

Title: Alan F. Pagua v. Office of the President, Secretary of Foreign Affairs, and Hon. Hilario Davide, Jr.

Facts:

In March 2006, Alan F. Pagua, acting as a citizen and taxpayer, submitted a petition for certiorari against the Office of the President, the Secretary of Foreign Affairs, and Hon. Hilario Davide, Jr., challenging Davide's nomination by President Gloria Macapagal-Arroyo as the Permanent Representative to the United Nations (UN). Pagua contended that Davide's age, 70 at the time of his nomination, violated Section 23 of Republic Act No. 7157 (RA 7157) or the Philippine Foreign Service Act of 1991, which prescribes a mandatory retirement age of 65 for employees of the Department of Foreign Affairs (DFA). He argued this section applied universally within the DFA, thus the nomination was discriminatory against other DFA officials and employees who must adhere to the retirement age.

Respondents raised preliminary objections on the grounds of Pagua's standing, given his indefinite suspension from practicing law, and the nature of the petition, which they argued was, in essence, a request for quo warranto accessible only to individuals with a claim to the office concerned. Furthermore, they posited that the mandated retirement age does not apply to non-career appointees such as Davide.

The case escalated to the Philippine Supreme Court, which addressed the threshold issues without delving into the query about the Congress' power to legislate age qualifications for nominated ambassadors. The Court found the petition dismissible due to Pagua's lack of legal capacity to sue and the mootness of the case, as Davide had resigned from his post at the UN on April 1, 2010.

Issues:

1. Whether Alan F. Pagua has the standing to challenge the nomination of Hon. Hilario Davide, Jr., based on his citizenship and taxpayer status.
2. Whether the issue presented is moot due to the subsequent resignation of Davide from the UN post.

Court's Decision:

1. Pagua's Standing: The Court denied Pagua's standing, stating that citizen and taxpayer status alone does not confer the right to challenge governmental appointments unless the

case involves issues of transcendental importance, a clear disregard of constitutional or statutory prohibitions, or the absence of any party with a more direct interest. Paguia's generalized interest did not fulfill these criteria.

2. Mootness: Given Davide's resignation as Permanent Representative to the UN, the Court deemed the case moot and academic. Therefore, it did not proceed to address the substantive legal question regarding the power of Congress to impose age qualifications on ambassadorial nominations.

Doctrine:

- **Legal Standing in Constitutional Litigation:** A party challenging governmental actions must demonstrate a personal and substantial interest in the case, except in instances involving issues of transcendental importance.
- **Mootness Doctrine:** Courts will not decide cases in which no actual or live controversy remains at the time of the review.

Class Notes:

- **Legal Standing:** An indispensable element in legal actions challenging governmental appointments or other actions, requiring personal and substantial interest in the outcome, except in rare cases of significant public interest.
- **Mootness:** A principle that prevents courts from adjudicating cases wherein no actual, live controversy exists, ensuring judicial resolution remains relevant and practical.
- **RA 7157 (Philippine Foreign Service Act of 1991) Section 23:** Specifies the retirement age within the DFA, distinguishing between career and non-career officials in the application of retirement benefits and conditions.

Historical Background:

This resolution reflects the interplay between constitutional principles governing the appointment of high-ranking officials by the President of the Philippines and legislative attempts to prescribe qualifications for these roles. It underscores the limitations individuals face when challenging such appointments, focusing on the doctrines of legal standing and mootness. The case is contextualized within the broader discussions on the separation of powers and the checks and balances inherent in the appointment and confirmation process of ambassadors and other high-ranking officials.