

Republic of the Philippines
SENATE OF THE PHILIPPINES
Pasay City



Senate
Office of the Secretary

'13 AUG -6 P4 51

SIXTEENTH CONGRESS
First Regular Session

RECEIVED BY: *ji*

S. B. No. 1218

Introduced by SENATOR SONNY ANGARA

EXPLANATORY NOTE

In a country where democracy is primarily infringed on the freedom of speech and expression, in a State where the media is considered the fourth estate, it is a sad reality that existing laws on libel have not been attuned to the evolving needs of the people under a democratic rule and the rising importance of media in effecting transparency and accountability in governance.

While a newspaperman is free to share his views publicly on issues that affect our nation and our people, he remains unprotected from the risk of imprisonment. Although we recognize that socially-relevant issues must have room for open debate and public discussion, we do not safeguard the very people who risk their safety and career in order to report events that have escaped our critical eye, circumstances that would have to lead us to think twice before making our conclusions, and instances that would have made us more aware of what is more important and what is more relevant.

It is not our intent in this proposal to downplay the importance of one's privacy and the right of a person to be free from public and malicious imputation of a crime, or of a vice, or defect, real or imaginary, or circumstances tending to cause the dishonor, discredit or contempt of a person or to blacken the memory of one who is dead. But the penalty of imprisonment that goes with libel is, to our opinion, not commensurate to the act being penalized.

The penalty of fine must be sustained, as we believe that libel must not go unpunished. But to imprison a person convicted of libel might preclude him in the future from doing his job with zeal and critical eye. Such person may choose not to look deeply into issues and concerns, which may seem not of public concern on face value but with deep investigation would expose anomalies and abuses, for fear of imprisonment.

The imprisonment penalty of the libel should therefore be abolished in the light of protecting the right to speech and self-expression. Such an amendment loosens the restraint on the free flow of information and thus fosters the growth of a free and open society. Socially relevant issues must have room for open debate and public discussion.

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

SENATOR SONNY ANGARA



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

'13 AUG -6 P 4 51

SENATE

RECEIVED BY: *[Signature]*

S.B. No. 1218

Introduced by SENATOR SONNY ANGARA

AN ACT
ABOLISHING THE IMPRISONMENT PENALTY FOR THE CRIME OF LIBEL,
PRESCRIBING HIGHER AMOUNTS OF FINE AS PENALTY FOR SAME,
AND PROVIDING THAT THE CRIME OF LIBEL
SHALL PRESCRIBE IN SIX MONTHS,
AMENDING FOR THESE PURPOSES ARTICLES 90, 91, 355, 356, 357 AND
360 OF ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN
AS "THE REVISED PENAL CODE"

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

1 **SECTION 1.** Article 90 of Act No. 3815, as amended, is hereby amended to
2 read as follows:

3 "ART. 90. *Prescription of crime.* - Crimes punishable by
4 death, reclusion perpetua or reclusion temporal shall prescribe in
5 twenty years.

6 Crimes punishable by other afflictive penalties shall
7 prescribe in fifteen years.

8 Those punishable by a correctional penalty shall prescribe in
9 ten years; with the exception of those punishable by arresto mayor,
10 which shall prescribe in five years.

11 [The crime of libel or other similar offenses shall prescribe in
12 one year.]

13 The crime of oral defamation, LIBEL and slander by deed
14 shall prescribe in six months.

15 Light offenses prescribe in two months.

16 When the penalty fixed by law is a compound one, the
17 highest penalty shall be made the basis of the application of the

1 rules contained in the first, second and third paragraphs of this
2 article.”

3
4 **SECTION 2.** Article 91 of Act No. 3815, as amended, is hereby amended to
5 read as follows:

6 “ART. 91. *Computation of prescription of offenses.* — The
7 period of prescription shall commence to run from the day on which
8 the crime is discovered by the offended party, the authorities, or
9 their agents, and shall be interrupted by the filing of the complaint
10 or information, and shall commence to run again when such
11 proceedings terminate without the accused being convicted or
12 acquitted, or are unjustifiably stopped for any reason not imputable
13 to him; PROVIDED, THAT FOR LIBEL, THE CRIME SHALL BE
14 DEEMED TO HAVE BEEN DISCOVERED BY THE OFFENDED
15 PARTY UPON THE FIRST PUBLICATION, AIRING OR
16 EXHIBITION OF THE LIBELOUS MATERIAL.

17 The term of prescription shall not run when the offender is
18 absent from the Philippine Archipelago.”

19
20 **SECTION 3.** Article 355 of Act No. 3815, as amended, is hereby amended
21 to read as follows:

22 “ART. 355. *Libel by means of writings or similar means.* - A
23 libel committed by means of writing, printing, lithography,
24 engraving, radio, phonograph, painting, theatrical exhibition,
25 cinematographic exhibition or any similar means, shall be punished
26 by [prison correctional in its minimum and medium periods or] a
27 fine ranging from FIFTY THOUSAND PESOS (P50,000) TO FOUR
28 HUNDRED THOUSAND PESOS (P400,000) [200 to 6,000, or
29 both], in addition to the civil action which may be brought by the
30 offended party.”

31
32 **SEC. 4.** Article 356 of Act No. 3815, as amended, is hereby amended to
33 read as follows:

34 “ART. 356. *Threatening to publish and offer to present such*
35 *publication for compensation.* - The penalty of [arresto mayor or] a
36 fine ranging from FIFTY THOUSAND PESOS (P50,000) TO TWO

1 HUNDRED FIFTY THOUSAND PESOS (P250,000) [200 to 2,000,
2 or both,] shall be imposed upon any person who threatens another
3 to publish a libel concerning him or the parents, spouse, child, or
4 other members of the family of the latter, or upon anyone who shall
5 offer to prevent the publication of such libel for a compensation or
6 money consideration.”

7
8 **SEC. 5.** Article 357 of Act No. 3815, as amended, is hereby amended to
9 read as follows:

10 **“ART. 357.** *Prohibited publication of acts referred to in the*
11 *course of official proceedings.* - The penalty of [arresto mayor or] a
12 fine from FIFTY THOUSAND PESOS (P50,000) TO TWO
13 HUNDRED FIFTY THOUSAND PESOS (P250,000) [200 to 2,000
14 pesos, or both,] shall be imposed upon any reporter, editor, or
15 manager of a newspaper, daily or magazine, who shall publish
16 facts connected with the private life of another and offensive to the
17 honor, virtue, and reputation of said person, even though said
18 publication be made in connection with or under the pretext that it is
19 necessary in the narration of any judicial or administrative
20 proceedings wherein such facts have been mentioned.

21
22 **SEC. 6.** Article 360 of Act No. 3815, as amended, is hereby amended to
23 read as follows:

24 **“ART. 360.** *Persons responsible.* - [Any person who shall
25 publish, exhibit, or cause the publication or exhibition of any
26 defamation in writing or by similar means,] THE AUTHOR OF THE
27 PRINTED ARTICLE OR ANY PERSON WHO SHALL CAUSE THE
28 EXHIBITION OF THEATRICAL OR CINEMATOGRAPHIC EXHIBIT
29 CONTAINING DEFAMATORY WORDS shall be responsible for the
30 same. [The author or editor of a book or pamphlet, or the editor or
31 business manager of a daily newspaper, magazine or serial
32 publication, shall be responsible for the defamations contained
33 therein to the same extent as if he were the author thereof.]

1 **SEC. 7.** All provisions of existing laws, orders, rules and regulations
2 contrary to or inconsistent with this Act are hereby repealed or modified
3 accordingly.

4
5 **SEC. 8.** This Act shall take effect after fifteen (5) days following its
6 publication in the Official Gazette or in at least two (2) newspapers of general
7 circulation.

8
9 *Approved,*