

Title: ****Ma. J. Angelina G. Matibag vs. Alfredo L. Benipayo et al. (G.R. No. 149036, April 2, 2002)****

Facts:

Ma. J. Angelina G. Matibag, the petitioner, was appointed in various capacities to the Education and Information Department (EID) of the Commission on Elections (COMELEC), ending with her appointment as “Acting Director IV” by different COMELEC Chairpersons from 1999 to 2001. On March 22, 2001, President Gloria Macapagal Arroyo made several ad interim appointments to the COMELEC, including Alfredo L. Benipayo as Chairman, and Resurreccion Z. Borra and Florentino A. Tuason, Jr. as Commissioners, each serving a term of seven years. Benipayo took office and executed a memorandum reassigning Matibag to the Law Department and designating Velma J. Cinco as Officer in Charge of the EID. Matibag objected, invoking election period transfer prohibitions, but her challenge was denied by Benipayo. Matibag then filed a petition in the Supreme Court, questioning the legal validity of the appointments and her reassignment.

Issues:

1. Whether the petition meets the requirements for judicial review.
2. Whether the ad interim appointments are temporary, thus violating the Constitution.
3. Assuming the first ad interim appointments and assumptions of office are legal, whether the renewal of these appointments violates the constitutional prohibition on reappointments.
4. Whether Benipayo’s removal of Matibag is illegal for lacking COMELEC en banc approval.
5. Whether the disbursements of salaries and emoluments to the appointed officials are lawful.

Court’s Decision:

1. The Court held that the petition satisfies the requisites for judicial review and has legal standing.
2. It ruled that ad interim appointments are permanent and effective until disapproved by the Commission on Appointments or the next adjournment of Congress, not violating the prohibition of temporary appointments.
3. The renewals of the ad interim appointments do not violate the prohibition on reappointments, as the Constitution does not preclude the issuance of another ad interim appointment due to the nature of ad interim appointments.
4. Benipayo, as COMELEC Chairman and Chief Executive Officer, had the authority to reassign Matibag; hence, the action was not illegal.

5. The disbursements to the appointed officials were deemed lawful, given the valid exercise of the appointing and disbursing authority's powers.

Doctrine:

The ruling reaffirmed that ad interim appointments are permanent in nature and can be renewed in the absence of a disapproval by the Commission on Appointments. It emphasized the independence of constitutional bodies like the COMELEC while simultaneously acknowledging the President's power to make appointments.

Class Notes:

- **Ad Interim Appointments**: Permanent unless disapproved by the Commission on Appointments or by the next adjournment of Congress.
- **Reappointment Prohibitions**: Specifically applies to those instances where a prior confirmed appointment exists; does not apply to renewed ad interim appointments when the Commission on Appointments has not acted.
- **Transfer and Reassignment Authority**: Heads of government, including the COMELEC Chairman, have authority to reassign personnel within legal bounds.
- **Judicial Review Requirements**: Existence of actual controversy, personal and substantial interest, timely pleading of constitutional issues, and the constitutional issue being the *lis mota* of the case.

Historical Background:

This case reflects on the constitutionality and implications of the President's power to issue ad interim appointments to the COMELEC, balancing the independence of constitutional commissions with the necessity of filling vacancies to avoid disruptions in government services. It illustrates the judicial interpretation of constitutional provisions on appointments and reappointments, amidst concerns over the appointment process during election periods and the internal management autonomy of constitutional bodies.