

RULES OF PROCEDURE GOVERNING INQUIRIES IN AID OF LEGISLATION

17th Congress

Section 1. *Power to Conduct Inquiries.* – Pursuant to *Section 21, Article VI* of the *Constitution*, the House of Representatives or any of its committees, may conduct inquiries in aid of legislation in accordance with these rules.

The filing or pendency of a case before any court, tribunal or quasi-judicial or administrative body shall not stop or abate any inquiry conducted to carry out a legislative purpose.

Section 2. *Modes of Initiation.* – Inquiries may be initiated through the following modes:

- a. *motu proprio* action of a committee on any matter within its jurisdiction upon a majority vote of all its Members; or
- b. upon order of the House of Representatives through:
 - b1. the referral to the appropriate committee of a privilege speech containing or conveying a request or demand for the conduct of an inquiry, upon motion of the Majority Leader or the Deputy Majority Leaders; or
 - b2. the referral of a resolution to the appropriate committee: Provided, That all resolutions directing any committee to conduct an inquiry shall be initially referred to the Committee on Rules for the determination of the necessity and propriety of the conduct of such inquiry; or
 - b3. the referral of a petition filed or information given by any person not a member of the House requesting such inquiry to the appropriate committee, Provided, That such petition or information shall be submitted to the Speaker under oath stating the facts upon which it is based, and accompanied by supporting documents, and thereafter included in the order of business for referral to the Committee on Rules which shall determine the necessity and propriety of the conduct of such inquiry.

Section 3. *Change of referral.* - the referral of the privilege speech, resolution, petition or information may be changed on motion of the majority leader upon receipt and approval by the Committee on Rules of a written request from the chairperson of the committee to which said privilege speech, resolution, petition or information was originally referred. The Committee on Rules shall decide on the said request within a reasonable time from receipt thereof.

Section 4. *Conduct of Inquiry.* – The committee(s) authorized and directed to conduct an inquiry may:

- a. upon a majority vote of all its Members, invite any other interested committee(s) or Members thereof to attend its hearings: *Provided*, That the committee(s) or Members thereof so invited shall not participate in the preparation and approval of the report on the investigation; and
- b. constitute sub-committees composed of at least one-fifth (1/5) of the total number of committee Members for the purpose of performing any and all acts which the committee as a whole is authorized to perform in the conduct of an inquiry except to punish for contempt.

The findings and recommendations of the sub-committees shall be submitted for approval and other appropriate action(s) thereon by the mother committee: *Provided*, That findings and recommendations including summary statements thereon or publications related thereto shall not be released by any Member of the sub-committee and the secretariat staff prior to the inclusion of the final committee report in the Calendar of Business as provided in *Section 17* hereof.

Section 5. *Joint Inquiry or Investigation.* – When a privilege speech, resolution, petition or information is referred to two or more committees, a joint inquiry by the said committees shall be conducted.

Section 6. *Quorum* - One-fifth (1/5) of all the Members of a committee or a majority of all the Members of a subcommittee shall constitute a quorum. For purposes of determining the existence of a quorum, the Speaker, the Deputy Speakers, the Majority Leader, the Deputy Majority Leaders, the Minority Leader & the Deputy Minority Leaders or the Members deputized by them shall be added to the total number of committee or sub-committee members, as the case may be, if they are present in a meeting. In cases of joint referrals, a quorum must be present in each of the committees concerned.

Section 7. *Executive Sessions.* - If the committee or sub-committee deems that the subject matter of the discussion in a public hearing may endanger national security or may be offensive to decency or public morals, it shall conduct the examination in an executive session.

Attendance in executive sessions shall be limited to Members of the committee, the committee secretariat staff and such other persons whose presence are required or allowed by the Chairperson.

Testimony taken or evidence presented in an executive session, or any summary or excerpt thereof or documents related thereto, in whole or in part, shall not be made public, unless authorized by a majority vote of the Members present, there being a quorum.

Section 8. *Attendance of Witnesses.*- The committee shall have the power to issue *subpoena ad testificandum* and *subpoena duces tecum* to witnesses in any part of the country, signed by the Chairperson or acting Chairperson and the Speaker or acting Speaker. However, if the committee is unable to secure the signature of the

Speaker or acting Speaker on a *subpoena ad testificandum* and/or *subpoena duces tecum*, it may request the Committee on Rules to act on the matter. Upon the recommendation of the Committee on Rules through a majority vote of all its Members after determining that the attendance of a witness is indispensable to the effective conduct of the inquiry, the Speaker shall issue a *subpoena ad testificandum* and/or a *subpoena duces tecum* to compel the attendance of a witness.

Within Metro Manila, *subpoena ad testificandum* and *subpoena duces tecum* shall be served by the Sergeant-at-Arms or his duly authorized deputies. Outside Metro Manila, service of these processes may be made by the appropriate police officer or authority of the town or city upon request of the Secretary General.

Subpoena shall be served to a witness at least three (3) days before a scheduled hearing in order to give the witness every opportunity to prepare for the hearing and to employ counsel, should the witness desire. The *subpoena* shall be accompanied by a notice stating that should a witness wish to confer with the secretary of the committee prior to the date of the hearing, the witness shall convey such desire to the committee by mail, telephone or any other electronic communication device.

Section 9. Rights and Duties of Witnesses. – The rights of witnesses including their right against self-incrimination shall be respected.

Witnesses who are not government officials summoned by the committee shall be entitled, upon their request and subject to the approval of the Speaker, to reasonable transportation expenses and such other amounts as may be deemed necessary for their stay in Metro Manila.

Witnesses shall testify under oath to be administered by the Chairperson or by any other person authorized by law.

A witness shall be limited to giving information relevant and germane to the subject matter under investigation. The committee shall rule upon the admissibility of any testimony or information presented by a witness. Privileged communications shall be respected.

Any witness desiring to deliver or present a prepared or written statement before the committee shall file a copy of such statement, under oath, with the secretary of the committee within forty-eight (48) hours before the hearing at which the statement is to be delivered or presented.

Such statements or portions thereof that are relevant and germane to the subject of the investigation may, at the conclusion of the testimony of the witness, and upon approval by a majority vote of the Members of the committee, a quorum being present, be inserted into the official transcript of the proceedings.

A witness shall be allowed to request for and be granted postponement of the appearance before the committee or sub-committee on grounds that render such witness physically unable to attend the inquiry or investigation: *Provided*, That the fact of physical inability to attend the inquiry or investigation is supported by appropriate medical or other certification as may be required by the committee or

sub-committee, and: *Provided further*, That no witness shall be granted more than two (2) postponements of appearance before the committee without justifiable cause.

Section 10. *Rights and Duties of Persons Affected by a Hearing.* – Where applicable, any person named in a public hearing or in the released record of testimonies given in executive sessions, who has not been previously so named shall, within a reasonable time thereafter, be notified of such fact by registered letter, return receipt requested, to the address of such person last known to the committee. The notice shall include:

- a. a statement that the person has been so named;
- b. date and place of hearing where the person was named;
- c. name of the person who testified; and
- d. information that a copy of the *Rules of Procedure Governing Inquiries in Aid of Legislation* is available for the perusal of such person in the house.

Any person so notified who believes that one's character or reputation was adversely affected may, within seven (7) days after receipt of said notice:

- a. communicate with the secretary of the committee; and/or
- b. request to appear in person before the committee in public session and give testimony, at the expense of the concerned person.

Any person testifying under the foregoing provisions shall be accorded the same privileges as any other witness appearing before the committee, and may be questioned concerning any matter relevant and germane to the subject of the investigation.

Section 11. *Contempt.*– The committee may punish any person for contempt, by a vote of two-thirds (2/3) of the Members present, there being a quorum. The following shall be grounds for citing any person in contempt:

- a. refusal without legal excuse to obey summons;
- b. refusal to be sworn or placed under affirmation;
- c. refusal to answer any relevant inquiry;
- d. refusal to produce any books, papers, documents or records that are relevant to the inquiry and are in the possession of the concerned person;
- e. acting in a disrespectful manner towards any Member of the committee or any misbehavior in the presence of the committee; or
- f. undue interference in the conduct of proceedings.

Contempt of the committee shall be deemed contempt of the House. The person cited in this section may, upon order of the committee, be detained in such place as the Chairperson or acting Chairperson may designate.

Section 12. *Penalty.* – By a vote of two-thirds (2/3) of the Members present, there being a quorum, those cited under *Section 11, paragraphs (e) and (f)* shall be detained for a period not exceeding ten (10) days in a place designated by the Chairperson or Acting Chairperson under the custody of the Sergeant-at-Arms.

Section 13. *Appearance of Counsel.* – The person at whose instance the inquiry was initiated may be represented by counsel.

A witness shall be informed by the committee or sub-committee of the right to be represented by counsel. When informed by a witness of the desire to be represented by counsel or when such witness requests to be represented by counsel, the committee or sub-committee may provide a *counsel de officio* or allow such witness to choose own counsel and be assisted by the same.

The participation of counsel for the witness during the hearing and while the witness is testifying shall be limited to advising on the legal rights of said witness.

Counsel for a witness shall conduct oneself in a professional manner and shall observe proper decorum. Otherwise, upon a majority vote of the Members present, there being a quorum, such counsel shall be subject to contempt or to such other disciplinary action that may include censure and removal from the room where the hearing is being conducted.

A counsel ordered removed from the room where the hearing is being conducted may, upon such counsel's request, be allowed to remain in the room as an observer. The counsel shall sit in the place reserved for the general public and shall have no participation in the proceedings.

In cases where a counsel for a witness is ordered removed from the room, the witness shall be given reasonable time as may be determined by the committee to secure the services of another counsel. Should the witness deliberately or capriciously fail or refuse to obtain the services of another counsel, a *counsel de officio* may be provided to the witness by the committee within a reasonable time. Thereafter, the hearing shall continue and the testimony of such witness shall be heard.

Section 14. *Safekeeping and Release of Record of Testimonies of Witnesses.* – The testimony of witnesses shall be recorded *verbatim*. Records of testimonies given in executive sessions shall be placed in the custody of the Secretary General who shall ensure their preservation and confidentiality.

A witness or the counsel of such witness may obtain transcripts of any public testimony of witnesses from the secretary of the committee at the expense of the witness and upon written request duly approved by the committee chairperson.

No committee report, an excerpt or summary statement of the contents thereof, or any publication related thereto, shall be released by any Member of the committee and its secretariat staff prior to the inclusion of the report in the Calendar of Business.

Section 15. *Termination of Inquiry.* The committee shall terminate an inquiry, and submit a report thereon within sixty (60) calendar days from the date of commencement unless the committee, by a majority vote of members present, there being a quorum, deems it necessary to extend such inquiry. The inquiry commences on the date of referral of the privilege speech, resolution or petition or information to the concerned committee.

Section 16. *Report of Committee.* - The report shall contain the findings of the committee on the subject matter of the inquiry, the grounds on which its findings are based and its recommendations, if any. The report shall be approved by a majority vote of the Members present, there being a quorum. Members who vote against the approval of the report and who do not sign the majority report may make concurring or dissenting opinions.

The report, together with any concurring and dissenting opinion, shall be filed with the Secretary General who shall include the same in the Order of Business within three (3) days from receipt thereof.

In case of joint inquiry, the committees concerned shall be jointly responsible for submitting the report to the House on the measure referred to them for consideration. The first committee mentioned in the joint referral shall be the lead committee and shall be principally responsible for preparing the report to the House: *Provided*, That the committees may decide to designate which committee among them shall prepare the report.

Section 17. *Plenary Action on the Report.* – The report, upon inclusion in the Order of Business, shall be referred to the Committee on Rules for appropriate action. The Committee on Rules shall, thereafter, include the report in the Calendar of Business.

Upon inclusion of the report in the Calendar of Business, the Plenary may approve or adopt, disapprove or reject, in whole or in part, the report and its recommendation(s) or commit it to the archives.

Section 18. *Internal Rules.* – The committee tasked to conduct an inquiry may adopt internal rules of procedure: *Provided*, That these rules are consistent with the Rules of the House and to these rules.

Section 19. *Rules of Procedure and Evidence.* – The Rules of Court shall be supplementary to these rules.

Section 20. *Effectivity.* – These Rules shall take effect seven (7) days after publication in two (2) newspapers of general circulation.

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