.

¹⁷¹ *Id.* at 36.

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

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

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

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

I.C Ripeness and *Lis Mota*

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

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

“[It] is not the date of filing of the petition that determines whether the constitutional issue was raised at the earliest opportunity. The earliest opportunity to raise a constitutional issue is to raise it in the pleadings before a competent court that can resolve the same[.]”¹⁷⁴

Further, as a rule, “this Court will not pass upon a constitutional question, although properly presented by the record, if the case can be disposed of on some other ground such as the application of a statute or

¹⁷² *Francisco, Jr. v. House of Representatives*, 460 Phil. 830, 896–897 (2003) [Per J. Carpio-Morales, *En Banc*].

¹⁷³ G.R. No. 242255, 243246 & 243693, September 9, 2024 [Per SAJ Leonen, *En Banc*].

¹⁷⁴ *Id.*, citing *Matibag v. Benipayo*, 429 Phil. 554, 578 (2002) [Per J. Carpio, *En Banc*].

general law.”¹⁷⁵ Thus, the petition must show that there can be no proper disposition of the case without passing upon the constitutionality of the law.¹⁷⁶

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

I.D

No violation of the Hierarchy doctrine

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

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

¹⁷⁵ *Id.*, citing *Laurel v. Garcia*, 265 Phil. 827, 845-846 (1990) [Per J. Gutierrez, Jr., *En Banc*].

¹⁷⁶ *Id.*, citing *People v. Vera*, 65 Phil. 56, 82 (1938) [Per J. Laurel, *En Banc*].

¹⁷⁷ *Rollo* (G.R. No. 278359), Petition for *Certiorari* and Prohibition, p. 4.

¹⁷⁸ *Rollo* (G.R. No. 278353), Petition for *Certiorari* and Prohibition, p. 2.

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

¹⁸⁰ *Id.* at 149-150.

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

Gios Samar explained that the doctrine of transcendental importance was first invoked in *Araneta v. Dinglasan*,¹⁸² where this Court prioritized resolving urgent constitutional questions, despite technical objections, due to their significant public impact. There, the Court ruled on the validity of presidential emergency powers and upheld jurisdiction, even in the absence of clear legal standing, citing the need for a prompt resolution. Over time, this doctrine evolved beyond standing issues; in *Chavez v. Public Estates Authority*,¹⁸³ it was used to justify bypassing lower courts and allowing direct recourse to this Court in cases of exceptional public importance, even in the absence of factual disputes.

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

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

Until these constitutional concerns are addressed, legal uncertainty will persist. This uncertainty affects not only the vice president but also the

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

¹⁸² 84 Phil. 368 (1949) [Per J. Tuazon, *En Banc*].

¹⁸³ 433 Phil 506 (2002) [Per J. Carpio, *En Banc*].

integrity of a process intended to serve as a constitutional check on public officials. In proceedings of this nature, where the stakes involve both individual rights and the structure of our government, the applicable standards must be clearly understood and properly observed.

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

I.E **Judicial Review and** **The Misconception regarding Political Questions**

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

*Republic v. Sereno*¹⁸⁴ elucidates the other aspects of impeachment proceedings as follows:

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

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

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

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

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

¹⁸⁵ *Id.* at 934–935.

This Court's expanded jurisdiction is exercised when there is grave abuse of discretion on any branch of the government. *Pascual v. Burgos*¹⁸⁶ defines grave abuse of discretion as:

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

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

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

Santiago further explains:

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

Explaining the above-quoted clause, former Chief Justice Concepcion, who was a member of the 1986 Constitutional Commission, said in part.

"... the powers of government are generally considered divided into three branches: the Legislative, the Executive and the Judiciary. Each one is supreme within its own sphere and independent of the others. Because of that supremacy[, the] power to determine whether a given law is valid or not is vested in courts of justice."

¹⁸⁶ 776 Phil. 167 (2016) [Per J. Leonen, Second Division].

¹⁸⁷ *Id.* at 185–186.

¹⁸⁸ 359 Phil. 276 (1998) [Per J. Panganiban, *En Banc*].

¹⁸⁹ *Id.* at 288–296.

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

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

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

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

They are gravely mistaken.

During our watch, and despite the perceived political repercussions by intrepid commentators, we have consistently taken the position that we will not evade our duty. We will not contribute to the weakening of the power of judicial review inherent in a constitutional order.

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

¹⁹⁰ *Id.* at 301–302.

¹⁹¹ *Rollo* (G.R. No. 278353), House of Representatives Comment (to Torreon Petition), par. 19, p. 10.

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

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

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

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


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

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

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

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

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



¹⁹² CONST., art. XI, sec. 3(1).

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

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

....

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

Francisco likewise emphasizes that “the Constitution did not intend to leave the matter of impeachment to the sole discretion of Congress.”

¹⁹³ 406 Phil. 1 (2001) [Per J. Puno, *En Banc*].

¹⁹⁴ *Id.* at 42–44.

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

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

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

To clarify further: When used properly, impeachment is a tool for accountability. When abused, it is a tool for political retribution. It is only by compliance with the constitutional process that the proper balance between

¹⁹⁵ *Francisco, Jr. v. House of Representatives*, 460 Phil. 830, 891–892 (2003) [Per Carpio-Morales, *En Banc*].

accountability and the ability of the public officers covered by impeachment to discharge their responsibilities can be respected.

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

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

II

History and Nature of Impeachment

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

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

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

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

While it was virtually obsolete in England, the United Constitution adapted the proceeding as a "method of national inquest into the conduct of public men." The American Founding Fathers, however, were careful to distinguish their proceeding from that of the English. The English form of impeachment applied to any private citizen or commoner for treason or high


crimes and to the high-born lords for any crime, and thus, was considered a criminal proceeding. The American form, however, narrowly restricted its applicability to only “the chief of state, members of the cabinet and those in the judiciary” and the impeachable offenses to “treason, bribery, or other high crimes and misdemeanors.” Hence, the proceeding was treated differently from any other proceeding.¹⁹⁶ (Citations omitted)

Impeachment was introduced in our jurisdiction in the 1922 case of *In Re Horilleno*,¹⁹⁷ which involved the removal of a judge. This Court described the process as “**highly penal in character**” and thus, governed by ordinary criminal laws:

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

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

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



¹⁹⁶ *Republic v. Sereno*, 831 Phil. 271, 932–933 (2018) [Per J. Tijam, *En Banc*].

¹⁹⁷ 43 Phil. 212 (1922) [Per J. Malcolm, *En Banc*].

¹⁹⁸ *Id.* at 214–215.

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

ARTICLE IX. IMPEACHMENT

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

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

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


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

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

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

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

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



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

ARTICLE XIII
Accountability of Public Officers

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

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

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

ARTICLE XI.
ACCOUNTABILITY OF PUBLIC OFFICERS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Impeachment, therefore, is not solely a political process. It is a sui generis constitutional process that is primarily legal, but with political

¹⁹⁹ *Francisco, Jr. v. House of Representatives*, 460 Phil. 830, 932 (2003) [Per J. Carpio-Morales, *En Banc*].
²⁰⁰ *Id.* at 941–942.

characteristics.²⁰¹ Any interpretation regarding its procedures, grounds, and consequences must be read with the entirety of the Constitution. Decisions regarding whether to file Articles of Impeachment, or to acquit or convict must be based upon clear charges supported by sufficiently clear and convincing evidence.

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

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

“[I]mpeachment is primarily for the protection of the people as a body politic, and not for the punishment of the offender.”²⁰³ Impeachment is a primarily legal process, in the sense that like administrative cases, it results in the removal of a public officer, and like criminal cases, it requires evidentiary rules and due process.²⁰⁴

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

²⁰¹ See J. Vitug, Separate Opinion in *Francisco, Jr. v. House of Representatives*, 460 Phil. 830 (2003) [Per J. Carpio-Morales, *En Banc*].

²⁰² J. Vitug, Separate Opinion in *Francisco, Jr. v. House of Representatives*, 460 Phil. 830, 957 (2003) [Per J. Carpio-Morales, *En Banc*].

²⁰³ *Gutierrez v. House of Representatives Committee on Justice*, 658 Phil. 322, 386 (2011) [Per J. Carpio-Morales, *En Banc*].

²⁰⁴ J. Vitug, Separate Opinion in *Francisco, Jr. v. House of Representatives*, 460 Phil. 830, 957–958 (2003) [Per J. Carpio-Morales, *En Banc*].

override it, as the case may be. The Resolution, if affirmed, shall constitute the Articles of Impeachment.

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

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

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

- a. a verified complaint for impeachment filed by any Member of the House of Representatives; or
- b. a verified complaint filed by any citizen upon a resolution of endorsement by any Member thereof; or
- c. a verified complaint or resolution of impeachment filed by at least one-third (1/3) of all the Members of the House.²⁰⁵

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

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

The answer, which shall be under oath, may include affirmative defenses. If the respondent fails or refuses to file an answer within the reglementary period, the respondent is deemed to have interposed a general denial to the complaint. Within three (3) days from receipt of the answer, the complainant may file a reply, serving a copy thereof to the respondent who may file a rejoinder within three (3) days from receipt of the reply, serving a copy thereof to the complainant. If the complainant fails to file a reply, all the material allegations in the answer are deemed controverted. Together with their pleadings, the parties shall file their affidavits or counter-affidavits, as the case may be, with their documentary evidence. Such affidavits or counter-affidavits shall be subscribed before the

²⁰⁵ Rules of Procedure in Impeachment Proceedings, Rule II, 19th Cong., 1st Sess. (2022).

Chairperson of the Committee on Justice or the Secretary General. Notwithstanding all the foregoing, failure to file an answer will not preclude the respondent from presenting evidence to support the defenses.

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

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

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

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

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

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

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

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

SECTION 14. Endorsement of the Complaint/Resolution to the Senate. – A verified complaint/resolution of impeachment filed by at least one-third (1/3) of all the Members of the House shall constitute the Articles of

²⁰⁶ Rules of Procedure in Impeachment Proceedings, Rule III, 19th Cong., 1st Sess. (2022).

²⁰⁷ Rules of Procedure in Impeachment Proceedings, Rule III, 19th Cong., 1st Sess. (2022).

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)²⁰⁸

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

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

This distinction is necessary due to the *sui generis* nature of impeachment proceedings. It is not to be invoked at the slightest provocation and is limited “only to the officials occupying the highest echelons of responsibility in our government.”²¹¹ It is considered “the most difficult and cumbersome mode of removing a public officer from office,”²¹² which must

²⁰⁸ Rules of Procedure in Impeachment Proceedings, Rule IV, 19th Cong., 1st Sess. (2022).

²⁰⁹ *Id.*

²¹⁰ *Lagasca v. De Vera*, 79 Phil. 376 (1947) [Per H. Perfecto, *En Banc*].

²¹¹ *Gonzales III v. Office of the President of the Philippines*, 725 Phil. 380, 408 (2014) [Per J. Brion, *En Banc*].

²¹² *Id.*

be done within the confines and mandates of the Constitution. In *Gonzales III v. Office of the President*.²¹³

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

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

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

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

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

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

²¹³ 725 Phil. 380 (2014) [Per J. Brion, *En Banc*].

²¹⁴ *Id.* at 408-409.

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

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

III

The Impeachment Process Under the Constitution; Consequences of Removal from Office

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

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

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

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

The enumeration of impeachable public officers is exclusive. Only the president, the vice president, members of the Supreme Court, members of the Constitutional Commissions, and the Ombudsman may be removed through

²¹⁵ *Corona v. Senate*, 691 Phil 156, 170 (2012). [Per J. Villarama, Jr., *En Banc*].

²¹⁶ *Republic v. Sereno*, 831 Phil 271, 396 (2018) [Per J. Tijam, *En Banc*].

this process. All other public officers may be removed from office as provided by law, but not by impeachment.²¹⁷

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

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

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

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

III.A

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

²¹⁷ J. Leonen, Dissenting Opinion in *Republic v. Sereno*, 831 Phil 271, 921 (2018) [Per J. Tijam, *En Banc*].

²¹⁸ J. Leonen, Dissenting Opinion in *Republic v. Sereno*, 831 Phil 271, 921 (2018) [Per J. Tijam, *En Banc*] citing *Soliven v. Makasiar*, 249 Phil. 394 (1988) [Per Curiam, *En Banc*].

²¹⁹ CONST., art. XI, sec. 2.

²²⁰ *Francisco, Jr. v. House of Representatives*, 460 Phil 830, 913 (2003) [Per J. Carpio-Morales, *En Banc*].

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

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

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

In the case of *Estrada*, a former president may still be prosecuted for acts committed during their tenure, despite enjoying immunity while in office.²²⁷ When former President Joseph Estrada stepped down on January 20, 2001, the Ombudsman had not initiated any preliminary investigation due to his then-immunity. As a result, no case was considered pending under Section 12²²⁸ of Republic Act No. 3019 or the Anti-Graft and Corrupt Practices Act, which applies only when there are no legal impediments to prosecution. Moreover, the impeachment proceedings had effectively collapsed following the prosecutors’ walkout and the indefinite suspension of the trial. Thus, no pending case existed to bar the legal recognition of his resignation or subsequent prosecution:

²²¹ CONST., art. XI, sec. 3(7).

²²² 893 Phil. 231 (2021) [Per J. Hernando, *En Banc*].

²²³ *Id.* at 237–238.

²²⁴ *Id.* at 240.

²²⁵ *Id.*

²²⁶ CONST., art. VII, sec. 19.

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


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

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

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

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

There are more reasons not to be sympathetic to appeals to stretch the scope of executive immunity in our jurisdiction. One of the great themes of the 1987 Constitution is that a public office is a public trust. It declared as a state policy that "(t)he State shall maintain honesty and integrity in the public service and take positive and effective measures against graft and corruption." It ordained that "(p)ublic officers and employees must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty, and efficiency, act with patriotism and justice, and lead



modest lives.” It set the rule that “(t)he right of the State to recover properties unlawfully acquired by public officials or employees, from them or from their nominees or transferees, shall not be barred by prescription, laches or estoppel.” It maintained the Sandiganbayan as an anti-graft court. It created the office of the Ombudsman and endowed it with enormous powers, among which is to “(i)nvestigate on its own, or on complaint by any person, any act or omission of any public official, employee, office or agency, when such act or omission appears to be illegal, unjust, improper, or inefficient.” The Office of the Ombudsman was also given fiscal autonomy. These constitutional policies will be devalued if we sustain petitioner’s claim that a non-sitting president enjoys immunity from suit for criminal acts committed during his incumbency.²²⁹ (Citations omitted)

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

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

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

The case of *Re: Letter of Mrs. Corona* emphasized that an official facing impeachment does not stand to lose fundamental constitutional rights such as life, liberty, or property.²³⁴ These rights can only be taken away through a separate judicial process that results in a conviction. Absent such conviction, the sole consequence of impeachment is removal from office, with the Senate having the discretion to impose the additional penalty of permanent

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

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

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

²³² *Id.*

²³³ *Id.*

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

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

III.B

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

Impeachable officers enjoy a certain degree of immunity while in office. By limiting the grounds for impeachment under Article XI of the Constitution, the intent is to shield such impeachable officers from “malicious or bothersome suits” that could disrupt the performance of their constitutional duties. An Opinion²³⁸ in *Sereno* emphasized that:

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

In stressing this point further, the Opinion added that:

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

²³⁵ *Id.*

²³⁶ *Id.*

²³⁷ *Id.* at 243.

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

²³⁹ *Id.* at 925.

²⁴⁰ *Id.* at 926–927.

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

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

The above rule rests on the fundamental principles of judicial independence and separation of powers. The rule is important because judicial independence is important. Without the protection of this rule, Members of the Supreme Court would be vulnerable to all manner of charges which might be brought against them by unsuccessful litigants or their lawyers or by other parties who, for any number of reasons might seek to affect the exercise of judicial authority by the Court.

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

IV Grounds for Impeachment

Article XI, Section 2 of the Constitution provides:

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

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

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

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

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

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

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

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

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

The consequences of impeachment are serious. While not criminal in nature, removal from office and disqualification under Article XI, Section 3(7) of the Constitution are sanctions that carry permanent reputational and professional weight for individuals. When exercised improperly, rather than

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

instill accountability, it can instill the weight of the threat against legitimate disagreement and dissent with the views or policies of Congress.

It is for these reasons, that impeachment is the only way to remove an impeachable public official or to hold them to account while they serve their tenure.

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

V

The first three impeachment complaints were effectively dismissed.

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

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

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

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

The fourth impeachment complaint, filed under Article XI, Section 3(4), was not the product of the process of committee hearings and

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

deliberation of the first three impeachment complaints. It was prepared independently of these endorsed complaints. It is therefore a separate and distinct action to initiate an impeachment process. Therefore, the fourth impeachment complaint and the Articles of Impeachment from it are barred.

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

V.A

Ministerial duty of the secretary general and the speaker

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

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

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

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

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

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

²⁴⁴ CONST., art. XI, sec. 2

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

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

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

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

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

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

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

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

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

²⁴⁵ CONST., art. XI, sec. 3.

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

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

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

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

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

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

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

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

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

²⁴⁹ *Id.* at 207.

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

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

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

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

Neither the secretary general nor the speaker can substitute for the discretion of the entire House. They cannot deny the collective body composed of elected representatives the decision as to whether to dismiss outright or refer the complaint to the proper legislative body within 10 session days from the time the complaint is endorsed or filed by a member of the House.

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

The solicitor general and respondent House likewise erred in arguing that the House is free to insert an “intermediary” step, i.e., to give discretion

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

²⁵¹ *Id.* at 395–397.

to the secretary general to determine when he may transmit to the speaker, with such transmittal being the reckoning point for the 10 session days.

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

V.B

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

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

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

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

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

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

requiring that a deprivation through an administrative warrant must be provisional, the “reasonable time” requirement for the filing of formal charges prevents administrative authorities from effecting an indefinite deprivation which would virtually amount to a denial of due process for approximating a state of finality.²⁵³ (Emphasis supplied, citations omitted)

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

The secretary general,²⁵⁴ the speaker, or the House in general had no discretion to decide that the fourth impeachment complaint takes precedence over the first three complaints. To be valid and constitutional, the resolution or decision should be a result of the House going through the entire prescribed impeachment procedure.

A review of the session bulletins,²⁵⁵ journals,²⁵⁶ and records of committee meetings²⁵⁷ of the House of Representatives shows that the first three impeachment complaints were effectively unacted upon.

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

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

²⁵³ *Id.* at 200–201.

²⁵⁴ INOCENCIO B. PAREJA, RULES OF THE HOUSE OF REPRESENTATIVES COMMENTED AND ANNOTATED 185–186 (1963):

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

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

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

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


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

THE JOURNAL AS OFFICIAL RECORD

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

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

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



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

First, House Concurrent Resolution No. 30²⁶⁰ provides that the sessions resumed on November 4 to December 20, 2024 and January 13 to February 7, 2025. November 4 to December 20, 2024 covers the dates when the first three impeachment complaints were filed. January 13 to February 7, 2025 includes the dates when Kabataan Party-list Representative Manuel delivered his privilege speech on the first three impeachment complaints and the fateful February 5, 2025 when these complaints were archived, the fourth impeachment complaint was endorsed to the Senate, and the 36th session day was adjourned. The next session was scheduled to resume on June 2 to 13, 2025, when the midterm elections have already concluded and the new members of the House and the Senate already elected.

Second, the commentaries to the Rules of the House of Representatives provide guidance on the conduct of House proceedings.²⁶¹

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

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

The next session day after the filing of the first impeachment complaint was December 3, 2024, the 27th session day of the 19th Congress, which

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

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

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

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

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

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

adjourned on December 4, 2024.²⁶⁴ Hence, counting 10 session days starting from the 27th session day on December 3, 2024 leads to the 36th session day.²⁶⁵

Based on the session bulletins, the 36th session day convened on February 3, 2025 (Day 1) and adjourned on February 5, 2025 (Day 3).²⁶⁶ Hence, the inclusion in the Order of Business of the first three impeachment complaints on February 5, 2025²⁶⁷ is still within 10 session days as required under the Constitution and the House Rules on Impeachment. However, such action is incomplete if the first three impeachment complaints are to be considered initiated because they were still not referred to the proper committee, i.e., the Committee on Justice.²⁶⁸

Calendar Day	Session Bulletin	
	19 th Congress Session No.	Day
December 2024 ²⁶⁹		
3	27 th	Day 1
4		Day 2 (adjournment) ²⁷⁰
9	28 th	Day 1
10		Day 2
11		Day 3 (adjournment) ²⁷¹
16	29 th	Day 1
17		Day 2
18		Day 3 (adjournment) ²⁷²
January 2025 ²⁷³		
13	30 th	
14	31 st	Day 1
15		Day 2 (adjournment) ²⁷⁴

264

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

265

See Table above.

266

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

267

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

268

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

269

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

270

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

271

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

272

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

273

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

274

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

2

20	32 nd	
21	33 rd	
22	34 th	
27	35 th	Day 1
28		Day 2 (adjournment) ²⁷⁵
February 2025 ²⁷⁶		
3	36 th	Day 1
4		Day 2
5		Day 3 (adjournment) ²⁷⁷

Parenthetically, the only time the House recorded a discussion relating to the first three impeachment complaints was on January 13, 2025,²⁷⁸ when Kabataan Party-list Representative Manuel delivered a privilege speech on these complaints, which were referred to the Committee on Rules²⁷⁹ for appropriate action:

**PRIVILEGE SPEECH
OF REPRESENTATIVE MANUEL**

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

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

Representative Manuel stated that the people are now urging the Members to hold unscrupulous government officials accountable and to

²⁷⁵ House Journal No. 35, January 27 to 28, 2025, p. 71, available at <https://www.congress.gov.ph/legislative-documents/house-journals/>.
²⁷⁶ Rollo (G.R. Nos. 278353 and 278359), Compliance (Respondents) dated July 16, 2025, pp. 7-8.
²⁷⁷ House Journal No. 36, February 3 to 5, 2025, p. 88, available at <https://www.congress.gov.ph/legislative-documents/house-journals/>; See Rollo (G.R. Nos. 278353 and 278359), Compliance (Respondents) dated July 16, 2025, pp. 7-8.
²⁷⁸ House Journal No. 30, January 13, 2025, pp. 1-26, available at <https://www.congress.gov.ph/legislative-documents/house-journals/>; See Rollo (G.R. Nos. 278353 and 278359), Compliance (Respondents) dated July 16, 2025, pp. 7-8.
²⁷⁹ House Journal No. 30, January 13, 2025, p. 23, available at <https://www.congress.gov.ph/legislative-documents/house-journals/>.

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

REFERRAL OF PRIVILEGE SPEECH OF REPRESENTATIVE MANUEL

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

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

Notably, the House referred Representative Manuel's privilege speech only to the Committee on *Rules*, not the Committee on *Justice*, without further acting on the impeachment complaints which Representative Manuel urged the House to act on. No action or even a suggestion on how to move forward with the first three impeachment complaints was made despite the House Rules on Impeachment expressly providing that the speaker include them in the Order of Business²⁸¹ within 10 session days from receipt and refer them to the Committee on Justice within three session days thereafter. At the time of Representative Manuel's privilege speech, the first impeachment complaint was already filed for more than a month, and four session days have already elapsed.

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

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

ADDITIONAL REFERENCE OF BUSINESS

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

²⁸⁰ *Id.*

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

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

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

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

**VERIFIED COMPLAINTS
FOR IMPEACHMENT**

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

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

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

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

**ENDORSEMENT TO THE SENATE OF IMPEACHMENT
COMPLAINT**

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

.....

**ELECTION OF HOUSE MEMBERS AS PROSECUTORS IN THE
IMPEACHMENT TRIAL**

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

.....

**TRANSMITTAL TO THE ARCHIVES OF IMPEACHMENT
COMPLAINTS**



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

.....

ADJOURNMENT OF SESSION

Subsequently, on motion of Majority Leader Dalipe, there being no objection, the Chair declared the session *adjourned* until three o'clock in the afternoon of Monday, June 2, 2025.

It was 7:27 p.m. of Wednesday, February 5, 2025.²⁸³ (Emphasis supplied)

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

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

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

Also, any business that remains unacted upon by the House of Representatives at the end of a Congress' term do not cross over to a new Congress after the new membership of the House has been elected. In *Arnault v. Nazareno*,²⁸⁵ while the Senate remains a continuing body, the House of Representatives is not, and its power of contempt terminates upon the end of its term:

Had said resolution of commitment been adopted by the House of Representatives, we think it could be enforced until the final adjournment of the last session of the Second Congress in 1953. We find no sound reason to limit the power of a legislative body to punish for contempt to the end of every session and not to the end of the last session terminating the existence of that body. The very reason for the exercise of the power to punish for

²⁸³ *Id.*

²⁸⁴ *Id.* at 88.

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

contempt is to enable the legislative body to perform its constitutional function without impediment or obstruction. Legislative functions may be and in practice are performed during recess by duly constituted committees charged with the duty of performing investigations or conducting hearing relative to any proposed legislation. To deny to such committees the power of inquiry with process to enforce it would be to defeat the very purpose for which that power is recognized in the legislative body as an essential and appropriate auxiliary to its legislative function. It is but logical to say that the power of self-preservation is coexistent with the life to be preserved.²⁸⁶

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

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

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

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

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

RULE XLIV UNFINISHED BUSINESS

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

²⁸⁶ *Id.* at 62.

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

²⁸⁸ *Id.* at 467.

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

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

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

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

RULE LI AMENDMENTS TO, OR REVISIONS OF, THE RULES

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


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

RULE LII DATE OF TAKING EFFECT

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

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

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



the next Congress may easily adopt different rules for its legislative inquiries which come within the rule on unfinished business.

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

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

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

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

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

RULE XI
The Session

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

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

²⁹⁰ *Id.* at 196–199.

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

²⁹² *Id.* at 643–644.

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

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

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

V.C

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

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

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

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

The Court does not lose sight of the salutary reason of confining only one impeachment proceeding in a year. Petitioner concededly cites Justice Adolfo Azcuna's separate opinion that concurred with the *Francisco* ruling. Justice Azcuna stated that *the purpose of the one-year bar is two-fold: "[1]] to prevent undue or too frequent harassment; and 2) to allow the legislature to do its principal task [of] legislation,"* with main reference to the records of the Constitutional Commission, that reads:

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

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

MR. ROMULO. Yes, the intention here really is to limit. *This is not only to protect public officials who, in this case, are of the highest category from harassment but also to allow the legislative body to do its work which is lawmaking.* Impeachment proceedings take a lot of time. And if we allow multiple impeachment charges on the same individual to take place, the legislature will do nothing else but that.

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

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

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

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

Under Article XI, Section 3(8) of the Constitution, the House of Representatives is mandated to promulgate its rules on impeachment to effectively carry out the objectives under Article XI, Section 3 of the Constitution. Thus, the 19th Congress refers to its House Rules on Impeachment Proceedings. These two authorities—the constitutional

²⁹⁵ *Id.* at 400–401.

provision and the House Rules—provide the framework against which the validity or infirmity of the filed impeachment complaints is determined.

Adopting the ruling in *Francisco, Jr. v. House of Representatives*,²⁹⁶ Rule II (Initiating Impeachment) of the House Rules on Impeachment²⁹⁷ clarified that all modes require the filing of the impeachment complaints and their referral to the Committee on Justice. It also emphasized the importance of verifying the complaint and the consequences of failure to do so. Rule II of the House Rules on Impeachment provides:

Rule II
Initiating Impeachment

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

- A. A VERIFIED COMPLAINT FOR IMPEACHMENT FILED BY ANY MEMBER OF THE HOUSE OF REPRESENTATIVES[; OR]
- B. A VERIFIED COMPLAINT FILED BY ANY CITIZEN UPON A RESOLUTION OF ENDORSEMENT BY ANY MEMBER THEREOF; OR
- C. A VERIFIED COMPLAINT OR RESOLUTION OF IMPEACHMENT FILED BY AT LEAST ONE-THIRD (1/3) OF ALL THE MEMBERS OF THE HOUSE.

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

An impeachment complaint is verified by an affidavit that the complainant has read the complaint and that the allegations therein are true and correct of his personal knowledge or based on authentic records.

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

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

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

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

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

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

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

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

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

V.D

How to compute the one-year bar

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

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

While it is permissible in this jurisdiction to consult the debates and proceedings of the constitutional convention in order to arrive at the reason and purpose of the resulting Constitution, *resort thereto may be had only when other guides fail as said proceedings are powerless to vary the terms*

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

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

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

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

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

of the Constitution when the meaning is clear. Debates in the constitutional convention “are of value as showing the views of the individual members, and as indicating the reasons for their votes, but they give us no light as to the views of the large majority who did not talk, much less of the mass of our fellow citizens whose votes at the polls gave that instrument the force of fundamental law. *We think it safer to construe the constitution from what appears upon its face.*” *The proper interpretation therefore depends more on how it was understood by the people adopting it than in the framer's understanding thereof.*³⁰⁴ (Emphasis supplied, citation omitted)

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

“Initiate” of course is understood by ordinary men to mean, as dictionaries [define it], to begin, to commence, or set going. As Webster’s Third New International Dictionary of the English Language concisely puts it, it means “to perform or facilitate the first action,” which jibes with Justice Regalado’s position, and that of Father Bernas, who elucidated during the oral arguments of the instant petitions on November 5, 2003 in this wise:

Briefly then, an impeachment proceeding is not a single act. It is a complex of acts consisting of a beginning, a middle and an end. The end is the transmittal of the articles of impeachment to the Senate. The middle consists of those deliberative moments leading to the formulation of the articles of impeachment. The beginning or the initiation is the filing of the complaint and its referral to the Committee on Justice.

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

.....

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

³⁰⁴ *Id.* at 387.

³⁰⁵ *Id.* at 932–933.

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

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

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

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

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

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

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

³⁰⁷ *Id.* at 281–282.

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

VI

Due process requirement

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

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

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

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

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

Impeachment is designed for occasional use, not to be invoked lightly, but reserved only for the most serious offenses enumerated under the Constitution:

[I]mpeachment is the heaviest piece of artillery in the congressional arsenal, but because it is so heavy it is unfit for ordinary use. It is like a hundred-ton gun which needs complex machinery to bring it into position, an enormous charge of powder to fire it, and a large mark to aim at.

Due to its complex nature, "impeachment is the most difficult and cumbersome mode of removing a public officer from office." Factors that must be examined and considered include "the process required to initiate

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

the proceeding; the one-year limitation or bar for its initiation; the limited grounds for impeachment; the defined instrumentality given the power to try impeachment cases; and the number of votes required for a finding of guilt.” Proceedings stall legislative work, are costly to prosecute, and result in the divisiveness of the nation. Thus, impeachment is limited “only to the officials occupying the highest echelons of responsibility in our government.”

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

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

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

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

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

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

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

the House of Representatives within 10 session days from its receipt of the committee's report and resolution.

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

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

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

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

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

VIA

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

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

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

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

³¹³ CONST., art. VI, sec. 16(4):

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

Each House shall also keep a Record of its proceedings.

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

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

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

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

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

... The question, therefore, is as to the validity of this rule, and not what methods the Speaker may of his own motion resort to for determining the presence of a quorum, nor what matters the Speaker or clerk may of their own volition place upon the journal. Neither do the advantages or disadvantages, the wisdom or folly, of such a rule present any matters for

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

³¹⁵ *Id.* at 734–735.

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

³¹⁷ *Id.* at 767.

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

judicial consideration. With the courts the question is only one of power. *The Constitution empowers each house to determine its rules of proceedings. It may not by its rules ignore constitutional restraints or violate fundamental rights, and there should be a reasonable relation between the mode or method of proceedings established by the rule and the result which is sought to be attained.* But within these limitations all matters of method are open to the determination of the House, and it is no impeachment of the rule to say that some other way would be better, more accurate, or even more just. It is no objection to the validity of a rule that a different one has been prescribed and in force for a length of time. The power to make rules is not one which on[ce] exercised is exhausted. It is a continuous power, always subject to be exercised by the House, and within the limitations suggested, absolute and beyond the challenge of any other body or tribunal.”³¹⁹ (Emphasis supplied)

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

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

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

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

The primary constitutional question that confronts us is one of due process, as guaranteed under Section 1, Article III of the Constitution. Due process evades a precise definition. *The purpose of the guaranty is to prevent arbitrary governmental encroachment against the life, liberty and property of individuals. The due process guaranty serves as a protection*

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

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

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

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

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

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

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

against arbitrary regulation or seizure. Even corporations and partnerships are protected by the guaranty insofar as their property is concerned.

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

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

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

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

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

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

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

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

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

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

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

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

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

³²⁸ The following cases were shepardized using LexisNexis on July 7, 2025:

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

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

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

³³¹ *Id.* at 53–54.

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

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

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

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

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

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

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

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

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

³³⁶ *Id.* at 551.

³³⁷ *Id.* (Emphasis supplied)

³³⁸ *Id.* at 555. (Emphasis supplied)

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

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

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

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

The subsequent cases expressly interpret impartiality among the cardinal rights.

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

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

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

These concepts and principles apply to impeachment proceedings given its legal and political nature. They complement the judicial review that will

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

³⁴² *Id.* at 867.

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

³⁴⁴ *Id.* at 221.

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

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

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

³⁴⁸ *Id.* at 136.

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

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

be applied on the alleged constitutional violations plaguing the impeachment complaints in issue here.

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

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

Grave abuse of discretion is anathema to due process and invites judicial inquiry when committed by a certain branch of government. The legal nature of impeachment proceedings, particularly its criminal and administrative aspects, requires upholding the right to due process³⁵¹ and the presumption of innocence³⁵² at all times.

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

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

The violations charged should be sufficiently grave as to be a violation of the definition of public trust in Article XI, Section 1 of the Constitution. For the president and the vice president, the violation charged must betray the trust of the electorate. For the members of the Supreme Court, the members of the constitutional commissions, and the Ombudsman, the violation charged must undermine their autonomy,

³⁵¹ CONST, art. III, sec. 1:

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

³⁵² CONST, art. III, sec. 1:

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

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

independence, and impartiality. Members of collegial bodies cannot be answerable for any impeachment based upon the decisions of the collegial bodies as a whole, especially if these decisions pertain to their decisional prerogatives.

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

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

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

- (a) The House of Representatives should provide a copy of the draft Articles of Impeachment and its accompanying evidence to the respondent to give her an opportunity to respond within a reasonable period to be determined by their rules. The Constitution only requires an opportunity to be heard. It is up to the respondent to waive this fundamental right and opt to present her evidence at the Senate trial; and*
- (b) The draft Articles of Impeachment, with its accompanying evidence, and the comment of the respondent, if any, should be made available to all the members of the House. It is the House as a whole—not one-third of the House—that has the sole prerogative to initiate impeachment complaints. Thus, there must be some modicum of deliberation so each member representing their constituents can be heard and thus convince others to their position. The transmittal, however, will only take place upon the qualified vote of one-third of the House.*

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

This presumption confuses the belief of the members of the House with the requirement of an opportunity to be heard. *It also fails to appreciate the nature of the impeachment process and that due process applies to all stages*

of the impeachment process, including the trial and conviction of any respondent subjected to this process.

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

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

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

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

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

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

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

VI.B

Allegations of whimsical same-day filing without sufficient proof

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

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

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

We cannot grant this argument without sufficient proof.

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

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

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

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

Besides the vague invitation to the caucus, the fourth impeachment complaint was introduced only as an Additional Reference of Business by the House secretary general before the plenary. Thereafter, the speaker presided over the session and “ensured that the impeachment complaint was addressed immediately under the House Rules.” The majority leader then moved for the immediate endorsement of the fourth impeachment complaint to the Senate. The motion was adopted without objection, and the fourth impeachment

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

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

³⁵⁷ *Id.* at 19–23.

complaint was officially transmitted to the Senate on the same day. Finally, the House of Representatives elected the panel of prosecutors.³⁵⁸

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

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

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

It is true that the House of Representatives did not fully dispute petitioners Torreon et al.'s account of events, opting instead to raise the defense that impeachment proceedings are political in nature. But this approach to argument cannot be deemed an admission of a flaw in the process.

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

VII Summary

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

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

Second, considering the nature of the offices and the institutions that are subject to impeachment, its effect on the independence of constitutional departments and organs, and its nature as a constitutional process, all legal

³⁵⁸ *Id.* at 18–26.

issues involving impeachment proceedings are subject to judicial review. While the Court does not determine when, who, and whether an impeachable officer may be removed and disqualified from political office, it has the duty to construe the process mandated in the Constitution.

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

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


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


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

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

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

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



- (1) The draft Articles of Impeachment or resolution should be accompanied by evidence when made available to the members of the House, especially those who are considering its endorsement;
 - (2) The evidence should be sufficient to prove the charges in the Articles of Impeachment;
 - (3) The draft Articles of Impeachment and their accompanying evidence should also be made available to all the members of the House of Representatives, and not only to those who are being considered to endorse. Impeachment is an act of the entire House, which requires a qualified minority of only one-third of its members to be transmitted to the Senate. However, the House of Representatives is a deliberative assembly where each member should be allowed to represent the views of their constituents;
 - (4) The respondent should have had the opportunity to be heard on the draft Articles of Impeachment and the supporting evidence to prove the charges prior to the transmittal to the Senate and regardless of the number of members of the House of Representatives that have already endorsed;
 - (5) A reasonable period of time determined on the basis of the complexity of the charges must be given to all the members of the House of Representatives for them to reach their independent decision of whether or not to endorse an impeachment complaint. The determination of this period principally lies with the House of Representatives. However, the Court has the power to review whether this period is sufficient, but the petitioner should discharge the burden of overcoming regularity in the performance of their functions;
 - (6) The basis of any charge must be for impeachable acts or omissions committed in relation to their office and during the current term of the impeachable officer. For the president and vice president, these acts must be sufficiently grave amounting to the crimes described in Article XI, Section 2 or a betrayal of public trust given by the majority of the electorate. For the other impeachable officers, the acts must be sufficiently grave that they undermine and outweigh the respect for their constitutional independence and autonomy;
 - (7) At the very least, to accord the opportunity to be heard under the requirement of due process in the procedure under Article XI, Section 3(4), after the draft Articles of Impeachment and the required proof are arrived at:
- 

- (a) The House of Representatives should provide a copy of the draft Articles and its accompanying evidence to the respondent to give her an opportunity to respond within a reasonable period to be determined by their rules. The Constitution only requires an opportunity to be heard. It is up to the respondent to waive this fundamental right and opt to present her evidence at the Senate trial; and
- (b) The draft Articles of Impeachment, with its accompanying evidence, and the comment of the respondent, if any, should be made available to all the members of the House. It is the entire House—not one-third of the House—that has the sole prerogative to initiate impeachment complaints. Thus, there must be some modicum of deliberation so each member representing their constituents can be heard and thus convince others to their position. The transmittal, however, will only take place upon the qualified vote of one-third of the House.

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


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

A FINAL NOTE

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

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

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



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

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

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

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


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

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

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

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

SO ORDERED.


MARVIC M.V.F. LEONEN
Senior Associate Justice

WE CONCUR:

Alexander G. Gesmundo
ALEXANDER G. GESMUNDO
 Chief Justice

on official business
(No part)
ALFREDO BENJAMIN S. CAGUIOA
 Associate Justice

See Separate Concurring Opinion
Ramon Paul L. Hernando
RAMON PAUL L. HERNANDO
 Associate Justice

On official business
left concurring vote
AMY C. LARAO-JAVIER
 Associate Justice

with concurring opinion
Henri Jean Paul B. Inting
HENRI JEAN PAUL B. INTING
 Associate Justice

with concurring opinion
RODIL V. ZALAMEDA
 Associate Justice

with concurring opinion
SAMUEL H. GAERLAN
 Associate Justice

RICARDO R. ROSARIO
 Associate Justice

with concurring opinion
JHOSERY LOPEZ
 Associate Justice

(On leave but left a vote; Concurring)

Japar B. Dimaampao
JAPAR B. DIMAAMPAO
 Associate Justice

Jose Midas P. Marquez
JOSE MIDAS P. MARQUEZ
 Associate Justice

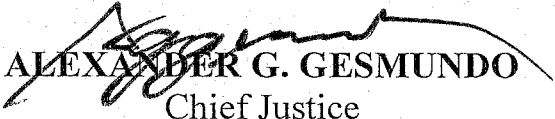
ANTONIO T. KHO, JR.
 Associate Justice

(On leave)
MARIA ELOMENA D. SINGH
 Associate Justice

Raul B. Villanueva
RAUL B. VILLANUEVA
 Associate Justice

CERTIFICATION

Pursuant to Article VIII, Section 13 of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the court.



ALEXANDER G. GESMUNDO
Chief Justice