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SENATE  
P.S.R. No. **763**

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Introduced by Senator Miriam Defensor Santiago

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RESOLUTION  
AMENDING THE SENATE RULES OF PROCEDURE GOVERNING INQUIRIES IN  
AID OF LEGISLATION TO EXPLICITLY GIVE SENATE COMMITTEES THE  
POWER TO ISSUE "BENCH WARRANTS" FOR FAILURE TO APPEAR AT A  
HEARING

WHEREAS, the Constitution, Article VI, Section 21, provides that "The Senate or the House of Representatives or any of its respective committees may conduct inquiries in aid of legislation in accordance with its duly published rules of procedure. The rights of persons appearing in or affected by such inquiries shall be respected";

WHEREAS, the Senate Rules of Procedure Governing Inquiries in Aid of Legislation, Section 1, states: "The Senate or any of its Committees may conduct formal inquiries or investigations in aid of legislation in accordance with these Rules";

WHEREAS, the Senate Rules, Section 4, states: "One third of all the regular members of the Committee shall constitute a quorum but in no case shall it be less than two. The presence of *ex officio* members may be considered in determining the existence of a quorum";

WHEREAS, the Senate Rules, Section 17, states: "The Committee shall have the powers of an investigating committee, including the power to summon witnesses and take their testimony and to issue subpoena and subpoena *duces tecum*, signed by its Chairman, or in his absence by the Acting Chairman, and approved by the President";

WHEREAS, the Senate Rules, Section 18, states: "The Committee, by a vote of a majority of all its members, may punish for contempt any witness before it who disobeys any order of the Committee or refuses to be sworn or to testify or to answer a proper question by the Committee or any of its members, or testifying, testifies falsely or evasively. A contempt of the Committee shall be deemed a contempt of the Senate. Such witness may be ordered by the Committee to be detained in such place as it may designate under the custody of the Sergeant-at-Arms until he agrees to produce the required documents, or to be sworn or to testify, or otherwise purge himself of that contempt";

WHEREAS, the failure of a witness summoned by subpoena or subpoena *duces tecum* to attend a Senate committee hearing constitutes contempt of the committee and of the Senate;

WHEREAS, the Senate practice is to hold a hearing with only two senators present, thus making it highly improbable to attain a vote of a majority of all the members of a committee in the same hearing;

WHEREFORE, be it hereby resolved by the Philippine Senate, to amend the Senate Rules of Procedure Governing Inquiries in Aid of Legislation to explicitly give Senate committees the power to issue “bench warrants,” i.e., a warrant of arrest issued directly by the committee chair to the sergeant-at-arms, for the arrest of a person who has disobeyed a subpoena, or has failed to appear at a hearing.

Adopted,

*Miriam Defensor Santiago*  
MIRIAM DEFENSOR SANTIAGO

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