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SENATE

S. No. 822

INTRODUCED BY HON. MANUEL B. VILLAR, JR.

EXPLANATORY NOTE

PD 1079 was promulgated by then President Marcos on 28 January 1977 for the proper dissemination of information contained in judicial notices of auction sales and other similar notices.

It also sought to prevent crass commercialism and unfair competition among community newspapers in the publication of the said notices and announcements.

The last sentence of Section 1 of PD 1079 contains provisions allowing unauthorized newspapers or periodicals to publish notices or announcements provided it has been regularly published at least one (1) year before the publication of such notices or announcements. This no longer holds true as this phrase was intended to meet the exigencies of that time where there existed a scarcity of local newspapers or periodicals in the province or city. Thus, the bill merely requires that a newspaper must have been in regular weekly circulation before it be qualified to publish said notices.

On the other hand, Section 2 of the Decree limits its application to the executive judge of the court of first instance. Public biddings are not limited to judicial agencies as they may also be conducted under the auspices of other government agencies. Thus, the need to amend this provision so as to reflect the fact that there are other officials aside from executive judges who are involved in the distribution of advertisement. The bill expands the coverage of Section 2 so as to include the head of office or authorized personnel designated by him.

Lastly, Section 3 of the PD 1079 prohibits newspapers and periodicals from charging less than P10.00 per column inch, nor more than 80% of their commercial display rates.

Present realities dictate a review of PD 1079. It should be amended to raise the floor price for judicial notices and similar advertisements from P10.00 to P150.00 per column inch. The amendments will enhance the economic viability to community newspapers and enable them to serve the public good better.


MANUEL B. VILLAR, JR.

SECTION 2. Section 2 of P D 1079 is hereby amended to read as follows:

SEC. 2. “ The executive judge of the [court of the first instance] REGIONAL TRIAL COURT, THE HEAD OF OFFICE OR ANY AUTHORIZED PERSONNEL DESIGNATED BY THE HEAD OF OFFICE shall designated a regular working day and a definite time each week during which is the said judicial notices or advertisements shall be distributed personally by him for publication to qualified newspapers or periodicals as defined in the preceding section, which distribution shall be done by raffle : Provided, That should the circumstances require that another day be set for the purpose, he shall notify in writing the editors and publishers concerned at least three (3) days in advance of the designated date: Provided, further, That the distribution of the said notices by raffle shall be dispensed with in case only one newspaper or periodical is in operation in a particular province or city.

SEC. 3. Section 3 of P D 1079 is hereby amended to read as follows:

SEC. 3. No newspaper or periodical shall charge for publication of the said notices and announcements less than [ten pesos (P10.00)] ONE HUNDRED FIFTY PESOS (P150.00) per column inch, nor more than eighty percent (80%) of their regular commercial display advertising rates : Provided, That publications whose regular commercial advertising rates are lower than [ten pesos (P10.00)] ONE HUNDRED FIFTY PESOS (150.00) shall nor charge below [ten pesos (P10.00)] ONE HUNDRED FIFTY PESOS (P150.00) per column inch for the publication of the above-mentioned notices and announcements: Provided, further, That in case of publications that do not carry commercial advertising, the rate for the publication of legal and judicial notices shall be fixed at [ten pesos (P10.00)] ONE HUNDRED FIFTY PESOS (P150.00) per column inch: Provided, finally, That newspapers or periodicals may only charge more than [ten pesos (P10.00)] ONE HUNDRED FIFTY PESOS (P150.00) up to eighty percent (80%) of their regular commercial display advertising rate when there is proper and adequate proof that the rate claimed is the regular commercial display advertising rate”

SEC. 4. Section 6 of P D 1079 is hereby amended to read as follows:

“SEC 6. Violation of any provision of this Decree shall be punished by a fine of not less than five thousand (P5,000.00) nor more than twenty thousand pesos (P20,000.00) and

imprisonment for not less than (6) months nor more than two (2)years. The offending executive judge [or], court personnel, HEAD OF OFFICE OR AUTHORIZED PERSONNEL DESIGNATED BY HIM shall be perpetually disqualified from holding any public office in the government.

SEC. 5. This Act shall take effect fifteen (15) days following its publication in the Official Gazette or a national newspaper of general circulation.

Approved,