

The Philippines Tries the Party-List System (A Progressive Perspective)

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Still reeling from the ‘effects’ of the 1992 synchronized elections that brought forth the none-majority Ramos administration, the Philippine electorate prepares for another first in its tumultuous post-Marcos democratic experience: the party-list system. When the Eleventh Congress opens in July 1998, marginalized and underrepresented sectors, parties, organizations and coalitions shall represent 20 percent of the House of Representatives. But before these various interests join the ranks of traditionally elected Representatives and political parties, they must first bring their cause before the nation’s registered voters with meager resources and limited support from the Commission on Elections (COMELEC). An extensive nationwide campaign is needed to convince a personality-oriented electorate that the concepts of democratization and pluralism are worth a second look. There is also the challenge of unifying disparate forces, which appears to be possible only during crisis situations, and the threat of infiltration of major parties, which are always looking for a few extra congressional seats for good measure. Should this “experiment” prove successful in its first run, it could pave the way for an even broader party-list system and a multi-party system that can fully represent all interests in Philippine society.

Introduction

The year 1998 marks a “big bang” in Philippine electoral politics not only because of full-blown simultaneous national and local elections for the President down to the city and municipal councilors but also because of the first-ever party-list system (PLS) election. For those who know about it, there is much enthusiasm about grappling with this system.

It was the post-EDSA 1987 Constitution, in its Article VI, Section 5(i) and (2), which provided for the first PLS in the Philippines to be implemented after three consecutive terms of the House of Representatives (ending mid-1998). During those three consecutive terms, one-half (i.e., about 25) of the seats allowed to the PLS representatives shall be (and was) filled by sectoral representatives appointed by the President and confirmed by the Commission on Appointments.

The purpose of this interim period was to allow the disadvantaged sectors time to organize themselves for participation in the PLS elections.¹

The PLS representatives constitute 20 (or one-fifth) of the total number of representatives, including those under the PLS. The general or usual figures given are 50 out of 250, though this has both sectoral representation in been updated to 52 out of 257 based on national legislative governance now 205 legislative districts, each of and a mature multi-party system. which has an individual representatives

The 1987 Constitution's percent provision for a PLS can be seen as an attempt to institutionalize both sectoral representation in national legislative governance and a mature multi-party system. Stated otherwise, it is an attempt towards a politics of sectors, parties and programs. There are at least two other relevant constitutional provisions: on a free and open party system (Article IX, Section 6) and the right of the people and their organizations (presumably including sectoral parties) to effective and reasonable participation at all levels of decisionmaking (Article XIII, Section 16). It was only in 1995 when the PLS Act (Republic Act No. 7941) was passed, fleshing out the Philippine PLS. This was further elaborated by Resolution No. 2847 of the Commission on Elections (COMELEC) which was promulgated in 1996.

The PLS is defined as a mechanism of proportional representation in the election of representatives to the House of Representatives from national, regional and sectoral parties or organizations or coalitions thereof registered with the COMELEC. From this, one might draw nine possible organizational forms (see matrix below).

The Philippine PLS policy has the following elements:

1. to enable Filipino citizens belonging to marginalized and underrepresented sectors, organizations and parties, and who lack well-defined political constituencies but who could contribute to the formulation and enactment of appropriate legislation, to become members of the House of Representatives;

2. to develop and guarantee a full, free and open party system in order to attain the broadest possible representation of party, sectoral or group interests in the House; and

Matrix of Organizational Forms

	Sector	National	Regional
Party	1	2	3
Organization	4	5	6
Coalition	7	8	9

3. to provide the simplest scheme possible.

In other words, the idea is to democratize (by empowering marginalized sectors), to *pluralize* (by encouraging multi-parties), and to *simplify* the electoral system.

Key Features

As already mentioned, the Philippine PLS covers 20 percent of the seats (52 out of 257) in the House of Representatives, one of two legislative chambers in the bicameral Congress, the other being the 24-member Senate which is not covered by the PLS. But while a voter votes for one individual as district representative and a maximum of 12 individuals as (national) senators, the same voter would vote for only one party (or organization or coalition) under the PLS.

For the first PLS election in May 1998, the first five major parties, on the basis of party representation in the House of Representatives at the start of the Tenth Congress in 1995, are disqualified. These are the Lakas-NUCD-UMDP (the ruling party of President Fidel Ramos), Liberal Party, Laban ng Demokratikong Pilipino (the main opposition party), the Nationalist People’s Coalition, and Kilusang Bagong Lipunan (the old Marcos party). The obvious rationale for this initial disqualification is to level the playing field for smaller new parties.

Under the Philippine PLS, the parties (used here to refer generically also to organizations and coalitions) receiving at least two percent of the total votes cast for the PLS shall be entitled to one seat each and to additional seats in proportion to their total number of votes but not more than three seats in order to accommodate more (at least 17) parties. PLS legal specialist Atty. Alberto C. Agra says the effective threshold for 52 seats is 1.9231 percent (computed by dividing the number of total valid PLS votes by the number of available seats).

But to use two percent for convenience and based on a hypothetical rounded figure of 25 million (which is close to the 1995 voter turnout), the projected minimum number of votes required for a party seat is 500,000. Actuarial scenarios by the COMELEC on allocation of PLS seats show that one million votes may be enough for one party to be entitled to the maximum three seats.³ More so if the voter turnout for the PLS is lower than usual, as may be expected for this new electoral process.

To fill the maximum three seats, each registered party submits a party list of at least five names according to rank. A nominee must be a *bonafide* member of the party. A person may be nominated in one list only. The list shall not include any candidate for any elective office or one who has lost his bid for elective office in the immediately preceding elections. Incumbent appointed sectoral representatives in the House of Representatives may be nominated, except those who have served three consecutive terms.

To achieve a more mature party system, including one with party discipline, any selected PLS representative who changes his party affiliation during his term of office shall forfeit his seat. And if he changes his party affiliation within six months before an election, he shall not be eligible for nomination as PLS representative under his new party.

PLS representatives shall be entitled to the same salaries and emoluments as regular members of the House of Representatives. One gray area is whether they are entitled to certain benefits, e.g., use of the nationwide development fund (CDF). But they should no longer be treated as “second-class citizens” like the appointed sectoral representatives because the parties they represent are also elected, in fact by a broader nationwide constituency or voter base.

Problem Areas

The main problem area of the Philippine PLS is basic voter information and education about the system. The COMELEC was supposed to wage an information campaign starting 1995 but not much has been achieved so far, judging from the lack of knowledge on PLS even among the more informed sectors of society. The COMELEC has come up with several primers, the latest one being a glossy brochure entitled "The Party-List System: A Synopsis for Organizations, " reportedly funded by the United States Agency for International Development (USAID).

The USAID sponsored a workshop on the PLS in June 1997 in Manila, attended by about 24 organizations/agencies/offices, including a number of non-government and people's organizations and federations. NGOs and POs, as well as related political formations, have had to pick up the slack of COMELEC's information campaign. Some of these groups have developed their own primers, particularly in the vernacular.

There are some registered parties under the PLS who think that a lower voter turnout for the PLS would be to their advantage in terms of less votes required to be entitled to one seat. But such a mentality defeats the purpose of the system for the broadest possible participation and representation. On the contrary, registered parties would be doing the voters and themselves a service by basic information dissemination on the PLS if only to backdrop or lay the basis for their partisan campaign. In essence, registered parties have the double task of information-cum-partisan campaign.

This is a big challenge not only because of the nationwide voter base but also because of Philippine political culture which is oriented to personalities and clans rather than parties and programs. To be sure, personality is still a factor even under the PLS, precisely because of the party-list of at least five names from which representatives shall be chosen for entitled seats. The most intelligent voters would scrutinize the party-list and other personalities or forces behind each party as well as the party program or what it stands for. Registered parties should be able to project distinct profiles which include a combination of names (both of the party and personalities identified with it) and program thrusts or issues.

The projection of program thrusts or issues would presumably be easier for sectoral and regional parties than for national (multi-sectoral and multi-regional) parties. The sector or the region itself identifies the party's cause and, more pragmatically, provides a natural voter base. A sectoral or regional person can more easily identify with a sectoral or regional party and agenda than with a national one. A national party, therefore, has to make a very strong pitch or profile projection in order to overcome the natural advantage of sectoral and regional parties. On the other hand, a national party has the theoretical advantage of nationwide coverage although this could also be spread thinly. In fact, to receive at least two percent of the total votes cast for the PLS, a registered party need not have nationwide coverage as long as it can get an estimated 500,000 to one million votes from any source, such as a relatively solid sector or region.

The problem is that all registered parties sectoral, regional or national - will compete with each other for the votes to be tallied on a nationwide basis. This set-up was apparently intended to simplify voting (because of the difficulty of segregation), tallying votes and allocating seats under the PLS. Some progressives have described this set-up as a ruling-class scheme to divide and rule over the progressives by fostering division among them, especially involving the sectors.⁴ But others say that the same rules apply to all, including the conservatives, that elections are inherently divisive anyway, and that the divisions among the progressives are not solely due to the PLS.

The bigger or real problem is the infiltration by what have been called satellite parties of the big parties (such as the five major parties disqualified for the first PLS election) and even big politicians (such as those running for President and Vice-President). The ruling Lakas party, in particular, had come up with a "Strate & Paper for Par-ty-List Elections," which involves fielding or supporting at least 17 registered, mainly sectoral parties and allocating these to the regions where they can win in order to "grab 51 (now 52) sectoral seats in Congress for maximum control."⁵ If this happens, this will defeat the purpose of the PLS and possibly write *finis* to this experiment.

The PLS is an experiment that has been met with some enthusiasm, as shown by the number of parties (almost 200) which filed petitions for registration and manifestations for accreditation under it. This number was brought down to a more manageable level albeit with some later

reconsideration of earlier denials by the COMELEC. The COMELEC initially registered 12 political parties and 77 sectoral parties (distributed among labor, peasant, fisherfolk, urban poor, indigenous cultural communities, elderly, handicapped, women, youth, veterans, overseas workers, professionals and organizations which included cooperatives and regional formations).⁶

There have been some questions about the COMELEC's criteria and categories, in view of the registration of some satellite parties and initial non-registration of some progressive parties. The still big final number (123) of registered and accredited parties, majority of which may be considered bona fide, is a problem but it could not have been avoided, if only due to the novelty of the PLS.

Progressive Response

Even the Progressives could not avoid the emergence of a number of progressive sectoral, regional and national parties for the PLS and beyond. Progressives have a special interest in the PLS precisely because it is a window for marginalized and underrepresented sectors, organizations and parties. This is a new arena in the bigger electoral and parliamentary arena that Progressives have been increasingly paying more attention to since the first post-EDSA election in 1987.

The main progressive debate has been whether to field one or more parties. In the event of one, which one? In the event of more, whether and how to coordinate?

One party, AKBAYAN! (Citizens Action Party), has presented itself as the "strategic electoral vehicle" for the progressives - one that is longterm, comprehensive, multi-sectoral, multi-regional and serious about the electoral arena.⁷ The main forces behind AKBAYAN! now are the socialist BISIG, some sections of the Movement for Popular Democracy, and a couple of national-democratic breakaway factions. One of the latter, the Padayon faction of SIGLAYA, favors a united one/party initiative in the PLS because of "limited experience and resources, and the smallness of our command of votes."⁸

Other progressives have, however, pointed towards a plural approach to the PLS on theoretical and practical grounds. On a theoretical plane is the view that the progressive agenda should not and cannot be carried in only one-party vehicles.⁹ On a practical plane, the PLS rule on a maximum three seats per party forces the hand of Progressives to field more than one party, lest the remainder of the seats (49 of 52) are lost by default to conservative and satellite parties.

Both theoretical and practical planes are captured in a letter of leavetaking by Karen N. Tahada from AKBAYAN! (where she was interim Vice-Chair) because of her prominent role (eventually No. 2 nominee in the party-list) of the ABANSE! Pinay women's party: "We believe that the party-list system, while basically competitive, fosters a limited competition because of the three seats maximum. In fact, it also encourages coordination among progressive parties. We hope this will be the spirit of future relations between AKBAYAN! and ABANSE! Pinay ... I hope that as pragmatic Progressives, you will understand that for us who are trying to be serious about women in politics, ABANSE! Pinay in the party-list is the ideal vehicle for highlighting the women's agenda and developing the women's vote."¹⁰

That may just as well capture the sentiments of other sectoral formations. And it explains why there was no holding back the emergence of new sectoral parties for the PLS. One of the early papers on this, by Romeo Royandoyan of the ABA peasant party and the Philippine Peasant Institute, proposed a "Partnership for Change Alliance" of 17 progressive parties (with several possible combinations of regional parties and national sectoral parties) with one common platform agenda, machinery, funds, candidates and training.¹¹

A roundtable discussion on progressive parties in the PLS held on November 21, 1997 at the PCED Hostel, U.P. Diliman campus, sponsored by the Institute of Politics and Governance (IPG), provided a forum for familiarization, sharing, coordination and promotion for such progressive parties. Among the progressive parties present (aside from ABANSE! and AKBAYAN!) were the ABS (basic sectors), AKO (urban poor), ALL-COOP (cooperatives), New Sense Party (Generation X), PDP-Laban, PINATUBO (Central Luzon), POP (overseas contract workers), and SANLAKAS (a natdem breakaway faction).

Among the progressive groups absent were AASAHAN (urban poor), ABA, Abante! Bisaya, Anak-Mindanao, BANGKA (fisherfolk), and CoopNATTCO. Also absent was the ParLido Demokratiko Sosyalista ng Pilipinas, which has its own satellite parties like ANAKBAYAN (youth), BABAY! (women), BIGAS (peasant), COPRA (coconut peasant) and KAMI (indigenous cultural communities in Mindanao). One might say that there is a progressive bloc of more or less 20 out of 123 registered parties.

At the IPG roundtable discussion, AKBAYAN! presented a paper on its proposals for progressive intervention in the PLS.¹² This contained a number of proposals on basic principles, constituency-building and mapping, mechanisms for dialogue and negotiations, and setting-up the progressive bloc in the House of Representatives. Some excerpts:

1. "AKBAYAN! should think not only about winning three seats, but win three seats while helping other progressive parties to win three seats as well. And vice-versa."
2. "The challenge is for all progressive parties to step up their initiatives at organizing new, value-added forces and voting constituencies. Membership should be increased but not at the expense of other progressive parties' actual and potential memberships."
3. "Where there is a potential for conflict in one municipality, all the parties concerned could sit down and discuss possible arrangements. The minimum goal is to lay down ground rules for friendly and ethical competition. The maximum goal is to find a formula for a local coalition with a common campaign, especially if there is a strong satellite party campaigning in the area."

That is the theory; the practice so far has not been that smooth particularly between AKBAYAN! and several progressive parties. It seems again that some Progressives cannot be saved from themselves, as they rear the ugly head of sectarianism bordering on vanguardism.

Strategic cooperation among progressive parties in the postelection period depends on their tactical cooperation during the current election campaign period. It is now when the basis is laid for working relations after the elections, such as in setting up the progressive bloc in Congress.

Felimon Lagman of the Bukluran ng Manggagawang Pilipino, a major component of PLS participant SANLAKAS, is at least honest enough to say that the unification of disparate forces is unworkable except during a crisis, that mathematical scenarios for the PLS are unreliable as are some supposedly command votes, and that SANLAKAS is confident of winning three seats based on its labor and urban poor base in the National Capital Region but wants to win in a big way in order to deliver a political messages.¹³

One way of handling the emergence of a number of new progressive parties for the PLS is to endorse a short list which has a good mix of sectoral, regional and national parties and leave it to the voter to choose based on his own inclinations. The point is that before the voter can choose, he has to know the choices. And of course, there can be no single short list, as the endorsees will depend on the endorser. One concrete example of the short listing process is that of the National Peace Conference (NPC).

This process shall also facilitate conflict resolution during the campaign, coordination of campaign areas, and strategic cooperation in legislative work. The criteria in the selection of parties to be endorsed by NPC were: (1) adoption of the NPC version of the Social Reform Agenda; (2) adherence to and practice of new politics; (3) development of winnable strategies and tactics; (4) long track record of working with the basic sectors; and (5) participation in the process of forging strategic cooperation of all NPC-endorsed parties.¹⁴

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Prospects and Prescriptions

Before setting up the progressive bloc in Congress, progressive parties must win enough seats. My fearless forecast is that the broad range of progressive parties (e.g., those named above), especially those with strong

sectoral and provincial bases, will win a total of around 20 seats or about 40 percent of the PLS seats. Together with an estimated 30 progressive or reform-oriented congressional district representatives, there would be a substantial progressive-reform bloc of around 50 representatives or about 20 percent of the House. If this is a solid rather than a hallow bloc, then it may be a mass critical enough for progressivereform legislation like local sectoral representation (LSR) which is the local counterpart of PLS.

Progressives, whether in parties or in NGOS, are on the verge of stepping up legislative and legislative advocacy work. This is the parliamentary arena, which comes after the electoral arena. Progressives must also be serious about the parliamentary arena, which is a related but different ballgame from the electoral arena. The pluralism of progressive parties also means a pluralism of legislative agendas. In the parliamentary arena, as distinguished from the nationwide electoral arena of the PLS, there is a greater need to harmonize the various legislative priorities for maximum effect.

One definite legislative priority area is political and electoral reforms, including of the PLS based on this first experience with it. Among the particular areas for review and reform are: registration, satellite parties, big parties, and indicators of marginalization and underrepresentation; the two-percent vote requirement for one seat; the maximum number of three seats per party; the question of allocation of seats among sectoral, regional and national parties and; the 20-percent allocation of seats for the PLS in the House of Representatives.

The present 20 percent has been described as token. To increase this to at least 50 percent and to also cover the Senate, as advocated by many progressives, would however require a constitutional amendment. So with the shift to a parliamentary form of government which is theoreticall more suited for the PLS than the present presidential form. This could be part of a broader constitutional review or a more particular review of the PLS.

The other above-mentioned particular areas (from registration to the allocation of seats) may be addressed by legislative amendments. Within the 20 percent allocation of seats for the PLS, I would propose allocation of seats among sectoral, regional and national parties. In the case of sectoral parties, there can be definite allocations for labor, peasant,

fisherfolk, urban poor, indigenous cultural communities, women, youth and overseas contract workers.

In the case of national parties, there can be definite allocations for ideological parties. The idea is to have the perspectives not only of various sectors but also of various ideological-political persuasions. In this way, the nation can benefit from political pluralism and a multi-party system. Progressives should resist moves to restore the elitist, two-party system. In other words, Progressives should not only reform the PLS; they should also defend this new arena of progressive intervention and deepened democracy.

In the working or draft platform of AKBAYAN! which was prepared by IPG, the plank on political pluralism contains the following passages relevant to a multi-party system (but not found in the official AKBAYAN! Political Platform):

In representative democracy, we advocate pluralism because we acknowledge that no single party can represent all democratic and positive forces in society, now and in the foreseeable future. Also, we learn lessons from various countries about the weakness and danger of having one-party monopoly of the state.

Progressives must also be serious about the parliamentary arena, which is a related but different ballgame from the electoral arena. The pluralism of progressive parties also means a pluralism of legislative agendas. In the parliamentary arena ... there is a greater need to harmonize the various legislative priorities for maximum effect.

Indirect democracy, the advocacy of Pluralism has its more fundamental basis in our appreciation of the impossibility of straightjacketing the people in one comprehensive political line. Also, the experience of Eastern Europe teaches us about the need for autonomy of people's organizations from party organizations.

Only a multi-party system can adequately represent the variety of thinking and political energies of Filipinos ... There is need for new political parties that challenge the traditional parties ... We need varieties of liberal and radical democracy to compete openly and legally for popular support.1.5

Yes, let a hundred flowers bloom! ❀

Endnotes

- 1 Joaquin G. Bernas, *The 1987 Philippine Constitution: A Reviewer-Plimer*, 3rd ed. (Manila:Rex Book Store, 1997), p. 227.
- 2 The updated figures (52 out of 257) were first pointed out by PLS specialist Atty. Alberto C. Agra in November 1997.
- 3 Allocation of ParLy-list Seats” as Annex A of Comelec Resolution No. 2847.
- 4 See the “Working Papers on the Party-List System of Voting” presented by Etta P. Rosales of the Institute for Political and Electoral Reform at a roundtable discussion of the PLS on September 26, 1995 at the ISO Conference Hall, Ateneo de Manila University, sponsored by the Institute of Politics and Governance. Rosales is No.1 in the party-list nominees of AKBAYAN.
- 5 This was first exposed by Teresita Baltazar of the KUMARE-KUMPARE electoral reform coalition in November 1997.
- 6 See COMELEC First and Second Division Omnibus Resolutions of February 7, 1998 in the Matter of the Registration for the Party-List Elections of Sectoral Parties, Organizations and Coalitions. This writer was counsel for three petitioners: AKBAYAN!, Anak-Mindanao and PINATUBO.
- 7 This view has been mainly articulated by Joel Rocamora of the AKBAYAN! National Executive Committee and of the Institute for Popular Democracy, including in several papers such as “AKSYON! - Progressive Intervention in Electoral Politics (Notes for a Future Paper)” dated May 4, 1997. AKSYON! was the former name of AKBAYAN!.
- 8 See ‘On the General Elections '98" by Padayon, October 8, 1997.
- 9 Among those who have articulated this pluralist view are this writer and Isagani R. Serrano of the Philippine Rural Reconstruction Movement.
- 10 Letter of Karen N. Tañada to the Interim National Executive Committee of AKBAYAN! dated November 12, 1997.
- 11 See “Partnership for Change Alliance: One Common Platform Agenda, 17 Parties. Proposal to Set Up a Party Machinery for the Sectoral Party-Ust System” with four annexes of scenarios on vote share and seat allocation.
- 12 See “AKBAYAN! Proposals for Progressive Intervention in the 1998 Party-List System” dated November 21, 1997 which was presented at the IPG roundtable discussion by Eric Gutierrez of the Institute for Popular Democracy.
- 13 Based on a talk with Felimon Lagman of Bukluran ng Manggagawang Pilipino on January 23, 1998.

- 14 See "Shortlisting of Party-List Parties," National Peace Conference, NCR General Assembly, January 16, 1998.
- 15 Working/Draft Platform of Government of AKSYON!, prepared by the Institute of Politics and Governance, November 1996, pp.10-11.