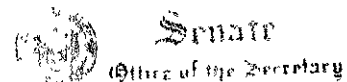
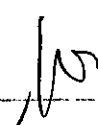


SIXTEENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
Third Regular Session )



'15 OCT 29 P4:24

SENATE  
S. No. 2997

RECEIVED BY: 

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Introduced by Senator Miriam Defensor Santiago

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AN ACT  
TO PROHIBIT THE USE OF GOVERNMENT FUNDS FOR PROPAGANDA  
PURPOSES

EXPLANATORY NOTE

The Constitution, Article 2, Sections 27 and 28 provide that:

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

Section 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.

Article 9, Section 1 further provides that:

Section 1. The public office is a public trust. Public officers and employees must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty, efficiency, act with patriotism and justice, and lead modest lives.

It is a misguided policy for the State to engage in costly propaganda at the expense of the taxpayer in times when the nation's socio-economic recovery is the top priority. Politicians use and abuse publicity and the media to associate him or herself with government projects for political leverage and personal aggrandizement. Since public funds are involved, government propaganda is an easy target for graft and corruption.

There is therefore, a need for legislation to closely monitor government-funded publicity and propaganda. This bill seeks to address this need by prohibiting the use of

public funds for government propaganda without legislative consent, and providing penal sanctions for violators.<sup>1</sup>

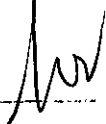
*Miriam Defensor Santiago*  
MIRIAM DEFENSOR SANTIAGO  
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<sup>1</sup> This bill was originally filed during the Thirteenth Congress, Second Regular Session.

15 OCT 29 P4:24

SENATE  
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AN ACT  
TO PROHIBIT THE USE OF GOVERNMENT FUNDS FOR PROPAGANDA  
PURPOSES

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

1 SECTION 1. *Short Title.* – This Act shall be known as “Government Propaganda  
2 Prohibition Act”.

3 SECTION 2. *Declaration of Policy.* – It is the policy of the State, in line with the  
4 principle that public office is a public trust, to monitor the use of government funds by  
5 public officials and ensure that they are not used for personal propaganda or publicity.

6 SECTION 3. *Definition of Terms.* – For purposes of this Act, the term

7 A. “Advertisement” means a communication disseminated in any form,  
8 including speech, print, or by any electronic means;

9 B. “Covered contract” means a contract with an executive agency for  
10 public relations, media relations, advertising, or public opinion  
11 research services, or any subcontract for such services under a  
12 government contract;

13 C. “Executive agency” means an executive department or a government  
14 agency;

15 D. “Government” includes the National Government, the local  
16 governments, the government-controlled corporations, and all other

1 instrumentalities or agencies of the Republic of the Philippines and  
2 their branches;

3 E. "Propaganda" includes

- 4 1. Any message designed to aid a political party or candidate;
- 5 2. Any message with the purpose of self-aggrandizement or puffery  
6 of the Administration, agency, executive branch programs or  
7 policies, or pending congressional legislation;
- 8 3. A news release or other publication that does not clearly identify  
9 the government agency directly or indirectly (through a  
10 contractor) financially responsible for the message;
- 11 4. Any audio or visual presentation that does not continuously and  
12 clearly identify the government agency directly or indirectly  
13 financially responsible for the message;
- 14 5. An internet message that does not continuously and clearly  
15 identify the government agency directly or indirectly financially  
16 responsible for the message;
- 17 6. A message of nature tending to emphasize the importance of the  
18 agency or its activities;
- 19 7. A message that is so misleading or inaccurate that it constitutes  
20 propaganda; and
- 21 8. The preparation, distribution, or use of any kit, pamphlet,  
22 booklet, publication, radio, television, or video presentation  
23 designed to support or defeat legislation pending before  
24 Congress, except in presentation to Congress.

25 F. "Public officer" includes elective and appointive officials and  
26 employees, permanent or temporary, whether in the classified, or

1 unclassified or exemption of service receiving compensation, even  
2 nominal, from the government as defined in the preceding sub-  
3 paragraph.

4 SECTION 4. *Prohibition on Unauthorized Expenditure of Government Funds for*  
5 *Publicity or Propaganda Purposes.* – An officer or employee of the Philippine  
6 government may not make or authorize an expenditure or obligation of funds for  
7 publicity or propaganda purposes unless authorized by law.

8 SECTION 5. *Requirement for Disclosure of Sponsorship of all Government*  
9 *Advertising or Other Communication Materials.* – Each advertisement or other  
10 communication paid for by an executive agency, either directly or through a contract  
11 awarded by the executive agency, shall include a prominent notice informing the target  
12 audience that the advertisement or other communication is paid for by that executive  
13 agency.

14 SECTION 6. *Notification to Congress Regarding Certain Contracts.* –

15 A. Requirement to notify Congress regarding certain contracts. – Not later  
16 than 30 days after entering into a covered contract, an Executive  
17 agency shall submit to each covered congressional committee a written  
18 notification containing the name of the contractor, the amount of the  
19 contract, the purpose of the contract, a summary of the statement of  
20 work for the contract, and any other information the agency considers  
21 relevant.

22 B. Requirement to submit other information upon request. – Upon request  
23 by the Chairperson of any covered Congressional Committee, an  
24 executive agency that provided a notification under subsection (A) for

1 a covered contract shall provide the following to the person making the  
2 request:

- 3 1. A copy of the covered contract;
- 4 2. Any modifications to the covered contract; and any materials  
5 produced under the covered contract.

6 SECTION 7. *Enforcement of Prohibition on Publicity or Propaganda.* –

7 A. Responsibilities of the Ombudsman. – The Ombudsman shall  
8 investigate any violation of subsection (A). If the Ombudsman finds  
9 that a person has violated or is violating subsection (A), the  
10 Ombudsman may bring a civil action under this Section against the  
11 person.

12 B. Competent Court. – Until otherwise provided by law, all prosecutions  
13 under this Act shall be within the original jurisdiction of the  
14 Sandiganbayan.

15 SECTION 8. *Penalties.* –

16 A. Adverse Personnel Action. – An officer or employee of the Philippine  
17 government violating subsection (A) shall be subject to appropriate  
18 administrative discipline including, when circumstances warrant,  
19 suspension from duty without pay or removal from office;

20 B. Criminal Penalty. – An officer or employee of the Philippine  
21 government who knowingly and wilfully violates subsection (A) shall  
22 be fined not less than ₱250,000 and not more than ₱500,000,  
23 imprisoned for not more than five (5) years plus three (3) times the  
24 amount of funds appropriated.

1           SECTION 9. *Separability Clause.* – If any provision of this Act is held invalid or  
2 unconstitutional, the same shall not affect the validity and effectivity of the other  
3 provisions hereof.

4           SECTION 10. *Repealing Clause.* – All laws, decrees, orders, and issuances, or  
5 portions thereof, which are inconsistent with the provisions of this Act, are hereby  
6 repealed, amended or modified accordingly.

7           SECTION 11. *Effectivity Clause.* – This Act shall take effect fifteen (15) days  
8 after its publication in the *Official Gazette* or in two (2) newspapers of general  
9 circulation.

Approved,

/aml 2015