

Title: Rufino et al. vs. Endriga et al.: The Presidential Power of Appointment and the Autonomy of the Cultural Center of the Philippines

Facts:

The Cultural Center of the Philippines (CCP), established through Presidential Decree No. 15 (PD 15) by then-President Ferdinand E. Marcos in 1966, was created to promote and preserve Filipino arts and culture. PD 15 provided for a Board of Trustees to govern CCP and outlined the manner of filling vacancies within the Board. Over the years, the composition of the CCP Board underwent changes, conditioned largely by the sitting president's prerogatives. Following the declaration of Martial Law, PD 15 was amended, prescribing that the CCP Board consists of 11 trustees, with a tenure and election modality seemingly insulating the Board from political interference, as vacancies were to be filled by election among the trustees themselves.

In 1998, then-President Joseph E. Estrada appointed seven new trustees to the CCP Board, replacing those whose terms were supposedly still running, according to the Board itself. This action was contested by the displaced trustees (Endriga group), who filed a quo warranto petition, arguing that their removal and the appointment of new trustees (Rufino group) violated PD 15's prescribed process for filling Board vacancies. The contention centered on whether the President's power to appoint could override the provisions of PD 15 regarding Board succession.

The case escalated through the judicial system, finally reaching the Supreme Court in the consolidated petitions G.R. No. 139554 and G.R. No. 139565, respectively filed by the Rufino and Endriga groups, challenging each other's claim to the legitimate occupancy of the CCP Board of Trustees.

Issues:

1. Whether Section 6(b) of PD 15, authorizing the CCP trustees to elect their fellow trustees, is unconstitutional for being repugnant to the 1987 Philippine Constitution.
2. Whether the President's constitutional power of control and supervision over government offices includes the authority to appoint trustees of the CCP contrary to the provisions of PD 15.

Court's Decision:

The Supreme Court, in an en banc decision written by Justice Carpio, declared Section 6(b) and (c) of PD 15 unconstitutional, ruling that such provisions improperly delegated the

power to fill Board vacancies to the CCP trustees themselves, contrary to the 1987 Philippine Constitution's directive that Congress may only vest the appointment of officers lower in rank in the heads of agencies, boards, commissions, or the President. The ruling effectively endowed the President with the authority to appoint trustees to the CCP Board, aligning with the constitutional prerogatives of the President to make appointments within the executive branch and to exercise control over all executive departments, bureaus, and offices.

Doctrine:

The Supreme Court established that appointing powers within the executive branch are explicitly vested in the hands of the President by the Constitution. The power to appoint cannot be delegated to subordinate or co-equal officers within any government agency, department, board, or commission. Furthermore, it underscored the President's control and supervision over all executive departments, bureaus, and offices, which includes government-owned or controlled corporations such as the CCP.

Class Notes:

1. The power to appoint is inherent in the executive branch of the government, specifically vested in the President by the Constitution, except as otherwise provided by law (1987 Philippine Constitution, Article VII, Section 16).
2. Congress may vest the appointment of inferior officers in the President alone, courts, or heads of departments, agencies, commissions, or boards, but cannot authorize the appointment of officers of equal rank by these entities (1987 Philippine Constitution, Article VII, Section 16).
3. The President has control and supervision over all executive departments, bureaus, and offices, which includes ensuring that laws are faithfully executed (1987 Philippine Constitution, Article VII, Sections 17 and 16).

Historical Background:

The creation of the CCP and the evolving composition of its Board of Trustees reflect the interplay between the preservation of cultural heritage and the influence of political power in the Philippines. Established during the Marcos regime as a vehicle to promote Filipino arts and culture, the CCP's governance structure, through PD 15, was initially designed to afford it some degree of insulation from political vicissitudes. However, subsequent changes in leadership brought about efforts to assert executive control over the institution, culminating in a legal contest that tested the constitutional boundaries of presidential appointment powers vis-à-vis statutory provisions on governance of government-owned and

controlled corporations. This case elucidates the friction between the legislative intent to grant certain entities autonomy in operations and governance and the broader constitutional prerogatives of the executive branch, notably the President's encompassing authority over executive offices và appointments therein.