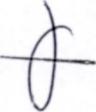




SEVENTEENTH CONGRESS OF THE REPUBLIC  
OF THE PHILIPPINES  
*First Regular Session*

'16 SEP 13 P4:46

SENATE  
S.B. No. 1137

RECEIVED BY: 

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Introduced by Senator Poe

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AN ACT  
DEFINING AND PROHIBITING POLITICAL DYNASTIES,  
PROVIDING PENALTIES THEREFOR, AND FOR OTHER PURPOSES

Explanatory Note

There is a wealth of academic research and a whole collection of extensive articles that have been written on the evils of political dynasties. In a previous study, 70 percent of the 15<sup>th</sup> Philippine Congress is considered dynastic. Eighty percent of the youngest congressmen (age 26-40) are from dynastic clans.<sup>1</sup> Dynasties dominate all of the major political parties. According to a recent study by the Asian Institute of Management:<sup>2</sup>

Over-all the emerging evidence suggests that political dynasties still appear entrenched, notwithstanding the emergence of strong advocacies against dynastic clans. While efforts to curb the “demand” for dynasties (through strong advocacy and information campaigns targeted at voters) were initiated, little seems to have changed in terms of a stronger “supply” of alternative leaders. The present political parties have not yet been able to address the latter; and part of the challenge lies in the strong role that dynasties already play in the more established parties. This lends credence to the view that new political parties could play a key role in developing clear alternatives to the political dynasties and their traditional politics.

The Constitution provides that the “State shall guarantee equal access to opportunities for public service, and **prohibit political dynasties** as may be defined by law.”<sup>3</sup> Many have called on Congress to fulfill its obligation to pass an anti-dynasty law. However, twenty-seven years since its ratification of the Constitution, there has been no law passed to breathe life to this Constitutionally enshrined duty of the State.<sup>4</sup>

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<sup>1</sup> Mendoza, Beja, Venida and Yap. 2012. *Inequality in democracy: Insights from an empirical analysis of political dynasties in the 15th Philippine Congress*. Philippine Political Science Journal 33(2):132-145.

<sup>2</sup> Mendoza, Lopez, Yap, Canare. 2013. *The 2013 Philippine Mid-Term Election: An Empirical Analysis of Dynasties, Vote Buying and the Correlates of Senate Vote*.

<sup>3</sup> Philippine Constitution, art. II § 26.

<sup>4</sup> This bill builds upon the position of the Anti-Dynasty Movement, a campaign network of individuals and groups from various sectors advocating for the passage of an Anti-Political Dynasty Law. This network includes Ang Kapatiran Party (Alliance for the Common Good), Aksyong Kabayanihan Para sa Organisadong

Article II, Section 1 of the Constitution provides that the Philippines is a democratic and republican state. This declaration notwithstanding, there is a great need to ensure that ours is a democracy that is inclusive rather than one beyond the reach of most; and representative of all, rather than representative of a few. Mindful of the undue advantage available to an incumbent official by virtue of the resources available to and power of his or her public office and the term limits imposed by the Constitution and other relevant laws, this bill aims to put an end to the practice of political dynasties of unfairly perpetuating their hold on power and elective positions.

On average, there are more dynasties in regions with higher incidents of poverty, lower human development and more severe deprivation<sup>5</sup> with provinces run by political clans tending to be laggards in meeting the Millennium Development Goals.<sup>6</sup> While there might be so-called “good” individuals who belong to dynasties, the *institution* and *phenomenon* of political dynasties can never be good for a democratic republic. The true trait of a good leader is one who is able to empower and inspire others to take the cudgels in leading. No ‘DNA’ formula can ever guarantee sustainable reforms in a region as compared to institutional and cultural reform. *This bill makes no distinction between the so-called “good” and “bad” political dynasties.*

One of the main reasons why political dynasties are not good for democracy and inimical to social justice is that it consolidates both political and economic power in the hands of a few. This is manifested by those belonging to the same family who run for public office one after the other (succession) as well as those who run to occupy more than one position (power tandems). *For purposes of this bill, power tandems and power successions should both be prohibited.* These relationships are sometimes referred to as “vertical” or “horizontal” political dynasties.

Although the building block of society is the family and it is characteristic for Filipino families to be closely knit with children often times wanting to follow in their parents’ footsteps, it should be remembered that a public office is unlike other private enterprises. It bears repeating that public office is a public trust. The common good is best served by putting restrictions on those belonging to the same family when it comes to occupying elective positions, because of the vast resources at their disposal, the enormous power and influence they wield and the far-reaching consequences of their actions and decisions.

In drafting this bill, the author has taken into account the restrictions on an appointing person’s appointing prerogative in light of the dangers of nepotism, and the time-honored

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Pagbabago (ANGKOP), Dilaab Foundation, Green Team Pilipinas International, Inc., Krusada Kontra Dynasty, Juana Change Movement, Movement Against Political Dynasties, Inc. (MAD), MAD-Crusade Against Dynasty and Corruption, Partido Lakas ng Masa, St. Thomas More Society, Inc. Law Center, Solidarity Movement Philippines, and Anti-Political Dynasty Movement (ANDAYAMO).

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

<sup>6</sup> *Still a Family Affair*, appearing on <http://pcij.org/stories/still-a-family-affair/> citing a 2003 study of economists Solita and Toby Monsod.

exclusions in the Rules of Evidence that have recognized the family's unique dynamics and the various provisions in Civil Law that were put in place precisely not to undermine the family structure. Thus, *this bill provides that the prohibition on political dynasties be confined to those falling within the second (2<sup>nd</sup>) degree of consanguinity and/or affinity.* Beyond the 2<sup>nd</sup> degree might be unduly restrictive.

To fight the evils brought about by the non-democratization of power, the absence of checks-and-balances and the consolidation and concentration of political and economic power, *the prohibitions in this bill against those belonging to the same family from holding elective positions is directed at those with overlapping 'jurisdictions' or constituencies,* as follows:

- a) A relative intending to replace to succeed an incumbent;
- b) If the incumbent is an elective barangay official, the spouse and relatives within the second degree of consanguinity or affinity are prohibited to run simultaneously for any position in the same barangay as well as in all the barangays in municipalities/cities within the same legislative district;
- c) If the incumbent is an elective official of the municipality/city, legislative district and/or province, the spouse and relatives within the second degree of consanguinity or affinity are prohibited to run for or hold any elective local office simultaneously with the incumbent within the same municipality/city, legislative district and/or province;
- d) If the incumbent is a national elective official, the spouse and relatives within the second degree of consanguinity or affinity are likewise prohibited to run simultaneously for any position in the national level or in the local level as mayor, governor or district representative in any part of the country. However, the spouse and said relatives may run for vice governor, vice mayor, or any legislative councils at the provincial, city or municipal level;
- e) If the incumbent is a governor or district representative, the spouse and relatives within the second degree of consanguinity or affinity are also prohibited to run simultaneously for any position in the national level; or
- f) Persons who are not holding any public office shall likewise be prohibited from running in the same election if their election will result in a political dynasty relationship.

On the issue of *barangay officials*, it should be noted that since the Punong Barangay serves as executive, legislative and judiciary, there is more reason to shield the position from potential influences of familial relations. Based on consultations on the ground, there are many instances of graft and corruption at the Barangay level with the highest incidence in barangays where the members of the Sanggunian have dynastic relations with one another.

On the issue of *national elective officials*, this bill provides that by the very nature of the office and position, a nationally elected official's influence is not only confined to the province where he or she is registered. However, in order not to unduly restrict, *this bill provides that the proscription should cover only key positions at the local level, such as*

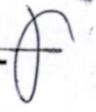
*district representative, Governor or Mayor, whereas the spouse and relatives may run for vice governor, vice mayor, or any legislative councils at the provincial, city or municipal level.*

In view of the foregoing, approval of this measure is eagerly sought.

  
GRACE POE

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AN ACT  
DEFINING AND PROHIBITING POLITICAL DYNASTIES,  
PROVIDING PENALTIES THEREFOR, AND FOR OTHER PURPOSES

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

1           **SECTION 1. Short Title.** – This Act shall be known as "The Anti-Political Dynasty  
2 Act of 2016."

3  
4           **SECTION 2. Declaration of Policy.** – It is hereby declared the policy of the State to  
5 guarantee and provide equal access to opportunities for public office and public service to  
6 any qualified Filipino, pursuant to Section 26, Article II of the 1987 Constitution. Towards  
7 this end, it is hereby declared the policy of the State to prohibit political dynasties as defined  
8 under Section 5 of this Act.

9  
10           **SECTION 3. Definition of Terms.** – As used in this Act:

11  
12           a) "**COMELEC**" shall refer to the Commission on Elections.

13           b) "**Holding an Elective Office**" shall be deemed to commence the moment the public  
14 official takes his oath of office and assumes his position.

15           c) "**National office**" shall refer to the Presidency, the Vice-Presidency, the Senate of  
16 the Philippines or the House of Representatives.

1 d) "*Political Dynasty*" shall refer to the concentration, consolidation and/or  
2 perpetuation of political powers by persons related to one another within the  
3 second degree of consanguinity or affinity.

4 e) "*Political Dynasty Relationship*" shall exist when the spouse or any relative  
5 within the second degree of consanguinity or affinity of an incumbent elective  
6 official, runs for public office to succeed or replace the incumbent, or runs for or  
7 holds any elective local office simultaneously with the incumbent within the same  
8 province, legislative district and/or city/municipality, and within the same  
9 barangay and barangays within the same legislative district. The relationship also  
10 exists if the incumbent is a national elective official, and the spouse or relatives  
11 within the second degree of consanguinity or affinity run for any position in the  
12 national level or in the local level as mayor, governor or district representative in  
13 any part of the country. It shall also be deemed to exist where two (2) or more  
14 persons who are spouses, or are related to one another within the second degree of  
15 consanguinity or affinity run simultaneously for elective public office at the  
16 national level, or at the local level within the same province, legislative district  
17 and/or municipality/city, and within the same barangay and/or barangays within  
18 the same legislative district, even if neither is so related to an incumbent elective  
19 official.

20 f) "*Spouse*" shall refer to the legal and common-law wife or husband of an  
21 incumbent elective official;

22 g) "*Second civil degree of consanguinity or affinity*" shall refer to the relatives of a  
23 person who may be the latter's brother or sister, whether of full or half-blood,  
24 direct ascendant or direct descendant, whether legitimate, illegitimate or adopted,  
25 including their spouses;

26 h) "*Term Limits*" shall mean the maximum term limits for elected public officials as  
27 provided for in the Constitution.

28 i) "*Runs for an elective office*" shall be deemed to commence upon the filing of the  
29 certificate of candidacy by a candidate with the Commission on Elections.

30 **SECTION 4. *Applicability.*** – This Act shall govern and be applicable to the next  
31 elections and all subsequent elections thereafter. In the case of incumbent elected officials

1 who have political dynasty relationship with one another at the national level and/or local  
2 level, they shall be allowed to run in all subsequent elections until they reach their respective  
3 term limits as provided for in the Constitution.  
4

5 **SECTION 5. *Prohibited Candidates; Scenarios Covered.*** – Any person with political  
6 dynasty relationship, as defined in Section 3 above, with any incumbent elective official,  
7 shall not be allowed to run for or hold public office in the following manner:  
8

- 9 a) To succeed or replace the said incumbent, or  
10 b) If the incumbent is an elective barangay official, the spouse and the above relatives  
11 are prohibited to run simultaneously for any position in the same barangay as well as  
12 in all the barangays in municipalities/cities within the same legislative district.  
13 c) If the incumbent is an elective official of the municipality/city, legislative district  
14 and/or province, the spouse and above relatives are prohibited to run for or hold any  
15 elective local office simultaneously with the incumbent within the same  
16 municipality/city, legislative district and/or province.  
17 d) If the incumbent is a national elective official, the spouse and the above relatives are  
18 likewise prohibited to run simultaneously for any position in the national level or in  
19 the local level as mayor, governor or district representative in any part of the country.  
20 e) If the incumbent is a governor or district representative, the spouse and the above  
21 relatives are also prohibited to run simultaneously for any position in the national  
22 level.  
23

24 Persons who are not holding any public office shall likewise be prohibited from  
25 running in the same election if their election will result in a political dynasty relationship.  
26 *Provided, however,* that if the same elective position is involved, the bona fide certificate of  
27 candidacy that was filed first will be recognized.  
28

29 **SECTION 6. *Petition for Disqualification.*** – Any voter or duly-registered political  
30 party, organization, or coalition of political parties, may file with the COMELEC, after the  
31 last day of filing of certificate of candidacy and before proclamation, a verified Petition to  
32 Disqualify a candidate on grounds provided for in Section 5 of this Act.

1           **SECTION 7. *Summary Proceedings.*** - The petition shall be heard and decided  
2 summarily by the COMELEC, after due notice and hearing, and the decision shall be  
3 executed after the lapse of five (5) days from receipt thereof by the losing party.  
4

5           **SECTION 8. *Effect of Violation of Prohibition.*** - The COMELEC shall, *motu proprio*  
6 or upon a verified petition of any interested party, deny due course to any Certificate of  
7 Candidacy filed in violation of this Act.  
8

9           **SECTION 9. *Effect if Petition is Unresolved Before Completion of Canvass.*** - If the  
10 Petition for Disqualification has not been resolved before the completion of canvass, the  
11 votes cast for the respondent shall be included in the counting and canvassing. However, if  
12 the basis for disqualification is strong, the proclamation shall be suspended even if the  
13 respondent is leading in the canvassing of votes.  
14

15           If the candidate has been proclaimed, his or her political dynasty relationship shall be  
16 a ground for disqualification in an appropriate quo warranto proceeding.  
17

18           **SECTION 10. *Rules and Regulation.*** - The COMELEC shall promulgate all the rules  
19 and regulations necessary for the full implementation of this Act.  
20

21           **SECTION 11. *Repealing Clause.*** - Any law, presidential decree or issuance,  
22 executive order, or part thereof, contrary to, or inconsistent with, the provisions of this Act is  
23 hereby repealed, modified or amended accordingly.  
24

25           **SECTION 12. *Separability Clause.*** - If any provision or part hereof is held invalid or  
26 unconstitutional, the remainder of the Act shall remain valid and subsisting.  
27

28           **SECTION 13. *Effectivity Clause.*** - This Act shall take effect fifteen (15) days after its  
29 publication in at least two (2) newspapers of general circulation.  
30

31           *Approved,*