

RECORD OF THE SENATE

MONDAY, NOVEMBER 27, 2000

OPENING OF THE SESSION

At 3:10 p.m., the Senate President, Hon. Aquilino Q. Pimentel Jr., called the session to order.

The President. The 39th session of the Senate in the Third Regular Session of the Eleventh Congress is hereby called to order.

Let us all stand for the opening prayer to be led by Sen. John H. Osmeña.

After the prayer, the Earth Saver's DREAM Ensemble will lead us in the singing of the national anthem. They will also render another song, entitled *Pasasalamat Kay Ninoy*.

Everybody rose for the prayer.

PRAYER

Senator J. Osmeña. This is a simple prayer which many of us are very familiar with. But at times like this, I think, it would be useful to relish it.

Lord, make me an instrument of Your peace.
Where there is hatred, let me sow love;
Where there is injury, pardon;
Where there is discord, unity;
Where there is doubt, faith;
Where there is error, truth;
Where there is despair, hope;
Where there is sadness, joy;
Where there is darkness, light.

Oh Divine Master, grant that I may not so much seek
to be consoled as to console; to be understood, as
to understand; to be loved, as to love.

For it is in giving that we receive; it is in pardoning
that we are pardoned; it is in dying that we are born
to eternal life.

Amen.

-- St. Francis --

NATIONAL ANTHEM

Everybody remained standing for the singing of the national anthem.

The President. We would like to thank the Earth Saver's Dream Ensemble, organized by Cecille Guidote Alvarez, wife of former Senator Alvarez, for this presentation on the occasion of Ninoy's birthday. I think today is the birthday of Ninoy.

ROLL CALL

The President. The Secretary will please call the roll.

The Secretary, reading:

Senator Teresa Aquino-Oreta	Present
Senator Robert Z. Barbers	Absent**
Senator Rodolfo G. Biazon	Present
Senator Renato L. <i>Compañero</i> Cayetano ...	Present
Senator Anna Dominique M.L. Coseteng ...	Present
Senator Miriam Defensor Santiago	Present
Senator Franklin M. Drilon	Present
Senator Juan Ponce Enrile	Present
Senator Juan M. Flavier	Present
Senator Teofisto T. Guingona Jr.	Present
Senator Gregorio B. Honasan	Present
Senator Robert S. Jaworski	Present
Senator Loren B. Legarda-Leviste	Present
Senator Ramon B. Magsaysay Jr.	Present
Senator Blas F. Ople	Present*
Senator John Henry R. Osmeña	Present
Senator Sergio R. Osmeña III	Present*
Senator Ramon B. Revilla	Present
Senator Raul S. Roco	Present
Senator Vicente C. Sotto III	Present
Senator Francisco S. Tatad	Present
The President	Present

The President. With 19 senators present, there is a quorum.

Senator Tatad. Mr. President.

The President. The Majority Leader is recognized.

THE JOURNAL

Senator Tatad. Mr. President, I move that we dispense with the reading of the *Journal* of Session No. 38, Wednesday afternoon, November 22, 2000, and consider it approved.

The President. There is a motion to dispense with the reading of the *Journal* of Session No. 38. Is there any objection? [*Silence*] There being none, the motion is approved.

* Arrived after the roll call

** On account of illness

The President. Senator Roco is recognized.

Senator Roco. Mr. President, this is not urgent, but if we could suspend the session, let us say, until 5:30 this afternoon, only because we anticipate—there is an arrangement—a discussion between the Chair and the Speaker of the House of Representatives.

The President. Yes.

Senator Roco. So the House contingent may be sending a fax of their signed version of the Bicameral Conference Report on the political ad ban bill and the majority of the Bicameral Conference Report is now with Sen. Serge Osmeña III. I have to send it to them. But we can, of course, take it up tomorrow. So it is just a...

The President. In any event, let us play it by ear. We will come back at 5:30 this afternoon. We will just suspend the session.

Senator Tatad. We will suspend the session until...

The President. Until 5:30 this afternoon.

Senator Roco. Thank you, Mr. President.

SUSPENSION OF SESSION

Senator Tatad. Mr. President, I modify my motion. I move that we suspend our session until 5:30 this afternoon.

The President. So we will all repair to the conference room of the Senate President for a closed-door conference.

Is there any objection? *[Silence]* There being none, the session is suspended until 5:30 this afternoon.

It was 4:00 p.m.

RESUMPTION OF SESSION

At 7:00 p.m., the session was resumed.

The President. The session is resumed.

The Majority Leader is recognized.

CONFERENCE COMMITTEE REPORT ON S. NO. 1742/H. NO. 9000 (Fair Election Practices Act)

Senator Tatad. Mr. President, I move that we now consider the Bicameral Conference Committee Report on the disagreeing provisions of Senate Bill No. 1742 and House Bill No. 9000.

The President. Is there any objection? *[Silence]* There being none, the motion is approved.

The Conference Committee Report on the disagreeing provisions of House Bill No. 9000 and Senate Bill No. 1742 is now in order.

Senator Tatad. I ask that the chairman of the Senate panel, Sen. Raul Roco, be recognized.

The President. Senator Roco is recognized.

REPORT OF SENATOR ROCO

Senator Roco. Thank you, Mr. President.

Our conference committee is pleased to report that there was a meeting on Thursday between the House of Representatives contingent and the Senate contingent. We were able to reconcile the differences between House Bill No. 9000 and Senate Bill No. 1742.

May I just footnote, Mr. President, that the Conference Committee Report, as distributed, does not have any signature of our colleagues. It was faxed in on a separate sheet. I do have a copy of the fax, and this is faxed by our staff from the House of Representatives and duly authenticated and validated. There are 10, out of 17, members of the House of Representatives who have already submitted and endorsed the report.

On that basis, Mr. President, I think we can accept this. Since we have accepted it in the past by exchange of faxes, and even by the E-Commerce Law, I guess we can proceed on this basis, if I may.

The President. Are there any provisions that the gentleman wishes to underscore?

Senator Roco. Yes, Mr. President.

Our conference committee agreed to just combine practically the version of the House of Representatives with the version of the Senate. The version of the Senate was a special statute, that is why we called it the "Fair Elections Law." On the other hand, the House version was modificatory in character, so that its Section 2, for instance, would say "Section 82 of this or that law be modified in the following manner." Since there was no basic difference in concept, we just combined the two, the details being furnished in a number of times by the House of Representatives.

May I just call attention to the amendments that the Senate version had to undergo.

The first amendment the Senate version underwent was the question of ban on the surveys. But even informally with our colleagues, when we sponsored it, I think it was the Chair who asked for an informal commitment. We did commit to our colleague, the Senate President Pro Tempore, that he would lower the ban from 30 days, and I said maybe to 21 days. But upon the instance of our colleagues from the House of Representatives, we did lower to 15 days ban on surveys for national candidates, and seven days ban for the locally elected individuals. That is the major departure from our text, Mr. President.

The others will be in Section 2. Section 2 was adopted. The Senate version was adopted. Section 3 of the Senate version and the second paragraph of Section 1 of the House of Representatives version were consolidated, as already described.

Section 4 of the Senate version and Section 2, subsections (b) and (c) of the House version were consolidated and adopted as Section 4.

Section 5 of the Senate version was amended and adopted as Section 5 of the reconciled version as already described, so that instead of 30 minutes, it became a 15-minute ban; instead of 12 days, it became a seven-day ban.

Section 6 of the Senate version and Section 4 of the House version were consolidated and adopted as Section 6 of the reconciled version.

Section 7 of the Senate version was amended and adopted as Section 7 of the reconciled version by changing the phrase "President, Vice President and Senators" to NATIONAL OFFICE.

May I just look at that, Mr. President, so that it can be understood in the correct manner. This was the Cayetano amendment.

SUSPENSION OF SESSION

Senator Roco. Mr. President, I move that we suspend the session for one minute.

The President. Is there any objection? *[Silence]* There being none, the session is suspended for one minute.

It was 7:06 p.m.

RESUMPTION OF SESSION

At 7:07 p.m., the session was resumed.

The President. The session is resumed.

Senator Roco may proceed.

Senator Roco. Yes, that is correct, Mr. President. The phrase "President, Vice President and Senators" was converted into NATIONAL OFFICE because our colleagues in the House correctly pointed out that a member of the House of Representatives is a national officer.

The President. What section is that?

Senator Roco. Section 7 on page 6, Mr. President.

The President. Yes.

Senator Roco. So that the second sentence says, "SUCH A SPACE SHALL BE ALLOCATED FREE OF CHARGE EQUALLY AND IMPARTIALLY AMONG ALL THE CANDIDATES FOR NATIONAL OFFICE." So that although locally elected, the members of the House of Representatives are national officers and should therefore, correspondingly be entitled to the same Comelec space or Comelec time. So I just wanted to validate it with the staff that that is how it worked out.

Then, Section 5 of the House version was amended and adopted as Section 8 of the reconciled version by replacing the term "commission" with COMELEC; deleting the words "a space" and after the word "said" on the second to the last paragraph, inserting the phrase WHILE SAID SPACE SHALL BE ALLOCATED TO THE COMELEC UPON PAYMENT OF JUST COMPENSATION, THE COMELEC TIME AND SPACE between the words "charge" and "shall".

Then Section 6 of the House version was adopted as Section 9 of the reconciled version, Mr. President. It is really *Posting of Campaign Materials*.

Sections 8, 9, 10 and 11 of the Senate version were adopted as Sections 10, 11, 12 and 13 of the reconciled version, as is, as it was approved.

Section 12 of the Senate version and Section 4 of the House version were consolidated into Section 14, on the *Authority of the COMELEC to Promulgate Rules; Election Offenses*, there being some specific additions but not changing any other substance, Mr. President;

Section 13, the repealing clause of the Senate version, was adopted as Section 15, as is, Mr. President.

Section 8, the *Separability Clause*, and Section 9, of the House version were adopted as Sections 16 and 17, respectively, of the reconciled version.

The title of the Senate version was adopted as the title of the reconciled bill which reads:

AN ACT TO ENHANCE THE HOLDING OF FREE,
ORDERLY, HONEST, PEACEFUL, AND CREDIBLE
ELECTIONS THROUGH FAIR ELECTION
PRACTICES

And Section 1, going back to the title, to the short reference to this bill, Mr. President, when it is promulgated into law, "SECTION 1. Short Title.- This Act shall be known as the 'Fair Election Act'." The House of Representatives wanted to remove "Practices" as part of the title.

And those are the modifications, Mr. President. We hope the Chamber finds the report of our Conference Committee satisfactory and acceptable and we seek the support of this Chamber.

APPROVAL OF CONFERENCE COMMITTEE REPORT
ON S. NO. 1742/H. NO. 9000

Senator Tatad. Mr. President, I move for the approval of the Conference Committee Report.

The President. Is there any objection? [Silence] There being none, the motion is approved.

The following is the whole text of the Conference Committee Report:

CONFERENCE COMMITTEE REPORT
The Conference Committee on the disagreeing
provisions of House Bill No. 9000, entitled

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,

and Senate Bill No. 1742, entitled

AN ACT TO ENHANCE THE HOLDING OF FREE,
ORDERLY, HONEST, PEACEFUL AND CREDIBLE
ELECTIONS THROUGH FAIR ELECTION
PRACTICES,

after having met and discussed the subject matter in full and free conference, has agreed and does hereby recommend to their respective Houses that House Bill No. 9000, in consolidation with Senate Bill No. 1742, be approved in accordance with the attached copy of the bill as reconciled and approved by the conferees.

Approved,

CONFEREES ON THE PART OF THE
SENATE:

(Sgd.) RAUL S. ROCO
Chairman

(Sgd.) FRANCISCO S. TATAD

(Sgd.) VICENTE C. SOTTO III

(Sgd.) GREGORIO B. HONASAN

(Sgd.) ROBERT S. JAWORSKI

(Sgd.) TERESA AQUINO-ORETA

(Sgd.) LOREN LEGARDA-LEVISTE

(Sgd.) SERGIO OSMEÑA III

CONFEREES OF THE PART OF THE
HOUSE OF REPRESENTATIVES:

(Sgd.) AUGUSTO "BOBOY" SYJUCO JR.

(Sgd.) IMEER. MARCOS

(Sgd.) BENASINGO. MACARAMBON JR.

(Sgd.) RODOLFO C. FARIÑAS

(Sgd.) ROSELLER L. BARINAGA

(Sgd.) HUSSINU. AMIN

(Sgd.) EDMUNDO O. REYES JR.

(Sgd.) CONSTANTINO G. JARAULA

(Sgd.) ALIPIO CIRILO V. BADELLES

(Sgd.) FRANCIS JOSEPH G. ESCUDERO

ELEANDRO JESUS F. MADRONA

(Sgd.) ERNESTO A. NIEVA

(Sgd.) ANICETO G. SALUDO JR.

EDUARDOR. GULLAS

FELICIANO R. BELMONTE JR.

(Sgd.) SERGIO ANTONIO F. APOSTOL

(Sgd.) PROSPERO A. PICHAY JR.

AN ACT TO ENHANCE THE HOLDING OF
FREE, ORDERLY, HONEST, PEACEFUL, AND
CREDIBLE ELECTIONS THROUGH FAIR
ELECTION PRACTICES

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

SECTION 1. *Short Title.* - This Act shall be known
as the "Fair Election Act."

SEC. 2. *Declaration of Principles.* - The State shall,
during the election period, supervise or regulate the
enjoyment or utilization of all franchises or permits for the
operation of media of communication or information to
guarantee or ensure equal opportunity for public service,
including access to media time and space, and the
equitable right to reply, for public information campaigns
and fora among candidates and assure free, orderly,
honest, peaceful and credible elections.

The State shall ensure that *bona fide* candidates for
any public office shall be free from any form of harassment
and discrimination.

SEC. 3. *Lawful Election Propaganda.* - Election
propaganda, whether on television, cable television,
radio, newspapers, or any other medium is hereby allowed
for all registered political parties, national, regional,
sectoral parties or organizations participating under the
party-list elections and for all *bona fide* candidates
seeking national and local elective positions subject to
the limitation on authorized expenses of candidates and
political parties, observance of truth in advertising and
to the supervision and regulation by the Commission on
Elections (COMELEC).

For the purpose of this Act lawful election
propaganda shall include:

3.1. Pamphlets, leaflets, cards, decals, stickers or
other written or printed materials the size of which does
not exceed eight and one-half inches in width and
fourteen inches in length;

3.2. Handwritten or printed letters urging voters
to vote for or against any particular political party or
candidate for public office;

3.3. Cloth, paper or cardboard posters, whether
framed or posted, with an area not exceeding two (2) feet
by three (3) feet, except that, at the site and on the
occasion of a public meeting or rally, or in announcing
the holding of said meeting or rally, streamers not
exceeding three (3) feet by eight (8) feet in size, shall be
allowed: *Provided*, That said streamers may be displayed
five (5) days before the date of the meeting or rally and
shall be removed within twenty-four (24) hours after said
meeting or rally;

3.4. Paid advertisements in print or broadcast media:
Provided, That the advertisements shall follow the
requirements set forth in Section 4 of this Act;

3.5. All other forms of election propaganda not
prohibited by the Omnibus Election Code or this Act.

SEC. 4. *Requirements for Published or Printed and
Broadcast Election Propaganda.* - 4.1. Any newspaper,
newsletter, newsweekly, gazette or magazine advertising,
posters, pamphlets, comic books, circulars, handbills,
bumper stickers, streamers, simple list of candidates or
any published or printed political matter and any
broadcast of election propaganda by television or radio
for or against a candidate or group of candidates to any
public office shall bear and be identified by the reasonably
legible or audible words "political advertisement paid
for," followed by the true and correct name and address
of the candidate or party for whose benefit the election
propaganda was printed or aired.

4.2. If the broadcast is given free of charge by the
radio or television station, it shall be identified by the
words "airtime for this broadcast was provided free of
charge by" followed by the true and correct name and
address of the broadcast entity.

4.3. Print, broadcast or outdoor advertisements
donated to the candidate or political party shall not be
printed, published, broadcast or exhibited without the
written acceptance by the said candidate or political
party. Such written acceptance shall be attached to the
advertising contract and shall be submitted to the
COMELEC as provided in Subsection 6.3 hereof.

SEC. 5. *Election Surveys.* - 5.1. Election surveys
refer to the measurement of opinions and perceptions of
the voters as regards a candidate's popularity,
qualifications, platforms or a matter of public discussion
in relation to the election, including voters' preference for
candidates or publicly discussed issues during the
campaign period (hereafter referred to as "Survey").

5.2. During the election period, any person, natural as well as juridical, candidate or organization who publishes a survey must likewise publish the following information:

(a) The name of the person, candidate, party organization who commissioned or paid for the survey;

(b) The name of the person, polling firm or survey organization who conducted the survey;

(c) The period during which the survey was conducted, the methodology used, including the number of individual respondents and the areas from which they were selected, and the specific questions asked;

(d) The margin of error of the survey;

(e) For each question for which the margin of error is greater than that reported under paragraph (d), the margin of error for that question; and

(f) A mailing address and telephone number, indicating it as an address or telephone number at which the sponsor can be contacted to obtain a written report regarding the survey in accordance with Subsection 5.3.

5.3. The survey together with raw data gathered to support its conclusions shall be available for inspection, copying and verification by the COMELEC or by a registered political party or a *bona fide* candidate, or by any COMELEC accredited citizen's arm. A reasonable fee sufficient to cover the costs of inspection, copying and verification may be charged.

5.4. Surveys affecting national candidates shall not be published fifteen (15) days before an election and surveys affecting local candidates shall not be published seven (7) days before an election.

5.5. Exit polls may only be taken subject to the following requirements:

(a) Pollsters shall not conduct their surveys within fifty (50) meters from the polling place, whether said survey is taken in a home, dwelling place and other places;

(b) Pollsters shall wear distinctive clothing;

(c) Pollsters shall inform the voters that they may refuse to answer; and

(d) The result of the exit polls may be announced after the closing of the polls on election day, and must clearly identify the total number of respondents, and the places where they were taken. Said announcement shall state that the same is unofficial and does not represent a trend.

SEC. 6. *Equal Access to Media Time and Space.*
- All registered parties and *bona fide* candidates shall have equal access to media time and space. The following guidelines may be amplified on by the COMELEC:

6.1. Print advertisements shall not exceed one-fourth (1/4) page, in broadsheet and one-half (1/2) page in tabloids thrice a week per newspaper, magazine, or other publications, during the campaign period.

6.2. (a) Each *bona fide* candidate or registered political party for a nationally elective office shall be entitled to not more than one hundred twenty (120) minutes of television advertisement and one hundred eighty (180) minutes of radio advertisement whether by purchase or donation.

(b) Each *bona fide* candidate or registered party for a locally elective office shall be entitled to not more than sixty (60) minutes of television advertisement and ninety (90) minutes of radio advertisement whether by purchase or donation.

For this purpose, the COMELEC shall require any broadcast station or entity to submit to the COMELEC a copy of its broadcast logs and certificates of performance for the review and verification of the frequency, date, time and duration of advertisements broadcast for any candidate or political party.

6.3. All mass media entities shall furnish the COMELEC with a copy of all contracts for advertising, promoting or opposing any political party or the candidacy of any person for public office within five (5) days after its signing. In every case, it shall be signed by the donor, the candidate concerned or by the duly authorized representative of the political party.

6.4. No franchise or permit to operate a radio or television station shall be granted or issued, suspended or cancelled during the election period.

In all instances, the COMELEC shall supervise the use and employment of press, radio and television facilities insofar as the placement of political

advertisements is concerned to ensure that candidates are given equal opportunities under equal circumstances to make known their qualifications and their stand on public issues within the limits set forth in the Omnibus Election Code and Republic Act No. 7166 on election spending.

The COMELEC shall ensure that radio or television or cable television broadcasting entities shall not allow the scheduling of any program or permit any sponsor to manifestly favor or oppose any candidate or political party by unduly or repeatedly referring to or including said candidate and/or political party in such program respecting, however, in all instances the right of said broadcast entities to air accounts of significant news or news worthy events and views on matters of public interest.

6.5. All members of media, television, radio or print, shall scrupulously report and interpret the news, taking care not to suppress essential facts nor to distort the truth by omission or improper emphasis. They shall recognize the duty to air the other side and the duty to correct substantive errors promptly.

6.6. Any mass media columnist, commentator, announcer, reporter, on-air correspondent or personality who is a candidate for any elective public office or is a campaign volunteer for or employed or retained in any capacity by any candidate or political party shall be deemed resigned, if so required by their employer, or shall take a leave of absence from his/her work as such during the campaign period: *Provided*, That any media practitioner who is an official of a political party or a member of the campaign staff of a candidate or political party shall not use his/her media time or space to favor any candidate or political party.

6.7. No movie, cinematograph, or documentary portraying the life or biography of a candidate shall be publicly exhibited in a theater, television station, or any public forum during the campaign period.

6.8. No movie, cinematograph, or documentary portrayed by an actor or media personality who is himself a candidate shall likewise be publicly exhibited in a theater or any public forum during the campaign period.

SEC. 7. Affirmative Action by the COMELEC. - 7.1. Pursuant to Sections 90 and 92 of the Omnibus Election Code (BP Blg. 881), the COMELEC shall procure the print space upon payment of just compensation from at least

three (3) national newspapers of general circulation wherein candidates for national office can announce their candidacies. Such space shall be allocated free of charge equally and impartially among all the candidates for national office on three (3) different calendar days: the first day within the first week of the campaign period; the second day within the fifth week of the campaign period; and the third day within the tenth week of the campaign period.

7.2. The COMELEC shall also procure free airtime from at least three (3) national television networks and three (3) national radio networks, which shall also be allocated free of charge equally and impartially among all candidates for national office. Such free time shall be allocated on three (3) different calendar days: the first day within the first week of the campaign period, the second day within the fifth week of the campaign period; and the third day within the tenth week of the campaign period.

7.3. The COMELEC may require national television and radio networks to sponsor at least three (3) national debates among presidential candidates and at least one (1) national debate among vice-presidential candidates. The debates among presidential candidates shall be scheduled on three (3) different calendar days: the first debate shall be scheduled within the first and second week of the campaign period; the second debate within the fifth and sixth week of the campaign period; and the third debate shall be scheduled within the tenth and eleventh week of the campaign period.

The sponsoring television or radio network may sell airtime for commercials and advertisements to interested advertisers and sponsors. The COMELEC shall promulgate rules and regulations for the holding of such debates.

SEC. 8. COMELEC Space and Time. - The COMELEC shall procure space in at least one (1) newspaper of general circulation and air time in at least one (1) major broadcasting station or entity in every province or city: *Provided, however*, That in the absence of said newspaper, publication shall be done in any other magazine or periodical in said province or city, which shall be known as "COMELEC Space": *Provided, further*, That in the absence of said broadcasting station or entity, broadcasting shall be done in any radio or television station in said province or city, which shall be known as "COMELEC Time". Said time shall be allocated to the COMELEC free of charge, while said

space shall be allocated to the COMELEC upon payment of just compensation. The COMELEC time and space shall be utilized exclusively by the COMELEC for public information dissemination on election-related concerns.

SEC. 9. Posting of Campaign Materials. - The COMELEC may authorize political parties and party list groups to erect common poster areas for their candidates in not more than ten (10) public places such as plazas, markets, barangay centers and the like, wherein candidates can post, display or exhibit election propaganda: *Provided*, That the size of the poster areas shall not exceed twelve (12) by sixteen (16) feet or its equivalent.

Independent candidates with no political parties may likewise be authorized to erect common areas in not more than ten (10) public places, the size of which shall not exceed four (4) by six (6) feet or its equivalent.

Candidates may post any lawful propaganda material in private places with the consent of the owner thereof, and in public places or property which shall be allocated equitably and impartially among the candidates.

SEC. 10. Right to Reply. - All registered parties and *bona fide* candidates shall have the right to reply to charges published against them. The reply shall be given publicity by the newspaper, television and/or radio station which first printed or aired the charges with the same prominence or in the same page or section or in the same time slot as the first statement.

SEC. 11. Rates for Political Propaganda. - During the election period, media outlets shall charge registered political parties and *bona fide* candidates a discounted rate of thirty percent (30%) for television, twenty percent (20%) for radio and ten percent (10%) for print over the average rates charged during the first three quarters of the calendar year preceding the elections.

SEC. 12. Limitation on Elected Officials. - Any elected official who runs for president or vice-president shall be considered *ipso facto* resigned from his office upon the filing of the certificate of candidacy.

SEC. 13. Substitution of Candidates. - In case of valid substitutions after the official ballots have been printed, the votes cast for the substituted candidates shall be considered as stray votes but shall not invalidate

the whole ballot. For this purpose, the official ballots shall provide spaces where the voters may write the name of the substitute candidates if they are voting for the latter: *Provided, however*, That if the substitute candidate is of the same family name, this provision shall not apply.

SEC. 14. Authority of the COMELEC to Promulgate Rules; Election Offenses. - The COMELEC shall promulgate and furnish all political parties and candidates and the mass media entities the rules and regulations for the implementation of this Act, consistent with the criteria established in Article IX-C, Section 4 of the Constitution and Section 86 of the Omnibus Election Code (BP Blg. 881).

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

Violation of this Act and the rules and regulations of the COMELEC issued to implement this Act shall be an election offense punishable under the first and second paragraphs of Section 264 of the Omnibus Election Code (BP Blg. 881).

SEC. 15. Repealing Clause. - Sections 67 and 85 of the Omnibus Election Code (BP Blg. 881) and Sections 10 and 11 of Republic Act No. 6646 are hereby repealed. As a consequence, the first proviso in the third paragraph of Section 11 of Republic Act No. 8436 is rendered ineffective. All laws, presidential decrees, executive orders, rules and regulations, or any part thereof inconsistent with the provisions of this Act are hereby repealed or modified or amended accordingly.

SEC. 16. Separability Clause. - If any provision or part hereof is held invalid or unconstitutional, the remainder of this Act not otherwise affected shall remain in full force and effect.

SEC. 17. Effectivity. - This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in at least two (2) newspapers of national circulation.

Approved,