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

SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL No. 3509



Introduced By: REPRESENTATIVE MAGNOLIA ROSA ANTONINO-NADRES

EXPLANATORY NOTE

The Constitution explicitly guarantees freedom of speech, of expression or of the press. These "embraces a number of cognate rights all aimed at insuring the free and effective communication of ideas from mind to mind." These rights however are available in so far as it is exercised for the discussion of matters affecting public interest and no one shall injure the right of others.

This bill therefore seeks to institute a mechanism that will provide a mantle of protection to any person who may be victimized by any irresponsible media practitioner, whose reckless, careless and unfounded accusations of wrongdoings may ruin one's reputation. This is not in any way intended to trample upon those Constitutionally guaranteed rights but to curtail the abusive exercise of such rights by granting any citizen the opportunity to respond to allegations of wrongdoings by way of the Right of Reply or the right to defend oneself against public criticism in the same venue it was aired or published.

Some legal luminaries viewed the Right of Reply as an interference with freedom of expression. However, some see it as a justifiable measure which improves the free flow of communication by ensuring the public with both sides of the story and by preventing costly defamation suits which drain the resources of media outlets.

The Right of Reply has been in place for many decades in several progressive countries in the world including the United States of America, United Kingdom, Australia, Brazil, etc.

It is worthy to mention that the world's broadcasting giant, British Broadcasting Company (BBC) has this Right of Reply in its Editorial Guidelines, as follows:

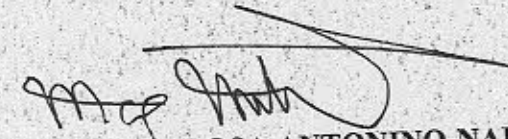
"When our output makes allegations of wrongdoing, inequity or incompetence or lays out strong and damaging critique on an individual or institution, the presumption is that those criticized should be given a "right of reply", that is, given a fair opportunity to respond to the allegations."

The American Convention on Human Rights requires its state parties to introduce either a right of reply or a right of correction under Article 14, to wit:

1. Anyone injured by inaccurate or offensive statements or ideas disseminated to the public in general by a legally regulated medium of communication has the right to reply or to make a correction using the same communication outlet, under such conditions as the law may establish.
2. The correction or reply shall not in any case remit other legal liabilities that may have been incurred.

Even our very own Commission on Elections (COMELEC), "motivated by the desire to ensure that there will be equal opportunities for all candidates and limit possibilities of bias reporting for or against a particular candidate", issued Comelec Resolution No. 9615 granting a right of reply, which states, "all parties and bonafide candidates shall have the right of reply to charges against them. The reply shall be given publicity by the newspaper, television and/or radio station, which first printed or aired the charges."

The foregoing facts and circumstances sufficiently warrant the immediate approval of this important piece of legislation.



MAGNOLIA ROSA ANTONINO-NADRES
Representative
Fourth District, Nueva Ecija

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Introduced By: REPRESENTATIVE MAGNOLIA ROSA ANTONINO-NADRES

AN ACT
GRANTING THE RIGHT OF REPLY AND PROVIDING PENALTIES FOR ANY VIOLATION THEREOF

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

SECTION 1. Short Title. – This Act shall be known as the “*Right of Reply Act of 2013.*”

SEC. 2. Declaration of Policy. – It is hereby declared a policy of the State to promote and protect the right of citizens to free speech, of expression or of the press by encouraging their participation in a free market of ideas in a careful, balanced and responsible manner that will not in any way injure the right of others.

Towards this end, the State shall grant fair and reasonable opportunity to any citizen who maybe injured by inaccurate or offensive statements or ideas disseminated to the public to respond to such allegation of wrongdoing to ensure that the public will hear or read both sides of the story.

SEC. 3. Right of Reply. – Any person, natural or juridical, who are accused directly or indirectly of committing, having committed, or of intending to commit any crime or offense defined by law or are criticized by innuendo, suggestion or rumor or in any form for any lapse in behaviour in public or private life shall have the right of reply to the charges published or printed in newspapers, magazine, newsletter or publication or aired over the same program on radio, television, websites, or through any electronic device or other similar medium of information.

SEC. 4. *Where to Broadcast or Publish the Reply.* – The reply of the person so accused or criticized shall be aired or broadcast over the same program on radio, television, website or through any electronic device or published in the same newspaper, magazine, newsletter or other similar form of publication.

SEC. 5. *When to Broadcast or Publish the Reply.* – The reply shall be aired or broadcast or published a day after the reply has been received by the publication concerned or by the radio or television station that carried the broadcast being replied to.

SEC. 6. *Length of Reply.* – The reply shall not be longer than the space allotted for the accusation or criticism aired or published.

SEC. 7. *Reply, Free of Charge.* – The broadcasting or publication of the reply shall be made free of charge.

SEC. 8. *Other Legal Remedy.* – The broadcasting or publication of the reply does not preclude the filing of appropriate charges to the party or parties concerned.

SEC. 9. *Penalties.* – The station manager or owner of the broadcast medium, editor -in-chief or publisher, internet provider or administrator, who fails or refuses to broadcast or publish the reply as mandated under this Act shall be imposed a fine in the following manner:

- a) First Offense – Twenty Thousand Pesos (P20,000.00)
- b) Second Offense – Thirty Thousand Pesos (P30,000.00)
- c) Third Offense – Fifty Thousand Pesos (P50,000.00)

A penalty of one (1) year imprisonment shall be imposed upon any of them for repeated failure or refusal to broadcast or publish the reply.

SEC. 10. *Repealing Clause.* – All laws, decrees, executive orders, and rules and regulations, or parts thereof, inconsistent with the provisions of this Act, are hereby repealed, amended or modified accordingly.

SEC. 11. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in any newspaper of general circulation.

Approved,