

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 "C"

ANTI-DYNASTY ACT

**Be it enacted by the People of the Philippines through Initiative
Under R.A. 6735 or the Initiative and Referendum Act**

EXPLANATORY NOTE

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."*

Section 1, Article XIII of the 1987 Constitution mandates Congress *"give highest priority to the enactment of measures that protect and enhance the right of all the people to...reduce social, economic, and political inequalities, and remove cultural inequities by equitably diffusing wealth and political power for the common good."*

Despite these provisions, political dynasties have been a present staple in Philippine political arena.

Many have pointed that such oligarchy is the root problem of all the corruption in government.

Many have called for the Congress to pass the Anti-Dynasty Law, but the needed bill has been passed over by each Congress since 1987.

The subject of "political dynasties in the Philippines" is such a huge issue that searching the phrase or subject on the internet will show numerous results.

Here are a few excerpts:

- PASTORAL EXHORTATION ON PHILIPPINE POLITICS
Catholic Bishops Conference of the Philippines
16 September 1997
http://www.bccponline.net/documents/1990s/1999-philippine_culture.html

"Politics is--or ought to be--the art of government and public service. But sadly, in the Philippines, it has degenerated into an arena where the interests of the powerful and rich few are pitted against those of the weak and poor many. It interferes with the administration of justice and the equal application of the law, heavily weighted as it most patently is on the side of the politically connected. Political debts are paid with appointments to high offices of those to whom elected officials are indebted, blind loyalty counting as the most important criterion in the selection of public officials--even for government agencies mandated to be independent by the Constitution...Thus the well-intentioned among career officials and employees in government become demoralized early or withdraw into silence or resign altogether. And those who opt to continue despite disillusionment are only too often harassed or eventually coopted into the system."

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"The constitutional principles of separation of powers and of checks and balances among the three departments of government are, on the one hand, abused to create deadlock for political mileage; and, on the other hand, conveniently set aside on occasion for reciprocal advantage."

"Our Constitution describes public office as a public trust meant for the good of civil society at large. Yet many a politician looks at it as a means of enrichment and a source of influence and power for self- and family-enlargement. It hence easily becomes considered and actually treated as some sort of private property to be passed on from one generation to another in the manner of a feudal title--the perpetuation of power that is at the base of so-called "family dynasties." In this manner no distinction is made between public funds and private money."

- AN ACT PROHIBITING THE ESTABLISHMENT OF POLITICAL DYNASTIES
S. No. 412
Filed 30 June 2004
Introduced by Senator Sergio. R. Osmena III
Thirteenth Congress
<http://202.57.33.10/plis/data/1569870!.pdf>

"Dynasties in Philippine politics have thus far flourished and proliferated in response to the term limits on public office. To circumvent these term limits, politicians try to field their relatives to run for public office in their stead. Hence it is common that a politician has his wife, child, brother or sister running and holding on to his office, while he awaits the mandatory prohibition regarding his seeking reelection to pass."

- ANTI-POLITICAL ACT OF 2004
S.B. No. 1317
Filed 5 July 2004
Introduced by Senator ALFREDO S. LIM
Thirteenth Congress
<http://202.57.33.10/plis/data/25241896!.pdf>

"Although the 1987 Constitution expressly prohibits the continued existence of dynasties, the same depraved scheme continues to permeate our political climate as influential families and clans continue to wield control and power through electoral victories."

"We continue to hear that mayors, councilors, congressmen, governors, including barangay chairmen of certain municipalities and cities, are related to one another by blood or affinity."

"Such control makes it easier for them to wrest all power in the locality and harder for their adversaries to obtain a fair chance in getting elected to the position they control."

"And the graver danger is the ease with which these dynasties could angle for and perpetrate illegal activities to the great detriment of their constituents."

"More than the control and danger that dynasties bring about, for as long as political dynasties exist and abound, we can never have an effective party system."

"The common excuse of family members in rotating control of the position among themselves is to provide continuity in the service."

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"On the contrary, the continuity in public service may be better assured if the same is carried out by political parties. Indeed, by abolishing dynasties, we are strengthening our party system because, rather than look up to the candidates, the electorate will make their choice on the basis of party principles."

- FAMILY TIES

The Makati Business Club

Congress Watch Report No. 98

30 December 2004

<http://www.malaya.com.ph/04072010/edbaylon.html>

"The Philippine Constitution prohibits political dynasties in order to guarantee equal access to opportunities for public service...Unwittingly, the opposite has happened as the three-term limit gave the opportunity for political dynasties to perpetuate themselves in power.

There is no existing law that prohibits anyone from running for another position after completing three terms in office, nor is there a law that restricts anyone from running for the same position after a one-term interval. Moreover, there is no law limiting the number of family or clan members that can run for one or more positions at the same time. To perpetuate themselves in power, members of a political dynasty merely switch positions or let a new member run after the three-term limit runs out for one of them.

Although there have been previous attempts to introduce an anti-political dynasty law before (as early as the 8th Congress) to effect electoral reforms and consequently level the political landscape, Congress has never passed such a law...

1986 Constitutional Commission delegate Prof. Jose N. Nollado notes that political dynasties have made positions in government subject to inheritance and results in the proliferation of small "monarchies" all over the country which appropriately describes the composition of the present batch of legislators...

Thus entrenched, they can also ensure their perpetuation in office, only allowing for a few token positions to be taken by non-relations when it's convenient for the ruling clan in the locality. It is only ironic that the laws that are sorely needed to break political dynasties can only be crafted by those who are benefiting from its absence and that perpetual inaction on their part can only be in their best interest."

- POLITICAL DYNASTIES

Philippine Daily Inquirer

Separate Opinion by Isagani Cruz

20 January 2007

http://opinion.inquirer.net/inquireropinion/columns/view/20070120-44507/Political_dynasties

"One of the most ambitious policies of the present Constitution is expressed in its Art. II, Sec. 26... It is also the most ignored by Congress for obvious reasons."

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"Although its evils are readily recognizable, the political dynasty may not really be easy to define... Should it be limited to the immediate family only or may it extend to other relatives, by consanguinity or affinity, within the fourth civil degree under the Civil Code? This is a question that may be offered by Congress as its excuse for not defining the political dynasty. But the real reason, of course, is the refusal of its members to commit political suicide by applying their prohibition to themselves."

- FRAUD, 2007
Center for People Empowerment in Governance (CenPEG)
Issue Analysis No.07
7 May 2007
http://www.cenpeg.org/IA%202007/IA_07_s2007.htm

"Fraud is an endemic disease that has been institutionalized by a political system – the government, executive and legislative structures, political parties – that remains dominated by political dynasties. Fraud has been part of elite and patronage politics. There are about 250 political dynasties that dominate the political system, whose members occupy the country's major elective as well as appointive positions from the national, congressional down to the provincial and local levels. These are the same families who belong to the country's economic elite, some of them acting as rulemakers or patrons of politicians who conspire together to amass greater economic power."

"Fraud recycles the political dynasties and keeps them in power. It breeds generations of cheaters and manipulators, corrupt politicians, mediocre executives, bribe takers, absenteeism in Congress. It is part of the lifeblood of bureaucrat capitalism."

"Fraud may be used to prolong patronage politics and keep family dynasties and crooked politicians in power. But it is leaving the state greatly weakened and the myth of democracy shattered."

- POLITICAL DYNASTIES IN MINDANAO
by Roland G. Simbulan, Professor – University of the Philippines
(Lecture delivered on the occasion of the 2nd Engineer Arturo F. Eustaquio Sr. Lecture Series, Universidad de Zamboanga, and before the Faculty of the Western Mindanao State University)
23 October 2007
<http://www.yonip.com/main/articles/Misc-Doc0001.html>

"Each of the country's 80 provinces have political dynasties competing with each other for national and local elective positions. Dynasties have also expanded to monopolize many appointive positions."

"Politics is a family affair, so that from the national to the local level, we see long family histories of political rule. Husbands, wives, sons, daughters, and close relative occupy many public offices; during elections we likewise see them all running for public office."

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"According to a recent study by the Philippine Center for Investigative Journalism, 2/3 of the members of the 8th to 12th Congress belong to political dynasties. We can just take a look at the Philippine Senate where we have combinations of brothers and sisters, mother and son, father and son out of only 24 members of the upper chamber. This is why if a few families control Congress, they tend to legislate in favor of their own interests to the detriment of the majority of Filipinos. Look what happened to key legislation like the land reform program which most of our farmers are not happy about, and other critical legislation. And can we expect them to legislate against political dynasties?"

"Since 1987, the anti-political dynasty bills filed never got to first base. Why? Most lawmakers from the administration and opposition oppose the Constitutional ban on political dynasties because they too, come from political dynasties and clans, which have been long entrenched in power. New political dynasties have also risen to challenge the traditional political clans in their bailiwicks."

"The Philippine political system is structured around patronage and what academics call rent-seeking, or the use of privileges from the state to benefit private and family business. These families are able to control and influence the courts, Congress, and Malacanang, and to control the most profitable parts of our economy. When family, not ideology or principle becomes the norm in politics and public service, corruption will flourish. In fact, the existence of political clans and dynasties has encouraged a political system that is dominated by patronage, corruption, violence and fraud at the national and local level."

"Dynastic public officials have the following advantages which they further exploit to widen, expand and consolidate their economic and political power:

- high concentration of formal power (among relatives with common economic interests);*
- gives them considerable license in the exercise of their powers, which they wantonly abuse in the absence of check and balance;*
- elite, dynastic politicians not only seek to maintain their position of authority, but also to advance their family's economic interest or interests of their social class;*
- in many parts of the country, political dynasties who are also warlords manipulate and thwart the free exercise of the people in their right to vote."*

"Many of the Mindanao dynasties are from the landed families, some were cronies from way back during the Marcos regime up to the present. In the ARMM, many are from the prominent landed datu class, are warlords and have private armies or the backing of an armed group that help them maintain influence."

"Political dynasties distort governance, and make a sham of democratic governance. Thru political dynasties, public office becomes an exclusive family franchise, a provider of more benefits to family interests."

"Political dynasties are the No. 1 obstacles to the development of genuine political parties in the Philippines which are based on principles and consistent party platforms. The role of real political parties is to promote clear social visions and programs and to represent especially the needs and aspirations of the larger

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sectors of Philippine society, not just a few elite families. The current elite parties of families are money machines, political vehicles and feudal formations controlled by patriarchs that dispense patronage, privilege and protection for the oligarchy."

"Real political parties with defined programs, vision, and ideologies representing the larger sectors of Philippine society should challenge and replace political clans and dynasties. With better economic opportunities in our socio-economic structure, we can develop a truly democratic electoral and party system."

- ANTI-POLITICAL DYNASTY ACT
S.B. NO. 2649
Filed 24 January 2011
Introduced by Senator Miriam Defensor Santiago
Fifteenth Congress
<http://202.57.33.10/plis/data/106169091!.pdf>

"To give force and effect to this provision (Section 26, Article II, Constitution), the playing field of the political arena should be leveled and opened up to persons who are equally qualified to aspire on even terms with those from ruling politically dominant families."

"Philippine society, many sociologists note, evolves around the system of extended family. However, this extended family system, an otherwise beneficial concept when applied to the social aspects of human behavior, finds its pernicious effects in the political arena where public office becomes the exclusive domain of influential families and clans that are well-entrenched in Philippine politics. The monopoly of political power and public resources by such families affects the citizenry at the local and national levels."

"The socio-economic and political inequities prevalent in Philippine society limit public office to members of ruling families. In many instances, voters, for convenience and out of cultural mindset look up to these ruling families as dispensers of favors, and thus elect relatives of these politically dominant families."

- COALITION AGAINST POLITICAL DYNASTIES IN THE PHILIPPINES
Description
(http://www.facebook.com/home.php?sk=group_129554913729801)

"Individuals and groups acknowledge that one of the most pressing problems in the Philippines is the proliferation of family dynasties in the local and national government which gives rise to other socially reprehensible realities, e.g., pork barrel, proliferation of guns and private armies, illegal gambling, etc...The government has been privatized!"

The Constitution vests upon Congress the duty to legislate the implementing law that prohibits political dynasties. Unfortunately, twenty-five years after the enactment of the Constitution, there is still no implementing law. Because of this failure to enact measures of affirmative action to prohibit political dynasties as mandated by the Constitution, people's rights are subverted as Congress allowed the inequitable political system to function with little substantive check, and with only piecemeal formal regulation.

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Hence, this Prohibition of Political Dynasty Act is hereby proposed for enactment under the "Initiative" provisions of R.A. 6735 or the Initiative and Referendum Act, which states:

- *"Section 2. Statement of Policy. — The power of the people under a system of initiative and referendum to directly propose, enact, approve or reject, in whole or in part, the Constitution, laws, ordinances, or resolutions passed by any legislative body upon compliance with the requirements of this Act is hereby affirmed, recognized and guaranteed."*
- *"Sec. 3. Definition of Terms. — For purposes of this Act, the following terms shall mean:*
 - (a) "Initiative" is the power of the people to propose amendments to the Constitution or to propose and enact legislations through an election called for the purpose.*
There are three (3) systems of initiative, namely:
 - a.1 ...*
 - a.2. Initiative on statutes which refers to a petition proposing to enact a national legislation; and*
 - a.3. ...*
 - (d) "Proposition" is the measure proposed by the voters.*
 - (f) "Petition" is the written instrument containing the proposition and the required number of signatories. It shall be in a form to be determined by and submitted to the Commission on Elections, hereinafter referred to as the Commission."*
- *"Sec. 4. Who may exercise. — The power of initiative and referendum may be exercised by all registered voters of the country, autonomous regions, provinces, cities, municipalities and barangays."*
- *"Sec. 5. Requirements. — (a) To exercise the power of initiative or referendum, at least ten per centum (10%) of the total number of the registered voters, of which every legislative district is represented by at least three per centum (3%) of the registered voters thereof, shall sign a petition for the purpose and register the same with the Commission.*
 - (c) The petition shall state the following:*
 - c.1. contents or text of the proposed law sought to be enacted, approved or rejected, amended or repealed, as the case may be;*
 - c.2. the proposition;*
 - c.3. the reason or reasons therefor;*
 - c.4. that it is not one of the exceptions provided herein;*
 - c.5. signatures of the petitioners or registered voters; and*
 - c.6. an abstract or summary in not more than one hundred (100) words which shall be legibly written or printed at the top of every page of the petition."*
- *"Sec. 6. Special Registration. — The Commission on Election shall set a special registration day at least three (3) weeks before a scheduled initiative or referendum."*

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- *"Sec. 7. Verification of Signatures. — The Election Registrar shall verify the signatures on the basis of the registry list of voters, voters' affidavits and voters identification cards used in the immediately preceding election."*
- *"Sec. 8. Conduct and Date of Initiative or Referendum. — The Commission shall call and supervise the conduct of initiative or referendum."*

Within a period of thirty (30) days from receipt of the petition, the Commission shall, upon determining the sufficiency of the petition, publish the same in Filipino and English at least twice in newspapers of general and local circulation and set the date of the initiative or referendum which shall not be earlier than forty-five (45) days but not later than ninety (90) days from the determination by the Commission of the sufficiency of the petition."

- *"Sec. 9. Effectivity of Initiative or Referendum Proposition. — (a) The Proposition of the enactment, approval, amendment or rejection of a national law shall be submitted to and approved by a majority of the votes cast by all the registered voters of the Philippines."*

If, as certified to by the Commission, the proposition is approved by a majority of the votes cast, the national law proposed for enactment, approval, or amendment shall become effective fifteen (15) days following completion of its publication in the Official Gazette or in a newspaper of general circulation in the Philippines ...

(c) A national or local initiative proposition approved by majority of the votes cast in an election called for the purpose shall become effective fifteen (15) days after certification and proclamation by the Commission."

- *"Sec. 10. Prohibited Measures. — The following cannot be the subject of an initiative or referendum petition:*

(a) No petition embracing more than one (1) subject shall be submitted to the electorate; and

(b) Statutes involving emergency measures, the enactment of which are specifically vested in Congress by the Constitution, cannot be subject to referendum until ninety (90) days after its effectivity."

- *"Sec. 12. Appeal. — The decision of the Commission on the findings of the sufficiency or insufficiency of the petition for initiative or referendum may be appealed to the Supreme Court within thirty (30) days from notice thereof."*
- *"Sec. 19. Applicability of the Omnibus Election Code. — The Omnibus Election Code and other election laws, not inconsistent with the provisions of this Act, shall apply to all initiatives and referenda."*
- *"Sec. 20. Rules and Regulations. — The Commission is hereby empowered to promulgate such rules and regulations as may be necessary to carry out the purposes of this Act."*

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- *"Sec. 21. Appropriations. — The amount necessary to defray the cost of the initial implementation of this Act shall be charged against the Contingent Fund in the General Appropriations Act of the current year. Thereafter, such sums as may be necessary for the full implementation of this Act shall be included in the annual General Appropriations Act."*

This Anti-Dynasty Act addresses the absence of a law implementing the constitutional prohibition on political dynasties. It enjoins the people to exercise their sovereign power under R.A. 6735 for Congress' failure in fulfilling its constitutional mandate to give highest priority to the enactment of this measure that protects and enhances the right of all the people to reduce political inequalities by equitably diffusing political power for the common good.

Approval of this Act by the people through initiative is earnestly sought.