660 Phil. 271

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[G.R. No. 193459, March 08, 2011]

MA. MERCEDITAS N. GUTIERREZ PETITIONER, VS. THE HOUSE OF REPRESENTATIVES COMMITTEE ON JUSTICE, RISA HONTIVEROS-BARAQUEL, DANILO D. LIM, FELIPE PESTAO, EVELYN PESTAO, RENATO M. REYES, JR., SECRETARY GENERAL OF BAGONG ALYANSANG MAKABAYAN (BAYAN); MOTHER MARY JOHN MANANZAN, CO-CHAIRPERSON OF PAGBABAGO; DANILO RAMOS, SECRETARY-GENERAL OF KILUSANG MAGBUBUKID NG PILIPINAS (KMP); ATTY. EDRE OLALIA, ACTING SECRETARY GENERAL OF THE NATIONAL UNION OF PEOPLES LAWYERS (NUPL); FERDINAND R. GAITE, CHAIRPERSON, CONFEDERATION FOR UNITY, RECOGNITION AND ADVANCEMENT OF GOVERNMENT EMPLOYEES (COURAGE); AND JAMES TERRY RIDON OF THE LEAGUE OF FILIPINO STUDENTS (LFS), RESPONDENTS.

R E S O L U T I O N

CARPIO MORALES, J.:

For resolution is petitioners Motion for Reconsideration (of the Decision dated 15 February 2011) dated February 25, 2011 (Motion).

Upon examination of the averments in the Motion, the Court finds neither substantial nor cogent reason to reconsider its Decision. A plain reading of the Decision could very well dispose of petitioners previous contentions, raised anew in the Motion, but the Court finds it proper, in writing finis to the issue, to draw petitioners attention to certain markers in the Decision.

I

Contrary to petitioners assertion that the Court sharply deviated from the ruling in *Francisco, Jr. v. The House of Representatives,*[1] the Decision of February 15, 2011 reaffirmed and illuminated the *Francisco* doctrine in light of the particular facts of the present case.

To argue, as petitioner does, that there never was a simultaneous referral of two impeachment complaints as they were actually referred to the committee separately, one after the other[2] is to dismantle her own interpretation of *Francisco* that the one-year bar is to be reckoned from the filing of the impeachment complaint. Petitioners Motion concedes[3] that the *Francisco* doctrine on the initiation of an impeachment proceeding includes the Houses initial action on the complaint. By recognizing the legal import of a referral, petitioner abandons her earlier claim that per *Francisco* an impeachment proceeding is initiated by the mere filing of an impeachment complaint.

Having uprooted her reliance on the *Francisco* case in propping her position that the initiation of an impeachment proceeding must be reckoned from the filing of the complaint, petitioner insists on actual initiation and not constructive initiation by legal fiction as averred by Justice Adolfo Azcuna in his separate opinion in *Francisco*.

In Justice Azcunas opinion which concurred with the majority, what he similarly found untenable was the stretching of the reckoning point of initiation to the time that the Committee on Justice (the Committee) report reaches the floor of the House.[4] Notably, the provisions of the Impeachment Rules of the 12th Congress that were successfully challenged in *Francisco* provided that an impeachment proceeding was to be deemed initiated upon the Committees finding of sufficiency of substance or upon the Houses affirmance or overturning of the Committees finding, [5] which was clearly referred to as the instances presumably for internal purposes of the House, as to the timing of some of its internal action on certain relevant matters.[6] Definitely, constructive initiation by legal fiction did not refer to the aspects of filing and referral in the regular course of impeachment, for this was precisely the gist of *Francisco* in pronouncing what initiation means.

The Court adhered to the *Francisco*-ordained balance in the tug-of-war between those who want to stretch and those who want to shrink the term initiate, either of which could disrupt the provisions congruency to the rationale of the constitutional provision. Petitioners imputation that the Courts Decision presents a sharp deviation from *Francisco* as it defers the operability of the one-year bar rule rings hollow.

Petitioner urges that the word initiate must be read in its plain, ordinary and technical meaning, for it is contrary to reason, logic and common sense to reckon the beginning or start of the initiation process from its end or conclusion.

Petitioner would have been correct had the subject constitutional provision been worded as no initiation process of the impeachment proceeding shall be commenced against the same official more than once within a period of one year, in which case the reckoning would literally point to the start of the beginning. To immediately reckon the initiation to what petitioner herself concedes as the start of the initiation process is to countenance a raw or half-baked initiation.

In re-affirming what the phrase no impeachment proceedings shall be initiated means, the Court closely applied *Francisco* on what comprises or completes the initiation phase. Nothing can be more unequivocal or well-defined than the elucidation of filing-and-referral in *Francisco*. Petitioner must come to terms with her denial of the exact terms of *Francisco*.

Petitioner posits that referral is not an integral or indispensable part of the initiation of impeachment proceedings, in case of a direct filing of a verified complaint or resolution of impeachment by at least one-third of all the Members of the House.[7]

The facts of the case do not call for the resolution of this issue however. Suffice it to restate a footnote in the Courts Decision that in such case of an abbreviated mode of initiation[, x x x] the filing of the complaint and the taking of initial action [House directive to automatically transmit] are merged into a single act.[8] Moreover, it is highly impossible in such situation to coincidentally initiate a second impeachment

proceeding in the interregnum, if any, given the period between filing and referral.

Petitioners discussion on the singular tense of the word complaint is too tenuous to require consideration. The phraseology of the one-year bar rule does not concern itself with a numerical limitation of impeachment complaints. If it were the intention of the framers of the Constitution to limit the number of complaints, they would have easily so stated in clear and unequivocal language.

Petitioner further avers that the demonstrated concerns against reckoning the period from the filing of the complaint are mere possibilities based on a general mistrust of the Filipino people and their Representatives. To her, mere possibility of abuse is not a conclusive argument against the existence of power nor a reason to invalidate a law.

The present case does not involve an invalidation of a legal provision on a grant of power. Since the issue precisely involves upholding an express *limitation* of a power, it behooves the Court to look into the rationale behind the constitutional proscription which guards against an explicit instance of abuse of power. The Courts duty entails an examination of the same possible scenarios considered by the framers of the Constitution (i.e., incidents that may prove to disrupt the law-making function of Congress and unduly or too frequently harass the impeachable officer), which are basically the same grounds being invoked by petitioner to arrive at her desired conclusion.

Ironically, petitioner also offers the Court with various possibilities and vivid scenarios to grimly illustrate her perceived oppression. And her own mistrust leads her to find inadequate the existence of the pertinent constitutional provisions, and to entertain doubt on the respect for and adherence of the House and the respondent committee to the same.[9]

While petitioner concedes that there is a framework of safeguards for impeachable officers laid down in Article XI of the Constitution, she downplays these layers of protection as illusory or inutile without implementation and enforcement, as if these can be disregarded at will.

Contrary to petitioners position that the Court left in the hands of the House the question as to when an impeachment proceeding is initiated, the Court merely underscored the Houses conscious role in the initiation of an impeachment proceeding. The Court added nothing new in pinpointing the obvious reckoning point of initiation in light of the *Francisco* doctrine. Moreover, referral of an impeachment complaint to the appropriate committee is already a power or function granted by the Constitution to the House.

Petitioner goes on to argue that the House has no discretion on the matter of referral of an impeachment complaint and that once filed, an impeachment complaint should, as a matter of course, be referred to the Committee.

The House cannot indeed refuse to refer an impeachment complaint that is filed *without* a subsisting bar. To refer an impeachment complaint *within* an existing one-year bar, however, is to commit the apparently unconstitutional act of initiating a second impeachment proceeding, which may be struck down under Rule 65 for grave abuse of discretion. It bears recalling that the one-year bar rule itself is a