

Title: Atty. Cheloy E. Velicaria-Garafil, et al. vs. The Office of the President, et al.

Facts:

The consolidated cases involved four petitions questioning the constitutionality of Executive Order No. 2 (EO 2) issued by then President Benigno S. Aquino III, which recalled, withdrew, and revoked appointments made by former President Gloria Macapagal-Arroyo allegedly in violation of the constitutional ban on midnight appointments.

The four petitions were from Atty. Cheloy E. Velicaria-Garafil, appointed as State Solicitor II at the Office of the Solicitor General; Atty. Dindo G. Venturanza, appointed as City Prosecutor of Quezon City; Irma A. Villanueva and Francisca B. Rosquita, appointed as Administrator for Visayas of the Cooperative Development Authority and Commissioner of the National Commission of Indigenous Peoples respectively; and Atty. Eddie U. Tamondong, appointed as a member of the Board of Directors of the Subic Bay Metropolitan Authority.

The constitutional ban on midnight appointments, as cited in Section 15, Article VII of the 1987 Philippine Constitution, states that two months before presidential elections up to the end of the President's term, they shall not make appointments with the exception of temporary appointments to executive positions when continued vacancies will prejudice public service or endanger public safety. The contested appointments fell within this prohibited period.

The petitioners' appointments were either dated prior to March 10, 2010, the start of the ban for the 2010 elections, but were transmitted past this date, or the oath-taking and assumption of office occurred after this date. Following the issuance of EO 2, their appointments were revoked and they filed separate cases to challenge the order's constitutionality.

At the Supreme Court, the petitions, motions, and letters connected to the challenge of EO 2 were referred to the Court of Appeals (CA) to conduct further proceedings and assess evidence. The CA upheld the constitutionality of EO 2 but stated that extenuating circumstances of individual appointments must be considered.

Issues:

1. Whether the appointments of the petitioners fall under midnight appointments within the coverage of EO 2.
2. Whether all midnight appointments, including those of the petitioners, were invalid.

3. Whether the appointments of the petitioners were made with undue haste, for partisan reasons, and not in accordance with good faith.

4. Whether EO 2 violated civil service rules on appointment.

Court's Decision:

The Supreme Court upheld the constitutionality of EO 2 and deemed all petitioners' appointments void for violating the constitutional ban on midnight appointments. The Court disagreed with the CA's reliance on extenuating circumstances. It held that for an appointment to be valid, it must be made outside the prohibited period or must fall within the particular exception cited in the Constitution; this was not the case for the petitioners.

Doctrine:

The Philippine Supreme Court reiterated the doctrine that appointments made during the period of the constitutional ban on midnight appointments are presumed to be void unless they fall within the specific exceptions provided by the Constitution.

Class Notes:

- In interpreting Section 15, Article VII of the Constitution, it is crucial to establish the timeline and process of a valid appointment, which includes the President signing the appointment, official transmittal, receipt of the appointment by the appointee, and acceptance manifested by taking an oath or assuming the office.

- An appointment made during the prohibited period as defined by the Constitution is invalid, save for the allowable exception of temporary appointments necessary to ensure public service or safety.

Historical Background:

The case is situated within the broader historical context of efforts to ensure that outgoing Presidents do not unduly influence their successor's administration through late-term appointments. This has been a concern in Philippine governance as evidenced by the constitutional provision and jurisprudence aiming to preserve the prerogatives of an incoming President during a transitional period.