

Title: General vs. Urro (Luis Mario M. General v. Alejandro S. Urro et al.)

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Facts:

1. **Initial Appointments:**

- September 20, 2004: President Gloria Macapagal-Arroyo (PGMA) appoints Imelda C. Roces as acting Commissioner of the National Police Commission (NAPOLCOM).
- January 25, 2006: Roces is reappointed as acting NAPOLCOM Commissioner.
- September 2007: Roces dies.

2. **Further Appointments:**

- July 21, 2008: PGMA appoints Luis Mario M. General as acting NAPOLCOM Commissioner to replace Roces. Eduardo U. Escueta is simultaneously appointed as acting NAPOLCOM Commissioner and Vice Chairman.
- March 5, 2010: PGMA appoints Alejandro S. Urro as Commissioner to replace General.
- March 8, 2010: PGMA appoints Constancia P. de Guzman and makes Eduardo U. Escueta permanent NAPOLCOM Commissioners.

3. **Oath of Office:**

- March 9, 2010: Escueta takes his oath before Judge Alberico Umali.
- March 25, 2010: Urro takes his oath before DILG Secretary Ronaldo V. Puno.
- April 27, 2010: De Guzman takes her oath before Sandiganbayan Associate Justice Jose R. Hernandez.

4. **Challenge to Appointments:**

- March 22, 2010: General files petitions challenging the constitutionality of the appointments of Urro, de Guzman, and Escueta as violative of the constitutional ban on midnight appointments.
- July 30, 2010: President Benigno S. Aquino III issues Executive Order No. 2, recalling and revoking appointments made in violation of the constitutional ban.

Issues:

1. **Nature of General's Appointment:**

- **Was General's appointment temporary (acting) or permanent?**
- **Does his appointment entitle him to the position until the unexpired term of Roces?**

2. **Constitutionality of Respondents' Appointments:**

- **Were the appointments of Urro, de Guzman, and Escueta valid under Section 15, Article VII of the Constitution?**

3. **Validity of Successive Acting Appointments:**

- **Was the issuance of successive acting appointments valid and consistent with R.A. No. 6975 (DILG Act of 1990)?**

4. **Establishment of Cause of Action:**

- **Did General establish a clear cause of action to maintain his quo warranto petition?**

Court's Decision:

1. **Nature of Appointment (Temporary vs. Permanent):**

- The Court determines that General's appointment was indeed temporary (acting), as the President's power to issue temporary appointments is permitted unless expressly prohibited by law. The NAPOLCOM's creation, its purpose, and function as articulated under R.A. No. 6975 do not prohibit acting appointments. Here, General's acting appointment lasted beyond the typical one year due to a gap in appointing a permanent commissioner.

2. **Constitutionality of Appointments:**

- Despite the arguments about the issuance date of the appointment letters, the Court refrains from addressing the constitutionality since the core of the issue to be solved is whether General has a valid cause of action. Since General's appointment expired; thus, he lacked the standing to challenge the new appointments.

3. **Successive Acting Appointments:**

- Staggered terms, intended to ensure a continuity of service, do not invalidate temporary appointments. The Court finds no legislative prohibition against successive acting appointments.

4. **Establishment of Cause of Action:**

- General, by the nature and expiry of his acting appointment, lacked a clear right to the office at the time he filed his petition. His petition for quo warranto thus lacked merit as he failed to clearly establish his entitlement to the office in dispute.

Doctrine:

- **Temporary Appointments:** Even for bodies with fixed terms and staggered

appointments, temporary appointments are valid unless specifically prohibited by statute.

- **Quo Warranto Requirement:** A petitioner must demonstrate a clear legal right to the office to sustain a quo warranto action.
- **Estoppel in Challenging Appointments:** Acceptance of an acting appointment without protest precludes a later challenge to its temporary nature.

Class Notes:

- **Key Principles:**
- **Acting vs. Permanent Appointment:** Temporary appointees lack security of tenure and can be removed at the appointing authority's discretion.
- **Quo Warranto:** Requires a demonstrable legal claim to the contested office.
- **Separation of Powers:** Presumption of validity of executive acts.

- **Relevant Statutes:**
- **R.A. No. 6975:** Department of the Interior and Local Government Act of 1990.
- **Executive Order No. 292:** Administrative Code of 1987, outlining the President's power to issue temporary designations.

Historical Background:

- The NAPOLCOM has evolved from the post-war Police Commission to its current structure, with laws such as R.A. No. 6975 and R.A. No. 8551 shaping its administrative control over the Philippine National Police. This case reflects ongoing tensions in administrative continuity and executive authority, particularly in transition periods between presidential administrations.