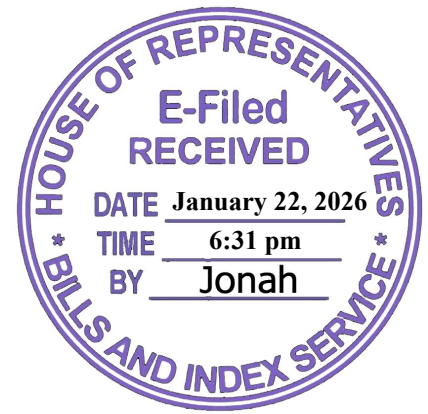


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session
House Bill No. **7241**



Introduced by: Congressman **BIENVENIDO M. ABANTE, JR.**

AN ACT
STRENGTHENING SECTORAL REPRESENTATION IN THE PARTY-LIST
SYSTEM, AMENDING REPUBLIC ACT NO. 7941, OTHERWISE KNOWN AS
THE “PARTY-LIST SYSTEM ACT,” AND FOR OTHER PURPOSES

EXPLANATORY NOTE

The Scriptural injunction to “**plead the cause of the poor and needy**” (*Proverbs 31: 9b, KJV*) finds its secular and institutional counterpart in the 1987 Constitution’s commitment to social justice and inclusive political representation.

In furtherance of this design, the Constitution mandates that party-list representatives shall constitute twenty *per centum* (20%) of the total number of representatives in the House of Representatives, thereby establishing a system of proportional representation “as provided by law.”¹

In 2013, in the Paglaum Case, the Court held that R.A. No. 7941, the “Party-List System Act of 1995,” does not require national and regional parties or organizations to represent the “marginalized and underrepresented” sectors. To require all national and regional parties under the party-list system to represent the “marginalized and underrepresented” is to deprive and exclude, by judicial fiat, ideology-based and cause-oriented parties from the party-list system.²

Even so, it bears stressing that Justice Arturo D. Brion, in his Separate Concurring Opinion in the Atong Paglaum case, categorically emphasized that the party-list system is meant to be a **social justice tool**.

“The party-list system is a social justice tool designed not only to give more law to the great masses of our people who have less in life, but also to **enable them to become veritable lawmakers themselves**, empowered to participate directly in the enactment of laws designed to benefit them. It intends to make the marginalized and the underrepresented not merely passive

¹ Art. VI Sec. 5 par. 2. 1987 Phil. Constitution.

² Atong Paglaum, Inc. v. COMELEC (G.R. No. 203766, 02 April 2013).

recipients of the State's benevolence, but **active participants** in the mainstream of representative democracy."³

He warned that an overly open, "free-for-all" party-list system creates a dangerous precedent as it will open the doors even to illegitimate organizations. Organizations aspiring to join the party-list election can simply skirt the law and organize themselves as a political party to take advantage of the more lenient entrance.⁴

This bill, the "Sectoral Party-List System Act," seeks to realign the law with its social justice rationale by transforming the system into a purely sectoral party-list system reserved for sectoral parties, sectoral organizations, and coalitions thereof.⁵ Under the current legal framework, national and regional parties may lawfully participate in the party-list elections without being sectoral or representing marginalized sectors. Sectoral groups are not required to demonstrate any historical "track record" of sectoral representation as a condition for registration; it is enough that their principal advocacy pertains to their sector.⁶

Since the Constitution expressly entrusts to Congress the authority to determine the detailed mechanics of party-list representation "**as provided by law,**" Congress is not only empowered, but **constitutionally duty-bound, to recalibrate and amend R.A. No. 7941** so that statutory party-list representation is confined to *bona fide* sectoral formations, in faithful accord with the social justice spirit and intent of the 1987 Constitution.

Accordingly, the party-list system must be restored to its original constitutional design as a genuine social justice instrument, one that enables the marginalized and underrepresented to become "**veritable lawmakers themselves,**" rather than a **parallel pathway for non-sectoral or traditional political actors to gain legislative power.**

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



BIENVENIDO M. ABANTE, JR.

³ Separate Concurring Opinion, Brion, J., *Atong Paglaum, Inc. v. COMELEC* (G.R. No. 203766, 02 April 2013).

⁴ *Id.*

⁵ *Id.*

⁶ *Abang Lingkod Party-List v. COMELEC* (G.R. No. 206952, 25 February 2014).

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

SECTION 1. *Title.* This Act shall be known as the "**SECTORAL** Party-List System Act."

SEC. 2. - *Declaration of Policy.* The State shall promote proportional representation in the election of representatives to the House of Representatives through a **PURELY SECTORAL** party-list system of registered [~~national, regional and~~] sectoral parties or **SECTORAL** organizations or coalitions thereof, which will enable Filipino citizens belonging to 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 become members of the House of Representatives.

Towards this end, the State shall develop and guarantee a full, free and open sectoral party system in order to attain the broadest possible representation of sectoral or group interests in the House of Representatives by enhancing their chances to compete for and win seats in the legislature, and shall provide the simplest scheme possible.

SEC. 3 - *Definition of Terms* (a) The **SECTORAL** 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 or **SECTORAL** organizations or coalitions thereof registered with the Commission on Elections (COMELEC). Component **SECTORAL** parties or **SECTORAL** organizations **OF THE** coalition may participate **IN THE SECTORAL PARTY-LIST SYSTEM IN THEIR OWN NAMES, BUT ONLY IF THE COALITION ITSELF DOES NOT PARTICIPATE IN THE SAME ELECTION.** [~~independently provided the coalition of which they form part does not participate in the party list sectoral party list system.~~]

(b) [A] party means **A SECTORAL** [either a political] party or a **COALITION OF** sectoral [party] **PARTIES** or **SECTORAL ORGANIZATIONS**. [a coalition of parties.]

~~[(c) 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, regularly 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.]~~

(c) A sectoral party refers to an organized group of citizens belonging to any of the sectors enumerated in Section 5 hereof whose principal advocacy pertains to the special interest and concerns of their sector.

(d) 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 or concerns.

(e) A coalition refers to an aggregation of duly registered [national, regional,] sectoral parties [or organizations] for political and/or election purposes.

SEC. 4. *Manifestation to Participate in the Party-List System.* Any **SECTORAL** party, **SECTORAL** organization, or coalition **THEREOF** already registered with the Commission **UNDER THIS ACT** need not register anew. However, such a **SECTORAL** party, **SECTORAL** organization, or coalition shall file with the Commission, not later than ninety (90) days before the election, a manifestation of its desire to participate in the **SECTORAL** party-list system.

SEC. 5. *Registration.* Any organized group of persons may register as a **SECTORAL** party, **SECTORAL** organization or coalition **OF SUCH SECTORAL PARTIES OR SECTORAL ORGANIZATIONS** for purposes of the **SECTORAL** 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 **SECTORAL** party-list system as a [national, regional or] sectoral party or **SECTORAL** organization or a coalition of such parties or organizations. **THE PETITION SHALL ATTACH, [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.

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. 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, **SECTORAL** organization or coalition **THEREOF** 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 untruthful statements in its petition;
- (7) It has ceased to exist for at least one (1) year; or
- (8) It fails to participate in the last two (2) preceding elections or fails to obtain at least two per centum (2%) of the votes cast under the **SECTORAL** party-list system in the two (2) preceding elections for the constituency in which it has registered.
- (9) **IT REFUSES TO UPHOLD AND ADHERE TO THE CONSTITUTION, INCLUDING BY PROMOTING OR PURSUING THE UNCONSTITUTIONAL OVERTHROW OR REPLACEMENT OF THE DULY CONSTITUTED GOVERNMENT THROUGH MEANS OUTSIDE THE PROCESSES ALLOWED BY THE CONSTITUTION.**

SEC. 7. *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, **SECTORAL** organizations or coalitions **THEREOF** 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 8. *Nomination of Party-List Representatives.* Each registered **SECTORAL** party, **SECTORAL** organization or coalition **THEREOF** shall submit to the COMELEC not later than forty-five (45) days before the election a list of names, not less than five (5), from which **SECTORAL** 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 preceding election. 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 **SECTORAL** party-list system shall not be considered resigned.

SEC. 9. *Qualifications of SECTORAL Party-List Nominees.* No person shall be nominated as **SECTORAL** 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 **SECTORAL** party or **SECTORAL** 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.

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 the age of thirty (30) during his term shall be allowed to continue in office until the expiration of his term.

SEC. 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 **SECTORAL** party, **SECTORAL** organizations, or coalition **THEREOF** he **OR SHE** wants represented in the house of Representatives: Provided, That a vote cast for a party, sectoral organization, or coalition not entitled to be voted for shall not be counted: Provided, finally, That the first election under the **SECTORAL** party-list system shall be held in May ~~[1988]~~ **2028**.

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

SEC. 11. Number of Party-List Representatives. The **SECTORAL** 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) **ALL PARTICIPATING SECTORAL** parties, **SECTORAL** organizations, and coalition **THEREOF** shall be ranked from the highest to the lowest based on the number of votes they garnered during the elections.

ROUND 1 - GUARANTEED SEATS:

- (b) **EACH SECTORAL** ~~[The parties]~~ **PARTY**, **SECTORAL** organization, and coalition **THAT RECEIVES** [receiving] at least two percent (2%) of the total votes cast for the **SECTORAL** party-list system shall be entitled to **AND GUARANTEED** one (1) 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 party, organization, or coalition shall be entitled to not more than three (3) seats.]~~

ROUND 2 - ADDITIONAL SEATS (PROPORTIONAL ALLOCATION)

- (c) **THE PERCENTAGE OF VOTES GARNERED BY EACH PARTICIPATING SECTORAL PARTY, SECTORAL ORGANIZATION, OR COALITION SHALL BE COMPUTED BY DIVIDING ITS TOTAL VOTES BY THE NATIONWIDE TOTAL OF VOTES CAST FOR THE SECTORAL PARTY-LIST SYSTEM.**
- (d) **THE REMAINING AVAILABLE SEATS SHALL BE DETERMINED BY SUBTRACTING FROM THE TOTAL NUMBER OF SECTORAL PARTY-LIST SEATS THE GUARANTEED SEATS ALLOCATED UNDER PARAGRAPH (b).**
- (e) **FOR THE FIRST PART OF ROUND 2, THE PERCENTAGE SHARE OF VOTES OF EACH PARTICIPATING SECTORAL PARTY, SECTORAL ORGANIZATION, OR COALITION SHALL BE MULTIPLIED BY THE REMAINING AVAILABLE SEATS, AND EACH SHALL BE ENTITLED TO A NUMBER OF ADDITIONAL SEATS EQUAL TO THE WHOLE INTEGER OF THE PRODUCT. FRACTIONAL SEATS SHALL NOT BE AWARDED.**

(f) FOR THE SECOND PART OF ROUND 2, ANY STILL UNFILLED SECTORAL PARTY-LIST SEATS SHALL BE ALLOCATED, ONE ADDITIONAL SEAT AT A TIME, TO THE SECTORAL PARTIES, SECTORAL ORGANIZATIONS, AND COALITIONS NEXT IN RANK, IN DESCENDING ORDER OF TOTAL VOTES, UNTIL ALL AVAILABLE SEATS ARE COMPLETELY DISTRIBUTED.

(g) IN NO CASE SHALL ANY SECTORAL PARTY, SECTORAL ORGANIZATION, OR COALITION BE ENTITLED TO MORE THAN THREE (3) SEATS, INCLUSIVE OF ITS GUARANTEED SEAT, IF ANY.

SEC. 12. *Procedure in Allocating Seats for SECTORAL Party-List Representatives.* The COMELEC shall tally all the votes for the SECTORAL parties, SECTORAL organizations, AND ~~[or]~~ coalitions THEREOF on a nationwide basis, rank them according to the number of votes received. IT SHALL THEN ~~[and]~~ allocate SECTORAL party-list representatives IN ACCORDANCE WITH SECTION 11 HEREOF, proportionately according to the percentage of votes obtained by each SECTORAL party, SECTORAL organization, or coalition as against the total nationwide votes cast for the SECTORAL party-list system.

SEC. 13. *How SECTORAL Party-List Representatives are Chosen.* SECTORAL Party-list representatives shall be proclaimed by the COMELEC based on the list of names submitted by the respective SECTORAL parties, SECTORAL organizations, or coalitions THEREOF to the COMELEC according to their ranking in said list AND IN ACCORDANCE WITH THE ALLOCATION OF SEATS DETERMINED UNDER SECTIONS 11 AND 12 OF THIS ACT.

SEC. 14. *Term of Office.* SECTORAL 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 SECTORAL 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 OR HER service for the full term for which he OR SHE was elected.

SEC 15. *Change of Affiliation; Effect.* Any elected SECTORAL party-list representative who changes his OR HER SECTORAL ~~[political]~~ party or sectoral ORGANIZATIONS, OR SECTORAL affiliation during his term of office shall forfeit his seat: Provided, that if he OR SHE changes SUCH SECTORAL ~~[his political]~~ party or sectoral affiliation within six (6) months before an election, he OR SHE shall not be eligible for nomination as SECTORAL party-list representative under his OR HER new SECTORAL party or organization.

SEC 16. *Vacancy.* In case of vacancy in the seats reserved for SECTORAL 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

SECTORAL party, organization, or coalition **THEREOF**, who shall serve for the unexpired term. If the list is exhausted, the **SECTORAL** party, **SECTORAL** organization, or coalition concerned shall submit additional nominees **TO THE COMELEC IN ACCORDANCE WITH ITS RULES AND REGULATIONS**.

SEC. 17. Rights of SECTORAL Party-List Representatives. *SECTORAL* Party-List Representatives shall be entitled to the same salaries and emoluments as regular members of the House of Representatives, **AND SHALL ENJOY THE SAME RIGHTS, PRIVILEGES, AND RESPONSIBILITIES AS SUCH MEMBERS UNDER THE CONSTITUTION AND EXISTING LAWS.**

Section 18. Rules and Regulations. The COMELEC shall promulgate the necessary rules and regulations as may be necessary to carry out the purposes of this Act, **INCLUDING THE REGISTRATION OF SECTORAL PARTIES, SECTORAL ORGANIZATIONS AND COALITIONS THEREOF, THE ENFORCEMENT OF QUALIFICATIONS AND DISQUALIFICATIONS OF SECTORAL PARTY-LIST NOMINEES, THE IMPLEMENTATION AND ALLOCATION OF SECTORAL PARTY-LIST SEATS AND RESOLUTION OF PETITONS FOR REFUSAL AND CANCELLATION OF REGISTRATION PURSUANT TO SECTION 6 OF THIS ACT.**

SEC. 19. Appropriations. The amount necessary for the implementation of this Act shall be **TAKEN FROM THE** ~~[provided in the regular]~~ appropriations for the Commission on Elections ~~[starting fiscal year 1996]~~ under the **CURRENT** General Appropriations Act **AND/OR ANY SUPPLEMENTARY APPROPRIATIONS THAT MAY HEREAFTER BE ENACTED. THEREAFTER, SUCH SUMS AS MAY BE NECESSARY FOR THE CONTINUED IMPLEMENTATION OF THIS ACT SHALL BE INCLUDED IN THE ANNUAL GENERAL APPROPRIATIONS ACT.**

~~[Starting 1995, the COMELEC is hereby authorized to utilize savings and other available funds for purposes of its information campaign on the party-list system.]~~

SEC. 20. 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. 21. Repealing Clause. All laws, decrees, executive orders, rules and regulations, or parts thereof, inconsistent with the provisions of this Act are hereby repealed.

SEC. 22. Effectivity. This Act shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

Approved.