

## EN BANC

[ G.R. No. 207851, July 08, 2014 ]

### ANGEL G. NAVAL, PETITIONER, VS. COMMISSION ON ELECTIONS AND NELSON B. JULIA, RESPONDENTS.

#### DECISION

REYES, J.:

*A politician thinks of the next election –  
a statesman of the next generation.  
- James Freeman Clarke, American preacher and author*

#### The Case

A provincial board member cannot be elected and serve for more than three consecutive terms. But then, the Court is now called upon to resolve the following questions. *First*. What are the consequences to the provincial board member's eligibility to run for the same elective position if the legislative district, which brought him or her to office to serve the first two consecutive terms, be reapportioned in such a way that 8 out of its 10 town constituencies are carved out and renamed as another district? *Second*. Is the provincial board member's election to the same position for the third and fourth time, but now in representation of the renamed district, a violation of the three-term limit rule?

Before the Court is a Petition for *Certiorari* with an Urgent Prayer for the Issuance of a Temporary Restraining Order and a Writ of Preliminary Injunction<sup>[1]</sup> filed under Rule 64 of the Rules of Court to assail the following resolutions of the public respondent Commission on Elections (COMELEC):

- (a) Resolution<sup>[2]</sup> (first assailed resolution) issued by the Second Division on March 5, 2013, in SPA No. 13-166 (DC), granting the petition filed by Nelson B. Julia (Julia), seeking to cancel the Certificate of Candidacy<sup>[3]</sup> (COC) as Member of the *Sangguniang Panlalawigan* of Camarines Sur (Sanggunian) of Angel G. Naval (Naval), who is allegedly violating the three-term limit imposed upon elective local officials as provided for in Article X, Section 8<sup>[4]</sup> of the 1987 Constitution, and Section 43(b)<sup>[5]</sup> of the Local Government Code (LGC); and
- (b) *En Banc* Resolution<sup>[6]</sup> (second assailed resolution) issued on June 5, 2013, denying Naval's Motion for Reconsideration<sup>[7]</sup> to the Resolution dated March 5, 2013.

#### Antecedents

From 2004 to 2007 and 2007 to 2010, Naval had been elected and had served as a member of the *Sanggunian*, Second District, Province of Camarines Sur.

On October 12, 2009, the President approved Republic Act (R.A.) No. 9716,<sup>[8]</sup> which reapportioned the legislative districts in Camarines Sur in the following manner:

<b>District</b>	<b>Before the Enactment of R.A. No. 9716</b>	<b>After the Enactment of R.A. No. 9716</b>
<b>1st</b>	Libmanan, Minalabac, Pamplona, Pasacao, San Fernando, Del Gallego, Ragay, Lupi, Sipocot, Cabusao	Del Gallego, Ragay, Lupi, Sipocot, Cabusao
<b>2nd</b>	<b>Naga City, Pili, Ocampo, Camaligan, Canaman, Magarao, Bombon, Calabanga,<sup>[9]</sup> Gainza, Milaor</b>	Libmanan, Minalabac, Pamplona, Pasacao, San Fernando, Gainza, Milaor
<b>3rd</b>	Caramoan, Garchitorena, Goa, Lagonoy, Presentacion, Sangay, San Jose, Tigaon, Tinambac, Siruma	<b>Naga City, Pili, Ocampo, Camaligan, Canaman, Magarao, Bombon, Calabanga</b>
<b>4th</b>	Iriga City, Baao, Balatan, Bato, Buhi, Bula, Nabua	Caramoan, Garchitorena, Goa, Lagonoy, Presentacion, Sangay, San Jose, Tigaon, Tinambac, Siruma
<b>5th</b>		Iriga City, Baao, Balatan, Bato, Buhi, Bula, Nabua

Notably, 8 out of 10 towns were taken from the old Second District to form the present Third District. The present Second District is composed of the two remaining towns, Gainza and Milaor, merged with five towns from the old First District.

In the 2010 elections, Naval once again won as among the members of the *Sanggunian*, Third District. He served until 2013.

In the 2013 elections, Naval ran anew and was re-elected as Member of the *Sanggunian*, Third District.

Julia was likewise a *Sanggunian* Member candidate from the Third District in the 2013 elections. On October 29, 2012, he invoked Section 78<sup>[10]</sup> of the Omnibus Election Code (OEC) and filed before the COMELEC a Verified Petition to Deny Due Course or to Cancel the Certificate of Candidacy<sup>[11]</sup> of Naval. Julia posited that Naval had fully served the entire Province of Camarines Sur for three consecutive terms as a member of the *Sanggunian*, irrespective of the district he had been

elected from. The three-term limit rule's application is more with reference to the same local elective post, and not necessarily in connection with an identical territorial jurisdiction. Allowing Naval to run as a *Sanggunian* member for the fourth time is violative of the inflexible three-term limit rule enshrined in the Constitution and the LGC, which must be strictly construed.<sup>[12]</sup>

### **The Resolution of the COMELEC Second Division**

In the first assailed resolution issued on March 5, 2013, the COMELEC Second Division cancelled Naval's COC on grounds stated below:

[W]hen a candidate for public office swears in his COC that he is eligible for the elective posts he seeks, while, in reality, he knowingly lacks the necessary requirements for eligibility, he commits a false material misrepresentation cognizable under Section 78 of the [OEC].

x x x x

The Supreme Court[, ] in the case of *Lonzanida v. [COMELEC]*[, ] detailed the important components of [Article X, Section 8 of the Constitution]:

This Court held that the two conditions for the application of the disqualification must concur: 1) **that the official concerned has been elected for three consecutive terms in the same local government post and 2) that he has fully served three consecutive terms**. It stated:

To recapitulate, the term limit for elective local officials must be taken to refer to the right to be elected as well as the right to *serve* in the same elective position. Consequently, it is not enough that an individual has served three consecutive terms in an elective local office[; ] he must also have been *elected* to the same position for the same number of times before the disqualification can apply. x x x

x x x The first requisite does not only describe a candidate who has been elected for public office for three consecutive terms. The candidate must have been elected in the same local government post. This connotes that the candidate must have been in the same elective position serving the same constituency who elected him to office for three consecutive terms.

x x x x

The three-term limit rule was designed by the framers of the Constitution to prevent the monopoly of power centered only on a chosen few. The said disqualification was primarily intended to forestall the accumulation of massive political power by an elective local government official in a given locality in order to perpetuate his tenure in office. The framers also considered the necessity of the enhancement of the freedom of choice of the electorate by broadening the selection of would-be elective public

officers. By rendering ineligible for public office those who have been elected and served for three consecutive terms in the same public elective post, the prohibition seeks to infuse new blood in the political arena.

x x x x

x x x [T]he new Third District where [Naval] was elected and has served is composed of the same municipalities comprising the previous Second District, absent the towns Gainza and [Milaor]. The territorial jurisdiction [Naval] seeks to serve for the term 2013-2016 is the same as the territorial jurisdiction he previously served. The electorate who voted for him in 2004, 2007 and 2010 is the same electorate who shall vote for him come May 13, 2013 Elections. They are the same group of voters who elected him into office for three consecutive terms.

The resolution of this Commission in the case of Bandillo, et al[.] v. Hernandez (SPA No. 10-078)<sup>[13]</sup> cannot be applied in the case at bar. Hernandez who then hailed from Libmanan belonged to the First District of Camarines Sur. With Republic Act 9716, Libmanan, Minalabac, Pamplona, Pasacao and San Fernando, all originally belonging to the First District, were merged with Gainza and Milaor to form the Second District. With the addition of the municipalities of Gainza and Milaor, it cannot be said that the previous First District became the Second District only by name. The voters of Gainza and Milaor added to the electorate of the new Second District formed a different electorate, different from the one which voted for Hernandez in the 2001, 2004 and 2007 elections. In the case at bar, the municipalities comprising the new Third District are the same municipalities that consisted of the previous Second [District], absent Milaor and Gainza.

The Supreme Court, in *Latasa v. [COMELEC]*, ruled that the conversion of the municipality into a city did not convert the office of the municipal mayor into a local government post different from the office of the city mayor[.]

x x x x<sup>[14]</sup> (Citations omitted)

### **The Resolution of the COMELEC *En Banc***

In the second assailed resolution issued on June 5, 2013, the COMELEC *en banc* denied Naval's Motion for Reconsideration to the above. The COMELEC pointed out that absent the verification required under Section 3, Rule 19 of the COMELEC Rules of Procedure, Naval's motion was instantly dismissible. Nonetheless, the COMELEC proceeded to discuss the demerits of Naval's motion, *viz*:

The conditions for the application of the three-term limit rule are present in the instant case as the records clearly establish that [Naval] is running for the 4<sup>th</sup> time for the same government post. To put things in a proper perspective, it is imperative to review and discuss the salient points in

the case of **Latasa v. [COMELEC]**. The case involves the question of whether or not a municipal mayor, having been elected and had already served for three (3) consecutive terms, can run as city mayor in light of the conversion of the municipality to a city. In applying the three-term limit rule, the Court pointed out that the conversion of the municipality into a city did not convert the office of the municipal mayor into a local government post different from the office of the city mayor. The Court took into account the following circumstances: (1) That the territorial jurisdiction of [the] city was the same as that of the municipality; (2) That the inhabitants were the same group of voters who elected the municipal mayor for three (3) consecutive terms; and (3) That the inhabitants were the same group of voters [over] whom he held power and authority as their chief executive for nine years.

Anchoring from the said case, it is therefore clear that the position to which [Naval] has filed his candidacy for the 13 May 2013 x x x Elections is the same position for which he had been elected and had served for the past nine (9) years.

x x x x

x x x The following circumstances establish that the subject posts are one and the same: First, the territorial jurisdictions of the two (2) districts are the same except for the municipalities of Gainza and Milaor which were excluded by R.A. No. 9716; Second, the inhabitants of the 3<sup>rd</sup> District of Camarines Sur, where [Naval] is presently running as member of the [Sanggunian], are the same voters who elected him for the past three (3) consecutive terms; and Lastly, the inhabitants of the [3<sup>rd</sup>] District are the same group of voters whom [Naval] had served as member of the [Sanggunian] representing the 2<sup>nd</sup> District.

x x x The enactment of R.A. No. 9716 did not convert [Naval's] post [into one] different from [w]hat he [previously had]. As correctly ruled by the Commission (*Second Division*), [Naval] ha[d] already been elected and ha[d] already served in the same government post for three consecutive terms, x x x[.]

x x x x.<sup>[15]</sup> (Citations omitted)

**Unperturbed, Naval is now before the Court raising the issues of whether or not the COMELEC gravely erred and ruled contrary to law and jurisprudence:**

I. IN FINDING THAT NAVAL HAD ALREADY SERVED FOR THREE CONSECUTIVE TERMS IN THE SAME GOVERNMENT POST;<sup>[16]</sup>

II. IN IGNORING THE FACT THAT SANGGUNIAN MEMBERS ARE ELECTED BY LEGISLATIVE DISTRICTS;<sup>[17]</sup> and