

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Sixteenth Congress
First Regular Session



3057

House Bill No. _____

Introduced by AKBAYAN Representatives
Ibarra M. Gutierrez III and Walden F. Bello

EXPLANATORY NOTE

No less than the 1987 Philippine Constitution, in its Declaration of Principles and State Policies, particularly in Section 16 of Article II, mandates the State to protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature.

One of the laws passed to implement this Constitutional mandate is Republic Act No. 9003, otherwise known as the "*Ecological Solid Waste Management Act of 2000*." It sought the adoption of a systematic, comprehensive and ecologically solid waste management program which shall, among others, utilize environmentally-sound methods that maximize the utilization of valuable resources and encourage resource conservation and recovery, and set guidelines and targets for solid waste avoidance and volume reduction through source reduction and waste minimization measures.

Every person living in Metro Manila generates half a kilo of solid waste a day, translating to almost 1.95 million metric tons of solid waste per year. This number would dramatically increase during election campaign periods, when candidates for elective positions go into intensive information drives by distributing pamphlets, leaflets, cards, decals, stickers, letters, posters, streamers, and other election propaganda materials. As the amount of solid waste continues to increase, so does environment degradation.

The increased production of election campaign materials brings about an increase in the use of materials that are scientifically proven to be hazardous to human health and to the environment. Tarpaulins used for streamers, for example, are coated and printed with substances containing cadmium, a carcinogenic element. Ballers given out to campaign volunteers do not only contain cadmium, these ballers are produced using lead, a substance which has proven neurotoxicity to humans. Needless to say, cadmium and lead are considered as "major public health concerns" by the World Health Organization.

A law which makes the use of biodegradable and environmentally-friendly materials mandatory in the production of election propaganda materials will (1) minimize the effects of producing tons of election propaganda materials and (2) eliminate the use of hazardous substances in producing the materials.

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



WALDEN F. BELLO



IBARRA "BARRY" M. GUTIERREZ III

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Sixteenth Congress
First Regular Session

House Bill No. **3057**

Introduced by AKBAYAN Representatives
Ibarra M. Gutierrez III and Walden F. Bello

AN ACT
ENFORCING THE STRICTER USE OF BIODEGRADABLE AND NON-
HAZARDOUS ELECTION PROPAGANDA MATERIALS,
AMENDING FOR THAT PURPOSE REPUBLIC ACT NO. 9006, OTHERWISE
KNOWN AS THE “FAIR ELECTIONS ACT,” AND BATAS PAMBANSA BILANG
881, OTHERWISE KNOWN AS THE “OMNIBUS ELECTION CODE OF THE
PHILIPPINES,” AND APPROPRIATING FUNDS THEREFOR

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

1 **SECTION 1. *Title*.**—This Act shall be known as the “*Biodegradable and Non-Hazardous Election*
2 *Propaganda Materials Act of 2013*.”

3
4 **SECTION 2. *Definition of Terms*.**—As used in this Act:

5
6 (a) “*Biodegradable material*” refers to waste material composed primarily of naturally-occurring
7 constituent parts, able to be broken down and absorbed into the ecosystem.

8
9 (b) “*Hazardous substances*” are substances which present either:
10

(1) Short-term acute hazards, such as acute toxicity by ingestion, inhalation or skin absorption, corrosivity or other skin or eye contact hazards or the risk of fire or explosion; or

(2) Long-term environmental hazards, including chronic toxicity upon repeated exposure, carcinogenicity (which may in some cases result from acute exposure but with a long latent period), resistance to detoxification process such as biodegradation, the potential to pollute underground or surface waters, or aesthetically objectionable properties such as offensive odors.

(c) "*Recycled material*" shall refer to post-consumer material that has been recycled and returned to the economy.

(d) "*Re-use*" shall refer to the process of recovering materials intended for the same or different purpose without the alteration of physical and chemical characteristics.

(e) "*Solid waste*" shall refer to all discarded household, commercial waste, non-hazardous institutional and industrial waste, street sweepings, construction debris, agricultural waste, and other non-hazardous or non-toxic solid waste.

SECTION 3. Section 3 of Republic Act No. 9006, otherwise known as the "*Fair Elections Act*," and Section 82 of Batas Pambansa Bilang No. 881, otherwise known as the "*Omnibus Election Code of the Philippines*," defining lawful election propaganda are hereby amended to read as follows:

"Section 3. Lawful Election Propaganda.—Election propaganda, whether on television or cable television, radio, newspaper, or any other medium, is hereby allowed for all parties and for all *bona fide* candidates seeking national and local elective positions subject to the limitation on authorized expenses of candidates and parties, observation of truth in advertising, and to the supervision and regulation by the Commission on Elections.

1 Lawful election propaganda shall include:

2
3 (a) Pamphlets, leaflets, cards, decals, stickers or other written
4 or printed materials the size of which does not exceed eight and
5 one-half inches (8½") in width and fourteen inches (14") in
6 length, made of biodegradable, re-used and/or recycled materials
7 and non-hazardous substances.

8
9 (b) Handwritten or printed letters on biodegradable, re-used
10 or recycled materials, using non-hazardous substances, urging
11 voters to vote for or against any particular political party or
12 candidate for public office;

13
14 (c) Posters made of biodegradable, re-used or recycled cloth,
15 paper, cardboard, or any other biodegradable, re-used or recycled
16 material, printed with ink without any hazardous substance,
17 whether framed or posted, with an area not exceeding two feet
18 (2') by three feet (3');

19
20 (d) Streamers made of biodegradable, re-used or recycled
21 materials, printed with ink without any hazardous substance, not
22 exceeding three feet (3') by eight feet (8') in size, displayed at the
23 site and on occasion of a public meeting or rally. Said streamers
24 may be displayed five (5) days before the date of the meeting or
25 rally and shall be removed within twenty-four (24) hours after
26 said meeting or rally;

27
28 (e) Mobile units, vehicles motorcades of all types, whether
29 engine or manpower driven or animal drawn, with or without
30 sound systems or loud speakers and with or without lights;

(f) Paid advertisements in print or broadcast media: *Provided*, That the advertisements shall follow the requirements under Section 4 of Republic Act No. 9006, or the '*Fair Elections Act*,'

(g) In headquarters or residences of candidates, lawful election paraphernalia may be displayed, but banners or streamers referred to in paragraph (d) above shall not be allowed;

(h) All other forms of election propaganda not prohibited by Batas Pambansa Bilang 881 otherwise known as the '*Omnibus Election Code of the Philippines*' and Republic Act No. 9006 otherwise known as the '*Fair Elections Act*:' *Provided*, That these are made with biodegradable, re-used or recycled materials: *Provided, further*, That these do not contain any hazardous substance: *Provided, finally*, That no plastic and similar material shall be used."

SECTION 4. *Election Offense.*—The use of any election propaganda made of plastic or similar materials, or of materials which are not biodegradable, re-used or recyclable, or which contains hazardous substances, shall constitute a violation of this Act and shall constitute an election offense punishable under the first and second paragraph of Section 264 of the *Omnibus Election Code of the Philippines* in addition to administrative liability, whenever applicable.

SECTION 5. *List of biodegradable, re-usable, recyclable and recycled materials, and hazardous substances.*—To aid the Commission on Elections to monitor compliance by candidates to the provisions of this Act, the Department of Environment and Natural Resources shall provide the Commission on Elections with the inventory of materials as provided in Section 4 of Republic Act No. 6969, otherwise known as the "*Toxic Substances and Hazardous and Nuclear Wastes Control Act of 1990*," indicating therein the inventory of hazardous substances. The Environment Management Bureau shall also provide the Commission on Elections a list of biodegradable, re-usable, recyclable and recycled materials.

SECTION 6. *Implementing rules and regulations.*—The Commission on Elections shall promulgate and furnish all political parties and candidates the rules and regulations for the

1 implementation of this Act. Said rules and regulations may be in the form of resolutions duly
2 promulgated to govern the conduct of elections.

3
4 **SECTION 7. *Appropriations.***—Such sum as may be necessary for the implementation of the
5 provisions of this Act is hereby authorized to be incorporated in the annual General
6 Appropriations Act.

7
8 **SECTION 26. *Separability Clause.***—If any section or provision of this Act shall be declared
9 unconstitutional, other provisions not affected shall continue to be in full force and effect.

10
11 **SECTION 27. *Repealing Clause.*** – All laws, presidential decrees, executive orders, rules and
12 regulations, or parts thereof, inconsistent with this Act, including of Batas Pambansa Bilang 881
13 (Omnibus Election Code of the Philippines), Republic Act No. 9006 (Fair Elections Act) and
14 Republic Act No. 6969 (Toxic Substances and Hazardous and Nuclear Wastes Control Act of
15 1990), are hereby repealed or modified accordingly.

16
17 Section 3 of Republic Act No. 9006 and Section 82 of Batas Pambansa Blg. 881 are hereby
18 repealed.

19
20 **SECTION 28. *Effectivity.***—This Act shall take effect fifteen (15) days after its publication in at
21 least two (2) newspapers of general circulation.

Approved,