

October 6, 2010

HON. JOSEPHINE SOCORRO C. JUMAMOY  
Provincial Board Member  
Bohol Provincial Capitol  
Tagbilaran City  
Bohol

Madame:

This has reference to your letter dated October 01, 2010, requesting legal opinion on the 3-term limit of elected local officials, vis-à-vis the case of Punong Barangay Jacinto Lofranco of Luyo, Inabanga, Bohol.

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. This is the situation of Punong Barangay Jacinto Lofranco. When he ran for a seat in the sangguniang bayan of Inabanga in 1998 while he was in the second year of his second term as Punong Barangay, he voluntarily renounced or gave up his being a punong barangay; since the law in effect then was that an elected official running for a different position was considered resigned upon filing his certificate of candidacy. Hence, it is our considered view that the prohibition on the 3-term limit applies to Punong Barangay Jacinto Lofranco and is disqualified to run as Punong Barangay again in the October 25, 2010, election.

Truly yours,

PEDRO A. NOVAL, JR.  
Regional Director

