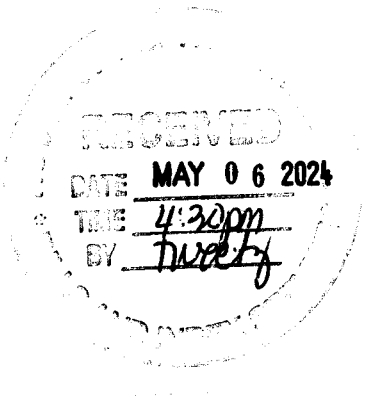
Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila



NINETEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 10354

Introduced by **Representative Jaime R. Fresnedi**

EXPLANATORY NOTE

This legislative proposal seeks to decriminalize libel and cyberlibel. It underscores the notion that the status of libel as a criminal offense is wholly incompatible with democratic values[1]. If the Philippines is to be worthy of being considered a democratic state, we must enact policies that truly embody the principles of freedom, diversity, equality, honesty, and cooperation in all aspects of our statehood.

Although this bill amends the provisions concerning libel found in Act No. 3815, otherwise known as the "Revised Penal Code", people can still seek redress from any malicious statements that are publicly made against them. Articles 20, 21, 33 and 2716 of Republic Act No. 386, otherwise known as the "Civil Code of the Philippines", state that when one person willfully or negligently causes any sort of harm to another person, the offended party is well within their right to seek indemnification. Thus, a person can resort to civil action in the event that malicious statements are publicly made against them.

In 2021, the Supreme Court of the Philippines asserted that the constitutionality of criminal libel is doubtful, and that civil sanctions – as opposed to criminal sanctions – for libel better complement democratic values.[2] If the Supreme Court of the Philippines itself admits to the dubious constitutionality of criminal libel, then it would be imprudent for the legislative branch of the Philippines to overlook its capacity to propose changes to the laws of the Philippines that would ultimately serve the interests of all Filipino people.

As adherents to the principles of democratic governance, it is incumbent upon the members of this Congress to pass this piece of legislation.

JAIME R. FRESNEDI
Representative
Lone District, Muntinlupa City

---

[1] Lord Neuberger of Abbotsbury & Amal Clooney, "[ANALYSIS] It is time for the Philippines to decriminalize libel," *Rappler*, October 13, 2021.
[2] Ibid.

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

NINETEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 10354

Introduced by **Rep. Jaime R. Fresnedi**

AN ACT
DECRIMINALIZING LIBEL AND CYBERLIBEL, REPEALING FOR THIS PURPOSE ARTICLES 353, 354, 355, 356, 357, 360, 361 AND 362 OF ACT NO. 3815, OTHERWISE KNOWN AS THE "REVISED PENAL CODE," AND SECTION 4(c)4, CHAPTER II OF REPUBLIC ACT NO. 10175, OTHERWISE KNOWN AS THE "CYBERCRIME PREVENTION ACT OF 2012"

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

SECTION 1. For purposes of this Act, 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.

SEC. 2. Section 4 (c) 4, Chapter II of Republic Act No. 10175, otherwise known as the "Cybercrime Prevention Act of 2012," is hereby repealed.

SEC. 3. Nothing in this Act shall preclude the offended party from instituting an action for damages under Article 2176 of Republic Act No. 386, otherwise known as the "Civil Code of the Philippines," and other analogous provisions. All defenses otherwise available to a defendant in a criminal prosecution for libel, including proof of truth, shall be available as defense in civil action for damages.

SEC. 4. *Separability Clause.* – If any provision or part thereof is declared unconstitutional, the remainder of this act or any provision not affected thereby shall remain in full force and effect.

SEC. 5. *Repealing Clause.* – All laws, acts, decrees, executive orders, issuances, and rules and regulations or parts thereof which are contrary to and inconsistent with this Act are hereby repealed, amended or modified accordingly.

SEC. 6. *Effectivity.* – This Act shall take effect immediately following its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,