CONSTITUTIONAL LAW 1, ATTY. UNTALAN

CASE DIGEST (EXECUTIVE DEPARTMENT)

1. **Marcos vs. Manglapuz, G.R. No. 88211, September 15, 1989**

After being ousted in 1986, former President Ferdinand Marcos and his family were in exile abroad and sought to return to the Philippines. President Corazon Aquino, through Executive Secretary Manglapus and other officials, **refused to allow their return** and the issuance of travel documents, saying their homecoming could threaten **national security and public order**. The Marcoses went to the Supreme Court via mandamus/prohibition, claiming constitutional rights (due process/right to travel/return).

Issue: whether the **President has power** to bar their return.

Ruling: the Court sustained the President—this was not something resolved by looking only at liberty of abode/right to travel, because the situation was extraordinary and implicated the President's duty to protect the general welfare; the President may rely on **residual/unstated powers** implicit in the executive function to safeguard national interest, and courts review only for **grave abuse of discretion**. Finding factual bases for the President's security assessment, the Court would **not supplant** executive judgment and thus denied the petition.

Doctrine: the President has **implied/residual powers** to act for national security/general welfare even if not expressly enumerated, and the Court will not interfere absent **arbitrariness or grave abuse of discretion**.

2. **Laurel vs. Garcia, G.R. No. 92013, July 25, 1990***

***Laurel v. Garcia*, G.R. No. 92013 (July 25, 1990)**

FACTS (quick flow): The case involved the government's planned sale of a Philippine property in Roppongi, Japan (used for official/diplomatic purposes). Petitioners (including Senator Laurel) challenged the Executive's move to dispose of it, arguing it was **property of public dominion** and could not be sold just because the government allegedly no longer needed it. The dispute centered on whether the property had legally become alienable (i.e., converted into patrimonial property) and whether the Executive could sell it without Congress.

ISSUE: Can the Executive sell the Roppongi property without (1) a formal act withdrawing it from public use (public dominion) and (2) legislative authority authorizing its sale?

RULING: No. The Court held the property remained **property of public dominion**, so it was **not for sale** unless it is first **formally withdrawn/abandoned from public use** by a proper act (not mere non-use or intention), **and** there must be **legislative authority** allowing the sale. Without these, the proposed disposition is invalid.

DOCTRINE (recit-ready): Government property devoted to public service (including diplomatic/official use abroad) is **property of public dominion** and is **outside commerce**; it does **not** become patrimonial just because the Executive wants to sell it or claims it is unused. To validly sell it, there must be **(a) a definite act withdrawing it from public use (abandonment/withdrawal)** and **(b) a law or legislative authority authorizing the sale**.

3. Brillantes vs. COMELEC, G.R. No. 163556, June 8, 2004

FACTS: In the 2004 national elections, COMELEC issued a resolution creating an "electronic transmission and consolidation of advanced results," basically an **unofficial quick count** that would electronically transmit and tally partial "advance results" for public viewing. Brillantes, as voter and taxpayer, went to the Supreme Court and argued COMELEC had **no constitutional or statutory authority** to conduct this kind of unofficial canvass, and that using public money for it was also illegal.

ISSUE: Whether COMELEC could lawfully implement an "unofficial" electronic quick count and spend public funds for it.

RULING: The Court **struck it down**, ruling that COMELEC cannot conduct an activity **not authorized by the Constitution or by statute**, especially one that effectively intrudes into the constitutionally assigned canvassing function for President and Vice-President; and it also stressed that **public funds cannot be spent without an appropriation made by law**.

DOCTRINE: COMELEC's powers are broad but **not unlimited**—it may only do what the Constitution and statutes authorize; it cannot create

an “unofficial canvass/quick count” by mere resolution, and government spending must rest on lawful authority and appropriation.

4. Pimentel vs. Congress, G.R. No. 163783, June 22, 2004

📌 FACTS

- After the 2004 elections, there was a dispute on who should represent the Senate in the **Commission on Appointments (CA)**.
- Senator Aquilino Pimentel Jr. questioned the composition made by Congress.
- He argued that the membership did **not follow proportional representation** based on political parties in the Senate.
- He filed a case before the Supreme Court to challenge this.

❓ ISSUE

- **Did Congress violate the Constitution** by not following proportional representation in appointing members to the Commission on Appointments?

⚖️ RULING

- **YES. The Supreme Court ruled in favor of Pimentel.**
- The Court said that the Constitution requires **proportional representation of political parties** in the Commission on Appointments.
- Congress **cannot ignore or manipulate this rule**.
- The CA composition must reflect the **actual party distribution in the Senate**.

📖 DOCTRINE (Key Principle)

- The **Commission on Appointments must reflect proportional representation** of political parties in Congress.
- This rule is **mandatory**, not optional.
- Congress **cannot circumvent or alter** this constitutional requirement.

---

5. Makalintal vs. COMELEC, G.R. No. 157013, July 10, 2003

FACTS

- Congress passed **RA 9189 (Overseas Absentee Voting Act of 2003)** to implement **overseas absentee voting (OAV)** for qualified Filipinos abroad.
- Atty. Romulo Macalintal filed a **petition for certiorari and prohibition**, assailing certain provisions of RA 9189 as unconstitutional.
- Key objections included:
    1. allowing some Filipinos abroad (including immigrants/permanent residents) to vote despite residency requirements;
    2. allowing COMELEC to proclaim winners for certain national positions (implicating Congress's role in proclaiming the President/VP); and
    3. creating a **Joint Congressional Oversight Committee** that could review/approve COMELEC's IRR, allegedly impairing COMELEC's independence.

ISSUE

Whether the assailed portions of RA 9189 are unconstitutional—particularly:

1. whether overseas absentee voting violates the **constitutional residency requirement** for voters; and
2. whether Congress, through an oversight committee, may **review/approve COMELEC's IRR** without violating COMELEC's constitutional independence.

RULING (what the Court held)

1. **Overseas absentee voting is constitutional.**
   The Constitution itself allows Congress to provide a system for absentee voting, which operates as an exception to the usual residency requirement for voters.

2. **Congress cannot review/approve COMELEC's IRR.**
   A joint congressional oversight committee cannot be given power to "review, revise, amend, and approve" COMELEC's implementing rules because that **intrudes into COMELEC's constitutional independence**.

3. **On proclamation concerns:** the Court emphasized constitutional boundaries—i.e., **Congress' exclusive role** in canvassing/proclaiming

the **President and Vice-President** cannot be displaced by statute.

DOCTRINE (what you must remember)

- **Overseas absentee voting is constitutionally authorized**: **Section 2, Article V** of the 1987 Constitution is an **exception to the residency requirement** in Section 1, Article V, allowing Congress to establish OAV for qualified Filipinos abroad, including immigrants/permanent residents who have not abandoned Philippine domicile.
- **COMELEC's independence is protected**: Congress may not create mechanisms (like an oversight committee) that **review/approve or effectively control COMELEC's IRR**, because COMELEC is a constitutional commission whose independence cannot be impaired by statute.
- **Constitutional allocation of canvassing/proclamation powers must be respected**, particularly for President/VP.

---

6 . Senate vs. Ermita, G.R. No. 169777, April 20, 2006*

FACTS

After political controversies, President Gloria Macapagal Arroyo issued **Executive Order No. 464 (EO 464)**.
This order required **government officials to get presidential consent before appearing in Senate hearings**.

The **Senate** challenged EO 464, saying it blocks their **power to conduct investigations in aid of legislation**.

❓ ISSUE

Is EO 464 constitutional, particularly in limiting officials from attending Senate hearings?

⚖️ RULING

PARTLY unconstitutional.
The Supreme Court struck down key parts of EO 464.

👉 The President **cannot prevent officials from attending Senate inquiries**.
👉 But the President may invoke **executive privilege** in specific cases.

📌 DOCTRINE (Key principle)

- The Senate has the power to conduct **inquiries in aid of legislation**.
- The President cannot issue a blanket order stopping officials from attending.

- However, **executive privilege may be invoked**, but only on a **case-to-case basis with proper justification**.

---

7. Neri vs. Senate Committee, G.R. No. 180643, March 25, 2008*

FACTS (recit-ready)

The Senate Committees investigated the NBN-ZTE broadband deal through a legislative inquiry in aid of legislation. Former NEDA Director-General Romulo Neri was called to testify and answered some questions, but he refused to answer three questions allegedly involving his conversations with President Arroyo: (1) Did the President follow up the project? (2) Were you told to prioritize ZTE? (3) Did the President say to proceed even after being told about an alleged bribe? The Executive Secretary invoked **executive privilege "by order of the President."** The Senate cited Neri in contempt for refusing to answer. Neri went to the Supreme Court to stop the contempt and to uphold the executive privilege claim. (Based on internal knowledge of Philippine law.)

ISSUE
Whether Neri may validly refuse to answer the three questions because they are covered by executive privilege (presidential communications privilege), and whether the Senate gravely abused discretion in citing him in contempt. (Based on internal knowledge of Philippine law.)

RULING
Yes. The Court held that the **three questions are covered by presidential communications privilege**, and the Senate Committees **gravely abused their discretion** in issuing the contempt order against Neri despite the proper invocation of privilege. The privilege is **qualified**, but the Senate did not show a **compelling/critical need** for the specific information and that it was **unavailable from other sources**.

DOCTRINE (what to memorize)

1. **Presidential communications privilege (a form of executive privilege)** covers **confidential communications between the President and close advisers** relating to **presidential decision-making**, including matters tied to **quintessential/non-delegable**

presidential powers (e.g., sensitive foreign relations). This is to protect candid advice and effective executive action.

2. The privilege is **presumptively recognized but not absolute**. It may be overcome only upon a **showing of compelling need**—that the information is **critical** to the requesting body's function and **cannot be obtained elsewhere**.
3. **Only the President may invoke it**, although the President may authorize the **Executive Secretary** to invoke it **"by order of the President,"** meaning there was personal consultation/authority from the President.

8. AKBAYAN vs. Aquino, G.R.No.170516, July 16, 2008*

⚖️ FACTS

- NGOs (Akbayan), citizens, taxpayers, and members of the House of Representatives sued government officials (DTI, DFA, etc.)
- They demanded the **full text of JPEPA** (Japan-Philippines Economic Partnership Agreement) **PLUS the Philippine and Japanese "offers"** exchanged during negotiations
- They claimed the government's refusal violated their **constitutional right to information on matters of public concern**
- Petition filed Dec. 2005 while JPEPA was still being negotiated; JPEPA was signed Sept. 2006 and made public; Senate was still deliberating ratification when case was decided

❓ ISSUE

"Does the public's constitutional right to information on matters of public concern require the government to disclose the offers and counter-offers exchanged during diplomatic negotiations, even after the treaty is signed?"

Sub-issues:

1. Do petitioners have legal standing? ✅ Yes
2. Is the petition moot? ✅ Partially (full text already public)
3. Does executive privilege cover diplomatic negotiation documents? ✅ Yes

---

⚖️ RULING (The Court Said...)

Demand	Ruling	Reason
Full text of JPEPA	✕ **MOOT**	Already made public on Sept. 11, 2006 www.digest.ph
Offers/counter-offers	✕	Covered by **executive**

Demand	Ruling	Reason
during negotiations	**DENIED**	**privilege** on diplomatic negotiations www.studocu.com

Key Holdings:

1. Petitioners HAVE standing—citizens can sue to enforce the right to information without showing special interest
2. JPEPA IS a matter of public concern—but that alone doesn't overcome privilege
3. **Diplomatic negotiations are PRESUMPTIVELY PRIVILEGED** under executive privilege
4. To overcome privilege, petitioners must show a **compelling public interest**—they failed to do so
5. The privilege applies even to members of Congress—treaty negotiation is exclusively the President's power (Senate only concurs on final treaty)

🎯 **DOCTRINE**

"Diplomatic negotiations are recognized as privileged in this jurisdiction. While the right to information is constitutional, it is NOT absolute. Executive privilege may validly limit disclosure of offers, counter-offers, and deliberative materials exchanged during treaty negotiations—even after signing—to preserve candid diplomacy and future negotiating ability."

---

9. Civil Liberties Union vs. Executive Secretary, G.R. No. 83896, February 22, 1991

FACTS

President Aquino issued **Executive Order No. 284 (EO 284)** allowing **Cabinet members, Undersecretaries, Assistant Secretaries, and other officials** to **hold other government offices/positions** (typically in GOCCs or government boards), **in addition to their primary offices**, subject to conditions.

Petitioners (Civil Liberties Union, etc.) challenged EO 284 as unconstitutional for violating the Constitution’s stricter rule against multiple offices for these Executive officials. The government argued that many of these were **ex officio** memberships needed for coordination and were traditionally allowed.

ISSUE

Whether EO 284 is constitutional insofar as it authorizes the President’s Cabinet members (and their deputies/assistants) to hold

any other office or employment in government, beyond what the Constitution itself permits.

RULING

EO 284 was **declared unconstitutional**, **to the extent** that it allows Cabinet members, their deputies, and assistants to hold other offices/positions **not allowed by the Constitution**.

The Court held that **Sec. 13, Art. VII** imposes a **stricter** prohibition: these officials **"shall not"** hold any other office or employment during their tenure, **unless the Constitution itself expressly allows it**. The President cannot create additional exceptions by executive issuance.

However, the Court recognized that **ex officio** positions **required by the primary office** (and **without additional compensation**) are not the kind of "other office" the Constitution meant to prohibit.

DOCTRINE (what to recite)

1. **Stricter "no other office" rule for top Executive officials.**
   Under **Sec. 13, Art. VII**, the **President, Vice-President, Cabinet members, and their deputies/assistants** are **prohibited from holding any other office or employment** during tenure, **except those expressly allowed by the Constitution**. The only exceptions are **constitutional**, not statutory or executive.
2. **Ex officio positions may be allowed (limited sense).**
   The prohibition does **not** cover **ex officio** posts that are **inherent/necessary** to the primary office (e.g., board memberships attached by law to the office for coordination), **so long as there is no additional compensation** beyond the official's main salary.

---

10. Public Interest Center Inc. vs. Elma, G.R. No. 138965, June 30, 2006

FACTS

Magdangal Elma was appointed **Chairman of the PCGG** in 1998.
While still PCGG Chair, he was later appointed **Chief Presidential Legal Counsel (CPLC)** in 1999 and took an oath for that post; he claimed he **waived additional pay**.
Public Interest Center, Inc. and others filed **certiorari/prohibition/mandamus** to nullify the **concurrent appointments**, arguing they violate the constitutional bans on holding

multiple offices and on incompatible offices, and citing *Civil Liberties Union v. Executive Secretary*.
The government argued (among others) that the stricter ban under **Art. VII, Sec. 13** applies only to **heads of executive departments and their undersecretaries/assistant secretaries**, and that under **Art. IX-B, Sec. 7(2)**, concurrent posts may be allowed if permitted by law or by the primary functions of the office.

ISSUE
Whether Elma's **simultaneous holding** of **PCGG Chairman** and **CPLC** is **constitutionally prohibited**—particularly because the two positions are **incompatible** and/or covered by constitutional bans on multiple offices.

RULING
The Court held the concurrent holding is **unconstitutional** because the offices are **incompatible** under **Art. IX-B, Sec. 7(2)** (prohibition against holding multiple offices when not allowed by law or when incompatible).
The Court explained that as CPLC, Elma would be required to **review/draft executive legal issuances** and may have to **give legal opinions** or review investigations that could involve his own actions as PCGG Chair—creating an obvious conflict and raising impartiality concerns.

DOCTRINE (what to recite)
1. **Incompatibility of offices rule (constitutional + common-law concept).**
   Even if an official claims he will **waive compensation**, concurrent holding is still barred when the functions of the two posts **conflict** or place the officer in a position of **reviewing his own acts** or otherwise impair impartiality; this violates **Art. IX-B, Sec. 7(2)**.
2. **Waiver of salary does not cure unconstitutionality.**
   The problem is not primarily the pay—it is the **holding of incompatible offices** and the resulting conflict-of-interest/integrity concerns.
3. **The Court may still decide despite supervening events when the issue is capable of repetition (context).**
   Later jurisprudence cites *Elma* as an example where the Court still ruled although the officer later ceased holding both positions, because the issue was **capable of repetition**.

---

11. Funa vs. Acting Secretary, G.R. No. 191644, February 19, 2013
FACTS

Alberto C. Agra, who was then **Government Corporate Counsel**, was **designated in an acting capacity** as **Acting Solicitor General**. Later, he was also **designated as Acting Secretary of Justice**, while still holding the acting Solicitor General post (and, at some point, his GCC post was also in the picture based on the parties' differing narratives). Dennis Funa challenged the **concurrent holding of two executive posts** (even if "acting/temporary") as violating the constitutional ban on multiple offices. The Court treated as settled that Agra **admitted** holding **two offices concurrently in acting capacities**, which was enough to resolve the constitutional issue.

ISSUE

Whether the President may **designate** a covered executive official to **simultaneously hold two offices in an acting/temporary capacity**, despite the constitutional prohibition on holding "any other office or employment."

RULING

No. The Court held that **Section 13, Article VII** of the 1987 Constitution is a **strict prohibition**: the **President, Vice-President, Cabinet members, and their deputies or assistants shall not** hold any other office or employment during their tenure **unless expressly allowed by the Constitution**.

The ban **cannot be avoided** by labeling the second post as **acting** or **temporary**. What matters is that the official **holds another office/employment** while occupying a covered position.

DOCTRINE (what to recite)

1. **Art. VII, Sec. 13 is strict;** The constitutional ban on holding **any other office or employment** applies even to **acting/temporary designations**; the Constitution allows only **express constitutional exceptions**, not exceptions created by practice or convenience.
2. **Admission of concurrent holding is enough to reach the constitutional question.** Even if parties disagree on details, once it is settled that the official **concurrently held two offices**, the Court may resolve the constitutional issue.

12. Doromal vs. Sandiganbayan, G.R. No. 85468, September 7, 1989

✅ **FACTS**

Doromal was a public official charged before the Sandiganbayan for violating the Anti-Graft law.
He questioned the **validity of the information**, arguing that it did not properly allege all the elements of the crime and that the case should be dismissed.

❓ **ISSUE**

Whether the **Information (charge)** filed against Doromal was **sufficient and valid**.

⚖️ **RULING**

The Supreme Court ruled that the **Information was sufficient**.
It held that as long as the **essential elements of the offense are stated**, even if not in perfect detail, the case can proceed.

📌 **DOCTRINE**

An **Information is valid** if it clearly states the **essential elements of the crime** so the accused can understand the charge and prepare a defense. Technical defects or lack of detail **do not automatically invalidate** the case.

13. Dela Cruz vs. Commission on Audit, G.R. No. 138489, November 29, 2001

Facts:

Eleanor Dela Cruz and 19 other members of the National Housing Authority (NHA) Board of Directors received representation allowances. These members were not full-time NHA directors but alternates or representatives of Cabinet secretaries who sat as ex-officio members of the Board. The Commission on Audit later **disallowed the payments**, saying they had **no legal basis**.
Dela Cruz questioned COA, claiming she was entitled to what he received.

❓ **ISSUE**

Whether the **COA has the constitutional power** to **disallow government payments** that are not authorized by law.

⚖️ **RULING**

The Supreme Court said **YES, COA acted validly**.
COA has the **constitutional duty and power** to **audit all government funds** and **disallow illegal or unauthorized expenditures**.
Since the benefits had **no legal basis**, the disallowance was proper.

📌 **DOCTRINE (Consti-Law Focus)**

The Commission on Audit has **broad constitutional authority** to:

- Examine and audit all government funds
- Disallow expenditures that are **illegal, irregular, or unauthorized**

  👉 **Public funds cannot be spent without law.**

  👉 COA can **invalidate even completed payments** if they are unlawful.

14. Velicarcia-Garafil vs. Office of the President, G.R. No. 203372, June 16, 2015

FACTS

Two months before the May 2010 presidential elections, then President Gloria Macapagal-Arroyo issued hundreds of appointments. The Constitution bans “midnight appointments” during this period, with a narrow exception for certain temporary appointments. Atty. Cheloy Velicaria-Garafil’s appointment paper as State Solicitor II at the OSG was and later found that the OSG’s date of receipt was unclear. Then, after President Aquino assumed office, he issued Executive Order No. 2 (2010) revoking appointments made in violation of the midnight appointment ban. Garafil and others were terminated pursuant to EO 2 and challenged EO 2 and their removal.

ISSUE

Whether Garafil’s appointment was valid (i.e., completed before the constitutional ban) and whether EO 2 is constitutional/valid as an implementation of the midnight appointment ban.

RULING

The Court upheld EO 2 as valid and constitutional and held that petitioners’ appointments (including Garafil’s) were VOID for failure to prove that their appointments were fully completed within the constitutionally permitted period.

DOCTRINE (quick recit points)

1. Appointment is a process with 4 required elements (must be completed before the ban).
   A valid appointment requires: (1) signing of the appointment paper by the appointing authority; (2) transmittal of the appointment paper; (3) a vacancy at the time; and (4) receipt and acceptance by the appointee (shown by oath/assumption). If any element is not shown to have occurred within the allowed period, the appointment fails.
2. Acceptance is essential to prevent antedating/abuse.
   Excluding acceptance would enable antedating of appointment papers;

requiring acceptance as part of the process prevents the “midnight appointment” evil.

3. Midnight appointment ban is strictly applied; appointments violating it are void. When the appointee cannot prove completion of the appointment process before the ban, and especially when the oath/acceptance occurred during the prohibited period, the appointment is void.

---

15. In Re: Appointments dated March30,1998, A.M.No.98-5-01-SC, Nov. 9,1998

FACTS

President Ramos issued appointments dated **March 30, 1998** appointing Valenzuela and Vallarta as **RTC judges**, but these were **transmitted to/received by the Chief Justice only on May 12, 1998**, which was already within the **constitutional ban period** (two months before the next presidential elections up to end of the President’s term). Despite the Court’s directive to **hold the appointments in abeyance**, Judge Valenzuela **took his oath and reported for duty** based only on a copy, even while the originals were still with the Chief Justice and the Court was deliberating on validity.

The question reached the Supreme Court as an administrative matter: whether these judicial appointments were valid given the “midnight appointment” ban.

ISSUE

Whether the **judicial appointments** dated March 30, 1998 were **void** for being made (i.e., effectively completed) **during the appointment ban** under **Sec. 15, Art. VII** of the 1987 Constitution, despite constitutional provisions requiring judicial vacancies to be filled within a period.

RULING

The Court held the appointments were **VOID** because they were **made during the ban period**, and there was **no compelling reason** to justify making them within that prohibited window. The constitutional policy is to prevent tying the hands of the incoming President through midnight appointments.

The Court also emphasized proper procedure: judges should not assume office or act on **unverified copies** of appointments without formal notice/verification through the proper Court channels.

DOCTRINE (quick recit points)

1. During the period in **Sec. 15, Art. VII**, the President is **absolutely prohibited** from making appointments (with only narrow exceptions), and **appointments made in violation are void**.

2. Judicial vacancy-filling timelines do not override the Art. VII ban. The constitutional requirements to fill judicial vacancies within specified periods (Art. VIII) are **general** rules that apply when there is no election-ban period; when there is, the **specific ban in Sec. 15, Art. VII controls**.
3. It is improper for a judge to take oath and perform judicial duties based only on a **copy** of an appointment from Malacañang without verification through the Court Administrator and without the Supreme Court being informed—this prevents spurious/defective appointments and institutional confusion.

16. De Castro vs. JBC, G.R.191002, March 17, 2010, and April 20, 2010

Facts

Chief Justice Reynato S. Puno was set to retire on May 17, 2010, just after the May 10, 2010 presidential elections. The Judicial and Bar Council started screening nominees but hesitated to submit a shortlist due to the election ban under Section 15, Article VII of the 1987 Constitution, which prohibits appointments two months before elections until the end of the President's term **(except temporary executive roles)**. Multiple petitions challenged whether President Gloria Macapagal-Arroyo could appoint Puno's successor and if JBC must submit nominees.

Issue

Does the Section 15, Article VII election ban on appointments apply to judicial positions, particularly the Chief Justice vacancy, or can the incumbent President appoint within the 90-day limit under Section 4(1), Article VIII?

Ruling

The Supreme Court ruled 10-4 that the ban does NOT apply to Supreme Court appointments, including Chief Justice. It directed JBC to submit the shortlist to the incumbent President on or before May 17, 2010, so she could appoint within 90 days of the vacancy. Petitions for prohibition were dismissed; some for mandamus were premature.

Doctrine

Section 15, Article VII (in the Executive Department article) limits only executive appointments and does not extend to judicial ones under

Article VIII; framers placed no explicit ban there despite intent. The 90-day vacancy fill rule in Section 4(1), Article VIII prevails for Supreme Court to ensure full membership and judicial independence. JBC's duty to submit nominees is ministerial; Court supervises it but cannot control outcomes

17. Sarmiento vs. Mison, G.R. No. L-79974, December 17,1987

Facts

Taxpayers and law professors Sarmiento III and Arcilla filed a prohibition petition against Salvador Mison, whom President Corazon Aquino appointed Customs Commissioner on November 11, 1987, without Commission on Appointments (CA) confirmation. They claimed it violated Section 16, Article VII of the 1987 Constitution. The CA intervened to support petitioners, while respondents defended the appointment as valid for such positions.

Issue

Does the President need CA confirmation to appoint the Commissioner of the Bureau of Customs under Section 16, Article VII of the 1987 Constitution?

Ruling

The Supreme Court dismissed the petition. Mison's appointment was valid without CA confirmation because Customs Commissioner falls outside the first group of officers listed in the first sentence of Section 16, Article VII requiring such consent.

Doctrine

Section 16, Article VII classifies presidential appointees into four groups: only the first group (e.g., department heads, ambassadors, officers from colonel/captain up) needs CA confirmation; others, including bureau heads, do not (expressio unius est exclusio alterius). Framers intentionally excluded bureau heads to avoid political interference and ensure administrative efficiency.

18. Quintos-Deles vs. Commission on Appointments, G.R.No.83216, Sept. 4,1989

Facts

President Corazon Aquino appointed Teresita Quintos-Deles and others as sectoral representatives for women and other sectors on April 6, 1988, under Section 7, Article XVIII of the 1987 Constitution (transitory provisions). The CA insisted on confirming these

appointments before allowing them to take oaths, suspending their oathtaking. Deles filed a prohibition and mandamus petition, arguing no confirmation was required, as prior sectoral reps assumed office without it.

Issue

Does the President's appointment of sectoral representatives under Article 14, Section 7 require confirmation by the Commission on Appointments under Article 6, Section 16?

Ruling

The Supreme Court granted the petition. Sectoral representatives' appointments are valid without CA confirmation; Deles and others could assume office immediately. The CA must stop requiring confirmation for such positions.

Doctrine

Sectoral representatives under the transitory provisions are House members by direct presidential appointment, not executive officers under Article VII, Section 16(2), so no CA confirmation is needed (expressio unius est exclusio alterius). Congress cannot expand CA powers beyond constitutional limits; prior practice supports this

19. Bautista vs. Salonga, G.R.No. 86439, April 13, 1989

Facts

Mary Concepcion Bautista received a permanent appointment as **CHR Chairperson** from President Corazon Aquino on August 27, 1987, and assumed office. In January 1989, the CA demanded documents and hearings to review it as an "ad interim" appointment. Bautista refused, citing constitutional exemption, filed certiorari to stop CA actions, and later impleaded Hesiquio Mallillin, whom the President designated Acting Chairperson after CA disapproval.

Issue

Is the President's appointment of the CHR Chairperson subject to CA confirmation under Section 16, Article VII of the 1987 Constitution?

Ruling

The Supreme Court granted the petition, declaring Bautista the lawful CHR Chairperson immediately upon her appointment. It nullified CA's disapproval, made permanent the TRO against Mallillin's personnel actions, and struck down Executive Order No. 163-A to the extent it made CHR tenure at the President's pleasure.

Doctrine

The second sentence of Section 16, Article VII enumerates specific constitutional commission heads (CSC, COMELEC, Ombudsman) needing CA confirmation; CHR Chairperson is excluded vesting

exclusive appointment power in the President. Appointments become permanent without CA action; CA cannot review or disapprove non-enumerated positions.

20. Calderon vs. Carale, G.R.No.91636, April23,1992

Facts

President Corazon Aquino issued permanent appointments to Bartolome Carale as NLRC Chairman and other commissioners in 1989, without CA confirmation. Petitioner Peter John Calderon filed a prohibition petition, arguing these violated Section 13 of RA 6715 (amending the Labor Code), which required CA confirmation for NLRC officials. Respondents countered that RA 6715 unconstitutionally intruded on presidential appointing power under Section 16, Article VII.

Issue

Can Congress, through ordinary law like RA 6715, require CA confirmation for presidential appointees to the NLRC, beyond those listed in the first sentence of Section 16, Article VII?

Ruling

The Supreme Court granted the petition and declared Section 13 of RA 6715 unconstitutional. NLRC Chairman and commissioners' appointments are valid without CA confirmation; they become permanent upon acceptance.

Doctrine

Congress cannot expand CA confirmation to positions outside the first sentence of Section 16, Article VII (e.g., department heads, ambassadors); only those, plus constitutionally vested ones (like constitutional commission members), require it (expressio unius est exclusio alterius). Ordinary laws cannot amend constitutional limits on CA powers.

21. Flores vs. Drilon, G.R.No. 104732, June22,1993

FACTS

Congress passed RA 7227 (Bases Conversion and Development Act of 1992) creating the Subic Bay Metropolitan Authority (SBMA). A provision in the law stated that for the first year of SBMA operations, the Mayor of Olongapo City shall be appointed as SBMA Chairman and Chief Executive Officer—and Mayor Richard Gordon was appointed accordingly. Petitioners challenged that provision as unconstitutional because it effectively allowed an incumbent elective local official to hold another public office during his term.

ISSUE

Whether Sec. 13(d) of RA 7227 (the “first year Olongapo mayor as SBMA chair/CEO” provision) is constitutional, despite the constitutional ban on appointing/designating incumbent elective officials to another public office during their tenure.

RULING

Unconstitutional. The Court held that the Constitution absolutely prohibits an incumbent elective official from being appointed or designated to any other public office/position during his tenure, unless the Constitution itself provides an exception—and no exception applied here. The provision was also invalid because it dictated the appointment of a specific person (by position), effectively removing the President’s appointing discretion.

DOCTRINE (Recit-ready)

1. Constitutional ban is strict: Under Sec. 7, Art. IX-B of the 1987 Constitution, an elective official cannot be appointed or designated to another public office or position during his tenure, with no exception unless the Constitution itself expressly allows it.
2. Legislature cannot make the appointment for the President: A law that directs the appointment of a particular incumbent elective official to another office is unconstitutional because it defeats the constitutional prohibition and unduly limits the appointing power’s discretion.

22. Pobre vs. Mendieta, G.R.No.106677, July23,1993

FACTS

The PRC Chair’s term expired, and the President appointed **Pobre** (then an Associate Commissioner) as **PRC Chairman**. **Mendieta** (the most senior Associate Commissioner) claimed he should automatically succeed as Chairman “by operation of law” under **Sec. 2, P.D. 223**, and filed actions to stop Pobre and to assert title to the office. The RTC ruled for Mendieta and even enjoined Pobre; Pobre went to the Supreme Court via **certiorari**.

ISSUE

Does **Sec. 2 of P.D. 223** make the **most senior Associate Commissioner** automatically succeed as PRC Chairman **even when the Chair’s term has fully expired**, thereby limiting the President’s appointing power?

RULING

No. The Court held that the “succession” clause applies **only when there is an unexpired term** to be served (e.g., when the Chair vacates before the end of the term). If the Chair’s term has **expired/been fully served**, the vacancy must be filled by a **new presidential appointment**; otherwise, the statute would

improperly **clip the President's appointing power** and create absurd results.

DOCTRINE (Recit-ready)

1. **Succession-by-seniority is limited:** Under **Sec. 2, P.D. 223**, the senior Associate Commissioner "succeeds" as PRC Chair **only to complete an unexpired term**; it does **not** apply when the Chair's term has **fully expired**.
2. **Avoid construing statutes to usurp executive appointment:** A statute should not be read to **restrict the President's constitutional/statutory appointing power** unless the text clearly requires it; otherwise, it risks **unconstitutionality** and produces **absurd** consequences.

23.Matibag vs. Benipayo, G.R.No.149036, April 2,2002

FACTS

President Arroyo issued ad interim appointments to Alfredo Benipayo as COMELEC Chairman, and to Borra and Tuason as COMELEC Commissioners. Petitioner Ma. J. Angelina Matibag challenged their appointments and right to hold office, and also questioned acts done under Benipayo's claimed authority (including matters affecting her position), arguing the appointments were unconstitutional and that repeated ad interim appointments violated the ban on "reappointment."

ISSUE

1. Judicial review / standing / timing: Was there a proper case for judicial review—i.e., did Matibag have a personal stake, and was the constitutional issue raised at the earliest opportunity?
2. Nature/validity of ad interim appointment: Is an ad interim appointment to COMELEC a prohibited "temporary/acting" appointment, and may ad interim appointments be renewed without violating the constitutional ban on reappointment? (Based on internal knowledge of Philippine law.)

RULING

1. Yes, the Court can review; Matibag had standing and raised the issue on time. The legality of acts affecting Matibag depended on whether Benipayo was the lawful COMELEC Chairman, giving her a personal and substantial interest. The "earliest opportunity" rule was satisfied because the constitutional issue was raised in the pleadings before the proper forum capable of deciding it.
2. Ad interim appointments are valid and are not "temporary/acting" appointments; renewal did not necessarily violate the reappointment ban. An ad interim appointment is effective immediately and is permanent in character unless and until disapproved by the

Commission on Appointments or until Congress adjourns; “reappointment” (as prohibited for COMELEC) pertains to those who have been confirmed, not those merely bypassed. (Based on internal knowledge of Philippine law.)

DOCTRINE (Recit-ready)

1. Earliest opportunity rule (constitutional issues): The earliest opportunity to raise constitutionality is in the pleadings before a competent court/body that can resolve it; if not raised there, it generally cannot be entertained later at trial or on appeal.
2. Locus standi via personal stake: A party has standing where the validity of official acts causing her injury hinges on the legality of the officer’s title/assumption of office.
3. Ad interim appointment doctrine: An ad interim appointment is a permanent appointment effective at once, subject to confirmation/disapproval by the Commission on Appointments; it is not the constitutionally disfavored “acting/temporary” designation. (

24. Soriano vs. Lista, G.R.No.153881, March 24,2003

Facts

President Gloria Macapagal-Arroyo issued permanent appointments/promotions to PCG officers like Reuben Lista (Vice Admiral) and others in 2001-2002 without CA submission. Taxpayer Elpidio Soriano III filed a prohibition petition, claiming these violated Article VII, Section 16 since PCG ranks mirror military ones (e.g., colonel/naval captain). He sought to bar them from duties and stop DBM salary payments.

Issue

Did petitioner Soriano have standing to challenge PCG officers' appointments, and do PCG ranks from colonel/naval captain require CA confirmation under Article VII, Section 16?

Ruling

The Supreme Court dismissed the petition outright. Soriano lacked standing as a private citizen/taxpayer without personal injury or valid taxpayer suit (no taxing power issue). Even on merits, PCG appointments are valid without CA confirmation.

Doctrine

Taxpayer/private suits require personal injury, traceability, and redressability; general challenges to appointments fail standing. Article VII, Section 16's CA confirmation for "officers of the armed forces from colonel or naval captain" is exclusive to military/AFP; PCG, as civilian uniformed service, is excluded (plain text, Constitutional Commission intent, Sarmiento/Bautista precedents).

25. Pimentel vs. Ermita, G.R.No. 164978, October 13,2005

FACTS

During Congress' regular session, President Gloria Macapagal-Arroyo appointed several officials as "Acting" Department Secretaries (e.g., acting secretaries of Justice, Foreign Affairs, etc.) without Commission on Appointments (CA) confirmation. Senator Aquilino Pimentel, Jr. and other senators challenged the appointments, arguing that when Congress is in session, the President cannot bypass CA by naming "acting" secretaries.

ISSUE

Whether the President may validly appoint acting secretaries of executive departments while Congress is in session without CA consent/confirmation, and whether such acting appointments are unconstitutional circumventions of the appointments process.

RULING

Yes, the President may appoint acting secretaries without CA confirmation, even while Congress is in session. The Court upheld the acting appointments as a legitimate exercise of the President's executive power to ensure continuity in the executive departments. It recognized statutory authority allowing the President to designate temporary/acting heads, and stressed that Congress cannot restrict the President's prerogative to choose her alter egos for positions of great trust and confidence.

DOCTRINE (Recit-ready)

1. Acting secretaries need no CA confirmation. The President can name acting department secretaries without CA consent because acting appointments are temporary and meant to keep departments running; they are not the same as permanent appointments requiring confirmation.
2. Congress cannot unduly limit the President's choice of alter egos. The President's power to appoint—and even to make temporary designations—for Cabinet leadership is part of executive control and

cannot be curtailed by legislative interference beyond what the Constitution allows.

3. Mootness exception (case still decided). Even if later events (like subsequent ad interim appointments) could make the dispute arguable as moot, the Court may still resolve issues that are capable of repetition yet evading review, especially on recurring constitutional questions about appointments.

26.Domingo vs. Rayala, G.R.No.155831, February 18,2008

FACTS

Ma. Lourdes T. Domingo filed an administrative complaint for sexual harassment / disgraceful and immoral conduct against Rogelio I. Rayala, then NLRC Chairman. She alleged Rayala made unwelcome acts of a sexual nature (physical closeness/touching and suggestive behavior), which she said created an intimidating and offensive work environment. The Office of the President found Rayala liable and imposed the penalty (originally dismissal), which the case eventually elevated for Supreme Court review.

ISSUE (Constitutional Law I angle)

1. In administrative cases against high public officials, what is the applicable evidentiary standard consistent with due process—must sexual harassment be proven by direct/express demand, or may it be inferred from circumstances?
2. Whether the penalty imposed was proper under the governing rules, consistent with fairness and proportionality in administrative discipline.

RULING

1. Sexual harassment need not be shown by an express demand for sex. A “request/demand/requirement” for sexual favor under the Sexual Harassment Law may be inferred from the offender’s acts, especially when these acts create an intimidating, hostile, or offensive environment for the employee.
2. Substantial evidence is enough in administrative cases. Liability may be sustained based on substantial evidence of unwelcome sexual acts by a superior; proof beyond reasonable doubt is not required.
3. Penalty modified. For a first offense, the proper penalty is suspension (six months and one day to one year), not outright dismissal (as imposed by the OP).

DOCTRINE (Recit-ready)

- Administrative due process / quantum of proof: In administrative proceedings, substantial evidence suffices; the Court will sustain liability where the record shows relevant evidence that a reasonable mind may accept as adequate.

- Sexual harassment can be inferred: A demand for sexual favor need not be verbalized; it may be inferred from conduct that uses one’s position to create a hostile or offensive workplace environment.
- Proper penalty matters: Even when liability is clear, the penalty must follow the applicable administrative rules; for a first offense in this context, the proper sanction is suspension, not dismissal.
  If you want this even more “Consti I,” tell me whether your professor is emphasizing (a) due process in administrative cases, (b) equal protection / protection of labor, or (c) accountability of public officers—I can tailor the issue/doctrine lines to that angle.

27. Banda vs. Ermita, G.R.No.166620, April 20,2010

Facts

National Printing Office (NPO) employees, led by Atty. Sylvia Banda, challenged Executive Order No. 378 (2004) issued by President Gloria Macapagal-Arroyo. EO 378 amended EO 285 by removing NPO's exclusive government printing monopoly, limiting funding to its income, and allowing agencies to seek outside services. Petitioners claimed it violated security of tenure, exceeded presidential authority, and was a disguised abolition without Congress approval.

Issue

Does EO 378 exceed the President's constitutional power of control (Article VII, Section 17) and reorganization authority under the Administrative Code, infringing security of tenure (Article IX-B, Section 2(3))?

Ruling

The Supreme Court dismissed the petition. EO 378 is a valid reorganization exercise; no security of tenure violation as positions continue. Petitioners failed class suit requirements.

Doctrine

President's control over executive department (Art. VII, Sec. 17) includes reorganization for efficiency via statutory delegation (Admin Code Secs. 20, 31); can amend prior EOs without legislative power. Security of tenure protects against removal without cause but not valid reorganization/abolition; no bad faith shown here.

28. Pichay vs. Office of the Deputy Executive Secretary, G.R.No.196425, July 24,2012

Facts

Prospero A. Pichay, Jr. challenged Executive Order No. 13 (2010), which President Benigno Aquino III issued to abolish the Presidential Anti-Graft Commission (PAGC) and transfer its functions to the Investigative and Adjudicatory Division (IAD) under the Office of the Deputy Executive Secretary for Legal Affairs (ODESLA). Pichay faced an administrative complaint there and filed certiorari, alleging EO 13 created a new office, usurped Congress's powers, encroached on the Ombudsman, and violated due process/equal protection.

Issue

Is EO 13 a valid exercise of the President's continuing reorganization authority under Book III, Section 31 of the Administrative Code, or does it unconstitutionally create a new public office and usurp legislative powers (Art. VI, Secs. 28-29)?

Ruling

The Supreme Court dismissed the petition. EO 13 validly reorganized the Office of the President by abolishing PAGC and integrating its functions into ODESLA; no new office created, no due process/equal protection violations.

Doctrine

President's broad control/supervision power (Art. VII, Sec. 17) includes continuing reorganization authority over the Office of the President Proper (Admin Code Sec. 31) for economy/efficiency—abolition, merger, or transfer of functions—without legislative approval, unless bad faith proven. IAD-ODESLA performs fact-finding, not quasi-judicial adjudication (no final binding orders); no encroachment on Ombudsman/Congress.

29. Biraoga vs. Philippine Truth Commission, G.R.No.192935, December 7, 2010

FACTS

- President Aquino issued Executive Order No. 1 (2010) creating the Philippine Truth Commission (PTC).
- The PTC was tasked to investigate reports of graft and corruption, but the EO’s focus was limited to the “previous administration” (i.e., the immediately preceding administration).
- Petitioners (including Biraogo) challenged EO No. 1 before the Supreme Court, arguing (among others) that it violated the Equal

Protection Clause because it singled out only one administration for investigation.

- The government defended EO No. 1, arguing the President can create fact-finding bodies as part of executive power, and that the classification was supposedly valid. (See discussion of equal protection challenge in the decision:

ISSUE

Whether EO No. 1 is unconstitutional for violating the Equal Protection Clause because it targets only the “previous administration” for investigation.

RULING

Yes. The Supreme Court declared EO No. 1 unconstitutional insofar as it violates the Equal Protection Clause, and ordered respondents to cease and desist from implementing it.

DOCTRINE

1. Equal protection forbids unreasonable, selective government classifications. A government action that singles out one group for investigation must rest on a valid classification (i.e., a real and substantial distinction related to the purpose of the law/issuance). EO No. 1 failed because it selectively targeted only one administration as if corruption were unique to it, without a sufficient constitutional justification.
2. The President may create fact-finding/ad hoc bodies, but the exercise must stay within constitutional limits. Even if the President can set up investigative bodies to help enforce laws, the issuance creating it must still comply with constitutional guarantees, including equal protection.
3. The Court may relax standing for issues of “transcendental importance.” When the case raises serious constitutional issues with broad public impact, the Court may take cognizance even if traditional standing requirements are not strictly met.

30. DOH vs. Camposano, G.R.No.157684, April 27,2005

Facts

DOH-NCR employees faced administrative charges for anomalous procurement of medicines without bidding. President Ramos created an ad hoc committee under AO 298; PCAGC investigated and recommended dismissal. Health Secretary adopted PCAGC findings without independent review, issuing dismissal orders. CA reversed for due process violation.

Issue

Does the President have constitutional authority to create ad hoc committees to investigate non-presidential appointees in executive agencies, and must the disciplining agency head make an independent judgment?

Ruling

Supreme Court partly granted DOH petition: upheld AO 298 and PCAGC jurisdiction but annulled Secretary's orders for lacking independent assessment; remanded for proper review.

Doctrine

President's control over Executive Department (Art. VII, Sec. 17) authorizes ad hoc investigating committees for administrative cases against bureau employees (via Admin Code delegation). Agency heads retain primary disciplining authority and must independently evaluate evidence—mere adoption of investigator findings violates administrative due process (notice, hearing, impartial judgment).

31.Manalang-Demigillo vs. TIDCORP, G.R.No.168613, March 5,2013

FACTS

TIDCORP is a government-owned or -controlled corporation (GOCC) created by law and run by a Board of Directors. It implemented a reorganization that affected Atty. Manalang-Demigillo's position and functions (she claimed she was effectively demoted because her authority and supervision were reduced).

She questioned the reorganization before the Civil Service Commission (CSC) and later the Court of Appeals, arguing that TIDCORP's Board had no continuing authority to reorganize and that the CA was wrong to treat the Board as an alter ego of the President (so as to justify reorganization power). The controversy reached the Supreme Court.

ISSUE

Whether the TIDCORP Board may be treated as the President's alter ego under the doctrine of qualified political agency, so that the President's continuing reorganization power can be attributed to the Board; and relatedly, whether the reorganization was valid as an exercise of authority derived from law.

RULING

No. The doctrine of qualified political agency (alter ego doctrine) does not extend to the Board of Directors of a GOCC, even if some Board members are Cabinet officials sitting ex officio. The Board's authority comes from the GOCC's charter/law, not from being the President's alter ego.

However, the Court still upheld the reorganization because the Board had express statutory authority to reorganize; and reassignment/position changes resulting from a valid reorganization do not automatically violate security of tenure if done in accordance with law and in good faith. The Court noted that Demigillo's reassignment

did not reduce her rank/salary/status and was a consequence of the valid reorganization.

DOCTRINE

1. GOCC Board is not the President's alter ego. The alter ego/qualified political agency doctrine generally applies to executive department secretaries acting for the President. It does not apply to GOCC boards, even if Cabinet members sit there ex officio, because the Board acts by authority of law/charter, not by delegation as the President's proxy.
2. Reorganization is valid if authorized by law and done in good faith. A GOCC reorganization undertaken by its Board pursuant to express statutory authority is valid even if it results in reassignment/abolition of positions, so long as it is done in good faith and in accordance with law.

32. National Power Corp. Board of Directors vs. COA, G.R.No.242342, March10,2020

FACTS

NPC's Board approved and implemented an Employee Health and Wellness Program and Related Financial Assistance (EHWPRFA) (a monetary benefit/welfare program for NPC personnel). COA disallowed the payments for lack of legal basis/authority, taking the view that granting new or increased benefits in GOCCs needs prior presidential approval and compliance with governing rules.

NPC's Board and officers argued that the benefit was merely an augmentation/implementation detail of an existing program and that approval by the Board (with Cabinet officials sitting ex officio) should be treated as effectively an act of the President under the doctrine of qualified political agency.

ISSUE

1. Whether NPC could validly grant EHWPRFA without prior presidential approval.
2. Whether the doctrine of qualified political agency (alter ego doctrine) applies to Cabinet members acting ex officio as GOCC Board members, such that Board approval is deemed presidential approval.
3. Whether recipients/officers must refund disallowed amounts (good faith invoked).

RULING

1. No. The grant of new or increased benefits to GOCC employees requires prior approval of the President, even if framed as an augmentation of an existing benefit.
2. No. The alter ego doctrine does not extend to GOCC boards, even if some directors are Cabinet officials sitting ex officio. Their board acts

are not automatically the President's acts. The Court reiterated the same reasoning earlier applied to TIDCORP: ex officio membership is by operation of law, not because the President "delegated" board authority to them as alter egos.

3. Yes, refund required. Even passive recipients of benefits later disallowed may be required to refund; good faith does not necessarily excuse refund because the principle against unjust enrichment applies.

DOCTRINE

1. Presidential approval requirement for GOCC benefits. GOCCs cannot grant new/increased employee benefits absent prior presidential approval, notwithstanding board approval or claims that it is merely an "augmentation."
2. Alter ego doctrine is limited; it generally covers department heads acting in their executive departmental functions—not GOCC boards. Cabinet secretaries sitting on GOCC boards ex officio do not make the board an alter ego of the President; the board's authority is derived from law, and delegation of presidential power is not lightly inferred.
3. Refund despite good faith (COA disallowances). Disallowed benefits may be ordered returned even by passive recipients to prevent unjust enrichment, subject to the Court's prevailing COA refund rules.

33.Drilon vs. Lim, G.R.No.112497, August 4, 1994

Facts

City of Manila passed Ordinance No. 7794 (Manila Revenue Code). Four oil companies and a taxpayer appealed to Justice Secretary Franklin Drilon, claiming procedural flaws in its enactment and provisions against law/public policy. Drilon voided it under Section 187 of the Local Government Code (LGC). Manila's RTC annulled Drilon's ruling, declared Sec. 187 unconstitutional for granting "control" over local autonomy, and upheld the ordinance. Drilon appealed to the Supreme Court.

Issue

Does Section 187 of the LGC unconstitutionally grant the Justice Secretary power of control (violating Art. X, Sec. 4(3) on presidential supervision) over local tax ordinances?

Ruling

Supreme Court reversed RTC: Sec. 187 is constitutional. Drilon's review power is valid supervision, not control. Remanded for procedural compliance check but upheld Sec. 187.

Doctrine

- Supervision vs. Control: Supervision ensures subordinates act per law (President/Secretary reviews legality/constitutionality without substituting judgment). Control allows revision/nullification on policy/wisdom (forbidden over LGUs). Sec. 187 limits review to legality/procedure, fitting supervision under Art. X, Sec. 4(3).
- Local tax power (Art. X, Sec. 5) subject to national guidelines; Sec. 187 enforces this without usurping autonomy.

34.Gascon vs. Arroyo, G.R.78389, October 16, 1989

Facts

Lopez family (ABS-CBN owners) lost TV Channel 4 during martial law (1972). Post-EDSA Revolution (1986), Executive Secretary Joker Arroyo signed an "Agreement to Arbitrate" with ABS-CBN on Jan. 6, 1987, to settle claims for Channel 4's return via arbitration committee. Taxpayers Gascon, Lapira, and Lim petitioned to annul the agreement, claiming lack of authority and public fund misuse.

Issue

Did petitioners have taxpayer standing to challenge the Agreement to Arbitrate? Did the Executive Secretary have authority to enter it under the Provisional Constitution?

Ruling

Supreme Court dismissed the petition. Petitioners lacked standing as taxpayers (no public funds involved in pure contract). Agreement valid: Provisional Constitution granted President (via Secretary) broad legislative/executive powers to settle claims. Arbitration upheld; no immunity bars just claims against government.

Doctrine

- Taxpayer's Suit Limited: Requires public fund expenditure on unconstitutional act; pure executive contracts with private parties don't qualify unless funds misused.
- Provisional Constitution Powers: President held legislative/executive authority (1986-1987), allowing arbitration for property claims without legislative approval.
- No Immunity for Injustice: Government can't invoke sovereign immunity when it takes property sans due process (*Amigable v. Cuenca* cited).

35. KBMBPM vs. Dominguez, G.R.No. 85439, January 13, 1992

Facts

KBMBPM, a cooperative, managed Muntinlupa's public market under a 25-year contract. Municipality tried to rescind it, leading to disputes.

Secretary of Agriculture Carlos Dominguez issued Oct. 28, 1988 Order based on unverified member petition and audit: took over management, created interim committee, disbanded KBMBPM's Board of Directors (without notice/hearing), and ordered asset turnover. KBMBPM filed certiorari, claiming grave abuse.

Issue

Did Secretary Dominguez exceed authority under P.D. 175/LOI 23 and violate due process by summarily disbanding the Board and taking over without hearing?

Ruling

Supreme Court nullified the Order: Secretary lacked power to directly remove directors (only supervision/audit authority); violated bylaws requiring member vote at general assembly. No exhaustion of remedies needed due to patent illegality. Prayer for reinstatement moot (terms expired, new elections held).

Doctrine

- Executive Power Limits: Regulatory agencies exercise supervision (ensure legal compliance), not control (direct removal/management takeover) over private entities like cooperatives. Removal follows bylaws (majority vote after due notice/hearing).
- Due Process in Admin Acts: Summary orders without notice/hearing void; applies even in regulatory probes (*Ang Tibay v. CIR* standards).
- No Exhaustion if Grave Abuse: Direct judicial review allowed for patently illegal orders usurping judicial functions.

36. Hontiveros-Baraquel vs. Toll Regulatory Board, G.R.No. 181293, February 23,2015

Facts

PNCC (Philippine National Construction Corp.) held franchise for Manila North Expressway (NLEX) toll operations via Subsidiary Philippine Skyway Corp. (PSC). PNCC amended its 1995 Supplemental Toll Operation Agreement (STOA) through 2007 ASTOA, transferring operations/maintenance to Star Infrastructure Inc. (SOMCO, now O&M Corp.) without bidding. DOTC Secretary approved ASTOA; TRB issued Toll Operation Certificate (TOC) to SOMCO effective Dec. 31, 2007. Taxpayers Hontiveros-Baraquel et al. filed certiorari/prohibition, claiming unconstitutionality, lack of bidding/presidential approval, and disadvantage to government.

Issue

Does TRB have authority to issue TOCs amending toll operations? Was DOTC Secretary's approval valid (equivalent to presidential)? Do petitioners have standing?

Ruling

Supreme Court dismissed petition. TRB validly issued TOC under PD 1112; PNCC franchise not exclusive (allows partners); DOTC approval valid via qualified political agency; no grave abuse. Petitioners lacked standing (taxpayer suit needs direct public fund misuse).

Doctrine

- TRB Quasi-Legislative Power: TRB regulates toll rates, grants TOCs/contracts (PD 1112, Sec. 5); not limited by PNCC's legislative franchise (PD 1113)—allows amendments/partners with oversight.
- Qualified Political Agency: Cabinet Secretary's acts (DOTC approval) presumed presidential unless revoked (*Lampton v. Rice* cited).
- Taxpayer Standing Narrow: Requires allegation/proof of unconstitutional public fund disbursement; general claims of "disadvantage" insufficient.

37. IBP vs. Zamora, G.R.No. 141284, August 15, 2000

Facts

Amid rising crime in Metro Manila (2000), President Estrada verbally directed AFP Chief (via Marines) and PNP Chief for joint visibility patrols to suppress lawless violence—temporary only. Confirmed by LOI 02/2000 and Jan. 24 Memo. IBP filed certiorari/prohibition, claiming no rebellion/emergency, military incursion into civilian law enforcement (violating civilian supremacy, PNP's civilian nature), and seeking nullity.

Issue

Is the President's calling out of Marines to aid PNP in joint patrols subject to judicial review? Does it violate civilian supremacy (Art. II, Sec. 3) or PNP's civilian character (Art. XVI, Sec. 5(4))?

Ruling

Supreme Court dismissed petition. President's factual determination (crime situation) discretionary/non-justiciable absent grave abuse; deployment valid/permissible assistance (PNP leads, Marines merely augment); no constitutional violation. Relaxed standing for IBP due to public interest.

Doctrine

- Calling Out Power (Art. VII, Sec. 18): Lowest-level Commander-in-Chief power; President solely determines need to suppress lawless violence (no formal proclamation); judicial review limited to grave abuse/capacity (not wisdom). Distinguished from higher powers (suspension of writ/martial law).
- No Militarization: Military assistance to PNP allowed if subordinate (PNP commands patrols); upholds civilian supremacy.
- Locus Standi Relaxed: Public interest paramount issues (e.g., military deployment) override strict standing.

38. SANLAKAS vs. Executive Secretary, G.R.No. 159085, February 3, 2004

Facts

On July 27, 2003, ~300 junior AFP officers and soldiers, led by Capt. Milo Maoroc, took over Fort Magsaysay (Nueva Ecija) briefly to protest alleged military corruption. President Arroyo issued Proclamation No. 427 declaring "state of rebellion," then General Order No. 4 directing AFP/PNP to suppress it. Oakwood mutiny ended peacefully by July 28; rebellion lifted September 1. Petitioners (Sanlakas, party-list groups, Rep. Suplico, Sen. Pimentel) challenged as usurpation of martial law power, seeking nullity.

Issue

Is Proclamation No. 427 declaring "state of rebellion" constitutional? Do petitioners have standing? Does it enable rights violations or bypass Congress reporting?

Ruling

Supreme Court dismissed petitions. Only legislators (Suplico/Pimentel) had standing; party-list groups lacked personal injury. Proclamation valid under President's Commander-in-Chief powers (Art. VII, Sec. 18)—not martial law equivalent, no rights suspension. Case moot (rebellion lifted), but resolved on merits via capable-of-repetition doctrine. No grave abuse shown.

Doctrine

- State of Rebellion Not Martial Law: Mere declaration lacks legal effect—no writ suspension, no arrests sans warrant; doesn't trigger Art. VII, Sec. 18 reporting to Congress (distinguished from PP 1017 in later cases).
- Selective Standing: Legislators sue for institutional injury (power dilution); citizens/parties need actual/threatened harm.
- Mootness Exception: "Capable of repetition yet evading review" allows decision despite expiration (executive crisis declarations).

39. David vs. Arroyo, G.R. No. 171396, May 3, 2006

Facts

Feb. 24, 2006: President Arroyo issued PP 1017 citing threats from coups, bombings, protests, and economic woes as "clear and present danger." GO 5 enforced it, commanding AFP/PNP to suppress violence and authorizing warrantless arrests/takeover of firms threatening security. Led to media shutdowns (Daily Tribune), rally dispersals, warrantless arrests (e.g., Bayan Muna Rep. Crispin Beltran). Arroyo

lifted PP via PP 1021 (March 3). Multiple petitioners (David, KMU, ALGI, etc.) challenged as grave abuse.

Issue

Is PP 1017/GO 5 constitutional? Do they usurp Congress' emergency powers, authorize warrantless arrests/takeovers, and violate free speech/assembly?

Ruling

Supreme Court partly upheld, partly struck down: PP 1017 valid as valid "calling-out" power use (factual basis sufficient); GO 5's "takeover" and warrantless arrest provisions unconstitutional (usurp legislative powers, violate due process/free speech). No facial invalidity; as-applied violations enjoined. Standing/transcendental interest allowed review despite mootness.

Doctrine

- Graduated Powers Hierarchy: Calling-out (lowest, for lawless violence) > Suspend writ > Martial law (strictest); PP 1017 fits calling-out but GO 5's "decrees" clause encroaches Congress (Art. VI, Sec. 23).
- No Warrantless Arrests: Emergency doesn't suspend Art. III habeas corpus/arrest rules absent rebellion/invasion.
- Free Speech Limits: Prior restraint (media closures) void; "clear and present danger" test requires precise threat, not overbroad suppression.

40. Fortun vs. Macapagal-Arroyo, G.R.No.190293, March 20,2012

FACTS

After the Maguindanao massacre, President Gloria Macapagal-Arroyo issued Proclamation No. 1959, placing Maguindanao (with stated exceptions) under martial law and suspending the privilege of the writ of habeas corpus. She cited an armed uprising, seizure/closure of government facilities, and the presence of heavily armed groups. Congress convened in joint session to review the proclamation under the Constitution, but before Congress could act, the President issued Proclamation No. 1963, lifting martial law and restoring the privilege of the writ. Petitioners filed suits challenging the constitutionality of Proclamation No. 1959.

ISSUE

Whether the Supreme Court should still rule on the constitutionality of the martial law proclamation and writ suspension after they were lifted before Congress could complete its review and before substantial implementation
affecting rights occurred.

RULING

No. The petitions were dismissed as moot and academic. The Court held that because the President withdrew the proclamation before Congress could act, and because no serious rights-and-liberties controversy had ripened from substantial implementation, a ruling would amount to deciding a dead controversy. The Court reiterated judicial restraint: it should avoid constitutional rulings when the constitutional issue is not unavoidable and there is no actual, live controversy.

DOCTRINE

When the President's proclamation of martial law or suspension of the privilege of the writ of habeas corpus is lifted/withdrawn before Congress can act on its constitutional review, and before any substantial implementation creates a concrete controversy affecting rights, a challenge to its constitutionality becomes moot and academic. Courts should generally refrain from ruling on constitutional questions absent an actual case or controversy and when resolution of constitutionality is not unavoidable.

41. Lagman vs. Executive Secretary, G.R. No. 231658, July 4,2017

FACTS

Following the Marawi siege and related attacks attributed to ISIS/Daesh-inspired groups, President Rodrigo Duterte issued Proclamation No. 216, declaring martial law in Mindanao and suspending the privilege of the writ of habeas corpus there. Several petitions (including by Rep. Lagman and others) were filed directly with the Supreme Court questioning the proclamation's factual basis under Section 18, Article VII of the 1987 Constitution.

ISSUE

Whether Proclamation No. 216 had sufficient factual basis for (a) the declaration of martial law in Mindanao and (b) the suspension of the privilege of the writ of habeas corpus, as required by Sec. 18, Art. VII of the Constitution. Also, what is the scope/standard of the Supreme Court's review under Sec. 18.

RULING

The proclamation was upheld as constitutional. The Court found sufficient factual basis to support the President's determination that rebellion existed in Mindanao and that public safety required the measures. The Court emphasized that its Sec. 18 review is limited—it does not determine the *absolute truth* of every factual assertion, but whether the available facts and reports gave the President probable cause to believe that (1) actual rebellion or invasion existed and (2) public safety required martial law and writ suspension.

DOCTRINE

Sui generis judicial review under Sec. 18, Art. VII. The Supreme Court's power to review a martial law declaration/writ suspension for sufficiency of factual basis is special and constitutionally mandated, and (by constitutional design) may be invoked by any citizen, without the usual strict requirement of showing personal injury.

1. Standard = "sufficiency," not "accuracy." The Court asks whether there is sufficient factual basis—i.e., probable cause to believe actual rebellion or invasion exists and that public safety requires the declaration/suspension. The Court does not substitute its judgment for the President's or conduct a full fact-trial on the "correctness" of all intelligence reports.
2. Operative fact doctrine. Even if a proclamation were later invalidated, acts done under it may be recognized under the operative fact doctrine (the unconstitutional act may still have effects before nullification), depending on the circumstances.

42. Torres vs. Gonzales, G.R. No. 76872, July 23, 1987

Facts

Torres convicted of estafa (1978), sentenced to prison. President granted conditional pardon (April 18, 1979): "not again violate any penal laws." Torres released after acceptance. In 1982, charged with new estafa counts (pending appeal). Board of Pardons recommended revocation; Justice Secretary Gonzales ordered arrest/recommitment (Oct. 10, 1986) under President's authority. Torres filed habeas corpus, claiming no final conviction needed for recommitment violates due process/presumption of innocence.

Issue

Can the President revoke a conditional pardon and order recommitment without a final court conviction for the new offense? Is this executive act subject to judicial review?

Ruling

Supreme Court dismissed petition. President's determination of conditional pardon breach (under Revised Admin Code Sec. 64(i)) is executive prerogative, not needing court conviction. Recommitment valid; habeas corpus denied.

Doctrine

- Pardon Power Exclusive: Granting/revoking conditional pardons is purely executive (Art. VII, Sec. 19); courts cannot review President's judgment on breach—only if pardon terms absent or exceeded.

- No Conviction Required: Executive assesses violation based on evidence (e.g., new charges); serves original sentence balance. Due process satisfied by pardon acceptance implying consent to terms.
- Separation of Powers: Judicial interference limited to constitutional bounds; wisdom of executive clemency non-justiciable.

43. Monsanto vs. FactoranJr., G.R. No. 78239, February 9,1989

Facts

Monsanto, assistant city treasurer, convicted by Sandiganbayan of estafa through falsification (1983): sentenced to prision mayor, fine, and P4,892.50 indemnity. Supreme Court affirmed. While motion for reconsideration pending, President Marcos granted absolute pardon (Dec. 17, 1984; accepted Dec. 21). Monsanto sought automatic reinstatement and back wages from suspension. Finance Ministry initially allowed reinstatement but Office of the President (Factoran) denied: needed new appointment; liable for indemnity; no back pay.

Issue

Does absolute pardon automatically reinstate a convicted public officer to office with back pay and extinguish civil liability from conviction?

Ruling

Supreme Court affirmed denial. Pardon does not automatically restore office (requires reappointment); no back pay entitlement; civil indemnity (Art. 36, RPC) survives pardon.

Doctrine

- Pardon Effects Limited: Extinguishes punishment/disqualifications but not guilt, conviction, or civil liability (RPC Art. 36); office forfeiture needs new appointment as public trust.
- No Automatic Reinstatement: Only acquittal restores office/back pay; pardon restores eligibility but discretion lies with appointing authority.
- Public Office as Trust: Pardon doesn't erase moral stain; reinstatement not presumed.

44. Sabello vs. Department of Education, G.R. No. 87687, December 26, 1989

FACTS

Isabelo Sabello was an Elementary School Principal. He was later convicted of violating RA 3019 and, as part of the penalty, was disqualified from public office. After serving the consequences, he

was granted an absolute pardon by the President, restoring him to “full civil and political rights.”

He applied to return to government service, but DECS reinstated him only as a classroom teacher, not as principal. He went to the Supreme Court, claiming he should be returned to his former position and asking for backwages and continuous service credits. The case was filed by a non-lawyer, invoking poverty, and the Court chose to resolve the merits rather than dismiss on technicalities.

ISSUE

1. Is there an “actual case or controversy” (i.e., a justiciable controversy) that the Court can decide?
2. Relatedly, what is the legal effect of an absolute pardon on the petitioner’s eligibility/return to public office? (Framed in the case as a demand for restoration to the former position.)

RULING

Yes, there is a justiciable controversy. The dispute was not hypothetical or academic because Sabello was asserting a concrete right/claim (restoration to his prior rank) against the government’s actual action (reinstating him to a lower position), which called for affirmative relief, not an advisory opinion.

On the merits, the Court held that while an absolute pardon restores eligibility and removes legal disabilities, it does not mean automatic reinstatement. Still, because there was no reason to demote him, justice and equity required that he be returned to his former position (or equivalent). The Court denied backwages because he had been lawfully separated upon conviction; backwages generally attach to illegal dismissal or acquittal-type situations.

DOCTRINE

- Actual case/controversy requirement: Courts decide only real, concrete disputes involving adverse legal interests and capable of specific relief—not abstract questions or requests for advice.
- Effect of absolute pardon (public office): An absolute pardon restores civil and political rights and eligibility, but does not automatically reinstate the person to the former position; reinstatement still requires appropriate action by the appointing authority. However, absent justification for lowering rank, equity may require restoration to the former position (but not backwages for the period of lawful separation).

45. Llamas vs. Executive Secretary, G.R. No. 99031, October 15,1991

FACTS

Rodolfo Llamas was the Vice-Governor of Tarlac who assumed as Acting Governor when Governor Mariano Un Ocampo III was suspended for 90 days by the Office of the President. While the suspension was being served, the Executive Secretary (by authority of the President) issued a resolution granting executive clemency to the suspended Governor, effectively lifting/shortening the administrative penalty so he could return to office sooner. Llamas challenged this act before the Supreme Court.

ISSUE

1. Does the President's power of executive clemency cover administrative cases (not just criminal convictions)?
2. Is the grant of clemency a political question beyond judicial review, or may courts still review it for constitutional limits / grave abuse of discretion?

RULING

1. Yes. The President's executive clemency power extends to administrative cases within the Executive branch, unless the Constitution itself provides a specific limitation.
2. Not purely political; limited judicial review is allowed. The Court will not examine the wisdom, reasons, or motives of the President in granting clemency, but it may determine whether the act was within constitutional bounds (i.e., whether the President acted within the limits of her authority).

   In upholding the clemency grant, the Court also relied on Constitutional Commission deliberations, showing an intent not to narrow the President's clemency power except for the express constitutional limitation on election offenses (which require COMELEC recommendation).

46. Trillanes vs. Medialdea, G.R.No. 241494, April3,2024*

Facts

Trillanes led 2003 Oakwood Mutiny (coup d'état charges, RTC Br. 148) and 2007 Peninsula Hotel incident (rebellion, RTC Br. 150). President Aquino III granted amnesty via Proc. 75 (2010) to Magdalo group; cases dismissed after application. President Duterte issued Proc. 572 (Nov. 2018), revoked Trillanes' amnesty for alleged non-filing/non-admission of guilt. DOJ filed motions to revive cases; courts split (Br. 148 denied, Br. 150 granted). Trillanes sought certiorari; consolidated with DOJ appeals.

Issue

Is Proc. 572 revoking Trillanes' amnesty valid, or does it violate due process, ex post facto, double jeopardy, and equal protection?

Ruling

Supreme Court voided Proc. 572 for grave abuse: violated due process (no notice/hearing, ignored DND finality rules); ex post facto/double jeopardy (revived final dismissals); equal protection (singled out Trillanes). Amnesty valid; rejected forum-shopping/hierarchy objections.

Doctrine

- Amnesty Revocation Limits: Executive cannot unilaterally revoke final amnesty (DND process binding); requires notice/hearing under due process (*Ang Tibay* standards).
- Ex Post Facto/Double Jeopardy: Reviving acquitted/dismissed cases via retroactive revocation barred (Art. III, Secs. 21-22).
- Equal Protection: Singling out one amid hundreds with similar flaws irrational, absent justification.
- Justiciable Executive Acts: Amnesty validity reviewable for grave abuse/rights violations (Art. VIII, Sec. 1).

47. Tañada vs. Angara, G.R.No. 118295, May 2,1997

FACTS

The Philippine Senate concurred in the ratification of the Agreement Establishing the World Trade Organization (WTO Agreement). Petitioners (led by Sen. Wigberto Tañada) went to the Supreme Court to stop the Philippines from joining the WTO, arguing that the WTO would supposedly (1) violate constitutional provisions on Filipino-first/economic nationalism and (2) improperly surrender Philippine sovereignty to an international body. The case squarely asked the Court to review the constitutionality of the Senate's action and the validity of joining the WTO.

ISSUE

Whether the Senate's concurrence in the ratification of the WTO Agreement is unconstitutional for allegedly violating the Constitution's nationalist economic policies and/or unlawfully limiting Philippine sovereignty.

RULING

NO. The Senate's concurrence and the Philippines' accession to the WTO Agreement are constitutional.

DOCTRINE

1. Justiciability / political question: When a legislative act (here, Senate concurrence in a treaty) is seriously alleged to violate the Constitution, it presents a justiciable controversy; it is the Court's duty to rule and ensure constitutional supremacy. (This doctrine is repeatedly cited in later cases as the basis for judicial review of legislative/executive acts when grave abuse is alleged.)

2. Treaties and “limited sovereignty”: The Constitution allows the Philippines to enter into treaties and international agreements that may involve voluntary limitations on state action, as part of international cooperation, so long as they are undertaken through the constitutionally prescribed process (including Senate concurrence) and are not contrary to the Constitution.
3. Economic nationalism provisions are not absolute isolationism: Constitutional policies favoring Filipino control of the economy must be read together with other constitutional commitments—like adhering to international law and engaging in international cooperation—so entering WTO is not per se unconstitutional.

48. Pimentel Jr. vs. Executive Secretary, G.R.No.158088, July 6, 2005

FACTS

- The Philippines signed the Rome Statute (International Criminal Court treaty).
- Petitioners (including Sen. Aquilino Pimentel, Jr.) filed mandamus to compel the Executive (Executive Secretary/DFA) to transmit the signed treaty to the Senate for concurrence under the Constitution.
- Their theory: once the treaty is signed, the Executive has a ministerial duty to submit it to the Senate for concurrence.

ISSUE

- Can the courts, via mandamus, compel the President/Executive to submit a signed treaty to the Senate for concurrence?

RULING

- No. The petition for mandamus was dismissed.
- The Court held that submission of a treaty to the Senate is not a ministerial duty that can be compelled by mandamus; it is within the President’s discretion as the primary actor in foreign relations and treaty-making.

DOCTRINE

- Treaty-making is primarily an executive function. The President negotiates and ratifies treaties; the Senate’s constitutional role is limited to concurrence (consent or refusal) after the President decides to submit the treaty.
- Courts cannot compel the President/Executive, through mandamus, to transmit a signed treaty to the Senate because that act involves executive prerogative/discretion, not a clear ministerial duty enforceable by mandamus.

49. Bayan Muna vs. Romulo, G.R.No.159618, February1,2011

FACTS

- The Philippines and the United States entered into an executive agreement called the RP–US Non-Surrender Agreement. It basically provides that each side will not surrender or transfer persons of the other party to the International Criminal Court (ICC) without the other's consent.
- Bayan Muna challenged the agreement via Rule 65, claiming it was invalid because it was not concurred in by the Senate and allegedly conflicted with the Rome Statute (the treaty that created the ICC).
- The Court noted the Philippines was only a signatory to the Rome Statute at the time (i.e., not yet bound as a State Party in the same way as when a treaty is ratified).

ISSUE

Whether the RP–US Non-Surrender Agreement is constitutionally valid even without Senate concurrence (i.e., whether it may be entered into as an executive agreement).

RULING

Yes. The Non-Surrender Agreement is a valid executive agreement, and Senate concurrence is not required for its effectivity, so long as it does not amend/contravene existing laws or treaties.

DOCTRINE

1. Executive agreements are valid without Senate concurrence when they are within the President's power and do not amend, defeat, or contradict existing statutes or treaties.
2. The challenged agreement was upheld because it was treated as an arrangement that does not violate Philippine law and does not defeat the object and purpose of the Rome Statute, especially given the Philippines' status at the time as only a signatory.

50. Saguisag vs. Executive Secretary, G.R.No.212426, January 12, 2016

FACTS

- Petitioners (incl. Rene Saguisag, Jr.) challenged the constitutionality of the Enhanced Defense Cooperation Agreement (EDCA) between the Philippines and the United States. They argued it allowed foreign military presence and activities without the constitutionally required treaty process.
- The Executive confirmed through diplomatic channels that "all internal requirements" were complied with, treating EDCA as effective as an executive agreement. Petitioners claimed this bypassed the Senate's role, invoking Sec. 25, Art. XVIII (foreign military bases, troops, or facilities must be allowed only by treaty concurred in by the Senate). v
- The Government defended EDCA as an implementing agreement anchored on existing treaties (esp. the Mutual Defense Treaty and the Visiting Forces Agreement) and within the President's foreign affairs power.

ISSUE

Whether EDCA required Senate concurrence as a treaty under Sec. 25, Art. XVIII, or may validly take effect as an executive agreement concluded by the President.

RULING

EDCA is constitutional and valid as an executive agreement; Senate concurrence was not required. The Court held that EDCA does not authorize the initial entry/presence of foreign military forces (already covered by existing treaties) and merely implements/adjusts details under existing treaty frameworks.

DOCTRINE

1. Executive agreements remain a recognized class of international agreements under Philippine constitutional practice, even after the 1987 Constitution, and do not generally require Senate concurrence unless the Constitution or a statute specifically demands it.
2. Under Sec. 25, Art. XVIII, what *must* be in a Senate-concurred treaty is the allowance of the presence of foreign military bases, troops, or facilities in the Philippines. An executive agreement may still deal with foreign military matters if it only implements existing treaties / fills in details and does not go beyond them.
3. In foreign affairs, the President is given a larger measure of authority and discretion, and courts generally review international agreements by checking constitutional/statutory limits, not by substituting their judgment on whether the instrument *should have been* labeled a treaty

or an executive agreement (absent a clear constitutional/statutory command).

51. Pangilinan vs. Cayetano, G.R.No. 238875, March 16,2021

FACTS

- Petitioners assailed the President's act of withdrawing the Philippines from an international treaty (the context is the Executive's unilateral termination/withdrawal from a treaty) without Senate concurrence or an enabling statute. They argued the Senate's constitutional role in treaty-making implies a role in treaty withdrawal.
- Respondents defended the withdrawal as part of the President's authority as primary architect of foreign policy, claiming the Executive may end treaties as a matter of policy and foreign relations.
- The controversy raised the constitutional allocation of power between the President and the Senate over entry into—and exit from—treaties.

ISSUE

May the President unilaterally withdraw from (terminate) a treaty without Senate concurrence or legislative authority?

RULING

Generally, yes—but not always. The Court recognized that the President, as the primary architect of foreign policy, may unilaterally withdraw from treaties as a matter of policy. However, this discretion is not absolute: unilateral withdrawal is improper where (a) Senate concurrence for withdrawal is expressly required, or (b) withdrawal would contravene a statute or legislative authority.

DOCTRINE

Treaties become "valid and effective" domestically only upon Senate concurrence under Art. VII, Sec. 21, and once concurred in, they have the force and effect of a statute via the transformation method.

1. The Senate's treaty-concurring power is legislative in character and is a core mechanism of checks and balances in foreign commitments. The President's choice of instrument is not unlimited when national policy issues of a more permanent character are involved.
2. Executive power in foreign relations is broad but constitutionally limited. Courts may review disputes that "touch" foreign relations when the real issue is the constitutional division of powers between political branches.
3. Limits on unilateral treaty withdrawal: While the President may withdraw as a general rule, the action cannot stand when it requires Senate concurrence by express rule or when it conflicts with statute/legislative authority.

4. Analytical aids: The decision discusses (as persuasive guides) the “mirror principle” (exit should mirror entry in terms of needed legislative participation) and the Youngstown framework (presidential power varies depending on congressional authorization/denial), as starting points for assessing executive acts involving shared powers.