

SENATE

S.B. No. 3374

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Introduced by Senator TEOFISTO "TG" GUINGONA III

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### EXPLANATORY NOTE

The Freedom of Expression is one of the most fundamental and cherished freedoms in a democratic society. No less than the *Bill of Rights*, as enshrined in the *1987 Philippine Constitution*, guarantees 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 is further reinforced by Article 19 of the *International Covenant on Civil and Political Rights*, of which the Philippines is a state party:

1. Everyone shall have the right to hold opinions without interference.

2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

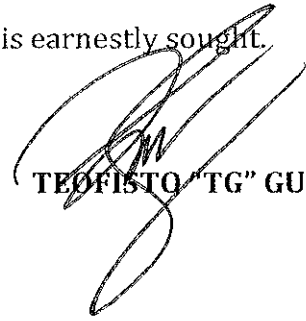
3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

(a) For respect of the rights or reputations of others;

(b) For the protection of national security or of public order (ordre public), or of public health or morals.

This bill proposes to remove imprisonment as a penalty for libel because the threat of jail time sends a sufficient chilling effect on the freedom of expression. A democratic and free country should promote and protect the rights of its people to express themselves in ways that are both free and responsible.

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

A handwritten signature in black ink, appearing to be 'Teofisto Guingona III', written over the printed name.

**TEOFISTO "TG" GUINGONA III**

SENATE

S.B. No. **3374**

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Introduced by Senator TEOFISTO "TG" GUINGONA III

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**AN ACT DECRIMINALIZING LIBEL, REPEALING FOR THIS  
PURPOSE ARTICLE 355 OF THE REVISED PENAL CODE,  
AS AMENDED, OTHERWISE KNOWN AS THE REVISED  
PENAL CODE**

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

1 SECTION 1. Libel by means of writing or similar means as defined in Article  
2 355 of the Revised Penal Code is hereby decriminalized.

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5 SECTION 2. *Repealing Clause.* – Article 355 of the Revised Penal Code, as  
6 amended, is hereby repealed.

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9 SECTION 3. *Effectivity Clause.* – This Act shall take effect fifteen (15) days  
10 after its publication in the *Official Gazette* or in at least two (2) newspapers  
11 of general circulation.

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Approved,