

## RECORD OF THE SENATE

**TUESDAY, SEPTEMBER 26, 2000**

### RESUMPTION OF THE SESSION

*At 3:31 p.m., the session was resumed with the Hon. Vicente C. Sotto III presiding.*

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

**Senator Tatad.** Mr. President, on a question of personal privilege, I ask that Sen. Juan Ponce Enrile be recognized.

**The Presiding Officer [Sen. Sotto].** Sen. Juan Ponce Enrile is recognized.

### QUESTION OF PRIVILEGE OF SENATOR ENRILE (Denouncing Certain Activities of Some DECS Officials)

**Senator Enrile.** Thank you, Mr. President. I seek the indulgence of this Chamber to allow me to take the floor on a matter of personal privilege. It has something to do with the hearing this morning by the Blue Ribbon Committee in connection with the privilege speech that this representation delivered Tuesday last week in connection with the opening of a secret Account No. 00672-1043-78 in the Land Bank by certain officials of the Department of Education, Culture and Sports which they did not disclose to the COA for purposes of auditing in accordance with auditing rules. They deposited certain sums of money which they solicited from the Land Bank totaling P24 million and which in turn they used to buy expensive luxurious vehicles for the use of the secretary of the Department of Education, Culture and Sports, Andrew Gonzalez, and his three or four undersecretaries; namely, Antonio A.S. Valdez, Undersecretary Carale, Undersecretary Manhit and the other undersecretary.

I understand, Mr. President, that after I left the hearing because I had a speaking engagement at the Manuel L. Quezon University, the issue regarding a letter that I wrote to Malacañang, through the DECS, for the release of a certain sum of money for textbooks was raised, which was indicated to mean that that was the reason I had taken the floor to denounce the criminal activities of certain people in the Department of Education, Culture and Sports.

So that the public may know, the Senate may know and my colleagues in this Chamber may know the facts about this, I would like to take the floor now and read into the *Record* the tenor of my letter.

Incidentally, Mr. President, I deplore in the strongest possible terms the cowardliness of the DECS officials and their

cohorts in raising the issue during my absence. They could have confronted me while I was there. But the fact is, they were so coward that they had to wait for my departure before they raised the issue.

Mr. President, on 16 February this year, I wrote the secretary of Education, Culture and Sports, Andrew Gonzalez, a letter through Antonio A. S. Valdez, undersecretary of Finance, and I quote what I said:

During my trips to different parts of the country and in the course of my legislative work in the Senate, I have personally witnessed the many difficulties being faced by our education sector in rising up to the challenge of providing quality and relevant education to our youth. Despite the mandate of our Constitution for education to receive the highest budgetary priority, our educational system continues to be beset by the perennial problems of lack of teachers, classrooms and facilities and inadequate learning tools.

Foremost among these problems is the inadequacy of textbooks, reference and instructional materials that are updated in accordance with our new thrusts and standards and which are designed to equip our students with the necessary foundation for higher learning.

In this regard, I would like to seek your endorsement to His Excellency, President Joseph Ejercito Estrada for the allocation and release of the amount of Four Hundred Million Pesos (P400,000,000.00) to be appropriated primarily and exclusively to purchase tools for improved instructions in our public schools nationwide such as textbooks, teachers' manuals, reference and instructional materials.

I understand that this amount is available and can be charged against the overall mandatory reserves of the Department of Education, Culture and Sports for fiscal year 1998.

Should this request merit your favorable endorsement, may I further recommend that the approved funding for this purpose be distributed in accordance with the attached project profile.

Thank you very much for your continued support.

And I have attached a suggested distribution of the amount based on population.

RESUMPTION OF SESSION

*At 3:44 p.m., the session was resumed.*

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

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.

The Presiding Officer [Sen. Sotto]. 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 still in the period of individual amendments. May I ask that the distinguished sponsor of the measure, Sen. Raul S. Roco, be recognized.

The Presiding Officer [Sen. Sotto]. The sponsor of the measure, Sen. Raul S. Roco, is recognized.

Senator Tatad. Mr. President, we call attention to the approved committee and individual amendments as of September 25, 2000, copies of which have been distributed to the members of the Chamber.

Senator Roco. Mr. President, our colleagues have been furnished copies of the bill with approved committee and individual amendments as of yesterday, September 25, 2000.

We are now down to the last sections, Mr. President. Yesterday, when we broke up, after the provision on "Right to Reply," there were two pending sets of amendments from our colleagues. Although these had not been formalized, one was proposed prohibited acts which the committee thought that if we can avoid them, it is better because we want to liberalize. I mean we cannot liberalize and still have more prohibitions. But we will yield to our colleagues.

The other set of amendments coming from the Minority Leader will be the rates for political propaganda.

The majority of the proposed amendments, Mr. President, submitted by Senator Defensor Santiago are now reflected on the bill, except those that we could not yield to. But most of them are here.

So we are now on page 5.

Senator Tatad. Mr. President.

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

Senator Tatad. On page 5... Anterior?

The Presiding Officer [Sen. Sotto]. If it is an anterior amendment, Senator Pimentel is recognized.

Senator Pimentel. Thank you very much, Mr. President. I would like to introduce an amendment on Section 8. Probably, Senator Tatad's amendments will come before mine.

Senator Tatad. Yes, I am on paragraph 6.4.

The Presiding Officer [Sen. Sotto]. I see Senator Magsaysay raising his hand. Is that an amendment before Section 5?

Senator Magsaysay. Yes, Mr. President. This is a very simple amendment on page 2, line 16, if the sponsor will accept. In Section 5, line 16, I propose to include the term SCIENTIFIC before the word "measurement".

Senator Roco. Mr. President, I have no hostility towards the amendment, but we did agree at the beginning that we will try to adhere to the rules as closely as possible. But we will yield later on to adjustments.

So if our friend will not mind, can we finish it all the way until the end and then we can revisit the pages again just for those who may not have been here during the particular day the amendments were proposed—

Senator Magsaysay. I do not mind, Mr. President.

Senator Roco. —so that we can finish and then have a clean concept of what we are discussing. Otherwise, the jumping back and forth will lengthen the discussions.

Senator Magsaysay. I will not mind and I will revisit the particular proposal, Mr. President.

The Presiding Officer [Sen. Sotto]. Therefore, with the consent of the Chamber, let us now continue where we left off yesterday and that is from Section 5 to the end.

The Minority Leader is recognized.

Senator Guingona. Yes, on page 4, if the distinguished Majority Leader will not mind.

In line...

**The Presiding Officer** [Sen. Sotto]. I think there is an anterior amendment on Section 5. Mr. Majority Leader, is that Section 5?

**Senator Tatad.** No, I am on page 5, not Section 5, Mr. President.

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

**Senator Guingona.** On page 4, lines 9 and 10, delete the words "BE CONSIDERED", and insert the phrase STATE THAT THE SAME IS UNOFFICIAL AND DOES NOT REPRESENT A TREND.

**Senator Roco.** Again, Mr. President, I will have to apply my appeal to Senator Magsaysay to the Minority Leader, because as we agreed yesterday, we commence from page 5, so that we can finish. That is the normal process, and then we will yield again to all our colleagues on a page-by-page basis only because there were some members who reserved that they may still have small additions or tightening of the provisions. So if the Minority Leader will yield to this...

**The Presiding Officer** [Sen. Sotto]. If that is acceptable to the Minority Leader, let us...

**Senator Roco.** May we just proceed from page 5 and get rid of...

**Senator Guingona.** Yes, we will just go back.

**Senator Roco.** And then one cleanup, Mr. President, although that is already unusual. But we will have to clean up only because...

**The Presiding Officer** [Sen. Sotto]. With the consent of the Chamber, we can always start from page 1 after the sponsor shall have finished from page 5 down.

At this point, we would like to continue and recognize the Majority Leader for his proposed amendment on page 5.

#### TATAD AMENDMENTS

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

Yesterday, we agreed that on paragraph 6.4, we are going to restate the existing provision. As it appears now, the restatement appears to contain an additional phrase which I

believe should be deleted. It is in line 3, the phrase "OR A MEMBER OF HIS CAMPAIGN STAFF". I move that we delete that phrase.

In line 5, after the word "PERIOD", delete the period (.) and add the following: semicolon (;) *PROVIDED, THAT ANY MEDIA PRACTITIONER WHO IS AN OFFICIAL OF A POLITICAL PARTY OR A MEMBER OF THE CAMPAIGN STAFF OF A CANDIDATE OR POLITICAL PARTY SHALL NOT USE HIS/HER MEDIA TIME OR SPACE TO FAVOR ANY CANDIDATE OR POLITICAL PARTY.*

The whole provision will read as follows:

"6.4 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/HER WORK AS SUCH DURING THE CAMPAIGN PERIOD; *PROVIDED, THAT ANY MEDIA PRACTITIONER WHO IS AN OFFICIAL OF A POLITICAL PARTY OR A MEMBER OF THE CAMPAIGN STAFF OF A CANDIDATE OR POLITICAL PARTY SHALL NOT USE HIS/HER MEDIA TIME OR SPACE TO FAVOR ANY CANDIDATE OR POLITICAL PARTY.*"

**Senator Pimentel.** Mr. President.

**The Presiding Officer** [Sen. Sotto]. Sen. Aquilino Q. Pimentel Jr. is recognized.

**Senator Pimentel.** Mr. President, before the chairman of our committee will decide to act on that motion, may we ask the proponent: If that media space is used against, not in favor, of any candidate, will that be all right then?

**Senator Tatad.** It is for or against.

**Senator Pimentel.** Yes, all right. So it is not only in favor but also against.

**Senator Roco.** The committee will be happy to accept that amendment, Mr. President.

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

We continue on page 5.

**Senator Pimentel.** Yes, I am now in Section 8, lines 11 to 14, Mr. President.

**The Presiding Officer** [Sen. Sotto]. Senator Pimentel may continue.

**Senator Pimentel.** Mr. President, this was the subject of a previous reservation on my part for the amendment of this particular section. Specifically, I would like to start in line 13. Instead of "ninety percent (90%)", we put a cap of TEN PERCENT (10%) OVER THE prevailing commercial rates of the newspaper, television or radio stations during the ONE-YEAR period IMMEDIATELY PRECEDING THE ELECTION.

Mr. President, for clarity's sake, with the permission of the Chair, I would like to read:

"SEC. 8. *Rates for Political Propaganda.* - During the election period, media outlets shall charge registered political parties and bona fide candidates no more than TEN PERCENT (10%) OVER THE prevailing commercial rates of the newspaper, television or radio stations during the ONE-YEAR period IMMEDIATELY PRECEDING THE ELECTION."

If the Chair will allow me to explain very briefly, the idea is to ensure that political advertising is not monopolized by the wealthy candidates so that, more or less, there will be an equalization of the playing field, as it were, so that even the nonwealthy candidates can, more or less, get some time or space in the newspapers and radio or television at rates that are affordable.

Mr. President, I understand that there are negotiated rates or card rates.

**Senator Roco.** Yes, Mr. President, card rates or commercial rates.

**Senator Pimentel.** This is without prejudice to any kind of rates, whether card rates or other rates.

**Senator Roco.** Is the proposal 10 percent over the average?

**Senator Pimentel.** Yes, over the average.

**Senator Roco.** So, that is more than 100 percent. What we are trying to get, Mr. President, is a cheaper rate. I will just explain. Yesterday, in separate informal caucuses, there was some agreement on discounts from average annual rates—a discount of 30 percent for TV, a discount of 20 percent for radio and a discount of 10 percent for print. Because in print, they have to buy the paper.

May we have a one-minute recess, Mr. President?

**Senator Pimentel.** Before that, Mr. President, may I just make of record that the idea is, assuming that the prevailing

commercial rate is P100 per column inch, for example, in print media, then the particular newspaper should not charge more than 10 percent over that. It can be lower, but it has to be subjected, perhaps, to negotiation.

**Senator Roco.** That is why we should get together, Mr. President, because he is making it more expensive. What we are trying to do is to get it cheaper.

**Senator Pimentel.** No. On the contrary, I do not believe that we are trying to make it expensive. I am not that stupid, Mr. President, to insist on something that will make it more expensive.

#### SUSPENSION OF SESSION

**The Presiding Officer [Sen. Sotto].** Upon the request of the sponsor, the session is suspended for one minute, if there is no objection. *[There was none.]*

*It was 3:57 p.m.*

#### RESUMPTION OF SESSION

*At 4:07 p.m., the session was resumed.*

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

**Senator Pimentel.** Mr. President.

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

**Senator Pimentel.** With the permission of the Chair and the Body, Mr. President.

During the one-minute break, we had a chance to discuss the issue of putting a cap on the charges that media outlets could impose or demand from registered political parties and bona fide candidates. The concept that I was trying to propose is already embodied in the proposed amendment that the Minority Leader will explain. I would like to give way to him because he is making a distinction between newspapers, television stations and radio stations, Mr. President. I think that is a better concept.

Thank you, Mr. President.

**The Presiding Officer [Sen. Sotto].** Thank you, Senator Pimentel. We will take note of that.

**Senator Guingona.** Mr. President.

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

**Senator Guingona.** Thank you, Mr. President. I would like to thank Senator Pimentel for that.

The proposed amendment goes this way: during the election period, media outlets shall charge registered political parties and bona fide candidates A DISCOUNTED RATE OF THIRTY PERCENT (30%) FOR TELEVISION, TWENTY PERCENT (20%) FOR RADIO, TEN PERCENT (10%) FOR NEWSPRINT/NEWSPAPERS OF COMMERCIAL RATES...

**The Presiding Officer** [Sen. Sotto]. It is OVER.

**Senator Guingona.** OVER COMMERCIAL RATES AS OF TWELVE (12) MONTHS PRIOR TO THE ELECTION PERIOD.

**Senator Roco.** Over...

**Senator Guingona.** Over the lowest. That is what I wanted.

**Senator Roco.** OVER THE AVERAGE COMMERCIAL RATES TWELVE (12) MONTHS BEFORE THE ELECTION PERIOD.

**The Presiding Officer** [Sen. Sotto]. TWELVE (12) MONTHS PRIOR TO THE ELECTION PERIOD.

**Senator Guingona.** TWELVE (12) MONTHS PRIOR TO THE ELECTION PERIOD.

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

**Senator Roco.** Yes, subject to style, Mr. President, because it must be worked out. But as long as our colleagues understand that we are imposing now, and if we approve this, we expect that the candidates or political parties shall be charged for their political advertisements on the basis of 30 percent discount from an average rate one year prior to the beginning of election period for TV; 20 percent discount computed on the basis of the lowest average cost over a 12-month period prior to the beginning of the election period; 20 percent discount on radio; and 10 percent discount for print.

**Senator Guingona.** The computation should be as of the 12th-month prior to the one-year period.

**Senator Roco.** So that if November 1, Mr. President, is the beginning of the election period, we compute from October 30, 1999 to November 1, 2000. The average cost of that will be

subjected to a 30 percent discount for TV, 20 percent discount for radio, and 10 percent for print.

**The Presiding Officer** [Sen. Sotto]. Subject to style.

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

**The Presiding Officer** [Sen. Sotto]. It is accepted by the committee.

#### SUSPENSION OF SESSION

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

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

*It was 4:11 p.m.*

#### RESUMPTION OF SESSION

*At 4:12 p.m., the session was resumed.*

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

**Senator Roco.** On that clear understanding, Mr. President, we will have to work out the specific wordings: 30 percent discount over the one year average computed backwards for TV; 20 percent for radio; and 10 percent for print.

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

Before we adopt the amendment—yes, the Minority Leader is recognized.

**Senator Guingona.** Just to clarify, Mr. President. The computation will be prior to the one-year period.

**Senator Roco.** We will make it specific, Mr. President.

A prime time for TV x station is P100,000, for example. Over a one-year period that might come out, let us make it P110,000; but over the one-year period, it might come out P100,000. Minus 30 percent, P70,000 will be the highest charge for prime time on TV for that station.

**Senator Guingona.** In that example, may we know what is the P100,000? Is that the rate one year prior?

**Senator Roco.** The P100,000 we arrived at is the average rate, commercial rates, whatever charges that are computed over a 12-month period backwards, so that is one year before the start of the election period. If the election period is November 1, we compute October 31 backwards to November 1 of the previous year.

**The Presiding Officer [Sen. Sotto].** If the Chair perceives it right, what Senator Roco is saying is that the computation is within the 12-month prior to the election period, and what the Minority Leader wants is, the 12-month period should not be included.

**Senator Roco.** That is correct. We must take first the average for that 12-month period.

#### SUSPENSION OF SESSION

**Senator Roco.** I move that we suspend the session for one minute.

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

*It was 4:14 p.m.*

#### RESUMPTION OF SESSION

*At 4:20 p.m., the session was resumed.*

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

**Senator Roco.** Mr. President.

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

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

**The Presiding Officer [Sen. Sotto].** Would the Minority Leader like to amend his proposal before the...

**Senator Roco.** It is just the wordings. There is no proposed amendment, Mr. President. We are just making sure that we understand what we are approving.

**The Presiding Officer [Sen. Sotto].** All right. So may we now hear the amendment.

**Senator Roco.** It will read roughly as follows, Mr. President:

"During the election period, media outlets shall charge registered parties and bona fide candidates A DISCOUNTED RATE OF THIRTY PERCENT (30%) FOR TV, TWENTY PERCENT (20%) FOR RADIO AND TEN PERCENT (10%) FOR PRINT OVER THE AVERAGE RATES CHARGED DURING THE FIRST THREE QUARTERS OF THE YEAR PRECEDING THE ELECTIONS."

So that it becomes January to September of this year. So nobody can touch anymore the formula. Whatever the average from January to September of this year will become the base, minus 30 percent for TV, minus 20 percent for radio, and minus 10 percent for print.

**Senator Pimentel.** Mr. President.

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

#### PIMENTEL-ROCO AMENDMENT

**Senator Pimentel.** Will the gentleman kindly consider putting the adjective CALENDAR before the word YEAR—the first three quarters of...

**Senator Roco.** All right. THE CALENDAR YEAR PRECEDING THE ELECTIONS. That is correct, Mr. President. The intention being January... The computation by the Comelec will now be from January to September 30, 2000 which obviously cannot be changed anymore, and we will not yield to that one during the conference committee.

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

**Senator Roco.** Thank you, Mr. President. We are now in Section 9. If there are no further amendments...

**Senator Cayetano.** Mr. President.

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

**Senator Cayetano.** Before we go to Section 9, with the permission of the principal sponsor, I would like to make an amendment by inserting another sentence in Section 8, beginning in line 14. After the word "period", instead of a period (.), put a semicolon (;) *PROVIDED, THAT NO CANDIDATE OR REGISTERED POLITICAL PARTY SHALL SPEND FOR POLITICAL ADVERTISEMENT MORE THAN ONE-HALF OF THE ALLOWABLE EXPENSES FOR A CANDIDATE*

OR A REGISTERED POLITICAL PARTY UNDER THE OMNIBUS ELECTION CODE.

That is my proposal, Mr. President.

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

**Senator Roco.** Again, just for styling purposes, Mr. President. May we not just make it a proviso? Let us make it a separate sentence and say that the...

**Senator Cayetano.** Yes, I am agreeable to that proposal, Mr. President. One-half *lamang ang magagastos*.

**Senator Roco.** The concept being...and only 50 percent of the allowable expenses shall be spent for media.

**Senator Cayetano.** For instance, Mr. President, for a national candidate now, he is allowed P3 per voter for the national constituency and P5 for a political party.

So, my suggestion would be that for a candidate, he can only spend P1.50 per voter for election propaganda and also P2.50 for a registered political party. That will be the essence of...

**The Presiding Officer** [Sen. Sotto]. The gentleman is talking of approximately P45 million per candidate.

**Senator Cayetano.** Yes, Mr. President. The reason for this is, this would really equalize or level the playing field for both the rich and the poorer candidates.

**The Presiding Officer** [Sen. Sotto]. The Chair thinks the poorer... Anyway...

**Senator Roco.** The poorer candidates will always have the advantage of being poor [*Laughter*] because there are more poor voters...

**The Presiding Officer** [Sen. Sotto]. I will pocket the P45 million instead. [*Laughter*]

**Senator Enrile.** Mr. President.

**The Presiding Officer** [Sen. Sotto]. Sen. Juan Ponce Enrile is recognized.

**Senator Enrile.** Will the distinguished proponent of the amendment care to answer a few questions before we act on the amendment?

**Senator Cayetano.** Gladly, Mr. President.

**Senator Enrile.** Mr. President, if a rich candidate can afford to spend P45 million to P50 million on TV, radio and print propaganda, does the gentleman not think that he will be able to out-advertise the others who can ill afford even one half of that?

**Senator Cayetano.** That is true, Mr. President. That is why, as I said, in order to level the playing field, a poorer candidate may not be able to raise P90 million or so as allowable expenses. But a poorer candidate may be able to raise P30 million or even half of P90 million or P45 million.

**Senator Enrile.** Does the gentleman not think, Mr. President, that for us to equalize, as he said, to level the playing field, that we should relate the limitation on TV, print or radio propaganda advertisement to the salary of the office to which we run for.

**Senator Cayetano.** No, Mr. President. Although I realize the point of the gentleman, but...

**Senator Enrile.** Excuse me, Mr. President. Let me just explain. That will really equalize everybody because the limitation, the maximum level of amount to be spent for political propaganda will be measured by so many times the emolument of the office for which one is being elected.

For instance, if one is running for the Senate, how much is the salary of a senator now per month? It is P35,000. So that is P420,000 a year times six, that is about P2.4 million. If we multiply that by, let us say, 10 or by 5, that ought to be the measure of the maximum amount that all candidates for the Senate will spend for political advertisement using TV, print and radio. That will really equalize, Mr. President. There is no relativeness with respect to the amount of expenditure for TV ads, radio ads, or whatever.

**Senator Cayetano.** Mr. President, as I said, I realize the value of the opinion of my colleague. But, I think, limiting it to the amount of the annual salary of the national or local elective official may not be too realistic in terms that no less than the Omnibus Election Code, Mr. President, does allow a certain amount for election expenses higher than the salary. That is the only reason.

I would say that the theoretical leveling of the playing field, as suggested by my colleague, is really worth considering. But I also do realize that there is a need for political advertisement and limiting it to the salary would, in effect, undermine what we are really talking about here, which is

allowing political advertisement. Because how much can one really buy for a P2.4 million political advertisement?

**Senator Enrile.** No, Mr. President. If it is five times, that is about P12 million for political propaganda. But if it is times 10, that is P24 million.

**Senator Cayetano.** But individually, Mr. President, that would only limit it to...

**Senator Enrile.** Of course, P12 million is small to some officials of the government, especially those from the DECS. Even P24 million is to them miniscule. But that is already a fortune to many candidates.

**Senator Cayetano.** Perhaps we can put it on a maximum level. It should be not more than, something like that. In other words, it will be up to the candidate whether he wants to spend only the total amount of his expected salary. But the point is, realistically, when we speak of political advertisement, it really costs more than what the annual salary of a national or local elective official concerned is.

**Senator Enrile.** The reason I raised that, Mr. President, with the distinguished gentleman's permission, is that legislators can easily change the law by increasing the per capita expense of national candidates. For election purposes, they could increase it to 10 times 30 million or 35 million voters and that is 350 million. One half of that will be 175 million to the rich candidates. They will have all the time, the space and the advantages of money, the power in getting themselves known to the public. But if we tie it up with the salary of the office, that could not be easily increased.

**Senator Cayetano.** Mr. President, I think, the gentleman and this representation have one and the same purpose, which is to level the playing field between the rich and the poor candidate and at the same time to afford both an opportunity to have a political advertisement.

I am willing definitely to consider an amendment to my proposed amendment. But I do believe sincerely that fixing it at the level of the present annual salary, times the number of years that a national candidate or a local candidate would serve would really be small, considering the cost of political advertisement.

**Senator Enrile.** Would P24 million be small, Mr. President, for a political propaganda?

**Senator Cayetano.** I would accept P24 million for a national candidate, Mr. President.

**Senator Enrile.** That is 10 times the emolument of...

**Senator Cayetano.** I will accept that as far as my amendment is concerned, Mr. President.

**The Presiding Officer [Sen. Sotto].** Before the Chamber considers that—

**Senator Cayetano.** For the national office.

**The Presiding Officer [Sen. Sotto].** —yes—we would like to hear from the sponsor because there is a limitation on the number, like for example, if we are talking of one minute per day allowable, one minute per day might not even reach P24 million.

**Senator Roco.** Mr. President, realistically and to be very candid, all the amounts being bandied around are out of range for poor candidates, whether it is P12 million or P24 million. In fact, the limitations under the Synchronized Election Code are really unrealistic, and we are really making criminals out of candidates. We are criminalizing those who run, those who can afford to pay.

Yesterday, Mr. President, when there were suggestions on amounts, that was the reply of our committee—that we are trying to refrain from any rule that we know might be violated. Then we just have candidates who become criminals, and everybody pretends that he is not.

**Senator Enrile.** Anyway, Mr. President, I have no suggested amendment to the proposed amendment of the distinguished gentleman. I just wanted to test the validity of the proposition.

**Senator Roco.** Yes.

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

**Senator Roco.** But may I just finish, Mr. President. If I may have a one-minute recess, I might be able to persuade my good friend here to just withdraw the amendment so that we are candid. I know that the limitations under the Synchronized Election Law are P3 per voter and P5 by the party. These are already significant amounts.

Normal candidates cannot afford that if they are not helped by friends, millionaires or whatever. Nobody. Now, if we restrict, on the other hand, to billionaires the candidacy for the Senate, then it is also wrong. But since the limitation is there, the candidate decides how he will spend it. After all, money is limited and time is limited. Even if we say one minute



per TV, if 10 candidates buy one minute or 10 minutes, I do not know whether they have the 10 minutes to sell.

So let the market forces just decide how, and let the tactics of the candidate decide. Maybe some people want to spend on cartoons. Let him spend on cartoons, or comic books. But let us not tell them anymore what to do so that we do not have more violations of law as we pretend that we are trying to upgrade the election practices. I do realize it is evil to overspend, but short of lowering the ceilings, there seems to be very little way of monitoring.

**The Presiding Officer [Sen. Sotto].** In addition to that, the Chair would like to remind the Chamber that, originally, the committee wanted to refrain from discussing the detailed problems of this bill, specifically on that issue. If we consider a certain percentage to be used, the next question that arises is: Would that include production cost or not? Therefore, it will go again to another detailed function.

#### SUSPENSION OF SESSION

**Senator Roco.** Yes, Mr. President. I move that we suspend the session for one minute to persuade our colleague...

**Senator Cayetano.** Yes, Mr. President.

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

*It was 4:35 p.m.*

#### RESUMPTION OF SESSION

*At 4:37 p.m., the session was resumed.*

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

**Senator Cayetano.** Thank you, Mr. President. After consultation with the Majority Leader, the principal sponsor, and the Presiding Officer, but most of all, upon the advice of reelectionist and fellow Lakas senator, Juan M. Flavies, I withdraw my proposed amendment.

**Senator Roco.** Mr. President.

**The Presiding Officer [Sen. Sotto].** The sponsor is recognized.

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

From the beginning, the committee took a posture of candor, and I hope that eventually, we will find sources for support for candidates that are legal. But as Justice Cruz pointed out, those who are wealthier candidates can sponsor more rallies and can have more people hired. Yet being rich does not mean he can win the election. So, it evens off. I think we should rely on the best judgment of the Filipino people to select the best officials that they feel have presented themselves for service.

**The Presiding Officer [Sen. Sotto].** With that, may we proceed now to Section 9?

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

**The Presiding Officer [Sen. Sotto].** Is there any committee amendment on Section 9?

**Senator Roco.** Section 10, Mr. President. Again the committee is working on being very clear about repeal provisions. But if there are proposals, then we can listen to them.

**Senator Cayetano.** Mr. President.

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

**Senator Cayetano.** Did I hear Section 10, *Separability Clause*?

**Senator Roco.** No, *Repealing Clause*.

#### SUSPENSION OF SESSION

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

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

*It was 4:39 p.m.*

#### RESUMPTION OF SESSION

*At 5:16 p.m., the session was resumed.*

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

The sponsor, Senator Roco, was on the floor when we suspended the session. We are now in Section 10.

**Senator Roco.** Yes, on *Repealing Clause*, Mr. President.

May we just manifest that formally we can now act on this if nobody objects. But later today or tomorrow, we shall have proposed amendment that will address a peculiar problem of the members of the Senate.

With that reservation, if our distinguished friend from Taguig will allow, we can then proceed with this.

**Senator Cayetano.** Mr. President.

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

**Senator Cayetano.** I accept the proposition by the sponsor of the bill. Let me just state, for the record, subject to style and as accepted by the sponsor, that he shall consider putting the principle, as a new paragraph or as a new sentence, that any senator who runs for higher office shall *ipso facto* be considered resigned from his office upon the filing of his certificate of candidacy for the higher office.

I shall try to craft this particular sentence or paragraph by tomorrow, Mr. President.

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

**The Presiding Officer** [Sen. Sotto]. Therefore, we are not touching Section 10.

**Senator Roco.** And this may not even be necessary, Mr. President. If there is acceptance of the present provision, we may have to put a small provision in line 24. After the words "are hereby repealed", the period (.) becomes a semicolon (;). Because there is another implementing provision, Mr. President: AS A CONSEQUENCE, THE FIRST PROVISIO IN THE THIRD PARAGRAPH OF SECTION 11 OF RA 8436 IS RENDERED INEFFECTIVE.

So, if we can insert that, Mr. President. That is the same provision repeated only but in implementation of Section 67.

So, we put a semicolon (;) after the word "repealed" and then: AS A CONSEQUENCE... Or it can be separate. We put a period (.) and then the provision: AS A CONSEQUENCE, THE FIRST PROVISIO IN THE THIRD PARAGRAPH OF SECTION 11 OF RA 8436 IS RENDERED INEFFECTIVE.

**The Presiding Officer** [Sen. Sotto]. So the latter is the one that is proposed by the sponsor.

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

**Senator Roco.** Thank you, Mr. President. Tomorrow, we will address the crafted formula of our friend from Tagig.

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

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

**Senator Osmeña III.** Just an inquiry, Mr. President. Will we be getting a clean copy of that tomorrow?

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

**Senator Osmeña III.** All right. May I just suggest—and the gentleman may consider this as an omnibus amendment if he will—that where we use the word "propaganda", we change the same to ADVERTISING or ADVERTISEMENTS. Because the word "propaganda" refers to the information, while "advertising" is the notice, and we tend to interchange both but that is not accurate because propaganda is defined as biased information. And advertising is the method through which that information is communicated to the electorate.

Like in Section 3, Mr. President, the title says: "Lawful Election Propaganda." That should be really "Lawful Election Advertising or Advertisement." But we leave it to the sponsor. Perhaps, his staff can study this.

But we would suggest very strongly that we do not confuse the word "advertising" with the word "propaganda." Thank you, Mr. President.

**Senator Roco.** Thank you, Mr. President. For those who object to the word "propaganda", maybe we can address it on the final pass because these words are used differently. It is not a phraseology that is consistent so it would be better to look at this on a case-to-case basis.

But again, we are not averse to examining the particular meaning on a section-by-section basis.

**The Presiding Officer** [Sen. Sotto]. Mr. President, earlier the distinguished sponsor said that amendments should be limited from page 5 on.

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

**Senator Guingona.** Now, I have a concept amendment for page 4 which can be...

**Senator Roco.** If we have finished, Mr. President, may we now go back to page 1 on a final pass except for the Cayetano proposal?

**The Presiding Officer** [Sen. Sotto]. So that by tomorrow, we will have a clean copy of the final pass and then, it is open to individual amendments.

**Senator Roco.** No more, just the Cayetano amendment. We will have a final pass now, Mr. President, and then...

**The Presiding Officer** [Sen. Sotto]. All right. With the permission of the Chamber, let us start with page 1. Is there any proposed amendment on page 1? Sen. Sergio R. Osmeña III.

**Senator Roco.** I think Senator Osmeña III in "lawful election propaganda" has already acquired meaning under the cases. But maybe when it is used in Section 8, it should be "rates for political advertising" but they are used differently. In Section 8, maybe it should be advertising but in Section 3, "Lawful Election Propaganda" is, in fact, discussed in cases. So it does not have the connotation that is negative in terms of propagandas, being false propaganda generically can be true or false, whatever.

**Senator Osmeña III.** But the problem I could foresee, Mr. President, is that how would one distinguish now between the information that is on the leaflet or poster from the poster itself? What is contained in the poster is the propaganda.

**Senator Roco.** We are ready to hear—I do not want to discuss those very ticklish—it is like discussing, Mr. President, how many angels can dance on the head of a pin?

**Senator Osmeña III.** No, Mr. President, this is in the dictionary. I mean the word "propaganda" is defined as biased information in the dictionary.

**Senator Roco.** "Propaganda" as used in the Election Code has always been...

**Senator Osmeña III.** But this is used in the Election Code—"propaganda".

**Senator Roco.** That is correct, as used in the Election Code. Of course, it is biased because one is selling only one side. Political materials, Mr. President, of course, are biased. If we have a leaflet for Osmeña, it better be biased for Osmeña.

**Senator Osmeña III.** Now, I am just using the definition as used in the dictionary.

**Senator Roco.** There is no problem, Mr. President, with being biased because propaganda, that is political in nature, has to be biased in favor of the candidate.

**Senator Osmeña III.** Correct, but how do we distinguish between the paper itself or the leaflet and the content?

**Senator Roco.** Why is that important?

**Senator Osmeña III.** Mr. President, when it says "lawful election propaganda," I mean propaganda, if referring to software, is not always lawful. It might be libelous. It might be scandalous because "propaganda" is usually referred to as an information. So, can what is written be lawful even if it is libelous?

**Senator Roco.** The parties in interest, Mr. President, will have to take action in that case.

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

**Senator Roco.** If there are no further questions, Mr. President...

**The Presiding Officer** [Sen. Sotto]. Before we move on, the Minority Leader would like to have the floor.

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

**The Presiding Officer** [Sen. Sotto]. Maybe on this particular topic because we have not moved. We are still on page 1 and Sen. Serge Osmeña III earlier suggested that the technical people of the committee review the use of the word "propaganda."

**Senator Roco.** Is that a specific proposal, Mr. President?

**Senator Osmeña III.** That is a specific proposal, Mr. President. I also have a proposed amendment in line 7, page 1.

**Senator Roco.** Line 7, page 1.

What is the proposed amendment, Mr. President?

**Senator Osmeña III.** If there is no anterior amendment, Mr. President, I propose that we delete the word "propaganda" and in its place put the word ADVERTISING.

**Senator Roco.** Line 7, page 1?

**The Presiding Officer** [Sen. Sotto]. Let us start on page 1. We are using the September 25, 2000 copy. Therefore, if we are starting on page 1, let us start in line 1.

Are there amendments in line 1, line 2?

**Senator Osmeña III.** What section, Mr. President?

**The Presiding Officer [Sen. Sotto].** Section 1.

**Senator Roco.** This is an unusual procedure, Mr. President. We will just go by page. There is no term "propaganda" in line 7.

**Senator Osmeña III.** I am sorry, Mr. President. Perhaps, it was misheard. It is in line 11, Section 3.

**The Presiding Officer [Sen. Sotto].** We heard line 7. So line 11, Sen. Serge Osmeña III.

**Senator Osmeña III.** Would the sponsor accept an amendment that "Election propaganda" be changed to Election ADVERTISING either in the title or in the first line, Mr. President. If the gentleman wishes, I am willing to let the title stand. In the first line "Election propaganda", can that be amended to Election ADVERTISING?

**Senator Osmeña III [Sen. Sotto].** What does the sponsor say?

**Senator Roco.** I am not clear, Mr. President, on what is worrying the gentleman. I mean, it does not matter to me. We can call it election propaganda or advertising. But what is bothering the gentleman about the word "propaganda?"

**Senator Osmeña III.** The word "propaganda," Mr. President, really refers to the information that is written. What we are talking about here is—even if we read the contracts that we will sign with the television, cable TV—that these agencies are not signing us up for election propaganda, these agencies are signing us up for advertisements.

So, it would be technically correct when we say, "Election advertisement whether on television, community antennae or cable television, radio, newspaper or any mass media, shall henceforth, be allowed."

What we will be accepting is advertisement because propaganda has been allowed on television except that it is not paid. It is the commentators who will do it for us.

**The Presiding Officer [Sen. Sotto].** If the gentleman is willing to retain the title, would a slash(/) before the word ADVERTISING be acceptable? "Election Propaganda/ADVERTISING, whether television, community..."

**Senator Osmeña III.** If the sponsor will accept that, I guess we can come to...

**Senator Roco.** We just want to hear the rationalization.

**Senator Guingona.** Mr. President.

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

**Senator Guingona.** May I ask a question of the proponent. Would the reason for the proposed change be that the advertisements will adhere to the Truth in the Advertising Act, in the Consumers Act?

**Senator Osmeña III.** It is in this law and one of the provisions is that it must adhere. But whether it adheres or not is a different purpose. We outlaw smuggling but smuggling goes on.

**Senator Guingona.** But if that is the intent, we would like to know.

**Senator Osmeña III.** This just describes what is being placed on television, Mr. President.

If we read the whole sentence, it says "Election propaganda, whether on television ... shall henceforth be allowed", but we have never disallowed election propaganda. Everyday during the campaign, we hear election propaganda. What we are allowing now are paid advertisements. Propaganda is just the information.

**Senator Roco.** The reason for the use of "political propaganda" is that the bill of Sen. Sergio Osmeña III used the words "for political propaganda."

**Senator Osmeña III.** I was wrong, Mr. President.

**Senator Roco.** Yes, but an act totally lifting the ban on political propaganda through media, and that is exactly what the bill says—"All limitations on political propaganda through TV or whatever are hereby lifted and abolished."

**Senator Osmeña III.** That is correct, Mr. President. I have gone a little further and looked into the accuracy of the phrase as we used. I thought that I was in error in using the word "propaganda", although in general Philippine practice, we usually refer to advertising as propaganda when actually what we are referring to is what the advertising says, not the advertisement itself.

So when the advertising says: "Erap is bad", *ang reaksiyon po natin*: "Propaganda po iyan." So we are talking about the message in the advertisement, not the advertisement per se.

Now, what this proposed law seeks to allow are paid political advertisements—paid or unpaid political advertisements—but political advertisements on mass media.

I would not rise or fall on this particular point, Mr. President, but I was hoping the distinguished sponsor could ask his staff to look it over so that we are a little more accurate. Because, again, the contracts that will be signed with various mass media are advertising contracts, not propaganda contracts.

Thank you, Mr. President.

**Senator Roco.** Even the way it is worded, Mr. President, it will comprehend the prohibition on the advertising contract.

**The Presiding Officer [Sen. Sotto].** Is there any other proposal on page 1? *[Silence]* If there is none, let us move on to page 2.

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

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

**Senator Osmeña III.** Mr. President, my amendments are on line 23.

**The Presiding Officer [Sen. Sotto].** In line 23, if there is no anterior amendment, the gentleman may proceed.

**Senator Osmeña III.** Delete the phrase “any person, NATURAL AS WELL AS JURIDICAL, candidate or organization” and insert the words MEDIA OUTLET.

The reason being, Mr. President, that it is the media outlet that publishes, not the person, juridical candidate. The candidate does not publish. He does not own the newspaper. So the onus should be on the medium.

**Senator Roco.** When we say “any person”, Mr. President, that covers especially the natural as well as the juridical and that comprehends the organizations that make the surveys.

The candidate or the organization that publishes the survey are two different entities. That is why we used “or”. So any person who publishes, the candidate who publishes or the organization that publishes the survey, are three different subjects, Mr. President.

**Senator Osmeña III.** Mr. President, may I be clarified how a candidate can publish a survey if he does not own a newspaper or any mass medium?

**Senator Roco.** He may publish his own sheets. He can publish it in his own leaflets.

**Senator Osmeña III.** Therefore, we would be prohibiting a candidate, whether for municipal mayor or councilor, from distributing a sheet that says: “In the survey that I took last night in Barangay Tagaluan, Sitio Sta. Cruz, I won by five to four.” Would that be illegal? Would this cover those types of propaganda?

**Senator Roco.** Maybe the gentleman should read the full provision because that is not prohibited. But we must identify who was the candidate, party or organization that commissioned or paid it. If he says he paid for it, fine.

**Senator Osmeña III.** No, but there is a provision here later on the 30 days and 12 days, Mr. President.

**Senator Roco.** That is different, Mr. President. We should not make subject. We are just speaking as to who will be affected by this particular rule. So, there is no problem there.

On the specific problem that the gentleman gives about the mayor who gives surveys, as long as he complies with the following provisions, he can do it. There is no problem there, Mr. President.

**Senator Osmeña III.** For example, Mr. President, would that be violative then of Section 5.4? It reads: “In no case shall surveys AFFECTING NATIONAL CANDIDATES be published thirty (30) days before an election OR SURVEYS AFFECTING LOCAL CANDIDATES BE PUBLISHED TWELVE (12) DAYS BEFORE AN ELECTION.”

**Senator Roco.** Within the period, if this is the final version, that will have to apply. But, again, here, Mr. President, we are now talking of a specific period within which there can be no publication on surveys. And that has already been approved.

**Senator Osmeña III.** May we just define what publication will cover? Would it cover a follower of a candidate printing something on his PC computer saying, “In this informal survey conducted last night, my candidate won over his opponent.”

**Senator Roco.** I guess, Mr. President, that will be covered.

**Senator Osmeña III.** I see. Therefore, the phrase “publishes a survey” will mean that anybody who prints anything and distributes it.

**Senator Roco.** No, it is anybody who publishes. Printing

is just one mode of publishing, Mr. President. Right now, the text, the e-mail, mimeo, xerox, and similar modes conveying information are covered.

**Senator Osmeña III.** So, this includes broadcasting.

**Senator Roco.** Of course.

**Senator Osmeña III.** Let the record reflect that publishing includes broadcasting.

**Senator Roco.** That is in the context. When we make laws, Mr. President, we must take them in context and the way words are used in the ordinary meaning.

**Senator Osmeña III.** Perhaps, a better word might be "disseminates."

**Senator Roco.** Maybe, Mr. President, but maybe it is not.

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

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

**The Presiding Officer [Sen. Sotto].** Is there any other point on page 2? *[Silence]* Page 3?

**Senator Osmeña III.** On page 3, line 14, Mr. President.

**The Presiding Officer [Sen. Sotto].** Line 14 for Senator Osmeña III. Is there any anterior amendment? *[Silence]* There being none, Sen. Sergio Osmeña III may proceed.

#### OSMEÑA III AMENDMENT

**Senator Osmeña III.** I move that we delete Subsection (G) which reads: "And such other information that the Commission may require."

The reason, Mr. President, is, this is a dangerous provision wherein even trade secrets might be required by the Commission. I believe that the first six subsections would be sufficient to determine whether the survey was done by a bona fide organization and who is responsible for the survey. So I move that we delete line 14 altogether.

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

**Senator Roco.** Mr. President, the committee can accept this one.

**The Presiding Officer [Sen. Sotto].** It is accepted.

**Senator Roco.** Just a minute, Mr. President. But let us face it. During election period, the powers of Comelec are plenary. If the Comelec requires anything, I do not think it will require trade secrets because that is covered by other laws. I do not know how it will get to that. But if it requires anything else, even without this provision and that is why we are perfectly willing to delete it, it will prevail because it has control over everything during election period. So with the one styling change in line 13 we will have to remove the semicolon (;) and make it a period (.) and the conjunctive "and" should be deleted together with subsection (g).

**The Presiding Officer [Sen. Sotto].** All right. Subject to style, as pointed out by the sponsor. Is there any objection? *[Silence]* There being none, the amendment is approved.

Is there any other amendment on page 3?

**Senator Osmeña III.** Yes, Mr. President. In line 21...

**The Presiding Officer [Sen. Sotto].** Line 21. The Majority Leader, anything before line 21.

**Senator Tatad.** None, Mr. President. After line 21.

**The Presiding Officer [Sen. Sotto].** Sen. Sergio Osmeña III may continue.

**Senator Osmeña III.** May I propose that the "thirty (30) days" be brought down to THREE (3) DAYS, Mr. President, and delete the entire phrase starting with the words "AND SURVEYS AFFECTING LOCAL CANDIDATES SHALL BE PUBLISHED TWELVE (12) DAYS BEFORE AN ELECTION".

The reason for this is that we have not seen nor heard in all the debates that have gone on any study conducted in any country that pre-poll surveys have determined the shape of the election. Which is why many countries that used to have ban on pre-election poll surveys have done away with them.

We are well aware of Senate Bill No. 380 which was filed by the honorable Majority Leader a couple of years ago. Perhaps, we can convince the sponsor and the Majority Leader that of the countries that he mentioned here—France, Italy, Germany, Portugal, Spain, Greece, Luxembourg and Canada—two countries have already removed their ban on surveys—Canada and Greece. And so today, the only countries that have 30-day bans are South Africa, Turkey and Luxembourg; 21-day bans—Indonesia and Italy; 15-day bans—Poland, Peru, Venezuela and Uruguay; 7-day bans—France, Hungary, Portugal, Spain, Switzerland, Chile, Columbia and Mexico. Only 18 countries in almost 200 countries in the world have bans that

are seven days or more. Three-day bans—Russia, Australia and Bolivia; one-day ban—Fiji, New Zealand, Armenia, Belarus, Bulgaria, Croatia, Kazakhstan, Lithuania and Slovenia, and the others do not have bans on prepoll surveys, including Canada, the U.S.A., the United Kingdom, Japan, Germany and Greece, et cetera. So is it all right if we now consider a lowering of the 30-day ban to three days?

**Senator Roco.** This will be in the nature of reconsideration and it should be done with a quorum, Mr. President.

**Senator Osmeña III.** All right.

**Senator Roco.** We really cannot see our way clear to accepting that, Mr. President. But, in any event, on a technicality, it cannot be done probably. That is why I insisted on following the rules and, on the final pass, substantive measures like that should have been put here. I mean, we have been debating this over the past days—I do not know how long—and that such a substantive amendment of this nature is not appropriate on a final pass. This was part of the original report and it involves two other bills of our colleagues. So we find it unfair.

We noticed, Mr. President, that there is one survey company that is always here. The others are not here. They do not mind. We do not know why SWS and Pulse Asia are always here. They are not bothered at all. The other agencies that are conducting surveys are not also bothered. This information comes from SWS and it can be seen precisely as a self-serving information. Since it was never raised during the whole debate and it is being raised at the last two minutes, it seems unfair to our colleagues who spent time and effort throughout that period.

**Senator Osmeña III.** Mr. President, we have followed the debates pretty closely. We were readying our objections to the original proposal that came in the shape of a committee amendment until a 19-page amendment was subsequently introduced, which we could not understand. We waited until a clean copy could be given to us, and this was only done yesterday.

It was not even done yesterday. Yesterday, we discussed the bill without the clean copy of the amendments of the lady senator from Iloilo. It is very difficult to intelligently amend a bill if all we can do is try to remember the amendment without having a hard copy before us.

**Senator Roco.** The 30-day period was in the original. It was not in yesterday's copy. That is why it was not in capital letters. The 30-day period was here for a long time.

**Senator Osmeña III.** It was not in the original.

**Senator Roco.** Look at the September 18 draft, for instance.

**Senator Osmeña III.** It was in the committee amendment. It was not in the original committee report, Mr. President.

**Senator Roco.** That is a question of resorting to the record, Mr. President. The 30-day ban was an earlier draft. It is only the words in capital letters here that were added yesterday.

**Senator Osmeña III.** We accept that it was in the first batch of the committee amendments. But we had made the reservation, and we even asked the permission of the Majority Leader: "Should we interrupt now while all of these amendments were coming in or just wait for the clean copy?" And he said it was up to us. So we waited until there was a much clearer copy.

**Senator Roco.** There was a clean copy as of September 18, Mr. President.

**Senator Osmeña III.** There was a clean copy but there was none of the entire 19-page amendments.

**Senator Roco.** Naturally, because it was being modified.

**Senator Osmeña III.** That is correct. Therefore, what we are trying to do is request that the amendments now be considered on Section 5.4.

**Senator Roco.** The 30-day period has been there for a long time.

**Senator Osmeña III.** Mr. President, we may even recall bills from the bicameral committee. If we can recall bills from the bicameral committee, we can consider an amendment that has been there for a week or two.

**The Presiding Officer [Sen. Sotto].** I would like to see the point of both gentlemen. But at this point, if the sponsor does not want to accept the proposed amendment, therefore, it becomes a motion that is thrown to the Body and we have to vote on the motion. That is the predicament that we are in now and the sponsor, I understand, would like to avoid that at the moment.

The Majority Leader is recognized.

**Senator Tatad.** Mr. President, the sponsor has stated that this is a substantive issue that should be thrown to the Body

when we have a number bigger than we have right now. So it will not hurt to put off this matter for discussion tomorrow, if the gentleman from Cebu would agree. We put it to the Body tomorrow.

**Senator Osmeña III.** That is fine with me, Mr. President.

**Senator Roco.** The 30-day amendment will be taken up tomorrow together with the Cayetano amendment. In the meantime, may we continue because this was just carried as a special procedure?

**The Presiding Officer [Sen. Sotto].** Is there any other point on page 3? The motions of Sen. Sergio Osmeña III and Senator Cayetano will be taken up tomorrow.

**Senator Tatad.** Senator Cayetano is preparing to propose his amendments later today, if the sponsor would be amenable to that.

On the same page, line 26, just a question of clarification. Would the phrase "professional groups" refer to any professional group, or to professional polling organizations?

**Senator Roco.** Actually, if the Majority Leader moves to delete that, the sponsor will be amenable to deleting that.

**Senator Tatad.** I believe this is a Defensor Santiago amendment.

**Senator Roco.** Originally, we were debating with ourselves, Mr. President, on whether to accept that because of the question. The original suggestion included an accreditation by the Comelec on which are the professional groups. Now, the committee could not see its way clear to seeing Comelec accredit the professional groups, so we deleted that and we ended up with the first sentence. But now that the question is being raised, maybe it is better that we remove it altogether.

**Senator Tatad.** Probably, I would like to move that, when the original proponent is around.

**Senator Roco.** Yes, but remember that we had full authority on this. We have cleared this. I really debated with this, Mr. President, but this carried the additional sentence of Comelec accrediting which are the professional groups, and I thought that was wrong.

So if we can delete this, Mr. President, it will simplify our points so that anybody who wants to do so can do it as long as the pollsters conduct their surveys within 50 meters, et cetera, and the other provisions.

**Senator Tatad.** If the sponsor is of the impression that the original proponent will not raise any serious objection, then we can proceed.

**Senator Roco.** We can also wait until tomorrow but she has reservations in any event.

#### TATAD AMENDMENT

**Senator Tatad.** I then move to strike out this particular line.

**Senator Roco.** So lines 26 and 27, Mr. President, will be deleted and...

**The Presiding Officer [Sen. Sotto].** The proposal of the distinguished gentleman is to delete lines 26 and 27.

**Senator Tatad.** Yes, Mr. President.

**Senator Roco.** And to realphabet.

**The Presiding Officer [Sen. Sotto].** A relettering?

**Senator Roco.** A relettering.

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

**Senator Roco.** On page 4, I think Senator Guingona has an anterior amendment.

**Senator Osmeña III.** On page 4, Mr. President.

**The Presiding Officer [Sen. Sotto].** On page 4. Senator Osmeña III is recognized.

**Senator Osmeña III.** Line 19.

**Senator Guingona.** Line 9, Mr. President.

**The Presiding Officer [Sen. Sotto].** There is an anterior amendment from the Minority Leader.

#### GUINGONA AMENDMENT

**Senator Guingona.** In line 9, Mr. President, delete the word "BE" after the word "SHALL", then add the phrase STATE THAT THE SAME IS "UNOFFICIAL AND DOES NOT REPRESENT A TREND." It is just a phraseology.

**Senator Roco.** SHALL STATE?

**Senator Guingona.** SHALL STATE.



**Senator Roco.** THAT THE SAME IS UNOFFICIAL AND DOES NOT REPRESENT A TREND.

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

**Senator Roco.** It is accepted, Mr. President.

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

**Senator Guingona.** Now, on the total airtime, Mr. President, in line 21, beginning in line 19, "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 ONE television STATION AND ONE MINUTE (1) PER DAY PER RADIO station during the campaign period."

**Senator Roco.** I thought the Minority Leader, in the discussion earlier, agreed with us on "per television network".

**Senator Guingona.** The television network can have many stations, Mr. President, and it might be impractical to monitor. So we prefer to make it specific.

**Senator Roco.** Is it per television station?

**Senator Guingona.** Per television STATION AND ONE (1) MINUTE PER DAY PER RADIO station.

**Senator Roco.** May I just ask, Mr. President. In the case of the national network, when we advertise, for instance, through ABS-CBN, will that therefore be considered one minute through the nation or one minute times the number of stations that carries it?

**Senator Guingona.** One minute through the nation, Mr. President.

**Senator Roco.** May the Minority Leader help me out then in the difficulty. If we do not use "network," that is one minute for the whole nation. But since ABS-CBN has a Naga station, that is another minute because it is Naga.

**The Presiding Officer [Sen. Sotto].** With the permission of the gentlemen, the Chair would like to interject. If the one-minuter advertisement is aired, and the specific example is Channel 2, and it is broadcast nationwide, that is one minute per station and that is the station of Channel 2. It would be aired simultaneously with all their carrying stations, if they have them.

**Senator Roco.** That is all right, Mr. President. But supposing now for Baguio purposes, they prefer that it be shown at

six o'clock or whatever, but for national purposes, they showed it at seven, that is two minutes for Baguio.

**The Presiding Officer [Sen. Sotto].** If the Baguio station of Channel 2 airs it simultaneously, therefore, that is academic. If we are speaking of another TV station in Baguio, then that is again a separate minute based on the proposal that I heard from the Minority Leader.

**Senator Pimentel.** Mr. President.

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

**Senator Pimentel.** Will that limitation not take into account the nature of the office which is being sought by the candidate? Meaning to say, do we not make a distinction between "local candidates" and "national candidates", Mr. President?

**Senator Guingona.** We can, Mr. President, but since it is in the nature of things that a local candidate will not advertise nationally, then it will be to his interest that he uses local television.

**Senator Pimentel.** Conceivably, Mr. President, there are places which have no local television stations. Probably, the only possible medium as far as the television or even radio stations for that matter are concerned would be national TV or national radio stations. In that case, what kind of limitations would be imposed?

**Senator Osmeña III.** May I be permitted to help clarify the issues, Mr. President.

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

**Senator Osmeña III.** There are two types of candidates: Those who aspire for national office and those who aspire for local office. Meaning, within a certain geographical area. Then, just to simplify, there are also two types of radio television advertising—those that advertise nationwide through networks and those that are limited to local service areas. So if we can reword this, Mr. President, to cover those two sets, then it would become clearer.

With the permission of the Minority Leader, whose time I am taking up, I will read my proposed amendment.

**Senator Guingona.** Yes, certainly. We thought of doing that with the Presiding Officer, but there are so many radio stations...

**Senator Osmeña III.** May I be permitted, Mr. President.

**Senator Guingona.** All right, please.

**The Presiding Officer [Sen. Sotto].** Sen. Sergio Osmeña III would like to be heard.

**Senator Osmeña III.** It will read as follows, Mr. President, in substitution of Section 6.2: "THE TOTAL DAILY AIRTIME AVAILABLE WHETHER BY PURCHASE OR DONATION for each registered party and bona fide candidate FOR NATIONAL OFFICE SHALL NOT EXCEED X MINUTES OF NATIONWIDE COVERAGE—say five minutes of nationwide coverage—FOR BOTH RADIO AND TELEVISION IN ADDITION TO ONE MINUTE PER RADIO AND TELEVISION STATION IN EACH LOCAL SERVICE AREA."

Therefore, we could have said, five minutes for network coverage and/or one minute for each local service area.

Then we can continue. "The total daily airtime available for each registered party and bona fide candidate for local office shall not exceed one minute per radio and television station IN EACH LOCAL SERVICE AREA."

**Senator Roco.** May we just have a copy of that proposed amendment, if that is being proposed.

**Senator Osmeña III.** May I have time to type this out.

**Senator Roco.** I will appreciate it if there is a copy even if we do not discuss it because that will make it easy. If it is five minutes.

#### SUSPENSION OF SESSION

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

**The Presiding Officer [Sen. Sotto].** The session is suspended for one minute, if there is no objection. *[There was none.]*

*It was 6:00 p.m.*

#### RESUMPTION OF SESSION

*At 6:05 p.m., the session was resumed.*

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

**Senator Guingona.** During the suspension of the session, I agreed to the proposals of Senator Osmeña III—and he will present them—which I understand are also acceptable to the sponsor.

**Senator Roco.** May we ask for a clean copy of the proposed amendments so that it will be distributed and then we can take it up. I think we are going beyond normal time and some of us may have appointments.

**Senator Guingona.** All I wanted to add, Mr. President, was the ban on the movies. I do not know where it will be placed.

**Senator Roco.** That is correct.

**The Presiding Officer [Sen. Sotto].** At this point, this third proposal can be taken up tomorrow when a copy is presented to the members. This can be the third amendment that can be taken up tomorrow.

**Senator Roco.** The first one was the Cayetano proposal, then this one, then—what is the third one? Cayetano is already in. *Mayroon ka bang sulat?* But we will still take it up tomorrow. But please put it on the record.

May we just have this typed or whatever. Does the staff have a copy of this?

**Senator Osmeña III.** It is being typed.

**Senator Roco.** All right.

**The Presiding Officer [Sen. Sotto].** It will be typed and it will be presented tomorrow likewise.

**Senator Osmeña III.** Mr. President, may we make it a point of clarification, whether the amendment of the Minority Leader on the ban on movies includes movies that were made before 1996?

**Senator Guingona.** No, one year before, Mr. President.

**Senator Osmeña III.** Therefore, if they were made one year before the elections, *puwede pa rin.*

**Senator Guingona.** I am told that it really does not matter, Mr. President.

**The Presiding Officer [Sen. Sotto].** Anyway, we have not reached that point.

Technically, we have now on the table three proposed amendments that we will take up tomorrow.

**Senator Roco.** What are they, Mr. President?

**The Presiding Officer [Sen. Sotto].** The first one is the Cayetano amendment; the second is the Osmeña 30-day amendment; and the third one is the rewording of the television station network and radio station network. It is merely a rewording.

**Senator Roco.** As an amendment to Section 6.2.

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

**Senator Roco.** It is a proposed amendment to Section 6.2.

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

**Senator Roco.** So we will wait for the clean copy, Mr. President.

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

**Senator Guingona.** And then may we hear from the sponsor, Mr. President, on the movie ban.

**Senator Roco.** May we suggest—I have not really thought about it—that we put the same prohibition under Section 6.5 “equal access to media time and space.” So we put in a provision of Section 6.5 on movies, and if the Minority Leader can work out the phraseology, then we can put it there to have equality in access to movies.

May we suggest to the Minority Leader that the movie is not just on the candidate. For a movie actor, we will have to address whether we will ban his movies during that period. I am just calling attention to it.

A movie is of two kinds, Mr. President. There are some candidates who, because they can afford to produce a movie, put their lives into a movie story and exaggerate a little their qualities. That is one.

Now, another set, Mr. President, is those that are made by movie actors as movie actors. So, one does not have access to the movie as an actor because he is not an actor.

So, those two (2) aspects, Mr. President...

**The Presiding Officer [Sen. Sotto].** Should be considered.

**Senator Roco.** For all of us who may have acted on stage who are campaigning, I guess that can be enlarged as a concept. But if the Minority Leader can focus on that, then

we can look at Section 6.5 as a rule on the movies covered by the ambit of equal access.

**The Presiding Officer [Sen. Sotto].** Are there other points on page 5?

**Senator Cayetano.** Mr. President.

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

**Senator Cayetano.** I really do not know where to insert this proposed amendment which I discussed earlier with the principal sponsor as a result of the repeal of Section 67 of the Omnibus Election Code.

Perhaps, it could be anywhere after Section 10. In any event, I leave to the good sponsor where to insert this particular section.

This is the proposed amendment, Mr. President. It says:

WITHOUT PREJUDICE TO SECTION 4, SECOND PARAGRAPH, ARTICLE VII OF THE CONSTITUTION, ANY ELECTED OFFICIAL WHO RUNS FOR VICE PRESIDENT OR PRESIDENT SHALL BE CONSIDERED *IPSO FACTO* RESIGNED FROM HIS OFFICE UPON THE FILING OF THE CERTIFICATE OF CANDIDACY.

**Senator Roco.** Yes, Mr. President. We will take it and get a printed copy, because it does affect the members of the Chamber and many other people. So it will be discussed.

We shall limit those areas as special orders for discussion in an effort to have an end to the discussion on the bill.

Of course, we will accept it as a proposal, Mr. President, but we will discuss it tomorrow.

**The Presiding Officer [Sen. Sotto].** When we have a better quality as far as our number is concerned.

**Senator Roco.** No, Mr. President. We now have a quorum. When more of the Senators are present in the hall.

**Senator Cayetano.** Does the principal sponsor, Mr. President, require this proponent to put this in writing? I think the record is quite clear already.

**Senator Roco.** The staff will put it together in writing.

**Senator Cayetano.** I thank the gentleman for that. Thank you, Mr. President.

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

**Senator Tatad.** Mr. President, I believe we are done.

**The Presiding Officer [Sen. Sotto].** Are there no other minor amendments?

**Senator Roco.** Mr. President, subject to those three amendments, I understand that we have essentially finished, together with the 30 days, the rule on forfeiture, the rule on movies, and the rule on daily time available.

**The Presiding Officer [Sen. Sotto].** So there are four points that will be taken up tomorrow as a special order.

**Senator Roco.** As a special order only to conform to the Rules.

**MANIFESTATION OF SENATOR TATAD  
(Request for a Clean Copy of S. No. 1742  
with Approved Amendments)**

**Senator Tatad.** Mr. President, with that understanding, I would request the Secretariat to prepare a clean copy of the bill with all the approved amendments as of today, September 26.

**The Presiding Officer [Sen. Sotto].** We therefore direct the Secretariat to do so and also present to the members copies of the proposed amendments so as to facilitate the deliberation of the bill tomorrow.

**SUSPENSION OF CONSIDERATION OF S. NO. 1742**

**Senator Tatad.** With that, I move that we 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 Roco.** Thank you, Mr. President.

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

**SPECIAL ORDERS**

**Senator Tatad.** Mr. President, I move that we transfer from the Calendar for Ordinary Business to the Calendar for Special Orders, Committee Report No. 237 on Proposed Senate Resolution No. 158, entitled

**RESOLUTION DIRECTING THE SENATE COMMITTEES ON ENVIRONMENT AND NATURAL RESOURCES AND ON HEALTH AND DEMOGRAPHY TO INVESTIGATE, IN AID OF LEGISLATION, THE ALLEGED PRESENCE OF TOXIC AND HAZARDOUS WASTES IN THE FORMER U.S. MILITARY INSTALLATIONS OF SUBIC AND CLARK WITH THE END IN VIEW OF DETERMINING THE LEVEL OF THREAT IT POSES AND IN ORDER TO INSTITUTE THE NECESSARY REMEDIAL MEASURES;**

Proposed Senate Resolution No. 162, entitled

**RESOLUTION DIRECTING AN INQUIRY, IN AID OF LEGISLATION, ON THE REPORTED CONTAMINATION OF CLARK AND SUBIC WATERS WITH TOXIC SUBSTANCES;**

Proposed Senate Resolution No. 172, entitled

**RESOLUTION DIRECTING THE SENATE COMMITTEES ON ENVIRONMENT AND NATURAL RESOURCES AND FOREIGN RELATIONS TO INQUIRE, IN AID OF LEGISLATION, INTO THE TOXIC CONTAMINATION WITHIN THE FORMER U.S. BASES AND TO RECOMMEND THE CREATION OF A MULTI-SECTORAL TASK FORCE COMPOSED OF REPRESENTATIVES OF THE PHILIPPINE AND UNITED STATES GOVERNMENTS AND THE SENATE COMMITTEES, CONCERNED NON-GOVERNMENTAL AND PEOPLE'S ORGANIZATIONS AND TECHNICAL/SCIENTIFIC EXPERTS WHICH WILL COOPERATE IN THE PLANNING AND MONITORING OF THE THOROUGH STUDY, CLEAN-UP AND RESTORATION OF CONTAMINATED SITES IN SUBIC AND CLARK;**

Proposed Senate Resolution No. 281, entitled

**RESOLUTION URGING HIS EXCELLENCY PRESIDENT JOSEPH ESTRADA TO REQUEST THE GOVERNMENT OF THE UNITED STATES OF AMERICA TO CONDUCT A STUDY TO DETERMINE AND IDENTIFY THE ACTUAL ENVIRONMENTAL DAMAGE AND CONTAMINATION RESULTING FROM THE OCCUPATION**