

Petitioners approve of this Petition for the enactment of the Anti-Dynasty Act via Initiative under Republic Act No. 6735. Section 26, Article II of the 1987 Constitution states, "*The State shall guarantee equal access to opportunities for public service, and prohibit political dynasties as may be defined by law.*" Despite these provisions, political dynasties - a root problem of corruption in government – exist in Philippine political arena. Many have called for the Congress to pass an anti-dynasty law, but the needed bill has been passed over by each Congress since 1987.

ANNEX "B"

AN ACT

IMPLEMENTING THE STATE POLICY OF

PROHIBITING POLITICAL DYNASTIES AS MAY BE DEFINED BY LAW

UNDER ARTICLE TWO, SECTION TWENTY-SIX OF THE 1987 CONSTITUTION,

THROUGH THE SOVEREIGN POWER OF THE PEOPLE TO PROPOSE AND

ENACT LAWS UNDER ARTICLE SIX, SECTION THIRTY-TWO THEREOF AND

REPUBLIC ACT 6735, PROVIDE PENALTIES FOR VIOLATION,

AND FOR OTHER PURPOSES

Be it enacted by the People of the Philippines:

1 SECTION 1. *Short Title.* – This Act shall be known as the “Anti- Dynasty Act.”

2 SECTION 2. *Declaration of Policy, Purpose and Objective.* – It is the policy of
3 the State, enunciated in Article II, Section 26 of the 1987 Constitution, to “guarantee
4 equal access to opportunities for public service and prohibit political dynasties as may be
5 defined by law.” While it is the mandate to Congress, in Article XIII, Section 1 thereof,
6 to “give highest priority to the enactment of measures that protect and enhance the right
7 of all the people to...reduce social, economic, and political inequalities, and remove
8 cultural inequities by equitably diffusing wealth and political power for the common
9 good,” Article VI, Section 32 also provides that “Congress shall, as early as possible,
10 provide for a system of initiative and referendum and the exceptions therefrom, whereby
11 the people can directly propose and enact laws or approve or reject any act or law or part
12 thereof passed by the Congress or local legislative body after the registration of a petition
13 therefor signed by at least ten per centum of the total number of registered voters, of

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1 which every legislative district must be represented by at least three per centum of the
2 registered voters thereof," which became the foundation for the enactment in 1989 of
3 Republic Act 6735 or the Initiative and Referendum Act. As empowered people, we
4 have the duty and right to do what must be done for the common good and, towards this
5 end, it is the purpose and objective of this Act to translate into the practical realities these
6 precepts by prohibiting political dynasties as defined in Section 3 of this Act.

7 SECTION 3. *Definition of Terms.* – The following terms, as used in this Act,
8 shall mean:

9 “Political Dynasty” – shall refer to the concentration, consolidation or perpetuation of
10 political powers by persons related to one another.

11 “Political Dynasty Relationship” – shall exist when a person who is the spouse, a relative
12 within the third degree of consanguinity or affinity, or first cousin of an incumbent
13 elective official holds or runs for an elective office simultaneously with the incumbent
14 elective official within the same municipality/city, legislative district and/or province or
15 occupies the same office immediately after the term of office of the incumbent elective
16 official. It shall also be deemed to exist where two (2) or more persons who are spouses,
17 are related within the third civil degree of consanguinity or affinity, or are first cousins
18 run simultaneously for elective public office within the same municipality/city,
19 legislative district and/or province, even if neither is so related to an incumbent elective
20 official.

21 “Spouse” – shall refer to the legal and common-law wife or husband of the incumbent
22 elective official.

23 “Within the Third Civil Degree of Consanguinity” – shall refer to the relatives of a
24 person who may be the latter’s child or parent [1st degree], grandchild, brother or sister,
25 or grandparent [2nd degree], uncle or aunt, nephew or niece, or great grandchild [3rd

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1 degree] whether of full or half-blood, whether legitimate, illegitimate or adopted,
2 including their spouses.

3 "Within the Third Civil Degree of Affinity" - shall refer to the relatives of the a person's
4 spouse who may be the latter's child or parent [1st degree], grandchild, brother or sister,
5 or grandparent [2nd degree], uncle or aunt, nephew or niece, or great grandchild [3rd
6 degree] whether of full or half-blood, whether legitimate, illegitimate or adopted,
7 including their spouses.

8 "First Cousin" - shall refer to the child of the uncle or aunt of a person or the child of the
9 uncle or aunt of the person's spouse, whether of full or half-blood, whether legitimate,
10 illegitimate or adopted, including the said child's spouse.

11 "Term Limits" - shall mean the maximum term limits for elected public officials as
12 provided for in the Constitution.

13 "Running for an Elective Office" - shall be deemed to commence upon the filing of the
14 certificate of candidacy by a candidate with the Commission on Elections.

15 "Holding an Elective Office" - shall be deemed to commence from the moment the
16 public official takes his oath of office.

17 "COMELEC" - shall refer to the Commission on Elections.

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

23 SECTION 5. *Persons Covered; Prohibited Candidates.* - No person with political
24 dynasty relationship with an incumbent elective official shall be allowed to run in the

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1 same election for or, in any event, allowed to hold any elective office in the same
2 municipality/city, legislative district and/or province.

3 In case the constituency of the incumbent elective official is national in character, the
4 above relatives shall be disqualified from running in the same election for or, in any
5 event, from holding any elective office only within the same province where the former is
6 a registered voter.

7 In case where none of the candidates is related to an incumbent elective official, but have
8 political dynasty relationship with one another, they shall be disqualified from running in
9 the same election for or, in any event, from holding any elective office within the same
10 municipality/city, legislative district and/or province, with the exception of the one
11 running for or, in any event, holding the higher or superior elective position. *Provided,*
12 *however,* that if the same higher or superior elective position is involved, the *bona fide*
13 certificate of candidacy that was filed first will be recognized. *Provided, further,* that
14 whenever it cannot be determined with accuracy which application was filed first or it
15 can be established that the time difference in filing does not exceed twenty-four (24)
16 hours, the COMELEC shall supervise the drawing of lots to decide whose certificate of
17 candidacy shall be accepted.

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

22 SECTION 6. *Filing of Petition for Disqualification of Candidacy.* - Any citizen
23 of voting age, candidate or duly-registered political party, organization, or coalition of
24 political parties may file with the COMELEC a petition to disqualify a candidate or in
25 any event an elective official on grounds provided for under Section 5 hereof.

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

4 SECTION 8. *Effect of Violation of Prohibition.* - The COMELEC shall *motu*
5 *proprio* or upon a verified petition of any interested party, deny due course to any
6 certificate of candidacy filed in violation of this Act.

7 A reasonable deadline shall be set by the COMELEC for voluntary withdrawal of
8 certificate of candidacy arising from any candidate's subsequent knowledge of his or her
9 violation of this Act.

10 The COMELEC for the purpose of this section and for the guidance of interested
11 parties shall make available in its website an updated list of certificates of candidacy
12 showing the status, full name of candidate and elective position, by municipality/city,
13 legislative district and province.

14 SECTION 9. *Effect of Petition if Unresolved Before Completion of Canvass.* - If
15 the petition, for reasons beyond the control of the COMELEC, cannot be decided before
16 the completion of canvass, the votes cast for the respondent shall be included in the
17 counting and canvassing: *Provided however*, that if the basis for such disqualification is
18 strong, the proclamation shall be suspended notwithstanding the fact that the respondent
19 received the winning number of votes in the election.

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

23 SECTION 11. *Penalties for Violation.* - Any person who shall be found after the lapse
24 of the COMELEC deadline for voluntary withdrawal of candidacy or shall in any event
25 occupy any elective office through an election in violation of Section 5 hereof shall be

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1 liable for criminal prosecution under this Act and who, upon conviction, may be
2 sentenced to an imprisonment of from three (3) years to six (6) years and perpetual
3 disqualification from holding any public office.

4 SECTION 10. *Rules and Regulation.* - The COMELEC shall promulgate the
5 rules and regulations for the implementation of the provisions of this Act.

6 SECTION 12. *Repealing Clause.* - Any law, presidential decree or issuance, executive
7 order, letter of instruction, administrative order, rule or regulation contrary to, or
8 inconsistent with, the provisions of this Act is hereby repealed, modified or amended
9 accordingly.

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

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

15 Approved,