

Introduced by Senator Lacson

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.”*

Political dynasties have made positions in government subject to inheritance and results in the proliferation of small monarchies all over the country. Seeing the malevolence created by political dynasties, the 1987 Constitution mandated the legislature to prohibit political dynasties in order to effectively put a stop to the monopoly of certain families to public office.

During the debates in the Constitutional Commission of 1986, Commissioner Sarmiento explained the rationale of this provision in the following manner:

“By including this provision, we widen the opportunities of competent, young, and promising poor candidates to occupy important positions in the government. While it is true we have government officials who have ascended to power despite accident of birth, they are exemptions to the general rule. The economic standing of these officials would show that they come from powerful clans with vast economic fortunes.”

Unfortunately, despite numerous attempts to introduce an anti-political dynasty law (as early as the 8th Congress) to effect electoral reforms and level the political landscape, Congress failed to pass such a law.

This inaction can be attributed of course to the fact that many members of Congress also came from well-entrenched political clans. Over the years, they have successfully argued for the so called electorate’s right to choose their elected leaders using the oft-repeated principle that “sovereignty resides in the people and all government authority emanates from them”.

This proposed measure seeks to strike a balance between these two competing fundamental principles so that we can finally enact a law that will give life to said provision in consonance with the constitutional precept that laws should be interpreted not in the letter that killeth but to the spirit that vivifieth.

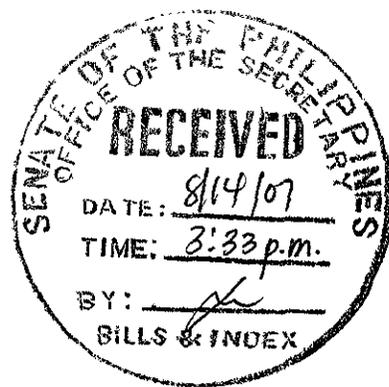
Hence, the proposed measure seeks to prohibit the spouse or persons related within the second degree of consanguinity or affinity, whether legitimate or illegitimate, full or half blood of an incumbent public official seeking re-election from holding or running for any elective office in the same municipality/city, legislative district and/or province in the same election or occupying the same office immediately after the term of office of the incumbent elective official.

Additionally, it also prohibits two or more persons who have political dynasty relationship from running simultaneously for an elective office within the same

municipality/city, legislative district and/or province, even if neither is so related to the incumbent public official.

Verily, early passage of this measure is earnestly sought.


PANFILO M. LACSON
Senator



SENATE
S.B. No. **1468**

Introduced by Sen. Lacson

AN ACT
PROHIBITING THE ESTABLISHMENT OF POLITICAL DYNASTIES.

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 2007"

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, the State adopts a policy of prohibiting political dynasties as hereinafter defined to give force and effect to this policy and prevent the concentration of political power to a limited few.

SECTION 3. Definition of Terms. - the following terms, as used herein shall mean.

1. Political Dynasty – refers to the concentration, consolidation or perpetuation of political powers by persons related to one another.
2. Political Dynasty Relationship – refers to the situation where a person who is the spouse 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 municipality/city, legislative district and/or province or occupies the same office immediately after the term of office of the incumbent elective official.

A political dynasty relationship shall also be deemed to exist where two (2) or more persons who are spouses or related to one another within the second civil degree of consanguinity or affinity run simultaneously for elective public office within the same municipality/city, legislative district and/or province, even if neither is so related to the incumbent elective official.

3. Second Civil Degree of Consanguinity or Affinity – refers to the degree of relationship by blood or affinity of a person with his/her brother or sister, direct ascendant or direct descendant, whether legitimate or illegitimate, full or half blood, including their spouses.
4. Term Limits – refers to the maximum term limits for elected public officials as provided for in the Constitution.
5. Running for an Elective Office – refers to the period that commences upon the filing of the certificate of candidacy by a candidate with the Commission on Elections (COMELEC).

6. Holding an Elective Office – refers to the period that commences from the moment the public official takes his or her oath of office.

SECTION 4. *Applicability.* - This Act shall be applicable to the next elections and to all subsequent elections thereafter. In the case of incumbent elected officials who have political dynasty relationships with one another in the same municipality/city, legislative district and/or province, they shall be allowed to run in all subsequent elections until they reach their term limit as provided by law.

SECTION 5. *Persons Covered; Prohibited Candidates.* – No spouse or person related within the second degree of consanguinity or affinity, whether legitimate or illegitimate, full or half blood, to an incumbent elective official seeking re-election shall be allowed to hold or run for any elective office in the same municipality/city or legislative district and/or 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 only within the same province or legislative district where the former is a registered voter.

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 running for any local elective office within the same municipality/city, legislative district and/or province in the same election.

In all cases, no person who has a political dynasty 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 that of a barangay official shall file a sworn statement with the COMELEC that he or she does not have a political dynasty relationship with any incumbent public official running for an elective public office in the same municipality/city, legislative district and/or province other than the position earlier mentioned.

SECTION 7. *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 verified petition to disqualify a candidate on grounds provided for under Section 5 hereof.

SECTION 8. *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 9. *Effect of Violation of Prohibition.* – The COMELEC shall, upon the filing of a verified petition by any interested party, deny due course any certificate of candidacy filed in violation of this Act and the votes cast for the disqualified candidate, if any, shall not be counted nor shall such candidate be proclaimed nor be qualified to assume office.

Violation of this Act and the rules and regulations of the COMELEC issued to implement this Act shall also constitute an election offense punishable under the first and second paragraphs of Section 264 of the Omnibus Election Code (Batas Pambansa Blg. 881)

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.

In the event a candidate disqualified under this Act shall have been proclaimed and has assumed office, his or her political dynasty relationship shall be a ground for disqualification in appropriate *quo warranto* proceeding.

SECTION 11. *Rules and Regulations.* - The Commission on Elections shall promulgate the necessary rules and regulations to effectively implement the provisions of this Act.

SECTION 12. *Separability Clause.* - If any part of this Act is held invalid or unconstitutional, the other parts or provisions thereof shall remain valid and effective.

SECTION 13. *Repealing Clause.* - All laws, orders, issuances, rules and regulations or part thereof inconsistent with the provisions of this Act are hereby repealed, modified or amended accordingly.

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

Approved,