G.R. No. 278353 – SARA Z. DUTERTE, 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, MARTIN DELGRA III, ATTY. JAMES T. RESERVA, ATTY. HILARY OLGA M. RESERVA, J. MELCHOR QUITAIN, JR., LUNA MARIA DOMINIQUE S. ACOSTA, BAI HUNDRA CASSANDRA, DOMINIQUE N. ADVINCULA, AL RYAN S. ALEJANDRE, DANTE L. APOSTOL, SR., CONRADO C. BALURAN, JESSICA M. BONGUYAN, LOUIE JOHN J. BONGUYAN, PILAR C. BRAGA, JONARD C. DAYAP, EDGAR P. IBUYAN, JR., RICHLYN N. JUSTOL-BAGUILOD, MYRNA G. DALODO-ORTIZ, DIOSDADO ANGELO JUNIOR R. MAHIPUS, BONZ ANDRE A. MILITAR, ALBERTO T. UNGAB, TRISHA ANN J. VILLAFUERTE, LORENZO BENJAMIN D. VILLAFUERTE, JESUS JOSEPH P. ZOZOBRADO III, DARWIN G. SALCEDO, RODOLFO MANDE, KRISTINE MAY JOHN ABDUL MERCADO, LORD OLIVER RAYMUND MONFERO CRISTOBAL, and LORD BYRON MONFERO CRISTOBAL, Petitioners, **v. HOUSE OF REPRESENTATIVES, REPRESENTED BY HOUSE SPEAKER FERDINAND MARTIN G. ROMUALDEZ, SENATE OF THE PHILIPPINES, REPRESENTED BY SENATE PRESIDENT FRANCIS JOSEPH G. ESCUDERO,** Respondents.

Promulgated:

January 28, 2026

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SEPARATE OPINION

VILLANUEVA, *J.*:

As firmly enshrined in the Constitution, public office is a public trust.[1] To ensure that this basic doctrine is faithfully observed, the fundamental principle of accountability of public officers mandates that all public officials, regardless of rank or position, "must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty, and efficiency, act with patriotism and justice, and lead modest lives."[2] These accountability measures enable the State to protect public interests and preserve the integrity of public service. Yet, accountability of public officers, whether occupying high- or low-ranking positions, is not limitless as there are guiderails imposed that the Constitution explicitly mandates.

When it comes to the President, the Vice President, the Members of the Supreme Court, the Members of the Constitutional Commissions, and the Ombudsman, they belong to a separate and distinct class of high public officials in the Executive and Judicial Departments, as well as from independent commissions and a tribunal created under the Constitution, whose accountability, while in office, is specifically provided in the Constitution. They can be removed from office only "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."[3] In this regard, no less than the Constitution provides the manner by which impeachable officials can be removed from office and held accountable, in proceedings before the Legislative Department, and nowhere else.

As removal from office is the Constitutional penalty for impeached and convicted officials, strict adherence to impeachment proceedings is earnestly warranted.

Pending incidents

To recall, the Court in its July 25, 2025 Decision[4], partially granted "the Petitions [in G.R. Nos. 278353 and 278359] and declar[ed] the Articles of Impeachment unconstitutional and void *ab initio* for violating the one-year bar rule under Article XI, Section 3(5) of the Constitution and the constitutional requirements of due process."[5] The Articles of Impeachment declared as unconstitutional pertain to the fourth impeachment complaint

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1 CONST., art. XI, sec. 1.
2 *Id.*
3 CONST., art. XI, sec. 2.
4 *Duterte v. House of Representatives*, G.R. Nos. 278353 and 278359, July 25, 2025 [Per S.A.J. Leonen, *En Banc*].
5 *Ponencia*, p. 12, *citing Duterte v. House of Representatives*, G.R. Nos. 278353 and 278359, July 25, 2025 [Per S.A.J. Leonen, *En Banc*] at 95.

that was transmitted to the plenary of the House of Representatives and included as an Additional Reference of Business of the 19th Congress's 36th Session, alongside the first three impeachment complaints.[6]

Thereafter, the following pleadings were filed: (1) Motion for Reconsideration filed by respondent House of Representatives, through the Office of the Solicitor General; (2) Consolidated Motion with Leave of Court to Intervene and to Admit Attached Omnibus Motion for Reconsideration, Status Quo Ante Order, and for Oral Arguments filed by movant-intervenors 1Sambayan Coalition, Cielo D. Magno, Dante B. Gatmaytan, Christian S. Monsod, Katrina Diane Noelle C. Monsod, Gen. Noel A. Baraceros, Bishop Gerardo A. Alminaza, Father Odine L. Areola, Fr. Geowen A. Porcincula, Fr. Joselito S. Sarabia, Fr. Emmanuel Alfonso, Pastor Eduardo P. De Guzman, and members of San Beda College Alabang Human Rights Center, namely Aramaine P. Balon, Gloriette Marie C. Abundo, Elvie T. Amiscosa, Gillian Aia G. Capili, Sarah Katrina T. Maralit, and Charmae Ann Sherina Maravilla; (3) Motion for Reconsideration *Ad Cautelam* filed by movant-intervenors Percival V. Cendaña, as a member of the House of Representatives, Sylvia Estrada Claudio, Francis Joseph A. Dee, Teresita Quintos Deles, Eugene Louie P. Gonzalez, Ma. Yvonne Christina C. Jereza, Alicia Murphy, and Filomena Cinco; (4) Omnibus Motion for Leave to Intervene, Adopt the Comment filed by Respondent House of Representatives dated March 6, 2025 as their Comment in Intervention, and to Admit the Attached Motion for Reconsideration filed by movant-intervenors ACT Teachers Partylist Representative Antonio Tinio, KABATAAN Partylist Representative Renee Louise Co, France Castro, Arlene Brosas, Raoul Manuel, Liza Largoza Maza, Teodoro A. Casiño, Renato M. Reyes, Jr., Eufemia P. Doringo, Modesto Floranda, and Amirah Lidasan; and (5) Omnibus Motion for Leave to Intervene and Motion for Reconsideration in Intervention, filed by Reverend Father Antonio Labiao, Jr., Reverend Father Joel Saballa, Reverend Father Ruben Villanueva, Wilfredo G. Villanueva, Pinky L. Tam, Union of Peoples' Lawyers in Mindanao, and Maria Loreto A. Lopez.[7]

Petitioners Atty. Israelito Torreon et al. (Torreon et al.) then filed on August 13, 2025, their Comment to the Motion for Reconsideration. Likewise, on August 18, 2025, Torreon et al. filed their Opposition to the Motions to Intervene (with Motion to Expunge Submissions), seeking the denial of the intervenors' Motion for Reconsideration and to strike off these Motions from the records of the case. Also, they subsequently filed a Consolidated Comment/Opposition *Ad Cautelam* dated August 14, 2025, reiterating the same arguments they raised in their Comment to the Motion for Reconsideration; and a Supplemental Opposition dated August 15, 2025,

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6 *Id.* at 10.

7 *Id.* at 7–8. (Citations omitted)

mainly arguing that the intervenors lack legal interest in the case and that their Motions were filed out of time.[8]

For her part, petitioner Vice President Sara Z. Duterte (Vice President Duterte) filed her Comment to the Motion for Reconsideration on August 18, 2025.[9]

The issues for this Court's resolution, as taken from the arguments raised in the Motion for Reconsideration of respondent House of Representatives, include the following:

> *First*, whether respondent House of Representatives committed grave abuse of discretion in the interpretation and application of their Rules of Impeachment in relation to the provisions of the Constitution;
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> *Second*, whether the [respondent] House of Representatives had the discretion to choose which mode of impeachment to prioritize among several impeachment complaints; and
>
> *Third*, whether petitioner [Vice President] Duterte's right to due process was violated when the House of Representatives transmitted the fourth impeachment complaint to the Senate.[10]

In the dispositive portion, the *ponencia* ruled as follows:

> **ACCORDINGLY,** the Motion for Reconsideration is **DENIED WITH FINALITY**.
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> . . . .
>
> The following Motions are **NOTED**:
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> . . . .
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> The Resolution is **IMMEDIATELY EXECUTORY.** It shall be deemed served on petitioners and released upon publication in the Supreme Court website and receipt of the parties of their digital copy in accordance with A.M. No. 25-05-16-SC or the Guidelines on the Transition to Electronic Filing in the Supreme Court.
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> No further pleadings are allowed.
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> Let entry of judgment be issued **IMMEDIATELY.**
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> **SO ORDERED.**[11] (Emphasis in the original)

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8 *Id.* at 13–14. (Citations omitted)
9 *Id.* at 14.
10 *Id.* at 15.
11 *Id.* at 46–48.

I concur with the disposition of the Motion for Reconsideration of respondent House of Representatives. However, in so ruling, the *ponencia* cites that the "Respondents [particularly the House of Representatives] were therefore not able to comply with Article XI, Section 3(2) by putting the three endorsed impeachment complaints in the Order of Business of the House of Representatives within 10 session days. Thus, the fourth impeachment complaint, even if endorsed by more than one-third of all the members of the House of Representatives, is barred by Article XI, Section 3(5) of the Constitution."[12] This apparently sets aside the basis of the July 25, 2025 Decision of the Court, which held that:

> Respondents were able to comply with Article XI, Section 3(2) by putting the three endorsed impeachment complaints in the Order of Business of the House of Representatives. However, since the 19th Congress terminated, the three impeachment complaints became unacted upon. Since these complaints were archived, they were effectively terminated and dismissed.
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> . . . the filing of the Articles of Impeachment under a different mode, namely Article XI, Section 3(4), is different from Article XI, Section 3(2). It is a separate and distinct mode of initiating an impeachment complaint. Therefore, it is already ***barred*** by Article XI, Section 3(5).
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> The one-year bar is reckoned from the time an impeachment complaint is dismissed or no longer viable.[13] (Emphasis in the original)

The above pronouncements, among others, are the underpinning reasons of the Court in ruling that:

1. the subsequent filing of the fourth impeachment complaint, which served as the Articles of Impeachment under Article XI, Section 3(4) against Vice President Duterte, and its transmittal by the House of Representatives to the Senate of the 19th Congress, is considered to be a separate and distinct mode of initiating the impeachment process, so that the Articles of Impeachment has been "**DECLARED BARRED BY ARTICLE XI, SECTION 3(5) OF THE CONSTITUTION**" and therefore is "**UNCONSTITUTIONAL** and [is] deemed **NULL** and **VOID** ***AB INITIO***;"[14] and

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[12] *Id.* at 43.

[13] *Duterte v. House of Representatives*, G.R. Nos. 278353 and 278359, July 25, 2025 [Per S.A.J. Leonen, *En Banc*] at 3–4. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

[14] *Id.* at 95. (Emphasis in the original)

2. the Senate **"DID NOT ACQUIRE** jurisdiction to constitute itself into an impeachment court."[15]

Save for some rulings that I concur with, and no longer specifically discussed herein, I respectfully submit my Separate Opinion to the *ponencia*.

There was grave abuse of discretion on the part of the House of Representatives in archiving the first three impeachment complaints and transmitting the fourth impeachment complaint to the Senate

It is undisputed that, on separate dates, four impeachment complaints were filed before the House of Representatives against respondent Vice President Duterte:

1. On December 2, 2024, private individuals and various organizations, led by Teresita Quintos Deles, Fr. Flaviano Villanueva, and Gary Alejano, among others, filed the ***first impeachment complaint***;

2. On December 4, 2024, another group of complainants led by the Bagong Alyansang Makabayan filed a ***second impeachment complaint***;

3. On December 19, 2024, a coalition of religious workers, lawyers, and civil society members, led by Father Antonio E. Labiao and Father Joel Saballa of the Diocese of Novaliches, and Carmelite priests Father Rico Ponce and Father Esmeraldo Reforeal, lodged a ***third impeachment complaint***; and

4. On February 5, 2025, a ***fourth impeachment complaint*** was filed and endorsed 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(5) of the Constitution, as implemented by Rule II, Section 2(c) of the its 2023 Rules of Procedure in Impeachment Proceedings (House Rules on Impeachment).[16]

The grounds alleged in the first three complaints include the following: (a) unaccounted or misused confidential and intelligence funds amounting to PHP 612.5 million from 2022 to 2025 with the Office of the

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[15] *Id.* (Emphasis in the original)

[16] *Ponencia*, pp. 8–10. (Citations omitted)

Vice President and the Department of Education; (b) fabricated or falsified liquidation reports; (c) defiance of congressional oversight during budget deliberations; (d) unexplained wealth and omissions in the vice president's Statement of Assets, Liabilities, and Net Worth; (e) procurement irregularities in her capacity as Secretary of Education; (f) public threats to kill or contract an assassin to kill the President, the First Lady, and the Speaker of the House of Representatives; (g) alleged involvement in Davao Death Squad killings in 2011 to 2013 and 2016 to 2022; and (h) other high crimes and moral unfairness or psychological incapacity.[17]

As established, 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. It was confirmed as well that 215 members of the House of Representatives had signed and verified the fourth impeachment complaint. It was Representative and House Majority Leader Manuel Jose Dalipe (Majority Leader Dalipe) who affirmed that the one-third constitutional threshold had been met, and thereafter, he moved for the immediate endorsement of the fourth impeachment complaint to the Senate. As no one objected to the motion, the Speaker of the House of Representatives then directed the Secretary General to immediately endorse the fourth impeachment complaint to the Senate, which thereby was constituted as the Articles of Impeachment. With 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, which was not objected to as well. Thus, the Speaker of the House of Representatives ordered the archiving of the first three impeachment complaints.[18]

Thereafter, on February 18, 2025, two separate Petitions for *Certiorari* and Prohibition were filed before the Court by Vice President Duterte and a group of lawyers led by Atty. Torreon, challenging the constitutionality of the fourth impeachment complaint. Eventually, and as earlier discussed, the Court decided to "*partially grant*" the Petitions declaring, among others, in its July 25, 2025 Decision that:

> ***It is clear that the impeachment complaint commenced through Article XI, Section 3(2) is different from the impeachment complaint filed through Section 3(4). In light of the archiving, dismissal, or rendering of the first three complaints as functus officio, the Articles of Impeachment filed on February 5, 2025 is therefore barred because of the violation of the one-year bar under Section 3(5).***[19]

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17 *Id.* at 9.

18 *Id.* at 10.

19 *Duterte v. House of Representatives*, G.R. Nos. 278353 and 278359, July 25, 2025 [Per S.A.J. Leonen, *En Banc*] at 75.

Clearly, these rulings were "the right way to do the right thing at the right time," which is what upholding "the Rule of Just Law"[20] is all about, particularly regarding the two modes of filing an impeachment complaint, which have been identified as follows:

> The ***first mode*** [under Article XI, Section 3(2) of the Constitution] is by a "verified complaint" by a citizen or member of the House of Representatives, which should be included in the Order of Business and referred to the House Committee on Justice. The Committee shall conduct a hearing, and by a majority vote of the Committee members, shall submit its Report and its corresponding Resolution to the House to be calendared for deliberation. The House may then, by a vote of [one-third] of all its members, either affirm the Committee's Resolution or override it, as the case may be. The Resolution, if affirmed, shall constitute the Articles of Impeachment.
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> The ***second mode*** under Article XI, Section 3(4) is a "verified complaint or resolution" of impeachment filed by at least one-third of all the members of the House of Representatives.[21] (Emphasis supplied)

It is not proper, therefore, to focus on just another ground now, no matter how sound it may be, as if to change the outcome of the earlier July 25, 2025 Decision of the Court as the *ponencia* now seemingly suggests.

i. ***Archiving is a mode of disposing impeachment complaints***

At the time the Petitions were decided, it was already noted that the first three impeachment complaints were not acted upon by the House of Representatives and, instead, the same were later "archived," thus:

> ***These impeachment complaints were included in the caucus of February 5, 2025 and later in the Order of Business through an Additional Reference of Business within the constitutionally required 10 session days after the endorsement of the first complaint. The House of Representatives, however was unable to act on the first three impeachment complaints because of the adjournment of the 19th Congress. The impeachment complaints were neither referred to the Committee on Justice nor deliberated or voted upon by the members. They were in fact declared by the House as "archived."***[22] (Emphasis in the original)

By reason of the said archiving of the first three complaints, it was ruled that ***"[f]or constitutional purposes, the first three complaints were***

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[20] *Id.* at 95.
[21] *Id.* at 43–44.
[22] *Id.* at 56.

effectively dismissed" so that "***the fourth impeachment complaint and the Articles of Impeachment from it are barred.***"[23]

There is absolutely nothing wrong with this ruling. Indeed, Article XI, Section 3(2)[24] of the Constitution, which governs the procedures when an impeachment complaint is filed by any Member of the House of Representatives or any citizen upon a resolution of endorsement by any Member thereof, does not provide at all for any archiving of such a complaint. No power was given by the Constitution to the House of Representatives to archive impeachment complaints filed before it. Simply put, the House of Representatives should act on an impeachment complaint, in accordance with its rules as guided by the Constitution, by dismissing it or giving it due course, in which case it should transmit the impeachment complaint initiated under any of the first two modes provided for in Article XI, Section 3(2), to the Senate for trial.

Certainly, when the respondent House of Representatives introduced the concept of "archiving" the first three impeachment complaints during its session last February 5, 2025, and acted only on the fourth impeachment complaint by transmitting it to the Senate post-haste on the same day, it did so without any authority whatsoever, either in House Rules on Impeachment, the Constitution, or even in jurisprudence. There is no basis at all for such archiving and, instead, this is utterly violative of the proceedings required for impeachment complaints filed under the first mode sanctioned by Article XI, Section 3(2).

Undeniably, impeachment complaints cannot simply be archived to avoid their resolution or to render these as insignificant for purposes of the one-year bar rule. To allow this is to sanction a completely baseless, abusive, and arbitrary act, not to mention being entirely unconstitutional. It is an imaginative mode of disposition that does not stand on any solid ground.

Again, the act of archiving that the House of Representatives did regarding the first three impeachment complaints operated as an effective dismissal thereof, thereby resulting in the constitutional one-year bar against the fourth impeachment complaint, or the Articles of Impeachment that were invalidly transmitted to the Senate. Nothing is more evident.

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[23] *Id.* at 56–57.

[24] CONST., art. XI, sec. 3(2) reads:
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.

More importantly, it must be emphasized that any act of "archiving" and the ruling against it applies only to impeachment complaints initiated via the first mode. It finds no application for impeachment complaints filed pursuant to the second mode. After all, it is a no-brainer that an impeachment complaint once endorsed by at least one-third of the Members of the House of Representatives cannot be archived. Doing so is not only constitutionally infirm but also downright preposterous.

ii. ***The fourth impeachment complaint is covered by the one-year bar rule***

In its July 25, 2025 Decision, the Court stood firm in its finding that *Francisco, Jr. v. House of Representatives*[25] did not foresee a situation where the House of Representatives deliberately refrains from acting on duly filed impeachment complaints, as in this case. The Court, in *Francisco*, "was tasked to determine when a complaint was deemed initiated. Despite arguments that the issue was a political question, considering that it was a political body that was given the exclusive power by the Constitution [to conduct impeachment proceedings], this Court proceeded to hold that a complaint was deemed initiated upon the filing and referral or endorsement to the House Committee on Justice, or by the filing of at least one-third of the members of the House."[26]

In the herein decided case of Vice President Duterte, pursuant to the July 25, 2025 Decision of the Court, what was adopted was a more nuanced definition and understanding of initiation, faithful as to when the one-year bar should be considered, *viz.*:

> ***Hence, a nuanced approach is warranted to remain faithful to the purpose of the one-year bar, given the impossibility of initiation due to the House's inaction and adjournment of its term. The one-year bar should be reckoned from the initiation of the impeachment complaint if unacted upon or when it is dismissed if it has been partially acted upon. The one-year bar may also start to commence upon the violation of the fundamental rights of the respondent which ousts the House or the Senate of its jurisdiction.***
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> ***In this case, the [first] three impeachment complaints were properly endorsed within the 10-session-day constitutional requirement. However, the three impeachment complaints were archived and therefore deemed terminated or dismissed on February 5, 2025.***

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25 460 Phil. 830 (2003) [Per J. Carpio-Morales, *En Banc*].

26 *Duterte v. House of Representatives*, G.R. Nos. 278353 and 278359, July 25, 2025 [Per S.A.J. Leonen, *En Banc*] at 42.

> ***Therefore, no new impeachment complaint, if any, may be commenced earlier than February 6, 2026.***[27] (Emphasis in the original)

With the first three impeachment complaints having been considered as "dismissed," the fourth impeachment complaint that was filed and transmitted to the Senate by the House of Representatives on the same day, February 5, 2025, was correctly declared as violative of the one-year bar rule.

The July 25, 2025 Decision ruled that the "Senate **DID NOT ACQUIRE** jurisdiction to constitute itself into an impeachment court"[28] since the fourth impeachment complaint transmitted to it was covered by the one-year bar rule, so much so that all its proceedings, including receiving the Answer from respondent Vice President Duterte, ended up being invalid. In addition, "accountability" is all about the conduct of valid proceedings, not about statements or actions that flow or are sourced from flawed proceedings.

Undoubtedly, an unconstitutional fourth impeachment complaint cannot give rise to a valid transmittal thereof by the House of Representatives to the Senate. Instead, the declaration about when another impeachment complaint may be filed, if any, against petitioner Vice President Duterte by February 6, 2026, should prevail as directed by the Court in its assailed July 25, 2025 Decision. After all, and as often repeated, the Court did "***not absolve petitioner Duterte from any of the charges. Any ruling on the charges against her can only be accomplished through another impeachment process, followed by a trial and conviction by the Senate.***"[29]

Essentially, the declaration by the Court that the fourth impeachment complaint against Vice President Duterte is barred by the one-year bar rule as provided in Article XI, Section 3(5),[30] of the Constitution was the right call. The archiving of the first three impeachment complaints simply triggered this.

Article XI, Section 3(2) requires that a verified impeachment complaint be immediately put in the Order of

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27 *Id.* at 77–78.
28 *Id.* at 95. (Emphasis in the original)
29 *Id.* at 5. (Emphasis in the original)
30 CONST., art. XI, sec. 3(5) reads:
No impeachment proceedings shall be initiated against the same official more than once within a period of one year.

Business within 10 session days from endorsement

The *ponencia* now posits that "for the initiation stage of impeachment which is a constitutional process, a session day is ***a calendar day in which the House of Representatives holds a session***. This aligns with the primordial value of accountability of impeachable public officials and therefore that impeachment proceedings should be accorded the weight and priority that it is due."[31]

Under Article XI, Section 3(2) of the Constitution, the constitutional periods to be observed by the House of Representatives in impeachment proceedings are as follows:

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

Based thereon, the *ponencia* cited that "[t]here are two approaches in interpreting the length of a session day: first, how respondent House applies it; and second, how the wording in the Constitution is to be interpreted within its plain, ordinary meaning. Ultimately, interpreting the Constitution is a judicial function. The role of the Judiciary is to give spirit to the values of every provision of the Constitution in light of its entire context and the present social reality."[32]

Considering the above, and after looking into the tabulated session days of the first three impeachment complaints,[33] it was concluded that "the 10 session days should be reckoned from the filing and endorsement of the first impeachment complaint on December 2, 2024. Thus, respondent House had until January 14, 2025 to include it in the Order of Business and until January 21, 2025 to refer it to the proper committee."[34] It was then concluded that "***[s]ince the first impeachment complaint failed to follow***

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31 *Ponencia*, pp. 42–43.
32 *Id.* at 29.
33 *Id.* at 29–30, *citing* J. Inting, Separate Concurring and Dissenting Opinion, pp. 3–4.
34 *Id.* at 30.

the constitutional periods, any succeeding complaints are barred by Article XI, Section 3(5)."[35]

Simply put, and as repeated in the *ponencia* to which we agree, "[r]espondents were therefore not able to comply with Article XI, Section 3(2) by putting the three endorsed impeachment complaints in the Order of Business of the House of Representatives within 10 session days. Thus, the fourth impeachment complaint, even if endorsed by more than one-third of all the members of the House of Representatives, is barred by Article XI, Section 3(5) of the Constitution."[36] This implies that the non-inclusion of the first three impeachment complaints in the Order of Business of the House of Representatives within the 10-day session period was deemed as proceedings or incidents that rendered them dismissed or no longer viable which set into motion the one-year bar rule.

At this point, there is no compelling reason to question such finding. We subscribe to the pronouncement that "the prescribed timelines under the Constitution, are self-executing provisions that do not need legislation to take effect. Otherwise, they would be rendered ineffective by the action or inaction of Congress."[37]

Indeed, while aware that for legislative purposes, "a session day follows the interpretation of the House, which is not equivalent to a calendar day," but still, "for the initiation stage of impeachment which is a constitutional process, a session day is ***a calendar day on which the House of Representatives holds a [plenary] session.***"[38] After all, impeachment proceedings cannot be subject to arbitrary legislative whims as these are "proceedings [that] should be accorded the weight and priority that it is due."[39]

Referral to a committee of an impeachment complaint under the second mode

The *ponencia* recognized that "the House of Representatives of the 19th Congress provided in Section 2 of its Rules of Impeachment that the complaint be referred to the Committee on Justice. Granting respect to the ability of the House of Representatives to craft its own rules, and the presumption of constitutionality, we interpret that to mean that the referral to

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35 *Id.* (Emphasis in the original)
36 *Id.* at 4.
37 *Id.* at 28, *citing* J. Lazaro-Javier, Separate Opinion, p. 7.
38 *Id.* at 42.
39 *Id.* at 43.

the Committee for complaints under the second mode of initiating an impeachment complaint, that is when there is at least one-third of all its members who have endorsed and verified, is ***not mandatory.***"[40]

To be clear, Rule II, Section 2 of the House Rules on Impeachment, provides that:

> SECTION 2. *Mode of Initiating Impeachment.* – Impeachment shall be initiated by the ***filing and subsequent referral to the Committee on Justice*** of:
>
> a. a verified complaint for impeachment filed by any Member of the House of Representatives or;
> b. a verified complaint filed by any citizen upon a resolution of endorsement by any Member thereof; or
> c. a verified complaint or resolution of impeachment filed by at least one-third (1/3) of all the Members of the House. (Emphasis supplied)

In turn, the same House Rules on Impeachment has a rule devoted entirely to the complaint of at least one-third of the members of the House of Representatives, particularly Rule IV, Section 14 thereof, which reads as follows:

> 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.

There is no doubt that the specific provision on the verified complaint/resolution of impeachment filed by at least 215 members of the House of Representatives, comprising at least more than the required one-third membership of the said legislative chamber, right away constituted the Articles of Impeachment against Vice President Duterte that should "be endorsed to the Senate in the same manner as an approved bill of the House." This being so, ***in transmitting the Articles of Impeachment to the Senate on February 5, 2025, without letting this pass through the House Committee on Justice as suggested in Rule II, Section 2(c), such action was also in accordance with its own House Rules on Impeachment and consistent with Rule IV, Section 14.***

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[40] *Id.* at 44.

Moreso, Rule IV, Section 14 is in complete accord and does not conflict with Article XI, Section 3(4) of the Constitution since "[i]n 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." There is no requirement in the Constitution that the verified complaint or resolution under the second mode of filing an impeachment complaint, as contemplated in Article XI, Section 3(4), must still pass through the House Committee on Justice. Thus, when the House of Representatives decided to transmit the fourth impeachment complaint against Vice President Duterte that was signed and verified by at least one-third of all the members of the House of Representatives, or 215 of its members, it was sanctioned by its own House Rules on Impeachment and consistent with the pertinent constitutional provision on the matter. This notwithstanding what is stated in Rule II, Section 2(c), whether its language is mandatory or not.

Still, the Court cannot at this time impose its own reading of the House Rules on Impeachment, whether expressly or impliedly, when this is not at issue. Moreso, the Court cannot dwell on how Rule II, Section 2 in its entirety should be understood, or the purposes for which these were formulated or how this should be implemented, when the House of Representatives has other specific provisions in the House Rules on Impeachment, like Rule IV, Section 14, that will guide its actions as well when it comes to impeachment complaints, especially those filed under the second mode.

Thus, it is not correct to insist that, in the second mode of filing an impeachment complaint, a referral to the Committee on Justice, whether mandatory or not, or the need for a comment from the respondent, should be observed even on the pretext that "[t]he Committee's process under the second mode is more expedited. It merely requires that the Committee ensure that the respondent has been given the opportunity to comment on the allegations and ensure that the complaint was properly verified."[41] There is no basis for this requirement or interpretation when reckoned with the clear provisions of Article XI, Section 3(4) of the 1987 Constitution.

Lest it be forgotten, "'[C]ourts of justice have no jurisdiction or power to decide a question not in issue' and that a judgment going outside the issues and purporting to adjudicate something upon which the parties were not heard is not merely irregular, but extrajudicial and invalid."[42] Evidently, there is no need to rule on the interpretation of Rule II, Section 2 of the House Rules on Impeachment regarding the second mode of filing an

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41 *Id.* at 25.

42 *Chinatrust (Phils.) Commercial Bank v. Turner*, 812 Phil. 1, 17 (2017) [Per J. Leonen, Second Division], *citing Bernas v. Court of Appeals*, 296-A Phil. 90, 140 (1993) [Per J. Padilla, *En Banc*].

impeachment complaint, particularly on ***whether or not what is required in Rule II, Section 2(c), on referral of the complaint to a committee, is mandatory or not mandatory***. After all, there is Rule IV, Section 14, specifically pertaining to the second mode as well, which does not require such referral.

As held in the July 25, 2025 Decision of the Court, "[t]he one-year bar is reckoned from the time an impeachment complaint is dismissed or no longer viable."[43] With the first three impeachment complaints being considered effectively dismissed already, the fourth impeachment complaint against Vice President Duterte is the one simply covered by the one-year bar rule. Essentially, the one-year bar rule is not about violations of the House Rules on Impeachment, rather, it involves ***barring impeachment proceedings on an impeachment complaint*** that was preceded by an earlier impeachment complaint, whether filed under the first mode (based on Article XI, Section 2(2)) or second mode (based on Article XI, Section 2(4)), or that has been dismissed or no longer viable, as in this case. To reiterate, the fourth impeachment complaint cannot prosper since this is forbidden by the one-year bar rule, and its transmittal to the Senate, whether valid or not, cannot cure it.

Again, it was highlighted in *Francisco* that the one-year bar "will be reckoned from the initiation of the ***impeachment complaint***[.]"[44] In *Gutierrez v. House of Representatives Committee on Justice*,[45] the Court considered as "unconstitutional the act of referring an ***impeachment complaint*** that is covered by the one-year bar[.]"[46] What triggers the application of Article XI, Section 3(5) of the Constitution is a subsequent impeachment complaint that was preceded by an earlier impeachment complaint attended by due proceedings, or that was either dismissed or no longer viable, nothing more, nothing less.

The right to due process regarding the proceedings involving the fourth impeachment complaint

i. ***Article XI, Section 3(4) requires no guidelines on due process***

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43 *Duterte v. House of Representatives*, G.R. Nos. 278353 and 278359, July 25, 2025 [Per S.A.J. Leonen, *En Banc*] at 4.

44 *Id.* at 76.

45 660 Phil. 271 (2011) [Per. J. Carpio-Morales, *En Banc*].

46 *Duterte v. House of Representatives*, G.R. Nos. 278353 and 278359, July 25, 2025 [Per S.A.J. Leonen, *En Banc*] at 77.

The Constitution is very clear, pursuant to Article XI, Section 3(4), "***[i]n 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.***" This constitutional provision leaves no room for interpretation, much less is it required to be covered by guidelines laid down by the Court on due process, as proposed in the July 25, 2025 Decision.

Article XI, Section 3(4) explicitly mandates that, when at least one-third of the members of the House of Representatives "files" an impeachment complaint, then "trial by the Senate shall forthwith proceed." Thus, so long as the complaint or resolution of impeachment is "verified" in the manner observed by the House of Representatives pursuant to its rules, no intrusion should be entertained. Moreso, no additional requirement should be imposed where none is required by the Constitution. After all, it is now up to the Senate, sitting as an impeachment court, which should deal with trying and deciding "all cases of impeachment,"[47] including issues pertaining to possible defects on proceedings before the House Committee on Justice, the verification process, or the manner of transmittal, whether initiated via the first or second mode. When an impeachment complaint is validly transmitted, it is during the subsequent trial at the Senate, the latter sitting as an impeachment court, that the right to due process of any respondent impeachable officer, at every stage of the proceedings, should be tightly guarded, faithfully observed, and uncompromisingly protected.

Unlike in some provisions of the Constitution, this particular provision, found in Article XI, Section 3(4), is self-executing, as it is complete and requires no legislative action. As held in *Manila Prince Hotel v. Government Service Insurance System*,[48] "a provision which is complete in itself and become[s] operative without the aid of supplementary or enabling legislation, or that which supplies sufficient rule by means of which the right it grants may be enjoyed or protected, is self-executing. Thus[,] ***a constitutional provision is self-executing if the nature and extent of the right conferred and the liability imposed are fixed by the constitution itself, so that they can be determined by an examination and construction of its terms, and there is no language indicating that the subject is referred to the legislature for action.***"[49]

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47 CONST., art. XI, sec. 3(6) reads:
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.

48 335 Phil. 82 (1997) [Per J. Bellosillo, Second Division].

49 *Id.* at 102.

It was correctly decreed that "***[i]n light of the archiving, dismissal, or rendering of the first three complaints as functus officio, the Articles of Impeachment filed on February 5, 2025 is therefore barred because of the violation of the one-year bar under Section 3(5).***"[50] As such, nothing more is needed to protect the interest of Vice President Duterte as a respondent impeachable officer by reason of such ruling and she cannot be subject to impeachment proceedings regarding the fourth impeachment complaint.

ii. ***The rules of Congress on impeachment proceedings must be respected***

As aptly quoted, the House Rules on Impeachment provided the manner by which a verified complaint/resolution by one-third of the members of the House of Representatives will be processed, 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:
>
> "*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 behalf on the basis of our reading and appreciation of documents and other records pertinent thereto.*
>
> _____"
>
> (Signature)[51]

While Vice President Duterte is entitled to basic due process protection in the impeachment proceedings, this is only insofar as may be

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[50] *Duterte v. House of Representatives*, G.R. Nos. 278353 and 278359, July 25, 2025 [Per S.A.J. Leonen, *En Banc*] at 75. (Emphasis in the original)

[51] *Ponencia*, pp. 19–20, *citing* Rules of Procedure in Impeachment Proceedings (2023), sec. 14. (Citations omitted)

prescribed, as applied in this case, by the 19th Congress's House Rules on Impeachment. To reiterate, a verified impeachment complaint/resolution under the second mode is governed by Rule IV, Section 14 of the 19th Congress's House Rules on Impeachment, which clearly provides that a verified complaint/resolution of impeachment filed by at least one-third 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 of Representatives. This rule is derived from Article XI, Section 3(4) of the Constitution.

When the aforementioned rule is observed, it cannot be said that Vice President Duterte was not afforded due process on the fourth impeachment complaint that was filed, endorsed, and transmitted to the Senate on the same day. A reading of certain provisions of Article XI, Section 3 of the Constitution would sustain this position. It states:

> Section 3. (1) The House of Representatives shall have the exclusive power to initiate all cases of impeachment.
>
> (2) A verified complaint for impeachment may be filed by any Member of the House of Representatives or by any citizen upon a resolution or endorsement by any Member thereof, which shall be included in the Order of Business within ten session days, and referred to the proper Committee within three session days thereafter. The Committee, ***after hearing***, and by a majority vote of all its Members, shall submit its report to the House within sixty session days from such referral, together with the corresponding resolution. The resolution shall be calendared for consideration by the House within ten session days from receipt thereof.
>
> (3) A vote of at least one-third of all the Members of the House shall be necessary either to affirm a favorable resolution with the Articles of Impeachment of the Committee, or override its contrary resolution. The vote of each Member shall be recorded.
>
> (4) ***In case the verified complaint or resolution of impeachment is filed by at least one-third of all the Members of the House, the same shall constitute the Articles of Impeachment, and trial by the Senate shall forthwith proceed.*** (Emphasis supplied)

It must be stressed that only when the impeachment complaint is initiated pursuant to the first mode under Article XI, Section 3(2) of the Constitution, will the appropriate Committee, in this case, the House Committee on Justice, be involved. Insofar as an impeachment complaint initiated via the second mode under Article XI, Section 3(4) of the Constitution is concerned, there is no mention at all of any committee involvement. The *ponencia* even substantially subscribes to or concurs with this when it recognized "the ***optional referral to the Committee on Justice provided by the opening paragraph of Section 2 in relation to Subsection***

(c) of the same provision,"[52] or, stated differently, that the referral to a committee under the second mode of initiating an impeachment complaint is ***not mandatory***.

Thus, it may not be appropriate to maintain that "the House of Representatives has the prerogative to determine that the requirements of the second mode of initiating a complaint under Article XI, Section 3(4)—that it is properly verified, ***accompanied with*** evidence and ***the respondent's comment***, if any, and endorsed by at least one-third of all its members—have been met."[53]

Again, if the framers of the Constitution intended to require a ***comment*** in relation to an impeachment complaint under the second mode, or requiring a "***verification of the appropriate committee***"[54] regarding the determination of the requirements of the second mode of initiating a complaint under Article XI, Section 3(4), such intent should have been duly embodied in the subject provision. Instead, the framers proceeded to state that the trial by the Senate shall forthwith proceed.

As a legislative process, the drafting of the rules on impeachment proceedings should be left to the discretion of Congress. Indeed, the House of Representatives should be accorded "*its competence and power as the legislative branch of government in promulgating its Rules on Impeachment.*"[55] The 19th Congress's House Rules on Impeachment manifest the intention to treat differently the verified complaint or resolution of impeachment filed by at least one-third of all members of the House of Representatives. Precisely, and as previously discussed, the House Rules on Impeachment allotted a separate rule to govern the same.

Following the above rule, the Secretary General has a direct participation when it comes to impeachment complaints initiated via the second mode, particularly to meet the requirement that the complaint/resolution is "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."[56] Thereafter, the Articles of Impeachment under the second mode should no longer undergo the same procedure as a bill that goes through at least three readings, but instead, be treated as "an approved bill of the House"[57] that is past such or other unmentioned stages. To require otherwise may constitute judicial overreach.

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52 *Id.* at 25. (Emphasis in the original)
53 *Id.* at 43. (Emphasis supplied)
54 *Id.* at 43–44. (Emphasis supplied)
55 *Id.* at 21. (Emphasis in the original)
56 Rules of Procedure in Impeachment Proceedings (2023), sec. 14.
57 *Id.*

Thereafter, and upon transmittal of the Articles of Impeachment from the House of Representatives to the Senate, the Senate Rules of Procedure on Impeachment Trials per Senate Resolution No. 39,[58] or the Senate Rules on Impeachment will now govern. Here, the impeached officer shall be notified and given an opportunity to be heard, as such:

> VII. Upon the presentation of articles of impeachment and the organization of the Senate as hereinbefore provided, a writ of summons shall be issued to the person impeached, reciting or incorporating said articles, and notifying him/her to appear before the Senate upon a day and at a place to be fixed by the Senate and named in such writ, and to file his/her Answer to said articles of impeachment within a non-extendible period of ten (10) days from receipt thereof; to which the prosecutors may Reply within a non-extendible period of five (5) days therefrom; and to stand to and abide by the orders and judgments of the Senate.
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> . . . .
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> IX. The person impeached shall then be called to appear and answer the articles of impeachment against him/her. If he/she appears, or any person for him/her, the appearance shall be recorded, stating particularly if by himself/herself, or by agent or counsel, naming the person appearing and the capacity in which he/she appears. If he/she does not appear, either personally or by agent or counsel, the same shall be recorded.
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> . . . .
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> XIII. Counsel for the parties shall be admitted to appear and be heard upon an impeachment: *Provided*, That counsel for the prosecutors shall be under the control and supervision of the panel of prosecutors of the House of Representatives.
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> . . . .
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> XV. Witnesses shall be examined by one person on behalf of the party producing them, and then cross-examined by one person on the other side.

The Senate Rules on Impeachment do not distinguish between an impeachment complaint that was initiated via the first mode vis-à-vis an impeachment complaint filed pursuant to the second mode. Clearly, then, the due process rights being extended by the Senate Rules on Impeachment apply in both modes of initiation. This just goes to show that it is before the Senate, which has the sole power to try and decide all cases of impeachment, where due process must be faithfully observed, as is so done in accordance with its rules. The impeached officer, therefore, is not deprived of his or her right to due process for impeachment complaints filed under the second

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[58] Entitled "Resolution Adopting the Rules of Procedure on Impeachment Trials" (2011).

mode simply because the guidelines set by the Court or being contemplated in the *ponencia* are not complied with.

Instead, even more than the Court, which gives utmost deference and respect to the impeachment rules of both the House of Representatives and the Senate, should not formulate its own guidelines that must be followed mandatorily by Congress. It is the complete absence of due process that the Court should be vigilant about and guard against, not one that recognizes it even if, based on the Court's own assessment, it needs improvement.

Essentially, the core issue raised in the Petitions is the unconstitutionality of the fourth impeachment complaint, not primarily the imagined lack of due process that Vice President Duterte was supposedly deprived of. Still, and if at all, the issue of due process is relevant to the first three impeachment complaints since no proceedings were conducted at all with respect thereto, depriving Vice President Duterte of her right to be heard regarding the same. Instead, these were archived when they were included in the Order of Business of the House of Representatives during its session held on February 5, 2025. However, in resolving the constitutionality or unconstitutionality of the fourth impeachment complaint, the issue of due process is not the core issue that should result in establishing due process requisites not explicitly provided for in the Constitution when it comes to impeachment proceedings initiated pursuant to the second mode.

Impeachment is a legislative process

Historically, our impeachment process has been greatly influenced by foreign governments, particularly the United States, after which we patterned our own impeachment system. Judicial intervention may perhaps come in post-impeachment, or simultaneously thereto, such as in the criminal prosecution of the concerned official for the impeachable offenses committed while in office. In this sense, the impeachment process is inherently vested in the legislative branch, with the legislators, particularly the Senators, assuming the role of "pseudo judges" or "pseudo jurists." The following disquisitions during the hearings of the Constitutional Commission support this stance:

> MS. AQUINO [Commissioner Felicitas S. Aquino].
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> . . . .
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> Impeachment originated in England but it had been in disuse for one century and a half ago. In fact, the last time it was used was sometime in the first years of the 19th century. It had been partly discredited and proven to be practically obsolete when the English countries adopted the principle of ministerial responsibility, such that in the trend of legal

history, there was a growing tendency to vest the powers of impeachment, not in the legislature but in the judiciary. ***This procedure of vesting impeachment powers in the legislature found its way in the constitutions of the American colonies and eventually in the Constitution of the United States.***

. . . .

I might be trailblazing here, but I am seriously considering the idea of transferring the powers of impeachment trial, after it has been initiated by the joint action of the legislative chamber to the judicial courts, the way it is being adopted now in the countries of the United States and in Europe.

. . . .

MR. MONSOD [Commissioner Christian S. Monsod]. Mr. Presiding Officer, when we were reviewing the provisions on impeachment, those same questions were asked in our discussions. The Committee decided that the presence of the impeachment provision by itself, even if it has not been successful, would act even as a deterrent if liberalized. We accepted the fact that the ***impeachment proceeding is primarily a political act***, and we are not sure that it did not serve its purpose, for example, the last time it was used, even if it appeared that it failed. The events and the sequence of decisions after that seem to indicate that the President at the time really exerted all his efforts to defeat the impeachment proceeding. This, by itself, showed that it had impact. Second, this subsequent calling of snap elections may have been influenced to some extent by the fact that there was an attempt at impeachment.

So, in terms of achieving its purpose, it being a political act, and calling the attention of the people to certain actions that would make the incumbent seek a fresh mandate from the people, keeping it in the Constitution would still serve a purpose.

As far as judicial action is concerned, the resort to judicial action for certain crimes, as the provision itself says, is still there. It does not preclude the judicial process.

. . . .

MS. AQUINO. Do I take it to mean that I am effectively foreclosed in terms of a conceptual redefinition of impeachment procedures when I would attempt to vest it in the judicial courts insofar as the presidency is concerned?

MR. MONSOD. Yes, Mr. Presiding Officer, I believe the Committee at this point believes that an overhaul in that direction might not be appropriate. But we would be amenable to other suggestions in order to make it a more effective deterrent.[59] (Emphasis supplied)

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[59] II Record, Constitutional Commission 352–353 (July 26, 1986).

MS. AQUINO. Am I in agreement with the Committee that impeachment proceedings are essentially judicial in nature?

MR. ROMULO [Commissioner Ricardo J. Romulo]. No, we believe that they are political. Judicial aspects may come in the procedures such as the forming of the articles, the actual trial being presided over by the Chief Justice, and so on. But we still believe that ***they are essentially a political act rather than a judicial act.***

MS. AQUINO. Precisely, I was very careful on my formulation of terms when I said impeachment proceedings, not impeachment power. So, we are agreed on the premise that impeachment proceedings are essentially judicial in nature. Does it follow, therefore, that when the legislative chamber sits to undertake impeachment proceedings, it sits not as a legislative body but as a judicial body; rather, it sits as a court of justice?

MR. ROMULO. In a way, they probably sit more like jurists, as finders of fact and the law, I suppose. They combine those functions. We could say that there is an exercise of judicial power involved.[60]

. . . .

MR. TREÑAS. Madam President, may I just ask a few questions of the Committee for clarification.

According to Section 3, subparagraph 2, after a complaint for impeachment is filed, it is referred to the proper committee of the House for investigation and report. My question now is: If after the investigation and report, notwithstanding the overwhelming evidence in support of the complaint for impeachment and taking into account political considerations, especially if it is an impeachment against the President and the House is controlled by his party, and necessarily the committee also, it is dismissed, the complaint is already denied; am I right?

MR. ROMULO. Yes, that is right.

MR. TREÑAS. Will the person who filed the impeachment have any remedy in view of the overwhelming evidence and the fact that the committee acted in a capricious and whimsical manner?

MR. ROMULO. Under this proposal, the answer must be "no" that is why I think Commissioner Davide has some amendments in mind to cure these gaps in the procedure.

MR. TREÑAS. May it not be subject of a judicial review?

MR. ROMULO. As the Commissioner knows, in the definition of judicial power, one might be able to secure a review by *certiorari*, but that is not an expeditious remedy. So, we are open to suggestions.[61]

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60 *Id.* at 355.
61 *Id.* at 287.

Therefore, being "***essentially a political act rather than a judicial act,***"[62] the Court must be cautious in encroaching into the constitutional powers given to Congress when proceeding to impeach impeachable officers who should be held accountable and removed from office, upon conviction, for committing offenses or violations as identified in the Constitution.

To get a full grasp of the impeachment procedure, its roots may be traced in the presidential form of government that the country currently has in place, as opposed to the parliamentary form of government that was then being contemplated. The esteemed constitutionalist Commissioner Joaquin G. Bernas explained how impeachment, although cumbersome, is considered an effective tool to make national leaders accountable:

> FR. BERNAS.
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> . . . When we classify governments on the basis of the relationship between the executive power and the legislative power, we generally classify governments into the presidential system, the parliamentary system or some kind of a combination of the two. And, as we are very familiar with the matter, we can say that the primary characteristic of the presidential form of government is separation of powers between the executive, legislative[,] and judicial branches of the government characterized by the independence of the three but with the President holding some paramount position of precedence. And for that reason, it is referred to as a presidential form of government. Moreover, in this system we have ***fixed terms*** both for the executive and for the members of the legislature.
>
> In the parliamentary system, the primary characteristic, it would seem to me, is that executive power is exercised by a Cabinet headed by a Prime Minister which for all practical purposes is a committee of the legislative body, and the executive and the members of the Cabinet ***hold office at the pleasure of the legislative body.*** In other words, it is ***without a fixed term. And the mechanism for terminating the tenure of the members of the Cabinet and of the Prime Minister is by a no-confidence vote whenever there is a fundamental difference or disagreement between the legislature and the executive department.*** And the democratic character of this system is manifested by the fact that when there is a vote of no confidence, the point of disagreement is thrown to the people. ***The executive also has a weapon against Parliament in that he can dissolve Parliament. And when there is a disagreement between the two, this is thrown to the people.*** When national elections are held, the people align themselves either in favor of the legislature or the executive. If a majority of those who were in Parliament are reelected, then that would be an indication that the executive has lost the struggle with Parliament.[63] (Emphasis supplied)
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> . . . .

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62 *Id.* at 355.

63 I Record, Constitutional Commission 24 (June 3, 1986).

> FR. BERNAS. At this stage, I would tentatively contemplate a situation where we would have a fixed term but with an easy terminable tenure. What I mean under the present system, ***if we have a presidential system*** the only way of ousting an unsatisfactory president would be by the ***cumbersome process of impeachment.***[64] (Emphasis supplied)

Thus, and knowing how cumbersome it is already, the Court should not make the process of impeachment more burdensome by providing guidelines it wants written in the rules of both the House of Representatives and the Senate. This, it is submitted, suggests judicial overreach.

Under its expanded jurisdiction, the Court is empowered to "determine whether or not there has been a grave abuse of discretion amounting to lack or excess of jurisdiction on the part of any branch or instrumentality of the Government."[65] It is submitted that, when it comes to impeachment proceedings, whether the impeachment complaint is initiated via the first or second mode, the Court should exercise this power with caution, ensuring that it does not exceed its bounds by dictating, especially down to the minutest details, how the legislative branch should perform its exclusive mandate on the matter. While the Court exercises its judicial function, it must remain steadfast in upholding the supremacy of the principle of separation of powers.

The July 25, 2025 Decision applies retroactively

The *ponencia* was not wrong in brushing aside the claim of the respondent House of Representatives that the July 25, 2025 Decision "should be applied and enforced 'prospectively in the commencement of future impeachment complaints[.]'"[66] As aptly held, "the doctrine of operative fact is not a tool to legitimize noncompliance with rules, regulations, laws, or the Constitution, or to validate unlawful or unconstitutional acts. It can only be invoked by the party who acted in good faith and cannot be used by a party directly responsible for the commission of an illegal or unlawful act."[67] Thus, there is no need to reverse such a stand.

To apply prospectively the ruling of the Court in the July 25, 2025 Decision would be to ignore and sanction instead the serious violation committed by the House of Representatives in archiving the first three

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64 *Id.* at 25.
65 CONST., art. VIII, sec. 1.
66 *Ponencia*, p. 35.
67 *Id.* at 41.

impeachment complaints and transmitting to the Senate a constitutionally infirm fourth impeachment complaint against Vice President Duterte. As the Articles of Impeachment against her are prohibited by the one-year bar rule and considering that the first three impeachment complaints were not included in the Order of Business of the House of Representatives within 10 session days, no impeachment proceedings can validly take place before the Senate.

FOR THESE REASONS, I concur with the *ponencia* as it **DENIES** with **FINALITY** the Motion for Reconsideration dated August 4, 2025 filed by respondent House of Representatives as the fourth impeachment complaint against petitioner Vice President Sara Z. Duterte that was transmitted to the Senate is covered by the one-year bar rule.

RAUL B. VILLANUEVA
Associate Justice