

RULES OF PROCEDURE IN IMPEACHMENT PROCEEDINGS

House of Representatives

RULE I

APPLICABILITY OF RULES

Section 1. *Applicability of Rules.* –These Rules shall apply to all proceedings for impeachment in the House of Representatives under the Constitution against the President, Vice-President, the Members of the Supreme Court, the Members of the Constitutional Commissions and the Ombudsman for culpable violation of the Constitution, treason, bribery, graft and corruption, other high crimes or betrayal of public trust.

RULE II

INITIATING IMPEACHMENT

Sec. 2. *Mode of Initiating Impeachment.* –Impeachment shall be initiated only by a verified complaint for impeachment filed by any Member of the House of Representatives or by any citizen upon a resolution of endorsement by any Member thereof or by a verified complaint or resolution of impeachment filed by at least one-third (1/3) of all Members of the House.

Sec. 3. *Filing and Referral of Verified Complaints.* –A verified complaint for impeachment by a Member of the House or by any citizen upon a resolution of endorsement by any Member thereof shall be filed with the office of the Secretary General and immediately referred to the Speaker.

The Speaker shall have it included in the Order of Business within ten (10) session days from receipt. It shall then be referred to the Committee on Justice within three (3) session days thereafter.

RULE III

FINDING A PROBABLE CAUSE

A. COMMITTEE PROCEEDINGS

Sec. 4. *Determination of Sufficiency in Form and Substance.* –Upon due referral, the Committee on Justice shall determine whether the complaint is sufficient in form and substance. If the committee finds the complaint insufficient in form, it shall return the same to the Secretary General within three (3) session days with a written explanation of the insufficiency. The Secretary General shall return the same to the complainant or complainants together with the committee's written explanation within three (3) session days from receipt of the committee resolution finding the complaint insufficient in form.

Should the committee find the complaint sufficient in form, it shall then determine if the complaint is sufficient in substance. The requirement of substance is met if there is a recital of facts constituting the offense charged and determinative of the jurisdiction of the committee. If it finds that the complaint is not sufficient in substance, it shall dismiss the complaint and shall submit its report as provided hereunder.

Sec. 5. Notice to Respondent and Time to Plead. –If the committee finds the complaint sufficient in form and substance, it shall immediately furnish the respondent with a copy of the resolution and/or verified complaint, as the case may be, with written notice that he shall answer the complaint within ten (10) days from receipt of notice thereof and serve a copy of the answer to the complainant or complainants. No motion to dismiss shall be allowed within the period to answer the complaint.

The answer, which shall be under oath, may include affirmative defenses. If the respondent fails or refuses to file an answer within the reglementary period, he is deemed to have interposed a general denial to the complaint. Within three (3) days from receipt of the answer, the complainant may file a reply, serving a copy thereof to the respondent who may file a rejoinder within three (3) days from receipt of the reply, serving a copy thereof to the complainant or complainants. If the complainant fails to reply, all the material allegations in the answer are deemed controverted. Together with their pleadings, the parties shall file their affidavits or counter-affidavits, as the case may be, with their documentary evidence. Such affidavits or counter affidavits shall be subscribed before the chairman of the Committee on Justice or the Secretary General. Notwithstanding all the foregoing, failure of any respondent to file an answer will not preclude him from presenting evidence in support of his defenses.

When there are more than one respondent, each shall be furnished with a copy of the verified complaint from a member of the House or a copy of the verified complaint from a private citizen together with a resolution of endorsement by a member of the House of Representatives with a written notice to answer and in the case, reference to respondent in these Rules shall be understood as respondents.

Sec. 6. Submission of Evidence and Memoranda. –After receipt of the pleadings and affidavits and counter-affidavits and relevant documents provided for in Section 5, or the expiration of the time within which they may be filed, the Committee shall determine whether the complaint alleges sufficient grounds for impeachment.

If it finds that sufficient grounds for impeachment do not exist, the Committee shall dismiss the complaint and submit the report required hereunder. If the Committee finds that sufficient grounds for impeachment exist, the Committee shall conduct a hearing. To that end, the Committee, through the chairman, may limit the period of examination and cross-examination. The Committee shall have the power to issue compulsory processes for the attendance of witnesses as well as the production of documents and other related evidence.

The hearing before the Committee shall be open to the public except when the security of the State or public interest requires that the hearing be held in executive session.

After the submission of evidence, the Committee may require the submission of memoranda, after which the matter shall be submitted for resolution.

Sec. 7. Protection to Complainant or Witness. –The House may, upon proper petition, provide adequate protection to a complainant or witness if it is shown that his personal safety is in jeopardy because of his participation in an impeachment proceeding.

Sec. 8. Report and Recommendation. –The Committee on Justice after hearing, and by a majority vote of all its members, shall submit its report to the House containing its findings and recommendations within sixty (60) session days from referral to it of the verified complaint and/or resolution. Together with the report shall be a formal resolution of the committee regarding the disposition of the complaint which shall be calendared for consideration by the House within ten (10) session days from receipt thereof.

If the Committee finds by a vote of the majority of all its members that a probable cause exists, it shall submit with its report a resolution setting forth the articles of impeachment on the

basis of the evidence adduced before the Committee. Otherwise, the complaint shall be dismissed subject to Section 11 of these Rules.

Sec. 9. *Report to be Calendared.* –The Committee on Rules shall calendar the report and the accompanying resolution of the Committee on Justice regarding the disposition of the complaint in accordance with the Rules of the House of Representatives. The House shall dispose of the report within sixty (60) session days from its submission by the Committee on Justice.

B. HOUSE ACTION

Sec. 10. *Vote Required for Approval.* –A vote of at least one-third (1/3) of all the members of the House is necessary for the approval of the resolution setting forth the articles of impeachment. If the resolution is approved by the required vote, it shall then be endorsed to the Senate for its trial. On the other hand, should the resolution fail to secure the approval by the required vote, the same shall result in the dismissal of the complaint for impeachment.

Sec. 11. *Where Dismissal Recommended.* –When the report of the Committee on Justice dismisses the complaint, it shall submit to the House a resolution for the dismissal of the verified complaint and/or resolution of impeachment. A vote of at least one-third (1/3) of all members of the House shall be necessary to override such resolution, in which case the Committee on Justice shall forthwith prepare the articles of impeachment.

Sec. 12. *Vote by Roll Call.* –The voting on a favorable resolution with the articles of impeachment of the Committee on Justice or a contrary resolution shall be by roll call, and the Secretary General shall record the vote of each member.

RULE IV

VERIFIED COMPLAINT/RESOLUTION BY ONE-THIRD OF MEMBERS

Sec. 13. *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 belief on the basis of our reading and appreciation of documents and other records pertinent thereto.

Signature”

RULE V

BAR AGAINST IMPEACHMENT

Sec. 14. *Scope of Bar.* –No impeachment proceedings shall be initiated against the same official more than once within the period of one (1) year.

RULE VI

PROSECUTOR IN ALL IMPEACHMENT PROCEEDINGS

Sec. 15. *Impeachment Prosecutor.* –The House of Representatives shall act as the sole prosecutor at the trial in the Senate through a committee of eleven (11) members thereof to be elected by a majority vote.

RULE VII

APPLICABILITY OF THE RULES OF CRIMINAL PROCEDURE

Sec. 16. *Rules of Procedure.* –The Rules of Criminal Procedure under the Rules of Court shall, as far as practicable, apply to impeachment proceedings before the House.

Adopted, December 15, 1998.