

REPUBLIC OF THE PHILIPPINES
SENATE

RESOLUTION NO. 5

**RULES OF PROCEDURE
GOVERNING INQUIRIES
IN AID OF LEGISLATION**

SECTION 1. Power to Conduct Formal Inquiries or Investigations. The Senate or any of its Committees may conduct formal inquiries or investigations in aid of legislation in accordance with these Rules.

Such inquiries may refer to the implementation or re-examination of any law or appropriation, or in connection with any proposed legislation or the formulation of, or in connection with future legislation, or will aid in the review or formulation of a new legislative policy or enactment. They may also extend to any and all matters vested by the Constitution in Congress and/or in the Senate alone.

Sec. 2. Initiation of Inquiry. Inquiries may be initiated by the Senate or any of its Committees if the matter is within its competence, or upon petition filed or upon information given by any Senator or by any person not a member thereof.

Sec. 3. Jurisdictional Challenge. If the jurisdiction of the Committee is challenged on any ground, the said issue must first be resolved by the Committee before proceeding with the inquiry.

If the Committee, by a majority vote of its members present there being a quorum, decides that its inquiry is pertinent or relevant to the implementation or re-examination of any law or appropriation or in connection with any pending or proposed legislation or will aid in the review or formulation of a new legislative policy or enactment, or extends to any and all matters vested by the Constitution in Congress and/or in the Senate alone, it shall overrule such objection and proceed with the investigation.

Only one challenge on the same ground shall be permitted.

The filing or pendency or any prosecution of criminal or administrative action shall not stop or abate any inquiry to carry out a legislative purpose.

Sec. 4. Quorum. One third of all the regular members of the Committee shall constitute a quorum but in no case shall it be less than two. The presence of *ex officio* members may be considered in determining the existence of a quorum.

Sec. 5. Petition by Senators. A petition filed or information given by a Senator shall set forth the facts upon which it is based. It need not be under oath but may be accompanied by supporting affidavits.

Such petition or information shall be addressed to the President, who shall refer the same to the appropriate Committee.

Nothing in this provision shall preclude the Senate from referring to any Committee or Committees any speech or resolution filed by any Senator which in its judgment requires an appropriate inquiry in aid of legislation.

Sec. 6. Petition by Non-Members. A petition filed or information given by any person not a Member of the Senate shall be under oath, stating the facts upon which it is based, and shall be accompanied by supporting affidavits.

If the President finds the petition or information to be in accordance with the requirements of this Section, he shall refer the same to the appropriate Committee.

Sec. 7. Inquiry by One or More Committees. The President shall determine the Committee or Committees to which a speech, resolution, petition or information, as the case may be, shall be referred: *Provided, however,* That in case referral is made to two Committees, a joint investigation shall be held.

Sec. 8. Preliminary Determination. Except in cases of bills and resolutions (which do not call for an investigation or inquiry) filed for consideration, the Committee to which a speech, resolution, petition, or information has been referred by the President shall meet within five (5) days after such referral, with proper notice to all its members, in an executive meeting to determine the action it would take thereon.

A decision to conduct an inquiry shall require the concurrence of a majority of the members present provided there is a quorum.

The decision of a Committee, whether or not to conduct an inquiry, shall be reported to the Committee on Rules. The Committee on Rules shall then regularly inform the Senate of such action taken by the Committee.

Sec. 9. Internal Rules. A Committee which decides to conduct an inquiry may adopt internal rules of procedure for such inquiry, subject to these Rules.

Sec. 10. Rule of Evidence. Technical rules of evidence applicable to judicial proceedings which do not affect substantive rights need not be observed by the Committee.

Sec. 11. Executive Session and Public Hearing. (1) If the Committee believes that the interrogation of a witness in a public hearing might endanger national security, it may, *motu proprio* or upon motion of any interested party, conduct its inquiry in an executive session for the purpose of determining the necessity or advisability of conducting such interrogation thereafter in public hearing; (2) Attendance at executive sessions shall be limited to members of the Committee, its staff, other Members of the Senate, and other persons whose presence is requested or allowed by the Chairman; and (3) Testimony taken or material presented in an executive session, or any summary thereof, shall not be made public, in whole or in part, unless authorized by the Committee.

Sec. 12. Testimony Under Oath. All witnesses at executive sessions or public hearings who testify as to matters of fact shall give such testimony under oath or affirmation.

Witnesses may be called by the Committee on its own initiative or upon the request of the petitioner or person giving the information or any person who feels that he may be affected by the said inquiry.

Sec. 13. Transcript of Testimony. A complete and accurate record shall be kept of all testimonies and proceedings at hearings, both in public and in executive sessions.

Any witness or his counsel, at his expense, may obtain a transcript of any public testimony of the witness from the Committee Secretary.

Any witness or his counsel may also obtain a transcript of his testimonies given in executive sessions under the following conditions:

- 1) When a special release of said testimony prior to public release is authorized by the Chairman; or
- 2) After said testimony has been made public by the Committee.

Sec. 14. Right to Counsel. (1) At every hearing, public or executive, every witness shall be accorded the right of having a counsel of his own choice; and (2) Except as provided in the Internal Rules of the Committee on Ethics and Privileges, the participation of counsel during the course of any hearing and while the witness is testifying shall be limited to advising said witness as to his legal rights. Counsel shall not be permitted to engage in oral argument with the Committee, but shall confine his activity to the area of legal advice to his client.

Sec. 15. Conduct of Counsel. Counsel for a witness shall conduct himself in a professional, ethical and proper manner. His failure to do so shall subject such counsel to disciplinary action which may include a warning, censure, removal from the hearing room, or punishment for contempt.

In such case of such removal of counsel, the witness shall have a reasonable time to obtain another counsel. Should the witness deliberately or capriciously fail or refuse to obtain the services of another counsel, the hearing shall continue and the testimony of such witness shall be taken.

Sec. 16. Statement of Witness. (1) Any witness desiring to make a prepared or written statement for the record shall file a copy of such statement with the Committee Secretary not less than twenty-four (24) hours in advance of the hearing at which the statement is to be presented; and (2) All such statements or portions thereof so received which are relevant and germane to the subject of investigation may, at the conclusion of the testimony of the witness, be inserted in the official transcript of the proceedings.

Sec. 17. Powers of the Committee. The Committee shall have the powers of an investigating committee, including the power to summon witnesses and take their testimony and to issue subpoena and subpoena *duces tecum*, signed by its Chairman, or in his absence by the Acting Chairman, and approved by the President. Within Metro Manila, such process shall be served by the Sergeant-at-Arms or his assistant. Outside of Metro Manila, service may be made by the police of a municipality or city, upon request of the Secretary.

Witnesses who are not government officials summoned by the Committee shall be entitled, upon request, subject to the approval of the President, to reasonable transportation expenses, plus such amounts as may be deemed necessary to defray the cost of his stay in Metro Manila on a day-to-day basis.

Sec. 18. Contempt.* (a) The Chairman with the concurrence of at least one (1) member of the Committee, may punish or cite in contempt any witness before the Committee who disobeys any order of the Committee or refuses to be sworn or to testify or to answer a proper question by the Committee or any of its members, or testifying, testifies falsely or evasively, or who unduly refuses to appear or bring before the Committee certain documents and/or object evidence required by the Committee notwithstanding the issuance of the appropriate subpoena therefor. A majority of all the members of the Committee may, however, reverse or modify the aforesaid order of contempt within seven (7) days.

* As amended by Resolution No. 145 adopted on February 6, 2013 and published in the February 18, 2013 issue of the Manila Bulletin (p.8) and The Daily Tribune (p.8).

A contempt of the Committee shall be deemed a contempt of the Senate. Such witness may be ordered by the Committee to be detained in such place as it may designate under the custody of the Sergeant-at-Arms until he/she agrees to produce the required documents, or to be sworn or to testify, or otherwise purge himself/herself of that contempt.

b) A report of the detention of any person for contempt shall be submitted by the Sergeant-at-Arms to the Committee and the Senate.

Sec. 19. Privilege Against Self-Incrimination. A witness can invoke his right against self-incrimination only when a question which tends to elicit an answer that will incriminate him is propounded to him. However, he may offer to answer any question in an executive session.

No person can refuse to testify or be placed under oath or affirmation or answer questions before an incriminatory question is asked. His invocation of such right does not by itself excuse him from his duty to give testimony.

In such a case, the Committee, by a majority vote of the members present there being a quorum, shall determine whether the right has been properly invoked. If the Committee decides otherwise, it shall resume its investigation and the question or questions previously refused to be answered shall be repeated to the witness. If the latter continues to refuse to answer the question, the Committee may punish him for contempt for contumacious conduct.

Sec. 20. Subcommittees; Delegation of Authority. The Chairman of a Committee may create subcommittees as may be deemed necessary for the purpose of performing any and all acts which the Committee as a whole is authorized to do and perform, except the power to punish for contempt under Section 18 hereof.

Sec. 21. General Counsel. The following committees shall have their respective counsel: Committee on Accountability of Public Officers and Investigations; Committee on Ethics and Privileges; Committee on Justice and Human Rights; and the Oversight Committee on Government Operations.

Sec. 22. Report of Committee. Within fifteen (15) days after the conclusion of the inquiry, the Committee shall meet to begin the consideration of its Report.

The Report shall be approved by a majority vote of all its members. Concurring and dissenting reports may likewise be made by the members who do not sign the majority report within seventy-two (72) hours from the approval of the report. The number of members who sign reports concurring in the conclusions of the Committee Report shall be taken into account in determining whether the Report has been approved by a majority of the members: *Provided*, That the vote of a member who submits both a concurring and dissenting opinion shall not be considered as part of the majority unless he expressly indicates his vote for the majority position.

The Report, together with any concurring and/or dissenting opinions, shall be filed with the Secretary of the Senate, who shall include the same in the next Order of Business.

Sec. 23. Action on Report. The Report, upon inclusion in the Order of Business, shall be referred to the Committee on Rules for assignment in the Calendar.

Sec. 24. Effectivity. These Rules shall take effect after seven (7) days following complete publication in two (2) newspapers of general circulation and shall remain in force until amended or repealed. A copy of these Rules shall be posted on the official website of the Senate of the Philippines.*

Adopted,



JUAN PONCE ENRILE
President of the Senate

This Resolution was adopted by the Senate on August 9, 2010.



EMMA LIRIO-REYES

* The Rules of Procedure Governing Inquiries in Aid of Legislation was adopted by the Senate on 9 August 2010 and was published in the 11 August 2010 issue of the *Malaya* (p.B-3) and the *Manila Bulletin* (p.7). This Rules can be accessed at the Senate website: www.senate.gov.ph.