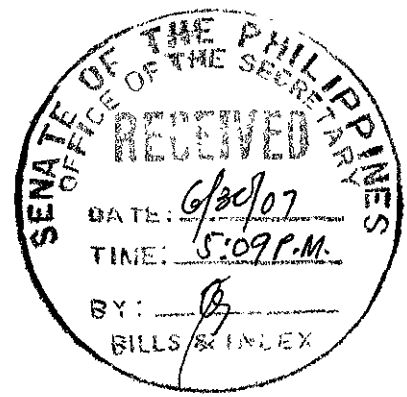


FOURTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)



SENATE
S. No. 287

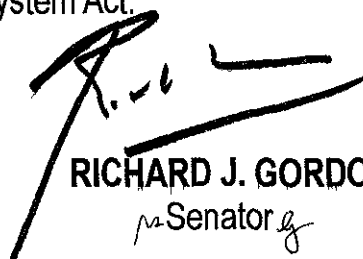
Introduced by **Senator Richard J. Gordon**

EXPLANATORY NOTE

The Constitution introduced the party-list system to constitute twenty percent (20%) of the total number of representatives in the House of Representatives in Congress to represent marginalized sectors, as well as to enhance the political party system in our country.

However, party-list representation as provided in the Constitution is not being fully maximized. Moreover, the seat allocation in the party-list system has been largely problematic. This has resulted to various Supreme Court cases questioning the formula for the allocation of seats in the party-list system, among other things.

To solve this problem and provide adequate guideline in the party-list system, particularly a more effective seat allocation formula, this bill proposes to amend Republic Act No. 7941, otherwise known as the Party-List System Act.


RICHARD J. GORDON
Senator

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

SENATE
S. No. 287



Introduced by **Senator Richard J. Gordon**

**AN ACT AMENDING 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 Philippines in Congress assembled:

1 **SECTION 1.** Section 3 of Republic Act No. 7941, otherwise known as the Party-List
2 System Act, is hereby amended to read as follows:

3 “Section 3. *Definition of Terms.* - . . .

4 . . .

5 (G) *AVAILABLE SEATS* REFERS TO THE ACTUAL NUMBER OF
6 SEATS RESERVED FOR THE PARTY-LIST SYSTEM AS PROVIDED IN
7 SECTION 12.

8 (H) *WINNING MINIMUM PERCENTAGE THRESHOLD* REFERS TO
9 THE VALUE OF ONE DIVIDED BY AVAILABLE SEATS AND MULTIPLIED
10 BY ONE HUNDRED PERCENT (1/AVAILABLE SEATS X 100%). THIS
11 PERCENTAGE VALUE SHALL BE EXPRESSED UP TO EIGHT (8)
12 DECIMAL PLACES OF ACCURACY.

13 (I) *WINNING MINIMUM PERCENTERS* REFERS TO THOSE PARTY-
14 LIST PARTIES, ORGANIZATIONS, AND COALITION THAT REACHED THE
15 *WINNING MINIMUM PERCENTAGE THRESHOLD.*”

16 **Sec. 2.** Section 5 of Republic Act No. 7941, otherwise known as the Party-List
17 System Act, is hereby amended to read as follows:

18 “*Sec. 5. Registration.* - Any organized group of persons may register
19 as a party, organization or coalition for purposes of the party-list system by
20 filing with the COMELEC not later than [ninety (90)] ONE HUNDRED EIGHTY
21 (180) days before the election a petition verified by its president or secretary

1 stating its desire to participate in the party-list system as a national, regional
2 or sectoral party or organization or a coalition of such parties or organizations,
3 attaching thereto its constitution, by-laws, platform or program of government,
4 list of officers, coalition agreement and other relevant information as the
5 COMELEC may require: *Provided*, That the sectors shall include, BUT NOT
6 BE LIMITED TO, labor, peasant, fisherfolk, urban poor, indigenous cultural
7 communities, elderly, handicapped, women, youth, veterans, overseas
8 workers, and professionals; *PROVIDED FURTHER*, THAT THE PARTIES,
9 ORGANIZATIONS OR COALITIONS THEREOF POSSESS ALL THE
10 QUALIFICATIONS AND NONE OF THE DISQUALIFICATIONS UNDER
11 SECTION 6; AND *PROVIDED FURTHERMORE*, THAT THE POLITICAL
12 PARTY IS ABLE TO SHOW PROOF THAT ITS CONSTITUENCY IS SPREAD
13 OVER THE GEOGRAPHICAL TERRITORY OF AT LEAST A MAJORITY OF
14 THE PROVINCES OR CITIES COMPRISING A REGION OR THE NATION,
15 AS MAY BE APPROPRIATE IN EACH CASE. FAILURE TO SUBMIT ANY OF
16 THE AFORECIDED FORMAL REQUIREMENTS MAY BE A GROUND FOR
17 DISMISSAL MOTU PROPRIO BY THE COMELEC OF ITS PETITION.

18 The COMELEC shall IMMEDIATELY publish the VERIFIED petition in
19 at least two national newspapers of general circulation SETTING THE SAME
20 FOR HEARING.

21 The COMELEC shall, after due notice and hearing, resolve [the] SAID
22 petition, INCLUDING A MOTION FOR RECONSIDERATION IF ANY, within
23 fifteen (15) days from the date [it was submitted for decision but in no case]
24 OF ITS SUBMISSION FOR RESOLUTION. THE COMELEC SHALL
25 RESOLVE ALL REGISTRATION MATTERS not later than [sixty (60)] ONE
26 HUNDRED TWENTY (120) days before election.”

27 **Sec. 3.** Section 6 of Republic Act No. 7941, otherwise known as the Party-List System
28 Act, is hereby amended to read as follows:

29 “Sec. 6. *Refusal and/or Cancellation of Registration.* -...

30 . . .

31 (7) [It has ceased to exist for at least one year; or] IT IS A SECTORAL
32 PARTY OR ORGANIZATION FUNDED OR ASSISTED BY THE
33 GOVERNMENT FOR PURPOSES OF THE PARTY-LIST

1 ELECTIONS;

2 (8) IT IS A MILITARY, POLICE-RELATED ORGANIZATION,
3 SECURITY AGENCY, OR A PRIVATE ARMED GROUP;

4 (9) IT WAS DISSOLVED, ABSORBED, MERGED, AND/OR HAS
5 CEASED TO EXIST;

6 (10) THE POLITICAL PARTY FAILS TO SHOW PROOF THAT ITS
7 CONSTITUENCY IS SPREAD OVER THE GEOGRAPHICAL
8 TERRITORY OF AT LEAST A MAJORITY OF THE PROVINCES OR
9 CITIES COMPRISING A REGION OR THE NATION, AS MAY BE
10 APPROPRIATE IN EACH CASE; OR

11 (12) [8] It fails to participate in the last two IMMEDIATELY preceding
12 elections, or HAVING PARTICIPATED IN AN ELECTION fails to obtain
13 at least [two per centum (2%)] THE WINNING MINIMUM
14 PERCENTAGE THRESHOLD of the PARTY-LIST votes THEREIN
15 [cast under the party-list system in the two preceding elections for the
16 constituency in which it has registered].”

17 **Sec. 4.** Section 7 of Republic Act No. 7941, otherwise known as the Party-List
18 System Act, is hereby amended as follows:

19 “Sec. 7. *Certified List of Registered Parties.* - The COMELEC shall, not
20 later than [sixty (60)] SEVENTY-FIVE (75) days before election, prepare a
21 certified list of national, regional, or sectoral parties, organizations or
22 coalitions which have applied or who have manifested their desire to
23 participate under the party-list system. SAID CERTIFIED LIST SHALL BE
24 PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION AT LEAST
25 ONCE A WEEK FOR TWO CONSECUTIVE WEEKS, and distribute copies
26 thereof to all precincts for posting in the polling places on election day. The
27 names of the party-list nominees shall not be [known on] INCLUDED IN the
28 certified list BUT ACCESS TO SUCH INFORMATION SHALL BE MADE
29 AVAILABLE TO THE PUBLIC.”

30 **Sec. 5.** Section 8 of Republic Act No. 7941, otherwise known as the Party-List System
31 Act, is hereby amended as follows:

32 “Sec. 8. *Nomination of Party-List Representatives.* - Each registered
33 party, organization, or coalition shall submit to the COMELEC not later than

1 [forty-five (45)] NINETY (90) days before the election a list of names, not less
2 than [five (5)] EIGHT (8), from which party-list representatives shall be chosen
3 in case it obtains the required number of votes.

4 A person may be nominated in one list only. Only persons who have
5 given their consent in writing may be named in the list. The list shall not
6 include any candidate for any elective office or a person who has lost his bid
7 for an elective office OTHER THAN THE PARTY-LIST in the immediately
8 preceding election: *PROVIDED, THAT ANY INCUMBENT APPOINTIVE*
9 *GOVERNMENT OFFICIAL AND EMPLOYEE INCLUDING ANY ACTIVE*
10 *MEMBER OF THE ARMED FORCES AND ANY EMPLOYEE IN A*
11 *GOVERNMENT OWNED OR CONTROLLED CORPORATION SHALL BE*
12 *CONSIDERED IPSO FACTO RESIGNED FROM THE SERVICE UPON THE*
13 *SUBMISSION OF HIS NAME AS PARTY-LIST NOMINEE WITH THE*
14 *COMELEC. No change of names or alteration of the order of nominees shall*
15 *be allowed after the same shall have been submitted to the COMELEC*
16 *except in cases where the nominee dies, or withdraws in writing his*
17 *nomination, becomes incapacitated in which case the name of the substitute*
18 *nominee shall be placed in the list. [Incumbent sectoral representatives in the*
19 *House of Representatives who are nominated in the party-list system shall*
20 *not be considered resigned.]”*

21 **Sec. 6.** Section 11 of Republic Act No. 7941, otherwise known as the Party-List System
22 Act, is hereby amended as follows:

23 “Sec. 11. *Number of Party-List Representatives.* - The party-list
24 representatives shall constitute twenty per centum (20%) of the total number
25 of the members of the House of Representatives including those under the
26 party-list.

27 For purposes of the May 1998 elections, the first five major political
28 parties on the basis of party representation in the House of Representatives
29 at the start of the Tenth Congress of the Philippines shall not be entitled to
30 participate in the party-list system.

31 [In determining the allocation of seats for the second vote, the
32 following procedure shall be observed:

33 (a) The parties, organizations, and coalitions shall be ranked from the

1 highest to the lowest based on the number of votes they garnered during the
2 elections.

3 (b) The parties, organizations, and coalitions receiving at least two
4 percent (2%) of the total votes cast for the party-list system shall be entitled to
5 one seat each: *Provided*, That those garnering more than two percent (2%) of
6 the votes shall be entitled to additional seats in proportion to their total
7 number of votes: *Provided, finally*, That each party, organization, or coalition
8 shall be entitled to not more than three seats.]”

9 **Sec. 7.** Section 12 of Republic Act No. 7941, otherwise known as the Party-List
10 System Act, is hereby amended as follows:

11 “Sec. 12. *Procedure in Allocating Seats for Party-List Representatives.*

12 - The COMELEC shall tally all the votes for the parties, organizations, or
13 coalition on a nationwide basis, rank them according to the number of votes
14 received and allocate party-list representatives proportionately according to
15 the percentage of votes obtained by each party, organization, or coalition as
16 against the total nationwide votes cast for the party-list system.] IN
17 ALLOCATING SEATS FOR THE PARTY-LIST REPRESENTATIVES, THE
18 COMELEC SHALL ADOPT THE FOLLOWING PROCEDURE:

19 (A) THE TOTAL NUMBER OF AVAILABLE SEATS OPEN FOR THE
20 PARTY-LIST ELECTIONS, EQUIVALENT TO TWENTY PERCENT (20%) OF
21 THE TOTAL MEMBERSHIP OF THE HOUSE OF REPRESENTATIVES,
22 SHALL BE DETERMINED BY MULTIPLYING TWENTY-FIVE PERCENT
23 (25%) WITH THE TOTAL NUMBER OF MEMBERS COMING FROM THE
24 LEGISLATIVE DISTRICTS. THE INTEGER PART OF THE RESULT SHALL
25 BE THE TOTAL NUMBER OF AVAILABLE SEATS FOR THE PARTY-LIST
26 SYSTEM.

27 (B) THE PARTIES, ORGANIZATIONS AND COALITIONS THAT
28 PARTICIPATED IN THE PARTY-LIST ELECTION SHALL BE RANKED FROM
29 THE HIGHEST TO THE LOWEST BASED ON THE NUMBER OF VOTES
30 THEY WON DURING THE ELECTIONS.

31 (C) THE PERCENTAGE OF VOTES OF EACH PARTY-LIST
32 ORGANIZATION RELATIVE TO THE TOTAL NUMBER OF VOTES CAST
33 FOR THE PARTY-LIST ELECTION SHALL BE DETERMINED BY DIVIDING

1 THE VOTES GARNERED BY THE PARTY-LIST ORGANIZATION WITH THE
2 SUM TOTAL OF VOTES CAST FOR ALL PARTY-LIST ORGANIZATIONS
3 MULTIPLIED BY ONE HUNDRED PERCENT (100%).

4 (D) THE WINNING MINIMUM PERCENTAGE THRESHOLD SHALL
5 BE DETERMINED BY GETTING THE VALUE OF THE FOLLOWING
6 FORMULA: ONE DIVIDED BY AVAILABLE SEATS AND MULTIPLIED BY
7 ONE HUNDRED PERCENT ($1/\text{AVAILABLE SEATS} \times 100\%$). THE WINNING
8 MINIMUM PERCENTERS SHALL THEN BE LISTED SEPARATELY.

9 (E) THE NUMBER OF SEATS THAT SHALL BE AWARDED TO THE
10 MINIMUM WINNING PERCENTERS SHALL BE COMPUTED AS FOLLOWS:

11 (1) THE VOTES WON BY EACH WINNING MINIMUM
12 PERCENTER SHALL BE MULTIPLIED BY THE TOTAL AVAILABLE
13 SEATS FOR THE PARTY-LIST SYSTEM AND DIVIDED BY THE
14 TOTAL VOTES OF THE WINNING MINIMUM PERCENTERS.

15 (2) THE INTEGER PART OF THE RESULT SHALL
16 DETERMINE THE FIRST ROUND OF SEAT ALLOCATION. EACH
17 WINNING MINIMUM PERCENTER SHALL BE AWARDED THE
18 NUMBER OF SEATS THAT IS EQUAL TO THE INTEGER PART OF
19 THE RESULT THAT IS OBTAINED.

20 (3) THE DECIMAL PART OR FRACTION OF THE RESULT
21 SHALL DETERMINE THE SECOND ROUND OF SEAT ALLOCATION.
22 THE DECIMAL PART SHALL BE EXPRESSED UP TO EIGHT
23 DECIMAL PLACES.

24 IN THIS ROUND, THE FOLLOWING PROCEDURE SHALL BE
25 ADOPTED:

26 (I) THE WINNING MINIMUM PERCENTERS SHALL BE
27 RANKED FROM HIGHEST TO LOWEST BASED ON THE
28 DECIMAL PART THAT EACH WINNING MINIMUM
29 PERCENTER OBTAINED.

30 (II) THE REMAINING AVAILABLE SEATS SHALL BE
31 DETERMINED BY SUBTRACTING THE TOTAL NUMBER OF
32 SEATS AWARDED IN THE FIRST ROUND OF SEAT
33 ALLOCATION FROM THE TOTAL AVAILABLE SEATS FOR

1 THE PARTY-LIST SYSTEM.

2 (III) THE REMAINING NUMBER OF SEATS SHALL BE
3 ALLOCATED TO THE WINNING MINIMUM PERCENTERS
4 BASED ON THE RANKING OF EACH WINNING MINIMUM
5 PERCENTER IN (3)(I). ONE SEAT SHALL BE AWARDED TO
6 EACH OF THE WINNING MINIMUM PERCENTERS
7 STARTING FROM THE HIGHEST AND GOING DOWN TO
8 THE LOWER RANKS UNTIL ALL THE REMAINING SEATS
9 ARE COMPLETELY ALLOCATED.

10 (F) IN CASE OF A TIE IN THE DECIMAL PART OR FRACTION, THE
11 AWARDED OF THE LAST SEAT SHALL BE BASED ON THE
12 COMPARISON OF ACTUAL VOTES. THE WINNING MINIMUM
13 PERCENTER WITH THE HIGHEST NUMBER OF VOTES SHALL BE
14 AWARDED THE LAST SEAT.

15 (G) NO PARTY, ORGANIZATION, OR COALITION SHALL BE
16 ENTITLED TO MORE THAN SIX SEATS."

17 **Sec. 8.** Section 15 of Republic Act No. 7941, otherwise known as the Party-List System
18 Act, is hereby amended as follows:

19 "Sec. 15. *Change of Affiliation; Effect.* - Any [elected] party-list
20 representative who changes his [political party or sectoral] PARTY-LIST
21 affiliation during his term of office shall forfeit his seat AND SHALL BE
22 INELIGIBLE FOR NOMINATION AS A PARTY-LIST REPRESENTATIVE
23 UNDER HIS NEW PARTY OR ORGANIZATION IN THE NEXT ELECTION:
24 Provided, That if he changes his political party or sectoral affiliation within six
25 months before an election, he shall not be eligible for nomination as party-list
26 representative under his new party or organization."

27 **Sec. 9.** Section 17 of Republic Act No. 7941, otherwise known as the Party-List System
28 Act, is hereby amended as follows:

29 "Sec. 17. *Rights of Party-List Representatives.* - Party-list
30 representatives shall be entitled to the same salaries and emoluments,
31 RIGHTS, PRIVILEGES AND BENEFITS as DISTRICT [regular] members of
32 the House of Representatives."

33 **Sec. 10.** Section 17-A is hereby inserted in Republic Act No. 7941, otherwise known as

1 the Party-list System Act, to read as follows:

2 "SEC. 17-A. VOTERS' EDUCATION. - THE COMELEC, TOGETHER
3 WITH AND IN SUPPORT OF ACCREDITED CITIZENS' ARMS, SHALL
4 CARRY OUT A CONTINUING AND SYSTEMATIC CAMPAIGN THROUGH
5 NEWSPAPERS OF GENERAL CIRCULATION, RADIO AND OTHER MEDIA
6 FORMS, AS WELL AS THROUGH SEMINARS, SYMPOSIA, FORA AND
7 OTHER NON-TRADITIONAL MEANS TO EDUCATE THE PUBLIC AND
8 FULLY INFORM THE ELECTORATE ABOUT THE PARTY-LIST SYSTEM
9 INCLUDING HOW TO CAST THE VOTE THEREFOR."

10 **Sec. 11. Repealing Clause.** - All laws, decrees, orders, rules and regulations or other
11 issuances or parts thereof inconsistent with the provisions of this Act are hereby repealed or
12 modified accordingly.

13 **Sec. 12. Separability Clause.** - If any portion or provision of this Act is declared
14 unconstitutional, the remainder of this Act or any provisions not affected thereby shall
15 remain in force and effect.

16 **Sec. 13. Effectivity.** - This Act shall take effect after fifteen (15) days following the
17 completion of its publication in the Official Gazette or in a newspaper of general circulation
18 in the Philippines.

19 Approved,