

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

SEP 11 1911

SENATE

RECEIVED BY: G

S. B. No. 1812


Introduced by SENATOR JINGGOY EJERCITO ESTRADA

EXPLANATORY NOTE

Philippine elections through the years have been observed as "personality-based" and not based on platform of government and political ideology. This is due to the penchant of most political candidates of switching party affiliations and loyalty as if it were a used garment to be discarded if it no longer suited the political ambitions of the candidate. This has the effect of subserving the political agenda and platform of government of a party to that of the individual aspirations of any single candidate.

This proposed legislative measure then seeks to prohibit political turncoatism in Philippine politics.

Immediate passage of this bill is thus earnestly recommended.


JINGGOY EJERCITO ESTRADA
Senator

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

OCT 11 2010

SENATE

RECEIVED BY: _____

S.B. No. 1818

Introduced by Senator JINGGOY EJERCITO ESTRADA

AN ACT
PROHIBITING POLITICAL TURNCOATISM AND PROVIDING PENALTIES
FOR VIOLATION THEREOF

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

SEC. 1. Declaration of Policy. - It is hereby declared the policy of the State to allow a free and open party system to evolve according to the free choice of the people.

SEC. 2. Definition of Terms. - For purposes of this Act, the following terms shall mean:

- a) **POLITICAL PARTY** - refers to an organized group of persons pursuing the same ideology, political ideas or platforms of government, and includes its branches and divisions, duly registered with and/or accredited by the Commission on Elections.
- b) **POLITICAL TURNCOATISM** - refers to the change by any elective public officer of the political party under which he was elected, in favor of another political party, from the time of his election up to the last six (6) months prior to the expiration of his term of office. It shall also refer to the change by a candidate of his political party affiliation following an election.

- c) **CANDIDATE** - includes not only one who has filed his certificate of candidacy, but likewise those who aspire for or seek an elective public office who have publicly announced the same, or who have, through analogous acts, openly manifested their desire to seek an elective public office, whether or not they have filed a certificate of candidacy.
- d) **EXPIRATION OF THE TERM OF OFFICE** - refers to the period for which the public officer may hold an office as a matter of right.

SEC. 3. Prohibition. - In order to preserve the will of the people voiced through the election of candidates representing various political parties, political turncoatism is hereby expressly prohibited.

SEC. 4. Penalties. - Any person, who is found guilty of political turncoatism by the Commission on Elections after due notice and hearing, shall be disqualified from running for any elective position on any election immediately following the expiration of his term of office. If the public officer has already been elected, he shall not be allowed to assume office.

Furthermore, said person shall likewise be disqualified from being appointed to any public office, or to any Government-Owned or Controlled Corporation (GOCC) within a period of one (1) year from the date of the election from which he was disqualified to participate.

Any person who shall be found guilty of political turncoatism, after due notice and hearing by the Commission on Elections, shall also be disqualified from being appointed to any public office, or to any GOCC within one (1) year from the date of the election.

SEC. 5. Freedom of Association. - 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 political party until the last six (6) months prior to the expiration of his term of office.

SEC. 6. Exceptions. - This Act shall not be applicable to candidates who have filed their certificate of candidacy as an independent candidate or as a candidate belonging to a coalition of political groups not registered with and/or accredited by the Commission on Elections.

SEC. 7. Implementing Rules and Regulations. - The Commission on Elections shall formulate and 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 or modified accordingly.

SEC. 9. Effectivity Clause. - This Act shall take effect after fifteen (15) days following the completion of its publication in the *Official Gazette* or in at least two (2) newspapers of general circulation.

Approved,