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SENATE

PS Res. No. 1261

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Introduced by Senator Miriam Defensor Santiago

RESOLUTION

DIRECTING THE ECONOMIC AFFAIRS COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON PREMATURE CAMPAIGN SPENDING, ALLEGEDLY USING PUBLIC FUNDS, BY CERTAIN CABINET MEMBERS AND OTHERS, INsofar AS THIS SPENDING RELATES TO ECONOMIC PLANNING AND PROGRAMMING, AND TO THE CONSTITUTIONAL MANDATE FOR EQUAL ACCESS TO OPPORTUNITIES FOR PUBLIC SERVICE

WHEREAS, the Constitution, Article 2, provides:

Sec. 26. The State shall guarantee **equal access to opportunities for public service**. . . .

Sec. 27. The State shall maintain honesty and integrity in the public service and take positive and effective measures against graft and corruption.

Sec. 28. Subject to reasonable conditions prescribed by law, the State adopts and implements a policy of full public disclosure of all its transactions involving public interest.

WHEREAS, R.A. No. 6713, aka Code of Conduct and Ethical Standards for Public Officials, provides:

Sec. 4. (a) *Commitment to public interest*. – Public officials and employees shall always uphold the public interest over and above personal interest. All government resources and powers of their respective offices must be employed and used efficiently, effectively, honestly, and economically, particularly to avoid wastage in public funds and revenues.

WHEREAS, B.P. Blg. 881, aka Omnibus Election Code, provides:

Sec. 68. *Disqualifications*. Any candidate who, in an action or protest in which he is a party is declared by final decision of a competent court guilty of, or found by the Commission of having . . . (e) violated any of Sections 80 . . . shall be disqualified from

continuing as a candidate, or if he has been elected, from holding the office. . . .

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Sec. 80. *Election campaign or partisan political activity outside campaign period.* – It shall be unlawful for any person, whether or not a voter or candidate . . . to engage in an election campaign or partisan political activity except during the campaign period. . . .

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Sec. 261. *Prohibited acts.* – The following shall be guilty of election offense: . . .

(o) *Use of public funds . . . for an election campaign.* – Any person who uses **under any guise whatsoever**, directly or indirectly, (1) public funds . . . for any election campaign or for any partisan political activity.

WHEREAS, the undersigned has filed with the Supreme Court G.R. No. 184044, *Miriam Defensor Santiago v. Comelec, et al.*, a petition for certiorari, seeking an injunction against some of her fellow senators and other public officials from conducting a premature campaign, in the guise of endorsing certain commercial products;

WHEREAS, if the undersigned seeks enforcement of the campaign ban against her own colleagues in the Senate, with even more reason she seeks enforcement of the campaign ban against certain cabinet members and other officials who are engaged in premature campaign by means of so-called infomercials reportedly paid for with public funds;

WHEREAS, unless a person is blind, deaf, or dumb, it is crystal clear that the alleged infomercials of cabinet members are intended to camouflage the violation of the campaign ban, for the simple reason that these cabinet members engage only in such infomercials where they appear, in the year prior to election year, and at no other time and for no other reason than personal political publicity;

WHEREAS, if the practice by incumbent senators of allegedly endorsing commercial products constitutes a morally and legally questionable violation of the campaign ban, the use by cabinet members seeking elective public office of so-called infomercials is even more reprehensible, because such infomercials are apparently paid for by the public funds of their respective departments;

WHEREAS, officials of the executive branch, particularly cabinet members, who appear in these infomercials allegedly include the following: Interior and Local Government Sec. Ronaldo Puno; Health Sec. Francisco Duque III; Finance Sec. Margarito Teves; Defense Sec. Gilberto Teodoro; Public Works and Highway Sec. Hermogenes Ebdane; Education Sec. Jesli Lapus; Agrarian Reform Sec. Nasser Pangandaman; Vice-President Noli de Castro; Philippine Amusements and Gaming Corp. (Pagcor) Chair Ephraim Genuino; Technical Education and Skills Development Authority (Tesda) Chair Augusto Syjuco; Metro Manila Development Authority (MMDA) Chair Bayani Fernando; and Makati Mayor Jejomar Binay, among others;

WHEREAS, while on the one hand it can be argued that election spending has a stimulative effect on economic activity, on the other hand, this argument falls when election spending is conducted in violation of the Constitution and the law.

WHEREFORE, BE IT HEREBY RESOLVED BY THE SENATE, to direct the Economic Affairs Committee to conduct an inquiry, in aid of legislation, on the economic and legal impact of apparent premature campaign spending, allegedly using public funds, particularly by cabinet members and other officials of the executive branch reportedly seeking elective public office by running for senator or for other elective positions, with the end in view that these purported candidates shall be disqualified from continuing as candidates, and shall be

charged accordingly in the Office of the Ombudsman; all these to uphold the constitutional mandate for equal access to opportunities for public service, and to promote rational economic planning and programming.

Adopted,


MIRIAM DEFENSOR SANTIAGO