

THIRTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Second Regular Session)

5 OCT 13 12:00

SENATE
S. B. No. 2145

RECEIVED BY: AS

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

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

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

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 provides that:

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, and 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.

Therefore, there is 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.


MIRIAM DEFENSOR SANTIAGO
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DATE
THE SECRETARY
5 OCT 13 2010

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Introduced by Senator Miriam Defensor Santiago

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

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

SECTION 1. *Short Title.* – This Act shall be known as the “Government Propaganda Prohibition Act of 2005”.

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

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

(A) “Propaganda” includes

- (1) Any message designed to aid a political party or candidate.
- (2) Any message with the purpose of self-aggrandizement or puffery of the Administration, agency, executive branch programs or policies, or pending congressional legislation;
- (3) A news release or other publication that does not clearly identify the government agency directly or indirectly (through a contractor) financially responsible for the message;
- (4) Any audio or visual presentation that does not continuously and clearly identify the government agency directly or indirectly financially responsible for the message;

- (5) An internet message that does not continuously and clearly identify the government agency directly or indirectly financially responsible for the message;
 - (6) A message of a nature tending to emphasize the importance of the agency or its activities;
 - (7) A message that is so misleading or inaccurate that it constitutes propaganda; and
 - (8) The preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before Congress, except in presentation to Congress.
- (B) "Government" includes the National Government, the local governments, the government-controlled corporations, and all other instrumentalities or agencies of the Republic of the Philippines and their branches.
- (C) "Public officer" includes elective and appointive officials and employees, permanent or temporary, whether in the classified, or unclassified or exemption of service receiving compensation, even nominal, from the government as defined in the preceding sub-paragraph.
- (D) "Executive agency" means an executive department or a government agency.
- (E) "Advertisement" means a communication disseminated in any form, including speech, print, or by any electronic means.
- (F) "Covered contract" means a contract with an executive agency for public relations, media relations, advertising, or public opinion research services, or any subcontract for such services under a government contract

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

SECTION 5. *Requirement for Disclosure of Sponsorship of all Government Advertising or Other Communication Materials.* – Each advertisement or other communication paid for by an executive agency, either directly or through a contract awarded by the executive agency, shall

include a prominent notice informing the target audience that the advertisement or other communication is paid for by that executive agency.

SECTION 6. Notification to Congress Regarding Certain Contracts. –

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

(B) Requirement to submit other information upon request. – Upon request by the Chairperson of any covered Congressional Committee, an executive agency that provided a notification under subsection (A) for a covered contract shall provide the following to the person making the request:

(1) a copy of the covered contract;

(2) any modifications to the covered contract; and any materials produced under the covered contract.

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

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

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

SECTION 8. Penalties. –

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

(B) **Criminal Penalty.** – An officer or employee of the Philippine government who knowingly and willfully violates subsection (A) shall be fined not less than PhP250,000 and not more than PhP500,000, imprisoned for not more than 5 years, plus three (3) times the amount of funds appropriated.

SECTION 9. *Separability Clause.* – If any provision or part thereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SECTION 10. *Repealing Clause.* – All laws, decrees, executive orders, rules and regulations, and other issuances or parts thereof which are inconsistent with this Act are hereby repealed, amended, or modified accordingly.

SECTION 11. *Effectivity.* – This Act shall take effect fifteen (15) days following its publication in two (2) national newspapers of general circulation.

Approved,