

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL No. 3455



Introduced by
BAYAN MUNA Party-List Representatives CARLOS ISAGANI T. ZARATE,
FERDINAND R. GAITE and EUFEMIA C. CULLAMAT

AN ACT
DECRIMINALIZING LIBEL, REPEALING FOR THE PURPOSE ARTICLES 353, 354,
355, 356, 357, 360, 361, AND 362 OF ACT NO. 3815 AS AMENDED, OTHERWISE
KNOWN AS THE REVISED PENAL CODE

EXPLANATORY NOTE

The Constitution guarantees freedom of expression and freedom of the press. Specifically, Section 4, Article III of our fundamental law, in part, provides that “*(N)o law shall be passed abridging the freedom of speech, of expression, or of the press...*”

Notwithstanding this present constitutional fiat, the law on libel which was enacted during the American colonial regime by the United States Philippine Commission as Act No. 277 on October 24, 1901, and which clearly obviates these fundamental rights, continues to be enshrined in our penal statutes under Article 353 to Article 362 of the Revised Penal Code.

Accordingly, our libel law was enacted to protect private citizens from unwarranted damage to reputation. Today, however, the law has been increasingly used by public officials as a tool to cow and muzzle an independent press. Indeed, the law is meant to shield the subjects of reporting and comment from media abuse. Yet, it has become the convenient and predominant way for those in power to harass and silence critical and opposing voices. In the advent of the passage of R.A. 10175 or the Cybercrime Law of 2012, which made reference to Art. 355 of the Revised Penal Code punish cyber libel, the threat to our peoples’ right to free expression and free press has even become more serious and real.

The growing number of cases filed against journalists highlights how the mighty and the powerful in our land regularly abuse the libel law to curtail the democratic right of the press to delve into the truth behind matters of public interest, and consequently, the peoples' right to know.

Truly, the libel law has been increasingly used to stifle press freedom and inhibit media criticism of government officials, employees and public figures, as well as their acts and decisions. Journalists critical of government officials or government acts and decisions speak or write under the threat of criminal prosecution, a Sword of Damocles. The net effect of this abuse of the libel law by the power-that-be is the gagging of media practitioners, the suspension of the truth from becoming public, the exercise of prior restraint and the resulting inability of the people to gain a meaningful understanding of the various public issues that are of paramount concern.

As part of its sworn duty to uphold and strengthen the democratic rights of the Filipino people, Congress should now repeal the law on libel in order for the press to enjoy the free exercise of its duties and function, and as a corollary, for the people to have an unfettered access to information involving matters of public concern.

It must be stressed that a free press is an essential component of a democratic society. A free press ferrets out graft and corruption wherever it may occur and exposes its perpetrators, reveals dishonest and inept administration, contributes to the exchange of ideas, and advances communication between the governed and those who govern. In other words, a free press acts as the watchdog for the governed.

Decriminalizing libel is also in accord with the October 2011 declaration of the United Nations Human Rights Committee (UNHRC), which states that the criminal sanction for libel in the Philippines is "excessive" and in violation of the International Covenant on Civil and Political Rights (ICCPR) in which the Philippines is a signatory.

The UNHRC asked the Philippine government to review its libel law because it is incompatible with Article XIX, paragraph 3 of the ICCPR. The UNHRC reiterates that "States parties should consider the decriminalization of defamation and, in any case, the application of the criminal law should only be countenanced in the most serious of cases and imprisonment is never an appropriate penalty. It is impermissible for a State party to indict a person for criminal defamation but then not to proceed to trial expeditiously – such a practice has a chilling effect that may unduly restrict the exercise of freedom of expression of the person concerned and others."

However, this does not mean that a person who has indeed been libeled by media can no longer seek redress for the wrong done against him or act to enforce his right. The victim has the remedy of filing an action for damages based on the Civil Code of the Philippines, such as Article 19, Article 26, and other related provisions thereof.

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A media practitioner may be held civilly liable for damages if he/she violates Article 19 of the Civil Code which enjoins him/her to act with justice and to observe honesty and good faith when exercising his/her rights and while performing his/her duties.


On the other hand, Article 26 of the Civil Code should remind the media of their duties to respect the dignity, personality, privacy, and peace of mind of others, otherwise, they may be held civilly liable for damages for violations thereof.


The repeal of the libel law, without derogating the right of a person to enjoy privacy, dignity, good reputation and a peace of mind, will be a big step towards strengthening democracy in our land, when freedom of expression shall be enshrined not just in books but more so in practice.

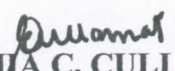
This bill was first filed during the 14th Congress by Bayan Muna Representatives led by Rep. Satur Ocampo. It was refiled during the 15th and 16th Congress. During the 17th Congress, the bill was refiled as House Bill No. 1008 by Bayan Muna Representative Carlos Isagani T. Zarate. It is again being refiled in the 18th Congress with the high hopes that Congress will finally recognize the ever-growing need to protect press freedom and uphold the people's democratic rights.

Thus, the approval of this bill is earnestly sought.

Approved,


Rep. CARLOS ISAGANI T. ZARATE
BAYAN MUNA


Rep. FERDINAND R. GAITE
BAYAN MUNA


Rep. EUFEMIA C. CULLAMAT
BAYAN MUNA

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Be it enacted by the Senate and 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. Repealing Clause. – All laws, presidential decrees, letters of instruction, and other issuances, orders, rules and regulations inconsistent with this Act are hereby likewise repealed.

SECTION 3. Effectivity Clause. - This Act shall take effect fifteen (15) days after its publication in two (2) national newspapers of general circulation.

Approved,