

[PRESIDENTIAL DECREE NO. 1661, January 03, 1980]

PROHIBITING GUEST CANDIDACY AND PROVIDING SANCTIONS AND PENALTY THEREFOR.

WHEREAS, among the powers and functions of the Commission on Elections under the Constitution is to "recommend to the National Assembly effective measures to minimize election expenses and prohibit all forms of election frauds and malpractices, political opportunism, guest or nuisance candidacy, or other similar acts" [Sec. 2(6) Art. XII (C)]

WHEREAS, Section 10 of Article XII(C) of the Constitution provides:

"**Sec. 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."

WHEREAS, in order to give sense and meaning to the afore-quoted provision of the Constitution, Batas Pambansa Blg. 52 was enacted declaring that a violation of Section 10, Article XII(C) is a ground for disqualification and empowering the Commission on Elections to refuse to give due course to the certificate of candidacy of the violator thereof.

WHEREAS, guest candidacy, unless prohibited, can be a device through which a candidate may be adopted as a guest candidate by another party with the ostensible claim that he was not changing his party affiliation;

WHEREAS, one of the principal thrusts of the political reforms of the New Society is to uproot the pernicious practice of political turncoatism and guest candidacy;

WHEREAS, as a measure to encourage the growth and development of political parties with distinct programs or platforms of government, so vital to an effective parliamentary system, it is imperative that turncoatism and political opportunism be discouraged.

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by the Constitution, do hereby decree as follows:

SECTION 1. *Guest candidacy.* — It shall be unlawful for any registered or accredited political party to nominate and/or support as its official candidate any person belonging to another accredited or registered party unless he has affiliated with the nominating party within six months before the election.

SEC. 2. *Sanction.* — The Commission on Election shall not give due course to a certificate of candidate filed by a guest candidate or to the nomination of a political party of a ticket which includes a guest candidate.

SEC. 3. *Penalty.* — The penalties for electoral offenses *provided* under Section 181 of the 1978 Election Code shall be imposed on violators of this decree.

SEC. 4. *Effectivity.* — This decree shall take effect immediately.