

DESEDERIO O. MONREAL, PETITIONER, VS. COMMISSION ON ELECTIONS AND FELIPE M. ALDAY, RESPONDENTS.

G.R. No. 184935. December 21, 2009

Ponente: ABAD, J.

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ABAD, J.:

This case is about the application of the rule of prejudicial question to an election case and the applicability of the three-term limit rule on elective barangay officials.

The Facts and the Case

In G.R. No. 184935

Petitioner Desederio Monreal (Monreal) filed his certificate of candidacy for Punong Barangay of Barangay 178, District I, Caloocan City, in the October 29, 2007 barangay elections. But respondent Felipe M. Alday sought his disqualification by the Commission on Elections (COMELEC) in SPA 08-072 (BRGY.) under the three-term limit rule for barangay officials embodied in Section 2 of Republic Act (R.A.) 9164. Monreal moved to suspend the hearing of this case on the ground of the pendency before the Regional Trial Court (RTC) of Caloocan City in SCA C-914 (Conrado Cruz v. Commission on Elections) of the issue of whether or not the cited law is unconstitutional.

Meantime, petitioner Monreal was declared by the Caloocan City Metropolitan Trial Court as the duly elected Punong Barangay in the election protest case he filed against respondent Alday. On May 9, 2008, however, the COMELEC rendered a decision, disqualifying Monreal from seeking election to a fourth term as Punong Barangay and canceling his certificate of candidacy. But, invoking the decision rendered on July 30, 2008 by the Caloocan City RTC in SCA C-914, which annulled as unconstitutional the second paragraph of Section 2 of R.A. 9164, he filed a motion for reconsideration in the disqualification case but the COMELEC En Banc denied the same on October 2, 2008.

In a parallel development, respondent Alday appealed the decision of the RTC. But the COMELEC, a party to that case, filed a motion for its reconsideration. The parties have not updated the Court regarding the RTC's action on that motion.

In G.R. No. 184938

The essential facts of the case of petitioner Nestor Racimo Foronda (Foronda) are the same as those of petitioner Monreal. Respondent Leopoldo Cruz Manalili sought the cancellation of Foronda's certificate of candidacy for Chairman of Barangay 102, District II, Caloocan City, before the COMELEC in SPA 08-078 (BRGY.) for violation of the three-term limit rule. Foronda also sought the suspension of the proceedings in the case in view of the pendency of the issue of unconstitutionality of Section 2 of R.A. 9164 before the Caloocan City RTC in SCA C-914. Meanwhile, Foronda won the election and assumed office.

On May 19, 2008, however, the COMELEC disqualified Foronda and annulled his proclamation as Barangay Chairman. He filed a motion for reconsideration, invoking the RTC decision in SCA C-914, but the COMELEC En Banc denied the same on September 25, 2008.

Petitioners Monreal and Foronda filed separate petitions for certiorari before this Court questioning the identical ruling of the COMELEC against them. Upon their motion, the Court caused the consolidation of their cases.

The Issue Presented

The petitions identically raise the core issue of whether or not the pendency in court of the issue of unconstitutionality of the second paragraph of Section 2 of R.A. 9164, which provides for a three-term limit for barangay officials reckoned from 1994, constitutes a prejudicial question to the disqualification cases based on that law against petitioners Monreal and Foronda.

The Ruling of the Court

Petitioners point out that respondent COMELEC gravely abused its discretion when it refused to suspend further proceedings in the disqualification cases against them in view of the prejudicial question they raised. That question—the unconstitutionality of the second paragraph of Section 2 of R.A. 9164, which sets a three-term limit for barangay officials—is still pending in court.

Section 2 of R.A. 9164 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. (Emphasis supplied)

The RTC of Caloocan City held in SCA C-914 that the retroactive reckoning of the three-term limit rule to the year 1994, before the passage of the law on March 19, 2002 is unconstitutional for having violated a) the principle of prospective application of statutes, b) the equal protection clause, and c) the one-act one-subject rule of the Constitution. But, as already stated, the RTC decision has not yet become final, the same having been appealed by respondent Alday or has been the subject of a motion for reconsideration filed by the COMELEC.

A prejudicial question is that which arises in a case, the resolution of which is a logical antecedent of the issue involved in that case.[1] Because the jurisdiction to try and resolve the prejudicial question has been lodged in another tribunal, however, the rule is that the proceedings in the first case may be suspended to await the resolution of the prejudicial question in the second case.[2]

But, here, what has been involved is the alleged unconstitutionality of the second paragraph of Section 2 of R.A. 9164, which reckons the three-term limit rule from the year 1994 before the passage of the law on March 19, 2002. It is a settled doctrine in this jurisprudence that laws are presumptively constitutional until they are found otherwise in an appropriate case.[3] Consequently, to suspend the disqualification actions against petitioners, while the issue of unconstitutionality of Section 2 of R.A. 9164 was still pending, would be to contravene such established doctrine. It would amount to a preliminary injunction against the implementation of that provision of the law.

Petitioner of course points out that the RTC of Caloocan City has since decided that Section 2 of R.A. 9164 is unconstitutional. But that decision has not yet attained finality and the RTC has issued no order making the same

executory pending appeal. Consequently, such provision of law remains in full force.

Parenthetically, no less than this Court found occasion in the past to apply Section 2 to the case of a punong barangay who had served for three consecutive terms but who pleaded that he was exempt from it because the municipality where he served had been converted into a city during his last term. The issue of constitutionality of the second paragraph had not been raised, but said this Court:

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. x x x[4] (Emphasis supplied)

For his part, respondent Manalili asks that he be allowed to assume the position of Chairman of his barangay in place of petitioner Foronda. Manalili points out that Labo, Jr. v. Commission on Elections,[5] which enunciates the doctrine on the rejection of the second placer that triggers the rule on succession, does not apply to his case since the COMELEC has already disqualified Foronda and annulled his proclamation.

But that doctrine applies to this case, since the COMELEC ordained Foronda's disqualification only after the elections had taken place.[6] On October 29, 2007, the election day, Foronda was still legally a candidate.[7] It is incorrect to say that, since Foronda has subsequently been disqualified, the votes intended for him should in effect be considered null and void.[8]

WHEREFORE, the Court DISMISSES the petitions of petitioners Desederio Monreal and Nestor Racimo Foronda for lack of merit and AFFIRMS the resolutions of the Commission on Elections in SPA 08-072 (BRGY.) dated May 9 and October 2, 2008 in the case of petitioner Monreal and in SPA 08-078 (BRGY.) dated May 19 and September 25, 2008 in the case of petitioner Foronda.

SO ORDERED.

Puno, C.J., Carpio, Corona, Carpio Morales, Velasco, Jr., Nachura, Leonardo-de Castro, Brion, Peralta, Bersamin, Del Castillo, and Villarama, Jr., JJ., concur.

[1] Quiambao v. Osorio, G.R. No. L-48157, March 16, 1988, 158 SCRA 674, 678.

[2] People v. Consing, Jr., 443 Phil. 454, 460 (2003).

[3] To cite just some: Macalintal v. Commission on Elections, 453 Phil. 586, 632 (2003); People v. Leachon, Jr., 357 Phil. 165, 170 (1998); Social Security Commission v. Judge Bayona, 115 Phil. 106, 110 (1962).

[4] Laceda, Sr. v. Limena, G.R. No. 182867, November 25, 2008, 571 SCRA 603, 607.

[5] G.R. Nos. 105111 and 105384, July 3, 1992, 211 SCRA 297.

[6] Cayat v. Commission on Elections, G.R. Nos. 163776 and 165736, April 24, 2007, 522 SCRA 23, 44.

[7] Id.

[8] Id.

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