

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 3461



Introduced by Representative Jose Manuel F. Alba

AN ACT
PROMOTING EQUAL OPPORTUNITY FOR LOCAL LEADERSHIP IN
LOCAL GOVERNMENT UNITS

EXPLANATORY NOTE

Article II, Section 26 of The 1987 Constitution provides:

"The State shall guarantee equal access to opportunities for public service and prohibit political dynasties as may be defined by law."

Concurrent elections of related individuals have long posed a challenge to democratic governance in the Philippines. Their persistence has often resulted in conflict of interest in governance structures resembling inherited rule rather than representative democracy. Despite the express constitutional mandate, the provision is not self-executing.

This proposed measure seeks to address this gap by starting at the grassroots level where related individuals coming from the same political families have the most immediate and visible impact on governance and democratic participation. This will ensure that all Filipinos, regardless of lineage and affinity, have a fair and equal chance to lead in their local communities.

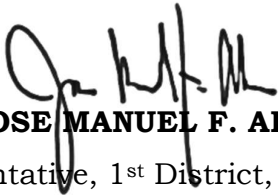
The bill prohibits the spouse or any relative within the second degree of consanguinity or affinity of an incumbent provincial, city, municipal, or barangay official from running for office in the same locality.

It also disallows two or more individuals who are related within the same degree from running for any local elective positions in the same jurisdiction at the same time, even if neither is related to a sitting official.

These provisions are modeled after the safeguards found in the Sangguniang Kabataan Reform Act (R.A. No. 10742, as amended by R.A. No. 11768), which introduced anti-dynasty measures at the barangay level.

By creating clear limitations on simultaneous or successive candidacies by closely related individuals, the bill aims to open meaningful space for emerging leaders, affirming the constitutional aspiration to promote equal access to public service and strengthen democratic values at the grassroots level.

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



JOSE MANUEL F. ALBA
Representative, 1st District, Bukidnon

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

SECTION 1. Short Title. – This Act shall be known as the "Equal Opportunity for Local Leadership Act."

SECTION 2. Declaration of Policy. – It is hereby declared the policy of the State to:

- a) Implement the constitutional mandate under Article II, Section 26 of the 1987 Constitution specifically for local government positions.
 - b) Guarantee equal access to opportunities for public service at the local government level;
 - c) Promote broader participation in local governance by preventing the concentration of political power within the same family groups;
 - d) Avoid conflict of interest among local elective positions;
 - e) Encourage the emergence of new leadership in local government units;
 - f) Strengthen democratic institutions by ensuring that local electoral processes remain competitive and accessible to all qualified citizens;
- and

SECTION 3. Scope and Coverage. – This Act shall apply to all elective positions in local government units, specifically:

- a) Provincial positions: Governor, Vice-Governor, and Members of the Sangguniang Panlalawigan;
- b) City positions: Mayor, Vice-Mayor, and Members of the Sangguniang Panlungsod;
- c) Municipal positions: Mayor, Vice-Mayor, and Members of the Sangguniang Bayan; and
- d) Barangay positions: Punong Barangay, Members of the Sangguniang Barangay, and Sangguniang Kabataan positions.

SECTION 4. *Definition of Terms.* – For purposes of this Act:

- a) **Related individuals in Local Government** refers to a person or persons who is the spouse or is related within the second degree of consanguinity or affinity to an incumbent elective local official is holding or seeking the same local elective office or other local elective offices simultaneously in the same province, city, municipality, or barangay during the same term; or is holding or seeking the same local elective office or other local elective offices simultaneously in the same province, city, municipality, or barangay during the immediately succeeding term.
- b) **Second Degree of Consanguinity or Affinity** refers to the relationship between an individual and another person who is either related by blood or by marriage, up to the second civil degree. This includes, by consanguinity: a parent, child, grandparent, grandchild, brother, or sister; and by affinity: a parent-in-law, child-in-law, grandparent-in-law, grandchild-in-law, brother-in-law, or sister-in-law.
- c) **Same local government unit** refers to positions within the same province, city, municipality, or barangay.
- d) **Immediately succeeding term** refers to the term immediately following the current term of the incumbent.

SECTION 5. *Prohibited Acts.* – It shall be unlawful for any related person or persons to run for political position concurrently in local government, as defined under this Act. This includes, but is not limited to, the simultaneous holding of local elective positions within the same local government unit by individuals related to one another by consanguinity or affinity within the second degree. It likewise prohibits any individual from seeking election for a local government position if he or she is related within the same degree to an incumbent official within the same jurisdiction during the same electoral cycle.

Furthermore, the immediate succession of a relative within the second degree to the same local elective position previously held by an outgoing official shall also be deemed a violation of this Act.

SECTION 6. *Exceptions.* – The provisions of this Act shall not apply in certain cases where the circumstances do not equate to concurrent running for elections of related individuals. These include instances where relatives within the second degree of consanguinity or affinity simultaneously hold or seek elective positions in different provinces, cities, or municipalities, *provided* that none of the jurisdictions is a component unit of the other.

The provisions of this act shall not apply to those currently holding elective positions at the time of passage of this act. The prohibition shall likewise not apply when the relationship by consanguinity or affinity was established only after both individuals had already assumed their respective offices. Lastly, emergency succession resulting from death, permanent disability, or removal from office shall not be considered a violation of this Act, provided such assumption of office is temporary in nature and limited to the completion of the unexpired term.

SECTION 7. *Implementation and Enforcement.* – The Commission on Elections (COMELEC) shall be the primary agency responsible for the implementation and enforcement of the provisions of this Act. Within ninety (90) days from the effectivity of this Act, COMELEC shall promulgate the necessary rules and regulations to ensure its proper and effective enforcement.

COMELEC shall utilize available technologies that will prevent covered individuals from filing their Certificate of Candidacy.

All candidates for local elective positions covered by this Act shall be required to submit an Affidavit of Compliance to this Act, declaring under oath that they are qualified under the provisions herein. Furthermore, any person may file a verified petition before the Commission on Elections to question the eligibility of any candidate on the grounds provided under this Act.

SECTION 8. *Penalties.* – Any person found to have violated any provision of this Act shall suffer the penalty of perpetual disqualification from holding public office. Any individual who knowingly aids, abets, or participates in the commission of such violation shall be penalized with disqualification from holding public office for a period of six (6) years and shall suffer a jail term of three (3) years.

COMELEC officials who, through action or inaction, facilitate or fail to prevent violations of this Act within their jurisdiction shall be held administratively liable and may be subject to sanctions including, but not limited to, suspension or dismissal from government service, as may be provided under existing civil service and administrative laws.

SECTION 9. *Transitory Provisions.* – This Act shall take effect beginning with the first local elections held after the passage into law. Incumbent local officials at the time of effectivity of this Act shall be allowed to serve and complete their current terms of office without prejudice. The prohibitions and disqualifications provided under this Act shall apply to all subsequent elections and terms of office following the effectivity period.

SECTION 10. *Separability Clause.* – If any provision of this Act is declared unconstitutional or invalid, the other provisions not affected thereby shall remain in full force and effect.

SECTION 11. *Repealing Clause.* – All laws, decrees, orders, rules and regulations, or parts thereof inconsistent with this Act are hereby repealed or modified accordingly.

SECTION 12. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,