

## RECORD OF THE SENATE

MONDAY, SEPTEMBER 25, 2000

### OPENING OF THE SESSION

At 3:40 p.m., the Senate President, Hon. Franklin M. Drilon, called the session to order.

**The President.** The 21st session of 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. Teresa Aquino-Oreta.

**Senator Tatad.** Mr. President.

**The President.** The Majority Leader is recognized.

**Senator Tatad.** I have been asked to read the prayer prepared by Sen. Teresa Aquino-Oreta.

**The President.** Sen. Francisco S. Tatad will deliver the prayer for Sen. Teresa Aquino-Oreta.

After the prayer, the Senate Choir will lead us in the singing of the national anthem.

*Everybody rose for the prayer.*

### PRAYER

**Senator Tatad.** This a prayer prepared by Sen. Teresa Aquino-Oreta.

Heavenly Father, we praise You and give You thanks for allowing us to come together once more for this gathering.

We ask for Your guidance as we enter into another session of the Philippine Senate.

Please grant us the wisdom to sort out through whatever difficulties ahead; successfully resolve issues and the knowledge to differentiate right from wrong and the courage to act on it.

We beseech You to show us the way to be effective servants to our people as You were to Your disciples.

Please give us the serenity to accept what we cannot change and the grace to listen to reason.

Above all, Heavenly Father, we pray for peace in our hearts, in our home, in our country and in the whole world.

Thank You. Thy will be done.

Amen.

### NATIONAL ANTHEM

*Everybody remained standing for the singing of the national anthem.*

### ROLL CALL

**The Acting Secretary** [Atty. Emma Lirio-Reyes], *reading:*

Senator Teresa Aquino-Oreta .....	*
Senator Robert Z. Barbers .....	Present
Senator Rodolfo G. Biazon .....	Absent**
Senator Renato L. Compañero Cayetano ...	Present
Senator Anna Dominique M.L. Coseteng ...	Present
Senator Miriam Defensor Santiago .....	Present
Senator Juan Ponce Enrile .....	*
Senator Juan M. Flavio .....	*
Senator Teofisto T. Guingona Jr. ....	Present
Senator Gregorio B. Honasan .....	Present
Senator Robert S. Jaworski .....	Present
Senator Loren B. Legarda-Leviste .....	Absent
Senator Ramon B. Magsaysay Jr. ....	Present
Senator Blas F. Ople .....	Present
Senator John Henry R. Osmeña .....	Present
Senator Sergio R. Osmeña III .....	Present
Senator Aquilino Q. Pimentel Jr. ....	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 17 senators present, the Chair declares the presence of a quorum.

### THE JOURNAL

**Senator Tatad.** Mr. President, I move that we dispense with the reading of the *Journal* of the previous session and consider it approved.

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

**Senator Tatad.** I move that we proceed to the Reference of Business.

\* On official mission  
\*\* On account of illness

speech on Senate Bill No. 2120. I now ask that the distinguished cosponsor, the Senate President Pro Tempore, be recognized.

**The President.** Sen. Blas Fajardo Ople is recognized.

**MANIFESTATION OF SENATOR OPLE  
(Adopting the Arguments of Senator Defensor Santiago  
with the Request to Incorporate His Written  
Cosponsorship Speech in the *Record*)**

**Senator Ople.** Mr. President, I rise to congratulate the distinguished lady senator from Iloilo and Region VI for her magnificent presentation. As cosponsor and principal author of the original bill that has been consolidated with the other bills in the Committee on Constitutional Amendments, Revision of Codes and Laws, I wish to manifest that I am adopting the constitutional and legal arguments just put forward by the principal sponsor without prejudice to my requesting that a brief written speech on my part as cosponsor be incorporated into the *Record* of the proceedings later on this week.

Thank you, Mr. President.

**The President.** The Secretariat is so instructed to insert into the *Record* the cosponsorship speech of Senator Ople once the Secretariat is in receipt of the same.

**Senator Tatad.** Mr. President, we thank Senator Ople for his remarks.

**SUSPENSION OF CONSIDERATION OF S. NO. 2120**

To allow for the completion of the sponsorship speeches and to enable our colleagues in the Chamber to prepare for the interpellations, I move that we suspend consideration of Senate Bill No. 2120.

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

**Senator Tatad.** Mr. President, we are informed by official communication that the House of Representatives has constituted its contingent to the Joint Congressional Oversight Committee for the Safeguard Measures Act.

**MOTION OF SENATOR TATAD  
(Constitution of Senate Contingent to the Joint  
Congressional Oversight Committee on S. No. 2033)**

Pursuant to Section 33 of Republic Act No. 8800, I move that we now constitute the Senate contingent to the same oversight committee. For this purpose, I hereby nominate, as designated under the law, the following:

In his capacity as chairman of the Committee on Trade and Commerce, Sen. Ramon B. Magsaysay Jr.; in his capacity as chairman of the Committee on Ways and Means, Sen. Juan Ponce Enrile; and in his capacity as chairman of the Committee on Agriculture, Sen. Sergio Osmeña III.

**The President.** The Senate contingent to the Joint Oversight Committee on the Safeguard Measures Act is so constituted.

**SUSPENSION OF SESSION**

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

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

*It was 4:45 p.m.*

**RESUMPTION OF SESSION**

*At 4:46 p.m., the session was resumed.*

**The President.** The session is resumed.

**BILL ON SECOND READING  
S. No. 1742—Fair Election Practices Act  
(Lifting the Political Ad Ban)  
(Continuation)**

**Senator Tatad.** Mr. President, I move that we resume consideration of Senate Bill No. 1742 as reported out under Committee Report No. 71.

**The President.** Is there any objection? *[Silence]* There being none, resumption of consideration of Senate Bill No. 1742 is now in order.

**Senator Tatad.** Mr. President, we are now in the period of individual amendments. I ask that the distinguished sponsor, Sen. Raul S. Roco, be recognized.

**The President.** Sen. Raul S. Roco is recognized for the period of individual amendments.

**Senator Tatad.** Mr. President, to refresh the memory of the Chamber, lengthy individual amendments have been proposed. These have been inserted in the *Record*, and the sponsor has been asked to condense or compress these longest proposed individual amendments.

**Senator Roco.** Mr. President, if we may.

**The President.** Senator Roco is recognized.

**Senator Roco.** May we refer our colleagues to the draft as of September 18, 2000, unless there is a current draft from the Secretariat. May I ask the Secretariat if it has issued a draft as of September 20?

**The President.** The Chair wishes to inform Senator Roco that there is no version...

**Senator Roco.** Only because...

**The President.** Only because the proposed amendments of Sen. Miriam Defensor Santiago, when submitted to the committee—if I recall correctly—the committee chair said that he will try to condense them.

**Senator Roco.** No, in the *Declaration of Principles*, that was already an accepted proposal so that should be reflected as well. I am just asking because, earlier, I think the Secretariat said it might have a draft. But if there is none, it is all right. We may continue.

**The President.** The Chair is in possession of a copy as of September 18, 2000.

**Senator Roco.** So we will proceed, Mr. President, on the September 18 draft. Again, for the record, we have already accepted a proposed amendment.

Mr. President, this amendment was already approved. But because there is no updated draft, we will mention it.

Section 2, subject to style, will now read: "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." Then add the phrase: TO GUARANTEE OR ENSURE EQUAL OPPORTUNITY FOR PUBLIC SERVICE INCLUDING ACCESS TO MEDIA. That is the phrase added by our friend from Iloilo. And then continue as is for the rest of the paragraph. That has been approved, Mr. President, so our colleagues may want to note that.

#### LEGARDA-LEVISTE AMENDMENT

In terms of Section 3 now, so that we take it in order... Our colleague, Senator Legarda-Leviste is not here. She has a proposed individual amendment in Section 3, line 12. After the words "registered political parties", insert the phrase NATIONAL, REGIONAL AND SECTORAL PARTIES OR COALITIONS. The committee, Mr. President, is accepting that in Section 3, and if we may have an approval.

**The President.** Is there any objection to the amendment proposed by Senator Legarda-Leviste as read and accepted by the sponsor?

**Senator Guingona.** Mr. President.

**The President.** Senator Guingona is recognized. What is the pleasure of the Minority Leader?

**Senator Guingona.** Just for some clarification, Mr. President.

**Senator Roco.** Yes.

**Senator Guingona.** "All registered political parties..."

**Senator Roco.** NATIONAL, REGIONAL AND SECTORAL PARTIES OR COALITIONS. That was the proposal of Senator Legarda-Leviste as an individual amendment. It really just amplifies on the term "political party." We could have said it was redundant. But to make it express, the committee thought that that can be accepted.

**Senator Guingona.** Thank you.

**The President.** Is there any objection? [Silence] There being none, the Legarda-Leviste amendment is approved.

**Senator Roco.** Thank you, Mr. President.

The new proposed Section 4 of Senator Defensor Santiago is a compressed version of a number of pages which she did submit as a working draft and this is insofar as identifying ads as having been paid for as a political advertisement. Having put together all the different sections, we did try to make it as brief as possible, Mr. President. We borrowed it from existing law or past law. If this is accepted by all, Section 4, as proposed earlier, without getting into a lengthy enumeration, will now read as follows:

Section 4. *REQUIREMENTS FOR PUBLISHED OR PRINTED AND BROADCAST ELECTION PROPAGANDA.* ANY NEWSPAPER, NEWSLETTER, NEWSWEEKLY, GAZETTE OR MAGAZINE ADVERTISING POSTERS, PAMPHLETS, CIRCULARS, HANDBILLS, BUMPER STICKERS, STREAMERS, SIMPLE LIST OF CANDIDATES OR ANY PUBLISHED OR PRINTED POLITICAL MATTER AND ANY BROADCAST OR ELECTION PROPAGANDA BY TELEVISION OR RADIO FOR OR AGAINST THE CANDIDATE OR GROUP OF CANDIDATES TO ANY PUBLIC OFFICE SHALL BEAR AND BE IDENTIFIED BY THE 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.

If that can be acceptable...

**Senator Guingona.** Mr. President, I am sorry, but we are having a difficult time following. May we just have that reduced into writing and distributed to us?

**Senator Roco.** Yes. All right. It will be distributed, Mr. President. It is very similar to old provisions, but we put in the qualifications in three or four pages here—that was the sense—as submitted. But we will give it.

**The President.** If the sponsor will agree, may we suggest that maybe, we can distribute the *Journal* of the session where the amendments of Sen. Miriam Defensor Santiago appear so that we can follow the proposed amendments also of the sponsor.

**Senator Roco.** Except this one, Mr. President, since it was an effort to compress three pages with...But we are just making it a generic mandate. Essentially, all we are saying is that all paid advertisements should carry the statement "paid political advertisement" plus the source and for whom it is made.

**The President.** In any case, there is a request from the Minority Leader to have copies of the proposed amendments distributed.

**Senator Roco.** We will ask the staff, Mr. President.

**The President.** Is that feasible?

#### SUSPENSION OF SESSION

**Senator Roco.** Yes, it is already written, Mr. President. It may be photocopied, if we may have one-minute suspension of the session.

**The President.** The session is suspended for one minute, if there is no objection. *[There was none.]*

*It was 5:03 p.m.*

#### RESUMPTION OF SESSION

*At 5:25 p.m., the session was resumed with the Honorable Senator Vicente C. Sotto III presiding.*

**The Presiding Officer [Sen. Sotto].** The session is resumed. Senator Roco has the floor.

**Senator Roco.** Mr. President, Section 4, as I have read, is now in the hands of our colleagues. May we ask the Secretariat to give us a copy of *Journal* No. 19.

This has reference to the proposed amendments identified as page 1, line 15, which were taken from Alabama, California, and MBS, as well as the one on unpaid material identification. So, we just put them altogether by way of accepting it and by way of simplifying it.

In the *Journal*, Mr. President, it is found on page 323 as a possible proposed Section 5.

So, I will wait for the pleasure of our colleagues, Mr. President.

**Senator Defensor Santiago.** Mr. President.

**The Presiding Officer [Sen. Sotto].** Sen. Miriam Defensor Santiago is recognized.

**Senator Defensor Santiago.** In our present proceedings, the distinguished sponsor has graciously accepted my amendment but with the caveat that he has amended it, basically just to shorten it because my proposed amendment was very long. Since we are in that stage of parliamentary procedure, I would like to manifest that I accept the amendment to my amendment.

**Senator Roco.** We thank the lady senator, Mr. President.

**The Presiding Officer [Sen. Sotto].** Therefore, may we read into the *Record* the...

**Senator Roco.** It is now distributed, Mr. President. So, if there are no further amendments...

**Senator Defensor Santiago.** Mr. President.

**The Presiding Officer [Sen. Sotto].** Senator Defensor Santiago is recognized.

**Senator Defensor Santiago.** Mr. President, may I just please enter this reservation in the *Record*. It will be very difficult for each one of us to visualize the bill as a whole since we are doing it this way. There are so many amendments. For example, mine are highly technical and, in addition, are numerous.

May I please reserve the right to propose further amendments after I have seen the next version of the bill from the distinguished sponsor? Just in case I may have missed something.

**The Presiding Officer** [Senator Sotto]. What does the sponsor say?

**Senator Roco.** Mr. President, while informally we can discuss this, I have noticed that because we have been relaxed precisely in terms of procedure—and I have been trying to stick as much as possible to standard procedure—the environment bill, for instance, is growing and growing, and if it has any similarity to the original, it will be an accident.

That is what I am avoiding, Mr. President. We are trying as much as possible to focus the bill. The original intention of the committee was to leave as many of the details as possible to the Comelec, but that, I think, prudence requires that in a number of areas, the Chamber should already make a definitive position, like in the expenses. That is why we got into this.

We can informally discuss it, Mr. President, because technically that requires a suspension of the *Rules*. If there are no further amendments to this and we approve it, to tamper with it is to really require a reconsideration.

But then, the way the Chamber has been operating has been fairly liberal, but it tends to lengthen the time of debate.

So, if there is a manifestation of a very strong desire to remodify, then we can look at it but not as a formal procedural matter. I mean, I do not know if I am coming across here.

**Senator Defensor Santiago.** Yes. I concur with this view. In light of this request, as much as possible, we should be satisfied with a particular section before we move on, so that we obviate reopening the same subject matter at some future time.

**Senator Roco.** Yes, Mr. President.

**Senator Defensor Santiago.** May I just say, qualifying my previous affirmation or conformity with the amendment to my amendment, that I would like, if possible, for the bill to specify that the words "political advertisement paid for" should be heard or read clearly by the target audience. What I am saying is that candidates who do not wish to abide by our policies embodied in our various sections might find ways to circumvent them. For example, Section 4 seeks merely to ensure that all kinds of political advertising in any form must bear the legend "political advertisement paid for."

Suppose the candidate wishes to circumvent this in a print advertisement by having the words "political advertisement paid for" in such small type compared to the rest of the body of the text of the advertisement that it cannot call attention to itself or would be neglected by the viewer or by the listener.

So may I please request a response from the sponsor on whether subject to style, we could ensure that this legend "political advertisement paid for" be properly visible or audible.

**Senator Roco.** What the lady senator from Iloilo suggests is really covered by the spirit of the proposed simplification. I think we can stretch this. The words "political advertisement paid for" must be legible so that these forewarn the people that whatever is contained there is part of a political advertisement.

**Senator Defensor Santiago.** In that sense therefore, would it be proper for Section 8, which states: "CANDIDATES TO ANY PUBLIC OFFICE SHALL BEAR AND BE IDENTIFIED" to carry this insertion, "...AND BE IDENTIFIED BY THE REASONABLY LEGIBLE AND AUDIBLE WORDS 'POLITICAL ADVERTISEMENT PAID FOR'".

So my amendment is in line 8.

**Senator Roco.** Line 9 of page 5.

**Senator Defensor Santiago.** All right, line 9 of page 5. That is correct.

...AND BE IDENTIFIED BY THE REASONABLY LEGIBLE OR AUDIBLE WORDS...

**Senator Roco.** That is fine with the committee, Mr. President.

**Senator Defensor Santiago.** I would like to thank the gentleman. Then in that case, I now conform to the amendment.

**Senator Roco.** Thank you, Mr. President.

**The Presiding Officer** [Sen. Sotto]. Let us listen to the Minority Leader before we act on this amendment.

**Senator Defensor Santiago.** Mr. President, is this still in order to propose amendments to this amendment?

**Senator Roco.** Yes, because we can go by twos, Mr. President, so long as it does not alter anymore the sense.

**The Presiding Officer** [Sen. Sotto]. The previous amendment.

**Senator Roco.** It must be generic and it must not alter the sense of the proposal.

**Senator Guingona.** Yes. Does the amended section include comic books?

**Senator Roco.** Everything, Mr. President, and if necessary, we can put there comic books. But I would imagine—yes, we will be open to a suggestion so that comic books are specifically mentioned.

**Senator Guingona.** Yes. And also the name and address of the donor or the person paying for the election propaganda.

**Senator Roco.** I have a little problem with that, Mr. President, because while that is in the existing law on the ban and on the rules and regulations of the Comelec, I think we must be honest with ourselves that that has been violated liberally. And rather than propose again another law that we will violate thereby ensuring that we will be criminal in character, I prefer to make it a livable rule like this.

So that it is “political advertisement paid for” for the candidate or for the party in question. But to ask in this land, Mr. President, for any of our friends to put their names there is too much. So they cover it with “friends of Guingona,” they cover it with so many. So we skirt the prohibition.

Since we are liberalizing, Mr. President, it is sufficient that the party or the candidate is identified for whom it is made. So that at least, we can have a recourse against that.

That is how we have thought about this, Mr. President.

**Senator Guingona.** I understand the reasons and I recognize the practicality of the same. However, the violation is not in the exercise of donation or helping a candidate, it is in the excesses where the violations may be found. And it is precisely to determine if the donations are excessive that this proposal is being made.

Anyway, it will only entail the name. If it is “Friends of Roco,” then “Friends of Roco.” But we can put an address.

**Senator Roco.** The address of the one that caused the publication—

**Senator Guingona.** Yes.

**Senator Roco.** —not the address of the candidate.

**Senator Guingona.** Together with the address of the candidate, that is already accepted.

**Senator Roco.** Again, Mr. President, my hesitance is not because I am against the proposal but I know for a fact that it will be violated and I do not want to criminalize again all election practices.

That fact is, Mr. President, supposing now—and this is what I have seen and we are not being candid with ourselves—they put there “Friends of Guingona.” They put an address. If we visit them, it is a wrong address. Or when we go to the office of candidate Guingona, he says, “I do not know them.” Because obviously they have exceeded or they may have violated the law. Then it becomes very tedious. In all likelihood, the candidate knows but he will never admit.

But the fact is that donors under Philippine politics are not eager to name themselves. Because if we lose and they supported us, there is a general feeling that they may be subjected to vindictiveness.

**Senator Guingona.** Is that true also of donors in American politics?

**Senator Roco.** We have seen it. Even in American politics, that is so but I do not know about the vindictiveness aspect. But they are very truthful because lying or getting caught with a false report becomes a more serious legal violation.

But here, Mr. President, we know this. And let us be honest, let us correct the law. We know for a fact that many friends support us but they would rather die than say that they gave us money. They campaign for us but they will never admit they gave us money. Because they have other friends. So their other friends will say, “Why did you not give to me?” And so you end up with fabricated report. And that is the one I am avoiding if we must liberalize this.

If we must liberalize this, let us be totally honest on what is a workable legal proposition. The reports of the candidates, Mr. President, if they falsify, let the Comelec or the opponents run after them. Let the interested parties prosecute because that is the law in any event on cases. The interested party must prosecute. If nobody is interested even if there is a violation of the law then he gets away scot-free.

It is my concern, Mr. President, as chairman that we should not again produce laws that we know will be ignored and we just create criminals among candidates.

**Senator Guingona.** If that is the strong position of the chairman, I do not want to promote criminals also. Thank you.

**Senator Roco.** I appreciate, Mr. President, the understanding given by the Minority Leader.

**The Presiding Officer [Senator Sotto].** So, shall we then act on Section 4 as amended? Is there any objection to the amendment as accepted by the sponsor? *[Silence]* There being none, the amendment is approved.

**Senator Roco.** Thank you, Mr. President.

Now, on election surveys, going back to page 2, September 18 version, 4.2 in line 6, there is again... Only because Senator Legarda-Leviste is not here, there is a...

**Senator Cayetano.** Mr. President.

**The Presiding Officer** [Sen. Sotto]. Senator Cayetano is recognized.

**Senator Cayetano.** With the permission of the sponsor, antecedent amendment.

**Senator Roco.** Of course, on the present Section 4, page 2, until we modify it, yes.

**Senator Cayetano.** On the present Section 4, beginning in line 3, Mr. President.

**Senator Roco.** All right.

#### CAYETANO AMENDMENT

**Senator Cayetano.** I propose to make the following amendment: Delete the phrase "an opinion". Then in line 4, insert the following phrase "VOTERS PREFERENCE OF CANDIDATES AND ON publicly discussed ISSUES." Then on the same line, delete the phrase "in the election".

**Senator Roco.** Would the gentleman read it now? If we were to accept the amendment, how would it read?

**Senator Cayetano.** Yes, this will now read, Mr. President, as follows. I am reading from page 2, line 3. This is on page 2, Section 4. "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 OF CANDIDATES AND ON publicly discussed ISSUES DURING THE CAMPAIGN PERIOD." That is the amendment.

**Senator Roco.** Let me get it—"including VOTERS' PREFERENCE FOR CANDIDATES OR publicly discussed ISSUES".

**Senator Cayetano.** "AND ON publicly discussed ISSUES".

**Senator Roco.** No. May I just ask the gentleman to consider the disjunctive.

**Senator Cayetano.** "OR". I will accept it.

**Senator Roco.** Because then it will only cover when it is an opinion or preference on a candidate and an issue.

**Senator Cayetano.** Yes.

**Senator Roco.** So I take it, subject to style, that it will include express preferences for candidates or issues discussed publicly in the election.

**Senator Cayetano.** During the campaign period.

**Senator Roco.** During the campaign period. Yes, the committee can see its way clear to accepting that proposed amendment, Mr. President.

**The Presiding Officer** [Sen. Sotto]. Is there any objection to the proposed amendment? [Silence] There being none, the amendment is approved.

**Senator Roco.** If there is no further amendment on that, Mr. President, we come to line 6. Again this is a suggestion. I am just carrying the suggestions of the individual proposals—suggestion of Sen. Legarda-Leviste—that after the word "person" in line 6, insert "NATURAL AS WELL AS JURIDICAL". Again, we may or may not put it in.

**Senator Cayetano.** Mr. President.

**The Presiding Officer** [Sen. Sotto]. Senator Cayetano is recognized.

**Senator Cayetano.** Again, with the permission of the sponsor. Mr. President, in line 6, before the proposed amendment of Senator Legarda-Leviste being read by the sponsor, it says here: "During the election period".

Mr. President, I am in favor of election surveys. But should election surveys not be limited during the campaign period instead of the election period because the election period is much longer?

**Senator Roco.** This is a conscious choice of election period because that is when they start preparing the minds of the voters. So in any survey—and this was the tenor I think of the bill of Senator Tatad and Senator Defensor Santiago—during the election period, one must identify who paid it and how it was conducted. There are other additions, in fact, proposed in the text of the Defensor Santiago amendments.

**Senator Cayetano.** But, Mr. President, is it not a fact that during the election period, we do not know yet who are the candidates. Therefore, any contribution, for instance, or any

effort to publicize a person as a candidate will be violative of the Omnibus Election Code. Because the only time a person can claim that he is a candidate and therefore donations may accrue to him is only during the campaign period when, in fact, he has become a candidate by filing his certificate of candidacy. So this is my problem here.

**Senator Roco.** Yes. May we call the attention of our friend to the phrase of 4.2: "During the election period"—and that means as of November, because it is 120 days, if I remember right—"any person,"—we are not referring to candidates because there might be no candidate—"candidate or organization who publishes a survey must likewise publish the following." So, it is regardless of whoever publishes a survey, it must contain the following information.

It is conceivable that even now, Mr. President, long before the elections, somebody may be foolish enough to file his certificate of candidacy because there is no need legally to file one's certificate only on the last day, although everybody does that. But somebody may be foolish enough to file in November. I am sure the Comelec will accept it. So, he is then bound.

But the more operative provision is that any person or organization who publishes a survey must reveal the following...

**Senator Cayetano.** So, it is in that light therefore that the period used here is the election period and not the campaign period.

**Senator Roco.** Yes, Mr. President.

**Senator Cayetano.** In light of that explanation by the principal sponsor that there might be a foolish individual or a political organization who may file his or their candidacy, I will not contest that. There are indeed many foolish persons, Mr. President.

**Senator Roco.** In any event, the sense of the prohibition is that anybody who publishes a survey must reveal the following things. That is the sense, Mr. President.

**The Presiding Officer [Sen. Sotto].** With that, we can move on to the proposed amendments of the principal sponsor.

#### LEGARDA-LEVISTE AMENDMENT

**Senator Roco.** No, Mr. President. The individual proposed amendment of Senator Legarda-Leviste just adds the phrase NATURAL AS WELL AS JURIDICAL after the words "of any person."

**The Presiding Officer [Sen. Sotto].** "Any person, NATURAL AS WELL AS JURIDICAL..."

**Senator Roco.** Yes, Mr. President. The committee can accept that.

**The Presiding Officer [Sen. Sotto].** ...candidate or organization..."

**Senator Roco.** Et cetera. The rest remain the same.

**The Presiding Officer [Sen. Sotto].** Is there any objection? *[Silence]* There being none, the amendment is approved.

#### DEFENSOR SANTIAGO AMENDMENTS

**Senator Roco.** But under line 12 now, Mr. President—this is Defensor Santiago amendment—there is a proposed addition. Before the words "methodology used", it will add the phrase THE PERIOD DURING WHICH THE SURVEY WAS CONDUCTED, the methodology used, et cetera. The committee will be happy to accept that additional phrase.

**The Presiding Officer [Sen. Sotto].** As presented to the Body, is there any objection? *[Silence]* There being none, the amendment is approved.

**Senator Roco.** Another Defensor Santiago amendment, Mr. President, a new subsection (d) between lines 14 and 15 will say: (D) THE MARGIN OF ERROR OF THE SURVEY.

And a new additional subsection (E) FOR EACH QUESTION FOR WHICH THE MARGINAL ERROR IS GREATER THAN THAT REPORTED UNDER PARAGRAPH (D), THE MARGIN OF ERROR FOR THAT QUESTION.

A new subparagraph (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 4.3.

The present subsection (d) therefore becomes subsection (G).

Those are the proposed additional information that are sought to be introduced and the committee will be happy to accept them.

**The Presiding Officer [Sen. Sotto].** Is there any objection? *[Silence]* There being none, the amendment is approved.



Senator Roco. Thank you, Mr. President.

In which case, we now come to 4.3. This is a new 4.3, Mr. President.

The Presiding Officer [Sen. Sotto]. Is the principal sponsor proposing a new 4.3?

Senator Roco. No, line 16, Mr. President. We will just put a number just to be consistent.

The Presiding Officer [Sen. Sotto]. After line 15...

Senator Roco. Line 16, the new paragraph will now be numbered 4.3 and everything remains the same until we come to line 18 "or a bona fide candidate". Then add the following phrase—I think this is a Legarda-Leviste amendment—ANY COMELEC ACCREDITED CITIZENS ARM OR ANY REGISTERED VOTER. Mr. President, we can only accept ANY COMELEC ACCREDITED CITIZENS ARM. ANY REGISTERED VOTER may be too cumbersome. So with that amendment to the proposed individual amendment of Senator Legarda-Leviste, the committee will be happy to accept.

The Presiding Officer [Sen. Sotto]. The Chair would like to get it straight. The gentleman is talking of No. 16.

Senator Roco. Line 16.

The Presiding Officer [Sen. Sotto]. The gentleman is proposing that line 16 will now be called 4.3.

Senator Roco. 4.3. And it remains the same...

The Presiding Officer [Sen. Sotto]. All right. "The survey together with..." remains the same until "or a bona fide candidate..."

Senator Roco. Yes. Comma (,)—

The Presiding Officer [Sen. Sotto]. And?

#### ROCO-LEGARDA-LEVISTE AMENDMENT

Senator Roco. ANY COMELEC ACCREDITED CITIZENS ARM. Although the full individual amendment included OR ANY REGISTERED VOTER, that may be very tedious, Mr. President.

The Presiding Officer [Sen. Sotto]. And that is not accepted by the committee.

Senator Roco. Yes. So with the consent of the Chamber—

unfortunately, the author is not here—we will just accept the phrase ANY COMELEC ACCREDITED CITIZENS ARM.

The Presiding Officer [Sen. Sotto]. Up to that portion?

Senator Roco. Yes.

The Presiding Officer [Sen. Sotto]. Is there any objection? [Silence] There being none, the amendment is approved.

Senator Roco. And here, Mr. President—

The Presiding Officer [Sen. Sotto]. What happens now to "reasonable fees sufficient to cover the cost"?

Senator Roco. That remains. There is no amendment there, Mr. President.

The Presiding Officer [Sen. Sotto]. That becomes part of 4.3?

Senator Roco. Yes, Mr. President.

In line 20 now, Mr. President, we wish to number that as 4.4.

The Presiding Officer [Sen. Sotto]. Line 20 is proposed to be renumbered as 4.4.

Senator Roco. "In no case shall surveys be published thirty (30) days before an election. Neither shall exit polls..."

There are individual amendments proposed on this, Mr. President, and we can now open to the Chamber those who may have reservations about this. Our committee, because it will be subject to debate, would prefer to hear the individual amendments now from our colleagues.

The Presiding Officer [Sen. Sotto]. We are now talking about a proposed 4.4 in line 20.

Senator Roco. Line 20, page 2.

Senator Cayetano. Mr. President.

The Presiding Officer [Sen. Sotto]. Senator Cayetano is recognized.

Senator Cayetano. Thank you, Mr. President.

Now that the principal sponsor has opened this particular 4.4 for possible individual amendments, Mr. President, may I know why we should not allow survey within thirty (30) days of the election? I am talking about the period.

**Senator Roco.** Yes. The reason for this which we tried to explain is there is a bandwagon effect and that can be injurious to candidates. But we are not married totally, or our conviction in this regard is not put in cement or in granite. So we want to listen to the Chamber.

Within the last thirty (30) days, Mr. President, we have seen surveys announcing, especially in the senatorial, or in the local—maybe we can distinguish between the local and the national—that one has already won. So those who are in the top six in the senatorial surveys are assured comfort level wins. But we had seen some surveys that were absolutely wrong.

**Senator Cayetano.** Mr. President, the point here is that as we know very well, there are two different campaign periods for national and local elective officials. For the national, we have 90 days...

So, my concern here is to delineate probably the period that no surveys may be published in case of national elections. Again, I have no particular preference here. Also delineate a particular period for local elections where, as I said, the campaign period is merely for 45 days.

I leave that to the good sponsor to express the number of days if he believes that there is really a need to distinguish between the local and the national elections.

#### SUSPENSION OF SESSION

**The Presiding Officer [Sen. Sotto].** With the permission of the gentlemen, the Chair suspends the session, if there is no objection. *[There was none.]*

*It was 5:55 p.m.*

#### RESUMPTION OF SESSION

*At 6:00 p.m., the session was resumed.*

**The Presiding Officer [Sen. Sotto].** The session is resumed. Senator Roco is recognized.

#### TATAD-CAYETANO-ROCO AMENDMENTS

**Senator Roco.** Mr. President, in view of the discussion, may we ask if the gentleman will accept a modification so that line 20 shall read: "In no case shall surveys be published thirty (30) days before A NATIONAL ELECTION OR TWELVE (12) DAYS BEFORE THE LOCAL..."

**The Presiding Officer [Sen. Sotto].** AND TWELVE (12) DAYS.

**Senator Roco.** Yes, AND TWELVE (12) DAYS BEFORE A LOCAL ELECTION.

**Senator Cayetano.** As I said, Mr. President, my only concern here is to distinguish between national and local elections. The number of days, as the principal sponsor said, is really a matter of personal view, and I will accept that proposition.

**Senator Roco.** Thank you, Mr. President.

**The Presiding Officer [Sen. Sotto].** As agreed, is there any objection to Section 4.4?

**Senator Tatad.** How will it read?

**Senator Roco.** "In no case shall surveys be published thirty (30) days before A NATIONAL ELECTION OR TWELVE (12) DAYS BEFORE A LOCAL ELECTION."

**Senator Cayetano.** Thank you, Mr. President.

**The Presiding Officer [Sen. Sotto].** The Majority Leader is recognized.

**Senator Tatad.** Mr. President, I believe we should specify—"SURVEYS AFFECTING NATIONAL CANDIDATES be published thirty (30) days before ELECTION AND SURVEYS AFFECTING LOCAL CANDIDATES..."

**Senator Cayetano.** I accept the amendment, Mr. President.

**Senator Roco.** The committee accepts the proposed amendment.

**The Presiding Officer [Sen. Sotto].** Is there any objection? *[Silence]* There being none, the amendment is approved.

**Senator Roco.** The next sentence in line 20 says: "Neither shall exit polls taken on election day or immediately thereafter be allowed."

Now, some of our colleagues, Mr. President—I think it is Senator Flavio—would want to delete this sentence. But maybe we should just... I am sorry, Senator Defensor Santiago is no longer here. There is no need because among the proposals of Senator Defensor Santiago is the following: ONLY EXIT POLLS WHICH COMPLY WITH THE FOLLOWING REQUIREMENTS SHALL BE ALLOWED. And then it says:

(A) ONLY PROFESSIONAL GROUPS SHALL CONDUCT THE SURVEY;

(B) POLLSTERS SHALL NOT CONDUCT SURVEYS WITHIN FIFTY (50) METERS FROM THE POLLING PLACE;

(C) POLLSTERS SHALL WEAR DISTINCTIVE CLOTHING THAT WOULD SHOW THAT THEY ARE NOT ELECTION OFFICIALS;

(D) POLLSTERS SHALL INFORM THE VOTERS THAT THEY MAY REFUSE TO BE INTERVIEWED AND THAT THE INTERVIEW IS NOT PART OF THE OFFICIAL BALLOTING PROCESS.

The committee, Mr. President, is amenable to restricting the prohibition on election day. But if ever there are polls, these qualifications must be imposed. I think the results of the exit polls may be discussed the day after, not on election day because it constitutes illegal campaigning.

On election day, one is not supposed to campaign anymore for his candidates. But by the expedient of poll surveys, one is able to endorse his candidates by just asking anyone: "Who did you vote for senator or whatever?" And then they say, "Atienza for Manila." So he is effectively campaigning on election day.

Publishing exit polls cannot be done on election day. The day after, the results can be given out but these can be given out only subject to these conditions: That when exit polls are conducted, the pollsters are in uniform; that they are outside the 50-meter range from the polling place; that they wear a distinctive clothing; that they inform the voters that, "You do not have to answer and we are not election officials."

These restrictions, Mr. President, were taken by Senator Defensor Santiago from the case decided by the Supreme Court. We can adopt them because the Supreme Court said that exit polls could, in fact, be subjected to those limitations.

Senator Cayetano. Mr. President.

The Presiding Officer [Sen. Sotto]. Senator Cayetano is recognized.

Senator Cayetano. Just a matter of clarification.

Do I understand the principal sponsor, Mr. President, that exit polls may be taken during election day, but these may not be published one day after the election day?

Senator Roco. Yes, that is the sense.

Senator Cayetano. That is the sense.

The Presiding Officer [Sen. Sotto]. Published or broadcast.

Senator Roco. Or broadcast. So exit polls can be taken under the conditions, as enumerated, and the results cannot be given out until the day after. It cannot be given out in any event on election day.

Senator Cayetano. Just to repeat, Mr. President, to make sure that we understand this on the record.

Exit polls may be taken during the election day, subject to that guideline.

Senator Roco. But cannot be broadcast, cannot be published, cannot be announced on radio or television until the day after.

Senator Cayetano. I just want to make that very clear. Also, may I suggest, Mr. President, just a matter of style, instead of putting it in the negative, we can probably say, "Exit polls may be taken during election day, subject to the following conditions but shall not be published, et cetera."

Senator Roco. Yes, Mr. President. In fact, the wordings will be: "Exit polls may only be taken subject to the following requirements: (a) it is taken only by professional groups; (b) pollsters shall not conduct surveys within 50 meters from the polling place; (c) pollsters shall wear distinctive clothing showing, "I am a pollster;" If they have no distinctive clothing, as long as it is painted on it; (d) pollsters shall inform voters that they may refuse to be interviewed."

Then the results of exit polls may not be published in any event on election day.

Senator Cayetano. But one day after the election.

Senator Roco. Yes.

Senator Cayetano. Mr. President, I do agree with that. In the case of ABS-CBN, the Supreme Court, in fact, affirmed or upheld exit polls subject to certain conditions that Congress may impose. So, we cannot really ban it completely, but we can regulate it. I think this is part of the regulation that we are now talking about.

Thank you, Mr. President.

Senator Roco. Yes, Mr. President.

Senator Guingona. Mr. President.

**The Presiding Officer [Sen. Sotto].** The Minority Leader is recognized.

**Senator Guingona.** The results of exit polls to be published the day after election day do not seem to take into account the fact that exit polls are in the minds of many people, especially in the provinces. It is already commensurate to the official tally, and it discourages the watchers while the counting and the canvassing are still going on. It creates the impression of candidates or parties already winning.

I was wondering whether the distinguished sponsor would agree to some sort of statement clearly indicating that the results of exit polls to be published are just partial and do not reflect the national election results.

In other words, it is to forewarn the nation that the results of exit polls are not yet a done thing. This is just to prevent the canvassers from changing the election results and to encourage the watchers to continue with vigilance their duties.

**Senator Roco.** Will the Minority Leader accept another requirement so that the exit polls shall also mention the places where they were taken, and the total number of respondents for the exit polls together with an announcement that this is not supposed to be reflective of the national sentiment?

**Senator Guingona.** Yes, Mr. President. If we were computerized, I would not mind this.

**Senator Roco.** But will an addition like that satisfy the concern of the gentleman?

**Senator Guingona.** The proposal is one day immediately after the election. As we know, the counting in the provinces and even in the cities usually takes two weeks.

**Senator Roco.** Mr. President, we find no harm in talking about it especially with those caveats because everybody is forewarned. The evil that an exit poll can create is when one asks somebody at 9:30 in Sampaloc, "Who did you vote for?" and that somebody mentions it—and I am still voting in Naga—and one hears "so and so." So it is really a plug in violation of the election law. But a day after, with all those caveats, maybe will be all right.

**Senator Guingona.** Mr. President, would it not be better if the exit polls were taken in the individual homes already after the voting?

**Senator Roco.** So instead of 50 meters from the precinct, we go to the houses. But how do we know that they have voted?

**Senator Guingona.** Well, how do we know that they are also coming from the... It is a question of faith by asking them, "Did you vote?" "Yes."

**Senator Roco.** Again, Mr. President, we have no violent objection to this except that it might just become more tedious. The basic question is: Shall we allow it? Right now, the committee report says "No, it will not be allowed." But the committee understands that there are those who are asking that this be modified. So since it is not engraved in stone, we are trying to yield with qualifications.

**Senator Cayetano.** Mr. President.

**The Presiding Officer [Sen. Sotto].** With the permission of the two gentlemen on the floor, Senator Cayetano is recognized.

**Senator Cayetano.** With the permission of my colleague, the Minority Leader, and the principal sponsor.

**Senator Roco.** Of course.

**Senator Cayetano.** First of all, Mr. President, I think the reason it is known as "exit poll" is that it is supposed to get the opinion of those who went to the polls. Therefore it is now called "exit polls."

Second—although it is not directly but indirectly related to this problem—if we are going to ban the publication of exit polls one day after the elections, what happens to the Comelec-designated citizens' arm that publishes the returns based supposedly on telegrams, on information received by pagers and probably by texting? Are we also going to prevent the citizens' arm of the Comelec just like what we are doing to prevent exit polls from not being published 24 hours after the elections?

I think this is an important question, because if we are going to ban the publication of the result of the exit polls within 24 hours after the elections, then we may have a situation like that of the NAMFREL publishing and broadcasting over radio and television election results coming from the different provinces, towns and cities. I wonder how we can resolve this.

**Senator Roco.** What is sought to be resolved, Mr. President?

**Senator Cayetano.** As I said, Mr. President, this is not directly related to exit polls. But so far, we agreed, subject to the Minority Leader's proposal.

**Senator Roco.** Yes. No exit poll results during election day.

**Senator Cayetano.** Yes, Mr. President. But on the other hand, we know for a fact that a citizens' arm which is normally the NAMFREL, publicizes the election results right after the close of the polls. As I said, the citizens' arm receives this information through telegrams, pagers, and now probably even by texting through the different telephone and cellphone companies.

Would it not defeat what we are trying to achieve here by not publicizing the exit polls?

**Senator Roco.** The "exit polls" refer to a very peculiar practice when one leaves the precinct and is being asked. So there are conditions now sought to be imposed based on the Supreme Court ruling.

The activity of the accredited civic organization is another matter. That is not an exit poll; it is based on election results informally already advanced to the citizens' arm as may be accredited. So they are two different things.

**Senator Cayetano.** But is it not a fact, Mr. President, that we are trying to resolve the same evil that may be created?

**Senator Roco.** No, Mr. President. Let us concentrate first on the exit polls and then we can mix it up later on with the accredited civic arms.

But as far as the "exit polls" are concerned, right now, the question on the table is: The committee has suggested no exit polls. But since some of our colleagues are saying that exit polls may be allowed, then we pick up the conditions under the case which were recommended by Senator Defensor Santiago.

So we are amenable to have another condition to satisfy the concerns of the Minority Leader, which is, that exit polls should mention how many respondents there are and the areas where they were taken with the clear caveat that they do not represent necessarily a trend in the national count or in the law for that matter.

**Senator Cayetano.** With that explanation, I will defer my questions, Mr. President.

**The Presiding Officer** [Sen. Sotto]. Again, with the permission of the two gentlemen, Senator Sergio R. Osmeña III is asking for the floor.

Sen. Sergio R. Osmeña III is recognized.

**Senator Osmeña III.** Thank you, Mr. President. I was listening to the interpellations upstairs. May I just contribute some information that might help?

The exit polls, as explained to me by Mr. Mahar Mangahas, that were conducted in 1998 were done after the voting had closed at three o'clock in the afternoon and in the homes, not upon the exit of the voters from the precincts.

If these were done after three o'clock in the afternoon, I guess the pollster should go to the homes. But this will probably lay to rest the concern that the exit pollings were done, like in the United States, when the voters were leaving the precincts.

Now, of course, there is no objection to publishing the polls after 24 hours. But in the United States, this became a controversy because of the time zones. In the East Coast, for example, exit polls were published in New York—these are really exit polls—voters who have just left the precincts in New York, while on the West Coast, when people found out that their candidate for president was losing, many of them did not bother to go to the voting stations anymore. This is why they banned the announcement of exit polls in the United States during voting hours in all the time zones all the way up to Alaska.

But in the Philippines, we do not seem to have that problem. Although I think that based on the exit polls that were conducted in the past, there was no problem because the ones doing those polls tend to do these after the close of voting at three o'clock.

Thank you, Mr. President.

**Senator Roco.** Thank you, Mr. President.

#### ROCO-GUINGONA-DEFENSOR SANTIAGO AMENDMENT

So the observation even supports now the present state of the recommended amendment that can be accepted by the committee. If this is acceptable now to the Minority Leader, then the committee will accept the proposed amendment so that the absolute prohibition will then be altered. The wordings shall state:

#### EXIT POLLS MAY BE CONDUCTED SUBJECT TO THE FOLLOWING RULES:

1. ONLY PROFESSIONAL GROUPS SHALL CONDUCT THE SURVEY;
2. POLLSTERS SHALL CONDUCT THEIR SURVEYS NOT WITHIN 50 METERS, WHETHER THEY TAKE IT IN THE HOMES OR WHEREVER IS UP TO THEM—MAYBE RESTAURANTS;
3. POLLSTERS SHALL WEAR DISTINCTIVE CLOTHING;

4. POLLSTERS SHALL INFORM THE VOTERS THAT THEY DO NOT HAVE TO ANSWER; AND

5. THE RESULT OF THE EXIT POLLS, WHEN ANNOUNCED THE DAY AFTER ELECTION DAY, MUST CLEARLY IDENTIFY THE TOTAL NUMBER OF RESPONDENTS AND THE PLACES WHERE THEY WERE TAKEN TOGETHER WITH THE CAVEAT THAT THEY DO NOT REPRESENT A TREND.

Senator Guingona. That the same is unofficial.

Senator Roco. That the same is unofficial, or words to that effect. So, with that, the committee is willing to reverse from an absolute prohibition to allowing, subject to conditions based on the Supreme Court ruling. So we accept the amendment, Mr. President.

The Presiding Officer [Sen. Sotto]. Subject to style, as manifested?

Senator Roco. Yes, Mr. President, subject to style.

The Presiding Officer [Sen. Sotto]. May the Chair be enlightened on the date? Does the sponsor agree to accept one day after?

Senator Roco. Yes, Mr. President. Exit polls can be conducted at any time, but exit poll results cannot be announced on election day.

The Presiding Officer [Sen. Sotto]. As accepted and presented, with the consent of the Chamber, is there any objection? [Silence] There being none, the amendment is approved.

#### ROCO AMENDMENTS

Senator Roco. Thank you, Mr. President. Now, the present Section 5, *Equal Access to Media Space and Time*, if we may just ask for minor editorial modification. If we can call it MEDIA TIME AND SPACE, because normally we say "time and space," instead of "space and time." But it is all the same to me, Mr. President. If we can just be consistent and refer to MEDIA TIME AND SPACE, both in the title and in the text. There is no substantive amendment there, if that is acceptable.

The Presiding Officer [Sen. Sotto]. Is there any objection? [Silence] There being none, the amendment is approved.

Senator Roco. On page 2, it says, "a total of one (1) minute." So it is already here, in lines 28 and 29: "The total airtime available for each registered party and bona fide candidate

whether by purchase or donation, shall not exceed a total of one (1) minute per day per television or radio station during the campaign period. The utilization of the airtime shall be determined by the party or candidate."

During the informal discussions, I think the Minority Leader and our other colleagues had amendments to this, Mr. President.

Senator Guingona. Yes, Mr. President.

The Presiding Officer [Sen. Sotto]. The Minority Leader is recognized.

#### GUINGONA AMENDMENT

Senator Guingona. Mr. President, the phrase "one (1) minute per day" is modified by the phrase "per television or radio station." If there are 10 television stations, this will amount to 10 minutes a day. If there are 20 television stations, this will amount to 20 minutes a day.

Senator Roco. The intention, Mr. President, is by network. And, to be very specific, ABS-CBN, the whole network, shall be entitled to one minute per day. GMA shall be entitled to one minute per day. IBC shall be entitled to one minute per day, et cetera. So, if there are additional words that can be suggested to comprehend that particular limitation, then we will so accept.

Senator Guingona. Yes. So, the network will include, of course, radio stations?

Senator Roco. Yes, Mr. President, that will apply to television and radio stations. But subsequent to this, we are waiting for the modifications on *Rates for Political Propaganda* where there will be an effort to distinguish TV from radio and from print.

Senator Guingona. Are we in Section 7?

The Presiding Officer [Sen. Sotto]. We are still in Section 5.

Senator Guingona. We would like to propose an amendment that the phrase "one (1) minute per day" be modified by "per television AND radio station NETWORK," Mr. President.

Senator Roco. I am sorry, there is a minor caucus here. May I have that again, please?

The Presiding Officer [Sen. Sotto]. The proposal affects Section 5, pages 2 and 3, which says "a total of one (1) minute per day per television or radio station NETWORK"—

**Senator Guingona.** AND, not "or", Mr. President—television AND radio station NETWORK.

**The Presiding Officer** [Sen. Sotto]. —"during the campaign period."

**Senator Roco.** May we just clarify that? In the case of ABS-CBN, we have the TV network and the radio network. Does that mean one minute for both? As I understand it, Mr. President, it is one minute for the TV network and one minute for the radio network.

**Senator Guingona.** Well, sometimes they simulcast these ads.

**Senator Roco.** Yes, Mr. President.

**Senator Guingona.** So it should be the network itself.

**Senator Roco.** But there may be an unfairness, Mr. President. And I have no problem with the... Bombo Radyo has no TV. But the network, the radio station is entitled to one minute per day. The whole network. Then DZMM should have the same opportunity, or DZRH should have the same opportunity, or DZXL. So it should be the network itself. It is by station. When we use the network, we refer to the whole Radio Mindanao Network (RMN).

**Senator Guingona.** Yes.

**Senator Roco.** But we must not, on the other hand—subject, of course, to the consent of this Chamber—penalize the companies which may have both TV and radio.

**Senator Guingona.** I do not think we are penalizing, Mr. President. Because of their reach and because of the natural advantage that they have, the patronage of the candidates to these networks will more than compensate. It is the small stations that we should be concerned with. So that one network for both TV and radio, I think, would be reasonable.

**Senator Roco.** Maybe we should ask Sen. Sergio Osmeña III here, who may have affinities with ABS-CBN, to explain.

**The Presiding Officer** [Sen. Sotto]. Sen. Sergio R. Osmeña III is recognized.

**Senator Osmeña III.** This is not on behalf of the ABS-CBN. This is on behalf of the candidates. For example, Mr. President, I feel that we should distinguish between national ads and local ads. And it might be part of the same network, because some networks have local stations. But if I wanted to save money, for example, and did not want to have my ads shown all over the

country but only in Baguio, in Tuguegarao, in their local stations, does the gentleman mean to say that if I put one minute in Tuguegarao, that eliminates me from putting up any other spots in the entire country? Maybe we should distinguish between what is national and what is local.

Now, if we limit it to local, then one minute per area—we might define it as broadcast service area—would be more acceptable. Because I had already one minute in Baguio, that uses up my one minute nationwide. I may save money in Baguio but I am now precluded from showing spots, maybe, in Bicol or in Negros. *Hindi naman po tama iyon.*

I think the assumption of the distinguished Minority Leader is that when we go on television it is always nationwide. But networks have local affiliates.

**Senator Guingona.** Yes. We can make that distinction as far as local candidates are concerned.

**Senator Osmeña III.** No. I am talking about national candidates—

**Senator Guingona.** That is why...

**Senator Osmeña III.** —who might want to advertise locally.

**Senator Guingona.** We would like to have these per television and radio station network for national candidates. Because, as the distinguished gentleman said, as far as local candidates are concerned, they can avail themselves of the local radio.

**Senator Osmeña III.** The problem, Mr. President, is not the local candidates. The problem is for national candidates. For example, Lakas candidate Sen. Juan M. Flaviera, a distinguished colleague from the Cordilleras, may not want to advertise nationally on any of the nationwide programs of ABS-CBN because he is already leading comfortably in Luzon. Perhaps he might want to focus his advertising spots in Masbate, Bacolod, Iloilo, Cebu and Tagbilaran. If we give him only one minute a day and count the network as one minute, the poor fellow will be spending probably one one-hundredth of what he will spend on a national spot. But he would have used up his entire quota just in one little city.

**Senator Guingona.** But the reach of the national network is—

**Senator Osmeña III.** *Wala po iyan.* It is a local ad, Mr. President.

**Senator Guingona.** —very different from the reach of a local radio station.

Senator Cayetano. Mr. President.

The Presiding Officer [Sen. Sotto]. The Chair thinks we are not agreeable on certain points at this time.

Senator Cayetano. Mr. President, with the permission of the gentlemen on the floor.

#### POINT OF ORDER

Senator Roco. Just a point of order, Mr. President.

May we just ask the Minority Leader to phrase his proposed amendment and then we can take that up. Because it is very difficult to phrase on such a detailed matter now.

So, we will ask our colleagues if we can take it up tomorrow on the specific phraseology for such limitation, Mr. President.

Senator Cayetano. Mr. President, with the permission of the sponsor and the Minority Leader.

The Presiding Officer [Sen. Sotto]. Senator Cayetano is recognized.

Senator Cayetano. Just for information, Mr. President.

Although a network may have radio and TV at the same time, not all programs are simultaneously broadcast on radio and television. As far as I know, in ABS-CBN, I think only one or two programs are broadcast on television and radio simultaneously. But definitely in GMA 7, which has a radio and television network, no program is broadcast simultaneously.

I think the point of the Minority Leader here is more on unawareness of what really occurs in a situation where we have both the radio and television network in one company. Because, as I said, first, as far as I know, for instance, only *TV Patrol* is broadcast simultaneously on radio and TV. The rest of the programs in ABS-CBN is broadcast separately.

Second, in GMA 7, I know for a fact that it does not happen. Just for the information, Mr. President.

Senator Roco. That is the type of detailed discussions that the committee is trying to avoid because it can be eternal.

#### SUSPENSION OF SESSION

The Presiding Officer [Sen. Sotto]. At this point, with the permission of the Chamber, the session is suspended, if there is no objection. *[There was none.]*

*It was 6:32 p.m.*

#### RESUMPTION OF SESSION

*At 6:50 p.m., the session was resumed.*

The Presiding Officer [Sen. Sotto]. The session is resumed.

The sponsor and the Minority Leader are still on the floor.

Senator Guingona. Mr. President, as suggested, we are going to sleep over this and try to make a concrete proposal tomorrow.

Senator Roco. Yes, for tomorrow. But in the meantime, so that we shall have a clean copy up to the extent that we can accommodate, some of our colleagues mentioned that they wanted to change this print advertisement on page 2, line 25, from one-eighth to one-fourth twice a week for broadsheets and half a page for tabloids and other publications during the campaign period. But I have not heard anybody neither has anybody submitted that, Mr. President.

If somebody is willing to propose that, the committee is amenable to accepting it. If not, the committee can suggest that it be done.

Senator J. Osmeña. Mr. President.

The Presiding Officer [Sen. Sotto]. Sen. John H. Osmeña is recognized.

#### J. OSMEÑA AMENDMENT

Senator J. Osmeña. I will make that proposal. In fact, I will amplify. It should be **THRICE A WEEK** and not twice and **HALF A PAGE AND CUMULATIVE**. So, we can, in effect, on the last day of the elections buy the whole *Bulletin*. I am serious, Mr. President, because I think we should be allowed.

Senator Roco. Again, let us just discuss concepts for now, Mr. President.

I think the Chamber should be conscious of three layers of rules: TV is one, and that is the area where the Minority Leader will suggest. Radio is another, and somebody is liable to suggest something on radio. Otherwise, the general rule we propose will be followed. And then, print.

In the case of print, cumulative may be difficult because it is unrealistic, while I do not object. In the case of print, if one



is entitled to two or three times a week, the week uses up his own budget. Because if we compute, assuming just 24 senatorial candidates per newspaper, per broadsheet, the idea is to rotate so that every candidate can have a page 2 exposure at least once a week. But we leave that now to the Comelec. So, we rotate the exposure. But if it is not taken up by the other candidates, then he is stuck with his one-fourth.

**Senator J. Osmeña.** If the principal sponsor does not find the cumulative proposal workable, at least, it should be every other day. Because if it is twice a week, there is a gap. The whole science of advertising is to deliver a message and reinforce the message. If one delivers a message and he is quiet for a long time, he loses the message.

**Senator Roco.** The reason, Mr. President—and I have to be candid to our colleagues—the committee is taking this position is, during the conference committee, the congressmen in the House have a broader time frame because they were thinking that it was going to be national only. But because we are expanding to local, we need a little flexibility during the bargaining. That is why I say one minute but I anticipate that during the conference committee, their five minutes will be dragged down to two, maybe 2 1/2. But that is easy for a congressional candidate but it is tough on the senatorial. The same thing for national as against the local because there are many local papers that have very limited circulation. So, one chooses from the local newspapers. It is rare. The *Sunstar* and *Freeman*. The Cebu papers are rare. They have wider circulation than some of the national.

**Senator J. Osmeña.** In the *Sunstar*, it is P36,000 per page. In the *Inquirer*, I think it is P99,000 per page. So, if we get a quarter of a page in the *Inquirer*, that is about P24,000. If one gets half a page in the *Sunstar*, it is about P18,000. But the *Inquirer* has a circulation of about 300,000, and the *Sunstar* has about 25,000. So *mas mahal ang lokal*.

**Senator Roco.** That is correct. So, again, we are open, Mr. President. The committee is not really...But if we can have a formulation, or if we can accept it now, I mean, what is the proposal—

**Senator J. Osmeña.** Three times, never mind the—

**Senator Roco.** Three times a week.

**The Presiding Officer [Sen. Sotto].** Never mind the cumulative. Just thrice a week.

**Senator Roco.** Thrice a week, one-half optimum in broadsheets.

**The Presiding Officer [Sen. Sotto].** One-half in broadsheets...

**Senator Roco.** One-fourth in broadsheets, one-half in tabloids.

**The Presiding Officer [Sen. Sotto].** One-fourth in broadsheets, one-half in tabloids.

**Senator Roco.** Yes, Mr. President.

**The Presiding Officer [Sen. Sotto].** Is it accepted?

**Senator Roco.** The committee accepts the amendment, Mr. President.

**The Presiding Officer [Sen. Sotto].** Is there any objection? [Silence] There being none, the amendment is approved.

**Senator Roco.** I can see repetition, Mr. President. But cumulation to some of our friends may have ST ads of 1 1/2 pages.

**The Presiding Officer [Sen. Sotto].** The Minority Leader has earlier expressed that he will be waiting for the clean draft and the proposed amendments for Section 5 tomorrow.

**Senator Roco.** But there are other proposals, let me just put them in...

**The Presiding Officer [Sen. Sotto].** May we just rattle off and finish off the amendments which were proposed by the sponsor so that we may have a clean copy tomorrow.

**Senator Roco.** On page 3, Mr. President, although in the draft of the staff, it is a separate new section because the proposal of the committee on ethical standards adoption was, I think, the sense of the Chamber not to accept it in toto. Again, I am not sure who suggested this.

One of the proposed individual amendments would have included the duty of the reporters or media so that words to this effect... I will read them now maybe, as an implementing or as a subsection of *Equal Access to Media Time and Space*, maybe as 5.3. It will read as follows: ALL MEMBERS OF MEDIA—T.V., 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. HE SHALL RECOGNIZE THE DUTY TO AIR THE OTHER SIDE AND THE DUTY TO CORRECT SUBSTANTIVE ERRORS PROMPTLY.

The Defensor Santiago amendments, Mr. President, had a whole slew of prohibitions and directives. But we thought of compressing, because we were asked to compress, by just taking this first provision direct from the Journalist's Code of Ethics. So even the journalists cannot complain because that is a direct quote practically from, I think, Article 1 of Journalist's Code, *hindi ba?* We, at least, have a broad guideline on fair reporting which is not created by the Senate but which is borrowed by the Senate from the Journalist's Code so that it becomes now a valid, regulatory, statutory measure.

The committee will accept such a concept, Mr. President, as a modification to the series of prohibitions that Senator Defensor Santiago wanted.

The Presiding Officer [Sen. Sotto]. Have we read the...

Senator Roco. I will read it again, Mr. President.

The Presiding Officer [Sen. Sotto]. Yes.

#### ROCO AMENDMENT

Senator Roco. As 5.3, if it is accepted: ALL MEMBERS OF MEDIA, T.V., RADIO OR PRINT, SHALL—this is a direct quote—SCRUPULOUSLY REPORT AND INTERPRET THE NEWS, TAKING CARE NOT TO SUPPRESS ESSENTIAL FACTS NOR TO DISTORT THE TRUTH BY OMISSION OR IMPROPER EMPHASIS. HE SHALL RECOGNIZE THE DUTY TO AIR THE OTHER SIDE AND THE DUTY TO CORRECT SUBSTANTIVE ERRORS PROMPTLY.

This is the end of the direct quote which we shall now elevate as a statutory standard.

The Presiding Officer [Sen. Sotto]. Is there any objection?

Senator Guingona. Mr. President.

The Presiding Officer [Sen. Sotto]. The Minority Leader is recognized.

Senator Guingona. I would just like to ask about the right to reply.

Senator Roco. It is the next section.

The Presiding Officer [Sen. Sotto]. Is there any objection? This is going to be 5.3. [Silence] There being none, the amendment is approved.

Senator Roco. And 5.4 is taken from the Tatad proposal, Mr. President.

The Presiding Officer [Sen. Sotto]. Which is?

Senator Roco. May we ask the Majority Leader to read the...

As a consequence of our deleting Section 85 of the present election law, the prohibition on media practitioners disappeared. So now, there are no prohibitions, and that is not the intention. Senator Cayetano and Senator Tatad also called the attention. It is the appropriate time now to make the recommended amendment.

The Presiding Officer [Senator Sotto]. To be proposed as Section 5.4.

#### TATAD AMENDMENT

Senator Tatad. Mr. President, the proposed amendment is as follows:

ANY MEMBER OF MASS MEDIA WHO IS A CANDIDATE FOR PUBLIC OFFICE OR AN OFFICIAL OF A POLITICAL PARTY OR A MEMBER OF THE CAMPAIGN STAFF OF A CANDIDATE OR POLITICAL PARTY SHALL TAKE A LEAVE OF ABSENCE FROM HIS WORK AS SUCH DURING THE CAMPAIGN PERIOD.

Senator Roco. Are there any reactions?

Senator Cayetano. Mr. President.

The Presiding Officer [Senator Sotto]. Senator Cayetano is recognized.

Senator Cayetano. With the permission of the Majority Leader and the principal sponsor. I would like to offer an amendment to delete the phrase AN OFFICIAL OF A POLITICAL PARTY OR A MEMBER OF THE CAMPAIGN STAFF. I think we should limit to the candidate himself because I do not see any reason we should expand the coverage. We found that very effective in the last several elections in the last few years, and there is no reason to expand the coverage of that.

Also, a media practitioner who might be an officer of a political party but who himself is not a candidate may be doing public service if he is in media. Certainly, there is nothing abominable in that. There is nothing immoral in that. So I propose this, with the concurrence of our colleague, the Majority Leader.

Senator Tatad. May I just react, Mr. President.

The Presiding Officer [Senator Sotto]. The Majority Leader is recognized.

**Senator Tatad.** Based on actual experience, in the last elections, we had some people running. We had a friend, a member of the Senate, who was at the same time president of a political party with a Sunday radio program in one of the most popular radio stations in the country. He was endorsing candidates of his political party and there was no prohibition.

**Senator Roco.** But did he win?

**Senator Tatad.** He was not a candidate. But the candidates he endorsed did.

**Senator Roco.** He was not a candidate.

**Senator Tatad.** He was not.

**Senator Cayetano.** In that case, if that was the prohibition, I would like to have that as a separate amendment—that we should not allow a media practitioner who is not a candidate to endorse favorably or unfavorably any particular candidate during his television or radio program. I do agree with that as far as that is concerned. But only in that respect.

I am talking from my personal experience. In my program *Compañero Y Compañera*, there has never been a partisan color for the last four years that that was on radio and television. That is why, as I said, this is purely a public service. But if indeed there are media personalities who are not candidates but have made use of their program in radio or television to endorse favorably or unfavorably a candidate, the Majority Leader is correct.

**The Presiding Officer [Senator Sotto].** It can be more of an exception than the rule.

**Senator Cayetano.** That is right. I know that, Mr. President. So if our good colleague, the Majority Leader, would like to ...

**Senator Tatad.** I am willing to accommodate this position, Mr. President. I just wanted to invite attention to this fact based on actual experience. So we leave it to the sponsor.

**The Presiding Officer [Senator Sotto].** May we hear the amendment now as proposed by the Majority Leader?

**Senator Osmeña III.** Clarificatory question, Mr. President.

**The Presiding Officer [Senator Sotto].** Sen. Sergio Osmeña III is recognized.

**Senator Osmeña III.** Will the proposal of the distinguished Majority Leader not extend to interviews or guestings on that particular...

**Senator Tatad.** No, my proposal is to require the people concerned to go on leave.

**Senator Osmeña III.** The distinguished gentleman is backing down from that requirement.

**Senator Tatad.** There is another point of view coming from a senator who has a very popular program and who tells us that he has never used the program for any political or partisan purpose, and we believe him because all he does is give legal advice to those in need.

**Senator Cayetano.** Together with the Senate President himself who is sitting up there.

**The Presiding Officer [Sen. Sotto].** The Presiding Officer.

**Senator Cayetano.** Yes, the Presiding Officer.

**Senator Osmeña III.** My question is based on the interchange between the honorable *Compañero* Cayetano and the Majority Leader. If that is allowed, what will stop the TV host or radio host from inviting his favorites as often as he can? Of course, this will not be counted against the political ad ban. So if Fred Lim invites this representation to guest almost everyday, would that be allowed?

**The Presiding Officer [Sen. Sotto].** Will the Chair be given a chance to offer an explanation on that point? Normally, they would not do that. Television hosts, in particular, would rather concentrate on having their shows rated than having politicians in their shows because that is actually bad for ratings. So it is very seldom that we will see television hosts trying to invite candidates most of the time because it will be detrimental to their program.

**Senator Tatad.** That is the ideal, Mr. President.

**Senator Roco.** May we offer a possible consolidation of the thoughts? The first part, Mr. President, shall restate the present law because there was no intention to delete that particular phrase of the law.

The present law says:

Any mass media columnist, commentator, announcer or personality who is a candidate for any elective public office shall take a leave of absence from his work as such during the campaign period.

The only modification to accommodate the Majority Leader will be not only that this shall apply—that any mass media columnist, commentator, announcer or personality who is a

candidate for any elective public office OR A MEMBER OF HIS CAMPAIGN STAFF SHALL TAKE A LEAVE OF ABSENCE FROM HIS WORK AS SUCH DURING THE CAMPAIGN PERIOD—but we can just stick to it first because I think there is no discussion against the present statement of the law. Maybe the Majority Leader can suggest an amplification. But for purposes of, again, the draft that we will discuss tomorrow, we will already put the present statement of the law.

**Senator Tatad.** We will work on it, Mr. President.

**The Presiding Officer [Sen. Sotto].** The Majority Leader is recognized.

**Senator Tatad.** That is an eminently acceptable proposal. We will work on the phraseology to accommodate the position of our distinguished occasional Minority Leader.

**Senator Cayetano.** And also the Presiding Officer.

**Senator Tatad.** And the Presiding Officer.

**Senator Cayetano.** Thank you, Mr. President. *[Laughter]*

**The Presiding Officer [Sen. Sotto].** So the amendment of the Majority Leader is as worded in the present law.

**Senator Roco.** It shall now become Section 5.4.

**The Presiding Officer [Sen. Sotto].** Is it accepted by the sponsor?

**Senator Roco.** Yes, Mr. President.

**The Presiding Officer [Sen. Sotto].** Is there any objection? *[Silence]* There being none, the amendment is approved.

**Senator Roco.** Then we come to reply. There is no proposed amendment here, Mr. President. Since this is a totally new provision, maybe some of our colleagues may have some proposals in this regard.

If there are none, we shall proceed to the present Section 7 on page 3, *Rates for Political Propaganda*. Maybe, Mr. President, we will just ask our colleagues. There are several proposals but nobody has put it together right now and the committee did not feel free to do it. But if we can take up the ideas on rates tomorrow—instead of the present recommendation of 10 percent discount, we make it 20 percent—perhaps, our colleagues may suggest more.

**The Presiding Officer [Sen. Sotto].** The Minority Leader, I understand, is proposing.

The Minority Leader is recognized.

**Senator Guingona.** Mr. President, some language to that effect: IN ORDER TO HELP BRING THE ISSUES TO THE PUBLIC DURING THE ELECTION PERIOD, MEDIA OUTLETS SHALL CHARGE REGISTERED POLITICAL PARTIES AND BONA FIDE CANDIDATES A DISCOUNT RATE OF 30 PERCENT OF...

**Senator Roco.** Words to that effect. How much is the discount?

**Senator Guingona.** It is 30 percent.

**Senator Roco.** Yes. Now, we will craft the wordings together with the Minority Leader, Mr. President, but our colleague should understand that there will be three different rules: For television, which may be 30 percent; radio may be 20 percent; and maybe only 10 percent for print because the cost of newsprint is going up. If we cut newsprint, as I understand it, Mr. President, it may not be worth the time of the newspaper.

**Senator Guingona.** Yes, Mr. President.

**Senator Roco.** If the Minority Leader will do the committee a favor by working this out, then we can discuss it tomorrow.

**Senator Guingona.** Yes, Mr. President.

**Senator Roco.** All right. May we then reset it, Mr. President?

**Senator Osmeña III.** Mr. President.

**The Presiding Officer [Sen. Sotto].** Sen. Sergio Osmeña III is recognized.

**Senator Osmeña III.** Just an observation, Mr. President. We have always neglected cable TV.

**Senator Roco.** It is a part of it. It is understood to be a part when we talk of television.

**Senator Osmeña III.** That is part of television.

**Senator Roco.** Yes, Mr. President.

**Senator Osmeña III.** Thank you, Mr. President.

**The Presiding Officer [Sen. Sotto].** Senator Cayetano is recognized.

**Senator Cayetano.** Mr. President, begging the pardon of the sponsor, I wanted to find out about Section 6, *The Right to Reply*.

**Senator Roco.** Yes, please.

**Senator Cayetano.** First of all, Mr. President, as a matter of policy, when we allow political advertisement, it is a fact that, of course, one is going to put his opponent in a bad light. No political advertisement would certainly put his opponent in such a good light that it may be deleterious to his own candidacy. That is one. Second, assuming that we will retain this right to reply—and this again is a matter of policy—shall the “person who is maligned,” so to speak, be charged for the right to reply?

Third, this is for practical reasons. Suppose the political advertisement that charges an individual or accuses a candidate of so and so comes out on the last day before the eve of election. As we know, on the eve of the election, there is no campaigning required and therefore, there will be no political advertisement. Suppose this comes out one day before the eve of the election. So the right to reply will be for naught.

So I was just wondering, do we really need this particular provision? Going back to my first statement, Mr. President, when we allow a political advertisement, the first thing we have to do, of course, is to put ourselves in good light and whatever issues... But when we accuse our opponent of something else, then he has the right to put a political advertisement answering precisely our charges. And this is what is happening in the United States now. Bush and Gore are charging one another but it is coming out in their own political advertisement. There is no such thing there as the right to reply. Now, if it turns out to be libelous, then the Revised Penal Code will take over from there.

**Senator Roco.** Yes. If our friend will read it slower, we refer to those that are published. This does not apply to the ads because, of course, we have our ads to answer negative ads. But in publication, when a newspaper report says that one is a liar, he is entitled to confirm it the next day with equal prominence or to deny it. Then if a TV announcer says that one is a liar, then the next day, he should ask to be able to confirm or deny it on the same prominence. In print if one is called a liar on page 1, his denial or his confirmation should not appear on page 18, that is why we used the word “published.” The publication or airing of charges against somebody by a news item should be entitled to a reply.

**Senator Cayetano.** Am I correct then that I misunderstood it, and that it does not cover political advertisement but rather publication by news editors and columnists or by radio and TV reporters?

**The Presiding Officer [Sen. Sotto].** Yes. News items.

**Senator Roco.** Yes. Because if somebody publishes an advertisement that is false, his opponent may just tell the truth about him. *[Laughter]* “If you do not stop lying against me, I will just tell the truth about you.” If we allow advertisements now, it is up to the person what he will put there. But when a newspaper item calls somebody a liar, he should have the right to reply.

**Senator Cayetano.** But, Mr. President, I thought we have a new Section 5.3 which was lifted from the credo of the KBP?

**Senator Roco.** Yes, Mr. President.

**Senator Cayetano.** That itself answers it, does it not?

**Senator Roco.** No. But the reporter precisely may think that it was the truth, that one is a liar. What can that person do?

**Senator Cayetano.** Is that not the one read into the *Record*? Section 5.3 says that...

**Senator Roco.** That is correct. He must tell the truth. But the reporter might have thought...

**Senator Cayetano.** He has to tell the truth and give his opponent an opportunity to reply. I think it is there already, Mr. President.

**The Presiding Officer [Sen. Sotto].** Yes. If the sponsor will allow the Chair, in that particular section, it does not say that he should be placed also on page one if he is maligned on page one.

**Senator Roco.** Yes. The right to reply requires it because these are on the basis of legitimate comments or legitimate reports and they are passed on as reports. We are just fleshing out the right to reply which is guaranteed by the Constitution but which has never been fleshed out in law.

**Senator Cayetano.** With that explanation, I am satisfied, Mr. President. Thank you.

**Senator Roco.** I thank the distinguished gentleman, Mr. President.

**Senator J. Osmeña.** Mr. President, just to clarify further.

**The Presiding Officer [Sen. Sotto].** Sen. John H. Osmeña is recognized.

**Senator J. Osmeña.** The right to reply does not apply when

the information or the derogatory statement comes from a block timer or a columnist. In a newspaper, a columnist.

**Senator Roco.** Even in the news. The news item itself.

**Senator J. Osmeña.** The equivalent of a columnist in radio is a block timer.

**Senator Roco.** It will apply.

**Senator J. Osmeña.** It will apply. Radio stations always have a disclaimer that they are not responsible for...

**Senator Roco.** Yes, not the station but the block timer. So if he attacks somebody as being a liar or a lawyer, or both...

**Senator J. Osmeña.** Then that is not counted as part of...

**Senator Roco.** No. What we propose is that, precisely, if someone is attacked for three minutes by the block timer, he can walk to the radio station the next day and say, "Okay, give me my two minutes. Jesus Christ, after all, you can call me a liar after I turn around again." But that person must be heard with the same exposure. Whether he is believed or whether the commentator is the one believed, that is up to the market or the electorate to decide.

**Senator J. Osmeña.** In the matter related to the question of Sen. Sergio Osmeña III about cable TV, I thought I heard the distinguished gentleman answer that that is covered. I just wanted to put that on the record.

Now, if one puts an advertisement in a TV station like ABS-CBN, Channel 4, Channel 9, Channel 7 or whatever, and this particular station is one of the stations that are carried in the Sky Cable TV, that advertisement will naturally come out also in his TV set because it was carried. Is he going to be charged twice?

**Senator Roco.** That is the type of specifics that I cannot answer right now, Mr. President. That is why in many instances, in these specifics, I prefer to give that matter to the Comelec. But I do accept the concern of our colleagues that we cannot leave the candidates totally helpless under the...

**Senator J. Osmeña.** Personally, my interpretation is that—and this is one of my problems with the bill that is pending here on the floor—cable TV is broadcast also. It is broadcast.

There are schools of thought—this is a matter related to the TV bill—which say that this is rebroadcast. Therefore, if it is rebroadcast, it should not be counted anymore. If it is broadcast, then it should be counted again.

**Senator Roco.** Mr. President, if our colleagues are up to it, maybe we could suggest a separate rule for cable TV if that is a way of dealing with it.

**Senator J. Osmeña.** Because in cable TV, we can advertise directly and we can advertise in the program that is being broadcast. We put an ad inside Channel 15 during a PBA game or Channel 21 during an NBA game. That ad will appear when they broadcast that game.

Or we can put an ad like right now there are ads of Visa card in the middle of Olympic coverage. We have ads that are being aired by the TV network.

**Senator Roco.** To be consistent, logically, it should be charged against the candidate's time. Say, if it was shown twice on a replay, and the candidate has one minute on the main play or seven minutes during the main play, so he will be charged, whatever.

**Senator J. Osmeña.** Here, it is not the candidate's fault. Because he cannot tell ABS-CBN that, "*Hoy, huwag mong isali...*"

**Senator Roco.** But the ABS-CBN people can. They can cut out the commercial if it infringes upon the law.

So since we have the rule on cumulative, one can have two minutes on the main game. But since it was shown twice because it was a championship, the candidate had used up his six minutes. But then because it was a basketball game and a championship, the candidate will be too happy to cumulate it there.

**Senator J. Osmeña.** Anyway, Mr. President, there are so many areas of problems.

**Senator Roco.** Yes, I realize that, Mr. President. That is why, originally, the committee wanted to be as generic as possible. But we cannot help that. We yield to our...

There is only one other area and it is not here, Mr. President.

The next section, by agreement, by motion...

**The Presiding Officer [Sen. Sotto].** So did we already accept Section 7?

**Senator Roco.** Right now, nobody has suggested. There will be a written suggestion tomorrow.

**The Presiding Officer [Sen. Sotto].** As suggested by the Minority Leader, 30 percent.

**Senator Roco.** Yes, but we left it for proper formulation so that we will have three or four levels of rules: one for TV, one for cable TV, one for radio, and one for print.

But, Mr. President, the more important thing is, earlier in the debate, we did yield to the concept of prohibited acts being in a separate section. The committee suggests that after "rates" whoever may be thinking of "prohibited acts" should therefore suggest it under that section. Then we can pool it together to the extent that we can get a consensus or if the committee may wish to accept it, we will put it altogether so that the "prohibited acts" are all in Section 8 or whatever it may be.

**The Presiding Officer [Sen. Sotto].** So the committee does not have the proposal at this point?

**Senator Roco.** No, Mr. President. The committee, in fact, wanted to remove all mention of prohibited acts because we do not want a law allowing to end up disallowing so many acts. I mean, we will be contradicting ourselves.

**The Presiding Officer [Sen. Sotto].** Is there no other point to be brought up by the committee at this point? Are there any more amendments?

**Senator Roco.** Senator Defensor Santiago did suggest the deletion in the *Repealing Clause* of Section 67. We discussed it privately with her.

The reason for deleting Section 67, on "Forfeiture," is that under the old election law where we had simultaneous elections, a congressman could run for mayor and then he gives it to his vice mayor. So to avoid that evil, it was then rejected.

The present Section 67 is a law that benefits only senators elected off-season. Senators like Senator Defensor Santiago, Senator Tatad and I who ran in 1998, either for president or vice president, did not have to abandon or forfeit our positions because the law says so, and we have nothing to do with the law. But nobody else can benefit from that.

On the other hand, the policy effect is, in Cebu, I think half the positions will be vacated. So the appointing power will now fill up all these positions during the campaign period and end up therefore with two sets of officers—one campaigning and another one...

The same thing can be said about Camarines Sur. I am sure

that in Antique, it was already being specifically mentioned. And so many provinces and LGUs are saying that we do not need it anymore because of the synchronized elections. One cannot do the trick of running and leaving it to his vice mayor without himself not having a position anymore. So, I did explain to Senator Defensor Santiago that, I am sorry, I cannot yield to that proposed amendment. I think she agreed to the perspective. I will just call attention to it, Mr. President, by way of saying that we are sorry, we cannot accept that proposed amendment.

**The Presiding Officer [Sen. Sotto].** In Section 9?

**Senator Roco.** Yes, Mr. President.

**The Presiding Officer [Sen. Sotto].** All right. If there is no other proposed amendment at this point, the Chair directs the Secretariat to prepare a clean copy of the bill for tomorrow's session.

**Senator Roco.** Yes, we will request our colleagues, just on the prohibited acts and on the layered rates for publication, to please submit their proposed amendments tomorrow.

**The Presiding Officer [Sen. Sotto].** The Majority Leader is recognized.

#### SUSPENSION OF CONSIDERATION OF S. NO. 1742

**Senator Tatad.** With that understanding, I think we may now suspend consideration of Senate Bill No. 1742.

**The Presiding Officer [Sen. Sotto].** Is there any objection? *[Silence]* There being none, the motion is approved.

**Senator Tatad.** May we request the Secretary to prepare a clean copy of the bill incorporating all the amendments that have been proposed, accepted and approved as of today.

#### SUSPENSION OF SESSION

Finally, I move to suspend the session until three o' clock tomorrow afternoon, September 26, 2000.

**The Presiding Officer [Sen. Sotto].** Is there any objection? *[Silence]* There being none, the session is suspended until three o' clock tomorrow afternoon.

*It was 7:27 p.m.*