

### Title:

\*\*Aldovino, Jr. vs. COMELEC (2010)\*\*

### Facts:

Wilfredo F. Asilo served as a councilor of Lucena City for three consecutive terms (1998-2001, 2001-2004, and 2004-2007). During his third term, in September 2005, he was preventively suspended by the Sandiganbayan for 90 days due to a pending criminal case. The Supreme Court subsequently lifted this suspension, allowing Asilo to complete his third term. In the 2007 elections, Asilo filed his candidacy for a fourth consecutive term as councilor, which petitioners sought to cancel, alleging it violated the three-term limit rule stipulated in Section 8, Article X of the Constitution and Section 43(b) of RA 7160 (Local Government Code). The COMELEC ruled in Asilo's favor, stating the preventive suspension constituted an effective interruption of his term, and thus did not count towards the three-term limit.

### Issues:

1. Does preventive suspension count as an effective interruption for the purposes of the three-term limit rule?
2. Is preventive suspension considered involuntary renunciation under Section 43(b) of RA 7160?

### Court's Decision:

\*\*1. Preventive Suspension as Effective Interruption:\*\*

The Supreme Court ruled that preventive suspension does not constitute an interruption of an official's term. The Court clarified that an interruption involves the involuntary loss of title to office. Asilo maintained his title throughout the suspension and only temporarily lost the ability to perform his duties. Hence, the preventive suspension did not break his term. Asilo was therefore ineligible to run for a fourth consecutive term.

\*\*2. Involuntary Renunciation Under Section 43(b):\*\*

The Court addressed that "involuntary renunciation" was not equivalent to preventive suspension. For it to be considered an interruption, the interruption has to involve losing the title to the office. Preventive suspension, being an interim remedial measure, does not result in the loss of title, thus failing to meet this criterion.

### Doctrine:

- Preventive suspension does not equate to an interruption of service under the three-term

limit rule of the Constitution.

- A break in the term refers to a complete legal disassociation from the office due to an involuntary act such as removal or penalty rather than a temporary suspension.

### ### Class Notes:

- **Three-term Limit Rule:**

- Section 8, Article X: No local official shall serve more than three consecutive terms. Voluntary renunciation does not break the continuity.

- Section 43(b) of RA 7160 reiterates this Constitutional mandate.

- **Preventive Suspension:** Under RA 7160, Anti-Graft and Corrupt Practices Act, Ombudsman Act

- It is temporally preventative, not punitive.

- Suspended official maintains office title but cannot perform duties.

- **Involuntary Renunciation:** Must involve permanent loss of office title, not just temporary suspension of duties.

### ### Historical Background:

The case reflects the constitutional limitation set to prevent the monopolization of political power by incumbents and ensure democratic electoral processes. Established by the 1987 Constitutional Commission, the three-term limit aims to infuse periodic changes in local governance and prevent dynastic entrenchment. In defining the limitations and interruptions strictly, this ruling reaffirms the importance of adhering to the literal and purposive restrictions intended by the framers of the Constitution, emphasizing that even technical arguments cannot subvert foundational democratic principles.