

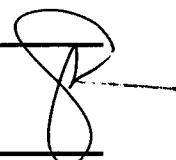
EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

OFFICE OF THE SECRETARY
OF THE SENATE

SENATE
S. No. 1523

20 MAY 12 4:46

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 importance of press freedom cannot be overemphasized. For one, it plays a crucial role in informing citizens about public affairs as well as monitoring the actions of public officials at all levels of government. On the other hand, the free press can also serve as a conduit by the citizens to voice their concerns and express criticisms when government officials fail to meet the standards expected of them by the public. Thus, the free press acts as a bridge connecting the government and its citizens and is a crucial institution that is essential to maintaining a robust and vibrant democracy.

Recently, the results of an annual survey on the global state of press freedom was released by non-profit group Reporters Without Borders (RSF) which evaluates the state of journalism in 180 countries and territories globally. RSF calls this the World Press Freedom Index and ranks the participating countries and regions according to the level of freedom available to journalists. In essence, it is a snapshot of a country or region's media freedom situation based on an evaluation of pluralism, independence of the media, quality of legislative framework and safety of journalists.¹

Analysis of the results for the 2019 edition of the survey revealed that an "intense climate of fear" had been triggered worldwide, which serves as a precursor to

¹ Reporters Without Borders. "The World Press Freedom Index: Reporters without Borders." RSF, January 17, 2019. <https://rsf.org/en/world-press-freedom-index>.

unsafe reporting environments for many journalists, especially those reporting from within authoritarian regimes.² According to the countries and territories surveyed, only 24% were classified as either “good” or “satisfactory” situations, with 8% representing the former and 16% for the latter.³ The report also states that the Asia Pacific region is characterized by “totalitarian propaganda, censorship, intimidation, physical violence and cyber-harassment”.⁴ It further notes that as democracies struggle against various forms of discrimination, it takes a lot of courage and mental fortitude to work independently as a journalist in the Asia Pacific.

The Philippines is no exception as we have continued to rate poorly in the rankings since its inception in 2002. For instance, since 2013, the Philippines has been rated as low as 149th and has never ranked higher than 127th.⁵ For 2019, the Index ranks our country’s Press Freedom Index 134th and classifies our situation as “difficult”.⁶ The report cites the attacks of the present Duterte administration against news website *Rappler* and its editor, Maria Ressa, as emblematic of our present situation.⁷ This case remains one of the most infamous instances of harassment and intimidation against journalists under the present administration.

A separate report presented jointly by the Center for Media Freedom and Responsibility (CMFR) and the National Union of Journalists of the Philippines (NUJP) serves to validate this climate of fear and intimidation that the RSF suggests is being propagated and perpetrated against members of the media. According to the CMFR and NUJP report, since President Duterte assumed power from 30 June 2016 to 5 December 2019, there have been a total of 154 attacks and threats against the news media.⁸ These cases thus far include 15 journalists who have been killed under the Duterte administration, 28 incidents of intimidation, 20 cases of online harassment,

² Reporters Without Borders. “2019 World Press Freedom Index – A Cycle of Fear.” RSF, April 18, 2019. <https://rsf.org/en/2019-world-press-freedom-index-cycle-fear>.

³ *Ibid.*

⁴ Reporters Without Borders. “2019 RSF Index: Asia-Pacific Press Freedom Impacted by Political Change.” RSF, April 18, 2019. <https://rsf.org/en/2019-rsf-index-asia-pacific-press-freedom-impacted-political-change>.

⁵ Reporters Without Borders. “Philippines: Holding the Line against Duterte’s Attacks: Reporters without Borders.” RSF. Accessed March 26, 2020. <https://rsf.org/en/philippines>.

⁶ Reporters Without Borders. “2019 World Press Freedom Index: Reporters Without Borders.” RSF. Accessed March 26, 2020. <https://rsf.org/en/ranking/2019>.

⁷ Reporters Without Borders. “2019 RSF Index: Asia-Pacific Press Freedom Impacted by Political Change.” RSF, April 18, 2019. <https://rsf.org/en/2019-rsf-index-asia-pacific-press-freedom-impacted-political-change>.

⁸ Freedom for Media Freedom for All Network. “STATE OF MEDIA FREEDOM IN PH. Media Freedom in PH: Red-Tagging, Intimidation vs. Press: Du30, State Agents behind 69 Cases.” MindaNews, December 10, 2019. <https://www.mindanews.com/statements/2019/12/state-of-media-freedom-in-ph-media-freedom-in-ph-red-tagging-intimidation-vs-pressdu30-state-agents-behind-69-cases/>.

12 threats via text messages, 12 libel cases, 10 website attacks, eight assassination attempts, and eight cases of journalists who were barred from coverage.⁹ The ominous threats that President Duterte issued when he was sworn in back in 2016 seems to be coming to fruition.¹⁰

Nevertheless, the history of attacks against members of the media is not exclusive to the present administration. It can be traced as far back to the time of President Marcos, particularly when he placed the Philippines under Martial Law by virtue of Presidential Proclamation No. 1081 on 21 September 1972. A week later, he would issue Letter of Instruction No. 1, which authorized the military to seize and take over the assets of major media outlets across the country as he accused them of engaging in “subversive activities against the Government”.¹¹ This led to the arrest of several well-known journalists at the time, including Amando Doronilla, Luis Beltran, Maximo Soliven, Juan Mercado and Luis Mauricio, as well as publishers Teodoro Locsin Sr. of the Philippine Free Press and Joaquin “Chino” Roces of The Manila Times.¹² President Marcos would go on to issue Presidential Decree No. 36, which cancelled the franchise and permits of all media facilities who were allegedly trying to undermine his government.¹³

In 1986, the toppling of the authoritarian regime of President Marcos through the EDSA Revolution restored Philippine democracy and along with it, the promise of a brighter, more just and equitable society for the Filipino people who had long suffered under Martial rule. For the many journalists and members of the media who were either jailed, tortured, or forced into hiding, this development meant that they could once again perform their key functions both as watchdogs against abusive governments and as representations of the critical voices of the citizens.

This vision would not come to be fully realized for the hopeful journalists and members of the media as cases of media killings have continued to persist in the

⁹ *Ibid.*

¹⁰ Agence France-Presse. “Duterte on Killings: Corrupt Journalists Asked for It.” Rappler, May 31, 2016. <https://www.rappler.com/nation/134921-duterte-endorses-killing-corrupt-journalists>.

¹¹ Martial Law Museum. “Breaking the News: Silencing the Media Under Martial Law.” Martial Law Museum. Accessed March 26, 2020. <https://martiallawmuseum.ph/magalar/breaking-the-news-silencing-the-media-under-martial-law/>.

¹² Antoni, John Renz. “Press Freedom during and after Martial Law.” The Manila Times. The Manila Times Publishing Corp, September 25, 2019. <https://www.manilatimes.net/2019/09/26/campus-press/press-freedom-during-and-after-martial-law/621731/>.

¹³ *Ibid.*

Philippines post-democracy. According to the non-government organization Center for Media Freedom and Responsibility (CMFR), there have been a total of 152 killings dating back from April 1986 up to 30 May 2016.¹⁴ Of this figure, 83 media persons were killed under the Arroyo administration, of which a staggering 32 alone were killed in the infamous Maguindanao massacre, which claimed a total of 58 lives.¹⁵

Even within their own institution, journalists face the problem of contractualization, with no security of tenure and no legally mandated benefits, despite rendering years of service in the media networks that employ them.¹⁶ This lack of social safety nets and job security is tantamount to unfair labor practices and places these journalists in a perilous position should the companies they work for decide to terminate their employment for whatever reason.

At present, members of the media are facing a new threat as the COVID-19 virus has managed to spread far and wide across the Philippine archipelago. Many journalists and field reporters risk getting infected with the virus just so they can provide timely and factual information to the Filipino people amidst the panic and confusion that has gripped the nation.¹⁷ In spite of the dangers of contamination, they willingly place their own health and well-being at risk out of a sense of duty to the Filipino people and commitment to their craft.

There is a pressing need to safeguard the welfare of our journalists in light of the dangerous and even life-threatening circumstances they encounter on a daily basis. Thus, it is imperative that they be provided adequate social safety nets so as to create an environment where they can effectively perform their duties and serve as the medium where freedom of expression and information can truly thrive.

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

¹⁴ Tan, Lara. "Duterte Blames Corrupt Journalism for Media Killings." [cnnphilippines.com](https://cnnphilippines.com/news/2016/06/01/Media-killings-journalists-Duterte-Philippines.html), June 1, 2016. <https://cnnphilippines.com/news/2016/06/01/Media-killings-journalists-Duterte-Philippines.html>.

¹⁵ *Ibid.*

¹⁶ Patag, Kristine Joy. "Labor Group: Appeals Court Ruling on GMA Labor Case 'Proves' Fighting for Job Security Is Not Wrong." [philstar.com](https://www.philstar.com/headlines/2020/02/26/1996252/labor-group-appeals-court-ruling-gma-labor-case-proves-fighting-job-security-not-wrong). The Philippine Star, February 26, 2020. <https://www.philstar.com/headlines/2020/02/26/1996252/labor-group-appeals-court-ruling-gma-labor-case-proves-fighting-job-security-not-wrong>.

¹⁷ Camus, Miguel R. "Battle-Worn PH Media Also Face Unknown in COVID-19 Fight." [Inquirer.net](https://business.inquirer.net/293207/battle-worn-ph-media-also-face-unknown-in-covid-19-fight). Accessed March 26, 2020. <https://business.inquirer.net/293207/battle-worn-ph-media-also-face-unknown-in-covid-19-fight>.

assignments, and freelance journalists, in the form of disability, health, and hospitalization benefits.

Early approval of this bill is sought.


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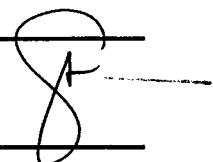
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Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

1 SECTION 1. *Short Title.* – This Act shall be known as the “Journalists Protection
2 Act of 2020”.

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

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

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

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

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

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

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

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

22 Sec. 4. *Coverage*. – This Act shall apply to all permanent, temporary,
23 contractual, and casual journalists employed or engaged to work by all existing media
24 entities in the Philippines, as well as freelance journalists plying their trade in war-
25 torn, disease-stricken, or otherwise perilous areas.

26 Sec. 5. *Mandatory Additional Insurance Benefits for Journalists, and*
27 *Employees of Media Entities on Field Assignments*. – In addition to the present
28 insurance benefits provided to journalists and employees of media entities on field
29 assignments by the Social Security System (SSS) as mandated under R.A. No. 8282,
30 otherwise known as the Social Security Law, and by the Government Service Insurance
31 System (GSIS) under R.A. No. 8291, there shall be an additional insurance coverage to
32 be provided by media entities to journalists and their employees on field assignments
33 and front-line media persons which shall give the following minimum benefits:

- 1 (1) Disability Benefits of Three Hundred Fifty Thousand Pesos
2 (₱350,000.00) for all mass media practitioners who shall suffer total
3 or partial disability, whether permanent or temporary, as a result of
4 any injury sustained during performance of duty;
- 5 (2) Death benefits amounting to Three Hundred Thousand Pesos
6 (₱300,000.00) for all mass media practitioners and employees on
7 field assignment who shall perish in the line of duty; and
- 8 (3) Reimbursement of actual medical costs up to Two Hundred
9 Thousand Pesos (₱200,000.00) for all mass media practitioners and
10 employees on field assignments who shall be hospitalized or who
11 shall require medical assistance for injuries sustained while in the
12 performance of duty.

13 The media entity shall have the option of selecting the insurance company and
14 shall be responsible for paying the insurance premiums for their journalists and
15 employees.

16 *Sec. 6. Insurance for Freelance Journalists.* – The SSS and GSIS shall create a
17 special insurance program for freelance journalists that shall include, among others, a
18 coverage of risks incurred while working in war zones, conflict-stricken areas, and
19 calamity-affected places.

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

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

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

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

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

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

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

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

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

20 In the case of associations, partnerships or corporations, the penalty shall be
21 imposed on the partner, president, chief operating officer, chief executive officer,
22 directors or officers responsible for the violation, and cancellation of registration with
23 the SEC.

24 **Sec. 11. *Implementing Rules and Regulations.*** – The GSIS, SSS, PIA, and in
25 consultation with the NPC, NUJP, KBP and other duly registered media associations,
26 shall promulgate and issue the rules and regulations necessary to implement the
27 provisions of this Act.

28 **Sec. 12. *Repealing Clause.*** - All laws, executive orders, presidential decrees,
29 presidential proclamations, letters of instructions, rules and regulations or parts
30 thereof which are inconsistent with the provisions of this Act are hereby repealed or
31 modified accordingly.

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

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

Approved,