

FIFTEENTH CONGRESS
REPUBLIC OF THE PHILIPPINES
First Regular Session

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HOUSE OF REPRESENTATIVES

House Bill No. 4278



Introduced by Representative Rufus B. Rodriguez, Representative Maximo B. Rodriguez, and Representative Raymond Democrito Mendoza

EXPLANATORY NOTE

The "Party-List System Act" was introduced pursuant to Section 5(1), Article VI of the 1987 Philippine Constitution, which provides that a portion of the House of Representatives shall be composed of representatives of registered national, regional, and sectoral parties or organizations elected through a party list system. The aim was to provide sectors and groups in the country, which normally would not be able to achieve representation of their interests and positions through the majority votes in the election of Representatives in the Congressional Districts, with the opportunity to be represented, through national proportional representation, in the House of Representatives. Section 5(2), Article VI of the 1987 Constitution also provides that "party-list representatives shall constitute twenty *per centum* of the total number of representatives including those under the party-list."

Section 5 (2), Article VI of the 1987 Philippine Constitution provides that "[f]or three consecutive terms after the ratification of this Constitution, one-half of the seats allocated to party-list representatives shall be filled, as provided by law, by selection or election from the labor, peasant, urban poor, indigenous communities, women, youth and such other sectors as may be provided by law, except the religious sector." Such has led to the provision in the Party-List System Act that only parties, coalitions of parties and organizations representing marginalized groups and sectors of the population shall be eligible for filing candidates in party-lists under this law.

The May 2010 elections unequivocally demonstrated that neither the COMELEC nor the Supreme Court were able to provide a viable definition and a rational formula to determine "marginalized groups and sectors." This is best exemplified by the registration of more than 180 different groups claiming to represent marginalized groups for participation in the party-list elections. To meet the demands of launching a nation-wide campaign, which necessitates financial resources not readily available to marginalized groups, some party-lists resorted to aligning themselves with wealthy personalities or power blocs.

Furthermore, since the standards for party-list representation remain unclear and vague, judicial legislation as set in this has created uncertainty as the Supreme Court may change doctrines anytime.

These developments not only destroyed the credibility of this alleged system of representation of marginalized groups. It also burdened Filipino voters with

choosing candidates and party-lists under a long list of names armed only with minimal information about them. This in effect makes a rational and educated vote almost impossible.

Furthermore, the provision in the law restricting the number of elected representatives from one party-list to a maximum of three (3), regardless of how many votes said party-list gathered in the party-list elections, is clearly against the democratic principle of equality of votes. By putting a cap on the number of nominees a party-list can nominate in the House of Representatives, numerous little one-issue party-lists emerged. This in effect damaged the capacity of Congress to produce rational majority decisions in legislation and in the oversight of the administration.

There is, therefore, an urgent need to reform the Party-List System Act.

The proposed amendments in this bill – in full accordance to the relevant Constitutional provisions – intends to delete the provision restricting the participation in the party-list elections to "marginalized" parties, coalitions of parties or sectors. Any political party or coalition of parties, registered in accordance with the respective legal requirements of the COMELEC, shall have the right to participate to the party-list elections. Also, double candidacies of persons as a district candidate for a party and on a party-list shall not be allowed.

Furthermore the distribution of seats reserved for the party-lists in the total number of seats in the House of Representatives for each successful party-list shall follow the percentage of votes from the total number of national votes under the party-list elections gathered by the respective party-lists.

As can be observed in the electoral systems of many other democratic countries, such a general proportional element in the elections will lead to major political parties registering candidate-lists for party-list elections to include representatives of different sectors like farmers, labor, small business, women, youth and others in the top places of their lists in order to achieve votes from the voters of these sectors. This would enable them to compete successfully with the other major political parties. This is in sharp contrast with the present phenomenon of isolated representatives of such sectors articulating their issues in a splintered House of Representatives. These representatives would have better opportunities to lobby for the awareness and the practical implementation of their respective advocacies in the programs and political priorities of major political parties.

In view of the above, it is imperative that this bill be approved before the mid-term elections in 2013.



RUFUS B. RODRIGUEZ



MAXIMO B. RODRIGUEZ, JR.



RAYMOND DEMOCRITO MENDOZA

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AN ACT
AMENDING REPUBLIC ACT SEVENTY NINE FORTY-ONE (R.A. 7941),
OTHERWISE KNOWN AS THE PARTY LIST SYSTEM ACT

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

SECTION 1. Section 2 of Republic Act Seventy Nine Forty One (R.A. 7641) is hereby amended to read as follows:

Sec. 2. *Declaration of Policy.* - The State shall promote proportional representation in the election of representatives to the House of Representatives through a party-list system of registered national, regional and sectoral parties.

SEC. 2. Section 3 of the same law is hereby amended to read as follows:

Sec. 3. *Definition of Terms.* - (a) The party-list system is a mechanism of proportional representation in the election of representatives to the House of Representatives from national, regional and sectoral parties registered with the Commission on Elections (COMELEC). Component parties or organizations of a coalition may participate independently provided the coalition of which they form part does not participate in the party-list system.

A party means either a political party or a sectoral party or a coalition of parties.

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, nominates and supports certain of its leaders and members as candidates for public office.

It is a national party when its constituency is spread over the geographical territory of at least a majority of the regions. It is a regional party when its constituency is spread over the

geographical territory of at least a majority of the cities and provinces comprising the region.

A sectoral party refers to an organized group of citizens belonging to any sector whose principal advocacy pertains to the special interests and concerns of their sector.

A coalition refers to an aggrupation of duly registered national, regional, sectoral parties for political and/or election purposes.

SEC. 3. Section 4 of the same law on Manifestation to Participate in the Party-List System is hereby deleted.

SEC. 4. Section 5 of the same law shall now read as follows:

Sec. 4. Registration. - Any organized group of persons may register as a party for purposes of the party-list system by filing with the COMELEC not later than ninety (90) days before the election a petition verified by its president or secretary stating its desire to participate in the party-list system as a national, regional or sectoral party or a coalition of such parties, attaching thereto its constitution, by-laws, platform or program of government, list of officers, coalition agreement and other relevant information as the COMELEC may require.

The COMELEC shall publish the petition in at least two (2) national newspapers of general circulation.

The COMELEC shall, after due notice and hearing, resolve the petition within fifteen (15) days from the date it was submitted for decision but in no case not later than sixty (60) days before election.

SEC. 5. Section 6 of the same law shall now read as follows:

Sec. 5. Removal and/or Cancellation of Registration. - The COMELEC may motu proprio or upon verified complaint of any interested party, remove or cancel, after due notice and hearing, the registration of any national, regional or sectoral party, or coalition on any of the following grounds:

It is a religious sect or denomination, organization or association organized for religious purposes;

It advocates violence or unlawful means to seek its goal;

It is a foreign party or organization;

It is receiving support from any foreign government, foreign political party, foundation, organization, whether directly or through any of its officers or members or indirectly through third parties for partisan election purposes;

It violates or fails to comply with laws, rules or regulations relating to elections;

It declares untruthful statements in its petition;

It has ceased to exist for at least one (1) year; or

It fails to participate in the last two (2) preceding elections or fails to obtain at least two percentum (2%) of the votes cast

under the party-list system in the two (2) preceding elections for the constituency in which it has registered.

SEC. 6. Section 7 of the same law shall now read as follows:

Sec. 6. Certified List of Registered Parties. - The COMELEC shall, not later than sixty (60) days before election, prepare a certified list of national, regional, or sectoral parties, or coalitions which have applied or who have manifested their desire to participate under the party-list system and distribute copies thereof to all precincts for posting in the polling places on election day. The names of the party-list nominees shall not be shown on the certified list.

SEC. 7. Section 8 of the same law shall now read as follows:

Sec. 7. Nominations of Party-List Representatives. - Each registered party, organization or coalition shall submit to the COMELEC not later than forty-four (45) [sic] days before the election a list of names, not less than five (5) from which party-list representatives shall be chosen in case it obtains the required number of votes.

A person may be nominated in one (1) list only. A person cannot be nominated as a district candidate of a party and a candidate in the party-list for the same elections. Only persons who have given their consent in writing may be named in the list. 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, becomes incapacitated in which case the name of the substitutes 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.

SEC. 8. Section 9 of the same law shall now read as follows:

Sec. 8. Qualification of Party-List Nominees. - No person shall be nominated as party-list representative unless he is a natural born citizen of the Philippines, a registered voter, a resident of the Philippines for a period of not less than one (1) year immediately preceding the day of the election, able to read and write, bona fide member of the party which he seeks to represent for at least ninety (90) days preceding the day of the election, and is at least twenty-five (25) years of age on the day of the election.

SEC. 9. Section 10 of the same law shall now read as follows:

Sec. 9. Manner of Voting. - Every voter shall be entitled to two (2) votes. The first is a vote for candidate for member of the

House of Representatives in his legislative district, and the second, a vote for the party, or coalition he wants represented in the House of Representatives: provided, that a vote cast for a party, or coalition not entitled to be voted for shall not be counted.

The COMELEC shall undertake the necessary information campaign for purposes of educating the electorate on the matter of the party-list system.

SEC. 10. Section 11 of the same law shall now read as follows:

Sec. 10. 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 under the party-list.

The first election under this law shall take place in May 2013.

Only party lists receiving at least two percent (2%) of the votes shall be entitled to have seats in the House of Representatives.

SEC. 11. Section 12 of the same law shall now read as follows:

Sec. 11. Procedure in Allocating Seats for Party-List Representatives. - The COMELEC shall tally all the votes for the parties, or coalitions on a nationwide basis, rank them according to the number of votes received and allocate party-list representatives proportionately according to the percentage of votes obtained by each party, or coalition as against the total nationwide votes cast for the party-list system.

SEC. 12. Section 13 of the same law shall now read as follows:

Sec. 12. How Party-List Representatives are Chosen. - Party-list representatives shall be proclaimed by the COMELEC based on the list of names submitted by the respective parties, or coalitions to the COMELEC according to their ranking in the said list.

SEC. 13. Section 14 of the same law shall now read as follows:

Sec. 13. Term of Office. - Party-list representatives shall be elected for a term of three (3) years which shall begin, unless otherwise provided by law, at noon on the thirtieth day of June next following their election. No party-list representatives shall serve for more than three (3) consecutive terms. Voluntary renunciation of the office for any length of time shall not be considered as an interruption in the continuity of his service for the full term for which he was elected.

SEC. 14. Section 15 of the same law shall now read as follows:

Sec. 14. *Change of Affiliation Effect.* - Any elected party-list representative who changes his political party during his term of office shall forfeit his seat.

SEC. 15. Section 16 of the same law shall now read as follows:

Sec. 15. *Vacancy.* - In case of vacancy in seats reserved for party-list representatives, the vacancy shall be automatically filled by the next representative from the list of nominees in the order submitted to the COMELEC by the same party, or coalition, who shall serve for the unexpired term.

SEC. 16. Section 17 of the same law shall now read as follows:

Sec. 16. *Rights of Party-List Representatives.* - Party-list representatives shall be entitled to the same salaries and emoluments as members of the House of Representatives elected directly in their districts.

SEC. 17. Section 18 of the same law shall now read as follows:

Sec. 17. *Rules and Regulations.* - The COMELEC shall promulgate the necessary rules and regulations as may be necessary to carry out the purpose of this Act.

SEC. 18. Section 19 of the same law shall now read as follows:

Sec. 18. *Appropriations.* - The amount necessary for the implementation of this Act shall be provided in the regular appropriations for the Commission on Elections.

SEC. 19. Section 20 of the same law shall now read as follows:

Sec. 19. *Separability Clause.* - If any part of this Act is held invalid or unconstitutional, the other parts or provisions thereof shall remain valid and effective.

SEC. 20. Section 21 of the same law shall now read as follows:

Sec. 20. *Repealing Clause.* - All laws, decrees, executive orders, rules and regulations, or parts thereof, inconsistent with the provisions of this Act are hereby repealed.

SEC. 21. Section 22 of the same law shall now read as follows:

Sec. 21. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

Approved,