

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH (18th) CONGRESS
Second Regular Session

HOUSE BILL NO. 8663



Representative Sandro L. Gonzalez and Representative Macnell M. Lusotan

EXPLANATORY NOTE

This bill seeks to amend Sections 3, 4 and 6 of Republic Act No. 9006, otherwise known as the "Fair Elections Act". The proposed amendment is a necessary adaptation to a rapidly evolving digital age and to changing norms brought by the COVID-19 pandemic.

The COVID-19 pandemic has given rise to a new normal that is expected to have long-term impacts not only to our way of life and the way we work, but also on the way we conduct elections. Under the new normal, social distancing, limitations on the number of people allowed to assemble, and travel restrictions in affected areas will have serious implications on the electoral process, including the conduct of election campaigns.

The November 2020 U.S. presidential election has seen these restrictions play out. With a number of states banning the assembly of large groups to quell the spread of COVID-19, the use of digital billboards and outdoor advertising in the election campaign has escalated as a way to reach out to voters.

Similar to the U.S. experience, the pandemic will shift Filipino voters' behavior and cause candidates and political groups to rethink the type of campaigns they should run. It makes little sense to spend on or use platforms that have no audience. As health measures and strict protocols are implemented around the country, election rallies and campaigns will be controlled or minimized, and printed election materials will find fewer distribution.

Meanwhile, digital media will become more relevant and necessary. Digital consumption will increase even more, and the use of social platforms, streaming services and digital billboards will become a necessity.

Digital billboards are environment friendly because they use green technology that substantially reduces the carbon footprint. Unlike posters, they do not require paper, thus saving on the cost of printing. The production and use of paper involve cutting down trees. Paper production causes deforestation, uses enormous amounts of energy and water, and contributes to air pollution and waste problems. The wasteful use of paper becomes more prevalent during the election period, where they are posted on public walls, distributed as leaflets and pamphlets, and most of them end up in landfills creating a staggering amount of paper waste.

Digital billboards allow candidates and political parties to focus the election message on certain demographics within a particular locale. They can play a specific role in the electability and success of a candidate by attracting voters. They are an important method for getting the message to as many people as possible and broadening the political base.

The digital billboard campaign may be further supported by social media campaign, town hall banners and home advertising to amplify its message as broadly as possible. Anytime digital media is used anywhere, it elevates the conversation, as well as awareness because it is outside the norm. Normally, billboards try to sell the public a commodity, hence when the public sees something innovative and different, they are drawn to and desire to understand it. They become engaged with it more emotionally and critically. This is the power and strength of digital billboards.

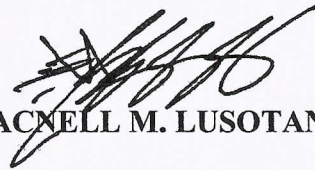
Moreover, in relation to campaign expenditures, the cost of advertising in digital and static billboards is substantially lower than the cost of advertising in TV, radio and print media.

In today's digital age and with the outbreak of COVID-19, it is imperative that our government adapt to the changes and embrace digital technology for election campaigns. These outdoor advertising mediums are not specifically mentioned in R.A. No. 9006 or the Fair Elections Act. Hence, there is a need to amend the law to provide this impetus for change. Otherwise, we risk getting mired in archaic campaign media that are harmful to our environment and disconnected to our fast-changing digital world.

In view of the foregoing, approval of this measure is earnestly sought.



SANDRO L. GONZALEZ



MACNELL M. LUSOTAN

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8663
HOUSE BILL NO. _____

Introduced by Representative Sandro L. Gonzalez and
Representative Macnell M. Lusotan

AN ACT
AMENDING SECTIONS 3, 4 AND 6 OF REPUBLIC ACT NO. 9006 ALSO KNOWN AS
THE FAIR ELECTIONS ACT TO INCLUDE DIGITAL AND STATIC BILLBOARDS
AND OTHER OUTDOOR ADVERTISING MEDIA AS LAWFUL ELECTION
PROPAGANDA

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

SECTION 1. Section 3 of Republic Act No. 9006 is amended to read as follows:

“Section 3. *Lawful Election Propaganda.* – Election propaganda, whether on television, cable television, radio, newspapers or any other medium, **INCLUDING DIGITAL AND STATIC BILLBOARDS AND MOBILE OR TRANSIT ADVERTISING**, 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 or broadcast media: *Provided*, That the advertisements shall follow the requirements set forth in Section 4 of this Act; [and]

- 3.5. **DIGITAL AND STATIC BILLBOARDS OWNED BY PRIVATE ENTITIES OR PERSONS PROVIDED THAT THE OWNERS OF THE SAID BILLBOARDS SHALL GIVE THEIR CONSENT. FOR THE PURPOSE OF THIS ACT, "DIGITAL BILLBOARD" MEANS A SIGNBOARD, IDENTIFICATION, ILLUSTRATION, IMAGE, PICTURE OR ANY OTHER DEVICE FOR OUT-OF-HOME OR OUTDOOR ADVERTISEMENT THAT USES COMPUTER-CONTROLLED LIGHT EMITTING DIODES (LEDs) CAPABLE OF DISPLAYING ADS, WORDS, SYMBOLS, FIGURES, CONTENT, OR IMAGES THAT CAN BE DIGITALLY OR ELECTRONICALLY CONTROLLED BY REMOTE OR AUTOMATIC MEANS, CONSISTING OF A SUPPORT STRUCTURE, A DISPLAY OR MESSAGE AREA, ELECTRONIC AND RELATED COMPONENTS INSTALLED ON LAND, BUILDING OR PROPERTY TO ATTRACT OR DIRECT ATTENTION TO A PARTICULAR PRODUCT, SERVICE, IDEA, INFORMATION, DESIGN, SYSTEM, ACTIVITY, INSTITUTION, BUSINESS, BELIEF AND/OR PERSONALITY. A STATIC BILLBOARD REFERS TO TRADITIONAL BILLBOARDS PRINTED ON A TARPAULIN OR SOLID BOARD;**
- 3.6. **MOBILE OR TRANSIT ADVERTISEMENT ON PUBLIC UTILITY VEHICLES PROVIDED THAT THE ADVERTISEMENT IS CONSISTENT WITH THE GUIDELINES OF THE LAND TRANSPORTATION AND FRANCHISING REGULATORY BOARD (LTFRB) FOR COMMERCIAL ADVERTISEMENTS; AND**
- 3.7. All other forms of election propaganda not prohibited by the Omnibus Election Code or this Act.

SEC. 2. Section 4 of Republic Act No. 9006 is amended to read as follows:

*"Section 4. Requirements for Published or Printed and Broadcast 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 **OR ANY OUTDOOR OR OUT-OF-HOME ELECTION PROPAGANDA IN THE FORM OF DIGITAL AND STATIC BILLBOARDS AND MOBILE OR TRANSIT ADVERTISEMENTS** 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.*

- 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.
- 4.3. Print, broadcast or outdoor advertisements donated to the candidate or political party shall not be printed, published, broadcast, or exhibited without the written acceptance by the said candidate or political party. Such written

acceptance shall be attached to the advertising contract and shall be submitted to the COMELEC as provided in Subsection 6.3. hereof.

SEC. 3. Section 6 of Republic Act No. 9006 is amended to read as follows:

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

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

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

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

(C) EACH BONA FIDE CANDIDATE OR REGISTERED POLITICAL PARTY FOR A NATIONAL OR LOCAL ELECTIVE OFFICE SHALL BE ENTITLED TO NOT MORE THAN TWO (2) DIGITAL OR STATIC BILLBOARDS PER BARANGAY. WHETHER BY LEASE OR DONATION, PROVIDED THAT FOR BILLBOARDS LOCATED IN METRO MANILA THE STRUCTURAL INTEGRITY AND LOCATION OF THE BILLBOARD STRUCTURE ARE COMPLIANT WITH THE GUIDELINES OF THE METRO MANILA DEVELOPMENT AUTHORITY, WHICH SHALL HAVE POWER AND AUTHORITY TO REGULATE THE STRUCTURAL INTEGRITY AND LOCATION OF THE BILLBOARDS TO ENSURE PUBLIC SAFETY. FOR BILLBOARDS LOCATED OUTSIDE METRO MANILA, REGULATORY AUTHORITY WITH REGARD TO THE STRUCTURAL INTEGRITY AND LOCATION THEREOF SHALL BE EXERCISED BY THE CITY OR MUNICIPAL LOCAL GOVERNMENT UNIT UNDER WHOSE TERRITORIAL JURISDICTION THE BILLBOARD IS COVERED.

(D) EACH BONA FIDE CANDIDATE OR REGISTERED POLITICAL PARTY FOR A NATIONALLY ELECTIVE OFFICE SHALL ALSO BE ENTITLED TO NOT MORE THAN TWO HUNDRED FORTY (240 MINUTES) ADVERTISEMENT PER DIGITAL BILLBOARD WHETHER BY LEASE OR DONATION. FOR LOCAL ELECTIVE OFFICE, EACH BONA FIDE CANDIDATE OR REGISTERED POLITICAL PARTY SHALL BE ENTITLED TO NOT MORE THAN ONE HUNDRED TWENTY (120 MINUTES) ADVERTISEMENT PER DIGITAL BILLBOARD WHETHER BY LEASE OR DONATION.

(E) EACH BONA FIDE CANDIDATE, WHETHER NATIONAL OR LOCAL, FOR ANY ELECTIVE POSITION MAY UTILIZE MOBILE OR TRANSIT OUTDOOR ADVERTISEMENTS IN PUBLIC UTILITY VEHICLES PROVIDED THAT THE DIMENSION OF THE ADVERTISEMENT IS CONSISTENT WITH THE GUIDELINES OF

THE LAND TRANSPORTATION FRANCHISING AND REGULATORY BOARD ON TRANSIT ADVERTISEMENTS.

For this purpose, the COMELEC shall require any broadcast station or entity to submit to the COMELEC a copy of its broadcast logs and certificates of performance for the review and verification of the frequency, date, time and duration of advertisements broadcast for any candidate or political party. **THE COMELEC SHALL LIKEWISE REQUIRE ANY OUTDOOR BILLBOARDS COMPANY OR ENTITY TO SUBMIT TO THE COMELEC A COPY OF ITS CONTRACTS FOR ELECTION PROPAGANDA FOR THE REVIEW AND VERIFICATION OF THE FREQUENCY, DATE, TIME AND DURATION OF OUTDOOR OR OUT-OF-HOME ADVERTISEMENTS FOR ANY CANDIDATE OR POLITICAL PARTY.**

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SEC. 4. *Implementing Rules and Regulations.* – The Commission on Elections and the Metro Manila Development Authority shall promulgate the necessary implementing rules and regulations within thirty (30) days from the effectivity of this Act.

SEC. 5. *Separability Clause.* – If any provisions of this Act are subsequently declared invalid or unconstitutional, other provisions hereof which are not affected thereby shall remain in full force and effect.

SEC. 6. *Repealing Clause.* – All laws, acts, presidential decrees, executive orders, issuances, presidential proclamations, rules and regulations or parts thereof which are contrary to and inconsistent with any provision of this Act are hereby repealed, amended, or modified accordingly.

SEC. 7. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,