SENATE
S. B. NO. __897__

RECEIVED BY:

INTRODUCED BY SENATOR JOSEPH VICTOR G. EJERCITO

AN ACT
PROHIBITING THE ESTABLISHMENT OF POLITICAL DYNASTIES

EXPLANATORY NOTE

The 1987 Philippine Constitution under Article II, Section 26 expressly provides: "The State shall guarantee equal access to public service and prohibit political dynasty as may be defined by law. "

Social reform is the evident agenda behind this provision and the objective is clear. The extended family system, an otherwise beneficial concept when applied to the social aspects of human behavior, has found its pernicious effects in the political arena where public office has become the exclusive domain of influential families and clans. Such families have become so well-entrenched in Philippine politics they have monopolized political power and public resources at all levels of government.

Once a politician is elected to public office, he or she immediately builds a strong political base to ensure not only his or her re-election but also that such electoral support will extend to one's spouse or descendants or next of kin. These elected officials secure and consolidate their economic interest by perpetuating their families or clans in public office - indeed, making a dynasty out of public service. This situation is characteristic of the patronage system of politics that hinders the development of the country.
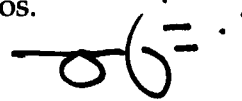
A report by the United Nations Development Programme written by Temario Rivera revealed that of the 77 provinces included in the study, 72 provinces or 94 percent have political families. Further, the average number of political families per province is 2.31, meaning there are at least two political clans in most of the provinces. According to Temario, since the restoration of elections in 1987, most dominant political families have succeeded in winning gubernatorial and congressional races.

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 economically and politically dominant families as dispensers of favors, material and otherwise, and tend to elect relatives of these politically dominant families.

As a means to give force and effect to the social justice provisions of the Constitution which provides for the diffusion of economic and political influence, it is necessary that the political arena be leveled by opening public office to persons who are equally qualified to aspire on even terms with those from politically dominant families.

In light of the foregoing, this bill is hereby proposed to give real teeth to the Constitutional mandate and strengthen the call for new politics to lay the basis of greater empowerment for the greater number of Filipinos.

JOSEPH VICTOR G. EJERCITO
Senator

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S. B. NO. __897__   RE   BY:

INTRODUCED BY **SENATOR JOSEPH VICTOR G. EJERCITO**

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 of**
2 **2016."**

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

7 **SECTION 3.** *Definition of Terms.* - The following terms, as used herein, shall mean:

8   1. Political Dynasty - The concentration, consolidation or perpetuation of
9   public office and political power by persons related to one another.

10   2. Political Dynasty Relationship - Exists when a person who is the spouse of
11   an incumbent elective official or a relative within the second civil degree of
12   consanguinity or affinity of an incumbent elective official holds or runs for an
13   elective office simultaneously with the incumbent elective official within the
14   same city and/ or province or occupies the same office immediately after the
15   term of office of the incumbent elective official.

16   A 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 within
19   the same city and/or province, even if neither is so related to an incumbent
20   elective official.

21   3. Spouse - Shall refer to the legal or common law wife or husband of the
22   incumbent elective official.

23   4. Second Civil Degree of Consanguinity or Affinity - Shall include the
24   relatives of a person who may be the latter's brother or sister, direct ascendant

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1   or direct descendant, whether legitimate or illegitimate, full or half·blood,
2   including their spouses.

3   5. Term Limits - Shall mean the maximum term limits for elected public
4   officials as provided for in the Constitution.

5   6. Running for an Elective Office - Shall be deemed to commence upon the
6   filing of the certificate of candidacy by a candidate with the Commission on
7   Elections (COMELEC).

8   7. Holding an Elective Office - Shall be deemed to commence from the
9   moment the public official takes his or her oath of office.

10 **SECTION 4.** *Applicability.* - This Act shall govern and be applicable to the next
11 elections and to all subsequent elections thereafter. In the case of incumbent elected
12 officials who have political dynasty relationships with one another in the same
13 cityand/or province, they shall be allowed to run in all subsequent elections until
14 they reach their term limit as provided by law.

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

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

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

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

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

37 **SECTION 7.** *Effect of Violation of Prohibition.* - The COMELEC shall, motu propio
38 or upon verified petition of any interested party, deny due course to any certificate
39 of candidacy filed in violation of this Act and the votes cast for the disqualified

1   candidate, if any, shall not be counted and deemed not counted nor shall such
2   candidate be proclaimed nor be qualified to assume office.

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

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

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

14   **SECTION 10.** *Effect of Petition if Unresolved Before Completion of Canvass.* - If the
15   petition, for reasons beyond the control of the COMELEC, cannot be decided before
16   the completion of the canvass, the votes cast for the respondent shall be included in
17   the counting and canvassing: Provided however, that if the basis for such
18   disqualification is strong, his or her proclamation shall be suspended
19   notwithstanding the fact that he or she received the winning number of votes in the
20   election: Provided further, that in cases where disqualified candidate has been
21   proclaimed he or she shall ipso facto forfeit his or her right to the office.

22   **SECTION 11.** *Rules and Regulations.* - The COMELEC shall promulgate the rules
23   and regulation for the implementation of the provisions of this Act.

24   **SECTION 12.** *Repealing Clause.* - All laws inconsistent with the provisions of this
25   Act are hereby repealed or modified accordingly.

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

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

31   Approved,