

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Third Regular Session

House Bill No. 8025



Introduced by **MAGDALO Party-List Representative**
HON. GARY C. ALEJANO

EXPLANATORY NOTE

Political dynasties have long been a feature of the Philippine political landscape. They are typically characterized as families that have established their political or economic dominance in a province and have coordinated efforts to move on to involvement in national government or other positions of national political prominence. Political dynasties usually have a strong, consolidated support base concentrated around the province in which they are dominant. Members of such dynasties usually do not limit their involvement to strictly political activities, and have been found participating in business or culture-related activities.

Article II, Section 26 of the 1987 Constitution explicitly provides that, "The State shall guarantee equal access to public service and prohibit political dynasty as may be defined by law." Despite this, a report by the United Nations Development Programme revealed that out of 77 provinces included in the study, 72 or about 94% are dominated by political families.

Numerous academic literatures have also shown that high poverty incidence is directly correlated with the presence of political dynasties. Jurisdictions where dynasties are most prevalent also have lower scores on the human development index and lower standards of living.

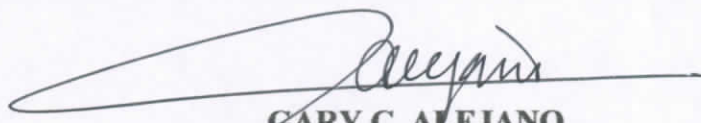
To give force and effect to the provision prohibiting political dynasties, the playing field of the political arena should be levelled and opened to persons who are equally qualified to aspire on even terms with those from prominent political families.

The socio-economic and political inequities prevalent in Philippine society limit public office to members of ruling families. In many instances, voters, for convenience and out of cultural mindset look up to these ruling families as dispensers of favors, and thus elect relatives of these prominent political families.

Because of this, it can be said that the Philippines is a veiled oligarchy. Dynasties imperil democracy as people are stifled by those perpetually in power to expand their choices for potential candidates, depriving them of the genuine and active participation of the people, which is the cornerstone of all healthy democracies.

As long as there is no law that prohibits the proliferation of political dynasties, a few families will continue to possess regions in our country as their own personal fiefdoms and it will surely be the people that shall suffer the consequences.

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


GARY C. ALEJANO
Representative
Magdalo Para sa Pilipino Party-List

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AN ACT
DEFINING AND PROHIBITING POLITICAL DYNASTIES, PROVIDING PENALTIES
THEREFOR, AND FOR OTHER PURPOSES

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

1 **SEC. 1. Short Title.-** This Act shall be known as “The Anti-Political Dynasty Act of
2 2018.”
3

4 **SEC.2. Declaration of Policy.-** It is hereby declared the policy of the State to guarantee
5 and provide equal access to opportunities for public office and public service to any qualified
6 Filipino, pursuant to Section 26, Article II of the 1987 Constitution. Towards this end, it is
7 hereby declared the policy of the State to prohibit political dynasties as hereinafter defined.
8

9 **SEC.3. Definition of Terms.-** For purpose of this Act, the following definitions shall be
10 used:
11

- 12 a) “*National Office*” refers to the Presidency, the Vice-Presidency, the Senate of the
13 Philippines or the House of Representatives.
14
15 b) “*Political Dynasty*” shall refer to the concentration, consolidation and/or perpetuation
16 of public office and political powers by persons related to one another within the
17 second degree of consanguinity of affinity.
18
19 c) “*Political Dynasty Relationship*” shall exist when the spouse or any relative within
20 the second degree of consanguinity or affinity of an incumbent elective official, runs
21 for public office to succeed or replace the incumbent, or runs for or holds any elective
22 local office simultaneously with the incumbent within the same province, legislative
23 district, city or municipality, and within the same barangay or barangays within the
24 same legislative district.
25

26 The relationship also exists if the incumbent is a national elective official,
27 including incumbents in the party-list system, and the spouse or relatives within the
28 second degree of consanguinity or affinity run for any position in the national level or in
29 the local level as barangay captain, mayor, governor, or district representative in any
30 part of the country.
31

32 It shall also be deemed to exist where two (2) or more persons who are spouses,
33 or are related to one another within the second degree on consanguinity or affinity run
34 simultaneously for elective public office at the national level, or at the local level within
35 the same province, legislative district, municipality or city, and within the same
36 barangay or barangays within the same legislative district, even if neither is so related to
37 an incumbent elective official.

- 1
2 d) "Spouse" shall refer to the legal or common-law wife or husband;
3
4 e) "Second civil degree of consanguinity or affinity" shall refer to the relatives of a
5 person who may be the latter's brother or sister, whether of full or half-blood, direct
6 ascendant or direct descendant, whether legitimate, illegitimate or adopted, including
7 their spouses; and
8
9 f) "Runs for and elective office" shall be deemed to commence upon the filing of the
10 Certificate of Candidacy by a candidate with the Commission on Elections
11 (COMELEC).
12

13 **SEC. 4. Applicability.** – This Act shall govern and be applicable to the next elections and
14 all subsequent elections thereafter.
15

16 **SEC.5. Prohibited Candidates; Scenarios Covered.-**
17

- 18 a) Any person with political dynasty relationship, as defined in Section 3 above, with
19 any incumbent elective official, shall not be allowed to run for or hold public office in
20 the following manner:
21
22 a.1) to immediately succeed or replace the said incumbent;
23
24 a.2) If the incumbent is an elective barangay official, the spouse and the above
25 relatives are prohibited to run simultaneously for any position in the same barangay
26 as well as in all the barangays in municipalities or cities within the same legislative
27 district;
28
29 a.3) If the incumbent is an elective official of the municipality or city, legislative
30 district or province, the spouse and above relatives are prohibited to run for or hold
31 any elective local office simultaneously with the incumbent within the same
32 barangay, municipality, city, legislative district or province;
33
34 a.4) If the incumbent is a national elective office, the spouse and the above relatives
35 are likewise prohibited to run simultaneously for any position in the national or local
36 level as barangay captain, mayor, governor or district representatives in any part of
37 the country; and
38
39 a.5) If the incumbent is a barangay captain/ mayor/ governor or district representative,
40 the spouse and the above relatives are also prohibited to run simultaneously for any
41 position in the national level.
42
43 b) Persons who are not holding any public office shall likewise be prohibited from
44 running in the same election if their election will result in a political dynasty
45 relationship, as defined in Section 3 above: *Provided*, That, if persons within the same
46 prohibitive degree shall file for candidacy, the said persons shall be notified by the
47 COMELEC that only one of them shall be allowed to file, and within five (5) days
48 from receipt of the notice, said persons shall file a joint manifestation to the
49 COMELEC indicating the name of the candidate who shall pursue his or her
50 candidacy and the position desired, otherwise all applications shall be deemed not
51 filed.
52

53 A person is deemed to be holding an elective office from the moment the public
54 official takes his oath of office.

1 **SEC.6. Denial Motu Proprio by COMELEC/Petition to Deny Due Course and/or**
2 **Cancel Certificate of Candidacy.-** The COMELEC, motu proprio, may suspend giving due
3 course to the application for certificate of candidacy of any candidate/party if it becomes
4 apparent from the documents filed that a violation of Section 5 of this Act may have been
5 committed. If, upon investigation by COMELEC, there is substantial evidence to establish a
6 violation of Section 5 of this Act, COMELEC shall deny due course to said application for
7 certificate of candidacy.

8
9 A verified petition seeking to deny due course or to cancel a certificate of candidacy
10 may be filed by any person for violation of this Act.

11
12 **SEC.8. Summary Proceedings.-** The petition may be filed at any time not later than
13 twenty-five days from the time of the filing of the certificate of candidacy and shall be decided,
14 after due notice and hearing, not later than fifteen days before the election. The petition shall be
15 heard and decided summarily by the COMELEC, after due notice and hearing and decision shall
16 be executed after the lapse of five (5) days from the receipt thereof by the losing party.

17
18 If the petition, for reasons beyond the control of the COMELEC, cannot be decided
19 before the completion of the canvass, the votes cast for the respondents shall be included in the
20 counting and canvassing: *Provided, That*, in cases where a disqualified candidate has been
21 proclaimed, he or she shall forfeit his or her right to the office upon the decision of the
22 COMELEC, as the case maybe.

23
24 **SEC.9. Petition for Quo Warranto.-** A voter contesting the election of any candidate on
25 the ground of violation of this Act shall file a sworn petition for quo warranto with the
26 COMELEC or House Electoral Tribunal, Senate Electoral Tribunal or Presidential Electoral, as
27 the case may be, within ten days after the proclamation of the results of the election

28
29 **SEC.10. Rules and Regulations.-** The COMELEC shall promulgate all the rules and
30 regulations necessary for the full implementation of this Act.

31
32 **SEC. 11. Repealing Clause.-** Any law, presidential decree or issuance, executive order,
33 or part thereof, contrary to, or inconsistent with, the provisions of this Act is hereby repealed,
34 modified or amended accordingly.

35
36 **SEC. 12. Separability Clause.-** If any provision or part hereof is held invalid or
37 unconstitutional, the remainder of the Act shall remain valid and subsisting.

38
39
40 **SEC. 13. Effectivity. -** This Act shall take effect after fifteen (15) days from its
41 publication in the Official Gazette or in two (2) newspaper of general circulation.

Approved,