

P. S. Res. No. 432



RESOLUTION NO. 39

RESOLUTION ADOPTING THE RULES OF PROCEDURE ON IMPEACHMENT TRIALS

Resolved by the Senate. To adopt, as it hereby adopts, the following:

RULES OF PROCEDURE ON IMPEACHMENT TRIALS

I. When the Senate receives articles of impeachment pursuant to Article XI, Sections 2 and 3 of the Constitution, the President of the Senate shall inform the House of Representatives that the Senate shall take proper order on the subject of impeachment and shall be ready to receive the prosecutors on such time and date as the Senate may specify.

II. When the President of the Philippines is on trial, the Chief Justice of the Supreme Court shall preside but shall not vote. Notice shall be given to him by the President of the Senate of the time and place fixed for the consideration of the articles of impeachment, with a request to attend. The Chief Justice shall be administered the oath or affirmation, prescribed under these Rules, by the President of the Senate and shall preside over the Senate during the consideration of said articles and upon the trial of the person impeached.

The President of the Senate shall preside in all other cases of impeachment and, for that purpose, placed under the prescribed oath or affirmation by any person authorized by law to administer an oath.

III. Before proceeding to the consideration of the articles of impeachment, the Presiding Officer shall administer the prescribed oath or affirmation to the Members of the Senate then present and to the other Members of the Senate as they shall appear, whose duty it shall be to take the same.

Upon presentation of the articles to the Senate, the Senate shall specify the date and time for the consideration of such articles. Unless the Senate provides otherwise, it shall continue in session from day to day (except Saturdays, Sundays, and non-working holidays) until final judgment shall be rendered, and so much longer as may, in its judgment, be necessary.

Senators shall observe political neutrality during the course of the impeachment trial. "Political neutrality" shall be defined as exercise of public official's duty without unfair discrimination and regardless of party affiliation or preference.

IV. The Presiding Officer shall have the power to make and issue, by himself or by the Secretary of the Senate, all orders, mandates, and writs authorized by these Rules or by the Senate, and to make and enforce such other regulations and orders in the premises as the Senate may authorize or provide.

V. The Senate shall have power to compel the attendance of witnesses, to enforce obedience to its orders, mandates, writs, and judgments, to preserve order, and to punish in a summary way contempts of, and disobedience to, its authority, orders, mandates, writs, or judgments, and to make all lawful orders, rules, and regulations which it may deem essential or conducive to the ends of justice. And the Sergeant-at-Arms of the Senate, under the direction of the President of the Senate, may employ such aid and assistance as may be necessary to enforce, execute, and carry into effect the lawful orders, mandates, and writs of the Senate.

VI. The President of the Senate or the Chief Justice when presiding on the trial may rule on all questions of evidence including, but not limited to, questions of materiality, relevancy, competency or admissibility of evidence and incidental questions, which ruling shall stand as the judgment of the Senate, unless a Member of the Senate shall ask that a formal vote be taken hereon, in which case it shall be submitted to the Senate for decision after one contrary view is expressed; or the Presiding Officer may at his/her option, in the first instance, submit any such question to a vote of the Members of the Senate. The motion for a vote and the contrary opinion shall not take more than two (2) minutes each, with a one minute rebuttal allowed for the proponent of the motion. The provisions of the Rules of the Senate and the revised Rules of Court shall apply supplementarily whenever applicable.

VII. Upon the presentation of articles of impeachment and the organization of the Senate as hereinbefore provided, a writ of summons shall be issued to the person impeached, reciting or incorporating said articles, and notifying him/her to appear before the Senate upon a day and at a place to be fixed by the Senate and named in such writ, and to file his/her Answer to said articles of impeachment within a non-extendible period of ten (10) days from receipt thereof; to which the prosecutors may Reply within a non-extendible period of five (5) days therefrom; and to stand to and abide by the orders and judgments of the Senate.

Such writ shall be served by such officer or person named in the order thereof, not later than three (3) days prior to the day fixed for such appearance of the person impeached, either by the delivery of an attested copy thereof to the person impeached, or if personal service cannot be done, service of the writ may be made by leaving a copy with a person of sufficient age and discretion at his/her last known address or at his/her office or place of business; and if the service of such writ shall fail the proceedings shall not thereby abate, but further service may be made in such manner as the Senate shall direct. If the person impeached, after service, shall fail to appear, either in person or by counsel, on the day so fixed or, appearing, shall fail to file his answer to such articles of impeachment, the trial shall proceed nevertheless as upon a plea of not guilty. If a plea of guilty shall be entered, judgment may be entered thereon without further proceedings.

VIII. At the date and time designated by the Senate 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)." Which oath or affirmation shall be entered at large on the records.

IX. The person impeached shall then be called to appear and answer the articles of impeachment against him/her. If he/she appears, or any person for him/her, the appearance shall be recorded, stating particularly if by himself/herself, or by agent or counsel, naming the person appearing and the capacity in which he/she appears. If he/she does not appear, either personally or by agent or counsel, the same shall be recorded.

X. At 2 o'clock in the afternoon, or at such other hour as the Senate may order, of the day appointed for the trial of an impeachment, the legislative business of the Senate, if there be any, shall be suspended, and the Secretary of the Senate shall give notice to the House of Representatives that the Senate is ready to proceed upon the impeachment trial of _____ in the Senate Chamber.

XI. Unless otherwise fixed by the Senate, the hour of the day at which the Senate shall sit upon the trial of an impeachment shall be 2 o'clock in the afternoon; and when the hour shall arrive, the Presiding Officer upon such trial shall cause proclamation to be made, and the business of the trial shall proceed. The adjournment of the Senate sitting in said trial shall not operate as an adjournment of the Senate as a legislative body.

XII. The Secretary of the Senate shall record the proceedings in cases of impeachment as in the case of legislative proceedings, and the same shall be reported in the same manner as the legislative proceedings of the Senate.

XIII. Counsel for the parties shall be admitted to appear and be heard upon an impeachment: *Provided*, That counsel for the prosecutors shall be under the control and supervision of the panel of prosecutors of the House of Representatives.

XIV. All motions, objections, requests, or applications whether relating to the procedure of the Senate or relating immediately to the trial (including questions with respect to admission of evidence or other questions arising during the trial) made by the parties or their counsel shall be addressed to the Presiding Officer only, and if he, or any Senator, shall require it, they shall be committed to writing, and read at the Secretary's table.

XV. Witnesses shall be examined by one person on behalf of the party producing them, and then cross-examined by one person on the other side.

XVI. If a Senator is called as a witness, he/she shall be sworn, and give his/her testimony standing in his/her place.

XVII. If a Senator wishes to put a question to a witness, he/she shall do so within two (2) minutes. A Senator may likewise put a question to a prosecutor or counsel. He/she may also offer a motion or order, in writing, which shall be submitted to the Presiding Officer.

XVIII. At all times while the Senate is sitting upon the trial of an impeachment the doors of the Senate shall be open to the public. Silence shall be observed by the visitors at all times, on pain of eviction from the trial venue.

The Presiding Officer and the Members of the Senate shall refrain from making any comments and disclosures in public pertaining to the merits of a pending impeachment trial.

The same shall likewise apply to the prosecutors, to the person impeached, and to their respective counsel and witnesses.

XIX. All preliminary or interlocutory questions, and all motions, shall be argued for not exceeding one hour on each side, unless the Senate otherwise orders.

XX. The case, on each side, shall be opened by one person. The final argument on the merits may be made by two (2) persons on each side (unless otherwise ordered by the Senate upon application for that purpose), and the argument shall be opened and closed on the part of the House of Representatives.

XXI. The trial of all the articles of impeachment shall be completed before the Senators vote on the final question on whether or not the impeachment is sustained. On the final question whether the impeachment is sustained, the vote shall be taken on each article of impeachment separately; and if the impeachment shall not, upon any of the articles presented, be sustained by the votes of two-thirds of all the Members, a judgment of acquittal shall be entered; but if the person impeached in such articles of impeachment shall be convicted upon any of said articles by the votes of two-thirds of all the Members, the Senate shall proceed to pronounce judgment of conviction, and a certified copy of such judgment shall be deposited in the Office of the Secretary of the Senate. A motion to reconsider the vote by which any article of impeachment is sustained or rejected shall not be in order.

Form of putting the question on each article of impeachment.

The Presiding Officer shall first state the question. Thereafter, each Senator, as his/her name is called, shall rise in his/her place and answer: guilty or not guilty. The vote of the President of the Senate on each article of impeachment, when acting as the presiding officer, shall be last taken after all the Senators have stated their votes. If he/she so wishes, a Senator may explain his/her vote for not more than two (2) minutes.

XXII. All the orders and decisions may be acted upon without objection, or, if objection is heard, the orders and decisions shall be voted on without debate by yeas and nays, which shall be entered on the record, subject, however, to the operation of Rule VI, and in that case no Member shall speak more than once on one question, and for not more than ten (10) minutes on an interlocutory question, and for not more than fifteen (15) minutes on the final question, unless by consent of the Senate, to be had without debate; but a motion to adjourn may be decided without the yeas and nays, unless they be demanded by one-fifth of the Members present. The fifteen minutes herein allowed shall be for the whole deliberation on the final question, and not on the final question on each article of impeachment.

XXIII. Witnesses shall be sworn in the following form: "You _____, do swear (or affirm, as the case may be) that the evidence you shall give in the case now pending between the Philippines and _____, shall be the truth, the whole truth, and nothing but the truth: (so help you God)."

Which oath or affirmation shall be administered by the Secretary of the Senate, or any other duly authorized person.

Form of a subpoena to be issued on the application of the prosecutors of the impeachment, or of the party impeached, or of his/her counsel.

To _____

Greetings:

You are hereby commanded to appear before the Senate of the Philippines, on the _____ day of _____, at the Senate Chamber in _____, then and there to testify your knowledge in the case which is before the Senate in which the House of Representatives has impeached _____, and to bring with you the following _____, it being necessary to use the same as testimony.

Fail not.

Witness _____, and Presiding Officer of the said Senate at _____, Philippines, this _____ day of _____, in the year of our Lord _____.

Presiding Officer of the Senate

Form of direction for the service of said subpoena.

The Senate of the Philippines)

To _____

Greetings:

You are hereby commanded to serve and return the within subpoena according to law. Dated at _____, this _____ day of _____, in the year of our Lord _____.

Secretary of the Senate

Form of oath to be administered to the Members of the Senate and the Presiding Officer sitting in the trial of impeachments.

"I solemnly swear (or affirm, as the case may be) that in all things appertaining to the trial of the impeachment of _____, now pending, I will do impartial justice according to the Constitution and laws of the Philippines: (So help me God)."

Form of summons to be issued and served upon the person impeached.

REPUBLIC OF THE PHILIPPINES) S.S.
The Senate of the Philippines)

To _____

Greetings:

Whereas the House of Representatives of the Philippines did, on the _____ day of _____, present to the Senate articles of impeachment against you, the said _____, in the words following:

[Here insert the articles]

And demand that you, the said _____, should be put to answer the accusations as set forth in said articles, and that such proceedings, examinations, trials, and judgments might be thereupon had as are agreeable to law and justice.

You, the said _____, are therefore hereby summoned to be and appear before the Senate of the Philippines, at their Chamber in _____, on the _____ day of _____, at _____ o'clock _____, then and there to answer to the said articles of impeachment, and then and there to abide by, obey, and perform such orders, directions, and judgments as the Senate of the Philippines shall make in the premises according to the Constitution and laws of the Philippines.

Hereof you are not to fail.

Witness _____, and Presiding Officer of the said Senate at _____, Philippines, this _____ day of _____, in the year of our Lord _____.

Presiding Officer of the Senate

Form of Order to be indorsed on said writ of summons.

REPUBLIC OF THE PHILIPPINES) S.S.
The Senate of the Philippines)

To _____

Greetings:

You are hereby commanded to deliver to and leave with _____, if conveniently to be found, or if not, to leave at his usual place of abode, or at his usual place of business in some conspicuous place, a true and attested copy of the within writ of summons, together with a like copy of this order; and in whichever way you perform the service, let it be done at least _____ days before the appearance day mentioned in the said writ of summons.

Fail not, and make return of this writ of summons and order, with your proceedings thereon endorsed, on or before the appearance day mentioned in the said writ of summons.

Witness _____, and Presiding Officer of the said Senate at _____, this _____ day of _____, in the year of our Lord _____.

Presiding Officer of the Senate

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

XXIV. If the Senate shall, at any time, fail to sit for the consideration of articles of impeachment on the day or hour fixed therefor, the Senate may, by an order to be adopted without debate, fix a day and hour for resuming such consideration.

XXV. These Rules shall take effect immediately upon publication in two (2) newspapers of general circulation and shall remain in force until amended or repealed. A copy of these Rules shall be posted on the official website of the Senate of the Philippines.

Adopted,

JUAN PONCE ENRILE
President of the Senate

This Resolution was adopted by the Senate on March 23, 2011.

EMMA LIRIO REYES
Secretary of the Senate