

# FROM *MINISTROCRACY* TO *PRESIDENTOCRACY*<sup>1</sup>

## THE CAPTURE OF THE PARLIAMENTARY AGENDA BY THE MONOCRATIC POWER OF LEGISLATIVE HOUSE PRESIDENTS

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1. The institutional architecture of the Legislative Houses and the tension between leadership and command _____	2
1.1 The presidency as a directive body - and not as the lord of the House _____	2
1.2 The agenda-setting power: the silent heart of the standing rules _____	2
2. The three frontiers where collegiality simply disappears _____	3
2.1 The <i>impeachment</i> of authorities and negative jurisdiction without process _____	3
2.2 The <i>hearing</i> and the appointment of authorities nominated by the executive _____	3
2.3 The "automatic" extension of CPIs and the hermeneutic alchemy of silence _____	4
3. The standing rules against the standing rules: principles overrun by practice _____	5
3.1 Collegiality as a structural dogma of parliamentarism _____	5
3.2 Minority protection and its capture by the situational majority _____	5
3.3 The <i>point of order</i> as a fragile and mediated remedy _____	5
4. From <i>Ministrocracy</i> to <i>Presidentocracy</i> : the migration of an institutional pathology _____	6
4.1 <i>Presidentocracy</i> as the aggravation of <i>ministrocracy</i> _____	6
4.2 Republicanism, <i>accountability</i> , and the crushed federative dimension _____	6
5. The path back: indispensable reforms and republican culture _____	7
• Logic of the theme (from <i>ministrocracy</i> to <i>presidentocracy</i> : the monocratic capture of the parliamentary agenda) _____	8
• Overview Table _____	8
• Table of Precedents (STF) _____	11
• References _____	13
• Glossary for foreign readers _____	14

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<sup>1</sup> The neologism *presidentocracy* and much of the analytical framework developed here were inspired by the seminal work of Arguelhes and Ribeiro (2018), in which the authors coin and elaborate the concept of *ministrocracy* to describe the hypertrophy of individual decisions of Justices of the Brazilian Supreme Federal Court at the expense of the court's collegiality. The present proposal seeks to analytically transpose this critical apparatus to the parliamentary sphere - while recognizing, however, that the phenomenon in the presidency of the Legislative Houses presents specific aggravating features, as argued in section 4.1.

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## 1. The institutional architecture of the Legislative Houses and the tension between leadership and command

### 1.1 The presidency as a directive body - and not as the lord of the House

The Bureau of the Federal Senate was conceived by the Constitution and by the standing rules as a **directive body**, not as an instance of personal command - a design that is replicated, with minor variations, in the Chamber of Deputies. The President, under **Article 46** of the *Standing Rules of the Federal Senate* (RISF), is part of a collegial body composed of two Vice-Presidents and four Secretaries, whose original role is to **organize, conduct**, and provide liturgical order to parliamentary work. The House, in its normative design, belongs to the parliamentarians; the presidency is merely its conductor - never the author of the score.

The confusion between leadership and command, however, has so contaminated practice that the presidency of the Legislative Houses has turned into a true **archon of the national agenda**. Where **Article 412, IX**, of the RISF imposes collegial decision-making as a dogma, daily life displays the opposite: a single parliamentarian, elected by peers to serve, is transformed into the **existential filter** of all deliberations. Where there should be a chorus, there is a solo - and where alternation was expected, a kind of regimental elective monarchy has settled in.

### 1.2 The agenda-setting power: the silent heart of the standing rules

**Article 48, VI**, of the RISF grants the President the authority to **designate the Order of the Day** of deliberative sessions and, more seriously, to **withdraw matters from the agenda**. **Article 163** completes the design by providing that "matters shall be included in the Order of the Day, **at the President's discretion**", according to criteria of seniority and importance. Therein, beneath an innocent appearance, lies the heart of the problem: the sovereign will of an entire parliamentary House comes to depend, day after day, on the mood, the political calculation, or the personal convenience of its president.

The standing rules, paradoxically, contain **textual antidotes** against such capture. **Article 167** allows any senator to suggest to the President the inclusion of matters "in conditions to figure" on the Order of the Day, while **Article 171** requires, as a rule, that matters depending on committee examination only be included after the issuance, reading, and publication of the report, observing the regulatory interval. These are objective criteria that **constrain** presidential discretion - and whose systematic violation, in practice, hollows out the House as a deliberative collegial body.

The function, conceived as directive and ceremonial, is thus transformed into a true **constitutional doorkeeper of the Republic**: the president of the House decides what enters the Order of the Day, what waits, what sleeps in the drawer, and what never reaches the effective awareness of the parliamentarians. It is the **pocket veto** elevated to the condition of a quasi-institution: it does not expressly reject, does not publicly decide, does not submit to plenary - it merely **buries through silence**. Picture the conductor who, before each concert,

secretly decides which pieces will not even be played: this, by metaphor, is the function performed by the agenda-setting power in contemporary Brazilian Legislative Houses.

## 2. The three frontiers where collegiality simply disappears

### 2.1 The *impeachment* of authorities and negative jurisdiction without process

The Constitution entrusted to the Senate, in **Article 52, I and II**, the exclusive competence to prosecute and try the President and Vice-President of the Republic, Justices of the Supreme Federal Court (STF), members of the National Council of Justice (CNJ) and of the National Council of the Public Prosecution Service (CNMP), the Prosecutor-General of the Republic (PGR), and the Attorney-General of the Union for crimes of responsibility (*impeachable offenses*). **Article 380, I**, of the RISF conditions the institution of proceedings upon the reading, during the Expedient Period, of the complaint received "by the Bureau of the Senate". As a matter of practice, however, "to receive" has been interpreted as a monocratic decision-making attribute of the President - and the same phenomenon reproduces itself, with equal severity, in the admissibility judgment of the Chamber of Deputies in cases under Article 51, I, of the Constitution.

The result is constitutionally severe: complaints against Justices of the STF or against the PGR accused of improper conduct - even when subscribed by dozens of parliamentarians and supported by robust evidence - **die on the presidential desk**, without the plenary, the constitutional bearer of the political judgment, even being consulted. The republican *ratio* of *impeachment* is precisely to prevent the powerful from answering only to themselves; when the complaint is murdered in the antechamber, the institute becomes a simulacrum.

The phenomenon has a technical-republican name: **negative jurisdiction without process**. There is no real adversarial proceeding, no collegial decision, no vote, no argumentative burden before the plenary - only the **naked power of the drawer**. In a Republic, the drawer cannot be a constitutional organ, and presidential silence cannot replace the political judgment that the Constitution reserved to the representatives of the people and of the States.

### 2.2 The *hearing* and the appointment of authorities nominated by the executive

**Article 383** of the RISF governs the *hearing* of authorities nominated by the President of the Republic (Justices of the STF, of the Superior Court of Justice (STJ), of the higher courts; presidents and directors of regulatory agencies; the Central Bank; the CNJ; the CNMP; *et coetera*). The provision establishes, in subsection II, item "e", that the committee shall **summon** the candidate, within a period of no less than five business days, for public questioning (*hearing*); and, in subsection VII, that "the report shall be examined by the **plenary** in a public session, the vote being conducted by secret ballot".

Herein lies the contemporary regulatory fraud: even though the committee conducts the *hearing* and produces the report, the path to plenary **goes back through the gate of Article 165** - which provides that "reports on the appointment of authorities shall be included, in series,

at the end of the Order of the Day". Since the one who designates the agenda is the President (Article 48, VI), it suffices for him **not to schedule** for controversial nominations to slumber indefinitely or, conversely, to be voted upon at *express* speed when this suits the political alignment of the moment.

The deformation is institutionally serious because the *hearing* is one of the mechanisms through which the Senate exercises **republican control over presidential appointments**. It is no decorative ritual: it is the moment for public scrutiny, assessment of reputation, technical capacity, independence, and constitutional fitness for the office. When the presidency of the House alone controls the political timing of the *hearing*, it transforms a collegial competence into **inter-institutional bargaining currency** - and the Senate ceases to be a counterweight and turns into a market stall.

### 2.3 The "automatic" extension of CPIs and the hermeneutic alchemy of silence

Here lies perhaps the most scandalous case of **interpretive prevarication**. **Article 152** of the RISF is categorical: "The term of the parliamentary inquiry committee may be extended **automatically**, upon the request of one-third of the members of the Senate, communicated in writing to the Bureau, read in the plenary, and published in the Federal Senate Gazette". The text admits no ambiguity - the extension is a subjective right of the qualified minority (1/3), without the need for plenary voting.

The constitutional reach of this guarantee is robust. **Article 58, § 3**, of the Constitution authorizes the creation of a Parliamentary Inquiry Committee (CPI) by the request of one-third, for the investigation of a determined fact and within a specific period. **Article 148** of the RISF grants the committee investigative powers **proper to judicial authorities** - summoning Ministers of State, hearing those under investigation, examining witnesses under oath, requesting documents, and requesting inspections and audits from the Federal Court of Accounts (TCU). **Article 76, § 4**, in turn, sets the only relevant temporal limit: the CPI **cannot extend beyond the legislature** in which it was created.

The combination of these provisions is decisive. If the standing rules grant the qualified minority the trigger to investigate, with powers equivalent to those of the magistracy, and if the only temporal obstacle is the end of the legislature, **the presidential refusal to order the reading and publication of the extension request constitutes a flagrant regulatory illegality** - a direct affront to Article 152, to Article 412, VII (protection of minorities), and to Article 58, § 3, of the Constitution.

It should also be noted that, even in the creation of a CPI, **Article 145, § 2**, of the RISF imposes upon the President the **bound** duty to "order [the request] to be numbered and published". This is a regulated competence, not a discretionary one - and the coherent reading of the regulatory system requires that the automatic extension under Article 152 reproduce that same non-decisional nature, restricted to procedural acts. Where the standing rules say "automatically", there is no room for hermeneutic alchemy: **automatism is not discretion**, reading and publication are not political judgments of convenience, and the STF has already

condemned, in the context of CPI creation, this same obstructive expedient (**MS 24.831/DF**, Justice Rapp. Celso de Mello, decided 22.06.2005).

### 3. The standing rules against the standing rules: principles overrun by practice

#### 3.1 Collegiality as a structural dogma of parliamentarism

**Article 412, IX**, of the RISF crystallizes the principle of **collegial decision-making**, "save the specific competences set forth in these Standing Rules". The exception, far from authorizing arbitrariness, merely acknowledges acts of mere expediency. The rule is the collegial body; the exception is presidential. When the President of the House **converts exception into rule**, and uses formally discretionary acts (such as the designation of the Order of the Day) to render unworkable the deliberations he himself rejects, in practice he operates an **inversion of the *interna corporis* normative hierarchy**.

It is no exaggeration to say that the House ceases to be a **parliamentary collegial body** and becomes, in its concrete deliberative sphere, a **monocratic organ**. The 81 senators - or the 513 deputies - elected by tens of millions of citizens, become co-protagonists of whoever occupies the presidential chair: elegant numerical presences, but without effective agency over the nation's agenda. In short, a parliamentary simulacrum.

#### 3.2 Minority protection and its capture by the situational majority

**Article 412, VII**, of the RISF proclaims the "preservation of the rights of minorities", a principle without which no democracy deserves the name. As Hans Kelsen taught, the majority rule is only legitimate when accompanied by **procedural guarantees for the minority** - the right to propose, to discuss, to investigate, to oversee (*Minderheitenschutz*). It is precisely this core that fades when the President blocks the launch of an *impeachment* signed by an expressive number of parliamentarians, or makes the continuation of a CPI unfeasible through procedural maneuvers.

A cynical paradox unfolds here: the situational majority, elected by peers to the presidency of the House, **comes to oppress the substantive majority** of parliamentarians whenever it diverges from the presidential leadership. The instrument of the one who should protect everyone turns into a battering ram against the collegial will. It is institutional capture taken to its ultimate consequences - the **procedural kleptocracy** disguised as liturgical duty.

#### 3.3 The point of order as a fragile and mediated remedy

The standing rules, admittedly, provide formal contestation instruments. **Articles 403 to 408** govern the **point of order** (*questão de ordem*), and **Article 405** establishes that it "shall be decided by the President, **with appeal to the plenary**, *ex officio* or upon a request that shall only be admitted if formulated or supported by a leader". **Article 413** complements the safeguard by allowing complaints of transgression of the principles of Article 412 by way of point of order.

Here, however, lies the fragility of the remedy: **the one who decides, in the first instance, is the President himself**, whose challenged decisions form the very object of contestation.

The appeal to plenary exists, but its practical viability depends, again, on the presidential *timing* - and, moreover, on the willingness of party leaders, who may be co-opted by the very authority being contested. The result is a **hermetic circle**: the judge of the cause is the interested party, and the appellate court only acts if the one who judged at first instance so decides.

#### 4. From *Ministrocracy* to *Presidentocracy*: the migration of an institutional pathology

##### 4.1 *Presidentocracy* as the aggravation of *ministrocracy*

*Ministrocracy*, denounced by critical voices in Brazilian constitutional scholarship (Arguelhes; Ribeiro, 2018), describes the hypertrophy of individual decisions of STF Justices to the detriment of the collegial body. It is a well-mapped pathology: monocratic preliminary injunctions, endless requests for further examination (*pedidos de vista*), control over procedural timing, and individual prominence in cases of the highest political density. The analogy with what occurs in the Legislative Houses is pertinent, but a structural difference makes the parliamentary phenomenon **even more serious** - and justifies the baptism of a new conceptual category: **presidentocracy**.

In *ministrocracy*, the institutional will of the court is provisionally replaced by the individual decision of a Justice - there is an act to challenge, a dissenting vote to count, reasoning to refute. In *presidentocracy*, monocratic agenda-setting produces something qualitatively more sinister: the matter **does not even come to life** for the collegial body. The formulation is surgical: **there is no decision to be defeated; there is the absence of decision. There is no dissenting vote; there is an impeded vote. There is no deformed collegiality; there is collegiality kidnapped before it could exist.** The judicial monocratic act is diagnosable; the parliamentary monocratic silence is, by construction, **indecipherable** - and what cannot be deciphered cannot be controlled. To this is added the fact that the STF Justice has a duty of reasoning; the president of the Legislative House need not motivate anything, because his omission is the act itself.

*Presidentocracy*, therefore, is not a mere transposition of *ministrocracy* to the parliamentary realm: it is its **structural aggravation**. Where the Justice decides something, the president of the House decides **that nothing shall be decided**. Where the Justice performs a challengeable act, the president performs an **omission protected by its very opacity**. Where *ministrocracy* concentrates power in eleven heads, *presidentocracy* concentrates it in two - one in the Senate, one in the Chamber - and additionally grants them the privilege of operating through silence.

##### 4.2 Republicanism, *accountability*, and the crushed federative dimension

**Republicanism** - in the tradition running from Cicero to Pettit - requires that rulers answer for their acts *and omissions* (*accountability*) and that no citizen be subjected to the **domesticated arbitrariness** (*dominium*) of another. When the president of the Legislative House obstructs agendas chosen by the majority, or impedes the *hearing* of controversial nominees, or paralyzes CPIs, he **simultaneously violates** the principles of indirect popular sovereignty, republican publicity, and non-domination.

There is, moreover, a **federative** dimension that aggravates the problem, especially in the case of the Senate. Each senator represents his or her State; the plenary represents the **federative whole**. When the President of the Senate unilaterally blocks *impeachment*, *hearings*, CPIs, or the extension of CPIs, he is not merely contradicting political adversaries of the moment - he is **compressing the representation of the twenty-six States and the Federal District into a single chair**. The pathology ceases to be merely parliamentary and reaches the very backbone of the federative pact.

The model is especially perverse because it operates under the appearance of institutional normality. Sessions continue, speeches happen, ordinary votes proceed, the liturgy is preserved - but the **structurally decisive** matters remain under the control of a solitary will. What is configured is **surface democracy**: the plenary exists, but only deliberates upon what the presidency **allows to exist** as deliberation.

From the republican perspective, the deviation is yet more serious. The presidency of the Legislative Houses is a **fiduciary** function - it administers competences in the name of the institution, never in its own name. When the agenda becomes the currency of self-preservation, the shielding of allies, or the suffocation of minorities, a **patrimonialist mutation** of the office occurs: it ceases to be **function** and becomes **possession**. This is the confusion between public office and private patrimony - precisely what the Republic, since Cicero, was invented to prevent.

## 5. The path back: indispensable reforms and republican culture

Before the technical solutions, it is important to dispel a recurrent misconception. The rhetoric of "respect for the institutions" is frequently deformed into the **shielding of authorities**. But to respect institutions is not to shield individuals from public embarrassment; it is **to subject individuals, authorities, and circumstantial majorities to the rules of the game**. The Legislative House is not more respected when it avoids deliberating - it is more respected when it deliberates with transparency, owns its votes, and lets society know who wants to investigate, who wants to block, and who prefers convenient silence.

Several urgent paths are available. **First**, the reform of the standing rules to **automate inclusions in the Order of the Day** when subscribed by an absolute majority of parliamentarians, creating a legitimate *bypass* of the President. **Second**, the establishment of a maximum term for the Bureau to consider *impeachment* complaints, with a clear regulatory sanction for omission. **Third**, the strengthening of the point of order, providing for direct appeal to plenary, *ex officio*, in pre-defined cases, without dependence on a leader.

The STF's case law, although traditionally deferential to the *interna corporis* logic (**MS 32.033/DF**, Justice Rapp. Teori Zavascki, decided 20.06.2013), has opened exceptions when a **parliamentarian's subjective right** is violated or when the Constitution is offended. There is, therefore, jurisdictional space - albeit minimal - to curb the most serious abuses. But the main path is not judicial: it is **political and cultural**, and runs through the recovery of the Legislative

Houses by their members, the breaking of the bloc of co-optation, and the restoration of the civic courage of parliamentarians willing to pay the price of confrontation.

- **Logic of the theme (from *ministrocracy* to *presidentocracy*: the monocratic capture of the parliamentary agenda)**

The logic of the Brazilian parliamentary system was conceived as **binding collegiality**: 81 senators and 513 deputies, sovereign, deliberating on equal procedural footing, under the neutral leadership of a Bureau whose function is to organize - never to command - the rhythm of the work. The president of the Legislative House is, in the constitutional and regulatory architecture, *primus inter pares* - servant of the collegial body, not its lord.

Contemporary pathology has **radically inverted** this logic. Through the exclusive control of the Order of the Day (Articles 48, VI, and 163), combined with a distorted interpretation of the verb "to receive" (in the *impeachment* rite, Article 380), the instrumentalization of Article 165 (*hearings*), and the refusal to comply with the literal text of Article 152 (the automatic extension of CPIs), the president of the House has become a unipersonal **veto player**, capable of neutralizing the will of the parliamentary majority and the subjective right of the minorities - all while ignoring the textual antidotes of Articles 167, 171, and 412, VII, of the RISF.

The result is **presidentocracy**: a figure more serious than the *ministrocracy* already criticized at the STF, because it operates by **silent omission**, with no formal act to challenge, no reasoning to refute, no deadline to respond. Where the Constitution wanted deliberation, the drawer was installed. Where one expected a republic, a small regulatory principality was erected. And, beneath the ceremonial apparatus of sessions and speeches, a **surface democracy** survives that compresses the representation of the twenty-six States and the Federal District - and, in the Chamber, the popular representation of the 513 federative districts - into a single chair.

A return to the original design demands regulatory reforms (the automation of agendas by qualified majority, peremptory deadlines for the Bureau, the strengthening of points of order), jurisprudential reinforcement in cases of violation of a parliamentarian's subjective right, and, above all, **republican culture**: the collective refusal, by parliamentarians, to accept as natural what is, in truth, a daily betrayal of the principles of collegiality (Article 412, IX) and minority protection (Article 412, VII). Without this, the Legislative Houses will continue to be **the house of one alone**.

- **Overview Table**

Topic	Explanation of the institute
<b>Senate Bureau (Article 46, RISF)</b>	Collegial directive body composed of the President, two Vice-Presidents, and four Secretaries. Its institutional function is to organize and conduct the work, never to replace the will of the

	plenary. Contemporary pathology has inverted this logic, transforming the presidency into a center of personal command.
<b>Presidential competences (Article 48, RISF)</b>	Broad list of attributions, with emphasis on subsection VI: designating the Order of the Day and withdrawing matters from the agenda. It is the <b>core of the agenda-setting power</b> , an originally organizational instrument that has been converted into a mechanism of obstruction of collegial deliberation.
<b>Criterion for inclusion on the agenda (Article 163, RISF)</b>	Establishes that matters shall be included in the Order of the Day "at the President's discretion", according to seniority and importance. The drafting discretion, without binding objective constraints, opens space for the selective and politically captured use of the agenda.
<b>Textual antidotes against capture (Articles 167 and 171, RISF)</b>	Article 167 allows any parliamentarian to suggest the inclusion of matters in conditions to figure on the agenda; Article 171 requires that matters depending on committee work only be scheduled after the issuance, reading, and publication of the report. Objective constraints whose systematic violation hollows out the House.
<b>Reports on the appointment of authorities (Article 165, RISF)</b>	Determines that such reports ( <i>hearings</i> ) shall be included at the end of the Order of the Day. Combined with Article 48, VI, this allows the President to indefinitely postpone votes on inconvenient nominations, or to accelerate them when there is political alignment.
<b>Impeachment of authorities (Article 380, I, RISF; Article 52, I and II, CF)</b>	The complaint, received by the Bureau, must be read during the Expedient Period. In practice, the admissibility judgment has become a presidential monopoly, configuring <b>negative jurisdiction without process</b> : absence of adversarial proceedings, vote, collegial decision, and reasoning - only the naked power of the drawer.
<b>Hearing of nominees (Article 383, RISF)</b>	Governs the consideration of authorities nominated by the President of the Republic. Although the procedure requires a committee <i>hearing</i> and a plenary vote, the sequence depends on the agenda - thus held hostage by the President. The collegial competence becomes inter-institutional bargaining currency.
<b>Creation of a CPI (Articles 145, § 2, RISF; 58, § 3, CF)</b>	Subjective right of the qualified minority (1/3). The President has the <b>bound</b> duty to order numbering and publication - a regulated, non-discretionary competence.

<p><b>CPI powers (Article 148, RISF)</b></p>	<p>The CPI has investigative powers <b>proper to judicial authorities</b>: summoning Ministers of State, hearing those under investigation, examining witnesses, requesting documents, and requesting audits from the TCU. The weight of these powers makes the obstruction of an extension all the more severe.</p>
<p><b>Extension of CPI (Articles 152 and 76, § 4, RISF)</b></p>	<p>It is <b>automatic</b>, by request of 1/3, read in plenary and published. The only temporal limit is the end of the legislature. Presidential retention of this extension constitutes a flagrant regulatory illegality - automatism is not discretion.</p>
<p><b>Principles of the legislative process (Article 412, RISF)</b></p>	<p>Crystallizes, among others, the equal participation of parliamentarians (I), collegial decision-making (IX), the protection of minorities (VII), and the publicity of decisions (XII). These are structural principles against which presidential practice frequently collides.</p>
<p><b>Point of order (Articles 403-408, RISF)</b></p>	<p>A mechanism for contesting regulatory interpretations, with decision by the President and appeal to plenary. Its efficacy, in practice, is mitigated by the fact that the initial judgment falls to the very organ being contested, with the appeal depending on a party leader.</p>
<p><b>Institutional capture</b></p>	<p>Politico-juridical phenomenon in which a collegial organ is dominated by the unipersonal will of its leader. In the Legislative Houses, it operates through the binomial "agenda-setting power + restrictive interpretation of regulatory literalness", generating a <b>pocket veto</b> disguised as regulatory competence.</p>
<p><b>Ministrocracy</b></p>	<p>Conceptual category describing the hypertrophy of individual decisions of STF Justices to the detriment of the collegial body, especially through monocratic preliminary injunctions, <i>vista</i> requests, and procedural timing control. The starting point for understanding the parallel phenomenon in the Legislative Houses.</p>
<p><b>Presidentocracy</b></p>	<p>Neologism designating the aggravation of <i>ministrocracy</i> in the Legislative Houses: the unipersonal protagonism of the House president to the detriment of parliamentary collegiality. It is qualitatively more serious because it operates by silent omission, without a formal act, without mandatory reasoning, and without the possibility of appeal against silence itself.</p>
<p><b>Federative dimension</b></p>	<p>The Senate is the house of the Federation. Each chair represents a federative entity, and the plenary represents the</p>

	federative whole. When the presidency unilaterally blocks <i>impeachment, hearings</i> , CPIs, or their extension, it compresses the representation of the twenty-six States and the Federal District into a single chair, wounding Article 46 of the Constitution in its substance.
<b>Republicanism (non-domination)</b>	Politico-juridical tradition that forbids the arbitrary subjection of citizens or parliamentarians to the unilateral will of another. When the presidency transforms office into <b>possession</b> - and function into <b>patrimony</b> - a patrimonialist mutation incompatible with the Republic occurs.
<b>Surface democracy</b>	An apparently normal model (sessions, speeches, ordinary votes) in which, however, the structurally decisive matters remain under the control of a solitary will. The plenary exists, but only deliberates upon what the presidency <b>allows to exist</b> .
<b>Structural solutions</b>	Regulatory reform to automate scheduling by absolute majority; peremptory deadlines for the Bureau to consider <i>impeachment</i> complaints; strengthening of points of order with <i>ex officio</i> appeal to plenary; and, above all, the recovery of republican culture and civic courage among parliamentarians.

- **Table of Precedents (STF)**

<b>Item</b>	<b>Explanation of the precedent</b>
<b>STF - MS 24.831/DF</b>	Writ of Mandamus 24.831/DF. Justice Rapp.: Celso de Mello. Full Court. Decided: 22.06.2005. Published: 04.08.2006. <i>Ratio decidendi</i> : the creation of a Parliamentary Inquiry Committee is a <b>public subjective right of the qualified parliamentary minority (1/3)</b> , guaranteed by Article 58, § 3, of the Constitution. The obstruction, by the situational majority or by the House President, of the installation of a duly requested CPI constitutes a direct violation of the parliamentarian's right-function. <b>Decisive analogical application to Article 152 of the RISF</b> : if the creation is a subjective right, the automatic extension provided for in the standing rules, with the same quorum, is also so.
<b>STF - MS 26.441/DF</b>	Writ of Mandamus 26.441/DF. Justice Rapp.: Celso de Mello. Full Court. Decided: 25.04.2007. <i>Ratio decidendi</i> : reaffirmed the doctrine of CPIs as a <b>minority right</b> , prohibiting the instrumentalization of standing rules to frustrate duly requested investigations. The Court held that "the legislative majority, by means of the deliberate inertia of its leaders, cannot frustrate

	the exercise, by minority groups", of the constitutional right to parliamentary investigation. Applies, <i>mutatis mutandis</i> , to the extension under Article 152 of the RISF.
<b>STF - MS 32.033/DF</b>	Writ of Mandamus 32.033/DF. Justice Rapp.: Teori Zavascki. Reporter for the judgment: Justice Gilmar Mendes. Full Court. Decided: 20.06.2013. <i>Ratio decidendi</i> : judicial control of <i>interna corporis</i> matters is, as a rule, prohibited, save when there is a direct violation of a constitutional provision or of a parliamentarian's subjective right. The precedent, although frequently invoked to defend non-interference in the Legislative Houses, <b>opens relevant exceptions</b> precisely in cases where the presidential agenda-setting power violates the right-function of parliamentarians or affronts regulatory literality.
<b>STF - ADPF 378 MC</b>	Preliminary Injunction in the Action for Failure to Comply with a Fundamental Precept 378/DF. Justice Rapp.: Edson Fachin. Reporter for the judgment: Justice Roberto Barroso. Full Court. Decided: 17.12.2015. <i>Ratio decidendi</i> : defined the <i>impeachment</i> rite of the President of the Republic, harmonizing Law No. 1.079/1950 with the Constitution. It recognized that <b>the President of the Legislative House exercises an admissibility judgment</b> , but within constitutional bounds, and cannot become an arbitrary or purely political-personal judgment. The same principle applies, <i>a fortiori</i> , to the <i>impeachment</i> of authorities subject to the original competence of the Senate (Article 52, II, CF).
<b>STF - MS 33.558/DF</b>	Writ of Mandamus 33.558/DF. Justice Rapp.: Celso de Mello. Monocratic decision. Decided: 13.05.2015. <i>Ratio decidendi</i> : addressed issues related to the processing of <i>impeachment</i> complaints, reaffirming the competence of the Legislative Houses for admissibility judgments, <b>without such judgment becoming an arbitrary obstacle</b> to the exercise of constitutional competence. Evidences that the Judiciary admits the protection from manifest abuses in the handling of agenda-setting power in <i>impeachment</i> matters.
<b>STF - MS 34.530 MC/DF</b>	Preliminary Injunction in Writ of Mandamus 34.530/DF. Justice Rapp.: Luiz Fux. Monocratic decision. Decided: 14.12.2016. <i>Ratio decidendi</i> : granted a preliminary order to remove a Senator from the presidency of the House due to ongoing criminal proceedings, reaffirming that <b>the exercise of an institutional command office is subject to constitutional bounds</b> , not constituting a zone immune to jurisdictional review. Signals that the presidential function of the Legislative Houses, far from being "regulationally untouchable", is subject to constitutional parameters when it threatens the balance among the Powers.

<p><b>STF - ADI 6.524/DF</b></p>	<p>Direct Action of Unconstitutionality 6.524/DF. Justice Rapp.: Gilmar Mendes. Full Court. Decided: 14.12.2020. <i>Ratio decidendi</i>: forbade the re-election of the President of the Senate and of the President of the Chamber of Deputies to the same office in the subsequent legislature. The Court upheld the <b>alternation in power as a structuring republican principle</b> and recognized that perpetuation in the presidency of the Houses concentrates power in a manner incompatible with democratic collegiality. <b>A frontal precedent against the perpetuation of <i>presidentocracy</i>.</b></p>
<p><b>STJ - case law on <i>interna corporis</i> acts</b></p>	<p>RMS 47.106/AM, Justice Rapp.: Mauro Campbell Marques, 2nd Panel, decided 25.08.2015, and related judgments: the STJ has reaffirmed that <i>interna corporis</i> acts of state and municipal Legislative Houses <b>do not escape jurisdictional control</b> when they violate due legislative process, collegiality, or the subjective rights of parliamentarians. The doctrine is directly transposable, <i>a fortiori</i>, to the Federal Senate and the Chamber of Deputies.</p>

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- ***Glossary for foreign readers***

To facilitate reading by readers unfamiliar with Brazilian institutional vocabulary, the following key technical terms are clarified:

- **RISF** (*Regimento Interno do Senado Federal*) - Standing Rules of the Federal Senate.
- **CPI** (*Comissão Parlamentar de Inquérito*) - Parliamentary Inquiry Committee, equivalent in scope and function to congressional investigative committees in other systems, but endowed with judicial-style powers under Article 58, § 3, of the Brazilian Constitution.
- **STF** (*Supremo Tribunal Federal*) - the Brazilian Supreme Federal Court, the country's apex court for constitutional matters.
- **STJ** (*Superior Tribunal de Justiça*) - the Superior Court of Justice, the apex court for non-constitutional federal-law matters.
- **CNJ / CNMP** - the National Council of Justice and the National Council of the Public Prosecution Service, oversight bodies of the Judiciary and of the Public Prosecution Service, respectively.
- **PGR** (*Procurador-Geral da República*) - the Prosecutor-General of the Republic, head of the Federal Public Prosecution Service.
- **TCU** (*Tribunal de Contas da União*) - the Federal Court of Accounts, an external control body that assists the National Congress in fiscal oversight.
- **MS** (*Mandado de Segurança*) - Writ of Mandamus, a constitutional remedy to protect clear and certain rights against public authority abuse.

- **ADPF** (*Arguição de Descumprimento de Preceito Fundamental*) - Action for Failure to Comply with a Fundamental Precept, a constitutional review action available before the STF.
- **ADI** (*Ação Direta de Inconstitucionalidade*) - Direct Action of Unconstitutionality.
- **Hearing** - in the Brazilian Senate, the public examination of nominees before plenary confirmation, equivalent in spirit to U.S. Senate confirmation hearings, governed by Article 383 of the RISF.
- **Impeachment** - the political trial of high authorities for crimes of responsibility, governed by Law No. 1.079/1950 and by Articles 51 and 52 of the Brazilian Constitution.
- **Interna corporis** - matters internal to a parliamentary body, traditionally shielded from judicial review but subject to constitutional limits.
- **Ministrocracy** (*ministrocracia*) - a Brazilian neologism designating the hypertrophy of individual decisions by Supreme Court Justices (*Ministros*) over collegial decision-making.
- **Presidentocracy** (*presidentocracia*) - the conceptual proposal of this article: the structural aggravation of *ministrocracy* in the Legislative Houses, where the unipersonal will of the House president, operating chiefly through silent omission, captures the parliamentary agenda.