

'18 JUL -4 AIO :52

SENATE

S. NO. 1860

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Introduced by **SENATOR LEILA M. DE LIMA**

**AN ACT
PROVIDING FOR MANDATORY INSURANCE COVERAGE AND
BENEFITS AND HAZARD PAY FOR JOURNALISTS, EMPLOYEES OF
MEDIA ENTITIES ON FIELD ASSIGNMENTS AND FREELANCE
JOURNALISTS, AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

The Philippine Press has been long considered to be one of the freest press in Asia. However, this recognition comes with a price. Journalists risk their lives with few laws safeguarding their rights and welfare.

Journalists report the news, provide information, and articulate public issues. The press is considered as the Fourth Estate, a significant pillar of our democracy. However, journalism and reporting the news remains to be a dangerous profession.

According to a recent ABS-CBN News report dated 20 December 2017, the Philippines has become one of the Top 5 "Most Dangerous Countries for Journalists". Other countries include Syria, Mexico, Afghanistan, and Iraq.¹ The Philippines is also now the most dangerous country in the Southeast Asia.²

As of May 2018, there have been 85 documented cases of attacks against the Philippine media under the Duterte Administration. According to the Center for Media Freedom and Responsibility (CMFR) and the National Union of Journalists of the Philippines (NUJP), nine journalists have been killed between 30 June 2016 and 1 May 2018. Other media-related cases were: 16 libel cases, 14 cases of online harassments, 11 death threats, 6 slay attempts, 6 cases of harassments, 5 cases of intimidation, 4

¹ Reuters. *PH among top 5 most dangerous for journalists in 2017*. ABS-CBN News (19 December 2017). Retrieved from <http://news.abs-cbn.com/news/12/19/17/ph-among-top-5-most-dangerous-for-journalists-in-2017>

² Laureyn Pascal. *Philippines Most Dangerous Country in Southeast Asia for Journalist*. Reliefweb. (10 January 2018). Retrieved from <https://reliefweb.int/report/philippines/philippines-most-dangerous-country-southeast-asia-journalists>

website attacks, 3 cyber libel cases, 3 cases of journalists prevented from a coverage, and 2 revocations of registrations. ⁴

Journalists face the problem of contractual labor with no job security and no law-mandated benefits despite rendering years of service in the media networks they are working for. This is prevalent in the country and is also tagged as an “unfair labor practice”. ⁵

Another problem faced by journalists is that, due to the inadequate compensation with no available benefits, they often do double jobs and work double time for their media company. They either become journalists who are also account and sales personnel, journalists who are newspaper circulators, or journalists who are also news anchors. These poses harm to their physical well-being.⁷

In light of the dangerous circumstances confronted by journalists, it is imperative that journalists be provided adequate mandatory hazard pay and commensurate insurance.

This measure therefore seeks to defend and uphold press freedom by promoting the safety and well-being of journalists, specifically, by mandating the provision of additional insurance benefits for journalists, employees of media entities on field assignments, and freelance journalists, in the form of disability, health, and hospitalization benefits.

A similar bill was filed in the House of Representatives under the current Congress as House Bill 2395, authored by Representative Carlos Isagani T. Zarate.


LEILA M. DE LIMA

⁴ Cabico, Katreena Gaea. *Press groups count 85 attacks vs media under Duterte*. PhilStar (3 May 2018). Retrieved from <https://www.philstar.com/headlines/2018/05/03/1811806/press-groups-count-85-attacks-vs-media-under-duterte>

⁵ Bernal, Buena. *GMA-7 talents risk losing jobs over regularization plight*. Rappler (24 November 2014). <https://www.rappler.com/nation/75502-gma-talents-labor-regularization>

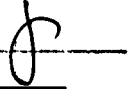
⁷ Valderama, Tita. *Poor pay, scant logistics, safety risks vex reporters*. Philippine Center for Investigative Journalism (8 May 2018). <http://pcij.org/stories/poor-pay-scant-logistics-safety-risks-vex-reporters/>

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JOURNALISTS, AND FOR OTHER PURPOSES

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

1 **SECTION 1. Short Title** – This Act shall be known as the “Journalists’
2 Protection Act of 2018”.

3
4 **Sec.2. Declaration of Policy.** – The State recognizes the invaluable role of the
5 free press in the protection and promotion of democracy, good citizenship, and good
6 governance. Towards this end, the State shall provide the necessary support to ensure
7 that the journalists are properly compensated and insured as they practice their
8 profession.

9
10 **Sec. 3. Definition of Terms.** – For purposes of this Act, the following terms
11 shall mean:

12
13 (a) *Editorial and/or News Department* – refers to editors-in-chief, news
14 editors, columnists, deskmen, reporters, correspondents, and
15 photographers on the part of the print media; and news editors,
16 newscasters, commentators/announcers, field reporters, field
17 correspondents, and cameramen on the part of the broadcast media.

1 (b) *Freelance Journalist* – one who pursues journalism and writes for any
2 publication without being regularly employed by such publication,
3 television or radio, wire, wireless broadcasting and online services.

4 (c) *Front-line media persons* – specifically refers to those directly involved in
5 data-gathering from the field, and news reporting whether in print on
6 television or on radio, such as, but not limited to, print reporters,
7 cameramen, photojournalists, radio reporter and television reporters.

8 (d) *Journalism* – the gathering, writing, editing, processing and dissemination
9 of news and production or publishing of newspapers and other such
10 publications such as magazines and pamphlets and other processes through
11 wire, wireless, broadcasting, and online services.

12 (e) *Journalist* – shall mean any member of the Editorial and/or News
13 Department including front-line media persons.

14 (f) *Media entities* – refers to all companies in the print and broadcast media
15 (radio, television and newspapers) that are involved in the dissemination of
16 news and information for public consumption and are duly accredited by
17 and duly registered with the Securities and Exchange Commission (SEC)
18 and by any reputable association of media persons such as, but not limited
19 to, the Philippine Information Agency (PIA), Philippine Press Institute,
20 Foreign Correspondents Association of the Philippines (FOCAP),
21 Photojournalists' Center of the Philippines (PCP), People's Alternative
22 Media Network (Altermidya), National Press Club (NPC), National Union of
23 Journalists of the Philippines (NUJP) and Kapisanan ng mga Broadcaster
24 ng Pilipinas (KBP).

25
26 **Sec.4. Coverage.** – This Act shall apply to all permanent, temporary,
27 contractual, casual and freelance journalists employed by all existing media entities in
28 the Philippines.

29
30 **Sec.5. Mandatory Additional Insurance Benefits for Journalists, and**
31 **Employees of Media Entities on Field Assignments** – In addition to the present
32 insurance benefits provided to journalists and employees of media entities on field
33 assignments by the Social Security System (SSS) as mandated under R.A. No. 8282,
34 otherwise known as the Social Security Law, and by the Government Service Insurance

1 System (GSIS) under R.A. No. 8291, there shall be an additional insurance coverage to
2 be provided by media entities to journalists and their employees on field assignments
3 and front-line media persons which shall give the following minimum benefits:

- 4
- 5 (1) Disability Benefits of Three Hundred Fifty Thousand Pesos
6 (₱350,000) for all mass media practitioners who shall suffer total or
7 partial disability, whether permanent or temporary, as a result of any
8 injury sustained during performance of duty; and
- 9 (2) Death benefits amounting to Three Hundred Thousand Pesos
10 (₱300,000) for all mass media practitioners and employees on field
11 assignment who shall perish in the line of duty;
- 12 (3) Reimbursement of actual medical costs up to Two Hundred
13 Thousand Pesos (₱200,000) for all mass media practitioners and
14 employees on field assignments who shall be hospitalized or who
15 shall require medical attendance for injuries sustained while in the
16 performance of duty;
- 17

18 The media entity shall have the option of selecting the insuring entity and shall
19 be responsible for paying the insurance premiums for their journalists and employees.

20

21 **Sec. 6. Insurance for Freelance Journalists.** – The SSS and GSIS shall create
22 a special insurance program for freelance journalists. They shall offer the opportunity
23 for freelance journalists to secure supplementary insurance coverage before working
24 in war zones or difficult areas.

25

26 **Sec.7. Grant of Hazard Pay.** – All qualified journalists, employees of media
27 entities on field assignments and freelance journalists deployed in difficult areas,
28 strife-torn or embattled areas, distressed or isolated stations, prison camps, mental
29 hospitals, radiation-exposed clinics, laboratories or disease-infested areas or in areas
30 declared under state of calamity or emergency for the duration thereof which expose
31 them to great danger, contagion, radiation, volcanic activity/eruption, occupational
32 risks or perils to life shall be compensated hazard pay equivalent to at least twenty-five
33 percent (25%) of their gross monthly basic salary for the duration of such deployment.

34

1 **Sec. 8. Tax Exemption and Non-Diminution of Benefits.** – Hazard pay for
2 journalists, employees of media entities on field assignments and freelance journalists
3 shall not be subject to tax and nothing in this Act shall be construed as to diminish, in
4 any manner, any benefit granted by existing laws, rules and regulations and other
5 issuances especially favorable to said journalists and employees of media entities.

6
7 **Sec. 9. Prohibited Acts.** – The following acts shall be prohibited:

8 (a) Refusal or failure by a media entity to provide additional insurance coverage
9 referred to in Section 5 of this Act;

10 (b) Refusal or failure by a media entity to provide hazard pay referred to in
11 Section 7 of this Act;

12 (c) Refusal by an insurance company to enroll journalists, employees of mass
13 media entities on field assignment and freelance journalists on account of
14 the nature of their work; and

15 (d) Non-compliance with the rules and regulations that the GSIS, SSS, and PIA
16 shall adopt for the implementation of this Act.

17
18 **Sec. 10. Penal Provisions.** – Any person who shall willfully commit any of the
19 prohibited acts enumerated under this Act shall, upon conviction, be punished by a
20 fine not less than Three Hundred Thousand Pesos (₱300,000.00) but not more than
21 Five Hundred Thousand Pesos (₱500,000.00) or imprisonment of not less than one
22 (1) year but not more than six (6) years or both depending upon the discretion of the
23 court.

24 Provided, that if the offender is a public official, in addition to the penalties
25 stated in the preceding paragraph, the penalty of perpetual disqualification from office
26 shall be imposed.

27 In the case of associations, partnerships or corporations, the penalty shall be
28 imposed on the partner, president, chief operating officer, chief executive officer,
29 directors or officers responsible for the violation, and cancellation of registration with
30 the SEC.

31
32 **Sec. 11. Implementing Rules and Regulations.** – The GSIS, SSS, PIA, and in
33 consultation with the NPC, NUJP, KBP and other duly registered media associations,

1 shall promulgate and issue the rules and regulations necessary to implement the
2 provisions of this Act.

3

4 **Sec. 12. *Repealing Clause.*** – All laws, executive orders, presidential decrees,
5 presidential proclamations, letters of instructions, rules and regulations or parts
6 thereof which are inconsistent with the provisions of this Act are hereby repealed or
7 modified accordingly.

8

9 **Sec. 13. *Separability Clause.*** – If any provision of this Act is declared
10 unconstitutional or invalid, other parts or provisions hereof not affected thereby shall
11 continue to be in full force and effect.

12

13 **Sec. 14. *Effectivity Clause.*** – This Act shall take effect fifteen (15) days
14 following its publication in the Official Gazette or in two (2) newspapers of general
15 circulation in the Philippines.

16

17 *Approved,*