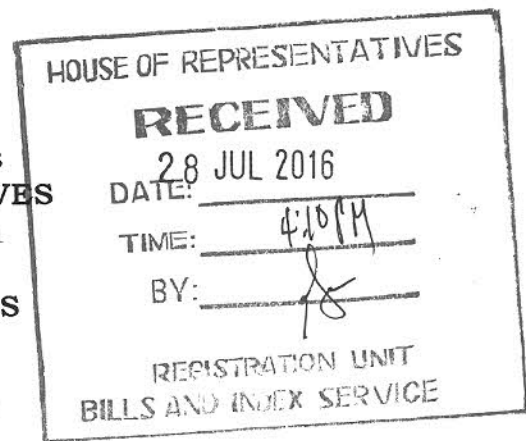


Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City, Metro Manila  
**SEVENTEENTH CONGRESS**  
First Regular Session  
**HOUSE BILL No. 2134**



**Introduced by: REPRESENTATIVE HENRY S. OAMINAL**

**EXPLANATORY NOTE**

Since the pre-Martial law era, Philippine politics had been dominated largely by political families eventually depriving those capable leaders, who had no connection to the ruling elite, to join the political fray.

In order to broaden the political landscape and provide the electorates with a wider choice in electing political leaders, the framers of the 1987 Constitution ensures that political dynasty in the Philippine would be a thing of the past by incorporating therein a provision that will prohibit the establishment of political dynasties. Specifically, Section 26, Article II of the Constitution provides as follows:

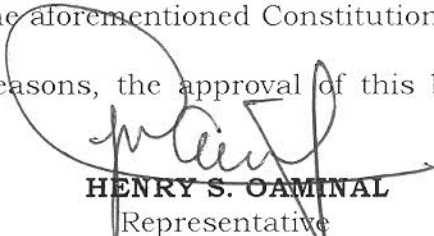
**“Section 26.** The State shall guarantee equal access to opportunities for public service, and prohibit political dynasties as may be defined by law.”

However, twenty-nine years (29) had passed after the ratification of the 1987 Constitution and five (5) Presidents had already completed their respective terms of office, the political dynasty prohibition remains a dream for most Filipinos as Congress failed to enact an enabling law that will implement this one of the most important features ever introduced in the Philippine Constitution.

It is worthy to emphasize that this bill considers political dynasty when more than two persons related to each other by consanguinity or affinity run or hold public office.

Under the administration of His Excellency President Rodrigo R. Duterte, it is expected that change will indeed come particularly in the political landscape where a window of opportunity for public service shall be accessible to all in a level playing field. However, the journey will commence only upon approval of this bill, which seeks to prohibit the establishment of political dynasties, as an enabling act to the aforementioned Constitutional provision.

In view of the foregoing reasons, the approval of this bill is earnestly sought.

  
**HENRY S. OAMINAL**  
Representative  
Second District, Misamis Occidental

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

**SEVENTEENTH CONGRESS**  
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Introduced by: **REPRESENTATIVE HENRY S. OAMINAL**

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**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 Act."

**SEC. 2. Declaration of Policy.** - It is hereby declared the policy of the State to ensure equal access, opportunity to public office and wider choice to the electorates. Toward this end, the establishment of political dynasties shall be banned by the State.

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

- a. Political Dynasty** - refers to the concentration, consolidation or perpetuation of public office and political power by persons related to each other. There is political dynasty when more than two persons related to each other by consanguinity or affinity run or hold public office;
- b. Spouse** refers to the legal or common law wife or husband of the incumbent elective official;
- c. Second Degree of Consanguinity or Affinity** - shall include the relatives of a person who may be the latter's brother or sister, direct ascendant or direct descendant whether legitimate or illegitimate, full or half blood, including their spouses;
- d. Running for an elective office** shall commence upon the filing by a candidate of the certificate of candidacy with the Commission on Elections (COMELEC);

*e.*        **Holding an elective office** shall commence from the moment the public official takes his or her oath of office;

*f.*        **Commission** – refers to the Commission on Elections.

**SEC. 4. Applicability.** – The prohibition under this Act shall govern and be applicable to the next regular national and local elections and subsequent elections thereafter.

**SEC. 5. Prohibited Candidates.** – Not more than one (1) person related within the second degree of consanguinity or affinity, whether legitimate or illegitimate, full or half blood, to an incumbent official seeking re-election shall be allowed to hold or run for any local or national elective office in the same election.

In case more than one (1) of the candidates are related to an incumbent elective official within the second degree of consanguinity or affinity, only one (1) of them, excluding the incumbent official seeking re-election, shall be allowed to hold or run for public office: *Provided, however, That*, in the event no one of the related candidate voluntarily withdraws his or her candidacy, the Commission shall settle the matter through a raffle or drawing of lots among the concerned candidates to determine only two (2) winners, who will be allowed to run for public office.

**SEC. 6. Statement with the Commission.** – Any person running for any elective public office shall file a sworn statement with the Commission that he or she does not have a political dynasty relationship with an incumbent elective official running for any elective public office.

**SEC. 7. Effect of Violation.** – The Commission shall, *motu proprio* or upon a verified petition of any citizen of voting age, 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 and deemed not counted nor shall such candidate be proclaimed nor shall he or she be qualified to assume office.

**SEC. 8. Period for Filing the Petition for Disqualification.** – Any citizen of voting age, candidate or duly registered political party, organization, coalition of political parties may file with the Commission, after the last day for filing of certificates of candidacy and before proclamation, a petition to disqualify a candidate on grounds provided for under Section 5 hereof.

**SEC. 9. Summary Proceedings.** – The Commission shall, after due notice and hearing, decide summarily on the petition and its decision shall be executory after the lapse of five (5) days from receipt thereof by the losing party.

**SEC. 10. *Effect of Petition if Unresolved Before Completion of Canvass.*** - If the petition, for reasons beyond the control of the Commission, cannot be decided before the completion of canvass, the votes for the respondent shall be included in the counting and canvassing: *Provided, however,* That if the basis for such disqualification is strong, the proclamation shall be suspended notwithstanding the fact that the person received the majority of the votes in the election: *Provided, further,* in cases where disqualified candidate has been proclaimed, he or she shall *ipso facto* forfeit his or her right to the office.

**SEC. 11. *Implementing Rules and Regulations.*** - The Commission shall, within sixty (60) days after the effectivity of this Act, issue the necessary rules and regulation to implement the provisions of this Act.

**SEC. 12. *Repealing Clause.*** - All laws, presidential decrees, executive orders, rules and regulations which are inconsistent with this Act are hereby amended, repealed or modified accordingly.

**SEC. 13. *Separability Clause.*** - If, for any reason or reasons, any part or provision of this Act shall be declared unconstitutional or invalid, other parts or provisions hereof which are not affected thereby, shall continue to have full force and effect.

**SEC. 14. *Effectivity.*** - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

*Approved,*