# The lesser of two Houses

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Let’s dispel once and for all the enduring myth that the Senate is the “upper chamber” of Congress.

On the contrary, an overwhelming majority of senators have shown themselves to belong to the inferior half of the bicameral legislature: more subservient, less statesmanlike, and, by their own actions, constitutionally illiterate—indeed the lesser of the two Houses.

Credit Senate President Francis “Chiz” Escudero for leading this band of senator-judges, now reduced to acting as defense attorneys for the impeached. On June 10, a horrified public watched as they strutted in their maroon robes like jesters performing an elaborate charade they called an impeachment court.

That was the day the Senate torched the 1987 Constitution by voting to return the articles of impeachment against Vice President Sara Duterte to the House of Representatives, stalling a process that the Charter explicitly stated must be done “forthwith.” Not “later,” or “eventually,” but forthwith, defined in any English dictionary as “immediately.”

Yet, out of the 23 sitting senators, 18 voted to send the case back to the House for alleged “constitutional infirmities.” They sought a certification, first, that the House didn’t circumvent the ban on the filing of more than one impeachment case in a year, and second, that the incoming Congress would pursue the process initiated by the outgoing one.

## Dangerous and disingenuous

As many constitutional experts have argued, these are manufactured requirements not found anywhere in the Charter or even in the Senate’s own rules.

Sen. Risa Hontiveros, one of the five senators who dissented, rightly described the Senate’s action as dangerous and disingenuous. “The same purpose could have been achieved by merely asking the House prosecutors to file a compliance and clarify certain issues,” she said. She and her colleagues, Senate Minority Leader Koko Pimentel and Senators Grace Poe, Nancy Binay, and Sherwin Gatchalian deserve every praise for being the few voices of reason.

Sadly, they were outnumbered. Escudero stood firm as he faced brickbats from every direction. The House, he said, “has no place to disobey,” as “this is an order from the impeachment court.”

Contrast such posturing with the cool response from his counterpart at the House. Speaker Martin Romualdez expressed deep concern at the Senate’s move. “The House of Representatives acted not out of haste, but with deliberate care. We followed the law, we honored our mandate, and above all, we stood for what the Filipino people deserve,” he said.

## Misuse of confidential funds

Still, the Speaker vowed to “comply with the requirements of the impeachment court, not to abandon our cause, but to ensure the process continues, because in matters of truth and accountability, the House does not back down.”

What’s more damning is that the senators hadn’t even received nor read the complaint before judging it to be defective. Among others, it accuses Duterte of culpable violation of the Constitution, betrayal of public trust, graft and corruption, and other high crimes, related to her alleged misuse of P612.5 million in confidential funds from 2022 to 2024.

The backlash was swift and broad, for good reason. On Thursday, the Philippine Constitution Association led by retired chief justice Reynato Puno said the Senate’s order “raises grave constitutional questions and challenges the integrity of the impeachment process.”

But the outrage came not only from legal scholars and opposition politicians, but even the country’s moral institutions: religious leaders, civil society organizations and ordinary citizens.

The Clergy for Good Governance called a peaceful gathering on Independence Day and implored: “Let truth set our nation free.”

## ‘No one is above scrutiny’

The Senate leadership must realize that the impeachment process is not a political gimmick; nor is it, as Sen. Christopher “Bong” Go crudely put it, something “you can’t eat.” It is a constitutional safeguard against abuse of power. At its core, impeachment is not just about removing public officials but about affirming the principle that no one is above scrutiny—not even a Duterte.

The imperative falls on the 20th Congress to make it right.

The House, having pledged to comply with the Senate’s order, should stand firm and vigilant, while the Senate, for once, must remember its oath to render impartial justice according to the Constitution and laws, and let the chips fall where they may.

We call on senators, including the newly elected or reelected, to start fresh, to weigh the evidence against Duterte forthwith, and to do so with fairness, transparency, and the resolve to do right by the public they serve.

Because as it is, the Senate’s actions to date have inspired little confidence in the people, only unrest and distrust. And for a chamber that has historically prided itself as the superior and more independent House, there can be no greater disgrace.