

****Title**:** Brillantes vs. Yorac, G.R. No. L-88651 (1990)

****Facts**:**

On December 1989, Chairman Hilario B. Davide of the Commission on Elections (COMELEC) was appointed by the President of the Philippines as chairman of the fact-finding commission to investigate the December 1989 coup d'état attempt. Subsequently, President Corazon Aquino designated Associate Commissioner Haydee B. Yorac as Acting Chairperson of COMELEC.

Petitioner Sixto S. Brillantes, Jr., challenged this designation, asserting that it violated Article IX-C, Section 1(2) of the 1987 Philippine Constitution, which states that "In no case shall any Member (of the Commission on Elections) be appointed or designated in a temporary or acting capacity."

Procedural Posture:

1. The petitioner filed a case with the Supreme Court seeking to annul the designation.
2. The Solicitor General, representing the government, argued that the designation was necessary for administrative expediency to prevent disruption in COMELEC's functions.
3. Petitioner rebutted by invoking the case of Nacionalista Party v. Bautista, where a similar designation by President Quirino was struck down as unconstitutional.
4. At no point during this procedural journey did the qualifications of the respondent Yorac come into question; the petitioner conceded these were adequate.

****Issues**:**

1. Whether the President of the Philippines has the authority to designate an Acting Chairperson for the COMELEC.
2. Whether such a designation violates the independence of the Commission as provided in the Philippine Constitution.

****Court's Decision**:**

The Supreme Court of the Philippines declared the designation unconstitutional. Analyzing issue by issue:

1. ****Authority of the President**:**

- The Court ruled that the President's action to appoint Yorac as Acting Chairperson was a direct violation of Article IX-C, Section 1(2) of the Constitution, which prohibits the appointment of any COMELEC member in a temporary or acting capacity.
- The Court held that normally, the choice of an Acting Chairman in the absence of the

regular chairman is an internal matter for the commission members to decide, based on their discretion and the principle of independence enshrined in Article IX-A, Section 1 of the Constitution.

2. **Independence of the Commission**:

- The Supreme Court emphasized the independence of Constitutional Commissions like COMELEC from the executive branch.
- The Court noted that such designations, despite intentions of administrative convenience, undermine this independence. The operations of COMELEC would not be stalled or impeded in the absence of presidential intervention.
- The matter of selecting a temporary head should naturally fall to the senior member or as internally resolved by the commissioners themselves without presidential interference.

Doctrine:

1. **Independence of Constitutional Commissions**: These commissions operate independently of the executive, and their internal procedures, including temporary appointments, should be resolved internally.
2. **No Temporary Designations**: Article IX-C, Section 1(2) of the Constitution strictly prohibits any temporary or acting appointments of COMELEC members, denoting permanence in tenure for members without exceptions.

Class Notes:

1. **Independence of the Constitutional Commissions**: Article IX-A, Sec 1 and IX-C, Sec 1(2) of the 1987 Constitution
2. **Prohibition on Temporary Appointments**: Clear mandate prohibiting acting capacities under Article IX-C, Sec 1(2).
3. **Case Reference**: Nacionalista Party v. Bautista, precedent against temporary designations.
4. **Key Statutory Provisions**:
 - Article IX-A, Section 1: Describes commissions as independent.
 - Article IX-A, Section 7: Decisions subject only to Supreme Court review.
 - Article IX-C, Section 1(2): Prohibition against temporary appointments.

Historical Background:

The case arose during a politically sensitive period following the 1989 coup attempt against President Corazon Aquino. The case underscores the Philippines' emphasis on maintaining

the independence of its constitutional commissions, especially COMELEC, in preventing undue influence from the executive branch. This context reflects a broader effort to safeguard democratic institutions from executive overreach in a turbulent political landscape. It reaffirmed the judiciary's role in upholding constitutional provisions ensuring autonomous function and independence of bodies like COMELEC, crucial for preserving democratic processes and electoral integrity.