

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Batasang Pambansa, Quezon City

FIFTEENTH CONGRESS
Third Regular Session

HOUSE BILL NO. 6649



INTRODUCED BY REP. JOSEPH VICTOR G. EJERCITO

EXPLANATORY NOTE

The 1987 Philippine Constitution under Article III, Bill of Rights, guarantees the freedom of speech, of expression, and of the press. These protected freedoms are vital in all democratic and Republican states. Indeed, a society that encourages debate and public discourse is one that fosters progress and development in a civilized and democratic nation.

However, in the 2011-2012 World Press Freedom Index Report by the Reporters Without Borders, the Philippines ranked 140th out of 179 countries worldwide in terms of press freedom with threats and violence against local media and culture of impunity acting as the biggest threats confronting media freedom in the country. Another obstacle is the criminalization of libel under our Revised Penal Code, which has its attendant imprisonment and payment of large fines.

No less than the United Nations Human Rights Committee (UNHRC) has declared, in the case of Alexander Adonis, a Davao broadcaster who was convicted of libel and sentenced to a prison term, that our laws on libel are incompatible with the International Covenant on Civil and Political Rights (ICCPR) to which the Philippines is a signatory.

The law against libel has primarily been used to suppress free expression rather than to address media abuse.

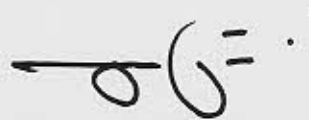
This bill decriminalizes libel as defined and penalized in Articles 355-357 and Articles 360-362 of the Revised Penal Code such that our constitutional right to free speech, specifically through writing and similar means, is upheld, without fear or threat of incarceration or restraint of liberty.

Today, media has evolved to accommodate the views and perspectives of the common Filipino, and has strengthened its important role of being the watchdogs of the Government. This bill reinforces this function and truly enables them to be of service to the Filipino through responsible journalism that pushes for complete transparency.

Technology has so far advanced thereby allowing for common people to air their grievances against any person or entity, whether with malice or not, through online publication. This bill shall continue to protect our freedoms of speech and expression which are essential to the survival of a free, open and democratic society.

The decriminalization of libel does not mean that one's right to privacy, dignity and peace of mind will be impinged. Violations thereof will hold the violator civilly liable, and the remedy of filing an action for damages to seek redress for the wrong done shall still be available.

Thus, the approval of this bill is fervently sought.



REP. JOSEPH VICTOR G. EJERCITO
Lone District, San Juan City

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**AN ACT DECRIMINALIZING LIBEL THEREBY REPEALING
ARTICLES 353 TO 357 AND ARTICLES 360-362 OF THE REVISED
PENAL CODE**

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

SECTION 1. Articles 353, 354, 355, 356, 357, 360, 361 and 362 of Act No. 3815, as amended, otherwise known as the Revised Penal Code are hereby repealed thereby decriminalizing libel.

SECTION 2. The repeal of the above-mentioned Articles shall in no way impede on the exercise of a person's right to privacy, dignity, and peace of mind as enshrined in Articles 19 and 26 of Republic Act No. 386, as amended, otherwise known as the New Civil Code.

SECTION 3. Immediate Release of Convicted Persons. – All persons serving sentence for violations of the provisions of Articles 355, 356, 360 and 362 of the Revised Penal Code on Libel prior to its amendment by this Act shall be immediately released upon effectivity of this Act: Provided, that they are not serving sentence or detained for any other offense or felony.

SECTION 4. 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 force and effect.

SECTION 5. Repealing Clause. – All laws, presidential decrees, executive orders and their implementing rules, inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SECTION 6. Effectivity. – This Act shall take effect immediately after its publication in at least two (2) national newspapers of general circulation.

Approved,