

10 JUL -7 P3:02

SENATE

Senate Bill No. 683

INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

EXPLANATORY NOTE

The Philippines is now perceived as one of the most dangerous places in the world for journalists, with dozens and dozens of unsolved killings against media practitioners and activists in recent years. Added to this fact is the mass murder of thirty four (34) journalists in Maguindanao in November 2009. It does not help that while journalists are under attack, the law poses another threat, through imprisonment due to libel, which is currently a criminal offense. While it is the right of individuals to be protected from unethical and irresponsible journalism, imprisonment is not a just penalty for such. Civil damages' may be enough penalty and deterrence, considering the present economic situation of journalists.

Also, under present rules, the complainant or offended party in a libel case, if he is a public officer, may file the complaint in a trial court in Manila if his office is in Manila, or in a trial court outside Manila if his office is located there. If the offended party is a private person, then the venue of filing is in a trial court in his place of residence at the time of the commission of the alleged libelous act. Such have been used and abused by subjects of news articles or other journalistic pieces in order to harass and cause inconvenience to the journalists and media organizations.

They file libel suits in far-flung places, away from the office of the said media practitioners, have them imprisoned and/or pose bail, even if the cases are eventually withdrawn or settled, if not dismissed by the court. It has been said many times that a free press is crucial in building a democracy. In fact, the 1987 Constitution heralds it as a protected right. However, the concept of a free press has been attacked in recent times. It is the duty of the State to afford ample protection to journalists, which, in turn, translates into its adherence to a larger cause: the promotion of the Constitutionally-protected right to expression. This bill seeks to decriminalize libel and limit the venue of filing libel suits.

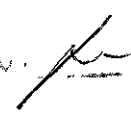
In view of the foregoing, approval of this bill is earnestly sought.


JINGGOY EJERCITO ESTRADA
Senator

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Senate Bill No. 683

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AN ACT
TO ABOLISH THE PENALTY OF IMPRISONMENT IN LIBEL CASES AND
PROVIDING FOR THE VENUE OF THE CIVIL ACTION IN LIBEL CASES
AGAINST COMMUNITY JOURNALISTS, PUBLICATIONS OR BROADCAST
STATIONS, AMENDING FOR THE PURPOSE CERTAIN PROVISIONS OF ACT
NO. 3815, OTHERWISE KNOWN AS THE REVISED PENAL CODE, AS
AMENDED, AND FOR OTHER PURPOSES

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

SECTION 1. Article 355 of Act No. 3815, as amended, otherwise known
as the Revised Penal Code, is hereby amended to read as follows:

"ARTICLE 355. *Libel by means writings or similar means.* - A libel
committed by means of writing, printing, lithography, engraving, radio,
phonograph, painting, theatrical exhibition, cinematographic exhibition, or
any similar means, shall be punished [by *prision correccional* in its 7
minimum and medium periods or] a fine ranging from 200 to 6,000 pesos,
[or both,] in addition to the civil action which may be brought by the
offended party.

"THE PROVISIONS OF ARTICLES 90 AND 91 TO THE
CONTRARY NOTWITHSTANDING, THE OFFENSE AND PENALTY
IMPOSED ABOVE SHALL PRESCRIBE IN SIX (6) MONTHS COUNTED
FROM THE DATE OF THE FIRST PUBLICATION, AIRING OR
EXHIBITION OF THE LIBELOUS MATERIAL."

SEC. 2. Article 356 of the same Act is hereby amended to read as follows:

**"Art. 356. *Threatening to publish and offer to prevent such publication for
a compensation.*** - The penalty of [arresto mayor or] a fine from 200 to
2,000 pesos, [or both,] shall be imposed upon any person who threatens
another to publish a libel concerning him or the parents, spouse, child, or
other members of the family of the latter, or upon anyone who shall offer
to prevent the publication of such libel for a compensation or money
consideration."

SEC. 3. Article 357 of the same Act is hereby amended to read as follows:

**Art. 357. *Prohibited publication of acts referred to in the course of
official proceedings.*** - The penalty of [arresto mayor or] a fine of from

200 to 2,000 pesos, [or both,] shall be imposed upon any reporter, editor or manager of a newspaper, daily or magazine, who shall publish facts connected with the private life of another and offensive to the honor, virtue and reputation of said person, even though said publication be made in connection with or under the pretext that it is necessary in the narration of any judicial or administrative proceedings wherein such facts have been mentioned.”

SEC. 4. Article 360 of the same Act is hereby amended to read as follows:

“Art. 360. *Persons responsible.* - [Any person who shall publish, exhibit, or cause the publication or exhibition of any defamation in writing or by similar means,] THE AUTHOR OF THE PRINTED ARTICLE OR ANY PERSON WHO SHALL CAUSE THE EXHIBITION OF THEATRICAL OR CINEMATOGRAPHIC EXHIBIT CONTAINING DEFAMATORY WORDS shall be responsible for the same. [The author or editor of a book or pamphlet, or the editor or business manager of a daily newspaper, magazine or serial publication, shall be responsible for the defamation contained therein to the same extent as if he were the author thereof.]”

xxx

SEC. 5. A new article, to be numbered as Article 360-A of the same Act, is hereby inserted after Article 360 of the same act, to read as follows:

“ARTICLE 360-A. VENUE. THE CIVIL SECTION IN CASES OF LIBEL AGAINST A COMMUNITY JOURNALIST, PUBLICATION OR BROADCAST STATION SHALL BE FILED IN THE REGIONAL TRIAL COURT OF THE PROVINCE OR CITY WHERE THE PRINCIPAL OFFICE OR PLACE OF BUSINESS OF THE SAID COMMUNITY JOURNALIST, PUBLICATION OR BROADCAST STATION IS LOCATED: *PROVIDED, HOWEVER,* THAT THE COURT WHERE THE CIVIL ACTION IS FIRST FILED SHALL ACQUIRE JURISDICTION TO THE EXCLUSION OF OTHER COURTS.

“THE TERM “COMMUNITY JOURNALIST, PUBLICATION OR BROADCAST STATION” SHALL BE UNDERSTOOD TO MEAN A JOURNALIST OR NEWS MEDIUM THAT OPERATES WITHIN A LIMITED AREA OF CIRCULATION OR BROADCAST IN A CITY, PROVINCE OR REGION, AS DEFINED UNDER EXISTING LAWS.”

SEC. 6. *Separability Clause.* If any provision of this Act is declared invalid, the remainder of this Act or any provision not affected thereby shall remain in full force and effect.

SEC. 7. *Repealing Clause.* -All laws, executive orders or issuances, or any part thereof, which are inconsistent herewith are hereby repealed or amended accordingly.

SEC. 8. *Effectivity Clause.* - This Act shall take effect upon its publication in at least one (1) newspaper of general circulation.

Approved,