

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



FIFTEENTH CONGRESS

Second Regular Session
5969
House Bill No. ____

Introduced by **Hon. Rodolfo G. Biazon**

EXPLANATORY NOTE

National attention is currently focused on the impeachment trial of the Chief Justice of the Supreme Court of the Philippines before the Senate of the Philippines sitting as an impeachment court. The complaints against him for culpable violation of the constitution, bribery, graft and corruption, other high crimes and betrayal of public trust were investigated by the House of Representatives which, upon finding sufficient evidence to support the same, referred the matter to the Senate in the form of several articles of impeachment for trial.

Historically, the Philippines has had only three instances of this political exercise which involved three Presidents, namely: Presidents Quirino, Macapagal and Marcos. However, partisan politics and political inclinations and preferences precluded the completion of the process in these cases thereby depriving the country of the legal precedents that could have served as the touchstone and bedrock of future proceedings of this nature.

As a consequence, the public has become privy to the sad spectacle of the parties to the impeachment process engaged in seeming endless arguments involving questionable complaints, the rights of a public official subject of the impeachment, the quantum of evidence required for conviction, and most importantly, the meaning and coverage of some of the grounds for impeachment. It has even opened Congress to negative public perceptions that adversely affected its integrity and credibility in the performance of its institutional mandate. These matters could have been easily and expeditiously resolved had it not been due to a dearth in legal precedents and the lack of implementing clarificatory laws.

This bill is intended as a remedy to the aforementioned situation and thus expedite the resolution of impeachment cases in the future. Hence, its passage is earnestly recommended.


RODOLFO G. BIAZON
Representative
Lone District, Muntinlupa City

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AN ACT
DEFINING THE GROUNDS FOR IMPEACHMENT AS PROVIDED IN THE 1987
CONSTITUTION AND FOR OTHER PURPOSES

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. *Title.* – This Act shall henceforth be known as the “*Impeachment Act of 2012*”.

Sec. 2. *Declaration of Policy.* – It is the policy of the State to ensure continuing respect to the inviolable tenets of the 1987 Constitution of the Philippines as the fundamental law of the land; to require sterling standards of performance and strict accountability by public officials and employees in view of the trust reposed upon them by the sovereign people from whom their authority emanates; and to absolutely adhere to the rule of law and afford its citizen the right to due process in any proceeding before any court, body or tribunal.

Sec. 3. *Impeachment.* – Impeachment is the process by which an impeachable public official under the 1987 Constitution is charged and tried by the House of Representatives and the Senate of the Philippines, respectively, with the view to removing him from the public office he holds for acts of culpable violation of the Constitution, treason, bribery, graft and corruption, other high crimes, or betrayal of public trust.

Sec. 4. *Definition of Terms.* – As used in this Act, the term:

- a. “Culpable Violation of the Constitution” means any willful, voluntary, intentional, and/or felonious act or any act committed in bad faith by an impeachable public official in violation of his oath of office and the 1987 Constitution.
- b. “Treason” refers to any act by an impeachable public official of levying war against the Philippines or adheres to her enemies by giving them aid and comfort.

It shall include acts of conspiracy and proposal to commit treason and misprision of treason. This term and its essential elements shall conform to the provisions of Republic Act No. 3815 (RA 3815), otherwise known as the Revised Penal Code of the Philippines, as amended.

- c. "Bribery" means the giving, offering or accepting of a thing of value as an inducement to do or refrain from doing something required by a law or regulation. This act and its essential requisites shall be governed by the provisions of RA 3815, as amended, and other related laws and regulations on the subject.
- d. "Graft and Corruption" refers to any act of an impeachable public official for private or personal gain that involves the use and/or an abuse of the powers and authority of his public office which is offensive to public sensibility. This act shall be governed by the provisions of Republic Act No. 3019, otherwise known as the Anti-Graft and Corrupt Practices Act, as amended, and other related laws and regulations on the subject.
- e. "Other High Crimes" refers to acts of gross misconduct and/or offensive use by an impeachable public official of the powers and authority reposed upon him by the sovereign people which strikes at the very marrow of governmental systems as inscribed in the 1987 Constitution and its implementing issuances.
- f. "Betrayal of Public Trust" covers acts which may not, under certain conditions, be in violation of laws, but are nonetheless of such nature as to adversely affect the very core of the integrity and reliability of an impeachable public official that would render him unfit to hold office in violation of the trust reposed upon him by the sovereign people. It shall include acts of malfeasance, misfeasance, non-feasance or any act unbefitting and/or not expected of an impeachable public official.

Sec. 4. *Procedure in Impeachment.* – The procedure in the impeachment of public officials and the requisite evidence to support said action shall substantially conform to the provisions of the 1987 Constitution. A respondent in an impeachment trial shall continue to be entitled to such constitutional rights and privileges accorded to persons falling under this category.

Sec. 5. *Rules of the Senate and the House of Representatives of the Philippines.* – The Senate and the House of Representatives shall promulgate its respective rules which shall govern their roles in the impeachment proceedings that provide due process to an impeachable official and adhere with the requirements of the rule of law.

Sec. 6. *Repealing Clause.* – All laws, executive orders, rules and regulations inconsistent with or contrary to this Act, are hereby deemed accordingly repealed or amended.

Sec. 7. *Separability Clause.* – If any provision of this Act or the application of such provision is declared unconstitutional or invalid, the provisions not affected thereby shall remain in full force and effect.

Sec. 8. *Effectivity Clause.* – This Act shall take effect after fifteen (15) days from its publication in at least two (2) newspapers of national circulation.

Approved,