

### Title:

#### **\*\*Civil Liberties Union vs. The Executive Secretary: The Legality of Executive Order No. 284 Regarding Multiple Government Positions\*\***

### Historical Background:

The practice of Philippine Cabinet members holding multiple government offices or positions became prevalent during the martial law era under President Ferdinand E. Marcos. This led to widespread abuses and was a source of public discontent that contributed to the People Power Revolution in 1986. The drafting of the 1987 Constitution sought to address these issues by imposing stricter prohibitions on the President, Vice-President, members of the Cabinet, and their deputies or assistants regarding holding other offices or employment during their tenure.

### Facts:

Petitioners contested the constitutionality of Executive Order No. 284 issued by President Corazon C. Aquino, which allowed Cabinet members, undersecretaries, and assistant secretaries to hold not more than two additional positions in the government and receive corresponding compensation. They argued it contravened Section 13, Article VII of the 1987 Constitution, which restricts such officials from holding any other office unless otherwise provided by the Constitution. The case reached the Supreme Court through consolidated petitions with a request for a declaration of unconstitutionality against EO No. 284 and related actions.

### Issues:

1. Whether EO No. 284 permitting Cabinet members and other specified officials to hold multiple positions contradicts Section 13, Article VII of the 1987 Constitution.
2. If the term “unless otherwise provided in this Constitution” in Section 13, Article VII refers to the exceptions provided under Section 7, par. (2), Article IX-B of the Constitution.

### Court’s Decision:

#### Analysis:

The Court invalidated EO No. 284, holding it unconstitutional for allowing Cabinet members and other executive officials to hold multiple positions, directly contravening the 1987 Constitution’s express mandate. The Court clarified that the constitutional prohibition is all-encompassing, covering both public and private office or employment. The Court differentiated between “any other office” covered by the prohibition and positions held

without additional compensation in an ex-officio capacity as necessitated by their primary functions.

**### Resolution:**

The petitions were granted, declaring EO No. 284 null and void. However, officials were considered de facto officers and entitled to emoluments for actual services rendered during their tenure in the questioned positions.

**### Doctrine:**

The 1987 Philippine Constitution imposes a stringent prohibition on the President, Vice-President, Cabinet members, and their deputies or assistants from holding other government offices or employment, except those positions held without additional compensation in an ex-officio capacity as necessitated by their primary functions, or unless specifically allowed by the Constitution itself.

**### Class Notes:**

- **\*\*Section 13, Article VII, 1987 Constitution\*\***: Prohibits the President, Vice-President, members of the Cabinet, and their deputies or assistants from holding any other office or employment during their tenure, except as provided in the Constitution.
- **\*\*Executive Order No. 284\*\***: Illegal under the 1987 Constitution for allowing Cabinet members to hold multiple positions.
- **\*\*Doctrine of Ex-Officio Positions\*\***: Positions held by virtue of one's primary office without additional compensation are not covered by constitutional prohibitions against holding multiple offices.
- **\*\*De Facto Officers\*\***: Officials who, in good faith, have had possession of an office and discharged its duties are entitled to emoluments for actual services rendered, despite any constitutional or legal issues regarding their appointment.