

****Title: Borja vs. Commission on Elections and Capco Jr.****

****Facts:****

1. ****Election and Succession:****

- Jose T. Capco, Jr. was elected as the Vice-Mayor of Pateros on January 18, 1988, scheduled to serve until June 30, 1992.
- On September 2, 1989, Capco became the Mayor of Pateros by operation of law following the death of Mayor Cesar Borja.

2. ****Mayoral Elections:****

- Capco ran and was elected Mayor in the May 11, 1992 elections, serving until June 30, 1995.
- He was re-elected in May 8, 1995, for another term until June 30, 1998.

3. ****Candidacy for a Fourth Consecutive Term:****

- On March 27, 1998, Capco filed a certificate of candidacy for Mayor for the May 11, 1998 elections.
- Benjamin U. Borja, Jr., a rival candidate, sought Capco's disqualification, arguing Capco had already served three consecutive terms.

4. ****COMELEC Decision:****

- The Second Division of the Commission on Elections initially disqualified Capco.
- Upon Capco's appeal, the COMELEC en banc reversed the decision, voting 5-2 in favor of Capco's eligibility, asserting that Capco's succession to mayorship in 1989 did not constitute an elected term.

5. ****Election Result and Appeal:****

- Capco won the May 11, 1998 elections with 16,558 votes against Borja's 7,773 votes.
- Borja petitioned for certiorari to the Supreme Court to contest the COMELEC's decision.

****Issues:****

The Supreme Court had to resolve whether Capco, by successively holding the position of Mayor first by succession and then by election twice, was in violation of the three-term limit set under Article X, Section 8 of the Constitution and Section 43(b) of the Local Government Code.

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

1. **Interpretation of “Term” for Electoral Purposes:**

- The Court established that the term referred to in both the Constitution and Local Government Code pertains to the terms to which an official was elected.
- Capco’s assumption to mayorship via succession did not count as a term he was elected for, thus not counting towards the three-term limit.

2. **Preservation of People’s Choice:**

- The Supreme Court emphasized people’s freedom to elect competent leaders should not be unduly restricted by mechanical application of term limits.
- The Constitution aimed to limit the continuous electoral service to prevent abuse but also to protect the electorate’s freedom to choose.

3. **Ruling:**

- The Supreme Court dismissed Borja’s petition, affirming COMELEC’s resolution and Capco’s eligibility to serve another term.

Doctrine:

The Court reaffirmed the interpretation that elective term limits apply only to terms obtained by election, not by succession, to uphold electoral freedom and prevent monopolization of power.

Class Notes:

- **Constitutional Term Limits:** Applies only to positions and terms for which officials were elected. Elected terms count.
- **Succession vs. Election:** Succession by operation of law (e.g., due to predecessor’s death) doesn’t count as an elected term.
- **Freedom of Choice:** Voters retain the right to choose their leaders unless legally barred by a strict interpretation of term limits.

Historical Background:

This case was situated within the Philippine democratic system’s constitutional arrangement post-Marcos dictatorship. The 1987 Constitution aimed to prevent political dynasties and excessive concentration of power in a single officeholder while respecting electoral sovereignty. The nuances in duties and the nature of succession versus election indicated the flexibility the Constitution offers in promoting democratic values and electoral

participation.