



REPUBLIC OF THE PHILIPPINES
 COMMISSION ON ELECTIONS
 EDUCATION AND INFORMATION DEPARTMENT

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Republic of the Philippines
 COMMISSION ON ELECTIONS
 Intramuros, Manila

Myra
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IN THE MATTER OF E.M. NOS. 13-001 & 13-002 RE: LETTERS OF GMA NETWORK AND KBP SEEKING RECONSIDERATION AND CLARIFICATION OF CERTAIN PROVISIONS IN RESOLUTION NO. 9615, AND SOME MINOR CORRECTIONS OF TYPOGRAPHICAL ERRORS THEREIN.

- BRILLANTES, Sixto S. Jr., Chairman
- SARMIENTO, Rene V., Commissioner
- TAGLE, Lucenito N., Commissioner
- VELASCO, Armando C., Commissioner
- YUSOPH, Elias R., Commissioner
- LIM, Christian Robert S., Commissioner
- PADACA, Ma. Gracia Cielo M., Commissioner

Promulgated:

February 1, 2013

Ma. Gracia Cielo M. Padaca

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RESOLUTION NO. 9631
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During the public hearing set on 31 January 2013 on the aforementioned letters of GMA Network and the Kapisanan ng mga Brodkaster ng Pilipinas ("KBP") which were docketed as Election Matters Nos. 13-001 and 13-002 by this Commission in *Minute Resolution No. 13-0126 dated 24 January 2013*, the Commission *En Banc* RESOLVES, as it hereby RESOLVED, to CLARIFY and AMEND/REVISE the foregoing sections of Resolution No. 9615:

1. Section 7 (d) on "*Prohibited Forms of Election Propaganda*" is hereby revised and amended to read:

"(d) For any newspaper or publication, radio, television or cable television station, or other mass media, or any person making use of the mass media to sell or give free of charge print space or airtime for campaign or election propaganda purposes to any candidate or party in excess of the size, duration or frequency authorized by law or these rules. A newspaper or publication, radio, television or cable television station, or other mass media, or any person may require any buyer to warrant under oath that such purchase is not in excess of the size, duration or frequency authorized by law or these rules;

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2. Typographical errors in the second to the last paragraph of Section 7 are corrected to read:

"The violation of items 5 and 6 under subsection (g) shall be a cause for the revocation of the public utility franchise and will make the owner and/or operator of the transportation service and/or terminal liable for an election offense under Section 9 of Republic Act No. 9006 as implemented by Section 18 (n) of these Rules."

3. "Color motif" is hereby deleted from Sections 1 (4) and 9 (a).

4. A typographical error in the upper right cell of the table in Section 9 (a) is corrected to read:

"Not more than an aggregate total of one hundred twenty (120) minutes of television advertising, whether appearing on national, regional, or local, free or cable television, and one hundred eighty (180) minutes of radio advertising, whether airing on national, regional, or local radio, whether by purchase or donation."

5. Section 9 (c) on "Online Election Propaganda", specifically the width/pixels figure for "Pop-Under" is corrected to show a figure of "720" instead of "7.20".

6. The third (3rd) paragraph of Section 9 (a) on the "*Requirements and/or Limitations on the Use of Election Propaganda through Mass Media*" is revised and amended to read:

"Appearance or guesting by a candidate on any bona fide newscast, bona fide news interview, bona fide news documentary, if the appearance of the candidate is incidental to the presentation of the subject or subjects covered by the news documentary, or on-the-spot coverage of bona fide news events, including but not limited to events sanctioned by the Commission on Elections, political conventions, and similar activities, shall not be deemed to be broadcast election propaganda within the meaning of this provision. For purposes of monitoring by the COMELEC and ensuring that parties and candidates were afforded equal opportunities to promote their candidacy, the media entity shall give prior notice to the COMELEC, through the appropriate Regional Election Director (RED), or in the case of the National Capital

notice to the COMELEC, through the appropriate Regional Election Director (RED), or in the case of the National Capital Region (NCR), the Education and Information Department (EID). If such prior notice is not feasible or practicable, the notice shall be sent within twenty-four (24) hours from the first broadcast or publication. Nothing in the foregoing sentence shall be construed as relieving broadcasters, in connection with the presentation of newscasts, news interviews, news documentaries, and on-the-spot coverage of news events, from the obligation imposed upon them under Sections 10 and 14 of these Rules.”

7. Section 14 on the “*Right to Reply*” is revised and further clarified as follows:

“SECTION 14. *Right to Reply*. – All registered political parties, party-list groups or coalitions and *bona fide* candidates shall have the right to reply to charges published or aired against them. The reply shall be given publicity by the newspaper, television, and/or radio station which first printed or aired the charges with the same prominence or in the same page or section or in the same time slot as the first statement.

Registered political parties, party-list groups or coalitions and bona fide candidates may invoke the right to reply by submitting within a non-extendible period of forty-eight (48) hours from first broadcast or publication, a formal verified claim against the media outlet to the COMELEC, through the appropriate RED. The claim shall include a detailed enumeration of the circumstances and occurrences which warrant the invocation of the right of reply and must be accompanied by supporting evidence, such as a copy of the publication or recording of the television or radio broadcast, as the case may be. If the supporting evidence is not yet available due to circumstances beyond the power of the claimant, the latter shall supplement his claim as soon as the supporting evidence becomes available, without delay on the part of the claimant. The claimant must likewise furnish a copy of the verified claim and its attachments to the media outlet concerned prior to the filing of the claim with the COMELEC.

The COMELEC, through the RED, shall review the verified claim within forty-eight (48) hours from receipt

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thereof, including supporting evidence, and if circumstances warrant, give notice to the media outlet involved for appropriate action, which shall, within forty-eight (48) hours, submit its comment, answer or response to the RED, explaining the action it has taken to address the claim. The media outlet must likewise furnish a copy of the said comment, answer or response to the claimant invoking the right to reply.

Should the claimant insist that his/her right to reply was not addressed, he/she may file the appropriate petition and/or complaint before the Commission on Elections or its field offices, which shall be endorsed to the Clerk of the Commission."

8. Section 25 is hereby deleted and deemed incorporated into Section 7 (f) and (g), and shall be subject to the notice requirement under Sections 17 and 18.

9. The first paragraph of Section 26 on "*Election Surveys*" is amended and clarified as thus:




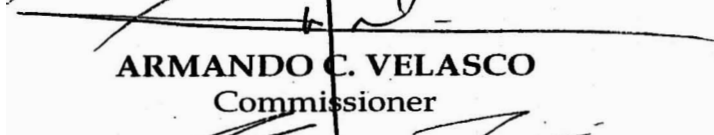
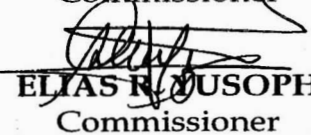
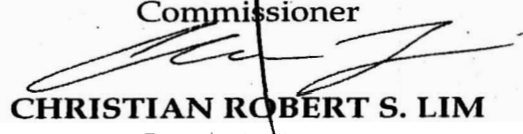

"SECTION 26. *Election Surveys.* - During the election period, any person, whether natural or juridical, candidate or organization may conduct election surveys. Should they decide to publish the said survey for public consumption, they must likewise publish the following information:"

The Office of the Clerk of the Commission is directed to furnish copies of this Resolution to the parties in E.M. Nos. 13-001 and 13-002.

The Education and Information Department is likewise directed to cause the publication of this Resolution and to disseminate the same to all affected mass media entities.

These amendments shall take effect immediately upon publication.

SO ORDERED.
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 SIXTO S. BRILLANTES, JR. <small>C000014550</small> Chairman	
 RENE V. SARMIENTO Commissioner	 LUCENITO N. TAGLE Commissioner
 ARMANDO C. VELASCO Commissioner	 ELIAS R. YUSOPH Commissioner
 CHRISTIAN ROBERT S. LIM Commissioner	 MARIA GRACIA CIELO M. PADACA Commissioner

of

