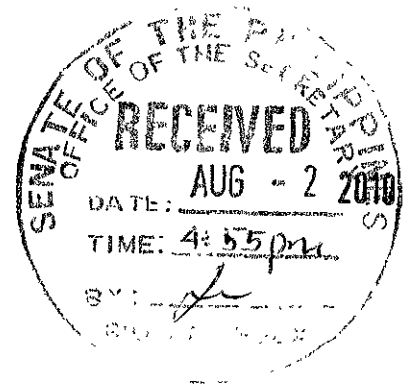


FIFTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)



SENATE
S. No. 2278

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Article 2, Section 26 provides that, “the State shall guarantee equal access to opportunities for public service and prohibit political dynasties as may be defined by law.” However, data from recent elections would show that except for a few exceptional cases, access to opportunities for public service, especially in elective positions is never equal.

More often than not, candidates have to spend millions of pesos in order to win in the elections. In the recent 2007 senatorial elections, with the exception of Sen. Trillanes, all the winning candidates had to spend at least ten million pesos for their campaign and the bulk of these amounts went to tv and radio ads.

According to a July 2005 Asia Research Organization study, with its 95-percent reach among Filipino households, television has become the Filipinos’ most preferred source of news and information. However, previous laws imposed political ad bans in order to “level the playing field” between rich and poor candidates. The ban was lifted in 2001 in an effort to give equal opportunities to the lesser-known candidates, allowing candidates to flood viewers’ screens with their political advertisements.

In order to ensure that no candidate will get more exposure than others, the Fair Elections Act limited the number of hours that a candidate can air his ad. However, because a political ad costs a lot, not all candidates were able to even reach half of the maximum time allotted for their political ad. Conversely, rich candidates still got the better of poor candidates. The unequal access to airtime and ad space still existed because of the high price of political ads. Even though there is supposed to be equal air time that was available to all, the candidates’ resources were just not equal.

Aside from the problem of unequal opportunities for political ads in tv and radio, there is also the issue of the content of these ads. Since these ads were aired within very short periods, they were not able to deliver crucial information such as platforms and track records and just featured candidates singing and dancing, along with catchy jingles and slogans and brightly colored backgrounds. In order for the public to make informed decisions on who they should vote for, the contents of these political ads must also be regulated.

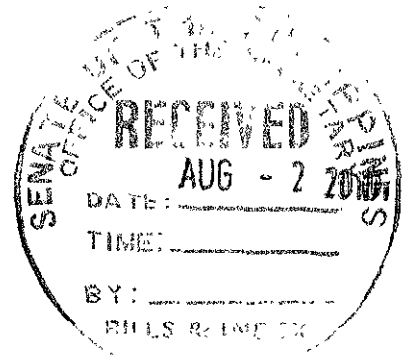
However, ads alone will not give the public a clear picture of the candidate, his qualifications and platform. There should be a televised debate for candidates in order for people to see and hear what the candidates have to offer.

This bill aims to regulate TV and radio advertisements and its contents. It also aims to institutionalize political debates among candidates in order to have an informed electorate.¹

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO

¹ This bill was originally filed during the 14th Congress 1st Regular Session

FIFTEENTH CONGRESS OF THE REPUBLIC)
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First Regular Session)



SENATE
S. No. 2278

Introduced by Senator Miriam Defensor Santiago

1 AN ACT
2 GIVING EQUAL ACCESS TO RADIO AND TV ADS FOR CANDIDATES DURING
3 THE ELECTION PERIOD, SIMPLIFYING AND PROFESSIONALIZING POLITICAL
4 ADVERTISEMENTS AND INSTITUTIONALIZING POLITICAL DEBATES TO
5 PROPERLY WARN THE ELECTORATE DURING THE ELECTION PERIOD

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

6 SECTION 1; *Short Title.* - This Act shall be known as the "Informed Electorate Act."

7 SECTION 2. *Declaration of Policy.* - It is hereby declared the policy of the State to
8 guarantee equal access to opportunities for public service by creating a well-informed electorate.

9 SECTION 3. *Comelec Sponsored Debates.* - The COMELEC shall supervise and sponsor
10 at least three (3) national debates among presidential candidates, at least one (1) national debate
11 among vice presidential, senatorial and local government position candidates. The debates
12 among presidential candidates shall be scheduled on three (3) different calendar days; the first
13 debate shall be scheduled within the first and second week of the campaign period; the second
14 debate within the fifth and sixth week of the campaign period; and the third debate shall be
15 scheduled within the tenth and eleventh week of the campaign period. The COMELEC shall
16 promulgate rules and regulations for the holding of such debates.

17 SECTION 4. *Maximum Airtime per Candidate.* - (A) Each bona fide candidate or
18 registered political party for a nationally elective office shall be entitled to a national aggregate
19 of not more than one hundred twenty (120) minutes of television advertisement and one hundred
20 eighty (180) minutes of radio advertisement whether by purchase or donation.

1 (B) Each bona fide candidate or registered political party for a locally elective office shall
2 be entitled to an aggregate of not more than sixty (60) minutes of television advertisement and
3 ninety (90) minutes of radio advertisement whether by purchase or donation.

4 SECTION 5. *Contents of the Political Advertisement.* - A political advertisement should
5 contain the following:

- 6 a) A picture, photo or video of the candidate;
- 7 b) The full name and the nickname, stage or screen name of the candidate;
- 8 c) The candidate's academic background;
- 9 d) The candidate's professional profile; and
- 10 e) The candidate's platform of government.

11 Failure to include any of the required content is considered an election offense.

12 SECTION 6. *Comelec Sponsored Airtime.* - In order to ensure that each candidate will
13 receive equal opportunities for media exposure, each candidate should pay to the COMELEC the
14 amount needed to buy political advertisements. It will be the COMELEC who will procure for
15 the candidates paid airtime from at least three (3) national television networks and three (3)
16 national radio networks, which shall also be allocated equally and impartially among all the
17 candidates who paid the required amount. For this purpose, each national candidate should pay
18 the COMELEC one-fifth of the maximum allowable expenditure for the elections.

19 SECTION 7. *Implementing Rules and Regulations.* - The Commission on Elections shall
20 promulgate the Implementing Rules of this Act within sixty (60) days following its effectivity.

21 SECTION 8. *Repealing Clause.* - Any law, presidential decree or issuance, executive
22 order, letter of instruction, administrative order, rule or regulation contrary to, or inconsistent
23 with the provisions of this Act is hereby repealed, modified or amended accordingly.

24 SECTION 9. *Separability Clause.* - If any provision or part hereof is held invalid or
25 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
26 valid and subsisting.

1 SECTION 10. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its
2 publication in at least two (2) newspapers of general circulation.

Approved.