

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

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL No. 2223

Introduced by: **HON. SALVIO B. FORTUNO**

EXPLANATORY NOTE

The Bill of Rights explicitly provides ample protection to the people, particularly media practitioners, to express freely their views under the mantle of freedom of speech, of expression and of the press clause of the Philippine Constitution. The Constitutionally guaranteed rights notwithstanding, there is still this constant fear even among those considered to be in the fourth estate due to the presence of penal provisions imposing stiff imprisonment to those who will be found guilty particularly of the crime of libel.

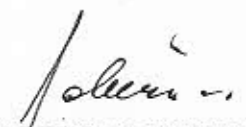
The Administration of President Benigno Simeon C. Aquino III, whose battle cry *'kung walang corrupt, walang mahirap'* has brought consciousness to the citizenry, amply needs the help of all sectors of society to obtain valuable information that will cast aside the evils of corruption by hailing the shenanigans to rot in jail. This will be a good starting point in minimizing if not totally eliminating this root cause of poverty in the country.

Under any circumstance, the media had been a potent tool in deterring all forms of wrongdoings, abuse, graft and corruption and other irregularities in all sectors of society. They are in vantage point to expose anomalies anywhere. However, they should be free to perform their role undaunted and unembarrassed by fear of criminal suits in respect of acts done in the course of their duties so that the government and the citizenry can get the correct and direct information unrestrained.

The conduct or acts of public officers, under any situation, related to the discharge of their functions are matters of public interest. They should therefore not be too thin-skinned with reference to comments upon their official acts. However, they oftentimes become the hardcore nemesis or tormentor of those who express even honest views but not suitable to their tastes. Having been in the media for over three decades, the climate of fear brought about by even a nuisance libel suit under pain of imprisonment may severely affect one's intention to disseminate even truthful and vital information because this suit no matter what, may consume time and energies which would otherwise be devoted to fruitful undertakings.

Let us then retire this Sword of Damocles hanging over the head of media practitioners called Libel Law as it has already outlived its usefulness having been in effect for more than eighty (80) years. The reason for its enactment in 1930 when we were still under foreign domination may not be present today when practically all countries in the world abhor restriction of civil liberties.

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


HON. SALVIO B. FORTUNO
Representative
Fifth District, Camarines Sur

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AN ACT
TO DECRIMINALIZE LIBEL, FURTHER AMENDING FOR THE PURPOSE
ARTICLES 355, 356 AND 357 OF ACT No. 3815, AS AMENDED, OTHERWISE
KNOWN AS THE REVISED PENAL CODE

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

SECTION 1. Articles 355, 356 and 357 of Act No. 3815, as amended, otherwise known as the Revised Penal Code are hereby amended to read as follows:

“ART. 355. *Libel by means of writing 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 minimum and medium periods or] a fine ranging from 200 to 6,000 pesos, or both, in addition to the civil action that may brought by the offended party.”

“ART. 356. *Threatening to publish and offer to present such publication for compensation.* – The penalty of [*arresto mayor* or] a fine ranging 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.”

“ART. 357. *Prohibited publication of acts referred to in the course of official proceedings.* – The penalty of [*arresto mayor* or] a fine 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. 2. All laws, decrees, orders, rules and regulations inconsistent with this Act are hereby amended, repealed or modified accordingly.

SEC. 3. This Act shall take effect fifteen (15) days after its complete publication in at least two (2) national newspapers of general circulation.

Approved,