


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

8 FEB 12 2008

SENATE  
S. No. 2071

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Introduced by Senator Miriam Defensor Santiago

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#### EXPLANATORY NOTE

The Constitution, Article II, Section 26 provides that, “the State shall guarantee equal access to opportunities for public service and prohibit political dynasties as may be defined by law.” However, data from recent elections would show that except for a few exceptional cases, access to opportunities for public service, especially in elective positions is never equal.

More often than not, candidates have to spend millions of pesos in order to win in the elections. In the recent 2007 senatorial elections, with the exception of Sen. Trillanes, all the winning candidates had to spend at least ten million pesos for their campaign and the bulk of these amounts went to tv and radio ads.

According to a July 2005 Asia Research Organization study, with its 95-percent reach among Filipino households, television has become the Filipinos’ most preferred source of news and information. However, previous laws imposed political ad bans in order to “level the playing field” between rich and poor candidates. The ban was lifted in 2001 in an effort to give equal opportunities to the lesser-known candidates, allowing candidates to flood viewers’ screens with their political advertisements.

In order to ensure that no candidate will get more exposure than others, the Fair Elections Act limited the number of hours that a candidate can air his ad. However, because a political ad costs a lot, not all candidates were able to even reach half of the maximum time allotted for their political ad. Conversely, rich candidates still got the better of poor candidates. The unequal access to airtime and ad space still existed because of the high price of political ads. Even though there is supposed to be equal air time that was available to all, the candidates’ resources were just not equal.

Aside from the problem of unequal opportunities for political ads in tv and radio, there is also the issue of the content of these ads. Since these ads were aired within very short periods, they were not able to deliver crucial information such as platforms and track records and just featured candidates singing and dancing, along with catchy jingles and slogans and brightly colored backgrounds. In order for the public to make informed decisions on who they should vote for, the contents of these political ads must also be regulated.

However, ads alone will not give the public a clear picture of the candidate, his qualifications and platform. There should be a televised debate for candidates in order for people to see and hear what the candidates have to offer.

This bill aims to regulate TV and radio advertisements and its contents. It also aims to institutionalize political debates among candidates in order to have an informed electorate.

  
MIRIAM DEFENSOR SANTIAGO

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
Introduced by Senator Miriam Defensor Santiago

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AN ACT

GIVING EQUAL ACCESS TO RADIO AND TV ADS FOR CANDIDATES DURING  
THE ELECTION PERIOD, SIMPLIFYING AND PROFESSIONALIZING POLITICAL  
ADVERTISEMENTS AND INSTITUTIONALIZING POLITICAL DEBATES TO  
PROPERLY INFORM THE ELECTORATE DURING THE ELECTION PERIOD

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

SECTION 1. *Short Title.* – This Act shall be known as the “Informed Electorate  
Act of 2008.” 

SECTION 2. *Declaration of Policy.* – It is hereby declared the policy of the State  
to guarantee equal access to opportunities for public service by creating a well-informed  
electorate.

SECTION 3. *Comelec Sponsored Debates.* – The COMELEC shall supervise and  
sponsor at least three (3) national debates among presidential candidates, at least one (1)  
national debate among vice presidential, senatorial and local government position  
candidates. The debates among presidential candidates shall be scheduled on three (3)  
different calendar days; the first debate shall be scheduled within the first and second  
week of the campaign period; the second debate within the fifth and sixth week of the  
campaign period; and the third debate shall be scheduled within the tenth and eleventh  
week of the campaign period. The COMELEC shall promulgate rules and regulations for  
the holding of such debates.

SECTION 4. *Maximum Airtime Per Candidate.* – (A) Each bona fide candidate or  
registered political party for a nationally elective office shall be entitled to a national

1 aggregate of not more than one hundred twenty (120) minutes of television advertisement  
2 and one hundred eighty (180) minutes of radio advertisement whether by purchase or  
3 donation.

4 (B) Each bona fide candidate or registered political party for a locally elective  
5 office shall be entitled to an aggregate of not more than sixty (60) minutes of television  
6 advertisement and ninety (90) minutes of radio advertisement whether by purchase or  
7 donation.

8 SECTION 5. *Contents of the Political Advertisement.* – A political  
9 advertisement should contain the following:

- 10 a) A picture, photo or video of the candidate;
- 11 b) The full name and the nickname, stage or screen name of the candidate;
- 12 c) The candidate's academic background;
- 13 d) The candidate's professional profile; and
- 14 e) The candidate's platform of government.

15 Failure to include any of the required content is considered an election offense.

16 SECTION 6. *Comelec Sponsored Airtime.* – In order to ensure that each candidate  
17 will receive equal opportunities for media exposure, each candidate should pay to the  
18 COMELEC the amount needed to buy political advertisements. It will be the COMELEC  
19 who will procure for the candidates paid airtime from at least three (3) national television  
20 networks and three (3) national radio networks, which shall also be allocated equally and  
21 impartially among all the candidates who paid the required amount. For this purpose,  
22 each national candidate should pay the COMELEC one-fifth of the maximum allowable  
23 expenditure for the elections.

24 SECTION 7. *Implementing Rules and Regulations.* – The Commission on  
25 Elections shall promulgate the Implementing Rules of this Act within sixty (60) days  
26 following its effectivity.

1           SECTION 8. *Repealing Clause.* - Any law, presidential decree or issuance,  
2 executive order, letter of instruction, administrative order, rule or regulation contrary to,  
3 or inconsistent with the provisions of this Act is hereby repealed, modified or amended  
4 accordingly.

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

8           SECTION 10. *Effectivity Clause.* - This Act shall take effect fifteen (15) days  
9 after its publication in at least two (2) newspapers of general circulation.

Approved.

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