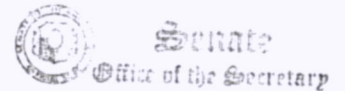


SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)



'18 MAR 21 11:05

SENATE

P. S. Res. No. 697

RECEIVED BY

Introduced by Senators M. Franklin Drilon, Francis N. Pangilinan, Paolo Benigno A. Aquino IV, Risa Hontiveros, Leila M. De Lima, Antonio F. Trillanes, Ralph G. Recto, Sonny M. Angara, Maria Lourdes Nancy Sombilio Binay, Joseph Victor G. Ejercito, Sherwin Gatchalian, Gregorio B. Honasan, Panfilo Lacson, Loren Legarda, Emmanuel D. Pacquiao, Grace Poe, Joel Villanueva, Cynthia A. Villar, and Juan Miguel F. Zubiri

RESOLUTION

EXPRESSING THE SENSE OF THE SENATE THAT THE ABSOLUTE PARLIAMENTARY IMMUNITY FOR SPEECHES DELIVERED IN THE SENATE UNDER SECTION 11 ARTICLE VI OF THE CONSTITUTION MUST AT ALL TIMES BE UPHELD AND PROTECTED

1 WHEREAS, Section 11, Article VI of the Constitution guarantees that "A
2 Senator or Member of the House of Representatives shall, in all offenses punishable
3 by not more than six years imprisonment, be privileged from arrest while the
4 Congress is in session. No Member shall be questioned nor be held liable in any
5 other place for any speech or debate in the Congress or in any committee thereof.";

6 WHEREAS, the members of Congress may not be prosecuted for any words
7 spoken in speech or debate made in the exercise of their functions during session,
8 whether in their respective chambers, in joint assembly, or in committee hearings;

9 WHEREAS, the framers of the Constitution explained that the purpose of
10 these privileges is to ensure the effective discharge of legislative functions by a
11 member of Congress, acting as his conscience and duty should dictate, free from
12 vindictiveness or from the "haunting fear that its most innocuous expressions may at
13 any time afterwards place him in jeopardy of punishment";

14 WHEREAS, the Supreme Court in *Vera v. Avelino* (G.R. No. L-543, 31 August
15 1946) emphasized that "These privileges are secured not with the intention of
16 protecting the members against prosecutors for their own benefit, but to support the
17 rights of the people, by enabling their representatives to execute the function of
18 their office without fear of prosecution, civil or criminal.";

1 WHEREAS, *Osmena v. Pendatun* (G.R. No. L-17144, 28 October 1960)
2 characterizes parliamentary immunity as a "fundamental privilege cherished in every
3 legislative assembly in the democratic world to enable and encourage a
4 representative to discharge his public trust with firmness of success, protected from
5 the resentment of every one, however powerful, to whom the exercise of the
6 legislator's liberty may occasion offense, without fear of being made responsible in
7 criminal or civil actions before the courts or in any other forum outside of
8 Congress.";

9 WHEREAS, *Pobre v. Santiago* (A.C. No. 7399, 25 August 2009) reiterates the
10 importance of parliamentary immunity in ensuring the effective discharge of
11 legislative duties by categorically stating that "Without parliamentary immunity,
12 parliament, or its equivalent, would degenerate into a polite and ineffective debating
13 forum. Legislators are immune from deterrents to the uninhibited discharge of their
14 legislative duties, not for their private indulgence, but for the public good. The
15 privilege would be of little value if they could be subjected to the cost and
16 inconvenience and distractions of a trial upon a conclusion of the pleader, or to the
17 hazard of a judgment against them based upon a judge's speculation as to the
18 motives.";

19 WHEREAS, only Congress can take disciplinary action against its own
20 members for unparliamentary conduct or disorderly behavior, consistent with the
21 Constitution's recognition of the legislature's autonomy, both in the formulation and
22 application of its own rules;

23 WHEREAS, the Senate must thwart any attempt to diminish its members'
24 constitutionally guaranteed right to parliamentary immunity and privilege from arrest
25 as it is only with the fullest liberty of speech that legislators can effectively discharge
26 their mandate.

27 RESOLVED BY THE SENATE, to express its sense that the absolute
28 parliamentary immunity for speeches delivered in the Senate under Section 11
29 Article VI of the Constitution must at all times be upheld and protected.

Adopted,

PAOLO BENIGNO "BAM" AQUINO IV
Senator

FRANKLIN M. DRILON
Senator

~~Risa Hontiveros~~
RISA HONTIVEROS
Senator

FRANCIS "KIKO" N. PANGILINAN
Senator

LEILA M. DE LIMA
Senator

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Antonio F. Trillanes

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Loren Legarda
grace Poe
grace poe

Emmanuel D. Pacquiao

Panfilo M. Lacson

Maria Lourdes Nancy
Sombhilio Binay

Gregorio B. Honasan II

Cynthia A. Villar

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Parliamentary
immunity for
speech
in Congress
is a
constitutional
guarantee.
Congress
should be
able to
debate
ideas
without
fear of
retribution.

LEILA M. DE LIMA

A handwritten signature in black ink, consisting of several overlapping horizontal and vertical strokes, positioned above the printed name.

FRANCIS "KIKO" N. PANGILINAN

Senator