



'19 JUL -1 A10 :54

Introduced by **SENATOR LACSON**

RECEIVED BY

AN ACT
PROHIBITING THE ESTABLISHMENT OF POLITICAL DYNASTIES

EXPLANATORY NOTE

Article II, Section 26 of the 1987 Constitution provides that *"the state shall guarantee equal access to opportunities for public service, and prohibit political dynasties as may be defined by law."*

While the State recognizes the pernicious effects of political dynasties, there is still no enabling law to prohibit its existence in the political arena. Influential clans and families that are well-entrenched in the political arena have made positions in government their virtual playgrounds, resulting in the proliferation of small monarchies all over the country. This makes a mockery of what should otherwise be a level-playing field in politics and espouse political inequities.

During the debates in the Constitutional Commission of 1986, Commissioner Sarmiento explained the rationale of prohibiting political dynasties:

"By including this provision, we widen the opportunities of competent, young, and promising poor candidates to occupy important positions in the government. While it is true we have government officials who have ascended to power despite accident of birth, they are exemptions to the general rule. The economic standing of these officials would show that they come from powerful clans with vast economic fortunes."

Unfortunately, despite numerous attempts to introduce an anti-political dynasty law as early as the 8th Congress to effect electoral reforms and level the political landscape, Congress failed to pass such a law.

This encumbrance can be attributed to the fact that many members of Congress came from politically dominating political clans. Over the years, they have successfully argued for the electorate's right to choose their elected leaders using the oft-repeated principle that "sovereignty resides in the people and all government authority emanates from them".

This proposed measure seeks to strike a balance between the two competing fundamental principles of electorate's sovereignty and political dynasty. This Law is in consonance with the constitutional precept that laws should be interpreted not in the letter that killeth but to the spirit that vivifieth.

Hence, the proposed measure seeks to prohibit the spouse or person related within the second degree of consanguinity or affinity, whether legitimate or illegitimate, full or half blood, to an incumbent elective official seeking re-election, to hold or run for any elective office in the same city and/or province in the same election.

Furthermore, the bill also prohibits two or more persons who have political dynasty relationship from running simultaneously for an elective office within the same city and/or province, even if neither is so related to the incumbent public official.

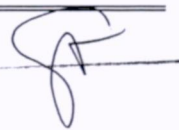
The early passage of this measure is earnestly sought.


PANFILO M. LACSON
Senator

'19 JUL -1 A10 :54

Introduced by SENATOR LACSON

RECEIVED BY



AN ACT
PROHIBITING 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 2019”

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, the State adopts a policy of prohibiting political dynasties as hereinafter defined to give force and effect to this policy and prevent the concentration of political power to a limited few.

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

1. Political Dynasty – refers to the concentration, consolidation or perpetuation of political powers by persons related to one another.
2. Political Dynasty Relationship – refers to the situation where a person who is the spouse or a 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 city and/or province or occupies the same office immediately after the term of office of the incumbent elective official.

A political dynasty relationship shall also be deemed to exist where two (2) or more persons who are spouses or related to one another within the second civil degree of consanguinity or affinity run simultaneously for elective public office

1 within the same city and/or province, even if neither is so related to the incumbent
2 elective official.

3
4 3. Second Civil Degree of Consanguinity or Affinity – refers to the degree of
5 relationship by blood or affinity of a person with his/her brother or sister, direct
6 ascendant or direct descendant, whether legitimate or illegitimate, full or half
7 blood, including their spouses.

8
9 4. Term Limits – refers to the maximum term limits for elected public officials as
10 provided for in the Constitution.

11
12 5. Running for an Elective Office – refers to the period that commences upon the
13 filing of the certificate of candidacy by a candidate with the Commission on
14 Elections (COMELEC).

15
16 6. Holding an Elective Office – refers to the period that commences from the
17 moment the public official takes his or her oath of office.

18
19 **SECTION 4. *Applicability.*** - This Act shall be applicable to the next elections and to all
20 subsequent elections thereafter. In the case of incumbent elected officials who have political
21 dynasty relationships with one another in the same city and/or province, they shall be allowed to
22 run in all subsequent elections until they reach their term limit as provided by law.

23
24 **SECTION 5. *Persons Covered; Prohibited Candidates.*** – No spouse or person related
25 within the second degree of consanguinity or affinity, whether legitimate or illegitimate, full or
26 half blood, to an incumbent elective official seeking re-election, shall be allowed to hold or run
27 for any elective office in the same city and/or province in the same election.

28
29 In case the constituency of the incumbent elective official is national in character, the
30 above relatives shall be disqualified from running only within the same province where the
31 former is a registered voter.

32
33 In case where none of the candidates is related to an incumbent elective official within
34 the second degree of consanguinity or affinity, but are related to one another within the said
35 prohibited degree, they, including their spouses shall be disqualified from holding or running for
36 any local elective office within the same city and/or province in the same election.

1 In all cases, no person who has a political dynasty relationship to the incumbent shall
2 immediately succeed to the position of the latter: *Provided, however,* that this Section shall not
3 apply to Punong Barangays or members of the Sangguniang Barangay.
4

5 **SECTION 6. *Statement with the Commission on Elections.*** – Any person running for
6 any elective public office except that of a barangay official shall file a sworn statement with the
7 COMELEC that he or she does not have a political dynasty relationship with any incumbent
8 public official running for an elective public office in the same city and/or province other than
9 the position earlier mentioned.
10

11 **SECTION 7. *Period for Filing Petition for Disqualification.*** – Any citizen of voting
12 age, candidate or duly registered political party organization or coalition of political parties may
13 file with the COMELEC, after the last day for filing of certificates of candidacy and before
14 proclamation, a verified petition to disqualify a candidate on grounds provided for under Section
15 5 hereof.
16

17 **SECTION 8. *Summary Proceedings.*** – The petition shall be heard and decided
18 summarily by the COMELEC, after due notice and hearing, and its decision shall be executory
19 after the lapse of five (5) days from receipt thereof by the losing party.
20

21 **SECTION 9. *Effect of Violation of Prohibition.*** – The COMELEC shall, upon the filing
22 of a verified petition by any interested party, deny due course to any certificate of candidacy
23 filed in violation of this Act and the votes cast for the disqualified candidate, if any, shall not be
24 counted nor shall such candidate be proclaimed nor be qualified to assume office.
25

26 Violation of this Act and the rules and regulations of the COMELEC issued to implement
27 this Act shall also constitute an election offense punishable under the first and second paragraphs
28 of Section 264 of the Omnibus Election Code (Batas Pambansa Blg. 881)
29

30 **SECTION 10. *Effect of Petition If Unresolved Before Completion of Canvass.*** – If the
31 petition, for reasons beyond the control of the COMELEC cannot be decided before the
32 completion of the canvass, the votes cast for the respondent shall be included in the counting and
33 canvassing: *Provided, however,* that if the basis for such disqualification is strong, his or her
34 proclamation shall be suspended notwithstanding the fact that he or she received the winning
35 number of votes in the election.
36

1 In the event a candidate disqualified under this Act shall have been proclaimed and has
2 assumed office, his or her political dynasty relationship shall be a ground for disqualification in
3 appropriate *quo warranto* proceeding.
4

5 **SECTION 11. *Rules and Regulations.*** – The Commission on Elections shall promulgate
6 the necessary rules and regulations to effectively implement the provisions of this Act.
7

8 **SECTION 12. *Separability Clause.*** - If any part of this Act is held invalid or
9 unconstitutional, the other parts or provisions thereof shall remain valid and effective.
10

11 **SECTION 13. *Repealing Clause.*** - All laws, orders, issuances, rules and regulations or
12 part thereof inconsistent with the provisions of this Act are hereby repealed, modified or
13 amended accordingly.
14

15 **SECTION 14. *Effectivity Clause.*** - This Act shall take effect fifteen (15) days
16 after its publication in at least two (2) newspapers of general circulation.
17

18 *Approved,*
19
20