



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

'17 FEB -9 AIO 51

RECEIVED BY: _____

SENATE
S. B. No. 1319

Introduced by Senator Aquilino "Koko" Pimentel III

AN ACT
AMENDING SECTION 4 OF REPUBLIC ACT NO. 9006,
OTHERWISE KNOWN AS "AN ACT TO ENHANCE THE
HOLDING OF FREE, ORDERLY, HONEST, PEACEFUL AND
CREDIBLE ELECTIONS THROUGH FAIR ELECTION
PRACTICES"

EXPLANATORY NOTE

Studies in the Philippines disclose that viewers find negative advertisements against a candidate's election propaganda unacceptable and that these negative advertisements do not do anything good for the electorate and the candidates.¹

Some candidates and their supporters are said to resort to anonymous negative advertisements via broadcast and print media. Most of the time, these negative advertisements are even false, baseless, and fabricated.

Businesses engaged in broadcast and print media air and print these negative advertisements often without checking the veracity of the identities and addresses of the people who paid for said advertisements. Thus, when a candidate victimized by such advertisements would like to file defamation cases against the people who caused the printing or airing of the false negative advertisements, the identities and addresses of the latter cannot be verified. More often than not, the identities and addresses declared by those who caused the printing or airing of the false negative advertisements turn out to be false.

¹ Gloria, G.M., Tabunda, A.M., Fonbuena, C., Spin and Sell: How Political Ads Shaped the 2004 Elections (2004); Choa, K.E., Videostyle of Selected Winning and Losing Filipino Senatorial Candidates in the 2001 Elections (2003).

This bill is filed for the purpose of reducing, if not eliminating, negative advertisements by compelling candidates, groups, or individuals to disclose their identification and personal circumstances.

Further, this bill also holds the persons, groups, associations, or entities engaged in the printing and broadcasting business responsible for the non-verification of the truthfulness of the identity and address of the person, party, group, or entity that paid for the advertisement.

In view of the foregoing, the passage of this measure is earnestly requested.


AQUILINO "KOKO" PIMENTEL III



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5 CREDIBLE ELECTIONS THROUGH FAIR ELECTION
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Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

7 SECTION 1. Section 4 of Republic Act No. 9006, is hereby
8 amended to read as follows:

9 "Section 4. Requirements for Published or Printed and
10 Broadcast Election Propaganda.—

11 4.1 Any newspaper, newsletter, newsweekly, gazette
12 or magazine advertising, posters, pamphlets, comic books,
13 circulars, handbills, bumper stickers, streamers, simple list of
14 candidates or any published or printed political matter and
15 any broadcast of election propaganda by television or radio
16 for or against a candidate or group of candidates to any
17 public office shall bear and be identified by the reasonably
18 legible or audible words "political advertisement paid for"
19 followed by the true and correct name and address of the
20 candidate or party for whose benefit the election propaganda
21 was printed or aired **AND BY THE TRUE AND**
22 **CORRECT NAME AND ADDRESS OF THE PERSON,**
23 **PARTY, GROUP, OR ENTITY WHO CAUSED THE**
24 **PRINTING OR BROADCASTING OF THE ELECTION**
25 **PROPAGANDA.**

1 **4.1.A** **IF THE ADVERTISEMENT IS**
2 **BENEFICIAL TO A CANDIDATE, A**
3 **STATEMENT MUST BE MADE BY THE**
4 **CANDIDATE AT THE END OF THE**
5 **ADVERTISEMENT THAT HE OR SHE HAS**
6 **APPROVED SUCH PRINT OR BROADCAST. IN**
7 **ADDITION, A WRITTEN APPROVAL DULY**
8 **SIGNED BY THE CANDIDATE SHALL BE**
9 **ATTACHED TO THE ADVERTISING**
10 **CONTRACT AND SHALL BE SUBMITTED TO**
11 **THE COMELEC AS PROVIDED IN**
12 **SUBSECTION 6.3 HEREOF.**

13 **4.1.B** **NO PERSON, GROUP,**
14 **ASSOCIATION, OR ENTITY ENGAGED IN**
15 **PRINTING OR BROADCASTING SHALL PRINT**
16 **OR BROADCAST ELECTION PROPAGANDA**
17 **WITHOUT VERIFYING THE TRUTHFULNESS**
18 **OF THE IDENTITY AND ADDRESS OF THE**
19 **PERSON, PARTY, GROUP, OR ENTITY WHO**
20 **CAUSED THE PRINTING AND**
21 **BROADCASTING OF THE ELECTION**
22 **PROPAGANDA.**

23 **4.1.C** **NO PERSON, GROUP,**
24 **ASSOCIATION, OR ENTITY ENGAGED IN**
25 **PRINTING OR BROADCASTING SHALL PRINT**
26 **OR BROADCAST ELECTION PROPAGANDA**
27 **THAT DID NOT COMPLY WITH THE**
28 **REQUIREMENTS OF SECTION 4 OF THIS ACT.**

29 4.2 If the broadcast is given free of charge by the
30 radio or television station, it shall be identified by the words
31 "airtime for this broadcast was provided free of charge by"
32 followed by the true and correct name and address of the
33 broadcast entity.

34 4.3 Print, broadcast or outdoor advertisements
35 donated to the candidate or political party shall not be
36 printed, published, broadcast or exhibited without the written
37 acceptance by the said candidate or political party. Such
38 written acceptance shall be attached to the advertising

1 contract and shall be submitted to the COMELEC as
2 provided in Subsection 6.3 hereof.”

3 **SECTION 2.** *Rules and Regulations.* – The Commission on
4 Elections shall promulgate rules and regulations for the implementation
5 and enforcement of this Act within sixty (60) days from the effectivity
6 of this Act.

7 **SECTION 3.** *Separability Clause.* – Should any provision of this
8 Act or part hereof be declared unconstitutional, the other provisions or
9 parts not affected thereby shall remain valid and effective.

10 **SECTION 4.** *Repealing Clause.* – All laws, decrees, orders, and
11 issuances, or portions thereof, which are inconsistent with the provisions
12 of this Act, are hereby repealed, amended or modified accordingly. This
13 Act shall not in any way amend or repeal the provisions of *Republic Act*
14 *No. 8042*, as amended by *Republic Act No. 10022*.

15 **SECTION 5.** *Effectivity.* – This Act shall take effect fifteen (15)
16 days after its publication in two (2) newspapers of general circulation.

Approved,