

# **RULES OF PROCEDURE IN IMPEACHMENT PROCEEDINGS**

## **HOUSE OF REPRESENTATIVES 17<sup>TH</sup> CONGRESS**

### **RULE I *Applicability of Rules***

**Section 1. *Applicability of Rules.*** - These Rules shall apply to all proceedings for impeachment in the House of Representatives 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***

**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.

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

An impeachment complaint is verified by an affidavit that the complainant has read the complaint and that the allegations therein are true and correct of his personal knowledge or based on authentic records.

An impeachment complaint required to be verified which contains a verification based on "information and belief", or upon "knowledge, information and belief," or lacks a proper verification, shall be treated as an unsigned impeachment complaint.

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

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\* *The Supreme Court decision in Francisco et al. vs. House of Representatives (GR No. 160261, 10 November 2003), states that Impeachment proceedings are initiated upon filing of the complaint and/or resolution and its referral to the Committee on Justice.*

**RULE III**  
***Finding Probable Cause for Impeachment***

**A. COMMITTEE PROCEEDINGS**

**Section 4. *Determination of Sufficiency in Form.*** - Upon due referral, the Committee on Justice shall determine whether the complaint is sufficient in form. If the committee finds that the complaint is 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(s) together with the committee's written explanation within three (3) session days from receipt of the committee resolution finding the complaint insufficient in form.

**Section 5. *Determination of Sufficiency in Substance.*** - 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 the committee finds that the complaint is not sufficient in substance, it shall dismiss the complaint and shall submit its report as provided hereunder.

**Section 6. *Notice to Respondents and Time to Plead.*** - If the committee finds the complaint sufficient in form and substance, it shall immediately furnish the respondent(s) with a copy of the resolution and/or verified complaint, as the case may be, with written notice that the respondent shall answer the complaint within ten (10) days from receipt of notice thereof and serve a copy of the answer to the complainant(s). 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, the respondent 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. If the complainant fails to file a 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 Chairperson of the Committee on Justice or the Secretary General. Notwithstanding all the foregoing, failure to file an answer will not preclude the respondent from presenting evidence to support the defenses.

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

**Section 7. *Submission of Evidence and Memoranda.*** - After receipt of the pleadings, affidavits and counter-affidavits and relevant documents provided for in *Section 6*, 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. The Committee, through the Chairperson, may limit the period of examination and cross-examination by members of the Committee. The Committee shall have the power to issue compulsory processes for the attendance of witnesses and the production of documents and other related evidence.

Hearings before the Committee shall be open to the public except when the security of the State or public interest requires that the hearings 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.

**Section 8. *Protection to Complainants or Witnesses.*** - The House may, upon proper petition, provide adequate protection to a complainant or witness if it is shown that the personal safety of the complainant or witness is in jeopardy because of participating in the impeachment proceeding.

**Section 9. *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 the 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 on the basis of the evidence adduced before the Committee, it shall submit with its report a resolution setting forth the Articles of Impeachment. Otherwise, the complaint shall be dismissed subject to *Section 12* of these Rules.

**Section 10. *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**

**Section 11. *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.

On the other hand, should the resolution fail to secure approval by the required vote, it shall result in the dismissal of the complaint for impeachment.

**Section 12. *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 the 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.

**Section 13. *Vote by Roll Call.*** - The voting on a resolution with the Articles of Impeachment of the Committee on Justice or a contrary resolution dismissing the impeachment complaint 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***

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

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(Signature)

## **RULE V**

### ***Bar Against Impeachment***

**Section 15. *Scope of Bar.*** - No impeachment proceeding shall be initiated against the same official more than once within a period of one (1) year.

## **RULE VI**

### ***Prosecutor in All Impeachment Proceedings***

**Section 16. *Impeachment Prosecutor.*** - The House of Representatives shall act as the prosecutor at the trial in the Senate through a committee of eleven (11) Members thereof to be elected by a majority vote of the Members present, there being a quorum.

## **RULE VII**

### ***Applicability of the Rules of Court***

**Section 17. *Rules of Procedure.*** - The Rules of Court shall, as far as practicable, apply to impeachment proceedings before the House.

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