

**\*\*Title:** Governor Edgardo A. Tallado vs. Commission on Elections, et al.\*\*

**\*\*Facts:\*\***

1. Edgardo A. Tallado was elected as Governor of Camarines Norte for three consecutive terms: 2010-2013, 2013-2016, and 2016-2019.
2. In respect of his 2016-2019 term, Tallado encountered three administrative cases from the Office of the Ombudsman (OMB).
3. **\*\*First Administrative Case\*\***:
  - On January 28, 2013, Edgardo Gonzales filed a complaint against Tallado for grave misconduct and abuse of authority.
  - On October 2, 2015, OMB found him liable and imposed a one-year suspension.
  - The Department of Interior and Local Government (DILG) implemented the suspension.
  - Tallado appealed to the Court of Appeals (CA), which reduced the suspension to six months, allowing him to resume office.
4. **\*\*Second Administrative Case\*\***:
  - On November 4, 2015, Milline Marie B. Dela Cruz and others filed another complaint.
  - On April 18, 2016, approved by then Ombudsman Conchita Carpio Morales on September 13, 2016, OMB found Tallado liable and ordered his dismissal.
  - The DILG enforced the dismissal, leading Vice Governor Jonah Pedro Pimentel to assume office.
  - On December 12, 2016, the CA issued a Temporary Restraining Order (TRO) allowing Tallado to reassume office.
5. **\*\*Third Administrative Case\*\***:
  - Concerning Tallado's re-assumption before fully serving his suspension.
  - On January 11, 2018, OMB ordered his dismissal again.
  - DILG implemented this on March 14, 2018, and Pimentel reassumed as Governor.
  - On September 26, 2018, the CA modified the penalty to six months suspension.
6. **\*\*COMELEC Proceedings\*\***:
  - On October 15, 2018, Tallado filed his Certificate of Candidacy (COC) for the May 2019 elections.
  - Respondents Villamin and Jalgalado filed petitions to deny the COC due to the three-term limit rule.
  - COMELEC First Division canceled the COC on March 29, 2019, and the decision was affirmed by the COMELEC En Banc on May 9, 2019.
7. Tallado filed a petition for certiorari with the Supreme Court, which issued a status quo ante order.

**\*\*Issues:\*\***

1. Whether COMELEC committed grave abuse of discretion in canceling Tallado's COC.
2. Whether Tallado's term was interrupted, preventing the application of the three-term limit rule.
3. Whether his removal created a permanent vacancy.

**\*\*Court's Decision:\*\***

1. **\*\*Grave Abuse of Discretion\*\***:

- The Supreme Court found that COMELEC gravely abused its discretion in canceling Tallado's COC. The Court disagreed with COMELEC's interpretation of the OMB's Rules and the LGC provisions concerning term interruptions.

2. **\*\*Interruption of Term\*\***:

- The Court ruled that Tallado's term was indeed interrupted due to his dismissal and loss of title to the office, even though the decisions were not final and were later modified. Execution of these dismissals temporarily barred him from exercising the powers of his office, constituting a break in continuity.

3. **\*\*Permanent Vacancy\*\***:

- The Court held that the vacancy caused by the dismissals was permanent within the context of the LGC, as Tallado lost his title to the office, and Vice Governor Pimentel performed the duties as Governor.

**\*\*Doctrine:\*\***

- An elective official's term can be considered interrupted due to the execution of non-final dismissals by the OMB, leading to a loss of title and resulting in a permanent vacancy.
- The period of dismissal enforced by DILG is not merely preventive suspension but a loss of title, thus an effective interruption of term.

**\*\*Class Notes:\*\***

- **\*\*Three-term limit rule\*\***: Local elective officials can't serve more than three consecutive terms.
- **\*\*Interruption of term\*\***: Includes involuntary loss of office by operation of law; temporary cessation of exercising functions isn't alone sufficient.
- **\*\*Rules of Procedure\*\***: COMELEC cancellation of COC and the executory effect of administrative decisions by the OMB.
- **\*\*Republic Act No. 7160 (LGC)\*\***: Provisions on succession due to permanent/temporary vacancies.
- **\*\*Revised Rules on Administrative Cases in the Civil Service\*\***: Imposition of penalties and

effect of dismissal.

**\*\*Historical Background:\*\***

- The case highlights the application of administrative law in the Philippines, particularly the execution of the Ombudsman's rulings and their impact on local elected officials. The case contextualizes the strict implementation of anti-corruption measures in governance and balances between finality and immediate enforceability of administrative decisions. This issue surfaced against the backdrop of the increasing emphasis on accountability and transparency in public service, reflective of the broader efforts for reform in Philippine political culture.