

TOPIC

Can a Mayor be charged for distributing relief goods that have his / her picture in the relief bags?

The Enhanced Community Quarantine or ECQ has brought out the best and the worst in Filipinos.

On one hand, *Bayanihan* is indeed being felt in the country. We see tycoons helping out the less fortunate by waiving rental fees, donating basic and essential goods; and small group or individuals leading volunteer work or putting up drives to at least do their share in easing the burden of those who need help most.

On the other hand, misdemeanors are rising. Some take advantage of the *Law of Supply and Demand* by selling goods higher than the government's "suggested" retail price (SRP). Others violate the "price freeze" order, prey on unwary internet users by spreading false news or by engaging in scams and other fraudulent schemes online, or take advantage of the situation to advance own political aspirations. You may have noticed that bulk of reliefs were distributed with the name/s and picture/s on bags or sacks or kits.

You may ask, what is in it for us to know who gave these provisions? Are they really necessary? Or is putting a picture of the politician on the goods mere narcissism or ploy to advance selfish political agenda? From a legal perspective, what is clear is that even if it is the latter, there is no law that punishes the same as yet.

The closest we can probably apply on this scenario is the draft Philippine legislation currently pending with the *House of Representatives as a Bill* entitled, '*Anti-Epal Act of 2019*' sponsored and filed by Surigao del Norte Representative Robert Ace Barbers. The *Bill* is actually the fifth of its kind since several similar bills were previously filed both in the House of Representatives and the Senate:

1. House Bill No. 2309 introduced by Representative Teddy Casino in 2011;
2. Senate Bill No. 54 introduced by Former Senator Mirriam Defensor-Santiago in 2013;
3. House Bill No. 4929 introduced by Representative James Mark Terry Ridon in 2014; and
4. Senate Bill No. 776 introduced by Senator Francis "Chiz" Excudero Jr. in 2016.

All of the abovementioned *Bills* have one thing in common, that is, to prohibit public officers from taking credit for government works and projects funded by citizen's money.

The prevalent and acute posting of politicians' names with photos in public works, government establishments, vehicles, service programs and campaigns is what the bill on '*Anti-Epal Act of 2019*' seeks to address. It intends to prohibit and penalize the government officials who habitually takes the credit of any public work, project, assistance or program accomplished by the government through affixing, or causing to be affixed the name, initials, logo or image of any public official to a signage.

As proposed in the '*Anti-Epal Act of 2019*' Bill, the *Affixing, or causing to be affixed the name, initials, logo or image of any public official to a signage announcing a proposed, on-going or completed public works* as well as the *Affixing, or causing to be affixed the name, initials, logo or image of any public official to a signage – crediting an individual officer, or earing his or her image, on any and all kinds of public service projects and motor vehicles* shall be punishable by imprisonment of not less than six (6) months and shall be fined One Hundred Thousand Pesos (P100,00.00) to One Million Pesos (P1,000,000.00). In addition, and what can be identified as the best provision in the Bill is that the public officer shall be perpetually disqualified from holding public office if found guilty.

Both elective officers such as mayors, vice-mayors, councilors, etc. and even appointive officials such as department heads and other appointive officials are covered by the proposed prohibition.

Note that *Public Works* include streets, bridges, sidewalks, public buildings, public parks, sewage facilities, basketball courts, waiting sheds, lampposts and all other public works projects funded through public funds that are released by the Government. *Public Services* include medical and dental missions, job caravans, sports and social events, mobile services and all other public services which use government funds. Thus, in all of these, the officials are proposed to be barred from using labels which will make them *Epal*.

Clearly, the distribution of relief packs during a state of calamity or emergency fall under "*Other public services which uses Government funds.*" They are thus considered *Public Service* under the "*Anti-Epal Act of 2019*" bill.

Unfortunately, with our current set of laws, these erring Public Officers may not be penalized yet for plastering their names and faces all over the relief bags that they are distributing. As a bill, the '*Anti-Epal Act of 2019*' does **not** have any legal effect. All we can do now is to wait for our Congress to enact the Bill as law so that it can be used as a basis for *Epals* not to use their own personal labels in everything that do with the public funds.

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