



Republic of the Philippines
DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT
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**DILG RO XIII
 FILE**

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DILG-13 OPINION NO. 23

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DILG - REGION XIII	
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BY:	Jb

Hon. JONAS A. CACAYAN
 Punong Barangay
 Barangay Mangagoy, Bislig City

Sir:

This refers to your June 7, 2012 letter to Atty. Francisco G. Pobe, Regional Director, COMELEC Region 13 seeking opinion on whether your assumption to office of the punong barangay by virtue of succession is considered one (1) term for the purpose of the three-term limit. Atty. Pobe endorsed your letter to our office for opinion.

You mentioned that you were elected as Sangguniang Barangay Member for the term July 01, 2002 until November 30, 2007. However, in May 2004, the incumbent punong barangay ran and won as vice mayor of Bislig City and being the highest ranking sangguniang barangay member you assumed the office of the punong barangay from July 1, 2004 until November 30, 2007. Then you ran and were elected as punong barangay for two consecutive terms (2007-2010, 2010-present).

Thus, your query.

Please be informed that the 1987 Constitution bars and disqualifies local elective officials from serving more than three consecutive terms in the same post. Section 8, Article X thereof states:

Section 8. The term of office of elective local officials, except barangay officials, which shall be determined by law, shall be three years and no such official shall serve for more than three consecutive terms. Voluntary renunciation of the office for any length of time shall not be considered as an interruption in the continuity of his service for the full term for which he was elected.

Section 43 (b) of the Local Government Code also provides:

Sec. 43. Term of Office.

(b) No local elective official shall serve for more than three consecutive terms in the same position. Voluntary renunciation of the office for any

length of time shall not be considered as an interruption in the continuity of service for the full term for which the elective official concerned was elected.

In *Lonzanida v. Commission on Elections* (G.R. No. 135150, July 28, 1999), the Court held that the two conditions for the application of the disqualification must concur: 1) that the official concerned has been elected for three consecutive terms in the same local government post; and 2) that he has fully served three consecutive terms. In *Borja, Jr. v. Commission on Elections*, (G.R. No. 133495, September 3, 1998), the Court presented cases or situations on the absence of either of the conditions for the purpose of disqualification. In Case No. 3 of the decision, the Court states:


Case No. 3. The case of vice-mayor C who becomes mayor by succession involves a total failure of the two conditions to concur for the purpose of applying Art. X, Sec 8 (1987 Constitution). Suppose he is twice elected after that term, is he qualified to run again in the next election?

Yes, because he was not elected to the office of mayor in the first term but simply found himself thrust into it by operation of law. Neither had he served the full term because he only continued the service, interrupted by the death of the deceased mayor.

* The situation in Case No.3 is squarely similar to your case. You were not elected to the office of the punong barangay in the first term but simply found yourself thrust into it by operation of law. Therefore, you are still qualified to run as punong barangay in the next Barangay Elections.

Please be guided accordingly.

Very truly yours,


LILIBETH A. FAMACION, CESO IV
OIC- Regional Director

cc: Mr. Pedrito P. Alacaba
Provincial Director
DILG, Surigao del Sur

Atty. Francisco G. Pobe
Regional Elections Director
COMELEC - Caraga Region
Butuan City