

Title: Binamira v. Garrucho, Jr.

Facts:

This case originates from a dispute over the position of General Manager of the Philippine Tourism Authority (PTA). On April 7, 1986, Ramon P. Binamira was designated as General Manager of the PTA by a memorandum from the Minister of Tourism, Jose Antonio Gonzales. Binamira assumed office on the same day. On April 10, 1986, his designation, including his position as Vice-Chairman of the PTA Board by virtue of being its General Manager, was approved by President Corazon Aquino.

Binamira performed his duties until January 2, 1990, when the new Secretary of Tourism, Peter D. Garrucho, Jr., demanded his resignation. This demand led to a conflict and Binamira's subsequent file of a complaint with the Commission on Human Rights against Garrucho — although this aspect did not concern the Supreme Court directly. On January 4, 1990, President Aquino issued a memorandum to Garrucho, indicating that Binamira's designation was invalid since it was not made by the President as required by law, thereby designating Garrucho as the concurrent General Manager until a permanent appointment could be made. Following this, Binamira filed this petition for quo warranto seeking reinstatement, arguing that his removal violated his security of tenure. Subsequently, on April 6, 1990, Jose A. Capistrano was appointed as General Manager of the PTA, adding another dimension to the case.

Issues:

The core issue revolved around the legality of Binamira's designation and subsequent removal from the position of General Manager of the PTA. Specifically, whether:

1. The designation of Binamira by the Minister of Tourism was valid and conferred upon him security of tenure.
2. Binamira's removal from office was in violation of his supposed security of tenure.

Court's Decision:

The Supreme Court dismissed the petition. It established a critical distinction between "appointment" and "designation," emphasizing that the PTA's General Manager must be appointed by the President of the Philippines, not merely designated by any other authority. Given this, Binamira's designation by the Minister of Tourism did not confer upon him security of tenure that could protect him from removal.

The Court reasoned that appointment involves discretion, which cannot be delegated,

whereas designation can be a temporary measure that does not bestow the same level of permanence or rights as an appointment would. The Court found that even if Binamira's designation was seen as an appointment, it would still be invalid as it was not made by the President herself, thereby not fulfilling the legal requirement set out in Section 23-A of P.D. 564.

Doctrine:

- There's a clear legal distinction between "appointment" and "designation".
- The appointment of the General Manager of the Philippine Tourism Authority is a prerogative that lies exclusively with the President of the Philippines, thus, cannot be delegated.
- A designation does not confer security of tenure as an appointment would.

Class Notes:

Key Concepts:

- ****Appointment vs. Designation****: Appointment confers security of tenure; designation does not and is often temporary.
- ****Security of Tenure****: Legally secured only through valid appointment processes.
- ****Presidential Prerogative****: Specific roles require direct presidential appointment; cannot be delegated.

Relevant Statute:

- ****Section 23-A of P.D. 564****: Specifies that the PTA's General Manager should be appointed by the President, serving a term of six years unless removed for cause.

Historical Background:

This case illustrates the transition period in the late 1980s and early 1990s in the Philippines, under President Corazon Aquino's administration, marked by redefinitions of executive powers and functions. It highlights the importance the law places on proper administrative appointment procedures and the clear delineation of authority within governmental structures.