

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

SENATE
OFFICE OF THE SECRETARY

10 JUL -6 8:30

SENATE
S. NO. 191

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Introduced by Senator Antonio "Sonny" F. Trillanes IV

EXPLANATORY NOTE

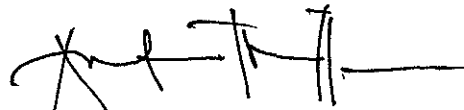
The media has proven its immense power in carrying messages to the public, especially during elections. Past elections show how advertisements can help politicians in large proportions. Particularly in 2007, a pre-election survey conducted by the Social Weather Stations illustrated that receptivity to political advertising can affect votes by five to ten points.

Often serving as battleground for political discussions, campaign and debates, the situation provides evidence that the media has been preferred source of information among voters.

It could not be concealed that access to media and advertisements are obviously open only to candidates and parties who can afford the same, which is why most of the candidates these days have turned to the Internet for political advertisement. Given this circumstance, it is inevitable to assume that candidates, specifically those who are employed in the government, are becoming prone to use public resources, including internal mail system or electronic mail system, for political advertising.

This bill seeks to prohibit the use of public funds or resources to make communications that contain political advertising.

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



ANTONIO "SONNY" F. TRILLANES IV
Senator

10 JUL -6 11:20

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Introduced by Senator Antonio "Sonny" F. Trillanes IV

AN ACT
PROHIBITING THE USE OF PUBLIC RESOURCES TO MAKE
COMMUNICATIONS THAT CONTAIN POLITICAL ADVERTISING,
AMENDING FOR THIS PURPOSE BATAS PAMBANSA BILANG 881,
OTHERWISE KNOWN AS THE "OMNIBUS ELECTION CODE OF THE
PHILIPPINES"

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

- 1 **SECTION 1. *Definition of Terms*** -- As used in this Act, the following terms
2 shall mean:
- 3 a) "Electronic mail system" means a system for transmitting messages
4 electronically;
- 5 b) "Internal mail system" means a system operated by an agency or political
6 subdivision to deliver written documents to officers or employees of the
7 agency;
- 8 c) "Political advertising" means a communication supporting or opposing a
9 candidate for nomination or election to a public office or office of a
10 political party, a political party, a public officer or a measure that:
- 11 1) in return for consideration, is published in a -newspaper, magazine,
12 or other periodical or is broadcast by radio or television; or
- 13 2) appears in a pamphlet, circular, flier, billboard or other sign,
14 bumper sticker, or similar form of written communication.
- 15 3) Is on an Internet website.

1 Thus, it is a communication that advocates a particular outcome in an election. It can be a
2 communication in almost any written or broadcast form, such as a billboard, a flier, a
3 newsletter, a poster, a television or radio ad, or an Internet site.

4 d) "agency" means a department, commission, board, office, or other agency
5 that is in the legislative, executive, or judicial branch of government; or a
6 university system or an institution of higher education.

7
8 **SEC. 2. *Unlawful Use of Public Funds or Resources for Political Advertising* -**
9 Section 261 of the Batas Pambansa Bilang 881 of the Philippines, otherwise known as
10 the "Omnibus Election Code", and herein referred to as the Act, is amended by adding
11 the following subsections to read as follows:

12 "Sec. 261. Prohibited Acts. - The following shall be guilty of an election
13 offense:

14 (o) Use of public funds, money deposited in trust, equipment, facilities owned
15 or controlled by the government for an election campaign. - Any person
16 who uses under any guise whatsoever, directly or indirectly, (1) public
17 funds or money deposited with, or held in trust by, public financing
18 institutions or by government offices, banks, or agencies; (2) any printing
19 press, radio, or television station or audio-visual equipment operated by
20 the Government or by its divisions, sub-divisions, agencies or
21 instrumentalities, including government-owned or controlled corporations,
22 or by the Armed Forces of the Philippines; [or] (3) any equipment,
23 vehicle, facility, apparatus, or paraphernalia owned by the government or
24 by its political subdivisions, agencies including government-owned or
25 controlled corporations, or by the Armed Forces of the Philippines for any
26 election campaign or for any partisan political activity; OR (4) PUBLIC
27 FUNDS OR RESOURCES, INCLUDING AN INTERNAL MAIL
28 SYSTEM OR ELECTRONIC MAIL SYSTEM, FOR POLITICAL
29 ADVERTISING, INCLUDING THE DISTRIBUTION OF POLITICAL
30 ADVERTISING;

31 THIS SECTION DOES NOT APPLY TO:

32 i) A COMMUNICATION THAT FACTUALLY DESCRIBES
33 PURPOSES OF A MEASURE, IF THE COMMUNICATION DOES
34 NOT ADVOCATE PASSAGE OR DEFEAT OF THE MEASURE;

1 ii) THE USE OF AN INTERNAL MAIL SYSTEM TO
2 DISTRIBUTE POLITICAL ADVERTISING THAT IS DELIVERED TO
3 THE PREMISES OF AN AGENCY OR THROUGH THE PHILIPPINE
4 POSTAL SERVICE; OR

5 iii) THE USE OF AN INTERNAL MAIL SYSTEM BY AN
6 AGENCY TO DISTRIBUTE POLITICAL ADVERTISING THAT IS
7 THE SUBJECT OF, OR IS RELATED TO, AN INVESTIGATION,
8 HEARING, OR OTHER OFFICIAL PROCEEDING OF THE AGENCY
9 OR POLITICAL SUBDIVISION.

10
11 **SEC. 3. *Separability Clause.*** - If any provision of this Act shall at any time be
12 found to be unconstitutional or invalid, the remainder thereof not affected by such
13 declaration shall remain in full force and effect.

14
15 **SEC. 4. *Repealing Clause.*** - All laws, decrees, rules or regulations inconsistent
16 with the provisions of this Act are hereby repealed or modified accordingly.

17
18 **SEC. 5. *Effectivity Clause.*** - This Act shall take effect after fifteen (15) days
19 following its complete publication in two (2) newspapers of general circulation.

Approved,