

Title: **\*\*Re-examination of the Validity of Section 11(b) of R.A. No. 6646 in Osmeña vs. The Commission on Elections\*\***

Facts:

Emilio M. R. Osmeña and Pablo P. Garcia filed a petition for prohibition against the Commission on Elections (COMELEC), challenging Section 11(b) of R.A. No. 6646 (the Electoral Reforms Law of 1987), which essentially prohibits mass media from selling or giving free airtime or print space for campaign purposes, except to the COMELEC. Osmeña, a presidential candidate, and Garcia, a gubernatorial candidate for Cebu seeking reelection, argued for a re-examination of the law's validity based on its supposed adverse effects on the political landscape, particularly its impact on candidates with limited resources. They contended that the law not only failed to level the playing field but also worked to the grave disadvantage of less affluent candidates, who are unable to afford alternative means of reaching the electorate. The COMELEC, in response, defended the law's constitutionality, previously upheld in the *National Press Club v. Commission on Elections*. The Supreme Court undertook to revisit and affirm its decision in NPC, thus the petition directly challenged established jurisprudence.

Issues:

1. Whether Section 11(b) of R.A. No. 6646 violates the constitutional rights to freedom of speech and of the press.
2. Whether the prohibition under Section 11(b) of R.A. No. 6646 reasonably levels the playing field among political candidates.
3. Whether the allowed regulation by the COMELEC constitutes a permissible restriction on the freedoms of speech and of the press.

Court's Decision:

The Supreme Court, re-affirming its decision in *National Press Club v. COMELEC*, dismissed the petition for prohibition. The Court held that Section 11(b) of R.A. No. 6646 does not violate the constitutionally protected rights to freedom of speech and of the press because the law does not impose a total ban on political ads but rather regulates the time and manner of advertising. The regulation was deemed a valid exercise of the State's police power to ensure a more level playing field among candidates by preventing the domination of political advertising by financially affluent individuals or parties. The Court found no compelling reason to overturn its established ruling, emphasizing the doctrine of *stare decisis*.

Doctrine:

The decision reaffirmed that legislation aimed at regulating time, place, and manner of speech to ensure equal opportunities among political candidates does not constitute an infringement of the freedoms of speech and of the press, provided such regulation is reasonable and serves a significant governmental interest.

Class Notes:

1. Freedom of Speech and Press: Not absolute; subject to regulation under certain conditions, particularly when exercised during election periods to ensure fair and credible elections (Art. IX-C, Sec. 4 of the Philippine Constitution).
2. Police Power: The State has the authority to regulate freedoms of speech and of the press during election periods to ensure equal opportunity among candidates (Art. IX-C, §4 of the Constitution).
3. Stare Decisis: Legal principle that mandates courts to follow the rulings in previous decisions, ensuring stability and predictability in the law.

Historical Background:

This case highlights the ongoing tension between the exercise of the freedoms of speech and of the press and the State's interest in regulating these freedoms to ensure fair and orderly elections. The Philippine Constitution, recognizing the potential of money to influence election outcomes, empowers the COMELEC to regulate media during election periods to prevent dominance by financially affluent candidates and ensure equal opportunities for all candidates.