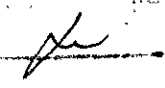


FOURTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

7 JUL 26 1979

SENATE

S.B. No. 1398

RECEIVED BY: 

Introduced by Senator Loren Legarda

EXPLANATORY NOTE

This bill seeks to protect the rights and promote the welfare of journalists by institutionalizing a comprehensive benefits and compensation package for them.

Section 4 of Article III, or the Bill of Rights, of the 1987 Constitution states 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 constitutionally guaranteed freedom remains to be one of the main features that have distinguished the Philippines as a democratic republican State in Asia. And at the forefront of press freedom are selfless men and women who risk their lives just to bring across stories of public interest and national importance to the public

Journalists, by the very nature of their job, are constantly exposed to risks and danger. It is but proper that the State provides for their distinct needs and divergent responsibilities to enable them to effectively exercise their role in bringing public information.

This proposed measure aims to accomplish that by providing them security of tenure and work-related benefits like overtime pay, night shift differential, hazard allowance, leave benefits, compulsory membership in the government's State Insurance Fund and exemption from payment of travel tax, terminal fees and other related charges when in the performance of their jobs. Likewise, this proposed measure guarantees the journalists' right to self-organization and freedom from interference and coercion in the exercise of the same.

Moreover, a National Journalists' Coordinating Council is established to oversee and monitor the proper implementation of laws that promote the welfare of journalists in the country.

Finally, to foster professionalism, this bill mandates the Press Secretary, upon consultation with existing journalists' organizations to formulate a Code of Professional Conduct for Journalists.

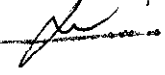
In view of the foregoing, immediate passage of this bill is earnestly requested.


LOREN LEGARDA
Senator

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

OFFICE OF THE SECRETARY

7 JUL 26 12 00

RECEIVED BY: 

SENATE
S.B. No. 1398

Introduced by Senator Loren Legarda

AN ACT
PROTECTING THE RIGHTS AND PROMOTING THE WELFARE OF
JOURNALISTS WHILE IN THE EXERCISE OF THEIR PROFESSION, AND FOR
OTHER PURPOSES

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assemble;

Article 1
GENERAL PROVISIONS

SEC.1. Title. - This Act shall be known as the "Journalist Welfare and Protection Act of 2007."

SEC.2. Declaration of Policy and Objectives.- It is the declared policy of the State that workers shall be entitled to security of tenure, humane conditions of work, and living wage. Consonant with this institutional principle, this Act shall have the following objectives;

- A) To ensure that the journalists shall be provided with a comprehensive benefits package at par with the current benefits enjoyed by those in the labor force;
- B) To motivate and encourage the journalists to better perform their duties as truthful and responsible informers of the people; and
- C) To ensure the creation of an atmosphere conducive to a productive and fruitful journalism work for journalists.

SEC.3. Definition of Terms.- For purposes of this Act:

- A) "Media entities" - refers to all companies in the print and broadcast media (radio, television and newspapers) that are involve in the dissemination of news and information for public consumption and are duly accredited by any reputable association of media persons such as, but not limited the Philippine Information Agency - Office of the Press Secretary, National Press Club (NPC), National Union of Journalists pf the Philippines (NUJP), and Kapisanan ng mga Broadcaster sa Pilipinas (KBP).

- B) "Editorial and /or News Department" - refers to editors-in-chief, news editors, columnists, deskmen, reporters, correspondents and photographers on the part of the print media; and news editors, newscasters, commentators / announcers, field reporters, field correspondents, and cameramen on the part of the broadcast media.
- C) "Front-line media persons" - specifically refers to those directly involved in data-gathering from the field, and news reporting whether in print on television or on radio, such as, but not limited to, print reporters, cameramen, photo-journalists, radio reporter and television reporters.
- D) "Journalist" - shall mean any member of the Editorial and/or News Department including front-line media persons.

SEC.4 . Coverage- This Act shall apply to all permanent, temporary, contractual and casual journalists employed by all existing media entities in the Philippines.

Article II DUTIES, OBLIGATION / PROFESSIONAL CONDUCT

SEC.5. Duties and obligations.- The journalist shall;

- A) Discharge his / her duties with conscience and dignity;
- B) Perform his / her duties and outmost respect for truth and honesty;
- C) Exercise his/. her profession without considerations of race, religion, nationality and party / political affiliation or social standing;
- D) Perform other duties and functions their profession may require.

SEC.6. Code of Professional Conduct.- Within six (6) months from the approval of this Act, the Press Secretary, upon consultation with the existing journalists' organizations, shall formulate and prepare a Code of Professional Conduct for Journalists which shall be disseminated as widely as possible.

Article III HOURS OF WORK, WORKING CONDITIONS, SALARIES AND RENUMERATIONS,

SEC.7. Normal Hours of Work.- The normal hours of work of any journalist shall not exceed eight (8) hours a day or forty-eight (48) hours a week.

Hours worked shall include:

- A) All the time during which a journalist is required to on active duty or to be at a prescribed workplace; and
- B) All the time which a journalist is permitted to work: *Provided, That* the time when a journalist is placed on "On Call" status shall not be considered as hours worked but shall entitle the journalists to an "on call" pay equivalent to fifty percent (50%) of his regular wage.

SEC.8. Overtime Work,- Where the exigencies of the service so require, any journalist, who, under the Labor Code, may be required to render service beyond the normal eight (8) hours a day, shall be paid an additional compensation for the overtime work in an amount equivalent to his / her regular wages plus at least twenty five (25%) thereof.

SEC.9. Work During Rest Day or Holiday-

- A) Where a journalist is required to work on his / her scheduled rest day and or special holidays not falling on regular holidays, he / she shall be paid a compensation equivalent to his / her regular wage plus at least thirty percent (30%) and an additional amount of not less than ten percent (10%) of such premium pay rate for each hour of work performed.
- B) Where a journalist is required to work on any regular holiday, he / she shall be entitled to his / her regular wage during these days plus an additional compensation of not less than ten percent (10%) of such premium pay rate for each hour of work performed. Where such holiday work falls on the worker's schedule rest day, he / she shall be entitled to an additional compensation of thirty percent (30%) of his / her regular wage.

SEC.10. Night Shift Differential,- Any journalist required to work between ten o' clock in the evening and six o'clock in the morning shall be paid a night shift differential of ten percent (10%) of his / her regular wage for each hour of work performed.

SEC.11. Salaries-

- A) **Criteria for salaries -** In determination of the salary scale of journalist the following factors shall, inter alia, be considered:
 - 1. Comparable wages and income in other occupation with the same degree of training and qualification;
 - 2. Coast of living;
 - 3. Imperatives of economic and social development.
- B) **Salaries to be paid in Legal Tender -** Salaries of journalist shall be paid in legal tender of the Philippines, or the equivalent in checks or treasury warrant; Provided, however, that such checks or treasury operating under the laws of the Republic of the Philippines.

**Article IV
BENEFITS AND ALLOWANCES**

SEC.12. State Insurance Fund - Coverage in the State Insurance Fund shall be compulsory upon all media entities and the journalists as provided by existing laws.

SEC.13. Hazard Allowance- Front-line media journalists assigned for at least (5) days with one (1) month in hospitals, difficult areas, strife-torn or embattled areas, distressed or isolated stations, prison camps, mental hospitals, disease-infested areas or in areas declared under the state of calamity or emergency for the duration thereof which expose them to great danger, radiation, volcanic activity or eruption and the like, shall be compensated hazard allowances equivalent to at least fifty percent (50%) of

their monthly basic salary. Members of the Editorial or News Department shall likewise be entitled to hazard allowance equivalent to twenty-five percent (25) of their basic salary, to be given on the first pay period of January each year.

SEC.14. Exemption from Travel Tax, Terminal Fees and other Related Charges

- All journalists whose travels is in pursuit of journalistic assignments as certified by their superiors, shall be exempted from paying travel tax, terminal fees and other related charges which shall include, among others, toll fees in freeways and ferry boats in inland travels.

Article V

LEAVE AND RETIREMENT BENEFITS

SEC.15. Leave Benefits for Journalists - Journalists are entitled to such vacation and sick leaves as provided by existing laws: Provided, That in addition to the leave privileges presently enjoyed by journalists, married journalists are entitled to such maternity or paternity leaves as provided by existing laws: Provided further, That upon retirement of journalists, they shall be entitled to all leave credits with pay.

SEC.16. Highest Basic Salary Upon Retirement - Three (3) months prior to compulsory retirement, the journalist shall automatically be granted his/ her retirement benefits thereafter, computed on the basis of his/her highest salary: Provided, That he / she has fulfilled the age and service requirement under existing laws.

Article VI

LABOR ORGANIZATIONS

SEC.17. Right to Self - Organization,- Journalists shall have the right to freely form labor organizations for purposes not contrary to law in order to defend and protect their mutual interest and to obtain redress of their grievances through peaceful means.

SEC.18. Freedom from Interference or Coercion.- It shall be unlawful for any person to commit any of the following acts of interference or coercion:

- A) To require as condition of employment that a journalist shall not join a journalists' organization or shall relinquish membership from one to which he / she belongs;
- B) To discriminate in regard to tenure of employment as any term or condition of employment in order to encourage or discourage membership in any journalists' organization;
- C) To prevent a journalist from carrying out the duties laid upon him / her position;
- D) To harass or interfere with the discharge of the functions of the journalist and prevent him/ her from performing his/ her duties and responsibilities.

Article VII
NATIONAL JOURNALISTS' COORDINATING COUNCIL

SEC.19. There shall be established a National Journalists' Coordinating Council to be composed of five (5) members namely; the Press Secretary as Chairman, and as members, the chairman of the Philippine Information Agency, Director of the News and Information Bureau, director of the International Press Center and Director of the Media Relations and Accreditation Center, and two appointive members, one of whom shall represent the employees and the other, the employers, to be appointed by the President of the Philippines for a term of six (6) years. All vacancies shall be filled for the unexpired term only. The presence of four (4) Members shall constitute a quorum.

SEC.20. Powers and Duties,- The council shall have the following powers and duties;

- A) To initiate policies and programs for journalist to grow and develop in their potential and experience a sense of worth and dignity in their work;
- B) To institutionalize mechanisms to upgrade the working conditions and salaries of journalists;
- C) To create programs for continued manpower training and development to enable to avail of educational opportunities of personal growth and development;
- D) To ensure that due process is observed with regard to abused journalists;
- E) To institutionalized mechanisms for democratic consultation with the government in the event that existing national policies affecting the journalists are ineffective;
- F) To acquire property, real or personal, which may be necessary or expedient for the attainment of the purposes of this Act;
- G) To coordinate and oversee the proper implementation of laws and regulations that benefit journalists; and
- H) To perform such other acts as it may deem appropriate for the attainment of the purposes of the council and proper enforcement of the provisions of this Act.

Article VIII
FINAL PROVISIONS

SEC.21. Penal Provision - Any person who shall willfully interfere with, restrain or coerce any journalist in the exercise of hi / her duties and his / her rights guaranteed by this Act or shall in any manner commit any act in violation of the provision of this Act, the rules and regulations issued pursuant there to shall upon conviction, be punished by a fine of not less than fifty thousand pesos (50,000.00) nor more than one hundred thousand pesos (P100.000.00) or imprisonment of not less than five, (5) years nor more than ten (10) years or both such fine and imprisonment depending upon the discretion of the court. Provided, that the preceding paragraph, the penalty of perpetual disqualification from office shall be imposed.

SEC.22. Separability Clause,- If any provision of this Act is declared invalid, the remainder of this Act or any provisions not affected thereby shall remain in force and effect.

SEC.23 Repealing Clause,- Any law, presidential decree or issuance, executive order, letter of instruction, rule and regulation inconsistent with the provisions of this Act is hereby repealed or modified accordingly.

SEC.24. Effectivity,- This Act shall take effect fifteen (15) days from the date of its publication in the official gazette or in at least two (2) newspapers of general circulation.

Approved