EXECUTIVE SUMMARY

The *Answer* filed by Vice President Sara Z. Duterte respectfully submits that the Articles of Impeachment are constitutionally infirm, procedurally defective, and substantively deficient.

I.

The House Committee on Justice (COJ) conducted a "trial" but trial can be done only by the Senate.

The Articles are the product of a House Committee on Justice process that exceeded the constitutional limits of its authority. Rather than confining itself to the determination of sufficiency in form and substance, the Committee embarked upon what its own Chairperson publicly characterized as a "mini-trial." It issued subpoenas, received testimonial and documentary evidence, examined witnesses, and undertook credibility assessments. Such functions belong exclusively to the Senate sitting as an Impeachment Court. The Constitution vests in the House the power to **initiate** impeachment proceedings, but reserves the power to **try and decide** impeachment cases solely to the Senate.

II.

There are clear indications and declarations that the COJ had predetermined the impeachment of the Vice President even before purported additional evidence were received, completed, and assessed.

The proceedings were tainted by pre-judgment. Even before the conclusion of the hearings, several members of the Committee publicly declared that sufficient votes already existed to impeach the Vice President and that the evidence against her were allegedly already overwhelming. These pronouncements reveal that the outcome had been predetermined long before the proceedings formally concluded, thereby casting serious doubt on the impartiality and integrity of the process.

III.

In answering the impeachment complaint against her, due process demands that the respondent is confronted with ALL the accusations and supposed evidence against her. In the "trial" conducted by the COJ, new pieces of evidence not included in the impeachment complaints were introduced which the Vice President was not given the opportunity to confront and answer. This is not allowed and goes against rules of fair play.

The Articles rely extensively upon evidence that was never part of, nor attached to, the impeachment complaints referred to the Committee on Justice for evaluation. Instead, new affidavits, witness testimonies, AMLC materials, Ombudsman records, SEC documents, and other submissions were gathered only during the course of the Committee hearings and subsequently incorporated into the Articles after the Vice President had already filed her Answer. This deprived her of a meaningful opportunity to address the allegations against her and constitutes a fundamental violation of due process.

IV.

Under controlling case law, an impeachable officer is answerable only for alleged acts or omissions while holding the impeachable office. In this case, accusations against her include acts even before she became Vice President.

The Articles disregard the controlling pronouncement of the Supreme Court in *Duterte v. House of Representatives*, which requires impeachment charges to be predicated upon acts committed during the **incumbent term** of the impeachable officer and in relation to the impeachable office itself. Yet the Articles draw heavily from alleged records, documents, and allegations pertaining to periods when the Vice President served as Mayor and Vice Mayor of Davao City, offices that are not clearly non-impeachable under the Constitution. Allegations arising from those periods cannot be transformed into impeachable offenses by the simple expedient of incorporating them into the present proceedings.

Apart from these constitutional and procedural infirmities, the Articles further fail on the merits.

V.

On the matter of the Vice President's confidential funds, there is no showing that she misused or absconded the same.

With respect to the allegations involving confidential funds, the Defense maintains that there exists no final determination by any competent tribunal establishing misuse, malversation, plunder, graft, or any unlawful disbursement of public funds. On the contrary, the supposed evidence presented before the House Committee itself confirmed that the releases of confidential funds underwent the requisite approval processes and that no finding of misuse had been made by the appropriate authorities.

VI.

On the SALN of the Vice President, under the law, it must be shown that her assets were illegally acquired and/or that she willfully concealed her assets. The Articles of Impeachment failed to show ill-gotten or hidden wealth.

As to the allegations concerning unexplained wealth and purported violations of the Statement of Assets, Liabilities and Net Worth (SALN) requirements, the Defense submits that the charges rest upon assumptions, conjectures, and speculative inferences drawn from claimed and alleged financial records, banking information, and materials falling outside the Vice President's impeachable term. The Articles fail to establish either the unlawful acquisition of wealth or the willful concealment of assets required under applicable law.

VII.

With respect to allegations of political destabilization, sedition, or purported threats against government officials, the Defense asserts that the charges are founded upon statements taken out of context, statements not made by the Vice President herself, or interpretations unsupported by competent and admissible evidence. Constitutional accountability cannot rest upon conjecture, innuendo, or strained interpretations of political statements.

VIII.

There is a standard under the Constitution to establish culpable violation of the Constitution, bribery, graft and corruption, high crimes, or betrayal of public trust for an impeachable officer to be convicted of any thereof. The allegations against the Vice President fall short of the threshold.

Ultimately, none of the allegations sufficiently establish the constitutional standards for culpable violation of the Constitution, bribery, graft and corruption, high crimes, or betrayal of public trust. Rather than presenting clear, credible, and legally sufficient proof of impeachable conduct, the Articles rely on erroneous conclusions, speculation, political rhetoric, and materials gathered through an unauthorized evidentiary fishing expedition conducted beyond the constitutional role of the House of Representatives.

For these reasons, the Vice President respectfully submits that the Articles of Impeachment suffer from fatal constitutional, procedural, and substantive defects. They fail to satisfy the standards required by the Constitution and, accordingly, should be dismissed.