THE PRESIDENTIAL VETO BETWEEN LEGISLATIVE DEFERENCE AND THE MONOCRATIC CAPTURE OF THE DIRECTING BOARD OF THE NATIONAL CONGRESS

Partial Restoration of the Presidential Veto by the Brazilian National Congress and the Shadow of the "Presidentocracy" of the Directing Board

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General Presentation

This article is structured into two complementary yet analytically autonomous parts. **Part I** examines, on the abstract and dogmatic plane, the constitutional and procedural legitimacy of the partial restoration of provisions vetoed by the President of the Republic, defending the technical accuracy of the term "*restoration*" in lieu of "*override*", and demonstrating, on the basis of Article 66 of the Constitution and Articles 104-A through 106-D of the Joint Standing Rules of the National Congress (*Regimento Comum*), that the fractioned consideration of the veto is an institutionally supported practice. **Part II** addresses the concrete dimension of the problem, warning against the *monocratic deformation* this institution may undergo when captured by the presidency of the Directing Board, a phenomenon recent scholarship designates as **presidentocracy** (Cf. Gutier, 2026).

The bipartition responds to a precise analytical demand. Defending the abstract legitimacy of the partial restoration is an affirmation of the deference owed to the Legislature within the Rule of Law; warning against presidentocracy is to protect that very same deference from its internal distortion by agents who, leveraging the literality of procedural rules, hijack collegial deliberation. The two registers do not contradict each other-they complement one another. An institutionally mature reading demands, simultaneously, *deference and vigilance*.

PART I - THE ABSTRACT LEGITIMACY OF PARTIAL RESTORATION: CONSTITUTION, JOINT STANDING RULES, AND DEFERENCE TO THE LEGISLATURE

1. The "Sentencing Calibration Bill" Case (2026): The Controversy that Reopened the Debate

The discussion concerning the limits of congressional review of the presidential veto has recently abandoned strictly academic territory to occupy the center of the Brazilian public debate. In January 2026, President Luiz Inácio Lula da Silva fully vetoed Bill No. 2,162/2023, known as the "*PL da Dosimetria*" (Sentencing Calibration Bill), which provided for the reduction and progression of sentences applicable to those convicted in connection with the acts of January 8, 2023. The veto was total and was sent to the National Congress for review in a joint session (Cf. Senado Federal, 2026).

On April 30, 2026, the Congress, gathered in joint session, **partially rejected the veto**-or, in the technically more appropriate terminology, **partially restored** the vetoed provisions. The vote count was striking: three hundred and eighteen to one hundred and forty-four in the Chamber of Deputies, and forty-nine to twenty-four in the Federal Senate, thus surpassing the absolute majority required by Article 66, § 4, of the Constitution in both Houses (Cf. Senado Federal, 2026; Agência Brasil, 2026).

The controversy, however, did not lie in the quorum, but rather in the deliberative technique adopted by the Presidency of the Congress. Senator Davi Alcolumbre, in his capacity as President of the Federal Senate and of the Directing Board of the National Congress, organized the vote through *destaques* (procedural highlights), removing from plenary deliberation items 4 to 10 of Article 1 of the bill-provisions that altered Article 112 of the Penal Execution Law and relaxed the regime progression rules-arguing they conflicted with the Anti-Faction Law, sanctioned in March 2026 (Cf. Senado Federal, 2026; Agência Brasil, 2026).

The government leadership, through the voice of Senator Randolfe Rodrigues, raised a question of order against the procedure, advancing the categorical thesis that, *"once the President of the Republic has vetoed, slicing up something is impossible because it is no longer the elaboration phase of the legislative process"*. The question of order was rejected, and the vote proceeded by *destaques*. On May 8, 2026, in light of the presidential inertia in promulgating the restored portion within the forty-eight-hour deadline, Senator Davi Alcolumbre himself promulgated the new law, on the basis of Article 66, § 7, of the Constitution (Cf. Senado Federal, 2026).

The case condenses, in a single episode, all the dimensions of the theoretical problem this Part I sets out to systematize: the nature of the veto, the division of preventive constitutional controls, the limits of congressional action in the review, and the function of "*interna corporis*" acts. It is essential, however, to clearly separate two distinct debates that became entangled in public opinion: the debate concerning the *legal validity* of the vote fractioning by *destaques*-the focus of this Part I-and the ontologically different debate concerning the *monocratic declaration of prejudice* by the Directing Board of the Congress, the subject of Part II.

2. From the Terminological Problem to its Dogmatic Repercussion

Brazilian legal language has consecrated the expression "*derrubada do veto*" ("veto override") to designate the act through which Congress reconsiders the contrary manifestation of the Head of the Executive. The expression is current, didactic, and widely disseminated, but it deserves critical revision. When Parliament decides to reconsider a veto, it is not annihilating an alien will: it is **reaffirming its own**, previously expressed in regular deliberation by both Houses. The proper verb, therefore, is not "*to override*", but "*to restore*"-restoring the law, the article, the paragraph, the item, or the subitem whose effectiveness was suspended by the presidential manifestation (Cf. Cavalcante Filho, 2025).

This terminological correction is not mere semantic whim. It conveys a precise institutional posture: the *Democratic Rule of Law* owes primary deference to the Legislative

Branch in the exercise of the law-making function, because there resides the direct representation of the people and of the federated entities. The Executive participates in the formation of law, but with derived and exceptional competence within the legislative procedure. Understanding this reorganizes the discussion concerning the limits of veto reconsideration.

3. The Presidential Veto: Nature and Modalities

3.1 Concept and Institutional Function

The veto consists of the formal manifestation of disagreement by the President of the Republic regarding a bill approved by the National Congress. It is an *act of non-participation* in the complementary phase of norm creation: by vetoing, the Head of the Executive refuses to ratify the text and returns the matter to the Legislature for review (Cf. Cavalcante Filho, 2025). It is an instrument typical of the system of checks and balances proper to the presidential regime, functioning as a mechanism of preventive constitutional control and political opportunity.

The veto, in Brazil, is juridically *relative*: it provisionally suspends the conversion of the text into law, but may be overcome by qualified parliamentary deliberation, unlike the *absolute veto* typical of classical constitutional monarchies. This relative character is structural; without it, the design of checks and balances would convert into a unilateral power of obstruction by the Executive (Cf. Cavalcante Filho, 2025).

The 1988 Constitution, in Article 66, § 1, authorizes the veto on two grounds: *unconstitutionality* (juridical veto) and *contrariety to public interest* (political veto). The grounds may coexist and must be communicated to the President of the Federal Senate within forty-eight hours, with a clear exposition of the reasons. Motivation is not decorative formality: it delimits the scope of disagreement and allows the Legislature to know precisely what is being challenged (Cf. Cavalcante Filho, 2025).

3.2 Modalities Regarding Extension: Total Veto and Partial Veto

As to extension, the veto may be **total**, reaching the bill in its entirety, or **partial**, affecting only specific provisions. In both cases, what is returned to the Legislature is the opportunity to assess whether to maintain the original deliberation or to accept the Executive's reasoning (Cf. Cavalcante Filho, 2025).

There is a specific formal limit for the partial veto, set forth in Article 66, § 2, of the Constitution: the contrary manifestation must fall upon the *integral text* of an article, paragraph, item, or subitem, never upon isolated words or loose expressions. This requirement prevents the President from modifying the bill via the surgical route of the veto, suppressing punctual terms and altering the meaning of what the Legislature approved. It is a rule that protects the integrity of the legislative text and the competence of Congress (Cf. Cavalcante Filho, 2025).

By way of illustration, suppose Congress approves an article admitting a given conduct *"on an exceptional basis and upon judicial authorization"*. The President cannot veto only *"upon*

judicial authorization", transforming an authorization into a mere waiver. Either the entire article is vetoed, or it is sanctioned in full. The rule preserves the internal coherence of the norm as conceived by Parliament.

3.3 Irretractability and the Absence of Modifying Power

The veto, once imposed, cannot be undone by the President himself. He neither *unvetoes* nor *re-vetoes*; what he can do, at most, is articulate politically so that Congress rejects it. Nor can the Head of the Executive, when sanctioning or vetoing, alter the content of the bill: there is no sanction with amendment, nor veto with suggestion of alternative wording. This restriction reinforces a structural directive: the Legislature writes the law; the Executive merely accepts or refuses the text presented to it (Cf. Cavalcante Filho, 2025).

4. Congressional Review: Constitutional Procedure and Procedural Discipline

4.1 Joint Session and Absolute Majority

Following the veto, the matter returns to the National Congress for consideration in joint session, pursuant to Article 57, § 3, IV, and Article 66, § 4, of the Constitution. The vote occurs simultaneously, but the votes of the Chamber and the Senate are computed *separately*, requiring an absolute majority in each House-two hundred and fifty-seven deputies and forty-one senators-for the veto to be rejected. The divergence of one of the Houses is sufficient to maintain the veto, mirroring the bicameral logic (Cf. Cavalcante Filho, 2025).

The constitutional deadline for deliberation is thirty days, counted, according to Article 104-A of the Joint Standing Rules, from the registration of the veto with the Presidency of the Senate. Once the deadline expires without consideration, Article 66, § 6, imposes the *suspension of the agenda* of joint sessions until the final vote, a mechanism designed to prevent parliamentary inertia from transforming omission into tacit maintenance of the presidential refusal.

4.2 Operationalization Through the Joint Standing Rules

The detailed procedural discipline of the review is found in Articles 104-A through 106-D of the Joint Standing Rules. Article 106 provides for the inclusion of vetoes in the Order of the Day with indication of the *"vetoed and sanctioned parts"*, an expression that demonstrates the object of consideration is *decomposable*: the rules do not treat the bill as an indivisible abstraction, but as a set of recognizable normative units. Article 106-B establishes nominal voting by ballot with identification of the parliamentarian; Article 106-C, in referring to "*item of the ballot*", reinforces that voting operates by items, and not in undifferentiated blocks (Cf. Brasil, [s.d.]).

Article 106-A provides that discussion of vetoes *"shall be conducted as a whole"*, a rule that must be read with technical precision. It disciplines the *discussion* phase, preventing indefinite repetition of debates, but does not automatically convert voting into an indivisible block. Discussion as a whole and fragmented voting are not incompatible: the Rules themselves, in sequence, regulate nominal voting and expressly admit *destaques* (Cf. Brasil, [s.d.]).

The decisive provision is Article 106-D of the Joint Standing Rules, which authorizes the submission of *destaques* of *individual or connected provisions* for consideration on the electronic panel, upon request by leaders, independently of plenary approval. The rule establishes proportionality between the size of the caucus and the number of admissible *destaques*. It is from this article, in conjunction with Article 66 of the Constitution, that the operational possibility of **partial restoration** of vetoed provisions is extracted (Cf. Brasil, [s.d.]).

5. Why Speak of Restoration, and Not of Override

5.1 Deference to the Legislature in the Rule of Law

The nomenclature "*veto override*" suggests a sort of battle between branches in which Congress prevails against the Executive. This linguistic framing, although consecrated by usage, distorts the constitutional sense of the act. Parliament does not override something foreign: it *reapproves what it had already approved*, and which momentarily remained on hold by force of a veto. The final word in the production of law belongs, by institutional design, to the Legislature, and the act expressing it is, properly, an act of **restoration** (Cf. Cavalcante Filho, 2025).

The terminological correction aligns with the principle of **deference to the Legislature**, which orients the contemporary Rule of Law. The primary function of legislating belongs to Parliament, and any reading that weakens this core must be justified by an express constitutional norm, not constructed by rhetorical inertia. Speaking of restoration is architectural fidelity to the Brazilian constitutional design, in which the Executive participates, but does not compete on materially equal footing with Congress in the production of legal norms.

5.2 The Veto as Participation in Preventive Constitutional Control

When the President vetoes a bill on grounds of unconstitutionality, he exercises true *preventive constitutional control*, acting before the norm enters the legal order. This participation is legitimate, provided for in Article 66, § 1, and functions as a complementary filter to the preventive control performed by Congress itself through its Constitution and Justice Committees. The system is deliberately *diffuse* in the pre-promulgation phase (Cf. Mendes; Branco, 2023).

To understand the position of Congress in this architecture, it is useful to distinguish three planes. The President of the Republic exercises preventive constitutional control through the juridical veto. The National Congress exercises preventive *political* control of qualified nature, by reconsidering the veto. The Federal Supreme Court (*STF*), finally, exercises *judicial* control, as a rule repressive, and, in exceptional hypotheses, formal preventive control over the due legislative process, through writ of mandamus filed by a parliamentarian (Cf. Barroso, 2022; Mendes; Branco, 2023).

The crucial question is to define to whom the *final word* in preventive control belongs. The answer lies in Article 66, § 4, of the Constitution: the veto, even the juridical one, may be rejected by Congress by absolute majority. The presidential judgment regarding

unconstitutionality is merely *provisional*; it is subject to the sovereign review of Parliament. Within the scope of preventive control, the final word belongs to the National Congress, not to the Executive (Cf. Cavalcante Filho, 2025).

A relevant precision is, however, in order. When stating that Congress holds the "final preventive word", one is not saying that Parliament holds the absolute word on the constitutionality of the law. Once promulgated, the norm may be submitted to judicial control by the STF. There is, therefore, a clear *temporal division*: the final preventive word is legislative; the final judicial word, when triggered after promulgation, belongs to the Judiciary (Cf. Barroso, 2022).

6. The Viability of Partial Restoration

6.1 The Constitutional Foundation: Absence of an Indivisibility Rule

The Constitution does not impose, anywhere, the *absolute indivisibility* of congressional consideration of the veto. Article 66, § 4, refers to rejection by absolute majority, without prescribing that the rejection must encompass all vetoed provisions in a single block. § 2, in turn, addresses the President of the Republic, limiting the partial veto to entire normative units, but does not discipline the manner in which Congress must decide on the veto. Confusing the *limit on presidential action* with the *limit on parliamentary deliberation* is the fundamental error of interpretations that preach the indivisibility of review (Cf. Cavalcante Filho, 2025).

The Constitution, moreover, expressly speaks, in Article 66, § 5, of *"the bill, or the vetoed part"* being sent for promulgation after rejection of the veto. The wording presupposes that rejection may fall upon parts of the vetoed set, and not only upon the whole. To deny this would mean rewriting the constitutional text to insert into it a rule it does not contain.

6.2 The Procedural Foundation and the Principle "to Highlight is Not to Rewrite"

The operational complement comes from Article 106-D of the Joint Standing Rules, which admits *destaques* of *individual or connected provisions* for consideration on the electronic panel. The expression is technically eloquent: in referring to "*individual or connected provisions*", the Rules authorize both the isolated voting of a single article, paragraph, item, or subitem, and the joint voting of normative blocks logically intertwined (Cf. Brasil, [s.d.]).

There is, however, a decisive implicit rule: **to highlight is not to rewrite**. The *destaque* is a technique for fractioning deliberation, not for textual innovation. By highlighting a provision, Congress does not create new wording, does not compose intermediate text, does not substitute the approved content with another. It merely separates that provision for specific consideration. Upon rejecting the veto on the highlighted provision, Parliament restores *exactly* the text it had already approved; upon maintaining the veto on another, it ceases to restore it. This *binary logic*-restore or shelve-protects the integrity of the legislative process (Cf. Brasil, [s.d.]; Cavalcante Filho, 2024).

The operational regulation was reinforced by a Joint Act of 2025, which standardized the use of the LexEdit system for drafting requests of *destaque* to vetoes, evidencing that this is institutionalized and routine practice, not casuistic improvisation (Cf. Brasil, 2025).

By way of practical example: suppose a bill contains fifteen articles and the President vetoes five of them. The sanctioned provisions enter into force immediately. Concerning the five vetoed provisions, Congress may, through *destaques*, reject the veto on three and maintain it on two. The three whose veto was rejected will be promulgated and integrated into the law; the two whose veto was maintained will remain shelved. This *decomposition* is constitutional, procedural, and rational.

6.3 Operational Synthesis: The Three Phases of the Procedure

The juridical-procedural operation can be described in three clear stages. First, the President vetoes the bill, totally or partially, expressly motivating the refusal. Second, the veto is submitted to the National Congress, in joint session, with discussion as a whole, nominal voting, and separate counting of votes. Third, Congress decides, by absolute majority of each House, whether to maintain the veto or to restore the approved text, being able to do so totally or partially, through *destaque* of individual or connected provisions, never altering the previously approved wording (Cf. Cavalcante Filho, 2025; Brasil, [s.d.]).

7. Critique of the Absolute Indivisibility Thesis: Cognitive Bias and Selective Literalism

Some sustain, with argumentative vigor, that a total veto would always be indivisible: either it is maintained as a block, or it is rejected as a block. The thesis, at first glance, may seem appealing for its simplicity-and it is precisely in this apparent appeal that its problem resides. When one carefully examines Article 66 of the Constitution, no rule imposing such indivisibility is to be found; what is found is the discipline of quorum and procedure, but not the prohibition of parliamentary *destaque* (Cf. Brasil, [1988]).

This type of reading tends to sustain itself through a phenomenon known in epistemology: the **confirmation bias**, that is, the cognitive tendency to select information that reinforces a prior conclusion and ignore that which contradicts it (Cf. Kahneman, 2012). Added to it is the **anchoring bias**-fixation on an initial premise, in this case the category "total veto", as if it itself answered the question concerning the congressional review procedure-and the so-called **fallacy of composition**, according to which what holds for the part (the limit on the partial presidential veto) would automatically extend to the whole (the parliamentary deliberation).

7.1 The "New Bill" Objection and Why It Does Not Hold

One of the most sophisticated versions of the indivisibility thesis maintains that the partial restoration of a total veto would be equivalent to the creation of a "*new bill*". The objection departs from a flawed premise. A *new bill* would exist if Congress, in the review, altered the content, modified the wording, introduced unforeseen exceptions, or created a normative solution not previously approved. But when Parliament merely decides that a given vetoed provision should return to the legal text *as originally approved*, there is no normative

innovation: there is mere reaffirmation of the original legislative deliberation (Cf. Cavalcante Filho, 2025).

The difference is technical but decisive. **To reaffirm is not to innovate**. Congress, in partially restoring vetoed provisions, does not exercise autonomous legislative creation competence; it exercises the *same competence* it had already exercised, now qualified by the reinforced quorum of absolute majority. The material result is exactly that which Congress had already approved.

7.2 STF Jurisprudence and Deference to "Interna Corporis" Acts

There is, moreover, a powerful institutional argument. The Federal Supreme Court has sustained, in consolidated jurisprudence, that purely procedural questions-the so-called "*interna corporis*" acts-are not, as a rule, subject to judicial control, except when the constitutional due legislative process is violated. **STF: MS 22,503/DF**, Rapporteur for the Decision Min. Maurício Corrêa, j. 1996; **STF: MS 24,041/DF**, Rapporteur Min. Nelson Jobim; **STF: MS 32,033/DF**, Rapporteur for the Decision Min. Gilmar Mendes, j. 06.20.2013; **STF: ADPF 378 MC/DF**, Rapporteur for the Decision Min. Roberto Barroso, j. 12.17.2015 (Cf. Brasil. STF, 1996; 2013; 2015).

The practical consequence is direct: the manner in which Congress operationalizes, internally, the voting of vetoes-including the admission of *destaques* of individual or connected provisions-lies, to a large extent, within the space of *autonomous procedural conformation* of the Legislature. Whoever sustains the unconstitutionality of the procedure must demonstrate direct violation of an express constitutional rule, and not merely disagree with the deliberative technique adopted. The *argumentative burden* falls on those who deny the possibility of *destaque*, not on those who affirm it.

Logic of Part I - Presidential Veto and Partial Normative Restoration

The logic of the system can be synthesized in a clear sequence. *First*, the primary function of legislating belongs to the National Congress, and the Constitution reserves to the Executive only derived participation in the complementary phase. *Second*, the presidential veto is an instrument of preventive constitutional control and political opportunity, but is merely provisional: the final preventive word belongs to Parliament, pursuant to Article 66, § 4, of the Constitution. *Third*, there is a precise temporal division between the controls: the final preventive word belongs to Congress; the final repressive word, if triggered after promulgation, belongs to the STF. *Fourth*, the expression "*veto override*" is figurative and imprecise; technically, what occurs is the **restoration** of the law, article, paragraph, item, or subitem previously approved. *Fifth*, the Constitution does not impose indivisibility of congressional consideration: Article 66, § 5, expressly speaks of "*vetoed part*", and Article 106-D of the Joint Standing Rules authorizes *destaques* of individual or connected provisions. *Sixth*, the principle that **to highlight is not to rewrite** applies: the *destaque* fractions deliberation, but does not innovate the text. *Seventh*, partial restoration does not create a "*new bill*"; it reaffirms the original deliberation. *Eighth*, the STF acknowledges, in its jurisprudence on "*interna corporis*"

acts, that the procedural operationalization of veto review belongs to the space of legislative self-conformation, except for direct violation of an express constitutional norm.

- **Overview Table - Part I**

Topic	Explanation
Presidential veto	Formal manifestation of disagreement by the Head of the Executive concerning a bill approved by Congress. It is not a power of modification, but of total or partial refusal to participate in the production of the norm.
Relative nature of the Brazilian veto	The veto is juridically relative. It provisionally suspends conversion into law, but may be overcome by qualified congressional deliberation.
Veto grounds (Art. 66, § 1, CF)	Unconstitutionality (juridical veto) and/or contrariety to public interest (political veto). They must be communicated to the President of the Senate within forty-eight hours.
Total veto	Falls upon the entirety of the bill. Returns to Congress the entirety of the text for review.
Partial veto	Falls upon parts of the bill. The sanctioned provisions enter into force immediately; the vetoed ones remain suspended.
Limit of the partial veto (Art. 66, § 2, CF)	Must encompass the entire text of an article, paragraph, item, or subitem. Veto over isolated words is prohibited. The limit is directed at the President, not at Congress.
Joint session (Art. 57, § 3, IV, CF)	The review takes place in joint session of the National Congress, presided over by the President of the Senate.
Quorum (Art. 66, § 4, CF)	Absolute majority in both Houses: two hundred and fifty-seven deputies and forty-one senators. A contrary vote in one of the Houses maintains the veto.
Tripartition of controls	President: preventive constitutional control through the veto. Congress: preventive political control through reconsideration. STF: repressive judicial control, and exceptionally formal preventive control over the due legislative process.
Final preventive word	Belongs to the National Congress. The presidential veto is provisional; the parliamentary deliberation is definitive on the preventive plane.

Restoration (instead of override)	Congress does not override the veto: it restores the law, article, paragraph, item, or subitem previously approved, reaffirming the original deliberation.
Partial restoration	Possible. Congress may reject the veto on some provisions and maintain it on others, through procedural *destaques*.
Principle "to highlight is not to rewrite"	The *destaque* fractions deliberation, but does not innovate the text. Restoring an approved provision does not create a new norm.
Refutation of the "new bill" objection	There is no legislative innovation when an already approved provision is restored. Innovation would exist only if there were alteration of wording.
Procedural foundation of *destaque* (Art. 106-D, RCCN)	Authorizes *destaque* of individual or connected provisions for consideration on the electronic panel, upon request by leaders.
Discussion as a whole (Art. 106-A, RCCN)	Rule directed at the discussion phase. It does not automatically convert voting into an indivisible block.
Limit of congressional action	Congress does not rewrite. It either restores the provision as approved, or maintains the veto and shelves the vetoed part.
Promulgation after rejection (Art. 66, § 5, CF)	The restored part proceeds to promulgation by the President within forty-eight hours; in his omission, by the President of the Senate.
"*Interna corporis*" acts	Procedural operationalization belongs to the space of legislative self-conformation, with consolidated deference from the STF.
Biases in literal interpretation	The absolute indivisibility thesis combines confirmation bias, anchoring bias, and the fallacy of composition.

Precedents Table - Part I

Item	Precedent
STF - MS 22,503/DF	Court: Federal Supreme Court. Rapporteur for the Decision: Min. Maurício Corrêa. Judgment: 1996. *Ratio decidendi*: "*interna corporis*" matters of the Legislative Houses are, as a rule, immune to judicial control; the Judiciary may only intervene in hypotheses of direct violation of the constitutional due legislative process. Application: the procedural operationalization of veto review lies within the space of self-conformation of the Congress.

STF - MS 24,041/DF	Court: Federal Supreme Court. Rapporteur: Min. Nelson Jobim. *Ratio decidendi*: confirmation of the doctrine of deference to procedural acts and the immunity from judicial review of internal questions, except for direct affront to the Constitution. Application: reinforces that the procedural technique of voting by *destaques* is a matter of primary competence of the Legislature.
STF - MS 32,033/DF	Court: Federal Supreme Court. Rapporteur for the Decision: Min. Gilmar Mendes. Judgment: 06.20.2013. *Ratio decidendi*: judicial preventive control of the legislative process is exceptional and pertains only to a parliamentarian, in cases of qualified violation of the Constitution. Application: disagreements concerning the organization of the vote do not, in themselves, authorize judicial intervention.
STF - ADPF 378 MC/DF	Court: Federal Supreme Court. Rapporteur for the Decision: Min. Roberto Barroso. Judgment: 12.17.2015. *Ratio decidendi*: established parameters of deference to the procedural design of Congress and to the autonomy of the Houses to set the procedure of deliberations, observing constitutional limits. Application: legitimizes the reading that Article 106-D of the Joint Standing Rules integrates the normative space of the Legislature's competence.
STF - ADI 1,254/RJ	Court: Federal Supreme Court. Rapporteur: Min. Celso de Mello. *Ratio decidendi*: the veto is an instrument of preventive constitutional control and political opportunity, with suspensive effects on the affected provisions until congressional deliberation. Application: reaffirms the provisional nature of the veto and the primacy of the Legislature in the final word concerning the text of the law.

PART II - THE CONCRETE DEFORMATION: PRESIDENTOCRACY OF THE DIRECTING BOARD AND THE MONOCRATIC CAPTURE OF PLENARY DELIBERATION

1. Transition: From the Abstract Plane to the Concrete Plane

Part I sustained, on the abstract plane, that the partial restoration of vetoed provisions is constitutionally and procedurally legitimate, in light of Article 66, § 5, of the Constitution and Article 106-D of the Joint Standing Rules. This argument, however, does not exhaust the problem. *An institutional figure may be legitimate in the abstract and, at the same time, be deformed in practice by the manner in which it is operationalized*. This is precisely the point the *PL da Dosimetria* case offers as critical contribution-and which Part II proposes to develop with analytical autonomy.

The warning is methodologically important. Whoever criticizes only in the abstract ends up confusing all objections under a single label, losing precision; whoever uncritically accepts the procedure, using abstract legitimacy as a safe-conduct against any questioning, abandons

institutional control over the Directing Board. The mature reading demands deference to the Legislature *and* vigilance against the personal capture of institutions, in simultaneous and complementary registers.

2. The Conceptual Category of Presidentocracy

Recent scholarship has coined the expression **presidentocracy** to describe the *hypertrophy of unipersonal decisions* by the presidents of the Legislative Houses to the detriment of the collegial function of Parliament (Cf. Gutier, 2026). The category was constructed by transposed analogy from the concept of **ministrocracy**, formulated by Arguelhes and Ribeiro (2018) to denounce the hypertrophy of individual decisions by Justices of the Federal Supreme Court to the detriment of the Court's collegiality. Between the two phenomena there is structural kinship-but also a *qualitative difference* that justifies the baptism of the new category.

In ministrocracy, there is an act to be challenged, a dissenting vote to be tallied, reasoning to be refuted; the Justice decides something, and the decision is, at least formally, appealable or contestable. In presidentocracy, monocracy operates in a darker register: *the matter does not even come into being for the collegiate body*. There is no dissenting vote-there is an *impeded vote*; there is no deformed decision-there is a *deliberation hijacked before existing*; the parliamentary monocratic silence is, by construction, indecipherable-and what cannot be deciphered cannot be controlled either (Cf. Gutier, 2026).

Where the Justice performs a challengeable act, the President of the House 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 further grants them the privilege of operating through silence. This qualitative difference-*act versus omission, decision versus prior filtering*-is what makes presidentocracy a structural aggravation of ministrocracy, and not a mere transposition (Cf. Gutier, 2026).

The pathology typically manifests itself on four fronts: the *monopolistic control of the Order of the Day*, which converts Article 48, VI, of the Internal Rules of the Federal Senate into an existential filter of deliberations; the *judgment of admissibility of impeachment denunciations*, which transforms the verb "*to receive*" (Art. 380, I, of RISF) into a monocratic decision; the *management of confirmation hearings of authorities* nominated by the Executive (Art. 383 of RISF), submitted to the political timing of the Directing Board; and the *automatic extension of Parliamentary Inquiry Committees* (Art. 152 of RISF), withheld through restrictive interpretation contrary to the literal procedural text (Cf. Gutier, 2026).

To this list, the *PL da Dosimetria* controversy adds a fifth front: the **monocratic declaration of prejudice** of provisions in the review of the presidential veto, an even less mapped manifestation of the same pathology, but equally incident upon the core of plenary deliberation. It is this new front that will be examined in the items that follow.

3. The Monocratic Declaration of Prejudice in the "Sentencing Calibration Bill" Case

Items 4 to 10 of Article 1 of PL 2,162/2023-relating to regime progression-were not merely voted separately by *destaque* in the concrete case: they were *excluded from plenary deliberation* by act of the Presidency of the Congress, on the argument of antinomy with the Anti-Faction Law. The difference between voting by *destaques* and excluding by declaration of prejudice is, from the institutional perspective, *abysmal*-and yet, frequently confused in public debate (Cf. Senado Federal, 2026; Agência Brasil, 2026).

In the first case, there is fractioning authorized by Article 106-D of the Joint Standing Rules: the Plenary decides on each provision, maintaining the veto on some and restoring others. In the second case, there is *prior subtraction*: the Plenary does not decide on the withdrawn provisions, because the Directing Board, by unilateral act, declared them outside the deliberation. The first hypothesis is procedural technique; the second, *a material decisional act on the content of the norm*. To confuse them is to obscure precisely the critical point.

Applying the diagnostic category, what occurred becomes clear. The Presidency of the Congress did not decide, in formal sense, "against" the restoration of the withdrawn provisions; it decided that *they would not be decided* by the Plenary. The Plenary could, sovereignly, through regular *destaques*, choose to restore them, maintain them as vetoed, or separate them for merit analysis. The prior subtraction, however, deprived it of the opportunity. What is configured, therefore, is not fractioning, but **filtering**; not *destaque*, but *prior blocking*-precisely the operation that critical scholarship diagnoses as the core of presidentocracy (Cf. Gutier, 2026).

4. Antinomy Between Laws and the Limits of the Agenda Power

The justification presented by the Presidency of the Congress for excluding the provisions was that the restoration would conflict with the Anti-Faction Law, sanctioned in March 2026. The argument is understandable from the perspective of systemic coherence, but encounters a serious institutional difficulty: *antinomy between laws is a problem of legal hermeneutics*, resolved by the chronological, hierarchical, and specialty criteria (*"lex posterior derogat priori"*, *"lex specialis derogat generali"*), and not a legitimate ground for excluding matter from the agenda *before* congressional deliberation (Cf. Gutier, 2026).

The difference between the two planes is structural. *Antinomy* is an interpretive problem, resolved by the Judiciary or by the very applier of the norm in concrete cases. *Deliberative agenda* is a procedural problem, governed by the Joint Standing Rules and submitted to the Plenary. To confuse the two planes is to displace to the Directing Board hermeneutic competence belonging to judges, and to do so, moreover, *before any concrete case has presented itself*-a movement that vastly exceeds the organizational power of the agenda.

The point is particularly delicate because, at the moment the Directing Board decides that a given provision "*cannot*" be restored due to conflict with a supervening law, it itself assumes *informal jurisdictional function*, anticipating a judgment of incompatibility that has not even been submitted to the scrutiny of the Plenary. The directive presidency thus transmutes itself

into *material decisional presidency*, crossing the boundary that separates *organizing* from *deliberating*. This crossing is, precisely, the operational mark of presidentocracy (Cf. Gutier, 2026).

The analysis does not seek to deny that, in borderline cases, situations of *legitimate prejudice* may exist-matters supervently rendered moot by tacit or explicit revocation, supervening loss of object, binding judicial decision. These cases, however, are extremely restricted, and even so must be submitted to the Plenary through a question of order with appeal, and *not decided monocratically*. The golden rule is: *when in doubt, deliberate*; the silence of the Directing Board cannot replace the will of the Plenary (Cf. Gutier, 2026).

5. Republican Asymmetry: The Duty of Justification and the Opacity of Omission

There is, moreover, a *republican asymmetry* worthy of emphasis. The Justice of the Federal Supreme Court has a constitutional duty of justification (Art. 93, IX, of the CF); the President of the Legislative House, in exercising the agenda power through omission or through declaration of prejudice, *needs to motivate nothing*-his omission is the act itself. This difference renders institutional control practically unfeasible: there is no justification to refute, no reasoning to confront, no argumentative burden to redistribute (Cf. Gutier, 2026).

The result is a "**negative decision without process**", in which constitutionally relevant matter dies in the antechamber of the Directing Board, without adversarial procedure, without vote, without collegial decision. In a Republic, the *desk drawer* cannot be a constitutional organ, and the presidential silence cannot replace the political or juridical judgment that the Constitution reserved to the representatives of the people and of the States (Cf. Gutier, 2026).

The image is eloquent. Imagine a conductor who, before each concert, secretly decided which pieces would not even be played-without consulting the orchestra, without exposing criteria, without rendering accounts. That, in metaphor, is the function performed by the agenda power in contemporary Brazilian Legislative Houses when distorted by presidentocracy. The function, conceived as directive and ceremonial, transmutes itself into a true *constitutional gatekeeper of the Republic*: the President of the House decides what enters the agenda, what waits, what sleeps in the drawer, and what never reaches the effective awareness of the parliamentarians.

6. The Crushed Federative Dimension

The institutional gravity grows when one observes the federative dimension of the problem. The Federal Senate is, by constitutional design (Art. 46 of the CF), the *House of the Federation*, and each seat represents a federated entity. When the Presidency of the Directing Board, by monocratic act, compresses the deliberation of the twenty-six States and the Federal District into a single individual will, even under acceptable procedural garb, what occurs is a *compression of federative representation* that far exceeds the immediate procedural problem (Cf. Gutier, 2026).

The pathology ceases to be merely parliamentary and reaches the *backbone of the federative pact*. Each matter filtered by the Directing Board before plenary deliberation is matter on which the States could not, through their representatives, manifest themselves. If the Constitution allocated to the Senate the competence of House of the Federation, and if each seat corresponds to a sovereign vote of a federated entity, the compression of this plurality into a single act of the Presidency subverts, in practice, the Brazilian federative design. It is not enough to say that Senator Davi Alcolumbre represents, himself, the State of Amapá; it must be said that, at the moment he acts as President of the Directing Board, *he directs-but does not replace*-the other twenty-six federative representatives.

The model is especially perverse because it operates under the *appearance of institutional normalcy*. The sessions continue, the speeches occur, the ordinary votes proceed, the liturgy is preserved-but the structurally decisive matters lie under the control of a solitary will. What is configured is the so-called **surface democracy**: the Plenary exists, but only deliberates on what the Presidency permits to exist as deliberation (Cf. Gutier, 2026).

7. STF and Mitigated Deference to "*Interna Corporis*" Acts

The jurisprudence of the Federal Supreme Court, although traditionally deferential to "*interna corporis*" acts (**STF: MS 32,033/DF**, Rapporteur for the Decision Min. Gilmar Mendes, j. 06.20.2013), has recognized punctual exceptions when subjective right of a parliamentarian is violated or the Constitution is directly affronted. Cases such as **STF: MS 24,831/DF** (Rapporteur Min. Celso de Mello, j. 06.22.2005), in which the creation of a Parliamentary Inquiry Committee was affirmed as the public subjective right of qualified minority, and **STF: MS 26,441/DF** (Rapporteur Min. Celso de Mello, j. 04.25.2007), which prohibited the frustration of investigations through deliberate inertia of leaderships, demonstrate that procedural deference is *not absolute* (Cf. Brasil. STF, 2005; 2007; 2013).

Other precedents reinforce the thesis of mitigated deference. **STF: MS 33,558/DF** (Rapporteur Min. Celso de Mello, j. 05.13.2015) addressed questions concerning the processing of impeachment denunciations, reaffirming that the judgment of admissibility cannot convert itself into an arbitrary obstacle to the exercise of constitutional competence. **STF: ADI 6,524/DF** (Rapporteur Min. Gilmar Mendes, j. 12.14.2020) prohibited the reelection of the President of the Senate and the President of the Chamber to the same position in the subsequent legislature, sustaining alternation in power as a structural republican principle and recognizing that the perpetuation in the presidency of the Houses concentrates power in a manner incompatible with democratic collegiality (Cf. Brasil. STF, 2015; 2020). It is a *frontal precedent against the perpetuation of presidentocracy*.

The conjoint reading of these precedents signals that there is, indeed, jurisdictional space-albeit minimal and exceptional-to curb the gravest abuses of monocratic agenda power. The STJ, in turn, in **RMS 47,106/AM** (Rapporteur Min. Mauro Campbell Marques, j. 08.25.2015), has reaffirmed that "*interna corporis*" acts of state and municipal Legislative Houses do not escape jurisdictional control when they violate due legislative process, collegiality, or

subjective rights of parliamentarians-doctrine directly transposable, *"a fortiori"*, to the Federal Senate and the Chamber of Deputies (Cf. Brasil. STJ, 2015).

- ***Logic of Part II - Presidentocracy and the Monocratic Capture of Deliberation***

The logic of the institutional diagnosis can be synthesized as follows. *First*, the abstract legitimacy of partial restoration, sustained in Part I, does not exclude the possibility of concrete deformation in the manner of its operationalization by the Directing Board. *Second*, the conceptual category of presidentocracy (Gutier, 2026), constructed by transposed analogy from ministrocracy (Arguelhes; Ribeiro, 2018), describes the hypertrophy of unipersonal decisions by the presidents of the Legislative Houses to the detriment of parliamentary collegiality. *Third*, the structural aggravation of presidentocracy in relation to ministrocracy stems from the difference between *decisional act and silent omission*: in the former there is justification to refute; in the latter, only opacity. *Fourth*, in the *PL da Dosimetria* case, the monocratic declaration of prejudice of items 4 to 10 of Article 1 was not fractioning authorized by Article 106-D of the RCCN, but **prior filtering** that hijacked plenary deliberation. *Fifth*, antinomy between laws is a hermeneutic problem, and not a legitimate ground for prior exclusion of matter from the agenda. *Sixth*, the absence of a duty of justification of the Presidency of the Directing Board, in contrast with the constitutional duty of justification of judges (Art. 93, IX, of the CF), generates a republican asymmetry that hinders institutional control. *Seventh*, the federative dimension of the Senate makes the problem even more serious, because the monocratic compression of the agenda crushes the representation of the twenty-six States and the Federal District. *Eighth*, the STF, although traditionally deferential to "*interna corporis*" acts, admits exceptions when subjective right of a parliamentarian is violated, opening restricted but real jurisdictional space to curb abuses. *Ninth*, the correct procedural strategy, in the concrete case, is not to sustain the absolute indivisibility of the veto, but the *monocratic usurpation by the Directing Board*.

- ***Integrating Conclusion***

The analytical bipartition performed in Parts I and II is not merely an expository move: it is an *institutional requirement*. The mature reading of the *PL da Dosimetria* case demands deference to the Legislature *and* vigilance against the personal capture of institutions, in simultaneous and complementary registers.

Part I demonstrated that the partial restoration of vetoed provisions is, in the abstract, constitutionally and procedurally legitimate: Article 66, § 5, of the Constitution speaks of "*vetoed part*", and Article 106-D of the Joint Standing Rules expressly authorizes the *destaque* of individual or connected provisions. The thesis of the absolute indivisibility of the veto, sustained by the government in the concrete case, does not survive technical examination-fed as it is by confirmation bias, anchoring bias, and the fallacy of composition. The Constitution did not impose indivisibility; it imposed only qualified quorum. On this plane, *deference to Congress is the institutionally correct posture*.

Part II, in turn, demonstrated that this abstract legitimacy does not immunize the concrete procedure against deformation. The *PL da Dosimetria* case combined, in practice,

two distinct movements: the **fractioning of the vote by *destaques***-perfectly legitimate-and the **monocratic declaration of prejudice** of items 4 to 10 of Article 1-a typical manifestation of the pathology that scholarship names presidentocracy (Gutier, 2026). The Directing Board removed matter from plenary deliberation by unilateral act, on the argument of normative antinomy, crossing the boundary that separates *organizing* from *deliberating*. On this plane, *vigilance against monocracy is the institutionally correct posture*.

The synthesis is eloquent: **Congress may partially restore the veto; the Directing Board may not, monocratically, subtract provisions from plenary deliberation**. The first proposition protects deference to the Legislature; the second protects parliamentary collegiality against its internal distortion. The two, conjugated, restore the republican design that the 1988 Constitution sought to institute.

There remains, moreover, a methodological lesson for the legal community examining the case. From the *substantive* perspective, there is indeed something to question; from the *procedural* perspective, one must question the *right thing*. Whoever brings to the STF the thesis of absolute indivisibility faces consolidated jurisprudence and procedural text expressly contrary. Whoever brings the thesis of monocratic usurpation by the Presidency of the Directing Board, on the contrary, finds robust scholarly support and precedents protecting the subjective right of parliamentarians against abuses of the agenda power. *Choosing the wrong thesis is to lose the case before even discussing it*-and that, perhaps, is the greatest practical lesson the *PL da Dosimetria* case leaves for Brazilian constitutionalism.

Overview Table - Part II

Topic	Explanation
Presidentocracy	Conceptual category designating the hypertrophy of unipersonal decisions by the presidents of the Legislative Houses to the detriment of parliamentary collegiality. Constructed by transposed analogy from ministrocracy.
Ministrocracy (matrix analogy)	Hypertrophy of individual decisions by Justices of the STF to the detriment of the Court's collegiality (Arguelhes; Ribeiro, 2018). Pathology already mapped and starting point for presidentocracy.
Structural aggravation	In ministrocracy, there is an act to refute; in presidentocracy, there is omission protected by opacity. There is no dissenting vote-there is an *impeded vote*.
Monocratic declaration of prejudice	Concrete manifestation of presidentocracy in veto review: the Directing Board removes provisions from plenary deliberation by unilateral act, on the argument of normative antinomy.

Distinction between fractioning and filtering	To fraction is a procedural technique authorized by Art. 106-D of the RCCN. To filter is prior subtraction from deliberation. The first is legitimate; the second is deformation.
Antinomy between laws	Hermeneutic problem, resolved by the chronological, hierarchical, and specialty criteria. It is not a legitimate ground for excluding matter from the agenda.
Republican asymmetry	The Justice of the STF has a constitutional duty of justification (Art. 93, IX, CF); the President of the Directing Board, in exercising agenda power through omission, needs to motivate nothing.
Negative decision without process	Constitutionally relevant matter dies in the antechamber of the Directing Board, without adversarial procedure, vote, or collegial decision.
Crushed federative dimension	The Senate is the House of the Federation (Art. 46, CF). The monocracy of the Directing Board compresses the representation of the twenty-six States and the Federal District into a single will.
Surface democracy	Apparently normal model (sessions, speeches, ordinary votes) in which structurally decisive matters lie under the control of a solitary will.
Fiduciary function of the Presidency	The presidency of the Legislative Houses is a fiduciary function-it administers competences in the name of the institution, never in its own name. Capture converts office into private possession.
Procedural textual antidotes	Articles 167, 171, and 412, VII, of the RISF set parameters for presidential discretion. Their systematic violation empties the House as a deliberative collegiate body.
Question of order as fragile remedy	Articles 403-408 of the RISF provide for question of order with appeal to the plenary, but the initial decision belongs to the very President being challenged.
STF's mitigated deference	The jurisprudence admits exceptions to "*interna corporis*" deference when there is violation of subjective right of a parliamentarian or direct affront to the Constitution.
Correct procedural strategy	Not to sustain the absolute indivisibility of the veto, but the monocratic usurpation by the Presidency of the Directing Board, with scholarly and jurisprudential support.
Structural solutions	Procedural reform to automate inclusions in the agenda by absolute majority; peremptory deadlines for the Directing Board;

	strengthening of question of order with *ex officio* appeal; republican culture.

Precedents Table - Part II

Item	Precedent
STF - MS 24,831/DF	Court: Federal Supreme Court. Rapporteur: Min. Celso de Mello. Full Court. Judgment: 06.22.2005. *Ratio decidendi*: the creation of a Parliamentary Inquiry Committee is the public subjective right of qualified parliamentary minority (1/3), assured by Art. 58, § 3, of the Constitution. The obstruction, by the conjunctural majority or by the President of the House, of the regular establishment of a duly requested CPI configures direct violation of the parliamentarian's right-function. Application: if creation is a subjective right, any monocratic act that frustrates the right of parliamentary minority may be, *a fortiori*, judicially controlled.
STF - MS 26,441/DF	Court: Federal Supreme Court. Rapporteur: Min. Celso de Mello. Full Court. Judgment: 04.25.2007. *Ratio decidendi*: reaffirmed the doctrine of CPIs as a minority right, prohibiting the instrumentalization of the rules to frustrate regularly requested investigations. Application: the legislative majority, through deliberate inertia of its leaders, cannot frustrate the exercise, by minority groups, of the constitutional right to parliamentary investigation. Principle directly transposable to veto review.
STF - MS 32,033/DF	Court: Federal Supreme Court. Rapporteur for the Decision: Min. Gilmar Mendes. Full Court. Judgment: 06.20.2013. *Ratio decidendi*: judicial control of "*interna corporis*" matter is, as a rule, prohibited, except when there is direct violation of constitutional provision or of subjective right of parliamentarian. Application: the precedent, although frequently invoked to defend non-interference in the Houses, opens relevant exceptions in hypotheses where the presidential agenda power violates the right-function of parliamentarians.
STF - MS 33,558/DF	Court: Federal Supreme Court. Rapporteur: Min. Celso de Mello. Monocratic decision. Judgment: 05.13.2015. *Ratio decidendi*: the judgment of admissibility exercised by the Legislative Houses cannot convert itself into an arbitrary obstacle to the exercise of constitutional competence. Application: the Judiciary admits the safeguarding against manifest abuses in the handling of agenda power.
STF - ADPF 378 MC/DF	Court: Federal Supreme Court. Rapporteur for the Decision: Min. Roberto Barroso. Full Court. Judgment: 12.17.2015. *Ratio decidendi*: the President of the Legislative House exercises judgment of admissibility, but within

	constitutional parameters, not being able to convert itself into arbitrary or purely political-personal judgment. Application: principle extendable to the handling of agenda power in veto review.
STF - MS 34,530 MC/DF	Court: Federal Supreme Court. Rapporteur: Min. Luiz Fux. Monocratic decision. Judgment: 12.14.2016. *Ratio decidendi*: granted preliminary injunction to remove a Senator from the presidency of the House due to criminal proceedings, reaffirming that the exercise of an institutional command position is subject to constitutional parameters. Application: the presidential function of the Legislative Houses, far from being procedurally untouchable, is subject to constitutional parameters.
STF - ADI 6,524/DF	Court: Federal Supreme Court. Rapporteur: Min. Gilmar Mendes. Full Court. Judgment: 12.14.2020. *Ratio decidendi*: prohibited the reelection of the President of the Senate and of the President of the Chamber to the same position in the subsequent legislature, sustaining alternation in power as a structural republican principle. Application: frontal precedent against the perpetuation of presidentocracy.

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