



Senate

Office of the Secretary

SEVENTEENTH CONGRESS
REPUBLIC OF THE PHILIPPINES
First Regular Session

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S E N A T E

S.B. No. 1258

RECEIVED BY:

Introduced by SENATOR LOREN LEGARDA

AN ACT PROHIBITING THE ESTABLISHMENT OF POLITICAL DYNASTIES

Explanatory Note

A report by the United Nations Development Programme written by Temario Rivera revealed that 72 out of the 77 provinces included in the study, or 94 percent, have political families. In the Sixteenth Congress alone, about two-thirds of the outgoing members are members of political families.

Article II, Section 26 of the 1987 Constitution explicitly provides that, "The State shall guarantee equal access to public service and prohibit political dynasty as may be defined by law."

The astounding prevalence of political dynasties, where families successively rule an elective post or occupy various elected positions simultaneously, is a clear violation of the constitutional principle of fair competition in the elected office.

Pragmatically, studies show that high poverty incidence directly correlates with the presence of political dynasties. In a study conducted by Ronald Mendoza of Asian Institute of Management (AIM), those jurisdictions where dynasties prevail the most have a higher incidence of poverty, lower index of human development, and lower standards of living.

In effect, dynasties imperil democracy as people are subdued to run for office and left compelled to limitedly choose among those who are perennially in power, thereby stripping off the genuine and active participation of the citizenry that actuates the full essence of democracy.

As long as there is no law that controls the spread of their domination, families will continue to monopolize their power through succession. Hence, the need for the passage of this bill strengthen our democracy and fuel political inclusiveness.

LOREN LEGARDA

Senator



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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**
2 **Act of 2016.**”
3

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

9 **SECTION 3. Definition of Terms.** – The following terms, as used herein, shall
10 mean:
11

- 12 1. National Office – The Senate of the Philippines or the House of
13 Representatives.
14
- 15 2. Political Dynasty – The concentration, consolidation or perpetuation of
16 public office and political power by persons related to one another.
17
- 18 3. Political Dynasty Relationship – Exists when a person who is the spouse
19 of an incumbent elective official, or a relative within the second civil
20 degree of consanguinity or affinity of an incumbent elective official holds
21 or runs for an elective office simultaneously with the incumbent elective
22 official within the same city and/or province, or occupies the same office
23 immediately after the term of office of the incumbent elective official.
24

25 A political dynasty shall also be deemed to exist where two (2) or more
26 persons who are spouses or are related within the second civil degree of
27 consanguinity or affinity run simultaneously for elective public office within
28 the same city and/or province, even if neither is so related to an incumbent
29 elective official.
30

31 4. Spouse – Shall refer to the legal or common law wife or husband of the
32 incumbent elective official.
33

34 5. Second Civil Degree of Consanguinity or Affinity – Shall include the

1 relatives of a person who may be the latter's brother or sister, direct
2 ascendant or direct descendant, whether legitimate or illegitimate, full or
3 half blood, including their spouses.
4

5 6. Term Limits – Shall mean the maximum term limits for elected public
6 officials as provided for in the 1987 Constitution and the Local
7 Government Code of 1991.
8

9 7. Running for an Elective Office – Shall be deemed to commence upon the
10 filing of the certificate of candidacy by a candidate with the Commission
11 on Elections (COMELEC).
12

13 8. Holding an Elective Office – Shall be deemed to commence from the
14 moment the public official takes his or her oath of office.
15

16 **SECTION 4. Persons Covered; Prohibited Candidates.** – No spouse, or
17 person related within the second degree of consanguinity or affinity, whether
18 legitimate or illegitimate, full or half blood, to an incumbent elective official
19 seeking re-election shall be allowed to hold or run for any elective office in the
20 same city/ province in the same election.
21

22 In case the constituency of the incumbent elective official is national in
23 character, the above relatives shall be disqualified from running only within the
24 same city/province where the former is a registered voter.
25

26 In case where none of the candidates is related to an incumbent elective official
27 within the second degree of consanguinity or affinity, but are related to one
28 another within the said prohibited degree, they, including their spouses, shall
29 be disqualified from holding or running for any local elective office within the
30 same province in the same election.
31

32 In all cases, no person within the prohibited civil degree of relationship to the
33 incumbent shall immediately succeed to the position of the latter: Provided
34 however, that this Section shall not apply to Punong Barangays or members of
35 the Sangguniang Barangay.
36

37 **SECTION 5. Statement with the Commission on Elections.** – Any person
38 running for any elective public office except for that of Barangay official, shall
39 file a sworn statement with the COMELEC that he or she does not have a
40 political dynasty relationship with an incumbent elective official running for an
41 elective public office in the same city and/or province.
42

43 **SECTION 6. Effect of Violation of Prohibition.** – The COMELEC shall, motu
44 proprio or upon verified petition of any interested party, deny due course to any
45 certificate of candidacy filed in violation of this Act and the votes cast for the
46 disqualified candidate, if any, shall not be counted and deemed not counted
47 nor shall such candidate be proclaimed nor be qualified to assume office.
48

49 **SECTION 7. Period for Filing Petition for Disqualification.** – Any citizen of
50 voting age, candidate or duly registered political party, organization, or
51 coalition of political parties may file with the COMELEC, after the last day for
52 filing of certificates of candidacy and before proclamation, a petition to
53 disqualify a candidate on grounds provided for under Section 4 hereof.
54

55 **SECTION 8. Summary Proceedings.** – The petition shall be heard and decided
56 summarily by the COMELEC, after due notice and hearing, and its decision

1 shall be executory after the lapse of five (5) days from receipt thereof by the
2 losing party.

3
4 **SECTION 9. Effect of Petition if Unresolved Before Completion of Canvass.**

5 – If the petition, for reasons beyond the control of the COMELEC, cannot be
6 decided before the completion of the canvass, the votes cast for the respondent
7 candidate shall be included in the counting and canvassing: Provided however,
8 that if the basis for such disqualification is strong, his or her proclamation
9 shall be suspended notwithstanding the fact that he or she received the
10 winning number of votes in the election: Provided further, that in cases where
11 disqualified candidate has been proclaimed he or she shall ipso facto forfeit his
12 or her right to the office.

13
14 **SECTION 10. Rules and Regulations.** – The COMELEC shall promulgate the
15 rules and regulation for the implementation of the provisions of this Act.

16
17 **SECTION 11. Repealing Clause.** – All laws inconsistent with the provisions of
18 this Act are hereby repealed or modified accordingly.

19
20 **SECTION 12. Separability Clause.** – If any of the sections or provisions of this
21 Act is held invalid, all the other provisions not affected thereby shall remain
22 valid.

23
24 **SECTION 13. Effectivity Clause.** – This Act shall take effect fifteen (15) days
25 from the date of its publication in at least two (2) newspapers of general
26 circulation in the Philippines.

27
28 Approved,