EN BANC

G.R. No. 278353 (SARA Z. DUTERTE, in her capacity as the Vice President of the Philippines, Petitioner, **v. HOUSE OF REPRESENTATIVES, represented by Ferdinand Martin G. Romualdez, in his capacity as Speaker of the House of Representatives, REGINALDO S. VELASCO, in his capacity as the Secretary-General of the House of Representatives, SENATE OF THE PHILIPPINES, represented by Francis G. Escudero, in his capacity as the President of the Senate,** Respondents.)

G.R. No. 278359 (ATTY. ISRAELITO P. TORREON, ET AL., 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

ZALAMEDA, *J.:*

At the outset, it is imperative to state that the *verba legis* rule must be observed in constitutional interpretation. That is, the words in the Constitution must be given their ordinary meaning except where technical terms are employed.[1] No law, however, can account for all possible permutations of a situation. The interstices, or the gaps in the law, are bridged by Our decisions which set precedent. This is how courts participate in the formulation of laws. Even as We weave through the interstices, new developments force Us to rethink and reexamine whether Our previous solutions remain relevant.

When this Court issued its rulings in *Francisco, Jr. v. House of Representatives*[2] (*Francisco*) and *Gutierrez v. The House of Representatives Committee on Justice*[3] (*Gutierrez*), We formulated a definition of "initiation" to prevent the first impeachment complaint filed before the House of Representatives from immediately qualifying as the bar to forestall any other impeachment complaint. An initiated impeachment complaint required the conjunction of the filing of a complaint and the referral of such complaint to

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1 *Francisco, Jr. v. House of Representatives*, 460 Phil. 830, 884 (2003) [Per J. Carpio Morales, *En Banc*].
2 *Id.*
3 658 Phil. 322 (2011) [Per J. Carpio-Morales, *En Banc*].

the Committee on Justice. We assumed that future events would run their usual course; We did not foresee a situation where the operation of the one-year bar would be triggered, effectively preventing a first impeachment complaint from finishing these required steps.

As We are confronted with a different set of facts, We find that a rigid application of Our previous pronouncements do not facilitate the intended purposes of the one-year bar, which are to prevent undue or too frequent harassment and to allow Congress to accomplish its principal task of legislation. As the rulings stand, there is nothing to prevent this gap from being exploited. One may conceivably rely on the current interpretations of initiation and a subsequent ministerial referral to instigate the filing of a clearly defective impeachment complaint to put the one-year bar into effect. We find Ourselves at the interstices once again to seek solutions to mend this gap. It is realized that a ministerial referral produces the same result as a first-to-file initiation. They both leave the act of initiation to the complainants and ignore the constitutional mandate that the House of Representatives has the exclusive power to initiate all cases of impeachment.

Thus, We are called to examine the Constitution's provisions and this Court's relevant pronouncements on the impeachment process and their impact on the factual situation before Us.

The referral of the fourth impeachment complaint to the Senate terminated the first three impeachment complaints and effectively prevented their initiation

Article XI, Section 3 of the Constitution provides the necessary guidelines in the conduct of impeachment proceedings.

> Section 3.
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> 1. The House of Representatives shall have the exclusive power to initiate all cases of impeachment.
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> 2. A verified complaint for impeachment may be filed by any Member of the House of Representatives or by any citizen upon a resolution or endorsement by any Member thereof, which shall be included in the Order of Business within ten session days, and referred to the proper Committee within three session days thereafter. The Committee, after hearing, and by a majority vote of all its Members, shall submit its report to the House within sixty session days from such referral, together with the corresponding resolution. The resolution shall be calendared for consideration by the House within ten session days from receipt thereof.

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

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

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.

All paragraphs in Article XI, Section 3 use the word "shall." The word "shall" connotes a mandatory order or an imperative obligation—pointing to a command that must be given a compulsory meaning.[4] The use of the modal verb "shall" in Article XI, Section 3(2) and (3) signifies a command to the House of Representatives to perform and accomplish certain acts within a specified period:

1. When a verified complaint for impeachment is filed by one of its Members or by any citizen upon resolution or endorsement by one its Members, the House shall include it in its "Order of Business within *[10] session days*,"

2. The House shall then refer the verified complaint for impeachment to the "proper Committee within *three session days* thereafter,"

3. The proper Committee shall submit its report and its corresponding resolution to the House "within *[60] session days* from such referral,"

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4 *National Grid Corporation of the Philippines v. Manila Electric Company*, G.R. No. 239829, May 29, 2024 [Per J. Zalameda, First Division].

4. The House shall calendar the resolution for consideration "within *[10] session days* from receipt thereof," and

5. The Members of the House shall vote to affirm a favorable resolution with the Articles of Impeachment of the Committee. The vote of each Member shall be recorded.

The Constitution clearly intended the House of Representatives to act on a verified impeachment complaint within a given period. It expressly provided the number of session days when a specific act must be done or accomplished. Out of the five enumerated steps above, case law tells us that steps one and two should be accomplished together to qualify as an initiation of an impeachment complaint. However, Our previous rulings failed to account for the possibility of inaction which renders impossible the accomplishment of step two.

In December 2024, there were three impeachment complaints filed against Vice President Sara Duterte (VP Duterte) under the mode provided in Section 3(2). Despite the multiple filings, there is no evidence in the records to suggest that the House of Representatives completed its constitutional duties. The House secretary general only referred the three impeachment complaints to the House speaker on the tenth session day. The eventual adjournment of the session effectively prevented the other steps, i.e., referral to the proper committee, and submission of a committee report and resolution for consideration of the plenary.

The House of Representatives found itself in a situation wherein it could no longer validly act on the three impeachment complaints after February 5, 2025.[5] The *ponencia* illustrated the effect of the concept of a session day to show that February 5, 2025 was the tenth session day for the inclusion of the three impeachment complaints in the Order of Business.[6]

On the same date as the transmittal of the three impeachment complaints to the House Speaker, members of the House of Representatives attended a caucus to sign another impeachment complaint. A total of 215 out of its 306 members, exceeding the constitutional requirement of 1/3 of the Members of the House of Representatives, signed the fourth impeachment complaint. The fourth impeachment complaint against VP Duterte was filed under the mode in Section 3(4).

All four impeachment complaints were read in the Additional Reference of Business on February 5, 2025,[7] but only the fourth impeachment complaint was endorsed to the Senate.[8] The first three impeachment

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5 *Ponencia*, pp. 7-8, 66-72.
6 *Id.* at 63-65.
7 *Id.* at 66-67.
8 *Id.* at 67.

complaints were immediately transmitted to the Archives.[9] The transmittal of the fourth impeachment complaint to the Senate was used by the House of Representatives to justify the archival of the first three impeachment complaints.[10] At this point, any action on the first three impeachment complaints would already be beyond the constitutionally mandated 10 session days for inclusion in the Order of Business.[11]

Francisco has determined that "initiation" takes place by "the act of filing and referral or endorsement of the impeachment complaint to the House Committee on Justice or, by the filing by at least one-third of the members of the House of Representatives with the Secretary General of the House."[12] In defining "to initiate," *Francisco* also distinguished "impeachment case" from "impeachment proceeding," thus:

> During the oral arguments before this Court, Father Bernas clarified that the word "initiate," appearing in the constitutional provision on impeachment, *viz*:
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> > 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, (Italics supplied)
>
> refers to two objects, "impeachment case" and "impeachment proceeding."
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> 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 singuala singulis*, the term "cases" must be distinguished from the term "proceedings." An impeachment case is the legal controversy that must be decided by the Senate. [The] [a]bove-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)

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9 *Id.* at 67-68.
10 *Id.* at 68.
11 *Id.*
12 *Francisco, Jr., v. House of Representatives*, 460 Phil. 830, 932 (2003) [Per J. Carpio Morales, *En Banc*].

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. That is, he or she is successfully charged with an impeachment "case" before the Senate as impeachment court.

Father Bernas further explains: The "impeachment proceeding" is not initiated when the complaint is transmitted to the Senate for trial because that is the end of the House proceeding and the beginning of another proceeding, namely the trial. 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.

The framers of the Constitution also understood initiation in its ordinary meaning. Thus when a proposal reached the floor proposing that "A vote of at least one-third of all the Members of the House shall be necessary... to *initiate impeachment proceedings*," this was met by a proposal to delete the line on the ground that the vote of the House does not initiate impeachment proceeding but rather the filing of a complaint does. Thus the line was deleted and is not found in the present Constitution.

Father Bernas concludes that when Section 3 (5) says, "No impeachment proceeding shall be initiated against the same official more than once within a period of one year," it means that no second verified complaint may be accepted and referred to the Committee on Justice for action. By his explanation, this interpretation is founded on the common understanding of the meaning of "to initiate" which means to begin. He reminds that the Constitution is ratified by the people, both ordinary and sophisticated, as they understand it; and that ordinary people read ordinary meaning into ordinary words and not abstruse meaning, they ratify words as they understand it and not as sophisticated lawyers confuse it.

Thus, the argument that only the House of Representatives as a body can initiate impeachment proceedings because Section 3 (1) says "The House of Representatives shall have the exclusive power to initiate all cases of impeachment," This is a misreading of said provision and is contrary to the principle of *reddendo singula singulis* by equating "impeachment cases" with "impeachment proceeding."

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

> Having concluded that the initiation takes place by the act of filing and referral or endorsement of the impeachment complaint to the House Committee on Justice or, by the filing by at least one-third of the members of the House of Representatives with the Secretary General of the House, the meaning of Section 3 (5) of Article XI becomes clear. Once an impeachment complaint has been initiated, another impeachment complaint may not be filed against the same official within a one year period.
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> Under Sections 16 and 17 of Rule V of the House Impeachment Rules [of the 12th Congress], impeachment proceedings are deemed initiated (1) if there is a finding by the House Committee on Justice that the verified complaint and/or resolution is sufficient in substance, or (2) once the House itself affirms or overturns the finding of the Committee on Justice that the verified complaint and/or resolution is not sufficient in substance or (3) by the filing or endorsement before the Secretary-General of the House of Representatives of a verified complaint or a resolution of impeachment by at least 1/3 of the members of the House. These rules clearly contravene Section 3 (5) of Article XI since the rules give the term "initiate" a meaning different meaning from filing and referral.[13] (Emphasis in the original. Citations omitted)

Under the *Francisco* definition of initiation, the first three impeachment complaints filed under Section 3(2) have not been initiated because there was no referral to the House Committee on Justice. As the first three impeachment complaints did not initiate any impeachment case, the fourth impeachment complaint was not placed under the one-year bar. It is the fourth impeachment complaint filed under Section 3(4) that initiated the impeachment proceedings.

The *ponencia* took *Francisco's* determination of initiation further. It ruled that the inaction of the House of Representatives in the 19th Congress led to the effective termination of the three impeachment complaints, and commenced the running of the one-year bar.[14]

I concur with the *ponencia*'s refinement of *Francisco's* determination of initiation. As a result, I likewise agree with the *ponencia*'s conclusion that the termination of the three impeachment complaints barred the fourth impeachment complaint, and the Senate did not acquire jurisdiction to constitute itself into an impeachment court.

The House of Representatives has the exclusive power to initiate all cases of impeachment

We now seek to find a balance between the House of Representative's exclusive power to initiate all cases of impeachment and the seeming

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[13] *Id.* at 930–933.
[14] *Ponencia*, p. 72.

ministerial referral to the Committee on Justice after an impeachment complaint has been included in the Order of Business.

The Rules of Procedure in Impeachment Proceedings of the House of Representatives during the 19th Congress (House Impeachment Rules) provide the procedure of initiating a complaint as follows:

> **RULE II**
> ***Initiating Impeachment***
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> **Section 2.** ***Mode of Initiating Impeachment.*** – Impeachment shall be initiated by the filing and subsequent referral to the Committee on Justice of:
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> a. a verified complaint for impeachment filed by any Member of the House of Representatives or;
> b. a verified complaint filed by any citizen upon a resolution of endorsement by any Member thereof; or
> c. a verified complaint or resolution of impeachment filed by at least one-third (1/3) of all the Members of the House.
>
> **Section 3.** ***Filing and Referral of Verified Complaints.*** – A verified complaint for impeachment by a Member of the House or by any citizen upon a resolution of endorsement by any Member thereof shall be filed with the office of the Secretary General and immediately referred to the Speaker.
>
> An impeachment complaint is verified by an affidavit that the complainant has read the complaint and that the allegations therein are true and correct of his personal knowledge or based on authentic records.
>
> An impeachment complaint required to be verified which contains a verification based on "information and belief", or upon "knowledge, information and belief," or lacks a proper verification, shall be treated as an unsigned impeachment complaint.
>
> The Speaker shall have it included in the Order of Business within [10] session days from receipt. It shall then be referred to the Committee on Justice within [three] session days thereafter.

A footnote in Section 2 explains that the Supreme Court decision in *Francisco* states that impeachment proceedings are initiated upon filing of the complaint and/or resolution and its referral to the Committee on Justice.

The House Impeachment Rules echoes the Constitution in its ministerial duty to refer the matter to the speaker and, subsequently, to the Committee on Justice. As mentioned above, this practice detracts from Article XI, Section 3(1), which grants the House of Representatives exclusive power to impeach.

In line with its *sui generis* character, the House of Representatives has the authority to facially examine, for sufficiency in form and substance, any impeachment complaint included in its Order of Business *prior* to the referral of said complaint to the Committee on Justice. This facial examination may

be done by the Committee on Rules or by a subcommittee created for this specific purpose, consistent with power of the House of Representatives to promulgate its own rules. A decision for or against referral may be subsequently voted by the plenary. This intermediate step retains the House of Representatives' discretion to initiate and prevents any automatic operation of the one-year bar. It is also consistent with the Rules of the House of Representatives on Precedence of Motions.[15]

Since only the House of Representatives has the "exclusive power to initiate all cases of impeachment," the same body should also have the discretion to decide whether a defective impeachment complaint should be referred to the Committee on Justice. When the Constitution stated "which shall be included in the Order of Business within [10] session days, and referred to the proper Committee within three session days thereafter," it was only imposing a period within which the plenary must make an initial decision on an impeachment complaint. If the plenary determined that the impeachment complaint is, on its face, insufficient in form and substance, then the House of Representatives should not be obligated to refer it to the Committee on Justice and trigger the one-year bar.

It cannot be emphasized enough that if We accept the propositions that once an impeachment complaint is filed with the secretary general of the House of Representatives and that such should be automatically referred to the Committee on Justice, then the power to initiate the impeachment proceedings rests on the complainant. Viewing referral as a ministerial duty removes the power to initiate from the House of Representatives. To be sure, the framers of the 1987 Constitution intended to allow the House of Representatives to make an initial determination regarding an impeachment complaint's sufficiency before being referred to the Committee on Justice:

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[15] Rules of the House of Representatives on Precedence of Motions, Sec. 100 states:

Section 100. *Precedence of Motions.* – When a question is before the body, the following motions shall be entertained and, subject to *Sections 58* and *120* of these Rules, shall take precedence in the following order:

First - Motion to Adjourn;
Second - Motion to Raise a Point of Order;
Third - Motion to Raise a Question of Privilege;
Fourth - Motion to Declare a Recess;
Fifth - Motion for Reconsideration;
Sixth - Motion to Lay on the Table;
Seventh - Motion to Postpone to a Day Certain;
Eighth - Motion to Refer to or to Re-Refer;
Ninth - Motion to Amend; and
Tenth - Motion to Postpone Indefinitely

The first seven (7) motions shall be decided without debate, while the last three (3) motions shall be decided subject to the five-minute rule: *Provided*, That during the last five (5) days before adjournment of every session period or during the last fifteen (15) days before adjournment of a regular session, a question of privilege shall only be entertained after the consideration of urgent measures pending in the Calendar of Business as determined by the Committee on Rules.

> MR. DAVIDE: Under the impeachment rules of the Interim Batasang Pambansa, an impeachment charge may be filed by a Member of the Batasan either by a verified complaint or an ordinary resolution, and must forthwith be calendared within three session days from its filing. It would not even require a certification by the Speaker as to its correctness in form. *But in the matter now of a complaint filed by an ordinary citizen, would it be immediately calendared also, or shall it pass the Speaker for him to determine the correctness in form of the complaint?*
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> MR. ROMULO: *We leave that to the procedures of the House.*[16] (Emphasis supplied)

The foregoing clearly shows that referral to the Committee on Justice is not ministerial on the part of the House of Representatives. Indeed, it is allowed to make an initial determination of an impeachment complaint's sufficiency in form before referring the same to the Committee on Justice, pursuant to the House's exclusive power to initiate impeachment proceedings and promulgate its own rules on impeachment.

To rule otherwise would weaponize the filing of utterly baseless impeachment complaints for the sole purpose of triggering the one-year bar and prevent the filing of legitimate ones. This is precisely why the framers of the 1987 Constitution allowed the House of Representatives to set up a filtering mechanism against baseless impeachment complaints and inoculate the people against the political machinations of a few savvy ones.

Multiple impeachment complaints may be validly referred to the Committee on Justice at the same time. A simultaneous referral is counted as only one initiation. This was Our ruling in *Gutierrez,* where We also underscored the importance of the one-year bar:

> The Court, of course, does not downplay the importance of an impeachment complaint, for it is the matchstick that kindles the candle of impeachment proceedings. The filing of an impeachment complaint is like the lighting of a matchstick. Lighting the matchstick alone, however, cannot light up the candle, unless the lighted matchstick reaches or torches the candle wick. Referring the complaint to the proper committee ignites the impeachment proceeding. With a *simultaneous* referral of multiple complaints filed, more than one lighted matchsticks light the candle at the same time. **What is important is that there should only be ONE CANDLE that is kindled in a year, such that once the candle starts burning, subsequent matchsticks can no longer rekindle the candle.**
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> A restrictive interpretation renders the impeachment mechanism both illusive and illusory.
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> For one, it puts premium on senseless haste. Petitioner's stance suggests that whoever files the first impeachment complaint exclusively gets the attention of Congress which sets in motion an exceptional once-a-year mechanism wherein government resources are devoted. A prospective

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[16] Record, Constitutional Commission 280 (July 26, 1986).

complainant, regardless of ill motives or best intentions, can wittingly or unwittingly desecrate the entire process by the expediency of submitting a haphazard complaint out of sheer hope to be the first in line. It also puts to naught the effort of other prospective complainants who, after diligently gathering evidence first to buttress the case, would be barred days or even hours later from filing an impeachment complaint.

Placing an exceedingly narrow gateway to the avenue of impeachment proceedings turns its laudable purpose into a laughable matter. One needs only to be an early bird even without seriously intending to catch the worm, when the process is precisely intended to effectively weed out "worms" in high offices which could otherwise be ably caught by other prompt birds within the ultra-limited season.

Moreover, the first-to-file scheme places undue strain on the part of the actual complainants, injured party or principal witnesses who, by mere happenstance of an almost always unforeseeable filing of a first impeachment complaint, would be brushed aside and restricted from directly participating in the impeachment process.

Further, prospective complainants, along with their counsel and members of the House of Representatives who sign, endorse and file subsequent impeachment complaints against the same impeachable officer run the risk of violating the Constitution since they would have already initiated a second impeachment proceeding within the same year. Virtually anybody can initiate a second or third impeachment proceeding by the mere filing of endorsed impeachment complaints. Without any public notice that could charge them with knowledge, even members of the House of Representatives could not readily ascertain whether no other impeachment complaint has been filed at the time of committing their endorsement.

The question as to who should administer or pronounce that an impeachment proceeding has been initiated rests also on the body that administers the proceedings prior to the impeachment trial. As gathered from Commissioner Bernas' disquisition in *Francisco*, a proceeding which "takes place not in the Senate but in the House" precedes the bringing of an impeachment case to the Senate. In fact, petitioner concedes that the *initiation* of impeachment proceedings is within the sole and absolute control of the House of Representatives. Conscious of the legal import of each step, ***the House, in taking charge of its own proceedings, must deliberately decide to initiate an impeachment proceeding, subject to the time frame and other limitations imposed by the Constitution. This chamber of Congress alone, not its officers or members or any private individual, should own up to its processes.***

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

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

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 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."

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.

There is no evident point in rushing at closing the door the moment an impeachment complaint is filed. Depriving the people (recall that impeachment is primarily for the protection of the people as a body politic) of reasonable access to the limited political vent simply prolongs the agony and frustrates the collective rage of an entire citizenry whose trust has been betrayed by an impeachable officer. It shortchanges the promise of reasonable opportunity to remove an impeachable officer through the mechanism enshrined in the Constitution.

But neither does the Court find merit in respondents' alternative contention that the initiation of the impeachment proceedings, which sets into motion the one-year bar, should include or await, at the earliest, the Committee on Justice report. To public respondent, the reckoning point of initiation should refer to the disposition of the complaint by the vote of at least one-third (1/3) of all the members of the House. To the Reyes group, initiation means the act of transmitting the Articles of Impeachment to the Senate. To respondent-intervenor, it should last until the Committee on Justice's recommendation to the House plenary.

The Court, in *Francisco,* rejected a parallel thesis in which a related proposition was inputed in the therein assailed provisions of the Impeachment Rules of the 12th Congress. The present case involving an

impeachment proceeding against the Ombudsman offers no cogent reason for the Court to deviate from what was settled in *Francisco* that dealt with the impeachment proceeding against the then Chief Justice. ***To change the reckoning point of initiation on no other basis but to accommodate the socio-political considerations of respondents does not sit well in a court of law.***

> ... We ought to be guided by the doctrine of *stare decisis et non quieta movere*. This doctrine, which is really "adherence to precedents," mandates that once a case has been decided one way, then another case involving exactly the same point at issue should be decided in the same manner. This doctrine is one of policy grounded on the necessity for securing certainty and stability of judicial decisions. As the renowned jurist Benjamin Cardozo stated in his treatise The Nature of the Judicial Process:
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> > It will not do to decide the same question one way between one set of litigants and the opposite way between another. "If a group of cases involves the same point, the parties expect the same decision. It would be a gross injustice to decide alternate cases on opposite principles. If a case was decided against me yesterday when I was a defendant, I shall look for the same judgment today if I am plaintiff. To decide differently would raise a feeling of resentment and wrong in my breast; it would be an infringement, material and moral, of my rights." Adherence to precedent must then be the rule rather than the exception if litigants are to have faith in the even-handed administration of justice in the courts.

As pointed out in *Francisco*, the impeachment proceeding is not 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."

Allowing an expansive construction of the term "initiate" beyond the act of referral allows the unmitigated influx of successive complaints, each having their own respective 60-session-day period of disposition from referral. Worse, the Committee shall conduct overlapping hearings until and unless the disposition of one of the complaints ends with the affirmance of a resolution for impeachment or the overriding of a contrary resolution (as espoused by public respondent), or the House transmits the Articles of Impeachment (as advocated by the Reyes group), or the Committee on Justice concludes its first report to the House plenary regardless of the recommendation (as posited by respondent-intervenor). Each of these scenarios runs roughshod the very purpose behind the constitutionally

imposed one-year bar. Opening the floodgates too loosely would disrupt the series of steps operating in unison under one proceeding.

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

> 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. (underscoring supplied)

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

Petitioner complains that an impeachable officer may be subjected to harassment by the filing of multiple impeachment complaints during the intervening period of a maximum of 13 session days between the date of the filing of the first impeachment complaint to the date of referral.

As pointed out during the oral arguments by the counsel for respondent-intervenor, ***the framework of privilege and layers of protection for an impeachable officer abound. The requirements or restrictions of a one-year bar, a single proceeding, verification of complaint, endorsement by a House member, and a finding of sufficiency of form and substance - all these must be met before bothering a respondent to answer - already weigh heavily in favor of an impeachable officer.***

Aside from the probability of an early referral and the improbability of inclusion in the agenda of a complaint filed on the 11th hour (owing to pre-agenda standard operating procedure), the number of complaints may still be filtered or reduced to nil after the Committee decides once and for all on the sufficiency of form and substance. Besides, if only to douse petitioner's fear, a complaint will not last the primary stage if it does not have the stated preliminary requisites.

To petitioner, disturbance of her performance of official duties and the deleterious effects of bad publicity are enough oppression.

Petitioner's claim is based on the premise that the exertion of time, energy and other resources runs directly proportional to the number of

> complaints filed. This is *non sequitur*. What the Constitution assures an impeachable officer is not freedom from arduous effort to defend oneself, which depends on the qualitative assessment of the charges and evidence and not on the quantitative aspect of complaints or offenses. In considering the side of the impeachable officers, the Constitution does not promise an absolutely smooth ride for them, especially if the charges entail genuine and grave issues. The framers of the Constitution did not concern themselves with the media tolerance level or internal disposition of an impeachable officer when they deliberated on the impairment of performance of official functions ***The measure of protection afforded by the Constitution is that if the impeachable officer is made to undergo such ride, he or she should be made to traverse it just once. Similarly, if Congress is called upon to operate itself as a vehicle, it should do so just once. There is no repeat ride for one full year. This is the whole import of the constitutional safeguard of one-year bar rule.***[17]

Gutierrez identified this period before the impeachment complaint's inclusion in the Order of Business as one of deliberation, with the House using its discretion to decide whether to make the proper referral. In the current situation, one may take the unpopular perspective that the House of Representatives' seeming inaction on the first three impeachment complaints served as a mantle of protection to VP Duterte and saved her from the burden of having to answer allegations against her more than once. With the limitation set by *Francisco's* definition of initiation and the undersigned's proposal, it is no longer conceivable that an impeachable official's time and energy may be fully occupied by answering baseless complaints. Similarly, the House of Representatives is allowed to carve out space to predetermine worthy complaints and to conduct its principal business of legislation.

With the foregoing disquisitions, I vote to GRANT the Petitions.

RODIL V. ZALAMEDA
Associate Justice

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[17] *Gutierrez v. The House of Representatives Committee on Justice, et al.*, 658 Phil. 322, 394–402 (2011) [Per J. Carpio-Morales, *En Banc*]. (Citations omitted. Boldfacing with italicization and underlining supplied. Other means of emphasis in the original.)