

SEVENTEENTH CONGRESS OF THE  
REPUBLIC OF THE PHILIPPINES  
*Third Regular Session*

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Office of the Secretary

SENATE

'18 SEP 17 P6:57

S. B. No. 2009

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Introduced by SENATOR SHERWIN T. GATCHALIAN

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AN ACT  
STRENGTHENING THE POLITICAL PARTY SYSTEM, PROVIDING  
GUIDELINES THEREFOR AND FOR OTHER PURPOSES

EXPLANATORY NOTE

The first Philippine political party, established in 1900, was the Federal Party, which advocated peace and eventual statehood. Later, the Nationalist Party (NP) and the Democratic Party were established. They did not produce an actual two-party system, since the Nationalists retained exclusive control and the Democrats functioned as a "loyal opposition." However, following Japanese occupation and the granting of independence, an effective two-party system developed between the Liberal Party (LP) and the NP. This party joined with 11 other opposition parties in 1982 to form a coalition known as the United Nationalist Democratic Organization (UNIDO).<sup>1</sup> Years later, several splinter groups have formed and organized political parties. Striking, in the formation of all these parties, is the absence of the central function of political parties, which is ideally to transmit the ambitions and aspirations of the citizens and their organized groups to the political decision-makers and the state.<sup>2</sup>

The foundations of our political parties have evolved and become more personality-based, where the dominant political actors with the resources and machinery for financial supremacy, have established and nurtured political alliances by their self-serving political platform. Since political party membership of this type are loose and very fluid – with the utmost

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<sup>1</sup> <https://www.nationsencyclopedia.com/Asia-and-Oceania/Philippines-POLITICAL-PARTIES.html>

<sup>2</sup> <http://library.fes.de/pdf-files/bueros/philippinen/07131.pdf>

consideration only of access to political power, without regard to the more *important party functions of agenda development, leadership formation and interest aggregation*<sup>3</sup>, political turncoatism have become the norm.

As the Philippine set-up tolerate political parties which are best described as “temporary political alliances”,<sup>4</sup> people have gotten used to voting on the basis of a candidate’s popularity and not according to the political parties’ platforms/programs, which the candidate should abide by. *Unable to command party discipline, leaders and government functionaries are therefore induced to gather legislative and local support through the use of patronage, privilege and pork, and other forms of rent-seeking activities. They do not fulfill the task of interest aggregation but instead serve as mechanisms for patronage politics to perpetuate vested interests.*<sup>5</sup>

Although several laws and regulations provide the requirements for party registration with the COMELEC, duties during elections<sup>6</sup>, regulations for party spending<sup>7</sup> - no law has provided for the functions of political parties. The constitutional provision on the party system is left to the judgment of the people, that is - “*according to the free choice of the people*”<sup>8</sup>

In an effort to provide measures to strengthen and develop political parties to avoid patronage-based politics as well as the concentration of power on a few political elites, it is submitted that, reforms in the political parties should be made.

It is thereby proposed by this measure, that in order to sustain and promote party loyalty, platform development and good governance, all political parties should be mandated to establish guidelines on party membership and its selection of candidates. The bill also requires political parties to formally organize its constitution and by-laws in accordance with enumerated requisites to ensure that they embody the shared principles, goals and policy positions of the entire body. Furthermore, we put emphasis on the party platforms rather than personality-based campaign propaganda.

The bill also implements strict rules on ***political turncoatism***, adopting penalties which is defined in this proposal as the change of political affiliation by any candidate or elected official within eight (8)

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<sup>3</sup> Ibid

<sup>4</sup> Id

<sup>5</sup> Id

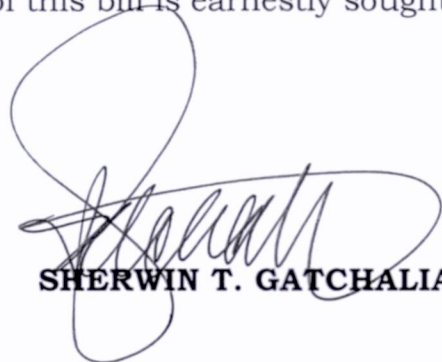
<sup>6</sup> BP 881, Omnibus Election Code

<sup>7</sup> RA 9006 Fair Election Act, RA 7166 Synchronized Election Law, COMELEC Resolution 7794

<sup>8</sup> 1987 Constitution, Article VI (C) Commission on Elections, Section 6,

months prior to the election, and within one (1) year after the election in case of an elected official.

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



**SHERWIN T. GATCHALIAN**




SENATE



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AN ACT  
STRENGTHENING THE POLITICAL PARTY SYSTEM, PROVIDING  
GUIDELINES THEREFOR AND FOR OTHER PURPOSES

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

ARTICLE 1  
GENERAL PROVISIONS

1  
2  
3 SEC. 1. **Short Title.** – This Act shall be known as the “*Political Party*  
4 *Reform Act.*”

5 SEC. 2. **Declaration of Policy** - It is hereby declared a policy of the  
6 State to institutionalize and strengthen political parties as the fundamental  
7 assembly for citizens’ participation in the country’s democratic system.  
8 Towards this end, the State shall promulgate measures to:

9 a) Require political parties to ensure representation of ideological  
10 principles;

11 b) Mandate political parties to expand their membership extensively to  
12 ordinary citizens;

13 c) Provide for guidelines in campaign financing and media use; and

14 d) Institute measures to promote party loyalty, platform development  
15 and good governance.

1 SEC. 3. **Coverage.** – This Act shall apply to political parties duly  
2 registered with and certified to as such by the Commission on Elections  
3 (COMELEC).

4 For purposes of this Act, a *political party* refers to an artificial being  
5 created by operation of law. It is an organized group of persons duly  
6 registered with the COMELEC, pursuing or advocating platform, principles  
7 and policies for the general conduct of government and which, as the most  
8 immediate means of securing their adoption and implementation, regularly  
9 nominates and supports its members as candidates for public office.

10 All political parties shall be equal before the Constitution and the law.

11  
12 **ARTICLE 2**  
13 **ESTABLISHMENT, ORGANIZATION AND REGISTRATION OF**  
14 **POLITICAL PARTIES**

15 SEC. 4. **Establishment and Registration of Political Parties.** - Any  
16 organized group of Filipino citizens, who have voting rights and who have  
17 given their signatures for the establishment of only one political party may  
18 register as a political party by filing with the COMELEC a verified petition  
19 attaching thereto its constitution and by-laws, platform, principles, policies  
20 and general program of government, a verified list of its national officials,  
21 Executive Board or its equivalent, and the heads of its regional, provincial,  
22 and city chapters, and such other relevant information as may be required  
23 by the COMELEC. The COMELEC shall, after due notice and hearing,  
24 resolve the petition within ten (10) days from the date it is submitted for  
25 decision. Political parties already registered as such with the COMELEC  
26 prior to the effectivity of this Act are required to submit a written intent to  
27 continue with their registration, but the COMELEC may anew.

28 No political party shall be formed and recognized one year prior to a  
29 scheduled election.

30 SEC 5. **Political Party Constitution.** - All political parties shall file  
31 with the COMELEC a constitution in any of the official languages, duly  
32 signed and acknowledged by all of its original members. The political party  
33 constitution shall contain substantially the following matters:

- 34 a) The name of the political party;
- 35 b) The political party's ideology;
- 36 c) The membership requirements for the political party;



1 d) The place where the principal office of the political party is to be  
2 located, which must be within the Philippines;

3 e) The names and residences of the original members;

4 f) The number of directors, which shall not be less than five (5) nor  
5 more than fifteen (15);

6 g) The names and residences of members who shall act as directors  
7 until the first regular directors are duly elected and qualified in accordance  
8 with this Act; and

9 h) Such other matters are as not inconsistent with law and which the  
10 members may deem necessary and convenient.

11 SEC. 6. **Amendment of Political Party Constitution.** - Unless  
12 otherwise prescribed by this Act, and for legitimate purposes, any provision  
13 or matter stated in the Articles of Incorporation may be amended by a  
14 majority vote of the *Board of Directors* and the written assent of at least two-  
15 thirds (2/3) of all its members.

16 The amendment shall take effect upon the approval of the COMELEC,  
17 or after six (6) months from the date of filing, if not acted upon by the  
18 COMELEC, for a cause not attributable to the political party.

19 SEC. 7. **Political Party Name.** - No political party name may be  
20 allowed by the COMELEC if the proposed name is identical to or deceptively  
21 or confusingly similar to the name of any existing political party or to any  
22 other name already protected by law or is patently deceptive, confusing or  
23 contrary to existing laws.

24 SEC. 8. **Commencement of Political Party Existence.** - A political  
25 party formed or organized under this Act commences to have judicial  
26 personality and is deemed formed from the date the COMELEC issues a  
27 certificate of registration under its seal; and thereupon the members shall  
28 constitute a body politic under the name stated in the political party  
29 constitution.

30 SEC. 9. **Gender Equality.** - Political parties shall adhere to the  
31 principle of gender equality within their organization including in the  
32 election of directors and officers and in the nomination and selection of  
33 candidates. They shall promote equal participation of women and men in  
34 political parties, with a view to achieving better gender-balanced  
35 representation in elected public offices at all levels of decision-making.

1 **ARTICLE 3**

2 **PARTY MEMBERS, THE BOARD OF DIRECTORS AND OFFICERS**

3 SEC. 10. **Party Membership.** - Any natural person, who is a Filipino  
4 citizen, at least eighteen (18) years of age and a registered voter may be a  
5 member of a political party: *Provided*, That the party shall not accept new  
6 members one year prior to a scheduled election.

7 SEC. 11. **The Board of Directors.** - The authority and powers of all  
8 political parties formed under this Act shall be exercised by the Board of  
9 Directors to be elected from among the members of the political party, who  
10 shall hold office for three (3) years until their successors are elected and  
11 qualified.

12 SEC. 12. **Election of Directors.** - In the election of the Board of  
13 Directors' of every political party, there must be present, either in person or  
14 through a representative duly authorized to act by written proxy, a majority  
15 of the members entitled to vote. The election shall be cast by ballot.

16 SEC. 13. **Political Party Officers.** - Immediately after their election,  
17 the Directors of a political party must formally organize by the election of a  
18 president, who shall be director; a treasurer who may or may not be a  
19 director; a secretary, and such other officers as may be provided for in the  
20 by-laws.

21 SEC. 14. **Report on Election of Directors and Officers.** - Within  
22 thirty (30) days after the election of the directors and officers of the political  
23 party, the secretary, or any other officer of the corporation shall submit to  
24 the COMELEC, the names and residences of the directors and officers  
25 elected.

26 SEC. 15. **Disqualification of Directors or Officers.** - No person  
27 convicted by final judgment of an offense punishable by imprisonment for a  
28 period exceeding six (6) years, or a violation of this Act committed within five  
29 (5) years prior to the date of election or appointment, shall qualify as a  
30 director or officer of a political party.

31 SEC. 16. **Removal of Directors or Officers.** - Any director or officer  
32 of a political party may be removed from office by a vote of two-thirds (2/3)  
33 of the members entitled to vote.



1 **ARTICLE 4**  
2 **BY-LAWS**

3 SEC. 17. **Adoption of By-laws.** - Every political party formed under  
4 this Act shall, within thirty (30) days after receipt of official notice of the  
5 issuance of its certificate of registration from the COMELEC, adopt its by-  
6 laws not inconsistent with this Act.

7 For the adoption of by-laws by the political party, the affirmative vote  
8 of at least a majority of the members shall be necessary. The by-laws shall  
9 be signed by the members or those voting for them and shall be kept in the  
10 principal office of the political party.

11 SEC. 18. **Contents of By-laws.** - Subject to the provisions of the  
12 Constitution, this Act, and other special laws, a political party may provide  
13 in its by-laws for:

14 a) The time, place and manner of calling and conducting regular or  
15 special meetings of the directors;

16 b) The time and manner of calling and conducting regular or special  
17 meetings of the members;

18 c) The required quorum in meetings of members and the manner of  
19 voting therein;

20 d) The form for proxies of stockholders and members and the manner  
21 of voting them;

22 e) The time for holding the election of directors and the mode or  
23 manner of giving notice thereof;

24 f) The manner of election or appointment and the term of office of all  
25 officers other than directors;

26 g) The procedure for selecting candidates among its members that will  
27 run for an elective public office; and

28 h) The penalties for violation of the by-laws.

29 SEC. 19. **Amendment to By-laws.** - The board of directors, by a  
30 majority vote thereof, and at least a majority of the members, at a regular or  
31 special meeting duly called for the purpose, may amend or repeal any by-  
32 laws or adopt new by-laws of the political party.





1 SEC. 25. **Nomination and Selection of Candidates.** - Political  
2 parties shall institute a process for selecting candidates that is open, fair  
3 and transparent. Candidates for elective posts shall be nominated by party  
4 members from among the members of the political party and selected by a  
5 majority vote of the members present at the party convention.

6 SEC. 26. **Changing Political Party Affiliation.** - Any member of a  
7 duly registered political party who changes party affiliation after being  
8 nominated by the party shall be deemed to have committed political  
9 turncoatism.

10 For purposes of this Act, *political turncoatism* refers to the change of  
11 political party affiliation by any candidate or elected official within eight (8)  
12 months prior to the election, and within one (1) year after the election in  
13 case of an elected official: *Provided*, That the term shall not include any  
14 such change in party affiliation before the effectivity of this Act.

15 Political turncoatism is not committed in any of the following  
16 instances:

17 i) Abolition, merger or coalition of political parties where the elected  
18 official or candidate is a registered member thereof;

19 ii) Expulsion in writing, of the registered member from the political  
20 party: *Provided*, That the cause for such does not constitute disloyalty to the  
21 party, or regular non-adherence to the party's ideological principles,  
22 platforms, and programs, as determined by the party in accordance with its  
23 constitution and by-laws.

24  
25 SEC. 27. **Penalties for Political Turncoatism.** - Political turncoats  
26 shall be:

27 a) Deemed to have forfeited the office if the offender is an elected  
28 official who changes political party affiliation within the prohibited period  
29 during the term of office;

30 b) Disqualified from running for any elective position in the next  
31 succeeding election immediately following the act of changing political party  
32 affiliation;

33 c) Prohibited from being appointed or from holding any position in any  
34 public or government office for three (3) years after the expiration of the  
35 current term;

36 d) Prohibited from assuming any executive or administrative position  
37 in the new political party; and

38 e) Directed to refund any and all amounts received from the political  
39 party, plus a twenty five percent (25%) surcharge thereon.

40 SEC. 28. **Petition for Disqualification.** - Any citizen of voting age, or  
41 any candidate, political party, aggregation or coalition thereof, may file with  
42 the COMELEC, upon the filing of the certificate of candidacy and before  
43 proclamation, a petition to disqualify a candidate on the ground of political  
44 turncoatism as defined in this Act.

45  
46 **ARTICLE 7**  
47 **FUNDING**



1           SEC. 29. **Membership Fees.** - The political party may collect  
2 membership fees from among its members which shall be considered as  
3 individual contributions by the members and used for political party  
4 purposes such as, but not limited to, the following:

- 5           a) Operating expenses of the political party;
- 6           b) Travel expense of political party members;
- 7           c) Information dissemination and propaganda campaign;
- 8           d) Production and distribution of campaign paraphernalia; and
- 9           e) Other expenditures allowed under the Omnibus Election Code.

10           SEC. 30. **Voluntary Contributions.** - Any natural person who is a  
11 Filipino citizen may contribute an amount of up to One million pesos  
12 (P1,000,000.00) to a registered political party while a juridical entity allowed  
13 to make a voluntary contribution under existing laws may donate an  
14 amount of up to Ten million pesos (P10,000,000.00) to a registered political  
15 party.

16           No foreign individual or entity shall be allowed to make a donation to  
17 any political party.

18           Any contribution in cash or in kind to any candidate or political party  
19 for campaign purposes, duly reported to the COMELEC, shall be exempt  
20 from donor's tax.

21           SEC. 31. **Voluntary Contributions to Political Party; How Made.** -  
22 Voluntary contributions to a political party shall be deposited by the  
23 contributor to the account of the political party with any reputable bank  
24 accredited by the COMELEC within six (6) months prior to the campaign  
25 period but not later than fifteen (15) days before the day of election. The  
26 accredited banks shall issue a corresponding receipt to the contributor on  
27 the amount deposited, and shall submit to the COMELEC a statement of  
28 account of every political party with deposits. The COMELEC shall cause the  
29 publication of the account of all political parties in any newspaper of general  
30 circulation within a reasonable time as determined by the COMELEC.

31           SEC. 32. **Reportorial Requirements.** - Political parties and their  
32 candidates shall submit a report to the COMELEC on the following:

33           a) The amount of contribution, the date of receipt by the bank, and  
34 the full name and exact address of the person from whom the contribution  
35 was received;

36           b) A full report of expenditures and receipts incurred during the  
37 campaign; and  
38

1 c) Post-election disclosure statements as required under existing laws,  
2 which must be submitted to the COMELEC within thirty (30) days after  
3 election day. Submissions made thirty (30) days after the deadline provided  
4 by law will be considered late and subject to a fine in such amounts as may  
5 be determined by the COMELEC.

6 Any political party that fails to comply with any of the reportorial  
7 requirements set forth in this Act shall be subject to administrative  
8 sanctions by the COMELEC, which shall include temporary or permanent  
9 cancellation of the party's registration, as well as payment of fines  
10 consistent with existing laws and regulations.

11  
12 **ARTICLE 8**  
13 **FINAL PROVISIONS**

14 SEC. 33. **Implementing Rules and Regulations.** – Within sixty (60)  
15 days from the effectivity of this Act, the COMELEC shall promulgate the  
16 implementing rules and regulations as may be necessary to ensure the  
17 efficient and effective implementation of this Act.

18 SEC. 34. **Separability Clause.** – If any provision or part of this Act is  
19 declared unconstitutional or invalid, the remaining parts and provisions not  
20 affected shall remain in full force and effect.

21 SEC. 35. **Repealing Clause.** – The pertinent provisions of the  
22 Omnibus Election Code, in so far as they are inconsistent herewith, are  
23 hereby expressly amended or modified accordingly. All other laws, decrees,  
24 executive orders, rules and regulations inconsistent with this Act are hereby  
25 repealed, amended, or modified accordingly.

26 SEC. 36. **Effectivity.** – This Act shall take effect fifteen (15) days after  
27 its publication in the *Official Gazette* or in at least two (2) national  
28 newspapers of general circulation.

Approved,