


SENATE

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Senate Bill No. 264

RECEIVED BY: 

Introduced by Senator FRANCIS N. PANGILINAN

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

EXPLANATORY NOTE

Section 26, Article II of the Constitution provides that “The State shall guarantee equal access to opportunities for public service, and prohibit political dynasties as may be defined by law.”

Three decades later and despite numerous attempts to enact such legislation, there is still no enabling law prohibiting political dynasties in the country. Thus, its existence, according to a study by the Philippine Institute for Development Studies,¹ has undermined the checks and balances in government; weakened the competition in the political system, resulting in less access for alternative leaders to be part of the political arena; and perpetuated “personality-based politics” by prompting politicians to invest in their relatives. Data also show that dynasties are pervasive in the ten poorest provinces in the country.

Evidence from international experience indicate that there is much improvement in the democratic processes of countries that introduced anti-political dynasty reforms, with such laws helping to fortify the competitiveness of political participation, the openness and competitiveness of recruitment in the political leadership, and public participation in democracy through actual electoral performance of political parties and voter turnout.²

Hence, this measure seeks to define and prohibit political dynasties as mandated by the Constitution. It is high time for Congress to put an end to the current exclusionary type of political leadership and open the electoral playing field to more of our citizens in order to improve the country’s democratic processes.

The urgent passage of this bill is earnestly sought.


FRANCIS N. PANGILINAN


¹ Albert, Mendoza, et al. (2015). *Regulating Political Dynasties Toward a More Inclusive Society*. PIDS Policy Notes, No. 2015-14 (August 2015).

² Ibid.

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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*
2 *Act of 2019.*"

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
5 to any qualified Filipino, pursuant to Section 26, Article II of the 1987 Constitution.
6 Towards this end, it is hereby declared the policy of the State to prohibit political
7 dynasties as hereinafter defined.

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

10 (a) "*National office*" shall refer to the Presidency, the Vice-Presidency, the Senate
11 of the 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 another
14 within the second degree of consanguinity or affinity;

15 (c) "*Political dynasty relationship*" shall exist when the spouse or any relative
16 within the second degree of consanguinity or affinity of an incumbent elective official,
17 runs for public office to succeed or replace the incumbent, or runs for or holds any elective

1 local office simultaneously with the incumbent within the same province, legislative
2 district, city, or municipality, and within the same barangay or barangays within the
3 same legislative district.

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

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

15 (d) "*Spouse*" shall refer to the legal or common-law wife or husband of an
16 incumbent official;

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

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

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

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

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

5 i. To immediately succeed or replace the said incumbent;

6 ii. 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
9 the same legislative district;

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

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

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

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

1 joint manifestation to the COMELEC indicating the name of the candidate who
2 shall pursue his or her candidacy and the position desired, otherwise all
3 applications shall be deemed not filed.

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

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

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

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

18 **SEC. 8. *Summary Proceedings.*** – The petition may be filed at any time not later than
19 twenty-five (25) days from the time of the filing of the certificate of candidacy and shall
20 be decided, after due notice and hearing, not less than fifteen (15) days before the election.
21 The petition shall be heard and decided summarily by the COMELEC, after due notice
22 and hearing, and the decision shall be executed after the lapse of five (5) days from receipt
23 thereof by the losing party.

24 If the petition, for reasons beyond the control of the COMELEC, cannot be decided
25 before the completion of the canvass, the votes cast for the respondent shall be included
26 in the counting and canvassing: *Provided*, That in cases where a disqualified candidate

1 has been proclaimed, he or she shall forfeit his or her right to the office upon the decision
2 of the COMELEC, as the case may be.

3 **SEC. 9. *Petition for Quo Warranto.*** - A voter contesting the election of any
4 candidate on the grounds of violation of this Act shall file a sworn petition for quo
5 warranto with the COMELEC or House Electoral Tribunal, Senate Electoral Tribunal, or
6 Presidential Electoral Tribunal, as the case may be, within ten (10) days after the
7 proclamation of the results of the election.

8 **SEC. 10. *Rules and Regulations.*** - The COMELEC shall promulgate all the rules and
9 regulations necessary for the full implementation of this Act.

10 **SEC. 11. *Separability Clause.*** - If any provision of this Act is declared invalid or
11 unconstitutional, the other provisions not affected by such declaration shall remain in full
12 force and effect.

13 **SEC. 12. *Repealing Clause.*** - All laws, executive orders, administrative orders, and
14 rules and regulations inconsistent with this Act are hereby repealed or amended
15 accordingly.

16 **SEC. 13. *Effectivity Clause.*** - This Act shall take effect fifteen (15) days after its
17 complete publication in the Official Gazette or in two (2) newspapers of general
18 circulation.

Approved,