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OF THE PHILIPPINES)
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SENATE

RECEIVED BY: *Osmeña*

S. No. 368

Introduced by Senator S. R. Osmeña III

EXPLANATORY NOTE

Freedom of expression is a cornerstone upon which the very existence of a democratic society rests. Democracy relies heavily on freedom of expression, not simply because the right itself must be respected, but also because it is vital in order to guarantee respect for the other basic rights.

In a democratic society such as ours, an extremely high value is also attached on the right to self-expression and efforts are geared towards the reduction of any restrictions on it. In striking a balance between authority and liberty, the State guarantees protection of all individuals' privacy without abusing its coercive powers to repress individual freedom to form opinions and express them.

In the light of further protecting this sacred freedom, this bill seeks to decriminalize libel cases by abolishing the penalty of imprisonment in these cases.

Approval of this bill is earnestly sought.

S. Osmeña III
SERGIO OSMEÑA III
Senator

SENATE

S. No. 368

AD BY: Osmeña

Introduced by Senator S. R. Osmeña III

AN ACT
TO ABOLISH THE PENALTY OF IMPRISONMENT IN LIBEL CASES AMENDING
FOR THE PURPOSE ARTICLES 355-357 AND 360 OF ACT NO. 3815, AS
AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL CODE AND FOR
OTHER PURPOSES

Be it enacted by the Senate and the House of Representatives of the Republic of the Philippines in Congress assembled:

1 SECTION 1. Article 355 of Act No. 3815, as amended, otherwise known
2 as the Revised Penal Code, is hereby amended to read as follows:

3 "ARTICLE 355. Libel by means writings or similar means. — A libel
4 committed by means of writing, printing, lithography, engraving, radio,
5 phonograph, painting, theatrical exhibition, cinematographic exhibition, or
6 any similar means, shall be punished [by prison correccional in its
7 minimum and medium periods or] a fine ranging from 200 to 6,000 pesos,
8 [or both,] in addition to the civil action which may be brought by the
9 offended party.

10 THE PROVISIONS OF ARTICLES 90 AND 91 TO THE
11 CONTRARY NOTWITHSTANDING, THE OFFENSE AND PENALTY
12 IMPOSED ABOVE SHALL PRESCRIBE IN SIX (6) MONTHS COUNTED
13 FROM THE DATE OF THE FIRST PUBLICATION, AIRING OR
14 EXHIBITION OF THE LIBELOUS MATERIAL."

15 SEC. 2. Article 356 of the same Act is hereby amended to read as
16 follows:

1 ART. 356. Threatening to publish and offer to prevent such publication
2 for a compensation. — The penalty of [arresto mayor or] a fine from 200
3 to 2,000 pesos, [or both,] shall be imposed upon any person who
4 threatens another to publish a libel concerning him or the parents,
5 spouse, child, or other members of the family of the latter, or upon
6 anyone who shall offer to prevent the publication of such libel for a
7 compensation or money consideration.”

8 SEC. 3. Article 357 of the same Act is hereby amended to read as
9 follows:

10 ART. 357. Prohibited publication of acts referred to in the course of
11 official proceedings. — The penalty of [arresto mayor or] a fine of from
12 200 to 2,000 pesos, [or both,] shall be imposed upon any reporter, editor
13 or manager of a newspaper, daily or magazine, who shall publish facts
14 connected with the private life of another and offensive to the honor,
15 virtue and reputation of said person, even though said publication be
16 made in connection with or under the pretext that it is necessary in the
17 narration of any judicial or administrative proceedings wherein such facts
18 have been mentioned.”

19 SEC. 4. Article 360 of the same Act is hereby amended to read as
20 follows:

21 ART. 360. Persons responsible. — [Any person who shall publish,
22 exhibit, or cause the publication or exhibition of any defamation in writing
23 or by similar means,] THE AUTHOR OF THE PRINTED ARTICLE OR
24 ANY PERSON WHO SHALL CAUSE THE EXHIBITION OF
25 THEATRICAL OR CINEMATOGRAPHIC EXHIBIT CONTAINING
26 DEFAMATORY WORDS shall be responsible for the same.

27 [The author or editor of a book or pamphlet, or the editor or business
28 manager of a daily newspaper, magazine or serial publication, shall be

1 responsible for the defamation contained therein to the same extent as if
2 he were the author thereof.]”

3 SEC. 5. All laws, decrees, executive orders, rules and regulations, or
4 parts hereof inconsistent with the provision of this Act are hereby repealed,
5 amended or modified accordingly.

6 SEC. 6. This Act shall take effect fifteen (15) days after its publication in
7 the Official Gazette or in at least two (2) newspapers of general circulation
8 whichever comes earlier.

9 Approved,