

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. 2283

HOUSE OF REPRESENTATIVES

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Introduced by AKBAYAN Representative Tomasito S. Villarin

EXPLANATORY NOTE

After seven party-list elections – the most recent of which is during the 9 May 2016 elections – and various Supreme Court doctrines on the party-list system, it became not only clear but crucial to amend certain provisions of 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.

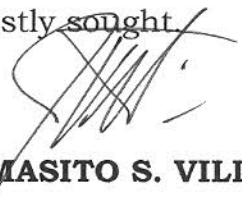
The recurring problems concerning registration and interpretation of the threshold of votes, including the confusing implementation of the Act, shows that amendments are in fact, overdue.

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 there are still, for example, debates on what is the correct formula for the allocation of party-list seats. Up until now, neither formula discussed in the case of Veterans Federation Party, et.al. vs. COMELEC, et.al. (6 October 2000) or that discussed in the case BANAT vs. COMELEC (21 April 2009) has gained popular acceptance among experts, election practitioners and members of the academic community. Some experts were even quoted to say that the formula violated the principles of proportionality that lie at the core of the party-list system.

While the decision of the Supreme Court in Atong Paglaum, Inc. vs. COMELEC (2 April 2013) has promoted the Constitutional intent of proportional interpretation and removed the focus from the requirement of marginalization for participating national and regional political parties or organizations, there is a need to incorporate this judicial decision to our legal system by translating it into a statute.

This bill was filed as House Bill No. 4549 during the 16th Congress and was sponsored not only by Akbayan’s representatives but also other representatives from other party-list organizations.

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



TOMASITO S. VILLARIN

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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:

SECTION 1. Title. – This Act shall be known as the “Party-List Amendments Act of 2016.”

SECTION 2. Section 3 of Republic Act No. 7941, otherwise known as the “Party-List System Act” is hereby amended by revising paragraphs (d) and (e), and adding definitions, as follows:

“Section 3. Definition of Terms. –

x x x

(d) A ‘sectoral party’ refers to (1) an organized group of citizens belonging to any of the **marginalized and underrepresented** sectors **as provided** in Section 5 hereof whose principal advocacy pertains to interests and concerns of its sector **or to (2) an organized group of citizens lacking a well-defined constituency.**

(e) A ‘sectoral organization’ refers to a group of citizens or a coalition of groups of citizens who share interests **and/or** concerns.

x x x

(g) ‘Available seats’ refer to the actual number of seats reserved for the party-list system as provided in Section 11 o this Act.

(h) ‘Winning minimum percentage threshold’ refers to the value of (1/available seat)*100%. The value of the ‘winning minimum

percentage threshold' shall be expressed in at least six (6) decimal places for accuracy.

(i) 'Winning minimum percenters' refer to those national, regional and sectoral parties, organizations, and coalitions whose percentage of votes as determined under Section 12, paragraph 3 shall be equal to or greater than the minimum percentage threshold as defined in paragraph (h) of this Section.'

SECTION 3. Section 4 of Republic Act No. 7941, otherwise known as the "Party-List System Act" is hereby amended to read as follows:

"Section 4. Manifestation to Participate in the Party-List System. – Any **national, regional or sectoral** party, organization or coalition already registered with the Commission **under this Act**, need not register anew **and shall automatically be eligible to participate in the party-list elections without need of further requirements: Provided, That it has not ceased to exist for at least one (1) year prior to the date of the party-list elections, or was not dissolved, absorbed, merged or otherwise ceased to exist.**

Such national, regional or sectoral party, organization, or coalition shall formally manifest its intention to participate in the party-list elections one hundred eighty (180) days before the elections.

SECTION 4. Section 5 of Republic Act No. 7941, otherwise known as the "Party-List System Act" is hereby amended to read as follows:

"Section 5. Registration. –

(a) Joint initial registration as political party and party-list. – Any **qualified** group of persons may register as a national, regional or sectoral **political** party and **as a participant** in the party-list system by filing with the Commission not later than one hundred eighty (180) days before the election a petition verified by its president **or chairperson, or in his absence, the secretary-general**, stating **the following:**

(1) Its intention to be registered as political party under Section 61 of Batas Pambansa Bilang 881, otherwise known as the "Omnibus Election Code": Provided, That all documentary and other requirements under Section 61 of BP 881 should be attached to the verified petition for registration; and

(2) Its intention to participate in the party-list system as a national, regional, or sectoral party.

(b) Initial registration of existing political parties as party-list. – Any political party already registered with the Commission under BP 881 may participate in the party-list elections by filing with the Commission not later than one hundred eighty (180) days before the election a petition verified by its president or chairperson or, in his absence, the secretary-general, stating its intent to participate in the party-list system.

The petition in subparagraphs (a) and (b) of this Section shall be verified and shall state the following:

- (i) Name and acronym of the party, organization or coalition, with the acronym not exceeding twenty (20) characters;
- (ii) Nature of the organization, whether it is a national, regional or sectoral party, organization or coalition;
- (iii) For sectoral parties, the sector or sectors which it seeks to represent;
- (iv) The name and address of its president or chairperson or, in his absence, the secretary-general, who will represent the party in the petition;
- (v) Petitioner's principal headquarters and postal office address;
- (vi) Names, positions, and addresses of its elected officers;
- (vii) Petitioner's intention or desire to participate in the party-list election;
- (viii) Names and addresses of its chapter offices;
- (ix) That all of its officers and members are made aware of the petition and have given their consent thereto;
- (x) The list of documents attached to the petition;
- (xi) That it is not a religious sect or denomination;
- (xii) That it shall not advocate violence or unlawful means to achieve its goals;
- (xiii) That it is not an adjunct or a project organized or an entity funded or assisted by the government;
- (xiv) That it is not a foreign party or organization;
- (xv) That it does not receive support for partisan political purposes from any foreign government, foreign political party, foundation, organization, whether directly or indirectly, or through its officers or members, or indirectly through third parties;
- (xvi) The period of existence of petitioner, which shall be at least one (1) year at the time the petition was filed;
- (xvii) A commitment to comply with laws, rules and regulations relating to elections; and
- (xviii) In the case of a national or regional party, organization or coalition, an undertaking that it shall not field candidates in the legislative district elections.

The president or chairperson or, in his absence, the secretary-general, as representative of the party shall affix his signature on

the verification portion of the petition stating under oath that he is one of the officers of the petitioner duly authorized to verify the petition; that he has caused the preparation and filing of the petition; and that he read and understood the contents of and acknowledges the same to be true and correct based on his personal knowledge.

Provided, That for the purpose of registering as a sectoral party, the sectors shall include, but not limited to, labor, peasant, fisherfolk, urban poor, indigenous cultural communities, elderly, cooperatives, handicapped, women, youth, veterans, overseas workers, and professional sectors. National and regional parties shall not be required to register a sectoral constituency for the purpose of participating in the party-list system.

The Commission may (i) *motu proprio*, refuse to give due course to a verified petition for registration or (ii) upon a verified petition of an interested party and after summary hearing, deny said verified petition for registration if its shown that such petition has been filed to put the party-list election process in mockery or disrepute or to cause confusion among the voters by the similarity of petitioner's name to any previously registered party-list or by other circumstance or act which clearly demonstrate that the petitioner has no bona fide intention to run in the party-list election and thus prevent a faithful determination of the true will of the electorate.

Failure to submit any of the aforementioned formal requirements shall result in the dismissal motu proprio of its verified petition for registration; otherwise, the Commission shall immediately publish the verified petition in at least two (2) national newspapers of general circulation setting the same for hearing.

The Commission shall, after due notice and hearing, resolve **said** petition, **including a motion for its reconsideration** within **thirty (30)** days from the date **of its submission for resolution** but not later than **one hundred twenty (120)** days before election. **The resolution of the petition for registration for registration shall be limited to an evaluation of its compliance with the documentary requirements and its eligibility under Section 6.**

(c) Parties, organizations or coalitions previously registered under the party-list elections shall not be required to register under subparagraphs (a) and (b) of this Section: Provide, That they comply with the requirements in Section 4."

SECTION 5. Section 6 of Republic Act No. 7941, otherwise known as the "Party-List System Act" is hereby amended to read as follows:

“Section 6. Removal and/or Cancellation of Registration. – The Commission may motu proprio or upon a verified complaint of any interested party, remove 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 or partisan election purposes;

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

(6) It declares **any** untruthful statement in its petition or **submissions**;

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

(8) In the case of a national or regional party, organization or coalition, that it nominated candidates in the district elections for the House of Representatives.

A national, regional or sectoral party, organization or coalition which (i) fails to participate in the two (2) immediately preceding elections, or (ii) having participated therein fails to obtain at least the winning minimum percentage of the party-list votes, or (iii) not only failed to to participate in the elections immediately preceding its registration in the party-list system but also failed to obtain at least the winning minimum percentage of party-list votes in the immediately subsequent elections, shall be automatically dropped from the list of the party-list organizations: Provided, That this is a ground for the automatic cancellation of its registration: Provided, further, That no complaint or petition is need to effect such cancellation: Provided, finally, That cancellation of registration under these grounds will perpetually bar the organization from participating in the party-list system.

A complaint for cancellation of registration of any national, regional or sectoral party may only be filed once every three (3) years and in no case within six (6) months before the next

elections: Provided, That no case of the same or similar nature shall be recognized by the Commission not later than sixty (60) days before the next elections.

The pendency of a complaint and/or motion for reconsideration of a resolution denying a complaint for cancellation of registration of a national, regional or sectoral party shall not be a ground for deferment of the proclamation of the concerned party-list.”

SECTION 6. 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 **seventy-five (75)** days before election, prepare a certified list of national, regional, or sectoral parties, organizations or coalitions which have applied or 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.”**

SECTION 7. 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 **ninety (90)** 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. **Such list shall be verified by the president or chairperson, or in their absence, the secretary-general of the party-list organization.**

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 person who has lost his bid for any elective office **in the current or** in the immediately preceding election, **excluding barangay elections: Provided, That any incumbent government official and employee including any active member of the Armed Forces of the Philippines and any employee in government-owned or-controlled corporations who is nominated to the party-list shall be considered ipso facto resigned from the service on the last day of filing of certificate of candidacy for national elective positions.**

No party-list nominee from the same party, organization or coalition shall be related up to the fourth degree of consanguinity or affinity to to other party-list nominess.

Any party-list member or nominee who becomes a member or nominee of another party shall be considered resigned from the original or previous party.

No change of names or alteration of the order of nominees shall be allowed after the same has been submitted to the Commission except in cases where the nominee dies, or withdraws in writing his nomination, **OR** becomes incapacitate, in which case the name of the substitute shall be placed in the list.

The Commission shall, not later than seventy-five (75) days before election, prepare a certified list of nominees. Said certified list shall be published in a newspaper of general circulation at least once a week for two (2) consecutive weeks.

In case two (2) or more different lists of nominees are submitted to the Commission, the latter shall recognize the list verified by the president or chairperson, or in his absence, the secretary-general, of the party-list organization.

Issues in regard two (2) or more different lists of nominees shall be resolved in a summary hearing, and in every case, the by-laws of the party-list organization shall guide the Commission to the resolution of the issue. The Commission shall ensure that proceedings are expeditious and that a resolution thereto be made within five (5) working days."

SECTION 8. Section 9 of Republic Act No. 7941, otherwise known as the "Party-List System Act" is hereby amended to read as follows:

"Section 9. Qualification of Party-List Nominees." – A party-list nominee must be:

- (a) A natural-born citizen of the Philippines;**
- (b) A registered voter;**
- (c) A resident of the Philippines for a period of not less than one (1) year immediately preceding the day of the election;**
- (d) Able to read and write;**
- (e) A bona fide member of the party or organization which the nominee seeks to represent for at least ninety (90) days preceding the day of the election;**
- (f) At least twenty-five (25) years old 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 **reaches** the age of thirty (30) during his term shall be allowed to continue until the expiration of his term.

No other qualification shall be required of nominees except if Congress provides for the same through the enactment of a subsequent law.

SECTION 9. A new provision after Section 9 of Republic Act No. 7941, otherwise known as the “Party-List System Act” is hereby added:

“Section 9-A. – Complaint for disqualification of party-list nominee. – The Commission may motu proprio or upon verified complaint by any interested party, remove or disqualify, after due notice and hearing, a nominee of a particular party on the ground that the said nominee lacks any of the qualifications of a party-list nominee as enumerated in Section 9 of this Act: Provided, That a complaint for disqualification of a nominee may only be filed against a particular nominee within ten (10) days after the submission of the list of nominees to the Commission. The pendency of a complaint and/or motion for reconsideration denying a complaint for disqualification of a nominee shall not be a ground for the deferment and suspension of the proclamation of the concerned party.”

SECTION 10. Section 10 of Republic Act No. 7941, otherwise known as the “Party-List System Act” is hereby amended to read as follows:

“Section 10. Manner of Voting. – Every voter shall be entitled to two votes **for the House of Representatives.** The first is a vote for a candidate for member of the House of Representatives in his legislative district, and the second, a vote for the **national, regional and sectoral** party, organization, or coalition **which the voter** wants to be represented in the House of Representatives: Provided, That a vote cast for a **national, regional or sectoral party**, organization or coalition not entitled to be voted for shall not be counted **and considered in the computation of the total number of valid votes cast for the party-list.**”

SECTION 11. Section 11 of Republic Act No. 7941, otherwise known as the “Party-List System Act” 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 members of the House of Representatives including those under the party-list.

No party, organization, or coalition shall be entitled to more than three (3) seats.

SECTION 12. Section 12 of Republic Act No. 7941, otherwise known as the “Party-List System Act” is hereby amended to read as follows:

“Section 12. Procedure in Allocating Seats for the Party-List Representatives. – In allocating seats for the party-list representatives, the Commission shall adopt the following procedure:

(a) The total number of available seats open for the party-list elections, equivalent to twenty percent (20%) of the total membership of the House of Representatives, shall be determined by multiplying the total number of members coming from the legislative districts with twenty-five percent (25%). The integer part of the result shall be the total number of available seats for the party-list system.

$$\text{ASPL} = (\text{SLD} \times 0.25)$$

Where:

ASPL: available seats open for party-list organizations

SLD: total number of members coming from legislative districts

(b) The parties, organizations and coalitions that participated in the party-list election shall be ranked from the highest to the lowest based on the actual number of votes they obtained during the elections.

(c) The percentage of votes of each party-list organization relative to the total number of valid votes cast for the party-list election shall be determined by dividing the votes garnered by the party-list organization with the sum total of valid votes cast for all party-list organizations multiplied by one hundred (100), computed up to six (6) decimal places.

$$\text{VPL \%} = (\text{AVPL} / \text{TVV}) \times 100$$

Where:

VPL%: percentage of votes of a party-list organization relative to the total number of valid votes cast

AVPL: total number of votes garnered by the party-list organization

TVV: total of valid votes cast for all party-list organizations

(d) The winning minimum percentage threshold shall be determined by dividing one (1) by the total number of available seats open for the party-list elections multiplied by one hundred percent (100%), computed up to six (6) decimal places. The winning minimum percenters shall then be listed separately.

$$\text{WMT} = (1 / \text{ASPL}) \times 100\%$$

Where:

WMT: winning minimum percentage threshold

(e) The number of seats that shall be awarded to the winning minimum percenters shall be computed as follows:

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

$$S=(AVPL \times ASPL)/TVWM$$

Where:

S: number of seats to be awarded

TVWM: total votes cast for all winning minimum percenters

(2) The integer part of the result in paragraph (1) of this Section shall determine the number of seats awarded to each winning minimum percenter. No party, organization, or coalition shall be entitled to more than three (3) seats.

(3) following this first round of seat allocations, any remaining unallocated seats shall be allocated according to the following procedures:

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

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

SECTION 13. Section 15 of Republic Act No. 7941, otherwise known as the “Party-List System Act” is hereby amended to read as follows:

“Section 15. Change of Affiliation; Effect. – Any **elected** party-list representative who changes his **party-list** affiliation during his term of office shall forfeit his seat.”

SECTION 14. Section 17 of Republic Act No. 7941, otherwise known as the “Party-List System Act” is hereby amended to read as follows:

“Section 17. Rights of Party-List Representatives. – Party-list representatives shall be entitled to the same salaries, emoluments, **and all rights, privileges and benefits** as **district** members of the House of Representatives.”

SECTION 15. A new section is hereby inserted after Section 17, as follows:

“Section 17-A. Voters education. – The Commission, together with and in support of accredited citizens’ arms, shall carry out a continuing and systematic campaign through newspapers of general circulation, radio and other media forms, as well as through seminars, symposia, forums and other non-traditional means to educate the public and fully inform the electorate about the party-list system including how to cast the vote therefor.”

SECTION 16. Section 18 of Republic Act No. 7941, otherwise known as the “Party-List System Act” is hereby amended to read as follows:

“Section 18. Rules and Regulations. – The Commission, in consultation with registered party-list organizations and other interested parties, shall promulgate the necessary rules and regulations in the form of resolutions as may be necessary to carry out the purposes of this Act.

SECTION 17. Separability Clause. – If for any reason, any provision of this Act is declared invalid or unconstitutional, the remaining provisions not affected thereby shall continue to be in force and effect.

SECTION 18. Repealing Clause. – All laws, decrees, executive orders, proclamations, rules and regulations, and other issuances, or part or parts thereof, particularly of Republic Act No. 7941, or the “Party-List System Act” and of Republic Act No. 9006 or the “Fair Elections Act”, which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

In the same manner, all inconsistent provisions of COMELEC Resolution No. 9366 (Rules and Regulations Governing the Filing of Petitions for Registration, Filing of Manifestation of Intent to Participate, Submission of Names of Nominees, and Filing of Disqualification Cases Against Nominees of Party-List Groups or Organizations Under the Party-List System of Representation in Connection with the May 13, 2013 National and Local Elections, and Subsequent Elections Thereafter) are hereby repealed.

SECTION 19. Effectivity Clause. – This Act shall take effect fifteen (15) days after the completion of its publication in the Official Gazette or at least two (2) newspapers of general circulation.

Approved,