

SENATE

S. No. 3288

Introduced by Senator FRANCIS G. ESCUDERO

EXPLANATORY NOTE

This bill repeals Section 4 (c) (4) of Republic Act No. 10175 or the Cybercrime Prevention Act of 2012, finding basis on the unequivocal constitutional provision on freedom of speech.¹ It is submitted that any form of libel is a form of "abridging the freedom of speech, of expression, of press x x x."

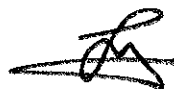
This representation filed a similar bill, Senate Bill No. 2162, in July 2010 with the reason that decriminalizing libel under Article 355 of the Revised Penal Code is to accord greater protection to freedom of speech and expression, specifically those done by means of writing and other similar means, by taking away the threat or fear of incarceration, restraint of liberty and fine.

However, with today's modern technology, the crime of libel does not only prove antiquated but to the contrary even overarching as a state tool to restrain freedom of speech. This is quite evident with the passage of the Cybercrime Prevention Act of 2012, Republic Act (RA) No. 10175, which broadens the coverage of the crime of libel to include even those with the use of "computer system or other similar means that may be devised in the future."² This must never be countenanced if only to remain consistent to the constitutionally prescribed freedom of the press.

A strong media could give great service to the Filipino people in providing an effective mechanism of complete and fearless transparency over the excesses of government in the exercise of its powers and prerogatives.

Nonetheless, this bill does not negate civil liability in case the elements of libel subsist, which is but in consonance with the provisions of the Civil Code on Human Relations, specifically Articles 19 to 21 thereof.

Respectfully submitted for immediate consideration and approval.



FRANCIS G. ESCUDERO

¹ Section 4, Article III, the Constitution.

² No. 4, Section 4 (c), Chapter II, RA No. 10175.

Republic of the Philippines }
FIFTEENTH CONGRESS }
Third Regular Session }

12 OCT 2 1977

SENATE

S. No. **3288**

Introduced by Senator FRANCIS G. ESCUDERO

AN ACT
REPEALING SECTION 4 (c) (4), CHAPTER II OF REPUBLIC ACT NO.
10175

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

1 **SECTION 1.** *Repealing Clause.* - Section 4 (c) (4), Chapter II of Republic Act No.
2 10175 is hereby repealed.

3
4 All laws, executive orders, decrees, instructions, rules and regulations contrary
5 or inconsistent with the provision of this Act are hereby likewise repealed or modified
6 accordingly.

7
8 **SEC. 2.** *Effectivity.* - This Act shall take effect fifteen (15) days after its
9 complete publication in the *Official Gazette* or in at least two (2) national newspaper of
10 general circulation, whichever comes first.

11
12 *Approved,*
13