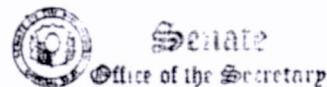


EIGHTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
*First Regular Session* )



**SENATE**

P. S. R. No. 58

'19 AUG -1 A11 :37

Introduced by Sen. Imee R. Marcos

RECEIVED BY:

**RESOLUTION**

**DIRECTING THE SENATE COMMITTEE ON ELECTORAL REFORMS AND PEOPLE'S PARTICIPATION TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE CURRENT PARTY-LIST SYSTEM WITH THE END IN VIEW OF AMENDING REPUBLIC ACT NO. 7941, OTHERWISE KNOWN AS THE "PARTY-LIST SYSTEM ACT", TO PREVENT ABUSE AND TO HARMONIZE THE DEFINITION AND MECHANISM OF THE PARTY-LIST SYSTEM OF REPRESENTATION WITH THE GENUINE INTENT OF THE CONSTITUTION**

**WHEREAS**, *Article VI, Section 5(1)* of the *Constitution* provides that 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 xxx, and those who, as provided by law, shall be elected through a party-list system of registered national, regional, and sectoral parties or organizations";

**WHEREAS**, *Section 5(2)* of the same *Article* provides that the "party-list representatives shall constitute twenty percentum 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";

**WHEREAS**, while the party-list system is provided by the *Constitution*, Congress was vested with the broad power to define and prescribe the mechanics of the system of representation;

**WHEREAS**, *Section 3(a)* of *Republic Act No. 7941* defines the party-list system as "a mechanism of proportional representation in the election of representatives to the House of Representatives from national, regional, and sectoral parties or organizations or coalitions thereof registered with the Commission on Elections (COMELEC). Component parties or organizations of a coalition may participate independently provided the coalition of which they form part does not participate in the party-list system";

**WHEREAS**, contrary to previous jurisprudence, the Supreme Court held in *Atong Paglaum, Inc. v. Commission on Elections*, G.R. No. 203766, April 2, 2013, that the party-list system is not only for sectoral parties, but also for non-sectoral parties who do not need to represent any "marginalized and underrepresented" sector;

**WHEREAS**, by virtue of the pronouncement of the Supreme Court in *Atong Paglaum, Inc. v. Commission on Elections*, there are calls for the Eighteenth Congress to seriously review the party-list system;

**WHEREAS**, the Philippine News Agency reported on May 22, 2019 that in a news conference, Rep. Edcel C. Lagman of the First District of Albay stressed that the purpose of the *Party-List System Act* is to afford marginalized sectors a venue for representation in Congress. As the principal author of the law, Representative Lagman stated that the Supreme Court had come out with rulings which are inconsistent with the spirit of the law;

**WHEREAS**, in the speech of President Rodrigo Roa Duterte last June 12, 2019 at the oath taking ceremony of the newly elected government officials of Cagayan de Oro City, the President denounced the abuse of the party-list system that deprives the marginalized groups a vote in Congress;


**WHEREAS**, opinion columns of various news outlets have been claiming abuse of the party-list system. In the Inquirer's April 15, 2013 article headlined "*Party-list system is being abused*", it was stated that "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. Nonfarmers represent farmers' groups." In the PhilStar Global's May 27, 2019 article "*Party-list abuse*", it was expressed that "while the guidelines made the party-list system inclusive, it appears to have been abused in practice... In the end, those who are truly marginalized but are not at arms-length in terms of affiliation with political groups will only have an empty promise to be advocated for in government";

**WHEREAS**, Kontra Daya reported that nearly half of party-list groups included in the official list of candidates were of the "rich and powerful" and who did not represent marginalized sectors. It claimed that out of the 134 party-list groups included in the 2019 elections, at least 62 groups had links to political dynasties, represented special business interests, or had "questionable advocacies and nominees";

**NOW, THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED BY THE SENATE OF THE PHILIPPINES, TO DIRECT THE SENATE COMMITTEE ON ELECTORAL REFORMS AND PEOPLE'S TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE CURRENT PARTY-LIST SYSTEM WITH THE END IN VIEW OF AMENDING REPUBLIC ACT NO. 7941, OTHERWISE**

**KNOWN AS THE "PARTY-LIST SYSTEM ACT", TO PREVENT ABUSE AND TO HARMONIZE THE DEFINITION AND MECHANISM OF THE PARTY-LIST SYSTEM OF REPRESENTATION WITH THE GENUINE INTENT OF THE CONSTITUTION.**

*Adopted,*

  
**IMEE R. MARCOS**