

EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

Senate Bill No. 372
Office of the Senate

SENATE

'19 JUL 11 P2:37

S. No. 372

RECEIVED



Introduced by SENATOR LEILA M. DE LIMA

AN ACT

**STRENGTHENING THE PARTY-LIST ACT AND EMPHASIZING ITS
ROLE AS A CONSTITUTIONAL SOCIAL JUSTICE TOOL TO GIVE THE
MARGINALIZED AND UNDERREPRESENTED GENUINE POWER AND
REPRESENTATION, AMENDING FOR THE PURPOSE REPUBLIC ACT
NO. 7941, ENTITLED "AN ACT PROVIDING FOR THE ELECTION OF
PARTY-LIST REPRESENTATIVES THROUGH THE PARTY-LIST
SYSTEM, AND APPROPRIATING FUNDS THEREFOR", OTHERWISE
KNOWN AS THE 'PARTY-LIST SYSTEM ACT', AND FOR OTHER
PURPOSES**

EXPLANATORY NOTE

The Party-list System is an instrument crafted and birthed after the democratic revolution of 1986. It was the gift of the constitution writers to the people so that they themselves can voice out their needs and aspirations, and so too, that they themselves may help address their problems and shape their future through meaningful legislation. It was, at best, the equalizer that the society needed after having suffered under the hands of political dynasties and oligarchs for decades without recourse.

The deliberations of the framers of the Constitution would reveal that the party-list system was conceived in the hope "that the system will democratize political power by encouraging the growth of a multi-party system":¹

MR. TADEO: Our experience, however, has shown that legislation has

¹ The Constitutional Commission of 1986 - Record of the Constitutional Commission, Volume 3, page 561.

tended to benefit more the propertied class who constitutes a small minority in our society than the impoverished majority, 70 percent of whom live below the poverty line. This has come about because the rich have managed to dominate and control the legislature, while the basic sectors have been left out of it. So, the critical question is, how do we ensure ample representation of basic sectors in the legislature so that laws reflect their needs and aspirations?”²

Finally, a piece of legislation that offers them the inclusivity that they could have only imagined until its culmination. Since these sectors “are usually without sufficient funding or political machinery, it becomes incumbent upon the government to extend such opportunity without the need to go through an expensive electoral contest. For this reason, the party-list system has been adopted in the new Constitution to assure them of representation in the highest lawmaking body of the Republic.”³

The system aimed not only to funnel the funds directly to the marginalized and underrepresented sectors of the society – but most importantly, to give them the chance to represent their kind. Because no one but the genuine members of the marginalized and underrepresented sectors truly know the sufferings that they have to endure to survive in a country where their voice have long been ignored by the powerful and the wealthy. “The party-list system is an innovation of the 1987 Constitution. It is essentially a tool for the advancement of social justice with the fundamental purpose of affording opportunity to marginalized and underrepresented sectors to participate in the shaping of public policy and the crafting of national laws. It is premised on the proposition that the advancement of the interests of the

² Id. at page 562.

³ Hector S. De Leon, Philippine Constitutional Law Principles and Cases, Volume 2 (1999), page 55, citing the 1986 U.P. Law Center Constitution Project, Legislative Department.

marginalized sectors contributes to the advancement of the common good and of our nation's democratic ideals.”⁴

Former Chief Justice Artemio Panganiban in the case of *Bayan Muna v. COMELEC*⁵ eloquently explained the importance of the party-list system of representation and the consequences should party-lists become infiltrated by those who do not genuinely represent the causes and plight of the marginalized and underrepresented:

“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 recipients of the State's benevolence, but active participants in the mainstream of representative democracy. Thus, allowing all individuals and groups, including those which now dominate district elections, to have the same opportunity to participate in party-list elections would desecrate this lofty objective and mongrelize the social justice mechanism into an atrocious veneer for traditional politics.”

However, it did not take long before the masses were robbed off of the constitutional gift. Their genuine power to represent themselves and take part in government soon turned to ashes in their mouth – as the lettered, powered and moneyed circumvented their way into the system. Seats constitutionally reserved for the marginalized were quickly warmed by the bottoms of the greedy.

⁴ Corona, J., Dissenting Opinion: Ang Ladlad v. COMELEC; G.R. No. 190582 (April 08, 2018)

⁵ G.R. No. 147589 (June 26, 2001)

Former CJ Panganiban whose earlier decisions firmly cemented the right of the poor and the powerless to the seats especially held sacred for them, could only lament and call it “an experiment gone berserk.”⁶ “As anybody with common sense can see, it is being abused. Trapo, or traditional politicians... are nominees of party-list groups. Election losers are resurrected or come back as nominees of party-list groups. Whole families are nominees of a single party list, as if the system were a family affair. Multimillionaires are nominees of supposedly underrepresented groups. Non-farmers represent farmers’ groups. xxx Politicians merely concoct a name out of thin air and apply for accreditation with the Commission on Elections and submit the names of their nominees. People who belong to the sector the nominees claim to represent don’t choose their nominees, nor do they ever realize that they are members of the party list.”⁷

Years after its implementation, the Party-list System has failed the very people it was meant to uphold and protect. Today, we hear of stories of party-list representatives failing to come up with solutions that would elevate and advance the people they are mandated to represent in the social ladder. Instead, we see footages of a representative refusing to take off his shoes at the airport – belittling and even threatening a security personnel for simply doing his job;⁸ we read news articles of special glutathione sessions at the House;⁹ and shockingly discover how someone involved in the 10 billion scam masterminded by Janet Napoles was granted a pass into the system that is supposed to be held exclusively for those without money, influence nor power.¹⁰

How unfortunate it truly is that these people have made a mockery out of a system that is supposed to give “genuine power” to those who would be, and are being, excluded in governmental participation without the system of representation

⁶ Panganiban, Artemio, “*Party-list, an experiment gone berserk.*” 04 November 2018. Inquirer. Available at: <https://opinion.inquirer.net/117230/party-list-an-experiment-gone-berserk> <last visited on 10 June 2019>

⁷ Cruz, Neal, “*Party-list system is being abused.*” 15 April 2013. Philippine Daily Inquirer. Available at: <https://opinion.inquirer.net/50735/party-list-system-is-being-abused> <last visited on 10 June 2019>

⁸ Colcol, Erwin, “*Solon goes viral for ‘refusing’ to take off shoes at NAIA, says story twisted.*” 30 September 2018. GMA News. Available at: <https://www.gmanetwork.com/news/hashtag/content/669556/solon-goes-viral-for-refusing-to-take-off-shoes-at-naia-says-story-twisted/story/> <last visited on 10 June 2019>

⁹ Cepeda, Mara, “*Lawmaker faces ethics complaint for using gluta drip at house.*” 06 October 2018. Available at: <https://www.rappler.com/nation/213653-tricia-velasco-catera-ethics-complaint-using-gluta-drip> <last visited on 10 June 2019>

¹⁰ See, Aie, “*Uson to run under party-list group linked to pork barrel scam.*” 16 October 2018. Inquirer. Available at: <https://newsinfo.inquirer.net/1043305/uson-to-run-under-party-list-group-linked-to-pork-barrel-scam> <last visited on 10 June 2019>

envisioned by the framers of our constitution, and absent a proper implementation thereof. The noble intention of the statesmen who fought valiantly for the inclusion of the poor and the powerless has been overshadowed by the personal interests of those who view those seats as a mere gateway to wealth and power.

Prostituting the party-list system can no longer be allowed to persist. This bill thus seeks to clarify the ambiguities that have, over the years, been conveniently used by those who so audaciously circumvented the very parameters laid down by the Constitution and law to keep them from penetrating the system. It is high time we emphasize that the party-list system of representation is, more than titles and seats, a social justice tool that ought to give more law to those who have less in life.

This bill seeks to be the remedy that will cure the infirmities brought about by misplaced interpretation of the law. Under this bill, the term “*bona fide* member” of a party is now clearly defined so that only those who genuinely belong to the sectors they wish to represent may be granted to the seats of power that will allow them to alleviate decades-old ills that have hounded their class. It also emphasizes the requirement of representation to mean that only the marginalized and underrepresented sectors may be granted this constitutional gift – because social justice after all, is the “humanization of laws and the equalization of social and economic forces by the State so that justice in its rational and objectively secular conception may at least be approximated.”¹¹

This bill also seeks to prevent the employment of a “bait and switch” by parties by providing that a party withdraws its participation in the election if all its nominees become unable to assume their post as party list representative after the commencement of the campaign period.

This bill further gives the power to the party rather than the nominee by giving the party the opportunity to replace their representative during their term. This would prevent party list representatives from abusing their offices even after being estranged from their own party.

¹¹ Calalang v. Williams; G.R. No. 47800. (December 2, 1940.)

Finally, to safeguard the system from the evils of political dynasties that have long bastardized¹² its implementation, this bill now prohibits any person, who is related by affinity or consanguinity within the third (3rd) degree to an incumbent mayor, vice-mayor, governor, vice-governor, district representative, party-list representative, senator, vice president, and president from being nominated as a party-list representative.

These are the fundamental changes that have evaded the system for so long – perhaps because many of those whose hands orchestrate the legislative process will be stripped off of the gold and power that they have accumulated at the expense of the poor and the powerless; but with this bill we will start to cleanse the system of the weeds that have weakened its implementation. With this bill, we will give back the gift to the people, and we will give life to social justice as envisioned by our forefathers whose noble intentions should be the fertile grounds on which we plant the seeds of hope. With this bill, we obey the command of Article IX, Section 1 of the Constitution for Congress to “give highest priority to the enactment of measures that protect and enhance the right of all the people to human dignity, reduce social, economic, and political inequalities, and remove cultural inequities by equitably diffusing wealth and political power for the common good.”

In view of the foregoing, approval of this measure is earnestly sought.



LEILA M. DE LIMA

¹² Panganiban, Artemio, “Who ‘bastardized’ the party-list.” 02 June 2019. Inquirer. Available at: <https://opinion.inquirer.net/121716/who-bastardized-the-party-list> <last visited on 06 June 2019>

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

1 Section 1. Section 3 of Republic Act (R.A.) No. 7941, otherwise known as the
2 "Party-List Act", shall be amended as follows:

3 "Sec. 3. Definition of Terms. - (a) The party-list system is
4 a mechanism of proportional representation in the election of
5 representatives to the House of Representatives from national,
6 regional and sectoral parties or organizations or coalitions
7 thereof registered with the Commission on Elections
8 (COMELEC). Component parties or organizations of a
9 coalition may participate independently provided the coalition
10 of which they form part does not participate in the party-list
11 system.

12 (b) A party means either a [political party or a] sectoral
13 party or a coalition of parties.

1 [(e) A political party refers to an organized group of
2 citizens advocating an ideology or platform, principles and
3 policies for the general conduct of government and which, as
4 the most immediate means of securing their adoption, regularly
5 nominates and supports certain of its leaders and members as
6 candidates for public office]

7 It is a national party when its constituency is spread over
8 the geographical territory of at least a majority of the regions. It
9 is a regional party when its constituency is spread over the
10 geographical territory of at least a majority of the cities and
11 provinces comprising the region.

12 (c)[(d)] A sectoral party refers to an organized group of
13 citizens belonging to any of the sectors enumerated in Section 5
14 hereof whose principal advocacy pertains to the special
15 interests and concerns of their sector.

16 (d)[(e)] A sectoral organization refers to a group of
17 citizens or a coalition of groups of citizens who share similar
18 physical attributes or characteristics, employment, interest or
19 concerns.

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

23 **(F) A *BONA FIDE MEMBER OF THE PARTY OR***
24 ***ORGANIZATION WHICH HE SEEKS TO REPRESENT***
25 ***REFERS TO ANY PERSON WHO HIMSELF/HERSELF***
26 ***BELONGS TO ANY OF THE MARGINALIZED AND***
27 ***UNDERREPRESENTED SECTORS INCLUDING:***
28 ***LABOR, PEASANT, FISHERFOLK, URBAN POOR,***
29 ***INDIGENOUS CULTURAL COMMUNITIES, ELDERLY,***
30 ***HANDICAPPED, WOMEN, YOUTH, VETERANS,***
31 ***OVERSEAS WORKERS, AND PROFESSIONALS.”***

32 Sec. 2. Three (3) new sections shall hereby be inserted after Section 3 of R.A.
33 No. 7941, to read as follows:

1 **SECTION 4. SYSTEM OF REPRESENTATION FOR**
2 **THE MARGINALIZED AND UNDERREPRESENTED.** –
3 ONLY THOSE PARTIES OR ORGANIZATIONS AND
4 THEIR NOMINEES WHO BELONG TO THE
5 MARGINALIZED AND UNDERREPRESENTED SECTORS
6 ARE QUALIFIED TO HOLD PARTY-LIST SEATS.

7 ANY PARTY WHO WISHES TO PARTICIPATE IN
8 THE PARTY-LIST ELECTIONS MUST SHOW IN ITS
9 CONSTITUTION, ARTICLES OF INCORPORATION AND
10 BY-LAWS, HISTORY, PLATFORM OF GOVERNMENT
11 AND TRACK RECORD – THAT IT REPRESENTS AND
12 SEEKS TO UPLIFT MARGINALIZED AND
13 UNDERREPRESENTED SECTORS.

14 **SECTION 5. PARTY-LIST NAME.** ALL GROUPS
15 SEEKING TO REGISTER AS A PARTY-LIST GROUP FOR
16 THE PURPOSES OF THE ELECTIONS SHALL BEAR A
17 PARTY-LIST NAME THAT MUST BE IN ACCORDANCE
18 WITH THE FOLLOWING:

- 19 1. THE PARTY-LIST NAME SHOULD BE
20 SUGGESTIVE OF THE MARGINALIZED OR
21 UNDERREPRESENTED SECTORS OF
22 SOCIETY WHICH INCLUDE THE
23 FOLLOWING: LABOR, PEASANT,
24 FISHERFOLK, URBAN POOR, INDIGENOUS
25 CULTURAL COMMUNITIES, ELDERLY,
26 HANDICAPPED, WOMEN, YOUTH,
27 VETERANS, OVERSEAS WORKERS, AND
28 PROFESSIONALS;
- 29 2. ANY GROUP SEEKING TO BE REGISTERED
30 AS A PARTY-LIST SHALL NOT DUPLICATE
31 THE NAME OF ANY EXISTING PARTY-LIST
32 AT THE TIME OF ITS REGISTRATION; AND
- 33 3. THE PARTY-LIST NAME SHOULD NOT USE
34 ABBREVIATIONS OF ESTABLISHED

1 ORGANIZATIONS IF THE GROUP SEEKING
2 TO REGISTER AS SUCH DO NOT HAVE
3 MEMBERS FROM SUCH ORGANIZATIONS.

4 SECTION 6. *PARTY-LIST ADVOCACY*. ALL
5 GROUPS SEEKING TO REGISTER AS A PARTY-LIST
6 GROUP, FOR THE PURPOSES OF THE ELECTIONS,
7 MUST INCLUDE AN EXPLANATION OF THE AREA OF
8 THEIR ADVOCACY IN THEIR APPLICATION FOR
9 COMELEC ACCREDITATION. THE SAID EXPLANATION
10 MUST BE ACCOMPANIED BY THE FOLLOWING:

- 11 **1. CLEAR DESCRIPTION OF THEIR
12 CONSTITUENCY; AND**
- 13 **2. FOR PURPOSES OF ACCOUNTABILITY TO
14 THE PUBLIC AND THEIR CONSTITUENCY, A
15 PROGRAM OF ADVOCACY OR PROPOSED
16 AREAS OF LEGISLATION THEY INTEND TO
17 PURSUE.**

18 All succeeding sections are hereby be renumbered accordingly.

19 Sec. 3. Section 5 of R.A. No. 7941, is hereby renumbered and amended as
20 follows:

21 SECTION 8. *Registration*. ONLY GROUPS,
22 ORGANIZATIONS OR COALITIONS WHO HAVE BEEN
23 IN EXISTENCE FOR A PERIOD OF NOT LESS THAN
24 THREE (3) YEARS SHALL BE ALLOWED TO
25 REGISTER. NO GROUP, ORGANIZATION OR
26 COALITION SHALL BE ELIGIBLE FOR REGISTRATION
27 AS A PARTY-LIST GROUP UNLESS IT HAS PROVEN IN
28 AN EVIDENTIARY PUBLIC HEARING THAT SHALL BE
29 CONDUCTED BY THE COMELEC THAT IT TRULY
30 REPRESENTS MARGINALIZED AND
31 UNDERREPRESENTED SECTOR/S IT SEEKS TO
32 REPRESENT; PROVIDED THAT COMELEC SHALL

1 **NOTIFY ALL DULY REGISTERED AND ACCREDITED**
2 **PARTY-LIST GROUPS, ORGANIZATIONS OR**
3 **COALTIONS OF THE HEARING AT LEAST TEN (10)**
4 **DAYS PRIOR TO THE SAID HEARING.**

5 Any organized group of persons may register as a party,
6 organization or coalition for purposes of the party-list system by
7 filing with the COMELEC not later than **ONE HUNDRED**
8 **TWENTY (120) [ninety (90)]** days before the election a petition
9 verified by its president or secretary stating its desire to
10 participate in the party-list system as a national, regional or
11 sectoral party or organization or a coalition of such parties or
12 organizations, attaching thereto its constitution, by-laws,
13 platform or program of government, list of officers, coalition
14 agreement and other relevant information as the COMELEC may
15 require: Provided, That the sectors shall include labor, peasant,
16 fisherfolk, urban poor, indigenous cultural communities, elderly,
17 handicapped, women, youth, veterans, overseas workers, and
18 professionals.

19 The COMELEC shall publish the petition in at least two
20 (2) national newspapers of general circulation.

21 The COMELEC shall, after due notice and hearing, resolve
22 the petition within fifteen (15) days from the date it was
23 submitted for decision but in no case not later than sixty (60)
24 days before election.

25 Sec. 4. Section 6 of R.A. No. 7941, otherwise known as the "Party-List System
26 Act", shall be amended as follows:

27 **"SECTION 9. Refusal and/or Cancellation of**
28 *Registration.* The COMELEC may, *motu proprio* or upon verified
29 complaint of any interested party, refuse or cancel, after due
30 notice and hearing, the registration of any national, regional or

1 sectoral party, organization or coalition on any of the following
2 grounds:

3 (1) It is a religious sect or denomination, organization or
4 association, organized for religious purposes;

5 (2) It advocates violence or unlawful means to seek its
6 goal;

7 (3) It is a foreign party or organization;

8 (4) It is receiving support from any foreign government,
9 foreign political party, foundation, organization, whether directly
10 or through any of its officers or members or indirectly through
11 third parties for partisan election purposes;

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

14 **(6) FAILURE TO REPRESENT A MARGINALIZED
15 AND UNDERREPRESENTED SECTOR;**

16 (7)[(6)] It declares untruthful statements in its petition;

17 (8)[(7)] It has ceased to exist for at least one (1) year; or

18 (9)[(8)] It fails to participate in the last two (2) preceding
19 elections or fails to obtain at least two per centum (2%) of the
20 votes cast under the party-list system in the two (2) preceding
21 elections for the constituency in which it has registered.”

22 Sec. 5. Section 7 of R.A. No. 7941, otherwise known as the “Party-List System
23 Act”, shall be amended as follows:

24 **“SECTION 10. Certified List of Registered Parties.** The
25 COMELEC shall, not later than **NINETY (90)** [sixty-(60)] days
26 before election, prepare a certified list of national, regional, or
27 sectoral parties, organizations or coalitions which have applied
28 or who have manifested their desire to participate under the
29 party-list system and distribute copies thereof to all precincts for
30 posting in the polling places on election day. [The names of the
31 party-list nominees shall not be shown on the certified list.]

32 **A TABLE, WHICH SHALL HEREBY BE CALLED
33 “VOTER’S GUIDE”, CONTAINING THE FOLLOWING**

1 INFORMATION SHALL BE ATTACHED TO THE
2 CERTIFIED LIST, WHICH SHALL LIKEWISE BE
3 DISTRIBUTED TO ALL PRECINCTS FOR POSTING IN
4 THE POLLING PLACES ON ELECTION DAY. THE
5 VOTER'S GUIDE SHALL CONTAIN THE FOLLOWING:

NO.	PARTY-LIST NAME	ACRONYM	NOMINEES	REMARKS
1				
2				
3				

10 THE REMARKS COLUMN SHALL CONTAIN
11 RELEVANT FACTUAL INFORMATION PERTAINING
12 TO EACH NOMINEE THAT MAY HELP THE PUBLIC IN
13 CASTING THEIR VOTES, BUT IN NO CASE SHALL
14 EXCEED THE ONE HUNDRED FORTY (140)
15 CHARACTER LIMIT FOR EACH NOMINEE. THE
16 COMELEC SHALL, IN PREPARING THE REMARKS
17 COLUMN, WORK CLOSELY WITH ORGANIZATIONS
18 CONCERNED WITH VOTER EDUCATION AND
19 HONEST ELECTIONS, SUCH AS BUT NOT LIMITED TO
20 THE FOLLOWING: NATIONAL CITIZENS' MOVEMENT
21 FOR FREE ELECTIONS (NAMFREL), LEGAL
22 NETWORK FOR TRUTHFUL ELECTIONS (LENTE),
23 PARISH PASTORAL COUNCIL FOR RESPONSIBLE
24 VOTING (PPCRV), DEMOCRACY WATCH
25 PHILIPPINES AND KONTRA DAYA.

26 "RELEVANT FACTUAL INFORMATION" AS
27 HEREBY USED SHALL MEAN INFORMATION BASED
28 ON FACTS OR CONTAINING FACTS ABOUT THE
29 NOMINEE CONCERNED WHICH MAY INCLUDE, BUT
30 SHALL NOT BE LIMITED TO, THE FOLLOWING:

31 A. LENGTH OF MEMBERSHIP IN THE
32 PARTY-LIST HE/SHE SEEKS TO
33 REPRESENT;

1 **B. MEMBERSHIP IN ANY OTHER
2 PARTY-LIST OR POLITICAL PARTY
3 OTHER THAN THE PARTY-LIST
4 HE/SHE SEEKS TO REPRESENT;**

5 **C. CURRENT
6 OCCUPATION/PROFESSION;
7 D. ANY PENDING CASE BEFORE
8 ADMINISTRATIVE, QUASI-JUDICIAL
9 OR JUDICIAL BODIES INVOLVING
10 MORAL TURPITUDE; AND**

11 **E. ANY CONVICTION WITH FINALITY
12 OF ANY CRIME PUNISHABLE WITH
13 AT LEAST ONE (1) YEAR OF
14 IMPRISONMENT.”**

15 Sec. 6. Section 8 of R.A. No. 7941, otherwise known as the “Party-List System
16 Act”, shall be amended as follows:

17 “**SECTION 11. Nomination of Party-List
18 Representatives.** Each registered party, organization or coalition
19 shall submit to the COMELEC not later than **SIXTY (60)**
20 [forty-five (45)] days before the election a list of names, not less
21 than five (5), from which party-list representatives shall be
22 chosen in case it obtains the required number of votes.

23 **A PERSON MAY BE NOMINATED IN ONE (1)
24 LIST ONLY. ONLY PERSONS WHO HAVE BEEN
25 MEMBERS FOR A PERIOD OF NOT LESS THAN ONE
26 (1) YEAR OF THE REGISTERED PARTY,
27 ORGANIZATION OR COALITION THAT NOMINATES
28 THEM SHALL BE ALLOWED TO BE PART OF THE
29 LIST.** Only persons who have given their consent in writing may
30 be named in the list. The list shall not include any candidate for
31 any elective office or a person who has lost his bid for an elective
32 office in the immediately preceding election.

1 No change of names or alteration of the order of nominees
2 shall be allowed after the same shall have been submitted to the
3 COMELEC except in cases where the nominee dies, or withdraws
4 in writing his nomination, becomes incapacitated in which case
5 the name of the substitute nominee shall be placed last in the
6 list. Incumbent sectoral representatives in the House of
7 Representatives who are nominated in the party-list system shall
8 not be considered resigned.

9 **THE COMELEC MAY, MOTU PROPIO OR UPON**
10 **VERIFIED COMPLAINT OF ANY INTERESTED PARTY,**
11 **REFUSE, AFTER DUE NOTICE AND HEARING, THE**
12 **NOMINATION OF PERSON/S APPEARING ON THE**
13 **LIST SHOULD IT FIND THAT THE NOMINEE FAILS TO**
14 **MEET THE QUALIFICATIONS PROVIDED IN THIS**
15 **ACT.**

16 **IF ALL THE NOMINEES IN THE LIST**
17 **SUBMITTED TO THE COMELEC ARE UNABLE TO**
18 **ASSUME THE POST OF PARTY-LIST**
19 **REPRESENTATIVE BY REASON OF RESIGNATION,**
20 **DEATH, INCAPACITY, OR DISQUALIFICATION,**
21 **ANYTIME AFTER THE COMMENCEMENT OF THE**
22 **CAMPAIGN PERIOD, THE PARTY, ORGANIZATION OR**
23 **COALITION SHALL BE DEEMED TO HAVE**
24 **WITHDRAWN THEIR PARTICIPATION IN THE SAME**
25 **ELECTION.**

26 **THE REGISTERED PARTY, ORGANIZATION, OR**
27 **COALITION, MAY REPLACE THEIR PARTY-LIST**
28 **REPRESENTATIVE AT ANYTIME, PROVIDED THAT**
29 **NO SUCH REPLACEMENT SHALL TAKE PLACE**
30 **WITHIN SIX (6) MONTHS FROM ASSUMPTION OF**
31 **OFFICE, OR SIX (6) MONTHS BEFORE EXPIRATION**
32 **OF TERM, EXCEPT BY REASON OF RESIGNATION,**
33 **DEATH, INCAPACITY, OR DISQUALIFICATION OF**

1 THE SAME. THE BY-LAWS OF THE REGISTERED
2 PARTY SHOULD PROVIDE FOR THE MECHANISM
3 FOR REPLACEMENT OF REPRESENTATIVE,
4 PROVIDED THAT THE REPLACEMENT MUST BE
5 INCLUDED IN THE LIST OF NOMINEES SUBMITTED
6 TO THE COMELEC PRIOR TO THEIR ELECTION.”

7 Sec. 7. Section 9 of R.A. No. 7941, otherwise known as the “Party-List System
8 Act”, shall be amended as follows:

9 **“SECTION 12. Qualification of Party-List Nominees.** – No
10 person shall be nominated as party-list representative unless he
11 is a natural born citizen of the Philippines, a registered voter, a
12 resident of the Philippines for a period of not less than one (1)
13 year immediately preceding the day of the election, able to read
14 and write, a bona fide member of the party or organization
15 which he seeks to represent for at least **ONE (1) YEAR [ninety**
16 **(90)–days]** preceding the day of the election, and is at least
17 twenty-five (25) years of age on the day of the election.

18 In case of a nominee of the youth sector, he must at least
19 be twenty-five (25) but not more than thirty (30) years of age
20 on the day of the election. Any youth sectoral representative
21 who attains the age of thirty during his term shall be allowed to
22 continue until the expiration of his term.

23 **ANY PERSON WHO IS RELATED BY AFFINITY**
24 **OR CONSANGUINITY WITHIN THE THIRD (3RD)**
25 **DEGREE TO AN INCUMBENT MAYOR, VICE-MAYOR,**
26 **GOVERNOR, VICE-GOVERNOR, DISTRICT**
27 **REPRESENTATIVE, PARTY-LIST REPRESENTATIVE,**
28 **SENATOR, VICE PRESIDENT AND PRESIDENT**
29 **SHALL NOT BE ALLOWED TO BE NOMINATED AS A**
30 **PARTY-LIST REPRESENTATIVE.”**

1 Sec. 8. Section 11 of R.A. No. 7941, otherwise known as the "Party-List System
2 Act", shall be amended as follows:

3 **"SECTION 11. Number of Party-List Representatives.**

4 The party-list representatives shall constitute twenty per
5 centum (20%) of the total number of the members of the House
6 of Representatives including those under the party-list.

7 For purposes of the May 1998 elections, the first five (5)
8 major political parties on the basis of party representation in
9 the House of Representatives at the start of the Tenth Congress
10 of the Philippines shall not be entitled to participate in the
11 party-list system.

12 In determining the allocation of seats for the second vote,
13 the following procedure shall be observed:

14 (a) The parties, organizations, and coalitions shall be
15 ranked from the highest to the lowest based on the number of
16 votes they garnered during the elections.

17 (b) The parties, organizations, and coalitions receiving at
18 least two percent (2%) of the total votes cast for the party-list
19 system shall be entitled to one seat each: Provided, That those
20 garnering more than two percent (2%) of the votes shall be
21 entitled to additional seats in proportion to their total number
22 of votes : Provided, finally, That each party, organization, or
23 coalition shall be entitled to not more than three (3) seats.

24 **(c) ONLY PARTIES THAT RECEIVE AT LEAST**
25 **TWO PERCENT (2%) OF THE TOTAL VOTES CAST**
26 **FOR THE PARTY-LIST SYSTEM SHALL BE ENTITLED**
27 **TO A SEAT."**

1 Sec. 9. *Separability Clause.* - If, for any reason, any section or provision of this
2 Act is declared unconstitutional or invalid, the other sections or provisions which are
3 not affected shall continue to be in full force and effect.

4 Sec. 10. *Repealing Clause.* - All laws, decrees, executive orders, proclamations,
5 rules and regulations or parts thereof inconsistent herewith are repealed, amended,
6 or modified accordingly.

7 Sec. 11. *Effectivity.* - This Act shall take effect fifteen (15) days after its
8 publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,