

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



Senate  
Office of the Secretary

13 JUL 18 P1:56

SENATE

S. No. 920

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Introduced by Senator Antonio "SONNY" F. Trillanes IV

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**Explanatory Note**

Many times has this nation been rocked by large-scale fraud of endemic proportions, affecting the poor sectors of society.

The number of victims which runs to hundreds and even thousands, has obviously been the result of well-advertised and effective sales propaganda and other promotional shows circulated in newspapers, aired in radio stations and televisions and other media for long periods of time.

Meantime, unaware that the promoted products, goods or services are not existent or are incapable of being performed but are in fact doomed to failure, the hapless victims continue to shell out whatever small amounts they save hoping that they will in the future achieve or acquire the much propagated ventures or plans.

Enough is enough of the so-called flopping or failed pre-need plans, unfinished subdivision or condominiums, pyramiding schemes and similar artifices and deceptive schemes that had victimized thousands and thousands of our countrymen.

It is pathetic to note that until now, victims of these frauds had found themselves helpless in bailing themselves out from the financial woes wrought by those who have enriched themselves.

Hence, the bill's purpose is to stop the propagation of false or fraudulent advertising of products, goods and services which cannot be delivered or performed and save our poor people from being victimized by the professional charlatans whose obvious motive is to milk their victims.

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

ANTONIO "SONNY" F. TRILLANES IV  
Senator

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AN ACT  
PENALIZING FALSE OR FRAUDULENT ADVERTISING AND FOR OTHER  
PURPOSES

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

1           **SECTION 1. *False or Fraudulent Advertising, Prohibited.*** - It shall be unlawful for  
2 any person, firm or corporation to advertise or promote his or its products, goods and services,  
3 underwrite any obligation, such as, pre-need educational, medical or other related services,  
4 through newspapers, magazines, radio, television, internet or other means accessible to the  
5 public view, such as billboards, flyers, newsletters, leaflets, etc. when such products, goods,  
6 services or pre-need benefits are inexistent, in whole or in part, or are incapable of being  
7 produced, delivered, performed, paid or discharged, and which false or fraudulent advertising  
8 shall have induced another to part with his money or valuable consideration to buy, acquire or  
9 avail of such products, goods, services or pre-need benefits.

10

11           **SEC. 2. *Prima Facie Evidence of False or Fraudulent Advertising.*** - The failure  
12 or inability of such person, firm or corporation to fully or completely produce, deliver,  
13 perform, pay or discharge the obligation, products, goods or services so promoted or  
14 advertised, within a period of ninety (90) days from date of written demand from the  
15 person defrauded shall be prima facie evidence of a violation of this Act.

1           **SEC. 3. *Liability Under this Act, Distinct from other Crimes Committed.*** - The  
2 liability of persons found violating this Act shall be distinct from and in addition to the  
3 penalties that such person, firm or corporation shall incur under the Revised Penal Code  
4 and other special laws; provided, however, that the prosecution for violation of this Act  
5 shall proceed independently and regardless of the status, stage or result of the prosecution  
6 under the Revised Penal Code or other special laws; provided, further, that no filing fee  
7 shall be imposed for the commencement of the criminal charge under this Act.

8  
9           **SEC. 4. *Liability, if Violator is a Corporation or Unregistered Entity.*** - If the  
10 violation under this Act is committed by a corporation, partnership or other unregistered  
11 entity, the directors, president, treasurer, general manager or one performing similar  
12 functions and other corporate officers or persons responsible for such false or fraudulent  
13 advertisement shall be personally liable for such violation.

14  
15           **SEC.5. *Multiple Liability.*** - Any person found violating this Act shall be charged  
16 and convicted with as many counts of such violations as there are victims who have been  
17 defrauded by reason of such false or fraudulent advertising.

18  
19           **SEC 6. *Penalty.*** - Any person found liable for violating this Act shall be  
20 sentenced to an imprisonment of not less than one (1) year but not exceeding six (6) years  
21 or a fine of not less than twice the value of the amount defrauded; provided, that in case  
22 the person convicted fails or refuses to pay the fine, he shall suffer subsidiary  
23 imprisonment at the rate of P200 per day but not exceeding six (6) years.

24  
25           **SEC. 7. *Effectivity.*** - This Act shall take effect fifteen (15) days after publication  
26 in a newspaper of general circulation.

**Approved,**