

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

Twentieth Congress
First Regular Session

HOUSE BILL NO. **6826**



Introduced by **Representative RAYMOND ADRIAN SALCEDA**

**AN ACT
DEFINING AND PROHIBITING POLITICAL DYNASTIES IN ACCORDANCE WITH
ARTICLE II, SECTION 26 OF THE 1987 CONSTITUTION, AND PROVIDING FOR
THE OPERATIONAL EFFECTS THEREOF**

EXPLANATORY NOTE

Article II, Section 26 of the 1987 Constitution provides that "*The State shall guarantee equal access to opportunities for public service, and prohibit political dynasties as may be defined by law.*" This provision contains both a policy command and a delegation of authority to Congress: political dynasties are constitutionally disfavored, and the legislature is tasked with defining and regulating them by statute.

More than three decades after the ratification of the Constitution, however, no generally applicable statutory definition of political dynasties has been enacted. Legislative hesitation has largely stemmed from a well-founded constitutional concern: that an anti-dynasty law might impermissibly add to or modify the qualifications for elective office expressly enumerated in the Constitution.

The Supreme Court has consistently held that constitutional qualifications for elective office are **exclusive** and may not be supplemented by statute. In *Maquera v. Borra* (G.R. No. L-24761, September 7, 1965), the Court invalidated statutory provisions that effectively imposed additional eligibility requirements beyond those stated in the Constitution. This principle has been reaffirmed in numerous cases, including *Frivaldo v. Commission on Elections* (G.R. No. 87193, June 23, 1989), where the Court underscored the primacy of constitutional qualifications and the electorate's right to choose among those who meet them.

As a result, many previous anti-dynasty proposals were constitutionally vulnerable because they attempted to bar certain individuals from running for office or from being proclaimed winners

solely by reason of family relationship. Such approaches treated kinship as a personal disqualification and therefore collided directly with the constitutional qualifications doctrine.

This bill proceeds from a different and more constitutionally faithful premise.

The Constitution protects the right of qualified persons to run for and be elected to public office, but it does not guarantee the right to simultaneously or continuously exercise elective public power in a manner that entrenches dynastic control. Philippine constitutional jurisprudence has long recognized the distinction between eligibility for election and conditions on the holding or continuation of office. While Congress may not add qualifications for candidacy, it may regulate the exercise of public office, resolve incompatibilities, and prevent prohibited configurations of power, provided that elections themselves are respected.

This distinction underlies jurisprudence on incompatibility of offices, automatic forfeiture provisions, and conflict-of-interest rules, where the Supreme Court has upheld statutory schemes that allow a person to validly run for and win an election, but that require the resolution of conflicts or prohibited conditions after the election. In such cases, the election is not nullified, the votes are not disregarded, and the candidate is not declared ineligible; rather, the law determines which office may lawfully be held.

Anchored on this doctrinal framework, the present bill adopts a single, simple operational rule to give effect to the constitutional prohibition against political dynasties:

Any number of members of the same family may run for elective public office. However, after the election, only one member of the family may hold elective public office at any given time. If family members are elected to different offices, the one elected to the higher office prevails; if they are elected to the same office, the one who obtained the higher number of votes prevails.

This rule is deliberately minimal, objective, and self-executing. It avoids any regulation of candidacy, ballot access, or voter choice. All qualified persons are free to run, to campaign, and to be voted for. All votes cast are counted, and all elections are respected. The rule operates only *after* the election, and only to prevent the persistence of a dynastic configuration of power that the Constitution itself declares contrary to public policy.

By resolving dynastic situations through neutral criteria, namely, **hierarchy of office** or **vote rank**, the bill ensures that enforcement does not depend on consent, negotiation, or discretionary judgment. This mirrors established legal techniques used to resolve office incompatibilities and term overlaps, which the Supreme Court has consistently treated as legitimate exercises of legislative power.

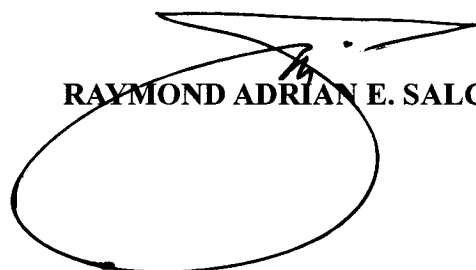
The bill further recognizes that political dynasties in the Philippines are not confined to a single jurisdiction or local government unit. Dynastic arrangements often span municipalities, provinces, and national offices, particularly through coordinated candidacies within the same family. Accordingly, the definition of political dynasty adopted in this measure focuses on the

concentration, continuity, or entrenchment of political power, rather than on geographic boundaries alone, thereby preventing common forms of circumvention while remaining faithful to the constitutional objective of equal access to public service.

Crucially, this measure does not disqualify any person from running for office, does not invalidate any election, and does not modify the constitutional qualifications for elective office. It instead regulates the *exercise and continuation* of elective public power once a prohibited dynastic condition arises, in direct implementation of Article II, Section 26 of the Constitution.

This bill therefore represents a constitutionally calibrated response to a long-standing constitutional mandate. It gives legal meaning to the prohibition of political dynasties while respecting voter sovereignty, preserving electoral integrity, and adhering to Supreme Court jurisprudence on qualifications, elections, and office-holding.

In enacting this measure, Congress fulfills its constitutional duty to define and prohibit political dynasties in a manner that is principled, restrained, and faithful to the structure of the Constitution itself.



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

SEC. 1. *Definition of Political Dynasty.* — A political dynasty refers to a situation where persons related within the second civil degree of consanguinity or affinity hold, succeed to, or simultaneously occupy elective public offices, whether consecutively or concurrently, in a manner that results in the concentration, continuity, or entrenchment of political power within the same family, across one or more electoral contests or jurisdictions.

SEC. 2. *Prohibition of Political Dynasties.* — Political dynasties, as defined in this Act, are hereby declared contrary to public policy and prohibited, consistent with Article II, Section 26 of the 1987 Constitution. Such dynastic conditions shall not be allowed to persist as a mode of exercising elective public power.

SEC. 3. *Operational Effect of the Prohibition.* — Where the election or assumption to office of persons results in a political dynasty as defined in this Act:

- (a) The election, proclamation, and votes cast shall remain valid;
- (b) The prohibited dynastic condition shall be resolved by operation of law, without need of consent or further act by the affected persons, as follows:
 - (1) If the offices involved have different remaining terms, the office with the shorter remaining term shall be deemed vacated upon election.
 - (2) If the offices involved have the same remaining term, the office lower in constitutional or statutory order of precedence shall be deemed vacated upon election.

(3) In the case of election to a multi-member elective body, including but not limited to the Senate or local legislative councils, the seat of the related person who obtained the lower number of votes shall be deemed vacated upon election.

(c) Any vacancy resulting from the application of this section shall be filled in accordance with existing laws on succession or replacement.

Nothing in this Act shall be construed as a disqualification from running for, or being elected to, public office, nor as an addition to or modification of the constitutional qualifications for elective office.

SEC. 4. *Implementing Rules and Regulations.* — The Commission on Elections shall promulgate such rules and regulations as may be necessary to implement this Act in a manner consistent with the Constitution, limited to recognizing and enforcing the operational effects herein provided. The failure of the Commission to issue and promulgate such rules shall not preclude the implementation of the provisions of this Act.

SEC. 5. *Separability Clause.* — If any provision of this Act is declared unconstitutional, the other provisions not affected shall remain in full force and effect.

SEC. 6. *Effectivity.* — This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,