EN BANC

G.R. No. 278353 SARA Z. DUTERTE, *Petitioner*, **v. HOUSE OF REPRESENTATIVES,** et al., *Respondents*.

G.R. No. 278359 ATTY. ISRAELITO P. TORREON, et al. *Petitioners*, **v. HOUSE OF REPRESENTATIVES,** et al., *Respondents*.

Promulgated:

January 28, 2026

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SEPARATE OPINION

LAZARO-JAVIER, *J.*:

Prefatory

We find ourselves caught in the quagmire of an intense political debate. Ordinarily, this discourse should not command our collective concern. Yet, in extraordinary fashion, it has – and continues to do so.

From one vantage point, this debate reshapes how we understand legal rules. It challenges the conception of courts as neutral institutions, bound to enforce what the law actually says rather than what it could or should mean in relation to broader political or social currents. This perspective insists on fidelity to the text and intent of the law, independent of external pressures.

But from another angle, the debate affirms a truth we often overlook or prefer to ignore: *judges are human*. They are shaped by their experiences, values, and even their political beliefs. To deny this is to deny the human element inherent in adjudication. The law is not applied in a vacuum; it is interpreted and enforced through the lens of human judgment.

This tension between law as an objective command and law as a human enterprise sits at the heart of our present discourse. It is uncomfortable, but necessary. It is a challenge, but also a reminder: our legal system is both fragile and deeply human.

The task before us is not to silence this debate but to engage it honestly. We must demand fidelity to the law while recognizing the human element that inevitably shapes its application. Courts must remain faithful to the law as written, but we must also acknowledge that judges, as human actors, bring their lived experiences to bear.

The current political debate surrounding and before the judiciary is not mere noise. It is a reflection of deeper institutional realities. Recognizing the duality and the tension it brings is essential to preserving both the integrity of the legal system and the public's trust in our processes. Only by doing so can we give life to both.

Facts

I adopt the facts summarized in the *ponencia,* thus:

> In December 2024, three impeachment complaints were filed against the vice president: (1) the first impeachment complaint was filed on December 2, 2024 by private individuals and various organizations led by Teresita Quintos Deles, Father Flaviano Villanueva, and Gary Alejano, among others, and endorsed on the same day by Akbayan Partylist Representative Percival Cendaña; (2) the second impeachment complaint was filed on December 4, 2024 led by Bagong Alyansang Makabayan and endorsed on the same day by ACT Teachers Partylist Representative France Castro, Gabriela Partylist Representative Arlene Brosas, and Kabataan Partylist Representative Raoul Manuel; and (3) the third impeachment complaint was filed on December 19, 2024 by a coalition of religious workers, lawyers, and civil society members led by Father Antonio E. Labiao, Jr. and Father Joel Saballa of the Diocese of Novaliches, and Carmelite priests Father Rico Ponce and Father Esmeraldo Reforeal, and endorsed by Camarines Sur Third District Representative Gabriel Bordado, Jr. and AAMBIS-OWA Partylist Representative Lex Anthony Cris Colada.
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> These three impeachment complaints were filed pursuant to the first mode of initiation under Article XI, Section 3(2) of the Constitution, as implemented by Rule II, Section 2(b) of the Rules of Procedure in Impeachment Proceedings (House Rules on Impeachment). Under these provisions, private citizens may file a verified complaint for impeachment against an impeachable officer upon a resolution or endorsement by any member of the House of Representatives.
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> The three complaints were referred to the speaker of the House on February 5, 2025.
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> On that date, February 5, 2025, a fourth impeachment complaint was filed against Vice President Duterte by one-third of all the members of the House of Representatives, or 215 members, pursuant to the second mode

of initiation under Article XI, Section 3(4) of the Constitution, as implemented by Rule II, Section 2(c) of the House Rules on Impeachment.

The fourth impeachment complaint was transmitted to the plenary and included as an Additional Reference of Business of the 19th Congress's 36th Session, alongside the first three impeachment complaints.

The secretary general confirmed that 215 members of the House of Representatives had signed and verified the fourth impeachment complaint. Representative and House Majority Leader Manuel Jose Dalipe (Majority Leader Dalipe) affirmed that the one-third constitutional threshold had been met, and thereafter moved for the immediate endorsement of the fourth impeachment complaint to the Senate.

With no objection to the motion, the speaker of the House then directed the secretary general to immediately endorse the fourth impeachment complaint to the Senate, thereby constituting the Articles of Impeachment.

After the approval to transmit the Articles of Impeachment to the Senate, Majority Leader Dalipe moved to send the first three impeachment complaints to the Archives. Again, with no objection to the motion, the House speaker ordered the archiving of the first three impeachment complaints.

The 19th Congress adjourned its 36th Regular Session on February 5, 2025 at 7:27 p.m. The 37th Regular Session was scheduled to resume on June 2, 2025.[1]

Issues

The *ponente* identified the broad issues arising from the parties' respective submissions, viz.:

1. Whether the Office of the Solicitor General (OSG) was authorized to file the *Motion for Reconsideration* on behalf of respondent House of Representatives (House of Representatives or House) of the 20th Congress.[2]

2. Whether respondent House of Representatives had the discretion to choose which mode of impeachment to prioritize among several impeachment complaints.[3]

3. Whether petitioner Vice President Sara Z. Duterte's (petitioner) right to due process was violated when respondent House of Representatives transmitted the fourth impeachment complaint to the Senate.[4]

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1 *Ponencia*, pp. 8–11.
2 *Id.* at 14.
3 *Id.*
4 *Id.*

As regards the first issue, I opt to take judicial notice of the OSG's status as the statutorily designated counsel for government agencies, including the House of Representatives. Hence, I also reasonably presume that the OSG's appearance in this case was undertaken with the knowledge and conformity of their client.

In my view, the core issues of this controversy that must be resolved are the following:

1. Constitutional Value of Accountability

How should the constitutional value of accountability inform our reading of the rules on impeachment? Does this value require strict adherence to the procedural timelines and commands of Section 3, Article XI[5] of the Constitution, or may it be tempered by pragmatic considerations of legislative discretion?

2. Validity of the First Three Impeachment Complaints

a. Did the lengthy inaction of the House of Representatives on the first three impeachment complaints infringe Section 3(2), Article XI of the Constitution?

b. If so, what is the appropriate remedy for this violation? Should they be deemed dismissed by operation of law, or is there another constitutional consequence?

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[5] Sec. 3, art. XI of the Constitution provides:

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

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

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

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

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

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

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

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

3. Validity of the Fourth Impeachment Complaint

a. Is the fourth impeachment complaint against petitioner void for either of the following reasons:

i. Infringing Section 3(5), Article XI of the Constitution, which imposes the one-year bar on initiating impeachment proceedings against the same official;

ii. Violating petitioner's right to due process, whether by cumulative prejudice or procedural irregularity?

b. If the answer to either question is in the affirmative, what is the appropriate remedy for this violation? Should the complaint be struck down in its entirety, or should the proceedings be annulled with directions for compliance?

In my view, the proper disposition would have been to deny all the motions for reconsideration and affirm the Court's July 25, 2025 Decision which declared: (i) the first three impeachment complaints as having been effectively dismissed; (ii) the fourth impeachment complaint as void for infringing Article XI, Section 3(5) of the Constitution and the right of petitioner to due process; (iii) the Senate as not having acquired jurisdiction to constitute itself into an impeachment court; and (iv) the Decision itself as final and immediately executory and barred the commencement of impeachment proceedings against petitioner earlier than February 6, 2026.

Reasons

1. Constitutional Value of Accountability

How should the constitutional value of accountability inform our reading of the rules on impeachment? Does this value require a strict adherence to the procedural timelines and commands of Section 3, Article XI of the Constitution, or may it be tempered by pragmatic considerations of legislative discretion?

The constitutional value of accountability is not a peripheral aspiration but a fundamental principle that must animate our understanding of impeachment. Impeachment, therefore, is more than a constitutional mechanism for removing officials. It is a test of how faithfully our institutions embody responsibility, fairness, and restraint.

Yet accountability, if genuine, cannot flow in only one direction. By its very nature, it is reciprocal. An impeachable officer must answer for the stewardship of their office and the trust invested in them by the Constitution and the people. But the institution that wields the power of impeachment must also be answerable for the fairness of their procedures, the integrity of their motives, and the restraint with which they exercise this extraordinary authority.

Too often, the focus of accountability in impeachment falls solely on the officer under scrutiny. Presidents, vice-presidents, justices, and constitutional officers are rightly held to the highest standards for their decisions shape the lives of millions. The framers of our constitutional order understood that unchecked power corrodes democracy. Impeachment was designed as a safeguard against that corrosion.

But impeachment is not a trial in the ordinary sense. The House of Representatives, in exercising the power to impeach, is not a neutral tribunal but a political body acting under constitutional mandate but with practical political impulse. Their members are themselves elected officials, accountable to the people but also prophets of political tides and vagaries. When impeachment is wielded as a weapon of partisan convenience rather than as a solemn remedy, accountability is not upheld. Rather, it is betrayed.

Thus, accountability must cut both ways. The impeached officer is judged but so too is the impeaching body. The fairness of the process, the transparency of the proceedings, and fidelity to constitutional norms all become part of the verdict. If impeachment is pursued recklessly, the damage reverberates beyond the officer removed. It erodes confidence in the legislature and weakens the moral authority of the Constitution itself.

For this reason, the rules of impeachment require the strictest adherence to the procedural timelines and commands of Section 3, Article XI of the Constitution. These rules cannot be tempered by pragmatic considerations of legislative discretion. To allow discretion to override constitutional command is to invite arbitrariness, erode public trust, and distort accountability into expedience.

Our history offers sobering lessons. Impeachment has been both a shield and a sword. At its best, it safeguarded democracy, reminding us that no office is immune from scrutiny. At its worst, it imperiled judicial independence, twisting accountability into intimidation. When judges were threatened with removal for unpopular decisions rather than genuine

misconduct, impeachment ceased to be a safeguard and became instead a weapon of imbalance. In those moments, what was meant to protect the rule of law risked undermining it, leaving institutions vulnerable to partisan retaliation rather than strengthened by principled restraint.

Accountability, then, is not only about outcomes but about process. The process is found in the strictest adherence to the procedural timelines and commands of Section 3, Article XI of the Constitution – not in the pragmatic considerations of legislative discretion. The impeachable officer must defend their conduct; the impeaching body must defend its fairness. Both are judged not only by the many peoples, whose collective trust is the lifeblood of democracy, but also by the Constitution, whose words are the peoples' clearest articulation of their intentions and aspirations.

In concrete terms, this dual accountability requires restraint. We must resist the temptation to treat impeachment as a shortcut for political battles better fought at the ballot box. We must ensure that procedures are transparent, evidence is weighed carefully, and motives are guided by constitutional fidelity rather than partisan gain. Only then can impeachment fulfill its true purpose: safeguarding the rule of law and the dignity of public office.

True accountability is a shared burden. It requires that both the individual and the institution stand before the bar of public trust. The impeached officer must answer for their stewardship; the impeaching body must answer for the integrity of their process. Both must be measured by the same principle, for both are guardians of democracy.

When accountability is demanded of one but neglected by the other, impeachment ceases to be a safeguard and becomes a weapon. It ceases to protect democracy and begins to corrode it. But when accountability is embraced as reciprocal, impeachment becomes what it was meant to be: a solemn reaffirmation of the rule of law, a reminder that no one – not the impeachable officer and certainly not the impeaching institution – is above the law.

The good *ponente's* reminder is timely. Accountability is not a slogan to be invoked when convenient; it is the discipline that sustains democracy. Impeachment, as the gravest of remedies, must embody this fundamental value in full. Only when both the impeachable officer and the impeaching institution submit to the discipline of accountability can impeachment fulfill its true purpose: not as an act of vengeance or expedience, but as a solemn reaffirmation of justice, fairness, and the enduring dignity of our institutions.

From this teleological anchor, I address the rest of the issues one by one.

2. Validity of the First Three Impeachment Complaints

a. Did the lengthy inaction of the House of Representatives first three impeachment complaints infringe Section 3(2), Article XI of the Constitution?

b. If so, what is the appropriate remedy for this violation? Should they be deemed dismissed by operation of law, or is there another constitutional consequence?

The lengthy inaction of the House of Representatives on the first three impeachment complaints infringed Section 3(2), Article XI of the Constitution.

Section 3(2), Article XI of the Constitution prescribes a mandatory and self-executing procedure for the initiation of impeachment complaints. It requires the following:

(1) Inclusion of the verified complaint in the Order of Business within 10 session days from filing or endorsement;

(2) Referral to the proper Committee within three session days thereafter;

(3) Committee report within sixty session days from referral; and

(4) Calendaring of the resolution for consideration within ten session days from receipt.

This constitutional command is reiterated in Section 3, Rule II of the House Rules on Impeachment of the 19th Congress.[6]

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[6] HOUSE RULES ON IMPEACHMENT OF THE 19TH CONGRESS, rule II, sec 3. *Filing and Referral of Verified Complaints.* – A verified complaint for impeachment by a Member of the House or by any citizen upon a resolution of endorsement by any Member thereof shall be filed with the office of the Secretary General and immediately referred to the Speaker. An impeachment complaint is verified by an affidavit that the complainant has read the complaint and that the allegations therein are true and correct of his personal knowledge or based on authentic records. An impeachment complaint required to be verified which contains a verification based on "information and belief", or upon "knowledge, information and belief," or lacks a proper verification, shall be treated as an unsigned impeachment complaint. The Speaker shall have it included in the Order of Business within ten (10) session days from receipt. It shall then be referred to the Committee on Justice within three (3) session days thereafter.

Jurisprudence confirms its self-executing and mandatory character. In *Gutierrez v. House of Representatives Committee on Justice et al.*,[7] the Court emphasized that impeachment provisions are not dependent on legislation for their effectivity. To treat them otherwise would allow Congress to nullify constitutional mandates by mere inaction, viz.:

> The discussion clearly rejects the notion that the impeachment provisions are not self-executing. Section 3(8) does not, in any circumstance, operate to suspend the entire impeachment mechanism which the Constitutional Commission took pains in designing even its details.
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> As against constitutions of the past, modern constitutions have been generally drafted upon a different principle and have often become in effect extensive codes of laws intended to operate directly upon the people in a manner similar to that of statutory enactments, and the function of constitutional conventions has evolved into one more like that of a legislative body. Hence, unless it is expressly provided that a legislative act is necessary to enforce a constitutional mandate, the presumption now is that all provisions of the constitution are self-executing. If the constitutional provisions are treated as requiring legislation instead of self-executing, the legislature would have the power to ignore and practically nullify the mandate of the fundamental law. This can be cataclysmic. That is why the prevailing view is, as it has always been, that –
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> > . . . in case of doubt, the Constitution should be considered self-executing rather than non-self-executing . . . Unless the contrary is clearly intended, the provisions of the Constitution should be considered self-executing, as a contrary rule would give the legislature discretion to determine when, or whether, they shall be effective. These provisions would be subordinated to the will of the lawmaking body, which could make them entirely meaningless by simply refusing to pass the needed implementing statute.
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> Even assuming arguendo that publication is required, lack of it does not nullify the proceedings taken prior to the effectivity of the Impeachment Rules which faithfully comply with the relevant self-executing provisions of the Constitution. Otherwise, in cases where impeachment complaints are filed at the start of each Congress, the mandated periods under Section 3, Article XI of the Constitution would already run or even lapse while awaiting the expiration of the 15-day period of publication prior to the effectivity of the Impeachment Rules. In effect, the House would already violate the Constitution for its inaction on the impeachment complaints pending the completion of the publication requirement.[8]

Even Justice Arturo D. Brion's dissent underscored that the first two periods, i.e., ten session days for inclusion and three session days for referral – are constitutional commands that cannot be altered by the rules of the House of Representatives:

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7 658 Phil. 322 (2011) [Per J. Carpio-Morales, *En Banc*].

8 *Id.* at 384–385.

The *ponencia* also posits that the lack of publication would not nullify the proceedings taken prior to the effectivity of the impeachment rules, because the 15-day period after publication would run counter to the mandated periods under Section 3, Article XI of the Constitution.

I find this argument unpersuasive for two very practical reasons.

First, the due process guarantee does not strictly require that the time gap between the publication and the effectivity of an enactment be fifteen (15) days. The clear terms of Article 2 of the Civil Code show that the House of Representatives has the discretion to specify a period lesser than 15 days before a statute, law or rule becomes effective. Thus, it could have provided for a shorter period if its intent had been to ensure compliance with the impeachment periods imposed by the Constitution. Unfortunately, it did not so provide and this failure cannot now be used as an argument against the application of the publication requirement.

Second, three (3) periods regulate the actions of the House of Representatives on the impeachment proceedings. The first is the inclusion in the Order of Business which shall be made within 10 session days from the filing of the impeachment complaint. The second is the three-session-day period within which to refer the complaint to the proper committee. The third is the sixty-session-day period for the committee to report out its actions and recommendations to the plenary. All these are mandatory periods. But of these periods, the first two involve specific actions of the House of Representatives that are required by the Constitution itself and cannot, thus, be affected by the Rules. The committee actions, on the other hand, have been left by the Constitution for the House of Representatives to determine and undertake at its discretion, subject only to the requirement of a hearing; to the vote required to decide at the committee; and to the general provisions of the Constitution on the protection of the constitutional rights of the impeachable official. The temporal constitutional limitation is on the period given to the committee to act — it must complete its proceedings and report back to the House of Representatives in plenary within 60 session days from the referral.

Under the attendant facts of the case where the publication of the adopted Rules of Impeachment came after the impeachment complaints had been referred to the Justice Committee for action, the required 15-day period before it took effect necessarily fell within the mandatory 60-session-day period given to the Committee. Thus, the opportunity to act within the mandatory 60-session-day period was lessened by the 15-day waiting time for the impeachment rules to take effect.

The intrusion of the publication period on the mandatory period for action by the Justice Committee, however, does not necessarily mean that the publication requirement must give way to the constitutional mandatory period because the mandatory 60-session-day period has not repealed or modified, impliedly or expressly, the publication requirement. No facial repeal is evident from Section [3(8)] of Article XI of the Constitution, nor is there any plain intent to do away with the publication requirement discernible from the terms of the constitutional provision. Neither is there any irreconcilable inconsistency or repugnancy between the two legal provisions. Thus, no reason exists in law preventing the two legal requirements from standing side by side and from being applied to the attendant facts of the case.

> An important consideration in the above conclusion relates to the length of the respective mandatory periods. The Justice Committee is given 60 session days (i.e., not only 60 calendar days) within which to act, while the period involved under Article 2 of the Civil Code is 15 calendar days. Under these terms, the simultaneous application of the two requirements is not an impossibility, considering especially that the Justice Committee has control over the impeachment proceedings and can make adjustments as it sees fit to ensure compliance with the required 60-session-day period.[9]

Against this backdrop, the House of Representatives breached Section 3(2), Article XI of the Constitution in two respects:

First, the archival of the first three impeachment complaints is neither inclusion in the Order of Business nor referral to the Committee. It is a disposition outside the constitutional framework.

Second, as Associate Justice Henri Jean Paul B. Inting (Associate Justice Inting) observed, none of the first three impeachment complaints filed in December 2024 was timely included or referred. The House of Representatives acted only on February 5, 2025 – already well-outside the constitutional periods for them to do what they should have done earlier. To illustrate:

- The First Complaint filed on December 2, 2024 should have been included by January 14, 2025 and referred by January 21, 2025, when the House was in session;

- The Second Complaint filed on December 4, 2024 should have been included by January 20, 2025 and referred by January 27, 2025, when the House was in session.

- The Third Complaint filed on December 19, 2024 should have been included by February 4, 2025.

The House of Representatives' lengthy inaction on the first three impeachment complaints was not a harmless delay – it was a constitutional violation. Section 3(2) is explicit: complaints shall be included in the Order of Business within 10 session days and shall be referred to the Committee on Justice within three session days thereafter. The Constitution's use of "shall" imposes a duty, not a discretion.

Once these periods had lapsed without action, and by choosing instead to "archive" the complaints, the House of Representatives sidestepped the mandatory steps and undermined the very safeguards meant to protect due process and accountability.

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[9] *Id.* at 507–509. J. Brion, Dissenting Opinion.

As will be further discussed below, the failure to follow tasks within strict timelines doomed the complaints. By disregarding the Constitution's rigid deadlines, the House of Representatives rendered the first three impeachment complaints *functus officio*. As such, they had lost legal efficacy that then resulted in their dismissal by operation of law.

Further, the subsequent filing of a fourth impeachment complaint does not erase the violation. Once the deadlines passed without action, the breach was complete. To excuse such inaction would strip the Constitution's timelines of meaning and invite future disregard of its commands.

Clarification on "Session Days" versus "Legislative Days"

The Constitution deliberately uses the term session days in its plain and ordinary sense: each calendar day when Congress is convened and transacts business, excluding adjournments and overnight recesses. A legislative day, by contrast, is a technical construct that may extend across several calendar days until the chamber formally adjourns. To conflate the two is to disregard both the textual choice of the Constitution and comparative legislative practice, which consistently distinguishes between them.

I am not alone in this view. The *ponente* as well as Associate Justice Inting correctly emphasized that "session days" under Article XI, Section 3(2) of the Constitution cannot be equated with "legislative days". Associate Justice Inting explained that a legislative day is a technical term referring to the period from the opening of a session until adjournment, which may span several calendar days. By contrast, he rightly observed, the Constitution must be read in its plain and ordinary sense: a session day simply means each calendar day when Congress is in session, excluding overnight recesses and adjournments. This interpretation is consistent with the text of Article XI, Section 3(2), which ties the timeframe directly to the House of Representative's Order of Business. Even the House of Representative's own rules recognize this distinction, requiring under Section 723 that a daily order of business be prepared to correspond to every calendar day when the House of Representatives is in session.[10]

The factual record confirms the breach. The House of Representatives was in session until December 18, 2024,[11] and resumed on January 13,

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[10] J. Inting, Separate Concurring Opinion.

[11] House of Representatives at https://congress.gov.ph/media/view/?content=5722&title=LAST+SESSION+DAY+FOR+2024%3A+HOUSE+ADJOURNS+FOR+CHRISTMAS+BREAK, last accessed on November 29, 2025.

2025.[12] There were sufficient session days immediately following the filing or endorsement of the first three impeachment complaints. But it failed to include them in the Order of Business within ten session days or refer them to the Committee on Justice within three session days thereafter. The Constitution mentions "session days," not "legislative days." The two are different, and the House of Representative's failure to observe this distinction resulted in a clear violation of the Constitution's mandatory timelines and procedures.

This interpretation is reinforced by comparative legislative practice. In the United States Congress, from which our legislative framework was patterned, "session days" and "legislative days" are distinct terms. A session day refers to each calendar day when Congress is convened. If Congress meets on Monday, recesses that evening, and reconvenes Tuesday, those are two separate session days. By contrast, a legislative day begins when the chamber convenes and does not end until it adjourns; if the House convenes on Monday and recesses daily without formally adjourning, the same legislative day can stretch across several calendar days. Thus, the House of Representatives may meet on multiple calendar days under a single legislative day. Session days are used for constitutional and statutory requirements tied to the calendar, such as reporting deadlines or timeframes for certain actions, while legislative days are fewer in number and serve technical procedural purposes.

This distinction is explicitly recognized in the records of the U.S. House of Representatives and explained in congressional reference materials:

> **Summary**
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> The House and Senate use the terms session, adjournment, and recess in both informal and more formal ways, but the concepts apply in parallel ways to both the daily and the annual activities of Congress. A session begins when the chamber convenes and ends when it adjourns. A recess, by contrast, does not terminate a session, but only suspends it temporarily.
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> In context of the daily activities of Congress, any calendar day on which a chamber is in session may be called a (calendar) "day of session." A legislative day, by contrast, continues until the chamber adjourns. A session that continues into a second calendar day without adjourning still constitutes only one legislative day, but if a chamber adjourns, then reconvenes later on the same day, the single day of session includes two legislative days. Conversely, if a chamber recesses and then reconvenes on the same day, the same day of session and the same legislative day both continue. Finally, when a chamber recesses overnight, instead of

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[12] House of Representatives at https://congress.gov.ph/media/view/?content=5728&title=ROMUALDEZ+RALLIES+HOUSE+MEMBERS+TO+CONTINUE+LEGISLATING+FOR+THE+FILIPINO, last accessed on November 29, 2025.

adjourning, although a new calendar day of session begins when it reconvenes, the same legislative day continues.

A regular annual session of Congress begins when the two chambers convene in January, pursuant to the Constitution (or to law). An annual session ends with an adjournment sine die. Until the next annual session convenes, Congress is then in a period of sine die adjournment (or "intersession recess"). If the President were to call an additional, "extraordinary" session, it would be procedurally similar to a regular annual session.

. . . .

In either a daily or an annual context, generally speaking, a session is a period when a chamber is formally assembled as a body and can, in principle, engage in business. A session begins when a chamber convenes, or assembles, and ends when it adjourns.

In the period between convening and adjournment, the chamber is said to be "in session." Once a chamber adjourns, it may be said to "stand adjourned," and until it reconvenes, it may be said to be "out of session," or "in adjournment." The period from a chamber's adjournment until its next convening is also often called "an adjournment."

The term recess, by contrast, is generally used to refer to a temporary suspension of a session, or a break within a session. For a break within the daily session, this term is a formal designation; for a break within an annual session, the term is only colloquial, but is in general use. In either context, a recess begins when the chamber recesses, or "goes into recess." For most purposes, it can be said that a recess, like an adjournment, ends when the chamber reconvenes. During the period between recessing and reconvening, the chamber is said to be "in recess" or to "stand in recess." When a chamber reconvenes from a recess, the suspended session resumes. For some purposes, nevertheless, it can be convenient to speak of a period between convening and recessing, or between reconvening and adjourning, or between recesses, also as "a session."

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Daily Sessions and Their Adjournments and Recesses

In context of the daily activities of Congress, each chamber convenes, or assembles, by being called to order by the chair; it is then commonly said to be "in session." Once a daily session is convened, a chamber remains in session, in this sense, until it adjourns for the day (or perhaps until it recesses for the day, although, as elaborated later, the formal effect of recessing is in some respects different).

Generally speaking, it is only when the chamber is in session in this sense that it can engage in official business. When a chamber is in session, in this sense, a presiding officer will be in the chair, Members may be present in their official capacities and participate in acts of the body, and the presence of a quorum may be required. In particular circumstances, however, either chamber may provide that, during a specific daily session, no business, or none of specified kinds, may occur.

In these terms, the period between the convening of a daily session and its adjournment or recess is necessarily a continuous period of time. Normally, on any day on which a chamber convenes, it adjourns (or recesses for the day) later on the same day. A calendar day on which a chamber convenes and then adjourns or recesses until a later calendar day may be called a "calendar day of session" or, more informally, simply a "day of session" for that chamber. In some Senate contexts, the term "session day" is used in a technical sense, especially, as described later, in connection with expedited or "fast track" procedures. The House, on the other hand, makes no use of this term in formal contexts.

It sometimes happens that a chamber convenes on one day and remains continuously in session, without adjourning or recessing, until the next calendar day (or even until some later day). Whether it might be appropriate to describe such a period as a single "day of session" or two (or more) could depend on the specific procedural context. If, on the other hand, a chamber were to be out of session at all points throughout an entire calendar day, it could not, in general, be appropriate to speak of that day as a "day of session" for that chamber.

Adjournment from Day to Day

An adjournment of the daily session of either chamber, more formally called an adjournment from day to day, terminates that daily session. More technically, an adjournment from day to day terminates a "legislative day," a concept that is more fully addressed below in the section on "Relation of 'Days of Session' and Legislative Days."

A chamber normally adjourns its daily session by adopting a motion to adjourn. The Senate sometimes adjourns, instead, by agreement to a unanimous consent request. In the practice of the House, however, adjournment by unanimous consent occurs only by declaration of the Speaker, and only "when no Member is available' to offer the motion. The Senate also may adjourn pursuant to a previous order setting the time at which adjournment will occur; the House generally does not use such a practice. Finally, Senate rules authorize the chair to declare a daily adjournment of the Senate if notified of an "imminent threat."

Once a chamber adjourns, it is "in adjournment." At that point, no daily session is in progress, which means, in general, that the chamber cannot conduct any official business as a body. A chamber may, however, adopt orders (while it is in session) providing that certain kinds of administrative business, such as the receipt of messages from the President or reports of committees, may occur during an adjournment.

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Recess of the Daily Session

In addition to a daily adjournment, which terminates a daily session, a chamber may take a recess within its daily session. For example, a chamber may recess while awaiting the arrival of a specific item of business, or in order to convene in a joint meeting with the other chamber to hear an address by a foreign dignitary. Unlike a daily adjournment, a recess of the daily session does not terminate the daily session. Instead, when a chamber reconvenes after a recess, the same daily session

resumes, and business continues from the point it had reached when the recess began.

A recess often occupies only a brief period during a day's session. A chamber, however, also may recess its daily session overnight or for a longer period. In some respects, the effects of an overnight recess may resemble those of a daily adjournment

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Formally, however, a recess, even one that lasts overnight, is unlike an adjournment, in that it does not procedurally terminate a legislative day. Whenever a chamber reconvenes after a daily recess, even if the recess began on a preceding calendar day, the previously existing legislative day is considered as resuming, and business continues from the point at which it stood when the recess began. In the terms being used here, as a result, a single legislative day may include more than one calendar day of session.

. . . .

Relation of "Days of Session" and Legislative Days

The distinction between recesses and adjournments (of the daily session) underlies the concept of the "legislative day." Although the term "legislative day" is sometimes informally used to mean a calendar day on which a chamber is in session, this usage is, in most technical contexts, incorrect. In cases when the significant distinction is whether or not any daily session of a chamber occurred on a specific calendar day, it will be less ambiguous or misleading simply to speak of a calendar day of session of the chamber (or, more informally, as suggested earlier, of a "day of session").

A calendar day of session, in this sense, and a legislative day will not necessarily begin and terminate at the same point in time. A legislative day ends only when the chamber adjourns, and a new legislative day begins whenever the chamber reconvenes after an adjournment.

When a chamber reconvenes after recessing, by contrast, no new legislative day begins, because no adjournment has intervened. If the chamber has recessed overnight, clearly a new calendar day of session begins, but still there is no new legislative day. As a result, a legislative day is not always the same as a "day of session," in either the House or Senate. By recessing overnight rather than adjourning, a chamber may continue a single legislative day into a second calendar day. By repeating this proceeding, a chamber may continue the same legislative day for many days, even for several weeks or months.

. . . .

Legislative Day. A period beginning with the convening of a chamber after an adjournment and ending with an adjournment.

(Daily) Session. A period (on a calendar day) during which a chamber is in session.

> *"Day of Session."* Informal term to describe a calendar day during some part of which a chamber is in session.
>
> *Daily Adjournment (Adjournment from Day to Day).* The means through which a legislative day is terminated. If the chamber does not reconvene until the following calendar day, the adjournment also terminates a "day of session."
>
> *Daily Recess.* The means through which a legislative day is suspended. When the chamber reconvenes, the same legislative day continues, even if the recess extended overnight, and thereby terminated the previous "day of session."[13]

Our comparative practice with the U.S. Congress confirms the respective positions of the *ponente* and Associate Justice Inting: "session days" are ordinary calendar days when Congress is in session, not the elongated legislative days invoked by the House. The Constitution's mandatory timelines must therefore be reckoned in session days. The House of Representatives' failure to comply with the timelines in "session days" rendered the first three impeachment complaints fundamentally fatally defective.

What is the appropriate remedy for this violation?

The consequence of non-compliance with the demands of Section 3(2), Article XI of the Constitution is dismissal by operation of law. By failing to observe the mandatory timelines and actions, the House of Representatives themselves cancelled the first three impeachment complaints.

The impeachment mechanism is deliberately designed with rigid periods and tasks to prevent indefinite delay and partisan maneuvering. Once the House of Representatives failed to comply, each complaint became *functus officio*. Each of them lost legal efficacy and thus could no longer sustain the impeachment proceedings – in effect, these complaints were dismissed by operation of law.

Having lost legal efficacy, the first three complaints were effectively dismissed well before their formal archival on February 5, 2025. The archival merely confirmed what had already transpired, i.e., the initiation and termination of impeachment proceedings had already been effected by the lapse of the prescribed session days without House action.

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[13] Sessions, Adjournments, and Recesses of Congress" in Congress.Gov at https://www.congress.gov/crs-product/R42977#_Ref349658771, last accessed November 29, 2025.

No showing of abuse of right[14] or process[15] is required. The fact of non-compliance itself suffices because the violated provisions are constitutional commands, not discretionary rules. The *Constitution*'s use of "shall" imposes a duty, not an option.

Accordingly, the first three impeachment complaints must be regarded as dismissed by operation of law due to the failure to comply with Section 3(2), Article XI of the Constitution. This interpretation preserves the integrity and supremacy of the Constitution. To hold otherwise would allow the House of Representatives to suspend or nullify constitutional mandates by inaction – a result explicitly warned against in *Gutierrez*. No other constitutional consequence is consistent with the text, structure, and jurisprudence of Section 3, Article XI of the Constitution.

Is the breach excused by the February 5, 2025 intervention?

On February 5, 2025, a fourth impeachment complaint was filed against petitioner by one-third of all the members of the House of Representatives, pursuant to the second mode of initiation under Section 3(4), Article XI of the Constitution.

But this intervention did not cure the earlier breach. The violation had already occurred. February 5, 2025 was beyond the periods mandated by Section 3(2) of Article XI. What the House of Representatives did was to archive, not to include and refer. Archival is neither contemplated nor permitted by Section 3(2). The constitutional violation was committed as soon as the House of Representatives failed to act within the prescribed 10-session-day and three-session-day periods.

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[14] *See Camp John Hay Development Corp. v. Office of the Ombudsman*, 893 Phil. 728 (2021) [Per J. Leonen, Third Division], which provides "(b)oth parties agree that to constitute an abuse of rights under Article 19 the defendant must act with bad faith or intent to prejudice the plaintiff. They cite the following comments of Tolentino as their authority: Test of Abuse of Right. — Modern jurisprudence does not permit acts which, although not unlawful, are anti-social. **There is undoubtedly an abuse of right when it is exercised for the only purpose of prejudicing or injuring another. When the objective of the actor is illegitimate, the illicit act cannot be concealed under the guise of exercising a right. The principle does not permit acts which, without utility or legitimate purpose cause damage to another, because they violate the concept of social solidarity which considers law as rational and just. Hence, every abnormal exercise of a right, contrary to its socio-economic purpose, is an abuse that will give rise to liability.** The exercise of a right must be in accordance with the purpose for which it was established, and must not be excessive or unduly harsh; there must be no intention to injure another. Ultimately, however, and in practice, courts, in the sound exercise of their discretion, will have to determine all the facts and circumstances when the exercise of a right is unjust, or when there has been an abuse of right. The question, therefore, is whether private respondent intended to prejudice or injure petitioner when it rejected petitioner's offer and filed the action for collection."

[15] *See* TSI International Group Inc. v. Formosa et al., 2016 ONSC 3750 (Ontario, Canada) (CanLII), <https://canlii.ca/t/gs15v>, retrieved on 2025-11-29: "(t)here are four elements to the tort of abuse of process: (1) the plaintiff is or was the subject of a lawsuit initiated by the defendant; (2) the defendant's **predominant purpose in initiating the lawsuit was to further some improper purpose collateral or outside the ambit of the legal process**; (3) the defendant performed a definite act or threat in furtherance of that improper purpose; and (4) the plaintiff was caused to suffer some special damages unique to him or her.

The subsequent filing under Section 3(4) cannot retroactively erase or toll the earlier breach. To hold otherwise would render the mandatory timelines and actions under Section 3(2) meaningless, inviting future disregard of constitutional commands.

To repeat, the breach of Section 3(2), Article XI was final and complete once the House failed to include and refer the first three impeachment complaints within the mandated periods. Archival was an unconstitutional substitute for the required actions. The later filing under Section 3(4) cannot excuse or undo this violation. To preserve the integrity of the impeachment process and the supremacy of the Constitution, the only consistent constitutional consequence is that the first three complaints must be deemed dismissed by operation of law.

3. Validity of the Fourth Impeachment Complaint

a. Is the fourth impeachment complaint against petitioner void for either of the following reasons:

i. Infringing Section 3(5), Article XI of the Constitution, which imposes the one-year bar on initiating impeachment proceedings against the same official;

ii. Violating petitioner's right to due process, whether by cumulative prejudice or procedural irregularity?

b. If the answer to either question is in the affirmative, what is the appropriate remedy for this violation? Should the complaint be struck down in its entirety, or should the proceedings be annulled with directions for compliance?

The fourth impeachment complaint against petitioner is void for infringing Section 3(5), Article XI of the Constitution, which imposes the one-year bar on initiating impeachment proceedings against the same official.

The Constitution sets a clear boundary, i.e., "(n)o impeachment proceedings shall be initiated against the same official more than once within a period of one year."[16] This safeguard exists to prevent harassment through repeated filings.

In this case, the House of Representatives doomed the first three impeachment complaints. By failing to act within the strict timelines and procedures set by the Constitution, the House of Representatives allowed these complaints to lapse and become *functus officio*. As such, they had lost legal efficacy that then resulted in their dismissal by operation of law – long before they were formally archived on February 5, 2025. The subsequent archival of the complaints merely confirmed the initiation and termination of the impeachment proceedings that had already been effected by the lapse of the prescribed session days without House action.

Proof of abuse of right[17] or process[18] is unnecessary–the fact of non-compliance with the Constitution suffices to trigger dismissal. The Constitution makes compliance with timelines and procedure a matter of substance, not merely form. The Constitution treats its own rules as substantive safeguards. Constitutional rules are not suggestions. They are the foundation of fairness. When institutions fail to follow them, the consequences are clear and binding. Hence, by constitutional design, this non-compliance by the House operates to set off dismissal by operation of law. Once the House failed to meet their obligations, the first three impeachment complaints were deemed dismissed.

Accordingly, the one-year bar under Section 3(5), Article XI of the Constitution applies. The first three complaints were initiated and terminated, thereby barring any subsequent initiation within one year. No new

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16 CONSTITUTION, art. XI, sec. 3, par. 5.

17 *Camp John Hay Development Corp. v. Office of the Ombudsman*, G.R. No. 225565, January 13, 2021, which provides "(b)oth parties agree that to constitute an abuse of rights under Article 19 the defendant must act with bad faith or intent to prejudice the plaintiff. They cite the following comments of Tolentino as their authority: Test of Abuse of Right. — Modern jurisprudence does not permit acts which, although not unlawful, are anti-social. There is undoubtedly an abuse of right when it is exercised for the only purpose of prejudicing or injuring another. When the objective of the actor is illegitimate, the illicit act cannot be concealed under the guise of exercising a right. The principle does not permit acts which, without utility or legitimate purpose cause damage to another, because they violate the concept of social solidarity which considers law as rational and just. Hence, every abnormal exercise of a right, contrary to its socio-economic purpose, is an abuse that will give rise to liability. The exercise of a right must be in accordance with the purpose for which it was established, and must not be excessive or unduly harsh; there must be no intention to injure another. Ultimately, however, and in practice, courts, in the sound exercise of their discretion, will have to determine all the facts and circumstances when the exercise of a right is unjust, or when there has been an abuse of right. The question, therefore, is whether private respondent intended to prejudice or injure petitioner when it rejected petitioner's offer and filed the action for collection."

18 TSI International Group Inc. v. Formosa et al., 2016 ONSC 3750 (Ontario, Canada) (CanLII), <https://canlii.ca/t/gs15v>, retrieved on 2025-11-29: "(t)here are four elements to the tort of abuse of process: (1) the plaintiff is or was the subject of a lawsuit initiated by the defendant; (2) the defendant's predominant purpose in initiating the lawsuit was to further some improper purpose collateral or outside the ambit of the legal process; (3) the defendant performed a definite act or threat in furtherance of that improper purpose; and (4) the plaintiff was caused to suffer some special damages unique to him or her.

complaint could be initiated with the House of Representatives until February 6, 2026. This bar includes the fourth impeachment complaint. This complaint was barred from the start. It is void and incapable of vesting jurisdiction upon the Senate to act as an impeachment court.

The fourth impeachment complaint against petitioner is void for violating her right to due process by cumulative prejudice or procedural irregularity.

The fourth impeachment complaint was also filed by one-third of all the Members of the House of Representatives without affording petitioner even the barest minimum of her right to due process. She was not notified of the existence of this complaint, much less the charges alleged therein. Given her lack of involvement in the filing, she was obviously not given the opportunity to explain her side or to contest the accusations.

Recognition of Due Process in the Second Mode of Initiation

The House of Representatives has maintained that petitioner need not be notified or heard at this stage, asserting that she could very well be informed of and heard on the specifics of the complaint only during trial.

This position is fundamentally flawed. It reduces due process to a perfunctory formality at the trial stage, rather than recognizing it as a constitutional guarantee that must be observed in the course of the impeachment proceedings at the House of Representatives – whatever mode was used in the initiation of the impeachment proceedings.

Indeed, Section 14, Rule IV of the *19th Congress' House Rules on Impeachment* impliedly acknowledges the availability of due process rights. It requires every legislator signing the impeachment complaint under the second mode to swear an oath before the Secretary General, thus:

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

> The complaint/resolution must, at the time of filing, be verified and sworn to before the Secretary General by each of the Members constituting at least one-third (1/3) of all the Members of the House.
>
> The contents of the verification shall be as follows:
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> "We, after being sworn in accordance with law, depose and state: That we are the complainants in the above-entitled complaint/resolution of impeachment; that **we** have caused the said complaint/resolution to be prepared and have read the contents thereof; and that the allegations therein are true of our own knowledge and belief on the basis of our reading and appreciation of documents and other records pertinent thereto."
>
> (Signature)[19]

This verification requirement presupposes that the complaint must be supported by evidence and vetted against such evidence by the legislators swearing to its merits. The oath is not a mere formality. It is a safeguard designed to ensure fairness and accountability in the initiation of impeachment proceedings. The oath cannot be divorced from the constitutional guarantee of due process owed to the impeachable officer.

Due Process Rights Written Into Constitutional Practice

Beyond the requirements of verification, the principled and legal moorings of due process rights vis-à-vis an impeachment complaint under the second mode of initiation are clear. The due process rights of an impeachable officer are deemed written into the black letter law and practice of impeachment proceedings.

The fact that Section 3(4), Article XI does not explicitly mention due process does not mean that such rights are unavailable. To argue otherwise is a non-sequitur. Our laws are replete with provisions authorizing deprivations of rights and privileges without expressly referencing due process, yet these provisions are always construed in harmony with constitutional guarantees. Even contracts that appear confiscatory in nature are ultimately interpreted to embody observance of due process and other charter rights.

As a general rule, public decision-makers who have the power to decide matters affecting the rights, interests, property, privileges, or liberty of any person are subject to a duty of observing due process, particularly procedural

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[19] Rules of Procedure in Impeachment Proceedings (2023). See Rules of the House of Representatives, Nineteenth Congress, pp. 121-129, available at https://docs.congress.hrep.online/download/docs/hrep.house.rules.adopted.ebook.pdf (last accessed on November 30, 2025).

fairness. Only the extent of this duty varies with the nature and function of the decision-maker.

In the context of impeachment, due process does not necessarily replicate the full panoply of rights available in a criminal trial. Yet it does require, at a minimum, notice of the charges and a meaningful opportunity to be heard before jurisdiction is vested in the Senate.

By affirming that these rights apply even under the second mode of initiation, I reject the notion that the constitutional silence in Section 3(4), Article XI amounts to a denial of procedural fairness. Instead, it recognizes that the Constitution must always be read in harmony with its overarching principles – foremost among them the guarantee of due process.

This configuration is both principled and pragmatic. It ensures that the impeachable officer is not blindsided by accusations secretly endorsed by one-third of the House, while at the same time respecting the constitutional design that allows such endorsement to serve as the Articles of Impeachment. In this way, we preserve the balance between accountability and fairness, and between the political nature of impeachment and the legal rights of the impeachable officer subject to it.

The fourth impeachment complaint should be struck down in its entirety.

A proceeding initiated in violation of the due process guarantee cannot vest jurisdiction upon the Senate to act as an impeachment trial court. Due process is not a mere formality but a constitutional safeguard that ensures fairness, notice, and the opportunity to be heard at the very threshold of proceedings. Where this guarantee is absent, no lawful initiation can occur, and jurisdiction cannot be conferred.

The fourth impeachment complaint, therefore, is void ab initio. It is not simply defective in form or procedure; it is legally incapable of sustaining the gravest of constitutional remedies. Impeachment, being an extraordinary mechanism for accountability, demands the strictest adherence to constitutional requirements. Any departure from these requirements strips the complaint of legal efficacy.

Apart from the transmittal to the Senate of the Articles of Impeachment, there are no other proceedings to be nullified, for none has been undertaken validly or otherwise. What purports to be an impeachment complaint is but a constitutional nullity, incapable of ripening into jurisdiction before the Senate. The absence of due process at initiation renders the entire undertaking void, leaving nothing upon which the Senate may lawfully act.

To repeat, a proceeding initiated in violation of due process guarantee cannot vest jurisdiction upon the Senate to act as an impeachment court. The fourth impeachment complaint is void – not merely defective, but legally incapable of hearing and sustaining the gravest of constitutional remedies.

For these reasons, I **VOTE** to **DENY** the Motions for Reconsideration and affirm the July 25, 2025 Decision.

AMY C. LAZARO-JAVIER