

October 19, 2007

MR. NICASIO BOLOS, JR.
Dauis
6339 Bohol

Dear Mr. Bolos:

This has reference to your letter dated October 17, 2007, requesting our opinion on whether or not you could still run as Punong Barangay this coming October 29 election.

You reported that you were elected as Punong Barangay in your barangay in 1992, then in 1998 and in 2002. However, you were not able to fully serve your term in the 2002 election, your third term, since you ran and won in 2004 as sangguniang bayan member of your municipality. Now you intend to run again as Punong Barangay in your barangay.

Before proceeding to provide you with our view, we wish to point out that you have your dates wrong. There was no barangay election in 1992. But there was a barangay election on May 09, 1994. Then there was no barangay election in 1998. The next election after 1994 was on May 12, 1997.

Granting that you were elected as Punong Barangay on the correct dates aforementioned, and again in the 2002 election but unable to fully serve your third term since you ran and won as municipal councilor in the 2004 election, we are of the view that the prohibition on the 3-term limit will apply to your situation; hence, you cannot run as Punong Barangay in your barangay this coming October 29 election.

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. It was voluntary on your part to run in the 2004 election as municipal councilor knowing fully well that in the event you would win you have to relinquish the position of punong barangay. You had and made the choice. You voluntarily renounced your position as punong barangay when you were elected and taken your oath as municipal council member. This would fall squarely in the clause found in the 1987 Constitution and the Local Government Code of 1991 on 3-term limit

Truly yours,

PEDRO A. NOVAL, JR.
Regional Director

