

Republic of the Philippines
HOUSE OF THE REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Second Regular Session

HOUSE BILL No. **7864**



Introduced by HON. MANUEL F. ZUBIRI

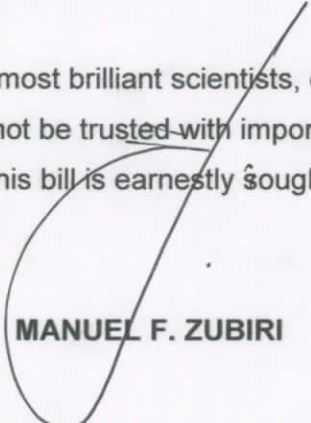
EXPLANATORY NOTE

With the 2019 elections looming, coupled with the problem of disinformation through the use of online and social media, it is high time we amend the provisions of the Fair Elections Act to reflect its intention of assuring free, orderly, honest, peaceful, and credible elections. Given its provisions have not caught up with the digitalization of discourse in the Philippines, it is best we update the salient provisions of the Fair Election Act. The reality of disinformation¹ (or "fake news" in the vernacular) shall be addressed in order to allow the electoral system to reflect the true intent of the voting public.

The study by Cabanes and Ong confirms the fact paid trolls are being used by political candidates. One of their policy suggestions was to craft a Political Campaign Transparency Act to require politicians to disclose the political campaign materials for broad public discussion and regulation. This information is not protected by their right to privacy given the public nature of the office they are vying for.

Salient amendments include the identification of paid online advertisements and online content to reflect whether these were paid for such entities and the submission of an inventory of the advertising materials purchased, complete with the titles and particulars of such advertising materials. These allow political propaganda materials to be properly identified by voters in order to help them make an informed choice. The inventory likewise will help identify whether the candidate or benefactors of the candidate purchased online material which violated the Fair Elections Act.

Albert Einstein, one of the world's most brilliant scientists, once said "Whoever is careless with the truth in small matters cannot be trusted with important matters". In view of the abovementioned, the passage of this bill is earnestly sought.


MANUEL F. ZUBIRI

¹ Cabanes, Jason and Ong, Jonathan, Architects of Networked Disinformation: Behind the Scenes of Troll Accounts and Fake News Production in the Philippines, <http://newtontechfordev.com/wp-content/uploads/2018/02/ARCHITECTS-OF-NETWORKED-DISINFORMATION-FULL-REPORT.pdf>, The Newton Tech4Dev Network, Accessed 5 March 2018

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**AN ACT AMENDING SECTIONS 3, 4, 6, AND 7 OF REPUBLIC ACT NO. 9006,
OTHERWISE KNOWN AS THE FAIR ELECTION ACT**

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

SECTION 1. Section 3 of the Fair Election Act is amended to read as follows:

"Section 3. Lawful Election Propaganda. – Election propaganda, whether on television, cable television, radio, newspapers, **ONLINE OR THE INTERNET** or any other medium is hereby allowed for all registered political parties, national, regional, sectoral parties or organizations participating under the party list elections and for all bona fide candidates seeking national and local elective positions subject to the limitation on authorized expenses of candidates and political parties, observance of truth in advertising and to the supervision and regulation by the Commission on Elections (COMELEC).

For the purpose of this Act, lawful election propaganda shall include:

3.1. Pamphlets, leaflets, cards, decals, stickers or other written or printed materials the size of which does not exceed eight and one half inches in width and fourteen inches in length;

3.2. Handwritten or printed letters urging voters to vote for or against any particular political party or candidate for public office;

3.3. Cloth, paper or cardboard posters, whether framed or posted, with an area not exceeding two (2) feet by three (3) feet, except that, at the site and on the occasion of a public meeting or rally, or in announcing the holding of said meeting or rally, streamers not exceeding three (3) feet by eight (8) feet in size, shall be allowed: Provided, That said streamers may be displayed five (5) days before the date of the meeting or rally and shall be removed within twenty-four (24) hours after said meeting or rally;

3.4. Paid advertisements in print, broadcast, **OR ONLINE** media: Provided, That the advertisements shall follow the requirements set forth in Section 4 of this Act;

3.5. PAID ONLINE CONTENT SUCH AS SOCIAL MEDIA POSTS, VIDEOS, AND SOUNDBITES: PROVIDED, THAT ONLINE CONTENT SHALL FOLLOW THE REQUIREMENTS SET FORTH IN SECTION 4 IN THIS ACT;

3.6. All other forms of election propaganda not prohibited by the Omnibus Election Code or this Act.

SECTION 2. Section 4 of the Fair Election Act is hereby amended to read as follows:

Section 4. Requirements for Published or Printed, Broadcast, AND ONLINE Election Propaganda. –

4.1. Any newspaper, newsletter, newsweekly, gazette or magazine advertising, posters, pamphlets, comic books, circulars, handbills, bumper stickers, streamers, sample list of candidates or any published or printed political matter and any broadcast of election propaganda by television or radio for or against a candidate or group of candidates to any public office shall bear and be identified by the reasonably legible or audible words "political advertisement paid for," followed by the true and correct name and address of the candidate or party for whose benefit the election propaganda was printed or aired. **LIKEWISE, ANY SOCIAL MEDIA ADVERTISEMENT, BLOG POST, SOCIAL MEDIA POST, VIDEO CLIP, AND ANY OTHER PUBLISHED POLITICAL MATTER ONLINE FOR OR AGAINST A CANDIDATE OR GROUP OF CANDIDATES SHALL BEAR AND BE IDENTIFIED BY THE REASONABLY LEGIBLE OR AUDIBLE WORDS "POLITICAL ADVERTISEMENT PAID FOR," FOLLOWED BY THE TRUE AND CORRECT NAME AND ADDRESS OF THE CANDIDATE OR PARTY FOR WHOSE BENEFIT THE ELECTION PROPAGANDA WAS PRODUCED.**

4.2. If the broadcast is given free of charge by the radio or television station, it shall be identified by the words "airtime for this broadcast was provided free of charge by" followed by the true and correct name and address of the broadcast entity. **IF ONLINE CONTENT IS GIVEN FREE OF CHARGE BY ANY PERSON OR WEBSITE, IT SHALL ALSO BE IDENTIFIED BY THE WORDS "THIS CAMPAIGN WAS PROVIDED FREE OF CHARGE BY" FOLLOWED BY THE TRUE AND CORRECT NAME AND ADDRESS OF THE PERSON PUBLISHING SUCH.**

1 4.3. Print, broadcast, outdoor, **OR ONLINE** advertisements donated to the
2 candidate or political party shall not be printed, published, broadcast,
3 exhibited, **OR POSTED** without the written acceptance by the said candidate
4 or political party. Such written acceptance shall be attached to the
5 advertising contract and shall be submitted to the COMELEC as provided in
6 Subsection 6.3. hereof.
7

8 SECTION 3. Section 6 of the Fair Election Act is hereby amended to read as
9 follows:
10

11 Section 6. Equal Access to Media Time and Space. – All registered parties
12 and bona fide candidates shall have equal access to media time and space.
13 The following guidelines may be amplified on by the COMELEC.
14

15 6.1. Print advertisements shall not exceed one-fourth (1/4) page, in broad
16 sheet and one-half (1/2) page in tabloids thrice a week per newspaper,
17 magazine or other publications, during the campaign period.
18

19 6.2. (a) Each bona fide candidate or registered political party for a
20 nationally elective office shall be entitled to not more than one hundred
21 twenty (120) minutes of television advertisement and one hundred eighty
22 (180) minutes of radio advertisement whether by purchase or donation.
23

24 (b) Each bona fide candidate or registered political party for a locally
25 elective office shall be entitled to not more than sixty (60) minutes of
26 television advertisement and ninety (90) minutes of radio advertisement
27 whether by purchase or
28

29 For this purpose, the COMELEC shall require any broadcast station
30 or entity to submit to the COMELEC a copy of its broadcast logs and
31 certificates of performance for the review and verification of the frequency,
32 date, time and duration of advertisements broadcast for any candidate or
33 political party.
34

35 6.3. All mass **AND ONLINE** media entities shall furnish the COMELEC with
36 a copy of all contracts, **INVESTMENTS, GRANTS, FUNDING, OR OTHER**
37 **ARRANGEMENTS** for advertising, promoting or opposing any political party
38 or the candidacy of any person for public office within five (5) days after its
39 signing. In every case, it shall be signed by the donor, the candidate
40 concerned or by the duly authorized representative of the political party.
41 **FURTHER, THE CONTRACT SHALL BE ACCOMPANIED BY AN**
42 **INVENTORY OF THE TITLES, LENGTH, NATURE AND A DESCRIPTION**
43 **OF ALL THE ADVERTISING MATERIALS, WHETHER PRINT,**
44 **BROADCAST, OR ONLINE, INCLUDING BUT NOT LIMITED TO COMIC**

1 **BOOKS, CIRCULARS, PRINTED AND PUBLISHED MATERIAL, SOCIAL**
2 **MEDIA POSTS, BLOG POSTS, SOCIAL MEDIA CAMPAIGNS, AND**
3 **VIDEOS, AS WELL AS THE CONTRACTED FREQUENCY OR NUMBER**
4 **OF THEIR PUBLICATION IN THE VARIOUS FORMS OF MEDIA,**
5 **INCLUDING ONLINE.**

6
7 6.4. No franchise or permit to operate a radio or television stations shall be
8 granted or issued, suspended or cancelled during the election period.

9
10 In all instances, the COMELEC shall supervise the use and employment of
11 press, radio and television, **OR ONLINE MEDIA** facilities insofar as the
12 placement of political advertisements is concerned to ensure that candidates
13 are given equal opportunities under equal circumstances to make known
14 their qualifications and their stand on public issues within the limits set forth
15 in the Omnibus Election Code and Republic Act No. 7166 on election
16 spending.

17
18 The COMELEC shall ensure that radio or television or cable television
19 broadcasting **OR ONLINE MEDIA** entities shall not allow the scheduling of
20 any program or permit any sponsor to manifestly favor or oppose any
21 candidate or political party by unduly or repeatedly referring to or including
22 said candidate and/or political party in such program respecting, however, in
23 all instances the right of said broadcast entities to air accounts of significant
24 news or news worthy events and views on matters of public interest.

25
26 6.5. All members of media, **WHETHER** television, radio, print, **OR ONLINE**,
27 shall scrupulously report and interpret the news, taking care not to suppress
28 essential facts nor to distort the truth by omission or improper emphasis.
29 They shall recognize the duty to air the other side and the duty to correct
30 substantive errors promptly.

31
32 6.6. Any mass **OR ONLINE** media columnist, commentator, announcer,
33 reporter, on-air correspondent or personality who is a candidate for any
34 elective public office or is a campaign volunteer for or employed or retained
35 in any capacity by any candidate or political party shall be deemed resigned,
36 if so required by their employer, or shall take a leave of absence from his/her
37 work as such during the campaign period: Provided, That any media
38 practitioner who is an official of a political party or a member of the campaign
39 staff of a candidate or political party shall not use his/her time or space to
40 favor any candidate or political party.

41
42 6.7. No movie, cinematograph, or documentary portraying the life or
43 biography of a candidate shall be publicly exhibited in a theater, television
44 station or any public forum during the campaign period.

1
2 6.8. No movie, cinematograph or documentary portrayed by an actor or
3 media personality who is himself a candidate shall be publicly exhibited in a
4 theater, television station or any public forum during the campaign period.
5

6 SECTION 4. Section 7 of the Fair Election Act is hereby amended to read as
7 follows:

8 "Section 7. Affirmative Action by the COMELEC. –

9 7.1. Pursuant to Sections 90 and 92 of the Omnibus Election Code (Batas
10 Pambansa Bldg. 881), the COMELEC shall procure the print space upon
11 payment of just compensation from at least three (3) national newspapers of
12 general circulation wherein candidates for national office can announce their
13 candidacies. Such space shall be allocated free of charge equally and
14 impartially among all the candidates for national office on three (3) different
15 calendar days: the first day within the first week of the campaign period; the
16 second day within the fifth week of the campaign period; and the third day
17 within the tenth week of the campaign period.
18

19 7.2. The COMELEC shall also procure free airtime from at least three (3)
20 national television networks and three(3) national radio networks, which shall
21 also be allocated free of charge equally and impartially among all candidates
22 for national office. Such free time shall be allocated on three (3) different
23 calendar days; the first day within the first week of the campaign period; the
24 second day within the fifth week of the campaign period; and the third day
25 within the tenth weeks of the campaign period.
26

27 7.3. The COMELEC may require national television and radio networks to
28 sponsor at least three (3) national debates among presidential candidates
29 and at least one (1) national debate among vice presidential candidates. The
30 debates among presidential candidates shall be scheduled on three (3)
31 different calendar days; the first debate shall be scheduled within the first
32 and second week of the campaign period; the second debate within the fifth
33 and sixth week of the campaign period; and the third debate shall be
34 scheduled within the tenth and eleventh week of the campaign period.
35

36 The sponsoring television or radio network may sell air-time for commercials
37 and advertisements to interested advertisers and sponsors. The COMELEC
38 shall promulgate rules and regulations for the holding of such debates.
39

40 **7.4 THE COMELEC SHALL MAKE THE INFORMATION REGARDING**
41 **THE CANDIDATES' POLITICAL SPENDING, CONTRACTS, AND**
42 **INVENTORY PUBLIC IN ALL COMELEC OFFICES AND THE USE OF**
43 **BOTH THE COMELEC WEBSITE AND THE DEPARTMENT OF**

1 **INFORMATION AND COMMUNICATIONS TECHNOLOGY'S**
2 **ELECTRONIC FREEDOM OF INFORMATION WEBSITE.**
3

4 **SECTION 5. Implementing Rules and Regulations.** – The Commission on
5 Elections, in consultation with the Department of Information and Communications
6 Technology, shall issue the necessary rules and regulations to implement this Act.
7

8 **SECTION 6. Repealing Clause.** – All laws, presidential decrees, executive orders,
9 memoranda, rules and regulations contrary or inconsistent with the provisions of this
10 Act are hereby repealed, amended, or modified accordingly.
11

12 **SECTION 7. Separability Clause.** - If any portion or provision of this Act is declared
13 unconstitutional, the same shall not affect the validity and effectivity of the other provisions
14 not affected thereby.
15

16 **SECTION 8. Repealing Clause.** - All laws, parts of laws, decrees, presidential
17 issuances, proclamations, orders, ordinances, and administrative regulations in conflict with
18 the provisions of this Act are hereby amended, modified or repealed accordingly.
19

20 **SECTION 9. Effectivity.** - This Act shall take effect fifteen (15) days after its
21 publication in the Official Gazette or in at least two (2) newspapers of general circulation.
22
23

24 *Approved,*
25
26