

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Batasan Hills, Quezon City

**TWENTIETH CONGRESS**  
First Regular Session

**HOUSE BILL No. 441**



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Introduced by  
**ACT Teachers Party-List Rep. ANTONIO L. TINIO**  
and **KABATAAN Party-List Rep. RENEE LOUISE M. CO**

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**AN ACT**  
**DECRIMINALIZING LIBEL, REPEALING FOR THE PURPOSE ARTICLES**  
**353, 354, 355, 356, 357, 360, 361, AND 362 OF ACT 3815 AS AMENDED,**  
**OTHERWISE KNOWN AS THE *REVISED PENAL CODE***

**EXPLANATORY NOTE**

The Constitution, in Section 4 of Article III, guarantees that *“No law shall be passed abridging the freedom of speech, of expression, or of the press...”* The people’s right to information and its importance to the nation are also enshrined in our fundamental law (Section 24 of Article II and Section 10 of Article XVI).

Despite this present constitutional fiat, the law on libel—introduced by the Spanish *Codigo Penal* then reenacted through the American *Revised Penal Code*—remains in our penal statues under Articles 353 to 362 of the *Revised Penal Code*. Libel statutes and jurisprudence clearly obviate these fundamental rights, muffling journalists, progressives, and ordinary citizens alike.

In part, the libel law might have been originally enacted to protect private citizens from unwarranted damage to reputation. But historically, it has been used as a repressive tool by the Spanish and American colonial governments, as well as their Philippine descendants. Today, the law has been increasingly used by public officials and public figures as a tool to cow and muzzle an independent press, usually to shield themselves from critical reportage and even innocent comment in their acts and decisions. It has become the convenient and predominant way for those in power to harass and silence critical and opposing voices. With the passage of Republic Act

10175 or the *Cybercrime Law of 2012* and its criminalization of “cyberlibel,” the threat to the people’s 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. In fact, even as Philippine media has the distinction of having produced a Nobel Peace Prize laureate, Rappler’s Maria Ressa, the Philippine government on the other hand has the notorious distinction of being the hand behind the cyberlibel cases against her.

Dangling libel law as a sword of Damocles has resulted in the prevalence of onion skins amongst government officials and public figures. It caused the gagging of media practitioners, the concealment of the truth from public knowledge, prior restraint and chilling effect, and the resulting incapacitation of the people from gaining 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 functions, and corollarily, for the people to have an unfettered access to information involving matters of public concern. As Supreme Court Senior Associate Justice Marvic Mario Victor Leonen said in 2014:

Libel law now is used not so much to prosecute but deter speech. What is charged as criminal libel may contain precious protected speech. There is very little to support the majority view that the law will not continue to have this effect on speech.

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It is time that we now go further and declare libel as provided in the Revised Penal Code and in the Cybercrime Prevention Act of 2012, as unconstitutional.<sup>1</sup>

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 administrations, 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.

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1 Dissenting and Concurring Opinion in *Disini, et. al. vs. Secretary of Justice* (GR No. 203335, February 11, 2014)

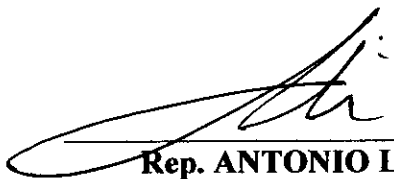
Decriminalizing libel is also in accord with the October 2011 declaration of the United Nations Human Rights Committee (UNHRC), which states that the Philippines' Revised Penal Code penalizing libel is "incompatible with Article 19, Paragraph three of the International Covenant on Civil and Political Rights [ICCPR] to which the Philippines is a signatory." The international trend of the decriminalization of libel, in fact, follows the ICCPR and other instruments on free press and human rights.


The decriminalization of libel does not mean that a person libeled by media (or anyone else, for that matter) can no longer seek redress for the wrong done against him or her. The remedy of filing an action for damages based on the Civil Code of the Philippines, such as Articles 19 and 26, and other related provisions thereof, remains.

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.

First filed during the 14<sup>th</sup> Congress by Bayan Muna Representatives led by Rep. Satur Ocampo, this bill was refiled in the 15<sup>th</sup> until the 18<sup>th</sup> Congresses. This refiling in the 19<sup>th</sup> Congress, along with the refiling of the proposal of ACT Teachers Party-List to repeal several provisions of the *Cybercrime Law*, including cyberlibel (House Bill 569), is an obstinate yet hopeful stance 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.

  
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**Rep. ANTONIO L. TINIO**  
*ACT Teachers Party-List*

  
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**Rep. RENEE LOUISE M. CO**  
*KABATAAN Party-List*

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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.

**SEC. 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.

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

*Approved.*