Republic of the Philippines
Supreme Court
Manila

EN BANC

CATALINO ALDEA GENERILLO, JR.,	**G.R. No. 278311**
Petitioner,	Present:
-versus-	GESMUNDO, *C.J.*, LEONEN, CAGUIOA,* HERNANDO, LAZARO-JAVIER, INTING, ZALAMEDA, GAERLAN, ROSARIO, LOPEZ,** DIMAAMPAO, MARQUEZ, KHO, JR., SINGH, and VILLANUEVA, *JJ.*
SENATE OF THE PHILIPPINES, represented by HON. FRANCIS G. ESCUDERO, in his capacity as Senate President,	
Respondent.	**Promulgated:** April 22, 2026

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DECISION

ZALAMEDA, *J.*:

The present Petition for *Mandamus*[1] seeks to compel the Senate of the Philippines (Senate) to constitute itself into an impeachment court and conduct the trial of Vice President Sara Z. Duterte (VP Duterte) without further delay.

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* No part.
** On leave, but left a concurring vote.
1 *Rollo*, pp. 3–27.

Antecedents

Petitioner Catalino Aldea Generillo, Jr. (Generillo, Jr.) claims standing to file the present case as a member of the legal profession who has handled high-profile cases involving public interest.[2] On the other hand, respondent Senate of the Philippines (Senate) is represented by its Senate President Francis G. Escudero (Senate President Escudero).[3]

Relying on news reports found online,[4] Generillo, Jr. narrates that Speaker Ferdinand Martin Romualdez (Speaker Romualdez) of the House of Representatives (House) directed House Secretary General Reginald S. Velasco (House Secretary General Velasco) to transmit to the Senate the impeachment complaint filed by 215 representatives, or more than one-third of its members, against VP Duterte on February 5, 2025.[5] Senate Secretary Renato Bantug (Senate Secretary Bantug) received the Articles of Impeachment on the same day.

The following day, or on February 6, 2025, Senate President Escudero announced that the Senate will not hold the impeachment trial during its session break because the Senate can only be convened as an impeachment court in a plenary session.[6] In a press briefing held on February 10, 2025, Senate President Escudero made another announcement, declaring that the offices of all the senators received their respective copies of the impeachment complaint and its annexes. Digital copies are also uploaded to the Senate website for public access.[7]

Generillo, Jr. contends that the Constitution does not allow the Senate to procrastinate during the period it is on recess. To support this contention, he quotes the provisions of the Constitution pertinent to the impeachment process:

ARTICLE XI
ACCOUNTABILITY OF PUBLIC OFFICERS

Section 3.

1. The House of Representatives shall have the exclusive power to

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2 *Id. at* 4–13.
3 *Id.* at 4.
4 *Id.* at 38–40. Petitioner attached printouts from these articles online: (1) Victoria Tulad, ABS-CBN News, *Senate formally receives articles of impeachment vs VP Sara Duterte from House, available at* https://www.abs-cbn.com/news/nation/2025/2/5/senate-formally-receives-articles-of-impeachment-vs-vp-sara-duterte-from-house-1910 (last accessed on June 13, 2025), (2) Bonz Magsambol, Rappler, *Escudero: No Senate impeachment trial during session break, available at* https://www.rappler.com/philippines/escudero-response-no-senate-impeachment-trial-session-break/ (last accessed June 13, 2025); (3) Wilnard Bacelonia, Philippine News Agency, *Senate makes Vice President Sara impeachment complaint public, available at* https://www.pna.gov.ph/articles/1243726 (last accessed June 13, 2025).
5 *Id.* at 15.
6 *Id.* at 14.
7 *Id.* at 15.

initiate all cases of impeachment.

2. A verified complaint for impeachment may be filed by any Member of the House of Representatives or by any citizen upon a resolution or endorsement by any Member thereof, which shall be included in the Order of Business within ten session days, and referred to the proper Committee within three session days thereafter. The Committee, after hearing, and by a majority vote of all its Members, shall submit its report to the House within sixty session days from such referral, together with the corresponding resolution. The resolution shall be calendared for consideration by the House within ten session days from receipt thereof.

3. A vote of at least one-third of all the Members of the House shall be necessary either to affirm a favorable resolution with the Articles of Impeachment of the Committee, or override its contrary resolution. The vote of each Member shall be recorded.

4. In case the verified complaint or resolution of impeachment is filed by at least one-third of all the Members of the House, the same shall constitute the Articles of Impeachment, and trial by the Senate shall forthwith proceed. (Emphasis in the original)

Insisting that words must be used in their ordinary meaning, Generillo, Jr. refers to the Oxford Dictionary to assert that "forthwith" should be taken to mean "immediately," "at once," "instantly," "directly," "right away," "straight away," "now," "instantaneously," "without delay," "without hesitation," "unhesitatingly," "quickly," "speedily," "with all speed," "promptly," "expeditiously," "pronto."[8] Generillo, Jr. further asserts that the members of the Senate are not suffering from any kind of disability that prevents them from constituting themselves into an impeachment court and conduct public trial.

In a Resolution[9] dated February 18, 2025, this Court directed the Senate to file its Comment. The Senate, through the Office of the Solicitor General, filed a Motion for Extension to file Comment dated May 6, 2025.[10] It sought a 15-day extension from May 9, 2025, or until May 24, 2025. Generillo, Jr. filed an Opposition to the Motion for Extension of Time to File Comment dated May 9, 2025.[11] We granted the Senate's Motion for Extension in a Resolution dated May 20, 2025.[12] The Senate filed its Comment dated May 19, 2025[13] on May 26, 2025.

In its narration of factual antecedents, the Senate does not contradict Generillo, Jr.'s allegations and adds details from its perspective, thus:

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[8] *Id.* at 22–23.
[9] *Id.* at 85.
[10] *Id.* at 89–96.
[11] *Id.* at 97–100.
[12] *Id.* at 102.
[13] *Id.* at 103–173.

2. On February 5, 2025, [Speaker Romualdez] directed [House Secretary General Velasco] to immediately transmit to the Senate the impeachment complaint against [VP Duterte]. The complaint, filed by 215 out of 306 House members, exceeded the one-third threshold required under the 1987 Constitution.

3. At approximately 4:47 p.m. on the same day, [House Secretary General Velasco] personally delivered the impeachment complaint and its supporting documents to [Senate Secretary Bantug] at the Senate. The transmittal occurred just hours before Congress adjourned for its scheduled recess from February 6 to June 1, 2025, with sessions set to resume on June 2, 2025 until the *sine die* adjournment on June 13, 2025.

4. On February 6, 2025, [Senate President Escudero] issued a public statement clarifying that the Senate would not convene as an impeachment court during the congressional recess. He stated that the Senate would use the recess period to review and update its impeachment rules. On the same date, Senate Secretary Bantug commenced complete staff work procedures to check the signatures affixed on the transmitted impeachment complaint, in preparation for distributing copies thereof to the individual senators. The Senate Legal Counsel also submitted the initial draft of proposed amendments to the Rules of Procedure on Impeachment Trials to Senate Secretary Bantug for review.

5. On February 10, Senate Secretary Bantug completed the checking of the signatures contained in the impeachment complaint and reported to Senate President Escudero that per visual inspection, it contained the wet ink signatures of 215 members of the House of Representatives. On the same date, Senate President Escudero announced that copies of the impeachment complaint had been distributed to all 23 senators and that its full text, along with annexes, had been uploaded to the Senate website for public access. The Senate had also proceeded to make other preparations, such as reviewing the expense items and actual expenses incurred in previous impeachment trials based on available records.

6. In the meantime, [Generillo, Jr.] filed the instant Petition for Mandamus dated February 13, 2025, arguing that the Senate has a ministerial and "inescapable constitutional duty" to convene into an impeachment court and commence the trial proper.

7. From February 18-19, 2025, various support services submitted their respective inputs in preparation for the impeachment proceedings. The Senate Legal Counsel also submitted proposed amendments to the Rules of Procedure on Impeachment Trials.

8. In a press conference held on February 19, 2025, Senate President Escudero provided updates on the Senate's preparation for the impeachment trial, including doing a mock set up for the impeachment court and witness stands, the arrangement of the ID system for guests and members of the prosecution and defense, and the procurement of robes.

9. On February 20, 2025, Senate President Escudero signed Special Order No. 2025-0915 (OSP), establishing an administrative support group that will assist the Senate throughout the impeachment trial. SP No. 2025-015 designated both the impeachment court's clerk of court and support offices, outlined their respective functions, and authorized the

> Secretary of the Senate to issue administrative orders, directives, and guidelines as may be necessary to implement it.
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> 10. On February 27, 2025 Senate President Escudero submitted to the Senate the proposed calendar for [VP Duterte's] impeachment trial. In accordance with the schedule, the trial and its preparations would proceed as follows:
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> | June 2 | Resumption of session and presentation of articles of impeachment. |
> | June 3 | Convening of impeachment court and oathtaking of incumbent senator-judges |
> | June 4 | Issuance of summons |
> | June 14-24 | Reception of pleadings |
> | June 24 – July 25 | Pre-trial |
> | July 29 | Oathtaking of newly-elected senator judges before sitting as an impeachment court. |
> | July 30 | Start of trial |
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> 11. On March 19, 2025, the Senate received Secretary General Velasco and other House officials for purposes of inspecting the facilities to be used in the impeachment trial, such as the session hall and the rooms allotted for the prosecution team. Throughout March, the Senators also proceeded to take measurements and procure their ceremonial robes for purposes of the trial.
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> 12. Currently, members of the Senate Legal Counsel are still finalizing the proposed amendments to the Rules of Procedure on Impeachment Trials.[14]

In its Comment, the Senate argues that the Petition must be dismissed for being moot, considering that it has already commenced preparations for the impeachment trial. The Senate's duty and power to try impeachment cases involves not only the conduct of the trial but also all the preparations needed for the orderly conduct of the trial. These include the promulgation of impeachment rules and arrangements for finance, logistics, and security aspects of the trial.[15]

The Senate also asserts that Generillo, Jr. has no legal standing for failing to show a specific legal right to which he is entitled. There is no demonstration that Generillo, Jr. is directly injured by the Senate's act or omission. Generillo, Jr.'s mere invocation of transcendental importance does not relax the requirement of *locus standi*. Although it may be claimed that

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[14] *Id.* at 103–107.
[15] *Id.* at 109–110.

Generillo, Jr. is vindicating a public right, the remedy of *mandamus* is only available if Generillo, Jr. can show a specific legal right personally denied to him.[16]

Assuming *arguendo* that Generillo, Jr. has legal standing, the Senate submits that the petition should still be dismissed because *mandamus* is an improper remedy. The Senate's duty to try and decide cases is not ministerial. The writ of *mandamus* can only compel the performance of a ministerial duty which does not require the exercise of official discretion or judgment. While the Constitution assigned to the Senate the duty to try and decide impeachment cases, it did not impose a strict timeframe. Such deliberate omission indicates that the framers left such determination to the Senate's sound judgment and its own procedural rules. Thus, the manner of conducting the impeachment trial, the preparations needed, and the timeframe are within the Senate's sound discretion. The Senate's discretion on this matter is a political question which the Court cannot review.[17]

Finally, the Senate declares that the term "forthwith" does not mean the Senate must proceed immediately to the impeachment trial without making the necessary preparations. It makes a distinction between the two modes of initiating an impeachment complaint, that is, one filed by individual citizens or legislators and the other through a verified complaint or resolution filed by at least one-third of the members of the House. The term "forthwith" means that, in the second mode, filing of the complaint before the Senate is the immediately succeeding step when an impeachment complaint is initiated by one-third of the members of the House of Representatives. Any interpretation of immediacy must also give due regard to the reasonableness of preparing for trial and the complexities and nuances of each impeachment case.[18]

Generillo, Jr. filed a Reply[19] dated June 5, 2025. He insists that the Senate's Comment be stricken off the record as this Court has not resolved its Motion for Extension to file Comment. He also prays that this Court issue an order directing to the Senate to convene as an impeachment court and to proceed with the trial of VP Duterte immediately.[20]

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[16] *Id.* at 111–116.
[17] *Id.* at 116–122.
[18] *Id.* at 122–133.
[19] *Id.* at 174–183.
[20] To justify his prayer, petitioner again quoted from articles posted online: (1) Amando Virgil D. Ligutan, *Not out of time: Sara Duterte can still be impeached,* RAPPLER, February 3, 2025, *available at* https://www.rappler.com/voices/thought-leaders/enough-time-impeach-sara-duterte/ (last accessed June 16, 2025); (2) Abogado.com.ph, *Ex-SC Justice Adolf Azcuna,: Impeachment trial must proceed despite Senate recess,* ABOGADO, February 10, 2025, *available at* https://abogado.com.ph/ex-sc-justice-adolf-azcuna-impeachment-trial-must-proceed-despite-senate-recess/ (last accessed June 16, 2025); and (3) June 2, 2025, 7:21 a.m. post on Facebook by Juan Luna Blog, *available at* https://www.facebook.com/share/p/18hxfFbRVu/ (last accessed June 16, 2025).

Issue

We note that petitioner only raised a single issue in his Petition: whether the Senate, after it received the impeachment complaint filed by the House against VP Duterte, has the inescapable constitutional duty to convene immediately as an impeachment court and forthwith conduct public trial.[21]

Ruling of the Court

We dismiss the petition.

I. *Certiorari, not mandamus, is the proper remedy*

Petitioner filed a petition for *mandamus* to ask this Court to issue an order directing the Senate to immediately convene as an impeachment court to conduct the public trial of VP Duterte.

The grounds for filing a petition for *mandamus* are governed by Rule 65, Section 3 of the Rules of Court, which provides:

> **Section 3.** *Petition for mandamus.* — When any tribunal, corporation, board, officer or person unlawfully neglects the performance of an act which the law specifically enjoins as a duty resulting from an office, trust, or station, or unlawfully excludes another from the use and enjoyment of a right or office to which such other is entitled, and there is no other plain, speedy and adequate remedy in the ordinary course of law, the person aggrieved thereby may file a verified petition in the proper court, alleging the facts with certainty and praying that judgment be rendered commanding the respondent, immediately or at some other time to be specified by the court, to do the act required to be done to protect the rights of the petitioner, and to pay the damages sustained by the petitioner by reason of the wrongful acts of the respondent.

There are two types of *mandamus*. In *mandamus* to enforce a clear legal duty, the focal point is on "an act which the law specifically enjoins as a duty resulting from an office, trust, or station," whereas in *mandamus* against unlawful exclusion, the focus is on "a right or office" to which the petitioner is entitled. In the former, the actionable wrong is the respondent's unlawful neglect to perform a duty, while in the latter, it is the respondent's unlawful

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[21] *Id.* at 18.

exclusion of petitioner. *Mandamus* in the first sense rectifies unlawful inaction, and in the second, unlawful action.[22]

The Senate is part of a coordinate and independent branch of the government. Its action within its sphere cannot be revised or controlled by *mandamus* by the judicial department, without a gross usurpation of power upon the part of the latter.[23] Petitioner failed to convince this Court that *mandamus* would lie to compel the Senate to act within an expected timeframe upon its receipt of the impeachment complaint. As a co-equal constitutional body, the Senate exercises its duties which are beyond this Court's power of review, save for clearly established circumstances showing grave abuse of discretion or whimsical and despotic exercise of power. Thus, *mandamus* is an inappropriate remedy for the issue raised in this case. This view is shared by Associate Justice Maria Filomena D. Singh in her separate opinion.

The foregoing disquisition notwithstanding, this Court treats the present petition as one for *certiorari, pro hac vice,* in the interest of equity. This is in line with the time-honored principle that rules of procedure should promote, not defeat, substantial justice. For the present case, We opt to apply the Rules liberally to resolve the substantial issues raised by the parties.[24]

In doing so, We address the cardinal issue of defining "forthwith" as used in Article IX, Section 3(4) of the Constitution. Corollary to this, We resolve whether the Senate committed unlawful inaction when it did not tackle the impeachment complaint upon receipt. In other words, this Court shall resolve whether the Senate committed grave abuse of discretion in not convening itself as an impeachment court after it had received the impeachment complaint.

II. *Petitioner has legal standing*

In *Integrated Bar of the Philippines v. Zamora,*[25] We stated that, 'legal standing' or *locus standi* has been defined as a personal and substantial interest in the case such that the party has sustained or will sustain direct injury as a result of the governmental act that is being challenged. The gist of the question of standing is whether a party alleges such personal stake in the outcome of the controversy as to assure that concrete adverseness which sharpens the presentation of issues upon which the court depends for illumination of difficult constitutional questions.

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[22] *See Municipality of Payao, Zamboanga Sibugay v. Municipality of Imelda, Zamboanga Sibugay*, 905 Phil. 1046, 1052 (2021) [Per J. J. Lopez, Third Division].

[23] *Abueva v. Wood*, 45 Phil 612 (1924) [Per J. Johnson, Second Division].

[24] *See Estandarte v. People*, 569 Phil 465 (2008) [Per. J. Austria-Martinez, Third Division]. (Citations omitted)

[25] 392 Phil. 618 (2000) [Per J. Kapunan, *En Banc*].

Consistent with jurisprudence, this Court has adopted a liberal stance on *locus standi* where a petitioner raises issues of transcendental importance to the Filipino people, particularly when paramount constitutional or public interests are at stake. When the matter transcends individual concerns and touches upon overarching public interests demanding urgent resolution, rigid procedural rules yield to substantive justice.[26]

The impeachment of the Vice President—the Republic's second highest official—epitomizes such transcendental public concern, as it presents issues affecting the fabric of constitutional governance under Article XI, Section 3 of the 1987 Constitution, thereby conferring upon petitioner the requisite legal standing to seek redress before this Court.

Furthermore, Our observation in *GIOS-Samar v. Department of Transportation and Communications*,[27] that when the transcendental importance of the constitutional issue raised is used to excuse a violation of the principle of the hierarchy of courts, resolution of factual matters is not necessary for the resolution of the constitutional issues, applies here. The Senate did not dispute petitioner's narration and even added details to corroborate it to demonstrate their preparations. Petitioner, on the other hand, has no quarrel with the details supplied by the Senate.

III. The constitutional issues raised in the Petition are justiciable

In *Nixon v. U.S.*,[28] the Supreme Court of the United States (SCOTUS) explained that a controversy is nonjusticiable where there is a "textually demonstrable commitment of the issue to a coordinate political department; or a lack of judicially discoverable and manageable standards for resolving it." Thus, the SCOTUS held in *Nixon* that there could be no judicial intervention in impeachment proceedings, which involve political questions or nonjusticiable issues. It found that there are no judicially discoverable and manageable standards for resolving questions involving the Senate of the United States' exercise of its sole power to try impeachment cases. This strengthens the SCOTUS' holding that there is a textually demonstrable commitment of issues involving impeachment to the Senate.

However, this Court clarified in *Francisco, Jr. v. House of Representatives*[29] that the holding in *Nixon* cannot apply in the Philippines because the 1987 Constitution contains several provisions dictating how the House must exercise its exclusive power to file impeachment complaints before the Senate.

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[26] *See David v. Macapagal-Arroyo*, 522 Phil. 705, 757–758 (2006) [Per J. Sandoval-Gutierrez, *En Banc*].
[27] 849 Phil. 120, 161–162 (2019) [Per J. Jardeleza, *En Banc*].
[28] 506 U.S. 224 (1993).
[29] 460 Phil. 830 (2003) [Per. J. Carpio-Morales, *En Banc*].

Similarly, the constitutional issue raised here is justiciable considering that it asks the Court to determine whether the Senate's acts or omissions have breached the limits and standards imposed by the Constitution on its power to try and decide impeachment cases.

IV. The Senate acted timely upon the impeachment complaint

A. "Forthwith" considers the circumstances of each particular case

The term "forthwith" is defined in the Black's Law Dictionary as: (a) immediately; without delay; (b) directly; promptly; (c) within a reasonable time under the circumstances; and (d) with all convenient dispatch.[30]

The Records of the 1986 Constitutional Commission reveal no substantive debate on the term "forthwith" in Article XI, Section 3(5). However, former Supreme Court Justice Adolf Azcuna, a member of the 1986 Constitutional Convention that drafted Article XI of the 1987 Constitution, took to social media and stated that he included the word "forthwith" referring to the need for the Senate to proceed with the trial after the House adopts a Resolution of Impeachment. According to Justice Azcuna: "It is precisely meant to mean immediately and without reasonable delay or in the National language official version '*agad-agad.*'"[31]

In Philippine jurisprudence, the word "forthwith" was held by the Court in *Fischer v. Ambler*[32] to mean *within a reasonable time, which may be a longer or shorter period, according to the circumstances of each particular case.* In that case, the Court interpreted the term "forthwith" as used in Section 142 of the Code of Procedure, which provides that "the party excepting to the ruling, order, or judgment shall *forthwith* inform the court that he excepts to the ruling, order, or judgment."

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[30] BLACK'S LAW DICTIONARY 796 (11th ed. 2019).

[31] Adolf Azcuna, June 7, 2025, *available at* https://www.facebook.com/share/p/1YqAMQ2hZq/ (last accessed on October 7, 2025). See Mariel Celine Serquiña, *Ex-SC justice Azcuna: Senate needs to start process for VP Sara impeachment trial,* GMA NEWS ONLINE, June 8, 2025, *available at* https://www.gmanetwork.com/news/topstories/nation/948707/ex-sc-justice-azcuna-senate-needs-to-start-process-for-vp-sara-impeachment/story/ (last accessed on June 16, 2025); Rufa Cagoco-Guiam, *Weaponizing 'forthwith' to ditch VP's trial,* INQUIRER.NET, June 10, 2025, *available at* https://opinion.inquirer.net/183801/weaponizing-forthwith-to-ditch-vps-trial (last accessed on June 16, 2025).

[32] 2 Phil. 676 (1902) [Per J. Ladd, *En Banc*].

In the subsequent case of *Behn, Meyer & Co. v. Antholtz*,[33] the Court once again expounded on the meaning of the term "forthwith" as used in Section 142 of the Code of Procedure, thus:

> The Code of Civil Procedure provides in its section 142 that "the party excepting to the ruling, order, or judgment shall *forthwith* inform the court that he excepts to the ruling, order or judgment, ..." On the doubtful assumption that this portion of the code is applicable, then it remains to be said that *the expression "forthwith" is one which cannot be scientifically circumscribed. The term is elastic in nature. It is a relative one. Its meaning varies with every case.*
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> In this jurisdiction, *"forthwith" has been held to mean within a reasonable time, which varies according to the circumstances* (Fischer vs. Amber [1902], 1 Phil. 508). In the cited case, this court avoided a definitive ruling of whether a delay of thirteen days was unreasonable, this question being left for determination, if necessary, upon a motion to dismiss. (Emphasis supplied)

Parenthetically, the word "forthwith" has been defined in jurisprudence of the United States (US) as: (a) without unnecessary delay and requires reasonable exertion and due diligence consistent with all the facts and circumstances of the case;[34] (b) without delay, at once, promptly;[35] (c) as soon as practicable;[36] (d) without unnecessary delay and required reasonable exertion;[37] (e) immediately, without delay, or promptly;[38] and (f) immediately.[39]

A perusal of the two Philippine cases interpreting the term "forthwith" reveals that in our jurisprudence, "forthwith" means within a reasonable time, which may be a longer or shorter period, according to the circumstances of each particular case. That is, the term is elastic in nature and its meaning varies in every case. Even in US jurisprudence, with its varied definitions attributed to the term "forthwith," the courts did not just consider the lapse of time in ruling whether there is a violation of the "forthwith" provision. The courts therein invariably evaluated the facts and circumstances of each case to determine whether there is due diligence to carry out the legislative intent of the "forthwith" provision involved.

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[33] 51 Phil. 796 (1928) [Per J. Malcolm, *En Banc*].

[34] *Citizens Bank, N.A. v. Gaskins*, 567 P.3d 891 (Kan. Ct. App. 2025).

[35] *People v. K.W.*, 2024 NY Slip Op 24172, 84 Misc. 3d 788, 213 N.Y.S.3d 693 (Sup. Ct.) [Supreme Court of New York, New York County, May 7, 2024].

[36] *In re Champion*, 600 B.R. 459 (Bankr. S.D. Ga. 2019) [United States Bankruptcy Court for the Southern District of Georgia, Dublin Division, March 28, 2019].

[37] *Foster v. Kan. Dep't of Revenue*, 281 Kan. 368, 130 P.3d 560 (2006) [Supreme Court of Kansas, March 24, 2006].

[38] *Seger v. For Women, Inc.*, 2006-Ohio-4855, 110 Ohio St. 3d 451, 854 N.E.2d 188 [Supreme Court of Ohio, October 4, 2006].

[39] *State ex rel. Comm. for Charter Amendment Petition to Limit the use of Photo-Monitoring Devices in the City of Maple Heights v. City of Maple Heights*, 2014-Ohio-4097, 140 Ohio St. 3d 334, 18 N.E.3d 426 [Supreme Court of Ohio, September 19, 2014].

B. *Trial by the Senate includes acts done in preparation for the trial*

Petitioner insists that the Senate constitute itself into an impeachment court and forthwith conduct public trial of VP Duterte. This insistence disregards any prior preparation on the part of the Senate for the conduct of an impeachment trial. On the other hand, the Senate submits that its duty "encompasses the promulgation or amendment of [impeachment] rules, as well as the preparation necessary in accordance with the same. These necessarily include the implied and incidental duties to undertake all preparations necessary [sic] to ensure the orderly functioning of the impeachment court. These cover responsibilities relating to, among other things, finance, logistics and security."[40]

Due to the parties' contrasting views, there is a difference in their explanation about the preparations needed for the conduct of an impeachment trial. Petitioner neither mentions nor argues about the inclusion of preparations in the conduct of the trial. In contrast, the Senate painstakingly specified the amount of work needed prior to the conduct of an impeachment trial: (1) on February 6, 2025, the Senate reexamined the amendments to the rules of procedure on impeachment trial;[41] (2) on February 10, 2025, the Senate's Deputy Secretary for Administrative and Financial Services asked Senate Secretary Bantug to review the budgetary requirement for the impeachment trial;[42] (3) on February 18, 2025, the Senate's Service Chief for Management Information Systems manifested its readiness to demonstrate a QR-based online visitor registration system;[43] (4) on February 18, 2025, the Senate's Bureau Director for Maintenance and General Services submitted documentation for ingress traffic flow on the relevant floor of the Senate building, as well as the furniture layouts and seat capacities for the rooms to be used in relation to the impeachment trial;[44] (5) from February 11 to 20, 2025, Senate personnel prepared design studies of the personnel identification card, the access tickets, and the impeachment court seal;[45] and (6) on February 20, 2025, Senate President Escudero issued OSP No. 2025-015 on the organization of administrative support to the Senate sitting as an Impeachment Court.[46]

To these, We add that the 2025 National and Local Elections were conducted on May 12, 2025, and canvassing results and proclamation of winners for members of Congress and the local governments were carried out

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40 *Rollo*, pp. 103–107.
41 *Id.* at 145, 162.
42 *Id.* at 146.
43 *Id.* at 147.
44 *Id.* at 148-151.
45 *Id.* at 152-161.
46 *Id.* at 163-165.

from May 13 to May 19, 2025.[47] The third regular session of the 19th Congress of the Philippines went on *sine die* adjournment on June 11, 2025.[48]

C. *The Petition is already moot*

We agree with the Senate's position. The acts done in preparation for the impeachment trial, as well as the nullification of the Articles of Impeachment, have rendered the petition moot. This view is shared by Associate Justices Jhosep Y. Lopez and Maria Filomena D. Singh in their respective separate opinions. On the other hand, Associate Justice Henri Jean Paul B. Inting agrees with the mootness argument from a different perspective, i.e., the expiration of the term of the 19th Congress on June 20, 2025.[49]

We affirmed in *Duterte v. House of Representatives*[50] that the Senate is a continuing body, unlike the House of Representatives which expires as a body upon the termination of the term of Congress.[51]

In *Arnault v. Nazareno*,[52] We first recognized the Senate as a continuing body, albeit specifically in relation to the exercise of its contempt powers. We held that the Senate has no time limit in exercising its power to punish contemptuous acts since it does not expire on the final adjournment of its last session. We reiterated this holding in *Neri v. Senate Committee on Accountability of Public Officers and Investigations*[53] but clarified:

> On the nature of the Senate as a "continuing body", this Court sees fit to issue a clarification. Certainly, there is no debate that the Senate as an institution is "continuing," as it is not dissolved as an entity with each national election or change in the composition of its members. However, in the conduct of its day-to-day business the Senate of each Congress acts separately and independently of the Senate of the Congress before it.[54]

We also affirmed *Arnault*'s holding in *Balag v. Senate of the Philippines*[55] but maintained *Neri*'s dichotomy of the Senate's continuity as an institution and the conduct of its unfinished day-to-day business:

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47 COMELEC Resolution No. 10999 (2024).

48 Concurrent Resolution No. 27 (2025), 19th Congress, 3rd Session, Concurrent Resolution Providing for the Adjournment *Sine Die* of the Third Regular Session of the Nineteenth Congress of the Philippines Not Later Than Twelve O'Clock Midnight, Today, Wednesday, June 11, 2025.

49 Justice Inting manifested this view during the deliberations of the Court.

50 G.R. Nos. 278353 and 278359, July 25, 2025 [Per S.A.J. Leonen, *En Banc*].

51 *Duterte v. House of Representative*, G.R. Nos. 278353 and 278359, July 25, 2025 [Per SAJ Leonen, *En Banc*] at 68–69. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

52 87 Phil. 29 (1950) [Per J. Ozaeta, *En Banc*].

53 586 Phil. 135 (2008) [Per J. Leonardo-De Castro, *En Banc*].

54 *Id.* at 196.

55 835 Phil. 451 (2018) [Per J. Gesmundo, *En Banc*].

> Based on the above-pronouncement, the Senate is a continuing institution. However, in the conduct of its day-to-day business, the Senate of each Congress acts separately and independently of the Senate of the Congress before it. Due to the termination of the business of the Senate during the expiration of one (1) Congress, **all pending matters and proceedings, such as unpassed bills and <u>even legislative investigations</u>, of the Senate are considered terminated upon the expiration of that Congress** and it is merely optional on the Senate of the succeeding Congress to take up such unfinished matters, not in the same status, but as if presented for the first time.
>
> The termination of the Senate's business and proceedings after the expiration of Congress was utilized by the Court in ruling that the Senate needs to publish its rules for its legislative inquiries in each Congress. The pronouncement in Neri was reiterated in Garcillano v. House of Representatives and Romero II v. Estrada.[56] (Emphasis in the original)

All told, jurisprudence has consistently characterized the Senate as a continuing body that does not dissolve as an institution upon every national election or change in its membership. However, in the context of the Senate's legislative matters (e.g., unpassed bills) and proceedings in relation to its legislative power (e.g., legislative inquiries and contempt citations in those inquiries), all of these do not carry over to the next Congress.

Nevertheless, this case has already been rendered moot by Our July 25, 2025 Decision and January 28, 2026 Resolution in *Duterte* which nullified the Articles of Impeachment against VP Duterte.

A case is moot and academic when it "ceases to present a justiciable controversy by virtue of supervening events, so that a declaration thereon would be of no practical use or value."[57]

Since there is currently no valid Articles of Impeachment pending against VP Duterte, there is obviously no basis for the Court to order the Senate to convene as an impeachment court. Under Article XI, Section 3(4) of the 1987 Constitution, it is the filing of the verified impeachment complaint or resolution by at least one-third of all members of the Houses of Representatives that triggers the Senate's duty to "forthwith proceed" with the trial.

But even before Our rulings in *Duterte*, the Petition would still have been dismissed on the ground of mootness.

In *Pagdanganan v. Court of Appeals*,[58] a petition for *mandamus* was filed before this Court to compel the Court of Appeals to resolve a pending petition for *certiorari*, prohibition and *mandamus*. Before this Court could resolve the petition for *mandamus*, the Court of Appeals rendered a decision

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[56] 835 Phil. 451, 469 (2018) [Per J. Gesmundo, *En Banc*].
[57] *David v. Macapagal-Arroyo*, 522 Phil. 705, 753 (2006) [Per J. Sandoval-Gutierrez, *En Banc*].
[58] 839 Phil. 807 (2018) [Per J. Leonen, Third Division].

and resolution resolving the petition for *certiorari*, prohibition, and *mandamus*. Thus, this Court dismissed the petition for *mandamus* for being moot because "[a]ny issuance of a writ of *mandamus*...becomes an exercise in futility [since] [t]he Court of Appeals cannot be compelled to resolve a case it has already fully resolved."[59]

Similarly, issuing a writ of *mandamus* in this case would serve no practical purpose, as the Senate complied with its constitutional duty to try and decide impeachment cases, as discussed above. This Court refuses to create a legal absurdity and compel the Senate to perform an act that it has already done.

Even on the merits, however, the petition should still be dismissed.

To put things in perspective, We compare the preparations done by the Senate with the events in the previous impeachment trials. Despite numerous complaints filed against various officials who are subject to impeachment, only two officials underwent an impeachment trial.

1. *The impeachment trial of President Joseph Estrada*

On October 5, 2000, Senate Minority Leader Teofisto Guingona, Jr. delivered a privilege speech entitled, "I Accuse," on President Joseph Ejercito Estrada's (President Estrada) alleged receipt of approximately PHP 220 million in *jueteng* money and PHP 70 million on excise tax on cigarettes intended for Ilocos Sur from Ilocos Sur Governor Luis Singson (Governor Singson).[60] Senate President Franklin Drilon (Senate President Drilon) referred the matter to the Senate Blue Ribbon Committee and the Committee on Justice for joint investigation.

During the House's session on November 13, 2000, Speaker Manuel Villar (Speaker Villar) declared that 115 representatives, or more than one-third of the Members of the House, signed the Articles of Impeachment against President Estrada.[61] He ordered to transmit the Articles of Impeachment to the Senate. Thereafter, changes were made in the leadership of both the Senate and the House.[62]

A week after the referral of the Articles of Impeachment, or on November 20, 2000, the Senate convened itself into an Impeachment Court.[63]

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[59] *Id.* at 819.
[60] *Estrada v. Desierto*, 406 Phil 1, 29 (2001) [Per J. Puno, *En Banc*].
[61] *Id.* at 30.
[62] *Id.*
[63] *Id.*

On November 28, 2000, the Impeachment Court dismissed the motion to quash filed by the defense.[64] Then, it adjourned its session until December 7, 2000.[65] Trial proceeded from day to day. Adjournments were made in consideration of weekends and holidays.

On December 22, the last day of the hearings before the Impeachment Court adjourned for the holidays, Clarissa Ocampo (Ocampo), senior vice president of Equitable-PCI Bank, testified that she was one foot away from President Estrada when he affixed the signature "Jose Velarde" on documents involving a multi-million peso investment agreement with their bank.[66] The Impeachment Court adjourned soon after her testimony.[67]

The trial proceeded during the weeks of January 2, 8, and 15, 2001.[68] On January 16, 2001, the senator-judges voted 11-10 and ruled against opening an envelope that allegedly contained evidence that President Estrada held more than PHP 3 billion in a secret bank account under the name "Jose Velarde." This event prompted the members of the prosecution to walk out of the Impeachment Court, and sparked the beginning of rallies at the EDSA Shrine.[69]

The military and the police withdrew their support from the Estrada Administration.[70] Some Cabinet secretaries and their subordinates resigned from their posts.[71] The transition of power happened on January 20, 2001, with Vice President Gloria Macapagal-Arroyo taking her oath as President at noon.[72] At around 2:30 p.m. of the same day, President Estrada left Malacañang.[73]

On February 7, 2001, the Senate passed Senate Resolution No. 83 declaring that the impeachment court is *functus officio* and has been terminated.[74]

Despite the Senate being in session, President Estrada's impeachment trial did not start until three weeks after the Articles of Impeachment were filed. The Senate also went on recess and took a Christmas break during the trial. The impeachment trial ended with the issuance of a Senate resolution announcing the outcome.

2. *The impeachment trial of Chief*

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64 I Journal, Senate, Impeachment Trial of President Joseph E. Estrada 19 (November 28, 2000).
65 *Id.*
66 *Estrada v. Desierto*, 406 Phil 1, 31 (2001) [Per J. Puno, *En Banc*].
67 *Id.*
68 *Id.*
69 *Id.* at 32.
70 *Id.* at 33.
71 *Id.*
72 *Id.* at 34.
73 *Id.*
74 *Id.* at 37.

Justice Renato Corona

Unlike the abrupt ending of President Estrada's trial, the impeachment trial of Chief Justice Renato Corona (Chief Justice Corona) ended with a verdict.

On December 12, 2011, the majority bloc of the House held a caucus and submitted a verified impeachment complaint against Chief Justice Corona to the House Committee on Justice.[75] On the same day, House members voted in session, and 188 House members signed and endorsed the complaint.[76]

The Senate received the verified complaint, which constituted the Articles of Impeachment against Chief Justice Corona, on December 13, 2011.[77] At 4:10 p.m. on the next day, Senate President Juan Ponce Enrile (Senate President Enrile) constituted and convened the Senate as an Impeachment Court.[78] He took his oath as Presiding Officer, and the Members of the Senate took their oaths as Judges.[79] Thereafter, the impeachment trial was adjourned until 2:00 p.m. of January 16, 2012.[80]

On December 15, 2011, Chief Justice Corona received a copy of the complaint.[81] He filed his Answer on December 26, 2011.[82] Both the prosecution and defense teams made public disclosures even before the trial commenced.[83]

More than a month after its receipt of the Articles of Impeachment, or on January 16, 2012, the Senate, acting as an Impeachment Court, commenced trial proceedings against Chief Justice Corona.[84] He pleaded not guilty to the charges enumerated in the Articles of Impeachment.[85]

From January 18 to February 28, 2012, the prosecution presented its witnesses and evidence on Chief Justice Corona's alleged ill-gotten wealth. Meanwhile, on February 9, 2012, this Court issued a Temporary Restraining Order enjoining the Senate sitting as an Impeachment Court from compelling the disclosure of Chief Justice Corona's foreign currency accounts.[86] In complying with the order, the Impeachment Court, through its Presiding Officer, Senate President Enrile, declared that the Court cannot assume jurisdiction over the Senate to try and decide an impeachment case on the

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75 2 Congressional Record, 15th Congress, Second Regular Session 11 (December 12, 2011).
76 *Corona v. Senate et al.*, 691 Phil. 156, 159 (2012) [Per J. Villarama, Jr., *En Banc*].
77 Id.
78 Record of the Senate Sitting As An Impeachment Court 1 (December 14, 2011).
79 *Id.* at 2.
80 *Id.* at 4.
81 *Corona v. Senate et al.*, 691 Phil. 156, 159 (2012) [Per J. Villarama, Jr., *En Banc*].
82 *Id.* at 162.
83 *Id.* at 162-163.
84 *Id.* at 163.
85 Record of the Senate Sitting As An Impeachment Court 6 (January 16, 2012).
86 *Corona v. Senate et al.*, 691 Phil. 156, 167 (2012) [Per J. Villarama, Jr., *En Banc*].

merits.[87] When the prosecution ended its presentation of evidence and witnesses, it also withdrew the presentation of Articles 1, 4, 5, 6, and 8 of the Articles of Impeachment.[88]

Chief Justice Corona's defense team conducted its cross-examination in the succeeding trial dates. The defense presented its case from March 12 until May 25, 2012.[89] Adjournments were made on March 15 and 22, and May 8, 16, 23, and 25. Corresponding resumptions of session ensued on March 19, and May 7, 14, 22, 25, and 28.

It should be noted that when the Impeachment Court went on recess upon the adjournment of the Senate session on March 22, 2012,[90] proceedings resumed on May 7 and 8, 2012, or approximately six weeks from the last trial date.[91]

On May 22, 2012, Chief Justice Corona delivered a statement and left the session hall soon after.[92] The impeachment proceedings resumed the next day, with the Impeachment Court granting the defense until May 25, 2012 to finish their evidence.[93] On even date, the defense submitted its formal offer of evidence and rested its case.[94] The Impeachment Court again adjourned until May 28, 2012, when both the prosecution and the defense delivered their closing statements.[95]

Finally, on May 29, 2012, the Impeachment Court voted 20-3 against Chief Justice Corona.[96] With the conclusion of the impeachment trial, the case was terminated, and the Senate, acting as an Impeachment Court, adjourned *sine die*.[97]

Notably, the Senate received the Articles of Impeachment from the House of Representatives while it was in session. After constituting itself as an Impeachment Court, the Senate proceeded to trial more than a month from its receipt of the Articles of Impeachment. The trial survived multiple adjournments and lasted for 44 days.[98]

3. The Court's Decision in Duterte v. House of Representatives and the action of the Senate in the 20th

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87 Record of the Senate Sitting as an Impeachment Court 12-13, 24 (February 13, 2012).
88 Record of the Senate Sitting as an Impeachment Court 54-57 (February 28, 2012).
89 Record of the Senate Sitting as an Impeachment Court 32 (March 12, 2012), 31 (May 25, 2012).
90 Record of the Senate Sitting as an Impeachment Court 81 (March 22, 2012).
91 Record of the Senate Sitting as an Impeachment Court 1 (May 7, 2012).
92 Record of the Senate Sitting as an Impeachment Court 5-34 (May 22, 2012).
93 Record of the Senate Sitting as an Impeachment Court 6 (May 23, 2012).
94 Record of the Senate Sitting as an Impeachment Court 32 (May 25, 2012).
95 Record of the Senate Sitting as an Impeachment Court 4-29 (May 28, 2012).
96 Record of the Senate Sitting as an Impeachment Court 4-39 (May 29, 2012).
97 Record of the Senate Sitting as an Impeachment Court 40 (May 29, 2012).
98 Record of the Senate Sitting as an Impeachment Court 3 (May 29, 2012).

Congress

We partially granted the petitions in *Duterte*.[99] The House effectively dismissed the first three impeachment complaints against VP Duterte, which were filed pursuant to Article XI, Section 3(2) of the Constitution, when they remained unacted upon and archived by the 19th Congress prior to its adjournment.

The fourth impeachment complaint, which was filed in accordance with Article XI, Section 3(4) and subsequently transmitted to the Senate, is barred by the one-year rule under Article XI, Section 3(5) of the Constitution. Its filing was considered a separate and distinct mode of initiating the impeachment process. The Articles of Impeachment against VP Duterte were then declared unconstitutional, and deemed null and void *ab initio*.

Consequently, We held that the Senate did not acquire jurisdiction to constitute itself into an impeachment court. On this score, We find it necessary to emphasize that, under the given circumstances as applied, it is impossible for the Senate to commit grave abuse of discretion, as Senior Associate Justice Marvic M.V.F. Leonen would prefer to have this Court rule.

On August 6, 2025, the Senators of the 20th Congress discussed the effects of Our July 25, 2025 Decision in *Duterte* on their jurisdiction as an impeachment court. Without constituting itself as an impeachment court, the Senate voted to transfer to the Archives the Articles of Impeachment in relation to Case No. 003-2025, entitled In the Matter of the Impeachment Trial of Vice President Zimmerman Duterte.[100]

In Our Resolution dated January 28, 2026, We partially granted the Motion for Reconsideration and recognized the fact of transmittal of the Articles of Impeachment by the House of Representatives to the Senate on February 5, 2025.[101]

4. Comparison of the impeachment proceedings against President Estrada and Chief Justice Corona with that against VP Duterte

The timeline of preparations for the impeachment trials of President Estrada and Chief Justice Corona did not face the same scrutiny as that of VP Duterte. The relevant events and dates, including adjournments and

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[99] G.R. Nos. 278353 and 278359, July 25, 2025 [Per S.A.J. Leonen, *En Banc*].
[100] Journal, Senate, 20th Congress, Session No. 6, p. 35. (August 6, 2025).
[101] G.R. Nos. 278353 and 278359, January 28, 2026 [Per S.A.J. Leonen, *En Banc*].

resumptions, in the three impeachment trials are compiled in the table below. The table also shows the number of calendar days between events.

Event	President Estrada	Chief Justice Corona[102]	VP Duterte[103]
The House transmitted the Articles of Impeachment to the Senate.	November 13, 2000	December 12, 2011	February 5, 2025
The Senate received the Articles of Impeachment.	November 13, 2000	December 13, 2011[104]	February 5, 2025
Number of days elapsed:	*none*	*1 day*	*none*
The Senate convened itself as an Impeachment Court.	November 20, 2000[105]	December 14, 2011	June 10, 2025[106]
Number of days elapsed:	*7 days*	*1 day*	*126 days*
The Senate began the impeachment trial.	December 7, 2000	January 16, 2012	-
The Senate sent the Articles of Impeachment to the Archives.	-	-	August 6, 2025[107]
Number of days elapsed:	*17 days*	*33 days*	*58 days*
The Impeachment Court adjourned session.	December 8, 2000	January 19, 2012	-
Number of days elapsed:	*1 day*	*3 days*	-
The Impeachment Court	December 11,	January 24, 2012	-

[102] Concurrent Resolution No. 9 (2011), 15th Congress, 2nd Regular Session, Concurrent Resolution Providing for the Legislative Calendar for the Second Regular Session of the Fifteenth Congress of the Philippines gave the following dates for commencement, adjournment, and resumption of sessions:

1. Commencement of Session – July 25, 2011 to October 14, 2011
2. Adjournment of Session – October 15, 2011 to November 13, 2011
3. Resumption of Session – November 14, 2011 to December 16, 2011
4. Adjournment of Session – December 17, 2011 to January 15, 2012
5. Resumption of Session – January 16, 2012 to March 23, 2012
6. Adjournment of Session – March 24, 2012 to May 6, 2012
7. Resumption of Session Sine Die Adjournment – May 7, 2012 to June 7, 2012
8. Adjournment of Session – June 8, 2012 to July 22, 2012

[103] Adopted Concurrent Resolution No. 22 (2024), 19th Congress, 3rd Regular Session, Concurrent Resolution Providing for the Legislative Calendar for the Third Regular Session of the Nineteenth Congress of the Philippines gave the following dates for commencement, adjournment, and resumption of sessions:

1. Commencement of Session – July 22, 2024 to September 27, 2024
2. Adjournment of Session – September 28, 2024 to November 3, 2024
3. Resumption of Session – November 4, 2024 to December 20, 2024
4. Adjournment of Session – December 21, 2024 to January 12, 2025
5. Resumption of Session – January 13, 2025 to February 7, 2025
6. Adjournment of Session – February 8, 2025 to June 1, 2025
7. Resumption of Session (Sine Die Adjournment) – June 2, 2025 to June 13, 2025
8. Adjournment of Session – June 14, 2025 to July 27, 2025

[104] Journal, Senate, 15th Congress, Session No. 43, 758, 760, and 771 (December 14, 2011).

[105] *Estrada v. Desierto*, 406 Phil 1, 30 (2001) [Per J. Puno, *En Banc*]. The Senate had to first create its own rules on impeachment trials. *See* Jess Diaz, *Estrada Impeached* PHIL. STAR, November 14, 2000, *available at* https://www.philstar.com/headlines/2000/11/14/88756/estrada-impeached (last accessed on June 18, 2025).

[106] Session No. 55, 19th Congress, Senate, Third Regular Session. *See* https://www.youtube.com/watch?v=0407aKdpiQQ (Last accessed October 7, 2025); https://web.senate.gov.ph/photo_release/2025/0610_09.asp (Last accessed October 7, 2025). As of date, the records of Session No. 55 has not yet been uploaded to the Senate website.

[107] Journal, Senate, 20th Congress, Session No. 6, p. 35. (August 6, 2025). The Senate, as a plenary body and not as an Impeachment Court, voted to send the Articles of Impeachment to its archives.

resumed session.	2000		
Number of days elapsed:	*3 days*	*5 days*	-
The Impeachment Court adjourned session.	December 15, 2000	January 26, 2012	-
Number of days elapsed:	*4 days*	*2 days*	-
The Impeachment Court resumed session.	December 18, 2000	January 30, 2012	-
Number of days elapsed:	*3 days*	*4 days*	-
The Impeachment Court adjourned session.	December 22, 2000	February 2, 2012	-
Number of days elapsed:	*4 days*	*3 days*	-
The Impeachment Court resumed session.	January 2, 2001	February 6, 2012	-
Number of days elapsed:	*11 days*	*4 days*	-
The Impeachment Court adjourned session.	January 5, 2001	February 9, 2012	-
Number of days elapsed:	*3 days*	*3 days*	-
The Impeachment Court resumed session.	January 8, 2001	February 13, 2012	-
Number of days elapsed:	*3 days*	*4 days*	-
The Impeachment Court adjourned session.	January 12, 2001	February 16, 2012	-
Number of days elapsed:	*4 days*	*3 days*	-
The Impeachment Court resumed session.	January 15, 2001	February 20, 2012	-
Number of days elapsed:	*3 days*	*4 days*	-
The Impeachment Court adjourned session.	-	February 23, 2012	-
Number of days elapsed:	-	*3 days*	-
The Impeachment Court resumed session.	-	February 27, 2012	-
Number of days elapsed:	-	*4 days*	-
The Impeachment Court adjourned session.	-	February 29, 2012	-
Number of days elapsed:	-	*2 days*	-
The Impeachment Court resumed session.	-	March 12, 2012	-
Number of days elapsed:	-	*12 days*	-
The Impeachment Court adjourned session.	-	March 15, 2012	-
Number of days elapsed:	-	*3 days*	-
The Impeachment Court resumed session.	-	March 19, 2012	-
Number of days elapsed:	-	*4 days*	-
The Impeachment Court adjourned session.	-	March 22, 2012	-
Number of days elapsed:	-	*3 days*	-
The Impeachment Court resumed session.	-	May 7, 2012	-
Number of days elapsed:	-	*46 days*	-
The Impeachment Court adjourned session.	-	May 8, 2012	-
Number of days elapsed:	-	*1 day*	-

The Impeachment Court resumed session.	-	May 14, 2012	-
Number of days elapsed:	-	*6 days*	-
The Impeachment Court adjourned session.	-	May 16, 2012	-
Number of days elapsed:	-	*2 days*	-
The Impeachment Court resumed session.	-	May 22, 2012	-
Number of days elapsed:	-	*6 days*	-
The Impeachment Court adjourned session.	-	May 23, 2012	-
Number of days elapsed:	-	*1 day*	-
The Impeachment Court resumed session.	-	May 25, 2012	-
Number of days elapsed:	-	*2 days*	-
The Impeachment Court adjourned session.	-	May 25, 2012	-
Number of days elapsed:	-	*0 day*	-
The Impeachment Court resumed session.	-	May 28, 2012	-
Number of days elapsed:	-	*3 days*	-
The impeachment trial was concluded.	January 16, 2001[108]	May 29, 2012	-
Number of days elapsed:	*1 day*	*1 day*	-
Total number of days elapsed, from receipt of complaint to conclusion	*64 days*	*168 days*	*182 days*

During President Estrada's trial, the constitution of the Senate as an Impeachment Court took seven days from its receipt of the Articles of Impeachment, while it took 33 days during Chief Justice Corona's trial. The Senate of the 19th Congress, on the other hand, took 126 days before it convened itself into an Impeachment Court. The processes in the Senate took 64, 168, and 182 days for President Estrada, Chief Justice Corona, and VP Duterte, respectively.

Notably, Congress was in session when the House transmitted and the Senate received the Articles of Impeachment against President Estrada and Chief Justice Corona. In the case of VP Duterte, the House transmitted the Articles of Impeachment after office hours on the last session day.

V. The Senate did not commit grave abuse of discretion

[108] The walkout of the prosecution panel on January 16, 2001 halted the impeachment trial of former President Estrada and precipitated People Power II or EDSA Dos. The technical date for the end of the impeachment trial was on February 7, 2021, when the Senate recognized that the Impeachment Court became *functus oficio*.

The Senate has the solemn constitutional duty to try and decide impeachment cases. Article XI, Section 3(4) of the Constitution could not be any clearer when it says that "*trial* by the Senate *shall* forthwith *proceed*" once the verified complaint or resolution of impeachment—constituting the Articles of Impeachment—is filed by at least one-third of all the members of the House of Representatives. The Constitution did not distinguish between the Senate and the Impeachment Court.

Indeed, the text of the Constitution is neutral about the Senate's character and merely refers to it as the Senate. There is no mandatory language that the Senate transform itself into an Impeachment Court before it can do any act that may be construed as related to impeachment.

Similarly, the Senate's Rules of Procedure in Impeachment Trials do not expressly speak of the need to convene the Senate into an Impeachment Court before it may perform any act related to the impeachment process. The receipt of the Articles of Impeachment is made *by the Senate.*[109] The oathtaking of the Chief Justice as Presiding Officer is made *by the Senate President*[110] and *precedes* the oathtaking of the Members of the Senate[111] as Members of the Impeachment Court. The constitution of the Senate as an Impeachment Court becomes relevant *only for the consideration of the Articles of Impeachment.*

The *verba legis* rule must be observed in constitutional interpretation. That is, the words in the Constitution must be given their ordinary meaning except where technical terms are employed.[112] The word "shall" connotes a mandatory order or an imperative obligation—pointing to a command that must be given a compulsory meaning.[113] Thus, the use of the modal verb

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[109] I. When the Senate receives articles of impeachment pursuant to Article XI, [secs. 2 and 3] of the Constitution, the President of the Senate shall inform the House of Representatives that *the Senate* shall take proper order on the subject of impeachment and shall be ready to receive the prosecutors on such time and date as the Senate may specify. (Emphasis added.)

[110] II. When the President of the Philippines is on trial, the Chief Justice of the Supreme Court shall preside but shall not vote. Notice shall be given to him by the President of the Senate of the time and place fixed for the consideration of the articles of impeachment, with a request to attend. The Chief Justice shall be administered the oath or affirmation, prescribed under these Rules, *by the President of the Senate* and shall preside over the Senate during the consideration of said articles and upon the trial of the person impeached.

The President of the Senate shall preside in all other cases of impeachment and, for that purpose, placed under the prescribed oath or affirmation by any person authorized by law to administer an oath. (Emphasis added.)

[111] III. *Before proceeding to the consideration of the articles of impeachment,* the Presiding Officer shall administer the prescribed oath or affirmation to the Members of the Senate then present and to the other Members of the Senate as they shall appear, whose duty it shall be to take the same.

Upon presentation of the articles to the Senate, the Senate shall specify the date and time for the consideration of such articles. Unless the Senate provides otherwise, it shall continue in session from day to day (except Saturdays, Sundays, and nonworking holidays) until final judgment shall be rendered, and so much longer as may, in its judgment, be necessary.

Senators shall observe political neutrality during the course of the impeachment trial. "Political neutrality" shall be defined as exercise of public official's duty without unfair discrimination and regardless of party affiliation or preference. (Emphasis added.)

[112] *Francisco, Jr. v. House of Representatives,* 460 Phil. 830, 884 (2003) [Per J. Carpio-Morales, *En Banc*].

[113] *National Grid Corporation of the Philippines v. Manila Electric Company*, G.R. No. 239829, May 29, 2024 [Per J. Zalameda, First Division].

"shall" in Article XI, Section 3(4) signifies a command to the Senate to "forthwith proceed" with the "trial" once the verified complaint or resolution of impeachment is filed by at least one-third of all the members of the House of Representatives.

The filing of the verified complaint or resolution of impeachment by the House of Representatives triggers the Senate's constitutional obligation to "forthwith proceed" with the "trial." In the present case, the Senate's obligation under Article XI, Section 3(4) was triggered when House Secretary Velasco transmitted the impeachment complaint against VP Duterte to the Senate, through Senate Secretary Bantug, on February 5, 2025.

The crucial issue now is whether the Senate gravely abused its discretion by not immediately convening as an impeachment court and conducting the impeachment trial.

Senior Associate Justice Leonen takes the position that the immediacy in "forthwith" is demanded, not in the completion of a complex trial, but in the convening of the impeachment court and the commencement of the constitutional process. He opines:

> The Senate President's immediate duty, upon receipt of the Articles of Impeachment, was to place the matter before the Senate for the purpose of constituting the impeachment court. It was the impeachment court, not the Senate as a legislative body, that should have supervised the preparations for the trial and determined the schedule of proceedings. The legislative recess, as an agreement between legislative bodies about the suspension of legislative work, had no force against the mandatory command addressed to a constitutional tribunal.[114]

The Court does not decide in a vacuum. It considers the confluence of factual circumstances of the cases before it. The totality of circumstances in the present case do not support a finding of grave abuse of discretion by the Senate:

1. The House transmitted the Articles of Impeachment after office hours on the last session day.
2. The petition was filed only eight days after transmittal.
3. This Court declared the same Articles of Impeachment void.
4. There can be no valid Special Session concerning void Articles of Impeachment.
5. All these happened before the promulgation of this Court's Decision in the present petition.

Grave abuse of discretion is committed "when an act is (1) done contrary to the Constitution, the law or jurisprudence or (2) executed

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[114] S.A.J. Leonen, Reflections, pp. 15–16.

whimsically, capriciously or arbitrarily, out of malice, ill will or personal bias."[115] Neither are present here.

As discussed, the Senate's obligation under Article XI, Section 3(4) includes not only the conduct of the actual trial itself but also preparatory acts for the trial. We note that the Senate has already started its preparations for conducting the impeachment trial. Petitioner did not dispute this fact.

Article XI, Section 3(4) does not provide any specific period when the Senate must conduct the impeachment trial, unlike Section 3(2), where the House of Representatives is commanded to perform and accomplish certain acts within a specified period:

1. Once a verified complaint for impeachment is filed, the House must include it in its "Order of Business within [*10*] *session days*,"

2. The House must then refer the verified complaint for impeachment to the "proper Committee within *three session days* thereafter,"

3. The proper Committee must submit its report and its corresponding resolution to the House "within [*60*] *session days* from such referral," and

4. The House must calendar the resolution for consideration "within [*10*] *session days* from receipt thereof."

The Constitution clearly intended the House of Representatives to act on an impeachment complaint within a given period. It expressly provided the number of session days when a specific act must be done or accomplished. The same cannot be said about the Senate's obligation to conduct the impeachment trial.

Article XI, Section 3(4) simply says that the impeachment trial "shall forthwith proceed." There is no textual commitment to a specific number of days for the Senate to begin the actual trial. This obvious omission indicates that it is for the Senate to determine when it will conduct the actual trial, considering the preparations it deems necessary to convene as an impeachment court and discharge its duty as such.

While We reiterate that no hard and fast rule mandates an explicit number of days for a specific Senate response, We acknowledge the difference in the speed by which the Senate of the 19th Congress acted with regard to preparations for impeachment and in not constituting itself as an impeachment court. With due regard, however, to the totality of circumstances involved,

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[115] *Almario v. Executive Secretary,* 714 Phil. 127, 168 (2013) [Per J. Leonardo-Castro, *En Banc*].

We find that the preparations for VP Duterte's impeachment trial were done within a reasonable period.

The Petition fails to show—much less establish—how the Senate acted whimsically, capriciously or arbitrarily, out of malice, ill will or personal bias in deciding not to instantly convene as an impeachment court as soon as the House filed the Articles of Impeachment.

Thus, the Senate did not commit grave abuse of discretion since (1) it had begun complying with its constitutional duty by preparing itself to conduct the impeachment trial, and (2) the Constitution itself does not provide any specific period when the Senate must start the actual trial.

Nevertheless, the term "forthwith" must ever remain in the Senate's consciousness when it is called on to exercise its constitutional duty to convene as an impeachment court. While the Constitution does not precisely fix the date when the trial must proceed, the Senate must not unduly delay the conduct of the trial, lest we render meaningless the Constitution's mandate that "[p]ublic officers...must, at all times, be accountable to the people."[116]

ACCORDINGLY, the Petition for *Mandamus* is **DISMISSED.**

SO ORDERED.

RODIL V. ZALAMEDA
Associate Justice

[116] CONST., art. XI, sec. 1.

WE CONCUR:

ALEXANDER G. GESMUNDO
Chief Justice

Se concurring and dissenting opinion

MARVIC M.V. F. LEONEN
Associate Justice

No part
ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

RAMON PAUL L. HERNANDO
Associate Justice

AMY C. LAZARO-JAVIER
Associate Justice

HENRI JEAN PAUL B. INTING
Associate Justice

SAMUEL H. GAERLAN
Associate Justice

RICARDO R. ROSARIO
Associate Justice

On leave, but left a concurring vote
JHOSEP Y. LOPEZ
Associate Justice

JAPAR B. DIMAAMPAO
Associate Justice

JOSE MIDAS P. MARQUEZ
Associate Justice

ANTONIO T. KHO, JR.
Associate Justice

See separate opinion
MARIA FILOMENA D. SINGH
Associate Justice

See separate concurring opinion
RAUL B. VILLANUEVA
Associate Justice

CERTIFICATION

Pursuant to Article VIII, Section 13 of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court.

ALEXANDER G. GESMUNDO
Chief Justice

EN BANC

G.R. No. 278311 – CATALINO ALDEA GENERILLO, JR., Petitioner, **v. SENATE OF THE PHILIPPINES, represented by Hon. Francis G. Escudero in his capacity as Senate president,** Respondent.

Promulgated:

April 22, 2026

x----------x

CONCURRING AND DISSENTING OPINION

LEONEN, *SAJ*:

The threshold act that the Constitution demands when it commands in Article XI, Section 3(4) that "*trial by the Senate shall forthwith proceed*" is not merely the preparation of robes and seating charts. It is the convening of the impeachment court itself. The Constitution is not a document of institutional convenience. An impeachment trial, as a constitutional, legal, and political process of accountability, should not yield to the rhythms of ordinary legislative scheduling.

The Senate should have acted. Had it validly acquired jurisdiction over the Articles of Impeachment, it should have immediately convened itself into an impeachment court.

I agree with the eloquent discussion of our esteemed colleague, Justice Rodil V. Zalameda, that the full conduct of an impeachment trial requires adequate preparation. No court can function without adequate groundwork. The word "*trial*" in Article XI, Section 3(4) encompasses the complete process, from the formation of the impeachment court until its verdict. Preparations are part of this process, and a reasonable reading of "*forthwith*" cannot demand their instant completion.

However, I wish to offer an alternative view on a critical point.

The obligation to act "forthwith" is not an obligation merely to begin bureaucratic preparation. It is, first and foremost, an obligation to immediately commence the constitutional process of convening the Senate as an impeachment court. Once convened, it is the impeachment court that should have supervised the preparations for the impeachment trial. Failure to constitute the impeachment court at the earliest opportunity can be considered grave abuse of discretion.

More fundamentally, it would set a tenuous precedent for this Court to validate the Senate's treatment of its legislative recess as a bar to the convening of the impeachment court.

A legislative recess concerns the Senate as a legislative body. A legislative recess does not, and cannot, affect the Senate acting as an impeachment court, which is a constitutionally distinct body exercising a separate and independent function. The agreement between both chambers of Congress to hold a recess from their legislative work cannot suspend a mandatory constitutional command addressed to an impeachment tribunal.

Subsequent proceedings have unfortunately already rendered the matter moot. Moving forward, I propose that we hold as follows:

First, "forthwith" in Article XI, Section 3(4) of the Constitution imposes an immediate obligation on the Senate to begin the impeachment process, starting with the Senate president's duty to place the matter on the Senate agenda and for the Senate to convene itself as an impeachment court at the soonest possible time.

Second, once convened, the impeachment court operates under its own constitutional mandate, independent of the legislative calendar. It is the impeachment court—not the Senate as a legislative body—that determines the pace and conditions of trial preparations and proceedings.

Third, the Senate president's failure to immediately place the Articles of Impeachment before the Senate for the purpose of convening the impeachment court constituted grave abuse of discretion in violation of Article XI, Section 3(4).

I

The text of the Constitution commands immediacy, not merely eventual preparation. Thus Article XI, Section 3(4) provides:

> In case the verified complaint or resolution of impeachment is filed by at least one-third of all the Members of the House, the same shall constitute the Articles of Impeachment, and ***trial by the Senate shall forthwith proceed.*** (Emphasis supplied)

The command is embedded in this text. The Senate has no discretion on whether to proceed. The Constitution's use of "*shall*" makes this a command, not a suggestion.

The *ponencia*[1] relies on *Fischer v. Ambler*[2] and *Behn, Meyer & Co. v. Antholtz*[3] for the proposition that "forthwith" means "within a reasonable time, which may be a longer or shorter period, according to the circumstances of each particular case."[4] The term is "elastic in nature" and "a relative one," and its "meaning varies with every case."[5]

I do not dispute that these authorities support this proposition. However, this flexible standard must be applied to constitutionally relevant circumstances and not merely on the convenience of the Senate's legislative calendar.

Both *Fischer* and *Behn, Meyer & Co.* addressed procedural obligations in civil litigation. The "circumstances" that made "forthwith" elastic in those cases were the practical exigencies of courtroom procedure: the complexity of the exception being registered, the condition of the record, and the logistics of court administration. These are circumstances that inhere in the proceedings themselves.

Fischer and *Behn, Meyer & Co.* concerned a particular provision of the Code of Procedure, which required a party to perfect a bill of exceptions before invoking the appellate jurisdiction of higher court for the purpose of obtaining a review of an adverse judgment. In particular, Section 142 of the Code required that:

> The party excepting to the ruling, order, or judgment shall forthwith inform the court that he excepts to the ruling, order, or judgment, and the judge shall thereupon minute the fact that the party has so excepted, but the trial shall not be delayed thereby. The exception shall also be recorded by the stenographer, if one is officially connected with the court.

In *Fischer*, this Court defined the command "forthwith" as "within a reasonable time, which may be a longer or shorter period, according to the circumstances of each particular case." The question was whether a period of 13 days was considered a "reasonable time" within which to perfect a bill of exceptions, the determination of which was ultimately deferred upon the filing of a motion to dismiss. The separate opinion of Justice Joseph Cooper, however, emphasized that the word itself required promptness and diligence:

> I do not concur in the definition given to the word "forthwith" used in section 142 as meaning "within a reasonable time."
>
> In legal nomenclature the word "forthwith" and the phrase "within a reasonable time" convey quite different and distinct ideas. The word

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1 *Ponencia*, pp. 10–11.
2 1 Phil. 508 (1902) [Per J. Ladd, *En Banc*].
3 51 Phil. 796 (1928) [Per J. Malcolm, *En Banc*].
4 *Fischer v. Ambler*, 1 Phil. 508, 510 (1902) [Per J. Ladd, *En Banc*].
5 *Behn, Meyer & Co. v. Antholtz*, 51 Phil. 796, 801 (1928) [Per J. Malcolm, *En Banc*].

> "forthwith" conveys the idea that the thing to be performed must be done with the greatest diligence possible, the only lapse of time being such as may occur by the nature of the act to be performed and the amount of necessary preparation.
>
> On the contrary, acts performed months after an event are in some cases regarded as done within a reasonable time, which would be utterly inconsistent with the idea conveyed by the word "forthwith."
>
> The idea of a reasonable time is directly opposed to the idea of great diligence or promptitude.[6] (Citation omitted)

In *Behn, Meyer & Co.*, exception and notice of appeal was filed nine days after the receipt of notice of the denial of a motion for new trial. This Court doubted whether Section 142 could be applicable since the provision was intended to apply to rulings made while the trial is still in progress, and does not apply to a final judgment. On the presumption that Section 142 did apply, the Court held that "the expression 'forthwith' is one which cannot be scientifically circumscribed. The term is elastic in nature. It is a relative one. Its meaning varies with every case."[7] A reasonable time, then, "would probably be held to mean at some time after the judgment and before the preparation and presentation of the bill of exceptions to the judge for his approval and signature."[8]

Behn, Meyer & Co. also found these questions particularly "vexatious," and that "if the law had been in any manner plain, [the matter] could have been disposed of immediately without difficulty."[9] Thus, it recommended that legislation be amended to simplify and clarify civil procedure.

In either case, it has been suggested, whether in the main opinion or in a separate one, that the use of "forthwith" without need of immediacy was inconsistent with the intent of its usage.

In the context of Article XI, Section 3(4) of the Constitution, the circumstances that render "forthwith" elastic must be constitutionally relevant, such as the complexity of the case, the logistical requirements of an impeachment trial, and the due process rights of the respondent. *What is **not** a constitutionally relevant circumstance is the Senate's legislative schedule, the convenience of its members, or the prior agreement between the two chambers on their common recess.* These considerations are extrinsic to the constitutional command and cannot determine the pace of its discharge.

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6 J. Cooper, Concurring Opinion in *Fischer v. Ambler*, 1 Phil. 508, 512 (1902) [Per J. Ladd, *En Banc*].
7 *Behn, Meyer & Co. v. Antholtz*, 51 Phil. 796, 801 (1928) [Per J. Malcolm, *En Banc*].
8 *Id.* at 802.
9 *Id.*

Critically, "forthwith" in Article XI, Section 3(4) governs two distinct but related obligations: **the *immediate* obligation** and the ***ongoing* obligation.**

The *immediate obligation* is to convene the Senate as an impeachment court, an action that requires no significant preparation beyond the will to act. The *ongoing obligation* is to conduct the trial itself within a reasonable timeframe, including the logistics and procedural preparations required for a fair trial. The *ponencia* merges these obligations into one and, in doing so, allows the Senate to fulfill the first by merely undertaking the preparations associated with the second.

II

The Senate president had an immediate duty to place the matter of constituting the impeachment court before the Senate.

The Senate's constitutional obligation is triggered upon receipt of the Articles of Impeachment. On February 5, 2025, Senate Secretary Renato Bantug received the Articles of Impeachment from House Secretary General Reginald Velasco at approximately 4:47 p.m., just hours before Congress adjourned for its scheduled session break.

What was demanded of the Senate president to fulfill his duty of constitutional fidelity is clear. Before the Senate adjourned for its legislative recess, the matter of constituting the impeachment court should have been put in the Order of Business in the following session *immediately*. If the exigency of the moment made this impossible before the recess began, the Senate president could have proposed to the plenary a special session solely for this specific constitutional purpose.

Instead, the Senate president simply announced, on February 6, 2025, the very next day, before the Senate had taken any formal action on the Articles of Impeachment, that the Senate would not convene as an impeachment court during the session break.

This announcement was premature. The Senate had not yet constituted itself as an impeachment court. Until it did so, the Senate president had no authority to speak on behalf of the impeachment court since it did not yet exist.

Had the Articles of Impeachment been validly transmitted, the Senate would have to immediately convene itself as an impeachment court. The decision of when and how to proceed with the trial, including the critical decision of whether to use the session break for preparatory proceedings, belonged to the impeachment court, not to the Senate president acting in his

legislative capacity. By making this determination before the court was constituted, the Senate president substituted his legislative judgment for a constitutional mandate.

III

The impeachment court is a constitutionally distinct organ from the Senate as a legislative body.

The impeachment court exercises a function that is neither legislative nor executive, nor even entirely judicial. It is *sui generis*: the power to try and decide cases involving the highest officers of the land.

Francisco, Jr. v. House of Representatives[10] recognized the distinct character of the impeachment process. The House of Representatives exercises the exclusive power to initiate impeachment cases, rooted in its representative character. The Senate, when it sits as an impeachment court, exercises an entirely different power—one that is judicial in nature, but governed by constitutional command, and subject to entirely different institutional norms.

Corona v. Senate[11] then recognized the judicial character of the Senate's function when sitting as an impeachment court. The rules of procedure that the impeachment court adopts, the decisions it makes on the admissibility of evidence, the votes it casts to convict—all of these are exercises of a judicial power, not a legislative one. The impeachment court is not merely when the Senate wears different robes. It is a distinct constitutional tribunal, constituted by the Senate but functioning as a court.

Duterte v House of Representatives[12] characterized impeachment not merely as a legislative process, but a constitutional, legal, and political one:

> Impeachment, therefore, is not solely a political process. It is a *sui generis* constitutional process that is primarily legal, but with political characteristics. Any interpretation regarding its procedures, grounds, and consequences must be read with the entirety of the Constitution. Decisions regarding whether to file Articles of Impeachment, or to acquit or convict must be based upon clear charges supported by sufficiently clear and convincing evidence.
>
> Unlike cases decided by judges, it only so happens that the decision to impeach and remove an official is done by elected representatives in Congress. However, despite their being elected representatives, they are compelled by the Constitution to be impartial and decide to impeach or

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10 460 Phil. 830, 884 (2003) [Per J. Carpio-Morales, *En Banc*].
11 691 Phil. 156, 167 (2012) [Per J. Villarama, Jr., *En Banc*].
12 G.R. Nos. 278353 & 278359, July 25, 2025 [Per SAJ. Leonen, *En Banc*].

> convict based only on the evidence, properly according the respondent all their rights under the same Constitution.
>
> Impeachment is "a constitutional measure designed to protect the State from official delinquencies and malfeasance, the punishment of the offender being merely incidental." It is political in the sense that the proceedings are left in the hands of politically-elected bodies: the House of Representatives, who has the exclusive power to initiate, and the Senate, which has the power to convict. While the institutions that have control over the proceedings are inherently political, the proceeding itself was designed by the Constitution to be nonpartisan. Thus, how an impeachment proceeding should be conducted is not dependent on the will of politicians or a majority of one--third of the House of Representatives, but rather based on the strict language of the Constitution.
>
> "[I]mpeachment is primarily for the protection of the people as a body politic, and not for the punishment of the offender." Impeachment is a primarily legal process, in the sense that like administrative cases, it results in the removal of a public officer, and like criminal cases, it requires evidentiary rules and due process.[13] (Citations omitted)

The distinction between the Senate as an impeachment court and the Senate as a legislative body has substantive constitutional consequences. A constitutional tribunal is independent. It is continuous. It is not subject to the legislative schedules or conveniences of the bodies that create it. When the Senate constitutes itself as an impeachment court, it assumes a judicial character that places it beyond the reach of legislative adjournment.

The Senate's legislative recess is a creature of legislative practice and of the concurrent resolution jointly adopted by both chambers of Congress.[14] The legislative recess is an agreement between legislative bodies on when to suspend their legislative work. This agreement, however, cannot bind a constitutional body exercising a non-legislative function. The concurrent resolution that establishes the legislative calendar speaks to the Senate's legislative power; it has nothing to say about the Senate's constitutional duty as an impeachment court.

To hold otherwise is to allow the Senate to nullify a constitutional command through a legislative act. The Senate can, on this reading, effectively veto the impeachment process by simply going on recess before constituting itself as an impeachment court. This is precisely the kind of evasion the Constitution is determined to prevent.[15]

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[13] *Id.* at 42–43. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

[14] *See* House Concurrent Resolution No. 2 (2025), 20th Congress, First Regular Session, Concurrent Resolution Providing for the Legislative Calendar for the First Regular Session of the Twentieth Congress of the Philippines; and Senate Concurrent Resolution No. 5 (2025), Concurrent Resolution Amending the Legislative Calendar of the First Regular Session of the Twentieth Congress of the Philippines.

[15] *See Padilla v. Congress*, 814 Phil. 344 (2017) [Per J. Leonardo-De Castro, *En Banc*] and *Lagman v. Medialdea*, 822 Phil. 181 (2017) [Per J. Del Castillo, *En Banc*] on the Congress's alleged failure to

The Senate's institutional continuity is well-established in our jurisprudence. *Arnault v. Nazareno*[16] first recognized the Senate as a continuing body in the context of its contempt powers. *Neri v. Senate Committee on Accountability of Public Officers and Investigations*[17] clarified that the Senate as an institution is continuing even as its day-to-day legislative business does not carry over between Congresses.[18] *Balag v. Senate of the Philippines*[19] maintained this dichotomy.[20]

The impeachment court, as a constitutional tribunal with its own mandate, partakes of the institutional continuity of the Senate in a way that ordinary legislative business does not. It is not "day-to-day business" that can be conveniently archived. It is a solemn constitutional duty. As soon as it receives the impeachment complaint, the Senate should approve its calendar activities which already includes and considers the urgency of the impeachment proceedings.

IV

The Senate as an impeachment court may convene and conduct trial during a legislative recess.

There is no provision in the Constitution that limits the operation of the Senate as an impeachment court to periods when the Senate is simultaneously in legislative session. The Constitution does ***not*** say "trial by the Senate shall forthwith proceed, *except during recess*." No such exception exists. Exceptions to constitutional mandates, particularly to mandatory commands involving the accountability of public officers, cannot be implied. They must be expressly stated.

Historical reference confirms this interpretation. In *Estrada v. Desierto*,[21] the impeachment trial of President Joseph Ejercito Estrada proceeded despite the Senate going on its Christmas recess. The impeachment court adjourned its session for the Christmas holidays and resumed on January 2, 2001.[22] This adjournment was an act of the impeachment court itself: an exercise of its own authority to manage proceedings. It was not imposed by an external legislative calendar.

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comply with its constitutional duty to convene immediately to act on Proclamation No. 216 declaring martial law in Mindanao.

16 87 Phil. 29 (1950) [Per J. Ozaeta, *En Banc*].

17 586 Phil. 135 (2008) [Per J. Leonardo-De Castro, *En Banc*].

18 *Id.* at 196.

19 835 Phil. 451 (2018) [Per J. Gesmundo, *En Banc*].

20 *Id.* at 469.

21 406 Phil. 1 (2001) [Per J. Puno, *En Banc*].

22 *Id.* at 30–31.

In the impeachment trial of former Chief Justice Renato Corona, the impeachment court similarly adjourned for approximately six weeks, from March 22 to May 7, 2012, a period coinciding with the Senate's legislative recess.[23] But this was the impeachment court's own decision, taken in the exercise of its authority over its proceedings. The legislative recess did not dissolve the impeachment court, suspend its jurisdiction, or relieve the Senate of its obligation to proceed. The court remained in session throughout, with full authority to resume at any time it deemed appropriate.

The impeachment court, once constituted, is not a creature of the legislative calendar. It may adjourn for days, for holidays, or for longer periods when the orderly conduct of proceedings warrants it. But this is solely the impeachment court's decision, arrived at through the exercise of its own constitutional prerogative. It is not a consequence of the Senate's legislative schedule.

Thus, pursuant to Article XI, Section 3(4) of the Constituion, the proper sequence in February 2025 should have been: *first*, upon receipt of the Articles of Impeachment, the Senate ***immediately*** constitutes itself as an impeachment court; *second*, the newly constituted impeachment court then takes stock of the preparations needed, assesses the logistical requirements, and determines a trial schedule; and *finally*, if the impeachment court finds that there are preparations needed to be done, it can decide to continue its proceedings when the legislative session resumes in June. This decision belongs to the impeachment court, not to the Senate president acting in his legislative capacity.

V

The criteria of "reasonable time" in the interpretation of "forthwith" applies to the start of the trial, not to the convening of the impeachment court.

The *ponencia* applies its "reasonable time" standard to the entirety of the Senate's conduct, from receipt of the Articles of Impeachment to the constitution of the impeachment court, or a period of 126 days.[24] With due respect, this may be an erroneous interpretation.

The "reasonable time" standard properly applies to the conduct of the trial itself, which covers the scheduling of hearings, the reception of evidence, the filing of pleadings, and the issuance of a judgment. These are the activities that require genuine preparation time. They are also acts for which the elasticity of "forthwith" is constitutionally relevant because the Constitution

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[23] *See also Senate resumes session Tuesday, tackles priority bills*, Senate of the Philippines, March 3, 2012, *available at* https://legacy.senate.gov.ph/press_release/2012/0503_prib1.asp (last accessed on April 28, 2026).

[24] *Ponencia*, pp. 10–11.

expressly commands trial to "forthwith proceed." A trial, by its nature, takes a reasonable time.

In contrast, no comparable preparation is truly needed in the act of constituting the impeachment court itself. The senators are already present. The oath of senator-judges requires nothing more than the will to comply. The convening of the impeachment court is a threshold act: simple in form, profound in consequence.

In *Corona v. Senate*,[25] the Senate received the Articles of Impeachment on December 13, 2011 and constituted itself as an impeachment court the following day, on December 14, 2011.[26] This one-day period must be understood as reflecting what "forthwith" demands for the act of convening the impeachment court. It is the standard established by the Senate's own prior conduct.

The 126-day period in the present case is more than four times the total duration of the Estrada impeachment proceedings, from the convening of the impeachment court to its abbreviated conclusion. This cannot be reconciled with the constitutional command of "forthwith." Here, the elasticity of the term may be too much of a stretch.

This delay is not justified merely by citing the break in the legislative session. The impeachment court is not part of the Senate's legislative body. The legislative session break cannot excuse the delay in establishing the impeachment court. Once created, the impeachment court should have taken responsibility for its preparations. This includes drafting impeachment rules if needed, handling logistical arrangements, procuring ceremonial robes, and other tasks. Again, this should have been done by the impeachment court on its own authority, on its own schedule, without regard to the legislative calendar.

VI

I anticipate the objection that requiring the Senate to immediately constitute itself as an impeachment court, even during a legislative recess, would disrupt the Senate's legislative work and impose an unreasonable burden on its members.

In its Rules of Procedure on Impeachment Trials,[27] the legislative business of the Senate is suspended when the impeachment trial is in session:

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25 691 Phil. 156 (2012) [Per J. Villarama, Jr., *En Banc*].

26 *Id.* at 159.

27 *See* Senate Resolution No. 39 (2011), 15th Congress, Resolution Adopting the Rules of Procedure on Impeachment Trials, *available at* https://legacy.senate.gov.ph/Rules%20of%20the%20Senate-October%202024.pdf (last accessed on April 28, 2026).

> At 2 o'clock in the afternoon, or at such other hour as the Senate may order, of the day appointed for the trial of an impeachment, ***the legislative business of the Senate, if there be any, shall be suspended***, and the Secretary of the Senate shall give notice to the House of Representatives that the Senate is ready to proceed upon the impeachment trial of _____ in the Senate Chamber. (Emphasis supplied)

Despite the immediacy of such rules, the requirement that the Senate immediately convene itself as an impeachment court does not mean that trial must immediately commence. It simply means that the impeachment court, not the Senate as a legislative body, assumes responsibility for the proceedings from that point forward. The impeachment court, in the exercise of its own judicial authority, then determines the schedule and pace of the impeachment proceedings.

It is the impeachment court, not the Senate as a legislative body, that weighs the competing demands on the Senate's time. If the impeachment court can determine that certain legislative matters of genuine national urgency warrant a temporary adjustment of the trial schedule, it may make that determination. This is within the impeachment court's constitutional prerogative. But the determination must be made by the impeachment court, exercising its constitutional authority, in full view of its constitutional obligation to proceed with the trial.

This structure matters for accountability.

When the Senate president, acting in their legislative capacity, announces before the impeachment court is convened that trial will not commence during the legislative recess, they are making a unilateral determination that substitutes legislative convenience for constitutional command. When a duly constituted impeachment court makes the same determination, it does so as a constitutional tribunal with the obligation to justify its decision and the responsibility to answer for it.

Under the proposed approach in the *ponencia*, the Senate as a legislative body can effectively determine the pace of the impeachment trial simply by not constituting itself as an impeachment court. This gives the Senate a practical veto over the accountability mechanism that the Constitution has placed in the hands of the people and their chosen representatives. This is a veto that finds no support in the text, structure, or history of Article XI of the Constitution.

VII

The fundamental precept of accountability demands this faithful reading of the term "forthwith."

Article XI, Section 1 of the Constitution declares:

> Public office is a public trust. Public officers and employees must, at all times, be accountable to the people, serve them with utmost responsibility, integrity, loyalty, and efficiency, act with patriotism and justice, and lead modest lives.

This is not a mere aspiration. It is a constitutive command—a foundational principle that shapes the interpretation of every provision of Article XI.

The impeachment process is the primary mechanism through which the Constitution gives institutional form to the accountability of the highest officers in the land. *Francisco, Jr. v. House of Representatives*[28] recognized that the impeachment provisions of the 1987 Constitution were deliberately crafted to be more precise and more effective than those of the 1935 and 1973 Constitutions, precisely because the framers had witnessed the failure of accountability under the earlier texts.[29] The word "forthwith" was placed in Article XI, Section 3(4) not by accident, but to ensure that the accountability mechanism was swift and not merely eventual.

Duterte v. House of Representatives[30] underscored the fundamental principle that underlines the impeachment process and the gravity of the duty of those required to uphold it:

> Impeachment, one of the gravest constitutional mechanisms available in a democracy, was not designed as a political shortcut or a tool to exact retribution. When used improperly, it threatens to damage not just individuals but also the public's faith in constitutional accountability itself and can undermine the independence and autonomy of the president, the vice president, the Supreme Court, the constitutional commissions, and the Ombudsman.[31]

This Court again reiterated in the resolution resolving the motions for reconsideration in *Duterte* that impeachment was a tool for accountability provided by the Constitution and bound only by the Constitution's rules and limitations:

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28 460 Phil. 830 (2003) [Per J. Carpio-Morales, *En Banc*].
29 *Id.* at 908.
30 G.R. Nos. 278353 & 278359, July 25, 2025 [Per SAJ. Leonen, *En Banc*].
31 *Id.* at 55. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

> Impeachment was not designed to be merely adjudicatory, nor was it intended to operate exclusively as a political exercise. Rather, it draws from both legal and political foundations to ensure accountability at the highest levels of government. As such, impeachment proceedings must comply with the Constitution as a whole and must operate within its bounds, including the fundamental requirements of due process.[32]

If this Court holds that "forthwith" constitutionally allows the Senate to delay the creation of the impeachment court for 126 days because the Senate was busy with administrative preparations, we tell the Filipino people that their highest law yields to institutional convenience; that those charged with the obligation of accountability may postpone its enforcement without penalty; and that the word "forthwith," placed by the framers with deliberate purpose, is effectively meaningless.

This Court should not consider such a reading.

The respondent in an impeachment case is not a private litigant whose trial can be postponed indefinitely. The respondent holds public office—an office that involves public trust and public responsibility. The people's interest in a swift resolution of an impeachment case is a direct and immediate expression of the accountability mandate of Article XI, Section 1 of the Constitution. Each day of delay is a day during which the people are denied the constitutional process to hold their officials accountable.

VIII

To recap, the proper constitutional standard, correctly derived from the text and structure of Article XI, should have been as follows:

First, upon receipt of the Articles of Impeachment filed by at least one-third of the members of the House of Representatives, the Senate president must immediately—in the same or the very next session day—include the matter of constituting the impeachment court in the Senate's Order of Business. If the Senate is not in session, the Senate president must take steps to convene the Senate for this specific constitutional purpose at the soonest practicable time.

Second, the Senate must then convene itself as an impeachment court within this time. The act of constituting the impeachment court is the threshold obligation imposed by "forthwith." It must be accomplished

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[32] *Duterte v. House of Representatives*, G.R. Nos. 278353 & 278359, January 28, 2026 [Per SAJ. Leonen, *En Banc*] at 31. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

without unnecessary delay—within, at most, the next session day from receipt of the Articles of Impeachment.

Third, once convened, the impeachment court has full authority over the conduct of the trial, including scheduling proceedings and supervising preparations. The impeachment court functions under its own constitutional mandate, independent of the Senate's legislative calendar. The legislative recess, as an agreement between legislative bodies, does not bind the impeachment court.

Fourth, the impeachment court may, in the exercise of its own judicial authority, grant continuances, adjournments, or recesses as the orderly conduct of proceedings requires. It may likewise determine, in specific and compelling circumstances, that particular legislative matters of genuine national urgency warrant a temporary adjustment of the trial schedule. These are the impeachment court's determinations, not of the Senate as a legislative body, and certainly not of the Senate president in his legislative capacity.

Fifth, the full trial, from the first hearing to the verdict, must be completed within a reasonable time, taking into account the complexity of the case, the volume of evidence, and other legitimate considerations bearing on the fair and orderly conduct of proceedings. This is the domain in which the elasticity of "forthwith" is properly operative.

IX

Applying this standard here, the Senate would have committed a constitutional violation amounting to a grave abuse of discretion in failing to immediately convene itself as an impeachment court upon receipt of the Articles of Impeachment on February 5, 2025. The Senate president's announcement on February 6, 2025 that the Senate would not hold the impeachment trial during the session break was constitutionally premature and incorrect. The discretion belonged solely to the impeachment court, which did not exist yet.

By treating the legislative recess as an automatic bar to the convening of the impeachment court, the Senate effectively substituted its legislative calendar for the constitutional command of "forthwith." This was a grave abuse of discretion—an act done contrary to the Constitution and contrary to the clear mandate of Article XI, Section 3(4).

However, considering that the Articles of Impeachment were nullified in *Duterte*, this Court cannot hold now that the Senate committed grave abuse discretion despite clear evidence of such.

I acknowledge that the *ponencia*'s conclusion on mootness[33] carries considerable weight. The nullification of the Articles of Impeachment in *Duterte* has indeed mooted the specific relief sought by petitioner. Mootness, however, does not preclude this Court from articulating the correct constitutional standard for future cases.

In *David v. Macapagal-Arroyo*,[34] this Court held that cases of sufficient constitutional importance may be resolved even after the controversy has become moot to provide guidance for future conduct. This is such a case.[35]

The question of what "forthwith" means in Article XI, Section 3(4), of the constitutional relationship between the Senate's legislative function and its constitutional function as an impeachment court, and of the Senate president's immediate obligations upon receipt of the Articles of Impeachment, is a question of permanent constitutional significance. These questions will arise again.

The standard this Court articulates today will govern the conduct of future Senates and future Senate presidents. The majority's holding that 126 days between the receipt of the Articles of Impeachment and the convening of the impeachment court is constitutionally acceptable is a standard that I find incompatible with the text, purpose, and history of Article XI.

A Final Note

The Constitution does not speak in whispers on the duty of the Senate to try impeachment cases. It speaks in commands: The Senate *shall* forthwith proceed. The word "forthwith" demands immediacy not as to the completion of a complex trial, but as to the convening of the impeachment court and the commencement of the constitutional process.

The Senate president's immediate duty, upon receipt of the Articles of Impeachment, was to place the matter before the Senate for the purpose of constituting the impeachment court. It was the impeachment court, not the Senate as a legislative body, that should have supervised the preparations for trial and determined the schedule of proceedings. The legislative recess, as an agreement between legislative bodies on the suspension of legislative work, had no force against the mandatory command addressed to a constitutional tribunal.

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33 *Ponencia*, pp. 13–15.

34 522 Phil. 705, 751 (2006) [Per J. Sandoval-Gutierrez, *En Banc*]. The Court has on several occasions resolved moot cases where the constitutional questions involved are of paramount importance and are likely to recur.

35 *Id.* at 751.

The Constitution holds every public officer accountable to the people. The impeachment process is the primary mechanism through which the Constitution gives institutional force to this accountability. When we read "forthwith" in a manner that permits the Senate to defer the constitution of the impeachment court for four months—on the basis of a legislative schedule—we render this accountability mechanism optional for those who are most powerful and most in need of its discipline.

The Constitution cannot be read to have meant this.

Our reading of the Constitution must be faithful to its text, purposive in its approach, and resolute in its commitment to the foundational principle that public office is a public trust. I urge that we reevaluate and provide a definite and faithful interpretation of Article XI, Section 3(4) to uphold this duty. However, I acknowledge that such principles will have to be applied to future cases in view of the mootness of the Petition.

ACCORDINGLY, I vote to **DISMISS** the Petition due to mootness.

MARVIC M.V.F. LEONEN
Senior Associate Justice

EN BANC

G.R. No. 278311 – CATALINO ALDEA GENERILLO, JR., Petitioner, **v. SENATE OF THE PHILIPPINES, represented by HON. FRANCIS G. ESCUDERO in his capacity as Senate President,** Respondent.

Promulgated:

April 22, 2026

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SEPARATE OPINION

SINGH, *J.*:

The *ponencia* dismisses the Petition for *Mandamus*, which seeks to compel the Senate to constitute itself into an impeachment court, and proceed with the trial of Vice President Sara Z. Duterte (**VP Duterte**). In so doing, the *ponencia* holds that: (**a**) *mandamus* is not the proper remedy but *certiorari* under Rule 65 of the Rules of Court; (**b**) the Petition is already moot; and (**c**) the Senate did not act with grave abuse of discretion when it constituted itself as an impeachment court within 126 days from the filing of the Articles of Impeachment in view of the totality of circumstances.

I concur with the dismissal of the Petition, but only on the first two grounds, i.e., that *mandamus* will not lie in this case, and the issue sought to be resolved has been rendered moot.

Mandamus is defined as an "extraordinary writ commanding a person, tribunal, corporation, board, or officer to do an act required to be done, as when they/it unlawfully neglects the performance of an act which the law specifically enjoins as a duty, and there is no other plain, speedy, and adequate remedy in the ordinary course of law."[1]

For *mandamus* to lie, the following requisites must be present: (**a**) the petitioner has a clear legal right to the act demanded; (**b**) it must be the duty of the respondent to perform the act because it is mandated by law; (**c**) the respondent unlawfully neglects the performance of the duty enjoined by law; (**d**) the act to be performed is ministerial, not discretionary; and (**e**) there is no

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[1] *National Press Club of the Philippines v. Commission on Elections*, 942 Phil. 271, 276–277 (2023) [Per J. Rosario, *En Banc*].

appeal or any other plain, speedy, and adequate remedy in the ordinary course of law.[2]

As the *ponencia* appropriately ruled, *mandamus* is not the proper remedy for the relief sought. The requisites of *mandamus* were not met.

First, "[t]he petitioner may be considered to have a clear legal right if said right is indubitably granted by law or is inferable as a matter of law."[3] Legal rights may be enforced by the extraordinary writ only if it shown that the rights are "well-defined, clear and certain."[4] This requirement was not satisfied. A perusal of the Petition shows that it contains no averment as to what the petitioner's legal right they sought to be acted on. Neither did it allege any benefit to be received or prejudice to be suffered if the Court grants the Petition.

Second, negligence is jurisprudentially defined as "the failure to observe for the protection of the interests of another person that degree of care, precaution, and vigilance which the circumstances justly demand, whereby such other person suffers injury."[5] The determination whether negligence exists depends on the circumstances at that time where the exercise of prudence is called for. "The mere existence of a legally mandated duty or the pendency of its performance does not suffice."[6]

Recalling the antecedents of this case, it must be noted that the Articles of Impeachment against VP Duterte were transmitted to the Senate Secretary on the afternoon of February 5, 2025,[7] the same day the Senate adjourned its session. Then came the dilemma of whether the Senate can perform its impeachment functions when it is not in session. Moreover, the Senate admitted that during such period, it was engaged in the logistical and security preparations for the trial. Thus, it cannot be definitively concluded that, based on the sequence of events, the Senate acted negligently on the Articles of Impeachment at the time the Petition was filed.

Finally, the duty sought to be performed is not ministerial in nature.

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2 *Id.* at 277.

3 *Legarda v. Clerk of Court of the Regional Trial Court of Muntinlupa City*, 949 Phil. 866, 873 (2023) [Per J. Kho, Jr., *En Banc*].

4 *Manalo v. PAIC Savings Bank*, 493 Phil. 854, 860 (2005) [Per J. Sandoval-Gutierrez, Third Division].

5 *Abrogar v. Cosmos Bottling Company*, 807 Phil. 317, 342 (2017) [Per J. Bersamin, Third Division].

6 *Lihaylihay v. Treasurer Tan*, 836 Phil. 400, 413 (2018) [Per J. Leonen, Third Division].

7 *Duterte v. House of Representatives*, G.R. Nos. 278353 & 278359, July 25, 2025 [Per J. Leonen, *En Banc*], p. 8. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

In *Spouses Espiridion v. Court of Appeals*,[8] the Court differentiated between a ministerial and a discretionary function:

> The distinction between a ministerial and discretionary act is well delineated. A purely ministerial act or duty is one which an officer or tribunal performs in a given state of facts, in a prescribed manner, in obedience to the mandate of a legal authority, without regard to or the exercise of his own judgment upon the propriety or impropriety of the act done. If the law imposes a duty upon a public officer and gives him the right to decide how or when the duty shall be performed, such duty is discretionary and not ministerial. The duty is ministerial only when the discharge of the same requires neither the exercise of official discretion or judgment.[9]

The conduct of impeachment trials, though guided by the parameters set forth by the Constitution, is a discretionary function since the time, place and manner of conducting such trials is left to the judgment of the Senate. In fact, Article XI, Section 3(8) of the Constitution provides that the Congress shall promulgate its own rules on impeachment, which connotes a purely discretionary duty reposed in the Legislature.

As early as 1924, the Court has ruled, in *Alejandrino v. Quezon*,[10] that:

> [. . .] *Mandamus* will not lie against the legislative body, its members, or its officers, to compel the performance of duties purely legislative in their character which therefore pertain to their legislative functions and over which they have exclusive control. The courts cannot dictate action in this respect without a gross usurpation of power [. . .][11]

It may be argued that the conduct of impeachment trials, though done by the Senate, is not purely of a legislative character. It has even been described as a *sui generis* proceeding.[12] Be that as it may, the Court is still without jurisdiction to compel the Senate to commence the impeachment trial of VP Duterte under the circumstances.

To recall, the Senate Secretary received the Articles of Impeachment in the afternoon of February 5, 2025, the same day that the Senate adjourned session.

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8 523 Phil. 664 (2006) [Per J. Corona, Second Division].

9 *Id.* at 668.

10 46 Phil. 83 (1924) [Per J. Malcolm].

11 *Id.*

12 *Re: Letter of Mrs. Corona Requesting Grant of Retirement/Benefits to the Late Former C.J. Corona and Her Claim Under R.A. No. 9946*, 893 Phil. 231, 244 (2021) [Per J. Hernando, *En Banc*].

Article VI, Section 15 of the Constitution provides that:

> SECTION 15. The Congress shall convene once every year on the fourth Monday of July for its regular session, unless a different date is fixed by law, and shall continue to be in session for such number of days as it may determine until [30] days before the opening of its next regular session, exclusive of Saturdays, Sundays, and legal holidays. The President may call a special session at any time.

The provision is clear that the power to fix the schedule of congressional sessions is vested solely in Congress, i.e., that it will hold session for such number of days "as it may determine." Moreover, the President is authorized to call a special session at any time. Thus, the convening of the session of Congress, and the determination of its duration, is left to the discretion of the political organs of the government. Absent in the provision is any role for the judicial department.

Thus, the Court cannot compel the Senate to resume session without its consent. Such an outcome is, aside from the apparent lack of constitutional basis, inimical to the principle of separation of powers.

Notwithstanding, even if the Court treats the present Petition as one for *certiorari*, the same should still be dismissed for failing to satisfy an essential requisite for the exercise of judicial review.

The first requisite often mentioned by the Court is the presence of an actual case or controversy, i.e., the case presents conflicting or opposing legal rights that may be resolved in a judicial proceeding.[13] However, a case ceases to be justiciable when it becomes moot. A case becomes moot when "a supervening event has terminated the legal issue between the parties, such that this Court is left with nothing to resolve. It can no longer grant any relief or enforce any right, and anything it says on the matter will have no practical use or value."[14]

When a case becomes moot, the Court should generally decline to resolve the case, lest the ruling result in a mere advisory opinion.[15] An advisory opinion is "one where the factual setting is conjectural or hypothetical. In such cases, the conflict will not have sufficient concreteness

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13 *Express Telecommunications Co., Inc. v. AZ Communications, Inc.*, 877 Phil. 44, 55 (2020) [Per J. Leonen, Third Division].

14 *Id.* at 53.

15 *Id.* at 54.

or adversariness so as to constrain the discretion of this Court."[16] The Internal Rules of the Court even proscribe the issuance of advisory opinions.[17]

Thus, "[t]his Court shall not render advisory opinions or resolve theoretical issues. The rule holds true even when there had previously been a legal conflict or claim, but it has become moot because a supervening event has rendered the legal issue inexistent. When a case has become moot, there is no longer a conflict of rights that needs to be resolved by the courts."[18]

I agree with the *ponencia* that the present Petition is now moot and academic. Consider the following events that have transpired while this case was pending:

1) The Senate of the 19th Congress constituted itself as an Impeachment Court on June 10, 2025, when 22 sitting Senators took their oath as Impeachment Court Judges and proceeded to tackle motions dealing with the Articles of Impeachment;[19]

2) The Court rendered its Decision, dated July 25, 2025, in *Duterte v. House of Representatives*,[20] which enjoined the Senate from proceeding with the impeachment case against VP Duterte for violating the one-year bar rule; and

3) The Senate of the 20th Congress continued to deliberate on the Articles of Impeachment, which was previously remanded to the House of Representatives and carried over from the previous Senate. This new Senate of the 20th Congress then voted to archive the Articles of Impeachment.[21]

These are supervening events which have rendered the present Petition moot and academic, especially since the Senate of the 19th Congress already convened as an Impeachment Court, and the Senate of the 20th Congress voted on what to do with the Articles of Impeachment. Clearly, the relief sought by the petitioners had already occurred, and there is no practical reason for this Court to rule on this issue.

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16 *Falcis v. Civil Registrar General*, 861 Phil. 388, 439 (2019) [Per J. Leonen, *En Banc*].

17 A.M. No. 10-4-20-SC (2010), Rule 3, sec. 3.

18 *Express Telecommunications Co., Inc. v. AZ Communications, Inc.*, 877 Phil. 44, 56 (2020) [Per J. Leonen, Third Division].

19 *See* Wilnard Bacelonia, *Senate convenes as impeachment court*, PHILIPPINE NEWS AGENCY, June 10, 2025, available at https://www.pna.gov.ph/articles/1251894 (last visited November 9, 2025).

20 G.R. Nos. 278353 & 278359, July 25, 2025 [Per J. Leonen, *En Banc*]. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

21 *See* Wilnard Bacelonia, *Senate votes to archive impeachment case vs. VP Sara*, PHILIPPINE NEWS AGENCY, August 6, 2025, available at https://www.pna.gov.ph/articles/1256003 (last visited January 13, 2026).

There are exceptions to the rule on mootness, such as: (**a**) grave constitutional violations; (**b**) exceptional character of the case; (**c**) paramount public interest; (**d**) the case presents an opportunity to guide the bench, the bar, and the public; or (**e**) the case is capable of repetition yet evading review. While it may be argued that the Petition raises a constitutional issue that is of public interest, and may be useful in guiding the public, I respectfully caution further resolving this case on the merits, even if such is done as an aside.

The *ponencia* compares the impeachment case against VP Duterte with impeachment proceedings of the past, i.e., those filed against former President Joseph Ejercito Estrada (**President Estrada**) and former Chief Justice Renato Corona (**CJ Corona**). During President Estrada's trial, it took the Senate seven days from receipt of the Articles of Impeachment to constitute itself as an impeachment court, while it took 33 days during CJ Corona's impeachment. In the case of VP Duterte, it took the Senate 126 days, which the *ponencia* rules is not arbitrary and capricious.

I respectfully caution against this kind of analysis because it provides, wittingly or unwittingly, the political leaders with a mathematical reckoning of time within which the Senate may proceed with an impeachment trial. The last thing this Court should do is instruct the political organs of government on how to exercise a power consistently proclaimed to be "purely of a political nature[.]"[22]

The ruling of the *ponencia* about the tacking of preparatory acts in the period within which the impeachment trial should "forthwith" commence should not be taken as a doctrinal pronouncement. At most, it may be considered an opinion "uttered by the way[.]"[23] The Petition is now moot, and on that ground, I believe it should be dismissed. This further discussion is not required to dispose of the Petition.

The practical effect of this pronouncement, if ever, could easily be construed as providing an excuse for any future Senate to come up with ways on how to frustrate a clear commandment of the Constitution to immediately proceed with the impeachment trial. It would be easy for a future Senate to delay impeachment proceedings for, say, more than 126 days in the guise of doing preparatory activities, i.e., publishing the rules, procuring the robes of the Impeachment Judges, refurbishing of the plenary, etc.

It is worth emphasizing that "no hard and fast rule mandates an explicit number of days"[24] for the Senate to begin an impeachment trial. Such question

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22 *Re: Letter of Mrs. Corona Requesting Grant of Retirement/Benefits to the Late Former C.J. Corona and Her Claim Under R.A. No. 9946*, 893 Phil. 231, 243 (2021) [Per J. Hernando, *En Banc*].

23 *People v. Hon. Macadaeg*, 91 Phil. 410 (1952) [Per J. Labrador].

24 *Ponencia*, p. 24.

should first be answered by the Senate itself, as the body entrusted by the Constitution to conduct impeachment trials. That is why, an explicit discussion on the number of days within which the Senate should constitute itself as an impeachment court may infringe on the Senate's own determination of how it will "forthwith" commence with the impeachment trial under the circumstances.

Accordingly, I **CONCUR** in the result of dismissal and only on the grounds of improper remedy and mootness.

MARIA FILOMENA D. SINGH
Associate Justice

EN BANC

G.R. No. 278311 – CATALINO ALDEA GENERILLO, JR., Petitioner, **v. SENATE OF THE PHILIPPINES, represented by HON. FRANCIS G. ESCUDERO in his capacity as Senate President,** Respondents.

Promulgated:

April 22, 2026

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***Mandamus* does not lie in this case**

In essence, the present Petition seeks "to compel the Senate to constitute itself into an impeachment court and conduct the trial of Vice President Sara Z. Duterte (VP Duterte) without further delay."[8] As correctly pointed out in the *ponencia,* "(t)he Senate is part of a coordinate and independent branch of the government. Its actions within its sphere cannot be revised or controlled by *mandamus* by the judicial department, without a gross usurpation of power upon the part of the latter."[9] Further, "(a)s a co-equal constitutional body, the Senate exercises its duties which are beyond this Court's power of review, save for clearly established circumstances showing grave abuse of an inappropriate remedy for the issue raised herein."[10]

Also, it is elementary that for *mandamus* to lie, the duty subject of *mandamus* must be ministerial rather than discretionary.[11] Here, what is being sought to be done, as supposedly provided in Section 3(4),[12] Article XI of the Constitution, is the "forthwith" conduct of a "trial by the Senate" since the impeachment complaint was filed already by at least one-third of all the Members of the House of Representatives, which complaint thereby constitutes the Articles of Impeachment against VP Duterte. However, the trial by the Senate forthwith is not a ministerial duty.

It was summed up in the *ponencia* that "*the Senate's obligation under Article XI, Section 3(4) includes not only the conduct of the actual trial itself but also preparatory acts for the trial.*"[13] This being so, and if based only on the misplaced application of what "forthwith" means, then insisting that the trial before the Senate regarding the impeachment complaint against VP Duterte should proceed "immediately," "at once," "instantly," "directly," "right away," "straight away," "now," "instantaneously," "without delay," "without hesitation," "unhesitatingly," "quickly," "speedily," "with all speed," "promptly," "expeditiously," or "pronto," is completely misplaced and does not take into account that there are "**preparatory acts**" that must be done first or taken into account. As in every trial, and as may be provided by pertinent rules, there may be pleadings that have to be submitted and pre-trial proceedings that must be conducted first before a full-blown trial takes place.

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8 *Id.* at 1.

9 *Id.* at 8, citing *Abueva v. Wood,* 45 Phil. 612 (1924) [Per J. Johnson, Second Division].

10 *Id.*

11 *Lihaylihay v. The Treasurer of the Philippines, et al.,* 836 Phil. 400 (2018) [Per J. Leonen, Third Division].

12 SECTION 3. ....
(4) In case the verified complaint or resolution of impeachment is filed by at least one-third of all the Members of the House, the same shall constitute the Articles of Impeachment, and trial by the Senate shall forthwith proceed.

13 *Ponencia,* p. 25.

Rule-making power of the Senate must be respected

To say the least, due process dictates that this should be afforded to any respondent of an impeachment complaint before trial proceeds forthwith. If it was otherwise, then the Constitution should have provided for the mechanism on how the Senate should proceed "forthwith" with the trial of an impeached high government official.

Instead, the Constitution is very explicit in allowing Congress to "promulgate rules on impeachment to effectively carry out the purpose of (Section 3, Article XI)."[14] This being so, aside from the House of Representatives, taking into account specific provisions of Section 3, Article XI, the Senate has been given the discretion to determine, in the exercise of its rule-making power, how to proceed forthwith with the trial of an impeachment complaint transmitted to it.

As such, in line with this, the Senate, at the time that VP Duterte was considered impeached when at least one-third, or about 215 representatives[15] endorsed the impeachment complaint against her that constituted the Articles of Impeachment and which was transmitted to the Senate on February 5, 2025,[16] had existing rules on impeachment to guide it. Senate Resolution No. 39[17] provided the Rules of Procedure on Impeachment Trials (Rules on Impeachment), the salient provisions thereof state as follows:

> I. When the **Senate receives articles of impeachment** pursuant to Article XI, Sections 2 and 3 of the Constitution, the **President of the Senate shall inform the House of Representatives that the Senate** shall **take proper order on the subject impeachment** and shall **be ready to receive the prosecutors on such time and date as the Senate may specify**.
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> II. When the President of the Philippines is on trial, the Chief Justice of the Supreme Court shall preside but shall not vote. Notice shall be given to him by the President of the Senate of the time and place fixed for the consideration of the articles of impeachment, with a request to attend. The Chief Justice shall be administered the oath or affirmation, prescribed under these Rules, by the President of the Senate and shall preside over the Senate during the consideration of said articles and upon the trial of the person impeached.
>
> The **President of the Senate shall preside in all other cases of impeachment** and, for that purpose, **placed under the prescribed oath or affirmation** by any person authorized by law to administer an oath.

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14 SECTION 3. ....
(8) The Congress shall promulgate its rules on impeachment to effectively carry out the purpose of this section.

15 *Ponencia*, p. 2.

16 *Id.*

17 Resolution Adopting the Rules of Procedure on Impeachment Trials, promulgated on March 23, 2011.

III. **Before proceeding to the consideration of the articles of impeachment**, the **Presiding Officer shall administer the prescribed oath or affirmation to the Members of the Senate** then present and to the other Members of the Senate as they shall appear, whose duty it shall be to take the same.

Upon presentation of the articles to the Senate, the Senate shall specify the date and time for the consideration of such articles. Unless the Senate provides otherwise, it **shall continue in session from day to day** (except Saturdays, Sundays, and nonworking holidays) **until final judgment shall be rendered**, and so much longer as may, in its judgment, be necessary.

Senators shall observe political neutrality during the course of the impeachment trial. "Political neutrality" shall be defined as exercise of public official's duty without unfair discrimination and regardless of party affiliation or preference.

IV. The **Presiding officer shall have the power to make and issue, by himself or by the Secretary of the Senate, all orders, mandates, and writs authorized by these Rules or by the Senate**, and to make and enforce such other regulations and orders in the premises as the Senate may authorize or provide.

. . . .

VII. Upon the presentation of articles of impeachment and the organization of the Senate as hereinbefore provided, **a writ of summons shall be issued to the person impeached**, reciting or incorporating said articles, and notifying him/her to appear before the Senate upon a day and at a place to be fixed by the Senate and named in such writ, and **to file his/her Answer to said articles of impeachment within a non-extendible period of ten (10) days** from receipt thereof; to which the **prosecutors may Reply within a non-extendible period of five (5) days** therefrom; and to stand to and abide by the orders and judgments of the Senate.

Such writ shall be served by such officer or person named in the order thereof, **not later than three (3) days prior to the day fixed for such appearance of the person impeached**, either by the delivery of an attested copy to the person impeached, or if personal service cannot be done, service of the writ may be made by leaving a copy with a person of sufficient age and discretion at his/her last known address or at his/her office or place of business; and if the service of such writ shall fail the proceedings shall not thereby abate, but further service may be made in such manner as the Senate shall direct. If the person impeached, after service, shall fail to appear, either in person or by counsel, on the day so fixed or, appearing, shall fail to file his answer to such articles of impeachment, the trial shall proceed nevertheless as upon a plea of not guilty. If a plea of guilty shall be entered, judgment may be entered thereon without further proceedings.

. . . .

IX. **The person impeached shall then be called to appear and answer the articles of impeachment against him/her**. If he/she appears, or any person for him/her, the appearance shall be recorded, stating particularly if by himself/herself, or by agent or counsel, naming the person appearing and the capacity in which he/she appears. If he/she does not appear, either personally or by agent or counsel, the same shall be recorded.

X. **At 2 o'clock in the afternoon, or at such other hour as the Senate may order, of the day appointed for the trial of an impeachment, the legislative business of the Senate, if there be any, shall be suspended,** and the Secretary of the Senate shall give notice to the House of Representatives that the Senate is ready to proceed upon the impeachment trial of _____, in the Senate Chamber.

XI. Unless otherwise fixed by the Senate, the hour of the day at which the Senate shall sit upon the trial of an impeachment shall be 2 o'clock in the afternoon; and when the hour shall arrive, the Presiding Officer upon such trial shall cause proclamation to be made, and the business of the trial shall proceed. **The adjournment of the Senate sitting in said trial shall not operate as an adjournment of the Senate as a legislative body.**

. . . .

XIII. **Counsel for the parties shall be admitted to appear and be heard upon an impeachment**: *Provided,* That counsel for the prosecutors shall be under the control and supervision of the panel of prosecutors of the House of Representatives.

XIV. **All motions, objections, requests, or applications whether relating to the procedure of the Senate or relating immediately to the trial** (including questions with respect to admission of evidence or other questions arising during the trial) made by the parties or their counsel shall be addressed to the Presiding Officer only, and if he, or any Senator, shall require it, they shall be committed to writing, and read at the Secretary's table.

. . . .

XIX. **All preliminary or interlocutory questions, and all motions, shall be argued** for not exceeding one hour on each side, unless the Senate otherwise orders.

. . . .

XXI. **The trial of all the articles of impeachment shall be completed before the Senators vote on the final question on whether or not the impeachment is sustained.** On the final question whether the impeachment is sustained, the vote shall be taken on each article of impeachment separately; and if the impeachment shall not, upon any or the articles presented, be sustained by the votes of two-thirds of all the Members, a judgment of acquittal shall be entered; but if the person impeached in such articles of impeachment shall be convicted upon any of said articles by the votes of two-thirds of all the Members, the Senate shall proceed to pronounce judgment of conviction, and a certified

> copy of such judgment shall be deposited in the Office of the Secretary of the Senate. A motion to reconsider the vote by which any article of impeachment is sustained or rejected shall not be in order.
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> . . . .
>
> XXIV. **If the Senate shall, at any time, fail to sit for the consideration of articles of impeachment on the day or hour fixed** therefor, **the Senate may, by an order to be adopted without debate, fix a day and hour for resuming such consideration.** (Emphasis supplied)

From the foregoing, the Senate Rules on Impeachment that governed the actions of Senate President Escudero provide procedures that recognize the following: (1) the powers of the Senate President when the articles of impeachment are transmitted to the Senate; (2) what the Presiding Officer can do after taking the oath or affirmation for purposes of the impeachment proceedings; (3) what needs to be done when the articles of impeachment are presented to the impeachment court; (4) the issuance of the summons to the impeached person, the period for the latter to file the answer and any reply from the prosecutors; (5) the conduct of the trial thereafter by the Senate as an impeachment court; (6) the adjournment of the Senate impeachment court as not operating as the adjournment of the Senate as a legislative body; (7) the recognition that counsels may appear during the proceedings; (8) how all motions, objections, requests, or applications whether relating to the procedure of the Senate or relating immediately to the trial will be duly addressed; (9) how all preliminary or interlocutory questions, and all motions, shall be argued as may be warranted; and (10) the trial of all the articles of impeachment shall be completed before the Senators vote on the final question on whether or not the impeachment is sustained. These procedures as appearing in the Senate Rules on Impeachment show that trial, before proceeding forthwith, must pass through preparatory stages and even during trial must observe the due process rights of the respondent subject of an impeachment complaint or the articles of impeachment.

Thus, the judicial power vested in the Court must yield to the inherent power that the political departments, such as Congress, can address by themselves, like laws it enacts, similar to rules that it promulgates or policies that it adopts for impeachment proceedings, as in this case, under the fundamental principle of separation of powers among the three branches of the government, to wit:

> Judicial power covers only the recognition, review or reversal of the policy crafted by the political departments if and when a case is brought before it on the ground of illegality, unconstitutionality or grave abuse of discretion (*i.e.*, blatant abuse of power or capricious exercise thereof). **The determination of the wisdom, fairness, soundness, justice, equitableness or expediency of a statute or what "ought to be" as a matter of policy is within the realm of and should be addressed to the legislature. If existing laws are inadequate, the policy-determining branches of the government, specifically the duly elected**

> **representatives who carry the mandate of the popular will, may be exhorted peacefully by the citizenry to effect positive changes.** True to its constitutional mandate, the Court cannot craft and tailor statutory provisions in order to accommodate all of situations no matter how ideal or reasonable the proposal may sound. No matter how well-meaning, **We can only air Our views in the hope that Congress would take notice.**
>
> > x x x [The] Court should give Congress a chance to perform its primordial duty of lawmaking. The Court should not pre-empt Congress and usurp its inherent powers of making and enacting laws. While it may be the most expeditious approach, a short cut by judicial fiat is a dangerous proposition, lest the Court date trespass on prohibited judicial legislation.
>
> Judicial activism should never be allowed to become judicial exuberance.[18] (Emphasis supplied)

More at point, *if an issue is clearly identified by the text of the Constitution as matters for discretionary action by a particular branch of government or to the people themselves then it is held to be a political question.*[19] With the Senate Rules on Impeachment clearly making the matter involved in this case as non-justiciable, it would be debasing the principle of separation of powers for the Court to resolve what Generillo, Jr. is baselessly seeking.

The Court, in some instances,[20] recognizes that legislative power is supreme within its sphere so much so that it accords respect to its decision. This must be upheld all the more when it comes to the rules that Congress has promulgated to guide its procedures in impeachment complaints before it.

No grave abuse of discretion was committed by the Senate and/or by (now former) Senate President Escudero

The *ponencia* maintains that "(t)here is no textual commitment to a specific number of days for the Senate to begin the actual trial. This obvious omission indicates that it is for the Senate to determine when it will conduct the actual trial, considering the preparations it deems necessary to convene as an impeachment court and discharge its duty as such."[21] Again, this supports the fact that the Senate was given utmost discretion, pursuant to its own rules, to determine how impeachment trials before it should forthwith proceed. The Court cannot dictate on

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18 *Ocampo v. Enriquez*, 815 Phil. 1175-1278 (2017) [Per J. Peralta, *En Banc*].
19 *Garcia v. Executive Secretary*, 62 Phil. 64 (2009) [Per J. Brion, *En Banc*].
20 *ABS Corporation v. National Telecommunications Commission*, 879 Phil. 507 (2020) [Per J. Perlas-Bernabe, *En Banc*].
21 *Ponencia*, p. 25.

how the Senate should do this so long as it complies with the rules it so adopted.

There is no dispute that the following have taken place before the Senate when the impeachment complaint was transmitted to and received by it last February 5, 2025, *viz*:

. . . .

4. On February 6, 2025. [Senate President Escudero] issued a public statement clarifying that the Senate would not convene as an impeachment court during the congressional recess. He stated that the Senate would use the recess period to review and update its impeachment rules. On the same date, Senate Secretary Bantug commenced complete staff work procedures to check the signatures affixed on the transmitted impeachment complaint, in preparation for distributing copies thereof to the individual senators. The Senate Legal Counsel also submitted the initial draft of proposed amendments to the Rules of Procedure on Impeachment Trials to Senate Secretary Bantug for review.

5. On February 10, Senate Secretary Bantug completed the checking of the signatures contained in the impeachment complaint and reported to Senate President Escudero that per visual inspection, it contained the wet ink signatures of 215 members of the House of Representatives. On the same date, Senate President Escudero announced that copies of the impeachment complaint had been distributed to all 23 senators and that its full text, along with annexes, had been uploaded to the Senate website for public access. The Senate had also proceeded to make other preparations, such as reviewing the expense items and actual expenses incurred in previous impeachment trials based on available records.

6. In the meantime, Petitioner (Generillo, Jr.) filed the instant Petition for Mandamus dated February 13, 2025, arguing that the Senate has a ministerial and "inescapable constitutional duty" to convene into an impeachment court and commence trial proper.

7. From February 18-19, 2025, various support services submitted their respective inputs in preparation for the impeachment proceedings. The Senate Legal Counsel also submitted proposed amendments to the Rules of Procedure on Impeachment Trials.

8. In a press conference held on February 19, 2025, Senate President Escudero provided updates on the Senate's preparation for the impeachment trial, including doing a mock set up for the impeachment court and witness stands, the arrangement of the ID system for guests and members of the prosecution and defense, and the procurement of robes.

9. On February 20, 2025, Senate President Escudero signed Special Order No. 2025-0915 (OSP), establishing an administrative support group that will assist the Senate throughout the impeachment trial. SP No. 2025-015 designated both the impeachment court's clerk of court and support offices, outline their respective functions, and authorized the Secretary of the Senate to issue administrative orders, directives, and guidelines as may be necessary to

implement it.

10. On February 27, 2025, Senate President Escudero submitted to the Senate the proposed calendar for [VP Duterte's] impeachment trial. In accordance with the schedule, the trial and its preparations would proceed as follows:

June 2	Resumption of session and presentation of articles of impeachment
June 3	Convening of impeachment court and oathtaking of incumbent senator-judges
June 4	Issuance of summons
June 14-24	Reception of pleadings
June 24-July 25	Pre-trial
July 29	Oathtaking of newly-elected senator judges before sitting as an impeachment court
July 30	Start of trial

11. On March 19, 2025, the Senate received Secretary General Velasco and other House officials for purposes of inspecting the facilities to be used in the impeachment trial, such as the session hall and the rooms allotted for the prosecution team. Throughout March, the Senators also proceeded to take measurements and procure their ceremonial robes for purposes of the trial.

12. Currently, members of the Senate Legal Counsel are still finalizing the proposed amendments to the Rules of Procedure on Impeachment Trials.[22]

It is evident therefore that what Senate President Escudero did was what he was authorized to do, first, as Senate President and, thereafter, as Presiding Officer of the Senate impeachment court. Thus, the preparatory acts he resorted to were in accordance with the Senate Rules on Impeachment. What transpired from February 6, 2025, when the Senate was on recess or when it adjourned its sessions, together with the House of Representatives for the May 12, 2025, National and Local Elections, until its sessions resumed on June 2, 2025, are within the discretion granted to the Senate President.

More importantly, a plain reading of the Senate Rules on Impeachment shows that the Senate President was not empowered to call the Senators to a special session, while they are on recess, in order to convene as an impeachment

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22 *Id.* at 4-5.

court. Needless to state, he would be violative of the Senate Rules on Impeachment if he exercised prerogatives not clearly provided therein.

In addition, so that he could discharge his duties as a Presiding Officer, Senate President Escudero must take his oath first before he could administer the oaths to the other members of the Senate. The fact that he opted to do so, not while the Senate was in recess, but rather, only after they resumed their sessions last June 2, 2025, or on June 9, 2025, cannot render him as having gone beyond the authority given to him. Again, nothing in the Senate Rules on Impeachment requires the Senate President to take his oath right after the Senate received the articles of impeachment from the House of Representatives.

To insist that the Senate President take his oath as Presiding Officer and convene the impeachment court even when the Senate has adjourned its sessions is uncalled for, not to mention it being unsanctioned by the Constitution or even by the Senate Rules on Impeachment. This, not to mention that the Senate, and even the impeachment court, being a collegial body, is not ruled by just one member alone, even if he or she is the Senate President or the Presiding Officer.

Thus, the Senate cannot be faulted simply because its Senate President abided by what is constitutionally and procedurally permitted or warranted. If at all, it is his fellow Senators, not anyone outside of the august halls of the Senate, who should call out their Senate President if he has gone beyond the discretion or mandate entrusted to him by the institution that he represents or leads.

It may well be worth for the Senate to consider that, moving forward, its rules of procedure for impeachment trials should take into account, among others, scenarios that were faced by Senate President Escudero to fine tune said rules, provide timelines, and even come up with procedures when other Senators end their terms of office, if it so inclined, so that possible doubts or questions on the Senate's proceedings as an impeachment court will be duly addressed.

Having been entrusted by the Constitution with the "sole power to try and decide all cases of impeachment[23]," it is incumbent upon the Senate to ensure consistency and stability in its procedural rules regardless of the outcome of the trial. After all, the huge importance of an impeachment trial proceeding forthwith, as should be solely interpreted by the Senate, requires it to avoid unnecessary suits that delay making accountable impeachable public officials.

In the end, and as aptly ruled, "the Senate did not commit grave abuse of discretion since (1) it had begun complying with its constitutional duty by preparing itself to conduct the impeachment trial, and (2) the Constitution did not

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[23] ART. XI, section 3(6), 1987 Constitution

provide any specific period when the Senate must start the actual trial."[24] Definitely, no wrong can be attributed to the Senate and it did not err insofar as resorting to preparatory acts relating to the impeachment complaint filed against VP Duterte. It can be said, therefore, that the Senate did not sleep on the job regarding the matter.

FOR THE ABOVE REASONS, I **concur** with the *ponencia* and **vote to dismiss** the Petition for *Mandamus* of Catalino Aldea Generillo, Jr. filed against the Senate of the Philippines and now former Senate President Francis G. Escudero.

RAUL B. VILLANUEVA
Associate Justice

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[24] *Ponencia*, p. 26.