

**BASIC : LETTER DATED DECEMBER 07, 2009, FROM MAYOR SULPICIO  
N. YU OF CALAPE, BOHOL**

**2<sup>nd</sup> Indorsement**  
December 28, 2009

Respectfully returned to Ms. Rustica Mascariñas, Provincial Director, DILG Bohol Provincial Office, the herein basic communication from Mayor Sulpicio N. Yu of Calape, Bohol requesting legal opinion on the rule on 3-term limit in relation to two situations in his municipality.

The 1987 Constitution and the Local Government Code of 1991 provide that no elective official shall serve for more than three (3) consecutive terms in the same position; and that 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. For the rule on 3-term limit to apply, the official concerned must have been elected for three consecutive terms in the same local government post, and that he has fully serve three consecutive terms (Loanzanida vs COMELEC, G.R. No. 135150, July 28, 1999). But even if the official was not able to fully serve a term in the three consecutive terms he was elected to the same position, the rule on three-term limit would still apply if such failure to fully serve the term was the consequence of his voluntary renunciation of the office.

To the two situations cited by Mayor Sulpicio Yu, the prohibition will not apply on the basis of the aforementioned discussion. In the case of Atty. Roldan Damalerio, he was not able to fully serve his second term as councilor in view of his assumption to the position of the vice mayor to fill the vacancy therein. With regard to the case of Atty. Jose Jumangit, Jr., he was not elected as councilor in his second term, but appointed to fill a vacancy in the sanggunian.

PEDRO A. NOVAL, JR.  
Regional Director

