RESTORING ACCOUNTABILITY

A Statement by Individual Members
of the University of the Philippines College of Law Faculty
on Developments in the Impeachment of Vice President Sara Z. Duterte

August 1, 2025

We, the undersigned individual members of the faculty of the University of the Philippines College of Law, express our grave concern with the developments in the impeachment of Vice President Sara Z. Duterte. We have carefully studied the Supreme Court's decision in *Duterte v. House of Representatives*[1] and the unprecedented actions that have been taken by Congress that have led us to this point.[2] We acknowledge the anxiety, confusion, and fears of a constitutional crisis that have arisen among the general public. Informed by the law and the constitutional and political history that we teach and study, we stand by bedrock principles of our constitutional system and warn that these recent developments undermine impeachment as an indispensable instrument of political accountability for our highest public officials.

On Impeachment as Political Accountability. For almost a century, impeachment in the Philippines has existed as a mechanism of political accountability. It is a process formerly described by the Court as even "purely political."[3] Unlike legal accountability via criminal prosecutions for corruption, impeachment did not rely on standards of evidence, proof of elements, and judicial impartiality to function.[4] With its unique moral underpinnings,[5] impeachments are decided only upon the simple question of whether a high public official should continue to be entrusted with public office. Hence, its consequence is not imprisonment or civil damages but removal, and it is decided not by learned judges but our elected representatives,[6] including those without legal backgrounds.

In this light, decisions in impeachment are products of political and moral judgment, not strict legal analysis. The correctness of those decisions is not

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[1] G.R. No. 278353, July 25, 2025.

[2] *See, e.g.*, Jairo Bolledo, *Remanding Sara Impeachment Articles to House Unconstitutional — Experts*, RAPPLER.COM, Jun. 10, 2025, *at* https://www.rappler.com/newsbreak/in-depth/senate-remanding-sara-duterte-impeachment-articles-house-unconstitutional/.

[3] In Re: Mrs. Corona, A.M. No. 20-07-10-SC, Jan. 12, 2021, text after n.26.

[4] Paolo S. Tamase, *Emerging Issues in Impeachment and the Accountability Constitution*, PHIL. L.J. (June 2, 2025), at 33 (on "judicializing the political") [hereinafter, "*Emerging Issues*"].

[5] Paolo S. Tamase & Athena Charanne Presto, *Impeachment a Key Weapon in the Philippines' Marcos–Duterte Divide*, EAST ASIA FORUM, Mar. 10, 2025, https://doi.org/10.59425/eabc.1741644000/; *see also Emerging Issues*, *supra* note 4, at 35-36.

[6] *See* THE FEDERALIST NO. 62.

ordinarily reviewed by a higher court for errors of law and fact, but by the "sovereign Filipino people"[7] via the ballot box.

This is precisely why the Court had deferred to Congress in defining its impeachment processes, subject only to the Constitution's limited text:[8] its members, as our elected representatives, are directly answerable to the people. The Constitution made it clear that the House has the "exclusive power to initiate," and the Senate the "sole power to try and decide," "all cases of impeachment."[9] We thus share the view of the Free Legal Assistance Group (FLAG) that the over-judicialization of the process—by laying out evidentiary and court-like procedures for Congress, even at the early point of initiation—will permanently change impeachment's nature.[10]

On Judicial Review and the Role of the Courts. While judicial review exists even for acts as discretionary as impeachment, it is constitutionally available only when there is grave abuse.[11] We believe that Congress simply relied on the rule set by the Court in *Francisco v. House of Representatives*[12] and *Gutierrez v. Committee on Justice*[13] that initiation by the House consists of the filing of a complaint and its referral to the proper committee. This could not be an abuse of discretion, much less a grave one. If the Court intended to lay out new rules for the House, then the "reliance of the public thereto prior to their being declared unconstitutional" calls for at least a prospective application of its decision[14] and not the nullification of the House's actions.

Whenever it had to intervene in past impeachments, the Court did so cautiously[15] to avoid not only preempting Congress but also influencing the only process of political accountability for its own members. The Court had therefore avoided defining impeachable offenses because it acknowledged each as a "non-justiciable political question which is beyond the scope of its judicial power."[16] It had refused to dissect alleged irregularities in the internal processes of the

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[7] CONST. pmbl.

[8] CONST. art. XI, § 3.

[9] CONST. art. XI, § 3(1) & (6).

[10] *See also* Free Legal Assistance Group (FLAG), *WE DISSENT! (Statement on the Decision in G.R. No. 278353, Sara Duterte vs. House of Representatives, et al.)* (July 29, 2025). Our faculty have expressed similar sentiments in February 2025. *See Emerging Issues*, *supra* note 4, at 36, 38.

[11] CONST. art. VIII, § 1. Francisco v. House of Representatives, G.R. No. 160261, Nov. 10, 2003.

[12] G.R. No. 160261, Nov. 10, 2003.

[13] G.R. No. 193459, Feb. 15, 2011.

[14] Film Dev't Council v. Colon Heritage Realty Corp., G.R. No. 203754, Nov. 3, 2020 (on the operative fact doctrine).

[15] *See, e.g.*, Corona v. Senate, G.R. No. 200242, July 17, 2012 (declaring moot the petition to question the impeachment trial of former Chief Justice Renato Corona).

[16] *Francisco*, G.R. No. 160261, text after n.114.

House when the issues before it could be resolved on other grounds.[17] Analogously, it had held that the "respect due to coequal and independent departments requires the judicial department to act upon that assurance, and to accept, as having passed Congress, all bills authenticated in the manner stated."[18]

On this point, the *Duterte* ruling has consequences that the parties themselves did not appear to contemplate. For instance, the House must now meet as a chamber even if one-third of all its members have already signed and verified a resolution of impeachment.[19] We agree with Justice Adolfo Azcuna's view that this is contrary to the intent to make impeachments easier to initiate.[20] We add that it deviates from the design to protect the process from a tyrannical majority,[21] which in plenary now has the power to block resolutions for impeachment. As our colleagues have also noted,[22] the ruling creates an incentive for the filing of sham complaints to trigger the one-year bar rule—a political strategy once criticized by a justice as making "a mockery of the power of impeachment."[23] Narrower rulings in the past have precisely avoided these unintended consequences.

The Rights of a Respondent in Impeachment. As a sui generis proceeding,[24] impeachment is neither criminal, civil, nor administrative: rules like res judicata and double jeopardy do not apply, and its penalty of removal is neither criminal, civil, nor administrative as well.[25] In this regard, while due process protects against the deprivation of "life, liberty, and property,"[26] "public office is not [] property within the context of the due process guarantee of the Constitution."[27] Notably, while Article VI, Section 21 of the Constitution requires the "rights of persons appearing in, or affected by" legislative inquiries "shall be respected," no similar rule applies in Article XI, Section 3 on impeachment. Impeachment has thus never required the observance of due process that applies to administrative proceedings: the impeachment trial is *itself* the due process.

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[17] *Id*., text after n.121.

[18] Arroyo v. De Venecia, G.R. No. 127255, Aug. 14, 1997.

[19] CONST. art. XI, § 3(4).

[20] *See* Justice Adolfo S. Azcuna (Ret.), *The Principle Casualty*, FACEBOOK, July 30, 2025. *See also Emerging Issues*, *supra* note 4, at 14.

[21] *See Emerging Issues*, *supra* note 4, at 3-4.

[22] *SC Ruling May Lead to Sham Impeachment Complaints, Legal Experts Warn*, GMA NEWS ONLINE, July 28, 2025, *at* https://www.gmanetwork.com/news/topstories/nation/954050/sara-duterte-impeachment-complaint-supreme-court/story/.

[23] Gutierrez v. Comm. on Just., G.R. No. 193459, Feb. 15, 2011 (Sereno, J., concurring), text after n.38.

[24] In Re: Mrs. Corona, A.M. No. 20-07-10-SC, text after n.26.

[25] *Id.*

[26] CONST. art. III, § 1.

[27] Engaño v. Court of Appeals, G.R. No. 156959, Jun. 27, 2006.

This is not because the Constitution intended to be oppressive towards a respondent. Instead, and following congressional practice, the right to be heard of an impeachable officer is honored in the trial before the Senate. Further, unlike in legal proceedings, the principal aim of impeachment is not to litigate a right of the impeachable officer but to protect the public and enforce accountability.[28] A reading of the Constitution to further accountability requires a return to the paradigm of protecting the people and a reiteration of the principle that public office is a public trust[29]—a sacred privilege, not a god-given right.

Fealty to the Truth and Constitutional Statesmanship. This statement comes at the fifteenth anniversary of *Restoring Integrity*, the letter of the College of Law Faculty to the Supreme Court arising from allegations of plagiarism in *Vinuya v. Executive Secretary*.[30] The Court's subsequent disciplinary action against our colleagues for expressing their views[31] has produced a chilling effect on academic and public criticism of matters that may reach the Court,[32] leaving many of its decisions and reasoning uncontested. That legacy of retaliation is apparent in the contempt citations sought against public figures who have denounced the Court's decision in *Duterte*.[33]

Nevertheless, we have faith that the jurisprudence since then,[34] and the resounding voice of the Court's own former members,[35] allow us to reiterate the above fundamental principles. After all, this is exactly the role of the academy and institutions like the media in our constitutional government.[36] As academics, our only client is the truth. And while the course of Vice President Duterte's impeachment has veered further away from discovering it, we write with hope that our democratic institutions will, with statesmanship and prudence, allow us, the people, to eventually find our way towards restoring accountability.

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[28] RECORD CONST. COMM'N No. 41 (July 28, 1986) ("Impeachment is not intended to punish the offender. Impeachment is a method of national inquest to protect the State. … Rather, it is in the nature of an exemplary act by which the State infuses the highest sense of responsibility to public service.")

[29] CONST. art. XI, § 1.

[30] 633 Phil. 538 (2010).

[31] *See* In Re: UP Law Faculty, A.M. No. 10-10-4-SC, Mar. 8, 2011.

[32] *See* Paolo S. Tamase, *The Long Shadow of Vinuya in the Time of Artificial Intelligence*, 96 PHIL. L.J. 850 (2025).

[33] Katrina Domingo, Cendaña, Gadon, *Heydarian Face Contempt Petition over Comments on SC's Duterte Impeachment Ruling*, ABS-CBN NEWS, July 30, 2025, https://www.abs-cbn.com/news/nation/2025/7/30/cenda-a-gadon-heydarian-face-contempt-petition-over-comments-on-sc-s-duterte-impeachment-ruling-1428.

[34] Pilipinas Shell Petroleum Corp. v. Morales, G.R. No. 203867, Apr. 26, 2023 (Leonen, J.).

[35] *See* Justice Adolfo S. Azcuna (Ret.), *An Appeal to the Supreme Court—Apply the Fairness Principle*, FACEBOOK, July 25, 2025; *see also* Joel R. San Juan, *Ex-CJ Panganiban, Ex-Justice Azcuna Weigh in on SC Decision on VP Sara Impeachment Case*, BUSINESSMIRROR, July 26, 2025, https://businessmirror.com.ph/2025/07/26/ex-cj-panganiban-ex-justice-azcuna-weigh-in-on-sc-decision-on-vp-sara-impeachment-case/.

[36] *See* Vicki C. Jackson, *Knowledge Institutions in Constitutional Democracies: Of Objectivity and Decentralization*, HARV. L. REV. BLOG (Aug. 29, 2019).

In light of these established principles, we express our conviction that Congress is constitutionally vested with high prerogatives and thus deserves the appropriate deference in its procedures and in the conduct of impeachment. At the very least, given the House's reliance on two decades of precedents and practices, any new rules should be prospective in application. We call on our democratic institutions to act in accordance with these fundamental principles, and to foster a full public debate on the impeachment in keeping with constitutional accountability.

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