

Title: Rivera & De Guzman v. COMELEC and Morales; Dee v. COMELEC and Morales

Facts:

In the May 2004 Synchronized National and Local Elections, Marino “Boking” Morales ran for mayor of Mabalacat, Pampanga, for the term commencing July 1, 2004, to June 30, 2007. Prior thereto, on January 5, 2004, Morales filed his Certificate of Candidacy. On January 10, 2004, Attorneys Venancio Q. Rivera III and Normandick De Guzman filed a petition with the Second Division of the Commission on Elections (COMELEC) seeking to cancel Morales’ Certificate of Candidacy on the ground that he had already served three consecutive terms as mayor, allegedly violating Section 8, Article X of the Constitution and Section 43(b) of RA 7160 (Local Government Code).

In response, Morales admitted to serving terms from July 1, 1995, to June 30, 1998 (first term), and July 1, 2001, to June 30, 2004 (third term). However, he claimed that his second term (July 1, 1998, to June 30, 2001) was invalid as his proclamation was declared void by the RTC Branch 57 of Angeles City in an election protest decision dated April 2, 2001, which became final on August 6, 2001. Nonetheless, he served the term in a de facto capacity, further citing a preventive suspension from the Ombudsman from January 16 to July 15, 1999.

On May 6, 2004, COMELEC’s Second Division found Morales disqualified from running due to having already served three consecutive terms and cancelled his Certificate of Candidacy. Morales filed a motion for reconsideration with COMELEC En Banc, which opined on March 14, 2005, that Morales’ proclamation for the second term was void, rendering him a de facto officer and hence not subject to the three-term rule. Rivera and De Guzman thus filed a petition for certiorari with the Supreme Court.

Separately, Anthony Dee, another mayoral candidate, initiated a quo warranto proceeding on May 24, 2004, post-election, arguing that Morales was ineligible due to exceeding the three-term limit. The RTC dismissed Dee’s petition, declaring that Morales did not serve a full second term as the RTC had voided his 1998 proclamation. Dee appealed, but COMELEC First Division dismissed it, stating Morales did not fully serve the term due to his nullified proclamation, and was thus serving continuously as a caretaker.

Dee also sought certiorari from the Supreme Court with similar motions, leading to the consolidated cases under review.

Issues:

1. Whether Morales' service from July 1, 1998, to June 30, 2001, counts as part of the three-term limit under Section 8, Article X of the Constitution.
2. Whether Morales' disqualification affects his ability to continue serving as Mayor elected in the May 2004 elections.
3. Whether the votes cast for Morales should be considered stray given his disqualification.
4. Who should assume the mayorship of Mabalacat following Morales' disqualification.

Court's Decision:

Issue 1: Service under the three-term limit

The Supreme Court held that the service of Morales from July 1, 1998, to June 30, 2001, must be counted as a full term, referring to *Ong v. Alegre*, which ruled that a term served by a proclaimed official constitutes full service—even if the proclamation is later voided. Hence, Morales was disqualified under the three-term limit rule as he had served from 1995 to 2004 uninterrupted.

Issue 2: Disqualification's Effect on the 2004 Term

Morales was deemed disqualified to run for the 2004-2007 term due to already serving three consecutive terms. Therefore, his continued service during this period was unlawful.

Issue 3: Status of Votes Cast for Morales

Following the ruling that Morales was not a valid candidate in the 2004 elections, the votes cast for him were considered stray and could not be counted in his favor under Sections 6 and 7 of RA 6646 and the Omnibus Election Code.

Issue 4: Succession of Mayoral Office

In the light of Morales' disqualification, the court ruled that a permanent vacancy existed in the Office of Mayor of Mabalacat. As per Section 44 of RA 7160, the Vice-Mayor shall assume the role of Mayor for the remaining term, rejecting Dee's plea to be declared Mayor as the next highest vote recipient according to established jurisprudence in *Labo v. COMELEC*.

Doctrine:

- For an official's service to count toward the three-term limit under Section 8, Article X of the Constitution, it must be full service irrespective of a subsequent nullification of their election.
- Disqualification prior to the election renders a candidate's votes stray, preventing their credibility as winning votes.

- The intended policies of term limits in elected offices are to prevent proprietary interest and excessive accumulation of power, ensuring a rest period for officials.

Class Notes:

- Key Elements: Three-term limit rule, valid election requirement, full-term service.
- Constitutional Principle: Section 8, Article X of the Philippine Constitution setting term limits.
- Local Government Code: Section 43(b) on service limits and Section 44 on vacancy succession.
- Jurisprudence: Application of *Labo v. COMELEC* preventing second-placer from assuming office upon disqualification, precedent cases like *Ong v. Alegre* in interpreting continuous service despite nullified elections.

Historical Background:

The case illustrates the enforcement of term limits within local elective offices to preclude extended political control by individuals over specific jurisdictions, reflecting democratic principles within Philippine governance frameworks. The decision reinforces the three-term limit to curtail potential monopolization of local political power.