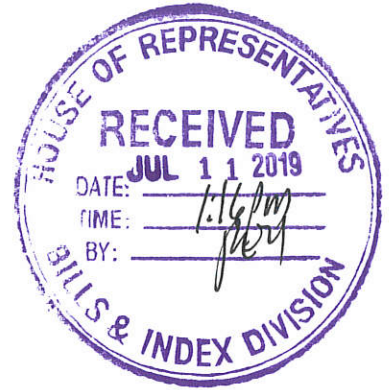


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

EIGHTEENTH CONGRESS
First Regular Session

House Bill No. 1978



Introduced by Representative Gabriel H. Bordado, Jr.


EXPLANATORY NOTE

The 1987 Constitution of the Republic of the Philippines audaciously spells out in Article II Section 26: "The State shall guarantee equal access to opportunities for public service and prohibit political dynasties as may be defined by law." Unfortunately, the phrase "as may be defined by law," has eventually served as a counterpoint to the perceived audacity.

More than three decades after the ratification of the Constitution, no law has yet been passed to address the deleterious effects of the so called dynasties in the Philippine political arena. Studies conducted by reputable institutions indicate the prevalence of poverty in areas dominated or ruled by persons related to one another.

There had been attempts from both houses of Congress to vevify the noble intent of the charter. Yet nobody seemed to have made the mark. In the meantime, political dynasties continue to flourish, making a mockery of that specific constitutional provision.

The approval of this bill is, therefore, seriously desired.


GABRIEL H. BORDADO JR.
Representative
3rd District, Camarines Sur

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AN ACT
PROHIBITING THE ESTABLISHMENT OF POLITICAL DYNASTIES

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

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

2 **SEC. 2. Declaration of Policy.** – It is hereby declared the policy of the State to
3 guarantee equal access and opportunity to public office and service to the public. Towards the
4 end, it is likewise declared the policy of the state to prohibit political dynasties as hereinafter
5 defined.

6 **SEC. 3. Definition of Terms.** – For the purposes of this Act, the following definitions
7 shall be used:

8
9 (a) “Political Dynasty” – the concentration, consolidation or perpetuation of public office
10 and political power by persons related to one another.

11 (b) “Political Dynasty Relationship” – exists when a person who is the spouse of an
12 incumbent elective office or a relative within the second civil degree of consanguinity
13 or affinity of an incumbent elective official holds or runs for an elective office
14 simultaneously with the incumbent elective official within the same city and/or
15 province or occupies the same office immediately after the term of office of the
16 incumbent elective official. A political dynasty shall also be deemed to exist where
17 two (2) or more persons who are spouses or are related within the second civil
18 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.

(c) "Spouse" – the legal or common law wife or husband of the incumbent elective official.

(d) "Second Civil Degree of Consanguinity or Affinity" – includes 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.

(e) "Term Limits" – the maximum term limits for elected public officials as provided for in the Constitution.

(f) "Running for an Elective Office" – deemed to commence upon the filing of the certificate of candidacy by a candidate with the Commission on Elections (COMELEC).

(g) "Holding an Elective Office" – deemed to commence from the moment the public official takes his or her oath of office.

SEC 4. Application. – This Act shall govern and be applicable to the next elections and to all subsequent elections thereafter.

SEC. 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.

SEC. 6. Statement with the Commission on Elections. – Any person running for any elective public office 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.

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

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

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

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

69 **SEC. 10. Effect of Petition if Unresolved Before Completion of Canvass.** – If the
70 petition, for reasons beyond the control of the COMELEC, cannot be decided before the
71 completion of the canvass, the votes cast for the respondent shall be included in the counting
72 and canvassing: Provided further, that in cases where disqualified candidate has been
73 proclaimed he or she shall forfeit his or her right to the office upon the decision of the
74 COMELEC, as the case maybe.

75 **SEC. 11. Implementing Rules and Regulation.** – The COMELEC shall promulgate the
76 rules and regulation for the implementation of the provisions of this Act.

77 **SEC. 12. Repealing Clause.** – All laws inconsistent with the provisions of this Act are
78 hereby repealed or modified accordingly.

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

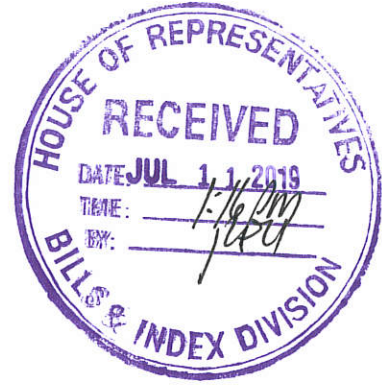
81 **SEC. 14. Effectivity Clause.** – This Act shall take effect fifteen (15) days from the date
82 of its publication in at least two (2) newspapers of general circulation in the Philippines.

Approved,

Republic of the Philippines
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