

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



Senate
Office of the Secretary

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SENATE
S. No. 1916

RECEIVED

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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
MIRIAM DEFENSOR SANTIAGO

* This bill was originally filed during 14th Congress, First Regular Session.

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Introduced by Senator Miriam Defensor Santiago

1 AN ACT
2 DEFINING AND PUNISHING POLITICAL TURNCOATISM

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

3 SECTION 1. *Short Title.* - This Act shall be known as the "Anti-Political Turncoatism
4 Act."

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

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

9 (A) Change of political party affiliation during an elective public officer's term of
10 office;

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

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

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

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

17 SECTION 4. *Prohibition on Turncoatism.* - No elective public officer may change his
18 political party affiliation during his term of office and no candidate for any elective public office

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

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

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

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

10 (C) Prohibited from being appointed or from holding any position in a public or
11 government office, including government-owned and controlled corporations, for five years after
12 the expiration of his current term;

13 (D) Prohibited from assuming any executive or administrative position in his new
14 political party;

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

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

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

22 SECTION 8. *Separability Clause.* - If any provision or part thereof is held invalid or
23 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
24 valid and subsisting.

1 SECTION 9. *Repealing Clause.* - Any law, presidential decree or issuance, executive
2 order, letter of instruction, administrative order, rule, or regulation contrary to or inconsistent
3 with the provisions of this Act is hereby repealed, modified, or amended accordingly.

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

Approved,