

SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)



13 SEP 26 P3:54

SENATE
S. No. 1735

RECEIVED BY. *ja*

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

Former President Fidel V. Ramos issued Executive Order No. 293 on 15 January 1996 placing Channels 4, 9, and 13 under the direct supervision and control of the Office of the Press Secretary. Channel 4 is the official government television station while Channels 9 and 13 are sequestered television companies. E.O. No. 293 allegedly aims to streamline the organizational and functional operations of agencies attached to the Office of the Press Secretary.

Exposed to the light of day, however, E.O. No. 293 is nothing less than a violation of constitutional mandate that no law shall be passed abridging the freedoms of speech, of expression, or of the press. This mandate means that in a free society, one's beliefs should be shaped by his mind and his conscience rather than coerced by the State.

This bill seeks the passage of a Free Communications Act to prevent similar attempts by government, national and local, as well as by government-owned-or-controlled corporations to control or influence not only television but also radio, newspaper, and other media of mass communication in the future.*

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO
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* This bill was originally filed during the Thirteenth Congress, First Regular Session.



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AN ACT

PROVIDING FOR FREE COMMUNICATION BY PROHIBITING CENSORSHIP
IN ALL FORMS OF MEDIA THAT INTERFERES WITH THE RIGHTS OF FREE SPEECH,
FREE PRESS, AND FREE EXPRESSION

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

SECTION 1. *Short Title.* – This Act shall be known as the “Free Communications Act.”

SECTION 2. *Declaration of State Policy.* – It is hereby declared State policy to permit private or commercial broadcast stations, newspapers and other media mass communication to develop with the widest journalistic freedom consistent with their public obligations.

SECTION 3. *Definition of Terms.* – For the purposes of this Act, the term:

(A) “Private or commercial broadcast station” means a radio or television station which (i) disseminates radio communications or signals intended to be received by the public, directly or by the intermediary or relay stations; and (ii) are owned and operated by private individuals, foundations, corporations, or associations.

(B) “Radio” or “Radio communications” is given a broad meaning to include television, cable television, and other media of mass communication.

(C) “Newspaper” means a privately-owned publication appearing at regular, or almost regular, short intervals of time, as daily or weekly, appearing usually in sheet form containing reports of happenings intended for the information of the general public.

(D) “Media of mass communication” includes television, radio, cable television, and other services the licensed facilities of which may be substantially devoted toward providing programming or other information services within the editorial control of the licensee.

1 (E) "Financial support" means the total value of cash and fair market value of
2 property and services received as gifts, grants, bequests, donations, or other contributions for the
3 construction or operation of private or commercial broadcast stations, or for the production,
4 acquisition, distribution, or dissemination of television or radio programs, and related activities,
5 from the national government, any local government, or any government-owned-or-controlled
6 corporation.

7 SECTION 4. *Prohibited Acts.* – (A) No department, agency, officer, or employee of the
8 national government, any local government, or any government-owned-or-controlled corporation
9 shall exercise any direct supervision or editorial control over the content or distribution of
10 newspaper reports or radio communications or signals that are disseminated by newspapers or
11 private or commercial broadcast stations by means of radio, television, and other media of mass
12 communication.

13 (B) The prohibition mentioned in paragraph (A) shall extend to newspapers or private
14 or commercial broadcast stations that are receiving financial support from the national
15 government, any local government, or any government-owned-or-controlled corporation.

16 (C) No department, agency, officer, or employee of the national government, any
17 local government, or any government-owned-or-controlled corporation shall exercise any direct
18 supervision or editorial control over the content or distribution of newspaper reports or radio
19 communications or signals on newspapers or private or commercial broadcast stations that have
20 been sequestered by the national government or in which the national government or local
21 government or government-owned-or-controlled corporation holds ownership interest.

22 SECTION 5. *Prohibition on Censorship.* – The national government or any of its
23 departments, agencies, officials, or employees, any local government-owned-or-controlled
24 corporation shall have no power of censorship over newspaper or private or commercial
25 broadcast station, and no regulation or condition shall be promulgated or fixed by them that shall
26 interfere with the rights of free speech, free press, and free expression by means of newspaper
27 reports, radio communications, or signals.

1 SECTION 6. *Separability Clause.* – If any provision or part hereof is held invalid or
2 unconstitutional, the remainder of the law of the provision not otherwise affected shall remain
3 valid and subsisting.

4 SECTION 7. *Repealing Clause.* – Any law, presidential decree or issuance, executive
5 order, letter of instruction, administrative order, rule, or regulation contrary to or inconsistent
6 with the provisions of this Act is hereby repealed, modified, or amended accordingly.

7 SECTION 8. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its
8 publication in at least two (2) newspapers of general circulation.

Approved,