

Title:

****Sarmiento III & Arcilla vs. Mison, et al., G.R. No. 79974, December 17, 1987****

Facts:

Ulpiano P. Sarmiento III and Juanito G. Arcilla, both taxpayers, lawyers, members of the Integrated Bar of the Philippines, and professors of Constitutional Law, filed a petition for prohibition against Salvador Mison, the newly appointed Commissioner of the Bureau of Customs. The petitioners aimed to prevent Mison from performing his functions as Commissioner and to stop Guillermo Carague, Secretary of the Department of Budget, from disbursing Mison's salary and emoluments. They contended that Mison's appointment was unconstitutional because it lacked confirmation from the Commission on Appointments.

****Series of Events:****

1. ****Appointment****: Salvador Mison was appointed Commissioner of the Bureau of Customs by President Corazon Aquino.
2. ****Petition****: Petitioners filed for prohibition in the Supreme Court, arguing that Mison's appointment required confirmation by the Commission on Appointments under Section 16, Article VII of the 1987 Constitution.
3. ****Procedural Posture****: The Supreme Court accepted the petition and allowed due course, setting finer procedural questions aside, such as whether prohibition was the proper remedy and whether petitioners had standing.
4. ****Intervention****: The Commission on Appointments filed a petition in intervention supporting the petitioners. Comments and replies were duly filed by the parties.
5. ****Oral Arguments****: The parties were heard in oral argument on December 8, 1987.
6. ****Historical Context****: The case involved a conflict between the Executive and Legislative branches early in the life of the 1987 Constitution.

Issues:

1. ****Whether Salvador Mison's appointment as Commissioner of the Bureau of Customs required confirmation by the Commission on Appointments under the 1987 Constitution.****

Court's Decision:

The Court ruled that Mison's appointment did not require confirmation by the Commission on Appointments based on the interpretation of Section 16, Article VII of the 1987 Constitution.

****Legal Issues and Resolutions:****

1. **Splitting of Appointments**:

- **First Group**: Heads of executive departments, ambassadors, public ministers, consuls, military officers from the rank of colonel or naval captain, and other officers explicitly mentioned in the Constitution require the consent of the Commission on Appointments.
- **Second, Third, and Fourth Groups**: Appointments not expressly mentioned in the first group, even if authorized by law, do not require such consent.

2. **Interpreting “Also” in Constitutional Context**:

- The term “also” in the constitutional provision suggested an addition rather than a necessity for the same process of confirmation, allowing the President to appoint certain officers without following the nomination and confirmation procedure.

3. **Application to the Bureau of Customs Commissioner**:

- The position of Bureau of Customs Commissioner is classified under the second sentence of Section 16, Article VII, thus exempting it from requiring the Commission on Appointments’ confirmation.

Doctrine:

The Court established that **only appointments explicitly falling within the first category mentioned in Section 16, Article VII of the 1987 Constitution require the consent of the Commission on Appointments**. Appointments falling under the subsequent groups outlined in the provision do not need such confirmation.

Class Notes:

Key Elements/Concepts:

- **Appointments and Confirmation**:
- **Section 16, Article VII of the 1987 Constitution**:
- **First Group**: Requires confirmation.
- **Second, Third, Fourth Groups**: Do not require confirmation.
- **Constitutional Interpretation**:
- **Expressio unius est exclusio alterius** (The express mention of one thing excludes all others).
- **Historical Context**: Importance of understanding the framers’ intention.

Statutory Provisions:

- **1987 Constitution**:
- **Section 16, Article VII**: Specific appointments and the President’s authority.

- **Section 601 of Republic Act No. 1937 and PD No. 34***: The Tariff and Customs Code of the Philippines, regarding the appointment of the Commissioner of the Bureau of Customs.

Historical Background:

This case surfaced during the early application of the 1987 Constitution, which was framed post the ousting of the Marcos regime and aimed to balance powers between the executive and legislative branches. The historical pivot involved recalibrating the appointment powers to prevent past abuses of executive power and curtail political maneuvering in the appointment processes.