

Republic of the Philippines
HOUSE OF REPRESENTATIVES
THIRTEENTH CONGRESS
First Regular Session

House Bill No. **2734**

Introduced by Reps. SATUR C. OCAMPO, TEODORO A. CASIÑO, JOEL G. VIRADOR,
CRISPIN B. BELTRAN, RAFAEL V. MARIANO and LIZA L. MAZA

Explanatory Note

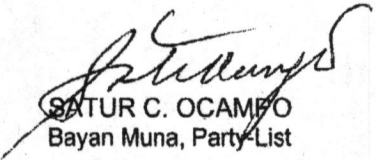
This bill seeks to amend Republic Act No. 7941, or the "Party-List System Act," to make it consistent with the intent and purpose of the 1987 Constitution to reserve twenty percent (20%) of the House of Representatives for the marginalized and underprivileged sectors.

The experience in the last three elections for party-list representation underscores the crying need to correct the defects of RA 7941.

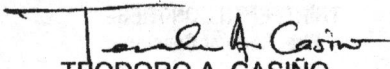
In the first party-list polls in May 1998, only 13 groups were able to seat 14 party-list representatives because of the rigid two percent (2%) vote threshold required of a party to get at least one congressional seat. In the second party-list race in May 2001, the entry of major political parties, including government-funded associations, made it difficult for genuine marginalized participants to win. Only 7 representatives from 5 party-list groups made it to the initial winning circle. This later expanded to 20 representatives from 12 parties only after the Supreme Court ruled to disqualify pseudo party-list organizations and invalidated their votes. In the May 2004 party-list polls, the victory of 23 representatives coming from 17 groups still did not cover even half of the twenty percent (20%) or about 53 seats reserved by the Constitution for the party-list system.

This bill thus proposes the following amendments:

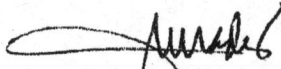
1. The establishment of a two-stage system to fill up all reserved seats for party-list groups that would expressly fulfill the Constitution's intent and purpose to reserve twenty percent (20%) of the House of Representatives for the marginalized sectors. Under this system, even parties which failed to make the two percent (2%) ceiling may still be entitled to unallocated seats after the first stage of allocation for parties which made the threshold has been completed.
 2. The lifting of the three-seat limit per party which distorts the principle of proportional representation.
 3. The adoption of the eight-point guideline of the Supreme Court for screening party-list participants that would exclusively reserve the party-list system for the marginalized and under-represented sectors. This guideline was defined in the Supreme Court's decisions on *Bayan Muna vs. COMELEC et al.* (G.R. No.147613, June 26, 2001) and *Ang Bagong Bayani-OFW Labor Party vs. COMELEC et al.* (G.R. No.147589, June 26, 2001).
 4. Giving the highest policy-making body of the party-list group the power to recall its representatives through a resolution for lack of confidence or violation of any provision of its governing charter.
 5. The nomination of party-list representatives by the highest policy-making body of the party-list group to enable its membership to democratically choose their nominees.
- Immediate passage of this bill is earnestly sought.



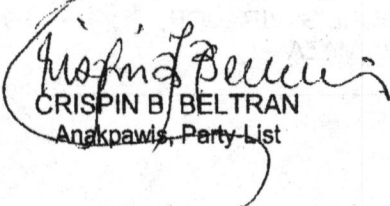
SATUR C. OCAMPO
Bayan Muna, Party-List



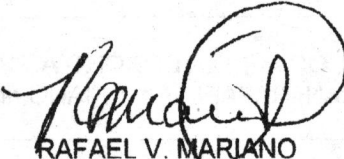
TEODORO A. CASINO
Bayan Muna, Party-List



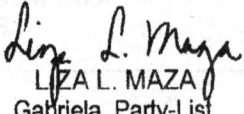
JOEL G. VIRADOR
Bayan Muna, Party-List



CRISPIN B. BELTRAN
Anakpawis, Party-List



RAFAEL V. MARIANO
Anakpawis, Party-List



LIZA L. MAZA
Gabriela, Party-List

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AN ACT
AMENDING CERTAIN SECTIONS OF REPUBLIC ACT NO. 7941,
OTHERWISE KNOWN AS THE "PARTY LIST SYSTEM ACT"

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

Section 1. Section 8 of Republic Act No. 7941, otherwise known as the "Party List System Act," is hereby amended to read as follows:

Section 8. Nomination of Party-List Representatives. – Each registered party, organization, or coalition shall submit to the Commission on Elections (COMELEC) not later than forty-five (45) days before the election a list of names, not less than SIX (6), from which party-list representatives shall be chosen in case it obtains the required number of votes. THE LIST OF NOMINEES TO BE SUBMITTED TO THE COMELEC MUST BE APPROVED BY THE HIGHEST POLICY-MAKING BODY OF THE PARTY-LIST GROUP.

A person may be nominated in one (1) list only. Only persons who have given their consent in writing may be named in the list. The list shall not include any candidate for any elective office or person who has lost his bid for an elective office in the immediately preceding election NOR ANY INCUMBENT APPOINTIVE GOVERNMENT OFFICIALS AND EMPLOYEES. PROVIDED, ANY INCUMBENT APPOINTIVE GOVERNMENT OFFICIAL AND EMPLOYEE WHOSE NAME IS SUBMITTED AS A NOMINEE IN THE MANNER HEREIN STATED SHALL BE *IPSO FACTO* CONSIDERED RESIGNED FROM THE SERVICE. No change of names or alteration of the order of nominees shall be allowed after the same shall have been submitted to the COMELEC except in cases where the nominee dies, or withdraws in writing his nomination or becomes incapacitated, in which case the name of the substitute nominee shall be placed last in the list. Incumbent sectoral representatives in the House of Representatives who are nominated in the party-list system shall not be considered resigned.

Section 2. Section 11 of the same Act is hereby amended as follows:

Section 11. Number of Party-List Representatives. – The party-list representatives shall constitute twenty per centum (20%) of the total number of the members of the House of Representatives including those of the party-list. MAJOR POLITICAL PARTIES IN THE HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE PHILIPPINES SHALL NOT BE ENTITLED TO PARTICIPATE IN THE PARTY-LIST ELECTIONS.

In determining the allocation of seats, the following shall be observed:

- a. The parties, organizations and coalitions shall be ranked from the highest to the lowest based on the number of votes they garnered during the elections AND ACCORDING TO THE PERCENTAGE OF VOTES THEY OBTAINED IN PROPORTION TO THE TOTAL NUMBER OF VOTES CAST FOR THE PARTY-LIST SYSTEM.
- b. THE PARTIES, ORGANIZATIONS AND COALITIONS RECEIVING AT LEAST TWO PERCENT (2%) OF TOTAL PARTY-LIST VOTES SHALL THEN BE INCLUDED IN A SEPARATE LIST FOR THE INITIAL ALLOCATION OF SEATS RESERVED FOR THE PARTY-LIST. EACH SHALL BE ENTITLED TO ONE (1) SEAT FOR EVERY TWO PERCENT OF VOTES IT OBTAINED IN PROPORTION TO THE TOTAL PARTY-LIST VOTES. PROVIDED, THAT EACH PARTY, ORGANIZATION AND COALITION SHALL NOT BE ENTITLED TO NO MORE THAN SIX (6) SEATS.
- c. AFTER THE INITIAL SEATS HAVE BEEN ALLOCATED IN ACCORDANCE WIT THE FORMULA HEREIN INDICATED, THE COMMISSION ON ELECTIONS SHALL THEN TAKE NOTE OF THE REMAINING FRACTION OF EACH PARTY, ORGANIZATION AND COALITION THAT FAILED TO GET THE MAXIMUM SIX (6) SEATS.
- d. FOR THE PURPOSE OF ALLOCATING THE REMAINING SEATS FOR PARTY-LIST, THE COMMISSION OF ELECTIONS SHALL MAKE A SECOND LIST TO JOINTLY INCLUDE:
 - 1) ALL PARTIES, ORGANIZATIONS AND COALITIONS UNDER LETTER C, AND
 - 2) ALL PARTIES, ORGANIZATIONS AND COALITIONS THAT FAILED TO MAKE THE TWO PERCENT (2%) VOTE THRESHOLD. THESE PARTIES, ORGANIZATIONS AND COALITIONS WILL THEN BE RANKED FROM HIGHEST TO LOWEST ACCORDING TO THEIR REMAINING FRACTION AND PERCENTAGE OF VOTES, RESPECTIVELY.
- e. THE REMAINING SEATS SHALL THEN BE ALLOCATED IN THE DESCENDING ORDER OF THEIR REMAINING FRACTIONS AND PERCENTAGE OF VOTES. PROVIDED, THAT IN CASE OF EQUAL FRACTION OR PERCENTAGE, THE ALLOCATION OF THE LAST SEAT SHALL BE DECIDED BY THE COMMISSION BY DRAWING LOTS. PROVIDED FINALLY, THAT EACH PARTY, ORGANIZATION OR COALITION SHALL NOT BE ENTITLED TO THE MAXIMUM NUMBER OF SEATS AS HEREIN INDICATED.

Section 3. RECALL OF PARTY-LIST REPRESENTATIVE. THE HIGHEST POLICY-MAKING BODY OF THE PARTY-LIST GROUP IS EMPOWERED TO RECALL ITS REPRESENTATIVES IN CONGRESS FOR LOSS OF CONFIDENCE OR FOR VIOLATIONS OF ANY PROVISION OF ITS GOVERNING CHARTER. PROVIDED, THAT SUCH RECALL IS EXPRESSED THROUGH A RESOLUTION PASSED BY THE HIGHEST POLICY-MAKING BODY OF THE PARTY-LIST GROUP, A COPY OF WHICH SHOULD BE FURNISHED TO THE HOUSE OF REPRESENTATIVES THROUGH ITS SECRETARY-GENERAL, THE COMMISSION ON ELECTIONS AND THE SUBJECT PERSON OF THE RECALL RESOLUTION.

Section 4. ELIGIBILITY REQUIREMENTS. NO GROUP, ORGANIZATION OR POLITICAL PARTY SHALL BE ELIGIBLE FOR REGISTRATION AS A PARTY-LIST GROUP, ORGANIZATION OR POLITICAL PARTY UNLESS ALL THE FOLLOWING QUALIFICATIONS ARE MET OR COMPLIED WITH AS DETERMINED BY THE COMELEC IN AN EVIDENTIARY HEARING WITH NOTICE TO ALL DULY REGISTERED AND ACCREDITED PARTY-LIST GROUP, ORGANIZATION OR POLITICAL PARTY:

- a. THE POLITICAL PARTY, SECTOR, ORGANIZATION OR COALITION MUST REPRESENT THE MARGINALIZED AND UNDER-REPRESENTED GROUPS IDENTIFIED IN SECTION 5 OF RA 7941;
- b. MAJOR POLITICAL PARTIES MUST COMPLY WITH THE DECLARED STATUTORY

POLICY OF ENABLING FILIPINO CITIZENS BELONGING TO THE MARGINALIZED AND UNDER-REPRESENTED SECTORS TO BE ELECTED TO THE HOUSE OF REPRESENTATIVES;

- c. THE PARTY, SECTOR, ORGANIZATION OR COALITION MUST NOT BE A REPRESENTATIVE OF THE RELIGIOUS SECTOR;
- d. THE PARTY OR ORGANIZATION MUST NOT BE DISQUALIFIED UNDER SECTION 6 OF RA 7941;
- e. THE PARTY OR ORGANIZATION MUST NOT BE AN ADJUNCT OF, OR A PROJECT ORGANIZED OR AN ENTITY FUNDED OR ASSISTED BY, THE GOVERNMENT;
- f. THE PARTY OR ORGANIZATION AND ITS NOMINEES MUST COMPLY WITH THE REQUIREMENTS OF LAW;
- g. THE PARTY OR ORGANIZATION AND ITS NOMINEES MUST REPRESENT MARGINALIZED AND UNDER-REPRESENTED SECTORS; AND
- h. THE NOMINEES MUST BE ABLE TO CONTRIBUTE TO THE FORMULATION AND ENACTMENT OF APPROPRIATE LEGISLATION THAT WILL BENEFIT THE NATION AS A WHOLE.

Section 5. SEPARABILITY CLAUSE. If any section or provision of this Act shall be declared unconstitutional or invalid, the other sections or provisions not affected thereby shall remain in full force and effect.

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 two (2) leading newspapers of general circulation.

Approved,