

## EN BANC

[ G.R. No. 182867, November 25, 2008 ]

**ROBERTO LACEDA, SR., PETITIONER, VS. RANDY L. LIMENA AND  
COMMISSION ON ELECTIONS, RESPONDENTS.**

### RESOLUTION

**QUISUMBING, J.:**

From this Court's June 10, 2008 Resolution<sup>[1]</sup> dismissing his petition for certiorari, petitioner Roberto Laceda, Sr. filed the instant motion for reconsideration,<sup>[2]</sup> insisting that the Commission on Elections (COMELEC) committed grave abuse of discretion in issuing the Resolutions dated January 15, 2008<sup>[3]</sup> and May 7, 2008<sup>[4]</sup> in SPA No. 07-028 (BRGY).

The facts are as follows:

Petitioner Roberto Laceda, Sr., and private respondent Randy L. Limena were candidates for *Punong* Barangay of Barangay Panlayaan, West District, Sorsogon City, during the October 29, 2007 Barangay and *Sangguniang Kabataan* Elections. On October 23, 2007, Limena filed a petition for disqualification and/or declaration as an ineligible candidate<sup>[5]</sup> against Laceda before the COMELEC, contending that Laceda had already served as *Punong* Barangay for Brgy. Panlayaan for three consecutive terms since 1994, and was thus prohibited from running for the fourth time under Section 2 of Republic Act No. 9164<sup>[6]</sup> which provides:

SEC. 2. *Term of Office.*—The term of office of all barangay and sangguniang kabataan officials after the effectivity of this Act shall be three (3) years.

No barangay elective official shall serve for more than three (3) consecutive terms in the same position: *Provided, however,* That the term of office shall be reckoned from the 1994 barangay elections. Voluntary renunciation of 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 was elected.

Limena likewise attached the following certification from the Department of the Interior and Local Government:

THIS IS TO CERTIFY that per records in this office **HON. ROBERTO LACEDA, SR.,** incumbent Punong Barangay of Panlayaan, West District, Sorsogon City. ...was elected as Punong Barangay during the May 9, 1994, May 12, 1997 and July 15, 2002 Barangay Elections. He resigned from office on March 20, 1995 to run as Municipal Councilor. Hence, he is covered by the three-term rule of paragraph 2, Section 2 of RA 9164

which provides that: "No barangay elective official shall serve for more than three (3) consecutive terms in the same position: Provided, however, that the term of office shall be reckoned from the 1994 barangay elections. Voluntary renunciation of 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 was elected."<sup>[7]</sup>

x x x x

In his Answer,<sup>[8]</sup> Laceda admitted having served as *Punong* Barangay of Panlayaan for three consecutive terms. However, he asserted that when he was elected for his first two terms, Sorsogon was still a municipality, and that when he served his third term, the Municipality of Sorsogon had already been merged with the Municipality of Bacon to form a new political unit, the City of Sorsogon, pursuant to Republic Act No. 8806.<sup>[9]</sup> Thus, he argued that his third term was actually just his first in the new political unit and that he was accordingly entitled to run for two more terms.

Laceda likewise argued that assuming he had already served three consecutive terms, Rep. Act No. 9164 which imposes the three-term limit, cannot be made to apply to him as it would violate his vested right to office. He alleged that when he was elected in 1994 the prohibition did not exist. Had he known that there will be a law preventing him to run for the fourth time, he would not have run for office in 1994 as he was looking forward to the election in 2007.<sup>[10]</sup>

On January 15, 2008, the COMELEC declared Laceda disqualified and cancelled his certificate of candidacy:

**WHEREFORE,** this Commission **RESOLVED,** as it hereby **RESOLVED,** to declare Respondent Roberto Laceda, Sr. **DISQUALIFIED** from running as *Punong* Barangay of Panlayaan, West District, Sorsogon City and consequently denies due course and cancels his Certificate of Candidacy.

SO ORDERED.<sup>[11]</sup>

Laceda moved for reconsideration, but his motion was denied by the COMELEC in a Resolution dated May 7, 2008. Aggrieved, Laceda filed a petition for certiorari before this Court.

On June 10, 2008, this Court dismissed the petition for failure to sufficiently show that any grave abuse of discretion was committed by the COMELEC in rendering the assailed Resolutions of January 15, 2008 and May 7, 2008. Hence, this motion for reconsideration.

Laceda insists that the COMELEC committed grave abuse of discretion in basing its decision on the requisites enunciated in *Lonzanida v. Commission on Elections*<sup>[12]</sup> for the application of the three-term prohibition in Section 43<sup>[13]</sup> of the Local Government Code.<sup>[14]</sup> Laceda argues that said case is inapplicable since it involved the position of municipal mayor while the instant case concerned the position of *Punong* Barangay. He likewise insists that he served his third term in a new political unit and therefore he should not be deemed already to have served a third term as *Punong* Barangay for purposes of applying the three-term limit.<sup>[15]</sup>