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# **PROPOSED POLITICAL AND ELECTORAL REFORMS**

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**SUMMARY OF PRELIMINARY  
RECOMMENDATIONS**

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### **SUMMARY OF PRELIMINARY RECOMMENDATIONS ON POLITICAL AND POLITICAL REFORMS<sup>1</sup>**

#### **Introduction**

The following areas for reform and recommendations are results from the conducted Regional Consultation Series conducted last October to November 2022. The team partners with different organizations to organize consultations with local election stakeholders and civil society organizations, and sectoral representatives regarding political and electoral reforms in various parts of the country. These regional consultations were designed and aimed to strengthen and sustain collaborative partnerships with groups advocating for greater political participation and electoral reform. The selected areas for the regional consultations were either vote-rich areas or areas with unique and different context in terms of election experience, especially the vulnerable sectors that will contribute to the generation of quality information useful in the formulation of policy and legislative reform measures. The discussions in these regional consultation series generated a more representative approach to developing durable solutions in the areas of political and electoral reforms.

Each regional consultation activity was divided into two (2) main parts aiming to maximize the opportunity for discussion among resource speakers and the invited participants:

- 1) Assessment of and sharing of experiences and insights in relation to various non-partisan and transpartisan engagements in the elections in the locality as well as within and across the sectors; and

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<sup>1</sup> This draft has been prepared by PARTICIPATE, a non-partisan, pro-democracy coalition dedicated to engage and empower the political participation of the Filipino people. The consortium is led by the Ateneo School of Government (ASOG), together with the La Salle Institute of Governance (LSIG), the National Citizens' Movement for Free Elections (NAMFREL), Caucus of Development NGO Networks (CODE-NGO), and the Initiatives for Dialogue and Empowerment through Alternative Legal Services (IDEALS), and further information on this project can be obtained here: <https://www.inclusivedemocracy.ph/participate>.



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- 2) Guided group discussion on matters concerning political and electoral reform, which will highlight the current initiatives being made by civil society organizations and election stakeholders, if any, and determine the challenges and opportunities present in reconfiguring its role.

Aside from the consultation with local stakeholders, the team also conducted a series Omnibus Election Code Review and Analysis Sessions with lawyers and experts. The objectives and outputs are still the same however, this is a more focused discussion on certain provision of the different laws on elections

### Areas and Participants

Below are the following areas where the consultation series were conducted and the demographics of the participants:

AREA		PARTICIPANTS
Luzon	Quezon City, Metro Manila	Election Law Experts Electoral Advocates Core Consortium Partners
	Pasig City, Metro Manila	Election Lawyers and Experts
Visayas	Cebu City, Cebu	Academe Civil Society Organizations Church Youth Election Law Practitioners
Mindanao	Malaybalay City, Bukidnon	6 out of 7 tribes of Bukidnon with



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		representation of: <ul style="list-style-type: none"><li>• Indigenous Peoples' Youth;</li><li>• Indigenous Peoples' Women, and;</li><li>• Indigenous Peoples' Elders</li></ul>
	Cagayan de Oro City, Misamis Oriental	Academe Local Youth Development Office Election Law Practitioners
	Zamboanga City, Zamboanga del Sur	Local Youth Development Council Church

### Identified Areas For Reform

As there are several areas that need to be looked into and reviewed in terms of electoral and political reforms, the team identified four (4) main areas to focus the discussions on. These areas were based on the most prevalent issues in terms of the discussion on this topic.

- I. Campaign Finance
- II. Voter's Education
- III. Voter Registration and Verification
- IV. Political Party Development



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### A. SUMMARY OF AREAS FOR REFORM<sup>2</sup> ON CAMPAIGN FINANCE

#### Prefatory Notes:

- Republic Act 7166, passed in 1991, serves as our primary campaign finance law. It sets not only the maximum allowable expenditures<sup>3</sup> that a candidate can incur but also requires winning and losing candidates and political parties to submit within 30 days after the conduct of the elections a complete, accurate, and itemized statement of all contributions and expenditures<sup>4</sup> in connection with the elections.
- Section 100 and 101 of the Omnibus Election Code of 1985 (Batas Pambansa 881) provides for limitations upon expenses of candidates and political parties, which were effectively amended by RA7166.
- The law's intent on campaign finance is to level the political playing field by limiting how much candidates can legally spend on their campaigns to minimize the advantage of candidates with more financial resources.
- The expenditure limits contained in the law (10 pesos per registered voter for President and VP candidates, and 3 pesos per registered voter for other

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<sup>2</sup> These reforms cover both legislative reforms as well as administrative reforms or changes in policies that the Election Management Body can undertake on its own without the need for a change in our laws or the constitution.

<sup>3</sup> Section 13 of RA7166 substantially provides the *Authorized Expenses of Candidates and Political Parties*. - The agreement amount that a candidate or registered political party may spend for election campaign shall be as follows:

(a) For candidates. - Ten pesos (P10.00) for President and Vice-President; and for other candidates Three Pesos (P3.00) for every voter currently registered in the constituency where he filed his certificate of candidacy: Provided, That a candidate without any political party and without support from any political party may be allowed to spend Five Pesos (P5.00) for every such voter; and

(b) For political parties. - Five pesos (P5.00) for every voter currently registered in the constituency or constituencies where it has official candidates.

<sup>4</sup> See Section 14, RA7166.



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candidates, and 5 pesos per registered voter for candidates without any political party and without support from any political party) were pegged at the 1991 standards or 31 years ago. These campaign spending limits are outdated and no longer realistic, given prevailing market prices.

- The unrealistic expense cap induces many political candidates to perhaps under-declare their expenses and not file a full, true, and itemized statement of campaign contributions and expenditures.
- The existing regulatory framework regarding campaign finance essentially covers only expenses in relation to activities undertaken during the campaign period. Other political activities or actions outside of the campaign period but related to the promotion of one's electoral victory or the defeat of another candidate are not covered.



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### Key Recommendations:

1. The **definition of campaign finance regulation must be expanded to encompass political finance**,<sup>5</sup> including party-building activities between elections.

2. **Repeal the definition of “candidate” provided by Republic Act No. 9369**, as amended, and maintain the definition mentioned in Section 79 of the Omnibus Election Code (in effect, abandoning the Peñera doctrine<sup>6</sup>). The definition of the term “candidate” in the law must cover not only those who have

already filed their certificates of candidacy but also those who aspire for or seek an elective office and who have publicly announced the same, or who have, through analogous acts, openly manifested their desire to seek an elective, and those who would eventually file their certificates of candidacy. This is to prevent circumvention of the prohibition on premature campaigning and ensure that all expenses incurred by a political party or candidate are accurately covered and reported.

#### Issues related to the regulation of money in politics:

- Uneven playing field due to the cost of getting elected to public office
- Overspending
- Vote buying
- Transparency in financing political campaigns of candidates and political parties (who are the financiers or those who bankrolled?)
- Retention of excess campaign contributions or donations by the candidate or political party
- Institutional capacity of the election management body to enforce campaign finance laws
- Accountability of violators

The areas of concern in political finance are the following:

- Income Side: Sources or Funding
- Expense Side: How funds are spent
- Policy on disclosure and reportorial requirements
- Institutional capacity to enforce the law

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<sup>5</sup> Political finance covers all funds that are raised and spent for political purposes.

<sup>6</sup> The Peñera doctrine refers to a landmark Supreme Court ruling in 2009 (Peñera v. COMELEC and Andanar, G.R. No. 181613) where it voided the prohibition on premature campaigning. This means that the expenses of candidates before the start of the campaign period are not covered by campaign guidelines



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3. There is a need to **rationalize the limit of spending for candidates and political parties**. Increase the campaign expenditure<sup>7</sup> limits to a “reasonable” level through a flexible indicator like the consumer price index. A moving limit might be more realistic and reasonable.
4. **Congress must also delegate the power to set the limit on campaign spending to the Commission on Elections**. COMELEC may revisit the policy every 6 years and adjust the expenditure limits based on the consumer price index and upon the recommendation of the National Economic Development Authority, Bangko Sentral ng Pilipinas, and other relevant government agencies.

### **On the Income or Source Side:**

5. **Provide a donation limit<sup>8</sup> per donor or contributor<sup>9</sup>** to democratize the opportunity to support candidates. This will minimize the capture of candidates by some moneyed interests. Such regulation would lessen the influence of individuals and groups from entrenched interests to leverage their contributions for access to public resources and the formulation of and execution of public policies. This should also encourage political parties and candidates to partner with more donors, resulting in greater public accountability and institutional capacity strengthening.

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<sup>7</sup> The term “campaign expenditure” as provided in Section 94 of the OEC limits its coverage to those incurred for campaigning purposes, and may exclude those that may be spent for party-building activities in between elections. A redefinition of the term candidate as proposed herein can also affect the coverage of regulation of expenditures.

<sup>8</sup> The present state of campaign spending laws does not provide any limit on political contributions or donations.

<sup>9</sup> The term “campaign contribution” limits its coverage to those received for campaigning purposes, and may exclude those that may be received for party-building activities in between elections. A redefinition of the term candidate as proposed above can also affect the coverage of regulation of contributions.



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6. Consider requiring **candidates and political parties to register a specific bank** account with the Commission on Elections for purposes of receiving campaign donations or contributions. Banks will be required to submit a periodic statement of account to the COMELEC for purposes of reporting and transparency.
7. Consider **establishing a “democracy fund” that will be utilized to provide public subsidies to qualified candidates and political parties.** The public subsidy may take the form of free access to media, especially television, tax incentives, or even direct subsidies. Direct subsidies could be coursed through the parties or candidates, but the government should develop a system that would regulate this, preferably an itemized proposed budget per candidate, including sources of funds.
8. Consider classifying **political and campaign donations and contributions as quasi-public funds** that cannot become the property of candidates or political parties if unused or unspent. Unspent funds may be deposited in a trust fund under COMELEC’s supervision to subsidize registered and qualified political parties.

### **On Expenditure Side:**

9. The **definition of campaigning should cover promotional activities before the start of the campaign period.**
10. Include provisions in the law that **govern online campaigns**, including social media and close group messaging. Provide an evident regulatory power to the Commission on Elections over social media platforms and internet service providers, especially regarding determining costs of political advertisements and accurate reporting of expenditures.



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11. **Set a cap on spending for watchers and campaign staff.** The law could specify fixed percentages for spending on staff salaries, allowances, rent, travel, advertising/propaganda, communications, office supplies, equipment, and fundraising.

### *On the Policy on Disclosure and Reportorial Requirements:*

12. Consider requiring candidates and political parties to **submit periodic statements of contributions, expenditures, and unspent funds**<sup>10</sup>, from the start of the filing of the certificate of candidacy until a month after the conduct of the elections.
13. Classify all **campaign finance documents as public documents** which must be made available for public inspection. The COMELEC may also create an online<sup>11</sup> database where all campaign finance documents submitted will be uploaded may be accessed.
14. **Non-submission of reports and other requirements should constitute clear grounds for de-registration of the political party or disqualification of the candidate**, suspension of participation for violation of laws and procedure, and inactivity.
15. The place where the Statement of Contributions and Expenditures can be filed **must be specified** in the light of the express repeal of Section 108<sup>12</sup> of the OEC.

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<sup>10</sup> The present campaign finance laws emphasize only the contributions received and expenses incurred.

<sup>11</sup> It would also be a good policy to have all the statements of contributions and expenditures published in the internet. Transparency in the campaign finance records of parties and candidates is the most effective means in preventing, or at least minimizing political corruption in the country.

<sup>12</sup> SECTION 108. Place for filing statements.



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### On the Institutional Capacity to Enforce the Law:

16. **Institutionalize the Campaign Finance Office<sup>13</sup>** of the Commission on Elections as a permanent office with a *plantilla* structure responsive to the need to regulate money in politics more effectively.
17. Provide the COMELEC with the **additional power to look into bank accounts** registered with the COMELEC belonging to candidates and political parties.
18. Design audit forms and required reports or documents to be **audit-friendly and easily transformed into digital formats.**
19. **Create mechanisms for collaboration** with other government institutions of accountability (e.g., the Commission on Audit, The Ombudsman, Bureau of Internal Revenue, Anti-Money Laundering Council, Securities and Exchange Commission, Bangko Sentral, and other agencies) to align policies and regulatory efforts. A post-election auditing mechanism is crucial to ensure the enforcement of the laws and make violators accountable for their acts and omissions.

### Other Recommendations:

20. **Rationalize the penalties** for violating campaign finance and political finance laws and regulations. The penalties must be proportional to the offenses committed. At present, the law provides that first-time offenders shall be liable to pay an administrative fine ranging only from 1,000 pesos to 30,000 pesos at the discretion of the Commission on Elections.

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<sup>13</sup> The present structure of COMELEC renders it virtually impossible for the agency to exercise and perform its mandate of regulating the campaign finance practices of candidates and political parties.



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21. Section 99 of the OEC requires political contributors to report all their contributions to candidates and political parties. Failure to do so is a criminal offense under Section 262 of the OEC. Decriminalizing Sections 105 to 112 of the OEC does not make sense when a violation of Section 99 remains a crime. This creates a situation where a candidate who fails to submit a report is not punished, but his contributor is penalized if the latter fails to submit a report of contributions and expenditures. Thus, it is essential to **revisit the decriminalization of Sections 105 to 112** of BP881.
22. **Revisit the existing definition of vote-buying and vote-selling under Section 261 (a) of the Omnibus Election Code** to strengthen enforcement, particularly providing the possible remedy of disqualification of the candidate.
23. **Strengthen laws defining abuse of state resources** as incorporated in Section 261 *paragraphs g, h* (appointment and transfer in the civil service, creation of office, promotion and salary increases), *i* (intervention of public officials and employees), *j* (undue influence by a public officer), *m* (appointment of special policemen), *o* (use of public funds, equipment, and facilities for electoral campaigns), *s, t* (wearing of uniforms, bearing of arms as policemen etc. and as bodyguards), *v* (release, disbursement or expenditure of public funds), and *w* (construction of public works), and updating its coverage based on the current realities.
24. Section 102 (j) expressly provides that expenses for engaging legal counsel will not be included in determining whether a candidate or a party has complied with the expenditure limits. This provision is **susceptible to becoming a loophole in the law on expenditure limits**. Vote protection can very well be classified among those for which legal counsel may be employed. This could be an avenue for coursing many of the otherwise non-legal expenses of candidates. Putting a more



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reasonable cap on costs would be a better policy than exempting expenses for the employment of counsel in determining compliance with expenditure limits.

25. The **prohibition in Section 104<sup>14</sup> of the OEC needs to be disseminated well** to the public. Very few are aware of this. Some well-intentioned groups, including charitable organizations, plan their solicitation efforts during the campaign periods, not knowing that not only are the candidates prohibited from making donations but they are also prohibited from soliciting.
26. **Classify and institutionalize political parties as quasi-public entities** by requiring them to undergo a registration process to acquire juridical personality (endowing it with a clear capacity to sue and be sued, the right to acquire and convey properties, and open and maintain a bank account). Registered political parties must report income, contributions, and expenditures regularly. As a quasi-public institution, political party officials may be placed under the jurisdiction of the Office of the Ombudsman for accountability purposes, and the accounts and resources of the party are subject to audit by or under the discretion of the Commission on Audit.
27. **Create a mechanism for Civil Society Organizations, media, and the election management body to assist one another in raising awareness** concerning the importance of political finance regulation.

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<sup>14</sup> SECTION 104. Prohibited donations by candidates, treasurers of parties or their agents. — No candidate, his or her spouse or any relative within the second civil degree of consanguinity or affinity, or his campaign manager, agent or representative shall during the campaign period, on the day before and on the day of the election, directly or indirectly, make any donation, contribution or gift in cash or in kind, or undertake or contribute to the construction or repair of roads, bridges, school buses, puericulture centers, medical clinics and hospitals, churches or chapels cement pavements, or any structure for public use or for the use of any religious or civic organization: Provided, That normal and customary religious dues or contributions, such as religious stipends, tithes or collections on Sundays or other designated collection days, as well as periodic payments for legitimate scholarships established and school contributions habitually made before the prohibited period, are excluded from the prohibition.



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28. Consider providing **fiscal incentives for candidates through subsidies or tax incentives to run under a political party instead of running as an independent candidate.**



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### **B. SUMMARY OF AREAS FOR REFORM ON VOTER EDUCATION**

Prefatory notes:

- There is a collective recognition of the value of an informed electorate that casts their ballot based on principles, adherence to democratic values, and awareness and understanding of political platforms and programs.
- Voter education is crucial in rejecting and reversing personality-based and patronage politics.
- There is a shared observation among those who participated in the regional consultations and discussions held that voter education initiatives are generally conducted mainly during or close to the elections.
- Voter education initiatives of the Commission on Elections, in general, focus on providing technology-related information, such as voting using the vote-counting machines, other legalese and technical matters, including election offenses, and other procedural matters like the voter registration process. Rightly or wrongly, this has been perceived by many voters only as voter information campaigns rather than voter education.



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### Key Recommendations:

#### *On Strengthening COMELEC's Role in Voter's Education*

1. For the Commission on Elections to **institutionally adopt a definition of voter education** that will help guide the design of programs and projects at the national (COMELEC Central Office through the Information and Education Department) and the local level (through the COMELEC Field Offices). In addition, the COMELEC must identify the key messages and principles that will be integrated into the voter and civic education programs.
2. The Commission on Elections to **explore providing support to organizations doing voter information and education advocacy** and facilitate providing timely and accurate information to groups doing voter education work.
3. The Commission on Elections must have a **periodic evaluation at least once during one electoral cycle of its own voter and civic education activities** and convene the academe, civil society organizations, and media to discuss ways to improve the design and implementation of these initiatives.

#### *On Institutionalizing and Expanding Voter's Education*

4. There is a need to **design and implement comprehensive voter and civic education<sup>15</sup> programs** that are sector or audience-specific and age-appropriate and utilize various platforms.

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<sup>15</sup> The broad objective of civic education is to encourage citizens to participate fully in the country's political life and commit to the fundamental values and principles of democracy.



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5. Voter and civic education programs must **start well before the elections and continue throughout in between elections** and ensure that the materials used are accurate and politically neutral.
6. Enhancing voter education by **expanding it to civic education**.
  - a. Aside from integrating voter education into the academic curriculum<sup>16</sup>, voter education programs may also be conducted with and through complementary channels like parent-teacher associations and other socio-civic and other organizations.
  - b. Voter and civic education integrated into the curriculum must include the rights, responsibilities, functions of the government, and roles of voters and citizens and themes such as elections, governance, democracy, and active citizenship. Integration of voter education into the curriculum is important. However, if voter and civic education is conducted mainly through academic integration, it has the potential to reduce itself to the same level as other school subjects which may become irrelevant after school because of the limited opportunities for students to participate in the political sphere.
7. Political parties and party-list organizations must be required to undertake voter and civic education activities and submit an annual report to the Commission on Elections. These holistic programs must encourage a programmatic and principle-based engagement in our elections and governance.

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<sup>16</sup> For elementary, high school, and college students.



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### **C. SUMMARY OF AREAS FOR REFORM ON VOTER REGISTRATION AND VERIFICATION**

#### **Key Recommendations:**

##### **On Improving Access to Registration:**

1. The COMELEC should consider having a **longer registration period** to accommodate more people to register until a system and technology on voter identification and registration through the unification of the ID systems with other government agencies has been implemented.
2. COMELEC may consider institutionalizing the setting up of satellite registration activities in high-foot traffic areas and large facilities like malls and public centers for the comfort and convenience of registrants. The COMELEC should allocate additional resources to field offices to allow them to institutionalize the establishment of **registration activities on weekends and during national and local holidays** to optimize the opportunity for eligible applicants to register.
3. The Commission on Elections must establish a **multi-platform appointment system for registration** to include the use of the internet<sup>17</sup> (through a website, application, or social media), mobile number, and landline. A multi-platform appointment system increases access of voter registration applicants and other clients to be able to avail of the services of the COMELEC.

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<sup>17</sup> As observed, there are still many people who do not have access to the internet but have access to other technologies such as mobile phones and even landlines.



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4. **Improve the features and functionality of the iRehistro<sup>18</sup>** to provide a specific schedule for when voter registrants may visit the registration center<sup>19</sup>.
5. A common scenario as the deadline for registration nears is the presence of long queues of voter registration applicants at the satellite registration site or the office of the local COMELEC. Some have gone to the registration centers but could no longer be accommodated due to the cutoff. To improve the delivery of services, COMELEC must explore adopting a **queuing system** so that these registration applicants will be prioritized and inform them where and when to come back for registration.
6. The COMELEC should allocate additional resources for their field offices to undertake satellite **registration in remote communities**. To encourage first-time voters to register, the COMELEC should also institutionalize the partnership with educational institutions to conduct satellite registration. The barangay halls may also serve as a registration center to make it more accessible.
7. Additional resources must be allocated to procure added equipment needed for voter registration, notably for areas with a significant increase in the projected number of applicants.

### **On the Use of Technology to Enhance the Registration and Reactivation Process:**

8. Section 8<sup>20</sup> of RA81989 requires that the application for registration be made in person and at the office of the Election Officer. This provision must be amended to

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<sup>18</sup> It is an online facility of the COMELEC that allows voters to accomplish forms for voter's registration and to set an appointment on when to visit the COMELEC office to provide biometrics data.

<sup>19</sup> Either the Office of the local COMELEC or at the satellite registration site.

<sup>20</sup> SECTION 8. Systems of Continuing Registration of Voters. — The personal filing of application of registration of voters shall be conducted daily in the office of the Election Officer during regular office hours. No registration shall, however, be conducted during the period starting one hundred twenty (120) days before a regular election and ninety (90) days before a special election.



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**allow the online filing of registration applications.** An easy and frictionless process for online voter registration and updating of voter records in the case of transfers or amendments or corrections of voter record entries must be implemented. Any changes in voter information and transfer of voter records would be carried out accurately and efficiently, especially with the use of the Voter Identification Number (VIN).

9. The definition of registration and registration of voters as provided in Section 3 and Section 10, respectively, of Republic Act 8189<sup>21</sup> must be revisited to ensure that **the legal framework allows and recognizes the use and value of electronic records.** The definitions here favor paper-based forms over electronic or digital documents. The trend nowadays is towards digitization of documents and records management. The digital or electronic record must be given the same consideration as a paper-based record.
10. Should the policy on the automatic deactivation of a voter's registration for failure to vote in two succeeding elections remains, the election management body must **create a voter-centered process for the digital or online reactivation of registration records** if the reason for deactivating voter registration records was due to failure to vote in two successive national elections.

### **On Cleansing the Voter's List:**

11. Section 27 of RA8189 allows for the automatic deactivation of voters who failed to vote in two successive regular elections. It is proposed that this law must be

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<sup>21</sup> SECTION 3. Definition of Terms. — As used in this Act: a. Registration refers to the act of accomplishing and filing of a sworn application for registration by a qualified voter before the election officer of the city or municipality wherein he resides and including the same in the book of registered voters upon approval by the Election Registration Board.

SECTION 10. Registration of Voters. — A qualified voter shall be registered in the permanent list of voters in a precinct of the city or municipality wherein he resides to be able to vote in any election.



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revisited. **Voters must be given prior notice and the opportunity to respond before their registration record will be deactivated.**

12. Consider the proper **sharing of information among various government agencies**, particularly the Philippine Statistics Authority, to facilitate updating records in case of death through a data-sharing agreement or a memorandum of agreement. This must be undertaken in compliance with applicable laws such as the Data Privacy Act.

### Other Recommendations:

13. Information materials on the registration process and the requirements must be **widely disseminated across various platforms** and through schools, barangays, the media, and socio-civic organizations before the start of the registration period.
14. **Expand the scope of those who can avail of local absentee voting** privileges to include other election frontliners, such as those rendering services on election day (e.g., lawyers, individuals engaged in election-related work, etc.)
15. Section 10<sup>22</sup> of RA8189 mandates the specific information the registration application must contain. It includes, among others, the “profession, occupation or work” of the registration applicant. This provision **must be simplified so that only relevant information will be collected**. Requiring the applicant for registration to provide information about their profession, occupation, or work has no bearing in exercising the right of suffrage. Including this irrelevant information will only clutter the voter registration database.

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<sup>22</sup> SECTION 10. Registration of Voters. — A qualified voter shall be registered in the permanent list of voters in a precinct of the city or municipality wherein he resides to be able to vote in any election. To register as a voter, he shall personally accomplish an application form for registration as prescribed by the Commission in three (3) copies before the Election Officer on any date during office hours after having acquired the qualifications of a voter.

The application shall contain the following data:

- f) Profession, occupation or work;



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16. Section 24 of RA8189 provides, among other things, that “there shall be *national file* consisting of the computerized voters list (CVL), both in print and in diskette, submitted by the Election Officers in each city and municipality concerned, under the custody of the Commission in Manila.” The choice of “diskette” as a chosen technology is obsolete. This must be **updated by using a technology-neutral<sup>23</sup> terminology such as “electronic storage device”** which is also consistent with the term used in the Automated Election Law or RA9369.
17. Clustering of precincts without sufficient notice and when done close to election day has caused confusion among voters. **Clustering precincts must be done within a reasonable time before the election** (for example, 90 days) **and only after actual notice to all voters in the affected precincts** and publishing the same.
18. There must be **easy access to digitized voters lists and precinct assignments through the publication of the lists on the COMELEC website**. The posting of physical lists in the offices of the election officers would still be done for the benefit of voters without access to the internet.
19. COMELEC should consider looking into the timely and effective dissemination of the voter information sheet. To facilitate verification of voter registration status, the COMELEC must **ensure the availability of the Precinct Finder<sup>24</sup>** and not just when nearing the election.

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<sup>24</sup> <https://comelec.gov.ph/?r=VoterRegistration/2022NLEVoterVerification>



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### **D. SUMMARY OF AREAS FOR REFORM ON POLITICAL PARTY DEVELOPMENT**

#### Prefatory Notes:

1. Section 60-78 of Batas Pambansa 881 or the Omnibus Election Code are the provisions that pertain to political parties and candidates.
2. Section 62-78 of Senate Bill 179, or the proposed New Omnibus Election Code filed by Senator Imee Marcos, covers political parties and the party-list system.
3. The ideal reform regarding political parties is enacting a Political Party Development Bill into law. A bill on Strengthening the Political Party System (House Bill No. 0488) was filed by Rep. Gloria Macapagal-Arroyo, arguing that it is vital to strengthen the political party system if we want to achieve political development and democratization. Said bill aims to change the prevailing political norm of having political butterflies during and after the election period by emphasizing party ideals and policy agenda rather than political pragmatism, survival, and personality-based politics.
4. House Bill No. 0488 proposes that any member of the party wanting to change political party affiliation after being elected on that party's ticket should resign from his elective position and must seek a fresh mandate from the electorate. In addition, the defecting person cannot be appointed nor hold any position in any public office until after the expiration of the term within which they were elected. The bill also seeks to establish a State subsidy fund for accredited political parties exclusively for political party development, campaign expenditures, and information dissemination and monitoring activities of the Commission on Elections.



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### Key Recommendations:

1. Section 60 of Batas Pambansa 881 provides for a definition of a political party. This was amended by Republic Act No. 7941, which defined a party and a political party in Section 3 (b) and Section 3 (c), respectively. It also differentiated between a national party and a regional party by stating that “it is a national party when its constituency is spread over the geographical territory of at least a majority of the regions. It is a regional party when its constituency is spread over the geographical territory of at least a majority of the cities and provinces comprising the region.” It is suggested then that **the artificial distinction between national political parties, local or regional political parties, and sectoral political parties be done away with**, for it serves no specific practical and regulatory purpose. They are all effectively political parties with the same goal of obtaining political power through electoral contests.
2. A **minimum threshold requiring political parties to field candidates and compete in all elective positions** must be established to ensure political competition and avoid situations of uncontested posts. An additional proposal is to require political parties to compete in at least 80% of all the elective positions.
3. Require all political parties to **register with the Securities and Exchange Commission** before going to the COMELEC to register as a political party. This would make parties compliant with the regulation of organizations, resulting in the COMELEC needing to only look at compliance specific to parties.
4. **Establish a fund from which state subsidies for parties would be drawn.** The Department of Finance would administer the fund with supervision by a board composed of the heads of the COMELEC, the National Economic and Development Authority, Bangsamoro Autonomous Region in Muslim Mindanao, the Philippine Political Science Association, the Philippine Commission on Women, the National



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Commission on Indigenous Peoples, National Council on Disability Affairs, National Youth Commission, and Overseas Workers Welfare Administration two from the civil society organizations engaged in election observation and pursuit of electoral reforms and improvements.

5. Subsidies to parties would be awarded **based on the number and level of elective posts they have garnered**. The computation of the subsidies is formulaic, (without discretion from the board), public, and would be released automatically, without needing prior approval from the Central Fund board. The board's purpose is to understand the activities or parties and influence their direction toward national development. Parties need to achieve a threshold number of elected members from the immediately preceding election to qualify for subsidies. Parties with no elected representatives in at least 10 percent of the elective positions in the national, provincial, and local positions would lose the subsidy.
6. **Eighty percent (80%) of campaign expenses of women candidates who did not win would be reimbursed from the fund** established for state subsidy for political parties.
7. The state subsidy fund would **provide salaries of political party presidents, secretaries general, treasurers, and executive directors of party foundations**. The salary grades of party presidents and the executive directors of party foundations would be Grade 30 and Grade 29.
8. Political parties should **establish their party foundation**. A party foundation would be the think-tank of the party responsible for research related to the formulation of policies and shaping party identity. It would also be responsible, among others, to draw up strategies to grow the party and train potential



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candidates and officials who could assume positions in government if the party receives enough votes.

9. Political parties that **fail to report timely, properly, and accurately its yearly income, expenditures, and net worth will be immediately deregistered**. The determination would be formulaic, with no discretion from the COMELEC, and published on the COMELEC website.
10. The COMELEC would arrange **semi-annual capacity-building events that would help strengthen all the parties**, including on the parties' internal governance. Civil society organizations may organize similar events through the COMELEC. Party representatives would attend these events free of charge.
11. Candidates that political parties field should be required to **undergo a series of training and education sessions** to prepare them better.
12. The registration of parties should be coupled with the requiring the Commission on Elections to **monitor the activities of political parties regularly**. Political parties must be required by law to annually submit updates of their activities, like the General Information Sheet (GIS) being required from private corporations by the Securities and Exchange Commission.
13. Establish a **department within the Commission on Elections that monitors political parties' compliance**.
14. Require political parties to have **one designated and registered bank account for purposes of receiving contributions and subsidies**. This, too, will facilitate the auditing by the appropriate unit of the COMELEC.



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15. There must be a law requiring party-list organizations to **publicly disclose the names of their nominees**, considering the decision of the Supreme Court in *Urban Poor for Legal Reforms vs. COMELEC*.<sup>25</sup> This will provide the voters with the correct information to have informed choices.
16. The political party development bill must **clearly define political turncoatism**. House Bill No. 0488 defined political turncoatism as “the change of political party affiliation by a party member a period of one year before or after any national elections. Any party member may legitimately change party affiliation only in the second year of a three-year term. Provided that political turncoatism shall not apply in any of the following instances: (1) Abolition, merger or coalition of political parties where a candidate is a registered member thereof; and (2) Expulsion of the elected official in writing from one’s political party: provided, that the cause for such does not constitute political opportunism.
17. Consider including **party and vulnerable sector membership as data points to be collected during the voter registration application**. This can be used as a countercheck mechanism if a minimum number of members requirement is added to establish a party / party-list.<sup>26</sup>
18. Chapter II, Article 6, Section 66<sup>27</sup> of Senate Bill 179 is a new provision that proposes that **the party-list be divided into two classifications: 50% for political parties and 50% reserved for sectoral parties**. This may be worth considering for further discussion.
19. The legal provision<sup>28</sup> that seeks to strengthen political parties and the party-list system should **consider limiting nominees for the sectoral parties** to those

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<sup>25</sup> G.R. No. 1771271, 4 May 2007.

<sup>26</sup> Under Chapter II, Article 4, Section 27 (Registration of Voters) of Senate Bill 179

<sup>27</sup> Classification of groups under the party-list system

<sup>28</sup> Section 69 of Senate Bill 179.



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who are actual members of underrepresented and marginalized sectors. Consider prohibiting political dynasties from the list of party-list nominees.

20. Section 70 of Senate Bill 179 may be better framed in the negative by stating, “No substitution shall be allowed unless a nominee shall have died...” **Consider rewriting the provision in the negative** – “No substitution shall be allowed unless a nominee shall have died...”
21. Section 77 of Senate Bill 179 is an anti-turncoat that provides for the forfeiture of the seat of anyone who changes their political party during their term and prohibits the nomination of a member who changes their political party one (1) year before the election. **A membership book can be required for each political party to operationalize this provision.** This is worth considering and harmonizing with the relevant provisions of House Bill 0488.
22. It is worth considering having a **similar anti-turncoat provision for non-party-list organizations or parties.**
23. To help facilitate anti-turncoat provisions and the tracking of change in party affiliation, candidates should be **required to include party membership in their certificate of candidacy** following section 88 of Senate Bill 179.