

SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)

First Regular Session)



HOUSE BILL NO. **4609**

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Introduced by ANGKLA Partylist Representative JESULITO A. MANALO

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

EXPLANATORY NOTE

With almost two decades having lapsed since the party-list system has been created and included in the national elections in the country, undeniably, there still exists a controversy in every election, particularly as to how seats shall be allocated and distributed to party-lists.

The varying interpretations of numerous party lists and sectors, coupled with the different jurisprudence on the matter have caused confusion and brought about chaos relative to the proper rules and procedures that must be adopted and applied in the allocation of seats to the party-list representatives.

The most recent jurisprudence that exhaustively discussed this significant issue, with the hope of resolving the matter governing the allocation of seats for party-lists in the Philippines, once and for all, is embodied in the Decision dated 21 April 2009, issued by the Supreme Court in the consolidated cases of G.R. No. 179271 (BANAT vs. COMELEC) and G.R. No. 179295 (Bayan Muna, et. al. vs. COMELEC). The proposed amendments in this bill seek to institutionalize those clarifications and appropriate rules and procedures that must be followed in the distribution of the party-list seat allocations.

The amendments provided in this measure intend to ensure that:

(a) The party-lists achieve the maximum number of seat allocation provided for it under the Philippine Constitution, which is equivalent to twenty percent (20%) of the total number of members of the House of Representatives, including those under the party-list;

(b) In order to achieve uniformity and continuous order in the allocation of seats, the law defines with certainty and precision the threshold or percentage necessary for a party-list to be qualified and entitled to a guaranteed seat in Congress, which has been and will always be set at two percent (2%);

(c) Since it is an undeniable fact that the insistence on the application of the 2% threshold even to the remaining available seats for the party-list, after the guaranteed seats are distributed, will mathematically and physically prevent the filling up of all the party-list seats provided under the Constitution, a different formula and rule shall be applied for the distribution of these remaining available seats; and

(d) The limitation in the seats allocated for each party-list to three shall be maintained to prevent any party from dominating the party-list system. This limitation will also allow other equally significant sectors to be provided representation in Congress.



JESULITO A. MANALO
Partylist Representative
ANGKLA

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

Section 1. Amendatory Provisions. -

1.1 Section 3 of Republic Act No. 7941, shall be amended by
revising section 3(e) and adding seven (7) more definition of terms,
and shall read as follows:

"Section 3. Definition of Terms.

xxx xxx xxx

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

xxx xxx xxx

(g) Party-list or party-list representatives shall either
singly or collectively refer to any or all of the different
types of parties specified in section 3, letters a-f hereof.

(h) The total number of seats available for the party-list representatives constitutes twenty percent (20%) of the total number of the members of the House of Representatives including those under the party-list. It is determined by using the formula specified under section 11 hereof.

(i) Percentage of votes is determined by using the formula specified under paragraph 1 of section 12.1 hereof.

(j) Qualifying party list is one which obtains at least two percent (2%) of the total votes cast for the party-list system, in accordance with the provisions provided under sections 12.1 and 12.2 hereof.

(k) Guaranteed seat is a seat automatically awarded to a qualifying party-list, in accordance with the provision provided under section 12.2 hereof.

(l) Remaining available seats shall refer to the seats that remain unallocated after all the guaranteed seats are distributed, and is computed by using the formula specified under section 12.3.

(m) Additional allocation seats shall refer to the seats awarded only after all the guaranteed seats are distributed, following the rules and procedures specified under section 12.4."

1.2 Section 4 of Republic Act No. 7941, shall be partly amended and read as follows:

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

1.3 Section 5 of Republic Act No. 7941, shall be partly amended and read as follows:

"Section 5. *Registration.* Any organized group of persons may register as a party-list 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 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, but not limited to labor, peasant, fisherfolk, urban poor, indigenous cultural communities, elderly, handicapped, women, youth, veterans, overseas workers, and professionals.

xxx xxx xxx"

1.4 Section 6 of Republic Act No. 7941, shall be partly amended and 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 party-list on any of the following grounds:

xxx xxx xxx"

1.5 Section 10 of Republic Act No. 7941, shall be partly amended and read as follows:

"Section 10. *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-list he wants represented in the house of Representatives: Provided, That a vote cast for a party-list not entitled to be voted for shall not be counted."

1.6 Section 11 of Republic Act No. 7941, shall be amended and 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. In order to determine the 20% seats allocated to the party-list representatives, the formula to be used shall be the total number of members from the legislative districts multiplied with twenty five percent (25%). The integer product shall be the total number of seats available for the party-list representatives."

1.7 Section 12 of Republic Act No. 7941, shall be amended with additional subsections, and read as follows:

"Section 12. Procedure in Allocating Seats for Party-List Representatives. In determining the allocation of seats for each party list, the following rules and procedures shall be observed and followed:

12.1 The COMELEC shall first tally all the votes for the party-lists on a nationwide basis, then rank them according to the number of votes received. Thereafter, the percentage of votes obtained by the party-lists shall likewise be computed. In order to determine the percentage of the votes obtained by each party-list the formula to be used shall be the number of votes garnered by the party-list divided by the total number of votes cast for all the party-lists. The whole integer quotient shall be the considered the percentage of votes.

The percentage of votes will thereafter be multiplied by 100, and its product, which shall not be rounded off, shall determine whether it is a qualifying party-list, as explained in section 12.2 hereof.

12.2 Based on the formula stated in section 12.1 above, a party list who obtains at least two percent (2%) of the total votes cast for the party-list system shall be considered a

qualifying party-list. Every qualifying party-list is automatically entitled to one guaranteed seat each.

12.3 Once all the qualifying party lists are determined and are allotted one guaranteed seat each, in order to achieve the maximum number of available party list seats, which is computed in accordance with section 11 hereof, the remaining available seats shall then be computed. For this purpose, the formula to be used shall simply be the total number of seats available for the party-list representatives minus the total number of guaranteed seats filled in under section 12.2 hereof. The integer difference shall be remaining available seats.

12.4 Once the remaining available seats for the party-list are determined, there shall be a second round of seat allocations. The formula to be used for this shall be the percentage of votes of the party list (formula under section 12.1) multiplied by the remaining available seats (formula under 12.3). The whole integer product shall determine the number of additional allocation seats that each party-list shall be entitled to from the remaining available seats.

If the integer products pertaining to the other party-lists do not reach at least one (1), and there are still remaining available seats, then each of the party-list next in rank, based on the actual number of votes each received, shall be assigned one (1) seat, until all remaining available seats are completely distributed.

In no case shall any party-list be entitled to more than three seats, with its guaranteed and additional allocation seats combined."

Section 2. Separability Clause. - If any part of this Act is held invalid or unconstitutional, the other parts or provisions thereof shall remain valid and effective.

Section 3. Repealing Clause. - All laws, decrees, executive orders, rules and regulations, or parts thereof, inconsistent with the provisions of this Act are hereby repealed.

Section 4. **Effectivity.** - This Act shall take effect fifteen (15) days after its publication in at least two newspapers of general circulation.

Approved,