

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Twelfth Congress
First Regular Session

HOUSE BILL NO. 2754

Introduced by Honorable Arnulfo P. Fuentebella

EXPLANATORY NOTE

A strong party system is a landmark of a stable democratic government. Maintaining political stability that proves, time and again, to be directly related to economic stability has always been at the centerpiece of every administration. Political dynamism that inheres in every political group, as social structure, requires certain state interference if only for the purpose of achieving stability that easily translates into economic growth.

To this end, the state endeavors to protect political parties and organizations as institution from parochial and vested interests that weaken these parties. A political party formed on mere political convenience and expediency stands on shaky ground and is bound to fall on its knees. On the other hand, a political party of citizens bound by common ideals through common legal means stands on a higher, firmer ground. While no institution, even courts, can inquire into the motives which underlie the formation of a political party because the Constitution recognizes it as a fundamental right, still such party should be established for lawful objectives and through lawful means.

Political turncoatism which generally involves shifting of party allegiance by an elected government official dissipates party membership. Party loyalty which is a scarce commodity often yields to political convenience derived from the patronage offered by party in power. It demoralizes the entire organization and provides a groundwork for instability.

Underlying motivations notwithstanding, the State has a higher stake in promoting a stable party system whose various political inclinations may, at times, be at odds with another. Political parties play crucial roles in shaping government policies on economics, peace and order, national security and foreign relations. Political parties therefore, particularly strong ones, provide a repository of ideals, devoid of personal interests, that may prove useful in local and national governance. It is the vested interests of individual members which is totally opposed to party policies, that tend to divide political parties.

Political stability brought about by a strong party system enhances good economic climate that breeds healthy economic environment attractive to foreign investments. Hence, immediate passage of this bill is respectfully sought.


ARNULFO P. FUENTEBELLA

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Thirteenth Congress
First Regular Session

HOUSE BILL NO. 2754

Introduced by Honorable Arnulfo P. Fuentebella

AN ACT
PROHIBITING POLITICAL TURNCOATISM OF ELECTED PUBLIC OFFICIALS
AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF

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

SECTION 1. Declaration of Policy. - It is the policy of the State to promote a free and open party system that would ensure free choice of the people in electing persons of political persuasion that would govern the people. For this purpose, changing political party affiliations for reasons other than that which is provided by Section 2(b) of this Act, is hereby prohibited.

SEC. 2. Definition of Terms. - For purposes of this Act:

(a) A political party shall mean an organized group of citizens advocating an ideology or platform, principles and policies for the general conduct of government and as the most immediate means of securing their adoption, regularly nominates and supports certain of its leaders and members as candidate for public office. A political party shall first be duly registered with the Commission on Election (COMELEC) in order to acquire juridical personality, to qualify for subsequent accreditation and to be entitled to the rights and privileges granted to political parties;

(b) Political turncoatism shall mean the change of political party affiliation by any elected public official, except baranggay officials, during his term of office. Voluntary resignation or removal from office for any cause shall not constitute an excuse for such public

officer for changing his political party affiliation during the term that he was elected. *Provided*, That political turncoatism shall not apply in any of the following instances:

- (1) merger or coalition of political parties;
- (2) abolition of political parties; and
- (3) expulsion of a member from his political party.

(c) Term of office shall mean the fixed period during which the elected officer may claim to hold the office as of right regardless of any interruption in service, voluntary or otherwise.

SEC. 3. Prohibition and Penalties. - Any person holding an elective public office, except barangay officials, who is found guilty of political turncoatism as defined in this Act shall, after due notice and hearing before the COMELEC, forfeit the position or office to which he is incumbent or was elected. Furthermore, he shall not be qualified to run for any elective position in the succeeding regular election after his disqualification nor shall he be appointed to any public office or to any government-owned or controlled corporation within one (1) year from his disqualification.

SEC. 4. Period for Filing Petition for Disqualification. - Any voter, or duly registered political party, organization or coalition of political parties, may file with the COMELEC, within thirty (30) days after the change in political party affiliation of an elected public official, a petition to disqualify said public official by reason of political turncoatism.

SEC. 5. Summary Proceedings. - The petition shall be heard and decided summarily by the COMELEC, after due notice and hearing. The decision of the COMELEC shall be executory after the lapse of ten (10) days from receipt thereof by the losing party.

SEC. 6. Contest on the Ground of Ineligibility. Any voter may contest the election of a provincial, city or municipal officer-elect on the ground of political turncoatism by filing with the proper Regional Trial Court a Petition for Quo Warranto within fifteen days after the proclamation of his election. The filing with the Commission on Election of a petition to annul

or suspend the proclamation of any candidate shall suspend the running of the period within which to file the quo warranto proceedings. A copy of the decision shall be furnished the Commission on Elections.

SEC. 7. Implementing Rules and Regulations. - The COMELEC shall issue the necessary rules and regulations for the proper implementation of this Act.

SEC. 8. Repealing Clause. - 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.

SEC. 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,