

HB 5876

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS
First Regular Session

House Bill No. 2451

**Introduced by: REPRESENTATIVES EDGAR L. VALDEZ, ERNESTO C. PABLO AND
SUNNY R.A. MADAMBA**

EXPLANATORY NOTE

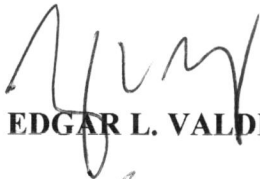
This bill seeks to remedy the imperfections of Republic Act No. 7941, otherwise known as the "Party List System Act" and settle once and for all the gray areas of interpretation in order to fulfill the mandate of enabling marginalized and underrepresented sectors to contribute to the legislative process.

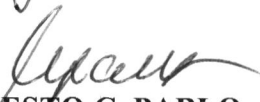
R.A. 7941, the enabling law of the constitutional provision on the party list system has gone through three elections already. However, based on the experience from the 1998 elections to the most recent election in May this year, the intent of the framers of our Constitution – that of empowering the marginalized and underrepresented – has not been fully met. The reason is that some provisions of R.A. 7941, particularly on the formula for the allocation of seats, make it impossible for the parties, organizations, coalitions participating in the party-list system to fill-up the seats allocated for the party-list groups in the House of Representatives.

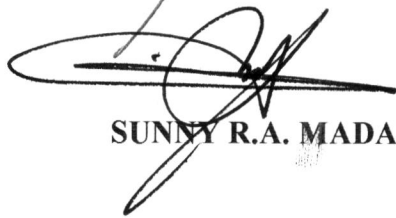
The ambiguity in the interpretation of the provision on the mathematical formula for the allocation of seats came to a point where the Supreme Court was asked to intervene and where the Honorable Court was compelled to construct its own mathematical solution supposedly under the law's parameters.

However, based on the mathematical solutions espoused by the Supreme Court in its decision on the Veterans Federation Party vs. Commission on Elections, it would seem that this formula would only be applicable to the determination of additional seats for the first party, or the party list garnering the highest number of votes. If this is the case, then it cannot be applied consistently and generally to the rest of party list groups garnering the 2nd, 3rd, 4th and so on highest number of votes.

The lack of a clear mathematical formula in the law that is consistent with proportional representation caused all the resultant confusion and misinterpretations. Thus, in order to avoid further confusion and to strengthen the Party-List System that would provide a real voice for the marginalized and underrepresented sectors of society, we earnestly request the passage of this bill.


EDGAR L. VALDEZ


ERNESTO C. PABLO


SUNNY R.A. MADAMBA

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HOUSE BILL NO. 2451

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**AN ACT
AMENDING REPUBLIC ACT NUMBERED 7941 OTHERWISE KNOWN AS THE
“PARTY LIST SYSTEM ACT”**

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

1 SECTION 1. Section 3 of Republic Act No. 7941 is hereby amended, by revising paragraph (d)
2 and by adding terms for definition, to read as follows:

3
4 “Section 3, (d) A sectoral party refers to an organized group of citizens belonging
5 to [any of the sectors enumerated in Section 5 hereof] MARGINALIZED AND UNDER-
6 REPRESENTED SECTORS whose principal advocacy pertains to the special interest and
7 concerns of their sector.”

8 (e) x x x

9 (f) x x x

10 (g) “AVAILABLE SEATS” REFER TO THE ACTUAL NUMBER OF
11 SEATS RESERVED FOR THE PARTY LIST SYSTEM AS PROVIDED FOR BY SECTION
12 11 HEREOF. “GUARANTEED SEATS” REFER TO THAT WHICH PARTY LIST IS
13 AUTOMATICALLY ENTITLED TO BY HAVING TWO PERCENT VOTES OF THE
14 TOTAL PARTY LIST VOTES CAST. “ADDITIONAL SEATS” REFER TO THE SEAT
15 AWARDED TO PARTY LIST(S) ON TOP OF THE GUARANTEED SEAT.

16

(j) "REMAINING SEATS" REFER TO THOSE THAT REMAIN AFTER "GUARANTEED SEATS" SHALL HAVE BEEN AWARDED AND COULD BE SYNONYMOUS TO AVAILABLE SEATS.

(h) "WINNING MINIMUM PERCENTERS" REFER TO THOSE PARTY-LIST PARTIES, ORGANIZATIONS, AND COALITIONS THAT GARNERED THE WINNING MINIMUM PERCENTAGE THRESHOLD OF THE TOTAL PARTY-LIST VOTES CAST.

Section 2. Section 5 of Republic Act No. 7941 is hereby further amended to read as follows:

"Section 5. *Registration.* Any organized group of persons may register as a party, organization or coalition for purposes of the party-list system by filing with the COMELEC not later than [ninety (90)] ONE HUNDRED EIGHTY (180) days before the election a petition verified by its president or secretary its desire to participate in the party list system as a national, regional or sectoral party or organization or a coalition of such parties or organizations, attaching thereto its constitution, by-laws, platform of program of government, list of officers, coalition agreement and other relevant information as COMELEC may require: [Provided that the sectors shall include labor, peasant, fisher folk, urban poor, indigenous cultural communities, elderly, handicapped, women, youth, veterans, overseas workers, and professional] PROVIDED, THAT THE PARTIES, ORGANIZATION OR COALITION THEREOF REPRESENT THE MARGINALIZED AND UNDER-REPRESENTED SECTORS OF SOCIETY.

FAILURE TO SUBMIT THE AFORECITED FORMAL REQUIREMENTS MAY BE A GROUND FOR DISMISSAL MOTU PROPIO BY THE COMELEC OF ITS PETITION; OTHERWISE, The COMELEC shall IMMEDIATELY publish THE VERIFIED petition in at least two (2) national newspapers of general circulation SETTING THE SAME FOR HEARING AT AN APPOINTED TIME AND DATE.

1 The COMELEC shall, after due notice and hearing, resolve [the] SAID petition
2 INCLUDING A MOTION FOR ITS RECONSIDERATION WITHIN [fifteen (15)] THIRTY
3 (30) days from the date [it was submitted for decision] OF ITS SUBMISSION FOR
4 RESOLUTION but in no case not later than [sixty (60)] ONE HUNDRED TWENTY days
5 before election.

6
7 **Section 3.** Section 11 of Republic Act No. 7941 is hereby further amended to read as
8 follows:

9
10 “Section 11. Number of Party-List Representatives. – The party list representatives shall
11 constitute AT LEAST FIFTY-TWO (52) MEMBERS or twenty per centum (20%) of the total
12 number of the members of the House of Representatives, WHICHEVER IS HIGHER including
13 those under the party list SYSTEM OF VOTING.”

14
15 In determining the allocation of seats for the second vote, the following shall be
16 observed:

17
18 (a) [the parties, organizations and coalitions shall be ranked from the highest to the
19 lowest based on the number of votes garnered during the elections] THE PARTIES,
20 ORGANIZATIONS, AND COALITIONS THAT REACHED THE WINNING
21 MINIMUM PERCENTAGE OF THE TOTAL VOTES CAST FOR THE PARTY-
22 LIST SYSTEM SHALL BE ENTITLED TO ONE (1) GUARANTEED SEAT;

23 (b) ADDITIONAL SEATS SHALL BE AWARDED TO THOSE PARTIES,
24 ORGANIZATIONS, AND COALITIONS GARNERING MORE THAN THE
25 MINIMUM PERCENTAGE IN PROPORTION TO THE TOTAL VOTES OF THE
26 WINNING MINIMUM PERCENTERS; AND

27 (c) EACH PARTY, ORGANIZATION, AND COALITION SHALL BE ENTITLED TO
28 NOT MORE THAN SIX (6) SEATS.

29

1
2 **Section 4.** Section 12 of Republic Act No. 7941 is hereby further amended to read as
3 follows:

4 “Section 12. Procedures in allocating Seats for Party list Representatives.- [The
5 COMELEC shall tally all the votes for the parties, organizations, or coalitions on a nationwide
6 basis, rank them according to the number of votes received and allocate party-list representatives
7 proportionately according to the percentage of votes obtained by each party, organization, or
8 coalition as against the total nationwide votes cast for the party-list system.] IN ALLOCATING
9 BOTH THE GUARANTEED AND ADDITIONAL SEATS, THE COMELEC SHALL ADOPT
10 THE FOLLOWING ORDER OF PROCEDURES:
11

- 12 1. THE PARTIES, ORGANIZATIONS, AND COALITIONS SHALL BE
13 RANKED FROM THE HIGHEST TO THE LOWEST BASED ON THE
14 NUMBER OF VOTES GARNERED DURING THE ELECTIONS;
- 15 2. DETERMINE THE TOTAL NUMBER OF AVAILABLE SEATS OPEN
16 FOR THE PARTY-LIST ELECTION BY MULTIPLYING TWENTY
17 PERCENTUM (20%) OF THE TOTAL NUMBER OF DISTRICT
18 MEMBERS OF THE HOUSE OF REPRESENTATIVES DIVIDED BY
19 EIGHTY PERCENTUM (80%);
- 20 3. DETERMINE THE WINNING MINIMUM PERCENTAGE NEEDED TO
21 GET GUARANTEED AND ADDITIONAL SEATS BY DIVIDING ONE
22 HUNDRED PERCENTUM (100%) WITH THE AVAILABLE SEATS
23 OPEN FOR THE PARTY-LIST;
- 24 4. DETERMINE THE PERCENTAGE OF VOTES OF ALL PARTY-LIST
25 ORGANIZATIONS RELATIVE TO THE TOTAL NUMBER OF VOTES
26 CAST FOR THE PARTY-LIST ELECTION BY DIVIDING THE VOTES
27 GARNERED BY THE PARTY-LIST GROUP WITH THE SUM TOTAL
28 OF VOTES CAST FOR THE PARTY-LIST MULTIPLIED BY ONE
29 HUNDRED PERCENTUM (100%);

- 1 5. THE PARTIES, ORGANIZATIONS AND COALITIONS RECEIVING AT
2 LEAST WINNING MINIMUM PERCENTAGE OF THE TOTAL VOTES
3 CAST FOR THE PARTY-LIST SYSTEM SHALL BE LISTED
4 SEPARATELY. THE COMELEC SHALL PROCLAIM EACH PARTY-
5 LIST PARTY, ORGANIZATION OR COALITION ON THIS LIST AS
6 ENTITLED TO A GUARANTEED SEAT EACH;
- 7 6. THE PARTIES, ORGANIZATIONS AND COALITIONS GARNERING
8 MORE THAN THE WINNING MINIMUM PERCENTAGE SHALL BE
9 RANKED AS THEY ARE ENTITLED TO ADDITIONAL SEAT(S) IN
10 PROPORTION TO THE TOTAL NUMBER OF VOTES OF THE
11 WINNING MINIMUM PERCENTERS;

12
13 THE NUMBER OF ADDITIONAL SEATS TO WHICH A WINNING
14 MINIMUM PERCENTER IS ENTITLED SHALL BE DETERMINED BY
15 MULTIPLYING THE NUMBER OF SEATS REMAINING BY THE
16 TOTAL NUMBER OF VOTES OBTAINED BY THAT PARTY AND
17 DIVIDING THE PRODUCT BY THE TOTAL NUMBER OF VOTES
18 GARNERED BY ALL THE WINNING MINIMUM PERCENTER. THE
19 WINNING MINIMUM PERCENTERS ARE EACH ENTITLED TO THE
20 ADDITIONAL SEATS EQUIVALENT TO THE INTEGER PORTION OF
21 THE RESULTING PRODUCT. HENCE, COMELEC SHALL PROCLAIM
22 ADDITIONAL SEATS TO THE WINNING MINIMUM PERCENTERS
23 BASED ON THE IMMEDIATELY PRECEDING FORMULA AS
24 ILLUSTRATED, TO WIT:

25

$$\begin{array}{lcl} 26 & & \text{REMAINING NO. OF SEATS x GARNERED VOTES} \\ 27 & \text{ADDITIONAL SEAT} = & \text{-----} \\ 28 & & \text{TOTAL VOTES OF WINNING MINIMUM PERCENTERS} \end{array}$$

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Section 5. *Separability Clause.* Any section or provisions of this Act declared unconstitutional or invalid should not affect the rest of the provisions.

Section 6. *Repealing Clause.* All laws, decrees, orders, rules and regulations and other issuances inconsistent with the provisions of this Act are deemed modified, revoked or repealed accordingly.

Section 7. *Effectivity.* This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved.