

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



'22 AUG 15 P5:59

**SENATE**

S.B. No. 1174

RECEIVED BY:

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Introduced by **SENATOR IMEE R. MARCOS**

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**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

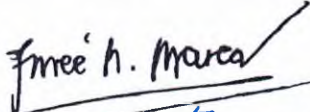
Article VI Section 5 of the 1987 Philippine Constitution provides that "(1) The House of Representatives shall be composed of not more than two hundred and fifty members, unless otherwise fixed by law, who shall be elected from legislative districts apportioned among the provinces, cities, and the Metropolitan 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 Supreme Court, penned by 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 evolved in favor of more diversity in the sectors represented and the type of organizations allowed to participate. Unfortunately, such interpretation also opened the floodgates for unscrupulous individuals to abuse the party-list system and use it as a vehicle to pursue advocacies that are not for the best interest of the Government and the State. Likewise, the voice of those who are truly marginalized and underrepresented are drowned out in the sea of political parties and party-list groups with questionable, if not, non-existent advocacies, that have rushed to take advantage of the so-called "backdoor" to the House of Representatives. These circumstances have helped create the very evil that was sought to be prevented by the framers of our Constitution, which is the ever increasing social, economic, and political inequalities.

The changes proposed in this bill seek to stem the abuses of the party-list system. These changes likewise attempt to reduce the social, economic, and political inequalities plaguing our country by providing a genuine opportunity for those who are truly marginalized and underrepresented to elect their representatives into the House of Representatives.

  
**IMEE R. MARCOS**

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**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**

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

1           **SECTION 1.** Republic Act No. 7941 is hereby amended by inserting a new  
2 Section 3 to read as follows:

3  
4           **"SEC. 3. CLASSIFICATION OF GROUPS UNDER THE**  
5 **PARTY-LIST SYSTEM. – THE PARTY-LIST SYSTEM SHALL BE**  
6 **DIVIDED INTO TWO CLASSIFICATIONS: (A) POLITICAL**  
7 **PARTIES OR COALITION OF POLITICAL PARTIES, AND (B)**  
8 **SECTORAL PARTIES OR ORGANIZATIONS. FIFTY PERCENT**  
9 **(50%) OF THE SEATS ALLOCATED FOR THE PARTY-LIST SHALL**  
10 **BE RESERVED FOR POLITICAL PARTIES AND COALITIONS OF**  
11 **POLITICAL PARTIES AND THE OTHER FIFTY PERCENT (50%)**  
12 **SHALL BE RESERVED FOR SECTORAL PARTIES OR**  
13 **ORGANIZATIONS: PROVIDED, THAT IN CASE OF AN ODD**  
14 **NUMBER IN THE TOTAL NUMBER OF SEATS TO BE ALLOCATED,**  
15 **THE SAME SHALL BE ALLOCATED TO THE PARTY-LIST GROUP**  
16 **NEXT IN RANK IN TERMS OF TOTAL NUMBER OF VOTES**  
17 **REGARDLESS OF CLASSIFICATION. IN THE EVENT OF A TIE**  
18 **PRIORITY SHOULD BE GIVEN TO THE MOST NUMBER OF**



1           **PARTICIPATING PARTY-LIST GROUP ON ITS FIRST**  
2           **OCCURRENCE.**

3                   **SECTORAL PARTIES, SECTORAL ORGANIZATIONS, AND**  
4                   **COALITIONS OF SECTORAL PARTIES SHALL EXCLUSIVELY**  
5                   **REPRESENT THE MARGINALIZED AND UNDERREPRESENTED**  
6                   **SECTORS AS DEFINED IN THIS ACT.**

7  
8           **SEC. 2.** Section 3 of Republic Act No. 7941 is hereby amended to read as  
9 follows:

10           "SEC. [3] **4. Definition of Terms.-** (a) xxx.

11           (b) xxx.

12           (c) xxx.

13           (d) xxx.

14           (e) xxx.

15           (f) xxx.

16           **(G) MARGINALIZED AND UNDERREPRESENTED SECTORS REFER**  
17           **TO THE SECTORS EXPRESSLY MENTIONED IN ARTICLE VI,**  
18           **SECTION 5 OF THE CONSTITUTION AND OTHER SECTORS THAT**  
19           **ARE, BY NATURE, ECONOMICALLY, POLITICALLY, CULTURALLY,**  
20           **OR SOCIALLY MARGINALIZED FROM, AND/OR**  
21           **UNDERREPRESENTED IN, MAINSTREAM ECONOMIC,**  
22           **POLITICAL, CULTURAL, OR SOCIAL ACTIVITIES. THESE**  
23           **SECTORS INCLUDE FISHERFOLK, PERSONS WITH**  
24           **DISABILITIES, VETERANS, OVERSEAS WORKERS, AND OTHER**  
25           **SIMILAR SECTORS."**

26  
27  
28           **SEC. 3.** Section 4 of Republic Act No. 7941 is hereby amended to read as  
29 follows:

30  
31           "SEC. [4] **5. *Manifestation to Participate in the Party-List System.* –**  
32           Any party, organization, or coalition already registered with the  
33           [~~Commission~~] **COMELEC** need not register anew. However, such party,  
34           organization or coalition shall file with the Commission, not later than  
35           [~~ninety (90) days~~] **ONE (1) YEAR** before the election, a manifestation of  
36           its desire to participate in the party-list system **AND WHETHER IT IS**  
37           **PARTICIPATING AS A POLITICAL PARTY OR A SECTORAL PARTY**

1 **OR ORGANIZATION: PROVIDED, THAT THE COMELEC SHALL**  
2 **CLASSIFY THE PARTY-LIST GROUP AS A POLITICAL PARTY OR A**  
3 **SECTORAL PARTY OR ORGANIZATION."**  
4

5 **SEC. 4.** Section 5 of Republic Act No. 7941 is hereby amended to read as follows:  
6

7 "Sec. ~~[5]~~ **6.** *Registration.* – Any organized group of persons may  
8 register as a party, organization or coalition for purposes of the party-list  
9 system by filing with the COMELEC not later than ~~[ninety (90) days]~~ **ONE**  
10 **(1) YEAR** before the election a petition verified by its president or secretary  
11 stating its desire to participate in the party-list system as a ~~[national,~~  
12 ~~regional or sectoral party or organization or a coalition of such parties or~~  
13 ~~organizations]~~ **NATIONAL OR REGIONAL PARTY OR COALITION OF**  
14 **POLITICAL PARTIES OR A SECTORAL PARTY OR ORGANIZATION**  
15 **OR COALITION OF SECTORAL PARTIES,** attaching thereto its  
16 constitution, by-laws, platform or program of government, list of officers,  
17 coalition agreement and other relevant information as the COMELEC may  
18 require. ~~[: provided, that the sectors shall include labor, peasant, fisherfolk,~~  
19 ~~urban poor, indigenous cultural communities, elderly, handicapped, women,~~  
20 ~~youth, veterans, overseas workers, and professionals.]~~  
21

22 xxx."  
23

24 **SEC. 5.** Section 6 of Republic Act No. 7941 is hereby amended to read as follows:  
25

26 "Sec. ~~[6]~~ **7.** *Removal and/or Cancellation of Registration.* – The COMELEC  
27 may *motu proprio* or upon verified complaint of any interested party,  
28 remove or cancel, after due notice and hearing, the registration of any  
29 national, regional or sectoral party, organization or coalition on any of  
30 the following grounds:  
31

- 32 (1) It is a religious sect or denomination, organization or association organized  
33 for religious purposes;  
34  
35 (2) It advocates violence or unlawful means to seek its goal;  
36  
37 (3) It is a foreign party or organization;  
38  
39 (4) It is receiving support from any foreign government, foreign political party,  
40 foundation, organization, whether directly or through any of its officers or  
41 members or indirectly through third parties for partisan election purposes;  
42

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

3  
4 (6) It declares untruthful statements in its petition;

5  
6 (7) It has ceased to exist for at least one (1) year; [øf]

7  
8 (8) It fails to participate in the last two (2) preceding elections or fails to  
9 obtain at least two percentum (2%) of the votes cast under the party-list  
10 system in the two (2) preceding elections for the constituency in which it  
11 has registered[-];

12  
13 **(9) MATERIAL MISREPRESENTATION OF THE QUALIFICATIONS OF**  
14 **ITS NOMINEES; OR**

15  
16 **(10) FINDINGS BY FINAL JUDGMENT THAT IT DIRECTLY OR**  
17 **INDIRECTLY PARTICIPATED IN ACTS DETRIMENTAL TO THE BEST**  
18 **INTEREST OF THE GOVERNMENT, TO OVERTHROW THE**  
19 **GOVERNMENT OR DIMINISH ITS POWERS, OR TO BE ASSOCIATED**  
20 **BY ANY MEANS TO REBELS OR THOSE DESIGNATED AND/OR**  
21 **PROSCRIBED TERRORST PERSONS UNDER REPUBLIC ACT NO.**  
22 **11479 OR "THE ANTI-TERRORISM ACT OF 2020."**

23  
24 **SEC. 6.** Section 7 of Republic Act No. 7941 is hereby amended to read as follows:

25  
26 "SEC. [7] **8.** *Certified List of Registered Parties.* – The COMELEC  
27 shall, not later than sixty (60) days before election, prepare a certified list  
28 of [~~national, regional, or sectoral parties, organizations or coalitions~~]  
29 **NATIONAL OR REGIONAL PARTIES OR COALITION OF POLITICAL**  
30 **PARTIES AND A CERTIFIED LIST OF SECTORAL PARTIES OR**  
31 **ORGANIZATIONS OR COALITION OF SECTORAL PARTIES** which  
32 have applied or who have manifested their desire to participate under the  
33 party-list system and distribute copies thereof to all precincts for posting  
34 in the polling places on election day. The names of the party-list nominees  
35 shall not be shown on the certified list."

36  
37 **SEC. 7.** Section 8 of Republic Act No. 7941 is hereby amended to read as  
38 follows:

39 "SEC. [8] **9.** *Nomination of Party-List Representatives.* - xxx.  
40  
41



1 A person may be nominated in one (1) list only. Only persons who have  
2 given their consent in writing may be named in the list. The list shall not  
3 include any candidate for any elective office or person who has lost his bid  
4 for an elective office in the immediately preceding election. No change of  
5 names or alteration of the order of nominees shall be allowed after the same  
6 shall have been submitted to the COMELEC except in cases where the  
7 nominee dies, or withdraws in writing, his nomination, becomes incapacitated  
8 in which case the name of the substitutes nominee shall be placed last in the  
9 list. Incumbent [~~sectoral~~] **PARTY-LIST** representatives in the House of  
10 Representatives who are nominated in the party-list system shall not be  
11 considered resigned.  
12

13 **SEC. 8.** Section 9 of Republic Act No. 7941 is hereby amended to read as follows:  
14

15 "Sec. [~~9~~] **10. Qualification of Party-List Nominees.** – No person shall be  
16 nominated as party-list representative unless he is a natural born citizen of  
17 the Philippines, a registered voter, a resident of the Philippines for a period  
18 of not less than one (1) year immediately preceding the day of the election,  
19 able to read and write, bona fide member of the party or organization which  
20 he seeks to represent for at least [~~ninety (90) days~~] **ONE YEAR** preceding  
21 the day of the election, and is at least twenty-five (25) years of age on the  
22 day of the election[-]: **PROVIDED, THAT THE NOMINEES OF A**  
23 **SECTORAL PARTY OR ORGANIZATION MUST BELONG TO THE**  
24 **MARGINALIZED AND UNDERREPRESENTED SECTOR WHICH SUCH**  
25 **PARTY OR ORGANIZATION SEEKS TO REPRESENT.**  
26

27 In case of a nominee of the youth sector, he must at least be twenty-five  
28 (25) but not more than thirty (30) years of age on the day of the election.  
29 Any youth sectoral representative who attains the age of thirty during his  
30 term shall be allowed to continue until the expiration of his term."  
31

32 **SEC. 9.** Section 10 of Republic Act No. 7941 is hereby amended to read as follows:  
33

34 "**SEC. [~~10~~] 11. Manner of Voting.** – Every voter shall be entitled to [~~two~~  
35 (~~2~~)] **THREE (3)** votes: the first is a vote for candidate for member of the  
36 House of Representatives in his legislative district, [~~and~~] the second, a vote  
37 for the **POLITICAL** party [~~, organization,~~] or coalition he wants represented  
38 in the House of Representatives, **AND THE THIRD, A VOTE FOR THE**  
39 **SECTORAL PARTY OR ORGANIZATION UNDER THE PARTY-LIST**  
40 **SYSTEM WHICH HE WANTS REPRESENTED IN THE HOUSE OF**  
41 **REPRESENTATIVES:** Provided, That a vote cast for a party, sectoral  
42 organization, or coalition not entitled to be voted for shall not be counted[+]

1      Provided, finally, That the first election under the party list system shall be  
2      held in May 1998.];  
3

4      xxx.”  
5

6      **SEC. 10.** Section 11 of Republic Act No. 7941 is hereby amended to read as  
7 follows:  
8

9      **“SEC. [~~11~~] 12.** Number of Party-List Representatives.- xxx.  
10

11                                  xxx.  
12

13      In determining the **EQUAL** allocation of seats for the [second-vote]  
14      **POLITICAL PARTIES OR COALITION OF PARTIES AND THE**  
15      **SECTORAL PARTIES OR ORGANIZATION UNDER THE PARTY-LIST**  
16      **SYSTEM, PURSUANT TO SECTION 3 HEREOF,** the following procedure  
17      shall be observed:  
18

19      (a) xxx.  
20

21      (b). The parties, organizations, and coalitions receiving at least two percent  
22      (2%) of the total votes cast for the **ENTIRE** party-list system shall, **TO THE**  
23      **EXTENT POSSIBLE,** be entitled to one seat each: provided, that those  
24      garnering more than two percent (2%) of the votes shall be entitled to  
25      additional seats in proportion to their total number of votes: provided,  
26      [finally] **FURTHER,** that each party, organization, or coalition shall be  
27      entitled to not more than three (3) seats [.-]; **PROVIDED FINALLY, THAT**  
28      **THE EQUAL PROPORTION OF SEATS BETWEEN THE NOMINEES OF**  
29      **POLITICAL PARTIES OR COALITIONS AND SECTORAL PARTIES OR**  
30      **ORGANIZATIONS, AS SET FORTH IN SECTION 3 HEREOF, BE**  
31      **OBSERVED AT ALL TIMES.”**  
32

33      **SEC. 11.** Section 12 of Republic Act No. 7941 is hereby amended to read as  
34 follows:  
35

36      **“SEC. [~~12~~] 13.** Procedure in Allocating Seats for Party-List Representatives.  
37      – The **COMELEC** shall **SEPARATELY** tally all the votes for the **POLITICAL**  
38      parties, **AND SECTORAL PARTIES OR** organizations [,-or-coalitions] on  
39      a nationwide basis, rank them according to the number of votes received  
40      and allocate party-list representatives proportionately according to the  
41      percentage of votes obtained by each party, organization, or coalition as  
42      against the total nationwide votes cast for the party-list system.”  
43



1 All succeeding sections of Republic Act No. 7941 are hereby renumbered  
2 accordingly.

3  
4 **SEC. 12. *Separability Clause.*** – Should any part of this Act be declared  
5 unconstitutional, the other parts not affected thereby shall remain valid and effective.

6  
7 **SEC. 13. *Repealing Clause.*** – All laws, decrees, orders, and issuances, or portions  
8 thereof, which are inconsistent with the provisions of this Act, are hereby repealed,  
9 amended, or modified accordingly.

10  
11 **SEC. 14. *Effectivity.*** – This Act shall take effect fifteen (15) days after its  
12 publication in a newspaper of general circulation.

*Approved,*