

### Title: Funa v. Agra: A Constitutional Enquiry into Concurrent Appointments in the Philippine Executive Branch

### Facts:

Dennis A.B. Funa filed a petition against the designation of Alberto C. Agra as concurrently the Acting Secretary of Justice and Acting Solicitor General by President Gloria Macapagal-Arroyo. The procedural journey started with President Arroyo designating Agra as the Acting Solicitor General on March 5, 2010, following his appointment as Acting Secretary of Justice on March 1, 2010. Funa, as a taxpayer, citizen, and lawyer, challenged these concurrent designations as unconstitutional under the 1987 Philippine Constitution's Section 13, Article VII, and Section 7, paragraph (2), Article IX-B. Despite conflicting narratives on the sequence of Agra's appointments and his roles, the Supreme Court focused on the constitutional issues this dual designation raised. This case ascended to the Supreme Court after Agra's appointment and Funa's direct constitutional challenge to it.

### Issues:

1. Whether the designation of Alberto C. Agra as concurrent Acting Secretary of Justice and Acting Solicitor General violates the constitutional prohibition against holding multiple government offices.

### Court's Decision:

The Supreme Court ruled that Agra's concurrent designation as Acting Secretary of Justice and Acting Solicitor General was unconstitutional, voiding the designation for breaching Section 13, Article VII of the 1987 Constitution. The Court deliberated extensively on the constitutional prohibitions and exceptions concerning the holding of multiple offices by Cabinet members and similar officials, concluding that the temporary nature of Agra's appointments did not exempt them from these constitutional restrictions. The Court resolved that the constitutional ban applied to all forms of appointment, whether permanent or temporary. The decision emphasized the distinction between *de jure* and *de facto* officers, recognizing Agra as a *de facto* officer during his tenure, with his official actions presumed valid for public interest and stability.

### Doctrine:

The ruling reiterates the strict constitutional prohibition under Section 13, Article VII of the 1987 Constitution against Cabinet members and their deputies or assistants holding any other office or employment during their tenure, regardless of whether the appointment is permanent or temporary. This prohibition aims to prevent the concentration of power and

ensure devoted service without the distraction of holding multiple government positions.

**### Class Notes:**

- **Dual or Multiple Offices Prohibition**: Members of the Cabinet, and their deputies or assistants are constitutionally barred from holding any other government office or employment unless expressly allowed by the Constitution.
- **Judicial Review Requisites**: Existence of an actual case, standing of the petitioner, timeliness of the challenge, and necessity of deciding the constitutional question.
- **De Facto vs. De Jure Officers**: Recognition of actions taken by de facto officials as valid to protect public interest, despite the unconstitutional nature of their appointment.
- **Ex Officio Capacity**: Clarification that holding positions in an ex officio capacity means holding another office by virtue of one's primary office and is allowed under certain conditions.
- **Historical Background**: The case exemplifies post-1987 constitutional jurisprudence on executive appointments and the separation of powers among Philippine government branches.

**### Historical Background:**

This decision underscores the 1987 Philippine Constitution's focus on limiting Executive power, particularly in relation to multiple office holdings. It reflects the constitutional framers' intent to avoid conflicts of interest and ensure dedicated public service by high-ranking executive officials, a principle deeply rooted in the post-Martial Law era's emphasis on government transparency and accountability.