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REPUBLIC OF THE PHILIPPINES
Supreme Court
MANILA

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PASTOR APOLLO CARREON
QUIBOLOY,
Petitioner,

272420

-versus-

G.R. No. _____

FOR: CERTIORARI
AND PROHIBITION
UNDER RULE 65,
WITH PRAYER FOR
ISSUANCE OF
TEMPORARY
RESTRAINING
ORDER and/or
PRELIMINARY
INJUNCTION

The Senate of the Philippines, The Senate Committee on Women, Children, Family Relations & Gender Equality, Hon. Senator Risa N. Hontiveros, in her capacity as the Chairperson of the Committee on Women, Children, Family Relations & Gender Equality, Hon. Senator Juan Miguel F. Zubiri in his official capacity as Senate President of the Philippines, [Ret.] MGEN. Rene C. Samonte, in his capacity as the Senate Sergeant-At-Arms.

Respondents.

X-----X

PETITION FOR CERTIORARI AND PROHIBITION
(With Application for Issuance of a
Temporary Restraining Order and/or
Writ of Preliminary Injunction)

Petitioner PASTOR APOLLO CARREON QUIBOLOY, thru
counsel, hereby states:

I. PREFATORY

Senate Resolution No. 884, which was introduced and signed by Senator Risa Hontiveros, read as follows:

“X X X

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

“X X X”

Pursuant to Senate Resolution No. 884, public hearings were conducted by the Senate; subpoenas were issued to compel petitioner’s attendance thereat; and thereafter, a contempt order, and an arrest and detention order were issued against petitioner.

From the very moment that petitioner learned that his presence and testimony were being required by the Senate pursuant to Senate Resolution No. 884, he had gone to great lengths to express emphatically and repeatedly what is already very clear from the subject senate resolution itself: the investigation being conducted regarding the alleged crimes he committed does not serve any legislative purpose. The purpose of the senate investigation, as can be gleaned from Senate Resolution No. 884 itself, is to investigate petitioner for crimes which, based on the Senate’s conclusion, have been committed by petitioner. Petitioner’s presence, meantime, is being required at the senate hearings for the purpose of securing his testimony, which in turn will be used, along with those of his accusers, for the purpose of initiating cases against him and/or using them as evidence in the cases already filed against petitioner. This much was admitted by no less than Sen. Hontiveros during the public hearings she had so far conducted under Senate Resolution No. 884.

At the public hearings, Senator Hontiveros made no secret about the main purpose of her senate inquiry, and made it a point to echo the Senate’s finding regarding the alleged guilt of petitioner as reflected in Senate Resolution 884. These are some of her pronouncements:

“Ang hinihingi po natin ay managot na si Quiboloy para maligtas ang mga iba pang biktima na nasa kaniya pang poder.”

“Iyon din ang layunin ng Komite, alias David, na kung ano po iyong findings na mapatunayan namin ay makatulong sa inyong lahat na victim-survivors na makahabol ng hustisya mula sa ating gobyerno.”

Petitioner pleaded to the Senate that the investigation being conducted is not only unjust as it is premised on the Senate’s hasty conclusion and declaration that he is guilty of the crimes attributed to him despite the fact that no trial has yet been conducted to prove his guilt; the investigation is likewise unlawful and unconstitutional as it encroaches on the functions that pertain solely to the judicial branch of government.

His pleas, however, fell on deaf ears.

It is well established jurisprudence in every democratic government: “There is no Congressional power to expose for the sake of exposure.”¹

“No matter how noble the intentions of respondent Committees are, they cannot assume the power reposed upon our prosecutorial bodies and courts. The determination of who is/are liable for a crime or illegal activity, the investigation of the role played by each official, the determination of who should be hailed to court for prosecution and the task of coming up with conclusions and finding of facts regarding anomalies, especially the determination of criminal guilt, are not functions of the Senate. Congress is neither a law enforcement nor a trial agency. Moreover, it bears stressing that no inquiry is an end in itself; it must be related to, and in furtherance of, a legitimate task of the Congress, i.e. legislation. Investigations conducted solely to gather incriminatory evidence and ‘punish’ those investigated are indefensible.”² [Emphasis supplied.]

Unfortunately for the petitioner, it is evident that respondents are using and abusing their legislative power to secure his conviction in any manner, on the basis of one-sided statements of witnesses, uncorroborated by documentary evidence, sourced and presented by the respondents alone. Respondents, while trying to make it appear that all actions by the Senate are being done for the purpose of making an inquiry in aid of legislation, are, in reality, conducting the public hearing in order to persecute petitioner, hold a public trial of the latter and make a public mockery of him. Worse, by compelling petitioner to appear before them through the issuance of Subpoenas Ad Testificandum, Contempt Order, and Arrest and Detention Order, respondents have been

¹ *Watkins v. United States*, 354 U.S. 178 (1957)

² *Neri v. Senate Committee on Accountability of Public Officers and Investigations*, Senate Committee on Trade and Commerce, and Senate Committee on National Defense And Security, G.R. No. 180643, September 4, 2008.

violating petitioner's constitutional right against self-incrimination and due process. Respondents continue to investigate the alleged crimes of petitioner knowing fully well that said alleged crimes are already being litigated in Courts both here in the Philippines and in the United States of America.

*Petitioner is aware of this Honorable Court's ruling in **Romero v. Senator Estrada** where the Court stated that the right against self-incrimination in legislative hearings may only be invoked when the incriminating question is being asked. That ruling, however, cannot be applied in this case for the following reasons:*

- a. Senate Resolution No. 884 itself (from which the questioned Subpoenas Ad Testificandum, Contempt Order and Arrest and Detention Order emanated), is premised, in no uncertain terms, on the Senate's firm conclusion that petitioner is already guilty of the crimes attributed to him; and*
- b. No less than respondent Sen. Hontiveros herself declared that the proceedings pursuant to Senate Resolution No. 884, and all evidence gathered therefrom, including whatever testimony will be given by petitioner, will be utilized to nail the latter for the offenses the Senate thinks he is guilty of.*

The extremely unjust situation which petitioner now finds himself in, has constrained him to seek relief from this Honorable Court through this Petition, on a pure question of law and an issue of transcendental importance.

The constitutional rights of petitioner against self-incrimination and to due process have been brazenly and continuously violated by the respondents. Absent a temporary restraining order and/or writ of preliminary injunction, nothing will prevent respondents from immediately taking custody of petitioner and from depriving him of his liberty, based on orders that are unjust and unconstitutional.

As neither Resolution No. 5 or the "Rules of Procedure Governing Inquiries in Aid of Legislation," the Rules of the Senate, nor any other rule or law provides for any relief, remedy, or procedure in assailing the Subpoenas, Contempt Order and Arrest and Detention order issued by the respondents, petitioner has no other plain, speedy and adequate remedy in the ordinary course of law. Hence, this present Petition for Certiorari and Prohibition (with Application for Issuance of Temporary Restraining Order and/or Writ of Preliminary Injunction.)

1. This Petition is yet another challenge to the legislature's act of usurping judicial functions and flagrantly violating the fundamental human rights of witness/es being summoned to appear before its congressional hearings in the guise of "hearings/investigations in aid of legislation."

2. “Broad as it is, the power is not, however, without limitations. Since Congress may only investigate into the areas in which it may potentially legislate or appropriate, it cannot inquire into matters which are within the exclusive province of one of the other branches of the government. Lacking the judicial power given to the Judiciary, it cannot inquire into matters that are exclusively the concern of the Judiciary. Neither can it supplant the Executive in what exclusively belongs to the Executive.”³

3. In the very recent case of *Ong v. Senate*,⁴ this Honorable Court held:

“It bears underscoring that the purpose of the Committee's proceedings is to conduct an *inquiry* or *investigation* to aid the Senate in crafting relevant legislation, and not to conduct a trial or make an adjudication. Legislative inquiries do not share the same goals as the criminal trial process, and ‘cannot be punitive in the sense that they cannot result in legally binding deprivation of a person's life, liberty or property.’”

II. THE PARTIES

4. Petitioner is Filipino, single, and with postal address at KJC Compound, Phil-Japan Friendship Highway, Sasa, Davao City. He has retired as Executive Pastor of KOJC but remained an Honorary Pastor. He may be served with notices, orders, resolutions and other processes of the Honorable Court through undersigned counsel.

5. Respondents Hon. Senators Risa N. Hontiveros [*Sen. Hontiveros*] & Hon. Senate President Juan Miguel F. Zubiri [*Sen. Zubiri*] & [Ret.] MGen. Samonte, are being impleaded in their official capacities as Chairwoman of the *Senate Committee on Women, Children, Family Relations & Gender Equality*, Senate President and Sergeant at Arms of the Senate, respectively. They all hold office at the Senate Building, Pasay City, where they may be served with summons and other processes of this Honorable Court.

III. NATURE OF THE PETITION

6. This is a Petition for Certiorari and Prohibition with Application for the Issuance of a Temporary Restraining Order and/or Writ of Preliminary Injunction under Rule 65 of the Rules of Court.

³ *Barenblatt v. United States* [360 U.A. 109, 3 L Ed. 2d 1115, 69 S CT 1081 (1959)].

⁴ See *Concurring Opinion of Associate Justice Dante O. Tinga in Neri v. Senate Committee on Accountability of Public Officers and Investigations*, *supra* note 80 at 687 (2008).

7. Petitioner prays that the Honorable Court nullify the Subpoenas Ad Testificandum dated 14 and 20 February 2024 [collectively, the “Subpoenas”] issued by the respondent Senate of the Philippines against petitioner in connection with Senate Resolution No. 884 entitled “Resolution Directing the Senate Committee on Women, Children, Family Relations and Gender Equality, to Conduct an Inquiry, In Aid of Legislation, Into the Reported Cases of Large-Scale Human Trafficking, Rape, Sexual Abuse and Violence, and Child Abuse of the Kingdom of Jesus Christ (KOJC) Under its Leader Apollo Quiboloy” and that respondents be enjoined and prohibited from compelling petitioner to appear, attend and testify in any and all public hearings in connection with Senate Resolution No. 884.

Petitioner never received the Subpoena dated February 14, 2024. Meanwhile, the Subpoena dated February 20, 2024 although not properly served on petitioner as the same was served on a lawyer who is not his counsel or representative, the same eventually reached him.

Certified true copies of the Subpoena dated 20 February 2024 and Senate Resolution No. 884 are attached to the original of this Petition as *Annexes “A” to “B,”* respectively, while photocopies thereof are attached to the other copies of the Petition.

Meanwhile, as for the Subpoena dated February 14, 2024, petitioner has already requested for a certified true copy thereof for the purpose of attaching the same to the present Petition. However, respondents have yet to provide him with the requested certified true copy or even just a copy of the same. Considering its extreme urgency, petitioner is constrained to file the present Petition without the certified true copy of the Subpoena dated February 14, 2024, but hereby undertakes to submit said certified true copy once received. The original letter request of petitioner is attached as *Annex “C”* while photocopies thereof are attached to the other copies of the Petition.

8. Considering that petitioner was also cited in contempt on March 5, 2024 because of his failure to appear before the respondents, petitioner likewise prays that the said Contempt Order and the Order dated March 19, 2024 regarding his arrest and detention [Arrest and Detention Order] be likewise nullified.

9. As neither Senate Resolution No. 5 or the Rules of Procedure Governing Inquiries in Aid of Legislation, the Rules of the Senate, nor any other rule or law provide for any relief, remedy or procedure in assailing a Subpoena or arrest warrant issued by the respondents, petitioner has no other plain, speedy and adequate remedy in the ordinary course of law, except through this Petition.

10. In *Idul v. Alster Int'l Shipping Services, Inc.*⁵ a remedy is deemed 'plain, speedy and adequate' if prompt relief could be accorded, to wit:

“For the writ of *certiorari* under Rule 65 of the Rules of Court to issue, a petitioner must show that he has no plain, speedy and adequate remedy in the ordinary course of law against its perceived grievance. **A remedy is considered 'plain, speedy and adequate' if it will promptly relieve the petitioner from the injurious effects of the judgment and the acts of the lower court or agency.**” (*Emphasis supplied.*)

11. The Honorable Court in *Lamb v. Phipps*⁶ further defined “adequate remedy” as one specifically provided by law, to wit:

“As a general rule it may be said that by the phrase ‘**another adequate remedy**’ is meant **one specifically provided by law.** If the remedy is specifically provided by law, it is presumed to be adequate. We cannot presume that a remedy expressly provided by the legislative department of the government is not adequate. If, perchance, and in fact it is not adequate, it is the duty of the legislative department and not of the judicial department to correct it.” (*Emphasis supplied.*)

12. More importantly, the subject Contempt Order and Arrest and Detention Order continues to be a wanton violation of his fundamental rights under the Constitution.

IV. TIMELINESS OF THE PETITION

13. Sometime in January 2024, petitioner received a Letter from the Senate Committee on Women, Children, Family Relations and Gender Equality [Senate Committee] regarding the public hearing to be held on 23 January 2024. In response thereto, petitioner sent a Letter dated 20 January 2024, respectfully requesting that his attendance and participation in the senate inquiry be dispensed with.

A copy of the petitioner’s Letter dated January 20, 2024 is attached as ***Annex “D.”***

14. On February 23, 2024, petitioner received information that Subpoenas were issued to him, commanding and requiring him to attend

⁵ G.R. No. 209907, June 23, 2021.

⁶ G.R. No. 7806, July 12, 1912.

before the Senate Committee on February 20, 2024 and March 5, 2024 to testify under oath on what he knows relative to Senate Resolution No. 884.

15. During the hearing on March 05, 2024, upon motion by respondent Sen. Hontiveros and allegedly seconded by respondent Sen. Aquilino “Koko” Pimentel III [Sen. Pimentel], petitioner was cited in contempt for his alleged failure to appear before the Senate Committee.

16. Said contempt order was opposed by Sen. Robinhood Padilla, Sen. Christopher Lawrence Go, Sen. Cynthia Villar, Sen. Imee Marcos and Sen. Mark Villar.

17. On March 13, 2024, respondents Sen. Hontiveros and Sen. Zubiri issued a Show Cause Order directing petitioner to show cause within a non-extendible period of forty-eight (48) hours why he should not be ordered arrested and detained at the Office of the Sergeant-At-Arms.

A certified true copy of the Show Cause Order dated 13 March 2024 is attached to the original of this Petition as *Annex “E”* while a photocopy thereof is attached to the other copies of the Petition.

18. In response thereto, petitioner, through counsel, filed his Compliance and Legal Justifications dated March 14, 2024 explaining, among others, why the Subpoenas should be recalled and why he should not be ordered arrested.

A copy of the Compliance and Legal Justifications dated March 14, 2024 is attached as *Annex “F.”*

19. On March 19, 2024, petitioner, through counsel, received the Ruling of the Committee dated March 18, 2024, signed solely by respondent Sen. Hontiveros. In said ruling, Sen. Hontiveros denied all the reliefs prayed for by petitioner in his Compliance and Legal Justifications dated March 14, 2024, namely, his prayer asking the Committee to:

- (i) raise the issue of the Show Cause Order to the plenary;
- (ii) recall the Subpoenas; and
- (iii) set aside the Contempt Order.

The original of the Ruling of the Committee dated March 18, 2024 is attached to the original of this Petition as *Annex “G”* while photocopies thereof are attached to the other copies of the Petition.

20. Petitioner has also received information that an Arrest and Detention Order dated March 19, 2024 was issued, directing his arrest and detention at the Office of the Sergeant-At-Arms.

Petitioner has already requested for a certified true copy of the said Arrest and Detention Order for the purpose of attaching the same to the present Petition. However, respondents have yet to provide him with a copy thereof. Considering its extreme urgency, petitioner is constrained to file the present Petition without the certified true copy of the Arrest and Detention Order dated March 19, 2024, but hereby undertakes to submit said certified true copy once received. The original letter request of petitioner is attached as *Annex "C"* while photocopies thereof are attached to the other copies of the Petition.

21. Pursuant to Section 4, Rule 65 of the Rules of Court, petitioner has sixty (60) days from notice of the judgment, order or resolution, in this case, of the Ruling of the Committee, within which to file his Petition.

22. This Petition is therefore being filed within the prescribed period.

23. As will be discussed extensively below, respondents acted with grave abuse of discretion amounting to lack or in excess of jurisdiction in issuing the (a) Subpoenas (b) the Contempt Order, (c) the Ruling of the Senate, (d) the Arrest and Detention Order; and in continuously demanding the presence of petitioner at the public hearings.

V. BRIEF STATEMENT OF FACTS

24. Last December 11, 2023, respondent Sen. Risa N. Hontiveros filed Senate Resolution No. 884, as follows:

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

WHEREAS, Republic Act 9208 as amended, or the Expanded Anti Trafficking Act, penalizes the ‘recruitment, obtaining, hiring xxx of persons by means of xxx fraud,

deception, taking advantage of their vulnerability xx for the purpose of exploitation xx' and imposes maximum penalties on acts involving the trafficking of minors and sex trafficking;

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

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

WHEREAS, according to informants, the pastorals are divided into the 'inner circle' and the 'inner of the innermost circle', with the latter category being made to perform acts of a sexual nature and the former category being made to perform other personal tasks such as washing his clothes, bathing him, cleaning his bedroom and massaging him;

WHEREAS, some of these pastorals were still minors during their recruitment and during the period they were made to perform sexual services;

WHEREAS, Apollo Quiboloy allegedly coerces the members of the organization - many of whom are minors - to perform exploitative acts, such as begging in the streets and soliciting money from strangers;

WHEREAS, according to informants, those who are not able to meet their quota of monies collected find themselves severely whipped, or subjected to public humiliation;

WHEREAS, a Federal Grand Jury in California in 2021 indicted Quiboloy and other officials of KOJC for 'conspiracy to engage in sex trafficking by force, fraud and coercion';

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

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

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

25. On January 17, 2024, an Invitation to a Public Hearing was issued to petitioner, requesting his attendance as a resource person to the public hearing scheduled on January 23, 2024.

26. In response thereto, petitioner, through counsel, sent a Letter dated January 29, 2024 to respondents, requesting that his attendance be dispensed with as it would violate petitioner’s constitutional rights, *viz*:

“While I respect and recognize the inherent power and authority of the Senate to conduct the said inquiry in aid of legislation, I most respectfully decline to participate in the said inquiry based on the following grounds:

- 1) With all due respect, the said inquiry is an obvious political ploy to further malign my reputation and make a mockery of my fundamental bill of rights protected under our Constitution;
- 2) The litany of [second to seventh] “Witnesses” outlined in Senate Resolution No. 884 are pure fabrications perpetuated

by some disgruntled former members of our Church and remain to be proven before the appropriate court or tribunal. As a matter of fact, the alleged charges for '*child abuse, physical abuse, trafficking in persons through forced labor and sexual abuse as well as rape*' against me had long been DISMISSED by the Department of Justice last 29 June 2020. A Petition for Review filed by the complainants therein remains pending before the Office of the Secretary of Justice.

- 3) Yet, the same Senate Resolution 884, would categorically state [*ninth (9th) Whereas*] that '*the crimes were committed*' and '*are taking place even at present.*' Clearly, a judgment had been pre-conceived on my guilt in committing these crimes without the benefit of due process and worse, that these crimes are even taking place at the moment.
- 4) Inasmuch as the subject Resolution already singled me out as having "committed" and still "committing" these alleged crimes, again, and with all due respect, it is my firm conviction that I do not have to wait for certain self-incriminatory questions to be actually propounded during the inquiry before I invoke my right against self-incrimination. Thus, at the very outset, my fervent plea to be excused from the said inquiry.
- 5) I likewise submit that the said inquiry also partakes the nature of a religious persecution as it is being exploited by some former disgruntled members poised to destroy our Church with the Senate being used as their instrument to attain their devious schemes.
- 6) Finally, with all the unwarranted negative publicity and the ongoing barrage and all sorts of character assassination directed against me, I genuinely fear for my safety and security. I fear for my life and I cannot afford the risk of exposing myself in public and the harm that some misguided individuals or group of individuals would resort to neutralize me and our Church."

27. On January 29, 2024 and March 4, 2024, petitioner, through counsel, sent Letters dated January 29, 2024 and February 28, 2024, reiterating his previous request.

Copies of the said Letters are attached hereto as *Annexes "H" and "I."*

28. However, petitioner did not receive any response from respondents.

29. On January 23, 2024, the public hearing pushed through and four (4) witnesses testified as to the acts allegedly committed against them by the petitioner.

30. Notably, during the said public hearing, respondent Sen. Hontiveros, without having even heard petitioner's side, took the witnesses' statements as gospel truth and stated that:

“xxx Kung paano ginamit ni Senior Agila ang bulag na paniniwala para linlangin ang mga miyembro ng kanyang kulto, ganoon din ginamit at patuloy na ginagamit ni Apollo Quiboloy ang bulag na paniniwala para abusuhin ang mga miyembro ng Kingdom of Jesus Christ.

There are many things that I have uncovered in the course of preparing for this hearing. **May ebidensiya tayo nang panggagahasa sa menor-de-edad, nang pisikal na pang-aabuso sa mga mismong tagapag-sunod nila kagaya ba naman nang paglagay ng sili sa mata at ari, at pagbagok ng ulo sa pader, nang sapilitang panggagamit sa mga bata na manlimos sa kalsada.**

Kung mapatunayan sa hukuman na totoo, these all constitute charges of child abuse, serious physical injuries, and even human trafficking, which warrants life imprisonment. Hindi po nakakagulat na ito mismo ang kinakaharap ng kaso ni Ginoong Quiboloy sa Estados Unidos.

Ito daw, si Ginong Quiboloy, ay mahilig palibutan ang sarili ng magagandang babae. Iyong mga choir sa likod niya, puro magaganda. At itong mga photos na ito ay public photos na galing sa Internet at sa media. Mayroon po tayong documentation ng mga babaeng taga-Ukraine na paulit ulit na pinagsamantalahan ni Quiboloy sa paniniwalang ang pakikipagtalik sa kanya ay pagsasakripisyo para sa Diyos Ama; sila ay kasama din sa choir ni Quiboloy.

xxx

THE CHAIRPERSON. Bilang patunay na hindi sila nagsisinungaling, nagpadala pa ng maraming larawan ang ating

witness na kasama nila si Quiboloy. Sa likod ng mga ngiti, may mga pang-aabuso pala.

Kapag may mamamayang pinapahirapan, hindi tayo puwedeng magbulag-bulagan. Kapag ang mga babae ay inabuso, kailangan nating kumilos. Kapag ang bata ay sinasaktan, kailangan nating magsama-sama bilang isang Lipunan para sila ay iligtas. xxx (*Emphasis supplied.*)⁷

A copy of the relevant portions of the Transcript of the January 23, 2024 Public Hearing of the Committee on Women, Children, Family Relations and Gender Equality is attached hereto as *Annex “J.”*

31. The intention of respondent Sen. Hontiveros to conduct the public hearing for the purpose of persecuting petitioner, conducting a public trial of the latter and making a public mockery of petitioner became more apparent during the public hearing held on February 19, 2024 where she stated that:

“**TE (sic) CHAIRPERSON.** Magandang umaga po, colleagues and dear friends.

I call this second hearing to order.

Mga kaibigan, there is one thing that needs to be said amidst all the noise, **the crimes for which Pastor Apollo Quiboloy stands accused both in the United States and here in the Philippines are taking place as we speak.**

Ang hinihingi po natin ay managot na si Quiboloy para maligtas ang mga iba pang biktima na nasa kaniya pang poder. Mga biktima na hanggang ngayon naglilimos sa mga mall, terminal, bus at lansangan para masustentuhan ang private jet, foreign trips at mansion ng tinitingala nilang leader. Mga babae at menor de edad na ginahasa dahil iyan daw ang kanilang sakripisyo para sa Diyos Ama.”

xxx

THE CHAIRPERSON. Iyon din ang layunin ng Komite, alias David, na kung ano po iyong findings na

⁷ Transcript of the January 23, 2024 Public Hearing of the Committee on Women, Children, Family Relations and Gender Equality, pages 1, 2 and 11.

mapatunayan namin ay makatulong sa inyong lahat na victim-survivors na makahabol ng hustisya mula sa ating gobyerno.

Mabuti at nasubaybayan mo pala iyong isa naman naming imbestigasyon dito sa Senado tungkol kay Senior Agila. At Mabuti at nabatid mo na nagsimula rin silang magkaroon ng pirasong katarungan hanggang sa ngayon. At ako ay nagpapasalamat talaga-kami po sa Senado ay nagpapasalamat sa kanila, mga testigo noon kay Senior Agila, at ako ay nagpapasalamat ngayon sa inyo, mga testigo ngayon sa aming imbestigasyon tungkol kay Apollo Quiboloy. (*Emphasis supplied.*)⁸

A copy of the relevant portions of the Transcript of the February 19, 2024 Public Hearing of the Committee on Women, Children, Family Relations and Gender Equality is attached hereto as *Annex “K.”*

32. Petitioner then received information that a Subpoena was issued requiring him to attend the next public hearing on March 5, 2024; and that respondents are threatening to cite him in contempt should he fail to appear at the said hearing.

33. True enough, during the hearing on March 5, 2024, upon motion by respondent Sen. Hontiveros and allegedly seconded by Sen. Pimentel, petitioner was cited in contempt for his alleged failure to appear before the Senate Committee.

34. Notably, during the March 5, 2024 hearing, Sen. Pimentel never verbalized his acquiescence to the motion of respondent Sen. Hontiveros to cite petitioner in contempt. Respondent Sen. Hontiveros merely stated that there was a concurrence of one member.

35. The Transcript of the March 5, 2024 Public Hearing of the Committee on Women, Children, Family Relations and Gender Equality states that:

“THE CHAIRPERSON. Thank you very much, the resource persons. Salamat, Comsec.

Comsec, I heard you acknowledged a representative, an attorney, but can you please state for the record the status of the subpoena served on Apollo Quiboloy?

⁸ Transcript of the February 19, 2024 Public Hearing of the Committee on Women, Children, Family Relations and Gender Equality, pages 4 and 36.

THE COMMITTEE SECRETARY. Madam Chair, the Committee sent a subpoena to Pastor Quiboloy, and he replied with the motion: ‘Most Respectful and Urgent Request to Set Aside/Recall the Subpoena Issued to Pastor Apollo C. Quiboloy.’ It was given to me by the representative, Atty. Balayan.

THE CHAIRPERSON. Thank you, Comsec.

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

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

Pursuant to Section 18 of the Rules of the Senate, as Chair of the Committee, and with the concurrence of one member here with me, I cite in contempt Apollo Carreon Quiboloy for his refusal to be sworn or to testify before this investigation.

This Committee requests the Senate President to order his arrest so that he may be brought to testify.

I so move.” (Emphasis supplied.)⁹

A copy of the relevant portions of the Transcript of the March 5, 2024 Public Hearing of the Committee on Women, Children, Family Relations and Gender Equality is attached hereto as *Annex “L.”*

⁹ Transcript of the March 5, 2024 Public Hearing of the Committee on Women, Children, Family Relations and Gender Equality, pages 11-12.

36. Said contempt order was opposed by Sen. Robinhood Padilla, Sen. Christopher Lawrence Go, Sen. Cynthia Villar, Sen. Mark Villar and Sen. Imee Marcos.

37. On March 13, 2024, respondents Sen. Hontiveros and Sen. Zubiri issued a Show Cause Order directing petitioner to show cause within a non-extendible period of forty-eight (48) hours why he should not be ordered arrested and detained at the Office of the Sergeant-At-Arms.

38. In response thereto, on March 15, 2024, petitioner, through counsel, filed a Compliance and Legal Justifications dated March 14, 2024 explaining, among others, why the Subpoena should be recalled and why he should not be ordered arrested.

39. Just three (3) days after or on March 18, 2024, respondent Sen. Hontiveros issued a Ruling of the Committee dated March 18, 2024 denying petitioner's requests and prayer to:

- (i) raise the issue of the Show Cause Order to the plenary;
- (ii) recall the Subpoena; and
- (iii) set aside the Contempt Order.

40. Said Ruling of the Committee was signed solely by respondent Sen. Hontiveros without indicating that it was taken up by the entire membership of the Senate Committee.

41. It was even divulged by respondent Sen. Hontiveros to the public during her March 18, 2024 press conference,¹⁰ even prior to the service of the same to petitioner as the said ruling was only served on petitioner, through his counsel, on March 19, 2024.

42. Also on March 19, 2024, respondents Sen. Hontiveros and Sen. Zubiri issued an Arrest and Detention Order directing the arrest and detention of petitioner at the Office of the Sergeant-At-Arms.

43. In issuing the (a) Subpoenas, (b) the Contempt Order, (c) the Ruling of the Senate, (d) the Arrest and Detention Order; and in continuously demanding his presence at the public hearing, respondents clearly acted improperly and with grave abuse of discretion amounting to lack or excess of jurisdiction, compelling petitioner to file the present Petition.

¹⁰ https://www.youtube.com/live/ghXbk2zL9_c?si=npz8qJ-lCspADjyj.

VI. GROUNDS FOR THE PETITION

A.

THE ONGOING SENATE INVESTIGATION IS NOT IN AID OF LEGISLATION BUT IS TANTAMOUNT TO USURPATION OF JUDICIAL FUNCTIONS BEYOND THE POWERS OF THE SENATE.

B.

SENATE RESOLUTION 884 IS PATENTLY INCRIMINATORY AND THE INVESTIGATION CONDUCTED PURSUANT THERETO IS PREMISED ON THE SENATE'S CONCLUSION AND DECLARATION THAT PETITIONER IS GUILTY OF THE CRIMES CHARGED AGAINST HIM.

C.

THE CITATION OF PETITIONER IN CONTEMPT AND THE CONSEQUENT ARREST AND DETENTION ORDER ARE VOID AS NO CONCURRENCE THERETO WAS MADE BY ANOTHER COMMITTEE MEMBER DURING THE MARCH 5, 2024 PUBLIC HEARING.

VII. ARGUMENTS/DISCUSSION

A.

THE ONGOING SENATE INVESTIGATION IS NOT IN AID OF LEGISLATION BUT CONSTITUTES USURPATION OF JUDICIAL FUNCTIONS BEYOND THE POWERS OF THE SENATE.

44. The power of the legislative branch to conduct investigations in aid of legislation is found in Article VI, Section 21 of the 1987 Philippine Constitution which provides that:

“Section 21. The Senate or the House of Representatives or any of its respective committees may conduct inquiries in aid of legislation in accordance with its duly published rules of procedure. The rights of persons appearing in, or affected by, such inquiries shall be respected.”

45. In *Neri v. Senate Committee on Accountability of Public Officers and Investigations*,¹¹ the Supreme Court explained the limitation to the said power to conduct inquiries in aid of legislation, *viz*:

“Section 21, Article VI regulates the power of Congress to conduct legislative investigations by providing a three-fold limitation: (1) the power must be exercised in aid of legislation; (2) it must be in accordance with the duly published rules of procedure and (3) the rights of persons appearing in or affected by such inquiries shall be respected.

The first limitation ensures that no person can be punished for contumacy as a witness unless his testimony is required in a matter which Congress or any of its committees has jurisdiction to inquire into. This is an essential element of the jurisdiction of the legislative body.

The second limitation means that either House of Congress or any of its committees must follow its duly published rules of procedure. Violation of the rules of procedure by Congress or any of its committees contravenes due process.

The third limitation entails that legislative investigation is circumscribed by the Constitution, particularly by the Bill of Rights. As such, this limitation does not create a new constitutional right. **It simply underscores fundamental rights such as the rights against self-incrimination, unreasonable searches and seizures and to demand that Congress observe its own rules as part of due process.** Thus, the respected American constitutional scholar Lawrence H. Tribe observed:

Although only loosely restricting the *substantive* scope of congressional investigations, [Congress is

¹¹ G.R. No. 180643, March 25, 2007.

required] to adopt important *procedural* safeguards in the conduct of its investigations. Because the Bill of Rights limits the lawmaking process as well as the content of resulting legislation, congressional investigators must respect the Fifth Amendment privilege against compelled self-incrimination, the Fourth Amendment prohibition against unreasonable searches and seizures, and the requirement of due process that, if government actors promulgate rules limiting their own conduct, they must comply with such rules.”
(*Emphasis supplied.*)

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

47. One of the whereas clauses of Senate Resolution No. 884 introduced and signed by Sen. Hontiveros unequivocally expressed the intention of the Senate Committee to conduct its investigation in aid of prosecution or persecution:

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

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

49. That the purpose of Senate Resolution No. 884 and the public hearings is to punish, prosecute and persecute petitioner was admitted by no less than respondent Sen. Hontiveros herself during the public hearing on February 19, 2024:

“**TE (sic) CHAIRPERSON.** Magandang umaga po, colleagues and dear friends.

I call this second hearing to order.

Mga kaibigan, there is one thing that needs to be said amidst all the noise, **the crimes for which Pastor Apollo Quiboloy stands accused both in the United States and here in the Philippines are taking place as we speak.**

Ang hinihingi po natin ay managot na si Quiboloy para maligtas ang mga iba pang biktima na nasa kaniya pang poder. Mga biktima na hanggang ngayon naglilimos sa mga mall, terminal, bus at lansangan para masustentuhan ang private jet, foreign trips at mansion ng tinitingala nilang leader. Mga babae at menor de edad na ginahasa dahil iyan daw ang kanilang sakripisyo para sa Diyos Ama.”

xxx

THE CHAIRPERSON. Iyon din ang layunin ng Komite, alias David, na kung ano po iyong findings na mapatunayan namin ay makatulong sa inyong lahat na victim-survivors na makahabol ng hustisya mula sa ating gobyerno.

Mabuti at nasubaybayan mo pala iyong isa naman naming imbestigasyon dito sa Senado tungkol kay Senior Agila. At Mabuti at nabatid mo na nagsimula rin silang magkaroon ng pirasong katarungan hanggang sa ngayon. At ako ay nagpapasalamat talaga-kami po sa Senado ay nagpapasalamat sa kanila, mga testigo noon kay Senior Agila, at ako ay nagpapasalamat ngayon sa inyo, mga testigo ngayon sa aming imbestigasyon tungkol kay Apollo Quiboloy. *(Emphasis supplied.)*¹²

50. Even during her opening speech at the said public hearing, she declared that “[a]ng hinihingi po natin ay managot na si Quiboloy para maligtas ang mga iba pang biktima na nasa kanya pang poder.”

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

¹² Transcript of the February 19, 2024 Public Hearing of the Committee on Women, Children, Family Relations and Gender Equality, pages 4 and 36.

52. Toward this end, statements of the witnesses against petitioner were taken by the respondents as gospel truth. Should there be resource persons who try to provide information favorable to petitioner, respondents curtly dismissed their testimonies. That is exactly what respondent Sen. Hontiveros did during the February 19, 2024 public hearing:

“THE CHAIRPERSON. Just a minute po.

Yes. And before I recognize Atty. Laurente to speak, the Chair corrects herself. The good attorney is here not only as counsel but also as a resource person, from the records division of Jose Maria College.

So, Atty. Laurente, you may answer the questions of the Chair.

xxx

MS. LAURENTE. Madam Chair, if I may add also?

THE CHAIRPERSON. You may add, Atty. Laurente.

MS. LAURENTE. Thank you, Madam Chair.

With regard also, of course, I would like to go back to the issue about the salary. We have a salary as being employed by the JMCFI. However, as full-time miracle workers of the kingdom of Jesus Christ, because this is a religious organization, a corporation sole, so we don't have salary. What we call them, “honorarium,” Madam Chair. Our salary—

THE CHAIRPERSON. Honorarium po, Attorney...

MS. LAURENTE. Yes, honorarium.

THE CHAIRPERSON. ... na 200 to 300 pesos a week, depende sa mood ni Pastor.

MS. LAURENTE. Again, I beg to disagree with that, Madam Chair, as full-time miracle worker because, Madam Chair, that is not really the amount. Again, it is...

THE CHAIRPERSON. Magkano po?

MS. LAURENTE. ...upon his—burden of proof.

It depends, Madam Chair, like, for example, it ranges to—we cannot give you the exact—like 3,000, 4,000, 5,000.

THE CHAIRPERSON. Every week po?

MS. LAURENTE. It depends upon the ministry ...
/cmn/peg/agc

MS. LAURENTE. ... depends upon the ministry that was entrusted to you. Of course, the longer—the senior, of course, the senior workers have—of course, it depends. It still depends. We have a performance appraisal, Madam Chair. So again, we are—

THE CHAIRPERSON. At iyong 2,000 or 3,000 or 5,000 ...

MS. LAURENTE. It depends.

THE CHAIRPERSON. ...a week ninyo iyon? Is every week?

MS. LAURENTE. It depends again, Madam Chair. So again, we are not—based—we are serving because this is voluntary. This is—being a missionary. So this is not actually employment, for the record, Madam Chair, as full-time miracle worker.

So what we were pertaining when we said a while ago that we had a salary is, as being employed in the JMCFI. For the record, Madam Chair.

THE CHAIRPERSON. Pero ano pong ibig sabihin noong sinabi kanina ni alias Rene, 'It depends on the mood.'

MS. LAURENTE. That is—

THE CHAIRPERSON. 'It depends on the mood of pastor.'

MS. LAURENTE. I'm sorry. Madam Chair, that is not true based on all of the—based on all the testimonies and what is actually happening in the Kingdom of Jesus Christ, Madam Chair. So, actually, it is upon his burden—it is his burden to prove that that is really the so-called 'salary or honorarium' that he is accepting, Madam Chair.

THE CHAIRPERSON. The Committee knows that, Atty. Laurente, and does not need to be told that by any resource persons. Kayo—kayo pong mga full-time workers, director, attorney, kayo ba, tulad nila, pinapalimos kayo sa gabi, Atty. Laurente?

Atty. Laurente, kayo ba, tulad nina alias Rene, pinapalimos ba kayo sa gabi?

MS. LAURENTE. Madam Chair, that is—our—what do you call this? We are called here for JMCFI and I think it is beyond our authority to answer for the Kingdom of Jesus Christ because we are another team—

THE CHAIRPERSON. But you are also full-time workers of the Kingdom?

MS. LAURENTE. Yes, Madam Chair. However—

THE CHAIRPERSON. So kayo po ba, tulad ng mga ordinaryong miyembro tulad nina alias Rene, pagkatapos ng full-time na trabaho ninyo sa araw, pinapalimos din ba kayo sa gabi?

MS. LAURENTE. Again, that is so not true, Madam Chair, for the record. So again—

THE CHAIRPERSON. So hindi kayo pinapalimos sa gabi?

MS. LAURENTE. No, Madam Chair. That is—

THE CHAIRPERSON. O mga ordinaryong miyembro lamang ang pinapalimos sa gabi.

MS. LAURENTE. No, Madam Chair. In fact, all of the full-time miracle workers are not doing that. So again, it is his burden of proof, Madam Chair.

THE CHAIRPERSON. Again, Atty. Laurente, the Committee is well aware of that. In fact, iyong imbestigasyon sa human trafficking sa US ay mayroon ding mga alegasyon na pinapalimos ang mga miyembro nila or ninyo sa US.

And as for—ang full-time, there is a salary. Pero ang full-time miracle worker, may honorarium lang. So may discrepancy sa treatment sa compensation sa trabaho. And iyong mga tulad nina alias Rene, ordinaryong miyembro, pinatrabaho sa araw, pinapalimos sa gabi hanggang sa hindi na nila kayang mag-aral, kung scholars ang ipinangako sa kanila. Pero ibang-iba—at least, iyong mga full-time tulad ninyo ay may suweldo. Sabi ninyo, I presume, may mga benepisyo. And si Pastor mismo lives—well, not just like a king, but really like, what, anak nga ng Diyos, hindi ba? E ang turo sa ating lahat, ano man ang ating pananampalataya, lahat tayo ay anak ng Diyos.

Anyway, I would like to ask some more questions to DOLE, Usec Egargo.”¹³

53. From the aforementioned excerpts from the transcript of the February 19, 2024 public hearing, it is apparent that respondent Sen. Hontiveros already believed the testimonies of the other witnesses, and would even discredit the testimony of Atty. Laurente just because it favored KOJC and petitioner. Her treatment of the resource persons from Jose Maria College Foundation, Incorporated was starkly different from her treatment of the other witnesses who testified against KOJC and petitioner.

54. Strikingly, what is also absent in all the three (3) public hearings held by the respondents, and even in the numerous press conferences held by respondent Sen. Hontiveros, is a statement as to how the testimony of petitioner could aid in the intended legislation of the Senate Committee. In fact, unlike the urgency attached by Sen. Hontiveros on the investigation of petitioner for the crimes he allegedly committed, which was highlighted and clearly expressed by Sen. Hontiveros in Senate Resolution No. 884, the actual legislation sought to be accomplished or proposed by the Senate Committee in conducting the investigation against petitioner was not expressly and clearly stated in said resolution.

¹³ Transcript of the February 19, 2024 Public Hearing of the Committee on Women, Children, Family Relations and Gender Equality, pages 84, 88-92.

55. Senate P.S.R. No. 884 merely states that:

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

56. That the Senate Committee conducted the subject investigation without any intended legislation became more apparent during the March 5, 2024 hearing, when respondent Sen. Hontiveros stated that:

“Pag sinabi pong ‘in aid of legislation,’ ibig sabihin po ay makakatulong sa pagpapaganda ng mga batas natin sa Pilipinas. Ibig sabihin po, may pinapakitang kakulangan sa mga batas natin na kailangan ng tugon ng lehislatura.

Apat na po agad ang lumabas na punto sa ating hearing tungkol sa possible policy and legislative aspect ng hearing na ito: Una, ang posibleng kakulangan ng ating rape law para sa legal treatment ng konsepto ng consent. Is it meaningful consent pag pumayag ang isang diumanong victim dahil sa paniniwalang sakripisyo niya ito sa anak ng Diyos?

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

Pangatlo ay ang trafficking sa ilalim ng anti-trafficking law. Sa ngayon, ang mga acts of forced begging and servitude ay sakop ng Expanded Human Trafficking Act. But is religious freedom a complete defense against charges of trafficking in persons?

Pang-apat ay ang tanong: do we need a separate law against religious violence o iyong mga iba’t ibang uri ng karahasan sa konteksto ng isang simbahan, KOJC man ito o Socorro Bayanihan Services, halimbawa. May mga dalubhasa na ito ang panukala, halimbawa si Dr. Jayeel Cornelio, who our Committee sought to invite.”¹⁴

¹⁴ Transcript of the March 5, 2024 Public Hearing of the Committee on Women, Children, Family Relations and Gender Equality, pages 6-7.

57. Respondent Sen. Hontiveros herself said that “[a]pat na po agad ang lumabas na punto sa ating hearing tungkol sa possible policy and legislative aspect ng hearing na ito”.

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

59. In *Bengzon v. The Senate Blue Ribbon Committee*,¹⁵ the Supreme Court emphasized that there are also limitations on the power of the Senate to conduct inquiries in aid of legislation, *viz*:

“It appeals, therefore, that the contemplated inquiry by respondent Committee is not really ‘in aid of legislation’ because (sic) it is not related to a purpose within the jurisdiction of Congress, since the aim of the investigation is to find out whether or not the relatives (sic) of the President or Mr. Ricardo Lopa had violated Section 5 RA No. 3019, the ‘Anti-Graft and Corrupt Practices Act’, a matter that appears more within the province of the courts rather than of the legislature. Besides, the Court may take judicial notice that Mr. Ricardo Lopa died during the pendency of this case. In *John T. Watkins vs. United States*, it was held held:..

The power of congress to conduct investigations in (sic) inherent in the legislative process. That power is broad. it encompasses inquiries concerning the administration of existing laws as well as proposed, or possibly needed statutes. It includes surveys of defects in our social, economic, or political system for the purpose of enabling Congress to remedy them. It comprehends probes into departments of the Federal Government to expose corruption, inefficiency or waste. ***But broad as is this power of inquiry, it is not unlimited. There is no general authority to expose the private affairs of individuals without justification in terms of the functions of congress. This was freely conceded by Solicitor General in his argument in this case. Nor is the Congress a law enforcement or trial agency. These are functions of the executive and judicial***

¹⁵ G.R. No. 89914, November 20, 1991.

departments of government. No inquiry is an end in itself; it must be related to and in furtherance of a legitimate task of Congress. Investigations conducted solely (sic) for the personal aggrandizement of the investigators or to 'punish' those investigated are indefensible.

xxx

In fine, for the respondent (sic) Committee to probe and inquire into the same justiciable controversy already before the Sandiganbayan, would be an encroachment into the exclusive domain of judicial jurisdiction that had much earlier set in. In *Baremlatt vs. United States*, it was held that:

Broad as it is, the power is not, however (sic), without limitations. Since congress may only investigate into those areas in which it may potentially legislate or appropriate, it cannot inquire into matters which are within the exclusive province of one of the other branches of the government. Lacking the judicial power given to the Judiciary, it cannot inquire into matters (sic) that are exclusively the concern of the Judiciary. Neither can it supplant (sic) the Executive in what exclusively belongs to the Executive. ...

Now to another matter. It has been held that 'a congressional committee's right to inquire is 'subject to all relevant limitations placed by the Constitution on governmental action,' including "the relevant limitations of the Bill of Rights'.

In another case —

... the mere semblance of legislative purpose would not justify an inquiry in the face of the Bill of Rights. The critical element is the existence (sic) of, and the weight to be ascribed to, the interest of the Congress in demanding disclosures from an unwilling witness. We cannot simply assume, however, that every congressional investigation is justified by a public need that over-balances any private rights affected. To do so would be to abdicate the responsibility placed by the Constitution upon the judiciary to insure that the Congress does

not unjustifiably encroach (sic) upon an individual's right to privacy nor abridge his liberty of speech, press, religion or assembly.

One of the basic rights guaranteed by the Constitution to an individual is the right against self-incrimination. xxx”
(*Emphasis supplied.*)¹⁶

60. Notwithstanding the foregoing ruling of the Supreme Court, respondent Sen. Hontiveros exerted no effort in concealing the true objective of Senate Resolution No. 884 as she herself has consistently stated that the purpose of the hearings is “*managot na si Quiboloy.*”¹⁷ In line with this, Sen. Hontiveros has been using the powers of the Senate to infringe on the powers of the judiciary and violate petitioner’s constitutional rights.

61. That Senate Resolution No. 884 was issued not in aid of legislation is proven by the manner in which respondent Sen. Hontiveros has been conducting the hearings. Indeed, watching respondent Sen. Hontiveros conduct the hearings would make you wonder: if she is taking the statements of the witnesses against petitioner as gospel truth, and curtly dismissing the testimonies favoring petitioner and KOJC, what purpose will be served by petitioner’s appearance and testimony at the public hearing? If it is to give petitioner an opportunity to defend himself against the allegations of his accusers present at the public hearings, then the public hearings conducted by respondent Sen. Hontiveros would be assuming the functions of the courts of law. And if we follow respondent Sen. Hontiveros’ pronouncements that petitioner’s testimony would be secured to aid the ‘victims’ to obtain justice, then the investigation was clearly not meant for any legislative purpose.

62. Respondents’ foregoing acts are what the 1987 Philippine Constitution and the related jurisprudence expressly prohibit.

63. As early as 2008, the Honorable Court has ruled that:

“No matter how noble the intentions of respondent Committees are, they cannot assume the power reposed upon our prosecutorial bodies and courts. The determination of who is/are liable for a crime or illegal activity, the investigation of the role played by each official, the determination of who should be haled (sic) to court for prosecution and the task of coming up with conclusions and finding of facts regarding anomalies, especially the

¹⁶ Bengzon v. The Senate Blue Ribbon Committee, G.R. No. 89914, November 20, 1991.

¹⁷ Transcript of the February 19, 2024 Public Hearing of the Committee on Women, Children, Family Relations and Gender Equality, page 4.

determination of criminal guilt, are not functions of the Senate. Congress is neither a law enforcement nor a trial agency. Moreover, it bears stressing that no inquiry is an end in itself; it must be related to, and in furtherance of, a legitimate task of the Congress, i.e. legislation. Investigations conducted solely to gather incriminatory evidence and ‘punish’ those investigated are indefensible. There is no Congressional power to expose for the sake of exposure. In this regard, the pronouncement in *Barenblatt v. United States* is instructive, thus:

Broad as it is, the power is not, however, without limitations. Since Congress may only investigate into the areas in which it may potentially legislate or appropriate, it cannot inquire into matters which are within the exclusive province of one of the other branches of the government. Lacking the judicial power given to the Judiciary, it cannot inquire into matters that are exclusively the concern of the Judiciary. Neither can it supplant the Executive in what exclusively belongs to the Executive. (Emphasis supplied.)

At this juncture, it is important to stress that complaints relating to the NBN Project have already been filed against President Arroyo and other personalities before the Office of the Ombudsman. Under our Constitution, it is the Ombudsman who has the duty ‘to investigate any act or omission of any public official, employee, office or agency when such act or omission appears to be illegal, unjust, improper, or inefficient.’ The Office of the Ombudsman is the body properly equipped by the Constitution and our laws to preliminarily determine whether or not the allegations of anomaly are true and who are liable therefor. The same holds true for our courts upon which the Constitution reposes the duty to determine criminal guilt with finality. Indeed, the rules of procedure in the Office of the Ombudsman and the courts are **well-defined and ensure that the constitutionally guaranteed rights of all persons, parties and witnesses alike, are protected and safeguarded.**”
(*Emphasis supplied.*)¹⁸

64. Respondents, in the guise of conducting an inquiry in aid of legislation, are obviously trying to gather incriminatory evidence against

¹⁸ *Neri v. Senate Committee on Accountability of Public Officers and Investigations*, Senate Committee on Trade and Commerce, and Senate Committee on National Defense And Security, G.R. No. 180643, September 4, 2008.

petitioner and as empathically stated by respondent Sen. Hontiveros herself, to **make petitioner pay for his alleged sins.**

65. Petitioner thus respectfully submits that the Subpoenas against him should be nullified considering that Senate Resolution No. 884 and the testimony of petitioner in the public hearings are being sought by the Senate for no legislative purpose. Concomitantly, the Order of Contempt, the Ruling of the Senate and the Arrest and Detention Order should likewise be nullified.

66. Bear stress that there are actually pending cases against the petitioner both here in the Philippines and in the United States of America regarding the crimes he allegedly committed. If at all, said agencies should be the ones to prosecute petitioner and penalize him, only if he is found guilty of any crime, after trial has been conducted. Respondents cannot arrogate upon themselves the function of gathering evidence, evaluating the same and rendering judgment based thereon.

67. In fact, last March 5, 2024, the Department of Justice issued a Resolution directing the Office of the City Prosecutor of Davao City to file the appropriate Information against petitioner for the crime of sexual abuse of minor under Section 5(b) of Republic Act No. 7610; and against petitioner and five (5) other individuals for the crime of other acts of child abuse, cruelty and exploitation under Section 10(a) of Republic Act No. 7610 and for the crime of human trafficking under Section 4(a) of Republic Act No. 9208, as amended.

68. By virtue of said Resolution, on March 13, 2024, child abuse and trafficking charges have already been filed against petitioner before the courts of Davao City.

69. Note that the said crimes are also the same cases being investigated by respondent Sen. Hontiveros in the guise of making an inquiry in aid of legislation. To allow the Senate Committee to conduct its own investigation on an issue already litigated in a trial court might result to possibility of conflicting judgments. Worse, in compelling petitioner to appear at the senate hearings, respondent Sen. Hontiveros is forcing petitioner to testify against himself.

70. Considering that even the courts respect an individual's right against self-incrimination, all the more should the Senate Committee be directed to respect the same.

B.

SENATE RESOLUTION NO. 884 IS PATENTLY INCRIMINATORY AND THE INVESTIGATION CONDUCTED PURSUANT THERETO IS PREMISED ON THE SENATE'S CONCLUSION AND DECLARATION THAT PETITIONER IS GUILTY OF THE CRIMES CHARGED AGAINST HIM.

71. The 1987 Philippine Constitution itself requires that in inquiries in aid of legislation, “[t]he right of persons appearing in, or affected by, such inquiries shall be respected.”¹⁹ One of the most fundamental rights of any individual is the right against self-incrimination or not to be compelled to be a witness against himself.²⁰

72. Seeing that as discussed extensively above, Senate Resolution No. 884 is not an inquiry in aid of legislation, all the more should petitioner’s right against self-incrimination be respected.

73. Even assuming *arguendo* that the public hearings being conducted by respondents are indeed in aid of legislation, petitioner still cannot be legally compelled to appear before the Senate Committee as they are in effect, requiring him to testify against himself.

74. While petitioner recognizes that under Section 19 of Resolution No. 5 entitled “Rules of Procedure Governing Inquiries in Aid of Legislation,” a witness can only invoke his right against self-incrimination when the incriminatory question is asked, petitioner respectfully submits that Senate Resolution No. 884 is in itself already incriminatory, hence, he can already invoke his right against self-incrimination when sought to testify pursuant thereto.

75. An incriminating statement is defined as “[a] statement that tends to establish the guilt of someone, esp. the person making it.”²¹

76. The Subpoena Ad Testificandum dated February 14, 2024 addressed to petitioner states that petitioner is “commanded and required to appear before the Senate, then and there to testify under oath on what you

¹⁹ Article VI, Section 21 of the 1987 Philippine Constitution.

²⁰ Section 17, Article III, of the 1987 Philippine Constitution.

²¹ Black’s Law Dictionary, Eighth Edition, 2004.

know relative to the subject matter under the inquiry by the said Committee xxx”

77. Similarly, the Subpoena Ad Testificandum dated February 20, 2024 addressed to petitioner states that petitioner is “commanded and required to appear before the Senate Committee on Women, Children, Family Relations and Gender Equality, then and there to testify under oath on what you know relative to the subject matter under the inquiry by the said Committee xxx”

78. Meanwhile, Senate Resolution No. 884, the subject matter under inquiry by the Senate Committee, states:

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

WHEREAS, Republic Act 9208 as amended, or the Expanded Anti Trafficking Act, penalizes the ‘recruitment, obtaining, hiring xxx of persons by means of xxx fraud, deception, taking advantage of their vulnerability xx for the purpose of exploitation XX’ and imposes maximum penalties on acts involving the trafficking of minors and sex trafficking;

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

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

WHEREAS, according to informants, the pastorals are divided into the ‘inner circle’ and the ‘inner of the

innermost circle', with the latter category being made to perform acts of a sexual nature and the former category being made to perform other personal tasks such as washing his clothes, bathing him, cleaning his bedroom and massaging him;

WHEREAS, some of these pastorals were still minors during their recruitment and during the period they were made to perform sexual services;

WHEREAS, Apollo Quiboloy allegedly coerces the members of the organization - many of whom are minors - to perform exploitative acts, such as begging in the streets and soliciting money from strangers;

WHEREAS, according to informants, those who are not able to meet their quota of monies collected find themselves severely whipped, or subjected to public humiliation;

WHEREAS, a Federal Grand Jury in California in 2021 indicted Quiboloy and other officials of KOJC for 'conspiracy to engage in sex trafficking by force, fraud and coercion';

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

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

NOW, THEREFORE, BE IT RESOLVED AS IT IS HEREBY RESOLVED, TO DIRECT THE SENATE COMMITTEE ON WOMEN, CHILDREN, FAMILY RELATIONS AND GENDER EQUALITY TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, INTO THE REPORTED CASES OF LARGE-SCALE HUMAN TRAFFICKING, RAPE,

SEXUAL ABUSE AND VIOLENCE, AND CHILD
ABUSE OF THE KINGDOM OF JESUS CHRIST
UNDER ITS LEADER APOLLO QUIBOLOY.”
(*Emphasis supplied.*)

79. Under Senate Resolution No. 884, a conclusion has already been made that the alleged crimes were committed and continuously being committed by petitioner. Clearly, any and all questions to be propounded on petitioner regarding said matter would necessarily go into whether he did or did not commit the crimes imputed against him, hence, already incriminatory.

80. As such, with all due respect, petitioner respectfully submits that he can already validly refuse to appear before the Senate Committee.

81. Further, in *Rosete v. Lim*,²² the Supreme Court extensively discussed when the right against self-incrimination can be invoked, *viz*:

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

As to an accused in a criminal case, it is settled that he can refuse outright to take the stand as a witness. In *People v. Ayson*, this Court clarified the rights of an accused in the matter of giving testimony or refusing to do so. We said:

²² G.R. No. 136051, June 8, 2006.

An accused 'occupies a different tier of protection from an ordinary witness.' Under the Rules of Court, in all criminal prosecutions the defendant is entitled among others—

- 1) to be exempt from being a witness against himself, and
- 2) to testify as witness in his own behalf; but if he offers himself as a witness he may be cross-examined as any other witness; however, his neglect or refusal to be a witness shall not in any manner prejudice or be used against him.

The right of the defendant in a criminal case 'to be exempt from being a witness against himself' signifies that he cannot be compelled to testify or produce evidence in the criminal case in which he is the accused, or one of the accused. He cannot be compelled to do so even by subpoena or other process or order of the Court. He cannot be required to be a witness either for the prosecution, or for a co-accused, or even for himself. In other words – unlike an ordinary witness (or a party in a civil action) who may be compelled to testify by subpoena, having only the right to refuse to answer a particular incriminatory question at the time it is put to him – the defendant in a criminal action can refuse to testify altogether. He can refuse to take the witness stand, be sworn, answer any question. x x x (Underscoring supplied.)

It is clear, therefore, that only an accused in a criminal case can refuse to take the witness stand. The right to refuse to take the stand does not generally apply to parties in administrative cases or proceedings. The parties thereto can only refuse to answer if incriminating questions are propounded. **This Court applied the exception – a party who is not an accused in a criminal case is allowed not to take the witness stand – in administrative cases/proceedings that partook of the nature of a criminal proceeding or analogous to a criminal proceeding. It is likewise the opinion of the Court that said exception applies to parties in civil actions which are criminal in nature. As long as the suit is criminal in nature, the party thereto can altogether decline to take the witness stand. It is not the character of the suit involved but the nature of the proceedings that controls."** (*Emphasis supplied.*)

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

83. Thus, petitioner respectfully submits that having been considered by respondents as an accused, he can altogether refuse to appear before the Senate Committee in order to protect his rights.

84. All the more should the questioned Subpoenas, Contempt Order, the Ruling of the Senate, and Arrest and Detention Order be nullified and petitioner's testimony be dispensed with as any and all statements made by petitioner at the public hearings, if compelled to testify, can be used against him in the other pending cases here in the Philippines and the United States of America.

85. Clearly, respondents acted and are acting with grave abuse of discretion amounting to lack or excess of jurisdiction in issuing the Subpoenas, the Contempt Order, the Ruling of the Senate, and the Arrest and Detention Order and in persistently requiring the attendance of petitioner at the public hearings.

86. Petitioner thus respectfully submits that the Subpoenas, the Contempt Order, the Ruling of the Senate, and the Arrest and Detention Order should be nullified and the respondents should be enjoined from requesting or compelling his attendance at the public hearings considering that Senate Resolution No. 884 and the testimony of petitioner in the public hearings are clearly not in aid of legislation.

C.

THE CITATION OF PETITIONER IN CONTEMPT AND THE CONSEQUENT ARREST AND DETENTION ORDER ARE VOID AS NO CONCURRENCE THERETO WAS MADE BY ANOTHER COMMITTEE MEMBER DURING THE MARCH 5, 2024 PUBLIC HEARING.

87. Section 18 of Resolution No. 5 or the Rules of Procedure Governing Inquiries in Aid of Legislation provides that:

Sec. 18. *Contempt.** (a) The Chairman with the concurrence of at least one (1) member of the Committee, may punish or cite in contempt any witness before the Committee who disobeys any order of the Committee or refuses to be sworn or to testify or to answer a proper question by the Committee or any of its members, or testifying, testifies falsely or evasively, or who unduly refuses to appear or bring before the Committee certain

documents and/or object evidence required by the Committee notwithstanding the issuance of the appropriate subpoena therefor. xxx” (*Emphasis supplied.*)

88. In the Ruling of the Committee, respondent Sen. Hontiveros made it of record that petitioner is already in contempt pursuant to her ruling on March 5, 2024.

89. Petitioner was cited in contempt upon motion by respondent Sen. Hontiveros and allegedly seconded by Sen. Pimentel.

90. However, during the March 5, 2024 hearing, Sen. Pimentel never verbally stated that he is agreeing with the motion of respondent Sen. Hontiveros to cite petitioner in contempt. Respondent Sen. Hontiveros merely stated that there was a concurrence of one member.

91. The Transcript of the March 5, 2024 Public Hearing of the Committee on Women, Children, Family Relations and Gender Equality states that:

“THE CHAIRPERSON. Thank you very much, the resource persons. Salamat, Comsec.

Comsec, I heard you acknowledged a representative, an attorney, but can you please state for the record the status of the subpoena served on Apollo Quiboloy?

THE COMMITTEE SECRETARY. Madam Chair, the Committee sent a subpoena to Pastor Quiboloy, and he replied with the motion: ‘Most Respectful and Urgent Request to Set Aside/Recall the Subpoena Issued to Pastor Apollo C. Quiboloy.’ It was given to me by the representative, Atty. Balayan.

THE CHAIRPERSON. Thank you, Comsec.

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

If we allow witnesses of the Senate to simply claim that appearing before a committee would violate his or her

constitutional right to be presumed innocent and his or her right against self-incrimination, wala na pong kapangyarihan ang ating Senadong maglunsad ng mga imbestigasyon. Madaling-madali na lang umiwas sa mga hearing ng Blue Ribbon, sa mga tiwaling opisyal, sa mga imbestigasyon ng Public Order Committee, sa mga sangkot sa mga krimen; hindi po uubra ang ganitong mga excuse.

Pursuant to Section 18 of the Rules of the Senate, as Chair of the Committee, and with the concurrence of one member here with me, I cite in contempt Apollo Carreon Quiboloy for his refusal to be sworn or to testify before this investigation.

This Committee requests the Senate President to order his arrest so that he may be brought to testify.

I so move.” [Emphasis Supplied]²³

92. Rule XLI, Section 111 of the Rules of the Senate provides that voting shall be by *viva voce* or nominal.

93. In this case, Sen. Pimentel never verbally stated that he is seconding the motion of respondent Sen. Hontiveros to declare petitioner in contempt. Since there was no concurrence by at least one (1) member of the Committee, the citation of petitioner in contempt is not valid. Concomitantly, there being no valid contempt order issued, the Arrest and Detention Order is likewise not valid.

VIII.

ALLEGATIONS IN SUPPORT OF THE PRAYER FOR TEMPORARY RESTRAINING ORDER AND/OR WRIT OF PRELIMINARY INJUNCTION

94. Petitioner repleads the foregoing allegations in support of his application for the issuance of a temporary restraining order and/or writ of preliminary injunction.

95. Section 3, Rule 58 of the Rules of Court provides the grounds for the issuance of a temporary restraining order and preliminary injunction:

²³ Transcript of the March 5, 2024 Public Hearing of the Committee on Women, Children, Family Relations and Gender Equality, pages 11-12.

“Section 3. *Grounds for issuance of preliminary injunction.* — A preliminary injunction may be granted when it is established:

- (a) That the applicant is entitled to the relief demanded, and the whole or part of such relief consists in restraining the commission or continuance of the act or acts complained of, or in requiring the performance of an act or acts either for a limited period or perpetually;
- (b) That the commission, continuance or non-performance of the act or acts complained of during the litigation would probably work injustice to the applicant; or
- (c) That a party, court, agency or a person is doing, threatening, or is attempting to do, or is procuring or suffering to be done some act or acts probably in violation of the rights of the applicant respecting the subject of the action or proceeding, and tending to render the judgment ineffectual.”

96. Jurisprudence has likewise provided that the following requisites must be proven first before a writ of preliminary injunction may be issued:

- (1) The applicant must have a clear and unmistakable right to be protected, that is a right *in esse*;
- (2) There is a material and substantial invasion of such right;
- (3) There is an urgent need for the writ to prevent irreparable injury to the applicant; and
- (4) No other ordinary, speedy, and adequate remedy exists to prevent the infliction of irreparable injury.²⁴

97. As will be shown below, the above requisites are present in this case to justify the issuance of a temporary restraining order and/or writ of preliminary injunction to restrain and prohibit respondents from enforcing the Subpoenas, the Contempt Order, the Ruling of the Senate, and the Arrest and Detention Order; and compelling the attendance of petitioner at any and all public hearings in connection with Senate Resolution No. 884.

98. *First*, a person’s right against self-incrimination is enshrined in Section 17, Article III of the 1987 Philippine Constitution which states that “[n]o person shall be compelled to be a witness against himself.” Petitioner’s right against self-incrimination, even before the respondents, should be protected.

²⁴ Bicol Medical Center v. Botor, G.R. No. 214073, October 4, 2017.

99. *Second*, compelling petitioner to comply with the Subpoenas and appear at any and all public hearings in connection with Senate Resolution No. 884 necessarily violates his right against self-incrimination. At the risk of being repetitive, Senate Resolution No. 884 is an inquiry into the crimes allegedly committed and allegedly being committed by petitioner. In fact, no less than respondent Sen. Hontiveros as the Chairwoman of the Senate Committee, stated that the purpose of the public hearings is to “managot na si Quiboloy para maligtas ang mga iba pang biktima na nasa kaniya pang poder”²⁵ and “na kung ano po iyong findings na mapatunayan naming ay makatulong sa inyong lahat na victim-surivors na makahabol ng hustisya mula sa ating gobyerno.”²⁶

100. Thus, should petitioner be compelled to appear before the respondents during the public hearings, he would be forced by the Senate Committee to be a witness against himself as the subject of the investigation and public hearing are the crimes petitioner supposedly committed.

101. *Third*, there is an urgent need for the issuance of a writ to prevent irreparable injury to the applicant.

102. Section 18 of Resolution No. 5 grants the Chairman, with the concurrence of at least one member of the Committee, to punish or cite in contempt any witness who unduly refuses to appear before the Committee notwithstanding the issuance of the appropriate subpoena therefor. Such witness in contempt may then be ordered by the Committee to be detained in such place designated by the Committee under the custody of the Sergeant-at-Arms until he agrees to be sworn or to testify.²⁷

103. In fact, during the March 5, 2024 hearing, respondent Sen. Hontiveros already declared petitioner in contempt.

104. On March 13, 2024, respondents Sen. Hontiveros and Sen. Zubiri issued a Show Cause Order directing petitioner to show cause within a non-extendible period of forty-eight (48) hours why he should not be ordered arrested and detained at the Office of the Sergeant-At-Arms.

105. On March 15, 2024, a Friday, petitioner filed his Compliance and Legal Justifications dated March 14, 2024.

106. On March 18, 2024, respondent Sen. Hontiveros issued a Ruling of the Committee denying all of the requests of petitioner. Just a day after,

²⁵ Transcript of the February 19, 2024 Public Hearing of the Committee on Women, Children, Family Relations and Gender Equality, page 4.

²⁶ Transcript of the February 19, 2024 Public Hearing of the Committee on Women, Children, Family Relations and Gender Equality, page 36.

²⁷ Senate Resolution No. 5 entitled “Rules of Procedure Governing Inquiries in Aid of Legislation”, Section 18.

respondents Sen. Hontiveros and Sen. Zubiri ordered petitioner's arrest and detention.

107. Absent a temporary restraining order and/or writ of preliminary injunction, there is nothing which prevents the respondents from immediately enforcing the order for petitioner's arrest and detention, and from forcing him to appear at the public hearings to testify against himself, violating petitioner's constitutional right against self-incrimination. The injury that will be sustained by petitioner, if respondents are not timely prevented from violating his constitutional rights, is, by any measure, grave and irreparable.

108. *Fourth*, no other ordinary, speedy, and adequate remedy exists to prevent the infliction of irreparable injury.

109. Respondents, the very individuals who are compelling petitioner's attendance at the public hearings, are also the same individuals who assess, hastily at that, whether or not his attendance at the hearings are necessary, whether he can be cited in contempt, and whether he should be arrested and detained.

110. The speed at which the proceedings against the petitioner has taken place, from the requirement of his attendance at the hearings, his citation in contempt, the denial of his legitimate requests, and the order for his arrest and detention, and most of all, the blatant violation of petitioner's constitutional rights, all the more demonstrate the urgent necessity for the issuance of a temporary restraining order and/or writ of preliminary injunction.

111. Petitioner is ready, able and willing to post a bond in an amount fixed by this Honorable Court to cover any form of damages any party/ies may sustain with the issuance of a temporary restraining order and/or writ of preliminary injunction should this Honorable Court eventually decide that petitioner is not entitled to the same.

IX. PRAYER

WHEREFORE, premises considered, petitioner most respectfully prays as follows:

(1) That the Honorable Court, upon filing of this Petition and/or after due consideration of the application for injunctive relief, pending resolution of the Petition on the merits, ISSUE a temporary restraining order and/or writ of preliminary injunction ENJOINING all respondents, their agents, representatives, employees and subordinates from:

- a. enforcing the Subpoenas Ad Testificandum dated February 14 and 20, 2024;
 - b. enforcing the Order Contempt dated March 5, 2024;
 - c. enforcing the Ruling of the Senate dated March 18, 2024;
 - d. enforcing the Arrest and Detention Order dated March 19, 2024; and
 - e. demanding the attendance of petitioner at any and all public hearings in connection with Senate Resolution No. 884; and
- (2) That the Honorable Court GIVE DUE COURSE to this Petition and RENDER JUDGMENT as follows:
- a. DECLARING the Subpoenas Ad Testificandum dated February 14 and 20, 2024 issued by respondents Senator Risa Hontiveros and Senator Juan Miguel F. Zubiri NULL AND VOID;
 - b. DELCARING the Contempt Order dated March 5, 2024 issued by respondent Senator Risa Hontiveros NULL AND VOID;
 - c. DECLARING the Ruling of the Senate dated March 18, 2024 issued by respondent Senator Risa Hontiveros NULL and VOID;
 - d. DECLARING the Arrest and Detention Order dated March 19, 2024 issued by respondents Senator Risa Hontiveros and Senator Juan Miguel F. Zubiri NULL AND VOID; and
 - e. DIRECTING the issuance of a Writ of Prohibition ENJOINING and PROHIBITING respondents, their agents, representatives, employees and subordinates from requesting, directing or compelling the attendance of petitioner at any and all public hearings in connection with Senate Resolution No. 884.

Petitioner prays for such other reliefs just and equitable under the premises.

Pasig City for Manila. March 21, 2024.


PETER JOEY B. USITA

Counsel for the Petitioner

Roll of Attorneys No. 38572

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IBP No. 307159/01-31-2024/QC

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Copy furnished:

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Sen. Pres. Juan Miguel F. Zubiri

MGen. Montesa

Senate of the Philippines

Roxas Boulevard, Pasay City

**OFFICE OF THE SOLICITOR
GENERAL**

134 Amorsolo St., Legaspi Village,
Makati City

EXPLANATION

Due to lack of available office/messengerial personnel, services of the Petition to the other parties by registered mails were resorted to.


PETER JOEY B. USITA

Counsel

VERIFICATION WITH CERTIFICATION OF NON-FORUM SHOPPING

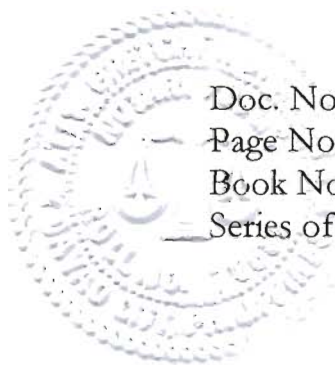
I, **PASTOR APOLLO C. QUIBOLOY**, Filipino, of legal age, single and with address at KJC Compound, Phil-Japan Friendship Highway, Sasa, Davao City, hereby state under oath, that:

- 1.) I am the Petitioner in the above-captioned case.
- 2.) I caused the preparation and filing of the foregoing Petition.
- 3.) I have read and understood the contents of the foregoing Petition and attest that:
 - a. the allegations therein are true and correct of my own personal knowledge and on the basis of authentic documents;
 - b. the foregoing Petition is not filed to harass, cause unnecessary delay or needlessly increase the cost of litigation; and
 - c. the factual allegations therein have evidentiary support or, if specifically so identified, will likewise have evidentiary support after reasonable opportunity for discovery.
- 4.) I further attest to the authenticity of the documents attached and/or referred to in the said Petition.
- 5.) I further certify that:
 - a. I have not commenced any other action or proceeding involving the same issues in any court, tribunal or quasi-judicial agency;
 - b. To the best of my knowledge, no such action or proceeding is, or remains, pending in the Supreme Court, the Court of Appeals, or the different divisions thereof, or any other tribunal or agency; and
 - c. If I should hereafter learn that other similar action or proceeding has been filed or is pending in any court, tribunal or quasi-judicial agency, I undertake to promptly inform the Honorable Court of that fact within five (5) calendar days from notice.

IN WITNESS WHEREOF, I have hereunto affixed my signature hereunder this 21 day of March 2024 in Davao City.



PASTOR APOLLOS C. QUIBOLOY
Affiant

SUBSCRIBED AND SWORN TO before me this 21 day of March 2024 in Davao City, affiant exhibiting to me his Philippine Passport No. P6662388A issued by DFA Davao City issued on 04 April 2018 and valid until 03 April 2028.



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Series of 2024.




ATTY. GRETCHEN B. CAÑEDO
Notary Public for and in the City of Davao
Until December 31, 2025
Notarial Commission Serial No. 2024-051-2025
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