

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL No. 2309

Introduced by Reps. TEDDY A. CASIÑO and NERI JAVIER COLMENARES

EXPLANATORY NOTE

Article II Section 26 of the 1987 Constitution states that: "The State shall guarantee equal access to public service and prohibit political dynasties as may be defined by law." To attain this goal of democratizing political power, the state should lessen the ability of incumbent officials to use government resources to entrench themselves and their families in power. A law defining and banning political dynasties is paramount towards this end.


However, experience shows that such a bill is virtually impossible to pass in a Congress dominated by political clans and dynasties. Thus, a compromise measure is being offered to simply ban the naming of public properties, public services and government programs after incumbent public official and their immediate relatives. This would, at least, put a stop to one of the most despised practices of political dynasties.

For clearly, it is immoral and unethical for any incumbent official to name government properties, services or programs, financed as these are by taxpayers' money, after himself /herself or his/her immediate relatives. Such an act indicates that the public official is soliciting fame and glory in order to perpetuate oneself or one's family in power at the expense of government resources.

This bill was filed during the 14th Congress as House Bill 2026. We are filing it again this Congress with the renewed hope that this will be enacted. Through this measure, we hope to contribute one little step to the realization of the Constitutional ban on political dynasties.

In view of the foregoing, the passage of this bill is earnestly sought.

Approved,


TEDDY A. CASIÑO
Bayan Muna Party-list


NERI JAVIER COLMENARES
Bayan Muna Party-list

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AN ACT
PROHIBITING THE NAMING OF PUBLIC PROPERTIES AND GOVERNMENT
SERVICES AFTER INCUMBENT ELECTED PUBLIC OFFICIALS, THEIR KIN,
SPOUSES AND RELATIVES OF UP TO FOURTH CIVIL DEGREE OF
CONSANGUINITY AND PROVIDING PENALTIES THEREOF AND FOR OTHER
PURPOSES

SECTION 1. *Declaration of Principles* – It is hereby declared a policy of the State to guarantee equal access and opportunity to public office and service. Toward this end, it is likewise declared a policy of the state to prohibit political dynasties and lessen the capability of incumbent elected officials to gain unfair advantage for them or their relatives in the national and local elections.

SECTION 2. *Definition of Terms* – For purposes of this Act, the following terms shall mean:

- a. “**Spouse**” – legal or common law wife or husband;
- b. “**Civil Degree of Consanguinity or Affinity**” – shall refer to the relatives of a person as defined under Book III title IV Chapter 3 Section 1, Subsection 1 (Article 963-967) the “New Civil Code”;
- c. “**Public Official**” – shall refer to person/s who is incumbently holding an elective public office;
- d. “**Public Property**” – shall refer to any facility, place or infrastructure intended for public use, or those properties which belong to the state without being for public use but are intended for some public service or for the development of the national wealth as defined in Book II, Title I Chapter 3 (Article 419-425) of Republic Act 386 otherwise known as the “New Civil Code”;
- e. “**Government Services**” – shall refer to any service or program being implemented and provided for by any government institution, and who’s funding either in whole or in part comes from government or public resources;
- f. “**COMELEC**” – shall refer to the Commission on Elections.

SECTION 3. “Naming” so defined– As used in this Act, the term “naming of a public property, government service or government program after a public official or his / her relative” shall mean:

- a. Using a person’s full name, the person’s entire first name with his surname, or his professional title and surname, as part of the name of the property or service;
- b. Using a person’s nickname, alias, pseudonym or moniker as part of the name of the property or government service;
- c. Any name the person uses in his certificate of candidacy as the name s/he would be generally and be popularly known;

Provided that, the name being referred to by the abovementioned enumeration is the generally known name by which the public official is popularly known.

SECTION 4. Prohibition of Naming of Public Property and Government Service – No public property and government service situated or being implemented within a public official’s jurisdiction can be named after the latter for the duration of his / her term, nor can it be named after the said public official’s relatives of up to fourth civil degree of consanguinity.

Likewise, no public property situated within a public official’s jurisdiction, can be named after the latter’s spouse nor the latter’s spouse’s relatives of up to second civil degree of consanguinity.

SECTION 5. Acronyms and Initials – Included in the prohibition in the naming of public property and government services after public officials are the following circumstances:

- a. Naming the public property or government service in such a way that its popular acronym evidently forms the public official’s name as defined for under Section 3 of this Act; and,
- b. Naming the public property or government service in such a way that letters in the name are italicized, capitalized, or written in a manner as to make it evident that the letters stand out and correspond to the public official’s name as defined for under Section 3 of this Act.

SECTION 6. Absolute Prohibition – Under no circumstances shall any person, whether natural or juridical, initiate, cause, and approve the naming of any public property or government program after any public official and his / her relatives within the prohibited civil degree of relationship. Any proceeding or process that will cause the naming of any public property or government service after a public official or within a public official’s prohibited civil degree of consanguinity and affinity as provided for in Section 4 shall be void *ab initio*.

SECTION 7. Liability and Accountability – the following persons are liable under this Act:

- a. Any person, whether natural or juridical, who initiate, cause or approve the naming of a public property or government service;

- b. The public official after whom the public property or government service has been named; and,
- c. All other public officials who are relatives, within the prohibited civil degree of consanguinity and affinity as provided for under Section 4 of this Act, of the public official after whom the public property or government service has been named *provided that*, the former have jurisdiction over which the public property is situated, or where the government service is being implemented.

In the case of subparagraph (b) and (c), it should be proven that the public officials concerned have participated or have influenced, either directly or indirectly, the naming of the public property or government service.

SECTION 8. Penalties – Any person who violates any provisions of this Act shall be penalized accordingly:

“First Offense” – A fine of not less than twenty thousand pesos (P20,000.00) but not more than fifty thousand pesos (P50,000.00) in the discretion of the courts;

“Second Offense” – A fine of not less than fifty thousand pesos (P50,000) but not more than seventy thousand pesos (P70,000.00) and temporary perpetual disqualification from holding any public office of not less than three years but not more than six years in the discretion of the courts; and,

“Third Offense” – A fine of not less than one hundred thousand pesos (P100,000.00) but not more than three hundred thousand pesos (P300,000.00) and absolute perpetual disqualification from holding any office in the discretion of the courts.

SECTION 9. Effect of disqualification from public office – The COMELEC shall *motu proprio* or upon verified petition of any Filipino citizen of voting age, deny a certificate of candidacy for any person penalized by disqualification by this Act.

Any Filipino citizen of voting age may file with the COMELEC, after the last day of filing of certificates of candidacy and before proclamation of winners, a petition to disqualify a candidate on grounds provided for by this Act.

The decision of the COMELEC shall be executory five days after receipt of the notice by the disqualified party.

SECTION 10. Effect of Petition if Unresolved Before Completion of Canvass – If the petition before the COMELEC, for reasons beyond their control, 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 respondent is found guilty and is thereby penalized by disqualification as provided for in Section 7 of this Act, the candidate’s proclamation shall be suspended: *provided further*, that in case where the disqualified candidate has been proclaimed, s/he shall *ipso facto* forfeit his / her right to the office;

SECTION 11. *Separability Clause* – If any provisions of this Act is declared invalid or unconstitutional, other provisions hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 12. *Repealing Clause* – All provisions of laws, orders, decrees, including rules and regulations inconsistent herewith are hereby repealed or modified accordingly.

SECTION 13. *Effectivity Clause* – This Act shall take effect (15) days following its publication in the Official Gazette or at least two (2) national newspaper of national circulation.

Approved,