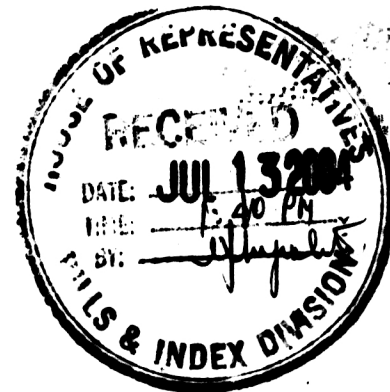


THIRTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



HOUSE OF REPRESENTATIVES

H.B. No. 1355

Introduced by **Honorable Del R. de Guzman**

EXPLANATORY NOTE

In a multi-party system, government officials affiliate themselves with political parties that best represents their personal ideology, political ideas and platform or program of government. Its purpose is to serve as a safeguard to ensure that there will be not a vacuum of leadership in the country. The people shall choose their representatives through an electoral process in reference to the political parties they are associated with.

In an ideal situation, elected representatives are chosen by their constituents on the soundness and potency of their respective political ideology and platform or program of government. Minority party or parties are purposely chosen by the electorate to serve as a watchdog of the majority so as to prevent abuse resulting from sheer numbers.

Sad to say, the Filipino voters for the last few decades have been treated to the spectacle of political turncoatism to extent that the will they have expressed in the elections is thwarted by politicians who shed their party affiliations after the elections to promote their own private and personal needs.

Turncoatism, most often, is the result of political patronage, or hope of greater patronage from the party in power. Party platforms and ideologies are eschewed in exchange for patronage. This practice certainly is preventing and not helping in the development of the strong multi-party system.

In order to minimize politics of patronage and develop a strong multi-party system in the Philippines, it is the purpose of this bill to prohibit political turncoatism and provide penalties therefore.

In view of the above reasons, the urgent passage of this measure is earnestly recommended.


DEL R. DE GUZMAN

Republic of the Philippines
HOUSE OF THE REPRESENTATIVES
Quezon City

Thirteenth Congress
First Regular Session

1355

HOUSE BILL NO. _____

Introduced by Representative Del R. de Guzman

AN ACT
PROHIBITING POLITICAL TURNCOATISM AND PROVIDING PENALTIES
FOR VIOLATIONS THEREOF, REPEALING FOR THE PURPOSE SECTION
SEVENTY-ONE OF BATAS PAMBANSA BLG. EIGHTY-EIGHT HUNDRED AND
ONE, AS AMENDED, OTHERWISE KNOWN AS THE OMNIBUS ELECTION
CODE OF THE PHILIPPINES.

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

SECTION 1. Declaration of Policy - It is the policy of the State to strengthen the party system and to ensure that the will of the people in the election of persons representing various political parties is not thwarted through changes in party affiliations.

SECTION 2. Definition of Terms. For purposes of this Act:

(a) A political party refers to an organized group of qualified voters duly registered with the Commission on Elections pursuing the same ideology, political ideas and program of government;

(b) Political turncoatism refers to the change of political party affiliation by any elective public official under which he was elected from the time of election up to the last six (6) months before the succeeding election. It shall also refer to the change of political party affiliation by a candidate other than incumbent elective officials within six (6) months before the election. Provided, that political turncoatism shall not apply in any of the following instances:

1. Merger of coalition of political parties where a candidate is a member of;
2. Abolition of political parties where a candidate is a member of;
3. Expulsion of a member from his political party; and,
4. Resignation, provided the elective public official remains independent during his term of office up to six (6) months before the election.

(c) A candidate refers to any person aspiring for or seeking an elective public office who has filed a certificate of candidacy by himself or through an accredited political party, aggrupation, or coalition or parties;

(d) Term of office refers to the period of which the public officer was elected and not out short by resignation or removal.

SECTION 3. Prohibition and Penalties.

(a) Any person holding any elective public office who is found guilty of political turncoatism as defined in this Act, after due notice and hearing before the Commission on Elections (COMELEC), shall not be qualified to run for any elective position in any election immediately following the expiration of his term of office.

(b) A candidate, other than the incumbent elective public official, who is likewise found guilty of political; turncoatism, after due notice and hearing before the Commission on Election, shall not be qualified to run for any elective public office immediately following his change of political party affiliation.

(c) In either case, any candidate, whether an incumbent elective official or not, shall not be qualified to assume or hold any elective public office within the term of office immediately following the date of the elections from which he was disqualified to participate in violation of this Act.

SECTION 4. Period for Filing Petition for Disqualification. - Any citizen of voting age,

candidate or duly registered political party, organization, or coalition of political parties may file with the COMELEC, within ten (10) days from the last day of filing of certificates of candidacy, a petition to disqualify a candidate on grounds provided under Section 3 of this Act.

SECTION 5. Summary Proceedings. - The petition shall be heard and decided summarily by the COMELEC, after due notice and hearing, within fifteen (15) days from the date of its filing.

SECTION 6. Effect of Disqualification. - If the candidate credited with the highest number of votes is disqualified on final judgment in violation of this Act, the candidate receiving the second highest number of votes for the same position shall be declared as the elected candidate.

SECTION 7. Implementing Rules. - The Commission on Elections shall issue the necessary rules and regulations for the proper implementation of this Act.

SECTION 8. Repealing Clause. - Section Seventy-one (71) of Batas Pambansa Blg.881, As amended, otherwise known as the omnibus Election Code is hereby repealed. All laws, decrees, executive orders, rules and regulations, or parts thereof, inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SECTION 9. Effectivity. - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) national newspapers of general circulation.

Approved,