REVISITING THE THREE-TERM RULE: COUNTING TERMS WITH THE "TWO-THIRDS" STANDARD*

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ABSTRACT

This Note explores the history of the three-term rule under the 1987 Constitution and the development of jurisprudence as to its interpretation. Courts have loosely interpreted the rule and taken away its potency. Consequently, it has granted opportunities for prolonged stay in office and the monopolization of power, to the prejudice of the electorate. Textual and logical analysis is undertaken to show that the *Borja* doctrine is no longer a suitable test in considering a term. Thus, this Note proposes a quantitative approach that uses two-thirds of a term as a yardstick to determine whether there is substantial service of the term which is to be considered as fully served. This test is theoretically applied to existing jurisprudence to show how it can effectively suppress the evils sought to be curtailed.

I. INTRODUCTION

"The Philippines is a democratic and republican State. Sovereignty resides in the people and all government authority emanates from them."[1] The express inclusion of "democratic" in that provision emphasizes the significant role of democracy and the people in the State.[2] "Republican," on

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[1] CONST. art. II, § 1.

[2] RENE GOROSPE, POLITICAL LAW 211 (2016), *citing* Akbayan v. Aquino, G.R. No. 170516, 558 SCRA 468 (2008) (Puno, *C.J.*, *dissenting*). "The word 'democratic' was added to 'republican' as a 'pardonable redundancy' to highlight the importance of the people's role in government." *See* JOAQUIN BERNAS, THE 1987 CONSTITUTION OF THE REPUBLIC OF THE PHILIPPINES: A COMMENTARY 59 (2009). "[T]he Philippines under the new Constitution is not just a representative government but also shares some aspects of direct democracy such, for instance, as the 'initiative and referendum' under Article VI, Section 32." *See also* 4 RECORD CONST. COMM'N 84, 680 (Sept. 16, 1986), "MR. NOLLEDO: Madam President, I think, as a lawyer, the Commissioner knows that one of the manifestations of republicanism is the

the other hand, exemplifies representation.[3] Such power is not acquired based on blood, surname, or as a birthright.[4] Instead, sovereignty is exercised by the people directly through voting for officials.[5]

Like all other rights, the right to vote and be voted for is not absolute.[6] One cannot vote without being qualified and undertaking the process required by the laws and their implementing rules and regulations.[7] The same applies to one desiring an electoral position. One must be qualified and not possess a ground for disqualification, compete with other candidates, win the election, take an oath, and assume office before being granted the powers endowed in the office.[8]

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existence of the Bill of Rights and periodic elections, which already indicates that we are a democratic state. Therefore, the addition of 'democratic' is what we call 'pardonable redundancy,' the purpose being to emphasize that our country is republican and democratic at the same time. When we use 'democratic,' we do not use it in the lingo of socialist or communist states because even they also use 'democratic.' 'Democratic' will attain its true meaning if we consider it in the light of the manifestations of republicanism. In the 1935 and 1973 Constitutions, 'democratic' does not appear. I hope the Commissioner has no objection to that word."

[3] GOROSPE, *supra* note 2. *See also* BERNAS, *supra* note 2, at 57, *citing* JOSE ARUEGO, THE FRAMING OF THE PHILIPPINE CONSTITUTION 132 (1936): "We may define a republic to be a government which derives all its power directly or indirectly from the great body of people; and is administered by persons holding their offices during pleasure, a limited period, or during good behaviour. It is essential to such a government that it be derived from the great body of the society, not from an inconsiderable proportion, or a favorable class of it. It is sufficient for such a government that the person administering it be appointed either directly or indirectly, by the people; and that they hold their appointments by either of the tenures just specified."

[4] *See also* Rene Gorospe, *Songs, Singers and Shadows: Revisiting Locus Standi in light of the People Power Provisions of the 1987 Constitution*, 51 U.S.T. L. REV. 1, 63 (2006). "If a power is hereditary, then one might as well have *a government based on an aristocracy of genes*."

[5] FLORIN HILBAY, *Term Limits and the Curvature of Democratic Space: A Metaphorical Inquiry into the Philosophy of the Liberal Social Organization*, *in* UNPLUGGING THE CONSTITUTION 196 (2009). "The modern understanding of the idea of a government of, by, and for the people is that of a metainstitution invested with authority through the exercise of the right of suffrage, constituting a principal-agent relationship between the rulers and the ruled."

[6] CONST. art. V, § 1. "Suffrage may be exercised by all citizens of the Philippines not otherwise disqualified by law, who are at least eighteen years of age, and who shall have resided in the Philippines for at least one year and in the place wherein they propose to vote for at least six months immediately preceding the election. No literacy, property, or other substantive requirement shall be imposed on the exercise of suffrage."

[7] Kabataan Party-List v. Comm'n on Elections, G.R. No. 221318, 777 SCRA 574, 599–600, Dec. 16, 2015.

[8] *See* Chua v. Comm'n on Elections, G.R. No. 216607, 788 SCRA 413, 440, Apr. 5, 2016, *citing* Maquiling v. Comm'n on Elections, G.R. No. 195649, 696 SCRA 420, Apr. 16, 2013. "To rule otherwise is to trample upon and rent asunder the very law that sets forth the qualifications and disqualifications of candidates. We might as well write off our election laws

Term limits disqualify a person who has been previously elected or re-elected for a consecutive number of terms. It empowers people to be more active participants in the affairs of the government.[9] It grants more people opportunities to serve in public office, not just those who are already in power and have the advantage for re-election.[10] Without term limits, the incumbent tends to focus more on his or her re-election.[11] In effect, representative democracy suffers as the incumbent may garner undue advantage for the succeeding election by politicizing projects which maximize his or her exposure and interfere with the voters' consideration of other candidates.[12] Moreover, prolonged stay in office breeds political dynasties since this enables the founder of the dynasty to gain a lot of resources and influence that trickle down to his or her relatives.[13]

Conversely, term limits may also be disadvantageous to the State and the people as it forces an official to leave the post even when he or she has been successful.[14] The argument that term limits grant more choices to the electorate may seem paradoxical. Viewing it the other way, it excludes the incumbent from the choices of the voters.[15] It may be argued that this interferes with the future electorate's right to opt to retain the incumbent.[16] Moreover, term limits may take away the incentive for a politician to grow and

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if the voice of the electorate is the sole determinant of who should be proclaimed worthy to occupy elective positions in our republic."

[9] Gorospe, *supra* note 4, at 65.

[10] *Id.* "In any case, allowing those in power to practically self-perpetuate, which could be achieved through unfair means simply because they are already in power, would be contrary to the very ideals of a democratic and republican state."

[11] *See* Adam McGlynn & Dari Sylvester, *Assessing the Effects of Municipal Term Limits on Fiscal Policy in U.S. Cities*, 42 ST. & LOCAL GOV'T REV. 118, 125 (2010). "We posit that mayors who are term limited may be less concerned with reelection and thus have less of a need for patronage, which may allow for fewer city employees."

[12] *See id.* at 119. "Essentially, term limit supporters argue that representative democracy suffers as elected officials are insulated from their constituents because of a combined lack of term limits and an incumbency advantage in the form of name recognition and large campaign coffers."

[13] Pablo Querubin, *Family and Politics: Dynastic Persistence in the Philippines*, 11 Q. J. POL. SCI. 151, 27 (2016); Maria Veronica Manalo, *Entering the Constitutional Gates with a Trojan Horse: Circumventing the Paradox of Political Dynasties*, 92 PHIL. L.J. 165, 177–78 (2019).

[14] McGlynn & Sylvester, *supra* note 11, at 120, describe this as "throwing the baby out with the bath water." *See also* Casey Burgat, *Five reasons to oppose congressional term limits*, BROOKINGS, Jan. 18, 2018, *at* https://www.brookings.edu/blog/fixgov/2018/01/18/five-reasons-to-oppose-congressional-term-limits/.

[15] Burgat, *supra* note 14.

[16] *But see* Einer Elhauge, *Are Term Limits Undemocratic?*, 64 U. CHI. L. REV. 83, 171 (1997).

develop expertise in a specific position.[17] Furthermore, with no expectation of a return to office, he or she becomes indifferent to the electorate.[18]

The Philippines remains to be a haven for political dynasties and the monopolization of power. While the framers of the 1987 Constitution recognized the need to combat political dynasties,[19] they have handed the responsibility of defining and proscribing the evil[20] to the Legislature through a non-self-executing[21] constitutional provision hinged on a suspensive condition:[22] "The State shall guarantee equal access to opportunities for public service, and prohibit political dynasties as may be defined by law."[23]

More than three decades after the enactment of the 1987 Constitution, efforts to enact a law defining and regulating political dynasties have remained futile.[24] This is because most of the members of the Legislature are themselves part of political dynasties—the evil sought to be eradicated.[25] The call for the abolishment of political dynasties persists around the world,[26]

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[17] Burgat, *supra* note 14.

[18] David Alpert, *Here's why term limits are a bad idea*, WASHINGTON POST, Oct. 21, 2016, *available at* https://www.washingtonpost.com/opinions/heres-why-term-limits-are-a-bad-idea/2016/10/21/19494762-84d2-11e6-92c2-14b64f3d453f_story.html.

[19] *See* 4 RECORD CONST. COMM'N 85, 697–748 (Sept. 17, 1986). *See also* Carla Mapalo & Leo Bejemino, *Beyond the Constitutional Mandate: Legal Issues and Policy Considerations of Anti-Political Dynasty Legislation*, 89 PHIL. L.J. 52, 55 n.16 (2015), *citing* Socrates v. Comm'n on Elections, G.R. No. 154512, 391 SCRA 457, Nov. 12, 2002 (Puno, *J.*, *concurring*). "We cannot overstress that it is this continuousness that the ConCom feared would open the gates to the two evils sought to be avoided: the incumbent's use of his undue advantage to put up a political dynasty and limiting the people's choice of leaders."

[20] *See* 4 RECORD CONST. COMM'N 90, 917–76 (Sept. 23, 1986).

[21] *See* Manalo, *supra* note 13, at 165.

[22] HILBAY, *supra* note 5, at 185.

[23] CONST. art. II, § 26. The Philippines is also a state party to the International Covenant on Civil and Political which recognizes equal access to vote and be voted for.

International Covenant on Civil and Political Rights, art. 25, Dec 15, 1966, 999 U.N.T.S. 171:

"Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions: (a) To take part in the conduct of public affairs, directly or through freely chosen representatives; (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors; (c) To have access, on general terms of equality, to public service in his country."

[24] *See* Gorospe, *supra* note 4, at 63–64; Mapalo & Bejemino, *supra* note 19; Manalo, *supra* note 13.

[25] *See* GOROSPE, *supra* note 2, at 261; Mapalo & Bejemino, *supra* note 19, at 53–54; Manalo, *supra* note 13, at 167.

[26] Reynato Puno, *Political Dynasties Must Go*, 91 PHIL. L.J. 231, 233 (2018).

but Filipinos should not expect significant action from the Legislature in the foreseeable future.[27]

Likewise, the framers recognized that the monopolization of power through the prolonged stay in an electoral office was a problem and they sought to curtail this through term limitations.[28] For local government officials, a three-term limitation (hereinafter, "*three-term rule*") is provided under Article X, Section 8 of the Constitution, which states:

> 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.[29]

This is reiterated in Section 43 (b) of the Local Government Code:

> 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.[30]

The three-term limitation and political dynasty provisions are related to each other with respect to elected local government officials because of the certain distinctiveness of their positions.[31] First, citizens are empowered to oust a local official through recall which is a recourse that is not available against other elective officials.[32] Second, once a vacancy arises, automatic succession is available for certain local elective posts. While this principle is also applicable to the president who may be succeeded by the vice-president, it is not available to other electoral offices.[33]

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[27] BERNAS, *supra* note 2, at 99. "But since Congress is the principal playground of political dynasties, the realization of the dream of Commissioner Sarmiento, that the provision on political dynasties would widen access to political opportunities, will very probably be exhaustingly long in coming."

[28] *See* 2 RECORD CONST. COMM'N 39, 221–60 (July 15, 1986).

[29] CONST. art. X, § 8.

[30] LOCAL GOV'T CODE, § 43(b).

[31] HILBAY, *supra* note 5, at 186.

[32] *Id.*

[33] *Id.*

II. CONSTITUTIONAL DELIBERATIONS

The term limits for the elected officers in the executive, legislature, and local government units were preliminarily discussed collectively.[34] The framers agreed that there was a necessity to bar the re-election of an official after he or she has served in the same office for a certain number of terms. They debated whether to impose a perpetual or temporary bar after consecutive re-elections.[35]

The members of the Constitutional Commission had varying opinions. Commissioner Edmundo Garcia proposed a perpetual bar to re-election after three terms.[36] He clarified that the limitation is not because of a lack of trust in the electorate. Instead, it was merely a safeguard to protect them against an individual who, through his prolonged stay in office, gains undue advantage in terms of money, power, political machinery, or patronage. He argued that public service is not exclusive to a certain position and that a period of 9 or 12 years was enough. In his view, limitations on the term of office of elective officials aim to achieve the following:

> First: To prevent monopoly of political power – Our history has shown that prolonged stay in public office can lead to the creation of entrenched preserves of political dynasties. In this regard, I would also like to advocate that immediate members of the families of public officials be barred from occupying the same position being vacated.
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> Second: To broaden the choice of the people – Although individuals have the right to present themselves for public office, our times demand that we create structures that will enable more aspirants to offer to serve and to provide the people a broader choice of those who will serve them; in other words, to broaden the choice so that more and more people can be enlisted to the cause of public service, not just limited only to those who may have the reason or the advantage due to their position.
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> Third: No one is indispensable in running the affairs of the country – After the official's more than a decade or nearly a decade of occupying the same public office, I think we should try to encourage a more team-oriented consensual approach to governance favored by a proposal that will limit public servants to occupy the same office for three terms. And this would also favor

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[34] *See* 2 RECORD CONST. COMM'N 39, 221–60 (July 15, 1986).
[35] *Id.*
[36] 2 RECORD CONST. COMM'N 39, 236–37 (July 25, 1986).

> not relying on personalities no matter how heroic, some of whom, in fact, are now in our midst.
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> Lastly, the fact that we will not reelect people after three terms would also favor the creation of a reserve of statesmen both in the national and local levels.[37]

Commissioner Christian Monsod, on the other hand, maintained a different position. He highlighted that a certain individual may be very good in a particular position, setting as an example a competent legislator with a good track record. Depriving him or her of the opportunity to run for the same legislative position might constitute a loss to the citizens. He thus proposed to scale down the disqualification to a rest period of three years.[38]

Meanwhile, Commissioner Blas Ople opined that it was necessary to curtail continuous service and frequent reelections where individuals gain proprietary interest or other advantages that they or their families may use in a subsequent election. However, he still recognized that citizens were entitled to judge those who had served. He thus called for the framers to strike a balance between the two policies.[39]

Commissioner Yusuf Abubakar expressed his dissent against depriving public servants the opportunity to run for re-election especially if their names had not been tarnished even after serving in office for a long period of time. He argued that the development of the careers of Quezon, Osmeña, Roxas, and Laurel—who all served in the Legislature for a long time—would not have happened had such a bar existed then. He also asserted that voters should have the right to choose freely among the candidates and to grant the seat to those who have earned their faith and confidence.[40]

Commissioner Felicitas Aquino compared the perpetual disqualification to a medicine that did not cure the sickness but merely alleviated its symptoms. By preserving the right of the people to choose their representatives without being bound by term limits, she averred that they would develop a sense of responsibility. This way, the will of the people prevails despite the imperfections of politics.[41]

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[37] *Id.*
[38] *Id.* at 237.
[39] *Id.* at 239–40.
[40] *Id.* at 241–42.
[41] *Id.*

Ultimately, the framers settled on a "rest" or "hibernation" period, rather than imposing a perpetual bar, for local government officials who have served three consecutive terms in the same position.[42] The right of the electorate to choose their leaders was retained, but this was balanced with a strict prohibition against officials occupying the same office for an excessive length of time.

III. JURISPRUDENCE

A. Succession

The Supreme Court first encountered an issue in the interpretation of the three-term rule in *Borja v. Commission on Elections* (COMELEC).[43] Jose Capco, Jr. was elected as vice-mayor of Pateros for the term beginning on February 2, 1988 and ending on the noon of June 30, 1992.[44] On September 2, 1989, then-incumbent Mayor Cesar Borja died. Capco succeeded as mayor by operation of law. Capco ran for and was re-elected as mayor for the two succeeding terms of 1992 – 1995 and 1995 – 1998.

The case dealt with the issue of whether the service of Capco from September 2, 1989 to June 30, 1992 constituted a full term for the purpose of the application of the three-term rule. This in turn determined Capco's eligibility to run for the same position for the term of 1998 – 2001. The Court ruled that the service in the disputed period was not counted as a full term.[45]

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[42] The term limits for other elected officials under the 1987 Constitution are as follows:

CONST art. VI, § 4. "The term of office of the Senators shall be six years and shall commence, unless otherwise provided by law, at noon on the thirtieth day of June next following their election. No Senator shall serve for more than two 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 of which he was elected."

Art. VII, § 4. "The President and the Vice-President shall be elected by direct vote of the people for a term of six years which shall begin at noon on the thirtieth day of June next following the day of the election and shall end at noon of the same date, six years thereafter. The President shall not be eligible for any re-election. No person who has succeeded as President and has served as such for more than four years shall be qualified for election to the same office at any time.

No Vice-President shall serve for more than two successive terms. Voluntary renunciation of the office for any length of time shall not be considered as an interruption in the continuity of the service for the full term for which he was elected."

[43] [Hereinafter "*Borja*"], G.R. No. 133495, 295 SCRA 157, Sept. 3, 1998.

[44] Under Article XVIII, Section 1 of the Constitution and Section 5 of Republic Act No. 6636, officials elected during the first local government elections shall serve from noon of Feb. 2, 1988 to June 30, 1992 which equates to a term of four years and five months.

[45] *Borja*, 295 SCRA at 168.

Thus, Capco was still deemed eligible to run for the same position. The Court established two requisites for a term to be counted in the context of the three-term rule: (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.[46]

The Court reasoned:

> [A] fundamental tenet of representative democracy is that the people should be allowed to choose those whom they please to govern them. To bar the election of a local official because he has already served three terms, although the first as a result of succession by operation of law rather than election, would therefore be to violate this principle.
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> Second, not only historical examination but textual analysis as well supports the ruling of the COMELEC that Art. X, §8 contemplates service by local officials for three consecutive terms as a result of election. The first sentence speaks of "the term of office of elective local officials" and bars "*such* official[s]" from serving for more than three consecutive terms. The second sentence, in explaining when an elective local official may be deemed to have served his full term of office, states that "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." The term served must therefore be one "for which [the official concerned] was elected." The purpose of this provision is to prevent a circumvention of the limitation on the number of terms an elective local official may serve. Conversely, if he is not serving a term for which he was elected because he is simply continuing the service of the official he succeeds, such official cannot be considered to have fully served the term notwithstanding his voluntary renunciation of office prior to its expiration.[47]

The Court referred to the deliberations of the framers and concluded that the three-term rule provision operates under the assumption that the officials concerned were serving by reason of election.[48] Moreover, the Court

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[46] *Id.* at 169.

[47] *Id.* at 165–66. (Emphasis in original.)

[48] *Id.*, *citing* 2 RECORD CONST. COMM'N 45, 590 (Aug. 1, 1986):

"GASCON: I would like to ask a question with regard to the issue after the second term. We will allow the Senator to rest for a period of time before he can run again?

MR. DAVIDE: That is correct.

textually analyzed the provision and held that the first sentence of Article X, Section 8 requires service of three consecutive terms as a result of election while the second sentence provides that the term served must be one for which the official was elected.[49] Thus, an official who assumes a position by operation of law—not by election—is not considered to have fully served a term in such position. He or she would only be continuing the service of the official he or she succeeds.[50]

In *Montebon v. COMELEC,*[51] Sesinando Potencioso, Jr. was elected and served as a councilor of the Municipality of Tuburan, Cebu for the terms 1998 – 2001, 2001 – 2004, and 2004 – 2007. In the 2004 elections, he obtained the highest number of votes. However, on January 12, 2004, pursuant to the retirement of the vice-mayor, he vacated his seat in the *Sangguniang Bayan* and succeeded as vice-mayor until the end of the term. The Court then dealt with the issue of whether Potencioso's relinquishment of his seat in the *Sanggunian* in order to succeed the retiring vice-mayor constituted a voluntary renunciation of the former office in consideration of the three-term rule. The Court ruled in the negative, holding that Potencioso's renunciation of his post as *Sanggunian* member was involuntary and resulted in an interruption of the service of his term.[52] As the highest ranking *Sanggunian* member, he succeeded to the office of vice-mayor by operation of law and did not have the option to reject the vacated office. Hence, he was eligible to vie for the post of *Sanggunian* member for another three terms.

Bolos v. COMELEC[53] tackled the issue of whether a barangay chairperson's renunciation of his post in order to assume a seat in the *Sangguniang Bayan* constituted a voluntary or involuntary interruption. In this case, Nicasio Bolos, Jr. was the elected Barangay Chairperson of Barangay Biking, Dauis, Bohol for the terms of 1994 – 1997, 1997 – 2002, and 2002 – 2007. In 2004, while serving his third term, Bolos ran for and won a seat in the *Sangguniang Bayan* where he served from June 30, 2004 to June 30, 2007.

MR. GASCON: And the question that we left behind before—if the Gentlemen will remember—was: How long will that period of rest be? Will it be one election which is three years or one term which is six years?

MR. DAVIDE: If the Gentlemen will remember, Commissioner Rodrigo expressed the view that during the election following the expiration of the first 12 years, whether such election will be on the third year or on the sixth year thereafter, this particular member of the Senate can run. So, it is not really a period of hibernation for six years. That was the Committee's stand."

[49] *Id.* at 165.

[50] *Id.* at 166.

[51] G.R. No. 180444, 551 SCRA 50, Apr. 9, 2008.

[52] *Id.* at 56.

[53] G.R. No. 184082, 581 SCRA 786, Mar. 17, 2009.

After his stint as a *Sanggunian* member, he once again ran for the barangay chairpersonship of Barangay Biking during the October 29, 2007 barangay elections. The Court ruled that Bolos' relinquishment of his post as barangay chairperson for the purpose of assuming a seat in the *Sangguniang Bayan* was not by operation of law, but rather a voluntary renunciation in the context of the three-term rule.[54] As a candidate in the *Sangguniang Bayan* election, he was aware that winning the same would entail the abandonment of his seat as barangay chairperson.[55] Ultimately, he was barred from running for the barangay chairpersonship.

Borja and *Montebon* show that in cases of succession by operation of law, an official's departure from the former office in order to succeed to the higher one constitutes an interruption of the term. Thus, the individual may enjoy a fresh three terms for both the office he or she succeeded into or in the position he or she vacated. On the other hand, *Bolos* shows that when an elected official runs for, wins, and assumes another electoral position during his incumbency, it shall be considered as a voluntary renunciation.

B. Effect of Ouster

In *Lonzanida v. COMELEC*,[56] Romeo Lonzanida was elected and served as the mayor of the Municipality of San Antonio, Zambales for the terms of 1989 – 1992 and 1992 – 1995. He was again elected for the term of 1995 – 1998 but was ousted by the COMELEC after a re-appreciation of the contested ballots on February 27, 1998, four months before the end of his term. Lonzanida then attempted to run for mayor for the term of 1998 – 2001 but was opposed by Eufemio Muli who invoked the three-term rule.

The Court ruled in favor of Lonzanida. It held that the term where Lonzanida was ousted must not be counted. The two tests in *Borja* were used: (1) Lonzanida could not be considered as having been duly elected for the term of 1995 – 1998;[57] and (2) he has not fully served the disputed term due to involuntary relinquishment of office.[58]

The Court disregarded the oppositors' argument concerning the "service of the greater portion of the term."[59] Instead, the Court hinged on

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[54] *Id.* at 797.

[55] *Id.* at 794.

[56] [Hereinafter "*Lonzanida*"], G.R. No. 135150, 311 SCRA 602, July 28, 1999.

[57] *Id.* at 612.

[58] *Id.* at 612–13.

[59] *Id.* at 607–08. The Solicitor General commented: "[P]etitioner Lonzanida discharged the rights and duties of mayor from 1995 to 1998 which should be counted as

the second sentence of the three-term rule[60] and held that "involuntary severance from office for any length of time short of the full term provided by law amounts to an interruption of continuity of service."[61] Despite vacating the post after serving two years and nine months out of three years, the Court deemed that Lonzanida had not fully served the disputed term.

Lonzanida was elected and served in the same seat for the terms of 1998 – 2001, 2001 – 2004, and 2007 – 2010. In total, he was the mayor of the Municipality of San Antonio, Zambales from 1989 – 2010, with only a four-month hiatus due to his ouster. He attempted to run for another "fourth-term" in 2010 but was disqualified by the COMELEC.[62]

In *Ong v. Alegre*,[63] Francis Ong was elected and served as the mayor of the Municipality of San Vicente, Camarines Norte for the terms of 1995 – 1998 and 2001 – 2004. He was also initially elected as mayor for the term of 1998 – 2001 but this was disputed. On July 4, 2001, after being proclaimed and fully serving the term of 1998 – 2001, the Regional Trial Court (RTC) ruled in an election protest case that it was Ong's opponent, respondent Alegre, who was the duly elected candidate. It must be noted that the RTC decided the case only in July 2001, after Ong had already fully served the term. The issue in the case was whether Ong's service for the term of 1998 – 2001 should be counted in the application of the three-term rule. The Supreme Court ruled in the affirmative. It held that his proclamation as the duly elected mayor, as well as his assumption of the office, and his continuous exercise of the functions should be considered as service for the full term,[64] notwithstanding the fact that his election for the said term was subsequently declared void.

Rivera v. COMELEC[65] has a similar factual pattern with *Ong*. In this case, Marino Morales was elected to the position of mayor of the Municipality

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service of one full term, albeit he was later unseated, because he served as mayor for the greater part of the term. The issue of whether or not Lonzanida served as a *de jure* or *de facto* mayor for the 1995-1998 term is inconsequential in the application of the three-term limit because the prohibition speaks of 'service of a term' which was intended by the framers of the Constitution to foil any attempt to monopolize political power."

[60] CONST. art. X, § 8. "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."

[61] *Lonzanida*, 31 SCRA at 613.

[62] *See* Aratea v. Comm'n on Elections, G.R. No. 195229, 683 SCRA 105, Oct. 9, 2012.

[63] G.R. No. 163295, 479 SCRA 473, Jan. 23, 2006.

[64] *Id.* at 482–83.

[65] G.R. No. 167591, 523 SCRA 41, May 9, 2007.

of Mabalacat, Pampanga for the terms of 1995 – 1998, 1998 – 2001, 2001 – 2004, and 2004 – 2007. In another case, on April 2, 2001, the RTC ruled in an electoral protest case that Morales's proclamation as mayor for the term of 1998 – 2001 is void. The said decision only became final on August 6, 2001, after he had already fully served the term.

Petitioners in this case questioned the eligibility of Morales to once again run for mayor in the 2004 elections, in consideration of the three-term rule. Despite being initiated before the 2004 elections, the case was only decided by the Supreme Court on May 9, 2007. The Court ruled that the Morales' service during the term of 1998 – 2001 should be counted in consideration of the three-term rule. Hence, Morales was deemed ineligible to run for mayor for the term of 2004 – 2007 and was ordered to vacate the office.[66] The case was finally decided after Morales was able to run, be elected, and serve as mayor until only 44 days were left in his "fourth term."

Justice Dante Tiñga concurred with the *ponencia*, stating that "where the full service of three terms did not arise as a consequence of three consecutive valid elections, […] the full service dimension should bear greater impact than the valid election element" as provided in *Borja*.[67] Thus, Justice Tiñga opined that full service of three terms is sufficient for the three-term rule of the Constitution to take effect.[68]

Dizon v. COMELEC[69] is the aftermath of *Rivera*. After being made to vacate shortly before the end of his "fourth term," Morales again sought re-election as mayor for the term of 2007 – 2010. The Court ruled that the succeeding term of 2007 – 2010 was effectively Morales' first term for the purposes of the three-term limit rule. This was because his ouster, just 44 days before the end of the 2004 – 2007 term, constituted an involuntary severance rendering the said term not counted in consideration of the three-term rule.[70]

In *Rivera* and *Dizon*, the prolonged litigation which ended just shortly before the end of Morales's 2004 – 2007 term benefited him. He no longer filed a motion for reconsideration in hopes of reversing the Court's ruling or at least to prolong his stay until the end of his term. Instead, he immediately left the office. In effect, he became eligible to run for a fresh three-terms. Expectedly, he ran and won the three succeeding elections for the terms of

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[66] *Id.* at 50–56.
[67] *Id.* at 63 (Tiñga, *J., concurring*).
[68] *Id.*
[69] [Hereinafter "*Dizon*"], G.R. No. 182088, 577 SCRA 589, Jan. 30, 2009.
[70] *Id.* at 598.

2007 – 2010, 2010 – 2013, and 2013 – 2016. With only a 44-day hiatus, Morales was the mayor of Mabalacat from 1995 – 2016.[71]

He attempted to run again as mayor for the term of 2016 – 2019, arguing that the conversion of Mabalacat from a municipality to a city in 2015 rendered him eligible for a renewed three terms. This is despite the ruling in *Latasa v. COMELEC* where the Court held that a change in the designation of a local government unit does not interrupt the service of the official in consideration of the three-term rule.[72] Morales was disqualified by the COMELEC's First Division and this decision was affirmed by the COMELEC *en banc* on May 26, 2017.[73]

In *Abundo v. COMELEC*,[74] Abelardo Abundo, Sr. was proclaimed the mayor of Virac, Catanduanes for the terms of 2001 – 2004 and 2007 – 2010. He also ran but initially lost his bid for mayor for the term of 2004 – 2007. However, he later won the electoral protest where he was declared the winner and was able to serve the remaining period beginning on May 9, 2006. Abundo once again ran for mayor for the term of 2010 – 2013. This gave rise to the issue in this case which is whether the period from June 30, 2004 to May 9, 2006 constituted an interruption which excluded the term of 2004 – 2007 from being counted in the context of the three-term rule. The Court ruled that there was an interruption because "he was initially deprived of title to and was veritably disallowed to serve and occupy an office to which he, after due proceedings, was eventually declared to have been the rightful choice of the electorate."[75] The Court further discussed:

> The notion of full service of three consecutive terms is related to the concepts of interruption of service and voluntary renunciation of service. The word interruption means temporary cessation, intermission or suspension. To interrupt is to obstruct, thwart or prevent. When the Constitution and the LGC of 1991 speak of interruption, the reference is to the obstruction to the continuance of the service by the concerned elected official by effectively cutting short the service of a term or giving a hiatus in the occupation of

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[71] *See* Rivera v. Comm'n on Elections, G.R. No. 167591, 523 SCRA 41; *Dizon*, 577 SCRA at 594; Halili v. Comm'n on Elections, G.R. No. 231643, 890 SCRA 478, Jan. 15, 2019. *See also* Rambo Talabong, *PH's longest serving mayor steps down after 22 years in office*, RAPPLER, June 22, 2017, *at* https://www.rappler.com/nation/ph-longest-serving-mayor-steps-down-comelec.

[72] *See infra* Part III.D. *See also* Latasa v. Comm'n on Elections [hereinafter "*Latasa*"], G.R. No. 154829, 417 SCRA 601, Dec. 10, 2003.

[73] Talabong, *supra* note 71.

[74] G.R. No. 201716, 688 SCRA 149, Jan. 8, 2013.

[75] *Id.* at 166.

> the elective office. On the other hand, the word "renunciation" connotes the idea of waiver or abandonment of a known right. To renounce is to give up, abandon, decline or resign. Voluntary renunciation of the office by an elective local official would thus mean to give up or abandon the title to the office and to cut short the service of the term the concerned elected official is entitled to.[76]

In *Albania v. COMELEC*,[77] Edgardo Tallado initially lost the 2007 Camarines Norte gubernatorial elections. He then filed a petition for a correction of manifest error before the COMELEC which subsequently ruled in his favor. Pursuant to the ruling, he served the balance of the term from March 22, 2010 to June 30, 2010. He also won the gubernatorial elections for the terms of 2010 – 2013 and 2013 – 2016. Tallado then once again ran for governor for the term of 2016 – 2019 which gave rise to the issue involving the three-term rule. The Supreme Court ruled that Tallado's service from March 22, 2010 to June 30, 2010 did not constitute full service for the term of 2007 – 2010.[78] The period when he was out of office involuntarily interrupted the continuity of his service as governor.[79] Thus, he was deemed eligible to run for re-election in the 2016 elections.

To summarize the cases above, when the initially proclaimed winner's election is subsequently declared void or erroneous after he or she has fully served the term, the contested term shall be counted. On the other hand, when the ruling reversing the election results is issued during the term of the disputed election, the term shall not be counted in consideration of the three-term rule, both for the unseated and the duly elected official.

C. Recall Elections

In *Adormeo v. COMELEC*,[80] Ramon Talaga, Jr., after serving as mayor of Lucena City for the terms of 1992 – 1995 and 1995 – 1998, lost in the 1998 elections. However, a recall election was held in 2000. He won and was able to serve the remainder of the term from May 12, 2000 to June 30, 2001. After his recall term, he attempted to run again for the same position. The Supreme Court held that Talaga was not elected to three consecutive terms. The "continuity of his mayorship was disrupted by his defeat in the 1998 elections"[81] and thus, for nearly two years he was a private citizen.

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[76] *Id.* at 185. (Citations omitted.)
[77] G.R. No. 226792, 826 SCRA 191, June 6, 2017.
[78] *Id.* at 209.
[79] *Id.* at 219.
[80] G.R. No. 147927, 376 SCRA 90, Feb. 4, 2002.
[81] *Id.* at 95.

Talaga, was then re-elected for the terms of 2001 – 2004, 2004 – 2007, and 2007 – 2010. He attempted to run again for mayor in the 2010 elections but was disqualified by the COMELEC.[82]

The case of *Socrates v. COMELEC,*[83] on the other hand, tackled the issue of whether Edward Hagedorn, who had been elected and had served as the mayor of Puerto Princesa for the terms of 1992 – 1995, 1995 – 1998, and 1998 – 2001, was eligible to run in the recall election held in 2002. In ruling in the affirmative, the Supreme Court held that:

> The prohibited election refers to the next regular election for the same office following the end of the third consecutive term. Any subsequent election, like a recall election, is no longer covered for two reasons. First, a subsequent election like a recall election is no longer an immediate reelection after three consecutive terms. Second, the intervening period constitutes an involuntary interruption in the continuity of service.[84]

Hence, like Talaga's case, Hagedorn's "recall term did not retroact to include the tenure in office of the predecessor."[85]

Justice Reynato Puno concurred, stating that:

> [W]hen Art. X, Sec. 8 of the Constitution states that "no such (local elective) official shall serve for more than three consecutive terms," it consistently means that it allows service of a maximum of three consecutive full terms and prohibits service of a minimum fourth consecutive full term. It is the continuous prolonged stay in office that breeds political dynasties.[86]

Justice Puno further added that "service of an unexpired term is considered service of a full term only with respect to Representatives (and Senators) because unlike local government officials, Representatives cannot be recalled."[87] Justice Vicente V. Mendoza also concurred, stating that what the Constitution prohibits is the service for more than three consecutive terms

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[82] *See* Talaga v. Comm'n on Elections, G.R. No. 196804, 683 SCRA 197, Oct. 9, 2012.

[83] [Hereinafter "*Socrates*"], G.R. No. 154512, 391 SCRA 457, Nov. 12, 2002.

[84] *Id.* at 467. (Emphasis omitted.)

[85] *Id.* at 473.

[86] *Socrates*, 391 SCRA at 509–11 (Puno, *J., concurring*). (Emphasis omitted.)

[87] *Id.*

and not the service for more than three terms.[88] He noted that the presence of the break in the service equates to lack of continuity.[89]

On the other hand, Chief Justice Hilario Davide, Jr., who was part of the framers of the three-term rule, dissented. He asserted that "[t]he flaw in the ruling results from the confusion between term and election caused by the attempt to distinguish 'voluntary renunciation of office' from 'involuntary severance' from office."[90] He argued that the *ponencia* erred in applying the "involuntary severance from office element" to the subsequent term following the three consecutive terms which were fully served as provided in the clause "shall not be considered as an interruption in the continuity of his service for the full term for which he was elected[,]"[91] which is aimed to prevent the officer from circumventing the three-term rule by merely resigning. The interruption did not occur during any of the three terms that Hagedorn had served.[92] Thus, he could not have suffered "involuntary severance from office" because there was nothing to be severed—he was not acting as a *de jure* or *de facto* officer.[93] Chief Justice Davide warned that with the ruling of the majority, "an elective local official who is disqualified to seek a fourth term because of the three-term limit but obsessed to hold on to power would spend the first year of the fourth term campaigning for the recall of the incumbent in the second year of said term."[94]

Eventually, Hagedorn was elected and served in the same seat for the terms of 2004 – 2007, 2007 – 2010, and 2010 – 2013. In total, he served as mayor from 1992 until 2013—seven terms or 21 years, with only a hiatus of around fifteen months.

In *Mendoza v. COMELEC*,[95] Leonardo Roman was elected as governor of Bataan and served in full the term of 1988 – 1992. He then lost his bid to be re-elected for the term of 1992 – 1995. But he subsequently won a recall election held in 1994 and thus, was able to serve the remaining period of the term. He was then re-elected and was able to serve for the terms of 1995 – 1998 and 1998 – 2001. He once again ran for and won the

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[88] *Socrates*, 440 Phil. at 55 (Mendoza, *J., separate*). This pinpoint citation refers to the copy of the decision available on CDAsiaOnline.

[89] *Id.*

[90] *Socrates*, 391 SCRA at 479 (Davide, *C.J., concurring and dissenting*). (Emphasis omitted.)

[91] CONST. art. X, § 8.

[92] *Socrates*, 391 SCRA at 490–91 (Davide, *C.J., concurring and dissenting*).

[93] *Id.*

[94] *Id.* at 492.

[95] [Hereinafter "*Mendoza*"], G.R. No. 149736, Dec. 17, 2002.

governorship in the 2001 elections. However, the validity of his election for the term of 2001 – 2004 was questioned. The Court voted 8 to 7 to dismiss the case and held that his election was valid.

The justices were divided. Justice Jose Vitug, joined by Justice Conseulo Ynares-Santiago, believed that there "not being a full term, a recall term should not be counted or used as a basis for disqualification[.]"[96] Justice Mendoza, who concurred with the majority, added that just because the case involved recall did not mean that it should be treated differently from the cases involving succession.[97] He argued that the Constitution did not prohibit service for more than three terms if there is an interruption caused by means other than voluntary renunciation of office.[98] Justice Artemio Panganiban, joined by Justice Reynato Puno, who also concurred, gave emphasis to the fact that Roman won the election by an overwhelming margin. Justice Panganiban argued that the Court must not turn a deaf ear to the voice of the citizens and that technicalities and procedural barriers should not hamper the choice of the electorate.[99] The last two justices in the majority, Adolfo Azcuna, joined by Josue Bellosillo, theorized that the term limit provision represents a rule and an exception.[100] The rule being the "people should be allowed to choose whom they please to govern them" and the exception being the limitation provided by the three-term limit.[101] Thus, it follows that the exception must be strictly construed; the term limit provision should be applied only if the three-terms were served consecutively and in full.[102]

On the other hand, Justice Angelina Sandoval-Gutierrez, together with Chief Justice Davide, Justices Alicia Austria-Martinez, Renato Corona, and Romeo Callejo, Sr., dissented. They held the view that Roman should have been disqualified as he exceeded the three-term limit. The votes of the majority or plurality could not cure his disqualification. The will of the constituency "should not prevail over the will of the entire Filipino people as expressed in the Constitution."[103] Justice Sandoval-Gutierrez also quoted Justice Panganiban's words in *Cruz v. Secretary of Environment and Natural Resources:*[104] "the Philippine Constitution is a solemn covenant made by all the

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[96] *Id.* at 10 (Vitug, *J., separate*). This pinpoint citation refers to the copy of the decision available on CDAsiaOnline

[97] *Id.* at 12–13 (Mendoza, *J., separate*).

[98] *Id.* at 13.

[99] *Id.* at 17–18 (Panganiban, *J., separate*).

[100] *Id.* at 27–28 (Azcuna, *J., separate*).

[101] *Id.*

[102] *Id.* at 28.

[103] *Id.* at 24 (Sandoval-Gutierrez, *J., separate*).

[104] G.R. No. 135385, 347 SCRA 128, Dec. 6, 2000.

Filipinos to govern themselves. No group, however blessed, and no sector, however distressed, is exempt from its compass."[105]

Justice Antonio Carpio, joined by Justice Conchita Carpio-Morales, also dissented. He argued that the prohibition should also apply against a recall term of elective local officials. He bolstered his dissent by noting that the framers of the Constitution "intended that elective local officials should not be elected to serve continuously for more than nine years in the same position."[106] Moreover, Justice Carpio argued that the Constitution "[did] not require a public official […] to serve his full term in order to be disqualified from re-election." He set as an example the service of the vice-president of the unexpired portion of the president's term. If the vice-president succeeds to the presidency with an excess of four years remaining in the presidential term, it shall disqualify the vice-president from running for the presidency.[107] Justice Carpio also noted that the case did not involve a situation "where the official succeeded by operation of law"[108] unlike in *Borja*. He further noted that "to consider a recall term as a stray term will encourage a person already barred by the three-term limit to agitate for a recall of his immediate successor."[109] This is because he had nothing to lose and everything to gain if he wins the recall election given that service of the remaining period shall not be considered as service of the whole term.[110] Similar to the point of Justice Sandoval-Gutierrez, he argued that the vote of the majority or plurality of the people of Bataan should not overcome the will of the entire Filipino people in ratifying the Constitution which provides for the three-term limit provision.[111]

D. Conversion of the Local Government Unit

Latasa v. COMELEC dealt with the issue of whether the three-term rule applies where there is a conversion from a municipality to a component city. Arsenio Latasa was elected and served as the mayor of the municipality of Digos, Davao del Sur for the terms of 1995 – 1998, 1998 – 2001, and 2001

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[105] *Mendoza,* G.R. No. 149736 at 27 (Sandoval-Gutierrez, *J.*, *separate*), *quoting* Cruz v. Sec'y of Env't and Nat. Res., G.R. No. 135385, 347 SCRA 128, 320, Dec. 6, 2000 (Panganiban, *J.*, *separate*). (Emphasis omitted.)

[106] *Id.* at 28 (Carpio, *J.*, *separate*).

[107] *Id.* at 30. *See* CONST. art. VII, § 4. "No person who has succeeded as President and has served as such for more than four years shall be qualified for election to the same office at any time."

[108] *Id.* at 30.

[109] *Id.*

[110] *Id.*

[111] *Id.*

– 2004 terms. During his third term, Digos was converted from a municipality to a component city, therefore acquiring a new corporate existence. The Court ruled that the change of the status of Digos did not mean the office of the municipal mayor would now be construed as a different post.[112] First, the territorial jurisdiction remained the same.[113] Second, the inhabitants who elected the same official for three consecutive terms were the same.[114] Lastly, the inhabitants over whom he held power and authority also remained the same.[115]

The decision also cited Commissioner Ople's remarks to highlight the intent of the Constitution "to establish some safeguards against the excessive accumulation of power as a result of consecutive terms"[116]:

> I think we want to prevent future situations where, as a result of continuous service and frequent re-elections, officials from the President down to the municipal mayor tend to develop a proprietary interest in their positions and to accumulate these powers and perquisites that permit them to stay on indefinitely or to transfer these posts to members of their families in a subsequent election.[117]

The Court added:

> 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.[118]

In *Laceda v. Limena,*[119] Roberto Laceda, Sr. was elected and served as the *punong* barangay of Barangay Panlayaan, West District, Sorsogon for the terms of 1994 – 1997, 1997 – 2002, and 2002 – 2007 terms. In August 2000, pursuant to Republic Act No. 8806,[120] the Municipality of Sorsogon merged with the Municipality of Bacon to form a new political unit, the City of

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[112] *Latasa*, 417 SCRA 601, 611.
[113] *Id.*
[114] *Id.* at 612.
[115] *Id.*
[116] *Id.* at 608–09.
[117] *Id.*
[118] *Id.* at 614.
[119] [Hereinafter "*Laceda*"], G.R. No. 182867, 571 SCRA 603, Nov. 25, 2008.
[120] Rep. Act No. 8806 (2000). Charter of the City of Sorsogon.

Sorsogon. The Court ruled that while the merging of municipalities and their conversion into a city created a new political unit, the office of *punong* barangay cannot be construed as a different government post.[121] Similar to *Latasa*, the territorial jurisdiction and inhabitants of the barangay remained the same and hence, the change shall not affect the application of the three-term rule against the Barangay Chairman who had been elected and fully served three consecutive terms.[122]

Naval v. COMELEC[123] was a case concerning the effect of reapportionment in the operation of the three-term rule. Angel Naval was elected and served as member of the *Sangguniang Panlalawigan* of the Second District of Camarines Sur for the terms of 2004 – 2007 and 2007 – 2010. On October 12, 2009, Republic Act No. 9716[124] was enacted for the purpose of the reapportionment of the Second District of Camarines Sur, where eight out of the ten town constituencies were taken out and renamed as the Third District. Naval continued to serve as a member of the *Sanggunian* for the remainder of the term. He then vied for the same position, this time to represent the Third District, and was elected and served for the term of 2010 – 2013. He attempted to be re-elected for the term of 2013 – 2016. This gave rise to the issue on his eligibility to run for the contested term.

The Court ruled that the reapportionment did not change the government unit which Naval sought to represent and that the three-term rule barred Naval from running. Republic Act No. 9716 merely changed the nomenclature of the district where Naval had been elected and had already fully served three consecutive terms as a member of the *Sangguniang Panlalawigan*.[125] Justice Bienvenido Reyes, the *ponente* in this case, highlighted "the propensity of public officers to perpetuate themselves in power."[126] Hence, the imposition of term limits guaranteed the right of every citizen to equal access to public service.[127] Justice Reyes further noted that these "restrictions […] should [be] observe[d] for they are intended to help ensure the continued vitality of our republican institutions."[128]

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[121] *Laced*a, 571 SCRA at 608.

[122] *Id.*

[123] [Hereinafter "*Naval*"], G.R. No. 207851, 729 SCRA 299, July 8, 2014.

[124] Rep. Act. No. 9716 (2009). 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.

[125] *Naval*, 729 SCRA at 331.

[126] *Id.* at 334.

[127] *Id.*

[128] *Id.*

E. Suspensions

In *Aldovino v. COMELEC*,[129] Wilfredo Asilo was elected and served as a member of the *Sangguniang Panlungsod* of Lucena City for the terms of 1998 – 2001, 2001 – 2004, and 2004 – 2007. During the 2004 – 2007 term, pursuant to a criminal charge, he was preventively suspended by the Sandiganbayan on October 3, 2005, until this was lifted by the Supreme Court on November 9, 2005.

Since Asilo believed that the suspension amounted to an interruption of his full service of the 2004 – 2007 term, he ran for re-election in 2007. However, the Court ruled that his suspension did not constitute an effective interruption of his term. The "interruption," in order to nullify the effect of the three-term rule, must involve a loss of title to office. In other words, the absence of a permanent replacement indicates a continuity of service of the term:

> Preventive suspension, by its nature, does not involve an effective interruption of a term and should therefore not be a reason to avoid the three-term limitation. It can pose as a threat, however, if we shall disregard its nature and consider it an effective interruption of a term. Let it be noted that a preventive suspension is easier to undertake than voluntary renunciation, as it does not require relinquishment or loss of office even for the briefest time. It merely requires an easily fabricated administrative charge that can be dismissed soon after a preventive suspension has been imposed.[130]

In his separate concurring opinion, Justice Roberto Abad observed that the second sentence of the three-term rule in the Constitution[131] does create a confusion:

> But, there is in reality no such thing as "involuntary" renunciation. Renunciation is essentially "formal or voluntary." It is the act, says Webster, "of renouncing; a giving up formally or voluntarily, often at a sacrifice, of a right, claim, title, etc." If the dissenting opinion insists on using the term "involuntary renunciation," it could only mean "coerced" renunciation, i.e., renunciation forced on the elected official. With this meaning, any

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[129] G.R. No. 184836, 609 SCRA 234, Dec. 23, 2009.

[130] *Id.* at 265–66.

[131] *Id.* at 299 (Abad, *J.*, *concurring*). "Actually, what creates the mischief is the statement in the second part of Section 8 that 'voluntary renunciation' of office shall not be considered an interruption in the continuity of his service for the full term for which the local official was elected."

> politician can simply arrange for someone to make him sign a resignation paper at gun point. This will justify his running for a fourth term. But, surely, the law cannot be mocked in this way.
>
> Parenthetically, there can be other causes for "involuntary renunciation," interruption of service that is not of the elected official's making. For instance, through the fault of a truck driver, the elected official's car could fall into a ditch and put the official in the hospital for a week, cutting his service in office against his will. Temporary illness can also interrupt service. Natural calamities like floods and earthquakes could produce the same result. Since these are "involuntary renunciations" or interruptions in the elective official's service, it seems that he would, under the dissenting opinion's theory, be exempt from the three-year rule. But surely, Section 8 could not have intended this for it would overwhelm the constitutional ban against election for more than three consecutive terms.
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> Actually, though, "voluntary renunciation," the term that the law uses simply means resignation from or abandonment of office. The elected official who voluntarily resigns or abandons his duties freely renounces the powers, rights, and privileges of his position. The opposite of "voluntary renunciation" in this context would be "removal from office," a sanction imposed by some duly authorized person or body, not an initiative of or a choice freely made by the elected official. Should "removal from office" be the test, therefore, for determining interruption of service that will warrant an exception to the three-term limit rule?
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> Apparently not, since an elected official could be removed from office through recall (a judgment by the electorates that he is unfit to continue serving in office), criminal conviction by final judgment, and administrative dismissal. Surely, the Constitution could not have intended to reward those removed in this way with the opportunity to skip the three-year bar.[132]

Justice Teresita Leonardo-De Castro also filed a concurring opinion. She defined renunciation as "an act of abandonment or giving up of a position which results in the termination of his service[.]"[133] On the other hand, she defined preventive suspension as a situation where "a public officer is prevented by legal compulsion, not by his own volition, from discharging the functions and duties of his office, but without being removed or separated

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[132] *Id.* at 299–301.

[133] *Id.* at 295 (Leonardo-De Castro, *J., concurring*).

from his office."[134] In the latter, the term of office subsists as it does not create a vacancy.[135] There is continuity during the period of his preventive suspension such that acquittal entitles the officer "to receive the salaries and benefits which he failed to receive during the period of his preventive suspension."[136]

Justice Leonardo-De Castro disagreed with the view that a "suspended public official should be allowed to run for a fourth time and if convicted, he should be considered to have voluntarily renounced his fourth term."[137] She justified her position by arguing that:

> [Since] the crime was committed not during his fourth term but during his previous term. The renunciation should refer to the term during which the crime was committed. The commission of the crime is tantamount to his voluntary renunciation of the term he was then serving, and not any future term. Besides, the electorate should not be placed in an uncertain situation wherein they will be allowed to vote for a fourth term a candidate who may later on be convicted and removed from office by a judgment in a case where he was previously preventively suspended.[138]

Tallado v. COMELEC[139] is a sequel to *Albania*. Governor Tallado was suspended on several instances pursuant to administrative cases against him before the Ombudsman. He was suspended from October 2, 2015 to April 2, 2016; November 8, 2016 to December 12, 2016; and March 14, 2018 to October 29, 2018. Tallado then asserted that the implementation of the Ombudsman's dismissal orders amounted to an involuntary interruption of the full service of his third consecutive term. Hence, Tallado argued that he was not barred by the three-term rule from running again as governor of Camarines Norte. The Supreme Court dealt only with the suspensions during the 2016 – 2019 term. It ruled that the "intervening dismissals from the service truly prevented [Tallado] from fully serving the third consecutive term."[140] He was fully divested of his powers and responsibilities which were conferred to Vice Governor Jonah Pimentel. In effect, Tallado lost his title to the office.

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[134] *Id.*

[135] *Id.*

[136] *Id.*

[137] *Id.* at 296.

[138] *Id.* at 296.

[139] G.R. No. 246679, Sept. 10, 2019.

[140] *Id.* at 10–11. This pinpoint citation refers to a copy of the decision uploaded on the Supreme Court website.

The Court noted that the "developments in the appeals did not change the fact that he was dismissed."[141]

Justice Francis Jardeleza expressed a strong dissent and was joined by Justices Antonio Carpio, Marvic M.V.F. Leonen, Benjamin Caguioa, and Rosamari Carandang. Justice Jardeleza agreed with the COMELEC *en banc's* findings. He noted that the fact that Tallado was able to reassume his office proved that the dismissal was merely temporary and did not result in the loss of title.[142] Thus, Justice Jardeleza opined that "there [was] no valid interruption that would cause a break in the continuity of service."[143] He added that "vacancy, whether permanent or temporary, *depends* on the cause of the elective official's incapacity to hold office."[144] Hence, the nature of the vacancy "may not be construed independently of the cause of the incapacity."[145]

Justice Jardeleza further noted that the "loss of office is a consequence that only results upon an eventual finding of guilt or liability"[146] and "that the finality or non-finality of the Ombudsman's Decisions would not have made any difference"[147] in determining whether Tallado's loss of office was permanent or merely temporary. He argued that the majority mistakenly focused on the momentary loss of title which he compared to a mere snapshot which did not reflect the entire reality. Justice Jardeleza cautioned that "the majority decision rewards recidivists and wrongdoers in public service"[148] and lamented that Tallado's infractions turned out to benefit him as "he now enjoys the present fresh three-year term that paves the way to two more terms and a possible 18 years in public office."[149]

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[141] *Id.* at 16.

[142] *Id.* at 4 (Jardeleza, *J., dissenting*). This pinpoint citation refers to a copy of the decision uploaded on the Supreme Court website.

[143] *Id.*

[144] *Id.* (Emphasis in original.)

[145] *Id.*

[146] *Id.* at 6.

[147] *Id.*

[148] *Id.* at 7.

[149] *Id.*

IV. REVISITING THE THREE-TERM RULE

A. Textual and Logical Analysis of the Three-Term Rule

The three-term rule is provided under the first sentence of Article X, Section 8 of the Constitution which states that: "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."[150] A textual analysis of the provision indicates that what is prohibited is service of more than three consecutive terms. Nowhere in the text does it express that such service of each term must be pursuant to a valid election, nor that the whole term or terms must be fully served.

The second sentence, on the other hand, provides that "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."[151] It can be observed that the Court has continuously applied the inverse of this statement which is that when the cause of an official's exit from the office is not voluntary renunciation, such shall be considered as an interruption in the context of the three-term rule. An inverse error assumes as true the negation of both the *if* element and the *then* element of a statement,[152] as shown below:

If P then not Q, It is not always the case that… Not P then Q	If Voluntary Renunciation is (then) not an interruption in the continuity of service, It is not the always the case that… Not Voluntary Renunciation is (then) an interruption in the continuity of service

Thus, this Note argues that the *Borja* requisites are not an effective test for the determination of whether a term should be counted under the three-term rule. Furthermore, the Court has already departed from the requirement of a valid election as shown in *Ong* and *Rivera,* to the effect that even if the election has been voided or declared to be erroneous, the term may still be counted in the context of the three-term rule.

Second, the requisite that *the term must be fully served* is prone to circumvention. This can be observed in *Tallado* where the Court held that even

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[150] CONST. art. X, § 8.
[151] Art. X, § 8.
[152] DANIEL CUNNINGHAM, A LOGICAL INTRODUCTION TO PROOF 59–60 (2013).

if the suspension is merely momentary, as long as it causes a vacancy in the office, it would be considered an interruption. This grants the official the eligibility to run for the same position for a fresh three-terms. As Justice Jardeleza warned, this incentivizes bad behavior. *Lonzanida* and *Rivera* also resulted in absurd situations where ousters from office lasting merely 123 and 44 days, respectively, rendered the officials involved eligible for a fresh three terms.[153]

In construing a law, "the Court must look for the object to be accomplished, the evils to be remedied, or the purpose to be subserved, and should give the law a reasonable or liberal construction which will best effectuate its purpose[.]"[154] The purpose of the three-term rule is not achieved if its interpretation is loose. Rather, it must be construed strictly in favor of its efficacy and against the person seeking to circumvent the three-term rule.

B. Term v. Tenure

It has been observed that the Supreme Court has had trouble distinguishing "term" and "tenure" from each other. The Constitution provides for a three-term rule and not a three-tenure limit rule. "'Term" and "tenure" can be distinguished from each other in this manner:

> Term means the period prescribed by law during which the elective officer may claim the right to hold office. This period fixes the intervals as to how several incumbents shall succeed one another. On the other hand, tenure represents the period during which the incumbent actually holds the office. The tenure may be shorter than the term. These may be for causes within or beyond the power of the incumbent. Thus, under the Constitution, the term of office of local elective officials is for three years. Once elected, they are entitled to hold office during this prescribed period as a matter of right. Elections shall be held after this period to determine whether he will be re-elected or a successor is placed as incumbent. His actual occupation during the prescribed period is his tenure in office. Whatever happens during his tenure in office shall not affect the term of office of local elective officials.[155]

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[153] *See also* Talabong, *supra* note 71.

[154] RUBEN AGPALO, STATUTORY CONSTRUCTION 170 (2009), *citing* Escribano v. Avila, G.R. No. 30375, 85 SCRA 245, Sept. 12, 1978; Home Ins. Co. v. Eastern Shipping Lines, G.R. No. 34382, 123 SCRA 424, July 20, 1983.

[155] Clarence Rommel Nanquil, *The Three-Term Limit Rule in Review and the Confusion Between Term and Tenure*, 48 ATENEO L.J. 155, 189–90 (2003). (Citations omitted.)

With the distinction between "term" and "tenure," the following can be derived:

1) In cases of succession, since the successor is not elected for the position that they succeeded to, the service shall not be considered a "full service of the term" since they merely served the remaining term of his predecessor.[156]

2) In cases involving assumption of office pursuant to recall elections, the service of the remaining term (or their tenure) shall not be counted for the purposes of the three-term rule.[157]

3) Regarding the eligibility to be a candidate for a recall election during the term immediately after an official has fully served three-consecutive terms, the individual should be barred from occupying the position at any time during the "fourth term." Thus, they should also be disqualified to run for the recall term during the "fourth" term as one cannot be involuntarily severed from an office that they are forbidden to occupy. This would warrant the reversal of *Socrates,* disallowing Hagedorn to run in the recall elections.[158]

C. Substantial and Quantitative Approach

This Note proposes an interpretation of the three-term rule that would reinforce the barriers and expedite the resolution of the issue of whether to count a term: for a term to be counted, it must be substantially served by the elected official concerned. On the other hand, to cause an interruption, the removal from office must not only be involuntary but must render the service of the term insubstantial.

This view was voiced by Justice Presbitero Velasco, Jr. in *Rivera v. COMELEC*.[159] He shared the view of the Solicitor General in *Lonzanida* that service of the greater part of the term should be considered service of the term in relation to the three-term rule.[160] He believed that similar to the provision which supplies a qualification on the eligibility of the vice-

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[156] *Id.* at 202–03.

[157] *Id.* at 204–05.

[158] *Id.* at 204–06.

[159] [Hereinafter "*Rivera*"], G.R. No. 167591, 523 SCRA 41, 71–72 (Velasco *J.*, *separate*).

[160] *Id.* at 71.

president—who upon a vacancy in the Office of the President, succeeds to the presidency by operation of law—to run for another term as president, he or she must not have served for more than four years or two-thirds of the full term of his or her predecessor.[161] In Justice Velasco's opinion, where the term of a local official is three years, the service of an elected local official for two years—two-thirds or 66.67% of three years should be considered as service of the whole term:

> Sec. 8, Art. X of the Constitution simply says, "no such official shall serve for more than three consecutive terms." It does not say full service of the three terms. Likewise, Sec. 43 of RA 7160 provides that "no local elective official shall serve for more than three consecutive terms in the same position." Again, there is no mention of full service. The two provisions should be liberally construed to mean that service of the greater portion of the term is substantial compliance with the prescribed service under Sec. 8, Art. X of the Constitution and Section 43, Chapter 1 of RA 7160.
>
> The substantial compliance rule is defined as "[c]ompliance with the essential requirements, whether of a contract or of a statute." In our jurisdiction, we have applied this rule or principle in numerous issues relative to the scope and application of constitutional and legal provisions. In particular, we applied the rule in criminal cases to comply with the constitutional requirement that the accused be informed of the charge against him/her as embodied in the Information filed with the court. In other cases, we applied the rule both primarily in compliance with the essential statutory requirements and in liberally construing and applying remedial laws for just and compelling reasons in order to promote the orderly administration of justice. We see no reason why the doctrine of substantial compliance should not be applied to the provisions in question. Indeed, the realization of the laudable goal behind the three (3)-term limit rule is imperative to foil any scheme to monopolize political power and circumvent the proscription against perpetual stay in elective positions. As tersely explained in Borja, Jr.:
>
> > I think we want to prevent future situations where, as a result of continuous service and frequent reelections, officials from the President down to the municipal mayor tend to develop a proprietary interest in their positions and to accumulate those powers and perquisites that permit them to stay on indefinitely or to transfer these posts to members of their families in a subsequent election. I think that is

[161] *Mendoza* (Carpio, *J.*, *dissenting*). *See* CONST. art. VII, § 4.

> taken care of because we put a gap on the continuity or the unbroken service of all of these officials.
>
> * * *
>
> With regard to the service of more than two (2) years in the local elective position as benchmark in the determination of the length of service under the three (3)-term limit rule, two (2) years out of the full three (3)-year term constitutes 66% of the term. This is reasonable and fair for it clearly comprises a greater part of the three (3)-year term. Even the members of the 1986 Constitutional Commission had accepted this yardstick when they approved the provision that "no person who has succeeded as President and has served as such for more than four years shall be qualified for election to the same office at any time." 16 Four (4) years out of the six (6)-year term for the president is also 66%. Thus, service for a period of more than two (2) years in the term is a fair standard in determining the application of the three (3)-term limit.
>
> In sum and substance, I find that the first requirement of a valid election encompasses the proclamation of a local elective official as a valid election to the position the official was elected. On the second condition, I opine that service of more than two (2) years in the elective position constitutes substantial compliance of the service prescribed under Sec. 8, Art. X of the Constitution and Sec. 43, Chapter I of the Local Government Code.[162]

The two-thirds standard provides that when an elected local official has served for an aggregate period of two out of three years of the term, the term shall be counted for the purposes of the three-term rule. With this standard, the intent of the framers to prevent the monopolization of power through a prolonged service without a rest period is achieved. This standard will also serve as a uniform and more convenient yardstick for the COMELEC, as well as the courts. "*A constitution is not intended to provide merely for the exigencies of a few years but is to endure through a long lapse of ages the events of which are locked up in the inscrutable purposes of Providence.*"[163]

The "two-thirds" standard would be compatible with the recall provisions as a recall may not be done one year from the date of the official's assumption to office, nor one year immediately preceding a regular local

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[162] *Rivera*, 523 SCRA at 72–75, (Velasco *J.*, *separate*). (Emphasis omitted, citations omitted.)

[163] AGPALO, *supra* note 154, at 584, *citing* Comm'r of Internal Revenue v. Guerrero, G.R. No. 20942, 21 SCRA 180, Sept. 22, 1967.

election.[164] Regarding succession, the potential successor, when running for his intended position, is assumed to be aware of the possibility, albeit slim, that he would be called to succeed a higher position should it be deemed permanently vacated as the law expressly mandates.[165]

The "two-thirds" standard likewise prevents an official who has been removed from his or her office pursuant to an order of suspension, or other rulings, from benefiting from his or her mischief. It was seen in the cases cited in this Note that an ouster, even if it transpired only a few days away from the next election, rendered the official eligible to be elected again for the same position for a potential fresh three terms. But under the proposed rule, the official would be forced to undertake a rest period upon substantially serving three consecutive terms and the intent of the framers would be attained rather than frustrated.

V. APPLICATION

The illustrations below attempt to give the readers a quantitative view of the jurisprudence reviewed. They represent the number of days that the official stayed in the office and the days that they were ousted with their corresponding percentage to the whole term. Further, a brief discussion on the application of the two-thirds standard to the ruling is provided.

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[164] LOCAL GOV'T CODE, § 74(b).

[165] § 44. "Permanent Vacancies in the Offices of the Governor, Vice Governor, Mayor, and Vice-Mayor. - If a permanent vacancy occurs in the office of the governor or Mayor, the vice-governor or vice-mayor concerned shall become the governor or Mayor. If a permanent vacancy occurs in the offices of the governor, vice-governor, Mayor, or vice-mayor, the highest ranking Sanggunian member or, in case of his permanent inability, the second highest ranking Sanggunian member, shall become the governor, vice-governor, Mayor or vice-mayor, as the case may be. Subsequent vacancies in the said office shall be filled automatically by the other Sanggunian members according to their ranking as defined herein.

(b) If a permanent vacancy occurs in the office of the Punong Barangay, the highest ranking Sanggunian Barangay member or, in case of his permanent inability, the second highest ranking Sanggunian member, shall become the Punong Barangay.

(c) A tie between or among the highest ranking Sanggunian members shall be resolved by the drawing of lots.

(d) The successors as defined herein shall serve only the unexpired terms of their predecessors. For purposes of this Chapter, a permanent vacancy arises when an elective local official fills a higher vacant office, refuses to assume office, fails to qualify, dies, is removed from office, voluntarily resigns, or is otherwise permanently incapacitated to discharge the functions of his office.

For purposes of succession as provided in this Chapter, ranking in the Sanggunian shall be determined on the basis of the proportion of votes obtained by each winning candidate to the total number of registered voters in each district in the immediately preceding local election."

A. Illustrations

Legend:
Days in office
Days outside office

FIGURE 1. ***Borja v. Commission on Elections***

Term 1 (1989 – 1992)	Term 2 (1992 – 1995)	Term 3 (1995 – 1998)
578 / 1033 64.12%	1095	1096
Not fully served—assumed office through succession		
Term 4 (1998 – 2001)		
1096		
Not barred		
Applying the two-thirds standard—*No Reversal*: the three-term rule does not bar the election for Term 4 as Term 1 had not reached the threshold.		

FIGURE 2. ***Montebon v. Commission on Elections***

Term 1 (1998 – 2001)	Term 2 (2001 – 2004)	Term 3 (2004 – 2007)
1096	926 / 170 84.49%	1095
	Not fully served—succeeded another office	
Term 4 (2007 – 2010)		
Not barred but lost		
Applying the two-thirds standard—*Reversal*: the three-term rule bars the election for Term 4 as Term 1 had reached the threshold.		

FIGURE 3. ***Bolos v. Commission on Elections***

Term 1 (1994 – 1997)	Term 2 (1997 – 2002)	Term 3 (2002 – 2007)
1077	1920	685 / 1248 35.44%
		Voluntarily renounced
Term 4 (2007 – 2010)		
Barred by the three-term rule		
Applying the two-thirds standard—*No Reversal*: the three-term rule bars the election for Term 4 as Term 3 was voluntarily renounced.		

FIGURE 4. ***Lonzanida v. Commission on Elections* & *Aratea v. Commission on Elections***

Term 1 (1989 – 1992)	Term 2 (1992 – 1995)	Term 3 (1995 – 1998)
1096	1095	973 123 88.78%
		Not fully served—ousted pursuant to Election Protest ruling
Term 4 (1998 – 2001)	**Term 5 (2001 – 2004)**	**Term 6 (2004 – 2007)**
1096	1096	1095
Not barred		
Applying the two-thirds standard—*Reversal*: the three-term rule bars the election for Term 4 as Term 3 had reached the threshold. The six consecutive terms in office could have been prevented.		

FIGURE 5. ***Ong v. Alegre***

Term 1 (1995 – 1998)	Term 2 (1998 – 2001)	Term 3 (2001 – 2004)
1096	1096 100%	1096
	Fully served—election protest ruling issued after the term	
Term 4 (1998 – 2001)		
Barred by the three-term rule		
Applying the two-thirds standard—*No Reversal*: the three-term rule bars the election for Term 4 as Term 2 had reached the threshold.		

FIGURE 6. ***Rivera v. Commission on Elections* & *Dizon v. Commission on Elections***

Term 1 (1995 – 1998)	Term 2 (1998 – 2001)	Term 3 (2001 – 2004)
1096	1096 100%	1096
	Fully served—election Protest ruling issued after the term	
Term 4 (2004 – 2007)	**Term 5 (2007 – 2010)**	**Term 6 (2010 – 2013)**
1072 23 95.98%	1096	1096
Not fully served—ousted pursuant to Election Protest ruling	Not Barred	
Term 7 (2013 – 2016)	**Term 8 (2016 – 2019)**	
1096		
	Barred by three-term rule	
Applying the two-thirds standard—*Reversal*: the three-term rule bars the election for Term 4 and Term 5 as both Term 2 and Term 3 had reached the threshold. The seven consecutive terms in office could have been prevented.		

FIGURE 7. ***Abundo v. Commission on Elections***

Term 1 (2001 – 2004)	Term 2 (2004 – 2007)	Term 3 (2007 – 2010)
1096	678 417 38.08%	1096
	Not fully served—assumed office pursuant to the election protest ruling	
Term 3 (2010 – 2013)		
1096		
Not barred		
Applying the two-thirds standard—*No Reversal*: the three-term rule does not bar the election for Term 4 as Term 2 had not reached the threshold.		

FIGURE 8. ***Albania v. Commission on Elections* & *Tallado v. Commission on Elections***

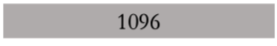
Term 1 (2007 – 2010)	Term 2 (2010 – 2013)	Term 3 (2013 – 2016)
 9.12%		 83.21%
Not fully served—assumed office pursuant to an election protest ruling		No ruling
Term 4 (2016 – 2019)	**Term 5 (2019 – 2022)**	
 75.71%		
Not fully served—suspension resulted in vacancy in office	Not barred	
Applying the two-thirds standard—*No Reversal* for Term 1: the three-term rule does not bar the election for Term 4 as Term 1 had not reached the threshold. *Reversal* for Term 4: the three-term rule bars the election for Term 5 as Term 4 and Term 3 had reached the threshold.		

FIGURE 9. ***Adormeo v. Commission on Elections***

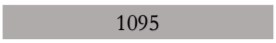
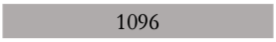
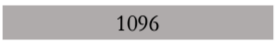
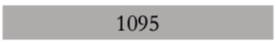
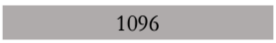
Term 1 (1992 – 1995)	Term 2 (1995 – 1998)	Term 3 (1998 – 2001)
		 37.77%
		Not fully served—assumed office pursuant to an election protest ruling
Term 4 (2001 – 2004)	**Term 5 (2004 – 2007)**	**Term 6 (2007 – 2010)**
		
Not barred		
Term 7 (2010 – 2013)		
Barred by the three-term rule		
Applying the two-thirds standard—*No Reversal*: the three-term rule does not bar the election for Term 4 as Term 3 had not reached the threshold.		

FIGURE 10. ***Socrates v. Commission on Elections***

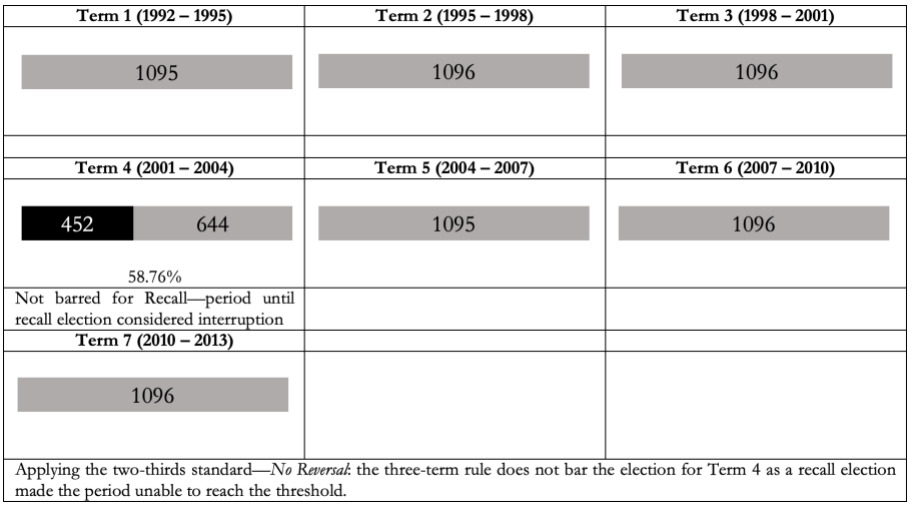


FIGURE 11. ***Mendoza v. Commission on Elections***

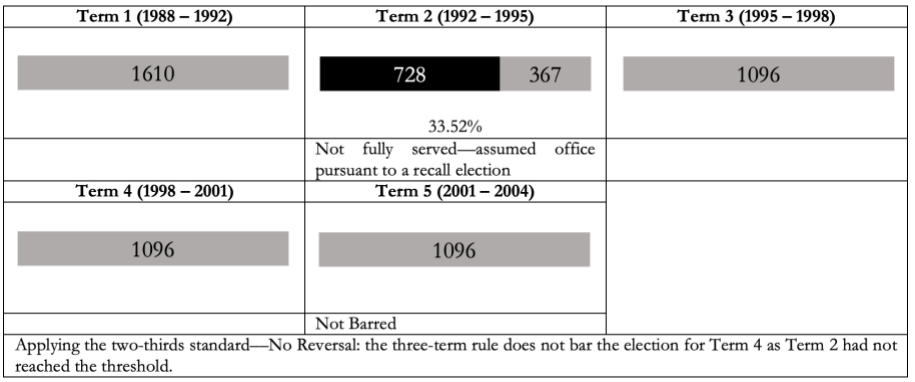


FIGURE 12. ***Latasa v. Commission on Elections***

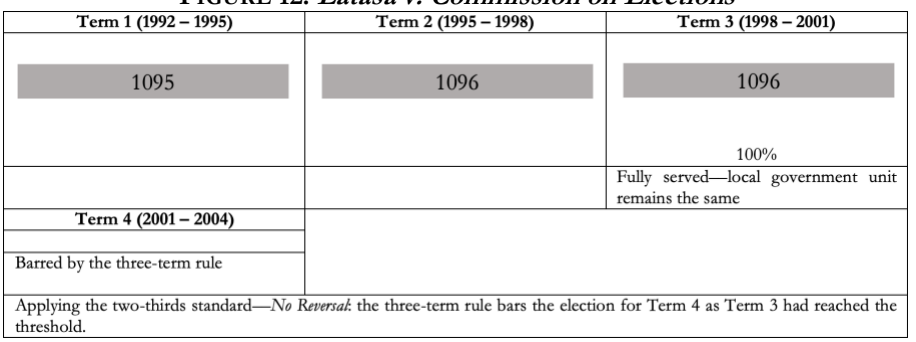


FIGURE 13. ***Laceda v. Limena***

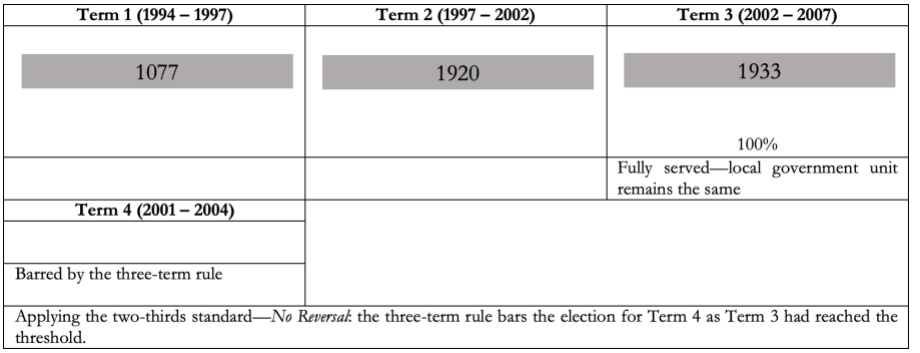


FIGURE 14. ***Naval v. Commission on Elections***

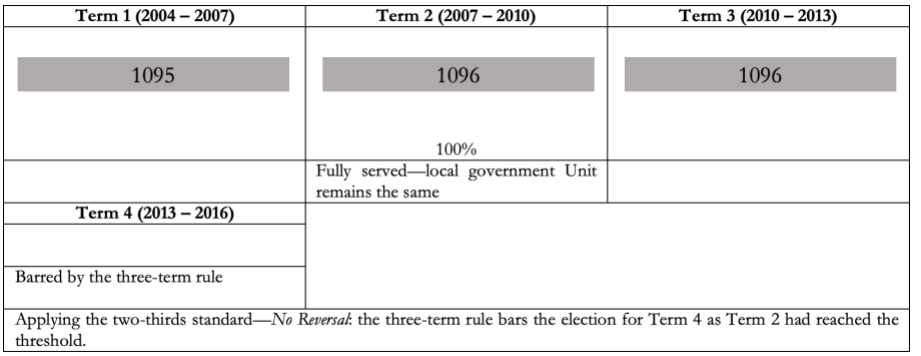
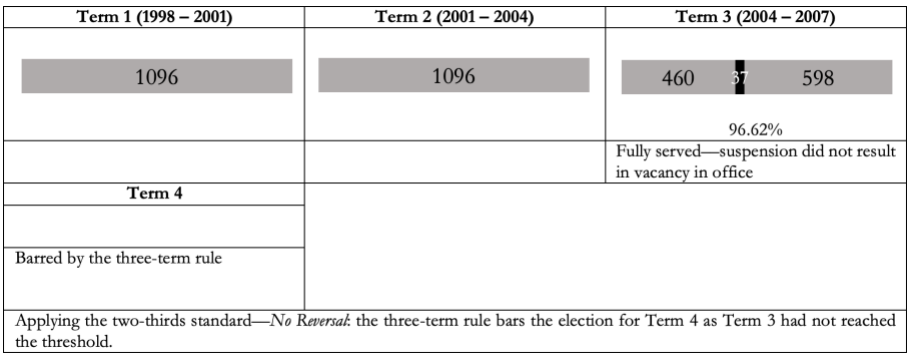


FIGURE 15. ***Aldovino v. Commission on Elections***



B. Summary of Reversals

Applying the two-thirds standard would reverse *Montebon* since in this case, Potencioso had served 84.47% of his second term, barring him from

running for the fourth term. In *Lonzanida,* Mayor Lonzanida had served 88.77% of his third term. Had the two-thirds standard been in place, this would have activated the three-term limitation for his fourth term and would have prevented him from serving a total of six terms. In *Rivera* and *Dizon,* Morales's service of seven terms would have been avoided since the second term, wherein he had served 100% of the three-year term, would have been counted; thus, preventing him from being elected for the fourth term. Furthermore, given that his ouster from his second term was late, the application of the two-third standard to his fourth term—where he served 95.98% of the maximum three years—would likewise have prevented his prolonged stay. Finally, in *Albania* and *Tallado,* while Tallado's first term wherein he only served 9.13% of the three years would not have been counted, his third and fourth term wherein he served 83.29% and 77.80% of the maximum three years, respectively, would have barred his attempt for a fifth term.

VI. CONCLUSION

"A politician thinks of the next election, a statesman of the next generation."
—James Freeman Clarke[166]

Elections have always been a race for power and politicians have always desired to take part in it. They have sought to bypass barriers in order to extend their stay in office. Some have sidestepped term limits by substituting themselves with their spouse or other family members, or designating a "*tuta*."[167] Others have blatantly circumvented the term limits with their ludicrous interpretations. They have been more concerned about

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[166] American preacher and author, *as cited in Naval*, G.R. No. 207851, 729 SCRA 299.

[167] 2 RECORD CONST. COMM'N 39, 247 (July 25, 1986). "MR. RAMA: I would like to speak in favor of the motion of Commissioner Padilla. I have read and studied that event and episode in Mexico where the President, using a 'tuta,' circumvented the provision in the Constitution where he is not allowed a reelection. And the commentary was that the Mexican President circumvented that provision and perpetuated the evil that is sought to be corrected because, in using a 'tuta' or somebody that he could manipulate, he was using again the funds and facilities of the government in perpetuating himself in power because he was just setting up that person to pave the way for his return. And he returned to office, as a matter of fact, after the term of that 'tuta' expired. So, that was an evil that all historians of Mexico have isolated as an evil that should be cured. Therefore, I agree with Commissioner Padilla that we should eliminate this word 'immediate,' because we are trying to prevent precisely the use of tremendous presidential powers to perpetuate the person in office."

maintaining their political power over their turf through machinations, rather than serving their constituents. The Supreme Court must be active in empowering the term limits provision—the only deterrent that is currently available against the monopolization of power and political dynasties. With a more standardized approach that looks at the actual time served, rather than the reason for the official's departure from office, the intent of the Constitution is better achieved, and the courts and the COMELEC would be more confident in implementing proper safeguards.

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