

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

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. 3861



Introduced by REP. KAKA BAG-AO, REP. TOMASITO VILLARIN and REP. NANCY CATAMCO

EXPLANATORY NOTE

Article II, Section 26 of the Constitution states that *"The State shall guarantee equal access to public service and prohibit political dynasty as defined by law."*

In a study conducted by the Asian Institute of Management Policy Center in 2009, the estimated prevalence of dynasties in the country across key local government positions and found it to be most widespread among certain positions especially governors (85%), vice-governors (75%), district representatives (74%) outside of the National Capital Region, and mayors (66%) and vice-mayors (50%) outside of NCR. In the same study, political dynasties are pervasive in the ten (10) poorest provinces that are afflicted by low levels of human development, bad governance, violence and poor business climates. Dynasties also weaken the checks and balances in government as well as the competition in the political system resulting in less access for alternative leaders and youth leaders to be part of the political system.

This proposed measure provides a definition of political dynasty and political dynasty relationship, and the legislative prohibition thereof, thereby giving force and effect to the above-cited Constitutional provision. In view of the foregoing, the immediate passage of this bill is earnestly sought.


REP. KAKA BAG-AO
Lone District, Dinagat Islands


REP. TOMASITO VILLARIN
AKBAYAN Partylist


REP. NANCY CATAMCO
2nd District, North Cotabato

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AN ACT
DEFINING POLITICAL DYNASTY AND PROHIBITING THE ESTABLISHMENT THEREOF

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 of 2016.**”

SECTION 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 defined in Section 3 of this Act.

SECTION 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.

- b. “Political Dynasty Relationship” exists when a person who is the spouse of an incumbent elective official or a relative within the second civil degree of consanguinity or affinity of an

incumbent elective official holds or runs for an elective office simultaneously with the incumbent elective official within the same province, or occupies the same office immediately after the term of office of the incumbent elective official. It shall also be deemed to exist where two (2) or more persons who are spouses or are related within the second civil degree of consanguinity or affinity run simultaneously for elective public office within the same province, even if neither is so related to an incumbent elective official. In case the constituency of the incumbent elective official is national in character, the above relatives shall be disqualified from running in any other national elective office.

c. "Spouse" shall refer to the legal or common law wife or husband of the incumbent elective official.

d. "Second Civil Degree of Consanguinity or Affinity" shall refer to the relatives of a person who may be the latter's brother or sister, whether of full or half-blood, direct ascendant or direct descendant, whether legitimate, illegitimate or adopted, including their spouses.

e. "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 (COMELEC).

f. "Holding an Elective Office" shall be deemed to commence from the moment the public official takes his or her oath of office.

SECTION 5. Persons Covered; Prohibited Candidates. – No spouse, or person related within the second degree of consanguinity or affinity, whether legitimate or illegitimate, to an incumbent elective official seeking reelection shall be allowed to hold or run for any elective office in the same province in the same election.

In case the constituency of the incumbent elective official is national in character, the above relatives shall be disqualified from running within the same province where the former is a registered voter, as well as to any other national elective positions.

In case where none of the candidates is related to an incumbent elective official within the second degree of consanguinity or affinity, but are related to one another within the said prohibited degree, they, including their spouses, shall be disqualified from holding or running for any local elective office within the same province in the same election. This shall also apply when the said candidates are holding or running for national elective positions in the same election. This is without prejudice to the proper determination by the Commission on Elections (COMELEC) on nuisance candidates.

In all cases, no person within the prohibited civil degree of relationship to the incumbent shall immediately succeed to the position of the latter: Provided however, that this section shall not apply to Punong Barangays or members of the Sangguniang Barangay.

SECTION 6. Statement with the Commission on Elections. – Any person running for any elective public office except for that of Barangay official, shall file a sworn statement with the COMELEC that he or she does not have a political dynasty relationship with an incumbent elective official running for an elective public office either in the same province other than that of the position earlier mentioned or in any other national elective office.

SECTION 7. Effect of Violation of Prohibition. – The COMELEC shall, motu proprio or upon verified petition of any interested party, deny due course to any certificate of candidacy filed in violation of this Act.

SECTION 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 COMELEC, 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 of this Act.

SECTION 9. Summary Proceedings. – The petition shall be heard and decided summarily by the COMELEC, 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.

SECTION 10. Effect of Petition if Unresolved Before Completion of Canvass. – If the petition, for reasons beyond the control of the COMELEC, 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, his or her proclamation shall be suspended notwithstanding the fact that he or she received the winning number of votes in the election: Provided further, that in cases where disqualified candidate has been proclaimed he or she shall ipso facto forfeit his or her right to the office.

SECTION 11. Applicability. – This Act shall be applicable to the next election and to all subsequent elections to be held thereafter.

SECTION 11. Rules and Regulations. – The COMELEC shall promulgate the rules and regulation for the implementation of the provisions of this Act.

SECTION 12. Repealing Clause. – Any law, Presidential Decree or issuance, Executive Order, Letter of Instruction, Administrative Order, Rule or Regulation contrary to, or inconsistent with, the provisions of this Act is hereby repealed, modified, or amended accordingly.

SECTION 13. Separability Clause. – If any provision or part hereof, is held invalid or unconstitutional, the remainder of the Act or the provision not otherwise affected shall remain valid and subsisting.

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

Approved,