

## TO FORTHWITH PROCEED

### *An Open Letter and Urgent Call to the Senate of the Philippines to Commence the Impeachment Trial of Vice-President Sara Z. Duterte*

By Individual Members of the University of the Philippines College of Law Faculty  
June 5, 2025

**We, the undersigned individual members of the faculty of the University of the Philippines College of Law, express our grave concern with proposals to declare the impeachment case against Vice-President Sara Z. Duterte as functionally or *de facto* dismissed.**<sup>1</sup> The grounds for dismissal being circulated in draft resolutions reported by the media<sup>2</sup>—i.e., the violation of Vice-President Duterte’s right to speedy disposition of cases, and the non-continuing character of the Senate—are unsupported by factual developments and a proper reading of the Constitution. A premature dismissal will undermine the core democratic principle of checks and balances. In contrast, proceeding with the impeachment trial will uphold the Senate’s constitutional mandate on public trust and accountability.

**On Speedy Disposition of Cases.** The Senate’s four-month inaction on the Articles of Impeachment transmitted to it on February 5, 2025 has been cited as a violation of Vice-President Duterte’s right to a speedy disposition of her case. Indeed, the Constitution guarantees this “before all judicial, quasi-judicial, or administrative bodies.”<sup>3</sup> Like any citizen, Vice-President Duterte is entitled to this right. However, her right to speedy disposition has not been violated.

An impeachment trial, as a *sui generis* constitutional procedure, is not a case before a judicial, quasi-judicial, or administrative body. The trial of impeachment cases is a proceeding in the Senate which, in this context, does not even sit as an ordinary legislative body but as a constitutional office of accountability. On the text of the Constitution alone, the right to speedy disposition would not apply.

Even if it did apply, Vice-President Duterte was not prejudiced by these delays. Neither has she sought a dismissal from the Senate or the commencement of her trial since the Articles of Impeachment were transmitted. In fact, she filed

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<sup>1</sup> Press Release, *Senator Tolentino urges dismissal of impeachment case due to Constitutional deadline*, SENATE OF THE PHIL., June 2, 2025, at [https://web.senate.gov.ph/press\\_release/2025/0602\\_tolentino1.asp](https://web.senate.gov.ph/press_release/2025/0602_tolentino1.asp)

<sup>2</sup> Bonz Magsambol & Dwight de Leon, *Purported draft Senate resolution seeks to kill VP Sara’s impeachment trial*, RAPPLER.COM, June 4, 2025, at <https://www.rappler.com/philippines/purported-draft-senate-resolution-seeks-kill-sara-duterte-impeachment-trial/>

<sup>3</sup> CONST. art. III, § 16.

a petition before the Supreme Court and sought an injunction against the trial.<sup>4</sup> Applying the Court's established tests,<sup>5</sup> the Vice-President's right to speedy disposition was not violated by the deferral of the trial's commencement.

We note that notwithstanding the Constitution's plain mandate for the Senate to "forthwith proceed"<sup>6</sup> with this most special constitutional function, it did not begin trial when it returned from recess on June 2, 2025. Respectfully, a dismissal at this point would be deemed by the Filipino people as effectively engineered by the Senate's own delay and an abdication of its constitutional role in impeachment.

**On the Non-Continuing Character of the Senate.** Views that support a preemptive dismissal cite Supreme Court pronouncements that the Senate is not a "continuing body" and the chamber's rules. The place of impeachment in our constitutional system requires that these sources be read in their proper context.

As to the Senate not being a "continuing body," proponents cite *Neri v. Senate*<sup>7</sup> and *Balag v. Senate*.<sup>8</sup> These cases are not applicable to impeachment as they both concern legislative investigations. Moreover, while Rule XLIV, Section 123 of the Senate provides that "all pending matters and proceedings shall terminate upon the expiration of one (1) Congress," congressional practice has always applied this to regular legislative and non-legislative business contemplated in Article VI of the Constitution. But impeachment is not an ordinary legislative and non-legislative business: it is a distinct and singularly important constitutional duty. It is provided in a separate article of the Constitution (Article XI). It is also addressed to the Senate specifically,<sup>9</sup> not to Congress generally. In contrast to the hundreds of bills, resolutions, and investigations that the Senate deals with, the trial of an impeachment rests on a higher plane.

The special character of the Senate when it tries an impeachment is confirmed by its own precedents. The terms "impeachment court," "senator-judges," and "political neutrality" do not appear in the Constitution. Yet in both Estrada and Corona impeachment trials, the Senate has adopted these terms and even commissioned robes, recognizing a special constitutional role that transcends its day-to-day workings as a chamber of Congress. Even in Anglo-American practice, impeachment is "not discontinued by the dissolution of

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<sup>4</sup> *Duterte v. House of Representatives*, G.R. No. 278353 (Pet. Cert. & Prohib., Feb. 7, 2025).

<sup>5</sup> *Cagang v. Sandiganbayan*, G.R. No. 206438, July 31, 2018.

<sup>6</sup> CONST. art. XI, § 3(4).

<sup>7</sup> G.R. No. 180643, Sept. 4, 2008.

<sup>8</sup> G.R. No. 234608, July 3, 2018.

<sup>9</sup> CONST. art. XI, § 3(6).

Parliament, but may be resumed by the new Parliament.”<sup>10</sup> The reason for this is that when the Senate acts to try impeachment, it fulfills a non-legislative role that survives its complete dissolution.<sup>11</sup>

In any event, the question of whether trial should continue after the Senate adjourns *sine die* should not be preempted by the 19th Congress but should be left to the 20th Congress. For the Senate to decide for the 20th Congress would be undemocratic, contrary to the very rationale underlying the “non-continuing body” argument.

**On Impeachment and Accountability.** Post-1987, impeachments have been the venue for the most important national conversations on good governance and the standards we, the sovereign Filipino people,<sup>12</sup> impose on our highest officials. Its character as an accountability mechanism is not simply suggested by its placement under Article XI of the Constitution (Accountability of Public Officers)—it is confirmed by constitutional and political history.<sup>13</sup>

In the Estrada impeachment, the non-opening of the second envelope was premised on evidentiary objections regarding relevance and materiality; for the people, it was suppression of the truth that ended in the removal of a President. In the Corona impeachment, the Chief Justice delivered an emphatic statement defending himself; the tide turned when he abruptly walked out of the impeachment trial before the Senate could ask him questions. While every initiation of impeachment is understandably controversial if not divisive, the people eventually congregate around the Impeachment Court to find “the truth, the whole truth, and nothing but the truth” about serious disqualifying allegations against its highest public servants.

We are deeply concerned with moves to preemptively dismiss the impeachment case not because we necessarily believe in the charges: we do so because we wish to see the evidence, hear the Vice-President’s defense, and with our fellow Filipinos, judge for ourselves her fitness to continue in public service. In these difficult moments, the people look to their Senate to be the forum for the country’s most important truth-telling procedure because of its seniority, independence, and reputation for statesmanship.<sup>14</sup> As teachers and scholars of the law, we believe that the Senate’s dismissal without hearing even a single witness

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<sup>10</sup> JEFFERSON’S MANUAL OF PARLIAMENTARY PRACTICE § 620.

<sup>11</sup> JEFFERSON’S MANUAL OF PARLIAMENTARY PRACTICE § 592 (“Impeachments stand, in like manner, continued before the Senate of the United States.”)

<sup>12</sup> CONST. pmbl.

<sup>13</sup> See generally Paolo S. Tamase, *Emerging Issues in Impeachment and the Accountability Constitution*, PHIL. L.J. FORUM (June 2, 2025).

<sup>14</sup> See THE FEDERALIST No. 62.

will mean its abandonment of its proud tradition as an august chamber and permanently alter our system of checks and balances. It will also undermine the people's trust in the Senate as an independent and impartial institution before which the highest officials of the land may demonstrate and prove their fealty to the principles of accountability, public service, and democracy.

**We therefore earnestly urge our Honorable Senators: let the truth unfold. We call on the Senate of the Philippines to comply with its constitutional duty to “forthwith proceed” with the impeachment trial of Vice President Sara Z. Duterte.**

PAOLO S. TAMASE  
RAUL C. PANGALANGAN  
DANTE B. GATMAYTAN  
MA. GISELLA N. DIZON-REYES  
JACQUELINE F. ESPENILLA  
THEODORE O. TE  
ANTONIO G.M. LA VIÑA  
VICTORIA V. LOANZON

LEE EDSON P. YARCIA  
JAY L. BATONGBACAL  
GWEN GRECIA-DE VERA  
EMERSON S. BAÑEZ  
MICHELLE B. SAN BUENAVENTURA-DY  
MICHAEL T. TIU, JR.  
LUISITO V. LIBAN  
JOHN MOLO

ABRAHAM REY MONTECILLO  
ACOSTA  
MYK GREGORY LACSAMANA  
ALBAO  
RAMON QUINTIN CLAUDIO C.  
ALLADO  
FRANCIS ASILO  
HERMINIO C. BAGRO III  
RAYMOND MARVIC C.  
BAGUILAT  
PETER D.A. BAROT  
E. (LEO) D. BATTAD  
JUAN EMMANUEL P. BATUHAN  
MARK LEO BEJEMINO  
MARIANNE BELTRAN-  
ANGELES  
CRISTINA REGINA N. BONOAN  
NIEL ANTHONY BORJA  
ROENTGEN F. BRONCE  
ADRIAN S. BUSTOS  
JEROME D. CANLAS  
ARNEL PACIANO CASANOVA  
RACHEL ANN M. CASTRO  
DEMY CUSTODIO JR.  
ROWENA DAROY MORALES  
MA.SOLEDADE MARGARITA C.  
DERIQUITO-MAWIS  
JOCEL ISIDRO DILAG  
FROILYN P. DOYAOEN-  
PAGAYATAN  
KIM A. ENAGE  
AISSA V. ENCARNACION  
ERNESTINE D. VILLAREAL  
FERNANDO

ALEX FERDINAND S. FIDER  
JAYVY R. GAMBOA  
MICHAEL A. GASPAR  
CARLO MIGUEL ROMEO S. GO  
RENO GONZALES, JR.  
GEORGE MITCHELL S.  
GUERRERO  
IBARRA "BARRY" M.  
GUTIERREZ III  
CARLOS S. HERNANDEZ, JR.  
ILDEFONSO JIMENEZ  
JO BLANCA LABAY  
MARCO GREGORIO L. LAINEZ  
MA. TANYA KARINA A. LAT  
JERWIN JAMES LIM  
GLENDA LITONG  
MARWIL N. LLASOS  
MICHAEL MACAPAGAL  
LEO B. MALAGAR  
RYAN ANTHONY S. MALIT  
RENATO B. MANALOTO  
RUTH F. MELICOR-VALERIO  
MARTIN IGNACIO D. MIJARES  
RAFAEL A. MORALES  
CLAUDE ALBERT DAROY  
MORALES  
CHRISTOPHER LOUIE  
OCAMPO  
LAWRENCE GERARD ORTIZ  
REN PAMBID  
RODDEL R. PARAÑOS  
DIVINA GRACIA PEDRON  
GRACE P. QUEVEDO-  
PANAGSAGAN

BAYAN JOSEPH A. QUIÑONES  
SALMA PIR T. RASUL  
MARIE CECILE ROQUE-  
QUINTOS  
JHOEL RAQUEDAN  
JANNET CRUZ-REGALADO  
GRACIELLO TIMOTHY D.  
REYES  
CHARLTON JULES ROMERO  
MA. ISABEL P. ROMERO  
TANYA RENEE ROSALES  
SENANDO ANGELO SANTIAGO  
JOSEPHINE R. SANTIAGO  
PHILLIP D. SAWALI  
MIA MARY SEBASTIAN  
FRANCIS V. SOBREVINAS  
JOSE MIGUEL B. SOLIS  
JUSTIN D.J. SUCGANG  
MARY ROSE S. TAN  
FINA BERNADETTE TANTUICO  
GABRIELA VICTORIA A.  
TIMBANCAYA-PINEDA  
RUBY ROSSELLE TUGADE  
CRISOSTOMO URIBE  
ARNELL P. UYCHOCO  
FLORDELIZA C. VARGAS  
SUSAN VILLANUEVA  
VIFERLYN D. VILLAR  
LANI VICTORIA VINAS

*Updated signatories as of June 5,  
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