



SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)

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SENATE

RECEIVED ON

SENATE BILL No. 1710

Introduced by **SENATOR LEILA M. DE LIMA**

**AN ACT
RATIONALIZING THE ENFORCEMENT OF THE TERM LIMITS FOR
ELECTED OFFICIALS AS PROVIDED IN THE CONSTITUTION**

EXPLANATORY NOTE

The Constitution, Article 6, Sections 4 and 7 provides:

Section 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.** (Emphasis supplied)

Section 7. The Members of the House of Representatives shall be elected for a term of three years which shall begin, unless otherwise provided by law, at noon on the thirtieth day of June next following their election. No Member of the House of Representatives 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.** (Emphasis supplied)

The Constitution, Article 7, Section 4 provides:

Section 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 reelection. 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 consecutive 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. xxx (Emphasis supplied)

The Constitution, Article 10, Section 8 provides:

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

In order to ensure that the opportunity to serve as elected officials is not limited to certain persons and families, the framers of the 1987 Constitution placed provisions to prevent concentration of power, such as term limits for public officials.

The term limits are intended to give other qualified Filipinos the opportunity to serve. They are not meant to forever bar an official from an elective post that he previously held. Thus, the Constitution allows for prior elected officials to once again run for office after a hiatus equivalent to one term immediately subsequent to reaching the constitutional term limits. At the same time, the Supreme Court has laid down jurisprudence on what constitutes valid interruptions of service for purposes of applying the consecutive term-limit rule.

The drafters of our Constitution are in agreement about the possible attendant evils if there would be no limit to re-election. Notwithstanding their conflicting preferences on whether the term limit would disqualify the elected official perpetually or temporarily, they decided that only a certain number of consecutive elections to the same position would be allowed (i.e., two for Senators and Vice President, three for House members). Thereafter, the public official can once again run for the same post provided there is a hiatus of at least one term from the last term he served. The rule answers the need to prevent the consolidation of political power in the hands of the few, while at the same time giving to the people the freedom to call back to public service those who are worthy to be called statesmen.¹

Over time, we have accumulated jurisprudence from Supreme Court cases involving the interpretation of term limits and how it applies to circumstances where the officials are unable to serve for the full duration of the term to which they were elected.

In the case of *Lozanida v. Comelec*,² in deciding on the disqualification due to term limits for local government officials, the Supreme Court “held that two conditions for the application of the disqualification must concur: 1) that the official concerned

¹ Naval v. Comelec. G.R. No. 207851. 8 July 2014.

² G.R. No. 135150. 28 July 1999.

has been **elected** for three consecutive terms in the same local government post and 2) that he has **fully served** three consecutive terms.” (Emphasis supplied)

A review of the Supreme Court cases on this matter would show various instances where the service of term of elected officials was interrupted , resulting in the discounting of the said term for purposes of determining term limits.

It will be of great assistance to the Commission on Elections if the jurisprudence on term limits would be rationalized in a piece of legislation; thereby enabling a uniform application of the rules in determining the qualifications of the persons running for elective offices.

This bill aims to rationalize the implementation of consecutive term limits.


LEILA M. DE LIMA



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AN ACT
RATIONALIZING THE ENFORCEMENT OF THE TERM LIMITS FOR
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Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled.

- 1 **SECTION 1.** *Short Title.* – This Act shall be known as the “Consecutive Term-Limit
- 2 Rationalization Act.”
- 3 **SEC. 2.** *Declaration of Policy.* – It shall be the policy of the State to recognize the
- 4 sovereignty of the Filipino people and their right to self-determination. The State shall
- 5 support measures that prevent the consolidation of political power in the hands of the
- 6 few by affording other qualified citizens the opportunity to assume elected posts. It
- 7 shall also be a policy of the State to ensure that no person, who is otherwise qualified,
- 8 should be unduly prevented from running for public office.
- 9 **SEC. 3.** *Coverage.* – This Act shall be applicable to the Vice President, members of
- 10 the Senate and House of Representatives, and elected officials of Local Government
- 11 Units under the Local Government Code.
- 12 **SEC. 4.** *Application of Consecutive Term Limits* – No elective official who has
- 13 reached the limit of the prescribed number of consecutive terms for the office to which

1 he was elected to, as provided in Sections 4 and 7, Article VI; Section 4, Article VII;
2 and Section 8, Article 10, all of the 1987 Constitution, shall be eligible for re-election
3 to the same elective position in the elections immediately following his service of said
4 consecutive terms.

5 In the event that said elective official reaching the consecutive term-limits files his
6 certificate of candidacy for the same position in the elections immediately following
7 his service of the consecutive terms, the Commission on Elections shall, *motu proprio*
8 or upon the instance of a registered voter, order his disqualification or the cancellation
9 of his certificate of candidacy, as the case may be, in the appropriate summary
10 proceedings after due notice and hearing.

11 **SEC. 5. Valid Interruptions.** – The following shall be considered valid interruptions
12 in service which shall discount the term during which the interruption occurred for
13 purposes of applying term limits:

- 14 1) The official was unable to finish his term due to any of the following reasons:
 - 15 a. Dismissal from service which does not bar the official from holding
16 public office. Mere preventive suspension does not constitute a valid
17 interruption;
 - 18 b. Separation from service by operation of law, including recall elections
19 under the Local Government Code;
 - 20 c. Legal succession to a higher office vacated due to the death, resignation,
21 or dismissal of the incumbent;
 - 22 d. Proclamation of another person as the validly winning candidate in an
23 election contest, unless the incumbent has served the full term of the
24 office contested.

1 2) The successful winner in an election contest was unable to serve at the
2 commencement of his term due to the assumption of another person to the
3 elective post while the electoral contest was pending.

4 3) The successful challenger in a recall election serves the remainder of the term
5 of the defeated incumbent.

6 **SEC. 6. *Voluntary Renunciation.*** – Voluntary renunciation of the office for any
7 length of time shall not be considered as a valid interruption of the service for the full
8 term of the office to which the official was elected. The following acts constitute
9 voluntary renunciation of the elective office the term of which has not yet ended:

10 1) Acceptance of an incompatible appointment; and

11 2) Running for and winning another elective office.

12 **SEC. 7. *Separability Clause.*** – Should any provision of this Act be declared invalid,
13 the remaining provisions shall continue to be valid and subsisting.

14 **SEC. 8. *Repealing Clause.*** – All laws, executive orders, or administrative orders,
15 rules and regulations or parts thereof, which are inconsistent with this Act are hereby
16 amended, repealed or modified accordingly.

17 **SEC. 9. *Effectivity.*** – This Act shall take effect fifteen (15) days after its publication in
18 the *Official Gazette* or in two (2) newspapers of general circulation.

Approved,