

Family Relationship as a Basis For Disqualification to Hold Public Office: A Framework for a Law Prohibiting Political Dynasties

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SUBJECT(S): CONSTITUTIONAL LAW, LAW ON PUBLIC OFFICERS

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The Note explores the topic of political dynasties, an issue expressly prohibited under Section 26, Article II of the 1987 Constitution. It aims to provide a comprehensive study of the political dynasty phenomenon in the Philippines for the purpose of formulating a viable definition within the context of the 1987 Constitution. It also suggests a framework for a law prohibiting political dynasties which would adequately and effectively address the problems brought by the existence of political dynasties while still being reasonable enough to gain acceptance by legislators. The study, however, focuses only on the prohibition on political dynasties as applied in elective offices. It does not include political dynasties as applied to appointed officials.

The Note is divided into seven Chapters. The first three Chapters focus on the prohibition against political dynasties by providing a background on the topic of political dynasty. It also discusses the legal basis for the prohibition and examines the use of family relationship as basis for disqualification under Philippine law. The Note also provides a comparative analysis of the prohibition against political dynasties as found in the Philippine Constitution and the provisions that make family relationship a basis for disqualification to hold elective office found in foreign Constitutions.

The Note also proposes a standard to be used in evaluating the viability of any proposed definition and a survey of congressional bills filed since the ratification of the Constitution regarding the topic. It also provides a better framework for legislation which would satisfy the standards identified in the Thesis. Lastly, it recommends an ideal framework for a law prohibiting political dynasties.