



About this series

The International Institute for Democracy and Electoral Assistance (International IDEA) and the Institute for Autonomy and Governance (IAG), in partnership with the Philippines Congressional Policy and Budget Research Department (CPBRD) and the Senate Economic Planning Office (SEPO), held a series of Learning Sessions on Constitutional Change and Federalism from May 2018 to April 2019.

As the Charter Change debate persists in the Philippines, questions around the substance, process and scope of constitutional reform remain. Regardless of the outcome of these debates, Congress has a substantial role to play in voting on draft texts and amendments, and even possibly drafting constitutional language itself. As such, the Learning Sessions were designed to target members of the House of Representatives and the Senate, providing a safe space for technical discussions on relevant and pressing issues. Each session focused on a specific issue, including a conceptual framework based on international experience and expertise, and a contextualized consideration of the issue as it pertains to the Philippines, presented by national experts. The Charter Change Issues Briefs series consolidates and memorializes these inputs for future reference and further reach.

Electoral System Reform and Design

Charter Change Issues Brief No. 2 provides an overview of the second Learning Session, entitled Electoral System Reform and Design, conducted on 29 May 2018 at the Philippines House of Representatives and on 31 May 2018 at the Senate of the Philippines. The speakers were: Dr Paul Hutchcroft, Professor of Political and Social Change, Coral Bell School of Asia Pacific Affairs, Australian National University; Professor Ramon Casiple, Executive Director, Institute for Political and Electoral Reform (IPER); Dr Julio Teehankee, member of the Consultative Committee to Review the 1987 Constitution; and Dr Socorro Reyes, Regional Governance Adviser, Center for Legislative Development. This brief is based on technical insights shared by these experts during the Learning Session.

Learning Session No. 2 overview

The electoral system protects the exercise of the sovereign will of the people. An integral part of the political system, an electoral system is in itself an institution. The specific political institutions that a country establishes—and how the people who constitute them are chosen—affects the quality of governance and development outcomes. According to Acemoglu and Robinson (2012), rich nations are rich because they have ‘inclusive’ institutions, while poor nations are poor because they have ‘extractive’ institutions. Inclusive institutions are systems, processes and organizations that empower people and harness a society’s resources for the benefit of a majority. Extractive institutions, on the other hand, are systems where power is allocated to a few or concentrated in a centralist state. The problems of patronage politics (political dynasties), slow economic growth, lack of employment opportunities, and inadequate access to education, health and infrastructure are among the binding constraints to development that the Philippines is facing. Political institutions have a lot to do with the existence of these constraints, which suggests that they are more extractive than inclusive.

The character of an institution, of course, depends on the people who comprise it, and inclusivity, and many other objectives, are best achieved through the choice of electoral system. As the Philippines considers

institutional and structural reforms, considering the electoral system is critical. Most electoral system reforms currently proposed would require constitutional amendments; however, there are reforms, such as political party reform and party-list system reforms, that could be legislated. Since there is ongoing momentum for Charter Change, it is a good opportunity to consider electoral reforms as part of the broader constitutional reform package to enhance the quality of politics. In this regard, and in order to have a better appreciation of the proposed reforms, it is important to consider not only the Philippine context, but also the experiences of other countries in electoral system design.

Conceptual framework

Strong patronage, weak parties—The case for electoral system redesign in the Philippines

Dr Paul Hutchcroft, Professor of Political and Social Change, Coral Bell School of Asia Pacific Affairs, Australian National University

There are three basic decisions of democratic constitutional reform. The first decision concerns central–local relations or whether a country should go with a unitary or federal structure. The second decision concerns representational structures or whether a country wants a presidential or parliamentary system, or a hybrid of the two. The third decision relates to the electoral system, which comes down to plurality, proportional representation (PR), party list, or some combination of them. These three decisions can be combined in different ways, and are diversely put together around the world. A country can decide to go for a federal parliamentary or semi-presidential system, and there is no pre-fixed decision stating that countries choosing federal set-ups will have to have a particular representational structure or electoral system.

Regardless of the type of reform that a country undertakes, there are three basic principles that can be kept in mind to guide the reform process more generally. The first basic principle of political reform is to study and understand the pre-existing conditions. There is no one-size-fits-all reform. Each country has its own distinctive historical configurations of power and authority. As such, before undertaking reform one must ask: what are the basic problems that need to be solved? (See Charter Change Issues Brief No. 1).

The second principle is to understand the nature of the underlying political institutions, especially the two critical institutions: the administrative system (the bureaucracy) and the political parties. If both are weak, whatever reforms are adopted may lack stability, like constructing a house on shifting sands. In a parliamentary system, for example, there is a need to make sure that coherent political parties are in place ahead of time. This is because executive authority comes out of the legislature and there has to be a stable system through which strong political parties are able to form coalitions that can translate into executive authority. On the other hand, an electoral system redesign does not need to have strong institutional prerequisites and, if done well, can create stronger parties. The question here is: what is the underlying capacity of the administrative system (the bureaucracy)

and the political system (through political parties that are able to aggregate societal demands and present coherent policies in the public sphere) to see reforms through?

The third basic principle of political reform is the need to recognize and anticipate unintended consequences. The bigger the reform, the bigger the risk of unintended consequences. When considering major reforms, a good question is: are there smaller and hopefully more predictable reform solutions that could perhaps resolve the problems that have been identified? An electoral system redesign is often a smaller enterprise and a more predictable reform solution compared with choosing to go federal and semi-presidential at the same time, which would present greater risks of unintended consequences.

Why electoral system design and reform matter

In most South East Asian countries, including Indonesia, Malaysia, the Philippines and Thailand, development outcomes are commonly undermined by the prevalence of patronage and ‘money politics’, which skew service delivery towards electoral considerations rather than broader development needs. Corruption is also endemic throughout the region.

The various electoral arrangements that were put in place in the 1987 Philippines Constitution essentially guaranteed that the Philippines would have weak political parties. This is an important observation as it suggests that the weakness of Philippine political parties does not derive from some imagined cultural propensity of the country to foster and maintain weak parties. It is the result of incentives put in place by the electoral system. One example is the separate voting for the president and vice president, which opens up the possibility that the two top officials of the land will come from different political parties. Another issue is the multi-member plurality system, which leads to a high level of intra-party competition. This observation also suggests that design of the electoral system can have a major impact on democratic performance.

Despite the importance of these design choices, International IDEA has found that decisions around electoral systems are often affected by one of the following circumstances: either (a) political actors lack basic knowledge and information so that the choices and consequences of different electoral systems are not fully recognized; or, conversely, (b) political actors use their knowledge of electoral systems to promote designs which they think will work to their own partisan advantage.

Neither scenario leads to optimal outcomes for the long-term political health of the country concerned. Calculations of short-term political interest can often obscure the longer-term consequences of a particular electoral system and the interests of the wider political system. This is why, in some cases, the electoral system becomes tied up with constitutional design, including the inclusion of certain principles—such as PR, for example in Nepal’s Constitution—or systems, such as the electoral college for presidential elections embedded in the United States Constitution. Other countries, such as Indonesia, Mongolia and New Zealand, choose not to include the electoral system in their constitutions and, therefore, electoral reform can occur independently from constitutional change.

Electoral system design

should engineer a system that encompasses the following characteristics:

1. Ensuring a representative parliament
2. Making elections accessible and meaningful to the average voter
3. Providing incentives for conciliation between previously hostile parties
4. Foster the perceived legitimacy of the legislature and government
5. Help facilitate stable and efficient government
6. Give rise to a system that holds government representatives accountable
7. Encourages “cross-cutting” political parties
8. Helps promote a parliamentary opposition
9. Is realistic concerning a country’s financial and administrative capacity.

(Suggested Principles for Consideration in Electoral System Design, ACE Electoral Knowledge Network, 2019)

Defining electoral systems

At the most basic level, electoral systems translate the votes cast in a general election into seats won by parties and candidates. The term electoral system also refers to arrangements to elect national and local executives, ‘district magnitude’ or the number of seats per district, and ballot structure. The key variables in electoral system design are: (a) the electoral formula used (i.e. whether the system is majoritarian or proportional, and what mathematical formula is used to calculate the seat allocation); and (b) the district magnitude, which refers to how many members of parliament that district elects, rather than how many voters live in a district (ACE Electoral Knowledge Network).

The term electoral system does not refer to electoral administration, electoral adjudication, voter education or international election monitoring, among other aspects of elections more generally, although electoral system design choices can have an impact on these aspects.

The most common electoral systems can be broken down into the following categories (Hutchcroft 2019):

1. *Plurality systems*. Found in many countries, the most common form of plurality system is first past the post (FPTP), also known as a ‘single-member district plurality’ (SMDP) system, where one member of the legislature is elected from a district, and whoever gets the most votes (i.e. a plurality) wins the seat. This is also called a ‘winner takes all’ system because candidates who do not obtain a plurality are left with nothing. Another much less common variant of this system is the multi-member plurality system where ‘voters are given as many votes as there are seats to be filled, and whichever candidates win the highest number of votes are elected to the legislative body’ (Hutchcroft 2019: 3).
2. *Proportional representation (PR) systems*. In PR, the number of votes received by a party ‘should translate as closely as possible into the number of seats that the members of that party will obtain in the legislature’ (Hutchcroft 2019: 3–4). Variants include closed-list PR (CLPR), where parties choose and rank the candidates on their party list, and open-list PR (OLPR), where parties choose the candidates on their party list but voters determine their rank.
3. *Party-list system (PLS)*. PLS is ‘unique to the Philippines, where voters have one vote to deploy across a wide range of party-list groups that appear on the ballot. But in this peculiar system, no party (regardless of its vote total) is allowed to gain more than three seats in the House of Representatives’ (Hutchcroft 2019: 4).
4. *Mixed systems or hybrids*. In many countries, these involve some element of SMDP (to ensure the representation of geographical interests) combined with CLPR (to foster the growth of stronger political parties).

How electoral systems shape the strength of party systems

Electoral systems shape the number of political parties. The more parties there are, the harder it is to be decisive in terms of adopting policies to changing needs and opportunities. Additionally, weak parties lead to a

larger number of political actors. Parties are most cohesive when they ‘require a candidate to belong to a political party, and ... require voters to vote for political parties (rather than candidates). In addition, the more the fortunes of candidates are tied to the fortunes of their co-partisans’, the stronger parties are expected to be (Hicken 2019: 32). In this way, the chosen electoral system has an impact on the cohesion of political parties.

In the Philippines, the cohesion of parties has historically been weak so reforms considered should aim at strengthening political party cohesion. The gold standard of building party cohesion is considered to be the CLPR system. In this system, parties list and rank the candidates. Then voters go to the polling place and they vote for a party. As such, ‘a candidate’s success depends entirely on the fortune of the party—the better the party does, and the more he or she is preferred by party leaders, the better their chances at winning office’ (Hicken 2019: 32). Additionally, unlike in the current party-list system in the Philippines, the CLPR system is truly proportional. So, if a party wins 55 per cent of the vote, they should be getting roughly 55 per cent of the seats. Or if they get 10 per cent, they should also get 10 per cent. The party chooses who fills these seats. When someone goes against the party, he or she may be thrown out of the party list completely. This is advantageous to voters as they know what they are going to get based on the party platform and that errant members are more easily controlled, giving parties increased disciplinary power over their members.

There is no magic bullet for building stronger political parties and curbing entrenched patronage structures. That said, the adoption of a more party-centric electoral system in the Philippines, such as a CLPR system, could have huge long-term potential to change the way that politics is done for the better. Of all the political reforms that are currently being considered, electoral system reform is arguably the one that has the highest degree of efficacy with the lowest risk of unintended consequences.

Expert insights

Key political and electoral reforms in the Philippines

Professor Ramon C. Casiple, Executive Director, Institute for Political and Electoral Reform

Intent of 1987 Constitution and implementation in practice

As discussed in Charter Change Issues Brief No. 1, a constitution is meant to serve particular functions or purposes, so when considering constitutional reforms, it is necessary to think about the desired aims of the current constitutional design and why the system as designed is perhaps failing to fulfill its intended functions.

The following quotations from the concluding speech by Cecilia Muñoz-Palma, Chair of the 1986 Constitutional Commission, when the Commission completed the draft of the 1987 Constitution, provide evidence of the desired aims of the current Constitution of the Philippines:

- We have ‘established the presidential system of government with three branches – the legislative, executive, and judicial – each separate and independent of each other, but affording an effective check and balance of one over the other’.
- The party-list system is an ‘innovation that is a product of the signs of the times when there is an intensive clamor for expanding the horizons of participatory democracy among the people’.
- The ‘Article on Social Justice which we have framed is the heart of the new Constitution’.

While the aims of the 1987 Constitution, as expressed, were to deepen democracy and social justice in the Philippines, in many ways people—both experts and citizens—feel that the 1987 Constitution has failed to deliver on these goals.

The 1987 Constitution was a product of the struggle against Ferdinand Marcos, which attempted to establish a broad participative democracy. However, the widespread view is that it re-entrenched an elitist democracy: although there are elections and formal processes, the reality is that a few families retained power throughout all elections. At present, political dynasties prevail not only at the national level but in all levels of government in the Philippines. The 1987 Constitution created a kind of democracy that lends itself to personalistic politics, where having the right surname overshadows the importance of party membership and ideology. As such, the 1987 Constitution is perceived to have failed to deliver on social justice, and this perception is highlighted by the fact that the party in opposition (whatever it is) has won every election under the Constitution, due to widespread dissatisfaction of the prevailing administrations.

The 1987 Constitution was arguably also meant to unite the country through addressing the issues of internal rebellion. The Autonomous Region in Muslim Mindanao (ARMM) was established to address the Moro rebellion, while the party-list system was established to accommodate the rebels from the Communist Party of the Philippines. However, since these conflicts persist in the Philippines, it is questionable whether the Constitution fulfilled this purpose.

Many would also say that the 1987 Constitution failed in its attempt to break the overconcentration of power in the presidency. The Philippines is the only democracy where government officials up to the sixth level of bureaucracy are appointed directly by the president. The president also has power over the national budget through the line veto, and can transfer funds, both within the national budget and between other budgets that are not part of the national budget, such as the Philippine Amusement and Gaming Corporation (PAGCOR). This overconcentration of power led to and institutionalized the political patronage system and gave rise to the phenomenon of turncoatism (or party-switching) after every presidential election.

Finally, the 1987 Constitution failed to give justice to the victims of the Marcos regime and nobody was prosecuted, much less convicted, of human rights violations. The Marcos family never considered nor accepted their crimes and the politicians also forgot about pursuing accountability, which weakened the rule of law in the country overall.

Political party and electoral reforms to improve constitutional functions

With the above observations about the performance of the 1987 Constitution, it is important to consider what reforms might help to strengthen the political system so that it is better able to meet the challenges it is confronted with. With regard to political parties, one reform proposal is to shift the political and electoral system from the traditional one based on personalistic politics, political patronage, the ‘guns-goons-and-gold’ type of politics to one based on parties and rules. This could be accomplished by changing the political system through constitutional reform. The ‘Supreme Law’ function of the Constitution means that it guides the entire political system, and that all political actors must conduct their activities within the context of the constitutional order. Key political system reforms that could be undertaken are:

- recognize political parties as public institutions, where they are the main players and they are liable for their members’ lapses;
- empower the Commission on Elections (COMELEC) to supervise political parties and ensure that they are functioning within the constitutional framework;
- restrict turncoatism by prohibiting party-switching for at least two years before and after an election; and
- provide state subsidies to qualified political parties in order to prevent rich individuals from influencing parties.

Overall, for electoral system design, the current party-list system should be reformed, so that all party-list groups should be considered regular political parties, instead of separating them from the list. A list PR system should be put in place in order to realize equality in the system. In this way, there would be no artificial caps and threshold requirements allowing political parties to employ electoral strategies within the legal bounds of the PR system to get more seats by getting more votes. The current scheme, as provided in RA 7941 or the Party-List Law, which reserves seats for the marginalized and under-represented sectors, by putting a cap of three seats for winning party-list groups rather than providing real proportional representation, should be replaced.

Gender perspective in electoral system reforms and design

Dr Socorro L. Reyes, Regional Governance Adviser, Center for Legislative Development

General recommendations for ensuring women’s equality through Charter Change

Constitutional reform is a golden opportunity for women to be game changers in the Philippines. Currently, there is a lack of gender provisions in the Constitution, and certain provisions particularly fail to promote gender equality, such as the existing electoral system and party system. Gender considerations should apply throughout a constitution; while explicit mention of gender equality as a stated principle is key, so is considering

gender equality when discussing issues like the division of powers. With that in mind, there are a number of constitutional reforms that could better promote meaningful gender equality in the Philippines political landscape.

Firstly, the Constitution could be amended to recognize gender equality as a separate, stand-alone subject in shared or joint powers. This does not mean just the inclusion of the word gender nor just a passing reference to women, but a clear stated commitment to pursue gender equality. Secondly, a commitment to uphold women's rights as human rights should be expressly mentioned in the Constitution, with specific international laws mentioned as bases, for example the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). There should also be an explicit commitment to ensure that national and subnational laws and policies must conform to international human rights standards.

Meaningful participation of women should also be an explicit commitment. For example, conforming with the UN General Assembly Resolution on Women and Political Participation (2003) means that women's participation in politics cannot be sidelined to administrative roles; rather, women should be actively involved in negotiations and given an effective platform for raising the issues of those they represent.

Quotas as temporary special measures to increase women's political representation could be adopted, as provided for by international laws. There are three kinds of quotas: reserved, legislated or mandated, and voluntary party. Reserved quotas specify a number of seats that will be occupied by under-represented sectors such as women, indigenous people, persons with disabilities, etc. According to the Inter-Parliamentary Union (IPU) Parline database, there are 23 legislatures that have reserved seats for women, including Afghanistan, Bangladesh and Pakistan. Legislated or mandated quotas are provided for in national constitutions or electoral laws; countries featuring high on the list of parliaments ranked by number of women representatives, where legislated or mandated quotas are in use, include Bolivia, Mexico, Nicaragua, Rwanda, Senegal and Spain. Finally, voluntary party quotas may either be verbal commitments or written provisions in party statutes.

There is also a need to strengthen and improve the political party system in the Philippines to broaden the base for political recruitment and discourage the growth of political dynasties. If political parties are weak, the basis for political recruitment becomes limited to political families—and any limitation on equal access to political participation has a negative impact on the overall political environment and the promotion of inclusion.

Specific recommendations for electoral system reform to promote women's equality

For reforms in the Philippines to truly promote social justice and women's equality, an electoral system would ideally adhere to the following specifications (all data from the IPU Parline database):

1. *Proportional representation*, where a political group wins a number of seats in proportion to the number of votes it receives. This system

is preferred over a winner-takes-all system because PR gives women a greater chance of getting seats even without receiving the highest number of votes. Data from the IPU Parline database on national parliaments, particularly on the electoral system for the top 15 parliaments ranked by women's representation, indicates that countries adopting PR tend to have a higher percentage of women in parliament. Among the top 15 countries ranked by the number of women in parliament, 10 used the list PR system (Costa Rica, Finland, Namibia, Nicaragua, Norway, Rwanda, Senegal, South Africa, Spain and Sweden); three adopted the mixed or combined system (Bolivia, Mexico and Mozambique); one used plurality (Grenada); and one used the two-round system (Cuba).

2. *Closed-list proportional representation* (zipper/zebra system), where voters can effectively only vote for political parties as a whole with no influence on the order in which party candidates are elected. The zipper/zebra system is a method of drawing up party lists in a PR electoral system, where candidates on the list must alternate between men and women in order to secure equal representation. This way, a political party cannot move women down and men up the list, if it only receives a small percentage of the votes and consequently only a few seats. Among the top 15 countries ranked by the number of women in parliament, the following used the closed party-list zipper system: Finland, Namibia, Norway, Mozambique, Rwanda, South Africa and Sweden.
3. *Large multi-member districts* (MMDs), where each electoral district sends two or more members to a legislative chamber. This way, women have more chances to be included in the list of party candidates. The Polish electoral reform enacted in 2001 created larger MMDs within PR, and resulted in more women getting elected (126 out of 460 or 27.4 per cent) as members of parliament. On the other hand, small MMDs in Chile and Ireland are being blamed for low levels of female representation in their respective parliaments. In Ireland, there were 35 out of 158 (22 per cent) female members of parliament in 2016, while in Chile in 2013 only 19 out of 120 (15.2 per cent) of representatives were women.
4. *A high party threshold*, referring to the number of votes that a party has to win in an election in order to qualify for a seat in Parliament. A high threshold helps to avoid too many political parties from winning electoral seats, which could negatively affect the chances of women from taking an electoral seat. In the Philippines, the legal threshold for the party list (i.e. the minimum amount of votes required to qualify for a seat) is 2 per cent. This is a very low threshold, which needs to be raised for women to have more chances of getting electoral seats. Where there is a high threshold, parties tend to have more diverse lists and more women are likely to be included. The higher the threshold and the higher the district magnitude, the more chances there are for women to be included in the line-up of big political parties and the greater probability that they will win. Costa Rica and Sweden both use high legal thresholds and both have high percentages of women in Parliament. In Sweden, there are 152 women in the 349-seat Parliament (43.6 per cent), while in Costa Rica, 19 out of 57 (33.3 per cent) representatives are women.

A gender-sensitive electoral system is a necessary but not sufficient condition for increasing women's representation in legislatures. It can facilitate or hasten the process, but it is not the sole determining factor for getting more women elected. It is important to get the system right, but also to address the economic and sociocultural barriers to women's participation.

5. A *'Code of Conduct'* among political parties, which is especially needed to curb sexism. The use of sexist practices while campaigning is common among Filipino politicians, such as scantily clad women twerking on stage to draw a crowd. Another sexist stereotype is that men are generally perceived to be more likely to win in elections compared with women. The Code should contain tough penalties for physical, verbal and economic sexism. To ensure that women also get a fair share of the campaign funds, it is suggested that 30 per cent of campaign funds per party be allocated to female candidates.
6. *Accreditation* by the Federal Regional Commission on Elections, which should ensure that each political party has a gender-sensitive programme. There should be gender balance in the party list. To achieve this, it is necessary to indicate an actual figure for the gender balance; for example, no one gender should have more than 60 per cent or less than 40 per cent.

In conclusion, a gender-sensitive electoral system is a necessary but not sufficient condition for increasing women's representation in legislatures. It can facilitate or hasten the process, but it is not the sole determining factor for getting more women elected. It is important to get the system right, but also to address the economic and sociocultural barriers to women's participation.

Charter Change Proposals

Emerging proposals on electoral system reforms and design

Dr Julio Teehankee, member of the Consultative Committee to Review the 1987 Constitution (ConCom)

Much of the Charter Change debate has been focused on the proposed transition to a federal system as a means of addressing the challenges with inequitable development, but before federalism is pursued it is necessary to examine the current landscape of politics and governance. With regard to the need for reforms that will create more equal opportunity in politics in the Philippines, there are four areas of the current Constitution which the ConCom was tasked to review. These were the anti-political dynasty provision, the strengthening of political parties, party-list reforms, and campaign finance reforms. Out of the four, three have already been addressed in approved provisions and included in the ConCom's draft charter.

Anti-dynasty provisions

On political dynasties, the proposed provision does not totally ban dynasties but merely regulates them. The idea was to incorporate a self-executing anti-political dynasty provision in the Constitution, with a clear definition of what a dynasty is, given the absence of an enabling law for the provisions in the 1987 Constitution. In the ConCom draft Charter (see Figure 1), a political dynasty is defined to exist when a family whose members are related up to the second degree of consanguinity or affinity maintains political control by succession or by simultaneously running or holding elective positions. It is proposed that no person related to an incumbent

elective official as described above can run for the same position in the immediately following election, and relatives within the second degree of consanguinity or affinity are also prohibited from running simultaneously for more than one national and regional or local position. In the event that two members of the same family are running, the member who shall be allowed to be a candidate shall be determined by the drawing of lots. Congress may, by law, provide for additional prohibitions as required.

Figure 1. Anti-political dynasty provision in the ConCom proposal



Source: Julio Teehankee

Strengthening political parties

Political parties can be strengthened by instituting reforms on party registration and administration. Party registration begins with the COMELEC. Political parties should be developed as democratic public institutions. They should have their own programme, adhere to the Constitution, and practise party discipline. They should institutionalize a democratic system of internal decision-making and allow for active citizen participation. Political parties should also observe democratic processes in nominating and selecting party officials and candidates for public office, such as through party conventions. They should also include the marginalized and under-represented sectors of society and provide proper and proportionate representation of women as candidates for every election. The ConCom proposal is that 50 per cent of the nominees of a party for every election should be composed of women. However, there might be a need for measures promoting greater inclusivity, like the example suggested in the section on gender above, where no one gender should have more than 60 per cent or less than 40 per cent representation in government, in lieu of 50–50 sharing.

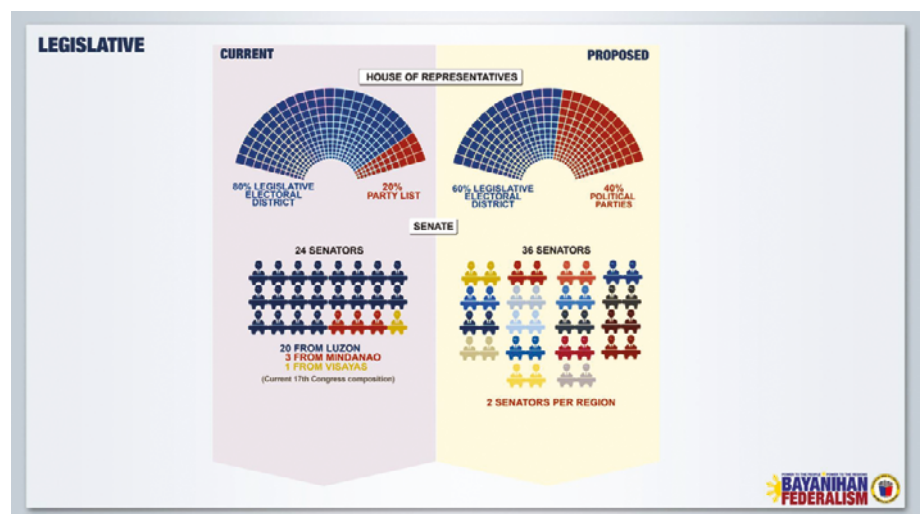
Besides party registration, the Philippines context and political history (as outlined above) required the ConCom to consider a ban on party-switching. The ConCom draft Charter proposes that any member of a political party elected to public office is prohibited from changing political parties within their term of office. Likewise, it is prohibited for any candidate for public office or any official of a political party to change political parties within the two years immediately after an election and in the two years before the next election. A political party

is prohibited from accepting resignations or changes in registration from its members within the same timeframe; any violation shall be grounds for cancellation of party registration. Party members acting in violation of these provisions will be reported to the COMELEC by parties and required to vacate their position (if the person was elected to office) and to return all subsidies provided by the party.

Party-list reforms

The ConCom draft charter includes a number of proposed reforms to the party-list system. Some of these are described in the graphic on the legislative branch (Figure 2), including that party lists will now make up a 40 per cent share of seats (instead of 20 per cent), as against single-member districts with 60 per cent. For the first three electoral cycles, half of that 40 per cent would be reserved for socio-economically marginalized sectors, previously identified as reserved groups for the party list system: namely, labour, peasants, urban poor, indigenous cultural communities and fisherfolk. These groups will have to be reclassified as political parties to compete for seats. In addition, it will be mandatory that half of the nominees for a party for every election will be women. With these provisions, it is envisioned that the political base will open its doors to youth, overseas Filipino workers (OFWs), professionals, middle-class citizens and academics, among others.

Figure 2. Structure of the legislative branch in the ConCom proposal



Source: Julio Teehankee

Campaign finance reform

Currently, the country has unrealistic campaign finance regulation contained in the Fair Election Act (Republic Act No. 9006), which has been unenforceable. For example, a presidential candidate only gets to spend PHP5 for every registered voter. A proposal to address this, although not yet contained in the ConCom draft Charter, would be to allow ordinary citizens to state in their tax return that they are willing to donate to a particular political party in return for tax credits. The idea is very similar to the ‘voting with dollars’ system in the United States. So, once a party or candidate is able to reach a certain amount

of donation from voters (threshold must be set), the government will match the fund in terms of public subsidies. The same scheme will be adopted for corporations with government counterpart funding (for individual donations) in terms of public subsidies to be charged from the donations from corporations. Under this system, spending monitoring and regulation will be conducted through the Bureau of Internal Revenue (BIR) and COMELEC records.

Other issues for consideration by the ConCom

Other electoral reforms in the ConCom draft include that the president and the vice president should be elected together (in tandem), not separately. The system will be similar to that of the United States where voters only vote for the president and whoever wins as president wins together with his/her vice president running mate. Another reform is that the COMELEC will only be focused on the administration of elections. Its adjudication function will be lodged with another tribunal specifically established to handle electoral cases. Finally, the schedule of elections will be desynchronized and the existing provisions on suffrage, initiative, referendum and recall will also be reviewed and reformed.

About International IDEA

The International Institute for Democracy and Electoral Assistance (International IDEA) is an intergovernmental organization with a mission to support sustainable democracy worldwide. <<http://www.idea.int>>

About IAG

The Institute for Autonomy and Governance provides research, training and technical assistance to promote meaningful autonomy and governance in the southern Philippines. <<http://www.iag.org.ph>>

About CPBRD

The Congressional Policy and Budget Research Department is the think tank of the Philippines House of Representatives that provides ideas, policy advice, technical assistance, and information support in the formulation and oversight of socio-economic legislation that promotes sustained inclusive growth. <<http://cpbrd.congress.gov.ph>>

About SEPO

The Senate Economic Planning Office provides the Senate President and the Members of the Senate of the Philippines with proper research and in-depth policy analysis on economic and social issues as well as data and statistics which would assist various committees in the discharge of all matters within their jurisdiction, including information with respect to economic plans and programs, domestic and foreign indebtedness, and the promotion, regulation and diversification of economic sectors and sub sectors.

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