

Party list system subject to abuse, says SC ex chief Justice

Retired Chief Justice Artemio V. Panganiban expressed concern over the state of what he called the “Philippine-style” party-list system, saying that it is “clearly vulnerable to manipulation and misuse.” He said that there are difficulties particularly in determining the number of seats that a winning party- list gains in Congress as well as screening its nominees. The party-list system also is a more common element of a parliamentary style of government, not a presidential style of government like what the Philippines has. The retired Chief Justice reckoned that recent decisions of the Supreme Court (SC) and Commission on Elections (Comelec) have given ground for serious concern that the party-list system is being misused and abused “to serve the interests of a select few.” He noted that the Comelec has applied inconsistent standards in accrediting party-list candidates and their nominees on the May 10, 2010 automated elections. Panganiban said that in April, the SC overturned Comelec’s “flimsy” decision disqualifying the third sex-centered party-list, Ang Ladlad. The Comelec also insisted on disqualifying the Disabled Pinoy Party, while allowing Rep. Mikey Arroyo to be the first nominee of a party-list of security guards, and former Energy Secretary Angelo Reyes to represent a party-list of bus and jeepney drivers. He also frowned on the fact that the 1987 Constitution was not very clear on the mathematical computations used to determine the winning party-list candidates and also the number of congressional seats they earn. He said that this has to be clarified by Congress.

Two major issues that are ambiguous in the Party list System Act that should be clarified and amended by Congress are matters on representation and transparency and accountability. Fifteen years after the enactment of such law and twelve years since the first election for party list representatives were held it is not clear why the Constitution mandates only 20% seat allocations to winning party list groups if in fact the principle behind the law is to give representation directly for marginalized sectors. This is a small number compared to the 80 percent allocation given to single district representatives. Furthermore, the issue of representation also delves beyond the depth of reach of bills passed by party list groups. Very few bills have been passed yet authored by party list representatives. In terms of transparency and accountability, there is also a need to revisit Republic Act 7041 as it lacks the mechanism to check and mandate party list groups to exist for at least three years to assure the accountability of their representation. Section 5 of the said law only requires filing of registration of a party list group ninety days before the election. Review and amendments should be done for the most under- rated but much criticized law before the 2013 elections.

NAMFREL statement on the first anniversary of the Ampatuan massacre

NAMFREL joins the victims' families, the Filipino nation as well as human rights and press freedom advocates throughout the world in calling for the swift resolution of the Ampatuan, Maguindanao murders. Twelve months after the most inhumane election related killings in recent memory, the 58 victims, their families and supporters, have yet to receive justice that Philippine laws supposedly assure. Instead, what we see are delays in the trial; inability to swiftly round up all suspects, both those directly linked to the massacre and their accomplices; the continuous rule of warlords and their kin in their respective areas; the continuous display of wealth and power as their people languish in poverty; the continued silencing of journalists; private armies not just in Mindanao but throughout the country not yet dismantled; the climate of fear that has not subsided; and the culture of impunity that sees no end.

We reiterate our call for the government to cancel all licenses and permits to carry firearms that are being used for political purposes, disband armed paramilitary groups used by politicians, and take a firm and decisive action to go after the perpetrators of this heinous crime, regardless of their positions and connections. The work has been cut out for the new administration. We continue to urge the Philippine government to have the political will and fortitude to see through this case so that justice prevails, including cases of political violence and human rights abuses in the country that remain unresolved. We appeal to Filipinos to end the cycle of violence that characterize local politics, by restraining themselves from retributive acts of justice. We also encourage all, especially those in the media, to be ever vigilant, and to not be discouraged by acts that are meant to silence your voice.

[Source: Manila Bulletin, NAMFREL data]