

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

OFFICE OF THE SECRETARY

9 FEB 16 15:30

SENATE

S. No. 3066

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Introduced by Senator Antonio "Sonny" F. Trillanes IV

EXPLANATORY NOTE

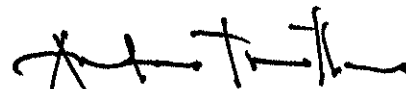
The media has proven its immense power in carrying messages to the public, especially during elections. Past elections show how advertisements can help politicians in large proportions. Particularly in 2007, a pre-election survey conducted by the Social Weather Stations illustrated that receptivity to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

FOURTEENTH CONGRESS OF THE)
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9 FEB 16 11:30

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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 in 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 shall mean:
- 2 a) "Electronic mail system" means a system for transmitting messages
- 3 electronically;
- 4 b) "Internal mail system" means a system operated by an agency or political
- 5 subdivision to deliver written documents to officers or employees of the
- 6 agency;
- 7 c) "Political advertising" means a communication supporting or opposing a
- 8 candidate for nomination or election to a public office or office of a
- 9 political party, a political party, a public officer or a measure that:
- 10 1) in return for consideration, is published in a -newspaper, magazine, or
- 11 other periodical or is broadcast by radio or television; or
- 12 2) appears in a pamphlet, circular, flier, billboard or other sign, bumper
- 13 sticker, or similar form of written communication.
- 14 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 the
10 “Omnibus Election Code”, and herein referred to as the Act, is amended by adding the following
11 subsections to read as follows:

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

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

1 SYSTEM, FOR POLITICAL ADVERTISING, INCLUDING THE
2 DISTRIBUTION OF POLITICAL ADVERTISING;

3 THIS SECTION DOES NOT APPLY TO:

4 i) A COMMUNICATION THAT FACTUALLY DESCRIBES
5 PURPOSES OF A MEASURE, IF THE COMMUNICATION DOES
6 NOT ADVOCATE PASSAGE OR DEFEAT OF THE MEASURE;

7 ii) THE USE OF AN INTERNAL MAIL SYSTEM TO DISTRIBUTE
8 POLITICAL ADVERTISING THAT IS DELIVERED TO THE
9 PREMISES OF AN AGENCY OR THROUGH THE PHILIPPINE
10 POSTAL SERVICE; OR

11 iii) THE USE OF AN INTERNAL MAIL SYSTEM BY AN AGENCY
12 TO DISTRIBUTE POLITICAL ADVERTISING THAT IS THE
13 SUBJECT OF, OR IS RELATED TO, AN INVESTIGATION,
14 HEARING, OR OTHER OFFICIAL PROCEEDING OF THE
15 AGENCY OR POLITICAL SUBDIVISION.

16
17 **SEC. 3. *Separability Clause.*** – If any provision of this Act shall at any time be found to
18 be unconstitutional or invalid, the remainder thereof not affected by such declaration shall
19 remain in full force and effect.

20
21 **SEC. 4. *Repealing Clause.*** – All laws, decrees, rules or regulations inconsistent with the
22 provisions of this Act are hereby repealed or modified accordingly.

23
24 **SEC. 5. *Effectivity Clause.*** – This Act shall take effect after fifteen (15) days following
25 its complete publication in two (2) newspapers of general circulation.

Approved,