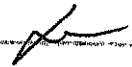


THIRTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Second Regular Session)

6 MAY 15 P5:51

RECEIVED BY: 

SENATE

P. S. Res. No. **482**

Introduced by _____

**A RESOLUTION CALLING FOR THE
AMENDMENT OF THE RULES OF THE SENATE GOVERNING INQUIRIES
IN AID OF LEGISLATION**

WHEREAS, Article VI, Section 21 of the 1987 Constitution provides that Congress has the power to conduct legislative inquiry in aid of legislation;

WHEREAS, pursuant to its power to conduct legislative inquiry, Congress may investigate issues of national interest, and thereafter decide whether legislation is necessary to address the same;

WHEREAS, the Senate, on various occasions, has conducted investigations to check on the alleged abuses and excesses in the exercise of government powers, as well as to inquire about matters involving private individuals or issues affecting different sectors;

WHEREAS, the Constitution in granting said authority to Congress, mandates that the rights of a person appearing in or affected by such inquiries shall be respected;

WHEREAS, there is a need to recognize this very important constitutional safeguard in the Rules of the Senate;

WHEREAS, pursuant to the foregoing premises, the Rules of the Senate Governing Inquiries in Aid of Legislation must be amended;

RESOLVED, as it is hereby resolved, that the Rules of the Senate Governing Inquiries in Aid of Legislation are hereby amended by adding the following sentence after the last paragraph of Section 1:

“EVERY INVESTIGATION OR INQUIRY SHALL SPECIFY THE LAWS, ORDERS, RULES THAT WILL BE REVIEWED, OR CONSIDERED IN THE SUBJECT MATTER OF THE INVESTIGATION, WITHOUT PREJUDICE TO OTHER LAWS, ORDERS, OR RULES THAT MAY ARISE DURING THE INVESTIGATION OR INQUIRY THAT MAY FORM PART OF THE RECOMMENDATION IN THE COMMITTEE REPORT.”

RESOLVED FURTHER, that the following provisions shall be inserted after Section 15 of the Rules:

“x x x x x x x x x

SEC. 16. RIGHTS OF A WITNESS APPEARING IN AN INVESTIGATION. THE RIGHTS OF PERSONS APPEARING IN OR AFFECTED BY INQUIRY UNDER THIS RULE SHALL BE RESPECTED.

SEC. 17. REQUIREMENT FOR SUBMISSION OF WRITTEN STATEMENTS. – EVERY WITNESS INTENDING OR INVITED TO APPEAR BEFORE AN INVESTIGATION SHALL SUBMIT A WRITTEN STATEMENT OF HIS/HER TESTIMONY AT LEAST THREE (3) DAYS BEFORE THE SCHEDULED APPEARANCE, UNLESS THE MAJORITY OF THE MEMBERS OF THE COMMITTEE DETERMINES THE URGENCY OF ONE’S TESTIMONY, IN WHICH CASE, THE WITNESS WILL BE EXCUSED FROM THIS REQUIREMENT.

SEC. 18. EXECUTIVE SESSION. – A COMMITTEE MAY HOLD A HEARING IN EXECUTIVE SESSION UPON MOTION MADE AND SECONDED, BASED ON ANY OF THE FOLLOWING CIRCUMSTANCES:

- (1) TESTIMONY WILL DISCLOSE MATTERS NECESSARY TO BE KEPT CONFIDENTIAL IN THE INTEREST OF NATIONAL SECURITY;
- (2) TESTIMONY WILL RELATE SOLELY TO MATTERS OF COMMITTEE PROCEDURE;
- (3) TESTIMONY WILL TEND TO CHARGE AN INDIVIDUAL WITH CRIME OF MISCONDUCT, TO DISGRACE OR INJURE THE PROFESSIONAL STANDING OF AN INDIVIDUAL, OR OTHERWISE EXPOSE AN INDIVIDUAL TO PUBLIC CONTEMPT OR WILL VIOLATE THE RIGHT TO PRIVACY OF AN INDIVIDUAL;
- (4) TESTIMONY WILL DISCLOSE THE IDENTITY OF AN INFORMER OR LAW ENFORCEMENT AGENT OR WILL DISCLOSE ANY INFORMATION RELATING TO THE INVESTIGATION OR PROSECUTION OF A CRIMINAL OFFENSE THAT IS REQUIRED TO BE KEPT CONFIDENTIAL IN THE INTEREST OF EFFECTIVE LAW ENFORCEMENT;
- (5) TESTIMONY WILL DISCLOSE MATTERS REQUIRED TO BE KEPT CONFIDENTIAL UNDER OTHER PROVISIONS OF LAW OR GOVERNMENT REGULATIONS; OR
- (6) ANY OTHER CIRCUMSTANCE OF SIMILAR NATURE.

SEC. 19. SERVICES OF COUNSEL AND CONSULTANTS. – THE COMMITTEE, BY MAJORITY VOTE OF ITS MEMBERS, MAY ENGAGE THE SERVICES OF LEGAL COUNSEL OF PROVEN INTEGRITY AND COMPETENCE TO ASSIST THE COMMITTEE IN ASSESSING THE TESTIMONY OF A POSSIBLE WITNESS. THE LEGAL COUNSEL SHALL ASSIST THE COMMITTEE IN EVALUATING THE TESTIMONY OF THE WITNESS AND IN DISTINGUISHING BETWEEN ADMISSIBLE AND INADMISSIBLE TESTIMONY.

THE MAJORITY OF THE MEMBERS OF THE COMMITTEE SHALL DETERMINE THE MANNER, TERMS AND CONDITIONS OF THE EXAMINATION OF THE TESTIMONY BY A COUNSEL, WHICH IN NO CASE SHALL BE CONDUCTED IN A PUBLIC HEARING.

SEC. 20. RIGHT OF AN IMPUGNED PERSON. – ANY PERSON WHOSE NAME IS MENTIONED OR IS SPECIFICALLY IDENTIFIED, AND WHO BELIEVES THAT THE EVIDENCE PRESENTED, OR COMMENT MADE DURING THE INVESTIGATION TENDS TO IMPUGN HIS OR HER CHARACTER OR ADVERSELY AFFECT HIS OR HER REPUTATION, MAY:

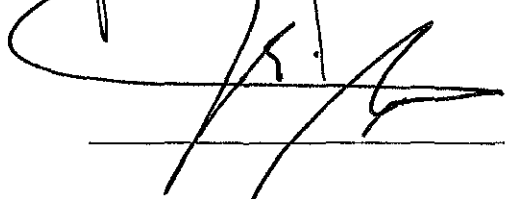
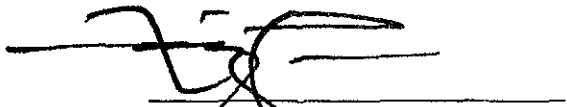
(1) FILE A SWORN STATEMENT OF FACTS RELEVANT TO THE EVIDENCE OR COMMENT, WHICH STATEMENT SHALL FORM PART OF THE RECORDS OF THE COMMITTEE;

(2) REQUEST THAT HE OR SHE BE ALLOWED TO APPEAR PERSONALLY BEFORE THE COMMITTEE TO TESTIFY IN HIS OR HER OWN BEHALF, WHICH REQUEST SHALL BE CONSIDERED BY THE COMMITTEE; AND

(3) SUBMIT QUESTIONS IN WRITING WHICH HE OR SHE WISHES TO BE USED FOR THE CROSS-EXAMINATION OF WITNESSES, WHICH REQUEST SHALL BE CONSIDERED BY THE COMMITTEE.”

RESOLVED FINALLY, that Section 16 of the said rules shall be deleted and the rest of the sections thereof shall be renumbered accordingly.

Adopted,



Pro. J. Capobianco amendments