

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 1821



INTRODUCED BY REP. MAXIMO JR. Y. DALOG

EXPLANATORY NOTE

This Bill seeks to regulate election propaganda through social media. It aims to empower the COMELEC in monitoring partisan political activities, preventing the spread of fake news and false information and enforcing Republic Act No. 10175 otherwise known as the "Cybercrime Prevention Act of 2012".

The enabling law which allows the Commission on Elections to supervise or regulate election propaganda on different mediums and platforms, Republic Act No. 9006, otherwise known as the "Fair Elections Act" was enacted more than twenty years ago or on February 12, 2001 to be exact. When said law was enacted, broadcast television, radio and print media or newspapers are the dominant media for placement of political advertisements, candidate's qualifications and stand on public issues.

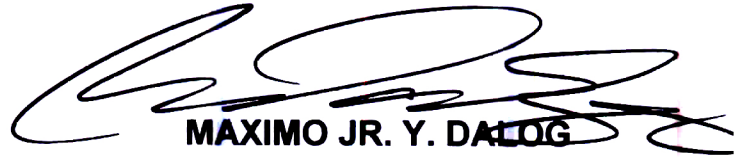
Today, however, social media is becoming one of the dominant platforms for election propaganda and partisan political activities with the Philippines having been labeled for several years as the "social media capital of the world."¹ Accordingly, Filipinos spend an average of almost four hours on social media each day."² Alongside the constant increase in the number of account users of social media, is the proliferation of fake news and misinformation through legitimate online accounts, vlogs or online trolls. In the recent 2025 elections alone, the Commission on Elections "launched a task force to address fake

¹ Janvic Mateo, Philippines Still World's Social Media Capital- Stud, The Philippine Star, February 3, 2018, available at: <https://jamalashley.com/2022/03/05/social-media-capital-of-the-world/> (last accessed: July 2, 2025).

² Id.

news, misinformation, and disinformation.”³ Yet, despite the task force, the Commission was not spared. Thus, the provisions of RA 9006 are wanting on how the COMELEC can supervise or regulate social media to ensure a free, orderly, honest, peaceful and credible elections.

It is thus imperative that this bill be approved.



MAXIMO JR. Y. DALOG

³Rodolfo Dacleson II, Comelec Launches Task Force Against Fake News, Disinformation in 2025 Midterm Elections, New 5, July 20, 2024, *available at*: <https://news.tv5.com.ph/politics/read/comelec-launches-task-force-against-fake-news-disinformation-in-2025-midterm-elections> (last accessed: July 2, 2025)

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**AN ACT PROVIDING FOR THE FAIR USE OF THE INTERNET AND
SOCIAL MEDIA FOR THE HOLDING OF FREE, ORDERLY, HONEST,
PEACEFUL AND CREDIBLE ELECTIONS**

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

SECTION 1. *Short Title.* – This Act shall be known as the “Internet and Social Media Regulation for Fair Elections Act.”

SEC. 2. *Declaration of Policy.* – The State shall, during the election period, supervise and regulate the privileges granted under franchises or permits for the operation of the internet and social media communication or information to guarantee equal opportunity for public service, including access to internet and social media time and space; the equitable right to reply, for public information campaigns and for among candidates; and assure free, orderly, honest, peaceful and credible elections.

The State shall ensure that candidates for any public office shall be free from any form of online harassment and discrimination.

SEC. 3. *Definition of Terms.* – As used in this Act:

(a) *Blog and collective blog* refer to websites on which an individual or group of users, respectively, record news, opinions, and information, in varying degrees of regularity. A “micro-blog” refers to a blogging format which allows users to exchange small elements of content – referred to variously as posts, entries or status updates – such as

short sentences, individual images, or links to video material uploaded to the Internet;

- (b) *Candidate* refers to any person seeking an elective public office, who has filed a certificate of candidacy, and who has not died, withdrawn the certificate of candidacy, nor the certificate of candidacy denied due to course of cancelled, or has been otherwise disqualified before the start of the campaign period for which the certificate of candidacy was filed: *Provided*, That unlawful act or omission applicable to a candidate shall take effect only upon the start of the aforesaid campaign period. It also refers to any registered national, regional, or sectoral party, organization or coalition thereof that has filed a manifestation of intent to participate under the party-list system, which has not withdrawn the said manifestation, or which has not been disqualified before the start of the campaign period;
- (c) *Contractors and business firms* refer to persons, natural or juridical, or firms to whom the electoral expenditure is paid or due for payment in accordance with Section 112 of the Omnibus Election Code, including media entities, media outlets, social media platforms, advertising agencies, public relations firms and other intermediaries, event organizers, talent endorsers and their managers, digital influencers, and printing press for the purpose of entering into political advertisement contracts;
- (d) *Election campaign or partisan political activity* refers to an act designed to promote the election or defeat of a particular candidate or candidates to a public office, and shall include any of the following:
 - (i) Forming organizations, associations, clubs, committees or other groups of persons for the purpose of soliciting votes and/or undertaking any campaign for or against a candidate;
 - (ii) Creating on any social media platform, user groups or community pages, for the purpose of conducting campaigns or related partisan political activity;
 - (iii) Holding political caucuses, conferences, meetings, rallies, parades or other similar assemblies for the purpose of soliciting votes and/or undertaking any campaign or propaganda for or against a candidates;
 - (iv) Making speeches, announcements or commentaries, or holding interviews for or against the election of any candidate for public office;
 - (v) Publishing, displaying or distributing campaign literature or materials designed to support or oppose the election of any candidate; or
 - (vi) Directly or indirectly soliciting votes, pledges or support for or against any candidate.
- (e) *Electoral ads and electoral posts* refer to advertisements and social media posts that have for their primary purpose the promotion of the victory or defeat of a candidate;

- (f) *E-rally* refers to a rally under Article X of the Omnibus Election Code which is conducted for online audiences;
- (g) *Livestreaming* refers to the live broadcasting of an event over the internet;
- (h) *Microtargeting* refers to a form of targeting online advertisements that uses recent technological developments to analyze a person's online usage, to preferentially serve advertisements and other information that specifically reflect that individual user's preferences and personality;
- (i) *Online campaigning* refers to the use of the internet to distribute campaign propaganda. This includes text-only posts on social media, pictures, audio clips, and video clips, regardless of duration, and all combinations of such formats;
- (j) *Party* refers to either a political party, whether national or sectoral party, or a coalition of parties, and party-list organizations duly registered/accredited with the Commission on Elections (COMELEC);
- (k) *Political advertisement or election propaganda* refers to any matter broadcasted, published, printed, displayed or exhibited, in any medium, which contains the name, image, logo, brand, insignia, initials, and other symbol or graphic representation that is capable of being associated with a candidate, and is exclusively intended to draw the attention of the public or a segment thereof to promote or oppose, directly or indirectly, the election of the said candidate or candidates to a public office. In broadcast media, political advertisements may take the form of spots, appearances on television shows and radio programs, live or taped announcements, teasers, and other forms of advertising messages or announcements, statements, declarations, or information graphics, appearing on any internet website, social network, blogging site, and micro-blogging site, which – when taken as whole – has for its principal object the endorsement of a candidate only, or which were posted in return for consideration or are otherwise capable of pecuniary estimation;
- (l) *Social media* refers to the collective of online communication channels, including websites and applications that enable users to create and share content, collaborate, and interact with each other. For purposes of this Act, video sharing sites which allow users to post comments on individual entries shall be considered as falling within the broad category of "social media";
- (m) *Social media account* refers to a user's personalized access to a social networking site or application, typically using a username and password combination. A social media account allows a user to interact with other users on the same social networking site;
- (n) *Social media associates* refer to contractors whose primary duty is to promote the election or defeat of any candidate through social media interactions and engagement; and

- (o) *Social media post* refers to any text, audio, or graphic content – or any combination thereof – published online using a social media account.

SEC. 4. *Use of the Internet and Social Media as Lawful Election Propaganda.* – Election propaganda on the internet and the social media are hereby allowed for all 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 COMELEC.

Social media posts, regardless of format, whether original or re-posted from some source, which may either be incidental to the poster's advocacies of social issues or which may have, for its primary purpose, the endorsement of a candidate only including paid advertisements in internet subject to the requirements set forth in Section 5 hereof and the Fair Elections Act shall also be allowed.

SEC. 5. *Requirements and/or Limitations on the Use of Election Propaganda through Internet and Social Media.* – The use of the internet and social media for purposes of election propaganda shall be allowed subject to the following limitations:

- (a) Each registered political party/coalitions and candidate shall register with the Education and Information Department (EID) of the COMELEC, the website name and web address of all platform-verified official accounts, websites, blogs and/or other social media pages of such political party or candidate within thirty (30) days from the last day of the period for the filing of the Certificates of Candidacy. Websites completing the verification process after the said period and other social media accounts established after the said period must be registered with the COMELEC-EID within five (5) days from its verification or registration;
- (b) Any other website, blog, or social media page not registered above but which, when taken as a whole, has its primary purpose the endorsement of a candidate, whether or not directly maintained or administered by the candidate or their official campaign representatives, shall be considered additional official websites, blogs or social media pages of the said candidates, for all regulatory purposes;
- (c) Only verified accounts, websites, blogs, and/or social media pages may run electoral ads, and boost or promote electoral posts;
- (d) Microtargeting of electoral ads shall not be allowed: *Provided*, That electoral ads can be targeted using only the following criteria: geographical location, except radius around a specific location; age; and gender: *Provided, further*, That contextual targeting options may also be used in combination with the above-mentioned criteria:

Provided, finally, That processing of personal data should comply with the provisions of Republic Act No. 10173 or the Data Privacy Act of 2012, its Implementing Rules and Regulations and related issuances of the National Privacy Commission;

- (e) Information contained in online campaign propaganda shall be truthful and not misleading, nor shall it tend to unjustifiably cast doubt on the integrity of the electoral process; and
- (f) All electoral ads must show a disclosure that identifies who paid for the ad. All electoral posts must show a disclosure that identifies it as a paid electoral ad, and discloses who paid for the ad.

SEC. 6. Regulation Propaganda through Internet and Social Media.

– In all instances, the COMELEC shall supervise the use and employment of online facilities insofar as the placement of political advertisement is concerned, to ensure that candidates are given equal opportunity under equal circumstances to make known their qualifications and their stand on public issues, within the limits set forth in the Omnibus Election Code, the Fair Election Act, and appropriate rules.

SEC. 7. E-rallies and Livestreams Allowed. – Any political party or candidate, individually or jointly with other aspirants, may hold peaceful online political meetings, rallies or other similar activities during the campaign period. Such online political meetings, rallies, and similar activities are not covered by the limitation on broadcast advertising.

Live streaming on the candidates' social media platforms shall be considered a form of e-rally, subject to the following rules:

- (a) All e-rallies shall include a disclosure that identifies it as a political meeting or rally and providing the relevant date, time, and location information. For this purpose, a live stream on the candidate's social media platform shall be considered a political meeting or rally;
- (b) Recordings of e-rallies shall be submitted to the COMELEC within 72 hours from the airing of the same; and
- (c) Candidates may receive in-platform gifts and game currency but shall not be allowed to give gifts to livestream audiences, nor to run promotions and campaigns that will award in-platform gifts or games currency to platform users and livestream audiences.

SEC. 8. Prohibition on the Regulation of Legitimate Expressions by private Individuals. – The COMELEC is hereby mandated to regulate expressions of candidates and political parties but shall not in any manner include legitimate expressions of candidates and political parties but shall not in any manner include legitimate expressions by private citizens.

Public expressions or opinions or discussions of probable issues in an election or on attributes of or criticisms against candidates shall not be construed as part of any election campaign or partisan political activity.

SEC. 9. Reporting Requirements to be Submitted by Contractors and Business Firms. – Certified true copies of all contracts, reports and receipts, and other documents, accompanied by all its digitization copies, shall be submitted by contractors and business firms to the COMELEC.

Every content creator of a post, owner, or administrator of any website who airs or shows the political advertisements, without required data or having false information, in violation of this Act shall be criminally liable with the candidate under Sec. 264 of the Omnibus Election Code and, if applicable, suffer the penalties of suspension or revocation of franchise or permit in accordance with law.

Within thirty (30) days after the conduct of the election every person or firm to whom any payment for electoral expenditure has been made shall file a written report using the prescribed form which shall contain the following information, and accompanied with the official receipts issued to the person with whom the contractor or business firm had transacted:

- i. The full name of the candidate who incurred such expenditure;
- ii. The nature or purpose of each expenditure;
- iii. The description of the goods or services provided by the contractor or business firm;
- iv. The date when the expenses were incurred;
- v. The amount or cost thereof; and
- vi. The serial number of the official receipt, cash invoice, or other Bureau of Internal Revenue-approved document issued.

Reportorial requirements shall apply to all contractors and business firms transacting or doing business in the Philippines, whether or not incorporated under the Philippine laws.

Social media associates, including paid digital influencers and online content creators, who use social media platforms to promote or defeat the election of any candidate, are considered individual contractors subject to reportorial requirements under this Act.

Agencies and other intermediaries between the entities producing and placing online political advertisement and the candidate, political party, or party-list group shall also submit a similar report.

Within the period provided by law, internet companies which include social media companies, transacting or doing business in the Philippines,

whether or not incorporated under the Philippine laws, which a candidate or party utilize to directly reach out to voters and mobilize support through the use of ads, paid promoted hashtags/trends, shall provide the COMELEC of the information or documents containing the following:

- i. The name of the candidate or party in the advertisement;
- ii. The name of the person or advertising agency/public relations firm who paid the advertisement;
- iii. Page Name or Account Name of Handle where the advertisement was posted, originated, or uploaded;
- iv. The particulars of the political advertisement; and
- v. The amount or cost of the advertisement.

SEC. 10. *Election Offense.* – Any violation of the provisions of this Act shall constitute an election offense punishable under the first and second paragraph of Section 263 of Batas Pambansa Blg. 881, otherwise known as the Omnibus Election Code of the Philippines, and other pertinent laws, rules and regulations, whenever applicable. The COMELEC shall, through its duly authorized legal officers, have the power, concurrent with other prosecuting arms of the government, to conduct preliminary investigation of all election offenses and prosecute the same.

SEC. 11. *Right of Reply.* – Any candidate or person accused of violating any provisions of this Act shall be given the right of reply.

SEC. 12. *Authority of the COMELEC to Promulgate Rules.* – The COMELEC shall promulgate and furnish all political parties and candidates and all concerned entities the rules and regulations for the implementation of this Act, consistent with the criteria established in Article IX-C, Section 4 of the Constitution and Section 86 of the Omnibus Election Code.

Rules and regulations promulgated by the COMELEC under and by authority of this Section shall take effect on the seventh day after their publication in at least two (2) daily newspapers of general circulation. Prior to the effectivity of said rules and regulations, no political advertisement or propaganda for or against any candidate or political party shall be published or broadcast through the internet and social media.

SEC. 13. *Separability Clause.* – In case any provision of this Act is declared invalid or unconstitutional, such declaration shall have no effect in the validity or constitutionality of the remaining provisions hereof.

SEC. 14. *Repealing Clause.* – All laws, decrees, rules and regulations inconsistent with the provisions of this Act are hereby repealed or amended accordingly.

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

Approved,