

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

7 JUN 30 P 1987

SENATE

RECEIVED BY: 

S. No. 110

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INTRODUCED BY THE HONORABLE MAR ROXAS

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EXPLANATORY NOTE

The Philippines is now perceived as one of the most dangerous places in the world for journalists, with dozens and dozens of unsolved killings against media practitioners and activists in recent years.

It does not help that while journalists are under attack, the law poses another threat, through imprisonment due to libel, which is currently a criminal offense. While it is the right of individuals to be protected from unethical and irresponsible journalism, imprisonment is not a just penalty for such. Civil damages may be enough penalty and deterrence, considering the present economic situation of journalists.

Also, under present rules, the complainant or offended party in a libel case, if he is a public officer, may file the complaint in a trial court in Manila if his office is in Manila, or in a trial court outside Manila if his office is located there. If the offended party is a private person, then the venue of filing is in a trial court in his place of residence at the time of the commission of the alleged libelous act.

Such have been used and abused by subjects of news articles or other journalistic pieces in order to harass and cause inconvenience to the journalists and media organizations. They file libel suits in far-flung places, away from the office of the said media practitioners, have them imprisoned and/or pose bail, even if the cases are eventually withdrawn or settled, if not dismissed by the court.

It has been said many times that a free press is crucial in building a democracy. In fact, the 1987 Constitution heralds it as a protected right. However, the concept of a free press has been attacked in recent times. It is the duty of the State to afford ample protection to journalists, which, in turn, translates into its adherence to a larger cause: the promotion of the Constitutionally-protected right to expression.

This bill seeks to decriminalize libel and limit the venue of filing libel suits. The approval of this measure could be a small way by which Congress may help in alleviating the plight of journalists.

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

  
M A R ROXAS  
Senator

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

7 JUN 30 P1 57

SENATE

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INTRODUCED BY HONORABLE MAR ROXAS

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AN ACT  
TO ABOLISH THE PENALTY OF IMPRISONMENT IN LIBEL CASES  
AND PROVIDING FOR THE VENUE OF THE CIVIL ACTION IN LIBEL CASES  
AGAINST COMMUNITY JOURNALISTS, PUBLICATIONS OR BROADCAST STATIONS,  
AMENDING FOR THE PURPOSE CERTAIN PROVISIONS OF ACT NO. 3815,  
OTHERWISE KNOWN AS THE REVISED PENAL CODE, AS AMENDED,  
AND FOR OTHER PURPOSES.

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

1 SECTION 1. Article 355 of Act No. 3815, as amended, otherwise known as the Revised  
2 Penal Code, is hereby amended to read as follows:

3 "ARTICLE 355. *Libel by means writings or similar means.* - A libel  
4 committed by means of writing, printing, lithography, engraving, radio,  
5 phonograph , painting , theatrical exhibition, cinematographic exhibition, or  
6 any similar means, shall be punished [by *prision correccional* in its 7 minimum  
7 and medium periods or] a fine ranging from 200 to 6,000 pesos, [or both,] in  
8 addition to the civil action which may be brought by the offended party.

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

1 SEC. 2. Article 356 of the same Act is hereby amended to read as follows:

2 "Art. 356. *Threatening to publish and offer to prevent such*  
3 *publication for a compensation.* - The penalty of [arresto mayor or] a fine  
4 from 200 to 2,000 pesos, [or both,] shall be imposed upon any person who  
5 threatens another to publish a libel concerning him or the parents, spouse,  
6 child, or other members of the family of the latter, or upon anyone who shall  
7 offer to prevent the publication of such libel for a compensation or money  
8 consideration."

9 SEC. 3. Article 357 of the same Act is hereby amended to read as follows:

10 Art. 357. *Prohibited publication of acts referred to in the course of*  
11 *official proceedings.* - The penalty of [arresto mayor or] a fine of from 200 to  
12 2,000 pesos, [or both,] shall be imposed upon any reporter, editor or manager  
13 of a newspaper, daily or magazine, who shall publish facts connected with the  
14 private life of another and offensive to the honor, virtue and reputation of said  
15 person, even though said publication be made in connection with or under the  
16 pretext that it is necessary in the narration of any judicial or administrative  
17 proceedings wherein such facts have been mentioned."

18 Sec. 4. Article 360 of the same Act is hereby amended to read as follows:

19 "Art. 360. *Persons responsible.* - [Any person who shall publish,  
20 exhibit, or cause the publication or exhibition of any defamation in writing or  
21 by similar means,] THE AUTHOR OF THE PRINTED ARTICLE OR ANY

1 PERSON WHO SHALL CAUSE THE EXHIBITION OF THEATRICAL OR  
2 CINEMATOGRAPHIC EXHIBIT CONTAINING DEFAMATORY WORDS  
3 shall be responsible for the same. [The author or editor of a book or pamphlet,  
4 or the editor or business manager of a daily newspaper, magazine or serial  
5 publication, shall be responsible for the defamation contained therein to the  
6 same extent as if he were the author thereof.]”

7 X X X

8 SEC. 5. A new article, to be numbered as Article 360-A of the same Act, is hereby  
9 inserted after Article 360 of the same act, to read as follows:

10 “ARTICLE 360-A. *VENUE*. THE CIVIL SECTION IN CASES OF LIBEL  
11 AGAINST A COMMUNITY JOURNALIST, PUBLICATION OR BROADCAST  
12 STATION SHALL BE FILED IN THE REGIONAL TRIAL COURT OF THE  
13 PROVINCE OR CITY WHERE THE PRINCIPAL OFFICE OR PLACE OF  
14 BUSINESS OF THE SAID COMMUNITY JOURNALIST, PUBLICATION OR  
15 BROADCAST STATION IS LOCATED: *PROVIDED, HOWEVER*, THAT  
16 THE COURT WHERE THE CIVIL ACTION IS FIRST FILED SHALL  
17 ACQUIRE JURISDICTION TO THE EXCLUSION OF OTHER COURTS.

18 “THE TERM “COMMUNITY JOURNALIST, PUBLICATION OR  
19 BROADCAST STATION” SHALL BE UNDERSTOOD TO MEAN A  
20 JOURNALIST OR NEWS MEDIUM THAT OPERATES WITHIN A LIMITED  
21 AREA OF CIRCULATION OR BROADCAST IN A CITY, PROVINCE OR  
22 REGION, AS DEFINED UNDER EXISTING LAWS.”

1           SEC. 6. *Separability Clause.* If any provision of this Act is declared invalid, the  
2 remainder of this Act or any provision not affected thereby shall remain in full force and  
3 effect.

4           SEC. 7. *Repealing Clause.* – All laws, executive orders or issuances, or any part thereof,  
5 which are inconsistent herewith are hereby repealed or amended accordingly.

6           SEC. 8. *Effectivity Clause.* – This Act shall take effect upon its publication in at least  
7 one (1) newspaper of general circulation.

Approved.