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SENATE

S. No. 1144

RECEIVED BY: 

Introduced by **SENATOR LEILA M. DE LIMA**

AN ACT
REDEFINING THE DOMINANT MAJORITY AND MINORITY PARTIES
DURING NATIONAL AND LOCAL ELECTIONS, AMENDING FOR THE
PURPOSE, REPUBLIC ACT NO. 7166, OTHERWISE KNOWN AS, "AN
ACT FOR SYNCHRONIZED NATIONAL AND LOCAL ELECTIONS AND
FOR ELECTORAL REFORMS, AUTHORIZING APPROPRIATIONS
THEREFOR, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

The political situation of the Philippines, where the majority has, as early as 1946, been described by Justice Perfecto as, "unnecessarily and dangerously too big"¹, warrants that an effective check be placed so that the voice of the minority may be protected. As a safeguard against a circumvention of the provisions meant to strike a balance between the interests of the majority and that of the minority – who both represent sectors of our society, the Omnibus Election Code has described the Dominant Opposition Party, thusly:

Section 274. *Accreditation of dominant opposition party.* – xxx the dominant opposition party shall be that political party, group, or organization or coalition of major national or regional political parties opposed to the majority party xxx.

¹ J. Perfecto, Concurring Opinion. *Sotto v. COMELEC*, G.R. No. L-329. (April 16, 1946)

Perhaps to prevent a situation where powers are concentrated within the same group of people, the authors of the Code deemed it wise to define the Dominant Opposition Party as that party which is “opposed to the majority party.” This is an effective check to the majority whose widespread influence and control may become a threat to democracy which birthed it into existence.

The value of the Dominant Minority Party is more than just the privilege of securing copies of election returns and certificates of candidacy. The purpose of a political opposition, after all, is to serve as a shadow government so that those in whom powers are reposed are monitored, and their acts scrutinized. Imagine a world without political opposition – where acts no matter how atrocious, are committed without fear of accountability or punishment. It would be nothing short of a massacre of rights and freedoms. The absence of a genuine political opposition would amount to a license to anarchy garbed in brazen impunity.

This bill seeks to clarify the ambiguities that have led the COMELEC to issue Resolution No. 10538 on May 8, 2019 which has blurred the line between political majority and minority – thereby creating a situation where the both the Dominant Majority and Dominant Minority are found on the same side of the spectrum – disregarding the true purpose of the determination thereof. As Commissioner Luie Tito F. Guia has aptly put it in his Memorandum² dated May 8, 2019 as a response to the resolution:

The purpose of determining which are the Dominant Majority and Minority Parties is to **ensure fairness in treating contending or opposing political groups.** The purpose will not be served if the Dominant Minority Party also comes from the majority.³

² Esguerra, Darryl John. *Comelec's Guia: Dominant minority party should come from opposition*. 10 May 2019. Inquirer. Available at: <https://newsinfo.inquirer.net/1116635/comelecs-guia-dominant-minority-party-should-come-from-opposition> <last visited on 16 October 2019>

³ Emphasis supplied.

The amendments sought to be introduced by this bill echoes the ruling of the Supreme Court in *LDP v. COMELEC*⁴,

The purpose of according dominant status and representation to a minority party is precisely to serve as an effective check on the majority.

Political opposition is more than just filibustering and grandstanding – it is an essential element of democracy; and without which, freedoms and fundamental rights will become mythical concepts only heard of at campaigns but never truly felt thereafter. The interest of society and the maintenance of good government demand a full disclosure of public affairs, and genuine political opposition guarantees all of these. Opposition is necessary for exchange and transparency, and they key that will help expose the chalice in which truth and justice is found – often locked away from the public eye by officialdom.

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


LEILA M. DE LIMA

⁴ G.R. No. 161265. (February 24, 2004)

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



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PURPOSE, REPUBLIC ACT NO. 7166, OTHERWISE KNOWN AS, "AN
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THEREFOR, AND FOR OTHER PURPOSES

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

1 **SECTION 1.** A new section shall be hereby inserted after Section 25 of
2 Republic Act No. 7166, otherwise known as "An Act Providing for Synchronized
3 National and Local Elections and for Electoral Reforms, Authorizing Appropriations
4 Therefor, and for other purposes", to read as follows:

5 Section 26. **DOMINANT MAJORITY**
6 **AND DOMINANT MINORITY**
7 **PARTIES. – THE DOMINANT PARTIES**
8 **SHALL BE DETERMINED AFTER THE**
9 **COMELEC SHALL HAVE FIRST**
10 **DETERMINED WHICH PARTIES**
11 **BELONG TO THE MAJORITY AND**
12 **THE MINORITY. FOR PURPOSES OF**
13 **THIS ACT, THE DOMINANT**
14 **MAJORITY PARTY AND DOMINANT**
15 **MINORITY PARTY SHALL BE**
16 **DETERMINED BY THE COMELEC BY**
17 **TAKING INTO ACCOUNT THE**

1 MATTERS ENUMERATED IN THE
2 IMMEDIATELY SUCCEEDING
3 SECTION.

4 PROVIDED, THAT A PARTY,
5 COALITION OR GROUP CANNOT BE
6 DECLARED AS THE DOMINANT
7 MINORITY PARTY UNLESS IT IS
8 OPPOSED TO THE DOMINANT
9 MAJORITY PARTY. PARTIES WHO
10 FORM COALITIONS, PARTNERSHIPS,
11 ALLIANCES, OR OTHER SIMILAR
12 FORMS OF ARRANGEMENTS WITH
13 THE DOMINANT MAJORITY PARTY
14 AT THE NATIONAL, REGIONAL,
15 PROVINCIAL, OR CITY/MUNICIPAL
16 LEVELS, SHALL BE DISQUALIFIED
17 FROM BEING DECLARED AS THE
18 DOMINANT MINORITY PARTY.

19 All succeeding sections are hereby be renumbered
20 accordingly.

21 **Sec. 2.** Section 26 of Republic Act No. 7166, as amended by Section 34 of
22 Republic Act No. 9369, is hereby further amended to read as follows:

23 **Sec. 27.** [~~Sec. 26.~~] *Official Watchers.* –
24 Every registered political party or coalition of
25 political parties, and every candidate shall
26 each be entitled to one watcher in every
27 polling place and canvassing center:
28 Provided, That, candidates for the
29 Sangguniang Panlalawigan, Sangguniang
30 Panlungsod, or Sangguniang Bayan
31 belonging to the same slate or ticket shall
32 collectively be entitled to only one watcher.

1 There shall also be recognized six (6)
2 principal watchers, representing the six (6)
3 accredited major political parties, who shall
4 be designated by the Commission upon
5 nomination of the said parties.

6 The[se] **DOMINANT MAJORITY,**
7 **DOMINANT MINORITY, AND THE**
8 **MAJOR** political parties shall be determined
9 by the Commission upon notice and hearing
10 on the basis of the following circumstances:

11 (a) The established record of the said parties,
12 coalition of groups that now composed them,
13 taking into account, among other things,
14 their showing in past elections;

15 (b) The number of incumbent elective
16 officials belonging to them ninety (90) days
17 before the date of election;

18 (c) Their identifiable political organizations
19 and strengths as evidenced by their
20 organized/chapters;

21 (d) The ability to fill a complete slate of
22 candidates from the municipal level to the
23 position of President; and

24 (e) Other analogous circumstances that may
25 determine their relative organizations and
26 strengths.

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

1 **Sec. 4. *Repealing Clause.*** – This Act expressly repeals Section 34 of Republic
2 Act No. 9369.

3 All laws, decrees, executive orders, proclamations, rules and regulations or parts
4 thereof inconsistent herewith are repealed, amended, or modified accordingly.

5 **Sec. 5. *Effectivity.*** – This Act shall take effect fifteen (15) days after its
6 publication in the Official Gazette or in a newspaper of general circulation in the
7 Philippines.

Approved,