

Legal Opinion

Constitutionality of the Anti-Political Dynasty Bills

A blanket, automatic lineage-based disqualification for national elective office is unconstitutional. Congress may not add a status bar to national elective positions. “Dynastic entrenchment” must be established as a fact in a proper proceeding.

The Anti-Political Dynasty Bills apparently seek to alter and expand the list of constitutional qualifications for elective national officials, namely the President, Vice President, Senators, and Members of the House of Representatives.

For instance, to qualify as a Senator, the Constitution lists only five requirements: citizenship, age, literacy, registered voter status, and residency. The proposed bills add a new and sixth qualification based on family lineage—that a candidate must not be related within a certain degree of consanguinity or affinity to an incumbent or previously elected official.

“Political dynasty” is not just genealogy. It is a compound condition of both lineage **and** dynastic entrenchment. Apart from bloodline, there must be a collusive intent and coordinated action by members of a family to perpetuate their collective hold on public office.

The Anti-Political Dynasty Bills proceed from an assumption that family lineage, standing alone, is automatically disqualifying. In doing so, they convert kinship into a **status-based bar** to public office. What these bills fail to account for is the fact and evidence of dynastic entrenchment, as established in a formal proceeding.

This raises a serious constitutional issue with respect to national elective officials.

There are **two** apparently conflicting Supreme Court doctrines related to this question.

On the one hand, in *Social Justice Society vs. Dangerous Drugs Board (2008)*, the Supreme Court held that Congress may not add to the constitutional qualifications for elective national office. In this case, the Court struck down a statutory requirement that candidates for national elective office undergo mandatory drug testing, holding that it is an impermissible additional qualification not found in the Constitution.

On the other hand, in *Pamatong vs. Comelec (2004)*, the Supreme Court recognized the authority of the Comelec to disqualify nuisance candidates, holding that reasonable regulations may be imposed to preserve the integrity and seriousness of the electoral process. Being a “nuisance candidate” does not alter or expand the constitutional qualifications for elective office. In this case, the nuisance candidacy of a Presidential candidate was recognized as a disqualifying condition.

If the *Social Justice Society* doctrine is upheld, mere family lineage is seen as an automatic bar at the point of candidacy, hence it looks exactly like what this case forbids: a “sixth qualification” for Senator, where the Constitution lists only five.

A possible counter-argument is that the Constitution itself already mandates the prohibition of political dynasties, so family lineage is already a constitutional ground for disqualification. But this argument is untenable.

Article II, Section 26 commands the State to prohibit political dynasties “as may be defined by law.” It does not, by its own text, create a self-executing status-based disqualification at the moment of filing a certificate of candidacy. It does not specify degree of relationship. It does not define which offices are covered. It does not state that mere kinship equals disqualification.

The Constitution authorizes Congress to legislate against dynasties, but it does not authorize Congress to do so by altering or expanding the qualifications for national elective positions through automatic lineage-based exclusion.

If the *Pamatong* doctrine is upheld, the prohibition on political dynasties may be disqualifying, provided it is established as a fact in a proper proceeding, in the same way that nuisance candidacy is determined through evidence in a formal case.

Disqualification in Philippine law is constitutionally defensible when it attaches to adjudicated facts, not to status alone. Impeachment and certain crimes or election offenses may carry perpetual disqualification, but only as a consequence of constitutionally or statutorily defined proceedings. They are not automatic bars triggered by identity or circumstance.

Political dynasty must therefore be treated as a compound condition of lineage coupled with dynastic entrenchment, established by evidence and determined through due process, not presumed automatically from bloodline.

Members of the same family may operate entirely separate political machineries, espouse divergent or even opposing political ideologies, rely on independent funding sources, and pursue public office without coordination, succession planning, or shared control over resources and influence. In such cases, there is no common design to monopolize political power.

A law that treats kinship as automatically disqualifying collapses the concept of a dynasty into a pure status bar, one that attaches without fault. By contrast, an anti-dynasty law that imposes disqualification only after a factual finding of dynastic entrenchment aligns with *Pamatong*’s regulatory logic and remains faithful to *Social Justice Society*, because it does not expand the Constitution’s fixed qualifications but enforces a prohibited condition proven in fact.

This reading provides a principled way to harmonize *Social Justice Society* and *Pamatong* while still giving operative effect to the anti-dynasty policy in Article II, Section 26.

How about in the case of local elective officials?

The analysis differs for local elective officials. The doctrine in *Social Justice Society* does not apply with the same force, as the qualifications for local elective offices are not exhaustively fixed by the Constitution but are prescribed by statute. Congress therefore possesses broader authority to define eligibility rules for local positions.

As a matter of legislative policy and constitutional design, an Anti-Political Dynasty Bill may be more restrictive at the local level, including provisions where lineage may be treated as presumptively disqualifying, because the constitutional constraint against expanding fixed qualifications is not implicated.

This distinction is also grounded in political reality. Dynastic entrenchment is most acute at the local level, where control over political machinery, coercive influence, and patronage networks is most effectively exercised. A locally focused prohibition is thus both constitutionally sound and policy-responsive.

Summary:

1. **With respect to elective national officials (President, Vice President, Senator, House Representative),** lineage cannot be automatically disqualifying at the point of candidacy. “Dynastic entrenchment” must be established in a proper proceeding, supported by evidence of intent and acts of coordination, succession planning, collusion, a common design to monopolize political power, or other similar indicators. This is the only way to harmonize Article II, Section 26 with *Social Justice Society* and *Pamatong*.
2. **With respect to elective local officials,** Congress enjoys substantially broader latitude to prescribe qualifications, as such positions are not governed by a constitutionally fixed and exclusive set of qualifications. Lineage-based restrictions may therefore be imposed as a presumptively disqualifying condition at the point of candidacy.