

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. **1793**

HOUSE OF REPRESENTATIVES

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Introduced by **HON. GUS S. TAMBUNTING**

EXPLANATORY NOTE

Political dynasties are a reality in Philippine political life, mirroring one of the major imperfections in our political system. Clans or families dominated or continue to reign, succeeding one after the other or serving simultaneously, in both the local and national political scene.

Most of our politicians consider their political posts as their legacy which they can pass on to their next of kin or other relatives. Political office becomes a family heirloom which politicians hand down to the next generation without considering capability, competence and integrity. Some even serve on the same term holding different elective positions.

The 1987 Constitution of the Philippines states in Article II Section 26 that "The State shall guarantee equal access to opportunities for public service, and prohibit political dynasties as may be defined by law". But despite the said provision, no law has been passed nor any action has been made regarding the prohibition of political dynasties.

This bill is being filed to support the said provision of the Constitution which will guarantee equal opportunities for public service and will avoid conflict of interest in the exercise of one's public duty.

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


GUS S. TAMBUNTING

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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 the Congress assembled:

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

SECTION 2. *Declaration of Policy.* It is hereby declared that 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 hereunder defined.

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

(a) Political Dynasty refers to the concentration, consolidation or perpetuation of public office and political power by persons related to one another. A political dynasty exists when two (2) or more individuals who are related within the second degree of consanguinity or affinity hold or run for national or local office in successive, simultaneous or overlapping terms.

(b) Spouse refers to the legal or common law wife or husband of the incumbent elective official.

(c) 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.

(d) Running for an Elective Office shall be deemed commence upon the filing of the certificate of candidacy by a candidate with the Commission on Elections.

(e) Holding an Elective Office shall be deemed to commence from the moment the public official takes the oath of office.

(f) Commission shall refer to the Commission on Elections.

SECTION 4. *Applicability.* This Act shall govern and be applicable to the next election and to all subsequent elections thereafter.

SECTION 5. *Persons Covered, Prohibited Candidates.* No spouse, or persons related within the second civil 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 local or national elective position in the same election.

In case where not one of the candidates is related to an incumbent elective official within the second civil degree of consanguinity or affinity, but a candidate is related to another candidate within the said prohibited civil degree of relationship, only one of them shall be allowed to hold or run for office, provided that, the matter of who will hold or run for office shall be settled by the Commission on Elections through a raffle or drawing of lots among the concerned candidates, unless the rest of the concerned candidates voluntarily withdraw their candidacies, in which case, the one remaining candidate will be allowed to run for office.

In all cases, no person within the said 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 officials, 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.

SECTION 7. *Effect of Violation of Provision.* The Commission shall, motu proprio or upon verified petition of any citizen of voting age, deny due course to any certificate of candidacy filed in violation of the 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 Commission, after the last day of 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, the 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 Commission, 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 Commission, 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, the proclamation shall be suspended notwithstanding the fact that the person received the winning number of votes in the election: Provided further, that in cases where disqualified candidate has been proclaimed one shall ipso facto forfeit the right to the office.

SECTION 11. *Implementing Rules and Regulations.* Within sixty (60) days after the effectivity of this Act, the Commission shall promulgate the necessary rules and regulations for the effective implementation of this Act.

SECTION 12. *Repealing Clause.* All laws, decrees, executive orders, issuances, regulations or parts or provisions of this Act, which are inconsistent herewith are hereby deemed repealed, amended or modified.

SECTION 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 be in full force and effect.

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.

Adopted,