



HOUSE OF REPRESENTATIVES

H. No. 9000

INTRODUCED BY HONORABLE AUMENTADO, ROXAS II, BRIONES, SYJUCO, ABUEG JR., LIBAN, COJUANGCO, ABAYON, GUNIGUNDO I, JARAULA, APOSTOL, PICHAY JR., REYES JR., PUNZALAN JR., ESPINA, FARIÑAS, LORENZO-VILLAREAL, BARINAGA, MARCOS, QUIMPO, VERCELES JR., CALIMBAS-VILLAROSA, MONFORT, FLOIRENDO JR., TEODORO, GULLAS, LEDESMA IV, LORETO-GO, VERGARA, PONCE JR., SILVERIO, BUNYE, OROLA JR., GONZALES II, CRUZ (T.), GONZALEZ (J.), ECHIVERRI, CRUZ (B.), LIBARIOS, BONDOC, ALVAREZ JR., VILLANUEVA, KINTANAR, ROMUALDEZ, BACULIO, SARMIENTO (R.) NIEVA, OSABEL, ESCUDERO, FORTUNO, BARBERS, LOZADA JR., AQUINO (A.), ANGARA-CASTILLO AND VILLAR JR.

AN ACT ALLOWING THE USE OF MASS MEDIA FOR ELECTION PROPAGANDA, AMENDING FOR THE PURPOSE BATAS PAMBANSA BILANG 881, OTHERWISE KNOWN AS THE "OMNIBUS ELECTION CODE OF THE PHILIPPINES," AS AMENDED, AND FOR OTHER PURPOSES

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

1 SECTION. 1. Section 82 of Batas Pambansa Bilang 881, as
2 amended, is hereby further amended to read as follows:

3 "SEC. 82. *Lawful Election Propaganda.* – ALL POLITICAL
4 ADVERTISEMENTS, WHETHER ON TELEVISION, CABLE TELEVISION,
5 RADIO, NEWSPAPERS, SURVEYS, OR WHATEVER MEDIUM ARE HEREBY
6 ALLOWED FOR ALL POLITICAL PARTIES AND FOR ALL CANDIDATES
7 SEEKING NATIONAL AND LOCAL ELECTIVE POSITIONS.

1 **FOR THE PURPOSE OF THIS ACT [L]lawful election propaganda**
2 **shall include:**

3 (a) Pamphlets, leaflets, cards, decals, stickers or other written or
4 printed materials **[of a] THE size [not more than] OF WHICH DOES NOT**
5 **EXCEED** eight and one-half inches in width and fourteen inches in length;

6 (b) Handwritten or printed letters urging voters to vote for or
7 against any particular **POLITICAL PARTY OR** candidate **FOR PUBLIC**
8 **OFFICE;**

9 (c) Cloth, paper or cardboard posters, whether framed or posted,
10 with an area not exceeding two (2) feet by three (3) feet, except that, at the
11 site and on the occasion of a public meeting or rally, or in announcing the
12 holding of said meeting or rally, streamers not exceeding three (3) feet by
13 eight (8) feet in size, shall be allowed: *Provided*, That said streamers may
14 **[not] be displayed [except one week] FIVE DAYS** before the date of the
15 meeting or rally and **[that it] shall be removed within [seventy-two]**
16 **TWENTY-FOUR** hours after said meeting or rally; **[or]**

17 **(D) PAID ADVERTISEMENTS IN PRINT OR BROADCAST MEDIA:**
18 **PROVIDED, THAT, THE ADVERTISEMENTS SHALL FOLLOW THE**
19 **REQUIREMENTS SET FORTH IN SECTION 84 OF THIS CODE;**

20 **[d](E) All other forms of election propaganda not prohibited by**
21 **this Code. [as the Commission may authorize after due notice to all**
22 **interested parties and hearing where all interested parties were given an**
23 **equal opportunity to be heard: *Provided*, That the Commission's**
24 **authorization shall be published in two newspapers of general circulation**
25 **throughout the nation for at least twice within one week after the**
26 **authorization has been granted.]"**

27 **SEC. 2. Section 84 of the same Batas is hereby amended to read as**
28 **follows:**

1 “SEC. 84. *Requirements for Published or Printed and BROADCAST*
2 *Election Propaganda.* – (a) Any newspaper, newsletter, newsweekly,
3 gazette or magazine advertising, poster, pamphlet, circular, handbill,
4 bumper sticker, streamer, simple list of candidates or any published or
5 printed political matter for or against a candidate or group of candidates to
6 any public office shall bear and be identified by the words “paid for by”
7 followed by the true and correct name and address of the payor and by the
8 words “printed by” followed by the true and correct name and address of
9 the printer.

10 **(B) ANY BROADCAST OF ELECTION PROPAGANDA BY ANY RADIO**
11 **OR TELEVISION OR CABLE TELEVISION BROADCAST ENTITY SHALL BE**
12 **IDENTIFIED BY THE WORDS “PAID FOR BY” FOLLOWED BY THE TRUE AND**
13 **CORRECT NAME AND ADDRESS OF THE PAYOR OF THE BROADCAST TO BE**
14 **ANNOUNCED EITHER AT THE START OR AT THE END OF THE BROADCAST.**
15 **IF THE BROADCAST IS GIVEN FREE OF CHARGE BY THE RADIO OR**
16 **TELEVISION STATION, IT SHALL BE IDENTIFIED BY THE WORDS “AIRTIME**
17 **FOR THIS BROADCAST WAS PROVIDED FREE OF CHARGE BY” FOLLOWED**
18 **BY THE TRUE AND CORRECT NAME AND ADDRESS OF THE BROADCAST**
19 **ENTITY.**

20 **(C) PRINT BROADCAST OR OUTDOOR ADVERTISEMENTS DONATED**
21 **TO THE CANDIDATE OR POLITICAL PARTY SHALL NOT BE PRINTED,**
22 **PUBLISHED, BROADCAST OR EXHIBITED WITHOUT THE WRITTEN**
23 **ACCEPTANCE BY THE SAID CANDIDATE OR POLITICAL PARTY. SUCH**
24 **WRITTEN ACCEPTANCE SHALL BE ATTACHED TO THE ADVERTISING**
25 **CONTRACT AND SHALL BE SUBMITTED TO THE COMMISSION ON**
26 **ELECTIONS (COMELEC) AS PROVIDED IN SECTION 4 (D) HEREOF.”**

27 SEC. 3. Section 85 of the same Batas, as amended [by Section 11 of
28 Republic Act No. 6646, otherwise known as the Electoral Reforms Law of
29 1987], is hereby further amended to read as follows:

30 “SEC. 85. *Prohibited forms of election propaganda.* – It shall be
31 unlawful:

1 (a) To print, publish, post or distribute, any poster, pamphlet,
2 circular, handbill, or printed matter, **OR BROADCAST ANY ADVERTISEMENT**
3 urging voters to vote for or against any candidate unless they bear the
4 names and addresses of the printer **OR PUBLISHER OR BROADCAST ENTITY**
5 and payor as required in Section 84 hereof;

6 [(b) To erect, put up, make use of, attach, float or display any
7 billboard, tinsplate-poster, balloons and the like, of whatever size, shape,
8 form or kind, advertising for or against any candidate or political party;]

9 [(c) To purchase, manufacture, request, distribute or accept
10 electoral propaganda gadgets, such as pens, lighters, fans of whatever
11 nature, flashlights, athletic goods or materials, wallets, shirts, hats,
12 bandannas, matches, cigarettes and the like, except that campaign
13 supporters accompanying a candidate shall be allowed to wear hats and/or
14 T-shirts advertising a candidate;]

15 [d] (B) To show, [or] display, **PRINT, BROADCAST OR EXHIBIT**
16 publicly **IN WHOLE OR IN PART**, any **NEWSPAPER, MAGAZINE OR PRINT**
17 **PUBLICATION, FILM, MOVIE, TELEVISION OR RADIO PROGRAM,**
18 **advertisement OR COMMERCIAL ENDORSEMENT, OR OTHER**
19 **CINEMATOGRAPHIC, TELEVISION [or propaganda] BROADCAST OR**
20 **OUTDOOR ADVERTISING MATERIAL INCLUDING PROMOTIONAL AND**
21 **PUBLICITY MATERIALS FOR MOVIES AND TELEVISION [for or against any**
22 **candidate] FEATURING OR INVOLVING A CANDIDATE [by means of**
23 **cinematography, audio-visual units or other screen projections except**
24 **telecasts which may be allowed as hereinafter provided] OTHER THAN**
25 **LEGITIMATE CAMPAIGN PROPAGANDA ALLOWED UNDER THIS CODE**
26 **FROM THE START OF THE ELECTION PERIOD UNTIL ELECTION DAY.**

27 [(e) For any radio broadcasting or television station to sell or give
28 free of charge air time for campaign and other political purposes except as

1 authorized in this Code under the rules and regulations promulgated by the
2 Commission pursuant thereto.]

3 Any prohibited election propaganda [gadget] or advertisement shall
4 be stopped, confiscated or torn down by the representative of the
5 Commission upon specific authority of the Commission.”

6 SEC. 4. Section 86 of the same Batas is hereby amended to read as
7 follows:

8 “SEC. 86. *Regulation of election propaganda through mass media.*

9 – [(a)The Commission shall promulgate rules and regulations regarding the
10 sale of air time for partisan political purposes during the campaign period
11 to insure that equal time as to duration and quality is available to all
12 candidates for the same office or political parties at the same rates or given
13 free of charge; that such rates are reasonable and not higher than those
14 charged other buyers or users of air time for non-political purposes; that the
15 provisions of this Code regarding the limitation of expenditures by
16 candidates and political parties and contributions by private persons,
17 entities and institutions are effectively enforced; and to ensure that said
18 radio broadcasting and television stations shall not unduly allow the
19 scheduling of any program or permit any sponsor to manifestly favor or
20 oppose any candidate or political party by unduly or repeatedly referring to
21 or including said candidate and/or political party in such program
22 respecting, however, in all instances the right of said stations to broadcast
23 accounts of significant news or newsworthy events and views on matters of
24 public interest.]

25 (A) THE TOTAL AIR TIME AVAILABLE TO THE CANDIDATE AND
26 POLITICAL PARTY, WHETHER BY PURCHASE OR DONATION, SHALL BE
27 LIMITED TO FIVE (5) MINUTES PER DAY IN EACH TELEVISION, CABLE
28 TELEVISION AND RADIO STATIONS DURING THE APPLICABLE CAMPAIGN
29 PERIOD;

1 **FOR THIS PURPOSE, THE COMMISSION SHALL REQUIRE ANY**
2 **BROADCAST STATION OF ENTITY TO SUBMIT TO THE COMMISSION A**
3 **COPY OF ITS BROADCAST LOGS AND CERTIFICATES OF PERFORMANCE**
4 **FOR THE REVIEW AND VERIFICATION OF THE FREQUENCY, DATE, TIME**
5 **AND DURATION OF ADVERTISEMENTS BROADCAST FOR ANY CANDIDATE**
6 **OR POLITICAL PARTY;**

7 **(B) PRINT ADVERTISEMENTS SHALL NOT EXCEED SIX AND ONE-**
8 **EIGHT BY TEN AND ONE-HALF (6 1/8 x 10 1/2) SQUARE INCHES PER WEEK**
9 **IN EACH NEWSPAPER OR MAGAZINE DURING THE APPLICABLE CAMPAIGN**
10 **PERIOD;**

11 **FOR THIS PURPOSE THE COMMISSION SHALL REQUIRE ANY PRINT**
12 **MEDIA ENTITY TO SUBMIT TO THE COMMISSION A REPORT ON ALL**
13 **PRINTED OR PUBLISHED POLITICAL ADVERTISEMENTS IN ITS**
14 **NEWSPAPERS, TABLOIDS, MAGAZINES AND THE LIKE FOR THE REVIEW**
15 **AND VERIFICATION OF THE FREQUENCY AND SIZE OF ADVERTISEMENTS**
16 **PRINTED/PUBLISHED FOR ANY CANDIDATE OR POLITICAL PARTY;**

17 **(C) THE EXPENSE OF A CANDIDATE OR POLITICAL PARTY FOR**
18 **ADVERTISEMENTS SHALL NOT EXCEED THE TOTAL ALLOWABLE**
19 **ELECTION EXPENSE OF SUCH CANDIDATE OR POLITICAL PARTY.**

20 **[b] (D) ALL MASS MEDIA ENTITIES SHALL FURNISH THE**
21 **COMMISSION WITH A COPY OF ALL** contracts for advertising [in any
22 newspaper, magazine, periodical or any form of publication] promoting or
23 opposing ANY POLITICAL PARTY OR the candidacy of any person for
24 public office [shall, before its implementation, be registered by said
25 newspaper, magazine, periodical or publication with the Commission.]
26 **WITHIN FIVE (5) DAYS AFTER ITS SIGNING.** In every case, it shall be
27 signed by THE DONOR, the candidate concerned or by the duly authorized
28 representative of the political party.

29 **[c] (E) No franchise or permit to operate [a radio or television**
30 **station] ANY MASS MEDIA ENTITY shall be granted or issued , suspended or**
31 **cancelled during the election period.**

1 [Any radio or television station, including that owned or controlled
2 by the Government, shall give free of charge equal time and prominence to
3 an accredited political party or its candidates if it gives free of charge air
4 time to an accredited political party or its candidates for political
5 purposes.]

6 In all instances, the Commission shall supervise the use and
7 employment of press, radio and television facilities **INSOFAR AS THE**
8 **PLACEMENT OF POLITICAL ADVERTISEMENTS IS CONCERNED TO ENSURE**
9 **THAT CANDIDATES ARE GIVEN** [so as to give candidates] equal
10 opportunities under equal circumstances to make known their qualifications
11 and their stand on public issues within the limits set forth in this Code on
12 election spending.

13 **THE COMMISSION SHALL ENSURE THAT RADIO OR TELEVISION OR**
14 **CABLE TELEVISION BROADCASTING ENTITIES SHALL NOT ALLOW THE**
15 **SCHEDULING OF ANY PROGRAM OR PERMIT ANY SPONSOR TO**
16 **MANIFESTLY FAVOR OR OPPOSE ANY CANDIDATE OR POLITICAL PARTY**
17 **BY UNDULY OR REPEATEDLY REFERRING TO OR INCLUDING SAID**
18 **CANDIDATE AND/OR POLITICAL PARTY IN SUCH PROGRAM RESPECTING,**
19 **HOWEVER, IN ALL INSTANCES THE RIGHT OF SAID BROADCAST ENTITIES**
20 **TO AIR ACCOUNTS OF SIGNIFICANT NEWS OR NEWS WORTHY EVENTS AND**
21 **VIEWS ON MATTERS OF PUBLIC INTEREST;**

22 **(F) ANY MEDIA COLUMNIST, COMMENTATOR, ANNOUNCER,**
23 **REPORTER OR ON-AIR CORRESPONDENT, OR PERSONALITY WHO IS A**
24 **CANDIDATE FOR ANY ELECTIVE PUBLIC OFFICE OR IS A CAMPAIGN**
25 **VOLUNTEER FOR OR EMPLOYED OR RETAINED IN ANY CAPACITY BY ANY**
26 **CANDIDATE OR POLITICAL PARTY SHALL BE DEEMED RESIGNED, IF SO**
27 **REQUIRED BY THEIR EMPLOYER, OR SHALL TAKE A LEAVE OF ABSENCE**
28 **FROM HIS WORK IN MEDIA FROM THE START OF THE ELECTION PERIOD**
29 **UNTIL ELECTION DAY; AND**

30 **(G) ANY REPORTER, COMMENTATOR, ANNOUNCER,**
31 **BROADCASTER OR ON-AIR CORRESPONDENT WHO IS NOT A CANDIDATE**
32 **CAN FREELY EXPRESS HIS/HER PARTISAN VIEWS WITHOUT BEING**
33 **FORCED TO RESIGN OR TAKE A LEAVE OF ABSENCE: PROVIDED, THAT IF**

1 A MASS MEDIA ENTITY ALLOWS SUCH FREEDOM, IT MUST ENSURE THAT
2 THE VIEWS AND QUALIFICATIONS OF ALL CANDIDATES ARE PUBLICLY
3 DISSEMINATED, ALLOCATING AIR TIME OR PRINT SPACE EQUALLY.

4 THE COMMISSION SHALL PROMULGATE, AND FURNISH ALL
5 POLITICAL PARTIES AND CANDIDATES AND THE MASS MEDIA ENTITIES,
6 THE RULES AND REGULATIONS REGARDING THE PURCHASE, SALE OR
7 DONATION OF POLITICAL PROPAGANDA AND ADVERTISEMENTS DURING
8 THE CAMPAIGN PERIOD TO GUARANTEE EQUAL PUBLIC EXPOSURE OF
9 ALL CANDIDATES OR POLITICAL PARTIES.

10 Rules and regulations promulgated by the Commission under and by
11 authority of this section shall take effect on the seventh day after their
12 publication in at least two daily newspaper of general circulation. Prior to
13 the effectivity of said rules and regulations, no political advertisement or
14 propaganda for or against any candidate or political party shall be
15 published or broadcast through mass media.

16 Violation of the rules and regulations of the Commission issued to
17 implement this section shall be an election offense punishable under
18 Section 264 hereof."

19 SEC. 5. Section 90 of the same Batas, as amended, is hereby further
20 amended to read as follows:

21 "SECTION 90. *COMELEC SPACE AND TIME.* – THE COMMISSION
22 SHALL PROCURE SPACE IN AT LEAST ONE (1) NEWSPAPER OF GENERAL
23 CIRCULATION AND AIR TIME IN AT LEAST ONE (1) MAJOR
24 BROADCASTING STATION OR ENTITY IN EVERY PROVINCE OR CITY:
25 *PROVIDED, HOWEVER,* THAT IN THE ABSENCE OF SAID NEWSPAPER,
26 PUBLICATION SHALL BE DONE IN ANY OTHER MAGAZINE OR PERIODICAL
27 IN SAID PROVINCE OR CITY, WHICH SHALL BE KNOWN AS "COMELEC
28 SPACE": *PROVIDED, FURTHER,* THAT IN THE ABSENCE OF SAID
29 BROADCASTING STATION OR ENTITY, BROADCASTING SHALL BE DONE IN
30 ANY RADIO OR TELEVISION STATION IN SAID PROVINCE OR CITY, WHICH
31 SHALL BE KNOWN AS "COMELEC TIME". SAID SPACE AND TIME

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1 SHALL BE ALLOCATED TO THE COMMISSION FREE OF CHARGE AND
2 SHALL BE UTILIZED EXCLUSIVELY BY THE COMMISSION FOR PUBLIC
3 INFORMATION DISSEMINATION ON ELECTION-RELATED CONCERNS.”

4 SEC. 6. Section 91 of the same Batas, as amended, [by Section 10
5 of Republic Act No. 6646,] is hereby further amended to read as follows:

6 “SEC. 91. [*Common Poster Areas*] **POSTING OF CAMPAIGN**
7 **MATERIALS.** – [The Commission shall designate common poster areas in
8 strategic public places such as markets, barangay centers and the like
9 wherein candidates can post, display, or exhibit election propaganda to
10 announce or further their candidacy.] **THE COMMISSION MAY**
11 **AUTHORIZE POLITICAL PARTIES AND PARTY LIST GROUPS TO ERECT**
12 **COMMON POSTER AREAS FOR THEIR CANDIDATES IN NOT MORE THAN**
13 **TEN (10) PUBLIC PLACES SUCH AS PLAZAS, MARKETS, BARANGAY**
14 **CENTERS AND THE LIKE, WHEREIN CANDIDATES CAN POST, DISPLAY OR**
15 **EXHIBIT ELECTION PROPAGANDA: PROVIDED, THAT THE SIZE OF THE**
16 **POSTER AREAS SHALL NOT EXCEED TWELVE BY SIXTEEN (12 x 16)**
17 **SQUARE FEET.**

18 **INDEPENDENT CANDIDATES WITH NO POLITICAL PARTIES MAY**
19 **LIKEWISE BE AUTHORIZED TO ERECT COMMON POSTER AREAS IN NOT**
20 **MORE THAN TEN (10) PUBLIC PLACES, THE SIZE OF WHICH SHALL NOT**
21 **EXCEED FOUR BY SIX (4 x 6) SQUARE FEET.**

22 [Whenever feasible, common billboards may be installed by the
23 Commission and/or nonpartisan private or civic organizations which the
24 Commission may authorize whenever available, after due notice and
25 hearing, in strategic places where it may be readily seen or read, with the
26 heaviest pedestrian and/or vehicular traffic in the city or municipality.

27 The space in such common poster areas or billboards shall be
28 allocated free of charge, if feasible, equitably and impartially among the
29 candidates in the province, city or municipality.] **CANDIDATES MAY POST**

1 ANY LAWFUL PROPAGANDA MATERIAL IN PRIVATE PLACES WITH THE
2 CONSENT OF THE OWNER THEREOF, AND IN PUBLIC PLACES OR
3 PROPERTY WHICH SHALL BE ALLOCATED EQUITABLY AND IMPARTIALLY
4 AMONG THE CANDIDATES.”

5 SEC. 7. *Repealing Clause.* – Section 11 of Republic Act No. 6646
6 is hereby repealed. All laws, decrees, orders or rules and regulations
7 inconsistent with the provisions of this Act are hereby repealed and/or
8 amended or modified accordingly.

9 SEC. 8. *Separability Clause.* – If any provision or part hereof is
10 held invalid or unconstitutional, the remainder of this Act not otherwise
11 affected shall remain in full force and effect.

12 SEC. 9. *Effectivity.* – This Act shall take effect fifteen (15) days
13 after its publication in the *Official Gazette* or in at least two (2) newspapers
14 of national circulation.

Approved,

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