

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

16th Congress

House Bill No. **2911**



Introduced by: HON. OSCAR S. RODRIGUEZ

EXPLANATORY NOTE

This bill seeks to give force and effect to the provision of the 1987 Constitution on the prohibition of the establishment of political dynasties in the country, specifically, Section 26 of Article II, which states:

“ Sec. 26. The State shall guarantee equal access to opportunities for public service, and prohibit political dynasties as may be defined by law”.

Apparently, the framers of the Constitution included this provision to deter if not totally eradicate the phenomenon of political dynasty. From the long dictatorial regime, framers envision a new political scene, powers equally distributed among qualified individuals not only to a few who are members of prominent families. Unfortunately, despite the above-cited provision in the Constitution and the continuous filing of several bills in every Congress-from the First to the Fifteenth Congress-, no bill on anti-political dynasty has graduated into a statute.

Political Dynasty as defined in the dictionary, means- “a succession of rulers from the same family or line”. It also refers to “a family or group that maintains power for several generation”. Supreme Court Justice Antonio Carpio defined the term political dynasties in the case of *Navarro v. Ermita* (GRNo. 180050, April 12, 2012) “as a phenomenon that concentrates political power and public resources within the control of a few families whose members alternately hold elective offices, deftly skirting term limits.”

The Philippines being a democratic state, the power to choose its leaders supposedly lies in the hands of its people, through the democratic process of election. And yet, there is a more powerful controlling force that directs or dictates who will be elected in the government positions. Historians and social scientist attributes this to our history, the phenomenon of political dynasties dates back even earlier than the Spanish Regime. The ruling class not only control the economy but also the government.

Nevertheless, it is important to point out that this bill is not intended to prohibit particular clan or families from seeking public office. What this bill aims to do is to equalize access to opportunities in public service by preventing the practice of political families of alternately fielding members of their family in every election so as to maintain control in the government. Sadly, this practice not only produces unqualified elective officials but also becomes a source of corruption.

In view of the foregoing, the approval of this bill is earnestly sought.

ON. OSCAR S. RODRIGUEZ

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

16th Congress

House Bill No. **2911**

Introduced by: HON OSCAR S. RODRIGUEZ

AN ACT
PROHIBITING THE ESTABLISHMENT OF POLITICAL DYNATIES

Be it enacted by the Senate and House of Representatives of the Philippines in 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 the policy of the State to guarantee equal access to opportunities for public service. To attain this objective, it is likewise declared the policy of the State to prohibit establishment of political dynasties as defined in Section 3 of this Act.

Section 3. Definition of Terms – The following terms, as used in this Act, shall mean:

- (a) “Political Dynasty” – shall exist when a person who is a member of the immediate family of an incumbent or any of his relative within the second degree of consanguinity or affinity holds or runs for an elective office simultaneously with the incumbent elective official within the same province or occupies the same office immediately after the term of office of the incumbent elective in any local or national election. It shall also be deemed to exist where two or more persons related with each other within the second degree of consanguinity or affinity run simultaneously for elective public office in any local or national election, even if neither is so related to an incumbent elective official.
- (b) “Spouse” - shall refer to the legal or common-law husband or wife.
- (c) “Second Degree of Consanguinity or Affinity” - shall refer to relatives of a person who are related to him by blood or by marriage, who may be the brother or sister, whether full or half blood, legitimate or illegitimate, and their spouses, grandparents, grandchildren and their spouses.
- (d) “Running for elective office” - shall be deemed to commence upon the filing of the certificate of candidacy by the candidate with the Commission on Elections.
- (e) “Holding an elective office” - shall be deemed to commence from the moment the public official takes his/her oath of office.
- (f) “COMELEC” - shall refer to the Commission on Elections.

Section 4. Persons covered; Prohibited Candidates – The following persons shall be disqualified to hold an elective office or run for public office in any local or national election:

- (a) Any person related up to the second degree of consanguinity or affinity whether full or half blood, legitimate or illegitimate, to an incumbent elective official.

(b) Two or more persons related to one another within the second degree of consanguinity or affinity cannot run simultaneously with each other in the same election, even if not related to an incumbent.

Provided that, in case, one of them, voluntarily withdraws his candidacy, the other will be allowed to run for office, otherwise, both will be disqualified to run for office.

Section 5. Violation – The COMELEC, shall *moto proprio* or upon a verified petition of any interested party deny due course any certificate of candidacy filed in violation of this Act or in cases the disqualified candidate has already been proclaimed, he or she shall *ipso facto* forfeit his right to the office.

Section 6. Implementation – The COMELEC shall promulgate the rules and regulations for the implementation of this Act.

Section 7. 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 8. Effectivity Clause – This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in at least two (2) newspaper of general circulation.

Approved,