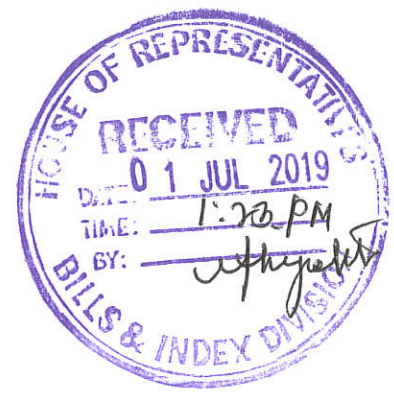


Republic of the Philippines
House of Representatives
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 395



Introduced by Representative EDGAR R. ERICE

EXPLANATORY NOTE

The 1987 Constitution in its Article II, Section 26, explicitly mandates that "The State shall guarantee equal access to public service and prohibit political dynasty as may be defined by law."

An empirical study¹ discloses that 72 of the 77 Philippine provinces surveyed (94 percent) have political families. The average number of political families per province is 2.31, suggesting that there are at least two political clans in most of the provinces. Moreover, since the reinstatement of democratic elections in 1987, most political families have succeeded in dominating congressional and gubernatorial contests.

Due to the existence of political dynasties, majority of the positions in government are possessed by politicians that are members of political families. In fact, in the years 1995-2007, an average of 31 percent of all congressmen and 23 percent of governors were replaced by relatives. In many of these cases, the persons who would eventually go on to take their place had no previous political background or experience except for their familial connection.²

The extended family system has negatively impacted the political sphere where public office has become the exclusive domain of powerful political clans. These families have managed to entrench themselves in office, have consolidated political influence, and have accessed public resources at all levels of government.

¹United Nations Development Programme Report by Temario Rivera

²Ronald Mendoza, Edsel Beja, Victor Venida, and David Yap. "An Empirical Analysis of Political Dynasties in the 15th Philippine Congress".

Dynastic politicians enjoy a significant advantage from the start of their political careers: they have a statistically higher probability to win elections as compared to people not belonging to political dynasties. Generally, political dynasties also have lower educational attainment which is inversely related to their rank in their political dynasties.³ There are likewise claims that economic inequalities arise from political dynasties. This is allegedly caused by political dynasties having economic power along with their political power while a relative is in Office.⁴


Another negative effect of political dynasties is that it restricts significant change to the system of the government unit, since it is in the interest of political dynasts to maintain the status quo rather than try to effect change. The prevention or discouragement of new candidates from occupying seats of power result to less new ideas, visions and platforms to work with.

It has been observed that once a politician is elected to public office, there is a tendency on his/her part to immediately establish a strong political base in order to ensure reelection. The said electoral base is also designed to extend to a dynast's spouse, children, siblings or other next of kin for the purpose of securing and consolidating economic and political interest. This practice is reflective of the patronage system-style of politics that has long hindered the country's socio-economic development and political maturity.

The situation is aggravated by the fact that the Filipino electorate, perhaps out of socio-cultural mind-set, or out of convenience, or due to sheer lack of choice, tend to vote for members of dominant political families, looking up to the latter as some kind of idols or as dispensers of political and/or material favors.

Hence, with the end in view of giving force to the Constitutional objective of Diffusing economic and political influence, it is essential that the access to public office be opened to persons who are equally qualified to aspire and compete on even terms with those from politically dominant families.

This bill is hereby being proposed to realize the above-mentioned Constitutional mandate.


EDGAR R. ERICE
2nd District, Caloocan City

³Gianmarco Daniele and Benny Geys. "Born in the Purple: Political Dynasties and Politicians' Human Capital".

⁴What is wrong with political dynasties?". GMA News Online

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AN ACT
PROHIBITING THE ESTABLISHMENT OF POLITICAL DYNASTIES

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

SECTION 1. *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, it is likewise declared the policy of the State to prohibit political dynasties as hereinafter defined.

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

1. *Political Dynasty* - The concentration, consolidation or perpetuation of public office and political power by persons related to one another.

2. *Political Dynasty Relationship* - Exists when a person who is the spouse of an incumbent elective official 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 shall also be deemed to exist where two (2) or more persons who are spouses or are related within the second civil degree of consanguinity or affinity run simultaneously for elective public office within the same city and/or province, even if neither is so related to an incumbent elective official.

3. *Spouse* - Shall refer to the legal or common law wife or husband of the incumbent elective official.

4. Second Civil 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.

5. Term Limits. Shall mean the maximum term limits for elected public officials as provided for in the Constitution.

6. 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).

7. Holding an Elective Office.- Shall be deemed to commence from the moment the public official takes his or her oath of office.

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

SECTION 5. Persons Covered; Prohibited Candidates. - No 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 shall be allowed to hold or run for any elective office in the same province in the same election.

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

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

In all cases, no person within the prohibited civil degree of relationship to the incumbent shall immediately succeed to the position of the latter: Provided however, that this Section shall not apply to Punong Barangays or members of the Sangguniang Barangay.

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

SECTION 7. *Effect of Violation of Prohibition.*- The COMELEC shall, motu proprio or upon verified petition of any interested party, deny due course to any certificate of candidacy filed in violation of this Act and the votes cast for the disqualified candidate, if any, shall not be counted and deemed not counted nor shall such candidate be proclaimed nor be qualified to assume office.

SECTION 8. *Period for Filing Petition for Disqualification.* Any citizen of voting age, candidate or duly registered political party, organization, or coalition of political parties may file with the COMELEC, 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.

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

SECTION 9. *Summary Proceedings.* The petition shall be heard and decided summarily by the COMELEC, after due notice and hearing, and its decision shall be executory after the lapse of five(5) days from receipt thereof by the losing party.

SECTION 10. *Effect of Petition if Unresolved Before Completion of Canvass.*- 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 and canvassing: Provided however, that if the basis for such disqualification is strong, his or her proclamation shall be suspended notwithstanding the fact that he or she received the winning number of votes in the election: Provided further, that in cases where disqualified candidate has been proclaimed he or she shall ipso facto forfeit his or her right to the office.

SECTION 11. *Rules and Regulations.*- The COMELEC shall promulgate the rules and regulation for the implementation of the provisions of this Act.

SECTION 12. *Repealing Clause.*- All laws inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 13. *Separability Clause.* If any of the sections or provisions of this Act is held invalid, all the other provisions not affected thereby shall remain valid.

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

Approved,