



Republic of the Philippines
Supreme Court
Manila

EN BANC

ANGEL G. NAVAL,

Petitioner,

G.R. No. 207851

Present:

SERENO, C.J.,
CARPIO,
VELASCO, JR.,
LEONARDO-DE CASTRO,
BRION,
PERALTA,
BERSAMIN,
DEL CASTILLO,
VILLARAMA, JR.,
PEREZ,
MENDOZA,
REYES,
PERLAS-BERNABE, and
LEONEN, JJ.

- versus -

COMMISSION ON ELECTIONS
and NELSON B. JULIA,

Respondents.

Promulgated:

JULY 08, 2014

X-----X

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 Injunction¹ filed under Rule 64 of the Rules of Court to assail the following resolutions of the public respondent Commission on Elections (COMELEC):

- (a) Resolution² (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 Candidacy³ (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 8⁴ of the 1987 Constitution, and Section 43(b)⁵ of the Local Government Code (LGC); and
- (b) *En Banc* Resolution⁶ (second assailed resolution) issued on June 5, 2013, denying Naval's Motion for Reconsideration⁷ to the Resolution dated March 5, 2013.

¹ *Rollo*, pp. 3-22; Please also *see* Amended Petition, *id.* at 126-145.

² *Id.* at 25-35.

³ *Id.* at 62.

⁴ Sec. 8. The term of office of elective local officials, except *barangay* officials, which shall be determined by law, shall be three years and no such official shall serve for more than three consecutive terms. Voluntary renunciation of the office for any length of time shall not be considered as an interruption in the continuity of his service for the full term for which he was elected.

⁵ Sec. 43. Term of office. – x x x
x x x x

(b) No local elective official shall serve for more than three (3) consecutive terms in the same position. 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.

⁶ *Rollo*, pp. 37-45.

⁷ *Id.* at 115-124.

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. 9716,⁸ which reapportioned the legislative districts in Camarines Sur in the following manner:

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

⁸ AN ACT REAPPORTIONING THE COMPOSITION OF THE FIRST (1ST) AND SECOND (2ND) LEGISLATIVE DISTRICTS IN THE PROVINCE OF CAMARINES SUR AND THEREBY CREATING A NEW LEGISLATIVE DISTRICT FROM SUCH REAPPORTIONMENT.
⁹ Naval is a resident of Calabanga.

Julia was likewise a *Sanggunian* Member candidate from the Third District in the 2013 elections. On October 29, 2012, he invoked Section 78¹⁰ of the Omnibus Election Code (OEC) and filed before the COMELEC a Verified Petition to Deny Due Course or to Cancel the Certificate of Candidacy¹¹ 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.¹²

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.

¹⁰ Sec. 78. *Petition to deny due course to or cancel a certificate of candidacy.* – A verified petition seeking to deny due course or to cancel a certificate of candidacy may be filed by any person exclusively on the ground that any material representation contained therein as required under Section 74 hereof is false. The petition may be filed at any time not later than twenty-five days from the time of the filing of the certificate of candidacy and shall be decided, after due notice and hearing, not later than fifteen days before the election.

¹¹ *Rollo*, pp. 46-59.

¹² *Id.* at 56-57, citing *Aldovino, Jr. v. COMELEC*, G.R. No. 184836, December 23, 2009, 609 SCRA 234.

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)¹³ 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

¹³ Please see COMELEC Resolutions dated May 8, 2010 (id. at 79-83) and January 31, 2011 (id. at 84-88.) disposing of this case.

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 x¹⁴ (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 4th 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 3rd District of Camarines Sur, where [Naval] is presently running as member

¹⁴

Id. at 28-34.

of the [Sanggunian], are the same voters who elected him for the past three (3) consecutive terms; and *Lastly*, the inhabitants of the [3rd] District are the same group of voters whom [Naval] had served as member of the [Sanggunian] representing the 2nd 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.¹⁵ (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;¹⁶
- II. IN IGNORING THE FACT THAT *SANGGUNIAN* MEMBERS ARE ELECTED BY LEGISLATIVE DISTRICTS;¹⁷ and
- III. WHEN IT RULED THAT THE PROHIBITION CONTEMPLATED BY SECTION 8, ARTICLE X OF THE 1987 CONSTITUTION AND SECTION 43(B) OF THE LGC APPLIES TO NAVAL.¹⁸

The Arguments of the Contending Parties

In support of the instant petition, Naval alleges that the First, Second and Third Legislative Districts of Camarines Sur are not merely renamed but are composed of new sets of municipalities. With the separation of Gainza and Milaor from the other eight towns which used to comprise the Second District, the voters from the Third Legislative District are no longer the same ones as those who had elected him to office in the 2004 and 2007 elections.

Naval further invokes Article 94¹⁹ of Administrative Order No. 270 prescribing the Implementing Rules and Regulations of the LGC to argue

¹⁵ Id. at 42-44.

¹⁶ Id. at 132.

¹⁷ Id. at 135.

¹⁸ Id. at 137.

¹⁹ Art. 94. Manner of Election and Number of Elective *Sanggunian* Members. – (a) *Sangguniang panlalawigan* –

that *Sanggunian* members are elected by districts. Thus, the right to choose representatives in the *Sanggunian* pertains to each of the districts. Naval was elected as *Sanggunian* member in 2004 and 2007 by the Second District. In 2010 and 2013, it was the Third District, which brought him to office. Essentially then, Naval's election in 2013 is merely his second term as *Sanggunian* member for the Third District.

Naval likewise cites *Borja, Jr. v. COMELEC*²⁰ to point out that for the disqualification on the ground of the three-term limit to apply, it is not enough that an individual has served three consecutive terms in an elective local office, but it is also required that he or she had been elected to the same position for the same number of times.²¹

Naval also assails as erroneous the COMELEC's interpretations of the rulings in *Latasa v. COMELEC*²² and *Bandillo, et al. v. Hernandez*.²³ In *Latasa*, the Court applied the three-term prohibition only because notwithstanding the conversion of the Municipality of Digos into a city, the mayor was to serve the same territorial jurisdiction and constituents. Naval asserts that the same does not hold true in his case. Naval further avers that in *Bandillo*, which finds more application in the instant petition, the COMELEC ruled that the three-term limit cannot be invoked in a situation where the legislative districts have been altered. An extraction or an addition both yields a change in the composition of the voters.

Naval further emphasizes that he garnered the majority of the votes from his constituents, whose will and mandate should be upheld. Besides,

(1) For provinces with two (2) or more legislative districts, the elective members of the *sangguniang panlalawigan* shall be elected by legislative districts. For this purpose, they shall be apportioned equitably provided that if equal division is not possible, the remaining member or members shall be elected in the district or districts with the greater number of population or, if they be the same, with the greater number of voters; and provided further, that if a legislative district comprises an independent component city such that an equal distribution of *sanggunian* members does not result in equitable apportionment on the basis of population of the province, the Comelec shall allocate the number among the districts in proportion to the population or constituencies voting for the members of the *sangguniang panlalawigan*.

(2) For provinces with only one (1) representative district, the Comelec shall divide the members into two (2) districts for purposes of provincial representation as nearly as practicable according to the number of inhabitants. Each district comprising a compact, contiguous and adjacent territory, and the number of elective members of their respective *sanggunians* shall be equitably apportioned between the districts in accordance with the standard or formula provided in the immediately preceding subparagraph (1).

(3) First and second class provinces shall each have ten (10) elective members; third and fourth class provinces, eight (8); and fifth and sixth class provinces, six (6) to be elected at large by the qualified voters therein.

²⁰ 356 Phil. 467 (1998).

²¹ Id. at 478.

²² 463 Phil. 296 (2003).

²³ Supra note 13.

Julia's counsel already withdrew his appearance, indicating no less than his client's lack of interest in still pursuing Naval's ouster from office.²⁴

In its Comment,²⁵ the Office of the Solicitor General (OSG) seeks the denial of the instant petition. The OSG contends that Naval had been elected and had fully served the same local elective post for three consecutive terms. Naval thus violated Section 78 of the OEC when he filed his COC despite knowledge of his ineligibility. Naval's reliance on *Bandillo* is also misplaced since in the said case, two towns were instead added to form a new district. Apparently then, in *Bandillo*, there was a new set of voters. The OSG also alleges that Naval is not entitled to the issuance of injunctive reliefs by this Court. No clear and unmistakable right pertains to Naval and it is his eligibility to be elected as *Sanggunian* member for the Third District which is the issue at hand.

Ruling of the Court

The Court denies the petition.

As the issues are interrelated, they shall be discussed jointly.

The case before this Court is one of first impression. While the contending parties cite *Latasa, Lonzanida v. COMELEC*,²⁶ *Borja, Aldovino, Jr. v. COMELEC*,²⁷ and *Bandillo*, which all involve the application of the three-term limit rule, the factual and legal circumstances in those cases are different and the doctrinal values therein do not directly address the issues now at hand.

In *Latasa*, the issue arose as a result of the conversion of a municipality into a city. The then municipal mayor attempted to evade the application upon him of the three-term limit rule by arguing that the position of a city mayor was not the same as the one he previously held. The Court was not convinced and, thus, declared that there was no interruption of the incumbent mayor's continuity of service.

In *Lonzanida*, a candidate ran for the mayoralty post and won in three consecutive elections. While serving his third term, his opponent filed an election protest. Months before the expiration of the mayor's third term, he was ousted from office. He ran again for the same post in the immediately succeeding election. A petition was thereafter filed assailing his eligibility

²⁴ Please *see* Reply, id. at 288-289.

²⁵ Id. at 263-279.

²⁶ 370 Phil. 625 (1999).

²⁷ G.R. No. 184836, December 23, 2009, 609 SCRA 234.

to run as mayor on the ground of violation of the three-term limit rule. The Court ruled that the mayor could not be considered as having served a full third term. An interruption for any length of time, if due to an involuntary cause, is enough to break the elected official's continuity of service.

In *Borja*, the mayor of Pateros died and was succeeded in office by the vice mayor. In the two immediately succeeding elections, the latter vied for and won the mayoralty post. When he ran for the same position for the third time, his disqualification was sought for alleged violation of the three-term limit rule. The Court ruled that when he assumed the position of mayor by virtue of succession, his service should not be treated as one full term. For the disqualification to apply, the candidate should have been thrice elected for and had served the same post consecutively.

In *Aldovino*, preventive suspension was imposed upon an elected municipal councilor. The Court ruled that the said suspension did not interrupt the elective official's term. Although he was barred from exercising the functions of the position during the period of suspension, his continued stay and entitlement to the office remain unaffected.

In *Bandillo*, a case decided by the COMELEC, Gainza and Milaor were added to five of the ten towns, which used to comprise Camarines Sur's old First District, to form the new Second District. The COMELEC declined to apply the three-term limit rule against the elected Provincial Board member on the ground that the addition of Gainza and Milaor distinctively created a new district, with an altered territory and constituency.

In the case before this Court, the task is to determine the application of the three-term limit rule upon local elective officials in renamed and/or reapportioned districts. In the process of doing so, it is inevitable to discuss the role of elections and the nature of public office in a democratic and republican state like ours.

**The Role of Elections in our
Democratic and Republican State,
and the Restraints Imposed Upon
Those Who Hold Public Office**

The Court begins with general and undeniable principles.

The Philippines is a democratic and republican State. Sovereignty resides in the people and all government authority emanates from them.²⁸

Then Associate Justice Reynato S. Puno explained the character of a republican state and a public office, *viz*:

A republic is a representative government, a government run by and for the people. It is not a pure democracy where the people govern themselves directly. The essence of republicanism is **representation and renovation, the selection by the citizenry of a corps of public functionaries who derive their mandate from the people and act on their behalf, serving for a limited period only**, after which they are replaced or retained, at the option of their principal. *Obviously, a republican government is a responsible government whose officials hold and discharge their position as a public trust and shall, according to the Constitution, 'at all times be accountable to the people' they are sworn to serve. The purpose of a republican government it is almost needless to state, is the promotion of the common welfare according to the will of the people themselves.*²⁹ (Emphasis ours and italics in the original)

In *Tolentino v. COMELEC*,³⁰ Justice Puno likewise characterized the role of the electoral process in the following wise:

The electoral process is one of the linchpins of a democratic and republican framework because it is through the act of voting that government by consent is secured. Through the ballot, people express their will on the defining issues of the day and they are able to choose their leaders in accordance with the fundamental principle of representative democracy that the people should elect whom they please to govern them. *Voting has an important instrumental value in preserving the viability of constitutional democracy. It has traditionally been taken as a prime indicator of democratic participation.*³¹ (Citations omitted and italics ours)

The importance of elections cannot therefore be over emphasized. Thus,

True, *election is the expression of the sovereign power of the people*. In the exercise of suffrage, a free people expects to achieve the continuity of government and the perpetuation of its benefits. *However, in spite of its importance, the privileges and rights arising from having been elected may be enlarged or restricted by law.* x x x.³² (Italics ours)

²⁸ 1987 CONSTITUTION, Article II, Section 1.

²⁹ Concurring Opinion in *Frivaldo v. COMELEC*, 327 Phil. 521, 579 (1996), citing Cruz, Philippine Political Law, p. 49, [1991 ed].

³⁰ 465 Phil. 385 (2004).

³¹ Dissenting Opinion of then Associate Justice Reynato S. Puno, *id.* at 433.

³² *People v. Jalosjos*, 381 Phil. 690, 700 (2000).

Hence, while it is settled that in elections, the first consideration of every democratic polity is to give effect to the expressed will of the majority, there are limitations to being elected to a public office.³³ Our Constitution and statutes are explicit anent the existence of term limits, the nature of public office, and the guarantee from the State that citizens shall have equal access to public service.³⁴ Section 8, Article X of our Constitution, on term limits, is significantly reiterated by Section 43(b) of the LGC. Moreover, the Court has time and again declared that a public office is a public trust and not a vested property right.³⁵

**The Deliberations of the Members
of the Constitutional Commission
on the Three-Term Limit's
Application to Local Elective
Officials**

Following are entries in the Journal of the Constitutional Commission regarding the exchanges of the members on the subject of the three-term limit rule imposed on local elective officials:

VOTING ON THE TERMS OF LOCAL OFFICIALS

With respect to local officials, Mr. Nollado, informed that the Committee on Local Governments had not decided on the term of office for local officials and suggested that the Body decide on the matter.

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On Mr. Bacani's inquiry regarding local officials, Mr. Davide explained that local officials would include the governor, vice-governor and ***the members of the provincial board***; the city mayor, city vice-mayor and members of the city board; and the municipal mayor, municipal vice mayor and members of the municipal council. He stated that barangay officials would be governed by special law, to which Mr. Nollado agreed.

X X X X

**MOTION TO VOTE ON THE PROPOSALS RELATIVE TO
ALTERNATIVE NO. 3**

In reply to Mr. Guingona's query on whether the Committee had decided on the interpretation of "two reelections", Mr. Davide suggested that the matter be submitted to a vote.

³³ Please see *Yason v. COMELEC*, 219 Phil. 338 (1985).

³⁴ Please see 1987 CONSTITUTION, Article II, Section 26.

³⁵ Please see *COMELEC v. Cruz*, G.R. No. 186616, November 20, 2009, 605 SCRA 167, 191, citing *Montesclaros v. COMELEC*, 433 Phil. 620, 637 (2002).

Thereupon, Mr. Romulo moved for a vote on *whether Alternative No. 3 as proposed by Mr. Garcia, would allow a local official three terms, after which he would not be allowed to seek any reelection*; or whether, *as interpreted by Mr. Davide, it would mean that after two successive reelections or a consecutive period of nine years, he could run for reelection after the lapse of three years.*

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RESTATEMENT OF THE PROPOSALS

Mr. Garcia reiterated that *the local officials could be reelected twice, after which, they would be barred from ever running* for reelection.

On the other proposal, *Mr. Davide, on behalf of the Committee, stated that local officials after two reelections would be allowed to run for reelection after the lapse of three years.*

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MANIFESTATION OF MR. ROMULO

Upon resumption of session, Mr. Romulo manifested that the Body would proceed to the consideration of two issues on the term of Representatives and local officials, namely: 1) Alternative No. 1 (*no further reelection after a total of three terms*), and 2) Alternative No. 2 (*no immediate reelection after three successive terms*).

SPONSORSHIP REMARKS OF MR. GARCIA ON ALTERNATIVE NO. 1

Mr. Garcia stated that he was advocating Alternative No. 1 on four grounds: 1) *to prevent monopoly of political power* because the country's history showed *that prolonged stay in public office could lead to the creation of entrenched preserves* of political dynasties; 2) *to broaden the choice* so that more people could be enlisted to the cause of public service; 3) *no one is indispensable in running the affairs of the country* and that reliance on personalities would be avoided; and 4) the disqualification from running for reelection after three terms would *create a reserve of statesmen both in the local and national levels.*

He added that the turnover in public office after nine years *would ensure the introduction of new ideas and approaches.* He stressed that *public office would no longer be a preserve of conservatism and tradition*, and that public service would no longer be limited to those directly holding public office, but would also include consultative bodies organized by the people.

INQUIRY OF MR. REGALADO

In reply to Mr. Regalado's query whether the three terms need not be served consecutively, Mr. Garcia answered in the affirmative.

SPONSORSHIP REMARKS OF MR. MONSOD ON ALTERNATIVE NO. 2

Mr. Monsod stated that while the new Constitution would recognize people power because of a new awareness, a new kind of voter and a new kind of Filipino, at the same time, *it pre-screens the candidates among whom the people would choose by barring those who would have served for nine years from being reelected*. He opined that this would actually require an additional qualification for office to a certain number of people.

He stressed that, while the stand of the Commission is to create a reserve of statesmen, their future participation is actually limited to some areas and only for a certain period of time. He added that *it is not for the Commission to decide on the future of our countrymen who may have more years ahead of them to serve the country*.

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INQUIRY OF MR. OPLE

X X X X

Thereupon, speaking in support of Mr. Monsod's manifestation, *Mr. Ople expressed apprehension over the Body's exercise of some sort of omnipotent power in disqualifying those who will have served their tasks*. He opined *that the Commission had already taken steps to prevent the accumulation of powers and prerequisites that would permit officials to stay on indefinitely and to transfer them to members of their families*. He opined, however, that *perpetual disqualification would deprive the people of their freedom of choice*. He stated *that the Body had already succeeded in striking a balance on policies which could ensure a redistribution of opportunities to the people both in terms of political and economic power*. He stated that Philippine politics had been unshackled from the two-party system, which he said was the most critical support for the perpetuation of political dynasties. Considering that such achievement is already a victory, Mr. Ople stated that the role of political parties should not be despised because the strength of democracy depends on how strong political parties are, that a splintering thereof will mean a great loss to the vitality and resiliency of democracy.

Mr. Ople reiterated that he was against perpetual disqualification from office.

X X X X.

MR. GARCIA'S RESPONSE TO MR. OPLE'S STATEMENTS

Mr. Garcia stated that there are two principles involved in Alternative No. 1: 1) the *recognition of the ambivalent nature of political power*, and 2) the *recognition of alternative forms of public service*. He stated that it is important to remember the lessons learned from the recent past; that public service is service to the people and not an opportunity to accumulate political power, and that *a prolonged stay in public office brings about political dynasties or vested interests*. Regarding political parties, he stated that it will *encourage the constant renewal of blood in*

party leadership, approach, style and ideas. He opined that this is very healthy for a pluralist and multi-party democracy.

On the recognition of alternative forms of public service, Mr. Garcia stressed that public service could be limited to public office since many good leaders who were in the streets and in jail fought against the dictatorship. He stressed that public service would also mean belonging to consultative bodies or people's councils which brought about new forms of service and leadership.

REMARKS OF MR. ABUBAKAR

Mr. Abubakar stated that ***in any democracy the voice of the people is the voice of God.*** He stated that if the people want to elect a representative to serve them continuously, the Commission should not arrogate unto itself the right to decide what the people want. He stated that in the United States, a Senator had served for 30 years.

X X X X

REMARKS OF MS. AQUINO

Ms. Aquino stated that she differs from the views advanced by Mr. Garcia and Ms. Tan, although she stated that they spoke of the same premises. She stated that she agrees with them ***that leaders need not be projected and developed publicly in an election as leaders are better tempered and tested in the various forms of mass struggles and organized work.*** She stated that if the people are to be encouraged to have their own sense of responsibility in national leadership, what ultimately matters is the political determination of the citizenry to chart their own national destiny. ***She opined that the Body should allow the people to exercise their own sense of proportion and imbibe the salutary effects of their own strength to curtail power when it overreaches itself.*** She stressed that in the final analysis, ***the Commission cannot legislate into the Constitution the essence of new politics as it is a chastening experience of learning and unlearning.*** Adverting to Mr. Garcia's statement that politics is an imperfect art, she stated that the Commission could correct politics with all its imperfections and flaws by a constitutional provision. She opined that perpetual disqualification cannot provide the cure. She maintained that perpetual disqualification is, at best, a palliative which could also be counter-productive, in the sense that it could effectively foil the possibilities of real public service.

REMARKS OF MR. BACANI

Mr. Bacani stated that when the Body granted the illiterates the right to vote and that proposals were made to empower the people to engage in the legislative process, ***the Body presupposed the political maturity of the people. He observed that in this instance, political maturity is denied with the constitutional bar for reelection.*** He opined that the Body should stick to the premise that the people are politically mature.

REJOINDER OF MR. GARCIA

By way of rejoinder to Mr. Bacani's statements, ***Mr. Garcia stated that the proposal was basically premised on the undue advantage of the***

incumbent in accumulating power, money, party machine and patronage and not on lack of trust in the people.

Mr. Garcia stated that politics is not won by ideals alone but by solid organized work by organizations. He stated that with three terms, an official would have served the people long enough.

X X X X

VOTING ON THE TWO ALTERNATIVES

Thereafter, the Body proceeded to vote by ballot on the two alternatives.

X X X X

RESULT OF THE VOTING

The result of the voting was as follows:

Alternative No. 1 (no further election after three successive terms)
— 17 votes

Alternative No. 2 (no immediate reelection after three successive terms)
— 26 votes

With 17 votes in favor of Alternative No. 1 and 26 in favor of Alternative No. 2, the Chair declared Alternative No. 2 approved by the Body.³⁶ (Emphasis and italics ours)

The Constitution mandates the strict implementation of the three-term limit rule.

The Court notes that in the process of drafting the Constitution, the framers thereof had not discussed with specificity the subject of the three-term limit rule's application on reapportioned districts.

From the above-cited deliberations, however, the divergent stances of the members of the Constitutional Commission on the general application of the three-term limit rule show. On one side were those who espoused the stern view that perpetual disqualification to hold public office after three consecutive terms would ensure that new blood would be infused into our political system. More choices for the voters would give fuller meaning to our democratic institutions. On the other side of the fence were those who believed that the imposition of term limits would be tantamount to squandering the experience of seasoned public servants and a curtailment of the power of the citizens to elect whoever they want to remain in office.

³⁶

I Journal, Constitutional Commission (July 25, 1986).

In the end, 26 members of the Commission cast their votes in favor of the proposal that no immediate re-election after three successive terms shall be allowed. On the other hand, 17 members stood pat on their view that there should be no further reelection after three successive terms.

Clearly, the drafters of our Constitution are in agreement about the possible attendant evils if there would be no limit to re-election. Notwithstanding their conflicting preferences on whether the term limit would disqualify the elected official perpetually or temporarily, they decided that only three consecutive elections to the same position would be allowed. Thereafter, the public official can once again vie for the same post provided there be a gap of at least one term from his or her last election. The rule answers the need to prevent the consolidation of political power in the hands of the few, while at the same time giving to the people the freedom to call back to public service those who are worthy to be called statesmen.

The compromise agreed upon by the drafters of our Constitution was a result of exhaustive deliberations. The required gap after three consecutive elections is significant. Thus, the rule cannot be taken with a grain of salt. Nothing less than its strict application is called for.

*Ratio legis est anima.*³⁷

“A foolproof yardstick in constitutional construction is the intention underlying the provision under consideration. Thus, it has been held that the Court in construing a Constitution should bear in mind the object sought to be accomplished by its adoption, and the evils, if any, sought to be prevented or remedied. A doubtful provision will be examined in the light of the history of the times, and the condition and circumstances under which the Constitution was framed. *The object is to ascertain the reason which induced the framers of the Constitution to enact the particular provision and the purpose sought to be accomplished thereby, in order to construe the whole as to make the words consonant to that reason and calculated to effect that purpose.*”³⁸

In *Aldovino*, the Court describes the three-term limit rule as inflexible.

In *Aldovino*, a local elective official pleaded exemption from the application of the three-term limit on the ground that there was an interruption in his service after the penalty of suspension was imposed upon

³⁷ The words of the Constitution should be construed in accordance with the intent of its framers.

³⁸ *Francisco, Jr. v. The House of Representatives*, 460 Phil. 830, 885-886 (2003), citing *Civil Liberties Union v. Executive Secretary*, G.R. No. 83896, February 22, 1991, 194 SCRA 317, 325.

him. Although not in all four with Naval's case, there are principles enunciated therein which undeniably hold true, viz:

As worded, the constitutional provision fixes the term of a local elective office and *limits an elective official's stay in office to no more than three consecutive terms*. This is the **first branch** of the rule embodied in Section 8, Article X.

Significantly, this provision refers to a "term" *as a period of time – three years* – during which an official has title to office and can serve. x x x[.]

x x x x

The "limitation" under this first branch of the provision is expressed in the **negative**—"no such official shall serve for more than three consecutive terms." This formulation—no more than three consecutive terms—is a clear command suggesting the existence of an inflexible rule. x x x.

x x x x

This examination of the wording of the constitutional provision and of the circumstances surrounding its formulation impresses upon us the clear intent to make term limitation a high priority constitutional objective whose terms must be strictly construed and which cannot be defeated by, nor sacrificed for, values of less than equal constitutional worth. x x x.

x x x x

x x x [T]he Court signalled how zealously it guards the three-term limit rule. Effectively, these cases teach us to strictly interpret the term limitation rule in favor of limitation rather than its exception.

x x x x

[In] *Latasa v. Commission on Elections* x x x[.] [t]he Court said:

This Court reiterates that the framers of the Constitution specifically included an exception to the people's freedom to choose those who will govern them in order to avoid the evil of a single person accumulating excessive power over a particular territorial jurisdiction as a result of a prolonged stay in the same office. x x x.

x x x x

To put it differently although at the risk of repetition, Section 8, Article X—both by structure and substance—fixes an elective official's term of office and limits his stay in office to three consecutive terms as an inflexible rule that is stressed, no less, by citing voluntary renunciation as

an example of a circumvention. x x x.³⁹ (Citations omitted, italics and emphasis in the original and underscoring ours)

Reapportionment and its Basis

Reapportionment is “the realignment or change in legislative districts brought about by changes in population and mandated by the constitutional requirement of equality of representation.”⁴⁰ The aim of legislative apportionment is to equalize population and voting power among districts.⁴¹ The basis for districting shall be the number of the inhabitants of a city or a province and not the number of registered voters therein.⁴²

R.A. No. 9716 and the Reapportioned Districts of Camarines Sur

Sections 1 to 3 of R.A. No. 9716 provide:

Section 1. The composition of the current First (1st) and Second (2nd) Legislative Districts in the Province of Camarines Sur is hereby reapportioned in order *to create an additional legislative district* to commence in the next national elections after the effectivity of this Act.

Section 2. In furtherance of the reapportionment mandated by this Act, the municipalities of Libmanan, Minalabac, Pamplona, Pasacao and San Fernando of the current First (1st) Legislative District are hereby consolidated with the municipalities of Gainza and Milaor of the current Second (2nd) Legislative District, to *comprise the new legislative district* authorized under this Act.

Section 3. The result of the reapportionment described in this Act are summarized as follows:

- a) First District – The remaining municipalities in the current First (1st) Legislative District shall continue to be designated as the First (1st) Legislative District, composed of the following municipalities: Del Gallego, Ragay, Lupi, Sipicot and Cabusao;
- b) Second District – This *new legislative district* shall be composed of the municipalities enumerated in Section 2 hereof;
- c) Third District – *The current Second (2nd) Legislative District shall be **renamed** as the Third (3rd) Legislative District*, composed of the following: Naga City and the

³⁹ Supra note 27, at 250-261.

⁴⁰ *Bagabuyo v. COMELEC*, 593 Phil. 678, 690-691 (2008), citing Black’s Law Dictionary, 5th Edition, p. 1137.

⁴¹ Id. at 690, citing Clapp, James E., Dictionary of Law (2000), p. 33.

⁴² Id. at 701.

municipalities of Pili, Ocampo, Camaligan, Canaman, Magarao, Bombon and Calabanga;

- d) Fourth District – The current Third (3rd) Legislative District, *without any change in its composition*, shall be *renamed* as the Fourth (4th) Legislative District, composed of the following municipalities: Caramoan, Garchitorena, Goa, Lagonoy, Presentacion, Sangay, San Jose, Tigaon, Tinambac and Siruma; and
- e) Fifth District – The current Fourth (4th) Legislative District, *without any change in its composition*, shall be *renamed* as the Fifth (5th) Legislative District, composed of the following: Iriga City and the municipalities of Baao, Balatan, Bato, Buhi, Bula and Nabua. (Italics and emphasis ours)

As a result of the reapportionment made by R.A. No. 9716, the old Second District of Camarines Sur, minus only the two towns of Gainza and Milaor, is renamed as the Third District and now configured as follows:⁴³

Before the Enactment of RA 9716	After the Enactment of RA 9716
2 nd District Population: 474,899 Gainza Milaor Naga Pili Ocampo Canaman Camaligan Magarao Bombon Calabanga	3 rd District Population: 439,043 Naga Pili Ocampo Canaman Camaligan Magarao Bombon Calabanga

R.A. No. 9716 created a new Second District, but it merely renamed the other four.

The Court notes that after the reapportionment of the districts in Camarines Sur, the current Third District, which brought Naval to office in 2010 and 2013, has a population of 35,856 less than that of the old Second District, which elected him in 2004 and 2007. However, the wordings of R.A. No. 9716 indicate the intent of the lawmakers to create a single new Second District from the merger of the towns from the old First District with Gainza and Milaor. As to the current Third District, Section 3(c) of R.A. No. 9716 used the word “*rename*.” Although the qualifier “*without a*

⁴³ Please see *Aquino III v. COMELEC*, G.R. No. 189793, April 7, 2010, 617 SCRA 623, 631-632.

change in its composition” was not found in Section 3(c), unlike in Sections 3(d) and (e), still, what is pervasive is the clear intent to create a sole new district in that of the Second, while merely renaming the rest.

The following statutory construction rules surface:

First, the general rule in construing words and phrases used in a statute is that, in the absence of legislative intent to the contrary, they should be given their plain, ordinary and common usage meaning; the words should be read and considered in their natural, ordinary, commonly accepted usage, and without resorting to forced or subtle construction. Words are presumed to have been employed by the lawmaker in their ordinary and common use and acceptance.

Second, a word of general significance in a statute is to be taken in its ordinary and comprehensive sense, unless it is shown that the word is intended to be given a different or restricted meaning; what is generally spoken shall be generally understood and general words shall be understood in a general sense.⁴⁴ (Citations omitted)

The Court looks to the language of the document itself in our search for its meaning.⁴⁵

In Naval’s case, the words of R.A. No. 9716 plainly state that the new *Second District* is to be *created*, but the *Third District* is to be *renamed*. *Verba legis non est recedendum*. The terms used in a legal provision to be construed compels acceptance and negates the power of the courts to alter it, based on the postulate that the framers mean what they say.⁴⁶

The verb *create* means to “*make or produce something new*.”⁴⁷ On the other hand, the verb *rename* means to “*give a new name to someone or something*.”⁴⁸ A complete reading of R.A. No. 9716 yields no logical conclusion other than that the lawmakers intended the old Second District to be merely renamed as the current Third District.

It likewise bears noting that the actual difference in the population of the old Second District from that of the current Third District amounts to less than 10% of the population of the latter. This numerical fact renders the new Third District as essentially, although not literally, the same as the old Second District. Hence, while Naval is correct in his argument that *Sanggunian* members are elected by district, it does not alter the fact that the

⁴⁴ Concurring Opinion of Associate Justice Arturo D. Brion in *Orceo v. COMELEC*, G.R. No. 190779, March 26, 2010, 616 SCRA 684, 703.

⁴⁵ Supra note 37.

⁴⁶ Id.

⁴⁷ <<http://www.merriam-webster.com/dictionary/create>> (visited June 19, 2014).

⁴⁸ <http://www.oxforddictionaries.com/us/definition/american_english/rename> (visited June 19, 2014).

district which elected him for the third and fourth time is the same one which brought him to office in 2004 and 2007.

The application upon Naval of the three-term limit rule does not undermine the constitutional requirement to achieve equality of representation among districts.

The rationale behind reapportionment is the constitutional requirement to achieve equality of representation among the districts.⁴⁹ It is with this mindset that the Court should consider Naval's argument anent having a new set of constituents electing him into office in 2010 and 2013.

Naval's ineligibility to run, by reason of violation of the three-term limit rule, does not undermine the right to equal representation of any of the districts in Camarines Sur. With or without him, the renamed Third District, which he labels as a new set of constituents, would still be represented, albeit by another eligible person.

The presumed competence of the COMELEC to resolve matters falling within its jurisdiction is upheld.

"Time and again, the Court has held that a petition for *certiorari* against actions of the COMELEC is confined only to instances of grave abuse of discretion amounting to patent and substantial denial of due process, because the COMELEC is presumed to be most competent in matters falling within its domain."⁵⁰

"In a special civil action for *certiorari*, the burden rests on the petitioner to prove not merely reversible error, but grave abuse of discretion amounting to lack or excess of jurisdiction on the part of the public respondent issuing the impugned order, decision or resolution."⁵¹ "Grave abuse of discretion arises when a court or tribunal violates the Constitution, the law or existing jurisprudence."⁵²

In the case at bar, the Court finds the COMELEC's disquisitions to be amply supported by the Constitution, law and jurisprudence.

⁴⁹ Supra note 40.

⁵⁰ *Typoco v. COMELEC*, G.R. No. 186359, March 5, 2010, 614 SCRA 391, 405-406.

⁵¹ Id. at 400.

⁵² Id.

Conclusion

In sum, the Court finds no compelling reason to grant the reliefs prayed for by Naval. For the Court to declare otherwise would be to create a dangerous precedent unintended by the drafters of our Constitution and of R.A. No. 9716. Considering that the one-term gap or rest after three consecutive elections is a result of a compromise among the members of the Constitutional Commission, no cavalier exemptions or exceptions to its application is to be allowed. *Aldovino* affirms this interpretation. Further, sustaining Naval's arguments would practically allow him to hold the same office for 15 years. These are the circumstances the Constitution explicitly intends to avert.

Certainly, the Court accords primacy to upholding the will of the voting public, the real sovereign, so to speak. However, let all the candidates for public office be reminded that as citizens, we have a commitment to be bound by our Constitution and laws. Side by side our privileges as citizens are restrictions too.

Einer Elhauge, a faculty member from Harvard Law School, wrote an article entitled "*What Term Limits Do That Ordinary Voting Cannot.*"⁵³ In the article, Greek mythology was tapped to make a tempting analogy. The gist of the story follows.

In *Odyssey* Book XII, the goddess Circe warned Odysseus of the Sirens who seduce all men approaching them with their voices. Those who fell into the Sirens' trap never returned home to their wives and children. A clever strategy was thus hatched to secure safe passage for Odysseus and his men. The men were to plug their ears with wax to muffle the songs of the Sirens. Odysseus, on the other hand, was to be tied to the mast of the ship so he could still listen to the songs, which may contain clues on how they can get home. When the wind died down, Odysseus heard beautiful voices calling out to them. The voices were incomparable to anything he had ever heard before. Even when Odysseus knew that the irresistible voices were coming from the Sirens, he struggled with all his strength to free himself from the ropes, but was unable to do so. The voices became fainter as the men continued to row. When the voices can no longer be heard, Odysseus realized how he had nearly been beguiled. They had made it through safely and Odysseus was untied. It was their clever plan which kept them all alive.⁵⁴

⁵³ <http://www.law.harvard.edu/faculty/elhauge/pdf/voting_limits.pdf> (visited June 19, 2014).

⁵⁴ Bens Storybook, *Odysseus and the Sirens*, <<https://sites.google.com/site/bensstorybook/odysseus-and-the-sirens>> (visited June 19, 2014).

The same lesson holds true in the case before this Court. The drafters of the Constitution recognized the propensity of public officers to perpetuate themselves in power, hence, the adoption of term limits and a guarantee of every citizen's equal access to public service. These are the restrictions statesmen should observe for they are intended to help ensure the continued vitality of our republican institutions.


WHEREFORE, IN VIEW OF THE FOREGOING, the petition is **DENIED**. The Resolutions dated March 5, 2013 and June 5, 2013 of the Commission on Elections in SPA No. 13-166 (DC) are **AFFIRMED**.

SO ORDERED.




BIENVENIDO L. REYES
Associate Justice

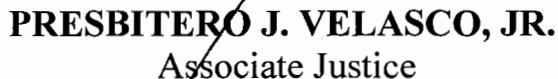
WE CONCUR:



MARIA LOURDES P. A. SERENO
Chief Justice




ANTONIO T. CARPIO
Associate Justice



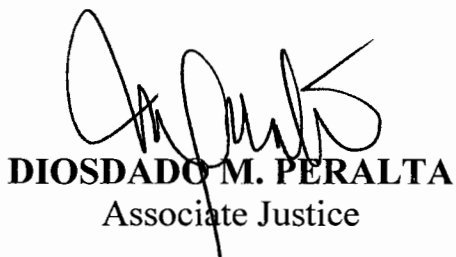
PRESBITERO J. VELASCO, JR.
Associate Justice



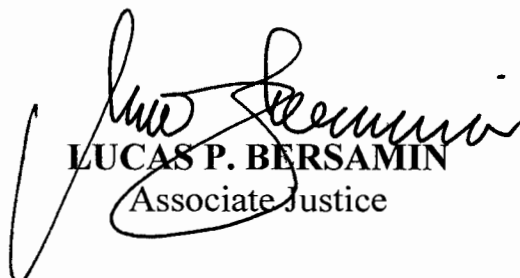
TERESITA J. LEONARDO-DE CASTRO
Associate Justice



ARTURO D. BRION
Associate Justice



DIOSDADO M. PERALTA
Associate Justice




LUCAS P. BERSAMIN
Associate Justice


MARIANO C. DEL CASTILLO
Associate Justice


MARTIN S. VILLARAMA, JR.
Associate Justice


JOSE PORTUGAL PEREZ
Associate Justice



JOSE CATRAL MENDOZA
Associate Justice


ESTELA M. PERLAS-BERNABE
Associate Justice


MARVIC MARIO VICTOR F. LEONEN
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court.


MARIA LOURDES P. A. SERENO
Chief Justice