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Analysis

Party-lists need 0.6 million votes to win 1 seat

At least 0.5 million voters seen to be disenfranchised

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The number of votes needed to be guaranteed one seat has increased in the last three elections beginning in 1998 except in 2001. From 183,107 votes in 1998, the aggregate number of votes to be assured of one seat has increased to 254,440 (2004), 306,757 (2007). It is projected to be 630,000 this year based on the January 2010 survey results of Pulse Asia.

The Carpio Formula now used by the Commission on Elections (Comelec) may have increased the number of Party-list representation in the House of Representatives but it will also narrow the overwhelming majority of the seats occupied to just one nominee.

Equally a critical concern is that the new formula for proportional Party-list will likely disenfranchise hundreds of thousands of voters. This means that many voters who elected their Party-list group may find their votes that would have qualified for a seat under the principle of proportional representation technically not represented at all.

Here's why:

The "proportional" Party-list system (Republic Act 7941, Party-List System Act) is an attempt of the State to promote proportional representation in the election of members of House of Representatives for the marginalized and underrepresented sectors, organizations, and parties.

Under the law, 20 percent of the total number of members of the House must come from the Party-list but the number of seats that is assigned to a Party-list group is limited to a maximum of three seats.

The seat allocation procedure of the Party-list law has been fuzzy since the beginning. It was the subject of a number of petitions in the Supreme Court (SC) for many years. In the first three Party-list elections, the Comelec used the "2-4-6 Rule" wherein a party-list group with

- At least 2 percent but less than 4 percent of the total party-list votes will get one seat, or
- At least 4 percent but less than 6 percent of the total party-list votes will get two seats, or
- At least 6 percent of the total party-list votes will get three seats.

The rest of the Party-list groups with less than 2 percent of the total Party-list votes will have no seat.

The “2-4-6” Rule made it difficult to fill up the 20 percent mandate – in fact, in less than one-half of the total seats allocated were filled up.

Then in the 2007 party-list election, the Comelec adopted the Panganiban Formula based on an SC decision in the Veterans case. In the Panganiban Formula, all the party-list groups with at least 2 percent of the total party-list votes (the two-percenters) were given a guaranteed seat. Those with less than 2 percent received no seats.

The Panganiban Formula gave the leading party

- Two additional seats if it received at least 6 percent of the total party-list votes, or
- One additional seat if it received at least 4 percent but less than 6 percent of the total Party-list votes.

A two-percenter will receive

- Two additional seats if its number of votes ties with the leading party, or
- One additional seat if its number of votes is at least one-half but less than of that of the leading party, or
- No additional seat is given if its number of votes is less than one-half of that of the leading party.

However, in April 2008, the high court overturned the computation by introducing a new formula now called as the “Carpio Formula.” The new formula increased tremendously the total number of allocated seats. In fact, only two seats were not allocated because of the disqualification case of Batas party-list which is supposed to receive two seats.

The Carpio Formula has more than one round of seat allocation.

- In the first round, it allocates one seat each to the two percenters and no seat to the rest of the party-list groups.
- In the second round, the additional number of seats for the two percenters are determined by multiplying the remaining number of seats after the first round to the percentage votes of each two percenters based on the total party-list votes. The whole number of this product corresponds to the number of additional seats. However, if the whole number is greater than two, only two additional seats are awarded. If the whole number is zero, no additional seat is given to the concerned two-percenters.
- If there are party-list seats not filled up yet, the non-two-percenters are ranked from the largest number of votes to the smallest number of votes. The remaining seats are allocated by awarding one seat each to the non-two-percenters that are ranked higher until all the remaining seats are exhausted.

Since the party-list system is a mechanism of proportional representation, one party-list seat is equivalent to the: Total number of party-list votes/ total number of party-list seats. In the 2007 party-list election, the total number of party-list votes (excluding Batas) was 15,337,808. Since the total number of party-list seats is 54, one party-list seat is equivalent to 284,034 party-list votes.

In the 2007 party-list election, Buhay obtained 1,169,338 votes. Applying the principle of proportional representation it should receive $1,169,338 / 284,034 = 4.1169020$ or about four seats. But the Carpio Formula maintains the 3-seat cap, hence, Buhay received only three seats. This means that the voters whose votes determined the 4th seat of BUHAY are disenfranchised by the CARPIO Formula. In the case of Buhay, the number of disenfranchised voters in the 2007 Party-List Election was at least 284,034.

On January 22-26 this year, Pulse Asia conducted its first pre-election nationwide survey on the Party-list with 1,800 respondents, 18 years or above. The survey found that about 31 percent of the total respondents were aware of the “proportional” party-list system, but still 62 percent gave their party-list preferences.

In that survey, the leading party with the highest percentage rating was Bayan Muna (BM) with 8.03 percent. Pulse Asia applied the Carpio Formula with 57 party-list seats for the 2010 Party-List Elections. The findings showed that BM will likely receive three seats if the party-list election were held on the survey date.

But applying the principle of proportional representation, BM should receive 8.03 percent $\times 57 = 4.5771$ or at least four seats. With the 3-seat cap, the voters that determined BM’s fourth seat will likely to be disenfranchised. Assuming that 62 percent of the registered voters of 50.7 million will vote for the party-list group of their choice, this fourth seat is equivalent to half a million disenfranchised voters.

Reference:

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