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Senate
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SENATE

Senate Bill No. 380

RECEIVED BY: *ja*

INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

EXPLANATORY NOTE

Under the Bill of Rights of the Philippine Constitution as well as the United Nation's Universal Declaration of Human Rights, certain civil and political rights are guaranteed every person, among which are the freedom of speech and freedom of the press. This proposed bill seeks to further enhance these basic rights by promoting the welfare and protection of journalism in the country.

Journalists, as purveyors of truth, risk their life and limb in order to make people aware of the local, national and international events. They provide the essential vehicle for the exchange of ideas between cultures and nations. Considering these, it is necessary for the enactment of a law that will ensure a living wage, an atmosphere conducive to productive journalism work, reiterate value of ethics, provide for development programs that will deepen the practice of their profession, and promote the defense and protection of freedom and human rights of journalists and their organizations.

In view of the foregoing approval of this bill is earnestly sought.

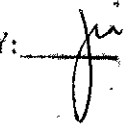

JINGGOY EJERCITO ESTRADA
Senator



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AN ACT
PROVIDING FOR A MAGNA CARTA FOR JOURNALISTS

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

SECTION 1. Title. This Act shall be known as the "**Magna Carta for Journalists**".

SEC. 2. Declaration of Policy. It is the declared policy of the State that workers should be entitled to security of tenure, humane conditions of work and a living wage.

Consonant with this principle, this Act shall have the following objectives:

- (a) To ensure that journalists shall be provided with comprehensive benefits packaged at par with the current benefits enjoyed by those in the labor force;
- (b) To motivate and encourage journalists to 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.

SEC. 3. Definition of Terms. For purposes of this Act, the following shall mean:

- (a) **Journalism** – The gathering, writing, editing, processing and dissemination of news and production or publishing of newspapers and other such publications such as magazines, and pamphlets and other processes through wire, wireless, broadcasting, and online services. It means the gathering of news, features by means of camera for airing on television or for broadcasting on radio and wire, wireless broadcasting and online services;
- (b) **Journalist / Wire Service Reporter** – One who manages, edits, gathers and writes news stories or articles for newspapers, magazines or journals, or for airing in television

or on radio, and for wire wireless broadcasting and online services;

- (c) **Publisher** – One who manages the production, advertising, circulation of newspapers or magazines or online publications;
- (d) **Editor** – One who goes over manuscripts, news stories, edits these for publication in newspaper or magazines, or for airing in television or on radio or for wire, wireless broadcasting and online services also and who manages the editorial staff and news coverage;
- (e) **Reporter** – A journalist employed by a newspaper, television or radio station, wire or wireless broadcasting and online services to gather and produce news for publication and broadcasting and paid as a regular employee or under contract;
- (f) **Correspondent** – A journalist hired by a newspaper, magazine, television or radio, wire or wireless broadcast enterprise or online services to dispatch news stories or special reports and paid on a per article basis or per day basis;
 - i) **Local Correspondent** – a journalist hired by a newspaper, magazine, or other publications, television or radio, wire or wireless broadcast enterprise or online services to dispatch news stories or special reports from a specific beat not assigned to a regular reporter such as those in the provinces or some areas in the area where the hiring firm is based and paid on a per articles basis;
 - ii) **Foreign Correspondent** – A journalist hired by an international news organization or network to dispatch news stories or special reports;
- (g) **Stringer** – A reporter working for an international news organization, network or broadcast enterprise, wire, wireless broadcasting and online services;
- (h) **Freelance journalist / Contributor** – One who writes for any publications without being regularly employed by such publication, television or radio, wire, wireless broadcasting and online services;
- (i) **Photo journalist** – A person hired or commissioned to take pictures for use in a publication, an international news organization or network and online services;
- (j) **Columnist** – One who writes or airs commentaries on matter of general interest;
- (k) **Broadcaster** – A general term applied to radio or television journalist whose main task includes announcing and/or reading and commenting on news reports;
- (l) **Radio announcer** – One who announces or reads news reports;
- (m) **Radio correspondent** – One who makes reports on news event from his beat;
- (n) **Blocktimer** – One who buys airtime in radio and television to analyze or make commentaries on news events;
- (o) **Radio news editor** – One who gives assignment to field reporters or radio correspondents on events considered newsworthy for coverage or airing;
- (p) **Field reporter** – One who gathers news in his beat and reports them to the desk or radio announcer.

SEC. 4. Coverage. – This Act shall cover all journalists as defined herein.

SEC. 5. Philippine Council for Journalists (PCJ). – There shall be created a Philippine Council for Journalists (PCJ) that will serve as the development center for journalism and at the same time act as a self-regulatory body for journalists and the journalism profession.

(a) **Composition of the Philippine Council for Journalists** – The body shall be composed of journalism organizations duly recognized by the Securities and Exchange Commission (SEC) represented by the President or his representative. The following organization shall compose the PCJ:

- (1) National Press Club of the Philippines (NPC)
- (2) Philippine Press Institute (PPI)
- (3) Kapisanan ng mga Brodkaster ng Pilipinas (KBP)
- (4) Press Photographers of the Philippines (PPP)
- (5) Manila Overseas Press Club (MOPC)
- (6) National Union of Journalist of the Philippines (NUJP)
- (7) Publishers Association of the Philippines, Inc. (PAPI)
- (8) Federation of Provincial Press Club (FPPC)

(b) **Functions of the Council** – The Council shall hold the following responsibilities:

- (1) to produce database or directory of accredited journalists from both print and broadcast media to be updated regularly;
- (2) to accredit journalist as defined herein;
- (3) to conduct seminars, trainings and other related activities;

(c) **Classification** – Journalist shall be classified into two categories; namely : 1) Accredited Journalists, and 2) Non-Accredited Journalists.

Accredited journalist are those who passed the Professional Journalist Examination for either print, television, radio and photo as given by the Philippine Council for Journalist (PCJ). Accredited journalist shall be issued an Accreditation Identification Card issued by the PCJ and shall be required to wear such at all times when covering their beat or gathering news for special assignments. Accredited journalist shall be entitled to all benefits and privileges that may be accorded to them by law, by their employers and by the PCJ.

Non-accredited journalist are those who have or taken or failed to pass the Professional Journalist Examination by the PCJ. They shall enjoy only those benefits and privileges accorded to them by their employers. The absence of an accreditation identification card shall in no way bar them from exercising his duties and rights as journalists.

Journalists who have been in the practice for at least ten (10) years shall be exempt from the PCJ examination but shall be subject to interview by the PCJ prior to the issuance of his accreditation.

The Professional Journalist Examination shall be given annually by the PCJ. Separate examinations shall be given to print, broadcast and photo journalists.

SEC. 6. Salaries and Wages – In the determination of the salary scale of journalist the following factor shall, inter alia, be considered:

- (a) Comparable wages and income in other occupations with the same degree of training and qualifications;
- (b) Cost of living;
- (c) Imperatives of economic and social development.

SEC. 7. Code of Ethics. – A Code of Ethics (the Code) for Journalists shall be promulgated by the PCJ within six (6) months from the effectivity of this Act.

Violations of the said Code shall be a ground for appropriate sanctions as may be determined by the PCJ after due process. Such sanctions include but not limited to suspension or permanent withdrawal of accreditation, and suspension of benefits and /or privileges accorded to accredited journalists.

Aside from suspension or revocation of the erring journalist's accreditation, other penalties include the dropping from the roster of professional journalists.

The PCJ may *motu proprio* or through an offended party act on a complaint regarding any violation of the Code. The PCJ shall have original jurisdiction over cases involving violations of the provisions of the Code.

SEC. 8. Journalists' Security and Protection. – Any warrant of arrest or search issued against any journalist accused of any offense related to the practice of his/her profession shall be served in coordination with the Philippine Council for Journalists (PCJ) or the local media organization in the place he/she operates.

The Council or the appropriate media organization shall immediately be informed of any journalist under custodial investigation. Said journalists shall have right to counsel.

Any citizen's arrest of a journalist pursuant to the provisions of the new Rules of Court on the nature of the offense involved shall be immediately communicated by the responsible Commanding Officer of the Philippines National Police (PNP) and the Armed Forces of the Philippines (AFP) or any of the Department of the Interior and Local Government (DILG) Task Force and the National Bureau of Investigation (NBI) to the PCJ, or their duly designated officers, or to the local media association, if outside Metro Manila. The arresting element shall, with dispatch, inform the PCJ or the local media organization of the details thereof, such as, but not limited to, the place and time of the arrest, offense charged and place of confinement.

Any reported killing, abduction, or harassment of a journalist, regardless of whether or not the suspect/s are law enforcers, shall be investigated with dispatch and the result made known to the PCJ, or local media organization or his/her employer media company.

Within the limits of the Constitution and existing laws, utmost cooperation and courtesies shall be extended by law enforcers to ensure the unhampered media exercise of their calling.

SEC. 9. Training Programs and Development. Seminars on journalism shall be held by PCJ at least once a year to upgrade the skills and instill professionalism among journalists.

Attendance of such seminars will be a pre-requisite for application for accreditation with the PCJ.

SEC. 10. Incentives. The PCJ shall hold activities aimed at upgrading the journalistic profession through awards, cash incentives, scholarship grants, exchange programs, and others.

SEC. 11. Implementing Rules and Regulations. The PCJ, in consultation with other media groups, associations, publishers, guilds and concerned groups, shall promulgate the Implementing Rules and Regulations (IRR) of this Act within six (6) months from the effectivity of this Act.

SEC. 12. Inclusion in the Curriculum. The provision of this Act and its Implementing Rules and Regulations, as well as the Code of Ethics for Journalists shall form part of the core subjects in the school curriculum on journalism.

SEC. 13. Repealing Clause. All laws, decrees, presidential issuance or parts thereof inconsistent with the provisions of this Act are hereby repealed amended, or modified accordingly.

SEC. 14. Separability Clause. If any provision of this Act is declared invalid, the remainder of this Act or any provision not affected thereby shall remain in force and in effect.

SEC. 15. Effectivity. This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,