

ROBERTO LACEDA, SR., PETITIONER, VS. RANDY L. LIMENA AND COMMISSION ON ELECTIONS, RESPONDENTS.

G.R. No. 182867. November 25, 2008

Ponente: QUISUMBING, J.

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QUISUMBING, J.:

From this Court's June 10, 2008 Resolution[1] dismissing his petition for certiorari, petitioner Roberto Laceda, Sr. filed the instant motion for reconsideration,[2] insisting that the Commission on Elections (COMELEC) committed grave abuse of discretion in issuing the Resolutions dated January 15, 2008[3] and May 7, 2008[4] in SPA No. 07-028 (BRGY).

The facts are as follows:

Petitioner Roberto Laceda, Sr., and private respondent Randy L. Limena were candidates for Punong Barangay of Barangay Panlayaan, West District, Sorsogon City, during the October 29, 2007 Barangay and Sangguniang Kabataan Elections. On October 23, 2007, Limena filed a petition for disqualification and/or declaration as an ineligible candidate[5] against Laceda before the COMELEC, contending that Laceda had already served as Punong Barangay for Brgy. Panlayaan for three consecutive terms since 1994, and was thus prohibited from running for the fourth time under Section 2 of Republic Act No. 9164[6] which provides:

SEC. 2. Term of Office.—The term of office of all barangay and sangguniang kabataan officials after the effectivity of this Act shall be three (3) years.

No barangay elective official shall serve for more than three (3) consecutive terms in the same position: Provided, however, That the term of office shall be reckoned from the 1994 barangay elections. Voluntary renunciation of office for any length of time shall not be considered as an interruption in the continuity of service for the full term for which the elective official was elected.

Limena likewise attached the following certification from the Department of the Interior and Local Government:

THIS IS TO CERTIFY that per records in this office HON. ROBERTO LACEDA, SR., incumbent Punong Barangay of Panlayaan, West District, Sorsogon City. ...was elected as Punong Barangay during the May 9, 1994, May 12, 1997 and July 15, 2002 Barangay Elections. He resigned from office on March 20, 1995 to run as Municipal Councilor. Hence, he is covered by the three-term rule of paragraph 2, Section 2 of RA 9164 which provides that: "No barangay elective official shall serve for more than three (3) consecutive terms in the same position: Provided, however, that the term of office shall be reckoned from the 1994 barangay elections. Voluntary renunciation of office [for] any length of time shall not be considered as an interruption in the continuity of service for the full term for which the elective official was elected."[7]

x x x x

In his Answer,[8] Laceda admitted having served as Punong Barangay of Panlayaan for three consecutive terms. However, he asserted that when he was elected for his first two terms, Sorsogon was still a municipality, and that

when he served his third term, the Municipality of Sorsogon had already been merged with the Municipality of Bacon to form a new political unit, the City of Sorsogon, pursuant to Republic Act No. 8806.[9] Thus, he argued that his third term was actually just his first in the new political unit and that he was accordingly entitled to run for two more terms.

Laceda likewise argued that assuming he had already served three consecutive terms, Rep. Act No. 9164 which imposes the three-term limit, cannot be made to apply to him as it would violate his vested right to office. He alleged that when he was elected in 1994 the prohibition did not exist. Had he known that there will be a law preventing him to run for the fourth time, he would not have run for office in 1994 as he was looking forward to the election in 2007.[10]

On January 15, 2008, the COMELEC declared Laceda disqualified and cancelled his certificate of candidacy:

WHEREFORE, this Commission RESOLVED, as it hereby RESOLVED, to declare Respondent Roberto Laceda, Sr. DISQUALIFIED from running as Punong Barangay of Panlayaan, West District, Sorsogon City and consequently denies due course and cancels his Certificate of Candidacy.

SO ORDERED.[11]

Laceda moved for reconsideration, but his motion was denied by the COMELEC in a Resolution dated May 7, 2008. Aggrieved, Laceda filed a petition for certiorari before this Court.

On June 10, 2008, this Court dismissed the petition for failure to sufficiently show that any grave abuse of discretion was committed by the COMELEC in rendering the assailed Resolutions of January 15, 2008 and May 7, 2008. Hence, this motion for reconsideration.

Laceda insists that the COMELEC committed grave abuse of discretion in basing its decision on the requisites enunciated in *Lonzanida v. Commission on Elections*[12] for the application of the three-term prohibition in Section 43[13] of the Local Government Code.[14] Laceda argues that said case is inapplicable since it involved the position of municipal mayor while the instant case concerned the position of Punong Barangay. He likewise insists that he served his third term in a new political unit and therefore he should not be deemed already to have served a third term as Punong Barangay for purposes of applying the three-term limit.[15]

For reasons hereafter discussed, the motion for reconsideration cannot prosper.

Section 2 of Rep. Act No. 9164, like Section 43 of the Local Government Code from which it was taken, is primarily intended to broaden the choices of the electorate of the candidates who will run for office, and to infuse new blood in the political arena by disqualifying officials from running for the same office after a term of nine years. This Court has held that for the prohibition to apply, two requisites must concur: (1) that the official concerned has been elected for three consecutive terms in the same local government post and (2) that he or she has fully served three consecutive terms.[16]

In this case, while it is true that under Rep. Act No. 8806 the municipalities of Sorsogon and Bacon were merged and converted into a city thereby abolishing the former and creating Sorsogon City as a new political unit, it cannot be said that for the purpose of applying the prohibition in Section 2 of Rep. Act No. 9164, the office of Punong Barangay of Barangay Panlayaan, Municipality of Sorsogon, would now be construed as a different local government post as that of the office of Punong Barangay of Barangay Panlayaan, Sorsogon City. The territorial jurisdiction of Barangay Panlayaan, Sorsogon City, is the same as before the conversion. Consequently, the inhabitants of the barangay are the same. They are the same group of voters who elected Laceda to be their Punong Barangay for three consecutive terms and over whom Laceda held power and authority as their Punong Barangay. Moreover, Rep. Act No. 8806 did not interrupt Laceda's term.

In *Latasa v. Commission on Elections*,^[17] which involved a similar question, this Court held that where a person has been elected for three consecutive terms as a municipal mayor and prior to the end or termination of such three-year term the municipality has been converted by law into a city, without the city charter interrupting his term until the end of the three-year term, the prohibition applies to prevent him from running for the fourth time as city mayor thereof, there being no break in the continuity of the terms.

Thus, conformably with the democratic intent of Rep. Act No. 9164 and this Court's ruling in *Latasa v. Commission on Elections*, we hold that the prohibition in Section 2 of said statute applies to Laceda. The COMELEC did not err nor commit any abuse of discretion when it declared him disqualified and cancelled his certificate of candidacy.

WHEREFORE, petitioner Roberto Laceda, Sr.'s Motion for Reconsideration^[18] dated July 25, 2008 assailing this Court's Resolution dated June 10, 2008 is DENIED with FINALITY.

SO ORDERED.

Puno, C.J., Carpio, Austria-Martinez, Corona, Carpio-Morales, Azcuna, Tinga, Chico-Nazario, Velasco, Jr., Nachura, Reyes, Leonardo-De Castro, and Brion, JJ., concur.
Ynares-Santiago, J., on leave.

[1] Rollo, p. 63.

[2] Id. at 70-73. Dated July 25, 2008.

[3] Id. at 25-30.

[4] Id. at 56-62.

[5] Id. at 14-17.

[6] AN ACT PROVIDING FOR SYNCHRONIZED BARANGAY AND SANGGUNIANG KABATAAN ELECTIONS, AMENDING REPUBLIC ACT NO. 7160, AS AMENDED, OTHERWISE KNOWN AS THE "LOCAL GOVERNMENT CODE OF 1991," AND FOR OTHER PURPOSES, approved on March 19, 2002.

[7] Rollo, p. 18.

[8] Id. at 20-23.

[9] AN ACT CREATING THE CITY OF SORSOGON BY MERGING THE MUNICIPALITIES OF BACON AND SORSOGON IN THE PROVINCE OF SORSOGON AND APPROPRIATING FUNDS THEREFOR, approved on August 16, 2000.

[10] Rollo, p. 21.

[11] Id. at 29.

[12] G.R. No. 135150, July 28, 1999, 311 SCRA 602.

[13] SECTION. 43. Term of Office. — ...

(b) No local elective official shall serve for more than three (3) consecutive terms in the same position. Voluntary renunciation of the office for any length of time shall not be considered as an interruption in the continuity of service for the full term for which the elective official concerned was elected.

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[14] Republic Act No. 7160, also known as Local Government Code of 1991, approved on October 10, 1991.

[15] Rollo, pp. 71-72.

[16] Lonzanida v. Commission on Elections, *supra* at 611.

[17] G.R. No. 154829, December 10, 2003, 417 SCRA 601.

[18] Rollo, pp. 64-68.

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