

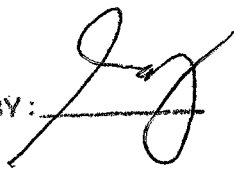
THIRTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES
First Regular Session

OFFICE OF THE SECRETARY

'04 JUN 30 PM 10:20

SENATE

S. No. 1082

RECEIVED BY: 

Introduced by Senator Edgardo J. Angara

EXPLANATORY NOTE

In a country where democracy is primarily infringed on the freedom of speech and expression, in a State where the media is considered the fourth estate, it is a sad reality that existing laws on libel have not been attuned to the evolving needs of the people under a democratic rule and the rising importance of media in effecting transparency and accountability in governance.

While a newspaperman is free to share his views publicly on issues that affect our nation and our people, he remains unprotected from the risk of imprisonment. While we recognize that socially-relevant issues must have room for open debate and public discussion, we do not safeguard the very people who risk their safety and career in order to report events that have escaped our critical eye, circumstances that would have led us to think twice before making our conclusions, and instances that would have made us more aware of what is more important and what is more relevant.

It is not our intent in this proposal to downplay the importance of one's privacy and the right of a person to be free from public and malicious imputation of a crime, or of a vice, or defect, real or imaginary, or circumstances tending to cause the dishonor, discredit or contempt of a person or to blacken the memory of one who is dead. But the penalty of imprisonment that goes with libel is, to our opinion, not commensurate to the act being penalized.

The penalty of fine must be sustained, as we believed that libel must not go unpunished. But to imprison a person convicted of libel might preclude him in the future from doing his job with zeal and critical eye. Such person may choose not to look deeply into issues and concerns that may not seem to affect public interest on face value, but with deep investigation, would expose anomalies and abuses, for fear of imprisonment.

Libel should therefore be decriminalized in the light of protecting the right to speech and self-expression.

Such an amendment loosens the restraint on the free flow of information and thus fosters the growth of a free and open society. Socially-relevant issues must have room for open debate and public discussion. With the decriminalization of libel, the safeguards on speech and expression are strengthened.

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


EDGARDO J. ANGARA

THIRTEENTH CONGRESS OF THE REPUBLIC
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**AN ACT
TO ABOLISH THE PENALTY OF IMPRISONMENT IN LIBEL CASES,
AMENDING FOR THE PURPOSE ARTICLES 355, 356, 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 Philippines in
Congress assembled:*

SECTION 1. Article 355 of Act No. 3815, as amended, is hereby amended
as to read as follows:

*"ART. 355. Libel by means of writings or similar means. - A libel
committed by means of writing, printing, lithography, engraving, radio,
phonograph, painting, theatrical exhibition, cinematographic exhibition,
or any similar means, shall be punished by [prison correctional in its
minimum and medium periods or] a fine ranging from 200 to 6,000, or
both, in addition to the civil action which may be brought by the offended
party.*

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

SECTION 2. Article 356 of Act No. 3815, as amended, is hereby amended
as follows:

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

SECTION 3. Article 357 of the same Act is likewise amended to read as follows:

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

SECTION 4. Article 360 of the same Act is likewise amended to read as follows:

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

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

shall be responsible for the defamations contained therein to the same extent as if he were the author thereof.]

SECTION 5. All provisions of existing laws, orders, rules and regulations contrary to or inconsistent with this Act are hereby repealed or modified accordingly.

SECTION 6. This Act shall take effect after fifteen (5) days following its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,