

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila



FIFTEENTH CONGRESS
Second Regular Session

House Bill No. 5511

Introduced by **Kabataan Partylist Representative Raymond V. Palatino, Bayan Muna Representatives Teddy A. Casiño and Neri J. Colmenares, Gabriela Women's Party Representatives Luz C. Ilagan and Emmi A. de Jesus, Anakpawis Partylist Representative Rafael "Ka Paeng" V. Mariano and ACT Teachers Partylist Representative Antonio L. Tinio**

EXPLANATORY NOTE

Free speech and expression are cherished freedoms and values in our society, rights that are in fact enshrined in our very own Constitution. It is the responsibility of every citizen, especially those in power, to uphold and respect laws and instruments that trumpet and ensure the recognition of these rights that are vital contributors to attaining a truly democratic and progressive society. When citizens are deprived of the freedom to express their opinions and sentiments and actively engage in public issues, the arena of governance and decision-making becomes the exclusive domain of the privileged few who already have a monopoly in political and economic power.

Despite the institutionalization of these protective measures and mechanisms, however, we continue to witness the brazen display of disregard and disrespect towards these fundamental rights.

Political activists have been targets of human rights violations through illegal arrests, abduction, torture and extrajudicial killings mainly because of their political beliefs, not because of the commission of illegal acts. The long list of victims include students, teachers, farmers, workers, progressive local officials, leaders and members of non-governmental organizations, lawyers, judges, priests, pastors, and many others. In the case of political activists, the human rights violations against them intensified in the post 9/11 era, with various governments around the world adopting US-designed tactics in combating so-called enemies of the state, policies which make no distinction between members of the legal organizations and underground combatants. These led to repressive practices that were justified and made acceptable in the name of anti-insurgency necessity by warmongers and advocates of all-out war.

Journalists and media workers, meanwhile, are targeted due to their

commitment to expose corrupt and malevolent practices in government. Various media freedom groups attribute the killings of journalists to weaknesses in our justice system, specifically police inefficiency and collusion with killers, and the shortage in, and indifference of local prosecutors. The labelling of some journalists groups such as the National Union of Journalists of the Philippines, the Philippine Center for Investigative Journalism and the College Editors Guild of the Philippines during the past administration as "enemies of the state" also contribute to this hostile environment especially for local and community journalists, with some of them even included in the dreaded military order of battle.

This systematized violence against political activists and journalists is in place because of the pervasive culture of impunity that exists in the country. Ages ago, impunity was described simply as the exemption from punishment. Today, however, the word has come to be associated with what appears to be an immunity from prosecution of human rights violators, particular those responsible for the murders of activists and journalists. Despite the existence of relevant laws and international agreements on the respect for human rights, very few killers of journalists and activists have been prosecuted and punished as evident from the government's record of near-zero arrest, trial, and conviction of killers. The sad fact is that we have been accustomed to these killings and the lack of government action to the point that this grave injustice and lack of accountability has become routinary and has gained acceptability. This is the culture of impunity that fuels the violence against journalists, activists and freedom fighters, phenomena that destroys not only lives and freedoms but the foundations of genuinely democratic society.

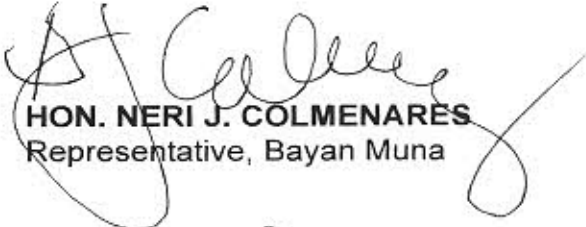
Yet, while impunity is being globalized through lopsided state defense policies, the international campaign to dismantle the culture of impunity is also gaining ground, with press freedom and human rights advocates working hard to stop the killings through public awareness campaigns, assisting in the prosecution of the suspected killers and masterminds, and providing humanitarian assistance to the families of slain journalists and activists. The latest endeavour in this anti-impunity movement is the declaration of November 23 as the "International Day to End Impunity" (IDEI), a call to action to demand justice for those who have been killed for exercising their right to freedom of expression and shed light on the issue of impunity. Organized by the International Freedom of Expression Exchange, a global network of organizations working to defend and promote the right to freedom of expression, the IDEI chose November 23 to mark the event because it is the second anniversary of the Maguindanao Massacre, during which 32 journalists were killed in the single deadliest day for journalists in the history.

Our Constitution mandates Congress to further enact and legislate new measures that guarantee freedom of speech and of expression, especially since powerful threats to the exercise of such rights remain existing, while new forms of violations continue to emerge. Thus, it is only fitting that we join and echo our voices in this global campaign to end impunity. This bill seeks to declare November 23 of every year as the "National Day Against Impunity" in order to serve as a constant reminder to all segments of society of the horrors of the Maguindanao massacre and more importantly, to express our government's commitment to prosecute the perpetrators of violence against activists and journalists.

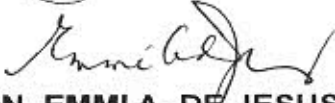
The approval of this bill is earnestly and urgently sought.

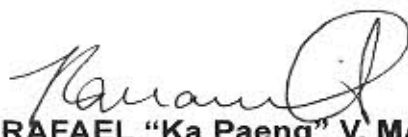

HON. RAYMOND V. PALATINO
Representative, Kabataan Partylist

HON. TEDDY A. CASIÑO
Representative, Bayan Muna


HON. NERI J. COLMENARES
Representative, Bayan Muna


HON. LUZ C. ILAGAN
Representative, Gabriela Women's Party


HON. EMMI A. DE JESUS
Representative, Gabriela Women's Party


HON. RAFAEL "Ka Paeng" V. MARIANO
Representative, Anakpawis Partylist


HON. ANTONIO L. TINIO
Representative, ACT Teachers Partylist

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**AN ACT
DECLARING NOVEMBER 23 OF EVERY YEAR AS NATIONAL DAY AGAINST
IMPUNITY**

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

1 **SECTION 1.** November 23 of every year is hereby declared as the National Day
2 Against Impunity to remember those that have been persecuted for exercising their
3 right to freedom of speech and freedom of expression, and express commitment to
4 bring the perpetrators of these violations to justice.

5
6 **SECTION 2.** All government offices, private institutions, schools, colleges and
7 universities are hereby encouraged to extend their full support for exercises and
8 activities in the observance of the National Day Against Impunity, as well as in the
9 promotion and protection of the rights to freedom of speech and freedom of
10 expression and in calling for justice for victims of human rights violations.

11
12 **SECTION 3.** The Department of Education shall promulgate the necessary rules
13 and regulations in order to designate November 23 as a day when social studies
14 lectures in elementary and high schools shall be devoted to topics on free speech

1 and expression as a human right. The Department of Education, in coordination
2 with the Commission on Human Rights and various human rights groups and
3 media organizations, is hereby tasked to formulate the content of the special
4 lecture.

5 The Commission on Higher Education shall encourage all tertiary educational
6 institutions to hold special lectures and other activities that are relevant to the
7 objectives of the commemoration.

8
9 **SECTION 4.** The Department of Justice and the Commission of Human Rights, in
10 coordination with various human rights groups and media organizations, are
11 hereby tasked to plan and execute appropriate programs and activities to carry out
12 the aim of this commemoration.

13
14 **SECTION 5. *Effectivity Clause.*** – This Act shall take effect fifteen (15) days after
15 the completion of its publication in the Official Gazette or in any newspaper of
16 general circulation.

17
18 Approved,