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Introduced by Senator Miriam Defensor Santiago

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EXPLANATORY NOTE

The Constitution, Article 2, Section 26 provides:

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

Philippine society, many sociologists note, revolves around the system of extended families. However, this extended family system, a beneficial concept when applied to the social aspects of human behavior, finds its pernicious effects in the political arena when public office becomes the exclusive domain of influential families and clans that are well-entrenched in Philippine politics.

The Philippines is the political dynasty capital of the world. During the 2010 elections, there were 178 political dynasties in the country. One hundred or 56% were old elites, while 78 or 44% were new elites which emerged from Edsa 1 and the 1987 post-Marcos elections.

The statistics are staggering. In 2010, of the 229 district representatives in the House of Representatives, 74% or 170 belonged to political families. In the Senate, 80% or 18 of the 23 senators were members of political families.

During the 15<sup>th</sup> Congress, 52 or 91% of the 56 party-list seats in the House of Representatives were held by millionaires. Ten nominees came from political clans.

Ninety-four percent, or 73 out of a total of 80 provinces, were dominated by political dynasties. The average number of political families per province was 2.31.

Family dynasties have controlled the political landscape for 25 years in Lanao del Norte, Rizal, La Union, Camarines Sur, Leyte, and Agusan del Sur. In 2010, 40% of 79 provinces had governors and representatives related to each other.

The problem with political dynasties is not simply that those who have familiar surnames are elected or appointed into public office; it is that those who carry such surnames enter public service only because of their surnames. Qualifications for public service should not be a matter of chance but a matter of hard work, merit, and moral integrity.

Political dynasties are both results and manifestations of our failure to reform the electoral system, inability to create a sizable educated middle class, and the continuing success of the politics of personality. Political dynasties are problematic for our democracy because they effectively disqualify otherwise highly qualified prospective public officers, create more opportunities for corruption, and generate cynicism about public service.

This bill gives force and effect to the constitutional provision prohibiting political dynasties.<sup>1</sup>

*acc.* *Miriam Defensor Santiago*  
MIRIAM DEFENSOR SANTIAGO

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<sup>1</sup> This bill was originally filed during the Thirteenth Congress, First Regular Session.

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1 AN ACT  
2 PROHIBITING THE ESTABLISHMENT OF POLITICAL DYNASTIES

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

3 SECTION 1. *Short Title.* - This Act shall be known as "The Anti-Political Dynasty Act."

4 SECTION 2. *Declaration of Policy.* - It is hereby declared the policy of the State to  
5 guarantee equal access and opportunity to public office and public service. Towards this end, it is  
6 likewise declared the policy of the State to prohibit political dynasties as defined in Section 3 of  
7 this Act.

8 SECTION 3. *Definition of Terms.* - As used in this Act, the term:

9 (a) "Political dynasty" - shall exist when a person who is the spouse of an incumbent  
10 elective official or relative within the second civil degree of consanguinity or affinity of an  
11 incumbent elective official holds or runs for an elective office simultaneously with the  
12 incumbent elective official within the same province or occupies the same office immediately  
13 after the term of office of the incumbent elective official. It shall also be deemed to exist where  
14 two (2) or more persons who are spouses or are related within the second civil degree of  
15 consanguinity or affinity run simultaneously for elective public office within the same province,  
16 even if neither is so related to an incumbent elective official;

17 (b) "Spouse" - shall refer to the legal and common-law wife or husband of an incumbent  
18 elective official;

1 (c) "Second civil degree of consanguinity or affinity" - shall refer to the relatives of a  
2 person who may be the latter's brother or sister, whether of full or half-blood, direct ascendant or  
3 direct descendant, whether legitimate, illegitimate or adopted, including their spouses;

4 (d) "Running for an elective office" - shall be deemed to commence upon the filing of the  
5 certificate of candidacy by a candidate with the Commissions on Elections;

6 (e) "Holding an elective office" - shall be deemed to commence from the moment the  
7 public official takes his oath of office; and

8 (f) "COMELEC" - shall refer to the Commission on Elections.

9 SECTION 4. *Persons Covered; Prohibited Candidates.* - No spouse or person related  
10 within the second degree of consanguinity or affinity, whether legitimate or illegitimate, to an  
11 incumbent elective official seeking reelection shall be allowed to hold or run for any elective  
12 office within the same province in the same election. In case the constituency of the incumbent  
13 elective official is national in character, the above relatives shall be disqualified from running  
14 only within the same province where the former is a registered voter.

15 In case where none of the candidates is related to an incumbent elective official within  
16 the second degree of consanguinity or affinity, but are related to one another within the said  
17 prohibited degree, they, including their spouses, shall be disqualified from holding or running for  
18 any local elective office within the same province in the election.

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

22 SECTION 5. *Effect of Violation of Prohibition.* - The COMELEC shall *motu proprio* or  
23 upon a verified petition of any interested party deny due course to any certificate of candidacy  
24 filed in violation of this Act.

25 SECTION 6. *Period for Filing Petition for Disqualification.* - Any citizen of voting age,  
26 candidate, or duly-registered political party, organization, or coalition of political parties may file  
27 with the COMELEC, after the last day for filing of certificates of candidacy and before

1 proclamation, a petition to disqualify a candidate on grounds provided for under Section 4 of this  
2 Act.

3 SECTION 7. *Summary Proceedings.* - The petition shall be heard and decided summarily  
4 by the COMELEC, after due notice and hearing, and its decision shall be executed after the lapse  
5 of five (5) days from receipt thereof by the losing party.

6 SECTION 8. *Effect of Petition if Unresolved Before Completion of Canvass.* - If the  
7 petition, for reasons beyond the control of the COMELEC, cannot be decided before the  
8 completion of the canvass, the votes cast for the respondent shall be included in the counting and  
9 canvassing: *Provided however*, that if the basis for such disqualification is substantial, his or her  
10 proclamation shall be suspended notwithstanding the fact that he or she received the winning  
11 number of votes in the election: *Provided further*, that in cases where the disqualified candidate  
12 has been proclaimed, he or she shall *ipso facto* forfeit his right to the office.

13 SECTION 9. *Rules and Regulations.* - The COMELEC shall promulgate the rules and  
14 regulations for the implementation of the provisions of this Act.

15 SECTION 10. *Separability Clause.* - If any provision or part hereof is held invalid or  
16 unconstitutional, the remainder of the Act or the provision not otherwise affected shall remain  
17 valid and subsisting.

18 SECTION 11. *Repealing Clause.* - Any law, presidential decree or issuance, executive  
19 order, letter of instruction, administrative order, rule, or regulation contrary to or inconsistent  
20 with the provisions of this Act is hereby repealed, modified, or amended accordingly.

21 SECTION 12. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its  
22 publication in at least two (2) newspapers of general circulation.

Approved,