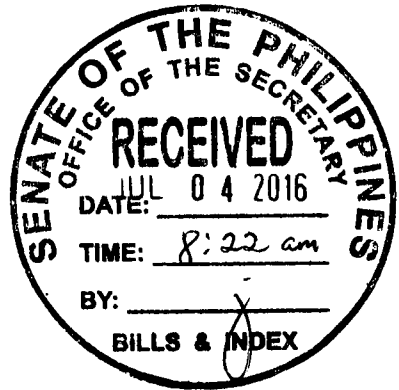


SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



SENATE
S. B. No. 230

Introduced by Senator FRANKLIN M. DRILON

AN ACT
PROHIBITING THE ESTABLISHMENT OF POLITICAL DYNASTIES

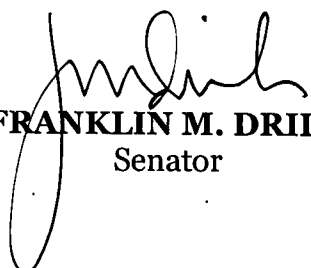
EXPLANATORY NOTE

No less than the Constitution mandates the State to “guarantee equal access to public service and prohibit political dynasty as may be defined by law.” Such policy seeks to level the playing field in the political arena pursuant to cornerstone of our country’s governmental ideology—democracy.

Apart from democratizing the election process, this constitutional safeguard ensures an unhampered economic progress in the country. A string of literature has shown a causal relationship between dynastic concentration and the standard of living among the constituents. Research found dynastic concentration to have a significantly negative effect on the upliftment of local living standards, noting that lack of real political competition leads to flawed policies.¹

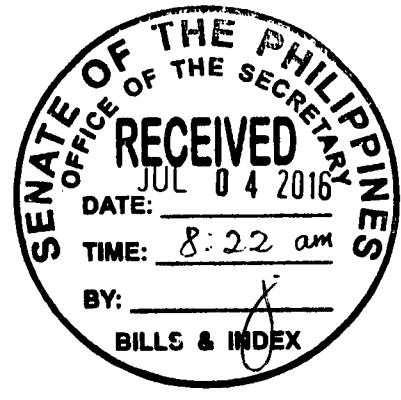
After almost thirty years, this laudable intent of the constitutional framers unfortunately remains merely an intent as attempts to breathe life into this provision have been unsuccessful. Thus, this bill aims to implement the state policy against the establishment of political dynasty. We acknowledge that in the previous Congress, Senators Jose Victor G. Ejercito and Miriam Defensor Santiago filed this proposed measure.

Hence, the immediate passage of this bill is earnestly sought.


FRANKLIN M. DRILON
Senator

¹ Balisacan, Arsenio M. and Fuwa, Nobuhiko. “Is Spatial Income Inequality Increasing in the Philippines?” UNU/WIDER Project Conference on Spatial Inequality in Asia. United Nations University Centre, Tokyo. 28-29 March 2003.

SEVENTEENTH CONGRESS OF THE)
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SENATE
S. B. No. 230

Introduced by Senator FRANKLIN M. DRILON

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. *Title.* - This Act shall be known as "The Anti-Political Dynasty Act".
- 2 SEC. 2. *Declaration of Policy.* - It is hereby declared the policy of the State to
- 3 guarantee equal access and opportunity to public office and service to the public.
- 4 Towards this end, it is likewise declared the policy of the State to prohibit political
- 5 dynasties as hereinafter defined.
- 6 SEC. 3. *Definition of Terms.* - For the purposes of this Act, the following
- 7 definitions shall be used:
- 8 (a) "Political Dynasty" - the concentration, consolidation or perpetuation of
- 9 public office and political power by persons related to one another.
- 10 (b) "Political Dynasty Relationship" - exists when a person who is the spouse
- 11 of an incumbent elective official or a relative within the second civil degree
- 12 of consanguinity or affinity of an incumbent elective official holds or runs
- 13 for an elective office simultaneously with the incumbent elective official
- 14 within the same city and/or province or occupies the same office
- 15 immediately after the term of office of the incumbent elective official. A
- 16 political dynasty shall also be deemed to exist where two (2) or more
- 17 persons who are spouses or are related within the second civil degree of
- 18 consanguinity or affinity run simultaneously for elective public office
- 19 within the same city and/or province, even if neither is so related to an
- 20 incumbent elective official.
- 21 (c) "Spouse" - the legal or common law wife or husband of the incumbent
- 22 elective official.

1 (d) "Second Civil Degree of Consanguinity or Affinity" - includes the relatives
2 of a person who may be the latter's brother or sister, direct ascendant or
3 direct descendant, whether legitimate or illegitimate, full or half blood,
4 including their spouses.

5 (e) "Term Limits" - the maximum term limits for elected public officials as
6 provided for in the Constitution.

7 (f) "Running for an Elective Office" - deemed to commence upon the filing of
8 the certificate of candidacy by a candidate with the Commission on
9 Elections (COMELEC).

10 (g) "Holding an Elective Office" - deemed to commence from the moment the
11 public official takes his or her oath of office.

12 SEC. 4. *Applicability.* - This Act shall govern and be applicable to the next
13 elections and to all subsequent elections thereafter.

14 SEC. 5. *Persons Covered; Prohibited Candidates.* - No spouse, or person
15 related within the second degree of consanguinity or affinity, whether legitimate or
16 illegitimate, full or half blood, to an incumbent elective official seeking re-election
17 shall be allowed to hold or run for any elective office in the same province in the same
18 election.

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

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

27 In all cases, no person within the prohibited civil degree of relationship to the
28 incumbent shall immediately succeed to the position of the latter.

29 SEC. 6. *Statement with the Commission on Elections.* - Any person running for
30 any elective public office shall file a sworn statement with the COMELEC that he or
31 she does not have a political dynasty relationship with an incumbent elective official
32 running for an elective public office in the same city and/or province other than that of
33 the position earlier mentioned.

1 SEC. 7. *Effect of Violation of the Prohibition.* - The COMELEC shall, motu
2 propio or upon verified petition of any interested party, deny due course to any
3 certificate of candidacy filed in violation of this Act and the votes cast for the
4 disqualified candidate, if any, shall not be counted and deemed not counted nor shall
5 such candidate be proclaimed nor be qualified to assume office.

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

11 In the event a candidate disqualified under this Act shall have been proclaimed
12 and has assumed office, his or her political dynasty relationship shall be a ground for
13 disqualification in appropriate quo warranto or other proceedings.

14 SEC. 9. *Summary Proceedings.* - The petition shall be heard and decided
15 summarily by the COMELEC, after due notice and hearing, and its decision shall be
16 executory after the lapse of five (5) days from receipt thereof by the losing party.

17 SEC. 10. *Effect of Petition if Unresolved Before Completion of Canvass.* - If the
18 petition, for reasons beyond the control of the COMELEC, cannot be decided before
19 the completion of the canvass, the votes cast for the respondent shall be included in
20 the counting and canvassing: Provided further, that in cases where disqualified
21 candidate has been proclaimed he or she shall forfeit his or her right to the office upon
22 the decision of the COMELEC, as the case maybe.

23 SEC. 11. *Implementing Rules and Regulation.* - The COMELEC shall
24 promulgate the rules and regulation for the implementation of the provisions of this
25 Act.

26 SEC. 12. *Repealing Clause.* - All laws inconsistent with the provisions of this Act
27 are hereby repealed or modified accordingly.

28 SEC. 13. *Separability Clause.* - If any of the sections or provisions of this Act is
29 held invalid, all the other provisions not affected thereby shall remain valid.

30 SEC. 14. *Effectivity Clause.* - This Act shall take effect fifteen (15) days from the
31 date of its publication in at least two (2) newspapers of general circulation in the
32 Philippines.

Approved,