

THIRTEENTH CONGRESS OF THE REPUBLIC  
OF THE PHILIPPINES  
*First Regular Session*

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S E N A T E

S. No. 412

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Introduced by Senator S. R. Osmeña III

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**EXPLANATORY NOTE**

Section 26 of Article II of the 1987 Constitution provides that

“The State shall guarantee equal access to opportunities for public service, and prohibit political dynasties as may be defined by law”

Dynasties in Philippine politics have thus far flourished and proliferated in response to the term limits on public office. To circumvent these term limits, politicians try to field their relatives to run for public office in their stead. Hence it is common that a politician has his wife, child, brother or sister running and holding on to his office, while he awaits the mandatory prohibition regarding his seeking reelection to pass.

This bill addresses the absence of a law implementing the constitutional prohibition on political dynasties. It defines political dynasty as an election offense and mandates the Commission on Elections to undertake the appropriate action.

In view of the foregoing, early passage of this bill is earnestly requested.

*S. Osmeña III*  
SERGIO OSMEÑA III  
Senator

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SENATE  
S. No. 412

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AN ACT  
PROHIBITING THE ESTABLISHMENT OF POLITICAL DYNASTIES

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

1 SECTION 1. *Purpose and Objective.* – It is the purpose and  
2 objective of this Act to translate into the practical realities of Philippine  
3 politics the State policy enunciated in Article II, Section 26 of the 1987  
4 Constitution to “guarantee equal access to opportunities for public service  
5 and prohibit political dynasties” (Articled II, Section 26) and the mandate to  
6 Congress in Article XIII, Section I thereof to enact “measures that...  
7 reduce social, economic and political inequalities and remove cultural  
8 inequities by equitably diffusing wealth and political power for the common  
9 good”.

10 SEC. 2. *Applicability.* - This Act shall govern and be applicable to  
11 the next elections and to all subsequent elections to be held thereafter.

12 SEC. 3. *Political Dynasty Defined.* – As used in this Act, a political  
13 dynasty is a SITUATION RESULTING IN the concentration, consolidation  
14 or perpetuation of political power by persons related to one another, as  
15 defined in this Act BY HOLDING PUBLIC OFFICE.

16 SEC. 4. DYNASTIC RELATION, DEFINITION. – A DYNASTIC  
17 RELATION EXISTS BETWEEN persons who are related within the

1 FOURTH civil degree of consanguinity or affinity, including their spouses  
2 and the spouses of their brothers-in-law and sisters-in-law (bilas) shall be  
3 deemed within the political dynasty relationship prohibited under this Act.

4 DYNASTIC RELATION ALSO EXISTS WHEN AN INCUMBENT  
5 OR A CANDIDATE LIVES WITH ANOTHER AS HUSBAND AND WIFE  
6 WITHOUT THE BENEFIT OF A VALID MARRIAGE, THE EXISTENCE  
7 OF WHICH, FOR THE PURPOSE OF DETERMINING DYNASTIC  
8 RELATION, SHALL BE ASCERTAINED BY THE COMMISSION ON  
9 ELECTIONS IN A SUMMARY PROCEEDING.

10 Neither may such family member be elected to or assume the  
11 position of President, Vice-President, Senator, Congressman Governor,  
12 Vice-Governor, City Mayor or City Vice-Mayor, or Municipal Mayor or  
13 Municipal Vice-Mayor WHEN THE CANDIDACY, ELECTION OR  
14 ASSUMPTION OF SUCH FAMILY MEMBER FALLS WITHIN THE TERM  
15 OF OFFICE OF THE PRESIDENT, VICE-PRESIDENT OR SENATOR.

16 No family member shall be a candidate for the office of the  
17 President, Vice-President, Senator, Congressman, Governor, Vice-  
18 Governor, City Mayor or City Vice-Mayor, or Municipal Mayor or Municipal  
19 Vice-Mayor in the same elections in which another family member within  
20 the Political Dynasty Relationship is a candidate for President, Vice-  
21 President, or Senator.

22 No family member HAVING DYNASTIC RELATIONS TO  
23 CONGRESSMAN, PROVINCIAL GOVERNOR, PROVINCIAL VICE-  
24 GOVERNOR, CITY OR MUNICIPAL MAYOR, OR CITY OR MUNICIPAL  
25 VICE-MAYOR SHALL BE ALLOWED TO BE A CANDIDATE TO be  
26 elected to or assume any elective position within the same district,  
27 province, city or municipality, WHEN THE CANDIDACY, ELECTION OR  
28 ASSUMPTION OF SUCH FAMILY MEMBER FALLS DURING THE TERM  
29 OF OFFICE OF THE CONGRESSMAN, PROVINCIAL GOVERNOR,

1 PROVINCIAL VICE-GOVERNOR, CITY OR MUNICIPAL MAYOR, OR  
2 CITY OR MUNICIPAL VICE-MAYOR.

3 NO family member SHALL be a candidate for any public office in  
4 the same district, province, city or municipality in the same elections, in  
5 which another family member within DYNASTIC RE-LATION is a  
6 candidate for Congressman, Governor, VICE-GOVERNOR or Mayor OR  
7 VICE-MAYOR.

8 SEC. 5. *Rejection and Cancellation of Certificates of Candidacies.*

9 – Any certificate of candidacy that is presented to the Commission on  
10 Elections in violation of this Act shall not be given due course and if, filed,  
11 shall be cancelled and the votes cast for the disqualified candidate shall  
12 not be counted, nor shall be proclaimed or be qualified to assume office.

13 In the event that two or more disqualified family members having a  
14 Political Dynasty Relationship should file their *bona fide* certificates of  
15 candidacy for the subordinate and lesser elective positions shall be  
16 rejected.

17 Whenever it cannot be determined with accuracy which application  
18 was filed first, the Commission on Elections shall supervise the drawing of  
19 lots to decide whose certificate of candidacy shall be accepted.

20 SEC. 6. *ELECTION OFFENSE.* – THE COMMISSION ON  
21 ELECTIONS MAY MOTU PROPRIO OR UPON VERIFIED PETITION OF  
22 ANY AGGRIEVED RELATIVE FALLING WITHIN THE DYNASTIC  
23 RELATION, MAY REFUSE TO GIVE DUE COURSE TO OR CANCEL A  
24 CERTIFICATE OF CANDIDACY IF IT IS SHOWN THAT SAID  
25 CERTIFICATE HAS BEEN FILED TO PREVENT OR DISQUALIFY SUCH  
26 AGGRIEVED RELATIVE FROM BECOMING A CANDIDATE, BEING  
27 ELECTED TO OR ASSUMING THE POSITION OF PRESIDENT, VICE-  
28 PRESIDENT, SENATOR, CONGRESAN, GOVERNOR, VICE-  
29 GOVERNOR, CITY OR MINICIPAL MAYOR, OR CITY OR MUNICIPAL

1 VICE-MAYOR. ANY VIOLATION OF THIS PROVISION SHALL  
2 CONSTITUTE AN ELECTION OFFENSE UNDER THE BATAS  
3 PAMBANSA BLDG. 881, OTHERWISE KNOWN AS THE OMNIBUS  
4 ELECT ION CODE OF THE PHILIPPINES.

5 SEC. 7. [6] *Implementing Rules and Regulations.* – The  
6 Commission on Elections shall promulgate the rules and regulations for  
7 the implementation of the provisions of this Act.

8 SEC. 8. [7] *Repealing Clause.* - All laws, decrees, executive  
9 orders, letters of instructions, and other issuances or parts thereof which  
10 are inconsistent with the provisions of this Act are hereby deemed  
11 amended, modified, superseded or repealed accordingly.

12 SEC. 9. [8] *Effectivity.* – This Act shall take effect upon its  
13 approval.

Approved,