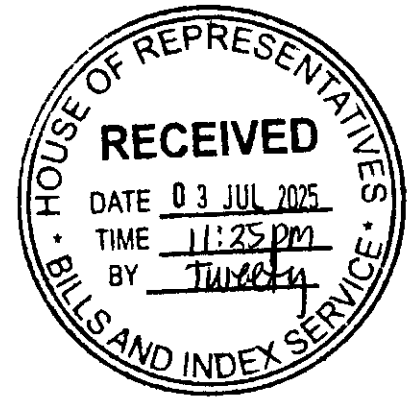


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila



TWENTIETH CONGRESS

First Regular Session

House Bill No. 1188

Introduced by Representative

BRIAN DANIEL POE LLAMANZARES, PhD, MNSA

**AN ACT TO STRENGTHEN THE FREEDOM AND PROTECTION OF JOURNALISTS
(FPJ ACT), REPEALING CRIMINAL LIBEL, ENSURING CIVIL REMEDIES, AND
PROMOTING A FREE AND RESPONSIBLE PRESS**

Freedom of expression and freedom of the press are cornerstones of a democratic and just society, enshrined in Article III, Section 4 of the 1987 Philippine Constitution. However, the continued criminalization of libel under the Revised Penal Code and the Cybercrime Prevention Act of 2012 has been widely criticized for being used as a tool to harass, intimidate, and silence journalists, whistleblowers, and ordinary citizens engaged in legitimate public discourse.

The United Nations Human Rights Committee has repeatedly called on the Philippines to decriminalize libel, consistent with international human rights standards that protect free speech while ensuring accountability for defamation through fair and reasonable civil remedies.

This bill seeks to respond to this call by repealing the criminal libel provisions under Articles 353, 354, and 355 of the Revised Penal Code and the cyber libel provision under Section 4(c)(4) of Republic Act No. 10175. Under this proposed measure, defamation will henceforth be treated solely as a civil offense, except in cases involving direct threats of violence or incitement to imminent lawless action that endanger individuals or the public.

Recognizing the balance between protecting reputations and safeguarding free expression, this bill establishes clear standards for civil defamation suits, including the removal of the outdated presumption of malice, the requirement for plaintiffs to prove actual malice with

clear and convincing evidence, and the mandate for courts to award reasonable and proportionate damages.

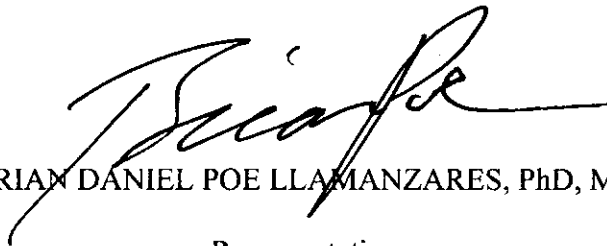
To further safeguard journalists, whistleblowers, academics, and citizens against harassment suits, the bill introduces measures against Strategic Lawsuits Against Public Participation (SLAPP) and affirms constitutionally protected defenses such as truth, fair comment, good faith, opinion, and satire.

A right to reply and retraction mechanism is provided as an alternative remedy to promote responsible journalism and peaceful resolution of disputes, ensuring that media outlets can correct errors without facing excessive liability.

Finally, this bill establishes an oversight mechanism through the creation of a Press Freedom Oversight Committee, composed of the Commission on Human Rights, press unions, journalist federations, and legal and academic institutions, to monitor the state of press freedom and the misuse of defamation laws.

By strengthening the freedom and protection of journalists and promoting a free and responsible press, this proposed measure aims to advance democratic governance, uphold the people's right to information, and ensure that freedom of expression remains robustly protected in the Philippines.

The passage of the bill is earnestly sought.



HON. BRIAN DANIEL POE LLAMANZARES, PhD, MNSA

Representative

FPJ Panday Bayanihan Party-List

HOUSE OF REPRESENTATIVES

Quezon City, Metro Manila

TWENTIETH CONGRESS

First Regular Session

House Bill No. **1188**

Introduced by Representative

BRIAN DANIEL POE LLAMANZARES, PhD, MNSA

**AN ACT TO STRENGTHEN THE FREEDOM AND PROTECTION OF JOURNALISTS
(FPJ ACT), REPEALING CRIMINAL LIBEL, ENSURING CIVIL REMEDIES, AND
PROMOTING A FREE AND RESPONSIBLE PRESS**

SECTION 1. Short Title – This Act shall be known as the "Freedom and Protection of Journalists (FPJ) Act"

SEC. 2. Declaration of Policy – It is the policy of the State to uphold freedom of expression, freedom of the press, and the right to information as enshrined in Article III, Section 4 of the 1987 Constitution. Recognizing the essential role of a free press in a democratic society, this Act seeks to decriminalize libel, prevent its misuse to harass journalists and critics, and promote accountability through fair and proportionate civil remedies.

SEC. 3. Repeal of Criminal Libel Provisions under the Revised Penal Code – Articles 353, 354, and 355 of Act No. 3815, otherwise known as the Revised Penal Code, are hereby repealed, thereby decriminalizing libel and defamation. Libel shall henceforth be treated solely as a civil offense, except in cases that involve:

- A. Direct and credible threats of violence; or
- B. Incitement to imminent lawless action that poses a clear and present danger to individuals or the public.

SEC. 4. Removal of Presumption of Malice – The presumption of malice under Article 354 of the Revised Penal Code is hereby abolished. In any civil action for defamation, actual malice shall

be proven by the plaintiff with clear and convincing evidence, showing intent to harm or reckless disregard for the truth.

SEC. 5. Reasonable Damages in Civil Defamation Cases – In civil cases for libel or defamation, the award of damages shall be proportionate to the proven harm caused. Courts shall:

- A. Avoid imposing excessive damages that would unduly burden free expression;
- B. Consider the public interest nature of the expression, particularly in journalism, whistleblowing, and civic criticism;
- C. Weigh the truthfulness, public relevance, and context of the statement.

SEC. 6. Repeal of Cyber Libel Provision in Republic Act No. 10175 – Section 4(c)(4) of Republic Act No. 10175, or the Cybercrime Prevention Act of 2012, which defines and penalizes cyber libel, is hereby repealed.

SEC. 7. Amendment of Section 6 of Republic Act No. 10175 – Section 6 of R.A. 10175 is hereby amended to delete provisions that impose higher penalties for online libel or any speech-related offense conducted via digital platforms, ensuring that online expression is not penalized more harshly than offline expression.

SEC. 8. Protection Against Strategic Lawsuits Against Public Participation (SLAPP) – No civil action for libel or defamation shall be allowed to proceed as a form of harassment or suppression against:

- A. Journalists;
- B. Whistleblowers;
- C. Academics;
- D. Citizens engaged in legitimate public criticism of public officials or matters of public interest.

The respondent in such cases may file a motion to dismiss if the claim is found to be intended to chill free expression rather than seek genuine redress.

SEC. 9. Affirmation of Defenses in Civil Defamation Cases – The following shall be recognized as affirmative defenses in any civil defamation case:

- A. Truth and substantial accuracy;
- B. Good faith and fair comment on matters of public interest;
- C. Opinion or satire, which are not actionable statements of fact;
- D. Lack of actual malice or intent to defame.

SEC. 10. Right to Reply and Retraction – Any aggrieved party may demand the right to reply or request retraction or correction as a remedy. Media outlets that comply within 7 working days shall be deemed to have acted in good faith, which shall mitigate or eliminate liability.

SEC. 11. Implementing Rules and Oversight – The Department of Justice (DOJ) and the Office of the Press Secretary, in consultation with media organizations, legal experts, and civil society, shall promulgate the Implementing Rules and Regulations within 90 days of the effectivity of this Act.

A Press Freedom Oversight Committee shall be created, composed of:

- A. The Commission on Human Rights (CHR)
- B. Representatives from press unions and journalist federations
- C. Legal and academic institutions

This Committee shall issue an annual report on press freedom, abuse of libel laws, and digital speech threats.

SEC. 12. Separability Clause– If any provision of this Act is declared unconstitutional or invalid, the other provisions not affected shall remain in full force and effect.

SEC. 13. Repealing Clause – All laws, decrees, executive orders, and regulations inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 14. Effectivity – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in at least two (2) national newspapers of general circulation.

Approved,