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 the speaker of the House of Representatives, REGINALDO S. VELASCO, in his capacity as the secretary-general of the House of Representatives, THE SENATE OF THE PHILIPPINES, represented by FRANCIS G. ESCUDERO, in his capacity as the president of the Senate,** Respondents.

G.R. No. 278359 — ATTY. ISRAELITO P. TORREON, ATTY. MARTIN DELGRA III, ATTY. JAMES T. RESERVA, ATTY. HILLARY OLGA M. RESERVA, J. MELCHOR QUITAIN, JR., LUNA MARIA DOMINIQUE S. ACOSTA, BAI HUNDRA, CASSANDRA DOMINIQUE N. ADVINCULA, AL RYAN S. ALEJANDRE, DANTE L. APOSTOL, SR., CONRADO C. BALURAN, JESSICA M. BONGUYAN, LOUIE JOHN J. BONGUYAN, PILAR C. BRAGA, JONARD C. DAYAP, EDGAR P. IBUYAN, JR., RICHLYN N. JUSTOL-BAGUILOD, MYRNA G. DALODO-ORTIZ, DIOSDADO ANGELO JUNIOR R. MAHIPUS, BONZ ANDRE A. MILITAR, ALBERTO T. UNGAB, TRISHA ANN J. VILLAFUERTE, LORENZO BENJAMIN D. VILLAFUERTE, JESUS JOSEPH P. ZOZOBRADO III, DARWIN G. SALCEDO, RODOLFO MANDE, KRISTINE MAY JOHN ABDUL MERCADO, LORD OLIVER RAYMUND MONFERO CRISTOBAL, and LORD BYRON MONFERO CRISTOBAL, Petitioners, **v. HOUSE OF REPRESENTATIVES, represented by House Speaker FERDINAND MARTIN G. ROMUALDEZ and SENATE OF THE PHILIPPINES, represented by Senate President FRANCIS JOSEPH G. ESCUDERO,** Respondents.

Promulgated:

January 28, 2026

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SEPARATE CONCURRING OPINION

ROSARIO, *J.*:

I vote for the denial of the Motion for Reconsideration.

In explaining the considerations that have informed my vote, I begin with a reiteration of the settled facts.

On December 2, 2024, private individuals and various organizations filed an impeachment complaint against Vice President Sara Duterte (Duterte) in the House of Representatives. This complaint asserted, among others, that Duterte misused public funds, failed to oppose China's unlawful claims in the West Philippine Sea, and participated in the extrajudicial killings perpetrated by the Davao Death Squad. This complaint was endorsed by Representative Percival Cendeña of Akbayan Party-list.[1]

On December 4, 2024, a second group of private citizens and groups filed another impeachment complaint against Duterte before the House of Representatives. This second impeachment complaint alleged that Duterte committed grave abuse of discretionary powers and betrayed public trust when she misused confidential funds in the amount of PH 612.5 million. The second impeachment complaint was endorsed by Representative France Castro of ACT Teachers Party-list, Arlene Brosas of Gabriela Party-list, and Raoul Daniel Manuel of Kabataan Party-list.[2]

On December 19, 2024, a third impeachment complaint was filed by a coalition of religious workers, lawyers, and civil society members. This impeachment complaint charged Duterte with plunder, graft, and corruption due to her handling of confidential funds. The complaint was endorsed by Representative Gabriel Bordado of the third district of Camarines Sur and Representative Lex Anthony Cris Colada of AAMBIS-OWA Party-list.[3]

The three complaints were filed in accordance with Article XI, Section 3 (2) of the Constitution, which grants ordinary citizens direct recourse to hold an impeachable public officer accountable through the filing of a verified complaint in the House of Representatives, upon a resolution or endorsement by a member of the House of Representatives. As the three complaints were initiated by private citizens and properly endorsed by members of the House of Representatives, constitutionally, nothing more was required of them.

The onus shifted to the House of Representatives. In particular, Article XI, Section 3 (2) of the Constitution commands that a verified impeachment complaint shall be included in the Order of Business within 10 session days and referred to the proper Committee within three session days thereafter.

Yet, the three impeachment complaints were not immediately transmitted to the speaker of the House of Representatives for inclusion in the Order of Business. The secretary general of the House explained that his office needed time to review the complaints. More significantly, he admitted that he

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1 *Duterte v. House of Representatives*, G.R. Nos. 278353 & 278359, July 25, 2025 [Per S.A.J. Leonen, *En Banc*] at p. 6. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

2 *Id.*

3 *Id.* at 7.

did not act on the complaints upon the request of some members of the House of Representatives, specifically to avoid triggering the one-year bar under the Constitution.[4]

In its Comment filed before the Court, the House of Representatives explained that, consistent with its power to promulgate impeachment rules, it has the power to introduce an interim step between the receipt of an impeachment complaint and the running of the 10-day period. Thus, the House of Representatives asserted, the 10-day period should be reckoned only from the speaker's receipt of the complaint from the secretary general.[5]

Thus, the three impeachment complaints were deliberately allowed to remain unacted upon in the Office of the Secretary General for several months until they were finally included in the Order of Business on February 5, 2025. To be sure, as the Court acknowledged in its assailed Decision, the complaints were technically included in the Order of Business within the constitutionally prescribed 10-session-day period. That formal compliance, however, does not tell the whole story. The admissions of both the secretary general and the House of Representatives make clear that there was a conscious decision not to calendar the complaints earlier, despite their earlier filing. In addition, the timing of their transmittal to the speaker was effectively placed in the hands of the secretary general, who openly acknowledged that he withheld forwarding the complaints at the request of certain members of the House of Representatives, in order to avoid triggering the one-year bar.

On February 5, 2025, the same day that the three impeachment complaints were included in the Order of Business, a fourth impeachment complaint, endorsed by 215 members of the House of Representatives, was filed under Article XI, Section 3 (4) and likewise calendared.[6]

During that session, the majority leader moved for the immediate transmittal of the fourth impeachment complaint to the Senate. There was no objection. Thereafter, again without objection, the House of Representatives voted to archive the three earlier complaints. House Journal No. 36 reveals that there were no prior discussions regarding the three impeachment complaints before the House of Representatives opted to transmit the fourth complaint to the Senate. Nor were there discussions regarding these three complaints before they were archived.[7] That evening, the House of Representatives adjourned its session. The session resumed only on June 2, 2025, after the May 2025 elections.[8]

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4 *Id.* at 57.
5 *Id.* at 13.
6 *Id.* at 7–8.
7 *Id.* at 67–68.
8 *Id.* at 8.

Petitions were filed before this Court challenging the constitutionality of the fourth impeachment complaint, which became the Articles of Impeachment transmitted to the Senate. In the assailed Decision, the Court granted the Petitions and declared the Articles of Impeachment unconstitutional for violating the one-year bar and the requirements of due process. The House of Representatives now seeks reconsideration.

The Resolution on the Motion for Reconsideration rules that it should be denied and the assailed Decision affirmed. I concur.

This case brings to the fore constitutional questions of profound consequence to our constitutional democracy. In resolving these questions, the Court must return to first principles.

Impeachment is a constitutional tool for the protection of the State

Impeachment is a constitutionally enshrined mechanism to hold certain public officers accountable through their removal from office on specific grounds. Article XI, Sections 2 and 3 of the Constitution provide the ground rules for impeachment:

> SECTION 2. The President, the Vice-President, the Members of the Supreme Court, the Members of the Constitutional Commissions, and the Ombudsman may be removed from office, on impeachment for, and conviction of, culpable violation of the Constitution, treason, bribery, graft and corruption, other high crimes, or betrayal of public trust. All other public officers and employees may be removed from office as provided by law, but not by impeachment.
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> SECTION 3. (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 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.
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> (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.
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> (5) No impeachment proceedings shall be initiated against the same official more than once within a period of one year.
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> (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.
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> (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.

Impeachment is *sui generis*. It is a "proceeding exercised by the legislative, as representatives of the sovereign, to vindicate the breach of the trust reposed by the people in the hands of the public officer by determining the public officer's fitness to stay in the office."[9]

The Constitution provides that only certain public officers, i.e., the President, the Vice President, the Members of the Supreme Court, the Members of the Constitutional Commissions, and the Ombudsman, may be removed from office solely through impeachment. This deliberate limitation reflects a constitutional balancing of interests. Because these officials may be removed only by impeachment, they are accorded a measure of independence necessary to discharge their duties without unwarranted fear of constant or retaliatory efforts to secure their removal.[10] At the same time, the State is assured that removal from office is reserved for only the most serious offenses, and only after the official has been subjected to the Constitution's most exacting and rigorous accountability process.

In the same vein, impeachment provides an immediate and direct constitutional remedy in circumstances where there is a compelling need to protect the State from an erring impeachable officer. Unlike administrative or judicial proceedings, impeachment is not constrained by the requirements of ordinary adjudicative processes. Its constitutional design allows for a prompt yet structured response to serious breaches of public trust. Through

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9 *Republic v. Sereno*, 831 Phil. 271, 394 (2018) [Per J. Tijam, *En Banc*].

10 *Gutierrez v. House of Representatives Committee on Justice*, 658 Phil. 322, 400-401 (2011) [Per J. Carpio-Morales, *En Banc*].

impeachment, an impeachable officer is called to account directly before the people, acting through their elected representatives, first, through the initiation of proceedings in the House of Representatives, and ultimately, through trial and judgment in the Senate. In this way, impeachment balances urgency with legitimacy. It allows for swift action while ensuring that the ultimate judgment is rendered through a process that is representative and fair.

That the only penalties that may be imposed in an impeachment trial are removal from office and perpetual disqualification from holding public office underscores the true nature of impeachment. It is, at its core, a protective constitutional mechanism and not a punitive one. Impeachment is designed to shield the State from the continued exercise of public power by an officer who has gravely betrayed the public trust. This is why impeachment does not impose criminal penalties. The legal system provides separate and distinct avenues, such as criminal prosecution and administrative proceedings, through which an impeachable officer may be held personally liable for violations of law.

Historically, impeachment emerged from a profound concern that a nation must not be left defenseless against leaders who abuse power or betray the State.[11] This was the animating motivation behind the inclusion of impeachment in the American Constitution, from which our own impeachment framework was substantially drawn. The framers recognized that certain abuses demand a remedy that is political in form but constitutional in character, a remedy that allows the State to remove dangerous officials swiftly while preserving institutional legitimacy. That same imperative–to protect the State and ensure its survival–guided the framers of the Constitution in embedding impeachment into our constitutional system.

The Constitution carefully and deliberately circumscribes the impeachment power

Precisely because impeachment is such a powerful and extraordinary remedy, the Constitution carefully circumscribes its exercise. It prescribes a specific process through which an impeachable officer may be charged, tried, and convicted. It also imposes distinct limitations to prevent abuse. These procedural and substantive constraints are essential to ensuring that impeachment remains an effective instrument to protect the State from real threats and not a tool of partisanship, retaliation, or political expediency.

A key constitutional limitation lies in the deliberate division of the impeachment power between the House of Representatives and the Senate.

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[11] LAURENCE TRIBE & JOSHUA MATZ, TO END A PRESIDENCY 9 (2018).

While the Constitution entrusts the Legislature with one of the most consequential powers in our legal system, it carefully avoids concentrating that power in a single body. Instead, it allocates distinct roles to each chamber. The House of Representatives functions as the initiating and prosecutorial body, while the Senate sits as the sole court for the trial of impeachment cases. The House of Representatives is tasked with determining whether there is sufficient basis to compel an impeachable officer to answer before the Senate, while the Senate independently adjudicates guilt or innocence. The wisdom of this allocation is evident. When an impeachable officer is alleged to have betrayed or imperiled the State, the people's elected representatives in the House of Representatives are institutionally best situated to investigate, evaluate, and, if warranted, bring formal charges,[12] subject always to trial and judgment by a separate body, thereby preserving both accountability and restraint.

In *Gutierrez v. House of Representatives Committee on Justice*,[13] the Court emphasized that because the Constitution vests in the House of Representatives the exclusive power to initiate impeachment proceedings, that power must be exercised by the House of Representatives acting as a body, and not by an individual member or a subordinate committee. The Court said:

> 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.[14] (Emphasis supplied, citations omitted)

Another important limitation is that the Constitution allows only two specific ways through which an impeachment complaint may be initiated. Under the Constitution, impeachment may be initiated only in two specific and exclusive modes.

First, a verified complaint may be filed by any member of the House of Representatives *or by any citizen*, provided it is endorsed by at least one

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12 *Id.* at 117.

13 *Gutierrez v. House of Representatives Committee on Justice*, 658 Phil. 322 (2011) [Per J. Carpio-Morales, *En Banc*].

14 *Id.* at 396.

member of the House of Representatives, after which it must be included in the Order of Business and processed in accordance with the periods and procedures fixed by the Constitution.[15] *Second*, impeachment may be initiated by a verified complaint or resolution filed by at least one-third of all the members of the House of Representatives, which immediately constitutes the Articles of Impeachment.[16] The Constitution's deliberate choice to confine initiation to these two modes is itself a restraint. Impeachment is not left to the unstructured discretion of the political branches and is instead channeled through defined constitutional pathways.

Significantly, the first mode is exceptional in our constitutional design. It allows a private citizen direct recourse to hold an impeachable officer to account, subject only to the endorsement of a single legislator. Outside of elections and the constitutional mechanism for people's initiative, there is no other instrument in the Constitution that permits this level of direct citizen participation in governance and accountability. This design reflects a conscious judgment by the framers that impeachment should not be the monopoly of political majorities alone. It must remain accessible to the people themselves as an expression of popular sovereignty, tempered at all times by the procedural and temporal limits imposed by the Constitution.

Corollary to this requirement, the Constitution mandates that a verified impeachment complaint filed under the first mode be included in the Order of Business within 10 session days and referred to the Committee on Justice within three session days thereafter.[17] These temporal requirements are not perfunctory. They are constitutional limitations designed to ensure that citizen-initiated impeachment complaints are seasonably acted upon, meaningfully presented to, and considered by the House of Representatives in plenary, and not consigned to inaction or neglect. By imposing definite timelines, the Constitution guards against the very danger that such complaints may be allowed to languish in the records of Congress without genuine consideration.

The Constitution also limits the frequency of initiating impeachment complaints against impeachable officers. It mandates that no impeachment proceedings shall be initiated against the same official more than once within a period of one year. This prohibition serves a structural and institutional purpose. It protects an impeachable officer from repeated harassment through successive or piecemeal impeachment attempts that could otherwise be used to weaken, distract, or delegitimize an official without affording stability to public office. At the same time, the one-year bar safeguards the institutional capacity of the House of Representatives. Impeachment is an exacting and consuming constitutional process. Without a temporal limitation, the House

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[15] CONST., art. XI, sec. 3, par. 2.
[16] CONST., art. XI, sec. 3, par. 3.
[17] CONST., art. XI, sec. 3, par. 2.

of Representatives could be perpetually mired in impeachment proceedings, to the detriment of its primary constitutional functions of legislation, oversight, and representation.[18] The one-year bar thus ensures that impeachment remains a solemn and exceptional remedy rather than a recurring political tactic that undermines both effective governance and the orderly functioning of Congress.

Beyond these textual restraints, the Constitution itself imposes a further and equally important limitation on the impeachment power through the Court's expanded judicial review under Article VIII, Section 1 of the Constitution. As this Court explained in *Francisco v. House of Representatives*,[19] impeachment, though political in character, is not beyond the reach of judicial review when constitutional boundaries are implicated. The Court, in *Francisco*, squarely held that it has the duty to determine whether the House of Representatives committed grave abuse of discretion in the exercise of its impeachment powers, stressing that the political nature of impeachment does not license disregard of constitutional commands.[20] At the same time, *Gutierrez* carefully delineated the limits of this judicial power. In particular, the Court opined in *Gutierrez* that courts do not inquire into the wisdom, sufficiency, or merits of impeachment charges, nor do they supplant the discretion of Congress in matters textually committed to it.[21] Judicial review intervenes only to ensure that the Constitution itself is respected and that the House of Representatives acts within the bounds of the Constitution, observes the limits it imposes, and does not transgress them through grave abuse of discretion. In this sense, expanded judicial review is not an intrusion into impeachment, but a constitutional check upon it, ensuring that even this most political of accountability mechanisms remains anchored to the rule of law.

Constitutional limitations on the impeachment power exist to ensure that its exercise remains measured and even-handed, even in times of political turbulence

These constitutional limitations are especially vital because impeachment almost invariably unfolds in a climate of political turmoil. It is often initiated in moments of crisis, heightened public emotion, and intense partisan contestation. In these circumstances, there is a real and ever-present risk that the political branches may be tempted to act with bias, or that party allegiance and political expediency may eclipse the sober demands of

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[18] *Gutierrez v. House of Representatives Committee on Justice*, 658 Phil. 322, 400–401 (2011) [Per J. Carpio-Morales, *En Banc*].

[19] 460 Phil. 830 (2003) [Per J. Carpio-Morales, *En Banc*].

[20] *Id.* at 890–892.

[21] *Gutierrez v. House of Representatives Committee on Justice*, 658 Phil. 322, 378–382 (2011) [Per J. Carpio-Morales, *En Banc*].

constitutional duty. The framers were acutely aware of this danger. They therefore embedded in the impeachment process a network of procedural, temporal, and institutional restraints precisely to discipline political judgment when it is most strained. These limitations serve to steady the House of Representatives and the Senate and compel them to pause, deliberate, and act with restraint even amid pressure and drama. They prevent impeachment from degenerating into a partisan spectacle or a mere contest of numbers. They grant the Legislature the means to ensure that impeachment remains a process anchored in fairness, reason, and justice. In this way, the Constitution insists that even in times of great political upheaval, accountability must be pursued not by passion or faction, but by clear-headed adherence to constitutional process.

The imperative that impeachment be conducted in a manner that prevents it from degenerating into mere party politics or a simple contest of numbers cannot be ignored. When impeachment is perceived as nothing more than a partisan weapon, one that is activated or neutralized solely by shifting political majorities, it loses its legitimacy and moral authority. Worse, this perception does not confine its damage to the impeachment process alone. It reverberates outward to undermine the sanctity of elections themselves. In discussing the importance of preventing impeachment from devolving into a purely partisan exercise, Laurence Tribe and Joshua Matz observe in *To End a Presidency*:

> The presumption against partisan impeachments is also supported by pragmatic concerns. As Professor Keith Whittington has explained: "If the impeachment power is perceived to be little more than a partisan tool for undermining elected officials and overturning election results, then the value of elections for resolving our political disagreements is significantly reduced. We do not want to be in a situation in which neither side trusts the other to [abide] by election results." The risk of destabilizing our political system mustn't be underestimated. It's easy to envision how a successful partisan removal could unleash a cycle of bitter, destructive recrimination. Accordingly, impeachment should almost always be confined to cases where there is some bipartisan consensus that the president is too dangerous to be allowed to remain in office.[22]

An impeachment that is driven primarily by partisanship risks transforming elections into provisional victories, perpetually subject to reversal by legislative majorities rather than respected as expressions of popular will. When impeachment is reduced to a routine instrument of political struggle, it threatens to destabilize democratic legitimacy by signaling that electoral mandates may be displaced not by extraordinary constitutional necessity, but by ordinary partisan advantage. The Constitution's insistence on restraint, process, and limitation reflects a deeper concern that impeachment must remain an exceptional remedy and not a

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[22] LAURENCE TRIBE & JOSHUA MATZ, TO END A PRESIDENCY 140 (2018).

surrogate for electoral defeat nor a shortcut around the judgment of the electorate.

It was precisely in pursuit of this constitutional ideal–that impeachment must remain fair, restrained, and just even amid political turbulence–that this Court exercised its expanded judicial review power in *Francisco*. In *Francisco*, the Court intervened not to second-guess the political judgment of the House of Representatives, but to prevent a construction of the impeachment process that would have rendered the one-year bar inutile and exposed impeachable officers to harassment through successive complaints. The Court held that, for purposes of the one-year prohibition, an impeachment proceeding is deemed "initiated" only upon the concurrence of two acts: the filing of a verified impeachment complaint *and* its referral to the Committee on Justice. This definition was crafted to strike a constitutional balance, thus ensuring that the House of Representatives retained discretion in acting on complaints, while at the same time preventing the manipulation of procedure to either prematurely trigger or indefinitely evade the one-year bar.

My vote for the denial of the Motion for Reconsideration is anchored on these first principles.

The present case requires a more nuanced interpretation of "initiation" under Article XI, Section 3 of the Constitution

This case is not on all fours with *Francisco*. In the assailed Decision, the Court did not abandon the definition of "initiation" articulated in *Francisco*. It only clarified and supplemented it in response to a factual situation not previously contemplated.

The facts are worth reiterating. Three impeachment complaints were filed pursuant to the first mode of initiation under Article XI, Section 3 (2) of the Constitution. Although these complaints were eventually included in the Order of Business within the 10-session-day period, both the secretary general and the House of Representatives have admitted that there was a deliberate decision not to forward the complaints immediately to the speaker. The secretary general expressly confirmed that certain members of the House of Representatives requested the delay in order to avoid triggering the one-year bar. When the three impeachment complaints were finally calendared, they were placed alongside a fourth impeachment complaint already endorsed by more than one-third of all the members of the House of Representatives. The latter complaint was immediately prioritized and transmitted to the Senate. The records do not indicate that the first three complaints were meaningfully considered, appreciated, or discussed before they were ultimately archived.

Simply stated, action on the first three complaints was intentionally delayed to avoid the constitutional bar. When they were finally calendared, the House of Representatives deliberately declined to give them any meaningful consideration in favor of the fourth complaint.

The assailed Decision thus concluded that in order to remain true to the Constitution and *Francisco*, a more nuanced approach in interpreting "initiation" is required. Thus, the Court ruled in the assailed Decision that the one-year bar is "reckoned from the time an impeachment complaint is dismissed or becomes no longer viable."[23]

I agree. In particular, I submit this refinement of the ruling: *where a duly filed impeachment complaint is rendered no longer viable because of the delay or inaction attributable to the House of Representatives or due to its failure to afford the impeachment complaint meaningful consideration, the complaint must be deemed initiated at the point it ceases to be viable.* This refinement ensures that the constitutional limitations on impeachment remain operative and cannot be defeated by procedural inaction, while remaining faithful to the core principles articulated in *Francisco*.

The House of Representatives has discretion in the exercise of its power to refer an impeachment complaint to the proper Committee, but this power must not be gravely abused

Article XI, Section 3 (2) of the Constitution mandates that a verified impeachment complaint filed through the first mode must be included in the Order of Business within 10 session days and referred to the appropriate Committee within three session days thereafter. For clarity, I reproduce the relevant provisions here:

> SECTION 3.
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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 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

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[23] *Duterte v. House of Representatives*, G.R. Nos. 278353 & 278359, July 25, 2025 [Per S.A.J. Leonen, *En Banc*] at p. 46. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

> consideration by the House within ten session days from receipt thereof. (Emphasis supplied)

The provision employs the word "shall," which is ordinarily understood as mandatory. It is settled, however, that this is not an absolute rule in statutory construction, and its true import depends upon the complete context of the entire provision.[24] In the case of Article XI, Section 3 (2), this textual command cannot be read in isolation. Its meaning must be understood in light of several important considerations. *First*, the provision requires that a verified impeachment complaint be included in the Order of Business for consideration by the House of Representatives acting as a plenary body. *This underscores that the constitutional actor is the House of Representatives itself, not any individual officer or committee. Second*, while the Constitution fixes a three-session-day period within which the plenary may refer the complaint to the proper Committee, *this temporal requirement presupposes institutional deliberation and not mechanical transmission. Third*, and most significantly, the Constitution vests in the House of Representatives the *exclusive power to initiate impeachment proceedings. Read together, these features indicate that the mandatory language of the provision ensures timely plenary consideration but does not strip the House of Representatives of the discretion inherent in its constitutionally assigned role as the sole initiator of impeachment proceedings.*

Expounding on the power of the House of Representatives to initiate impeachment proceedings by referring an impeachment complaint to the Committee on Justice, the Court said in *Gutierrez*:

> 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.*[25] (Emphasis supplied)

I submit that the House of Representatives is not a mere conduit for impeachment complaints. While the Constitution mandates compliance with the 10-session-day and three-session-day requirements for calendaring and referral, it does not reduce the House of Representatives to a purely mechanical actor. The House of Representatives necessarily exercises a measure of discretion in determining whether an impeachment complaint

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[24] *Director of Lands v. Court of Appeals*, 342 Phil. 239, 247 (1997) [Per J. Panganiban, Third Division].

[25] *Gutierrez v. House of Representatives Committee on Justice*, 658 Phil. 322, 397 (2011) [Per J. Carpio-Morales, *En Banc*].

should be referred to the Committee on Justice, whether multiple complaints may be consolidated and acted upon together, and whether referral may be withheld for legitimate constitutional reasons, such as to avoid violating the one-year bar.

This understanding is consistent with the Constitution's express grant to the House of Representatives of the exclusive power to initiate impeachment proceedings. A contrary interpretation–one that compels the House of Representatives to transmit every complaint automatically through plenary and committee processes without any room for judgment–would reduce it to a mere pass-through, a rubber stamp devoid of institutional agency. Under such a view, the constitutional grant to the House of Representatives of exclusive power to initiate impeachment proceedings would be emptied of substance and transformed into a ministerial obligation instead of a genuine constitutional authority.

Even worse, a system that treats the House of Representatives as a mere conduit inevitably results in a first-to-file regime, a consequence aptly noted by Justice Zalameda in his Concurring Opinion to the assailed Decision. Such a regime is precisely what this Court sought to prevent in *Francisco* and *Gutierrez*. Those cases rejected interpretations of impeachment procedure that would allow enterprising complainants, or interested political actors, to manipulate timing and sequence in order to trigger the one-year bar through strategic filings rather than through deliberate institutional action by the House of Representatives itself.

Established principles of constitutional construction reinforce this conclusion. Constitutional provisions must be read in harmony, not in isolation. Interpretations that render one provision nugatory in favor of another are disfavored. A reading of Article XI of the Constitution that strips the House of Representatives of any discretion in initiating impeachment proceedings effectively nullifies the grant of the exclusive power conferred upon it. This could not have been the intent of the framers. The more faithful reading is that the House of Representatives retains discretion in determining the referral of impeachment complaints to the Committee on Justice, subject always to the limits imposed by the Constitution.

In this regard, I echo the pronouncement in the Resolution that the House of Representatives exercises discretion to formulate, craft, and implement its own rules of impeachment, provided that it is not contrary to the Constitution.[26] I also agree that the House of Representatives has the power to choose between the two constitutionally mandated modes for initiating impeachment.[27]

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[26] Resolution, p. 16.
[27] *Id.* at 27.

That discretion, however, is not unbounded. Like all governmental power, it must be exercised in good faith and within constitutional limits. It may not be wielded in a manner that precludes genuine and meaningful consideration of duly filed impeachment complaints in favor of another. It cannot be gravely abused. That, regrettably, is what transpired in this case. The House of Representatives, purporting to exercise discretion, declined to give even cursory consideration to the first three impeachment complaints and instead proceeded, almost reflexively, to transmit the fourth complaint. This was not a legitimate exercise of constitutional discretion. With due respect, it was grave abuse of this discretion.

While the House of Representatives ultimately forwarded the three impeachment complaints within the 10-session-day period, it is also admitted that the secretary general deliberately withheld their immediate transmittal at the request of certain members of the House. Such conduct finds no basis in the Constitution. Consistent with the Court's ruling in *Gutierrez*, the secretary general performs a ministerial role in the impeachment process and has no authority to determine whether or when impeachment complaints should be forwarded. By permitting the secretary general to delay transmittal for reasons wholly unrelated to constitutional compliance, the House of Representatives abdicated its institutional responsibility and acted with grave abuse of discretion. This, in turn, contributed to the House's effectively perfunctory refusal to meaningfully act on the three impeachment complaints. Significantly, this act of withholding the three impeachment complaints upon the request of some members of the House of Representatives is also a violation of the House of Representatives' own Rules of Impeachment, which categorically state in Article II, Section 3, that an impeachment complaint filed before the Office of the Secretary General shall be "immediately referred to the [s]peaker."[28]

Moreover, when the three impeachment complaints were finally included in the Order of Business, the House of Representatives in plenary afforded them no meaningful consideration at all. Instead, it chose to immediately act on the fourth impeachment complaint, filed only on February 5, 2025, despite the fact that the earlier complaints had been pending for several months. The sequence of events leaves little doubt that the first three complaints were never given a genuine opportunity for consideration, appreciation, or debate, let alone referral to the Committee on Justice. *While the House of Representatives retains discretion in determining whether, and which, impeachment complaints should be referred, such discretion must be exercised fairly and even-handedly, with due regard to all pending complaints*. Discretion exercised in a manner that effectively forecloses any meaningful consideration of earlier filed complaints in favor of a later one is not a legitimate exercise of constitutional authority. *In failing to accord the*

[28] Resolution, p. 17.

three impeachment complaints any real opportunity for consideration, the House further acted with grave abuse of discretion.

To be clear, the grave abuse of discretion in this case does not lie in the House of Representatives' decision to transmit the fourth impeachment complaint rather than refer the first three complaints to the Committee on Justice. As I have already explained, my view is that the House of Representatives is constitutionally granted a measure of discretion in this matter. The constitutional infirmity arises from the manner in which that decision was reached. The House of Representatives acted without affording all pending impeachment complaints fair, even-handed, and meaningful consideration. The record does not indicate that the first three complaints were genuinely evaluated at all. *It is this deliberate failure to meaningfully consider duly filed complaints that constitutes grave abuse of discretion.*

In taking this view, I do not suggest that the Court has the authority to direct the House of Representatives as to which impeachment complaints must be referred to the Committee on Justice, let alone to deny that the House of Representatives possesses discretion in this regard. At the risk of repetition, I recognize that the House of Representatives retains a measure of constitutional discretion in the initiation of impeachment proceedings. What the Constitution likewise commands, however, is that the Court, in the exercise of its power of judicial review, may determine whether that discretion has been exercised with grave abuse. The focus of judicial inquiry is therefore not the substantive outcome reached by the House of Representatives, but the fairness and constitutionality of the process by which that outcome was arrived at.

This point warrants particular emphasis. It is especially important that an impeachment complaint filed under the first mode of initiation be accorded a fair and genuine opportunity for consideration. Absent such a safeguard, the impeachment process risks devolving into a mere contest of numbers, where a duly filed citizen-initiated complaint may be conveniently ignored once another complaint, backed by sufficient political support, emerges in the House of Representatives. Such a system would effectively render the first mode illusory. The Constitution did not include this mode by accident. It occupies a unique and almost sacrosanct place in our constitutional design, as it is among the very few mechanisms through which ordinary citizens are granted direct participation in governance and in the accountability of the highest public officers. Without a safeguard that ensures that all impeachment complaints, regardless of the mode of initiation, receive meaningful and good-faith consideration, there is a real danger that complaints initiated by ordinary citizens will be drowned out by partisan alignments and sheer numerical strength. This outcome would subvert the constitutional balance deliberately crafted by the framers and reduce impeachment to a process dictated not by constitutional deliberation but by political arithmetic.

Equally significant, this inaction undermines the very purpose of the one-year bar. The constitutional prohibition against initiating more than one impeachment proceeding within a year is meant to provide finality, stability, and repose, both for the respondent and for the institutions tasked with carrying out impeachment. If impeachment complaints are permitted to remain "floating," neither meaningfully calendared nor referred to the proper Committee, this constitutional protection is effectively nullified. Complaints may accumulate over time without ever triggering the one-year bar, thereby exposing the respondent to prolonged uncertainty, psychological strain, and the constant specter of impeachment without resolution.

At the same time, the House of Representatives is placed in a precarious position as it becomes vulnerable to being mired in successive unresolved impeachment matters, each capable of being revived or sidelined at will. Such a system invites strategic filings and procedural gamesmanship. The respondent is left in a state of limbo, unsure whether, when, or how the pending complaints will be addressed. Moreover, the House of Representatives would be deprived of the institutional stability necessary to perform its core legislative and oversight functions. This outcome is precisely what the one-year bar was designed to prevent. The resulting harm, therefore, extends beyond the immediate parties. It erodes the credibility, coherence, and legitimacy of the impeachment process itself and transforms a solemn constitutional remedy into an instrument of uncertainty and political maneuvering.

These considerations call for a more nuanced interpretation of the one-year bar, one that is faithful to the reason for which this constitutional limitation was adopted. The one-year bar was intended to operate as a real and effective safeguard. It is not a proscription that may be avoided through delay, inaction, or selective consideration. *Accordingly, where a duly filed impeachment complaint ceases to be viable because of the House's undue delay, inaction, or failure to afford it meaningful consideration, the complaint must be deemed initiated at the point it becomes incapable of further action.* This interpretation does not expand the impeachment power nor diminish legislative discretion. It ensures that constitutional limits remain operative. *To hold otherwise would permit constitutional safeguards to be defeated by procedural maneuvering. It would render the one-year bar illusory and reduce impeachment to a matter of strategic timing and procedural gamesmanship.*

This nuanced interpretation of "initiation" likewise serves an important protective function for the first mode of impeachment. *By recognizing that a complaint may be deemed initiated when it is rendered non-viable through inaction or lack of meaningful consideration, the Constitution is prevented from being construed in a manner that allows citizen-initiated complaints to be silenced by numerical dominance alone.* Without this nuanced

interpretation, impeachment could devolve into a process where a complaint filed by ordinary citizens may be ignored or sidelined indefinitely until another complaint, supported by sufficient political numbers, emerges and is acted upon. This refined interpretation, which requires that a citizen-initiated impeachment complaint be treated more than a procedural formality, ensures that the first mode retains its constitutional significance. *It compels the House of Representatives to engage with such complaints in good faith.* This preserves the Constitution's deliberate choice to allow direct citizen participation in the impeachment process and ensures that accountability is not determined solely by partisan strength.

The doctrine of operative fact does not apply in this case

I further agree with the Resolution that the doctrine of operative fact does not apply in this case.

The doctrine is an exception to the general rule. The governing principle is found in Article 7, paragraph 2 of the Civil Code, which provides that when the courts declare a law to be unconstitutional, the law shall be void and the Constitution shall prevail. This reflects the fundamental premise that an unconstitutional act confers no rights and imposes no obligations. The Constitution admits of no presumption in favor of the continued operation of an unconstitutional act. Any departure from this rule must therefore be strictly justified. As the Court explained in *Planters Products, Inc. v. Fertiphil Corporation*,[29] the doctrine of operative fact applies only as a matter of equity and fair play.[30]

This limitation is essential because the very purpose of the Court's power of judicial review is to prevent or correct constitutional violations. Judicial review would be severely diminished if constitutional rulings were routinely applied only prospectively. In such a regime, unconstitutional conduct would escape meaningful correction. Further, the Court's decisions would amount to little more than guidance for future behavior. The Constitution does not contemplate a system where violations are acknowledged yet left unremedied. The corrective function of judicial review presupposes that constitutional rulings operate with immediate and binding effect, except in the rarest of circumstances.

The Court has therefore repeatedly stressed that the operative fact doctrine must be applied with great caution. In *Araullo v. Aquino III*,[31] the Court underscored that the doctrine may be resorted to only

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[29] 572 Phil. 270 (2008) [Per J. Reyes, R.T., Third Division].
[30] *Id.* at 301.
[31] 737 Phil. 457 (2014) [Per J. Bersamin, *En Banc*].

when extraordinary circumstances exist. Even then, it applies only where nullification would result in inequity and injustice. It cannot be invoked to validate an unconstitutional law.[32] Where no inequity would ensue, the general rule that an unconstitutional act is wholly ineffective must prevail.

Tested against these standards, there is no justification for applying the operative fact doctrine in this case. The doctrine is invoked to prevent inequity arising from good-faith reliance on an act later declared unconstitutional. No such reliance interests are implicated here.

There is similarly no basis to conclude that the adherence to the general rule would result in inequity or injustice. On the contrary, there is a real danger that applying the doctrine of operative fact here would reward and encourage constitutional evasion instead of preventing injustice. If constitutional violations are insulated from consequences simply because they were done before any judicial clarification, the incentive to adhere strictly to constitutional limits is weakened. The Constitution does not countenance such a result. The doctrine was never intended to temper the immediate force of the Constitution. It should not be made to do so here.

Fidelity to the Constitution and the rule of law must prevail even in times of great political turmoil

Denying the Motion for Reconsideration, and necessarily, affirming the assailed Decision, which stated that no impeachment complaint may be filed earlier than February 6, 2026, is not intended to shield any public officer. *It cannot be overemphasized that neither the Assailed Decision nor the Resolution on the Motion for Reconsideration absolves Duterte of any wrongdoing. What these rulings affirm is a more fundamental principle: that accountability of public officers must be pursued in accordance with the mechanisms prescribed by the Constitution.* Accountability is indispensable to a constitutional democracy. But equally indispensable is the rule of law.

The Constitution deliberately provides specific and exacting procedures by which the highest public officers may be impeached and removed from office. In a functioning democracy, fidelity to these procedures is not optional. They cannot be set aside by the urgency or perceived righteousness of any impeachment effort. Fidelity to the Constitution is required not for the benefit of any particular official, but in service of the public good.

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[32] *Id.* at 621.

The Court has the constitutional duty to decide cases solely on the basis of the facts, the law, and above all, the Constitution. In discharging this duty, the Court is not engaged in politicking or policy making. It is simply performing its limited but vital role to determine what the Constitution requires and to ensure that its commands are faithfully observed.

As has long been settled, "*it is emphatically the province and duty of the judicial department to say what the law is.*"[33] This duty does not ebb in moments of controversy. Nor does it yield to the urgency of political events. On the contrary, it is precisely in times of heightened tension and public clamor that constitutional adjudication must remain disciplined, restrained, and principled.

The Court's duty is to interpret and apply the Constitution and the law as they are written. In times of great political turbulence, it is precisely the Constitution and the law that steady the Court's hand, keep its judgment level-headed, and anchor its decisions in principle rather than passion. This fidelity ensures that justice remains constitutional rather than *ad hoc*. *This is important because fidelity to the Constitution and the law, regardless of circumstance or the personalities involved, is the only means by which the law can afford protection to all, without exception.* Indeed, it is precisely when adherence to the Constitution is most difficult that its faithful application becomes most necessary. This is the strength of our constitutional framework– that the law applies even, and especially, in difficult and controversial cases.

Fidelity to the law, irrespective of circumstance, is the foundation of a legal system that aspires to render justice consistently and impartially, for all and in all situations. *Fidelity to the Constitution in difficult cases ensures that such fidelity endures at all times, even when those before the courts are neither powerful nor influential.* It is for this reason that faithfulness to constitutional limits in moments of great political turbulence ultimately serves the protection of the common citizen, who is entitled to the assurance that the law will be applied with consistency, principle, and equal force, regardless of circumstance or status. *This fidelity is the essence of the rule of law.*

To be sure, the rule of law is not a condition that, once achieved, sustains itself. Like democracy, it must be continually defended, especially when the temptation to take constitutional shortcuts is strongest, when bending established rules appears expedient, or when disregarding procedure seems justified in the name of popular will. The Constitution does not sanction such expediency. It establishes procedures and limitations precisely to ensure that, even amid turmoil, institutions remain clear-headed, fair, and just.

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[33] *Marbury v. Madison*, 5 US 137 (1803).

Thus, the Court exercises its power in this case not to protect any individual, but to uphold the rule of law itself, ultimately for the benefit of the Filipino people. In doing so, it affirms a constitutional culture in which the Constitution cannot be casually set aside and in which accountability is pursued through law, not through expedience. This, I submit, is essential, not for the benefit of any particular individual, but in the service of the common citizen, who is entitled to the assurance that the Court will remain faithful to the Constitution *at all times and in all circumstances*, even when doing so is unpopular or difficult.

In voting for the denial of the Motion for Reconsideration, this is what I seek to uphold: the rule of law, *with utmost fidelity and without exception*.

RICARDO R. ROSARIO
Associate Justice

CERTIFIED TRUE COPY
MARIFE M. LOMIBAO-CUEVAS
Clerk of Court
Supreme Court