

Title:

Dennis A. B. Funa vs. The Chairman, Commission on Audit, Reynaldo A. Villar, G.R. No. 191672 (2013)

Facts:

- **February 15, 2001**: President Gloria Macapagal-Arroyo appointed Guillermo Carague as Chairman of the Commission on Audit (COA) for a 7-year term, expiring on February 2, 2008.
- **February 7, 2004**: President Macapagal-Arroyo appointed Reynaldo Villar as a COA Commissioner for a 7-year term ending on February 2, 2011.
- **February 4, 2008**: Following Carague's retirement, Villar was designated Acting Chairman of COA.
- **April 18, 2008**: Villar was officially appointed as Chairman of COA to replace Carague. The appointment was confirmed by the Commission on Appointments on June 11, 2008, intended to last until February 2, 2011, coinciding with the end of Villar's term as Commissioner.
- **February 22, 2011**: Villar expressed his intention to step down from office upon the appointment of his replacement, which occurred with the appointment of Ma. Gracia Pulido-Tan as COA Chairman, leading to the mootness of the original petition.

Issues:

1. **Procedural Standing**:

- Does the petitioner (Dennis A. B. Funa) have the legal standing to challenge Villar's appointment in a certiorari under Rule 65?
- Is certiorari under Rule 65 the correct remedy, or should quo warranto under Rule 66 or declaratory relief under Rule 63 have been pursued?

2. **Substantive Constitutionality**:

- Did Villar's appointment as Chairman of the COA violate Sec. 1(2), Art. IX(D) of the Constitution, which imposes a ban on reappointment?
- If valid, for how long can Villar serve as Chairman?

Court's Decision:

Procedural Issues:

- **Standing**: The Court found that the petitioner has standing due to the transcendental importance of the constitutional issues involved which affect public interest and require a formulation of controlling principles.

- **Appropriate Remedy**: The Court ruled that certiorari under Rule 65 was the proper remedy. It extended certiorari to executive review under the expanded judicial review concept of the 1987 Constitution, considering allegations of grave abuse of discretion.

Substantive Issues:

- **Validity of Villar's Appointment**:

- The Court analyzed Sec. 1(2), Art. IX(D) of the Constitution which restricts the terms and composition of COA appointees. The provision prohibits reappointments after a full term of seven years and ensures a staggered completion of terms.

- **Reappointment Ban**: The Court held that Villar's appointment from Commissioner to Chairman was not a reappointment within the traditional meaning but rather a new and separate appointment. However, the Constitution's intent was to prevent any member serving more than seven years in total.

- **Aggregate Term**: Villar had already served four years of his term as Commissioner, leaving only three years as Chairman before reaching the total seven years allowed. This violated the constitutional mandate which envisions full 7-year terms without exceeding it.

- **Appointment to Expired Term**: The Constitution mandates a full seven-year term for an appointment replacing someone whose term has expired, rendering Villar's appointment of less than seven years invalid.

- **Conclusion**: The Court declared Villar's appointment as Chairman unconstitutional because it violated the constitutional provision's 7-year term limit and the intent to maintain independence and staggered appointments within the COA.

Doctrine:

- **Term Limit**: Members of the constitutional commissions, such as the COA, are appointed for fixed terms of seven years without reappointment.

- **Reappointment Ban**: This ban applies universally, including scenarios of promotional appointments from Commissioner to Chairman, preventing any individual from exceeding the aggregate seven-year total in any capacity within the commission.

Class Notes:

- **Key Elements**:

- **Locus Standi**: The standing of the petitioner in public interest matters.

- **Certiorari under Rule 65**: Appropriate for questions of grave abuse of discretion in executive appointments.

- **Constitutional Interpretation**: Art. IX(D) constitutional provision on term limits and

reappointment bans.

- ***Aggregate Service***: Limitation on total service period in the COA.

- ****Statutes/Provisions****:

- ****1987 Constitution, Art. IX(D), Sec. 1(2)****: Chairman and Commissioners appointments for seven years without reappointment, and the proscription against temporary or acting capacity.

Historical Background:

The case reflects a period of heightened judicial scrutiny over executive branch actions during the administration of President Gloria Macapagal-Arroyo, emphasizing the independence of constitutional bodies like the COA. It underscores the importance of maintaining the intent of constitutional framers to safeguard commission independence, thereby preventing undue influence or control by the appointing authority.