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SENATE BILL NO. **3214**
(Substitution of S. No. 51 and 607)

RECEIVED BY: 

Prepared by the Committee on Constitutional Amendments, Revision of Codes and Laws, and the Committee on Finance, with Senators Edgardo J. Angara, Jinggoy Ejercito Estrada, Defensor Santiago, Drilon and members of the Committees, as authors

**AN ACT
STRENGTHENING THE POLITICAL PARTY SYSTEM, APPROPRIATING
FUNDS THEREFOR, AND FOR OTHER PURPOSES**

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

Chapter I

Declaration of Policy, Purposes and Coverage

SECTION. 1. Title. - This Act shall be known as "*The Political Party Development Act of 2011*".

SEC. 2. Declaration of Policy. - It is hereby declared a policy of the State to institutionalize and strengthen political parties as vital pillars of the country's democratic system. Towards this end, the State shall institute reforms in campaign financing through effective and transparent mechanisms designed to level the playing field among all candidates and political parties during elections, and reduce opportunities for graft and corruption. As part of the State's thrust to strengthen the political party system, it shall uphold party loyalty and adherence to the party's ideological principles, platforms and programs. The State shall also institute measures to professionalize political parties, and make them viable instruments of development and good governance.

SEC. 3. Purposes. - This Act aims to:

- a) Institutionalize reforms in the financing of electoral campaigns, so as to promote accountability and transparency;
- b) Provide financial subsidies to political parties, to augment their expenditures for campaign purposes and for party development;

- 1 c) Promote party loyalty and discipline; and
- 2 d) Encourage and support continuing voters' education and civic literacy
- 3 programs through the political parties.

4 **SEC. 4. Coverage.** - This Act shall apply to National Political Parties duly
5 registered with and certified to as such by the Commission on Elections.

6 **SEC. 5. Definition of Terms.** - The following terms as used in s Act shall
7 mean-

- 8 a) "**Accredited National Political Party**" refers to a National Political Party
- 9 qualified to receive subsidy for party development and campaign purposes,
- 10 accredited for this purpose by the Commission based on a set of criteria
- 11 provided under this Act.
- 12 b) "**Candidate**" refers to any person aspiring for, or seeking an elective public
- 13 office, by himself or duly nominated by an accredited political party,
- 14 aggrupation or coalition of parties and who has filed a certificate of candidacy
- 15 with the commission on elections.
- 16 c) "**Commission**" refers to the Commission on Elections.
- 17 d) "**Campaign Contribution**" refers to any form of donation to any candidate,
- 18 political party, aggrupation or coalition thereof, given before, during or after
- 19 the holding of elections. It includes any gift, donation, subscription, loan,
- 20 advance or deposit of money or anything of value, or those arising from a
- 21 contract, pledge or agreement to contribute, made for the purpose of
- 22 influencing the results of the elections, but shall not include services rendered
- 23 without compensation by individuals volunteering a portion or all of their
- 24 time in behalf of a candidate or political party. It also includes the use of office
- 25 space, facilities, equipment, office supplies and other materials and fixtures
- 26 voluntarily donated by other persons, or allowed their use for free, the
- 27 monetary value of which shall be assessed based on market rates prevailing in
- 28 a particular area.
- 29 e) "**Campaign Expenditure**" refers to any type of expense incurred, regardless of
- 30 source, amount and purpose, that relates, directly or indirectly, to the conduct
- 31 of an electoral campaign. It includes all payments of money or anything of

1 value, or a contract, promise or agreement to spend, for the purpose of
2 influencing the results of the election. It includes the use of office space and
3 facilities personally owned by the candidate, the monetary value of the use of
4 which shall be assessed based on the market rates prevailing in a particular
5 area.

6 f) "*COA*" refers to the Commission on Audit.

7 g) "*Disclosure Requirement*" refers to the duty of all candidates and political
8 parties, aggrupations or coalitions thereof to reveal the details of campaign
9 contributions received by them, and the expenditures made on account
10 thereof. For accredited national political parties, it includes expenditures and
11 destinations of party development and campaign monies given to them as
12 their share in the State Subsidy Fund established under this act.

13 h) "*Donor*" refers to any person, natural or juridical, who contributes money,
14 property or any other form of material contribution to a candidate, political
15 party, aggrupation or coalition thereof.

16 i) "*Donee*" refers to any candidate, political party, aggrupation or coalition
17 thereof, or any representative acting in their behalf or interest, to whom
18 money, property, or any other form of contribution is made.

19 j) "*Fund*" refers to the State Subsidy Fund established under this Act.

20 k) "*National Political Party*" refers to a political party or an organized group of
21 persons duly registered with the Commission, whose constituency is
22 effectively spread across the geographical territory of all or a majority of the
23 administrative regions of the Philippines, pursuing or advocating platform,
24 principles and policies for the general conduct of government and which, as
25 the most immediate means of securing their adoption and implementation,
26 regularly nominates and supports its members as candidates for public office.

27 l) "*Political Turncoatism*" refers to the change of political party affiliation by
28 any candidate within eight (8) months prior to the election whether or not
29 elected, from the time he was first nominated; Provided that, the term shall
30 not include any such change in party affiliation before the effectivity of this

1 Act; Provided further that, political turncoatism shall not apply in any of the
2 following instances:

- 3 i. Abolition, merger or coalition of political parties where a candidate is a
4 registered member thereof;
- 5 ii. Expulsion in writing, of the registered member from his/ her political
6 party; Provided, that the cause for such does not constitute Political
7 Opportunism. It includes political opportunism or any act of a party
8 member constituting disloyalty to the party, or regular non-adherence
9 to the party's ideological principles, platforms, and programs, as
10 determined by the party in accordance with its constitution and by-
11 laws.

12 m) "*State Subsidy Fund*" refers to the fund for party development and campaign
13 activities of accredited national political parties under this Act.

14 n) "*Voluntary Contributions*" refers to the contributions to candidates and/or
15 political parties, aggrupations or coalitions thereof, from persons, natural or
16 juridical, allowed under existing laws.

17 Chapter II

18 Institutionalization of Political Parties

19 **SEC. 6. *Registration as a National Political Party.*** - Any organized group of
20 persons seeking registration as a national political party may file with the
21 Commission a verified petition attaching thereto its constitution and by-laws,
22 platform, principles, policies and general program of government, a verified list of
23 its national officials, members of the executive board, or its equivalent, and the heads
24 of its regional, provincial, and city chapters, annual statement of accounts, and such
25 other relevant information as may be required by the Commission.

26 The Commission shall, after due notice and hearing, resolve the petition within
27 ten (10) days from the date it is submitted for decision.

28 National Political Parties already registered as such with the Commission prior to
29 the effectivity of this Act are not required to register anew,

30 **SEC. 7. *Policy Agenda and Program of Governance.*** - National Political
31 Parties are mandated to craft a clear policy agenda and program of governance

1 consistent with their party philosophy and ideals. The members of the National
2 Political Party shall endeavor to act in accordance with the defined party platform
3 and pursue programs to fulfill party commitments.

4 **SEC. 8. *Selection of Candidates.*** - The selection process for candidates of
5 National Political Parties shall be democratized through the adoption of a process
6 that is fair, open and transparent, and which promotes participation of choice from
7 the members of the party.

8 Towards this end, every National Political Party is mandated to formulate a
9 merit system on nomination and selection of candidates who must be members of
10 the party. Every National Political Party shall submit to the Commission its rules
11 governing the merit system on nomination and selection of candidates not later than
12 one hundred and eighty (180) days before the Election Day following the effectivity
13 of this Act.

14 Any aggrieved member of an Accredited National Political Party may file a
15 verified complaint to its Grievance and Arbitration Committee not later than ten (10)
16 days after the party convention, for violation of the rules governing the merit system
17 on the nomination and selection of candidates. Every National Political Party may
18 hold conventions or meetings to nominate their official candidates not earlier than
19 fifteen (15) days before the start of election period and shall submit to the
20 Commission not later than the start of the election period the names of the officials of
21 the party authorized to nominate their official candidates.

22 No political party shall nominate more candidates than the number of
23 persons required to be voted for in an elective position nor shall any candidate be
24 allowed to accept nominations from more than one registered political party, except
25 in cases of aggrupation or coalitions thereof. Nominations made in violation hereof
26 shall be denied due course by the Commission and the candidates concerned shall be
27 considered independent candidates. The nominations of candidates of political
28 parties shall be filed not later than the last day for filing of the certificates of
29 candidacy as determined by the Commission.

30 **SEC. 9. *Contents of Certificate of Nomination.*** - The certificate of nomination
31 shall state that the person issuing the nomination is the duly authorized

1 representative of the political party as provided for in its constitution and by-laws,
2 that the person named therein is the official candidate of the party for the elective
3 position stated, and that he has accepted said nomination. The certificate of
4 nomination shall be subscribed under oath by the duly authorized representative of
5 the political party.

6 **SEC. 10. *Limits on Voluntary Contributions.*** - Voluntary contributions to any
7 National Political Party shall be limited to the following maximum amounts:

- 8 a) Up to One Hundred Thousand Pesos (P100, 000.00) from a natural person; and
9 Up to One Million Pesos (P1, 000,000.00) from a juridical person is allowed to
10 make a voluntary contribution under existing laws.
- 11 b) Any contribution in cash or in kind to any candidate or political party for
12 campaign purposes, duly reported to the Commission, shall be exempt from
13 donor's tax.

14 **SEC. 11. *Voluntary Contributions to Party; How Made.*** - Voluntary
15 contribution to a political party shall be deposited by the contributor to the account
16 of the party with any reputable bank accredited by the Commission, within six (6)
17 months prior to the campaign period but not later than fifteen (15) days before the
18 day of election. The accredited banks shall issue a corresponding receipt to the
19 contributor on the amount deposited, and shall submit to the Commission a
20 statement of account of every political party with deposits. The Commission shall
21 cause the publication of the account of all political parties in any newspaper of
22 general circulation within a reasonable time as determined by the Commission.

23 **SEC. 12. *Changing Political Party Affiliation.*** - Any member of a National
24 Political Party who changes party affiliation after being nominated by the party shall
25 be deemed to have committed Political Turncoatism.

26 **SEC. 13. *Penalties for Political Turncoatism.*** - Political Turncoats shall be:

- 27 a) Deemed to have forfeited his/her office, if he/she is an elected official who
28 changes political party affiliation during his/her term of office;
- 29 b) Disqualified from running for any elective position in the next succeeding
30 election immediately following the act of changing political party affiliation;

- 1 c) Prohibited from being appointed or from holding any position in any public
2 or government office for three (3) years after the expiration of his/her current
3 term;
- 4 d) Prohibited from assuming any executive or administrative position in his/her
5 new political party; and
- 6 e) Directed to refund any and all amounts he/she received from his/her
7 political party, plus a twenty five percent (25%) surcharge thereon;

8 **SEC. 14. *Petition for Disqualification.*** - Any citizen of voting age, or any
9 candidate, political party, aggrupation or coalition thereof, may file with the
10 Commission, upon the filing of the certificate of candidacy and before proclamation,
11 a petition to disqualify a candidate on the ground of political turncoatism as defined
12 in this Act.

13 **SEC. 15. *Authorized Expenses of National Political Parties.*** - The amount
14 that a National Political Party may spend for every election campaign shall be
15 twenty Pesos (P20.00) for every voter currently registered in the constituency or
16 constituencies where it has official candidate; The Commission shall adjust the
17 authorized amount based on the Consumer Price Index every three (3) years
18 following the effectivity of this Act.

19 Chapter 3

20 State Subsidy Fund

21 **SEC. 16. *Establishment of a State Subsidy Fund.*** - There is hereby established
22 a State Subsidy Fund, which shall be used to augment the operating funds of the
23 Accredited National Political Parties. The fund shall be used directly and exclusively
24 for the following purposes:

- 25 a) Party development; and
26 b) Campaign expenditures.

27 **SEC. 17. *Allowable Party Development Activities.*** - Due to the vital role
28 played by the National Political Parties in the country's political development, and in
29 order to promote professionalism and accountability among members of the parties,
30 the following party development activities shall be allowed to be funded out of the
31 State Subsidy Fund:

- 1 a) Party administration, recruitment and civic education:
- 2 b) Research and policy development;
- 3 c) *Education and training of members;*
- 4 d) Institution building and constituent outreach program: and
- 5 e) Other reasonable logistical and operational expenses that is essential in
- 6 strengthening the party.

7 **SEC. 18. Allowable Campaign Expenditures.** - The Accredited National
8 Political Parties are authorized to use the subsidy given to them only for the
9 following campaign activities:

- 10 a) Operating expenses of the party, which may include hiring of personnel,
- 11 professional secretariat, setting up of headquarters, and other relevant
- 12 electoral expenditures;
- 13 b) Traveling expenses of the candidates and support personnel in the course of
- 14 the campaign, and for personal expenses incident thereto;
- 15 c) Information dissemination and advocacy campaigns of the political party;
- 16 d) Production and distribution of electoral paraphernalia and other propaganda
- 17 materials; and
- 18 e) Other expenditures under Section 102 of the Omnibus Election Code.

19 **SEC. 19. Accreditation.** - A National Political Party eligible in accordance with
20 Section 20 hereof, and which desires to be entitled to the rights and privileges as
21 recipient of the subsidy provided for under this Act, may apply for accreditation by
22 the Commission, under such rules and regulations as the Commission shall prescribe
23 consistent with the provisions of this Act.

24 **SEC. 20. Criteria for Eligibility.** - The Commission shall accredit National
25 Political Parties eligible to receive subsidy from the State Subsidy Fund, based on the
26 following general criteria:

- 27 a) *Political representation*, consisting of the incumbent president, vice
- 28 president, members of congress, governors, vice-governors, city/municipal
- 29 mayors and vice-mayors;
- 30 b) *Organizational strength and mobilization capability*, which may include the
- 31 identifiable political organizations and strengths as evidenced by their

1 organized chapters; the number of political chapters, organizations
2 nationwide, the number of active and permanent members of the party; and
3 the number of incumbent elective officials belonging to them ninety (90) days
4 before the date of elections;

5 c) *Performance and track record of the party*, which may include the established
6 record of the parties, that now composed them, taking into account, among
7 other things, the number of years of existence of the party, their showing in
8 the past elections as well as the ability of the party to field a slate of
9 candidates from the municipal level to the position of senator in the
10 immediately preceding national elections.

11 **SEC. 21. *Effects of Accreditation.*** - A duly accredited National Political Party
12 shall be entitled to the rights and privileges accorded under this Act. Likewise, the
13 accredited national political party shall be subject to the regulations set forth in this
14 Act and its implementing rules as prescribed by the Commission.

15 **SEC. 22. *Distribution of the Fund.*** - The total amount of State Subsidy Fund
16 released annually shall be distributed as follows:

17 a) Ten percent (10%) of the fund shall accrue to the Commission, to be used
18 exclusively for monitoring purposes and the conduct of information
19 dissemination campaigns and voters' education;

20 b) Thirty percent (30%) of the fund shall be proportionately and ratably
21 distributed to accredited national political parties represented in the Senate
22 based on the number of seats obtained in the most recent general elections;

23 c) Thirty percent (30%) of the fund shall be proportionately and ratably
24 distributed to accredited national political parties represented in the House of
25 Representatives based on the number of seats obtained in the most recent
26 general elections;

27 d) Thirty percent (30%) of the fund shall be proportionately and ratably
28 distributed to accredited national political parties based on the number of
29 seats obtained in local elective positions for governor, sangguniang
30 panlalawigan, city mayor, city vice-mayor, sangguniang panglungsod,

1 municipal mayor, municipal vice-mayor and sangguniang bayan in the most
2 recent general elections.

3 The share of each of the Accredited National Political Parties in the State
4 Subsidy Fund shall be released only upon proof that the concerned party has raised
5 an amount equal to its share in the Fund from voluntary contributions; Provided
6 that, the party concerned that fails to raise an amount equal to its share in the fund
7 shall only receive an amount from its share in the fund equal to the amount raised
8 from voluntary contributions; Provided further, that the balance, if any, from the
9 share in the Fund of the party concerned shall be forfeited and reverted to the
10 general funds of the Government.

11 **SEC. 23. *Schedule of Releases from the Fund.*** - For purposes of this Act, all
12 releases from the State Subsidy Fund during a non-election year shall be used
13 exclusively for party development activities. Funds released during an election year
14 shall be divided as follows: seventy five percent (75%) shall be used for campaign
15 expenditures, and twenty five percent (25%) for party development activities. The
16 Commission shall inform the Accredited National Political Parties of the schedule of
17 releases as well as the amount of the subsidy allocated at the start of every fiscal
18 year.

19 **SEC. 24. *Management of the Subsidy.*** - The Accredited National Political
20 Parties availing of the subsidy shall maintain a separate financial account for the
21 funds used to finance campaign activities and party development, respectively.

22 Every Accredited National Political Party shall submit to the Commission a
23 detailed program of activities as well as the breakdown of expenditures drawn from
24 the Fund by the end of December of every fiscal year.

25 No Accredited National Political Party shall be allowed to use the subsidy for
26 purposes other than those indicated in this Act.

27 Chapter 4

28 Disclosures and Performance Monitoring

29 **SEC. 25. *Audit of the Fund.*** - The COA shall examine the financial reports of
30 the Accredited National Political Parties on their use of the State Subsidy Fund.
31 Voluntary contributions to any Accredited National Political Party shall be

1 accounted for separately under a different set of books of accounts, which shall be
2 open to inspection by the COA.

3 **SEC. 26. *Party Ethics.*** - Accredited National Political Parties shall institute
4 internal control mechanisms to promote accountability and transparency. Accredited
5 National Political Parties shall likewise develop and enforce an internal code of
6 conduct and ethical standards for its party members to uphold the values and
7 standards of public life, and to formulate and implement disciplinary procedures for
8 party members: Provided that, said program for internal controls, ethical standards
9 and disciplinary procedures shall be duly submitted to the Commission and made
10 available to the public. No political party shall select and nominate a candidate who
11 has been convicted for any criminal offense.

12 **SEC. 27. *Full Disclosure.*** - The officials of every Accredited National Political
13 Party shall submit a sworn statement of their assets and liabilities to the Commission
14 which shall be made available to the public. All Accredited National Political Parties
15 and their candidates shall also be required to make a public-disclosure of all
16 contributions as well as expenditures incurred for the use of the State Subsidy Fund.
17 All these disclosures shall be made through the official website of the Commission
18 and in a newspaper of general circulation.

19 **SEC. 28. *Other Reports.*** The following shall be reported by the Accredited
20 National Political Parties and their candidates:

- 21 a) The amount of contribution, the date of receipt by the bank, and the full name
22 and exact address of the person from whom the contribution was received;
- 23 b) A full report of expenditures and receipts incurred during the campaign,
24 including those which were drawn from the State Subsidy Fund, if any;
- 25 c) Post-election disclosure statements as required under existing laws, which
26 must be submitted to the Commission within thirty (30) days after Election
27 Day. Submissions made thirty (30) days after the deadline provided by law
28 will be considered late and subject to a fine in such amounts as may be
29 determined by the Commission; and
- 30 d) Detailed breakdown of expenditures for the party development activities
31 charged against the State Subsidy Fund. The financial report covering the

1 party development activities shall be submitted annually, at the end of every
2 fiscal year. The subsidy for the succeeding year will not be released without
3 the submission of the said report covering the preceding year.

4 These reports are required of every accredited national political party and its
5 candidates, regardless of the results of the elections.

6 **SEC. 29. *Failure to Comply With Disclosure and Reporting Requirements.*** -

7 Failure of the Accredited National Political Party to comply with the provisions of
8 this Act will result in its disqualification from receiving its share in the State Subsidy
9 Fund, which shall revert to the general funds of the Government, and forfeiture of all
10 the rights and privileges to which it would have been entitled under this Act.

11 **SEC. 30. *Performance Monitoring and Reporting System.*** - The Commission
12 and the COA shall jointly design and implement, in consultation with political
13 parties, aggrupations or coalitions thereof, accredited citizens' arms, the private
14 sector and non-governmental organizations, and government agencies, an integrated
15 political party development and campaign subsidy performance monitoring and
16 reporting system. The performance and monitoring system shall identify, define and
17 operationalize a system of performance indicators and measures for party
18 development and campaign subsidy deployment.

19 The Commission and the COA shall, based on the results of the system,
20 publish and disseminate annual reports on the development of political parties that
21 have received subsidies and on the distribution, use and results of the campaign
22 subsidies provided to political parties.

23 **SEC. 31. *Publication and Dissemination of the Political Party Development***
24 ***and Campaign Subsidy Performance Reports.*** - The political party development and
25 campaign subsidy performance reports shall be submitted to both houses of the
26 Congress of the Philippines not later than June 30 of every year, and shall be made
27 available to the public via the internet and mass media as a guide for the citizenry in
28 evaluating political parties for the purpose of participating in their program of
29 activities, and in supporting, affiliating with, or joining them.

30 **Chapter 5**

31 **Miscellaneous Provisions**

1 **SEC. 32. Punishable Acts.** - The following acts shall be punishable:

- 2 a) Misuse of funds received by National Political Parties both from the State
3 Subsidy Fund and from voluntary contributions;
- 4 b) The giving of voluntary contributions which go beyond the allowable limits
5 set under this Act and other existing laws;
- 6 c) Inability to account for all incoming contributions from whatever source;
- 7 d) Failure to submit pre-election as well as post-election disclosure statements to
8 the commission; provided, that any submissions past the late submission
9 period set in section 28 (c) will be deemed as a failure to submit, hence,
10 punishable under this act; and
- 11 e) False reporting or any misrepresentation in the financial statement reports.

12 **SEC. 33. Penalties.** - (a) Any candidate or official of any National Political
13 Party who violates any provision of this Act shall be punished with imprisonment of
14 not less than six (6) years but not more than twelve (12) years, or a fine ranging from
15 fifty thousand pesos (P50,000.00) to five hundred thousand pesos (P500,000.00), or
16 both. He shall, likewise, be disqualified to hold public office. Any National Political
17 Party that violates any provision of this Act shall pay a fine of not less than one
18 hundred thousand pesos (P100,000.00) but not more than one million pesos
19 (P1,000,000.00); (b) Any National Political Party that fails to comply with any of the
20 documentary requirements set forth in this Act shall be subject to administrative
21 sanctions by the Commission, which shall include temporary or permanent
22 cancellation of the party's registration, as well as payment of fines consistent with
23 existing laws and regulations; and (c) Any national political party who shall be
24 found to be directly responsible for the accomodation of the political turncoats shall
25 be stripped of its state subsidy after due notice and hearing before the commission.

26 **SEC. 34. Appropriations.** - The amount of Three Hundred Fifty Million Pesos
27 (P350, 000,000.00) is hereby appropriated out of the funds of the National Treasury
28 not otherwise appropriated, effective immediately upon the approval of this Act.
29 Every year thereafter, and not later than January 15 of every year; there shall be
30 appropriated the amount Three Hundred Fifty Million Pesos (P350, 000,000.00). All

1 such amounts appropriated pursuant to this Act shall go to the State Subsidy Fund,
2 which shall be administered by the Commission.

3 The Commission and the Department of Budget and Management (DBM)
4 shall promulgate guidelines to facilitate the release of the funds to every accredited
5 national political party.

6 **SEC. 35. *Lead Agency.*** - The Commission is hereby mandated as the
7 independent regulatory agency charged with administering and enforcing the
8 provisions of the Act. In addition, there is hereby created a campaign finance
9 department in the commission to carry out the full administration and
10 implementation of campaign finance regulations contained in this act.

11 **SEC. 36. *Applicability.*** -The provisions of Batas Pambansa Blg. 881, as
12 amended, otherwise known as the "Omnibus Election Code of the Philippines," and
13 other election laws not inconsistent with this Act shall apply suppletorily.

14 **SEC. 37. *Rules and Regulations.*** - The Commission shall promulgate the
15 necessary rules and regulations to effectively implement the provisions of this Act.

16 **SEC. 38. *Repealing Clause.*** - All laws, orders, issuances, rules and regulations
17 or parts thereof inconsistent with the provisions of this Act are hereby repealed,
18 modified or amended accordingly.

19 **SEC. 39. *Separability Clause.*** - If any part of this Act is held invalid or
20 unconstitutional, the other parts or provisions thereof not affected thereby shall
21 remain valid and effective.

22 **SEC. 40. *Effectivity.*** - This Act shall take effect fifteen (15) days from its
23 publication in least two (2) national newspapers of general circulation.

24 *Approved,*