

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 166



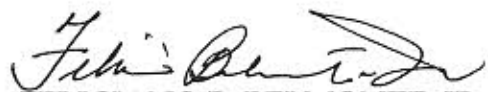
Introduced by REP. FELICIANO R. BELMONTE, JR.

EXPLANATORY NOTE

Section 26 of Article II of the 1987 Constitution expressly provides "The State shall guarantee equal access to opportunities for public service, and prohibit political dynasties as may be defined by law." Almost thirty (30) years have passed without an enabling law to define political dynasties. Meanwhile, the present political landscape is witness to influential politicians and their families, maintaining positions of power for a considerable time. This concentration of political power and public resources within the control of a few families has led to the creation of dynastic reigns by different political families in all levels, from the barangay to the provinces.

Social justice requires us to provide equal opportunity to all, including the opportunity to serve. Political dynasties make it prohibitive for our citizens to run for public office. It is thus incumbent upon the House of Representatives and the Senate to provide an enabling law defining political dynasties to give people who do not belong to political dynasties a chance to serve the people.

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


FELICIANO R. BELMONTE, JR.

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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:

SECTION 1. 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 service to the public. Towards this end, it is likewise declared the policy of the State to prohibit political dynasties as hereinafter defined.

SEC. 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 three or more individuals who are related within the second degree of consanguinity or affinity hold or run for national or local office in 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, sister, grandchildren and grandparents whether legitimate or illegitimate, full or half blood, 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 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.

SEC. 4. *Applicability.* – This Act shall govern and be applicable to all elections subsequent to the election immediately following the effectivity of this Act.

Until they have reached the maximum term limits allowed by the constitution, incumbent elective officials shall be exempt from the application of this Act.

SEC. 5. *Persons Covered; Prohibited Candidates.* – No two persons 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 office in the same election.

No three persons within the second civil degree of consanguinity or affinity, whether legitimate or illegitimate, full or half blood, related to each other shall be allowed to hold or run for any local or national elective office in the same election. *Provided*, that the matter of who will hold or run for office shall be settled by the Commission 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 two remaining candidates will be allowed to run for office.

SEC. 6. *Statement with the Commission on Elections.* – Any person running for any elective public office shall file a sworn statement with the Commission, stating therein that person's relationship, if any, with an incumbent official running for any elective public office.

SEC. 7. *Effect of Violation of Prohibition.* – 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 this 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.

SEC. 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 for 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.

SEC. 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.

SEC. 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.

SEC. 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.

SEC. 12. *Repealing Clause.* – All laws decrees, executive orders, issuances, regulations which are inconsistent with the provisions of this Act are deemed repealed, amended or modified.

SEC. 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.

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

Approved,