

# WHAT YOU NEED TO KNOW ABOUT THE IMPEACHMENT

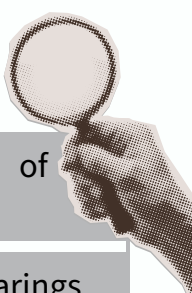
Impeachment is sui generis, or a class of its own, being primarily legal in nature but possessing political characteristics. This means that the rights enshrined in the Bill of Rights are still followed (*Duterte v. House of Representatives*, July 25, 2025).

It is "a constitutional measure designed to protect the [Philippines] from official delinquencies and malfeasance, the punishment of the offender being merely incidental." It is political in the sense that the proceedings are entrusted to politically elected bodies: the House of Representatives, which has the exclusive power to initiate impeachment proceedings, and the Senate, which has the power to try and convict (*Republic v. Sereno*, May 11, 2018.).

## Effects of Impeachment

Under Article XI, Section 3(7) of the 1987 Constitution, if an impeachable officer is convicted in an impeachment case, the only penalties that may be imposed are removal from office and disqualification from holding any public office in the Philippines.

## What is the impeachment process?

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- 1 A verified impeachment complaint may be filed by any Member of the House of Representatives, or by a citizen if it is endorsed by a Member of the House.
  - 2 The complaint is referred to the appropriate House Committee, which conducts hearings and examines the allegations.
  - 3 The Committee votes on the complaint, and if a majority of all its members approve, it submits a report and resolution to the House of Representatives.
  - 4 The House then votes on the Committee's report.  
*At least one-third of all House Members must vote either to approve the Articles of Impeachment or to overturn an unfavorable Committee recommendation.*
  - 5 If the required vote is obtained, the Articles of Impeachment are approved and transmitted to the Senate for trial.
  - 6 Upon receiving the Articles of Impeachment, the Senate adopts the rules needed to conduct the impeachment trial.  
*Only the Senate has the sole power to try and decide impeachment cases.*
  - 7 After the trial, conviction requires the vote of at least two-thirds of all Senators.

# WHAT YOU NEED TO KNOW ABOUT THE IMPEACHMENT

## May the Senate try an impeachment case even if the impeachable officer has resigned?

During the impeachment trial of former President Joseph Ejercito Estrada, he resigned from office before the trial was completed. As a result, the Senate passed Senate Resolution No. 83, declaring that the Impeachment Court was *functus officio*, meaning it had already served its purpose and no longer needed to continue the proceedings (*Estrada v. Desierto*, March 2, 2001.)

At present, there is no law that specifies the procedure to be followed when an impeachable officer resigns while the impeachment trial is still pending.

## Who may be impeached?

- 1 President
- 2 Vice-President
- 3 Members of the Supreme Court
- 4 Members of the Constitutional Commissions
- 5 The Ombudsman

All other public officers and employees may be removed from office by law, but cannot be done through impeachment.

## If the impeachable officer is convicted and removed, how will their replacement be chosen?

### President

The Vice-President becomes President and serves the rest of the term.

### Vice President

The President appoints a nominee from the Senate or House of Representatives. The nominee becomes Vice-President once approved by a majority of all Members of both Houses of Congress, voting separately.

### Supreme Court Justice or Ombudsman

The President appoints a replacement from a list prepared by the Judicial and Bar Council (JBC).

### Member of the

1. Civil Service Commission (CSC)
2. Commission on Elections (COMELEC)
3. Commission on Audit (COA)

The President appoints a replacement with the approval of the Commission on Appointments of the Senate.

