

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

EIGHTEENTH CONGRESS
First Regular Session

HOUSE RESOLUTION NO. 61



Introduced by Honorable Rodante D. Marcoleta

RESOLUTION

TO REVIEW THE HOUSE RULES GOVERNING INQUIRIES IN
AID OF LEGISLATION TO INTRODUCE APPROPRIATE
AMENDMENTS THAT CAN FURTHER SAFEGUARD THE
RIGHTS OF PERSON(S) CALLED TO TESTIFY IN
CONGRESSIONAL INVESTIGATIONS

WHEREAS, Section 21, Article VI of the 1987 Constitution provides: "*The Senate or the House of Representatives or any of its respective committees may conduct inquiries in aid of legislation in accordance with its duly published rules of procedure. The rights of persons appearing in or affected by such inquiries shall be respected*";

WHEREAS, the above-quoted constitutional provision inherently provides two (2) distinct limitations and/or restrictions to the legislative power of inquiry namely: (a) that the inquiry must be in aid of legislation; and (b) that the rights of the person or persons appearing therein should also be respected;

WHEREAS, in the landmark case of the Senate of the Philippines vs. Eduardo Ermita^[1], the Supreme Court held that in order to satisfy the *in aid of legislation* requirement, Congress must present a likely piece of legislation that will necessitate such intended legislative investigation. In fact, in another landmark case^[2], it was categorically ruled that the letters of invitation sent to resource persons must indicate not only the contemplated legislative measure but also the subject of the inquiry and the probable questions to be asked. This was held to ensure that he intended inquiry is indeed *in aid of legislation*;

WHEREAS, same Constitution provides additional safeguards^[3] that shield witnesses summoned in congressional hearings such as the right against self-incrimination, the right to privacy, the right to remain silent, the right to dignity, and the like;

WHEREAS, Section 9 of the HOR *Rules of Procedure Governing Inquiries In Aid of Legislation* likewise speaks of respect that must be accorded to "(t)he rights of witnesses including their right against self-incrimination";

WHEREAS, it is patently obvious that said Rules are silent on how witnesses can be protected against those who violate these rights to the point of placing them to public contempt, ridicule and humiliation; neither do these Rules provide for adequate redress when their rights have been actually violated;

^[1] G.R. No. 169777, 20 April 2006.

^[2] Bengzon vs. The Senate Blue Ribbon Committee, G.R. No. 89914, 20 November 1991.

^[3] Sec. 16, Art. III; Sec. 12. (1) (3), Art. III; Sec. 3 (1) Art. III; Sec. 11, Art. II.

WHEREAS, even a cursory examination of the same Rules above-referred will readily show that the mandatory requirement—that inquiries must be conducted *in aid of legislation*—such that the indispensable prescribed requisites on contemplated bills, subject matter of inquiry and questions to be asked have been complied with, is conspicuously absent in said Rules;

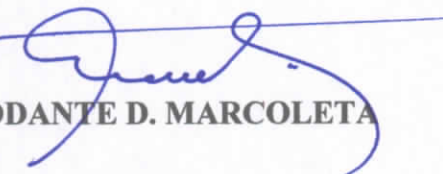
WHEREAS, the tendency, if not temptation, for personal grandstanding become more intense whenever the conduct of congressional investigations are fully covered by the members of media who, by and large, are more adept in trial by publicity more than their commitment to the norms of objectivity and accuracy;

WHEREAS, the whole nation stood as witness to the tragic event that claimed the life of Angelo Reyes, former AFP Chief of Staff, former Secretary of DND, DILG, DENR and DOE, with only a few perhaps who will argue that the unfortunate incident was triggered by the harshness of the investigation—not in aid of legislation—but in pursuit of an agenda not germane to the subject of inquiry with which he was invited to testify;

WHEREAS, the Angelo Reyes tragedy shows the inescapable fact that the constitutional grant of legislative inquiry can be abused with impunity, not only because the Rules were not adequate to embrace the twin limits clearly set forth by the Constitution hence susceptible to abuse, but more so because of the patent lack of political maturity on those privileged to show restraint as the better part of valor—including but not limited to those whose only motive was to satisfy their insatiable penchant for personal aggrandizement.

NOW, THEREFORE, be it **RESOLVED**, as it is hereby **RESOLVED** to direct the Committee on Rules to conduct an immediate study and/or call an appropriate hearing or a technical working group to revisit the current “Rules of Procedure Governing Inquiries in Aid of Legislation” and thereafter introduce suitable amendments in furtherance of the protection afforded to the persons testifying in legislative inquiries, particularly their rights to self-respect and dignity.

ADOPTED,



RODANTE D. MARCOLETA