



Fifteenth Congress

First Regular Session

HOUSE BILL NO. 4732

Introduced by Hon. Julieta R. Cortuna and Hon. Mariano U. Piamonte Jr.

Representatives, A TEACHER Party-List

EXPLANATORY NOTE

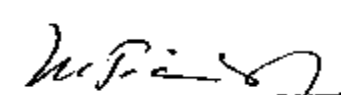
The Republic Act 7941 (Section 2) or the Party-List System Act of 1995 describes the party-list system as a mechanism *"which will enable Filipino citizens belonging to the marginalized and underrepresented sectors, organizations and parties, and who lack well-defined political constituencies but who could contribute to the formulation and enactment of appropriate legislation that will benefit the nation as a whole, to represent their respective sectors and become members of the House of Representatives"*.

The above objective of RA 7941 is clear and noble, however, numerous controversies rooted on perceived weaknesses and ambiguities of the law have marred the implementation of party-list system in the past few elections. These weaknesses rest on, among others, the definitions of terms and the standards used for both the party-list organizations and nominees. Likewise, the seat allocation procedure indicated in RA 7941 is ambiguous and has been interpreted and re-interpreted by the Supreme Court through G.R. No. 1136781 (*Veterans Federation Party vs. Comelec*, 08 October 2000) and G.R. No. 179271 (*Banat vs. Comelec*, 21 April 2009), respectively.

In view of these problems, the proposed measure seeks to strengthen the (1) definitions of the term "marginalized" and "underrepresented", (2) qualification standards for national, regional or sectoral party, organization or coalition, (3) qualification standards for party-list nominees, (4) seat allocation procedure for the party-list system, and (5) other provisions of RA 7941.

These amendments will address the problems in the party-list system at their roots as well as enhance the implementation of the system and the democratization of the country's political power. In this light, your support and approval of this bill will be instrumental, if not necessary, in making these results happen.


JULIETA R. CORTUNA


MARIANO U. PIAMONTE JR.



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**AN ACT AMENDING THE REPUBLIC ACT NO. 7941, OTHERWISE KNOWN AS THE
"PARTY-LIST SYSTEM ACT"**

SECTION 1: Section 3 of RA 7941 is hereby amended to read as follows

"Section 3. Definition of Terms.

(a) XXX

(b) XXX

(c) XXX

(d) A sectoral party refers to an organized group of citizens belonging to any of the **MARGINALIZED AND UNDERREPRESENTED** sectors **PROVIDED** in [Section 5] **SECTION 1 (g) AND SECTION 3** hereof whose principal advocacy pertains to the [special] interest and concerns of their sector,

(e) A sectoral organization refers to a group of citizens or a coalition of groups of citizens who share similar physical attributes or characteristics, employment interests **AND/or** concerns.

(f) XXX

(g) **THE "MARGINALIZED" AND "UNDERREPRESENTED" SECTORS ARE THE DISADVANTAGED AND/OR UNDERPRIVILEGED SEGMENTS OF SOCIETY WHO EXPERIENCE SUCH CONDITIONS BECAUSE OF THEIR:**

i. AGE

ii. INDIGENOUS ROOTS

iii. PHYSICAL CONDITION

iv. SOCIAL AND ECONOMIC DISADVANTAGES

v. OPPRESSED, EXPLOITED OR DISCRIMINATED STATE OR
CONDITIONS

**v. DIFFICULTIES IN THE PRACTICE AND/OR DEVELOPMENT OF
THEIR PROFESSION**

SECTION 2: Section 4 of RA 7941 is hereby amended to read as follows:

"Section 4. *Manifestation to Participate in the Party-List System.* Any party, organization, or coalition already registered with the Commission need not register anew. However, such party, organization, or coalition shall file with the Commission, not later than [ninety (90)] **ONE HUNDRED SIXTY (160)** days before the election, a manifestation of its desire to participate in the party-list system."

SECTION 3: Section 5 of RA 7941 is hereby amended to read as follows:

"Section 5. *Registration.* Any [organized] **QUALIFIED** 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 TWENTY (120)** 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 organization or a coalition of such parties or organizations, 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: Provided, That the sectors shall include, labor, peasant, fisherfolk, urban poor, indigenous cultural communities, elderly, handicapped, women, youth, veterans, overseas workers, [and] professionals and other marginalized and underrepresented sectors **ADHERING TO THE DEFINITION STATED IN SECTION 1 OF THIS ACT,**

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 **AND ANY MOTION FOR RECONSIDERATION** within fifteen (15) days from the date [it was] they were submitted for decision but [in no case] not later than [sixty (60)] **NINETY (90)** days before election."

SECTION 4: Section 6 of RA 7941 is hereby amended to read as follows:

"Section 6. *Refusal and/or Cancellation of Registration.* The COMELEC may, motu proprio or upon verified complaint of any interested party, refuse or cancel, after due notice and hearing, the registration of any national, regional or sectoral party, organization or coalition on any of the following grounds:

- (1) It is a religious sect or denomination, organization or association, organized for religious purposes;
- (2) It advocates violence or unlawful means to seek its goal;
- (3) It is a foreign party or organization;
- (4) 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;
- (5) It violates or fails to comply with laws, rules or regulations relating to elections;
- (6) It declares **ANY** untruthful statement[s] in its petition **OR SUBMISSIONS:**

(7) It has NOT EXISTED OR HAS ceased to exist [for] at least one (1) year PRIOR TO THE DATE OF THE PARTY-LIST ELECTIONS; [or]

(8) It [fails to participate in the last two (2) preceding elections or] FAILS TO OBTAIN [at least] THE MINIMUM THRESHOLD OF 250,000 VOTES OR SECURE A CONGRESSIONAL SEAT [cast under the party-list system] in two (2) preceding elections for the constituency in which it has registered.

(9) IT REPRESENTS AN ENTIRE DISTRICT, CITY, MUNICIPALITY, METROPOLITAN AREA, PROVINCE, ADMINISTRATIVE REGION, AUTONOMOUS REGION OR SUPER-REGION AND/OR ADVOCATES PURELY GEOGRAPHIC REPRESENTATION WHERE ITS CONSTITUENCIES ARE NOT FROM SPECIFIC MARGINALIZED AND UNDERREPRESENTED SECTORS AND/OR ARE NOT SPREAD WITHIN A SPECIFIC TERRITORY"

(10) IT HAS NOT SUBMITTED TO COMELEC THE REPORTORIAL AND OTHER REQUIREMENTS FOR PARTY-LISTS.

SECTION 5: Section 7 of RA 7941 is hereby amended to read as follows:

"Section 7. Certified List of Registered Parties. The COMELEC shall, not later than [sixty (60)] NINETY (90) days before election, prepare a certified list of national, regional, or sectoral parties, organizations 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."

SECTION 6: Section 8 of RA 7941 is hereby amended to read as follows:

"Section 8. Nomination of Party-List Representatives. Each registered party, organization or coalition shall submit to the COMELEC not later than [forty-five (45)] SEVENTY-FIVE (75) 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. 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 a person who has lost his bid for an elective office in the immediately] IN THE CURRENT OR IMMEDIATELY preceding election OTHER THAN THE PARTY-LIST SYSTEM.

ANY PARTY-LIST MEMBER OR NOMINEE WHO BECOMES A MEMBER OR NOMINEE OF ANOTHER PARTY SHALL BE CONSIDERED RESIGNED FROM HIS/HER ORIGINAL OR PREVIOUS PARTY. ANY OFFICER OR EMPLOYEE IN THE CIVIL SERVICE SHALL BE DEEMED RESIGNED UPON THE SUBMISSION OF HIS/HER NAME AS A PARTY-LIST NOMINEE.

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 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 7: Section 9 of RA 7941 is hereby amended to read as follows:

"Section 9. Qualifications 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, a bona fide member of the party or organization 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.]

A PARTY-LIST NOMINEE MUST BE:

- (1) A NATURAL-BORN CITIZEN OF THE PHILIPPINES**
- (2) A REGISTERED VOTER;**
- (3) A RESIDENT OF THE PHILIPPINES FOR A PERIOD OF NOT LESS THAN ONE (1) YEAR IMMEDIATELY PRECEDING THE DAY OF THE ELECTION**
- (4) ABLE TO READ AND WRITE**
- (5) A BONA FIDE MEMBER OF THE PARTY OR ORGANIZATION WHICH HE/SHE SEEKS TO REPRESENT FOR AT LEAST [ninety (90) days] ONE (1) YEAR PRECEDING THE DAY OF THE ELECTION**
- (6) AT LEAST TWENTY-FIVE (25) YEARS OF AGE ON THE DAY OF THE ELECTION**

PROVIDED FURTHER THAT NO NOMINEE SHALL BE:

- (1) A CANDIDATE FOR ANY ELECTIVE POST IN THE CURRENT OR IMMEDIATELY PRECEDING ELECTION OTHER THAN THE PARTY-LIST SYSTEM**
- (2) AN APPOINTIVE OFFICIAL IN GOVERNMENT ONE (1) YEAR PRIOR TO THE DATE OF THE PARTY-LIST ELECTIONS.**

In case of a nominee of the youth sector, he must at least be twenty-five (25) but not more than thirty (30) years of age on the day of the election. Any youth sectoral representative who [attains] **REACHES** the age of thirty (30) during his term shall be allowed to continue in office until the expiration of his term."

SECTION 8: Section 11 of RA 7941 is hereby amended to read 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 under the party-list.

[For purposes of the May 1998 elections, the first five (5) major political parties on the basis of party representation in the House of Representatives at the start of the Tenth Congress of the Philippines shall not be entitled to participate in the party-list system.]

[In determining the allocation of seats for the second vote, the following procedure 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.
- (b) The parties, organizations, and coalitions receiving at least two percent (2%) of the total votes cast for the party-list system shall be entitled to one seat each: Provided, that those garnering more than two percent (2%) of the votes shall be entitled to additional seats in proportion to their total number of votes : Provided,

finally, That each] NO party, organization, or coalition shall be entitled to [not] more than three (3) seats. "

SECTION 9: Section 12 of the RA 7941 is hereby amended to read as follows:

"Section 12. Procedure in Allocating Seats for Party-List Representatives. The Comelec shall tally all the votes for the parties, organizations, 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] NUMBER of votes obtained by each party, organization, or coalition [as against the total nationwide votes cast for the party-list system]. **THE COMELEC SHALL ADOPT THE FOLLOWING PROCEDURES IN ALLOCATING THE CONGRESSIONAL SEATS FOR THE PARTY-LIST SYSTEM:**

- 1. COMPUTE THE NUMBER OF SEATS AVAILABLE FOR THE PARTY-LISTS.**
- 2. RANK ALL PARTY-LISTS FROM HIGHEST TO LOWEST ACCORDING TO THE NUMBER OF VOTES THEY OBTAINED DURING THE ELECTIONS.**
- 3. STARTING WITH THE HIGHEST RANKED PARTY, DISTRIBUTE THE AVAILABLE SEATS USING THE SCALE BELOW:**
 - a. 750,000 VOTES AND ABOVE- THREE (3) SEATS**
 - b. 500,000 – 749,999 SEATS- TWO (2) SEATS**
 - c. 250,000 – 499,999 SEATS – ONE (1) SEAT**
- 4. IN THE EVENT THAT, AFTER DISTRIBUTING THE AVAILABLE SEATS TO PARTY-LISTS WITH AT LEAST 250,000 VOTES, THERE ARE SEATS LEFT UNALLOCATED, THE FOLLOWING PROCEDURES SHALL APPLY:**
 - a. DETERMINE THE REMAINING SEATS BY SUBTRACTING THE NUMBER OF ALLOCATED SEATS FROM THE TOTAL NUMBER OF AVAILABLE SEATS.**
 - b. STARTING WITH THE PARTY WITH THE MOST VOTES, ALLOCATE ONE SEAT EACH TO PARTY-LISTS OBTAINING LESS THAN 250,000 VOTES UNTIL ALL REMAINING SEATS ARE FILLED.**

SECTION 10: CASES AND COMPLAINTS. ALL ELECTORAL CASES AND COMPLAINTS ON THE DISQUALIFICATION OF PARTY-LIST GROUPS AND/OR THEIR NOMINEES MUST BE FILED NOT LATER THAN 45 DAYS PRIOR TO THE ELECTION. NO CASES OF SUCH NATURE MAY BE FILED WITH THE COMELEC AFTER THE SAID PERIOD.

THE COMELEC SHALL, NOT LATER THAN 15 DAYS AFTER THE COMPLAINT WAS SUBMITTED, OR 30 DAYS PRIOR TO THE ELECTIONS, RULE ON ALL CASES RELATED TO THE DISQUALIFICATION OF THE PARTY LIST GROUPS AND/OR NOMINEES.

ALL PROCLAMATIONS OF PARTY-LIST GROUPS AFTER THE ELECTIONS SHALL CARRY WITH THEM THE AUTOMATIC PROCLAMATION OF THEIR NOMINEES.

SECTION 11: Effectivity. This act shall take effect fifteen (15) days after its publication in at least (1) newspaper of general circulation.