



Republic of the Philippines  
Supreme Court  
Manila

EN BANC

**CHRISTIAN C. HALILI,**  
Petitioner,

**G.R. No. 231643**

- versus -

**COMMISSION ON ELECTIONS,  
PYRA LUCAS, and CRISOSTOMO  
GARBO,**

Respondents.

X-----X

**MARINO P. MORALES,**  
Petitioner,

**G.R. No. 231657**

Present:

- versus -

**BERSAMIN, C.J.,  
CARPIO,  
PERALTA,  
DEL CASTILLO,  
PERLAS-BERNABE,  
LEONEN,  
JARDELEZA,  
CAGUIOA,  
REYES, A., JR.,  
GESMUNDO,  
REYES, J., JR.,  
HERNANDO, and  
CARANDANG, JJ.**

**PYRA LUCAS and the COMMISSION  
ON ELECTIONS,**

Respondents.

**CHRISTIAN C. HALILI and  
CRISOSTOMO GARBO,**

Respondents-Intervenors.

Promulgated:

January 15, 2019

X-----X

## DECISION

**CARPIO, J.:**

### The Case

These two consolidated<sup>1</sup> petitions<sup>2</sup> seek to nullify and set aside the Resolution<sup>3</sup> dated 3 August 2016 of the Commission on Elections (COMELEC) First Division and the Resolution<sup>4</sup> dated 26 May 2017 of the COMELEC En Banc.

### The Facts

Petitioner Marino P. Morales (Morales) was elected and served as Mayor of the Municipality of Mabalacat, Pampanga from 1 July 2007 to 30 June 2010. He was elected again as mayor during the 2010 elections. On 15 May 2012, or during Morales' second term, Congress passed Republic Act No. (RA) 10164,<sup>5</sup> converting the Municipality of Mabalacat into a component city. Thereafter, a plebiscite was held. In the 2013 elections, Morales ran again and was elected as mayor of the new Mabalacat City. On 8 December 2015, Morales filed his Certificate of Candidacy<sup>6</sup> (COC) for the 2016 elections for the position of mayor of Mabalacat City, as substitute candidate for Wilfredo Feliciano of *Aksyon Demokratiko* Party.

On 4 January 2016, respondent Pyra Lucas (Lucas), also a candidate for the position of mayor of Mabalacat City, filed a Petition for Cancellation of the COC and/or Disqualification of Morales for the Mayoral Position of Mabalacat City,<sup>7</sup> docketed as SPA No. 16-001 (DC), before the COMELEC. Lucas alleged that Morales was disqualified to run for mayor, since he was elected and had served three consecutive terms prior to the 2016 elections. Lucas also alleged that the conversion of the Municipality of Mabalacat into Mabalacat City did not interrupt Morales' service for the full term for which he was elected.

On 25 January 2016, Morales filed his Verified Answer<sup>8</sup> alleging that Lucas' petition should be summarily dismissed for lack of certification against forum shopping, for being filed out of time, and for lack of jurisdiction and/or cause of action. Morales claimed that his candidacy did not violate the three-term limit rule, because the conversion of the

<sup>1</sup> Resolution dated 11 July 2017. See *Rollo* (G.R. No. 231643), p. 154; *Rollo* (G.R. No. 231657), Vol. I, p. 456-A.

<sup>2</sup> *Rollo* (G.R. No. 231643), pp. 3-17; *Rollo* (G.R. No. 231657), Vol. I, pp. 3-69. Under Rule 64 in relation to Rule 65 of the Rules of Court.

<sup>3</sup> *Rollo* (G.R. No. 231657), Vol. I, pp. 293-302.

<sup>4</sup> *Id.* at 409-425.

<sup>5</sup> An Act Converting the Municipality of Mabalacat in the Province of Pampanga into a Component City to be Known as Mabalacat City.

<sup>6</sup> *Rollo* (G.R. No. 231657), Vol. I, p. 91.

<sup>7</sup> *Id.* at 75-80.

<sup>8</sup> *Id.* at 98-120.

Municipality of Mabalacat into Mabalacat City interrupted his term. According to him, his term as mayor of Mabalacat City is not a continuation of his term as mayor of the Municipality of Mabalacat.

On 10 May 2016, following the canvass of all election returns, the City Board of Canvassers of Mabalacat City proclaimed Morales as elected city mayor, and petitioner Christian C. Halili (Halili) as elected city vice mayor.

On 20 May 2016, respondent Crisostomo Garbo (Garbo), another candidate for the position of mayor of Mabalacat City, filed a Motion for Leave To Intervene and To Admit Attached Petition-in-Intervention<sup>9</sup> alleging that he was interested in the outcome of the case, since he obtained the second highest number of votes and he should be proclaimed as mayor of Mabalacat City should Morales' COC be cancelled.

On 28 June 2016, Halili also filed a Verified Motion for Leave to Intervene (as Respondent) and Admit Attached Answer-in-Intervention<sup>10</sup> alleging that, as incumbent vice mayor of Mabalacat City, he should be proclaimed as mayor of Mabalacat City should Morales' COC be cancelled pursuant to the rule on succession under Section 44 of RA 7160, or the Local Government Code.

On 16 December 2016, Morales filed an Opposition<sup>11</sup> to Garbo's Petition-in-Intervention and a Comment<sup>12</sup> to Halili's Answer-in-Intervention before the COMELEC, alleging that both pleadings are premature.

### **The Ruling of the COMELEC**

In a Resolution dated 3 August 2016, the COMELEC First Division granted the petition, cancelled Morales' COC, and ordered the proclamation of the qualified mayoralty candidate with the next higher number of votes. The dispositive portion states:

WHEREFORE, the Petition is GRANTED. Accordingly, the Certificate of Candidacy of MARINO P. MORALES is hereby CANCELLED. All votes cast in his favor are declared stray.

The City Board of Canvassers of Mabalacat, Pampanga is hereby ORDERED to RECONVENE, ANNUL the proclamation of MARINO P. MORALES, PROCLAIM the qualified candidate with the next highest number of votes, and EFFECT the necessary corrections in the Certificate of Canvass and Proclamation.

SO ORDERED.<sup>13</sup>

<sup>9</sup> Id. at 269-280.

<sup>10</sup> Id. at 281-291.

<sup>11</sup> Id. at 390-396.

<sup>12</sup> Id. at 398-401.

<sup>13</sup> Id. at 302.



The COMELEC First Division ruled that Lucas' petition was a petition for cancellation of COC under Section 78 of the Omnibus Election Code (OEC), and it was timely filed. The COMELEC First Division likewise held that Morales committed a material misrepresentation in his COC in stating that he is eligible to run as mayor of Mabalacat City, when in fact he is not eligible, because he violated the three-term limit rule after having served for the same local government post for three consecutive terms prior to the 2016 elections.

On 27 January 2017, the COMELEC En Banc granted the motions for leave to intervene filed by Garbo and Halili.

In a Resolution dated 26 May 2017, the COMELEC En Banc denied the motion for reconsideration filed by Morales for lack of merit, and affirmed the Resolution dated 3 August 2016 of the COMELEC First Division.<sup>14</sup> The COMELEC En Banc declared that Garbo, being the qualified mayoralty candidate with the highest number of votes, should be proclaimed.

On 1 June 2017, Lucas filed a Motion for Execution, and a subsequent Manifestation alleging the finality of the COMELEC En Banc Resolution dated 26 May 2017. Thereafter, Morales filed an Opposition to the Motion for Execution.

On 2 June 2017, Halili filed a Petition for Certiorari and Prohibition With Application for Temporary Restraining Order and/or *Status Quo Ante* Order<sup>15</sup> before us, docketed as G.R. No. 231643.

On 5 June 2017, Morales filed a Petition for Certiorari and Prohibition with Urgent Prayer for Issuance of Temporary Restraining Order and/or *Status Quo Ante* Order and/or Writ of Preliminary Injunction with Motion for Special Raffle<sup>16</sup> before us, docketed as G.R. No. 231657.

On 8 June 2017, the COMELEC En Banc issued a Writ of Execution: (1) ordering Morales to cease and desist from performing the functions of mayor of Mabalacat City, Pampanga; (2) directing, after due notice to the parties, the Special City Board of Canvassers of Mabalacat City, Pampanga to convene on 27 June 2017, 3:00 p.m., at the COMELEC Session Hall, 8<sup>th</sup> Floor, Palacio del Gobernador Building, Intramuros, Manila and to proclaim Garbo, who garnered the highest number of votes of Seventeen Thousand Seven Hundred Ten (17,710) votes, as the duly elected mayor of Mabalacat City, Pampanga; and (3) directing the Special City Board of Canvassers of Mabalacat City, Pampanga to furnish a copy of the Certificate of Proclamation to the Department of Interior and Local Government,

<sup>14</sup> Id. at 420.

<sup>15</sup> *Rollo* (G.R. No. 231643), pp 3-17.

<sup>16</sup> *Rollo* (G.R. No. 231657), pp. 3-69.



Secretary of the Sangguniang Panlungsod of Mabalacat City and affected parties.<sup>17</sup>

In two Resolutions both dated 11 July 2017, the Court *En Banc* resolved to consolidate G.R. No. 231643 with G.R. No. 231657, and to deny for lack of merit: (a) the Very Urgent Motion Reiterating the Issuance of Temporary Restraining Order and/or *Status Quo Ante* Order and Writ of Preliminary Injunction (as Respondent COMELEC Issued a Writ of Execution to Implement the Assailed Resolutions) dated 9 June 2017 filed by Morales;<sup>18</sup> (b) the Second Very Urgent Motion to Resolve Application for TRO and/or *Status Quo Ante* Order dated 21 June 2017 filed by Morales;<sup>19</sup> and (c) the Urgent Motion to Resolve Application for TRO/*Status Quo Ante* Order and/or Writ of Preliminary Injunction dated 9 June 2017 filed by Halili.<sup>20</sup>

### The Issues

In G.R. No. 231643, Halili raised the following issues:

- A. Whether or not the Honorable Commission on Elections committed grave abuse of discretion amounting to lack or excess of jurisdiction in considering the application of *Aratea vs. Comelec* case as basis in declaring that “the Petitioner-Intervenor [Crisostomo Garbo] being the qualified mayoral candidate with the highest number of votes should be proclaimed?”
- B. Whether or not the Honorable Commission on Elections committed grave abuse of discretion amounting to lack or excess of jurisdiction in not declaring a permanent vacancy in the office of the Mayor of Mabalacat City pursuant to Section 4, R.A. 716[0] [Local Government Code of 1991] after it cancelled the COC of Marino P. Morales?
- C. Whether or not the Honorable Commission on Elections committed grave abuse of discretion amounting to lack or excess of jurisdiction in ordering the reconvening of the 2016 Elections City Board of Canvassers of Mabalacat City to proclaim the qualified candidate with the next highest number of votes?<sup>21</sup>

In G.R. No. 231657, Morales raised the following issues:

- a. Whether public respondent committed grave abuse of discretion amounting to lack or excess of jurisdiction in arbitrarily treating the VERY VAGUE *Lucas Petition* as a Petition to Deny Due Course despite the fact that there is NOT a single statement or

<sup>17</sup> Id. at 436-439.

<sup>18</sup> *Rollo* (G.R. No. 231657), pp. 456-A-456-B.

<sup>19</sup> Id.

<sup>20</sup> *Rollo* (G.R. No. 231643), pp. 154-155.

<sup>21</sup> Id. at 9.

allegation in said Petition that petitioner committed “deliberate material misrepresentation”;

- a.1. Whether public respondent should have DISMISSED the *Lucas Petition* OUTRIGHT for being defective because it is a Petition for Disqualification invoking a ground proper for a Petition to Deny Due Course, in violation of Section 1, Rule 25, COMELEC Resolution No. 9523;
- b. Assuming *arguendo* that the *Lucas Petition* can be treated as a Petition to Deny Due Course, whether public respondent committed grave abuse of discretion amounting to lack or excess of jurisdiction when it failed to DISMISS OUTRIGHT the *Lucas Petition* for being filed out of time and for failure of private respondent to attach to said Petition a Certificat[ion] of Non-Forum Shopping, as required by the Rules;
- c. Assuming *arguendo* that the *Lucas Petition* can be treated as a Petition to Deny Due Course, whether public respondent committed grave abuse of discretion amounting to lack or excess of jurisdiction when it did NOT dismiss the *Lucas Petition* despite the fact that there is no prior “authoritative ruling” yet on petitioner’s eligibility by any competent court or tribunal, following the doctrine laid down by this Court in the case of *Poe vs. Comelec*. In a word, whether or not petitioner violated the three-term limit rule when he ran for Mayor of the newly created Mabalacat City in the May 9, 2016 elections;
- d. Assuming *arguendo* that the *Lucas Petition* can be treated as a Petition to Deny Due Course, whether public respondent committed grave abuse of discretion amounting to lack or excess of jurisdiction when [it] refused to dismiss the *Lucas Petition* on the basis of its Resolution in the *Castro Petition with practically the same issues herein*, which had already attained finality pending resolution of the *Lucas Petition*;
- e. Whether public respondent committed grave abuse of discretion amounting to lack or excess of jurisdiction when it refused to dismiss the *Lucas Petition* despite the fact that it had already lost jurisdiction over the case since the petitioner had already been proclaimed and assumed office, similar or analogous to the ruling of this Court in various cases that “after the proclamation of the winning candidate, disputes as to his CoC become moot (and are taken out of COMELEC’s jurisdiction) and the proper remedy is to file a *quo warranto* proceeding questioning the candidate’s eligibility”; and
- f. Public respondent committed grave abuse of discretion amounting to lack or excess of jurisdiction in ruling that the second placer in the subject contest should replace petitioner.<sup>22</sup>

<sup>22</sup> *Rollo* (G.R. No. 231657), pp. 22-25.



### The Ruling of the Court

The primordial issue to be resolved is whether or not the COMELEC gravely abused its discretion amounting to lack or excess of jurisdiction: (1) in finding that Morales committed a false material representation in his COC when he declared that he was eligible to run as mayor of Mabalacat City for the 2016 elections despite his violation of the three-term limit rule; and (2) in proclaiming Garbo as the duly elected mayor of Mabalacat City for being the qualified candidate with the highest number of votes.

We do not find merit in both petitions.

The three-term limit rule is embodied in Section 8, Article X of the 1987 Constitution, to wit:

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.

It is restated in Section 43 of the Local Government Code, thus:

Section 43. Term of Office.- (a) x x x.

b) No local elective official shall serve for more than three (3) consecutive terms in the same position. Voluntary renunciation of the office for any length of time shall not be considered as an interruption in the continuity of service for the full term for which the elective official concerned was elected.

x x x x

The intention behind the three-term limit rule is not only to abrogate the “monopolization of political power” and prevent elected officials from breeding “proprietary interest in their position” but also to “enhance the people’s freedom of choice.”<sup>23</sup> There are two conditions which must concur for the application of the disqualification of a candidate based on violation of the three-term limit 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.<sup>24</sup>

In the present case, Morales admits that he has been elected and has served as mayor of Mabalacat, Pampanga for three consecutive terms: (1) 2007-2010; (2) 2010-2013; and (3) 2013-2016. However, Morales insists

<sup>23</sup> *Abundo, Sr. v. Commission on Elections*, 701 Phil. 135 (2013), citing *Borja, Jr. v. Commission on Elections*, 356 Phil. 467 (1998).

<sup>24</sup> *Albania v. Commission on Elections*, G.R. No. 226792, 6 June 2017, 826 SCRA 191, 208, citing *Lonzanida v. Commission on Elections*, 370 Phil. 625 (1999).

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that his second term as mayor of the Municipality of Mabalacat was interrupted by the conversion of the municipality into a component city. Morales claims that Mabalacat City is an entirely different political unit from the Municipality of Mabalacat, having an increased territory, income and population.

We are not convinced.

We have already ruled upon the same issue in the case of *Latasa v. COMELEC (Latasa)*,<sup>25</sup> where we held that the conversion of a municipality into a city does not constitute an interruption of the incumbent official's continuity of service. We held that to be considered as interruption of service, the "law contemplates a rest period during which the local elective official steps down from office and ceases to exercise power or authority over the inhabitants of the territorial jurisdiction of a particular local government unit."<sup>26</sup>

In *Latasa*, petitioner was elected and served as mayor of the Municipality of Digos, Davao del Sur for terms 1992-1995, 1995-1998, and 1998-2001. During petitioner's third term, Digos was converted into a component city. When Latasa filed his COC for the 2001 elections, we held that petitioner was disqualified to run as mayor of Digos City for violation of the three-term limit rule, with the following explanation:

x x x Section 2 of the Charter of the City of Digos provides:

Section 2. The City of Digos.— The Municipality of Digos shall be converted into a component city to be known as the City of Digos, hereinafter referred to as the City, which shall comprise the present territory of the Municipality of Digos, Davao del Sur Province. The territorial jurisdiction of the City shall be within the present metes and bounds of the Municipality of Digos. x x x.

Moreover, Section 53 of the said Charter further states:

Section 53. Officials of the City of Digos. — The present elective officials of the Municipality of Digos shall continue to exercise their powers and functions until such a time that a new election is held and the duly-elected officials shall have already qualified and assumed their offices. x x x.

As seen in the aforementioned provisions, this Court notes that the delineation of the metes and bounds of the City of Digos did not change even by an inch the land area previously covered by the Municipality of Digos. This Court also notes that the elective officials of the Municipality of Digos continued to exercise their powers and functions until elections were held for the new city officials.

<sup>25</sup> 463 Phil. 296 (2003).

<sup>26</sup> Id. at 312.



True, the new city acquired a new corporate existence separate and distinct from that of the municipality. This does not mean, however, that for the purpose of applying the subject Constitutional provision, the office of the municipal mayor would now be construed as a different local government post as that of the office of the city mayor. As stated earlier, the territorial jurisdiction of the City of Digos is the same as that of the municipality. Consequently, the inhabitants of the municipality are the same as those in the city. These inhabitants are the same group of voters who elected petitioner Latasa to be their municipal mayor for three consecutive terms. These are also the same inhabitants over whom he held power and authority as their chief executive for nine years.

x x x x

x x x. In the present case, petitioner, upon ratification of the law converting the municipality to a city, continued to hold office as chief executive of the same territorial jurisdiction. There were changes in the political and economic rights of Digos as local government unit, but no substantial change occurred as to petitioner's authority as chief executive over the inhabitants of Digos.<sup>27</sup>

Similarly, in *Laceda, Sr. v. Limena, (Laceda)*,<sup>28</sup> we held that the merger and conversion of the municipalities of Sorsogon and Bacon into Sorsogon City did not interrupt petitioner's term as Punong Barangay for three consecutive terms, to wit:

x x x [W]hile it is true that under Rep. Act No. 8806 the municipalities of Sorsogon and Bacon were merged and converted into a city thereby abolishing the former and creating Sorsogon City as a new political unit, it cannot be said that for the purpose of applying the prohibition in Section 2 of Rep. Act No. 9164, the office of *Punong Barangay* of Barangay Panlayaan, Municipality of Sorsogon, would now be construed as a different local government post as that of the office of *Punong Barangay* of Barangay Panlayaan, Sorsogon City. The territorial jurisdiction of Barangay Panlayaan, Sorsogon City, is the same as before the conversion. Consequently, the inhabitants of the barangay are the same. They are the same group of voters who elected Laceda to be their *Punong Barangay* for three consecutive terms and over whom Laceda held power and authority as their *Punong Barangay*. Moreover, Rep. Act No. 8806 did not interrupt Laceda's term.<sup>29</sup>

In the present case, RA 10164, or An Act Converting the Municipality of Mabalacat in the Province of Pampanga into a Component City to be Known as Mabalacat City, provides that:

x x x x

Sec. 2. Mabalacat City. - The Municipality of Mabalacat shall be converted into a component city to be known as Mabalacat City, hereinafter referred to as the City. **The territorial jurisdiction of the City**

<sup>27</sup> Id. at 308-310.

<sup>28</sup> 592 Phil. 335 (2008).

<sup>29</sup> Id. at 340.

**shall be within the present metes and bounds of the Municipality of Mabalacat, Province of Pampanga.**

The foregoing provision shall be without prejudice to the resolution by the appropriate agency or forum of any boundary dispute or case involving questions of territorial jurisdiction between Mabalacat City and the adjoining local government units.

x x x x

Sec. 52. Officials of Mabalacat City. - **The present elective officials of the Municipality of Mabalacat shall continue to exercise their powers and functions** until such time that a new election is held and the duly-elected officials shall have already qualified and assumed their offices. Appointive officials and employees of the municipality shall likewise continue exercising their duties and functions and they shall be automatically absorbed by the city government of Mabalacat City. (Emphasis supplied)

When the law is clear and free from any doubt or ambiguity, there is no room for construction or interpretation, but only application. *Verba legis non est recedendum*, or from the words of a statute there should be no departure. Thus, contrary to Morales' arguments, the territorial jurisdiction of Mabalacat City is the same as that of the Municipality of Mabalacat. Also, the elective officials of the Municipality of Mabalacat continued to exercise their powers and functions until elections were held for the new city officials.

Applying our ruling in *Latasa*, the provisions of RA 10164 mean that the delineation of the metes and bounds of Mabalacat City did not change even by an inch the land area previously covered by the Municipality of Mabalacat. Consequently, the inhabitants are the same group of voters who elected Morales to be their mayor for three consecutive terms, and over whom he held power and authority as their mayor. Accordingly, Morales never ceased from acting and discharging his duties and responsibilities as chief executive of Mabalacat, despite the conversion of the Municipality of Mabalacat into Mabalacat City.

In insisting that Mabalacat City is an entirely different political unit as that of the Municipality of Mabalacat due to an alleged increased territory, income and population, Morales cites the second paragraph of Section 2, RA 10164 and presents a Political Boundary Map before us.

We find that Morales failed to substantiate his claim that Mabalacat City is an entirely different political unit as that of the Municipality of Mabalacat. In his Memorandum, Morales states that: "the Political Boundary Map just offered as EXHIBIT B **never made it to be released officially** by the Bureau of Land Management of the DENR and is **being used only in this case as a reference tool to designate the original and specific intent**

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of Congress when it passed into law RA 10164, the Charter of Mabalacat City. Though the political boundary map is complete for its intended purpose, respondent acknowledges that **it never got officially released** because of circumstances beyond anyone's control. The notable stumbling blocks against the release of this Political Boundary Map are the already **on-going litigations** among various claimants and the protestations of conflicting claims by would be stakeholders with the new added areas."<sup>30</sup>

Thus, Morales admits that there are on-going litigations, and there is no resolution by an appropriate agency on any boundary dispute, as required by the second paragraph of Section 2, RA 10164. The Political Boundary Map is merely offered to show the intent of Congress in passing RA 10164, when in fact, resort to intention is unnecessary when the law is clear. Accordingly, there is no factual or legal authority for Morales' claim that the territorial jurisdiction of Mabalacat City is different from that of the Municipality of Mabalacat.

Still, Morales insists that his declarations in his COC are material representations of his honest to goodness belief that he was eligible to run.

In *Aratea v. Commission on Elections (Aratea)*,<sup>31</sup> we found that Lonzanida misrepresented his eligibility because he knew fully well that he had been elected, and had served, as mayor of San Antonio, Zambales for more than three consecutive terms, yet, he still certified that he was eligible to run for mayor for the next succeeding term. We held that such misrepresentation constitutes false material representation as to his qualification or eligibility for the office. We explained that:

In a certificate of candidacy, the candidate is asked to certify under oath his or her eligibility, and thus qualification, to the office he [or she] seeks election. Even though the certificate of candidacy does not specifically ask the candidate for the number of terms elected and served in an elective position, such fact is material in determining a candidate's eligibility, and thus qualification for the office. **Election to and service of the same local elective position for three consecutive terms renders a candidate ineligible from running for the same position in the succeeding elections.**<sup>32</sup> (Emphasis supplied)

In the present case, Morales' alleged lack of knowledge or notice of ineligibility is negated by the previous cases involving the three-term limit rule and his eligibility to run, specifically *Rivera III v. Commission on Elections (Rivera)*<sup>33</sup> and *Dizon v. Commission on Elections (Dizon)*.<sup>34</sup>

<sup>30</sup> *Rollo* (G.R. No. 231657), Vol. 1, p. 250.

<sup>31</sup> 696 Phil. 700 (2012).

<sup>32</sup> *Id.* at 738.

<sup>33</sup> 551 Phil. 37 (2007).

<sup>34</sup> 597 Phil. 571 (2009).



In *Rivera*, Morales, the present petitioner, was elected mayor of the Municipality of Mabalacat, Pampanga for the following consecutive terms: 1995-1998, 1998-2001, and 2001-2004. In the 2004 elections, Morales ran again as mayor of the same town and was proclaimed elective mayor for the term commencing 1 July 2004 to 30 June 2007. A petition for *quo warranto* was later filed against Morales alleging that he was ineligible to run for a “fourth” term, having served as mayor for three consecutive terms. Morales answered that his supposed 1998-2001 term could not be considered against him, because although he was proclaimed the elected mayor and discharged the duties of mayor from 1998 to 2001, his proclamation was later nullified by the Regional Trial Court of Angeles City (RTC) and his closest rival was proclaimed the duly elected mayor.

The Court found that Morales exceeded the three-term limit rule, because he was mayor for the entire period from 1998 to 2001, notwithstanding the decision of the RTC. The Court ruled that the fact of being belatedly ousted, which was after the expiry of his term, could not constitute an interruption in Morales’ service of the full term, and Morales could not be considered as a mere “caretaker of the office” or “de facto officer” for purposes of applying the three-term limit rule. We held that “Section 8, Article X of the Constitution is violated and its purpose defeated when an official serves in the same position for three consecutive terms. Whether as ‘caretaker’ or ‘de facto’ officer, he exercises the powers and enjoys the prerequisites of the office which enables him ‘to stay on indefinitely.’”<sup>35</sup>

In *Dizon*, Morales was a respondent in a disqualification proceeding when he ran again as a mayoralty candidate during the 2007 elections. This time, the Court ruled in his favor and held that for purposes of the 2007 elections, the three-term limit rule was no longer a disqualifying factor against Morales, to wit:

Our ruling in the *Rivera* case served as Morales’ involuntary severance from office with respect to the 2004-2007 term. 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. Our decision in the *Rivera* case was promulgated on 9 May 2007 and was effective immediately. The next day, Morales notified the vice mayor’s office of our decision. The vice mayor assumed the office of the mayor from 17 May 2007 up to 30 June 2007. The assumption by the vice mayor of the office of the mayor, no matter how short it may seem to *Dizon*, interrupted Morales’ continuity of service. Thus, Morales did not hold office for the full term of 1 July 2004 to 30 June 2007.<sup>36</sup>

Accordingly, we find that Morales misrepresented his eligibility because he knew full well that he had been elected, and had served, as mayor of Mabalacat, Pampanga for three consecutive terms; yet, he still

<sup>35</sup> Supra note 33, at 58.

<sup>36</sup> Supra note 34, at 578.



certified that he was eligible to run for mayor for the next succeeding term.

Morales, however, claims that the COMELEC En Banc should take judicial notice of the COMELEC Second Division Resolution, which dismissed Noelito Castro's Petition to Deny Due Course to or Cancel the COC and to Disqualify Morales for the Second Time as a Mayorality Candidate of Mabalacat City filed on 10 December 2015 (Castro's Petition),<sup>37</sup> since it involves the same issue as the present petitions.

We do not find merit in such argument.

In the said Resolution<sup>38</sup> dated 14 September 2016, the COMELEC Second Division dismissed Castro's Petition due to the following procedural reasons: (1) the petition lacked verification required by both provisions of the OEC and the COMELEC Rules of Procedure; (2) Morales was not served with a copy of the petition; and (3) Castro failed to comply with Resolution No. 9576 requiring submission of soft copies of pleadings in MS Word and annexes in PDF format. The COMELEC Second Division further ruled that the petition was "dismissible" because the records of the case were bereft of any prior authoritative ruling that Morales already served as mayor of Mabalacat City for three consecutive terms, pursuant to *Poe-Llamanzares v. Commission on Elections (Poe)*.<sup>39</sup> Considering that no motion for reconsideration was filed, the COMELEC Second Division Resolution became final on 22 December 2016,<sup>40</sup> and the COMELEC En Banc has nothing to decide on Castro's Petition. Election cases shall be heard and decided in division, provided that motions for reconsideration of decisions shall be decided by the COMELEC En Banc.<sup>41</sup>

On the other hand, we find that in arguing that the COMELEC En Banc should consider the COMELEC Second Division Resolution on Castro's Petition because the "Castro Case is very similar to the instant Petition in that **both are petitions to deny due course and/or to cancel the Certificate of Candidacy ("COC")** of respondent for alleged violation of the three-term limit rule [and] x x x both Petitions arise from the same set of facts and **both availed of the same relief from this commission (Petition to Deny Due Course)**,"<sup>42</sup> Morales essentially admits that Lucas' petition is properly filed under Section 78 of the OEC, contrary to his argument that Lucas' petition is vague and wrongly construed by the COMELEC as a petition to deny due course.

<sup>37</sup> *Rollo* (G.R. No. 231657), Vol. I, pp. 71-74.

<sup>38</sup> *Id.* at 359-368.

<sup>39</sup> 782 Phil. 292 (2016).

<sup>40</sup> *Rollo* (G.R. No. 231657), pp. 369-371.

<sup>41</sup> 1987 Constitution, Article IX, Section 3.

<sup>42</sup> Motion to Admit the Herein Incorporated Reply in view of the Supervening Events; see *Rollo* (G.R. No. 231657), Vol. I, pp. 373-380.

In *Albania v. Commission on Elections*,<sup>43</sup> we held that the COMELEC has the authority to examine the allegations of every pleading filed, obviously aware that its averments, rather than its title/caption, are the proper gauges in determining the true nature of the cases filed before it. Thus, the COMELEC aptly found that Lucas' petition contains the essential allegations of a "Section 78" petition, namely: (1) the candidate made a representation in his COC; (2) the representation pertains to a material matter which would affect the substantive rights of the candidate; and (3) the candidate made a false representation with the intention to deceive the electorate as to his qualification for public office or deliberately attempted to mislead, misinform, or hide a fact which would otherwise render him ineligible.<sup>44</sup>

Contrary to Morales' argument that since he had been proclaimed and had assumed office as mayor in 2016, disputes as to his COC became moot and the proper remedy is to file a *quo warranto* proceeding questioning his eligibility, we held in *Velasco v. Commission on Elections*<sup>45</sup> that the COMELEC's jurisdiction to deny due course to and cancel a COC continues, to wit:

x x x. If the disqualification or COC cancellation/denial case is not resolved before election day, the proceedings shall continue even after the election and the proclamation of the winner. In the meanwhile, the candidate may be voted for and be proclaimed if he or she wins, but the COMELEC's jurisdiction to deny due course and cancel his or her COC continues. This rule applies even if the candidate facing disqualification is voted for and receives the highest number of votes, and even if the candidate is proclaimed and has taken his oath of office. The only exception to this rule is in the case of congressional or senatorial candidates with unresolved disqualification or COC denial/cancellation cases after the elections. Pursuant to Section 17 of Article VI of the Constitution, the COMELEC *ipso jure* loses jurisdiction over these unfinished cases in favor of the respective Senate or the House of Representatives electoral tribunals after the candidates take their oath of office.<sup>46</sup>

Moreover, we held in *Fermin v. Commission on Elections*<sup>47</sup> that the Court has already likened a proceeding under Section 78 to a *quo warranto* proceeding under Section 253 of the OEC since they both deal with the eligibility or qualification of a candidate, with the distinction mainly in the fact that a "Section 78" petition is filed before proclamation, while a petition for *quo warranto* is filed after proclamation of the winning candidate.

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<sup>43</sup> Supra note 24.

<sup>44</sup> *Fermin v. Commission on Elections*, 595 Phil. 449, 465 (2008).

<sup>45</sup> 595 Phil. 1172 (2008).

<sup>46</sup> Id. at 1193-1194.

<sup>47</sup> Supra.



Thus, Section 78 of the OEC states:

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

Under Section 78, a petition to deny due course to or to cancel a COC must be filed within 25 days from the time of filing of the COC. Morales filed his COC on 8 December 2015. Thus, Lucas had until 2 January 2016 to file the petition under Section 78, but since 2 January 2016 fell on a Saturday, Lucas had until the next working day or 4 January 2016 to file the petition. We, thus, find that Lucas timely filed her petition on 4 January 2016 under Section 78 of the OEC. Furthermore, contrary to Morales' insistence, the COMELEC Rules of Procedure do not require that a certification of non-forum shopping be attached to the petition.<sup>48</sup> At any rate, we held that the COMELEC's rules of procedure on certifications of non-forum shopping should be liberally construed, and COMELEC's interpretation of such rules in accordance with its constitutional mandate should carry great weight.<sup>49</sup>

We likewise find no merit in Morales' argument that a prior authoritative ruling is necessary pursuant to *Poe*.

We held in *Francisco v. Commission on Elections*<sup>50</sup> that the COMELEC can be the proper body to make the pronouncement against which the truth or falsity of a material representation in a COC can be measured. The COMELEC, as an adjunct to its adjudicatory power, may investigate facts or ascertain the existence of facts, hold hearings, weigh evidence, and draw conclusions from them as basis for their official action.

<sup>48</sup> The COMELEC Rules of Procedure provide:

Part III - Rule 7

Sec. 3. Form of Pleadings, etc. -

- a. All pleadings allowed by these Rules shall be printed, mimeographed or typewritten on legal size bond paper and shall be in English or Filipino.
- b. Protests or petitions in ordinary actions, special actions, special cases, special reliefs, provisional remedies, and special proceedings, as well as counter-protests, counter-petitions, interventions, motions for reconsideration, and appeals from rulings of board of canvassers shall be verified. All answers shall be verified.
- c. A pleading shall be verified only by an affidavit stating that the person verifying the same has read the pleading and that the allegations therein are true of his own knowledge. Verifications based on "information or belief" or upon "knowledge", "information" or "belief" shall be deemed insufficient.
- d. Each pleading shall contain a caption setting forth the name of the Commission, the title of the case, the docket number and the designation of the pleading. When an action or proceeding has been assigned to a Division, the caption shall set forth the name of the Division.

<sup>49</sup> *Panlilio v. Commission on Elections*, 610 Phil. 551 (2009).

<sup>50</sup> G.R. No. 230249, 24 April 2018.



We upheld our ruling in *Aratea* that no prior judgment recognizing a candidate's service for three consecutive terms was necessary to effect the cancellation of his COC.

At any rate, we also held in *Poe* that self-evident facts of unquestioned or unquestionable veracity and judicial confessions are bases equivalent to prior decisions against which the falsity of representation can be determined.<sup>51</sup> Since Morales admits having been elected and having served for three consecutive terms, his admission already served as basis against which the falsity of his representation can be determined.

Knowing fully well that he had been elected and had fully served three consecutive terms for the same local government post, Morales' representation in his COC that he was eligible to run as mayor constitutes false material representation as to his qualification or eligibility for the office, which is a ground for a petition to deny due course to or cancel a COC. Accordingly, we find that Morales' COC is void *ab initio*, and he was never a candidate at all, and all votes for him were considered stray votes.

As we held in *Aratea*, a violation of the three-term limit rule is an ineligibility affecting the qualification of a candidate to elective office and the misrepresentation of such is a ground to grant the petition to deny due course to or cancel a COC.<sup>52</sup> A person whose COC had been denied due course and/or cancelled under Section 78 is deemed to have not been a candidate at all, because his COC is considered void *ab initio* and thus, cannot give rise to a valid candidacy and necessarily to valid votes.<sup>53</sup> In *Jalosjos, Jr. v. Commission on Elections*,<sup>54</sup> we explained that:

Decisions of this Court holding that the second-placer cannot be proclaimed winner if the first-placer is disqualified or declared ineligible should be limited to situations where the certificate of candidacy of the first-placer was valid at the time of filing but subsequently had to be cancelled because of a violation of law that took place, or a legal impediment that took effect, after the filing of the certificate of candidacy. **If the certificate of candidacy is void *ab initio*, then legally the person who filed such void certificate of candidacy was never a candidate in the elections at any time. All votes for such non-candidate are stray votes and should not be counted. Thus, such non-candidate can never be a first-placer in the elections. If a certificate of candidacy void *ab initio* is cancelled on the day, or before the day, of the election, prevailing jurisprudence holds that all votes for that candidate are stray votes. If a certificate of candidacy void *ab initio* is cancelled one day or more after the elections, all votes for such candidate should also be stray votes because the certificate of candidacy is void from the very beginning.** This is the more equitable and logical approach on the effect of the cancellation of a certificate of candidacy that is void *ab initio*.

<sup>51</sup> *Poe-Llamanzares v. Commission on Elections*, supra note 39.

<sup>52</sup> Supra note 31.

<sup>53</sup> *Ty-Delgado v. House of Representatives Electoral Tribunal*, 779 Phil. 268 (2016), citing *Aratea v. Commission on Elections*, supra note 31.

<sup>54</sup> 696 Phil. 601 (2012).





Otherwise, a certificate of candidacy void *ab initio* can operate to defeat one or more valid certificates of candidacy for the same position.<sup>55</sup> (Emphasis supplied)

The rule on succession under Section 44<sup>56</sup> of RA 7160, as espoused by Halili, would not apply if the permanent vacancy was caused by one whose COC was void *ab initio*. In case of vacancies caused by those with *void ab initio* COCs, the person legally entitled to the vacant position would be the candidate who garnered the next highest number of votes among those eligible.<sup>57</sup> In this case, it is Garbo who is legally entitled to the position of mayor, having garnered the highest number of votes among the eligible candidates. Thus, the COMELEC correctly proclaimed Garbo as mayor of Mabalacat City.

Where a material COC misrepresentation under oath is made, thereby violating both our election and criminal laws, we are faced as well with an assault on the will of the people of the Philippines as expressed in our laws.<sup>58</sup> In a choice between provisions on material qualifications of elected officials, on the one hand, and the will of the electorate in any given locality, on the other, we believe and so hold that we cannot choose the will of the electorate.<sup>59</sup>

In a special civil action for *certiorari*, the burden rests on the petitioner to prove grave abuse of discretion amounting to lack or excess of jurisdiction on the part of the public respondent in issuing the impugned order, decision or resolution.<sup>60</sup> Grave abuse of discretion is such “capricious and whimsical exercise of judgment as is equivalent to lack of jurisdiction, or [an] exercise of power in an arbitrary and despotic manner by reason of passion or personal hostility, or an exercise of judgment so patent and gross as to amount to an evasion of a positive duty or to a virtual refusal to perform the duty enjoined, or to act in a manner not at all in contemplation of law.”<sup>61</sup> In short, grave abuse of discretion arises when a court or tribunal violates the Constitution, the law, or existing jurisprudence.<sup>62</sup> In this case, the Court finds the COMELEC’s disquisitions to be amply supported by the Constitution, law, and jurisprudence.

<sup>55</sup> Id. at 633-634.

<sup>56</sup> RA 7160, Section 44. Permanent Vacancies in the Offices of the Governor, Vice-Governor, Mayor, and Vice-Mayor. - (a) 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.

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<sup>57</sup> *Chua v. Commission on Elections*, 783 Phil. 876, 900 (2016), citing *Maquiling v. Commission on Elections*, 709 Phil. 408 (2013) .

<sup>58</sup> *Velasco v. Commission on Elections*, supra note 45, at 1196.

<sup>59</sup> *Velasco v. Commission on Elections*, supra note 45, at 1196.

<sup>60</sup> *Naval v. Commission on Elections*, 738 Phil. 506, 537 (2014).

<sup>61</sup> *Velasco v. Commission on Elections*, supra note 45, at 1183.

<sup>62</sup> *Naval v. Commission on Elections*, supra note 60, at 537.

*h*

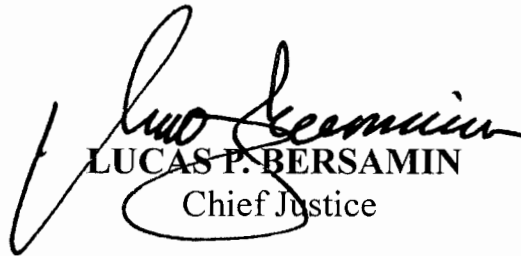
**WHEREFORE**, we **DISMISS** the petitions for lack of merit and **AFFIRM** the assailed Resolution dated 3 August 2016 of the Commission on Elections First Division and the Resolution dated 26 May 2017 of the Commission on Elections En Banc.

**SO ORDERED.**

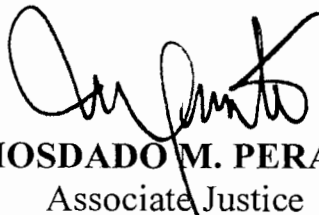


**ANTONIO T. CARPIO**  
Associate Justice

**WE CONCUR:**



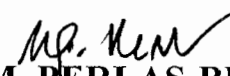
**LUCAS P. BERSAMIN**  
Chief Justice



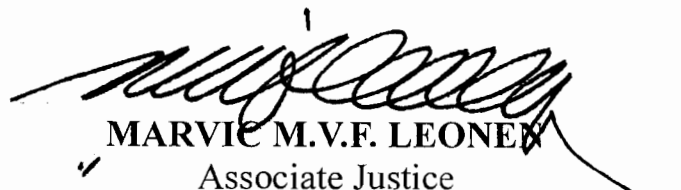
**DIOSDADO M. PERALTA**  
Associate Justice



**MARIANO C. DEL CASTILLO**  
Associate Justice

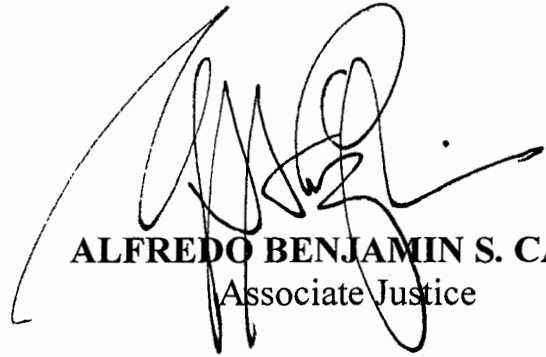


**ESTELA M. PERLAS-BERNABE**  
Associate Justice

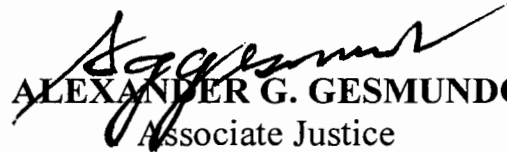


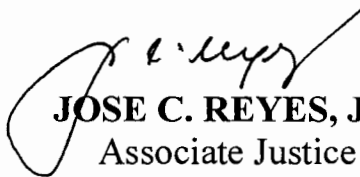
**MARVIC M.V.F. LEONEN**  
Associate Justice


  
**FRANCIS H. JARDELEZA**  
 Associate Justice

  
**ALFREDO BENJAMIN S. CAGUIOA**  
 Associate Justice

  
**ANDRES B. REYES, JR.**  
 Associate Justice

  
**ALEXANDER G. GESMUNDO**  
 Associate Justice

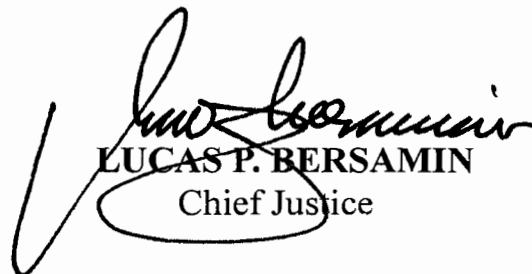
  
**JOSE C. REYES, JR.**  
 Associate Justice


  
**RAMON PAUL L. HERNANDO**  
 Associate Justice

  
**ROSMARI D. CARANDANG**  
 Associate Justice

**CERTIFICATION**

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

  
**LUCAS P. BERSAMIN**  
 Chief Justice

CERTIFIED TRUE COPY  
  
**EDGAR O. ARICHETA**  
 Clerk of Court En Banc  
 Supreme Court