

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Sixteenth Congress
First Regular Session

House Bill No. **2991**



Introduced by Representatives
Ibarra M. Gutierrez III (AKBAYAN), Walden F. Bello (AKBAYAN), Anthony M.
Bravo (COOP NATCCO), and Juan Johnny R. Revilla (OFW)

EXPLANATORY NOTE

After six party-list elections—the most recent of which is during the 13 May 2013 elections—and various Supreme Court pronouncements on the party-list system, it became not only clear but crucial that there is a need to amend Republic Act No. 7941 or the “*Party-List System Act*.” There is an urgent need to make its provisions more consistent with the Constitutional mandate, intent and purpose which is to democratize the Philippine electoral and political system.

The recurring problems concerning registration and interpretation of the threshold of votes, including the confusing implementation of the Act, show that amendments are, in fact, overdue.

While the Supreme Court has attempted to settle and clarify various constitutional and legal issues involving the interpretation of the Act’s key provisions through its decisions, particularly in *Veterans Federation Party, et al. vs. Comelec, et al.* (06 October 2000), *Ang Bagong Bayani-OFW Labor Party, et al. vs. Comelec et al.* (26 June 2001), *Bantay Republic Act vs. Comelec* (04 May 2007), *BANAT vs. Comelec* (21 April 2009), and more recently, *Atong Paglaum, Inc. vs. Comelec* (02 April 2013), there are still debates on what is the correct formula for the allocation of party-list seats.

Neither the *Veterans* nor the *BANAT* formula has gained popular acceptance among experts, election practitioners and members of the academic community. Some say that the formula violates the principle of proportionality that lies at the core of the party-list system.

The decision of the Court in *Atong Paglaum* has promoted the Constitutional intent of proportional representation and removed the focus from the requirement of marginalization for participating national and regional political parties or organizations.

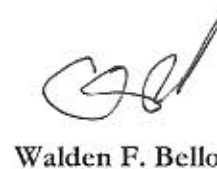
This bill proposes to remedy the situation by, the following:

- 1) Raising the ceiling of three (3) seats to six (6),
- 2) Effectively lowering the 2% threshold by introducing a mathematically determined floating threshold, and
- 3) Crafting a more proportional formula for the allocation of additional seats.

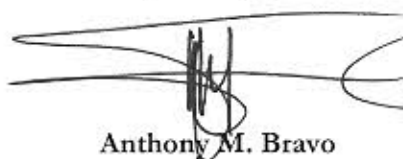
In view of the foregoing, the passage of this bill is earnestly sought.



Ibarra M. Gutierrez III



Walden F. Bello



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

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

1 **SECTION 1. *Title.*** - This Act shall be known as the "*Party-list Amendments Act of 2013.*"

2

3 **SECTION 2. *Amendatory Provisions.***—

4

5 (a) Section 3 of Republic Act No. 7941, otherwise known as the "*Party-List System*
6 *Act*" is hereby amended by revising paragraphs (d) and (e), and by adding definitions, as
7 follows:

8

9 "Section 3. *Definition of Terms.*—

10

11 x x x

12

13 (d) A "*sectoral party*" refers to (1) an organized group of
14 citizens belonging to any of the marginalized and
15 underrepresented sectors as provided for in Section 5
16 hereof whose principal advocacy pertains to the ~~special~~

1 interests and concerns of its sector or (2) to an organized
2 group of citizens lacking a well-defined political
3 constituency.

4
5 (c) A “*sectoral organization*” refers to a group of citizens or a
6 coalition of groups of citizens who share physical
7 attributes of characteristics, employment, interests and/or
8 concerns.

9
10 x x x

11
12 (g) “*Available seats*” refer to the actual number of seats
13 reserved for the party-list system as provided for in Section
14 11 of this Act.

15
16 (h) “*Winning minimum percentage threshold*” refers to the value
17 of $(1/\text{available seats}) \times 100\%$. The value of the “winning
18 minimum percentage threshold” shall be expressed in at least six
19 (6) decimal places for accuracy.

20
21 (i) “*Winning minimum percenters*” refer to those national,
22 regional and sectoral parties, organizations, and coalitions
23 whose percentage of votes as determined under Section
24 12, paragraph 3 shall be equal to or greater than the
25 minimum percentage threshold as defined in paragraph (h)
26 of this Section.”

27
28 (b) Section 4 of Republic Act No. 7941 otherwise known as the “*Party-List System*
29 *Act*” is hereby amended to read as follows:

30
31 “*Section 4. Manifestation to Participate in the Party-List System.—*
32 *Any national, regional or sectoral party, organization, or*
33 *coalition already registered with the Commission need not*
34 *register anew. However, such national, regional or sectoral*

1 party, organization, or coalition shall file with the
2 Commission, not later than ~~ninety (90)~~ one hundred eighty
3 (180) days before the election, a manifestation of its desire
4 to participate in the party-list system. A national, regional
5 or sectoral party, already registered with the Commission,
6 that has obtained seats in the House of Representatives in
7 the immediately preceding party-list elections, shall
8 automatically be eligible to participate in the party-list
9 elections upon filing of said manifestation with the
10 Commission without need of submission of or compliance
11 with any further requirements.
12

13 (c) Section 5 of Republic Act No. 7941 otherwise known as the "*Party-List System*
14 *Act*" is hereby amended to read as follows:

15
16 "Section 5. Registration.—Any organized group of persons
17 may register as a national, regional or sectoral party,
18 organization or coalition for purposes of the party-list
19 system by filing with the Commission not later than
20 ~~ninety (90)~~ one hundred with (180) days before the
21 election a petition verified by its president or secretary
22 stating its desire to participate in the party-list system as a
23 national, regional, or sectoral party or organization or
24 coalition of such parties or organizations, attaching
25 thereto to its constitution, by-laws, platform or program
26 of government, list of officers, coalition agreement and
27 other relevant information as the Commission may
28 require: *Provided, That* for the purpose of registering as a
29 sectoral party, the sectors shall include, but are not limited
30 to, labor, peasant, fisherfolk, urban poor, indigenous
31 cultural communities, elderly, cooperatives, handicapped,
32 women, youth, veterans, overseas workers, and
33 professional sectors. National and regional parties shall
34 not be required to register a sectoral constituency for the

1 purpose of participating in the party-list system: *Provided,*
2 *further,* That national and regional parties participating in
3 the party-list elections are not allowed to field candidates
4 in legislative district elections.

5
6 Failure to submit any of the aforementioned formal
7 requirements may be a ground for dismissal *motu proprio*
8 by the Commission of its petition; otherwise, the
9 Commission shall immediately publish the verified
10 petition in at least two (2) national newspapers of general
11 circulation setting the same for hearing.

12
13 The Commission shall, after due notice and hearing,
14 resolve the said petition, including a motion for its
15 reconsideration within fifteen (15) thirty (30) days from
16 the date it was submitted for decision of its submission
17 for resolution but in no case not later than sixty (60) one
18 hundred twenty (120) days before election.”

19
20 (d) Section 6 of Republic Act No. 7941 otherwise known as the “*Party-List System*
21 *Act*” is hereby amended to read as follows:

22
23 “*Section 6. Refusal and/or Cancellation of Registration.*—The
24 Commission may *motu proprio* or upon a verified
25 compliant of any interested party, remove or cancel, after
26 due notice and hearing, the registration of any national,
27 regional or sectoral party, organization or coalition on any
28 of the following grounds:

29
30 x x x

31
32 (7) It has ceased to exist for at least one (1) year, or is a
33 party or organization funded or assisted by the
34 Government for purposes of party-list elections;

(8) It was dissolved, absorbed, merged, and/or has ceased to exist;

(9) It fails to participate in the last two (2) immediately preceding elections; or having participated therein fails to obtain at least the winning minimum percentage of the party-list votes cast under the party-list system in two (2) ~~preceding elections for the constituency in which it has~~ registered therein.

(e) Section 7 of Republic Act No. 7941 otherwise known as the "*Party-List System Act*" is hereby amended to read as follows:

*"Section 7. Certified List of Registered Parties.—*The Commission shall, not later than ~~sixty (60)~~ seventy five (75) 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. Said certified list shall be published in a newspaper of general circulation at least once a week for two (2) consecutive weeks. ~~The names of the party-list nominees shall not be shown on the certified list.~~"

(f) Section 5 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 national, regional or sectoral party, organization or coalition shall submit to the Commission not later than ~~forty-five (45)~~ ninety (90) days before the election a list of

1 names, not less than ~~five (5)~~ eight (8), from which party-
2 list representatives shall be chosen in case it obtains the
3 required number of votes.
4

5 A person may be nominated in one (1) list only. Only
6 persons who have given their consent in writing may be
7 named in the list. The list shall not include any candidate
8 for any elective office or person who has lost his bid for
9 an elective office other than the party-list in the
10 immediately preceding election: Provided, That any
11 incumbent appointed government official and employee
12 including any active member of the Armed Forces of the
13 Philippines and any employee in government-owned or –
14 controlled corporations who is nominated to the party-list
15 shall be considered ipso facto resigned from the service on
16 the last day of filing of certificates of candidacy for
17 national elective positions. ~~Provided, further, That an~~
18 ~~employee with salary grade 21 or below shall only be~~
19 ~~deemed on leave for the duration of the campaign period.~~
20 No change of names or alteration of the order of
21 nominees shall be allowed after the same have has been
22 submitted to the Commission except in cases where the
23 nominee dies, or withdraws in writing his nomination, or
24 becomes incapacitated, in which cases the name of the
25 substitute shall be placed in the list. ~~Incumbent sectoral~~
26 ~~representatives in the House of Representatives who are~~
27 ~~nominated in the party-list systems shall not be~~
28 ~~considered resigned.~~
29

30 (g) Section 10 of Republic Act No. 7941 otherwise known as the "*Party-List System*
31 *Act*" is hereby amended to read as follows:
32

33 "*Section 10. Manner of Voting.*—Every voter shall be
34 entitled to two votes for the House of Representatives.

1 The first is a vote for a candidate for member of the
2 House of Representatives in his legislative district, and the
3 second, a vote for the national, regional or sectoral party,
4 organization, or coalition ~~he~~ the voter wants to be
5 represented in the House of Representatives: *Provided,*
6 That a vote cast for a national, regional or sectoral party,
7 organization or coalition not entitled to be voted for shall
8 not be counted and considered in the computation of the
9 total number of votes cast for the party-list: ~~*Provided,*~~
10 ~~*finally,*~~ That the first election under the party-list system
11 shall be held in May 1998.

12
13 ~~The Commission shall undertake the necessary~~
14 ~~information campaign for purposes of educating the~~
15 ~~electorate on the matter of the party-list system."~~

16
17 (h) Section 11 of Republic Act No. 7941 otherwise known as the "*Party-List System*
18 *Act*" is hereby amended to read as follows:

19
20 "*Section 11. Number of Party-List Representatives.*—The party-
21 list representatives shall constitute twenty per centum
22 (20%) of the total number of the members of the House
23 of Representatives including those under the party-list.

24
25 ~~For purposes of the May 1998 elections, the first five (5)~~
26 ~~major political parties on the basis of party representation~~
27 ~~in the House of Representatives at the start of the Tenth~~
28 ~~Congress of the Philippines shall not be entitled to~~
29 ~~participate in the party-list system.~~

30
31 ~~In determining the allocation of seats for the second vote,~~
32 ~~the following shall be observed:~~

33
34 (a) ~~The parties, organizations and coalitions shall be~~

1 ranked from the highest to the lowest based on the
2 number of votes they garnered during the elections:

3
4 ~~(b) The parties, organizations, and coalitions receiving at~~
5 ~~least two percent (2%) of the total votes cast for the~~
6 ~~party-list system shall be entitled to one seat each.~~
7 ~~Provided, finally, That each party, organization, or coalition~~
8 ~~shall be entitled to not more than three (3) seats."~~
9

10 (i) Section 12 of Republic Act No. 7941 otherwise known as the "*Party-List System*
11 *Act*" is hereby amended to read as follows:

12
13 "*Section 12. Procedure in Allocating Seats for the Party-List*
14 *Representatives.*—~~The Commission shall tally all the votes~~
15 ~~for the parties, organizations, or coalitions on a~~
16 ~~nationwide basis, rank them according to the number of~~
17 ~~votes received and allocate party-list representatives~~
18 ~~proportionately according to the percentage of votes~~
19 ~~obtained by each party, organization, or coalition as~~
20 ~~against the total nationwide votes cast for the party-list~~
21 ~~system. In allocating seats for the party-list~~
22 ~~representatives, the Commission shall adopt the following~~
23 ~~procedures:~~
24

25 (1) The total number of available seats open for the
26 party-list elections, equivalent to twenty per centum
27 (20%) of the total membership of the House of
28 Representatives, shall be determined by multiplying the
29 total number of members coming from the legislative
30 districts with twenty-five percent (25%). The integer part
31 of the result shall be the total number of available seats
32 for the party-list system.
33

34 (2) The parties, organizations and coalitions that

1 participated in the party-list election shall be ranked from
2 the highest to the lowest based on the number of votes
3 they obtained during the elections.

4
5 (3) The percentage of votes of each party-list
6 organization relative to the total number of votes cast for
7 the party-list election shall be determined by dividing the
8 votes garnered by the party-list organization with the sum
9 total of votes cast for all party-list organizations
10 multiplied by one hundred percent (100%), computed up
11 to six decimal places.

12
13 (4) The winning minimum percentage threshold shall
14 be determined by getting the value of the following
15 formula: (1/total number of available seats open for the
16 party-list elections)*100%, computed up to six (6) decimal
17 places. The winning minimum percenters shall then be
18 listed separately.

19
20 (5) The number of seats that shall be awarded to the
21 winning minimum percenters shall be computed as
22 follows:

23
24 (a) The votes garnered by each winning minimum
25 percenter shall be multiplied by the total available seats
26 for the party-list system and divided by the total votes
27 cast for all the winning minimum percenters.

28
29 (b) The integer part of the result in paragraph (a) shall
30 determine the number of seats awarded to each winning
31 minimum percenter.

32
33 (c) Following this first round of seat allocations, any
34 remaining unallocated seat shall be allocated according to

1 the following procedures:

2
3 (i) National, regional or sectoral parties that did not
4 obtain a percentage of votes equal to or greater than the
5 minimum percentage threshold shall be ranked from
6 highest to lowest based on the actual votes they have
7 garnered.

8
9 (ii) One (1) seat shall be allocated to each of the
10 parties falling under paragraph (i) above, as ranked, until
11 all the seats unallocated in the first round shall have been
12 exhausted.

13
14 (6) In case of a tie in the decimal part, the awarding of
15 the last seat shall be based on the comparison of actual
16 votes. The winning minimum percenter with the highest
17 number of votes shall be awarded the last seat.

18
19 (7) No party, organization, or coalition shall be
20 entitled to more than six (6) seats.”

21
22 (j) Section 15 of Republic Act No. 7941 otherwise known as the “*Party-List System*
23 *Act*” is hereby amended to read as follows:

24
25 “*Section 15. Change of Affiliation; Effect.*—Any elected party-
26 list representative who changes his ~~political party or~~
27 ~~sectoral party-list~~ affiliation during his term of office shall
28 forfeit his seat and shall be ineligible for nomination as
29 party-list representative under his new party or
30 organization in the next election.”

31
32 (k) Section 17 of Republic Act No. 7941 otherwise known as the “*Party-List System*
33 *Act*” is hereby amended to read as follows:

1 “*Section 17. Rights of Party-List Representatives.*—Party-list
2 representatives shall be entitled to the same salaries,
3 emoluments, rights, privileges and benefits as ~~regular~~
4 district members of the House of Representatives.”

5
6 (l) A new section is hereby inserted as Section 18, as follows:

7
8 “*Section 18. Voters’ education.*—The Commission, together
9 with and in support of accredited citizens’ arms, shall
10 carry out a continuing and systematic campaign through
11 newspapers of general circulation, radio and other media
12 forms, as well as through seminars, symposia, forums and
13 other non-traditional means to educate the public and
14 fully inform the electorate about the party-list system
15 including how to cast the vote therefor.”

16
17 (m) Section 18 of Republic Act No. 7941 otherwise known as the “*Party-List System*
18 *Act*” is hereby renumbered as Section 19 and amended to read as follows:

19
20 “*Section 48 19. Rules and Regulations.*—The Commission, in
21 consultation with registered party-list organizations and
22 other interested parties, shall promulgate the necessary
23 rules and regulations as may be necessary to carry out the
24 purposes of this Act. Said rules and regulations may be in
25 the form of resolutions and promulgated to govern or
26 affect the party-list elections.”

27
28 **SECTION 3. *Separability Clause.***—If for any reason, any provision of this Act is
29 declared invalid or unconstitutional, the remaining provisions not affected thereby shall
30 continue to be in force and effect.

31
32 **SECTION 4. *Repealing Clause.***—All laws, decrees, executive orders, proclamations,
33 rules and regulations, and other issuances, or part or parts thereof, particularly of
34 Republic Act No. 7941, or the “*Party-List System Act*” and of Republic Act No. 9006, or

1 the "*Fair Elections Act*," which are inconsistent with the provisions of this Act are hereby
2 repealed or modified accordingly.

3

4 **SECTION 5. *Effectivity Clause.***—This Act shall take effect fifteen (15) days after the
5 completion of its publication in the Official Gazette or at least two (2) newspapers of
6 general circulation.

Approved,