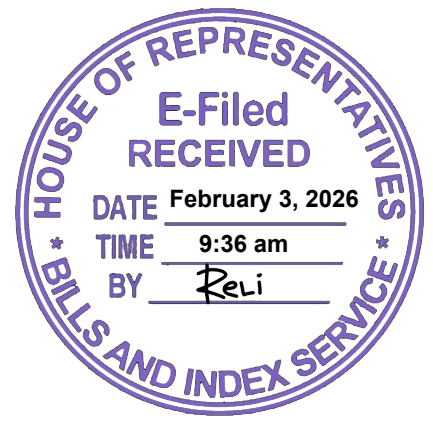


TWENTIETH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session



HOUSE OF REPRESENTATIVES
HOUSE BILL NO. **7574**

Introduced by REPRESENTATIVE MA. NINA FRANCESCA P. LACSON

EXPLANATORY NOTE

The Constitution expressly provides in Article II, Section 26 that the State shall guarantee equal access to opportunities for public service, and prohibit political dynasties as may be defined by law.


Almost four decades since the ratification of the Constitution, Congress has yet to enact the enabling legislation that gives effect to this mandate. In the absence of such a law, political dynasties, which is characterized by the concentration and continuity of political power within a single family, have continued to expand in many parts of the country. The presence of political dynasties undermines democratic power and stifles political competition. The choice of the electorate becomes limited.

This measure seeks to fulfill that long-standing constitutional directive.

The proposed Anti-Political Dynasty Act defines political dynasties and prohibits circumstances wherein relatives within the second civil degree of consanguinity or affinity may unduly succeed each other within the same jurisdiction. It likewise introduces safeguards against nepotism in executive appointments by prohibiting the appointment or recommendation of relatives within the second civil degree by incumbent elective officials, thereby fortifying integrity within the executive branch.

By enacting this measure, Congress finally gives life to the constitutional aspiration that public service be open to all Filipinos and not reserved for a select few by virtue of family ties.

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


MA. NINA FRANCESCA P. LACSON
Manila Teachers Party-list

HOUSE OF REPRESENTATIVES
HOUSE BILL NO. **7574**

Introduced by REPRESENTATIVE MA. NINA FRANCESCA P. LACSON

AN ACT
DEFINING POLITICAL DYNASTY, PROHIBITING THE ESTABLISHMENT
THEREOF, AND PROVIDING SAFEGUARDS AGAINST NEPOTISM IN
EXECUTIVE APPOINTMENTS

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

SECTION 1. Short 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 to opportunities for public office and to prevent the undue concentration of political power. Consistent with this policy, the State shall regulate and prohibit political dynasties as defined herein, while ensuring that such regulation remains reasonable, proportional, and respectful of the electorate's freedom of choice. It is likewise the policy of the State to uphold merit, integrity, and professionalism in public service by preventing nepotism in executive appointments.

SEC. 3. Definition of Terms. - For purposes of this Act:

(a) Political Dynasty refers to the concentration or perpetuation of political power within the same family by the holding or succession of elective offices by persons related within the prohibited degree, in a manner that undermines fair political competition or public accountability.

(b) Executive Elective Official refers to an elected official exercising executive authority, including but not limited to the President, Vice President, Governor, Vice Governor, Mayor, and Vice Mayor.

(c) Legislative Elective Official refers to an elected official exercising legislative authority, including but not limited to Members of the Senate, House of Representatives, Sangguniang Panlalawigan, Sangguniang Panlungsod, and Sangguniang Bayan.

(d) Second Civil Degree of Consanguinity or Affinity includes parents, children, siblings, grandparents, grandchildren, spouses, parent-in-law, daughter/son-in-law, whether legitimate or illegitimate, full or half blood.

SEC. 4. Applicability. - This Act shall apply to the next national and local elections and to all subsequent elections thereafter. Incumbent elected officials who are already in office at the time of effectivity of this Act may complete their terms and seek reelection only in accordance with existing term limits.

SEC. 5. Prohibited Simultaneous Holding or Candidacy of Executive and Legislative Offices.

(a) No person related within the second civil degree of consanguinity or affinity to an incumbent executive elective official shall be allowed to run for or hold any legislative elective office within the same municipality, city, legislative district, or province and national, during the term of such executive official.

This disqualification shall apply to the relationships between the President and Senator; the Governor and Member of the House of Representatives representing the same province or legislative district; the City or Municipal Mayor and Member of the Sangguniang Panlungsod or Sangguniang Bayan of the same city or municipality; and the Barangay Chairperson and Member of the Sangguniang Barangay of the same barangay.

(b) No person related within the second civil degree of consanguinity or affinity to an incumbent legislative elective official shall be allowed to run for or hold any executive elective office within the same municipality, city, legislative district, or province during the term of such legislative official.

This disqualification shall apply to the relationships between the President and Senator; the Governor and Member of the House of Representatives representing the same province or legislative district; the City or Municipal Mayor and Member of the Sangguniang Panlungsod or Sangguniang Bayan of the same city or municipality; and the Barangay Chairperson and Member of the Sangguniang Barangay of the same barangay.

(c) The prohibitions under this section shall not apply where the elective offices involved are in distinct and non-overlapping territorial jurisdictions, and where no direct, supervisory, fiscal, or policy control exists between such offices.

SEC. 6. Statement with the COMELEC. – Any person running for elective office shall file a sworn statement with the Commission on Elections (COMELEC) declaring that his or her candidacy does not constitute a political dynasty as defined under this Act.

SEC. 7. Period for Filing Petition for Disqualification. – Any citizen of voting age, candidate, or duly registered political party, organization, or coalition may file with the COMELEC, after the last day for filing certificates of candidacy and before proclamation, a petition to disqualify a candidate on the grounds provided under this Act.

SEC. 8. Summary Proceedings. – The COMELEC shall hear and decide the petition summarily after due notice and hearing. Its decision shall become executory fifteen (15) days after receipt by the losing party.

SEC. 9. Effect of Violation. – The COMELEC shall deny due course to any certificate of candidacy filed in violation of this Act. Votes cast for a disqualified candidate shall not be counted, nor shall such candidate be proclaimed or permitted to assume office. A violation of this Act shall constitute an election offense punishable under the applicable provisions of the Omnibus Election Code.

SEC. 10. Effect of Unresolved Petition. – If, for reasons beyond the control of the COMELEC, a petition cannot be resolved before completion of the canvass, the votes for the respondent shall be included in the canvass; however, proclamation shall be suspended when the basis for disqualification is strong. If a disqualified candidate is proclaimed and has assumed office, the existence of a political dynasty relationship or a violation of this Act shall constitute a ground for quo warranto or other appropriate proceedings.

SEC. 11. Implementing Rules and Regulations. – The COMELEC shall promulgate the necessary rules and regulations to implement this Act.

SEC. 12. Repealing Clause. – All laws, orders, rules, and regulations inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 13. Separability Clause. – If any provision of this Act is declared invalid or unconstitutional, the remaining provisions not affected thereby shall remain in full force and effect.

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