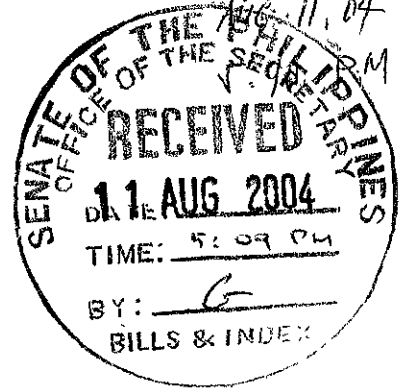


THIRTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
FIRST REGULAR SESSION)

S.No. 1724

AN ACT
TO DECRIMINALIZE LIBEL INVOLVING ALL FORMS OF MASS
MEDIA AND FOR OTHER PURPOSES



EXPLANATORY NOTE

Introduced by SENATOR ALFREDO S. LIM

Free press is the bedrock of our liberty and freedom for without it, no amount of complaint, criticism or rejection in private against the abuses of the government through the men running it can succeed, may be heard ^{by} all.

Indeed, without free press, the entreaties and wails of the citizenry against abuses and tyrannical acts will only fall on selected ears, not enough to muster public attention and support.

So vital is the role of free press that during the first few years of the regime of the late President Marcos, the press was dubbed as a powerful Fourth Estate, next to the great Three Branches of the Government.

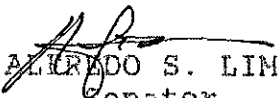
Yet, its awesome power exercised through the pen and mouth eventually withered down because, the ensuing restriction on their exercise and persistent efforts at whittling down their role, emasculated the so-called Fourth Estate's strength and rendered it voiceless, harmless and dying.

Let us not wait for this to re-occur. Give real vitality; and power to press freedom and eliminate all styles of palisades whether in form of prior restraint or through the appearance of post sanctions.

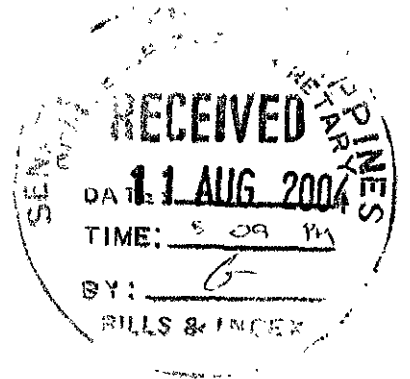
Almost always, when a public official gets pricked by the incessant and virulent attacks by media on his unscrupulous ways, he ends up resorting to filing a case of libel to stop or restrain media, or worse, get even with it for the legitimate dissent or exposes.

Libel, it seems, is the greatest fear of media, especially so, it not only drains the otherwise precious time, energy and resources of media and hampers their legitimate search for truth, it also puts the practitioners fearful of prosecution, persecution, incarceration or, in the end, jobless.

Thus, the bill to decriminalize libel insofar as it involves media practitioners. It is hoped that with the bill getting this august body's nod, media's power and strength will be reinforced and its role and contribution to democracy, preserved.


ALFREDO S. LIM
Senator

THIRTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
FIRST REGULAR SESSION)



SENATE

S.B. No. 1724

Introduced by SENATOR ALFREDO S. LIM

AN ACT
TO DECRIMINALIZE LIBEL INVOLVING ALL FORMS OF MASS
MEDIA AND FOR OTHER PURPOSES.

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

SECTION 1. It is the policy of the state, to eliminate
all forms of restraint in the exercise of the right to a
free press from prior restraint and post sanction, to
exclude the mass media and those involved in practice
thereof from the scope and coverage of the law on libel
penalized under the Revised Penal Code and insulate them
from all forms of criminal prosecution.

SECTION 2. Art. 353 of Act. 3815 as amended, otherwise
known as the "Revised Penal Code" is hereby amended to read
as follows:

Art. 353. Definition of Libel.- A libel
is a public and malicious imputation of a
crime, or of a vice or defect, real or
imaginary, or any act, omission, condition,
status, or circumstance tending to cause the
dishonor, discredit, or contempt of a
natural or juridical person, or to blacken
the memory of one who is dead. *Provided,*
however, that when made by a mass media
practitioner in the exercise of free press,
against a public officer, no criminal, but
only civil liability, shall be incurred.

SECTION 3. Definition of Terms: As used in this Act -

(a) mass media practitioner shall include the
announcer, broadcaster, commentator of any radio or
television programs; publisher, editor, writer, reporter,
columnist, contributor in any newspaper, broadsheet or
tabloid, or magazines, of general or local circulation,
newsletter of school organs, labor or government
organizations, and any such similar publications;

(b) exercise of free press shall refer to any oral or written news report, item, opinion, historical account, commentary, analysis, personal expression on certain issues involving the political, social, economic and historical condition, state or status of any public officer, including but not limited to exposes concerning anomalies, commission of graft or tendencies towards them, unexplained wealth, immoral, illegal or vicious activities of said public officers.

(c) public officer shall include those in the executive, legislative or judicial departments of the government, whether appointed or elected, whether in the national, regional, autonomous, city, municipal or barangay levels, their relatives within the fourth degree of consanguinity or affinity, whether legitimate or illegitimate.

SECTION 4. All criminal cases or criminal charges pending in courts or the prosecutors' office shall be immediately dismissed and/or dropped, as the case may be, upon the effectivity of this Act.

SECTION 5. The provision of Art. 360 of the Revised Penal Code insofar as inconsistent with the provisions hereof are hereby repealed.

SECTION 6. This Act shall take effect upon its approval.

Approved