



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

'14 FEB 19 P2 :56

SENATE

S. No. 2128

RECEIVED BY: *ji*

Introduced by Senator TEOFISTO "TG" GUINGONA III

**AN ACT DECRIMINALIZING LIBEL, REPEALING FOR THIS PURPOSE ARTICLE  
355 OF THE REVISED PENAL CODE, AS AMENDED, OTHERWISE KNOWN AS  
THE REVISED PENAL CODE**

**EXPLANATORY NOTE**

The Freedom of Expression is one of the most fundamental and cherished freedoms in a democratic society. No less than the *Bill of Rights*, as enshrined in the *1987 Philippine Constitution*, guarantees that "No law shall be passed abridging the freedom of speech, of expression, or of the press, or the right of the people peaceably to assemble and petition the government for redress of grievances." This is, further reinforced by Article 19 of the International Covenant on Civil and Political Rights, of which the Philippines is a state party:

1. Everyone shall have the right to hold opinions without interference.
2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.
3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
  - a. For respect of the rights or reputations of others
  - b. For the protection of national security or of public order or of public health or morals.

This bill proposes to remove imprisonment as a penalty for libel because the threat of jail time sends a sufficient chilling effect on the freedom of expression. A democratic and free country should promote and protect the right of its people to express themselves in ways that are both free and responsible.

In view of the foregoing, the passage of this bill is earnestly sought.

**TEOFISTO "TG" GUINGONA III**  
Senator

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

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2 SECTION 1. Libel by means of writing or similar means as defined in Article 355 of the Revised  
3 Penal code is hereby decriminalized.

4 SECTION 2. *Repealing Clause* – Article 355 of the Revised Penal Code, as amended, is hereby  
5 repealed.

6 SECTION 3. *Effectivity Clause*—This Act shall take effect fifteen (15) days after its publication  
7 in the *Official Gazette* or in at least two newspapers of general circulation.

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9 Approved,

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