

Title: In Re Appointments Dated March 30, 1998 – Hon. Mateo A. Valenzuela and Hon. Placido B. Vallarta as Judges of the RTC

Facts:

- March 9, 1998** – The Judicial and Bar Council (JBC) convened to debate appointment constitutionality in light of impending presidential elections under Section 15, Article VII of the Constitution, prohibiting presidential appointments two months preceding elections unless for temporary executive positions.
- March 11, 1998** – President issued eight appointments to the Court of Appeals, dated to avoid election ban.
- April 6, 1998** – The Chief Justice received official notification of these appointments, dated the day before the election ban commencement, leading to constitutional deliberations.
- February 24 and March 3, 1998** – JBC nominated Valenzuela and Vallarta among others for judiciary vacancies. These nominations were officially received by the President’s Office on March 20, 1998.
- May 4, 1998** – President requested JBC stance on Supreme Court vacancies post these nominations, stressing duty to appoint within 90 days as per Sections 4(1) and 9, Article VIII.
- May 6-8, 1998** – Tense exchanges led to the Chief Justice advising deferred nominations pending constitutional clarity. The JBC decided to refer the query to the Supreme Court for constitutional resolution.
- May 12, 1998** – Appointments for Valenzuela and Vallarta as judges were filed with the Chief Justice.
- May 14, 1998** – Valenzuela, unaware of the abeyance order, took the oath and assumed duties based on a Malacañang copy of his appointment.
- July 17, 1998** – Valenzuela explained his actions citing prior receipt of an unofficial appointment.
- Procedural Stance** – The Supreme Court held proceedings under an administrative

matter due to concerns over appointment legitimacy during a prohibited period, preventing Valenzuela and Vallarta from executing their judicial duties meanwhile.

****Issues:****

1. Can the President make judiciary appointments during the constitutional ban period stated in Section 15, Article VII?
2. Do Sections 4(1) and 9 of Article VIII justify immediate judiciary appointments irrespective of electoral bans?

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

1. ****On Appointment Prohibitions:**** The Supreme Court held that Section 15, Article VII's prohibition applies to judiciary appointments, as its aim is to prevent electoral manipulation or partisan appointments prior to the presidential changeover.
2. ****Judiciary Appointment Timelines:**** Sections 4(1) and 9, Article VIII obligate filling judiciary vacancies within a timeframe barring any election-related prohibition, with no intent to supersede Article VII election year constraints.
3. ****Suspending Appointment Validity:**** The Court declared appointments of Valenzuela and Vallarta void due to their occurrence during the election ban, protecting against perceived attempts to sway electoral outcomes.

****Doctrine:****

The ruling reinforced the doctrine that constitutional election bans on appointments explicitly include the judiciary, asserting the supremacy of electoral purity and impartial administration transition over procedural expediency in filling judicial vacancies.

****Class Notes:****

- ****Section 15, Article VII****: Imposes a ban on presidential appointments two months before elections, limiting only to temporary executive roles under emergency circumstances that ensure uninterrupted public service.
- ****Sections 4(1) & 9, Article VIII****: Mandates 90-day period to fill judiciary vacancies post-notice, constrained by any constitutional bans.
- ****Election Code Section 261****: Classifies wrongful appointment timing as an election

offense aligning with restrictions to eliminate undue electoral influence.

****Historical Background:****

Post the 1986 Constitution adopting strict provisions on appointments during electoral transitions, the *Aytona v. Castillo* case (1962) set precedence by nullifying last-minute 'midnight' appointments as partisan. These provisions emerged from distrust in the outgoing administration's potential to anchor policies through judicial appointments, fortifying an independent judiciary essential to democratic responsibility.