

EXPULSION IN THE PHILIPPINE CONGRESS*

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ABSTRACT

This Article explores the concept and extent of the power of expulsion granted to members of Congress as defined under Article VI, Section 16(3) of the 1987 Constitution. It closely examines the roots, historical practices, and evolution of this constitutional power—from the United Kingdom to the United States—and its transplantation and evolution in the Philippines. From there, it identifies the parameters governing the proper application of the provision: (1) there is no specific limitation on the grounds that may be invoked for expulsion; (2) the only procedural limitation is the voting threshold, *i.e.*, a two-thirds majority of all members of the House of Representatives; and (3) the exercise of the power of expulsion remains subject to judicial review by the Supreme Court.

With this, the Article posits that although there have been previous cases of expulsion with former Representatives Romeo Jalosjos and Ruben Ecleo Jr., the expulsion of Arnolfo Teves Jr. should be qualified as the Philippines' first proper case of expulsion as it complies with the constitutional voting requirement—subject only to future challenge through judicial review by the Supreme Court.

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I. INTRODUCTION

On March 4, 2023, Negros Oriental Provincial Governor Roel Degamo was ambushed in broad daylight while attending an event for Pantawid Pamilyang Pilipino Program (“4Ps”) beneficiaries held near his residential compound.¹ The assassination came only a month after the Supreme Court declared Governor Degamo as the rightful winner of the 2022 elections for the gubernatorial seat,² where his political rival, Pryde Henry Teves, was effectively unseated. Pryde Henry is the brother of Arnolfo Teves Jr., a member of the House of Representatives.³

¹ Jairo Bolledo, *Who is Roel Degamo, the slain Negros Oriental governor?*, RAPPLER, Mar. 4, 2023, at <https://www.rappler.com/nation/visayas/things-to-know-roel-degamo-killed-negros-oriental-governor>.

² *See* Teves v. Comm’n on Elections, 936 Phil. 205, 238–40 (2023).

³ *Degamo’s widow: Pryde Teves benefited from killings in Negros Oriental*, CNN PHIL., Apr. 19, 2023, archived at <https://web.archive.org/web/20240130205931/https://www.cnn.philippines.com/news/2023/4/19/Janice-Degamo-Pryde-Teves-benefited-from-killings.html>.

At the time of the murder, Representative Teves had been on medical leave since February 28, 2023 in the United States.⁴ However, he preemptively denied involvement with the assassination, claiming that he had expected that he and his brother would be implicated in the death of their political rival.⁵ A few days after, the assailants of Governor Degamo were apprehended and brought to the custody of the National Bureau of Investigation, where they would later point to Representative Teves as the mastermind of the assassination.⁶

House of Representatives Speaker Martin Romualdez immediately called for Representative Teves to “come back to the country as soon as possible” after stating that the latter’s travel clearance had already expired after March 9, 2023.⁷ Representative Teves, citing alleged “very grave security threats” to his life and family, then requested a two-month leave.⁸ However, the request was denied by Speaker Romualdez, stating that Representative Teves should face his case in the Philippines by availing all the available legal remedies instead of hiding in another country, while also assuring his safety in the Philippines.⁹ This was echoed by President Ferdinand Marcos, Jr., who would later advise Representative Teves to “come home” after he was denied

⁴ *House Panel gives Teves a 24-hour ultimatum to return, face lawmakers*, PHIL. STAR, Mar. 20, 2023, at <https://www.philstar.com/headlines/2023/03/20/2253107/house-panel-gives-teves-24-hour-ultimatum-return-face-lawmakers>.

⁵ Moises Cruz, *Teves denied hand in Degamo killing*, MANILA TIMES, Mar. 7, 2023, at <https://www.manilatimes.net/2023/03/07/news/teves-denies-hand-in-degamo-killing/1881513>; *Negros Oriental solon denies involvement in Degamo murder*, CNN PHIL., Mar. 6, 2023, archived at <https://web.archive.org/web/20240130211641/https://www.cnnphilippines.com/news/2023/3/6/negros-oriental-arnolfo-teves-degamo-murder.html>.

⁶ Neil Jayson Servillos & Mark Ernest Villeza, *Teves tagged as Degamo slay brains*, PHIL. STAR, Mar. 10, 2023, at <https://www.philstar.com/headlines/2023/03/10/2250566/teves-tagged-degamo-slay-brains>.

⁷ *Rep. Teves, tagged in Degamo slay, urged to return from travel, address allegations*, PHIL. STAR, Mar. 10, 2023, at <https://www.philstar.com/headlines/2023/03/10/2250735/rep-teves-tagged-degamo-slay-urged-return-travel-address-allegations>.

⁸ *Teves asks for two-month leave due to 'grave security threat'*, CNN PHIL., Mar. 15, 2023, archived at <https://web.archive.org/web/20240130211331/https://www.cnnphilippines.com/news/2023/3/15/House-panel-deadline-Teves-explain-travel-authority-five-days.html>.

⁹ Delon Porcalla, *Speaker rejects Teves' 2-month leave request*, PHIL. STAR, Mar. 17, 2023, at <https://www.philstar.com/headlines/2023/03/17/2252256/speaker-rejects-teves-2-month-leave-request>.

political asylum in Timor Leste.¹⁰ Justice Secretary Jesus Crispin Remulla also chimed in by saying that flight was an indication of guilt.¹¹

Representative Teves would later officially become one of the main suspects in Degamo's death after evidence was uncovered allegedly directly linking him to the crime.¹² For his continued stay abroad despite the lapse of his travel clearance and for his defiance of orders to return home and perform his congressional duties, the House of Representatives, on March 22, unanimously approved the recommendation of the ethics committee to suspend Representative Teves for 60 days, in accordance with House rules, on the ground of disorderly behavior.¹³ Speaker Romualdez, in the same plenary session, acclaimed, "Under our leadership, the House of Representatives will never ever countenance any conduct unbecoming of a House member."¹⁴ During the pendency of the suspension, Speaker Romualdez had warned Representative Teves that if he continued to defy the return-to-work order after his initial 60-day suspension, a harsher penalty may be considered and imposed by the ethics committee on him.¹⁵

On May 9, 2023, the Department of Foreign Affairs ("DFA") issued an official announcement stating that the Ministry of Interior of Timor-Leste confirmed the denial of the application for political asylum of Representative Teves, whose presence in the country was confirmed days prior.¹⁶

Notwithstanding the initial penalty and warnings of Speaker Romualdez, Representative Teves still failed to comply with the order after the lapse of the initial penalty. Thus, the House of Representatives, on May 31, 2023, once again unanimously adopted the then recommendation of the ethics committee to impose an additional 60 days of suspension on

¹⁰ Daphne Galvez, *Bongbong Marcos tells Teves: Come home*, INQUIRER.NET, May 11, 2023, at <https://newsinfo.inquirer.net/1768084/bongbong-marcos-tells-teves-come-home>.

¹¹ Giselle Ombay, *Remulla on Teves not going home: Flight is an indication of guilt*, GMA NEWS ONLINE, May 17, 2023, at <https://www.gmanetwork.com/news/topstories/nation/870307/remulla-on-teves-not-going-home-flight-is-an-indication-of-guilt/story>.

¹² *Remulla: Degamo slay evidence links Teves*, RPN, Mar. 27, 2023, at <https://rpnradio.com/remulla-degamo-slay-evidence-links-teves>.

¹³ See Rules of the House of Representatives, 19th Cong. §§ 141–42.

¹⁴ Dwight De Leon, *Arnie Teves suspended: In rare move, House sanctions one of its own*, RAPPLER, Mar. 22, 2023, at <https://www.rappler.com/nation/house-suspends-arnie-teves-tagged-controversies-degamo-killing-march-22-2023>.

¹⁵ Xave Gregorio, *House suspends Teves again over continued absence*, PHIL. STAR, May 31, 2023, at <https://www.philstar.com/headlines/2023/05/31/2270492/house-suspends-teves-again-over-continued-absence>.

¹⁶ Ryan Macasero, *Timor-leste denies Teves asylum bid – DFA*, RAPPLER, May 9, 2023, at <https://www.rappler.com/nation/arnie-teves-asylum-timor-leste-says-justice-secretary-remulla>.

Representative Teves and to likewise strip him of all his committee memberships for his “misconduct” and attempt to seek asylum in Timor Leste.¹⁷

On July 26, 2023, Representative Teves, his brother, and 11 others were designated as terrorists under Republic Act No. 11479 or the Anti-Terrorism Act of 2020,¹⁸ making Representative Teves the first elected public official to be designated as such.¹⁹ The designation would thereby allow the Anti-Money Laundering Council (“AMLC”)²⁰ to freeze Representative Teves’ assets.²¹ In response, Representative Teves criticized President Marcos, Jr., First Lady Liza Araneta-Marcos, Secretary of Justice Remulla, House Speaker Romualdez, and other officials in an online conference, urging them to focus instead on more pressing issues affecting the Philippines.²²

On August 16, 2023, Representative Teves was, in an unprecedented move, unanimously expelled by the House of Representatives, with 266 affirmative votes, zero negative votes, and three abstentions.²³ The expulsion was based on the Committee Report of the House Committee on Ethics and Privileges of the same date.²⁴

The expulsion of Representative Teves had social commentators saying that it was the “first time” a member of the Philippine Congress was

¹⁷ Gregorio, *supra* note 15.

¹⁸ Rep. Act No. 11479 (2020), § 25. Section 25 of the Anti-Terrorism Act of 2020 refers to the *Designation of Terrorist Individual, Groups of Persons, Organizations or Associations*.

¹⁹ Anti-Terrorism Council (ATC) Res. No. 43 (2023), *available at* <https://www.scribd.com/document/662271553/ATC-Resolution-No-43-2023>. Designating Congressman Arnolfo A. Teves, Jr. and his Armed Group as Terrorist Group of Persons, Organization or Association and its Members as Terrorist Individuals.

²⁰ *See also* Anti-Money Laundering Council (AMLC) Res. No. TF-69 (2023), *at* [http://www.amlc.gov.ph/images/PDFs/Main/Notice%20of%20TF%2069%20re%20ATC%20Resolution%2043%20\(2023\)%20Final%20For%20Publication.pdf](http://www.amlc.gov.ph/images/PDFs/Main/Notice%20of%20TF%2069%20re%20ATC%20Resolution%2043%20(2023)%20Final%20For%20Publication.pdf). Imposing a Sanctions Freeze Order on the Teves Terrorist Group, among others.

²¹ Ryan Macasero, *Philippine gov't declares alleged Degamo slay mastermind Teves a terrorist*, RAPPLER, Aug. 1, 2023, *at* <https://www.rappler.com/nation/philippine-government-declares-degamo-killing-suspect-arnie-teves-terrorist-roel-degamo>.

²² Dwight De Leon, *Pushed into a corner, 'terrorist' Teves blasts Marcos, other officials, media*, RAPPLER, Aug. 1, 2023, *at* <https://www.rappler.com/nation/arnie-teves-hits-marcos-other-officials-media-after-terrorist-designation-august-2023>.

²³ For the result of voting, refer to the August 16, 2023 Journal of the House of Representatives. H. Journal 111, 19th Cong., 2nd Sess., 12 (Aug. 16, 2023), *at* https://docs.congress.hrep.online/legisdocs/journals_19/J11-2RS-20230816.pdf.

²⁴ H. Rpt. 717 [hereinafter, “Committee Report re: Rep. Teves”], 19th Cong., 2nd Sess. (2023). Committee on Ethics and Privileges (Report on the Matter of Representative Arnolfo “Arnie” A. Teves, Jr., on file with the House of Representatives).

expelled,²⁵ at least in the post-war era.²⁶ However, several members of the House of Representatives in the past have likewise been dropped from the rolls for varied reasons. Notwithstanding the significance of this provision, it can be observed that both Philippine jurisprudence and prominent law journals in the country are bereft of any discussion regarding expulsion. This paper aims to start this discussion.

It must be noted at the outset that the paper will be limited to expulsion as defined under Article VI, Section 16(3) of the 1987 Constitution. While jurisprudence has since introduced new “constitutional” mechanisms to unseat public officials—the issue of which will be discussed tangentially in succeeding parts of the paper—the main focus of the paper will remain on expulsion as a power granted to members of Congress by the Constitution. Similarly, the paper will focus on the removal of members through expulsion and not through other means, such as the removal from the party-list by a previous nominee—a topic that may be fleshed out better in a different paper.

This paper examines the power of expulsion granted by the Constitution to members of Congress under Article VI, Section 16(3) of the 1987 Constitution. The paper will trace the history of expulsion as a concept, its transplanted in the Philippine legal system, the evolution of the provision throughout the Philippine constitutions, and how the provision has been interpreted by the Supreme Court in the past. Through constitutional construction, the paper will identify the constitutional parameters of Article VI, Section 16(3) and thereafter use this as the basis to analyze whether indeed, the case of Teves was the first case of expulsion as claimed by social commentaries, and in general, provide guidance on how to interpret the provision moving forward.

In Part II, the paper will first define “expulsion” and compare it to both impeachment and *quo warranto*, which are alternative remedies that are distinct and separate from expulsion. Part III will look at the history of expulsion, tracing its origin from the practice of the House of Commons in the United Kingdom, to its transformation and transplanted in the United

²⁵ See Dwight De Leon, *In historic first, House expels congressman Arnie Teves*, RAPPLER, Aug. 16, 2023, at <http://rappler.com/philippines/house-representatives-expels-arnolfo-arnie-teves-jr>; Cristina Chi, *What happens to House staff of expelled congressman Arnie Teves?*, PHIL. STAR, Aug. 17, 2023, at <https://www.philstar.com/headlines/2023/08/17/2289358/what-happens-house-staff-expelled-congressman-arnie-teves>. “Teves’ expulsion is considered the first ever in the history of the lower chamber, Velasco said.”

²⁶ Dr. Dominador Gomez was expelled earlier from his seat in the Philippine Assembly through a majority vote (40-35). RAUL RAFAEL INGLES, 1908: THE WAY IT REALLY WAS: HISTORICAL JOURNAL FOR THE U.P. CENTENNIAL, 1908-2008, at 37 (2008).

States Constitution. Part IV will discuss the legislative history of the expulsion provision by going through the early forms of the Philippine Constitution, starting from the Jones Law up to the present Constitution. Part V will examine the case of Teves using the parameters established in the paper. Finally, Part VI will provide a summary of their legal observations regarding the issue of expulsion.

II. DEFINING “EXPULSION”

Expulsion from the Philippine Congress is recognized under Article VI, Section 16(3) of the 1987 Constitution, which provides:

(3) Each House may determine the rules of its proceedings, punish its Members for disorderly behavior, and, with the concurrence of two-thirds of all its Members, suspend or expel a Member. A penalty of suspension, when imposed, shall not exceed sixty days.²⁷

As mentioned, there is little to no discussion in our jurisprudence or legal scholarship regarding the power of each House of Congress to expel its members. This contrasts with “impeachment”—the more widely recognized method of removing selected government officials from the executive and judicial branches—because cases of impeachment have reached the Supreme Court on several occasions. Thus, it is important to distinguish and delineate these two constitutional methods of removing public officers.

The fundamental distinction between impeachment and expulsion lies in their nature and the processes they entail. In terms of nature, expulsion is a process inherent in the legislature, characterized as a self-disciplinary action necessary to protect the integrity of the institution and its proceedings.²⁸ This self-disciplinary action can range from mere censure or

²⁷ CONST., art. VI, § 16(3).

²⁸ TODD HARVEY, CONG. RSCH. SERV., R45078, EXPULSION OF MEMBERS OF CONGRESS: LEGAL AUTHORITY AND HISTORICAL PRACTICE 5 (2023), *citing In re Chapman*, 166 U.S. 661, 668 (1897); CONG. RSCH. SERV., RL31382, EXPULSION, CENSURE, REPRIMAND, AND FINE: LEGISLATIVE DISCIPLINE IN THE HOUSE OF REPRESENTATIVES 2 (2016), *citing* III DESCHLER’S PRECEDENTS OF THE UNITED STATES HOUSE OF REPRESENTATIVES 1725, § 13 (1994).

suspension to expulsion,²⁹ which is considered the most severe form.³⁰ In other words, it is a form of punishment. The same is not true regarding impeachment, whose object is not to punish but only to remove a person from office. Citing Fr. Joaquin G. Bernas, S.J., the Court, in a case, noted that impeachment is “a proceeding, purely of a political nature, is not so much designed to punish an offender as to secure the state against gross political misdemeanors. It touches neither his person nor his property, but simply divests him of his political capacity.”³¹

As to the procedure, the process of removal through impeachment is much more complex than expulsion, as it requires the participation of two Houses of Congress. For removal to occur via impeachment, both Houses of Congress must perform distinct and specific actions. The first action is through an impeachment proceeding in the House of Representatives, which ends in the approval by at least one-third of all the members of the Articles of Impeachment.³² The articles are then transmitted to the Senate, which has the “power to try and decide all cases of impeachment.”³³ When the President is on trial, the Supreme Court takes part in the process because the Chief Justice presides over the proceedings, though he/she is not entitled to vote.³⁴

In contrast, expulsion is accomplished merely by the House or Senate acting separate concerning one of its own Members³⁵—without the intervention of the other branch or other branches of the government and without the constitutional requirement of trial and conviction. More importantly, impeachment does not apply to members of Congress. Only the President, the Vice-President, the Members of the Supreme Court, the Members of the Constitutional Commissions, and the Ombudsman may be removed from office through impeachment.³⁶

²⁹ CONG. RSCH. SERV., *supra* note 28, at 2, *first citing* Rules of the House Committee on Ethics, Rule 24(e) (113th Cong.) 43 (2013); *and then citing* III DESCHLER’S PRECEDENTS OF THE UNITED STATES HOUSE OF REPRESENTATIVES, *supra* note 28, at 1719–20, §12. CONG. RSCH. SERV., *supra* note 28, at 15, *citing* LUTHER STEARNS CUSHING, ELEMENTS OF THE LAW AND PRACTICE OF LEGISLATIVE ASSEMBLIES IN THE UNITED STATES OF AMERICA 251 (1874 ed.).

³⁰ III DESCHLER’S PRECEDENTS OF THE UNITED STATES HOUSE OF REPRESENTATIVES, *supra* note 28, at 1725, §13.

³¹ *In Re* Letter of Mrs. Ma. Cristina Roco Corona, A.M. No. 20-07-10-SC, 893 Phil. 231, 243 (2021), *citing* JOAQUIN G. BERNAS, THE 1987 CONSTITUTION OF THE PHILIPPINES: A COMMENTARY 1150 (2003 ed.).

³² CONST. art. XI, § 3(1)–(3).

³³ Art. XI, § 3(6).

³⁴ Art. XI, § 3(6).

³⁵ Art. VI, § 16(3).

³⁶ Art. XI, § 2.

However, a third mode—*quo warranto*—is also an option for removing a sitting member of Congress. In the seminal case of *Republic v. Sereno*,³⁷ the Supreme Court recognized that *quo warranto* is a remedy that be filed against both appointive and elective officials, to *wit*:

Thus, *quo warranto* proceeding is the proper legal remedy to determine the right or title to the contested public office or to oust the holder from its enjoyment. In *quo warranto* proceedings referring to offices filled by election, what is to be determined is the eligibility of the candidates elected, while in *quo warranto* proceedings referring to offices filled by appointment, what is determined is the legality of the appointment.³⁸

Further, the Court has held that the availability of other remedies does not prohibit the initiation of a *quo warranto* proceeding against a public officer. Thus, in that case, the Court held that the impeachment proceedings against then Chief Justice Maria Lourdes P. Sereno did not bar the Court from hearing and deciding on the *quo warranto* petition filed against her by the Office of the Solicitor General.³⁹

Since the position of a member of the House of Representatives is constitutionally established and derives legitimacy from the electorate's mandate, any removal must occur through a constitutional process. Thus, it appears that a sitting member of the Philippine Congress may be removed either through expulsion or by *quo warranto*.

Nevertheless, this paper focuses solely on expulsion for several reasons. *First*, the issue under consideration arose from the case of Representative Teves, which involved expulsion. *Second*, as will be further discussed, there is an established practice in the Philippine Congress of removing its members only through expulsion. *Third*, the removal of a congressional member via *quo warranto* remains untested; and thus, may be premature for further legal discussion. *Fourth*, expulsion remains as the only constitutional mechanism for Congress itself to remove its own members, noting that the initiation and prosecution of a petition for *quo warranto* is lodged with the Office of the Solicitor General, public prosecutor, or by any person claiming to be entitled to the public office or position usurped or unlawfully held or exercised by another.⁴⁰

³⁷ 831 Phil. 271 (2018).

³⁸ *Id.* at 397.

³⁹ *Id.* at 399, 417, 419.

⁴⁰ *Id.* at 398, *citing* RULES OF COURT, Rule 66, §§ 2, 3, 5.

III. HISTORICAL ANTECEDENTS OF EXPULSION

The power of the Philippine Congress to expel its members traces its roots to the United States, which, in turn, copied the same from the United Kingdom. To better understand the extent of the Philippine Congress' expulsion powers, it is prudent to look at how they have been applied and interpreted in both the United Kingdom and the United States. This will serve as an important backdrop to the concept's eventual transplantation in the Philippine legal system.

A. United Kingdom

1. Historical Application

Among the parliamentary practices of the House of Commons, the elective body of the United Kingdom, is the power to discipline its own members, one of the aspects of its exclusive right to control its own proceedings, which comes in different forms.⁴¹ Dorian Bowman and Judith Farris Bowman regarded expulsion as the House of Commons' "favorite method of punishing members."⁴² In fact, it appears that expulsion was not only seen as a punishment but also a remedial device to rid the parliament of members who were found "unfit" or "unworthy" of their membership.⁴³

The House of Commons has claimed the power to expel members as early as the 16th century.⁴⁴ Despite this, there is yet to be a judicial pronouncement as to the extent of the House of Commons' power to expel.⁴⁵ The standard of what constitutes an act warranting expulsion is also not found in statute.⁴⁶ However, a review of the historical practice reveals that expulsion covered a wide range of actions. Bowman and Bowman opined that it was "impossible to extract any single principle or standard governing Parliament's decision to expel a member."⁴⁷

⁴¹ Dorian Bowman & Judith Farris Bowman, *Article I, Section 5: Congress' Power to Expel—An Exercise in Self-Restraint*, 29 SYRACUSE L. REV. 1071, 1073 (1978). See Mark Hutton et al., *Expulsion*, in ERSKINE MAY (2019), available at <https://erskinemay.parliament.uk/section/4562/expulsion>.

⁴² Bowman & Bowman, *supra* note 41, at 1074.

⁴³ Enid Campbell, *Expulsion of Members of Parliament*, 21 U. TORONTO L.J. 15, 15, 20 (1971).

⁴⁴ *Id.* at 20.

⁴⁵ *Id.* at 15.

⁴⁶ Bowman & Bowman, *supra* note 41, at 1075.

⁴⁷ *Id.*

Some expulsions from Parliament were based on relatively uncontroversial grounds, such as conduct that bordered on treason or open rebellion against Parliament's authority, criminal conduct, or convictions for corruption and bribery. In other instances, the rationale was less clear, as members were expelled for private torts and fraudulent business practices—acts that, while arguably reflective of personal character, did not directly implicate their integrity as a member of Parliament and were private in nature.⁴⁸ More troubling were expulsions aimed at silencing dissent, where members or sometimes nonmembers, were punished for writings that cast the House of Commons in a negative light, on the ground that such expressions diminished public respect for the institution.⁴⁹

Interestingly, the first case of expulsion in 1581 involved such a case. Arthur Hall, a burgess from Grantham, was expelled for writing a book which tainted the image of “particular good Members” of the parliament. His work was deemed as “slandorous and derogatory” to the House and its proceedings.⁵⁰ After Hall, parliament continued to expel members during the 17th and 18th centuries for expressions of “unacceptable” opinions, including speaking “scandalous words” against the Scotts and the Scottish nation, providing a contrary opinion against a bill for observation of the Sabbath, and expressing that the passage of a bill of attainder would “commit murder with the Sword of Justice.”⁵¹

More importantly, these expressions of opinion need not be spoken within the debate floors of the House of Commons. Similar to Hall, members were expelled for writing books and pamphlets considered “libelous” or “scandalous.” Speeches of a similar character, although done outside parliament, were also made the basis for expulsion.⁵²

Perhaps the most infamous example of the English Parliament's wielding of the expulsion power involves John Wilkes.

2. *The Wilkes Case*

Wilkes was first elected to the House of Commons in 1757. He immediately fell out of favor with King George III and the Parliament due to the *North Briton*, his controversial newspaper dedicated to satirical attacks

⁴⁸ *Id.* at 1075–77.

⁴⁹ *Id.* at 1077–78.

⁵⁰ *Id.* at 1074, 1078, *citing* 1 H.C. Journal 122–27 (Mar. 18, 1581) (Eng.).

⁵¹ *Id.* at 1078.

⁵² *Id.*

against the King and his ministers. His first legal predicament arose when he ridiculed a speech of King George III in *North Briton No. 45*. Wilkes then fled to France in December 1763 and was expelled from the House of Commons a month later on the sole basis of his authorship and publication of *No. 45*. Despite being in Paris, Wilkes stood trial in *absentia* and was later convicted for two counts of libel for the publication of *No. 45* and for his partial authorship and publication of *An Essay on Woman*, a pornographic satire of Alexander Pope's famous poem, *An Essay on Man*.⁵³

Wilkes returned from his exile in February 1768. Despite being an outlaw, Wilkes ran for and won re-election as a representative of the County of Middlesex to the House of Commons on March 26, 1768. When he won, Wilkes turned himself to the Attorney General and was imprisoned on April 27, 1768. While in prison for his libel conviction, Wilkes was again expelled from the House of Commons on February 3, 1769 on four separate charges, namely: (a) for publishing the letter written by Lord Weymouth, one of the King's ministers, which connected the former to the infamous Massacre at St. George's Field; (b) for attacking King George III in *No. 45*, despite his previous conviction and expulsion on this ground in 1764; (c) his publication of *An Essay on Woman*, also in spite of his prior conviction, although not a ground for his prior expulsion, years prior; and (d) the fact of his imprisonment for past libels would incapacitate him from legislative service until he was freed.⁵⁴

Interestingly, Wilkes was re-elected on February 16, 1769,⁵⁵ a few weeks after his last expulsion. The day after, however, the House of Commons refused to seat him, finding Wilkes "incapable of being elected as a Member to serve in this present parliament," and thus declared the election void.⁵⁶ The Middlesex electors, however, did not back down and still elected Wilkes during the next special election, which was again declared void.⁵⁷ When

⁵³ Benjamin Cassady, *You've Got Your Crook, I've Got Mine: Why the Disqualification Clause Doesn't (Always) Disqualify*, 32 QUINNIAC L. REV. 209, 224 (2014), first citing ARTHUR H. CASH, JOHN WILKES: THE SCANDALOUS FATHER OF CIVIL LIBERTY 78–79, 162–63, 165, 169–70 (2006 ed.); and then citing I SIR HENRY CAVENDISH'S DEBATES OF THE HOUSE OF COMMONS 31, 130 (J. Wright ed., 1841).

⁵⁴ *Id.* at 225–27, citing CASH, *supra* note 53, at 169–72, 179, 204, 208–11, 214–16, 239–40, 247; and then citing I SIR HENRY CAVENDISH'S DEBATES OF THE HOUSE OF COMMONS, *supra* note 53, at 31, 130, 161–63, 165–71.

⁵⁵ *Id.* at 227, citing CASH, *supra* note 53, at 248.

⁵⁶ Bowman & Bowman, *supra* note 41, at 1081, citing 32 H.C. Journal 228–29 (Feb. 17, 1769) (Gr. Brit.).

⁵⁷ *Id.* at 1081–82, citing 32 H.C. Journal 324–25 (Mar. 17, 1769) (Gr. Brit.); Cassady, *supra* note 53, at 227, citing CASH, *supra* note 53, at 250–51.

Wilkes again won at the third special election, the House of Commons declared his opponent, Henry Luttrell, as the winner.⁵⁸

However, it was only until the end of the 13th Parliament that Wilkes was refused to be seated, as he was successfully re-elected and seated in the next Parliament in 1774. Reasoning that the resolution that declared him incapable of being elected in the Parliament due to his prior expulsion had deprived the body of electors of their right to choose their representative, Wilkes sought, and later successfully had, the resolution expunged from the Journals of the House of Commons in 1782 by vote of the Parliament on such basis.⁵⁹

Several conclusions can be drawn from the Wilkes Case. *First*, it shows the breadth and scope of parliament's power to expel. Such power is virtually limitless, capable of being invoked on any grounds, at any time, and as many times as Parliament sees fit. *Second*, and interestingly, this was also perhaps the first acknowledgement of the parliament that its power to expel also had limitations, *i.e.*, Parliament cannot deprive the electorate of their chosen representative.⁶⁰

3. Contemporary Practice

Despite its colorful history, the expulsions in the House of Commons dwindled in the 19th century. The last case occurred on December 16, 1954, involving Conservative Member of the Parliament ("MP") Peter Baker, following his conviction for forgery.⁶¹ Prior to him, another case for expulsion occurred on October 30, 1947 involving Garry Allighan, MP for Gravesend, for lying to a committee and for gross contempt of the House.⁶² It is important to dissect Allighan's expulsion because it shows a shift in the attitude of the House of Commons as to its power of expulsion.

⁵⁸ Bowman & Bowman, *supra* note 41, at 1081–82, *citing* 32 H.C. Journal 451 (May 8, 1769) (Gr. Brit.); Cassady, *supra* note 53, at 227, *citing* CASH, *supra* note 53, at 255–56.

⁵⁹ Bowman & Bowman, *supra* note 41, at 1082, *citing* 38 H.C. Journal 977 (Mar. 3, 1782) (Gr. Brit.).

⁶⁰ *Id.* at 1083.

⁶¹ Polly Curtis, *Criminal MPs: the five expelled from the Commons in the past 100 years*, THE GUARDIAN, Jan. 11, 2011 at <https://www.theguardian.com/politics/2011/jan/11/criminal-mps-expelled-from-commons>; H.C. Deb. (Dec. 16, 1954) vol. 535, col. 1986 (U.K.), at <https://hansard.parliament.uk/commons/1954-12-16/debates/0b415f05-21ab-4b36-8cb8-1b82b1ba43ee/MrPeterArthurDavidBaker>.

⁶² *Expulsion*, BBC NEWS, Aug. 20, 2008, at http://news.bbc.co.uk/2/hi/uk_news/politics/e-g/82139.stm.

Allighan was the last Member to be expelled for a disciplinary offense, as opposed to Baker, who was expelled due to his conviction of a crime.⁶³ Allighan wrote and published an article in the *World's Press News*, claiming that Members of the Parliament were giving confidential information to the press for money or favorable publicity. However, the Committee on Standards and Privileges discovered that it was Allighan himself who was feeding information to the Trans-Atlantic Press Agency, a media company wherein he had a controlling interest.⁶⁴

During the debates, MP H. Morrison moved that Allighan be merely suspended instead of expelled. While he recognized the gravity of Allighan's offense, he equally acknowledged that "expulsion is a very serious step" that could be "open to very great abuse." Thus, he reasoned that expulsion should be reserved only for "the clearest cases, where there cannot be much doubt about the [t]ightness of the expulsion and where it would be accepted, broadly speaking, all round and fairly generally as the right thing to do."⁶⁵ While Allighan was eventually expelled, similar concerns were raised and eventually prevailed in the next few attempts to have a member of the House of Commons expelled.

Another famous case would be that of Patrick Mercer, MP for Newark. Mercer was found by the Committee on Standards to have "inflicted significant reputation damage" to the House of Commons when he allowed payment to influence his actions in parliamentary proceedings, failed to declare his interests when appropriate, and used racially offensive language, among others. Despite this, the Committee on Standards recommended that Mercer be suspended for six months,⁶⁶ recognizing that Committees of the House of Commons have "long been reluctant to recommend expulsion as a penalty" because of the danger that "the power of expulsion could be used to remove people because their opinions were unpopular, rather than because of misconduct."⁶⁷ The House of Commons adopted the recommendation and meted the suspension, with Mercer resigning thereafter.⁶⁸

⁶³ *See id.*

⁶⁴ COMM. ON STANDARDS AND PRIVILEGES, MR DENIS MACSHANE, 2012–13, H.C. 635, at 23 (U.K.) [hereinafter, "MR DENIS MACSHANE"], at <https://publications.parliament.uk/pa/cm201213/cmselect/cmstnprv/635/635.pdf>.

⁶⁵ H.C. Deb. (Oct. 30, 1947) vol. 443, col. 1160 (U.K.), at <https://hansard.parliament.uk/commons/1947-10-30/debates/5c200c4a-66a6-445e-b314-134d3085b2cd/CasesOfMrAllighHanAndMrWalkden>.

⁶⁶ COMM. ON STANDARDS, PATRICK MERCER, 2013–14, H.C. 1225, at 10, 12 (UK), at <https://publications.parliament.uk/pa/cm201314/cmselect/cmstandards/1225/1225.pdf>.

⁶⁷ *Id.* at 11.

⁶⁸ *Former Tory MP Mercer resigns after Commons suspension*, BBC NEWS, Apr. 29, 2014, at <https://www.bbc.com/news/uk-politics-27208966>.

Similarly, Denis MacShane resigned upon the recommendation of the Committee of Standards and Privileges that he be suspended for 12 months.⁶⁹ The Committee found as bases for the suspension, among others, MacShane's acts of allowing interns to keep the laptops provided by the public purse after the end of their internship and submitting false invoices, which allowed him to pay for official trips to EU Countries. In the Committee Report, it cited the case of Allighan in weighing the appropriate penalty for MacShane.⁷⁰

Thus, the House of Commons has now steered away from its practice of unfettered imposition of the penalty of expulsion. Notwithstanding this apparent shift in attitude, it must be emphasized that this power remains unfettered, with neither judicial pronouncement nor statute attempting to limit it.

B. United States

Expulsion is also a contemporary issue in the United States as it recently expelled George Santos, a Republican Representative from New York, after the House Ethics Committee found that the representative, among others, committed fraud and misused campaign funds.⁷¹ This was the first expulsion in the United States Congress after twenty-one years.

1. Intent of the Framers

The American revolutionaries refused to follow the British history of expulsions. They drew lessons from Wilkes and incorporated these lessons into the Federal Constitution.⁷² The initial draft of the Federal Constitution did not even mention the power to expel. It was only when the draft Constitution was reviewed by the Committee of Detail that the act of punishing and expelling members of Congress was first mentioned.⁷³ After different revisions, the draft presented by the Committee to the Constitutional Convention reads:

⁶⁹ Nicholas Watt, *Denis MacShane resigns as MP over expenses*, THE GUARDIAN, Nov. 2, 2012, at <https://www.theguardian.com/politics/2012/nov/02/denis-macshane-resigns-expenses>.

⁷⁰ *Id.*; MR DENIS MACSHANE, *supra* note 64, at 19–20.

⁷¹ Brian Mann, *Ethics report finds Santos used campaign funds to pay for OnlyFans, Botox, Sephora*, NPR, Nov. 16, 2023, at <https://www.npr.org/2023/11/16/1213261293/george-santos-reelection-ethics-committee-report>; Eric McDaniel, *New York Republican George Santos expelled from Congress*, NPR, Dec. 1, 2023, at <https://www.npr.org/2023/12/01/1215899764/george-santos-expulsion-house>.

⁷² Cassady, *supra* note 53, at 242–43.

⁷³ Bowman & Bowman, *supra* note 41, at 1087.

Each house may determine the rules of its proceedings; may punish its members for disorderly behavior; and may expel a member.⁷⁴

When the draft provision was introduced on the debate floor, the distinction between the power of expulsion and punishment was never put into question.⁷⁵ Moreover, a procedural restriction of two-thirds votes, *i.e.*, a supermajority, was imposed on the exercise of the power of expulsion,⁷⁶ so as to “prevent abuse of power for political ends.”⁷⁷

Thus, the current wording of the U.S. Constitution reads:

Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, *with the Concurrence of two thirds*, expel a Member.⁷⁸

The clear intent of the framers was not to impose any substantive limitation on the power to expel, such as by restricting it solely to cases involving “disorderly behavior” or by defining the conduct that would warrant expulsion. Rather, the form that the limitation took is a supermajority vote (*i.e.*, two-thirds of the members),⁷⁹ as opposed to the majority vote required in the House of Commons.⁸⁰ This means that the framers wanted to grant the legislative body the sole discretion of determining what conduct may be grounds for expulsion,⁸¹ following the British tradition.

Furthermore, similar to its U.K. counterpart, there is no judicial decision that directly deals with the validity or legality of expulsion of a member of Congress in the U.S. Neither has any expelled member attempted to file a case to question their removal.⁸²

⁷⁴ *Id.* at 1088, *citing* II THE RECORDS OF THE FEDERAL CONVENTION OF 1787, at 180 (Max Farrand ed., 1911).

⁷⁵ *Id.* at 1088.

⁷⁶ *Id.* at 1089, *quoting* II THE RECORDS OF THE FEDERAL CONVENTION OF 1787, *supra* note 74, at 246.

⁷⁷ *Id.*, *quoting* II THE RECORDS OF THE FEDERAL CONVENTION OF 1787, *supra* note 74, at 254.

⁷⁸ U.S. CONST. art. I, § 5, ¶ 2. (Emphasis supplied.)

⁷⁹ Bowman & Bowman, *supra* note 41, at 1090.

⁸⁰ Cassady, *supra* note 53, at 243.

⁸¹ Bowman & Bowman, *supra* note 41, at 1090.

⁸² HARVEY, *supra* note 28, at 5–6.

2. *History of Expulsion*

There have only been 30 instances of resolutions being introduced in Congress that call for the expulsion of a member over the 200 years since the adoption of the Constitution.⁸³ Indeed, expulsion cases are rare. In fact, there have been only six instances of expelled members of the House of Representatives,⁸⁴ and fifteen in the Senate.⁸⁵ A review of the expulsion cases shows that these have been predominantly due to disloyalty to the country, such that 17 out of the 18 disloyalty cases occurred during the Civil War.⁸⁶

The first successful case of expulsion in the United States, which occurred in the Senate, involved Senator William Blount in 1797. Blount was found to have written a letter, to the effect that there was a secret plan to benefit the British, to an official serving as the interpreter of the Cherokee Indians. As such, he was charged with attempting to “stir up the Cherokee Indians and undermine their confidence” in the U.S. Government, and later found guilty by the Senate of “high misdemeanor.”⁸⁷ Similarly, Senator Jesse Bright was expelled for “having given his friend[,] Thomas Lincoln[,] a letter of introduction to Jefferson Davis, then President of the Confederacy.”⁸⁸

What is interesting to point out in these cases is that Blount and Bright did not violate any criminal statute and that these letters were sent in their private capacity. Despite these, they were expelled. Thus, it appears that the U.S. Congress follows the U.K. Parliament in that the grounds for expulsions involve a wide array of actions and are not limited to crimes or actions done in a private capacity.

The House and Senate had not expelled a member in the century since the Civil War expulsions. The most recent expulsions in the House were a result of the representative’s criminal conviction⁸⁹ or indictment.⁹⁰ On October 2, 1980, Michael J. Myres was expelled from the House due to a conviction of bribery. On July 4, 2002, James A. Traficant, also from the

⁸³ Bowman & Bowman, *supra* note 41, at 1092.

⁸⁴ *List of Individuals Expelled, Censured, or Reprimanded in the U.S. House of Representatives* [hereinafter “*List of Individuals Expelled in the U.S. House*”], U.S. HOUSE OF REPRESENTATIVES ARCHIVES WEBSITE, at <https://history.house.gov/Institution/Discipline/Expulsion-Censure-Reprimand/>.

⁸⁵ *About Expulsion*, U.S. SENATE WEBSITE, at <https://www.senate.gov/about/powers-procedures/expulsion.htm>.

⁸⁶ HARVEY, *supra* note 28, at 10.

⁸⁷ Bowman & Bowman, *supra* note 41, at 1092.

⁸⁸ *Id.* at 1094.

⁸⁹ HARVEY, *supra* note 28, at 10–11.

⁹⁰ See McDaniel, *supra* note 71.

House, was expelled after his conviction of “conspiracy to commit bribery [and] defraud the government, receipt of illegal gratuities, obstruction of justice, filing false tax returns, and racketeering.” The latest expulsion involving George Santos, however, did not involve the conviction of a crime. Santos was, at the time of his expulsion, indicted on 23 counts, including “wire fraud, money laundering, stealing public funds, lying on Federal financial disclosure forms to the House of Representatives, aggravated identity theft, and making false statements to the Federal Election Commission.”⁹¹

Based on both the intent of the framers of the U.S. Constitution and the 21 cases of expulsions, the U.S. Congress is evidently vested with the discretion to decide what may be grounds for expulsion.⁹²

In sum, it can be gleaned from how this power has been exercised across these cases that the predominant basis used by both houses of the U.S. Congress was disloyalty, all having occurred during the Civil War. The three cases of expulsion that did not use disloyalty as a ground, and which occurred in the years 1980, 2002, and 2023, *i.e.*, more than a century after the Civil War, involved the commission of criminal activities.⁹³

C. Summary of the U.K. and U.S. Experience

A review of both U.K. and U.S. traditions reveals the absence of a definitive standard of conduct that provides a clear basis for the removal or expulsion of a member of Congress or Parliament. Furthermore, there is no judicial ruling or statutory provision that seeks to impose limitations on this power. As long as the required number of votes is obtained, a member of Congress or Parliament can be expelled for any reason. Ultimately, it is left to the discretion of Parliament or Congress to exercise restraint when exercising this power.

IV. EXPULSION IN THE PHILIPPINES

Having discussed both the definition evolution of “expulsion” in the United Kingdom to the United States, this Part will now discuss its transplantation and evolution in the Philippine legal system. At the outset, it should be established that just like most of the provisions in the Philippine Constitution, the provision on expulsion was merely copied from the United

⁹¹ *List of Individuals Expelled in the U.S. House*, *supra* note 84.

⁹² HARVEY, *supra* note 28, at 9.

⁹³ *See id.* at 10.

States Constitution. As such, the same interpretation of the concept and the provision, as discussed in the preceding Part, should likewise be persuasive in our jurisdiction.

For instance, in the case of *In Re: Letters of Mrs. Ma. Cristina Roco Corona*,⁹⁴ the Supreme Court elaborated on the evolution of impeachment and later used U.S. jurisprudence to interpret our constitutional provision on impeachment: that “[o]wing to our country’s intertwined history with US expansionism in the Orient in the 19th century, our own basic law is worded and interpreted not too differently from that of the US as regards impeachment of public officers.”⁹⁵

A. Jones Law

The Jones Law⁹⁶ was passed on August 29, 1916, with the objective of replacing the then-commission government with a government run by Filipinos. This was done by making the members of both the Philippine Commission and the Philippine Assembly for Filipinos. Section 18 thereof provides:

That the Senate and House of Representatives, respectively, shall be the sole judges of the elections, returns, and qualifications of their elective members, and *each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel an elective member.* [...] ⁹⁷

Notably, the latter part of the provision was an exact copy of Article I, Section 5, paragraph 2 of the United States Constitution, to wit:

Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two-thirds, expel a Member.⁹⁸

Perhaps the closest case to expulsion under the Jones Law was the case of *Aleandrino v. Quezon*.⁹⁹ At that time, the Governor-General was authorized by the Organic Act to appoint two senators and nine

⁹⁴ 893 Phil. 231 (2021).

⁹⁵ *Id.* at 241.

⁹⁶ *See, generally*, Pub. L. No. 64-420, ch. 416, 39 Stat. 545 (1916). The Philippine Organic Act or the Jones Law.

⁹⁷ § 18. (Emphasis supplied.)

⁹⁸ U.S. CONST. art I, § 5, ¶ 2.

⁹⁹ 46 Phil. 83 (1924).

representatives to represent the non-Christian regions in the Philippine Legislature, who were to hold office until otherwise removed by the Governor-General.¹⁰⁰ The controversy arose when members of the Senate elected to suspend Senator Jose Alejandrino, a senator appointed by the Governor-General, for assaulting Vicente de Vera, another senator.¹⁰¹

The Senate chose to suspend rather than expel because the Senate was only empowered to “punish its members for disorderly behavior,” or “with the concurrence of two thirds, expel an *elective* member.”¹⁰² Alejandrino filed a petition for mandamus and injunction before the Supreme Court, praying that he be allowed to discharge his duties as Senator.¹⁰³ Thus, one of the issues raised was whether the power to “punish its members” includes the power to suspend.¹⁰⁴

The Court held that the power of any branch of the government must be within that which was granted to it by the organic law.¹⁰⁵ In this case, the Constitution granted the Senate and House of Representatives the power to punish a member, whether appointive or elective, for disorderly behavior. However, neither House could expel an appointive member, for any reason, as this prerogative was given solely to the Governor-General. The Court clarified, however, that the power to punish did not include the power to suspend, and that the Organic Law at that time “has purposely withheld from the two Houses of the Legislature and the Governor-General alike the power to suspend an appointive member of the Legislature.”¹⁰⁶

To support its argument, the Court noted that the United States had never suspended any member of its Congress because suspension has the effect of depriving the constituents of representation, while “punishment by way of reprimand or fine vindicates the outraged dignity of the House without depriving the constituency of representation.”¹⁰⁷ The Court also surmised that expulsion “likewise vindicates the honor of the legislative body while giving to the constituency an opportunity to elect anew.”¹⁰⁸ It noted that “[b]y suspension, the seat remains filled, but the occupant is silenced.”¹⁰⁹

¹⁰⁰ *Id.* at 95.

¹⁰¹ *Id.* at 86–87.

¹⁰² *Id.* at 96. (Emphasis supplied.)

¹⁰³ *Id.* at 87.

¹⁰⁴ *Id.* at 96.

¹⁰⁵ *Id.*

¹⁰⁶ *Id.*

¹⁰⁷ *Id.*

¹⁰⁸ *Id.*

¹⁰⁹ *Id.*

Notwithstanding this, the Court acknowledged its lack of authority to direct or control the Legislature's exercise of its legislative powers.¹¹⁰ Consequently, the Court determined it had no jurisdiction and opted to dismiss the case, to wit: "[...] where a member has been expelled by the legislative body, the courts have no power, irrespective of whether the expulsion was right or wrong, to issue a mandate to compel his reinstatement."¹¹¹

B. 1935 Constitution

The provision on the power of Congress to discipline its members was inspired by the Jones Law, which, as already mentioned, was copied from the American Constitution.¹¹² Article VI, Section 5 of the 1935 Constitution provides:

(5) The National Assembly may determine the rules of its proceedings, *punish its Members for disorderly behavior, and, with the concurrence of two-thirds, expel a Member*. It shall keep a Journal of its proceedings, and from time to time publish the same, excepting such parts as may in its judgment require secrecy; and the yeas and nays on any question shall, at the request of the one-fifth of its Members present, be entered in the Journal.¹¹³

In relation thereto, paragraph 4 of the same Section provides:

(4) The National Assembly shall choose its Speaker, a secretary, a sergeant-at-arms, and such other officers as may be required. *A majority of all the Members shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent Members, in such manner and under such penalties as the National Assembly may provide.*¹¹⁴

It must be noted, however, that the 1935 Constitution was amended in 1940 to convert from a unicameral legislature to a bicameral one.¹¹⁵ As a result thereof, the above-mentioned provisions were changed into the following provisions under Section of Article VI thereof, to wit:

¹¹⁰ *Id.* at 97.

¹¹¹ *Id.* at 89. (Citations omitted.)

¹¹² JOSE ARUEGO, THE FRAMING OF THE PHILIPPINE CONSTITUTION 300 (1936).

¹¹³ CONST. (1935), art. VI, sec. 3(5). (Emphasis supplied.)

¹¹⁴ CONST. (1935), art. VI, sec. 3(4). (Emphasis supplied.)

¹¹⁵ *Constitution Day*, OFFICIAL GAZETTE, *at*

(2) A majority of each House shall constitute a quorum to do business, but a smaller number may adjourn from day to day and *may compel the attendance of absent Members in such manner and under such penalties as such House may provide.*

(3) Each House may determine the rule of its proceedings, punish its Members for disorderly behavior, and, with the concurrence of two-thirds of all its Members, expel a Member.¹¹⁶

Notably, the amendment of the 1935 Constitution resulted in an expulsion provision that almost completely resembles the provision in the United States Constitution. As mentioned earlier, the American Constitution provides:

Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member.¹¹⁷

Be that as it may, there was an attempt to diverge from the American provision. Delegate Esliza proposed to make the necessary concurrence three-fourths instead of two-thirds, rationalizing that the matter of expulsion was paramount that “the required number should be increased to check the possibility of abuse.”¹¹⁸ This sparked a discussion among the members of the Convention on what constitutes “two-thirds,” to wit:

Delegate Roxas.—Referring to the amendment which is proposed, this is a matter which I believe could adjust itself with the judgment of the Convention. Two-thirds of ninety-six (*number of members for the assembly as previously agreed upon*) is if I am not mistaken, sixty-four, and three-fourths of ninety-six is seventy-two. If the amendment is approved, seventy votes will be required before a member may be expelled for misconduct. If the draft is retained, sixty-four would be needed. The committee does not have any preference as to whether two-thirds or three-fourths should be adopted. We think that this is a question which the Convention may decide and determine. We neither accept nor decide to accept the amendment.

Delegate Balili.—Mr. President, may I ask from the Chairman a question about this two-thirds vote? Does this mean two-thirds of all the members, or two-thirds of the members present?

¹¹⁶ CONST. (1935, amend.), art. VI, sec. 10(2)–(3). (Emphasis supplied.)

¹¹⁷ U.S. CONST. art I, § 5.

¹¹⁸ ARUEGO, *supra* note 112, at 301 (1936).

Delegate Roxas.—Two-thirds of the Members voting.¹¹⁹

The same issue was discussed on a separate date, to wit:

Delegate Bueno.—I would like a clarification of subsection 5, on page 9, Mr. President, about the expulsion of Members of the National Assembly. Is it going to be two-thirds of the members of the National Assembly?

President Recto.—Two-thirds of those present.¹²⁰

Ultimately, however, the amendment was rejected by the Commission.¹²¹ Thus, based on the discussions of the 1935 Constitutional Commission, the following intent can be surmised:

1. While there was worry about the potential abuse, the commission did not see this as much of a threat to the point of increasing the requirement from two-thirds to four-fifths.
2. The two-thirds, as understood by the commission, was only with regard to those present, provided there is a quorum.
3. National assembly may compel the attendance of absent members for purposes of voting on the disciplinary measures.

Similar to the framers of the U.S. Constitution, it seems the framers of the 1935 Constitution focused their discussions primarily on the voting requirement for expulsion, and the grounds for expulsion remained solely within the discretion of the legislature.

Aside from expulsion, it appears that even the grounds to invoke the power to suspend are purely discretionary on the part of the legislature. The Supreme Court has had the opportunity to discuss the matter of “disorderly behavior” in the case of *Osmeña v. Pendatun*,¹²² where the Supreme Court settled the controversy involving the propriety of the suspension, on the ground of disorderly behavior that was imposed by Congress against Former President Osmeña, to wit:

¹¹⁹ *Id.*

¹²⁰ *Id.* at 301–02.

¹²¹ *Id.* at 301.

¹²² G.R. No. 17144, 109 SCRA 869, Oct. 28, 1960.

On the question whether delivery of speeches attacking the Chief Executive constitutes disorderly conduct for which Osmeña may be disciplined, many arguments pro and con have been advanced. *We believe, however, that the House is the judge of what constitutes disorderly behaviour, not only because the Constitution has conferred jurisdiction upon it, but also because the matter depends mainly on factual circumstances of which the House knows best but which can not be depicted in black and white for presentation to, and adjudication by the Courts.* For one thing, if this Court assumed the power to determine whether Osmeña's conduct constituted disorderly behaviour, it would thereby have assumed appellate jurisdiction, which the Constitution never intended to confer upon a coordinate branch of the Government. The theory of separation of powers fastidiously observed by this Court, demands in such situation a prudent refusal to interfere. Each department, it has been said, has exclusive cognizance of matters within its jurisdiction and is supreme within its own sphere.¹²³

Given the foregoing, the Supreme Court made it clear that Congress has the discretion to interpret its own rules and, therefore, also the best judge of what it constituted "disorderly behavior" of its members for matters of suspension.

C. 1987 Constitution

The power of expulsion can be found in Article VI, Section 16(3) of the 1987 Constitution, which provides:

Each House may determine the rules of its proceedings, punish its Members for disorderly behavior, and, with the concurrence of two-thirds of all its Members, suspend or expel a Member. *A penalty of suspension, when imposed, shall not exceed sixty days.*¹²⁴

It would have been helpful to look at the records of the 1986 Constitutional Commission for guidance on what, at least for them, merited the sanction of expulsion. Unfortunately, not many substantive discussions can be gleaned from the framers of the 1987 Constitution regarding the rule of expulsion, considering that the same was copied from the 1935 Constitution, which, as discussed, can ultimately be traced to the United States Federal Constitution.

Despite this, there were several discussions that can be found in the 1986 Constitutional Commission, which would somewhat provide a

¹²³ *Id.* at 871–72. (Emphasis supplied, citations omitted.)

¹²⁴ CONST. art VI, sec. 16(3). (Emphasis supplied.)

parameter as to the application of expulsion in the Philippine context. Based on the deliberations of the 1986 Constitutional Commission, it appears that the Commission was aware that the power of expulsion was one that should not be abused because it can still be subject to judicial review under the extended powers of the Supreme Court, to wit:

MR. NOLLEDO: With respect to Section 9, subsection 3, on page 8, it is stated that the National Assembly may punish its Members for disorderly behavior, and with the concurrence of two-thirds of all its Members, suspend or expel a Member. But if the penalty is suspension, this shall not exceed 60 days.

My question is this: May the erring Member or the Member suspended or expelled appeal to the Supreme Court on the ground that his suspension or expulsion does not have any legal basis?

MR. DAVIDE: If my recollection is correct, in the case of Senator Osmeña, the Supreme Court considered it as a political question. The Rules provided for by the Congress of the Philippines on expulsion or suspension of its Members is within the exclusive prerogative of that body. However, I do not know its effect in view of the approval by this Commission of the Article on the Judiciary relating precisely to a definition of judicial power wherein political questions could no longer be an obstacle to a judicial determination of an issue.

MR. NOLLEDO: It is precisely with respect to that approved report of the Committee on the Judiciary that I am asking this question, because it may turn out that the Member suspended or expelled belongs to the minority party and by sheer majority vote of the majority party, he was suspended for reasons that are not sufficient for suspension.

MR. DAVIDE: By the clear intendment of the Article on the Judiciary, specifically on political questions, I believe that that matter may be inquired into. In other words, in this particular case, the doctrine of a political question may no longer be available.

MR. NOLLEDO: I agree with the sponsor especially if the suspended Member raises the question of abuse of discretion amounting to excess of jurisdiction.¹²⁵

The exchange was interesting when juxtaposed with the deliberations of the 1935 Constitutional Convention. To recall, the framers of the 1935

¹²⁵ 2 RECORD CONST. COMM'N 77, 87 (July 22, 1986).

Constitution contemplated increasing the votes required to make it harder to potentially expel a member, which they believed would prevent potential abuse.¹²⁶ Meanwhile, the 1986 Constitutional Commission members, while concerned about the potential abuse, were not bothered as much, believing that the courts would have the power to intervene, which would deter potential abuse or provide remedy should an abuse occur.

Furthermore, another important note was made by Commissioner Davide, who would later become a Supreme Court Chief Justice, regarding what could be subject to expulsion. According to Commissioner Davide, an act that could be constituted as an “assault on the integrity of the Assembly” can merit the imposition of disciplinary measure or penalty, to wit:

MR. DAVIDE: The National Assembly, under its rules on discipline, may provide a disciplinary measure or penalty on cases or matters which would cause an assault on the integrity of the Assembly itself.¹²⁷

In sum, while the constitutional provision remains similar to the American Constitution, there are insights from the framers of both the 1935 and 1987 Constitutions that would help set the parameters for the local application of the provision. To emphasize, the following can be gleaned in relation to discussions of the Commissioners of the 1987 Constitution:

1. The Commission is aware that it should not be abused because it can still be subject to Judicial Review under the extended powers of the Supreme Court; and
2. An act that could be constituted as an “assault on the integrity of the Assembly” can merit the imposition of a disciplinary measure or penalty.

It must be emphasized that, although these matters may appear to introduce new concepts, they do not fundamentally alter our understanding of the power of expulsion under both the Jones Law and the 1935 Constitution, particularly with regard to its “limitations.” As it stands, the only limitation on the power of expulsion is the voting requirement, with the legislature retaining the authority to determine the grounds for expelling a member.

¹²⁶ See *supra* Part IV.B.

¹²⁷ 2 RECORD CONST. COMM'N 77, 90 (July 22, 1986).

This does not imply that the power of expulsion under the 1987 Constitution has not evolved. The innovation under the 1987 Constitution lies in the explicit acknowledgment that the Supreme Court now possesses the power to review Congress' exercise of this power. It is important to recall that, under both the Jones Law and the 1935 Constitution, the Supreme Court refrained from reviewing Congress's exercise of the power to discipline its members—whether through suspension or expulsion—recognizing that such power fell beyond the judicial purview. Under the 1987 Constitution, however, it appears that the Supreme Court can no longer recuse itself from ruling on matters pertaining to the exercise of this power.

Furthermore, considering that the expulsion provision in the 1987 Constitution was merely carried over from the 1935 Constitution, it can be surmised that the interpretation of “disorderly behaviour” in *Osmehña* still applies to the current Constitution.

D. Analysis

Having examined the legislative history of the power to expel under Article VI, Section 16(3) of the Constitution, the following parameters for its application can be observed:

1. There is no specific limitation on the grounds that may be invoked for expulsion;
2. The only procedural limitation is the voting threshold, *i.e.*, a two-thirds majority of all members of the House of Representatives; and
3. The exercise of the power of expulsion remains subject to judicial review by the Supreme Court.

As discussed above, it is apparent that the framers were worried about the potential abuse in the exercise of the power of expulsion because of the wide discretion given on choosing a ground for expulsion. Hence, most of the framers' discussions were focused on the voting limitation to temper the exercise of the power.

V. THE CASE OF REPRESENTATIVE TEVES

Having established the parameters on expulsion under Article VI, Section 16(3), the expulsion of Representative Teves can now be examined more appropriately.

A. Proceedings in the House of Representatives

According to the Committee Report,¹²⁸ the committee looked into whether the following acts of Representative Teves constituted “disorderly behavior” affecting the dignity, integrity and reputation of the House of Representatives:

- (a) [H]is designation as a terrorist by the Anti-Terrorism Council under its Resolution No. 43 (2023);
- (b) [A]bandonment of public office as manifested in the continuous pursuit of his application for political asylum in Timor-Leste and his continuous absence in the House of Representatives; and
- (c) [I]ndecent behavior in his social media posts, among which is a video of him dancing while wearing undergarments.¹²⁹

Initially, it can be gleaned that in presenting the issues in the report, the Committee did not only focus on the aspect of “disorderly behavior” but also on that which affects the dignity, integrity and reputation of the House of Representatives, which is not required under the Constitution. However, recalling the earlier discussion, this was one of the parameters identified as set forth by Commissioner Davide during the 1986 Constitutional Commission.

In deciding the first point, the Committee noted that Representative Teves’ act of applying for asylum was antithetical to his oath of office. It surmised that this showed intention on the part of Representative Teves to “relinquish his seat and abandon his duties as a public servant.”¹³⁰ The Committee also stated that his continuous absences without leave also constituted an abandonment of public office.¹³¹ Finally, they noted that as a consequence of his absence, Representative Teves not only deprived the 3rd District of Negros Oriental of proper representation, but he ultimately diminished the House’s integrity and reputation, as well as its effectiveness in servicing the public through the legislative process.¹³²

¹²⁸ Committee Report re: Rep. Teves, *supra* note 24.

¹²⁹ *Id.* at 6–7.

¹³⁰ *Id.* at 7–8.

¹³¹ *Id.* at 9–10.

¹³² *Id.* at 11.

Anent the second point, the Committee pointed out that the designation of a member of the House of Representatives as a terrorist threatened the “integrity and dignity of the institution” as it could weaken public trust and discredit the House in passing policies to counteract terrorisms when it is stripped of any moral ascendancy.¹³³

Finally, as to the third point, the Committee highlighted that Teves’ act of posting a video dancing while only wearing undergarments was not covered by the parliamentary immunity granted by the Constitution to members of Congress, as the act was not necessary to discharge his duties as a member of the House, nor was it made in relation to his legislative function. It further found that this act was made in contempt of DOJ Secretary Remulla, and that it projected a negative image as to the professionalism of members of the House. According to the Committee, the act could adversely affect the reputation of the institution and result in the public losing their trust for it.¹³⁴

Notably, the Committee also provided insight regarding the use of the term “disorderly behavior” in the Constitution, to wit:

The Constitution did not define the term “disorderly behavior” for a purpose. It rests upon Congress to determine what constitutes disorderly behavior based on the circumstances of each case. Accordingly, the Supreme Court did not interfere when the legislature declared that the physical assault by one Member against another, or the delivery of a derogatory speech which the Member was unable to substantiate, constituted “disorderly behavior” and justified the adoption of disciplinary measures.¹³⁵

In any case, the Committee’s findings concluded with the following:

Pursuant to the Constitution, the provision of the Rules of the House of Representatives and the Committee Rules of Procedure for the 19th Congress, the Committee finds that the acts of Rep. A. Teves Jr. constitute disorderly behavior and violate Sec. 141 (a) and (b), Rule XX of the Code of Conduct of the House of Representatives, and such acts are so grave as to merit the most severe form of disciplinary action allowed by the Constitution in order to protect the institutional integrity of the House of Representatives.¹³⁶

¹³³ *Id.* at 13.

¹³⁴ *Id.* at 16.

¹³⁵ *Id.* at 17.

¹³⁶ *Id.* at 17–18.

Finally, the Committee report closed with the following recommendation:

After a thorough deliberation and following numerous meetings, while observing fairness and due process, the Committee on Ethics and Privileges unanimously recommends that the penalty of expulsion from the House of Representatives be imposed on Rep. Arnolfo “Arnie” A. Teves Jr. for disorderly behavior and for violation of the Code of Conduct of the House of Representatives.¹³⁷

Thus, on August 16, 2023, Representative Teves was expelled from the roll of the House of Representatives, with 266 members voting to adopt the recommendation of the Committee on Ethics and Privileges, and three members abstaining from voting.¹³⁸

B. Re-examining the “First Case” of Expulsion

Representative Teves has been described as the subject of the “first case” of expulsion by the Philippine Congress. While there may be some reservation as to whether it was indeed the very first instance of expulsion, the case of Representative Teves qualifies as a proper and legitimate exercise of the power of expulsion.

As previously discussed, the exercise of expulsion by the Philippine Congress is governed by three principal parameters:

1. There is no specific limitation on the grounds that may be invoked for expulsion;
2. The only procedural limitation is the voting threshold, *i.e.*, a two-thirds majority of all members of the House of Representatives; and
3. The exercise of the power of expulsion remains subject to judicial review by the Supreme Court.

A review of the deliberations of the 1986 Constitutional Commission reveals that, with respect to the first parameter, any act amounting to an “assault on the integrity of the Assembly” may constitute a valid ground for expulsion. However, such ground is not exhaustive; it is, at most, illustrative

¹³⁷ *Id.* at 18.

¹³⁸ De Leon, *supra* note 25.

of the types of conduct that may justify expulsion. As it currently stands, there is no definitive enumeration of acceptable grounds for invoking this power.

In view of these considerations, the expulsion of Representative Teves was a proper exercise of congressional authority. Regardless of the specific grounds cited, the House of Representatives successfully obtained the constitutionally mandated two-thirds vote to effect his removal. It is worth noting that the Committee on Ethics and Privileges was not strictly bound to replicate or cite the standard proposed by Commissioner Davide in support of its recommendation for expulsion.

Nonetheless, invoking Commissioner Davide's formulation appears prudent. Under the 1987 Constitution, unlike under previous Constitutions, the Supreme Court is empowered to review the legality of an expulsion.¹³⁹ It is, therefore, understandable that the Committee sought to demonstrate that its basis for recommending expulsion was consistent with constitutional principles, thereby providing a potential shield should the matter be elevated to judicial scrutiny. Ultimately, however, it is the Supreme Court that will determine the legality of the expulsion, including the grounds for its invocation, should Representative Teves choose to challenge it.

1. The Cases of Ecleo and Jalosjos

As mentioned, the expulsion of Teves has been dubbed as the "first case" of expulsion by the Philippine Congress. However, this may be more accurately described as the "first *proper* case" of expulsion as it validly complied with the voting requirement under Article VI, Section 16(3).

To reiterate, Article VI, Section 16 is the only Constitutional mechanism for members of Congress to "expel" one of its members. In practice, however, the Philippines has been more liberal in removing members of Congress without the voting requisite by merely "dropping members from the rolls." As discussed above, this practice violates the Constitution and should no longer be continued.

First, the case of Zamboanga del Norte Representative Romeo Jalosjos was a clear case of expulsion, despite being termed otherwise. In that case, following the Supreme Court's finding that Jalosjos was guilty of rape,

¹³⁹ See *supra* Part IV.C.

Jalosjos was dropped from the rolls in 2002. This is despite the fact that the crime was committed in 1996.¹⁴⁰

In fact, he won another seat during the elections of 1998 while he was already detained and the case was already pending in the Supreme Court.¹⁴¹ He also won the 2001 election despite his pending reconsideration, which was ultimately dismissed in 2002.¹⁴² Following the decision, he was “dropped from the rolls” by Congress *without the need for any voting*. According to then-Majority Leader Neptali Gonzales, Jalosjos’ removal from the roster was ministerial and did not require any plenary or even committee vote.¹⁴³

Second, the case of Dinagat Island Representative Ruben Ecleo Jr. is similar in that he was “dropped from the rolls” without the need for any vote due to a criminal case. In 2006, the Sandiganbayan found representative Ecleo guilty of three counts of graft due to his connection to anomalous projects when he was mayor of San Jose, Surigao del Norte.¹⁴⁴ In 2011, the Sandiganbayan issued a warrant of arrest after the decision convicting Ecleo had attained finality.¹⁴⁵ Notwithstanding this, Ecleo filed several petitions before the Sandiganbayan and the Supreme Court questioning the decisions despite the same reaching finality.¹⁴⁶

During the pendency of Ecleo’s petitions, talks about his expulsion started when he was convicted for parricide by a Regional Trial Court in Cebu in 2012 for murdering his wife ten years ago.¹⁴⁷ However, then-House Speaker

¹⁴⁰ See Delon Porcalla, *Jalosjos’ conviction affirmed*, PHIL. STAR, Jan. 23, 2002, at <https://www.philstar.com/headlines/2002/01/23/148067/jalosjos146-conviction-affirmed>.

¹⁴¹ Jess Diaz, *Jalosjos out, barred from seeking public office*, PHIL. STAR, Mar. 20, 2009, at <https://www.philstar.com/headlines/2009/03/20/449858/jalosjos-out-barred-seeking-public-office>.

¹⁴² *The Conviction of Romeo Jalosjos*, GMA NEWS ONLINE, Dec. 6, 2007, at <https://www.gmanetwork.com/news/topstories/content/71726/the-conviction-of-romeo-jalosjos/story>.

¹⁴³ Jess Diaz, *Jalosjos to be dropped from House rolls*, PHIL. STAR, Jan. 24, 2002, at <https://www.philstar.com/headlines/2002/01/24/148192/jalosjos-be-dropped-house-rolls>.

¹⁴⁴ Kathrina Alvarez, *Ecleo faces arrest, House expulsion*, SUNSTAR, Apr. 12, 2012, at <https://www.sunstar.com.ph/bacolod/ecleo-faces-arrest-house-expulsion>.

¹⁴⁵ Leila B. Salaverria, *Cult leader Ruben Ecleo’s arrest looms as court junks his plea*, INQUIRER.NET, Oct. 4, 2011, at <https://newsinfo.inquirer.net/70461/cult-leader-ruben-ecleo%E2%80%99s-arrest-looms-as-court-junks-his-plea>.

¹⁴⁶ *Id.*; see, e.g., Sophia M. Dedace, *SC asked to block arrest warrant vs Rep. Ecleo*, GMA NEWS ONLINE, Feb. 11, 2011, at <https://www.gmanetwork.com/news/topstories/nation/212776/sc-asked-to-block-arrest-warrant-vs-rep-ecleo/story>.

¹⁴⁷ Paolo Romero, *House to wait for final court decision on Ecleo*, PHIL. STAR, Apr. 15, 2012, at <https://www.philstar.com/headlines/2012/04/15/796774/house-wait-final-court-decision-ecleo>.

Feliciano Belmonte, Jr. refused to order his expulsion from the House of Representatives, on account that the House could “only remove a member from its rolls once the Supreme Court rules with finality on a case involving a congressman.”¹⁴⁸ Sometime after, notwithstanding Ecleo’s pending petition before the Supreme Court, Belmonte signed the memorandum ordering that Ecleo be dropped from the roster of the House of Representatives, expressing that the remaining petition was merely *pro forma* and unlikely to be granted by the Court.¹⁴⁹ Following the expulsion, Gonzales stated that the decision did not need to be announced on the floor, and that the secretary general only had to strike out Ecleo’s name from the list of members.¹⁵⁰

2. Analysis

At this juncture, it is important to emphasize that although the term used in the cases of Jalosjos and Ecleo is “dropped from the rolls,” it effectively amounted to expulsion—that is, the removal of the Representative (or Senator) from Congress. In both cases, the constitutional basis for the expulsion was Article VI, Section 16(3).

However, while the leadership used the perpetual disqualification of the expelled members as a basis, it must be pointed out that the same does not fall within the parameters set forth by the Constitution for expulsion. The same likewise cannot be found in the rules of the House of Representatives. As discussed, members of Congress can only remove another member through the power of expulsion under Article VI, Section 16 (3). This power is limited by two conditions: (1) the voting requirement, since any act may serve as grounds for expulsion, and (2) judicial review by the Supreme Court. Considering that no votes were conducted in both the cases of Ecleo and Jalosjos, their removal appears constitutionally infirm.

To be clear, the voting requirement under Article VI, Section 16(3) cannot be dispensed with without violating the Constitution. However, reconciling the accessory penalties arising from criminal convictions and the constitutional requirement for expulsion may be better explored in a separate paper. In any case, the case of Ecleo showed that there is some degree of flexibility in using criminal conviction as the basis for expulsion, in that House leadership did not even have to wait for the finality of the case before the

¹⁴⁸ Andreo C. Calonzo, *House won't expel Ecleo yet despite guilty verdict on wife's murder*, GMA NEWS ONLINE, Apr. 15, 2012, at <https://www.gmanetwork.com/news/topstories/nation/255029/house-won-t-expel-ecleo-yet-despite-guilty-verdict-on-wife-s-murder/story/>.

¹⁴⁹ Karen Boncocan, *Congress removes Ecleo from its roster*, INQUIRER.NET, Jun. 1, 2012, at <https://newsinfo.inquirer.net/204789/congress-removes-ecleo-from-its-roster>.

¹⁵⁰ *Id.*

Supreme Court before proceeding with expulsion, unlike what happened in the case of Jalosjos.

To reiterate, based on both the provisions in the United Kingdom and the United States, from which the Philippines had modelled its current constitutional provision on expulsion and from which—at least based on the records of the different Constitutions—no departure whatsoever was made in drafting the same, the only limitation to the power of Congress to expel is the requirement of a supermajority vote (*i.e.*, two-thirds votes of the members). Once the voting requirement is reached, the remaining source of limitation of this power is when the case of expulsion has been raised before the Supreme Court.

Following this line of thought, the cases of Jalosjos and Ecleo were already expulsions, regardless of their basis. However, while these cases precede Teves, these expulsions are constitutionally infirm for failure to comply with the voting requirement. Indeed, therefore, the case of Teves should be considered as the first proper case of expulsion.

C. Epilogue

On March 21, 2024, Representative Teves was arrested by authorities in Timor Leste after a red notice in the Interpol was issued in February.¹⁵¹ On June 27, it was reported that Timor Leste granted the request for extradition to the Philippines.¹⁵² Representative Teves appealed the ruling—citing procedural grounds—but it was denied on August 28, 2024.¹⁵³ On December 5, 2024, Timor Leste once again granted the request of the Philippines to extradite Representative Teves.¹⁵⁴ On March 20, 2025, it was reported that a Timor Leste court had reversed its two earlier rulings and rejected the Philippines' request to extradite Representative Teves.¹⁵⁵ As of the writing of

¹⁵¹ Joahna Lei Casilao, *Arnie Teves arrested in Timor-Leste —DOJ*, GMA NEWS ONLINE, Mar. 21, 2024, at <https://www.gmanetwork.com/news/topstories/nation/901305/doj-arnie-teves-arrested-in-timor-leste/story>.

¹⁵² *Timor-Leste grants Philippines' request for Arnie Teves extradition*, GMA NEWS ONLINE, June 27, 2024, at <https://www.gmanetwork.com/news/topstories/nation/911487/arnie-teves-extradition-granted-philippines-timor-leste/story>.

¹⁵³ Benjamin Pulta, *Timor-Leste rejects Teves' appeal to stop his extradition*, PNA, Aug. 28, 2024, at <https://www.pna.gov.ph/articles/1232157>; Jairo Bolledo, *Timor-Leste denies request to send Arnie Teves back to PH*, RAPPLER, Mar. 20, 2025, at <https://www.rappler.com/philippines/timor-leste-denies-request-send-arnie-teves-back>.

¹⁵⁴ Jean Mangaluz, *Timor-Leste OKs Philippines' request to extradite Arnie Teves*, PHIL. STAR, Dec. 5, 2024, at <https://www.philstar.com/headlines/2024/12/05/2405231/timor-leste-oks-philippines-request-extradite-arnie-teves>.

¹⁵⁵ Bolledo, *supra* note 153.

this paper, Representative Teves is yet to be deported, and the government, through DOJ Secretary Remulla, has made warnings against Timor Leste that its application as a member of ASEAN is at risk due to its refusal to grant the request of one of the founding members, pertaining to the Philippines.¹⁵⁶

VI. CONCLUSION

The case of Representative Teves provided a great opportunity to examine for the first time the constitutional provision on expulsion—Article VI, Section 16(3) of the 1987 Constitution. This paper first defined expulsion and then looked into the historical evolution of the concept of expulsion, from the British to the Americans, and to its transplantation and the contemporary application of expulsion in the Philippine legal system.

Through this process, four important lessons emerged. *First*, the sole constitutional method for Congress to remove one of its sitting members is through expulsion under Art. VI, Section 16(3) of the 1987 Constitution. *Second*, the only limitation on the power of expulsion is the voting requirement, specifically a two-thirds majority vote of all members of the House or Senate, depending on which house wishes to exercise the power. *Third*, Congress possesses the exclusive prerogative to determine what acts may constitute grounds for expulsion. *Fourth*, and finally, the Supreme Court may exercise judicial review in cases involving expulsion.

Given these fundamental principles, it becomes apparent that the case of Teves is indeed the first constitutionally firm instance of expulsion. While Congress had previously exercised the same power in removing Representatives Jalosjos and Ecleo by “dropping from the rolls,” these expulsions failed to satisfy the voting requirement, making these constitutionally infirm. Consequently, the removal of Jalosjos and Ecleo could have been then an appropriate subject for a constitutional challenge before the Supreme Court. In contrast, while Representative Teves’ removal was proper for following the constitutional guidelines, he may still file a petition with the Supreme Court to determine whether the removal was proper and followed the constitutional guidelines as discussed in our analysis of the intent of the framers. Should he do so, he would be the first individual to challenge his expulsion and bring the matter before the judiciary.

¹⁵⁶ Ian Laqui, *Philippines to Timor-Leste: ASEAN bid at risk over Teves extradition row*, PHIL. STAR, Mar. 25, 2025, at <https://www.philstar.com/headlines/2025/03/25/2431015/philippines-timor-leste-asean-bid-risk-over-teves-extradition-row>.

It is evident that significant uncertainty surrounds the power of expulsion in the Philippines, as it is rarely exercised by Congress and has never been subject to judicial review by the Supreme Court. This may explain why Congress chose to order that its members be “dropped from the rolls” rather than exercise the power of expulsion, despite the two concepts being essentially the same. Such uncertainty and practice will persist unless Congress reviews its rules, or the Supreme Court sets a precedent in a case brought before it.

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