

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



Senate
Office of the Secretary

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SENATE
S. No. 1580

RECEIVED BY: *ji*

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Article 2, Section 26 provides:

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

Our Constitution was ratified in 1987. It is now 26 years since we ratified the Constitution. But during this entire time of more than two decades, Congress has failed to comply with its constitutional duty to pass a law defining and prohibiting political dynasties. Self-interest naturally ensures that members of Congress who will be adversely affected by any political dynasty law will vote and actively campaign against it.

The Constitutional Commission of 1986 failed to respond to a problem it had already recognized. Instead of directly dealing with the problem by creating rules to remedy the situation, it left the matter to an institution, the Congress, many of whose members suffer from a conflict of interest on the subject of political dynasties.

Today, the Philippines is now conceivably the world capital of political dynasties. The result of 26 years of deliberate inaction by legislators is that based on the 2010 elections, today there are 178 dominant political dynasties. At the House of Representatives, 74 percent or 170 representatives belong to political families. In the Senate, 80 percent or 18 of the current 23 senators are members of political families. In the party-list system, 91 percent or 52 seats are held by millionaires and multimillionaires.

The Philippines has 80 provinces. Of these, 94 percent, meaning 73 out of 80, have political dynasties. In every province, there are at least two political families.

The Constitution regards political dynasties as evil, because in effect they constitute a monopoly of political power inside a democracy, the Constitution of which explicitly provides that every qualified Filipino should have an equal opportunity for public service.

And yet, political dynasties who have ruled for more than 30 years include 6 families. Political dynasties who have ruled for more than 20 years include at least 61 families. On the other hand, political dynasties who have ruled 12 to 18 years include 53 political families.

Political dynasty is anathema in a democracy, because in one geographical area, one family controls power, corruption, the military, the police, and illegal activities such as illegal gambling, drug smuggling, gun smuggling, and smuggling of various other objects banned by law. In this manner, political dynasties have become invulnerable and constitute an open defiance of our Constitution, thus blatantly undermining the rule of law.

Political dynasties are both results and manifestations of our failure to reform the electoral system, inability to create a sizable educated middle class, and the continuing success of the politics of personality. Political dynasties are also problematic for our democracy because they effectively disqualify otherwise highly qualified prospective public officers, create more opportunities for corruption, and generate cynicism about public service.

Admittedly, it is very difficult and complicated to provide a definition of political dynasty. But we can define political dynasty by specifying the situation. The bill imposes a prohibition on relatives within the second civil degree of consanguinity or affinity. On the local level, this bill prohibits such relatives from running for public office at the same time, within the same province, city or municipality. The bill also covers situations where relatives occupy national positions such as the House of Representatives and the Senate of the Philippines. Concentration of political power today is no longer just local, but also national, most likely because of the greater efficiency and nationalized impact of various systems of information dissemination.

The bill also covers situations where two or more persons who are spouses or are related within the second civil degree of consanguinity or affinity run simultaneously for elective local

or national public office within the same province, city or municipality, or same local or national office, even if neither is so related to an incumbent elective local or national official.

This strategy of identifying situations indicative of the existence of political dynasties is better than the more difficult task of defining political dynasties. Under this bill, all we need to show is the presence of a relationship between candidates and incumbents in order to seek their disqualification. We therefore only have to identify who among the candidates and incumbents are related within the prohibited degree of affinity and consanguinity to be able to enforce the anti-dynasty principle of our Constitution.

The bill operates by allowing petitions for disqualification to be filed before the Comelec whenever such prohibited situations are identified.*

acc.
Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO



* This bill was originally filed during the Thirteenth Congress, First Regular Session.



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1 AN ACT
2 DEFINING AND PROHIBITING THE ESTABLISHMENT OF
3 POLITICAL DYNASTIES

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

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

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

9 SECTION 3. *Definition of Terms.* – As used in this Act, the term:

10 (a) “National office” shall refer to the Senate of the Philippines or the House of
11 Representatives.

12 (b) “Political dynasty” shall exist when a person who is the spouse or relative within the
13 second civil degree of consanguinity or affinity of an incumbent elective local or
14 national official holds or runs for an elective office simultaneously with the
15 incumbent local or national elective official within the same province, city or
16 municipality or occupies the same local or national office immediately after the term
17 of office of the incumbent local or national elective official.

18 Political dynasty shall also be deemed to exist where two (2) or more persons who are
19 spouses or are related within the second civil degree of consanguinity or affinity run
20 simultaneously for elective local or national public office within the same province, city or

1 municipality, or same local or national office, even if neither is so related to an incumbent
2 elective local or national official.

3 (b) "Spouse" shall refer to the legal and common-law wife or husband of an incumbent
4 elective official;

5 (c) "Second civil degree of consanguinity or affinity" shall refer to the relatives of a
6 person who may be the latter's brother or sister, whether of full or half-blood, direct ascendant or
7 direct descendant, whether legitimate, illegitimate or adopted, including their spouses;

8 (d) "Runs for an elective office" shall be deemed to commence upon the filing of the
9 certificate of candidacy by a candidate with the Commissions on Elections;

10 (e) "Holding an elective office" shall be deemed to commence from the moment the
11 public official takes his oath of office; and

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

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

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

24 In all cases, no person within the prohibited degree of relationship to the incumbent
25 elective official shall immediately succeed to the position of the latter whether at the local or
26 national level: *Provided, however,* that this section shall not apply to *Punong Barangays* or
27 members of the *Sangguniang Barangay*.

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

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

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

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

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

22 SECTION 10. *Separability Clause.* – If any provision or part hereof is held invalid or
23 unconstitutional, the remainder of the Act or the provision not otherwise affected shall remain
24 valid and subsisting.

1 SECTION 11. *Repealing Clause.* – Any law, presidential decree or issuance, executive
2 order, letter of instruction, administrative order, rule, or regulation contrary to or inconsistent
3 with the provisions of this Act is hereby repealed, modified, or amended accordingly.

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

Approved,