

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
Third Regular Session

HOUSE BILL NO. 6631



Introduced by Hon. ANGELO B. PALMONES

EXPLANATORY NOTE

Freedom of expression is one of the basic rights of a person. In this day and age when digital media is the new means of information sharing and social networking sites are the new avenues to interconnectivity, the ordinary person is given the chance to access information quickly and share their thoughts and opinions promptly and in "real time".

But what if these liberties afforded of social media becomes regulated? The recently enacted RA 10175 or the Cybercrime Prevention Act of 2012 caused an uproar after it was published. The law included a provision on penalizing libelous statements made on internet avenues such as weblogs, electronic bulletin boards, social networking sites (Facebook, Myspace, Twitter, Google Plus, etc.), even in news organization website forums, and other internet sites that will be determined to be applicable to in the future.

Section 4 (c) (4) applies the provision stated in Article 355 of the Revised Penal Code as its basis to penalize an offender and that the penalty to be imposed on an offender shall be a degree higher than that stated in Article 355 of the Revised Penal Code.

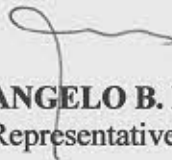
In July of 2012, House Bill No. 6391 entitled "An Act to Decriminalize Libel and for other purposes" was submitted to Congress. By the title itself, the bill aimed to repeal the libel provision stated in the Revised Penal Code. Some reasons for the submission of this bill include the following:

- (1) that the Philippines is a signatory to the 1966 United Nations General Assembly Resolution on the International Covenant on Civil and Political Rights, which was ratified by the Philippine Senate in 1986. Non-compliance of a state to the Covenant is a breach to the agreement;
- (2) that Section 4 of the Bill of Rights, as stated in the 1987 Philippine Constitution, states that "No law shall be passed abridging the freedom of speech, expression, or of the press ...";
- (3) that in a review of the libel provision in the Revised Penal Code, the United Nations

Human Rights Committee during its 103rd session last October 2011 observed that libel is “incompatible with Article 19, Paragraph 3 of the Covenant.”

With the inclusion of libel in RA 10175, this becomes a new way to gag media practitioners and the common “tao” opinion makers from being truthful in content and honest in their lamentations of things that they encounter day to day including their thoughts on local and national issues.

The law is noble in nature however the inclusion of libel needs to be repealed soon to avoid further jeopardizing our citizens' rights afforded to them by the Constitution and the State.



ANGELO B. PALMONES
Representative, AGHAM Party-list

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AN ACT

REPEALING SECTION 4 (C) (4) OF REPUBLIC ACT NO. 10175, OTHERWISE KNOWN AS “AN ACT DEFINING CYBERCRIME, PROVIDING FOR THE PREVENTION, INVESTIGATION, SUPPRESSION AND THE IMPOSITION OF PENALTIES THEREFOR AND FOR OTHER PURPOSES.”

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

SECTION 1: Section 4 (c) (4) of Republic Act No. 10175 is hereby repealed.

SECTION 2: Repealing Clause – All laws, decrees, orders, rules and regulations or parts thereof which are inconsistent with the provision of this Act is hereby repealed or modified accordingly.

SECTION 3: Effectivity Clause – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,