

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

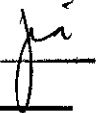


Senate
Office of the Secretary

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SENATE

S. B. No. 126

RECEIVED BY: 

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 conh'ary 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

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

Be it enacted by Senate and House of Representatives 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 or
5 inconsistent with the provision of this Act are hereby likewise repealed or modified accordingly.

6
7 **SEC. 2.** Effectivity. - This Act shall take effect fifteen (15) days after its complete
8 publication in the Official Gazette or in at least two (2) national newspaper of general
9 circulation, whichever comes first.

10
11 *Approved,*