


13th Congress of the Republic)
of the Philippines)
First Regular Session)

'04 JUN 30 P10:41

SENATE

RECEIVED BY: 

S. B. No. 1120

Introduced by Senator Aquilino Q. Pimentel, Jr.

EXPLANATORY NOTE

"In a society in which there is no law, and in theory no compulsion, the only arbiter or behavior is public opinion. But public opinion, because of the tremendous urge to conformity in gregarious animals, is less tolerant than any other system of law."

- **George Orwell**

Justice Malcolm once wrote that public opinion should be the constant source of liberty and democracy rising superior to any official, or set of officials, to the Chief Executive, to the Legislature, to the Judiciary. The value placed on public opinion is enshrined in our Constitution which guarantees freedom of expression, freedom of speech and freedom of the press. However, the interest of society demands not merely the right to express one's thoughts but the right to an educated and enlightened public opinion. Essential to the protection of the freedom of expression is the promotion of a full discussion of public affairs. The freedom of speech and expression enshrined in the Constitution necessarily embraces a correlative right of reply, which is the right to reply to every form of expression protected under the Constitution, especially to accusations or criticisms published or aired through the mass media.

This Act enables all persons to equitably exercise their right of reply in the field of broadcast and print media and protects its exercise by providing penalties for violation of such right.


AQUILINO Q. PIMENTEL, JR.

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**AN ACT
GRANTING THE RIGHT OF REPLY AND
PROVIDING PENALTIES FOR VIOLATION THEREOF**

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

SECTION 1. Right of reply. -- All persons natural or juridical who are accused directly or indirectly of committing, having committed or of intending to commit any crime or offense defined by law or are criticized by innuendo, suggestion or rumor for any lapse in behavior in public or private life shall have the right to reply to the charges published or printed in newspapers, magazines, newsletters or publications circulated commercially or for free, or criticisms aired or broadcast over radio, television, websites, or through any electronic device.

SECTION 2. Where reply published. -- The reply of the person so accused or criticized shall be published in the same space of the newspapers, magazine, newsletter or publication or aired over the same program on radio, television, website, or through any electronic device.

SECTION 3. When published. -- It shall be published or broadcast not later than one day after the reply shall have been delivered to the editorial office of the publication concerned or to the station that carried the broadcast being replied to.

SECTION 4. Length of Reply. - The reply shall not be longer than the accusation or criticism as published or broadcast.

SECTION 5. Free of Charge. -- The publication or broadcasting of the reply shall be free of charge, payment or fees.

SECTION 6. Editing Reply. -- The reply shall be published or broadcast except for libelous allegations.

SECTION 7. Penalties. -- The editor-in-chief and the publisher or station manager and owner of the broadcast medium who fails or refuses to publish or broadcast the reply as mandated in the preceding section shall be fined in an amount not exceeding P10,000 for the first offense; P20,000 for the second offense; and P30,000 and imprisonment for not more than 30 days for the third offense.

SECTION 8. The publication of the reply does not preclude recourse to other rights or remedies available to the party or parties concerned.

SECTION 9. This Act shall take effect fifteen (15) days following its publication in three (3) newspapers of general circulation.