REPUBLIC OF THE PHILIPPINES
SUPREME COURT
MANILA
EN BANC

PASTOR APOLLO CARREON QUIBOLOY,
Petitioner,

-versus-

G.R. No. 272420

THE SENATE OF THE PHILIPPINES, THE SENATE COMMITTEE ON WOMEN, CHILDREN, FAMILY RELATIONS & GENDER EQUALITY, HON. SENATOR RISA N. HONTIVEROS, IN HER CAPACITY AS THE CHAIRPERSON OF THE COMMITTEE ON WOMEN, CHILDREN, FAMILY RELATIONS & GENDER EQUALITY, HON. SENATOR JUAN MIGUEL F. ZUBIRI IN HIS OFFICIAL CAPACITY AS SENATE PRESIDENT OF THE PHILIPPINES, [RET.] MGEN. RENE C. SAMONTE, IN HIS CAPACITY AS THE SENATE SERGEANT-AT-ARMS.

Respondents.
x- x

COMMENT/OPPOSITION

To the Petition for Certiorari and Prohibition (With Application for Issuance of a Temporary Restraining Order and/or Writ of Preliminary Injunction) dated 19 March 2024

Respondents, **The Senate Committee On Women, Children, Family Relations & Gender Equality and Hon. Senator Risa N. Hontiveros, in her capacity as the Chairperson of the Committee On**

Women, Children, Family Relations & Gender Equality, through the undersigned counsel, respectfully submits their *Comment/Opposition* to the *Petition for Certiorari and Prohibition* dated 19 March 2024 *("Petition")* filed by Petitioner Pastor Apollo Carreon Quiboloy ("Petitioner"), and received on 17 April 2024, on the basis of the following presentation:

PREFATORY STATEMENT

> *"As against witness's inconsistent and unjustified claim to a constitutional right, is his clear duty as a citizen to give frank, sincere, and truthful testimony before a competent authority. The state has the right to exact fulfillment of a citizen's obligation, consistent of course with his right under the Constitution. The witness in this case has been vociferous and militant in claiming constitutional rights and privileges but patently recreant to his duties and obligations to the Government which protects those rights under the law."* – Justice Ozaeta in *Arnault v. Nazareno*

Petitioner is mired in a mess of his own making. Every citizen of this country is bound to follow legal processes. And not even presidents are allowed to select which ones to obey and which ones to ignore. Not Petitioner though. Petitioner would set himself above all these norms. Above all of us. But for the Rule of Law to mean something, it must apply to everyone, especially the powerful, and perhaps even to the "divine".

There would be no matter before the Honorable Court had Petitioner simply complied with a basic duty that ordinary citizens don't think twice about. This imposition on the dockets was completely avoidable. Yet Petitioner chose to defy, and quite frankly, waste the multiple opportunities given to him. And he did so on "doubtful, speculative and, argumentative" grounds, as held in *Macalintal v. COMELEC.*

The 1987 Constitution makes no exception for "divine" beings – real or imagined.

COUNTER-STATEMENT OF FACTS

1. On 11 December 2023, Respondent Senator Risa Hontiveros filed Proposed Senate Resolution No. 884 ("PSR 884"), entitled:

> **"RESOLUTION DIRECTING THE SENATE COMMITTEE ON WOMEN, CHILDREN, FAMILY RELATIONS AND GENDER EQUALITY, TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, INTO THE REPORTED CASES OF LARGE-SCALE HUMAN TRAFFICKING, RAPE, SEXUAL ABUSE AND VIOLENCE, AND CHILD ABUSE OF THE KINGDOM OF JESUS CHRIST (KOJC) UNDER ITS LEADER APOLLO QUIBOLOY."**[1]

2. Among others, PSR 884 stated the purpose of the investigation in aid of legislation, i.e. "to determine whether our updated human trafficking laws are able to cover large-scale and systemic acts of trafficking done under the cover of a religious organization."

3. PSR No. 994 likewise cited the apparent possibility of updating other laws, to wit:

> "NOW, THEREFORE, BE IT RESOLVED AS IT IS HEREBY RESOLVED, TO DIRECT THE SENATE COMMITTEE ON WOMEN, CHILDREN, FAMILY RELATIONS AND GENDER EQUALITY TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, INTO THE REPORTED CASES OF LARGE-SCALE HUMAN TRAFFICKING, RAPE, SEXUAL ABUSE AND VIOLENCE, AND CHILD ABUSE OF THE KINGDOM OF JESUS CHRIST UNDER ITS LEADER APOLLO QUIBOLOY."[2]

4. On 12 December 2023, PSR 884 was submitted to the Senate and referred to the Committee on Women, Children, Family Relations and Gender Equality ("Committee"). Respondent Senator Hontiveros is the Chairperson of the Committee ("Respondent Senator Hontiveros").

---

[1] A Certified True Copy of PSR 884 is as **Annex "A"**.

[2] See **Annex "A"**

Petitioner Refuses To Appear For The First Time

5. On 13 December 2023, the Committee issued its first *Notice of Public Hearing*[3] on PSR 884 set on January 28, 2024.

6. On 17 January 2024, the Committee issued an *Invitation*[4] addressed to Petitioner Pastor Apollo Quiboloy for the first hearing. The invitation was sent through Registered Mail[5] and Courier[6].

7. Instead of responding to the invitation of the Committee, Petitioner sent a *Letter*[7] dated 20 January 2024 addressed to Respondent Senate President, copy furnished to the Respondent Senator Hontiveros, declining to participate in the inquiry:

> "1.) With all due respect, the said inquiry is an obvious political ploy to further malign my reputation and make a mockery of my fundamental bill of rights protected under our Constitution"[8]

8. On 23 January 2024, the Committee conducted its first hearing. Despite receiving the Committee's invitation, Petitioner did not attend and merely sent a representative. Respondent Senator Hontiveros moved to issue a *Subpoena ad Testificandum* addressed to the Petitioner for the next Committee hearing:

> **THE CHAIRPERSON:**
> "Dahil nakapagdala po ng imbitasyon, dalawang imbitasyon, one by LBC and one by registered mail, pero walang sagot at attendance ni Pastor Quiboloy, the Chair will move to subpoena Apollo Carreon Quiboloy for the next hearing of this Committee."[9]

This *Subpoena,* however, was never issued by the Committee.

---

[3] A Certified True Copy of the Notice of Public Hearing dated 13 December 2023 is attached as **Annex "B"**

[4] A Certified True Copy of the Invitation dated 17 January 2024 is attached as **Annex "C"**

[5] A Certified True Copy of the Registry Receipt is attached as **Annex "C-1"**

[6] A Certified True Copy of the Courier Receipt is attached as **Annex "C-2"**

[7] A copy of the Letter dated 20 January 2024 is attached as **Annex "D"**

[8] See **Annex "D".**

[9] p. 60 of the Certified True Copy of the Transcript of the 23 January 2024 Public Hearing of the Committee on Women, Children, Family Relations and Gender Equality, attached as **Annex "E"**.

Petitioner Refuses To Appear For The Second Time

9. On 29 January 2024, the Petitioner sent another *Letter*[10] to the Respondent Senator Hontiveros through his counsel Atty. Melanio Elvis Balayan, merely restating the same arguments made in his *Letter* dated 20 January 2024:

> "We most respectfully reiterate the plea/request of Pastor Quiboloy in his letter dated 20 January 2024 addressed to Senate President Juan Miguel F. Zubiri, copy furnished Your Honor, that his presence be dispensed with relative to the conduct of investigation in aid of legislation based on Senate Resolution 884 [Res. 884. hereafter]".[11]

10. On 14 February 2024, the Committee issued its second *Notice of Public Hearing*[12] on PSR 884 set on 19 February 2024.

11. On 19 February 2024, during the second hearing, the Petitioner again did not appear, and neither did he send a representative.

Petitioner Refuses To Appear For The Third Time

12. On 20 February 2024, the Committee issued a *Subpoena Ad Testificandum*[13] addressed to the Petitioner requiring him to appear before the Committee at the hearing on 05 March 2024.

13. On 28 February 2024, the Committee issued its third *Notice of Public Hearing*[14] on PSR 884 set on 05 March 2024.

14. The Committee conducted its third hearing on 05 March 2024 and again, despite the issuance of a *Subpoena*, the Petitioner refused to appear.

---

[10] A copy of the Letter dated 29 January 2024 is attached as **Annex "F"**

[11] See **Annex "F"**

[12] A Certified True Copy of the Notice of Public Hearing dated 14 February 2024 is attached as **Annex "G"**

[13] A Certified True Copy of the Subpoena Ad Testificandum dated 20 February 2024 is attached as **Annex "H"**

[14] A Certified True Copy of the Notice of Public Hearing dated 28 February 2024 is attached as **Annex "I"**

15. Instead of complying with the *Subpoena*, the Petitioner sent a document entitled: "*Most Respectful and Urgent Request to Set Aside/Recall the Subpoena Issued to Pastor Apollo C. Quiboloy*"[15], submitted through his counsel, Atty. Balayan.

16. Petitioner further stated:

> "With all due respect to Your Honors and the Senate as an institution, we hereby submit that the issuance and enforcement of the said Subpoena is in wanton violation of the fundamental and sacred constitutional rights of our Client against self-incrimination and the presumption of innocence until proven guilty beyond reasonable doubt."[16]

17. During the 05 March 2024 hearing, Respondent Senator Hontiveros discussed Petitioner's cavalier refusal to appear before the Committee:

> *"Friends, hindi pupuwede na basta-basta lang magsabi ng 'due process, due process' si Apollo Quiboloy ay hindi na siya haharap sa Senado. That is not the ruling in Neri versus Senate Blue Ribbon Committee. That is not the ruling in Linconn Ong versus Senate Blue Ribbon Committee. In both these cases, the individuals involved were present in at least one hearing…*
>
> *Hindi po mapapakulong ng Senado si Quiboloy para sa mga paratang sa kanya dahil hindi kami huwes. Trabaho iyan ng ating legal process kaya nagpapasalamat po ako sa DOJ sa binalitang pagsampa ng kasong qualified trafficking at child abuse laban kay Apollo Quiboloy. Pero kapangyarihan ng Senado ang panagutin ang sinuman na hindi kumikilala sa kapangyarihan ng Senate na maglunsad ng mga imbestigasyon. Kasama ang hindi pagdalo sa imbestigasyon despite a valid subpoena.*
>
> *It is very simple: The power of the Senate to conduct investigations in aid of legislation has long been settled by the Supreme Court. Yes, even in the recent case of Linconn Ong versus Senate Blue Ribbon Committee, where the Supreme Court upheld the right to due process of witnesses who actually attended a hearing, the power of the Senate to investigate and to cite in contempt was actually confirmed.*

---

[15] A copy of the *Urgent Request to Set Aside/Recall the Subpoena* is attached as **Annex "J"**
[16] See **Annex "J"**

-XXX-

So, friends, nagpadala nga po sa aking tanggapan ng sulat galing sa abogado ni Mr. Quiboloy, stating, and I quote a short portion: 'Compelling Pastor Quiboloy to appear before a committee that already pronounced him guilty would be violative of his constitutional right against self-incrimination and to be presumed innocent unless proven guilty.'

If we allow witnesses of the Senate to simply claim that appearing before a committee would violate his or her constitutional right to be presumed innocent and his or her right against self-incrimination, wala na pong kapangyarihan ang ating Senadong maglunsad ng mga imbestigasyon. Madaling-madali na lang umiwas sa mga hearing ng Blue Ribbon, sa mga tiwaling opisyal, sa mga imbestigasyon ng Public Order Committee, sa mga sangkot sa mga krimen; hindi po uubra ang ganitong mga excuse."[17]

18. During the same hearing, the Respondent Senator Hontiveros also identified the possible Legislative measures and/or initiatives arising from the Committee's hearings:

"Apat na po agad ang lumabas na punto sa ating hearing tungkol sa possible policy and legislative aspect ng hearing na ito:

Una, ang posibleng kakulangan ng ating rape law para sa legal treatment ng konsepto ng consent. Is it meaningful consent pag pumayag ang isang diumanong victim dahil sa paniniwalang sakripisyo niya ito sa anak ng Diyos?

Pangalawa, sa ating labor laws. Paano tingnan ng ating Labor Code ang labor activities na diumano ay voluntary pero may parusa pag hindi sumunod? Pag ba religious volunteers ay hindi na sakop ng mga batas natin tungkol sa occupational safety and labor standards?

Pangatlo ay ang trafficking sa ilalim ng anti-trafficking law. Sa ngayon, ang mga acts of forced begging and servitude ay sakop ng Expanded Human Trafficking Act.

---

[17] pp 5-12 of the Transcript of the 05 March 2024 Public Hearing of the Committee on Women, Children, Family Relations and Gender Equality, attached as **Annex "K"**.

> But is religious freedom a complete defense against charges of trafficking in persons?
>
> Pang-apat ay ang tanong: do we need a separate law against religious violence o iyong mga iba't ibang uri ng karahasan sa konteksto ng isang simbahan, KOJC man ito o Socorro Bayanihan Services, halimbawa. May mga dalubhasa na ito ang panukala, halimbawa si Dr. Jayeel Cornelio, who our Committee sought to invite."[18]

19. Thereafter, Respondent Senator Hontiveros with the concurrence of another member, cited the Petitioner in contempt pursuant to Section 18 of the *Rules of the Senate*[19]:

> "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." *(Emphasis supplied.)*

20. In the livestream of the Senate Hearing on 05 March 2024, it can be seen that Sen. Pimentel III was the other member present. [20]

---

[18] pp 6-7 of **Annex "K"**

[19] Section 18 of the Rules of Procedure Governing Inquiries in Aid of Legislation, March 2023, *available at* https://legacy.senate.gov.ph/about/rulesmenu.asp (last accessed 24 April 2024).

[20] LIVE: Senate resumes probe on alleged offenses of Apollo Quiboloy, church | March 5 *available at:*
https://www.youtube.com/live/gTxy32_t4DY?si=Dhyhj7ot84YQveob&t=820 (last accessed 24 April 2024)

The Purported Seventeen (17) "Conditions"

21. Following this, a list of seventeen (17) conditions[21] reportedly imposed by Petitioner was published in Sunstar Philippines.

22. The published list contained the following demands:

"1. Unmask and show the full faces of witnesses, no mask, no dark eyeglasses, no caps, bonnets or head covering of any kind.

2. Reveal witnesses' true name and identity with recent valid photo IDs, reveal the identity and real name with photo ID of your scriptwriters.

3. You must sign a notarized waiver of rights of your arbitrary lawyer.

4. You must sign a notarized waiver of your immunity rights.

5. Do not restrict my answer to any questions to a mere "yes" or "no."

6. No Limit of time for me to ask or answer questions.

7. I retain my right, to only answer questions that are necessary under my discretion.

8. **I retain the right to personally cross examine your witnesses that includes you, Madam Chair (Risa Hontiveros).**

9. **You must reveal the real amount that you paid to these witnesses whether, by way of cash, ATM, Credit Card, GCash, etc.** It must be attested and signed by your witnesses including sources of funds, whether personal or government-related funds.

[21] Third Anne Peralta-Malonzo, *Quiboloy sets 17 conditions for Senate inquiry attendance*, SunStar, March 11, 2024 *available at*: https://www.sunstar.com.ph/manila/quiboloy-sets-17-conditions-for-senate-inquiry-attendance (last accessed 24 April 2024).

10. Provide a notarized letter of assurance signed by you and the Senate President that there is no collusion between you and the Senate leadership, with the US government, FBI, CIA, US Embassy, State Department Security Officer from Marcos government to illegally arrest me through provisionary or extraordinary rendition that includes kidnapping and assassination with the assurance in written form that your invitation for me to attend the hearings is not a trick to trap me to execute with two corresponding reward of 2 million US dollars and that I am able to go back to Davao City without harm.

11. You must allow my 50 security personnel, including a number of police and AFP officers, to attend the hearing and secure my perimeter.

12. **You must allow me to bring my own witnesses to testify against your witnesses (no time limit).**

13. It must be your own responsibility to secure safety clearance from ATO and CAAP for my private jet to take off and land from Davao International Airport to Manila Airport and vice versa smoothly and without trouble in compliance also of condition no. 10 of this set of conditions.

14. **All expenses incurred from this trip, including private jet flight back and forth, with parking in NAIA, food according to my dietary requirements, and fees for accommodation** **in a five-star hotel** for me and my party must be shouldered by your office.

15. This set conditions must be duly signed by the President of the Philippines and Speaker of the House of Representatives, Martin Romualdez.

16. **Send to me that written answers to this set of conditions two days** before the rescheduled hearing with your signature.

17. Failure to comply to this set of conditions forfeits your chance of my expository attendance, **thus rendering your Senate hearing a big joke of shameful charlatans and a**

> **shallow exposition of a bunch of idiotic parroting mindless, pathological liars paid and taught by their deceiving lying masters just to read a poorly prepared type written narrative of hellish lies. What a gross embarrassment and insult to the intelligence of decent, dignified, critical thinking people, from which for the sake of sanity we should avoid like a plague."** *(Emphasis and underscoring supplied.)*

23. It thus appears, Petitioner demanded the Senate's compliance stating further that "failure to comply to this set of conditions forfeits your chance of my expository attendance."

24. In addition, failure to accede to the purported demands would render the hearings "a big joke of shameful charlatans", and the Senators "idiotic parroting mindless, pathological liars."

Show Cause Order and Judicial Warrants Issued

25. On 12 March 2024, Sen. Nancy Binay, Vice Chairperson of the Committee, cited a tradition to:

> "yield to the wisdom of the chairperson. Kasi, di ba, parang hindi rin naman kasi katanggap-tanggap na hindi natin nire-require na mag-attend yung isang resource (person), ang isang imbitado sa Senado, di ba? More than that, parang mawawalan yung power ng Senado na mag-invite ng resource persons."[22]

26. On 13 March 2024, The Committee issued a Show Cause Order[23] citing Petitioner in contempt and ordering him to "show cause within a non-extendible period of forty-eight hours (48) hours from receipt of this Order why you should not be ordered arrested and detained at the Office of the Sergeant-At-Arms."

---

[22] Maila Ager, *Binay on Quiboloy's snub of Senate: 'He needs to appear virtually or physically'*, Inquirer.Net, March 12, 2024, *available at* https://newsinfo.inquirer.net/1917536/binay-on-quiboloys-snub-of-senate-he-needs-to-appear-virtually-or-physically (last accessed on 24 April 2024)

[23] A Certified True Copy of the Show Cause Order with the Return is attached as **Annex "L"**.

27. The Show Cause Order was duly received by Atty. Marie Dinah Florentino Tolentino- Fuentes, counsel for KOJC the following day.[24]

28. On 14 March 2024, the Davao Regional Trial Court Branch 12 issued a Warrant of Arrest against the Petitioner for child abuse and sexual abuse.[25]

29. On 15 March 2024, Petitioner through counsel submitted his *Compliance to the Show Cause Order*[26] dated 14 March 2024 indicating his continued refusal to comply with the Senate's order.

30. On 18 March 2024, Respondent Senator Hontiveros in a press conference presented a video[27] posted online in which Petitioner is seen and heard stating:

> "Hinamon ko siya, seventeen ang hamon ko sayo, seventeen conditions, harapin mo 'yan. Kung hindi mo maharap 'yan, mag debate tayo tayong dalawa, wala diyan sa sa inyong court. Ang court mo kase, nakatali ang kamay ng tao diyan eh. Parang boxing, pumunta ka nakatali ang kamay. Kung basketball naman, kami sumusunod sa rules, kayo walang rules, tinatakbo niyo yung bola sa gusto mo, walang dribble, walang kayong foul."[28]

31. On even date, Respondent Senator Hontiveros issued the Ruling of the Committee In Re: "Compliance and Legal Justifications" of Apollo C. Quiboloy through Counsel to the Show Cause Order resolving to:

---

[24] See **Annex "L".**

[25] Benjamin Pulta, *Davao Family Court Orders Quiboloy's Arrest,* April 3, 2024, Philippine News Agency, *available at*: https://www.pna.gov.ph/articles/1221939 (last accessed on 24 April 2024);
DOJ Welcomes Warrant vs Quiboloy, Others; Vows To Let Justice Take Its Course, Department of Justice, April 4, 2024 *available at* https://www.doj.gov.ph/news_article.html?newsid=874 (last accessed on 24 April 2024);

[26] A Copy of the *Compliance to the Show Cause Order* is herein attached as **Annex "M".**

[27] A recording of Petitioner's statements has been attached in a USB marked as **Annex "N".**

[28] Press Conference of Deputy Minority Floor Leader Risa Hontiveros *available at* https://www.youtube.com/live/ghXbk2zL9_c?si=vsnB1w7YTXzfe4LO&t=457 (last accessed 24 April 2024);

"a) Deny the prayer to raise the issue of the Show Cause Order to plenary as this is not contemplated or covered by the Senate Rules of Procedure;

b) Deny the prayer to recall the subpoenas dated February 19 and 05 March 2024, considering that the power of the legislature to call witnesses to testify is well-settled in jurisprudence; and

c) Deny the prayer to set aside the Contempt Order for the grounds above-cited and because the Contempt Order has already been upheld by the failure of the Objector-members of the Committee to muster a majority within seven (7) days from the issuance of the citation; and consequently, compel physical attendance before the Senate Committee on Women, Children, Family Relations and Gender Equality."[29]

32. On 19 March 2024, Respondent Senate issued an Order[30] directing the Sergeant-At-Arms that Petitioner be "arrested and detained at the Office of the Sergeant-At-Arms until such time that he will appear and testify in the Committee, or otherwise purges himself of that contempt."

33. On 11 April 2024, another Warrant for Arrest against the Petitioner was issued by Branch 159 of the Pasig Regional Trial Court, in relation to qualified human trafficking charges.[31]

34. As of the filing of this pleading, Petitioner remains at-large and has not submitted himself to the order of the Senate or the warrants of arrest of the courts.

---

[29] A Certified True Copy of the Ruling is herein attached as **Annex "O".**

[30] A Certified True Copy of the Order dated 19 March 2024 is herein attached as **Annex "P".**

[31] Benjamin Pulta, *Pasig court orders Quiboloy arrest on human trafficking raps,* Philippine News Agency, April 11, 2024, *available at*: https://www.pna.gov.ph/articles/1222423 (last accessed 24 April 2024)

COUNTER-ARGUMENTS

PROCEDURAL ARGUMENTS

I.

THE PETITION FAILS TO SATISFY THE REQUIREMENTS OF JUDICIAL REVIEW.

II.

PETITIONER FAILED TO COMPLY WITH THE HIERARCHY OF COURTS.

III.

THE PETITION ASKS THE HONORABLE COURT TO RESOLVE AN ISSUE THAT INVOLVES A POLITICAL QUESTION, ABSENT A CREDIBLE CLAIM OF GRAVE ABUSE OF DISCRETION.

SUBSTANTIVE ARGUMENTS

I.

THE PETITION ASKS THE HONORABLE COURT TO DELVE INTO THE INTENT OF A CO-EQUAL BRANCH OF GOVERNMENT EXERCISING ITS INHERENT POWERS. IN ANY EVENT, RESPONDENTS HAVE ADHERED TO THE GUIDELINES PROMULGATED BY THE HONORABLE COURT IN ESTABLISHED PRECEDENTS.

II.

THE PETITIONER IS A FUGITIVE FROM JUSTICE AND COMES TO COURT WITH UNCLEAN HANDS.

III.

THE RIGHT TO SELF-INCRIMINATION IS IMPROPERLY INVOKED, HAS NOT BEEN VIOLATED AND, IN ANY EVENT, CANNOT BE CLAIMED IN ORDER TO EVADE A LAWFUL SUBPOENA.

IV.

PETITIONER INVITES AN IMPROPER REVIEW OF A CO-EQUAL BRANCH'S INTERNAL PROCEEDINGS IN VIOLATION OF THE PRINCIPLE OF SEPARATION OF POWERS. IN ANY EVENT, RESPONDENTS ARE IN COMPLIANCE WITH THE INTERNAL RULES OF THE SENATE AND THE RESPONDENT COMMITTEES.

V.
THE PETITIONER IS NOT ENTITLED TO THE ISSUANCE OF A TEMPORARY RESTRAINING ORDER AND/OR WRIT OF PRELIMINARY INJUNCTION.

PROCEDURAL ARGUMENTS

I. The Petition Fails To Satisfy The Requirements Of Judicial Review.

A. No Proper Invocation Of A Constitutional Right

35. The Honorable Court in ***Ifurung v. Carpio-Morales*** enumerates the requisites in order for it to exercise its power of Judicial Review in relation to acts of the Legislative, to wit:

> "'Where an action of the legislative branch is seriously alleged to have infringed the Constitution, it becomes not only the right but in fact the duty of the judiciary to settle the dispute. -x x x-' The Court however, does not have unrestrained authority to rule on just any and every claim of constitutional violation. Hence, the legal teaching is that the power of judicial review is limited by four exacting requisites, *viz:* (a) there must be an actual case or controversy; (b) the petitioners must possess *locus standi;* (c) the question of constitutionality must be raised at the earliest opportunity; and (d) the issue of constitutionality must be the *lis mota* of the case."[32] (Underscoring supplied)

36. Petitioner claims there is a constitutional violation, but as emphasized in ***Ifurung,*** the Honorable Court does not move "to rule on just any and every claim of constitutional violation."[33]

37. To begin with, Petitioner failed to establish a threatened constitutional right. While the Petition makes repeated reference to a violation of his right against self-incrimination[34], it has been firmly established that the invocation of this right in relation to inquiries in

---

[32] *Ifurung v. Carpio-Morales,* G.R. No. 232131, April 24, 2018.

[33] *Id.*

[34] CONST., Art. III Sec. 17:

"No person shall be compelled to be a witness against himself."

aid of legislation must be made only at the time the incriminatory question is posed:

> "Anent the right against self-incrimination, it must be emphasized that ["this right may be] invoked by the said directors and officers of Philcomsat x x x **only when the incriminating question is being asked, since they have no way of knowing in advance the nature or effect of the questions to be asked of them**. That this right may **possibly** be violated or abused is no ground for denying respondent Senate Committees their power of inquiry. The consolation is that when this power is abused, such issue may be presented before the courts."[35] (Emphasis Supplied)

38. Thus, the Petitioner fails to show the Honorable Court the existence of any Constitutional violation. At best, his invocation of his right against self-incrimination is misplaced.

39. Neither is a broad claim of "bias" or "pre-judgement" equivalent to the proper allegation required to trigger Judicial Review. Petitioner would be hard pressed to claim due process violations considering how he has enjoyed so much leniency in terms of notices and chances to appear. Where ordinary citizens would need only one, Petitioner was given three (3) chances and multiple opportunities to be heard.

40. Moreover, absent any showing of a violation of his Constitutional right, the Petitioner likewise fails to establish the existence of any direct injury he is at risk to suffer because of a violation of said right. In fact, in exercising the Respondent's Constitutional power to conduct hearings in aid of legislation[36], all that has been required of him is to comply with the lawful orders of the Senate. Mere attendance to the legislative inquiry is in no means injurious or damaging to citizens, including Petitioner regardless of how he personally views the elected representatives who sit there.

---

[35] *Romero II v. Estrada*, G.R. No. 174105, April 2, 2009.
[36] CONST., Art. VII Sec. 21.

B. Petitioner's Claim Of Constitutional Breach Are "Doubtful, Speculative, Or Argumentative."

41. As stated in ***Macalintal v. Commission on Elections***, speculative doubtful claims of a Constitutional breach are not permitted, *to wit*:

> "This means that 'the Court will not pass upon a question of unconstitutionality, although properly presented, if the case can be disposed of on some other ground, such as the application of the statute or the general law.' It proceeds from the rule that 'every law has in its favor the presumption of constitutionality; to justify its nullification, **there must be a clear and unequivocal breach of the Constitution, and not one that is <u>doubtful, speculative, or argumentative</u>.**'"[37] (Emphasis and underscoring supplied)

42. The Petitioner has failed to provide a clear and unequivocal breach of the Constitution necessary to satisfy this standard.

43. The Petitioner makes only broad and sweeping claims that his Constitutional Right has been violated to support his Petition:

> "82. In the case at hand, while denominated as an inquiry in aid of legislation, the public hearings are akin to a criminal proceeding meant to elicit information which the Senate Committee intends to utilize as evidence against petitioner. Concomitantly, while invited to appear supposedly as a witness, petitioner has been considered by respondent Sen. Hontiveros, Chairwoman of the Senate Committee as an accused."[38]

44. To reiterate, the Petitioner's invocation of a violation of his right against self-incrimination, without having attended any of the three (3) hearings conducted by the Senate and without having any incriminatory question presented before him is not only grossly misplaced, it is, as a practical matter, speculative and doubtful.

---

[37] *Macalintal v. COMELEC*, G.R. Nos. 263590 & 263673, June 27, 2023.
[38] Par. 82 of the Petition for Certiorari and Prohibition.

45. Having chosen to refuse to attend any hearing, Petitioner cannot be in possession of any reasonable presumption of what will happen there. Petitioner is in no position to dictate what the course will be for hearings that he has never attended. He cannot presume to know how Twenty-Four (24) nationally elected and fiercely independent Senators will act, what questions they will ask, or how.

46. Indeed, the Petitioner is merely relying on speculation. If in fact he wishes to prove that his allegation is true, he need not do anything but actually comply with the Respondent Committee's request to appear at the inquiry.

47. As such, Petitioner's refusal to attend based on speculation that if he does, his right to self-incrimination will be violated renders his case "doubtful, speculative or argumentative".

48. Thus, the Petition must fail as it has failed to establish the essential requisites for the Honorable Court to exercise its power of judicial review.

II. Petitioner Failed To Comply With The Hierarchy Of Courts.

49. The power to issue the writs prayed for in the Petition are not exclusively lodged with the Honorable Court alone. Under *Batas Pambansa Blg. 129*, as amended, the Regional Trial Court and the Court of Appeals exercise concurrent jurisdiction with the Honorable Court, to wit:

> "Section 9. *Jurisdiction.* - The Court of Appeals shall Exercise:
>
> 1. Original jurisdiction to issue writs of *mandamus*, prohibition, *certiorari*, *habeas corpus*, and *quo warranto*, and auxiliary writs or processes, whether or not in aid of its appellate jurisdiction;"[39]
>
> -xxx-
>
> "Section 21. *Original jurisdiction in other cases.* - Regional Trial Courts shall exercise original jurisdiction:

[39] Batas Blg. No. 129 Sec. 9, The Judiciary Reorganization Act of 1980.

(1) In the issuance of writs of certiorari, prohibition, mandamus, quo warranto, habeas corpus and injunction which may be enforced in any part of their respective regions;"[40]

50. Thus, having lower courts exercising concurrent jurisdiction, Petitioner should have complied with the hierarchy of courts as defined in the case of ***Dy v. Bibat-Palamos***:

> "Under the principle of hierarchy of courts, **direct recourse to this Court is improper because the Supreme Court is a court of last resort and must remain to be so in order for it to satisfactorily perform its constitutional functions, thereby allowing it to devote its time and attention to matters within its exclusive jurisdiction and preventing the overcrowding of its docket**. Nonetheless, the invocation of this Court's original jurisdiction to issue writs of certiorari has been allowed in certain instances on the ground of special and important reasons clearly stated in the petition, such as, (1) when dictated by the public welfare and the advancement of public policy; (2) when demanded by the broader interest of justice; (3) when the challenged orders were patent nullities; or (4) when analogous exceptional and compelling circumstances called for and justified the immediate and direct handling of the case.[41]" (Emphasis supplied.)

51. Recently, the Honorable Court has firmly imposed the need to adhere to the Hierarchy of Courts upon those who seek relief.

52. In ***Gios-Samar, Inc. vs. Department of Transportation and Communications,*** the Petition was dismissed because Petitioners failed to strictly abide by the Hierarchy of Courts. The Honorable Court emphasized that the Hierarchy of Courts is a constitutional imperative and that strict observance of the doctrine should not be a matter of mere policy. It is a constitutional imperative given the structure of our judicial system and the requirements of due process. The Honorable Court, in no uncertain terms, reiterated the need to respect this doctrine:

---

[40] Batas Blg. No. 129 Sec. 21, The Judiciary Reorganization Act of 1980.
[41] *Dy v. Bibat-Palamos*, G.R. No. 196200, September 11, 2013.

> "Accordingly, for the guidance of the bench and the bar, we reiterate that when a question before the Court involves determination of a factual issue indispensable to the resolution of the legal issue, the Court will refuse to resolve the question regardless of the allegation or invocation of compelling reasons, such as the transcendental or paramount importance of the case. Such question must first be brought before the proper trial courts or the CA, both of which are specially equipped to try and resolve factual questions."[42]

53. Likewise in ***Bayyo Association v. Tugade***, the Honorable Court dismissed the petition because it raised factual questions which "*should have been first brought before the proper trial courts or the Court of Appeals, both of which are specially equipped to try and resolve factual questions.*" Justice Singh opined:

> "It is well to remember that the Court is not a trier of facts. Whether in its original or appellate jurisdiction, this Court is not equipped to receive and weigh evidence in the first instance. When litigants bypass the hierarchy of courts, the facts they claim before the Court are incomplete and disputed. Bypassing the judicial hierarchy requires more than just raising issues of transcendental importance. Without first resolving the factual disputes, it will remain unclear if there was a direct injury, or if there was factual concreteness and adversariness to enable this Court to determine the parties' rights and obligations."[43] (Underscoring supplied)

54. It is Petitioner's burden to show that direct resort is both justified and warranted in the exceptions allowed by the Honorable Court. None of those exceptions exist in the instant Petition. Instead, the Petition just presents is the following invocation contained in the Prefatory statement:

> "The extremely unjust situation which petitioner now finds himself in, has constrained him to seek relief from this Honorable Court through this Petition, on a pure

---

[42] *Gios-Samar, Inc. vs. Department of Transportation and Communications*, G.R. No. 217158, March 12, 2019.

[43] *Bayyo Association, Inc. v. Tugade*, G.R. No. 254001, July 11, 2023.

question of law and an issue of transcendental importance."[44]

55. The mention of "transcendental importance" and "pure question of law" are not magic spells to automatically open the Honorable Court's gates and grant him direct recourse.

56. While the concept of transcendental importance has shifting doctrinal definitions, the case of ***Fransisco v. House of Representatives*** provides the following guidelines:

> "There being no doctrinal definition of transcendental importance, the following instructive determinants formulated by former Supreme Court Justice Florentino P. Feliciano are instructive: (1) the character of the funds or other assets involved in the case; (2) the presence of a clear case of disregard of a constitutional or statutory prohibition by the public respondent agency or instrumentality of the government; and (3) the lack of any other party with a more direct and specific interest in raising the questions being raised."[45]

57. Nothing in the Petition supports Petitioner's claim. That the Petitioner deems himself transcendent does not elevate his case in the eyes of the law. A one sentence invocation of transcendental importance is grossly insufficient to pass the guidelines cited in *Fransisco v. House of Representatives.*

58. Although Petitioner claims his case is based on "pure questions of law", his own allegations in the Petition prove otherwise:

> "46. Unfortunately, in the case at hand, it is evident that in compelling petitioner to appear and testify before the Senate Committee, the respondents, particularly Sen. Hontiveros, are not motivated by any legislative purpose, but are driven by the main objective behind Senate Resolution No. 884, which is to impose upon themselves the power of prosecutorial bodies to judge and punish petitioner.
>
> 47. One of the whereas clauses of Senate Resolution No. 884 introduced and signed by Sen. Hontiveros

---

[44] Page 4 of the Petition for Certiorari and Prohibition.
[45] *Francisco v. House of Representatives*, G.R. No. 160261, November 10, 2003.

unequivocably expressed the intention of the Senate Committee to conduct its investigation in aid of prosecution or persecution:

> '**WHEREAS,** considering that ***the crimes were committed*** within the territorial jurisdiction of the Philippines and considering that ***crimes are taking place even at present*** as Quiboloy remains free to run the operations of KOJC, it is imperative that an investigation be undertaken with dispatch;' [Emphasis supplied]

48. Clearly, respondent Sen. Hontiveros has already adjudged petitioner as guilty despite the absence of any court ruling declaring petitioner guilty of the crimes he allegedly committed, before any criminal, civil or administrative courts or bodies in the Philippines, United States of America, or any other country."[46]

59. These claims require evidence. Bias is not presumed, neither is prejudgment. Likewise, the alleged lack of "concurrence" also requires factual inquiry. As such, Petitioner by his own words shows that the matter he raised involves questions of fact that would remove it from the exception to Hierarchy of Courts.

B. The Existence Of A Factual Issue Precludes The Honorable Court From Taking Cognizance Of The Petition.

60. The factual matters Petitioner placed as key issues are not appropriate for the determination of the Honorable Court which is not a trier of facts. The Petitioner cites the language of Respondent Senator Hontiveros in crafting PSR No. 884 to claim that the inquiries are not in aid of legislation.

61. In ***Gios-Samar Inc v. DOTC*** the Honorable Court elaborated on the inappropriateness of factual issues presented before it:

> "Accordingly, for the guidance of the bench and the bar, we reiterate that when a question before the Court involves determination of a factual issue indispensable

[46] Par. 46-48 of the Petition for Certiorari and Prohibition.

> to the resolution of the legal issue, the Court will refuse to resolve the question regardless of the allegation or invocation of compelling reasons, such as the transcendental or paramount importance of the case. Such question must first be brought before the proper trial courts or the CA, both of which are specially equipped to try and resolve factual questions."[47]

62. Likewise in ***KMP v. Aurora Pacific Economic Zone,*** the Honorable Court was constrained to dismiss the Petitions for raising questions that call for a factual determination. It explicitly stated that:

> "When the resolution of issues is inextricably intertwined with underlying questions of fact, this Court will refuse to take cognizance of the petition, its invocation of compelling reasons notwithstanding."[48]

63. For example, as alleged by the Petitioner, the hearings conducted under PSR No. 884 are not in aid of legislation due to the wordings used by Respondent Senator Hontiveros. This presents factual issues, the determination of which is indispensable to the resolution on the Constitutionality of the subject inquiries:

> "58. Clearly, when respondent Sen. Hontiveros introduced Senate Resolution No. 884, the main purpose of her inquiry was only to prosecute and persecute petitioner. It is only at the present time, after objections had been raised by petitioner, that she tries to give her inquiry a semblance of regularity and announced at the hearings how the testimonies of her "resource persons" would aid legislation."[49]

64. And as pointed out earlier, Petitioner's claims of "bias", "pre-judgement" and insufficient "concurrence" are all questions of fact requiring evidence to ascertain their truth. The same applies to his complaints that the Respondents have not sufficiently adhered to their internal rules. Having placed all these at the crux of his Petition, Petitioner's failure to adhere to the Hierarchy of Courts is unjustified.

---

[47] *Gios-Samar Inc v. DOTC*, G.R. No. 217158, March 12, 2019.

[48] *Kilusang Magbubukid ng Pilipinas v. Aurora Pacific Economic Zone and Freeport Authority*, G.R. Nos. 198688 & 208282, November 24, 2020.

[49] Par. 58 of the Petition for Certiorari and Prohibition.

65. Hierarchy of Courts "is a bright-line rule which cannot be brushed aside by an invocation of the transcendental importance or constitutional dimension of the issue or cause raised."[50] Having failed to comply with the Honorable Court's admonition, the Petition is without basis to seek direct recourse to the Honorable Court.

III. The Petition Asks The Honorable Court To Resolve An Issue That Involves A Political Question Absent A Credible Claim of Grave Abuse of Discretion.

66. Less than a year ago, the Honorable Court reiterated the established rule that governs the balance between the three co-equal branches:

> "Questions which, under the Constitution, are to be decided by the people in their sovereign capacity, or with regard to which full discretionary authority has been delegated to the legislature or executive branch of Government, are beyond the pale of judicial review power."[51]

67. Although the 1987 Constitution introduces Expanded Judicial Review, its application still requires "clear and convincing" showing of grave abuse of discretion. On these points, Petitioner offered none. The issuance of the *Subpoena*, the *Contempt Order*, the *Ruling of the Senate*, the *Order* dated 19 March 2024, compelling the attendance of the Petitioner in the public hearings have all been in accordance with the rules of the Senate are in aid of legislation, and have respected the rights of the Petitioner. There has not been any violation of rights, especially the right to self-incrimination, and the Petition, by its own statements is merely anticipatory of its potential violations.

68. Even on policy reasons, the Petitioner offers little. Congress will not be able to legislate wisely if attendance cannot be compelled merely because a citizen personally thinks the proceedings he has not ever attended are criminal, not legislative or biased:

---

[50] *Gios-Samar Inc v. DOTC*, G.R. No. 217158, March 12, 2019.

[51] *Macalintal v. Commission on Elections*, G.R. Nos. 263590 & 263673, June 27, 2023.

"The legislative body cannot legislate wisely or effectively in the absence of information respecting the conditions which the legislations is intended to effect or change."[52]

SUBSTANTIVE ARGUMENTS

I. The Petition Asks The Honorable Court To Delve Into The Intent Of A Co-Equal Branch Of Government Exercising Its Inherent Powers. In Any Event, Respondents Have Adhered To The Guidelines Promulgated By The Honorable Court In Established Precedents.

A. What Is "In Aid Of Legislation" Is Solely Within The Legislative's Constitutional Prerogative.

69. Under clear terms, the 1987 Constitution grants the Legislative department the power and authority to conduct inquiries in aid of legislation:

"The Senate or the House of Representatives or any of its respective committees may conduct inquiries in aid of legislation in accordance with its duly published rules of procedure. The rights of persons appearing in or affected by such inquiries shall be respected."[53]

70. Moreover, as far back as the 1950 case of ***Arnault v. Nazareno***[54], the Honorable Court ruled that the power of either House of Congress to conduct investigations is inherent and needs no textual grant.

71. On this point, the Honorable Court further ruled in ***Pangilinan v. Cayetano*** that:

"the Courts will not normally interfere with the workings of another co-equal branch unless the case shows a clear need for the courts to step in to uphold the law and the Constitution."[55]

---

[52] *Arnault v. Nazareno*, G.R. No. L-3820, July 18, 1950.
[53] CONST., Art. VI, Section 21.
[54] *Arnault v. Nazareno*, G.R. No. L-3820, July 18, 1950.
[55] *Pangilinan v. Cayetano*, G.R. No. 238875, March 16, 2021.

72. The investigatory power of the Legislative branch is given wide latitude. As the Honorable Court has stated, the power of inquiry is co-extensive with the power to legislate. Matters which may be a proper subject of legislation and those which may be a proper subject of investigation are one.[56]

73. In the recent case of ***Macalintal v. Commission on Elections***[57], the Honorable Court reiterated the broad and extensive authority of Congress to regulate all matters which in its discretion are for the common good of the people:

> "The power of Congress to enact laws has been described as 'broad, general and comprehensive.' Indeed, case law provides that '[t]he legislative body possesses plenary power for all purposes of civil government. Any power, deemed to be legislative by usage and tradition, is necessarily possessed by Congress x x x.'
>
> -xxx-
>
> Concomitantly, it is settled that the legislature is vested by the Constitution with the power to 'make, ordain, and establish all manner of wholesome and reasonable laws, statutes, and ordinances, either with penalties or without, not repugnant to the [C]onstitution, as they shall judge to be for the good and welfare of the commonwealth, and of the subjects of the same.'"

74. There is no list in Article VII of the 1987 Constitution as to what subjects amount to "in aid of legislation". There is no test limiting what Congress may deem sufficient to command such investigation. Thus, questioning the intentions of lawmakers in conducting their investigations would be akin to questioning their power to legislate.

75. Yet, a reading of the Petition shows that this is exactly what Petitioner wants the Honorable Court to do:

> "46. Unfortunately, in the case at hand, it is evident that in compelling petitioner to appear and testify before the Senate Committee, the respondents, particularly Sen. Hontiveros, are not motivated by any legislative purpose,

---

[56] *Senate v. Ermita*, G.R. No. 169777, April 20, 2006.

[57] *Macalintal v. Commission on Elections* , G.R. Nos. 263590 & 263673, June 27, 2023.

but are driven by the main objective behind Senate Resolution No. 884, which is to impose upon themselves the power of prosecutorial bodies to judge and punish petitioner."[58]

-xxx-

"51. Clearly, the goal of respondents is not to conduct an inquiry in aid of legislation but instead, to fish for any evidence, whether reliable or not, whether truthful or not, for the purpose of prosecuting petitioner and more importantly, for the purpose of persecuting him and making a public mockery of him before the Senate and before the public media."[59]

76. By saying "*the goal of respondents is not to conduct an inquiry in aid of legislation but instead, to fish for any evidence*", Petitioner is clearly speculating on what the "real" intent of Congress is. He believes the Senate is not telling the truth in Senate Resolution No. 884 or that the Senate President has not factual basis to issue the *Order* dated 19 March 2024.

77. As such, what he seeks is to have the Senate's prerogative on what to investigate in aid of legislation, be effectively reviewed by the Honorable Court.

78. By asking the Honorable Court to "nullify" the Senate's proceedings and processes, Petitioner seeks the Honorable Court's active inquiry as to what will be henceforth legitimate inquiries in aid of legislation. Petitioner fails to establish credible authorities to support this audacious argument. There is no line of jurisprudence establishing that courts may step in and tell Congress "*We think your investigation is not what you say it is.*" Each branch is the best judge of what it does within its own constitutional sphere.

79. Acceding to Petitioner's arguments would impede the Senate's legitimate inquiry into the alleged systematic and heinous atrocities committed against women and children under the veil of religious subservience.

80. To distinguish, what is in "aid of legislation" remains a clear political question. And as firmly established, political questions

---

[58] Par. 46 of the Petition for Certiorari and Prohibition.
[59] Par. 51 of the Petition for Certiorari and Prohibition.

are beyond the ambit of judicial review:

> "It is well-settled doctrine that political questions are not within the province of the judiciary, except to the extent that power to deal with such questions has been conferred on the courts by express constitutional or statutory provisions. It is not easy, however, to define the phrase 'political question,' nor to determine what matters fall within its scope of the judicial power. More properly, however, it means those questions which, under the constitution, are to be decided by the people in their sovereign capacity, or in regard to which full discretionary authority has been delegated to the legislative or executive branch of the government."[60]

81. There is indeed a narrow line of exceptions applicable to Legislative investigations, but these apply to the manner by which they are conducted, not as to the nature of the investigation.

82. This textual limitation is clearly expressed in Article VI Section 21, that "(t)he rights of persons appearing in or affected by such inquiries shall be respected."[61] In addition, to invoke Expanded Judicial Review, Petitioner bears the burden to show the claims of grave abuse of discretion. "Grave abuse of discretion" is not triggered by mere invocation of the phrase. In the words of the Honorable Court in ***People v. Sandiganbayan:***

> "**Grave abuse of discretion must be alleged in order for the petition to prosper.** It must be shown that respondent court or tribunal 'acted in a capricious, whimsical, arbitrary or despotic manner in the exercise of its jurisdiction as to be equivalent to lack of jurisdiction'; it must be 'so patent and so gross as to amount to an evasion of a positive duty or to a virtual refusal to perform the duty enjoined or to act at all in contemplation of law.'"[62] (Emphasis and underscoring supplied)

What he offers however are general claims. In fact, the Petition's own recital of facts establish that Respondents complied with Constitutional guidelines in the conduct of the inquiry.

---

[60] *Vera v. Avelino*, G.R. No. L-543, August 31, 1946.
[61] CONST., Art. VI, Section 21.
[62] *People v. Sandiganbayan*, G.R. No. 239878, February 28, 2022.

83. Unfortunately, as discussed, and as will be further elaborated upon, Petitioner failed to establish that his case falls within this narrow exception.

B. Respondents Complied With The Honorable Court's Guidelines Provided For In Senate v. Ermita And Ong v. Senate

84. Shorn of its histrionics, Petitioner rests his arguments on a mis-reading of ***Bengzon v. Senate Blue Ribbon Committee***.[63]

85. But Petitioner cites ***Bengzon*** oblivious to the glaring differences between that case and his. For instance, in ***Bengzon***, the speech of then Senator Juan Ponce Enrile contained no suggestion of contemplated legislation which is the key ground why the Honorable Court accepted the invitation to review:

> "Verily, the speech of Senator Enrile contained no suggestion of contemplated legislation; he merely called upon the Senate to look into a possible violation of Sec. 5 of RA No. 3019, otherwise known as 'The Anti-Graft and Corrupt Practices Act.' In other words, the purpose of the inquiry to be conducted by respondent Blue Ribbon committee was to find out whether or not the relatives of President Aquino, particularly Mr. Ricardo Lopa, had violated the law in connection with the alleged sale of the 36 or 39 corporations belonging to Benjamin 'Kokoy' Romualdez to the Lopa Group. There appears to be, therefore, no intended legislation involved."[64]

86. In contrast, Resolution No. 884 in the instant case could not be any different. The main title of the Resolution alone clearly indicates the nature of the investigation, that it is in fact in aid of legislation:

> "DIRECTING THE SENATE COMMITTEE ON WOMEN, CHILDREN, FAMILY RELATIONS AND GENDER EQUALITY, TO CONDUCT AN INQUIRY, **IN AID OF LEGISLATION**, INTO THE REPORTED CASES OF **LARGE-SCALE HUMAN TRAFFICIKING, RAPE, SEXUAL ABUSE AND VIOLENCE, AND CHILD ABUSE** OF THE KINGDOM OF JESUS CHRIST (KOJC)

---

[63] *Bengzon v. Senate Blue Ribbon Committee*, G.R. No. 89914, November 20, 1991.
[64] *Id.*

UNDER ITS LEADER APOLLO QUIBOLOY"[65] *(Emphasis supplied.)*

87. By calling for the subject inquiry in aid of legislation, it was well within the discretion of the Respondent Committee to prepare proposals and subsequently enact possible amendments to the provisions of the Anti-Trafficking in Persons Act of 2003[66], The Revised Penal Code[67], and the Special Protection of Children Against Abuse, Exploitation and Discrimination Act[68]:

> "NOW, THEREFORE, BE IT RESOLVED AS IT IS HEREBY RESOLVED, TO DIRECT THE SENATE COMMITTEE ON WOMEN, CHILDREN, FAMILY RELATIONS AND GENDER EQUALITY TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, INTO THE REPORTED CASES OF LARGE-SCALE HUMAN TRAFFICKING, RAPE, SEXUAL ABUSE AND VIOLENCE, AND CHILD ABUSE OF THE KINGDOM OF JESUS CHRIST UNDER ITS LEADER APOLLO QUIBOLOY."[69]

88. A constitutional argument requires applicable precedent. And for the precedent to be applicable, the circumstances would have to be similar, or as it is called "on all fours". Petitioner's case fails as it cites authority that has little applicability to the matter he raises before the Honorable Court.

89. More to the point, Resolution No. 884 complies with the guidelines given in ***Senate v. Ermita:***

> "One possible way for Congress to avoid such a result as occurred in Bengzon is to indicate in its invitations to the public officials concerned or to any person for that matter, the possible needed statute which prompted the need for the inquiry. Given such statements in its invitations, along with the usual indication of the subject of the inquiry and the questions relative to and in furtherance thereof, there would be less room for speculation on the part of the person invited on whether the inquiry is in aid of

---

[65] See **Annex "A".**

[66] Rep. Act No. 9208, Anti-Trafficking in Persons Act of 2003.

[67] Act No. 3815, The Revised Penal Code.

[68] Rep. Act No. 7610, Special Protection of Children Against Abuse, Exploitation and Discrimination Act.

[69] See **Annex "A".**

legislation."[70] (Underscoring supplied)

90. The *Invitation* dated 17 January 2024 issued to Petitioner states:

> "Dear Pastor Quiboloy:
>
> The Committee on Women, Children, Family Relations and Gender Equality will conduct a Public Hearing on Tuesday, January 23, 2024, 10:00 a.m, at the Sen. Recto Room, Senate of the Philippines, to inquire into, in aid of legislation relative to the Privilege Speech on the "Reported Cases of KOJC Leader Apollo Quiboloy" delivered by Sen. Risa Hontiveros on December 11, 2023, and Senate Resolution No. 884 - "RESOLUTION DIRECTING THE SENATE COMMITTEE ON WOMEN, CHILDREN, FAMILY RELATIONS AND GENDER EQUALITY, TO CONDUCT AN **INQUIRY, IN AID OF LEGISLATION**, INTO THE **REPORTED** CASES OF **LARGE-SCALE HUMAN TRAFFICKING, RAPE, SEXUAL ABUSE AND VIOLENCE, AND CHILD ABUSE** OF THE KINGDOM OF JESUS CHRIST (KOJC) UNDER ITS LEADER APOLLO QUIBOLOY."[71] *(emphasis and underscoring supplied)*

91. Further, Senate Resolution 884's last whereas clause states:

> "WHEREAS, an investigation in aid of legislation will also allow us to determine whether our updated human trafficking laws are able to cover large-scale and systemic acts of trafficking done under the cover of a religious organization;"[72]

92. The title of Senate Resolution No. 884 which contains the potential list of statutes that prompted the need for the inquiry is quoted verbatim in the *Invitation* dated 17 January 2024 sent to the Petitioner. The title of Senate Resolution No. 884 is also cited in the *Subpoena ad Testificandum*[73] issued on 20 February 2024. As such, the assailed Resolution complies with the criteria set out in ***Senate v. Ermita.*** The Resolution itself points out the specific penal laws which

---

[70] *Senate v. Ermita*, G.R. No. 169777, April 20, 2006.
[71] See **Annex "C"**.
[72] See **Annex "A"**.
[73] See **Annex "H"**.

shall be the subject of the inquiry.

93. In ***Ong v. Senate of the Philippines***,[74] the Honorable Court likewise ruled that indicating the Senate Resolution subject of investigation in is sufficient notice:

> "As earlier mentioned, PSR Nos. 858, 859, and 880, together with the privilege speech of Sen. Hontiveros, were filed and referred to the Committee which called for the conduct of an inquiry in aid of legislation. Notably, all these Senate Resolutions underscored that they are proposed precisely to conduct an inquiry in aid of legislation as regards the vaccination program and procurement of COVID-19 Vaccines (PSR No. 858), COA findings on unspent and/or misused government funds (PSR No. 859), and payment claims issues between the PhilHealth and private hospitals (PSR No. 880). **The *Subpoenae Ad Testificandum* referred not only to the COA Report but also to PSR Nos. 858, 859 and 880, together with the privilege speech of Sen. Hontiveros.**" (Emphasis supplied)

94. Most importantly, the Resolution clearly states that the inquiry is in aid of legislation. Under these circumstances, there would be in the words of ***Ermita***, "less room for speculation on the part of the person invited."[75]

95. Similarly, the ongoing proceedings follow the guidelines laid down by the Honorable Court in ***Ong v. Senate of the Philippines***, *viz:*

> "As provided in Section 21, Article VI of the 1987 Constitution, however, the power of legislative investigation is subject to three limitations: **(I) the inquiry must be 'in aid of legislation;'** (2) the inquiry must be conducted in accordance with its duly published rules of procedure; and (3) '[t]he rights of persons appearing in or affected by such inquiries shall be respected.'"[76]

96. First, as previously stated, Senate Resolution No. 884 makes clear the unmistakable nature of the inquiry as one in aid of

---

[74] *Ong v. The Senate of the Philippines*, G.R. No. 257401/G.R. No. 257916., March 23, 2023.
[75] cf. *Senate v. Ermita*, G.R. No. 169777, April 20, 2006.
[76] Bernas, S.J. as cited in *Ong v. Senate of the Philippines*, G.R. No. 257401/G.R. No. 257916., March 23, 2023.

legislation.

97. Second, the investigation was conducted in accordance with the Senate's Rules, as well as the rules of the Committee.

98. Third, the Respondents have respected the rights of all persons appearing or affected by the proceedings. In fact, Petitioner was given multiple invites and multiple chances to appear. His complaints were all heard even as he made them while refusing to appear.

99. Saying something over and over does not make it true. Calling the Senate proceedings "*a big joke of shameful charlatans and a shallow exposition of a bunch of idiotic parroting mindless, pathological liars*"[77] do not establish a claim that merits relief. What remains is a duty borne by every citizen. A duty that Petitioner thinks he is exempted from. Clearly, Petitioner has failed to establish that the ongoing proceedings of the Senate do not conform with the guidelines issued by the Honorable Court.

100. Being compliant with the standards set out by the Honorable Court in ***Senate v. Ermita*** and ***Ong v. Senate*** and differentiated from the factual circumstances in ***Bengzon,*** there is no need for the Honorable Court to delve and question the investigative intent of a co-equal branch of government exercising an inherent power to conduct inquiries in aid of legislation.

C. Inquiries In Aid Of Legislation Are Legislative, Not Criminal Proceedings

101. Petitioner confuses the nature of the proceedings, especially the *Order* dated 19 March 2024, betraying a fundamental misunderstanding of the difference between inquiries made by the Legislative vis-a-vis proceedings conducted by the courts.

102. As outlined by the Honorable Court in ***Romero II v. Estrada,*** they serve different purposes, to wit:

> "On one hand, courts conduct hearings or like adjudicative procedures to settle, through the application

---

[77] Third Anne Peralta-Malonzo, *Quiboloy sets 17 conditions for Senate inquiry attendance*, SunStar, March 11, 2024 *available at*: https://www.sunstar.com.ph/manila/quiboloy-sets-17-conditions-for-senate-inquiry-attendance (last accessed 24 April 2024).

> of a law, actual controversies arising between adverse litigants and involving demandable rights. On the other hand, inquiries in aid of legislation are, inter alia, undertaken as tools to enable the legislative body to gather information and, thus, legislate wisely and effectively."[78]

103. Consequently, a warrant issued by a judge restricting liberty in connection with trial is governed by Article III Section 2 of the 1987 Constitution. Whereas *Orders* to compel attendance issued by the Legislature serve to give life to the power to inquire in aid of legislation, which would be futile if citizens can freely mock, insult, and snub the Senate and the House of Representatives:

> "Nevertheless, it is recognized that the Senate's inherent power of contempt is of utmost importance. **A legislative body cannot legislate wisely or effectively in the absence of information respecting the conditions which the legislations are intended to affect or change. Mere requests for such information are often unavailing, and also that information which is volunteered is not always accurate or complete; so some means of compulsion is essential to obtain what is needed through the power of contempt during legislative inquiry**. While there is a presumption of regularity that the Senate will not gravely abuse its power of contempt, there is still a lingering and unavoidable possibility of indefinite imprisonment of witnesses as long as there is no specific period of detention, which is certainly not contemplated and envisioned by the Constitution."[79] (emphasis and underscoring supplied)

104. Respondents respectfully submit that the Petitioner's interpretation that an act of the Senate (i.e. inquiries in aid of legislation) is akin to a criminal proceeding **is entirely self-serving and without basis in law**.

105. The nature of Legislative investigations is not criminal but a *sui generis* Constitutional power to ensure effective legislation. While Petitioner equates the coercive power of the inquiry as "akin to a criminal proceeding", The Honorable Court has elaborated in ***Ong v. Senate*** that:

---

[78] *Romero II v. Estrada*, G.R. No. 174105, April 02, 2009.
[79] *Balag v. Senate*, G.R. No. 234608, July 03, 2018.

"Such power of the Legislature is *sui generis* as 'it attaches not to the discharge of legislative functions per se but to the character of the Legislature as one of the three independent and coordinate branches of government.'" [80]

106. In ***Rosete v. Lim*** the Honorable Court further elaborated:

"The fact that there are **two criminal cases pending which are allegedly based on the same set of facts as that of the civil case will not give them the right to refuse to take the witness stand and to give their depositions. <u>They are not facing criminal charges in the civil case.</u>** Like an ordinary witness, they can invoke the right against self-incrimination only when the incriminating question is actually asked of them. Only if and when incriminating questions are thrown their way can they refuse to answer on the ground of their right against self-incrimination." *(Emphasis and underscoring supplied)*

107. Petitioner is not facing criminal charges in the legislative inquiry but, is merely required to aid in the legislative process.

108. The Senate is not compelling the Petitioner to make statements that will incriminate himself, as the Petitioner speculatively claims. It only seeks his presence for the purpose of aiding in the legislative inquiry of the Senate.

D. Senate Investigations Being Legislative In Nature, Are Not Transformed Into "Usurpation Of Judicial Functions"

109. ***Standard Chartered Bank v. Senate Committee on Banks, Financial Institutions and Currencies,***[81] states that the text of a Resolution establishes the nature of the proceeding, that is, to produce remedial legislation:

"'WHEREAS, **<u>there is a need for remedial legislation to address the situation,</u>** having in mind the imposition of proportionate penalties

---

[80] *Ong v. Senate*, G.R. Nos. 257401 and 257916, March 28, 2023.

[81] *Standard Chartered Bank v. Senate Committee on Banks, Financial Institutions and Currencies*, G.R. No. 167173, December 27, 2007.

> to offending entities and their directors, officers and representatives among other additional regulatory measures;'"
>
> The **unmistakable objective** of the investigation, **as set forth in the said resolution,** exposes the error in petitioners' allegation that the inquiry, as initiated in a privilege speech by the very same Senator Enrile, was simply "to denounce the illegal practice committed by a foreign bank in selling unregistered foreign securities x x x." *(Emphasis and underscoring supplied)*

110. In a particularly odd fashion, Petitioner argues that his view of "biases" and the presence of one word - "crimes" – has transformed an entire proceeding into a different sort. It is a strange argument that is shorn of factual and legal moorings.

111. A party cannot cast doubt on the purpose and intent of the Legislative's acts by cherry-picking words used in its resolutions. Petitioner's incessant harping on the word "crimes" in Resolution No. 884 completely overlooks that the purpose of an investigation does not change by the mere presence of a single word (i.e. "crimes"), especially if taken in complete isolation of what the rest of the resolution states.

112. That the word "crimes" appears does not negate the fact that the Resolution explicitly states the nature of the investigation in a manner that satisfies ***Ermita***, ***Standard Chartered Bank***, and ***Ong***.

113. Further, a singular word does not substantively change the nature of the inquiry as one in aid of legislation, which is plain when Resolution No. 844 is read in whole and taken together with other statements made by Respondent Committee.

114. Next, Petitioner conveniently omits the other clauses of Senate Resolution No. 884 that debunk his claim. References to Petitioner's name in connection with potentially criminal acts are qualified by the word "*allegedly*":

> "WHEREAS, Apollo Quiboloy, who styles himself as the Appointed Son of God and the leader of the Kingdom of Jesus Christ The Name Above Every Name (KOJC), **allegedly** demands strict obedience from his full-time followers through brainwashing, psychological manipulation and constant threats of eternal damnation;

WHEREAS, Quiboloy **allegedly** maintains a stable of women called "pastorals" who occupy a prestigious position in the organization because they are tasked to perform special personal tasks and errands for him;

-XXX-

WHEREAS, Apollo Quiboloy **allegedly** coerces the members of the organization - many of whom are minors - to perform exploitative acts, such as begging in the streets and soliciting money from strangers;"[82] *(Emphasis and underscoring supplied.)*

115. Petitioner also glaringly omits to mention the use of the word "reported" in the Resolution No. 884:

"RESOLUTION DIRECTING THE SENATE COMMITTEE ON WOMEN, CHILDREN, FAMILY RELATIONS AND GENDER EQUALITY, TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, INTO THE **REPORTED** CASES OF LARGE-SCALE HUMAN TRAFFICKING, RAPE, SEXUAL ABUSE AND VIOLENCE, AND CHILD ABUSE OF THE KINGDOM OF JESUS CHRIST (KOJC) UNDER ITS LEADER APOLLO QUIBOLOY

-XXX-

NOW, THEREFORE, BE IT RESOLVED AS IT IS HEREBY RESOLVED, TO DIRECT THE SENATE COMMITTEE ON WOMEN, CHILDREN, FAMILY RELATIONS AND GENDER EQUALITY TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, INTO THE THE **REPORTED** CASES OF LARGE-SCALE HUMAN TRAFFICKING, RAPE, SEXUAL ABUSE AND VIOLENCE, AND CHILD ABUSE OF THE KINGDOM OF IESUS CHRIST UNDER ITS LEADER APOLLO QUIBOLOY." *(Emphasis and underscoring supplied)*

116. Petitioner blatantly cherry-picks a word then glaringly omits others, as if he is identifying those he deems worthy of salvation. Petitioner is before a Court of Law, not a pulpit. Petitioner cannot unilaterally characterize an entire institution like the Senate as

---

[82] See **Annex "A"**.

"charlatans" or "liars"[83] by the convenient misreading of what the text of its resolutions actually states.

117. Petitioner's reference to pending criminal cases against him in the Philippines and in the United States of America are inappropriate.[84] Petitioner argues that allowing the Senate investigation on the same subject would result in the possibility of conflicting judgments between Respondent Committee and the trial courts. The Senate is not part of the Judicial Branch. There are no "conflicting judgements" to speak of.

118. Again, Petitioner's case fails when weighed against established jurisprudence. In ***Standard Chartered Bank,***[85] the Honorable Court clarified that legislative inquiries must be allowed to stand regardless of the filing of a criminal complaint on the same issue:

> **"Indeed, the mere filing of a criminal or an administrative complaint before a court or a quasi-judicial body should not automatically bar the conduct of legislative investigation.** Otherwise, it would be extremely easy to subvert any intended inquiry by Congress through the convenient ploy of instituting a criminal or an administrative complaint. Surely, the exercise of sovereign legislative authority, of which the power of legislative inquiry is an essential component, cannot be made subordinate to a criminal or an administrative investigation." *(Emphasis and underscoring supplied)*

II. The Petitioner Is A Fugitive From Justice And Comes To Court With Unclean Hands.

119. In the case of ***Macalino v. Commission on Audit:***

> "The time-honored principle is that he who seeks equity must do equity, and he who comes into equity must come with clean hands. Conversely stated, he who has done

---

[83] Third Anne Peralta-Malonzo, *Quiboloy sets 17 conditions for Senate inquiry attendance,* SunStar, March 11, 2024 *available at*: https://www.sunstar.com.ph/manila/quiboloy-sets-17-conditions-for-senate-inquiry-attendance (last accessed 24 April 2024).

[84] Par. 66 of the Petition for Certiorari and Prohibition.

[85] *Standard Chartered Bank v. Senate Committee on Banks, Financial Institutions and Currencies,* G.R. 167173, December 27, 2007.

> inequity shall not be accorded equity. Thus, **a litigant may be denied relief by a court of equity on the ground that his conduct has been inequitable, unfair and dishonest, or fraudulent, or deceitful**"[86] (emphasis and underscoring supplied)

120. The Petition is replete with characterizations that fail to raise even a remotely plausible Constitutional Violation.

121. Petitioner's case is made worse by his reported public statements of defiance against both the Senate and our courts. Petitioner cannot dispute that there are now at least two (2) other arrest warrants issued against him before Courts of Law: the warrant dated 14 March 2024 issued by Branch 12 of the Davao Regional Trial Court[87] and the warrant issued on 11 April 2024 by Branch 159 of the Pasig City Regional Trial Court[88].

122. As such, Petitioner is in defiance of not one but two branches of government and is also making fools out of the Executive branch's law enforcement agencies.

123. It would be a mockery of the Rule of Law to allow an unapologetic fugitive to continue to evade both the Judiciary and the Legislative branches of government. In ***Labao Jr. v. COMELEC***, the Court set the definition of a fugitive from justice:

> "'the term '*fugitive from justice*' includes not only those who flee after conviction to avoid punishment but likewise those who, after being charged, **flee to avoid prosecution.**' In *Rodriguez v. Commission on Elections* this Court held that:
>
> > The definition thus indicates that the *intent to evade* is the compelling factor that animates one's flight from a particular jurisdiction. And obviously, **there can only be an intent to evade prosecution or punishment when there is knowledge by the fleeing subject of an**

---

[86] *Macalino v. Commission on Audit*, G.R. No. 253199, November 14, 2023.

[87] Benjamin Pulta, *Davao Family Court Orders Quiboloy's Arrest*, Philippine News Agency, April 03, 2024, *available at*: https://www.pna.gov.ph/articles/1221939 (last accessed on 24 April 2024)

[88] Benjamin Pulta, *Pasig court orders Quiboloy arrest on human trafficking raps*, Philippine News Agency, April 11, 2024, *available at*: https://www.pna.gov.ph/articles/1222423 (last accessed 24 April 2024)

> **already instituted indictment, or of a promulgated judgment of conviction."**[89]
> *(Emphasis and underscoring supplied)*

124. What aggravates Petitioner's defiance is the publication of alleged conditions which serve no purpose but to reveal the depth of his contempt of our institutions:

> "Failure to comply to this set of conditions forfeits your chance of my expository attendance, **thus rendering your Senate hearing a big joke of shameful charlatans and a shallow exposition of a bunch of idiotic parroting mindless, pathological liars paid and taught by their deceiving lying masters just to read a poorly prepared type written narrative of hellish lies. What a gross embarrassment and insult to the intelligence of decent, dignified, critical thinking people, from which for the sake of sanity we should avoid like a plague."**[90]
> *(Emphasis and underscoring supplied)*

125. An accused at large with a pending warrant of arrest may seek affirmative relief from the courts, as held by the Honorable Court in ***Miranda v. Tuliao***.[91] But, as far as this Petition is concerned, the Petitioner does not stand as an accused in a criminal trial before the Senate. He stands as a witness in a legislative inquiry.

126. Clearly, the Petitioner's defiance of not one but two branches of government coupled with his contempt towards the Senate, allegedly describing it as a "shallow exposition of a bunch of idiotic parroting mindless, pathological liars paid and taught by their deceiving lying masters just to read a poorly prepared type written narrative of hellish lies" warrants the denial of his prayer for relief.

---

[89] *Labao Jr. v. COMELEC*, G.R. No. 212615, July 19, 2016.

[90] Third Anne Peralta-Malonzo, *Quiboloy sets 17 conditions for Senate inquiry attendance*, SunStar, March 11, 2024 *available at*: https://www.sunstar.com.ph/manila/quiboloy-sets-17-conditions-for-senate-inquiry-attendance (last accessed 24 April 2024).

[91] *Miranda v. Tuliao*, G.R. 158763, March 31, 2006, as cited in *Lacson v. People*, CA-G.R. SP 116057, affirmed by *Dacer v. Lacson*, G.R. 196209, June 8, 2011.

III. The Right To Self-Incrimination Is Improperly Invoked, Has Not Been Violated And, In Any Event, Cannot Be Claimed In Order To Evade A Lawful Subpoena.

127. It is every Petitioner's burden to establish his case before the Honorable Court. Unfortunately, Petitioner rests on a flawed claim that his rights to self-incrimination have been violated. While it is true that Article III, Section 17 of the 1987 Constitution states: "No person shall be compelled to be a witness against himself", this Constitutional right bears certain limitations and cannot be claimed absolutely in all circumstances.[92]

128. In ***Rosete v. Lim***, the Honorable Court elaborated on when the right can be claimed and an accused's inability to disregard a *Subpoena, viz*:

> "The right against self-incrimination is accorded to every person who gives evidence, whether voluntary or under compulsion of subpoena, in any civil, criminal or administrative proceeding. **The right is not to be compelled to be a witness against himself.** It secures to a witness, whether he be a party or not, the right to refuse to answer any particular incriminatory question, i.e., one the answer to which has a tendency to incriminate him for some crime. **However, the right can be claimed only when the specific question, incriminatory in character, is actually put to the witness. It cannot be claimed at any other time. <u>It does not give a witness the right to disregard a subpoena, decline to appear before the court at the time appointed, or to refuse to testify altogether.</u> The witness receiving a subpoena must obey it, appear as required, take the stand, be sworn and answer questions.** It is only when a particular question is addressed to which may incriminate himself for some offense that he may refuse to answer on the strength of the constitutional guaranty." [93] *(Emphasis and underscoring supplied)*

129. It was also cemented in ***Rosete*** that the right against self-incrimination cannot be grounds to disobey a lawful subpoena. The

---

[92] *Rosete v. Lim*, G.R. No. 136051, June 8, 2006.
[93] *Id.*

right allows the Petitioner not to answer a question incriminatory in character but not the right to evade a lawful order.

130. In the later case of ***Sabio v. Gordon,*** the same principle was laid out, this time within the context of an inquiry in aid of legislation as in the instant case:

> "Anent the right against self-incrimination, it must be emphasized that ["this right may be] invoked by the said directors and officers of Philcomsat x x x **only when the incriminating question is being asked, since they have no way of knowing in advance the nature or effect of the questions to be asked of them**."[94] *(Emphasis and underscoring supplied)*

131. Petitioner likewise has not established how said right has in fact been violated. Which is not surprising considering that the right against self-incrimination can only be invoked if he heeds the summons first, -a matter he completely refuses to do. By his own doing therefore, he bars his ability to seek relief and renders his own Petition speculative.

132. Thus, the right against self-incrimination "can be claimed only when the specific question, incriminatory in character, is actually put to the witness" and cannot be claimed any other time. Petitioner cannot avail himself of his right against self-incrimination because there has been no incriminatory question directed towards him. As such, Petitioner has improperly invoked the right, and established no cause for judicial inquiry much less relief.

133. Furthermore in ***Sabio***[95], the Honorable Court definitively stated that the possibility of the right to self-incrimination being violated or abused is not a ground to deny the Senate of its power of inquiry:

> **"That this right may possibly be violated or abused is no ground for denying respondent Senate Committees their power of inquiry.** The consolation is that when this power is abused, such issue may be presented before the courts." *(Emphasis and underscoring supplied)*

---

[94] *Sabio v. Gordon*, G.R. No. 174340, October 17, 2006.
[95] *Id.*

134. The Honorable Court in ***Sabio*** emphasized that what is important is that respondent Senate Committees have sufficient rules to guide them when the right against self-incrimination is invoked. The Senate rules during the time ***Sabio,*** which the Honorable court found sufficient reads:

> "'Sec. 19. Privilege Against Self-Incrimination
>
> A witness can invoke his right against self-incrimination **only when a question 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.'"[96] *(Emphasis and underscoring supplied)*

135. Meanwhile, Section 19 of Senate Resolution No. 5 entitled "Rules of Procedure Governing Inquiries in Aid of Legislation", rules which guide the current Senate, is stated thusly:

> "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.

---

[96] *Id.*

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."[97] *(Emphasis and underscoring supplied)*

136. The current Senate's "Rules of Procedure Governing Inquiries in Aid of Legislation" is nearly identical to the Senate rules that the Honorable Court in ***Sabio***[98] deemed sufficient to guide that Senate when the right against self-incrimination was invoked.

IV. Petitioner Invites An Improper Review Of A Co-Equal Branch's Internal Proceedings In Violation Of The Principle Of Separation Of Powers. In Any Event, Respondents Are In Compliance With The Internal Rules Of The Senate And The Respondent Committees.

137. Article VI, Sec. 16(3) of the Constitution prescribes that each House of Congress has the prerogative to determine its own rules. It does not give an express instruction of what these internal procedures should be. These internal rules are thus within the sole power and purview of the Houses of Congress subject only to the limitations expressly provided for by the Constitution. The rule is thus stated:

"No less than the Constitution, under Section 16 of Article

[97] Section 19 of the Rules of Procedure Governing Inquiries in Aid of Legislation, March 2023, *available at* https://legacy.senate.gov.ph/about/rulesmenu.asp (last accessed 24 April 2024).

[98] *Sabio v. Gordon*, G.R. No. 174340, October 17, 2006.

VI, grants the Congress the right to promulgate its own rules to govern its proceedings, to wit:

> 'Section 16. (3) **Each House may determine the rules of its proceedings, punish its Members for disorderly behavior, and, with the concurrence of two-thirds of all its Members, suspend or expel a Member. A penalty of suspension, when imposed, shall not exceed sixty days.' (Emphasis ours)**

In Pimentel, Jr., et al. v. Senate Committee of the Whole, this constitutionally-vested authority is recognized as a grant of full discretionary authority to each House of Congress in the formulation, adoption and promulgation of its own rules. As such, the exercise of this power is generally exempt from judicial supervision and interference, except on a clear showing of such arbitrary and improvident use of the power as will constitute a denial of due process."[99]

138. The Honorable Court only exercises its power of judicial review on a very narrow exceptions, —that is if the proceedings of the Houses of Congress have explicitly violated the express provisions (i.e. text) of the Constitution as it has done so in the case of ***Francisco v. House of Representatives***, when the Honorable Court invalidated the second impeachment case filed against then Chief Justice Hilario Davide in violation of Article XI, Sec. 3(5) of the Constitution:

> "Consequently, the second impeachment complaint against Chief Justice Hilario G. Davide, Jr. which was filed by Representatives Gilberto C. Teodoro, Jr. and Felix William B. Fuentebella with the Office of the Secretary General of the House of Representatives on October 23, 2003 is barred under paragraph 5, section 3 of Article XI of the Constitution."[100]

139. Petitioner takes issue with the *Order* dated 19 March 2024 insofar as its compliance with the Senate's own internal rules. It should be noted however, that the *Order* dated 19 March 2024 bears the signature of both the Senate President and the Senate Chair. Absent a clear and unmistakable showing of grave abuse, there is no ground to

---

[99] *Lagman v. Pimentel III*, G.R. Nos. 235935, 236061, 236145 & 236155, February 6, 2018.
[100] *Francisco v. House of Representatives*, G.R. No. 160261, November 10, 2003.

cast doubt on the propriety of these signatures, and what import they bring to bear.

140. What Petitioner seeks is in effect to impugn the basis of the Senate President and the Senate Chair in making the decision. This ignores not just the presumption of regularity of functions but, the more fundamental issue that a Senate President would not sign an *Order* regarding internal proceedings if he as Senate President is not convinced of the wisdom or propriety justifying said *Order*.

141. Petitioner obviously disagrees with the ruling of both the Committee and Senate itself on a matter concerning its own rules. But disagreement is not proof of grave abuse, neither is it ground to distrust the Legislature's determination of what to do regarding its proceedings.

142. Petitioner wants the Honorable Court to review the internal proceedings of one of the Houses of Congress, simply because he believes that "concurrence" should mean one thing, while the Senate sees it differently.

143. In ***Avelino v. Cuenco***, the Honorable Court declined to review whether a quorum existed in a Senate session:

> "'Was there a quorum in that session? Mr. Justice Montemayor and Mr. Justice Reyes deem it useless, for the present to pass on these questions once it is held, as they do, that the Court has no jurisdiction over the case.'"[101]

144. In ***United States v. Pons***, the Honorable Court refrained from examining the truthfulness of legislative journals:

> "From their very nature and object the records of the Legislature are as important as those of the judiciary, and to inquiry into the veracity of the journals of the Philippine Legislature, when they are, as we have said, clear and explicit, would be to violate both the letter and the spirit of the organic laws by which the Philippine Government was brought into existence, to invade a coordinate and independent department of the Government, and to interfere with the legitimate powers and functions of the

[101] *Avelino v. Cuenco*, G.R. No. L-2821, March 4, 1949.

Legislature."[102] (Emphasis and underscoring supplied)

145. Even in cases where a House of Congress was alleged to have not abided by its own rules of procedure, the Honorable Court still declined to exercise its power of judicial review as was seen in the case of ***Arroyo v. De Venecia:***

> "It would be an unwarranted invasion of the prerogative of a coequal department for this Court either to set aside a legislative action as void because the Court thinks the House has disregarded its own rules of procedure, or to allow those defeated in the political arena to seek a rematch in the judicial forum when petitioners can find their remedy in that department itself. The Court has not been invested with a roving commission to inquire into complaints, real or imagined, of legislative skullduggery. It would be acting in excess of its power and would itself be guilty of grave abuse of its discretion were it to do so."[103] (Emphasis and underscoring supplied)

146. Furthermore, the Honorable Court has rejected the occasion to look into the veracity of a resolution passed by a House of Congress as was in the case of ***Mabanag v. Lopez-Vito***:

> "This Court found in the journals no signs of irregularity in the passage of the law and did not bother itself with considering the effects of an authenticated copy if one had been introduced. It did not do what the opponents of the rule of conclusiveness advocate, namely, look into the journals behind the enrolled copy in order to determine the correctness of the latter, and rule such copy out if the two, the journals and the copy, be found in conflict with each other."[104] (Underscoring supplied)

The Order Dated 19 March 2024 Was Issued In Compliance With Senate Rules.

147. In any event, Petitioner's contentions that there does not exist any valid concurrence to the citation of contempt is unfounded. Section 18 of Resolution No. 5 or the Rules of Procedure Governing

---

[102] *United States v. Pons*, G.R. No. 11530. August 12, 1916.
[103] *Arroyo v. De Venecia*, G.R. No. 127255, August 14, 1997.
[104] *Mabanag v. Lopez-Vito*, G.R. No. L-1123, March 5, 1947.

Inquiries in Aid of Legislation provides:

> "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. xxx" *(Emphasis supplied.)*

148. All that Section 18 requires is that there be a "concurrence of at least one (1) member of the committee..." before a citation of contempt can be issued. A close reading of the relevant provision would show that nowhere in the text does it specify how that concurrence should be made.

149. The citation is proper as Petitioner was given three (3) chances to appear before the Respondent Committee and three equal opportunities to be heard and yet he snubbed each occasion.

150. Petitioner is without any basis to say that there does not exist any valid concurrence during or prior to the citation of contempt. It is evident in the hearing as well as its recordings[105] that Senator Aquilino Pimentel III was present with Respondent Senator Hontiveros.

151. If Senator Pimentel III, expressed a visible or manifest objection to the motion, then the record would have reflected it. This ground is not only a question of fact that violates Hierarchy of Courts, it invites an inquiry right into the very territory that the Honorable Court has declined to intrude into several times.

152. Petitioner cannot second guess what the Senate or its Committees view as sufficient (i.e. concurrence). That is for the Senators themselves to decide. And in the presence of a signed Order

---

[105] LIVE: Senate resumes probe on alleged offenses of Apollo Quiboloy, church | March 5 *available at:*
https://www.youtube.com/live/gTxy32_t4DY?si=Dhyhj7ot84YQveob&t=820 (last accessed 24 April 2024)

of the Senate President, Petitioner would need more than conjecture, to establish a credible claim of grave abuse of discretion. He has offered none.

V. Petitioner Is Not Entitled To The Issuance Of A Temporary Restraining Order And/Or Writ Of Preliminary Injunction.

153. Respondents hereby replead all the foregoing allegations and arguments and further avers as follows:

154. The requisite elements for the issuance of a *Temporary Restraining Order* (TRO) are as follows:

> "To be entitled to the injunctive writ, petitioner must show that (1) there exists a clear and unmistakable right to be protected; (2) this right is directly threatened by an act sought to be enjoined; (3) the invasion of the right is material and substantial; and (4) there is an urgent and paramount necessity for the writ to prevent serious and irreparable damage."[106]

155. Similarly, it a *Writ of Preliminary Injunction* is issued to:

> "Preserve the status quo ante, upon the applicant's showing of two important requisite conditions, namely: (1) the right to be protected exists prima facie, and (2) the acts sought to be enjoined are violative of that right. It must be proven that the violation sought to be prevented would cause an irreparable injustice."[107]

156. As outlined earlier, Petitioner has failed to establish a clear and unmistakable right that is under threat, nor is he at risk of suffering an irreparable injury. He offers not a right but a speculative and doubtful prediction of what will happen if he attends a legitimate inquiry, as if he is prescient as to how the twenty four (24) senators will act in the future.

157. Also, in issuing the *Subpoena Ad Testificandum* dated 20 February 2024, *Show Cause Order* dated 13 March 2024 and *Order* dated 19 March 2024, all that is being asked of the Petitioner is to simply

---

[106] *Tiong Bi, Inc. v. Philippine Health Insurance Corp.*, G.R. No. 229106, February 20, 2019.
[107] *Bicol Medical Center v. Botor*, G.R. No. 214073, October 04, 2017.

attend the Senate investigations. There is no right to refuse a lawful summons or order.[108] In fact, it is the Petitioner who has a legal obligation to comply with the lawful orders of the Legislative Branch[109].

158. Further, as discussed earlier, these issuances are simply in the exercise of the Respondent's constitutional power and do not violate his right against self-incrimination. Lest it be forgotten, nothing prevents the Petitioner from invoking his right during the hearings. Petitioner however is not excused from compliance and attending them.

159. Moreover, the appearance of the Petitioner before the Respondent Committee would not be "injurious" as contemplated by the Rules of Court as it is well within the authority of the Respondent Committee to compel his attendance to the investigation.

160. In addition, whatever injury or harm the Petitioner seeks to claim before the Honorable Court is purely self inflicted. He would not be in this predicament had he simply performed an obligation that every citizen of this country is bound to perform. He would not be in this situation had he simply complied just like every other citizen, instead of holding himself above everyone else.

161. Further, in order to be entitled to injunctive relief, Petition should have also demonstrated that no other effective and speedy remedy exists to avoid purported injury to the claimed right. He failed to do so. As in fact, a plain, speedy and effective remedy exists – compliance with a legal obligation. His refusal to do so robs him of any right to now demand for what is deemed "extraordinary" form of relief.

162. Petitioner's prayer for injunctive relief must also be assessed with great prudence to avoid the potential misuse of court processes. The Honorable Court's time and attention is too valuable, and thus any urgent prayer for relief must be towards preventing irreparable harm or to protect Constitutional Rights, which the Petitioner failed to demonstrate.

163. Less than a year ago, this Honorable Court granted a TRO in favor of a provincial governor who refused to honor the processes of the House of Representatives related to a legislative inquiry. The

---

[108] *Arnault v. Nazareno*, as quoted in *Balag v. Senate*, G.R. No. 234608. July 03, 2018.
[109] *Id.*

provincial governor's subsequent actions betrayed his true intentions when, upon securing the TRO, acted in a manner to render this Honorable Court's order nugatory. While the Honorable Court's *Resolution*[110] on the matter only squarely dealt with the contumacious act of the governor and his counsels, it demonstrates how the grant of a TRO or writ of preliminary injunction against legislative investigations must be considered with great care to prevent a trifling of Judicial processes.

164. Likewise, considering that Petitioner is hiding from legitimately issued Legislative and Judicial processes, there is no urgent and paramount necessity for the issuance of any provisional remedy in his favor. In fact, it is the State who is under urgency to locate and find Petitioner to bring him before the appropriate authorities.

165. What is urgent in fact, is to restore confidence by demonstrating compliance and adherence to the lawful orders of the Legislative Branch and the Judiciary as well. It is urgent more so, that the Petitioner demonstrate his willingness to submit to lawful authorities, even if they are not of a divine nature.

PRAYER

WHEREFORE, premises considered, it is most respectfully prayed that the Honorable Court:

1. **NOTE** this Comment;

2. **DENY** the prayer for the issuance of a Temporary Restraining Order and/or **Writ of Preliminary Injunction;**

3. **DENY DUE COURSE AND DISMISS** the *Petition for Certiorari and Prohibition* dated 19 March 2024 for utter lack of merit.

Pasig City for the City of Manila, 27 April 2024.

---

[110] *Manuel M. Mamba v. House of Representative Committee on Public Accounts, represented by Hon. Joseph Stephen S. Paduano, Chairman of the House of Representatives Committee on Public Accounts; House of Representatives Committee on Suffrage and Electoral Reforms, represented by Hon. Jonathan Keith T. Flores, Vice-Chairperson and Presiding Officer of the House of Representatives Committee on Suffrage and Electoral Reforms; and PMGEN. Napoleon C. Taas (Ret.), in his capacity as House of Representatives Sergeant at Arms*, G.R. No. 268540, October 24, 2023.

By:

(RET.) JUSTICE ANTONIO T. CARPIO
IBP No. 344406, Makati City
Roll of Attorneys No. 26309
MCLE Exemption No. VIII-AJ01 valid until 14 April 2028

ALFREDO B. MOLO III
PTR No.1739964 /15 January 2024/ Pasig City
IBP LMR No. 011393 /10 January 2013/Quezon City
Roll of Attorneys No. 49544
MCLE Exemption No. VII-Acad005409 valid until 14 April 2025
Email: alfredo.molo@gmail.com

RUBY ROSSELLE L. TUGADE
PTR No. 6063896/ 23 April 2024/Quezon City
IBP LMR No. 016525/10 May 2017/Isabela
Roll of Attorneys No. 69036
MCLE No. VII-0001967 valid until 14 April 2025
Email: tugadeross@gmail.com

BERTRAND MATTHEW M. BELEN
PTR No. 1739969/ 15 January 2024/ Pasig City
IBP No. 423255/16 January 2024/PPLM
Roll of Attorneys No. 84814
MCLE Compliance-Admitted to the Bar on 02 May 2023
Email: botbelen@gmail.com

COPY FURNISHED:
(By Registered Mail and Fast Courier)

P.O OPTIONS PASIG/LBC Shaw BLVD. PASIG

ATTY. PETER JOEY B. USTIA
Counsel for the Petitioner
12B Marco Polo, Sapphire Road,
Ortigas Center 1605, Pasig City

RM 874 590 142 ZZ

LBC 1498 5485 3919

THE SENATE OF THE PHILIPPINES
SEN. PRES. JUAN MIGUEL F. ZUBIRI
MGEN. RENE C. SAMONTE
GSIS Bldg., Financial Center, Diokno Blvd., Pasay City

RM 874 590 156 ZZ

LBC 1498 5485 3909

4/29/2024

WRITTEN EXPLANATION FOR
SERVICE BY REGISTERED MAIL AND FAST COURIER

Sir/Madam:

Please be informed that the undersigned counsel caused the service of copies of the foregoing *Comment/Opposition* by registered mail and fast courier due to the shortage of available manpower and time constraints.

BERTRAND MATTHEW M. BELEN