

**BASIC : LETTER DATED OCTOBER 15, 2007, FROM MR. SANCHO  
CAGAMPANG OF CANDIJAY, BOHOL**

**2<sup>nd</sup> Indorsement**  
October 19, 2007

Respectfully returned to Ms. Rustica Mascariñas, Provincial Director, DILG Bohol Provincial Office, the herein basic communication from Mr. Sancho Cagampang of Candijay, Bohol, inquiring whether or not a certain Benjamin Dotarot is still qualified to run as Punong Barangay in the October 29 synchronized barangay and SK elections.

In reply thereto, we will not rule whether or not a particular person is qualified to run for an elective office considering that the authority to make such ruling is lodged with the Commission on Election. However, for academic discussion we will elucidate on the 3-term limit rule.

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.

We are of the view that when an elected local official accepts an appointment to another local elective position (usually higher) to fill the vacancy therein with the full knowledge that he has to relinquish the position he was elected into (otherwise, he would be violating the rule on dual position), such acceptance of the appointment will not be considered as an interruption in the continuity of service for the full term for which he was elected as provided in the 1987 Constitution and the Local Government Code of 1991 aforementioned.

Truly yours,

PEDRO A. NOVAL, JR.  
Regional Director

