Respectfully, I Dissent: On the Initiation, Inaction, and Impeachment

By:

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Author's Note

This article is written in the style of a judicial dissent. It does not purport to speak with judicial authority, nor is it intended to mimic or parody a court decision. Rather, the dissent format is employed as a rhetorical and analytical device to present a principled disagreement with a recent ruling of the Supreme Court.

The purpose of adopting this structure is to underscore the constitutional implications of the Court's reasoning and to offer an alternative interpretation grounded in the text, structure, and design of the Philippine Constitution. The format allows for clarity in argument and a focused critique within a tradition of respectful, reasoned legal discourse.

This article is a work of independent academic analysis. It is offered with full respect for the Supreme Court and its constitutional role, and with the hope that thoughtful dissent—even outside the bench—can contribute to a richer legal conversation.

I beg to offer this dissent to the recent decision of the unanimous Court. Though the opinion speaks with one voice, I cannot join it. The Court, in its zeal to close what it perceives as a procedural loophole, has instead opened a fissure in the constitutional structure—one that risks unsettling the careful equilibrium between the branches of government.

The Constitution does not speak ambiguously on the matter of impeachment procedure. Article XI, Section 3(2) of the 1987 Constitution lays out, in plain and unqualified terms, a mandatory sequence: a verified complaint may be filed by a Member of the House or a citizen with endorsement, shall be included in the Order of Business within ten session days, referred to the proper Committee within three session days thereafter, and acted upon within sixty session days.[1] Each clause of that section is compulsory. None may be ignored without constitutional consequence.

Yet the Court today holds that a prior complaint—one not referred, not heard, not deliberated upon, and not resolved—nevertheless triggers the one-year bar against successive impeachment filings. That conclusion turns the constitutional structure on its head.

[1] CONST. (1987), art. XI, § 3(2).

At the core of the Constitution lies an architecture designed not merely to allocate power, but to restrain it. Each branch is both empowered and contained, and it is in that tension—deliberate, uneasy, and essential—that the Rule of Law finds its balance. When the judiciary exceeds the boundaries of interpretation and steps into the province of institutional design, it unsettles that balance. That is what this ruling has done.

By redefining what it means to "initiate" an impeachment proceeding,[2] the Court has not merely interpreted a word; it has altered the practical operation of an entire constitutional process. It has taken a procedural filter—the internal deliberation of the House—and replaced it with a formalistic trigger. It has substituted its reading for the constitutional design.

This move ignores a foundational truth: that impeachment is not a judicial process cloaked in legislative language. It is, unmistakably, a political remedy. The Constitution vests that remedy squarely in the hands of the people's representatives—not because they are always right, but because they are electorally accountable. That is the democratic tradeoff. And when the Court intervenes to manage how the House receives, discards, or filters impeachment complaints, it does more than interpret law. It disrupts democratic self-governance.

The doctrine now adopted compels a troubling consequence. Any impeachment complaint, no matter how defective, no matter how swiftly rejected, becomes a constitutional blockade. The Court has placed procedural form above political function, and in doing so, it has invited the very abuse it purports to prevent. Officials may now shield themselves from serious impeachment threats simply by encouraging—or orchestrating—the filing of insubstantial ones.

But worse still is the logic underlying the Court's finding: that legislative inaction—that is, a refusal or failure to comply with the constitutional mandate—is sufficient to trigger the constitutional prohibition against successive impeachment complaints.

That logic is unsustainable.

To treat inaction—unconstitutional inaction—as constitutionally operative is to allow the House to violate the charter and yet claim its protection. It elevates dereliction into doctrine. Article XI, Section 3(2) compels the House to refer a complaint. If the House fails to refer, it is the House that has breached its constitutional duty. That breach cannot and must not be the basis for denying the people the right to press a valid, timely, and properly endorsed complaint.

The Constitution does not contemplate silence. It contemplates action. It prescribes deadlines. It mandates referral. It requires the Committee to deliberate, vote, and report.[3] That these provisions are occasionally ignored does not vest this Court with the power to treat constitutional inaction as if it were constitutional action.

To say that the one-year bar is triggered not by compliance with these procedural steps, but by their abandonment, is to invert the logic of the provision. The Constitution does not permit

[2] Francisco v. House of Representatives, G.R. No. 160261, Nov. 10, 2003, 415 SCRA 44.
[3] Id.

an official to be insulated from future impeachment by exploiting the failure of the House to do its duty. If the House violated the Constitution by failing to refer a complaint, that breach cannot then be used to block subsequent valid complaints. Two wrongs do not constitutionalize a shield.

When this Court treats noncompliance as compliance—when it converts procedural failure into substantive effect—it licenses the erosion of constitutional checks by omission. The Constitution demands better. So should we.

It is true that the 1987 Constitution vests this Court with a singular and expanded power of review—authorizing it to examine not only justiciable controversies but even the acts and omissions of co-equal branches, where grave abuse of discretion is alleged.[4] This innovation was a deliberate response to a painful constitutional past: it was intended to ensure that no branch may cloak impunity in the garb of political discretion.[5]

But that grant of power, though wide, is not without limit. It authorizes the Court to police the boundaries of power—not to redraw them.[6] To ensure that the political branches remain within their lanes—not to engineer new routes for political processes to follow. Grave abuse of discretion is a safety valve, not a supervisory tool. It checks constitutional failure; it does not license constitutional redesign.

Here, the Court has invoked that power not to correct a clear abuse, but to compensate for institutional dysfunction. It has stepped in not because the House exceeded its authority, but because it failed to exercise it. And from that failure, the Court has conjured a new doctrine: that inaction—plainly violative of Article XI, Section 3(2)—triggers a constitutional bar against future complaints.

That is not a remedy for grave abuse; it is judicial substitution for legislative responsibility. It treats expanded review as an invitation to constitutional caretaking—precisely the danger that judicial restraint was designed to avoid.

It is not our role to save the political branches from their cowardice or confusion. It is our role to keep them within their constitutional lines.

There is an impulse—understandable, even noble—to step in when democratic processes seem broken. When the legislature appears unwilling to hold power to account, and political will falters, the judiciary may feel compelled to act. But that impulse, however well-intentioned, must be resisted. The Constitution does not authorize the Court to act as the Republic's backstop whenever political courage fails.

Yet that is the logic now animating this decision. The Court, concerned that the existing threshold for impeachment complaints might be manipulated to shield officials from accountability, has chosen to impose its own solution: a redefinition of initiation, designed to close what it perceives as a loophole. But that remedy is neither grounded in the text nor

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[4] CONST. (1987), art. VIII, § 1(2).
[5] Tañada v. Angara, G.R. No. 236118 (2023).
[6] Congressman Garcia v. Exec. Sec'y, G.R. No. 195956 (2018).

traceable to historical understanding. It reflects, instead, a kind of judicial guardianship untethered from constitutional command.

This is not interpretation. It is intervention.

The risk is not just doctrinal—it is democratic. For if courts begin to view their role as one of systemic correction, rather than legal adjudication, the judiciary ceases to be an institution of restraint and becomes an engine of redesign. The Court is not the final editor of constitutional processes. It is their interpreter, constrained by the language and logic the framers left behind.

The Rule of Law is no abstraction—it is the living heartbeat of constitutional order. It proclaims that the power to govern is always subordinate to the obligation to govern lawfully. It requires that every act of public authority, however noble in aim or urgent in timing, submit itself to law's constraint.[7] That is its majesty. That is its burden.

And when the Court allows what the Constitution forbids—when it transmutes silence into action and defiance into effect—it does not simply misread a procedural clause. It tells the citizen that the plain text of the Constitution is fragile in the face of institutional failure. But the Rule of Law tolerates no such fragility. It demands adherence even in dysfunction, especially in dysfunction. Otherwise, it is not law—it is license.

The genius of our constitutional system lies not in its efficiency, but in its equilibrium. It accepts friction—between branches, between principles, even between ideals—as a feature, not a flaw. That friction is what guards liberty. It is what tempers power. And it is what the judiciary must respect most, particularly when the temptation to resolve political disorder grows strongest.

The Court's ruling today, though cloaked in the language of textual precision, reveals a deeper unease with the political branches and a corresponding overconfidence in judicial correction. But constitutional interpretation is not an exercise in institutional rescue. It is a discipline rooted in humility: the humility to leave certain questions unanswered, certain remedies unavailable, and certain flaws unfixed—if the Constitution so requires.

By reconfiguring the impeachment threshold, the Court has moved beyond that discipline. It has recast a constitutional safeguard as a procedural snare. In doing so, it has made it harder, not easier, for impeachment to serve its intended purpose. And more troubling still, it has signaled a willingness to police legislative process—not when rights are threatened, but when institutional mechanics are disfavored.

That is a step too far.

The people did not vest the judiciary with the power to supervise Congress.[8] They vested it with the power to say what the law is, no more and no less. And where the law is clear—

[7] Angara v. Electoral Comm'n, 63 Phil. 139 (1936).
[8] CONST. (1987), art. XI; see also RECORD OF THE CONST. COMMISSION (1986) (remarks of Chief Justice Concepcion).

where the Constitution's language, history, and structure point in a unified direction—the Court is bound to follow, not to fix.

This dissent stands not in defiance, but in fidelity. Fidelity to a Constitution that endures not because it is efficient or convenient, but because it restrains—first others, and most critically, ourselves.

In the end, the Constitution needs not only clever judges—it needs disciplined ones too.