

Republic of the Philippines
HOUSE OF THE REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL No. 134

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HOUSE OF REPRESENTATIVES
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Introduced by HON. RODEL M. BATOCABE, HON. ALFREDO A. GARBIN, Jr. and
HON. CHRISTOPHER S. CO

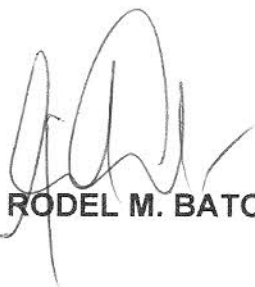
EXPLANATORY NOTE

From the case of *Veterans Federation Party v. COMELEC* in 2000 until the case of *Atong Paglaum v. COMELEC* of 2013, Republic Act No. 7491 or The Party-List System Act has been interpreted in many different ways by the Supreme Court, resulting in the congress we have today, one that boasts of a robust party-list coalition, with representatives coming from all walks of life, as elected by population at large.

RA 7491, however, has yet to reflect the changes brought about by the Supreme Court's interpretations. The law itself also suffers from vagueness in terms, more often than not digressing from its main purpose of giving a voice to the marginalized and underrepresented in society. Procedural aspects of the law likewise require some polish to further streamline registration for party lists and the process of disqualification, should cases so arise.

Amendments, therefore, are necessary. Salient amendments provide that additional requirements shall not be asked of parties already registered with the COMELEC, provided it has not ceased for one (1) year prior to the date of party-list elections. Sectors registering as a party-list shall include, but not be limited to only those mentioned in the Constitution. These are only two of many amendments introduced in the case of *Atong Paglaum*.

In view of the purpose of making the provisions of RA 7941 more consistent with the Constitutional mandate so often repeated in the long line of jurisprudence relating to party-lists—that the political and electoral system must be democratized—the passage of this bill is earnestly sought.



RODEL M. BATOCABE



ALFREDO A. GARBIN, Jr.



CHRISTOPHER S. CO

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Introduced by HON. RODEL M. BATOCABE, HON. ALFREDO A. GARBIN, Jr. and
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AN ACT
STRENGTHENING THE PARTY-LIST SYSTEM, 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. Section 3 of Republic Act No. 7941, is hereby amended to read as follows:

Section 3. Definition of Terms. -

xxx xxx xxx

(d) A *sectoral party* refers to (1) an organized group of citizens belonging to any of the **MARGINALIZED AND UNDERREPRESENTED** sectors [enumerated] **AS PROVIDED** in Section 5 hereof whose principal advocacy pertains to the [special] interest and concerns of [their] 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 [similar physical attributes or characteristics, employment,] interests **AND [or] concerns.**

xxx xxx xxx

(G) **AVAILABLE SEATS** REFER TO THE ACTUAL NUMBER OF SEATS RESERVED FOR THE PARTY-LIST SYSTEM AS PROVIDED FOR IN SECTION 11 OF THIS ACT.

(H) **WINNING MINIMUM PERCENTAGE THRESHOLD** REFERS TO THE VALUE OF (1/AVAILABLE SEATS)*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 RECEIVED SHALL BE EQUAL TO OR GREATER THAN THE MINIMUM PERCENTAGE THRESHOLD AS DEFINED IN PARAGRAPH (H) OF THIS SECTION.

SEC. 2. Section 4 of the same 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] **COMELEC UNDER THIS ACT**, need not register anew[.] **AND SHALL AUTOMATICALLY BE ELIGIBLE TO PARTICIPATE IN THE PARTY-LIST ELECTIONS WITHOUT FURTHER REQUIREMENT 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 OR MERGED WITH ANOTHER PARTY, ORGANIZATION OR COLATION.**

[However, s]Such **NATIONAL, REGIONAL OR SECTORAL** party, organization, or coalition shall **FORMALLY MANIFEST ITS INTENTION TO PARTICIPATE IN THE PARTY-LIST ELECTIONS** [file with the Commission, not later than ninety (90)] **ONE HUNDRED EIGHTY (180) days before the electionS.**[, a manifestation of its desire to participate in the party-list system.]

SEC. 3. Section 5 of the same Act is hereby amended to read as follows:

Section 5. *Registration.* —

(A) JOINT INITIAL REGISTRATION AS POLITICAL PARTY AND PARTY-LIST. — Any **QUALIFIED** [organized] group of persons may register as a **NATIONAL, REGIONAL OR SECTORAL POLITICAL** party [, organization or coalition for purposes of] **AND AS A PARTICIPANT IN** the party-list system by filing with the COMELEC not later than [ninety (90)] **ONE HUNDRED EIGHTY (180) days before the election** a petition verified by its president or [secretary] **CHAIRPERSON, OR IN THEIR ABSENCE, THE SECRETARY-GENERAL,** stating **THE FOLLOWING:**

(1) ITS INTENTION TO BE REGISTERED AS A 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 [desire] INTENTION 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:]

(B) INITIAL REGISTRATION OF EXISTING POLITICAL PARTIES AS PARTY-LIST. — **ANY POLITICAL PARTY ALREADY REGISTERED WITH THE COMELEC UNDER SEC. 61 OF BP 881 MAY PARTICIPATE IN THE PARTY-LIST ELECTIONS BY FILING WITH THE COMELEC NOT LATER THAN ONE HUNDRED EIGHTY (180) DAYS BEFORE THE ELECTION, A PETITION VERIFIED BY ITS PRESIDENT OR CHAIRPERSON, OR, IN THEIR ABSENCE, ITS SECRETARY-GENERAL, STATING ITS INTENT TO PARTICIPATE IN THE PARTY-LIST SYSTEM.**

THE PETITION REQUIRED IN SUB-PARAGRAPHS (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 THEIR 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) THE PERIOD OF EXISTENCE OF PETITIONER, WHICH SHALL BE AT LEAST ONE (1) YEAR AT THE TIME THE PETITION IS FILED;

(x) THE LIST OF DOCUMENTS ATTACHED TO THE PETITION;

(xi) THAT ALL OF ITS OFFICERS AND MEMBERS ARE MADE AWARE OF THE PETITION AND HAVE GIVEN THEIR CONSENT THERETO;

(xii) THAT IT IS NOT A RELIGIOUS SECT OR DENOMINATION, ORGANIZATION OR ASSOCIATION ORGANIZED FOR RELIGIOUS PURPOSES;

(xiii) THAT IT SHALL NOT ADVOCATE VIOLENCE OR UNLAWFUL MEANS TO ACHIEVE ITS GOALS;

(xiv) THAT IT IS NOT ADJUNCT OR A PROJECT ORGANIZED OR AN ENTITY FUNDED OR ASSISTED BY THE GOVERNMENT;

(xv) THAT IT IS NOT A FOREIGN PARTY OR ORGANIZATION;

(xvi) 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;

(xvii) THAT IT COMMITS TO COMPLY WITH THE 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 THEIR ABSENCE, THE SECRETARY-GENERAL REPRESENTING THE PARTY SHALL SIGN 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 THE PETITION 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 labor, peasant, fisherfolk, urban poor, indigenous cultural communities, elderly, **COOPERATIVES**, handicapped, women, youth, veterans, overseas workers, and professional[s] **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 COMELEC MAY *MOTU PROPRIO*, REFUSE TO GIVE DUE COURSE TO A VERIFIED PETITION FOR REGISTRATION OR, UPON A VERIFIED PETITION OF AN INTERESTED PARTY AND AFTER A SUMMARY HEARING, DENY SAID VERIFIED PETITION FOR REGISTRATION, IF IT IS SHOWN THAT SUCH PETITION HAS BEEN FILED TO (1) PUT THE PARTY-LIST ELECTION PROCESS IN MOCKERY OR DISREPUTE, OR (2) CAUSE CONFUSION AMONG THE VOTERS BY THE SIMILARITY OF PETITIONER'S NAME TO ANY PREVIOUSLY REGISTERED PARTY-LIST, OR BY OTHER CIRCUMSTANCES OR ACTS THAT CLEARLY DEMONSTRATE THAT THE PETITIONER HAS NO *BONA FIDE* INTENTION TO RUN IN THE PARTY-LIST ELECTIONS AND THUS THAT GIVING DUE COURSE TO THE VERIFIED PETITION OR APPROVING THE REGISTRATION OF THE APPLICANT PARTY, ORGANIZATION OR COALITION SHALL 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 COMELEC shall IMMEDIATELY publish the VERIFIED petition in at least two (2) national newspapers of general circulation **SETTING THE SAME FOR HEARING.**

The COMELEC shall, after due notice and hearing, resolve the petition, **INCLUDING A MOTION FOR ITS RECONSIDERATION** within [fifteen (15)] **THIRTY (30)** days from the date [it was submitted for decision but in no case] **OF ITS SUBMISSION FOR RESOLUTION BUT** not later than [sixty (60)] **ONE HUNDRED TWENTY (120)** days before election. **THE RESOLUTION OF THE PETITION 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) OR (B) OF THIS SECTION: PROVIDED, THAT THEY COMPLY WITH THE REQUIREMENTS IN SECTION 4.**

SEC. 4. Section 6 of the same Act is hereby amended to read as follows:

Section 6. [Refusal] REMOVAL and/or Cancellation of Registration. — The COMELEC may, *motu proprio* or upon A

verified compliant of any interested party, [refuse] 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:

x x x x x x x x x

(6) It declares **ANY** untruthful statement[s] in its petition or **SUBMISSIONS**;

(7) It [has] **WAS DISSOLVED, ABSORBED, MERGED AND/OR 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 *percentum* (2%) of the votes cast under the party-list system in the two (2) preceding elections for the constituency in which it has registered] **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 CAST FOR PARTY-LIST REPRESENTATIVE VOTES, OR (iii) NOT ONLY FAILED 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 VOTES CAST FOR PARTY-LIST REPRESENTATIVES IN THE IMMEDIATELY SUBSEQUENT ELECTIONS, SHALL BE AUTOMATICALLY DROPPED FROM THE LIST OF PARTY-LIST, PARTIES, ORGANIZATIONS OR COALITIONS: PROVIDED, THAT THIS SHALL BE A GROUND FOR THE AUTOMATIC CANCELLATION OF ITS REGISTRATION: PROVIDED, FURTHER, THAT NO COMPLAINT OR PETITION IS NEEDED TO EFFECT SUCH A 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 NATIONAL ELECTIONS: PROVIDED, THAT NO CASE OF THE SAME OR SIMILAR NATURE SHALL BE RECOGNIZED BY THE COMELEC AFTER THE SAID PERIOD. ALL COMPLAINTS FOR CANCELLATION OF REGISTRATION MUST BE DECIDED BY THE COMELEC 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."

SEC. 5. Section 7 of the same Act is hereby amended to read as follows:

Section 7. Certified List of Registered Parties. —The COMELEC

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. [The names of the party-list nominees shall not be shown on the certified list.] **THE CERTIFIED LIST SHALL BE PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION AT LEAST ONCE A WEEK, FOR TWO (2) CONSECUTIVE WEEKS.**

SEC. 6. Section 8 of the same 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 COMELEC not later than [forty-five (45)] **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 a person who has lost his bid for an elective office **IN THE CURRENT OR** in the immediately preceding election[.], **EXCLUDING BARANGAY ELECTIONS: PROVIDED, THAT ANY INCUMBENT APPOINTED 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 CERTIFICATES 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 OTHER PARTY-LIST NOMINEES.

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 shall have been submitted to the COMELEC except in cases where the nominee dies, or withdraws in writing his nomination, **OR** becomes incapacitated in which case the name of the substitute nominee shall be placed in the list. [Incumbent sectoral representatives in the House of Representatives who are nominated in the party-list system shall not be considered resigned.]

THE COMELEC SHALL, NOT LATER THAN SEVENTY-FIVE (75) DAYS BEFORE ELECTION, PREPARE A CERTIFIED LIST OF NOMINEES. THE 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) DIFFERENT LISTS OF NOMINEES ARE SUBMITTED, THE COMELEC SHALL RECOGNIZE THE LIST VERIFIED BY THE PRESIDENT OR CHAIRPERSON, OR IN

1 THEIR ABSENCE, THE SECRETARY-GENERAL, OF THE
2 PARTY-LIST ORGANIZATION.

3
4 ISSUES IN REGARD TO TWO (2) OR MORE DIFFERENT
5 LISTS OF NOMINEES SHALL BE RESOLVED IN A SUMMARY
6 HEARING, AND IN EVERY CASE, THE BY-LAWS OF THE
7 PARTY-LIST ORGANIZATION SHALL GUIDE THE COMELEC
8 IN THE RESOLUTION OF THE ISSUE. THE COMELEC SHALL
9 ENSURE THAT PROCEEDINGS ARE EXPEDITIOUS AND
10 THAT A RESOLUTION SHALL BE MADE WITHIN FIVE (5)
11 WORKING DAYS.

12
13 **SEC. 7.** Section 9 of the same Act is hereby amended to read as follows:

14
15 *Section 9. Qualification of Party-List Nominees.* — [No person
16 shall be nominated as party-list representative unless he is a
17 natural-born citizen of the Philippines, a registered voter, a
18 resident of the Philippines for a period of not less than one (1)
19 year immediately preceding the day of the election, able to read
20 and write, a *bona fide* member of the party or organization which
21 he seeks to represent for at least ninety (90) days preceding the
22 day of the election, and is at least twenty-five (25) years of age on
23 the day of the election.]

24
25 **A PARTY-LIST NOMINEE MUST BE:**

- 26
27 **(A) A NATURAL-BORN CITIZEN OF THE PHILIPPINES;**
28
29 **(B) A REGISTERED VOTER;**
30
31 **(C) A RESIDENT OF THE PHILIPPINES FOR A PERIOD OF**
32 **NOT LESS THAN ONE (1) YEAR IMMEDIATELY PRECEDING**
33 **THE DAY OF THE ELECTION;**
34
35 **(D) ABLE TO READ AND WRITE;**
36
37 **(E) A *BONA FIDE* MEMBER OF THE PARTY OR**
38 **ORGANIZATION WHICH THE NOMINEE SEEKS TO**
39 **REPRESENT FOR AT LEAST NINETY (90) DAYS PRECEDING**
40 **THE DAY OF THE ELECTION;**
41
42 **(F) AT LEAST TWENTY-FIVE (25) YEARS OF AGE ON THE**
43 **DAY OF THE ELECTION.**

44
45 [In case of a nominee of the youth sector, he] **THE NOMINEE OF**
46 **THE YOUTH SECTOR** must at least be twenty-five (25) but not
47 more than thirty **FIVE [(30)] (35)** years of age on the day of the
48 election. Any youth sectoral representative who [attains]
49 **REACHES** the age of thirty **FIVE [(30)] (35)** [during his term] shall
50 be allowed to continue in office until the expiration of [his] **THE**
51 term.

52
53 **NO OTHER QUALIFICATION SHALL BE REQUIRED OF**
54 **NOMINEES EXCEPT IF CONGRESS PROVIDES FOR THE**
55 **SAME THROUGH THE ENACTMENT OF A SUBSEQUENT**
56 **LAW.**

57
58 **SEC. 8.** A NEW SECTION AFTER SECTION 9 IS HEREBY ADDED:

59
60 **SECTION 9-A. COMPLAINT FOR DISQUALIFICATION OF**
61 **PARTY-LIST NOMINEE.—THE COMELEC MAY *MOTU***
62 ***PROPRIO* OR UPON VERIFIED COMPLAINT OF ANY**
63 **INTERESTED PARTY, REMOVE OR DISQUALIFY, AFTER DUE**
64 **NOTICE AND HEARING, A NOMINEE OF A PARTICULAR**
65 **PARTY ON THE GROUND THAT THE NOMINEE DOES NOT**
66 **POSSESS ANY OF THE QUALIFICATIONS OF A PARTY-LIST**

NOMINEE AS PROVIDED 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 COMELEC. 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.

SEC. 9. Section 10 of the same Act is hereby amended to read as follows:

Section 10. Manner of Voting. — Every voter shall be entitled to two (2) votes[.] **FOR THE HOUSE OF REPRESENTATIVES.** ~~T[he]~~ **first** is a vote for candidate for member of the House of Representatives in his legislative district, and the second, a vote for the **NATIONAL, REGIONAL OR SECTORAL** party, organization, or coalition **WHICH THE VOTER [he] wants TO BE** represented in the House of Representatives: *Provided,* That a vote cast for a **NATIONAL, REGIONAL OR SECTORAL** party, [sectoral] organization, or coalition not entitled to be voted [for] shall not be counted[.] *Provided, finally,* That the first election under the party-list system shall be held in May 1998] **AND CONSIDERED IN THE COMPUTATION OF THE TOTAL NUMBER OF VOTES CAST FOR THE PARTY-LIST.**

SEC. 10. Section 11 of the same 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 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 party, organization, or coalition shall be entitled to not more than three (3) seats.]

NO PARTY, ORGANIZATION, OR COALITION SHALL BE ENTITLED TO MORE THAN THREE (3) SEATS.

SEC. 11. Section 15 of the same Act is hereby amended to read as follows:

Section 15. Change of Affiliation; Effect. — Any elected party-list representative who changes [his political party or sectoral] **PARTY-LIST** affiliation during his term of office shall forfeit his seat. [*Provided,* That if he changes his political party or sectoral affiliation within six (6) months before an election, he shall not be eligible for nomination as party-list representative under his new

party or organization.]

RECALL OF PARTY-LIST REPRESENTATIVE. — THE APPROPRIATE DECISION-MAKING BODY OF THE PARTY-LIST GROUP IS EMPOWERED TO RECALL ITS REPRESENTATIVES IN CONGRESS FOR LOSS OF CONFIDENCE OR FOR VIOLATION OF ANY PROVISION OF ITS GOVERNING CHARTER: *PROVIDED*, THAT SUCH RECALL IS EXPRESSED THROUGH A RESOLUTION PASSED BY THE APPROPRIATE DECISION-MAKING BODY OF THE PARTY-LIST GROUP, A COPY OF WHICH SHOULD BE FURNISHED TO THE HOUSE OF REPRESENTATIVES THROUGH ITS SECRETARY-GENERAL, THE COMELEC AND THE SUBJECT PERSON OF THE RECALL RESOLUTION. IT IS THE MINISTERIAL DUTY OF THE COMELEC AND THE HOUSE OF REPRESENTATIVES TO IMPLEMENT SUCH RECALL UNLESS DULY RESTRAINED BY AN ORDER FROM THE APPROPRIATE COURT.

SEC. 12. Section 17 of the same 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 [and], emoluments, **AND ALL RIGHTS, PRIVILEGES AND BENEFITS** as **DISTRICT** [regular] members of the House of Representatives.

SEC. 13. A NEW SECTION AFTER SECTION 17 IS HEREBY ADDED:

SECTION 17-A. VOTERS EDUCATION. — THE COMELEC, 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."

SEC. 14. Section 18 of the same Act is hereby amended to read as follows:

Section 18. Rules and Regulations. — The COMELEC, 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.

SEC. 15. Separability Clause. — - If any provision of this Act is declared invalid, the other provisions not affected thereby shall remain valid.

SEC. 16. 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.

SEC. 17. Effectivity.—This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,