

FOURTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Second Regular Session)

OFFICE OF THE SECRETARY

9 MAY 12 P3:18

SENATE
P. S. R. No. 1060

RECEIVED BY 

Introduced by Senator Miriam Defensor Santiago

RESOLUTION
DIRECTING THE PROPER SENATE COMMITTEE TO CONDUCT AN INQUIRY,
IN AID OF LEGISLATION, ON THE SOURCE OF FUNDING OF ALLEGED
TELEVISION INFOMERCIALS FEATURING CABINET MEMBERS, LOCAL
GOVERNMENT OFFICIALS, AND OTHER PUBLIC OFFICIALS, AND TO
DETERMINE THE CRIMINAL LIABILITY OF THE PUBLIC OFFICIALS
INVOLVED FOR MALVERSATION OF PUBLIC FUNDS AND/OR PREMATURE
CAMPAIGNING

WHEREAS, the Constitution, Article 11, Section 1 provides that "Public office is a public trust. Public officers and employees must, at all times, be accountable to the people, serve them with utmost responsibility, integrity, loyalty, and efficiency, act with patriotism and justice, and lead modest lives";

WHEREAS, one year before the 2010 national elections, public service "infomercials" featuring cabinet members, local government officials, and other public officials have surfaced in the mainstream media;

WHEREAS, last 3 May 2009, a disaster preparedness infomercial featuring an official from the Department of National Defense was shown numerous times during the Pacquiao-Hatton fight broadcast on a major television network and reportedly even in movie theaters showing the boxing match;

WHEREAS, television viewers have also been bombarded with a health infomercial featuring a Department of Health official; a tax payment infomercial featuring officials from the Department of Finance and the Bureau of Internal Revenue; a skills training infomercial with an official from the Technical Education and Skills Development Authority (Tesda); a government programs infomercial with an official from the Philippine Amusement and Gaming Corporation (Pagcor); an infomercial about the founding anniversary of the City of Makati featuring a Makati local government official; and a mass housing infomercial with a high-ranking government official;

WHEREAS, movie theaters have also been showing a garbage collection infomercial involving an official of the Metropolitan Manila Development Authority (MMDA);

WHEREAS, the funds used for the production and broadcast of these alleged infomercials must be investigated; if public funds were used, the public officials involved may be guilty of malversation;

WHEREAS, the Penal Code, Article 217 provides that malversation is committed by "[a]ny public officer who, by reason of the duties of his office, is accountable for

public funds or property, shall appropriate the same or shall take or misappropriate or shall consent, through abandonment or negligence, shall permit any other person to take such public funds, or property, wholly or partially, or shall otherwise be guilty of the misappropriation or malversation of such funds or property xxx”;

WHEREAS, the concerned public officials may also be guilty of premature campaigning; it is public knowledge that some of the public officials featured in the infomercials have already manifested their intention to seek for elective office in the 2010 national elections;

WHEREAS, Section 80 of the Election Code clearly states the objective of the law to limit political campaigns within the official campaign period:

SECTION 80. Election campaign or partisan political activity outside campaign period. It shall be unlawful for any person, **whether or not a voter or candidate**, or for any party, or association of persons, to engage in an election campaign or partisan political activity except during the campaign period: Provided, That political parties may hold political conventions or meetings to nominate their official candidates within thirty days before the commencement of the campaign period and forty-five days for Presidential and Vice-Presidential elections. (Emphasis supplied.)

WHEREAS, in 2008, the author filed a petition with the Commission on Elections (Comelec) to stop reelectionist senators from appearing as alleged commercial models of certain products advertised on billboards and on television;

WHEREAS, since 2008, barely two years before the national elections in 2010, several senators appeared in mainstream media hawking a whole gamut of commercial products from laundry detergents, a skin care center, a bath soap, a skin whitener, to a health supplement, weight loss clinic, and instant noodles;

WHEREAS, there were also senators who appeared in infomercials on poverty alleviation, cheaper medicines, protection of overseas Filipino workers, and of the environment;

WHEREAS, the Comelec, however, dismissed the petition; the petition has since been elevated to the Supreme Court, where it is pending;

WHEREAS, public officials with greater connections and deeper pockets have resorted to all means possible to popularize themselves and gain a decidedly *advantageous position* for the 2010 national elections, in blatant violation of the policy behind our election laws to even the playing field for candidates, rich and poor;

WHEREAS, the culture of impunity among senators, cabinet members, local government officials, and other public officials blatantly violating the law against premature campaigning must be stopped;

WHEREAS, if this deplorable trend continues, all potential candidates for local and national offices will start campaigning simply through insidious infomercials and commercials;

WHEREAS, the public is exhorted to support a culture of public accountability by asking for the disqualification of these public officials who wilfully and deliberately violate our elections laws;

WHEREFORE, be it hereby resolved by the Philippine Senate, to conduct an inquiry, in aid of legislation, on the source of funding of alleged television infomercials

featuring cabinet members, local government officials, and other public officials, and to determine the criminal liability of the public officials involved for malversation of public funds and/or premature campaigning.

Adopted,


MIRIAM DEFENSOR SANTIAGO

/jab