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REPUBLIC OF THE PHILIPPINES)
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REC'D

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S E N A T E
P.S. Res. No. 1013

Introduced by Senator Aquilino "Koko" Pimentel III

RESOLUTION
ADOPTING THE REVISED RULES OF PROCEDURE IN THE
SENATE WHEN SITTING ON IMPEACHMENT TRIALS

1 **WHEREAS**, under *Article XI, Section 3, paragraph 6* of the
2 Constitution, the Senate has the sole power to try and decide all cases of
3 impeachment;

4
5 **WHEREAS**, the adoption of the new rules of procedure is
6 pursuant to the authority given to Congress to promulgate its rules on
7 impeachment under *Article XI, Section 3, paragraph 8* of the
8 Constitution;

9
10 **WHEREAS**, the prompt approval of this Resolution is necessary
11 for the Senate to effectively carry out this important mandate;

12
13 **NOW, THEREFORE, BE IT RESOLVED**, as it is hereby
14 resolved by the Senate of the Philippines, to adopt the *Revised Rules of*
15 *Procedure in the Senate When Sitting on Impeachment Trials*, as
16 follows:

17

1 **REVISED RULES OF PROCEDURE IN THE SENATE WHEN**
2 **SITTING ON IMPEACHMENT TRIALS**

4 **I.**

5 **ENDORSEMENT TO THE SENATE**
6 **OF THE ARTICLES OF IMPEACHMENT**

8 Whenever the House of Representatives shall have endorsed
9 Articles of Impeachment to the Senate, the Secretary of the Senate shall
10 immediately inform the House of Representatives that the Senate is
11 ready to receive the prosecutors from the House of Representatives (the
12 “Impeachment Prosecutors”) on a date, time, and place to be specified
13 by the Senate.

14 **II.**

15 **PRESENTATION OF THE ARTICLES OF IMPEACHMENT**

18 When the Impeachment Prosecutors shall be introduced at the bar
19 of the Senate and shall signify that they are ready to exhibit the Articles
20 of Impeachment, the President of the Senate shall direct them to proceed
21 with the exhibition of the Articles. Thereafter, the President of the
22 Senate shall inform the Impeachment Prosecutors that the Senate will
23 take proper action on the subject of the impeachment, of which due
24 notice shall be given to the House of Representatives.

25 **III.**

26 **ORGANIZATION OF THE IMPEACHMENT COURT**

29 *The Presiding Officer*

31 When the President of the Philippines is on trial, the Chief Justice
32 of the Supreme Court shall preside over the impeachment proceedings
33 but shall not vote on the Articles of Impeachment upon conclusion of the
34 trial. The President of the Senate shall notify the Chief Justice of the
35 date, time, and place fixed for the trial, with a request to attend.

1 In all other cases of impeachment, the President of the Senate shall
2 preside over the impeachment proceedings.

3
4 The Chief Justice or the President of the Senate, as the case may
5 be, when presiding over impeachment proceedings, shall hereinafter be
6 referred to under these Rules as the Presiding Officer.

7
8 At any time that the Presiding Officer cannot preside over the
9 impeachment trial, any Senator temporarily designated by the Presiding
10 Officer for that instance shall discharge the powers and duties of the
11 Presiding Officer.

12
13 ***Administration of Oath***

14
15 Before trial commences, the Presiding Officer shall be placed
16 under the oath or affirmation prescribed under these Rules. When the
17 President is on trial, the President of the Senate shall administer the oath
18 or affirmation to the Chief Justice. In all other cases of impeachment, the
19 President of the Senate shall take the prescribed oath or affirmation
20 before any person authorized by law to administer the same. Thereafter,
21 the Presiding Officer shall administer the prescribed oath or affirmation
22 to the Senators, whose duty it shall be to take the same. After the oaths
23 or affirmations are taken, the Senate shall be deemed constituted into an
24 Impeachment Court (hereinafter referred to as the “Court”).

25
26 **IV.**

27 **POWERS OF THE IMPEACHMENT COURT
28 AND THE PRESIDING OFFICER**

29
30 The Court shall have the power to:

- 31
32 (1) Compel the attendance of witnesses and to enforce obedience to
33 its processes, orders, mandates, writs, warrants, and judgments;
- 34
35 (2) Preserve order and to cite and punish summarily any contempt
36 of and/or disobedience to its authority, processes, orders,
37 mandates, writs, warrants, or judgments. The proceedings for

1 contempt shall follow the procedure for direct contempt
2 provided under the Revised Rules of Court; and

- 3
- 4 (3) Make all lawful orders, rules, and regulations that it may deem
5 necessary or conducive to attaining the ends of justice.
- 6

7 The Sergeant-at-Arms, under the direction of the President of the
8 Senate, may employ such aid and assistance as may be necessary to
9 enforce, execute, and carry into effect the lawful processes, orders,
10 mandates, writs, and warrants of the Court.

11

12 The Court's manner of voting on all matters, except as otherwise
13 provided in these Rules, shall be by the raising of hands.

14

15 The Presiding Officer shall have the power to make and issue, by
16 himself or through the Secretary of the Senate, under his authority, all
17 orders, mandates, writs, and warrants authorized by these Rules or by
18 the Impeachment Court, and to make and enforce other regulations and
19 orders in the premises of the Senate as the Impeachment Court may
20 authorize or provide.

21

22 The Presiding Officer may rule on all procedural matters, questions
23 of evidence, including but not limited to questions of materiality,
24 relevancy, competence or admissibility of evidence, and incidental
25 questions, which ruling shall stand as the judgment of the Impeachment
26 Court.

27

28 Any member of the Impeachment Court may appeal the ruling of
29 the Presiding Officer, and if the appeal is seconded it shall be submitted
30 to the Impeachment Court for decision. A majority of all the members of
31 the Senate shall be necessary to overturn any of the rulings made by the
32 Presiding Officer.

33

34 The Presiding Officer may, however, in the first instance, refer the
35 resolution of a matter to the Impeachment Court. A majority vote of all
36 the members of the Impeachment Court present, there being a quorum,
37 shall be necessary to resolve the question. The vote taken shall be by the

1 raising of hands, unless one-fourth (1/4) of the members of the
2 Impeachment Court present demand nominal voting as provided in *Rule*
3 *XLI, Section 114* of the Senate Rules.

V.

8 A writ of summons shall be issued to the person impeached,
9 furnishing the person impeached with a copy of the Articles of
10 Impeachment, and directing the person impeached to appear before the
11 Court on the date and time indicated in the writ. The person impeached
12 shall be required to file a verified Answer, which shall include his/her
13 plea, to the Articles of Impeachment within a non-extendible period of
14 ten (10) calendar days from receipt of the writ.

The writ of summons shall be served not later than ten (10) calendar days prior to the day fixed for the appearance of the person impeached. Service shall be done by personal delivery of an attested copy of the writ to the person impeached. If personal service to the person impeached cannot be done, service may be done by leaving a copy of the writ with a person of sufficient age and discretion at the last known address or office of the person impeached.

If the person impeached, after service, fails to appear, either in person or by attorney, on the day so fixed in the writ, or appears but fails to file his/her verified Answer to the Articles of Impeachment, or if the verified Answer fails to indicate his/her plea, trial shall proceed, nonetheless, as upon a plea of not guilty.

30 If a plea of guilty is entered, judgment may be entered thereon
31 without further proceedings.

If the person impeached appears on the day fixed in the writ of summons, either in person or by attorney, the appearance and plea contained in his/her Answer shall be recorded. If the person impeached does not appear, either in person or by attorney, the same shall be stated in the journals and records of the Court.

VI. RETURN

At the date and time designated by the Court for the return of the summons against the person impeached, the Secretary of the Senate shall administer the following oath or affirmation to the returning officer:

I, _____, do solemnly swear (or affirm) that the return made by me upon the process issued on the _____ day of _____, by the Senate of the Philippines, against _____ was truly made, and that I have performed such service as therein described. (So help me God.)

The foregoing oath or affirmation shall be entered in the records.

VII.

THE IMPEACHMENT TRIAL

20 At two o'clock in the afternoon, or at such other hour as the Court
21 may order, of the day appointed for the trial of the impeachment, the
22 legislative business of the Senate, if there be any, shall be suspended.
23 The Secretary of the Senate shall give notice to the House of
24 Representatives, through its Speaker, that the Court is ready to proceed
25 with the impeachment trial at the Plenary Hall of the Senate Chamber.

27 Unless otherwise fixed by the Senate, the hour of the day at which
28 the Court shall sit upon the trial of an impeachment shall be two o'clock
29 in the afternoon. When that hour shall arrive, the Presiding Officer shall
30 cause proclamation to be made, record the appearance of the parties and
31 counsel, and cause the business of the trial to proceed. Any adjournment
32 of the Court shall not operate as an adjournment of the Senate as a
33 legislative body.

Unless the Court provides otherwise, it shall continue in session from day to day (except weekends and non-working holidays) until final judgment shall be rendered.

At all times while the Court is sitting upon the trial of an impeachment, the doors of the Court shall be open to the public. Silence and proper decorum shall be observed by visitors at all times, on pain of contempt or eviction from the venue.

The Presiding Officer and the members of the Court shall not make any public comments and disclosures on matters relating to the merits of a pending impeachment trial. The parties, their respective counsel, and witnesses shall likewise refrain from making public statements about the merits of the trial. The merits of the trial shall include the strengths or weaknesses of the arguments or evidence presented, as well as opinions on any actions taken by the Court. Public comments and disclosures made in violation of this rule shall be punished as contempt by the Court, upon motion of any of its members or the parties to the case.

VIII. ORDER OF TRIAL

19 The case for each side shall be opened by one person. Unless the
20 Court imposes a different order of trial, the Impeachment Prosecutors
21 shall present their evidence in support of the Articles of Impeachment
22 first, after which the person impeached shall present evidence in his/her
23 defense.

After both sides have presented their evidence for all the Articles of Impeachment, the closing arguments may be made by two (2) persons for each side. However, upon motion of a party, the Court may allow more than two (2) persons to make closing arguments for each side. The closing arguments for the person impeached will be made first, after which the Impeachment Prosecutors will make their closing arguments.

IX.

MOTIONS, OBJECTIONS, REQUESTS, OR APPLICATIONS

All motions, objections, requests, or applications (including questions arising during the course of the trial), made by the parties or their counsel shall be addressed to the Presiding Officer only. If the

1 Presiding Officer or any member of the Court shall so require, these
2 matters shall be committed to writing and submitted to the Clerk of the
3 Impeachment Court.

4

5 A member of the Court may also make motions or propose orders,
6 in writing, which shall be submitted to the Presiding Officer.

7

8 All preliminary or interlocutory questions and motions shall be
9 argued for a period not exceeding one hour on each side, unless allowed
10 by the Court.

11

12 **X.**

13 **EXAMINATION OF WITNESSES**

14

15 Witnesses shall take an oath or affirmation prior to examination by
16 the party producing them. Witnesses shall be examined by one person on
17 behalf of the party producing them, and then cross-examined by one
18 person on behalf of the adverse party.

19

20 If a member of the Court is called as a witness, he/she shall be
21 sworn as a witness but shall give his/her testimony in his/her place.

22

23 If a member of the Court wishes to propound questions to a
24 witness, he/she shall do so for a period no longer than two (2) minutes,
25 excluding the time it takes the witness to respond. A member of the
26 Court may likewise propound questions to counsel.

27

28 **XI.**

29 **ORDERS AND DECISIONS OF THE COURT**

30

31 All orders and decisions of the Court may be acted upon without
32 objection. If objection is heard, the orders and decisions shall be voted
33 on without debate and entered into the record without debate, subject to
34 the provisions of *Rule II* hereof. In that case, no member of the Court
35 shall speak more than once on one (1) question, and for not more than
36 ten (10) minutes on an interlocutory question.

1 However, a motion to adjourn shall be decided without a vote,
2 unless a vote be demanded by one-fourth (1/4) of the members of the
3 Court present.

XII. JUDGMENT

8 The trial of each and every Article of Impeachment shall be
9 completed before the Court votes on the final question of whether or not
10 the impeachment is sustained. On this question, the vote shall be taken
11 on each Article of Impeachment separately.

13 The Presiding Officer shall first state the question, after which
14 each member of the Court shall be called to answer either "guilty" or
15 "not guilty." The vote of the President of the Senate, when acting as
16 Presiding Officer, shall be taken last. The vote of any member of the
17 Court may be explained within a period not exceeding two (2) minutes.

If the impeachment shall not, upon any of the Articles of Impeachment presented, be sustained by the vote of two-thirds (2/3) of all the members of the Senate, a judgment of acquittal shall be entered. If the person impeached shall be found guilty upon any of the Articles of Impeachment by the vote of two-thirds (2/3) of all the members of the Senate, the Court shall proceed to pronounce a judgment of conviction.

26 A certified copy of the judgment shall be deposited with the Office
27 of the Clerk of the Impeachment Court. Any motion to reconsider the
28 vote by which any Article of Impeachment is sustained or rejected shall
29 not be in order.

XIII. FORMS

34 The following shall be the prescribed forms and oaths to be used
35 by the Court:

1 ***Form of Oath to be Administered to Witnesses***

2
3 You, _____, do swear (or
4 affirm) that the evidence you shall give in the case
5 now pending between the Philippines and
6 _____ shall
7 be the truth, the whole truth, and nothing but the
8 truth (so help you God).

9

10 ***Subpoena***

11

12 To _____:

13
14 You are hereby commanded to appear before the Senate of
15 the Philippines, acting as the Impeachment Court, on the _____
16 day of _____, at _____ o'clock in the
17 _____, at the Plenary Hall of the Senate in _____
18 _____, to
19 testify on your personal knowledge on matters raised by the
20 House of Representatives, which has impeached _____
21 _____, and to bring
22 with you the following _____,
23 which you will be testifying on for the purpose of
24 _____.

25
26 By order of the Presiding Officer of the Impeachment Court
27 at _____, this _____ day of _____,
28 in the year of _____.

29
30
31 (Signature)
32 PRESIDING OFFICER

33
34 If the subpoena requires a person to bring books, documents, or
35 things, the subpoena must contain a reasonable description of those
36 items. The items must be relevant to the impeachment proceedings and

1 the purpose for requiring the presentation and testimony on those items
2 must also be clear.

3

4 ***Direction for the Service of Subpoena***

5

6 The Senate of the Philippines)

7 To _____ :

8
9
10 You are hereby commanded to personally serve the enclosed
11 subpoena addressed to _____
12 of _____
13 and return the subpoena according to law. Dated at _____
14 _____, this ____ day of _____
15 , in the year of ____.

16
17 (Signature)

18 CLERK OF THE IMPEACHMENT COURT

19
20 ***Form of Oath to be Administered to Presiding Officer and***
Members of the Court

21 I solemnly swear (or affirm) that in all things
22 pertaining to this trial for the impeachment of
23 _____, I
24 will act in the interest of impartial justice and
25 according to the Constitution and laws of the
26 Philippines. (So help me God.)

27
28 ***Form of Summons to be Issued to the Person Impeached***

29 REPUBLIC OF THE PHILIPPINES)

30 THE SENATE OF THE PHILIPPINES)

31 To _____ :

1 Whereas the House of Representatives of the Philippines did,
2 on the ___ day of _____, present to the Senate
3 the Articles of Impeachment against you, a copy of which is
4 attached hereto:

5
6 The Senate, sitting as the Impeachment Court, now directs
7 you to answer under oath the accusations against you as set
8 forth in the foregoing Articles of Impeachment, stating
9 clearly your plea to each and every Article of Impeachment.

10
11 You are hereby summoned to appear before the Impeachment
12 Court on the ___ day of _____, at _____
13 o'clock in the _____, at the Plenary Hall of the Senate
14 in _____, to
15 abide by, obey, and perform such orders, directives, and
16 judgments as the Impeachment Court shall make in the
17 present case.

18
19 This ___ day of _____ in the year of _____.
20
21

22 (Signature)
23 PRESIDING OFFICER

24
25 ***Form of the Order to be Indorsed on the Writ of Summons***
26

27 REPUBLIC OF THE PHILIPPINES)
28 THE SENATE OF THE PHILIPPINES)
29

30 To _____:
31

32 You are hereby commanded to deliver to and leave with
33 _____, if
34 conveniently to be found, or if not, to leave at his residence,
35 office, or usual place of business a true and attested copy of
36 the writ of summons in the care of a person of sufficient age
37 and discretion. Whichever way you perform the service, let it

be done at least ten (10) calendar days before the date on which the person being summoned is required to appear.

The Presiding Officer of the Impeachment Court at _____
_____, this ___ day of _____, in the
year of ____.

(Signature)

PRESIDING OFFICER

All processes shall be served by the Sergeant-at-Arms of the Senate, unless otherwise ordered by the Court.

XIV.

RE-SETTING OF TRIAL DATES

If the Court shall, at any time and for any reason, fail to sit for the trial of the person impeached on the day or hour fixed therefor, the Court may, by an order to be adopted without debate, fix another day and hour for such trial.

XV.

CLERK OF THE IMPEACHMENT COURT

The Secretary of the Senate shall be the *ex officio* Clerk of the Court. The Clerk shall keep a record of all the proceedings of the trial, as in the case of legislative proceedings, and the impeachment proceedings shall be reported in the same manner as the legislative proceedings of the Senate.

XVI.

COUNSEL FOR THE PARTIES

Counsel for the parties shall be admitted to appear and be heard upon an impeachment: *Provided*, *That*, private prosecutors shall be

1 under the direct control and supervision of the Impeachment
2 Prosecutors.

3

4

5 **XVII.**

6 **SUPPLEMENTAL RULES**

7

8 At the discretion of the Court, the provisions of the Senate Rules
9 and the Revised Rules of Court not inconsistent with these Rules may
10 find suppletory application in the impeachment trial.

11

12

XVIII.

REPEAL AND EFFECTIVITY OF RULES

13

14 All Senate Rules of Procedure on Impeachment Trials that
15 governed previous impeachment proceedings are hereby repealed.

16

17 These Rules shall take immediate effect upon complete publication
18 in two (2) newspapers of general circulation. They shall remain in force
19 until amended or repealed. A copy of these Rules shall be posted on the
20 official website of the Senate of the Philippines.

21
Adopted,


AQUILINO "KOKO" PIMENTEL III