



REPUBLIC OF THE PHILIPPINES  
**SENATE ELECTORAL TRIBUNAL**

**REYMAR R. MANSILUNGAN,**  
Petitioner,

-versus-

**SET Case No. 001-19**

**AQUILINO "KOKO" PIMENTEL III,**  
Respondent.

X-----X

**EFREN A. ADAN,**  
Petitioner,

-versus-

**SET Case No. 002-19**

**AQUILINO "KOKO" PIMENTEL III,**  
Respondent.

X-----X

**RESOLUTION NO. 19 - 08**

Assailed in this Motion for Reconsideration dated 07 July 2020 filed by petitioner Reymar R. Mansilungan (Mansilungan) is the Decision<sup>1</sup> dated 03 June 2020 of the Tribunal, which dismissed the instant consolidated petitions<sup>2</sup> for *quo warranto* for lack of merit (Assailed Decision).

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<sup>1</sup> The dispositive portion of the Decision reads:

WHEREFORE, the instant consolidated petitions for *quo warranto* are hereby DISMISSED for lack of merit. Further, the matter of amending the 2013 Rules of the Senate Electoral Tribunal based on the considerations discussed in this Decision is REFERRED to the Office of the Secretary for eventual deliberation and approval of the Members of the Tribunal pursuant to Rule 88 thereof.

<sup>2</sup> The instant consolidated petitions for *quo warranto* sought to declare respondent Senator Aquilino "Koko" Pimentel III ineligible for the position of Senator for the 2019-2025 term on the ground of exhaustion of the term-limit for Senators under Section 4, Article VI of the 1987 Constitution, which provides, *inter alia*, that "[n]o Senator shall serve for more than two consecutive terms".

In his Motion, Mansilungan essentially contends that there can be no interruption in a two (2)-term limit for Senators, unlike in a three (3)-term limit for local elective officials, because of the absence of a term in between the two (2) consecutive terms. In this regard, he argues that the Tribunal erred in relying on the case of *Abundo, Sr. v. COMELEC (Abundo Sr.)*,<sup>3</sup> as it pertains only to local elective officials, and hence, does not apply to Senators. He asserts that the Tribunal should have instead examined the deliberations of the framers of the 1987 Constitution, which he insists did not refer to two (2) complete terms of six (6) years each. He posits that “in the absence of a distinction between a completed term and simply a term, in the Constitution or in any statute, respondent Aquilino ‘Koko’ Pimentel III is deemed to have served as Senator during the said 2007-2013 term, thus the 2019-2025 term he is now serving *de facto*, is a clear violation of Article VI, Section 4 of the 1987 Constitution.”<sup>4</sup>

Further, Mansilungan theorizes that the Assailed Decision will open the floodgates to “the unscrupulous to transgress the Constitution”,<sup>5</sup> hypothesizing that the 12th and 13th placers in the Senatorial elections may connive to circumvent the term-limit rule under the Constitution. To illustrate his point, Mansilungan conceives a scenario where the 13th placer files an election protest against the 12th placer, who then resigns before the term ends and withdraws the counter-protest, thereby allowing the 13th placer to be proclaimed as the winning 12th Senator-elect and serve for the unexpired Senatorial term. Mansilungan concludes that this situation would amount to an interruption in the terms of both 12th and 13th placers, which would entitle both placers to the unconstitutional third consecutive term. In fact, he underscores that the Decision in SET Case No. 001-07, where protestee therein Juan Miguel F. Zubiri resigned and withdrew his counter-protest against respondent Pimentel, is purportedly the “determining factor” in the Assailed Decision, providing “both Zubiri and Respondent Pimentel the opportunity [to] hold office for three (3) consecutive terms, violating the Constitution.”<sup>6</sup>

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<sup>3</sup> G.R. No. 201716, January 8, 2013.

<sup>4</sup> Motion for Reconsideration, p. 6.

<sup>5</sup> *Id.* at 12.

<sup>6</sup> *Id.*

In his *Comment/Opposition* filed on 03 August 2020, respondent Senator Aquilino “Koko” Pimentel III (Pimentel) points out that Mansilungan’s Motion contains mere rehashes of Mansilungan’s previous pleadings, which were already “exhaustively passed upon, duly considered and resolved by the Honorable Tribunal in the assailed Decision.”<sup>7</sup> Pimentel likewise maintains that *Abundo Sr.* applies to this case although it involves a local elective official, considering that “the purpose of and the evils sought to be avoided by the term limit rule imposed upon locally elected officials are the same as that of the term limit rule imposed upon Members of the Senate.”<sup>8</sup> Finally, Pimentel describes Mansilungan’s “alleged attendant evils that may be brought about by the assailed Decision”<sup>9</sup> as products of the latter’s sheer imagination. Thus, the absence of any actual case or controversy involving Mansilungan’s theory before the Tribunal bars any action thereon by the Tribunal.

Meanwhile, records show that petitioner Efren A. Adan received a copy of the Assailed Decision on 16 June 2020, and did not file any motion for reconsideration within the reglementary period provided under Rule 80<sup>10</sup> of the 2013 Rules of the Senate Electoral Tribunal. Hence, the Assailed Decision is considered final as to him on 26 June 2020.

After a judicious perusal of Mansilungan’s Motion, the Tribunal finds that the issues raised therein are mere reiterations of grounds already evaluated and passed upon in the Assailed Decision. Therefore, there is no cogent reason to warrant a modification or reversal of the same.

To reiterate, “[t]he intention behind the rule on term limits was not only to abrogate the monopolization of political power and to prevent elected officials from breeding proprietary interest in their position, but also to

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<sup>7</sup> Comment, p. 2, citing the relevant portions of the Assailed Decision.

<sup>8</sup> Id. at 7.

<sup>9</sup> Id. at 15.

<sup>10</sup> The pertinent portion of Rule 80 of the 2013 Rules of the Senate Electoral Tribunal reads:

RULE 80. *Finality of Decision; Motion for Reconsideration or Reopening.* – A decision of the Tribunal shall become final ten (10) days after receipt of a copy thereof by the parties or their counsel, if no motion for reconsideration is filed. x x x x

enhance the people's freedom of choice."<sup>11</sup> Consistent with this intent, as well as the express language of Section 4, Article VI<sup>12</sup> of the 1987 Constitution and prevailing jurisprudence, the Tribunal likewise thoroughly explained in the Assailed Decision the definition of "term" and the concept of "voluntary renunciation" not being an "interruption" for purposes of computing the term limit for Senators. Furthermore, it is well to restate that while *Abundo Sr.* involved the term limits of local elective officials, the Supreme Court's pronouncements therein are applicable to term limits of Senators as well, considering that they essentially involve the same legal principles. As aptly provided in the Assailed Decision:

At this juncture, it is well to stress that while the Tribunal is aware that the aforecited jurisprudence involves the interpretation of laws pertaining to term limits of local elective officials, the same ruling may be applied to term limits of Senators – as in this case – as they essentially involve the same legal principles. As stated by the Supreme Court, the period during which one's opponent actually served is and ought to be considered as an involuntary interruption of the former's continuity of service. The rationale is that during that period, title to hold such office and the corresponding right to assume the functions thereof still belonged to his opponent as proclaimed election winner. Hence, as he was prevented from asserting title to the said elective office and assuming the functions of the same during this period, it cannot be said that he has fully served the term. Consequently, the **involuntarily interrupted** term, cannot, in the context of the disqualification rule, be considered as one term for purposes of counting the term threshold.

Here, it is undisputed that respondent assumed office as Senator for the 2007-2013 and 2013-2019 Senatorial terms, before eventually being re-elected for a supposed third term, *i.e.*, the 2019-2025 Senatorial term. It must be noted, however, that respondent was not initially proclaimed as a winning Senatorial candidate in the 2007 NLE, and consequently, was unable to assume the elective office at the start of the 2007-2013 Senatorial term. It was only after four (4) years and two (2) months – or on August 11, 2011 when SET Case No. 001-07 was ruled in his favor – that he was able to assume

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<sup>11</sup> Assailed Decision, p. 10.

<sup>12</sup> Section 4, Article VI of the 1987 Constitution reads:

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 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.** (Emphases and underscoring supplied)

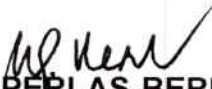
office for the remainder of the term, or from August 11, 2011 until June 30, 2013, a period totalling one (1) year and ten (10) months. Thus, taking guidance from *Abundo, Sr.*, the foregoing circumstances constitute an involuntary interruption or a break in respondent's service of the 2007-2013 Senatorial term. Being an interrupted term, the 2007-2013 Senatorial term cannot be counted against respondent for purposes of counting the term limitation provided by the Constitution.

In conclusion, respondent was not prohibited to run and be elected for the 2019-2025 Senatorial term as he has yet to serve two (2) consecutive Senatorial terms in full within the contemplation of prevailing law and jurisprudence.<sup>13</sup> (Underscoring and boldfacing in the original)

Finally, suffice it to say that Mansilungan's other contentions are either speculative, or of little or no relevance; and hence, deserve scant consideration by the Tribunal.


**WHEREFORE**, the Motion for Reconsideration filed by petitioner Reyamar R. Mansilungan is **DENIED** for lack of merit. Further, the Decision promulgated on 03 June 2020 is deemed **FINAL** and **EXECUTORY** as to petitioner Efren A. Adan as of 26 June 2020 for failure to file a motion for reconsideration within the reglementary period.

**SO ORDERED.**  
**14 September 2020.**

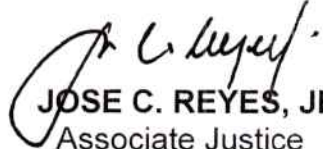
  
**ESTELA M. PERLAS-BERNABE**  
Senior Associate Justice  
Chairperson

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<sup>13</sup> Assailed Decision, pp. 14-15.



**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice  
Member



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



**RICHARD J. GORDON**  
Senator  
Member

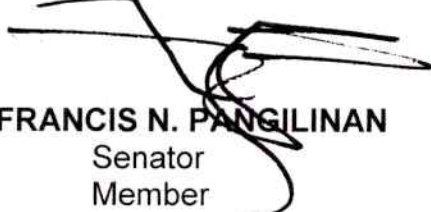


**MARIA LOURDES NANCY S. BINAY**  
Senator  
Member



**PIA S. CAYETANO**  
Senator  
Member

**EMMANUEL "MANNY" D. PACQUIAO**  
Senator  
Member



**FRANCIS N. PANGILINAN**  
Senator  
Member



**MANUEL "LITO" M. LAPID**  
Senator  
Member