

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS

First Regular Session

House Bill No. **2568**



Introduced by **Hon. Sol Aragon**

EXPLANATORY NOTE

The Constitution, Article 3, Sections 4 and 7, provides:

Section 4. No law shall be passed abridging the freedom of speech, of expression, or of the press, or the right of the people peaceably to assemble and petition the government for redress of grievances.

Section 7. The right of the people to information on matters of public concern shall be recognized. Access to official records, and to documents and papers pertaining to official acts, transactions, or decisions, as well as to government research data used as basis for policy development, shall be afforded the citizen, subject to such limitations as may be provided by law.

The Supreme Court declared in the case of *Fermin v. People*, with respect to our constitutional freedom of expression, "it has become the singular role of the press to act as its '*defensor fidei*' in a democratic society such as ours." However, despite the seemingly vibrant democracy in our country, our journalists are among the most vulnerable in the world. The New York-based Committee to Protect Journalists listed our country as the third-most dangerous place for journalists with the rising number of unsolved killings of media men over the years.

This bill adopts and incorporates the Journalist's Code of Ethics formulated by the Philippine Press Institute and the National Press Club. It provides for the rights and obligations of journalists to their peers as well as to the public. This bill also proposes the creation of a Journalist Welfare Fund to aid journalists in distress. Lastly, it recognizes the freedom of information as a right and allows for the access of government records to allow for a better check on the operations of government. The media, after all, are among the most

effective watchdogs of government in any society and it is about time that their rights are protected through legislation.


HON. SOL ARAGONES
Representative, 3rd District of Laguna

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AN ACT
CREATING A MAGNA CARTA FOR JOURNALISTS

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

SECTION 1. *Short Title.* – This shall be known as the “Magna Carta for Journalists Act of 2013.”

SECTION 2. *Declaration of Policies.* – The State reaffirms its protection of the freedom of speech, of expression, and of the press;

Towards this end, the State shall encourage journalism that fully informs the public and is independent from the government and acts as its watchdog;

It is hereby declared the policy of the State to promote and develop further the journalism profession and to encourage a media industry that provides an uninhibited marketplace of ideas;

The State shall promote a media industry that uses its resources in a responsible manner to serve the public interest;

The State shall also protect the right of the people to information on matters of public concern.

Towards this end, access to official records, and to documents and papers pertaining to official acts, transactions, or decisions, as well as to government research data used as basis for policy development, shall be afforded the citizen, subject to limitations provided by this Act and other relevant laws.

1 The State recognizes that the journalist's responsibility towards the public supersedes
2 any other responsibility particularly towards his employers and the public authorities.

3 SECTION 3. *Definitions.* – As used in this Act, the following terms shall mean:

- 4 (a) "Journalism" shall refer to the collecting, writing, editing, and presenting of
5 news or news articles in newspapers and magazines, radio and television
6 broadcasts, on the Internet, or any other similar medium;
- 7 (b) "Journalist" shall refer to any person who engages in the practice of
8 journalism whether for compensation or not;
- 9 (c) "Media" means the production of electronic or print media for circulation to
10 the public, but does not include book publishing;
- 11 (d) "Media enterprise" means an organization whose business involves the
12 collection, processing, and dissemination of news or news articles, or in
13 entertainment and education through the media;
- 14 (e) "Publication" means the dissemination to the public of any written, audio, or
15 video material, including materials disseminated through the Internet;
- 16 (f) "Public body" means all legislative, executive, judicial, administrative, or
17 advisory bodies of the government, including state universities and colleges,
18 local government units, national or local agencies, and all other
19 instrumentalities of government.

20 SECTION 4. *Journalist's Code of Ethics.* – Every journalist:

21 (a) Shall scrupulously report and interpret the news, taking care not to suppress
22 essential facts or to distort the truth by omission or improper emphasis. He shall recognize
23 the duty to air the other side and the duty to correct substantive errors promptly.

24 (b) Shall not violate confidential information or material given to him in the exercise
25 of his calling.

26 (c) Shall resort only to fair and honest methods in his effort to obtain news,
27 photographs and/or documents, and shall properly identify himself as a representative of the
28 press when obtaining any personal interview intended for publication.

29 (d) Shall refrain from writing reports which will adversely affect a private reputation
30 unless the public interest justifies it. At the same time, he shall fight vigorously for public
31 access to information.

1 (e) He shall not let personal motives or interests influence him in the performance of
2 his duties; nor shall he accept or offer any present, gift or other consideration of a nature
3 which may cast doubt on his professional integrity.

4 (f) He shall not commit any act of plagiarism.

5 (g) He shall not in any manner ridicule, cast aspersions on, or degrade any person by
6 reason of sex, creed, religious belief, political conviction, cultural or ethnic origin.

7 (h) He shall presume persons accused of crime of being innocent until proven
8 otherwise. He shall exercise caution in publishing names of minors and women involved in
9 criminal cases so that they may not unjustly lose their standing in society.

10 (i) He shall not take unfair advantage of fellow journalists.

11 (j) He shall accept only such tasks as are compatible with the integrity and dignity of
12 the profession, invoking the 'conscience clause' when duties imposed on him conflict with
13 the voice of his conscience.

14 (k) He shall comport himself in public or while performing his duties as journalist in
15 such manner as to maintain the dignity of the profession. When in doubt, decency should be
16 his watch word.

17 SECTION 5. *Bill of Rights of Journalists.* - In line with this Act, every journalist shall
18 enjoy the following rights:

19 (a) Freedom and independence from pressure or any kind of interference from the
20 Government;

21 (b) Freedom and independence from pressure or any kind of interference from
22 businesses;

23 (c) Every journalist shall have the right to form, hold, receive and impart opinions;

24 (d) Journalists shall have the right to be free from harassment, threats, and violence in
25 the exercise of their profession;

26 (e) Journalists shall have free access to all information sources as provided in Sections
27 6 and 7 of this Act, and the right to freely inquire on all events involving public
28 matters;

29 (f) A journalist cannot be compelled to perform a professional act or to express an
30 opinion contrary to his convictions or conscience;

31 (g) Taking into account his functions and responsibilities, a journalist shall be entitled
32 not only to the benefits resulting from collective bargaining agreements but also from
33 individual contracts of employment, ensuring the material and moral security of his

1 work as well as a fair and just salary that is commensurate to his work load and
2 seniority and that will guarantee his economic independence.

3 SECTION 6. *Presumption.* – All records in the custody or possession of a public body
4 are presumed to be open to inspection or copying. Any public body that asserts that a record
5 is exempt from disclosure has the burden of proving by clear and convincing evidence that it
6 is exempt.

7 SECTION 7. *Freedom of Information.* – (a) Each public body shall make available to
8 any person for inspection or copying all public records, except as otherwise provided in
9 Section 7 of this Act. Notwithstanding any other law, a public body may not grant to any
10 person or entity, whether by contract, license, or otherwise, the exclusive right to access and
11 disseminate any public record as defined in this Act;

12 (b) Subject to the fee that may be reasonably charged, each public body shall
13 promptly provide, to any person who submits a request, a copy of any public record required
14 to be disclosed by subsection (a) of this Section and shall certify such copy if so requested.

15 (c) Requests for inspection or copies shall be made in writing and directed to the
16 public body. Written requests may be submitted to a public body via personal delivery, mail,
17 telefax, or other means available to the public body. A public body may honor oral requests
18 for inspection or copying. A public body may not require that a request be submitted on a
19 standard form or require the requester to specify the purpose for a request, except to
20 determine whether the records are requested for a commercial purpose or whether to grant a
21 request for a fee waiver. All requests for inspection and copying received by a public body
22 shall immediately be forwarded to its Freedom of Information officer or designee.

23 (d) Each public body shall, promptly, either comply with or deny a request for public
24 records within 5 business days after its receipt of the request, unless the time for response is
25 properly extended under subsection (e) of this Section. Denial shall be in writing as provided
26 in Section 9 of this Act. Failure to comply with a written request, extend the time for
27 response, or deny a request within 5 business days after its receipt shall be considered a
28 denial of the request. A public body that fails to respond to a request within the requisite
29 periods in this Section but thereafter provides the requester with copies of the requested
30 public records may not impose a fee for such copies. A public body that fails to respond to a
31 request received may not treat the request as unduly burdensome under subsection (g).

1 (e) The time for response under this Section may be extended by the public body for
2 not more than 5 business days from the original due date for any of the following reasons:

3 (i) the requested records are stored in whole or in part at other locations than
4 the office having charge of the requested records;

5 (ii) the request requires the collection of a substantial number of specified
6 records;

7 (iii) the requested records require examination and evaluation by personnel
8 having the necessary competence and discretion to determine if they are exempt from
9 disclosure under the conditions set in this Act or should be revealed only with
10 appropriate deletions;

11 (iv) the request for records cannot be complied with by the public body within
12 the time limits prescribed by paragraph (c) of this Section without unduly burdening
13 or interfering with the operations of the public body;

14 (v) there is a need for consultation, which shall be conducted with all
15 practicable speed, with another public body or among two or more components of a
16 public body having a substantial interest in the determination or in the subject matter
17 of the request.

18 (f) When additional time is required for any of the above reasons, the public body
19 shall, within 5 business days after receipt of the request, notify the person making the request
20 of the reasons for the extension and the date by which the response will be forthcoming.
21 Failure to respond within the time permitted for extension shall be considered a denial of the
22 request. A public body that fails to respond to a request within the time permitted for
23 extension but thereafter provides the requester with copies of the requested public records
24 may not impose a fee for those copies. A public body that requests an extension and
25 subsequently fails to respond to the request may not treat the request as unduly burdensome
26 under subsection (g).

27 (g) Requests calling for all records falling within a category shall be complied with
28 unless compliance with the request would be unduly burdensome for the complying public
29 body and there is no way to narrow the request and the burden on the public body outweighs
30 the public interest in the information. Before invoking this exemption, the public body shall
31 extend to the person making the request an opportunity to confer with it in an attempt to
32 reduce the request to manageable proportions. If any body responds to a categorical request
33 by stating that compliance would unduly burden its operation and the conditions described
34 above are met, it shall do so in writing, specifying the reasons why it would be unduly

1 burdensome and the extent to which compliance will so burden the operations of the public
2 body. Such a response shall be treated as a denial of the request for information.

3 Repeated requests from the same person for the same records that are unchanged or
4 identical to records previously provided or properly denied under this Act shall be deemed
5 unduly burdensome under this provision.

6 (h) Each public body may promulgate rules and regulations in conformity with the
7 provisions of this Section pertaining to the availability of records and procedures to be
8 followed, including the times and places where such records will be made available, and the
9 persons from whom such records may be obtained.

10 SECTION 8. *Exceptions.* – The following shall not be included in the scope of the
11 previously preceding Section:

- 12 (a) Information specifically authorized to be kept Secret under guidelines established by
13 an executive order, and properly classified;
- 14 (b) The records of minutes and advice given and opinions expressed during decision-
15 making or policy formulation, invoked by the Chief Executive to be privileged by
16 reason of the sensitivity;
- 17 (c) Information pertaining to internal and/or external defense, law enforcement, and
18 border control;
- 19 (d) Drafts of orders, resolutions, decisions, memoranda or audit reports by any executive,
20 administrative, regulatory, constitutional, judicial or quasi-judicial body;
- 21 (e) Information obtained by any committee of either House of Congress in executive
22 session;
- 23 (f) Personal information of a natural person other than the requesting party;
- 24 (g) Information pertaining to trade secrets and commercial or financial information that
25 would seriously prejudice industrial, financial, or commercial competition;
- 26 (h) Information classified as privileged communications in legal proceedings by law or
27 by the Rules of Court.
- 28 (i) Information exempted by law or the Constitution.

29 SECTION 9. *Annual Review by the Public.* – The three biggest national associations
30 of journalists shall conduct an annual review of the general public opinion of the media and
31 publish the results in at least two newspapers of national circulation.

1 SECTION 10. *Security and Safety of Journalists.* – All law enforcement agencies
2 shall prioritize the investigation and resolution of cases involving violence, threats, and
3 harassment directed against journalists by reason of their profession. The Chief of the
4 Philippine National Police shall submit a report to Congress on their progress in addressing
5 the cases involving journalists.

6 SECTION 11. *Journalist Welfare Fund.* – The amount of fifty million pesos
7 (P50,000,000,000.00) is hereby appropriated for the initial year of this Act. Every year
8 thereafter, the amount of ten million pesos (P10,000,000.00) shall be included in the budget
9 of the Presidential Communications Operations Office for the implementation and continued
10 expansion of this program. The Fund may also receive voluntary contributions from
11 journalists, non-governmental organizations, or persons from the private sector.

12 SECTION 12. *Journalist Welfare Fund Committee.* – There shall be a Committee to
13 administer the Fund composed of the Head of the Presidential Communications Operations
14 Office or his designated representative and two journalists of eminence to serve for a term of
15 three (3) years who shall be appointed by the President from a list of nominees submitted by
16 any national journalists association.

17 SECTION 13. *Beneficiaries of the Fund.* – The following shall be grounds for the
18 grant of financial assistance to the journalist or his immediate family to be determined by the
19 Committee which shall not be lower than TEN THOUSAND PESOS (P10,000.00) or more
20 than TWO HUNDRED THOUSAND PESOS (P200,000.00):

- 21 (a) Death of a journalist by reason of his profession;
- 22 (b) Permanent or temporary incapacity of a journalist by reason of his profession;
- 23 (c) Journalists in distress, or journalists who suffer from conditions such as, but not
24 limited to, accident, ill health, political harassment (to subsidize litigation
25 expenses), or disappearance either in cases of forced disappearance or
26 disappearance in the line of duty for at least two (2) months.

27 SECTION 14. *Rules on the grant of financial assistance.* – The financial assistance
28 sanctioned under this Act shall be cancelled and the payments given returned to the Fund if it
29 was granted on the basis of misrepresentation or suppression of facts. In the grant of financial
30 assistance, the Committee shall take into consideration the financial condition of the

1 applicant and the assistance likely to be received by him from his employer or from other
2 sources. The Committee may also decide on the basis of affidavits, certificates, and other
3 pieces of evidence which shall be requested from the applicant before the grant of any
4 assistance. The Committee shall submit an annual report to Congress on the use of the Fund
5 and it shall be subject to the rules and procedures of the Commission on Audit.

6 SECTION 15. *Implementing Rules and Regulations.* – The Committee shall adopt
7 rules and regulation to implement the provisions pertaining to the Fund within ninety (90)
8 days from the date of effectivity of this Act.

9 SECTION 16. *Separability Clause.* - If any provision of this Act or the application of
10 such provision to any person or circumstance is declared invalid, the remainder of the Act or
11 the application of such provision to other persons or circumstances shall not be affected by
12 such declaration.

13 SECTION 17. *Repealing Clause.* – Any law, presidential decree or issuance,
14 executive order, letter of instruction, administrative order, rule or regulation contrary to or
15 inconsistent with this Act is hereby repealed, modified, or amended accordingly.

16 SECTION 18. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its
17 publication in at least two (2) newspapers of general circulation.

Adopted,