

September 17, 2007

HON. FRANCISCO T. OLIVERIO, JR.
Punong Barangay
Barangay Hall
Dap-dap, Compostela
6003 Cebu

Dear Punong Barangay Oliverio:

This has reference to your letter dated September 04, 2007, on the application of the three-term limit rule.

In reply thereto, please be advised that the Supreme Court held in the case of Borja vs. COMELEC, G.R. No. 133495, September 3, 1998, and in the case of Lonzanida vs. COMELEC, G.R. No. 135150, July 28, 1999, that for the application of the three-term limit rule, two conditions must concur, 1) the official concerned has been elected for three consecutive terms in the same local government post, and 2) the official concerned has fully served three consecutive terms.

As you reported, you were not elected to the position of punong barangay in 1995; you succeeded to the office in view of the resignation of the duly elected punong barangay. Hence, the first condition is not present in your situation. Being so, you may still run in the forthcoming barangay election for the position of punong barangay.

Truly yours,

PEDRO A. NOVAL, JR.
Regional Director

.cc : PD Edmundo Jamisola
DILG Cebu Provincial Office

Ms. Mary Evelyn Peñan
DILG Compostela (Cebu) Office

.ord/legal

