

Title: Pimentel, Jr., et al. v. Executive Secretary, et al.

Facts: President Gloria Macapagal-Arroyo appointed eight individuals as acting secretaries of their respective departments while the Philippine Congress was in session. The appointments were made between August 15, 2004, and August 23, 2004. Subsequently, the Senate, a component of Congress, constituted the Commission on Appointments on August 25, 2004. Nine senators then filed a petition to declare the appointments unconstitutional and to prohibit the appointees from performing their duties. Congress later adjourned on September 22, 2004, and the President issued ad interim appointments to the same individuals the following day.

Procedural Posture: The petitioners filed the case with the Supreme Court, invoking its certiorari and prohibition powers, with a request for the issuance of a writ of preliminary injunction. They challenged the constitutionality of the President's act of appointing acting secretaries without the consent of the Commission on Appointments during the session of Congress.

Issues: The legal issues raised were: (1) whether the petition was moot due to the subsequent ad interim appointments issued after Congress recessed; (2) the nature of the power to appoint and whether Congress could limit this executive power; (3) the standing of the senators to file the petition; and (4) the constitutionality of the President's appointment of acting secretaries while Congress was in session.

Court's Decision:

- On Mootness: The Court held that the petition was not moot because the issue was capable of repetition yet evading review. The question of the constitutionality of the President's action is likely to recur in similar situations.
- Nature of Power to Appoint: The Supreme Court confirmed that the power to appoint is executive in nature and that Congress cannot interfere unless expressly allowed by the Constitution.
- On Petitioners' Standing: The Court determined that only certain petitioners had standing to file the petition. These were the senators who were members of the Commission on Appointments.
- On Constitutionality: The Court dismissed the petition, upholding the constitutionality of President Arroyo's appointments. It ruled that the President had the authority to issue acting appointments even while Congress was in session.

Doctrine:

The Supreme Court established that the President of the Philippines has the authority to make acting appointments to executive positions without the consent of the Commission on Appointments while Congress is in session, based on both constitutional and statutory grounds. These acting appointments are by nature temporary and serve as a stop-gap measure.

Class Notes:

- Mootness: Legal actions can be considered even if overtaken by events if the issue presented is capable of repetition, yet evading review.
- Executive Power of Appointment: The President's executive power to appoint cannot be unduly restricted by Congress, except as provided in the Constitution.
- Legal Standing: Not all members of the legislative body have standing to question executive actions. Only those whose powers are directly affected have such standing.
- Acting Appointments: The President may issue acting appointments without the need for confirmation by the Commission on Appointments. This power is rooted in the President's need to fill temporary vacancies with trusted individuals.

Historical Background:

This case took place during the presidency of Gloria Macapagal-Arroyo, a period marked by challenges to the executive power of appointments. It highlights the balance of power between the President and Congress in the appointment process of department secretaries and reflects on the nature of temporary appointments in the executive branch. The decision reasserts the independence of the executive branch in its appointment powers while recognizing the role of the Commission on Appointments in the confirmation process for permanent appointments.