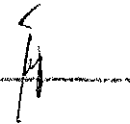


FOURTEENTH CONGRESS OF THE REPUBLIC)
 OF THE PHILIPPINES)
 First Regular Session)

7 SEP 24 1972

SENATE
 S. No. 1633

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The 1972 Constitution, Article XII-C, Section 10 provides:

Section 10. No elective 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 six months immediately preceding or following an election.

However, the prohibition on turncoatism was removed in the 1986 Constitution.



Today, turncoatism is very rampant and is blurring the Philippine political party system.

Republic Act No. 7941, also known as the "Party List System Act", Section 3 defines what a political party is. It states:

A political party refers to an organized group of citizens advocating an ideology or platform, principles and policies for the general conduct of government and which, as the most immediate means of securing their adoption, regularly nominates and supports certain of its leaders and members as candidates for public office.

However, in reality, most political parties in the Philippines are not composed of "citizens advocating an ideology or platform or principles and policies for the general conduct of government." More often than not, traditional politicians who were not nominated by their original party to the position that they desire easily change political parties, even if their new party espouses an opposite belief as compared to their original party.

This weakens our political party-system. People are now confused as to who are the genuine majority or the genuine opposition party. This bill seeks to penalize political butterflies and restore belief in our political party system.


 MIRIAM DEFENSOR SANTIAGO


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

7 SEP 24 2011

SENATE
S. No. 1633

RECEIVED BY: [Signature]

Introduced by Senator Miriam Defensor Santiago

AN ACT
DEFINING AND PUNISHING POLITICAL TURNCOATISM

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

SECTION 1. *Short Title.* – This Act shall be known as the “Anti-Political Turncoatism Act of 2007.”

SECTION 2. *Declaration of Policy.* – It is hereby declared the policy of the State to punish turncoatism to ensure a genuine party system.

SECTION 3. *Definition of Turncoatism.* – As used in this Act, Political turncoatism means:

A) Change of political party affiliation during an elective public officer’s term of office;

B) Change of political party affiliation by any party member within one year immediately preceding or following an election.

A change in party affiliation shall not constitute political turncoatism if it is:

a) Arising out of the abolition, merger or coalition of political parties where the party member is registered;

b) Due to expulsion in writing of the party member from his political party;

SECTION 4. *Prohibition on Turncoatism.* – No elective 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 year immediately preceding or following an election. Notwithstanding the prohibition, the

1 right of an elective public official to resign from his political party remains provided that
2 he will not join any other political party within one year immediately preceding or
3 following an election.

4 SECTION 5. *Penalties.* -- A political turncoat shall be:

5 a) Deemed to have forfeited his office, if he is an elected official who changes
6 political party affiliation during his term of office within the periods prohibited;

7 b) Disqualified from running for any elective position in the next two succeeding
8 elections immediately following the act of changing political party affiliation;

9 c) Prohibited from being appointed or from holding any position in a public or
10 government office, including Government Owned and Controlled Corporations, for five
11 years after the expiration of his current term;

12 d) Prohibited from assuming any executive or administrative position in his new
13 political party;

14 e) Directed to refund any and all amounts he received from his political party plus
15 a fifty percent (50%) surcharge thereon.

16 SECTION 6. *Petition to Declare a Political Turncoat.* -- Any citizen of voting
17 age, or any candidate, political party, or coalition of political parties, may file with the
18 Commission on Elections a petition to declare a political turncoat subject to the penalties
19 under this Act.

20 SECTION 7. *Implementing Rules and Regulations.* -- The Commission on
21 Elections shall promulgate the Implementing Rules of this Act within sixty (60) days
22 following its effectivity.

23 SECTION 8. *Repealing Clause.* - Any law, presidential decree or issuance,
24 executive order, letter of instruction, administrative order, rule or regulation contrary to,
25 or inconsistent with the provisions of this Act is hereby repealed, modified or amended
26 accordingly.

1 SECTION 9. *Separability Clause.* – If any provision or part hereof is held invalid
2 or unconstitutional, the remainder of the law or the provision not otherwise affected shall
3 remain valid and subsisting.

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

Approved.