

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 145



Introduced by Honorable Rodante D. Marcoleta

EXPLANATORY NOTE

Article II, Section 26 of the 1987 Constitution provides:


"The State shall guarantee equal access to public service and prohibit political dynasty as may be defined by law."

Political dynasties are a reality in Philippines political life, raising concerns that skewed distribution of power mirrors the imperfections in our political system. Our political fabric is embroidered with clans or families who had dominated or continue to reign, succeeding one after the other, in both local and national political scene.

Statistics show that political dynasties who have ruled for more than 30 years include six families. Political dynasties who have ruled for more than 20 years include at least 61 families. Political dynasties who have ruled 12 to 18 years include 53 political families. In the Senate, 80 percent or 18 out of 23 of the present members come from political clans while 74 percent or 170 representatives belong to political families in the House of Representatives.

The results of the recently held elections clearly reflect the wanton disregard of the constitutionality enshrined prohibition. It was perceived as the most blatant display of dynasty building ever. Most of our politicians consider their political posts as their legacy which they can pass on to their next generation. Political office becomes a family heirloom which politicians hand to the next generation without considering talent, competence and integrity. The political dynasties deny other members of the community who may also prove competent and worthy of respect the opportunity to serve the country. It is therefore necessary that a bill be passed to carry out the Constitutional mandate against political dynasty and in order to guarantee equal access to public service.

In view of the foregoing, approval of this bill is highly and earnestly recommended.


RODANTE D. MARCOLETA

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AN ACT
DEFINING POLITICAL DYNASTY AND PROHIBITING THE ESTABLISHMENT THEREOF

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. **Short Title.** - This Act shall be known as the “*The Anti-Political Dynasty Act.*”

SEC. 2. **Declaration of Policy.** - It is hereby the policy of the State to guarantee equal access and opportunity to public office and service. Towards this end, it is likewise declared the policy of the State to prohibit political dynasties in the country.

SEC. 3. **Definition.** - As used in this Act, the following terms shall mean:

A. Political Dynasty is the concentration, consolidation or continuation of public office and political power by persons related to each other.

A political dynasty relationship exists when a person is the spouse of an incumbent elective official or 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 province or occupies the same office immediately after the term of office of the incumbent elective official. It shall also be deemed to exist where two (2) or more persons who are spouses (or partners), or are related within the second civil degree of consanguinity or affinity run simultaneously for elective public office within the same municipality, city or province, even if neither is so related to an incumbent elective official.

B. Spouse refers to the legal wife or husband; partner refers to common-law wife, live-in partner of the incumbent elective official.

C. Second civil degree of consanguinity or affinity refers to the relatives of a person who may be the latter's brother or sister, whether of full or half-blood, direct ascendant or descendant, whether legitimate, illegitimate or adopted, including their spouses.

D. Running for an elective office shall be deemed to commence upon the filing of the certificate of candidacy by a candidate with the Commission on Elections (COMELEC).

E. Holding an elective office shall be deemed to commence from the moment of public official takes his oath of office.

SEC. 4. *Prohibition on Political Dynasty.* - No person holding any public office shall immediately be succeeded by any person related to such public officials as defined in Section 3 of this Act. No spouse or person related within the second degree of consanguinity or affinity of an incumbent elective official seeking reelection shall be allowed to hold or run for any elective office in the same province in the same election.

SEC. 5. ***Effect of Violation.*** - The Commission on Elections shall, *motu proprio* or upon verified petition by any interested person, deny due course to any certificate of candidacy filed in violation of this Act. The votes cast for the disqualified candidate, if any, shall not be counted nor shall such candidate be proclaimed or be allowed to assume office.

SEC. 6. ***Period for the Filing of Petition for Disqualification.*** - A petition to disqualify a candidate on grounds provided for under this Act may be filed by any citizen qualified to vote, a candidate or duly-registered political party, organization or coalition of political parties with the COMELEC, at any time after the last day of filing of the certificates of candidacy until the date of the proclamation.

SEC. 7. ***Summary Proceeding.*** - The petition shall be heard and decided summarily by the COMELEC, after due notice and hearing, and its decision shall be executor after the lapse of five (5) days from receipt thereof by the respondent.

SEC. 8. ***Effect of Unresolved Petition.*** - If the petition, for reasons beyond the control of the COMELEC, cannot be decided before the completion of the canvass, the votes cast for the respondent shall be included in the counting of the canvass, the votes cast for the respondent shall be included in the counting and canvassing. If the basis for such disqualification is strong, the proclamation shall be suspended notwithstanding the fact that the candidate received the highest number of votes in the election. In case where the disqualified candidate has been proclaimed, the candidate shall *ipso facto* forfeit the right to assume the office.

SEC. 9. ***Applicability.*** - This Act shall be applicable to the next election and to all subsequent elections to be held thereafter.

SEC. 10. *Implementing Rules and Regulations.* - Within sixty (60) days after the effectivity of this Act, the COMELEC shall promulgate the necessary rules and regulations for the effective implementation of this Act.

SEC. 11. *Repealing Clause.* - All laws, decrees, executive orders, issuances, regulations or parts hereof, which are inconsistent with the provisions of this Act, are hereby deemed repealed, amended or modified.

SEC. 12. *Separability Clause.* - If any provision or part of this Act is declared invalid or unconstitutional, such parts or provisions not affected thereby shall remain in full force and effect.

SEC. 13. *Effectivity.* - This Act shall take effect fifteen days from the date of its publication in two (2) newspapers of general circulation.

Approved,