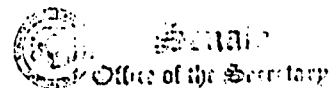


**EIGHTEENTH CONGRESS OF THE }  
REPUBLIC OF THE PHILIPPINES }  
Second Regular Session }**



**SENATE  
S.B. No. 1989**

21 JAN 18 P2:53

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INTRODUCED BY **SENATOR VICENTE C. SOTTO III**

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RECEIVED BY

**AN ACT AMENDING 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**

Article VI Section 5 of the 1987 Philippine Constitution provides that "(1) The House of Representatives shall be composed of not more than two hundred and fifty members, unless otherwise fixed by law, who shall be elected from legislative districts apportioned among the provinces, cities, and the Metropolitan Manila area in accordance with the number of their respective inhabitants, and on the basis of a uniform and progressive ratio, and those who, as provided by law, shall be elected through a party-list system of registered national, regional, and sectoral parties or organizations (2) The party-list representatives shall constitute twenty per centum of the total number of representatives including those under the party list. For three consecutive terms after the ratification of this Constitution, one-half of the seats allocated to party-list representatives shall be filled, as provided by law, by selection or election from the labor, peasant, urban poor, indigenous cultural communities, women, youth, and such other sectors as may be provided by law, except the religious sector".

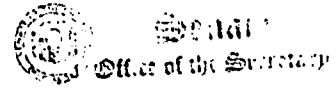
To reiterate a portion of the decision of Justice Panganiban in the case of *Bayan Muna vs. COMELEC* G.R. No. 147613, “The party-list system is a social justice tool designed not only to give more law to the great masses of our people who have less in life, but also to enable them to become veritable 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”.

Through the years, the interpretation of the law on party-list has expanded its qualification and has deviated from the intent of the framers of the 1987 Constitution, which is to truly represent the marginalized and the underrepresented. The party list system has also been abused and used as a vehicle to pursue advocacies that are not for the best interest of the Government.

The deviation from the true mandate of the party list system has created the evil that was sought to be prevented by the framers of our Constitution, which is to increase the social, economic and political inequalities.

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

  
VICENTE C. SOTTO III



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

1 SECTION 1. *Section 5 of Republic Act 7941 is hereby amended to read*  
2 *as follows:*

3 **Section 5. Registration.** [Any organized group of persons] ANY  
4 **POLITICAL PARTY, SECTOR, ORGANIZATION OR COALITION**  
5 **WHETHER ITS NATIONAL, REGIONAL OR SECTORAL** may  
6 register [as a party, organization or coalition] for purposes of the  
7 party-list system, **PROVIDED THAT THEY MUST REPRESENT**  
8 **THE MARGINALIZED AND UNDERREPRESENTED SECTORS,**  
9 **ORGANIZATIONS AND PARTIES AND THAT THEY LACK A WELL-**  
10 **DEFINED CONSTITUENCY,** by filing with the COMELEC not later  
11 than ninety (90) days before the election a petition verified by its  
12 president or secretary stating its desire to participate in the party-  
13 list system as a national, regional or sectoral party or organization  
14 or a coalition of such parties or organizations, attaching thereto its  
15 constitution, by-laws, platform or program of government, list of  
16 officers, coalition agreement and other relevant information as the  
17 COMELEC may require[:]. **PROVIDED, FURTHER THAT**

1           **MAJORITY OF ITS MEMBERSHIP SHOULD BELONG TO THE**  
2           **MARGINALIZED AND UNDERREPRESENTED AND** provided,  
3           **FINALLY** That the sectors shall include labor, peasant, fisherfolk,  
4           urban poor, indigenous cultural communities, elderly, handicapped,  
5           women, youth, veterans, overseas workers, and professionals.

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

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

11

12          **SECTION 2. *Section 6 of Republic Act 7941 is hereby amended to read as***  
13          ***follows:***

14          Section 6. Refusal and/or Cancellation of Registration. The  
15          COMELEC may, motu proprio or upon verified complaint of any  
16          interested party, refuse or cancel, after due notice and hearing, the  
17          registration of any national, regional or sectoral party, organization  
18          or coalition on any of the following grounds:

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

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

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

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

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

29          (6) It declares untruthful statements in its petition;

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

1 (8) It fails to participate in the last two (2) preceding elections or fails  
2 to obtain at least two per centum (2%) of the votes cast under the  
3 party-list system in the two (2) preceding elections for the  
4 constituency in which it has registered[.];

5 **(9) FOR FAILURE TO REPRESENT THE MARGINALIZED AND**  
6 **UNDERREPRESENTED SECTORS, ORGANIZATIONS AND**  
7 **PARTIES AND AND/OR HAVING A WELL-DEFINED**  
8 **CONSTITUENCY;**

9 **(10) FOR FAILURE OF THE MAJORITY OF ITS MEMBERS TO**  
10 **BELONG TO THE MARGINALIZED AND UNDERREPRESENTED**  
11 **SECTOR, ORGANIZATION OR PARTY THAT THEY REPRESENT;**

12 **(11) FOR DIRECTLY OR INDIRECTLY PARTICIPATING IN ACTS**  
13 **DETRIMENTAL TO THE BEST INTEREST OF THE**  
14 **GOVERNMENT, TO OVERTHROW THE GOVERNMENT OR**  
15 **DIMINISH ITS POWERS, OR TO BE ASSOCIATED BY ANY MEANS**  
16 **TO REBELS OR THOSE DESIGNATED AND/OR PROSCRIBED**  
17 **TERRORIST PERSONS OR GROUPS UNDER REPUBLIC ACT NO.**  
18 **11479 OR THE ANTI-TERRORISM ACT OF 2020;**

19 **(12) FOR CEASING TO BE A MARGINALIZED AND**  
20 **UNDERREPRESENTED SECTOR, ORGANIZATION OR PARTY; OR**

21 **(13) FOR MATERIAL MISREPRESENTATION OF ITS NOMINEE'S**  
22 **QUALIFICATION.**

23  
24 **SECTION 3. *Section 9 of Republic Act 7941 is hereby amended to read as***  
25 ***follows:***

26 **Section 9. *Qualifications of Party-List Nominees.*** No person shall be  
27 nominated as party-list representative unless he is a natural-born  
28 citizen of the Philippines, a registered voter, a resident of the  
29 Philippines for a period of not less than one (1)year immediately  
30 preceding the day of the election, able to read and write, a bona fide  
31 member of the party or organization which he seeks to represent for  
32 at least ninety (90) days preceding the day of the election, and is at  
33 least twenty-five (25) years of age on the day of the election.

1       **THE NOMINEES MUST BELONG TO THE MARGINALIZED AND**  
2       **UNDERREPRESENTED SECTORS, ORGANIZATIONS AND**  
3       **PARTIES, HAVING THE COMMON CHARACTERISTIC OF ITS**  
4       **MEMBERS AND NOT JUST SHARING THE SAME BELIEFS OR**  
5       **ADVOCACY.**

6       In case of a nominee of the youth sector, he must at least be twenty-  
7       five (25) but not more than thirty (30) years of age on the day of the  
8       election. Any youth sectoral representative who attains the age of  
9       thirty (30) during his term shall be allowed to continue in office until  
10      the expiration of his term.

11

12      SECTION 4. **Repealing Clause.**- All laws, decrees, executive orders, issuances  
13      or regulations inconsistent with the provisions of this Act shall hereby be revised  
14      or amended accordingly.

15      SECTION 5. **Separability Clause.**- If any part of this Act is declared  
16      unconstitutional or invalid such parts or provisions thereof not so declared shall  
17      remain valid and subsisting.

18      SECTION 6. **Effectivity Clause.**- This Act shall take effect fifteen (15) days after  
19      its publication in at least two (2) newspaper of general circulation.

20      *Approved.*