

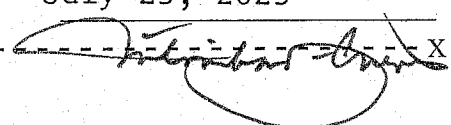
EN BANC

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; and G.R. No. 278359 – ATTY. ISRAELITO P. TORREON, MARTIN DELGRA III, ATTY. JAMES T. RESERVA, ATTY. HILARY 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, RODOLFO MANDE, KRISTINE MAY JOHN ABDUL MERCADO, LORD OLIVER RAYMUND MONFREDO CRISTOBAL, and LORD BYRON MONFERO CRISTOBAL, Petitioners, v. HOUSE OF REPRESENTATIVES OF THE PHILIPPINES, REPRESENTED BY HOUSE SPEAKER FERDINAND MARTIN G. ROMUALDEZ, SENATE OF THE PHILIPPINES REPRESENTED BY SENATE PRESIDENT FRANCIS G. ESCUDERO, Respondents.

Promulgated:

July 25, 2025

X -----

 X

SEPARATE CONCURRING OPINION

INTING, J.:

I agree with the *ponencia* insofar as it prohibits the Senate from holding further proceedings on the subject Impeachment Complaint.¹ I submit the following grounds: (1) the Verified Complaint for Impeachment (subject Impeachment Complaint) filed against petitioner Sara Z. Duterte (VP Duterte) on February 5, 2025 is violative of the one-year bar rule under Article XI, Section 3(5) of the 1987 Constitution because the House of Representatives (House) circumvented its application by disregarding the constitutional

¹ *Ponencia*, p. 99.



timeframe set forth in Article XI, Section 3(2) of the 1987 Constitution; and (2) the Twentieth (20th) Senate cannot act upon the Articles of Impeachment that was passed by the House of the Nineteenth (19th) Congress.

A. *The one-year bar rule prohibits any further action on the subject Impeachment Complaint*

Respondents, through the Office of the Solicitor General (OSG), assert that the three impeachment complaints filed against VP Duterte in December 2024 (collectively, the 2024 Impeachment Complaints) were all included in the House’s Order of Business on February 5, 2025, *within* 10 session days from their filing date, i.e., December 2, 4, and 19, 2024.² They posit that a “session day” may include more than one calendar day if the session was not adjourned but merely suspended. The OSG thus provides the following computation of the “session days” that lapsed from the filing of the 2024 Impeachment Complaints, viz.:³

Nineteenth Congress Session No.	Calendar Day/s
26	December 2, 2024
27	December 3-4, 2024
28	December 9-11, 2024
29	December 16-18, 2024
30	January 13, 2025
31	January 14-15, 2025
32	January 20, 2025
33	January 21, 2025
34	January 22, 2025
35	January 27-28, 2025
36	February 3-5, 2025

Respondents’ argument fails to persuade. None of the 2024 Impeachment Complaints were included in the House’s Order of Business within 10 session days from their filing date.

In *Gutierrez v. House of Representatives Committee on Justice*,⁴ the Court ruled that the House, in deciding to initiate an impeachment proceeding, is *limited* by the timeframe in Article XI, Section 3(2)⁵ of the 1987

² Compliance, pp. 4, 6.
³ *Id.* at 7–8.
⁴ 658 Phil. 322 (2011).
⁵ (2) A verified complaint for impeachment may be filed by any Member of the House of Representatives or by any citizen upon a resolution of endorsement by any Member thereof, which shall be included in the Order of Business within ten session days, and referred to the proper Committee within three session days thereafter. The Committee, after hearing, and by a majority vote of all its Members, shall submit its report to the House within sixty session days from such referral, together with the corresponding resolution. The resolution shall be calendared for consideration by the House within ten session days from receipt thereof.

Constitution. This timeframe should be interpreted in its plain and ordinary meaning because the Constitution, as the fundamental law of the land, “is not primarily a lawyer’s document but essentially that of the people, in whose consciousness it should ever be present as an important condition for the rule of law to prevail.”⁶

Article XI, Section 3(2) of the 1987 Constitution is clear: when a *verified* complaint for impeachment is *filed* by any member of the House or by any citizen upon a resolution of endorsement by any member of the House, the verified complaint must be included in the House’s Order of Business within 10 session days counted from its filing, *and* referred to the proper Committee within three session days thereafter. “*Filing*” refers to the submission of pleadings or papers to the House,⁷ through its officer whose duty is to receive and keep them as part of the House records,⁸ i.e., the Secretary General.⁹ *Gutierrez* further teaches that the period for the inclusion of the verified impeachment complaint in the House’s Order of Business only runs when the Congress is *in session* and not when it is in *adjournment*.¹⁰

In my view, respondents’ definition of a “session day” lacks basis in the 1987 Constitution. Article VI, Section 15 of the 1987 Constitution recognizes two kinds of congressional sessions, i.e., regular and special, to wit:

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

In the records of the 1986 Constitutional Commission, the commissioners consistently contrasted the foregoing provision to Article VI,

⁶ *Spouses Imbong v. Ochoa, Jr.*, 732 Phil. 1 (2014).

⁷ See 2019 Revised Rules on Civil Procedure, Rule 13, Section 2, which defines “filing” as “the act of submitting the pleading or other paper to the court.”

⁸ Black’s Law Dictionary (1968), Revised Fourth Edition, pp. 755-756. It defines “file” as follows: FILE, v. To lay away papers for presentation and reference. In practice, to put upon the files, or deposit in the custody or among the records of a court. To deliver an instrument or other paper to the proper officer for the purpose of being kept on file by him in the proper place. It carries the idea of permanent preservation as a public record.

The term “filed” is used to denote the paper placed with the clerk, and assigned by law to his official keeping.

“To file” a paper, on the part of a party, is to place it in the official custody of the clerk. “To file,” on the part of the clerk, is to indorse upon the paper the date of its reception, and retain it in his office, subject to inspection by whomsoever it may concern.

⁹ Rules of the House of Representatives 19th Congress, Rule VI, Section 18(r) states: Section 18. *Duties and Powers*. – The duties and powers of the Secretary General are:

....
r. to serve as custodian of the property and records of the House and all government property within the House premises, and to make an inventory of all these property and records at the beginning and end of each regular session[.]

¹⁰ *Gutierrez v. House of Representatives Committee on Justice*, 658 Phil. 322 (2011).

Section 9¹¹ of the 1935 Constitution, where the Congress' regular session was not to exceed 100 days, while a special session shall not continue beyond 30 days.¹² Under Article VI, Section 15 of the 1987 Constitution, the idea is for Congress to remain in session throughout the year except for a 30-day compulsory adjournment.¹³

"Session days" thus refer to the days when the Congress is in regular or special session, but not when it is in adjournment. This was the construction of "session days" adopted by the Court in *Gutierrez*, viz.:

In the present case, petitioner failed to establish grave abuse of discretion on the allegedly "belated" referral of the first impeachment complaint filed by the Baraquel group. For while the said complaint was filed on July 22, 2010, there was yet then no session in Congress. It was only four days later or on July 26, 2010 that the 15th Congress opened from which date the 10-day session period started to run. When, by Memorandum of August 2, 2010, Speaker Belmonte directed the Committee on Rules to include the complaint in its Order of Business, it was well within the said 10-day session period.

It appears that respondents are conflating the term "session day" with the technical term, "legislative day."¹⁴ However, as earlier mentioned, the constitutional timeframe should be interpreted in its plain and ordinary meaning, especially considering that the technical term, "legislative day," was not employed in Article XI, Section 3(2) of the 1987 Constitution.

That each day when the Congress is in session, but not when it is in adjournment, is deemed a "session day" is more consistent with the language of Article XI, Section 3(2) of the 1987 Constitution, which clearly relates a "session day" to the House's Order of Business. Even the House recognizes this because under Section 72¹⁵ of the Rules of the House of the 19th Congress, a *daily* order of business must be prepared.

¹¹ Section 9. The Congress shall convene in regular session once every year on the fourth Monday of January, unless a different date is fixed by law. It may be called in special session at any time by the President to consider general legislation or only such subjects as he may designate. No special session shall continue longer than thirty days and no regular session longer than one hundred days, exclusive of Sundays.

¹² Records of the Constitutional Commission No. 044, July 31, 1986; Records of the Constitutional Commission No. 037, July 23, 1986.

¹³ *Matibag v. Benipayo*, 429 Phil. 554 (2002).

¹⁴ See Heitshusen, Valerie (July 19, 2016). Sessions, Adjournments, and Recess of Congress. Available at <https://www.congress.gov/crs-product/R42977#page=10> [Last accessed on July 25, 2025.]

The relevant portion of the citation reads as follows:

In context of the daily activities of Congress, any calendar day on which a chamber is in session may be called a (calendar) "day of session." A *legislative day*, by contrast, continues until the chamber *adjourns*. A session that continues into a second calendar day without adjourning still constitutes only one legislative day, but if a chamber adjourns, then reconvenes later on the same day, the single day of session includes two legislative days. Conversely, if a chamber *recesses* and then reconvenes on the same day, the same day of session and the same legislative day both continue. Finally, when a chamber recesses overnight, instead of adjourning, although a new calendar day of session begins when it reconvenes, the same legislative day continues.

¹⁵ Sec. 72. *Order of Business*. — The daily Order of Business shall be as follows:
a. Roll call;

Besides, even in those “session numbers” comprising several calendar days, i.e., Session No. 27 (December 3-4, 2024), Session No. 28 (December 9-11, 2024), Session No. 29 (December 16-18, 2024), Session No. 31 (January 14-15, 2025), Session No. 35 (January 27-28, 2025), and Session No. 36 (February 3-5, 2025), the House included additional matters into its Order of Business through additional references of business.¹⁶ In fact, the House’s Journal and Record show that the four impeachment complaints against VP Duterte were included in the House’s Order of Business through an Additional Reference of Business. This only goes to show that the House could include the four impeachment complaints in its Order of Business at any day that it is in session.

Moreover, the interpretation of a “session day” forwarded by respondents in their Compliance appears to be nothing more than a mere afterthought. In its Comment on the Petition in G.R. No. 278353, the OSG forwarded the argument that the period of 10 session days commenced to run only from the time when the impeachment complaint has been referred by the Secretary General to the Speaker of the House. Supposedly, the House may introduce an “intermediate step” from the filing of the complaint with the Secretary General, who may be given time to assess the complaint and ensure its “compliance with minimum requirements.”¹⁷

I emphasize that the requirement for a verified impeachment complaint to be included in the Order of Business of the House within 10 session days from filing was deliberately included by the framers of the 1987 Constitution to avoid the situation during the regime of former President Ferdinand Marcos, Sr., wherein an impeachment complaint filed against the President was immediately quashed without even being referred to the then Batasang Pambansa, as a *collective* political body, for its consideration:

SPONSORSHIP SPEECH
OF COMMISSIONER GUINGONA

MR. GUINGONA: Thank you, Mr. Presiding Officer.


This sponsorship speech is for the entire draft of the Constitution of the Republic of the Philippines.

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- b. Approval of the Journal of the previous session;
 - c. First Reading of bills and resolutions;
 - d. Referral of committee reports, messages, communications, petitions and memorials;
 - e. Unfinished Business;
 - f. Business for the Day;
 - g. Business for a Certain Date;
 - h. Business for Thursday and Friday;
 - i. Bills and Joint Resolutions for Third Reading; and
 - j. Unassigned Business.

The daily Order of Business shall be posted in the House website and, as far as practicable, sent through electronic mail to the Members one (1) hour before the commencement of session.

¹⁶ House of Representatives, 19th Congress Website. Order of Business. Available at <https://www.congress.gov.ph/legislative-documents/order-of-business/> [Last accessed on July 22, 2025]

¹⁷ Comment (G.R. No. 278353), pp. 10–15.



Today, we have completed the task of drafting a Constitution which is reflective of the spirit of our time -a spirit of nationalism, a spirit of liberation, a spirit of rising expectations.

....

An additional ground for impeachment, “betrayal of public trust,” which need not be an indictable offense, has been introduced. The House of Representatives shall have the exclusive power to initiate all cases of impeachment. *The committee to which the verified complaint is sent cannot quash the same through nonreferral to the House, as was done during the Marcos regime.*¹⁸ (Emphasis supplied)

Respondents’ definition of a “session day” cannot be given merit because it denigrates the purpose behind the constitutional requirement for an impeachment complaint to be submitted to the House, as a plenary body, for consideration, within a certain period of time. Verily, following respondents’ argument, the House could very well construe a “session day” into any number of days until the mandatory yearly adjournment of Congress, i.e., 30 days before the opening of its next regular session beginning the fourth Monday of July. Such a situation could effectively prevent the inclusion of an impeachment complaint in the House’s Order of Business within 10 “session days,” as defined by respondents, until the expiration of one Congress.

Contrary to respondents’ assertions, following the session days provided by the OSG, none of the 2024 Impeachment Complaints were included in the House’s Order of Business within 10 session days:

Impeachment Complaints	Filing Date	Session days lapsed ¹⁹
First Impeachment Complaint endorsed by Akbayan Citizen’s Action Party Representative Percival Cendaña	December 2, 2024	19 Session days: December 3, 4, 9, 10, 11, 16, 17, and 18, 2024; January 13, 14, 15, 20, 21, 22, 27, and 28, 2025; February 3, 4, and 5, 2025
Second Impeachment Complaint endorsed by ACT Teachers Party Representative France L. Castro, Gabriela Women’s Party Representative Arlene D. Brosas, and Kabataan	December 4, 2024	17 Session days: December 9, 10, 11, 16, 17, and 18, 2024; January 13, 14, 15, 20, 21, 22, 27, and 28, 2025; February 3, 4, and 5, 2025

¹⁸ Records of the 1986 Constitutional Commission, October 12, 1986 [R.C.C. No. 106].

¹⁹ RULES OF COURT, Rule 22, sec. 1, states:

Sec. 1. *How to compute time.* – In computing any period of time prescribed or allowed by these Rules, or by order of the court, or by any applicable statute, the day of the act or event from which the designated period of time begins to run is to be excluded and the date of performance included. If the last day of the period, as thus computed, falls on a Saturday a Sunday, or a legal holiday in the place where the court sits, the time shall not run until the next working day.

Party Representative Raoul Danniell A. Manuel		
Third Impeachment Complaint endorsed by Camarines Sur Representative Gabriel Bordado, Jr. and Ang Asosasyon Sang Mangunguma Nga Bisaya-Owa Mangunguma, Inc. Representative Lex Colada	December 19, 2024	11 Session days: January 13, 14, 15, 20, 21, 22, 27, and 28, 2025; February 3, 4, and 5, 2025

The House thus acted with grave abuse of discretion in failing to comply with the constitutional deadline for the inclusion of the 2024 Impeachment Complaints in its Order of Business.

Importantly, in the Resolution of the motion for reconsideration in *Gutierrez*, the Court held that the House cannot refuse to refer an impeachment complaint to its Committee on Justice within the timeframe of three session days under Article XI, Section 3(2) of the 1987 Constitution, in the absence of a subsisting bar, viz.:

Petitioner goes on to argue that the House has no discretion on the matter of referral of an impeachment complaint and that once filed, an impeachment complaint should, as a matter of course, be referred to the Committee.

The House cannot indeed refuse to refer an impeachment complaint that is filed *without* a subsisting bar. To refer an impeachment complaint *within* an existing one-year bar, however, is to commit the apparently unconstitutional act of initiating a second impeachment proceeding, which may be struck down under Rule 65 for grave abuse of discretion. It bears recalling that the one-year bar rule itself is a constitutional limitation on the House's power or function to refer a complaint.²⁰

As seen above, it is evident that the House circumvented the application of the one-year bar rule to the subject Impeachment Complaint. Had the House observed the timeframe in Article XI, Section 3(2) of the 1987 Constitution, the First Impeachment Complaint should have been included in the House's Order of Business for January 14, 2025, at the latest, and then referred to the House's Committee on Justice on **January 21, 2025**, at the latest. As to the Second Impeachment Complaint, it should have been included in the House's Order of Business for January 20, 2025, at the latest, and then referred to the House's Committee on Justice on **January 27, 2025**, at the latest.

²⁰ *Gutierrez v. House of Representatives Committee on Justice*, 660 Phil. 271 (2011).

Clearly, had the constitutional timeframe been duly observed by the House, both the First and Second Impeachment Complaints would have already triggered the one-year bar rule by the time that the subject Impeachment Complaint was filed on February 5, 2025. Given the circumstances, I am constrained to conclude that the subject Impeachment Complaint is violative of the one-year bar rule.

The OSG nonetheless submits that the House, through the Secretary General, should be allowed to essentially filter impeachment complaints to ensure that only those that meet the minimum requirements under the Constitution are included in the House's Order of Business.

To be sure, the Constitution expressly states that only a *verified* complaint for impeachment by a House member *or* by any citizen upon a resolution of endorsement by any House member has to be included in the House's Order of Business within 10 session days from filing. Article XI, Section 2 of the 1987 Constitution further enumerates the impeachable officers.²¹ An impeachment complaint that does not comply with the foregoing requirements need not be included in the House's Order of Business. For instance, if an impeachment complaint is unverified, or if it was filed against a public officer who is not impeachable, the constitutional deadline of 10 session days is not triggered.

However, if an impeachment complaint meets the constitutional requirements and those which may be set forth by the House of Representatives, then it should be included in the House's Order of Business within 10 session days so that the House, as a collective political body, may decide on how to proceed with the complaint. This was explained by the Court in *Gutierrez*, to wit:

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

While the Secretary General may certainly make a preliminary assessment on whether an impeachment complaint complies with the minimum requirements of the 1987 Constitution and the House's

²¹ Sec. 2. The President, the Vice-President, the Members of the Supreme Court, the Members of the Constitutional Commissions, and the Ombudsman may be removed from office, on impeachment for, and conviction of, culpable violation of the Constitution, treason, bribery, graft and corruption, other high crimes, or betrayal of public trust. All other public officers and employees may be removed from office as provided by law, but not by impeachment.

Impeachment Rules, he or she should do so without contravening the constitutional timeframe of 10 session days for the matter to be included in the House's Order of Business. Neither the Secretary General nor the Speaker of the House may unilaterally decide *not* to include a verified impeachment complaint that meets the foregoing minimum requirements in the House's Order of Business within the constitutional timeframe; otherwise, they would unlawfully arrogate unto themselves a power that was bestowed upon the House, as a collective political body, by the 1987 Constitution.

B. The subject Impeachment Complaint was deemed terminated with the expiration of the term of the Nineteenth Congress

In addition to the foregoing, I respectfully submit that the subject Impeachment Complaint is deemed terminated and inefficacious with the expiration of the term of the 19th Congress. Hence, the Senate, which is not a continuing body, cannot conduct any further proceedings on the subject Impeachment Complaint.

In *Arnault v. Nazareno*,²² the Court ruled that the House of Representatives is *not* a continuing body because its members are elected for only a term of four years, so that the term of every Congress, at that time, is only four years. In another case,²³ the Court reiterated that the House is *not* a continuing body because "the terms of all Members of the House end at the same time upon the expiration of every Congress." Indeed, under Article VI, Section 7²⁴ of the 1987 Constitution, the House is *not* a continuing body because its members are elected for a term of only three years.

Likewise, in *Garcillano v. House of Representatives Committees on Public Information*,²⁵ the Court held that the Senate is *not* a continuing body because the term of office of the senators under Article VI, Section 4²⁶ of the 1987 Constitution is only for a period of six years. Further, under our present system of government, the term of 12 out of the 24 senators, or one-half of the Senate, expires every three years. With the expiration of the term of one-half of the Senate, the remaining senators cannot constitute a quorum, which, in turn, means that they can no longer do any business that could continue into the next Congress:

Justice Antonio T. Carpio, in his Dissenting and Concurring Opinion, reinforces this ruling with the following rationalization:

²² 87 Phil. 29 (1950).

²³ *Ang Nars Party List v. Executive Secretary*, 864 Phil. 607 (2019).

²⁴ Sec. 7. The Members of the House of Representatives shall be elected for a term of three years which shall begin, unless otherwise provided by law, at noon on the thirtieth day of June next following their election[.]

²⁵ 595 Phil. 775 (2008).

²⁶ Sec. 4. The term of office of the Senators shall be six years and shall commence, unless otherwise provided by law, at noon on the thirtieth day of June next following their election[.]



The present Senate under the 1987 Constitution is no longer a continuing legislative body. The present Senate has twenty-four members, twelve of whom are elected every three years for a term of six years each. Thus, the term of twelve Senators expires every three years, leaving **less than a majority of Senators to continue into the next Congress**. The 1987 Constitution, like the 1935 Constitution, requires a majority of Senators to "constitute a quorum to do business". Applying the same reasoning in *Arnault v. Nazareno*, the Senate under the 1987 Constitution is not a continuing body because less than majority of the Senators continue into the next Congress. The consequence is that the *Rules of Procedure* must be republished by the Senate after every expiry of the term of twelve Senators.

The subject was explained with greater lucidity in our *Resolution (On the Motion for Reconsideration)* in the same case, viz.:

On the nature of the Senate as a "continuing body", this Court sees fit to issue a clarification. Certainly, there is no debate that the Senate **as an institution** is "continuing", as it is not dissolved as an entity with each national election or change in the composition of its members. However, in the conduct of its day-to-day business the Senate of each Congress acts separately and independently of the Senate of the Congress before it[.](Emphases in the Original)

The Court has further distinguished between the effects of the expiration of the term of one Congress on the latter's *legislative* and *non-legislative* powers. In *Pimentel, Jr. v. Joint Committee of Congress*,²⁷ the Court, through an unsigned resolution, ruled that the *legislative* functions of the Twelfth (12th) Congress terminated upon its final adjournment. However, the *non-legislative* functions of the 12th Congress, such as the canvassing of votes under Article VII, Section 4²⁸ of the 1987 Constitution, continued

²⁷ G.R. No. 163783, June 22, 2004 [Notice].

²⁸ Sec. 4. The President and the Vice-President shall be elected by direct vote of the people for a term of six years which shall begin at noon on the thirtieth day of June next following the day of the election and shall end at noon of the same date six years thereafter. The President shall not be eligible for any reelection. No person who has succeeded as President and has served as such for more than four years shall be qualified for election to the same office at any time.


No Vice-President shall serve for more than two consecutive terms. Voluntary renunciation of the office for any length of time shall not be considered as an interruption in the continuity of the service for the full term for which he was elected.

Unless otherwise provided by law, the regular election for President and Vice-President shall be held on the second Monday of May.

The returns of every election for President and Vice-President, duly certified by the board of canvassers of each province or city, shall be transmitted to the Congress, directed to the President of the Senate. Upon receipt of the certificates of canvass, the President of the Senate shall, not later than thirty days after the day of the election, open all certificates in the presence of the Senate and the House of Representatives in joint public session, and the Congress, upon determination of the authenticity and due execution thereof in the manner provided by law, canvass the votes.

The person having the highest number of votes shall be proclaimed elected, but in case two or more shall have an equal and highest number of votes, one of them shall forthwith be chosen by the vote of a majority of all the Members of both Houses of the Congress, voting separately.

The Congress shall promulgate its rules for the canvassing of the certificates.



beyond its final adjournment. The Court explained that under Article VI, Sections 4 and 7 of the 1987 Constitution, the terms of office of the House and the Senate last until “noon on the thirtieth day of June next following their election.” As such, “*until June 30, 2004*, the present [12th] Congress to which the present legislators belong cannot be said to have ‘*passed out of legal existence*.’”

To restate, under the 1987 Constitution, the House and the Senate are *not* continuing bodies. Rather, pursuant to Article VI, Sections 4 and 7 in relation to Article VI, Section 1²⁹ of the 1987 Constitution, the term of every Congress is only for three years. Moreover, following *Pimentel*, the legislative powers granted to the House and the Senate of every Congress last only until the final or *sine die* adjournment of the session. Meanwhile, upon the expiration of the term of a Congress, the ability of the House and the Senate to conduct their day-to-day business terminates.³⁰

Given that the House and the Senate are not continuing bodies, a relevant issue before the Court is whether an impeachment case that was initiated by the outgoing House may be tried by the incoming Senate once the term of office of the new Senators begins.

In my humble opinion, the Court must rule in the *negative*. I find guidance in American jurisprudence, which, while not controlling, certainly has persuasive value, especially considering that our Constitution and present system of governance have American origins.³¹

In this regard, the Supreme Courts of North Dakota and Oregon have held that upon the final or *sine die* adjournment of the Congress, all its functions as a *legislative* body cease.³² With the *sine die* adjournment, all the committees that the Congress created also cease to exist because the committees *cannot* continue as a legal entity beyond the termination of the Congress that created it.³³ Likewise, the Supreme Court of California, whose system of government is similar to ours, has held that a resolution by the House is *ineffectual* to authorize a committee to function *after* its final or *sine die* adjournment because after such period, all the *legislative* powers of both the House and the Senate *terminate*, including their auxiliary power of functioning through committees, viz.:

The Supreme Court, sitting *en banc*, shall be the sole judge of all contests relating to the election, returns, and qualifications of the President or Vice- President, and may promulgate its rules for the purpose.

²⁹ Sec. 1. The legislative power shall be vested in the Congress of the Philippines which shall consist of a Senate and a House of Representatives, except to the extent reserved to the people by the provision on initiative and referendum.

³⁰ See *Balag v. Senate of the Philippines*, G.R. No. 234608, July 3, 2018.

³¹ See *Dimal v. People*, 830 Phil. 309 (2018); *Javellana v. Executive Secretary*, 151-A Phil. 35 (1973).

³² *Verry v. Trenbeath*, 148 N.W.2d 567, 573 (N.D. 1967); *State ex rel. Overhulse v. Appling*, 226 Or. 575, 592–593, 361 P.2d 86, 95 (1961).

³³ *Torres v. House Standing Comm. on Judiciary & Governmental Operations*, 2023 MP 10 (2023); *State ex rel. Overhulse v. Appling*, 226 Or. 575, 592–593, 361 P.2d 86, 95 (1961).

Petitioners contend that, even if it be held that the assembly cannot lawfully create committees with authority to sit after adjournment, for the reason that the assembly is not a continuing body because all of its members are elected each two years, such rule has no application to the senate where only one-half of the membership is elected every two years. It is contended that for this reason the senate must be held to be a continuing body, with power to appoint its committees with authority to sit after adjournment. In this connection petitioners rely on *McGrain v. Daugherty*, 273 U.S. 135 [47 Sup. Ct. 319, 71 L. Ed. 580, 50 A. L. R. 1].

To this contention there are two answers. In the first place the legal basis of the rule holding that a single house resolution is ineffectual to authorize a committee to function after adjournment is that upon adjournment *sine die* all legislative power of both houses terminates, including the auxiliary power of functioning through legislative committees. In the second place, even if we were inclined to follow the holding of the Daugherty case, *supra*, the rule of that case would not be applicable here. As was pointed out in the assembly committee case, L. A. No. 16753 (*ante*, p. 497 [90 Pac. (2d) 304]), in the Daugherty case the United States Supreme Court held that senate interim committees could lawfully sit after adjournment for the reason that the senate is a continuing body, two-thirds of its membership at each new session of congress consisting of holdover senators. The United States Supreme Court intimated that this rule probably did not apply to the house of representatives whose entire membership is elected anew each two years. Apparently the theory of the Daugherty case is that a senate interim committee when it reports back to the senate will be reporting back to a body whose membership consists of at least two-thirds of the members that originally appointed the committee. The California senate cannot be held to be a continuing body under any such theory. Article IV, section 8, of the Constitution provides that 'A majority of each house shall constitute a quorum to do business . . .'. As already pointed out fifty per cent of the senators are elected anew each two years. It follows that since fifty per cent of the senate membership at each regular session is newly elected, there is not present a "majority" of the membership of the body that originally appointed the committee.³⁴ (Emphasis and underscoring supplied)

As to the *non-legislative* functions of a Senate that is not a continuing body, such as its function as an *impeachment* court, the ruling of the Supreme Court of Pennsylvania in *Krasner v. Ward*³⁵ is instructive. Therein, the Supreme Court of Pennsylvania explained that because Pennsylvania's House of Representatives and its Senate are *not* continuing bodies and the term of its Congress lasts only for a period of two years, the House and the Senate of the next Congress are *not* permitted to take any further action on matters which the House or the Senate of the previous Congress may have begun but not finished during the latter's term. Thus, the Senate must conduct a trial on the Articles of Impeachment before the expiration of its term:

Under the aforementioned provisions of the Constitution which delineate the powers of the House and the Senate with respect to

³⁴ *Swing v. Riley*, 13 Cal. 2d 513, 517, 90 P.2d 313, 315 (1939).


³⁵ 323 A.3d 674 (Pa. 2024).

impeachment proceedings, Article VI, Section 4, confers on the "House of Representatives" the sole power of impeachment. This means that only the House of Representatives, acting as a collective body, may exercise this power. The collective body that constitutes the House of Representatives when utilizing this power is comprised of the 203 Representatives elected for a term of two years which begin on the first day of December following their election in the preceding November. *See* Pa. Const. art. II, §§ 2, 3; Pa. Const. art. II, § 16 (dividing the Commonwealth into "203 representative districts"); *see also* 101 Pa. Code § 7.2. ("The General Assembly consists of a: . . . (2) House of Representatives, composed of 203 Representatives elected for terms of two years beginning on the first day of December next after their election.").

Once the House of Representatives has exercised its power of impeachment, then, textually, this immediately triggers the requirement of Article VI, Section 5, that "the Senate," again acting collectively as a body, hold a trial on the articles of impeachment passed by the House. The collective body of the Senate when this duty arises is comprised of 50 Senators, half of whom will be those members elected for terms of four years which begin on the first day of December following their election in November of that year, and the other half will be those serving the remainder of their four-year terms which began two years earlier. *See* Pa. Const. art. II, §§ 2, 3; Pa. Const. art. II, § 16 (dividing the Commonwealth into "50 senatorial" districts); *see also* 101 Pa. Code § 7.2. ("The General Assembly consists of a: (1) Senate, composed of 50 Senators elected for terms of four years beginning on the first day of December next after their election. One-half of the Senators are elected every two years.").

As set forth above, Article II, Section 4, entitled "Sessions," establishes that the General Assembly — which is further defined in Article II, Section 1, as consisting of the House of Representatives and the Senate — "shall be a continuing body during the term for which its Representatives are elected." Pa. Const. art. II, § 4. Under Article II, Section 2, the term of an elected Representative begins on December 1 and, under Section 3 it is two years in duration; thus, it ends two years later on November 30. Therefore, under Article II, Section 4, the General Assembly is a continuing body only for this two year session, and, upon the expiration of that session, it ceases to exist. Necessarily then, so do the House of Representatives and the Senate, which together comprise the General Assembly, cease to exist as functioning bodies at that time as well. *See Stroup v. Kapleau*, 455 Pa. 171, 313 A.2d 237, 242 (Pa. 1973) (after final adjournment "the Senate was not physically nor . . . technically [i]n session").

Concomitantly, all powers granted by the Constitution to the House of Representatives and the Senate last *only* for the duration of the session of the General Assembly in which those bodies came into being under Article II, and those powers expire when that session expires. The Constitution simply does not textually permit the House and the Senate of a subsequent session of the General Assembly to take any further action on matters which the House or Senate of a prior session of the General Assembly may have begun, but not finished during that session, given that they are constitutionally distinct entities under Article II. Accordingly, given these explicit constitutional constraints, we conclude that, when the House exercises its power of impeachment during one session of the General



Assembly via the passage of articles of impeachment, trial on those articles must be held by the Senate of that session before it ends.³⁶ (Underscoring supplied)

The foregoing conclusion in *Krasner* was reinforced by the fact that the articles of impeachment are passed by the Pennsylvania House of Representatives through a resolution, which is generally regarded as a formal expression of the *opinion* of an official body. Hence, the transmittal of the articles of impeachment is an expression of the will of the *then-sitting* House that the *then-sitting* Senate conduct a trial on the allegations contained in the articles of impeachment and that the trial be held and concluded *before* the expiration of the term of the *then-sitting* Congress. Upon the expiration of the then-sitting Congress, the articles of impeachment transmitted to the then-sitting Senate becomes *null and void*. Otherwise, it would result in an absurd situation where a previous Congress could bind the will of the next Congress:

This conclusion is reinforced by the manner in which the impeachment process is conducted. As in this case, articles of impeachment are passed by the House in the form of a simple legislative resolution, which is either approved or disapproved by the House via majority vote. As our Court has held, such a legislative resolution is generally regarded as "[a] formal expression of the opinion or will of an official body or a public assembly, adopted by vote." *McGinley v. Scott*, 401 Pa. 310, 164 A.2d 424, 430 (Pa. 1960). Thus, an impeachment resolution must be considered the formal expression of the opinion of the House of Representatives of the session of the General Assembly which passed it that the subject of the impeachment committed the acts described in the articles, as well as its opinion that those acts constituted misbehavior in office as that behavior is defined in Article VI, Section 6. In directing that the articles be transmitted to the Senate for trial thereon, such a resolution must also be considered an expression of the will of the then-sitting House of Representatives that the then-sitting Senate conduct a trial on the allegations contained in the articles.

Likewise, resolutions adopted by the Senate for the purposes of conducting a trial on impeachment articles passed by the House of Representatives in a session of the General Assembly function as an expression of the collective will of the Senate of that session that a trial be conducted by that particular body in accordance with the terms therein. Given that, under Article II, a House impeachment resolution authorizing impeachment and the transmission of articles of impeachment to the Senate for trial, and a Senate resolution which accepts those articles for trial, expire with that session of the General Assembly, such resolutions can have no legal force and effect in a new session of the General Assembly whose membership has been altered by an intervening election and is now composed of both reelected and newly elected members.

Moreover, a contrary interpretation permitting one legislative body to direct the actions of a future legislative body could yield incongruous and legally impracticable results, such as indefinitely obligating any and all

³⁶ *Krasner v. Ward*, 323 A.3d 674, 703–704 (Pa. 2024).

future sessions of the Senate to conduct a trial on impeachment articles once such articles have been passed by the House in a prior session of the General Assembly, no matter how long ago that passage may have been. Further, it would permit impeachment managers who are members of the House of Representatives, and appointed when such articles are first passed, to continue to serve indefinitely in that capacity to represent the House in a Senate trial during *any* future session of the General Assembly, even if it is no longer consistent with the will of the then-sitting House and, indeed, arguably, even if such managers are no longer duly elected members of that body.

That is precisely the type of incongruous result which threatens to transpire in this case, given that the Senate of the 206th Session of the General Assembly, before final adjournment, issued a summons to the DA to appear for an impeachment trial that would, of necessity, occur in the Senate of the 207th Session of the General Assembly which had not yet come into existence. *See* S.R. 388. The composition of the 207th Senate differs from the 206th Senate in that it has 50 newly elected or reelected members, some of whom were not in office at the time the 206th Senate accepted the Articles of Impeachment for trial. Moreover, if a trial were held by the 207th Senate, it would be conducted, under the terms of the Impeachment Resolution, by Impeachment Managers "on behalf of the House of Representatives." Impeachment Resolution at 50. This "House of Representatives" is the 206th House of Representatives, the one which approved the resolution, and it no longer exists; thus, there is no longer an entity which the Impeachment Managers can act "on behalf of" in an impeachment trial in the 207th Senate. We must reject an interpretation of our organic charter which permits such nonsensical results. As our Court has emphasized, "[c]onstitutional provisions, like all laws, must receive a sensible and reasonable construction." *Commonwealth v. Novak*, 395 Pa. 199, 150 A.2d 102, 109-10 (Pa. 1959); *Commonwealth v. Darcy*, 362 Pa. 259, 66 A.2d 663, 670 (Pa. 1949) (constitutional language should not be construed in a manner which will yield an unreasonable or absurd result).

For all of these reasons, we hold that the Articles of Impeachment passed by the House of Representatives of the 206th Session of the General Assembly, and transmitted to the Senate of the 206th Session of the General Assembly, became null and void upon the expiration of the 206th Session of the General Assembly on November 30, 2022. Accordingly, we must reverse that portion of the order of the Commonwealth Court which denied the DA summary judgment relief on this question.³⁷ (Emphasis and underscoring supplied)


The circumstances in *Krasner* are similar to the case at bar. *For one*, like the Constitution of Pennsylvania, our 1987 Constitution provides that the House may pass the articles of impeachment through a legislative *resolution*,³⁸

³⁷ *Krasner v. Ward*, 323 A.3d 674, 705-706 (Pa. 2024).

³⁸ 1987 CONSTITUTION, art. XI, sec. 3(3) and (4):

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

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



which has been defined by the Court as “a declaration of the sentiment or *opinion* of a lawmaking body on a *specific* matter.”³⁹ As opposed to an ordinance, which has a more permanent character, a resolution is *temporary* in nature.⁴⁰

For another, similar to *Krasner*, the subject Impeachment Complaint was transmitted by the House to the Senate of the 19th Congress *before* the expiration of the latter’s term. Specifically, the subject Impeachment Complaint was transmitted to the Senate on February 5, 2025 by the concerned members of the House, whose term of office under Article VI, Section 7 of the 1987 Constitution is only from June 30, 2022 until June 30, 2025. From February 5, 2025 to June 1, 2025, both the House and the Senate of the 19th Congress adjourned their session. Although the Senate thereafter commenced the trial on the Articles of Impeachment, it was not concluded before the expiration of the term of the 19th Congress on June 30, 2025.

Given the likeness of our system of government with that of Pennsylvania and the similarity between the circumstances in the present case and those in *Krasner*, the latter may provide guidance on whether an impeachment trial may proceed beyond the term of the House that created the articles of impeachment and the term of the Senate that received it.

Like in *Krasner*, the House and the Senate of the 19th Congress are *not* continuing bodies under the 1987 Constitution. Upon the expiration of the term of the 19th Congress, its House and Senate cease to exist. Consequently, upon the expiration of the term of the 19th Congress on June 30, 2025, the impeachment case that was initiated against VP Duterte on February 5, 2025 was deemed **terminated**. Even the Rules of the House of Representatives and the Rules of the Senate of the 19th Congress recognize that all unfinished businesses are *deemed terminated* upon the expiration of one Congress:

Rules of the House of Representatives of the 19th Congress

Section 80. Calendar of Business. – The Calendar of Business shall consist of the following: a. Unfinished Business. – This is business being considered by the House at the time of its last adjournment. Its consideration shall be resumed until it is disposed of.

The Unfinished Business at the end of a session shall be resumed at the commencement of the next session as if no adjournment has taken place. At the end of the term of a Congress, all unfinished business are **deemed terminated**. (Emphasis supplied)

....

³⁹ *Civil Service Commission v. Unda*, 818 Phil. 185 (2017), *Municipality of Parañaque v. V.M. Realty Corp.*, 354 Phil. 684 (1998).

⁴⁰ *Id.*

Rules of the Senate of the 19th Congress

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

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

Although the Rules of the Senate of the 19th Congress states that all *pending* matters “may be taken by the succeeding Congress as if presented for the first time,” the matter should *not* be allowed insofar as the subject Impeachment Complaint is concerned for being a legal impossibility and for being constitutionally impermissible.

I stress the well-established principle that impeachment is a *political* exercise,⁴¹ which is “undertaken by the legislature to determine whether the public officer committed any of the impeachable offenses, namely, culpable violation of the Constitution, treason, bribery, graft and corruption, other high crimes, or betrayal of public trust.”⁴² It has been described as “the most formidable weapon in the arsenal of democracy,” that creates “divisions, partialities and enmities,” or highlights “pre-existing factions with the greatest danger that ‘the decision will be regulated more by the comparative strength of parties, than by the real demonstrations of innocence or guilt.’”⁴³

A resolution by a House of a particular Congress to pass the articles of impeachment against an impeachable officer is therefore an expression of the *political will* of the members of that specific House. Necessarily, such expression of political will terminates upon the expiration of the House and cannot continue beyond the term of the House members who manifested it. The articles of impeachment by a sitting House cannot bind the political will of the next House, which is composed of members who are distinct and different from those of the previous House.

Under the same line of reasoning, the articles of impeachment is a resolution by the sitting House for the sitting Senate to conduct a trial thereon. An impeachment trial cannot go beyond the term of the House that created the articles of impeachment because in an impeachment case, the House accuses or acts as the *prosecutor*, while the Senate, as the impeachment tribunal, conducts the *trial* and *decides* the case.⁴⁴ This is confirmed by Rule VI, Section 16 of the Rules of Procedure in Impeachment Proceedings of the House of Representatives of the 19th Congress (Impeachment Rules) in relation to Part I of the Rules of Procedure on Impeachment Trials of the Senate of the 19th Congress, viz.:

⁴¹ *Gutierrez v. House of Representatives Committee on Justice*, 660 Phil. 271 (2011).

⁴² *Republic v. Sereno*, G.R. No. 237428, June 19, 2018.

⁴³ *Corona v. Senate of the Philippines*, 691 Phil. 156 (2012).

⁴⁴ *Re: Ma. Cristina Roco Corona*, A.M. No. 20-07-10-SC, January 12, 2021.

Rules of Procedure in Impeachment Proceedings of the House of the 19th
Congress

Rule VI

Prosecutor in All Impeachment Proceedings

Section 16. Impeachment Prosecutor. – The House of Representatives shall act as the prosecutor at the trial in the Senate through a committee of eleven (11) Members thereof to be elected by a majority vote of the Members present, there being a quorum.

Rules of Procedure on Impeachment Trials of the Senate of the 19th
Congress

- I. When the Senate receives articles of impeachment pursuant to Article XI, Sections 2 and 3 of the Constitution, the President of the Senate shall inform the House of Representatives that the Senate shall take proper order on the subject of impeachment and shall be ready to receive the prosecutors on such time and date as the Senate may specify.

If an impeachment trial is allowed to proceed beyond the term of the House that created the articles of impeachment, it would result in an absurd situation where a previous House is able to bind the will of the present House. The sitting House would be obligated to act as a prosecutor based on the articles of impeachment that it did not pass but instead originated from the previous House, regardless of whether its present members share the same political will as the previous House.

The inability of the Senate to continue with an impeachment trial beyond the term of one Congress is further emphasized by the fact that under Article XI, Section 3(6)⁴⁵ of the 1987 Constitution, conviction in an impeachment case requires the concurrence of *two-thirds* of all the members of the Senate. With the expiration of one Congress, only *one-half* of the sitting members of the Senate continue to the next Congress.⁴⁶ The remaining members are *less* than a majority of the Senate and, hence, cannot constitute a quorum,⁴⁷ much less render a judgment of conviction in an impeachment case.

Pertinently, the Court has acknowledged the basic constitutional principle that the Legislature cannot enact irrepealable laws because only the Constitution may impose restrictions on the power of each Congress to pass

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

⁴⁶ *Garcillano v. House of Representatives Committees on Public Information*, 595 Phil. 775 (2008).

⁴⁷ See 1987 Constitution, Article VI, Section 16(2), which states:

(2) A majority of each House shall constitute a quorum to do business, but a smaller number may adjourn from day to day and may compel the attendance of absent Members in such manner, and under such penalties, as such House may provide.

and repeal statutes.⁴⁸ Neither may a sitting Congress enact a law that requires the future Congress to amend or repeal a law only through a supermajority vote.⁴⁹ The foregoing rule is founded on the very essence of democracy and the doctrine that every Congress is *equal*. Hence, a situation in which a sitting Congress may bind the will and actions of a future Congress is anathema and obnoxious to the democratic principles espoused by our Constitution:

The second paragraph of Section 33 of P.D. No. 1146, as amended, effectively imposes restrictions on the competency of the Congress to enact future legislation on the taxability of the GSIS. This places an undue restraint on the plenary power of the legislature to amend or repeal laws, especially considering that it is a lawmaker's act that imposes such burden. *Only the Constitution may operate to preclude or place restrictions on the amendment or repeal of laws.* Constitutional dicta is of higher order than legislative statutes, and the latter should always yield to the former in cases of irreconcilable conflict.

It is a basic precept that among the implied substantive limitations on the legislative powers is *the prohibition against the passage of irrepealable laws*. Irrepealable laws deprive succeeding legislatures of the fundamental best senses *carte blanche* in crafting laws appropriate to the operative milieu. Their allowance promotes an unhealthy stasis in the legislative front and dissuades dynamic democratic impetus that may be responsive to the times. As Senior Associate Justice Reynato S. Puno once observed, “[t]o be sure, there are no irrepealable laws just as there are no irrepealable Constitutions. Change is the predicate of progress and we should not fear change.”

Moreover, *it would be noxious anathema to democratic principles for a legislative body to have the ability to bind the actions of future legislative body, considering that both assemblies are regarded with equal footing, exercising as they do the same plenary powers*. Perpetual infallibility is not one of the attributes desired in a legislative body, and a legislature which attempts to forestall future amendments or repeals of its enactments labors under delusions of omniscience.⁵⁰ (Emphasis supplied)

It would be more in line with the foundations of our democratic State to hold that the Articles of Impeachment that were transmitted by the 19th House to the 19th Senate was *terminated* and rendered *inefficacious* with the expiration of the term of the 19th Congress on June 30, 2025. To iterate, the subject Impeachment Complaint, which constitutes the Articles of Impeachment, is an expression of the political will of the 19th House for the 19th Senate to conduct a trial based on the allegations therein during the term of the 19th Congress. Because the 19th Congress is on equal footing with the 20th Congress, the latter should not be bound by the previous will or opinion of the House of the 19th Congress. The resolution to impeach VP Duterte, while certainly the will of the 19th House, is not necessarily reflective of the

⁴⁸ *City of Davao v. Regional Trial Court*, 504 Phil. 543 (2005).

⁴⁹ *Abas Kida v. Senate of the Philippines*, 675 Phil. 316 (2011).

⁵⁰ *City of Davao v. Regional Trial Court*, 504 Phil. 543 (2005).

will of the 20th House, whose members are distinct and different from the 19th House.

Verily, if the Senate of the 20th Congress is allowed to continue with trial on the subject Impeachment Complaint, it would have to proceed based on the Articles of Impeachment by the House of the 19th Congress that no longer exists. It would also have to receive an impeachment prosecutor from the 20th House, which must then constitute a committee for this purpose, even though it was not the one that voted on the Articles of Impeachment and the latter may not necessarily be reflective of the political will of its incumbent members. Such a situation is tantamount to the creation of an irrevocable statute, which is constitutionally impermissible.

At most, the charges of impeachable offenses against VP Duterte during the 19th Congress may be presented *anew* to the House of the 20th Congress. The latter may consider the subject Impeachment Complaint, as well as any evidence gathered in relation thereto, in ascertaining whether an impeachment case should be initiated against VP Duterte during the term of the 20th Congress. Otherwise said, the House of the 20th Congress, in its discretion, and by a vote of at least one-third of its members,⁵¹ may resolve to impeach VP Duterte as may be warranted by the evidence that was gathered during the term of the 19th Congress,⁵² subject to compliance with the requirements of and the restrictions imposed by Article XI, Section 3 of the 1987 Constitution.

⁵¹ Article XI, Section 3(3) and (4) of the 1987 Constitution, which states:

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

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

⁵² See *Deschler's Precedents*, Volume III, Chapter 14, § 4.4, pp. 2018-2019. Deschler discusses the impeachment of Halsted R. Ritter, a federal judge of a district court of the United States, who was impeached through a House resolution by the 74th Congress based on the evidence gathered by a committee organized by the 73rd Congress, to wit:

§ 4.4 Where the Committee on the Judiciary investigated charges of impeachable offenses against a federal judge in one Congress and reported to the House a resolution of impeachment in the next, the resolution indicated that *impeachment was warranted by the evidence gathered in the investigation conducted in the preceding Congress*.

On Feb. 20, 1936, the Committee on the Judiciary submitted a privileged report (H. Rept. No. 74-2025) on the impeachment of District Judge Halsted L. Ritter to the House. The report and the accompanying resolution recited that *the evidence taken by the Committee on the Judiciary in the prior Congress, the 73d Congress, pursuant to authorizing resolution, sustained articles of impeachment (the charges of impeachable offenses had been presented anew in the 74th Congress and referred to the committee):*

The Committee on the Judiciary, having had under consideration charges of official misconduct against Halsted L. Ritter, a district judge of the United States for the Southern District of Florida, and having taken testimony with regard to the official conduct of said judge under the authority of House Resolution 163 of the Seventy-third Congress, report the accompanying resolution of impeachment and articles of impeachment against Halsted L. Ritter to the House of Representatives with the recommendation that the same be adopted by the House and presented to the Senate.

[H. Res. 422, 74th Cong., 2d sess. (Rept. No. 2025)]

RESOLUTION

Resolved, That Halsted L. Ritter, who is a United States district judge for the southern district of Florida, be impeached for misbehavior, and for high crimes and misdemeanors; and that the evidence heretofore taken by the subcommittee of the Committee on the Judiciary of the House of Representatives under House Resolution 163 of the Seventy-third Congress sustains articles of impeachment, which are

I am aware of the decision rendered in *Pimentel, Jr. v. Joint Committee of Congress*,⁵³ wherein it was held that the *non-legislative* functions of the 12th Congress continued beyond its *sine die* adjournment. The case, however, finds no application here. *For one*, the non-legislative function performed by the 12th Congress in that case pertained to its duty as the National Board of Canvassers, which bears no relation to the impeachment proceedings extant in the present case. *For another*, Article VII, Section 4 of the 1987 Constitution expressly provides a period of “not later than [30] days after the day of the election” within which the Congress must convene to canvass the votes, on a date which may go beyond the *sine die* adjournment of Congress. No similar provision is found in Article XI in relation to impeachment proceedings.

Moreover, the issue in *Pimentel* was whether the *term* of the 12th Congress terminates and expires upon its final or *sine die* adjournment. The Court ruled in the negative and held that based on Article VI, Sections 4 and 7 of the 1987 Constitution, *until June 30, 2004*, the 12th Congress cannot be said to have passed out of legal existence, which is a recognition that the term of one Congress expires at noon of the thirtieth of June every three years.

I am also conscious of Article XI, Section 1 of the 1987 Constitution, which states that public office is a public trust; hence, “[p]ublic officers and employees must at all times be *accountable* to the people[.]” In my view, holding that an impeachment trial must be concluded within the term of the House that issued the articles of impeachment does not denigrate the accountability of impeachable officers to the people. Because the Philippines is a democratic and republican state, it is precisely the representatives elected by the people to the Congress who represent the people’s will. As such, the political will to hold an impeachable officer accountable to the people rests in the sitting House of Representatives, whose members, during their term of office, are free to decide whether to impeach an impeachable officer.

I am likewise cognizant of the statement in Section 135 of the Rules of the Senate of the 19th Congress, which states:

Section. 135. If there is no Rule applicable to a specific case, the precedents of the Legislative Department of the Philippines shall be resorted to, and as supplement to these, the Rules contained in *Jefferson’s Manual*, *Riddick’s Precedents and Practices*, and *Hind’s Precedents*.

hereinafter set out; and that the said articles be, and they are hereby, adopted by the House of Representatives, and that the same shall be exhibited to the Senate in the following words and figures, to wit: . . . (Emphasis supplied)

Available at <https://www.govinfo.gov/content/pkg/GPO-HPREC-DESCHLERS-V3/pdf/GPO-HPREC-DESCHLERS-V3-5-2-4.pdf> [Last accessed on July 22, 2025.]

⁵³ G.R. No. 163783, June 22, 2004 [Notice].

Notably, Section 620 of *Jefferson's Manual*⁵⁴ and Section 2005 of *Hind's Precedents*⁵⁵ both provide that “[a]n impeachment is not discontinued by the dissolution of Parliament, but may be resumed by the new Parliament.” *Jefferson's Manual* further states that in the United States (US), impeachment trials have been extended by the Senate from one Congress to the next. It then proceeds to enumerate several district court judges and a US President whose respective impeachment trials continued beyond the term of one Congress.

However, Section 620 of *Jefferson's Manual* and Section 2005 of *Hind's Precedents* find no application in the Philippine setting because they both contemplate a system of governance in the US, whose Senate is a *continuing* body. The nature of the US Senate as a continuing body was explained by the Court in *Arnault v. Nazareno*,⁵⁶ wherein it noted that US senators “are all elected for a term of six years and so divided into classes that the seats of *one third* only become vacant at the end of each Congress, two thirds always continuing into the next Congress.” The remaining two-thirds of the US senators constitute a quorum that could continue any pending business into the next Congress and could even render a verdict impeaching a respondent.⁵⁷

The Court in *Garcillano v. House of Representatives Committees on Public Information*⁵⁸ had already rejected the discussion in *Arnault* in characterizing the Philippine Senate as a continuing body because, unlike in the US where two-thirds of its senators remain in office every biennial election and thus constitute a quorum to continue any unfinished business into the next Congress, only one-half of the incumbent senators in the Philippines remain in office every three years. As such, the remaining senators cannot constitute a quorum that could continue any unfinished business into the next Philippine Congress. Again, even the Senate Rules recognize this, as it clearly states that “[a]ll pending matters and proceedings shall *terminate* upon the expiration of one (1) Congress[.]”

In fine, with the expiration of the term of the 19th Congress, the subject Impeachment Complaint, which constitutes the Articles of Impeachment, was terminated and rendered inefficacious. The Senate of the 20th Congress is *not* constitutionally permitted to proceed with the trial on the Articles of Impeachment from the House of the 19th Congress that has ceased to exist. The Articles of Impeachment cannot continue as a legally binding and efficacious legislative resolution beyond the termination of the House that created it.

⁵⁴ Available at <https://www.govinfo.gov/content/pkg/HMAN-112/pdf/HMAN-112-jeffersonman.pdf> [Last accessed on July 22, 2025.]


⁵⁵ Available at <https://www.govinfo.gov/content/pkg/GPO-HPREC-HINDS-V3/pdf/GPO-HPREC-HINDS-V3.pdf> [Last accessed on July 22, 2025.]

⁵⁶ 87 Phil. 29 (1950).

⁵⁷ The US Constitution provides that “a Majority of each [House] shall constitute a quorum to do business.” Available at <https://www.congress.gov/crs-product/96-452> [Last accessed on July 22, 2025.]

⁵⁸ 595 Phil. 775 (2008).

In view of the foregoing, I vote to **GRANT** the Petitions in **G.R. No. 278353** and **G.R. No. 278359**. The Verified Complaint for Impeachment, filed by the concerned members of the House of Representatives of the Nineteenth Congress against petitioner Sara Z. Duterte on February 5, 2025, is **DECLARED UNCONSTITUTIONAL** for being violative of the one-year bar rule in Article XI, Section 3(5) of the 1987 Constitution, and is **DEEMED TERMINATED** and **INEFFICACIOUS** in view of the expiration of the term of the Nineteenth Congress on June 30, 2025. Accordingly, the Senate of the Twentieth Congress is **ENJOINED** from proceeding with the impeachment trial based on the Verified Complaint for Impeachment from the House of Representatives of the Nineteenth Congress.



HENRI JEAN PAUL B. INTING
Associate Justice