

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

16th Congress
First Regular Session

House Bill No. **3188**



Introduced by Honorable Sergio A. F. Apostol

EXPLANATORY NOTE

Conduct of surveys is a regular occurrence which regularly affects the lives of many Filipinos. Surveys can be a shining light that may guide the citizenry to decide better for themselves and their respective families. However, some surveys may just confuse and mislead the general public altogether, leading to speculations and unwarranted conclusions as to the truth of a matter of a public concern.

Revealing the true source of funding and financing of surveys rightfully apprises the public of who may be truly behind the conduct of the same and their intention of doing so. Thus, in order to stop the practice of unscrupulous persons who may use their wealth through surveys to advance their not so noble intention of misinforming the public only for their personal gain, this bill seeks to reveal the identity of the person or persons who uses their money to conduct these surveys. By doing so, the general public will have a fair and an educated judgment as to the veracity and legitimacy of these surveys.


SERGIO A. F. APOSTOL
Representative
Second District, Leyte

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AN ACT MANDATING FULL DISCLOSURE OF SOURCE OF FUNDING AND
FINANCING OF SURVEYS

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

SECTION 1. Any person, firm, entity or a group of persons who shall conduct, or is regularly conducting a survey or a series of surveys, for the purpose of disseminating or spreading for, or informing the general public or a certain community of the results thereof, through the mass media, print media or any other means of written, verbal, visual, internet or mobile communication, shall fully disclose, publicise and reveal the truthful and complete source of funding of the same survey.

For the purposes of this Act, a "survey" shall mean a gathering of a sample data or opinions from a group or a cluster of people regarding a certain subject matter, which sample data may give a reasonable representation of the general opinion or sentiment of a whole population of which such group or cluster of people is a part or a member. **PROVIDED**, a survey may be conducted by means of a written questionnaire, internet on-line questioning, SMS messaging, house-to-house or impromptu questioning, or any other means, the purpose of which is to disseminate or inform the public of the results thereof.

SECTION 2. Exceptions.- The obligation to disclose, publicize or reveal the truthful and complete source of funding of a "survey" as mentioned in Section 1 herein shall not apply to:

- a. surveys for purely scholastic work and educational purposes as required by academic institutions;
- b. surveys for personal use and information only;

- c. surveys where the subject matter, conduct and results thereof are directly and actually connected only to a specific entity or group, conducted at the instance of the same entity or group as aforementioned for the purpose of compiling an entity or company data system for employment or human resource, or for formulation of company policy.

Section 3. Liability- Any person or a group of persons who shall not fully disclose, publicize or reveal the complete and truthful source of funding and financing of a survey as mentioned in Section 1 hereof shall be liable for not less than six (6) months and one (1) day up to one (1) year of imprisonment, or a fine of not less than twenty thousand (P20,000.00) pesos. **PROVIDED,** that the liability of a firm or entity in violation of this Act shall fall upon those who actually and directly participated in the conduct of the survey, whether or not employees of such same firm or entity; as well to its president, manager or supervisor who actually and directly authorized, sanctioned or ordered to conduct the same survey.

Section 4. Presumption in cases of criminal prosecution. – It is presumed that the result of the survey was purposely made for the knowledge and information of the public when the same result has become public through the television, radio, newspaper or web (internet).

Section 5. Election surveys- Any survey made relating to the conduct of any regular national or local election in violation of the provision of this Act shall be treated as an election offense and shall be prosecuted under the authority and supervision of the Commission on Elections (COMELEC).

SECTION 6. Separability Clause. - If any provision of this Act is declared unconstitutional, the same shall not affect the validity and effectivity of other provisions thereof.

SECTION 7. Repealing Clause. - All laws, decrees, orders and issuances or portions thereof which are inconsistent with the provisions of the Act are hereby repealed or modified accordingly.

SECTION 8. Effectivity. - This Act shall take effect fifteen (15) days following its publication in the Official Gazette, and in at least two (2) national newspapers of general circulation.

Approved,