

Representation and Deliberative Democracy: An Analysis of the 2019 to 2022 Philippine Party List System in the lens of Jurgen Habermas

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This research aims to analyze the current condition of the party-list system of the Philippines wherein the author will investigate the party-list in the lens of Jurgen Habermas deliberative democracy. It shows how the party-list system became a tool for representation and deliberation which is not happening today based on the current characteristics of the party-list. Communicative action, public sphere, and deliberative democracy are the main theories that will be used by the author in analyzing the party-list. The conceptual framework presents the flow of the paper and the construction of it as it will make the reader feel easy as it shows how the thesis works. The general research design is qualitative and the specific research designs are descriptive as it will analyze data and explanatory as it will explain the data presented and understand the information needed for the paper. The research method is archival because the author will use books, journals, articles, and documents that will help in creating an answer to the question. The finding is that traditional politicians tend to use the party-list system as a tool to grab power in that deliberative democracy cannot be seen in the party-list because evil has taken its spirit. The participation and deliberation is vital in the party-list system as both promote participation and deliberation, without it the essence of the party-list is long gone. In conclusion the party-list and deliberative democracy have the same spirit in terms of participation and deliberation that promotes the voice of the people in terms of policy making.

Keywords: Party-list system, Habermas, Deliberative Democracy, Representation, Philippines

BACKGROUND OF THE STUDY

*"The Philippines is a democratic and republican State. Sovereignty resides in the people and all government authority emanates from them."*¹ Such striking words brought by The Philippine constitution. It gives forth to a new spirit in which every Filipino partakes, shares and holds in the authority exercised by our government. By that the people participate in the party-list in deliberation, the party-list representation in the Philippines is the foundation of participation and deliberation in representatives of the congress of the Philippines, as this is a platform to favor a single-issue party, and the marginalized groups, this also allows for the underrepresented sectors to represent themselves in the law-making process in the congress. The bills that were passed in the congress will show how this marginalized group are truly represented by their representatives who participate in the interpolations, deliberation, and debates in the congress.

With people saying that they are not truly represented by their representatives in the congress, their participation as a marginalized group will not happen as these representatives are political dynasties and political elites and thus, some might tend to hear one another but is it enough to truly hear out the majority of the people they represent or they just hear out the group in their area that is close to them of has a favor on them? With the recent news on representatives having the time of their lives amid this pandemic that they are in buying expensive stuffs, having an extravagant wedding or parties,² prioritizing their self-interest, and focusing on grabbing power once again this coming election, now it's Habermas participative democracy that will determine if participation in the congress is being promoted in the party-list system. This paper will examine legal dimensions, Structural framework, analyzation, and the party-list system's capabilities in representing and participating in the deliberation in the congress. Also, it will uncover the misrepresentations, political agendas and interest, and participation of a certain party-list representative in the congress. It will not only revolve in the party-list as it will show how, or not, participative democracy of Jurgen Habermas is being promoted in the party-list system.

STATEMENT OF THE PROBLEM

Main Problem: How does deliberative democracy enhance proper representation of the marginalize in the Philippine party list system?

¹ "The Constitution of the Republic of the Philippines," Official Gazette of the Republic of the Philippines, 1987. <https://www.officialgazette.gov.ph/constitutions/1987-constitution/>.

² Xave Gregorio, "PUV Drivers' Party-List Rep Defends Lavish Wedding during Pandemic," Philstar.com, August 19, 2021, <https://www.philstar.com/headlines/2021/08/19/2121137/puv-drivers-party-list-rep-defends-lavish-wedding-during-pandemic?fbclid=IwAR2G-7JdKVwpZLTVkdHDcL5CZW--wsL3nhxbQ0oBE1wVrWTAqvCkQv2VUN4>.

Sub Problem: What are the salient features and intents of the Philippine party list system as enshrined in legal frameworks such as the following;

1. The 1987 constitution
2. The Party-list System Act.

Sub Problem: What are the characteristics of the 2018 to 2022 practices of party list system in the Philippines in-terms of the following:

1. Membership (In terms of sectoral)
2. Representatives

Sub Problem: What is the Party -list System vis-à-vis Deliberative Democracy? (synthesis, analyzation, and critique)

SCOPE, LIMITATIONS, AND DELIMITATIONS

The scope of the research will focus on the marginalized party members or the sectoral parties of the party list system of the legislative branch of the government of the Philippines, the time frame of the said research will depend on the availability of sources, data, and laws passed in the congress. With that the researcher also will deep dive into the theories of the Transformative Public Sphere and Deliberative Democracy on how it will analyze the party-list system of the Philippines towards a deliberative public sphere.

The delimitation of the research is first is that the researcher will focus on certain party list members of the congress, the Philippines, especially in metro Manila will be the main location of the research. Another delimitation is the way the researcher will gather data is through archival research meaning, the researcher will collect data using manuscripts, books, articles, journals, and dissertations. Last delimitation is the time allotted, given the fact that the Philippines is in a pandemic time and accessibility will be an issue in the long run for the researcher.

THEORETICAL FRAMEWORK

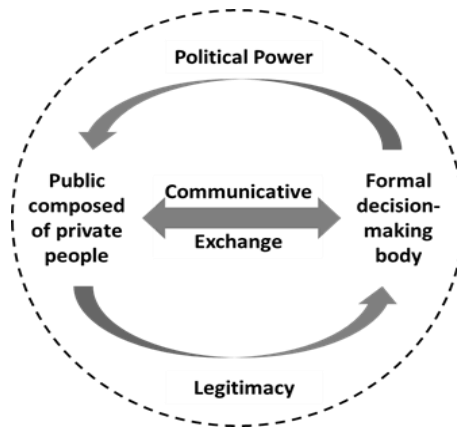


Figure 1: Public Sphere theory, Illustration how the theory works in the political power, legitimacy, Legislatives, and private individuals on deliberation.

Communicative Action, Public Sphere and Deliberative Democracy

Deliberative Democracy of Jurgen Habermas is widely known for its attempt to locate the normative grounds of deliberative democracy in the rational foundations of language. In this sense, our communicative ability to understand one another equips us with the deliberative capacity to reach agreements with one another, which is vital to the construction of democracy. In which also includes the concept of public sphere, a central to models of deliberative democracy, which are based on the idea that citizens and their representatives ought to publicly justify the decisions they make and the rules they institute in order to establish, through a dynamic process, a legitimately democratic bond.³ The theory of communicative action was developed by Jürgen Habermas, The communication between individuals is the most important constitutive element of society. Society can't be understood without understanding communication among individuals.⁴ Therefore, the key aspect of theoretical perspectives which are opened by Habermas is his theory of communicative action. Relying on communicative action Habermas analyzes societal development, but also societal conflict in modern society that gives the critical dimensions of his opinion about society.⁵

³ Joshua Cohen, "Reflection on Habermas on Democracy," *Ratio Juris* 12, no. 4 (1999): 385–416, <https://dspace.mit.edu/bitstream/handle/1721.1/5452/Ratio-Juris-Vol12-No4.pdf>; Maeve Cooke, "Five Arguments for Deliberative Democracy," *Political Studies* 48, no. 5 (December 2000): 947–69, <https://doi.org/10.1111/1467-9248.00289>; Jurgen Habermas, *The Structural Transformation of the Public Sphere* (Cambridge: The MIT Press, 1991).

⁴ Dubravka Cecez-Kecmanovic and Marius Janson, "Re-Thinking Habermas's Theory of Communicative Action in Information Systems," 1999, <https://www.umsl.edu/~jansonma/myarticles/habermas.pdf>.

⁵ Aleksandar Jovanoski, and Kire Sharlamanov, "JURGEN HABERMAS AND HIS CONTRIBUTION TO THE THEORY OF DELIBERATIVE DEMOCRACY", *American International Journal of Social Science Research* 7 no. 1 (August 2021): 36-47, <https://doi.org/10.46281/aijssr.v7i1.1296>.

The concept of the public sphere is widespread in democracies, and it is referred to as "face to face democracy" by researchers. Public spheres exist in both face-to-face and mediated settings, and they represent communicative exchanges on a variety of societal dimensions.⁶ On one part of the sphere, there are interactions of private people who create and form a public. With that these people or the public come together to deliberate and reach an understanding about the given situation. On the other side of the interaction are governing bodies, people such as legislators (representatives and senators) whose decisions affect the social lives of the public in question. Discourse theory and political deliberation are at the heart of Habermas' deliberative conception of democracy. Habermas emphasizes the significance of public decision-making, in which all parties can discuss various concerns, in order to legitimize the process. As a result, deliberation in democracy is vital.

ANALYSIS

1987 Constitution

In the 1987 constitution of the Philippines especially in the Party-list system, Article VI, section 5, clearly promotes deliberative democracy as it promotes participation of the Filipino people such as the marginalized community like laborers, peasants, the urban poor, indigenous cultural communities, women groups, youth groups, and other sectors provided by law. The provision on the 1987 constitution on the party-list suggest that people in marginalized groups and underrepresented groups can now participate in the law-making process in the congress specifically in the house of representatives, in which they will have the "Party-list System" in this people from the marginalized groups can now vote for their representative that will help them with their advocacies and create laws for their interests and needs. In Habermas deliberative democracy, clearly shows that participation and deliberation can be seen as the marginalized group can now have a representative that they can talk to, deliberate with, and can understand their needs as this is vital in communicative action, it also provide the legitimacy of arguments that can be heard as they are affected by social problems in the Philippines, in this way their representative can see that their opinions, ideas, and arguments are legitimate as they can understand one another because this representative is from their group and also they can understand one another as they can create a census or an agreement in creating bills for their marginalized group. Also, it promotes a public sphere that are from different class of the society anyone can deliberate on a problem that affects them, based on the spirit of the 1987 constitution people from the marginalized sector and their representatives can deliberate on certain topics and private sectors and experts are also present to guide the deliberation that is happening which is vital in the communicative action, public sphere, and deliberative democracy. With that the 1987 constitution of the Philippines empowers

⁶ Rousiley Maia, "Deliberative Democracy and Public Sphere Typology," *Gutmann* (Thompson, 2007), <https://ec.ubi.pt/ec/01/pdfs/maia-rousiley-deliberative-democracy.pdf>.

deliberative democracy which promotes deliberation, communication, understanding, agreements, and representation.

Party-list Law

The Party-list Law or Republic Act no. 7941 is a more specific law than the constitution, in the law, it provides specific details that can relate to the deliberative democracy which promotes participation, deliberation and representation. The first aspect of the law is that there is an open space for deliberation which is vital for the public sphere, in which the state promotes a free and open party system from different marginalized groups in order to attain ideas, concepts, arguments, and advocacies that promotes the welfare of the marginalized and underrepresented groups in the society. Also vital in the public sphere is the venue of the congress which show equal deliberation of bills and advocacies as for different marginalized representatives and regional representatives can come up with a law that will benefit the many, as in the House of Representatives congressmen can deliberate on the interest of their represented groups that will lobby and fight for their interests as they can understand the opinions of their represented groups. In the party-list law also promotes the ideas and advocacies of the parties which educated the other congressmen on what they are truly fighting for, this can also be seen in the key arguments of deliberative democracy which promotes educative power to educate the people in the public sphere.

Analysis on laws and Deliberative democracy

By following the mandates, laws, and the first Supreme Court ruling, that party-list system of the Philippines will show the concept of Habermas on deliberative democracy is present in the ideas and spirit of the party-list system in the Philippines. In this, this will be how the diagram and framework of the party-list will look like.

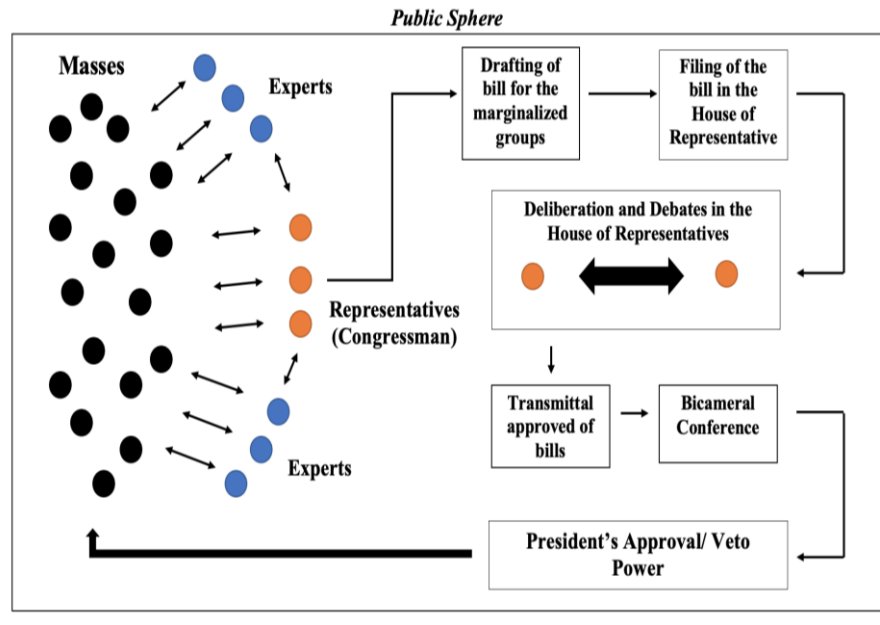


Figure 2. Deliberative Democracy in a Party-list setting

Communicative Action

First it that the mandate of the constitution, party-list law and the first supreme court ruling are clear, representatives will participate in the bill making in the congress, in which these representatives are from and represent marginalized groups. As shown in the diagram that the arrows represent the communicative action that is happening in the public sphere, experts, the masses from different sectors and their representatives are present in the forum that is happening, with that the arrows show communication that seeks to reach an understanding about situations, plans of action in order to coordinate with one another in creating an agreement. In that experts are present in having an understandable forum in which is vital in communicative action, representative are also present so that they can understand the opinions, arguments, ideas, suggestions and feelings of the masses, also in the party-list mandates, a representative should be part of the marginalized group in which in Habermas theory suggest it is a perfect fit as understanding can be easily done as this representative know what they are fighting for.

Habermas laid down three important details in communicative action in which can be seen in the diagram, first is that transferring of information can be seen as communication (deliberation) are ongoing in the public sphere, after that the representative will now draft a bill that came from the ideas and needs that is vital to the marginalized group he or she represents. After filing the bill in the House of Representatives, the representatives will now debate and deliberate on the bill that was passed and the duty and goal of the representative of the marginalized group is to show the intentions of the marginalized group on why they need the bill, this is where the transferring of

information is also seen, as the information from the public sphere is now at the House of Representatives. The second detail of communicative action is that the actors should establish a relation with one another in that sense the diagram also shows this as the representatives are representing his/her constituents in the congress, creating a bond that will last for three years. And the last vital detail of communicative action is expressing ourselves, in this the diagram shows how expression can be done in the public sphere, in which it can be in a way of discourse, dialogue, debates, speeches, deliberation and participation, this is seen when the masses, the experts, and their representatives shows deliberation with one another in creating a policy that will benefit the many which is vital in communicative action, in which the policy is now a law in the congress that benefited the marginalized sector of the community.

Public Sphere

In the diagram provided by the author, there are three public spheres that can be seen, the public sphere of the masses, experts, and their representatives and the public sphere in the congress.

Public Sphere of the Masses

In this public sphere the actors base on Jurgen Habermas are present, the public (masses), the civil society (masses), public officials (representatives) and the private actors (masses, experts, business sector, and private individuals), so it is clear to say that the public sphere is shown in the diagram above as the actors are complete. After that completion of the actors, the public sphere will now be the venue of deliberation, debates and forums that will allow individuals to engage in reasoned arguments on mutual interests and concerns of the society and the marginalized sector, the public sphere in other sense empower the masses to participate in the policy making of the government in which that is the concept of party-list system. In this the diagram shows that freedom of speech and assembly, freedom of press and the right to participate in political decision making are present in the concept of the party-list which is vital for the public sphere.

Public Sphere of the Congress

In the sphere of the congress if they follow the laws and mandate of the spirit of representation, the key actors are also present, this include the public, private sector and individuals and civil society are present in which they are represented in the congress by their representatives, with that the arguments, ideas, suggestions of these actor are shown by their representatives in the congress in which they deliberate and debate on. So the diagram show that even in the congress there is a public sphere in which the ideas of the actors are present in their representative, also different sectors can be seen as a representative deliberates with other fellow representatives who

represents different marginalized group and different regional areas, which is vital for the public sphere are different sectors of the community are present in the deliberation but in the presence of representatives from the party-list and regional representatives.

Deliberative Democracy

The constitution, party-list law, and the first Supreme Court ruling is the fundamental data for the diagram. It shows the framework of the party-list that promotes participation of the public in policy making in the government. The framework shows a perfect example of what Habermas theory on communicative action and public sphere are all about, by providing data that represents the concept of the theories, it is also vital that the party-list system promotes the deliberative democracy of Habermas in a wider participation in democratic processes. In the key arguments of the theory on deliberative democracy, it shows that this theory promotes participation and secure a public space for deliberation which can be seen in the diagram in which the public space is the public sphere where in deliberation and debates are made so that different actors can come up with an agreement or consensus that will benefit the marginalized sectors. Another is that a venue for public space is the congress wherein the people from marginalized groups which are represented by their colleagues help them in participation in policy making which is vital for deliberative democracy.

Another aspect of the public sphere is the educative power of it which can be seen in the public sphere where experts are there to guide the masses and their representatives to a legitimate deliberation wherein arguments are based on scientific data, expressions, opinions based on facts, and feelings based on their social life. Another key aspect of deliberative democracy is to empower public deliberation, which is clear in the mandate of the party-list in which the representatives should understand and know the arguments, opinions, and suggestions of their represented marginalized group, this can happen in deliberation in which they can come up with a consensus in creating a bill that will help the marginalized groups. The last part is the fairness of public deliberation, in the party-list different marginalized groups, underrepresented groups, representatives, experts, politicians, civil societies, NGOs, unions and private sectors are present, this can be seen in the diagram as the public sphere provide different sectors of the community should be present, also in deliberative democracy all sectors should be present in the deliberative procedure as in deliberative democracy fairness is vital as no one should be above, all arguments from different sectors are vital in policy making as this is the foundation of a good deliberative democracy that works in the Philippines.

The Problem

In this part, it will become problematic for the first ruling, as the decision of the Supreme Court changed in favoring the majority. Many petitioners of the party-list election were hit by a problem in which the 2010 ruling doesn't favor them at all, with that they appeal with the help of the Supreme Court seeking actions for their rights. But these petitioners don't have the qualities to be in a party-list based on the 1987 constitution, the Party-list Law, and the Supreme Court ruling of Ladlad party-list. The reasons for COMELEC that made these party-list not eligible for joining the elections are:

- *The "artists" sector is not considered marginalized and underrepresented.*
- *Failure to prove track record.*
- *A non-stock savings and loan association cannot be considered marginalized and underrepresented.*
- *The first and second nominees are not teachers by profession.*
- *Failure to show that its members belong to the marginalized.*
- *Failure of the nominees to qualify although registering as a regional political party, two of the nominees are not residents of the region; and four of the five nominees do not belong to the marginalized and underrepresented.*
- *Lack of track record in representing peasants and farmers.*
- *The group reflects an advocacy for the environment and is not representative of the marginalized and underrepresented.*
- *The nominees do not belong to the sector which the group claims to represent.*
- *The sectors of drug counsellors and lecturers, veterans and the youth, are not marginalized and underrepresented.*

In this data, the author sees that many of the violations of these party-list are nominees and marginalized groups are not truly from the marginalized and the nominees are not from the marginalized group that they want to represent, it clearly show the violation on communicative action and deliberative democracy wherein you want to join the congress to represent a marginalized group but doesn't understand the way of living they have and with that how can you have an advocacy that will empower these marginalized groups. Also how can you be a representative of this certain marginalized group if you are not from that marginalized group, the author thinks that they are using the party-list for their own interest which is against the principles and concept of deliberative democracy in forming a policy that is driven by opinions, data, arguments from communicative action, and public sphere wherein they have collective opinions to formulate a policy that will empower, and help the marginalized to have a better life, deliberative democracy implies that decisions should be made in the public sphere with that people from different groups and sectors should be present in arguments, debates, and forums to formulate a policy for them that is not bias, driven by self-interest and has a sense of a policy that will benefit the many. Now here comes the part that led to the downfall of the party-list, which is the 2013 Supreme Court ruling which favors the petitioners to ease the restrictions for qualifications to be part of the party-list which indicates that:

1. *Three different groups may participate in the party-list system: (1) national parties or organizations, (2) regional parties or organizations, and (3) sectoral parties or organizations.*
2. *National parties or organizations and regional parties or organizations do not need to organize along sectoral lines and do not need to represent any “marginalized and underrepresented” sector.*
3. *Political parties can participate in party-list elections provided they register under the party-list system and do not field candidates in legislative district elections. A political party, whether major or not, that fields candidates in legislative district elections can participate in party-list elections only through its sectoral wing that can separately register under the party-list system. The sectoral wing is by itself an independent sectoral party and is linked to a political party through a coalition.*

These three parameters for the author are vital to what the party-list is today, and in the next part the author will discuss how the party-list was destroyed, demonized, and how the spirit and concept of deliberative democracy was removed from the heart of the party-list system.

Realities of Party-list

The party-list system, an innovative system that promotes participation by including the sectoral representation in the congress in policy making. The marginalized sectors and groups of the society have little support from their traditional politicians who are congressmen in the House of Representatives.⁷ With that the people in the congress do not pass laws and programs that will benefit the marginalized and underrepresented groups which is very problematic, these traditional politicians focus on laws which protect their self-interests, maintaining the status quo, and protecting the elites in the government.⁸ According to Ely Manalansan:

“This may indicate that although the party-list system has provided a voice for the masses in the congress, this is drowned out in an elite institution where laws and law-making are still tools for perpetrating elite rule. Wheeling and dealing is still the hallmark of the money and powerful in congress. Overall, laws passed and given priority in the congress reflect a dominant ideology in the country’s legislative chambers that does not do justice to the principle behind the party-list system.”

⁷ Fritz Tangkia and Araceli Habaradas, “Party-List System: The Philippine Experience,” *Friedrich Ebert Stiftung Philippine Office*, 2001, <https://library.fes.de/pdf-files/bueros/philippinen/50076.pdf>.

⁸ Benjiemen Labastin, “Imagining Modern Democracy: A Habermasian Assessment of Imagining Modern Democracy: A Habermasian Assessment of the Philippine Experiment. Ranilo Balaguer Hermida the Philippine Experiment. Ranilo Balaguer Hermida,” *Budhi: A Journal of Ideas and Culture* *Budhi: A Journal of Ideas and Culture* 23, no. 2 (2019), <https://archium.ateneo.edu/cgi/viewcontent.cgi?article=1466&context=budhi>.

In the argument of Manalansan clearly show how the legislative system works in the Philippines it might also put the party-list in danger as many of traditional politicians are seeking for power and wants a new kind of power such as party-list representative.⁹ With that the party-list system might turn into a political elitism, in this case it will destroy the heart and soul of the party-list system as the interest of the marginalized sector will be taken away by traditional politicians who have the majority of the congress seat that will lead to political decisions in the hands of the elites and traditional politicians. With these problems scholars suggest that political reforms are impossible if history and what democracy shows are correct. That is the problem of the current party-list system as representatives are from political elites and their decision making do not include the masses such as the representative of DUMPER part-list where in the Philippines is in a pandemic, rather than helping the people who she represents, she had a glamorous wedding that is worth millions that can help the drivers of public transportation. This clearly removed the meaning of deliberative democracy as she cannot understand the way of the drivers, and by the way the representative of the DUMPER party-list is also from a political dynasty. Another example is the ONE PACMAN party-list which are made up of millionaires, how can they understand the feeling of the people they represent if they don't even know what they need and what they feel as their laws base on the previews data shown that their policy directions are all over the place and there is no clear advocacy on the marginalized sector that they represent. Communicative action, public sphere and essence of deliberative democracy is not present in these party-list groups as they are selfish and do not understand the situation of the marginalized that they represent.

With problems occurring in the party-list system, representative should be fair in creating policies and bills that empower and promote the interest of the marginalized and underrepresented groups, but if the representatives don't act now, it's too late for them because there will be conflicts of interest, but in a democracy according to Joshua Cohen, "there will be conflict of interest in a democracy but it should be done in a deliberative way" which Habermas promotes in deliberative democracy.

If there is a problem of interest and personal interest will prevail, Habermas suggest that there will be no perfect consensus or agreement that will be made, also Habermas suggest that in deliberation which result to a perfect agreement will lead to a good law that can be applied in the congress of the Philippines.

In the Philippine setting representatives are elected to represent the people in different regions for better participation in the congress so that their interests can be accomplished.¹⁰ With this the purpose of a functional representation would have been perfect if that intentions of it will

⁹ Jorge Villamor Tigno, "The Party-List System in the Philippines: Is It Better or Worse for Democracy? – Asia Dialogue," University of Nottingham Asia Research Institute, 2019, <https://theasiadialogue.com/2019/07/04/the-party-list-system-in-the-philippines-is-it-better-or-worse-for-democracy/>

¹⁰ Edna Co, Jorge Tigno, Maria Lao, and Margaria Sayo, *Philippine Democracy Assessment: free and fair elections and the democratic role of political parties*, (Quezon City: Ateneo De Manila University Press, 2005).

be followed, but elites have taken over the democratic process, institutions are under the elites, as Renato Velasco said that:

“Democracy under this arrangement is more of an elite democracy than a genuine representative governance.”

In Habermas perspective that representation should be for all and without prior discrimination for any marginalized and underrepresented groups.

Another problem of the party-list is that it is a stepping stone for power for the traditional politician and elites such as Mikey Defensor who is running for mayorship in Quezon City, after using the party-list for power another is Lito Atienza, after serving for BAHAY party-list, he is now running for Vice President of the Philippines. It can be seen that the party-list system doesn't function right as not so much about marginalized groups taking social power, and their interests are nowhere to be seen in the congress. Traditional politicians and elites are using the party-list to protect their economic agendas, rather than focusing on the interests of their represented marginalized group.

There is also a problem in the Supreme Court ruling which is the decision on opening the party-list to all that will benefit the traditional politicians, in which the court said that

“The linchpin of this case is the clear and plain policy of the law: “to enable Filipino citizens belonging to marginalized and underrepresented sectors, organizations and parties, and who lack well-defined political constituencies but who could contribute to the formulation and enactment of appropriate legislation that will benefit the nation as a whole, to become members of the House of Representatives.” Crucial to the resolution of this case is the fundamental social justice principle that those who have less in life should have more in law.. Clearly, therefore, the Court cannot accept the submissions of the Comelec and the other respondents that the party-list system is, without any qualification, open to all. Such position does not only weaken the electoral chances of the marginalized and underrepresented; it also prejudices them. It would gut the substance of the party-list system. Instead of generating hope, it would create a mirage. Instead of enabling the marginalized, it would further weaken them and aggravate they're marginalization.”

The decision of the Supreme Court addressed the problems of the traditional politicians, elite clans or families, and election losers who seek power in an alternative way to congress.¹¹

Also, the party-list is used by the administration to back them in the congress, even though they do not represent any marginalized group or any underrepresented group.¹² An example for

¹¹ Julio Teehankee, “Untangling the Party List System,” *Strong Patronage, Weak Parties*, January 2020, 151–67, https://doi.org/10.1142/9789811212604_0009.

¹² Vec Alporha, “The Urgency for Genuine Party-Lists,” *Rappler News*, May 8, 2022, <https://www.rappler.com/voices/thought-leaders/opinion-the-urgency-for-genuine-party-lists/>.

this is the DUTERTE YOUTH which is backed up by the government administration and in return they back up the administration in the congress on their own agendas.

Current Situation of the Partylist

By analyzing the data given by different journals, books, news articles and information about the sad reality of the Philippine party-list system. To have a clear understanding and to see the concepts of Habermas theories in the characteristics of the party-list, the author created diagrams and frameworks that will see how the list doesn't promote deliberative democracy. The diagrams will also show significant similarities with one another in creating a party-list without participation of the masses and deliberation in the public sphere.

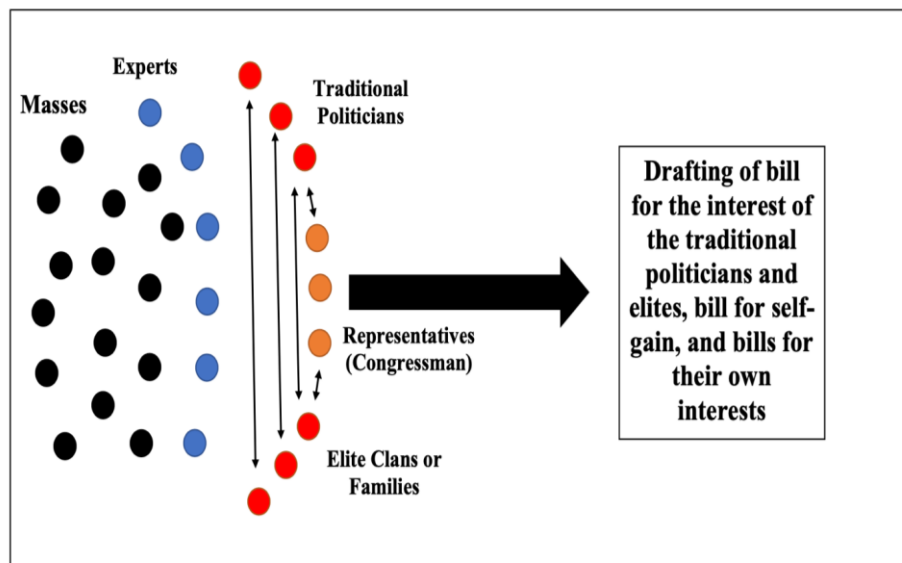


Figure 3. Party-list system and the Traditional Politicians and Elites In the lens of Jurgen Habermas Deliberative Democracy

According to “Kontra Daya” an election watchdog stated that nearly half of the 134 groups intending to join the party-list elections do not represent any marginalized sector, and with that the Rappler research team also investigated resulting to that 46 party-list groups are from political clans, elite families, and powerful political figures in the Philippines are participating in the 2019 polls. In total, there are at least 65 nominees who are either members of powerful political families, have links to either a government official (incumbent and former), or have a relative also running for office.

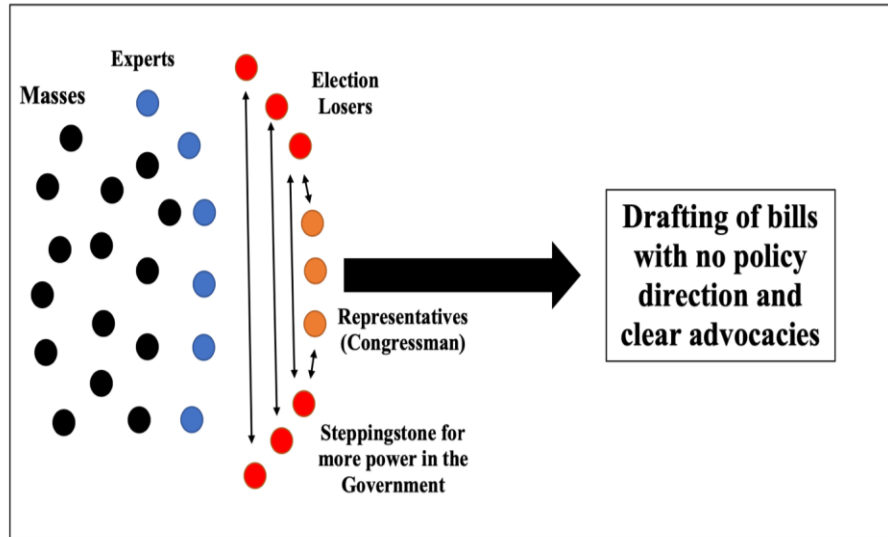


Figure 4. The Party-list system and the Election Losers and Power Grabbers In the lens of Jurgen Habermas Deliberative Democracy

As the Supreme Court easing the party-list parameters which makes it easy for traditional politician, election losers, and people who tend to make the party-list as stepping stone for more power, the main spirit of the party-list to have more participation from the people specially the marginalized and underrepresented are in great danger. While there have been nominees and congressmen from different sectors of the community some individuals and groups mostly from political dynasties have taken advantage of a “loophole” which allows them to treat the party list as a “shortcut” to Congress.

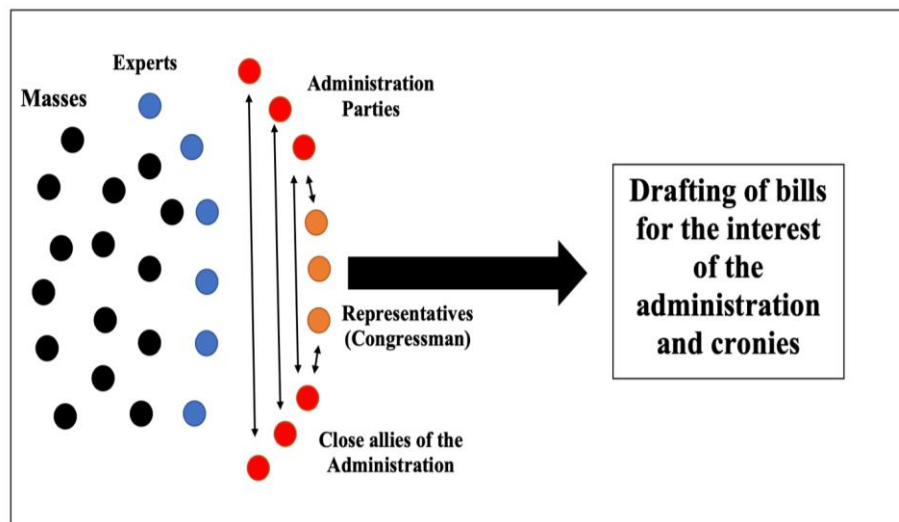


Figure 4. The Party-list system and the Administration Parties and Close Allies In the lens of Jurgen Habermas Deliberative Democracy

Stated in the new parameters that any group such as political parties can now join in the party-list made it more problematic and mind boggling as this can be an opportunity for policies that will benefit the present administration and cronies, this can also lead to the administration sponsoring this administration party-list group which is prohibited by law. With this parameter it will lead to biased bills that will benefit the administration and will lessen the participation of the public as these party-list groups are not doing their mandate. This can be seen in the creation and winning of the DUTERTE YOUTH party-list as it represents the administration and its agendas for their interests.

Communicative Action

The diagrams show a clear picture of how the current party-list of traditional politicians, elites, election losers, power grabbers, the administration and friends work. These are based on the data of chapter 5, and 6 which show that they do not have the concept of communicative action. Communicative action promotes common understanding in a group and to promote cooperation, as opposed to "strategic action" designed simply to achieve one's personal goals, but in the diagram, it cannot be seen as the only one communicating are elites, political clans, traditional politicians, election losers, the administration, and their representatives, also in that they cannot have any strategic action to achieve the goal of the masses.

Another aspect of the communicative action that cannot be seen in the diagrams is the transferring of information, it is shown that the masses from different sectors of the community and experts are not included in the deliberation, communication and with that how can the ideas, suggestions, and of the people in the public sphere have cooperation that will lead to a policy that is truly for the people they represent. Part of communicative action is to establish relationship with one another in the public sphere, with that they can understand each and every sentiments of different members of the public sphere, but clearly the diagrams shows that there is no formation of relationship in the public sphere rather the forming of relationship are within the political sphere where in traditional politicians, elites families, election losers, the administration, and public officials create a relationship that results to bill that benefit their interests that is clearly not the intention of communicative action in which the goal is to promote common understanding in a group and to promote cooperation, as opposed to "strategic action" designed simply to achieve one's personal goals.

Another is that the election losers and people who tend have more power and make to make the party-list are very mind boggling as these people doesn't have any marginalized group to represent and also no policy direction, it is clear the these election losers tend to create the party-list as a alternative route for the congressional seats, also people who makes the party-list system as their stepping stone to more power is evident, with that it is clear to say that they don't have a marginalized group to represent also with that they don't have the people to deliberate with which

is vital to communicative action, they cannot have a strategic action for the people who wants to participate in the policy making because they don't deliberate in the public sphere and because of that these people are running clearly just for power not to represent. Understanding the people through communication is important in a policy that will help the people base on communicative action, so with that it clearly suggests that communicative action is missing in this characteristic of the party-list system.

Another characteristic is that the administration and it's friends created party-list groups to represent the administration which is clearly an inappropriate thing to do base on the mandate of the party-list, it suggest that the administration party-list only promotes the bills that help the administration which clearly violates that communicative action where in the people, the masses, the private individuals and other sectors should be part of the deliberation happening in the public sphere. The common goal of the public sphere is to promote communication to all that will lead to a legitimate consensus or agreement that will help eradicate the problems of the masses, but in this case there are only two actors which are the administration officers and the party-list group which doesn't promote the participation of all sectors of the community.

But the most vital of all is that the expression of all should be heard which is also not present in the diagrams, in which these people in power are the only one communicating, deliberating, debating with a sense of representation, and most of all ideas that are not from the public sphere are being talked about in the congress that leads to a bill that is not for the masses, and for the people they represent in the House of Representatives.

Public Sphere

Clearly the diagrams shows that there is no public sphere present in the party-list right now as the masses from different sectors are not included in the deliberation and so as the experts that will guide the policy making in the long run, what can be seen here is a great example of a non-working public sphere where in the elites, political dynasties, people in power , election losers, the administration and traditional politician are the only one deliberating in policy making which indicates that people from other sectors such as the "bourgeois" middle class are not in it also. How can a public sphere work if the public are not included in policy crafting ideas, as said by many scholars such as Habermas, a public sphere is a venue between the state and individuals where individuals could come together to engage in reasoned argument such as debates and deliberation over key issues of mutual interest and concern.

Also another key concept in the public sphere is the participation of the masses clear is not shown by the current characteristic of the party-list system which representative are voted but doesn't truly represent them in the congress so it is clear that there is no participation in the party-list as the ideas, opinions, arguments and suggestions of the masses and different sectors of the society are not heard by the representative as shown by the data in chapter 5 and 7. Another aspect of the public sphere that cannot be seen in the diagrams are the participation of key actors such as

the public, the civil society, and the private sectors and individuals. In the diagrams, it shows that these actors are excluded from participation in the public sphere where their representative cannot understand their opinions because they are not even part of the deliberation that is happening in the political sphere. The only present actors that can be seen deliberating are the public officials and the traditional politicians.

Deliberative Democracy

It is clear to say that in the party-list system which lack the concept of communicative action and the public sphere also doesn't feature the concepts and ideas of deliberative democracy, the idea is that deliberative democracy is the way the public and their representative deliberate on a matter that results to a justified bill or law for the marginalized groups which are the public, also the representatives has an objective in the congress based on the rational agreement that is formed in the public sphere which policies will benefit the group he or she represents. The concepts are not shown by the current party-list characteristics based on the data and diagrams shown, also the representative has no rational explanation on why they create bills that do not have the ideas of the marginalized group he or she represents because this representative tends to ignore the cries of the masses. Deliberative democracy is an alternative for traditional politicians and elite families in participating in the policy making process as it promotes the participation of the masses. Now there are four key details that the party-list of the Philippines failed to show which are key in deliberative democracy

Reciprocity

People should seek the organization of public matters that suits everyone, that is, they are not mutually exclusive.

In the party-list it clearly shows that organization is not even part of the deliberation that is happening, ideas from different sectors of the community are not even part of the bills that they represent based on the data of chapter 5 in which there is no policy direction for their specific represented group. Different sectors of the community should create a public sphere based on reciprocity in which everyone can come along together in making policies for the greater good of all but sadly the concept of it is long gone as traditional politician, political dynasties and elites tend to create laws for their interests and doesn't want to deliberate with the masses at all which truly removed the spirit of deliberative democracy.

Publicity

Nothing is secret, and anyone in the democracy should all know what is happening and what is the information.

Another is that any information should be known by different actors, which is also not evident in the party-list system as the one with power and position are the only one who knows what is happening. The masses and different actors are left alone to discuss and to find out what is really happening in the congress, another issue the language barrier and understanding part which is vital for the communicative action, how can the ordinary Filipino people understand the deliberation and debates happening in the congress if the language that the representative use are not known to them. They cannot know the true reasons for the passing of the bill as they are deprived of their right to know as the powerful politicians control the sphere.

Accountability

Politicians' accountability is that they cannot rule as they want but they must account for their decisions they want to make or have made to others.

Accountability is a long problem of the political system in the Philippines as these politicians have done something wrong but tends to get away with it, in deliberative democracy it promotes accountability but it is clear that it is not present to the characteristic of the party-list as these representatives create bill for their interest for example a bill for mining is passed but the problem is that many people will get aggravated by the bill, problems such as climate change, illegal mining, and destruction of the environment which is done by the passing of that bill, and that will have a great impact on the masses as they are devastated by these social problems which are not accountable for the representatives because they tend to get away with the wrong doing they have done.

Inclusion

The interests of all members of the community must be incorporated in deliberation.

The sad reality is that the interest of the community cannot be incorporated in the deliberation because there is no deliberation happening as the party-list representative are from the traditional politicians and elite families, they cannot understand the cries, and sentiments of the public as they are not affected by the social problems that affect the ordinary masses. This is a clear picture as the concept and ideas of deliberative democracy where the empowerment of the people in participation in policy making cannot be seen in the current characteristics of the party-list system.

With that, it is clear to say that the ideas and concepts of deliberative democracy cannot be seen in the current practices of the party-list, participation of the public are gone, deliberation within the public sphere is nowhere to be seen, instead on cooperating and understanding one another inclusivity prevails in the public sphere, the fairness of the procedure of public deliberation

are for the elites, traditional politicians and politician who holds power, but especially participation, fairness, and equality are not part of the party-list today which are vital in the theory of deliberative democracy.

The party-list on paper is a good tool to empower citizens participation in the congress, also it promotes the distribution of power towards the marginalized and underrepresented groups which seeks bills, advocacies, and policies that will help them. The 1987 constitution and the party-list law provide the concept of deliberative democracy where in people are communicating with one another and understanding the ideas that were given by the groups, their representatives understand them because they are from the group that they represent, with that it comes up in a strategic action” to achieve the goals of the marginalized group. By these representations in the way of party-list, the people from different sectors can now give information such as expressing themselves in way of discourse, dialogue, debates, forums, and deliberations, with that public sphere is also present as deliberate is the mode of public sphere. In the last Supreme Court ruling, the ruling that destroyed the spirit of the party-list which also benefited the traditional politicians and elites that wanted power is the reason for all the problems that occur now in the party-list. How can you promote deliberative democracy when people in the party-list cannot understand the people they represent, how can the marginalized group talk to their representative of their representative have other agendas, how can they have an agreement and consensus if they don’t know what to do if they don’t have a policy direction, The party-list now in the Philippines is in great danger as the purpose of party-list is not implemented correctly, Jurgen Habermas communicative action, public sphere and deliberative democracy is not present in the party-list today base on the data provided and critique of the author the intention of the party-list are clear and the concept of Habermas is there, but the current practices, characteristic of the party-list and the people who are seated in the congress doesn’t promote deliberative democracy or even democracy as they only focus on their interest and the status-quo.

SUMMARY

The objective of this thesis is to see how vital the deliberative democracy of Jurgen Habermas is in the party-list system of the Philippines, based on the data and in this diagram, it shows how deliberative works in the Philippine party-list system. As seen in Figure 2, it is important to see the concept of the deliberative democracy which promotes participation, deliberation and understanding in creating policies that will affect the different sectors of the community in which it is also the spirit, the conception and heart of the party-list system in the Philippines. Also, it is an alternative way of representing the marginalized and underrepresented groups in the current party-list system where in political dynasties, political elites, traditional politicians, administration cronies and power grabbers prevail. Also shown in the diagram is what is truly the intention of the party-list law base on the constitution, party-list law, COMELEC decision, and the first Supreme Court ruling, in which it promotes the following:

Communication is vital in the party-list system where the people and their representative should communicate and understand one another so that the representative knows what is the interest of the people he represents.

There should be *public deliberation*, in which different parts of the society should be included in the deliberation of bills, consensus and agreement that will benefit the people who they represent.

The people should *participate* and discuss with one another their interests, agendas, and opinions so that the people can understand what the group feel, in short, the people are empowered to express their opinions and interests in the public sphere.

These three aspects of the party-list are also seen in the concept of deliberative democracy where in communicative action is being done and there is a venue for deliberation which is the public sphere. But that is not possible based on the characteristics of the current party-list, as political dynasties and elites create bill for their own interests, not knowing that they have a marginalized to represent, another is the people who lost the elections and try their luck in the party-list so that they can be back in power, also the party-list is being done as a stepping stone for power as after they become representatives of the party-list they tend to run for higher positions. The last is that the party-list is being used as an extension of power of the administration as their representatives create bills for the interests of the administration. As seen in these scenarios it is clear that the intention of the party-list cannot be seen in the current characteristics of party-list system, thus requiring deliberative democracy as a guideline.

CONCLUSION

In conclusion the concept of the mandates of the party-list and the concepts of deliberative democracy which promotes participation, deliberation, and understanding are not present in the current characteristics of the party-list system. The party-list base on the data provided that the party-list representatives are not doing their mandated job, and that is to represent the marginalized and underrepresented groups of the Philippine society, it clearly shows that the representatives create bills for their interests, it is also shown that the representative made the party-list as a shortcut to congressional power and also a stepping stone for more power, but above all it is created as a administrative tool for more influence and power in the legislative branch of the government. With that deliberative democracy and its concept are not evident in the current party-list characteristics, in which they should promote participation, deliberation and understanding to produce quality and legitimate bill that helps the marginalized and underrepresented groups they represent in the congress, and that is why deliberative democracy is vital to the party-list system of the Philippines.

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