

# The Party-List System in the Philippines: Proportional Representation and Seat Allocation Errors

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Our party-list system is envisioned to be proportional. Section 2 (Declaration of Policy) of the Party-List Law (R.A. 7941) declares 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....”

The number of party-list seats available in every party-list election is determined by Section 5(2) of Article VI of the 1987 Constitution which asserts that “*The party-list representatives shall constitute **twenty per centum of the total number of representatives** including those under the party list. For three consecutive terms after the ratification of this Constitution, **one-half of the seats allocated to party-list representatives** shall be filled, as provided by law, by selection or election from the labor, peasant, urban poor, indigenous cultural communities, women, youth, and such other sectors as may be provided by law, except the religious sector.*”

This means that out of five congressmen, one comes from the party-list and four come from the single-member legislative districts. Thus, the total number of party-list seats available is equal to one-fourth of the total number of legislative districts all over the country.

The State has conducted four party-list elections since 1998. In the 1998 party-list election, the number of available party-list seats was 52; however, only 14 seats were filled up using the simplified 2%-4%-6% Comelec Formula from 13 winning parties out of 122 parties that participated in that election. The fill-up rate was only about 6.3% of the total number of members in the House of Representatives of the 11<sup>th</sup> Congress.

In the 2001 party-list election, the number of available party-list seats was also 52, but again the number of available seats was not filled up. There were only 20 seats allocated by the simplified 2%-4%-6% Comelec Formula from 12 winning parties out of 46 parties who were not disqualified by the Supreme Court. (See G.R. No. 147589 as of June 25, 2003.) The fill-up rate is about 8.77% of the total number of members in the House of Representatives of the 12<sup>th</sup> Congress.

In the 2004 party-list election the number of available party-list seats had increased to 53 seats. The number of seats filled up by the simplified 2%-4%-6% Comelec Formula was 24 seats from from 16 winning parties out of 66 parties that participated in the

2004 party-list election. The fill-up rate is about 10.17% of the total number of members in the House of Representatives of the 13<sup>th</sup> Congress.

In the 14<sup>th</sup> Congress (2007-2010), the number of available party-list seats is 55 since there are 220 congressional districts. The number of seats filled up by the Panganiban Formula is 22 seats from 16 winning parties out of 92 parties that participated in the 2007 party-list election. BATAS party-list which received about 2.42% of the total number of party-list votes and was supposed to receive one seat was disqualified by the Comelec. The fill-up rate is about 9.09% of the total number of members in the House of Representatives of the 14<sup>th</sup> Congress.

### The 3-seat Cap Myth

The Comelec Primer on the Party-List System (page 7) asks the question, “**How does the party-list system enhance the chances of marginalized or underrepresented parties of winning seats in the House of Representatives?**”

The answer it gives is “**In the party-list system, no single party may hold more than 3 PL seats. Bigger parties which traditionally will dominate elections cannot corner all the seats and crowd out the smaller parties because of this maximum ceiling. This system shall pave the way for smaller parties to also win seats in the House of Representatives.**”

We argue that the 3-seat cap is a counter-productive measure in the party-list system.

1. ***It promotes the break-up of a strong party into smaller ones and discourages parties to form bigger coalitions. No party can grow strong under the present party-list system.***

In 2001 Party-List Election (the Party-List Canvass Report Number 26 as September 7, 2001), Bayan Muna had 1,708,253 votes or about 11.3% of the total party-list votes before the other parties were disqualified by the Supreme Court. When the other parties were disqualified, Bayan Muna's percentage share of the total party-list votes reached 26.82%. But it only received 3 seats. Note that 26.82% of the total party-list seats is about 17.557. This prompted the party to break up into smaller parties. In the 2004 party-list election, Bayan Muna and its allies obtained 6 seats. In the 2007 Party-List election, Bayan Muna and its allies obtained 5 seats.

In the 1998 Party-List Election, Sanlakas had 2.15% of the total party-list votes. In 2001, Partido ng Manggagawa (PM) - an ally of Sanlakas - participated as a separate

party. Each received one seat. In 2004, only PM made it to the winning circle. But, in 2007 party-list election, both PM and Sanlakas failed to obtain a seat.

- 2. It does not pave the way for smaller parties to win seats in the House of Representatives. Together with the 2% informal threshold in the simplified Comelec Formula or with the first party-rule of the Panganiban Formula, it cannot fill up the available number of party-list seats and causes the Formula used to contradict the principle of proportional representation.**

**Table 1**

Party-List Election	Total Number of Available Seats	Actual No. of Seats Allocated	No. of Winning Parties	No. Of Participating Parties
1998	52	14	13	122
2001	52	20	12	46
2004	53	24	16	66
2007	55	23	17	92

A formal vote threshold (in percentage) is the share of votes needed by a party to qualify for a seat. Republic Act 7941 specifies that only those parties with at least 2% of the total party-list votes are entitled to a seat. The imposition of a 3-seat cap is not a factor for smaller parties to win seats in the House of Representatives. For example, FPJPM party has 300,923 votes but the Panganiban Formula did not award it a seat since it failed to reach the 2% formal vote threshold.

R.A. 7941 declares that the party-list system is proportional. If indeed valid, this means that a party that obtains 10% of the total party-list votes must receive 10% of the total party-list seats.

Since R.A. 7941 imposes a 2% formal vote threshold, only those parties that obtained at least 2% of the total party-list votes are qualified to win a seat. This means that the available number of party-list seats shall be allocated only to these parties. Hence,

the number of qualified party-list votes that is equivalent to one seat is obtained by the quotient

$$\frac{\text{total number of votes of all qualified parties}}{\text{total number of available seats}}$$

This is commonly known as the Hare Quota. In the 2007 Party-List election, there are 16 parties each of them with at least 2% of the total party-list votes. Their total number of votes is equal to 8,416,421. Since the total number of available seats is 55, the Hare Quota is about  $8,416,421/55$  or 153,025. See Table 2 for the Hare Quota of the party-list elections.

Party-List Election	Total Votes of Qualified Parties	Total No. of Available Party-List Seats	Hare Quota
1998	3,429,338	52	65,948
2001	5,059,483	52	97,297
2004	8,175,452	53	151,397
2007	8,416,421	55	153,025

In the 2007 party-list election, the ideal number of seats of Buhay based on the principle of proportional representation is  $1,169,234/153,025 = 7.64$ . We do the same computation to the other winning parties. The results are found in table 3 below.

	Qualified Parties	Votes	Ideal No. of Seats
1	<b>BUHAY</b>	1,169,234	<b>7.64</b>
2	<b>BAYAN MUNA</b>	979,039	<b>6.40</b>
3	<b>CIBAC</b>	755,686	<b>4.94</b>
4	<b>GABRIELA</b>	621,171	<b>4.06</b>
5	<b>APEC</b>	619,657	<b>4.05</b>

6	<b>A TEACHER</b>	490,379	<b>3.20</b>
7	<b>AKBAYAN</b>	466,112	<b>3.05</b>
8	<b>ALAGAD</b>	423,149	<b>2.77</b>
9	<b>COOP-NATCCO</b>	409,883	<b>2.68</b>
10	<b>BUTIL</b>	409,160	<b>2.67</b>
11	<b>ARC</b>	374,288	<b>2.45</b>
12	<b>ANAKPAWIS</b>	370,261	<b>2.42</b>
13	<b>ABONO</b>	339,990	<b>2.22</b>
14	<b>AMIN</b>	338,185	<b>2.21</b>
15	<b>AGAP</b>	328,724	<b>2.15</b>
16	<b>AN WARAY</b>	321,503	<b>2.10</b>
		<b>8,416,421</b>	<b>55.00</b>

The **seat allocation error of the formula on a qualified party** is the difference between the ideal number and the actual number of seats allocated. If the difference is at least one seat, then the seat allocation formula negates the principle of proportional representation on the said party, otherwise the formula is said to confirm this principle. The **degree of negation of the formula on the principle of proportional representation with respect to a qualified party** is determined by finding the absolute value of the integer part of the seat allocation error. In the 2007 party-list election, the degree of negation of the Panganiiban Formula on Buhay is  $7.64 - 3 = 4.64$  seats. This means that the degree of negation on the principle with respect to Buhay is about 4 seats.

The **number of votes disenfranchised** is equal to the product of the degree of negation and the Hare quota. Thus, in the 2007 party-election, the number of disenfranchised votes of Buhay is  $(4 \times 153.025) = 640,162$ .

See Tables 4, 5, 6 and 7 for the computation of the seat allocation error, the degree of negation and the number of disenfranchised votes on the 1998, 2001, 2004 and 2007 party-list elections.

**Table 4. Allocation Errors of the Comelec Formula in the 1998 Party-List Election**

Qualified Parties	Qualified Votes	Ideal No. Of Seats	Actual No. of Seats Allocated	Seat Allocation Errors	Degree of Negation	No. Of Disenfranchised Votes
APEC	503,487	7.64	2	5.64	5	329,740
ABA	321,646	4.88	1	3.88	3	197,844
ALAGAD	312,500	4.74	1	3.74	3	197,844
VETERANS	304,802	4.62	1	3.62	3	197,844
PROMDI	255,184	3.87	1	2.87	2	131,896
AKO	239,042	3.63	1	2.63	2	131,896
NCSFO	238,303	3.61	1	2.61	2	131,896
ABANSE! PINAY	235,548	3.57	1	2.57	2	131,896
AKBAYAN	232,376	3.52	1	2.52	2	131,896
BUTIL	215,643	3.27	1	2.27	2	131,896
SANLAKAS	194,617	2.95	1	1.95	1	65,948
COOP-NATCCO	189,802	2.88	1	1.88	1	65,948
COCOFED	186,388	2.83	1	1.83	1	65,948
	<b>3,429,338</b>	<b>52.00</b>	<b>14</b>	<b>38.00</b>	<b>29</b>	<b>1,912,492</b>

**Table 5. . Allocation Errors of the Comelec Formula in the 2001 Party-List Election**

Qualified Parties	Qualified Votes	Ideal No. Of Seats	Actual No. Of Seats	Seat Allocation Errors	Degree of Negation	No. Of Disenfranchised Votes
BAYAN MUNA	1,708,253	17.56	3	14.56	14	1,362,158
APEC	802,060	8.24	3	5.24	5	486,485
AKBAYAN	377,852	3.88	2	1.88	1	97,297
BUTIL	330,282	3.40	2	1.40	1	97,297
CIBAC	323,810	3.33	2	1.33	1	97,297
BUHAY	290,760	2.99	2	0.99	0	0
AMIN	252,051	2.59	1	1.59	1	97,297
ABA	242,199	2.49	1	1.49	1	97,297
COCOFED	229,165	2.36	1	1.36	1	97,297
PM	216,823	2.23	1	1.23	1	97,297
SANLAKAS	151,017	1.55	1	0.55	0	0
ABANSE! PINAY	135,211	1.39	1	0.39	0	0
	<b>5,059,483</b>	<b>52.00</b>	<b>20</b>	<b>32.00</b>	<b>26</b>	<b>2,529,722</b>

**Table 6. Allocation Errors of the Comelec Formula in the 2004 Party-List Election**

Qualified Parties	Qualified Votes	Ideal No. Of Seats	Actual No. Of Seats Allocated	Seat Allocation Errors	Degree of Negation	No. Of Disenfranchised Votes
BAYAN MUNA	1,203,305	7.80	3	4.80	4	617,012
APEC	934,995	6.06	3	3.06	3	462,759
AKBAYAN	852,473	5.53	3	2.53	2	308,506
BUHAY	705,730	4.58	2	2.58	2	308,506
ANAKPAWIS	538,396	3.49	2	1.49	1	154,253
CIBAC	495,193	3.21	1	2.21	2	308,506
GABRIELA	464,586	3.01	1	2.01	2	308,506
PM	448,072	2.91	1	1.91	1	154,253
BUTIL	429,259	2.78	1	1.78	1	154,253
AVE	343,498	2.23	1	1.23	1	154,253
ALAGAD	340,977	2.21	1	1.21	1	154,253
VFP	340,759	2.21	1	1.21	1	154,253
COOP-NATCCO	270,950	1.76	1	0.76	0	0
AMIN	269,750	1.75	1	0.75	0	0
ALIF	269,345	1.75	1	0.75	0	0
AN WARAY	268,164	1.74	1	0.74	0	0
	<b>8,175,452</b>	<b>53.00</b>	<b>24</b>	<b>29.00</b>	<b>21</b>	<b>3,239,313</b>

**Table 7. Allocation Errors of the Panganiban Formula in the 2007 Party-List Election**

Qualified Parties	Qualified Votes	Ideal No. Of Seats	Actual No. Of Seats Allocated	Seat Allocation Errors	Degree of Negation	No. Of Disenfranchised Votes
BUHAY	1,169,234	7.31	3	4.37	4	640,162
BAYAN MUNA	979,039	6.12	2	4.12	4	640,162
CIBAC	755,686	4.72	2	2.72	2	320,081
GABRIELA	621,171	3.88	2	1.88	1	160,040
APEC	619,657	3.87	2	1.87	1	160,040
A TEACHER	490,379	3.06	1	2.06	2	320,081

AKBAYAN	466,112	2.91	1	1.91	1	160,040
ALAGAD	423,149	2.64	1	1.64	1	160,040
COOP-NATCCO	409,883	2.56	1	1.56	1	160,040
BUTIL	409,160	2.56	1	1.56	1	160,040
BATAS	385,810	2.41	1	1.41	1	160,040
ARC	374,288	2.34	1	1.34	1	160,040
ANAKPAWIS	370,261	2.31	1	1.31	1	160,040
ABONO	339,990	2.12	1	1.12	1	160,040
AMIN	338,185	2.11	1	1.11	1	160,040
AGAP	328,724	2.05	1	1.05	1	160,040
AN WARAY	321,503	2.01	1	1.01	1	160,040
	<b>8,802,231</b>	<b>55.00</b>	<b>23</b>	<b>32.00</b>	<b>25</b>	<b>4,001,006</b>

The formula affirms the principle of proportional representation on each party if the seat allocation error does not reach and exceeds one seat on each party. The formula affirms the principle of proportional representation on all the qualified parties if the total seat allocation error is zero.

It is very clear from Tables 4, 5, and 6 that the simplified 2%-4%-6% Comelec Formula negated the principle of proportional representation on all the qualified parties of the 1998, 2001 and 2004 party-list elections. Also, the Panganiban Formula negated the principle of proportional representation on all the qualified parties of the 2007 party-list election as shown in Table 7.

The cause of this negation is the **3-seat cap** together with the **2% informal vote threshold** in the case of the simplified Comelec Formula or, together with the **first party rule**, in the case of the Panganiban Formula.

Hence, the 3-seat cap, the 2% informal vote threshold, and the first-party rule must be removed from a seat allocation formula to uphold the principle of proportional representation and to strengthen the party-list system in the Philippines.

### The Largest Remainder Method

To obtain proportionality in representation, we use the Largest Remainder method. A number of countries like Germany, Russia, Republic of Korea, Ukraine and Taiwan that have proportional party-list representation are using this seat allocation formula.

The Largest Remainder Method has two rounds of seat allocation. In the first round, the whole part of the ideal number of seats is equal to the number of seats that the

concerned party shall receive. (See 2<sup>nd</sup> to last column of table 2.) If the number of seats allocated in the first round is not equal to the total number of available seats, then a second round of allocation is conducted. The remaining number of votes of a party is determined by subtracting the product of the Hare quota and the number of seats obtained by a party in the first round from the total votes of the party. For example, based on the May 2007 results, since Buhay has 7 seats in the first round, this means that the remaining number of votes is  $1,169,234 - (7 \times 153,025) = 98,059$ . Computing the remaining number of votes of the other parties, we have the results in the last column of Table 8.

	<b>Qualified Parties</b>	<b>Votes</b>	<b>Ideal No. of Seats</b>	<b>1<sup>st</sup> Round of Allocation</b>	<b>Remaining Number of Votes</b>
1	<b>BUHAY</b>	<b>1,169,234</b>	<b>7.64</b>	<b>7</b>	<b>98,059</b>
2	<b>BAYAN MUNA</b>	<b>979,039</b>	<b>6.40</b>	<b>6</b>	<b>60,889</b>
3	<b>CIBAC</b>	<b>755,686</b>	<b>4.94</b>	<b>4</b>	<b>143,586</b>
4	<b>GABRIELA</b>	<b>621,171</b>	<b>4.06</b>	<b>4</b>	<b>9,071</b>
5	<b>APEC</b>	<b>619,657</b>	<b>4.05</b>	<b>4</b>	<b>7,557</b>
6	<b>A TEACHER</b>	<b>490,379</b>	<b>3.20</b>	<b>3</b>	<b>31,304</b>
7	<b>AKBAYAN</b>	<b>466,112</b>	<b>3.05</b>	<b>3</b>	<b>7,037</b>
8	<b>ALAGAD</b>	<b>423,149</b>	<b>2.77</b>	<b>2</b>	<b>117,099</b>
9	<b>COOP-NATCCO</b>	<b>409,883</b>	<b>2.68</b>	<b>2</b>	<b>103,833</b>
10	<b>BUTIL</b>	<b>409,160</b>	<b>2.67</b>	<b>2</b>	<b>103,110</b>
11	<b>ARC</b>	<b>374,288</b>	<b>2.45</b>	<b>2</b>	<b>68,238</b>
12	<b>ANAKPAWIS</b>	<b>370,261</b>	<b>2.42</b>	<b>2</b>	<b>64,211</b>
13	<b>ABONO</b>	<b>339,990</b>	<b>2.22</b>	<b>2</b>	<b>33,940</b>
14	<b>AMIN</b>	<b>338,185</b>	<b>2.21</b>	<b>2</b>	<b>32,135</b>
15	<b>AGAP</b>	<b>328,724</b>	<b>2.15</b>	<b>2</b>	<b>22,674</b>
16	<b>AN WARAY</b>	<b>321,503</b>	<b>2.10</b>	<b>2</b>	<b>15,453</b>
		<b>8,416,421</b>	<b>55.00</b>	<b>49</b>	<b>918,196</b>

The remaining number of votes is ranked from the highest to the lowest where the number 1 is assigned to the highest number of remaining votes.

In the 2<sup>nd</sup> round of allocation, the remaining number of seats is assigned one each to the parties starting from the highest rank until all the remaining seats are allocated.

The total number of seats allocated to the qualified parties is determined by adding the number of seats allocated in the first round and the number of seats allocated in the second round. See Table 9 below.

Qualified Parties	1 <sup>st</sup> Round of Allocation	Remaining Number of Votes	Rank of Remainders	2 <sup>nd</sup> Round of Allocation	Total Seats Allocated
BUHAY	7	98,059	5	1	8
BAYAN MUNA	6	60,889	8	0	6
CIBAC	4	143,586	1	1	5
GABRIELA	4	9,071	14	0	4
APEC	4	7,557	15	0	4
A TEACHER	3	31,304	11	0	3
AKBAYAN	3	7,037	16	0	3
ALAGAD	2	117,099	2	1	3
COOP-NATCCO	2	103,833	3	1	3
BUTIL	2	103,110	4	1	3
ARC	2	68,238	6	1	3
ANAKPAWIS	2	64,211	7	0	2
ABONO	2	33,940	9	0	2
AMIN	2	32,135	10	0	2
AGAP	2	22,674	12	0	2
AN WARAY	2	15,453	13	0	2
	<b>49</b>	<b>918,196</b>		<b>6</b>	<b>55</b>

In Table 10, the Total value of the seat allocation error is 0 and the degree of negation of the Largest Remainder Method on the principle of proportional representation with respect to each of the qualified parties in the 2007 party-list election is 0. Hence, the Largest Remainder Method affirms the principle of proportional representation. Note, that we implemented the Largest Remainder at 2% formal vote threshold with 16 winning parties, affirming the principle of proportional representation and allocating all the available party-list seats.

	Qualified Parties	Votes	Ideal No. of Seats	Total Seats Allocated	Seat Allocation Error	Degree of Negation
1	BUHAY	1,169,234	7.64	8	-0.36	0
2	BAYAN MUNA	979,039	6.40	6	0.40	0
3	CIBAC	755,686	4.94	5	-0.06	0
4	GABRIELA	621,171	4.06	4	0.06	0
5	APEC	619,657	4.05	4	0.05	0

6	A TEACHER	490,379	3.20	3	0.20	0
7	AKBAYAN	466,112	3.05	3	0.05	0
8	ALAGAD	423,149	2.77	3	-0.23	0
9	COOP-NATCCO	409,883	2.68	3	-0.32	0
10	BUTIL	409,160	2.67	3	-0.33	0
11	ARC	374,288	2.45	3	-0.55	0
12	ANAKPAWIS	370,261	2.42	2	0.42	0
13	ABONO	339,990	2.22	2	0.22	0
14	AMIN	338,185	2.21	2	0.21	0
15	AGAP	328,724	2.15	2	0.15	0
16	AN WARAY	321,503	2.10	2	0.10	0
		<b>8,416,421</b>	<b>55.00</b>	<b>55</b>	<b>0.00</b>	<b>0</b>

### Minimizing the Formal Threshold: A Strategy to Let Smaller Parties Win Seats

R.A. 7941 provides a 2% threshold for a party to be entitled to a party-list seat. There is a danger in setting up a 2% formal threshold especially since the Comelec has been allowing more than 50 parties to participate in the party-list elections. If a party-list election has more than 50 parties participating there is a possibility that no party will be able to receive 2% of the total party-list votes cast. Hence, no party will be able to win a seat. The Law does not provide a remedy to this situation. This is clearly a failure of party-list election.

In the 2007 party-list election, the total number of party-list seats is 55 and the total number of party-list votes is 15,565,090. This means that if all parties are qualified to win a seat, then one seat is equivalent to  $(15,565,090/55) = 283,001$ . However, because of the imposition of the 2% formal vote threshold, YACAP with 310,889 and FPJPM with 300,923 are not entitled to a seat since 2% of 15,565,090 is 311,301 votes.

The 2% formal vote threshold does not give smaller parties a chance to win party-list seats. In case of the 2007 party-list election, only 16 out of 92 parties are in the winning circle. If the formal vote threshold is increased to 3%, only 6 parties will receive party-list.

If we want to give smaller parties the right to win seats, then the formal vote threshold shall be minimized or even eliminated.

If the LR Method is used at 0.9% formal vote threshold, 36 parties are in the winning circle. The number of seats of Buhay and Bayan Muna is decreased to 5 and 4 seats, respectively. With the Hare Quota of 283,001 votes, 20 parties win seats in the first

round. Because the formal threshold is minimized to 0.9%, about 16 smaller parties win a seat in the 2<sup>nd</sup> round. All the 55 seats are allocated and the formula affirms the principle of proportional representation. See Table 11.

	<b>Party</b>	<b>Votes</b>	<b>1<sup>st</sup> Rd</b>	<b>2<sup>nd</sup> Rd</b>	<b>Total Seats</b>
1	BUHAY	1,169,234	5	0	5
2	BAYAN MUNA	979,039	4	0	4
3	CIBAC	755,686	3	0	3
4	GABRIELA	621,171	2	1	3
5	APEC	619,657	2	1	3
6	A TEACHER	490,379	2	0	2
7	AKBAYAN	466,112	2	0	2
8	ALAGAD	423,149	1	1	2
9	COOP-NATCCO	409,883	1	1	2
10	BUTIL	409,160	1	1	2
11	ARC	374,288	1	1	2
12	ANAKPAWIS	370,261	1	0	1
13	ABONO	339,990	1	0	1
14	AMIN	338,185	1	0	1
15	AGAP	328,724	1	0	1
16	AN WARAY	321,503	1	0	1
17	YACAP	310,889	1	0	1
18	FPJPM	300,923	1	0	1
19	UNI-MAD	245,382	1	0	1
20	ABS	235,086	1	0	1
21	KAKUSA	228,999	0	1	1
22	KABATAAN	228,637	0	1	1
23	ABA-AKO	218,818	0	1	1
24	ALIF	217,822	0	1	1
25	SENIOR CITIZENS	213,058	0	1	1
26	AT	197,872	0	1	1
27	VFP	196,266	0	1	1
28	ANAD	188,521	0	1	1
29	BANAT	177,028	0	1	1
30	ANG KASANGGA	170,531	0	1	1
31	BANTAY	169,801	0	1	1
32	ABAKADA	166,747	0	1	1
33	1-UTAK	164,980	0	1	1
34	TUCP	162,647	0	1	1
35	COCOFED	155,920	0	1	1
36	AGHAM	146,032	0	1	1
		<b>12,654,197</b>	<b>33</b>	<b>22</b>	<b>55</b>

If we use the LR Method at 0% formal vote threshold, the Hare Quota is 283,001. This means that 18 parties are in the winning circle in the first round. Since no formal threshold is imposed, 22 smaller parties made it to the 2<sup>nd</sup> round of seat allocation. The number of seats of Buhay and Bayan Muna is decreased to 4 seats each. The total number of available seats is allocated and the formula affirms the principle of proportional representation.

**Table 13. The Largest Remainder Method at 0% Formal Threshold**

	Party	Votes	1 <sup>st</sup> Rd	2 <sup>nd</sup> Rd	Total Seats
1	BUHAY	1,169,234	4	0	4
2	BAYAN MUNA	979,039	3	1	4
3	CIBAC	755,686	2	1	3
4	GABRIELA	621,171	2	0	2
5	APEC	619,657	2	0	2
6	A TEACHER	490,379	1	1	2
7	AKBAYAN	466,112	1	1	2
8	ALAGAD	423,149	1	1	2
9	COOP-NATCCO	409,883	1	1	2
10	BUTIL	409,160	1	1	2
11	ARC	374,288	1	0	1
12	ANAKPAWIS	370,261	1	0	1
13	ABONO	339,990	1	0	1
14	AMIN	338,185	1	0	1
15	AGAP	328,724	1	0	1
16	AN WARAY	321,503	1	0	1
17	YACAP	310,889	1	0	1
18	FPJPM	300,923	1	0	1
19	UNI-MAD	245,382	0	1	1
20	ABS	235,086	0	1	1
21	KAKUSA	228,999	0	1	1
22	KABATAAN	228,637	0	1	1
23	ABA-AKO	218,818	0	1	1
24	ALIF	217,822	0	1	1
25	SENIOR CITIZENS	213,058	0	1	1
26	AT	197,872	0	1	1
27	VFP	196,266	0	1	1
28	ANAD	188,521	0	1	1
29	BANAT	177,028	0	1	1
30	ANG KASANGGA	170,531	0	1	1
31	BANTAY	169,801	0	1	1
32	ABAKADA	166,747	0	1	1
33	1-UTAK	164,980	0	1	1

34	TUCP	162,647	0	1	1
35	COCOFED	155,920	0	1	1
36	AGHAM	146,032	0	1	1
37	ANAK	141,817	0	1	1
38	ABANSE! PINAY	130,356	0	1	1
39	PM	119,054	0	1	1
40	AVE	110,769	0	1	1
		12,565,090	26	29	55

Although, we remove the cap in the number of seats, the lowering of the formal vote threshold serves as a natural cap. Note that at 2% formal threshold, Buhay and Bayan Muna have 8 and 6 seats, respectively. When the formal threshold was reduced to  $(1/2) \times (1/55) = 0.9\%$ , the number of seats of Buhay is reduced to 5 and that of Bayan Muna to 4. When no formal threshold is imposed, both Buhay and Bayan Muna will receive 4 seats each.

Since the number of available seats is constant and the number of winning parties is increasing from 16 winning parties at 2% formal threshold, to 36 winning parties at 0.9% formal threshold, and to 40 winning parties at 0% formal threshold, it follows that the share of seats of the bigger parties is decreasing.

## Conclusion

The 3-seat cap distorts the development of the party-list system in the Philippines. It causes a formula not to fill up the entire number of available seats and to contradict the principle of proportional representation which is the essence of the party-list system and the policy declaration of the Party-List System Act. The application of these formulas (the simplified 2%-4%-6% Comelec Formula and the Panganiban Formula) results in the disenfranchisement of millions of votes.

Hence, the 3-seat cap, the 2% informal threshold and the first-party rule must be removed from a formula that will be used to determine the allocation of seats in our party-list system.

The claim that the 3-seat cap gives the smaller parties a chance to win seats in the House of Representatives is a myth because of the imposition of the 2% formal vote threshold.

The Largest Remainder Method which is used by a number of countries with party-list system is a seat allocation formula that fills up the total number of available party-list seats and affirms the principle of proportional representation.

***Therefore, the correct strategy that fills up the total number of available party-list seats, that affirms the principle of proportional representation, and that gives smaller parties a chance to win seats in the House of Representatives is to apply the Largest Remainder Method with no seat cap and a reduced (about ½ of the informal threshold or even 0%) formal threshold.***

### References:

1. 1987 Philippine Constitution
2. Republic Act No. 7941, Party-List System Act,. Approved on March 3, 1995 by Fidel V. Ramos, President of the Philippines.
3. Veterans Federation Party et al vs. Commission on Elections et al, G.R. No. 136781, October 6, 2000, Supreme Court of the Philippines
4. Party-List Canvass Report No. 26, as of September 7, 2001, 4:20 p.m., Commission on Elections
5. Party-List Canvass Report No. 20, June 2, 2004, 3:00 p.m., Commission on Elections
6. Party-List Canvass Report No. 32, as of August 31, 2007, 6:00 p.m., Commission on Elections

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