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SENATE

Senate Bill No. 85

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INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

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EXPLANATORY NOTE

This bill seeks to protect the welfare of journalists, instituting for the purpose a comprehensive benefits and compensation package.

One of the main requisites of democracy is a vibrant, dynamic media. Philippines, being a democratic country, cannot sustain and preserve its liberal ideas and principles without such media.

Journalists – the leading source of news and information – risk their life and limb in order to make the public aware of the events happening in and out of the country. There have been reliable reports, however, involving some exploitative publishing firms that abuse and trample on the rights of journalists. These media outfits do not provide journalists with security of tenure, humane work conditions, just wages and a comprehensive benefits package. Journalists do not enjoy additional compensation such as hazard pay, night differential, and insurance. Moreover, many of them have been subjected to physical harm by criminal elements and even by some rotten and abusive members of the Philippine National Police (PNP). Take as instance the case of Ferdinand Reyes, Carlos Sanchez, and many others that were either killed or severely injured in the line of duty.

Considering these abuses against journalists, it has been urgently necessary for the enactment of a law that will: effectively deter physical abuse against journalists through the imposition of stiff penalties; provide for security to journalists through standardized policies on their work conditions, salary, and reasonable benefits package.

Journalists, being constantly exposed to danger, should be accorded greater financial and social security to motivate and encourage them to better perform their duties and responsibilities as truthful informers of the people. Hence, should they get injured or be killed in the performance of their significant tasks, their families would be able to avail of certain benefits that will help them maintain normal lives.

This measure therefore seeks to promote both the welfare and protection of journalists as front line media persons by providing social security in the strictest sense of the word.

Approval of this bill is earnest sought.



JINGGOY EJERCITO ESTRADA  
Senator

10 JUL -1 P: 48

SENATE

Senate Bill No. 85

RECEIVED

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INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

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AN ACT  
PROMOTING THE WELFARE OF AND PROVIDING PROTECTION TO  
JOURNALISTS, PROVIDING PENALTIES THEREOF AND FOR OTHER  
PURPOSES

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

**SECTION 1. Title.** This Act shall be known as the **“Journalist Welfare and Protection Act of 2010.”**

**SEC. 2. Declaration of Policy and Objectives.** It is declared policy of the State that workers shall be entitled to security to tenure, humane conditions of work, and a living wage. Consonant with this institutional principle, this Act shall have the following objectives:

- a) To ensure that the journalists shall be provided with a comprehensive benefits package at par with the current benefits enjoyed by those in the labor force;
- b) To motivate and encourage the journalists to better perform their duties as truthful and responsible informers of the people; and
- c) To ensure the creation of an atmosphere conducive to a productive and fruitful journalism work for journalists.

**SEC. 3. Definition of Terms.** For purpose of this Act, the following terms will be used extensively in the course of this act.

- a) **“Media entities”** - refers to all companies in the print and broadcast media (radio, television and newspapers) that are involved in the dissemination of news and information for public consumption and are duly accredited by any reputable association of media person such as, but not limited to, the Philippine Information of news and information for public consumption and are duly accredited by any reputable association of media person such as, but not limited to, the Philippine Information Agency – Office of the Press Secretary, National Press Club (NPC), National Union of Journalists of the Philippines (NUJP), and Kapisanan ng mg Broadcaster sa Pilipinas (KBP).

- b) *Editorial and/or News Department* – refers to editors-in-chief, news editors, columnists, deskmen, reporters, correspondences and photographers on the part of the print media, and news editors, newscasters, commentators/announcer field reports, field correspondents, and cameramen on the part of the broadcast media.
- c) “Front-in-line media person” – specifically refers to those directly involved in data gathering from the field, and news reporting whether in print, on television or on radio reporting whether in print, on television or on radio, such as, but not limited to, print reporters, cameramen, photo-journalists, radio reporters and television reporters.
- d) “*Journalist*” shall mean any member of the Editorial and/or News Department including front-line media persons.

**SEC. 4. Coverage.** This Act shall apply all permanent, temporary, contractual and casual journalists employed by all existing media entities in the Philippines.

## **Article II DUTIES, OBLIGATIONS AND PROFESSIONAL CONDUCT**

**SEC. 5. Duties and Obligations.** The journalist shall:

- a) Discharge his/her duties with conscience and dignity;
- b) Perform his/her duties with utmost respect for truth and honesty;
- c) Exercise his/her profession without considerations of race, religion, nationality and party/political affiliation or social standing;
- d) Perform other duties and functions their profession may require.

**SEC. 6. Code of Professional Conduct.** Within six (6) months from the approval of this Act, the Press Secretary, upon consultation with existing journalists’ organization, shall formulate and prepare a Code of Professional Conduct or Journalists which shall be disseminated as widely as possible.

## **Article III HOURS OF WORK, WORKING CONDITIONS SALARIES AND RENUMERATIONS**

**SEC. 7. Normal Hours of Work.** The normal hours of work of any journalist shall not exceed eight (8) hours a day or forty eight (48) hours a week.

Hours worked shall include:

- a) All the time during which a journalist is required to be on active duty or to be at a prescribed workplace and
- b) All the time during which a journalist is permitted to work: Provided, that the time when a journalist is placed on “On Call” status shall not be considered as hours worked but shall entitle the journalists to an “on call” pay equivalent to fifty percent (50%) of his regular wage.

**SEC 8. Overtime Work.** Where the exigencies of the service so require, any journalist, who, under the Labor Code, may be required to render service beyond the normal eight (8) hours a day, shall be paid an additional compensation for the overtime work in an equivalent to his/her regular wage plus at least twenty-five (35%) thereof.

**SEC. 9. Work During Rest Day or Holiday.**

- a) Where a journalist is required to work his/her scheduled rest day and/or special holidays not falling on regular holidays, he/she shall be paid a compensation equivalent to his/her regular wage plus at least thirty percent (30%) and an additional amount of not less than ten percent (10%) of such premium pay rate for each hours of work performed.
- b) Where a journalist is required to work on any regular holiday, he/she shall be entitled to his/her regular wage during these days plus an additional compensation of not less than ten percent (10%) of such premium pay rate for each hour of work performed. Where such holiday work falls on the worker's scheduled rest day, he/she shall be entitled to an additional compensation of thirty percent (30%) of his/her regular wage.

**SEC. 10. Night Shift Differential.** Any journalist required to work between ten o'clock in the evening and six o'clock in the morning shall be paid a night shift differential of ten percent (10%) of his/her regular wage for each hour of work performed.

**SEC. 11. Salaries.**

- a) Criteria for salaries – In determination of the salary scale of journalists the following factors shall, inter alia, be considered:
  - 1) Comparable wages and income in their occupations with same degree of training and qualifications;
  - 2) Cost of living;
  - 3) Imperatives of economic and social development.
- b) Salaries to be paid in Legal Tender Salaries of journalists shall be paid in legal tender of the Philippines, or the equivalent in checks or treasury warrants; Provided, however, That such checks or treasury warrants shall be convertible to cash in any banking institution operating under the laws of the Republic of the Philippines.

**Article IV  
BENEFITS AND ALLOWANCES**

**SEC. 12. State Insurance Fund.** Coverage in the state Insurance Fund shall be compulsory upon all media entities and the journalists as provided by existing laws.

**SEC. 13. Hazard Allowance.** Front-line media journalists assigned for at least five (5) days within one (1) month in hospital, difficult areas, strife-torn or

embattled areas, distressed or isolated stations, prison camps, mental hospitals, disease-infested areas or in areas declared under state of calamity or emergency for the duration thereof which expose them to great danger, radiation, volcanic activity or eruption and the like, shall be compensated hazard allowances equivalent to at least fifty percent (50%) of their monthly basic salary. Member of the Editorial or News Department shall likewise be entitled to a hazard allowance equivalent to twenty-five percent (25%) of their monthly basic salary, to be given on the first pay period of January each year.

**SEC. 14. *Exemption from Travel Tax, Terminal Feed and other Related Charges.*** All journalists whose travels is in pursuit of journalistic assignments as certified by their superiors, shall include, among others, toll fees in freeways and ferry boats in inland travels.

## **Article V LEAVE AND RETIREMENT BENEFITS**

**SEC. 15. *Right to Self-Organization.*** Journalists shall have the right to freely form labor organizations for purposes not contrary to law in order to defend and protect their mutual interest and to obtain redress of their grievances through peaceful means.

**SEC. 16. *Freedom from Interference of Coercion.*** It shall be unlawful for any person to commit any of the following acts of interference or coercion:

- a) To require as a condition of employment that a journalist shall not join a journalists' organization or shall relinquish membership from one to which he/she belongs.
- c) To discriminate in regard to tenure of employment as any term or condition of employment in order to encourage or discourage membership in any journalists' organization.
- d) To harass or interfere with the discharge of the functions of the journalist and prevent him/her from performing his/her duties and responsibilities.

## **Article VI NATIONAL JOURNALISTS' COORDINATING COUNCIL**

**SEC. 17.** There shall be established a National Journalists' Coordinating Council to be composed of five (5) members namely: the Press Secretary as Chairman, and as members, the Chairman of the Philippine Information Agency, Director of the Media and Information Bureau, Director of the Media Relations and Accreditation Center, and two appointive members, one of whom shall represent the employees and the other, the employees, to be appointed by the President of the Philippines for a term of six (6) years. All vacancies shall be filled for the unexpired term only. The presence of four (4) Members shall constitute a quorum.

**SEC. 18. *Power and Duties.*** The Council shall have the following power and duties:

- a) To initiate policies and programs for journalists to grow and develop in

their potentials and experience a sense of worth and dignity in their work.

- b) To institutionalize mechanisms to upgrade the working conditions and salaries of journalists;
- c) To create programs for continued manpower training and development to enable journalists to avail of educational opportunities of personal growth and development;
- d) To ensure that due process is observed with regard to abused journalists;
- e) To institutionalize mechanisms for democratic consultation with the government in the event that existing national policies affecting the journalists are ineffective;
- f) To acquire property, real or personal, which may be necessary or expedient for the attainment of the purposes of this Act;
- g) To perform such other acts as it may deem appropriate for the attainment of the purposes of the council and proper enhancement of the provisions of this Act.

#### **Article VII FINAL PROVISION**

**SEC. 19. *Penal Provision.*** Any person shall willfully interfere with restrain or coerce any journalist in the exercise of his/her duties and his/her rights guaranteed by this Acts or shall in any manner commit any act in violation of the provisions of this Act, the rules and regulations issued pursuant thereto shall, upon conviction, be punished by a fine of not less than fifty thousand pesos (P50,000.00) nor more than one hundred thousand pesos (P100,000.00) or imprisonment of not less than five (5) years nor more than ten (10) years or both such fine and imprisonment depending upon the discretion of the court. Provided, that if the offender is a public official, in addition to the penalties provided in the preceding paragraph, the penalty of perpetual disqualification from office shall be imposed.

**SEC. 20. *Separability Clause.*** If any provision of the Act is declared invalid, the remainder of this Act or any provisions not affected thereby shall remain in force and effect.

**SEC. 21. *Repealing Clause.*** Any law, presidential decree or issuance, executive order, letter of instruction, rule or regulation inconsistent with the provisions of this Act is hereby repealed or modified accordingly.

**SEC. 22. *Effectivity.*** This Act shall take effect fifteen (15) days from the date of its publication in the *Official Gazette* or in at least two (2) newspaper of general circulation.

*Approved,*