

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

EIGHTEENTH CONGRESS
First Regular Session

House Bill No. 4400



Introduced by Representative Ron P. Salo

EXPLANATORY NOTE


Republic Act No. 7941 or the Party-List System Act was promulgated on March 3, 1995. The law serves as the fulfillment of the provision of the 1987 Philippine Constitution that requires the representation of marginalized sectors in the Philippine Legislative System.

From the cases of *Veterans Federation Party v COMELEC* in 2000 until the case of *Atong Paglaum v COMELEC* in 2013, the Party-List System Act has been interpreted by the Supreme Court in many different ways resulting in several formulas on how to compute the allocation of seats to the party-lists. The varying interpretations cause confusion and lack of consistency in the allocation of seats every election.

In order to avoid confusion and provide for consistency, there is a need to simplify the process of allocating seats for party-list groups. In this bill, it is proposed that the top two (2) party-lists which garnered the highest number of votes shall be entitled to three (3) seats each; while the party-lists groups which placed third (3rd) to seventh (7th) shall be entitled to two (2) seats each. Thereafter, party-lists groups which placed eighth (8th) and below shall be entitled to one (1) seat each until all available seats for Party-Lists are allocated.

With a simple and clear-cut method in allocating Party-Lists seats, the complications associated with a sophisticated formula are eliminated.

In view of the foregoing, the passage of this bill is immediately sought.


RON P. SALO
KABAYAN Partylist

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AN ACT
AMENDING SECTIONS 11 AND 12 OF REPUBLIC ACT NO. 7941 OR THE
PARTY LIST SYSTEM ACT

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

SECTION 1. Short Title. – This Act shall also be known as the “Party List System Act Amendment.”

SEC. 2. Amendments to Sections 11 and 12 of Republic Act No. 7941 or the Party List System Act. –

“Sec. 11. Number of Party-List Representatives. – The party-list representatives shall constitute twenty percentum (20%) of the total number of the members of the House of Representatives including those under the party-list.

~~For purposes of the May 1998 elections, the first five (5) major political parties on the basis of party representation in the House of Representatives at the start of the Tenth Congress of the Philippines shall not be entitled to participate in the party list system.~~

~~—In determining the allocation of seats for the second vote, the following procedure shall be observed:~~

~~—The parties, organizations, and coalitions shall be ranked from the highest to the lowest based on the number of votes garnered during the elections.~~

~~—The parties, organizations, and coalitions receiving at least two percent (2%) of the total votes cast for the party list system shall be entitled to one seat each: provided, that those garnering more than two percent (2%) of the votes shall be entitled to additional seats in proportion to their total number of votes: provided, finally,~~

~~that each party, organization, or coalition shall be entitled to not more than three (3) seats.~~

Sec. 12. Procedure in Allocating Seats for Party-List Representatives. - The COMELEC shall tally all the votes for the PARTY-LISTS ~~parties, organizations, or coalitions~~ on a nationwide basis, and rank them according to the number of votes received.

THE TOP TWO (2) PARTY-LISTS WHICH GARNERED THE HIGHEST NUMBER OF VOTES SHALL BE ENTITLED TO THREE (3) SEATS EACH. PARTY-LISTS WHICH PLACED THIRD (3RD) TO SEVENTH (7TH) SHALL BE ENTITLED TO TWO (2) SEATS EACH. PARTY-LISTS WHICH PLACED EIGHTH (8TH) AND BELOW SHALL BE ENTITLED TO ONE (1) SEAT EACH UNTIL ALL AVAILABLE SEATS FOR PARTY-LISTS ARE ALLOCATED.

SEC. 3. Implementing Rules and Regulations. - Within ninety (90) days from the effectivity of this Act, the Commission on Elections (COMELEC) shall promulgate the implementing rules and regulations of this Act.

SEC. 4. Separability Clause. - If any provision or part of this Act is declared invalid or unconstitutional, the remaining parts or provisions not affected shall continue to be in full force and effect.

SEC. 5. Repealing Clause. - All laws, executive orders, and administrative orders or parts thereof inconsistent with any provision of this Act are hereby repealed or amended accordingly.

SEC. 6. Effectivity Clause. - This Act shall take effect fifteen (15) days after its publication in the online version of the *Official Gazette* or in two (2) newspapers of general circulation.

Approved.