

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

Fifteenth Congress

Third Regular Session

HOUSE BILL NO. 6660



Introduced by: Hon. MARY MITZI "MITCH" L. CAJAYON

EXPLANATORY NOTE

Article II, Section 26 of the Constitution declares, as a matter of principle and policy, that "The State shall guarantee equal access to opportunities for public service, and prohibit political dynasties as may be defined by law."

Said constitutional imperative is significant as the perpetuation of political dynasties can undermine the quality of democracy and economic development. This grotesque political phenomenon in the country has in fact engendered inequality, which tend to further the vicious cycle of poverty of our people.

Many scholars believe that political dynasties can lead to extreme personalism in the exercise of power that may undermine the existence of a strong state and the implementation of wide ranging public policies that are beneficial to all people.

More than two decades after the unanimous ratification of the 1987 Constitution, Congress has failed to pass a legislation that would define political dynasties and ultimately give force and effect to the principle and policy that was gloriously enunciated by the Constitution.

Hence, this proposal seeks to end the dynastic nature of politics in the country with the end view of broadening political participation and strengthening the country's political system.

In view thereof, approval of this bill is earnestly sought.

A handwritten signature in black ink, appearing to read "Mary Mitzi L. Cajayon".

MARY MITZI "Mitch" L. CAJAYON

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AN ACT
TO PROHIBIT 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."

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

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

- (a) "Political Dynasty" - shall refer to the concentration, consolidation or perpetuation of public office and political power by persons related to one another.
- (b) "Spouse" - shall refer to the legal and common-law wife or husband of the incumbent elective official.
- (c) "Second Civil Degree of Consanguinity or Affinity" - shall refer to the relatives of a person who may be the latter's brother or sister, whether of full or half-blood, direct ascendant or direct descendant, whether legitimate, illegitimate or adopted, including their spouses.
- (d) "Running for an Elective Office" - shall be deemed to commence upon the filing of the certificate of candidacy by a candidate with the Commissions on Elections.
- (e) "Holding an Elective Office" - shall be deemed to commence from the moment the public official takes his oath of office.
- (f) "COMELEC" - shall refer to the Commission on Elections.

SEC. 4. *Persons Covered; Prohibited Candidates* - No spouse or person related within the second degree of consanguinity or affinity whether legitimate or illegitimate, to an incumbent elective official shall be allowed to hold or run for any elective office in the same province in the same election.

In case the incumbent elective official is the President of the Philippines or the Vice-President, the above persons shall be disqualified from running in any elective public office.

In case the incumbent elective official is a Senator, Member of the House of Representatives or local elective official, the above persons shall be disqualified from running in any national elective public office and any local elective public office within the same province where the former is a registered voter.

In case of party list system, the above persons shall be prohibited to become a nominee of any party list organization.

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 simultaneously for any national elective public office or local elective public 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 simultaneously serve with or 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.

SEC. 5. *Effect of Violation of Prohibition.* - The COMELEC shall *motu proprio* or upon a verified petition of any interested party deny due course to any certificate of candidacy filed in violation of this Act.

SEC. 6. *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 4 of this Act.

SEC. 7. *Summary Proceedings.* - The petition shall be heard and decided summarily by the COMELEC, after due notice and hearing, and its decision shall be executed after the lapse of five (5) days from receipt thereof by the losing party.

SEC. 8. *Effect of Petition of 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 the disqualified candidate has been proclaimed, he or she shall *ipso facto* forfeit his right to the office.

SEC. 9. *Rules and Regulations.* - The COMELEC shall promulgate the rules and regulations for the implementation of the provisions of this Act.

SEC. 10. *Repealing Clause.* - Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to, or inconsistent with, the provisions of this Act is hereby repealed, modified, or amended accordingly.

SEC. 11. *Separability Clause.* - If any provision or part hereof, is held invalid or unconstitutional, the remainder of the Act or the provision not otherwise affected shall remain valid and subsisting.

SEC. 12. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,