# The myth of the party list system

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No, the party list system, contrary to popular belief, was never designed to “give voice to the voiceless.”

Some of the framers of the 1987 Constitution, including the late Jesuit priest Joaquin Bernas, did envision a permanent and proportional representation for poor and disadvantaged Filipinos and pushed strongly for incorporating social justice in the nation’s fundamental law.

Alas, their dream did not materialize, as the majority opted for a system that favored no specific constituency or special interest. The outcome of this was the party list system law of 1995, a piece of legislation that ultimately failed to uphold the rights of the underrepresented, despite the public’s romanticized notions of this novel electoral mechanism.

In April 2013, the Supreme Court shattered the enduring myth of the party list system as an instrument to uplift the powerless, by ruling that eligible groups were not limited to marginalized sectors after all.

## Connections to political dynasties

For this reason, it wasn’t surprising to read poll watchdog Kontra Daya’s latest report stating that more than half of party list groups seeking seats in the May elections did not belong to underprivileged sectors. In fact, the study released last week found that 55 percent of them were connected to political dynasties, big business, and the police or military, or had pending corruption cases, dubious advocacy, or lack of transparency.

Kontra Daya convenor Danilo Arao said at least two party list groups had entered spouses, in-laws, or siblings of political clans as nominees, whose local bailiwicks could easily deliver the 200,000 or more votes needed to obtain a congressional seat. At least seven others leading recent Social Weather Stations surveys were also found to have links with people in power.

The findings, as infuriating as they are, are but the consequence of inherent flaws in the party list system. In other words, it is working as intended.

The Constitution states that party list lawmakers shall comprise 20 percent of all members of the House of Representatives. Half of the seats are to be filled by members of “labor, peasant, urban poor, indigenous cultural communities, women, youth, and such other sectors as may be provided by law, except the religious sector,” but only for three consecutive elections after the ratification of the Charter, in 1987, 1992, and 1995.

## Another unrealized dream

After that, it was a free-for-all. The constitutional delegates had believed that three polling periods were enough for those marginalized sectors to form their constituencies and compete with traditional political families in future elections.

They were mistaken. Tragically, the lack of safeguards and barriers for infiltration allowed the system to be hijacked by the very people it was meant to challenge: the ruling elite.

The reality is that the creators of the party list system were more interested in enhancing the diversity of congressional representation by empowering smaller political groups that could not otherwise contend with entrenched dynasties. Their original vision did not solely cater to disadvantaged communities but everyone whose voices were being drowned out in traditional politics.

“The party list system is not synonymous with sectoral representation. It is not exclusive to a particular sector,” former election chief Christian Monsod, a member of the constitutional convention, said in April 2013, in defense of the controversial Supreme Court ruling.

## Bastardized badly by government

Five years later, Monsod had a change of heart. In November 2018, the constitutionalist acknowledged that “the party-list system today is also an experiment of proportional representation. I’m not sure it’s working that well because I think the Comelec (Commission on Elections) and even the Supreme Court bastardized it badly.”

Meanwhile, calls for reform are growing louder. Senate President Francis Escudero on Thursday said there was a need to revisit the party list system “given that the intent of the framers seems to have been subverted, not only in the party list law but also based on the numerous decisions of the court.”

But there was never a subversion. The Constitution’s framers had sought equal footing for all parties to the detriment of the ones well behind the starting line. Thus, a reexamination of such wisdom, or absence thereof, is warranted, especially in a government where some are “more equal than others,” as George Orwell famously put it.

After all, the reason party list groups are now dominated by the powerful is because the system was never designed to champion the powerless in the first place. The onus, therefore, lies with Congress to rectify the failed experiment that is the party list system.

But will lawmakers repeal a law that perfectly suits them? Can they rise above self-interest to draw a line between groups who merely echo privileged voices and those who truly speak for the unheard?