

## COMELEC RESOLUTION NO. 3307

### **RULES AND REGULATIONS GOVERNING THE FILING OF PETITION FOR REGISTRATION, MANIFESTATION TO PARTICIPATE, AND SUBMISSION OF NAMES OF NOMINEES UNDER THE PARTY-LIST SYSTEM OF REPRESENTATION IN CONNECTION WITH THE MAY 14, 2001 NATIONAL AND LOCAL ELECTIONS.**

The Commission on Elections, by virtue of the powers vested in it by the Constitution, the Omnibus Election Code and other election laws, resolved to promulgate, as it hereby promulgates the following *RULES AND REGULATIONS GOVERNING THE FILING OF PETITION FOR REGISTRATION, MANIFESTATION TO PARTICIPATE, AND SUBMISSION OF NAMES OF NOMINEES UNDER THE PARTY-LIST SYSTEM OF REPRESENTATION* in connection with the May 14, 2001 national and local elections.

Section 1. *Registration requirement.* - Only organized groups duly registered with the Commission on Elections, and which have manifested their desire to participate in the party-list election, may participate in the Party-List System of Representation in the House of Representatives.

Sec. 2. *Who may file petition for registration and manifestation to participate.* - (a) Organized groups not yet registered with the Commission on Elections may file a petition for registration under the party-list system.

(b) An organized group already registered need not register anew. However, it shall file with the Commission a manifestation to participate in the party-list election.

Sec. 3. *Who may participate.* - The following organized groups may participate in the party-list election:

(a) Sectoral party - an organized group of citizens whose principal advocacy pertains to the special interests and concerns of the following sectors: Labor; Peasant; Urban Poor; Indigenous Cultural Communities; Elderly; Handicapped; Women; Youth; Overseas Workers; Fisherfolk; Veterans; and Professionals;

(b) Sectoral organization - a group of qualified voters bound together by similar physical attributes or characteristics, or by employment, interests or concerns;

(c) Political party - an organized group of qualified voters pursuing the same ideology, political ideas and principles for the general conduct of the government; and

(d) Coalition - an aggrupation of duly-registered national, regional, sectoral parties or organizations for political and/or election purposes.

In scope, a sectoral party, sectoral organization, political party or coalition, may either be national as when its constituency is spread over the geographical territory of at least a majority of the regions, or regional as when its constituency is spread over the geographical territory of at least a majority of the cities and provinces comprising a region.

Sec. 4. *Where to file petition for registration and manifestation to participate.* - The petition for registration and manifestation to participate shall be filed with the Clerk of the Commission, Commission on Elections, Manila, as follows:

- (1) For petitions involving a party with a national constituency, in twenty-three (23) copies;
- (2) For petitions involving a party with a regional constituency, in ten (10) copies; and
- (3) For manifestations, in twelve (12) legible copies.

A sample form of the manifestation to participate is attached hereto as Annex "A".

Petitions for registration or manifestations to participate shall be filed directly with the Commission. Petitions or manifestations filed by mail, telegram or facsimile shall not be accepted. It shall be signed by the President or Secretary-General.

Sec.5. *When to file petition for registration and manifestation to participate.* - (a) Petitions for registration shall be filed not later than November 15, 2000; and (b) Manifestations to participate in the party-list election shall be filed not later than January 14, 2001.

Sec. 6. *Petition for Registration, Contents.* - The petition for registration shall be verified and shall state the following:

- (a) the name of the petitioner;
- (b) the nature of the organization: whether it is a sectoral party, sectoral organization, political party or coalition;
- (c) the sector which it seeks to represent
- (d) the name and address of its President or Secretary-General, who will represent the party in the petition;
- (e) petitioner's principal headquarters and postal office address;
- (f) names, positions and addresses of its elected officers;
- (g) petitioner's desire to participate in the party-list election;
- (h) the names and addresses of its chapter offices;

- (i) that all of its officers and members are made aware of the petition and have given their consent thereto;
- (j) the list of the documents attached to the petition;
- (k) names, addresses and representatives of sectoral parties or organizations affiliated with petitioner, which affiliates need not be registered with the Commission, but have given their consent thereto;
- (l) its intention and/or manifestation to participate in the party-list election;
- (m) that it is not a religious sect or denomination, organization or association organized for religious purpose;
- (n) that it is not a foreign party or organization;
- (o) that it does not receive support for partisan political purposes from any foreign government, foreign political party, foundation, organization, whether directly or indirectly, or through any of its officers or members, or indirectly through third parties;
- (p) the period of existence of petitioner, which shall be at least one year at the time the petition is filed; and
- (q) that it commits to comply with the laws, rules and regulations relating to elections.

The President or Secretary-General representing the party shall affix his signature on the verification portion of the petition and state under oath that he is one of the officers of the petitioner duly authorized to verify the petition; that he has caused the preparation and filing of the petition; and that he read and understood the contents of the petition and acknowledge that the same are true and correct based on his personal knowledge.

*Sec. 7. Documents to support petition for registration.* - The following documents shall support petitions for registration:

- (a) Constitution and by-laws;
- (b) Platform or program or government;
- (c) Lists of officers and members;
- (d) Coalition agreement, if any; and
- (e) Other information required by the Comelec.

A filing fee one thousand pesos (P1,000), and a research fee of twenty pesos (P20.00) shall be charged for each petition.

*Sec. 8. Contents of manifestation to participate.* - The manifestation to participate shall be under oath and state the following:

- (a) name and nature of the filer, whether a sectoral party, sectoral organization, political party or coalition;
- (b) the date of its registration with the Commission;
- (c) that at no time has it ceased to exist for one year from the time of its registration; and
- (d) its desire to participate in the party-list election.

A filing fee of one thousand pesos (P1,000), and a research fee of twenty pesos (P20.00) shall be charged for each manifestation.

*Sec. 9. Receiving and recording of petitions for registration and manifestation to participate.* - Upon receipt of the requirements provided for in Sections 7 and 8 hereof, the Clerk of the Commission shall receive and acknowledge receipt of the petition for registration or manifestation to participate by stamping every copy of each petition or manifestation with the date and time of its receipt, and the signature of the officer who actually received the same. Petitions shall be docketed and a docket number shall be assigned therefor. A copy of each manifestation shall be forwarded to the Law Department for the preparation of the certified list of parties participating in the party-list election.

No petition for registration or manifestation to participate shall be received after 12:00 o'clock midnight of the dates provided for in Section 5 hereof.

*Sec. 10. Procedure for registration.* - Upon receipt of the petition for registration, the Clerk of the Commission shall determine if the petition is in due form and substance and verify the accuracy of the allegations therein. Within seven (7) days from the last day for the filing of petitions for registration, it shall submit all petitions received together with its findings and recommendations to the Commission en banc.

Upon receipt of the petition from the Clerk of the Commission, the Commission en banc shall require the petitioner to publish at his expense the petition in two (2) national newspapers of general circulation.

The Commission, after due notice and hearing, shall resolve the petition within fifteen (15) days from the date it was submitted for decision but not later than one hundred twenty (120) days before election day.

*Sec. 11. Grounds for removal or cancellation of registration.* - The Commission may refuse registration or cancel the same motu proprio or upon verified complaint of any interested party, after due notice and hearing, on any of the following grounds:

- (a) It is a religious sect or denomination, organization or association organized for religious purposes;

- (b) It advocates violence or unlawful means to achieve its goal;
- (c) It is a foreign party or organization;
- (d) It is receiving support from any foreign government, foreign political party, foundation, organization, whether directly or indirectly or through its officers or members or indirectly through third parties for partisan election purposes;
- (e) It violates or fails to comply with laws, rules or regulations relating to elections;
- (f) It has made untruthful statements in its Petition; or
- (g) It has ceased to exist for at least one (1) year from the time the petition is filed.

Sec. 12. *Distribution of copies.* - The copies of the manifestations to participate shall be distributed by the Clerk of the Commission, as follows:

- (a) First copy, to be retained by the Clerk of the Commission;
- (b) Second copy, to the Commission en banc through the Chairman;
- (c) Third copy, to the Law Department;
- (d) Fourth copy, to the Election Records and Statistics Department; and
- (e) Fifth copy, to the Comelec Secretary.

Sec. 13. *Submission of names of nominees.* - A registered party shall submit to the Law Department, Commission on Elections, Manila, not later than March 31, 2001, a list of not less than five (5) nominees from which the representatives shall be chosen in case it obtains the required number of votes.

Sec. 14. *Qualifications of nominees.* - A party-list nominee must be:

1. A natural-born citizen of the Philippines;
2. A registered voter;
3. A resident of the Philippines for a period of not less than one (1) year immediately preceding election day;
4. Able to read and write;

5. A bona fide member of the party he seeks to represent for at least ninety (90) days preceding election day; and

6. At least twenty-five (25) years of age on election day.

In the case of the youth sector, he must be at least twenty-five (25) but not more than thirty (30) years of age on the day of the election. Any youth sectoral representative who attains the age of thirty (30) during his term shall be allowed to continue in office until the expiration of his term.

Sec. 15. *Limitations to party-list nominations.* - The following are the limitations to the list of nominees filed by a registered party:

(a) A person may be nominated by one party in one (1) list only;

(b) Only persons who have given their consent in writing and under oath may be named in the list;

(c) The list shall not include any candidate for any elective office in the same election, or has lost his bid for an elective office in the immediately-preceding election; and

(d) No change of name or alteration of the order of nominees shall be allowed after the list has been submitted to the Commission, except in valid cases of substitution.

Any person who gives his consent in writing and under oath to more than one nomination shall be disqualified from being a nominee.

Sec. 16. *Effects of acceptance of nomination.* - (a) Any person holding a public appointive office including active members of the Armed Forces of the Philippines, and other officers and employees in the government-owned or -controlled corporation, shall be considered *ipso facto* resigned from his office upon his acceptance of a nomination.

(b) Any elective official, except incumbent party-list representatives, who has given his consent to a nomination shall be deemed resigned only upon the start of the campaign period.

Sec. 17. *Withdrawal of nomination or acceptance of nomination.* -Withdrawal of nominations or acceptance of nominations shall be in writing and under oath, and filed with the Law Department of the Commission in Manila before the close of polls.

A nominee who withdraws his acceptance to the nomination shall not be eligible for nomination by other parties.

Sec. 18. *Substitution of nominees.* - A party-list nominee may be substituted only when he dies, or his nomination is withdrawn by the party, or he becomes incapacitated continue as such, or he withdraws his acceptance to the nomination. In any of these cases, the name of the substitute nominee shall be placed last in the list of nominees.

No substitution shall be allowed by reason of withdrawal after the close of polls.

Sec. 19. *Nuisance party organization or coalition.* - The Commission may, motu proprio, or upon verified petition of an interested party, refuse to give due course to a petition for registration, if it is shown that said petition has been filed to put the election process in mockery or disrepute, or to cause confusion among the voters by the similarity of the names of registered parties, or by other circumstances or acts which clearly demonstrate that the petitioner has no bona fide intention to represent the sector for which the petition has been filed and thus prevent a faithful determination of the true will of the electorate.

A verified petition to declare a duly registered party as a nuisance party shall be filed directly with the Clerk of the Commission, Commission on Elections in Manila, by any registered party within five (5) days from the last day for the filing of petitions for registration.

Sec. 20. *Petition to deny due course to a petition for registration or to cancel a registration.* - A verified petition seeking to deny due course to a petition for registration may be filed with the Clerk of the Commission, Commission on Elections in Manila, by any interested party within (5) days from the last day of filing of petitions for registration or manifestation to participate, in case of parties already registered, on any of the grounds mentioned Section 11 hereof.

Sec. 21. *Delegation of reception of evidence.* - In petitions to declare a party, organization or coalition as a nuisance, or to deny due course to a petition for registration, or to cancel a registration, the Commission may delegate the hearing and reception of evidence to any ranking lawyer of the Commission, who shall submit a report to the Commission through the Clerk of the Commission within three (3) days from the completion of such submission of evidence, which shall in no case be later than January 19, 2001.

Sec. 22. *Disqualification after filing of petition for registration or manifestation to participate.* - Any party, which in a petition for disqualification is found by the Commission of having committed any act declared by law to be a ground for disqualification, shall be disqualified from running under the party-list system, or from being proclaimed. Its nominees shall likewise be disqualified from holding office.

Sec. 23. *Effect of disqualification.* - Any party, which has been declared by final judgment to be disqualified, shall not be voted for and the votes cast for it shall

not be counted. If, before the election a party is not, for any reason, declared by final judgment to be qualified and it is voted for and received the required number of votes in such election, the court or the Commission shall continue with the trial and hearing of the action, and upon motion of the complainant or intervenor, may during the pendency thereof, order the suspension of the proclamation of such party whenever the evidence of guilt is strong.

Sec. 24. *Effectivity.* - This resolution shall take effect on the seventh day following its publication in two (2) daily newspapers of general circulation.

Sec. 25. *Dissemination.* - The Education and Information Department shall cause the publication of this resolution, and furnish copies hereof to all field offices of the Commission as well as to the President or Secretary-General of all parties, organizations or coalitions registered under the party-list system.

(Sgd.) HARRIET O. DEMETRIOU, Chairman  
(Sgd.) JULIO F. DESAMITO, Commissioner  
(Sgd.) TERESITA DY-LIACCO FLORES, Commissioner  
(Sgd.) LUZVIMINDA G. TANCANGCO, Commissioner  
(Sgd.) RALPH C. LANTION, Commissioner  
(Sgd.) RUFINO S.B. JAVIER, Commissioner  
(Sgd.) MEHOL K. SADAIN, Commissioner

*Promulgated: 07 November 2000.*