

SENATE

Senate Bill No. 677

---

INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

---

EXPLANATORY NOTE


Article III, Section 3 of the 1987 Constitution states that, "No law shall be passed abridging the freedom of speech, of expression, or of the press, or the right of the people peaceably to assemble and to petition the government for redress of grievances."

While this precept is enshrined in our Constitution, there remain colonial vestiges of oppression, tyranny and intolerance in our present laws that are inconsistent with this guarantee. Foremost of these are the provisions of the Revised Penal Code on "sedition." The crime of sedition, however, is an offense in the realm of the mind, or in the battle of ideas. That is, it occurs in the mind of a government more intent on using it as a weapon to deny, rather than protect the people's rights, particularly the right of freedom of expression. As in the Spanish and American colonial eras, and the martial law period, it has been specially employed to justify the use of massive State resources to clamp down on individuals or groups who are at odds with the government.

Today, the crime of sedition no longer exists in many countries such as the United States, United Kingdom, Canada and New Zealand and even in those countries beset by recent internal strife or security issues like Ireland, Kenya, Ghana, South Africa and Taiwan.

In a country which values the right to free speech and where the government is elected as a servant of the people, it is hard to justify that anything spoken against either the government or public officials should be considered a crime. The existence of the offense of sedition is an unnecessary restraint on the political rights of the people. It should be noted that aspects of sedition -such as directly inciting a criminal act are already offenses defined and covered within the penal code.

In view of the foregoing, passage of this bill is earnestly sought.

  
JINGGOY EJERCITO ESTRADA  
Senator

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

SENATE

Senate Bill No. 677

---

INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

---

AN ACT  
AMENDING REPUBLIC ACT 3815, OTHERWISE KNOWN AS THE REVISED  
PENAL CODE OF THE PHILIPPINES, BY REPEALING SECTIONS 139,140,141  
AND 142 THEREIN

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

**SECTION 1. Short Title.** -This Act shall be known as the "**Freedom of  
Expression Act of 2010.**"

**SEC. 2. Declaration of State Policy.** -It is the State's policy to protect the  
constitutional right to freedom of expression and opinion. This right includes  
freedom to hold opinions without interference and to seek, receive and impart  
information and ideas through any media.

**SEC. 3. Repealing Clause.** -Any provision of law to the contrary  
notwithstanding, Republic Act 3815 otherwise known as the "Revised Penal Code  
of the Philippines" is hereby amended by repealing Sections 139, 140, 141 and  
142 therein.

**SEC. 4. Separability Clause.** -If any part of this Act is declared  
unconstitutional or invalid, the other provisions not affected thereby shall continue  
to be in full force and effect.

**SEC. 5. Effectivity.** -This Act shall take effect fifteen (15) days after its  
complete publication in the *Official Gazette* or in at least two (2) newspapers of  
general circulation.

*Approved,*