

REVISING AND CONSOLIDATING ALL LAWS AND DECREES REGULATING PUBLICATION OF JUDICIAL NOTICES, ADVERTISEMENTS FOR PUBLIC BIDDINGS, NOTICES OF AUCTION SALES AND OTHER SIMILAR NOTICES

PRESIDENTIAL DECREE NO. 1079, January 28, 1977

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WHEREAS, in order to better serve the public good, it is necessary to properly disseminate information contained in judicial notices, advertisements for public biddings, notices of auction sales and other similar notices required by Republic Act No. 4569, as amended by Republic Act No. 4883 and Presidential Decree No. 795;

WHEREAS, Presidential Decree No. 19 has further amended the above-mentioned law by authorizing the publication of the said notices in any existing newspaper or periodical in any part of the country during the present national emergency;

WHEREAS, there is an urgent need to revise Presidential Decree No. 19 to preclude any confusion in the distribution of the notices referred to above;

WHEREAS, Presidential Decree No. 19 was intended merely as an emergency measure to prevent the paralyzation of the normal transactions of the government and the private sector that might have resulted from the scarcity of newspapers in the provinces during the early stages of martial law, which possibility no longer exists today;

WHEREAS, to better implement the philosophy behind the publication of the above-mentioned notices and announcements and prevent cross commercialism and unfair competition among community newspapers, which conditions prove to be inimical to the development of a truly free and responsible press, it is necessary to revise and consolidate all laws and decree affecting the publication of judicial notices and other announcements herein referred to;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by law, do hereby order and decree the following:

SECTION 1. All notices of auction sales in extra-judicial foreclosure of real estate mortgage under Act No. 3135 as amended, judicial notices such as notices of sale on execution of real properties, notices in special proceedings, court orders and summonses and all similar announcements arising from court litigation required by law to be published in a newspaper or periodical of general circulation in particular provinces and/or cities shall be published in newspapers or publications published, edited and circulated in the same city and/or province where the requirement of general circulation applies: Provided, That the province or city where the publication's principal office is located shall be considered the place where it is edited and published: Provided, further, That in the event there is no newspaper or periodical published in the locality, the same may be published in the newspaper or periodical published, edited and circulated in the nearest city or province: Provided, finally, That no newspaper or periodical which has not been authorized by law to publish and which has not been regularly published for at least one year before the date of publication of the notices or announcements which may be

assigned to it shall be qualified to publish the said notices.

SECTION 2. The executive judge of the court of first instance shall designate a regular working day and a definite time each week during which the said judicial notices or advertisements shall be distributed personally by him for publication to qualified newspapers or periodicals as defined in the preceding section, which distribution shall be done by raffle: Provided, That should the circumstances require that another day be set for the purpose, he shall notify in writing the editors and publishers concerned at least three (3) days in advance of the designated date: Provided, further, That the distribution of the said notices by raffle shall be dispensed with in case only one newspaper or periodical is in operation in a particular province or city.

SECTION 3. No newspaper or periodical shall charge for the publication of the said notices and announcements less than ten pesos (P10.00) per column inch, nor more than eighty percent (80%) of their regular commercial display advertising rates: Provided, That publications whose regular commercial advertising rates are lower than ten pesos (P10.00) shall not charge below ten pesos (P10.00) per column inch for the publication of the above mentioned notices and announcements: Provided, further, That in case of publications that do not carry commercial display advertising, the rate for the publication of legal and judicial notices shall be fixed at ten pesos (P10.00) per column inch: Provided, finally, That newspapers or periodicals may only charge more than ten pesos (P10.00) up to eighty percent (80%) of their regular commercial display advertising rates when there is proper and adequate proof that the rate claimed is the regular commercial display advertising rate:

SECTION 4. In the publication of the legal and judicial notices referred to above, newspapers or periodicals shall use less but not more than eight (8) points for the text, less but not more than ten (10) points for the heading, and more but not less than nine (9) ems column width; Provided, That the printing of the text and heading shall be solid, without slugs or leads between lines and margins;

SECTION 5. No publishers, editor, media personnel or any other person shall directly or indirectly offer or give money, commission or gift of any kind to executive judges of the court of first instance or any court employee in consideration of the award of legal and judicial notices and similar announcements defined in section 1 hereof. Neither shall the latter directly or indirectly demand of or receive from the former money, commission or gifts of any kind in consideration of any publication herein referred to.

SECTION 6. Violation of any provision of this Decree shall be punished by a fine or not less than five thousand pesos (P5,000.00) nor more than twenty thousand pesos (P20,000.00) and imprisonment for not less than (6) months nor more than two (2) years. The offending executive judge or court personnel shall be perpetually disqualified from holding any public office in the government.

SECTION 7. Any provision of law, decree, executive order, rule or regulation contrary to or inconsistent with the provisions of this decree are hereby amended, modified or repealed accordingly.

SECTION 8. This Decree shall take effect immediately.

DONE in the City of Manila, this 28th day of January, in the year of Our Lord, Nineteen Hundred and Seventy-Seven.

(Sgd.) FERDINAND E. MARCOS
President of the Philippines

By the President:

(Sgd.) JUAN C. TUVERA

Presidential Executive Assistant

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