

EN BANC

G.R. No. 278353 – SARA Z. DUTERTE, Petitioner, v. HOUSE OF REPRESENTATIVES, represented by House Speaker FERDINAND MARTIN G. ROMUALDEZ, REGINALDO S. VELASCO, in his capacity as the Secretary-General of the House of Representatives, THE SENATE OF THE PHILIPPINES, represented by Senate President FRANCIS JOSEPH G. ESCUDERO, Respondents.

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

LOPEZ, J.:

I concur with the ruling of the Honorable *Ponente*, which comprehensively addresses the constitutional issues raised in these cases as it gives life to the constitutional provisions governing accountability of public officials and at the same time safeguards the procedures mandatorily laid out to exact this accountability. More, giving importance to the limitations imposed by the Constitution, specifically as to the one-year period that bars the initiation of another impeachment complaint, gives the official subject of the impeachment complaint more time to focus on the delivery of public service. Nonetheless, We must not set aside that the one-year limitation also serves as the period upon which end signals the start of another window that may subject the same official to another impeachment complaint. I write

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separately to highlight the provisions of the Constitution, which this Court is duty bound to interpret, and with our adjudicatory powers exercised in line with the constitutional provisions, to point out and tread a path for the observance of essential constitutional processes.

***The three modes of impeachment;
when impeachment initiated***

Impeachment “refers to the power of Congress to remove a public official for serious crimes or misconduct as provided in the Constitution.”¹ This is a power given by the Constitution to exact accountability from certain officials on grounds provided under the Constitution. This emphasizes that public officers and employees are required to always be accountable to the people. Article XI, Section 1 and 2 on Accountability of Public Officers, reads:

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

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

As such, the method of removal of a public officer through an impeachment cannot be based on whimsical grounds. They must constitute the most grave violation of public trust and confidence as enumerated above. More, as a mode of removal of the highest officials of the land, the Constitution itself mandates the procedure by which impeachment must be carried out. Article XI, Section 3 of the 1987 Constitution reads:

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

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

¹ *Corona v. Senate of the Philippines*, 691 Phil 156, 170 (2012) [Per J. Villarama, *En Banc*].

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

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

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

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

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

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

As can be gleaned from the constitutional provision, there are three modes of initiating an impeachment: (a) the filing of a verified complaint by a Member of the House of Representatives (*first mode*); (b) the filing of a verified complaint by a citizen upon the endorsement by any Member of the House of Representatives (*second mode*); and (c) the filing of a verified complaint or resolution of impeachment, filed by at least one-third (1/3) of all Members of the House of Representatives (*third mode*).

Importantly, *Francisco, Jr. v. House of Representatives*² (*Francisco Jr.*) explains when an impeachment proceeding is initiated:

From the records of the Constitutional Commission, to the *amicus curiae* briefs of two former Constitutional Commissioners, it is without a doubt that the term “*to initiate*” refers to the filing of the impeachment complaint coupled with Congress’ taking initial action of said complaint.³ (Emphasis supplied)

For the first two modes, which are found in Article XI, Section III, par. 2 of the 1987 Constitution, subsequent referral to the proper committee, the House Committee on Justice, completes the “initiation.” This is because Section 3, par. 2 clearly provides that a verified complaint for impeachment

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

³ *Id.* at 932.

filed by any Member of the House of Representatives (first mode) or by any citizen upon a resolution of endorsement by any Member of the House of Representatives (second mode) “*shall be referred to the proper Committee.*” Thus, this referral is the level of involvement explicitly required of the House of Representatives by the Constitution.

Imperatively, *Francisco Jr.* clarifies the two necessary steps for initiation under the first and second modes:

... Neither is the “impeachment proceeding” initiated when the House deliberates on the resolution passed on to it by the Committee, because something prior to that has already been done. The action of the House is already a further step in the proceeding, not its initiation or beginning. Rather, *the proceeding is initiated or begins, when a verified complaint is filed and referred to the Committee on Justice for action. This is the initiating step which triggers the series of steps that follow.*⁴ (Emphasis supplied)

Thus, it is clear that the involvement of the House of Representatives in taking initial action on the verified complaint under the first and second modes—to refer to the Committee on Justice—is essential for initiation to take place under Article XI, Section 3, par. 2 of the 1987 Constitution.

Meanwhile, for the third mode, Article XI, Section 3, par. 4 of the 1987 Constitution would no longer require such referral. The verified complaint or resolution shall already “constitute the Articles of Impeachment.”

The difference becomes apparent when looking at Section 3, par. 2 in relation to Section 3, par. 3:

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

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

⁴ *Id.* at 931.

Under the first and second modes, the verified complaint for impeachment shall be referred to the Committee on Justice. Thereafter, a hearing takes place. Then, by a majority vote of its members, the Committee on Justice shall submit its report to the House. At least one-third vote of the Members of the House is required to affirm or override the committee's resolution; these votes shall be recorded. Thus, if impeachment is to take place, at least one-third of all the Members of the House of Representatives is necessary—in either case of affirming a favorable resolution with the Articles of Impeachment of the Committee on Justice, or overriding a contrary resolution.

On the other hand, the third mode does not need such a referral because it was directly filed by at least one-third of all the Members of the House of Representatives. In effect, it already met such requirement from the beginning. Notably, Section 3, par. 4 provides a different consequence:

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

Therefore, the conclusion of *Francisco Jr.* becomes clear that some level of involvement of the House of Representatives is necessary for initiation to take place, but the level of involvement differs as to the modes chosen, thus:

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

For clarity, the initiation for the first and second modes require two distinct steps: (a) the filing of a verified complaint by a Member of the House of Representatives (for the first mode) or the filing of a verified complaint by a citizen upon the endorsement by any Member of the House of Representatives (for the second mode); and (b) the referral to the House Committee on Justice. These two steps initiate an impeachment proceeding for the first and second modes. Meanwhile, the initiation for the third mode only requires one step: the filing of a verified complaint or resolution of impeachment, filed by at least one-third (1/3) of all Members of the House of

⁵ *Francisco, Jr. v. House of Representatives*, 460 Phil 932-933 (2003) [Per J. Carpio-Morales, *En Banc*].

Representatives. This lone step initiates the impeachment proceeding for the third mode.

At this juncture, it is well to note that the first, second, and third impeachment complaints were filed and endorsed following Article XI, Section 3, pars. 2 and 3 of the 1987 Constitution, which require that a verified complaint filed by any citizen must be endorsed by a Member of the House of Representatives.

The 1987 Constitution and the House Rules of Procedure in Impeachment Proceedings (19th Congress) outline the steps when a verified impeachment complaint is filed under Art. XI, Sec. 3, pars. 2 and 3 of the 1987 Constitution, in this manner:

Sequence	Step	Person / Office Responsible	Constitutional Timeframe
1	Filing of a verified impeachment complaint	1) By any member of the House of Representatives; or 2) By any citizen upon a resolution of endorsement by any member of the House	
2	Forwarding the complaint for action	By the Secretary General to the Speaker of the House	
3	Inclusion in the Order of Business	By the Speaker of the House to the Committee on Justice	Within 10 session days
4	Referral to the Committee on Justice	By the Speaker of the House	Within three session days
5	Determination whether the complaint is sufficient in form and substance	By the Committee on Justice	Within 60 session days from referral of the complaint
6	Notice to Respondents	By the Committee on Justice	
7	Evaluation of Submitted Evidence and Memoranda	By the Committee on Justice	
8	Report and Recommendation which could either be 1) a Resolution setting forth the Articles of Impeachment; or 2. a Resolution dismissing the complaint	By the Committee on Justice	
9	Report to be Calendared	By the Committee on Rules	Within 10 session days from receipt of the report
10	Voting:	By the plenary body	

	1) At least 1/3 to approve the resolution setting forth the Articles of Impeachment - otherwise, dismissed; 2) At least 1/3 to overturn a resolution of dismissal		
11	Transmittal of the Articles of Impeachment to the Senate	By the Secretary-General	

Here, as found by the *ponencia*, the House of Representatives met the requirement of putting the matter in the Order of Business within ten session days. However, they were not referred to the Committee on Justice and voted upon by the plenary body of the House, as required by the Constitution or House Rules on Impeachment.⁶ This is because the 19th Congress had already declared a final adjournment of its session on February 5, 2025, with the three impeachment cases having been archived. More, on the same day, the fourth impeachment complaint was also endorsed to the Senate.

The Ministerial Constitutional Duty to Include Impeachment Complaints under the First and Second Modes in the Order of Business and Refer them to the Committee on Justice

To determine the effect of nonreferral of the impeachment complaint to the Committee on Justice, pertinent provisions of the Constitution must be examined. For the first and second modes of impeachment, Article XI, Section 3, par. 2 of the 1987 Constitution provides that impeachment complaints must be included in the Order of Business within ten session days, and referred to the Committee on Justice within three session days thereafter, thus:

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

⁶ Ponencia, p. 67.

As a rule, the term “shall” is a word of command that must be given a compulsory meaning.⁷ The word “shall” signifies that one “[h]as a duty to; more broadly, is required to.”⁸ As explained in *Gonzales v. Chavez*:⁹

Under the principles of statutory construction, so familiar even to law students, the term “shall” is nothing if not mandatory.

In common or ordinary parlance and in its ordinary significance, the term ‘*shall*’ is a word of command, and one which has always and which must be given a compulsory meaning, and it is generally imperative or mandatory. It has the invariable significance of operating to impose a duty which may be enforced, particularly if public policy is in favor of this meaning or when public interest is involved or where the public or persons have rights which ought to be exercised or enforced, unless a contrary intent appears.¹⁰ (Citation omitted, emphasis supplied)

Therefore, under the present Constitution, it is a bounden duty for verified complaints of impeachment under the first and second modes to be: (1) included in the Order of Business of the House of Representatives; and (2) referred to the proper committee, which is the Committee on Justice as dictated by the House Impeachment Rules.

As explained in *Philippine International Trading Corporation v. Commission on Audit*:¹¹

It is a rule in statutory construction that every part of the statute must be interpreted with reference to the context, i.e., that every part of the statute must be considered together with the other parts, and kept subservient to the general intent of the whole enactment. Because the law must not be read in truncated parts, its provisions must be read in relation to the whole law. The statute's clauses and phrases must not, consequently, be taken as detached and isolated expressions, *but the whole and every part thereof must be considered in fixing the meaning of any of its parts in order to produce a harmonious whole*. Consistent with the fundamentals of statutory construction, all the words in the statute must be taken into consideration in order to ascertain its meaning.¹² (Citations omitted, emphasis supplied)

Thus, as a “proceeding exercised by the legislative, as representatives of the sovereign, to vindicate the breach of the trust reposed by the people in the hands of the public officer by determining the public officer’s fitness to stay in the office,”¹³ impeachment is of high importance and its procedures must be given great respect. Public policy demands that the word “shall” in

⁷ *Pimentel, Jr. v. Aguirre*, 391 Phil 84, 106 (2000) [Per J. Panganiban, *En Banc*].

⁸ BLACK’S LAW DICTIONARY 1499 (9th ed., 2009).

⁹ 282 Phil 858 (1992) [Per J. Romero, *En Banc*].

¹⁰ *Gonzales v. Chavez*, 282 Phil 880 (1992) [Per J. Romero, *En Banc*].

¹¹ 635 Phil. 447 (2010) [Per J. Perez, *En Banc*].

¹² *Id.* at 454.

¹³ *Republic v. Sereno*, 831 Phil 271, 396 (2018) [Per J. XXX, *En Banc*].

Article XI, Section 3, par. 2 of the 1987 Constitution be given mandatory effect.

Verified complaints of impeachment under the first and second modes shall, mandatorily and unequivocally be: (1) included in the Order of Business of the House of Representatives; and (2) referred to the Committee on Justice. No less than the Constitution, which is “the creation of the will of the people, who are deemed the source of all political powers”¹⁴ demands such procedures to be followed.

Consequently, there is no room for any discretion in this constitutional requirement. Importantly, *De Castro v. Judicial and Bar Council*¹⁵ discusses ministerial duties *vis-à-vis* discretionary acts, as follows:

The distinction between a ministerial and discretionary act is well delineated. *A purely ministerial act or duty is one which an officer or tribunal performs in a given state of facts, in a prescribed manner, in obedience to the mandate of a legal authority, without regard to or the exercise of his own judgment upon the propriety or impropriety of the act done.* If the law imposes a duty upon a public officer and gives him the right to decide how or when the duty shall be performed, such duty is discretionary and not ministerial. The duty is ministerial only when the discharge of the same requires neither the exercise of official discretion or judgment.¹⁶ (Emphasis supplied)

Thus, the elucidations of this Court in *Gutierrez v. House of Representatives Committee on Justice*¹⁷ are instructive:

*The Constitution did not place the power of the “final say” on the lips of the House Secretary General who would otherwise be calling the shots in forwarding or freezing any impeachment complaint. Referral of the complaint to the proper committee is not done by the House Speaker alone either, which explains why there is a need to include it in the Order of Business of the House. It is the House of Representatives, in public plenary session, which has the power to set its own chamber into special operation by referring the complaint or to otherwise guard against the initiation of a second impeachment proceeding by rejecting a patently unconstitutional complaint.*¹⁸

....

As mentioned, *one limitation imposed on the House in initiating an impeachment proceeding deals with deadlines.* The Constitution states that “[a] verified complaint for impeachment may be filed by any Member of the House of Representatives or by any citizen upon a resolution or

¹⁴ Concurring Opinion of C.J. Puno in *Province of North Cotabato v. GRP Peace Panel on Ancestral Domain*, 589 Phil 387 (2008) [Per J. Carpio-Morales, *En Banc*].

¹⁵ 629 Phil 629 (2010) [Per J. Bersamin, *En Banc*].

¹⁶ *Id.* at 706-707.

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

¹⁸ *Id.* at 396.

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endorsement by any Member thereof, which shall be included in the Order of Business within ten session days, and referred to the proper Committee within three session days thereafter.”¹⁹ (Emphasis supplied)

Verily, the Constitution itself imposes an explicit and unambiguous limitation on the House of Representatives in initiating an impeachment proceeding. This clear limitation deals with deadlines that must be complied with. The fundamental law categorically mandates that verified impeachment complaints duly filed under the first and second modes shall be included in the Order of Business and referred to the appropriate committee. Such procedural requirements are mandatory and imperative in character, leaving no room for the exercise of discretionary powers by any Member or official of the House of Representatives.

This contrasts with subsequent impeachment complaints where one impeachment complaint was already filed and referred to the Committee on Justice:

With respect to complaints for impeachment, *the House has the discretion not to refer a subsequent impeachment complaint to the Committee on Justice where official records and further debate show that an impeachment complaint filed against the same impeachable officer has already been referred to the said committee and the one year period has not yet expired*, lest it becomes instrumental in perpetrating a constitutionally prohibited second impeachment proceeding. Far from being mechanical, before the referral stage, a period of deliberation is afforded the House, as the Constitution, in fact, grants a maximum of three session days within which to make the proper referral.²⁰ (Emphasis supplied)

This difference is because of Article XI, Section 3, par. 5 of the 1987 Constitution, which provides:

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

Further, the pendency of an impeachment complaint that was filed under the first and second modes pursuant to Article XI, Sections 3, pars. 2 and 3, should undergo the relevant constitutional processes until its referral to the Committee on Justice, and eventual action of the House of Representatives for it to be considered as having been initiated. Thus, there is a need to tackle the impeachment complaint that was filed to set in motion the initiation of impeachment proceedings. In this case, however, while the process has been initiated with the inclusion of the impeachment complaints in the Order of Business, the impeachment proceedings were not completed because the element of time had already set in, with the adjournment of the 19th Congress.

¹⁹ *Id.* at 397.

²⁰ *Id.* at 397.

The effect of this adjournment should not prejudice the subject public official in waiting for a complete action of the House of Representatives. Thus, in cases where a particular batch of the House of Representatives has already ended their term, and where that particular Congress ends, the act of not referring an impeachment complaint to the appropriate committee, specifically the Committee on Justice, would constitute the initial action contemplated by the Constitution for purposes of determining that an impeachment proceeding has been duly initiated.

The receipt and retention of the verified complaint by the House of Representatives, coupled with the lapse of the constitutionally mandated period without compliance with the ministerial duties prescribed under the circumstance of a final adjournment of Congress, operates *ipso facto* as the commencement of impeachment proceedings under the first or second modes. To hold otherwise would render nugatory the constitutional safeguards designed to prevent the indefinite postponement or suppression of impeachment complaints and not merely leave them in limbo. Thus, with the adjournment of the 19th Congress, the non-referral to the Committee on Justice on the last day of session of the 19th Congress constitutes the action necessary on the part of the House to initiate the impeachment proceeding.

***The 10-session-day period and
three-session-day thereafter, as a
constitutional enforcement
mechanism***

The requirements of 10-session-day inclusion in the Order of Business and the three-session-day referral to the appropriate committee, specifically the Committee on Justice under Article XI, Section 3, par. 2 serves as more than mere procedural housekeeping—it functions as a constitutional enforcement mechanism that compels legislative accountability while preventing institutional manipulation.

The constitutional purpose of the 10 and three-session-day rule lies not merely in its specific timeframe, but in its elimination of what could otherwise become perpetual constitutional limbo. Without such temporal boundaries, impeachment complaints could exist in indefinite suspension, creating uncertainty about the status of impeachable officials. The Constitution recognizes that indefinite pending proceedings constitute, in themselves, a form of constitutional harm that undermines the very accountability mechanisms the impeachment process seeks to protect.

More critically, the 10 and three-session-day rule prevents what amounts to passive nullification of the impeachment power. By creating automatic consequences for legislative silence, the Constitution ensures that the House cannot govern through strategic inaction—a form of constitutional

avoidance that would effectively render the impeachment mechanism nugatory. Without this deadline, political calculations could indefinitely postpone constitutional accountability, transforming impeachment from a constitutional remedy into a discretionary political tool.

More, the constitutional significance of the ten and three session day rule becomes particularly glaring when considered alongside the fact that the House of Representatives is not a continuing body as it undergoes complete reconstitution every electoral cycle.

The session-day calculation, as explained in the *ponencia*,²¹ acknowledges the natural rhythm of legislative work while maintaining constitutional urgency. The Constitution's deliberate choice to measure time in "session days" rather than calendar days acknowledges that reality that Congress does not operate on a continuous calendar schedule but follows the ebb and flow of formal legislative sessions, adjournments, and recesses.

*The House is not a continuing body;
the first three Complaints have been
functionally dismissed*

Any unfinished business in the House of Representatives does not carry over to a new Congress. This principle, a concept that may be called "congressional distinctiveness," is based on the fact that the House of Representatives is not a continuing body and each batch of representatives elected every three years is distinct from the batch of representatives constituting the previous composition of the House of Representatives, and who may independently advance their respective advocacies.

This doctrine of congressional distinctiveness was aptly explained in *Ang Nars Party List v. Executive Secretary*,²² thus:

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

²¹ *Ponencia*, pp. 67-69.

²² 864 Phil. 607 (2019) [Per J. Caprio, *En Banc*].

The same rule applies to the House of Representatives. The House of every Congress must adopt its own rules at the start of its term. In particular, the House is admittedly not a continuing body since the terms of all Members of the House end at the same time upon the expiration of every Congress. Thus, upon the expiration of every Congress, the Rules of Procedure of the House also expire. That is why Section 1, Rule 1 of the Rules of the House of Representatives of the 17th Congress, adopted on 25 July 2016, provides: "After the oath-taking of the newly-elected Speaker, the body shall proceed to the adoption of the rules of the immediately preceding Congress to govern its proceedings until the approval and adoption of the rules of the current Congress."²³ (Citations omitted, emphasis supplied)

Further, the Court explained in *Balag v. Senate of the Philippines*:²⁴

Notably, *Arnault* gave a distinction between the Senate and the House of Representatives' power of contempt. In the former, since it is a continuing body, there is no time limit in the exercise of its power to punish for contempt; on the other hand, the House of Representatives, as it is not a continuing body, has a limit in the exercise of its power to punish for contempt, which is on the final adjournment of its last session.²⁵

Importantly, the Constitution establishes that each Congress serves a specific three-year term, with the House of Representatives being completely reconstituted every election cycle. When a new Congress convenes, it essentially starts with a clean slate.

This is supported by the Rules of the House of Representatives, 19th Congress (House Rules), which provides:

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)

Thus, when a congressional term ends, all pending bills, resolutions, and other measures that have not been enacted into law automatically terminates. The incoming Congress must reintroduce any measures it wishes to pursue, even if they were substantially similar to bills from the previous Congress.

²³ 864 Phil. 643-644 (2019) [Per J. Caprio, *En Banc*].

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

²⁵ 835 Phil. 467 (2018) [Per J. Gesmundo, *En Banc*].

Consequently, as found by the *ponencia*, while the ten-session day period to include the three impeachment complaints in the Order of Business was complied with as shown by the records of the House of Representatives, the constitutional requirement of three-session-day referral to the appropriate committee was not complied with. This is equivalent to an incomplete action on the part of the 19th Congress in evaluating the first three impeachment complaints, until its session adjourned on February 5, 2025. As explained by the *ponencia*, rather than referring the first three impeachment complaints to the Committee on Justice, these were instead archived until the adjournment of the session of the 19th Congress. It must be emphasized that this adjournment is not of a temporary nature referring to a specific session day by which matters not taken up may be continued into the next session day. Instead, this adjournment constitutes the final adjournment of the entirety of the session held by the 19th Congress from the time they convened on the fourth Monday of July of the year they assumed office.²⁶

When the 19th Congress concluded without complete action on the first three impeachment complaints, these complaints became *functus officio* not merely through temporal expiration, but through “congressional distinctiveness” inherent in the House’s institutional structure. The combination of the 10 and three-session-day rule, together with congressional distinctiveness creates a constitutional mechanism and safeguard: complaints must be processed within the prescribed timeframe completed by a particular Congress, or they face automatic, functional dismissal upon congressional transition. This two-sided enforcement mechanism prevents any undue delay and ensures that a mandatory duty imposed on a particular Congress is followed in accordance with the letter of the Constitution.

Thus, the end of the 19th Congress’s session on February 5, 2025, without following the constitutional mandate pertaining to the procedure to in evaluating an impeachment complaint filed by a citizen and endorsed by a member of the House of Representatives, equates to a functionally dismissed impeachment complaint.

***The Fourth Impeachment Complaint
violated the one-year bar rule***

As to the fourth impeachment complaint, petitioners alleged that the impeachment complaints were filed whimsically and without a careful reading of the members of the House of Representatives. This lacks merit. In observance of the principle of separation of powers, We accord the legislative chamber the presumption of regularity in the performance of its duties. The signing of the verification on the complaint contemplates a situation where the

²⁶ CONST., art. VI, sec. 15 states: The Congress shall convene once every year on the fourth Monday of July for its regular session, unless a different date is fixed by law, and shall continue to be in session for such number of days as it may determine until thirty days before the opening of its next regular session, exclusive of Saturdays, Sundays, and legal holidays. The President may call a special session at any time.

signatories have read and understood the allegations in the complaint. In the absence of proof, an impeachment complaint cannot be dismissed on this ground. Nonetheless, the fourth impeachment complaint must still be dismissed on the ground of the one-year bar rule.

Article XI, Section 3, par. 5 of the 1987 Constitution, states that "[n]o impeachment proceedings shall be initiated against the same official more than once within a period of one year."²⁷

During the deliberations, the Constitutional Commission explained why the provision was integrated into the 1987 Constitution, in this wise:

THE PRESIDENT: Commissioner Villacorta is recognized.

MR. VILLACORTA: Madam President, I would just like to ask the Committee three questions.

On Section 3, page 2, lines 12 to 14, the last paragraph reads as follows: "No impeachment proceedings shall be initiated against the same official more than once within a period of one year." Does this mean that even if an evidence is discovered to support another charge or ground for impeachment, a second or subsequent proceeding cannot be initiated against the same official within a period of one year? In other words, one year has to elapse before a second or subsequent charge or proceeding can be initiated. The intention may be to protect the public official from undue harassment. On the other hand, is this not undue limitation on the accountability of public officers? Anyway, when a person accepts a public trust, does he not consider taking the risk of accounting for his acts or misfeasance in office?

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

MR. VILLACORTA: Thank you, Madam President...²⁸ (Emphasis supplied)

The inclusion of the one-year bar rule in the 1987 Constitution was adopted by the Framers to serve two principal objectives: *first*, to shield high-ranking public officials from undue harassment through successive impeachment attempts; and *second*, to preserve the legislature's capacity to fulfill its primary constitutional mandate of enacting laws, by preventing the undue diversion of its time and resources toward repeated impeachment proceedings.

²⁷ CONST., art. XI, sec. 3, par. 5.

²⁸ II Record, Constitutional Commission No. 40, p. 282 (July 26, 1986).

Notably, in *Francisco Jr.*,²⁹ this Court clarified when an impeachment proceeding is deemed “initiated” for purposes of applying the one-year bar rule:

Amicus curiae Constitutional Commissioner Regalado is of the same view as is Father Bernas, who was also a member of the 1986 Constitutional Commission, that **the word “initiate” as used in Article XI, Section 3(5) means to file, both adding, however, that the filing must be accompanied by an action to set the complaint moving.**

During the oral arguments before this Court, Father Bernas clarified that the word “initiate,” appearing in the constitutional provision on impeachment, *viz*:

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

[...]

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

refers to two objects, “impeachment case” and “impeachment proceeding.”

Father Bernas explains that in these two provisions, the common verb is “to initiate.” The object in the first sentence is “impeachment case.” The object in the second sentence is “impeachment proceeding.” Following the principle of *reddendo singula similibus*, the term “cases” must be distinguished from the term “proceedings.” An impeachment case is the legal controversy that must be decided by the Senate. Above-quoted first provision provides that the House, by a vote of one-third of all its members, can bring a case to the Senate. It is in that sense that the House has “exclusive power” to initiate all cases of impeachment. No other body can do it. However, before a decision is made to initiate a case in the Senate, a “proceeding” must be followed to arrive at a conclusion. A proceeding must be “initiated.” To initiate, which comes from the Latin word *initium*, means to begin. On the other hand, proceeding is a progressive noun. It has a beginning, a middle, and an end. It takes place not in the Senate but in the House and consists of several steps: (1) there is the filing of a verified complaint either by a Member of the House of Representatives or by a private citizen endorsed by a Member of the House of the Representatives; (2) there is the processing of this complaint by the proper Committee which may either reject the complaint or uphold it; (3) whether the resolution of the Committee rejects or upholds the complaint, the resolution must be forwarded to the House for further processing; and (4) there is the processing of the same complaint by the House of Representatives which either affirms a favorable resolution of the Committee or overrides a contrary resolution by a vote of one-third of all the members. If at least one third of all the Members upholds the complaint, Articles of Impeachment are prepared and transmitted to the Senate. It is at this point that the House “initiates an impeachment case.” It is at this point that an impeachable public official is successfully impeached.³⁰ (Emphasis supplied)

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

³⁰ *Id.* at 930–931.

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In *Francisco, Jr.*, this Court categorically held that the term “initiate,” as used in Article XI, Section 3, par. 5 of the 1987 Constitution, requires the filing of a verified impeachment complaint and the taking of a formal action upon it. In other words, the act of filing must be accompanied by a step that sets the impeachment process in motion.³¹ Consequently, “[o]nce an impeachment complaint has been initiated, another impeachment complaint may not be filed against the same official within a one[-]year period.”³²

The ruling in *Francisco, Jr.*, was also upheld in *Gutierrez v. House of Representatives Committee on Justice (Gutierrez)*³³ where this Court underscored that initiation “refers to the filing of the impeachment complaint coupled with Congress’s taking initial action of the said complaint. The initial action taken by the House on the complaint is the referral of the complaint to the Committee on Justice.”³⁴ More, in *Gutierrez*, this Court also ruled that the doctrine established in *Francisco, Jr.*, that initiation means the filing and referral of an impeachment complaint, remains consistent with the rationale of the constitutional provision:

It becomes clear that the consideration behind the intended limitation refers to the element of time, and *not* the number of complaints. The impeachable officer should defend himself [or herself] in only one impeachment proceeding, so that he [or she] will not be precluded from performing his [or her] official functions and duties. Similarly, Congress should run only one impeachment proceeding so as not to leave it with little time to attend to its main work of law-making. The doctrine laid down in *Francisco* that initiation means filing *and* referral remains congruent to the rationale of the constitutional provision.³⁵ (Emphasis in the original).

At this point, it is important to emphasize that the fourth impeachment complaint, which constitutes the Articles of Impeachment, was filed pursuant to Article XI, Section 3, par. 4 of the 1987 Constitution.³⁶ It states:

(4) In case the verified complaint or resolution of impeachment is filed by at least one-third of all the Members of the House, the same shall constitute the Articles of Impeachment, and **trial by the Senate shall forthwith proceed.**³⁷ (Emphasis supplied)

The 1987 Constitution, along with the House Rules of Procedure in Impeachment Proceedings (19th Congress), outlines the process to be followed when an impeachment complaint is filed by at least one-third of all Members of the House of Representatives, as follows:

³¹ *Id* at 940.

³² *Id.*

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

³⁴ *Id.* at 387.

³⁵ *Id.* at 401.

³⁶ *Rollo*, (G.R. No. 278359), p. 458.

³⁷ CONST., art. XI, Sec. 3, par. 4.

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Sequence	Step	Person / Office Responsible
1	Filing of a verified impeachment complaint by at least 1/3 of all the members of the House of Representatives	By at least 1/3 of all the members of the House of Representatives
2	Endorsement of the complaint or resolution as the Articles of Impeachment	By the Speaker, through the Secretary General, in the same manner as an approved bill of the House of Representatives
3	Transmittal of the Articles of Impeachment	By the Secretary-General to the Senate

In this context, the Constitutional Commission explained the reason for adopting the one-third votes of the Members of the House of Representatives as the threshold to facilitate the initiation of the direct transmittal of the verified impeachment complaint, in this way:

I am now on Section 3 (2), which I propose to be reworded as follows: "A verified complaint for impeachment may be filed by any of its members, or by ANY citizen UPON A RESOLUTION OF ENDORSEMENT BY ANY MEMBER OF THE HOUSE, WHICH SHALL BE INCLUDED IN THE ORDER OF BUSINESS WITHIN TEN SESSION DAYS AND REFERRED TO THE PROPER COMMITTEE WITHIN THREE SESSION DAYS THEREAFTER. THE COMMITTEE, AFTER HEARING AND BY A MAJORITY VOTE OF ALL ITS MEMBERS, SHALL SUBMIT ITS REPORT TO THE HOUSE WITHIN SIXTY SESSION DAYS FROM SUCH REFERRAL, TOGETHER WITH THE CORRESPONDING RESOLUTION. THE RESOLUTION SHALL BE CALENDARED FOR CONSIDERATION BY THE HOUSE WITHIN TEN SESSION DAYS FROM RECEIPT THEREOF FROM THE COMMITTEE."

Section 3 (3) is proposed to read: A VOTE OF AT LEAST ONE-THIRD OF ALL THE MEMBERS OF THE HOUSE SHALL BE NECESSARY TO INITIATE IMPEACHMENT PROCEEDINGS, EITHER TO AFFIRM A RESOLUTION OF IMPEACHMENT BY THE COMMITTEE OR OVERRIDE ITS CONTRARY RESOLUTION. THE VOTES OF EACH MEMBER SHALL BE RECORDED.

Section 3 (4) shall read: IN CASE THE VERIFIED COMPLAINT OR RESOLUTION OF IMPEACHMENT IS FILED BY AT LEAST ONE-THIRD OF ALL THE MEMBERS OF THE HOUSE, THE SAME SHALL CONSTITUTE THE ARTICLES OF IMPEACHMENT AND THE TRIAL BY THE SENATE SHALL FORTHWITH PROCEED.³⁸

....
MR. RODRIGO: Why the very big jump in the case of the House? Why not from two-thirds to one-half?

MR. REGALADO: In conjunction with the 1973 Constitution, the vote required to initiate impeachment proceedings was one-fifth; the vote needed to convict was two-thirds. The Committee originally proposed a majority. We considered, however, the fact that, as contemplated in the constitutional framework, there may be 200 to 250 Members of the House of Representatives. Therefore, if we follow the 1973 Constitution which requires one-fifth, with a maximum of 250 Members of the House of Representatives, the votes of only 50 will be required. We feel that it would be very easy to get that vote to initiate impeachment proceedings, especially considering, first, — that impeachment proceedings will necessarily be upon the initiation of the opposition, and that we do not discount the fact that the opposition could easily get or muster the required number of votes if we stick to the 1973 Constitution.

On the other hand, the 1935 Constitution which requires a vote of two-thirds to initiate the impeachment proceedings was a little too demanding because a bigger number of votes is needed just to initiate the proceedings. If we stick to the 1973 Constitution, the President may be the subject of harassment by the initiation of impeachment proceedings every year. On the other hand, if there is really a need for impeachment proceedings to be initiated, and if we stick to the 1935 Constitution which requires a vote of two-thirds, then 167 votes will be required.

So, we thought that a happy compromise could be drawn by putting it at one-third, neither to make it very easy to initiate nor to make it very difficult to initiate. And one-third of 250 will be somewhere in the neighborhood of 83 or 84.³⁹ (Emphasis supplied).

The discussion of the Constitutional Commission highlights two important points:

First, the one-third threshold was established as a deliberate compromise to ensure that the impeachment process is neither excessively easy nor prohibitively difficult to initiate. If the threshold is too low, it would be easy to initiate impeachment proceedings, that could potentially lead to a flood of politically motivated or unsubstantiated complaints that could waste legislative time and resources. Conversely, if the threshold is too high, it would be difficult to initiate impeachment, that could shield public officials from accountability. The objective was to create a clear path for initiating impeachment that was accessible but not frivolous to prevent political harassment and undue obstruction.

³⁸ II Record, Constitutional Commission No. 41, pp. 373-374 (July 28, 1986).

³⁹ II Record, Constitutional Commission No. 41, pp. 373-374 (July 28, 1986).

Second, the 1987 Constitution grants the House of Representatives the exclusive power to initiate impeachment cases. Article XI, Section 3, par. 4 represents a specific mode of exercising this power, where the act of one-third of the Members of the House of Representatives filing the complaint itself constitutes the Articles of Impeachment.

Indeed, securing the support of one-third of the House membership requires a significant degree of deliberation, investigation, and consensus-building among representatives coming from different districts and often with diverse political views. When a substantial portion of the House of Representatives has determined that there is good cause to support an impeachment complaint, their collective judgment lends credence that the charges have factual and legal basis to proceed to trial.

Essentially, the one-third vote serves as a balance point, one that is high enough to prevent baseless complaints, but at the same time, low enough to ensure that public officials who commit serious offenses can be held accountable.

Be that as it may, it is crucial to emphasize that while impeachment is a *sui generis* process⁴⁰ distinct from judicial proceedings, it must still adhere to the fundamental requirements of due process. Significantly, the following deliberations of the Constitutional Commission offered important insights as to how due process is understood in the context of impeachment proceedings in the Philippines:

MR. MAAMBONG: May I proceed now to two very short questions considering that **we have already identified the problem and the answer is that it is not a purely criminal prosecution in terms of procedure**. We have here a statement in the book of Simpson which reads:

A person subject to impeachment by Congress is entitled to due process of law although presently there is little judicial authority. It can be suggested that he is also entitled to his privilege against self-incrimination, right to counsel, right to be informed of the nature and the cause of the accusation against him, and the right to be confronted with adversary witnesses. (*Treaties on Federal Impeachment*, p. 27)

Would this statement be applicable to an impeachment proceeding?

MR. ROMULO: As the provisions now read, I think the Senate, as well as the House, will set up its own rules. **I do not know whether or not we have to adhere to that because what the Commissioner has read, strictly speaking, is a criminal proceeding**. But the President like any citizen is entitled to the bill of rights, like confrontation of witnesses, notice of the charges and so on. I think those are fundamental and he is entitled to them.⁴¹ (Emphasis supplied)

⁴⁰ Re: *Ma. Cristina Roco Corona*, 893 Phil. 231, 244 (2021) [Per J. Hernando, *En Banc*].

⁴¹ II Record, Constitutional Commission No. 40, p. 277 (July 26, 1986).

The deliberations underscore that impeachment is not criminal in nature. However, the Framers affirmed that the Bill of Rights remains applicable to the respondent public official, ensuring protections such as the right to be informed of the charges, the right to counsel, the right to confront witnesses, and the right against self-incrimination. This reflects a commitment to uphold due process and protect individual liberties, even within the context of a political proceeding.


In addition to the right to due process, the Constitution also guarantees the right to the speedy disposition of cases under Article III, Section 16 of the 1987 Constitution, which states, “[a]ll persons shall have the right to a speedy disposition of their cases before all judicial, quasi-judicial, or administrative bodies.”⁴²

At this juncture, it is well to note that the first, second, and third impeachment complaints were filed and endorsed following Article XI, Section 3, parss. 2 and 3 of the 1987 Constitution, which require that a verified complaint filed by any citizen must be endorsed by a Member of the House of Representatives.

To emphasize, the House of Representatives failed to completely act on the first three impeachment complaints within the constitutionally mandated period. To put the status of these impeachment cases in limbo or simply archived because of an incomplete action on the part of the House of Representatives would amount to an infringement of the respondent’s rights to due process and to the speedy disposition of cases. This is because the resulting effect would be bypassing the existence of the three prior impeachment complaints, as if no prior impeachment complaint had been filed. As a consequence, the one-year bar rule in the initiation of an impeachment complaint would also be effectively bypassed. To prevent this scenario, it is only imperative that with the final adjournment of the 19th Congress, the retention of the verified complaints, coupled with the lapse of the prescribed timeframe without the discharge of the House’s ministerial duties, *ipso facto* constitutes the commencement of impeachment proceedings for purposes of invoking the one-year bar rule. The one year bar rule thus took effect on February 5, 2025 when the 19th Congress had the final adjournment of its session.

Consequently, the direct transmittal of the fourth impeachment complaint to the Senate, on the same day the first three complaints were archived without referral to the appropriate committee, effectively initiated a second impeachment proceeding against Vice-President Duterte, in clear contravention of the one-year bar rule under Article XI, Section 3, par. 5 of the 1987 Constitution. This interpretation is necessary to uphold the constitutional intent behind the one-year bar rule, which is designed to prevent

⁴² CONST., art. III, sec. 16.




repeated or prolonged impeachment proceedings that disrupt the public official's ability to perform their official duties and expose them to political harassment. It also ensures that the balance between public accountability and the protection of constitutional rights is preserved.

Indeed, impeachment is a tool for public accountability. While the Constitution permits the direct filing of an impeachment complaint upon the endorsement of at least one-third of all House Members, this expedited process must not come at the expense of the respondent public official's constitutional rights. The respondent public official's constitutional rights, especially the right to due process and the speedy disposition of cases, remain fully operative even in the context of impeachment. These rights are not diminished by the method chosen to initiate the complaint. Therefore, the one-year bar rule under Article XI, Section 3, par. 5 should be interpreted not merely as a procedural safeguard, but as a substantive constitutional guarantee. It serves to prevent repeated impeachment attempts that could undermine both the public official's ability to perform official duties and the integrity of the legislative process.

Considering that the final adjournment of the 19th Congress occurred on February 5, 2025, no impeachment complaint should be filed within one year from the said period. Any impeachment complaint against the same public official may only be allowed one year after this period.

With the foregoing, I join the *ponencia*.


JOSEPH V. LOPEZ
Associate Justice