

Ang Bagong Bayani v. COMELEC: An Analysis of the Party List System

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This Comment reviews the case of *Ang Bagong Bayani v. Comelec* and the impact it has made on the party-list system. The main issue in the case was whether or not COMELEC could allow political parties to participate in the system; thus, ruling on whether or not the party-list system is exclusive to “marginalized and underrepresented” sectors and organization.

In the decision, the Supreme Court ruled that there was no provision in the 1987 Constitution which prohibits political parties from participating as a candidate in party-list elections. Nevertheless, the Supreme Court did lay guidelines to determine whether a political party represented a marginalized and underrepresented group under the law. After determining that the COMELEC failed to make such determination in its approval of 154 parties into the party-list system, the case was remanded to the COMELEC for factual examination of each of the newly-approved political parties.

The Authors posit that *Ang Bagong Bayani* is a flawed interpretation of the law governing the party-list system, R.A. 7941. The decision uses the declaration of principles, as found in the law, and turns it into a self-executing provision. Although the law provides that the party-list system will enable marginalized and underrepresented groups to better representation in Congress, the Authors believe that the Supreme Court erred when it limited participants under the party-list system to only parties that represented marginalized and underrepresented groups. This interpretation could lead to abuse of discretion on the part of COMELEC when it allows or disallows groups from participating in the party-list system. The Authors, in accordance with the dissenting opinion of Justice Mendoza, argue that the true intention of the law is to give the voter the freedom of choice under a free and open party system.