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SENATE

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P.S. RESOLUTION NO. 441

Introduced by

Senators Francis N. Pangilinan; Teofisto Guingona III, Sergio Osmeña III

***A RESOLUTION AMENDING SECTION XXI OF
THE RULES OF PROCEDURE ON IMPEACHMENT TRIALS***

WHEREAS, Section 3(6) of Article XI of the 1987 Philippine Constitution states that the Senate has the sole power to try and decide all cases of impeachment. For this purpose, the Congress shall promulgate its rules on impeachment;

WHEREAS, on 23 March 2011, the Senate adopted Resolution No. 39 entitled "Resolution Adopting the Rules of Procedure on Impeachment Trials";

WHEREAS, Section XXI of the Rules provides that 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;

WHEREAS, the Articles of Impeachment was transmitted by the House of Representatives to the Senate last 23 March 2011, House Resolution No. 1089 impeaching Ombudsman Ma. Merceditas Navarro-Gutierrez for betrayal of public trust contains six (6) articles of impeachment as follows: (I) The Fertilizer Fund Scam, (II) Euro Generals Scandal, (III) The Mega-Pacific Deal, (IV) NBN-ZTE Deal, (V) Ensign Philip Pestano Case and (VI) Low Conviction Record;

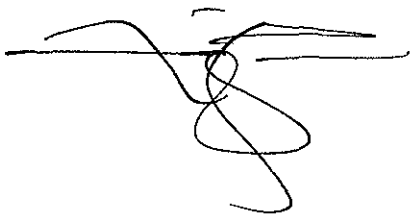
WHEREAS, the impeachment process is a mechanism which allows for the removal of Ombudsman Gutierrez for betrayal of public trust as stated in the Articles of Impeachment. In the event that the prosecutors from the House of Representatives prove the case against Ombudsman Gutierrez in only one of the six (6) articles, she will be formally removed from public office;

WHEREAS, the Senate need not vote on all of the articles of impeachment. Where an individual has already been convicted on one or more of the articles, the Senate may decide that subsequent votes on the remaining articles are unnecessary;

WHEREAS, rules of parliamentary practice are merely procedural and not substantive. The rules of procedure adopted by deliberative bodies have not the force of a public law, but they are merely in the nature of by-laws, prescribed for the orderly and convenient conduct of their own proceedings. The rules adopted by deliberative bodies are subject to revocation, modification, or waiver at the pleasure of the body adopting them. Where a deliberative body adopts rules of order for its parliamentary governance, the fact that it violates one of the rules so adopted may not invalidate a measure passed in compliance with statute (67 Corpus Juris Secundum, 870);

NOW, THEREFORE, be it resolved, as it is hereby resolved, by the Senate of the Philippines to amend Section XXI of the Rules of Procedure on Impeachment Trials *in order to allow the Senators to immediately vote on whether or not the impeachment is sustained when the presentation of evidence and arguments by the parties on one article of impeachment is completed; and if the impeachment shall not be sustained by the votes of two-thirds of all the Members, the presentation of evidence for the next article of impeachment shall commence accordingly.*

ADOPTED,

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A. Nelson