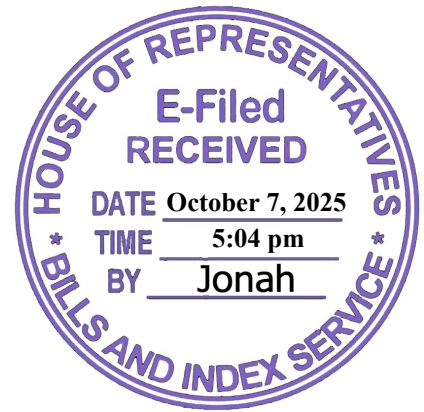


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH CONGRESS
First Regular Session
House Bill No. 5259



Introduced by Representative
BRIAN POE, PhD, MNSA

AN ACT
AMENDING REPUBLIC ACT NO. 9006, OTHERWISE KNOWN AS THE
“FAIR ELECTIONS ACT”

EXPLANATORY NOTE

Studies in the Philippines disclose that viewers find negative advertisements against a candidate’s election propaganda unacceptable and that these negative advertisements do not do anything good for the electorate and the candidates.¹

Some candidates and their supporters are said to resort to anonymous negative advertisements via broadcast, print and online media. Most of the time, these negative advertisements are even false, baseless, and fabricated.

Businesses engaged in broadcast, print and online media air, post and print these negative advertisements without checking the veracity of the identities and addresses of the people who paid for said advertisements. Thus, when a candidate victimized by such advertisement would like to file defamation cases against the people who caused the posting, printing or airing of the false negative advertisements, the identities and addresses of the latter cannot be verified. More often than not, the identities and addresses declared by those who caused the airing, posting and printing of the false negative advertisements turn out to be false.

Moreover, Legal Network for Truthful Elections (LENTE) recognizes that advancements in Artificial Intelligence (AI), such as generative AI, are increasingly used in information/influence operations or misused to peddle disinformation,

¹ Gloria, G.M., Tabunda, A.M., Fonbuena, C., Spin and Sell: How Political Ads Shaped the 2004 Elections (2004); Choa, K.E., Videostyle of Selected Winning and Losing Filipino Senatorial Candidates in the 2001 Elections (2003).

particularly within the context of elections. The use of deepfakes in the elections of Indonesia and India this year or during the Nigerian and Slovakian elections last year, as well as in the run-up to the US elections, are concrete cases of the need to safeguard elections from the misuse of AI for election disinformation.²

This bill is filed for the purpose of reducing, if not eliminating, negative advertisements by compelling candidates, groups, or individuals to disclose their identification and personal circumstances.

Further, this bill also holds the persons, groups, associations, or entities engaged in the posting, printing and broadcasting business responsible for the non-verification of the truthfulness of the identity and address of the person, party, group, or entity that paid for the negative advertisement.

In view of the foregoing, the passage of this measure is earnestly requested.


HON. BRIAN POE, PHD, MNSA
Representative
FPJ Panday Bayanihan Party-List

² LENTE. *A Balanced Approach to Artificial Intelligence for the 2025 PH Elections: Ethical Guidelines, Transparency Approaches, and Political Education*. June 3, 2024.

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House Bill No. **5259**

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AN ACT
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“FAIR ELECTIONS ACT”

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

SECTION 1. Section 4 of Republic Act No. 9006, is hereby amended to read as follows:

“Section 4. Requirements for **POSTED**, 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, simple list of candidates or any **POSTED**, 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. **IT SHALL ALSO BEAR AND BE IDENTIFIED BY THE REASONABLY LEGIBLE OR AUDIBLE WORDS “POLITICAL ADVERTISEMENT PAID BY”, FOLLOWED BY THE TRUE AND CORRECT NAME AND ADDRESS OF THE PERSON, PARTY, GROUP, OR ENTITY WHO PAID OR**

CAUSED THE POSTING, PUBLICATION, PRINTING OR BROADCASTING OF THE ELECTION PROPAGANDA.

4.1.A IF THE ADVERTISEMENT IS BENEFICIAL FOR A CANDIDATE, A STATEMENT MUST BE MADE BY THE CANDIDATE AT THE END OF THE ADVERTISEMENT THAT HE OR SHE HAS APPROVED SUCH POST, PRINT OR BROADCAST. IN ADDITION, A WRITTEN APPROVAL DULY SIGNED BY THE CANDIDATE SHALL BE ATTACHED TO THE ADVERTISING CONTRACT AND SHALL BE SUBMITTED TO THE COMELEC AS PROVIDED IN SUBSECTION 6.3 HEREOF.

4.1.B IF THE ADVERTISEMENT IS NOT BENEFICIAL FOR A CANDIDATE, THE PERSON, PARTY, GROUP, OR ENTITY WHO CAUSED THE PRINTING OR BROADCASTING OF THE ELECTION PROPAGANDA MUST SUBMIT A WRITTEN STATEMENT THAT NO CANDIDATE OR POLITICAL PARTY'S APPROVAL WAS OBTAINED FOR THE SAID ADVERTISEMENT AND THAT IT IS OWNING RESPONSIBILITY TO THE TRUTHFULNESS OF THE CONTENT OF ITS AD AND THIS SHALL BE ATTACHED TO THE ADVERTISING CONTRACT AND SHALL BE SUBMITTED TO THE COMELEC AS PROVIDED IN SUBSECTION 6.3 HEREOF.

4.1.C NO PERSON, GROUP, ASSOCIATION, OR ENTITY ENGAGED IN POSTING, PRINTING OR BROADCASTING SHALL POST, PRINT OR BROADCAST ELECTION PROPAGANDA THAT DID NOT COMPLY WITH THE REQUIREMENTS OF SECTION 4 OF THIS ACT.

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~~] **POLITICAL ADVERTISEMENT** was provided free of charge by” followed by the true and correct name and address of the **PUBLISHING FIRM OR** broadcast entity.

4.3 Print, broadcast, **ONLINE** or outdoor advertisements donated to the candidate or political party shall not be **POSTED**, 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. 2. Section 7 of Republic Act No. 9006, is hereby amended to read as follows:

“Section 7. Affirmative Action by the COMELEC.—

7.4. COMELEC SHALL, IN CONSULTATION WITH THE DEPARTMENT OF INFORMATION AND COMMUNICATIONS TECHNOLOGY AND OTHER RELEVANT AGENCIES, DEVELOP AN ARTIFICIAL INTELLIGENCE ETHICAL GUIDELINES TO PROVIDE FOR ETHICAL VALUES IMPLEMENTATION AND RESPONSIBILITY IN THE USE AND DEVELOPMENT OF AI IN RELATION TO POLITICAL ADVERTISEMENTS AND ELECTION PROPAGANDA.

7.5 COMELEC SHALL ENGAGE WITH SOCIAL MEDIA AND TECHNOLOGY COMPANIES SUCH AS, BUT NOT LIMITED TO, TIKTOK, X, META, AND YOUTUBE, TO FORMULATE POLICIES FOR CONTENT REGULATION TO COMBAT DISINFORMATION IN POLITICAL CAMPAIGNING.

SEC. 3. CREATION OF SOCIAL MEDIA MONITORING UNIT. – A SOCIAL MEDIA MONITORING UNIT SHALL BE ESTABLISHED UNDER THE EDUCATION AND INFORMATION DEPARTMENT OF THE COMMISSION TO STRENGTHEN AND OPERATIONALIZE SECTION 7 ABOVE.

SEC. 4. *Rules and Regulations.* – The Commission shall promulgate rules and regulations for the implementation and enforcement of this Act within sixty (60) days from the effectivity of this Act.

SEC. 5. *Separability Clause.* – If any portion or provision of this Act is declared void or unconstitutional, the remaining portions or provisions of this Act shall not be affected by such declaration.

SEC. 6. *Repealing Clause.* – All laws, decrees, orders, rules and regulations, other issuances, or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 7. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its complete publication in at least two (2) newspapers of general circulation.

Approved,


HON. BRIAN POE, PhD, MNSA
Representative
FPJ Panday Bayanihan Party-List