

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

5 FEB -3 11:24

SENATE
S.B. No. 1904

RECEIVED BY: _____

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Article II, 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 leveled and opened up to persons who are equally qualified to aspire on even terms with those from ruling politically dominant families.

Philippine society, many sociologists note, evolves around the system of extended family. 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 mind set look up to these ruling families as dispensers of favors, and thus elect relatives of these politically dominant families.

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO
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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 of 2005.”

SECTION 2. *Declaration of Policy.* – It is hereby declared the policy of the State to guarantee equal access and opportunity to public office and service to the public. 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:

(1) “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.

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

3. “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 ascendant or direct descendant, whether legitimate, illegitimate or adopted, including their spouses.

4. “Running for an Elective Office” – shall be deemed to commence upon the filing of the certificate of candidacy by a candidate with the Commissions on Elections.

5. “Holding an Elective Office” – shall be deemed to commence from the moment the public official takes his oath of office.

6. “COMELEC” – shall refer to the Commission on Elections.

SECTION 4. *Persons Covered; Prohibited Candidates.* – No spouse, or person related within the second degree of consanguinity or affinity whether legitimate or illegitimate, to an incumbent elective official seeking reelection shall be allowed to hold or run for any elective office in the same province in the same election.

In case the constituency of the incumbent elective official is national in character, the above relatives shall be disqualified from running only within the same province where the former is a registered voter.

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

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

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

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

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

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

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

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

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

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

Approved,

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