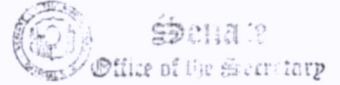


SEVENTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Second Regular Session)



'18 MAR 21 P5:56

SENATE

RECEIVED BY 

COMMITTEE REPORT NO. 367

Prepared and submitted jointly by the Committee on Electoral Reforms and People's Participation and the Committee on Constitutional Amendments and Revision of Codes on MAR 21 2018

Re: Senate Bill No. 1765

Recommending its approval in substitution of Senate Bill Nos. 49, 230, 897, 1137, 1258 and 1688

Sponsor: Senator Francis Pangilinan

Mr. President:

The Committee on Electoral Reforms and People's Participation and the Committee on Constitutional Amendments and Revision of Codes, to which were referred **Senate Bill No. 49**, introduced by **Senator Panfilo M. Lacson**, entitled:

**"AN ACT
PROHIBITING THE ESTABLISHMENT OF POLITICAL DYNASTIES"**

Senate Bill No. 230, introduced by **Senator Franklin M. Drilon**, entitled:

**"AN ACT
PROHIBITING THE ESTABLISHMENT OF POLITICAL DYNASTIES"**

Senate Bill No. 897, introduced by **Senator Joseph Victor G. Ejercito**, entitled:

**"AN ACT
PROHIBITING THE ESTABLISHMENT OF POLITICAL DYNASTIES"**

Senate Bill No. 1137, introduced by **Senator Grace L. Poe**, entitled:

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

Senate Bill No. 1258, introduced by **Senator Loren B. Legarda**, entitled:

**"AN ACT
PROHIBITING THE ESTABLISHMENT OF POLITICAL DYNASTIES"**

and **Senate Bill No. 1688**, introduced by **Senator Paolo Benigno Aquino IV**, entitled:

**"AN ACT
PROHIBITING THE ESTABLISHMENT OF POLITICAL DYNASTIES"**

have considered the same and have the honor to report back to the Senate with the recommendation that the attached bill, **Senate Bill No. 1765**, entitled:

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

be approved in substitution of **Senate Bill Nos. 49, 230, 897, 1137, 1258 and 1688** with **Senators Panfilo M. Lacson, Franklin M. Drilon, Joseph Victor G. Ejercito, Grace L. Poe, Loren B. Legarda, Paolo Benigno Aquino IV, Leila M. de Lima and Francis Pangilinan** as authors thereof.

Respectfully submitted:



FRANCIS "KIKO" PANGILINAN

*Chairperson, Committee on Constitutional Amendments and Revision of Codes
Vice Chairperson, Committee on Electoral Reforms and People's Participation*



LEILA M. DE LIMA

Chairperson, Committee on Electoral Reforms and People's Participation

RICHARD J. GORDON

*Vice-Chairperson, Committee on Electoral Reforms and People's Participation
Member, Committee on Constitutional Amendments and Revision of Codes*

MEMBERS:



LOREN B. LEGARDA

Electoral Reforms and People's Participation; Constitutional Amendments and Revision of Codes



SONNY ANGARA

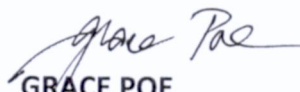
Constitutional Amendments and Revision of Codes



RISA HONTIVEROS

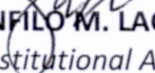
Electoral Reforms and People's Participation; Constitutional Amendments and Revision of Codes

Will interpellate / propose amendments.




GRACE POE

Electoral Reforms and People's Participation; Constitutional Amendments and Revision of Codes


PANFILO M. LACSON
*Constitutional Amendments and
Revision of Codes*


WIN GATCHALIAN

*Electoral Reforms and People's
Participation will interpellate.*


JOSEPH VICTOR G. EJERCITO
*Constitutional Amendments and
Revision of Codes*

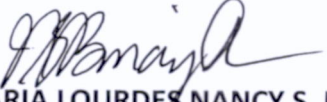
CYNTHIA A. VILLAR

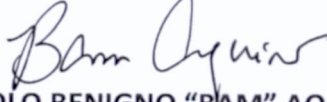
*Electoral Reforms and People's
Participation; Constitutional
Amendments and Revision of Codes*

FRANCIS "CHIZ" G. ESCUDERO
*Electoral Reforms and People's
Participation; Constitutional
Amendments and Revision of Codes*


EMMANUEL "MANNY" D. PACQUIAO

*Electoral Reforms and People's
Participation*



MARIA LOURDES NANCY S. BINAY
*Electoral Reforms and People's
Participation*


PAOLO BENIGNO "BAM" AQUINO IV
*Constitutional Amendments and
Revision of Codes*


EX-OFFICIO MEMBERS:


RALPH G. RECTO
President Pro-tempore


VICENTE C. SOTTO III
Majority Leader


FRANKLIN M. DRILON
Minority Leader

HON. AQUILINO "KOKO" PIMENTEL III
Senate President
Senate of the Philippines

'18 MAR 21 P5:56

SENATE

Senate Bill No. 1765

RECEIVED

(In Substitution of S. B. Nos. 49, 230, 897, 1137, 1258 and 1688)

Prepared and submitted jointly by the Committee on Electoral Reforms and People's Participation and the Committee on Constitutional Amendments and Revision of Codes, with Senators Panfilo M. Lacson, Franklin M. Drilon, Joseph Victor G. Ejercito, Grace L. Poe, Loren B. Legarda, Paolo Benigno Aquino IV, Leila M. De Lima and Francis Pangilinan as authors

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 Act of
2 2018."

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

8 **SEC. 3.** *Definition of Terms.* – For purposes of this Act, the following definitions shall be
9 used:

10 a) "*National office*" refers to the Presidency, the Vice-Presidency, the Senate of the
11 Philippines or the House of Representatives.

12 b) "*Political Dynasty*" shall refer to the concentration, consolidation and/or
13 perpetuation of public office and political powers by persons related to one
14 another within the second degree of consanguinity or affinity.

1 c) *"Political Dynasty Relationship"* shall exist when the spouse or any relative within
2 the second degree of consanguinity or affinity of an incumbent elective official,
3 runs for public office to succeed or replace the incumbent, or runs for or holds any
4 elective local office simultaneously with the incumbent within the same province,
5 legislative district, city or municipality, and within the same barangay or barangays
6 within the same legislative district.

7 The relationship also exists if the incumbent is a national elective official,
8 including incumbents in the party-list system, and the spouse or relatives within
9 the second degree of consanguinity or affinity run for any position in the national
10 level or in the local level as barangay captain, mayor, governor or district
11 representative in any part of the country.

12 It shall also be deemed to exist where two (2) or more persons who are
13 spouses, or are related to one another within the second degree of consanguinity
14 or affinity run simultaneously for elective public office at the national level, or at
15 the local level within the same province, legislative district, municipality or city,
16 and within the same barangay or barangays within the same legislative district,
17 even if neither is so related to an incumbent elective official.

18 d) *"Spouse"* shall refer to the legal or common-law wife or husband;

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

23 f) *"Runs for an elective office"* shall be deemed to commence upon the filing of the
24 Certificate of Candidacy by a candidate with the Commission on Elections
25 (COMELEC).

26 **SEC. 4. Applicability.** – This Act shall govern and be applicable to the next elections and
27 all subsequent elections thereafter.

1 **SEC. 5. Prohibited Candidates; Scenarios Covered. –**

2 a) Any person with political dynasty relationship, as defined in Section 3 above, with
3 any incumbent elective official, shall not be allowed to run for or hold public office
4 in the following manner:

5 a.1) to immediately succeed or replace the said incumbent;

6 a.2) If the incumbent is an elective barangay official, the spouse and the above
7 relatives are prohibited to run simultaneously for any position in the same
8 barangay as well as in all the barangays in municipalities or cities within the
9 same legislative district;

10 a.3) If the incumbent is an elective official of the municipality or city, legislative
11 district or province, the spouse and above relatives are prohibited to run for
12 or hold any elective local office simultaneously with the incumbent within
13 the same barangay, municipality, city, legislative district or province;

14 a.4) If the incumbent is a national elective official, the spouse and the above
15 relatives are likewise prohibited to run simultaneously for any position in
16 the national or local level as barangay captain, mayor, governor or district
17 representative in any part of the country; and

18 a.5) If the incumbent is a barangay captain/mayor/governor or district
19 representative, the spouse and the above relatives are also prohibited to
20 run simultaneously for any position in the national level.

21 b) Persons who are not holding any public office shall likewise be prohibited from
22 running in the same election if their election will result in a political dynasty
23 relationship, as defined in Section 3 above: *Provided, That*, if persons within the
24 same prohibitive degree shall file for candidacy, the said persons shall be notified
25 by the COMELEC that only one of them shall be allowed to file, and within five (5)
26 days from receipt of the notice, said persons shall file a joint manifestation to the
27 COMELEC indicating the name of the candidate who shall pursue his or her

1 candidacy and the position desired, otherwise all applications shall be deemed not
2 filed.

3 A person is deemed to be holding an elective office from the moment the public
4 official takes his oath of office

5 **SEC. 6. *Statement with the Commission on Elections.*** – Any person running for an
6 elective public office shall file a sworn statement with the COMELEC that he or she does not
7 have a political dynasty relationship prohibited under this Act.

8 **SEC. 7. *Denial Motu Proprio by COMELEC/Petition to Deny Due Course and/or Cancel***
9 ***Certificate of Candidacy.*** – The COMELEC, *motu proprio*, may suspend giving due course to the
10 application for certificate of candidacy of any candidate/party if it becomes apparent from
11 the documents filed that a violation of Section 5 of this Act may have been committed. If,
12 upon investigation by COMELEC, there is substantial evidence to establish a violation of
13 Section 5 of this Act, COMELEC shall deny due course to said application for certificate of
14 candidacy.

15 A verified petition seeking to deny due course or to cancel a certificate of candidacy
16 may be filed by any person for violation of this Act.

17 **SEC. 8. *Summary Proceedings.*** – The petition may be filed at any time not later than
18 twenty-five days from the time of the filing of the certificate of candidacy and shall be
19 decided, after due notice and hearing, not later than fifteen days before the election. The
20 petition shall be heard and decided summarily by the COMELEC, after due notice and hearing,
21 and the decision shall be executed after the lapse of five (5) days from receipt thereof by the
22 losing party.

23 If the petition, for reasons beyond the control of the COMELEC, cannot be decided
24 before the completion of the canvass, the votes cast for the respondent shall be included in
25 the counting and canvassing: *Provided, That*, in cases where a disqualified candidate has been
26 proclaimed, he or she shall forfeit his or her right to the office upon the decision of the
27 COMELEC, as the case maybe.

1 **SEC. 9. *Petition for Quo Warranto.*** – A voter contesting the election of any candidate
2 on the ground of violation of this Act shall file a sworn petition for quo warranto with the
3 COMELEC or House Electoral Tribunal, Senate Electoral Tribunal or Presidential Electoral, as
4 the case may be, within ten days after the proclamation of the results of the election.

5 **SEC. 10. *Rules and Regulations.*** – The COMELEC shall promulgate all the rules and
6 regulations necessary for the full implementation of this Act.

7 **SEC. 11. *Repealing Clause.*** – Any law, presidential decree or issuance, executive order,
8 or part thereof, contrary to, or inconsistent with, the provisions of this Act is hereby repealed,
9 modified or amended accordingly.

10 **SEC. 12. *Separability Clause.*** – If any provision or part hereof is held invalid or
11 unconstitutional, the remainder of the Act shall remain valid and subsisting.

12 **SEC. 13. *Effectivity Clause.*** – This Act shall take effect fifteen (15) days after its
13 publication in at least two (2) newspapers of general circulation.

Approved,