

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



Senate
Office of the Secretary

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SENATE

Senate Bill No. 1962

RECEIVED BY: *ji*

INTRODUCED BY SENATOR JINGGOY EJERCITO ESTRADA

EXPLANATORY NOTE

In a society that adheres to freedom of speech and expression, it is a must that the existing laws be revised with regard to the act of libel. While a newspaperman may share his views publicly on controversial issues and individuals, he remains unprotected from the risk of imprisonment if convicted of libel. This loophole is in direct opposition of the freedom of speech and should therefore warrant the necessary revisions. Libel should therefore be decriminalized in 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 debated and public discussion. With the decriminalization of libel, the safeguards on speech and expression are strengthened.

Approval of the bill is earnestly sought.


JINGGOY EJERCITO ESTRADA
Senator



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AN ACT
TO ABOLISH THE PENALTY OF IMPRISONMENT IN LIBEL CASES
AMENDING FOR THE PURPOSE ARTICLES 355 AND 360 OF REPUBLIC
ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS THE REVISED
PENAL CODE, AND FOR OTHER PURPOSES

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

SECTION 1. Article 355 of Act No. 3815, as amended, otherwise known
as the Revised Penal Code, is hereby amended by adding another paragraph
after the first paragraph thereof to read as follows:

**“THE PROVISIONS OF ARTICLES 90 AND 91 TO THE
CONTRARY NOTWITHSTANDING, THE OFFENSE AND
PENALTY IMPOSED ABOVE SHALL PRESCRIBE IN SIX (6)
MONTHS COUNTED FORM THE DATE OF THE FIRST
PUBLICATION, AIRING OR EXHIBITION OF THE LIBELOUS
MATERIAL.”**

SEC. 2. The First and Second Paragraphs of Art. 360 of the Code are
further amended to read as follows:

“Art. 360. Persons liable. - [Any person who shall publish,
exhibit, or cause the publication or exhibition of any defamation in
writing or by similar means,] **THE AUTHOR OF THE PRINTED
ARTICLE OR ANY PERSON WHO SHALL CAUSE THE
EXHIBITION OF THEATRICAL OR CINEMATOGRAPHIC
EXHIBIT CONTAINING DEFAMATORY WORDS** shall be
responsible for the same.

“The editor of a book or pamphlet or the publisher, editor or
business manager of a daily newspaper, magazine or serial
publication shall be responsible for any defamation contained
therein to the extent as if he were the author thereof; **PROVIDED,
THAT DEFAMATORY ARTICLE PASSED THROUGH SAID
PUBLISHER, EDITOR OR BUSINESS MANAGER FOR EDITING
AND REQUIRED THE LATTER’S APPROVAL FOR
PUBLICATION.”**

SEC. 3. This Act shall take effect after the fifteen (15) days of following its publication in at least two (2) newspapers of general circulation.

Approved,