

**BASIC : LETTER DATED JULY 15, 2010, FROM PUNONG BARANGAY
MARGARITO P. ACASO, JR. OF PUTLONGCAN, ALICIA, BOHOL**

1st Indorsement
July 20, 2010

Respectfully returned to Ms. Rustica Mascariñas, Provincial Director, DILG Bohol Provincial Office, the herein basic communication from Punong Barangay Margarito P. Acaso, Jr. of Putlongcan, Alicia, Bohol requesting legal opinion on the rule on 3-term limit.

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.

In the case of Punong Barangay Acaso, his first term in office as Punong Barangay was by succession not by election. Hence, he still can run as a candidate for punong barangay of Putlongcan in the October 2010 barangay & SK elections.

PEDRO A. NOVAL, JR.
Regional Director

