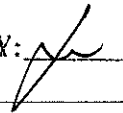


FIFTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)



'11 JAN 24 P 4 :08

SENATE
S. No. 2649

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Article 2, Section 26 provides:

The State shall guarantee equal access to public service and prohibit political dynasty as may be defined by law.

To give force and effect to this provision, the playing field of the political arena should be levelled and opened to persons who are equally qualified to aspire on even terms with those from ruling politically dominant families.

Philippine society, many sociologists note, revolves around the system of extended families. However, this extended family system, an otherwise beneficial concept when applied to the social aspects of human behavior, finds its pernicious effects in the political arena where public office becomes the exclusive domain of influential families and clans that are well-entrenched in Philippine politics. The monopoly of political power and public resources by such families affects the citizenry at the local and national levels.

The socio-economic and political inequities prevalent in Philippine society limit public office to members of ruling families. In many instances, voters, for convenience and out of cultural mindset look up to these ruling families as dispensers of favors, and thus elect relatives of these politically dominant families.¹


MIRIAM DEFENSOR SANTIAGO

¹ This bill was originally filed in the First Regular Session of the Thirteenth Congress.



'11 JAN 24 P 4 :08

SENATE
S. No. **2649**

RECEIVED BY:

Introduced by Senator Miriam Defensor Santiago

AN ACT
TO PROHIBIT THE ESTABLISHMENT OF POLITICAL DYNASTIES

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

SECTION 1. *Short Title.* – This Act shall be known as “The Anti-Political Dynasty Act.”

SECTION 2. *Declaration of Policy.* – It is hereby declared the policy of the State to guarantee equal access and opportunity to public office and public service. Towards this end, it is likewise declared the policy of the State to prohibit political dynasties as defined in Section 3 of this Act.

SECTION 3. *Definition of Terms.* -The following terms, as used in this Act, shall mean:

(a) “Political Dynasty” – shall exist when a person who is the spouse of an incumbent elective official or relative within the second civil degree of consanguinity or affinity of an incumbent elective official holds or runs for an elective office simultaneously with the incumbent elective official within the same province or occupies the same office immediately after the term of office of the incumbent elective official. It shall also be deemed to exist where two (2) or more persons who are spouses or are related within the second civil degree of consanguinity or affinity run simultaneously for elective public office within the same province, even if neither is so related to an incumbent elective official.

(b) “Spouse” – shall refer to the legal and common-law wife or husband of the incumbent elective official.

(c) “Second Civil Degree of Consanguinity or Affinity” – shall refer to the relatives of a person who may be the latter’s brother or sister, whether of full or half-blood, direct

1 ascendant or direct descendant, whether legitimate, illegitimate or adopted, including their
2 spouses.

3 (d) "Running for an Elective Office" – shall be deemed to commence upon the filing
4 of the certificate of candidacy by a candidate with the Commissions on Elections.

5 (e) "Holding an Elective Office" – shall be deemed to commence from the moment
6 the public official takes his oath of office.

7 (f) "COMELEC" – shall refer to the Commission on Elections.

8 SECTION 4. *Persons Covered; Prohibited Candidates.* – No spouse, or person related
9 within the second degree of consanguinity or affinity whether legitimate or illegitimate, to an
10 incumbent elective official seeking reelection shall be allowed to hold or run for any elective
11 office in the same province in the same election. In case the constituency of the incumbent
12 elective official is national in character, the above relatives shall be disqualified from running
13 only within the same province where the former is a registered voter.

14 In case where none of the candidates is related to an incumbent elective official within
15 the second degree of consanguinity or affinity, but are related to one another within the said
16 prohibited degree, they, including their spouses, shall be disqualified from holding or running for
17 any local elective office within the same province in the same election.

18 In all cases, no person within the prohibited civil degree of relationship to the incumbent
19 shall immediately succeed to the position of the latter: *Provided, however,* that this section shall
20 not apply to Punong Barangays or members of the Sangguniang Barangay.

21 SECTION 5. *Effect of Violation of Prohibition.* – The COMELEC shall *motu proprio* or
22 upon a verified petition of any interested party deny due course to any certificate of candidacy
23 filed in violation of this Act.

24 SECTION 6. *Period for Filing Petition for Disqualification.* – Any citizen of voting age,
25 candidate or duly-registered political party, organization, or coalition of political parties may file
26 with the COMELEC, after the last day for filing of certificates of candidacy and before
27 proclamation, a petition to disqualify a candidate on grounds provided for under Section 4 of this
28 Act.

1 SECTION 7. *Summary Proceedings.* – The petition shall be heard and decided summarily
2 by the COMELEC, after due notice and hearing, and its decision shall be executed after the lapse
3 of five (5) days from receipt thereof by the losing party.

4 SECTION 8. *Effect of Petition if Unresolved Before Completion of Canvass.* – If the
5 petition, for reasons beyond the control of the COMELEC, cannot be decided before the
6 completion of the canvass, the votes cast for the respondent shall be included in the counting and
7 canvassing: *Provided however,* that if the basis for such disqualification is strong, his or her
8 proclamation shall be suspended notwithstanding the fact that he or she received the winning
9 number of votes in the election: *Provided further,* that in cases where the disqualified candidate
10 has been proclaimed, he or she shall *ipso facto* forfeit his right to the office.

11 SECTION 9. *Rules and Regulations.* – The COMELEC shall promulgate the rules and
12 regulations for the implementation of the provisions of this Act.

13 SECTION 10. *Repealing Clause.* – Any law, presidential decree or issuance, executive
14 order, letter of instruction, administrative order, rule or regulation contrary to, or inconsistent
15 with, the provisions of this Act is hereby repealed, modified, or amended accordingly.

16 SECTION 11. *Separability Clause.* – If any provision or part hereof, is held invalid or
17 unconstitutional, the remainder of the Act or the provision not otherwise affected shall remain
18 valid and subsisting.

19 SECTION 12. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its
20 publication in at least two (2) newspapers of general circulation.

Approved,