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Prospects and Scenarios for the Party List System in the Philippines

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1.0 Introduction

The Party List System in the Philippines constitutes one of the major political innovations that were introduced by social and political reformers after the 1986 EDSA Revolution. During the framing of the 1987 Constitution, civil society organizations intensely campaigned for the inclusion of the party list system that would give chances to "marginalized" sectors to participate in the country's political processes. The untiring efforts by civil society groups paid off with the inclusion of Section 5 Article VI of the 1987 Constitution providing 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 the 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) "Party list representatives shall constitute twenty percentum 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."

Civil society groups lobbied hard for the inclusion of this provision because they believed that such a system would encourage the type of politics that are anchored on principles or programs. It was also thought that this would result in a healthy multi-party system and open the electoral window to small sectoral parties.

Eight years after, Congress enacted Republic Act 7941 on February 28, 1995 as the enabling law of the party list system. Section 3 of the said law defines party list system as a "mechanism of proportional representation in the election of representatives to the House of Representatives from the national, regional, and sectoral parties or organizations or coalitions thereof registered with the Commission on Elections (COMELEC). The first election under the system was in May 1998 wherein 13 party list groups were able to land 14 seats in the House of Representatives. In the said election, major political parties were initially banned from participating, thus paving the way for small parties and groups to have representation in the House of Representatives. (Prior to 1998, half the seats allocated for party-lists were filled up by the President of the

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The ban on major political parties' participation in the party list system is automatically lifted in the next election, the May 2001 local and congressional elections. That exercise will be conducted several months from now. Currently, there are fears that the entry of the major political parties into the party list system could ultimately cause setbacks to the efforts of marginalized sectors for inclusion in the country's legislative and political processes. Are these fears valid? What are the prospects of this new system in the coming May 2001 election? This short paper would attempt to tackle these questions.

2.0 Features of the Party List System in the Philippines

Based on RA 7941 and the 1987 Constitution, the party list system in the Philippines has the following basic features:

1. **Twenty percent allocation.** The party list representatives shall constitute 20% of the total number of representatives including those under the party list.
2. **Two percent threshold.** For a party or organization to be entitled to one seat, it must obtain at least 2% of the total votes for the party list system.
3. **Three-seat limit.** Section 11 of RA 7941 specifies that a qualified party would be entitled to a maximum of three seats.
4. **Proportional representation.** The additional seats that the party are entitled to is computed in proportion to its total number of votes.

Under the party list system, voters cast their votes for parties or organizations as candidates, each of these groups having an official list of members or nominees or representatives. Party list representatives are entitled to the same rights, privileges, salaries and emoluments as the regular members of the House of Representatives. The only difference is that they are not allowed to have pork barrel or Countrywide Development Fund (CDF). The allocation formula that has been adopted by the Philippines is known as the "List PR-Neimeyer formula" named after Professor Neimeyer of Germany. Accordingly, the number of seats a party or organization is entitled to is calculated on the basis of the proportion accordingly by dividing the votes obtained by a party or organization over the total number of all votes cast for all qualified parties and organizations.

3.0 Results of the 1998 Elections

During the May 1998 elections, only 13 party list groups were able to get the 2% threshold needed to get a seat. Initially, the Comelec proclaimed 13 winners, shown in the table below:

TABLE 1. INITIAL WINNERS OF THE PARTY-LIST ELECTION			
Party/ Organization	Number of Votes Obtained	Percentage of Total Votes	Nominees
APEC	503,487	5.5	Rene M. Silos
			Melvyn D. Eballo
ABA	321,646	3.51	Leonardo Q. Montemayor
ALAGAD	312,500	3.41	Diogenes S. Osabel
VETERANS			Eduardo P. Pilapil

FED.	304,802	3.33	
PROMDI	255,184	2.79	Joy A. G. Young
AKO	239,042	2.61	Ariel A. Zartiga
NCSCFO	238,303	2.60	Gorgonio P. Unde
ABANSE PINAY	235,548	2.57	Patricia M. Sarenas
AKBAYAN	232,376	2.54	Loreta Ann P. Rosales
BUTIL	215,643	2.36	Benjamin A. Cruz
SANLAKAS	194,617	2.13	Renato B. Magtubo
COOP-NATCO	189,802	2.07	Cresente C. Paez

Later, as a result of the special elections in certain areas in the ARMM, CAR, Regions VII, and XI, the Comelec proclaimed Cocofed as the 13th winner and its nominee the 14th party list representatives.

Right after the proclamation of the 12 winners, controversies erupted. On July 6, 1998, PAG-ASA filed a petition with the Comelec seeking the proclamation of the full-number of party list representatives. The petition argued that the filling up of the 20% membership of the party list is mandatory. Thereafter, nine other organizations followed suit using the same argument. On October 15, 1998, the Comelec Second Division granted the petitioners' demand, ordering the proclamation of 38 other organizations in addition to the 14 already sitting. In allocating the 52 seats, Comelec justified its decision on the grounds that a) marginalized sectors ought to be represented in the House of Representatives; b) the system represent the broadest sectors or society; and c) it would encourage the development of a multi-party system. It adopting this position, the Comelec disregarded the 2% threshold.

Shortly after this Comelec decision, the 12 parties that were initially proclaimed objected to the proclamation of the 38 other party list groups, arguing that only the organizations with at least 2% of the total votes cast for party list system are entitled to the seats in the House. The additional seats should be allocated to those which had garnered the two-percent threshold in proportion to the number of votes cast for the winning groups.

The case eventually ended a the lap of the Supreme Court. The Supreme Court identified three major issues involved in the case, namely:

1. Is the 20% allocation for party-list representatives mandatory or just a ceiling?
2. Are the two% threshold requirement and the three-seat cap as provided by RA 7941 constitutional?
3. If the answer to Item b is yes, how should the additional seats be determined?

On October 6, 1998 in an en banc decision, the Supreme Court promulgated that a) the 20% allocation is not mandatory based on Section 5 (2) of the Constitution; b) the two percent threshold are necessary for a party to obtain representation. It also promulgated a mathematical formula that resulted in the confirmation of 14 party list representatives that were earlier proclaimed by Comelec.

4.0 Performance of the Party List Representatives

How did the party list representatives perform? [Table 2](#) presents the summary of he

performance of 14 party-list representatives in terms of number of bills and resolutions filed. The table shows that from 1998 until November 2000, all of them have filed 3,698 bills and resolutions. Out of this number, 485 or 13% are bills where party list representatives are the principal sponsors. A total of 129 bills were of national significance and 356 are of local significance. Bills of national significance are those that are national in scope and have no specific geographic impact. Those that are of local significance are those whose impacts are limited to certain geographic location, for instance, bills that aim to establish farm to market roads in a specific barangay, the renaming of a city, or the establishment of a day-care center. Most of the bills of local significance in [Table 2](#) are of this nature, each bill containing one project each.

The bills that were principally sponsored by party list representatives clearly reflect the political and social constituencies from which they came from. The theme Rosales's and Osabel's bills reflect their organizations campaign for electoral reform to ensure greater chances for civil society participation; justice and human rights; and environmental concerns. Cruz, Montemayor, and Unde largely reflect their strong constituency in the rural or agricultural sector. Eballe, Pilapil, and Sarenas, and Zartiga reflect their roots in the rural energy, veterans, and women's sectors.

Out of the 485 bills, only 20 bills have reached at least the Second Reading and none of them have become part of the law of the land. This result partly indicates the party-list representatives' lack of political clout.

[Table 3](#) enumerates the bills that have reached the Second Reading or higher. That these bills have reached these stages are already an achievement. Out of 20, a total of 16 are either approved on Third Reading or awaiting Senate action. If these bills would have a favorable reception at the Senate, some of them could become a law. However, this expectedly would be another long process since these bills are not certified urgent by the party in power. Nevertheless, change must start somewhere and these bills should be a good start.

As shown in [Table 2](#), sectors that may be benefitted by the proposed measures are farmers organizations that if passed into law would have representation in various government bodies (SRA, NIA, NEDA, Land Bank) and cooperatives, and the women sector. Nonetheless, given the enormity of the problems being faced by these basic sectors, the concerns that are being addressed by the bills are just a drop in the bucket. There is really nothing "groundbreaking" in the legislative agenda that has reached a more advanced stage of the law-making process. And not for lack of trying. For instance, Representatives Rosales, for instance, tried to push for the enactment of a national land and water use policy to "rationalize land use allocation" and strengthen the preferential rights for municipal fisherfolks over the use of municipal waters. She tried to introduce amendments to Republic Act 7941, the Party List Systems law of the country, to ensure representation of marginalized sectors in Congress. Montemayor has similar equity enhancing bills (eg foreshore and coastal land reform). After three years, these bills are still pending in the various committees that they were lodged.

The more pressing issues that are facing the farming sector, for instance, are low farm productivity, rural poverty, lack of credit, and lack of access to much needed agricultural infrastructure. Except for credit, none of these problems are being addressed by the bills. Some Party-list representatives like Unde, Young, and Calderon tried to submit hundreds of bills intended to provide funds for farm-to-market roads, multipurpose centers, health and day-care centers in specific barangays. But if one would scrutinize those bills, none of them were really intended to take off in the first place; legislators would not really want to spend precious legislative hours just to debate and enact into law the construction of a three-kilometer farm to market road or a single day-care center, a bill devoted for each of them. Apparently, since party-list representatives are not allowed pork barrel, they tried to file hundreds of bills containing one project each (eg a farm-to-market road in Romblon, health center in Misamis Occidental, a copra dryer in Calauan, etc) to make it appear that they have accomplished so much for their marginalized constituencies. If they really thought of serious lawmaking in the provision of adequate agricultural infrastructure, they could

have consolidated those bills into a cohesive, logically sound national comprehensive agricultural infrastructure bill to enhance the chances of getting passed.

Nevertheless, it can be presumed that party-list representatives have contributed significantly in other legislative issues of national importance as co-authors of bills. For instance, Representative Rosales co-authored with Rep. Juan Miguel Zubiri of Bukidnon in the crafting of wildlife conservation and preservation bill (HB 830, substituted by HB 10622) that was transmitted to the Senate on August 10, 2000. The said bill aims to regulate the collection of wildlife and promote public information and participation in wildlife conservation and protection. The most popular of the legislative initiatives that were undertaken by the House of Representatives with the active participation of party-list representatives is the crafting of the Clean Air Act. Party-list representatives Rosales, Montemayor, Paez, and Zartiga were co-authors of the said law. Of course, the impeachment of the President Joseph E. Estrada would have been more difficult had it not for the support of most party-list representatives. Of the 14 party-list representatives, only three did not sign the impeachment charges: Magtubo (Sanlakas), Unde (NCSFO), and Calderon (COCOFED). Earlier, representatives Rosales and Magtubo shook the House of Representatives by exposing the supposed bribery attempts by some sectors in relation to the passage of the proposed power deregulation bill. Their claims of bribery and their efforts to have it investigated by an independent body did not prosper, but the two representatives succeeded in projecting themselves as the conscience of the House in so many other legislative matters. Also, party-list representative Eballa became the voice of the rural electric cooperatives all over the country; Magtubo also became an ardent supporter of labor causes; Montemayor and Unde on agricultural and rural concerns; Osabel on NGO/PO participation in the affairs of government; Pilapil on the problems and issues affecting the veterans sector; Sarenas on gender and family relations; Young on educational issues and concerns; and Zartiga on housing and other problems of the urban poor. In effect, while the performance of party-list representatives are wanting in terms of legislative output, they may have succeeded in terms of articulating the perspective of the constituencies that they represent.

5.0 Prospects for the Party List System in the Philippines

One of the important principles of the Party List system is the need to give representation to the "marginalized" sectors of the Philippine society. This is the essence of Article VI of the Constitution, stating that "labor, peasant, urban poor, indigenous cultural communities, women, youth and such other sectors as may be provided by law except the religious sector" must be represented in Congress. When Congress drafted the enabling law (RA 7941), it listed 12 sectors including labor, peasant, fisherfolk, urban poor, indigenous cultural communities, elderly, handicapped, women, youth, veterans, overseas workers, and professionals as the sectors that are allowed to participate. To the extent that the bills introduced the first batch of party list representatives reflected the concerns of their constituencies, one may say that the system is to a large extent "successful".

In the coming 2001 elections, however, all these gains by the marginalized sectors may vanish. Firstly, in the May 1998 elections, the five major political parties— Lakas NUCD-UMDP, Liberal Party, Laban ng Demokratikong Pilipino, Nationalist People's Coalition, and Kilusang Bagong Lipunan— that have been dominating the Philippine electoral system were banned from participating. However, in the coming 2001 election, this ban is automatically lifted. Likewise, big parties including the Partido ng Masang Pilipino, People's Reform Party, Partido ng Demokratiking Pilipino, Nacionalista Party, and Kabalikat ng Mamamayang Pilipino may join the electoral contest. These political parties are known to have adequate funding, with extensive vote gathering network, and well-oiled propaganda machine. If one will look at the coming election as another battle for name recall, then the established political organizations will have a distinct advantage. The more these established parties are able to generate party-list votes, the lesser it would be for smaller, emerging civil society groups to satisfy the 2% threshold. The worst scenario will be one wherein the dominance of the traditional political parties will be extended further into the realm of the party list system.

Secondly, the resources at the disposal of these traditional parties are enormous. If they engaged in electoral frauds, like "dagdag-bawas", the small party list group will have a difficult time preventing this in view of the long list of candidates, aggravated by the fact that votes for the party list representative come last.

And thirdly, with the importance played by the broadcast media in convincing people to support a certain candidate, the virtual lack of access by small party list groups to them will mean difficulty in getting support from the electorate.

The coming local and congressional elections will be held during a time when most people have acute political awareness brought about by the Estrada Resign movement and the impeachment trial at the Senate. The Singson expose' has shattered business confidence leading to the deterioration of the peso, the scampering away of foreign investors, the loss of thousand of jobs, and the overall slowdown of economic activity. Slower economic growth means that there would be less tax intake. There would be less money for social services, economic programs, and the maintenance of economic infrastructure. The government usually relies on foreign resources for much of these expenditures. At this time, however, this option is hardly available because the donor agencies have adopted a "wait and see attitude." The government may try to raise funds from local sources; that will push interest rates up, further choking the tight supply of credit to small and medium enterprises. This will lead to the closure of many factories. If the local oil industry players would decide to further raise fuel prices, the economic crisis will intensify.

At this time, the rift between President Estrada and the business community seems to be irreparable such that if the President is acquitted, business confidence will not easily be restored. If the Estrada leaves office either through resignation or conviction, the rapid economic slide will possibly be halted but the economic difficulties will linger for months or even years. Either way, voters will make political choices in the coming elections in a state of heightened political agitation. They will be more sensitive to sociopolitical issues. This provides an opportunity for small party list candidates to articulate in a more clear and systematic manner the problems facing the country. If they can do this, they would have a greater chance of garnering more votes. This is of course based on the assumption that party list groups have adequate resources and grassroots network that they could tap in the frenzied scramble for the voter's attention.

6.0 Options for Party List Groups in the Coming Election

Given this forbidding scenarios, what can the present party list groups that are represented in Congress do? The entry of major political parties into the party list system would pose serious challenges to civil society movements intending to participate in the coming political exercise. It means that they should also play the political strategy that traditional political parties do in order to get the votes: a) deliver the right message to voters; b) secure access to media particularly the broadcast media which have extensive reach throughout the country and across economic classes; c) establish grassroot networks at strategic sectors and locations to generate and mobilized the votes; and d) and guard the ballot during the canvassing to prevent it from being stolen during the counting.

Representative Loretta Ann Rosales of Akbayan has anticipated this scenario. After assuming office as a party list representative, she immediately filed a bill amending RA 7941 to "rationalize" the party list system in the country. Among the major features of the proposed amendment is the continued ban on major political parties and restricting the party list system to the truly marginalized sectors. The said proposal got the support of a number of Congressman/woman in particular Augusto Syjuco, Imee R. Marcos, and fellow party list representative Crescente Paez. The bill was approved by

the Committee on Suffrage and Electoral Reforms on March 22, 2000 but it has not moved since then. The implication of this development is that the current party list groups would have to do battle at the trenches against the onslaught of the better-funded, well-oiled political machinery of traditional political parties this coming May elections.

What are their chances of victory or of getting the 2% party list vote threshold? Their one source of hope is that these traditional political parties are used to the personalistic nature of electoral politics. With so many seats being contested, the competition for votes usually takes on a "to-each-his-own" characteristic with tradeoff among players at the local level being made across party affiliations. If this tendency predominate at the local level where votes are actually generated and mobilized, small party list groups would have a better chance of garnering a significant share of the votes.

But even if this tendency takes place, it would still be an uphill battle for the small party list groups. Perhaps, one of the best options would be for these groups to coalesce along larger sectoral lines in order to put up a stronger united front. Through coalition building, resources could be shared, and network expanded that could give them greater chances at maintaining their seats in the Lower House. There must be an initiative undertaken as early as this point in time to discuss the problems of the party list representatives and the possibility of building the coalition.

The ability of party list groups to generate votes rest not on the charisma of its leaders but on the clarity of its message to the electorate. Hence, it would be very crucial for party list groups to have sound policy program so that they could address crucial policy questions that may arise during the campaign or in the legislative process.

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