

FOURTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
Second Regular Session

OFFICE OF THE CLERK
8 DEC -4 1993

SENATE
S. B. 2942

REC- VILLAR



Introduced by Senator Villar

EXPLANATORY NOTE


The 1987 Constitution, in no uncertain terms, presumes every person innocent of a crime imputed to him, and that evidence beyond reasonable doubt is required to prove that a person is guilty.

It is amazing therefore, that for several years, the Revised Penal Code provisions that presume the author of a defamatory imputation as malicious, has been always overlooked. Henceforth, it is time to introduce changes into our basic laws on Criminal Law, as the same can be considered unconstitutional because of the fact that it goes over and above the Constitutional provisions providing the presumption of innocence on every person accused of a crime.

Equal opportunity should be given to every person on whom a crime is being imputed against, for this is the requirement of due process, that the rudiments of fair play be observed. Henceforth, this representation considers this urgent.



MANNY VILLAR

SENATE
S. B. 2942 RECEIVED BY 

Introduced by Senator Villar

AN ACT
AMENDING ARTICLE 354 OF ACT NO. 3815, OTHERWISE KNOWN AS THE
REVISED PENAL CODE OF THE PHILIPPINES, AS AMENDED.

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

SECTION 1. Article 354 of the Revised Penal Code is hereby amended to read
as follows:

Art. 354. *Requirement for publicity.* — [Every defamatory imputation is
presumed to be malicious] **THE AUTHOR OF A DEFAMATORY
IMPUTATION IS PRESUMED INNOCENT, HOWEVER, IF IT IS PROVEN
TO BE MALICIOUS,** even if it be true, if no good intention and justifiable
motive for making it is shown, **THE AUTHOR SHALL BE ADJUDGED
GUILTY THEREOF,** except in the following cases:

1. A private communication made by any person to another in the
performance of any legal, moral or social duty; and
2. A fair and true report, made in good faith, without any comments
or remarks, of any judicial, legislative or other official proceedings
which are not of confidential nature, or of any statement, report or
speech delivered in said proceedings, or of any other act performed
by public officers in the exercise of their functions.

SECTION 2. Repealing Clause. - All laws, orders, decrees, rules and
regulations, and other parts thereof inconsistent with the provisions of this Act
are hereby repealed, amended or modified accordingly.

SECTION 3. Effectivity. - This Act shall take effect fifteen (15) days after
its publication in at least two (2) national newspapers of general circulation.

Approved,