

Republic of the Philippines

SENATE

Pasay City

JOURNAL

SENATE SITTING AS AN
IMPEACHMENT COURT
ON THE IMPEACHMENT TRIAL OF
VICE-PRESIDENT
SARA ZIMMERMAN DUTERTE

IMPEACHMENT TRIAL NO. 29
TUESDAY & WEDNESDAY, 22 & 23 SEPTEMBER 2026

PREPARED BY THE
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SENATE OF THE PHILIPPINES

IMPEACHMENT TRIAL NO. 29

Tuesday and Wednesday, September 22 & 23, 2026

PROCLAMATION OF THE SERGEANT-AT-ARMS

The Sergeant-at Arms, PMGen Alfred S. Corpus, commanded all persons, on pain of penalty, to keep silent while the Senate is sitting for the trial of the Articles of Impeachment against Vice President Sara Zimmerman Duterte.

CALL TO ORDER

At 10:00 a.m., Tuesday, September 22, 2026, with the Senate sitting as an Impeachment Court, the Senate President, Win Gatchalian, called the impeachment trial of Vice President Sara Zimmerman Duterte to order.

SILENT PRAYER

The Court observed a minute of silent prayer.

ROLL CALL

Upon direction of the Senate President, the Clerk of Court, Atty. Renato N. Bantug Jr., called the roll, to which the following senator-judges responded:

Aquino, B.	Padilla, R.
Ejercito, J. V.	Pangilinan, F. N.
Escudero, F. G.	Sotto III, V. C.
Gatchalian, W. T.	Tulfo, E. T.
Go, C. L. T.	Tulfo, R. T.
Hontiveros, R.	Villanueva, J.
Lacson, P. M.	Villar, C. A.
Lapid, M. M.	Zubiri, J. M. F.
Marcos, I. R.	

With 17 senator-judges present, the Chair declared the presence of a quorum.

Senator-Judges Cayetano (A), Cayetano (P) and Villar (M) were also present.

Senator-Judge Legarda was on medical leave.

Senator-Judges Estrada and Marcoleta were under detention and unable to attend.

Senator-Judge Dela Rosa was absent.

In accordance with the *Rules of Procedure on Impeachment Trials*, Senate President Gatchalian recognized the duly-elected Presiding Officer, Senator-Judge Francis "Chiz" G. Escudero, to preside over the proceedings of the Impeachment Court.

APPROVAL OF THE *JOURNAL*

Upon motion of the Presiding Officer, there being no objection, the Body dispensed with the reading of the *Journal* for Impeachment Trial No. 28 (September 21, 2026) of the Senate sitting as an Impeachment Court and considered it approved.

CALLING OF THE CASE

Upon direction of the Presiding Officer, the Clerk of Court called Case No. 004-2026, titled *"In the Matter of the Impeachment Trial of Vice President Sara Zimmerman Duterte."*

APPEARANCES

The Presiding Officer directed the parties to enter their appearances.

Rep. Gerville Luistro entered the appearances previously entered and confirmed that Atty. Erwin Matib would continue the presentation on behalf of the Panel of Prosecutors.

Atty. Sheila C. Sison likewise entered the same appearances previously entered and confirmed that Atty. Justin Gular would continue to represent the Respondent.

PRESENTATION OF WITNESS

The Presiding Officer directed the Clerk of Court, through the Office of the Sergeant-At-Arms (OSAA), to situate Atty. Gerardo F. Del Rosario of the Company Registration and Monitoring Department, Securities and Exchange Commission (SEC), to the witness stand. The Presiding Officer reminded Attorney Del Rosario that he would continue to testify under the same oath administered during the previous day's proceedings.

CROSS EXAMINATION BY THE COUNSEL FOR THE RESPONDENT

Attorney Gular conducted the cross-examination of the witness as follows:

Mr. Gular. Sir Del Rosario, Attorney Del Rosario, *magandang umaga po.*

Mr. Del Rosario. *Magandang umaga po sa inyo.*

Mr. Gular. Good morning. *Simulan po natin*, Sir.

During your direct examination yesterday, you identified records belonging to several corporations. In general, *iyong mga* records *na ito* are those on file or are available with the records of the SEC or the Securities and Exchange Commission. *Tama po ba?*

Mr. Del Rosario. *Tama po.*

Mr. Gular. And now, the SEC compiled and produced these documents or these records upon the request of the House of Representatives. *Tama po ba?*

Mr. Del Rosario. *Ni*-request *po nila sa amin iyon.*

Mr. Gular. Yes. And you confirmed that these corporate records were actually first requested po in relation to the hearings of the House of Representatives Committee on Justice. *Naalala ninyo po iyon?*

Mr. Del Rosario. *Tama po.*

Mr. Gular. Yes. And you confirm that you also testified under oath during that committee hearings before the House of Representatives. *Tama po?*

Mr. Del Rosario. *Tama po.*

Mr. Gular. And can you please confirm, Sir, whether this date was on April 22, 2026? Can you recall that?

Mr. Del Rosario. *Ang natandaan ko po ay ang* subpoena *ay ang* date *po niya* is April 14, *pero hindi naman po agad kami natanong noon. Patuloy siya, hindi ko na po matandaan iyong eksaktong petsa kung kailan po ako natanong* during that impeachment proceedings *sa* Committee on Justice.

Mr. Gular. Okay *lang po*, Attorney Del Rosario.

Now, *tama po bang sabihin,* Sir, *na iyong* Securities and Exchange Commission *ay nag-*compile and release *ng* corporate documents *base po sa impormasyon na ibinigay ng* House of Representatives?

Mr. Del Rosario. *Tama po. Kung ano po iyong kanilang hiniling sa amin, iyon po ang ibinigay namin.*

Mr. Gular. In other words, *iyong* House of Representatives *po iyong nagbigay ng impormasyon at listahan ng mga kumpanya, kung anong mga kumpanya ang iko-*compile *ninyo, iyong mga* records *nila?*

Mr. Del Rosario. *Tama po.*

Mr. Gular. Now, *kahapon po noong* direct examination *ni* Attorney Matib, you testified and answered or—just please correct me—that you stated *na hindi naman po kayo* personally aware *sa mga* contents *ng* SALN *ng ating Bise Presidente. Tama po ba?*

Mr. Del Rosario. *Tama po. Wala po akong* access *sa* SALN *ng kahit sino po.*

Mr. Gular. Okay. Besides your own SALN, *tama po ba?*

Mr. Del Rosario. *Iyon lang pong* SALN *ko ang alam ko at nakikita ko.*

Mr. Gular. *Tama.* And you confirm also, Sir—and just for the record, *paki-*confirm *na lang po, na iyong* Securities and Exchange Commission *natin sa Pilipinas,* as an office, would also have no information about the contents of any SALNs of other public officers including, specifically, the SALN of the Vice President. *Tama po ba?*

Mr. Del Rosario. *Tama po. Hindi po sa amin ang lagakan ng mga* SALN.

Mr. Gular. So, *iyong tanong ko po,* at the time when you first compiled and gathered all the documents, corporate records that are on file or maintained by the Securities and Exchange Commission, *wala pong* personal *na* knowledge *iyong* SEC *na iyong mga korporasyon na iyon ay nakadeklara o nakalagay sa* SALN *ng ating Bise Presidente?*

Mr. Del Rosario. *Hindi po namin alam.*

Mr. Gular. In other words, is it correct to say that the SEC merely relied on the information provided by the House of Representatives?

Mr. Matib. Just to clarify, Your Honor, the Counsel is referring to the SEC, Your Honor. Perhaps he should refer to this witness, Your Honor, because SEC—we're talking about an institution, Your Honor.

Mr. Gular. The documents come from the SEC, Your Honor.

The Presiding Officer. It's a comment, Attorney Justin, anyway—Attorney Erwin.

You may proceed, Attorney Justin.

Mr. Gular. *Maraming salamat po,* Your Honor.

*Kayo po, kayo po mismo at ang opisina ninyo, nag-*rely *lang po kayo sa impormasyon na ibinigay ng* House of Representatives.

Mr. Del Rosario. *Tama po.*

Mr. Gular. And you confirm that as the representative of the Securities and Exchange Commission, specifically the Company Registration and Monitoring Department, your testimony before this Court is limited to the records that are maintained by your division. *Tama po ba?*

Mr. Del Rosario. *Tama po.*

Mr. Gular. Now, *kahapon din po,* Attorney Del Rosario, *nag*-identify *din po kayo* for the first time *ng mga* summaries *na* supposedly, and according to you, prepared by your office. You recall that?

Mr. Del Rosario. *Tama po, opo. Naalala ko po.*

Mr. Gular. And according to you, these summaries were supposedly prepared by the Securities and Exchange Commission upon the request of the Prosecution Panel. *Tama po ba?*

Mr. Del Rosario. *Tama po.*

Mr. Gular. And specifically, this request from the Prosecution Panel of the House of Representatives is through a letter dated September 10, 2026. *Tama po ba?*

Mr. Del Rosario. *Tama po.*

Mr. Gular. *At sino po iyong pumirma noong* letter request *na iyon galing sa* House of Representatives?

Mr. Del Rosario. *Ang nakalagda po sa* request *na iyon ay si* Congresswoman Luistro.

Mr. Gular. And in relation to that request that we are just discussing now, Attorney, you confirm that your office prepared two separate sets of summaries *noong pinakita natin kahapon.*

Mr. Del Rosario. *Tama po.*

Mr. Gular. Particularly, *isa dito* is *iyong may* label *na tinatawag na* "Summary of Vice President Duterte Shareholdings," *tapos sa ibang* pages *naman,* "Manases R. Carpio Shareholdings." *Naalala ninyo po?*

Mr. Del Rosario. *Tama po.*

Mr. Gular. *Kayo po ba iyong naglagay ng* label *na iyon?*

Mr. Del Rosario. *Opo.*

Mr. Gular. Okay. My next question: Now, this summary contains several information relative to Articles of Incorporation and general information sheets of various corporations. Do you confirm that?

Mr. Del Rosario. *Opo.*

Mr. Gular. And do you have that document with you now? I'll be going into those documents.

Mr. Del Rosario. *Dala ko po; nasa* holding room *lang iyong mga dokumento po.*

Mr. Gular. *Sige.* Your Honor, just to allow the witness to have that document since my cross will pertain to that, may we just request that the witness be allowed to secure those documents, or if the Prosecution could help and provide the witness with those documents.

Mr. Del Rosario. Your Honor, if I may be clarified. *Iyong* summary *po, dala ko ngayon pero iyong pinanggalingan po ng buod ng* summary *ko ay nasa* holding room *po.*

Mr. Gular. Okay. I'm referring to particularly *po,* Attorney Del Rosario, *iyong mga* summary, *nasa inyo po?*

Mr. Del Rosario. *Eto po. Nandito po.*

Mr. Gular. *Sige po, pakilabas na lang po kasi may mga tanong ako* in relation to those documents.

The Presiding Officer. You already have a copy of that, Attorney Justin, correct?

Mr. Gular. Yes, Your Honor, we confirm. But nevertheless, Your Honor, we just like to put on record that we haven't been given the letter dated September 10, 2026.

The Presiding Officer. Yes.

Mr. Gular. But it's okay, Your Honor.

May I proceed, Your Honor?

The Presiding Officer. Please proceed.

Mr. Gular. Thank you, Your Honor.

Now, *hawak ninyo na po iyong dalawang* summary?

Mr. Del Rosario. *Hawak ko na po.*

Mr. Gular. Okay. Now, *puntahan po natin iyong unang* summary *po, iyong may impormasyon tungkol sa* Articles of Incorporation *at ng* general information sheet *ng iba't ibang mga kumpanya. Tawagin na lang po natin iyang* first summary. *Tama po ba na* 27 pages *iyan? Paki*-check *po.* Composed of 27 pages?

Mr. Del Rosario. *Tama po.*

Mr. Gular. Okay. *Tapos, iyong pangalawang* summary *naman po, iyong isang* summary rather, you confirm that *ito iyong* containing *iyong* title *niya,* "Incorporators Declared in the AOI-by Company," and *sa ibang pages naman,* "Shareholders Declared in the GIS-by Shareholder." *Kinukumpirma ninyo po ba?*

Mr. Del Rosario. *Tama po.*

Mr. Gular. Now, you confirm that the second summary, or the summary that you are looking at now, is composed of 26 pages. *Tama po ba?*

Mr. Del Rosario. *Iyong pangalawang* summary *po ay listahan ng mga* incorporators.

Mr. Gular. Correct. And it is composed of 26 pages? *Iyan po iyong tanong ko,* Sir.

Mr. Del Rosario. *Tama po.*

Mr. Gular. Okay. Now you confirm that *itong dalawang mga* summary *na ito* that came from your office, and was supposedly prepared by your office, are undated or *walang* date. *Tama po ba na nakalagay sa dokumento?*

Mr. Del Rosario. *Opo.*

Mr. Gular. *Walang* date. And you confirm that both these summaries that your office supposedly prepared are also unsigned *or walang pirma po ng kahit sinuman. Tama po ba?*

Mr. Del Rosario. *Tama po.*

Mr. Gular. And you confirm that both these summaries that are supposedly again prepared by your office, do not have a seal or even the logo of the Securities and Exchange Commission or your division. *Tama po ba?*

Mr. Del Rosario. *Tama po.*

Mr. Gular. Now, let's go to the letter dated September 14, 2026, that you signed. *Nasa inyo na po?*

Mr. Del Rosario. *Nasa akin na po.*

Mr. Gular. And you confirm that in this letter, it states, and I quote, and please confirm this, and I quote, "to prepare a summary of general information sheet and audited financial statements of the corporations and partnerships in your letter in connection with the impeachment trial of the Vice President Sara Zimmerman Duterte." You confirm *na may* paragraph *na ganyan?*

Mr. Del Rosario. *Mayroon po.*

Mr. Gular. And the second paragraph of the same letter dated September 14, 2026 that you also signed, you confirm that it states, and I quote, "The Commission respectfully transmits

herewith the summaries of GIS and AFS, both in electronic and hard copies format." You confirm that?

Mr. Del Rosario. *Opo.*

Mr. Gular. Now, based on that document *po,* Attorney Del Rosario, can you please confirm that there is no mention for a request of Art—of a summary of the Articles of Incorporation? *Wala pong naka-*mention *diyan. Tama po ba?*

Mr. Del Rosario. *Hindi po nakasulat.*

Mr. Gular. And you also confirm that there is also no summary—there's also no request, rather, of summary of incorporators in that letter request?

Mr. Del Rosario. *Ayon po sa* transmittal letter, *wala po.*

Mr. Gular. And you confirm, Attorney Del Rosario, that in the general information sheet *naman po, bilang isang kawani ng ating* SEC, *hindi—ang nare-*reflect *po sa* GIS are the current stockholders of the corporation *at ini-*indicate *lang* whether *iyong* current stockholders *ay* incorporator or *hindi. Tama po ba?*

Mr. Del Rosario. *Tama po.*

Mr. Gular. And it does not have a portion where the incorporators of a corporation are declared constantly, unlike our articles of incorporation. *Tama po ba?*

Mr. Del Rosario. *Tama po.*

Mr. Gular. Now, despite the absence of a request for a summary of articles of incorporations or incorporators of businesses in the relevant letters, you confirm that in both your summaries, your office supposedly prepared and even included summaries of information relative to Articles of Incorporation, correct?

Mr. Matib. I have to object, Your Honor, because the question is misleading.

The Presiding Officer. Why is it misleading, Attorney Erwin?

Mr. Matib. It is misleading, Your Honor, because Counsel was referring to the September 14, 2026 transmittal letter that was not the request letter. The request letter was September 10, 2026, which clearly stated the inclusion of Articles of Incorporation for the summary.

Mr. Gular. Your Honor, we are asking in relation to September 14, 2026.

The Presiding Officer. If there is such a letter?

Mr. Gular. If there is such a request with respect to those summary—statements.

Mr. Matib. But, Your Honor, the September 14 is the transmittal letter from the SEC.

The Presiding Officer. Again, if there is such a request. The problem is that the transmittal letter has not yet been furnished with the Counsel for the Respondent.

Mr. Gular. That is precisely the point of the Defense, Your Honor. We were never furnished with that point.

The Presiding Officer. I'll allow it. Witness may please answer. Objection overruled.

Mr. Gular. Thank you, Your Honor. *Maraming salamat po.*

Attorney, *balikan ko lang po,* particularly *po sa* September 14, 2026, *na sinulat ng* SEC *at iyong pinirmahan ninyo. Hindi naman po sinabi doon na nag-*submit *kayo ng* summaries *ng* Articles of Incorporation based on the words and those stated in that document.

Mr. Del Rosario. *Tama po hindi nga po nakasulat sa aking* transmittal letter about Articles of Incorporation.

Mr. Gular. *Maraming salamat po,* Attorney Del Rosario. Apologies for interrupting you. And you confirm *wala ring nakasulat sa* transmittal letter *mo iyong* incorporators. *Tama po ba?*

Mr. Del Rosario. *Wala po.*

Mr. Gular. *Pero* you confirm *na sa* summaries *na prinepare* (prepare) *ninyo nandoon iyong mga impormasyon* relative to Articles of Incorporation and incorporators. *Tama?*

Mr. Del Rosario. *Iyan po iyong* basic *na impormasyon sa bawat korporasyon kaya naisama ko na po siya roon.*

Mr. Gular. Okay. I'll take that answer, Attorney Del Rosario.

Now, according to you, after receiving this request from the House of Representatives, you instructed members of your team or your office to work on this request. *Tama po ba?*

Mr. Del Rosario. *Tama po.*

Mr. Gular. *At iyan iyong sabi ninyo, kinumpirma ninyo kahapon.* Now, it would be correct for me to assume *na itong mga empleyado na ito* is under your direct supervision *po?*

Mr. Del Rosario. *Tama po.*

Mr. Gular. And these are, of course, employees of the Securities and Exchange-CMRD. *Tama po ba?*

Mr. Del Rosario. *Opo, sa aming departamento po,* CRMD.

Mr. Gular. CRMD. *Maraming salamat po sa pag-*correct *sa akin,* Sir. *Tama po ba?*

Mr. Del Rosario. *Tama po.*

Mr. Gular. *At ilang miyembro po iyong nagtrabaho dito, kung naalala ninyo?*

Mr. Del Rosario. *Limang tao po.*

Mr. Gular. And for the records, can you please name all these five people who helped you work on this?

Mr. Del Rosario. Well, *mayroon po akong tatlo* coming from—*dalawa* from Records Division: *ang pangalan po ng isa ay si* Ms. Jessarie Cuevas; *pangalawa, si* Mr. Dexter De Guzman; *pangatlo, si* Ms. Kyla Robredo; *pang-apat, iyong aking* CPA *na si* Mr. Joseph Jarabeo; *at isa pa pong empleyado rin namin na tumulong sa kaniya ay si* Ms. Pamela Monzon.

Mr. Gular. Okay. Now, let's go to the first summary that you prepared, Attorney Del Rosario. I noticed Sir, that the order of the corporation listed in at least the first four corporations is as follows. Can you please check?

The first corporation mentioned is City Hall King Chow Foods Corporation found on pages 1 and 2 with Page 2 being at the back portion of the first leaf. *Tama po?*

Mr. Del Rosario. *Opo.*

Mr. Gular. *Iyong pangalawa naman,* Metro City Chow Foods Corporation found on pages 3 and 4 with Page 4 being at the back leaf.

Mr. Del Rosario. *Tama po.*

Mr. Gular. Third is Gencorp Industries, Inc., found on Page 5, correct?

Mr. Del Rosario. *Opo.*

Mr. Gular. And fourth is Cale88 Foods Corporation found on page 6, correct?

Mr. Del Rosario. *Opo.*

Mr. Gular. Now, *kung naalala ninyo, ilang korporasyon iyong pina-*produce *ng* House of Representatives *sa opisina ninyo?*

Mr. Del Rosario. Around 16 corporations *po.*

Mr. Gular. Sixteen corporations. But you confirm in making that summary in ordering per corporation, you did not arrange them alphabetically, *ano?*

Mr. Del Rosario. *Hindi po.*

Mr. Gular. You also did not arrange them based on the earliest date of incorporation or the latest date of incorporation, correct?

Mr. Del Rosario. *Hindi rin po.*

Mr. Gular. *At hindi din siya* arranged based on either the highest or the lowest authorized capital stock. *Tama po ba?*

Mr. Del Rosario. *Tama po.*

Mr. Gular. *Pero* you recall *kahapon, noong nag*-direct examination *iyong* Prosecution, the direct examination precisely followed the sequence that is indicated in your summary. *Una, iyong* City Hall King Chow Foods Corporation *ang diniscuss* (discuss) *sa* direct. *Tama po ba? Naalala ninyo?*

Mr. Del Rosario. *Tama po.*

Mr. Gular. *At kasunod,* Metro City Chow Foods *naman iyong diniscuss sa* direct. *Tama po ba?*

Mr. Del Rosario. *Tama rin po.*

Mr. Gular. *Pangatlo, ang diniskas* (discuss) *sa* direct, Gencorp Industries. *Tama po ba?*

Mr. Del Rosario. *Tama, po.*

Mr. Gular. *At iyong pang-apat,* Calle88 Foods Corporation. *Tama po ba?*

Mr. Del Rosario. *Tama rin, po.*

Mr. Gular. *At nakasunod ito sa* summary *na,* supposedly, *prinepare* (prepare) *ng opisina ninyo. Tama?*

Mr. Del Rosario. *Opo.*

Mr. Gular. Okay.

Now earlier, you confirm that you request—received—you received, rather, sorry, the request on September 10, 2026. *Tama po ba?*

Mr. Del Rosario. *Natanggap ko po siya ng* September 11.

Mr. Gular. September 10—sorry. Yes.

Mr. Del Rosario. Eleven *po.*

Mr. Gular. Eleven. Okay. *At sabi mo kanina limang tao lang po iyong gumawa nito?*

Mr. Del Rosario. *Opo.*

Mr. Gular. Okay. So, you were able to—Okay. Let's go to the timelines. You received this September 11?

Mr. Del Rosario. *Tama, po.*

Mr. Gular. And that's a Friday. *Tama po ba?*

Mr. Del Rosario. Opo.

Mr. Gular. And September 12 and 13 are actually Saturdays and Sundays respectively, correct?

Mr. Del Rosario. *Tama, po.*

Mr. Gular. And you were able to provide the House Prosecution panel on the following Monday, on September 14, 2026, correct?

Mr. Del Rosario. *Hindi, po.*

Mr. Gular. *Kailan ninyo po nabigay? Iyong* transmittal letter *ninyo kasi,* sir, is September 14, 2026.

Mr. Del Rosario. *Kahapon lang, po.*

Mr. Gular. *Kahapon lang. Pero natapos na po kasi*—Can you please confirm *na tapos na iyong* summary *noong* September 14, 2026?

Mr. Del Rosario. *Natapos po siya ng* Monday, September—

Mr. Gular. Fourteen, yes.

Mr. Del Rosario. *Ng* Monday *na iyon ng hapon.*

Mr. Gular. *Ng hapon*?

Mr. Del Rosario. Opo.

Mr. Gular. 14, 2026. Now, tatlong *araw lang po ginawa ito ng* team *ninyo na* limang *tao.*

Mr. Del Rosario. *Opo, tatlong araw lang po.*

Mr. Gular. Now, I remember yesterday, when Attorney Matib asked me to stipulate on these documents, *sinabi niya* and I quote, "Considering that we have more than 200 exhibits, consisting of more than 3,000 pages," end of quote. *Ito din iyong mga* amount or volume *ng* documents *na in*-examine *at kinompile* (compile) *at sinumarize* (summarize) *ng* five-man team *ninyo po sa* SEC?

Mr. Del Rosario. *Tama, po.*

Mr. Gular. Okay. That includes working during weekends. *Tama po ba?*

Mr. Del Rosario. *Nagtrabaho po ng Sabado.*

Mr. Gular. And it includes the process of examination of documents, inputting and typing of data, and review between the documents and the figures appearing therein, and those appearing on the summaries that you prepared. *Tama po ba?*

Mr. Del Rosario. *Tama, po.*

Mr. Gular. Let me conclude. And this is despite the fact that you only received that on September 11, 2026?

Mr. Del Rosario. *Tama, po.*

Mr. Gular. Okay. *Maraming salamat.*

Now, yesterday, you confirmed, *noong* direct examination *ninyo*, you were made to confirm several corporations identified yesterday that did not declare dividends. *Naaalala ninyo po iyon?*

Mr. Del Rosario. *Opo.*

Mr. Gular. And you also confirmed that for other corporations *naman, ang talagang* records *ng* SEC is *hindi ninyo masabi kasi wala naman po kayong* on-file *ng* audited financial statements?

Mr. Del Rosario. *Mayroon pong ganoon.*

Mr. Gular. *Mayroon pong ganoon.*

Now, let's go to the fact that several corporations did not declare any dividends.

You are aware *naman po*, Attorney Del Rosario, *at kasi abogado naman po kayo at matagal na po kayo sa* SEC, that the power of a corporation to declare dividends is under Section 42 of our Revised Corporation Code?

Mr. Del Rosario. *Tama, po.*

Mr. Gular. *Tama.*

And you confirm that under Section 42 of the Revised Corporation Code, it states that, and I quote, "The board of directors of a stock corporation may declare dividends out of unrestricted retained earnings which shall be payable in cash, property, or in stock to all stockholders on the basis of the outstanding stock held by them." *Naka*-flash *po siya* but you can confirm *po* if *tama iyong*—

Mr. Del Rosario. *Tama po*, Section 42.

Mr. Gular. Okay. Now you confirm that under Section 42 of the Revised Corporation Code, with respect to the declaration and release of dividends, *ang ginagamit po sa probisyon ang* word *na* "may". *Tama po ba?*

Mr. Del Rosario. *Tama, po.*

Mr. Gular. So, as a lawyer, and as an officer of the SEC, you confirm that just because a corporation has unrestricted retained earnings, it is not automatically required by law *para magdeklara ng debidendo. Tama po ba?*

Mr. Del Rosario. *Tama po.*

Mr. Gular. And it merely states that if the board of directors decides to declare dividends, this should be out of unrestricted retained earnings.

Mr. Del Rosario. *Tama po.*

Mr. Gular. *Tama po ba ang pagkaintindi ko sa batas?*

Mr. Del Rosario. *Tama po.*

Mr. Gular. Now, you are also aware, however, *na may* paragraph two *itong* Section 42 *ng* Revised Corporation Code. *Tama po ba?*

Mr. Del Rosario. *Tama po.*

Mr. Gular. And *dito po, nakalagay iyong* prohibition on retaining surplus profits. *Tama po ba?*

Mr. Del Rosario. *Tama po.*

Mr. Gular. And specifically, it states "The prohibition is only that a stock corporation are prohibited from retaining surplus profits in excess of 100 percent of their paid-in capital." *Tama po ba?*

Mr. Del Rosario. *Tama, po.*

Mr. Gular. Okay, my question. *Ito po iyong* paid-in capital, this is the total amount of cash or property actually contributed by shareholders in relation to the subscribed shares. *Tama po ba?*

Mr. Del Rosario. *Tama, po.*

Mr. Gular. *So, sa madaling salita po, ito iyong mga* amount of shares *ng isang kumpanya na bayad na talaga ng* shareholders, whether it be by property or whether it be by cash or other allowable considerations for the purchase of shares. *Tama*?

Mr. Del Rosario. *Opo, tama po.*

Mr. Gular. *Kasi puwede naman po, para maintindihan po natin, na mag*-subscribe *ng* shares *sa kumpanya at hindi mo bayaran iyong buong* subscription. *Tama po ba*?

Mr. Del Rosario. *Maaari po iyon.*

Mr. Gular. *Kaya may* distinction *po sa* summary *na prinipare* (prepare) *ninyo*, amount subscribed, *at* amount paid-up. *Tama*?

Mr. Del Rosario. *Tama po.*

Mr. Gular. Now, let's go back under Section 42. What is prohibited is not the fact that a corporation does not issue any dividends, *tama po ba*?

Mr. Del Rosario. *Paki-ulit po.*

Mr. Gular. Sa four—under—sorry, I'll do it slowly. Under Section 42, *hindi naman* prohibited *ang hindi pag*-declare *ng* dibidendo, *tama*?

Mr. Del Rosario. *Opo, dahil sa* word *na* "may".

Mr. Gular. What is prohibited is retaining surplus profits in excess by 100 percent of paid-in capital?

Mr. Del Rosario. *Tama po.*

Mr. Gular. So, *kapag walang dineklara, hindi naman po* illegal *iyong ginagawa ng mga korporasyon. Tama po ba*?

Mr. Del Rosario. *Hindi naman po.*

Mr. Gular. Okay. *Pero kahit na* under the prohibition *sa* Paragraph 42, you agree *naman po,* Attorney Del Rosario, *na may* exceptions *kung saan puwede po tayong mag*-withheld *ng* declaration of *dibidendo kahit na nag*-exceed *na iyong* surplus profits *mo sa* paid-in capital. *Tama po ba*?

Mr. Del Rosario. *Mayroon pong tatlong* exception under Section 42.

Mr. Gular. Correct. *At ito iyong mga* exception—just please confirm—(a) when justified by definite expansion projects or programs approved by the board of directors. *Tama po ba*?

Mr. Del Rosario. *Iyan po iyong una.*

Mr. Gular. *Ito iyong sa mga abogado, tinatawag po natin na* "approved expansions" for brevity. *Tama po*?

Mr. Del Rosario. *Tama po.*

Mr. Gular. *Iyong pangalawang* exception *naman po*, when the corporation is prohibited under any loan agreement with financial institution or creditors, whether local or foreign, from declaring dividends without their consent and such consent has not yet been secured. *Puwede din po, tama*?

Mr. Del Rosario. *Opo.*

Mr. Gular. *Ito iyong mga tinatawag natin na abogado na* "loan restrictions." *Tama po ba*?

Mr. Del Rosario. *Tama po.*

Mr. Gular. Now, *iyong pangatlo*, when it can be clearly shown that such retention is necessary under special circumstances obtaining in the corporation such as when there is a need for a special reserve for probable contingencies. *Tama po ba*?

Mr. Del Rosario. *Iyan po iyong pangatlo.*

Mr. Gular. *Pangatlo. Ito iyong tinatawag natin na* "special circumstances," *tama po ba*?

Mr. Del Rosario. *Tama po.*

Mr. Gular. *At kasali dito iyong mga kaso, halimbawa, iyong kumpanya may* litigation. *Tama po ba*?

Mr. Del Rosario. *Tama po.*

Mr. Gular. Okay. And you confirm, Sir, *na kapag ginagawa ito ng* corporation, meaning, invoking those three exceptions, *dapat nire*-report *ito sa* audited financial statement?

Mr. Del Rosario. *Dapat po.*

Mr. Gular. Okay. *Pero* you confirm, Sir, in the summary that you prepared, *ang nilagay ninyo lang* "no dividends declared"?

Mr. Matib. Objection.

Mr. Gular. I'm just asking a confirmation, Your Honor.

The Presiding Officer. What is your objection, Attorney Erwin?

Mr. Matib. Misleading, Your Honor, as to the information *na* all that they did—all that they put in the summary is "no dividends declared" because the summary precisely contains more than that information, Your Honor. It also includes information or columns about appropriation, retained earnings, unrestricted retained earnings. It is misleading to say that the only information in the summary is the information that there were no dividends declared.

Mr. Gular. Your Honor—

The Presiding Officer. I don't think that was the intention of the question, Attorney Erwin. However, it may nevertheless still be misleading because insofar as that column is concerned, it did not only contain no dividends declared, as the witness clarified yesterday upon the

questioning of the Presiding Officer, he clarified that in the illustration of the Counsel for the Prosecution, *hindi siya lahat* "no dividends declared" *sa kaniyang* summary.

Mr. Gular. Your Honor, I was actually—

The Presiding Officer. *Iyong iba*, "no document submitted."

Mr. Gular. Sorry for interrupting, Your Honor. I was actually going to touch on those two things, Your Honor.

The Presiding Officer. Okay. And then in that case, proceed, Counsel.

Mr. Gular. Yes. So, *ang nakalagay po sa* summary is either "no dividend declared," *tama*?

Mr. Del Rosario. *Tama po.*

Mr. Gular. Or *sa iba naman*, "no information," "no AFS" filed?

Mr. Del Rosario. No AFS *po.*

Mr. Gular. *Tama*, correct?

Mr. Del Rosario. *Opo.*

Mr. Gular. *Pero sa mga* "no dividend declared" specifically *na mga in*-input *ninyo*, am I correct *na walang* qualification *doon* whether the surplus profits of the company already exceeded the paid-in capital? *Walang* qualification?

Mr. Del Rosario. *Wala po.*

Mr. Gular. *Wala ding* qualification *doon sa* summaries *ninyo* whether the annual financial statements of the corporation disclose exceptions under Section 42 to justify non-declaration of dividends?

Mr. Del Rosario. *Wala po.*

Mr. Gular. *Wala po.* In fact, you or the SEC do not have even personal knowledge whether those exceptions were invoked by any of those corporations, *tama po ba*?

Mr. Del Rosario. *Itse*-check *ko lang po ang aking* notes.

Mr. Gular. Please do.

For the record, Your Honor, the witness is checking notes.

May we just request a representative from the Defense to peruse the memorandum or notes being used by the witness?

The Presiding Officer. Similarly, Assisting Counsel for the Prosecution is authorized to assist and view the documents being perused by the witness.

Mr. Del Rosario. *Wala po sa* notes *ko.*

Mr. Gular. Okay. *At wala din po sa dalawang* summaries, *tama po ba*?

Mr. Del Rosario. *Wala po.*

Mr. Gular. *Maraming salamat,* Attorney Del Rosario.

Now, yesterday, during the interjections of some of our good senator-judges, you were also asked about what income the Vice President and Manases R. Carpio could possibly derive from these corporations given the absence of declaration of dividends. *Naalala ninyo iyong* portion *na iyon*?

Mr. Del Rosario. *Opo.*

Mr. Gular. But you confirm that the SEC or the Securities and Exchange Commission has no record or information about the income that the Vice President received during the years that she was a private individual and exercised her profession, *wala naman po tayong* recording *diyan sa* SEC?

Mr. Del Rosario. *Wala po kaming ganoong impormasyon.*

Mr. Gular. And no record as well about the income that was, you know, derived by Attorney Manases R. Carpio in relation to his several years of practice of profession, *tama po ba*?

Mr. Del Rosario. *Wala po.*

Mr. Gular. And you confirm as well that the SEC has no record of the compensation income of the Vice President during the years that she was the Vice Mayor, Mayor and the Vice President or a public officer, *tama*?

Mr. Del Rosario. *Wala po kaming ganoong impormasyon.*

Mr. Gular. *Wala ding* information *iyong* SEC *at hindi po ito iyong opisina ng gobyerno na nagre*-record whether *nakatanggap sila ng mga* inheritance.

Mr. Del Rosario. *Tama po.*

Mr. Gular. *Hindi din sila iyong nagre*-record whether there were sales of properties, real properties specifically.

Mr. Del Rosario. *Tama po.*

Mr. Gular. *At hindi din ito iyong institusyon ng ating gobyerno na nag-a*-appraise *ng mga* value *ng mga lupain na nakadeklara sa mga* SALN or *mga lupain* in general.

Mr. Del Rosario. *Hindi po mandato ng aming tanggapan iyan.*

Mr. Gular. And all it has, specifically relative to the possible income of the Vice President and her spouse are those declarations or non-declarations of dividends which are available in your records, *tama po ba*?

Mr. Del Rosario. *Tama po.*

Mr. Gular. *At iyan lang po iyong kaya ninyong itestigo sa* Impeachment Court *na ito.*

Mr. Del Rosario. *Kung ano lamang po ang laman ng dokumentong ni*-request *sa amin, iyon lang po ang kaya naming sabihin dito.*

Mr. Gular. *Maraming salamat,* Attorney Del Rosario.

Kahapon din, you were asked about circumstances that could possibly justify *bakit po wala iyong pangalan ng Bise Presidente sa mga* general information sheet *na ina*-identify *ninyo.* Specifically, you discussed matters relating to trust agreements. *Naalala ninyo pa po ba iyon*?

Mr. Del Rosario. *Opo.*

Mr. Gular. Now, this was asked in relation specifically to the corporation Gencorp Industries Inc. Could you recall that?

Mr. Del Rosario. Yes, Sir.

Mr. Gular. However, you confirm, Sir, that your mention of a trust agreement yesterday was not based on information available to the SEC?

Mr. Del Rosario. *Tama po.*

Mr. Gular. *Ito lang po iyong opinyon ninyo base sa* experience *ninyo bilang isang empleyado at* officer *sa* SEC *natin, tama*?

Mr. Del Rosario. *Tama po.*

Mr. Gular. You also confirm, sir, that you have no personal knowledge whether there is any trust agreement between the Vice President or any of the registered shareholders in Gencorp Industries Inc. or other corporations, *tama po ba*?

Mr. Del Rosario. *Tama po.*

Mr. Gular. In fact, Sir, you can confirm that trust agreements are generally not required to be submitted with the Securities and Exchange Commission *kasi itong mga* agreements *na ito* between the parties *naman, tama po ba*?

Mr. Del Rosario. *Tama po.*

Mr. Gular. *Pero iyong* exception *dito ay ang mga* voting trust agreements, *tama*?

Mr. Del Rosario. *Tama po.*

Mr. Gular. *Kasi sa ilalim ng ating batas*, Section 58 of the Revised Corporation Code, *kapag may* voting trust agreement, *dapat sinusumite*, specific *po iyong batas natin*, *ang* certified true copy *ng* voting trust agreement *na iyan sa komisyon* or SEC. *Tama po ba? Naalala ninyo iyan*?

Mr. Del Rosario. *Tama po.*

Mr. Gular. And you confirm, Sir, that in the records that you perused and reviewed, for all these corporations including Gencorp Industries Inc. *walang* voting trust agreement *na* CTC *na sinumite sa kumpanya ninyo?*

Mr. Del Rosario. *Wala pong* application on that.

Mr. Gular. So you confirm, Sir, that your testimony relating to trust agreements in general, or that hypothetical scenario, is only based on possibility and speculation. *Tama po ba?*

Mr. Del Rosario. *Iyon po iyong—*

Mr. Matib. Objection. Misleading, Your Honor.

Mr. Gular. I am not—I am asking the witness to confirm whether my statement is correct. I am not saying that statement was misleading or speculation.

Mr. Matib. Your Honor, the witness is not—

The Presiding Officer. Kindly allow Attorney Erwin to state his objection.

Yes, Attorney Erwin.

Mr. Matib. Thank you, Your Honor.

Witness is not speculating, Your Honor. He is testifying on the basis of his more than 30 years of experience with the SEC, Your Honor. He is not merely speculating.

The Presiding Officer. If he knows, Counsel, I'll allow it. I'll allow it.

Mr. Gular. *Maraming salamat.* Thank you, Your Honor.

The Presiding Officer. If the objection is with respect to the word "speculating," then he can—he is a lawyer; he can say whether he is or he is not.

Attorney Del Rosario, kindly answer.

Mr. Del Rosario. *Iyon pong tungkol sa* trust agreement *ay hindi ko naman po pinapatungkol na mayroon itong kumpanya na ito, kundi umiisip lang po, tinatanong ko kung mayroon bang posibilidad na nangyayari ito. Iyon lang po, kuro-kuro ko. Ito po ay posibleng isang ideya.*

Mr. Gular. So, you confirm possibility or *kuro-kuro lang po. Tama?*

Mr. Del Rosario. *Opo.*

Mr. Gular. *Maraming salamat,* Attorney Del Rosario.

Now, Attorney Del Rosario—*sabihin ninyo lang po* if *kailangan ninyong uminom ng tubig.*

Mr. Del Rosario. Okay *na po, nakainom na.*

Mr. Gular. Thank you *po.* Another way also to check if a person's ownership is in a corporation, despite the fact *na hindi siya nag-a-*appear as shareholder, is looking into the Beneficial Ownership Declaration form. *Tama po ba?*

Mr. Del Rosario. *Tama po.*

Mr. Gular. *At noon, sinusumite ito kasama ng* GIS, *at ngayon mayroon na po tayong* HARBOR system. *Tama po ba?*

Mr. Del Rosario. *Tama po.*

Mr. Gular. Now, *noong—sa* summaries *ninyo, wala po tayong nilagay na* any summary in relation to the names or people declared in those Beneficial Ownership Declaration forms. *Tama po ba?*

Mr. Del Rosario. *Wala po akong nilagay. At saka—*

Mr. Gular. Nevertheless, you confirm that Beneficial Ownership Declarations only reveal if there is some sort of beneficial or legal ownership, correct?

Mr. Del Rosario. *Tama po.*

Mr. Gular. *Hindi ito nagre-*reveal *kung mayroon kang* investment *sa korporasyon kasi hindi naman ito* beneficial ownership. *Tama?*

Mr. Del Rosario. *Wala po akong—siguro masasabi kong* incompetent *ako* on that *dahil hindi po dumaraan sa aming—sa aking* department *ang tungkol sa* beneficial ownership form.

Mr. Gular. Okay.

Mr. Del Rosario. *Kaya wala rin po akong nilagay na anumang impormasyon diyan dahil wala po akong* access *sa dokumentong iyan.*

Mr. Gular. It's okay, Attorney, *maraming salamat po* for being candid.

I'll just ask if you are aware, given your position.

Now, are you aware—*dinedeklara ba ang may mga* credits *sa* beneficial ownership form? *Halimbawa, may utang sa iyo iyong korporasyon, kailangan ka bang ilagay ng korporasyon doon?*

Mr. Del Rosario. *Hindi nga—hindi ko nga—*incompetent *po ako diyan dahil hindi ko pa rin po alam kung ano ang mga detalye na nasa* forms *ng* BO Declaration.

Mr. Gular. Okay. My next question is actually, *abogado at* public officer *kayo.* Now, you are aware that under business disclosure requirement of the SALN—*na nagsusumite din po kayo—hindi lang naman limitado sa* shareholdings *ang dapat i-*declare under that disclosure. *Tama po ba?*

Mr. Del Rosario. *Tama po.*

Mr. Gular. In fact, as a public officer and as a prudent public officer at that, you are aware at the latest 2025 Omnibus SALN Rules, specifically Section 62, it describes it and defines it as, I quote, "Nature of business interest or financial connection refers to existing interest or connection in any business enterprise, whether as a proprietor, investor, promoter, partner, shareholder, officer, managing director, executive, creditor, lawyer, legal consultant," and then it goes on and the like. *Tama po ba?*

Mr. Del Rosario. *Opo.*

Mr. Gular. So, *kahit hindi ka* shareholder *sa isang kumpanya, kung mayroon ka nito, itong in-*enumerate and the like, *dapat ideklara pa rin sa* business disclosure?

Mr. Del Rosario. *Kung ikaw po ay may interes sa mga bagay na iyan at alam mong* part *siya ng iyong pag-aari o yaman ay dapat mong ilagay.*

Mr. Gular. *Maraming salamat po.*

*Sunod. Kahapon, tinanong din po kayo—*I just don't recall specifically who—about Section 13, Article VII of the Constitution. You recall that?

Mr. Del Rosario. *Tama po. Naaalala ko po.*

Mr. Gular. Now, pardon if I have to ask this question *po,* Attorney Batu, but this is just for the record. As the—

Mr. Matib. Excuse me, Your Honor, the witness is not Attorney Batu.

Mr. Gular. Pardon, Your Honor.

Mr. Matib. Attorney Batu is done with her testimony.

Mr. Gular. I'm done with Attorney Batu. My apologies.

But I will proceed, Attorney Del Rosario, rather.

As the executive director of the SEC CRMD, it is not your function—

Mr. Del Rosario. Director *lang po.*

Mr. Gular. *Tama ba?*

Mr. Del Rosario. Director *lang po.*

Mr. Gular. Director, sorry. Director—it is not your function, of course, to interpret the Constitution?

Mr. Del Rosario. *Opo.*

Mr. Gular. So, your interpellation or interjection and comments in relation to Section 13, Article VII of the Constitution is based on your own understanding as a lawyer?

Mr. Del Rosario. *Tama po. Iyon po ang aking pagkakaunawa sa probisyon na iyan.*

Mr. Gular. And that was your opinion as a lawyer. *Tama po ba?*

Mr. Del Rosario. *Tama po.*

Mr. Gular. However, you confirm that as a lawyer, Section 13, Article VII of the Constitution, Attorney Del Rosario, uses the term, and I quote, "participate in any business," end of quote. Do you confirm that, Sir? *Naka*-flash *po siya sa* screen.

Mr. Del Rosario. *Iyan po iyong nakalagay.*

Mr. Gular. It does not say, and I quote, "have interest in any business," end of quote. Correct?

Mr. Del Rosario. *Diyan po ako kinorek* (correct) *ni* Presiding Officer *kahapon.*

Mr. Gular. And it does not say, and I quote, "have shares in any corporation," end of quote. *Tama po ba?*

Mr. Del Rosario. *Wala pong sinabi.*

Mr. Gular. Now, yesterday, you also briefly discussed the prohibition against the conflict of interest under Republic Act 6713 or the Code of Conduct and Ethical Standards for Public Officials and Employees. *Naaalala ninyo,* you briefly touched on it?

Mr. Del Rosario. *Wala po akong naaalala sa isyu—sa paksa na iyan.*

Mr. Gular. *Noong tinanong po kayo* whether *may* prohibition *po iyong mga empleyado* to have conflict of interest in businesses. *Hindi ninyo po naaalala?*

Mr. Matib. I believe the question is misleading, Your Honor, because I believe the question was about the Local Government Code pertaining to mayors, governors—

The Presiding Officer. If at all, already answered that the witness does not recall.

Move on, Counsel.

Mr. Gular. Yes, Your Honor. I will move on.

Now, however, as a lawyer and public official yourself, you are aware of 6713?

Mr. Del Rosario. *Opo.*

Mr. Gular. And you are aware, of course, that the phrase "conflict of interest" in that law has a technical definition under our laws. *Tama po ba? Dine-*define *po iyong termino na* "conflict of interest."

Mr. Matib. Your Honor, I'll have to object because as the witness stated, this was not taken up during his direct examination. So, this is irrelevant, Your Honor, and outside the scope already of the direct examination. We should not unnecessarily prolong the cross-examination, Your Honor. He should move on to his next point.

The Presiding Officer. The witness is a lawyer and testified as to matters pertaining to his interpretation of similar provisions. I will allow it. Witness may answer.

If you know, Attorney Del Rosario. *Kung alam ninyo po.*

Mr. Del Rosario. *Maaari po bang pakibasa?*

Mr. Gular. Yes, *papunta*—So *hindi ninyo po mabasa sa* distance *na iyan?*

Mr. Del Rosario. *Hindi po.*

Mr. Gular. Okay. My question is this. Are you aware that under Section 3(i) of R.A. 6713, "Conflict of interest arises when a public official or employee is a member of a board, an officer, or a substantial stockholder of a private corporation or owner or has substantial interest in a business, and the interest of such corporation or business, or his rights or duties therein, may be opposed to or affected by the faithful performance of official duty." Are you aware of that provision?

Mr. Del Rosario. *Tama po iyan.*

Mr. Gular. And it mentions "substantial stockholder of a private corporation," correct?

Mr. Del Rosario. *May binabanggit pong* substantial stockholder.

Mr. Gular. "Or owner or has substantial interest in a business," do you confirm that? Do you see that?

Mr. Del Rosario. *Opo.*

Mr. Gular. Now, in testifying on corporate records today and yesterday, as your position as director of SEC CRMD, you are not competent to determine whether the Vice President has substantial holdings. *Tama po ba?*

Mr. Del Rosario. *Tama po.*

Mr. Gular. You are also not competent to determine whether the Vice President in any of these corporations has substantial interest. *Tama po ba?*

Mr. Del Rosario. *Tama po.*

Mr. Gular. You are limited to what these documents show, correct?

Mr. Del Rosario. *Tama po.*

Mr. Gular. You also have no personal knowledge whether the alleged interest of the Vice President in any of these corporations may be, and I quote, "opposed to or affected by the faithful performance of her duties," end of quote, correct?

Mr. Del Rosario. *Sa dokumento po, wala po.*

Mr. Gular. And there is no prohibition, in fact, for a public officer's spouse to have any interest in a corporation or business. *Tama po ba?*

Mr. Del Rosario. *Wala naman po.*

Mr. Gular. And no prohibition on their spouse to practice their profession. *Tama po ba?*

Mr. Del Rosario. *Tama po.*

Mr. Gular. And no prohibition for businesses that are related to their spouse to have contracts with government agencies. *Tama po ba?* Expressly under the law.

Mr. Matib. Which law, Your Honor? Perhaps the witness should be shown a copy of the law for him to be able to—

Mr. Gular. If he is aware. I am referring to 6713.

Mr. Matib. Which specific part, Your Honor? Because what is being shown is merely Section 9 and letter (i) under that. So he doesn't have a full copy of the law.

The Presiding Officer. Well, if he doesn't, then he may answer accordingly.

Kung hindi ninyo po alam, Attorney Del Rosario, *sabihin ninyo lang po. Okay lang po iyon.*

Mr. Del Rosario. *Puwede po bang i*-flash *iyong* Section 7, Article XIII *ng* Constitution, *sa* second paragraph?

Mr. Gular. I'm referring to 6713 *po*.

Mr. Del Rosario. *Dito po, wala po akong nakikita.*

Mr. Gular. *Wala naman po. Maraming salamat.*

Now let's go to— Yesterday, you were asked also about documents that would possibly show divestment of the Vice President in companies. *Ito po iyong mga dokumento na baka naman makapakita na nag*-divest *iyong* Vice President *sa kompanyang iyan. Naalala ninyo*?

Mr. Del Rosario. *Mayroon po, mayroon pong mga ganyan.*

Mr. Gular. *Nasabi ninyo naman po kahapon.* And you recall that you also mentioned, that in some of the corporation, in the subsequent general information sheets, *hindi na po* reflected as stockholder *si* Vice President.

Mr. Del Rosario. *Mayroon pong ganoong* information.

Mr. Gular. And in other questions by our good Senator-Judges or the Counsel for Prosecution— apologies, I could not remember which one specifically, you were also asked about the fact that in CALE88 Foods Corporation, particularly, in the year 2025, Manases R. Carpio is no longer a stockholder.

Do you confirm that based on your summary or documents?

Mr. Del Rosario. *Sa* CALE88 Foods Corporation, *ano pong taon*?

Mr. Gular. 2025 po.

Mr. Del Rosario. 2025, Manases Carpio does not appear as director, stockholder.

Mr. Gular. *Sa* prior years *nag*-appear *siya kaya may mga tanong diyan, hindi ba*?

Mr. Del Rosario. *Tama po.*

Mr. Gular. Okay. Now, you confirm that ordinarily *po*, Attorney Del Rosario, the SEC does not require the submissions of copies of deed of assignments of shares of stock to support change in the ownership of shares *na nare*-reflect *sa ating* general information sheet.

Mr. Del Rosario. *I*-require *po namin iyan,* generally *hindi. Pero mayroon pong* requirement *iyan kung ito ay pinambayad mo ng* equity, which must be transferred in the name of the corporation.

Mr. Gular. Tama, correct.

And you confirm that even under Securities Exchange Memorandum Circular No. 17, Series of 2004, the SEC no longer recognizes the recording of a deed of assignment of shares of stock with respect to any legal benefit to the corporation or the person involved. *Tama po ba*?

Mr. Del Rosario. *Tama po.*

Mr. Gular. Under that SEC Memorandum Circular, in fact, what controls *po* is the transfer of shares that are recorded by the corporate secretary in the stock and transfer book of the corporation. *Tama po ba*?

Mr. Del Rosario. *Tama po.*

Mr. Gular. And you confirm that the SEC would not have any information, record relating to any registration of deed of assignment of shares of stock in any of the corporations *po na tinalakay ninyo*, since the custody of stock and transfer books or STBs are with the corporation's corporate secretary.

Mr. Del Rosario. *Tama po.*

Mr. Gular. In other words, you are incompetent, Attorney Del Rosario, to testify whether there was divestment, transfer of shares in relation to any of these corporations as appearing in the STB *po*.

As appearing in the STB, that is my question, Your Honor.

Mr. Del Rosario. On the STB *po*, *wala po kaming* access on that.

Mr. Gular. *Maraming salamat.*

Yesterday, you also identified incorporation documents of several corporations that you certified and transmitted to the House of Representatives. Do you recall that?

Mr. Del Rosario. Yes *po, opo.*

Mr. Gular. And by incorporation documents, we are referring to certificates of incorporation, correct?

Mr. Del Rosario. *Tama po.*

Mr. Gular. Articles of incorporation, correct?

Mr. Del Rosario. *Tama po.*

Mr. Gular. Corporate by-laws, *tama po ba*?

Mr. Del Rosario. *Opo.*

Mr. Gular. Now, to name a few, specifically, *ang ina*-identify *ninyo ay sa* Metro City Chow Foods Corp, Madayaw Fisheries Inc, Amianan Shores Inc. *Tama po ba*?

Mr. Del Rosario. *Kasama po iyan.*

Mr. Gular. Now you confirmed that these are in the records of or on file with the SEC because these are documents submitted to the SEC by these corporations in relation to incorporation.

Mr. Del Rosario. *Tama po.*

Mr. Gular. In other words, the documents issued by or *puwede din naman po, ito po iyong mga dokumento na ini*-issue *ng* SEC *kaugnay sa incorporasyon ng isang kompanya kagaya ng* certificate of incorporation, *tama po ba*?

Mr. Del Rosario. *Tama po, iyan po ang ini*-issue *namin.*

Mr. Gular. However, you confirm, Sir, that besides what appears in these documents *po*, the SEC does not have any personal knowledge in relation to agreements between incorporators in relation to the setting up of a corporation.

Mr. Del Rosario. *Wala po kaming kinalaman doon.*

Mr. Gular. You also confirmed that the SEC has no personal knowledge on the intended business operation scale, besides the primary and secondary purpose, if any, declared in the articles of incorporation.

Mr. Del Rosario. *Kung ano lang po ang nasa* articles, *siya po ang pinaniniwalaan naming negosyo.*

Mr. Gular. *Wala din pong* record or information *iyong* Securities and Exchange Commission *natin kung saan nanggaling iyong pera para sa* initial paid-up capital stock of each incorporator. *Tama?*

Mr. Del Rosario. *Wala po.*

Mr. Gular. *Wala din po kayong* personal knowledge or information in relation to the amount as to why there is an initial proportion in the initial subscription of shares for each incorporator. *Bakit po* 25/25/25 or 50/25/25? *Hindi ninyo po alam kung bakit ganiyan iyong* setup?

Mr. Del Rosario. *Hindi po namin alam.*

Mr. Gular. *Ang alam ninyo lang, ni*-report *iyong* corporate stockholding structure, *tama po ba*?

Mr. Del Rosario. *Sinunod po nila iyong patakaran* at that time, *iyong* 25/25.

Mr. Gular. Correct. And *iyong patakaran na iyan, hindi naman po nag-*apply *na ngayon, tama po ba*?

Mr. Del Rosario. *Hindi na po.*

Mr. Gular. Okay. So, to confirm, the SEC has no personal knowledge or information to any incorporation-related transactions assumably or purportedly between these corporations and the Vice President?

Mr. Del Rosario. *Opo.*

Mr. Gular. Similarly, you confirm that the SEC has no personal knowledge or information allegedly of any incorporation-related transaction between these corporations and Manases R. Carpio.

Mr. Del Rosario. *Tama po.*

Mr. Gular. Now, you also testified in relation to general information sheets—in relation to the GIS themselves or the summaries. Do you recall that?

Mr. Del Rosario. *Opo.*

Mr. Gular. You confirm that *ito pong mga* general information sheets, *para lang po maintindihan nating lahat, ito po ay mga* reports *na isinusumite ng* corporation *sa* SEC as required by law, *tama po ba*?

Mr. Del Rosario. *Tama po.*

Mr. Gular. And under Section 177-B of the Revised Corporation Code, this reportorial requirement is imposed upon the corporation. *Tama?*

Mr. Del Rosario. *Tama po.*

Mr. Gular. And you confirm that this statutory obligation is not imposed upon stockholders, directors, or officers of the corporation?

Mr. Del Rosario. *Naka-*impose *po sa* corporate secretary *ng kumpanya.*

Mr. Gular. Correct. The only exception is the corporate secretary who is required to certify and swear under oath the contents of a general information sheet.

Mr. Del Rosario. *Tama po.*

Mr. Gular. But it is not the corporate secretary who is under the law obligated to file a GIS *kasi sa korporasyon naman po iyan.* Clarification *lang po.*

Mr. Del Rosario. Opo.

Mr. Gular. Okay. And you confirm that this is the principle or *ito po iyong* framework *natin kasi may* separate and distinct personality *naman po iyong korporasyon sa mga* stockholders, directors, and officers *natin. Tama po ba*?

Mr. Del Rosario. *Tama po.*

Mr. Gular. And you therefore confirm that the GIS, as viewed under the law, originates from the corporation. *Tama?*

Mr. Del Rosario. *Tama po.*

Mr. Gular. And submitted by the corporation to the SEC. *Tama?*

Mr. Del Rosario. *Tama po.*

Mr. Gular. And in all the GIS you identified yesterday, you confirm that the Vice President was never a corporate secretary.

Mr. Del Rosario. *Opo.*

Mr. Gular. None of these GISes accordingly were sworn upon by the Vice President herself. *Tama po ba*?

Mr. Del Rosario. *Tama po.*

Mr. Gular. And you testified yesterday that a domestic stock corporation is also required to submit GISes on specific periods.

Mr. Del Rosario. *Tama po.*

Mr. Gular. *Isa po dito,* generally, within 30 calendar days from the date of actual stockholders' and—the conduct of the annual stockholders' meeting. *Tama po ba*?

Mr. Del Rosario. *Tama po.*

Mr. Gular. *Iyong iba naman, may mga* specific corporate changes *na,* if I'm not mistaken, within seven days should be reported to the SEC. *Tama po ba*?

Mr. Del Rosario. *Tama po.*

Mr. Gular. Now, you confirm that besides what appears on the face of the general information sheet, the Securities and Exchange Commission *po* does not have any knowledge or information on what actually transpired during a stock corporation's annual stockholders' meeting.

Mr. Del Rosario. *Wala po kaming impormasyon* on that.

Mr. Gular. You also confirm that the SEC has no personal knowledge or information on any stockholder or board of directors' meeting whether it be annual or special or regular. *Tama po*?

Mr. Matib. Objection, Your Honor. The GIS has dates on—about these meetings, so perhaps Defense should specify what kind of information he is asking.

Mr. Gular. Your Honor, I think my question was clear, Your Honor. If the witness knows, Your Honor.

The Presiding Officer. I think he's referring generally, Counsel.

Witness may answer if he knows. *Kung alam ninyo po*, Attorney Del Rosario?

Mr. Del Rosario. *Wala po kaming* personal information *kung ano po ang nangyayari sa kanilang* meeting.

Mr. Gular. Now, you even confirm, Attorney Del Rosario, *na hindi naman nire-*require *iyong mga korporasyon natin na magsumite ng* minutes of the meeting *ng kahit anong* corporate meeting. *Tama po ba*?

Mr. Del Rosario. *Opo.*

Mr. Gular. Now, yesterday, you were made to confirm that based on the summary you prepared, and the corporate documents from 2022 to 2025, specifically declared the Vice President as a member of the Board of Directors of Metro City Chow Foods Corporation. *Naalala ninyo iyon*?

Mr. Del Rosario. *Opo.*

Mr. Gular. Now, you were also made to confirm that the Vice President from 2022 to 2025 is a member of the Compensation Committee as reflected in your summary?

Mr. Del Rosario. *Opo. Iyan po ang nakalagay sa* GIS.

Mr. Gular. However, you confirmed, given your answers to my earlier questions, that the SEC has no personal knowledge whether the Vice President did, in fact, participate or attend in any of the meetings of the Board of Directors in these years?

Mr. Del Rosario. *Tama po.*

Mr. Gular. You also have no—In fact, you do not have any minutes of the meeting of the Board of Directors of Metro City Chow Foods Corporation, whether special, regular, or organizational meeting, which would show that the Vice President participated or attended. *Tama po ba?*

Mr. Del Rosario. *Wala po kaming* information on that.

Mr. Gular. You can also confirm that the SEC has no personal knowledge whether the Vice President did, in fact, participate or attend in any of the meetings of the Compensation Committee of Metro City Chow Foods Corporation in the years 2022 to 2025. Correct?

Mr. Del Rosario. No information *po* on that.

Mr. Gular. In fact, you do not have any minutes of the meeting of the Compensation Committee of Metro City Chow Foods Corporation, which would otherwise show that the Vice President participated or attended its meetings. *Tama po ba?*

Mr. Del Rosario. *Opo.*

Mr. Gular. Further, please confirm that the SEC has no personal knowledge or information whether the Vice President is involved in the day-to-day operations of any of the corporations—16, if I remember correctly.

Mr. Del Rosario. *Wala po akong—wala po kaming ganoong impormasyon.*

Mr. Gular. And you also have no information or personal knowledge whether the Vice President is actively involved in the management or decision-making of any of these 16 corporations?

Mr. Del Rosario. *Wala po kaming ganoong impormasyon.*

Mr. Gular. And the SEC has no personal knowledge or information, based on its records, that the Vice President had any participation in the review, submission of any of the general information sheets, including those submitted by Metro City Chow Foods Corporation?

Mr. Del Rosario. *Wala po kaming ganoong impormasyon.*

Mr. Gular. And the SEC also has no personal knowledge or information whether the Vice President is even aware of the filing of these general information sheets by the corporations. Correct?

Mr. Del Rosario. *Maaari po hindi po niya alam,* but *hindi po siya ang—mayroon pong nag-*file *para sa kumpanya.*

Mr. Gular. *Maraming salamat po,* Attorney Del Rosario. *Puntahan naman po natin iyong mga* audited financial statements. *Kahapon, sa mga* summary *at mga dokumentong ipinakita ng Prosekusyon sa inyo, ipinakita po kayo ng mga* AFS of these corporations, to name a few: City Hall King Chow Foods Corporation, Metro City Chow Foods Corporation, Gencorp Industries, Inc. Do you recall that? *Iyong mga–*usually *nasa likuran sila sa* summary *ninyo.*

Mr. Del Rosario. *Opo.*

Mr. Gular. Now, during your direct examination, you were made to enumerate *ang mga* sales of these corporations as opposed to their net income, retained earnings, deficit, and *sa* last portion *ng* column, dividends declared. *Tama po ba?*

Mr. Del Rosario. *Tama po.*

Mr. Gular. Now, let's clarify. In relation to the audited financial statements of the corporation, you confirm, Sir, that the SEC only reviews submissions of these AFSs for purposes of corporate compliance, completeness, and reporting rules. *Tama po ba?*

Mr. Del Rosario. *Tama po.*

Mr. Gular. But you confirm, Sir, that it is actually the Bureau of Internal Revenue that cross-checks those audited financial statements as against reported tax returns or books of accounts of a corporation. *Tama po ba?*

Mr. Del Rosario. *Opo, sa pagbabayad ng buwis sila.*

Mr. Gular. So you cannot determine whether–you are not competent to testify today whether there are irregularities or misrepresentations in any of the audited financial statements. You can only confirm whether they are filed?

Mr. Del Rosario. *Kung ano po ang naka-*file *sa amin, iyon lang po ang aming pinaniniwalaan at isinabmit (*submit*) dito.*

Mr. Gular. In fact, you are not aware, as a representative of the SEC, whether these audited financial statements you identified today and yesterday by these corporations were even flagged by the Bureau of Internal Revenue in relation to any tax regulation compliance. *Tama?*

Mr. Del Rosario. *Wala po kaming* information on that.

Mr. Gular. Further, you confirm, Sir, that these audited financial statements are financial statements again of the corporation, and not by the stockholders. *Tama?*

Mr. Del Rosario. *Para po sa korporasyon.*

Mr. Gular. Audited financial statement *siya ng korporasyon, hindi ng direktor. Tama?*

Mr. Del Rosario. *Tama po.*

Mr. Gular. Audited financial statement *siya ng korporasyon at hindi ng mga opisyales na nakadeklara sa* GIS. *Tama?*

Mr. Matib. Objection, Your Honor, asked and answered. It's just merely enumerating people. It's the same line of questioning.

Mr. Gular. Your Honor, that would be presumptuous from the Prosecution. I am trying to confirm these from the witness. I am on examination.

The Presiding Officer. It's not the same question, Counsel.

Mr. Gular. Thank you, Your Honor.

The Presiding Officer. Witness may answer.

Mr. Del Rosario. *Tama po.*

Mr. Gular. And again, this follows the principle that a corporation has a separate and distinct personality from its stockholders. Correct?

Mr. Del Rosario. *Tama po.*

Mr. Gular. ... From its directors. Correct?

Mr. Del Rosario. *Tama po.*

Mr. Gular. From its officers. Correct?

Mr. Del Rosario. *Tama po.*

Mr. Gular. Thus, any sale, revenue, or loss indicated in these Audited Financial Statements belong to the corporation, not its stockholders.

Mr. Matib. Asked and answered.

Mr. Gular. That was different, Your Honor. My prior question was, where the AFS come from? I'm referring particularly in the contents of the AFS this time.

The Presiding Officer. It's okay. Witness may answer.

Mr. Del Rosario. *Para po sa kumpanya ito.*

Mr. Gular. So, you also confirm that the income reflected in these Audited Financial Statements *hindi po ito sa Bise Presidente pero sa korporasyon na nag*-report. *Tama?*

Mr. Del Rosario. *Tama po, sa kumpanya.*

Mr. Gular. And you cannot confirm whether based on that net income reported *may natanggap ang Bise Presidente diyan. Tama po ba?*

Mr. Del Rosario. *Tama po.*

Mr. Gular. And similarly, any net losses reflected in an Audited Financial Statement belongs to the corporation and not the stockholder, for example, the Vice President. Correct?

Mr. Del Rosario. *Tama po.*

Mr. Gular. And you confirm that you cannot see whether those net losses as reflected in an Audited Financial Statement is conclusive evidence that the Vice President or any stockholder for that matter incurred losses in relation to his stockholdings or investments. Correct?

Mr. Del Rosario. *Para po sa korporasyon ito.*

Mr. Gular. And you confirm that the SEC has no personal knowledge whether the Vice President participated in the preparation of all the Audited Financial Statements you identified?

Mr. Matib. Asked and answered.

Mr. Gular. Participation, Your Honor, in the preparation—specific.

The Presiding Officer. Witness may answer.

Mr. Del Rosario. *Wala po kaming ganoong impormasyon.*

Mr. Gular. The SEC also has no personal knowledge whether the Vice President or Manases R. Carpio participated in the approval of these Annual Financial Statements by the board of directors?

Mr. Del Rosario. *Wala po kaming ganoong impormasyon.*

Mr. Gular. The SEC also has no personal knowledge or information whether the Vice President or Manases R. Carpio were present in the stockholders when these Audited Financial Statements were presented to the stockholders?

Mr. Del Rosario. *Wala rin po kaming ganoong impormasyon.*

Mr. Gular. And also, the SEC has no personal knowledge whether the Vice President or Manases R. Carpio are aware of the filing of these Audited Financial Statements?

Mr. Del Rosario. *Wala rin po kaming ganoong impormasyon.*

Mr. Gular. No further questions, Your Honor.

REDIRECT EXAMINATION OF THE WITNESS

The Presiding Officer. Any redirect, Attorney Erwin?

Mr. Matib. Redirect, yes, Your Honor.

The Presiding Officer. You may proceed, Sir, when you're ready.

Mr. Matib. Attorney Del Rosario, *kanina, nabanggit na naman po, nabalik sa diskusyon itong* Gencorp Industries Incorporated. *Nabanggit ho na hindi malinaw kung ano iyong* interest *ni* VP Sara *sa kumpanyang ito. Ito po ba ay dahil* confidential *iyong* information?

Mr. Gular. Objection, Your Honor, misleading.

The Presiding Officer. If he knows.

Attorney Del Rosario, if you know.

Mr. Del Rosario. Well, *wala po kasing pangalan si—i-*check *ko lang po iyong* notes *ko.*

The Presiding Officer. Kindly do so, Attorney Del Rosario.

Mr. Del Rosario. *Sa* Gencorp Industries Incorporated *po, wala po kasing pangalan si* VP Sara Duterte from incorporation up to the filing of GIS. *Iyon po ang nakalagay sa aking* summary.

The Presiding Officer. That's the witness' answer, Attorney Erwin.

Mr. Matib. Thank you, Your Honor.

And then *pinakita po sa inyo kanina iyong* Section 62 *tungkol sa pag-*declare *kung ano iyong dapat isama ng isang* government official about, I believe—may we ask the Defense to flash the section again?

Mr. Gular. We can, Your Honor.

Mr. Matib. Thank you.

The Presiding Officer. Thank you for your accommodation, Attorney Justin.

Mr. Gular. May we just request the tech booth to flash it, Your Honor?

The Presiding Officer. Can the tech, please, flash Section 62 of the Omnibus Rules? There you go, Attorney Erwin.

Mr. Matib. There's a subparagraph that was flashed earlier.

Mr. Gular. I think it's the next slide, if I could help the Prosecution.

The Presiding Officer. On conflict of interest, Attorney Erwin. They showed this and another one—

Mr. Matib. Yes, this is the correct slide, Your Honor. Thank you.

So *nakalagay po diyan na obligasyon ng* government official *na ilagay kung ano iyong* nature *ng kaniyang* business interest *o* financial connection *sa kumpanya. Tama po ba?*

Mr. Gular. Objection, misleading, Your Honor. That doesn't appear in the provision. There is no requirement to declare the nature of the business, Your Honor. That's the definition of what a nature of business interest or financial connection is.

The Presiding Officer. It merely defines, Counsel. Go to your question. I think I know where you are getting at, Attorney Erwin.

Mr. Matib. So, *tama po ba na ang* nature *ng* business interest or financial connection *ay,* as stated here, *kung anuman pong iba pang ginawa niya?* So, *hindi lang iyong pagiging* shareholder *ang kasama sa* nature of business interest of financial connection. *Tama po ba?*

Mr. Gular. May we ask that the Prosecutor specifically refer to the particular portion of the provision being asked?

The Presiding Officer. Allow the Chair. Based on this provision, Attorney Del Rosario, can you answer the question of Attorney Erwin?

Gusto n'yo po palakihin natin?

Mr. Del Rosario. *Sige po.*

The Presiding Officer. Kindly zoom it in. May we request the tech to zoom it in, please.

Ang katanungan po yata ay, base po sa probisyong ito, ang depinisyon ng interest *ay hindi lamang bilang* shareholder, *posibleng may ibang kapasidad pa na nakabilang sa nakalista po dito*?

Mr. Del Rosario. *Opo.* Whether as proprietor, investor, promoter, partner, shareholder *po.*

The Presiding Officer. Okay. Attorney Erwin.

Mr. Matib. So, *napakarami po, ano, na maaaring maging* nature *kung anuman iyong* business interest *ng isang tao* in connection with the corporation. *Tama po ba iyon?*

Mr. Del Rosario. *Tama po.*

Mr. Matib. So, *kung sakaling—nakalagay po kasi dito* "creditor." So, *kung nagpautang iyong* government official, *kailangan niyang ideklara?*

Mr. Del Rosario. *Opo. Kung pag-aari po niya, pera niya iyon.*

Mr. Matib. So, part *po siya ng* business interest, and *pati nga po kung siya ay nagsu-*supply *ng* services, *katulad ng* business consultancy or *kung abogado siya at nagsu-*supply *siya ng* legal services *sa kumpanya, ayon dito sa* Section 62?

Mr. Del Rosario. *Ayon po dito.*

Mr. Matib. Okay. *Salamat. Ngayon, balikan natin iyong mga* filing ho *sa* SEC *na nabanggit kanina. Unahin po natin iyong mga* General Information Sheets. *Napansin ko ho kasi na iyong mga* exhibits, *iyong mga* General Information Sheets, *ay notaryado.*

Mr. Del Rosario. *Tama po.*

Mr. Matib. *Ano ho bang ibig sabihin kung iyong isang dokumento ay notaryado?*

Mr. Del Rosario. *Ibig sabihin lang po noon na pinanunumpaan niya ang bawat impormasyon na nakalagay doon ayon sa kaniyang paniniwala at nalalaman.*

Mr. Matib. *At* in other words, *kailangan totoo iyong dapat nasa* GIS. *Tama po ba iyon?*

Mr. Del Rosario. *Dapat po.*

Mr. Matib. *Ano ho ang* consequence *kung hindi man naging totoo iyong mga nakalagay sa* General Information Sheet?

Mr. Del Rosario. *Una po, may probisyon sa amin, sa* RCC, *na iyong* lawfully submitting erroneous documents, reports, violation *po iyan. At pangalawa, iyong* perjury, *kung ikaw ay nagsisinungaling at alam mo namang mali.*

Mr. Matib. So, *mabigat po pala iyong kaparusahan kung hindi pala totoo iyong mga nakalagay sa* General Information Sheet.

Mr. Gular. Objection Your Honor, apologies. Again, with all due respect to the good Counsel for the Prosecutor, he is once again interjecting conclusions.

The Presiding Officer. Move on, Counsel.

Mr. Matib. So, *itong* General Information Sheet, *nabanggit n'yo na ito ay—sino ho ang pumipirma sa* GIS, *ulit?*

Mr. Del Rosario. *Ang* corporate secretary *po.*

Mr. Matib. *Ang* corporate secretary. *At sino po ang nag-a-*appoint *ng* corporate secretary?

Mr. Del Rosario. *Ang* board of directors *po.*

Mr. Matib. *Ang* board of directors. *Tuwing kailan po ina-*appoint *ang* corporate secretary?

Mr. Del Rosario. During the annual meeting *po.*

Mr. Matib. Anytime *po ba puwedeng palitan ang* corporate secretary *ng* board, since *sila naman ang nag-a-*appoint?

Mr. Del Rosario. *'Pag po gusto ng* board, *maaari po nilang gawin iyon.*

Mr. Matib. *Puwedeng palitan?*

Mr. Del Rosario. *Tama po.*

Mr. Matib. *Ano po iyong mga* instances *na puwedeng mapalitan iyong* corporate secretary?

Mr. Del Rosario. *Siguro po isa ang* loss of confidence, *ayaw nila iyong* the way *mag-*report; *iyong* compliance *ng kumpanya, hindi niya nasa-*submit. *Iyan po iyong mga ibang paraan kung bakit papalitan siya.*

Mr. Matib. Uh-huh. *Tingnan nga po natin iyong mga* General Information Sheets *ng* Metro City Chow Foods Corporation.

For the record, we are showing to the witness the copies of the GISs of Metro City Chow Foods Corporation.

The Presiding Officer. Standing authority for Assisting Counsels to approach has been given by the Presiding Pfficer.

Mr. Matib. *Pakisabi po kung sino ang* corporate secretary *ng kumpanyang iyan, base sa unang* GIS.

Mr. Del Rosario. *Sa* GIS *po ng* Metro City Chow Foods Corporation as of—period covered is June 5, 2018, *ang nakapangalan bilang* corporate secretary *po ay* Girlie S. Dela Cruz.

Mr. Matib. Girlie S. Dela Cruz. *Paki-*check *nga po iyong mga sumusunod na* General Information Sheets *kung siya pa rin po ba iyong nakalagay diyan na* corporate secretary?

Mr. Del Rosario. *Sa* May 6, 2019, Metro City Chow Foods Corporation GIS, *sa* Page 11, *mayroon pong* Girlie S. Dela Cruz, corporate secretary of Metro City Chow Foods Corporation.

Mr. Matib. *Pakitingnan na lang ho lahat, lahat-lahatan na, paki-*check *ho kung siya ba sa lahat ng mga* General Information Sheets *para sa mga taong* 2018 *hanggang* 2025?

Mr. Del Rosario. *Lahat po ng* GIS *ay nasa—pinirmahan ni* Girlie Dela Cruz.

Mr. Matib. *Napalitan po ba siya bilang* corporate secretary *para sa mga taong iyan, para sa kumpanyang* Metro City Chow Foods?

Mr. Del Rosario. Well, *ayon po sa dokumento, wala pong pagbabago, maaaring hindi po siya napalitan.*

Mr. Matib. *Hindi siya napalitan.* In fact, *tama ba na,* actually, *si* Girlie Dela Cruz *ay* corporate secretary *din ng iba pang mga kumpanya?*

Mr. Del Rosario. *Siguro po ay* i-check *ko lang po iyong* records *kung—*

Mr. Matib. I think *mayroon po tayong—*or *hindi man* corporate secretary *pero siya ay* incorporator or stockholder *din* based *sa nagawa n'yong* summary on the table pertaining to incorporators, stockholders. *Mayroon po kayong* summary *na* by name? *Pahanap po iyong pangalan ni* Girlie S. Dela Cruz *sa inyong* incorporators declared in the AOI by incorporator, and I think this is on Page 7, 2026. *Andoon na po ba kayo sa* Page 7 of 2026, *sa pangalan ni* Girlie S. Dela Cruz?

Mr. Del Rosario. *Opo, Page 7 of 2026.*

Mr. Matib. So based *po diyan,* incorporator *po siya para sa mga aling kumpanya?*

Mr. Del Rosario. Well, *ayon din po dito, si* Girlie S. Dela Cruz *ay* incorporator *ng* Davao New Royal Taipan Foods Corporation, Gencorp Industries, JTC Group of Companies Philippines, Metro City Chow Foods Corporation, *at* Timesquare Bee Foods Corporation.

Mr. Matib. Okay. So incorporator *din po siya sa limang kumpanyang nabanggit n'yo?*

The Presiding Officer. To clarify, Attorney Del Rosario, *limang kumpanya lang po:* Metro Chow—Metro City Chow, Gencorp, Timesquare Bee Foods, Davao New Royal, and JTC?

Mr. Del Rosario. *Tama po.* Davao New Royal, Gencorp, JTC Group of Companies, Metro City Chow, *at* Timesquare Bee.

The Presiding Officer. *Doon lang po siya* shareholder?

Mr. Del Rosario. Incorporator *po.*

The Presiding Officer. Incorporator. Incorporator *lang po?*

Mr. Del Rosario. *Opo.*

The Presiding Officer. Proceed, Counsel.

Mr. Matib. Yes, Your Honor. *Ngayon, pinag-usapan din ang* articles of incorporation—sorry—*ang* Audited Financial Statements *kanina, na-*bring up *po. Ano po ba ang ibig sabihin kung ang* financial statements *ay* audited?

Mr. Gular. Asking for opinion, Your Honor.

The Presiding Officer. If he knows, Counsel. He receives the submissions. He should know what it means.

Mr. Del Rosario. Well, *ang* Audited Financial Statement *po ay iyong* structured data about financial condition *ng isang korporasyon na kung saan ito ay sinuri pa ng isang* external auditor, *malaman kung ang mga* accounting standards *ay nasunod.*

Mr. Matib. *Kanino po galing iyong* financial information *na nakalagay sa* audited FS?

Mr. Del Rosario. *Nanggaling po sa kumpanya.*

Mr. Matib. And then, *ano po ang gagawin ng* external auditor?

Mr. Del Rosario. Well, *iba-*validate *po niya kung ang mga impormasyon ay* in accordance with the prescribed accounting standards.

Mr. Matib. Okay. *Punta nga tayo sa isang* example *ng* Audited Financial Statement. And particularly, Your Honor, we would like to show Exhibit P-II-2-6-2-h, which is the Audited Financial Statements for the year 2024 for Metro City Chow Food Corporation.

Mr. Del Rosario. *Hawak ko na po.*

Mr. Matib. *Hawak n'yo na. Ngayon puntahan n'yo iyong* Page 4 *ng* Audited Financial Statements. Okay, *nandoon na po ba kayo sa* Page 4?

Mr. Del Rosario. *Nandoon na po.*

Mr. Matib. *Ano iyong* title *ng* document *na lumalabas diyan sa* Page 4?

Mr. Del Rosario. *Ito po iyong* Statement of Management Responsibility for Financial Statements.

Mr. Matib. *Puwede ba nating basahin iyong* first paragraph *ng* statement *na iyan?*

Mr. Del Rosario. *Ayon po dito sa* SMR *ng* Metro City Chow Food Corporation, "The management of Metro City Chow Food Corporation is responsible for the preparation and fair presentation of the financial statement for the years ended December 31, 2024, and 2023, in accordance with the prescribed financial reporting framework indicated therein, and for such internal control as management determines is necessary to enable the preparation of financial statement that are free from material misstatement, whether due to fraud or error."

Mr. Matib. *Sige po. Punta po tayo sa pangatlo na* paragraph. *Anong sinasabi sa linyang iyan?*

Mr. Del Rosario. "The Board of Directors is responsible for overseeing the company's financial reporting process."

Mr. Matib. How about *iyong susunod po na linya? Pakibasa po.*

Mr. Del Rosario. "The Board of Directors reviews and approves the financial statements and submit the same to the stockholders."

Mr. Matib. To the what *po? Ano iyong* last word?

Mr. Del Rosario. Stockholders *po.*

Mr. Matib. Stockholders. *Napansin ko po na notaryado itong* Statement of Management Responsibility. *Tama po ba?*

Mr. Del Rosario. *May notaryo po.*

Mr. Matib. So, sworn statement *din po ito kung ganoon.*

Mr. Del Rosario. *Opo. Iyon po ang nakalagay.*

Mr. Matib. So, *ano po ba itong* Statement of Management Responsibility *at bakit po ito kailangan?*

Mr. Del Rosario. *Isa po ito sa mga* requirement *para tanggapin namin ang* financial statement *ng isang kumpanya. Kasama na rin po rito iyong unang binanggit kahapon* about the stamped *na* receiving *ng* BIR. *Ito po iyong pangalawa na tinitingnan namin na dapat maging parte ng* financial statement *na nagsasabi na ang* accountability *nito ay ang* Board of Trustees or directors.

Mr. Matib. *Ano po ulit? Ang* accountability *ay?*

Mr. Del Rosario. *Ay ang* board of directors *po.*

Mr. Matib. So, *sila po ang* accountable *base dito sa dokumento?*

Mr. Del Rosario. *Opo, base rin po sa nakasulat dito.*

Mr. Matib. Okay.

Ngayon, puntahan natin iyong notes *diyan sa* financial statements *na iyan.* Okay. *Punta tayo sa* Page 13. Page 13, *nandoon po ba kayo,* Note 1, corporate information?

Mr. Del Rosario. *Opo.*

Mr. Matib. *Ayan. Puwede ba nating basahin iyong* second paragraph *ng* Note 1 *na iyan?*

Mr. Del Rosario. *Ayon po sa* second paragraph *nito,* "The accompanying Financial Statements of the company as at and for the years 2024 and 2023 were approved and authorized by its Board of Directors on March 31, 2025."

Mr. Matib. *Ano po ang ibig sabihin niyan?*

Mr. Del Rosario. *Ibig sabihin lang po nito ay iyong* financial statement *na ito ay inaprubahan at in-*authorize *ng* board of directors *sa petsang* March 31, 2025.

Mr. Matib. Thank you.

At ano ho ang interest *ulit o* role *ni* VP Sara *sa* Metro City Chow Foods Corporation?

Mr. Gular. Objection, Your Honor. Asked and answered.

Mr. Matib. Your Honor, this is my first time to—

Mr. Gular. And already answered that he has no personal knowledge.

The Presiding Officer. No, on Metro Chow, based on the documents submitted.

Mr. Matib. Yes, Your Honor.

Mr. Gular. I submit, Your Honor.

The Presiding Officer. Witness may answer.

Mr. Del Rosario. *Ayon po sa* General Information Sheet *ng* Metro City Chow Foods Corporation, from 2018 to 2025, *nag-a-*appear *po na si* VP Sara Duterte *po ay* member of the Board of Directors *at* stakeholder *ng nasabing kumpanya.*

Mr. Matib. Thank you.

At base po sa Section 22 *ng* Revised Corporation Code, *ano po ang sinasabi ng* section *na ito tungkol sa* board of directors?

Mr. Del Rosario. Well, *ang* board of directors *po ang—siya po ang—ang* Section 22 *po is* about—

Mr. Matib. *Maaari ko ba kayong bigyan ng kopya ng* Revised Corporation Code, section—*para mabasa n'yo ang* Section 22.

Mr. Del Rosario. "To exercise corporate powers," *iyan po siguro iyan.*

Mr. Matib. First paragraph lang ho.

The Presiding Officer. For the record, Assisting Counsel is showing Attorney Del Rosario a copy of the Revised Corporation Code, RCC for brevity.

Mr. Del Rosario. Section 22 of the RCC, "The Board of Directors or Trustees of a Corporation; Qualification and Term. — Unless otherwise provided in this Code, the board of directors or trustees shall exercise the corporate powers, conduct all business, and control all properties of the corporation."

Mr. Matib. So, *ano hong ibig sabihin niyang nabasa n'yo?*

Mr. Del Rosario. Well, *ito po iyong* power *ng isang—ng* board of directors to exercise the corporate powers, conduct business, and control all properties of the corporation.

Mr. Matib. So *may kontrol ang* board *sa* properties, *tama po ba?*

Mr. Del Rosario. *Opo.*

Mr. Matib. *Mayroon po ba kayong natanggap—na tinatanong po kanina—na itong mga* GIS or AFS *ay mga* filings *galing sa* corporations, *tama po ba?*

Mr. Del Rosario. *Tama po.*

Mr. Matib. *Nakatanggap po ba kayo* ever *ng* any information *mula sa mga kumpanya,* base *sa mga sinertify* (certify) *n'yo na* documents, *na may mali o may dapat baguhin sa mga naka deklara doon?*

Mr. Del Rosario. With respect *po sa* request for correction, *wala po pero mayroon pong* amendment *sa–hindi ko lang po alam kung dahil sa pagkakamali o mayroon lang po silang i-a-*update.

Mr. Matib. Okay. So that would be all for redirect, Your Honor.

RECROSS-EXAMINATION BY THE COUNSEL FOR THE RESPONDENT

The Presiding Officer. Any recross, Attorney Justin?

Mr. Gular. Sorry, Your Honor, just a few questions. First, *kanina sa* redirect examination, *kinumpirma n'yo na ang* audited financial statement *ay aprubado ng* board of directors. *Tama po ba*?

Mr. Del Rosario. *Ayon po sa nakasulat sa* financial statement *ng kumpanya.*

Mr. Gular. *Pero hindi rin naman kayo* aware whether *nag*-participate *iyong Bise Presidente sa pag-apruba nito*?

Mr. Del Rosario. Well, on personal knowledge *kung mayroong nangyaring ganito, hindi po namin alam,* but we just rely on what is written on the document.

Mr. Gular. In fact, quorum *lang naman po iyong* required *para ma*-approve *iyong* audited financial statement. *Hindi kailangan lahat ng* director. *Tama po ba*?

Mr. Del Rosario. *Depende po sa* provision *nila sa* articles. *Kung kinakailangan ng* higher quorum, then they should respect the higher quorum.

Mr. Gular. Correct

Mr. Del Rosario. *Pero kung* basic *na* basic, it should be majority.

Mr. Gular. *Maraming salamat.*

Now, *puntahan po natin iyong* election *ng* corporate secretary. *Ito po ay ginagawa sa ating* organizational meeting. *Tama po ba*?

Mr. Del Rosario. *Tama po.*

Mr. Gular. *At hindi n'yo rin po alam* whether *nag*-participate *iyong Bise Presidente sa* organizational meeting?

Mr. Del Rosario. *Tama po.*

Mr. Gular. *At puwede naman po na hindi lahat ng mga* stockholder or board of director *mag*-participate *sa mga* annual meetings. *Tama po ba*?

Mr. Del Rosario. *Tama po.*

Mr. Gular. Last question. *Kilala n'yo ba si* Gerlie dela Cruz, personally?

Mr. Del Rosario. *Hindi po.*

Mr. Gular. No further questions.

QUESTIONS OF SENATOR-JUDGE TULFO (E)

Senator-Judge Tulfo (E). Thank you, Mr. Presiding Officer.

Dito po sa ating testigo. Mr. Witness, *itong* JTC Group of Companies, *ito po ba—iyong ibig sabihin po ng* JTC is Jaime Tan Cruz?

Mr. Del Rosario. *Wala pong* disclosure *sa* articles of incorporation under the corporate name *na* JTC stands for Jaime T. Cruz.

Senator-Judge Tulfo (E). Okay. *May mga nakikita po ba kayo diyan sa inyong dokumento po sa* SEC *na* either incorporator or board of director *si* Jaime Tan Cruz *sa* City Hall King Chow Foods Corporation?

Mr. Del Rosario. *Silipin ko lang po sandali iyong aking* notes.

Senator-Judge Tulfo (E). *Sige po.*

Mr. Del Rosario. *Mayroon po.*

Senator-Judge Tulfo (E). All right. *Sa* Metro City Chow Foods Corporation *lumalabas din ba ang pangalan ng* Jaime Tan Cruz?

Mr. Del Rosario. *Lumalabas po iyong pangalan ni* Jaime T. Cruz *sa* Metro City Chow Foods Corporation base *po sa* articles of incorporation bilang–

Senator-Judge Tulfo (E). *Sa* Great Jolly Times Food Corporation, *nandiyan din ba ang pangalan ni* Jaime Tan Cruz?

Mr. Del Rosario. *Nandiyan din po.*

Senator-Judge Tulfo (E). *Sa* Davao New Royal Taipan Foods Corporation, *nandiyan din ba ang pangalan ni* Jaime Tan Cruz?

Mr. Del Rosario. *Nandiyan po.*

Senator-Judge Tulfo (E). *Sa* Davao Emerging Taipans Corporation, *nandiyan din ba ang pangalan niya*?

Mr. Del Rosario. *Nandoon din po.*

Senator-Judge Tulfo (E). *Sa* Davao Bounty Times Food Corporation, *nag-a*-appear *din ba ang pangalan niya diyan*?

Mr. Del Rosario. *Nandoon din po ang pangalan niya.*

Senator-Judge Tulfo (E). Okay. *Dito sa* JCT Group of Companies, *lumalabas ba na* Jaime Tan Cruz *ang* chairman *po nito*?

The Presiding Officer. Assisting Counsel, kindly assist Attorney del Rosario.

Mr. Del Rosario. JTC?

The Presiding Officer. Just to remind Senator-Judge Erwin, the reason why the Witness is having a difficult time is because both JTC and Pikimong Corporations were not subpoenaed by the Court because the name of the Vice President does not appear...

Mr. Del Rosario. Yes, Sir.

The Presiding Officer. ...as one of the shareholders in the GIS of that corporation. As you correctly pointed out, JTC might mean that person that you are mentioning.

Senator-Judge Tulfo (E). Okay. Well, anyway I will move on, Mr. Presiding Officer. Then let me ask our Prosecutor. Maybe he can answer this or any of the members of the Prosecution Team.

Mr. Prosecutor, *ito po bang si* Jaime Tan Cruz, is this the same person *base po sa inyong pag-iimbestiga po dito po sa* House Prosecution, *hindi po ba? Ito po bang* Jaime Tan Cruz *na ito* is the same person *na na*-appoint *po ng dating Pangulong* Duterte as a special envoy to China for trade and investment?

Mr. Matib. Yes, Your Honor. The same name, Your Honor.

Senator-Judge Tulfo (E). Same person.

Mr. Matib. Yes *po. Opo.*

Senator-Judge Tulfo (E). Is he the same person *na in*-offer-*an po ng dating Pangulong* Duterte *na maging* chairman *po ng* PhilHealth *pero tinanggihan niya po?*

Mr. Matib. Yes, Your Honor.

Senator-Judge Tulfo (E). If I'm not mistaken, *tama po ba,* October 2019 *po noong siya po ay na*-appoint *bilang* special envoy to China for trade and investment?

Mr. Matib. I'm not sure about the date, but he was appointed, Your Honor.

Senator-Judge Tulfo (E). And then after that, *tinanggihan niya na po* after his stint as envoy, *in*-offer-*an po siya bilang* chairman *po ng* PhilHealth *pero* he denied or he did not accept?

Mr. Matib. I believe so, Your Honor.

Senator-Judge Tulfo (E). So, this is one and the same person. Is that correct?

Mr. Matib. Yes, Your Honor.

Senator-Judge Tulfo (E). I have no further questions, Mr. Presiding Officer.

QUESTIONS OF SENATOR-JUDGE TULFO (R)

The Presiding Officer. Senator-Judge Raffy Tulfo is recognized for his interjection. You may proceed when you are ready, Sir. You have two minutes.

Senator-Judge Tulfo (R). Mr. Witness. Are you familiar with the Securities Regulation Code R.A. 8799?

Mr. Del Rosario. *Opo.*

Senator-Judge Tulfo (R). Under the Securities Regulation Code, *anong* definition *mo ng* securities? *Anong* definition *ng* securities, doon?

Mr. Del Rosario. *Napakalawak po ng* definition *ng* securities. *Kabilang na rin po diyan iyong mga* securities *po tulad ng* shares of stock *o anumang* intangible *na puwedeng ibigay* as investment. *Isang produkto ng* investment, *maaaring* investment contract, *na*-forms under the ambit of securities *po.*

Senator-Judge Tulfo (R). So, are shares considered as securities?

Mr. Del Rosario. *Tama po.* Securities *po iyan.*

Senator-Judge Tulfo (R). Good. So, therefore ownership of shares are evidence of participation, right?

Mr. Del Rosario. *Tama po.*

Senator-Judge Tulfo (R). Good. So, 1 percent of share or 80 percent of shares, that is all participation regardless of percentage of ownership.

Mr. Del Rosario. *Opo,* it constitutes ownership *po.*

Senator-Judge Tulfo (R). Correct. So *ayon sa* Article VII, Section 13, *bawal sa isang* government official *tulad ng* VP *o Presidente na magkaroon ng* participation in any company.

Mr. Del Rosario. *Ayon po sa nakasaad sa ating Konstitusyon.*

Senator-Judge Tulfo (R). That's violation of the Constitution, right?

Mr. Del Rosario. *Opo.*

Senator-Judge Tulfo (R). Thank you. That's all.

QUESTIONS OF THE SENATE PRESIDENT

The Presiding Officer. Thank you, Senator-Judge Tulfo.

The Senate President is recognized. You have two minutes, Sir. You may proceed when you are ready.

The Senate President. Thank you. Thank you very much, Mr. Presiding Officer. Good morning, Attorney Del Rosario.

Mr. Del Rosario. *Magandang umaga po.*

The Senate President. Good morning *sa aking kababayan na taga*-Valenzuela.

Mr. Del Rosario. *Magandang umaga po.*

The Senate President. Attorney, *tinitingnan ko pa itong* summary *na pinadala n'yo* or *iyong ginawa n'yo. Tama po ba na sa lahat po ng mga* corporations *na may kaugnayan kay* Vice President Sara *at kay* Manases Carpio, *wala pong ni isa na nag*-declare *ng* dividends?

Mr. Del Rosario. *Tama po. Wala pong impormasyon kung nagdeklara sila ng dibidendo.*

The Senate President. Okay. So *ibig sabihin kung mayroong, kung babangga ho namin ito sa* SALN, *hindi ho pwedeng manggaling sa mga* corporations *niya iyong paglaki ng kaniyang* net worth. *Tama po ba? Dahil kung* by process of elimination *titingnan natin iyong mga* corporations, *puwede na nating i-*rule out *iyong* corporations.

Mr. Del Rosario. *Kung ayon po rito at wala po siyang natanggap na benepisyo, iyong dibidendo, ay hindi ko po alam kung mayroon po siyang maidedeklarang kinita* out of these corporations.

The Senate President. Correct. *Puwedeng sa ibang* source.

Mr. Del Rosario. *Maaari po.*

The Senate President. *Hindi lang dito sa* corporations.

Mr. Del Rosario. *Tama po.*

The Senate President. *At tapos tinitingnan ko rin po iyong mga* corporations. *Maliban sa* Gencorp, Davao Emerging Taipans, SGT Fortune Horse, *at saka iyong* Mati Ice Plant, *halos lahat po ay lugi.*

Mr. Del Rosario. *Tama po.*

The Senate President. *Itong–kaso lang itong* Gencorp, *hindi naman po* shareholder on record *si* Vice President Sara?

Mr. Del Rosario. *Tama po, sa* Gencorp.

The Senate President. *So, iyong may koneksiyon lang kay* Attorney Manases *at kay* Vice President Sara, *iyong* Mati Ice Plant, Davao Emerging Taipans, *at* SGT, i*to lang iyong kumita.* The rest, *tinitingnan ko rito sa* summary, *lugi ho siya.*

Mr. Del Rosario. *Tama po.*

The Senate President. And therefore, *hindi ho makaka-*declare *ng* dividends *dahil lugi nga eh.*

Mr. Del Rosario. *Iyon pong mga* deficit *ng* retained earnings *po, hindi po makakapagdeklara ng dibidendo.*

The Senate President. Correct. *Kakain pa nga iyan sa* capital *niya, 'no*?

Mr. Del Rosario. *Tama po.*

The Senate President. *Iyong mga* corporations *na hindi ho nagde-*declare—Ito, I'll jump to another topic. *Iyong mga* corporations *na hindi ho nagpa-*file *ng* GIS, AFS, *iyong* audited financial statements, *hindi n'yo ba pine-*penalize *iyan sa inyong departamento? Dahil importanteng mga* source of information *ito.*

Mr. Del Rosario. *Iyan po ay isang trabaho ng aking departamento, i-*monitor *iyong kanilang* compliance, *na kung saan kung ang korporasyon,* stock *man or* non-stock, *ay hindi nakapagsumite ng nasabing* report, *pinapadalhan po namin sila ng* notice to submit. *At kung hindi po—magpapatuloy na hindi sila mag-*submit *ng* report, *maaari po naming i-*revoke *iyong kanilang* certificate of registration.

The Senate President. *May mga nakita akong* corporations *dito na matagal nang hindi nagsa-*submit. *Mayroon ba kayong pinadalang* letter *sa kanila para i-*compel *silang mag-*submit*? At kung mayroon, anong aksiyon? O kung wala, mayroon ba kayong mga* penalties *na i-*impose *dito sa mga* corporations*?*

Mr. Del Rosario. *Mayroon po.* In fact, *may dala po ako rito, iyong* monitoring sheet about their violations. *Kapag* not filed *po ang* GIS, *pati na rin po ang* financial statement, *mayroon po akong hawak dito. At iyong iba naman po doon sa mga nasabing korporasyon ay na-*revoke *na namin o dili kaya'y nagpa-*dissolve *na sila o nag-*shorten ng corporate term.

The Senate President. *Na-*revoke *na dahil hindi sila nag—ni-*revoke *n'yo?*

Mr. Del Rosario. *Mayroon po. Opo.*

The Senate President. *Aling mga corporations iyong ni-*revoke *ho n'yo,* in particular? In relation to this, *itong mga corporations na pinag-uusapan natin.*

Mr. Del Rosario. *Iyong kasama po sa pangalan ng mga kumpanyang ito, ito pong* CYK&T Davao Corporation, *na-* revoke *po namin ito noon pang* 2018 *dahil hindi po nagsa-*submit *ng* report.

The Senate President. *Ano pa ho?*

Mr. Del Rosario. *Ito pong* SGT Fortune Horse Corporation, *nag-*shorten *na po ito ng* corporate term, *na ang buhay po nila ay hanggang* July 29, 2017 *na lang po. At mayroon pa pong isa, ito pong* 3Kids Trucking Services, Incorporated *na nag-*shorten *din po ng kaniyang* term until July 24, 2017.

The Senate President. So, *itong mga ito, dahil po sa mandato n'yo, ay sila po ay—na-*revoke *na iyong kanilang* incorporation?

Mr. Del Rosario. *Iyong isa po. Iyong dalawa po, sila po mismo ang kusang nag-*file *ng* application to shorten the corporate term.

The Senate President. Okay. So, obviously, *hindi rin ito puwedeng maging* source *noong* income *sa paglaki ng* net worth *ni* VP Sara?

Mr. Del Rosario. *Tama po.*

The Senate President. Right. Thank you, Mr. Presiding Officer.

QUESTIONS OF SENATOR-JUDGE PANGILINAN

Senator-Judge Pangilinan. Thank you very much.

The Presiding Officer. Let's try to wrap up with this Witness before lunch.

Senator-Judge Pangilinan. *Magandang umaga,* Attorney Del Rosario.

Mr. Del Rosario. *Magandang umaga po.*

Senator-Judge Pangilinan. *Tama ba na doon sa* GIS *ng* Gencorp, *ang kumpanyang* JTC Group *ay nasa* list *ng* shareholders?

Mr. Del Rosario. Sir, *ayon po sa* 2025 GIS *ng* Gencorp Industries, Incorporated, *si* JTC Group of Companies *po ay* shareholders *ng nasabing korporasyon.*

Senator-Judge Pangilinan. *At ilang porsyento ng* shares *ang pag-aari ng* JTC Group *sa* Gencorp?

Mr. Del Rosario. *Ayon po rito, mayroon po siyang* 54.99 percent ownership.

Senator-Judge Pangilinan. So, majority *ng* Gencorp is owned by JTC?

Mr. Del Rosario. *Tama po, ayon po dito.*

Senator-Judge Pangilinan. Okay. *Hindi ba may* requirement *ng* disclosure as to *sino talaga ang may kontrol ng* Gencorp *sa* SEC?

Mr. Del Rosario. *Iyon pong impormasyon na iyan ay nakasaad sa aming* BO declaration form.

Senator-Judge Pangilinan. *Ano 'yung* BO?

Mr. Del Rosario. Beneficial ownership declaration.

Senator-Judge Pangilinan. Yes. So, required *iyan?*

Mr. Del Rosario. *Kailangan po.*

Senator-Judge Pangilinan. So, would you have that document, *sino ang* beneficial owner *ng* JTC Corporation?

Mr. Del Rosario. *Gaya po ng nasabi ko, sinusumite po iyan sa* SEC *pero wala po sa aming pangangalaga, sa aking departamento, ang kopya na iyan.*

Senator-Judge Pangilinan. So, in other words, based on the documents, *ang* JTC Corporation *ang* majority stockholder *ng* Gencorp.

Mr. Del Rosario. *Tama po.*

Senator-Judge Pangilinan. *Para lang sa ating mga kababayan, 'pag* majority stockholder *ka ng isang kumpanya, ano ang mga kapangyarihan na mayroon ka, halimbawa, bilang* majority stockholder *ng isang kumpanya*?

Mr. Del Rosario. Well, *mayroon po kayong* guaranteed seat *sa* board.

Senator-Judge Pangilinan. Number one.

Mr. Del Rosario. *Mataas ang iyong dibidendo kung mayroon pong magdedeklara dahil* —

Senator-Judge Pangilinan. Number two.

Mr. Del Rosario. O*po.*

Senator-Judge Pangilinan. What about management decisions or board of directors' decisions as to officers?

Mr. Del Rosario. *Gawa po ng malaking porsyento rin po 'yung* board *na maaari mong ilagay sa* board of directors, *malaking porsyento rin po* about control or decision *ang magagawa mo.*

Senator-Judge Pangilinan. So, *puwede mong tanggalin ang presidente* with 54 percent of the votes or of the shares *at palitan?*

Mr. Del Rosario. *Kung presidente po, opo.*

Senator-Judge Pangilinan. *Puwede rin palitan ang* members of the board?

Mr. Del Rosario. M*ayroon pong* required votes *na* two-thirds.

Senator-Judge Pangilinan. Ah yes, *tama*, two-thirds *pagka* board of directors. *Pero 'yung presidente*, treasurer, *puwede nang* majority *ng*—

Mr. Del Rosario. *Tama po. Ang presidente,* so long *na hindi mo siya tatanggalin* as a member of the board.

Senator-Judge Pangilinan. Yes. So, in other words, JTC *na ang* beneficial owner or *ang* major shareholder *ng* Gencorp, *pwedeng palitan 'yung presidente ng* Gencorp.

Mr. Del Rosario. *Tama po.*

Senator-Judge Pangilinan. Okay. *Hindi ba dapat*—well, I will leave that to the Presiding Officer. But perhaps at this time we should be able to subpoena the records—should we, after the presentation of both the corporate documents and records of JTC. But I will address that, or we will tackle that later on.

The Presiding Officer. The Chair will take it under advisement and shall await action emanating from the Panel of Prosecutors, Senator-Judge Pangilinan.

Senator-Judge Pangilinan. Thank you.

The Presiding Officer. And will act accordingly thereafter.

Senator-Judge Pangilinan. So *kung ang* JTC *ay* stockholder *ng* Gencorp, *kailangan*—Well, yes, just to place it on record, we must know who JTC—who the stockholders are of JTC because they ultimately control or at least through—I mean, Gencorp, *'no?* Okay.

Tama ba na sa Gencorp, stockholder *ang* City Hall—*may mga* officers *at* stockholders *ng* Gencorp *na sila rin ay nasa* City Hall Chow Foods Corporation?

Mr. Del Rosario. *Ayon po sa* GIS *ng* Gencorp, *maging ang* City Chow Food Corporation, *mayroon po silang* common stockholders.

Senator-Judge Pangilinan. Yes, so City Hall King Chow Foods *at* Gencorp. Just to wrap up. *Pati ang* Metro City Chow Foods, *iba pa iyon, mayroon din* stockholder *ang* Gencorp *sa* Metro City Chow Foods.

Mr. Del Rosario. *Sa* Metro City *po mayroon po.*

Senator-Judge Pangilinan. *At mayroon din sa*—okay. So, *'yung dalawang iyon:* City Hall *at* Metro *ay mayroong* shareholders—common shareholders and officers with Gencorp.

Mr. Del Rosario. *Tama po*, City Hall, Metro and—City Hall, Metro, and Gencorp.

Senator-Judge Pangilinan. And Gencorp is majority shareholder is JTC.

Mr. Del Rosario. *Tama po.*

Senator-Judge Pangilinan. Okay. No other questions at this first round. Thank you.

The Presiding Officer. Thank you, Senator-Judge Pangilinan.

Senator-Judge Hontiveros.

QUESTIONS OF SENATOR-JUDGE HONTIVEROS

Senator-Judge Hontiveros. *Salamat po*, Mr. Presiding Officer.

Magandang umaga po muli, Attorney Del Rosario.

Mr. Del Rosario. *Magandang umaga po*, Ma'am.

Senator-Judge Hontiveros. Sir, *ayon po sa mga* records *ng* SEC, *paano n'yo po malalaman kung magkano ang ibinayad ni* VP Duterte *o ng asawa niya para sa mga* shares *sa isang kumpanya*?

Mr. Del Rosario. *Ang impormasyon lamang po na masasabi namin kung magkano ay kung ano ang nakatala sa kaniyang* Articles of Incorporation.

Senator-Judge Hontiveros. So, *malalaman po ng* SEC *iyon doon sa* Articles of Incorporation?

Mr. Del Rosario. *Opo, 'yung* figure *po na nakalagay* as paid-up capital, *iyon po 'yung alam kong parte ng kaniyang ibinayad na* investment.

Senator-Judge Hontiveros. *Sa* paid-up capital—under paid-up capital.

Mr. Del Rosario. *Tama po.*

Senator-Judge Hontiveros. Okay. *Posible po ba na mas malaki ang ibinayad niya o nila kaysa sa* par value *ng* shares *na iyon*?

Mr. Del Rosario. *Nangyayari naman po na mayroong* additional paid-in capital, *pero base po sa dokumentong ito wala naman pong nagpapakita na mayroon siyang* APIC.

Senator-Judge Hontiveros. *Na mayroong?*

Mr. Del Rosario. APIC, *'yung* additional paid-in capital.

Senator-Judge Hontiveros. Okay. So, *hindi n'yo ito makikita kahit saan*?

Mr. Del Rosario. '*Pag hindi—sa* disclosure *po* during incorporation, *dapat po nakasaad na kung mayroon siyang* premium *o* APIC *dahil iyan din po ang basehan kung magkano rin po 'yung dapat bayaran ng kumpanya sa pagpaparehistro ng korporasyon sa amin.*

Senator-Judge Hontiveros. So, *kung hindi po nakalagay 'yung* APIC *o 'yung* premium, *hindi n'yo po makikita?*

Mr. Del Rosario. *Opo.*

Senator-Judge Hontiveros. Okay *po. At kapag naman po may isang* public official *na siya mismo ang nagdeklara sa kaniyang* SALN *na mayroon siyang* interest *sa isang kumpanya pero 'yung pangalan niya ay hindi po nag-a-*appear *doon sa* GIS *bilang* stockholder, *hindi ba iyon* precisely *isang bagay iyon na dapat tingnan o i-*review, *mag-*take action *ang* SEC?

Mr. Del Rosario. *Unang-una po*, Ma'am, *wala po kaming* access on the SALN. Therefore, *hindi po namin alam kung 'yung mga kumpanyang inalis niya roon ay talagang kabilang siya.*

Senator-Judge Hontiveros. So, *paano po ba tinatrato itong ganitong sitwasyon ng inyong ahensiya na wala 'yung pangalan ng isang opisyal bilang* stockholder *sa* GIS *pero napag-aalaman n'yo na siya mismo inilagay 'yung pangalan niya sa* SALN?

Mr. Del Rosario. *Wala po kaming magiging aksiyon diyan gawa po ng base sa* record *namin, hindi naman po talaga siya* stockholder. *Ngayon, kung mayroon po siyang* allegation *sa kaniyang* SALN *na* stockholder *siya nito pero wala siyang* proof on the registration document *sa amin, siguro po ibang ahensiya po siguro ang dapat mag-imbestiga* on that. *Dahil ang mandato lang po namin ay i-*improve *ang* capital market. In fact, *ang mahalaga nga po sa amin ay 'yung* corporate formations *na kaya hinihikayat nga po namin sila na magtayo ng kumpanya sa Pilipinas.*

Senator-Judge Hontiveros. *Ano 'yung ibang ahensiya ang dapat mag-imbestiga kung may ganitong sitwasyon na opisyal mismo magsasabi sa* SALN *niya kahit wala siya doon sa* GIS?

Mr. Del Rosario. *Una po ang* SALN *ay isinusumite po, ang alam ko po, sa* Ombudsman. *Kaya para nga sa akin po, 'yung probisyon sa* Constitution, *sila na rin po siguro ang tumingin dahil 'yung probisyon na po nito, alam ko, hindi naman dapat na ipatupad ng anong ahensiya kundi sarili niya mismo alam niya dapat kung ano 'yung* restriction *sa kaniya, ayon sa pagkakauunawa niya sa* definition *doon sa* Section 7—Article VII, Section 13.

Senator-Judge Hontiveros. *Kung inilagay sa* SALN *kahit wala siya sa* GIS, *maituturing ba iyan na* admission against interest?

Mr. Del Rosario. Admission against interest?

Senator-Judge Hontiveros. *Opo.*

Mr. Del Rosario. *Sa akin po,* interest *nga po iyon eh.*

Senator-Judge Hontiveros. And *ano naman po 'yung ginagawa ng* SEC *para makita kung may* indirect ownership, beneficial ownership, nominee arrangement, intermediary, *o iba pang* layer *ng* corporate ownership *sa mga kumpanya na isinusumite sa inyo sa mga dokumento*?

Mr. Del Rosario. *Iyon nga pong* beneficial ownership form. *Iyon po ang magsisilbing* reporting *sa amin upang malaman kung sino talaga 'yung* ultimate ownership which should be—*na dapat ay* natural person. *At maiwasan din po 'yung mga* corporate layering *at maipakita roon sino ba talaga ang may* control *ng nasabing* shares of stock.

Senator-Judge Hontiveros. So, *doon lamang po sa* beneficial ownership form, *iyon lamang po 'yung magagawa n'yo para makita kung sino talaga ang nagmamay-ari at sino talaga ang nakikinabang sa mga nakadeklara sa mga dokumentong sinusumite sa inyo*?

Mr. Del Rosario. *Tama po*, Ma'am.

Senator-Judge Hontiveros. Okay. So, *baka huli po*, Attorney Del Rosario. *Ano po 'yung* effect *ng isang* undeclared beneficial ownership, *sa pananaw po ng* SEC?

Mr. Del Rosario. Well, *alam ko po ay nire-*review *rin po siya ng aming* enforcement department. *Ibabase po sa mga* submission *nila at aalamin kasi kailangan po talagang i-*submit *iyan.* We require them to submit truthful beneficial ownership declaration. *Kaya po mino-*monitor *din po siya ng aming* enforcement department *kung natugunan po ng kumpanya ang tamang* disclosure.

Kung ano po ang penalty, *medyo hindi ko po kayang sagutin, kung* it will revoke the company or what or *kung mayroon mang* monetary penalty *dahil hindi nga po kami parte noong pagre-*review *niyan.*

Senator-Judge Hontiveros. *Bukod sa* undeclared beneficial ownership, *ano pa po 'yung nire-*review *ninyong* enforcement department *ng* SEC?

Mr. Del Rosario. Well, *ang* enforcement *po* is more on securities violation, investment fraud, investment scam. *Iyon po 'yung iniimbestigahan po tungkol sa mga* violation *ng* Anti-Dummy

Law, *'yung* fictitious *na mga* incorporator, stockholders. *Maging po 'yung ultra vires ay* part *po ng kanilang iniimbestigahan, ultra vires* act.

Senator-Judge Hontiveros. So, *bukod doon sa* undeclared beneficial ownership *at 'yung ilang pang kababanggit n'yo, ano pa sa mga* provisions *ng* Anti-Dummy Law *ang nire*-review *ng inyong* enforcement department?

Mr. Del Rosario. *Nabanggit ko na po yata.*

Senator-Judge Hontiveros. *Kung mayroon pa po?*

Mr. Del Rosario. *Nabanggit ko na po.*

Senator-Judge Aquino. *Nabanggit n'yo na po lahat.* All right.

Maraming salamat po, Attorney Del Rosario.

Mr. Del Rosario. Salamat po.

Senator-Judge Hontiveros. *Salamat po*, Mr. Presiding Officer.

The Presiding Officer. To avail of his second round, may I acknowledge first Senator-Judge Bam Aquino. Thereafter, Senator-Judge Raffy Tulfo.

QUESTIONS OF SENATOR-JUDGE AQUINO

Senator-Judge Aquino. *Magandang araw.*

Thank you, Mr. Presiding Officer. I forgot this is my second round already.

Hindi po ito para kay Attorney Del Rosario. *Gusto ho nating malaman ano ba ang* role *ni* Vice President Sara Duterte *sa* Gencorp. Okay. *Hindi talaga ito malalaman ng ating* witness.

Hindi n'yo ho iyan malalaman, hindi ba?

Mr. Del Rosario. *Tama po.*

Senator-Judge Aquino. Okay. *Ang alam lang natin si* Vice President Sara *mismo 'yung naglagay ng kumpanyang* Gencorp *sa kaniyang* SALN. Is that correct, Attorney Erwin?

Mr. Matib. Yes, Your Honor, for her 2024 and 2025 SALNs.

Senator-Judge Aquino. Okay. Meaning, *ang* Vice President *mismo ang naglagay ng kumpanya sa kanyang* SALN *kaya natin nalaman na mayroon siyang interes. Pero hindi natin alam kung ano mismo iyong interes na iyon*?

Mr. Matib. *Nilagay po sa* SALN *na* "S-H."

Senator-Judge Aquino. "S-H?"

Mr. Matib. "S-H," which presupposes that stockholder *po.*

Senator-Judge Aquino. Okay. *Pero wala siya sa* GIS, correct, *'no*? *Tama ito*, Attorney Del Rosario?

Mr. Del Rosario. *Tama po.*

Senator-Judge Aquino. Okay. So, *sa palagay ko, mayroong* confusion *ngayon, paikot-ikot tayo. Dalawang tao lang 'yung makakaalam kung ano talaga 'yung* role *niya*: *siya mismo*— so let me ask Attorney Justin. Of course, *ikaw na bahala kung alam mo 'tong sagot o kung sasagutin mo*. So, *ang kliyente n'yo, ang* Respondent, *siya mismo 'yung naglagay ng* "Gencorp" *sa kaniyang* SALN. *Ano nga ba ang kaniyang* role *sa* Gencorp?

Mr. Gular. Your Honor, with all due respect, and while I understand where you're coming from, it would be premature for the Defense to discuss those matters...

Senator-Judge Aquino. Okay.

Mr. Gular. ...because, currently, Your Honor, it is the Prosecution's turn.

And may we ask to refer this question to the Presiding Officer since, I believe, the Impeachment Court is a passive body and it should receive evidence at a timely time, at that timely part of the proceedings, which is at this point, Your Honor, premature.

Apologies, Senator-Judge.

Senator-Judge Aquino. Yes, I was expecting that answer, Attorney Justin. *Pero babalikan ko lang 'yung nasabi ng mga amici curiae na,* at the end of the day, *itong Korteng ito* is *sui generis* and we can follow our own path towards truth and fairness. That's why I'm giving you this option.

Mr. Gular. Yes.

Senator-Judge Aquino. But *ang sinasabi mo*, you will probably answer this during your time. So, I respect that.

Mr. Gular. That will be correct.

Senator-Judge Aquino. The other person *na puwedeng magsabi kung ano 'yung* role *ni* Vice President Sara is, of course, Gencorp. *Si* Gencorp *mismo*. So, *sino ba ang presidente ng* Gencorp?

Nasa ano n'yo po ba, Attorney Del Rosario? *Sino po bang* corporate officers *ng* Gencorp? *Sa palagay ko, sila mismo puwedeng magsabi kung ano 'yung* role *ni* Vice President Sara *dito sa* Gencorp. Who are the corporate officers, who are the owners, Attorney Del Rosario?

Mr. Del Rosario. *Ayon po sa* GIS *ng* Gencorp Industries, *ang* president *po ng nasabing korporasyon ay si* Miss—*ay* Kimberly Justine Y. Cruz *ang presidente*; a*ng* treasurer *ay si* Ricci Evette L. Cruz—treasurer; a*t ang* secretary *po nito ay*—corporate secretary *po ay si* Girlie S. dela Cruz.

Senator-Judge Aquino. Okay. So, any of them would be able to tell us *ano ba ang* role *ni* Vice President Sara Duterte *dito* as corporate officers. *Tama po ba*?

Mr. Del Rosario. *Tama po.*

Senator-Judge Aquino. Okay. So, I leave that to the Prosecution. *Kasi ang nais nating malaman, ano ba talaga ang* role *niya dito*. It's possible it could—maybe it could even be her husband. *Hindi natin alam, hindi ba*?

Tama ba, Attorney Erwin? *'Pag naglalagay ka ng* SALN, *posibleng 'yung asawa 'yung nakatukoy sa mga* business interest, correct, *'no*?

Mr. Matib. *Posible po*, or *anak, puwede rin po iyon.*

Senator-Judge Aquino. Okay. So, we don't know. The answer is we don't know and we want to know, we want to find out. So, *sa palagay ko, ito pong* witness *natin, nasagot niya 'yung kaya niyang masagot, pero 'yung ibang mga kasagutan dito, ibang tao na siguro 'yung puwedeng sumagot.*

Iyon lang po, Mr. Presiding Officer. *Maraming salamat.*

The Presiding Officer. Thank you.

With the indulgence of Senator-Judge JV, who's availing of his first round, I believe Senator-Judge Raffy has only one question.

Then, Senator-Judge Raffy.

QUESTIONS OF SENATOR-JUDGE TULFO (R)

Senator-Judge Tulfo (R.). Thank you, Mr. Presiding Officer.

Kahapon po, bilang sagot sa tanong ko, Attorney Gular responded at my question, called for an answer to a hypothetical question. *Tama naman kung tutuusin, kasi hindi naman po sila ang sinasabi kong* "brilliant lawyers" *ni* VP Sara when she ran for Vice President.

Now, *ito ang tanong ko para kay* Attorney Del Rosario. *Para po hindi na maging* hypothetical *ang tanong ko, kung ang isang* public official *ay pasok sa* enumeration *ng*

Article VII, Section 13, *ng* Constitution, automatic *po ba na dapat mag*-divest *ang opisyal base sa regulasyon ng* SEC? *Ang sagot po n'yo kahapon*, "W*alang ganoong regulasyon*, at least at the level of the SEC." *Tama*?

Mr. Del Rosario. *Iyon pong sagot ko* on that *ay kung mayroon kaming* guidelines to report *iyong kung ang opisyales na ito ay magtayo ng kumpanya o maging parte ng kumpanya, wala po kaming* guidelines on that *na dapat namin siyang i*-report *sa* OP, *sa* Senate, *sa* House, *sa* Judiciary, *o sa* Ombudsman to flag *iyong mga tao na iyon. Iyon po iyong wala kaming* guidelines. *Pero kung sa tanong ninyo po ngayon kung dapat po siyang mag*-divest, *malinaw naman po sa batas na mayroong* prohibition *na dapat sana alam niya bilang mataas na opisyal ng gobyerno na pinanumpaan niya noong siya ay nag*-swear to act as President, Vice President, *na iyon ang kaniyang limitasyon. Kaya dapat sana bago siya nanumpa, tinanggal na niya o nag*-divest *na po siya, na nakita naman po natin mayroon ditong* GIS *na kung saan hindi naging parte na si* VP Sara *sa ilang kumpanya noong dumating iyong*—at least 2019 *pa po nga ay hindi na rin nag*-appear *iyong kaniyang pangalan. Siguro iyon po iyong* divestment.

Senator-Judge Tulfo (R). *Maraming salamat po sa inyong kasagutan.*

So *binanggit po ninyo* that the SEC does not proactively flag these cases. *Sino pong ordinarily ang dapat makapansin at mag*-correct *nito kung kailangan ng* correction? *Tama po ba na ang* documents *ay ordinarily* prepared by the corporate secretary?

Mr. Del Rosario. *Tama po. Nangyayari naman po sa amin iyan na mayroong pagkakamali iyong opisyal na nagsumite. Ang* usual *na nangyayari po ay nagpa*-file *sila sa amin ng* petition to amend or to correct *iyong* document. So long *na* within the jurisdiction *ng aming tanggapan iyong* issue of correction, *gagawin po namin, pero iyong pong* correction will entail corporate—*mayroon po nang tinatawag na* intra-corporate controversy, let's say, *tinanggal siya, "Bakit ako tinanggal*?" That's issue of corporate controversy, which we refer the matter to the regular court *po*.

Senator-Judge Tulfo (R). Thank you, Sir.

So, *may ibang* records *pa po ba sa* SEC *na magpapakita kung ang direktor ba ay pumirma ng mga* resolutions, *bumoto* on any corporate decision, or *nag*-participate in management after assuming office? *Kasi gusto lang po naming maging* fair *dito*. We want the Court to decide or come up with legal conclusions based only on the documents and evidence available to us.

Mr. Del Rosario. *Wala po kaming* record unless *mag*-submit *sila dahil ang talagang inaasahan naming isusumite nila sa amin ay iyong* GIS *at* financial statement *lang. Pero on this, wala po kaming makitang* resolution showing *na iyong* participation *niya sa kumpanyang ito na nilagdaan niya, wala po kaming ganoong impormasyon.*

Senator-Judge Tulfo (R). Thank you, Sir. No further questions, Mr. Presiding Officer.

The Presiding Officer. Thank you, Senator-Judge Raffy. Senator-Judge JV, you may proceed when you're ready. You have two minutes, sir.

QUESTIONS OF SENATOR-JUDGE EJERCITO

Senator-Judge Ejercito. Thank you, Mr. Presiding Officer.

Attorney Del Rosario, Director, if a person is a shareholder of a corporation but has never received any dividends from it, does the absence of dividends income, meaning, that he has no participation in the business or no financial interest in the corporation?

Kung ang shareholder *ho ba ay hindi man lang nakatanggap kailanman ng dibidendo, ibig ho bang sabihin wala na siyang partisipasyon o* financial interest *sa korporasyon*?

Mr. Del Rosario. *Habang hawak po niya ang* shares of stock, *siya po ay may interes sa korporasyon. Mayroon man siyang matanggap o walang dibidendo, hindi po iyon basehan para sabihin niya na hindi na siya* stockholder. *Kinakailangang hawak pa rin po niya iyong interes, iyong* shares of stock *para sabihing* shareholder *pa rin siya.*

Senator-Judge Ejercito. *Ang isa pa ho ay* if a person is merely a shareholder of a corporation without taking part in its management—*iyong kaninang sinabi ni* Senator-Judge Tulfo—

operations or business decisions, does the mere continued ownership of shares by itself mean that the person is willfully continuing to engage in the business or corporation? *Kung ang* shareholder *po ba ay hindi man lang nakikilahok sa pamamahala, operasyon, o desisyon ng negosyo, ibig ho sabihin ba ay—nangangahulugan ba na* willfully continue to engage in the business *ng korporasyon pa rin ho siya*?

Mr. Del Rosario. *Tulad po ng sinabi ko, habang hawak mo ang* shares of stock, *kung ang iyong partisipasyon ay* passive, *umaasa ka lang sa dibidendo o wala kang matanggap,* shareholder *pa rin po kayo.*

Senator-Judge Ejercito. *At ang huli po ay gusto ko lang hong liwanagin din iyong kaninang punto po ni* Senator-Judge Hontiveros, *iyong isang* public official *ba, iyong pagkakaroon ba ng* financial interest *ay sapat na po ba na sa* GIS *lamang o kinakailangan sa* SALN *din po para malaman*?

Mr. Del Rosario. Well, *unang-una nga po, ang* information *sa ating* GIS *ay impormasyon na nanggagaling sa korporasyon* through the corporate secretary. *Iyong* SALN *naman po ay personal na ginagawa noong empleyado. Dapat po sana kung ano ang pag-aari niya, kung ano pagkakautang niya ay isaad niya nang tama sa* SALN. *Kasi iyan naman po ang inaasahan, at iyan po ang dahilan kung bakit tayo nagkaroon ng* SALN. *Para maging* transparent *tayo, i-*disclose *natin ang lahat ng yaman natin. Maging ang utang natin, ilagay natin doon.*

Senator-Judge Ejercito. No further questions, Mr. Presiding Officer.

The Presiding Officer. Thank you, Senator-Judge Ejercito.

Just a few interjections from the Chair. We shall be done in a few minutes, and we will be resuming at 1:00 o'clock, after lunch.

INQURIES OF THE PRESIDING OFFICER

The Presiding Officer. Attorney Del Rosario, normal *po ba o kakaiba na walang dinideklarang dibidendo ang mga kumpanyang dumadaan sa inyo, base sa inyong mga dokumentong nare-*receive *mula sa iba't ibang tao?*

Mr. Del Rosario. *Unang-una po, ang talagang basehan kung bakit gustong mag-*invest *ng isang* shareholder is *iyong dibidendo.*

The Presiding Officer. *Hindi po iyan ang tanong ko.*

*Base po ba sa mga nire-*report *sa inyo, sa mga natatanggap ninyong dokumento, normal po ba o kakaiba na walang dinedeklarang dibidendo ang isang kumpanya?*

Mr. Del Rosario. *Sasabihin ko pong kakaiba, dahil mayroon naman po siyang* unrestricted retained earnings.

The Presiding Officer. *Kung mayroong* unrestricted retained earnings?

Mr. Del Rosario. *Opo. At ang binigay naman po ng batas is* word *na* "may."

The Presiding Officer. *Opo.*

Mr. Del Rosario. *Ibig sabihin, diskresyon pa rin ng* board.

The Presiding Officer. So, normal *po siya kung may* unrestricted retained earnings?

Mr. Del Rosario. *Tama po. Dapat po—*

The Presiding Officer. *Hindi po siya* normal, *at bawal siya 'pag wala?*

Mr. Del Rosario. *Tama po.*

The Presiding Officer. So, *ang tanong ko po, hindi pa rin ninyo po nasasagot. Sa mga dokumentong pino-proseso ninyo, sa dinami-dami po niyan, ng opisina ninyo,* normal *po ba o kakaiba ang pagdeklara ng dibidendo, mayroon man o walang* unrestricted retained earnings *ang isang kumpanya? Ano po iyong mas marami, iyong nagdedeklara ng dibidendo o iyong hindi?*

Mr. Del Rosario. *Wala po akong nakitang nagdeklara ng dibidendo.*

The Presiding Officer. *Base sa nire-*report *sa inyo?*

Mr. Del Rosario. *Opo. Sa mga kumpanyang ito, maliban doon sa mga kumpanya na nabanggit po kahapon—*

The Presiding Officer. *Hindi lang po ito, iyong ibang sinusumite sa inyo. Base po sa inyong malawak na karanasan bilang opisyal ng* SEC, normal *po bang nagdedeklara—mas marami po ba ang nagdedeklara ng dibidendo o hindi?*

Mr. Del Rosario. I assume *po na mayroon pong—marami ang nagdedeklara ng dibidendo.*

The Presiding Officer. *Marami rin pong wala?*

Mr. Del Rosario. *Marami rin pong wala.*

The Presiding Officer. *Kung bibigyan ninyo po ng porsyento,* 50-50?

Mr. Del Rosario. *Maaaring ganoon po.*

The Presiding Officer. So, *kalahati, nagdedeklara; kalahati, hindi? At wala naman pong bawal doon.*

Mr. Del Rosario. *Opo, para po sa taong iyon.*

The Presiding Officer. *Opo. Ngayon, ang* executive committee *po ay nilikha ng* board of directors *para kumatawan sa kaniya, hindi po ba?*

Mr. Del Rosario. *Tama po.*

The Presiding Officer. *Mas maliit na* board of directors *po siya, hindi po ba?*

Mr. Del Rosario. *Tama po.*

The Presiding Officer. *Hindi po siya ang nagpapatakbo ng pang-araw-araw na gawain ng kumpanya, o* day-to-day operations, *'ika nga?*

Mr. Del Rosario. *Tama po.*

The Presiding Officer. *Sino po ang gumagawa noon?*

Mr. Del Rosario. *Ng pang-araw-araw?*

The Presiding Officer. *Pang-araw-araw.*

Mr. Del Rosario. *Iyon pong mga opisyal, tulad ng presidente, iyan po.*

The Presiding Officer. Treasurer.

Mr. Del Rosario. Treasurer, secretary, *iyan po ang may—*

The Presiding Officer. CEO, COO?

Mr. Del Rosario. *Opo, tama po.*

The Presiding Officer. *Hindi po ang* stockholder?

Mr. Del Rosario. *Hindi po ang* shareholder.

The Presiding Officer. *Hindi po ang direktor?*

Mr. Del Rosario. *Hindi po ang direktor.*

The Presiding Officer. *Hindi po ang miyembro ng* executive committee?

Mr. Del Rosario. *Hindi po.*

The Presiding Officer. *Maliban na lang kung opisyal din siya* at the same time?

Mr. Del Rosario. *Tama po. Kung ang direktor ay,* at the same time, *presidente,* treasurer, or secretary.

The Presiding Officer. *Susubukan ko pong itulay iyong tinatanong kanina ni* Senator Bam *para sa kaalaman ng* Senator-Judges *at gayundin ng publiko upang hindi tayo mahirapang itahi-tahi ito.*

May I request the Sergeant—the Clerk of Court to kindly furnish the witness with the SALN of VP Sara for 2015, 2016, and 2024. These are, respectively, Exhibit P-II-1-1-g-p-1, Exhibit P-II-1-1-h-p-1, and P-II-1-1-q-p-1.

Nakita ninto na po?

Mr. Del Rosario. *Nakita ko na po.*

The Presiding Officer. *Unahin po natin iyong sa* 2015. *Iyong ikalawa sa huling pahina kung saan nakalagay po iyong* business interest, business financial interests. *Nandoon na po kayo?*

Mr. Del Rosario. *Nandoon na po.*

The Presiding Officer. *Ngayon, binanggit po kanina at napag-usapan, kahit kahapon, iyong* City Hall King Chow Foods Corp *at saka* Metro City Chow Foods Corp.

Mr. Del Rosario. *Tama po.*

The Presiding Officer. Incorporator *o* shareholder *ba si* VP Sara *doon?*

Mr. Del Rosario. City Hall *po, opo.*

The Presiding Officer. Metro Chow?

Mr. Del Rosario. *Sa* Metro Chow *po,* incorporator *din po siya.*

The Presiding Officer. Incorporator *din po siya?*

Mr. Del Rosario. *Tama po.*

The Presiding Officer. *At iyan din po ang nakalagay sa* SALN *niya, tama po?*

Mr. Del Rosario. *Nakalagay din po rito sa kaniyang* SALN *na siya ay* incorporator *at saka* stockholder.

The Presiding Officer. *Ngayon, may tanong po ako. Naka*-slash *po doon sa* SALN *niya iyong dalawang kumpanyang iyan. Kita ninyo po?*

Mr. Del Rosario. *Opo, nakasulat po rito.*

The Presiding Officer. City Hall King Chow Foods Corp/Metro City Chow Foods Corp.

Mr. Del Rosario. *Opo.*

The Presiding Officer. *Kung alam ninyo lang po, bakit po siya naka*-slash? *Anong ibig sabihin niyon?*

Mr. Del Rosario. *Ang unang interpretasyon ko po rito kahit noon pang ito ay ni*-request *sa amin, baka 'kako itong* City Hall *ay dating* Metro Chow. *Pero hindi naman po ganoon.* Kumbaga, former company name *siya.*

The Presiding Officer. *Ibang kompanya po iyong binabanggit ninyo?*

Mr. Del Rosario. *Ngayon po, noong nakita ko nga po ang* record, *magkaibang kompanya ito.*

The Presiding Officer. So *ito ay magkaibang kumpanya?*

Mr. Del Rosario. *Magkaibang kumpanya po.*

The Presiding Officer. *Pangalawa po, iyong* Great Jolly Times Food Corporation *at* Timesquare Bee Foods Corporation, *base po sa inyong* records, shareholder, incorporator *po ba ang* Vice President?

Mr. Del Rosario. *Sa* Great Jolly Times Food Corporation *po, hindi po nag-a*-appear *ang kaniyang pangalan dito.*

The Presiding Officer. *Sa* Timesquare Bee Foods Corporation, *nag-a*-appear *po ba ang pangalan niya?*

Mr. Del Rosario. *Hindi rin po nag-a*-appear *ang pangalan ni* VP Sara *sa* Timesquare Bee Foods Corporation.

The Presiding Officer. *Bilang* incorporator *o* stockholder?

Mr. Del Rosario. *Tama po.*

The Presiding Officer. *Diyan po sa dokumentong hawak ninyo, sa* SALN *niya, nakalagay po ba na* stockholder *at* incorporator *siya?*

Mr. Del Rosario. *Nakalagay po na siya po ay* "Incorporator/Stockholder" *ng* Great Jolly Times Food Corporation *pati ng* Timesquare Bee Foods Corporation.

The Presiding Officer. *Ngayon, dumako po tayo sa* 2024 *na* SALN *niya. Nakalagay po dito, kung papansinin ninyo po, sa ikalawa at sa huling pahina—sa ikalawa bago ang huling pahina, muli, iyong* Gencorp Industries, Incorporated. *Pakibasa nga po iyong* entry *doon sa* name of entity business enterprise.

Mr. Del Rosario. *Sa pangalawang grupo po, mayroong* Gencorp Industries, Incorporated, formerly Timesquare Bee Foods Corporation and Great Jolly Times Food.

The Presiding Officer. *Kung alam ninyo lang po, ano po ang ibig sabihin ng* "formerly," *kung i-*interpret *ninyo po ito bilang opisyal ng* SEC?

Mr. Del Rosario. *Kung makikita ko po ito, iisipin ko na ito iyong dating pangalan ni* Gencorp.

The Presiding Officer. *Subalit base sa inyong* record?

Mr. Del Rosario. *May kaniya-kaniya po siyang* juridical entity and personality.

The Presiding Officer. *Ito po ay tatlong iba't ibang kumpanya.*

Mr. Del Rosario. *Tama po.*

The Presiding Officer. Gencorp *ay ibang kumpanya sa* Times Bee Foods Corp, *sa* Great Jolly Times Food. *Iba-ibang kompanya po ito.*

Mr. Del Rosario. *Tama po, tatlong kumpanyang may kaniya-kaniyang personalidad.*

The Presiding Officer. *Hindi po naunang kumpanya ang* Timesquare Bee Foods *at ang* Great Jolly Times Food *sa* Gencorp?

Mr. Del Rosario. *Wala pong ganoong* record *ang aming opisina.*

The Presiding Officer. *Hindi po sumalin, humalinhin, at pumalit ang* Gencorp *sa dalawang kumpanyang ito?*

Mr. Del Rosario. *Tama po.*

The Presiding Officer. *Base po sa dokumentong hawak ninyo na* SALN *ng Ikalawang Pangulo noong* 2024, *ano po ang interes ng Ikalawang Pangulo dito sa tatlong kumpanyang ito?*

Mr. Del Rosario. *Nakalagay po rito siya ay* stockholder *ng mga kumpanyang ito.*

The Presiding Officer. *Base po sa inyong* record, *siya po ba ay* stockholder *ng tatlong kumpanyang ito?*

Mr. Del Rosario. *Iyong* Gencorp *po, sa pagkakaalala ko po, hindi po nag-a-*appear *ang kaniyang pangalan. Isang* check *pa po.*

The Presiding Officer. *Iyong* Timesquare *po?*

Mr. Del Rosario. *Sa* Timesquare *po, hindi rin po nag-a-*appear *ang kaniyang pangalan bilang* incorporator *o* director *man* from incorporation up to the GIS *noong* 2023.

The Presiding Officer. *Ngayon, bilang opisyal ng* SEC *na matagal na nanunungkulan doon, sa kaalaman ninyo sa* Revised Corporation Code, *bilang opisyal na nagpa-*file *din ng* SALN *at bilang abogado, paano ninyo po pagtutugmain ito, kung nalalaman ninyo, na dineklara niyang* incorporator *at* shareholder *siya sa* SALN *niya pero wala sa dokumento? Ano po ang maaring paliwanag na maaari ninyong ibigay kaugnay nito?*

Mr. Del Rosario. Well, *ang magiging paliwanag ko lang po dito ay maaaring mayroon po siyang* trust agreement *sa mga taong ito para i-*represent *ang kaniyang sarili, gawa po ng nilagay niyang* stockholder *siya, pero sa dokumento ng* SEC *wala naman siyang pangalan bilang* incorporator *o* stockholder.

The Presiding Officer. *Iyon lamang po ba ang paraan para ma-*reconcile *natin iyong dalawang bagay na iyon?*

Mr. Del Rosario. *Maari din po na mayroong kumpanya rito, mayroong isang* corporate shareholder *dito na mayroon siyang* control. *Kaya inisip din niya na kaniya rin iyong kumpanya na iyon.*

The Presiding Officer. Nominee *siya o* beneficial owner *siya.*

Mr. Del Rosario. *Opo.*

The Presiding Officer. So, *matanong ko po. Dito sa* Gencorp, *nabanggit na kanina kung sino iyong mga* shareholders *at kabilang ang* JTC Corp. *Tama po?*

Mr. Del Rosario. *Tama po.*

The Presiding Officer. *Doon sa* Jolly Foods, *puro mga* Cruz *ang* stockholders. *Tama po ba? Doon sa* Jolly Times Food.

Mr. Del Rosario. *Sa* Great Jolly Times Food *po, ang mga apelyidong nakalagay dito ay* Cruz. *Tatlong* Cruz, *isang* Tan, *at isang* Yuste.

The Presiding Officer. *Opo. Tapos sa* Timesquare?

Mr. Del Rosario. *Sa* Timesquare *po, ang mga apelyido rito ay— pangalan pong naka-*appear *dito ay* Ang Hai Peng, Girlie dela Cruz, *at* Richie Yvette Cruz.

The Presiding Officer. So, *posible po isa sa mga ito ay* nominee *o* trustee *po ng Ikalawang Pangulo?*

Mr. Del Rosario. *Maaari po.*

The Presiding Officer. *Dahil siya naman mismo iyong nagdeklara eh.*

Mr. Del Rosario. *Opo.*

The Presiding Officer. *May paglabag po ba kung iyan nga ang katotohanan o wala?*

Mr. Del Rosario. *Mayroon po.*

The Presiding Officer. *Ano po ang paglabag?*

Mr. Del Rosario. *Dahil hindi po tama ang kaniyang* disclosure.

The Presiding Officer. *Hindi po tama ang kaniyang* disclosure *saan po?*

Mr. Del Rosario. *Sa kaniyang mga kumpanya. Sa kumpanyang ito, ibig sabihin, iba pala ang may-ari noong mga kumpanya na hindi nag-a-*appear *ang kaniyang pangalan.*

The Presiding Officer. *Pero kahit hindi naman po siya ang may-ari talaga at* nominee *lamang iyong nakabanggit diyan na* incorporator *o* shareholder, *hindi naman po ilegal iyon per se.*

Mr. Del Rosario. *Hindi po siya ilegal. Una, na-*violate *po niya iyong hindi tamang pag-*disclose *noong impormasyon. Pangalawa.*

The Presiding Officer. *Sino po nag-*violate? *Iyong* shareholder on record *o ang Ikalawang Pangulo? Iyong* shareholder on record. *Hindi siya.*

Mr. Del Rosario. *Opo.*

The Presiding Officer. *Kung may nag-*violate *man, iyong* shareholder on record. *Hindi ang Ikalawang Pangulo.*

Mr. Del Rosario. *Kini-*claim *po kasi niya na siya ang* shareholder although *wala siyang hawak na dokumento* but she is claiming.

The Presiding Officer. So, *sino po nag-*violate *sa punto de vista ng* SEC? *Wala naman nga po siyang ni-*report *doon eh, ni-*record *doon eh, wala naman siyang sinubmit (submit) sa inyo tungkol sa kumpanyang iyon eh.*

Mr. Del Rosario. *Iyong pamunuan po noong korporasyon ang nag-*report.

The Presiding Officer. So, *sila po ang may* liability *kung sakali-sakali.*

Mr. Del Rosario. *Tama po.*

The Presiding Officer. *Hindi po ang Ikalawang Pangulo.*

Mr. Del Rosario. *Tama po.*

The Presiding Officer. *Iyong dineklara niya sa kaniyang* SALN, *kung may* liability *man siya roon, siya iyon sa* SALN *pero hindi doon sa kumpanya na hindi lumalabas iyong kaniyang pangalan.*

Mr. Del Rosario. *Opo. Dahil hindi naman po siya ang gumawa ng* report.

The Presiding Officer. *Dahil hindi po siya nga ang gumawa ng* report *at hindi siya kabilang sa mga* director *doon sa mga kumpanyang iyon.*

Mr. Del Rosario. *Opo. Tama po.*

The Presiding Officer. *Tama po? At wala pong obligasyong isumite sa inyo ang anumang* trust agreement *o* deed of assignment *o* deed of sale *o anumang instrumento kaugnay sa mga* stocks *sa kumpanyang ito.*

Mr. Del Rosario. *Hindi na po namin ni-*require *iyon.*

The Presiding Officer. *Hindi na po?*

Mr. Del Rosario. *Opo.*

The Presiding Officer. *Posibleng mayroon pero wala po kayong kopya kung mayroon man?*

Mr. Del Rosario. *Opo. Tama po.*

QUESTIONS OF SENATOR-JUDGE PANGILINAN

Senator-Judge Pangilinan. Thank you, Presiding Officer.

Just for the second round, *Ginoong* Attorney Del Rosario. *Kayo ang naghanda ng* summary*?*

Mr. Del Rosario. *Tama po.*

Senator-Judge Pangilinan. Okay. *Dito sa* summary, *lahat o* at least from years 2007 *depende sa kumpanya hanggang* 2024, *nilaan ninyo iyong* total sales. *Tama?*

Mr. Del Rosario. *Tama po.*

Senator-Judge Pangilinan. So, from 2007 to 2017 City Hall King Chow about 311 million *ang kaniyang* sales?

Mr. Del Rosario. *Opo, mula po noong nag-*operate *noong* 2007 *hanggang sa...*

Senator-Judge Pangilinan. Yes.

Noong 2017 naman hanggang 2025, *iyong* Metro Chow, *sabi ninyo,* based *sa* sales, 309 million.

Mr. Del Rosario. *Tama po.*

Senator-Judge Pangilinan. *Ang* Great Jolly Times *naman,* from 2007 to 2013, 209 million *ang benta. Tama*?

Mr. Del Rosario. Two hundred nine million four hundred seven *po.*

Senator-Judge Pangilinan. Yes.

At iyong Timesquare Bee Foods, 2013 *hanggang* 2022, 335 million *ang benta.*

Mr. Del Rosario. Timesquare *po ay* 335,087,332. *Tama po.*

Senator-Judge Pangilinan. So *ang* City Hall King Chow, Metro Chow, Great Jolly Times, Timesquare Bee Foods, *ang* total *niya* is about 1.15 billion sales.

Mr. Del Rosario. *Tama po.*

Senator-Judge Pangilinan. Yes. Okay.

At ang Gencorp *naman,* from 2020 *to* 2024, *nakasabi, ang kaniyang* sales *ay* 1.04 billion *sa iyong* summary.

Mr. Del Rosario. *Tama po.*

Senator-Judge Pangilinan. So *ang* total *ng* Gencorp, City Hall King, Metro Chow, Great Jolly Times, Timesquare Bee Foods, from 2007 until 2024, total is about 2.159 billion worth of sales.

Mr. Del Rosario. *Tama po.*

Senator-Judge Pangilinan. And in all those instances, *walang dineklarang dibidendo*?

Mr. Del Rosario. *Wala pong impormasyon* on dividend declaration.

Senator-Judge Pangilinan. Yes.

Iyong sinabi mo kaninang 50-50 *ang nagdedeklara at hindi nagdedeklara ng dibidendo.*

Mr. Del Rosario. *Opo.*

Senator-Judge Pangilinan. *Pero sabi ninyo, para sa taong iyon.*

Mr. Del Rosario. *Opo.*

Senator-Judge Pangilinan. *Pero sa kabuuan na*-experience *ninyo, sa taon-taon, ganoon din,* 50 percent *ang mga nagdedeklara at* 50 percent *ang hindi nagdedeklara*?

Mr. Del Rosario. *Iyon po iyong aking* presumption, *mga* 50-50 *po ang hindi nakapag-deklara.*

Senator-Judge Pangilinan. *Pero dito naman sa itong* 2007 to 2025 *o* 2024 *na hindi nagdedeklara,* is that part of—*Ano iyan, m*ost companies *ganiyan ba? Sa pakiwari mo, na taon-taon,* for several years *na* 2.1 billion *ang* sales?

Mr. Del Rosario. *Kasi po baka mayroon namang proyekto iyong kompanya.*

Senator-Judge Pangilinan. Expansion, *sabi ninyo.*

Mr. Del Rosario. Expansion. *Baka mayroon po siyang utang na kung saan binabawalan siya ng nagpautang na kinakailangan muna—*

Senator-Judge Pangilinan. *May mga nabanggit.*

Mr. Del Rosario. *Opo, iyong mga nabanggit na* exception.

Senator-Judge Pangilinan. So non-declaration does not mean illegal.

Mr. Del Rosario. *Opo.*

Senator-Judge Pangilinan. *Iyon nga lang*, non-declaration means *wala kang kinita, wala kang* income.

Mr. Del Rosario. *Wala pong ipinamahagi.*

Senator-Judge Pangilinan. *Iyong mga* shareholder, *oo.*

Mr. Del Rosario. *Opo, wala pong ipinamahagi sa* shareholders.

Senator-Judge Pangilinan. *Na* income?

Mr. Del Rosario. *Tama po.*

Senator-Judge Pangilinan. Okay.

Now, *siguro sa* Prosecution, just a quick question. *Kasi ang mga pangalan* King Chow—Chow, Jolly Times, Bee. Would you know, *itong* 2.1 billion *na* sales, could this be—*Kasi* restaurants eh, '*di ba*?

Mr. Matib. Yes, Your Honor, *puro* restaurants *po*.

Senator-Judge Pangilinan. *So ano iyan, mga* Jollibee *ba iyan at saka mga* Chowking? *Kasi mukhang iyon ang— May kinalaman sa* Chowking *ba iyan o* Jollibee? Would you know? Only if you know.

Mr. Matib. *Lumalabas po sa isang* financial statement *na in*-identify *kahapon ng* witness, *lumabas po iyong salitang* "Jollibee" for Gencorp Industries.

Senator-Judge Pangilinan. So would you know, only if you know—*ibig sabihin ba, itong mga kumpanya na ito ay may* Jollibee and Chowking franchises? Only if you know based on your—*Kasi kanina, sabi mo iyong* Jaime T. Cruz *ay base sa inyong* research. Would you know?

Mr. Matib. Yes, Your Honor, *may mga* franchises *po*.

Senator-Judge Pangilinan. Would you know how many?

Mr. Matib. I don't have the exact number, Your Honor, *pero* we have—

Senator-Judge Pangilinan. Okay. More than five?

Mr. Matib. More or less.

Senator-Judge Pangilinan. *Kasi* billion *eh*. So I would assume, *maraming* franchises *ito ng* Jollibee *at ng* Chowking *kaya umaabot ng* billion *iyong kanilang* sales over a period of time.

Mr. Matib. Yes, Your Honor.

Senator-Judge Pangilinan. Okay. Thank you for that clarification.

The Presiding Officer. For the information also, Senator-Judge Pangilinan, we have subpoenaed the BIR records of these companies, and through that, through the witness, they will present—that may perhaps be shown.

We shall break for lunch and shall resume at 1:15.

Trial is suspended.

Yes, Atty. Erwin.

Mr. Matib. Sorry, Your Honor, just a quick manifestation. May we ask for the marking of—

The Presiding Officer. Sorry, *nakalimutan kita uli i*-excuse, Attorney, *nangako pa naman ako kanina, buti na lang hindi.*

What do you want, Attorney Erwin?

Mr. Matib. May we ask the witness to give us a copy of his summary, together with the transmittal, so that we'll have this marked as our exhibit, Your Honor. We will be redacting the portions that were disallowed, Your Honor.

The Presiding Officer. Yes, please, the title. Yes, witness is so instructed. And Attorney Del Rosario, forgive me for forgetting again.

Attorney Del Rosario, *maraming salamat po sa inyong panahon.*

Yes, Attorney Justin?

Mr. Gular. Yes, Your Honor, we'd also like to adopt markings on these documents.

The Presiding Officer. Okay, duly noted.

Attorney Del Rosario, *maraming salamat po sa inyong panahon, sa inyong oras, sa muling pagbalik mula kahapon, at sa pagsagot, sa pagtugon sa mga katanungan ng magkabilang partido at ng* Senator-Judges, *at sa inyo pong pasensya.*

You are excused, Sir.

Mr. Del Rosario. *Salamat po.*

The Presiding Officer. And thank you for your time.

SUSPENSION OF TRIAL

With the permission of the Body, the trial was suspended.

It was 12:26 p.m.

RESUMPTION OF TRIAL

At 1:18 p.m., the trial was resumed.

PRESENTATION OF WITNESS FOR THE PROSECUTION

Rep. Terry Ridon presented Mr. Rendell Sopeña of the Philippine Government Electronic Procurement System (PhilGEPS) under the Procurement Service, Department of Budget and Management (PS-DBM), as witness for the Prosecution, and stated that the direct examination would be conducted by lead prosecutor, Representative Luistro.

Attorney Gular stated that his cocounsel, Atty. Roberto "Robie" N. Batungbacal would be the counsel for the Respondent.

The Presiding Officer thereafter directed the Clerk of Court, through the OSAA, to escort Mr. Sopeña to the witness stand and administer the oath.

OFFER OF TESTIMONY BY COUNSEL FOR THE PROSECUTION

Representative Luistro made the following offer of the testimony of Mr. Rendell Sopeña:

Representative Luistro. We are respectfully offering the testimony of Mr. Rendell Sopeña for the following purposes.

Una, ang witness *ay ang* division chief *ng* Electronic Government Procurement Operations Division or EGPOD *sa ilalim ng* Philippine Government Electronic Procurement System Office or PhilGEPS *na nasa ilalim din ng* Procurement Service - Department of Budget and Management.

Pangalawa, upang patunayan na ang witness *ay may sapat na kaalaman sa* procurement *at* PhilGEPS system. *Ipapaliwanag ng testigo ang papel ng* PhilGEPS *bilang* single electronic portal *na nagsisilbing* primary source of information *sa lahat ng* procurement *ng gobyerno upang maisulong ang* transparency, efficiency, *at* competitiveness *sa mga transaksiyon ng pamahalaan.*

Pangatlo, upang patunayan ang integridad, pagpapatunay, at kredibilidad ng mga record *na hawak ng* PhilGEPS *kung saan tutukuyin at ipakikilala ng* witness *ang mga* official documents *na nakuha mula sa* PhilGEPS database *at ipapaliwanag kung paano pormal na nai-*submit, *naitala, at na-*extract *ang mga elektronikong dokumentong ito mula sa* PhilGEPS system.

Pang-apat, upang patunayan ang mga partikular na transaksiyon ng Gencorp Industries, Incorporated. *Kung maaalala natin, itong* Gencorp *ay nabanggit ng Bise Presidente Sara Duterte sa kaniyang* SALN. *Ang sabi ng Bise Presidente,* shareholder *siya ng* Gencorp Industries, Incorporated. *Sa pamamagitan ng testigong ito, patutunayan na ang* Gencorp *ay may mga kontrata sa gobyerno, kabilang dito ang* City Government of Davao. *At sa pamamagitan ng testigong ito, patutunayan na ang mga kontratang ito ay may halagang lampas sa tatlumpong milyong piso.*

Bilang panlima, patutunayan din ng testigo ang iba pang materyal at relevant *na* allegation *sa* Article II *ng* Articles of Impeachment.

That is all for the purposes.

COMMENTS OF THE COUNSEL FOR THE RESPONDENT

Responding to the Presiding Officer's query on whether counsel the Respondent was willing to stipulate on Offer No. 1 of the witness's testimony, Attorney Batungbacal replied in the affirmative but objected to Offer No. 4 on the ground that it contained conclusions of law and fact, and stated that the remaining offers would be subject to cross-examination. The parties stipulated that the witness is the division chief of the Electronic Government Procurement Operations Division (EGPOD) of PhilGEPS under the Procurement Service - Department of Budget and Management (PS-DBM).

Upon perusal of the Pre-Trial Brief and Pre-Trial Order, Attorney Batungbacal observed that the documents which Mr. Sopeña was expected to identify and authenticate were neither listed nor reserved therein. He thus manifested that the Defense would proceed with the cross-examination without waiving its right to raise objection at the proper time.

Taking note of the the manifestation, the Presiding Officer confirmed that the Court had likewise does not have copies of duly marked exhibits.

Attorney Batungbacal reserved the Counsel for Respondent's right to defer the cross-examination to allow sufficient time to study the documents. The Presiding Officer granted the request.

MANIFESTATION OF COUNSEL FOR THE PROSECUTION

Representative Luistro noted the Prosecution's reservation made during the filing of its Pre-Trial Brief, which was carried over into the Pre-Trial Order issued by the Impeachment Court. The Presiding Officer confirmed the said reservation.

DIRECT EXAMINATION OF THE WITNESS

Representative Luistro conducted the following direct examination of the witness:

Representative Luistro. Mr. Witness, *kumusta po kayo*?

Mr. Sopeña. *Maayos naman po*, Ma'am.

Representative Luistro. *Nakakain po kayo ng tanghalian*?

Mr. Sopeña. *Hindi po eh.*

Representative Luistro. I hope you will be relaxed, '*no*? *Parang nagkukuwentuhan lang po tayo.*

Mr. Sopeña. Yes, Ma'am.

Representative Luistro. *Pakisabi po*, Mr. Witness, *ang inyong pangalan at iba pang pagkakakilanlan.*

Mr. Sopeña. Rendell Sopeña *po*, division chief of the Electronic Government Procurement Operations Division of PhilGEPS office under the Procurement Service-Department of Budget and Management, Ma'am.

Representative Luistro. *Binanggit po ninyo itong* Electronic Government Procurement Operations Division. *Ano po ito*, Mr. Witness?

Mr. Sopeña. *Ito po ang dibisyon* (division) under the PhilGEPS office who is the sole custody of the PhilGEPS system database, and the division is the one who also processes the procurement request coming from internal and external stakeholders *po*, Ma'am.

Representative Luistro. *At gaano na po katagal kayo bilang* division chief *nitong binanggit ninyo na* Electronic Government Procurement Operations Division?

Mr. Sopeña. *Nagsimula po ako noong* March 17, 2025 *po*, Ma'am.

Representative Luistro. Your Honor, for brevity, please allow this representation to use EGPOD.

Prior to your position as division chief in EGPOD, *ano pa po ang inyong naging trabaho o posisyon bago itong* EGPOD, *kung mayroon man*?

Mr. Sopeña. Before joining *po* PS-DBM under the EGPOD *po*, I am the Information Technology Officer II of AFP-RSBS *po*.

Representative Luistro. *Nabanggit po ninyo*, Mr. Witness, *itong* AFP-RSBS. *Ano po ito*, Mr. Witness?

Mr. Sopeña. AFP-RSBS *po* is Armed Forces of the Philippines Retirement Separation Benefits System, Ma'am.

Representative Luistro. *Maraming salamat po sa inyong pagbabahagi ng inyong mga naging at kasalukuyang trabaho.*

Mr. Witness, *kanina ay binanggit mo iyong* EGPOD. *Ano po ba ang mga* functions *nitong tanggapang ito bilang kayo po ang* division chief?

Mr. Sopeña. *Bilang* division chief *po ng* EGPOD, *ako po iyong buong namamahala ng* EGPOD, and I'm the overall custodian *po ng* PhilGEPS system database. In line with this *po*, *ako po iyong nag-i*-issue *ng* certifications coming from the request of internals and *iyong mga* subpoena and request letters *na natatanggap po ng* PhilGEPS office.

Representative Luistro. *Ibinahagi po ninyo ang* functions *ng* EGPOD. *Ano naman po ang inyong mga* responsibilities *bilang* division chief *ng nasabing tanggapan*?

Mr. Sopeña. *Isa po sa pinaka*-function *ng* division chief *po* is to validate *iyong mga* data *na nire*-request and issue certifications *po* in line with the received subpoenas and request *po na mga* procurement data.

Representative Luistro. *Kanina po,* Mr. Witness, *may binanggit kayo na* PhilGEPS. *Bilang* division chief, *ano ho bang inyong nalalaman sa mandato ng* PhilGEPS?

Mr. Sopeña. *Ang* PhilGEPS *po,* under the Procurement Law, the PhilGEPS system *po* is aiming to promote transparency, efficiency, and the utilization of a single electronic portal, which all procurement activities will be recorded, *at dito po iyong ire*-record *ng lahat ng mga* government agencies *ang kanilang mga aktibidades po* for the procurement.

Representative Luistro. *Binanggit din po ninyo iyong* single electronic portal. *Ano po ito*, Mr. Witness?

Mr. Sopeña. *Ang* single electronic portal *po* is, technically, *isang* system or a centralized system *po* of procurement *na gagamitin po ng lahat ng mga ahensya ng mga* GOCCs, LGU, *hanggang* barangay level up to SK and *mga* NGA, and including *po rito iyong mga* SUCs *natin na ang mga* procurement activities *po nila ay dapat po nilang nire*-record *po dito sa naturang* portal *po*.

Representative Luistro. *May binanggit po kayo na* agency *kasama dito sa mga gumagamit ng* single electronic portal. *Ano hong partikular na mga* branches *ng* agencies *ang inyong tinutukoy*?

Mr. Sopeña. Based *po sa*—as indicated, all government agencies. For LGUs *po, lahat po dapat*—Executive branch up to the Judiciary. *Lahat.* Technically *po, dapat lahat po ng* government agencies, Ma'am.

Representative Luistro. *Binanggit po ninyo ang* Executive *hanggang 'kanyo sa* barangay level; *binanggit ninyo rin po ang* Judiciary. *Paano po kaya ang Kongreso*?

Mr. Sopeña. *Kasama rin po,* Ma'am.

Representative Luistro. Mr. Witness, *bilang* division chief *pa rin ng* EGPOD, *ano po ang pangkaraniwan na* modes of procurement *na nae*-encounter *ninyo dito sa* PhilGEPS system?

Mr. Sopeña. *Ang kadalasan po naming napapansin* based *po sa taunang pagpe*-prepare *po ng* division *namin ng mga* statistical bulletin, which is publicly *po pino*-post *namin ito sa* PhilGEPS website through the open data portal—*makikita po ito—ang* statistical bulletin *po na ito ay nagpapakita na ang pinaka-ginagamit po na* modes of procurement of the government are the small value procurement and the competitive bidding *po.*

Representative Luistro. *Binanggit ninyo,* Mr. Witness, *iyong* competitive bidding. *Ano-ano naman po ang mga* technical documents *na nae*-encounter *ninyo pa rin dito sa* PhilGEPS system *kaugnay ng* mode of procurement *kung tawagin, ayon sa inyo,* "competitive bidding"?

Mr. Sopeña. For the competitive bidding, Ma'am, *ang* technical documents that are required are the invitation to bid, bid documents, supplemental bid notice, if any corrections. *Kailangan rin po ng* notice of award, notice to proceed, BAC resolution, contracts, and memorandum *po.*

Representative Luistro. *Kanina po binanggit ninyo din kasama doon sa mga karaniwang* mode of procurement *ang* "small value procurement." *Ano-ano naman po ang mga* technical documents *na nae*-encounter *ninyo sa* PhilGEPS system *kaugnay ng* small value procurement?

Mr. Sopeña. For small value procurement *po, ang mga* technical documents are the request for quotation, purchase order, abstract of quotation, same *po iyong* notice of award, notice to proceed, BAC resolution *po.*

Representative Luistro. *At bilang panghuli,* Mr. Witness, *sa puntong ito, bilang* Division Chief, *pakipaliwanag po sa kagalang-galang na* Impeachment Court, *paano ho ba ang* actual operation *ng* PhilGEPS as a system?

Mr. Sopeña. As a system *po, ang unang kailangan pong gawin ng mga* procuring entities or *mga* government agencies is to register *po sa* PhilGEPS system. Upon registering, the procuring entity can create *po iyong mga* procurement activity *nila to* post *sa* system. *Iyong* first step *na kailangan po nilang gawin* is to create a bid notice.

So, *iyong* bid notice *po* is the publication of the procurement activity. So, *parang* similar *siya* with *mga pino*-post *sa diyaryo na mga nasa* classified ads *na mas madaling makita ng publiko.* So, *ang* bid notice *po* is an electronic form of posting *ng* procurement activity, *kung saan po ay ie*-encode *po ng* procuring entity *iyong mga* activity details and *mag-a*-attach *po ng mga* attachment. And upon creation of the bid notice, this will be viewable *po* by all public and mostly *mga* merchants *na interesado pong sumali sa mga* procurement activities *ng gobyerno.*

So, if a merchant is willing *po sila* to join the activity, they should also be registered *sa* system *natin.* And upon registration, *doon lang po mada*-download *ng mga* merchants *na ito.* Or upon registering, *pag naka*-access *na po sila sa* system, they would have an access *po para ma*-download *iyong mga* documents attached *sa* bid notice *na pinost* (post) *ng* procuring entity.

And upon submission *po ng mga* merchants, *mga* interested merchants *sa* procurement *po, magsa*-submit *po sila ng mga kaukulang dokumento patungkol po doon sa* activity *na ito.* And once the procurement activity is fully conducted by the procuring entity, *ang lahat po ng mga* documents, related documents, such as *iyong mga* BAC resolution, notice of award, *iyong mga* technical documents *po na nabanggit kanina,* to close the created bid, *magki*-create *po uli ang* government agencies, which is the main, to create and to close *po iyong* bid notice.

So, upon creation *po ng* award notice *naman, lahat po ng mga dokumento* pertains to the conducted procurement activity *ay kailangan po nilang i*-upload *sa* system *para po ma*-fully closed *iyong ginawa nilang* bid notice.

So, to highlight, *ang* responsibility *po ng pag*-upload and *ng pag*-encode *po ng mga tamang* information *sa* system is *nakalaan po mismo sa* agency. *Sila po iyong mismong may responsibilidad po na gawin iyong mga proseso na ito ayon sa* Procurement Law. And once those processes are completed *na po, lahat ng proseso po na ito, dito po iyon nanggagaling, lahat ng mga* procurement information *na naiipon po sa isang* database or *iyong* repository of procurement data, wherein *ang* EGPOD *po, lahat ng nasabi ko po kanina, iyong mga* request *ng* procurement data, *dito po sa* repository of database *namin nae*-extract *or nakukuha.*

Representative Luistro. For the benefit of the viewing public, Mr. Witness, *sino po iyong* procuring entity *na binanggit ninyo?*

Mr. Sopeña. *Ang* procuring entity *po ay ang mga gobyernong ahensiya*—government agencies *po.*

Representative Luistro. *Sino naman po iyong* merchants?

Mr. Sopeña. Merchants are *mga* corporation suppliers, such as, *kung* interested to join—suppliers, *kunwari po,* IT *po ang pino*-procure, *so iyong mga* IT related companies *na* registered *po sa* PhilGEPS.

Representative Luistro. *Ano po ang dahilan at inihalintulad ninyo itong* PhilGEPS system *sa isang* classified ads?

Mr. Sopeña. *Inihalintulad ko po siya parang sa* classified *kasi* the main purpose *po* for the information *po para* wider reach *po iyong* information *ng* activities, *marami pong maimbitahan na mga* interested merchants to join the activity for a fair competition *po ng* public bidding.

Representative Luistro. *At bilang panghuli,* Mr. Witness, *anong ibig sabihin* mo by "repository"? *Bakit* mo *tinatawag itong* PhilGEPS system *na isang* "repository"?

Mr. Sopeña. Through the PhilGEPS system, Ma'am, *dito po kasi nanggagaling ang mga* procurement data. As the main mandate *po ng* PhilGEPS is we are the repository of the procurement data. So, *lahat po ng pinapasok ng mga* government agencies *na* information pertaining to procurement data is collected to this procurement data repository.

Representative Luistro. Mr. Witness, *maraming salamat sa iyong pagbabahagi patungkol sa* actual operation *ng* PhilGEPS as a system. *Dadako na tayo sa susunod.*

Naririto ka dahil sa subpoena *na nai*-issue *ng kagalang-galang na* Impeachment Court. *Ito ba ay kinukumpirma mo*?

Mr. Sopeña. *Opo,* Ma'am.

Representative Luistro. *At ano ang nilalaman ng* subpoena *na nai*-issue *ng kagalang-galang na* Impeachment Court?

Mr. Sopeña. *Ang nilalaman* po *ng* subpoena is to appear today from 21 to 23. Also included *sa* subpoena is to provide procurement documents in relation to the merchant name Gen Corporation Industry Inc. *po.*

Representative Luistro. For purposes of the record, can you say it clearly? What is the name of the company?

Mr. Sopeña. Gencorp Industry Inc. *po.*

Representative Luistro. Gencorp Industries Inc. *Tama po ba*, Mr. Witness?

Mr. Sopeña. Yes po, Gencorp Industries Inc.

Representative Luistro. *Pagkatapos po ninyong matanggap itong* subpoena *pong ito, ano po ang inyong ginawa kaugnay ng* Impeachment Trial *na ito*?

Mr. Sopeña. Upon receiving *po*, we processed *iyong*—we searched the repository of procurement database based on the requested merchant name, which is Gencorp Industries, Inc. And upon search *po na ginawa namin sa* procurement database, it resulted in [to] 49 awarded contracts to Gencorp [Gen Corporation].

Representative Luistro. *Binanggit po ninyo na sa inyong pagse*-search *ay nakita ninyo ang* 49 awarded contracts *sa* Gencorp Industries, Inc.

Sino-sino po ang procuring entity?

Mr. Sopeña. The composition of the 49 awarded contracts are OWWA—*mayroon pong isang* contract *na na*-award *sa* OWWA; *mayroon pong* 33 contracts awarded to PhilHealth Region XI; and OWWA is Region XI also; and 15 awarded contracts to the City of Davao.

Representative Luistro. *Bukod po sa* 49 awarded contracts *sa* Gencorp *na inyong nakita sa inyong pagse*-search, *ano pa pong dokumento kung mayroon man ang inyong nakita*?

INQUIRY OF THE PRESIDING OFFICER

The Presiding Officer. With your indulgence, Counsel.

Mr. Sopeña.

Mr. Sopeña. Yes, Your Honor.

The Presiding Officer. Awarded to or awarded by?

Mr. Sopeña. Awarded to *po, sa* merchant.

The Presiding Officer. No, you said, "awarded to City of Davao," "awarded to OWWA," "awarded to PhilHealth."

Mr. Sopeña. Ah, yes *po*, the procuring entity *po*, Your Honor.

The Presiding Officer. So, "awarded by OWWA"?

Mr. Sopeña. Correct *po*, awarded by the procuring entity to the merchants.

The Presiding Officer. Exactly.

Mr. Sopeña. Yes *po*. Thank you, Your Honor.

The Presiding Officer. So, it's awarded by the entities you mentioned: OWWA, PhilHealth, and the City of Davao.

Mr. Sopeña. Yes. Thank you for the correction, Your Honor.

Representative Luistro. Thank you, Your Honor, for the clarification.

The Presiding Officer. Proceed, the Honorable Luistro.

DIRECT EXAMINATION OF THE WITNESS
(*Continuation*)

Representative Luistro. I will repeat the question. *Bukod sa* 49 contracts *kung saan sinabi mo ang mga* procuring entity *ang nag-award ay ang* OWWA Region XI, PhilHealth Region XI, *at* City of Davao LGU, *ano pa ang mga dokumentong iyong nakita, kung mayroon pa*?

Mr. Sopeña. As mentioned earlier *po*, the procuring entity's responsibility includes the uploading of the procurement-related documents. So, *mayroon po kaming mga na*-download *na mga* related documents pertaining to the 49 awarded contracts *po,* Ma'am.

Representative Luistro. *Ilan po,* Mr. Witness, *itong tinutukoy ninyo na* related documents to 49 awarded contracts to Gencorp Industries, Inc.?

Mr. Sopeña. We extracted a total number of 231 documents *po,* Ma'am.

Representative Luistro. *At kung itatanong ko sa iyo ang kabuuang dami ng* pages, *ito ba ay masasabi mo din*?

Mr. Sopeña. Yes, Ma'am. Upon—

Representative Luistro. Forty-nine contracts, 231 documents.

May I ask, Mr. Witness, *ilan ang kabuuang dami ng pahina ng mga dokumentong ito*?

Mr. Sopeña. Upon scanning *po*, so we took note of the count of the scanner. The total page of the 231 documents totaled to 481 or 484 *po*, if I am not mistaken, Ma'am.

Representative Luistro. And this includes already the 49 contracts?

MANIFESTATION OF THE COUNSEL FOR THE RESPONDENT

Attorney Batungbacal manifested that Mr. Sopeña appeared to have notes to which he was referring and asked about the nature of the same.

Mr. Sopeña explained that the papers referred to were merely copies of the documents and not notes. The Presiding Officer reminded him to seek the permission of the Court before referring to any document to which the latter agreed.

DIRECT EXAMINATION OF THE WITNESS
(*Continuation*)

Representative Luistro. *Binanggit mo na* 484 *ang kabuuang dami ng pahina ng lahat ng dokumentong ito. Kinukumpirma mo ba ito*?

Mr. Sopeña. Yes, Ma'am.

Representative Luistro. And that includes the 49 contracts already?

Mr. Sopeña. Yes *po*, the composition of the 49.

Representative Luistro. Thank you. *Pagkatapos mong makita, ma*-search *ang* 49 contracts, 231 documents, *may kabuuang* 484 pages, *ano ang sunod mong ginawa kung mayroon man*?

Mr. Sopeña. After printing *po ng lahat ng mga* documents *po,* the 484 documents *ay isa-isa ko po itong sinertify* (certify) *and pinirmahan* as a truthful representation *po na lahat ng* documents *na ito ay galing po sa* PhilGEPS repository, Ma'am.

Representative Luistro. *Sinabi mo*, Mr. Witness, *na lahat ng dokumento iyong prinint* (print), *iyo ding sinertify, iyo ding pinirmahan. Bukod dito, ano pa ang iyong ginawa, kung mayroon man*?

Mr. Sopeña. For ease of reference *po* and *noong binabasa ko iyong* document, so *iyong* extracted na electronic data that came from the repository *po*, so I just made a summary of these documents for easy of reference *lang po* while I am familiarizing the information of the extracted information *po*.

Representative Luistro. *Nasasaan itong sinasabi mong* extracted information?

Mr. Sopeña. I saved it *po dito*, if I may be allowed to–

Representative Luistro. Your Honor.

The Presiding Officer. Yes. You may refer to the document. Kindly identify the document, Mr. Sopeña.

Mr. Sopeña. Thank you, Your Honor. So *iyong mga* extracted file *po* was downloaded and saved *po sa mga* USB *na ito*.

Representative Luistro. May I place on record, Your Honor, that the witness is showing— may I ask, Mr. Witness, what are you showing inside the plastic container?

Mr. Sopeña. Five pieces of USB thumb drive *po* which the extracted data are stored *po*.

Representative Luistro. May I ask also, what are the contents of that USB?

Mr. Sopeña. The extracted information *po*, that the procurement data in relation to the 49 contracts *na nanggaling sa* procurement data, and the summary *po na nagawa ko, nandito po*.

Representative Luistro. *May binanggit ka din kanina na prinint* (print) *mo ang mga dokumento kaugnay ng* procurement documents *ng* Gencorp Industries, Inc., *nasasaan naman itong mga* printed documents *na ito*?

Mr. Sopeña. May I be allowed *po* to get the documents?

The Presiding Officer. Yes, you may.

Mr. Sopeña. Thank you, Your Honor. *Ito po iyon*, Ma'am, *ng mga* documents *po na nanggaling at prinint* (print) *po namin* from the repository of the PhilGEPS system.

Representative Luistro. With the kind indulgence of the Honorable Court, since this is the first time that the Prosecution will be seeing these documents, and also to give opportunity to the opposing counsel to go over the same, may I request for a 10-minute recess, Your Honor?

The Presiding Officer. Just to be able to go over the documents, Your Honor, and then we will immediately proceed, Your Honor.

SUSPENSION OF TRIAL

Upon request of Representative Luistro, the trial was suspended.

It was 1:48 p.m.

RESUMPTION OF TRIAL

At 1:56 p.m., the trial was resumed.

REMARKS OF THE PRESIDING OFFICER

The Presiding Officer stated that, during the recess, Mr. Sopeña confirmed that he had a summary or table of the voluminous documents being referred to. He added that the parties had been furnished hard copies of the summary and copies of the USB device containing soft copies of the documents, including copies for the Court, the Prosecution, and the technical staff.

The Presiding Officer, thereafter, instructed Representative Luistro to continue with the examination

COMMENTS OF THE COUNSEL FOR THE RESPONDENT

Attorney Batungbakal confirmed receipt of the USB, subject to verification that it was functional. He placed on record that the summary appeared undated, unsigned, and uncertified by the witness. After requesting for printed copies of the documents printed, the Presiding Officer directed that the documents be reproduced within the day and added to the documents to be marked, assuring both parties that they would be provided with copies.

DIRECT EXAMINATION OF THE WITNESS

(*Continuation*)

Representative Luistro. Your Honor, please. Mr. Witness, *binanggit mo na prinint* (print) *itong mga* documents *na ito na nakita mo* from searching the PhilGEPS system. *Sino ang nag-*print *ng mga dokumento na iyan?*

Mr. Sopeña. With the assistance *po* of my colleagues *po* and *ako po.*

Representative Luistro. *At binanggit mo rin na sineyb* (save) *sa* USB *lahat ng* information *at dokumento na iyan. Sino ang nag-*save *sa* USB *ng lahat ng dokumentong iyan* from the PhilGEPS system?

Mr. Sopeña. *Ako po iyong mga nag-*save *po sa anim na* USB drive *po*, Ma'am.

Representative Luistro. Your Honor, may I just put on record that we are requesting for the marking of the USB along with the 49 contracts and 231 documents composing of 484 pages as Exhibit P-II-6, series, Your Honor. We submit that the marking will be done after this trial before the Honorable Clerk of Court, Your Honor.

The Presiding Officer. Duly noted.

Mr. Batungbakal. Your Honor, we make a similar request to have our own copies marked, Your Honor.

The Presiding Officer. Duly noted and granted.

Representative Luistro. Mr. Witness, *ano itong mga dokumento na in-*extract, *prinint, at ngayon ay isina-submit mo sa kagalanggalang na* Impeachment Court?

Mr. Sopeña. *Ito po iyong mga* documents *na in*-upload *ng* procuring entity *patungkol po sa* 49 contracts. *Ito po iyong mga* RFQ, Request for Quotation, *mayroon din pong kasama sa mga* documents *na ito ng* invitation to bid, *iyong mga* notice of award, BAC resolution, notice to proceed, and memorandum of agreement *po*.

Representative Luistro. Mr. Witness, *puntahan natin itong* Bid Reference No. 11959542.

Mr. Sopeña. Can I be allowed to also look at the documents, Your Honor?

The Presiding Officer. Yes, Mr. Sopeña.

Mr. Sopeña. Thank you, Your Honor.

The Presiding Officer. What's the number, Counsel?

Representative Luistro. I stand corrected, Your Honor, 11759542.

Mr. Batungbakal. Your Honor, to clarify, is this an item in the summary, Your Honor?

The Presiding Officer. Exactly. What are you looking at, Counsel? Referring to rather.

Representative Luistro. This is a bid reference number, Your Honor, that pertains to the contract which was awarded by OWWA to Gencorp Industries, Incorporated.

Mr. Batungbacal. Your Honor, may we ask for the item number?

Representative Luistro. 11759542. That is the bid reference number, Your Honor.

Mr. Batungbacal. Your Honor, apologies. Asking for the item number, not the bid reference, Your Honor, just for easier reference.

The Presiding Officer. Again, Honorable Luistro, I think you're referring to one of the documents that are contained in the pile on the right-hand side of the witness, not on the summary that he supposedly prepared. In fact, you haven't asked him to identify it yet. We're not yet there. You may ask the witness with respect to awards from OWWA that may be in his summary or table, if you want.

Representative Luistro. I understand, Your Honor, but the number that I mentioned, Your Honor, pertains to the entire procurement process of this particular contract. So, it includes all the procurement documents that have relevance to this particular contract, Your Honor, and it is in the summary, Your Honor.

The Presiding Officer. With your indulgence. Mr. Sopeña, *sa kinapal-kapal ng mga dokumentong iyan at sa dinami-dami niyan at* ni-USB *mo pa, gumawa ka ba ng* summary or table *kaugnay niyan?*

Mr. Sopeña. Yes, Your Honor.

The Presiding Officer. *Kailan ninyo po ginawa?*

Mr. Sopeña. Yesterday, Your Honor, upon the request to leave the vicinity early.

The Presiding Officer. *Mag-isa ka lang na gumawa niyan, o may iba kang katulong na gumawa?*

Mr. Sopeña. With the assistance *po* of my colleagues under the EGPOD.

The Presiding Officer. So, *ilan po kayong gumawa niyan?*

Mr. Sopeña. *Tatlo po,* Your Honor.

The Presiding Officer. *Ah, ginawa ninyo kahapon lamang?*

Mr. Sopeña. *Tinapos po namin kahapon,* Your Honor, yes.

The Presiding Officer. *At iyan po iyong dokumentong nasa harap ninyo ngayon?*

Mr. Sopeña. Correct *po,* Your Honor.

The Presiding Officer. *Bahagi po ba ng* summary or table *na iyan iyong mga* bid documents *na in*-award *ng* OWWA *kaugnay ng* BR No. 1175942?

Mr. Sopeña. Yes, Your Honor, included *po.*

The Presiding Officer. Okay. Your witness, Honorable Luistro.

Representative Luistro. For purposes of the records, Your Honor, the number that I mentioned pertains both to the file name in the USB submitted by the witness and to the bid reference number of this particular contract, Your Honor.

Mr. Witness—may I proceed, Your Honor?

The Presiding Officer. Please proceed, Counsel.

Representative Luistro. Mr. Witness, I will be showing you documents relevant to this particular bid reference number. Can you please—this document is entitled "Request for Quotation." Can you please tell us, *ano ang kaugnayan ng dokumentong ito sa mga dokumento na isina*-submit *mo ngayon sa Kagalang-galang na* Impeachment Court?

Mr. Sopeña. Apologies, *medyo malabo po iyong mata ko. Can—*

Representative Luistro. May we request, Your Honor, that Assisting Counsel, Attorney Trisha Sun—

The Presiding Officer. Assisting Counsel from both Parties may approach.

And tech, can you kindly zoom in?

Representative Luistro. May she be allowed, Your Honor, to show it in the laptop so that it will be more readable?

I will repeat the question, Mr. Witness. *Ano po ang kaugnayan nitong* Request for Quotation *na ito sa mga* procurement documents *ng* Gencorp Industries, Incorporated *na isina*-submit *ninyo ngayon sa Kagalang-galang na* Impeachment Court?

Mr. Sopeña. Ang Request for Quotation *po na ito ay ang* printed *na ginawa po namin kaugnay po sa na*-award *na* contract with OWWA *po, Ma'am.*

Representative Luistro. So, you confirm *na kasama po iyan sa mga* submissions *ninyo?*

Mr. Sopeña. This is included *po* in the submission. Yes *po.*

Representative Luistro. *Ang sunod ko pong ipapakita sa inyo na dokumento ay may pamagat namang* "Memorandum of Agreement."

Maaari ninyo ho bang sabihin sa Kagalanggalang na Impeachment Court, *ano po ang kaugnayan ng dokumentong ipinapakita sa inyo sa inyong mga isinusumiteng dokumento ngayon dito sa* Impeachment Court?

Mr. Sopeña. *Ang* Memorandum of Agreement *po nito ay isa rin po sa mga prinint* (print) *at prinepare* (prepare) *po naming dokumento.*

Representative Luistro. For purposes of the record, Mr. Witness, *sino-sino po ang* contracting parties *dito sa* Memorandum of Agreement *na ito?*

Mr. Sopeña. The contract is between Overseas Workers Welfare Administration, Regional Welfare Office, Region XI, and the Jollibee Bolton, a corporation under the Gencorp Corporation Industry, Inc., a franchise of Jollibee Food Corporations, Ma'am.

Representative Luistro. Mr. Witness, *binanggit ninyo po iyong* Jollibee—Jollibee Bolton. *Ito ho ba iyong* Jollibee *na alam nating lahat*?

Mr. Batungbacal. Objection, Your Honor. He would be incompetent to answer that.

Representative Luistro. If he knows, Your Honor.

The Presiding Officer. If he knows. If he knows.

Mr. Sopeña. I am not familiar, Your Honor.

The Presiding Officer. Already answered, Counsel. Move on.

Representative Luistro. Mr. Witness, *puntahan po natin iyong huling bahagi ng* Memorandum of Agreement. *Sino po ang* contracting parties *kung saan may lagda na ipinapakita sa dokumentong iyan*?

Mr. Sopeña. The signature affixed po is my own signature, Ma'am.

Representative Luistro. Contracting parties, Mr. Witness.

Mr. Sopeña. Apologies. Contracting parties.

Mr. Batungbacal. Your Honor, objection. Your Honor, he would be incompetent to identify those signatures, Your Honor.

Representative Luistro. On the basis, Your Honor, of what he sees from the documents.

Mr. Batungbacal. Precisely, Your Honor, how would he know?

The Presiding Officer. The question, Counsel—Your question is whose signatures appear.

Representative Luistro. If I may rephrase, Your Honor.

The Presiding Officer. You may rephrase, Counsel.

Representative Luistro. *Sino ang mga* contracting parties *dito sa huling bahagi ng* memorandum of agreement *na ito*?

Mr. Batungbacal. Your Honor, the document would speak for itself, Your Honor.

The Presiding Officer. Noted, Counsel. Witness may answer. Kindly read from the document for the record.

Mr. Sopeña. Gina Mae Quimora, Officer-in-Charge of the Overseas Workers Welfare Administration, Regional Welfare Office, Region XI; and Jollibee Bolton, signed by Ciger C. Sario, Managing Director, Your Honor.

Representative Luistro. *Nabanggit po ulit iyong* Jollibee Bolton. Again, Mr. Witness, *ito ho ba iyong* Jollibee *na alam ng lahat ng Pilipino*?

Mr. Batungbacal. Your Honor, same objection, asked and answered, incompetent.

Representative Luistro. I will move on, Your Honor.

The Presiding Officer. Sustained.

Representative Luistro. *Puntahan naman po natin ngayon ang* LGU Bid Reference No. 10208635 *na may kagaya pong numero ng* file name *dito sa ating* summary *at* USB. *Ipinapakita ko po sa inyo isang dokumentong may pamagat na* "Request for Quotation." *Ano po ang kaugnayan ng dokumentong ito sa mga isinusumite ninyo ngayon sa Kagalanggalang na* Impeachment Court?

Mr. Sopeña. Can I again request po? M*edyo hindi ko po makita iyong nasa—*

Representative Luistro. May we request, Your Honor, that Attorney Miko be allowed to show what appears on the screen of the laptop.

Mr. Sopeña. It's a request for quotation po for catering services po.

Representative Luistro. *At sino po ang* procuring entity *dito*?

Mr. Sopeña. The indicated procuring entity po is the City of Davao, Davao del Sur.

Representative Luistro. *At sino naman po ang na*-award-*dan na* merchant *dito sa* procurement *na ito*?

I am sorry. I will rephrase, Your Honor.

This is a request for quotation. Are there merchants mentioned in this particular document, Mr. Witness?

Mr. Sopeña. The initial presented document po basically contains po *iyong* requesting procurement activity coming from the procuring entity, Ma'am.

Representative Luistro. Thank you. But I understand that this is part of the Bid Reference No. 10208635 where a notice of award was issued likewise. Do you confirm?

Mr. Sopeña. Yes, Madam. Yes, Madam.

Representative Luistro. And from that notice of award, can you please tell this Honorable Court, *kanino na*-award *ang kontratang ito*?

Mr. Batungbacal. Your Honor, objection. Your Honor, no notice of award has been shown to the witness so far, Your Honor.

Representative Luistro. It was mentioned already by the witness, Your Honor.

Mr. Batungbacal. Yes, Your Honor, but it was not identified by the witness yet, Your Honor.

Representative Luistro. Nevertheless, Your Honor, that's among the submissions of the witness which he testified earlier, he printed, he certified, and he is now submitting to the Court.

The Presiding Officer. We don't know yet that, Counsel.

With the permission of the Parties, is that part of your summary?

Mr. Sopeña. Yes, Your Honor.

The Presiding Officer. If possible, Honorable Luistro, can you refer to the summary and/ or table of the witness instead of referring to the actual documents that we haven't even marked yet, we haven't seen...

Representative Luistro. I understand, Your Honor.

The Presiding Officer. ...and the Court and the Parties haven't seen yet. But if it's in his summary—I'm sure it's in his summary.

Representative Luistro. I think the Prosecution can make reference with the use of the laptop, Your Honor, which we can share in the big screen for the appreciation of the Honorable Senator-Judges and the viewing public, Your Honor. I believe this is very significant, Your Honor. So, I hope we can allow the witness to testify on this.

The Presiding Officer. *Ito po bang ipinapakita, Ginoong* Sopeña, *bahagi noong nasa makapal na papel diyan sa kanang bahagi ninyo?*

Mr. Sopeña. Yes, Your Honor.

The Presiding Officer. *Bahagi iyan sa nakapaloob doon sa* USB?

Mr. Sopeña. Yes, Your Honor.

The Presiding Officer. *Bahagi din iyan noong* summary *ninyo?*

Mr. Sopeña. Yes, Your Honor. *Opo.*

The Presiding Officer. So, is it possible for you to testify based on your summary by looking at this document?

Mr. Sopeña. With the familiarity of the documents that I prepared just recently, yes, Your Honor.

The Presiding Officer. If you're familiar, but if you're not, kindly indicate as well. I'll give him—I'll give her some leeway, Counsel. In the meantime, objection is overruled.

You may continue, Counsel.

Representative Luistro. Mr. Witness, *balikan natin iyong* Request for Quotation. *Ano ang* description *ng mga* items *na* subject *ng* procurement process? May I request Attorney Nico, Your Honor, that he be allowed to show the witness the document through the laptop?

The Presiding Officer. Standing authority has already been given to Assisting Counsels to approach the witness.

Representative Luistro. For purposes of the records, Your Honor, may we request the witness to please read the description from this document, Your Honor, Request for Quotation.

Mr. Batungbacal. Your Honor, before proceeding, may we just know if what the witness is reading is the same as flashed on the screen.

Representative Luistro. Yes, Your Honor. We confirm, Your Honor.

The Presiding Officer. It should be the same. Your Assisting Counsel on the part of the Respondent should be able to confirm that as well. We'll know soon enough, as soon as he reads it.

In that case, good question, Attorney Robie, it seems to be not the same.

Representative Luistro. May we request, Your Honor, the witness to read, for purposes of the record, the description of the item of this particular procurement document.

Mr. Sopeña. Based on the shown here *sa* laptop, the description is the "Fourth Quarter of 2023 food and catering services, one lot meal and snacks without venue, October 27, 2023, for 200 packs at P180 per packs.

Menu: breakfast, breakfast hotdog, breakfast beefsteak, 350 ml bottle of water and served with ketchup.

Menu: lunch—"

The Presiding Officer. Honorable Luistro, you have to forgive me. This contract is for 50,000 and you're talking about ketchup.

Representative Lnistro. This is in line, Your Honor, with ...

The Presiding Officer. No, I agree, Counsel. I'm not even where—although VP Sara mentioned Gencorp in her SALN, you presented a witness that said, "She's not a stockholder of Gencorp." I'm giving you a lot of leeway here, okay? And we're now going through documents from PhilGEPS that awarded a contract for P56,000 to a corporation that according to your previous witness, the Respondent is not a stockholder of. So, you have to understand the Court's slight impatience with respect to this document if you will do this with the rest.

Representative Luistro. I understand Your Honor, but we have only few documents to be shown to the Impeachment Court, that is only to give opportunity to the viewing public including the Senator-Judges to understand what these procurement documents are being referred to are all about, Your Honor. I have only five documents to show, Your Honor.

The Presiding Officer. According to the Senate President, he totaled it, and I know him to be good in math. It totals P35 million, all the 40—

Representative Luistro. Yes, Your Honor. And the documents which are being presented are part of the P35 million total amount of contract of Gencorp.

The Presiding Officer. But can we skip the description of the ketchup, and the meals, and the snacks?

Representative Luistro. Yes, Your Honor. We will do this very quick, Your Honor.

The Presiding Officer. And the hotdog, too.

Honorable Luistro, you may proceed.

Representative Luistro. Mr. Witness, can you just read the menu for lunch?

Mr. Batungbacal. Your Honor—sorry, Your Honor.

Representative Luistro. Just for the last item of this particular document, Mr. Witness.

Mr. Batungbacal. Your Honor, the Court already made a ruling to skip this portion of the document.

The Presiding Officer. Again, Honorable Luistro, let's skip the hotdog, and the Chicken Joy, and the ketchup.

Representative Luistro. We submit, Your Honor. I will move on.

The Presiding Officer. Please move on, Counsel.

Representative Luistro. Now, let us proceed to LGU Bid Reference No. 11495158 with a similar file number in the USB and in the summary prepared by the witness.

I'm showing you a document, the title of which is "Invitation to Bid." *Ano po ang kaugnayan nito sa mga* submissions *ninyo sa Kagalanggalang na* Impeachment Court?

Can't you read, Sir?

Mr. Sopeña. *Medyo malabo po*, Ma'am. Apologies *po*.

Representative Luistro. The question *po* is, *ano po ang kaugnayan ng dokumentong iyan sa inyong mga isina*-submit *ngayon sa* Impeachment Court?

Mr. Sopeña. The shown document here *po*, Ma'am, the "Invitation to Bid" *po* is included in the prepared documents, Ma'am.

Representative Luistro. I'll be moving to the next document. I'm showing another document, the title of which is "Notice of Award."

Ano naman po ang kaugnayan nito doon sa mga submissions *ninyo sa Kagalanggalang na* Impeachment Court? Notice of Award.

Mr. Batungbacal. Your Honor, may we know which notice of award? Because there might be multiple notices of award.

Representative Luistro. Your Honor, we have given already the bid reference number and there's only one contract for every reference number. It's 11495158.

Ano po ang kaugnayan ng Notice of Award *sa inyong mga* submissions *sa* Impeachment Court?

Mr. Sopeña. The Notice of Award *po* is included in the documents and this indicates that this was awarded to Gencorp Industries, Inc. *po*, Ma'am.

Representative Luistro. *Ipinapakita ko din po sa inyo ang isa pang dokumento na may titulong* "Award Notice Abstract."

Ano naman po ang kaugnayan nito sa mga sinusumite ninyo ngayon sa Impeachment Court?

Mr. Sopeña. As the walk-through *kanina po, ito po iyong nagko*-close *ng* procurement activity *ng mga* procuring entity *sa* PhilGEPS system by creating the notice of award through the system. *Ito po iyong* final document *na pine*-prepare *sa* PhilGEPS system, Ma'am.

Representative Lnistro. *At sino po ang* merchant *na na*-award-*an ng kontratang ito ayon sa dokumentong iyan?*

Mr. Sopeña. The contract was awarded to Gencorp Industries, Inc. *po*, Ma'am.

Representative Luistro. *At ito po ba iyong* Jollibee *na* Bolton branch, Mr. Witness?

Mr. Batungbacal. Your Honor, same objection Your Honor.

Representative Luistro. If you can check it in the document, Mr. Witness.

Mr. Batungbacal. Your Honor, the Court has already made a ruling on this line of questioning, Your Honor.

The Presiding Officer. It's not the ketchup, it's the corporation. It's not the chicken, Counsel.

Mr. Batungbacal. Yes, Your Honor.

Representative Luistro. Yes, Your Honor, it's not ketchup.

The Presiding Officer. It's the corporation.

Mr. Batungbacal. Yes, Your Honor.

The Presiding Officer. No, not the chicken, it's the corporation.

Mr. Batungbacal. Yes, Your Honor.

The Presiding Officer. Witness may answer.

Mr. Sopeña. Can you repeat the question, Ma'am?

Representative Luistro. *Ito ho ba ay tumutukoy doon sa* Jollibee Bolton branch?

Mr. Sopeña. Based on the documents, an address is only indicated as a Bolton Street, no Jollibee Bolton.

Representative Luistro. Bolton Street. [redacted] [*stricken off the record*]

Mr. Batungbacal. Your Honor, may we move to strike the manifestations of Counsel.

The Presiding Officer. Counsel, cannot supply facts.

Representative Luistro. We understand, Your Honor. We will move on.

The Presiding Officer. So, stricken off the record.

Representative Luistro. We submit, Your Honor.

The Presiding Officer. Move on, Counsel.

Representative Luistro. *Puntahan naman po natin iyong tinukoy ninyo kanina na in*-extract *ninyo na* Excel file.

Mr. Witness, *ano po ang kaugnayan ng dokumentong ipinapakita sa inyo ngayon doon sa* Excel file *na inyong in*-extract, *prinint* (print), *sinertify* (certify)*?*

Mr. Batungbacal. Your Honor, misleading. I don't think the witness has identified any Excel file earlier.

The Presiding Officer. Are you referring to the table or summary, Honorable Luistro, or no?

Representative Luistro. I am referring, Your Honor, to the Excel file extracted from the PhilGEPS itself ...

Mr. Batungbacal. Exactly, Your Honor.

Representative Luistro. ... that is prior to the summary that was prepared by the witness himself.

The Presiding Officer. That is not his summary.

Representative Luistro. It is an Excel file.

Mr. Batungbacal. Your Honor, the—

The Presiding Officer. Yes, but that is not the summary that he has.

Representative Luistro. Yes, it is not yet the summary, Your Honor. It is not yet the summary.

The Presiding Officer. Mr. Sopeña, do you have that?

Mr. Sopeña. The shown file *po* is included in the provided printout, Your Honor.

The Presiding Officer. Not in the summary?

Mr. Sopeña. It is included in the—the summary referring, Your Honor, is the summary list of all the documents included in the submission.

The Presiding Officer. *Anong kinalaman noong* summary *sa* Excel file?

Mr. Sopeña. The shown file *po* is the–as mentioned earlier, Your Honor, is a summary of the extracted Excel file that came from the repository database for my easy viewing *po* based *doon sa na*-extract *pong*—

The Presiding Officer. So, *kasama iyan sa* summary *ninyong hawak ngayon? Hindi?*

Mr. Sopeña. Included *po dito iyan*, Your Honor, *iyong ipinapakita po ngayon sa* screen.

The Presiding Officer. *Kasama diyan sa* summary *ninyo?*

Mr. Sopeña. Yes *po.*

The Presiding Officer. Okay. You may proceed, Counsel. Objection is overruled.

Representative Luistro. Mr. Witness, *anong kaugnayan ng* Excel file *na ipinapakita sa iyo ngayon doon sa* Excel file *na tinukoy mo kanina, in*-extract, *prinint* (print), *sineyb* (save) *sa* USB *at ngayon ay isinusumite mo sa Kagalang-galang na* Impeachment Court?

Mr. Sopeña. *Ito po iyong* summary *na* list *na ginawa ko* and *pinaghiwa-hiwalay ko lang po iyong tatlo* for my easy reference *lang po.*

Representative Luistro. *At pagkatapos mong ma-*extract, *ma-*print, *at ma-*certify, *ma-*save *sa* USB *iyang* Excel file *na iyan, ano pa ang iyong ginawa, kung mayroon man?*

Mr. Sopeña. So as—*iyon po, iyong* for easy study and reference *po kasi* upon extraction *kung mavi-*view *po, makikita naman po sa* provided *na* USB. *Iyong* tab *po diyan mayroon pong* extracted data *na* tab, *kung makikita po n'yo. Iyan po iyong* directly extracted from the data without any intervention of encoding, *talaga pong diretso na* system. Yes, *kaso iba iyong nandoon,* Ma'am.

Representative Luistro. You are saying, Mr. Witness, that this Excel file was directly extracted from the PhilGEPS system, is that correct?

Mr. Sopeña. The last tab *po*, Madam. Not this one.

Voice. Iyan iyong last ...?

Mr. Sopeña. This one, with the same tab name.

Voice. ... extracted—

Mr. Sopeña. If the—shown in the screen and in the laptop are the same, yes. With the exact tab name *po,* "extracted raw data" as of September. That is the extracted data directly generated from the system.

The Presiding Officer. Are they the same? Assisting Counsel, are they the same?

Mr. Batungbacal. The tab name is the same, Your Honor.

The Presiding Officer. Okay.

Representative Luistro. And after you extracted this Excel file, what did you do?

Mr. Sopeña. I just made the summarization *po* based on the shown different tabs *po* as titled name "PhilHealth; City of Davao; OWWA; and the summary per year" *po.*

Representative Luistro. And I will be showing you a summary of OWWA. Can you tell us if this is the same summary that you are referring to? The OWWA procurement.

Mr. Sopeña. Yes, Madam. This is the OWWA procurement *po* which awarded one–

Representative Luistro. And for purposes of the record, Mr. Witness, who is the procuring entity?

Mr. Sopeña. The procuring entity is Overseas Workers Welfare Administration, Region XI, Your Honor.

Representative Luistro. And who is the awarded merchant?

Mr. Sopeña. The awarded merchant is Gencorp Industries, Inc.

Representative Luistro. And how much is the awarded contract? How much is the amount of the awarded contract?

Mr. Sopeña. For the amount of the contract is 330,000, Ma'am.

Representative Luistro. And for purposes of the record, can you cite the bid reference number indicated in your summary?

Mr. Sopeña. The indicated bid reference number is 11759542.

Representative Luistro. *Ano ho bang kahalagahan nitong* bid reference number *na ito?*

Mr. Sopeña. The bid reference number is the unique generated identifier *po noong* bid activity *na ito sa* PhilGEPS system.

Representative Luistro. *Maraming salamat po.*

Puntahan naman po natin itong isa pang dokumento kung saan makikita ang pangalang PhilHealth Corporation, Region XI. *Ano pong kaugnayan nito doon sa* summary *pa rin na tinukoy n'yo kanina lamang*?

Mr. Sopeña. Coming from the extracted data *na nanggaling po sa* repository, I just summarized *lahat po ng* PhilHealth awarded contracts for easy referencing *lang po.*

Representative Luistro. For purposes of the record, *sino po ang* procuring entity?

Mr. Batungbacal. Your Honor, Your Honor.

The Presiding Officer. Yes, Attorney Robie.

Mr. Batungbacal. Yes, Your Honor. At this point we have to object based on relevance, Your Honor. May we know the purpose of the line of questioning, Your Honor?

The Presiding Officer. Kindly respond, Honorable Luistro.

Mr. Batungbacal. In relation to Article II.

Representative Luistro. Your Honor, the table shows or the summary shows the contracts awarded by PhilHealth Region XI to Gencorp Industries Incorporated. And we will remember, Your Honor, that no less than the Respondent herself made a declaration in the SALN, to be particular, 2024 and 2025, that this is one of the companies where she maintains business and financial interest.

Mr. Batungbacal. Your Honor, apologies, Your Honor, but right now, Your Honor, we have to cut-off the Prosecutor. With all due respect, this is already covered by the ruling of the Court not to make conclusions of law or fact, Your Honor.

Representative Luistro. I'm not making a conclusion of fact.

The Presiding Officer. She's not, Counsel. Allow her to finish. Kindly finish, Honorable Luistro, before I make my ruling.

Representative Luistro. May I proceed, Your Honor?

The Presiding Officer. Kindly finish. No, kindly finish with your response to the objection.

Representative Luistro. Your Honor, this is not a conclusion of fact and law. As a matter of fact, I wish to invoke mandatory judicial notice that the Honorable Impeachment Court heard already our witness from the Ombudsman which testified or who testified on the 2024 SALN and the 2025 SALN where the Respondent Vice President herself declared that she is a shareholder of Gencorp Industries Incorporated. The admission came from the Respondent herself, and I wish to invoke the jurisprudence, Your Honor, which says that admission must be given greater weight and it in fact throws the burden of proving that it is a mistake to the person who made such declaration or admission, Your Honor.

Mr. Batungbacal. Your Honor, just a brief reply, Your Honor.

No. 1, Your Honor, I don't know if the principle of judicial notice applies to that. And No. 2, Your Honor, the Court already made a ruling and even a finding that questions as to Gencorp appear to be irrelevant and that the burden is on the Prosecution to show the relevance right now, Your Honor. And so far, Your Honor, they still have not shown the relevance of this line of questioning in relation to Gencorp, Your Honor.

Representative Luistro. May I add something, Your Honor? Your Honor, please.

The Presiding Officer. Honorable Luistro, PhilHealth is the last agency, correct? You're done with—

Representative Luistro. The City of Davao is the last agency, Your Honor.

The Presiding Officer. Ah, you're not yet done with the City of Davao.

Representative Luistro. That is for the summary, Your Honor. But just to put on record, Your Honor, please be reminded that the last subsection of Article II of the Articles of Impeachment on unexplained wealth is non-divestment of other business and financial interest. And it is along this line that we are showing the participation of the Respondent by way of the evidence being presented, Your Honor, with respect to Gencorp Industries Incorporated, Your Honor.

The Presiding Officer. Let's allow her to finish, Attorney Robie. Kindly finish with this, Honorable Luistro.

Representative Luistro. Mr. Witness, *sino po ang* merchant *na na*-award-*an ng kontrata ng* PhilHealth Insurance Corporation Region XI?

Mr. Sopeña. Gencorp Industries Inc., Ma'am.

Representative Luistro. *Ilan po ang kabuuang kontrata na nai-award ng* PhilHealth Insurance Corporation Region XI *sa* Gencorp Industries Incorporated?

Mr. Sopeña. Thirty-three.

Representative Luistro. *At gaano naman po ang kabuuang halaga nitong* 33 contracts *na in*-award *ng* PhilHealth Region XI *sa* Gencorp Industries Incorporated?

Mr. Sopeña. A total of 1,331,288.00, Ma'am.

Representative Luistro. *Maraming salamat*, Mr. Witness.

Puntahan natin iyong huling summary *na iyong ginawa kung saan makikita naman natin ang pangalang* "City of Davao." *Ano po ang kaugnayan nitong summaring* (summary) *ito doon sa tinukoy ninyo kaninang mga ginawa n'yong* summary *na isinusumite ninyo rin ngayon sa kagalang-galang na* Impeachment Court?

Mr. Sopeña. Total of—*iyong* summary *po* based *lang ng lahat na* award *po* with the City of Davao.

Representative Luistro. ... *At sino po ang* procuring entity, for purposes of the record?

Mr. Sopeña. The procuring entity is the City of Davao, Ma'am.

Representative Luistro. *At sino po ang in*-award-*an na* merchant *nitong mga kontratang ito?*

Mr. Sopeña. The Gencorp Industries, Inc., Ma'am.

Representative Luistro. Mr. Witness, from this table—and I hope Attorney Sun can assist—I wish to invite your attention to Bid Reference No. 9126729.

Magkano po ang halaga ng kontrata na in-award *ng* City of Davao *sa* Gencorp Industries, Incorporated?

Mr. Sopeña. A total of 5,143,500, Ma'am.

Representative Luistro. *Puntahan naman po natin,* from this summary, Bid Reference No. 10017788.

Magkano po ang kabuuang halaga ng kontrata na in-award *ng* City of Davao *sa* Gencorp Industries, Incorporated?

Mr. Sopeña. Six million two hundred seventy-seven thousand five hundred pesos (6,277,500) *po,* Ma'am.

Representative Luistro. *Puntahan naman po natin ang* Bid Reference No. 11495158.

Magkano po ang kabuuang halaga ng kontrata na in-award *ng* City of Davao LGU *sa* Gencorp Industries, Incorporated?

Mr. Batungbacal. Your Honor, objection, Your Honor. May we ask the Prosecutor to specify the year in her question, Your Honor? As stated in the document, Your Honor. Just so the question and the answer would be more accurate.

Representative Luistro. We will proceed to that, Your Honor.

The question is qualified by bid reference number and there is only one contract that corresponds to the bid reference number. That is for the guidance of the Defense.

The Presiding Officer. If I may—

Mr. Batungbacal. Yes, Your Honor.

The Presiding Officer. If I may, Counsel.

All of these bids and awards by the City of Davao, by OWWA, and PhilHealth—all of these happened during the term of the Respondent as Vice President. Do you confirm, Honorable Luistro?

Representative Luistro. We confirm, Your Honor.

The Presiding Officer. None of them pertain to awards that happened prior to her term as Vice President?

Representative Luistro. We confirm that, Your Honor.

The Presiding Officer. So, this is all—from what I have, the dates cover July 21, 2022 up to June 23, 2026.

I think that would be sufficient identification, Attorney Robie, for the meantime that we don't have a copy yet.

Mr. Batungbacal. If I may be recognized, Your Honor?

The Presiding Officer. Of course, Attorney Robie.

Mr. Batungbacal. Thank you, Your Honor.

So, just a short manifestation, Your Honor. So, it is clear, Your Honor, that these contracts were awarded during the time that the Vice President was not in the City of Davao anymore, Your Honor. Just a brief manifestation.

The Presiding Officer. Yes, because—but on the reverse, Attorney Robie, if she was still the mayor, I would not have allowed it because it would have been irrelevant for our purposes.

Honorable Luistro.

Representative Luistro. I have one last for identification, Your Honor. I hope you will allow this Representation.

Let us move to Bid Reference No. 12508294, Mr. Witness.

Magkano po ang kabuuang halaga na in-award *ng* City of Davao LGU *sa* Gencorp Industries, Incorporated?

Mr. Batungbacal. Your Honor, again, may we just know what year, Your Honor?

Representative Luistro. This is from 2022 to 2026. All these contracts, Your Honor.

The Presiding Officer. At the proper time, Attorney Robie, I think we will be able to reference based on the TSN and the *Journal*. For the meantime, this will suffice; Court will allow it so that we can move forward with this witness.

Please answer, Mr. Sopeña.

Mr. Sopeña. The awarded contract, Your Honor, is 8.4 million.

Representative Luistro. At this juncture, Your Honor—may I ask, Mr. Witness, *magkano po ang kabuuang halaga ng lahat ng kontrata na nai*-award *sa* Gencorp Industries, Incorporated?

Mr. Sopeña. A total of 35,878,188.

Representative Luistro. *At sa nabanggit pong halaga, magkano po diyan ang in*-award *ng* City of Davao?

Mr. Sopeña. For the City of Davao, a total of 34,216,900 *po,* Ma'am.

Representative Luistro. *Magkano naman po ang in*-award *ng* PhilHealth, Region XI?

Mr. Sopeña. For PhilHealth, 1,331,288 *po,* Ma'am.

Representative Luistro. *At magkano naman po ang in*-award *ng* OWWA, Region XI?

Mr. Sopeña. For OWWA *po*, 330,000, Ma'am.

Mr. Batungbacal. Your Honor, at this juncture, Your Honor, we just want to manifest, Your Honor, that earlier, Congressman Luistro said that this is the first time that they saw the documents. So it's just interesting to the Defense, Your Honor, that they already have graphs and presentations prepared on the documents. We just want to put that on record, Your Honor.

Representative Luistro. If I may just put on record, Your Honor?

The Presiding Officer. Honorable Luistro, yes.

Representative Luistro. We have a lot of volunteer lawyers who are working simultaneously to this examination, Your Honor, and we can honestly say that they are capable in coming up with this visual presentation that will aid the appreciation of the Honorable Senator-Judges, along with the viewing public, Your Honor.

The Presiding Officer. Again, noted. But again, proper subject matter of cross during your turn, Attorney Robbie.

Mr. Batungbacal. During trial, Your Honor.

The Presiding Officer. Please proceed. Please proceed, Honorable Luistro.

MOTION OF REPRESENTATIVE LUISTRO

Representative Luistro moved that the Impeachment Court take mandatory Judicial Notice of the following:

1. The testimony of the Officer-in-Charge of the Ombudsman Records Division regarding the Respondent Vice President's declaration in her 2024 and 2025 Statements of Assets, Liabilities, and Net Worth (SALNs) that the Respondent was a shareholder of Gencorp Industries, Inc., which she indicated to have been acquired in 2013;

2. Article VII, Section 13 of the Constitution, prohibiting public officials, during their tenure, from directly or indirectly practicing any other profession, participating in any business, or being financially interested in any contract with, or in any franchise or special privilege granted by, the Government or any subdivision, agency, or instrumentality thereof, including government-owned or controlled corporations (GOCCs) and their subsidiaries;

3. Section 66 of Republic Act No. 12009, providing that the Head of the Procuring Entity (HOPE), or his duly authorized representative, shall approve or disapprove the recommendation of the Bids and Awards Committee (BAC); and Section 5 of the same Act, identifying the Local Chief Executive as the HOPE of a local government unit.

4. The fact that the Local Chief Executive of Davao City, who serves as its HOPE, approves the resolutions of the BAC, is Mayor Sebastian Z. Duterte.

OBJECTION OF THE COUNSEL FOR THE RESPONDENT

Attorney Batungbacal objected to the motion, stating that the matters cited were not proper subjects of mandatory Judicial Notice.

RULING OF THE PRESIDING OFFICER

The Presiding Officer ruled as follows:

1. The Court took judicial notice of the provisions in the laws cited by Representative Luistro but not of their interpretation or application by either party.

2. The Court noted that while Gencorp was mentioned in the SALNs, a previous witness also testified that Gencorp's records does not list the Respondent as a stockholder or director. The Senator-Judges were directed to evaluate and weigh both testimonies.

3. The issue of whether Mayor Sebastian Duterte is the Respondent's brother remains to be established when the Mayor is presented to the Court.

The Presiding Officer noted the conclusion of the Direct Examination by the Counsel for the Panel of Prosecutors and scheduled the Counsel for the Respondents' Cross-Examination, if any, for Monday, September 28. He then excused Mr. Sopeña, with the commitment to return on September 28 at 10:00 a.m. to continue his testimony.

ORDERS OF THE PRESIDING OFFICER

The Presiding Officer gave the following Orders:

1. The oral arguments on the Appeal *cum* Motion for Reconsideration of Senator-Judge Tulfo (E) were scheduled for the following day, September 23, 2026.

2. Rep. Leila De Lima was designated to present the oral arguments for the Panel of Prosecutors.

3. Counsel for the Respondent was permitted to disclose its assigned Counsel the following day.

4. Each Party was allotted 15 minutes to present its arguments.

5. The Senator-Judges were permitted to propound questions after the oral arguments, after which the Court would proceed to vote on the Appeal *cum* Motion for Reconsideration filed by Senator-Judge Tulfo (E).

SUSPENSION OF THE IMPEACHMENT TRIAL

The Presiding Officer declared the impeachment trial suspended until ten o'clock in the morning of Wednesday, September 23, 2026.

It was 2:45 p.m.

RESUMPTION OF TRIAL

At 10:02 a.m., September 23, 2026, Wednesday, the trial was resumed.

PROCLAMATION OF THE SERGEANT-AT-ARMS

The Sergeant-at-Arms, PMGen Alfred S. Corpus, commanded all persons, on pain of penalty, to keep silent while the Senate is sitting for the trial of the Articles of Impeachment against Vice President Sara Zimmerman Duterte.

REMINDER OF THE PRESIDING OFFICER

The Presiding Officer reminded the Court that there would be no roll call, as the trial was only suspended the previous day. He stated that the Court would conduct the roll call at a later time, even during the oral arguments once all senator-judges are present.

APPEARANCES

The Presiding Officer directed the parties to enter their appearances.

Representative Luistro entered the appearances previously entered on behalf of the Panel of Prosecutors.

Attorney Sison entered the same appearances on behalf of the Respondent.

REMARK OF THE PRESIDING OFFICER

The Presiding Officer stated that the Court was scheduled to hear the oral arguments of the parties on Senator-Judge Erwin Tulfo's appeal/motion for reconsideration of the Presiding Officer's July 6 ruling concerning the threshold vote under Article XI, Section 3(6) of the Constitution.

Attorney Sison said that Atty. Michael Poa would be representing the counsel for the Respondent.

Representative Luistro said that Rep. Chel Diokno in lieu of Rep. Leila De Lima, would be representing the Panel of Prosecutors.

REQUEST OF REPRESENTATIVE DIOKNO

Representative Diokno sought clarification from the Court on the proper designation for the Vice President, noting that the Court's orders and the pleadings of both the Counsel for the Respondent and the Panel of Prosecutors had consistently referred to her as the "Respondent." He averred that Attorney Sison had referred to herself as counsel for the "Accused" during the previous day's proceedings. He then emphasized that the proceedings are *sui generis* and not criminal in nature, and expressed concern that referring to the Vice President as the "Accused" might condition the minds of the public regarding the nature of the case. The Presiding Officer clarified that as with the rulings and practice of the previous Impeachment Court, and as the current Court and Presiding Officer have been consistent with, the Vice President shall be referred to as the "Respondent." He further pointed that the Chair consistently refers to the opposing counsel as "Counsel for the Respondent."

Representative Diokno, thereafter, moved to strike from the record the statement of Counsel for the Respondent referring to herself as "Counsel for the Accused," in order to properly guide the public on the nature and terminology of the proceedings.

Attorney Sison clarified that the transcript of stenographic notes (TSN) would show that counsel for the Respondent did not refer to the Vice President simply as the "Accused," but as the "Respondent-Accused." She further stated that should the Prosecution seek clarification on the Defense's use of the term "Respondent-Accused," the Articles of Impeachment would indicate that the charges are criminal in nature, notwithstanding the Prosecution's contrary position that the proceeding is not a criminal action per se.

Representative Diokno maintained that the Counsel for the Respondent referred to the Vice President as the "Accused," rather than the "Respondent-Accused," emphasizing that the proceeding is not a criminal case and involves no criminal liability, but concerns the fitness of the Vice President to continue in office.

Attorney Sison argued that, if the concern was the possibility of misconception arising from the use of the term "Accused" in conjunction with "Respondent," there was a greater

risk of misconception in suggesting that the constitutional presumption of innocence does not apply to impeachment proceedings, or that the Bill of Rights and its guarantees do not extend to the present case.

As surrejoinder, Representative Diokno clarified that, while the Bill of Rights applies to all proceedings, the presumption of innocence and the requirement of proof beyond reasonable doubt are burdens that specifically apply to criminal cases and should not be understood by the Court or the public as applying to the present proceedings.

As surrebuttal, Attorney Sison reiterated that the Defense had never claimed that proof beyond reasonable doubt is the quantum of proof required in the present impeachment proceedings. She stated that the applicable degree of proof required of the Prosecution is embodied in the ruling in *Duterte v. House of Representatives*. She emphasized that the constitutional guarantee of the presumption of innocence is not a matter for debate. She cautioned against the danger of conveying to the general public and law students that the constitutional presumption of innocence does not apply in the present case, as Representative Diokno appears to have suggested.

Representative Diokno replied that the portions of the ruling in *Duterte v. House of Representatives* concerning the conduct of an impeachment trial were *obiter dicta* and not binding, noting that no trial had yet taken place when that case was decided by the Supreme Court, as indicated in the decision itself.

RULING OF THE PRESIDING OFFICER

The Presiding Officer ruled against the motion of Representative Diokno to strike the reference to the Vice President as "Respondent-Accused," and ordered that the reference remain on the record.

The Presiding Officer confirmed, based on the record, Attorney Sison's statement that she referred to the Vice President as the "Respondent-Accused," citing page 4 of the TSN, which states: "The same appearance for the Respondent-Accused, Your Honor."

The Presiding Officer noted that although impeachment proceedings are *sui generis*, the Court's historical jurisprudence has characterized impeachment proceedings as criminal in nature. He cited *Horrilleno* and the Supreme Court's ruling in *Duterte v. House of Representatives*, which described impeachment as primarily a legal process that, while intended for the protection of the public rather than punishment of the offender, involves evidentiary rules and due process similar to criminal cases.

ORAL ARGUMENTS OF REPRESENTATIVE DIOKNO ON SENATOR-JUDGE (E) TULFO'S APPEAL/MOTION FOR RECONSIDERATION

Representative Diokno made the following arguments:

> **Representative Diokno.** Let me state at the outset where the Prosecution stands. The Prosecution is confident in its case. We believe in our evidence and we trust the independent judgment of this Honorable Court. And whatever the threshold is, however this Court decides the issue before it today, the Prosecution will do its job. *Malinaw po ang obligasyon ng Prosekusyon: Ilatag ang ebidensiya at patunayan ang mga paratang para makamit ang hustisya at pananagutan.*
>
> *Malinaw rin po ang tungkulin ng hukumang ito: Suriin ang ebidensiya, timbangin ang mga argumento at magpasya ayon sa Konstitusyon at sa ating batas.* Those responsibilities, we respectfully submit, belong together.

Last week, we heard four distinguished members of the honorable Supreme Court as *amici curiae. Ang sabi po nila* on the meaning of the phrase "all Members of the Senate" *ay iba-iba. Mayroon pong nagsulong ng verba legis*, forgive my legalese; *ratio legis, mayroon pong* contextual and functional approach; *at mayroong* commonsensical and rational interpretation.

But perhaps we can begin with the simplest formulation of the question. The Constitution requires two-thirds. The question before this Court is, two-thirds of how many?

Four *amici*, different approaches, different reasoning, yet all are one in saying that the number to convict is not fixed at 16. All four have concluded, expressly or essentially, that 16 is not an absolute number. It can change under certain circumstances.

The Prosecution does not intend to suggest which former Justice has the best approach. *Siyempre po, nasa Korteng ito ang pagpapasya niyan.* But perhaps you will allow me, on behalf of the Prosecution, to share another lens through which the different views may be considered. It is a principle that runs through our Constitution, and I submit it's at the heart of our Constitution. It is also the principle that the very reason why this Honorable Court exists. And that is accountability.

Our 1987 Constitution may properly be understood in its essential respects as an accountability constitution. *Isang Saligang Batas ng pananagutan.* That principle is explicit in Article XI itself. The first section provides—it starts with the declaration, I quote: "Public office is a public trust." And it commands public officers to "at all times be accountable to the people." These words are not incidental. They are about the constitutional architecture in which impeachment operates.

Government authority does not belong to those who temporarily exercise it. *Galing po iyan sa sambayanang Pilipino.* Public officials exercise authority in trust for the people. And because power is held in trust for the people, power carries with it, accountability.

Sa akin pong pananaw, ang pananagutan ay may dalawang panig or two sides: The first is answerability *o pananagutan. Ang opisyal na pinagkatiwalaan ng kapangyarihan ay dapat humarap at sumagot kapag hiningi ng Konstitusyon.* And the second is responsibility. The constitutional institutions entrusted with enforcing accountability must themselves responsibly perform the duties assigned to them, acknowledging that the people have an interest in a process that functions according to the commands and safeguards of our accountability constitution.

The House (of Representatives) is given the exclusive power to initiate impeachment cases, but the Senate, this august body, is given the sole power to try and decide them. And when senators sit for that purpose, the Constitution specifically requires them to take an oath or affirmation. *Bakit po?* Because you are not dealing with ordinary legislative business. You are exercising an extraordinary constitutional function as an Impeachment Court. And this is the only time in the Constitution that Members of the Senate are required to take an oath, separate from the oath they took when they assumed their office.

Kayo po, you hear, you examine, you deliberate, and ultimately, you judge. Viewed through the lens of accountability, therefore, the threshold question is not merely: *ano ang pinakamadaling* arithmetic? The question is, what interpretation faithfully allows the institutions involved to perform the responsibilities the Constitution has assigned to them while respecting the safeguards the Constitution has itself imposed? That is the contribution of the accountability lens.

Sa tingin po ng Prosekusyon, lubhang mahalaga ang aktibong partisipasyon ng hukom sa paglilitis, pagkilatis sa kaangkupan o fitness *ng opisyal ang ginagawa sa* Impeachment Trial. *Paano ito gagawin ng senador na hindi naging Hukom dahil hindi naman nakapag-*oath? *Paano rin ito gagawin ng Hukom na wala naman sa mga pagdinig para masuri ang mga testigo at dokumento? Hindi po ba ang utos ng Konstitusyon ay mapanagot sa taong-bayan ang mga opisyal sa lahat ng panahon? Hindi ba sa* impeachment case *ang kumakatawan sa taong-bayan ay kayo po, mga* senator-judges? *Kanino haharap at mananagot ang* impeached official *kung* absent *o hindi* available *ang huwes? Sa bakanteng upuan at mesang malamig?*

This calls to mind the ruling of the court in *Avelino vs. Cuenco*. In this case, the court accepted 12 as sufficient for quorum, taking into account that the members abroad were beyond

the Senate's coercive power. Of course, *Avelino* involved a legislative quorum under the 1935 Constitution, not the two-thirds vote for impeachment conviction. It does not decide this case. But it demonstrates why constitutional membership language must be interpreted with attention to the institutional circumstances. *Hindi* automatic *na ang base o* denominator *ay laging* 24.

Now, some may cite another case, *Bayan vs. Zamora*, to support a fixed number argument. However, that case of *Bayan* did not interpret the voting threshold requirement. In that case, the Supreme Court merely described rather than ruled upon the prevailing math. The reference to 16 votes in *Bayan* was merely an arithmetical illustration of compliance, not a doctrinal definition. In that case, mathematically, whether the Senate had 23 or 24 active members at that time, two-thirds of either number would still amount to 16 Senators. Sixteen votes constituted unquestionable compliance under either metric. *Ang* ruling *ng* Supreme Court *dito ay hindi pinal na hatol ukol sa* threshold *na maaaring mag-iba depende sa sitwasyon.*

Let us imagine, as some of the *amici curiae* were asked at the last hearing or oral argument, a situation *na may Senador na hindi nakapag*-oath for whatever reason o *kaya ay* legally prevented from performing a senator's job *dahil nakakulong at* suspended *sa katungkulan dahil sa utos ng batas.* Each of them cannot hear the evidence, deliberate, and vote. Their inability to participate is beyond dispute. And yet, if the denominator is fixed at 24, conviction would always require 16 votes. Absurd *po ito.* Yes, the Constitution deliberately makes conviction harder by imposing the two-thirds requirement. But making it harder is not the same as making it depend on senators who are not judges or who are incapable of acting as judges. That would be tantamount to an acquittal by default. A failure to arrive at the threshold number caused not by the judgment of the incapacitated senators, but by their mere inclusion in the denominator.

This brings us now to a matter that has already entered the discussion. *May nagsasabi po na kung ibahin ng Hukumang ito ang kanilang pasya sa isyung ito, mababago ang* Rules *sa kalagitnaan nitong paglilitis. Sa aming paniwala po ay hindi.* The constitutional rule has not changed. *Noong nagsimula ang* Trial, *ngayong tumatakbo ang* Trial, *at maging pagdating sa* final vote, two-thirds *pa rin po ang* requirement. What this Court must determine is the constitutionally applicable membership given the Senate's actual legal capacity to perform its impeachment function, mindful of the circumstances before the Court. *Ang pinagpapasyahan po ay kung sino* constitutionally *ang dapat isama sa bilang.*

But there is another misconception, if Your Honors, please, that begs clarification. A change in the denominator should not be described as simply lowering the votes needed to convict. Why? Because the arithmetic moves in both directions. If 24 senators are counted, 16 votes are required to convict; nine votes prevent conviction. Now, suppose the Court determines that 20 senators should be counted; two-thirds of 20 would require 14 votes to convict. But what is sometimes, if not often, omitted from this discussion is that seven votes would prevent conviction.

So, a different denominator does not guarantee conviction. It changes the arithmetic on both sides. *Parehong panig ang naapektuhan ng bilang.* That is why the constitutional issue should not be reduced to *binabaan ba ang boto para ma*-convict? The more accurate question is: *Ilan ang* constitutionally *dapat bilangin?* Once that denominator is constitutionally determined, the fraction operates upon it. Two-thirds remains two-thirds.

And this brings the matter back to us. The House Prosecution Panel also stands under the principle of accountability. Our responsibility is not to find the most favorable arithmetic; our responsibility is to prove the Articles of Impeachment within the bounds of justice. Our responsibility in the Prosecution does not change whether this Court determines that the applicable numerical requirement is 16 or some other number. If the Court determines 16, we present our evidence. If the Court determines another number, we present the same evidence because the evidence does not become stronger or weaker depending upon the denominator. The Articles do not change; the burden imposed upon the Prosecution does not change. In the same breath, the responsibility of this Court to render independent judgment remains the same. And whatever the Court decides, the Prosecution will respect that decision because, ultimately, two-thirds remains two-thirds. *Iyan po ang aming pananagutan; iyan din ang inaasahan ng taong-bayan.*

Maraming-maraming salamat po, Your Honors.

ORAL ARGUMENTS OF THE COUNSEL FOR THE RESPONDENT ON SENATOR-JUDGE (E) TULFO'S APPEAL/MOTION FOR RECONSIDERATION

Attorney Poa delivered his oral arguments as follows:

Good morning, Mr. Senate President, Mr. Presiding Officer, Honorable Senator-Judges, Panel of Prosecutors. *Magandang umaga po sa inyong lahat.* May I please the Court?

Your Honors, the Supreme Court has reminded us time and time again that when the law is clear, there is no room for interpretation. There is only room for application. Now, with those words in mind, perhaps, Your Honors, we should not complicate what the Constitution has made simple. The issue confronting us today boils down to one question: How many votes to convict?

The answer of the Defense is straightforward and simple: 16. *Bakit po* 16? *Simulan po natin sa* procedural aspect.

Last July 6, 2026, on the very first day of trial, the Presiding Officer ruled that the voting threshold to convict is 16. At that time, no senator-judge objected, no senator-judge sought reconsideration, no senator-judge appealed. Your Honors, that was over two months ago. Thereafter, witnesses were able to testify, evidence was presented, and the parties are already in the middle of trial relying upon such ruling of the Presiding Officer.

So, *bago po natin pag-usapan iyong nilalaman ng Saligang Batas, marahil dapat rin po nating itanong— tama pa bang buksan muli ang* issue *na ito at pagbotohan?* Because, Your Honors, reading the *Rules on Impeachment*, under Rule No. 6, *wala nga pong inilagay na* time frame within which a motion for reconsideration can be considered, naturally because that should have been brought up at the earliest opportunity after *mabigay po iyong* ruling. *Pero hindi po nangyari iyon.*

Basahin rin po natin iyong mga rules that have suppletory effect to these proceedings. For example, *iyong Senate Rules po*, Rule 33 gives a senator two session days within which to seek reconsideration for a measure that has been approved. Obviously, legislative *po iyong* function *na iyon. Pero kahit ipilit po natin iyong* rule *na iyon dito sa* impeachment proceedings, *lumipas na po iyong* two session days. *Pasong-paso na po.*

Now, let's look at the *Rules of Court,* for example, where parties are generally given 15 calendar days to file a motion for reconsideration. *Kahit po iyon, matagal na pong lumipas. Pasong-paso na rin po.*

And forgive me for going into the more technical aspect. Even if we were to consider the ruling of the Presiding Officer, as an interlocutory order, which the court may modify upon a finding of sufficient grounds, *para po sa Depensa, hindi na rin po* applicable *iyon dahil wala naman pong* sufficient ground, *wala pong* supervening event.

Ang punto po namin, wala naman pong nagbago mula July 6, 2026 *hanggang ngayong araw. Iyong mga sinasabi po natin na mga senador na hindi nakakapag*-participate, of course, with the exception of Senator Legarda, *ay hindi na rin po nakapag*-participate *noong* July 6, *bago pa na*-issue *iyong* ruling.

So, one thing is clear. Nothing in the Rules suggests that the ruling of the Presiding Officer may be challenged indefinitely or modified arbitrarily. Because, Your Honors, *kung ganoon ang ating magiging panuntunan ay 'di pati po iyong* ruling *doon sa pag*-issue *ng* subpoena *sa mga* bank records *ay puwede pa rin palang buksan muli at pagbotohan. Iyon palang mga* ruling *ng* Presiding Officer *sa bawat* objection *ay puwede pa rin balikan.* Your Honors, that should not be done because the parties must be able to rely on the rulings of the Presiding Officer. Otherwise, Your Honors, that will run contrary to the basic principle of what is an orderly conduct of a fair trial.

Now, more significantly, *kung ibababa po natin iyong* voting threshold when trial is already underway—in fact, *nasa kalagitnaan na po tayo*—Your Honors, that will go beyond the procedural. That will already raise questions if the Respondent Vice President is being afforded due process guaranteed by the Constitution. Due process, which according to the Supreme Court in *Duterte vs. HOR*, must be present in every stage of the proceeding. *At kahit isantabi muna natin iyong mga* procedural concerns *na iyan, pareho pa rin po iyong sagot namin—* 16.

Let's now proceed to the substantive aspect, and we will be raising five quick points.

First point, Your Honors, the language of the Constitution is clear. There is no need for further interpretation. Under Article XI, Section 3, paragraph 6, *nakasulat po diyan,* "No person shall be convicted without the concurrence of two-thirds of all the Members of the Senate." The text states, "all Members of the Senate." It does not say, "all members present." It does not say, "all members participating." And that distinction matters. Because *kung susuriin po natin iyong* US Constitution *at doon po binase iyong ating sariling Saligang Batas, doon po sa probisyon nila sa* voting threshold to convict, *nakasulat po doon, klarong-klaro,* "Members present."

So, if the framers of our Constitution wanted to adopt the same formulation, they could have easily done so. But they did not. In fact, Your Honors, *kung susuriin din natin ang ibang probisyon ng ating Konstitusyon, mayroon pong probisyon na nagsasabing* "members present" *lamang. Pero pagdating po dito sa* voting threshold to convict, *iniwan po ng* framers *natin na* "all Members of the Senate."

So, what does that mean? We look at Article VI, Section 2, where it states that "the Senate shall be composed of 24 senators." So, *ibig sabihin po noon, iyong* denominator *pagdating sa* threshold *ay* 24, unless *magkaroon po ng* vacancy. And a vacancy only arises when there is death, resignation, disqualification, or expulsion by a sitting Senator. *Wala pong ganoong nangyayari ngayon.*

Absence, Your Honors, does not create a vacancy; non-participation does not create a vacancy; being detained because of criminal charges does not create a vacancy. And, therefore, Your Honors, the current formulation is 24 Senators, two-thirds of which, is 16. And that is not an arithmetic that is simply advanced by the Defense. That is an arithmetic that has been upheld by the Supreme Court in the case of *Bayan vs. Zamora. Doon po*, faced with identical language, two-thirds of all Members of the Senate, *sinabi po ng* Supreme Court *na ang* denominator *ay* 24. *At iyon po*, treaty concurrence *lamang ang pinag-uusapan. Paano pa po pagdating sa* Impeachment that might result into the removal of the highest officials of the land?

At huwag na po tayong lumayo. Tingnan po natin iyong nangyari doon sa impeachment trial against the former Chief Justice Renato Corona. *Noong panahon po na iyon, hindi po* 24 *ang* Senators, 23 *lamang* because *nanalo po sa pagka-pangulo ang dating* Senador Noynoy Aquino. And even with that vacancy, *hindi naman po binaba ang* voting threshold; 16 votes *pa rin* to convict.

Now, that begs the question: *Bakit po pagdating kay* former Chief Justice Corona, *hindi binaba iyong* voting threshold, *pero pagdating dito sa* impeachment *laban sa* Vice President Sara Duterte, *kahit walang* vacancy, *eh pinag-uusapan iyong pagbababa ng* threshold? I will leave that question hanging with you, Your Honors.

To my second point, *parati nating naririnig iyong Avelino vs. Cuenco*. But that case simply does not apply because that case is about quorum. *At iyong pinag-uusapan na* coercive jurisdiction *ng* Senate *ay napag-usapan lamang dahil kung titingnan natin iyong probisyon* on quorum, specifically, Article VI, Section 16, paragraph 2, *nakasulat po kasi doon* that both Houses have the power to compel the attendance of its members for purposes of quorum. *Dito po sa* impeachment, *wala pong ganoon*. So that is irrelevant. Your Honors, let us not use the rule on quorum to rewrite the constitutional provision for the voting threshold to convict.

To our third point, Your Honors: *Maaari bang bumoto ang mga hindi nagpa*-participate? Well, to us, respectfully, unless the Impeachment Court prohibits them from doing so, they can vote, because as mentioned last week, we are a court of records. *Maaari naman pong basahin ang* TSN or *ang* transcript. *Maaaring rebyuhin* (review) *ang Journals. Maaari na nga pong mapanood ang nangyayari sa* trial through videos. Now, if that senator-judge does not feel that he or she can render an impartial judgment *dahil nga* absent *po siya*, well, Your Honors, *hindi lang naman* yes or no *ang boto. Puwede namang mag*-abstain. *Puwede namang mag*-inhibit. But we have to emphasize that abstention or inhibition do not create vacancies. And therefore, it should not affect the denominator. The denominator remains to be 24, two-thirds of which, is 16. And 16, Your Honors, is not a figure that was chosen by the Defense; it is the consequence of the constitutional language.

Ngayon, Your Honors, since we're talking about consequences, that brings us to our fourth point: Your Honors, if we were to lower the threshold here, we will not be lowering the threshold in a vacuum. *May* consequences *po iyan. Marami pong* constitutional provisions *na maaapektuhan*. For example, *iyon pong pag*-extend or *pag*-revoke *ng* martial law, *iyon pong pag*-expel *ng isang miyembro ng* Senado, and more importantly, *iyon pong pag-amyenda mismo ng ating Saligang Batas*. Now, are we going to also adjust the thresholds in those provisions? Because if we were to do that, *hindi na po* "threshold" *ang tawag doon*. Moving target *na po iyon para sa mga taong gustong mag*-benefit *sa* circumstances.

To our final point, Your Honors, the two-thirds supermajority is obviously a constitutional safeguard for the Respondent. It ensures *na hindi po matatanggal ang matataas na opisyal ng ating bansa dahil lang hindi niya kaalyado ang mayorya sa* Impeachment Court. But in the same manner, it is also a constitutional safeguard for the senator-judges themselves. Because, Your Honor, if absence, detention would change the denominator, then, Your Honors, you will be opening yourselves up to being coerced, being intimidated, being threatened by those who wish to manipulate the result of the impeachment process.

Conversely, *kung* we will stick with that denominator of membership, then, Your Honors, *iyong pagiging* absent will suddenly not matter. You will not be forced to leave the country just to change the denominator. There's nothing to gain by filing criminal charges to detain certain senators just to manipulate the result of the impeachment process. So, as you see, Your Honors, it's a two-way safeguard. *Ang* supermajority based on membership as the denominator is really a safeguard *para hindi po maabuso ang proseso*.

And in closing, Your Honors, circumstances change, political alliances shift, majorities come and go. But at the end of the day, the Constitution must remain. While we understand that with everything that's going on, some may say that this is inconvenient. But, Your Honors, the Constitution is not tested merely when things are convenient. In fact, the Constitution is tested most when things are precisely inconvenient.

And with that, we submit, Your Honors. *Maraming-maraming salamat po*.

MANIFESTATION OF SENATOR-JUDGE CAYETANO (A)

Prior to his clarificatory questions, Senator-Judge Cayetano (A) stated that he raised the issue regarding the threshold on the first day of the trial, on the conviction that it is jurisdictional. He further said that while he welcomed a discussion on the issue, the same should be made before the Supreme Court or at the Senate, but prior to the passing the *Rules of the Impeachment Court*, which would have afforded the parties the information and opportunity to seek judicial recourse.

He explained that resolving the issue at the outset would have allowed him to determine whether to participate in the proceedings, in light of possible absence of jurisdiction over the case, asserting that while jurisdiction may exist, it may be lost when there is a grave abuse of discretion that amounts to lack or excess of jurisdiction. He expressed willingness to discuss the issue but pointed out its ill-timing, as it was being raised close to the conclusion of the Prosecution's presentation and before the Counsel for Respondent presented its evidence.

Clarifying his earlier reference to a "mistrial," Senator Cayetano (A) said it was intended to underscore accountability and the consequences of proceeding despite a jurisdictional issue, rather than to predict that a mistrial would occur. He noted that the matter could ultimately be brought before the Supreme Court and that the Members of the Court could only place their jurisdictional concerns on record. Senator Cayetano (A) stated that he would participate in the oral arguments but reserved the right to reconsider his participation should the Court vote on the threshold issue.

He further observed that developments outside the Court could affect the proceedings, and expressed hope that the evidence would enable the 24 senator-judges to either convict or acquit, thereby avoiding disputes concerning the threshold, political persecution, or politics. He concluded

by affirming that, despite disagreements among the Members, he had observed fairness, courtesy, and respect in the Court.

QUESTIONS OF SENATOR-JUDGE CAYETANO (A)

Senator-Judge Cayetano (A). Sir, just like with the Defense, I won't argue because you've already argued your position. *Sa akin,* practical matter *lang.* Assuming the Impeachment Court votes that the threshold *nga* is not 16—by the way, I agree with you, it's not fixed 16. But our disagreement is that it's fixed with the number of senators. And if 24 is the number of senators who are members, who are alive, who have not resigned, for me, that's what's fixed, 24. So, two-thirds is 16. Having said that, I owe it to all of you to listen.

So, if your theory is correct and that *puwedeng mabawasan iyong* 24 *kahit hindi sila patay, kahit hindi sila nag*-resign, how will we apply that? So, like in our situation now, what if Senator Jinggoy gets bail tomorrow and he appears whether tomorrow or the day *na may* judgment? What if Senator Loren Legarda signs the Treaty of Paris and comes back to the Philippines under that treaty? So, 22 *na.* So, how do we apply what we're talking about now, in the view of the Prosecution?

Representative Diokno. *Magandang umaga po,* Your Honor. And *maraming salamat po sa inyong tanong.* I think that we are operating here as an Impeachment Court and, therefore, we should adopt the principles that apply to judges. As I understand the *Rules,* Your Honor, please, the judge of the court where a case is pending — the general rule is that they can only participate and eventually vote if they heard and personally received the evidence. The only exception recognized is where a judge, for example, replaces another judge or is detailed to another court and now has the duty to decide cases that he did not hear or she did not hear himself or herself. *At sa tingin ko po, iyon ang dapat mag*-apply *po dito.*

In this particular case, we are not talking about a judge who suddenly was assigned to the Impeachment Court, but rather we are speaking of all the Members of the Honorable Senate Impeachment Court, only that some of them are not here for one reason or another. And I believe that we must face that reality *na ganoon nga po. Kaya kami po ay naniniwala na iyong mga nakakapagdinig lang ng mga testimonya, nakakapagbasa ng* record, because this is really a question where the evidence is so crucial in determining accountability.

Senator-Judge Cayetano (A). Okay, let me agree with you first that it's so crucial and let me agree with you *na kasama sa* oath *ng bawat isang* judge is to review the evidence before coming out with a verdict. I'll go to that later.

The difference with the judges is *may* rules *nga sila. Puwede silang palitan* anytime. *Puwede kang mag*-pairing judge. *Pagdating po sa* CA *at saka sa* Sandiganbayan, you only need two out of three, and they have certain rules *na kung kailangang* unanimous, you add two from the pool of justices. So, *mas* akin *tayo*, for example, *sa* Supreme Court. But *ang* Supreme Court, *kung hindi sila maka*-majority because *may naka*-leave or *may* vacancy, they will wait for that. So, if there are only 10 Supreme Court justices now and only five say "yes," I don't think they will make a decision. But let's put that aside *kasi nga sui generis (tayo).*

Let me go to your point *na dapat kasi nakikita nila iyong ebidensya.* Let me take as an example — the pandemic. Some judges did the hearings through electronic means. So, is there anything in our *Rules* that will prohibit the four senators who are not here now to participate electronically? Is there anything in the Constitution that will prevent this Impeachment Court from doing that, in your view?

Representative Diokno. May I respond, Your Honor?

Thank you, Your Honor.

The Presiding Officer. Yes, you may just proceed, Honorable Diokno.

Representative Diokno. Thank you.

First, to the first question of Your Honor, I would have to respectfully disagree that this Honorable Impeachment Court is akin to the Supreme Court.

Senator-Judge Cayetano (A). No, no, sorry. I said it's *sui generis,* but I'm saying if we compare it to the RTC, MTC, CA, it's different. *Kasi iyong* RTC, MTC, CA, *mapapalitan sila* anytime, *hindi ba*? So, if your RTC judge takes six months leave, the case can be assigned to someone else. If he dies or retires, it can be assigned to someone else. *Kung may mag-*inhibit *sa* CA, *puwedeng ibigay sa iba.* So, I am saying that unlike the Senate, *hindi puwedeng palitan iyong apat.* But that is not my point, you can disregard that.

If you want to give your opinion about the Supreme Court, that is okay with me. I am just saying my main question is, is there anything in the Constitution or in our rules in your reading that prevents us from amending our rules and allowing participation by electronic means?

Representative Diokno. May I address that question after I address the first question that, Your Honor, propounded? I believe that this Honorable Court really is called upon by the Constitution to conduct a trial, meaning *po,* to receive evidence. Unlike the Supreme Court which can rely on the records of the case, *sila po kasi ay* appellate court *at hindi naman sila nagtatanggap mismo ng ebidensiya.*

In this particular case, it is really crucial and vital that the decision on accountability be made based on the evidence. *At kung wala po dito iyong mga mahistrado, talaga pong sa pananaw namin, hindi sila makakapagpasya ng—*

Senator-Judge Cayetano (A). No, let me interject then. So far, until this day, *wala pa kayong ebidensiyang prini-*present *na kailangan amuyin o tikman. Sa ngayon, ang ebidensya pa lamang na nakita ko sa inyo kailangan tingnan, kailangan pakinggan.* And if you use electronic means, yes, *walang pang-amoy, panlasa iyon, pero puwedeng tingnan, puwedeng basahin.* So, so far everything you have done here, the demeanor of the witness, the documents, even the intramurals between the Defense and Prosecution. But, sir, you are going to the wisdom, whether it is wise to go into electronic.

Ang question *ko:* Is there anything to prevent us from doing that?

Kasi, hindi ba, dapat iyon muna ang tanungin bago iyong threshold? So, *kung halimbawa in-*amend *natin iyong* rules, *puwede silang mag-*participate. The 24, *walang problema. Ngayon, in-*amend *natin iyong* rules, *ayaw nilang mag-*participate, then *baka dapat nating kuwestiyunin na bakit ayaw nilang mag-*participate, *hindi ba*? For all we know, Senator Bato is willing to take his oath, we don't know.

Go ahead, Sir.

Representative Diokno. Thank you, Your Honor. The rules of this Honorable Court and even of the Senate are really within the power of Your Honors to amend, if you so choose. And I cannot really say anything beyond that because that is your power *po.*

Senator-Judge Cayetano (A). No, I wanted your honest opinion, and I appreciate it because I might have overlooked. There might be something saying there *na kailangan* physically present because my reading also is that we can amend and we did try to amend for the Senate, not for the Impeachment Court, but the rest is history. So, *ano iyong magiging* practical *nga*? So, for example, if we say Senator Loren attended half of the trial but if she says she continued to watch it, so if she comes back a week before the impeachment, will she be allowed to vote or not?

Representative Diokno. Well, that is within the jurisdiction and power of this Honorable Court.

Senator-Judge Cayetano (A). Yes, yes. That is why I am asking—I will ask both of you because how will we apply it that you think is fair *sa* sides *ninyo.*

So, the Defense practically answered it by saying, "*Dapat pareho sa* everyone." That is why I am addressing it to the (Prosecution). Of course, you will know the opinion of this Court by how it decides later on.

This is all theoretical, for all I know, Senator Legarda's medical leave will continue. I don't know what will happen to the three other senators, *hindi ba*?

I'll tell you my next question. In your view, can this Impeachment Court order ordinary courts like the Sandiganbayan to produce Senator Marcoleta and Senator Jinggoy to attend this impeachment trial?

Representative Diokno. First, if Your Honors, please, as far as the electronic trials are concerned, I believe, and this is my opinion, that there would be an inability on the part of the person watching through electronic means this kind of proceeding to assess the credibility of the witnesses and as well to really understand and grasp what is happening in the trial. There is no substitute for being here in person.

In fact, I believe that, that would be fair to the Respondent, that everyone would be present here and physically able to assess the evidence. *Sa tingin ko po,* as far as—whether the question of participation of the judges is concerned, is really meant to safeguard the Respondent. And that is why we believe that it's important that all the Members of the Court who will decide and vote on this case should be able to hear and see the evidence, right here, inside the Courtroom.

Senator-Judge Cayetano (A). I agree with you 80%, that's ideal.

But, for example, when it takes the whole day, having coffee either in our office or in the lounge and looking at the television is sometimes even better. When I don't understand this, although I do talk to my two seatmates, I do look—for example, the Villars are better in their numbers than I am, so I ask them. When it's a very, very—what do you call this?—commonsensical issue that I think I'm so high-tech *sa pag-iisip*, I go to Robin and say, "Robin, *ano tingin mo dito?*" *Hindi ba?* Of course, my sister's a lawyer, I ask—Sometimes, if I want a different opinion, I ask Senator Migz because he's in the Majority, I'm in the Minority. So, I mean, there's different ways to appreciate it.

But I do respect your opinion. And I do think as a general rule, the ideal *talaga* is to be here and to—*na tutukan ito, hindi ba*? But the reality is, we have four senators that are not here and some feel that they're in danger of being taken out of play also. So, that's the reality there. So, if we want to lower the threshold, will we also be looking at not lowering the threshold, but allowing them to participate.

Representative Diokno. If I may respond to the second question?

Senator-Judge Cayetano (A). These are discussions, Sir, so just go ahead, please.

Representative Diokno. Your Honor was also asking if this Honorable Court can order the Sandiganbayan to produce the Members of the Court who are within their jurisdiction. I would have to answer that that is a matter that the Sandiganbayan should decide because they have jurisdiction over the case, as well as the person of the accused. And I would think that while this Court may make its sentiments known to the Sandiganbayan, ultimately, it is that Court that should make that decision.

Senator-Judge Cayetano (A). Would you like to know my opinion?

Representative Diokno. Of course, Your Honor.

Senator-Judge Cayetano (A). No. Because if you don't, I won't say it.

But if you do—I think the Senate cannot order the Sandiganbayan to produce the senators here, but I think the Impeachment Court can. I think the Impeachment Court, being *sui generis,* and at the highest order and having Plenary rules can— with the proper coordination— compel. In the same manner that, if we have a witness that is charged under contempt, but then, *may* criminal case, the RTC or Sandiganbayan can order the Senate, with the proper coordination, *na ilipat sila doon.*

So, of course, ultimately, our opinions are subject to a Supreme Court ruling. But I'm quite clear, *hindi puwede iyong Senado. Iyong Senado* can ask—can ask the Sandiganbayan, "Can you allow them to participate?" but they cannot compel. But I think if we're going to give full constitutional—if we're going to give full meaning to our Constitution, "24 members," we can compel the Sandiganbayan.

Do we want to do that? I don't know. But what I do not want is a mistrial, and I want—*sa* media *sasagutin ninyo ito*, so better *na* here. And you said it a little bit, but I'll give you just this chance.

Do you want to elaborate why in your view it's not a mistrial if we lower the threshold?

Representative Diokno. I respectfully submit, Your Honor, that it's well within the power of this Court to make that decision. We have heard from the *amici curiae* and, none of them, if I recall, mentioned anything about a possibility of a mistrial. And at the same time, it is this Court, and this Court alone that was given the power and authority by the Constitution to try and decide impeachment cases. *Kaya po kami ay naniniwala na nasa inyong kamay po iyan.*

Senator-Judge Cayetano (A). The four distinguished gentlemen and I—We should have also invited a lady *amicus,* 'no? But as Senator Pia and Senator Risa always remind Senator Imee and Senator Camille *na dapat* gender-inclusive *tayo*. The four were given a theoretical framework and asked a question *na sa tingin ninyo sa* Constitution, *hindi ba, ano iyong* threshold? They weren't given the full blow of what's happening in politics, what's happening in everything, *et cetera,* and they were not really thrown the question that when you start the trial and many of the Senator-Judges would not have participated at the start if we did not say it was 16, then you changed it in the middle. So, I respect—that's why I didn't participate. I don't think it's debatable, the 24. Having said that, we're going to have a vote today, so I'm forced to at least participate at this stage. But I do respect their opinions. That's why *sabi ko nga*, I welcome the debate *pero sana sa* Supreme Court, *hindi ba*?

So, that's my last question. Do you—what do you think it would be better, hindi ba? Let's assume that the Vice President is convicted. *Walang problema kapag* 16, 17, until 24. We'll all agree with that, *hindi ba*? Even the Defense agrees, *hindi ba*?

Mr. Poa. Yes, Sir.

Senator-Judge Cayetano (A). *Kapag* 16 *pataas ang nag*-convict—there are still some questions you can bring to the Supreme Court, but not the threshold.

Mr. Poa. Yes, Sir.

Senator-Judge Cayetano (A). *Hindi ba*? Okay. But if *ang nag*-convict is 15 or 14, there will be questions. So, *iyon ang huli kong* question. Should the Court decide, should the Impeachment Court decide, or should the Supreme Court decide?

Representative Diokno. Your Honor, I believe that the matter is not yet justiciable and cannot yet be brought to the Supreme Court. *Kasi nga po, wala pa pong boto. At hindi pa po natin alam kung ano ang magiging resulta ng pagboboto.* If, for example, the votes come out to 16 or more, then there is no issue to bring to the Supreme Court. If a petition is filed now, the Supreme Court, in my view, could easily say, *"Sandali lang, nasaan ang* issue *dito? Eh hindi pa naman kayo bumoboto. Malay namin kung umabot na kayo ng* 16, then there will be nothing for us to decide."

That's why, in my view, the only time that this case will be justiciable to bring up to the Supreme Court is when an actual vote is done and a number less than 16 is arrived at and that is deemed sufficient to convict.

Senator-Judge Cayetano (A). Well, two things. Obviously, this Court, at the start of the hearing, disagreed with you because Senator Escudero as Presiding Officer made a ruling, I clarified that. A few days or a week later, Senator Lacson had a clarificatory question. I'm not sure if here or *sa* media, there was another Senator, I don't know if it was Senator Erwin. *Basta't may nagtanong din dito*—or was it Senator Kiko? I know Senator Lacson asked about it. And I know Senator Escudero answered. The issue is now justiciable, *hindi ba*? So, obviously, the Court and you have different opinions there.

But assuming, assuming *tama iyong sa iyo kasi may* point *ka rin eh, na* even if we said it's justiciable, the question now is, will the Supreme Court say it's justiciable? Then why don't we just not discuss the threshold? Then when we vote, so *kung* 14, then we just say there's 14 votes, then both of you bring it to the Supreme Court. Does that mean she's convicted or not? We don't have to say 14, therefore, she's acquitted or 14, therefore she's convicted. You let the Supreme Court. *Kung* 16, *'di wala tayong problema.*

So, I'll throw back to you that question—although I said last *na*, so with your forgiveness, *hindi ba*—if it's not justiciable for the Supreme Court, why is it justiciable for us right now? Why do we have to decide today what the threshold is?

The Presiding Officer. Yes, kindly wind up, Senator—

Senator-Judge Cayetano (A). That's it, Mr. Chair.

The Presiding Officer. You can avail of the next round.

Senator-Judge Cayetano (A). I'll only say "last" two times, so—[laughter]

Thank you.

The Presiding Officer. Honorable Diokno may answer.

Representative Diokno. Yes. In my view, Your Honor, it is only justiciable as far as the Supreme Court is concerned when an actual vote is held. So that whether there was a ruling made earlier or not, even if any party had brought it up—

Senator-Judge Cayetano (A). To clarify that, a vote on the guilt, right?

The Presiding Officer. On conviction or acquittal.

Senator-Judge Cayetano (A). *Ayan,* not a vote on whether or not what the threshold is. Can I just clarify that, Sir? You're saying, it's only justiciable once the vote on the verdict, right? Are you talking about the vote on the verdict or you're talking about the vote on the threshold?

Representative Diokno. The vote on the verdict, Your Honor.

Senator-Judge Cayetano (A). On the verdict, that's clear. Thank you, Sir.

Thank you, Mr. Presiding Officer. Thank you.

Representative Diokno. Thank you, Your Honor.

The Presiding Officer. Thank you, Senator-Judge Alan Cayetano.

Senator-Judge Aquino is recognized.

Thereafter, Senator-Judge Lacson. Thereafter, Senator-Judge Villanueva.

QUESTIONS OF SENATOR-JUDGE AQUINO

Senator-Judge Aquino. Let me return the Bible of Senator Cayetano.

Magandang araw, Mr. Presiding Officer. *Magandang araw*, Attorney Poa and Attorney Chel.

Before my time starts, anyway, we have a variable two minutes today, let me just commend our two Counsels for today. Thank you for presenting the arguments very clearly. *Maraming-maraming salamat.*

Mr. Poa. Thank you, Mr. Senator.

Senator-Judge Aquino. Okay. So, *ang mga*—may I ask your opinion on this? After today, do you think that the decision of this Court with regard to the question at hand, do you think that it is up for judicial review?

Kunyari po, Attorney Chel, *hindi ninyo nakuha iyong* side *ninyo*, will you be raising it to the Supreme Court?

Attorney Poa, *kapag hindi ninyo po nakuha iyong* side *ninyo*, will you be raising it to the Supreme Court?

I also have my own opinion on the matter, but I'd like to get your opinion first.

Sige, Attorney Poa, go ahead.

Mr. Poa. *Sa amin po*, just to be very straightforward and candid, definitely, there is a possibility that we will be raising this to the Supreme Court. Precisely because, Your Honors, when the Respondent-Accused, you know, started and entered—we entered for her in these proceedings, the expectation was, *iyong* conviction threshold is 16 votes.

So, *sa atin, kung papalitan natin iyon* in the middle, we feel that that is really a justiciable issue. *Kasi po, hindi ba, nasabi na rin ng* Presiding Officer at that time, *noong nabigay iyong*

ruling, *na kung sino man ang gustong kumuwestiyon* (question) *ay puwede nang umakyat sa* Supreme Court ultimately?

And we are not questioning that you can decide *kung ano iyong* threshold, but ultimately, I think we can all agree that the final arbiter will be the Supreme Court. So, I will say there is definitely that possibility, Your Honor.

Senator-Judge Aquino. Thank you, Attorney Poa.

Attorney Chel?

Representative Diokno. We respectfully submit that it is within the exclusive power and authority of this Court to make that decision, Your Honor, please. And if you look at even the jurisprudence that we have, I think it would also point in that direction.

Senator-Judge Aquino. Okay. I'm not arguing with the two of you.

Pero ako po, personally, *iyong* power to try and decide *ng* Impeachment Court *pagdating sa* impeachment, *ang aking* interpretasyon, *iyan po ay patungkol sa* guilt or innocence *ng* Respondent.

In fact, I disagree with Chief Justice Puno that, that decision can even be raised to the Supreme Court. Because in the Constitution, *nakalagay*, we have the sole power to try and decide. But in this particular case, *ang pinag-uusapan kasi natin* is an interpretation, an interpretation. Which is why, I would say that after deciding today, it can be raised to the Supreme Court. And that whatever their decision is, should be something that we should all take cognizance of.

In fact, on the first day of trial, Senator Lacson already clarified that it is already a justiciable issue, and even back then, it could have been raised. So, whatever the decision is today, to our dear colleagues here, and I hope my fellow senators are also listening, *ako po, naniniwala na mahalaga rin na mapakinggan natin kung ano iyong posisyon ng* Supreme Court. And I say that, not having agreed with them in their previous decision on the matter.

Remember, *noong na*-raise *iyong* issue *ng* impeachment a year ago, they struck down the impeachment in *Duterte versus House of Representatives*, where they did not, in my humble opinion, they did not do a *verba legis* approach. *Kasi napakasimple ng* modes of impeachment, and yet, *nagkaroon sila ng interpretasyon kung paano dapat gawin iyong isang* mode of impeachment. I did not agree with that, but when that decision was done, *sumunod po kami.*

So, Attorney Poa, let me just mention *na hindi laging verba legis ang* Supreme Court. In fact, sometimes they are *verba legis*, sometimes they use the contextual or functional approach. And in this case *na pinag-uusapan natin, iyong pag-iintindi sa napakahalagang kataga sa ating* Konstitusyon, after our decision, which, of course, we should uphold, then if there are Parties—in fact, maybe even Judges may, themselves, bring it up—I don't know—

Is that possible, Attorney Chel? Can a judge also bring up a case to the Supreme Court asking for a clarification or for guidance? *Puwede ba iyon*?

Representative Diokno. That would probably be not accepted by the Court because the Supreme Court, Your Honor, does not have jurisdiction over declaratory relief cases.

Senator-Judge Aquino. So, it is really only the Parties, probably, who could raise it up, *'no*?

Representative Diokno. And they would have to look for an actual ripe dispute. At this point, there is as yet no vote taken by this Honorable Court.

Senator-Judge Aquino. So, your position, Attorney Chel, Honorable Diokno, is that it only is ripe on the final decision, not even on a decision today.

Representative Diokno. Because as yet, there is no injury, if Your Honor please. If ever there would be an aggrieved party, that being injured would only happen after the actual vote is taken.

Senator-Judge Aquino. Okay.

Attorney Poa, may I get the position of the Defense?

Mr. Poa. Opo.

Senator-Judge Aquino. In your case, I am guessing even after today, *maaari nang maakyat sa* Supreme Court, *tama ba?*

Mr. Poa. Definitely, Your Honors. Although I agree with the distinguished Counsel *na 'pag* Senator-Judge, *baka hindi puwede,* not because of declaratory relief, but because really the Court will not give an advisory opinion *kung ano iyong tama at ano iyong mali* without a controversy.

But, Your Honors, *para sa amin*, justiciable *na po*. And like you said—we are not saying that—*kumbaga,* we agree with the fact that *pagdating sa pag*-sole power to try, you know, impeachment cases, belongs to the Senate, that does not include *itong* voting threshold. *Ang para sa amin po*, when you say sole power to try and hear impeachment cases, it is really the evidence. And like you said, to determine guilt or innocence. *Pero pagdating sa* interpretation *ng* voting threshold, while you can have your own interpretation, finally, it will still have to be decided by the Supreme Court if we deem it proper to bring it up. And for us, the fact that there was already a ruling and we relied on that ruling and now it is suddenly changed, Your Honor, for us, at least that is already a justiciable controversy.

Senator-Judge Aquino. All right, *maraming salamat.* And let me commend again our two Counsels. Thank you for presenting your sides today. *Maraming salamat.*

Mr. Poa. Thank you, Your Honor.

The Presiding Officer. Thank you, Senator-Judge Bam Aquino.

Senator-Judge Lacson is recognized. You may proceed, Sir. You have two minutes.

MANIFESTATION OF SENATOR-JUDGE LACSON

Senator-Judge Lacson informed the Court that his remarks were observations concerning possible misinformation arising from statements made by both the Prosecution and the Counsel for Respondent.

He disputed the Prosecution's assertion that all four *amici curiae* were unanimous in concluding that 16 votes was not an absolute requirement, pointing out retired Justice Adolfo Azcuna's statement that "all means all."

Regarding the reference made by the Counsel for the Respondent to the Corona impeachment case, Senator-Judge Lacson explained that although only 23 senators participated at that time, the required threshold remained 16 votes. He emphasized that the threshold was not reduced to 15 because two-thirds of 23 is 15.33, which, when rounded up, would still result in 16.

Presiding Officer Escudero acknowledged the clarification and stated that a corresponding ruling would be issued depending on the outcome of the vote. Representative Diokno was subsequently given an opportunity to respond.

REMARK OF COUNSEL FOR THE PANEL OF PROSECUTORS

Representative Diokno clarified his understanding of retired Justice Azcuna's position, stating that the Senate's full membership is 24, subject to permanent vacancies caused by death, resignation, or removal. Accordingly, he maintained that the 16-vote requirement should not be considered absolutely fixed in all circumstances. In his view and based on his recollection of Justice Azcuna's explanation, the required number of votes may correspondingly decrease in case of permanent vacancies.

REMARKS OF THE COUNSEL FOR THE RESPONDENT

Attorney Poa agreed with the clarification of Senator-Judge Lacson regarding 15.33 but noted that the Court should also consider how fractional thresholds should be treated, given the

differing views expressed by the *amici*. He opined that figures such as 15.33, 15.01, or 14.01 should be rounded up; otherwise, the required threshold could never be met. The Presiding Officer duly noted his manifestation.

QUESTIONS OF SENATOR-JUDGE VILLANUEVA

The Presiding Officer. Senator-Judge Villanueva is recognized for his interjection. You have two minutes, Sir. You may proceed when you are ready.

Senator-Judge Villanueva. Mr. President, Presiding Officer, before I ask questions, Mr. President, I would just like to make a short manifestation considering, Mr. President, that even during the time when we had the *amici curiae* here and my time is up, the *amici curiae* made statements. I could not even butt in or share my views as a Senator-Judge. I am kind of envious when I heard our Minority Leader taking the podium and getting more time than most of us. But I am not complaining, Mr. President. But just to put on record, Mr. President, because, in fact, Mr. President, I have 12 points here for the Prosecution and 12 points here for the Defense. But I will only point out one thing later on, Mr. President.

But may I just make a short manifestation? During the time when we had the *amici curiae,* I could not help but wanting to comment on what Justice Azcuna made mention that when there's—the denominator *ay naging* 16 *o* 15 *na lang,* Mr. President, *parang wala na. Hindi na pupuwedeng magkaroon ng* Impeachment *dahil* fixed *ang* 16. So, *gusto ko hong i-*point out *sana iyon.* And that to me, Mr. President, gave me the idea *na* you can "never say never," *sabi ni* Justin Bieber.

Doon naman po sa sinabi ni former Chief Justice Panganiban, *binanggit po niya iyong kuwento doon sa dalawang magulang na pinag-e-*explain *iyong anak. Eh gusto ko hong sabihin, hindi dalawa iyong magulang na magde-*decide. *Marami po iyong magde-*decide: *bente kuwatro.*

Pangalawa, iyong panganay na anak—hindi puwedeng gamitin iyong ibang prinsipyo o polisiya na ginamit mo sa panganay na anak at hindi mo gagamitin doon sa ikalawang anak.

But having said that, Mr. President, may I just pose one question to both parties—and I join Senator Bam in congratulating the Honorable Diokno and Attorney Poa. *Kayo ho iyong dalawang* favorite *ko dito sa* Impeachment Trial, and every time you speak, we all listen.

Maraming salamat po.

Iyong question *ko po,* first to the Defense Panel. *Binanggit n'yo po na* 16 is a fixed number. But the framers of our Constitution did not say the word or number "16" but instead they used "two-thirds." And, in fact, I believe, during the time when Justice Azcuna is explaining his position, I still believe with all of my heart that 16 is not fixed on his mind, and I would agree with Congressman Diokno. The framers should have said "16," but instead, "two-thirds." The US Constitution said "members present," *pero hindi din po iyon ang inilagay.*

So, *kung ganoon po, hindi ho ba napakalinaw din noong* Article XI that indeed the sole power to decide and try belongs to the Senate?

Mr. Poa. Your Honors, if I may respond?

Senator-Judge Villanueva. Please.

Mr. Poa. Your Honors, *doon po sa tanong kung bakit hindi po nalagay iyong* 16—of course, I will be just giving my humble opinion on the matter. *Ba't kaya po hindi* 16, because, as I mentioned during the oral argument, and I think also mentioned by the distinguished opposing Counsel, *wala naman po kaming sinasabi na* fixed at 24. What we're saying, it's fixed as the membership. So, meaning, *kung* 24 *po iyong* members, 24. Now when will that change? *Pag mayroon lang pong* vacancy. And that's when death, resignation, disqualification, permanent disability, or expulsion, *hindi po ba? Kaya po* two-thirds.

Secondly, I could only surmise, might be stylistic, because *pagdating sa* House, one-thirds of all members of the House, *dahil iyong* House *po, nagtsi-*change *po iyong numero nila*

depending *kung magkaroon ng* additional district *et cetera*. But again, *kaya po hindi nasulat na* 16, at least in my humble opinion, *ay dahil po, papaano kung* 24 *iyong* Senators *pero may isang na*-vacate *iyong* seat, so that's why it remained fractional, two-thirds. At least that's my humble opinion, Your Honors.

Senator-Judge Villanueva. Thank you for that.

But I also believe that the framers themselves know very well the number 24. So, again, when you said a while ago that 16 is 16, I'm not sure of that, but I respect your opinion and the position.

To Congressman Diokno, *isang* question *lang po*. Would you agree with this Representation that, indeed, the purpose of that particular provision in the Constitution to have two-thirds is to ensure that it would require supermajority and deliberately harder than ordinary decision coming from the Senate?

Representative Diokno. Yes, Your Honor. I would submit that that is the reason why that number was put in the Constitution.

Senator-Judge Villanueva. And you affirm that two-thirds is a supermajority and, indeed, a harder number that you need to reach in order to deliberate and decide on a very important matter?

Representative Diokno. Yes, Your Honor, because we are talking about accountability here.

Senator-Judge Villanueva. Yes, thank you very much.

And one last point that I'd like to raise. *Kung bumoto po kami dito at i*-embrace *at ipatupad iyong* threshold should not be fixed at 16, what do you think would happen with other matters like, for instance, the one Attorney Poa made mention, *doon sa* martial law *na* two-thirds *din ang kailangan; sa* expulsion *ng isang miyembro ng* Senado, two-thirds *din ang kailangan.* Now, what is very dear for all of us, the changing of the Constitution which is three-fourths, *puwede rin po ba ito na magbago dahil magbabago po ang* denominator, Representative Diokno?

Representative Diokno. Thank you, Your Honor.

In my opinion, nothing would change insofar as those other provisions are concerned. *Kasi po ang pinag-uusapan po natin dito ay nakabase sa* Article XI *ng ating Konstitusyon* on public accountability. And we are talking specifically of one of the primary accountability mechanisms which is impeachment. So, any decision by this honorable body as an Impeachment Court will not affect the other provisions of the Constitution, in my opinion.

Senator-Judge Villanueva. Only in the impeachment, which is found in Article XI of our Constitution, that we have the sole power to try and decide.

Representative Diokno. Yes, Your Honor.

Senator-Judge Villanueva. Thank you very much.

Thank you, Mr. President.

MANIFESTATION OF SENATOR-JUDGE CAYETANO (A)

Senator-Judge Cayetano (A) stated that the Supreme Court has a role in, and may decide, the issue, citing the pending case of *Cayetano v. Aquino*, which discusses the matters concerning the numbers. He noted that, in *Francisco* the Supreme Court clarified that issues concerning the rules of impeachment are justiciable, provided that the issue is ripe for judicial determination.

REMARKS OF THE PRESIDING OFFICER

In response to the procedural issue raised by Attorney Poa on the applicability of the *Rules of the Senate* and/or the *Rules of Court* on appeal or reconsideration, the Presiding Officer delivered the following statement:

On September 8, the Chair treated Senator-Judge Erwin Tulfo's manifestation as an appeal, announced the procedure for its resolution, and set the matter for consideration by the Senator-Judges. No Senator-Judge then challenged the propriety or timeliness of that action.

If the objection relies on Section 91, Rule XXXIII of the *Rules of the Senate*, a motion for reconsideration must be made on the same day or within the next two session days.

Applied *pari passu,* therefore, or on equal footing, both periods have lapsed: both with respect to the July 6 ruling and the September 8 ruling. The September 8 ruling must consequently be given the same finality, now claimed for the July 6 ruling, under the *Rules of the Senate.* And the objector cannot invoke lapse to shield the earlier ruling while disregarding the identical lapse that protects the later action.

If the objection, as pointed out by the Respondent, relies on the judicial 15-day period, the pertinent provisions of Rule 37 of the *Revised Rules of Court.* It allows the consideration of a judgment or final order within the period for appeal, ordinarily 15 days from notice. Today, September 23, is the 15th day, the last day for that reglementary period for seeking reconsideration.

However, the judicial periods under Rules 37 and 45, and 65 of the *Rules of Court*, to the mind of the Chair, do not apply. Senator-Judge Erwin Tulfo's appeal is not a remedy arising under the said rules. It arose from the rules of this Impeachment Court.

The controlling provisions, instead, are Rule VI, in relation to Rule XXII of the Impeachment Rules. Rule VI makes the *Rules of the Senate* and the *Rules of Court* merely suppletory, applicable only when appropriate; they cannot convert this internal appeal into a remedy under Rules 37, 45 or 65 of the *Rules of Court.* Rule XXII and Rule VI govern and prescribe no reglementary period for seeking a vote on a ruling of the Chair, as pointed out also earlier by the Counsel for Respondent, Attorney Poa. The Court, therefore, cannot also impose a deadline, absent from its own Rules.

More importantly, the mere passage of time does not transform a prior interpretation into an immutable rule. This finds support in *People v. Amigo*, G.R. No. 116719. The Supreme Court recognized that its decisions are "not petrified rules grown rigid once pronounced," but may be "reconsidered upon further reflection, in light of new perspectives." The July 6 ruling—issued during an ongoing proceeding is not a final judgment on any Article of Impeachment—Therefore, this issue cannot claim greater immutability than the judicial doctrine itself. Where the governing Impeachment Rules prescribe no period and no final judgment has been rendered, the Court remains free to reconsider its interpretation.

For the record, and so that your records as well, Attorney Poa, will be complete.

QUESTIONS OF SENATOR-JUDGE CAYETANO (P)

Senator-Judge Cayetano (P) stated that on September 8, she had questioned whether the impeachment proceedings were the proper forum to discuss the interpretation of the requirements of two-thirds of all Members. She explained that her clarification was in response to the Presiding Officer's statement that no member had questioned the matter.

The Presiding Officer explained that the statement referred to the procedural point raised by Attorney Poa that the period to appeal the July 6 ruling had lapsed. He stated that the *Rules on Impeachment* prescribe no period for appeal on a ruling of the Presiding Officer, so that neither the 48-hour or two-day period under the *Rules of the Senate* and the 15-day period under the *Rules of Court* applies.

Noting that the July 6 ruling had been accepted as a literal interpretation of the Constitution, Senator-Judge Cayetano (P) explained that, when the issue was raised again on September 8, she questioned whether the matter should be discussed further since it appeared to require an interpretation beyond its ordinary meaning.

While the Presiding Officer acknowledged that Senator-Judge Cayetano (P) then raised the issue on the propriety of interpreting the Constitution as an impeachment court, he clarified that it was not converted to and thus was not treated as an appeal to the September 8 ruling of the Chair, adding that the matter could nevertheless be raised at any time.

MANIFESTATION OF SENATOR-JUDGE TULFO (E)

In addressing the timeliness of his motion, Senator-Judge Tulfo (E) delivered the following statement:

Nais ko lang pong sagutin ang usapin ng timeliness *ng mosyon. Hindi po totoo na wala pong nagbago o nangyaring kakaiba nitong mga nakaraang buwan. Gaya po ng nabanggit ko sa aking talumpati o mosyon noong* September 8, 2026, the present reality is that some of our members are beyond the coercive power or jurisdiction of the Senate. One is on medical leave abroad with no definite return date; another is in hiding; two others are under the custody of the Sandiganbayan or the Bureau of Jail Management.

Ito po ang factual circumstances *na umiiral ngayon. At hindi naman po ito umiiral o umiral noong tayo po ay nagsisimula pa lamang sa ating* proceedings. *Naitanong ko lang po kasi naitanong din po, nababasa ko po sa* social media, *ang tanong po ng mga kababayan natin na mga* netizens. *Kaya makatuwiran lamang pong suriin natin ngayon kung paano nakakaapekto ang mga bagong pangyayaring ito sa* computation *po ng* two-thirds vote *na hinihingi po o sinasabi ng ating Konstitusyon.*

Kung titingnan pa, Ginoong Presiding Officer, the Constitution uses a fraction not a fixed number. Former CJ Puno emphasized that Article XI, Section 3 (6) uses fraction rather than fixed number like 16. Had the framers intended an immutable number, they would have expressly indicated a numerical figure. Because it is a fraction, the mathematical baseline dynamically moves or varies depending on structural, operational, situational factors affecting the Senate composition.

May nagsabi rin po, na siguro, noong panahon po noong ginagawa ang Constitution, *ang mga kaso po ng mga Senador noon,* either subversion, sedition, *iyon po ang mga kaso, pero ang mga Senador po ay hindi po nakakasuhan ng* kriminal, plunder, *at kung ano-ano pa. Kaya po hindi siguro naisip ng mga* framers, *ayon po dito sa isang abogada, nagpadala po sa akin ng* note, *na maaaring wala po itong panahon na ito noong itinatag ang* 1987 Constitution, *dahil ang mga kaso ng mga Senador noon, tulad na lang po ng ama ng ating* Prosecutor *dito, subversion po yata, panahon ng* Martial Law, or after martial—*panahon ng* Martial Law, sedition, rebellion. *Hindi po* plunder, *hindi po pagnanakaw. Ayun po. Kaya po iniisip nila, na ang mga Senador, na hanggang ngayon, ay hindi po makakasuhan ng mga teribleng kaso.*

Iyon lamang po, Mr. Presiding Officer.

ROLL CALL

Upon direction of the Presiding Officer, the Clerk of Court, Atty. Renato N. Bantug Jr., called the roll, to which the following senator-judges responded:

Aquino, B.	Marcos, I. R.
Cayetano, A. P. S.	Padilla, R.
Cayetano, P. S.	Pangilinan, F. N.
Ejercito, J. V.	Sotto III, V. C.
Go, C. L. T.	Tulfo, E. T.
Escudero, F. G.	Tulfo, R. T.
Gatchalian, W. T.	Villanueva, J.
Hontiveros, R.	Villar, C. A.
Lacson, P. M.	Villar, M. A.
Lapid, M. M.	Zubiri, J. M. F.

With 20 senators present, the Chair declared the presence of a quorum.

Senator-Judges Estrada and Marcoleta were under detention and unable to attend.

Senator-Judge Legarda was on medical leave.

Senator-Judge Dela Rosa was absent.

MANIFESTATION OF THE COUNSEL FOR THE RESPONDENT

Attorney Poa clarified for the record his statement that there had been no significant change since the July 6 ruling, except that Senator-Judge Legarda was now on medical leave. He explained that the Senator-Judges presently unable to participate were likewise unable to do so on July 6. He emphasized that the clarification was not intended as a criticism of Senator-Judge Tulfo (E), but merely a clarification for the record. The Presiding Officer acknowledged the clarification.

MANIFESTATION OF SENATOR-JUDGE VILLAR (C)

Senator-Judge Villar (C) appealed for respect toward Senators who are detained or absent, emphasizing that their absence was not by choice and that none had been convicted of plunder or theft. She urged the members to refrain from personal attacks, stressing the need to extend due respect to all Senators, whether present or absent.

MANIFESTATION OF SENATOR-JUDGE CAYETANO (A)

Senator-Judge Cayetano (A) acknowledged Senator-Judge Tulfo (E)'s distinction between the current situation and Martial Law cases but noted that Members hold differing views on the matter. He urged everyone to respect each other's decisions and avoid further politicizing the issue, highlighting that amending the rules to allow electronic participation could address many of the concerns raised.

He also shared that detained colleagues were visibly distressed by their loss of liberty, their inability to participate, and the possible change in the threshold. Nevertheless, he emphasized that all members were doing their best.

QUESTIONS OF SENATOR-JUDGE PADILLA

The Presiding Officer. Thank you, Senator-Judge Alan.

Senator-Judge Padilla, Senator-Judge Sotto is giving way. With the indulgence of Senator-Judge Sotto, Senator-Judge Padilla is recognized. What is your pleasure, Sir?

Senator-Judge Padilla. *Maraming salamat po sa aming Tagapamahalang Hukom at sa atin pong Ginoong Pangulo. Nais ko lamang pong magtanong sa ating mga—sa atin pong Depensa at sa atin pong Prosekusyon.*

The Presiding Officer. You may proceed, Sir.

Senator-Judge Padilla. *Opo. Lahat po tayo tumanggap ng panunumpa, lahat po tayo. Alam ko, ang mga abogado, tumanggap ng panunumpa, na sinabi po nating lahat na ating poproteksiyunan ang Konstitusyon. Ito po ay unang tanong sa Depensa bago po sa Prosekusyon. Ito po bang ginagawa ninyo ngayon sa debateng ito, sa pag-uusap na ito, dala po ba ninyo ang inyong panunumpa?*

Mr. Poa. Yes, Your Honors.

Senator-Judge Padilla. *Naalala ninyo po ba ang inyong sinabi noong kayo po ay nanumpa?*

Mr. Poa. *Opo, na itaguyod po ang ating Saligang Batas.*

Senator-Judge Padilla. *Iyan, itaguyod ang Saligang Batas. Kayo po ngayon ay nandidito, propesyonal?*

Mr. Poa. Yes, Your Honors.

Senator-Judge Padilla. *Kayo po ay nandidito dala ang inyong moral?*

Mr. Poa. Yes, Your Honors.

Senator-Judge Padilla. *Kayo po ba ay nandidito bilang politikal?*

Mr. Poa. *Hindi po*, Your Honor.

Senator-Judge Padilla. *Maraming salamat po.*

Mr. Poa. Thank you *po*.

Senator-Judge Padilla. *Tanong ko po sa ating kaibigan. Bagama't tayo po ay laging magkahiwalay sa opinyon pero kayo po ay iginagalang ko.*

Representative Diokno. Same *po*, Your Honor.

Senator-Judge Padilla. *Bilang isang ama, ako po ay saludo sa inyo, at isang rebolusyonaryo din.*

Kayo po, hanggang ngayon po ba ay pinaninindigan ninyo ang inyong panunumpa na kayo ay magiging matapat at itataguyod ang Saligang Batas?

Representative Diokno. *Opo*, Your Honor.

Senator-Judge Padilla. *Sa inyo pong pagiging propesyonal?*

Representative Diokno. Yes, Your Honor.

Senator-Judge Padilla. *Sa inyo pong pagiging moral?*

Representative Diokno. Yes, Your Honor.

Senator-Judge Padilla. *Kayo po ba ay nandidito politikal?*

Representative Diokno. *Hindi po.*

Senator-Judge Padilla. *Naniniwala po kayo na ang Konstitusyon ay dapat dumaan ba sa tatlong sinasabi ng Konstitusyon kung papaano siya amyendahan?*

Representative Diokno. *Iyong pag-amyenda po mismo ng Saligang Batas?*

Senator-Judge Padilla. *Opo.*

Representative Diokno. *Tama po iyon.*

Senator-Judge Padilla. *Kayo po, naniniwala?*

Mr. Poa. Yes *po*, Your Honor.

Senator-Judge Padilla. *Ano po iyong tatlo na iyon?*

Mr. Poa. Con-Ass, Your Honor, Constitutional Assembly, Constitutional Convention, or People's Initiative, Your Honors.

Senator-Judge Padilla. *Naniniwala po kayo doon?*

Representative Diokno. Yes, Your Honor.

Senator-Judge Padilla. *Maraming salamat po. Iyon lang.*

Representative Diokno. Thank you *po*, Your Honor.

MANIFESTATION OF SENATOR-JUDGE SOTTO

Senator-Judge Sotto sought clarification on the July 6 ruling setting the impeachment threshold at 16 votes. The Presiding Officer explained that the threshold was initially stated as part of the Chair's opening statement, not in response to a motion or question, but was subsequently confirmed as a ruling after Senator-Judges Cayetano (A) and Lacson asked for clarification and no objection or appeal was raised.

Senator-Judge Sotto maintained that the Constitution provides for a two-thirds vote and does not specify the number 16. He therefore proposed amending Senator-Judge Tulfo (E)'s motion to clarify that the two-thirds requirement stands, emphasizing that Senator-Judges who are able to vote—including those who may subsequently become eligible to participate—should be counted in determining the constitutional threshold.

MANIFESTATION OF SENATOR-JUDGE TULFO (E)

Senator-Judge Tulfo (E) clarified that his earlier remarks were not intended to attack his fellow Senator-Judges and apologized if some were offended. He emphasized that he referred to Senator-Judges as being "charged with," not "convicted" of, plunder, and explained that his remarks addressed the reality that some Senator-Judges are physically or legally unable to participate in the impeachment trial.

He further stated that the absence of detained Senator-Judges is relevant to determining the voting base and that he was raising questions being expressed by the public and on social media. He stressed that, as elected representatives, Senators have a responsibility to bring the people's concerns and views before the Impeachment Court.

MANIFESTATION OF SENATOR-JUDGE PADILLA

Senator-Judge Padilla explained that the Minority's references to their detained colleagues were intended to inform the public about the challenges they were facing. He stressed that the Members should not further condemn or pressure their colleagues, emphasizing that detained Senators should not be treated as though they had already been convicted.

Citing a statement from Chief Justice Puno, Senator-Judge Padilla recalled that an appeal to the Sandiganbayan could be made for the attendance of detained senators in the Impeachment Court. As fellow public servants, he appealed for the Body's understanding on the current situation of other senators.

MANIFESTATION OF SENATOR-JUDGE VILLAR (M)

Senator-Judge Villar (M) emphasized the need to be considerate in the language used when referring to senators under detention, reiterating the point made by Senator Villar (C) that they had not been found guilty and that public statements could adversely affect them. He likewise stated that the Minority could speak on behalf of absent colleagues.

MANIFESTATION OF SENATOR-JUDGE SOTTO

Senator-Judge Sotto stated that he sought to avoid further spurious statements and therefore called for the motion of Senator-Judge Tulfo (E), as clarified by him, to retain the requirement of a two-thirds vote of those able to vote. The Presiding Officer took the matter under advisement.

MANIFESTATION OF SENATOR-JUDGE CAYETANO (P)

Senator-Judge Cayetano (P) expressed concern that the amended question proposed by Senator-Judge Sotto would effectively alter the constitutional requirement of a two-thirds vote of all Senators to two-thirds of those present or able to vote. She noted that the 1987 Constitution, consistent with the 1972 and 1935 Constitutions, expressly refers to all Senators, unlike the U.S. constitutional formulation which is based on members present. She further questioned the Court's authority to adopt such an interpretation, observing that justiciable questions fall within the jurisdiction of the Supreme Court.

QUESTIONS OF SENATOR-JUDGE CAYETANO (P)

> **Senator-Judge Cayetano (P).** ...But what I do want to mention, because this now is in connection with some statements made by the parties, in particular—and I respect both of you, you're both very good lawyers. Thank you for the time that you have taken.

The Prosecution through Prosecutor—Congressman/Prosecutor Chel Diokno, mentioned that he does not recall that any of the *amici curiae* mentioned the word "mistrial." I don't recall either. We are alike in that recollection. But I do have my personal notes, and then I ask my staff to check—and if anyone is willing—anyone can verify that.

I had asked former Chief Justice Puno if my understanding of his statement was accurate, and I posed it and I will do it again now. Two situations when the Supreme Court may review the decisions made by the Impeachment Court: and the first is, when the Impeachment Court denies a Senator-Judge's—let me repeat that. The first case is when the Impeachment Court denies a Senator-Judge's right to participate; and the second one is when the Respondent is denied a fair trial, therefore, denied of due process.

I asked Chief Justice Puno if *tama 'yung narinig ko,* and he said "yes." And both parties may give their own opinion, or we can refer to the stenographic notes. And then after that, he even said that this is reviewable by the Supreme Court and can result in the nullity of the case. So, he may not have used the word "mistrial," but he used the word "nullity."

And then, I have no right *naman* to question the Presiding Officer, unless I disagree with his opinion. But he's more than willing to clarify because I have long submitted to the reality that our memories are not perfect. So, I'm always willing to be corrected, if I remember incorrectly.

The way I understood the Presiding Officer's statement is, *gusto lang niya 'pag nag*-decide *na tayo, tapos na. Hindi 'yung—ang intindi ko* is *hindi pa*—after that, *pupunta pa sa korte. Ang dami pang* question. And it's the same thing that Senator-Judge Alan Cayetano was saying *na*—and I agree. My prayer is the evidence is so convincingly, one way or the other, *para* we can move on, *para* we're not left in this sea of doubt, drowning, trying to breathe. You know, we need to be able to move on.

What's my point? My point, Mr. Presiding Officer, is that I agree with you that we want to put finality here, but I may not agree with some views that this cannot be justiciable because—we may disagree with the *amici curiae*—no one says that we are bound by all their statements. In fact, they had somewhat conflicting statement, in as much as I try to reconcile.

So, I don't need an answer. But if we may allow the parties to answer, if they would like to answer. Thank you.

The Presiding Officer. If they would like to.

Who would—*ngayon pa kayo nagkahiyaan.*

Mr. Poa. Well, Your Honors, I'll begin.

The Presiding Officer. Attorney Poa, briefly. Briefly, Sir.

Mr. Poa. Yes, Your Honors. I think it's justiciable. But basically, I'm looking at Article VIII, Section 1, which is the expanded *certiorari* jurisdiction of the Supreme Court. So, basically, Your Honors, *wala naman kasi talaga tayong* word *na* "mistrial" *sa* Philippine jurisdiction, *hindi ba?* But that can be brought up upon grave abuse of discretion. *Iyon lang naman po 'yung talagang punto doon.*

So, as far as political questions are concerned, obviously, that is not reviewable by the Supreme Court. *Pero kung mayroon mang naging* grave abuse of discretion, then definitely, it is reviewable by the Supreme Court, Your Honors.

The Presiding Officer. Honorable Diokno, briefly.

Representative Diokno. Thank you, Your Honor.

I think two rules are very clear: First, that the Supreme Court cannot give advisory opinions; and second, that it has no jurisdiction over declaratory relief. And our position is that, if this question were to be brought up to the Court now, it is not yet ripe for determination because there has been no vote yet. There is yet no aggrieved party and no injury. Therefore, we respectfully submit that it is not justiciable at this time.

The Presiding Officer. Thank you, Honorable Diokno.

MANIFESTATION OF SENATOR-JUDGE CAYETANO (A)

Senator-Judge Cayetano (A) stated that he and some senators would decline to participate in the vote, maintaining that the matter was not subject to interpretation by the Impeachment Court. He then sought clarification on the proper procedure, given the interplay between judicial procedure and the *Rules of the Senate.*

The Presiding Officer stated that he was taking the manifestation of Senator Sotto in advisement and that he would clarify the question to be voted upon so that the affirmative and negative votes would be registered appropriately. If there were concerns regarding the Court's authority to interpret Article XI, Section 3(6) of the Constitution, the Presiding Officer suggested that an issue be raised as a point of order.

POINT OF ORDER OF SENATOR-JUDGE CAYETANO (A)

Senator-Judge Cayetano (A) raised a point of order, questioning the Court's power to interpret Article XI, Section 3(6) of the Constitution and its timing.

The Presiding Officer ruled that the point of order was not well taken.

He stated that any objection with respect to the Court's authority should operate *in pari passu,* considering that the July 6 ruling was likewise an interpretation of the phrase "all Members of the Senate." He emphasized that the authority cannot be invoked to support one interpretation and denied when it leans towards a contrary view. He said that a question may be raised with respect to the correctness of the interpretation, but not as to the Impeachment Court's authority to make it. He cited *Manila Prince Hotel* case (G.R. No. 122156) and *Duterte v. House of Representatives* as support for the Court's authority to resolve procedural and related issues and to interpret constitutional provisions concerning its own proceedings. Accordingly, the Presiding Officer stated that the point of order was not well taken.

Senator-Judge Cayetano (A) remarked that the Court necessarily had to interpret the constitutional provision in order to determine the outcome of the trial. He highlighted that the Court had historically understood "all members" to mean all Senators, with the threshold reduced only upon the removal, resignation, or death of a member. He recalled that the July 6 ruling had assured the Senators that all their votes would be counted. With the issues having been fully argued, he appealed the ruling of the Presiding Officer regarding his point of order.

MANIFESTATION OF SENATOR-JUDGE PANGILINAN

Senator-Judge Pangilinan stated that an appeal had been made to the ruling of the Presiding Officer and, pursuant to the *Rules*, the Court would have to vote on whether to sustain the appeal. Senator-Judge Cayetano (A) concurred.

MANIFESTATION OF SENATOR-JUDGE CAYETANO (P)

Senator-Judge Cayetano (P) sought clarification regarding the Presiding Officer's July 6 ruling, which stated that the constitutional requirement of a two-thirds vote of all members of the Senate was the prevailing law and that any party holding a contrary view could seek judicial relief, with the Court undertaking to abide by any contrary ruling of the Supreme Court. She inquired whether the present reconsideration constituted a deviation from the July 6 ruling. The Presiding Officer clarified that the July 6 ruling would remain in force unless Senator-Judge Tulfo (E)'s appeal was sustained,

Senator-Judge Cayetano (P) then noted the practice of allowing a member of the Impeachment Court to question a ruling of the Presiding Officer and inquired whether, consistent with the

July 6 ruling, any party dissatisfied with the Court's eventual decision could seek relief before the Supreme Court. The Presiding Officer affirmed that the matter under consideration constituted a justiciable controversy.

Senator-Judge Cayetano (P) maintained that any interpretation of the Constitution beyond its plain and literal meaning properly belonged to the Supreme Court, noting that the *amici curiae* had offered differing views on who should be included among "all members." She stated that she would decline to participate if the Impeachment Court proceeded to issue its own constitutional interpretation.

Senator-Judge Sotto partially concurred with Senator-Judge (P) Cayetano's remarks, with respect to the possible recourse before the Supreme Court for a definitive ruling on the issue, stating that approval of Senator Tulfo (E)'s motion, as amended, would give rise to a justiciable action

The Presiding Officer then clarified that a ruling had previously been issued on the point of order raised by Senator-Judge Cayetano (A), and that ruling had subsequently been appealed. The Presiding Officer explained that an "aye" vote would sustain Senator-Judge (A) Cayetano's appeal, while a "nay" vote would sustain the ruling of the Chair.

Upon Senator-Judge Pangilinan's request for clarification, the Presiding Officer and Senator-Judge Cayetano (A) emphasized that the vote at that stage concerned only the appeal of the point of order and did not yet concern Senator (E) Tulfo's motion on the threshold issue.

Senator-Judge Cayetano (A) further explained that if the appeal were sustained, the Court would not proceed to vote on the threshold issue. If the appeal were denied, however, the Court would proceed to consider and vote on the threshold issue, with members who chose not to participate being allowed to briefly state their reasons for non-participation.

DIVISION OF THE HOUSE

At this point, the Chair called for a division of the House and directed the Clerk of Court to conduct a roll call vote.

RESULTS OF THE VOTING ON THE POINT OF ORDER OF SENATOR CAYETANO (A)

The result of the voting was as follows:

In favor

Cayetano (A)	Marcos
Cayetano (P)	Padilla
Go	Villar (C)

Against

Aquino	Pangilinan
Ejercito	Sotto
Escudero	Tulfo (E)
Gatchalian	Tulfo (R)
Hontiveros	Villanueva
Lacson	Zubiri
Lapid	

Abstention

Villar (M)

With six senators voting in favor, 13 against and one abstention, the Point of Order of Senator Cayetano (A) was lost.

EXPLANATION OF VOTES

The following senators delivered their explanations of vote:

By Senator-JudgeMarcos

Mga kagalang-galang na kasama dito sa Senado, bumuboto po ako laban sa panukalang pagbobotohan ang denominator *na gagamitin upang matukoy ang kinakailangang bilang para makapag-*convict *sa* impeachment trial *na ito.*

Oo ang aking sinasabi, at malinaw ang Article XI, Section 3(6), *ng Saligang Batas, walang sinuman ang maaaring ma-*convict *nang walang pagsang-ayon sa* two-thirds *ang lahat ng miyembro ng Senado. Ang ating Rules on Procedure on Impeachment Trial ay nagpapatupad ng parehong* requirement.

Bilang isang Marcos, *'di ko kailanman inaasahan na ipagtatanggol ko ang Konstitusyon na laban sa aking ama, ngunit iyan ang kataas-taasang batas ng ating bansa. Maliwanag ang limitasyong itinakda ng Saligang Batas sa* Impeachment Court, *ay hindi maaaring baguhin ng mayorya ayon sa sarili nitong kagustuhan lamang. Una, may depekto ang lohika sa pagpayag sa* simple majority *na magtakda kung gaano kalaking* supermajority *ang hinihingi ng Konstitusyon. Ang* two-thirds *ay sadyang itinakda upang limitahan ang kapangyarihan ng Senado na mag-*convict. *Ang limitasyon sa mayorya ay hindi maaaring baguhin ng mismong mayorya rin kapag hindi na pabor sa kanila ang sitwasyon.*

Ikalawa, hindi lamang ito procedural. *Ito ay itinakda ng Saligang Batas. Ang ating* rule-making power *ay nagbibigay sa atin ng kapangyarihan ipatupad ito, hindi palitan ito.*

Ikatlo, pinagtatalunan natin ang Presiding Officer *na naglabas ng* July 6, 2026. *Walang tumutol, walang nagkuwestiyon. Pitumpu't siyam na araw ang nakalipas mula nang ilabas ang* ruling *na iyon. Kahit ang* petition for certiorari *sa ilalim ng Rules of Court, kailangan ihain sa loob ng anim-napung araw. At kung iaangkop natin ang* Rule 33, Section 91 *ng Rules of the Senate, ang* motion for recon *ay kailangang ihain sa mismong araw o sa loob ng susunod na dalawang araw ng sesyon. Paulit-ulit na natin narinig iyan. Bakit natin muling binubuksan ngayon ang isang* ruling *na hinayaan ng lahat na umiral sa loob ng ilang buwan.*

Mahalaga ang timing. *Wala na tayo sa simula ng* trial. *Hinihingi sa atin ngayon na muling suriin ang* denominator *matapos nang magsimula ang paglilitis at ngayong malinaw na ang praktikal na epekto ng pagbabago nito. Kaya hindi maiiwasan ang tanong: Binibigyang-kahulugan pa ba natin ang Saligang Batas o inaangkop lang natin ang* constitutional threshold *upang umayon sa mga botong mayroon tayo? Ano ba ang binabasa natin: Konstitusyon o* scoreboard? *Hindi maaaring bilangin muna ng isang hukuman ng mga boto at saka pagpapasyahan kung ilang boto ang sapat.*

Ang Konstitusyon ay hindi basketball *na iuurong na lamang lahat ng* finish line. *Lahat ng* basket, *ilalapit, kapag hindi na natin kayang abutin. Ang Saligang Batas, ang ating Impeachment Rules, ang* ruling *ng* Presiding Officer, *nakatakda ng pamantayan mula sa simula, hindi pabago-bago. Hindi maiiwasan lumitaw ang impresyon na binabago ang panuntunan dahil maaaring hindi na nito maibigay ang resultang ninanais. Iyan mismong dahilan kung bakit ang* constitutional threshold *ay dapat na itakda bago pa malaman ang resulta. At hindi rini-*recalibrate *kapag naging hindi maginhawa ang numero.*

Sa huli, isipin naman natin ang precedent *nito. Kung maaaring ibaba ang* denominator *sa tuwing may miyembrong hindi nakakalahok, maaaring gamitin sa hinaharap ang* suspension, inhibition, exclusion, *at iba pang pangyayari upang unti-unti ibaba ang bilang ng mga botong kailangan para sa* conviction.

Mawawala ang pagiging tiyak ng constitutional safeguard. *Magiging* adjustable *na lamang ito. At kapag ang* constitutional threshold *ay nababago, batay sa mga botong* available, *hindi na ito tunay na* safeguard. *Dahil dito, bumoboto ako ng "Oo." Dapat nating bilangin ang mga boto ayon sa Saligang Batas, hindi natin dapat baguhin ang Saligang Batas ayon sa mga boto. Kabuktutan ito, kabaliktaran. Huwag nating ilapit ang* finish line *dahil lamang nahihirapan tayong abutin ito.*

By Senator-Judge Villar (C)

I voted Yes. Because I believe that we should not be deciding or voting on this matter here. The number of senators or the threshold that is required to impeach a public official, for me, is not merely an internal rule or procedural matter. It is a constitutional question.

The Constitution has set rules for impeachment. And they were put there by the constitutional framers, precisely, to make it difficult or to make it challenging for this process to take place because millions of Filipinos elected these officials. And the gravity of what we are doing in this Impeachment Court was considered by the constitutional framers, and that is why it is not that easy.

The Constitution has set the rules for impeachment, and we have sworn to uphold them. We are here to make laws, and faithfully apply the Constitution, not to change the rules midway because the outcome may be difficult or convenient.

As the youngest member of this august body, I have always dreamed of serving in the Senate, watching some of the greatest Senators and legal luminaries throughout my life serve here. And one of the reasons why I wanted to be in the Senate is because I have always believed that the Senate is often one of the last bastions or defenders of our Constitution and of our democracy. And that is why I cannot remain silent on this issue. *Hindi naman po siguro bulag ang taong-bayan. Nakikita naman po nila lahat ng nangyayari dito sa Senado, lahat ng nangyayari dito sa ating bansa. Nakikita din nila* or *sinusubaybayan nila kung paano natin ginagamit ang kapangyarihang ipinagkatiwala nila sa atin at titingnan nila kung susundin ba natin ang Saligang Batas, lalo na ngayon na nakasalalay dito ang karapatan ng isang kapwa Pilipino at ang pinakamataas na proseso ng pananagutan sa ilalim ng ating Konstitusyon.* Every Filipino, every official, *lahat po tayo ay may karapatan para sa* due process, *katarungan, pantay na pagtrato, at proteksyon ng kanilang pangunahing karapatan.*

My dear colleagues, history will remember what we decide here, but just as importantly, history will remember how we decided it. There will come a time when the names and political divisions surrounding this trial will belong to history, but the Constitution we uphold, the precedent we establish, and the institutions we leave behind, will be inherited by the generations that follow us. There have been a lot of sacrifices for this Constitution, for the freedom and democracy of our country, and let us not forget that. *Ito ang pananagutan natin, hindi lamang sa mga Pilipino ngayon, kundi pati na rin sa mga Pilipinong darating pagkatapos natin.*

Whatever our individual votes may ultimately be on conviction or acquittal, let them be reached through a process that is fair, consistent, and faithful to the Constitution. Because, today, we are not simply deciding how many Senators may vote, how many Senators can vote, how many votes are required. We are deciding what kind of constitutional tradition we will leave behind. And in making that decision, I choose to stand by the Constitution, as written, by the mandate entrusted to every duly elected Senator, and by the Filipino people's right to expect the rules of our democracy will remain firm, especially when the stakes are at their highest.

By Senator-Judge Padilla

Bismillahi Ar-Rahman Ar-Rahim.

Ang 1987 Constitution *ay produkto ng* People Power Revolution. *Isang makasaysayang pagkilos ng sambayanang Pilipino laban sa mapaniil at diktatoryal pamamahala. Ang ating kasalukuyang Konstitusyon ay pinagtibay ng sambayanang Pilipino sa pamamagitan ng isang plebisito. Ang kanilang pakikilahok sa plebisito ay isang malinaw na paggamit ng kanilang karapatang marinig at maipahayag ang kanilang pasya bilang tunay na pinagmumulan ng kapangyarihan ng Republika at hindi lamang sa pamamagitan ng kanilang mga kinatawan.*

Narito tayo upang ipaglaban ang prinsipyong ipinaglaban ng ating mga kababayan. Hindi lamang noong panahon ng People Power, *kundi maging ang mas mahabang kasaysayan ng pakikibaka ng sambayanang Pilipino para sa kalayaan, karapatan, at makabuluhang pamamahala o ng diktadurya. Ang Konstitusyon ay hindi kailanman nilikha upang maging hindi maaaring galawin. Nagtakda ito ng ilang paraan kung nais nating baguhin o amyendahan ito.*

Dito po sa Senado, mayroon po tayong Committee on Constitutional Amendments *na siyang tumatalakay sa mga usaping ito. At ang kasaysayan ng Senado mismo ang magsasabi at magsisilbing patunay kung gaano kaseryoso ang kapulungang ito sa paggalang at pangangalaga sa Konstitusyon.*

Mula nang maitatag ang kagalang-galang na kapulungang ito, ang Committee on Constitutional Amendments *ay pinamunuan ng mga kagalang-galang at respetadong abogado, kabilang sina Senador Jose Lina Jr., Senador Ernesto Maceda, Senador Cynthia Villar, Senadora Miriam Santiago, Senador Franklin Drilon at Senador Francis Kiko Pangilinan. Ang lahat ng mga indibidwal na ito ay may mataas na pinag-aralan at karamihan sa kanila ay mga abogado. Subalit pinili nilang huwag galawin ang Konstitusyon sapagkat ang mismong Konstitusyon ang nagtakda ng napakahirap na proseso para sa sinuman, para sa kahit sino na nais itong baguhin o amyendahan.*

Muli, ang Konstitusyon ay may isang artikulo na nagtatakda ng paraan kung paano ito maaaring baguhin. Ngunit hindi kailanman naging simple ang prosesong ito. Ang usapin ay laging nauuwi sa pagboto. Hindi kailanman naging malinaw sa Konstitusyon kung kinakailangang voting threshold *ay tatlong-kapat,* three-fourths *o dalawang-katlo,* two-thirds, *ng lahat ng mga miyembro nito. Ang usaping ito hinggil sa pagboto ay hindi kailanman nalutas. May mga nagsasabing dapat itong isagawa ng* jointly *o magkakasama, samantalang may mga nagsasabing dapat itong isagawa ng* separately *o magkakahiwalay.*

Noong ako po ay Chairperson *ng* Committee on Constitutional Amendments *ng* Nineteenth Congress, *idinulog ko sa Korte Suprema ang usapin kung ang Kongreso ba ay dapat bumoto ng* jointly *o* separately. *Ito po ay kasunod ng malawakang talakayan sa pagitan noon ng ating* Senate President Juan Miguel "Migz" Zubiri *at* House Speaker Martin Romualdez *hinggil sa mga usapin kaugnay sa* People's Initiative. *Nais ko pong ipaalala sa hukumang ito na noong nagkaroon ng* People's Initiative *ang Mababang Kapulungan, buong pagkakaisa po tayong tumindig upang sabihin na ito ay labag sa Konstitusyon. Hanggang ngayon ay hindi din natin binibitawan ang isyu tungkol sa* voting jointly or separately.

Bakit po hindi ganito ang ating tindig sa isyu ng voting threshold *dito sa* Impeachment? *Kung sinasabi po ng marami na dapat ay hindi i-*interpret *ng literal ang katagang "*all members" *sa ilalim ng Konstitusyon, bakit po noong katagang "*forthwith*" ang usaping dito sa ating kapulungan, grabe ang naging talastasan ng interpretasyon nito at ng literal? Grabe ang pagmamadali. Bakit ngayon tila nagbago ang ihip ng hangin? Hindi ba dapat pareho ang ating pamantayan dahil ang mga probisyon naman ng Konstitusyon ang ating pinag-uusapan? Bakit nag-iiba ang paraan ng ating pagbasa? Depende ba ito kung saan tayo nakatayo sa usaping pampulitika? Masyado naman tayong halata.*

Mga kasama, hanggang sa kasalukuyan wala pa ring inilalabas na desisyon ang Korte Suprema tungkol sa aking idinulog sa kanila. Matibay ang aking paniniwala na kung ang mga nabanggit na Committee Chairpersons, *kabilang ako, ay hindi nangahas na amyendahan ang Konstitusyon ng walang desisyon ang Korte Suprema, wala po tayong dahilan upang gawin ito ngayon sa pamamagitan ng* Impeachment Court *na ito.*

Paano maaaring bigyang-kahulugan ang dalawampu't isang Senador ng Republika ang mismong mga salita ng Konstitusyon gayong maging ang kasaysayan ang makapagpapatunay noong Impeachment *ni* Chief Justice Renato Corona, *ang yumaong Senador* Juan Ponce Enrile *na nagsilbing* Presiding Officer *ng naturang* Impeachment Trial *ay nagpahayag:* Even we are only 20, even we are only 17, *kailangan pa rin ng* 16. *Ang kasalukuyang* Presiding Officer, *si* Senate President Chiz Escudero *ay nagpahayag din na* 16 *na boto ang* threshold *na kinakailangan para sa* conviction. *Kung ang nauna at kasalukuyang* presiding officers *na parehong mga abogado at mga propesor sa* law, *bukod pa nito, si dating* Senate President Juan Ponce Enrile *ay nagsilbi sa nakatatandang* Marcos *at kay* Marcos Jr. *Ang kaniyang buhay at*

mga desisyon ay humubog sa kasaysayan ng Konstitusyon ng Pilipinas. Ang ating kasalukuyang Presiding Officer *ay lumahok sa* impeachment *ni dating Pangulong* Joseph Estrada *bilang isang* Prosecutor, *at sa* impeachment *ni* Justice Corona *bilang* Senator-Judge. *Kung ang mga kasalukuyang* Senador *ay may tungkuling itinakda ng Konstitusyon na gampanan ang kanilang mga responsibilidad sa* impeachment, *nararapat lamang na igalang at matuto tayo mula sa mga tradisyon, naunang mga pasya at malawak na institusyonal na karanasan ng Senado. Sa ganitong paraan, matitiyak natin na ang usaping tinatalakay natin ngayon ay mareresolba batay sa mga prinsipyo ng Konstitusyon at sa matatag na tradisyon at praktika ng institusyon upang ang pagiging lehitimo nito ay hindi kukuwestiyunin ng kasalukuyang henerasyon at nang susunod pang salinlahi.*

Ang Konstitusyon ang nagsisilbing gabay at pangunahing pagpapahayag ng kalooban ng sambayanan. Kung nais nating amyendahan o baguhin ito, dapat nating sundin ang mga proseso na mismong itinakda ng Konstitusyon sapagkat ito ay nananatiling tinig at nagpapahayag ng kalooban ng taong-bayan. Tayo ay mga kinatawan lamang ng sambayanang Pilipino. Bilang kanilang mga kinatawan, tayo ay nakatali sa Konstitusyong kanilang pinagtibay, at pinagtibay sa pamamagitan ng kanilang boto. Ang pagtataguyod at pagsunod sa Konstitusyon ay nangangahulugan, samakatuwid, ng paggalang at pagbibigay-bisa sa kalooban ng taong-bayan. Ang ating awtoridad ay hindi nagmumula sa ating sarili; ito ay nagmumula sa taong-bayan. Kaya naman nais nating gamitin ang awtoridad na ito sa loob ng mga hangganang itinakda nila sa pamamagitan ng Konstitusyon.

By Senator-Judge Go

The question before us is grave. How many votes does it take to impeach an official elected by the Filipino people? *Pero ang tanong dito ay, dapat ba nating pagbotohan ito? Ito ba ang tamang panahon o tamang* forum?

The 1987 Constitution which was ratified by 16.6 million Filipinos, more than 76 percent of our people answered this clearly. Article XI, Section 3, paragraph 6, "No person shall be convicted without the concurrence of two-thirds of all the members of the Senate."

Two-thirds of all the members, *bente-kuwatro*, not only those present on the day votes are cast—not only those available on the day votes are cast. *Hindi sinabi ng Konstitusyon na iyong mga* present *lamang sa araw ng botohan.* All means all. *Ang ibig sabihin ng lahat ay lahat.* The Senate has 24 seats. Two-thirds of 24 is 16. The math is simple, simple arithmetic. *Madaling intindihin po ito.*

Bakit ngayon lang po ito gagawing komplikado? Iisa naman po ang ating layunin dito.

I am for justice, truth, and accountability. *Kaya lang dapat dumaan tayo sa tamang proseso at sumunod po tayo sa* Constitution.

Tanong ko po dito at sa lahat pong nakikinig, those members who are not here today, *si* Senator "Bato" Dela Rosa, Senator Dante Marcoleta, Senator Jinggoy Estrada, Senator Loren Legarda: are they still members of the Senate? Clearly, they are still members of the Senate. *Hindi po bakante ang posisyon nila. Wala pong sinabi ang* Constitution *na kapag* absent *ang isang senador o wala dito ang senador ay hindi na siya kasama. Wala ring sinabi na kapag* under detention *ang isang senador, hindi na siya miyembro ng Senado. Walang ganoong kwalipikasyon.* So, who are we to qualify what the Constitution itself did not? *Para na rin nating in-*amend *ang* Constitution through interpretation. *Dapat po ang Korte Suprema ang magdesisyon. Kaniya-kaniya tayo ng opinyon, maraming iba't ibang interpretasyon kaya dapat po ay tuldukan na po ito ng Korte Suprema.*

Kapag nagbabago-bago ang bilang, madali itong paglaruan. And because the rules of this Court may be amended by a simple majority, 13 of us or even fewer could rewrite a number the Constitution has fixed. *Sundin po natin ang nakasaad sa* Constitution, *huwag nating baguhin.* The bar is high by design. *Sinadya pong mataas at mataas ang pamantayan dahil mabigat ang parusa.* The Constitution uses two-thirds of all the members only for the most serious acts exercised by this chamber. *Una,* concurring in a treaty that binds the nation; *pangalawa,* disciplining, suspending or expelling one of our own colleagues; *at pangatlo,* impeachment of public officials. The framers made it difficult on purpose. *Sinadya po ito. Bakit natin hahayaang*

labing-isa ang magdesisyon sa ipinagkatiwala ng Saligang Batas sa labing-anim? Simple mathematics, simple logic.

Ngayon, bakit labing-isa, labindalawa, labintatlo, labing-apat o simpleng majority *ang magdedesisyon na baguhin ang* threshold *kung malinaw naman po ang sinasabi ng Saligang Batas?* Like in other collegial bodies in government, *may* standards *na sinusundan, may proseso para punuan ang kulang. Sa katunayan,* the seats of our absent colleagues are not vacant *po. Nagkataon lang na bakante iyan ngayon. Uulitin ko po,* there is no vacancy in the Senate today. *Nagre-*request *nga po silang makilahok sa* hearing *dahil dala-dala nila ang mandato ng milyon-milyong bumoto sa kanila. Hindi po ito tungkol kung sino ang nililitis.* The same two-thirds votes of all the members must apply to anyone who stands before this Court—a President, a Vice President, a Justice or an Ombudsman. Today, in the years to come, *ang pamantayang ibababa natin ngayon magagamit po laban sa kahit sino bukas. Hindi naman po ito tama at makatarungan iyon. Dapat po patas, dapat sundin ang nakasaad sa batas.*

Sa dulo po ng araw, hindi lamang po ito usapin ng mga numero o ng mabibigat na probisyon sa Saligang Batas. Ito po ay tungkol sa tiwala ng ordinaryong Pilipino, iyong manggagawang gumigising ng madaling araw, magsasakang nagbibilad sa init ng araw, iyong drivers *na araw-araw ay lumalaban nang patas, iyong mga ordinaryong kawani sa gobyerno, at gurong nag-aabang ng kinabukasan ng kanilang mga mag-aaral na umaasang ang batas ay patas at hindi nababaluktot. Kapag gumuho ang pamantayan ng Konstitusyon, gumuho rin ang proteksiyon ng bawat mamamayang Pilipino.*

Therefore, I respectfully manifest my vote for the appeal of Senator Alan Cayetano. I reiterate my belief that conviction requires two-thirds vote of all the members of the Senate. Two-thirds of 24 is 16. This is what is clearly stated in our Constitution.

Ito po ang Constitution *natin,* this is what binds us. *Kapag wala ito, watak-watak po tayo.*

By the Presiding Officer Escudero

Upon his manifestation, the following explanation of vote of the Presiding Officer was deemed read into the *Journal* and *Record of the Impeachment Court*:

The matter is raised regarding the authority of this Impeachment Court to interpret the Constitution.

At the outset, any objection to the Impeachment Court's authority to interpret Article XI, Section 3(6) must operate *pari pasu*. The July 16 ruling itself interpreted the same phrase "all the Members of the Senate," yet no Senator-Judge then objected that the Chair or the Court lacked authority to interpret the Constitution. That authority cannot be recognized when it supports one interpretation, and then denied when the same provision is on appeal. The question may concern the correctness of the interpretation, but not the Court's authority to make it. Whatever interpretive authority supported the July 6 ruling must apply with equal force to the resolution of the present appeal.

The Senate Impeachment Court is not precluded from resolving the issue merely because it requires constitutional interpretation. Article XI, Section 3(6) entrusts the Senate with the sole power to try and decide impeachment cases. In exercising that power, the Court must necessarily interpret and apply the constitutional provisions governing its proceedings. As recognized in *Manila Prince Hotel v. Government Service Insurance System, G.R. No. 122156, February 3, 1997*, a constitutional command that is complete in itself may operate without awaiting supplementary legislation. The Senate must therefore give practical effect to Article XI, Section 3(6) in the first instance.

Generillo, Jr. v. Senate of the Philippines, G.R. No. 278311, April 22, 2026, illustrates the exercise of that responsibility. There, the Supreme Court examined the Senate's interpretation and subsequent implementation of the command that an impeachment trial proceed "forthwith." In fact, it found no grave abuse of discretion under the circumstances, noting both the preparations necessary for an orderly trial and the absence of a constitutionally fixed period for its commencement. The decision recognizes that the Senate must make practical rulings and/or determinations in carrying out its impeachment mandate.

Accordingly, the Presiding Officer rules that the Senate Impeachment Court has both the authority and the duty to interpret and apply Article XI, Section 3(6) insofar as necessary to exercise its constitutional power to try and decide impeachment cases.

SUSPENSION OF TRIAL

With the permission of the Body, the trial was suspended.

It was 12:58 p.m.

RESUMPTION OF TRIAL

At 1:52 p.m., the trial was resumed.

Upon resumption, the Presiding Officer informed the senator-judges that their respective explanations of vote on the ruling earlier appealed by Senator Cayetano (A) may be inserted into the record.

VOTING ON THE APPEAL OF SENATOR-JUDGE TULFO (E)

The Presiding Officer stated for the record the matter upon which the senator-judges would vote on the appeal of Senator-Judge Tulfo (E), to wit:

On July 6, 2026, the Chair stated that a literal interpretation of Article XI, Section 3(6) of the Constitution requires the concurrence of two-thirds of all the Members of the Senate or at least 16 votes based on a Senate membership of 24.

Later that day, upon clarification by Senator-Judge Alan Cayetano and again, on July 7, upon clarification by Senator-Judge Lacson, the Chair confirmed that the statement constituted a ruling of the Presiding Officer and given the absence of any objection, became the ruling of the Court under Rule VI of the *Rules on Impeachment*.

On September 8, Senator-Judge Erwin Tulfo made a motion and manifestation, which effectively questioned the July 6 ruling of the Presiding Officer. The latter, thus, treated the same as an appeal of the July 6 ruling under Rule XXII of the *Rules of Procedure on Impeachment*.

On September 16, given the constitutional significance of the issue, the Court heard the considered views of distinguished *amici curiae* it had invited.

Today, September 23, the Court heard the oral arguments of the parties and the matter is now submitted for the resolution of the Court.

To explain the vote, an *aye* or yes vote grants the appeal and overturns the July 6 ruling of the Presiding Officer. It means that for purposes of determining the two-thirds concurrence vote required for conviction under Article XI Section 3(6), the phrase "all Members of the Senate" shall refer only to those Members who, at the time of the vote, remain legally and factually capable of participating in the impeachment proceedings, thereby excluding Members who are:

1. Detained and/or suspended or otherwise legally restrained from exercising the functions of a senator;
2. Persons sought by authorities whose whereabouts are unknown;
3. Suffering from a physical or medical incapacity;
4. Beyond the coercive processes of the Senate; and
5. Others similarly situated.

A no vote or a *nay* vote denies the appeal and sustains the July 6 ruling of the Chair. Accordingly, the number of votes required for conviction shall remain at 16 based on the phrase "all Members of the Senate," which is currently 24.

RESULT OF THE VOTING

Pursuant to Rule XXII of the *Rules on Impeachment*, the Presiding Officer stated for the record that, of the 20 senator-judges who responded to the roll call, the appeal was sustained, with 13 senator-judges voting in favor, one voting against, and six (6)who did not participate in the vote, namely Senator-Judges Cayetano (A), Cayetano (P), Go, Marcos, Padilla, and Villar (C). The Presiding Officer cast the lone negative vote.

RULING OF THE CHAIR

In view of the voting results, the Presiding Officer delivered the following ruling:

While the Chair takes exception to this decision, the Chair nonetheless accepts it as a judgment of this Court and is bound to give it effect. The Presiding Officer, after all, is not the Court. He is merely the custodian of the process, not the proprietor of its outcome. This is the essence of democracy: that disagreement be preserved without obstruction, and that lawful result be obeyed without resentment.

This is the tradition that gives the strength and legitimacy to the Senate, whether we sit as a legislative body or as an Impeachment Court. We allow the fullest ventilation of views even if those views differ sharply from our own. But at the end of the day, we vote. We abide by the judgment of the majority even if we disagree with it.

Accordingly, the Chair accepts and declares the ruling adopted by the Court as the new controlling ruling upon further proceedings and the Chair shall apply this ruling faithfully.

For the guidance of the parties, senator-judges and the public, the Chair hereby restates the new controlling ruling of the Court as follows: to determine the two-thirds concurrence required for conviction under Article XI, Section 3(6) of the Constitution, the phrase "all Members of the Senate" shall refer to those Members who, at the time of the vote, remain legally and factually capable of participating in the proceedings.

Accordingly, the computation shall exclude Members who are:

1. Detained and/or suspended or otherwise legally restrained from exercising the functions of a senator;
2. Persons sought by authorities whose whereabouts are unknown;
3. Suffering from a physical or medical incapacity;
4. Beyond the coercive processes of the Senate; and
5. Others similarly situated.

The Chair shall also proceed, given the outcome of the vote, to give guidelines on the new controlling ruling. Given the new controlling ruling of the Court on the threshold vote, the Chair sets forth the following guidelines to give full effect to the said ruling.

First, this ruling and interpretation of the Court shall operate *pro hac vice* or for this occasion only. It shall not constitute a binding precedent in any future impeachment proceedings. This is a ruling, not an amendment of the Rules. As such, it has no binding but merely persuasive effect on future impeachment proceedings, the hands of whom we cannot shackle, as there is no *stare decisis* as between impeachment courts. Further, the circumstances that gave rise to this ruling are extraordinary. It has never happened before, and the Chair hopes that it shall never happen again.

Second, the Impeachment Court shall determine on the basis of competent and sufficient evidence whether a member falls within any of the five circumstances mentioned in the new controlling ruling. The remaining members shall then constitute the denominator from which the required two-thirds concurrence shall be computed.

Third, where the computation of two-thirds results in a fraction, the number of votes required for conviction shall be rounded up to the next higher whole number, even if the fraction is less

than point five. For example, if the denominator is 20, two-thirds is 13 and one-third, or 13.33. If we round it down to 13, 13 votes would fall short of the constitutionally required two-thirds concurrence, which is 13.33.

Since a fraction of a vote is impossible, as there is no fraction of a senator, 13.33, again by way of example only, must be rounded up to 14 votes, the next higher whole number, to ensure that the votes for conviction constitute at least two-thirds of the relevant membership. This shall ensure that no person shall be convicted without the concurrence of two-thirds of all the Members of the Senate as determined by the Court in this new controlling ruling and as required under Article XI, Section 3(6) of the Constitution. So ordered.

EXPLANATIONS OF VOTES

The following explanations of votes on the appeal of Senator-Judge Tulfo (E) were inserted into the record:

By Senate President Gatchalian

Tumatayo ako upang ipaliwanag ang aking pagboto sa usapin kung ilan ang dapat isali sa bilang ng pwedeng bumoto sa impeachment trial *ni* Bise Presidente Sara Duterte.

My commitment to the constitutional requirement of two-thirds concurrence in a judgment of conviction remains the same. The Constitution is clear about this standard, and we will uphold it.

In applying this standard, however, we must always take the reality before us into consideration. This is the situation we face: Some senators cannot participate. Some cannot be found. Some are detained and practically unable to discharge their duties as senator-judges. They have not attended the trial. They have not heard the testimonies of the witnesses or asked clarificatory questions to better appreciate these testimonies.

In facing the realities of this situation, the opinions of the *amici curiae*, who were invited to share their wisdom last September 16, have led me to reflect that only those who are physically present in the trial are counted in the vote.

Dahil dito, ito ang aking posisyon: Nananatiling two-thirds *ang pamantayang itinakda ng Saligang Batas, ngunit hindi* 24 *ang laging kasama sa bilang ng pwedeng bumoto.*

Nakabatay sa tatlong prinsipyo ang aking boto: katotohanan, pagiging patas, at pag-iwas sa isang resultang hindi makatwiran at salungat sa layunin at diwa ng Konstitusyon.

Una, katotohanan. Ang hatol sa isang impeachment trial *ay dapat magmula sa masusing pagsusuri ng ebidensiya. Ang mga* senator-judge *na magpapasya ay dapat nakapakinig sa mga saksi, nakapagbasa at nakapagsuri nang maigi sa mga dokumento, at nakilahok sa deliberasyon. Hindi maaaring ihiwalay ang kapangyarihang bumoto sa tungkuling alamin ang katotohanan.*

Kung ang isang senador ay hindi nakilahok sa paglilitis, hindi niya maisusuri ang ebidensiya. Hindi siya makakapagtanong sa mga testigo, at hindi magiging buo ang kanyang pag-unawa sa lahat ng elemento ng kaso kumpara sa mga senador na naroon mismo sa paglilitis.

Chief Justice Panganiban put the test directly: "Are they in a position to know the truth so they can render a fair judgement? If they are not in a position to know the truth, they should not dare vote and participate."

Dahil dito, ang isang senador na hindi maaaring lumahok sa paglilitis at suriin ang ebidensiya, at hindi nakadalo ng pisikal sa pagboto ay hindi rin dapat isama sa bilang ng kung sino ang pwedeng bumoto.

Second, fairness. Truth concerns whether a senator can make a judgment based on the evidence. Fairness concerns whether a senator who cannot vote should still affect the result.

The Respondent has the right to be heard. As Chief Justice Panganiban rightly points out, "we must hear before we condemn," and all sides must be allowed to explain their case.

Chief Justice Puno affirms this principle by saying that "a respondent in an impeachment case is also entitled to be tried by an independent and impartial tribunal."

But fairness must also guide how we determine the number of senators to be counted in the vote. A senator who cannot participate in the trial and cannot cast a vote should not be included in determining that number. This is not fair. This is not fair to the constitutional institution of impeachment. This is not fair to the senator-judges who dutifully performed their duties. This is not fair to the Filipino people who expect a fair judgement from the impeachment court composed of senator-judges who genuinely participated in the trial.

Chief Justice Panganiban identified the unfairness clearly when he said, "if you cannot, then you shouldn't be counted because you will be diminishing the effort and the voice of those here present."

A vote to acquit is a deliberate decision that must be based on the evidence presented during trial. The inability to vote is not a decision at all. But when a senator who cannot vote is still included in the count, it increases the burden for conviction because the absent senator is automatically counted as a vote to acquit. How can the vote of an absent senator be considered as a vote for conviction or acquittal when the person was unable to participate at all?

The impeachment process must be fair not only to the Respondent, but also to the people who seek accountability from the highest officials of the land.

Third, the impeachment process must not be prevented from performing its constitutional purpose of enforcing public accountability. Article XI, Section 1 of the Constitution declares that "public office is a public trust. Public officers and employees must at all times be accountable to the people."

Chief Justice Puno explained why constitutional language matters. If the intent of the Constitution was to peg the number of votes to convict at 16, "Article XI, Section 3(6) should have said that the number of votes needed to convict is 16, period. But Article XI 3(6) did not say so. Instead, the language used a fraction."

Let us consider where a fixed requirement of 16 votes for conviction can take us. If 16 votes are always required, conviction becomes impossible when fewer than 16 Senators can participate and vote, regardless of the evidence. The outcome would be certain before the trial even begins. This cannot be the intent of the framers of the Constitution. This kind of outcome would prevent the Senate from carrying out its duty to try and decide an impeachment case. An impeachable official would be able to escape a judgment based on the evidence simply because the required number of votes had become impossible to reach.

This is precisely the kind of interpretation against which Chief Justice Davide warned: "Any interpretation to the contrary would defy reason, logic, and common sense, tolerate an absurdity, and perpetuate an injustice."

Chief Justice Puno issued the same warning: "A strict standalone literal interpretation of Article XI, Section 3(6) may result in absurdities and may result in injustices which will defeat the purpose of the Constitution."

This is another reason why only those senators who are present, can participate, and vote should be counted in determining how many senators are included in the count. It preserves the two-thirds conviction requirement while protecting the constitutional process of impeachment against any attempt to render it inoperative by removing senator-judges from the equation. In essence, this interpretation is the ultimate safeguard against tyranny and impunity.

Nakasalalay sa ating pagpapasya ang tiwala at paniniwala ng taumbayan na kayang hanapin ng ating mga institusyon ang katotohanan, itaguyod ang pagiging patas, at, kung ito ang ipinakikita ng ebidensiya, panagutin ang mga lumabag sa batas.

Ipakita natin sa taumbayan na hindi sila nagkamali, na gumagana ang sistema, at na ang magiging desisyon sa impeachment na ito ay alinsunod sa Konstitusyon, may paggalang sa batas, at nagbibigay ng katarungan para sa sambayanan.

By Senator-Judge Hontiveros

I vote that for this Impeachment Trial, only senator-judges who are within the coercive jurisdiction of the Senate and present on voting day can vote and deliver a verdict.

Para sa akin, ang dapat isama sa bilangan ng impeachment verdict *ay ang mga senador na nasa* coercive jurisdiction *ng Senado,* and in fulfillment of our duty to the Constitution— as manifested by our presence on voting day.

Beyond discussions about denominators, fractions, and rounding up and down, *ang dapat malaman: Sino ba ang nandito sa korte, at may kakayahang gumanap sa ating tungkulin?*

The absence of a number of senators in an Impeachment Trial should not paralyze and render helpless the entire institution and the Filipino people we represent. Our constitutional process for accountability of high officials should not be so easily derailed.

We should heed the advice of our *amici curiae, at maraming salamat muli sa kanila, dahil napakarami nating natutunan: Sabi ni dating* Chief Justice Hilario Davide Jr, when the Constitution refers to "all Members" it refers to senators "who are not suffering from physical or health conditions which render them incapable of exercising their powers or performing their duties" and those not "prohibited to do so by reason of some legal restraint or impediment."

Paalala din ni dating Chief Justice Artemio Panganiban, the Senate is "tasked with a constitutional duty that cannot be reduced to abstract arithmetic." *Si dating* Chief Justice Reynato Puno *naman, sinabi na dapat* "contextual at functional" *ang pagtingin sa probisyon ng Saligang Batas. Maging si dating* Associate Justice Adolf Azcuna, *sabi mismo na ang isang literal na interpretasyon ng Saligang Batas ay posibleng mag-resulta sa* "occasional miscarriage of justice."

With due respect, I am not willing to pay the price of occasional miscarriages of justice where public accountability of the highest officials is concerned.

Hindi din po pwede na sadyaing wag sumipot sa araw ng botohan. Wala pong abstain by absence. Our own *Rules* say: "Thereafter, each Senator, as his/her name is called, shall rise in his/her place and answer: guilty or not guilty." *Hindi po ito* MAY, *ito po ay* SHALL. Voting is a duty, not an option.

Our people do not deserve occasional miscarriages of justice. Our people deserve senators who do our job and uphold our solemn duties. The respondent deserves judges who stay to hear both sides, peruse the evidence, and observe the witnesses.

As our *amici curiae* have stated, the Senate generally has the final say when it comes to an impeachment verdict. *Tayo ang dapat tumingin at magtimbang sa ebidensiya. At sa huli, tayo ang kailangang manindigan sa ating boto.*

Mag-iwan tayo ng magandang halimbawa, lalo na sa mga susunod na miyembro ng Senado. Let us prioritize constitutional purpose and be true to our obligations to the people. We should not insist on being fixed and rigid - at the expense of keeping avenues for justice and accountability open.

As a final point, of course there are those whose presence is prevented by legal reasons, but for my other colleagues, our people deserve the courtesy of our presence. *Ang mga kababayan nating pumapasok araw araw— ulan o baha o* heat wave— *ang mga bata na pilit na nag aaral sa school sa gitna ng mga banta. Ang mga manggagawa na patuloy na bumabangon at lumalaban.* They show up and so should we.

Muli, malinaw ang aking boto: kung sino yung mga senador na nasa coercive jurisdiction *ng Senado at yung aktuwal na naririto para gampanan ang tungkulin na bumoto, tayo lang ang dapat bilangin pagdating sa* final verdict.

Let us choose to empower and breathe life to the Constitution.

By Senator-Judge Sotto

It is my position that our Constitution is a living Constitution. The interpretation shall adapt to the needs of modern society and the changing times. This is also the principle that we use in crafting laws, to ensure that it will not become outdated and fail to serve its purpose.

The Impeachment court is a hybrid court— part judicial, part political. *Kung* judicial *lang, dapat* Supreme Court *ang* Impeachment court. We are in uncharted territory, so we are in search for interpretation. *Yung* "all the members" *kasi may mga* understood *na* exception *tulad ng dapat buhay, pero hindi na nilagay kasi katawa-tawa mangyayari.* Example, *dapat pa ilagay,* "all the members of the Senate who are alive?" *kasi nakalagay*, "there shall be twenty-four (24) Senators." Common sense *na dapat buhay. Kung patay, bababa ang* total *di ba? Eh may mga* gray areas *tulad ng* suspended from office— *buhay pero bawal sumali. Paano na?* So, we need interpretation.

Thus, a rigid interpretation of the Constitution will result in absurdity and constitutional paralysis. As Chief Justice Panganiban said, "a commonsensical interpretation of the Constitution is warranted."

Therefore, I voted in favor of adjusting the voting threshold.

By Senator-Judge Tulfo (R)

Today, I rise to explain my vote on a matter that strikes at the very heart of our constitutional duty. We are called to resolve a question that is less about simple arithmetic and more about the fundamental survival of justice in our Republic. With this, I vote to lower the threshold.

By lowering the threshold to reflect only the active, qualified senator-judges who are physically capable of executing their oaths, we protect the integrity of this trial. We ensure that the final verdict—whether it be conviction or acquittal—is decided by the living conscience of this active Chamber, and not by the ghosts of empty desks. We owe the Filipino people a real verdict, not a mathematical technicality.

The procedural mandate of Article XI, Section 3 of the Constitution—which mandates a two-thirds vote to convict—must be tempered by the substance of the Constitution's Bill of Rights which provides that "No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of law." An essential element of due process is the right to be heard. It will be unfair that the respondent's case is decided by a judge who was neither present nor had the opportunity to study their case thoroughly during the presentation of the evidence.

I recognize that this court is a court of record. However, there is inherent value to appreciating the facts as it is delivered. There are essential matters lost in translation when actual living witnesses are reduced to lines within the Transcript of Records. The effort of the senator judges to propound clarificatory questions and to personally examine the witnesses as to the truth of their statements cannot be equated to a mere reading of the transcript of these proceedings. Hence, my vote.

By Senator-Judge Villanueva

Naniniwala po tayong ang tanong na kinahaharap natin ay hindi lamang simpleng usapang numero. Ang tanong ay kung ano ang ibig sabihin ng "two-thirds of all the Members of the Senate" *sa aktuwal na kalagayan ng paglilitis na ito. Tama po na* two-thirds *ng* 24 *ay* 16. *Ngunit hindi po* 16 *ang sinabi ng Konstitusyon.* Two-thirds *lamang po ang nakasaad dito.* As former Chief Justice Artemio Panganiban, in his capacity as *amicus curiae*, explained: "Reality sometimes changes the denominator in mathematics."

The Constitution is not merely a collection of words written in 1987 and frozen in time. Rather, it is a living Constitution. To interpret the Constitution is not simply to read its words, but it calls for consideration of context, purpose, consequences, and fairness.

A judge must render judgment. But before one can judge, he or she must have been in a position to hear the witnesses, observe their demeanor, consider the evidence, listen to counsels, and participate in the deliberative process. As former Chief Justice Hilario Davide put it: "The basis of computing the two-thirds must be the number of Senators who are qualified to vote, not the twenty-four in the present Senate." *Tatlong dating mga punong mahistradong nagsilbing amici curiae*—Chief Justices Panganiban, Davide, *at* Puno— *ay sumuporta sa ganitong interpretasyon.*

Mahalaga rin pong linawin na ang interpretasyong ito ay para sa natatanging sitwasyong ito at hindi maaaring gamiting upang baguhin ang pagboto sa ibang constitutional functions *ng Senado, gaya ng mga* treaty concurrence, *na may sariling* constitutional requirement.

At nais po nating bigyan ng diin ang dalawang bagay. Una, hindi po natin ibinababa ang itinakdang dalawang-katlo ng Konstitusyon. Mananatiling mataas at mahirap maabot, gaya ng layunin ng Konstitusyon. Ikalawa, kung ibababa ang bilang ng mga boto batay sa mga Senador na qualified to participate and vote, *pareho itong magbabago—hindi lamang para sa* conviction, *kundi pati sa acquittal. Pantay ang magiging epekto nito sa magkabilang panig.*

For the record, I vote yes to overturn the July 6 ruling of the Presiding Officer. Two-thirds remains two-thirds. What changes is not the constitutional standard, but the basis from which that standard is computed.

By Senator-Judge Pangilinan

Pinakinggan ko ang magkabilang panig. Pinakinggan ko ang Amici Curiae: apat na dating Supreme Court justices, *tatlo sa kanila ay dating chief justices, dalawa ay dating miyembro ng* 1986 Constitutional Commission, *at isa ay dating nag-*preside *na ng* impeachment trial *ng pangulo ng Pilipinas.*

Mula sa mga narinig ko at sa pagkakaintindi ko sa batas, bumoto ako batay sa mga sumusunod:

Una, nililinaw lamang kung sino, sa oras ng paghatol, ang legally qualified *at may kakayahang umupo bilang* senator-judge *at bumoto.*

Hindi ito pag-amyenda ng saligang batas. Nananatili ang constitutional requirement *na* two-thirds *ng lahat ng miyembro ng senado.*

Here are the facts:

One senator has not taken an oath to sit for the purpose of trying and deciding this impeachment trial. another senator has been outside the country on extended medical leave. Their participation requires their actual appearance before the Senate Sitting as An Impeachment Court.

Should they appear before judgement, take the oath and participate then they too will be qualified to vote.

Two other senators are currently detained for alleged violations of the Anti-Plunder Law.

And in Trillanes, Jalosjos, and Maceda, the supreme court recognized that detention limits a person's rights, including the exercise of the rights attached to elective office. A detained member of Congress does not enjoy rights superior to those of other detained persons.

Therefore, it is the court that issued or administers the restriction —such as the Sandiganbayan — that must first determine whether their participation is legally permitted and under what conditions.

Sa madaling salita, maaaring magbago ang sitwasyon sa ngayon.

Kung at kapag properly allowed *ang mga nasabing Senador na humarap sa atin at gampanan ang kanilang mga tungkulin, mapapailalim sila sa ating hurisdiksyon bilang mga* Senator-Judge.

Pursuant to Rule V of the Rules of Procedure on Impeachment Trial, the Senate may make such orders as it deems essential or conducive to the ends of justice. their participation can therefore be counted when they are able to appear and participate in accordance with constitutional and legal requirements.

Sa ganitong paraan, nirerespeto natin ang kapangyarihan ng magkakahiwalay na sangay ng gobyerno.

Pangalawa, Senado ang natatanging may kapangyarihan na dinggin at magpasya sa mga impeachment case. at kabilang sa kapangyarihang ito ang tukuyin kung sino ang legally qualified *na maisama sa* constitutional denominator *at kung kailan dapat gawin ang ganitong pagtukoy.*

'Yan ang nakasaad sa Article XI, Section 3(6) *ng* 1987 constitution. The Senate, to quote, "shall have the sole power to try and decide all cases of impeachment."

Hence, this vote.

MANIFESTATION OF THE COUNSEL FOR THE RESPONDENT

Attorney Sison made the following statement in light of the action taken by the Impeachment Court regarding the voting threshold, to wit:

> I will begin with a quote from the ruling of the Supreme Court in *Duterte vs. HOR* (G.R. Nos. 278353 and 278359) decided on July 25, 2029 and affirmed by the Highest Court on January 29, 2026.
>
> > "The process of impeachment is a constitutional and therefore, legal process that takes place within a political environment. That it is *sui generis* does not convert it to a purely political process isolated from the requirements of the Constitution as a whole.
> >
> > The basic constitutional mandate is that public office is a public trust. Being a constitutional value, any process seeking accountability of our public officers must take place within the strict framework and procedure outlined in the Constitution. Those who participate in this process are as accountable to our people as those who are made the subject of impeachment.
> >
> > This Court, regardless of the political result, will not evade its duty to declare when an act is done with grave abuse of discretion amounting to an excess of jurisdiction of any department, organ, or office."
>
> Considering also my subsequent manifestations after that quotation of that portion from the decision of *Duterte vs. HOR*, I will not ask that this Court take mandatory judicial notice of this decision given that, by itself, under Section 1 of Rule 129, it is indeed a subject of mandatory judicial notice by our courts, also in relation to Article 8 of our Civil Code, which expressly provides that judicial decisions applying or interpreting the law shall form part of the law of the land.
>
> And so, under that framework, let it be clear that the Respondent does not shrink from accountability nor does she fear the outcome of this Impeachment Trial. She asks for nothing spectacular from this Court. Only the most essential and basic guarantees due to every individual—fairness and impartiality *sa isang Korteng pinagkalooban ng pinaka-iingatang mga prinsipyo sa ilalim ng ating Saligang Batas.*
>
> We therefore put on record that even as we understand that this tribunal will proceed as it deems fit, we nonetheless are constrained to place on record *na mula sa araw na ito,* the Respondent's participation or any participation that the Respondent will have in this trial, *ay may tahasang pag-iingat* or with *ad cautelam*, and that she reserves every right to exhaust all legal remedies available *sa ilalim ng ating batas at Konstitusyon na may pagtatangi sa esensiya ng isang tunay na malayang demokratikong institusyon at karapatan ng bawat mamamayan na madinig sa isang hukumang walang kinikilingan o kinatatakutan, at matapang na maninindigan sa isang makatarungang paglilitis at sa bandang huli, pagpapasya. Maraming salamat po.*

REMINDERS OF THE CHAIR

The Presiding Officer informed the parties and the public that the Clerk of Court had been instructed to make the TSNs of the September 21 and September 22 proceedings available by the following morning, including certified true copies thereof for those who may need them in exhausting legal remedies concerning the Court's ruling. He further stated that the senator-judges may submit their respective explanations of vote, if any, for insertion into the *Journal and Records of the Impeachment Court* by four o'clock in the afternoon, to meet the deadline for the release of the TSNs at ten o'clock the following morning.

Regarding the issuance of subpoenas, Representative Diokno confirmed that subpoenas had already been issued to the witnesses scheduled to appear in the following week's trial and that no new subpoenas were necessary.

ADJOURNMENT OF THE IMPEACHMENT TRIAL

The Presiding Officer declared the impeachment trial adjourned until ten o'clock in the morning of Monday, September 28, 2026.

It was 2:10 p.m.

I hereby certify to the correctness of the foregoing.

Atty. RENATO N. BANTUG JR.
Clerk of Court

Approved on September 28, 2026