

## **Ten Years of Philippine Party-List System and Millions of Disenfranchised Voters**

By Felix P. Muga II

On March 3, 1995, Fidel V. Ramos, as president of the Republic of the Philippines, signed into law Republic Act 7941 commonly known as the Party-List System Act. Three years after in May 1998, the first party-list election was held. After 10 years, the Philippines had already conducted 4 party-list elections.

In a party-list election, a qualified party may be a multiple winner, that is, it may win more than one legislative seats. Thus, the party-list system is designed to be proportional in the allocation of seats with respect to the number of votes obtained by each participating political parties or groups. Hence, the party-list system is a proportional representation system.

Republic Act 7941 defines the party-list system 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 Commission on Elections (COMELEC).” (Section 3, Definition of Terms).

The Party-List System Act declares as a policy that the “State shall promote proportional representation in the election of representatives to the House of Representatives through a party-list system of registered national, regional and sectoral parties or organizations or coalitions thereof, which will enable Filipino citizens belonging to the 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 that will benefit the nation as a whole, to become members of the House of Representatives.”

Proportional representation is a democratic principle that aimed to maintain equality between the percentage of votes that participating parties obtain in an election and the percentage of seats that they receive in a multiple-winner election. Thus, the party-list proportional representation system ensures a fair treatment and an impartial share in the allocation of legislative seats to qualified parties in a multiple-winner election. The party-list proportional representation system is an affirmation of the State Policies of the 1987 Constitution specifically in Section 10 of Article II which states that the “State shall promote social justice in all phases of national development.” Any action of the State that prevents the party-list system to be fully proportional contradicts this provision of the 1987 Constitution.

According to Section 5 of Article VI of the 1987 Constitution, “the party-list representatives shall constitute twenty *per centum* of the total number of representatives including those under the party list.” It is the duty of the State to formulate a seat allocation method in the party-list proportional representation system that fully allocates all the seats to the qualified parties in proportion to the percentage of votes they obtain. This can be done in other countries with party-list proportional representation system and there is no reason that we cannot do it.

Table 1. Data on the Number of Expected, Filled Up and Vacant Party-List Seats				
<i>Election Year</i>	<i>No. of Congressional Districts</i>	<i>Expected No. of Party-List Seats (20%)</i>	<i>No. of Filled Up Party-List Seats</i>	<i>No. of Vacant Party-List Seats</i>
1998	208	52	14	38
2001	209	52	20	32
2004	212	53	24	29
2007	219	54	22	32

In a party-list proportional representation system, a qualifying threshold may be legislated to determine those parties who are qualified to receive a seat. In the Philippine setting, a two-percent of the total number of party-list votes is set as specified in the Party-List System Act. Only those parties with two-percent or more of the total number of party-list votes are qualified to receive seats.

The number of votes obtained by all the qualified parties is determined and the percentage of votes obtained by each qualified party with respect to this total number of votes is computed.

The percentage of seats of a qualified party is equal to the number of seats received by the qualified divided by the total number of available party-list seats.

Then from the democratic principle of proportional representation, we have

$$\text{percentage of seats of a qualified party} = \text{percentage of votes of the qualified party}$$

Thus,

$$\frac{\text{no. of seats for a qualified party}}{\text{total no. of available party-list seats}} = \text{percentage of votes of the qualified party}$$

Therefore, we expect that under the democratic principle of proportional representation the number of seats received by a qualified party is equal to the product of the percentage of votes of a qualified party and the total number of available party-list seats.

However, the product is not always a whole number. For example, if the total number of available party-list seats is 50 and the percentage of votes is 5%, then the expected number of seats that will be received is  $50 \times 0.05 = 2.5$  seats. Since a seat is indivisible either 2 or 3 seats will be given based on some conditions that will be considered fair and just to the concerned party and other qualified parties.

Thus, a seat allocation method must be devised such that the actual number of seats allocated is as close as possible to the expected number of seats which is based on the democratic principle of proportional representation and is considered fair and just to the qualified parties. The seat allocation method must adhere to the democratic principle of proportional representation and must respect the principles of social justice.

If a qualified party is expected to receive 4 seats by the principle of proportional representation but is given only two seats by the seat allocation method. Then the allocation method contradicts the democratic principle of proportional representation and is considered unfair and unjust to the concerned qualified party.

The number of seats negated by the seat allocation method against a qualified party is given by

**no. of seats negated by the method = expected no. of seats – actual no. of seats received**

Using the democratic principle of proportional representation, we can determine the minimum number of votes required for one seat. This is computed by determining the integral part of the quotient when the total number of votes of the qualified parties is divided by the total number of party-list seats. Thus,

**minimum no. of votes for one seat =  $\frac{\text{combined no. of votes of qualified parties}}{\text{total no. of available party-list seats}}$**

In a situation where the total number of party-list seats are not fully filled up, there is disenfranchisement of voters, if there are qualified parties who do not receive their expected number of seats based on the democratic principle of proportional representation.

We can compute the number of disenfranchised voters by determining the number of seats negated by the seat allocation method on a qualified party and multiplied this by the minimum number of votes required for one seat. Thus,

**no. of disenfranchised voters =  
no. of seats negated by the method × minimum no. of votes required for one seat**

In the 1998, 2001 and 2004 party-list elections, the Commission on Elections (COMELEC) allocated the legislative seats to party-list groups with 2% or more of the total party-list votes using the 2-4-6 Rule. In this allocation method,

- if a qualified party has 2% or more but less than 4% of the total party-list votes then it is given 1 seat only, or
- if it has 4% or more but less than 6% of the total party-list votes then it is given 2 seats, or
- if it has 6% or more of the total party-list votes then it is given 3 seats.

Thus, for the 2-4-6 Rule one legislative seat is equivalent to 2% of the total party-list votes. The 2-4-6 Rule imposes a maximum of 3 seats that will be given a qualified party.

<b>Table 2. Allocation of Seats in the 1998 Party-List Elections Using the 2-4-6 Simplified Comelec Formula</b>				
COMELEC Party-List Canvass Report No. 16 dated August 19, 1998				
<i>Ran k</i>	<i>Qualified Party-List Groups</i>	<i>No. of Votes</i>	<i>Percentage Based on Total Party- List Votes</i>	<i>Actual No. of Seats Received</i>
1.	APEC	503,487	5.49940%	2
2.	ABA	321,646	3.51322%	1
3.	ALAGAD	312,500	3.41332%	1
4.	VETERANS	304,902	3.33033%	1
5.	PROMDI	255,184	2.78728%	1
6.	AKO	239,042	2.61097%	1
7.	NCSFO	238,303	2.60289%	1
8.	ABANSE! PINAY	235,548	2.57280%	1
9.	AKBAYAN!	232,376	2.53816%	1
10.	BUTIL	215,643	2.35539%	1
11.	SANLAKAS	194,617	2.12573%	1
12.	COOP-NATCCO	189,802	2.07314%	1
13.	COCOFED	186,388	2.03585%	1
<b>TOTAL</b>		<b>3,572,882</b>	<b>39.02525%</b>	<b>14</b>

In the 1998 Party-List Election, only 13 of out 126 registered party-list groups had 2% or more of the total party-list groups. The combined number of votes of these 13 qualified party-list groups is 3,429,438 which represents is about 37.46% of 9,155,309 which is the total number of party-list votes in 1998. Table 2 shows the distribution of seats to these 13 qualified party-list groups.

In 1998, the number of available party-list seats was 52 and the minimum number of votes needed for one seat was 3,429,438/52 or approximately 65,950 votes.

Using the democratic principle of proportional representation, the expected number of seats of a qualified party is given by

Expected No. of Seats =

$$\text{Total No. of Party-List Seats} \times \frac{\text{No. of Votes Received}}{\text{Combined No. of Votes of all Qualified Parties}}$$

<b>Table 3. Summary of the Number of Disenfranchised Voters in the 1998 Party-List Election</b>						
<i>Ran k</i>	<i>Party-List Group</i>	<i>Expected No. of Seats</i>	<i>Actual No. of Seats Received</i>	<i>No. of Unfilled Seats</i>	<i>No. of Seats Negated</i>	<i>Minimum No. of Disenfran- chised Voters</i>
1.	APEC	7.6342899	2	5.6342899	5	329,750
2.	ABA	4.8770650	1	3.8770650	3	197,850
3.	ALAGAD	4.7383857	1	3.7383857	3	197,850
4.	VETERANS	4.6231785	1	3.6231785	3	197,850
5.	PROMDI	3.8693127	1	2.8693127	2	131,900
6.	AKO	3.6245542	1	2.6245542	2	131,900
7.	NCSFO	3.6133489	1	2.6133489	2	131,900
8.	ABANSE! PINAY	3.5715753	1	2.5715753	2	131,900
9.	AKBAYAN!	3.5234788	1	2.5234788	2	131,900
10.	BUTIL	3.2697591	1	2.2697591	2	131,900
11.	SANLAKAS	2.9509453	1	1.9509453	1	65,950
12.	COOP- NATCCO	2.8779363	1	1.8779363	1	65,950
13.	COCOFED	2.8261704	1	1.8261704	1	65,950
		<b>52.0000000</b>	<b>14</b>	<b>38.0000000</b>	<b>29</b>	<b>1,912,550</b>

Computing the expected number of seats for a qualified party and the number of seats negated by the seat allocation method in 1998, we have the following:

1. APEC (1998 Partylist Election)

$$\text{expected no. of seats} = 52 \times \frac{503,487}{3,429,438} = 7.6342899$$

APEC actually received two seats. Thus the number of seats negated by the 2-4-6 Rule on APEC is  $7.6342899 - 2 = 5.6342899$ . This means that at least  $5 \times 65,950 = 329,750$  people who voted for APEC were disenfranchised by the 2-4-6 Rule and were denied of representation in the 11<sup>th</sup> Congress.

2. ABA (1998 Partylist Election)

$$\text{expected number of seats} = 52 \times \frac{321,646}{3,429,438} = 4.8770650$$

ABA received one seat only. Thus, the number of seats negated by the 2-4-6 is 3.8770650. This means that at least  $3 \times 65,650 = 197,850$  people who voted for ABA

were disenfranchised by the 2-4-6 Rule and were denied of representation in the 11<sup>th</sup> Congress.

3. ALAGAD (1998 Partylist Election)

$$\text{expected number of seats} = 52 \times \frac{312,500}{3,429,438} = 4.7383857$$

ALAGAD received one seat only. Thus, the number of seats negated by the 2-4-6 is 3.7383857. This means that at least  $3 \times 65,650 = 197,850$  people who voted for ALAGAD were disenfranchised by the 2-4-6 Rule and were denied of representation in the 11<sup>th</sup> Congress.

4. VETERANS (1998 Partylist Election)

$$\text{expected number of seats} = 52 \times \frac{304,902}{3,429,438} = 4.6231785$$

VETERANS FEDERATION received one seat only. Thus, the number of seats negated by the 2-4-6 is 3.6231785. This means that at least  $3 \times 65,650 = 197,850$  people who voted for VETERANS FEDERATION were disenfranchised by the 2-4-6 Rule and were denied of representation in the 11<sup>th</sup> Congress.

5. PROMDI (1998 Partylist Election)

$$\text{expected number of seats} = 52 \times \frac{255,184}{3,429,438} = 3.8693127$$

PROMDI received one seat only. Thus, the number of seats negated by the 2-4-6 is 2.8693127. This means that at least  $2 \times 65,650 = 131,900$  people who voted for PROMDI were disenfranchised by the 2-4-6 Rule and were denied of representation in the 11<sup>th</sup> Congress.

6. AKO (1998 Partylist Election)

$$\text{expected number of seats} = 52 \times \frac{239,042}{3,429,438} = 3.6245542$$

AKO received one seat only. Thus, the number of seats negated by the 2-4-6 is 2.6245542. This means that at least  $2 \times 65,650 = 131,900$  people who voted for AKO were disenfranchised by the 2-4-6 Rule and were denied of representation in the 11<sup>th</sup> Congress.

7. SCFO (1998 Partylist Election)

$$\text{expected number of seats} = 52 \times \frac{238,303}{3,429,438} = 3.6133489$$

SCFO received one seat only. Thus, the number of seats negated by the 2-4-6 is 2.6133489. This means that at least  $2 \times 65,650 = 131,900$  people who voted for SCFO were disenfranchised by the 2-4-6 Rule and were denied of representation in the 11<sup>th</sup> Congress.

8. ABANSE!PINAY (1998 Partylist Election)

$$\text{expected number of seats} = 52 \times \frac{235,548}{3,429,438} = 3.5715753$$

ABANSE!PINAY received one seat only. Thus, the number of seats negated by the 2-4-6 is 2.5715753. This means that at least  $2 \times 65,650 = 131,900$  people who voted for ABANSE!PINAY were disenfranchised by the 2-4-6 Rule and were denied of representation in the 11<sup>th</sup> Congress.

9. AKBAYAN! (1998 Partylist Election)

$$\text{Expected number of seats} = 52 \times \frac{232,376}{3,429,438} = 3.5234788$$

AKBAYAN! received one seat only. Thus, the number of seats negated by the 2-4-6 is 2.5234788. This means that at least  $2 \times 65,650 = 131,900$  people who voted for AKBAYAN! were disenfranchised by the 2-4-6 Rule and were denied of representation in the 11<sup>th</sup> Congress.

10. BUTIL (1998 Partylist Election)

$$\text{expected number of seats} = 52 \times \frac{215,643}{3,429,438} = 3.2697591$$

BUTIL received one seat only. Thus, the number of seats negated by the 2-4-6 is 2.2697591. This means that at least  $2 \times 65,650 = 131,900$  people who voted for BUTIL were disenfranchised by the 2-4-6 Rule and were denied of representation in the 11<sup>th</sup> Congress.

11. SANLAKAS (1998 Partylist Election)

$$\text{expected number of seats} = 52 \times \frac{194,617}{3,429,438} = 2.9509453$$

SANLAKAS received one seat only. Thus, the number of seats negated by the 2-4-6 is 1.9509453. This means that at least 65,650 people who voted for SANLAKAS were disenfranchised by the 2-4-6 Rule and were denied of representation in the 11<sup>th</sup> Congress.

12. COOP-NATCCO (1998 Partylist Election)

$$\text{expected number of seats} = 52 \times \frac{189,802}{3,429,438} = 2.8261704$$

COOP-NATCCO received one seat only. Thus, the number of seats negated by the 2-4-6 is 1.8261704. This means that at least 65,650 people who voted for COOP-NATCCO were disenfranchised by the 2-4-6 Rule and were denied of representation in the 11<sup>th</sup> Congress.

13. COCOFED (1998 Partylist Election)

$$\text{expected number of seats} = 52 \times \frac{186,388}{3,429,438} = 2.8261704$$

COCOFED received one seat only. Thus, the number of seats negated by the 2-4-6 is 1.8261704. This means that at least 65,650 people who voted for COCOFED were disenfranchised by the 2-4-6 Rule and were denied of representation in the 11<sup>th</sup> Congress.

The total number of disenfranchised voters ranges from a minimum of 1,912,550 (which is equal to 29 x 65,650) since there is a total of 29 seats negated by the 2-4-6 Rule up to a maximum of 2,506,100 (which is equal to 38 x 65,650) since there are 38 unfilled seats by the 2-4-6 Rule.

In the 2001 party-list election a number of party-list groups were disqualified by the Supreme Court. The Court declared that only 46 out of 162 party-list participants were qualified to receive a seat. (See *Ang Bagong Bayani-OFW vs. Comelec*. G.R. 147589, June 25, 2003). These 46 qualified party-list participants have a total of 6,523,185 votes. The Court further declared that only 12 of these 46 qualified groups reached the 2% qualifying threshold.

<b>Table 4. Allocation of Seats in the 2001 Party-List Elections Using the 2-4-6 Simplified Comelec Formula</b>				
COMELEC Party-List Canvass Report No. 26 dated September 7, 2001				
Pruned by The Supreme Court Decision in G.R. 147589 dated June 25, 2003				
<i>Ran k</i>	<i>Qualified Party-List Groups</i>	<i>No. of Votes</i>	<i>Percentage Based on Total Party- List Votes</i>	<i>Actual No. of Seats Received</i>
1.	<i>BAYAN MUNA</i>	1,708,253	26.187407%	3
2.	<i>APEC</i>	802,060	12.295527%	3
3.	<i>AKBAYAN!</i>	377,852	5.792446%	2
4.	<i>BUTIL</i>	330,282	5.063201%	2
5.	<i>CIBAC</i>	323,810	4.963986%	2
6.	<i>BUHAY</i>	290,760	4.457332%	2
7.	<i>AMIN</i>	252,051	3.863925%	1
8.	<i>ABA</i>	242,199	3.712895%	1
9.	<i>COCOFED</i>	229,165	3.513084%	1
10.	<i>PM</i>	216,823	3.323882%	1
11.	<i>SANLAKAS</i>	151,017	2.315081%	1
12.	<i>ABANSE! PINAY</i>	135,211	2.072776%	1

<b>TOTAL</b>	5,059,483	77.561544%	<b>20</b>
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In 2001, the number of available party-list seats was 52 and the minimum number of votes needed for one seat was 5,059,483/52 or approximately 97,297 votes. Computing the expected number of seats for a qualified party and the number of seats negated by the seat allocation method, we obtain the following results. See Table 5 for the summary.

1. BAYAN MUNA (2001 Partylist Election)

$$\text{expected number of seats} = 52 \times \frac{1,708,253}{5,059,483} = 17.5569630$$

$$\text{number of seats negated} = 17.5569630 - 3 = 14.5569630 \text{ or } 14 \text{ seats}$$

$$\text{min. no. of disenfranchised voters} = 14 \times 97,297 = 1,362,158 \text{ voters}$$

2. APEC (2001 Partylist Election)

$$\text{expected number of seats} = 52 \times \frac{802,060}{5,059,483} = 8.2433561$$

$$\text{number of seats negated} = 8.2433561 - 3 = 5.2433561 \text{ or } 5 \text{ seats}$$

$$\text{min. no. of disenfranchised voters} = 5 \times 97,297 = 486,485 \text{ voters}$$

3. AKBAYAN! (2001 Partylist Election)

$$\text{expected number of seats} = 52 \times \frac{377,852}{5,059,483} = 3.8834608$$

$$\text{number of seats negated} = 3.8834608 - 2 = 1.8834608 \text{ or } 1 \text{ seats}$$

$$\text{min. no. of disenfranchised voters} = 1 \times 97,297 = 97,272 \text{ voters}$$

4. BUTIL (2001 Partylist Election)

$$\text{expected number of seats} = 52 \times \frac{330,282}{5,059,483} = 3.3945492$$

$$\text{number of seats negated} = 3.3945492 - 2 = 1.3945492 \text{ or } 1 \text{ seats}$$

$$\text{min. no. of disenfranchised voters} = 1 \times 97,297 = 97,272 \text{ voters}$$

5. CIBAC (2001 Partylist Election)

$$\text{expected number of seats} = 52 \times \frac{323,810}{5,059,483} = 3.3280317$$

$$\text{number of seats negated} = 3.3280317 - 2 = 1.3280317 \text{ or } 1 \text{ seats}$$

min. no. of disenfranchised voters =  $1 \times 97,297 = 97,272$  voters

6. BUHAY (2001 Partylist Election)

$$\text{expected number of seats} = 52 \times \frac{290,760}{5,059,483} = 2.9883528$$

number of seats negated =  $2.9883528 - 2 = 0.9883528$  or 0 seats

min. no. of disenfranchised voters =  $0 \times 97,297 = 0$

7. AMIN (2001 Partylist Election)

$$\text{expected number of seats} = 52 \times \frac{252,051}{5,059,483} = 2.5905121$$

number of seats negated =  $2.5905121 - 1 = 1.5905121$  or 1 seat

min. no. of disenfranchised voters =  $1 \times 97,297 = 97,297$  voters

8. ABA (2001 Partylist Election)

$$\text{expected number of seats} = 52 \times \frac{242,199}{5,059,483} = 2.4892559$$

number of seats negated =  $2.4892559 - 1 = 1.4892559$  or 1 seat

min. no. of disenfranchised voters =  $1 \times 97,297 = 97,297$  voters

9. COCOFED (2001 Partylist Election)

$$\text{expected number of seats} = 52 \times \frac{229,165}{5,059,483} = 2.3552960$$

number of seats negated =  $2.3552960 - 1 = 1.3552960$  or 1 seat

min. no. of disenfranchised voters =  $1 \times 97,297 = 97,297$  voters

10. PM (2001 Partylist Election)

$$\text{expected number of seats} = 52 \times \frac{216,823}{5,059,483} = 2.2284482$$

number of seats negated =  $2.2284482 - 1 = 1.2284482$  or 1 seat

min. no. of disenfranchised voters =  $1 \times 97,297 = 97,297$  voters

11. SANLAKAS (2001 Partylist Election)

$$\text{expected number of seats} = 52 \times \frac{151,017}{5,059,483} = 1.5521119$$

number of seats negated =  $1.5521119 - 1 = 0.5521119$  or 0 seat

min. no. of disenfranchised voters =  $0 \times 97,297 = 0$

12. **ABANSE! PINAY** (2001 Partylist Election)

$$\text{expected number of seats} = 52 \times \frac{135,211}{5,059,483} = 1.3896621$$

$$\text{number of seats negated} = 1.3896621 - 1 = 0.3896621 \text{ or } 0 \text{ seat}$$

$$\text{min. no. of disenfranchised voters} = 0 \times 97,297 = 0$$

<i>Rank</i>	<i>Party-List Group</i>	<i>Expected No. of Seats</i>	<i>Actual No. of Seats Received</i>	<i>No. of Unfilled Seats</i>	<i>No. of Seats Negated</i>	<i>Minimum No. of Disenfranchised Voters</i>
1.	<b>BAYAN MUNA</b>	17.5569630	3	5.6342899	14	1,362,158
2.	<b>APEC</b>	8.2433561	3	3.8770650	5	486,485
3.	<b>AKBAYAN!</b>	3.8834608	2	3.7383857	1	97,297
4.	<b>BUTIL</b>	3.3945492	2	3.6231785	1	97,297
5.	<b>CIBAC</b>	3.3280317	2	2.8693127	1	97,297
6.	<b>BUHAY</b>	2.9883528	2	2.6245542	0	0
7.	<b>AMIN</b>	2.5905121	1	2.6133489	1	97,297
8.	<b>ABA</b>	2.4892559	1	2.5715753	1	97,297
9.	<b>COCOFED</b>	2.3552960	1	2.5234788	1	97,297
10.	<b>PM</b>	2.2284482	1	2.2697591	1	97,297
11.	<b>SANLAKAS</b>	1.5521119	1	1.9509453	0	0
12.	<b>ABANSE! PINAY</b>	1.3896621	1	1.8779363	0	0
		<b>52.0000000</b>	<b>20</b>	<b>38.0000000</b>	26	2,529,722

<i>Rank</i>	<i>Qualified Party-List Groups</i>	<i>No. of Votes</i>	<i>Percentage Based on Total Party-List Votes</i>	<i>Actual No. of Seats Received</i>
1.	<b>BAYAN MUNA</b>	1,203,305	9.458493%	3

2.	<b>APEC</b>	934,995	7.349462%	3
3.	<b>AKBAYAN!</b>	852,473	6.700803%	3
4.	<b>BUHAY</b>	705,730	5.547341%	2
5.	<b>AP</b>	538,396	4.232024%	2
6.	<b>CIBAC</b>	495,193	3.892429%	1
7.	<b>GABRIELA</b>	464,586	3.651845%	1
8.	<b>PM</b>	448,072	3.522038%	1
9.	<b>BUTIL</b>	429,259	3.374160%	1
10.	<b>AVE</b>	343,498	2.700042%	1
11.	<b>ALAGAD</b>	340,977	2.680225%	1
12.	<b>VFP</b>	340,759	2.678512%	1
13.	<b>COOP-NATCCO</b>	270,950	2.129783%	1
14.	<b>AMIN</b>	269,750	2.120351%	1
15.	<b>ALIF</b>	269,345	2.117167%	1
16.	<b>AN WARAY</b>	268,164	2.107884%	1
<b>TOTAL</b>		<b>8,175,452</b>	<b>64.262560%</b>	<b>24</b>

In 2004, the number of available party-list seats was 53 and the minimum number of votes needed for one seat was 8,175,452/53 or approximately 154,253 votes. Computing the expected number of seats for a qualified party and the number of seats negated by the seat allocation method, we obtain the following results. See Table 7 for the summary.

1. BAYAN MUNA (2004 Partylist Election)

$$\text{expected number of seats} = 53 \times \frac{1,203,305}{8,175,452} = 7.8008121$$

$$\text{number of seats negated} = 7.8008121 - 3 = 4.8008121 \text{ or 4 seats}$$

$$\text{min. no. of disenfranchised voters} = 4 \times 154,253 = 617,012 \text{ voters}$$

2. APEC (2004 Partylist Election)

$$\text{expected number of seats} = 53 \times \frac{934,995}{8,175,452} = 6.0614061$$

$$\text{number of seats negated} = 6.0614061 - 3 = 3.0614061 \text{ or 3 seats}$$

$$\text{min. no. of disenfranchised voters} = 3 \times 154,253 = 462,759 \text{ voters}$$

3. AKBAYAN! (2004 Partylist Election)

$$\text{expected number of seats} = 53 \times \frac{852,473}{8,175,452} = 5.5264307$$

$$\text{number of seats negated} = 5.5264307 - 3 = 2.5264307 \text{ or 2 seats}$$

$$\text{min. no. of disenfranchised voters} = 2 \times 154,253 = 308,506 \text{ voters}$$

4. BUHAY (2004 Partylist Election)

$$\begin{aligned}\text{expected number of seats} &= 53 \times \frac{705,730}{8,175,452} = 4.5751220 \\ \text{number of seats negated} &= 4.5751220 - 2 = 2.5751220 \text{ or 2 seats} \\ \text{min. no. of disenfranchised voters} &= 2 \times 154,253 = 308,506 \text{ voters}\end{aligned}$$

5. AP (2004 Partylist Election)

$$\begin{aligned}\text{expected number of seats} &= 53 \times \frac{538,396}{8,175,452} = 3.4903254 \\ \text{number of seats negated} &= 3.4903254 - 2 = 1.4903254 \text{ or 1 seat} \\ \text{min. no. of disenfranchised voters} &= 1 \times 154,253 = 154,253 \text{ voters}\end{aligned}$$

6. CIBAC (2004 Partylist Election)

$$\begin{aligned}\text{expected number of seats} &= 53 \times \frac{495,193}{8,175,452} = 3.2102481 \\ \text{number of seats negated} &= 3.2102481 - 1 = 2.2102481 \text{ or 2 seats} \\ \text{min. no. of disenfranchised voters} &= 0 \times 154,253 = 0\end{aligned}$$

7. AMIN (2004 Partylist Election)

$$\begin{aligned}\text{expected number of seats} &= 53 \times \frac{252,051}{8,175,452} = 2.5905121 \\ \text{number of seats negated} &= 2.5905121 - 1 = 1.5905121 \text{ or 1 seat} \\ \text{min. no. of disenfranchised voters} &= 1 \times 154,253 = 154,253 \text{ voters}\end{aligned}$$

8. PM (2004 Partylist Election)

$$\begin{aligned}\text{expected number of seats} &= 53 \times \frac{448,072}{8,175,452} = 2.9047710 \\ \text{number of seats negated} &= 2.9047710 - 1 = 1.9047710 \text{ or 1 seat} \\ \text{min. no. of disenfranchised voters} &= 1 \times 154,253 = 154,253 \text{ voters}\end{aligned}$$

9. BUTIL (2004 Partylist Election)

$$\begin{aligned}\text{expected number of seats} &= 53 \times \frac{429,259}{8,175,452} = 2.7828097 \\ \text{number of seats negated} &= 2.7828097 - 1 = 1.7828097 \text{ or 1 seat} \\ \text{min. no. of disenfranchised voters} &= 1 \times 154,253 = 154,253 \text{ voters}\end{aligned}$$

10. AVE (2004 Partylist Election)

$$\text{expected number of seats} = 53 \times \frac{343,498}{8,175,452} = 2.2268364$$

number of seats negated =  $2.2268364 - 1 = 1.2268364$  or 1 seat  
min. no. of disenfranchised voters =  $1 \times 154,253 = 154,253$  voters

11. **ALAGAD** (2004 Partylist Election)

$$\text{expected number of seats} = 53 \times \frac{340,977}{8,175,452} = 2.2104932$$

number of seats negated =  $2.2104932 - 1 = 1.2104932$  or 1 seat

min. no. of disenfranchised voters =  $1 \times 154,253 = 154,253$

12. **VFP** (2004 Partylist Election)

$$\text{expected number of seats} = 53 \times \frac{340,759}{8,175,452} = 2.2090799$$

number of seats negated =  $2.2090799 - 1 = 1.2090799$  or 1 seat

min. no. of disenfranchised voters =  $1 \times 154,253 = 154,253$

13. **COOP-NATTCO** (2004 Partylist Election)

$$\text{expected number of seats} = 53 \times \frac{270,950}{8,175,452} = 1.7565206$$

number of seats negated =  $1.7565206 - 1 = 0.7565206$  or 0 seat

min. no. of disenfranchised voters =  $0 \times 154,253 = 0$

14. **AMIN** (2004 Partylist Election)

$$\text{expected number of seats} = 53 \times \frac{269,750}{8,175,452} = 1.7487412$$

number of seats negated =  $1.7487412 - 1 = 0.7487412$  or 0 seat

min. no. of disenfranchised voters =  $0 \times 154,253 = 0$

15. **ALIF** (2004 Partylist Election)

$$\text{expected number of seats} = 53 \times \frac{269,345}{8,175,452} = 1.7461157$$

number of seats negated =  $1.7461157 - 1 = 0.7461157$  or 0 seat

min. no. of disenfranchised voters =  $0 \times 154,253 = 0$

16. **AN WARAY** (2004 Partylist Election)

$$\text{expected number of seats} = 53 \times \frac{268,164}{8,175,452} = 1.7384595$$

number of seats negated =  $1.7384595 - 1 = 0.7384595$  or 0 seat

min. no. of disenfranchised voters =  $0 \times 154,253 = 0$

The number of disenfranchised voters by the 2-4-6 COMELEC simplified formula is given in Table 7.

<i>Rank</i>	<i>Party-List Group</i>	<i>Expected No. of Seats</i>	<i>Actual No. of Seats Received</i>	<i>No. of Unfilled Seats</i>	<i>No. of Seats Negated</i>	<i>Minimum No. of Disenfranchised Voters</i>
1.	<b>BAYAN MUNA</b>	7.8008121	3	4.8008121	4	617,012
2.	<b>APEC</b>	6.0614061	3	3.0614061	3	462,759
3.	<b>AKBAYAN!</b>	5.5264307	3	2.5264307	2	308,506
4.	<b>BUHAY</b>	4.5751220	2	2.5751220	2	308,506
5.	<b>AP</b>	3.4903254	2	1.4903254	1	154,253
6.	<b>CIBAC</b>	3.2102481	1	2.2102481	2	308,506
7.	<b>GABRIELA</b>	3.0118283	1	2.0118283	2	308,506
8.	<b>PM</b>	2.9047710	1	1.9047710	1	154,253
9.	<b>BUTIL</b>	2.7828097	1	1.7828097	1	154,253
10.	<b>AVE</b>	2.2268364	1	1.2268364	1	154,253
11.	<b>ALAGAD</b>	2.2104932	1	1.2104932	1	154,253
12.	<b>VFP</b>	2.2090799	1	1.2090799	1	154,253
13.	<b>COOP-NATCCO</b>	1.7565206	1	0.7565206	0	0
14.	<b>AMIN</b>	1.7487412	1	0.7487412	0	0
15.	<b>ALIF</b>	1.7461157	1	0.7461157	0	0
16.	<b>AN WARAY</b>	1.7384595	1	0.7384595	0	0
		<b>53.0000000</b>	<b>24</b>	<b>29.0000000</b>	<b>21</b>	<b>3,239,313</b>

In the 2007 partylist election, the COMELEC applied the Panganiban Formula in allocating the partylist seats. In the Panganiban Formula, the total partylist votes (TPLV) is determined and the percentage that each partylist group obtained is computed based on the TPLV. The seats are allocated as follows:

1. The two-percenters (those partylist groups with 2% or more of the TPLV) is given one seat each.
2. The remaining number of seats is given to the two-percenters as their additional number of seats. The additional number of seats per two-percenters is determined as follows:
  - a. The two-percenters are ranked from the highest to the lowest with respect to the percentage based on the TPLV that each two-percenters obtained,
  - b. The first ranking party called the first party is given two additional seats if it receives 6% or more of the TPLV, or it is given 1 additional seat if it receives at least 4% but less than 6% of the TPLV, or it is given no additional seat if it receives less than 4% of the TPLV.
  - c. The other two percenters are given the additional number of seats as follows:
    - i. If a two-percenter has the same number of votes as the first party, it is given two additional seats; or

- ii. If a two-percenter has 50% or more of the votes but less than that of the first party, then it is given one additional seat; or
- iii. Otherwise, a two-percenter does not receive any additional seat.

With the application of the Panganiban Formula, Table 8 shows the number of seats given by the COMELEC. Note that the two representatives from BATAS have not proclaimed yet pending on the case filed against it at the COMELEC.

<b>Table 8. Allocation of Seats in the 2007 Party-List Elections Using the Panganiban Formula</b>				
COMELEC Party-List Canvass Report No. 33 dated June 11, 2008				
<i>Rank</i>	<i>Qualified Party-List Groups</i>	<i>No. of Votes</i>	<i>Percentage Based on Total Party-List Votes</i>	<i>Actual No. of Seats Received</i>
1.	<b>BUHAY</b>	1,169,338	7.29705%	3
2.	<b>BAYAN MUNA</b>	979,189	6.11046%	2
3.	<b>CIBAC</b>	755,735	4.71604%	2
4.	<b>GABRIELA</b>	621,266	3.87690%	2
5.	<b>APEC</b>	619,733	3.86734%	2
6.	<b>A TEACHER</b>	490,853	3.06308%	1
7.	<b>AKBAYAN</b>	466,448	2.91079%	1
8.	<b>ALAGAD</b>	423,165	2.64069%	1
9.	<b>COOP-NATCCO</b>	409,987	2.55845%	1
10.	<b>BUTIL</b>	409,168	2.55334%	1
11.	<b>BATAS</b>	385,956	2.40849%	1
12.	<b>ARC</b>	374,349	2.33606%	1
13.	<b>ANAKPAWIS</b>	370,323	2.31094%	1
14.	<b>AMIN</b>	347,527	2.16868%	1
15.	<b>ABONO</b>	340,002	2.12172%	1
16.	<b>YACAP</b>	331,623	2.06944%	1
17.	<b>AGAP</b>	328,814	2.05191%	1
18.	<b>AN WARAY</b>	321,516	2.00637%	1
<b>TOTAL</b>		<b>9,144,992</b>	<b>57.06776%</b>	<b>24</b>

In 2007, the number of available party-list seats was 54 and the minimum number of votes needed for one seat was 9,144,992/54 or approximately 169,351 votes. Computing the expected number of seats for a qualified party and the number of seats negated by the seat allocation method, we obtain the following results. See Table 8 for the summary.

1. BUHAY (2007 Partylist Election)

$$\text{expected number of seats} = 54 \times \frac{1,169,338}{9,144,992} = 6.9047903$$

$$\text{number of seats negated} = 6.9047903 - 3 = 3.9047903 \text{ or 3 seats}$$

$$\text{min. no. of disenfranchised voters} = 3 \times 169,351 = 508,053 \text{ voters}$$

2. BAYAN MUNA (2007 Partylist Election)

$$\text{expected number of seats} = 54 \times \frac{979,189}{9,144,992} = 5.7819849$$

$$\text{number of seats negated} = 5.7819849 - 2 = 3.7819849 \text{ or 3 seats}$$

$$\text{min. no. of disenfranchised voters} = 3 \times 169,351 = 508,053 \text{ voters}$$

3. CIBAC (2007 Partylist Election)

$$\text{expected number of seats} = 54 \times \frac{755,735}{9,144,992} = 4.4625178$$

$$\text{number of seats negated} = 4.4625178 - 2 = 2.4625178 \text{ or 2 seats}$$

$$\text{min. no. of disenfranchised voters} = 2 \times 169,351 = 338,702 \text{ voters}$$

4. GABRIELA (2007 Partylist Election)

$$\text{expected number of seats} = 54 \times \frac{621,266}{9,144,992} = 3.6684957$$

$$\text{number of seats negated} = 3.6684957 - 2 = 1.6684957 \text{ or 1 seat}$$

$$\text{min. no. of disenfranchised voters} = 1 \times 169,351 = 169,351 \text{ voters}$$

5. APEC (2007 Partylist Election)

$$\text{expected number of seats} = 54 \times \frac{619,733}{9,144,992} = 3.6594436$$

$$\text{number of seats negated} = 3.6594436 - 2 = 1.6594436 \text{ or 1 seat}$$

$$\text{min. no. of disenfranchised voters} = 1 \times 169,351 = 169,351 \text{ voters}$$

6. A TEACHER (2007 Partylist Election)

$$\text{expected number of seats} = 54 \times \frac{490,853}{9,144,992} = 2.8984237$$

$$\text{number of seats negated} = 2.8984237 - 1 = 1.8984237 \text{ or 1 seat}$$

$$\text{min. no. of disenfranchised voters} = 1 \times 169,351 = 169,351 \text{ voters}$$

7. AKBAYAN (2007 Partylist Election)

$$\text{expected number of seats} = 54 \times \frac{466,448}{9,144,992} = 2.7543154$$

$$\text{number of seats negated} = 2.7543154 - 1 = 1.7543154 \text{ or 1 seat}$$

$$\text{min. no. of disenfranchised voters} = 1 \times 169,351 = 169,351 \text{ voters}$$

8. ALAGAD (2007 Partylist Election)

$$\text{expected number of seats} = 54 \times \frac{423,165}{9,144,992} = 2.4987348$$

$$\text{number of seats negated} = 2.4987348 - 1 = 1.4987348 \text{ or 1 seat}$$

min. no. of disenfranchised voters =  $1 \times 169,351 = 169,351$  voters

9. COOP-NATTCO (2007 Partylist Election)

$$\text{expected number of seats} = 54 \times \frac{423,165}{9,144,992} = 2.4209204$$

$$\text{number of seats negated} = 2.4209204 - 1 = 1.4209204 \text{ or 1 seat}$$

min. no. of disenfranchised voters =  $1 \times 169,351 = 169,351$  voters

10. BUTIL (2007 Partylist Election)

$$\text{expected number of seats} = 54 \times \frac{409,168}{9,144,992} = 2.4160843$$

$$\text{number of seats negated} = 2.4160843 - 1 = 1.4160843 \text{ or 1 seat}$$

min. no. of disenfranchised voters =  $1 \times 169,351 = 169,351$  voters

11. BATAS (2007 Partylist Election)

$$\text{expected number of seats} = 54 \times \frac{385,956}{9,144,992} = 2.2790205$$

$$\text{number of seats negated} = 2.2790205 - 1 = 1.2790205 \text{ or 1 seat}$$

min. no. of disenfranchised voters =  $1 \times 169,351 = 169,351$  voters

12. ARC (2007 Partylist Election)

$$\text{expected number of seats} = 54 \times \frac{385,956}{9,144,992} = 2.2104826$$

$$\text{number of seats negated} = 2.2104826 - 1 = 1.2104826 \text{ or 1 seat}$$

min. no. of disenfranchised voters =  $1 \times 169,351 = 169,351$  voters

13. ANAKPAWIS (2007 Partylist Election)

$$\text{expected number of seats} = 54 \times \frac{370,323}{9,144,992} = 2.1867096$$

$$\text{number of seats negated} = 2.1867096 - 1 = 1.1867096 \text{ or 1 seat}$$

min. no. of disenfranchised voters =  $1 \times 169,351 = 169,351$  voters

14. AMIN (2007 Partylist Election)

$$\text{expected number of seats} = 54 \times \frac{347,527}{9,144,992} = 2.0521022$$

$$\text{number of seats negated} = 2.0521022 - 1 = 1.0521022 \text{ or 1 seat}$$

min. no. of disenfranchised voters =  $1 \times 169,351 = 169,351$  voters

15. ABONO (2007 Partylist Election)

$$\text{expected number of seats} = 54 \times \frac{340,002}{9,144,992} = 2.0076680$$

number of seats negated =  $2.0076680 - 1 = 1.0076680$  or 1 seat  
 min. no. of disenfranchised voters =  $1 \times 169,351 = 169,351$  voters

16. YACAP (2007 Partylist Election)

expected number of seats =  $54 \times \frac{331,623}{9,144,992} = 1.9581911$

number of seats negated =  $1.9581911 - 0 = 0.9581911$  or 0 seat

min. no. of disenfranchised voters =  $0 \times 169,351 = 0$

17. AGAP (2007 Partylist Election)

expected number of seats =  $54 \times \frac{328,814}{9,144,992} = 1.9416043$

number of seats negated =  $1.9416043 - 0 = 0.9416043$  or 0 seat

min. no. of disenfranchised voters =  $0 \times 169,351 = 0$

18. AN WARAY (2007 Partylist Election)

expected number of seats =  $54 \times \frac{321,516}{9,144,992} = 1.8985106$

number of seats negated =  $1.8985106 - 0 = 0.8985106$  or 0 seat

min. no. of disenfranchised voters =  $0 \times 169,351 = 0$

<i>Rank</i>	<i>Party-List Group</i>	<i>Expected No. of Seats</i>	<i>Actual No. of Seats Received</i>	<i>No. of Unfilled Seats</i>	<i>No. of Seats Negated</i>	<i>Minimum No. of Disenfranchised Voters</i>
1.	<b>BUHAY</b>	6.9047903	3	3.9047903	3	508,053
2.	<b>BAYAN MUNA</b>	5.7819849	2	3.7819849	3	508,053
3.	<b>CIBAC</b>	4.4625178	2	2.4625178	2	338,702
4.	<b>GABRIELA</b>	3.6684957	2	1.6684957	1	169,351
5.	<b>APEC</b>	3.6594436	2	1.6594436	1	169,351
6.	<b>A TEACHER</b>	2.8984237	1	1.8984237	1	169,351
7.	<b>AKBAYAN</b>	2.7543154	1	1.7543154	1	169,351
8.	<b>ALAGAD</b>	2.4987348	1	1.4987348	1	169,351
9.	<b>COOP-NATCCO</b>	2.4209204	1	1.4209204	1	169,351
10.	<b>BUTIL</b>	2.4160843	1	1.4160843	1	169,351
11.	<b>BATAS</b>	2.2790205	1	1.2790205	1	169,351
12.	<b>ARC</b>	2.2104826	1	1.2104826	1	169,351
13.	<b>ANAKPAWIS</b>	2.1867096	1	1.1867096	1	169,351
14.	<b>AMIN</b>	2.0521022	1	1.0521022	1	169,351
15.	<b>ABONO</b>	2.0076680	1	1.0076680	1	169,351
16.	<b>YACAP</b>	1.9581911	1	0.9581911	0	0
17.	<b>AGAP</b>	1.9416043	1	0.9416043	0	0
18.	<b>AN WARAY</b>	1.8985106	1	0.8985106		0
		<b>54.0000000</b>	<b>24</b>	<b>30.0000000</b>	<b>20</b>	<b>3,387,020</b>

We summarize below the number of disenfranchised voters since the 1998 partylist election.

Table 10. Summary of the Number of Disenfranchised Voters				
<i>Election Year</i>	<i>Seat Allocation Formula Used</i>	<i>Expected Number of Party-List Seats (20%)</i>	<i>Number of Allocated Seats by the Given Formula</i>	<i>Minimum Number of Disenfranchised Voters</i>
1998	2-4-6 COMELEC	52	14	1,912,550
2001	2-4-6 COMELEC	52	20	2,529,722
2004	2-4-6 COMELEC	53	24	3,239,313
2007	PANGANIBAN	54	24	3,387,020

The large number of disenfranchised voters is caused by the weaknesses of the seat allocation formulae used since 1998. The main reason is putting up of a limit of the number of seats that a partylist group can win to three seats. Another reason is setting up one partylist seat as equivalent to 2% of the total partylist votes. Hence, the seat allocation formulae used by the COMELEC negate the principle of proportional representation.

Any seat allocation formula that maintains the 3-seat cap will always contradict the principle of proportional partylist representation. Thus, this seat allocation formula will run counter to the 1987 Constitutional provision that the “State shall promote social justice in all phases of national development.”

#### **References:**

1. The 1987 Philippine Constitution
2. COMELEC 1998 Partylist Canvass Report No. 16 dated August 19, 1998
3. Supreme Court Decision in G.R. No. 147589 dated June 25, 2003
4. COMELEC 2001 Partylist Canvass Report No. 20 dated June 2, 2004
5. COMELEC 2007 Partylist Canvass Report No. 33 dated June 11, 2008