

THIRTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES
First Regular Session

'04 JUN 30 P5:17

RECEIVED BY:

SENATE

S. No. 413

Introduced by Senator S. R. Osmeña III

EXPLANATORY NOTE

Article VI, Section 5, par (2) of the Constitution provides that party-list representatives shall constitute twenty per cent (20%) of the total membership of the House of Representatives.

With this innovation in the Philippine electoral system, any regional, national or sectoral party which qualifies under the general criteria and requirements can aim for representation in the House of Representatives.

In 1995, Congress passed RA 7941, otherwise known as the "Party List System Act," providing the mechanics for party list elections starting in the year 1998. Section 11 thereof provides that only those parties or organizations which receive at least 2% of the total votes cast shall be entitled to a seat in the House of Representatives.

On September 9, 1998, the Commission on Elections issued Supplemental Resolution No. 3047-C proclaiming only 14 nominees of 13 party-list groups as winners in the party-list elections as they were the only ones who garnered at least 2% of the votes cast for party list.

The requirement of at least 2% of the party list votes in effect deprived many sectors of representation in the House of Representatives. It also frustrated the constitutional mandate for party list representatives to constitute twenty percent (20%) of the total number of members in the House, since it is highly improbable for 50 party list groups to get at least 2% each of total votes cast.

This bill proposes that the party list groups which garner the fifty (50) highest number of votes shall be proclaimed winners provided that any single party, organization, or coalition shall be entitled to not more than three seats. This bill also proposes the application of the same qualifications and disqualifications to the District representatives as upon the party list representatives.

With this measure, the mandate of the Constitution will be upheld, and representation in the House will be democratized.

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

A handwritten signature in black ink, appearing to read "S. Osmeña III". The signature is written in a cursive style with a large initial "S" and a long horizontal stroke.

SERGIO OSMEÑA III
Senator

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AN ACT
AMENDING CERTAIN SECTIONS OF REPUBLIC ACT NO. 7941, OTHERWISE
KNOWN AS THE PARTY LIST SYSTEM ACT

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

1 **SECTION 1.** – Section 2 of Republic Act No. 7941, otherwise known as
2 the “Party List System Act” is hereby amended to read as follows:

3 **“SEC. 2. Declaration of Policy.** - The State shall promote
4 proportional representation in the election of representatives to the
5 House of Representatives through a party-list system of registered
6 national, regional and sectoral parties or organizations or coalitions
7 thereof, which will enable Filipino citizens belonging to marginalized
8 and underrepresented sectors, organizations and parties and who lack
9 well-defined political constituencies but who could contribute to the
10 formulation and enactment of appropriate legislation that will benefit the
11 nation as a whole, to become members of the House of
12 Representatives. Towards this end, the state shall develop and
13 guarantee a full, free and open party system in order to attain the
14 broadest possible representation of party, sectoral or group interests in
15 the House of Representatives by enhancing their chances to compete
16 for and win seats in the legislature, and shall provide the simplest

1 scheme possible TO IMPLEMENT THE CONSTITUTIONAL MANDATE
2 THAT PARTY-LIST REPRESENTATIVES SHALL CONSTITUTE
3 TWENTY PERCENT (20%) OF THE TOTAL NUMBER OF
4 REPRESENTATIVES.”

5 **SEC. 2.** Section 8 of the same Act is hereby amended to read as
6 follows:

7 **“SEC. 8. *Nomination of Party-List Representatives.*** - Each
8 registered party, organization or coalition shall submit to the
9 COMELEC not later than forty-five (45) days before the election a list
10 of names, not less than five (5) from which party-list representatives
11 shall be chosen in case it obtains the required number of votes.

12 “A person may be nominated in one (1) list only. Only persons
13 who have given their consent in writing may be named in the list. The
14 list shall not include any candidate for any elective office [or a person
15 who has lost his bid for an elective office in the immediately preceding
16 election]. No change of names or alteration of the order of nominees
17 shall be allowed after the same shall have been submitted to the
18 COMELEC except in cases where the nominee dies, or withdraws in
19 writing his nomination, becomes incapacitated in which case the
20 name of the substitute nominee shall be placed last in the list.
21 Incumbent sectoral representatives in the House of Representatives
22 who are nominated in the party-list system shall not be considered
23 resigned. THE QUALIFICATIONS AND DISQUALIFICATIONS
24 APPLICABLE TO DISTRICT REPRESENTATIVES SHALL LIKEWISE
25 APPLY TO PARTY LIST REPRESENTATIVES.”

26 **SEC. 3.** Section 10 of the same Act is hereby amended to read as
27 follows:

28 **“SEC. 10. *Manner of voting.*** - Every voter shall be entitled to
29 two (2) votes: the first is a vote for the candidate for member of the

1 House of Representatives in his legislative district, and the second, a
2 vote for the party, organization or coalition he wants represented in
3 the House of Representatives: *Provided*, That a vote cast for the
4 party, sectoral organization or coalition not entitled to be voted for shall
5 not be counted; *Provided, finally*, that the first election under the
6 party-list system shall be held in May 1998.

7 The COMELEC shall undertake the necessary information
8 campaign for purposes of educating the electorate on the matter of the
9 party list system. THE COMELEC IS HEREBY AUTHORIZED TO
10 USE THE TWO-BALLOT SYSTEM UNDER REPUBLIC ACT NO. 8436
11 FOR THE PURPOSE OF VOTING, COUNTING OF VOTES, AND
12 CANVASSING/CONSOLIDATION OF RESULTS OF NATIONAL AND
13 LOCAL ELECTIONS.”

14 **SEC. 5.** Section 11 of the same Act is hereby amended to read as
15 follows:

16 **“SEC. 11. *Number of Party-List Representatives.*** - The
17 party-list representatives shall constitute twenty percent (20%) of
18 the total number of the members of the House of Representatives
19 included those under the party-list.

20 “For purposes of the May 1998 elections, the first five (5)
21 major political parties on the basis of party representative in the
22 House of Representatives at the start of the Tenth Congress of the
23 Philippines shall not be entitled to participate in the party-list
24 system.

25 “In determining the allocation of seats for the [second vote]
26 PARTY LIST REPRESENTATIVE, the following procedure shall be
27 observed:

1 “(a) The parties, organizations, and coalitions shall be
2 ranked from the highest to the lowest based on the number of votes
3 they garnered during the elections.

4 “(b) the [parties, organizations and coalitions receiving at
5 least two percent (2%) of the total votes cast for the party-list
6 system shall be entitled to one seat each: *Provided*, That those
7 garnering more than two percent (2) of the votes shall be entitled
8 to additional seats in the proportion to their total number of votes]
9 FIRST FIFTY (50) NOMINEES WHO RECEIVE THE
10 PROPORTIONATE HIGHEST NUMBER OF VOTES SHALL BE
11 PROCLAIMED WINNERS: *Provided*, finally, That each party,
12 organization or coalition shall be entitled to not more than three (3)
13 seats.

14 **SEC. 6.** Section 12 of the same Act is hereby amended to read as
15 follows:

16 **“SEC. 12. *Procedure in Allocating Seats for Party-List***
17 ***Representatives.*** - The COMELEC shall tally all the votes for the parties,
18 organizations, or coalitions on a nationwide basis, rank them according to
19 the number of votes received and allocate party-list representatives
20 proportionately [according to the percentage of votes obtained by each party,
21 organization, or coalition as against the total nationwide votes cast for the
22 party-list system] AMONG THEMSELVES PURSUANT TO SECTION 11
23 ABOVE.”

24 **SEC. 7. *Separability Clause.*** If any section or provision of this Act
25 shall be declared unconstitutional or invalid, the other sections or provisions not
26 affected thereby shall remain in full force and effect

27 **SEC. 8. *Repealing Clause.*** - All laws, decrees, orders, rules and
28 regulations and other issuances inconsistent with the provisions of this Act are
29 deemed modified, revoked or repealed accordingly.

1 **SEC. 9. *Effectivity.*** This Act shall take effect fifteen (15) days after its
2 publication in two (2) leading newspapers of national circulation.

Approved,