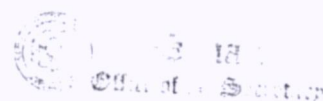


SEVENTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
*Third Regular Session* )



SENATE  
S. No. 1995

'18 SEP 11 P3:31

Introduced by **Senator Richard J. Gordon** REC

**AN ACT**  
**REFORMING ELECTORAL CAMPAIGN BY INSTITUTING TWO**  
**ROUNDS OF ELECTION FOR PRESIDENT, VICE PRESIDENT AND**  
**SENATORS, REQUIRING COMELEC-SPONSORED CAMPAIGN**  
**ADVERTISEMENT AND TOWN-HALL STYLE DEBATES, AND FOR**  
**OTHER PURPOSES**

**EXPLANATORY NOTE**

Section 4, Article IX (C) of the 1987 Constitution provides that:

"SECTION 4. The Commission [on Elections] may, during the election period, supervise or regulate the enjoyment or utilization of all franchises or permits for the operation of transportation and other public utilities, media of communication or information, all grants, special privileges, or concessions granted by the Government or any subdivision, agency, or instrumentality thereof, including any government-owned or controlled corporation or its subsidiary. Such supervision or regulation shall aim to ensure equal opportunity, time, and space, and the right to reply, including reasonable, equal rates therefor, for public information campaigns and forums among candidates in connection with the objective of holding free, orderly, honest, peaceful, and credible elections."

Why is this provision in the Constitution? It is because the Constitution sees that there is a problem – that there is inequality in the opportunity for public elective offices. Economic inequalities in society translate into political inequalities in government. To address this inequality and "to ensure equal opportunity, time, and space, and the right to reply, including reasonable, equal rates therefor, for public information campaigns and forums among candidates", the Constitution empowered the Commission on Elections "to supervise or regulate the enjoyment or utilization of all franchises or permits for the operation of transportation and other public utilities, media of communication or information."

There are interest groups in any country, but here, the situation is palpably worse. As it is, the oligarchy, the rich, criminals who control vast resources, can get candidates they support elected by sheer amount of financial resources they contribute. These contributions, in turn, make the candidates beholden to their

contributors. This leads to regulatory capture and, worse, corruption, which are both inimical to real democracy.

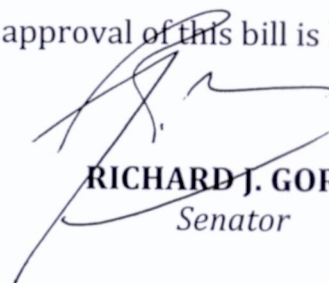
Vast amounts of financial resources are necessary to support a campaign today because campaign expenses, especially on television or radio advertisements, have become necessary to win an election. Without television or radio advertisements, candidates cannot compete. The prices of television and radio advertisement have, however, become prohibitive. This problem has been allowed to go on for a long time but we have failed to address this.

Even with these advertisements, there is no way to meaningfully discern the worthiness, capability and track record of a candidate. Electoral campaigns have been short on substantive debates on issues, policy statements, and explanation of platform to the people. This measure seeks to require the Commission on Elections (COMELEC) to purchase radio and television time from all nationwide radio and television stations, which the COMELEC shall use for common campaign advertisements for, and debates among, candidates for President, Vice President and Senator. The COMELEC shall likewise be required to organize at least two (2) town-hall style debates per region where people could participate, ask their questions, and listen to the candidates' platform and stand on important issues.

Public office is a public trust, and an informed electorate will deliver an intelligent vote. These proposed measures are meant to make democracy work, and, ultimately, to prevent corruption and regulatory capture. The electorate must be able to discern which candidates have the capacity to communicate and the ability and aptitude for public service.

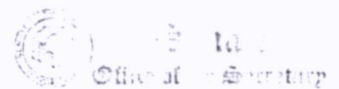
This measure seeks to establish fairness and equity in elections, and ensure the ability of all candidates to compete in the elections by leveling the political playing field and reducing the influence of financial resources on the outcome of elections. This measure is intended to act as an equalizer between the rich and poor candidates.

In view of the foregoing, the immediate approval of this bill is hereby sought.



**RICHARD J. GORDON**  
*Senator*





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

**SECTION 1. Short title.** - This Act shall be known as the "Campaign Reforms Act of 2018."

**SEC. 2. Policy of the law.** - Section 4, Article IX (C) of the 1987 Constitution provides that the Commission on Elections "shall aim to ensure equal opportunity, time, and space, and the right to reply, including reasonable, equal rates therefor, for public information campaigns and forums among candidates in connection with the objective of holding free, orderly, honest, peaceful, and credible elections." It is therefore the policy of the law to establish fairness and equity in elections and make the opportunity to hold a public office for public service, particularly elective public offices, equally accessible to qualified citizens.

Furthermore, it is the policy of the law to encourage greater voter participation in elections by requiring the Commission on Elections to organize town-stall style debates where citizens could participate, propound questions and listen to candidates expound on their positions on issues and platforms.

**SEC. 3. Two rounds of election for President, Vice President and Senator.** - There shall be two (2) rounds of election for President, Vice President and Senator. The first round of election shall be held on the second Monday of March, while the second round of election shall be held on the second Monday of May.

For the positions of President and Vice President, the five (5) candidates who received the highest number of votes shall be able to participate in the second

round. For the position of Senator, the twenty-four (24) candidates who received the highest number of votes shall be able to participate in the second round.

In the second round, the winner shall be the candidates for President and Vice President who receive the most number of votes, and the twelve (12) candidates for Senator who receive the most number of votes.

**SEC. 4. Prohibition against election publicity or propaganda.** - During the campaign period for the second round of elections, no paid publicity or propaganda relating to the elections, whether by means of broadcast on television, radio, printed or social media, or through wireless or digital means, shall be made or caused to be made by any person or political party, except the Commission on Elections under Section 6 of this Act: *Provided*, That candidates and their political parties shall be allowed to campaign by means of paid political publicity or propaganda by means of broadcast on television, radio, printed or social media, or through wireless or digital means, at any two (2) weeks within the second round of elections upon the choice of the candidate.

During such period, the candidate is allowed to spend up to the following amounts on television and radio advertisements:

- i. Candidates for President may spend not more than the total salary of an incumbent President for a period of six (6) years;
- ii. Candidates for Vice President may spend not more than the total salary of an incumbent Vice President for a period of six (6) years;
- iii. Candidates for Senator may spend not more than the total salary of an incumbent Senator for six (6) years.

Paid campaign and advertisement shall likewise be subject to the following limitations:

- a. Television – Not more than a total of fourteen (14) minutes of television advertising, whether appearing on national, regional, or local, free or cable television;
- b. Radio – Not more than a total of twenty-eight (28) minutes of radio advertising, whether airing on national, regional, or local radio, whether by purchase or donation.
- c. Printed or Published Election Propaganda – The maximum size of print advertisements for each candidate shall be one-fourth (1/4) page in broadsheets and one-half (1/2) page in tabloids.



1 **SEC. 5. Discounted Rates of Political Propaganda.** - During the campaign period,  
2 media outlets shall give the COMELEC, and registered political parties and  
3 registered candidates during the period they are allowed to campaign by means of  
4 paid political publicity or propaganda, a discount of forty percent (40%) for  
5 television, thirty percent (30%) for radio and ten percent (10%) for print, over the  
6 average of the published rates charged during the last three calendar years for  
7 television and radio, and over the published rates charged one (1) year prior to the  
8 election for print media. Nothing in this provision prohibits a media outlet from  
9 giving higher discounts; *Provided That* the discount it gives one candidate shall be  
10 the same discount it gives to other candidates of the same position.

11 In no case shall rates charged to registered political parties and registered  
12 candidates be higher than rates charged to non-political advertisers.

13 Any person found guilty of violating this Section shall be punished with  
14 imprisonment of not less than one (1) year but not more than six (6) years and shall  
15 not be subject to probation. In addition, any person convicted of violating this  
16 section shall be sentenced to suffer disqualification to hold public office and  
17 deprivation of the right of suffrage. Any political party found guilty shall be  
18 sentenced to pay a fine of not less than ten (10) million pesos, which shall be  
19 imposed upon such party after criminal action has been instituted in which their  
20 corresponding officials have been found guilty.

21 **SEC. 6. Common campaign advertisements by the COMELEC for candidates for**  
22 **President, Vice President and Senator.** - The Commission on Elections shall  
23 purchase radio and television time from radio and television stations, which shall be  
24 used for common campaign advertisements for, and debates among, the duly-  
25 registered candidates for President, Vice President and Senator who proceed to the  
26 second round of elections within the area of coverage of such radio and television  
27 stations. However, radio and television stations, newspapers, magazines, other  
28 printed media, and digital media content producers may stage candidate debates,  
29 provided that they are not owned or controlled by a political party, political  
30 committee or a candidate, or the members of the family of a candidate within the  
31 fourth civil degree of consanguinity or affinity.

32 **SEC. 7. COMELEC-organized town hall-style debates.** - During the campaign  
33 period, the Commission on Elections shall organize or cause to be organized town  
34 hall-style debates among candidates for President, Vice President and Senator who

1 proceed to the second round of elections: *Provided* That there shall be at least two  
2 (2) COMELEC-organized debates per region depending on the size and population  
3 therein. Radio and television stations, newspapers, magazines, other printed media,  
4 and digital media content producers may televise, broadcast, or report on candidate  
5 debates under this section.

6 Candidates who are unable to participate in debates by reason of physical disability  
7 shall be allowed to appoint their representatives in the debates referred to under  
8 this Section and Section 6 of this Act.

9 **SEC. 8. *Disqualification.*** - Any candidate for President, Vice President or Senator  
10 who fails to participate without lawful excuse for two (2) consecutive debate shall  
11 be disqualified from continuing as a candidate, or if he has been elected, from  
12 holding the office.

13 **SEC. 9. *Campaign Oversight Management Office.*** - There is hereby created a  
14 Campaign Advertisements Oversight Management Office under the supervision of  
15 the Commission on Elections to oversee the implementation of this Act and ensure  
16 fairness in the distribution of common political advertisements and compliance with  
17 other terms of this Act.

18 **SEC. 10. *Funding.*** - The initial amount necessary for the implementation of this Act  
19 shall be charged against the current fiscal year's appropriations of the Commission  
20 on Elections. Thereafter, such sums as may be necessary for the continued  
21 implementation of this Act shall be included in the annual General Appropriations  
22 Act.

23 **SEC. 11. *Implementing Rules and Regulations.*** - Within sixty (60) days from the  
24 implementation of this Act, the COMELEC shall promulgate rules and regulations  
25 implementing this Act.

26 **SEC. 12. *Repealing Clause.*** - All other laws, acts, presidential decrees, executive  
27 orders, issuances, presidential proclamations, rules and regulations or parts thereof,  
28 which are contrary to and inconsistent with any provision of this Act are hereby  
29 repealed, amended, or modified accordingly.

30 **SEC. 13. *Separability Clause.*** - If any portion or provision of this Act is declared  
31 unconstitutional, the remainder of this Act or any provision not affected thereby  
32 shall remain in force and effect.

1   **SEC. 14. *Effectivity.*** - This Act shall take effect fifteen (15) days following the  
2   completion of its publication either in the Official Gazette or in a newspaper of  
3   general circulation in the Philippines.

*Approved,*