

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

7 JUN 30 12:08

RECEIVED BY: 

SENATE

S. B. No. 5

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Introduced by Senator JINGGOY EJERCITO ESTRADA

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**EXPLANATORY NOTE**

In a society that adheres to freedom of speech and expression, it is a must that the existing laws be revised with regard to libel. While a newspaperman may share his views publicly on controversial issues and individuals, he remains unprotected from the risk of imprisonment if convicted of libel. This loophole is in direct opposition to the freedom of speech and should therefore warrant the necessary revisions. Libel should therefore be decriminalized in 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 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.

Approval of this measure is earnestly sought.

  
JINGGOY EJERCITO ESTRADA  
Senator

FOURTEENTH CONGRESS OF THE )  
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7 JUN 30 12:18

SENATE

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S. B. No. 5

Introduced by **Senator JINGGOY EJERCITO ESTRADA**

**AN ACT**  
**TO ABOLISH THE PENALTY OF IMPRISONMENT IN LIBEL CASES**  
**AMENDING FOR THE PURPOSE ARTICLES 355 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 House of Representatives of the Philippines in Congress assembled:*

**SECTION 1.** - Article 355 of Act No. 3815, as amended, otherwise known as the Revised Penal Code, is hereby amended by deleting the penalty of imprisonment and by adding another paragraph after the first paragraph thereof to read as follows:

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.

**Sec. 2.** The First and Second Paragraphs of Article 360 of the Code are further amended to read as follows:

"Art. 360. Persons liable. - [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 editor of a book or pamphlet or the publisher, editor or business manager of a daily newspaper, magazine or serial publication shall be responsible for any defamation contained therein to the extent as if he were the author thereof PROVIDED DEFAMATORY ARTICLE PASSED THROUGH SAID PUBLISHER, EDITOR OR BUSINESS MANAGER FOR EDITING AND REQUIRED THE LATTER'S APPROVAL FOR PUBLICATION.

**Sec. 3.** This Act shall take effect after the fifteen (15) days following its publication in at least two (2) newspapers of general circulation.

*Approved,*