

****Title:**** Dennis A.B. Funa vs. Executive Secretary et al.

****Facts:**** The case commenced when President Gloria Macapagal-Arroyo appointed Maria Elena H. Bautista as Undersecretary of the Department of Transportation and Communications (DOTC) on October 4, 2006. Bautista was further designated as Officer-in-Charge (OIC) of the Maritime Industry Authority (MARINA) on September 1, 2008, following the resignation of its Administrator Vicente T. Suazo, Jr. Dennis A.B. Funa filed a petition challenging Bautista's concurrent positions as unconstitutional under Section 13, Article VII of the 1987 Constitution. The respondents argued that the issue was moot due to Bautista's subsequent appointment as MARINA Administrator on January 5, 2009, and her relinquishment of her DOTC post, claiming that there was no violation of constitutional prohibitions.

****Issues:****

1. Whether the designation of Bautista as OIC of MARINA in concurrent capacity with her position as DOTC Undersecretary violates Section 13, Article VII of the 1987 Constitution.
2. Whether the petition presents an actual case or controversy for judicial review.
3. Whether the petitioner has legal standing.
4. Whether the case has been rendered moot and academic by subsequent events.
5. Whether the concurrent positions held by Bautista were incompatible offices.

****Court's Decision:**** The Supreme Court held the petition to be meritorious, declaring Bautista's concurrent designation as MARINA OIC and her position as DOTC Undersecretary unconstitutional. The Court emphasized that the Constitution's stricter prohibition on Cabinet Members, their deputies and assistant from holding multiple offices applied squarely to Bautista's case. The prohibition intended to prevent the concentration of power and ensure dedicated service. The role of MARINA Administrator was determined not to be an ex-officio capacity to the DOTC Undersecretary, making the designation constitutionally infirm. The Court ruled on the issues of mootness and standing by noting the importance of resolving the constitutional question raised due to its broader implications on governance and public administration.

****Doctrine:**** The prohibition under Section 13, Article VII of the 1987 Constitution against Cabinet members, their deputies, and assistants holding multiple government offices is absolute, subject only to specific exceptions provided by the Constitution itself. The exception to this prohibition is strictly interpreted, applying only in instances directly allowed by the Constitution.

****Class Notes:****

- Members of the Cabinet, their deputies, and assistants are strictly prohibited from holding any other office or employment during their tenure, with narrowly defined exceptions as explicitly provided in the Constitution.
- Legal standing requires a direct and personal interest in the case. In issues of constitutional significance, however, concerned citizens may be granted standing.
- Cases rendered moot and academic may still be resolved by the Court in instances where important constitutional issues are at stake or where the situation is capable of repetition yet evading review.
- Concurrent positions or designations not expressly allowed by the Constitution for high-ranking executive officials are unconstitutional.
- Section 13, Article VII, provides a stricter prohibition compared to the general rule applicable to other public officials under Section 7, Article IX-B of the Constitution.

****Historical Background:**** This decision reflects the Philippine judiciary's commitment to maintaining the checks and balances between different branches of government and enforcing the constitutional boundaries designed to prevent concentration of power within specific offices or individuals in the executive branch. It underscores the principles of dedicated service by public officials and the prevention of conflicts of interest, consistent with the lessons learned from past political experiences in the Philippines.