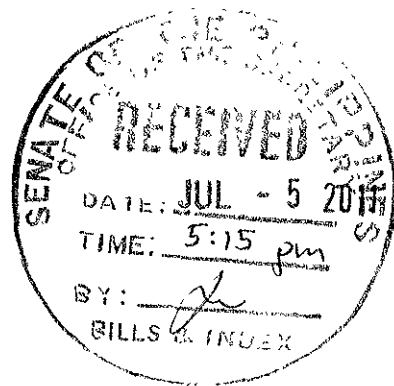


FIFTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)



SENATE

S. No. 2881

Introduced by Senator Antonio "Sonny" F. Trillanes IV

EXPLANATORY NOTE

It is said that medium matters in conveying one's message to the public.

Depending on the target audience, some people subscribe to the effectiveness of print media while others prefer the audio-visual impact afforded by television ads when it comes to political advertisement. Others resort to radio because of its mass-appeal and cost effectiveness in communicating their messages to the electorate. These philosophies and preferences are most critical and important during the electoral campaign period.

To level the playing field, campaign finance regulations are in place to put a cap on the maximum amount that a candidate or a political party can spend during an election campaign. At this time, the cap is P10.00 per voter for candidates for President and Vice-President; P3.00 per voter for other candidates; P5.00 per voter for candidates without a political party and without support of any political party and P5.00 per voter for political parties and party-list groups¹.

Under Republic Act No. 9006 otherwise known as the Fair Election Act, stringent limits have been imposed on the size of print advertisement and the length of television and radio ads a candidate or a political party can place during an electoral campaign.

It is submitted that these stringent limits, aside from being arbitrary, are actually superfluous and unnecessary because of the fact that there is already an existing cap imposed on the maximum amount a candidate or political party may spend for his campaign. It is submitted that candidates and political parties should be given unhampered discretion to decide how best to spend their campaign funds with as little interference from third parties as possible. As long as they remain within the cap prescribed by law, it shouldn't matter how a candidate and/or political party spend their money. After all, it is their campaign and it is their money and they should be allowed to spend it in the best manner they believe they can.

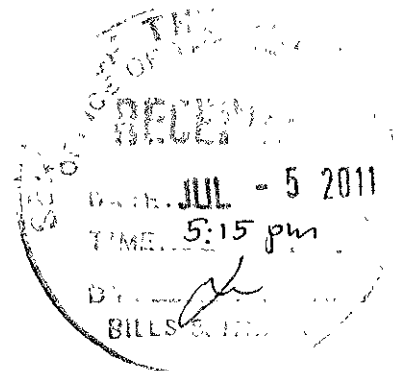
This measure seeks to relax and liberalize the limits imposed by the Fair Election Act on access to print space as well as to television and radio time during an election campaign. This would afford political parties and candidates more latitude to decide for themselves the medium of campaign that they believe will most effectively communicate their message to the electorate.

In view of the foregoing, approval of this measure is earnestly sought.

ANTONIO "SONNY" F. TRILLANES
Senator

¹ See: Section 7, COMELEC RESOLUTION NO. 8944

FIFTEENTH CONGRESS OF THE)
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SENATE

S. No. 2881

Introduced by Senator Antonio "Sonny" F. Trillanes IV

AN ACT

RELAXING AND LIBERALIZING THE LIMITS ON ACCESS TO PRINT SPACE AS WELL AS TV AND RADIO TIME OF POLITICAL PARTIES AND CANDIDATES DURING THE ELECTION CAMPAIGN THEREBY AMENDING SECTION 6 OF REPUBLIC ACT NO. 9006, OTHERWISE KNOWN AS THE FAIR ELECTION ACT

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

1 **SECTION 1.** Republic Act No. 9006, otherwise known as the Fair Election Act, is
2 hereby amended to read as follows:

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

6 6.1. *Print advertisements shall not exceed [one-fourth (1/4)] **TWO***
7 ***FULL** pageS [in broadsheet and one-half (1/2) page in tabloids thrice a*
8 *week] per newspaper, magazine or other publications **PER DAY**, during the*
9 *campaign period.*

10 6.2. (a) *Each bona fide candidate or registered political party for a*
11 *nationally elective office shall be entitled to not more than one hundred*
12 *twenty (120) minutes of television advertisement **PER TELEVISION***
13 ***STATION** and one hundred eighty (180) minutes of radio advertisement*
14 ***PER RADIO STATION** whether by purchase or donation.*

15 (b) *Each bona fide candidate or registered political party for a locally*
16 *elective office shall be entitled to not more than sixty (60) minutes of*

1 television advertisement **PER TELEVISION STATION** and ninety (90)
2 minutes of radio advertisement **PER RADIO STATION** whether by
3 purchase or donation.

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

9 6.3. All mass media entities shall furnish the COMELEC with a copy
10 of all contracts for advertising, promoting or opposing any political party or
11 the candidacy of any person for public office within five (5) days after its
12 signing. In every case, it shall be signed by the donor, the candidate
13 concerned or by the duly authorized representative of the political party.

14 6.4. No franchise or permit to operate a radio or television station
15 shall be granted or issued, suspended or cancelled during the election
16 period.

17 In all instances, the COMELEC shall supervise the use and
18 employment of press, radio and television facilities insofar as the placement
19 of political advertisements is concerned to ensure that candidates are given
20 equal opportunities under equal circumstances to make known their
21 qualifications and their stand on public issues within the limits set forth in
22 the Omnibus Election Code and Republic Act No. 7166 on election spending.

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

1 6.5. *All members of media, television, radio or print, shall*
2 *scrupulously report and interpret the news, taking care not to suppress*
3 *essential facts nor to distort the truth by omission or improper emphasis.*

4 *They shall recognize the duty to air the other side and the duty to*
5 *correct substantive errors promptly.*

6 6.6. *Any mass media columnist, commentator, announcer, reporter,*
7 *on-air correspondent or personality who is a candidate for any elective*
8 *public office or is a campaign volunteer for or employed or retained in any*
9 *capacity by any candidate or political party shall be deemed resigned, if so*
10 *required by their employer, or shall take a leave of absence from his/her*
11 *work as such during the campaign period: Provided, That any media*
12 *practitioner who is an official of a political party or a member of the*
13 *campaign staff of a candidate or political party shall not use his/her time or*
14 *space to favor any candidate or political party.*

15 6.7. *No movie, cinematograph or documentary portraying the life or*
16 *biography of a candidate shall be publicly exhibited in a theater, television*
17 *station or any public forum during the campaign period.*

18 6.8. *No movie, cinematograph or documentary portrayed by an actor*
19 *or media personality who is himself a candidate shall likewise be publicly*
20 *exhibited in a theater or any public forum during the campaign period.*

21
22 **SEC. 2. Separability Clause.** If any provision or part hereof is held invalid or
23 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
24 valid and subsisting.

25
26 **SEC. 3. Repealing Clause.** – All laws, rules, regulations, orders, circulars, and
27 memoranda inconsistent with any provisions of this Act are hereby repealed or modified
28 accordingly.

1 **SEC. 4. *Effectivity Clause.*** This Act shall take effect fifteen (15) days after its
2 complete publication in the *Official Gazette* or in at least two (2) newspapers of general
3 circulation.

Approved,