

KBP GUIDE ON POLITICAL ADVERTISEMENTS IN BROADCAST MEDIA (Based on COMELEC Resolution 10488)

I. DEFINITION OF POLITICAL ADVERTISEMENT

COMELEC Resolution No. 10488 defines political advertisement or election propaganda as follows: any matter broadcast, published, printed, displayed or exhibited in any medium which contains the name, image, logo, brand, insignia, color motif, initials, and other symbol or graphic representation that is capable of being associated with a candidate and exclusively intended to draw attention of the public or 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 used by commercial advertisers. (Reference: Section 1.11)

II. CAMPAIGN PERIOD

A. Political advertisements may be aired only during the campaign period. For the purposes of the May 12, 2019 national and local elections, the campaign period is as follows:

Elective Office	Start	End
Candidates for Senatorial and Party-List groups participating in the party-list system of representation	February 12, 2019 (Tuesday)	May 11, 2019 (Saturday)
Candidates for Members of the House of Representatives and, regional, provincial, city and municipal officials	March 29, 2019 (Friday)	May 11, 2019 (Saturday)

B. Airing of political advertisements is prohibited during the following days:

Maundy Thursday – April 18, 2019

Good Friday – April 19, 2019

Eve of Election – May 12, 2019

Election Day – May 13, 2019

(Reference: Section 2)

III. IDENTIFICATION REQUIREMENTS

A. Airing or broadcast of any election propaganda or political advertisement is prohibited unless it bears and is identified as such 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 is aired and by the reasonably legible, or audible words ***“political advertisement paid by”***, followed by the true and correct name and address of the payor. (Reference: Section 7.a)

B. If the election propaganda or political advertisement is **donated or given free of charge** by any person or broadcast media entity to a candidate or party, the donation must be accepted in writing by the candidate or party **and**, when aired, must bear and be identified

as such by the reasonably visible, or audible, words ***“airtime for this broadcast was provided free of charge by,”*** followed by the true and correct name and address of the said broadcast entity. (Reference: Section 7.b)

(Note: Bonus spots could be construed as spots donated or given free of charge by the station. If it is not the intention of the station to donate “bonus” spots to a candidate, it should make clear in its contracts that all spots are paid for.)

C. The identification requirements mentioned above are considered “reasonably visible” when:

1. The letters used are equal to or greater than 4% in size of the vertical picture height
2. The message is visible for the duration of the broadcast
3. The color contrast between the text of the message and its background must be high enough so that the message can be easily read. Black text on white background or white text on black background or other similarly contrasting colors will satisfy the requirement. (Reference Section 9.d.)

IV. PROHIBITED PRACTICES

A. Airing of any political advertisement without being properly identified as such (see Identification Requirements above). (Reference: Section 7.a and 7.b)

B. Showing, displaying or publicly exhibiting through a television station, a video sharing site, social media network, or any public forum any movie, cinematography or documentary, including concerts or any type of performance portraying the life or biography of a candidate, or in which a character is portrayed by an actor or media personality who is a candidate. (Reference: Section 7.c)

C. Selling or giving free-of-charge advertising airtime for campaign or election propaganda to any candidate or party in excess of the duration or frequency authorized by law (See section on Time Allowed for Political Advertisements below) (Reference: Section 7. d)

D. Allowing the scheduling of any program, or permitting any sponsor to manifestly favor or oppose any candidate or party by unduly or repeatedly referring to, or unnecessarily mentioning his name, or including the candidate or party in the said program. This is prohibited both for the station and the individual announcer or broadcaster. (Reference: Section 7.e)

V. TIME ALLOWED FOR POLITICAL ADVERTISEMENTS

A. Time Limitations for Political Advertisements

Political advertisements should not exceed the following time limits per station:

ELECTIVE OFFICE	TELEVISION	RADIO
For candidates for national elective positions (Senator, Party List)	120 minutes per station	180 minutes per station

For candidates for Members of the House of Representatives, regional, provincial, city, and municipal elective office	60 minutes per station	90 minutes per station
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B. Exempt Appearances

The following are not considered political advertisements or election propaganda:

- a. Appearance or guesting by a candidate on any *bona fide* newscast, news interview, or news documentary if the appearance of the candidate is incidental to the presentation of the subject of the newscast, news interview, or news documentary. (Reference: Section 9.a, last paragraph) [Comment: There might be a contradiction here because *guesting* is not incidental.]
- b. Appearances of a candidate in on-the-spot coverage of *bona fide* news events, including, but not limited to, events sanctioned by the COMELEC, political conventions, and similar activities (Section 9.a, last paragraph)

C. Notification for Exempt Appearances

Broadcast media entities are required to notify the COMELEC of candidate appearances mentioned above prior to such appearances or, if this is not feasible, within 24 hours after the broadcast. (Reference: Section 9.a., last paragraph) [Comment: This is not only impractical but could be a restraint on speech and therefore unconstitutional.]

VI. RATES FOR POLITICAL ADVERTISEMENTS

Rates charged for political advertisements are computed as the average rate of the station for the first three quarters of the calendar year preceding the election discounted by 30% for television and 20 % for radio. (Reference: Section 17)

Broadcast media entities are required to submit to the COMELEC through its Campaign Finance Office, at least five (5) days before the start of the election period, the average rate of their station(s) for the first three quarters of the calendar year preceding the election (2018). They are also required to submit a certification that the discounted rate mentioned above was applied to the political advertisements of candidates on its stations. (Reference: Section 17)

IMPORTANT NOTE:

The Senate and the House of Representatives have jointly approved a bill increasing the discount for political advertisements to 50% for television and 40% for radio to be taken off the average published rates of the station for the first three years prior to the election (2016, 2017, 2018). Once this is signed into law by the President, the new discount rates will apply. Therefore, KBP Members should take into account the possibility that they will be required to reimburse payments for political advertisements received before broadcast based on the old rates.

VII. DONATED POLITICAL ADVERTISEMENTS

Political advertisements donated to a candidate or political party must be accepted in writing by the candidate or by the party through the party treasurer. Such written acceptance for donated

political advertisements must be signed personally by the candidate or party treasurer and cannot be delegated to other persons. (Reference: Section 10)

VIII. DOCUMENTATION AND REPORTING REQUIREMENTS

A. Copies of advertising contracts for political advertisements must be submitted to the COMELEC together with a Summary Report of Advertising Contracts. The advertising contracts must be attached to the Summary Report. All information contained in each copy of the contract must be clear and legible. (Reference: Section 11)

B. All contracts must contain the following information:

- a. The period when the political advertisements is scheduled to be aired
- b. Date when the contract was entered into
- c. Name and signature of the person who placed the advertisement regardless of whether said person is a contributor or donor, or the duly authorized representative of the candidate or party
- d. The name and signature of the candidate or party who will benefit from the advertisement as a sign of acceptance
- e. Particulars of the advertisement (duration, number of spots, etc)
- f. Serial number of the official receipt issued to the candidate by the media entity
- g. The amount or consideration paid for the advertisement
- h. Copy of Official Receipt issued to the contributor, donor, or candidate who paid for the advertisement

(Reference: Section 11)

IX. CONTENT AND PRESENTATION STANDARDS

A. Election campaign or propaganda material that is obscene or offensive, or that violates gender sensitivity laws and the Magna Carta of Women may not be aired, printed, published, posted, shown, displayed, or distributed. (Reference: Section 7.g)

B. Political advertisements or election propaganda for television must include sign-language interpretation and closed captioning. The requirement to provide sign-interpreted and close captioned advertising or propaganda materials is imposed on the candidates and political parties, but television stations may also be liable for airing materials which do not meet this requirement. (Reference: Section 6, last paragraph).

Important Note: The KBP has asked the COMELEC through channels to relax this requirement considering that the standards for Filipino Sign Language (FSL) and the implementing system for television as provided by R.A. No. 11106 are not yet in place.

X. FAIRNESS RULES

A. Fair and Accurate Reporting – All members of the news media, television, radio, print, or online, shall scrupulously report news, taking care not to suppress essential facts or distort the truth by omission or improper emphasis. They shall recognize the duty to air the other side and the duty to correct substantive errors promptly and without prejudice to the right of said broadcast entities to air accounts of significant news or newsworthy events and views on matters of public interest. (Reference: Section 12)

B. Announcer or Personality Who is Running for Public Office or is a Campaign Volunteer - Any mass media columnist, commentator, announcer, or reporter who is a candidate for any elective

public office, a party-list nominee, or is a campaign volunteer for or employed or retained in any capacity by any candidate or party shall be deemed resigned or, if so required by their employer, take a leave of absence from work as such during the campaign period. After he has filed his certificate of candidacy, he may not use his media work for election campaigning or partisan political activity. (Reference: Section 34)

Media practitioners who are not candidates but are officials of a political party or are members of the campaign staff of a candidate or party shall not use their media time or space to favor any candidate or party. (Reference: Section 34)

C. Mentioning Names of Candidates

Allowing the scheduling of any program, or permitting any sponsor to manifestly favor or oppose any candidate or party by unduly or repeatedly referring to, or unnecessarily mentioning the candidate's name, or including the candidate or party in the said program is prohibited. (Reference: Section 7.e)

XI. LIABILITY AND ACCOUNTABILITY

The broadcaster, station manager, and owner of the radio or television station shall be criminally liable, together with the candidate, if appropriate, for airing political advertisements in violation of the above rules. Penalties for violation include the suspension or revocation of franchise or permit of the station in accordance with law. (Reference: Section 7.6, second paragraph)

End