

Chapter II

The Points of Access to the Legislature

The Philippines entered the period of re-democratization in 1986, with the overthrow of the dictatorship of President Ferdinand E. Marcos. Between 1986 and 1987, his successor, President Corazon C. Aquino governed under a revolutionary government with executive and legislative powers combined in her person. One of her earliest acts was to create a commission to draft a new Constitution, which was overwhelmingly ratified by the Filipino people the next February. This paved the way for the return of a bicameral legislature. Elections were first held in May 1987. That installed the Eighth Congress, continuing the interrupted count of 1972, the Seventh Congress.¹

This Chapter discusses the avenues available to disadvantaged groups, and indeed, all citizens, to access Congress. It starts with a description of the legislative process, followed with a discussion of formal and informal points where outside groups may intervene². In any other country, that would be sufficient. However, the Philippines had instituted, under the 1987 Constitution, a party-list system aimed specifically at providing an additional point of access for disadvantaged groups. That system forms an important part of the access issue in this country and is discussed in the latter part of this Chapter.

The Legislative Process

Congress is composed of the Senate or the Upper House and the House of Representatives or the Lower House. The Senate has 24 members elected at large nationwide and serve staggered terms of six years each. The House of Representatives is now composed of 236 members elected by single-member districts, and of 24 party-list members. Except for the manner of their election, Representatives whether from single-member districts or party list are treated the same; each serves for a term of three years.

The process of legislation starts with the introduction of a bill in either the House or the Senate. A bill may be proposed only by a Member(s), and must only have one subject. Once accepted by the Secretary General of the proper House, the bill is calendared for first reading. In the first reading, the bill, with its assigned number, title and author(s) are read before the chamber. It is then assigned to the appropriate committee for study and recommendation. In studying the bill, the committee may conduct public hearing(s), invite heads of appropriate government departments, and/or solicit position papers. A committee may approve a bill and allow it to proceed to second reading with or without amendments. Alternatively, it may amend by substitution through

¹ The Eighth Congress ran for a period of five years, from 1987 to 1992, being the transitional Congress. After that, all Congresses ran for three years. Under the 1987 Constitution, members of the House of Representatives serve for a term of three years, and it is their terms that provide the legislative numbering. The Philippines is now on its Thirteenth Congress.

² Informal points of access are included because, even if not ordained by law, they are not disallowed.

a new bill dealing with the same subject proposed and now authored by the committee. If there are several bills on the same subject, the committee may also consolidate them into one, which it may author. A committee may also disapprove a bill by making an unfavorable report on it and returning it to the authors. This is rarely done. Instead, bills likely to get a disapproval are simply allowed to “pend in the committee.” As will be shown later, this is the likely fate of most bills.

Once approved, the bill is transmitted to the Committee on Rules which calendars it for second reading. It is in the second reading that the bill is deliberated upon by the whole Chamber. Such deliberation will include a sponsorship speech by the author, interpellations by other members, and debates on the substance of the bill. Amendments are proposed, concurred in, or rejected. The bill as read or amended is then subjected to a vote. If passed, the bill is calendared for third reading. If not, it is shelved.

Three days before third reading, final copies of the bill must be printed and distributed to Members. If it is a bill certified as urgent by the President, the three-day rule is waived and the bill may go directly into third reading. On third reading, the bill is voted upon by the House and rejected or passed.

If passed, the bill is transmitted to the other House where it undergoes the same process. The second House may reject the bill, in which case it is shelved. It may approve the bill without amendments, in which case it is enrolled or authenticated, and sent to the President for approval. However, the second House may approve an amended version of the bill and substantially alter the bill passed by the first House. In that case, a bicameral Conference Committee (shortened to “bicam” in Philippine usage), with members from both Houses, is created to reconcile the two conflicting versions of the bill. A bicameral committee may also tackle similar versions of bills which were simultaneously deliberated upon by both Houses. The bicam then creates a unified version which is deliberated and voted upon separately by each House. If approved, the unified bill is sent to the President.

If the President signs the bill, it is enacted into law. If s/he rejects the bill, the Congress must override the veto by a vote of two-thirds of all the members of each House, voting separately, and it becomes a law. (If the overriding is not successful, the bill does not become a law.) A bill lapses into law if the President fails to act on it thirty days after transmittal by Congress.

Points of Access

Any citizen or civil society group may intervene in legislation through formal and informal points of access. Formal points are interventions within the formal legislative process and usually take place in appropriate offices within the halls of Congress. Informal points are interventions outside the formal process, although it does not preclude that such interaction may physically take place within congressional offices.

Formal Points of Access. Formal access to the legislative process may take place at any step, from drafting to approval. At the bill drafting stage, the best way for disadvantaged groups to get their ideas into a bill is for them to draft it themselves and submit it to a Representative or Senator to sponsor. According to House committee secretaries, groups with concrete proposals have better chances of being involved and represented in legislation. The committee secretary or the technical staff of the legislative sponsor may even assist in crafting an acceptable form of their proposal (FGD 2006). This intervention is welcomed even by legislators. According to one senator:

While legislators have their own perspective of things, they normally derive their insights and legislative proposals from outside the halls of Congress – from the people and organizations that bring out the country’s different problems and who know best what they need in terms of legislation (Senator Juan Flavier, quoted in Paez 1997: 43).

The next stage of active intervention can take place at the committee level. The committee studies the bill, solicits comments and positions from experts and stakeholders on the policy, evaluates these initial inputs, and summarizes the points for discussion at a committee public hearing. Most committee secretariats have a list of people and organizations that they may call on for opinions and comments regarding a pending bill. These include those with known expertise or stake on the subject of a bill. A group may ask the committee to be placed on that list or signify its interest in speaking during the public hearing (FGD 2006).

Attendance at committee hearings is at the discretion of the chair in coordination with the secretary. Two to three NGOs/POs are usually invited to meetings on bills that are known to have originated from them, or those that fall within the interest of their sectors. In instances where there are too many NGOs/POs seeking representation or wishing to be heard, the committee secretaries arrange for meetings with the Chair prior to the committee hearing or meeting. Committees try to have all sides represented in public hearings. In the Eighth Congress, committees even went to provincial cities to solicit the comments of those outside Metro Manila (FGD 2006). Following the public hearing, the committee may introduce amendments to the bill, substitute it with an entirely new one, consolidate different proposals into one bill, or allow a bill to pend.

In addition to the study of specific bills, committees screen and prioritize all legislative proposals it receives. Prioritization may be in consonance with a set agenda, such as those certified as urgent by the President, or those articulated by the House leadership, the committee or its head. Without such an agenda, “the committee normally exercises its discretion in the prioritization of bills and other proposed measures” (TWSC 1994: 161).

The committee stage is one of the most important points of access. Not only is it here that formal study of the bill takes place but it is also here that interested citizens may have their opinions heard on a measure within the halls of Congress. The committee also serves a significant gate-keeping role where bills may proceed or not in their

transformation into law. The last entry of most bills in the Bills and Index Divisions in the House of Representatives and in the Senate has the notation “pending in committee.” This was the TWSC finding for the Eighth and Ninth Congress. For the current (Thirteenth) Congress, as of the end of March 2006, the record for the committees likely to be of interest to disadvantaged groups is shown in Table 2.1. As may be noted, only three percent in the Senate, and 24.5 percent of bills in the House have gone beyond “pending in committee.”

The second reading is an occasion for the groups to follow the progress of their bill and to show their interest in its passage. They are allowed to sit in the gallery on a first-come, first-served basis. Since only legislators are allowed to speak during floor deliberations, the most direct intervention they can do is to slip in questions and answers favorable to their cause through the technical staff of the legislator or the legislator him/herself.

During the period of amendments, legislators can introduce amendments to the bill favorable to certain sectors or interests. If accepted by the chair of the committee sponsoring the bill, this amendment, called a “plenary amendment” will be incorporated into the measure and in the committee report. Better still, the sectors can work out with the Chair their preferred amendment which can be introduced as a “committee amendment” and incorporated into the final version or third reading version of the bill (Silang 2006).

In the third reading, the legislators vote for the approval or rejection of a bill. This may also be attended by concerned groups.³ If it is a bill widely discussed even outside the halls of Congress, Members may take the time to explain their votes. Otherwise, a simple “yea” or “nay” would suffice.

After approval, the bill is sent to the other House, which conducts the same process. To reconcile the Senate and House bills, a conference committee composed of members of both Houses is created to hammer out a version acceptable to both groups. The conference committee has generally conducted meetings attended only by legislators. However, it may become a point of formal access if the conferees agree to have observers to provide clarificatory points. The bicam may also take a break to allow the technical working group of stakeholders and government agencies to thresh out “wrinkles within the measure and make the bill more acceptable.” A break may also be called when the conferees reach an impasse and the committee chair deems that informal meetings by themselves or with outsiders are needed to resolve the conflict (Silang 2006).

³ The rule for their entry is quiet listening as the Chair may rule that a noisy gallery be vacated or individual noisemakers be removed by the Sergeant of Arms (FGD 2006). As we shall see later, a loud show of emotion was allowed the gallery during the UDHA deliberations.

Table 2.1
Status of Bills in House and Senate in the Thirteenth Congress

A. Status of Bills in 23 Selected House Committees*

Bill Status	Number of Bills	Percentage (%)
Pending in committee	589	75.5
Substituted	146	18.7
Consolidated	7	0.9
On business	12	1.5
Resolution reported out	8	1.0
Adopted resolution	2	0.2
Approved on second reading	1	0.1
Approved by the House	7	0.9
Bill reported out	1	0.1
Printed copies distributed to members	6	0.8
Unfinished business	1	0.1
Total	780	100.0

*Includes the following committees: Agrarian Reform, Agriculture and Food, Aquaculture and Fisheries Resources, Cooperatives Development, Ecology, Health, Housing and Urban Development, Human Rights, Labor and Employment, Muslim Affairs, National Cultural Communities, Natural Resources, People Participation, Population and Family Relations, Poverty Alleviation, Rural Development, Small Business and Entrepreneurship Development, Social Services, Women, Youth, Education and Welfare of Special Persons, Millennium Development Goals, and Peace, Reconciliation and Unity. Source: House Records.

B. Status of Bills in 13 Selected Senate Committees*

Bill Status	Number of Bills	Percentage (%)
Pending in committee	1,317	97.0
Consolidated/Substituted	28	2.1
Adopted resolution	1	0.1
Pending second reading	6	0.4
Pending in House of Representatives	1	0.1
Pending in conference committee	1	0.1
Passed by both Houses	1	0.1
Total	1,355	100.0

*Includes the following committees: Agriculture and Food; Basic Education and Culture; Cooperatives; Cultural Communities; Education, Arts and Culture; Environment and Natural Resources; Health and Demography; Justice and Human Rights; Labor, Employment and Human Resources Development; Peace, Unification and Reconciliation; Social Justice, Welfare and Rural Development; Urban Planning, Housing and Resettlement; and Youth, Women and Family Relations. Source: Senate Records.

Informal Points of Access. Informal interventions may occur before a bill is drafted and at all phases of the legislative process. Some of these are personal, in that it takes advantage of interrelationships between the legislator and representatives of concerned groups. Such relationships may include blood or ritual kinship, friendship, common provincial origins, or school or business ties. In the early post-Marcos years,

newly elected politicians were approached by their colleagues in civil society with whom they marched side by side against the dictatorship. (This has earned the lofty title, “the parliament of the streets.”) Some relationships may be created in pursuit of a bill, as when interest groups study the expertise, track record, ideological leanings and interests of legislators, and cultivate relationships with the ones they can convert from opponent or passive spectator to sponsors of, or sympathizers to, their cause.

A legislator’s sponsorship of a bill drafted by concerned groups may not always be effective, since s/he may merely accommodate their request, then allow it to languish in committee. TWSC calls this an “extreme scenario” although staffers “confirm the existence of said practice” (TWSC 194: 158).

Personal contacts may not be all that effective despite the sincerity of their sponsors for groups battling the status quo. This is because opponents of their measure may have their own stronger relationships with even more legislators or be legislators themselves.

Much lobbying for legislative proposals does not necessarily occur at the lobby or any other part of Congress. TWSC lists the modes of articulation at the pre-drafting stage, as follows:

- Presentation of position papers, policy studies, official statements and the like, in support or rejection of a proposed legislative measure
- Submission of ‘lobby’ letters and petitions for sponsorship of a particular bill
- Mass mobilization or a limited demonstration or picket to press for a specific measure; and
- Use of local government mechanisms such as initiative or referendum, or similar advocacy instruments like signature campaigns endorsed by local officials (for instance, in the concerned Representative’s district) and the like (1994: 158).

These are all done in the hope that legislators or their staff may see the merits of their position and incorporate it as a single measure or as part of a bill. However, while such intervention is common as well as quite convenient, TWSC warns that “it is *observed* in this study to be the least effective and complete in terms of its ability to radically affect policy outcomes” (1994: 158). There is need therefore for continuous pressure on legislators throughout the legislative process. This may require the formation of advocacy or lobby teams that regularly meet with sympathetic members of both Houses and apprise the media corps of developments. Big rallies to show that large masses of people are behind them may also be used to impress legislators.

In the case of the agrarian reform, the main civil society group even tried to undertake a people’s initiative, following Art. VI, Sec. 32 of the Constitution. The Congress for People’s Agrarian Reform (CPAR), after it failed to have an agrarian reform law with its preferred reforms, campaigned for three million signatures to recall the

Comprehensive Agrarian Reform Law (CARL, RA 6657) and replace it with the People's Agrarian Reform Code (PARCode). However, it also failed in that attempt (Miller and Rzaon-Abad 1997: 184).

The Party-List System

A special access point for disadvantaged groups is the party-list system created by the 1987 Constitution. Its intent is clearly stated in the Declaration of Policy of the enabling law (Rep. Act No 7941, Sec. 2):

The State shall promote proportional representation... through a party-list system of registered national, regional and sectoral parties or organizations or coalitions thereof, which will enable Filipino citizens belonging to marginalized and underrepresented sectors, organizations and parties, and who lack well-defined constituencies but who could contribute to the formulation and enactment of appropriate legislation that will benefit the nation as a whole, to become members of the House of Representatives.

The party-list system thus attempts to balance the scales, since many legislators are members of the elite and may be expected to protect their positions. With the party-list, marginalized sectors may be represented in Congress with their own full-time members.

Party-List Representatives. The system allows for up to twenty percent of the membership of the House of Representatives to be elected through voting for a party-list. The electorate votes for an organization (the party-list) which has earlier designated three members who will represent it if it gets the required number of votes. A party-list organization gets one seat if two (2) percent of the voters voting for the party-list system selects it. No more than three (3) seats may be filled by any one party-list.

In Section 5, twelve sectors were identified as possible registrants, showing the intent of Congress of which groups are to be represented. Of these, labor, peasant, urban poor, indigenous cultural communities, women, and youth were sectors specifically described in the Constitution as "marginalized." To that list, Section 5 added fisherfolk, elderly, handicapped, veterans, and overseas workers, and professionals. Except for professionals, these may be assumed to be sectors poorly represented in single-member districts.

From 1987 to 1998, party-list seats were filled by presidential appointment. Except in one case, Presidents Aquino and Ramos appointed sectoral representatives from the same sectors later listed in Rep. Act 7941. (See Table 2.2.)

For the Eighth Congress, President Aquino appointed fourteen people who represented the following sectors: labor (3), peasant (2), disabled (2), youth (2), fisherfolk (1), urban poor (2), veteran/elderly (1) and farmer (1). The identification of the last one as separate from the peasant sector suggests that he was probably a landowner.

Table 2.2 Sectors Represented in the Lower House, 1985 to 1998

Sector	8 th	9 th	10 th
Labor	3	7	10
Peasant	2	2	5
Youth	2	2	3
Urban poor	2	1	2
Disabled	2	0	0
Fisherfolk	1	0	0
Farmer	1	0	0
Veterans/elderly	1	0	0
Women	0	2	2
OFW	0	1	0
Cult communities	0	0	2
Total	14	15	24
Source: House 2006			

In the Ninth Congress, with 15 sectoral representatives, the number of sectors decreased from eight to six. Seven came from labor. Peasants and youth each continued to have two representatives, the urban poor dropped to one. The disabled, fisherfolk, farmer and veteran/elderly lost seats. However, the sectors of women (with two representatives) and OFWs (with one) were introduced into the party- list system.

In the Tenth Congress, the number appointed rose to twenty-four, but the sectors represented remained six. Labor continued its prominence with ten representatives, peasants increased to five, and youth got one more (to three). Women retained their two representatives. The urban poor got one more representative to go back to two, its Eighth Congress level. Two sectoral representatives to represent the cultural communities were appointed for the first time.

Thus for the three transitional congresses, the presidents kept sectoral representation (except for “farmer”) to what seems to be generally accepted as marginalized. Neither appointed a sectoral representative for professionals.

There are some interesting sidelights. Two people from labor served all three terms – they are Romeo Jabar, Jr. and Alejandro Villaviza. President Ramos appointed thirteen people for two terms: seven labor representatives (Zoilo de la Cruz, Temistocles Dejon, Sr., Andres Dinglasan, Jr., Paterno Menzon, Ernesto Verceles, plus Jabar and Villaviza), two for women (Minerva Laudico and Leonor Luciano), two for peasants (Leonardo Montemayor and Vicente Tagle), one for youth (Edgar Avila), and one for the

urban poor (Ariel Zartiga). Arturo Olegario⁴ served as fisherfolk representative in the Eighth and re-surfaced as peasant representative in the Tenth.

Since 1998, party-list members were elected following Republic Act No. 7941. Section 3 enumerates the party-list system as composed of political parties, sectoral parties, sectoral organizations and coalitions. A “sectoral party” is “an organized group of citizens belonging to any of the sectors enumerated in Section 5 hereof whose principal advocacy pertains to the special interest and concerns of their sector.” This is the only type of association in the list that is clearly connected to the disadvantaged groups. A “sectoral organization” is defined “as a group of citizens or a coalition of groups of citizens who share similar physical attributes or characteristics, employment, interests or concerns,” without stating that these should be the concerns of the marginalized groups identified in Section 5. The definitions of “political party” and “coalition” are similarly generic, although reading Section 3 and 5 together would seem to limit any party-list group to the already identified sectors. Section 6 repeats the prohibition of the Constitution by giving the Commission on Elections (COMELEC) the power to refuse or cancel the registration of organizations organized for religious purposes.

The Supreme Court ruled on June 26, 2001 that the COMELEC should disqualify party-list organizations if they “or their respective candidates do not represent the ‘marginalized and underrepresented’ segments among the Filipino people.” It stresses further:

Crucial to the resolution of this case is the fundamental social justice principle that those who have less in life should have more in law. The party-list system is one such tool intended to benefit those who have less in life. It gives the great masses of our people genuine hope and genuine power. It is a message to the destitute and the prejudiced, and even to those in the underground, that change is possible. It is an invitation for them to come out of their limbo and seize the opportunity.

Clearly therefore, the Court cannot accept... that the party-list system is, without any qualification, open to all. Such position does not only weaken the electoral chances of the marginalized and underrepresented; it also prejudices them. It would gut the substance of the party-list system... (Quoted from Llamas 2001: 5).

Those considerations would allow us to appreciate better the list of sectors represented in the three Congresses covered in Table 2.3.

⁴ The fisherfolk representative was identified as Antonio Olegario in the House website. However, he was introduced in NACFAR (1997) as Arturo Olegario, the same name held by the sectoral rep for peasants appointed in 1995. See House of Representatives 2006 and NACFAR 1997.

Table 2.3. Organizations and Sectors⁵ Elected to Party-List, 1998 to 2007

Party List	Sector	11th	12 th	13th
ABA Alyansang Bayanihan ng mga Magsasaka, Magbubukid at Mangingisda	Peasant	1	1	
Abanse! Pinay	Women	1	1	
AKBAYAN Citizen's Action Party	Pol party	1	2	3
AKO Adhikain at Kilusan ng Ordinaryong Tao	Urban Poor	1		
ALAGAD		1		1
ALIF Ang Laban ng Indiginong Filipino	Indigenous			1
AMIN Anak Mindanao	Organization		1	1
AN WARAY				1
AP Anakpawis				2
APEC Association of Phil Electric Cooperatives	Organization	2	3	3
AVE Alliance of Volunteer Educators	Organization			1
BAYAN Bayan Muna	Pol party		3	3
BUHAY Buhay Hayaan Yumabong	Organization		1	2
BUTIL Luzon Farmers Party	Peasant	1	2	1
CIBAC Citizen's Battle against Corruption	Organization		2	1
COCOFED Phil Coconut Producers Federation	Peasant	1	1	
COOP-NATCO Cooperative NATCO Network Party	Organization	1		1
GABRIELA	Women			1
NFSCFO Natl Fed of Small Coconut Farmers, Organization, Inc.	Peasant	1		
PM Partido ng Manggagawa	Labor		1	1
PROMDI ABAG PROMDI	Pol party	1		
SANLAKAS	Organization	1	1	
VFP Veterans Freedom Party	Veterans	1		1
Total		14	19	24

Sources: COMELEC 1998, 2004, cyberdyaryo 2001, Congress, 2006.

In the Eleventh Congress, thirteen party-list organizations got into Congress on the party-list system. One of them, an organization of electric cooperatives, had enough votes for two seats, so that there were 14 party-list Representatives. Of these, only three were from sectors identified in the law as marginalized (peasants, veterans, and women). This is not to say the others should not have been allowed, because one can argue that cooperatives (COOP-NATCO, APEC), a regional political party (PROMDI), and national progressive organizations (AKBAYAN⁶, SANLAKAS) are not adequately represented in Congress and deserve a place in the party-list. It is also worth noting that in the National Anti-Poverty Commission, cooperatives and non-government organizations are recognized as basic sectors.

⁵ Sectors appear as the organizations have identified themselves before the COMELEC. Not all lists put the sectors.

⁶ AKBAYAN calls itself a political party; Sanlakas, an organization.

In the Twelfth Congress, the number of party-list representatives increased to 19⁷, but coming from only 12 organizations. One party (BAYAN) and one organization (APEC) had three representatives each, while three others (AKBAYAN, BUTIL and CIBAC) managed two each. Labor was added to peasants and women among the original identified sectors. Those identifying themselves as simply “organization,” and “political party” increased.

There are 24 party-list members in the Thirteenth Congress, coming from sixteen organizations. The identifiable sectors are labor, peasants, women, cooperatives, and veterans. The rest identify themselves as political parties or organizations, without identifying a sector.

Comparison of Single-Member District and Party-List Representatives. The explicit objective of the party-list system is “to enable the marginalized... to become members of Congress” as RA 7941’s policy declared. The latent assumption is that most of the other elected representatives come from sectors and socio-economic levels different from those of the marginalized. We will examine that assumption in this section.

The sectors of the party-list system are already identified above. Here we will bring out the sectors of the single-member district representatives. Table 2.4 shows the business interests these congresspersons have, based on their own reporting in their Statement of Assets and Liabilities. Since they are not elected by sectors, this is the best surrogate index. The interests they represent are very different from those of the party-lists. Note, particularly, the number of congresspersons in the agricultural, logging and mining sectors (but are not peasants, lumberjacks and miners). That number would help explain the difficulty of passing the laws we will discuss in the next chapters. It should also be observed that the number of landowners has been decreasing, from a high of 58 percent in the Ninth, to only 38 percent in the Twelfth.

The totals are more than the number of congresspersons, signifying multiple interests. Dual roles seem to be well-accepted. As Ramon Durano, Sr., from one of the most prominent political families stated:

No combination can work better for a person than for him to be in politics and business at the same time (quoted in Datinguinoo and Olarte 2001b: 1).

The second issue is the socio-economic levels of the two types of congresspersons. How much are the party-list representatives like “the people”? Seven sectoral representatives have net worth of ten million pesos or higher, as of December 31, 2005, the date in the latest Statement of Assets and Liabilities. This is a high 29 percent of the party-list legislators. These include the BUHAY representative (P30.9 million) followed by ALIF, AVE, APEC, and CIBAC representatives (Sy Egco 2006). The richest among the party-list group would be at a par economically with what Sheila Coronel describes as “the typical Filipino legislator” (quoted by Escobar 2004: 2).

⁷ Twenty-one actually served as sectoral representatives, but two of them replaced Crispin Beltran and Liza Maza who resigned as representatives for BAYAN before their term was up.

However, the rest of them tip the scales at lower levels: six would still be millionaires (representatives of AN WARAY, ALAGAD, AKBAYAN, COOP-NATCO and GABRIELA while five report less than P373,000 (BAYAN and ANAKPAWIS representatives) (Sy Egco 2006).

Table 2.4. Business Interests of Representatives

	12th		11th		9th	
	No.	%	No.	%	No.	%
Agricultural enterprises	34	16%	35	16%	54	27%
Agricultural landholdings	82	38	92	42	116	58
Banking	14	6	11	5	42	21
Communication	17	7	20	9	7	3
Construction	12	5	13	6	18	9
Financial services	17	7	8	4	40	20
Hotel, recreation and restaurants	28	13	19	9	23	12
Logging	2		3	1	17	9
Mining	4	1	3	1	14	7
Power and energy	11	5	9	4		
Real estate development	45	21	38	17	45	22
Schools	6	2	7	3		
Manufacturing and trading	32	15	25	11	50	25
Travel and transportation	13	6	20	9	4	2
	317		303		439	

Source: Statements of Assets and Liabilities as tabulated in Datinguino and Olarte 2001b.

Many congresspersons elected from single-member districts have net worths that dwarf the above list. For 2001, the top ten House members in terms of net worth reported at least P103 million or three times what the richest party-list representative had in 2004. Regular members also tend to come from political families.⁸ By contrast, only one party-list representative comes from a political clan.⁹ However, two are scions of the leaders of two competing but politically influential religious groups.

The data suggest that indeed the party-list system has brought in people generally unlike the regular congresspersons. They are not as disadvantaged as the sectors they represent however. We should also be alert to the danger that the party-list

⁸ In the Ninth Congress, fully 72% belonged to political clans. This declined to 35% in the 11th but moved up again to 50% in the 12th (Datinguino and Olarte 2001: 2-3).

⁹ This is Eulogio Magsaysay of the Alliance of Volunteer Educators who is from the influential Zambales clan. He also is unlike the others in having earned a Ph.D.

representatives may become more like their single-member counterparts in wealth and family connections.

Problems in Implementation. In analyzing RA 7941, David Wurfel (1998) notes that the cap of three per organization may encourage the division of mass-based organizations rather than the formation of coalitions. However, he did not foresee that an organization may get around the cap by fielding its people using some of its component-associations. For instance, BAYAN's Crispin Beltran and Liza Maza resigned from the Twelfth Congress but re-surfaced in the Thirteenth as representatives of ANAKPAWIS and GABRIELA, respectively, effectively increasing BAYAN's representation to six (3 from BAYAN, 2 from ANAKPAWIS and one from GABRIELA).

In its implementation, the law's intentions may also not be realized by the recognition of a category called "organizations." The registration of some, like the Philippine Chamber of Commerce and Industry and CREBA (Chamber of Real Estate and Builders Association) has been disputed because of their big-business membership (AKBAYAN 2001, Wurfel 1998). MAD (*Mamamayan ayaw sa Droga*, Citizens against Drugs) was also questioned, being an association organized by government and backed by the Philippine National Police. As of July 4, 2001, two months after the election and before it was disqualified by COMELEC following the Supreme Court decision, MAD had garnered 9.9 percent of party-list votes and stood next only to BAYAN (Llamas 2001). Meanwhile, the Estrada-backed JEEP (Citizens' Movement for Justice, Economy, Empowerment and Peace) and OSMENA (Organized Support for the Movement to Enhance the National Agenda) were among the groups "created by big politicians who want extra seats in Congress" (Akbayan 2001).¹⁰

The party-list system is also not strengthened by the recognition, in 2001 and 2004, of the Philippine Federation of Coconut Producers (COCOFED), an organization of elite coconut planters, as a representative of the peasant sector. Moreover, three organizations associated with religious groups have been allowed seats, skirting the prohibition against the religious sector. These are ALAGAD (associated with the Iglesia ni Cristo, 11th the Citizen's Battle against Corruption (CIBAC, associated with the Jesus Is Lord Movement), (12th and 13th Congresses), and BUHAY (associated with El Shaddai, 12th and 13th) (Inq7.net 2004b). One of the representatives named by CIBAC and BUHAY happened to be sons of the founders of the religious organizations.

Another problem is that, as Wurfel (1998) warned, RA 7941 does not shut the door on traditional politicians who want to get in through other means. The law does not have any provisions that will allow COMELEC to refuse to register parties or groups around unnamed sectors. Instead, they may get in through this passage in Section 3:

Component parties or organizations of a coalition may participate independently provided the coalition of which they form part does not participate in the party-list system.

¹⁰ None of these groups got a seat through the party-list system.

Wurfel claims that this effectively makes the prohibition against the participation of the “top five” coalitions or parties in Section 11 unenforceable¹¹. Indeed two major political parties, the Nationalist People’s Coalition, and the LAKAS-NUCD-UMDB (the ruling coalition at that time), were getting more than two percent of the votes in the party-list as of July 4, 2001 when COMELEC moved to disqualify them.

A continuing problem is that the party-list system is hardly known by the electorate. Pulse Asia reported in March 2004, nine weeks before the last elections, that 54 percent of its respondents (1,800 potential voters) have not heard of the party-list system. This may explain why only about half of registered voters had participated in the system in previous elections (inq7.net 2004a). There is also little awareness of what each organization stands for. This may account for the preference, among both organizations and voters, for acronyms starting with the first letters of the alphabet. If one looks at the list of winners, the dominance of A’s, followed by a few B’s and C’s, suggest that many voters may vote for the first organizations they see, rather than for what the organizations stand for.

Benefits and Accomplishments of the Party-List System. These problems aside, the party-list system has provided some beneficial effects, in terms of political recruitment, causes and costs.

First, whatever one’s view of the merits of their representatives, the system has put a new type of political recruitment into Congress. Leaders from peasant, labor, women and non-traditional parties and organizations now walk the halls of Congress as representatives co-equal with elite politicians.

Clearly the most successful organization is BAYAN. There are two views about BAYAN’s participation in the party-list arena. One is that its prominence in the “parliamentary struggle” complements its armed struggle, contributing to the “resurgence of the previously waning ND (National Democratic) movement.” On the other hand, other commentators opine that it may split the movement over the long haul (Llamas 2001). It is too early to state which path will win.

Second is the contribution of the party-list system to the public agenda. As we shall show in the cases in the next chapters, the appointed party-list members contributed much to advancing a variety of causes of disadvantaged groups in Congress. Since the Eleventh Congress when party-list members have been elected, three bills chiefly sponsored by them have been passed:

- Republic Act No. 9208 (An Act to institute policies to eliminate trafficking in persons, especially women and children, establishing the necessary institutional mechanisms for the protection and support of trafficked persons, providing penalties for its violations and for other purposes), sponsored by

¹¹ However, RA 7941, Section 11 seems to prohibit the participation of major political parties only in the May 1998 elections.

Liza Maza of GABRIELA and Patricia Sarenas of Abanse Pinay, among others;

- Republic Act No. 9262 (An Act defining violence against women and their children, providing for the protective measures for victims, prescribing penalties therefore and for other purposes), also by Maza and Sarenas, among others; and
- Republic Act No. 9344 (The Juvenile Justice and Welfare Act), by Maza, among others.

The first two came from the Committee on Women during the Twelfth Congress and the last one from the Committee on Justice during the Thirteenth Congress (Silang 2006). These numbers should be appraised against the total number of laws passed during these Congresses. For the Twelfth when only 66 laws were passed, the party-list representatives got three percent. For the Thirteenth, with only nine laws passed as of April 30, 2006, RA 9344 alone accounts for eleven percent of the total.

Note that these are all issues of the women's sector. No law addressing issues of other disadvantaged sectors or chiefly sponsored by their sectoral representatives in Congress has been enacted.

It may be recalled that in Table 2.1, we showed the status of bills in 23 House committees most likely to have bills affecting disadvantaged groups. We made a similar study of the status of all bills authored by party-list representatives and found that they had the same percentage (0.9%) as the bills approved by the House from selected committees.

Third, the party-list system allows a person to be elected by a nationwide constituency with relatively few votes. Unlike the other congresspersons, party-list representatives are elected nationwide. Because only a small percentage of the electorate chooses to vote in the party-list system, an organization can get a seat at so much less votes – and cost - than a member of the Senate who also has a national constituency. For instance, in the 2004 elections, with only 13 million voters in the party-list system, an organization could have gotten one representative for as few as 264,000 votes¹². BAYAN had the most number of votes (1,203,305) for which it got the maximum number of three representatives.¹³ By contrast, the votes garnered by the twelfth senator to be elected were 10,635,270 – 45 times more than what a party list organization needed to get one seat, and almost nine times what the organization with the highest votes got (COMELEC 2004 a and b).¹⁴ The party-list system may also have translated to lower

¹² AN WARAY got a seat with the lowest number of votes, 268,164. That number represented 2.11% of the people voting in the party list box, almost 4,000 votes more than the minimum required.

¹³ Because three is the most a party-list organization can get, BAYAN MUNA needed only around 792,000 votes to get the same number of representatives they now have.

¹⁴ Depending on the size of their district, single-member Representatives can get by with even less votes than a party list Congressperson. However, the expenses for their election cannot be compared to party list seats.

cost of elections since the organizations have not been seen in big-ticket campaigns like television and other mass media advertising.