

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

Seventeenth Congress
Second Regular Session

HOUSE BILL NO. 5922



Introduced by Honorable Michelle M. Antonio

EXPLANATORY NOTE

The Fair Elections Act (R.A. 9006) declares that the State shall, during the election period, supervise or regulate the enjoyment or utilization of all franchises or permits for the operation of media of communication or information to guarantee or ensure equal opportunity for public service, including access to media time and space, and the equitable right to reply, for public information campaigns and fora among candidates and assure free, orderly, honest, peaceful and credible elections.

However, sixteen years after its enactment, certain provisions of the act lack clear mechanisms, which have resulted to the circumvention of said provisions and, ultimately, the failure to achieve the true objective of the law.

Although the law clearly states that media outlets shall charge registered political parties and bona fide candidates a discounted rate of thirty percent (30%) for television, twenty percent (20%) for radio and ten percent (10%) for print, there is a lack of clear parameters on the allowable increase in rates of political propaganda that media outlets can impose. Therefore, to compensate for the losses from the discounts being extended, media outlets resort to increasing the rates of political advertisements upon the start of the 90-day election campaign period, with some employing an increase of almost one hundred percent (100%). In fact, in the recently concluded 2016 elections, television media outlets charged as much as P1,424,000 for every 30-second prime time spot and P1,187,000 for every 30-second non-prime spot.

Because of these exorbitant rates, several candidates were not able to place political advertisements in the tri-media, i.e., in television, radio, and print media. Due to lack of funds, they were deprived of an opportunity to make use of this platform to inform the electorate of their qualifications and position on matters of national significance. In addition, the current system encourages graft and corruption as it forces candidates to look for big time donors who can fund their campaign. These candidates will then be indebted to the donors for the duration of their terms, and may in the future cause them to commit unlawful practices to accommodate the donors' wishes.

In view of the foregoing, approval of this bill is highly recommended.



MICHELLE M. ANTONIO

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**AN ACT AMENDING REPUBLIC ACT NO. 9006, OTHERWISE
KNOWN AS THE FAIR ELECTION ACT**

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

SECTION 1. Section 11 of Republic Act No. 9006, otherwise known as the Fair Elections Act, is hereby amended to read as follows:

"Sec. 11. **REGULATION OF** Rates of Political Propaganda. — [During the election period, media outlets shall charge registered political parties and bona fide candidates a discounted rate of thirty percent (30%) for television, twenty percent (20%) for radio and ten percent (10%) for print over the average rates charged during the first three quarters of the calendar year preceding the elections.]

THE COMELEC SHALL HAVE THE POWER TO REGULATE THE RATES OF POLITICAL PROPAGANDA AND PREVENT MEDIA OUTLETS FROM INCREASING THE RATES TO MORE THAN THE AVERAGE RATES CHARGED TO REGULAR ADVERTISERS ONE (1) YEAR PRIOR TO THE START OF THE CAMPAIGN PERIOD. THE

POWER TO REGULATE RATES SHALL BE EXERCISED DURING THE ELECTION PERIOD.

DURING THE CAMPAIGN PERIOD, MEDIA OUTLETS SHALL PROVIDE REGISTERED POLITICAL PARTIES AND BONA FIDE CANDIDATES A DISCOUNT OF FIFTY PERCENT (50%) FOR TELEVISION, RADIO AND PRINT. IN NO CASE SHALL RATES CHARGED TO REGISTERED POLITICAL PARTIES AND BONA FIDE CANDIDATES BE HIGHER THAN RATES CHARGED TO REGULAR ADVERTISERS.

SEC. 2. *Separability Clause.* - If any provision or part hereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

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

SEC. 4. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,