

JESUS ARMANDO A.R. TARROSA, PETITIONER, VS. GABRIEL C. SINGSON AND HON. SALVADOR M. ENRIQUEZ III, RESPONDENTS.*G.R. No. 111243. May 25, 1994*

Ponente: QUIASON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-111243/>**QUIASON, J.:**

This is a petition for prohibition filed by petitioner as a "taxpayer," questioning the appointment of respondent Gabriel Singson as Governor of the Bangko Sentral Ng Pilipinas for not having been confirmed by the Commission on Appointments. The petition seeks to enjoin respondent Singson from the performance of his functions as such official until his appointment is confirmed by the Commission on Appointments and respondent Salvador M. Enriquez, Secretary of Budget and Management, from disbursing public funds in payment of the salaries and emoluments of respondent Singson.

I

Respondent Singson was appointed Governor of the Bangko Sentral by President Fidel V. Ramos on July 2, 1993, effective on July 6, 1993 (Rollo, p. 10).

Petitioner argues that respondent Singson's appointment is null and void since it was not submitted for confirmation to the Commission on Appointments. The petition is anchored on the provisions of Section 6 of R.A. No. 7653, which established the Bangko Sentral as the Central Monetary Authority of the Philippines. Section 6, Article II of R.A. No. 7653 provides:

"SEC. 6. Composition of the Monetary Board. The powers and functions of the Bangko Sentral shall be exercised by the Bangko Sentral Monetary Board, hereafter referred to as the Monetary Board, composed of seven (7) members appointed by the President of the Philippines for a term of six (6) years.

The seven (7) members are:

(a) The Governor of the Bangko Sentral, who shall be the Chairman of the Monetary Board. The Governor of the Bangko Sentral shall be head of a department and his appointment shall be subject to confirmation by the Commission on Appointments. Whenever the Governor is unable to attend a meeting of the Board, he shall designate a Deputy Governor to act as his alternate: Provided, That in such event, the Monetary Board shall designate one of its members as acting Chairman x x x" (Underlining supplied).

In their comment, respondents claim that Congress exceeded its legislative powers in requiring the confirmation by the Commission on Appointments of the appointment of the Governor of the Bangko Sentral. They contend that an appointment to the said position is not among the appointments which have to be confirmed by the Commission on Appointments, citing Section 16 of Article VII of the Constitution which provides that:

"SEC. 16. The President shall nominate and, with the consent of the Commission on Appointments, appoint the heads of the executive departments, ambassadors, other public ministers and consuls, or officers of the armed forces from the rank of colonel or naval captain, and other officers whose appointments are vested in

him in this Constitution. He shall also appoint all other officers of the Government whose appointments are not otherwise provided for by law, and those whom he may be authorized by law to appoint. The Congress may, by law, vest the appointment of other officers lower in rank in the President alone, in the courts, or in the heads of department, agencies, commissions, or boards xxx" (Underlining supplied).

Respondents also aver that the Bangko Sentral has its own budget and accordingly, its budgetary requirements are not subject to the provisions of the General Appropriations Act.

We dismiss the petition.

II

The instant petition is in the nature of a quo warranto proceeding as it seeks the ouster of respondent Singson and alleges that the latter is unlawfully holding or exercising the powers of Governor of the Bangko Sentral (Cf. *Castro v. Del Rosario*, 19 SCRA 196 [1967]). Such a special civil action can only be commenced by the Solicitor General or by a "person claiming to be entitled to a public office or position unlawfully held or exercised by another" (Revised Rules of Court, Rule 66, Sec. 6; *Acosta v. Flor*, 5 Phil. 18 [1905]).

In *Sevilla v. Court of Appeals*, 209 SCRA 637 (1992), we held that the petitioner therein, who did not aver that he was entitled to the office of the City Engineer of Cabanatuan City, could not bring the action for quo warranto to oust the respondent from said office as a mere usurper.

Likewise in *Greene v. Knox*, 175 N.Y. 432 (1903), 67 N.E. 910, it was held that the question of title to an office, which must be resolved in a quo warranto proceeding, may not be determined in a suit to restrain the payment of salary to the person holding such office, brought by someone who does not claim to be the one entitled to occupy the said office.

It is obvious that the instant action was improvidently brought by petitioner. To uphold the action would encourage every disgruntled citizen to resort to the courts, thereby causing incalculable mischief and hindrance to the efficient operation of the governmental machinery (See *Roosevelt v. Draper*, 7 Abb. Pr. 108, 23 N.Y. 218).

Its capstone having been removed, the whole case of petitioner collapses. Hence, there is no need to resolve the question of whether the disbursement of public funds to pay the salaries and emoluments of respondent Singson can be enjoined. Likewise, the Court refrains from passing upon the constitutionality of Section 6, R.A. No. 7653 in deference to the principle that bars a judicial inquiry into a constitutional question unless the resolution thereof is indispensable for the determination of the case (*Fernandez v. Torres*, 215 SCRA 489 [1992]).

However for the information of all concerned, we call attention to our decision in *Calderon v. Carale*, 208 SCRA 254 (1992), with Justice Isagani A. Cruz dissenting, where we ruled that Congress cannot by law expand the confirmation powers of the Commission on Appointments and require confirmation of appointment of other government officials not expressly mentioned in the first sentence of Section 16 of Article VII of the Constitution.

WHEREFORE, the petition is DENIED. No pronouncement as to costs.

SO ORDERED.

Feliciano, Bidin, Regalado, Davide, Jr., Romero, Bellosillo, Melo, Puno, Vitug, and Kapunan, JJ., concur.
Padilla, J., separate opinion.
Narvasa, C.J. and Cruz, J., on leave.

6 pt 6 pt 0 3

SEPARATE OPINION

PADILLA, J.:

I concur in the result. Instead, however, of basing the petition's dismissal mainly on technicality, I would anchor said dismissal squarely on the ruling laid down by the Court in *Calderon vs. Carale*, 208 SCRA 254 (1992), to the effect that appointments by the President of the Philippines, which under the Constitution (Sec. 16, Article VII) are not among those required to be confirmed by the Commission on Appointments, may not, by legislation, be made subject to such confirmation. This ruling was a reiteration of the doctrine, earlier laid down in *Sarmiento vs. Mison*, (G.R. No. 79974, 156 SCRA 549, December 17, 1987) and *Bautista vs. Salonga*, (G.R. No. 86439, 172 SCRA 160, April 13, 1989).

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.