

**ELPIDIO G. SORIANO III, PETITIONER, VS. REUBEN S. LISTA,
DOMINGO T. ESTERA, ELPIDIO B. PADAMA, MIGUEL C. TABARES,
ARTHUR N. GOSINGAN, EFREN L. TADURAN, CESAR A. SARILE,
DANILO M...**

G.R. No. 153881. March 24, 2003

Ponente: CORONA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-153881/>

CORONA, J.:

Before us is a Petition for Prohibition under Rule 65 of the Rules of Court questioning the constitutionality and legality of the permanent appointments, made by President Gloria Macapagal-Arroyo, of public respondents to different positions in the Philippine Coast Guard and their subsequent assumption of office without confirmation by the Commission on Appointments under the 1987 Constitution.

The petition impleads Hon. Emilia T. Boncodin in her capacity as Secretary of the Department of Budget and Management (DBM). Petitioner, Elpidio G. Soriano, filed the instant petition as member of the Integrated Bar of the Philippines and as a taxpayer.

Public respondents were promoted to different ranks in the Philippine Coast Guard (PCG) on different dates as follows:

Reuben S. Lista – Vice Admiral, Philippine Coast Guard

Domingo T. Estera – Rear Admiral, Philippine Coast Guard

Miguel C. Tabares – Commodore, Philippine Coast Guard

Arthur N. Gosingan – Commodore, Philippine Coast Guard

Efren L. Taduran – Naval Captain, Philippine Coast Guard

Cesar A. Sarile – Naval Captain, Philippine Coast Guard

Daniilo M. Vilda – Naval Captain, Philippine Coast Guard

Elpidio B. Padama – Commodore, Philippine Coast Guard

Petitioner bewails the fact that despite the non-submission of their names to the Commission on Appointments (CA) for confirmation, all of the said respondent officers of the PCG had assumed their duties and functions. According to petitioner, their respective appointments are illegal and unconstitutional for failure to undergo the confirmation process in the CA. Thus, they should be prohibited from discharging their duties and functions as such officers of the PCG.

In the same vein, petitioner opines that there is no legal basis for the DBM to allow the disbursement of the salaries and emoluments of respondent officers of the PCG. Accordingly, he prays that respondent Secretary

Boncodin be ordered to desist from allowing such disbursements until the confirmation of their respective appointments by the CA.

At the outset, the Court finds petitioner to be without any legal personality to file the instant petition. We have ruled that a private citizen is allowed to raise constitutional questions only if he can show that he has personally suffered some actual or threatened injury as a result of the allegedly illegal conduct of the government, the injury is fairly traceable to the challenged action and the injury is likely to be redressed by a favorable action.[1] In the case at bar, petitioner has failed to clearly demonstrate that he has personally suffered actual or threatened injury. It should be emphasized that a party bringing a suit challenging the constitutionality of an act or statute must show “not only that the law or act is invalid, but also that he has sustained or is in immediate, or imminent danger of sustaining some direct injury as a result of its enforcement and not merely that he suffers thereby in some indefinite way.”[2]

The instant petition cannot even be classified as a taxpayer’s suit because petitioner has no interest as such and this case does not involve the exercise by Congress of its taxing power.

Assuming arguendo that petitioner has the legal personality to question the subject appointments, the petition will nevertheless fail. As aptly pointed out by the Solicitor General, the PCG used to be administered and maintained as a separate unit of the Philippine Navy under Section 4 of RA 5173. It was subsequently placed under the direct supervision and control of the Secretary of the Department of National Defense (DND) pursuant to Section 4 of PD 601. Eventually, it was integrated into the Armed Forces of the Philippines (AFP) as a major subordinate unit of the Philippine Navy under Section 54 of Chapter 8, Sub-title II, Title VIII, Book IV of EO 292, as amended.

However, on March 30, 1998, after the aforesaid changes in the charter of the PCG, then President Fidel V. Ramos, in the exercise of his statutory authority to reorganize the Office of the President, issued EO 475 transferring the PCG from the DND to the Office of the President. He later on again transferred the PCG from the Office of the President to the Department of Transportation and Communications (DOTC).

Now that the PCG is under the DOTC and no longer part of the Philippine Navy or the Armed Forces of the Philippines, the promotions and appointments of respondent officers of the PCG, or any PCG officer from the rank of captain and higher for that matter, do not require confirmation by the CA.

Section 16, Article VII of the 1987 Constitution provides:

Section 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 departments, agencies, commissions, or boards.

The President shall have the power to make appointments during the recess of the Congress, whether voluntary or compulsory, but such appointments shall be effective only until disapproval by the Commission on Appointments or until the next adjournment of the Congress.

It is clear from the foregoing provision of the Constitution that only appointed officers from the rank of colonel or naval captain in the armed forces require confirmation by the CA. The rule is that the plain, clear and unambiguous language of the Constitution should be construed as such and should not be given a construction that changes its meaning.[3]

The enumeration of appointments subject to confirmation by the CA under Section 16, Article VII of the 1987 Constitution is exclusive. The clause “officers of the armed forces from the rank of colonel or naval captain” refers to military officers alone. This is clear from the deliberations of the Constitutional Commission on the proposed text of said Section 16, Article VII of the Constitution. Since the promotions and appointments of respondent officers are not covered by the above-cited provision of the Constitution, the same need not be confirmed by the CA.[4]

Accordingly, the Court declares that no grave abuse of discretion amounting to lack or excess of jurisdiction was committed by respondent officers of the PCG. Their assumption to office as well as the disbursement of their respective salaries and other emoluments by the respondent Secretary of the DBM are hereby declared valid and legal.

WHEREFORE, the petition is hereby DISMISSED.

SO ORDERED.

Puno, (Chairman), Panganiban, Sandoval-Gutierrez, and Carpio-Morales, JJ., concur.

[1] Telecommunications and Broadcast Attorneys of the Philippines, Inc. vs. Commission on Elections, 286 SCRA 337 [1998].

[2] Bayan (Bagong Alyansang Makabayan) vs. Zamora, 342 SCRA 449 [2000].

[3] Occena vs. COMELEC, 95 SCRA 755 [1980].

[4] Manalo vs. Sistoza, 312 SCRA 239 [1999]; Calderon vs. Carale, 208 SCRA 254 [1992]; Sarmiento III vs. Mison, 156 SCRA 549 [1987]; Bautista vs. Salonga, 172 SCRA 160 [1989]; Teresita Quintos Deles, et al. vs. The Commission on Constitutional Commissions, et al., 177 SCRA 259 [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.