

**Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila**

Thirteenth Congress
First Regular Session

2718

House Bill No. _____



Introduced by Honorable Catalino V. Figueroa

EXPLANATORY NOTE

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

A journalist, being the leading source of news and information, always risks their life in order to make the public aware of the events happening inside and outside the country. There are several reliable reports, however, involving some exploitative publishing firms which abuse and step on the rights of the journalists. These media outfits does not provide journalists with security of tenure, humane work conditions, just wage and comprehensive benefits package. They 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). An example is the very recent killings of numbers of journalists who were killed and were severely injured without justice being served in their favor.

Considering that these journalists are constantly exposed to danger, they should be accorded greater financial and social security to encourage them for better performance of their duties and responsibilities. In the event of accidents or deaths, their families would be able to avail of benefits that will assist them in the daily maintenance of their lives.

It has become urgently necessary for the enactment of a law that will effectively deter physical abuses against media through imposition of stiff penalties, provide social security through standardized policies on their work conditions, salary, and reasonable benefit packages.

Wherefore, the instant bill seeks to protect the welfare of the journalists, instituting a comprehensive benefits and compensation package. Approval thereof is highly recommended.


CATALINO V. FIGUEROA

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**AN ACT
PROVIDING PROTECTION TO JOURNALISTS AND FOR OTHER PURPOSES**

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

I. GENERAL PROVISIONS

SECTION 1. Title – This Act shall be known as the “Journalists’ Protection Act of 2004.”

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

- a) to ensure that the journalists shall be provided with a comprehensive benefit 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 productive and fruitful journalism work for journalists.

SECTION 3. Definition of Terms. – For purposes of this Act:

a) **Media Entities** – refers to all companies in the print and broadcast media (radio, TV 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 persons such as, but not limited to, Philippine Information Agency – Office of the Press Secretary; National Press Club (NPC); National Union of Journalists of the Philippines (NUJP); *Kapisanan ng Mga Broadkaster Sa Pilipinas* (KBP).

b) **Editorial and/or News Department** – refers to editors-in-chief, news editors, columnists, deskman, reporters, correspondents and photographers on the part of the print media; and news editors, newscasters commentators/announcers, field reporters field correspondents and cameramen on the part of the broadcast media.

c) **Front-line media persons** – specifically refers to those directly involved in data gathering from the field, and news reporting whether in print, on TV or on radio, such as, but not limited to, print reporters, cameramen, photo-journalists, radio reporters and TV reporters.

d) **Journalists** – shall mean any member of the Editorial and/or News Department including front-line media persons.

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

II. DUTIES, OBLIGATIONS/PROFESSIONAL CONDUCT

SECTION 5. Duties and Obligations – The journalists shall:

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

SECTION 6. Code Professional Conduct – Within six (6) months from the approval of this Act, the Press Secretary, upon consultation with the existing journalists' organizations, shall formulate and prepare a Code of Professional Conduct for Journalists which shall be disseminated as widely as possible.

III. HOURS OF WORK, WORKING CONDITIONS, SALARIES AND REMUNERATIONS

SECTION 7. Normal Hours of Work – The normal hours of work of any journalists shall not exceed eight (8) hours a day or forty-eight hours a week.

Hours Worked shall include:

- a) All the time during which a journalists is required to be on active duty or to be at a prescribed workplace and
- b) All the time during which a journalists is permitted to work: Provided, That the time when a journalists 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.

SECTION 8. Overtime Work – Where the exigency of the service so require, any journalists, 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 amount equivalent to his regular wage plus at least twenty-five percent (25%) thereof.

SECTION 9. Work During Rest Day or Holiday

- a) Where a journalists is required to work on any regular holiday, he shall be entitled to his 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.
- b) Where a journalists is required to work on any regular holiday, he shall be entitled to his 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 compensation of thirty per cent (30%) of his regular wage.

SECTION 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 regular wage for each hour of work performed.

SECTION 11. Salaries

- a) **Criteria for salaries** – In the determination of the salary scale of journalists, the following factors shall , inter alia, be considered:

1. Comparable wages and incomes in other 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.

IV. BENEFITS AND ALLOWANCES

SECTION 12 - State Insurance Fund – Coverage in the State Insurance Fund shall compulsory upon all media entities and the journalists as provided by existing laws.

SECTION 13. Hazard Allowance – Front-line media journalists assigned for at least five (5) days within one (1) month in hospitals, 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. Members 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 of each year.

SECTION 14. Exemption from Travel Tax, terminal fees and other related charges – All journalists whose travel is in pursuit of journalistic assignments as certified by their superiors, shall be exempted from paying travel tax, terminal fees and other related charges which shall include, among others, toll fees in freeways and ferry boats in inland travels.

IV. LEAVE AND RETIREMENT BENEFITS

SECTION 15. Leave Benefits for Journalists – Journalists are entitled to such vacation and sick leaves as provided by existing laws: Provided, that in addition to the leave privileges presently enjoyed by journalists, married journalists are entitled to such maternity or paternity leaves as provided by existing laws: Provided further, that upon retirement of the journalists, he/she shall be entitled to all leave credits with pay.

SECTION 16. Highest Basic Salary Upon Retirement – Three (3) months prior to Compulsory retirement, the journalist shall automatically be granted his retirement benefits thereafter, computed on the basis of his highest salary: Provided, That he has fulfilled the age and service requirement under existing laws.

VI. LABOR ORGANIZATIONS

SECTION 17. 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.

SECTION 18. Freedom from Interference or 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 journalists shall not join a journalists' organization or shall relinquish membership from one to which he belongs;
- b) 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;
- c) To prevent a journalists from carrying out the duties laid upon him by his position;
- d) To harass or interfere with the discharge of the functions of the journalists and prevent him from performing his duties and responsibilities.

SECTION 19. There shall be established a national Journalists Coordinating Council to be composed of five members namely: the Press secretary as Chairman, and as members, the Chairman of the Philippine Information Agency, Director of the News and Information Bureau, Director of the International Press Center and Director of the Media Relations and Accreditation Center, and two appointive members, one of whom shall represent the employees and the other, the employers, 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 Members shall constitute a quorum .

SECTION 20. Powers and Duties – The Council shall have the following powers and duties:

- a) To initiate 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 of journalists;
- c) To create programs for continued manpower training and development to enable Journalists to avail of educational opportunities for personal growth and development;
- d) To ensure that due process is observed with regards to abused journalists;
- e) To institutionalize mechanism 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 may deem appropriate for the attainment of the purposes of the council and proper enforcement of the provisions of this Act.

SECTION 21. Rules and Regulations – The Department of Labor and Employment and the office of the Press Secretary shall formulate the necessary rules and regulations for the effective implementation of this Act.

SECTION 22. Penal Provision – Any person who shall willfully interfere with, restrain or coerce any journalists in the exercise of his duties and his rights guaranteed by this Act 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.

SECTION 23. If any provision of this Act is declared invalid, the remainder of this Act or any provisions not affected thereby shall remain in force and effect.

SECTION 24. All laws, decrees, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 25. This Act shall take effect fifteen (15) days following the completion of its publication in at least two (2) newspapers of general circulation.

Approved,