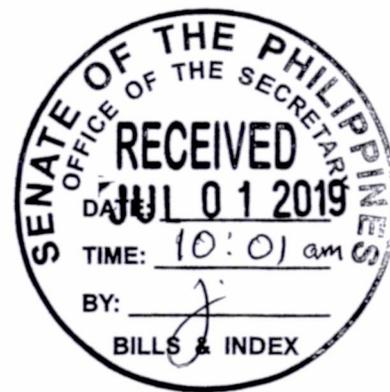


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



SENATE

S. B. No. 11

Introduced by SENATOR FRANKLIN M. DRILON

**AN ACT
PROHIBITING THE ESTABLISHMENT OF POLITICAL DYNASTIES**

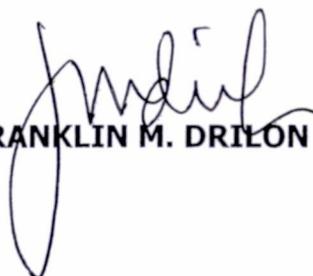
EXPLANATORY NOTE

No less than the Constitution mandates the State to "guarantee equal access to public service and prohibit political dynasty as may be defined by law." Such policy seeks to level the playing field in the political arena pursuant to cornerstone of our country's governmental ideology—democracy.

Apart from democratizing the election process, this constitutional safeguard ensures an unhampered economic progress in the country. A string of literature has shown a causal relationship between dynastic concentration and the standard of living among the constituents. Research found dynastic concentration to have a significantly negative effect on the upliftment of local living standards, noting that lack of real political competition leads to flawed policies.¹

After almost thirty years, this laudable intent of the constitutional framers unfortunately remains merely an intent as attempts to breathe life into this provision have been unsuccessful. Thus, this bill aims to implement the state policy against the establishment of political dynasty. We acknowledge that in the previous Congress, Senators Jose Victor G. Ejercito and Miriam Defensor Santiago filed this proposed measure.

Hence, the immediate passage of this bill is earnestly sought.


FRANKLIN M. DRILON

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SENATE

S. B. No. 11

Introduced by SENATOR FRANKLIN M. DRILON

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
2 Act".

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

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

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

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

1 consanguinity or affinity run simultaneously for elective public office
2 within the same city and/or province, even if neither is so related to an
3 incumbent elective official.

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

6 (d) "Second Civil Degree of Consanguinity or Affinity" - includes the relatives
7 of a person who may be the latter's brother or sister, direct ascendant or
8 direct descendant, whether legitimate or illegitimate, full or half blood,
9 including their spouses.

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

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

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

17 **SEC. 4. Applicability.** - This Act shall govern and be applicable to the next
18 elections and to all subsequent elections thereafter.

19 **SEC. 5. Persons Covered; Prohibited Candidates.** - No spouse, or
20 person related within the second degree of consanguinity or affinity, whether
21 legitimate or illegitimate, full or half blood, to an incumbent elective official seeking
22 re-election shall be allowed to hold or run for any elective office in the same
23 province in the same election.

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

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

1 In all cases, no person within the prohibited civil degree of relationship to the
2 incumbent shall immediately succeed to the position of the la tter.

3 **SEC. 6. *Statement with the Commission on Elections.*** – Any person
4 running for any elective public office shall file a sworn statement with the COMELEC
5 that he or she does not have a political dynasty relationship with an incumbent
6 elective official running for an elective public office in the same city and/or province
7 other than that of the position earlier mentioned.

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

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

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

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

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

1 **SEC. 11. *Implementing Rules and Regulation.*** - The COMELEC shall
2 promulgate the rules and regulation for the implementation of the provisions of this
3 Act.

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

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

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

Approved,