

EN BANC

[G.R. No. 224302, November 29, 2016]

HON. PHILIP A. AGUINALDO, HON. REYNALDO A. ALHAMBRA, HON. DANILO S. CRUZ, HON. BENJAMIN T. POZON, HON. SALVADOR V. TIMBANG, JR., AND THE INTEGRATED BAR OF THE PHILIPPINES (IBP), PETITIONERS, VS. HIS EXCELLENCY PRESIDENT BENIGNO SIMEON C. AQUINO III, HON. EXECUTIVE SECRETARY PAQUITO N. OCHOA, HON. MICHAEL FREDERICK L. MUSNGI, HON. MA. GERALDINE FAITH A. ECONG, HON. DANILO S. SANDOVAL, HON. WILHELMINA B. JORGE-WAGAN, HON. ROSANA FE ROMERO-MAGLAYA, HON. MERIANTHE PACITA M. ZURAEK, HON. ELMO M. ALAMEDA, AND HON. VICTORIA C. FERNANDEZ-BERNARDO, RESPONDENTS.

DECISION

LEONARDO-DE CASTRO, J.:

Before this Court is a Petition for *Quo Warranto* under Rule 66 and *Certiorari* and Prohibition under Rule 65 with Application for Issuance of Injunctive Writs^[1] filed by petitioners Judge Philip A. Aguinaldo (Aguinaldo) of the Regional Trial Court (RTC), Muntinlupa City, Branch 207; Judge Reynaldo A. Alhambra (Alhambra) of RTC, Manila, Branch 53; Judge Danilo S. Cruz (D. Cruz) of RTC, Pasig City, Branch 152; Judge Benjamin T. Pozon (Pozon) of RTC, Makati City, Branch 139; Judge Salvador V. Timbang, Jr. (Timbang) of RTC, Las Piñas City, Branch 253; and the Integrated Bar of the Philippines (IBP), against respondents former President Benigno Simeon C. Aquino III (Aquino), Executive Secretary Paquito N. Ochoa (Ochoa), Sandiganbayan Associate Justice Michael Frederick L. Musngi (Musngi), Sandiganbayan Associate Justice Ma. Geraldine Faith A. Econg (Econg), Atty. Danilo S. Sandoval (Sandoval), Atty. Wilhelmina B. Jorge-Wagan (Jorge-Wagan), Atty. Rosana Fe Romero-Maglaya (Romero Maglaya), Atty. Merianthe Pacita M. Zuraek (Zuraek), Atty. Elmo M. Alameda (Alameda), and Atty. Victoria C. Fernandez-Bernardo (Fernandez-Bernardo). The Petition assails President Aquino's appointment of respondents Musngi and Econg as Associate Justices of the Sandiganbayan.^[2]

I

FACTUAL ANTECEDENTS

On June 11, 1978, then President Ferdinand E. Marcos (Marcos) issued Presidential Decree No. 1486, creating a special court called the Sandiganbayan, composed of a Presiding Judge and eight Associate Judges to be appointed by the President, which shall have jurisdiction over criminal and civil cases involving graft and corrupt practices and such other offenses committed by public officers and employees, including those in government owned or controlled corporations.^[3] A few months later, on December 10, 1978, President Marcos also issued Presidential Decree No. 1606,^[4] which elevated the rank of the members of the Sandiganbayan from Judges

to Justices, co-equal in rank with the Justices of the Court of Appeals; and provided that the Sandiganbayan shall sit in three divisions of three Justices each.^[5] Republic Act No. 7975^[6] was approved into law on March 30, 1995 and it increased the composition of the Sandiganbayan from nine to fifteen Justices who would sit in five divisions of three members each. Republic Act No. 10660,^[7] recently enacted on April 16, 2015, created two more divisions of the Sandiganbayan with three Justices each, thereby resulting in six vacant positions.

On July 20, 2015, the Judicial and Bar Council (JBC) published in the Philippine Star and Philippine Daily Inquirer and posted on the JBC website an announcement calling for applications or recommendations for the six newly created positions of Associate Justice of the Sandiganbayan.^[8] After screening and selection of applicants, the JBC submitted to President Aquino six shortlists contained in six separate letters, all dated October 26, 2015, which read:

1) For the 16th Sandiganbayan Associate Justice:

Your Excellency:

Pursuant to Article VIII, Section 9 of the Constitution, the Judicial and Bar Council (JBC) has the honor to submit the following nominations for the vacancy for the SIXTEENTH ASSOCIATE JUSTICE of the SANDIGANBAYAN, with their respective votes:

1. AGUINALDO, PHILIP A.	- 5 votes
2. ALHAMBRA, REYNALDO A.	- 5 votes
3. CRUZ, DANILO S.	- 5 votes
4. POZON, BENJAMIN T.	- 5 votes
5. SANDOVAL, DANILO S.	- 5 votes
6. TIMBANG, SALVADOR JR.	- 5 votes ^[9]

2) For the 17th Sandiganbayan Associate Justice:

Your Excellency:

Pursuant to Article VIII, Section 9 of the Constitution, the Judicial and Bar Council (JBC) has the honor to submit the following nominations for the vacancy for the SEVENTEENTH ASSOCIATE JUSTICE of the SANDIGANBAYAN, with their respective votes:

1. CORPUS-MAÑALAC, MARYANN E.	- 6 votes
2. MENDOZA-ARCEGA, MARIA	- 6 votes

THERESA V.	
3. QUIMBO,	- 6
RODOLFO NOEL S.	votes
4. DIZON, MA.	- 5
ANTONIA EDITA	votes
CLARIDADES	
5. SORIANO,	- 5
ANDRES	votes ^[10]
BARTOLOME	

3) For the 18th Sandiganbayan Associate Justice:

Your Excellency:

Pursuant to Article VIII, Section 9 of the Constitution, the Judicial and Bar Council (JBC) has the honor to submit the following nominations for the vacancy for the EIGHTEENTH ASSOCIATE JUSTICE of the SANDIGANBAYAN, with their respective votes:

1. BAGUIO, CELSO	- 5
O.	votes
2. DE GUZMAN-	- 5
ALVAREZ, MA.	votes
TERESA E.	
3. FERNANDEZ,	- 5
BERNELITO R.	votes
4. PANGANIBAN,	- 5
ELVIRA DE	votes
CASTRO	
5. SAGUN,	- 5
FERNANDO JR. T.	votes
6. TRESPESES,	- 5
ZALDY V.	votes ^[11]

4) For the 19th Sandiganbayan Associate Justice:

Your Excellency:

Pursuant to Article VIII, Section 9 of the Constitution, the Judicial and Bar Council (JBC) has the honor to submit the following nominations for the vacancy for the NINETEENTH ASSOCIATE JUSTICE of the SANDIGANBAYAN, with their respective votes:

1. GUANZON,	- 6
FRANCES V.	votes
2. MACARAIG-	- 6
GUILLEN, MARISSA	votes
3. CRUZ,	- 5
REYNALDO P.	votes
4. PAUIG, VILMA T.	- 5
	votes
5. RAMOS, RENAN	- 5
E.	votes

6. ROXAS, RUBEN - 5
REYNALDO G. votes^[12]

5) For the 20th Sandiganbayan Associate Justice:

Your Excellency:

Pursuant to Article VIII, Section 9 of the Constitution, the Judicial and Bar Council (JBC) has the honor to submit the following nominations for the vacancy for the TWENTIETH ASSOCIATE JUSTICE of the SANDIGANBAYAN, with their respective votes.

1. MIRANDA, KARL - 6
B. votes
2. ATAL-PAÑO, - 5
PERPETUA votes
3. BUNYI-MEDINA, - 5
THELMA votes
4. CORTEZ, - 5
LUISITO G. votes
5. FIEL-MACARAIG, - 5
GERALDINE C. votes
6. QUIMPO-SALE, - 5
ANGELENE MARY votes
W.
7. JACINTO, - 4
BAYANI H. votes^[13]

6) For the 21st Sandiganbayan Associate Justice:

Your Excellency:

Pursuant to Article VIII, Section 9 of the Constitution, the Judicial and Bar Council (JBC) has the honor to submit the following nominations for the vacancy for the TWENTY-FIRST ASSOCIATE JUSTICE of the SANDIGANBAYAN, with their respective votes:

1. JORGE-WAGAN, - 6
WILHELMINA B. votes
2. ECONG, - 5
GERALDINE FAITH votes
A.
3. ROMERO- - 5
MAGLAYA, votes
ROSANNA FE
4. ZURAEK, - 5
MERIANTHE votes
PACITA M.
5. ALAMEDA, ELMO - 4
M. votes
6. FERNANDEZ- - 4
BERNARDO, votes

VICTORIA C.
7. MUSNGI, - 4
MICHAEL votes^[14]
FREDERICK L.

President Aquino issued on January 20, 2015 the appointment papers for the six new Sandiganbayan Associate Justices, namely: (1) respondent Musngi; (2) Justice Reynaldo P. Cruz (R. Cruz); (3) respondent Econg; (4) Justice Maria Theresa V. Mendoza-Arcega (Mendoza-Arcega); (5) Justice Karl B. Miranda (Miranda); and (6) Justice Zaldy V. Trespeses (Trespeses). The appointment papers were transmitted on January 25, 2016 to the six new Sandiganbayan Associate Justices, who took their oaths of office on the same day all at the Supreme Court Dignitaries Lounge. Respondent Econg, with Justices Mendoza-Arcega and Trespeses, took their oaths of office before Supreme Court Chief Justice Maria Lourdes P. A. Sereno (Sereno); while respondent Musngi, with Justices R. Cruz and Miranda, took their oaths of office before Supreme Court Associate Justice Francis H. Jardeleza (Jardeleza).^[15]

Arguments of the Petitioners

Petitioners Aguinaldo, Alhambra, D. Cruz, Pozon, and Timbang (Aguinaldo, *et al.*), were all nominees in the shortlist for the 16th Sandiganbayan Associate Justice. They assert that they possess the legal standing or *locus standi* to file the instant Petition since they suffered a direct injury from President Aquino's failure to appoint any of them as the 16th Sandiganbayan Associate Justice.

Petitioner IBP avers that it comes before this Court through a taxpayer's suit, by which taxpayers may assail an alleged illegal official action where there is a claim that public funds are illegally disbursed, deflected to an improper use, or wasted through the enforcement of an invalid or unconstitutional law. Petitioner IBP also maintains that it has *locus standi* considering that the present Petition involves an issue of transcendental importance to the people as a whole, an assertion of a public right, and a subject matter of public interest. Lastly, petitioner IBP contends that as the association of all lawyers in the country, with the fundamental purpose of safeguarding the administration of justice, it has a direct interest in the validity of the appointments of the members of the Judiciary.

Petitioners base their instant Petition on the following arguments:

PRESIDENT AQUINO VIOLATED SECTION 9, ARTICLE VIII OF THE 1987 CONSTITUTION IN THAT:

(A) HE DID NOT APPOINT ANYONE FROM THE SHORTLIST SUBMITTED BY THE JBC FOR THE VACANCY FOR POSITION OF THE 16TH ASSOCIATE JUSTICE OF THE SANDIGANBAYAN; AND

(B) HE APPOINTED UNDERSECRETARY MUSNGI AND JUDGE ECONG AS ASSOCIATE JUSTICES OF THE SANDIGANBAYAN TO THE VACANCY FOR THE POSITION OF 21ST ASSOCIATE JUSTICE OF THE SANDIGANBAYAN.

(C) THE APPOINTMENTS MADE WERE NOT IN ACCORDANCE WITH THE SHORTLISTS SUBMITTED BY THE JUDICIAL AND BAR COUNCIL FOR