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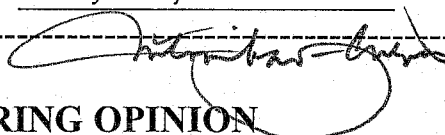
G.R. No. 278353 – SARA Z. DUTERTE, in her capacity as the vice president of the Philippines, Petitioner v. HOUSE OF REPRESENTATIVES OF THE PHILIPPINES, represented by FERDINAND MARTIN G. ROMUALDEZ, in his capacity as the speaker of the House of Representatives, REGINALD S. VELASCO, in his capacity as the secretary general of the House of Representatives, THE SENATE OF THE PHILIPPINES, represented by FRANCIS G. ESCUDERO, in his capacity as president of the Senate, Respondents.

G.R. No. 278359 – ATTY. ISRAELITO P. TORREON, 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. IBUYAN, JR., RICHLYN N. JUSTOL-BAGUILOD, MYRNA G. DALODO-ORTIZ, DIOSDADO ANGELO JUNIOR R. MAHIPUS, BONZ ANDRE A. MILITAR, ALBERTO T. UNGAB, TRISHA ANN J. VILLAFUERTE, LORENZO BENJAMIN D. VILLAFUERTE, JESUS JOSEPH P. ZOZOBRADO III, DARWIN G. SALCEDO, RODOLOFO MANDE, KRISTINE MAY JOHN ABDUL MERCADO, LORD OLIVER RAYMUND MONFERO CRISTOBAL, and LORD BYRON MONFERO CRISTOBAL, Petitioners v. HOUSE OF REPRESENTATIVES, represented by house speaker FERDINAND MARTIN G. ROMUALDEZ, SENATE OF THE PHILIPPINES, represented by senate president FRANCIS JOSEPH G. ESCUDERO, Respondents.

Promulgated:

July 25, 2025

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SEPARATE CONCURRING OPINION

HERNANDO, J.:

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

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

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

The first two impeachment complaints were filed while the House was in session. The third impeachment complaint was filed a day after the session was adjourned on December 18, 2024.² The session resumed on January 13, 2025.³ Interestingly, Secretary General Velasco merely sat on these three impeachment complaints. They were neither referred to respondent Speaker Ferdinand Martin G. Romualdez (Speaker) nor included by the Speaker in the order of business, as they should be, as mandated by no less than the Constitution.

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

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

¹ Petition (G.R. No. 278353), p. 8; Petition (G.R. No. 278359), pp. 17–18.

² III Record, House, 19th Congress, 3rd Session (December 18, 2024). Pursuant to Rule 129, Section 1 of the Rules of Court, as amended, the Court shall take mandatory judicial notice of the official acts of the legislative department of the National Government.

³ III Record, House, 19th Congress, 3rd Session (January 13, 2025).

⁴ ANC 24/7, *Headstart: House Secretary General Reginald Velasco on the status of impeachment raps vs VP Duterte*, available at <https://www.youtube.com/watch?v=gxKiv87iugE> (last accessed on July 24, 2025); Vivienne Gulla, *4th Impeachment complaint looms vs Sara Duterte*, ABS-CBN News, available at <https://www.abs-cbn.com/news/nation/2025/1/2/4th-impeachment-complaint-looms-vs-sara-duterte-1708> (last accessed on July 24, 2025); ANC 24/7, *WATCH: House Sec. General Reginald Velasco gives updates on impeachment raps vs VP Duterte*, available at <https://www.youtube.com/watch?v=CxzIbKeCyZU> (last accessed on July 24, 2025).

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

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

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

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

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

ADDITIONAL REFERENCE OF BUSINESS

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

VERIFIED COMPLAINTS FOR IMPEACHMENT

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

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

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

Impeachment Complaint against Vice President Sara Z. Duterte filed by Rev. Father Antonio Labiao, Jr., Rev. Father Rico P. Ponce, Rev. Father Dionisio V. Ramos, et al., and endorsed by Rep. Gabriel H. Bordado[,] Jr. of the 3rd district of Camarines Sur and Rep. Lex Anthony Cris A. Colada of AAMBIS-OWA Party-List on December 19, 2024.⁶

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

⁵ See also Additional Reference of Business, House of Representatives, 19th Congress, 3rd Session (February 5, 2025), available at <https://docs.congress.hrep.online/legisdocs/ob/cba9b-AROB-461-20250205-4.pdf> (last accessed on July 24, 2025).

⁶ III Record, House, 19th Congress, 3rd Session (February 5, 2025).

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

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

THE SPEAKER. The Secretary General will please respond.

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

THE SPEAKER. The Majority Leader is recognized.

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

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

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

THE SPEAKER. The Majority Leader is recognized.

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

THE SPEAKER. The Secretary General will please respond.

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

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

The Majority Leader is recognized.

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

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

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

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

SUSPENSION OF SESSION

THE SPEAKER. The session is suspended. (*Applause*)

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

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

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

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

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

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

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

⁷ *Id.*

⁸ *Id.*

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I so move, Mr. Speaker.

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

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

The Court's expanded certiorari jurisdiction

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

Under Article VIII, Section 1 of the 1987 Constitution, judicial power is vested upon the Supreme Court which includes the “duty of the courts of justice to settle actual controversies involving rights which are legally demandable and enforceable, and to determine whether or not there has been a grave abuse of discretion amounting to a lack or excess of jurisdiction on the part of any branch or instrumentality of the Government.” Article VIII, Section 1 of the 1987 Constitution, reads:

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

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

Essentially, the second paragraph of Article VIII, Section 1 of the Constitution embraces two concepts of judicial power: traditional and expanded judicial power. Traditional judicial power is understood to be the settling of actual controversies involving legally demandable and enforceable rights¹⁰ The Constitution has expanded this concept, and the power of judicial review now includes the determination of whether or not there was grave abuse of discretion

⁹ *Id.*

¹⁰ *Kilusang Magbubukid ng Pilipinas v. Aurora Pacific Economic Zone and Freeport Authority*, 890 Phil. 944, 982 (2020) [Per J. Leonen, *En Banc*].

on the part of any branch or instrumentality of the Government.¹¹ The scope was broadened to “prevent courts from seeking refuge behind the political question doctrine and turning a blind eye to the abuses committed by the other branches of government.”¹² However, the exercise of the Court’s expanded *certiorari* jurisdiction is not an assertion of superiority over the Legislature, but an enforcement of the Constitution’s supremacy as the repository of the sovereign will.¹³

In *Araullo v. Aquino*,¹⁴ We clarified that the remedies of *certiorari* and prohibition are broad in scope and applicability, and they may be issued to correct errors of jurisdiction committed not only by a tribunal, corporation, board or officer exercising judicial, quasi-judicial or ministerial functions but also to correct, undo, and restrain any act of grave abuse of discretion amounting to a lack or excess of jurisdiction by any branch or instrumentality of the Government, even if the latter does not exercise judicial, quasi-judicial or ministerial functions.¹⁵

Indeed, grave abuse of discretion implies such capricious and whimsical exercise of judgment as to be equivalent to a lack or excess of jurisdiction. It refers to *power that is exercised in an arbitrary or despotic manner by reason of passion, prejudice, or personal hostility*; and such exercise is so patent or so gross as to amount to an evasion of a positive duty or to a virtual refusal either to perform the duty enjoined or to act at all in contemplation of law.¹⁶

Impeachment proceedings, although highly political in nature, is still subject to Constitutionally-imposed limits

In *Francisco, Jr. v. House of Representatives*,¹⁷ the Court has settled that the power of judicial review extends over justiciable issues in impeachment proceedings.¹⁸ Thus, while We have recognized in *Gutierrez v. House of Representatives*¹⁹ that impeachment is a political exercise rather than a judicial proceeding, We have likewise reiterated that such “highly-politicized intramural” is nonetheless subject to Constitutionally-imposed limits.²⁰ Indeed,

¹¹ *Gutierrez v. House of Representatives*, 660 Phil. 271, 371 (2011) [Per J. Carpio-Morales, *En Banc*].

¹² *Sanota v. Bureau of Customs*, G.R. No. 199479, April 3, 2024 [Per J. Lopez, J., *En Banc*] at 8. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website. (Citation omitted)

¹³ *Gutierrez v. House of Representatives*, 660 Phil. 271, 371 (2011) [Per J. Carpio-Morales, *En Banc*].

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

¹⁵ *Id.* at 531.

¹⁶ *Padilla v. Congress of the Philippines*, 814 Phil. 344, 440 (2017) [Per J. Leonardo-De Castro, *En Banc*]. (Emphasis supplied)

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

¹⁸ *Id.* at 919.

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

²⁰ *Id.* at 270.

it is the duty of the judiciary to settle controversies involving alleged transgressions of the Constitution by the legislative branch.²¹

Here, petitioner Duterte invokes the remedy of *certiorari* to assail how the subject impeachment complaints were lodged against her and contends that these were in gross circumvention of the one-year bar rule provided in the Constitution. In reviewing the congressional action brought before the Court, the Court will only consider whether the acts of the respondent House spilled over the constitutional limitations.

In resolving the instant case, the Court will refrain from educating the House, in plenary, a co-equal branch of government, on how it should have acted on the first three impeachment complaints prior to its resolution on the fourth impeachment complaint. It will not encroach upon matters that rightly fall under the authority and wisdom of a co-equal branch, or matters classified as political questions.²² The Court will thus not delve into the merits of these impeachment complaints.

The framers of the Constitution expressly crafted limitations on the power of the House to initiate impeachment proceedings

Impeachment refers to the power of Congress to remove certain public officials²³ from office for impeachable offenses as provided in the Constitution.²⁴ It is a “constitutional process that takes place within the political departments of our government,” where “[t]he House of Representatives accuses, and the Senate, sitting as an Impeachment Court, decides.”²⁵ It is properly characterized as a *sui generis* proceeding, being both legal and political in nature, that is primarily for the protection of the people as a body politic.²⁶

Article XI of the Constitution, which covers the provisions on impeachment, is designed to exact accountability from public officers.²⁷ This

²¹ *Tañada v. Angara*, 338 Phil. 546, 574 (1997) [Per J. Panganiban, *En Banc*].

²² *See Syjuco, Jr. v. Abaya*, 938 Phil. 786, 874 (2023) [Per J. Lopez, J., *En Banc*]. *See Arroyo v. De Venecia*, 343 Phil. 42, 104 (1997) [Per J. Mendoza, *En Banc*].

²³ CONST., art. XI, sec. 2 states: “The President, the Vice-President, the Members of the Supreme Court, the Members of the Constitutional Commissions, and the Ombudsman may be removed from office, on impeachment for, and conviction of, culpable violation of the Constitution, treason, bribery, graft and corruption, other high crimes, or betrayal of public trust. All other public officers and employees may be removed from office as provided by law, but not by impeachment.”

²⁴ *Corona v. Senate of the Philippines*, 691 Phil. 156, 170 (2012) [Per J. Villarama, Jr., *En Banc*].

²⁵ *Re: Letter of Mrs. Ma. Cristina Roco Corona*, 893 Phil. 231, 231 (2021) [Per J. Hernando, *En Banc*].

²⁶ *Gutierrez v. House of Representatives*, 658 Phil. 322, 386 (2011) [Per J. Carpio Morales, *En Banc*].

²⁷ JOAQUIN G. BERNAS, S.J., *THE 1987 CONSTITUTION OF THE REPUBLIC OF THE PHILIPPINES: A COMMENTARY* 1148 (2009).

emanates from the principle that public office is a public trust. Article XI, Section 1 of the Constitution provides:

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

Under Article XI, Section 3(1) of the Constitution, “[t]he House of Representatives shall have the exclusive power to initiate all cases of impeachment.”²⁸ The exercise of the exclusive power to initiate impeachment cases is subject, however, to the following limitations under the Constitution:

ARTICLE XI
Accountability of Public Officers

....

Section 3. (1) . . .

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

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

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

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

The Constitution designed three modes of filing a verified impeachment complaint:

²⁸ See *Francisco, Jr. v. The House of Representatives*, 460 Phil. 830, 930–932 (2003) [Per J. Carpio-Morales, *En Banc*]. The House of Representatives has the exclusive power to bring an impeachment case to the Senate. An impeachment case refers to the legal controversy that must be decided by the Senate. It is initiated when a verified impeachment complaint is upheld by at least 1/3 of the membership of the House, and the Articles of Impeachment are prepared and transmitted to the Senate. This is distinguished from “impeachment proceeding” which is initiated by the filing of a verified impeachment complaint *and* its referral to the House Committee on Justice.

First mode: verified complaint filed by any member of the House;

Second mode: verified complaint filed by any citizen upon a resolution of endorsement by the House; and

Third mode: verified complaint or resolution of impeachment filed by at least one third of all the members of the House.

The Constitution mandates that a verified impeachment complaint filed by any member of the House of Representatives or by any citizen upon a resolution of endorsement by any member thereof, *shall* be included in the Order of Business within *10 session days*, and referred to the proper Committee within *three session days*.²⁹ This applies to verified impeachment complaints filed through the first mode or second mode.

Meanwhile, Rule II, Section 3 of the House Impeachment Rules, provides:

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

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

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

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

Rule II, Section 3 of the House Impeachment Rules appears to have operationalized Article XI, Section 3(2) of the Constitution by introducing the following steps: (1) the impeachment complaint shall first be filed with the Office of the Secretary General of the House; (2) the Secretary General shall *immediately* refer the same to the Speaker of the House (intermediate step); and (3) the Speaker shall then have it included in the Order of Business of the House *within 10 days from receipt*.

As correctly claimed by respondents, the House has the power to introduce additional steps and procedures to carry out its role in an impeachment

²⁹ CONST., art. XI, sec. 3(2).

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proceeding³⁰ under Article XI, Section 3(8) of the Constitution. This provision serves as a vehicle for Congress to fill the gaps in the impeachment process.³¹ This is evident from the deliberations of the Constitutional Commission:

MR. REGALADO. Mr. Presiding Officer, I have decided to put in an additional section because, for instance, under Section 3(2), there is mention of indorsing a verified complaint for impeachment by any citizen alleging ultimate facts constituting a ground or grounds for impeachment. In other words, it is just like a provision in the rules of court. Instead, I propose that this procedural requirement, like indorsement of a complaint by a citizen to avoid harassment or crank complaints, could very well be taken up in a new section 4 which shall read as follows: THE CONGRESS SHALL PROMULGATE ITS RULES ON IMPEACHMENT TO EFFECTIVELY CARRY OUT THE PURPOSES THEREOF. *I think all these other procedural requirements could be taken care of by the Rules of Congress.*³² (Emphasis supplied)

Thus, several procedural steps in the impeachment mechanism are mandated by virtue of the impeachment rules promulgated by the House. For instance, the determination of the sufficiency of form and substance of a verified impeachment complaint is not explicitly required under Article XI, Section 3(2) of the Constitution. The same provision only requires that a “hearing” be conducted. Nevertheless, the House deemed it necessary to include such additional requirement to effectively carry out the impeachment process.³³

Similarly, the House also has the prerogative to grant the Secretary General certain duties and powers relating, in particular, to the impeachment mechanism. Indeed, it is correct to state that the House has the power to introduce additional steps and procedures to carry out its role in an impeachment proceeding³⁴ under Article XI, Section 3(8) of the Constitution.

The power of respondent House to introduce additional procedural steps to the impeachment mechanism is not absolute; it must still be within the confines of the Constitution

Respondent House’s prerogative to introduce additional procedural steps to the impeachment mechanism is not absolute or unqualified. It is fundamental that the exercise of such power must be done within the confines of, and in reverence to the Constitution from which its power emanates. Otherwise stated, the House Impeachment Rules must *not* contravene the Constitution. Otherwise, “if... Congress had absolute rule making power, then it would by necessary

³⁰ Comment (G.R. No. 278353), p. 10.

³¹ *Gutierrez v. House of Representatives*, 660 Phil. 271, 383 (2011) [Per J. Carpio-Morales, *En Banc*].

³² II Record, Constitutional Commission 372 (July 28, 1986).

³³ *Gutierrez v. House of Representatives*, 660 Phil. 271, 378–379 (2011) [Per J. Carpio-Morales, *En Banc*].

³⁴ Comment (G.R. No. 278353), p. 10.

implication have the power to alter or amend the meaning of the Constitution[.]”³⁵

At first glance, it may be argued that the internal rules of a co-equal branch of the government, respondent House in particular, is beyond the ambit of review by the Court, pursuant to the principle of respect to a co-equal branch of the government. However, when it is alleged that there is grave abuse of discretion on the part of that co-equal branch, the *certiorari* prerogative of the Court comes into play. In the exercise of its *certiorari* power, the Court may pry into the internal rules of respondent House to determine whether it has breached the constitutional confines as to amount to a grave abuse of discretion. This is part of the principle of check and balance espoused by the Constitution.

Deliberate inaction on the first three complaints to give way to the fourth impeachment complaint

The Secretary General, upon the request of certain members of the House, deliberately held hostage the first three impeachment complaints in an attempt to circumvent the one-year bar

The Constitution is categorical on the manner by which an impeachment complaint should be handled upon filing thereof:

ARTICLE XI
Accountability of Public Officers

....

Section 3. (1) ...

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

Meanwhile, the internal rules of the respondent House provide:

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

³⁵ *Francisco, Jr. v. The House of Representatives*, 460 Phil. 830, 935 (2003) [Per J. Carpio-Morales, *En Banc*].

Secretary General Velasco publicly admitted that upon his receipt of the first three impeachment complaints, he did not transmit the same to the Speaker, notwithstanding his avowed duty to *immediately refer* the same to the Speaker.³⁶

In a public interview on January 7, 2025, Secretary General Velasco ratiocinated that certain members of the House requested him to withhold the first three impeachment complaints:

Karen Davila: So you are expecting a fourth impeachment complaint against Vice President Sara Duterte, and sources say that the fourth impeachment complaint is going to come from [H]ouse majority members, is this correct?

Secretary General Velasco: Well[,] those. . . [H]ouse members who requested that [I] give them some more time to either. . . endorse another complaint. . . that will constitute the fourth impeachment complaint.

....

Karen Davila: Now the three impeachment complaints are now in your office. And your office has been under pressure to already act on these three complaints. Take us through this process. Upon receiving the three complaints, should you have already reported to the [O]ffice of the Speaker? What made you not to?

Secretary General Velasco: It's really the request of the House [m]embers. There will be complications if I will refer for instance the three impeachment complaints. Because this is one of the rare times where there [is] more than one complaint. So, if I will transmit the three complaints filed so far then that [sic] would be the only complaints that will be studied by the [O]ffice of the [S]peaker for referring to the [C]ommittee on [R]ules, plenary, then from the plenary to the [C]ommittee on [J]ustice. So, the House [m]embers that whatever complaints they will file[,] or they will endorse will be referred to the Speaker at the same time, one package, instead of just referring the first, the second, and the third, and then the fourth will not be referred or transmitted to the [O]ffice of the Speaker.³⁷

In another public interview on January 20, 2025, Secretary General Velasco claimed that at least 12 members of the House requested him to withhold the first three impeachment complaints:

Secretary General Velasco: Ang problem, alam mo na Christmas break, karamihan sa kanila nasa districts nila or nagbabakasyon with the family or loved

³⁶ Petition (G.R. No. 278353), pp. 9–13, citing ANC 24/7, *Headstart: House Secretary General Reginald Velasco on status of impeachment raps vs VP Duterte*, available at <https://www.youtube.com/watch?v=gxKiv87iugE> (last accessed on July 24, 2025); ANC 24/7, *WATCH: House Sec. General Reginald Velasco gives updates on impeachment raps vs VP Duterte*, available at <https://www.youtube.com/watch?v=CxzlbKeCyZU> (last accessed on July 24, 2025).

³⁷ Petition (G.R. No. 278353), p. 10, citing ANC 24/7, *Headstart: House Secretary General Reginald Velasco on status of impeachment raps vs VP Duterte*, available at <https://www.youtube.com/watch?v=gxKiv87iugE> (last accessed July 24, 2025).

ones, so wala, kailangan pagbigyan natin sila. . . Anyway, sila boss ko eh, 'di naman ako 'yong boss.

....

Interviewer: Puwede po ba naming malaman kung ilan po 'yong House members na nakikiusap sa inyo?

Secretary General Velasco: Well, 'yon nga 'yong sabi ko, mga 12 sila. . . and they come from the majority and some from the minority. . . so kaya kailangan pagbigyan natin sila. . .

....

Interviewer: Meron kaming naririnig lang na information, 'yon pong nagpahiwatig na 'yong magfa-file ng fourth impeachment complaint ay galing sa young guns.

Secretary General Velasco: Well, galing sa majority 'yon.

Interviewer: But not necessarily from the young guns?

Secretary General Velasco: Ah not necessarily from the young guns. Kaya, sabi nga sa inyo, this information was shared to me in confidence kaya I cannot reveal them to you. But some of them, in fact, 'yong iba sumulat pa sa akin na bigyan sila ng time, bigyan sila ng kopya, therefore bigyan sila ng time napag-aralan 'yong complaints, so hindi lang verbal, may mga written. . . After this exercise[,] I'll give it to you pag[]natapos, natransmit ko na sa inyo sa Speaker, I will give you a copy of these communications I received.

....

Interviewer: Sir, how much time will you give them? Cause 'yon nga, ang sinasabi nung isa sa mga endorser ng first three, more than enough time na 'yong one month. . . to transmit.

Secretary General Velasco: Well kasi nga, in my case, wala kasing nakalagay na naka specify. . . Unfortunately, 'yun 'yung rules natin na it's really up to me to decide. Walang time na nakalagay. Unlike Speaker has 10 session days, the Committee on Rules has three session days, Committee on Justice has 60 session days. Sa akin kasi wala eh. So it's my decision. . . .

'Yon nga 'yong ibang members, nakiusap sa akin na sandali lang SecGen, wag mo muna i-transmit.³⁸

The House did not find anything wrong in the actions of Secretary General Velasco. In fact, it appears that they acquiesced in his action as they even justified the same in their Comment, by arguing that the House may introduce

³⁸ Petition (G.R. No. 278353), pp. 11–13, citing ANC 24/7, *WATCH: House Sec. General Reginald Velasco gives updates on impeachment raps vs VP Duterte*, available at <https://www.youtube.com/watch?v=CxzIbKeCyZU> (last accessed July 24, 2025).

an intermediate step between the filing of the verified impeachment complaint and its inclusion in the order of business.³⁹

26. In the exercise of its wisdom, and pursuant to its constitutional authority, the House saw fit to introduce an intermediate step between the receipt of a complaint by the Secretary General and the running of the ten-day period. *Only upon transmittal to the Speaker will the ten days found in the Constitution begin to run.* This was completely within the power of the House to decide, following its Constitutionally vested rule-making power, and the same is in keeping with the orderly and faithful fulfillment by the House of its role in the impeachment process.

....

28. Evidently, even as the final version of the Constitution provision includes certain periods, the framers always intended for the provision to accommodate the rules future Congresses would create.⁴⁰ (Emphasis supplied)

Respondent House asserts that compliance with the House Impeachment Rules is an internal matter to be determined by the House, which the Court cannot review. According to the Respondent House, it has the power to determine whether Secretary General Velasco complied with his duty to *immediately* refer the verified impeachment complaint to the Speaker.⁴¹

Respondent House even went further by arguing that the 10-session day period should be reckoned from the date of the Secretary General's transmittal of the impeachment complaint to the Speaker.⁴²

I disagree with the position of the House.

There is no dispute that the House, pursuant to its power to promulgate rules on impeachment, may grant the Secretary General certain duties and powers relating to the impeachment mechanism. Nonetheless, I emphasize that such powers and their exercise by the Secretary General must conform with—and must not contravene nor circumvent—the limitations set by the Constitution. As I mentioned earlier, it is to this extent that the Court may review whether the Secretary General committed grave abuse of discretion.

Rule II, Section 3 of the House Impeachment Rules—insofar as it allows the reckoning of the 10-day period from the date the Secretary General refers the complaint to the Speaker—contravenes the meaning and evident purpose of Article XI, Section 3(2) of the Constitution. Based on the wording and structure of Article XI, Section 3(2) of the Constitution, the relative clause “which shall be included in the Order of Business within ten session days” clearly refers to

³⁹ Comment (G.R. No. 278353), pp. 9–15.

⁴⁰ *Id.* at 11–12.

⁴¹ *Id.* at 15–18.

⁴² *Id.* at 10–11.

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the “verified complaint” that is “filed by any Member of the House of Representatives or by any citizen upon a resolution of endorsement by any Member thereof.” Allowing the Secretary General to dictate the reckoning of the 10-session day period, by giving him/her the discretion when to transmit the impeachment complaint to the Speaker, violates the very spirit and purpose of the specific periods under Article XI, Section 3(2) of the Constitution, and gives unfettered discretion on the part of the Secretary General, who, incidentally, was not even mentioned in the Constitution. To recall, the Secretary General is a personality created only by the House. Thus, it is illogical and unacceptable that the Secretary General be given the sole power and discretion to determine when to refer the impeachment complaint to the Speaker. Clearly, this contradicts the Constitution. For the respondent House to even tolerate and allow this is a clear case of grave abuse of discretion.

For emphasis, the Constitution provides that it shall be mandatory to include the verified impeachment complaint in the order of business within 10 session days reckoned from: (1) the filing of the verified impeachment complaint by a Member of the House, in case of the first mode; or (2) the endorsement by a Member of the House of a verified impeachment complaint filed by a citizen, in case of the second mode.

Indeed, the 10-session day period to include the first three impeachment complaints in the order of business of the House was complied with, despite the deliberate delay on the part of Secretary General Velasco. The first impeachment complaint was included in the order of business on February 5, 2025,⁴³ which falls under the 10th session day from the date of its filing and endorsement.⁴⁴ The second and third impeachment complaints were included in the order of business on the same day,⁴⁵ which falls within the applicable 10-session day period.⁴⁶

However, notwithstanding the compliance with the 10-session day period, the deliberate inaction and delay by Secretary General Velasco in referring the first three impeachment complaints to the Speaker, his public pronouncements and respondent House’s arguments, coupled with Congress’s own failure to act on the complaints, reveal an attempt to circumvent the one-year bar rule.

⁴³ XXXVI, Journal, House, 19th Congress, 3rd Session (February 3–5, 2025). III Record, House, 19th Congress, 3rd Session (February 5, 2025); Additional Reference of Business, House of Representatives, 19th Congress, 3rd Session (February 5, 2025).

⁴⁴ The following are the 10 session days reckoned from December 2, 2024: (1) session day of December 3–4, 2024; (2) session day of December 9–11, 2024; (3) session day of December 16–18, 2024; (4) session day of January 13, 2025; (5) session day of January 14–15, 2025; (6) session day of January 20, 2025; (7) session day of January 21, 2025; (8) session day of January 22, 2025; (9) session day of January 27–28, 2025; and (10) session day of February 3–5, 2025.

⁴⁵ XXXVI, Journal, House, 19th Congress, 3rd Session (February 3–5, 2025). III Record, House, 19th Congress, 3rd Session (February 5, 2025); Additional Reference of Business, House of Representatives, 19th Congress, 3rd Session (February 5, 2025).

⁴⁶ February 5, 2025 falls under the ninth session day from the filing and endorsement of the second impeachment complaint, and the seventh session day from the filing and endorsement of the third impeachment complaint.

Rather than complying with his duty under the House Impeachment Rules, Secretary General Velasco did not “immediately” refer the first three impeachment complaints to the Speaker, claiming that the non-referral was at the request of certain members of the House. As Secretary General Velasco himself publicly admitted, he deliberately withheld the first three impeachment complaints to give way for certain members of the House to, among others, endorse another complaint. True enough, 215 members of the House later came up with the fourth impeachment complaint, and only then were the first three impeachment complaints finally included in the order of business of the House.

Furthermore, Secretary General Velasco’s inaction on the first three impeachment complaints amounted to a deliberate nonperformance of a duty and an arrogation of the House’s exclusive power to determine the initial action to be taken, thus tantamount to a grave abuse of discretion. Each house of Congress conducts its legislative work in plenary session,⁴⁷ including the undertaking of impeachment proceedings. Having “sole and absolute control” over the initiation of impeachment proceedings, the House of Representatives “in taking charge of its own proceedings, must deliberately decide to initiate an impeachment proceeding, subject to the time frame and other limitations imposed by the Constitution. This chamber of Congress alone, not its officers or members or any private individual, should own up to its processes.”⁴⁸ When Secretary General Velasco held hostage the first three impeachment complaints, the House was deprived of an opportunity to decide as a plenary, upon inclusion of the complaints in the order of business, whether to refer the complaints to the Committee on Justice.

I state that the Secretary General has absolutely no discretion to decide when to refer the impeachment complaints to the Speaker. The Constitution and the internal rules of respondent House already specifically provided for the period within which the Secretary General ought to perform his duty. The Secretary General’s non-observance of said period, as well as the respondent House’s acquiescence and approval thereof, amounted to a grave abuse of discretion. The respondent House cannot simply tolerate the Secretary General’s action even if it aligns to its agenda. Still, the Constitution is above the House of Representatives and should be strictly complied with.

The archiving of the first three impeachment complaints was the inevitable consequence of the failure of the Congress to act upon them

⁴⁷ *Kida v. Senate of the Philippines*, 675 Phil. 316, 398–399 (2011) [Per J. Brion, *En Banc*].

⁴⁸ *Gutierrez v. House of Representatives*, 658 Phil. 322, 396 (2011) [Per J. Carpio Morales, *En Banc*].

Under Article XI, Section 3(2) of the Constitution, a filed impeachment complaint must thereafter be referred to the proper Committee within three session days from its inclusion into the Order of Business. Rule II, Section 3 of the House Impeachment Rules expressly identifies the Committee on Justice as such proper forum.⁴⁹

Under the House Impeachment Rules, the Committee on Justice determines the impeachment complaint's sufficiency in both form and substance. At various stages from filing, the Committee on Justice is empowered to dismiss an impeachment complaint, upon a finding (a) that the same is not sufficient in form;⁵⁰ (b) that it is compliant in form but insufficient in substance based on the allegations;⁵¹ (c) that sufficient grounds for impeachment do not exist, after its review of the pleadings, affidavits, and counter-affidavits;⁵² and (d) that probable cause does not exist, even after hearing.⁵³ Otherwise, the filed impeachment complaint proceeds and is given due course. If majority of the members of the Committee on Justice finds that probable cause exists on the basis of the evidence before it, it shall submit a report with a resolution setting forth the Articles of Impeachment.⁵⁴

In *Gutierrez*, the Court further discussed such act of referral to the Committee on Justice as follows:

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

Under the Rules of the House, a motion to refer is not among those motions that shall be decided without debate, but any debate thereon is only made subject to the five-minute rule. Moreover, it is common parliamentary practice that a motion to refer a matter or question to a committee may be debated upon, not as to the merits thereof, but only as to the propriety of the referral. With respect to complaints for impeachment, the House has the discretion not to refer a subsequent impeachment complaint to the Committee on Justice where official records and further debate show that an impeachment complaint filed against the same impeachable officer has already been referred to the said committee and the one year period has not yet expired, lest it becomes instrumental in perpetrating

⁴⁹ House Impeachment Rules (2023), Rule II, sec. 3.

⁵⁰ House Impeachment Rules (2023), Rule III, sec. 4.

⁵¹ House Impeachment Rules (2023), Rule III, sec. 5.

⁵² House Impeachment Rules (2023), Rule III, sec. 7.

⁵³ House Impeachment Rules (2023), Rule III, sec. 9.

⁵⁴ House Impeachment Rules (2023), Rule III, sec. 9.

a constitutionally prohibited second impeachment proceeding. Far from being mechanical, before the referral stage, a period of deliberation is afforded the House, as the Constitution, in fact, grants a maximum of three session days within which to make the proper referral.⁵⁵ (Citations omitted)

While *Gutierrez* recognizes that the referral of an impeachment complaint to the Committee on Justice is neither automatic nor mechanical, it significantly limits the justification for non-referral to such instance when official records and debate would show that the impeachment complaint filed should no longer be entertained due to the one-year bar, always as a product of the plenary's deliberative action.

Here, congressional records do not show that any referral was made of the first three impeachment complaints to the Committee on Justice. Neither was it demonstrated that the House of Representatives, on plenary and after deliberation, determined that referral of the first three impeachment complaints were unnecessary because there had already been a prior referral to the committee or that the oneyear period has not yet expired.

Indeed, the House records a discussion on January 13, 2025, where Representative Raoul Danniell A. Manuel in his Privilege Speech called upon the members to act on the first three impeachment complaints against petitioner Duterte, and that such privilege speech, upon motion, was referred to the Committee on *Rules* for appropriate action.⁵⁶ However, this can hardly be considered as the referral to the proper committee contemplated by the Constitution and the House Impeachment Rules.

Interestingly, the next instance the first three impeachment complaints were brought up was on February 5, 2025 when during plenary session, all four impeachment complaints were included in the additional reference of business. The House then directed Secretary General Velasco to endorse the fourth impeachment complaint to the Senate, and as a consequence thereof, to transmit the first three impeachment complaints to the congressional archives.⁵⁷ Where there was no discussion therein relating to the propriety of referring the first three impeachment complaints or if these were already Constitutionally-prohibited in the first place, it is difficult to imagine how their being summarily archived qualifies as the deliberative plenary action contemplated in jurisprudence.

On this score, absent any finding on whether they should have been either dismissed (e.g., for insufficiency of form, substance, due to Constitutional prohibition, etc.) or given due course to eventually ripen into Articles of

⁵⁵ *Gutierrez v. House of Representatives*, 658 Phil. 322, 396–397 (2011) [Per J. Carpio-Morales, *En Banc*].

⁵⁶ 19th Congress, Third Regular Session, House Journal No. 30, January 13, 2025, p. 23, available at <https://www.congress.gov.ph/legislative-documents/house-journals/> (last accessed on July 24, 2025).

⁵⁷ 19th Congress, Third Regular Session, House Journal No. 36, February 5, 2025, pp. 75–76, available at <https://www.congress.gov.ph/legislative-documents/house-journals/> (last accessed on July 24, 2025).

Impeachment, then the first three impeachment complaints that were already filed remained active and pending, albeit unresolved. Absent any action by the House, either on plenary or through the Committee on Justice, then the first three impeachment complaints were in limbo, not having been adequately disposed of before they were archived.

Notably, neither the Constitution nor the House Impeachment Rules provides a mechanism for archiving impeachment complaints. While Rule XXII, Section 147 of the Regular House Rules mentions the delivery of papers to the Archives, they pertain to the papers and records relating to the *completed business* of the House. The same provision provides that all pending matters and proceedings shall terminate upon expiration of the Congress, and records pertaining thereto shall be delivered to the Archives. Here, the first three impeachment complaints were not yet part of the completed business of the House, and their archiving on February 5, 2025 was not pursuant to the expiration of the 19th Congress. Indeed, the Constitution provides for alternative modes of initiating the impeachment process; however, nowhere in the Constitution nor the House Impeachment Rules does it sanction the replacement, substitution, or supplanting of impeachment complaints filed prior through whichever mode, just because another mode of initiation has suddenly become more convenient or preferred.⁵⁸ Permitting such maneuver without legal basis risks politicizing impeachment and eroding public trust.

The delayed inclusion of the first three impeachment complaints in the Order of Business—coinciding with the final day of the Congress's third and last regular session, and occurring on the very same day the fourth impeachment complaint was adopted—casts serious doubt on the integrity and timing of the House's actions

In their Comment, the House admitted that Secretary General Velasco transmitted the first three impeachment complaints to the Office of the Speaker only on February 5, 2025, during the last day of the Congress's third and final Regular Session.⁵⁹ On the same day, the members of the House were allegedly summoned to the Romualdez Hall for a "caucus," without being informed of its purpose or agenda. During said caucus, a fourth impeachment complaint was filed against Duterte, signed by 215 out of 306 House members, surpassing the one-third requirement under Article XI, Section 3 (4) of the 1987 Constitution. Consequently, the fourth impeachment complaint constituted the Articles of

⁵⁸ House Impeachment Rules (2023), Rule II, sec. 2.

⁵⁹ Petition (G.R. No. 278359), p. 4.

Impeachment, which was forthwith transmitted to the Senate even without a plenary vote.⁶⁰

As a result of the endorsement of the fourth impeachment complaint, the House has ordered the transmittal of the first three impeachment complaints to the congressional archives.

Clearly, the timing of the inclusion of the first three impeachment complaints in the House's order of business on February 5, 2025 is highly suspect as it came about just as the fourth impeachment complaint had already become available for endorsement by the members of the House.

It is evident that the House's decision to withhold the referral of the first three impeachment complaints was intentional to give way to the fourth complaint. By doing so, the House sought to secure the endorsement of at least one-third of the members—an approach that is clearly more expedient and convenient, as it does not involve committee-level review and deliberation. This is strengthened by Secretary General Velasco's admission that the referral of the first three impeachment complaints was held in abeyance because certain members of the House requested him to withhold the same to "give them some more time to either endorse one of the three complaints. . . or endorse another complaint."⁶¹

Moreover, as reflected in the recorded exchanges between members of the media and some members of the House on February 5, 2025, it was revealed that they were unaware of any caucus scheduled for that day, more so the agenda or purpose of said caucus. Admittedly, they were not given prior notice of the existence of a fourth impeachment complaint.⁶² The lack of transparency regarding the caucus, the abrupt manner in which it was convened, and the lack of a clear communication, collectively suggest a deliberate effort to withhold information from members of the House. These actions clearly demonstrate a calculated and hastened effort to push the fourth impeachment complaint with deliberate speed and minimal scrutiny.

Indeed, the totality of circumstances, i.e., the House's deliberate inaction on the first three impeachment complaints, the swift endorsement and adoption of the fourth, and the subsequent archiving of the initial three—clearly indicates a pattern of unequal treatment and undue preference for the fourth complaint. This sequence of events strongly suggests an attempt to circumvent the

⁶⁰ Victoria Tulad, "Senate formally receives articles of impeachment v. VP Sara Duterte from House," ABS-CBN News, February 5, 2025, available at <https://www.abs-cbn.com/news/nation/2025/2/5/senate-formally-receives-articles-of-impeachment-vs-vp-sara-duterte-from-house-1910> (last accessed on July 24, 2025).

⁶¹ Petition (G.R. No. 278353), pp. 10–13.

⁶² Petition (G.R. No. 278359), pp. 19–23.

constitutional one-year bar on initiating multiple impeachment proceedings against the same official.

The circumvention of the one-year bar rule nonetheless triggers its operation

Article XI, Section 3(5) of the Constitution provides:

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

This provision, called the “one-year bar rule,” is a measure installed as a constitutional limitation to the filing of impeachment complaints mainly to protect impeachable officials from harassment and to enable Congress to focus on its principal task of legislation.⁹² Considering that only select high-ranking officials may be subject to impeachment, the rule aims to strike an important but delicate balance between accountability of erring officials, and stability of government operations. Without this, the impeachment process can be easily weaponized for political advances and undue harassment is likely to arise, crippling at least two main government branches every time impeachment is initiated: the legislature, and either the executive or judiciary, or worse, both. Records of the deliberations of the 1986 Constitutional Commission bear this:

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

In *Francisco*, the Court laid down the principle that the word “initiate,” as used in Article XI, Sec. 3(5)—which triggers the one-year bar rule—requires two distinct events: (1) the act of filing of the impeachment complaint; and (2) the referral to the House Committee on Justice. The Court states:

From the records of the Constitutional Commission, to the amicus curiae briefs of two former Constitutional Commissioners, it is without a doubt that the term “to initiate” refers to the filing of the impeachment complaint coupled with Congress’ taking initial action of said complaint.

Having concluded that the initiation takes place by the act of filing and referral or endorsement of the impeachment complaint to the House Committee on Justice or, by the filing by at least one-third of the members of the House of Representatives with the Secretary General of the House, the meaning of Section 3 (5) of Article XI becomes clear. Once an impeachment complaint has been

initiated, another impeachment complaint may not be filed against the same official within a one year period.⁶³

Meanwhile, Justice Arturo D. Brion, in his Dissenting Opinion in *Gutierrez*, clarifies his view on what should trigger this constitutional mechanism. Seeing that the *Francisco* guidelines do not significantly carry out the intended purpose of the one-year bar rule, he advances the opinion that there must be a more meaningful “process that goes beyond this physical act of filing”:

In this light, the bar against impeachment that Section 3 (5), Article XI of the Constitution speaks of cannot simply be confined to the mechanical act of filing an impeachment complaint. As every citizen enjoys the right to file a complaint, a bar triggered by the mere physical act of filing one complaint is practically a negation of the granted right without a meaningful basis. Thus, the initiation of an impeachment complaint, understood in the sense used in Section 3 (5), Article XI of the Constitution, must involve a process that goes beyond this physical act of filing; initiation must be a participatory act that involves the receiving entity, in this case, the House of Representatives.

To be consistent with the nature and effects of the bar, the participation of the House of Representatives in the initiation phase must itself be meaningful; it must be an act characterized by the exercise of discretion in determining that the filed impeachment complaint is valid and can be the basis for the impeachment proceedings to follow, subject to supporting and duly admitted evidence. To state the obvious, only a valid impeachment complaint should serve as a bar; otherwise, no meaningful balance would exist between the impeachment and the bar that can frustrate it.⁶⁴

In other words, Justice Brion is of the conviction that the manner laid down in *Francisco* to activate the one-year bar rule is too simple—so much that it is practically a negation of the rule’s intended purpose. Thus, he seeks to guard the bar from undue set-up by offering a stricter method of prompting it.

The case at hand, however, is the complete opposite. It is my assessment that there is undue *avoidance* of the bar; a circumvention of the rule which is similarly intended to negate its envisioned purpose. Thus, its reexamination is warranted.

Aware that referring it to the House Committee on Justice will trigger the one-year bar rule, the House chose to withhold action on the first three complaints. It methodically placed the three complaints in limbo—neither here nor there, so to speak. It thus appears that the House’s actions accomplished two interrelated but distinct purposes: (1) prevent the triggering of the one-year bar rule; and (2) allow it to take cognizance of the fourth impeachment

⁶³ *Francisco, Jr. v. The House of Representatives*, 460 Phil. 830, 932–933 (2003) [Per J. Carpio-Morales, *En Banc*].

⁶⁴ *Gutierrez v. House of Representatives*, 658 Phil. 322, 358–359 (2011) [Per J. Carpio-Morales, *En Banc*].

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complaint. Clearly, a circumvention of the one-year bar rule, which the Constitution unqualifiedly advocates.

In light of these circumstances, **it is my position that the filing of the first three complaints, coupled with the Secretary General's withholding the same, and viewed against the totality of circumstances pointing to no other conclusion than an attempt at circumvention, constitute more than sufficient grounds to trigger the one-year bar rule.** This, despite the lack of referral to the Committee on Justice and fulfillment of the technical meaning of the term "initiation." I am of the position that this view passes constitutional tests, and is more in keeping with fairness, logic, and the contemplated purpose of the rule.

The rule, broken down to its frames, essentially tells us that a second impeachment proceeding cannot be "initiated" against the same official within the same year. Once a first impeachment proceeding is "initiated," the one-year bar rule is set up, and a second one can no longer be accommodated. This is very much established.

However, is the reverse also true? In other words, if the initiation triggers the one-year bar rule, does it also mean that the one-year bar rule is triggered *only* by the initiation of an impeachment complaint, as clarified in *Francisco*?

I do not think so, and for two reasons.

First, a closer reading of the constitutional provision reveals that the prohibition applies only against initiation. Nowhere does it state that the bar may be triggered *exclusively* by the initiation of a complaint. Thus, there is no constitutional breach, and it is a fair interpretation that the bar may be utilized if only to accomplish its purpose which is, again, to strike a balance between public accountability and government stability. Conversely, the bar may be curbed if it would otherwise promote imbalance by unduly favoring either the filing of impeachment complaints which results in government instability, or lack of public accountability.

Second, it is my humble opinion that this view is more in keeping with fairness, justice, and reason. At the risk of being repetitive, I must remind that the one-year bar rule is merely an instrument developed to promote balance. Thus, its interpretation and operation should be continuously evolving, constantly guided by the understanding that it is but simply a tool for a certain purpose, nothing more and nothing less. The question that should always be asked: are we courting impeachment too much, or are we excessively avoiding it? It is only with this curiosity that we can effectively and fairly interpret the one-year bar rule.

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Tasked by the Constitution as the ultimate interpreter of laws, it would be a great diminution for the Court to be reduced to a mechanical adherent to literal texts devoid of empirical contexts and emasculated by former interpretations which do not conform to present realities. Hence, with the House's action of withholding the first three impeachment complaints and entertaining only the fourth, I submit that the rule had veered away from its purpose. Instead, it was weaponized, and its aim negated by the handy excuse given by the Secretary General that the first three complaints were never referred to the House Committee on Justice—an excuse so lame and convenient that it is extremely difficult to ignore the impunity that comes with it. The nonperformance by the Secretary General of his duty should not cause prejudice or unfairness to the other official being impeached, or result to the circumvention of the Constitution. Holding hostage the impeachment complaints on the part of the Secretary General should be deemed as a trigger point for the one-year bar rule to kick in, in order to restore the balance, the protection of which it is crafted for. It is also an effective tool which will serve as a barricade against the Secretary General from further acting beyond his domain that will have far-reaching consequences, and for the House to use the Office of the Secretary General to implement its intended purpose.

Having said everything, it is important to maintain a mindset that the one-year bar rule, in itself and taken as a whole, is a measure that is inherently good as it aims to promote equilibrium in the complex machinery of a democratic government and between the competing values of dishonesty and accountability—values which are undeniably essential in any kind of system, not just government. However, its two sides are unlike its whole—they are neither inherently good nor bad, and an excess of either yields an undesirable result. It is a double-edged sword, and its effect largely depends on the one wielding it. Thus, in dealing with the one-year bar rule, careful consideration should be taken if one side is favored too much. Encourage its operation and dissuade impeachment proceedings, public accountability is reduced; but suppress the rule and invite impeachment complaints, government stability is sacrificed.

In fine, the House abused its discretion when it tolerated and approved the Secretary General's act of withholding action on the first three complaints. The totality of attendant circumstances reveals the true nature of the House's action: to circumvent the one-year bar rule in order to fabricate a superficially legal strategy and make the fourth complaint viable. The move was as clever as it was iniquitous and a prime example of a technically legal but highly immoral maneuver; a mere subterfuge for political gain, for it exploited a weak point in our democratic institutions.

Again, the one-year bar rule is merely an instrument put in place to strike a balance between accountability and stability. Thus, it must be viewed exactly as that, and in no instance should greater importance be placed on the stifling

definition of the tool than its envisioned purpose. No system is fool-proof, and it is impossible to craft rules that will definitively guard against every loophole, gap, ambiguity, or indistinctness. Thus, in the small crevices of every imperfectly-built organization lie the opportunity for us, the Judiciary, to hark back to the values of fairness, justice, and reason—values which made this democratic republic possible in the first place.

The approval of the fourth impeachment complaint likewise constitutes grave abuse of discretion

The House, in filing the fourth impeachment complaint used the mode of initiating an impeachment complaint under Article XI, Section 3(4) of the Constitution which provides that “in case the verified complaint or resolution of impeachment is filed by at least one-third of all the Members of the House, the same shall constitute the Articles of Impeachment, and trial by the Senate shall forthwith proceed.” While this is explicitly stated under the Constitution, the application of this provision must be read in conjunction with Article XI, Section 3(5) of the Constitution which declares that “no impeachment proceedings shall be initiated against the same official more than once within a period of one year.”

Significantly, in *Francisco*, the Court, for the purpose of applying the one-year bar rule took the opportunity to settle the meaning of the term “to initiate.” It concluded that initiation is the filing of the impeachment complaint coupled with the initial action of the Congress, i.e. the act of referring or endorsing the impeachment complaint to the House Committee on Justice.⁶⁵ However, as I discussed earlier, this pronouncement in *Francisco* is not applicable to the factual circumstances of this case. At the risk of being too repetitive, I espouse the view that since there was no “initiation” to speak of as contemplated by *Francisco*, but rather the withholding of the first three impeachment complaints until they were archived on February 5, 2025 and the swift adoption of the fourth impeachment complaint, there was an attempt by the House to circumvent the one-year bar rule, thus, effectively rendering it to be operative.

The act of withholding the first three impeachment complaints and proceeding only to entertain the fourth impeachment constitutes sufficient grounds to render the one-year bar operative. Thus, the House committed grave abuse of discretion when it approved during the plenary session on February 5, 2025, the fourth impeachment complaint against petitioner and subsequently, resolved to transmit the same to the Senate, when it is already barred due to the one-year bar rule. We cannot countenance such act as it was done arbitrarily and in clear contravention of Article XI, Section 3(5) of the Constitution.

⁶⁵ 460 Phil. 830, 932–933 (2003) [Per J. Carpio-Morales, *En Banc*].

Without a doubt, an act done that is contrary to the Constitution constitutes grave abuse of discretion that warrants the grant of the extraordinary writ of *certiorari*.⁶⁶

All told, the totality of the acts on the part of the respondent House was an attempt to circumvent the one-year bar rule, thus amounting to a grave abuse of discretion. To reiterate, grave abuse of discretion attended the commission of the following acts: (1) the deliberate inaction and delay of the Secretary General in the referral of the first three impeachment complaints and the respondent House's acquiescence and approval thereof; (2) the House's inaction on the first three impeachment complaints; and (3) the House's approval of the fourth impeachment complaint in violation of the one-year bar rule.

Finally, while the authority granted by the Constitution to Congress provides for the manner and cause of removal of all other public officers and employees, it does not provide Congress with *carte blanche* authority to ignore the basic principles and precepts established by the Constitution.⁶⁷ Any undue departure or deviation by the House from the express limitations provided for in the Constitution is tantamount to grave abuse of discretion and is thus the proper subject of the Court's power of judicial review.

The impeachment proceedings and the pending fourth impeachment case before the House and Senate, respectively, of the 19th Congress, cannot crossover to the 20th Congress.

In any event, the 20th Congress cannot be expected to continue the business of the 19th Congress.

The Rules of both the House of Representatives and the Senate currently in effect under the 19th Congress provide that all pending matters or unfinished business at the end of the term of a Congress are terminated, thus:

Rule XI [of the Rules of the House of Representatives]
The Session

....

Section 80. *Calendar of Business*. — The Calendar of Business shall consist of the following:

⁶⁶ *Tirol v. Tayengco-Lopingo*, 920 Phil. 884, 898 (2022) [Per J. Inting, First Division]. (Citation omitted)

⁶⁷ *Gonzales III v. Office of the President of the Philippines*, 725 Phil. 380, 409 (2014) [Per J. Brion, *En Banc*].

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a. *Unfinished Business*. – This is business being considered by the House at the time of its last adjournment. Its consideration shall be resumed until it is disposed of.

The Unfinished Business at the end of a session shall be resumed at the commencement of the next session as if no adjournment has taken place. At the end of the term of a Congress, all unfinished business [is] deemed terminated.

RULE XLIV [of the Senate]
Unfinished Business

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

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

Further, this Court already had the occasion to discuss the non-continuing nature of both bodies (albeit referring to different constitutional functions).

In *Ang Nars Party List v. Executive Secretary*,⁶⁸ the Court stated, “[i]n particular, the House is admittedly not a continuing body since the terms of all Members of the House end at the same time upon the expiration of every Congress. Thus, upon the expiration of every Congress, the Rules of Procedure of the House also expire.”⁶⁹ Then *Balag v. Senate*⁷⁰ reiterated that the House is not a continuing body, although referring to its power of contempt: “on the other hand, the House of Representatives, as it is not a continuing body, has a limit in the exercise of its power to punish for contempt, which is on the final adjournment of its last session.”⁷¹ Of course, all Members of the House of Representatives are elected for a term of three years.⁷²

The Court also characterized the Senate as not a continuing body. In the Court’s Resolution in *Neri v. Senate Committee*,⁷³ the Court clarified that the Senate is continuing as an institution but non-continuing with respect to its business and day-to-day matters.⁷⁴ “[The Senate] is not dissolved as an entity with each national election or change in composition of its members.”⁷⁵ However, upon the expiration of a particular Congress, all pending matters before the Senate of that Congress are terminated, and it is up to the succeeding Senate to adopt such terminated matters as if presented for the first time.⁷⁶ The

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

⁶⁹ *Id.* at 644.

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

⁷¹ *Id.* at 467.

⁷² CONST., art. VI, sec. 7.

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

⁷⁴ *Id.* at 196–197.

⁷⁵ *Id.* at 196.

⁷⁶ *Id.* at 197.

Court added that the new Senate should not be bound by the acts of the previous Senate of which they had no part.⁷⁷ This was reiterated by the Court in *Balag*, that all pending matters and proceedings, even legislative investigations, of the Senate are considered terminated upon the expiration of that Congress.⁷⁸

The Rules of both the House and Senate, as well as the foregoing pronouncements of the Court clearly did not mention of impeachment proceedings. To my mind, however, these principles can likewise be applied to impeachment proceedings pending in either or both the Houses.

The newly elected Congress could not be bound by the acts of the previous Congress. "The Philippines is a democratic and republican State. Sovereignty resides in the people and all government authority emanates from them."⁷⁹ The people exercise government authority through the election of representatives. Binding the succeeding Congress to the acts of the previous Congress is tantamount to restricting or even disregarding the will of the people which was expressed anew in the conduct of elections. Casting a vote is the representation of the change or reaffirmation of the people's will.

The foregoing principles should be applied to impeachment proceedings. The reason is that only the House can impeach, and only the Senate can try and decide impeachment cases, as provided by the Constitution. There is no reason for impeachment proceedings to be classified differently from the other constitutional powers and duties that only the House and the Senate can perform. Thus, the phrase "all unfinished business" in the last statement, second paragraph of Section 80(a), Rule XI of the House Rules (pertaining to the end of a term of a Congress), as well as the phrase "All pending matters and proceedings" in the second paragraph of Rule 123 of the Senate Rules, shall cover impeachment proceedings and pending impeachment cases, respectively.

Therefore, notwithstanding and in addition to my disquisition in this Opinion, it is my view that the first three impeachment complaints before the House of Representatives of the 19th Congress, although transmitted to the archives, are terminated by reason of the expiration of the term of the 19th Congress. The fourth impeachment complaint already transmitted and pending before the Senate of the 19th Congress, as the Senate had already convened as an impeachment court, is likewise terminated by reason of the expiration of the term of the 19th Congress.

Now, with due consideration of the principle of public accountability, the 20th Congress is by all means not precluded from initiating impeachment

⁷⁷ *Id.*

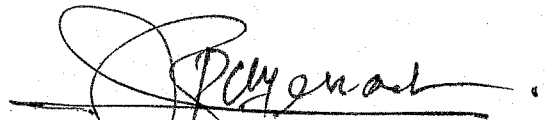
⁷⁸ *Balag v. Senate*, 835 Phil. 451, 469 (2018) [Per J. Gesmundo, *En Banc*].

⁷⁹ CONST., art. II, sec. 1.

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complaints, subject to the constitutional limitations, of course, such as the one-year bar under Art. XI, Sec. 3(5).

ACCORDINGLY, I vote to grant the petitions for *certiorari*.


RAMON PAUL L. HERNANDO
Associate Justice