

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Second Regular Session

7431
House Bill No. _____



Introduced by Hon. Robert Ace S. Barbers

EXPLANATORY NOTE

Section 10, Article XII (C) of the 1973 Constitution provides that that "no candidate for elective public office may change his political party affiliation within six months immediately preceding or following the elections." In addition, Pres. Ferdinand Marcos promulgated Presidential Decree No. 1667-A entitled "Prohibiting Members of the Interim Batasang Pambansa From Changing Political Parties During Their Term Of Office."

However, the cited provision which prohibits political turncoatism is not found in the 1987 Constitution.

As a result, political turncoatism became a popular practice in the Philippine politics especially during election period. Due to lack of ideological grounds for political party, members tend to shift to another party when opportunity comes or when there is a need for them to survive. They change political party to continue access to valuable resources of the President. They will drop every ounce of principles in exchange for power. This clearly manifests the personality-based politics in the country.

This phenomenon weakens the Philippine party system that undermines democracy. With the enactment of this bill, political turncoat will be penalized. This Act will ensure a genuine party system and promote party loyalty, discipline and adherence to ideological principles. This will also provide us hope that societal change can be achieved for a progressive nation.

In view of the foregoing, immediate approval of this bill is earnestly sought.

ROBERT ACE S. BARBERS

A large, stylized handwritten signature in black ink, written over the printed name "ROBERT ACE S. BARBERS". The signature is a continuous, flowing line that loops around the text.

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AN ACT PROHIBITING POLITICAL TURNCOATISM AND PROVIDING PENALTIES THEREFOR

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

SECTION 1. *Short Title.* – This Act shall be known as “Anti-Political Prostitute Act.”

SECTION 2. *Declaration of Policy.* – It is hereby declared the policy of the State to punish turncoatism to ensure a strong and genuine political party system. The State shall promote party loyalty, discipline and adherence to the party’s ideological principles, platform and programs.

SECTION 3. *Definition of Political Turncoatism.* – As used in this Act, Political Turncoatism refers to the change of political party affiliation during an elective official’s term of office. It shall also refer to the change of political party affiliation by any party member within a period of one (1) year immediately preceding or following an election. It shall further apply to independent candidates and party-list candidates who, after participating in an election, shall join any political party within a period of one (1) year following such election regardless whether he won or lost. *Provided, That* political turncoatism shall not apply in any of the following instances:

- (1) Change in party affiliation before the effectivity of this Act;
- (2) Abolition, merger or coalition of political parties where a candidate is a registered member thereof, and
- (3) Expulsion in writing of the party member from his political party. *Provided, That* the cause for such does not constitute political opportunism. Political opportunism refers to any act of a party member constituting disloyalty to the party, or non-adherence to the party’s ideological principles, platform and programs, as determined by the party in accordance with its constitution and by-laws.

SECTION 4. *Prohibition on Political Turncoatism.* – No elected public officer may change his political party affiliation during his term of office, and no candidate for any elective public office may change his political party affiliation within one (1) year immediately preceding an election and one (1) year following such election in which he participated but lost. If the candidate is an independent or a party-list member, he may not join any political party within one (1) year following such election in which he participated, regardless whether he won or lost. Notwithstanding the prohibition, the right of an elective public official to resign from his

political party remains provided that he will not join any other party within one (1) year immediately preceding or following an election.

SECTION 5. *Penalties for Political Turncoatism.* – A Political Turncoat shall be:

- (a) Deemed to have forfeited his office, if he is an elected official who changes political party affiliation during his term within the periods prohibited;
- (b) Disqualified from running in the next two (2) succeeding elections regardless whether he is independent or under another political party, party-list, aggroupment or coalition;
- (c) Disqualified from being appointed to any position in any public or government office for three (3) years after the expiration of the current term of office for which he was elected or the term of office that he vied for;
- (d) Disqualified from assuming any executive or administrative position in his/her new political party; and
- (e) Directed to refund any and all amounts he/she received from his/her political party, plus twenty-five percent (25%) surcharge thereon.

SECTION 6. *Disclosure of Membership.* – All political parties shall furnish the COMELEC complete lists of their members upon approval of this Act and update such lists every six (6) months thereafter;

SECTION 7. *Failure to Disclose and/or Update Membership.* – Failure by any political party to disclose membership and/or update its list every six (6) months thereafter shall be penalized by suspension of its accreditation for one (1) year for the first offense, and cancellation of its accreditation for the succeeding offense;

SECTION 8. *Petition to Declare a Political Turncoat.* – Any citizen of voting age, or any candidate, political party, or coalition of political parties, may file with the Commission on Elections a petition to declare a political turncoat subject to the penalties under this Act.

SECTION 9. *Repealing Clause.* – All laws, orders, issuances, circulars, rules and regulations or parts thereof, which are inconsistent with the provisions of this Act are hereby repealed, modified, or amended accordingly.

SECTION 10. *Separability Clause.* – If any provision of this Act is declared unconstitutional or invalid, other parts or provisions hereof not affected thereby shall continue to be in full force and effect.

SECTION 10. *Effectivity Clause.* – The Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved.