

**### Title:**

Arsenio A. Latasa vs. Commission on Elections and Romeo Sunga

**### Facts:**

This case arose when Arsenio A. Latasa, who had been the elected mayor of Digos, Davao del Sur for three consecutive terms (1992, 1995, and 1998), sought to run for mayor again after Digos was converted from a municipality to a city. A plebiscite held on September 8, 2000, ratified Republic Act No. 8798, converting Digos into a component city. Under the City Charter's provisions, Latasa served in a hold-over capacity as the city mayor. Latasa filed his candidacy for city mayor in the May 14, 2001 elections, asserting his eligibility. Romeo M. Sunga, another candidate, petitioned the COMELEC to deny Latasa's candidacy, arguing that Latasa's three consecutive terms as municipal mayor barred him from running for city mayor under the three-term rule. The COMELEC's First Division disqualified Latasa, and its en banc denied his motion for reconsideration. Latasa was eventually proclaimed the winner of the election, despite Sunga's legal challenges. Latasa assumed office but his victory was contested, leading him to file a petition for certiorari under Rule 65 with the Supreme Court.

**### Issues:**

1. Whether the conversion of Digos from a municipality into a city created a new local government unit such that Latasa's candidacy for the city mayor should not be considered a violation of the three-term limit rule.
2. The application of the three-term limit rule to Latasa's candidacy and subsequent election as city mayor.

**### Court's Decision:**

The Supreme Court dismissed Latasa's petition, holding that the city's territorial jurisdiction and inhabitants remained the same despite the conversion from a municipality to a city. The Court determined that running for the city mayorship after serving three terms as municipal mayor is indeed a violation of the three-term limit imposed by the Constitution. The Court applied existing jurisprudence to Latasa's case, emphasizing the intended prevention of accumulating excessive power through prolonged tenure in office within the same local government unit.

**### Doctrine:**

The ruling established that the conversion of a municipality into a city does not circumvent the three-term limit for local elected officials as provided by the Constitution. The essence of

the term-limit rule is to prevent the same individual from holding elective office more than three consecutive terms in the same jurisdiction.

### ### Class Notes:

- **Three-Term Limit Rule**: Article X, Section 8 of the Constitution restricts elective local officials to three consecutive terms in the same position.
- **Conversion of Local Government Units**: The conversion of a municipality into a city does not reset the term count for incumbent officials. The territorial jurisdiction and population remain critical factors.
- **Substantial Identity Test**: Applied to determine whether a local government post before and after a change remains substantially identical for the purposes of term limits.

### **Key Statutes and Provisions**:

- **Article X, Section 8 of the 1987 Philippine Constitution**: No elective local official shall serve for more than three consecutive terms in the same position.
- **Local Government Code (Republic Act No. 7160)**: Outlines the process and requirements for converting a municipality into a city, including economic viability and territorial jurisdiction.

### ### Historical Background:

The case highlights the constitutional and legal intricacies surrounding term limits and political succession within local government units in the Philippines. It underscored the balance between the democratic principle of electing leaders and the constitutional safeguard against the potential abuse of prolonged political power. The case is significant against the backdrop of Philippine local politics, where power can become concentrated within certain families or individuals over extended periods.