


THIRTEENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
Third Regular Session )

6 DEC 21 P2 02

SENATE  
S. No. 2564

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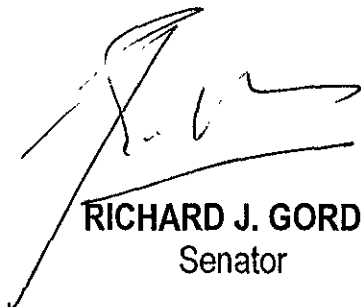
Introduced by **Senator Richard J. Gordon**

**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.

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

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**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  
13 SPREAD OVER THE GEOGRAPHICAL TERRITORY OF AT LEAST A  
14 MAJORITY OF THE PROVINCES OR CITIES COMPRISING A REGION OR  
15 THE NATION, AS MAY BE APPROPRIATE IN EACH CASE. FAILURE TO  
16 SUBMIT ANY OF THE AFORECIDED FORMAL REQUIREMENTS MAY BE  
17 A GROUND FOR DISMISSAL MOTU PROPRIO BY THE COMELEC OF ITS  
18 PETITION.

19 The COMELEC shall IMMEDIATELY publish the VERIFIED petition in  
20 at least two (2) national newspapers of general circulation SETTING THE  
21 SAME FOR HEARING.

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

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

30 “Sec. 6. *Refusal and/or Cancellation of Registration.* – . . .

31 . . .

1 (7) [It has ceased to exist for at least one (1) year; or] IT IS A  
2 SECTORAL PARTY OR ORGANIZATION FUNDED OR ASSISTED BY THE  
3 GOVERNMENT FOR PURPOSES OF THE PARTY-LIST ELECTIONS;

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

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

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

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

19 Sec. 4. Section 7 of Republic Act No. 7941, otherwise known as the Party-List  
20 System Act, is hereby amended to read as follows:

21 “Sec. 7. *Certified List of Registered Parties.* – The COMELEC shall,  
22 not later than [sixty (60)] SEVENTY-FIVE (75) days before election, prepare a  
23 certified list of national, regional, or sectoral parties, organizations or  
24 coalitions which have applied or who have manifested their desire to  
25 participate under the party-list system. SAID CERTIFIED LIST SHALL BE  
26 PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION AT LEAST  
27 ONCE A WEEK FOR TWO (2) CONSECUTIVE WEEKS, and distribute  
28 copies thereof to all precincts for posting in the polling places on election day.  
29 The names of the party-list nominees shall not be shown on the certified list.”

30 Sec. 5. Section 8 of Republic Act No. 7941, otherwise known as the Party-List  
31 System Act, is hereby amended to read 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 (1) list only. Only persons who  
5       have 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  
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  
22      System Act, is hereby amended to read 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 (5) 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:

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

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

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

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

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

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

32 (C) THE PERCENTAGE OF VOTES OF EACH PARTY-LIST  
33 ORGANIZATION RELATIVE TO THE TOTAL NUMBER OF VOTES CAST

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

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

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

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

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

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

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

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

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

1 ALLOCATION FROM THE TOTAL AVAILABLE SEATS FOR  
2 THE PARTY-LIST SYSTEM.

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

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

16 (G) NO PARTY, ORGANIZATION, OR COALITION SHALL BE  
17 ENTITLED TO MORE THAN SIX (6) SEATS."

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

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

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

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



1           Sec. 10. Section 17-A is hereby inserted in Republic Act No. 7941, otherwise known  
2 as the Party-List System Act, to read as follows:

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

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

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

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

20          Approved,