

**KAPATIRAN PARTY (ALLIANCE FOR THE COMMON GOOD),
EDILBERTO M. CUENCA AND NORMAN V. CABRERA, PETITIONERS,
VS. CONGRESS OF THE PHILIPPINES (19TH CONGRESS), CONSISTING
OF THE SENATE...**

G.R. Nos. 263934, 272370, 277747, & 279201, August 26, 2026

Ponente: HERNANDO, J.

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HERNANDO, J.:

Prefatory Statement

No less than the Constitution vests the Supreme Court with the solemn duty to ensure that every command of the Constitution is given full force and effect. With the Constitution as its pillar, the Court shall not shirk from its responsibility as final arbiter of constitutional meaning,[1] wobble in the face of political difficulty, or yield to legislative delay; instead, it shall stand firm on constitutional ground.

Central to the present petitions is Article II, Section 26 of the Constitution. It unequivocally declares:

The State shall guarantee equal access to opportunities for public service, and prohibit political dynasties as may be defined by law.

This provision is not a mere aspirational statement; IT IS A CONSTITUTIONAL EDICT. While the Constitution explicitly and directly entrusted to Congress the responsibility of giving life to this mandate, it has failed to comply with this fundamental task for 39 long years, since the adoption by the Filipino people of the 1987 Constitution, through the enactment of the necessary enabling legislation.

Petitioners find this lapse of Congress plainly unacceptable. Thus, they have sought recourse from the Court, asking it to wield its constitutionally enshrined judicial power to oblige Congress to carry out said constitutional fiat.

The Factual Antecedents

Following the assumption of office of Former President Corazon C. Aquino (President Aquino) in 1986, a Constitutional Commission was created to draft a new charter of the Republic.[2]

On October 12, 1986, the Constitutional Commission completed and approved the new Constitution and was subsequently presented to President Aquino on October 15, 1986.[3] It was ratified by the Filipino people in a plebiscite on February 2, 1987, and took effect on February 11, 1987.[4]

In its Declaration of Principles and State Policies, the Constitution provides for the prohibition of political dynasties.

Before delving into the merits, the Court finds it imperative to explore the history and assess the current situation of the country's dynastic politics, its numbers, and effects. The deliberations of the Constitutional Commission on

the provision on political dynasties will also be briefly tackled. It would also be most appropriate to compare anti-dynastic provisions in other jurisdictions with ours. Lastly, it would be necessary to study the bills filed in previous Congresses and those pending at the present, as well as the circumstances and challenges encountered by those bills.

Background of Political Dynasties

The paramount issue in these consolidated cases is rooted in the concept of family. As prevalent in our country, political dynasties are composed of relatives—members of the family. And, Filipinos are known for giving utmost importance to family.

The significance of the Filipino family is so recognized that the Constitution itself dedicates an entire article for its protection in Article XV. Its Section 1 provides that "[t]he State recognizes the Filipino family as the foundation of the nation. Accordingly, it shall strengthen its solidarity and actively promote its total development." It is very true that "[t]he family has long been the center of the Filipino society." [5]

As observed by the author Alfred W. McCoy, "[t]he Philippines has a long history of strong families assuring social survival when the nation-state is weak." [6] Where government fails or falls short in providing for the population, they turn to their families for survival. Filipinos have learned to rely on their families for those social services provided in many developed nations. [7]

In the political arena, the family name is a valuable asset. [8] The permanent identity of a family as a named unit makes it an effective political unit. [9] As such, the transfer of reputation, loyalties, alliances, in addition of course to wealth and capital, from retiring family members to other relatives, becomes uncomplicated. [10] The family also provides an environment of mentorship and training. [11] In other words, the family offers more, in terms of intangible assets, advantages, and support, than a traditional work environment or political party setting.

Resultantly, many politicians "try to transform their electoral offices into lasting family assets," [12] building what is called political dynasties. Incumbents try to solidify their names and presence into the minds of the electorate, for the benefit of those family members who will succeed them. They work to "bequeath power and position to their children, in effect seeking to transform the public office that they have won into a private legacy for their family." [13] Thus, a politician's measure of success could be the ability to give their heirs with wealth and a good name or reputation needed for an effective campaign for office. [14]

History

During the precolonial era, the Philippine archipelago was divided into settlements called barangays, each one ruled by a datu. The Spaniards came in and established the *reducción* system, which centralized authority and disrupted the barangay system. The *datos* were granted positions as *gobernadorcillos* and *cabezas de barangay*, as well as *principalia* status as members of indigenous nobility with significant estates. They were charged to collect taxes and enforce labor. Many exploited their positions, engaging in extortion and even selling or donating lands to the friars, enriching themselves and earning favors. The *principalia* status and the government positions were hereditary. [15] Even if the Spaniards introduced a centralized government in the Philippines, it was not a strong centralized state. Power was distributed to elite families in the provinces who own and possess vast properties. [16]

The American regime then paved the way to the rise of oligarchy. The power of the political families was strengthened during the establishment of American rule when they facilitated the creation of a solid, visible, national oligarchy. [17] Suffrage was initially limited to individuals who were educated, wealthy, and had prior experience in government service. [18] At that time, these were the Americans and the former *principalia*. [19]

Government positions were also limited to the Americans and members of the principalia.[20] Local administration was therefore effectively controlled by the privileged and elite.[21] This widened the gap between the wealthy and the underprivileged Filipinos.[22] Also, privatization brought about by capitalism resulted in the rise of oligarchs who have accumulated wealth and power. Some of these oligarchs rose to become leaders of communities, and patronage politics helped secure their place, thus creating powerful political clans.[23]

During the Japanese occupation, Filipinos caught in the ravages of war struggled to survive through resistance or collaboration. Some members of the socioeconomic elite, including politically dominant families, strategically cooperated with the Japanese authorities to ensure their survival. Others supported the resistance or were forced into exile.[24]

Then, during the post-war period, these elites diversified and ventured into other businesses but remained aligned in terms of economics and politics.[25] Thus, political dynasties continued to flourish.

The time of martial law came in 1972, a time of dictatorship essentially. Under this regime, former President Ferdinand Marcos, Sr. (President Marcos, Sr.) attempted to control the provincial elites, instead of dismantling the dynasties and ruling through the central bureaucracy.[26] Political power became more concentrated in a subset of the post-war socioeconomic elite allied with President Marcos, Sr. along with an emerging group of socioeconomic elites under his patronage.[27]

After the People Power Revolution in 1986, a new Constitution was drafted and took effect. For the first time, there is a provision relating to political dynasties. There is no such provision in the previous iterations of our fundamental law.

The prohibition against political dynasties was initially proposed to be included in the article for Local Governments, with Commissioner Vicente B. Foz (Commissioner Foz) as the proponent. It was, however, rejected during voting.[28] The provision was again tackled in the Declaration of Principles and State Policies, when the Constitutional Commission took on the resolution previously introduced by Commissioner Jose N. Nollado (Commissioner Nollado).[29]

The proposal was extensively discussed by the members of the Constitutional Commission.[30] The goal of Commissioner Nollado's proposal was to expand political opportunities by eliminating concentration of power to a few.[31] Some commissioners were in support of the inclusion of the provision as it would level the field in public office, and even discourage graft and corruption in government.[32] Those against it cited possible violations of the right to vote, and potential conflict with the qualifications of elected officials as set forth in the other provisions of the Constitution.[33]

The commissioners also agreed to leave the definition of political dynasties to Congress, thus the addition of the phrase "as may be defined by law" to the provision.[34]

Voting resulted in the adoption of the provision as presently known and codified in our fundamental law.[35]

Other jurisdictions

Also worth examining is the status of political dynasty measures in other jurisdictions. Notably, in some Latin American countries, political dynasty is already defined and prohibited in their constitutions: in Colombia, the prohibition covers congressional and local, government positions;[36] in Costa Rica,[37] El Salvador,[38] and Honduras[39] the prohibition covers the Presidency and Congress; in Guatemala[40] and Paraguay,[41] the prohibition covers the Presidency, the Vice Presidency (when the powers of Presidency were exercised), and Congress; in Nicaragua[42] and Panama,[43] the prohibition covers the Presidency and the Vice Presidency

(when the powers of Presidency were exercised). In Brazil, meanwhile, the definition is found in a law complementary to their constitution (Lei Complementar); the prohibition covers local government officials.[44]

Related laws in the Philippines

In the Philippines, a law on dynastic politics is not a completely unfamiliar field. It is not foreign to the halls of the Senate and the House of Representatives.

Enacted in 2016, Republic Act No. 10742, otherwise known as Sangguniang Kabataan Reform Act of 2015, includes in its provision on qualifications of members of the Sangguniang Kabataan, a prohibition from being related within the second civil degree of consanguinity or affinity to any incumbent elected national official or to any incumbent elected regional, provincial, city, municipal, or barangay official, in the locality where he or she seeks to be elected. Section 10 of the law reads:

SEC. 10. Qualifications. – An official of the Sangguniang Kabataan, either elective or appointee, must be a citizen of the Philippines, a qualified voter of the Katipunan ng Kabataan, a resident of the barangay for not less than [one] year immediately preceding the day of the elections, at least [18] years but not more than [24] years of age on the day of the elections, able to read and write Filipino, English, or the local dialect, must not be related within the second civil degree of consanguinity or affinity to any incumbent elected national official or to any incumbent elected regional, provincial, city, municipal, or barangay official, in the locality where he or she seeks to be elected, and must not have been convicted by final judgment of any crime involving moral turpitude. (Emphasis supplied)

The bill originated in the Senate during the 16[th] Congress through Senate Bill No. 2401,[45] with the House of Representatives subsequently introducing a counterpart measure through House Bill No. 6043.[46] A Conference Committee was constituted, and its report was approved by both Houses.[47] On January 15, 2016, President Benigno S. Aquino III signed the bill into law.[48]

Recently, the Court decided a case applying Section 10 of Republic Act No. 10742. In *Calubag v. COMELEC*,[49] the Court affirmed the cancellation of the certificate of candidacy (COC) for Sangguniang Kabataan Chairperson of petitioner Merson C. Calubag on the ground that he misrepresented in his COC that he is not related within the second degree or consanguinity to any incumbent elected national public officer, or local public officer in the locality where he sought to be elected.[50] Petitioner signed the COC, in effect swearing under oath that he is not related to any incumbent elected official.[51] Evidence showed, however, that at the time of filing of COC, petitioner's mother was an incumbent Sangguniang Barangay member in the barangay where he sought to be elected.[52]

Furthermore, in the Bangsamoro Autonomous Region of Muslim Mindanao (BARMM), its Bangsamoro Transition Authority Parliament enacted an electoral code containing a provision regulating the submission of nominees of political parties.[53] Article III, Section 9(d) of the Bangsamoro Autonomy Act No. 35, otherwise known as the Bangsamoro Electoral Code of 2023, states:

ARTICLE III
REGIONAL POLITICAL PARTIES IN THE BANGSAMORO

....

SEC. 9 Nomination of Candidates; Limitations and Sanctions. –

....

d. Nominees submitted by a political party shall not be related to each other within the second degree of consanguinity or affinity. Violation of this provision shall disqualify one of the nominees in a manner to be

determined by the party[.] (Emphasis supplied)

The provision sets the relationship criteria at the second degree of consanguinity or affinity. Violation of this provision results in the disqualification of one of the nominees. The law leaves it to the parties on who will be disqualified and the manner of disqualification.

This is supplemented by Article VII, Chapter 1, Section 2 of the same Act, which requires the declaration in the certificate of candidacy of the observance of the relationship prohibition covering nominees, thus:

ARTICLE VII
ELECTION ADMINISTRATION

Chapter 1
ELIGIBILITY OF CANDIDATE, FILING OF CERTIFICATE OF
CANDIDACY AND OTHER PRE-ELECTION ACTIVITIES

....

A. Certificate of Candidacy

SEC. 2. Certificate of Candidacy (COC) of District and Sectoral Representative Candidates. –

....

In addition, parties shall likewise declare in the COC that it has complied with the [30%] women nominees requirement and that no nominees are related to each other within the second degree of consanguinity or affinity. (Emphasis supplied)

A similar prohibition is also enshrined in the local governance code of the BARMM. The provision disqualifies a relative of an incumbent within the second degree of consanguinity or affinity from running in the same election for any elective position within the same local government unit.[54] It also regulates the candidacies of persons related to each other but not related to an incumbent, or related incumbents running in the forthcoming elections, within the same degree.[55] Title II, Chapter V, Section 45 of the Bangsamoro Autonomy Act No. 49, or the Bangsamoro Local Governance Code of 2023, states:

TITLE II
ELECTIVE OFFICIALS

CHAPTER V
QUALIFICATIONS AND ELECTION

....

SEC. 45 Disqualifications. – The following persons are disqualified from running for any local elective position:

....

(g) Those who are related within the second civil degree of consanguinity or affinity, whether full or half-blood, legitimate or illegitimate, to any incumbent local official running for an elective position, including the spouses, are disqualified to be candidates in the same election for: (i) any provincial elective position in the same province; (ii) any city elective position in the same city; (iii) any municipal elective position in the same municipality; and (iv) any barangay elective position in the same barangay.

Any candidate for the local election must declare in their [COC] the following statement: "The candidate is not related within the second civil degree of consanguinity or affinity to any incumbent local official running for an elective position in the same province/municipality/barangay where the candidate seeks to be elected."

In case where none of the candidates is related to an incumbent local elective official but are related to each other within the second degree of consanguinity or affinity, or, where they are all incumbents, but are related to one another within the said prohibited degree, the following rules shall apply:

1. For candidates running for different positions, the candidate or candidates seeking a lower office shall be disqualified from holding or running for any local elective office within the same province, city, municipality, or barangay as the case may be in the same election; and
2. For candidates running for the same position, the [Bangsamoro Electoral Office], through the appropriate office of the provincial election supervisor, shall determine, by drawing of lots, the candidate eligible to run for the said position. The election supervisor shall notify the candidates to appear before them for the drawing of lots within [48] hours after the period fixed by the COMELEC for filing of candidacy[.] (Emphasis supplied)

Statistics on elected officials

Moving on to the numerical analysis, figures would show that political dynasties are widespread. For purposes of the succeeding discussion, a political dynasty exists when an elective official has relatives in elective office. Academic studies classify political dynasties into thin or fat dynasties. Thin dynasties refer to those families where incumbent officials have their relative succeed them in office or follow sequentially.[56] Fat dynasties refer to those family members who hold public office simultaneously.[57] Then there is a third classification: obese dynasties, where at least five clan members are active in politics.[58]

Even after the ratification of the 1987 Constitution, existing political dynasties have persisted, and new ones also emerged in both the national and local arenas.[59]

In local government positions, a study shows how governors who have at least one relative in office (considered as fat dynasties) grew by around 39 percentage points, or from 41% in 1988 to an astounding 80% in 2019.[60] For vice governors, the fat dynasty share had increased from 18% in 1988 to 68% in 2019.[61] For mayors, the share had grown from 26% in 1988 to 53% in 2019.[62] For city and municipal councilors, the growth is slower compared to the other positions, as the share had only grown from 18% in 1988 to 23% in 2019.[63]

After the May 2022 elections, public officials belonging to political dynasties were elected. In the Senate of the 19th Congress, three sets of family members served together as senators: two siblings, two half-siblings, and one parent and child.[64] Meanwhile, a startling 216 out of 253 district representatives in the 19th Congress had at least "one other relative previously or currently elected into public office, or hoping to be elected in 2025." [65] Moreover, 36 out of 54, or 67% of party-list groups in the House of Representatives, had "links to political families." [66] In the local setting, at least 71 out of 82, or 87% of the country's provincial governments, were led by members of political dynasties.[67] In addition, 47 of the 71 then incumbent governors belonging to political dynasties were seeking reelection; at the same time, 19 then sitting governors who were not running for reelection had family members seeking to replace them.[68] Also, at least 113 of 149 city mayors, or about 53%, belonged to political dynasties.[69]

Then, after the recently concluded May 2025 national and local elections, dynasties remained firmly entrenched in power. In the Senate of the 20th Congress, 19 out of 24 members come from so-called "political clans." [70] Four pairs of siblings are incumbent.[71] No less than 10 senators have at least one relative up to the fourth degree of consanguinity or affinity currently sitting as district or party-list representative.[72] In the House of Representatives of the 20th Congress, 212 out of 254 district representatives are still from political dynasties.[73] Around 32 out of 61 party-list representatives come from active political clans,[74] thus showing how political families could also infiltrate and control party-lists. In the local setting, 12 dynasties lost

gubernatorial races, but 71 out of 82 winning governors are still from political dynasties.[75] In the National Capital Region, all elected mayors-belong to dynasties.[76] Notably, there are at least 18 obese dynasties in the national and local settings.[77]

The foregoing data shows the stark reality of Philippine politics: political dynasties have become rampant. Significantly, their unabated growth has spread beyond the political sphere. It is now accepted that their presence has reached the socioeconomic realm in our country. Despite the constitutional prohibition against political dynasties, their presence continued to grow through the years. It shows no sign of dissipation, unless a decisive reform is undertaken by the very institution mandated by the Constitution to do so: the Congress.

Correlation between political dynasties and the socioeconomic picture

Now, on the correlation of the prevalence of political dynasties with the socioeconomic situation of the country. Studies show that dynasties may affect the socioeconomic outcomes of the area and the correlation is contingent on the regional context.[78]

A 2012 study found that the presence of political dynasties affects socioeconomic outcomes in at least three aspects:

First, if the prevalence of political dynasties prevents the majority of the citizenry from effectively communicating their needs to the government, it could prevent the government from effectively responding to social and economic problems. The misrepresentation (or inadequate representation) of the excluded groups could skew poverty reduction policies and income redistribution mechanisms, worsen poverty and income inequality, and ultimately compromise the capacity of the government to provide the most necessary public goods.[79]

In other words, dynasties could have been negatively affecting communication channels, resulting in ineffective response to problems and even delivery of service, as well as misrepresentation. This misrepresentation could then affect policies and worsen inequalities, compromising the function of government.

"Second, democratic institutions could be compromised if dynastic officials use the powers of the state for self-serving interests." [80] This may pertain to facilitation of processes, disregard of conflicts of interest, and maybe even connivance in committing acts unbecoming of a public official, among others. Consequently, this will benefit those in power and those close to them but will be detrimental to the public.

"Finally, political dynasties could skew the selection of political leaders favoring those with influence and prevent the best and the brightest from serving in government to bring about sub-optimal policy and, in the end, weak [socioeconomic] outcomes[.]" [81] referring to the use of political capital to win elections. As previously mentioned, political dynasties have already infiltrated and controlled the party-list system thus circumventing and defeating the very rationale for the creation of the party-list system. Instead of giving marginalized sectors access to the political arena, and an opportunity to represent themselves and promote their own advocacies, political dynasties have bastardized the system and used the party-list system to further their hold in the country's political system and found another avenue to promote their self-interests.

A subsequent study in 2016 shows that the direct relationship between political dynasties and poverty is more pronounced in areas outside of Luzon.[82] "[G]reater prevalence of political dynasties in the country is associated with greater poverty in the provinces outside Luzon." [83] A factor that may have contributed to this finding is that there is greater access to economic opportunities and political institutions in the National Capital Region and

Luzon, as compared to the provinces outside of Luzon.[84] Areas outside Luzon could be disadvantaged because the monopolies brought about by dynasties constrain economic activities and restrict economic opportunities.[85] Analyzed from the point of view of dynasties, the isolation of more remote provinces allows dynasties to develop some form of insulation from political and economic competition, thus allowing them to consolidate power and ensure survival, without necessarily producing positive outcomes for the locality.[86]

Thus, the correlation goes both ways, as far as the geographical location is concerned. Dynasties thrive or are more powerful in areas where economic activity is not so rich. At the same time, areas where dynasties are prevalent (outside Luzon as stated in the study) are more prone to disadvantage because of the monopolies created by dynasties. As aptly described by the Court in Calubag:

Time and again, the concentration of political power to a few families or clans, long held to be the aim and effect of political dynasties, has been shown to "skew economic and political institutions to favour and protect the private interests of elites." And perhaps more unfortunately, political dynasties and elite interests thrive and become even more predatory the more underdeveloped and farther their localities are from the national capital. The Constitution, to say the least, does not countenance this. As a nation, neither should We.[87] (Citations omitted)

In any event, even if it cannot be categorically stated that political dynasties directly cause poverty, it also cannot be safely concluded that political dynasties do not affect the socioeconomic landscape of the country. In one way or another, the presence of political dynasties is a factor in the socioeconomic situation of a locality, which varies based on the proximity to the capital. In analyzing the socioeconomic situation of the country, political dynasties should not be excluded but regulated to the degree needed to foster equality in essentially our socioeconomic and political fields. If prohibited, it can be reasonably expected that beneficial change will take place for our society. This prohibition is, in fact, the aspiration of our Constitution. By expressly prohibiting political dynasties, the Constitution recognizes that they are more of a scourge than a blessing.

Filed and pending bills, past to present

The Court is of course fully aware and recognizes that numerous anti-political dynasty bills have been filed in both Houses of Congress. Since the ratification of the 1987 Constitution, at least 71 bills were filed from the 8th Congress to the 19th Congress.[88] 33 were filed in the current Congress.[89]

The first bill was thoughtfully filed in August 1987 during the first regular session of the Senate of the 8th Congress by Senator Teofisto T. Guingona, Jr. (Senator Guingona). Senate Bill No. 82 reached the plenary and was approved on third reading.[90] However, it did not materialize into law as it was not approved in the House of Representatives.[91] Senate Bill No. 82 set the criteria of relationship at fourth civil degree of consanguinity and affinity.[92] It proposed to prohibit succession to office and simultaneous holding or candidacy for any national and local positions.[93]

In the House of Representatives, the first bill was filed on September 23, 1987, also during the first regular session of the 8th Congress, by Representative Magdaleno M. Palacol.[94] It passed the committee level but was not approved in the plenary.[95] House Bill No. 1855 defined dynastic relationship to be within the second degree of consanguinity and affinity.[96] It proposed to prohibit succession and simultaneous holding or candidacy with permutations on local and national positions and geographical areas.[97]

In the ensuing years, there were a few notable bills that passed the committee level but were unsuccessful in the

plenary.[98]

During the 14[th] Congress, Senator Panfilo M. Lacson (Senator Lacson) filed Senate Bill No. 1468. The bill was read on first reading and notably passed the committee level and was pending second reading until adjournment. The bill defined the relationship criteria at second degree and proposed to prohibit succession and simultaneous holding or candidacy to a local position if related to an incumbent with permutations on local and national positions and geographical areas.[99]

During the 16[th] Congress, Representative Neri J. Colmenares (Representative Colmenares) filed House Bill No. 3587, substituting three earlier bills. The bill was approved by the Committee on Suffrage and Electoral Reforms, but was left unfinished in the plenary.[100] The bill covered all national and local officials, extending to spouses and relatives within the second degree of consanguinity.[101] It proposed to absolutely prohibit succession and simultaneous holding of offices, where the relatives of an incumbent seeking reelection will not be allowed to run for any local or national office in the same election, extending to all local positions even outside the city or province of the incumbent.[102]

Senate Bill No. 1765 filed by Senator Lacson during the 17[th] Congress also passed the committee level.[103] The bill set the relationship criteria at the second civil degree of consanguinity and affinity and prohibits succession and simultaneous holding or candidacy with permutations on local and national positions and geographical areas.[104]

The 20[th] Congress has seen numerous filings of anti-political dynasty bills. As of August 13, 2026, there are 33 bills filed, eight in the Senate[105] and 25 in the House of Representatives.[106]

House Bill No. 8389[107] is the latest iteration of the 20[th] Congress's anti-dynasty prohibition, having substituted previous bills filed in the House of Representatives.[108] It defines political dynasty as "an existing familial relationship with an elected public official, such as a spouse, direct ascendant or descendant, sibling or any other person related within the second civil degree of consanguinity or affinity, whether legitimate or illegitimate, full or half-blood[.]"[109] Its Section 5 prohibits political dynasty relationships, viz.:

Sec. 5. Prohibited Dynasty Relationships. – Political dynasty relationships as defined under Section 3 of this Act are hereby prohibited.

Such prohibition shall apply to any of the following political dynasty relationships:

a)

Spouses, or relatives within the second degree simultaneously holding any national elective position;

b)

Spouses or relatives within the second degree simultaneously running as member of the House of Representatives within the same legislative district;

c)

Spouses or relatives within the second degree simultaneously holding any elective office within the same provincial government;

d)

Spouses or relatives within the second degree simultaneously holding any elective office within the same municipal government;

e)

Spouses or relatives within the second degree simultaneously holding any elective office within the same barangay.[110]

Observably, House Bill No. 8389's prohibition applies to national and local elective positions, even at the barangay level, and within the same geographical area. Compared to its notable predecessor bills,[111] House Bill No. 8389 changed the coverage of familial relations from the fourth to now the second civil degree and its prohibition applies to the simultaneous but not successive occupation of such elective positions.

House Bill No. 8389 has been approved by the House on second reading on May 20, 2026,[112] and on third reading on June 3, 2026.[113] It was then transmitted to the Senate and received by them on June 8, 2026 for concurrence.[114] During a special session of the Senate on June 17, 2026, House Bill No. 8389 was read on first reading, and referred to the Senate Committees on Electoral Reforms and Peoples Participation, and Constitutional Amendments and Revision of Codes.[115]

Meanwhile, Senate Bill No. 1901 is the most recent version of the bill in the Senate.[116] Compared to earlier bills,[117] Senate Bill No. 1901 also changed the degree of relationship from the fourth to the second civil degree of relationship, but adopted provisions which included the party-list system and contemplated succession from the position.[118] Section 4 defines and prohibits political dynasty relationships, to wit:

Section 4. Prohibition of Political Dynasty Relationships. – Political dynasty relationships are hereby absolutely prohibited. A political dynasty relationship shall be deemed to exist when:

a)

Spouses, or two or more relatives hold simultaneous or overlapping terms in national elective offices;

b)

Spouses, or two or more relatives hold simultaneous terms in local elective offices within the same legislative district, province, city, or municipality; Provided, that it shall include a situation where spouses or two or more relatives occupy local elective offices in separate municipalities, highly urbanized cities, or component cities within the same province, or legislative districts within the same local government unit;

c)

Spouses or two or more relatives hold simultaneous terms within and across party-lists;

d)

Spouses or two or more relatives hold simultaneous or overlapping terms under the party-list system, and any national or local elective office;

e)

A spouse or relative of an incumbent elective official immediately succeeds the latter's office.

Succession or appointment to an elective office in any manner provided by law, whether in a temporary or permanent capacity, shall be deemed as holding an elective office.[119]

Senate Bill No. 1901 is currently pending second reading.[120]

In this regard, the Court is mindful of the President's call to Congress to prioritize the passage of an anti-dynasty bill during the meetings of the Legislative-Executive Development Advisory Council on December 9, 2025, and

again on August 6, 2026.[121]

The Consolidated Cases

G.R. No. 263934

Petitioners Kapatiran Party (Alliance for the Common Good), Edilberto M. Cuenca, and Norman V. Cabrera (Kapatiran Party et al.) filed a Petition for Certiorari[122] against respondent Congress of the Philippines, consisting of the Senate of the Philippines, represented by former Senate President Juan Miguel F. Zubiri, and the House of Representatives, represented by former Speaker Ferdinand Martin G. Romualdez. They seek to declare the long delay and failure of respondents to pass a law defining political dynasties for more than 36 years as grave abuse of discretion, thus unconstitutional and a continuing violation of the Constitution.[123] They pray for the Court to issue a writ of certiorari for Congress to comply with its constitutional mandate to enact a law on political dynasties.[124]

Kapatiran Party et al. first argue that the case satisfies the requisites for this Court's exercise of the power of judicial review. There exists an actual case or controversy as their adverse legal interests stem from their right to expect Congress to comply with its constitutional mandate to enact a law on political dynasties.[125] This right, as claimed by Kapatiran Party et al., is in conflict with respondents' blatant disregard of such, giving rise to the prevalence of political dynasties in the country.[126] Kapatiran Party et al. also claim to have legal standing for being a duly registered political party (petitioner Kapatiran Party), and citizens and taxpayers.[127]

On the merits, Kapatiran Party et al. argue that the text of the Constitution mandates Congress to pass legislation defining political dynasties, as supported by the express intent of the framers.[128] The framers recognized the danger of monopoly of political power in the hands of elite families.[129] Article II, Section 26 of the Constitution guarantees equal access to opportunities for public service through the prohibition of political dynasties.[130] The phrase "as may be defined by law" in the provision did not relegate to the discretion of Congress the attainment of the state policy but rather delegated to it only the duty to define the scope and extent of the prohibition.[131]

As such, Kapatiran Party et al. claim that the delay and failure of Congress to pass the legislation is tantamount to a grave abuse of discretion and thus, unconstitutional.[132] This constitutes an evasion of a positive duty and a continuing violation of the Constitution.[133] In ignoring the constitutional mandate, Congress exercised discretion outside of its granted authority, abusing its power.[134] Governmental inaction can be considered as grave abuse of discretion.[135]

Kapatiran Party et al. briefly mentioned statistics on the number of locally elected officials belonging to fat dynasties after the 2022 elections, showing that most of the provinces are governed by leaders who come from dynasties that have dominated local politics for years.[136]

G.R. No. 272370

Petitioners Wilfredo M. Trinidad, Rico V. Domingo, Jorge L. Cabildo, and Ceasar G. Oracion (Trinidad et al.) filed a Petition for Mandamus[137] against respondent Congress, former Senate President Juan Miguel F. Zubiri, and former Speaker Ferdinand Martin G. Romualdez. They seek the issuance of a writ of mandamus for Congress to perform its constitutional duty to pass a legislation on political dynasties, which it has neglected to do.[138]

They posit the existence of an actual case or controversy. Their position that Congress has the ministerial duty to pass a law defining and prohibiting that Congress has the ministerial duty to pass a law defining and prohibiting political dynasties conflicts with the position that Congress has the discretion whether to pass such a law or not, and may not be subject to a petition for mandamus.[139] They also claim to have legal standing to file the

petition, as taxpayers, lawyers, registered voters, and concerned citizens.[140]

Trinidad et al. argue that Congress has the constitutional duty to pass a law defining and prohibiting political dynasties, which is ministerial, mandatory, and non-discretionary in nature.[141] By the wording of the provision, a duty is imposed no less by the Constitution on Congress—it is expressly called upon to pass a law to enforce and operationalize a State policy.[142] The use of the conjunction "shall" connotes the mandatory nature of the provision.[143] It cannot refuse to perform the task, nor allow it to remain unperformed.[144] Discretion is allowed only on how political dynasties are to be defined, not on whether to pass the law or not.[145]

Considering the long period of inaction, Trinidad et al. ask the Court to issue a writ of mandamus for Congress to perform its ministerial duty of passing legislation on political dynasties.[146]

Trinidad et al. filed a Supplemental Petition,[147] emphasizing that the petition as previously filed does not involve a political question nor pertain to the legislative function of Congress.[148] The question is not on which laws to enact but on whether the Constitution imposed a ministerial duty on Congress to pass a law defining and prohibiting political dynasties.[149] There is a violation of the Constitution and controversy exists over the interpretation and application of the pertinent constitutional provision.[150] The Court therefore may take cognizance of the instant petition, unlike in the consolidated cases of *Guingona v. House of Congress and Senate of the Republic of the Philippines*[151] and *Penson v. Senate*,[152] where this Court dismissed the petitions for mandamus as the issue involved a political question.[153] Trinidad et al. are thus seeking the reversal of *Guingona* and *Penson*, or that the Court distinguish the issues here from those of *Guingona* and *Penson* and disregard such in resolving the instant petition.[154]

If a political question exists here, Trinidad et al. reiterate that the Court can still exercise its jurisdiction as Congress committed grave abuse of discretion on failing to enact the law.[155]

G.R. No. 277747

In G.R. No. 277747, petitioners Bishop Gerardo A. Alminaza, Bishop Jose C M. Bagaforo, PMGen Wilfredo D. Franco (Ret.), PBGen Noel O. Delos Reyes (Ret.), MGen Reynaldo V. Reyes (Ret), Col. Guillermo G. Cunanan (Ret.), Capt. Roberto D. Yap (RSD), Luisito Diez Redoble, and Alexander L. Lacson (Alminaza et al.) filed a Petition for Certiorari[156] against respondent COMELEC. They ask the Court to declare certain types of candidates[157] as inherently, intrinsically, and/or automatically covered by the general prohibition against political dynasties under Article II, Section 26, in relation to Article VI, Section 7 and Article X, Section 8 of the Constitution, as well as to enjoin COMELEC to promulgate rules and regulations to include these types of candidates as among those disqualified during national and local elections.[158]

Alminaza et al. attribute grave abuse of discretion on the part of COMELEC for failing to promulgate rules to disqualify candidates belonging to political dynasties.[159] The prohibition covers local and national positions, including party-list nominees, as well as simultaneous and successive holding of office, among spouses, children, parents, siblings, including in-laws.[160] Alminaza et al. argue that the constitutional prohibition is self-executing against a member of the family of an incumbent elected official.[161] In case of doubt, it must be resolved in favor of the presumption that the provision is self-executing.[162]

As Alminaza et al. argue, COMELEC also has the duty of interpreting and implementing the Constitution, in addition to enforcing election laws; thus, it should have promulgated rules for the disqualification of candidates from dynasties and refuse to give due course or cancel the certificates of candidacy of such candidates for being filed in bad faith.[163] Alminaza et al. thus call upon this Court to order COMELEC, and even the Legislature despite not being impleaded as respondent, to pass a law and promulgate rules to implement the constitutional

provision on political dynasties.[164]

G.R. No. 279201

In G.R. No. 279201, petitioners 1Sambayan Coalition, Sanlakas, Members of Advocates for National Interest, Members of U.P. Law Class of 1975, Bishop Crispin B. Varquez, Bishop Broderick S. Pabillo, Bishop Jose Colin M. Bagaforo, Bishop Gerardo A. Alminaza, Father Flaviano L. Villanueva, Father Franklin E. Pilario, Father Joselito S. Sarabia, Father Odine L. Areola, Father Albert E. Alejo, Father Geowen A. Porcincula, Father Patrick Z. Falguera, former Ombudsman Conchita Carpio Morales, Atty. Christian Monsod, Solita Collas-Monsod, Maria Cielo D. Magno, and Atty. Dante B. Gatmaytan (1Sambayan Coalitaton et al.) filed a Petition for Certiorari and Mandamus[165] against respondents Senate of the Philippines and House of Representatives. They ask the Court to impress upon Congress to enact a law defining and prohibiting political dynasties.[166]

1Sambayan Coalition et al. aver that the remedy of mandamus may be issued if there is grave abuse of discretion in the performance of a discretionary duty.[167] Through mandamus, the Court may direct a body to perform a discretionary duty and to exercise its discretion in accordance with the law.[168] It is a remedy to enforce a public right and compel the performance of a public duty, when such right is mandated by the Constitution.[169]

They also claim to have legal standing to sue as concerned citizens and that direct recourse to this Court is proper given the circumstances of this case.[170]

It is 1Sambayan Coalition et al.'s view that Congress has effectively and unlawfully rewritten the Constitution by its refusal to define political dynasties despite the mandate in Article II.[171] Under the Constitution, there is an obligation to enact such law; the discretion comes in only on defining the scope of what constitutes a political dynasty.[172] By simply refusing to pass the legislation, for a long time, Congress violated and repealed Article II, Section 26 of the Constitution.[173]

1Sambayan Coalition et al. submit that Article II, Section 26 is not a mere statement of policy, but a self-executing provision insofar as it requires Congress to enact a piece of legislation.[174] The wording is clear in imposing upon the State two obligations: to guarantee access to public service and to prohibit political dynasties as may be defined by law.[175] Further, the phrase "as may be defined by law" should not be interpreted to render lifeless the Constitution's directive on Congress to prohibit political dynasties.[176] Such phrase grants Congress discretion to define, not on whether to prohibit dynasties nor to pass an anti-dynasty law.[177] Article II, Section 26 serves as a constitutional limitation on Congress's legislative powers, to the extent that it is required to enact a law.[178]

Considering also that the Court has previously ruled on the issue in *Guingona* and in *Biraogo v. Commission on Elections*,[179] 1Sambayan Coalition et al. argue that the Court is not precluded from revisiting and overturning prior decisions, as the Constitution is a living document, which should be interpreted to cover even future and unknown circumstances.[180] Political dynasties continue to further proliferate, contributing to the current socioeconomic situation of the country—the Court should thus consider the negative consequences of political dynasties and depart from its previous rulings.[181]

1Sambayan Coalition et al. also mentioned of a 2022 study by Ronald U. Mendoza (Mendoza), showing almost 80% of Congress and over 50% of elected local government officials are from political families.[182] Further, Mendoza, in a different study in 2019, also found a direct correlation between the existence of political dynasties and persistent poverty in the country.[183] 1Sambayan Coalition et al. thus posit that when political power remains concentrated within a few families, there is a risk of limited economic opportunities for others.[184]

Comments on the Petitions

On behalf of respondents, the Office of the Solicitor General filed separate comments[185] on the petitions, presenting similar and complementary arguments.

Respondents argue that the petitions fail to satisfy the requisites of judicial review.[186] The petitions do not pose an actual or justiciable controversy that would justify the exercise of judicial review.[187] There are no conflicting legal rights as the conflict between those who expect the constitutionally mandated prohibition on political dynasties and those who choose to perpetrate them are not real but merely imagined.[188] The case is not yet ripe for adjudication as the supposed inaction of respondents has no direct adverse effect on petitioners; the absence of a law defining and prohibiting political dynasties do not give rise to a violation of any of petitioners' legal rights.[189] There is no failure to perform an obligation on the part of respondents considering that Article II, Section 26 of the Constitution is not a self-executing provision, thus needing an enabling law.[190]

Respondents also assail petitioners' legal standing to file the cases. They do not qualify as non-traditional suitors allowed to file the present actions.[191] The allegation of use of huge amounts of public funds for legislative purposes is a general averment that does not establish petitioners' standing as taxpayers; there was no allegation of illegal disbursement and its purported connection with the failure to pass an anti-dynasty law.[192] They also do not assail the validity of an election law to show their standing as registered voters.[193] Neither do petitioners allege that they are candidates prejudiced by the absence of the law.[194] There are no issues of transcendental importance that would qualify petitioners to be suing as concerned citizens as the issues were already resolved by the Court in *Biraogo* and *Guingona*. [195]

Respondents primarily argue that mandamus does not lie against Congress. The enactment of laws is a discretionary function of Congress, not a ministerial duty that can be compelled by mandamus.[196] The issue of which laws to pass, when and how to enact them, is for Congress alone to decide.[197] These are political questions, which are beyond the ambit of judicial review.[198] The enactment of a law cannot be considered a purely ministerial act as it requires the exercise of sound judgment and must undergo legislative process.[199]

Respondents cite *Guingona*, where the Court dismissed petitions for mandamus to compel Congress in passing anti-political dynasty laws.[200] The Court in that case held that the enactment of laws is not a ministerial duty that can be compelled by mandamus, as it pertains to a legislative function, where Congress has exclusive control.[201] This is a political question where courts have no judicial control.[202] The Court cannot order Congress, a co-equal body, to enact a specific or any law, without violating the separation of powers.[203]

Another argument of respondents is that Article II, Section 26 of the Constitution is not self-executing. The Declaration of Principles and State Policies in Article II of the Constitution are not meant to be self-executing provisions ready for enforcement through the courts.[204] These do not embody judicially enforceable constitutional rights, but mere guidelines for legislation.[205] Thus, the failure of the legislative to pursue such policies cannot give rise to a cause of action for mandamus.[206] The phrase "as may be defined by law" expresses the intent of the framers for a further and more detailed enabling statute before the provision can be enforced.[207] Without the definition, there is no legal provision that can be imposed, rendering the constitutional provision unenforceable.[208] Respondents cite *Biraogo*, where the Court dismissed a petition for mandamus, ruling that Article II, Section 26 of the Constitution is not self-executing, as the provision requires further enabling legislation from Congress.[209]

Lastly, it is argued that petitioners failed to show grave abuse of discretion on the part of respondents.[210] For respondent Congress, it insists that it is performing its duty—various bills seeking to define and prohibit political dynasties have been filed.[211] There is no inaction or refusal which can be characterized as grave abuse of discretion.[212] Congress is not remiss in its constitutional duty.[213] On the part of respondent COMELEC, it

argued that it cannot be attributed with grave abuse of discretion as the power to implement Article II, Section 26 of the Constitution lies with Congress.[214] For it to exercise its rulemaking power, legislation from Congress is required.[215]

Worth noting is respondents' mention of Republic Act No. 10742, or the Sangguniang Kabataan Reform Act of 2015.[216] The State Policy in Article II, Section 26 of the Constitution is realized through the enactment of Republic Act No. 10742.[217] Its Section 10 enumerated as a disqualification of Sangguniang Kabataan candidates their degree of relationship with incumbent elected and appointed government officials in the locality where they seek to be elected.[218] Respondents claim that the enactment of Republic Act No. 10742 proves that Congress performed its duty to enforce Article II, Section 26 of the Constitution.[219]

The Issues

The issues for the resolution of the Court are as follows:

- Whether the requisites for a valid exercise of judicial review are present;
- Whether certiorari and mandamus are the proper remedies against respondents;
- Whether there is grave abuse of discretion on the part of Congress in failing to prohibit political dynasties through the enactment of a law;
- Whether respondent Congress can be obliged to fulfill the constitutional duty of prohibiting political dynasties by way of legislation; and
- Whether respondent COMELEC can be called upon to promulgate rules regarding the eligibility to run for office of individuals purportedly belonging to political dynasties.

Our Ruling

The requisites for a valid exercise of judicial review are present

The Constitution, in Article VIII, Section 1, vested the power of judicial review in the Judiciary:

ARTICLE VIII

Judicial Department

SECTION 1. The judicial power shall be vested in one Supreme Court and in such lower courts as may be established by law.

Judicial power includes the duty of the courts of justice to settle actual controversies involving rights which are legally demandable and enforceable, and to determine whether or not there has been a grave abuse of discretion amounting to lack or excess of jurisdiction on the part of any branch or instrumentality of the Government.

Judicial power includes settling actual controversies involving rights legally demandable and enforceable, as well as the expanded power of determining whether there has been a grave abuse of discretion amounting to a lack or excess of jurisdiction on the part of any branch or instrumentality of government. Pursuant to the second clause of the provision, the Court is thus constitutionally entrusted with the responsibility of checking any act of any branch of government for grave abuse of discretion.

The expanded jurisdiction to determine grave abuse of discretion is a novel addition to the 1987 Constitution. Prior to the current regime, the Court early on described this power to be the "moderating power" to "determine the proper allocation of powers" between branches of government and "to direct the course of government through constitutional channels" pursuant to the system of checks and balances laid down by the

Constitution.[220] At that time, such power was interpreted to be granted by clear implication of Article VIII, Section 2 of the 1935 Constitution.[221] This is an inherent power of the courts and a necessary consequence of judicial power expressly stated in the provision.[222]

At present, such power is expressly stated in the second paragraph of Article VIII, Section 1 of the Constitution. The present Constitution expanded the scope of judicial power, giving definite form in its text what was merely implied before. The expanded jurisdiction was intended to curb grave abuse of discretion of any branch or instrumentality of government.[223]

Grave abuse of discretion is characterized as a capricious and whimsical exercise of judgment which renders the tribunal acting without or in excess of its jurisdiction.[224] "Mere abuse of discretion is not enough. It must be grave in degree as when the power is exercised in an arbitrary or despotic manner by reason of passion or personal hostility, and must be so patent and so gross as to amount to an evasion of a positive duty or to a virtual refusal to perform the duty enjoined or to act at all in contemplation of law." [225]

The Court's expanded jurisdiction of determining grave abuse of discretion can be invoked through a Rule 65 petition.[226]

Concededly, this power is not without limits. It is in itself an exercise of judicial power.[227] Article VIII, Section 1 of the Constitution clearly includes in the definition of judicial power the power to determine grave abuse of discretion. As such, before the Court can exercise its expanded jurisdiction, the requisites for a valid exercise of judicial review must be present: (1) an actual case or controversy; (2) a personal and substantial interest of the party raising the constitutional question; (3) the exercise of judicial review is pleaded at the earliest opportunity; and (4) the constitutional question is the very *lis mota* of the case.[228] Only when these requisites are met can the Court exercise judicial review, including the determination of the constitutionality or the unconstitutionality of an assailed act; [229] otherwise, judicial restraint is demanded.

In these cases, all the requisites have been complied with.

First, there is an actual case or, controversy. An actual case or controversy exists when there is a conflict of legal rights susceptible of judicial resolution and admitting of a specific relief through a decree conclusive in nature.[230] The contrariety of legal rights must be one that can be interpreted and enforced on the basis of existing laws and jurisprudence.[231] The case must not be moot or based on any extra-legal or other similar considerations not cognizable by the courts.[232]

The Court's expanded jurisdiction is in itself an exercise of judicial power. It does not do away with the requirement of actual case or controversy in presenting a constitutional issue; it effectively simplifies the requirement by merely requiring a *prima facie* showing of grave abuse of discretion in the assailed governmental act.[233]

Here, there is an actual case or controversy. The Court agrees with petitioners in G.R. No. 263934 and G.R. No. 272370.

Petitioners bank on the right to expect Congress to enact a law by virtue of a Constitutional order. This expectation is betrayed by the inaction of Congress, which petitioners allege to give rise to the prevalence of political dynasties in the country. They also posit that the duty to enact such law is ministerial in nature, not discretionary as claimed by respondents.[234]

Respondents, meanwhile, posit that there is no conflicting legal rights. The supposed inaction has no direct adverse, effect on petitioners and do not give rise to a violation of legal rights. In other words, respondents argue

that there is no actual case or controversy as the rights of petitioners were not violated.[235]

The Court holds that the conflicting views and incompatible perspectives of both parties satisfy the requirement. The contrariety of legal rights is shown by petitioners' position of their right to expect Congress to enact a law pursuant to the Constitution against respondents' blatant disregard of such and failure to do so. It is also shown by the claim that the duty of Congress to pass a law defining and prohibiting political dynasties is ministerial in nature, which clashes with respondents' view that it is discretionary. Clearly, these are conflicting views as both views are inconsistent, if not completely opposing, requiring judicial scrutiny to reconcile and resolve. The case calls upon the Court to once again interpret the Constitution, which is at the core of the arguments of both parties: one side invokes a provision in Article II while the other invokes the nature of a power granted in Article VI.

Petitioners' allegations also bared a prima facie showing of grave abuse of discretion on the part of Congress. The allegation of inaction of Congress can be characterized as an abdication of a positive duty or a virtual refusal to perform a duty imposed by the Constitution, which is included in the definition of grave abuse of discretion.[236]

Worth exploring is the right to expect as raised by petitioners in G.R. No. 263934. The right of citizens to expect government employees to be faithful to the trust reposed in them and to perform their duties well is recognized in jurisprudence. Describing the vitality of a republican form of government, the Court, in *Manuel v. Paño*, [237] held that: "Every citizen has a right to expect from all public servants utmost fidelity to the trust reposed in them and the maximum of efficiency and integrity in the discharge of their functions. Every citizen has a right to complain and criticize if this hope is betrayed." [238] If government betrays the trust of its citizens in failing to perform duties expected of it, the citizens can seek recourse, such as going to court, as in this case. The right of citizens to expect government to act, and to act efficiently and with integrity with the welfare of the people in mind, is inherent in any form of government such as ours. It is essential for a transparent and functioning government. The Court will not hesitate to recognize such right if alleged to be encroached, especially if the Constitution is invoked. Resultantly, it can thus be considered in determining the presence of an actual case or controversy if posited to be in conflict with an act or inaction of a government body. Of course, if it can be shown that the right proved to be encroached or the Constitution violated, the Court will not hesitate to uphold such right and rule accordingly.

Lest it be mistakenly invoked, and as astutely pointed out by my esteemed colleague Associate Justice Japar B. Dimaampao (Justice Dirnaampao), [239] this Court clarifies however that its recognition here of the right to expect governmental action is severely limited. It does not indiscriminately sanction judicial review for every challenge to the fulfillment of the state policies expressed in Article II of the Constitution. The context of the present case is crucial—the invoked right to expect Congress to pass an anti-dynasty prohibition vis-à-vis petitioners' allegations of incessant inaction and continued monopolization of power, go into the essence of public service, like in *Manuel*.

Second, petitioners have legal standing. In case law, there are two kinds or modes of legal standing or locus standi. Under the traditional mode, the test of standing "is direct injury—whether the party has a personal and substantial interest, such that the party has sustained or will sustain direct injury because of the challenged governmental act." [240] A party must show that he or she sustained or will sustain a direct injury as a result of the governmental act, or that he or she has material interest in the issue affected by the challenged act. [241] Under the nontraditional or liberal mode, the Court may allow suits despite the absence of petitioner's direct injury or material interest. [242] Legal standing is a matter of procedure, which the Court may relax "when public interest so requires, such as when the matter is of transcendental importance, overarching significance to society, or paramount public interest." [243] The Court in *Duty to Energize the Republic Through the Enlightenment of the Youth Party-list v. Commission on Elections* [244] laid down the different kinds of nontraditional suitors and their

respective requisites, thus:

This Court, however, has allowed suits even if petitioner failed to show direct injury since the rule on standing is a matter of procedure which can be relaxed when the public interest so requires, such as when the matter is of transcendental importance, of overarching significance to society, or of paramount public interest. Accordingly, taxpayers are allowed to sue where there is a claim of illegal disbursement of public funds or where a tax measure is assailed as unconstitutional. Voters are allowed to question the validity of election laws because of their obvious interest in the validity of such laws. Concerned citizens can bring suits if the constitutional question they raise is of transcendental importance which must be settled early. Legislators are allowed to sue to question the validity of any official action which they claim infringes their prerogatives as legislators. Nonetheless, these exceptional suits do not dispense with the requirement that there be a claim of injury-in-fact.[245] (Citations omitted)

Here, petitioners do not satisfy the requirements to sue as taxpayers as there is no claim of illegal disbursement of public funds or that a tax measure is unconstitutional. Petitioners in G.R. No. 272370 claim that public funds used for legislation purposes are wasted or improperly used when Congress neglects to perform its duty under the Constitution to enact a law prohibiting political dynasties.[246] However, the Court is not convinced. The claim is imagined or speculative as petitioners did not point out the amount of public funds illegally disbursed that would pertain to the neglect of Congress. Further, the act—or in this case, the inaction of Congress—does not pertain to illegal disbursement of public funds. "It is only when the very issue of the case hinges on illegal disbursement thereof that a liberal approach to taxpayer standing should be preferred." [247]

Petitioners also cannot sue as legislators as they are not incumbent members of the Senate and the House of Representatives whose prerogatives are alleged to be infringed by the inaction.

Petitioners, however, may be qualified to sue as voters. To be allowed to sue as voters, there must be a challenge on the validity of an existing election law or a rule, regulation, or ruling that is alleged to injure a right of the people in their specific capacity as voters.[248] Petitioners in G.R. No. 272370 claim that their right to vote is violated by the proliferation of political dynasties due to the failure of Congress to pass a law. They also claim to have a right to a wide base of selection and choice during elections, which is necessarily narrowed down or constricted because of the presence of political dynasties.[249]

In any event, petitioners are allowed to sue as concerned citizens. Concerned citizens may be accorded standing when there is a showing that the issues raised are of transcendental importance, which must be settled early.[250] The issue before the Court is of transcendental importance. As alleged by petitioners, political dynasties are widespread all over the country.[251] Without a law defining and prohibiting political dynasties, they continue to grow and secure strongholds, both in the national and local platforms.[252] Petitioners even present a direct correlation between the existence of political dynasties and the persistent poverty in the country.[253] Considering these, the issue before the Court is far-reaching and a matter of paramount public interest.[254] Its resolution would necessarily task the Court to interpret a constitutional provision and re-examine the powers of a branch of government.

The Court thus rules that petitioners have legal standing to sue as concerned citizens.

Third, the exercise of judicial review was pleaded at the earliest opportunity. The earliest opportunity element does not pertain to the date of the filing of the petition; it means that the earliest opportunity to raise a constitutional issue is to raise it in the pleadings before a competent court that can resolve the same.[255] Earliest opportunity means that the question of unconstitutionality of the act in question should have been immediately raised in the proceedings in the court below.[256] Here, the constitutional questions were raised at the earliest opportunity as the consolidated petitions were filed directly before this Court and the constitutional questions

were raised at the first opportunity.[257]

Notably though, the Court, in *Pimentel III v. House of Representatives*,^[258] citing *ANGKLA v. Commission on Elections*,^[259] stated that the requirement of earliest opportunity does not only pertain to "whether the earliest opportunity was in the pleadings and processes prior in time in the same case, but also whether the grounds for the constitutional objection were already apparent when a prior case relating to the same issue and involving the same petitioner was being heard."^[260] The test checks if the constitutional question was raised when the grounds for objection become apparent.^[261] *Pimentel III* and *ANGKLA* refer to this interpretation of the requirement as the "horizontal test".^[262]

However, the circumstances here are peculiar that the Court cannot strictly apply the so-called horizontal test of earliest opportunity. There is no assailed governmental act in this case as petitioners question the inaction of respondents in failing to enact a law. Establishing a reckoning point would be a challenge. The Constitution does not impose a deadline or a timeframe as to when Congress should have enacted a law on political dynasties. This could also mean that Congress is afforded every chance to enact a law. The alleged violation therefore is not readily apparent or demonstrable at any point in time. Further, concerning the two prior cases filed and resolved by the Court in *Guingona* and *Biraogo*, note that the petitions in those cases were for mandamus, while here, petitions for certiorari in G.R. Nos. 263934 and 277747, and a petition for certiorari and mandamus in G.R. No. 279201 were filed. As will be elaborated, certiorari and mandamus are not the same. Their causes of actions differ: certiorari ascribes grave abuse of discretion amounting to a lack or excess of jurisdiction, while mandamus commands the performance of a ministerial duty.^[263] The issues at hand cannot be resolved based on the Court's resolutions in *Guingona* and *Biraogo*. Thus, the Court considers that the constitutional issues were still raised at the earliest possible time under the "horizontal test."

In any event, the Court continues to apply the traditional test of earliest opportunity and holds that the petitions complied with the requirement.

Fourth, the constitutional question is the very *lis mota* of the case. The constitutional question must be the main issue of the case—resolving it is indispensable to the resolution of the case and cannot be raised collaterally.^[264] By virtue of this requirement, "[t]he Court will not pass upon a constitutional question, although properly presented. . . . if the case can be disposed of on some other ground such as the application of a statute or general law."^[265] In other words, the Court is not bound to resolve the constitutional issue raised in a particular case, if the case can be decided on some other ground by applying a different set of statutes or case law. The Court will not rule upon constitutional questions raised collaterally in a case.

The issues raised here by petitioners are the very *lis mota* of the case. Petitioners allege that respondent Congress committed grave abuse of discretion in failing to enact a law defining and prohibiting political dynasties as required by the Constitution, thus praying for it to be compelled to do so. Respondents, on the other hand, counter that it cannot be compelled to perform its discretionary duty of legislating. In light of the positions of the parties, the question cannot be resolved without examining the provision of the Constitution at the core of this case.

Considering that all the requisites for judicial review are present, We have no other option but to perform Our solemn constitutional duty as the final arbiter of constitutional meaning. We now exercise Our power of judicial review and act on these Petitions.

The Petitions in G.R. Nos. 263934, 272370, and 279201 are granted, while the petition in G.R. No. 277747 is denied.

Certiorari and mandamus are the proper remedies in these cases

The patent and palpable failure of Congress to enact a law that prohibits political dynasties as mandated by our Constitution, in spite of close to four decades of opportunity to do so, is tantamount to grave abuse of discretion amounting to lack or excess of jurisdiction on its part.

To reiterate, grave abuse of discretion is defined as capricious and whimsical exercise of judgment, which renders the tribunal acting without or in excess of its jurisdiction.[266] "Mere abuse of discretion is not enough. It must be grave in degree as when the power is exercised in an arbitrary or despotic manner by reason of passion or personal hostility, and must be so patent and so gross as to amount to an evasion of a positive duty or to a virtual refusal to perform the duty enjoined or to act at all in contemplation of law." [267]

In the context of the Court's expanded jurisdiction, the power to determine grave abuse of discretion contemplates resolving issues on violations of the Constitution, errors of jurisdiction, violations of law and jurisprudence, and gross misapprehension of facts.[268] It includes a determination of the constitutionality of acts of government agencies. The Court, in numerous instances, was confronted with questions involving the constitutionality of laws enacted by Congress, as well as rules, issuances, and actions of government agencies; and in some cases, the Court struck down such laws or any governmental action assailed before it, after determination that it is contrary to the word and spirit of our organic law.

Notably, as stated in case law, the inaction of government agencies can be characterized as grave abuse of discretion, cognizable by this Court by virtue of the expanded judicial review, more so if such inaction relates to, or results in a violation of the Constitution.[269]

Congress not only exercised discretion where it should not, it even gravely abused the same. In failing to perform a duty imposed by the Constitution, Congress evaded a positive duty, refused to perform a mandate, thus resulting in a violation of the Constitution.

The Court discerns two points that highlight Congress's grave abuse of discretion through its consistent inaction and evident lack of interest to prohibit political dynasties by enacting a law as mandated by the Constitution.

First, grave abuse of discretion was committed through Congress's utter disregard of a constitutional command mentioned in Article II, Section 26.

On the textual level, it is obvious that the provision uses the word "shall." It is an auxiliary verb that conveys a directive and leaves no room for discretion on whether to perform the directed task or not.[270] "Shall" is a word of command "which has always or which must be given a compulsory meaning." [271] It implies a duty that, if disobeyed or left ignored, will necessarily entail consequences.

In the context of Article II, Section 26, the word "shall" is used in the first part of the provision. It underscores the mandatory nature of the provision. It imposes upon the actor, which is the State, to perform the matters the auxiliary verb subsequently refers to, which are two in this provision. In other words, the constitutional provision imposes upon the State two things: (1) to guarantee equal access to opportunities for public service, and (2) to prohibit political dynasties, as may be defined by law. The placing of a comma after the first fragment "guarantee equal access to opportunities for public service," entails that the directive from the use of "shall" also equally applies to the second fragment. The two subjects of the provision can therefore be read separately, each on its own, by reason of the equal application of the directive from "shall." The first part will read "[t]he State shall guarantee equal access to opportunities for public service." And the second part will read "[t]he State shall prohibit political dynasties, as may be defined by law." But, even if the provision can be split into two and both with equal directives, the two subject matters should also be construed, interpreted, and understood together. It is essential that the Constitution must be interpreted as a whole.[272]

Thus, the Constitution imposes upon the State the duty to guarantee equal access to opportunities to public service, and to prohibit political dynasties.

The Court focuses on the second part of the provision, "prohibit political dynasties, as may be defined by law." As it is already settled that the second part also equally carries with it a mandate, the Court analyzes the rest of the provision. It states "as may be defined by law," which undoubtedly pertains to the prohibition of political dynasties. Thus, in addition to the mandate to the State of prohibiting political dynasties, the Constitution leaves upon Congress to define what is sought to be prohibited.

But considering the nature of the provision, the subject matter needs to be defined before it can be enforced. Authorities such as the COMELEC, for example, cannot enforce the prohibition without knowing what or how it will be enforced. Further, those governed should also be aware of what will be prohibited, in consideration of the principle of due process. This emphasizes the need for passing a law. For the State to be able to prohibit political dynasties, the concept must first be defined, only through a law, which is completely a function of the legislative.

Congress effectively neglected the implementation of the prohibition in failing to enact a law that defines political dynasties. In that regard, there is grave abuse of discretion.

On the aspect of the meaning behind the provision, it is proper to examine the intent of the framers of the Constitution.

During the deliberations on the provisions on local government, Commissioner Foz, on behalf of Commissioner Cirilo A. Rigos, proposed that the Local Government Code be enacted by Congress should include a provision against political dynasties. This sparked a debate among certain members of the Constitutional Commission as to the rationale and parameters of the prohibition against political dynasties. However, the proposal was ultimately rejected upon voting.[273]

Commissioner Foz notably stated during the deliberations:

The idea of a prohibition against the rise of political dynasties is essentially to prevent one family from controlling political power as against the democratic idea that political power should be dispersed as much as possible among our people. And the evils brought about by political dynasties are so well-known to us, because they happened in the recent political past.[274]

Nevertheless, Commissioner Nollado also previously introduced Proposed Resolution No. 64 titled "Resolution to Incorporate in the Declaration of Principles of the New Constitution a Provision Against Political Dynasties." [275] After much debate, this proposal was subsequently approved with modification and incorporated in the Declaration of Principles and State Policies as Article II, Section 26 of the Constitution.

Upon examination of the deliberations of the Constitutional Commission, it is evident that the provision was extensively debated by several commissioners.[276]

Commissioner Nollado started by explaining the reasons behind his proposed prohibition of political dynasties:

MR. NOLLEDO. Thank you, Mr. Presiding Officer.

It seems to me that the resolution asking for a provision in the Constitution to prohibit political dynasties is very popular outside but does not seem to enjoy the same popularity inside the Constitutional Commission.

And so, Mr. Presiding Officer, I would like to summarize the reasons behind this prohibition realizing what is happening in different parts of our country. This provision will widen political opportunities contrary to the opinion of Commissioner [Christian S.] Monsod because I feel that we talk of equal opportunities, we have also to talk more or less of equal conditions under which candidates run for public office. And with this

provision, Mr. Presiding Officer, we do away with political monopoly.

As now appearing in many parts of our country, Mr. Presiding Officer, we seem to approve of the practice that public office is inherited. Now, in order to make this provision more palatable to the Members of the Constitutional Commission, I have decided to restrict the meaning of political dynasty as a suggestion to the forthcoming Congress of the Philippines. I believe, Mr. Presiding Officer, that this prohibition, although using the term "prohibit," is not actually prohibitory but only regulatory. I am talking of this in terms of the scope of the term "political dynasty" by saying that the prohibition against political dynasty, Mr. Presiding Officer, is designed to avoid circumvention of the provision limiting reelection of public officers to give a chance to others in running for public office. I would like to be specific, Mr. Presiding Officer. In case of local government officials like governors, for example, we allow them to have two reelections. If he[/she] is reelected twice, he[/she] can no longer run for reelection in which case, he[/she] will ask his[/her] close relative—a son or a daughter or a brother or a sister—to run for public office under his[/her] patronage. As in this case, we circumvent the rule against further reelection because it may also happen that his[/her] younger son may run for governor and he[/she] is still strong enough to exercise moral as well as effective influence upon the son. And the son[/daughter] becomes a subaltern, subjecting himself[/herself] to the will of the father[/mother] who has apparently retired.

And so, in the case of a President, for example, under the provisions of the Constitution, the President cannot run for reelection. So if the incumbent President cannot run for reelection, she can ask, for example, Noynoy Aquino—assuming that he is already of age—to run for President, thereby negating the laudable purpose for prohibiting reelection. That seems to me to be the meaning of political dynasty although Congress may still widen the meaning of the term. In the case of a governor, Mr. Presiding Officer, if he[/she] has run for two reelections and he[/she] decides that a close relative run for election for the same position, the governor, who is now incumbent, must have built fortunes and even private armies to assure the perpetuation through the election of close relatives. His[/Her] built-in advantages over his[/her] opponents will not widen political participation in an election, Mr. Presiding Officer. So I submit to the Commission.[277] (Emphasis supplied)

Commissioner Nollado wanted to expand the political opportunities by eliminating political monopoly. The proposal is actually not prohibitory but regulatory: "to avoid circumvention of the provision limiting reelection of public officers to give a chance to others in running for public office." [278] The circumvention happens when term-limited incumbents ask their children to run for the same position in the next elections; should the latter win, they become subalterns as the incumbents may still exercise influence over them. [279] It is also Commissioner Nollado's position that Congress may widen the meaning of the term. [280]

Other members of the Constitutional Commission in support of the proposal raised concerns on social inequalities as well as graft and corruption. The inclusion of a prohibition against political dynasties, according to them, will necessarily curb these issues. Thus:

MR. GUINGONA....

I find the reason advanced by Commissioner Nollado regarding the need to equalize conditions and elections valid. He is referring to an incumbent who can make use of the facilities and the powers that he[/she] has while in office in order to facilitate the election of a close relative.

Commissioner Nollado, however, mentioned that this particular provision seems to be popular outside but might not be so popular in the Commission. Perhaps, one of the reasons, Mr. Presiding Officer, is that there is the use of the absolute word "prohibit." During the interpellations, Commissioner Nollado admitted that what he has in mind here is not prohibition really but regulation. So maybe the word "prohibit" could be changed to the word "REGULATE." And since "political dynasties" is not the concept—political dynasties are not explained in this provision—then perhaps we might add "AS PROVIDED BY LAW" in order to make this provision more acceptable to the Members of the Commission.

....

MR. SARMIENTO. This seems to be a very unpopular section. But may I speak in favor of this section in spite of its unpopularity within this august body?

Political dynasties, Mr. Presiding Officer, are the bane and waterloo of young, promising but poor candidates. And this is true in the provinces, even in my own province.

By including this provision, we widen the opportunities of competent, young and promising but poor candidates to occupy important positions in the government. While it is true we have government officials who have ascended to power despite accident of birth, they are exceptions to the general rule. The economic standing of these officials would show that they come from powerful clans with vast economic fortunes.

So, I believe that with this provision and considering that social and economic inequalities will be with us for many years, maybe for decades, then there is wisdom for the inclusion of this section in our Constitution.

....

MS. QUESADA. Yes, I would just like to contribute something to support the position of the committee to retain this provision, which is about to be deleted. And one of the positions that we maintain is this is a facilitating provision that would enable us to translate the principle that we had adopted concerning the participation of the sectoral representatives so that they will have a chance after three years of having reserved seats to compete in the political party. If there are going to be political dynasties, then we preclude, we limit the opportunities, the chances of the sectoral representatives who have the position or the means by which they could compete with political dynasties. I suppose that we all believe that everybody should compete, but given the social inequalities, I do not think that we will ever achieve that intention.

....

MS. ROSARIO BRAID. Will this lead towards the development of a pluralistic society?

MR. NOLLEDO. Yes.

MS. ROSARIO BRAID. Does this provision encourage the development of a new political culture?

MR. NOLLEDO. Yes, because it really widens political opportunities.[281] (Emphasis supplied)

Commissioner Serafin V.C. Guingona (Commissioner Guingona) agreed with Commissioner Nolleto and highlighted an incumbent's capacity to use the power and facilities in office to facilitate the election of a relative. He proposed the addition of the phrase "as provided law" to be more acceptable to the Commission.[282] Commissioner Rene V. Sarmiento described political dynasties to be the "bane and waterloo of competent, young, and promising but poor candidates to occupy important positions in government." He believed there is wisdom to add the provision, considering the social and economic inequalities that pervade the country for many years or decades to come.[283] Commissioner Minda Luz M. Quesada supported the inclusion of the provision and commented on the chances of sectoral representatives being limited by the presence of political dynasties.[284] Commissioner Florangel Rosario Braid also highlighted the development of a "new political culture" as encouraged by the provision.[285]

Notably, as pointed out by Commissioner Jose C. Colayco (Commissioner Colayco), political dynasties were also linked to graft and corruption, as politicians can consolidate power in relation to the management of public funds:

MR. COLAYCO. I have one angle which has not been mentioned and which makes the concept advanced by Commissioner Nolleto very meritorious. One of the worst effects of political dynasties is that it breeds graft and corruption. I will give one actual example. In a city in Metropolitan Manila, the mayor has been in power

for easily 20 years, even before Marcos came to power. He has several children. What was the result? One took care of the graft coming from the discos. Another one received a monthly pension from the so-called motels. Another took charge of the gambling casinos. A fourth one took care of the market collections. But the chief of police looked the other way because he has been given a share in the loot. Because of the length of time the mayor has held power, he[/she] did not bother with the public criticism against his[/her] administration. This is something still happening. A group of concerned citizens in this same city created a special committee to help the present OIC. In the beginning they thought that the OIC was acting in good faith, but lately, they heard that he[/she] was following the footsteps of his[/her] predecessor.

This condition exists not only in this city. We go a little farther to the Visayas. You know whom I am referring to. This politician has such a strong private army that not even our army dares to do something about it. And what is this political dynasty doing? The same thing that the previous dynasty I mentioned is doing. His wife and children are all in power. Some are mayors, others are governors, et cetera. And in each place where they are in power, graft and corruption is present.[286] (Emphasis supplied)

Commissioner Christian S. Monsod (Commissioner Monsod), however, did not agree, as the prohibition, according to him, runs counter to the right of suffrage.[287] Commissioner Blas F. Ople (Commissioner Ople) also sought clarification on the effect of the proposal to the right of suffrage.[288] Commissioner Nollado insisted that the right is not infringed; only the right to run for office is regulated to equalize the conditions between the poor and the rich candidates.[289] Commissioner Teodulo C. Natividad (Commissioner Natividad) notably had a different view on the issue in voting against the inclusion of the provision. He was banking on his experience that a dynasty was defeated by the will of the people. Being an incumbent, he said, does not automatically mean that the politician will be politically strong. Thus, he proposed to just leave the decision to the people during elections.[290] Commissioner Yusup R. Abubakar (Commissioner Abubakar) also aligned his position to the right of suffrage.[291] Thus:

MR. MONSOD. This sounds like a replay of the debate we had in the Article on Local Governments when we talked about the same concept. This body voted down a similar proposal on prohibition of political dynasties in the Article on Local Governments. And here we are giving exactly the same reasons; we are indulging in the same kind of debate on the same issue. Mr. Presiding Officer, as we said before, the assumption here seems to be that we are underestimating our people in their right to choose; we are trying to put a prescreening mechanism so that public office is not after all accessible to all because we are going to prohibit or exclude certain people from running for public office. And my point is, we should have a little more faith. Now that we have a new COMELEC, the process will be cleaned up, but we should give our people full choice. Let them run and let the people decide. That is the essence of suffrage.

....

MR. NOLLEDO. Suppose, as I stated in my example, the incumbent governor has run for two reelections already, and he[/she] wants his son to run to perpetuate the family in office, is that not denying equal conditions to all candidates for the same public office?

MR. MONSOD. No, that is not. What he[/she] should do is allow everybody who wants to run and trust the people to make the right choice.

....

MR. MONSOD. I just want to make the motion to delete Section 20, first, because it has been argued and debated fully in the Article on Local Governments and this body has already made a decision on the same point; and, secondly, for the reasons I have stated, that I do not think we should curtail the right of the people to a free choice on who their political leader should be.

....

MR. OPLE. So, does the Commissioner agree that this Constitution has already established numerous provisions that will militate against the perpetuation of dynasties because these provisions especially on social justice broaden economic and social opportunities and, therefore, access to public offices, and that this Constitution directly attacks the causes of the problem identified by Commissioner Nollado instead of addressing them as effects.

MR. NOLLEDO. The Commissioner will notice that while we prohibit reelection, the person who is no longer qualified to be reelected will let his[/her] son continue and perpetuate the family in public office. That is what the proposal wants to remedy.

....

MR. OPLE....

One final question: Does my friend, Commissioner Nollado, not believe that the right of suffrage should not be abridged and that the right to vote and to be voted upon actually was derived from the same concept of the right of suffrage? Will he agree to that principle?

MR. NOLLEDO. We do not infringe upon the right of suffrage. We only regulate the right of some people to run because we want to equalize the conditions between the poor and the rich candidates. And I would like the Commissioner to know that we do not prohibit the son[/daughter] of the governor from running for the same office because he[/she] can run later on when the governor-father[/mother] is no longer in office.

MR. OPLE. I thank the Commissioner for recognizing the principle that the right to be voted upon inheres in the right to vote. Thank you very much.

MR. NOLLEDO. I agree with the Commissioner, but I think the State under its police power can regulate the same.

....

MR. NATIVIDAD. With the Commissioners' indulgence, the reason I voted against this provision before is its vagueness. Are we speaking only of the position of the incumbent? Suppose there is a public official and his[/her] relative is running for a different position, are his[/her] relatives banned?

MR. NOLLEDO. That is the reason I said I am limiting it only to a situation where the rule against further reelection might be circumvented. That is my suggestion to Congress although the Congress can also widen the meaning of political dynasty.

MR. NATIVIDAD. Yes. That is why I was afraid of injustice not to the incumbent but to the people. This country is varied in experience. If one runs and it is clearly in furtherance of a dynasty, I believe he[/she] will be defeated. That is my experience in my own district. The easiest time that I ran and won handily was—we were running under the opposition—when I was fighting against a dynasty. It was an easy election. Let the people decide. The biggest issue that we can raise against a political opponent is that he[/she] is running as a part of a dynasty. Let the people decide; give this satisfaction to the people. I am just voicing my own experience.

MR. NOLLEDO. The Commissioner's experience is an exceptional case.

MR. NATIVIDAD. When one is an incumbent, it does not mean he[/she] is going to be politically strong; that is not true. When one remains as a political incumbent, he[/she] has more issues against him[/her]; he[/she] has more promises broken and he[/she] tends to be a little weaker. It is not true that if one is an incumbent, he[/she] cannot be defeated. One is more vulnerable as he[/she] gets to be elected several times. And then if one puts up

his[/her] son[/daughter], for example, to run after him[/her]—as in Bulacan—that is formula for defeat. We have our own experiences in our own provinces; we cannot generalize this matter. I have my own experience. There is Senator "Soc" Rodrigo's. When I was in the opposition, I ran against someone who wanted his wife to be a Congresswoman, an incumbent governor, and it was the easiest victory in my five terms.

So let the people decide. For us to ban or to declare this as unconstitutional is a different matter.

....

MR. ABUBAKAR. I just arrived and it seems the debate centers on a proposition that is vital to our democracy.

This Constitutional Commission, composed of intelligent people, people who believe in the dictum that the voice of the people is the voice of God, is very religious. How can we, on the assumption that we are only appointed, or even if we were elected, suppress the voice of the people if they want an elected representative to continue with one, two, three terms? So be it. We are not here to suppress that voice. We are here to give reality and to give substance to what the people want; not to suppress their desire to elect their own representatives for the terms that they wanted them to have. So I would presume that this Commission will be able to come up with a Constitution that the people can embrace, approve and conceive as a document that looks after their interest, first and foremost. We should not contradict this voice. If a dynasty or a family is wanted by the people to represent them for two terms and another would succeed, who are we to question their choice or their voice? We are here on a constitutional mandate, and let not our power to be abused at the expense of the right of the people for I believe in the dictum that the ultimate power lies in the people and the voice of the people is the voice of God. So I agree with the proposition of Commissioner Rodrigo, which is to eliminate that portion and let the beginning stand and eliminate "prohibit political dynasties." [292] (Emphasis supplied)

Commissioner Monsod also raised a possible conflict with constitutional provisions providing for qualifications of those who seek public office.[293] Commissioner Francisco A. Rodrigo (Commissioner Rodrigo) likewise moved for the deletion of the phrase "and prohibit political dynasties" as it restricts, instead of broadens, opportunities for public service.[294] Thus:

MR. MONSOD. Mr. Presiding Officer, I had assumed that the committee members had already talked with each other. But anyway, I just want to say that here we are in this assembly, extolling people power and saying that the people have a new consciousness and yet not trusting that they will make the right choice. We want to put a section on political dynasty on the assumption that there will be violations of the Electoral Code, that people in power will use their office to elect their children. We cannot assume that certain sections of this Constitution will be violated and then try to cover and compensate for them in another section.

We have in this Constitution qualifications of those who seek elective office. We are adding in this section a disqualification to those who may aspire after public office, and, in effect, amending the various provisions in this Constitution which enumerate the qualifications and disqualifications of the law.

So, I move for the deletion of this section.

....

MR. RODRIGO. I would like to propose an amendment to that amendment; that is, by deleting the words "AND PROHIBIT POLITICAL DYNASTIES."

....

MR. RODRIGO. This matter of political dynasty is just a [colatilla] and in the reformulated amendment by substitution, the substance is also to broaden opportunities to seek public office. As a matter of fact, I am

asking for the deletion of "AND PROHIBIT POLITICAL DYNASTIES" because, by prohibiting political dynasties, we do not broaden but restrict opportunities for public office. That phrase is even incompatible, inconsistent with the very substance of the proposed amendment.

....

MR. NOLLEDO. I would like to respond to the statement of Commissioner Rodrigo that the prohibition of political dynasties is only correlative to the first part. I was interpellated by Commissioner Ople and I agreed with him when he asked if it was the intention of the committee to prohibit political dynasties in order to widen opportunities to public office and I answered yes. In other words, the first part is only the effect of the conclusion and that was very clear when Commissioner Ople interpellated me. I vigorously dissent from his view that by prohibiting political dynasties we will limit opportunities to public office. I adequately explained this already this morning and I need not repeat it unless Commissioner Rodrigo is willing to listen again.[295] (Emphasis supplied)

Several proposals were floated as to the extent of the prohibition against political dynasties. Commissioner Nollado initially suggested that the prohibition shall not extend beyond the third degree of consanguinity or affinity, and shall not cover instances of immediate succession.[296] He later mentioned that the prohibition should not extend beyond the second degree.[297] The members of the Constitutional Commission varied in opinion as to the degree of relationship to be covered by the prohibition; whether the prohibition shall cover those related by consanguinity and/or affinity; whether the prohibition covers both national and local elective positions; and whether the prohibition shall cover immediate succession.[298] Commissioner Hilario G. Davide, Jr. (Commissioner Davide) even mentioned in passing that political dynasties may pertain not only to elective but also appointive positions.[299]

Eventually, the members of the Constitutional Commission agreed that the extent of the prohibition should be left to the will of Congress. To reflect this, Commissioner Guingona proposed the inclusion of the phrase "as may be provided by law." [300] Commissioner Davide suggested to refine said phrase to "as may be defined by law." [301] Excerpts from the deliberations of the Constitutional Commission showing the foregoing discussions are as follows:

MR. RODRIGO. That means up to a nephew? Is it by consanguinity or also by affinity?

MR. NOLLEDO. We are recommending consanguinity and affinity but it is up to Congress to determine.

MR. RODRIGO. Is it the fault of a nephew if he happens to have an uncle who is a public officer? Why penalize the nephew? He cannot choose his uncle.

MR. NOLLEDO. To meet the Commissioner's objection, Congress may limit up to the second degree. We are not deciding that relationship because Congress will conduct public hearings on this before a regulatory law may be passed by it.

MR. RODRIGO. I do not see in the provision that it is left to Congress to decide.

MR. NOLLEDO. That is why Commissioner Guingona recommended, if this provision should not be deleted, "AS MAY BE PROVIDED BY LAW." The committee is receptive of that suggestion.

MR. RODRIGO. But in the Commissioner's thinking, may in-laws be included in the prohibition?

MR. NOLLEDO. Yes. The Commissioner knows how family ties exist in the Philippines. Even fourth cousins are very close to each other.

MR. RODRIGO. Yes. But then those are exceptions. As a matter of fact, the general rule is that in-laws do not get along well together.

MR. NOLLEDO. Perhaps in domestic affairs.

MR. RODRIGO. But the thing is a person cannot choose the husband of his sister. Why should he be penalized for something not his fault?

MR. NOLLEDO. As stated, it is Congress that will determine the relationship.

MR. RODRIGO. Yes. But I would like to visualize how Congress will act. What if Congress decides it will be up to the third degree of consanguinity, meaning, uncle and nephew?

MR. NOLLEDO. Considering the close family ties that exist in our country, not as an exceptional situation but as a general rule, I would not blame Congress in providing for that effect.

MR. RODRIGO. Is it not unfair for a nephew to be penalized, to be disqualified merely because he has an uncle not of his choice?

MR. NOLLEDO. The Commissioner will notice that I consider this not prohibitory but regulatory. We have to cut the nexus after the permissible reelection. Ans when there are no more built-in advantages like warlordism, graft and corruption, etc., then that nephew can run again.

MR. RODRIGO. The argument was that the incumbent has money and, therefore, he can help his nephew or brother or son be elected. But there are many cases when, let us say, a municipal mayor, even a provincial governor, is not a rich [person].

MR. NOLLEDO. And after holding office for two terms or more, he[/she] becomes very rich, and builds his[/her] own private army. Mr. Presiding Officer, political dynasty is really a social malady. And I disagree with Commissioner Monsod who says that the people are against the provision. In fact, in practically all forums wherein I appeared, the people overwhelmingly support the rule against political dynasty.

....

MR. DAVIDE. I have a proposed amendment. The proposal is to change the word "broaden" to the following: "ENSURE EQUAL ACCESS TO." Then instead of "office" on line 13, I propose to substitute the same with the word "SERVICE." So the entire section will read: "The State shall ENSURE EQUAL ACCESS TO opportunities to public SERVICE and prohibit political dynasties." I would like to explain the change from "office" to "SERVICE." If we change "office" to "SERVICE," we would refer to both elective and appointive positions. And political dynasties do not necessarily apply to elective positions alone. They would include appointive positions and perhaps more on the latter because it is easier to get a political appointment if somebody close to the family is an elective official, but it is difficult to have a political dynasty on the basis of election because election is an expensive exercise.

I changed the word "broaden" to "ENSURE EQUAL ACCESS TO" because what is important would be equal access to the opportunity. If you broaden, it would necessarily mean that the government would be mandated to create as many offices as are possible to accommodate as many officers as are also possible. That is the meaning of broadening opportunities to public service. So, in order that we should not mandate the State to make the government the number one employer and to limit offices only to what may be necessary and expedient yet offering equal opportunities to access to it, I changed the word "broaden."

....

MR. GUINGONA. Inasmuch as the honorable Commissioner Nollado has, in reply to my interpellation., mentioned that the term "political dynasties" has to be defined by law, I would like to add the words "AS MAY BE PROVIDED BY LAW." Would the Gentleman accept the amendment?

....

MR. DAVIDE. I regret that I cannot accept the proposal for the following reasons: One, I do not think it would be appropriate to state in the Declaration of Principles that it may be provided by law.

Secondly, I think that Congress, in the exercise of its plenary power, can provide for the necessary guidelines in the implementation of the rule against political dynasties.

....

MR. NOLLEDO. I have no objection to the amendment of Commissioner Guingona because the definition of "political dynasty" is left to Congress.

MR. DAVIDE. Is that the stand of the committee? Since the committee has accepted my proposal, the committee has the complete jurisdiction over the matter. But I would rather, however, propose that instead of "as may be provided by law" we say "AS MAY BE DEFINED BY LAW."

MR. GUINGONA. "AS MAY BE DEFINED BY LAW." I will accede to that...

....

MR. MAAMBONG. Mr. Presiding Officer, we are now ready to vote on the formulation of the original Section 23, now renumbered as Section 20, and it would read as follows, as amended by Commissioner Davide and amended also by Commissioner Guingona: "The State shall ENSURE EQUAL ACCESS TO OPPORTUNITIES TO PUBLIC SERVICE and prohibit political dynasties AS MAY BE DEFINED BY LAW." We are not ready for a vote[,] Mr. Presiding Officer.

....

MR. TINGSON. I think since Commissioner Nollado has been carrying the ball for this, the Gentleman kindly restate the formulation of Section 20.

MR. NOLLEDO. "The State shall ENSURE EQUAL ACCESS TO OPPORTUNITIES FOR PUBLIC SERVICE and prohibit political dynasties AS MAY BE DEFINED BY LAW." [302] (Emphasis supplied)

As clearly discernible from the deliberations, the members of the Constitutional Commission in favor of the prohibition of political dynasties believed that such measure would break the political monopoly long wielded by politically entrenched families, and level the playing field for other persons who want to run for public office. It was also pointed out that political dynasties perpetuate schemes of graft and corruption. Commissioner Nollado even described political dynasties as a "social malady." [303]

Meanwhile, those against the inclusion of this prohibition argued that said provision restricts the people's right to suffrage, i.e., they have the choice whether to continue electing members of political dynasties. [304] Another issue was raised where the prohibition would conflict with constitutional provisions on the qualifications of elective officials. [305] One commissioner also viewed the matter differently: that the provision in effect restricts access to public office. [306]

In the end, the votes in favor still prevailed, paving the way for the inclusion of the prohibition in our Constitution. The following provision was approved with 25 votes in favor, one against, and one abstention: "The State shall ensure equal access to opportunities for public service, and prohibit political dynasties as may be defined by law." [307] The final form of this proposal is now embodied in Article II, Section 26 of the Constitution, which states: "The State shall guarantee equal access to opportunities for public service, and prohibit political dynasties as may be defined by law."

Considering the evils sought to be avoided as presented by some of the members of the Constitutional

Commission, it is evident that they clearly intended to prevent political dynasties from dominating Philippine politics. But at the same time, they decided to leave the task of defining it to Congress, as the commissioners cannot seem to reach an agreement as to the wording of the provision and the extent of the prohibition. And as can be gleaned from the deliberations, the framers, in leaving to the will of Congress the extent of the prohibition, did not contemplate a situation where Congress has the discretion not to define the extent at all. They thus expected that a law will be passed to fulfill their intent.

In construing constitutional provisions, the Court should always take into consideration the intent of those chosen to codify the will of the people. In *Francisco, Jr. v. House of Representatives*,^[308] the Court stated:

Second, where there is ambiguity, *ratio legis est anima*. The words of the Constitution should be interpreted in accordance with the intent of its framers. And so did this Court apply this principle in *Civil Liberties Union v. Executive Secretary* in this wise: A foolproof yardstick in constitutional construction is the intention underlying the provision under consideration. Thus, it has been held that the Court in construing a Constitution should bear in mind the object sought to be accomplished by its adoption, and the evils, if any, sought to be prevented or remedied. A doubtful provision will be examined in the light of the history of the times, and the condition and circumstances under which the Constitution was framed. The object is to ascertain the reason which induced the framers of the Constitution to enact the particular provision and the purpose sought to be accomplished thereby, in order to construe the whole as to make the words consonant to that reason and calculated to effect that purpose.

As it did in *Nitafan v. Commissioner of Internal Revenue* where, speaking through Madame Justice Ameurfina A. Melencio-Herrera, it declared:

[...] The ascertainment of that intent is but in keeping with the fundamental principle of constitutional construction that the intent of the framers of the organic law and of the people adopting it should be given effect. The primary task in constitutional construction is to ascertain and thereafter assure the realization of the purpose of the framers and of the people in the adoption of the Constitution. It may also be safely assumed that the people in ratifying the Constitution were guided mainly by the explanation offered by the framers.^[309] (Citations omitted)

To a certain extent, the provision at issue can be considered as ambiguous. The ambiguity lies in the fact that there is still no law on political dynasties at present despite a constitutional provision. The Court had to look beyond the letter of the constitution, searching for an answer from the framers, if they had afforded some leniency to Congress on whether to enact a law or not. And the search yielded in the negative: as concluded, the framers did not contemplate a situation where Congress has the discretion on whether to enact a law defining the extent or not. The leniency allowed extended only to how Congress will define the prohibition, not on whether to do so.

As emphasized by my colleague Justice Jhosep Y. Lopez, the constitutional prohibition is "not mere rhetorical flourish or aspirational declaration of state policy." Otherwise, this reform intended by the framers when they introduced the provision to democratize political access will be rendered nugatory.^[310] In similar breadth, the esteemed Justice Amy C. Lazaro-Javier (Justice Lazaro-Javier) echoed how the framers surely did not envision "a kind of passivity bordering on apathy," that hinders true equal access to political opportunities and fair electoral competition.^[311]

Thus, from both the letter of the fundamental law and the intent of its framers, there is no doubt that the constitutional provision is a command to Congress. The provision protects an aspect of the people's right to effective public service and access to public office. But in order to be effective, it is bound to be implemented by a law. The Court concludes that without a law, Congress not only disobeys the Constitution, but also deprives the public of a cherished ideal guaranteed by the Constitution, no less. As it therefore stands at this very moment,

Congress is currently in violation of Article II, Section 26 of the Constitution.

Second, grave abuse is further shown by the number of filed and pending bills unacted upon by Congress since the Constitution was ratified.

From the 8th Congress constituted after the ratification of the 1987 Constitution until the end of the 19th Congress in 2022, there were at least 71 bills filed prohibiting political dynasties. One bill, Senate Bill No. 82 filed by Senator Guingona during the 8th Congress even passed the Senate but was unsuccessful in the Lower House.^[312] A few have notably passed committee level and even reached second reading. But nothing followed, resulting in their transmittal to the archives as unfinished business.

In the 20th Congress, there were 33 bills filed as of August 13, 2026.

In total, there are at least 101 bills filed since the ratification of the 1987 Constitution. Only two were successful in the plenary, Senate Bill No. 82 in the 8th Congress, which notably is the very first bill introduced on the matter, and House Bill No. 8389 in the 20th Congress.

Despite the constant changing of Congress's composition after every election, the recurring practice of not passing an anti-dynasty law seems to remain. This implies that both Chambers lack interest, avoiding the mandate for whatever reason, maybe for inconveniences of going through the process or maybe to serve their self-interest.

For the Court, the mere filing of a bill and tackling it before a Senate or House Committee, even passing it in plenary, is not a fulfillment of the command imposed by the constitutional provision.

The passage of a law is a process specifically laid down by the Constitution. It involves the participation of the Executive and Legislative branches of government. It proceeds from the filing of a bill in the Legislative branch to the signature of the President in the Executive branch.

Article VI, Sections 26 and 27 of the Constitution outline the legislative process as follows:

SECTION 26....

(2) No bill passed by either House shall become a law unless it has passed three readings on separate days, and printed copies thereof in its final form have been distributed to its Members three days before its passage, except when the President certifies to the necessity of its immediate enactment to meet a public calamity or emergency. Upon the last reading of a bill, no amendment thereto shall be allowed, and the vote thereon shall be taken immediately thereafter, and the yeas and nays entered in the Journal.

SECTION 27. (1) Every bill passed by the Congress shall, before it becomes a law, be presented to the President. If he^[/she] approves the same, he^[/she] shall sign it; otherwise, he^[/she] shall veto it and return the same with his^[/her] objections to the House where it originated, which shall enter the objections at large in its Journal and proceed to reconsider it. If, after such reconsideration, two-thirds of all the Members of such House shall agree to pass the bill, it shall be sent, together with the objections, to the other House by which it shall likewise be reconsidered, and if approved by two-thirds of all the Members of that House, it shall become a law. In all such cases, the votes of each House shall be determined by yeas or nays, and the names of the Members voting for or against shall be entered in its Journal. The President shall communicate his^[/her] veto of any bill to the House where it originated within thirty days after the date of receipt thereof; otherwise, it shall become a law as if he^[/she] had signed it.

(2) The President shall have the power to veto any particular item or items in an appropriation, revenue, or tariff bill, but the veto shall not affect the item or items to which he^[/she] does not object.

For a filed bill to become a law, the Constitution requires it to undergo three readings on separate days, unless the

President certifies to the necessity of its immediate enactment to meet a public calamity or emergency. The bill is then voted on after the third reading, with the yeas and nays entered in the Journal. After the speaker and the senate president sign the bill voted on, and the secretaries general certify that it was passed, it becomes an enrolled bill. It becomes conclusive not only as to its provisions but also as to its due enactment.[313] Then to become a law, the final step is the signature of the president. The Constitution also affords the president the power to veto but can be overridden by Congress by two-thirds vote of each Chamber.

The internal rules of both Chambers of Congress also outline their respective processes in passing a law. The Senate and the House of Representatives included in their processes the referral of bills to committees during the first reading,[314] as well as the convening of a conference committee to reconcile conflicting provisions.[315]

At present, none of the bills filed in either chamber of Congress has successfully passed the onerous process required by the Constitution and their internal rules. Indeed, some of these bills notably passed the committee level and the third reading. One bill was even recently transmitted from the House to the Senate for the latter's concurrence. This may imply that both Chambers are trying to tackle and deliberate on the matter.[316] These bills, however, have no force or effect, unless and until they become law. Mere attempts are not compliance. If a bill does not reach the President and gets signed or lapses into law, it remains to be without force or meaning. The provisions in Article VI of the Constitution on the legislative process must be complied with before a bill can be called a law and before it can be concluded that the constitutional mandate in Article II, Section 26 has been fulfilled. And of course, in the event that the president exercises his/her veto powers, which is completely within his/her prerogative, the only acceptable course of action is to restart the legislative process, until there is a valid, existing, and enforceable law.

The Constitution and the Filipino people cannot accept anything short of an anti-dynasty law. A living, enforceable, and constitutionally acceptable anti-dynasty law is what is clamored for.

Respondent Congress flaunts the fact that Republic Act No. 10742 or the Sangguniang Kabataan Reform Act of 2015, ostensibly contains a provision against political dynasties.[317] The same goes with the Bangsamoro Electoral Code of 2023 and the Bangsamoro Local Governance Code of 2023 enacted by the Bangsamoro Transition Authority Parliament, which one may argue, is legislation on political dynasties.

However, this is not the prohibition envisioned by the Constitution.

Indeed, Calubag recognizes that the enactment of Section 10 of Republic Act No. 10742 is Congress heeding the call to enact a law prohibiting political dynasties, at least at the barangay and Sangguniang Kabataan levels.[318] But it also acknowledges that the legislation's coverage is limited as it does not apply to candidates of higher local and national elective positions.[319] Thus:

The Court recognizes the legislative framework provided in Republic Act No. 10742 for preventing the creation and expansion of political dynasties in the country as the Legislative's answer to the constitutional call to define political dynasties, at least at the barangay and [Sangguniang Kabataan] levels. It breathes life to the constitutionally enshrined policy of the sovereign to prohibit political dynasties. In Republic Act No. 10742, the Legislative acted on this policy and prohibited the entry into politics of [Sangguniang Kabataan] candidates who are related to other incumbent national or local officials within the second civil degree. The Court is also aware that apart from Republic Act No. 10742, no law before or since has provided a workable definition of what constitutes a political dynasty. Furthermore, Republic Act No. 10742 is restricted in its application to those seeking [Sangguniang Kabataan] election and does not apply to candidates for higher local and national election offices.[320]

The constitutional ban on dynasties, if interpreted as a universal safeguard, should apply broadly to all avenues of

public service, not merely to a narrow arena such as the Sangguniang Kabataan or the Bangsamoro. They only cover a select group of candidates—members of the Sangguniang Kabataan and members of the Bangsamoro Parliament. Such limited scope renders the prohibition neither expansive nor substantial enough and frankly, it would be an insult to paint it as something that fulfills the solemn mandate of the Constitution to "guarantee equal access to opportunities for public service." The framing implies that such narrow statutory constraint addresses a systemic problem that spans national offices, local governments, and intergenerational power dynamics when in fact, it does not. As in Calubag, it goes to show that the Court is yet to be satisfied that there exists sufficient and acceptable legislation to fulfill the constitutional command.

The Sangguniang Kabataan Reform Act, the Bangsamoro Electoral Code of 2023, and the Bangsamoro Local Governance Code of 2023 prove that the enactment of a law on the matter of political dynasties is not impossible. As described by my esteemed colleague Associate Justice Maria Filomena D. Singh (Justice Singh), these laws are "proofs of concept." While these measures surely do not discharge the congressional obligation under the Constitution, they demonstrate that anti-dynasty regulations can be articulated with sufficient precision and implemented with workable standards. They underscore that legislative inertia cannot be justified on conceptual vagueness or practical difficulty.[321] Echoing as well the sentiment of the erudite Senior Associate Justice Marvic M.V.F. Leonen (Senior Associate Justice Leonen), Congress must now move beyond these token, piecemeal, and sector-specific legislative measures and enact the decades-long waited for anti-dynasty law as mandated under Article II, Section 26 of the Constitution—one that contemplates a more substantial, comprehensive, and nationwide response.[322]

With at least 101 anti-political dynasty bills filed since the ratification of the Constitution, including around 30 pending bills in the current Congress, it is beyond cavil that Congress is equipped with a pool of provisions to consolidate into one comprehensive bill and operationalize the constitutional prohibition against political dynasties. The sheer number of anti-political dynasty bills filed only underscores Congress's prolonged inaction of enacting a law over the past 39 years.

While admittedly there is no period imposed by the Constitution to accomplish this task, it does not mean that it may be indefinitely postponed, especially since the command comes from the Constitution itself. In normal business dealings, prudence and integrity dictate that an obligation imposed without a period must be done within reasonable time. The Court applies this principle to the case at hand.

As stated by the Court in *Board of Commissioners v. Wenle*:[323]

"Reasonable time" is defined as "so much time as is necessary under the circumstances for a reasonably prudent and diligent man to do, conveniently, what the contract or duty requires that should be done, having a regard for the rights and possibility of loss, if any, to the other party."... The "possibility of loss" in relation to indefinite deprivations of rights or entitlements may be gauged by considering attendant facts that trigger the need to protect due process rights[.][324] (Citations omitted)

Given this, 39 long years should be considered more than enough time for Congress to enforce the prohibition against dynasties. Its consistent failure to so pass this vital constitutional measure constitutes a continuing violation of this duty, which has resulted in not just a possibility of, but actual loss in the form of the evils and injuries brought about by the proliferation of ruling political clans. Genuine electoral pluralism is suppressed, choice becomes an illusion, and democracy in its grandest sense is stifled.

As Justice Lazaro-Javier likewise puts it, this nation has witnessed "the vast gulf between constitutional text and social reality." The absence of enabling legislation demonstrates the primacy of political realities over normative commitments. Legislative passivity in this case, is no longer a neutral omission but an active reproduction of the

ruling-class interests.[325]

The length of time that had passed from the ratification of the Constitution aggravates Congress's inaction on the mandate. Aside from asking why it has not enacted a law, a second question is also posed: why is Congress taking so long?

Considering the two foregoing points as discussed, the following conclusion can be made: Congress's inaction on failing to prohibit political dynasties through the enactment of a law until the present, is an abdication of a positive duty imposed by the Constitution and a virtual refusal to perform such duty. This inaction of Congress is a violation of the Constitution, tantamount to grave abuse of discretion amounting to lack or excess of jurisdiction.

Stated differently, Congress has absolutely no discretion on whether to prohibit political dynasties or not. The Constitution commands so. Any inaction or delay is considered an exercise of discretion in itself.[326] Thus, the exercise of discretion through inaction, when action is required, is grave abuse of discretion—Congress's exercise of discretion through its inaction and delay, when it is required by the Constitution to prohibit, is grave abuse of discretion. In the words of Justice Singh, there is a grave disregard of a constitutional directive here, tantamount to allowing one branch of government to effectively suspend the operation of a portion of the Constitution.[327]

The relief that can be granted is to oblige Congress to perform its constitutional duty to prohibit political dynasties by enacting a law that defines it

It must be impressed upon Congress that it must perform what it is supposed to do under the Constitution, that is, to prohibit political dynasties by enacting a law.

One of respondent Congress's contentions is the inappropriateness of mandamus as a remedy, arguing that Article II, Section 26 of the Constitution is not self-executing and serves merely as an aid for the Legislature in its enactment of laws.[328]

But respondent Congress's argument betrays its own position: if there is no law, then the provision cannot be enforced, or so as Congress says. Considering that there is no law, even after 39 years, following respondent Congress's argument would mean that the provision will never see enforcement, unless and until it decides to enact a law. Obviously, this could not have been the intention of the framers and cannot be accepted as constitutional design. In effect, Congress is arrogating upon itself the power to make or break a solemn constitutional provision; its enforcement dependent upon the Congress's whims, when in reality, the command is absolute and affords no room for discretion: prohibit political dynasties.

The enactment of a law is a function purely within the prerogative of Congress that may not be inquired upon by the Court. However, this general principle does not and should not govern the present dispute. The issue before the Court does not directly concern the process of enacting legislation, nor does it involve questions of ordinary legislative procedure. Rather, it is the Constitution stating a substantive instruction: the prohibition of political dynasties. In consequence, the Court is merely performing its constitutional mandate of constitutional construction; not adjudicating on the merits of conventional legislative processes.

As pointed out by Senior Associate Justice Leonen, the danger of labeling and leaving a constitutional provision as "not self-executing" is that it licenses a total disregard for the policy, framework, or direction that governance should take.[329] Thus, the fundamental law's edict and the aspirations of its framers will be put to naught.

The Court calling upon Congress to perform an act is not novel.

In *Codilla v. De Venecia*,^[330] the Court ordered Former House Speaker Jose De Venecia and Former Secretary General Roberto Nazareno to administer the oath of office to petitioner Eufrocino Codilla Sr., as the duly elected representative of the fourth district of Leyte, and to afterwards register his name in the Roll of Members of the House of Representatives.^[331] The Court held that the administration of the oath of office and the inclusion of the name in the roll are no longer matters of discretion that respondents must fulfill, considering that petitioner is the duly elected and qualified representative.^[332] Likewise, in *Velasco v. Belmonte*,^[333] the Court ordered Former Speaker Feliciano Belmonte and Former Secretary General Marilyn B. Barua-Yap to administer the oath of office to petitioner Lord Allan Jay Velasco as the duly-elected representative of the lone district of the Province of Marinduque, and to register his name in the Roll of Members of the House of Representatives.^[334] The Court held that the petitioner is the rightful holder of the office, so the acts compelled to be done are no longer discretionary.^[335]

Notably, these two cases were mentioned in *Padilla v. Congress*,^[336] although not as part of the rationale of that case. It stated, "[a]lthough there are jurisprudential examples of the Court issuing a writ of mandamus to compel the fulfillment of legislative duty, [W]e must distinguish the present controversy with those previous cases."^[337] The Court cited *Codilla* and *Velasco* in its mention of jurisprudential examples where the Court compelled the fulfillment of a legislative duty.

Considering these cases, there is precedent where the Court had to compel Congress to perform legislative duties. Although the respondents in *Codilla* and *Velasco* are not Congress itself as a body (respondents are the speaker and the secretary general), the acts prayed for are characterized as legislative in nature. It can be implied from *Padilla* that legislative duty is not limited to the enactment of laws; rather, it can cover various acts outside the enactment of laws.

Importantly, what is established here is that, depending on the circumstances and merits of a case, Congress is not outside the purview of the Court when it comes to the latter's power to compel the performance of duties, especially if there is a violation of the Constitution. We anchor this pronouncement on Article VIII, Section 1(2)2 of the Constitution.

Judicial power includes the duty of the courts of justice to settle actual controversies involving rights which are legally demandable and enforceable, and to determine whether or not there has been a grave abuse of discretion amounting to lack or excess of jurisdiction on the part of any branch or instrumentality of the Government. (Emphasis supplied)

Aside from the violation of the Constitution, the main determining factor before the Court can compel a co-equal branch is that the act should not be discretionary in nature. Otherwise, the Court will be overstepping on the powers of a co-equal branch of government. As it is already established, the mandate of the Constitution allows no discretion to Congress on whether to prohibit political dynasties through the enactment of a law or not. The Constitution confined the discretion of Congress, only to the second step and beyond—what to include in the law. But on the initial step of contemplating whether to perform a constitutional duty or not, there is no room for discretion. This is clear from the deliberations of the members of the Constitutional Commission as mentioned above.

In his Concurring Opinion, Senior Associate Justice Marvic M.V.F. Leonen's mentioned these insightful observations:

Dynastic power has not only become widespread, but increasingly concentrated, multi-positional, and flexible. Political families hold executive, legislative, and sometimes party-list seats simultaneously; use overlapping

offices to preserve influence; and shift across institutional channels when one route narrows. Yet the implications of dynastic proliferation extend far beyond mere familial succession in office.

More disturbing is how dynastic politics is closely linked to poverty, patronage, weak electoral competition, and the erosion of institutional checks and balances. In poorer areas, dependence on entrenched political patrons can deepen a cycle in which poverty sustains dynasties, and dynasties, in turn, worsen underdevelopment. Where dynasties become dense or multi-positional, they can reduce genuine electoral choice, increase the risk of collusion and corruption, and concentrate both political and economic power within the same networks. Over time, this entrenches a more oligarchic order, in which public office becomes less an open avenue for public service and more a mechanism for preserving family-based control over state resources and political influence.

Seen in this light, Congress's inaction is not a passive omission. Each election cycle without an implementing law allows concentrated family control to reproduce itself across provinces, cities, districts, and even party-list representation, while the attendant harms to competition, accountability, and development continue.

Anti-dynasty legislation, if it is to have any real and meaningful force, must address more than one form of familial political entrenchment. It must cover both simultaneous family occupation of public office and immediate familial succession, as well as the broader configurations of political dynasties (i.e. horizontal, thin, fat, and obese). These forms of familial political entrenchment must be addressed so that "new blood and a new brand of leadership" may genuinely enter the government.

To reiterate: although the Constitution prescribes no specific deadline, that silence cannot be read as permission for indefinite postponement. Read together with Article XIII, Section 1, which commands Congress to give highest priority to measures reducing political inequalities and diffusing political power, the command to prohibit political dynasties pursuant to Article II, Section 26 must be implemented within a reasonable time. After close to four decades of delay, Congress' failure can no longer be justified as legislative timing or pacing. Instead, the absence of an anti-dynasty law despite the long lapse of time shows deliberate collective noncompliance with, if not a continuing breach of, the Constitution's command.[338] (Citations omitted)

The Court is not unaware that there have been prior cases about political dynasties.

In *Biraogo v. COMELEC*,[339] the Court dismissed a petition for mandamus. It held that the prohibition against political dynasties is not a self-executing provision, and requires an act of Congress to define political dynasties and prescribe the scope and limitations of the prohibition. Without a law, the COMELEC cannot enforce the prohibition.[340] On reconsideration, the Court affirmed its ruling and reiterated that the provision is not self-executing but a statement of a general principle, which further requires a law passed by Congress to define and give it effect.[341] In *Guingona, Jr. v. House of Congress and Senate*[342] (consolidated with *Penson v. Senate*), the Court dismissed a petition for mandamus, stating that it will not lie against Congress to compel the performance of duties purely legislative in character, completely within its legislative function over which it has exclusive control. The question of which laws to enact is a purely legislative function and is vested by the Constitution on Congress alone and courts have no judicial control over such matters. Thus, it cannot be compelled by mandamus.[343]

These two cases dismissed petitions compelling COMELEC to enforce the constitutional prohibition, and Congress to enact a law. The basis is the same: it touches upon a legislative function over which the Court has no jurisdiction for being a co-equal branch.

Thus, in view of the ruling in the present cases, it is time for these cases to be abandoned. The Court thus vacates its rulings in *Biraogo* and *Guingona*.

The Court can revisit its rulings in *Biraogo* and *Guingona* as they do not constitute doctrinal pronouncements.

Respondents' invocation of their reliance to these cases as stare decisis is misplaced. The principle of stare decisis enjoins adherence by lower courts to doctrinal rules established by this Court in its final decisions. It is based on the principle that once a question of law has been examined and decided, it should be deemed settled and closed to further argument.[344] Notably, *Biraogo and Guingona*, were issued by the Court en banc as unsigned resolutions, which under its Internal Rules, are dispositions on the merits but are only essentially meaningful to the parties and have no significant doctrinal value.[345] While the declarations in these cases are correct insofar as Congress' power to define and limit the scope of political dynasties, their pronouncement that the constitutional provision is not self-executing must be vacated. The Court finally establishes in the present case the doctrine for political dynasties, one that is more reflective of the framers' true intent and of current political landscape depicting how its persistence has derailed the nation's socioeconomic development.

To stress, it is the solemn duty of the Judiciary, the third, weakest but co-equal branch of government, to interpret the meaning of the Constitution. The Court has, not only the power but the duty to ensure all constitutional commands are upheld, even when the other branches fail to act. Because the Constitution explicitly mandates the prohibition of political dynasties, judicial inaction in the face of legislative paralysis would amount to constitutional abdication.

The Constitution contemplated the power of judicial review as the mechanism that ensures the supremacy of the Constitution over all branches of government.[346] The Court is the final arbiter of constitutional meaning. Congress's inaction frustrates a clear constitutional policy. Allowing it to indefinitely ignore a constitutional command would render Article II, Section 26 illusory. It is thus, the solemn duty of the Court to point out this failure; otherwise, the system of checks and balances will collapse into legislative supremacy, contrary to constitutional design.

The Court thus treats the relief to be granted in this case as one of mandamus. The Court holds that Congress may be called upon through a writ of mandamus to prohibit political dynasties by enacting a law.

The writ of mandamus never issues in doubtful cases; it is simply a command to exercise a power already possessed and to perform a duty already imposed.[347] As applied in this case, legislative power is inherently possessed by Congress, and the duty to prohibit political dynasties is already imposed by the letter of the constitutional provision and the intent of its framers.

Further, the ruling finds more basis in *Abines V. Duque III*[348] and *Knights of Rizal v. DMCI Homes, Inc.*[349] Citing *Knights of Rizal*, the Court stated in *Abines*:

In the same vein, courts will not interfere with discretionary acts of the Executive unless there is grave abuse of discretion amounting to lack or excess of jurisdiction. Mandamus will not lie against the Legislative and Executive if it involves purely discretionary functions, as respect to a co-equal branch of government. In *Knights of Rizal v. DMCI Homes, Inc.*: It is the policy of the courts not to interfere with the discretionary executive acts of the executive branch unless there is a clear showing of grave abuse of discretion amounting to lack or excess of jurisdiction. Mandamus does not lie against the legislative and executive branches or their members acting in the exercise of their official discretionary functions. This emanates from the respect accorded by the judiciary to said branches as co-equal entities under the principle of separation of powers.

In *De Castro v. Salas*, we held that no rule of law is better established than the one that provides that mandamus will not issue to control the discretion of an officer or a court when honestly exercised and when such power and authority is not abused.

Only in highly exceptional cases does this Court grant mandamus to compel actions involving judgment and discretion. Even then, the Court can only order a party "to act, but not to act one way or the other." [350]

(Citations omitted)

To expound on the last paragraph in the quote, We visit Knights of Rizal, thus:

In exceptional cases, the Court has granted a prayer for mandamus to compel action in matters involving judgment and discretion, only "to act, but not to act one way or the other," and only in cases where there has been a clear showing of grave abuse of discretion, manifest injustice, or palpable excess of authority.[351]
(Citations omitted)

These two cases allow the Court to grant mandamus to compel actions involving judgment and discretion only in highly exceptional cases. There must be a clear showing of grave abuse of discretion, manifest injustice, or palpable excess of authority. And the two cases are uniform in stating that the Court can only order a party to act, but not to act one way or the other.

Here, the preconditions described in Abines and Knights of Rizal are present. The cases here are highly exceptional, as they involve a constitutional provision long ignored since its ratification. They also involve the deliberate and steady growth of dynasties, along with its effects on the socioeconomic condition of the country.

To be clear, Congress is only called upon to act by prohibiting political dynasties through the enactment of a law. The Court will not tread into the arena of prescribing the manner, content, or specific provisions of the legislation to be passed, which are entirely and exclusively within the domain of Congress. In *Tatad v. Secretary of the Department of Energy*, [352] the Court stated that it is the "unyielding duty of this Court to uphold the supremacy of the Constitution not with a mere wishbone but with a backbone that should neither bend nor break." [353] As pointed out by Justice Dimaampao, the Court, in granting the writ of mandamus in this case, demonstrates the "backbone" required to protect the sovereign will. [354]

Considering the filing of about 101 bills on political dynasties since the ratification of the Constitution, with around 30 bills pending in the current Congress, and the passage of Republic Act No. 10742, the halls of Congress is not unfamiliar to bills tackling political dynasties. Coupled with the express undertaking of President Marcos, Jr. to prioritize this legislation, and the years that had passed since the ratification of the constitutional command, then it is to the best interest of the country that Congress fulfill its duty and enact a law anytime soon. There is no more reason to delay compliance.

COMELEC cannot be compelled to promulgate rules regarding the eligibility to run for office of individuals purportedly belonging to political dynasties

The Court meanwhile dismisses the petition for mandamus in G.R. No. 277747 filed against respondent COMELEC for lack merit.

To reiterate, petitioners in G.R. No. 277747 ask the Court to declare certain types of candidates as inherently, intrinsically, and automatically covered by the general prohibition against political dynasties under the Constitution, as well as to compel COMELEC to promulgate rules and regulations to include these types of candidates as among those disqualified during the national and local elections. These types of candidates are the spouses and relatives belonging to the same family who run in tandem for any elective position, or of an incumbent in succession scenarios, as well as any candidate in national and local collegial bodies, where a relative is already an incumbent, and party-list nominees, where a relative is already an incumbent or one of the nominees of the same organization. Petitioners attribute grave abuse of discretion against COMELEC for its failure to promulgate such rules. [355]

Before ruling on the prayers directed against COMELEC, the Court will first settle the prayer addressed to the Court. As understood, petitioners are asking the Court to enforce the constitutional provision by barring certain types of candidates that fall under the definition they provided.

The Court holds that, as prayed for in the petition, it cannot declare, on its own, certain candidates as inherently disqualified under the Constitution. As discussed, defining the scope and extent of political dynasties is a function of the legislative. There is no law yet as of the present. The Court cannot enforce the prohibition and delve into defining the details. All the Court can do, as discussed, is to impress upon the rightful government body—Congress—to enforce the prohibition through a law.

On the prayer directed against COMELEC, the Court rules that COMELEC cannot be compelled to promulgate rules and regulations on the disqualification of candidates and cancellation of certificates of candidacy of those individuals belonging to political dynasties.

The COMELEC is a creation of the 1987 Constitution. Article IX-C, Section 2(1) provides:

SECTION 2. The Commission on Elections shall exercise the following powers and functions:

(1) Enforce and administer all laws and regulations relative to the conduct of an election, plebiscite, initiative, referendum, and recall.

The Constitution tasks the COMELEC as the sole administrator of the conduct of elections. It has the power to enforce all laws relative to the conduct of elections. The organic law further empowers it to promulgate its own rules concerning pleadings and practice before it:

SECTION 6. Each Commission en banc may promulgate its own rules concerning pleadings and practice before it or before any of its offices. Such rules however shall not diminish, increase, or modify substantive rights.

Batas Pambansa Blg. 881, or the Omnibus Election Code is the primary legislation governing the conduct of elections. As such, it is one of the laws that the COMELEC is tasked to enforce and administer. Section 52(c) enumerates in detail the powers and functions of COMELEC, viz.:

SECTION 52. Powers and functions of the Commission on Elections. – In addition to the powers and functions conferred upon it by the Constitution, the Commission shall have exclusive charge of the enforcement and administration of all laws relative to the conduct of elections for the purpose of ensuring free, orderly and honest elections, except as otherwise provided herein and shall:

....

(c) Promulgate rules and regulations implementing the provisions of this Code or other laws which the Commission is required to enforce and administer and require the payment of legal fees and collect the same in payment of any business done in the Commission, at rates that it may provide and fix in its rules and regulations.

The statute itself codifies and empowers COMELEC to promulgate rules and regulations to implement election laws, which it is required to enforce and administer. Indeed, the law recognizes that for COMELEC to effectively carry out its mandate, it must be given some form of ascendance.

The Court has likewise recognized this power. As held in case law, among COMELEC's constitutional power to enforce and administer election laws is the power to promulgate rules and regulations on matters involving these laws.[356] *Liberal Party v. COMELEC*[357] echoed *Philippine Association of Detective and Protective Agency Operators v. COMELEC*[358] in discussing the nature of COMELEC's power to issue rules and regulations and

reads:

In *Aquino v. COMELEC*, the Court recognized the wide latitude given to the COMELEC by the Constitution and by law to enforce and implement election laws to fulfil its mandate of ensuring free, orderly, peaceful, and honest elections. The Court held: A common and clear conclusion that we can gather from these provisions is the obvious and unequivocal intent of the framers of the Constitution and of the law to grant the COMELEC with powers, necessary and incidental to achieve the objective of ensuring free, orderly, honest, peaceful and credible elections.

Thus, expressly, the Constitution and the laws grant the COMELEC with the power, first and foremost, to "[e]nforce and administer all laws and regulations relative to the conduct of an election," and second, to "promulgate rules and regulations." Together, these powers ensure that the COMELEC is well armed to properly enforce and implement the election laws and enable it to fill in the situational gaps which the law does not provide for or which the legislature had not foreseen.

In *Lokin, Jr. v. COMELEC*, the Court also ruled:

The COMELEC is constitutionally mandated to enforce and administer all laws and regulations relative to the conduct of an election, a plebiscite, an initiative, a referendum, and a recall. In addition to the powers and functions conferred upon it by the Constitution, the COMELEC is also charged to promulgate [implementing rules and regulations] implementing the provisions of the Omnibus Election Code or other laws that the COMELEC enforces and administers.[359] (Citations omitted)

Rulemaking is essential for COMELEC to fulfill its mandate under the Constitution. This enables COMELEC to fill in the gaps in the laws and assures that elections will be fair and peaceful.

Of course, this rulemaking power is not without limitations. It is not absolute and is limited by the Constitution and existing laws.[360] The exercise of this power should always be read in conjunction with the Constitution and the laws it seeks to enforce.[361] And it is also important that the rules and regulations must be within the scope of authority granted by law to the administrative agency.[362] An administrative agency can only regulate what is provided in the law.[363]

In *Philippine Stock Exchange v. Secretary of Finance*,[364] the Court struck down administrative issuances of the Secretary of Finance, Bureau of Internal Revenue (BIR), and the Securities and Exchange Commission (SEC) for being issued outside their respective scopes of authority as provided by laws.[365] The Court held that the finance secretary and the BIR cannot issue rules enforcing securities regulations, aside from the aspect of taxation. At the same time, the SEC cannot enforce tax laws.[366] Thus, the Court declared the issuances void for being *ultra vires*.

But at the foundation of this power of COMELEC is the presence or existence of a law to be enforced.

As the Court had been invalidating rules and regulations issued outside the scope provided by enabling laws, it follows that it can also strike down administrative rules issued without an enabling law. In *Genuino v. De Lima*,[367] the Court struck down an issuance of the Department of Justice for lack of an enabling law, as the law relied on is insufficient.[368] Police power cannot also be used as basis in promulgating rules in the absence of a law, as this power can only be wielded by Congress.[369]

Aside from rules on pleading and practice before it, there must be an election-related law, before it can promulgate rules and regulations. Without a law on a particular election matter, COMELEC cannot issue rules on such subject, as it would be tantamount to legislation. Aside from an improper exercise of legislation, it can also be considered as *ultra vires* for acting without authority, as a result of the absence of an enabling law.

Thus, all the more reason that the Court cannot compel a body to issue rules in the absence of a law. This would be tantamount to overstepping and pre-empting the legislative power of Congress. Without a law, the Court is constrained to deny any form of relief seeking to compel the issuance of rules and regulations. As already stated, the Court takes judicial notice that no law defining the prohibition on political dynasties exists at present. Likewise, other existing election laws do not touch upon the matter of political dynasties. There is no law on the matter for COMELEC to enforce.

COMELEC, therefore, cannot issue and cannot be compelled to issue, any rule or regulation on the disqualification or cancellation of certificates of candidacy of candidates belonging to political dynasties. Any issuance to this effect will be ultra vires and may be struck down upon a proper and meritorious petition.

Considering the foregoing, the Court denies the petition in G.R. No. 277747.

Summary of Rulings

There was grave abuse of discretion amounting to lack or excess of jurisdiction when Congress failed to comply with Article II, Section 26 of the Constitution to prohibit political dynasties by enacting a law. Such provision is a command emanating from the constitution, on the basis of the letter of the provision and the intent of the framers, for which Congress has no room to exercise discretion but to obey.

By reason of the constitutional imperative, Congress must enforce the prohibition and perform the act necessary to do so—the enactment of a law. Congress is thus exhorted to enact a law that defines the prohibition on political dynasties, ideally at the earliest opportunity, to the best interest of the country.

Finally, COMELEC cannot be ordered to promulgate rules and regulations on the disqualification and cancellation of certificates of candidacy of candidates belonging to political dynasties, as there is no existing and valid law on the subject as of the present.

Relevant Considerations

The Court, in exhorting Congress to prohibit political dynasties through its legislative power, will not instruct on how the legislation will be crafted and how the scope and extent of the prohibition will be defined. We concede that this is a domain that belongs exclusively to Congress. Indeed, the definition of what constitutes a prohibited political dynasty is ultimately left to Congressional design.

Nonetheless, based on the Court's own review of related literature, certain circumstances can be considered if the evils of concentrating power and political opportunity were to be truly addressed. The following discussion does not in any way impose upon Congress the substance on what to legislate but merely highlights key aspects for Congress's deliberation.

First, there is basis to extend the prohibition on political dynasties to relatives up to the fourth civil degree of consanguinity and/or affinity.

Several Philippine laws that impose limitations, recognize that familial ties and their influence extend up to at least the fourth civil degree. To name a few:

- Article 38(1) of the Family Code on marriages deemed void for reasons of public policy;
- Article 1027 of the Civil Code on persons incapable of succession;
- Section 3(k) of Republic Act No. 6713 or the Code of Conduct and Ethical Standards for Public Officials and Employees on the requirement to disclose family relatives in government service in the Statement of Assets, Liabilities, and Net Worth; and

- Article 11 of the Revised Penal Code, on the defense of a relative as a justifying circumstance.

Significantly, Article VII, Section 13(2) of the Constitution prohibits the president's spouse and relatives by consanguinity or affinity within the fourth civil degree to be appointed as members of the Constitutional Commissions, the Office of the Ombudsman, or as secretaries, undersecretaries, chairpersons or heads of bureaus or offices, including government-owned or controlled corporations. In a study by Mapalo and Bejemino (2015), it was advanced that this constitutional provision against nepotism precisely recognizes that "the evils and danger sought to be avoided exist up to the fourth civil degree of relationship."^[370] While the Sangguniang Kabataan Reform Act of 2015 and the Bangsamoro Electoral Code of 2023, and the Bangsamoro Local Governance Code of 2023 confine the prohibition to only the second civil degree, it appears that limiting the extent of relatives covered to a level below the fourth civil degree may be counter-intuitive, "considering that Filipino culture has always been characterized by extended family relationships."^[371]

Further to the definition of what constitutes "relatives," the prohibition can also be understood to encompass half-blood, adoptive, step, and common-law relationships, as well as both legitimate and illegitimate filiations. It is an established principle of constitutional law that the guaranty of equal protection requires a classification to be based on substantial distinctions.^[372] As can be gleaned from our laws such as Article 38 of the Family Code and Article 11 of the Revised Penal Code, no substantial distinction exists on why these relationships cannot be similarly deemed as relatives, such that the coverage accommodates broad and comprehensive construction.

Second, relatives can be prohibited from running for an elective office simultaneously for any of the covered positions or successively for the same position. These relatives may not hold or occupy office at the same time and may not succeed each other at the end of each term in the same elective position whether by election, substitution, or appointment.

A review of the previous bills filed over the years will show variances in the treatment as to when the dynastic prohibition can apply. There is no distinction between relatives holding different positions at the same time and those holding the same position one term after the other. Thus, the prohibition allows for application to both cases.

Relatives who succeed one another unfairly benefit from the incumbent's advantage and likewise perpetuate the cyclical existence of dynasties. In Mapalo and Bejemino (2015), it was revealed that "candidates who are relatives of incumbent officials are already enjoying political backing and electoral support from the latter. They are placed in a more advantageous situation, as compared to related candidates who are not associated with any incumbent official."^[373] Mendoza et al. (2020) echo this in finding that politicians have been able to circumvent term limits by passing on or exchanging positions with family members. "Under a term-limited environment, the electoral advantage of an incumbent's relatives when running for office is higher. This enables political clans to expand their political control over local jurisdictions further."^[374] The study by Yu (2021) elaborates:

In a clientelistic democracy such as the Philippines, political capital, measured through electoral advantage is passed on to relatives through access to office and public resources. Incumbent congressmen and governors are roughly five times more likely to have a relative serve in these offices in the future, relative to similar candidates who run but do not serve. This effect is even more pronounced for relatives of sitting incumbents, whose electoral advantage is twice as large as that of candidates whose relative in office had already retired.^[375]

Third, relatives covered by the prohibition may not occupy national and/or local elective positions.

The prohibition may include situations where the covered persons are vying for or are occupying both local positions, or both national positions, or where one involves a local position, while the other a national position.

The similarity, not identity, in the body politic constituting their voter base appears indicative.

It is crucial to highlight that the prohibition need not be limited to local positions only. As demonstrated in the research conducted by the Philippine Center for Investigative Journalism (PCIJ), seeking higher positions and swapping roles are what allow political dynasties to stay in power and expand their political influence. The PCIJ has identified several instances where family members establish their stronghold within national positions like the House and the Senate, or they dominate both national and local positions simultaneously, allowing more than four family members to occupy positions of power in what they call "obese" dynasties.[376] Notably, after the May 2025 elections, there are 18 obese dynasties securing wins in more than one national position and with several local positions at the same time.[377]

Local positions can therefore comprise all elective offices, whether fulfilling executive or legislative functions, and span across all the political units under the Local Government Code, i.e., barangays, municipalities, cities, and provinces.

Again, a review of the earlier bills proposed in Congress will show a varying treatment as to barangays, i.e., whether to include or exclude them within the scope of the prohibition. However, Article X, Section 1 of the Constitution identifies barangays as one of the local government units. Book III, Title I, Chapter 1, Section 384 of the Local Government Code of 1991 recognizes the barangay as the most basic political unit, serving as the primary implementing unit of government policies, plans, and programs, where collective views of the community are expressed, and where disputes are settled.

It bears to note as well that there are observations that the barangay serves as the electoral base for local and national politicians. According to the Center for People Empowerment in Governance:

As a basic governance unit, the barangay in most cases serves principally as an electoral base for local and national politicians.

....

[T]he politically-stagnant and economically unproductive barangay usually comes to life with every cycle of elections that are largely decided by vote buying, by how much is given to village supporters, by promises of pork barrel allocations, "emergency assistance," and other forms of largesse[.]

....

Indeed, traditional politicians from the country's political clans wasted away the potential of the barangay by using it primarily as electoral base through fraudulent means, political deals, and corrupt practices to ensure their political hegemony. As a result, the barangay has served to make patronage politics resilient and people beholden to small favors and emergency assistance from local officials that are actually stolen from taxpayers' money. Instead of being an institution for governance and economic growth, the local authority derived from elections – impaired as they are – is used to support the electoral mechanism of politicians at the LGU and national levels and serves as the base of dominant political clans. The people are consigned to being mere statistics of clan politics and their potential as governance and productive forces is misused for vicious political agenda or under-utilized."[378] (Emphasis supplied)

It has been asserted that to exclude the barangay from the prohibition is to miss the opportunity to weed out the problem at its base and to deprive oligarchic politicians of their "stepping stone" or "breeding ground." [379]

Meanwhile, national positions appear to contemplate the president, the vice-president, senators, and both district and party-list representatives. Scholars have likewise advocated for the inclusion of nominees of the same party-list and nominees of competing party-lists among the covered persons, and situations where one is running

for district and the other for party-list representative as part of the envisioned reforms to the party-list system.

As identified in a study by the International Observers Mission (IOM) on the 2025 Philippine Elections, the party-list system, originally conceived in 1987 after the EDSA People Power uprising as a means of giving voice to marginalized and disadvantaged groups, has been "hijacked" and increasingly corrupted by political dynasties. The IOM noted that the flawed party-list system has been criticized as a "backdoor" to the House of Representatives for political dynasties and big businesses.[380]

In another research by the PCIJ, it was reported that 36 out of the 54 or 66% of the party-list groups in the 19th Congress had at least one nominee belonging to a political family. In the 2025 elections, at least 78 out of the 156 party-list organizations certified by COMELEC also belonged to political families. The study also enumerated and illustrated several instances where family relatives are nominees of more than one party-list claiming to represent more than one sector, as well as cases where a party-list representative is also related to a district representative or senator.[381] Presently, in the 20th Congress, 32 out of 61 party-list representatives hail from active political clans.[382] These realities illustrate possible overlaps that can likewise create a concentration of power and influence over Congress.

Additionally, covered persons seeking national elective positions who have relatives running for or holding office in the BARMM can still be considered in the prohibition.

It must be underscored that the authority of the Bangsamoro Government—through its Organic Law and own local government code as enacted by its parliament—to regulate the affairs of its constituent local government units, shall be recognized. Since it shall have the power to create, divide, and alter the boundaries of its municipalities and barangays, it is implied that it shall have the power to define its own rules regulating political dynasties for its local officials. Nevertheless, where its Organic Law explicitly provides that the same shall not be construed to "allow the Bangsamoro Government to create legislative districts," then a national law on political dynasties may still prohibit the simultaneous or successive occupation of relatives when one is a local official of the BARMM and the other is a national elective official such as a district representative.[383]

Lastly, the abovementioned prohibition can extend to all covered persons residing within the same administrative region.

Notably, there are 18 administrative regions to date: Regions I to XIII, National Capital Region, Cordillera Administrative Region, Negros Island Region, and the BARMM.[384] In a study, Mapalo and Bejemino (2015) opined that "limiting the prohibition to those belonging to the same province might have the unintended consequence of broadening the political base of the oligarchic politicians by forcing them to horizontally expand by seeking positions in other nearby provinces. Although the control and influence may not necessarily extend to provinces remote from each other, there is a possibility that the political power may extend to provinces contiguous or close to the territories governed by the incumbent relative." [385] Thus, extending the prohibition to regional subdivisions and applying it equally whether the elective position is national or local, may deter political dynasties from merely broadening their base by seeking elective positions in nearby and contiguous political units, i.e., municipality, city, or province, to circumvent the rule.

Considering the foregoing discussion and in summary, the Court refers to the Legislature, for its consideration, the following perspectives in crafting an enabling law that finally and meaningfully accomplishes the mandate of the Constitution:

- As to the extent of covered relationships, the prohibition can extend to relatives up to the fourth civil degree of consanguinity and/or affinity, including half-blood, adoptive, step, and common-law relationships, as well as both legitimate and illegitimate filiations.

- As to timing, covered persons can be prohibited from running for an elective office both simultaneously and successively for the same or any other covered position.
- As to the scope of covered positions, relatives can be prohibited from occupying both local and/or national elective positions.
- As to geographical location, the prohibition can optimally extend to all covered persons residing within the same administrative region.

Final Word

For decades, Congress's long failure to prohibit political dynasties through the enactment of a law as mandated by Article II, Section 26 of the Constitution has allowed the entrenchment of political dynasties to persist. The concentration of political power within a narrow few has distorted democracy, weakened accountability, and fostered conditions conducive to corruption and political patronage. When a clear constitutional mandate is left unimplemented for generations, the resulting harm begins to reflect in diminished public trust and stagnant governance.

The Constitution was ratified precisely to prevent such scenarios. Its framers recognized that political dynasties undermine equal access to public office and erode the foundations of true democracy. Congress's continued failure to define and prohibit political dynasties, despite the clarity and mandatory character of the constitutional provision, has rendered this safeguard effectively inoperative.

The Court therefore cannot remain passive without betraying its own constitutional role. Meaningful change begins with fidelity to the Constitution, and the time for its full enforcement is long overdue.

ACCORDINGLY, the petitions in G.R. Nos. 263934, 272370, and 279201 are GRANTED.

Respondent Congress of the Philippines is DECLARED to have the MANDATORY CONSTITUTIONAL DUTY to enact the law on the constitutional prohibition against political dynasties as expressly provided for in Article II, Section 26 of the Constitution.

THE CONGRESS OF THE PHILIPPINES MUST HENCEFORTH AND WITH UTMOST URGENCY ENACT THE APPROPRIATE ANTI-POLITICAL DYNASTY LAW AT THE EARLIEST OPPORTUNITY.

The petition in G.R. No. 277747 is DENIED for lack of merit.

SO ORDERED.

Gesmundo, C.J., Gaerlan, Rosario, Lopez, Marquez, and Kho, Jr., JJ., concur.

Leonen, SAJ., I concur. See separate opinion.

Caguioa, J., I join J. Singh.

Lazaro-Javier, J., see separate opinion.

Inting, J., see concurring opinion.

Zalameda, J., see separate opinion.

Dimaampao, J., see separate concurring opinion.

Singh, J., see separate opinion.

Villanueva, J., see separate concurring opinion.

[1] *Angara v. Electoral Commission*, 63 Phil. 139, 185 (1936) [Per J. Laurel, En Banc].

[2] Proclamation No. 9 (1986), The Law Governing the Constitutional Commission of 1986.

[3] Official Gazette, Philippine Constitutions, available at <https://officialgazette.gov.ph/constitutions/> (last accessed February 3, 2026).

[4] Id.

[5] DAVID WURFEL, FILIPINO POLITICS: DEVELOPMENT AND DECAY 34 (1988).

[6] Alfred W. McCoy, Chapter 1: "An Anarchy of Families": The Historiography of State and Family in the Philippines, in AN ANARCHY OF FAMILIES: STATE AND FAMILY IN THE PHILIPPINES 7 (1994).

[7] Id. at 7-8 (1994), citing CONRADO BENITEZ, PHILIPPINE CIVICS: How WE GOVERN OURSELVES 22 (1932).

[8] Alfred W. McCoy, Chapter 1: "An Anarchy of Families": The Historiography of State and Family in the Philippines, in AN ANARCHY OF FAMILIES: STATE AND FAMILY IN THE PHILIPPINES 8 (1994).

[9] Julio C. Teehankee, Introduction: Dissecting Patronage Democracy in the Philippines, PATRONAGE DEMOCRACY IN THE PHILIPPINES: CLANS, CLIENTS, AND COMPETITION IN LOCAL ELECTIONS 14-15 (2022).

[10] Id.

[11] Id.

[12] Alfred W. McCoy, Chapter 1: "An Anarchy of Families": The Historiography of State and Family in the Philippines, in AN ANARCHY OF FAMILIES: STATE AND FAMILY IN THE PHILIPPINES 24-25 (1994).

[13] Id.

[14] Id. at 25.

[15] Carla Teng-Westergaard, Asia's Political Dynasties: Philippines, available at <https://www.asiamediacentre.org.nz/features/asias-political-dynasties-philippines>, citing Juan Antonio Inarejos, Moral Influence in Asia: Political Practice and Electoral Corruption in the Spanish Philippines, available at https://digital.csic.es/bitstream/10261/195840/3/moral_influence_asia.pdf. (last accessed on February 3, 2026).

[16] Carla P. Mapalo & Leo P. Bejemino, Beyond the Constitutional Mandate: Legal Issues and Policy Considerations of Anti-Political Dynasty Legislation, 89 PHIL. L.J. 52, 54 (2015), citing Pablo Querubin, Family and Politics: Dynastic Persistence in the Philippines, 11 QUARTERLY JOURNAL OF POLITICAL SCIENCE 151, 155 (2016).

[17] Paul D. Hutchcroft & Joel Rocamora, Strong Demands and Weak Institutions: The Origins and Evolution of Democratic Deficit in the Philippines, 3 JOURNAL OF EAST ASIAN STUDIES 259, 263 (2003), citing Benedict Anderson, Cacique Democracy and the Philippines: Origins and Dreams, 169 NEW LEFT REVIEW 11 (1988).

[18] Jose S. Arcilla, S.J., The Origin of the Philippine Political Elite, 8 ILLES I IMPERIS 133, 134-135 (2006).

[19] Carla Teng-Westergaard, Asia's Political Dynasties: Philippines, available at <https://www.asiamediacentre.org.nz/features/asias-political-dynasties-philippines> (last accessed on February 3, 2026).

[20] Id.

[21] Jose S. Arcilla, S.J., The Origin of the Philippine Political Elite, 8 ILLES I IMPERIS 133, 134-135 (2006).

[22] Carla Teng-Westergaard, Asia's Political Dynasties: Philippines, available at <https://www.asiamediacentre.org.nz/features/asias-political-dynasties-philippines> (last accessed on February 3, 2026).

[23] Ronald U. Mendoza, Miann S. Banaag, Joshua D. Hiwatig, Michael Henry LI. Yusingco, & Jurel K. Yap, Term Limits and Political Dynasties in the Philippines: Unpacking the Links, 20 ASIA-PACIFIC SOCIAL SCIENCE REVIEW 88, 92 (2020).

[24] See 7 Ricardo T. Jose, KASAYSAYAN: THE STORY OF THE FILIPINO PEOPLE: THE JAPANESE OCCUPATION 93-95, 98-108, 112-117, 129-133, 137-145, 148-150, 155-165, 168-170 (1998); Jose S. Arcilla, S.J., The Origin of the Philippine Political Elite, 8 ILLES I IMPERIS 133, 141 (2006).

[25] Paul D. Hutchcroft & Joel Rocamora, Strong Demands and Weak Institutions: The Origins and Evolution of Democratic Deficit in the Philippines, 3 JOURNAL OF EAST ASIAN STUDIES 259, 270-273 (2003).

[26] Teresa S. Encarnacion Tadem & Eduardo C. Tadem, Political dynasties in the Philippines: Persistent patterns, perennial problems, 24 SOUTH EAST ASIA RESEARCH 328, 331 (2016), citing Alfred W. McCoy, Chapter 9: Rent-Seeking Families and the Philippine State: A History of the Lopez Family, in AN ANARCHY OF FAMILIES: STATE AND FAMILY IN THE PHILIPPINES 436 (1994).

[27] RICARDO MANAPAT, SOME ARE SMARTER THAN OTHERS: THE HISTORY OF MARCOS' CRONY CAPITALISM 73-77 (Annotated ed., 2020); Julio C. Teehankee, Chapter 6: House of Clans: Political dynasties in the legislature, in ROUTLEDGE HANDBOOK OF CONTEMPORARY PHILIPPINES 91 (2018).

[28] III Record, Constitutional Commission 392-394 (August 16, 1986). Commissioner Foz proposed that the local government code to enacted by Congress shall include a provision against political dynasties.

[29] I Record, Constitutional Commission 87 (June 10, 1986); IV Record, Constitutional Commission 935-936 (September 23, 1986); V Record, Constitutional Commission 1012 (October 15, 1986). Commissioner Nollado introduced Proposed Resolution No. 64 entitled "Resolution to Incorporate in the Declaration of Principles of the New Constitution a Provision Against Political Dynasties."

[30] See IV, Record, Constitutional Commission 935-956 (September 23, 1986).

[31] Id. at 935-936.

[32] Id. at 935-936, 938-940, 945.

[33] Id. at 936-941, 947-948.

[34] Id. at 938-940, 945-946, 954-956. Contrary to his views espoused as member of the Constitutional Commission that the proposed prohibition runs counter to the right of suffrage, Atty. Christian Monsod, a petitioner in G.R. No. 279001, now implores the passage of an anti-dynasty law.

[35] Id. at 956.

[36] CONSTITUTICIÓN POLITICA DE COLOMBIA DE 1991 (Political Constitution of Colombia of 1991), art. 179(5)–(6), imposes prohibitions on who may run for a seat in Congress:

Artículo 179. No podrán ser congresistas (Article 179. The following are not qualified to be members of Congress):

....

5. Quienes tengan vinculos por matrimonio, o unión permanente, o de parentesco en tercer grado de consanguinidad, primero de afinidad, o único civil, confuncionarios que ejerzan autoridad civil o politica. (Those who are connected through marriage or permanent union by kinship to the third level of consanguinity, first level of affinity, or by merely civil ties with officials who exercise civil or political authority.)

6. Quienes estén vinculados entre si por matrimonio, o unión permanente, o parentesco dentro del tercer grado de consanguinidad, segundo de afinidad, o primero civil, y se inscriban por el mismo partido, movimiento a grupo para elección de cargos, o de miembros de corporaciones públicas que deban realizarse en la misma fecha. (Those who are connected among themselves through marriage or permanent union or by kinship to the third level of consanguinity, second level of affinity, or first civil level, and register for the same party, movement or political group for elections to public office or of members of public bodies that must be held on the same date.)

CONSTITUCIÓN POLITICA DE COLOMBIA DE 1991 (Political Constitution of Colombia of 1991), art. 292, imposes prohibitions in the local government setting:

Artículo 292. Los diputados y concejales y sus parientes dentro del grado que señale la ley no podrán formar parte de las juntas directivas de las entidades descentralizadas del respectivo departamento, distrito o municipio. (The deputies and councilors and their kin up to the degree stipulated by statute are prohibited from participating in executive boards of the decentralized entities of the respective department, district, or municipality.)

No podrán ser designados funcionarios de la correspondiente entidad territorial los cónyuges o compañeros permanentes de los diputados y concejales, ni sus parientes en el segundo grado de consanguinidad, primero de afinidad o único civil. (Spouses or permanent companions of the deputies and councilors may not be designated officials of corresponding territorial entity if they are kin to the second level of consanguinity, first of affinity or merely civil.)

See also Ronald U. Mendoza, Leonardo M. Jaminola III, & Jurel K. Yap, *From Fat to Obese: Political Dynasties after the 2019 Midterm Elections*, 9, Ateneo School of Government Working Paper 19-013 (September 2019).

[37] CONSTITUCIÓN POLITICA DE LA REPUBLICA DE COSTA RICA (Political Constitution of the Republic of Costa Rica), art. 132(3), states:

Artículo 132. – No podrá ser elegido Presidente ni Vicepresidente (The following may not be elected President or Vice President):

....

3. El que sea por consanguinidad o afinidad ascendiente, descendiente, o hermano de quien ocupe la Presidencia de la República al efectuarse la elección o del que la hubiera desempeñado en cualquier lapso dentro de los seis meses anteriores a esa fecha[.] (Whoever is by consanguinity or affinity an ancestor, descendant, or sibling of the person occupying the Presidency of the Republic when effecting the election or of whomever performed it in any interval within the six months preceding that date.)

CONSTITUCIÓN POLITICA DE LA REPUBLICA DE COSTA RICA (Political Constitution of the Republic of Costa Rica), art. 109(8), states:

Artículo 109. – No pueden ser elegidos Diputados, ni inscritos como candidatos para esa función (The following may not be elected Deputies, or register as candidates to that function):

....

8. Los parientes de quien ejerza la Presidencia de la República hasta el segundo grado consanguinidad o

afinidad, inclusive. (The relatives of whoever exercises the Presidency of the Republic within the second degree of consanguinity or affinity, inclusive.)

Estas incompatibilidades afectarán a quienes desempeñen los cargos indicados dentro de los seis meses anteriores a la fecha de la elección. (These incompatibilities will affect whoever performs the indicated offices within the six months prior to the date of the election.)

See also Ronald U. Mendoza, Leonardo M. Jaminola III, & Jurel K. Yap, *From Fat to Obese: Political Dynasties after the 2019 Midterm Elections*, 10, Ateneo School of Government Working Paper 19-013 (September 2019).

[38] CONSTITUCIÓN POLITICA DE LA REPÚBLICA DE EL SALVADOR DE 1983 (Political Constitution of the Republic of El Salvador of 1983), art. 152(2), states:

Art. 152. – No podrán ser candidatos a Presidente de la República (The following shall not be candidates for the President of the Republic):

....

2º. – El cónyuge y los parientes dentro del cuarto grado de consanguinidad o segundo de afinidad de cualquiera de las personas que hayan ejercido la Presidencia en los casos del ordinal anterior[.] (The spouse and relatives within the fourth degree of consanguinity or second of affinity of any of the persons who have exercised the Presidency in the cases included in the preceding ordinal.)

CONSTITUCIÓN POLITICA DE LA REPÚBLICA DE EL SALVADOR DE 1983 (Political Constitution of the Republic of El Salvador of 1983), art. 127(4), states:

Art. 127. – No podrán ser candidatos a Diputados (The following shall not be candidates for Deputies):

....

4º. – Los parientes del Presidente de la República dentro del cuarto grado de consanguinidad o segundo de afinidad; (The relatives of the President of the Republic within the fourth degree of consanguinity or second of affinity;)

Las incompatibilidades a que se refiere el ordinal primero de este artículo afectan a quienes hayan desempeñado los cargos indicados dentro de los tres meses anteriores a la elección. (The incompatibilities referred to in the first number of this Article affect those who held the indicated positions within the three months prior to the election.)

See also Ronald U. Mendoza, Leonardo M. Jaminola III, & Jurel K. Yap, *From Fat to Obese: Political Dynasties after the 2019 Midterm Elections*, 10, Ateneo School of Government Working Paper 19-013 (September 2019).

[39] CONSTITUCIÓN POLITICA DE LA REPÚBLICA DE HONDURAS DE 1982 (Political Constitution of the Republic of Honduras of 1982), art. 240(6), as amended, states:

Artículo 240. – No pueden ser elegidos Presidente ni Vicepresidente de la República (The following may not be elected President or Vice President of the Republic):

6. El cónyuge y los parientes dentro del cuarto grado de consanguinidad o segundo de afinidad del Presidente y Vicepresidente de la República, que hubieren ejercido la Presidencia en el año precedente a la elección[.] (The spouse and relatives within the fourth degree of consanguinity or second of affinity of the President and Vice President of the Republic, who have exercised the Presidency in the year preceding the election.)

CONSTITUCIÓN POLITICA DE LA REPÚBLICA DE HONDURAS DE 1982 (Political Constitution of the

Republic of Honduras of 1982), art. 240(10)-(11), as amended, states:

Artículo 199. – No pueden ser elegidos diputados (The following may not be elected deputies):

....

(10) El cónyuge y los parientes dentro de cuatro grado de consanguinidad y segundo afinidad de los citados en los numerales 1, 2, 4, 8 and 9 precedentes, y del Secretario y Subsecretario de Estado en los Despachos de Defensa y Seguridad Pública; (The spouse and relatives of those named in paragraphs 1, 2, 4, 8, and 9 above [i.e., President and Vice President of the Republic, Justices of the Supreme Court, members of the military service with national jurisdiction, Magistrates of the Supreme Electoral Tribunal and the Director and the Sub-Directors of the National Registry of Persons, and the Procurator and Sub-Procurator General of the Republic, members of the Superior Tribunal of Accounts, Attorney General of the Republic and the Adjunct Attorney General, Procurator of the Environment, the Superintendent of Concessions and the National Commissioner of Human Rights] and of the secretaries and deputy secretaries of state of defense and public security, within the fourth degree of consanguinity or second degree of affinity;)

(11) El cónyuge y los parientes de los jefes de las zonas militares, comandantes de unidades militares, delegados militares departamentales or seccionales, delegados de los cuerpos de seguridad o de otro cuerpo armada, dentro del cuarto grado de consanguinidad y segundo de afinidad, cuando fueren candidatos por el departamento donde aquéllos ejerzan jurisdicción[.] (The spouse and the relatives of the heads of the military regions, commanders of military units, departmental or sectional military delegates, delegates of the corps of security or other armed corps, within the fourth degree of consanguinity and second of affinity, when they are candidates for the department where those exercise jurisdiction.)

See also Ronald U. Mendoza, Leonardo M. Jaminola III, & Jurel K. Yap, *From Fat to Obese: Political Dynasties after the 2019 Midterm Elections*, 11, *Ateneo School of Government Working Paper* 19-013 (September 2019).

[40] CONSTITUCIÓN POLITICA DE LA REPÚBLICA DE GUATEMALA DE 1965 (Political Constitution of the Republic of Guatemala of 1965), art. 186(a) & (c), states:

Artículo 186. Prohibiciones para optar a los cargos de Presidente o Vicepresidente de la República. (Prohibitions to Opt for the Offices of President or Vice-President of the Republic.)

No podrán optar al cargo de Presidente o Vicepresidente de la República (The following may not opt for the offices of President or Vice-President of the Republic):

(a) El caudillo ni los jefes de un golpe de Estado, revolución armada o movimiento similar, que haya alterado el orden constitucional, ni quienes como consecuencia de tales hechos asuman la Jefatura de Gobierno; (The leader or the chiefs of a coup d'etat, armed revolution or similar movement, who have altered the constitutional order, or those who as a consequence of such events have assumed the leadership of the government;)

....

(c) Los parientes dentro del cuarto grado de consanguinidad y segundo de afinidad del Presidente o Vicepresidente de la República, cuando este último se encuentre ejerciendo la Presidencia, y los de las personas a que se refiere el inciso primero de este artículo[.] (The relatives to the fourth degree of consanguinity and second of affinity of the President or Vice-President of the Republic, when the latter exercises the office of the President, and those of the persons referred to in the first paragraph of this Article.)

CONSTITUCIÓN POLITICA DE LA REPÚBLICA DE GUATEMALA DE 1965 (Political Constitution of the Republic of Guatemala of 1965), art. 164(c), states:

Artículo 164. Prohibiciones y compatibilidades. (Prohibitions and Compatibilities.)

No pueden ser diputados (The following may not be deputies):

....

(c) Los parientes del Presidente de la República y los del Vicepresidente dentro del cuarto grado de consanguinidad o segundo de afinidad; (The relatives of the President and of the Vice President up to the fourth degree of consanguinity or affinity;)

....

Si al tiempo de su elección o posteriormente, el electo resultare incluido en cualquiera de las prohibiciones contenidas en este artículo se declarará vacante su puesto. Es nula la elección de diputado que recaiga en funcionario que ejerza jurisdicción en el distrito electoral que lo postula, o que la hubiere ejercido tres meses antes de la fecha en que se haya convocado a la elección. (If at the time of his or her election, or subsequently, the elected deputy should be included under any of the prohibitions contained in this Article, his or her seat will be declared vacant. The election of a deputy is null if he or she was an official exercising jurisdiction in the electoral district for which he or she was a candidate or if he or she had exercised jurisdiction three months prior to the date on which the election was held.)

See also Ronald U. Mendoza, Leonardo M. Jaminola III, & Jurel K. Yap, From Fat to Obese: Political Dynasties after the 2019 Midterm Elections, 10, Ateneo School of Government Working Paper 19-013 (September 2019).

[41] CONSTITUCIÓN POLITICA DE LA REPÚBLICA DE PARAGUAY (Political Constitution of the Republic of Paraguay), art. 235(9), states:

Artículo 235. – De las Inhabilidades. (Of the Inabilities.)

Son inhábiles para ser candidatos a Presidente de la República o Vicepresidente (The following are unable to be candidates for President of the Republic or Vice President):

.....

(9) El cónyuge o los parientes dentro del cuarto grado de consanguinidad, o segundo de afinidad, de quien se encuentre en ejercicio de la presidencia al realizarse la elección, o la haya desempeñado por cualquier tiempo en el año anterior a la celebración de aquélla. (The spouse or the relatives within the fourth degree of consanguinity, or second of affinity, of whoever finds himself or herself in the exercise of the Presidency at the moment of the election, or has performed it for any time during the year prior to the celebration of that election.)

CONSTITUCIÓN POLITICA DE LA REPÚBLICA DE PARAGUAY (Political Constitution of the Republic of Paraguay), art. 235(9), states:

Artículo 162. De los Requisitos. (Of the Requirements.)

Para ser gobernador se requiere (To be governor it is required):

....

(4) Las inhabilidades para candidatos a gobernadores serán las mismas que para Presidente y Vicepresidente de la República. (The inabilities for candidates to governor will be the same as those for President and Vice President of the Republic.)

Para ser miembro de la junta departamental rigen los mismos requisitos establecidos para cargo de gobernador, con excepción de la edad, que deberá ser la de veinticinco años cumplidos. (The same requirements as office of governor rule to be a member of the departmental board; except for the age, which must be that of already

25 years of age.)

See also Ronald U. Mendoza, Leonardo M. Jaminola III, & Jurel K. Yap, From Fat to Obese: Political Dynasties after the 2019 Midterm Elections, 12, Ateneo School of Government Working Paper 19-013 (September 2019).

[42] CONSTITUCIÓN POLITICA DE LA REPÚBLICA DE NICARAGUA (Political Constitution of Nicaragua), art. 147(a), states:

Artículo 147....

No podrán ser candidatos a Presidente ni a Vicepresidente de la República (The following persons may not run for President or Vice President of the Republic):

(a) Los parientes dentro del cuarto grado de consanguinidad y los que sean o hayan sido parientes dentro del segundo grado de afinidad del que ejerciere o hubiere ejercido en propiedad la presidencia de la República en cualquier tiempo del periodo en que se efectúa la elección para el periodo siguiente. (Family members within the fourth level of consanguinity or the second level of marital relations of the person who exercises or exercised the full powers of the Presidency at any time during the period in which the election for the following term takes place).

See also Ronald U. Mendoza, Leonardo M. Jaminola III, & Jurel K. Yap, From Fat to Obese: Political Dynasties after the 2019 Midterm Elections, 12, Ateneo School of Government Working Paper 19-013 (September 2019).

[43] CONSTITUCIÓN POLITICA DE LA REPÚBLICA DE PANAMÁ (Political Constitution of the Republic of Panama), arts. 192-193, state:

Artículo 192. No podrá ser elegido Presidente de la República (The following may not be elected President of the Republic):

(1) El ciudadano que llamado a ejercer la Presidencia por falta absoluta del titular, la hubiera ejercido en cualquier tiempo durante los tres años inmediatamente anteriores al periodo para el cual se hace la elección. (A citizen who, called to exercise the Presidency because of permanent absence of the President, has held the position at any time during the three years immediately preceding the term for which the election is held.)

(2) Los parientes dentro del cuarto grado de consanguinidad o segundo de afinidad del Presidente de la República que haya ejercido sus funciones en el periodo inmediatamente anterior a los del ciudadano indicado en el numeral uno de este artículo. (Relatives within the fourth degree of consanguinity or second degree of marital relations of a President of the Republic who has held office in the term immediately preceding, or such relatives of the citizen referred to in numeral 1 of this Article.)

Artículo 193. No podrá ser elegido Vicepresidente de la República (The following may not be elected Vice President of the Republic):

....

(2) Los parientes dentro del cuarto grado de consanguinidad o segundo de afinidad del Presidente de la República, para el periodo que sigue a aquel en que el Presidente de la República hubiere ejercido el cargo. (Relatives within the fourth degree of consanguinity or the second degree of marital relations of the President of the Republic, for the term following that in which said President has held office.)

(3) El ciudadano que como Vicepresidente de la República hubiere ejercido el cargo de Presidente de la República en forma permanente en cualquier tiempo durante los tres años anteriores al periodo para el cual se hace la elección. (A citizen who, as Vice President of the Republic, has held the Presidency in a permanent

manner at any time during the three years preceding the term for which the election is being held.)

(4) Los parientes dentro del cuarto grado de consanguinidad y segundo de afinidad del ciudadano expresado en el numeral anterior para el periodo inmediatamente siguiente a aquél en que éste hubiere ejercido la Presidencia de la República. (Relatives within the fourth degree of consanguinity or second degree of marital relations of the citizen mentioned in the preceding section, for the term immediately following that in which that citizen has held the Presidency of the Republic.)

(5) Los parientes dentro del cuarto grado de consanguinidad o segundo de afinidad del Presidente de la Republica. (Relatives within the fourth degree of consanguinity or the second degree of marital relations of the President of the Republic.)

See also Ronald U. Mendoza, Leonardo M. Jaminola III, & Jurel K. Yap, *From Fat to Obese: Political Dynasties after the 2019 Midterm Elections*, 12, Ateneo School of Government Working Paper 19-013 (September 2019).

[44] Lei Complementar No. 64, *Presidência da República*, (1990), art. 1, sec. VII(b)(4), imposes prohibitions on local government positions:

VII – para a Câmara Municipal (To the Municipal Council):

....

(b) em cada Município, os inelegíveis para os cargos de Prefeito e Vice-Prefeito, observado o prazo de 6 (seis) meses para a desincompatibilização. (In each Municipality, those ineligible for the positions of Mayor and Deputy Mayor, observing the six-month period for disqualification.)

....

§ 3º São inelegíveis, no território de jurisdição do titular, o cônjuge e os parentes, consangüíneos ou afins, até o segundo grau ou por adoção, do Presidente da República, de Governador de Estado ou Território, do Distrito Federal, de Prefeito ou de quem os haja substituído dentro dos 6 (seis) meses anteriores ao pleito, salvo se já titular de mandato eletivo e candidato à reeleição. (The spouse and relatives, by blood or affinity, up to the second degree or by adoption, of the President of the Republic, of a State or Territory Governor, of the Federal District, of a Mayor or of anyone who has replaced them within six months prior to the election, are ineligible in the territory under the jurisdiction of the incumbent, unless they are already holders of an elective mandate and candidates for reelection.)

See also Ronald U. Mendoza, Leonardo M. Jaminola III, & Jurel K. Yap, *From Fat to Obese: Political Dynasties after the 2019 Midterm Elections*, 9, Ateneo School of Government Working Paper 19-013 (September 2019).

[45] Senate of the Philippines, Legislative History of Senate Bill No. SBN-2401, 16[th] Congress, available at <https://senate.gov.ph/legislative-documents/bills/229864?congress=16th+Congress&documentType=Bill> (last accessed on August 25, 2026).

[46] House of Representatives of the Philippines, Legislative History of House Bill No. HB06043, 16[th] Congress, available at congress.gov.ph/legislative-documents/ (last accessed on February 3, 2026).

[47] Senate of the Philippines, Legislative History of Senate Bili No. SBN-2401, 16[th] Congress, available at <https://senate.gov.ph/legislative-documents/bills/229864?congress=16th+Congress&documentType=Bill> (last accessed on February 3, 2026).

[48] *Id.*

[49] G.R. No. 279008, April 8, 2026 [Per J. Kho, Jr., En Banc].

[50] Id. at 6-7, 9. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

[51] Id. at 7.

[52] Id.

[53] Bangsamoro Autonomy Act No. 35 (2023), art. III, sec. 9, Bangsamoro Electoral Code of 2023.

[54] Bangsamoro Autonomy Act No. 49 (2023), sec. 45, Bangsamoro Local Governance Code of 2023.

[55] Id.

[56] Ronald U. Mendoza, Leonardo M. Jaminola III, & Jurel K. Yap, From Fat to Obese: Political Dynasties after the 2019 Midterm Elections, 3, Ateneo School of Government Working Paper 19-013 (September 2019); Jan Frederick P. Cruz & Ronald U. Mendoza, Does Dynastic Prohibition Improve Democracy?, 15, Asian Institute of Management-Rizalino S. Navarro Policy Center for Competitiveness Working Paper 15-010 (August 2015).

[57] Id.

[58] Carmela Fonbuena, The 'obese' dynasties of the Philippines are crowned again, but reform hopes rise for 2028, PHIL. CENTER FOR INVESTIGATIVE JOURNALISM, May 20, 2025, available at <https://pcij.org/2025/05/20/obese-dynasties-of-the-philippines-results-crowned-again-but-reform-hopes-rise-2028-polls/> (last accessed on August 25, 2026).

[59] Julio C. Teehankee, Chapter 6: House of Clans: Political dynasties in the legislature, in ROUTLEDGE HANDBOOK OF CONTEMPORARY PHILIPPINES 85, 87-93 (2018). Political clans have used several adaptive strategies to perpetuate themselves in power and maintain their dominance, among which are the establishment and maintenance of a kinship network, organization of political machines, mobilization of wealth and property, and access to state resources.

[60] Ronald U. Mendoza, Miann S. Banaag, Joshua D. Hiwatig, Michael Henry LI. Yusingco, & Jurel K. Yap, Term Limits and Political Dynasties in the Philippines: Unpacking the Links, 20 ASIA-PACIFIC SOCIAL SCIENCE REVIEW 88, 93 (2020).

[61] Id.

[62] Id.

[63] Id.

[64] Dona Z. Pazzibugan, Melvin Gascon, & Tina G. Santos, Supermajority, family ties shape new Senate, PHIL. DAILY INQUIRER, May 19, 2022, available at <https://newsinfo.inquirer.net/1599469/supermajority-family-ties-shape-new-senate> (last accessed on August 25, 2026).

[65] Calubag v. Commission on Elections, G.R. No. 279008, April 8, 2026 [Per J. Kho, Jr., En Banc] at 8, citing Guinevere Latoza & Maujerie Miranda, 8 out of 10 district representatives belong to dynasties. More than half are reelectionists in 2025, PHIL. CENTER FOR INVESTIGATIVE JOURNALISM, October 26, 2024, available at <https://pcij.org/2024/10/26/lower-house-district-representatives-political-dynasties-reelection/> (last accessed on February 3, 2026). Out of these 216 district representatives belonging to political dynasties, 142 sought reelection in the May 12, 2025 elections while 67 were opting to switch positions with family members to ensure their political influence remains intact.

[66] Carmela Fonbuena, DATA: 36 of 54 party-list groups in 19th Congress have nominees belonging to political families, PHIL. CENTER FOR INVESTIGATIVE JOURNALISM, December 4, 2024, available at <https://pcij.org/2024/12/04/data-36-of-54-party-list-groups-in-19th-congress-have-nominees-belonging-to-political-families/> (last accessed on February 3, 2026); Aaron John Baluis, Leanne Louise Isip, & Carmela Fonbuena, Political dynasties also swarm the party-list elections, PHIL. CENTER FOR INVESTIGATIVE JOURNALISM, December 4, 2024, available at <https://pcij.org/2024/12/04/political-dynasties-also-swarm-the-party-list-elections/> (last accessed on February 3, 2026).

[67] International Observer Mission on the 2025 Philippine Elections, A Family Affair: Dynasties Plague 2025 Philippine Elections, 2, available at <https://ichrp.net/wp-content/uploads/2025/05/Zero-in-Pol-Dynasties-PDF.pdf> (last accessed on February 3, 2026), citing Angela Ballerda, Gab Yanzon, & Carmela Fonbuena, 71 of 82 Philippine governors belong to political families, PHIL. CENTER FOR INVESTIGATIVE JOURNALISM, December 8, 2024, available at <https://pcij.org/2024/12/08/governors-political-dynasties-philippines-provinces-elections/> (last accessed on February 3, 2026).

[68] Angela Ballerda, Gab Yanzon, & Carmela Fonbuena, 71 of 82 Philippine governors belong to political families, PHIL. CENTER FOR INVESTIGATIVE JOURNALISM, December 8, 2024, available at <https://pcij.org/2024/12/08/governors-political-dynasties-philippines-provinces-elections/> (last accessed on February 3, 2026).

[69] Calubag v. Commission on Elections, G.R. No. 279008, April 8, 2026 [Per J. Kho, Jr., En Banc] at 8, citing Guinevere Latoza, Angela Ballerda, & Gabriel Oliveros, 113 out of 149 Philippine cities also ruled by political dynasties, PHIL. CENTER FOR INVESTIGATIVE JOURNALISM, January 26, 2025, available at <https://pcij.org/2025/01/26/113-out-of-149-philippine-cities-also-ruled-by-political-dynasties/> (last accessed on February 3, 2026). Out of these 113 city mayors belonging to political dynasties, 80 sought reelection during the May 12, 2025 elections, while 27 mayors were considering relatives to replace them.

[70] Guinevere Latoza, Five Things to Watch Out for in the 20th Congress, PHIL. CENTER FOR INVESTIGATIVE JOURNALISM, July 27, 2025, available at <https://pcij.org/2025/07/27/five-things-to-watch-out-for-in-the-20th-congress/> (last accessed on February 3, 2026). See also Senate of the Philippines, Committee on Electoral Reforms and People's Participation (February 4, 2026), available at https://www.youtube.com/watch?v=6zOQUk3E_BU (last accessed June 3, 2026). According to the Anti-Dynasty Network, 20 out of 24 senators in the 20th Congress belong to political dynasties.

[71] Denver Del Rosario, It's a family affair: Four pairs of siblings to serve in new Senate, INQUIRER.NET, May 16, 2025, available at <https://newsinfo.inquirer.net/2060981/its-a-family-affair-four-pairs-of-siblings-to-serve-in-new-senate> (last accessed on June 3, 2026).

[72] See Senate of the Philippines, Senators of the Philippines, 20[th] Congress, available at <https://senate.gov.ph/senators/20-congress-senators> (last accessed on February 4, 2026); House of Representatives of the Philippines, House Members, 20[th] Congress, available at <https://congress.gov.ph/house-members/> (last accessed on June 3, 2026).

[73] Guinevere Latoza, 8 in 10 district reps still from dynasties, PHIL. CENTER FOR INVESTIGATIVE JOURNALISM, June 30, 2025, available at <https://pcij.org/2025/06/30/most-district-representatives-still-from-political-dynasties-clans-control-multiple-districts/> (last accessed on June 3, 2026). See also Senate of the Philippines, Committee on Electoral Reforms and

People's Participation (February 4, 2026), available at https://www.youtube.com/watch?v=6zOQUk3E_BU (last accessed June 3, 2026). According to the Anti-Dynasty Network, 207 out of 254 district representatives belong to political dynasties.

[74] Guinevere Latoza & Christian Chua, IN NUMBERS: Dynasties and Contractors Capture Party-list Seats in the 20[th] Congress, PHIL. CENTER FOR INVESTIGATIVE JOURNALISM, March 12, 2026, available at <https://pcij.org/2026/03/12/dynasties-contractors-capture-party-list-seats/> (last accessed on May 10, 2026).

See also Senate of the Philippines, Committee on Electoral Reforms and People's Participation (February 4, 2026), available at https://www.youtube.com/watch?v=6zOQUk3E_BU (last accessed June 3, 2026). According to the Anti-Dynasty Network, 31 out of 61 party-list representatives belong to political dynasties. See further Carmela Fonbuena, DATA: 36 of 54 party-list groups in 19th Congress have nominees belonging to political families, PHIL. CENTER FOR INVESTIGATIVE JOURNALISM, December 4, 2024, available at <https://pcij.org/2024/12/04/data-36-of-54-party-list-groups-in-19th-congress-have-nominees-belonging-to-political-families/> (last accessed on June 3, 2026); Sean Angelo Guevarra & Liam Reece Basigsig, Party list groups linked to political dynasties lead 2025 race, PHIL. CENTER FOR INVESTIGATIVE JOURNALISM, May 11, 2025, available at <https://pcij.org/2025/05/11/party-list-groups-linked-to-political-dynasties-lead-2025-race/> (last accessed on June 3, 2026). According to the Philippine Center for Investigative Journalism, 78 out of the 156 party-list organizations which participated in the elections for the 20th Congress had links to political dynasties.

[75] Guinevere Latoza, 12 dynasties lost gubernatorial races, but 71 of 82 provinces still led by political clans, PHIL. CENTER FOR INVESTIGATIVE JOURNALISM, May 22, 2025, available at <https://pcij.org/2025/05/22/philippines-governors-political-dynasties-election-result/> (last accessed on February 3, 2026).

[76] Philippine Center for Investigative Journalism, How Philippine regions voted: Dynasties prevail but there are glimpses of pushback, PHIL. CENTER FOR INVESTIGATIVE JOURNALISM, May 19, 2025, available at <https://pcij.org/2025/05/19/how-philippine-regions-voted-few-victories-versns-dynasties-but-reform-hopes-rise-for-2028-presidential-campaign/> (last accessed on February 3, 2026).

[77] Carmela Fonbuena, The 'obese' dynasties of the Philippines are crowned again, but reform hopes rise for 2028, PHIL. CENTER FOR INVESTIGATIVE JOURNALISM, May 20, 2025, available at <https://pcij.org/2025/05/20/obese-dynasties-of-the-philippines-results-crowned-again-but-reform-hopes-rise-2028-polls/obese> The dynasties of the Philippines are crowned again, but reform hopes rise for 2028 - PCIJ.org (last accessed on February 3, 2026). According to the Philippine Center for Investigative Journalism, at least 18 political dynasties won between five to 19 seats in the May 12, 2025 elections.

[78] Ronald U. Mendoza, Jurel K. Yap, Gabrielle Ann S. Mendoza, Leonardo M. Jaminola III, & Erica Celine Yu, 7 Journal of Government and Economics 1, 8 (2022); Ronald U. Mendoza & Miann S. Banaag, Dynasties Thrive under Decentralization in the Philippines, 5-6, Ateneo School of Government Working Paper 17-003 (January 2017); Ronald U. Mendoza, Edsel L. Beja, Jr., Victor S. Venida, & David B. Yap, Political dynasties and poverty: measurement and evidence of linkages in the Philippines, 44 OXFORD DEV. STUD. 189, 197-198 (2016).

[79] Ronald U. Mendoza, Edsel L. Beja, Jr., Victor S. Venida, & David B. Yap, Inequality in democracy: Insights from an empirical analysis of political dynasties in the 15[th] Philippine Congress, 33 PHIL. POLITICAL SCIENCE J. 132, 135 (2012).

[80] Id.

[81] Id.

[82] Ronald U. Mendoza, Edsel L. Beja, Jr., Victor S. Venida, & David B. Yap, Political dynasties and poverty: measurement and evidence of linkages in the Philippines, 44 OXFORD DEV. STUD. 189, 195 (2016).

[83] Id. at 197.

[84] Id.

[85] Id.

[86] Id.

[87] Calubag v. Commission on Elections, G.R. No. 279008, April 8, 2026 [Per J. Kho, Jr., En Banc] at 8.

[88] These bills are: (1) Senate Bill No. 82 (1987), 8[th] Congress; (2) House Bill No. 1855 (1987), 8[th] Congress; (3) House Bill No. 90 (1992), 9[th] Congress; (4) House Bill No. 10810 (1993), 9[th] Congress; (5) House Bill No. 13867 (1994), 9[th] Congress; (6) House Bill No. 2692 (1995), 10[th] Congress; (7) House Bill No. 3584 (1995), 10[th] Congress; (8) House Bill No. 10066 (1995), 10[th] Congress; (9) House Bill No. 385 (1998), 11[th] Congress; (10) House Bill No. 2839 (1998), 11[th] Congress; (11) House Bill No. 8140 (1999), 11[th] Congress; (12) House Bill No. 8272 (1999), 11[th] Congress; (13) House Bill No. 10722 (2000), 11[th] Congress; (14) House Bill No. 14 (2001), 12[th] Congress; (15) House Bill No. 430 (2001), 12[th] Congress; (16) House Bill No. 463 (2001), 12[th] Congress; (17) House Bill No. 1275 (2001), 12[th] Congress; (18) House Bill No. 1642 (2001), 12[th] Congress; (19) Senate Bill No. 12 (2004), 13[th] Congress; (20) Senate Bill No. 412 (2004), 13[th] Congress; (21) Senate Bill No. 1317 (2004), 13[th] Congress; (22) Senate Bill No. 1904 (2005), 13[th] Congress; (23) House Bill No. 3335 (2004), 13[th] Congress; (24) House Bill No. 4407 (2005), 13[th] Congress; (25) House Bill No. 5295 (2006), 13[th] Congress; (26) Senate Bill No. 1468 (2007), 14[th] Congress; (27) House Bill No. 783 (2007), 14[th] Congress; (28) House Bill No. 2493 (2007), 14[th] Congress; (29) House Bill No. 3049 (2007), 14[th] Congress; (30) House Bill No. 5669 (2009), 14[th] Congress; (31) Senate Bill No. 2649 (2007), 15[th] Congress; (32) House Bill No. 3413 (2010), 15[th] Congress; (33) House Bill No. 6660 (2012), 15[th] Congress; (34) Senate Bill No. 55 (2013), 16[th] Congress; (35) Senate Bill No. 1580 (2013), 16[th] Congress; (36) Senate Bill No. 1906 (2013), 16[th] Congress; (37) House Bill No. 172 (2013), 16[th] Congress; (38) House Bill No. 837 (2013), 16[th] Congress; (39) House Bill No. 2911 (2013), 16[th] Congress; (40) House Bill No. 3587 (2013), 16[th] Congress; (41) Senate Bill No. 49 (2016), 17[th] Congress; (42) Senate Bill No. 230 (2016), 17[th] Congress; (43) Senate Bill No. 897 (2016), 17[th] Congress; (44) Senate Bill No. 1137 (2016), 17[th] Congress; (45) Senate Bill No. 1258 (2016), 17[th] Congress; (46) Senate Bill No. 1688 (2018), 17[th] Congress; (47) Senate Bill No. 1765 (2018), 17[th] Congress; (48) House Bill No. 166 (2016), 17[th] Congress; (49) House Bill No. 332 (2016), 17[th] Congress; (50) House Bill No. 603 (2016), 17[th] Congress; (51) House Bill No. 911 (2016), 17[th] Congress; (52) House Bill No. 912 (2016), 17[th] Congress; (53) House Bill No. 1793 (2016), 17[th] Congress; (54) House Bill No. 2134 (2016), 17[th] Congress; (55) House Bill No. 3861 (2016), 17[th] Congress; (56) House Bill No. 825 (2016), 17[th] Congress; (57) House Bill No. 8025 (2018), 17[th] Congress; (58) Senate Bill No. 11 (2019), 18[th] Congress; (59) Senate Bill No. 30 (2019), 18[th] Congress; (60) Senate Bill No. 264 (2019), 18[th] Congress; (61) Senate Bill No. 1480 (2020), 18[th] Congress; (62) House Bill No. 110 (2019), 18[th] Congress; (63) House Bill No. 145 (2019), 18[th] Congress; (64) House Bill No. 252 (2019), 18[th] Congress; (65) House Bill No. 395 (2019), 18[th] Congress; (66) House Bill No. 3149 (2019), 18[th] Congress; (67) House Bill No. 1978 (2019), 18[th] Congress; (68) Senate Bill No. 548 (2022), 19[th] Congress; (69) Senate Bill No. 2730 (2024), 19[th] Congress; (70) House Bill No. 389 (2022), 19[th] Congress; (71) House Bill No. 1157 (2022), 19[th] Congress.

[89] 33 bills were filed in the 20[th] Congress as of August 13, 2026.

[90] Carla P. Mapalo & Leo P. Bejemino, *Beyond the Constitutional Mandate: Legal Issues and Policy Considerations of Anti-Political Dynasty Legislation*, 89 PHIL L. J. 52, 57 (2015).

[91] Id.; Norman Bordadora, Senate passed antipolitical dynasty bill in 1987, PHIL. DAILY INQUIRER, November 9, 2012, available at <https://newsinfo.inquirer.net/304298/senate-passed-antipolitical-dynasty-bill-in-1987> (last accessed on February 3, 2026).

[92] Jan Frederick P. Cruz, *Does Dynastic Prohibition Improve Democracy?*, 64, Asian Institute of Management-Rizalino S. Navarro Policy Center for Competitiveness Working Paper 15-010 (August 2015).

[93] Id.

[94] House of Representatives of the Philippines, Legislative History of House Bill No. HB01855, 8[th] Congress, available at <https://www.congress.gov.ph/legislative-documents/> (last accessed on February 3, 2026); Carla P. Mapalo & Leo P. Bejemino, *Beyond the Constitutional Mandate: Legal Issues and Policy Considerations of Anti-Political Dynasty Legislation*, 89 PHIL L. J. 52, 58 (2015).

[95] House of Representatives of the Philippines, Legislative History of House Bill No. HB01855, 8[th] Congress, available at <https://www.congress.gov.ph/legislative-documents/> (last accessed on February 3, 2026).

[96] Gerardo V. Cabochan, Jr., *A Policymaking Attempt to Outlaw Political Dynasties*, 35 PHIL. J. OF PUBLIC ADMINISTRATION 227, 245 (1991).

[97] Id.

[98] See Carla P. Mapalo & Leo P. Bejemino, *Beyond the Constitutional Mandate: Legal Issues and Policy Considerations of Anti-Political Dynasty Legislation*, 89 PHIL L. J. 52, 57-59 (2015).

[99] Senate Bill No. 1468 (2007), 14[th] Congress, 1st Regular Session; Senate of the Philippines, Legislative History of Senate Bill No. 1468, 14[th] Congress, available at <https://senate.gov.ph/legislative-documents/bills/69018?documentType=Bill&congress=14th+Congress> (last accessed on August 25, 2026); Carla P. Mapalo & Leo P. Bejemino, *Beyond the Constitutional Mandate: Legal Issues and Policy Considerations of Anti-Political Dynasty Legislation*, 89 PHIL L. J. 52, 65-66 (2015).

[100] House of Representatives of the Philippines, Legislative History of House Bill No. HB03578, 16[th] Congress, available at <https://www.congress.gov.ph/legislative-documents/> (last accessed on February 3, 2026); Carla P. Mapalo & Leo P. Bejemino, *Beyond the Constitutional Mandate: Legal Issues and Policy Considerations of Anti-Political Dynasty Legislation*, 89 PHIL L. J. 52, 63 (2015).

[101] Carla P. Mapalo & Leo P. Bejemino, *Beyond the Constitutional Mandate: Legal Issues and Policy Considerations of Anti-Political Dynasty Legislation*, 89 PHIL L. J. 52, 63 (2015), citing House Bill No. 3587 (2013), 16[th] Congress, secs. 3(a), 5.

[102] Id.

[103] Senate of the Philippines, Legislative History of Senate Bill No. 1765, 17[th] Congress, available at https://legacy.senate.gov.ph/lis/bill_res.aspx?congress=17&q=SBN-1765 (last accessed on February 3, 2026).

[104] Senate Bill No. 1765 (2018), 17[th] Congress, 2[nd] Regular Session, secs. 3(b), 3(c), 5.

[105] These bills are: (1) Senate Bill No. 18 (2025), 20[th] Congress, 1[st] Regular Session; (2) Senate Bill No. 35

(2025), 20[th] Congress, 1[st] Regular Session; (3) Senate Bill No. 285 (2025), 20[th] Congress, 1[st] Regular Session; (4) Senate Bill No. 1548 (2025), 20[th] Congress, 1[st] Regular Session; (5) Senate Bill No. 1558 (2025), 20[th] Congress, 1[st] Regular Session; (6) Senate Bill No. 1616 (2025), 20[th] Congress, 1[st] Regular Session; (7) Senate Bill No. 1854 (2026), 20[th] Congress, 1[st] Regular Session; (8) Senate Bill No. 1901 (2026), 20[th] Congress, 1[st] Regular Session.

[106] These bills are: (1) House Bill No. 209 (2025), 20[th] Congress, 1[st] Regular Session; (2) House Bill No. 381 (2025), 20[th] Congress, 1[st] Regular Session; (3) House Bill No. 874 (2025), 20[th] Congress, 1[st] Regular Session; (4) House Bill No. 909 (2025), 20[th] Congress, 1[st] Regular Session; (5) House Bill No. 1297 (2025), 20[th] Congress, 1[st] Regular Session; (6) House Bill No. 2037 (2025), 20[th] Congress, 1[st] Regular Session; (7) House Bill No. 2131 (2025), 20[st] Congress, 1[st] Regular Session; (8) House Bill No. 4784 (2025), 20[th] Congress, 1[st] Regular Session; (9) House Bill No. 5905 (2025), 20[th] Congress, 1[st] Regular Session; (10) House Bill No. 5334 (2025), 20[th] Congress, 1[st] Regular Session; (11) House Bill No. 5871 (2025), 20[th] Congress, 1[st] Regular Session; (12) House Bill No. 6064 (2025), 20[th] Congress, 1[st] Regular Session; (13) House Bill No. 6771 (2025), 20[th] Congress, 1[st] Regular Session; (14) House Bill No. 6799 (2025), 20[th] Congress, 1[st] Regular Session; (15) House Bill No. 6826 (2025), 20[th] Congress, 1[st] Regular Session; (16) House Bill No. 6886 (2025), 20[th] Congress, 1[st] Regular Session; (11) House Bill No. 6888 (2025), 20[th] Congress, 1[st] Regular Session; (18) House Bill No. 6894 (2025), 20[th] Congress, 1[st] Regular Session; (19) House Bill No. 6925 (2025), 20[th] Congress, 1[st] Regular Session; (20) House Bill No. 7096 (2026), 20[th] Congress, 1[st] Regular Session; (21) House Bill No. 7199 (2026), 20[th] Congress, 1[st] Regular Session; (22) House Bill No. 7072 (2026), 20[th] Congress, 1[st] Regular Session; (23) House Bill No. 7453 (2026), 20[th] Congress, 1[st] Regular Session; (24) House Bill No. 7574 (2026), 20[th] Congress, 1[st] Regular Session.; (25) House Bill No. 8389 (2026), 20[th] Congress, 1[st] Regular Session.

[107] House Bill No. 8389 (2026), 20[th] Congress, 1[st] Regular Session.

[108] House Bill No. 8389 substituted House Bill Nos. 381, 874, 909, 1297, 5334, 5871, 6064, 6771, 6799, 6826, 6886, 6888, 7072, 7199, 7413, and 7574.

[109] House Bill No. 8389 (2026), 20[th] Congress, 1[st] Regular Session, sec. 3(b).

[110] House Bill No. 8389 (2026), 20[th] Congress, 1[st] Regular Session, sec. 5.

[111] In House Bill No. 6771 filed by Speaker Faustino G. Dy III and Representative Ferdinand Alexander A. Marcos, political dynasty relationships refer to spouses or relatives within the fourth civil degree of relationship. (House Bill No. 6771 (2025), 20[th] Congress, 1[st] Regular Session, secs. 3(c), 5.) In House Bill No. 5905 filed by Representatives Kaka Bag-ao, Percival Cendaña, Jose Manuel Tadeo I. Diokno, and Dadah Kiram Ismula, the prohibition also extends to familial relations up to the fourth civil degree. Its Section 4 also provides that:

- no person related within the fourth degree of consanguinity or affinity to an incumbent elective official shall be allowed to hold or run for any elective office, whether national or local, unless the incumbent ends his/her term of office within the same election year;
- no person, in all cases, related within the fourth degree to an incumbent shall immediately succeed to the office of the latter, except for members of the Sangguniang Barangay; and
- in cases where persons running for public office are related within the fourth civil degree, where the election of two or more will result to a political dynasty relationship, the same is prohibited and the certificate of candidacy that was first filed should be respected.

The bill proposes a nationwide scope of the prohibition, e.g., if an incumbent holds a local position, no relative

can run for any national or local position anywhere, unless the incumbent's term ends within the same election year. It also disallows immediately successive service among relatives. (House Bill No. 5905 (2025), 20[th] Congress, 1[st] Regular Session, sec. 4.)

[112] House of Representatives of the Philippines, Legislative History of House Bill No. HB08389, 20[th] Congress, available at <https://www.congress.gov.ph/legislative-documents> (last accessed on August 25, 2026).

[113] Id.

[114] Senate of the Philippines, Legislative History of HBN-8389, 20[th] Congress, available at <https://senate.gov.ph/legislative-documents/bills/628988?documentType=Bill&congress=20th+Congress> (last accessed on August 25, 2026); House of Representatives, Legislative History of House Bill No. HB08389, 20[th] Congress, available at https://docs.congress.hrep.online/legisdocs/third_20/HBT8389.pdf/ (last accessed on August 25, 2026).

[115] Senate of the Philippines, Legislative History of HBN-8389, 20[th] Congress, available at <https://senate.gov.ph/legislative-documents/bills/628988?documentType=Bill&congress=20th+Congress> (last accessed on August 25, 2026).

[116] Senate Bill No. 1901 substituted Senate Bill Nos. 18, 35, 285, 1548, 1558, 1616, and 1854.

[117] In Senate Bill No. 18 filed by Senator Robinhood Padilla, the prohibition extends to relatives holding or running for office in the same city or province, or any party-list. However, if the official holds a national position, the prohibition applies "only within the same city and/or province where the incumbent is domiciled or in any, including the same national position. As with House Bill No. 5905, succession is also prohibited. (Senate Bill No. 18 (2025), 20[th] Congress, 1[st] Regular Session, sec. 4).

In Senate Bill No. 1548 filed by Senator Risa Hontiveros, relatives within the fourth civil degree cannot hold national elective offices at the same time. Meanwhile, relatives of the same degree, cannot hold local office in the same legislative district, city, or province simultaneously nor succeed the incumbent's local elective office. Relatives of an incumbent national or local elective official are also not allowed to run under the party-list system. Two things to note in this bill: first, succession is not prohibited where the incumbent is holding a national position; second, the prohibition with regard to the party-list system covers both incumbent national and local elective offices. (Senate Bill No. 1548 (2025), 20[th] Congress, 1[st] Regular Session, sec. 4).

[118] Senate Bill No. 1901 (2026), 20[th] Congress, 1[st] Regular Session, sec. 3(i).

[119] Senate Bill No. 1901 (2026), 20[th] Congress, 1[st] Regular Session, sec. 4.

[120] Senate of the Philippines, Overview of Senate Bill No. SBN-1901, 20[th] Congress, available at <https://senate.gov.ph/legislative-documents/bills/619433?documentType=Bill&congress=20th+Congress> (last accessed on August 25, 2026).

[121] Presidential Communications Office, PBBM asks Congress to prioritize 4 bills, PRESIDENTIAL COMMUNICATIONS OFFICE, December 9, 2025, available at https://pco.gov.ph/news_releases/pbbm-certifies-bills-on-anti-dynasty-independent-peoples-commission-party-list-reform-govt-transactions-transparency-as-priority/ (last accessed on June 3, 2026); Anna Leah Gonzales, LEDAC pushes for passage of 33 key priority measures, PHILIPPINE NEWS AGENCY, August 7, 2026, available at <https://www.pna.gov.ph/articles/1281363> (last accessed on August 13, 2026)

[122] Rollo (G.R. No. 263934), pp. 3-35.

[123] Id. at 31.

[124] Id.

[125] Id. at 15-17.

[126] Id.

[127] Id. at 17-18.

[128] Id. at 18-29.

[129] Id. at 22.

[130] Id.

[131] Id. at 24.

[132] Id. at 29-31.

[133] Id. at 30.

[134] Id.

[135] Id.

[136] Id. at 13.

[137] Rollo (G.R No. 272370), pp. 3-32.

[138] Id. at 8, 30.

[139] Id. at 8-9.

[140] Id. at 9-13.

[141] Id. at 20-24.

[142] Id. at 20.

[143] Id. at 21-22.

[144] Id. at 23.

[145] Id. at 24.

[146] Id. at 26-28.

[147] Id. at 57-82.

[148] Id. at 58-78.

[149] Id. at 60-71.

[150] Id.

[151] G.R. Nos. 203759 & 205133, February 5, 2013 [Unsigned Resolution, En Banc].

[152] G.R. Nos. 203759 & 205133, February 5, 2013 [Unsigned Resolution, En Banc].

[153] Rollo (G.R. No. 272370), pp. 59-60, 68-69.

[154] Id. at 64-71.

[155] Id. at 71-74.

[156] Rollo (G.R. No. 277747), pp. 5-38.

[157] Id. at 35. The candidates enumerated in the prayer of the petition are:

i. The spouse, parents, children and their spouses, siblings and their spouses, or those members of the same immediate family, either by blood or affinity, who nm in tandem as Mayor and Vice-Mayor, Governor and Vice-Governor, or President and Vice-President in any election in the country;

ii. The spouse, parents, children and their spouses, siblings and their spouses, or those members of the same immediate family, either by blood or affinity, of any incumbent or term-graduating District Representatives, Governors, and Mayors who run for the same elective positions to succeed and replace their incumbent or term-graduating relatives;

iii. Any candidate running for the Philippine Senate or any local legislative council where a member of his or her immediate family, either by blood or affinity, is already an incumbent member therein;

iv. A nominee of any Party-list group where a member of his or her immediate family, either by blood or affinity, is already an incumbent or one of the nominees of the same Party-list group.

[158] Id. at 35-36.

[159] Id. at 16-27.

[160] Id.

[161] Id.

[162] Id. at 27-28.

[163] Id. at 28-32.

[164] Id. at 32-34.

[165] Rollo (G.R. No. 279201), pp. 3-50.

[166] Id. at 46.

[167] Id. at 14-15.

[168] Id. at 15.

[169] Id. at 15-16.

[170] Id. at 16-17.

[171] Id. at 25.

[172] Id.

[173] Id. at 26.

[174] Id. at 28-29.

[175] Id. at 30-31.

[176] Id. at 31.

[177] Id. at 31-33.

[178] Id. at 34.

[179] G.R. No. 203603, November 13, 2012 [Unsigned Resolution, En Banc].

[180] Rollo (G.R. No. 279201), pp. 34-43.

[181] Id. at 43.

[182] Id. at 21.

[183] Id. at 22.

[184] Id.

[185] Rollo (G.R. No. 263934), pp. 157-181; rollo (G.R. No. 272370), pp. 133-162; rollo (G.R. No. 277747), pp. 131-167; rollo (G.R. No. 279201), pp. 104-134.

[186] Rollo (G.R. No. 263934), p. 164; rollo (G.R. No. 272370), p. 135; rollo (G.R. No. 277747), p. 136; rollo (G.R. No. 279201), p. 107.

[187] Rollo (G.R. No. 263934), p. 165; rollo (G.R. No. 272370), p. 135; rollo (G.R. No. 277747), p. 140; rollo (G.R. No. 279201), pp. 108-109.

[188] Rollo (G.R. No. 263934), p. 166; rollo (G.R. No. 272370), p. 136; rollo (G.R. No. 277747), p. 142.

[189] Rollo (G.R. No. 263934), p. 166; rollo (G.R. No. 272370), pp. 136-137; rollo (G.R. No. 277747), p. 142.

[190] Rollo (G.R. No. 277747), p. 142.

[191] Rollo (G.R. No. 272370), p. 137; rollo (G.R. No. 277747), p. 137.

[192] Rollo (G.R. No. 272370), p. 139.

[193] Id.

[194] Rollo (G.R. No. 277747), p. 138.

[195] Id. at 139.

[196] Rollo (G.R. No. 279201), p. 109.

[197] Id.

[198] Id.

[199] Id.

[200] Rollo (G.R. No. 263934), pp. 162-163.

[201] Rollo (G.R. No. 263934), pp. 162-163; rollo (G.R. No. 272370), pp. 137, 146.

[202] Rollo (G.R. No. 272370), p. 146.

[203] Rollo (G.R. No. 277747), p. 139.

[204] Rollo (G.R. No. 272370), p. 143; rollo (G.R. No. 277747), pp. 143; rollo (G.R. No. 279201), p. 113.

[205] Rollo (G.R. No. 272370), p. 144.

[206] Id.

[207] Rollo (G.R. No. 277747), p. 143; rollo (G.R. No. 279201), p. 113.

[208] Rollo (G.R. No. 279201), p. 114.

[209] Rollo (G.R. No. 277747), p. 144; rollo (G.R. No. 279201), p. 118.

[210] Rollo (G.R. No. 263934), pp. 169-173; rollo (G.R. No. 277747), pp. 145-147; rollo (G.R. No. 279201), pp. 122-123.

[211] Rollo (G.R. No. 263934), pp. 169-173; rollo (G.R. No. 279201), pp. 122-123.

[212] Id.

[213] Id.

[214] Rollo (G.R. No. 277747), pp. 145-146.

[215] Id. at 147.

[216] An Act Establishing Reforms in the Sangguniang Kabataan Creating Enabling Mechanisms for Meaningful Youth Participation in Nation-Building, and For Other Purposes (2016).

[217] Rollo (G.R. No. 263934), p. 172; rollo (G.R. No. 272370), p. 150; rollo (G.R. No. 277747), p. 147; rollo (G.R. No. 279201), p. 123.

[218] Id.

[219] Rollo (G.R. No. 272370), p. 150; rollo (G.R. No. 277747), p. 147.

[220] Francisco, Jr. v. The House of Representatives, 460 Phil. 830, 878-880 (2003) [Per J. Carpio-Morales, En Banc]. (Citations omitted)

[221] Id. at 879. (Citation omitted)

[222] Id. at 880. (Citation omitted)

[223] Pimentel III v. House of Representatives, G.R. Nos. 274778, 275405, & 276233, December 3, 2025 [Per J. Lazaro-Javier, En Banc] at 38. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

[224] Zamora v. Bautista, G.R. Nos. 272888 and 273014, August 13, 2025 [Per J. Hernando, First Division] at 16. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

[225] Id., citing Ganaden v. Office of the Ombudsman, 665 Phil. 224, 232 (2011) [Per J. Villarama, Jr., Third Division].

[226] Association of Medical Clinics for Overseas Workers, Inc. v. GCC Approved Medical Centers Association, Inc., 802 Phil. 116, 138-140 (2016) [Per J. Brion, En Banc].

[227] Id. at 141.

[228] Pimentel III v. House of Representatives, G.R. Nos. 274778, 275405, & 276233, December 3, 2025 [Per J. Lazaro-Javier, En Banc] at 39.

[229] Id.

[230] Hagedorn v. House of Representatives of the Philippines, G.R. No. 275800, April 22, 2025 [Per J. Hernando, En Banc] at 5. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

[231] Pimentel III v. House of Representatives, G.R. Nos. 274778, 275405, & 276233, December 3, 2025 [Per J. Lazaro-Javier, En Banc] at 39.

[232] Hagedorn v. House of Representatives of the Philippines, G.R. No. 275800, April 22, 2025 [Per J. Hernando, En Banc] at 5.

[233] Association of Medical Clinics for Overseas Workers, Inc. v. GCC Approved Medical Centers Association, Inc., 802 Phil. 116, 141 (2016) [Per J. Brion, En Banc].

[234] Rollo (G.R. No. 263934), pp. 15-17; rollo (G.R. No. 272370), pp. 8-9.

[235] Rollo (G.R. No. 263934), pp. 164-169; rollo (G.R. No. 272370), pp. 135-137.

[236] Zamora v. Bautista, G.R. Nos. 272888 and 273014, August 13, 2025 [Per J. Hernando, First Division] at 16.

[237] 254 Phil. 223 (1989) [Per. J. Cruz, First Division].

[238] Id. at 236.

[239] J. Dimaampao, Separate Concurring Opinion, pp. 1, 6.

[240] Hagedorn v. House of Representatives of the Philippines, G.R. No. 275800, April 22, 2025 [Per J. Hernando, En Banc] at 8.

[241] Pimentel III v. House of Representatives, G.R. Nos. 274778, 275405, & 276233, December 3, 2025 [Per J. Lazaro-Javier, En Banc] at 43. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

[242] Id. at 44, citing Duty to Energize the Republic Through the Enlightenment of the Youth Party-list v. Commission on Elections, 958 Phil. 507, 521 (2024) [Per J. Rosario, En Banc].

[243] Id.

[244] 958 Phil. 507 (2024) [Per J. Rosario, En Banc].

[245] Id. at 521.

[246] Rollo (G.R. No. 272370), p. 9.

[247] Duty to Energize the Republic Through the Enlightenment of the Youth Party-list v. Commission on Elections, 958 Phil. 507, 522 (2024) [Per J. Rosario, En Banc].

[248] Id.

[249] Rollo (G.R. No. 272370), p. 11.

[250] Hagedorn v. House of Representatives of the Philippines, G.R. No. 275800, April 22, 2025 [Per J. Hernando, En Banc] at 11. (Citation omitted)

[251] See rollo (G.R. No. 263934), p. 13; see rollo (G.R. No. 279201), p. 21.

[252] See *id.*

[253] See rollo (G.R. No. 279201), p. 22.

[254] *Pimentel III v. House of Representatives*, G.R. Nos. 274778, 275405, & 276233, December 3, 2025 [Per J. Lazaro-Javier, En Banc] at 44.

[255] *Ali, Jr. v. Bangsamoro Transitional Authority Parliament*, G.R. Nos. E-02219 & E-02235, September 30, 2025 [Per J. Zalamenda, En Banc] at 17, citing *Province of Sulu v. Medialdea*, 958 Phil. 739, 818 (2024) [Per J. Leonen, En Banc]. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

[256] *Migrante International v. Social Security System*, 960 Phil. 164, 192 (2024) [Per J. Singh, En Banc], citing *Arceta v. Mangrobang*, 476 Phil. 106, 115 (2004) [Per J. Quisumbing, En Banc].

[257] See *id.* See *Calleja v. Executive Secretary Medialdea*, 918-B Phil. 1, 63-64 (2021) [Per J. Carandang, En Banc].

[258] G.R. Nos. 274778, 275405, & 276233, December 3, 2025 [Per J. Lazaro-Javier, En Banc].

[259] 884 Phil. 333, 391 (2020) [Per J. Lazaro-Javier, En Banc].

[260] *Pimentel III v. House of Representatives*, G.R. Nos. 274778, 275405, & 276233, December 3, 2025 [Per J. Lazaro-Javier, En Banc] at 45.

[261] *Id.*

[262] *Id.*

[263] See *Hagedorn v. House of Representatives of the Philippines*, G.R. No. 275800, April 22, 2025 [Per J. Hernando, En Banc] at 13-14, 29.

[264] *Id.* at 31.

[265] *Migrante International v. Social Security System*, 960 Phil. 164, 193 (2024) [Per J. Singh, En Banc], citing *Parcon-Song v. Parcon*, 876 Phil. 364, 400 (2020) [Per J. Leonen, En Banc].

[266] *Zamora v. Bautista*, G.R. Nos. 272888 & 273014, August 13, 2025 [Per J. Hernando, First Division] at 16.

[267] *Id.*, citing *Ganaden v. Office of the Ombudsman*, 665 Phil. 224, 232 (2011) [Per J. Villarama, Jr., Third Division].

[268] *Pimentel III v. House of Representatives*, G.R. Nos. 274778, 275405, & 276233, December 3, 2025 [Per J. Lazaro-Javier, En Banc] at 38.

[269] *Zamora v. Bautista*, G.R. Nos. 272888 & 273014, August 13, 2025 [Per J. Hernando, First Division] at 16, citing *Ganaden v. Office of the Ombudsman*, 665 Phil. 224, 232 (2011) [Per J. Villarama, Jr., Third Division].

[270] See *Ali, Jr. v. Bangsamoro Transitional Authority Parliament*, G.R. No. E-02219, September 30, 2025 [Per J. Zalamenda, En Banc] at 49.

[271] *Duterte v. House of Representatives*, G.R. Nos. 278353 & 278359, July 25, 2025 [Per J. Leonen, En Banc] at 58, citing *Enriquez v. Enriquez*, 505 Phil. 193, 199 (2005) [Per J. Sandoval-Gutierrez, Third Division]. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

[272] *Abas Kida v. Senate of the Philippines*, 675 Phil. 316, 380 (2011) [Per J. Brion, En Banc].

[273] III Record, Constitutional Commission 392-394 (August 16, 1986).

[274] Id. at 393.

[275] I Record, Constitutional Commission 87 (June 10, 1986); V Record, Constitutional Commission 1012 (October 15, 1986).

[276] IV Record, Constitutional Commission 935-956 (September 23, 1986).

[277] Id. at 935-936.

[278] Id.

[279] Id. at 936.

[280] Id. at 940.

[281] Id. at 938-939.

[282] Id.

[283] Id. at 939.

[284] Id.

[285] Id.

[286] Id. at 940.

[287] Id. at 936.

[288] Id. at 937-938.

[289] Id. at 936-938.

[290] Id. at 941.

[291] Id. at 948.

[292] Id. at 936-938, 941, 948.

[293] Id. at 939.

[294] Id. at 946-947.

[295] Id. at 939, 946-948.

[296] III Record, Constitutional Commission 393 (August 16, 1986); IV Record, Constitutional Commission 940 (September 23, 1986).

[297] IV Record, Constitutional Commission 940 (September 23, 1986).

[298] See id. at 935-956.

[299] Id. at 945.

[300] Id. at 938-939, 954.

[301] Id. at 954-955.

[302] *Id.* at 940-941, 945, 954-956.

[303] *Id.* at 941.

[304] *Id.* at 941, 948.

[305] *Id.* at 939.

[306] *Id.* at 936.

[307] IV Record, Constitutional Commission 955-956 (September 23, 1986).

[308] 460 Phil. 830 (2003) [Per J. Carpio-Morales, En Banc].

[309] *Id.* at 885-886.

[310] J. J. Lopez, Reflections dated July 15, 2026, p. 3.

[311] J. Lazaro-Javier, Reflections dated June 10, 2026, p. 2.

[312] Norman Bordadora, Senate passed antipolitical dynasty bill in 1987, PHIL. DAILY INQUIRER, November 9, 2012, available at <https://newsinfo.inquirer.net/304298/senate-passed-antipolitical-dynasty-bill-in-1987> (last accessed on June 3, 2026).

[313] See Council of Teachers and Staff of Colleges and Universities of the Philippines v. Secretary of Education, 841 Phil. 724, 791 (2018) [Per J. Caguioa, En Banc].

[314] Rules of the House of Representatives (2023), secs. 42-44; Rules of the Senate (2025), sec. 65.

[315] Rules of the House of Representatives (2023), secs. 62-63; Rules of the Senate (2025), sec. 35.

[316] See Andrea Gregorio, Tina G. Santos, 'Bloody' bicam seen over anti-dynasty bill, INQUIRER.NET, June 29, 2026, available at <https://newsinfo.inquirer.net/2254302/bloody-bicam-seen-over-antidynasty-bill> (last accessed on July 10, 2026); Llanesca T. Panti, Sandro Marcos: Bicam panel can still amend House's anti-political dynasty bill, GMA NEWS ONLINE, June 17, 2026, available at <https://www.gmanetwork.com/news/topstories/nation/991799/bicam-panel-house-bill-dynasty/story/> (last accessed on July 10, 2026). Certain members of the House and the Senate have made public pronouncements that the provisions of House Bill No. 8389 may still be changed, especially when it reaches the level of the bicameral conference committee.

[317] Comment (G.R. No. 263934), pp. 16-17.

[318] G.R. No. 279008, April 8, 2026 [Per J. Kho, Jr., En Banc] at 7.

[319] *Id.* at 8.

[320] *Id.* at 7-8.

[321] J. Singh, Separate Opinion, p. 20.

[322] S.A.J. Leonen, Concurring Opinion, p. 10.

[323] 937 Phil. 148 (2023) [Per C.J. Gesmundo, En Banc].

[324] *Id.* at 200.

[325] J. Lazaro-Javier, Reflections dated June 10, 2026, pp. 2-3.

- [326] See *Duterte v. House of Representatives*, G.R. Nos. 278353 & 278359, July 25, 2025 [Per J. Leonen, En Banc] at 61.
- [327] J. Singh, *Separate Opinion*, p. 12.
- [328] *Rollo* (G.R. No. 279201), pp. 13-17.
- [329] S.A.J. Leonen, *Concurring Opinion*, pp. 6-7.
- [330] 442 Phil. 139 (2002) [Per J. Puno, En Banc].
- [331] *Id.* at 190.
- [332] *Id.* at 189-190.
- [333] 777 Phil. 169 (2016) [Per J. Leonardo-De Castro, En Banc].
- [334] *Id.* at 210.
- [335] *Id.* at 208-209.
- [336] 814 Phil. 344 (2017) [Per J. Leonardo-De Castro, En Banc].
- [337] *Id.* at 417. (Citation omitted)
- [338] S.A.J. Leonen, *Concurring Opinion*, pp. 16-18.
- [339] G.R. No. 203603, November 13, 2012 [Unsigned Resolution, En Banc].
- [340] *Id.*
- [341] *Biraogo v. Commission on Elections*, G.R. No. 203603, January 8, 2013 [Unsigned Resolution, En Banc].
- [342] G.R. Nos. 203759 & 205133, February 5, 2013 [Unsigned Resolution, En Banc].
- [343] *Id.*
- [344] *Ting v. Velez-Ting*, 601 Phil. 676, 687 (2009) [Per J. Nachura, Third Division].
- [345] SC Int. Rules, Rule 13, sec. 6(c).
- [346] See *Angara v. Electoral Commission*, 63 Phil. 139, 185 (1936) [Per J. Laurel, En Banc].
- [347] *Hagedorn v. House of Representatives of the Philippines*, G.R. No. 275800, April 22, 2025 [Per J. Hernando, En Banc] at 14.
- [348] 929 Phil. 828, 853 (2022) [Per J. Leonen, En Banc].
- [349] 809 Phil. 453, 533 (2017) [Per J. Carpio, En Banc].
- [350] *Abines v. Duque III*, 929 Phil. 828, 853 (2022) [Per J. Leonen, En Banc].
- [351] *Knights of Rizal v. DMCI Homes, Inc.*, 809 Phil. 453, 534 (2017) [Per J. Carpio, En Banc].
- [352] 347 Phil. 1 (1997) [Per J. Puno, En Banc].
- [353] J. Dimaampao, *Separate Concurring Opinion*, p. 9, citing *Tatad v. Secretary of Department of Energy*, 347 Phil. 1 (1997) [Per J. Puno, En Banc].
- [354] *Id.*

- [355] Rollo (G.R. No. 277747), pp. 16-35.
- [356] Liberal Party v. COMELEC, 926 Phil. 405, 421 (2022) [Per J. Leonen, En Banc].
- [357] Id.
- [358] 819 Phil. 204 (2017) [Per J. Caguioa, En Banc].
- [359] Liberal Party v. COMELEC, 926 Phil. 405, 422-423 (2022) [Per J. Leonen, En Banc].
- [360] Id. at 423.
- [361] Id., citing Aquino v. COMELEC, 756 Phil. 80, 102 (2015) [Per J. Brion, En Banc].
- [362] Philippine Stock Exchange, Inc. v. Secretary of Finance, 924 Phil. 615, 651 (2022) [Per J. Hernando, En Banc].
- [363] Id. at 653.
- [364] Id.
- [365] Id. at 650-661.
- [366] Id.
- [367] 829 Phil. 691 (2018) [Per J. Reyes, Jr., En Banc].
- [368] Id. at 722-724.
- [369] Id. at 733-734.
- [370] Carla P. Mapalo & Leo P. Bejemino, Beyond the Constitutional Mandate: Legal Issues and Policy Considerations of Anti-Political Dynasty Legislation, 89 PHIL L. J. 52, 82 (2015).
- [371] Id. (Emphasis supplied)
- [372] See People v. Cayat, 68 Phil. 12, 17 (1939) [Per J. Moran, First Division].
- [373] Carla P. Mapalo & Leo P. Bejemino, Beyond the Constitutional Mandate: Legal Issues and Policy Considerations of Anti-Political Dynasty Legislation, 89 PHIL L. J. 52, 77 (2015).
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[378] See center for People Empowerment in Governance, Reclaiming the Lost Potential of the Barangay, Center for People Empowerment in Governance Policy Study, Publication, and Advocacy Issue Analysis Paper No. 7, (October 18, 2013), available at <https://www.cenpeg.org/post/reclaiming-the-lost-potential-of-the-barangay> (last accessed on February 3, 2026).

[379] Carla P. Mapalo & Leo P. Bejemino, Beyond the Constitutional Mandate: Legal Issues and Policy Considerations of Anti-Political Dynasty Legislation, 89 PHIL L. J. 52, 81 (2015).

[380] See International Observer Mission on the 2025 Philippine Elections, A Family Affair: Dynasties Plague 2025 Philippine Elections, 2, available at <https://ichrp.net/wp-content/uploads/2025/05/Zero-in-Pol-Dynasties-PDF.pdf> (last accessed on February 3, 2026).

[381] See Aaron John Baluis, Leanne Louise Isip, & Carmela Fonbuena, Political dynasties also swarm the party-list elections, PHIL. CENTER FOR INVESTIGATIVE JOURNALISM, December 4, 2024, available at <https://pcij.org/2024/12/04/political-dynasties-also-swarm-the-party-list-elections/> (last accessed on February 3, 2026). See also Sean Angelo Guevarra & Liam Reece Basigsig, Party list groups linked to political dynasties lead 2025 race, PHIL. CENTER FOR INVESTIGATIVE JOURNALISM, May 11, 2025, available at <https://pcij.org/2025/05/11/party-list-groups-linked-to-political-dynasties-lead-2025-race/> (last accessed on February 3, 2026).

[382] Guinevere Latoza & Christian Chua, IN NUMBERS: Dynasties and Contractors Capture Party-list Seats in the 20[th] Congress, PHIL. CENTER FOR INVESTIGATIVE JOURNALISM, March 12, 2026, available at <https://pcij.org/2026/03/12/dynasties-contractors-capture-party-list-seats/> (last accessed on May 10, 2026).

[383] See Republic Act No. 11054 (2018), Organic Law for the BARMM, Article VI, sec. 10.

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CONCURRING OPINION

LEONEN, SAJ.:

I concur.

The ponencia of our esteemed colleague, Associate Justice Ramon Paul L. Hernando, is eloquent not only in articulating constitutional obligations but also in hinting at the collective frustrations of our people. I add my voice through this opinion to a unanimous decision of this Court.

Article II, Section 26 of the Constitution is binding.[1] It is clear that the Constitution's vision of our political order includes a prohibition on political dynasties. This provision is not a second-class command. It cannot be defeated by the archaic concept of "non-self-executing provisions."

Prohibiting political dynasties is fundamental to ensuring a truly sovereign and republican state that can achieve the goals of social justice in our society.

The Constitution has commanded Congress to pass a prohibition. Its discretion extends only to defining the contours of the prohibition.[2]

While it is clear that the Constitution did not prescribe a period within which to pass the mandatory prohibition for political dynasties, certainly decades-long failure to enact the required anti-political dynasty law applicable to Congress and local government units constitutes a continuing constitutional breach and can be characterized as grave abuse of discretion through inaction.[3] The injury to our people is now palpable.

Nonetheless, because the Constitution leaves the details of the prohibition to legislation, this Court cannot itself define political dynasties, nor can it compel the Commission on Elections (COMELEC) to promulgate implementing rules in the absence of a statute.[4] The breach, therefore, lies in Congress's continuing failure to do what the Constitution expressly requires. This Court unanimously and wisely simply characterizes the nature of that duty.

I elaborate further.

Our Constitution begins with a meaningful premise: "The Philippines is a democratic and republican state." [5] Sovereignty resides in the people, from whom all governmental authority emanates. In a representative democracy, the people principally exercise this sovereignty through the officials they elect in the legislative and executive branches of government and the institutions created under the Constitution.[6]

At the same time, our Constitution commits "to promote social justice in all phases of national development;" [7] directs Congress to give highest priority to enacting measures that reduce political inequalities; [8] and establishes mechanisms intended to broaden access to political power and secure quality, meaningful political participation. [9] None of these are decorative words. They are words of consequence that should be interpreted through the lens of our history, the contemporary suffering of our people occasioned by insensitivity and greed, and the hope of genuine and meaningful freedoms.

Read together, these Constitutional provisions reveal an underlying concern for the people's meaningful ability to participate in democratic institutions. Meaningful ability to participate includes not only providing our people with their formal ability to vote but also addressing all the obstacles to genuine representation.

Accordingly, when government action or inaction substantially affects the people's ability to participate meaningfully in the democratic process—particularly their ability to choose, replace, or be represented by their political leaders—judicial review should be especially exacting. In such cases, this Court does not merely review an ordinary regulation or its absence. It confronts government action or inaction that may impair the constitutional and/or legal structures through which popular sovereignty and genuine representation is exercised.

This approach is especially important in a post-colonial constitutional order. Philippine constitutional and statutory language may borrow concepts inherited from earlier legal systems, but these concepts cannot invariably be understood solely through legal language and doctrines developed in foreign jurisdictions. Foreign jurisdictions have shaped the meaning of the words found in their constitution within their distinct political, historical, and social conditions. To constrain our reading of the provisions of our Constitution by reference to its foreign origins would be blind to the concerns peculiar to our own current experience: the entrenchment of political power, persistent inequality, and exclusion of significant sectors from meaningful political participation. Constitutional interpretation should remain attentive to these realities, rather than mechanically transplant doctrinal formulations developed for another time, society, or political order.

The prohibition of political dynasties is unique. Therefore, ordinary deference inspired by a foreign liberal constitutional order, in the light of our own needs, should therefore be cautious and critically employed.

Hence, the significance of this Court's expanded power of judicial review. This expanded judicial power permits the Court, in appropriate cases, to look beyond the traditional adjudication of legally demandable and enforceable

rights, and inquire into how governmental power has been exercised—or, as in this case, withheld—and whether such refusal or prolonged failure to exercise a governmental power to fulfill a constitutional duty is itself constitutionally permissible.

This inquiry matters when governmental action or inaction affects the constitutional structures through which the people participate in governance. In such cases, grave abuse of discretion cannot be assessed in isolation from the Constitution's commitments to popular sovereignty, representative democracy, social justice, political equality, and meaningful political participation. The greater the consequence of governmental action or inaction upon the people's capacity to exercise political power, the more exacting the Court's inquiry must necessarily be.

This Court has, in the past, dismissed outright and in unsigned decisions citizen's suits praying for writs of mandamus to compel Congress to pass prohibitions of political dynasties. This was ordinary deference, as this Court understood the political difficulties that Congress had to wade through. But when these difficulties have prevented the passage of that law required by the Constitution for close to four decades, grave abuse of discretion may have already set in.

This judicial inquiry, however, remains one of constitutional compliance and not judicial legislation. The Court need not determine who constitutes a political dynasty, prescribe the degrees of relationship that should fall within the prohibition, or choose among the policy mechanisms available to Congress. Those matters may remain committed, in the first instance, to legislative judgment. That expanded judicial review permits the Court to determine is the antecedent question: whether Congress may continue to invoke the discretion granted to it in defining political dynasties in a manner that effectively renders the constitutional command inoperative, after nearly four decades of legislative inaction.

I therefore agree that all the requisites of judicial review have been satisfied.[10] More fundamentally, the case presents a justiciable question: whether Congress, by prolonged and continued inaction, failed to discharge a constitutional duty imposed by Article II, Section 26, amounting to grave abuse of discretion under Article VIII, Section 1.

Under this Court's expanded power of judicial review, that question is not beyond reach, especially where the alleged violation is "so demonstrably and urgently egregious,"[11] as in this case where continued governmental inaction directly impacts the structures through which popular sovereignty is exercised. Here, the alleged failure is not merely abstract or institutional. Its consequences implicate the people's capacity to participate meaningfully in the democratic process and may perpetuate the very concentration of political power that Article II, Section 26 was intended to address. In this sense, prolonged legislative inaction may itself contribute to a democratic deficit that warrants the Court's exercise of its expanded judicial power.

I disagree with labeling a constitutional provision as "not self-executing." That has, in the past, been used to frustrate the prohibition of political dynasties. Certainly, even when used, that label does not mean that it is not binding.

When used in the past, "non-self-executing" only limited the type of judicial remedies and generally excluded immediate judicial enforceability. Imposing this label, however, does not erase obligations for clear text and phrases in our Constitution. It may mean that the Constitution has not supplied the operative details necessary for implementation. Legislation may first be required before courts may apply the provision in an actual case. It does not erase the policy direction or the constitutional framework within which government should operate.

While this Court cannot itself define what relationships, offices, or circumstances constitute a prohibited political dynasty—and while the COMELEC cannot supply that definition by rule alone, as the ponencia aptly

stated—Congress remains bound by the Constitution's command to enact the law that will give the prohibition operative effect.[12]

The ponencia noted how *Biraogo v. COMELEC*[13] and *Guingona, Jr. v. House of Congress*[14] previously stated that the constitutional prohibition against political dynasties is not a self-executing provision,[15] and that the provision "is a statement of a general principle, which further requires a law passed by Congress to define and give it effect." [16] However, the ponencia also observed that because *Biraogo* and *Guingona* were issued as Unsigned Resolutions, those statements have limited doctrinal value—i.e., "dispositions on the merits but are only essentially meaningful to the parties." [17]

In my view, the practical implications of treating a constitutional provision as not self-executing in the past were threefold. First, a private litigant ordinarily cannot rely on the constitutional provision, standing alone, as a direct cause of action.[18] Second, courts cannot fill in the missing operational standards without usurping legislative power and violating the principle of separation of powers; to do so would amount to judicial legislation.[19] Third, where the Constitution has reserved the matter to Congress, administrative agencies cannot fill the gap by pure rulemaking in the absence of a statute.[20]

Pamatong v. COMELEC[21] is instructive. In that case, COMELEC refused to give due course to Rev. Elly Velez Pamatong's (Pamatong) Certificate of Candidacy for President and declared him a nuisance candidate. In seeking to overturn the COMELEC's resolutions, Pamatong argued that said resolutions violated his right to "equal access to opportunities for public service." [22] It was in that context that this Court said that the "equal access" clause does not, by itself or in the context of that case, confer any judicially enforceable constitutional right, such that its alleged disregard does not automatically give rise to a cause of action before the courts.[23] Properly understood, Pamatong recognized that Article II, Section 26 may require legislation before it can be enforced in a concrete case involving disqualification of electoral candidates but did not say that the obligation to pass such a law is not mandatory.

The danger of labeling and leaving a constitutional provision as "not self-executing" is that it licenses a total disregard for the policy, framework, or direction that governance should take. Thus, as in this case, the constitutional prohibition of political dynasties is not achieved with the simple expedient of not passing a law.

I agree with the denial of the Petition in G.R. No. 277747. This Court cannot grant petitioners' prayer to declare certain types of candidates as inherently, intrinsically, and automatically covered by the general prohibition against political dynasties under the Constitution, nor can the Court compel COMELEC to promulgate rules and regulations to include said types of candidates as among those disqualified during the national and local elections.[24] To do so would require this Court to supply, through judicial legislation, the very definition and scope of the prohibition that the Constitution left to Congress to determine by law.

However, this Court's inability to supply a substantive definition of political dynasties does not foreclose judicial review of whether Congress, through prolonged inaction, has failed to perform a constitutional duty. The constitutional command of "as may be defined by law" concerning political dynasties does not mean that the constitutional policy can be made wholly dormant.

Congress is not barred from passing an anti-political dynasty law at the national level because of its complexity. They have passed laws with limited scope that show an understanding and appreciation of the dangers of elective and appointive offices that privilege family relations.

For instance, Section 10 of Republic Act No. 10742 or the Sangguniang Kabataan Reform Act of 2015 bars Sanggunian officials from being related within the second civil degree of consanguinity or affinity to specified

incumbent elective officials in the locality where they seek office:

SECTION 10. Qualifications. — An official of the Sangguniang Kabataan, either elective or appointee, must be a citizen of the Philippines, a qualified voter of the Katipunan ng Kabataan, a resident of the barangay for not less than one (1) year immediately preceding the day of the elections, at least eighteen (18) years but not more than twenty-four (24) years of age on the day of the elections, able to read and write Filipino, English, or the local dialect, must not be related within the second civil degree of consanguinity or affinity to any incumbent elected national official or to any incumbent elected regional, provincial, city, municipal, or barangay official, in the locality where [they seek] to be elected, and must not have been convicted by final judgment of any crime involving moral turpitude. (Emphasis supplied)

Executive Order No. 292, otherwise known as the Administrative Code of 1987 (Administrative Code), contains multiple provisions prohibiting appointment of relatives. Book II, Chapter III, Section 48 of the Administrative Code disqualifies the spouse and relatives of the president within the fourth civil degree whether by consanguinity or affinity to be appointed as secretaries, undersecretaries, or chairmen or heads of bureaus or offices:

SECTION 48. Disqualification of the spouse and relatives of the President. — The spouse and relatives by consanguinity or affinity within the fourth civil degree of the President shall not during his tenure be appointed as Secretaries, Undersecretaries, Chairmen or heads of bureaus or offices including government-owned or controlled corporations and their subsidiaries.

Meanwhile, Book VII, Chapter IX, Section 59 of the Administrative Code prohibits nepotistic appointments involving relatives within the third degree of consanguinity or affinity:

SECTION 59. Nepotism. —

(1)

All appointments in the national, provincial, city and municipal governments or in any branch or instrumentality thereof, including government-owned or controlled corporations, made in favor of a relative of the appointing or recommending authority, or of the chief of the bureau or office, or of the persons exercising immediate supervision over him, are hereby prohibited.

As used in this Section, the word "relative" and members of the family referred to are those related within the third degree either or consanguinity or of affinity.

(2)

The following are exempted from the operation of the rules on nepotism: (a) persons employed in a confidential capacity, (b) teachers, (c) physicians, and (d) members of the Armed Forces of the Philippines: Provided, however, That in each particular instance full report of such appointment shall be made to the Commission.

The restriction mentioned in subsection (1) shall not be applicable to the case of a member of any family who, after his or her appointment to any position in an office or bureau, contracts marriage with someone in the same office or bureau, in which event the employment or retention therein of both husband and wife may be allowed.

(3)

In order to give immediate effect to these provisions, cases of previous appointments which are in contravention hereof shall be corrected by transfer, and pending such transfer, no promotion or salary increase shall be allowed in favor of the relative or relatives who are appointed in violation of these provisions.

(Emphasis supplied)

Additionally, Book V, Subtitle C, Chapter 3, Section 13 of the Administrative Code prohibits COMELEC from assigning regional and assistant regional directors to a province, or city municipal election registrars to a city or municipality, where such assignees or their spouses are related to any candidate within the fourth civil degree of consanguinity or affinity:

SECTION 13. Changes in the Composition, Distribution of Assignment of Field Offices. — The Commission [on Elections] may make changes in the composition, distribution and assignment of field offices, as well as its personnel, whenever the exigencies of the service and the interest of free, orderly, honest, peaceful and credible election so require: Provided, That such changes shall be effective and enforceable only for the duration of the election period concerned and shall not affect the tenure of office of the incumbents of positions affected and shall not constitute a demotion, either in rank of salary, nor result in a change of status; and Provided, further, that there shall be no changes in the composition, distribution or assignment within thirty (30) days before election, except for cause and after due notice and hearing, and that in no case shall a regional or assistant regional director be assigned to a region, or a provincial election supervisor to a province, or a city municipal election registrar to a city or municipality, where he and/or his spouse are related to any candidate within the fourth civil degree of consanguinity or affinity as the case may be. (Emphasis supplied)

Section 79 of the Local Government Code then extends the prohibition in appointments in the career service of the local government to the fourth civil degree:

SECTION 79. Limitation to Appointments. — No person shall be appointed in the career service of the local government if he is related within the fourth civil degree of consanguinity or affinity to the appointing or recommending authority.

Republic Act No. 3019, otherwise known as the Anti-Graft and Corrupt Practices Act, likewise treats familial proximity as legally significant. Section 4 includes spouses and relatives within the third civil degree in its definition of family relations, while Section 5 restricts spouses and relatives within the third degree of the president, vice president, Senate president, and speaker of the House from intervening in specified government transactions:

SECTION 4. Prohibition on private individuals. —

(a) It shall be unlawful for any person having family or close personal relation with any public official to capitalize or exploit or take advantage of such family or close personal relation by directly or indirectly requesting or receiving any present, gift or material or pecuniary advantage from any other person having some business, transaction, application, request or contract with the government, in which such public official has to intervene. Family relation shall include the spouse or relatives by consanguinity or affinity in the third civil degree. The word "close personal relation" shall include close personal friendship, social and fraternal connections, and professional employment all giving rise to intimacy which assures free access to such public officer. (Emphasis supplied)

(b) It shall be unlawful for any person knowingly to induce or cause any public official to commit any of the offenses defined in Section 3 hereof.

SECTION 5. Prohibition on certain relatives. — It shall be unlawful for the spouse or for any relative, by consanguinity or affinity, within the third civil degree, of the President of the Philippines, the Vice-President of the Philippines, the President of the Senate, or the Speaker of the House of Representatives, to intervene, directly or indirectly, in any business, transaction, contract or application with the Government: Provided, That this section shall not apply to any person who, prior to the assumption of office of any of the above officials to whom he is related, has been already dealing with the Government along the same line of business, nor to any

transaction, contract or application already existing or pending at the time of such assumption of public office, nor to any application filed by him the approval of which is not discretionary on the part of the official or officials concerned but depends upon compliance with requisites provided by law, or rules or regulations issued pursuant to law, nor to any act lawfully performed in an official capacity or in the exercise of a profession. (Emphasis supplied)

Current legislation collectively reveals (1) recurring legislative understanding as to the kinds and degrees of familial relationships that may be regulated in public service, and (2) a discernible policy against the use of familial relationships to acquire, exercise, or benefit from public power.

Nonetheless, while Congress has enacted limited anti-dynasty provisions, the foregoing restrictions do not constitute compliance with Article II, Section 26. They are piecemeal, token, and sector-specific; hence, they cannot be considered the full implementation of the constitutional prohibition. In contrast, Article II, Section 26 speaks more broadly of public service and therefore contemplates a more substantial, comprehensive, and nationwide response.

As things stand, a prohibition confined to a narrow or exceptional context does not satisfy the Constitution's broader objective of addressing political dynasties as a systemic national problem.

This conclusion becomes even clearer when viewed against the mischief the framers intended to suppress and the constitutional injury that prolonged legislative inaction continues to inflict.

The constitutional prohibition against political dynasties is not merely symbolic or accidental. It was designed to address the concentration and perpetuation of political power in the hands of a few entrenched families, and to widen meaningful access to public service for others outside such familial networks.[25] Any law meant to implement Article II, Section 26 must aim to break that concentrated familial control of political power.[26] As stated in *Social Weather Stations, Inc. v. COMELEC*: [27]

Article II, Section 26 models an understanding of Philippine political and electoral reality. It is not merely hortatory or a statement of value. Among others, it sums up an aversion to the perpetuation of political power through electoral contests skewed in favor of those with resources to dominate the deliberative space in any media.[28]

Every year of legislative inaction allows the endurance of the very evil the Constitution sought to dismantle: entrenched political inequalities; [29] weakened accountability; reduced electoral competition; restricted voters' choice; and political structures that foster patronage politics, impunity, and conditions conducive to graft and corruption.[30] The failure to enact an anti-dynasty law is not simply legislative delay; it is the continuing infliction of the very constitutional injury the fundamental law itself sought to prevent.[31]

There is also no conceptual difficulty in discerning what constitutes a dynastic configuration. Various literature discerns different forms.

Vertical or thin dynasties refer to dynastic growth through direct succession by relatives ("sunod-sunod"), while horizontal or "fat" dynasties refer to expansion through simultaneous occupation of multiple posts by members of the same clan across various levels of government ("sabay-sabay"). [32] Where at least five clan members are politically active, such a "fat" dynasty may be described as "obese". [33]

The family of the Dutertes are perhaps the clearest contemporary example of a thin dynasty within one local jurisdiction: the Davao City mayoralty moved within the same family across successive cycles. Former President Rodrigo Duterte served as Davao mayor from 2001 to 2010 and 2013 to 2016; [34] incumbent Vice President Sara Duterte served as Davao mayor from 2010 to 2013 and again from 2016 to 2022; [35] and Sebastian Duterte

became mayor in 2022[36]. That is a classic vertical sequential hold over the same local jurisdiction. For illustrative purposes, the following chart demonstrates the successive occupation of the Davao City mayoralty by members of the Duterte dynasty:

(image supposed to be here)

On the other hand, the family of the Dutertes also illustrate a "fat" dynasty. In 2022, several family members simultaneously held major offices: Sara Duterte was vice president, Paolo Duterte was representative of Davao City's 1st District,[37] former President Duterte was mayor of Davao City, and Sebastian Duterte was vice mayor of Davao City.[38] As of 2025, it has been reported that the Duterte political dynasty had arguably become "obese", as three generations of the family sought office and six family members won seats for five key positions in the May 2025 elections,[39] including the vice presidency, mayoralty, vice mayoralty, two of three congressional seats, and a provincial board seat.[40]

Another example of a "fat" dynasty would be the Romualdez family. At the opening of the 19th Congress, Martin Romualdez was elected speaker of the House of Representatives, while his wife Yedda Romualdez served as a representative of TINGOG Party-list and the chairperson of the Committee of Accounts of the House of Representatives.[41] By the opening of the 20th Congress, then Speaker Martin Romualdez, Yedda Romualdez, and their son Andrew Julian Romualdez (Andrew) were all in public office.[42] Andrew was sworn into office as the first nominee of the TINGOG Party-list in 2025,[43] the same year former Speaker Martin Romualdez's other son, Ferdinand Martin "Marty" Romualdez, Jr., was also sworn into office as a newly elected member of the Tacloban City Council.[44] In the same local political sphere, the former speaker's cousin, Alfred Romualdez (Alfred), was reelected to a third term as Tacloban City mayor, while Alfred's son Raymund Romualdez was elected vice mayor of Tacloban City.[45]

According to the Philippine Center for Investigative Journalism, at least 18 "obese" dynasties prevailed in the 2025 elections:

In Luzon, apart from the clans of Marcos, Singson, and Ortega, are the clans of Aguilar-Villar in Las Piñas City in Metro Manila, Dy of Isabela, Khonghun of Zambales, Garcia of Bataan, Ynares of Rizal, and Kho of Masbate.

In the Visayas and Mindanao, apart from the Dutertes in Davao City, they include the clans of Romualdez in Leyte, Hataman-Salliman in Basilan, Plaza of CARAGA region. Pacquiao of Sarangani and General Santos City, Uy of Zamboanga del Norte, Dimaporo of Lanao del Norte, Alonto-Adiong of Lanao del Sur, and Tan of Sulu.[46]

More than 30 business and civil society organizations, together with academics and legal experts, have suggested a strict, wider ban, urging Congress to pass a genuine anti-political dynasty law that would bar individuals related within the fourth degree of consanguinity or affinity to an elected official from seeking public office.[47] Constitutional expert and former framer Christian Monsod also supported a fourth-degree prohibition.[48]

If only to allow "a broader voice in an improving public service for the Filipino people,"[49] and to correct long-standing historical injustices by ensuring that political office responds to people's needs rather than family interests, this stricter ban may be needed.

This would disqualify a candidate related to a public officer as a spouse, parent, child, sibling, grandparent, grandchild, parent-in-law, children-in-law, great-grandparent, great-aunt or great-uncle, first cousin, grandnephew or grandniece, and their in-law counterparts.[50] Put concretely, Dr. David Yap (Dr. Yap) of the Congressional Policy and Budget Research Department observed that this strict ban could disallow "between 13 and 21 nuclear families for every single individual elected." [51]

Given a structural conflict of interest, it is unsurprising that since the Constitution's ratification in 1987, Congress has not enacted a law defining dynasties, as doing so would often run against the self-interests of many of its members. Yet that difficulty cannot excuse continued constitutional default. The Constitution was designed to reform that kind of politics, if not remove it entirely. The Constitution should frame our politics, not politics of the few constraining our Constitution.

As Dr. Yap further noted, "[w]hile it might be tempting to 'simply oppose a ban up until the fourth degree—an exceptionally strict constraint—and while it does eliminate a lot of the situations that we see now, this heavy-handed approach can still be circumvented by especially astute and dedicated political clans." A more realistic measure may be a narrower prohibition covering relatives only up to the second degree of consanguinity or affinity. This is not strange as it is the kind of anti-dynasty provision now present in the Sangguniang Kabataan Reform Act of 2015 and the Bangsamoro Electoral Code of 2023.

As the ponencia noted, the Sangguniang Kabataan Reform Act of 2016 prohibits members of the Sangguniang Kabataan from "being related within the second civil degree of consanguinity or affinity to any incumbent elected national official or to any incumbent elected regional, provincial, city, municipal, or barangay official, in the locality where [they seek] to be elected." [52]

Article III, Section 9(d) of the Bangsamoro Electoral Code of 2023 contains a similar prohibition:

ARTICLE III

REGIONAL POLITICAL PARTIES IN THE BANGSAMORO

....

SECTION 9. Nomination of Candidates; Limitations and Sanctions. —

....

d. Nominees submitted by a political party shall not be related to each other within the second degree of consanguinity or affinity. Violation of this provision shall disqualify one of the nominees in a manner to be determined by the party[.]

The constitutional injury is no longer theoretical.

Studies on local elective positions show that the share of "fat" dynasties has steadily increased over time.[53] The results of the May 2025 national and local elections confirm that dynastic politics has not abated. As the ponencia observed:

In the Senate of the 20[th] Congress, 19 out of 24 members come from so-called "political clans." Four pairs of siblings are incumbent. No less than 10 senators have at least one relative up to the fourth degree of consanguinity or affinity currently sitting as district or party-list representative. In the House of Representatives of the 20[th] Congress, 212 out of 254 district representatives are still from political dynasties. Around 32 out of 61 party-list representatives come from active political clans, thus showing how political families could also infiltrate and control party-lists. In the local setting, 12 dynasties lost gubernatorial races, but 71 out of 82 winning governors are still from political dynasties. In the National Capital Region, all elected mayors belong to dynasties. Notably, there are at least 18 "obese" dynasties in the national and local setting.[54] (Citations omitted)

These figures show that the problem the Constitution sought to address has not receded, but has become normalized and structurally entrenched.

Conversely viewed, it reveals that only a diminishing fraction of seats remain in non-dynastic hands. A 2026

mapping by Freidrich-Ebert-Stiftung found that 90% of Filipinos live in a province or city held by a political dynasty.[55] Put more concretely: only 5 of 39 cities and 4 of 82 provinces are not ruled by any major political dynasty.[56]

This continued entrenchment has concrete consequences. Entrenched political families and dominant local clans can deter potential challengers, narrow voter choice, and weaken the competitive foundations of our democratic elections.[57] This pattern was evident in the 2025 elections: 9 of 82 gubernatorial candidates ran unopposed; 296 of 1,641, or 18%, of city and municipal mayors ran unopposed; 332, or 20%, of vice mayoral candidates faced no challenges; and 52 of 254 district representatives likewise ran unopposed.[58]

Dynastic power has not only become widespread, but increasingly concentrated, multi-positional, and flexible. Political families hold executive, legislative, and sometimes party-list seats simultaneously; use overlapping offices to preserve influence; and shift across institutional channels when one route narrows. Yet the implications of dynastic proliferation extend far beyond mere familial succession in office.

More disturbing is how dynastic politics is closely linked to poverty, patronage, weak electoral competition, and the erosion of institutional checks and balances.[59] In poorer areas, dependence on entrenched political patrons can deepen a cycle in which poverty sustains dynasties, and dynasties, in turn, worsen underdevelopment.[60] Where dynasties become dense or multi-positional, they can reduce genuine electoral choice,[61] increase the risk of collusion and corruption,[62] and concentrate both political and economic power within the same networks.[63] Over time, this entrenches a more oligarchic order in which public office becomes less an open avenue for public service and more a mechanism for preserving family-based control over state resources and political influence.[64]

Seen in this light, Congress's inaction is not a passive omission. Each election cycle without an implementing law allows concentrated family control to reproduce across provinces, cities, districts, and even party-list representation, while the attendant harms to competition, accountability, and development continue.

Anti-dynasty legislation, if it is to have any real and meaningful force, must address more than one form of familial political entrenchment. It must cover both simultaneous family occupation of public office and immediate familial succession, as well as the broader configurations of political dynasties (i.e., horizontal, thin, "fat", and "obese"). These forms of familial political entrenchment must be addressed so that "new blood and a new brand of leadership" may genuinely enter the government.[65]

To reiterate: although the Constitution prescribes no specific deadline, that silence cannot be read as permission for indefinite postponement. Read together with Article XIII, Section 1, which commands Congress to give highest priority to measures reducing political inequalities and diffusing political power, the command to prohibit political dynasties pursuant to Article II, Section 26 must be implemented within a reasonable time.[66] After close to four decades of delay, Congress's failure can no longer be justified as legislative timing or pacing. Instead, the absence of an anti-dynasty law shows deliberate collective noncompliance with, if not a continuing breach of, the Constitution's command.[67]

Our democracy is a reasoned democracy committed to fundamental and social rights.[68] This Court has a duty to realize the vision of a more engaged citizenry and political forums that welcome formerly marginalized communities and identities:[69]

The more guarded but active part of judicial review pertains to situations where there may have been a deficit in democratic participation, especially where the hegemony . . . ensures the inability of discrete and insular minorities to participate fully. While this Court should presume representation in the deliberative and political forums, it should not be blind to present realities.[70]

A comprehensive law prohibiting political dynasties will be a fitting legacy for any administration.

If we are to be true to the commitments to sovereignty, representation, social justice, and meaningful freedoms enshrined as fundamental values in our Constitution, we must recognize that it is mandatory.

If we are true to our understanding of how our people still suffer, we should act now with urgency.

It will be a challenging effort considering the family interests entrenched at all levels of our political life. I cast my vote here as an expression of hope that we still have leaders who can do the right thing even with the greatest cost to themselves and their family interests.

We cannot continue to fail our people.

ACCORDINGLY, I vote to GRANT the Petitions in G.R. Nos. 263934, 272370, and 279201 and to DENY the Petition in G.R. No. 277747.

I vote to likewise DECLARE respondent Congress of the Philippines to have a MANDATORY CONSTITUTIONAL DUTY to enact a law prohibiting political dynasties pursuant to Article II, Section 26 of the Constitution, and to henceforth COMPLY with said duty with UTMOST URGENCY.

[1] Ponencia, pp. 45-46.

[2] Id. at 59-60, 65-66, 68.

[3] Id. at 46, 65.

[4] Id. at 77.

[5] CONST., art. II, sec. 1.

[6] J. Leonen, Separate Opinion in *Disini, Jr., v. Secretary of Justice*, 727 Phil. 28, 354-355 (2014) [Per J. Abad, En Banc].

[7] CONST., art. II, sec. 10; art. XIII, sec. 2.

[8] CONST., art. XIII, sec. 2.

[9] CONST., art. II, sec. 26; art. VI, sec. 5; art. X.

[10] Ponencia, pp. 36-44.

[11] *Universal Robina Corporation v. Department of Trade and Industry*, 936 Phil. 17, 31 (2023) [Per J. Leonen, En Banc].

[12] Ponencia, p. 45.

[13] G.R. No. 203603, November 13, 2012 [Unsigned Resolution, En Banc].

[14] G.R. Nos. 203759 and 205133, February 5, 2013 [Unsigned Resolution, En Banc].

[15] *Biraogo v. COMELEC*, G.R. No. 203603, November 13, 2012 [Unsigned Resolution, En Banc].

[16] Ponencia, p. 69.

[17] Id. at 70.

[18] See *Pamatong v. COMELEC*, 470 Phil. 711 (2004) [Per J. Tinga, En Banc].

[19] Judicial legislation is defined as "the move of a court to step in to craft missing parts, to fill in the gaps in laws, or when it oversteps its discretionary boundaries and goes beyond the law to coin doctrines or principles which are not previously established." See Benjamin Pulta, No 'judicial legislation' in ruling on cases: Bersamin, PHIL. NEWS AGENCY, September 5, 2019, available at <https://www.pna.gov.ph/articles/1079541> (last accessed on September 9, 2026).

[20] See *Smart Communications, Inc. v. National Telecommunications Commission*, 456 Phil. 145 (2003) [Per J. Ynares-Santiago, First Division], where this Court explained the concept of quasi-legislative or rule-making powers of administrative agencies as follows:

Administrative agencies possess quasi-legislative or rule-making powers and quasi-judicial or administrative adjudicatory powers. Quasi-legislative or rule-making power is the power to make rules and regulations which results in delegated legislation that is within the confines of the granting statute and the doctrine of non-delegability and separability of powers.

The rules and regulations that administrative agencies promulgate, which are the product of a delegated legislative power to create new and additional legal provisions that have the effect of law, should be within the scope of the statutory authority granted by the legislature to the administrative agency. It is required that the regulation be germane to the objects and purposes of the law, and be not in contradiction to, but in conformity with, the standards prescribed by law. They must conform to and be consistent with the provisions of the enabling statute in order for such rule or regulation to be valid. Constitutional and statutory provisions control with respect to what rules and regulations may be promulgated by an administrative body, as well as with respect to what fields are subject to regulation by it. It may not make rules and regulations which are inconsistent with the provisions of the Constitution or a statute, particularly the statute it is administering or which created it, or which are in derogation of, or defeat, the purpose of a statute. In case of conflict between a statute and an administrative order, the former must prevail.

[21] 470 Phil. 711 (2004) [Per J. Tinga, En Banc].

[22] *Id.* at 715.

[23] *Id.* at 716.

[24] Ponencia, pp. 72-76.

[25] *Id.* at 9, 22, 77.

[26] *Id.* at 58, citing IV Record, Constitutional Commission 941 (September 23, 1986).

[27] 757 Phil. 483 (2015) [Per J. Leonen, En Banc].

[28] *Id.* at 497.

[29] Studies show that ""fat"" political dynasties are behind the worsening poverty in the poorest areas of the country. See Amelia H.C. Ylagan, Again, the political dynasties issue, BUSINESS WORLD, February 19, 2018, available at <https://bworldonline.com/editors-picks/2018/02/19/133702/political-dynasties-issue/> (last accessed on September 9, 2026).

[30] Amelia H.C. Ylagan, Again, the political dynasties issue, BUSINESS WORLD, February 19, 2018, available at <https://bworldonline.com/editors-picks/2018/02/19/133702/political-dynasties-issue/> (last accessed on September 9, 2026). See also Ernesto M. Hilario, Political dynasties must go, MANILA STANDARD, July 21, 2020, available at <https://manilastandard.net/article/329146> (last accessed on September 9, 2026); Carmela Fonbuena, The 'obese' dynasties of the Philippines are crowned again, but reform hopes rise for 2028, PHIL.

CENTER FOR INVESTIGATIVE JOURN., May 20, 2025, available at <https://pcij.org/2025/05/20/obese-dynasties-of-the-philippines-results-crowned-again-but-reform-hopes-rise-2028-polls/> (last accessed on September 9, 2026).

[31] See CONST., art. XIII, sec. 1, which reads:

Section 1. The Congress shall give highest priority to the enactment of measures that protect and enhance the right of all the people to human dignity, reduce social, economic, and political inequalities, and remove cultural inequities by equitably diffusing wealth and political power for the common good.

To this end, the State shall regulate the acquisition, ownership, use, and disposition of property and its increments.

[32] Ana Marie Pamintuan, Institutionalizing dynasties, PHIL. STAR, March 6, 2026, available at <https://www.philstar.com/opinion/2026/03/06/2512309/institutionalizing-dynasties> (last accessed September 9, 2026). See also Dean C. Dulay & Laurence Go, When running for office runs in the family: Horizontal dynasties, policy and development in the Philippines, 55 COMPARATIVE POLITICAL STUDIES 588 (2021).

[33] Carmela Fonbuena, The 'obese' dynasties of the Philippines are crowned again, but reform hopes rise for 2028, PHIL. CENTER FOR INVESTIGATIVE JOURN., May 20, 2025, available at <https://pcij.org/2025/05/20/obese-dynasties-of-the-philippines-results-crowned-again-but-reform-hopes-rise-2028-polls/> (last accessed on September 9, 2026).

[34] Jairo Bolledo, Why does Duterte remain popular, influential in Davao City?, RAPPLER, May 6, 2025, available at <https://www.rappler.com/philippines/elections/why-duterte-remains-popular-influential-davao-city/> (last accessed on September 9, 2026).

[35] Raymund Antonio, Women and power: VP Sara as political leader, MANILA BULLETIN, March 17, 2024, available at <https://mb.com.ph/2024/3/17/women-and-power-vp-sara-as-political-leader> (last accessed on September 9, 2026).

[36] Chrislen Bulosan, Baste Duterte takes oath as Davao City mayor, vows equality under law, ABS-CBN NEWS, June 27, 2022, available at <https://www.abs-cbn.com/news/06/27/22/baste-duterte-takes-oath-as-davao-city-mayor> (last accessed on September 9, 2026).

[37] Ivy Tezano, Pulong sworn into office by President Duterte in his Davao City residence, MANILA BULLETIN, June 28, 2022, available at <https://mb.com.ph/2022/06/28/pulong-sworn-into-office-by-president-duterte-in-his-davao-city-residence/> (last accessed on September 9, 2026).

[38] Ernesto M. Hilario, Political dynasties must go, MANILA STANDARD, July 21, 2020, available at <https://manilastandard.net/article/329146> (last accessed on September 9, 2026).

[39] Carolyn O. Arguillas, Special Report: The Duterte Dynasty in 2025: expansion or collapse, MINDANEWS, October 16, 2024, available at <https://mindanews.com/special-reports/2024/10/special-report-the-duterte-dynasty-in-2025-expansion-or-collapse/> (last accessed on September 9, 2026).

[40] Carmela Fonbuena, The 'obese' dynasties of the Philippines are crowned again, but reform hopes rise for 2028, PHIL. CENTER FOR INVESTIGATIVE JOURN., May 20, 2025, available at <https://pcij.org/2025/05/20/obese-dynasties-of-the-philippines-results-crowned-again-but-reform-hopes-rise-2028-polls/>

polls/ (last accessed on September 9, 2026).

[41] The Committee of Accounts of the House of Representatives is a crucial committee that allowed Yedda Romualdez to manage the chamber's internal budget. According to insiders, said committee "is one of the most important in the chamber, as any panel that handles money has special, if not hidden, powers. The House website describes the committee as the one in charge of internal budget preparation, submission, and approval, as well as accounting and financial operations." See Dwight De Leon, The power of Yedda Romualdez, Lady of the House and wife of the Speaker, RAPPLER, June 22, 2023, available at <https://www.rappler.com/newsbreak/in-depth/profile-things-to-know-congresswoman-yedda-romualdez-wife-speaker-martin/> (last accessed on September 9, 2026).

[42] Jose Cielito Reganit, House elects Romualdez as Speaker, PHIL. NEWS AGENCY, July 28, 2025, <https://www.pna.gov.ph/articles/1255240> (last accessed on September 9, 2026); Peanut Gallery Media Network, Rowena Ganan's Masterclass on how the partylist system keeps political dynasties rich & powerful, March 25, 2026, available at <https://www.youtube.com/watch?v=ALtVz-iOX6M> (last accessed on September 9, 2026).

[43] Id.

[44] Ronald O. Reyes, Speaker Romualdez, his 2 sons. Leyte 1st district poll winners sworn into office, SUNSTAR, June 29, 2025, available at <https://www.sunstar.com.ph/tacloban/speaker-romualdez-his-2-sons-leyte-1st-district-poll-winners-sworn-into-office> (last accessed on September 9, 2026).

[45] Joey Gabieta, House Speaker Martin Romualdez takes oath of office, INQUIRER.NET, June 29, 2025, available at <https://newsinfo.inquirer.net/2076118/house-speaker-martin-romualdez-takes-oath-of-office> (last accessed on September 9, 2026).

[46] Carmela Fonbuena, The 'obese' dynasties of the Philippines are crowned again, but reform hopes rise for 2028, PHIL. CENTER FOR INVESTIGATIVE JOURNAL., May 20, 2025, available at <https://pcij.org/2025/05/20/obese-dynasties-of-the-philippines-results-crowned-again-but-reform-hopes-rise-2028-polls/> (last accessed on September 9, 2026).

[47] Krixia Subingsubing, Anti-dynasty bill tested through 'consultations', PHILIPPINE DAILY INQUIRER, February 13, 2026, available at <https://newsinfo.inquirer.net/2181639/antidynasty-bill-tested-through-consultations> (last accessed on September 9, 2026). See also Krixia Subingsubing, From 'lolo' to 'apo'? How far should dynasty ban go, PHILIPPINE DAILY INQUIRER, January 28, 2026, available at <https://newsinfo.inquirer.net/2174105/from-lolo-to-apo-how-far-should-dynasty-ban-go> (last accessed on September 9, 2026).

[48] Charle Abarca, Charter framer pushes dynasty ban up to '4th degree', INQUIRER.NET, February 5, 2026, available at <https://newsinfo.inquirer.net/2177840/charter-framer-pushes-dynasty-ban-up-to-4th-degree> (last accessed on September 9, 2026).

[49] Krixia Subingsubing, From 'lolo' to 'apo'? How far should dynasty ban go, PHILIPPINE DAILY INQUIRER, January 28, 2026, available at <https://newsinfo.inquirer.net/2174105/from-lolo-to-apo-how-far-should-dynasty-ban-go> (last accessed on September 9, 2026).

[50] Id.

[51] Id.

[52] Ponencia, p. 14.

[53] Id. at 17-20.

[54] Id. at 19-20.

[55] The Friedrich-Ebert-Stiftung (FES) is the oldest political foundation in Germany which promotes political educational work and conducts think tanks for a just and sustainable economic and social order on a national, European and worldwide level. See Friedrich-Ebert-Stiftung, About page, available at <https://philippines.fes.de/about/friedrich-ebert-stiftung.html> (last accessed on September 9, 2026).

[56] Monica Ang-Tan and Ian Senoc, The structural persistence of dynastic rule in the Philippines, Friedrich-Ebert-Stiftung Philippines, February 12, 2026, available at <https://philippines.fes.de/e/election-maps-political-dynasties.html> (last accessed on September 9, 2026).

[57] Id.

[58] Id.

[59] Amelia H.C. Ylagan, Again, the political dynasties issue, BUSINESS WORLD, February 19, 2018, available at <https://bworldonline.com/editors-picks/2018/02/19/133702/political-dynasties-issue/> (last accessed on September 9, 2026); Ernesto M. Hilario, Political dynasties must go, MANILA STANDARD, July 21, 2020, available at <https://manilastandard.net/article/329146> (last accessed on September 9, 2026); Carmela Fonbuena, The 'obese' dynasties of the Philippines are crowned again, but reform hopes rise for 2028, PHIL. CENTER FOR INVESTIGATIVE JOURN., May 20, 2025, available at <https://pcij.org/2025/05/20/obese-dynasties-of-the-philippines-results-crowned-again-but-reform-hopes-rise-2028-polls/> (last accessed on September 9, 2026).

[60] Amelia H.C. Ylagan, Again, the political dynasties issue, BUSINESS WORLD, February 19, 2018, available at <https://bworldonline.com/editors-picks/2018/02/19/133702/political-dynasties-issue/> (last accessed on September 9, 2026).

[61] Monica Ang-Tan and Ian Senoc, The structural persistence of dynastic rule in the Philippines, Friedrich-Ebert-Stiftung Philippines, February 12, 2026, available at <https://philippines.fes.de/e/election-maps-political-dynasties.html> (last accessed on September 9, 2026).

[62] Amelia H.C. Ylagan, Again, the political dynasties issue, BUSINESS WORLD, February 19, 2018, available at <https://bworldonline.com/editors-picks/2018/02/19/133702/political-dynasties-issue/> (last accessed on September 9, 2026).

[63] Ernesto M. Hilario, Political dynasties must go, MANILA STANDARD, July 21, 2020, available at <https://manilastandard.net/article/329146> (last accessed on September 9, 2026); Carmela Fonbuena, The 'obese' dynasties of the Philippines are crowned again, but reform hopes rise for 2028, PHIL. CENTER FOR INVESTIGATIVE JOURN., May 20, 2025, available at <https://pcij.org/2025/05/20/obese-dynasties-of-the-philippines-results-crowned-again-but-reform-hopes-rise-2028-polls/> (last accessed on September 9, 2026).

[64] Id.

[65] Cai U. Ordinario, PHL politics to be overrun by political dynasties as corrective measure hangs, BUSINESS MIRROR, October 18, 2017, available at

<https://businessmirror.com.ph/2017/10/18/phl-politics-to-be-overrun-by-political-dynasties-as-corrective-measure-hangs/> (last accessed on September 6, 2026).

[66] Ponencia, pp. 16-17.

[67] Id. at 61.

[68] National Federation of Hog Farmers, Inc. v. Board of Investments, 875 Phil. 172, 226 (2020) [Per J. Leonen, En Banc].

[69] Id.

[70] Id.

SEPARATE OPINION

LAZARO-JAVIER, J.:

The Court is confronted with the issues: (1) whether there is grave abuse of discretion on the part of Congress in failing to prohibit political dynasties through the enactment of a law; and (2) whether Congress can be obliged, through a writ of mandamus, to fulfill the constitutional duty of prohibiting political dynasties by way of legislation.

I concur in the well-written ponencia of my esteemed colleague Associate Justice Ramon Paul L. Hernando that Congress's decades-long inaction of enacting an anti-political dynasty law is a violation of the express mandate of the Constitution, tantamount to grave abuse of discretion amounting to lack or excess of jurisdiction. Too, I agree that mandamus may lie to compel Congress to enact a law that defines the prohibition on political dynasties.

First. Congress committed grave abuse of discretion amounting to lack or excess of jurisdiction in neglecting the command of the Constitution to enact a law defining the prohibition on political dynasties.

By grave abuse of discretion is meant such capricious and whimsical exercise of judgment as is equivalent to lack of jurisdiction. The abuse must be grave as where the power is exercised in an arbitrary or despotic manner by reason of passion or personal hostility and must be so patent and gross as to amount to an evasion of positive duty or to a virtual refusal to perform the duty enjoined by or to act at all in contemplation of law.[1]

As eruditely pointed out by the ponente, the demand of Section 26, Article II of the Constitution is clear: the State shall guarantee equal access to opportunities for public service, and shall prohibit political dynasties, as may be defined by law.

The word "shall" expresses what is mandatory. Indeed, it has the invariable significance of operating to impose a duty which may be enforced, particularly if public policy is in favor of this meaning or when addressed to public officials, or where a public interest is involved, or where the public or persons have rights which ought to be exercised or enforced, unless a contrary intent appears.[2]

By failing to timely enact a law which defines the prohibition on political dynasties, Congress clearly evaded a positive duty enjoined by the Constitution no less. Although no specific timeline was imposed by the Constitution to comply with its mandate, an inaction that has dragged on for 39 long years is so patent and gross that it constitutes grave abuse of discretion.

To be sure, the framers of the Constitution did not envision this kind of passivity, bordering on apathy, that

hinders true equal access to political opportunities and fair electoral competition. Throughout our history, political power has been concentrated on prominent political families and dynasties. Many competent individuals who have the readiness to serve cower from going against members of these families since, unfortunately, patronage politics still pervades our country to this day. To borrow the words of Commissioner Rene V. Sarmiento, political dynasties are the bane and waterloo of newcomers seeking to break into the political arena.[3] As he elegantly put it:

By including [Article II, Section 26], we widen the opportunities of competent, young and promising poor candidates to occupy important positions in the government. While it is true we have government officials who have ascended to power despite accident of birth, they are exceptions to the general rule. The economic standing of these officials would show that they come from powerful clans with vast economic fortunes.[4]

Section 26, Article II of the Constitution, as the ponente aptly declared,[5] imposes upon the state two obligations: (1) to guarantee equal access to opportunities for public service; and (2) to prohibit political dynasties, as may be defined by law. The framers of the 1987 Constitution and our counterparts in the Legislature have ensured that the first part of Section 26 is satisfied. Requirements for persons who wish to be voted upon for public office are non-discriminatory and attainable. It gives the common person who possesses the age, citizenship, literacy, residency, and voter registration requirements the ability to dream of being an elective official.

I say dream, because when the common people set out on their quest, they are met with a gargantuan challenge at the outset—political rivals who have the pedigree, clout, entrenchment, machinery, and all the advantages that come with incumbency and with dynasty. When this is the situation in several places in our country, can we truly say that there is equal access to opportunities for public service? I think not. For as long as political dynasties exist, whatever their height (short or tall) or width (fat or thin), the dream of the common people aspiring to serve their country will most likely remain just that, a dream.

Indeed, what this nation has witnessed is the vast gulf between constitutional text and social reality. The constitutional exhortation and prohibition are lofty and aspirational, yet their enforcement is contingent upon prevailing social conditions. Where political dynasties command resources, patronage, and votes, constitutional text alone cannot compel reform. In terms of optics, no clearer illustration exists of this divergence between "law in books" and "law in action." While the constitutional provision rests in the books, the absence of enabling legislation demonstrates the primacy of political realities over normative commitments.

It does not escape the Court's attention that more than one hundred bills have been filed since the ratification of the 1987 Constitution. Yet these cannot be deemed compliance with the mandate of Section 26, Article II. They are but perfunctory gestures—mere half-hearted attempts that fall short of fulfilling the constitutional command. Until a statute is enacted that expressly defines and prohibits political dynasties, Congress's evasion of its positive duty endures.

From the standpoint of jurisprudential thought, legislative passivity is not a neutral omission but an active reproduction of ruling-class interests. There exists a plain inclination to preserve the material and political dominance of oligarchs, for dynasties serve as instruments of class consolidation. They confine electoral competition within elite circles and foreclose genuine democratic participation by the proletariat and peasantry. Historical determinism explains the persistence of dynastic politics: the entrenchment of patronage, clientelism, and vote commodification fuels a cycle of exploitation that perpetuates inequality and undermines the constitutional promise of equal access to public service.

Second. Mandamus lies against Congress to compel the performance of purely ministerial duty—to enact a law that defines the prohibition on political dynasties. The Court has described the extraordinary writ of mandamus as a

remedy for "official inaction," thus:

Mandamus is ordinarily a remedy for official inaction[.] It is a rule of general application that mandamus will not be granted for the purpose of review, that the writ is not available as a substitute for an appeal or writ of error, or certiorari. The statement is frequently found in the books that mandamus is not a writ to correct errors, but that its province is rather to prevent a failure of justice from delay or refusal to act.[6] (Emphasis supplied)

It would be contrary to the tenets of justice for the Court to turn a blind eye to the official inaction of Congress, 39 years past the first exhortation from the promulgation of the 1987 Constitution. For it was that very inaction which compelled petitioners to file the present petition for mandamus before the Court. Although the House of Representatives belongs to a co-equal branch of government, it is not immune from oversight under the Court's expanded power of judicial review.[7]

Third. I likewise concur in the ponencia's discussion of material points for Congress's consideration in "crafting an enabling law that finally and meaningfully accomplishes the mandate of the Constitution," as follows:

1. As to the extent of covered relationships, the prohibition can extend to relatives up to the fourth civil degree of consanguinity and/or affinity, including half-blood, adoptive, step, and common-law relationships, as well as both legitimate and illegitimate filiations.
2. As to timing, covered persons can be prohibited from running for an elective office both simultaneously and successively for the same or any other covered position.
3. As to the scope of covered positions, relatives may not occupy both local and/or national elective positions.
4. As to geographical location, the prohibition can optimally extend to all covered persons residing within the same administrative region.[8] (Emphasis in the original)

Certainly, the Court is not empowered to prescribe standards for Congress to accomplish the constitutional directive in a particular manner. To do so would itself constitute judicial legislation, a grave violation of the separation of powers. Congress may be directed by mandamus to act, but never to act in one way or another, as this Court has long and decisively settled in *Ampatuan, Jr. v. Sec. De Lima*,^[9] *Laygo v. Municipal Mayor of Solano*,^[10] *Hipos, Sr. v. Judge Bay*,^[11] and their companion cases.

Thus, while Congress, through inaction and refusal, must be held accountable for fostering political monopoly, the Court correctly exercises judicial restraint by refraining from dictating what Congress ought to legislate and when. The dangers of enmeshing ourselves in the core functions of Congress are two-fold: first, the Court is not equipped with the legislative facts and policy considerations necessary for lawmaking; and second, our well-meaning attempt to "build a better world" may backfire, for a haphazard or perilously inappropriate anti-dynasty statute could ultimately be blamed on the Court's command to legislate within closed and specific timelines.

Fourth. The issue, therefore, is not whether the Court should compel Congress to enact a specific law, but rather what appropriate remedy the Court may devise to give justice to petitioners' cause, and how such remedy may be framed into an enforceable command. Any relief must be consistent with our collective obligation to uphold the rule of law, while remaining faithful to the constitutional boundaries that safeguard the separation of powers.

In this regard, I fully concur with the ponencia's declaration in its dispositive portion as the most appropriate relief under the circumstances:

ACCORDINGLY, the petitions in G.R. Nos. 263934, 272370, and 279201 are GRANTED.

Respondent Congress of the Philippines is DECLARED to have the MANDATORY CONSTITUTIONAL DUTY to enact the law on the Constitutional prohibition against political dynasties as expressly provided for in Article II, Section 26 of the Constitution.

THE CONGRESS OF THE PHILIPPINES MUST HENCEFORTH AND WITH UTMOST URGENCY ENACT THE APPROPRIATE ANTI-POLITICAL DYNASTY LAW AT THE EARLIEST OPPORTUNITY.

The petition in G.R. No. 277747 is DENIED for lack of merit.

SO ORDERED.[12] (Emphasis in the original)

This disposition encapsulates, in a respectful yet firm manner, the inadequacies of the legislature's response to its mandatory constitutional duty under Section 26, Article II. It underscores the urgency of compliance while leaving timelines open-ended, dictated only by the legislators' conscience and fidelity to the rule of law.

To close, it is my ardent belief that the Court—and our beloved Country—stand at a crossroads. The Court is being called to act as a catalyst for societal change at a turbulent and uncertain time. Shall we take our place as the bastion of hope, justice, and democracy, or shall we shy away from the clear, explicit, and unequivocal command of our Constitution? Shall we allow new blood to enliven public service, or shall we preserve the status quo?

Thomas Jefferson once declared: "The tree of liberty must be refreshed from time to time with the blood of patriots and tyrants." By directing Congress to regulate the pervasive phenomenon of political dynasties, we pave the way for competent, young, and promising—though poor—patriots who are willing to devote their lives, and if need be, shed their blood, in the service of our fellow citizens through elective office.

Congress must hasten to act now, more than ever. Let us refresh our country's tree of liberty.

[1] *Duty to Energize the Republic Through the Enlightenment of the Youth Party-List v. Commission on Elections*, 958 Phil. 507, 548 (2024) [Per J. Rosario, En Banc].

[2] *Diokno v. Rehabilitation Finance Corp.*, 91 Phil. 608, 610 (1952) [Per J. Labrador, En Banc].

[3] IV Record, Constitutional Commission 938-939 (September 23, 1986).

[4] *Id.*

[5] Ponencia, p. 45.

[6] *Eugenio v. Register of Deeds of Quezon City*, G.R. No. 237910, September 7, 2022 [Notice, Third Division] citing *Sanson v. Barrios*, 63 Phil. 198, 201 (1936) [Per J. Recto, En Banc].

[7] *Pimentel III v. Matula*, G.R. Nos. 274778, 275405 & 276233, December 3, 2025 [Per J. Lazaro-Javier, En Banc] at 38-39 citing *Belgica v. Ochoa*, 721 Phil. 416, 527 (2013) [Per J. Perlas-Bernabe, En Banc].

[8] Ponencia, pp. 82-83.

[9] 708 Phil. 153, 167-168 (2013) [Per J. Bersamin, First Division].

[10] 803 Phil. 126, 140 (2017) [Per J. Jardeleza, Third Division] citing *Angchango, Jr. v. Ombudsman*, 335 Phil. 766, 772 (1997) [Per J. Melo, Third Division].

[11] 600 Phil. 720, 728 (2009) [Per J. Chico-Nazario, Third Division].

[12] Ponencia, pp. 83-84.

CONCURRING OPINION

INTING, J.:

I agree with the ponencia. Article II, Section 26[1] of the 1987 Constitution categorically states that the State shall "prohibit political dynasties as may be defined by law." The use of the word "shall" emphasizes the mandatory and imperative character of the act enjoined; it imposes a State duty that may be enforced.[2]

Clearly, the Constitution does not grant the Congress the discretion not to enact a law prohibiting political dynasties. Although the 1986 constitutional commissioners discussed that it is up to the Legislature to define a "political dynasty," they were clear that the Congress must see to it that after the permitted reelection has been exhausted, the close relatives should not inherit the position of the outgoing officer because of undue advantage. They evidently considered political dynasties as abhorrent because they result in the monopoly of political power, viz.:

MR. OPLE: Political dynasties thrive in many parts of the world and are contingent on many factors, although they may be called with other names. I think what is abhorrent about political dynasties is the monopoly of political power. Is that right?

MR. NOLLEDO: The Commissioner is correct.

MR. OPLE: Yes, another abhorrent part is that there is a class distinction involved here. Usually, these are families favored by the accident of birth; meaning, they were born to families already with accumulated property. Therefore, that is the injustice that attaches to political dynasties. At the same time, when we survey some of the interesting provinces around Metro Manila, I think they partake of the different characteristics in terms of traditional political power. I begin to tread now on some sensitive spots when I point to Batangas.

Batangas is a Laurel country. But in the case of Batangas, I recall that Sotero Laurel was the Secretary of the Interior of the Aguinaldo government in Malolos. Since the revolution, the Laurels have been a leading political family in Batangas. We are very privileged to have with us now, right here in this Commission, one Laurel, one of the most eminent of them all. Under the Commissioner's definition of political dynasties, would that encompass the Laurel family?

MR. NOLLEDO: I have not actually studied the details involving the Laurel family. But it seems to me that Don Pepito denies that he has any political ambition at all[,] and he said that the political dynasty provision should not apply to the Laurel family.

For the information of the body, we have not defined the meaning of political dynasty. Actually, if we will read this in short, "the State shall prohibit political dynasties," it is up for Congress to define.

MR. OPLE: Yes.

MR. NOLLEDO: But my concept is that Congress shall see to it that after the permitted reelection has been exhausted, I think the close relatives should not inherit the position because of undue advantage to others who are equally bright but do not possess the necessary financial support. Perhaps the son may not run after the last reelection but he can run later on. I am giving an idea to Congress. The denial is not absolute.[3]

The Constitution directs the prohibition of political dynasties "essentially to prevent one family from controlling political power as against the democratic idea that political power should be dispersed as much as possible among our people." [4] The Congress has no discretion to disregard Article II, Section 26 of the 1987 Constitution and refuse to pass a law prohibiting political dynasties. At most, its discretion is limited to (1) defining a "political

dynasty"[5] and (2) identifying the circumstances under which a political dynasty is prohibited, the persons who may be prohibited from running for office, and the period within which the prohibition is effective.[6]

A writ of mandamus may therefore be issued by the Court to direct the Congress to perform its constitutional duty to enact a statute prohibiting political dynasties. Verily, when the law or the Constitution vests upon a public officer the duty to exercise their discretion, a writ of mandamus may be issued to compel the public officer to act, but not to direct how the discretion should be exercised.[7]

The issuance of a writ of mandamus to the Legislature directing it to perform a duty specifically enjoined by the Constitution is not without precedent. In *Codilla, Sr. v. De Venecia*[8] and *Velasco v. Belmonte, Jr.*,[9] the Court issued a writ of mandamus to the House of Representatives for the latter to administer the oath and registration of therein petitioners as duly elected members of the House.

American jurisprudence, having a persuasive effect in Philippine jurisdiction, especially in matters involving the 1987 Constitution, which was patterned after the United States Constitution,[10] also recognizes that courts may compel a legislative body to enact a law when it is required by the fundamental law of the land.

To illustrate, in *Guinn v. Legislature of the State*,[11] the legislators of the State of Nevada were compelled by mandamus to pass an appropriation for the funding of the state's public education system. The Nevada Supreme Court particularly noted that there was a constitutional mandate for public education to be funded, yet for the start of the fiscal year beginning July 1, 2003, Congress had not yet passed a law that includes funding for public education, apparently because of a voting deadlock. In issuing a writ of mandamus, the Nevada Supreme Court emphasized that public education was elevated to a position of constitutional primacy by its very language. Such specific substantive educational right, which had a correlative affirmative mandatory duty on the part of Congress, was judicially enforceable and must prevail over any voting procedure of the Legislature, viz.:

Our Constitution's framers strongly believed that each child should have the opportunity to receive a basic education. Their views resulted in a Constitution that places great importance on education. Its provisions demonstrate that education is a basic constitutional right in Nevada.

When a procedural requirement that is general in nature prevents funding for a basic, substantive right, the procedure must yield. Here, the application of the general procedural requirement for a two-thirds majority has prevented the Legislature as a body from performing its obligation to give life to the specific substantive educational rights enunciated in our Constitution. We agree with the Wyoming Supreme Court that "constitutional provisions imposing an affirmative mandatory duty upon the legislature are judicially enforceable in protecting individual rights, such as educational rights." It is paramount that we give Section 18(2) a construction that will preserve the basic right of education. Other states with constitutional provisions similar to ours have also given significant import to the educational clauses of their constitutions.

Our Legislature has failed to accomplish its constitutionally mandated tasks of funding Nevada's public education system and balancing the budget. In order to allow the Legislature to fulfill its constitutional mandate in this regard, the general language of Section 18(2) must give way to the simple majority requirement of Article 4, Section 18(1) in order that the specific provisions concerning education are not defeated.

Based upon the Legislature's failure over the last several weeks to fund the constitutionally mandated arena of education, we observe that its adherence to the Constitution's two-thirds majority provision defeats the Constitution's public education funding requirements. We conclude that an irreconcilable conflict exists with respect to the relevant constitutional provisions. Because the Governor has seen fit to petition this court in mandamus, and because evidently further legislative discussions are futile, it becomes the responsibility of this court to order the Legislature to fund public education and to balance the budget. It is a waste of public

resources to simply tell the Legislature to forge on and deliberate and negotiate further, since that body has failed to perform its constitutionally required function. As a result, this court is faced with the onerous task of weighing the various constitutional provisions and, in effect, prioritizing them.

....

In contrast, the Constitution requires specifically, as a matter of substantive constitutional law, that public education be funded. The framers have elevated the public education of the youth of Nevada to a position of constitutional primacy. Public education is a right that the people, and the youth, of Nevada are entitled, through the Constitution, to access. If the procedural two-thirds revenue vote requirement in effect denies the public its expectation of access to public education, then the two-thirds requirement must yield to the specific substantive educational right.

The Legislature must resume its work of funding education and selecting appropriate methods of revenue generation to balance the state's budget. Therefore, we grant the petition as to the Legislature of the State of Nevada and direct this court's clerk to issue a writ of mandamus directing the Legislature to proceed expeditiously with the 20th Special Session under simple majority rule. The relief prayed for in the petition as to the Lieutenant Governor and the individual legislators and in the counter-petition is denied.[12] (Emphasis supplied)

In another case, American courts have held that a legislative body may be compelled to enact a law on the reapportionment of electoral districts on a "one man one vote" basis because it was mandated by the Constitution.[13] It was emphasized that "an act is discretionary when an official has the lawful authority to determine of his own will whether or not he will perform the act." [14] The public office concerned had no discretion to determine whether or not to redistrict; rather, it had the legal duty to reapportion on the basis of equal population.[15]

The foregoing applies to the present case. Similar to Guinn, the prohibition against political dynasties is a State policy enshrined in Article II, Section 26 of the 1987 Constitution, which categorically imposes upon the Congress a duty to enact a law defining the matter. The Legislature has no option to disregard this constitutional mandate. As such, the Court may issue a writ of mandamus to the Congress for it to perform its constitutional duty.

Concededly, Article II, Section 26 of the 1987 Constitution does not provide a timeframe within which the Legislature must enact a law prohibiting political dynasties. This does not mean, however, that the Congress may be allowed to indefinitely delay the performance of its constitutional duty.

Thus, in *Senate v. House of Representatives*, [16] the Court of Appeals of Michigan held that the Legislature cannot refuse to perform its duty under the Constitution to present bills to the Governor before they become a law simply because no time frame was provided therefor. It was held that, based on the discourse of the constitutional convention, presentment was the next, immediate step after a bill is passed by both chambers.[17]

In another case, [18] it was held that when the Constitution does not fix a period within which a law must be enacted by the Legislature, the latter must be given a "reasonable time" to perform its duty, which may be measured by the time needed "to either enact legislation or amend the Constitution or both, or effect a new Constitution in convention." [19] At the very least, the Congress should be given a period of until the expiration of the term of its present members.[20]

Applying the foregoing, while the 1987 Constitution does not supply a specific deadline for the performance of the duty under Article II, Section 26, it is evident from the discussion of the 1986 Constitutional Commission that the enactment of a statute prohibiting political dynasties was the next, immediate step following the Constitution's

ratification in February 1987. After all, the commissioners would not have expected the Congress to have already banned political dynasties by the time when the permitted re-election or three-term limit has been exhausted.

Importantly, under Section 2[21] of the Transitory Provisions of the 1987 Constitution, the "Senators, Members of the House of Representatives, and the local officials first elected under [the] Constitution shall serve until noon of June 30, 1992." The permitted re-election or three-term limit for these officials had already expired. Furthermore, the country has already organized the 20[th] Congress, yet no law substantially prohibiting political dynasties exists to date.

Under the circumstances, the delay on the part of the Congress must be deemed presumptively unreasonable. The burden must therefore be shifted to the Legislature to justify the delay.[22] This, it failed to do.

In the Comment, the Solicitor General averred that the Congress did not neglect its duty because during the term of the 17[th] and 18[th] Congress, several bills for the prohibition of political dynasties were introduced. However, the constitutional mandate of the Legislature is to enact a law prohibiting political dynasties, not merely to introduce bills on the subject matter. Bills are not the same as laws; they do not produce any legal effect until they are passed into law.[23]

The Solicitor General further points out that in 2015, Republic Act No. 10742 or the "Sangguniang Kabataan Reform Act of 2015" was enacted. Supposedly, Section 10[24] of the law prohibits political dynasties in the Sangguniang Kabataan (SK). The Solicitor General thus argues that the Congress did not neglect its duty under Article II, Section 26 of the 1987 Constitution.

The argument lacks merit.

The SK is an organization at the barangay, which is the smallest political unit of the country.[25] As provided in Sections 4 and 5[26] in relation to Section 3(f)[27] of Republic Act No. 10742, the power of the SK extends only to the barangay youth, who are entitled to elect the SK chairperson and members. Furthermore, under Section 389[28] of Republic Act No. 7160, the Punong Barangay shall "[e]xercise general supervision over the activities of the sangguniang kabataan."

Evidently, the SK, though an important political tool for youth empowerment, is only one among the many elective positions in the smallest political unit of the country. Only the barangay youth members of the Katipunan ng Kabataan may participate in the election of the officers of the SK, which is even under the supervisory authority of the Barangay Chairperson. It cannot therefore be said that the Legislature has enacted a law that substantially meets the objective of Article II, Section 26 of the 1987 Constitution to disperse political power.

To iterate, the 1987 Constitution mandates the prohibition of political dynasties because they result in the monopoly of political power. To my mind, the justifications proffered by the Solicitor General, at most, amount only to token efforts on the part of the Legislature to make it appear that it is compliant with its mandate under Article II, Section 26. This cannot be. When a duty is enjoined by law, substantial and not token compliance is required.[29]

In view of the foregoing, I vote to

(1)

GRANT the Petitions in G.R. Nos. 263934, 272370, and 279201, and ISSUE a WRIT OF MANDAMUS directing the Congress of the Philippines to PERFORM its mandate under Article II, Section 26 of the 1987 Constitution to enact a law prohibiting political dynasties; and

(2)

DENY the Petition in G.R. No. 277747 for lack of merit.

[1] SECTION 26. The State shall guarantee equal access to opportunities for public service, and prohibit political dynasties as may be defined by law.

[2] *Fule v. Court of Appeals*, 245 Phil. 403, 406 (1988) [Per J. Melencio Herrera, En Banc].

[3] Records of the Constitutional Commission No. 086 dated September 18, 1986.

[4] Records of the Constitutional Commission No. 058, August 16, 1986.

[5] Records of the Constitutional Commission No. 086 dated September 18, 1986.

[6] Records of the Constitutional Commission No. 085, September 17, 1986.

[7] *Licaros v. Sandiganbayan*, 421 Phil. 1075, 1094 (2001) [Per J. Panganiban, En Banc].

[8] 442 Phil. 139, 189-190 (2002) [Per J. Puno, En Banc].

[9] 777 Phil. 169, 206-208 (2016) [Per J. Leonardo De Castro, En Banc].

[10] *Javellana v. Executive Secretary*, 151-A Phil. 35, 129-130 (1973) [Per J. Concepcion, En Banc].

[11] *Guinn v. Legislature of the State*, 119 Nev. 277, 71 P.3d 1269 (2003).

[12] *Id.* at 1275-76.

[13] *Bradley v. State*, 222 Tenn. 535, 539-41, 438 S.W.2d 738, 740 (1969).

[14] *Id.*

[15] *Id.*

[16] *Senate v. House of Representatives*, No. 374786, 2025 Mich. App. 8711 (Ct. App. Oct. 27, 2025).

[17] *Id.* at 13 and 23-24.

[18] *Stout v. Hendricks*, 228 F. Supp. 568, 601-02 (S.D. Ind. 1963).

[19] *Id.*

[20] *Winter v. Docking*, 356 F. Supp. 88, 91-92 (D. Kan. 1973).

[21] SECTION 2. The Senators, Members of the House of Representatives, and the local officials first elected under this Constitution shall serve until noon of June 30, 1992.

[22] See *State ex rel. Comm. for Charter Amendment Petition to Limit the use of Photo-Monitoring Devices in the City of Maple Heights v. City of Maple Heights*, 2014-Ohio-4097, ¶¶ 19-22, 140 Ohio St. 3d 334, 337, 18 N.E.3d 426, 429, where it was held that the Legislature bore the burden to justify why a charter amendment was submitted for voting by the electorate in a special election and not during the next scheduled regular election despite sufficient time to review the amendment in question.

[23] *In Re Supreme Court Judicial Independence v. Judiciary Development Fund*, 751 Phil. 30, 41 (2015) [Per J. Leonen, En Banc].

[24] SECTION 10. Qualifications. – An official of the Sangguniang Kabataan, either elective or appointee, must be a citizen of the Philippines, a qualified voter of the Katipunan ng Kabataan, a resident of the barangay for not less than one (1) year immediately preceding the day of the elections, at least eighteen (18) years but not more than twenty-four (24) years of age on the day of the elections, able to read and write Filipino, English, or the local dialect, must not be related within the second civil degree of consanguinity or affinity to any incumbent elected national official or to any incumbent elected regional, provincial, city, municipal, or barangay official, in the locality where he or she seeks to be elected, and must not have been convicted by final judgment of any crime involving moral turpitude.

[25] Tan v. Commission on Elections, 226 Phil. 624, 642 (1986) [Per J. Alampay, En Banc].

[26] SEC. 4. Katipunan ng Kabataan. – There shall be in every barangay a Katipunan ng Kabataan to be composed of all citizens of the Philippines residing in the barangay for at least six (6) months, who are at least fifteen (15) but not more than thirty (30) years of age, and who are duly registered in the list of the Commission on Elections (COMELEC) and/or the records of the Sangguniang Kabataan secretary.

SEC. 5. Powers and Functions of the Katipunan ng Kabataan. – The Katipunan ng Kabataan shall:

- (a) Elect the Sangguniang Kabataan chairperson and members; and
- (b) Serve as the highest policy-making body to decide on matters affecting the youth in the barangay. As such, the Sangguniang Kabataan shall consult and secure the concurrence of the Katipunan ng Kabataan in the formulation of all its, programs, plans and activities.

[27] SEC. 3. Definition of Terms. – For purposes of this Act, the following terms are hereby defined:

....

- (f) Youth shall refer to those persons whose ages range from fifteen (15) to thirty (30) years old as defined in Republic Act No. 8044;

[28] Section 389. Chief Executive: Powers, Duties, and Functions. –

....

- (b) For efficient, effective and economical governance, the purpose of which is the general welfare of the barangay and its inhabitants pursuant to Section 16 of this Code, the punong barangay shall: . . .
- (11) Exercise general supervision over the activities of the sangguniang kabataan;

[29] See People v. Asdali, 839 Phil. 347, 357-358 (2018) [Per J. Tijam, First Division].

SEPARATE OPINION

ZALAMEDA, J.:

The result reached by the ponencia merits concurrence. I agree that Article II, Section 26 of the 1987 Constitution imposes upon Congress the mandatory constitutional duty to give operative effect to the prohibition against political dynasties. I am also of the position that the petition in G.R. No. 277747 should be dismissed.

I write separately, however, to explain my understanding of the constitutional duty imposed by Article II, Section 26 and, in particular, the limits that the doctrine of separation of powers places upon the judicial remedies that may be properly fashioned in response to legislative inaction.

At the outset, it cannot be gainsaid that the breadth of scholarship and careful documentation reflected in the ponencia deserve acknowledgment and appreciation. The academic literature, empirical studies, investigative reporting, and comparative materials assembled therein provide a useful context for understanding the constitutional concern that Article II, Section 26 seeks to address. They demonstrate why the constitutional provision should not be treated lightly. However, they do not themselves supply the constitutional rule by which the present controversy must be resolved. The resolution remains within the text, history, and structure of our Constitution. The empirical materials are therefore best understood as contextual evidence, while the comparative materials are illustrative and persuasive only.

Thus, with utmost respect, it is submitted that judicial restraint begs the Court to refrain from converting its duty of constitutional interpretation into a command that Congress legislate. We should take care not to substitute impressing upon Congress its constitutional responsibility with ordering Congress to enact legislation. The first is a legitimate consequence of constitutional interpretation, while the second raises a separation-of-powers difficulty that the Court should not minimize.

Although the Constitution prohibits political dynasties, it delegates their definition and enforcement to legislation

Article II, Section 26 provides: "The State shall guarantee equal access to opportunities for public service and prohibit political dynasties as may be defined by law."

The Constitution deliberately placed the prohibition against political dynasties among the fundamental principles and state policies governing the Republic. The records of the Constitutional Commission confirm that the framers intended political dynasties to be addressed by law. At the same time, they deliberately refrained from defining the term themselves and left its definition to Congress.

Article II, Section 26 contains two related commands. First, it imposes a constitutional obligation upon Congress to enact legislation that effectively enforces the prohibition against political dynasties. Second, by the phrase "as may be defined by law," it entrusts to Congress the definition and operative implementation of that prohibition.

The Constitution does not leave Congress free to disregard the constitutional policy altogether. Neither does it supply the complete legal standard by which the prohibition may be immediately enforced.

The framers of our Constitution considered the prohibition against political dynasties as a means to prevent undue concentration of political power and to widen access to public service. At the same time, they deliberately left the definition of political dynasties to Congress. The addition of the phrase "as may be defined by law" was the product of that deliberation. Accordingly, Article II, section 26 imposes a constitutional responsibility upon Congress to enact legislation giving operative effect to the prohibition. The fact that legislation is necessary to make the prohibition judicially and administratively enforceable does not reduce the constitutional provision to a mere aspiration.

At the same time, the text of the Constitution itself leaves substantial matters for legislative determination. The Constitution does not itself prescribe the degree of relationship covered, that is, the inclusion of consanguinity, affinity, or adoption; the temporal scope of the prohibition, including whether it applies to simultaneous occupancy, immediate succession, or both; the offices covered; the geographical scope of the restriction; the consequences of a violation; and the institutional arrangements for enforcement. The Court should respect this allocation of power to Congress even as it gives full force to the constitutional command.

Indeed, that Article II, Section 26 requires legislation for its implementation should not be misunderstood. A constitutional provision may be non-self-executing in the sense that legislation is necessary before its command can operate as a complete rule for judicial or administrative enforcement, without thereby becoming optional or devoid of binding force. The Constitution may impose a duty while leaving the means of implementation to a coordinate branch. The two propositions are not inconsistent.

Recognizing a constitutional duty is different from determining the remedy for its nonperformance

The doctrine of separation of powers remains a fundamental feature of our constitutional order. As *Angara v. Electoral Commission*[1] famously teaches, the Constitution distributes governmental powers among coordinate branches. *Belgica v. Ochoa*[2] reaffirmed this principle: legislative power belongs to Congress; executive power to the President; and judicial power to the courts. Each branch must act within its own sphere and with respect for the sphere constitutionally assigned to the others.

The proper question, therefore, is not whether the Court may interpret Article II, Section 26. It certainly may. The more difficult question is what judicial remedy follows from a determination that Congress has not yet discharged the legislative responsibility mandated by that provision.

In my view, the distinction drawn in *Padilla v. Congress*[3] is quite instructive. There, the Court similarly confronted an allegation that Congress failed to discharge a constitutional duty. The circumstances surrounding *Padilla* relate to Article VII, Section 18's declaration of martial law. More particularly, petitioners in *Padilla* asked this Court to direct Congress to convene in joint session to deliberate on the President's declaration of martial law and to vote thereon. The pertinent paragraphs of Section 18 read:

The President shall be the Commander-in-Chief of all armed forces of the Philippines and whenever it becomes necessary, [the President] may call out such armed forces to prevent or suppress lawless violence, invasion or rebellion. In case of invasion or rebellion, when the public safety requires it, [the President] may, for a period not exceeding [60] days, suspend the privilege of the writ of habeas corpus or place the Philippines or any part thereof under martial law. Within [48] hours from the proclamation of martial law or the suspension of the privilege of the writ of habeas corpus, the President shall submit a report in person or in writing to the Congress. The Congress, voting jointly, by a vote of at least a majority of all its Members in regular or special session, may revoke such proclamation or suspension, which revocation shall not be set aside by the President. Upon the initiative of the President, the Congress may, in the same manner, extend such proclamation or suspension for a period to be determined by the Congress, if the invasion or rebellion shall persist and public safety requires it.

The Congress, if not in session, shall, within [24] hours following such proclamation or suspension, convene in accordance with its rules without need of a call.

Notably, the Court did not treat the doctrine of separation of powers as an absolute bar to judicial review. It recognized that determining the meaning and scope of a constitutional provision is a judicial function. The Court does not intrude upon the legislative domain merely by determining what the Constitution requires. *Padilla* explained that judicial review of constitutional boundaries does not assert superiority over another branch of government. Rather, the Court performs its constitutional responsibility to determine conflicting claims of authority.

Applying the same principle to the case at bar, determining whether Article II, Section 26 imposes a constitutional duty upon Congress is a justiciable question. The Court has the duty to ascertain what the Constitution means.

Padilla's careful distinction between the existence of a duty and the availability of mandamus should be observed. Mandamus lies only when the act sought to be compelled is ministerial rather than discretionary. A ministerial duty is one that must be performed in a prescribed manner, without the exercise of judgment as to the propriety of the act. In declining to issue a writ of mandamus, Padilla declared:

It is essential to the issuance of a writ of mandamus that petitioner should have a clear legal right to the thing demanded and it must be the imperative duty of the respondent to perform the act required. Mandamus never issues in doubtful cases. While it may not be necessary that the ministerial duty be absolutely expressed, it must however, be clear. The writ neither confers powers nor imposes duties. It is simply a command to exercise a power already possessed and to perform a duty already imposed.[4]

Thus, although Congress has a constitutional duty to legislate, the legislative act itself is not ministerial. It is an exercise of legislative power that necessarily involves judgment. The word "shall" in Article II, Section 26 establishes the obligatory character of the constitutional policy, but it does not transform every act required to fulfill a constitutional command into a ministerial act. Congress must exercise judgment to enact an anti-political dynasty statute. It must decide what the law will prohibit and how the prohibition will operate. The Court cannot transform Congress's constitutional responsibility into a judicially prescribed legislative formula. Doing so would collapse the distinction between constitutional interpretation and legislative enactment.

The constitutional command to enact an anti-political dynasty law and the legislative act are two separate matters that should not be conflated. A mandatory constitutional duty is not necessarily a ministerial legislative duty.

Congress must determine the content of the statutory prohibition. If the Court were to issue a coercive command to legislate, it would necessarily confront questions concerning the adequacy of compliance, the comprehensiveness of the law, the definition of political dynasty, the degree of relationship covered, the treatment of simultaneous and successive candidacies, the offices covered, the sanctions imposed, the implementing institution, and the time within which legislation must be enacted. These are precisely the matters that the Constitution leaves to legislation.

A fundamental difference exists between compelling an officer to perform a legal obligation and requiring a legislative body to formulate and enact substantive policy. The former is ministerial, while the latter is legislative. This distinction is consistent with Padilla, which recognizes that the Court may determine Congress's constitutional obligation while still asking whether the act sought to be compelled is ministerial. Here, the requested act is not merely to record, certify, transmit, or administer something already determined. The requested act is lawmaking itself, which is the core function of Congress.

The requirements of mandamus define the limits of judicial compulsion

Rule 65, Section 3 of the Rules of Court govern the issuance of a writ of mandamus. The pertinent portion states:

SEC. 3. Petition for mandamus. — When any tribunal, corporation, board, officer, or person unlawfully neglects the performance of an act which the law specifically enjoins as a duty resulting from an office, trust, or station, or unlawfully excludes another from the use and enjoyment of a right or office to which such other is entitled, and there is no other plain, speedy and adequate remedy in the ordinary course of law, the person aggrieved thereby may file a verified petition in the proper court, alleging the facts with certainty and praying that judgment be rendered commanding the respondent, immediately or at some other time to be specified by the court, to do the act required to be done to protect the rights of the petitioner, and to pay the damages sustained by the petitioner by reason of the wrongful acts of the respondent.

Circumstances under which the extraordinary writ may be obtained are identified by the Rules. Before a writ of mandamus may be issued, the following requisites must concur: (1) petitioner must show a clear legal right to the act demanded; (2) respondent must have the duty to perform the act because the same is mandated by law; (3) respondent unlawfully neglects the performance of the duty enjoined by law; (4) the act to be performed is ministerial, not discretionary; and (5) there is no other plain, speedy, and adequate remedy in the ordinary course of law.[5]

The requirements of Rule 65 provide the appropriate framework for assessing the relief sought by petitioners. They permit the Court to give authoritative meaning to Article II, Section 26 without converting the extraordinary writ of mandamus into an instrument for directing how a coordinate branch exercises the legislative power vested in it by the Constitution. The existence of a constitutional duty and the availability of mandamus are separate inquiries. The Court may thus declare the constitutional responsibility imposed by Article II, Section 26 and leave to Congress the exercise of the legislative judgment contemplated by the constitutional text. In this manner, the Court gives full effect to the Constitution while preserving the institutional boundaries that the Constitution itself establishes.

Article XIII, Section 1 reinforces the constitutional policy, but it does not transfer legislative power to the Judiciary

Article XIII, Section 1 provides that "Congress shall give highest priority to the enactment of measures that...reduce social, economic, and political inequalities" and equitably diffuse "wealth and political power for the common good." This reinforces the constitutional importance of Article II, Section 26 and demonstrates that the Constitution's concern with political concentration is part of a broader constitutional design.

However, Article XIII, Section 1 does not change the institutional allocation of legislative power. Indeed, it expressly identifies Congress as the branch of government to which legislation is entrusted. The constitutional design entrusts Congress with implementing state policies through legislation. Accordingly, the Court should enforce the constitutional boundaries within which Congress operates. It should not become the branch responsible for determining the legislative program by which those policies are implemented.

In a similar vein, it is observed that the constitutional commissioners' intent supports a duty to legislate, but not judicial control over the legislation. They wanted political dynasties prohibited but left the precise definition and scope of the prohibition to Congress. This compromise constitutionalized the prohibition while leaving its definition to law. Neither did they provide that the Court should determine when Congress had delayed sufficiently to constitute grave abuse. The constitutional design instead rests upon the assumption that Congress will exercise its legislative authority to implement the command. Our task is to preserve that design, and not to redesign it.

The Court may declare the existence and nature of Congress' constitutional duty while leaving to Congress the exercise of the legislative judgment that the Constitution itself contemplated

This, in my view, is the constitutional middle ground: Congress has a constitutional duty under Article II, Section 26 to enact legislation giving effect to the constitutional prohibition against political dynasties. The middle ground not only gives full force to the constitutional text, but it also rejects the proposition that Congress may indefinitely

regard the provision as optional. There is authoritative constitutional guidance to the political branches without telling Congress the specifics of the bill that they have to pass. The Court should be careful not to cross the middle ground by stating that "Congress must enact this law by this time and in this manner."

This proposal definitely produces a result that is different from the traditional disposition of a Rule 65 petition. However, the petitions before Us present an unusual constitutional question. Petitioners have placed before the Court a genuine controversy concerning the meaning and operative effect of Article II, Section 26. Under the expanded concept of judicial power, the Court may resolve that controversy.

Padilla has taught Us that determining the constitutional boundaries of congressional action is not itself an intrusion upon legislative power. Hence, the Court should provide the authoritative constitutional answer. The answer should, however, be framed as a judicial determination of constitutional duty, and not as an injunction into the legislative process. To preserve both constitutional supremacy and separation of powers, it is opined that the Court may declare what Congress is constitutionally bound to do without assuming the power to tell Congress how to do it.

The petition in G.R. No. 277747 must be dismissed

I fully agree with the ponencia's dismissal of the petition in G.R. No. 277747. The petitioners ask this Court to declare certain categories of candidates automatically disqualified under Article II, Section 26 and to compel the Commission on Elections (COMELEC) to issue implementing rules.

In the absence of legislation supplying the operative definition and consequences of the constitutional prohibition, the COMELEC cannot *motu proprio* create substantive qualifications or disqualifications for elective office. Its rule-making authority must remain within the limits of the law it is authorized to administer. The Constitution has reserved the definition of political dynasties to Congress. Thus, the COMELEC cannot supply by administrative rule what Congress has been constitutionally called upon to define and specify.

The exercise of judicial restraint is consistent with constitutional accountability

This separate opinion should not be understood as diminishing the constitutional importance of the prohibition against political dynasties. On the contrary, recognizing that Congress bears a mandatory constitutional duty gives Article II, Section 26 its proper force. I sincerely believe that the constitutional command against political dynasties deserves enforcement. My concern lies with the institutional means by which the Judiciary addresses that duty. Constitutional enforcement does not mean that every branch of government must perform its constitutional responsibilities in whatever manner another branch considers appropriate.

The Constitution binds all branches of government. Pertinently, it assigns legislative power to Congress and judicial power to this Court. The Court's authority to interpret the Constitution and the laws is not diminished by recognizing that Congress retains the legislative authority that the Constitution itself has assigned to it.

As members of this Court, it is Our responsibility to ensure that Congress remains within the bounds of the Constitution. It is not our responsibility to become Congress. There is therefore no inconsistency in saying that Congress has a constitutional duty to enact legislation prohibiting political dynasties, and that this Court may not compel Congress to enact that legislation in a particular manner or supervise the exercise of its legislative

judgment. This is the required balance between constitutional supremacy and separation of powers.

To hold otherwise would create a paradox: in enforcing a Constitution designed to prevent the concentration of governmental power, the Judiciary would assume the power to direct the Legislature in exercising its own constitutionally allocated function. The Judiciary cannot vindicate one constitutional command by disregarding another. The power to interpret the Constitution includes the responsibility to observe the boundaries that the Constitution places upon the exercise of judicial power. The Court must enforce the Constitution while remaining faithful to the separation of powers that the Constitution itself commands.

For these reasons, I concur in the result: with the grant of the petitions in G.R. Nos. 263934, 272370, and 279201 insofar as the Court recognizes that Article II, Section 26 imposes upon Congress a mandatory constitutional duty to enact legislation prohibiting political dynasties; and with the dismissal of the petition in G.R. No. 277747 against COMELEC for lack of merit.

[1] 63 Phil. 139 (1936) [Per J. Laurel, En Banc].

[2] 721 Phil. 416 (2013) [Per J. Perlas-Bernabe, En Banc].

[3] 814 Phil. 344 (2017) [Per J. Leonardo-De Castro, En Banc].

[4] 814 Phil. 344, 417 (2017) [Per J. Leonardo-De Castro, En Banc].

[5] Philippine Statistics Authority v. Ferolino, 903 Phil. 759, 768 (2021) [Per J. Carandang, First Division].

SEPARATE CONCURRING OPINION

DIMAAMPAO, J.:

I concur in the result.

The ponencia resolves to grant the petition and declare that Congress is under a mandatory constitutional duty to enact the legislation prohibiting political dynasties, as expressly mandated by Article II, Section 26 of the Constitution. Accordingly, it directs the Legislature to pass the appropriate anti-political dynasty law with utmost urgency and at the earliest possible opportunity.[1]

Satisfaction of the requisites of judicial review

Anent the threshold issues in the present case, the ponencia pronounced that the four requisites for judicial review were present. It found an actual controversy in the "right to expect"[2] of citizens in contrast to the inaction of Congress, which was characterized as a prima facie case of grave abuse of discretion.

On this crucial point, I am one with the ponente in his mindful elucidation that recognizing a "right to expect" must be scrupulously qualified. Certainly, it does not automatically translate to the opening of litigious floodgates to a surge of constitutional challenges based on all and other provisions under the Declaration of Principles and State Policies of the Constitution. The Court, therefore, must be careful not to treat every yet-unfulfilled state policy into a cause of action, lest it invite the Judiciary to overstep into the realm of legislative wisdom under the guise of any citizen's "expectation". Indeed, the context of each case is crucial in the determination of whether the Court can exercise its power of judicial review. In this specific instance, the directive that remained unheeded

goes into the core of public service, as it seeks to ensure the same will not be monopolized by a single person or family.

In the same breath, the ponencia concludes that even though the petitioners did not strictly meet the criteria to sue as taxpayers or legislators, they possess standing as concerned citizens due to the transcendental importance and public interest of the issue. Likewise, it was determined that the constitutional questions were raised at the earliest possible time and were indispensable to resolving the case.[3] In sooth, the ponencia upheld the Court's role as the final arbiter of the Constitution.

Propriety of mandamus to uphold constitutional supremacy and address prolonged legislative inaction

As regards the suitability of the remedies, it was concluded that certiorari and mandamus are the appropriate vehicles for these cases because the persistent failure of Congress to enact an anti-dynasty law constitutes a grave abuse of discretion correctible by the said procedural safeguards. Under the Constitution, the Court's expanded jurisdiction allows it to intervene when a government branch evades a positive duty or acts in a manner that results in a constitutional violation.[4]

In this instance, Article II, Section 26 uses the mandatory term "shall", which imposes a compulsory directive on the State to prohibit political dynasties. While the framers of the Constitution granted Congress the discretion to define the parameters of such a prohibition, they never intended to grant the discretion to ignore the mandate entirely.[5] By failing to pass a comprehensive law for a significant length of time since the founding of the Constitution, Congress has effectively bypassed a constitutional command, rendering the guarantee of equal access to public service hollow and unenforceable.

Simultaneously, Congress's inaction is indubitably highlighted by the sheer volume of legislation which remained unacted upon, with at least 101 bills filed since 1987 that failed to overcome the hurdles into becoming law.[6] Upon this point, the ponencia decorously rejected the argument that existing limited measures, such as the Sangguniang Kabataan Reform Act, satisfy the mandate, dubbing them "token"[7] provisions that do not address the systemic nature of political dynasties.

Along this grain, I join in the ponencia's pronouncement that there is a prima facie showing of grave abuse of discretion on the part of Congress in this case. The span of 39 years had provided more than ample opportunity for a diligent Legislature to fulfill its mandate.[8] The continuous delay was deemed a virtual refusal to perform a duty, resulting in the suppression of electoral pluralism and the proliferation of ruling clans. Irrefragably, Congress has no discretion to gloss over this constitutional requirement, its prolonged silence and inaction amount to a grave abuse of discretion that necessitates judicial correction.[9]

The ponencia also ruled that the appropriate relief is to issue a writ of mandamus compelling Congress to fulfill its constitutional duty to prohibit political dynasties by enacting a defining law. In doing so, the argument that Article II, Section 26 is merely a non-self-executing guideline was outrightly rejected, noting that allowing Congress to indefinitely ignore a mandatory command would effectively permit the legislature to "make or break"[10] the Constitution at its whim.[11]

Thence, while the Court generally avoids interfering with legislative prerogatives, it was clarified that the issue here is not about ordinary legislative procedure, but rather a substantive constitutional instruction that has been neglected for nearly 40 years.[12] I subscribe to the view held by the ponencia that the duty to settle actual controversies and determine grave abuse of discretion, while preventing the Court from telling Congress how to

define the law, provides a clear authority to command Congress to act when a constitutional mandate is at stake.

In order to establish this imperative and timely doctrine, the previous rulings in *Biraogo v. Comelec*[13] and *Guingona, Jr. v. House of Congress and Senate*,[14] which had formerly held that mandamus would not lie against Congress for this purpose, were vacated and explicitly abandoned. These prior cases were mere unsigned resolutions without doctrinal value and failed to reflect the true intent of the Framers or the current socio-economic damage caused by legislative paralysis.[15] Citing precedents like *Codilla v. De Venecia*,[16] where legislative officers were compelled to perform non-discretionary duties, the ponencia emphasized that this is a highly exceptional case involving manifest injustice and a palpable excess of authority through inaction.[17]

Ultimately, I am one with the ponencia's edict which emphatically highlights that the Court's silence in the face of such a long-standing legislative impasse would be an abdication of its duty as the final arbiter of the Constitution. Thus, it is simply high time to order Congress to finally move beyond its collection of pending bills and formalize a comprehensive anti-dynasty law.

Appositely, the mandate for Congress to enact an anti-political dynasty law is but a necessary exercise of judicial power that would address years of legislative inaction. In expressing my support for this verdict, it is nonetheless essential to emphasize that the Court's order is not, and must not be, an attempt to dominate a coordinate branch, but rather an act of fidelity to the fundamental law. The Court's role in this context is the fulfillment of its "distinguished but delicate duty of determining and defining constitutional meaning, divining constitutional intent[,] and deciding constitutional disputes." [18]

In light of the foregoing discourse, it must be expressly highlighted that the Court is upholding constitutional supremacy over the potential for judicial tyranny. This distinction is critical to avoid the mistaken impression that the Court is imposing its personal or political will upon the Legislature. As the Court articulated in the seminal case of *Dueñas, Jr. v. House of Representatives Electoral Tribunal*: [19]

Nonetheless, its judicial supremacy is never judicial superiority (for it is co-equal with the other branches) or judicial tyranny (for it is supposed to be the least dangerous branch). Instead, judicial supremacy is the conscious and cautious awareness and acceptance of its proper place in the overall scheme of government with the objective of asserting and promoting the supremacy of the Constitution. Thus, whenever the Court exercises its function of checking the excesses of any branch of government, it is also duty-bound to check itself. Otherwise, who will guard the guardian? [20]

By acknowledging this inherent limitation, it is clarified that this perceived "judicial supremacy" is but a supplementary tool to ensure that it is the Constitution which remains supreme, and will be utilized only in exceptional cases where there is grave infringement thereof, as in this case. Invariably, when the Court orders Congress to act, it is not really an assertion of "judicial superiority" but, in actuality, a conscious, but cautious, awareness that the Constitution's mandatory commands cannot be ignored by any branch of government.

As the Court adjudged in *Private Hospitals Association of the Philippines, Inc. v. Medialdea*, [21] when the judiciary tests the validity of legislative acts, or in this case, the grave abuse of legislative inaction, it "does not arrogate upon it a position superior to that of the other branches of the government but merely upholds the supremacy of the Constitution." The Court, therefore, is "not asserting its ascendancy over the Legislature in this instance, but simply upholding the supremacy of the Constitution as the repository of the sovereign will." [22]

Parsing the pertinent provision, Article II, Section 26 of the Constitution explicitly states: "The State shall guarantee equal access to opportunities for public service, and prohibit political dynasties as may be defined by law." By using the phrase "as may be defined by law," the Framers of the Constitution deliberately placed the power of definition within the exclusive domain of the Legislature.

Consequently, to maintain the delicate balance among the branches of government and avoid the danger of judicial tyranny, the Court must stay its hand against recommending the specific content of the anti-dynasty legislation, as the power to define the prohibition remains exclusively within the expertise and constitutional domain of the Legislature. For the Court to do otherwise would be to overstep its boundary, as the specific parameters of the prohibition against political dynasties are beyond the constitutional role of the Judiciary.

As the ponencia itself professes, it cannot tell Congress how to define the law, i.e. "prescribing the manner, content, or specific provisions of the legislation to be passed ... are entirely and exclusively within the domain of Congress." [23] Withal, as the Court is not a "super-legislature", [24] this Court must still acknowledge that Congress is in the superior position to determine the policy implications and technical definitions required of an anti-dynasty law. On this score, I agree with the ponente that the Court cannot prescribe specific standards, requirements, or guidelines as to what the statute shall be measured against. The clarificatory language used to highlight that these enumerations are merely relevant considerations as to scope and mechanics of the anti-dynasty law is but a proper recognition that the Court cannot impose the same as these are within the exclusive prerogatives of the Congress. Indeed, for the Court to suggest specific definitions or scopes would be to perform a legislative function, thereby violating the very separation of powers it seeks to protect. The Court's mandate is limited to compelling the act of legislation, not the substance of it.

A proactive yet restrained stance is necessary nevertheless because the "constitutional right to a petition, to enable the citizen to air his grievances, would certainly be emasculated if the response of the governmental body to which it is addressed is one of indifference." [25] As applied to the case at bench, if Congress is allowed to remain indifferent to the mandate of Article II, Section 26 for four decades, "[t]he fate of the people and the supremacy of the Constitution would thereby be sorely tested." [26]

Mechanisms to ensure the execution of the writ of mandamus

At the risk of repetition, it must be underscored that the Court's intervention at this instance is borne out of an exceptional milieu. This ruling should not be misconstrued as an invitation for indiscriminate litigation over the various state policies enshrined in Article II of the Constitution. Most provisions in the Declaration of Principles and State Policies, by long-standing jurisprudence, [27] remain non-self-executing, or guides for the other branches of government which do not, by themselves, confer judicially enforceable rights.

What sets the prohibition against political dynasties apart, other than the unprecedented, four-decade-long legislative inaction, is the mandatory constitutional command, i.e., "shall ... prohibit ...". Significantly, it is the only state policy which is prohibitory in nature and one of the only two [28] provisions under State Policies in Article II of the Constitution that explicitly delegates to the Legislature the duty to operationalize concepts that the Framers purposely left for statutory definition. As the extensive deliberations of the 1986 Constitutional Commission quoted in the ponencia would reveal, the Framers did not intend for the defining of political dynasties to be a defense for continuous inaction, but an explicitly delegated task to be performed within a reasonable period. Axiomatically, the 101 bills filed since 1987 palpably illustrates that the issue is not for lack of awareness from Congress, but a failure of legislative will, resulting in a unique situation whereby the Court has to step in and correct the grave abuse.

Viewed in this light, the present case presents a need for exigent action which arise from peculiar circumstances. The "reasonable time" metric applied here is a threshold that few, if any, other Article II provisions can meet. Hence, any future attempt to invoke judicial power against legislative silence in the face of the implementation of

state policies must be scrutinized on a strict case-to-case basis. The Judiciary must remain vigilant to ensure it intervenes only in exceptional circumstances when the incessant inaction has turned a constitutional mandate into an empty promise, thereby imperiling the very supremacy of the Constitution. By strictly separating its duty to uphold the Constitution from any desire to impose its own will, the Court avoids judicial tyranny and ensures that the supremacy of the Constitution is upheld without unnecessarily compromising the co-equal status of the branches of government.

Concomitantly, the Constitution serves as the "basic law to which all laws must conform,"[29] and no act or omission that conflicts with it can be valid. The three departments of government have "no choice but to yield obedience to its commands,"[30] and constitutional doctrines "cannot be simply made to sway and accommodate the call of situations and much more tailor itself to the whims and caprices of government and the people who run it".[31] In such cases, the judiciary is "mandated by the Fundamental Law ... to determine whether or not there has been a grave abuse of discretion." [32] Hence, when an inaction of the Legislative branch is egregiously suspected "to have infringed the Constitution, it becomes not only the right but in fact the duty of the judiciary to settle the dispute." [33]

It is in this foregoing context that I must differ with the conclusion of the ponencia of relying on absolute trust in the Legislative branch. If the Court, as painstakingly demonstrated, has the constitutional authority to command Congress to act in this highly exceptional case, it inherently possesses the corollary authority to ensure its command is not left arbitrarily flouted. While I acknowledge the position that matters of execution and compliance arguably remain outside the strictly defined limits of judicial power, and that the Court must repose its unwavering trust in Congress to heed this call to uphold the constitutional mandate, this ultimately poses the danger of the reduction of an order of this Court into a mere empty exhortation may result in the trivialization of the exercise of judicial power.

I expound. When the Court grants a writ of mandamus, it does so to compel the performance of a ministerial duty imposed by law.[34] Whence, to issue the writ, while simultaneously conceding that the Court possesses no inherent mechanism to implement, or even monitor, its execution and compliance, risks rendering the decision an ineffective judgment. Otherwise put, if a judicial decree can be casually ignored without consequences, it may inadvertently weaken the very constitutional supremacy the Court seeks to uphold.

Admittedly, in exercising its expanded certiorari jurisdiction under Article VIII, Section 1 of the Constitution, the Court has historically faced a procedural void. Acknowledging that "no specific procedural rule has been promulgated to enforce this 'expanded' constitutional definition of judicial power,"[35] the Court resolved to relax its rules and apply, in an ad hoc manner, Rule 65 of the Rules of Court as the medium for such petitions. It did so despite recognizing that that Rule 65 is an "essentially distinct remedy"[36] whose terms are "not fully aligned with what the Court's expanded jurisdiction signifies and requires." [37] To operationalize Rule 65 as the mechanism for its expanded jurisdiction, jurisprudence has continually refined the procedural requisites distinguishing the traditional and expanded modes, as the Court had done in the case of *AMCAW v. GAMCA*. [38]

This resourceful adaptation highlights that current limitations in procedural rules should not prevent the Court from proactively developing means to ensure it does not shirk its constitutional duties. In this particular case, that duty refers to the determination of whether a branch of government has acted with grave abuse of discretion amounting to lack or excess of jurisdiction.

In the same vein, faced with the systemic failure of various government agencies to perform their statutory duties to clean up Manila Bay, the Court in the landmark ruling of *MMDA v. Concerned Residents of Manila Bay* [39]

recognized that a simple directive would not remedy years of institutional neglect. Instead, the Court issued a novel writ of continuing mandamus, retaining jurisdiction over the case and requiring the concerned agencies to submit periodic progress reports until the judgment was fully satisfied.

To obviate any confusion, this does not suggest that the Court must issue a writ of continuing mandamus in this case. I am acutely aware that the MMDA case involved executive and administrative agencies rather than a co-equal Legislative branch, and that the writ of continuing mandamus is a procedure specifically codified under the Rules of Procedure for Environmental Cases.[40] Nevertheless, the underlying principle therein remains highly relevant in that the Court ultimately found ways of implementing an otherwise indefinite order in terms of period of compliance.

While a continuing mandamus may not be entirely apposite to the present case, the Court is not precluded from exercising flexibility and innovation to utilize alternate modes akin to a return on the writ that ought to ensure execution and compliance. Without traversing the internal processes of a co-equal branch, other equally resourceful ways may be considered in order to monitor progress and guarantee that the judgment is not left entirely ineffectual. Verily, adopting such an approach would observe mutual respect, precluding any tension with a co-equal branch of government while simultaneously upholding the Court's integrity. In doing so, the Court takes the least intrusive path, while ensuring that its order remains a genuine and substantive call to action pursuant to the command of the Constitution.

In sum, pragmatic, yet still effective, mechanisms to promote compliance are worth exploring because leaving the enforcement of this Decision solely to the hope that Congress will eventually act, or waiting for a future petition to challenge a continued inaction, would be to perpetuate the exact same "legislative paralysis" that brought this controversy before the Court. As laid down in *Tatad v. Secretary of the Department of Energy*,^[41] and as eloquently put in the ponencia, it is the "unyielding duty of this Court to uphold the supremacy of the Constitution not with a mere wishbone but with a backbone that should neither bend nor break."^[42] By granting the writ of mandamus and ensuring means by which such writ is carried out in this case, the Court would unequivocally demonstrate the "backbone" required to protect the sovereign will of the People.

[1] Ponencia, p. 83.

[2] *Id.* at 40.

[3] *Id.* at 40-42.

[4] *Id.* at 44-45.

[5] *Id.* at 45-46.

[6] *Id.* at 61.

[7] *Id.* at 64.

[8] *Id.*

[9] *Id.* at 65.

[10] *Id.* at 66.

[11] *Id.*

[12] *Id.*

- [13] G.R. No. 203603, November 13, 2012 [Unsigned Resolution, En Banc].
- [14] G.R. Nos. 203759 & 205133, February 5, 2013 [Unsigned Resolution, En Banc].
- [15] Ponencia, pp. 69-70.
- [16] 442 Phil. 139 (2002) [Per J. Puno, En Banc].
- [17] Ponencia, p. 67.
- [18] Dueñas, Jr. v. House of Representatives Electoral Tribunal, 610 Phil. 730 (2009) [Per J. Corona, En Banc].
- [19] Id.
- [20] Id.
- [21] 842 Phil. 747 (2018) [Per J. Tijam, En Banc].
- [22] Gutierrez v. House of Representatives Committee on Justice, G.R. No. 193459 [Per J. Carpio-Morales, En Banc].
- [23] Ponencia, p. 72.
- [24] J. Panganiban, Dissenting Opinion in Central Bank Employees Association, Inc. v. BSP, 487 Phil. 531 (2004) [Per J. Puno, En Banc].
- [25] Bartolome v. De Borja, A.M. No. 1096-CFI, May 31, 1976 [Per J. Fernando, En Banc].
- [26] Id.
- [27] See Tañada v. Angara, 338 Phil. 546 (1997) [Per J. Panganiban, First Division].
- [28] See also CONST., art. II, sec. 28.
- [29] Araullo v. Aquino III, G.R. No. 209287 (Resolution), February 3, 2015 [Per J. Bersamin, En Banc].
- [30] Id.
- [31] Id.
- [32] Spouses Imbong v. Ochoa, Jr., 732 Phil. 1 (2014) [Per J. Mendoza, En Banc].
- [33] Private Hospitals Association of the Philippines, Inc. v. Medialdea, 842 Phil. 747 (2018) [Per J. Tijam, En Banc].
- [34] See Spouses Sending v. Co Uy, G.R. No. 271354, February 19, 2026 [Per J. Inting, Third Division].
- [35] AMCAW v. GAMCA, 802 Phil. 116 (2016) [Per J. Brion, En Banc].
- [36] Id.
- [37] Id.
- [38] 802 Phil. 116 (2016) [Per J. Brion, En Banc].
- [39] 595 Phil. 305 (2008) [Per J. Velasco, Jr., En Banc].
- [40] A.M. No. 09-6-8-SC.
- [41] Tatad v. Secretary of the Department of Energy, 347 Phil. 1 (Resolution) (1997) [Per J. Puno, En Banc].

[42] Id.

SEPARATE OPINION

SINGH, J.:

I concur in part and dissent in part.

I agree with the ponencia that Congress's prolonged failure to enact a law defining political dynasties, as expressly mandated by Article II, Section 26[1] of the Constitution, constitutes a breach of its duty amounting to grave abuse of discretion. Under the Court's expanded power of judicial review,[2] we are duty-bound to recognize and declare such constitutional dereliction. I likewise concur in the denial of the Petition in G.R. No. 277747. In the absence of an enabling law, the Commission on Elections (COMELEC) cannot itself define political dynasties or create a new ground for the disqualification of candidates.

I cannot, however, join the grant of the extraordinary writ of mandamus, particularly with respect to the command that Congress enact an "appropriate" anti-political dynasty law "at the earliest opportunity," or the wholesale abandonment of our prior rulings that Article II, Section 26 is not self-executing. Those prior dispositions should instead be carefully distinguished and qualified, preserving their sound holding that the provision on political dynasties requires legislative definition and that mandamus cannot compel Congress to legislate. Neither can I join the policy prescriptions placed before Congress under the heading "Relevant Considerations." However earnestly offered, those prescriptions sit uneasily beside a judicial directive to enact an "appropriate" law.[3]

The distinction is fundamental. A constitutional duty may be mandatory in its origin and nature while remaining discretionary in the manner of its performance. Expanded judicial power permits the Court to determine that Congress has transgressed the Constitution. It does not convert, however, the power to legislate into a ministerial act, thereby enlarging the office of mandamus, and transferring to the Judiciary any portion of the legislative power. The Court may pronounce the constitutional breach, but it cannot mandate the legislative response. Judicial review and the resulting judicial remedy must therefore remain analytically distinct: jurisdiction to declare a constitutional wrong is not authority to exercise another branch's constitutional function.[4]

The Constitutional edict to prohibit political dynasties and its rationale

Article II, Section 26 of the Constitution provides in unequivocal terms: "The State shall guarantee equal access to opportunities for public service, and prohibit political dynasties as may be defined by law." Enshrined among the Declaration of Principles and State Policies, this provision embodies a fundamental ideal of the Philippine republic: that public office must remain genuinely accessible, and political power must not become the hereditary preserve of a few families. In this sense, *ratio legis est anima*—the reason of the law is its soul.[5] The animating purpose of this mandate is to dismantle entrenched oligarchic patterns within the political system that historically enabled the excesses of authoritarian rule and perpetuated structural inequality. By directing the State to "prohibit political dynasties," the framers sought to breathe life into the principle of equal opportunity in public service, widening democratic participation and preventing concentrations of familial power from frustrating political equality.

At the same time, the constitutional text contains its own allocation of constitutional responsibility. The State

"shall" prohibit political dynasties, but the Constitution deliberately qualifies this mandate with the phrase "as may be defined by law." Under the fundamental rule of statutory construction, *verba legis non est recedendum*, courts must give plain meaning to the constitutional text.^[6] The first phrase establishes the imperative. The second phrase identifies the constitutionally designated means by which the imperative is to become operational. Giving effect to both phrases, as we must, yields two propositions: Congress has no discretion to repudiate the constitutional policy, but it retains legislative discretion to define the prohibition and to design its governing regime.

The deliberations of the Constitutional Commission confirm this reading. Commissioner Jose Nollado acknowledged that the Commission deliberately refrained from defining political dynasties, leaving it up to Congress to state the circumstances under which the prohibition may apply. Commissioner Serafin Guingona proposed the qualifying phrase "as may be defined by law" precisely because the scope of the prohibition, including the relationships and offices to be covered, demanded legislative discretion. They settled the overarching policy in the Constitution, but consciously declined to settle its implementing details. The debates repeatedly returned to the degree of relationship, the offices and localities to be covered, the treatment of simultaneous and successive candidacies, and the need to balance the prohibition against the electorate's freedom of choice. Thus:

MR. NOLLEDO: [...] Now, in order to make this provision more palatable to the Members of the Constitutional Commission, I have decided to restrict the meaning of political dynasty as a suggestion to the forthcoming Congress of the Philippines. I believe, Mr. Presiding Officer, that this prohibition, although using the term "prohibit," is not actually prohibitory but only regulatory. I am talking of this in terms of the scope of the term "political dynasty" by saying that a prohibition against political dynasty, Mr. Presiding Officer, is designed to avoid circumvention of the provision limiting reelection of public officers to give a chance to others in running for public office. I would like to be specific, Mr. Presiding Officer. In the case of local government officials like governors, for example, we allow them to have two reelections. If he is reelected twice, he can no longer run for reelection in which case, he will ask his close relative — a son or a daughter or a brother or a sister — to run for public office under his patronage. And in this case, we circumvent the rule against further reelection because it may also happen that his younger son may run for governor and he is still strong enough to exercise moral as well as effective influence upon the son. And the son becomes a sub-altern, subjecting himself to the will of the father who has apparently retired.

And so, in the case of a President, for example, under the provisions of the Constitution, the President cannot run for reelection. So if the incumbent President cannot run for reelection, she can ask, for example, Noyoy Aquino — assuming that he is already of age — to run for President, thereby negating the laudable purpose for prohibiting reelection. That seems to me to be the meaning of political dynasty although Congress may still widen the meaning of the term. In the case of a governor, Mr. Presiding Officer, if he has run for two reelections and he decides that a close relative run for election for the same position, the governor, who is now incumbent, must have built fortunes and even private armies to assure the perpetuation through the election of close relatives. His built-in advantages over his opponents will not widen political participation in an election, Mr. Presiding Officer. So I submit to the Commission.

[. . .]

MR. OPLE: Yes, another abhorrent part is that there is a class distinction involved here. Usually, these are families favored by the accident of birth; meaning, they were born to families already with accumulated property. Therefore, that is the injustice that attaches to political dynasties. At the same time, when we survey some of the interesting provinces around Metro Manila, I think they partake of the different characteristics in terms of traditional political power. I begin to tread now on some sensitive spots when I point to Batangas.

Batangas is a Laurel country. But in the case of Batangas, I recall that Sotero Laurel was the Secretary of the Interior of the Aguinaldo government in Malolos. Since the revolution, the Laurels have been a leading political family in Batangas. We are very privileged to have with us now, right here in this Commission, one Laurel, one of the most eminent of them all. Under the Commissioner's definition of political dynasties, would that encompass the Laurel family?

MR. NOLLEDO: I have not actually studied the details about the Laurel family. But it seems to me that Don Pepito denies that he has any political ambition at all and he said that the political dynasty provision should not apply to the Laurel family.

For the information of the body, we have not defined the meaning of political dynasty. Actually, if we will read this in short, "the State shall prohibit political dynasties," it is up to Congress to define.

MR. OPLE: Yes.

MR. NOLLEDO: But my concept is that Congress shall see to it that after the permitted reelection has been exhausted, I think the close relatives should not inherit the position because of undue advantage to others who are equally bright but do not possess the necessary financial support. Perhaps the son may not run after the last reelection but he can run later on. I am giving an idea to Congress. The denial is not absolute.

MR. OPLE: Yes. I suppose we are looking for a sociopolitical framework of analysis for this provision and I think the dialogue has already been fruitful.

Let us move the inquiring eye to my province in Bulacan. In Bulacan, there are no dynasties in the sense of a stable monotonous leadership from the same family across generations. The first Governor of Bulacan under the American occupation in 1901 was the grandfather of Governor Ignacio Santiago. Then there was a long pause of several decades in the political career of that family. Finally, one deserving offspring of that line, who is Ignacio Santiago, came up and became the governor of Bulacan. Is that not prohibited in this provision.

MR. NOLLEDO: We recommend to Congress that the prohibition should just cover relationships probably up to the third civil degree or degree of consanguinity or affinity. We can limit only up to the third civil degree or fourth civil degree depending on the wisdom of Congress.

MR. OPLE: For example, Commissioner Nollado suddenly develops a yen for politics and there are some among his children who, with a good genetic foundation, later on also develop a liking for politics in Palawan. I transpose this to the Commissioner's own situation so that the Commissioner will begin to understand our concern that actually human genes can be functioning in such a way that some families like politics. The others do not like politics; they like business.

Just about 25 years ago, I was just an ordinary inhabitant in a barrio in Hagonoy, Bulacan. I was disadvantaged from the beginning by the accident of birth because I was born to a very poor family. But now mainly through luck and through no merit of mine, I think I have risen somewhat in the world so that I attracted the attention of the people in my hometown and they wanted me to lead them. Will a gifted child belonging to my family be eternally proscribed from presenting himself for public office later on because of this disqualification?

MR. NOLLEDO: No. As I said, we have not defined. It is up to Congress to state the circumstances under which the prohibition may apply. If in the case of my son, if I feel that I have already exhausted my right to be reelected, as a manifestation of self-sacrifice and out of delicadeza, I will tell my son not to run even if there is no prohibition against political dynasty. [.] [7]

MR. OPLE: What I feel is an inner demand for logic and rationality so that this provision can be actually attached to some principles of equity without doing violence to the freedom of choice of the voters because they are entitled to as broad a freedom of choice as the environment can provide and if they want somebody to run for office even if he is closely related to someone in office, do we have the right to curtail the freedom of

the voters?

MR. NOLLEDO: I would like to be specific. I hope the Commissioner will agree with me. Suppose I am the governor. I ran for reelection and I was reelected. Again, I ran for reelection. That will be my last chance to be reelected to the same office. However, I felt that I could not run anymore because I am already old and decrepit. Hence, I develop my son to be my successor.

In the meantime, when my son runs, I still hold the position. Would we concede that I have an undue advantage over other candidates because I hold the position, I have all the facilities of the government at my command, and then I let my son continue bringing the alleged honor of the father and continue the position?

[. . .]

MR. RODRIGO: Yes. Before I vote intelligently on this matter, I would like to ask a very important question. What is the definition of a dynasty? What degree of consanguinity or affinity is meant by dynasty? Does it refer only to father and son? Does it refer to brother and brother? Or an uncle with his nephew? Up to what degree?

MR. NOLLEDO: We are not deciding that question here but we are recommending to Congress that the scope of relationship shall be within the third degree of consanguinity or affinity. We leave it to Congress to determine this relationship.

MR. RODRIGO: That means up to a nephew? Is it by consanguinity or also by affinity?

MR. NOLLEDO: We are recommending consanguinity and affinity but it is up to Congress to determine.

MR. RODRIGO: Is it the fault of a nephew if he happens to have an uncle who is also a public officer? Why penalize the nephew? He cannot choose his uncle.

MR. NOLLEDO: To meet the Commissioner's objection, Congress may limit up to the second degree. We are not deciding that relationship because Congress will conduct public hearings on this before a regulatory law may be passed by it.

MR. RODRIGO: I do not see in the provision that it is left to Congress to decide.

MR. NOLLEDO: That is why Commissioner Guingona recommended if this provision should not be deleted, 'AS MAY BE PROVIDED BY LAW.' The committee is receptive of this suggestion.[8] (Emphases supplied)

The structure of Article II, Section 26 thus reflects a deliberate constitutional allocation of institutional roles. The Constitution declares the governing principle of equal access to opportunities for public service and the regulation of dynastic monopolies, while assigning to the Legislature the task of translating that principle into operative law. Within the hierarchy of constitutional norms, provisions under Article II are generally regarded as non-self-executing; they articulate fundamental policies intended to guide legislative action rather than to operate directly as judicially enforceable rules. Consistent with this understanding, the Court has recognized that many Article II provisions serve primarily as directives to the political departments. In *Tañada v. Angara*,^[9] the Court observed that such provisions are "not intended to be self-executing principles ready for enforcement through the courts,"^[10] but are instead addressed to the future legislature for implementation through appropriate statutes:

By its very title, Article II of the Constitution is a "declaration of principles and state policies." The counterpart of this article in the 1935 Constitution is called the "basic political creed of the nation" by Dean Vicente Sinco. These principles in Article II are not intended to be self-executing principles ready for enforcement through the courts. They are used by the judiciary as aids or as guides in the exercise of its power of judicial review, and by the legislature in its enactment of laws. As held in the leading case of *Kilosbayan, Incorporated vs. Morato*, the principles and state policies enumerated in Article II and some sections of Article XII are not "self-executing

provisions, the disregard of which can give rise to a cause of action in the courts. They do not embody judicially enforceable constitutional rights but guidelines for legislation.”[11] (Emphasis supplied)

Article II, Section 26 exemplifies this design, for by its very terms it anticipates legislative definition before it can be fully operationalized.

The provision is therefore binding without being self-executing in every respect. It operates directly as a constitutional command addressed to the political departments, and the Court may determine, through the expanded power of judicial review, whether that command has been violated through grave abuse of discretion. The constitutional text alone does not identify the degrees of consanguinity or affinity covered, whether the prohibition applies to simultaneous service: succession, or both, which offices and geographical units fall within its reach, what exceptions may be allowed, or what sanctions and procedures govern.[12]

To recognize the duty while withholding a judicial definition is not a contradiction. It is fidelity to the whole text. A constitutional provision may be judicially cognizable in one respect while still requiring legislation in another.

Yet the Constitution must be interpreted in a manner that preserves, rather than defeats, its commands. The framers did not intend Article II, Section 26 to remain a hollow aspiration or an ornamental declaration of principle. It was meant to be translated into concrete law through legislative action.

Nearly four decades after the ratification of the Constitution, however, this mandate remains unfulfilled. In successive Congresses, numerous bills seeking to prohibit political dynasties have been introduced, only to languish and ultimately expire without enactment. Meanwhile, empirical studies reveal that a substantial proportion of elective officials, particularly those elected to Congress, belong to political dynasties. As of the 2025 elections, a majority of legislators, including many party-list representatives, despite the system’s intent to open the democratic space to more voices, were members of such dynastic networks. This reality explains the persistent legislative inertia working against the enactment of an anti-political dynasty law. The consequence is that the constitutional promise of equal access to public office remains largely unrealized, while political authority continues to revolve among successive generations of a relatively few families occupying elective posts.

The legislative record before the Court invites both firmness and precision. As the ponencia recounts, House Bill No. 8389 passed the House of Representatives and was transmitted to the Senate, while Senate Bill No. 1901 remained pending on second reading when these cases were submitted for resolution. Proposals, however advanced, are not statutes and do not constitute the comprehensive national law contemplated by Article II, Section 26. These pending measures therefore do not erase the constitutional omission.[13]

At the same time, their pendency cautions against attributing a single motive to a collective and continually changing institution. The constitutional wrong lies in the objective persistence of the omission despite an express constitutional command. The Court need not impute hostility or bad faith to every legislator. Nor must it define the law that should have been enacted in order to determine the bounded question whether any comprehensive national law has been enacted at all.

The Court cannot remain indifferent to a situation in which a clear constitutional directive, one embodying a central principle of democratic governance, has effectively been left unimplemented for decades. The Constitution is the supreme law of the land. No branch of government may disregard its commands with impunity. Thus, although Article II, Section 26 may not be self-executing, the persistent failure of Congress to act upon its explicit directive raises a serious question of constitutional compliance.

The issue presented before the Court is not one of policy preference, nor does it require the Court to prescribe the particular contours of an anti-dynasty statute. Those matters, without question, lie within the legislative domain.

Rather, the question is whether Congress may indefinitely disregard a constitutional mandate that explicitly calls for legislative action. That inquiry lies squarely within the province of judicial review. As the Court has long held, when the Judiciary interprets and enforces the Constitution, it does not assert superiority over the political departments; it merely performs its solemn duty to uphold the fundamental law.[14] In this role, the Court ensures that no branch of government transgresses, whether by action or by omission, the obligations imposed upon it by the Constitution.

Expanded power of judicial review and the justiciability of legislative inaction

Congress's prolonged inaction in this instance implicates the political question doctrine and its evolution under the Constitution. Traditionally, the courts have refrained from intervening in matters constitutionally committed to the discretion of the political branches. In *Guingona, Jr. v. House of Representatives*,^[15] which involved an earlier attempt to compel the enactment of an anti-dynasty legislation, the Court denied the relief sought, characterizing the issue as a political question and citing the principle of separation of powers. The Court then observed that absent an enabling law, the constitutional ban on dynasties could not be enforced, and that it had no authority to compel the legislature, by mandamus, to enact a law.^[16]

Similarly, in *Biraogo v. Commission on Elections*,^[17] a petition seeking to enforce the anti-dynasty provision in the absence of implementing legislation, was dismissed. The Court reaffirmed that Article II, Section 26 of the Constitution is a non-self-executing, declaratory principle requiring legislation.^[18] Respect for the prerogatives of the legislative department thus counseled judicial restraint. At that time, the Court viewed the matter as falling under the sphere of legislative policy-making which, so long as it violated no specific enforceable constitutional legal right, lay beyond judicial compulsion.

Those earlier dispositions correctly perceived the serious separation of powers problem raised by judicially compelled legislation. They should be distinguished and qualified only insofar as they treated prolonged legislative inaction as categorically beyond judicial review. Their holdings that Article II, Section 26 requires legislative definition, and that mandamus cannot be used to compel Congress to legislate, remain sound.

The present case, however, is critically distinguishable. The petitioners do not ask the Court to define "political dynasty," to prescribe the contours of a regulatory regime, or to disqualify particular candidates. Instead, they invoke the Court's power under Article VIII, Section 1 of the Constitution, the expanded certiorari jurisdiction, to declare that Congress's prolonged and unjustified failure to act amounts to grave abuse of discretion correctible by the courts. Properly confined, the inquiry is whether a branch of government may indefinitely leave an express constitutional assignment wholly unfulfilled.

Article VIII, Section 1 of the Constitution pointedly broadened the scope of judicial power, declaring that:

Judicial power includes the duty of the courts of justice to settle actual controversies involving rights which are legally demandable and enforceable, and to determine whether or not there has been a grave abuse of discretion amounting to lack or excess of jurisdiction on the part of any branch or instrumentality of the Government. (Emphasis supplied)

This textual expansion was no accident. It was a conscious response to the excesses of the past and was intended to ensure that no branch of government may insulate itself from judicial scrutiny by invoking the political question doctrine. The Constitution thus entrusted the Judiciary with the responsibility of determining whether the political departments have acted or failed to act within the bounds of the Constitution. When the claim is that

governmental action or inaction has exceeded constitutional bounds, judicial review does not establish the superiority of the Judiciary. It gives effect to the superiority of the Constitution.[19]

Viewed in this light, the question before the Court cannot be dismissed as a "political question" in the classic sense that would bar review. A political question, in constitutional parlance, refers to matters textually committed to a coordinate branch or those inherently unsuitable for judicial determination for want of judicially manageable standards.[20] Neither circumstance is present here. The policy content of an anti-dynasty law is textually committed to Congress, but the existence of the constitutional duty and the objective fact of prolonged non-performance are not insulated from review.

Article II, Section 26 of the Constitution itself supplies both the constitutional directive and the standard of review. While it leaves the details of implementation to Congress, the command that the State "shall [...] prohibit" political dynasties unmistakably expresses a constitutional mandate. The inquiry before the Court, therefore, is not one of policy formulation but of constitutional compliance: whether Congress's prolonged and unexplained failure to act has crossed the line, from permissible legislative discretion into unconstitutional neglect of duty.

Answering that question falls squarely within the Judiciary's constitutional function. Courts are well-equipped to assess such a claim, for the benchmark is neither an abstract policy preference nor a political calculus, but the Constitution itself. When a constitutional command remains wholly unimplemented for nearly four decades, the Judiciary cannot simply avert its gaze. At some point, the duty "to say what the law is"[21] necessarily entails determining whether the Constitution itself has been effectively nullified through governmental inaction. As Justice Jose P. Laurel memorably declared in *Angara v. Electoral Commission*,[22] the Judiciary is the final arbiter of the Constitution, tasked with resolving controversies involving the constitutionality or validity of the acts of the political departments.[23]

To hold otherwise would render Article II, Section 26 a hollow pronouncement. Guided by the principle *ut magis valeat quam pereat*, the Constitution must be interpreted so that its provisions are given force and effect rather than reduced to mere rhetoric.[24] To leave the enforcement of this mandate entirely to the political will of Congress, despite decades of total inaction, would allow a vital constitutional principle to wither into irrelevance.

The Constitution did not grant Congress an indefinite license to disregard its commands. While Congress necessarily enjoys latitude in determining the manner and timing of legislation, especially where the Constitution prescribes no specific deadline, there must come a point at which prolonged and unexplained inaction ceases to be a reasonable exercise of discretion and becomes, instead, a repudiation or abdication of constitutional duty—a grave abuse of discretion. When that point is reached, the Judiciary's intervention is not an intrusion upon legislative prerogatives, but a vindication of the Constitution itself.

This conclusion does not make every delay in legislation justiciable. Courts do not possess a general commission to audit the legislative calendar and determine enactment deadlines. Article II, Section 26 presents an exceptional conjunction of circumstances: an express constitutional command, a subject expressly reserved for legislation, the absence of the contemplated comprehensive national statute, and an omission extending across nearly the entire life of the present Constitution. The adjudicable issue is the existence and duration of non-performance measured against the constitutional assignment. The policy content of the response remains beyond the case.

Accordingly, I agree with the ponencia that Congress has committed grave abuse of discretion amounting to lack or excess of jurisdiction in failing to discharge its constitutional responsibility under Article II, Section 26 of the Constitution. In our jurisprudence, grave abuse of discretion denotes a capricious or whimsical exercise of power equivalent to a patent breach of duty.[25]

Here, the duty imposed upon Congress is constitutional. Yet, almost four decades since the ratification of the Constitution, Congress has failed to enact the legislation necessary to give life to this mandate. Such prolonged and unexplained non-feasance cannot be dismissed as ordinary legislative discretion. Rather, it constitutes a grave disregard of a constitutional directive, tantamount to allowing one branch of government to effectively suspend the operation of a portion of the Constitution.

As the petitioners aptly observe, this inaction has produced a continuing violation of the Constitution. Under Article VIII, Section 1, the Court cannot remain indifferent to such circumstance. When a constitutional command is persistently ignored, the Judiciary not only may act, it must.

The resulting declaration is not empty relief. A judgment of this Court authoritatively resolves the constitutional controversy, identifies the institutional duty, and erases any premise that compliance is optional. Its force arises from constitutional adjudication and from every public officer's duty of fidelity to the fundamental law, not from continuing judicial management of legislative proceedings. From then on, the Court declares that Congress is in breach of the Constitution for its continuous failure to enact an anti-dynasty legislation.

For this reason, Biraogo and Guingona should not be vacated in their entirety. Their categorical treatment of the constitutional omission as non-justiciable cannot govern this fully developed controversy. Their core ruling, however, remains sound: Article II, Section 26 requires legislative definition, and the legislative response cannot be compelled through mandamus. A measured clarification respects both expanded judicial power and the equally constitutional division of governmental authority.

Thus, the Court rightly declares that Congress, by its prolonged failure to enact the law required by Article II, Section 26, has gravely abused its discretion and breached the Constitution.

That declaration answers the question posed for judicial review. It does not answer the distinct question of how Congress should perform its duty. Article VIII, Section 1 expands the class of governmental acts and omissions subject to constitutional scrutiny. It does not dispense with Rule 65's ministerial duty requirement or blur the line of separation of powers. The power to identify grave abuse does not necessarily include the power to command every act that might cure it.[26]

The limit of mandamus: no judicial legislation

Having established that Congress may be held to account for its constitutional dereliction, the next question is: can the Court direct how Congress should do its job? It is at this juncture that the Court must exercise the utmost restraint, lest it transgress the principle of separation of powers.

Petitioners urge not only a declaration of unconstitutionality, but also the issuance of a writ of mandamus compelling Congress to enact an anti-political dynasty law. While the frustration over prolonged legislative inaction is understandable, mandamus is not the proper remedy.

Mandamus issues only to compel the performance of an act "which the law specifically enjoins as a duty resulting from an office, trust, or station"[27] and only where such duty is clear, definite, and purely ministerial. The writ likewise requires that the petitioners have no other plain, speedy, and adequate remedy in the ordinary course of law. In *Sy Ha v. Galang*:[28]

[M]andamus will not issue to control the exercise of discretion of a public officer where the law imposes upon him [or her] the duty to exercise his [or her] judgment in reference to any matter in which he [or she] is

required to act, because it is his [or her] judgment that is to be exercised and not that of the court.[29]

A ministerial act is one that admits of no discretion; it is so plainly prescribed as to be free from doubt. Correlatively, it is a settled rule that mandamus will not lie to direct, control, or review the exercise of discretion by a coequal branch. In *Sanson v. Barrios*: [30]

Discretion, when applied to public functionaries, means a power or right conferred upon them by law of acting officially, under certain circumstances, according to the dictates of their own judgments and consciences, uncontrolled by the judgments or consciences of others. A purely ministerial act or duty, in contradistinction to a discretionary act, is one which an officer or tribunal performs in a given state of facts, in a prescribed manner, in obedience to the mandate of legal authority, without regard to or the exercise of his own judgment, upon the propriety or impropriety of the act done. If the law imposes a duty upon a public officer, and gives him the right to decide how or when the duty shall be performed, such duty is discretionary and not ministerial. The duty is ministerial only when the discharge of the same requires neither the exercise of official discretion nor judgment [...] Mandamus will not lie to control the exercise of discretion of an inferior tribunal [...], when the act complained of is either judicial or quasi-judicial [...] It is the proper remedy when the case presented is outside of the exercise of judicial discretion.[31] (Citations omitted)

In *Ampatuan v. De Lima*, [32] the Court held that while mandamus may be availed of to compel a tribunal, corporation, board, officer, or person to act, it does not lie to "control the manner in which discretion is exercised, nor to compel the retraction or reversal of an action already taken pursuant to such judgment or discretion." [33]

These limitations are neither technical nor trivial; they are grounded in the constitutional design itself.

Measured against these standards, how Congress provides for the contours of an anti-political dynasty law is plainly not ministerial.

While the Constitution imposes upon Congress the duty to prohibit political dynasties, it is deliberately silent as to the manner of its implementation. The essential elements of such a law, what degree of consanguinity or affinity to cover, whether the prohibition extends to simultaneous or successive office-holding, what sanctions to impose, and what mechanisms to adopt, are all matters entrusted to legislative judgment. These are not mechanical determinations, but policy choices requiring calibration, compromise, and political accountability.

In our jurisprudence, where a duty exists but its performance involves the exercise of judgment, the duty is discretionary, not ministerial. Here, the Constitution commands action, but leaves the content of that action to Congress. This is the very antithesis of a ministerial duty.

As early as 1924, the Court, in *Alejandrino v. Quezon*, [34] ruled that the performance of legislative acts cannot be compelled through mandamus, thus:

... Mandamus will not lie against the legislative body, its members, or its officers, to compel the performance of duties purely legislative in their character which therefore pertain to their legislative functions and over which they have exclusive control. The courts cannot dictate action in this respect without a gross usurpation of power. ... [35]

Accordingly, while the Court may declare that Congress has unreasonably failed to discharge its constitutional obligation, it cannot compel Congress to discharge such function without arrogating unto itself the legislative power. To issue a writ of mandamus in this case would be, in effect, to dictate not merely that a law be passed, but to intrude upon the substance, timing, and policy choices inherent in that law. This, the Court cannot do lest it ventures into lawmaking.

The authorities invoked do not justify the issuance of the extraordinary writ of mandamus. In *Codilla v. De*

Venecia[36] and Velasco v. Belmonte,[37] a final electoral determination had already established each petitioner's right to sit as a district representative. The Speaker's remaining acts of administering the oath and entering the member's name in the Roll of Members involved no further policy choice and no vote on proposed legislation. The Court compelled compliance with an adjudicated legal consequence. It did not require either House to deliberate upon, approve, or pass a bill. Treating those administrative acts as precedents for compelled lawmaking erases the distinction upon which mandamus depends.[38]

Nor do *Knights of Rizal v. DMCI Homes, Inc.*[39] and *Abines v. Duque III*[40] sustain the grant of the writ. Those cases recognize that, in exceptional circumstances, mandamus may require an official vested with discretion to act, but not to act one way or another, when grave abuse, manifest injustice, or palpable excess of authority is shown.[41] Both decisions nevertheless denied mandamus on the facts before them. Abines further cautioned that the writ must not substitute judicial discretion, directly or indirectly, for executive or legislative prerogatives.[42]

Our prior rulings in *Guingona, Jr. and Biraogo*, though resolved on justiciability grounds, reflect the same underlying principle: that the specification of the anti-dynasty prohibition belongs to Congress, not to this Court. Even as we now recognize the unconstitutionality of inaction, we do not assume the power to legislate. The line between constitutional interpretation and judicial legislation must remain inviolable. To blur this line will result in the serious erosion of the principle of separation of powers.

It bears emphasis that the Constitution commands Congress to enact a law; it does not authorize the Court to do so in its stead. The judicial function is to interpret, to declare, and, when necessary, to invalidate. It does not extend to the crafting or compulsion of legislation. To hold otherwise would raise serious concerns of enforceability and institutional competence: by what standard would the Court assess compliance? How would it supervise the adequacy of a law passed under compulsion? Will the Court act if the anti-dynasty legislation it compelled to be enacted does not satisfy its own requirements? Any such inquiry would inevitably draw the Judiciary into evaluating legislative wisdom, an inquiry foreclosed by the structural design of the Constitution which allocated the three great powers of the State to independent branches of government.

The Constitution's lawmaking provisions make the institutional difficulty plain. A bill must pass both Houses, ordinarily on three readings, and the yeas and nays on third reading must be entered in the Journal. Once passed, the bill must be presented to the President, who may approve or veto it, subject to Congress's power to override the veto.[43] Each stage involves judgment entrusted by the Constitution to designated political actors. A writ directed to Congress cannot tell legislators how to vote, reconcile differing bills in conference, dispense with quorum and voting requirements, or bind the President. Yet without controlling those choices, the writ cannot guarantee the commanded enactment.

The impropriety of mandamus is further underscored by the absence of judicially manageable standards. The Constitution provides no determinate benchmark by which the Court may assess the sufficiency of any particular anti-dynasty measure. Congress may, for instance, prohibit only simultaneous office-holding among relatives, or extend the ban to successive candidacies; it may limit coverage to the second degree of kinship, or expand it further; it may allow exceptions or impose an absolute prohibition. Each of these options lies within the permissible range of legislative policy. None is dictated by the Constitution as the framers intended to leave such choices to Congress.

In such a context, mandamus cannot issue. The Court cannot compel what it cannot define.

The command is therefore caught between two untenable characterizations. If it is coercive, it exceeds the proper office of mandamus and intrudes upon lawmaking. If it is merely exhortatory, then it is not a writ of mandamus at

all. The solemnity of a judicial judgment counsels against a directive whose legal force depends upon leaving uncertain whether it may be enforced through contempt or other judicially authorized remedy of compulsion.

The pendency of House Bill No. 8389 and Senate Bill No. 1901 further demonstrates the institutional mismatch. Congress has begun to deliberate upon concrete measures, but no court can know whether either proposal will survive bicameral consideration in its present form, whether a different measure will emerge, or whether the President will approve it. These are not incidental details following a ministerial command. They are the constitutional process of legislation itself.

Analogously, the Constitution directs Congress to provide for a system of initiative and referendum,[44] and to enact measures against monopolies and combinations in restraint of trade.[45] Yet it has never been suggested that the Court may command Congress how to design such systems or what specific policies to adopt. The same principle applies here, with even greater force given the inherently political nature of the subject matter. The Judiciary may identify a constitutional lapse, but it may not prescribe the legislative remedy.

Accordingly, while the Court may grant the relief of certiorari to the extent of recognizing Congress's grave abuse of discretion in failing to act, the prayer for mandamus must be denied. The act sought to be compelled is not ministerial, and thus lies beyond the reach of the writ.

More specifically, I vote to grant the Petition for Certiorari in G.R. No. 263934 only to the extent of declaring the constitutional breach, without issuing mandamus or any coercive directive to enact a statute. I also vote to deny the Petition for Mandamus in G.R. No. 272370. In G.R. No. 279201, I vote to grant the Petition only insofar as it seeks a declaration that the prolonged omission constitutes grave abuse of discretion, and to deny the prayer for mandamus.

This calibrated disposition preserves the constitutional equilibrium. It affirms the supremacy of the Constitution by declaring the legislative omission unconstitutional, yet respects the autonomy of Congress by leaving to it the determination of how to fulfill its mandate. In so doing, the Court enforces the command of the Constitution in principle, without usurping the discretion it reserves to the political branches.

Comparative examples and interpretative guidance

The constitutional mandate to prohibit political dynasties has not been entirely without legislative response. Notwithstanding Congress's continued inaction at the national level, certain enactments within the broader legal order demonstrate that the constitutional policy is neither impracticable nor indeterminate.

Foremost among these is Republic Act No. 10742, or the Sangguniang Kabataan (SK) Reform Act of 2015, as amended by Republic Act No. 11768. Section 10 thereof introduces a notable disqualification: an elected or appointed SK official must not be related within the second civil degree of consanguinity or affinity to an incumbent elected regional, provincial, city, municipal, or barangay official in the locality where the person seeks election or appointment. It states:

Sec. 10. Qualifications. – An elected or appointed official of the Sangguniang Kabataan must be a citizen of the Philippines, a qualified voter of the Katipunan ng Kabataan, a resident of the barangay for not less than one (1) year immediately preceding the day of the elections, at least eighteen (18) years but not more than twenty-four (24) years of age on the day of the elections, able to read and write Filipino, English, or the local dialect, must not be related within the second civil degree of consanguinity or affinity to any incumbent elected regional, provincial, city, municipal, or barangay official, in the locality where the appointive or elective

official seeks to be elected, and must not have been convicted by final judgment of any crime involving moral turpitude[.][46] (Emphasis supplied)

Although confined to youth representation, this provision is significant. It reflects a legislative recognition that dynastic influence, even at the barangay level, impedes access to public office. More importantly, it dispels any notion that "political dynasty" is incapable of operational definition. Congress, in this instance, identified both a workable standard (second-degree kinship) and a concrete legal consequence (electoral disqualification).

In *Calubag v. Commission on Elections*,^[47] the Court recognized this statutory framework as the Legislature's response to the constitutional call to define and prevent political dynasties, at least at the SK level. The decision confirms that the constitutional policy can be translated into a judicially administrable electoral rule once the Legislature supplies the substantive definition and legal consequence.

A parallel, and even more developed, approach is evident in the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM). Exercising its devolved legislative authority, the Bangsamoro Parliament has incorporated anti-dynasty provisions into its electoral and local governance frameworks. The Bangsamoro Electoral Code^[48] (Bangsamoro Autonomy Act No. 35) prohibits political parties from nominating candidates related within the second degree to other nominees for the regional parliament:

Sec. 9. Nomination of Candidates; Limitations and Sanctions. –

[. . .]

d. Nominees submitted by a political party shall not be related to each other within the second degree of consanguinity and affinity. Violation of this provision shall disqualify one of the nominees in a manner to be determined by the party[.][49] (Emphasis supplied)

Complementarily, the Bangsamoro Local Governance Code^[50] disqualifies candidates for local elective office where a relative within the same degree is an incumbent in the locality. The regulatory scheme is further refined by procedural mechanisms, such as the drawing of lots where multiple disqualified relatives seek the same office, ensuring administrability in concrete situations:

Sec. 45. Disqualifications. – The following persons are disqualified from running for any elective local position:

[. . .]

(g) Those who are related within the second civil degree of consanguinity or affinity, whether full or half-blood, legitimate or illegitimate, to any incumbent local official running for an elective position, including the spouses, are disqualified to be candidates in the same election for: (i) any provincial elective position in the same province; (ii) any city elective position in the same city; (iii) any municipal elective position in the same municipality; and (iv) any barangay elective position in the same barangay. Any candidate for the local election must declare in their certificate of candidacy (COC) the following statement: "The candidate is not related within the second civil degree of consanguinity or affinity to any incumbent local official running for an elective position in the same province/municipality/barangay where the candidate seeks to be elected."

In case where none of the candidates is related to an incumbent local elective official but are related to each other within the second degree of consanguinity or affinity, or, where they are all incumbents, but are related to one another within the said prohibited degree, the following rules shall apply:

- For candidates running for different positions, the candidate or candidates seeking a lower office shall be disqualified from holding or running for any local elective office within the same province, city, municipality, or barangay as the case may be in the same election; and

- For candidates running for the same position, the BEO, through the appropriate office of the provincial election supervisor, shall determine, by drawing of lots, the candidate eligible to run for the said position. The election supervisor shall notify the candidates to appear before them for the drawing of lots within forty-eight (48) hours after the period fixed by the COMELEC for filing of candidacy[.][51] (Emphasis supplied)

These enactments, while territorially and sectorally limited, serve an important jurisprudential function. They operate as proofs of concept. They demonstrate that anti-dynasty regulations can be articulated with sufficient precision, implemented with workable standards, and enforced through clear mechanisms. In so doing, they effectively rebut the oft-invoked claim that the constitutional directive in Article II, Section 26 of the Constitution is too vague to be legislated.

To be sure, these measures do not discharge Congress's constitutional obligation. The SK Reform Act applies only to local youth councils, while the BARMM legislation is confined to a distinct autonomous region. Neither substitute for the comprehensive: national law contemplated by the Constitution. Nonetheless, they are instructive. They furnish concrete models, both in substance and in design, that the national legislature may adopt, refine, or expand. At the very least, they underscore that legislative inertia cannot be justified on grounds of conceptual or practical impossibility.

Just as importantly, these enactments demonstrate that implementation admits of multiple reasonable designs. Their second-degree standard differs from the fourth-degree coverage discussed by the ponencia. Their treatment of offices, candidacies, localities, and enforcement mechanisms is tailored to their respective statutory settings. These differences are not defects for the Court to correct. They are evidence that implementation requires precisely the calibrated policy choice entrusted to legislative deliberation.

I therefore cannot join the ponencia's four proposed "perspectives": coverage through the fourth civil degree; inclusion of half-blood, adoptive, step, common-law, legitimate, and illegitimate relations; application to simultaneous and successive candidacies for national and local positions; and extension throughout the same administrative region. Each may warrant serious legislative study. None is supplied by the constitutional text as a judicially enforceable minimum. When pronounced in the same judgment that orders the enactment of an "appropriate" law, these proposals may be instructive benchmarks against which future compliance may be measured. But the disclaimer that they are non-binding does not fully dispel that institutional pressure. Their mere utterance, to me, is uncalled for. Though I may agree these are wise cautionary considerations, I must confess the lack of authority as a Member of this Court to tell Congress how to enact a law.

Comparative enactments may illuminate feasibility and assist constitutional interpretation. They should not become judicial specifications for the statute to be passed. Congress may draw upon them, modify them, or choose other means that faithfully achieve the constitutional end. Any enacted law will remain subject, in a proper actual controversy, to judicial review for constitutional compliance. That later power of review is not a present license to preapprove or prescribe legislative content. On the other hand, it places the Court in a clearly conflicted position: by presenting these "guidelines," are we not proscribed from declaring for or against a law which embodies them?

The same institutional limit requires denial of the Petition in G.R. No. 277747. The COMELEC possesses broad constitutional authority to enforce and administer election laws, but it has no legislative power to create new substantive qualifications or disqualifications for elective office.[52] Article II, Section 26 does not by itself identify candidates who are "inherently, intrinsically, and automatically" disqualified. Until Congress supplies the definition and legal consequences, the COMELEC cannot promulgate a rule that would perform the legislative work in Congress's place.

Thus, the existing measures serve as interpretative guidance only in a limited sense. They confirm the practicality of legislation and underscore the untenability of indefinite inaction. They do not furnish the missing national rule, and they do not authorize either the Court or the COMELEC to supply it.

The calibrated course I am adopting recognizes Congress's prolonged omission as grave abuse of discretion and thereby affirms the binding force of the constitutional directive. At the same time, it refrains from prescribing the law's substantive content and preserves the Legislature's exclusive prerogative to define the scope and mechanics of the prohibition.

In this manner, the Constitution is made to prevail, without causing the delicate equilibrium among co-equal branches to be unduly blurred.

Conclusion

In closing, I join the Court in upholding the supremacy of the Constitution by declaring that Congress's long-standing failure to enact an anti-political dynasty law, as commanded by Article II, Section 26 of the 1987 Constitution, is UNCONSTITUTIONAL. This persistent inaction constitutes a breach of a clear constitutional duty and, therefore, amounts to grave abuse of discretion on the part of the legislative branch.

The same fidelity to the Constitution requires the Court to stop where judicial power ends. We may declare that Congress has failed in its duty, but we may not compel the enactment of a law whose essential content, process, and final approval depend upon judgments constitutionally committed to Congress and the President. The gravity of the omission does not enlarge the remedy, and the desirability of the legislative objective does not make lawmaking a ministerial function.

This Opinion emphasizes that our pronouncement today should not be mistaken as an incursion into the legislative domain. Rather, it should affirm a foundational principle of constitutional governance: that no branch of government may willfully disregard a constitutional mandate with impunity. The Constitution is not a mere aspiration or suggestion; it is the fundamental law to which all branches have sworn fidelity. In calling out this dereliction, the Court fulfills its solemn duty as the ultimate guardian of the Constitution.

At the same time, the Court must remain mindful of the limits of its authority. While we declare the existence of a constitutional duty and the violation thereof, we do not presume to execute that duty ourselves as it is not constitutionally ascribed to us. The issuance of a writ of mandamus to compel Congress to legislate an anti-political dynasty law would be both unwarranted and imprudent. It is unwarranted because the act sought to be compelled is discretionary rather than ministerial, and it is imprudent because judicial coercion of legislation would risk entangling the Court in continuous supervision over legislative outcomes and could provoke unnecessary friction between co-equal branches, and undesirable conflict of interest situations.

The strength of our constitutional order lies in maintaining this delicate balance. Each branch must respect the sphere of the others even as it fulfills its own duty to check constitutional transgressions. This calibrated disposition I am adopting preserves that structure. The Court performs its role by making a definitive constitutional pronouncement, yet leaves the crafting of policy where the Constitution places it, with Congress.

A declaratory judgment is not an abdication. It is the exercise of the Court's constitutional office with precision. It authoritatively identifies the breach, preserves the possibility of review once legislation is enacted, and relies upon the constitutional accountability of a co-equal branch to perform the duty now judicially confirmed.

It is my earnest hope that this declaration will not fall on deaf ears. An authoritative and unanimous pronouncement of this Court that Congress has violated the Constitution must carry profound institutional weight

and moral suasion. Our legislators, as representatives of the people and custodians of the public trust, now face an unequivocal constitutional call to action, one that emanates not from political agitation alone, but from the fundamental law itself as interpreted by its highest guardian, the Supreme Court.

Congress must heed this call. The Constitution explicitly commands the enactment of an effective anti-political dynasty law. Continued legislative inaction is no longer merely a matter of political discretion; it has now been judicially recognized as a constitutional wrong. The burden thus rests squarely upon Congress to rectify this breach with deliberate speed by crafting and enacting a genuine anti-political dynasty law that faithfully realizes the letter and spirit of Article II, Section 26.

In undertaking this task, Congress may draw guidance from the extensive scholarship and legislative proposals already developed on this issue, from precedents in our own local governance frameworks, and from the deliberations of the Constitutional Commission which illuminate the framers' intent. The objective must be to give meaningful effect to the constitutional aspiration of equalizing access to public office and strengthening the foundations of our democratic system.

Finally, I reiterate that judicial review, particularly under the Court's expanded certiorari jurisdiction, is designed to ensure that all branches of government remain within constitutional limits, not to supplant the powers entrusted to them. The Court does not and will not legislate from the Bench. It performs today the indispensable function of constitutional interpretation and enforcement while remaining fully conscious of the boundaries of its authority.

Accordingly, I CONCUR in the declaration that Congress has breached its mandatory constitutional duty and committed grave abuse of discretion in its continued failure to enact an anti-political dynasty statute. I thus concur in the denial of the Petition in G.R. No. 277747.

However, I DISSENT from the grant of mandamus in G.R. Nos. 272370 and 279201, from any coercive order directing Congress to enact an "appropriate" law at the earliest opportunity, from the wholesale vacatur of Biraogo and Guingona, and from the inclusion of substantive legislative prescriptions in the Court's judgment.

By illuminating Congress's constitutional lapse, the Court neither dictates policy nor intrudes into legislative prerogatives. It simply fulfills its sworn duty to uphold the Constitution. The Court, aside from having the power of constitutional interpretation, also has the power of moral suasion. That moral suasion is most legitimate when it is not confused with a coercive writ the Court lacks authority to enforce. The responsibility now passes to Congress, a co-equal branch, to fulfill theirs. In the delicate equilibrium of our separated powers, the Court has spoken. It is now for the Legislature to act accordingly.

[1] CONST., art. II, sec. 26 states:

The State shall guarantee equal access to opportunities for public service and prohibit political dynasties as may be defined by law. (Emphasis supplied)

[2] CONST., art. VIII, sec. 1 states:

The judicial power shall be vested in one Supreme Court and in such lower courts as may be established by law.

Judicial power includes the duty of the courts of justice to settle actual controversies involving rights which are legally demandable and enforceable, and to determine whether or not there has been a grave abuse of discretion amounting to lack or excess of jurisdiction on the part of any branch or instrumentality of the Government. (Emphasis supplied)

- [3] Ponencia, pp. 70-72; 77-83.
- [4] CONST., art. VIII, sec. 1, par. 2; see *Association of Medical Clinics for Overseas Workers, Inc. v. GCC Approved Medical Centers Association, Inc.*, 802 Phil. 116, 136-142 (2016) [Per J. Brion, En Banc].
- [5] *League of Cities of the Phils. v. COMELEC*, 623 Phil. 531, 547 (2009) [Per J. Velasco, Jr., En Banc].
- [6] *Chavez v. Judicial and Bar Council*, 691 Phil. 173, 199-200 (2012) [Per J. Mendoza, En Banc].
- [7] *Id.* at 553-554 citing *Rance v. National Labor Relations Commission*, 246 Phil. 287, 292-293 (1988) [Per J. Paras, Second Division].
- [8] IV Record, Constitutional Commission 939-941 (1986).
- [9] 338 Phil. 546 (1997) [Per J. Panganiban, En Banc].
- [10] *Id.* at 580.
- [11] *Id.* at 580-581.
- [12] See *Manila Prince Hotel v. Government Service Insurance System*, 335 Phil. 82, 101-105 (1997) [Per J. Bellosillo, En Banc]; see also *Biraogo v. Commission on Elections*, G.R. No. 203603, November 13, 2012 [Unsigned Resolution, En Banc].
- [13] Ponencia, pp. 25-27, 69-72.
- [14] *Angara v. v. Electoral Commission*, 63 Phil. 139, 158 (1936) [Per J. Laurel, En Banc].
- [15] G.R. Nos. 203759 & 205133, February 5, 2013 [Unsigned Resolution, En Banc].
- [16] *Id.*
- [17] G.R. No. 203603, November 13, 2012 [Unsigned Resolution, En Banc].
- [18] *Id.*
- [19] See *Francisco, Jr. v. House of Representatives*, 460 Phil. 830, 878-880 (2003) [Per J. Carpio Morales, En Banc].
- [20] *Syjuco v. Secretary Abaya*, 938 Phil. 786, (2023) [Per J. J. Lopez, En Banc].
- [21] *Marbury v. Madison*, 5 U.S. 137, 177 (1803).
- [22] 63 Phil. 139, 158 (1936) [Per J. Laurel, En Banc].
- [23] See *id.*
- [24] *Mohammad v. Sec. Gueverra*, 951 Phil. 925, 935 (2024) [Per J. Singh, En Banc].
- [25] *Zamora v. Bautista*, G.R. Nos. 272888 and 273014, August 13, 2025 [Per J. Hernando, First Division] at 16, citing *Ganaden v. Office of the Ombudsman*, 665 Phil. 224, 232 (2011) [Per J. Villarama, Jr., Third Division].
- [26] CONST., art. VIII, sec. 1, par. 2; RULES OF COURT, Rule 65, sec. 3.
- [27] RULES OF COURT, Rule 65, sec. 3.
- [28] 117 Phil. 798 (1963) [Per J. Bautista-Angelo, En Banc].
- [29] *Id.*

[30] 63 Phil. 198 (1936) [Per J. Recto, En Banc].

[31] Id.

[32] 708 Phil. 153 (2013) [Per J. Bersamin, First Division].

[33] Id. at 168.

[34] 46 Phil. 83 (1924) [Per J. Malcolm, En Banc].

[35] Id.

[36] 442 Phil. 139 (2002) [Per J. Puno, En Banc].

[37] 777 Phil. 169 (2016) [Per J. Peralta, En Banc].

[38] *Codilla v. De Venecia*, 442 Phil. 139, 188-190 (2002) [Per J. Puno, En Banc]; *Velasco v. Belmonte*, 777 Phil. 169, 207-210 (2016) [Per J. Peralta, En Banc]; see also *Padilla v. Congress*, 814 Phil. 344, 417 (2017) [Per J. Leonardo-De Castro, En Banc].

[39] 809 Phil. 453 (2017) [Per J. Carpio, En Banc].

[40] 929 Phil. 828 (2022) [Per J. Leonen, En Banc].

[41] *Knights of Rizal v. DMCI Homes, Inc.*, 809 Phil. 453, 533-534 (2017) [Per J. Carpio, En Banc]; *Abines v. Duque III*, 929 Phil. 828, 853-854 (2022) [Per J. Leonen, En Banc].

[42] *Abines v. Duque III*, 929 Phil. 828, 831 (2022) [Per J. Leonen, En Banc].

[43] Const., art. VI, secs. 26(2) & 27(1).

[44] CONST., art. VI, sec. 32 states:

The Congress shall, as early as possible, provide for a system of initiative and referendum, and the exceptions therefrom, whereby the people can directly propose and enact laws or approve or reject any act or law or part thereof passed by the Congress or local legislative body after the registration of a petition therefor signed by at least ten per centum of the total number of registered voters, of which every legislative district must be represented by at least three per centum of the registered voters thereof.

[45] CONST., art. XII, sec. 19 states:

The State shall regulate or prohibit monopolies when the public interest so requires. No combinations in restraint of trade or unfair competition shall be allowed.

[46] Republic Act No. 10742 (2016), sec. 10, as amended by Republic Act No. 11768 (2022), sec. 2.

[47] G.R. No. 279008, April 8, 2026 [Per J. Kho, Jr., En Banc].

[48] Bangsamoro Autonomy Act No. 35 (2023).

[49] Bangsamoro Autonomy Act No. 35 (2023), sec. 9(d).

[50] Bangsamoro Autonomy Act No. 49 (2023).

[51] Bangsamoro Autonomy Act No. 49 (2023), sec. 45(g).

[52] CONST., art. IX-C, sec. 2(1); see *Liberal Party v. Commission on Elections*, 926 Phil. 405, 421-423 (2022) [Per J. Leonen, En Banc].

SEPARATE CONCURRING OPINION

VILLANUEVA, J.:

In his ponencia, the ever-remarkable Associate Justice Ramon Paul L. Hernando disposed of the controversies in these cases in this wise:

ACCORDINGLY, the petitions in G.R. Nos. 263934, 272370, and 279201 are GRANTED.

Respondent Congress of the Philippines is DECLARED to have the MANDATORY CONSTITUTIONAL DUTY to enact the law on the constitutional prohibition against political dynasties as expressly provided for in Article II, Section 26 of the Constitution.

THE CONGRESS OF THE PHILIPPINES MUST HENCEFORTH AND WITH UTMOST URGENCY ENACT THE APPROPRIATE ANTI-POLITICAL DYNASTY LAW AT THE EARLIEST OPPORTUNITY.

The petition in G.R. No. 277747 is DENIED for lack of merit.

SO ORDERED.[1]

Without any hesitation or trepidation at all, I completely concur with such disposition. After all, this ruling on political dynasties is not only long overdue, but it mightily answers the loud clamor of a great majority of the Filipino people, and perhaps of the entire nation, who do not support political dynasties, are forced to live with them, or simply could not do anything until the full might of the law and the Constitution is wielded to finally contain them or define their limits.

The consolidated petitions commonly call for the enactment of a law defining political dynasties

Stripped of the procedural and legal formalities, the petitioners in the herein consolidated petitions seek the implementation of the prohibition of political dynasties as defined by law, pursuant to Article II, Section 26 of the Constitution, which provides that:

Section 26. The State shall guarantee equal access to opportunities for public service and prohibit political dynasties as may be defined by law.

To be clear, the Philippine Constitution actually prohibits political dynasties, and yet, no law has been enacted by the Congress of the Philippines (Congress) since the Constitution was ratified on February 2, 1987, to define already such prohibition. Thus, for close to four decades, or for almost 40 years, the required "defining law" prohibiting political dynasties has yet to see the light of day from the Congress. There is no constitutional provision or any legal basis which allows the esteemed members of the House of Representatives and the Senate to make the Filipino people wait for an anti-dynasty law for so long and for them to suffer too much already from such unjust inaction.

In G.R. No. 263934, petitioners Kapatiran Party (Alliance For The Common Good), Edilberto M. Cuenca, and Norman V. Cabrera (collectively, Kapatiran Party et al.) "seek to declare the long delay and failure of respondents [Congress] to pass a law defining political dynasties" and consider this as "grave abuse of discretion, thus unconstitutional and a continuing violation of the Constitution." [2] To Kapatiran Party et al., "the text of the Constitution mandates Congress to pass legislation defining political dynasties, as supported by the express intent of the framers. The framers recognized the danger of monopoly of political power in the hands of elite families.

Article II, Section 26 of the Constitution guarantees equal access to opportunities for public service through the prohibition of political dynasties. The phrase 'as may be defined by law' in the provision did not relegate to the discretion of Congress the attainment of the state policy but rather delegated to it only the duty to define the scope and extent of the prohibition."^[3] Further, Kapatiran Party et al. claim that the delay and failure of Congress to pass the legislation is tantamount to, among others, "an evasion of a positive duty and a continuing violation of the Constitution. In ignoring the constitutional mandate, Congress exercised discretion outside of its granted authority, abusing its power. Governmental inaction can be considered as grave abuse of discretion."^[4]

For petitioners Wilfredo M. Trinidad, Rico V. Domingo, Jorge L. Cabildo, and Ceasar G. Oracion (collectively, Trinidad et al.) in G.R. No. 272370, they seek "the issuance of a writ of mandamus for Congress to perform its constitutional duty to pass a legislation on political dynasties, which it has neglected to do."^[5] To them, "Congress has the constitutional duty to pass a law defining and prohibiting political dynasties, which is ministerial, mandatory, and non-discretionary in nature. By the wording of the provision [of Article II, Section 26 of the Constitution], a duty is imposed no less by the Constitution on Congress—it is expressly called upon to pass a law to enforce and operationalize a State policy."^[6] Trinidad et al., in their supplemental petition, emphasized that their "petition as previously filed does not involve a political question nor pertain to the legislative function of Congress" as the "question is not on which laws to enact but on whether the Constitution imposed a ministerial duty on Congress to pass a law defining and prohibiting political dynasties."^[7]

In G.R. No. 279201, petitioners 1Sambayan Coalition, Sanlakas, Members of Advocates for National Interest, Members of U.P. Law Class of 1975, Bishop Crispin B. Varquez, Bishop Broderick S. Pabillo, Bishop Jose Colin M. Bagaforo, Bishop Gerardo A. Alminaza, Father Flaviano L. Villanueva, Father Franklin E. Pilario, Father Joselito S. Sarabia, Father Odine L. Areola, Father Albert E. Alejo, Father Geowen A. Porcincula, Father Patrick Z. Falguera, former Ombudsman Conchita Carpio Morales, Atty. Christian Monsod, Solita Collas-Monsod, Maria Cielo D. Magno, and Atty. Dante B. Gatmaytan (collectively, 1Sambayan Coalition et al.) are asking the Court to "impress upon Congress to enact a law defining and prohibiting political dynasties."^[8] They aver that "Congress has effectively and unlawfully rewritten the Constitution by its refusal to define political dynasties despite the mandate in Article II. Under the Constitution, there is an obligation to enact such law; the discretion comes in only on defining the scope of what constitutes a political dynasty. By simply refusing to pass the legislation, for a long time, Congress violated and repealed Article II, Section 26 of the Constitution."^[9] Also, they submit that "Article II, Section 26 is not a mere statement of policy, but a self-executing provision insofar as it requires Congress to enact a piece of legislation. The wording is clear in imposing upon the State two obligations: to guarantee access to public service and to prohibit political dynasties as may be defined by law."^[10]

As to petitioners Bishop Gerardo A. Alminaza, Bishop Jose C M. Bagaforo, PMGen Wilfredo D. Franco (Ret.), PBGen Noel O. Delos Reyes (Ret.), MGen Reynaldo V. Reyes (Ret.), Col. Guillermo G. Cunanan (Ret.), Capt. Roberto D. Yap (RSD), Luisito Diez Redoble, and Alexander L. Lacson (collectively, Alminaza et al.) in G.R. No. 277747, they plead "to declare certain types of candidates as inherently, intrinsically, and/or automatically covered by the general prohibition against political dynasties under Article II, Section 26, in relation to Article VI, Section 7 and Article X, Section 8 of the Constitution, as well as to enjoin the [Commission on Elections (COMELEC)] to promulgate rules and regulations to include these types of candidates as among those disqualified during national and local elections."^[11] To them, there is "grave abuse of discretion on the part of COMELEC for failing to promulgate rules to disqualify candidates belonging to political dynasties. The prohibition covers local and national positions, including party-list nominees, as well as simultaneous and successive holding of office, among spouses, children, parents, siblings, including in-laws. Alminaza et al. argue that the constitutional prohibition is self-executing against a member of the family of an incumbent elected official. In case of doubt, it must be resolved in favor of the presumption that the provision is self-executing."^[12]

Essentially, Kapatiran Party et al., Trinidad et al., and 1Sambayan Coalition et al. have the same cause of action, i.e., to require the Congress of the Philippines to enact a law defining the prohibition on political dynasties as mandated by Article II, Section 26 of the Constitution. On the other hand, Alminaza et al. tasks the COMELEC to promulgate rules for the disqualification of candidates from political dynasties, but they still anchor their plea on, among others, the same Section 26 to implement the constitutional provision on political dynasties.

The respondents consider Article II, Section 26 as not self-executing

While several comments were submitted on behalf of the respondents Congress of the Philippines and the COMELEC, through the Office of the Solicitor General, these presented almost similar and complementary arguments, some regarding the legal standing of the petitioners to initiate their petitions, or if the relief sought is proper, or on the ripeness of the controversy for judicial review.[13]

A material argument submitted by the respondents is that "Article II, Section 26 of the Constitution is not self-executing. The Declaration of Principles and State Policies in Article II of the Constitution are not meant to be self-executing provisions ready for enforcement through the courts. These do not embody judicially enforceable constitutional rights, but mere guidelines for legislation. Thus, the failure of the legislature to pursue such policies cannot give rise to a cause of action for mandamus. The phrase 'as may be defined by law' expresses the intent of the framers for a further and more detailed enabling statute before the provision can be enforced. Without the definition, there is no legal provision that can be imposed, rendering the constitutional provision unenforceable." [14]

Congress claims that no grave abuse of discretion should be attributed to it for failing to enact an "anti-dynasty" law, as it allegedly has been performing its duty regarding it through the various bills previously filed over the years seeking to define and prohibit political dynasties. However, despite the legislative proposals to prohibit political dynasties in the past, what has not been accomplished yet is to actually and finally enact a law defining the prohibition on political dynasties. Thus, although not for lack of trying, the members of Congress have yet to fulfill their constitutional duty as enshrined in Article II, Section 26.

The remedy resorted to by the petitioners is proper

While there are indeed efforts in the past to enact a law defining political dynasties, the fact that at the time of the filing of the present petitions none had been passed renders the cause of action of the petitioners to be tenable. It goes without saying that "[t]he patent and palpable failure of Congress to enact a law that prohibits political dynasties as mandated by our Constitution, in spite of close to four decades of opportunity to do so, is tantamount to grave abuse of discretion amounting to lack or excess of jurisdiction on its part." [15]

It must be pointed out that, in all the constitutions of the Philippines, from the 1899 Malolos Constitution to the 1986 Freedom Constitution, it is only in the 1987 Constitution that there is a provision expressly and unequivocally prohibiting political dynasties. True, in recent years there are laws relating to dynastic politics, like Republic Act No. 10742,[16] otherwise known as the Sangguniang Kabataan Reform Act of 2016, and the Bangsamoro Autonomy Act No. 35,[17] otherwise known as the Bangsamoro Electoral Code of 2023,[18] yet these are not even close to prohibiting political dynasties in the entire country as envisioned by the framers of the Constitution. As meticulously analyzed in the ponencia, "the members of the Constitutional Commission in favor

of the prohibition of political dynasties believed that such measure would break the political monopoly long wielded by politically entrenched families, and level the playing field for other persons who want to run for public office. It was also pointed out that political dynasties perpetuate schemes of graft and corruption" and this has been described as a "social malady." [19] Obviously, if not duly addressed through the passage of an anti-dynasty law, the political ills plaguing our country that impacts on the lives of millions of Filipinos will never be cured or curtailed.

Thus, Congress failed to discharge its duty of enacting a defining law prohibiting political dynasties for an unjustified prolonged period that practically defied the dictates of the Constitution, or which utterly disregarded a constitutional command in Article II, Section 26. [20] Indeed, "from both the letter of the fundamental law and the intent of its framers, there is no doubt that the constitutional provision is a command to Congress. The provision protects an aspect of the people's right to effective public service and access to public office. But in order to be effective, it is bound to be implemented by a law. The Court concludes that without a law, Congress not only disobeys the Constitution, but also deprives the public of a cherished ideal guaranteed by the Constitution, no less. As it therefore stands at this very moment, Congress is currently in violation of Article II, Section 26 of the Constitution." [21] On this score alone, mandamus properly lies.

In addition, there was grave abuse of discretion on the part of the Congress of the Philippines since, despite the numerous bills filed to prohibit political dynasties, none was enacted. It is acknowledged "that numerous anti-political dynasty bills have been filed in both House of Congress. Since the ratification of the Constitution, at least 71 bills were filed from the 8[th] Congress to the 19[th] Congress. 33 were filed in the current Congress." [22] Also, "[t]he 20[th] Congress has seen numerous filings of anti-political dynasty bills. As of August 13, 2026, there are 33 bills filed, eight in the Senate and 25 in the House of Representatives." [23] One of these proposed measures is House Bill No. 8369 that defines political dynasty as "an existing familial relationship with an elected public official, such as a spouse, direct ascendant or descendant, sibling or any other person related within the second civil degree of consanguinity or affinity, whether legitimate or illegitimate, full or half-blood[.]" [24]

Until the Congress of the Philippines complies with its fundamental and ministerial duty to enact an anti-political dynasty law or a law defining and prohibiting political dynasties, a piece of legislation that impacts tremendously on the socio-political and economic lives of Filipinos, it should be unrelentingly urged to finish the job. Again, the purpose is to "prevent political dynasties from dominating Philippine politics. But at the same time, [the framers of the Constitution] decided to leave the task of defining it to Congress, as the commissioners cannot seem to reach an agreement as to the wording of the provision and the extent of the prohibition. And as can be gleaned from the deliberations, the framers, in leaving to the will of Congress the extent of the prohibition, did not contemplate a situation where Congress has the discretion not to define the extent at all. They thus expected that a law will be passed to fulfill their intent." [25] Simply put, the framers of the Constitution entrusted to Congress the ministerial, not discretionary, task of defining political dynasties that will be prohibited, which they are expected to do considering that legislative power has been vested in it. And this Congress was expected to do a long time ago even if, in the scheme of things, its members themselves and their families will likely be affected by the anti-political dynasty law that they should have enacted a long time ago.

Although not time bound, the framers of the Constitution surely did not envision that the legislative department will take too long a time to give the Filipino people an anti-political dynasty law that promotes equal access to public service to everyone willing and qualified to serve in a political office, and not dominated by politically entrenched families. How soon was an anti-political dynasty law supposed to be enacted? While there is no definite deadline, it is certain that the defining law prohibiting political dynasties was long overdue even before

the present petitions were filed. No doubt, "[t]he Constitution and the Filipino people cannot accept anything short of an anti-dynasty law. A living, enforceable, and constitutionally acceptable anti-dynasty law is what is clamored for." [26]

The absence of an anti-political dynasty law propels the growth of political dynasties

It goes without saying, a political dynasty is "concentration of power to a few." [27] As such, it is no wonder that since the ratification of the Constitution, political dynasties in the country centered on family ties have proliferated and these remain unabated or unchecked. These dynasties work on the plain premise that it is only family members of the same clan who can be trusted or who are qualified to provide and continue the public service that incumbent family members holding political positions can deliver. Wittingly, or unwittingly, this kind of mindset borders on uncharacteristic political greed or a selfish desire for unending political power or dominance.

Admittedly, not all political dynasties are bad per se. In fact, there are political dynasties that have contributed to the growth and progress of many localities and immensely provided political leadership on a local or national level. Still, this is simply not enough reason not to prohibit political dynasties. In the end, it is because of the opportunity to allow public service freely accessible outside of political dynasties that the Constitution fundamentally prohibits it.

Over the years, while Congress has not enacted an anti-dynasty law, figures would show that political dynasties are widespread. [28] As disclosed in the ponencia, "[i]n local government positions, a study shows how governors who have at least one relative in office (considered as fat dynasties) grew by around 39 percentage points, or from 41% in 1988 to an astounding 80% in 2019. For vice governors, the fat dynasty share had increased from 18% in 1988 to 68% in 2019. For mayors, the share had grown from 26% in 1988 to 53% in 2019. For city and municipal councilors, the growth is slower compared to the other positions, as the share had only grown from 18% in 1988 to 23% in 2019." [29]

Interestingly, "[a]fter the May 2022 elections, public officials belonging to political dynasties were elected. In the Senate of the 19th Congress, three sets of family members served together as senators: two siblings, two half-siblings, and one parent and child. Meanwhile, a startling 216 out of 253 district representatives in the 19th Congress had at least "one other relative previously or currently elected into public office, or hoping to be elected in 2025." Moreover, 36 out of 54, or 67% of party-list groups in the House of Representatives, had "links to political families." In the local setting, at least 71 out of 82, or 87% of the country's provincial governments, were led by members of political dynasties. In addition, 47 of the 71 then[-]incumbent governors belonging to political dynasties were seeking reelection; at the same time, 19 then[-]sitting governors who were not running for reelection had family members seeking to replace them. Also, at least 113 of 149 city mayors, or about 53%, belonged to political dynasties." [30]

Further, "[a]fter the recently concluded May 2025 national and local elections, dynasties remained firmly entrenched in power. In the Senate of the 20th Congress, 19 out of 24 members come from so-called 'political clans.' Four pairs of siblings are incumbent. No less than 10 senators have at least one relative up to the fourth degree of consanguinity or affinity currently sitting as district or party-list representative. In the House of Representatives of the 20th Congress, 212 out of 254 district representatives are still from political dynasties. Around 32 out of 61 party-list representatives come from active political clans, thus showing how political families could also infiltrate and control party-lists. In the local setting, 12 dynasties lost gubernatorial races, but

71 out of 82 winning governors are still from political dynasties. In the National Capital Region, all elected mayors belong to dynasties. Notably, there are at least 18 obese dynasties in the national and local settings."^[31]

Statistics do not lie. The longer the Filipino people wait for an anti-political dynasty law or a law prohibiting political dynasties, the more political dynasties actually grow in number and with such impunity that it may result in practically paralyzing Congress into enacting a law to curtail it.

More striking, if not outright shocking, is the stark reality that political dynasties unabashedly proliferate in the very Congress mandated to enact a law prohibiting political dynasties. Truly, the legislative inaction in the past resulted in family clans belonging to political dynasties perhaps protecting all the more their political interests and even ensuring that other political dynasties in more regions and provinces nationwide would flourish and thrive. There is a Filipino phrase or expression for this—"bantay-salakay." Instead of promoting the interest of the Filipino people, the members of the House of Representatives and the Senate, past or present, may not have realized that they actually harmed and undermined instead the welfare and well-being of the Filipino people by not passing a defining law prohibiting political dynasties. This may practically be akin to betraying the public trust.

Once and for all then, not only for this present generation but for the coming future generations of Filipinos, the Congress should tirelessly and without letup endeavor to pass an anti-political dynasty law. This is not just its constitutional duty, but a legislative commitment of divine origin, for our country and people to be freed from political dynasties "in order to build a just and humane society and establish a Government that shall embody our ideals and aspirations, promote the common good, conserve and develop our patrimony, and secure to ourselves and our posterity the blessings of independence and democracy under the rule of law and a regime of truth, justice, freedom, love, equality, and peace."^[32] Curiously, the prohibition on political dynasties brings to the fore all that the Preamble embodies for all "the sovereign Filipino people."^[33]

Congress must perform its constitutional duty to enact a law defining and prohibiting political dynasties

There is no dispute that the judicial department cannot encroach upon the powers vested in the legislative department. The principle of separation of powers ordains that each of the three great branches of government has exclusive cognizance of and is supreme in matters within its own constitutionally allocated sphere.^[34]

As such, the ponencia clearly points out that "[t]he enactment of a law is a function purely within the prerogative of Congress that may not be inquired upon by the Court. However, this general principle does not and should not govern the present dispute. The issue before the Court does not directly concern the process of enacting legislation, nor does it involve questions of ordinary legislative procedure. Rather, it is the Constitution stating a substantive instruction: the prohibition of political dynasties. In consequence, the Court is merely performing its constitutional mandate of constitutional construction; not adjudicating on the merits of conventional legislative processes."^[35]

Again, the Constitution's clear policy is that the State must "guarantee equal access to opportunities for public service and prohibit political dynasties as may be defined by law."^[36] Yet for decades, the absence of an enabling statute has left this constitutional command largely dormant. This enabling law should clearly define political dynasties, prohibit close relatives from simultaneously or immediately succeeding one another in elective office within a specified degree of kinship, empower COMELEC to enforce disqualification through transparent and due process mechanisms, and include safeguards to prevent overbreadth.

Indeed, the passage of an enabling legislation to prohibit political dynasties is long overdue, and its benefits are

often sidelined precisely because of the persistent grip of political dynasties in our country, especially in both local and national leadership. An anti-political dynasty bill, if properly crafted, not only serves as a democratic safeguard but also offers a breakthrough in other socio-political and economic aspects of the country.

No doubt, there are compelling reasons for Congress to hasten the passage of an anti-political dynasty law.

First, the passage of an anti-political dynasty laws fulfills a basic constitutional mandate that has been left unenforced for decades. This constitutional provision, alongside principles of integrity in public service and anti-corruption measures, reinforces the view that dynastic prohibition is part of a broader design to strengthen accountability.[37]

Second, an anti-political dynasty law strengthens "equal access" by reducing structural barriers to entry into politics. In our country, even if elections are formally open to all, political families often enjoy name recall, local machinery, campaign resources, and entrenched networks that newcomers cannot match, especially in poorer areas where dependence on patrons or political patronage is stronger. The policy intent behind Article II, Section 26 is precisely to widen access to public office and create a more level playing field. Research on Philippine dynasties frequently describes how the concentration of elective positions within families produces political inequality, where the same clans dominate elective posts across time and space.[38] Indeed, when politics becomes an inherited advantage, elections risk becoming less about competence and platforms and more about lineage and machinery.[39]

Third, an anti-political dynasty law may help improve democratic competition and accountability. A central argument for anti-dynasty legislation or a defining law prohibiting political dynasties is that dominance by the same families can weaken meaningful electoral competition. When challengers believe they cannot win against entrenched clans, fewer credible candidates run, debate narrows, and voters effectively get fewer real choices. A Senate bill explanatory note for an anti-dynasty measure describes dynasties as producing "small monarchies" and making a "mockery" of a level playing field, while also pointing out that repeated failure to pass such a law is linked to the fact that many legislators themselves come from political clans.[40] From an accountability angle, if a family can rotate positions among relatives, officials may feel insulated from consequences because electoral defeat is less threatening when a relative or dynasty member can take the seat next cycle.

Fourth, academic studies link the prevalence of dynasties to weaker development outcomes, especially in poorer regions, and find meaningful relationships between dynastic concentration and socioeconomic outcomes. For example, a peer-reviewed study reports that dynastic prevalence is substantial and provides evidence consistent with dynasties being associated with worsening poverty outcomes in provinces outside Luzon.[41] More recent research finds that dynasties exacerbate poverty in resource-rich non-Luzon provinces, whereas the effect differs in stronger competitive business environments.[42] A study on "political inequality" finds that it is associated with weaker development outcomes across provinces, suggesting that concentrated political power can correlate with poorer human development performance.[43]

Thus, while not every dynastic politician is ineffective, the systemic pattern of concentrated family rule is strongly linked to weaker development outcomes, especially in provinces arid areas with poverty.

Fifth, it reduces conflicts of interest and improves checks and balances at the local level. Political dynasties can create governance environments in which public resources, appointments, contracts, and enforcement decisions become vulnerable to the concentration of political power within a specific kinship group, particularly when multiple relatives hold positions simultaneously within a province, city, municipality, or district.

The Constitution is designed to prohibit dynasties "as defined by law," which reflects recognition that unchecked

concentration of political power can undermine impartial governance. Studies frame dynastic dominance as a form of political inequality that can weaken institutions and development. Even with anti-corruption laws, enforcement is harder when oversight bodies, local executives, legislators, and national leaders are part of the same family network.[44]

Sixth, prohibiting political, dynasties can encourage stronger parties and policy-based platforms in political campaigns. A system dominated by families often encourages personality-based politics rather than party-based competition. An anti-political dynasty law can push politicians to build platforms, coalitions, and party identity beyond surnames, especially if paired with campaign finance transparency and party reforms. It will also provide structural reform that can make other reforms (campaign finance, procurement integrity, and merit-based appointments) more feasible by reducing gatekeeping by closely related officials.[45]

Truly, the passage of an anti-political dynasty law or a law defining and prohibiting political dynasties is justified as a constitutionally mandated enabling statute that operationalizes equal access to public service and strengthens democratic accountability. Thus, the approval and prioritization of the anti-political dynasty law for committee action and plenary consideration by the Congress, with clear definitions, enforceable prohibitions on simultaneous holding and immediate succession, and anti-circumvention mechanisms, is crucial, akin to the country's national survival being dependent on it.

In the end, enough to opportunities in elective offices and public service through political positions in the country being apparently reduced to a family business.

The petition of Alminaza et al. for COMELEC to promulgate rules to disqualify candidates from political dynasties is unmeritorious

To recall, Alminaza et al. seek to compel the COMELEC to promulgate rules for the disqualification of candidates from political dynasties and even declare certain types of candidates as "inherently, intrinsically, and automatically covered by the general prohibition against political dynasties under the Constitution[.]"[46] This they plead as they attribute "grave abuse of discretion against the COMELEC for its failure to promulgate such rules." [47]

As explained in the ponencia, the Court "cannot declare, on its own, certain candidates as inherently disqualified under the Constitution. After all, defining the scope and extent of political dynasties is a function of the legislature. There is no law yet as of the present. All the Court can do, as discussed, is to impress upon the rightful government body—Congress—to enforce the prohibition through a law." [48]

Added to this, and "[o]n the prayer directed against COMELEC, the Court rules that COMELEC cannot be compelled to promulgate rules and regulations on the disqualification of candidates and cancellation of certificates of candidacy of those individuals belonging to political dynasties." [49] While "[r]ulemaking is essential for COMELEC to fulfill its mandate under the Constitution," this "power is not without limitations. It is not absolute and is limited by the Constitution and existing laws. The exercise of this power should always be read in conjunction with the Constitution and the laws it seeks to enforce. And it is also important that the rules and regulations must be within the scope of authority granted by law to the administrative agency. An administrative agency can only regulate what is provided in the law." [50]

Thus, the ponencia correctly ruled that the "COMELEC, therefore, cannot issue and cannot be compelled to issue, any rule or regulation on the disqualification or cancellation of certificates of candidacy of candidates belonging

to political dynasties. Any issuance to this effect will be ultra vires and may be struck down upon a proper and meritorious petition." [51] Nothing is more evident.

Just thinking out loud

Recognizing that the Court cannot resort to judicial legislation, still, certain circumstances have been presented in the ponencia for consideration by Congress "if the evils of concentrating power and political opportunity were to be truly addressed." [52] Thus, just thinking out loud, and during this time and age of social media, the advent of the internet, and rapid advances in information technology where thoughts and ideas are freely and abundantly expressed in various forms and venues, Congress may want to look into the following as enumerated in the ponencia:

First, there is basis to extend the prohibition on political dynasties to relatives up to the fourth civil degree of consanguinity and/or affinity. [53]

Second, relatives can be prohibited from running for an elective office simultaneously for any of the covered positions or successively for the same position. These relatives may not hold or occupy office at the same time and may not succeed each other at the end of each term in the same elective position whether by election, substitution, or appointment. [54]

Third, relatives covered by the prohibition may not occupy national and/or local elective positions. [55]

Lastly, the abovementioned prohibition can extend to all covered persons residing within the same administrative region. [56]

And taking it a little step more, just thinking out a bit louder, the prohibition on political dynasties may want to take into account the following: (i) one family member of a political clan holding only one political position with a 6-year term at the national level; (ii) one family member of a political clan holding only one political position in a legislative district or party-list position; (iii) one family member of a political clan holding only one political position in the provincial level; (iv) one family member of a political clan holding only one political position in a city/municipal level; and (v) one family member of a political clan holding only one political position at the barangay level. Family members of political clans running against each other for the same political position, where only one will be elected, and no more, are not considered establishing political dynasties since only one of them will possibly make it or prevail. Essentially, it is not who among the family members of a political clan should not be allowed to run for political office, but what political office they should not be allowed to be elected to.

Indeed, the time has come for the esteemed members of Congress, whether coming from a political dynasty or not, to be faithful to their oaths to defend and uphold the Constitution by enacting a defining law prohibiting political dynasties without any further delay. With their infinite wisdom and unmatched fealty to public service, coupled with their undying genuine love for country, it is certain that they will not fail the Filipino people who have longed for an already overdue anti-political dynasty law.

FOR THESE REASONS, I concur with the ponencia as it GRANTS the petitions in G.R. Nos. 263934, 272370, and 279201, only insofar as the Congress of the Philippines is earnestly urged to enact the appropriate anti-political dynasty law or defining law prohibiting political dynasties at the earliest opportunity or with utmost dispatch, while DENYING the petition in G.R. No. 277747.

[1] Ponencia, pp. 83-84.

[2] Id. at 28.

[3] Id. at 29.

[4] Id.

[5] Id.

[6] Id. at 30.

[7] Id.

[8] Id. at 32

[9] Id. at 33.

[10] Id.

[11] Id. at 31.

[12] Id. at 31-32.

[13] Id. at 34.

[14] Id. at 35.

[15] Id. at 44.

[16] Entitled "An Act Establishing Reforms in the Sangguniang Kabataan Creating Enabling Mechanisms for Meaningful Youth Participation in Nation-Building, and for Other Purposes" (2016).

[17] Entitled "An Act Providing for the Bangsamoro Electoral Code of the Bangsamoro Autonomous Region in Muslim Mindanao" (2023).

[18] Ponencia, pp. 14-16.

[19] Id. at 58.

[20] Id. at 45.

[21] Id. at 60.

[22] Id. at 22-23.

[23] Id. at 25.

[24] Id.

[25] Id. at 59.

[26] Id. at 63.

[27] Id. at 9.

[28] Id. at 17.

[29] Id. at 18.

[30] Id. at 19.

[31] Id. at 19-20.

[32] CONST., Preamble.

[33] Id.

[34] Sen. Miriam Defensor-Santiago v. Sen. Teofisto Guingona, 359 Phil. 276, 284 (1998) [Per J. Panganiban, En Banc].

[35] Ponencia, p. 66.

[36] CONST., art. II, sec. 26.

[37] See Senate Bill No. 30 (2019), 18[th] Congress, 1[st] Regular Session, explanatory note, The Anti-Political Dynasty Act of 2019.

[38] Ronald U. Mendoza & Miann S. Banaag, Political and Economic Inequality: Insights from Philippine Data on Political Dynasties, 37 JOURNAL OF GLOBAL SOUTH STUDIES 294, 312-313 (2020).

[39] See Senate Bill No. 30 (2019), 18[th] Congress, 1[st] Regular Session, explanatory note, The Anti-Political Dynasty Act of 2019.

[40] Id.

[41] Ronald U. Mendoza et al., Political dynasties and poverty: measurement and evidence of linkages in the Philippines, 44 OXFORD DEVELOPMENT STUDIES 189, 197-198 (2016).

[42] Ronald U. Mendoza et al., Political dynasties, business, and poverty in the Philippines, 7 JOURNAL OF GOVERNMENT AND ECONOMICS 1, 8 (2022).

[43] Ronald U. Mendoza & Miann S. Banaag, Political and Economic Inequality: Insights from Philippine Data on Political Dynasties, 37 JOURNAL OF GLOBAL SOUTH STUDIES 294, 312-313 (2020).

[44] See Ronald U. Mendoza et al., Political dynasties, business, and poverty in the Philippines, 7 JOURNAL OF GOVERNMENT AND ECONOMICS 1, 7-8 (2022).

[45] Id. at 8.

[46] Ponencia, p. 72.

[47] Id.

[48] Id. at 73.

[49] Id.

[50] Id. at 75.

[51] Id. at 76.

[52] Id. at 77.

[53] Id.

[54] Id. at 78.

[55] Id. at 79.

[56] Id. at 82.

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