



Senate

Office of the Secretary

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EIGHTEENTH CONGRESS OF THE }
REPUBLIC OF THE PHILIPPINES }
First Regular Session }

RECEIVED BY: _____

SENATE
S.B. No. 1343

Introduced by **SENATOR VICENTE C. SOTTO III**

**AN ACT AMENDING SECTIONS 3,4 AND 6 OF REPUBLIC ACT NO. 9006
ALSO KNOWN AS THE FAIR ELECTIONS ACT TO INCLUDE STATIC AND
LED BILLBOARDS AND OTHER OUTDOOR ADVERTISING MEDIA AS
LAWFUL ELECTION PROPAGANDA**

EXPLANATORY NOTE

One of the most important aspects of free, orderly, honest, peaceful and credible elections through fair and reasonable exercise of the right of suffrage is the need for information dissemination. This is to better inform the voters of the candidates and their respective platforms.

Just like television, radio and newspapers, Out-of-Home Advertisements through static billboards and LED billboards can also be used effectively by the political parties, candidates and private persons in information dissemination. In utilizing static and LED billboards, their platforms, agenda and sentiments will be able to reach out a greater segment of the voting public.

The purpose for common poster areas or public billboards, in public places is to better inform the public of the candidates and parties and the platforms on which they stand. Unlike television or radio advertisements where the political advertisement can only last for few seconds to a minute, a candidate or party can advertise its programs, agenda and platform in a static or LED billboard longer and more frequently. The comparison between a newspaper and a billboard is also readily apparent because a newspaper is only good for the day when it is published but a billboard is available 24/7.

Also, with respect to campaign expenditures, the amount of contracting or leasing a billboard space is substantially lower compared to hundreds of thousands of pesos spent on advertisement in radio or television or newspaper. Political advertisement through an outdoor media like billboards and LED billboards make it readily accessible to a political candidate with limited funds.

Clearly, Static billboards and LED billboards are outdoor media that can be used by political candidates, parties and even private persons during the election period to advertise the platform or agenda or express advocacies and sentiments. These medium, however, were not specifically mentioned under the Fair Election Act or Republic Act No. 9006, which is why this representation seeks to amend the same.

Thus, it becomes imperative to amend the provisions of the Fair Elections Act to specifically include Static and LED Billboards as lawful election propaganda.

In view of the foregoing, the immediate passage of this bill is earnestly sought.


VICENTE C. SOTTO III



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

1 SECTION 1. Section 3 of Republic Act No. 9006, as amended, also known as
2 the Fair Elections Act, is hereby amended to read as follows:

3 "Sec. 3. Lawful Election Propaganda. - Election propaganda
4 whether on television, cable television, radio, newspapers or any
5 other medium, **INCLUDING OUTDOOR STATIC AND LED**
6 **BILLBOARDS AND MOBILE OR TRANSIT ADVERTISEMENT**, is
7 hereby allowed for all registered political parties, national, regional,
8 sectoral parties or organizations participating under the party-list
9 elections and for all bona fide candidates seeking national and local
10 elective positions subject to the lamination on authorized expenses
11 of the candidates and political parties, observance of truth in
12 advertising and to the supervision and regulation by the
13 Commission on Elections (COMELEC).

14 For the purpose of this Act, lawful election propaganda shall
15 include:

16 3.1 Pamphlets, leaflets, cards, decals, stickers or other written
17 or printed materials the size of which does not exceed eight
18 and one-half inches in width and fourteen inches in length;

1 3.2 Handwritten or printed letters urging voters to vote for or
2 against any particular political party or candidate for public
3 office;

4 3.3 Cloth, paper or cardboard posters whether framed, or
5 posted, with an area not exceeding two (2) feet by three (3)
6 feet, except that, at the site and on the occasion of a public
7 meeting or rally, or in announcing the holding of said
8 meeting or rally, streamers not exceeding three (3) feet by
9 eight (8) feet in size, shall be allowed: Provided, That said
10 streamers may be displayed five (5) days before the date of
11 the meeting or rally and shall be removed within twenty-
12 four (24) hours after said meeting or rally;

13 3.4 Paid advertisements in print or broadcast media: Provided,
14 That the advertisements shall follow the requirements set
15 forth in Section 4 of this Act; [and]

16 3.5 **OUTDOOR AND STATIC OR LED BILLBOARDS OWNED**
17 **BY PRIVATE ENTITIES OR PERSONS PROVIDED THAT**
18 **THE OWNERS OF THE SAID BILLBOARDS SHALL GIVE**
19 **THEIR CONSENT. FOR PURPOSE OF THIS ACT,**
20 **“BILLBOARD” MEANS A SIGNBOARD, IDENTIFICATION,**
21 **ILLUSTRATION, IMAGE, PICTURE OR ANY OTHER**
22 **DEVISE FOR OUTDOOR ADVERTISEMENT CONSISTING**
23 **OF A SUPPORT STRUCTURE, A DISPLAY OR MESSAGE**
24 **AREA, AN OPTIONAL LIGHTING SYSTEM AND RELATED**
25 **COMPONENTS INSTALLED ON LAND, BUILDING OR**
26 **PROPERTY TO ATTRACT OR DIRECT ATTENTION TO A**
27 **PARTICULAR PRODUCT, SERVICE, IDEA,**
28 **INFORMATION, DESIGN, SYSTEM, ACTIVITY,**
29 **INSTITUTION, BUSINESS, BELIEF AND/OR**
30 **PERSONALITY. A STATIC BILLBOARD REFERS TO**
31 **TRADITIONAL BILLBOARDS PRINTED ON A TARPULIN**
32 **OR SOLID BOARD WHILE LED OR DIGITAL**
33 **BILLBOARDS ARE ELECTRONIC DISPLAYS THAT ARE**
34 **CONTROLLED REMOTELY BY COMPUTERS;**

35 3.6 **MOBILE OR TRANSIT ADVERTISEMENT ON PUBLIC**
36 **UTILITY VEHICLES PROVIDED THAT THE**
37 **ADVERTISEMENT IS CONSISTENT WITH THE**
38 **GUIDELINES OF THE LAND TRANSPORTATION AND**

1 **FRANCHISING REGULATORY BOARD (LTFRB) FOR**
2 **COMMERCIAL ADVERTISEMENTS; AND**

3 3.7 All other forms of election propaganda not prohibited by the
4 Omnibus Election Code or this Act.”

5 SECTION 2. Section 4 of Republic Act No. 9006 is hereby amended to read
6 as follows:

7 “Section 4. *Requirements for Published or Printed and Broadcast Election*
8 *Propaganda.* – 4.1. Any newspaper, newsletter, newsweekly, gazette or
9 magazine advertising, posters, pamphlets, comic books, circulars,
10 handbills, bumper stickers, streamers, sample list of candidates or any
11 published or printed political matter and any broadcast of election
12 propaganda by television or radio **OR ANY OUTDOOR ELECTION**
13 **PROPAGANDA IN THE FORM OF STATIC OR LED BILLBOARDS** for or
14 against a candidate or group of candidates to any public office shall
15 bear and be identified by the reasonably legible or audible words
16 "political advertisement paid for," followed by the true and correct name
17 and address of the candidate or party for whose benefit the election
18 propaganda was printed or aired.

19 4.2. If the broadcast is given free of charge by the radio or television
20 station, it shall be identified by the words "airtime for this broadcast
21 was provided free of charge by" followed by the true and correct name
22 and address of the broadcast entity.

23 4.3. Print, broadcast or outdoor advertisements donated to the
24 candidate or political party shall not be printed, published, broadcast,
25 or exhibited without the written acceptance by the said candidate or
26 political party. Such written acceptance shall be attached to the
27 advertising contract and shall be submitted to the COMELEC as
28 provided in Subsection 6.3. hereof.”

29 SECTION 3. Section 6 of Republic Act No. 9006 is hereby amended to read as
30 follows:

31 “Section 6. *Equal Access to Media Time and Space.* – All registered
32 parties and bona fide candidates shall have equal access to media time
33 and space. The following guidelines may be amplified on by the
34 COMELEC.

35 6.1. Print advertisements shall not exceed one-fourth (1/4) page, in
36 broad sheet and one-half (1/2) page in tabloids thrice a week per

1 newspaper, magazine or other publications, during the campaign
2 period.

3 6.2. (a) Each bona fide candidate or registered political party for a
4 nationally elective office shall be entitled to not more than one hundred
5 twenty (120) minutes of television advertisement and one hundred
6 eighty (180) minutes of radio advertisement whether by purchase or
7 donation.

8 (b) Each bona fide candidate or registered political party for a
9 locally elective office shall be entitled to not more than sixty (60)
10 minutes of television advertisement and ninety (90) minutes of
11 radio advertisement whether by purchase or donation.

12 **(C) EACH BONA FIDE CANDIDATE OR REGISTERED**
13 **POLITICAL PARTY FOR A NATIONAL OR LOCAL ELECTIVE**
14 **OFFICE SHALL BE ENTITLED TO NOT MORE THAN TWO (2)**
15 **STATIC BILLBOARD PER BARANGAY WITH A MAXIMUM**
16 **BILLBOARD SIZE OF TWO THOUSAND FOUR HUNDRED**
17 **SQUARE FEET (2400 SQ.FT.) WHETHER BY LEASE OR**
18 **DONATION.**

19 **(D) EACH BONA FIDE CANDIDATE OR REGISTERED**
20 **POLITICAL PARTY FOR A NATIONALLY ELECTIVE OFFICE**
21 **SHALL ALSO BE ENTITLED TO NOT MORE THAN TWO**
22 **HUNDRED FORTY (240 MINUTES) ADVERTISEMENT PER**
23 **LED BILLBOARDS WHETHER BY LEASE OR DONATION. FOR**
24 **LOCAL ELECTIVE OFFICE, EACH BONA FIDE CANDIDATE OR**
25 **REGISTERED POLITICAL PARTY SHALL BE ENTITLED TO**
26 **NOT MORE THAN ONE HUNDRED TWENTY (120 MINUTES)**
27 **ADVERTISEMENT PER LED BILLBOARDS WHETHER BY**
28 **LEASE OR DONATION.**

29 **(E) EACH BONA FIDE CANDIDATE, WHETHER NATIONAL OR**
30 **LOCAL, FOR ANY ELECTIVE POSITION MAY UTILIZE MOBILE**
31 **OUTDOOR ADVERTISEMENTS IN PUBLIC UTILITY VEHICLES**
32 **PROVIDED THAT THE DIMENSION OF THE ADVERTISEMENT**
33 **IS CONSISTENT WITH THE GUIDELINES OF THE LAND**
34 **TRANSPORTATION FRANCHISING AND REGULATORY**
35 **BOARD ON TRANSIT ADVERTISEMENTS.**

36 For this purpose, the COMELEC shall require any broadcast station or
37 entity to submit to the COMELEC a copy of its broadcast logs and
38 certificates of performance for the review and verification of the

1 frequency, date, time and duration of advertisements broadcast for any
2 candidate or political party. **THE COMELEC SHALL LIKEWISE**
3 **REQUIRE ANY OUTDOOR COMPANY OR ENTITY TO SUBMIT TO**
4 **THE COMELEC A COPY OF ITS CONTRACTS FOR ELECTION**
5 **PROPAGANDA FOR THE REVIEW AND VERIFICATION OF THE**
6 **FREQUENCY, DATE, TIME AND DURATION OF OUTDOOR**
7 **ADVERTISEMENTS FOR ANY CANDIDATE OR POLITICAL PARTY.**

8 SECTION 4. The Commission on Election shall promulgate the necessary
9 implementing rules and regulations within sixty (60) days from the effectivity
10 of this Act.

11 SECTION 5. *Separability Clause.* – If any part or section of this Act is declared
12 unconstitutional, such declaration shall not affect the other parts or sections
13 of this Act.

14 SECTION 6. *Repealing Clause.* — All other laws, acts, presidential decrees,
15 executive orders, presidential proclamations, issuances, rules and
16 regulations or parts thereof which are contrary to or inconsistent with any of
17 the provisions of this Act are hereby repealed, amended, or modified
18 accordingly.

19 SECTION 7. *Effectivity.* – This Act shall take effect fifteen (15) days after
20 publication in the Official Gazette or in a newspaper of general circulation.

Approved,