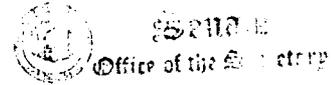


NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)



24 JAN 22 P 6:27

SENATE
S. No. 2521

RECEIVED


Introduced by Senator Jinggoy Ejercito Estrada

AN ACT
ABOLISHING THE PENALTY OF IMPRISONMENT IN LIBEL CASES AND PROVIDING FOR THE VENUE OF THE CIVIL ACTION IN LIBEL CASES AGAINST COMMUNITY JOURNALISTS, PUBLICATIONS OR BROADCAST STATIONS, AMENDING FOR THE PURPOSE CERTAIN PROVISIONS OF ACT NO. 3815, OTHERWISE KNOWN AS THE REVISED PENAL CODE, AS AMENDED, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

The Philippines is perceived as one of the most dangerous places in the world for journalists, with numerous cases of killings against media practitioners in recent years. In the 2022 Global Impunity Index which calculates the number of unsolved journalist murders as a percentage of each country's population, the Philippines ranked 7th in the world with 14 unsolved murders¹. Meanwhile, according to the 2023 World Press Freedom Index which evaluates the environment for journalism in 180 countries, the country ranked 132nd – or an improvement from last year's 147th standing. It noted that: "The 1987 Constitution guarantees freedom of the press but, in practice, Philippine law does not protect the free exercise of journalism²."

It does not help that while journalists are under attack, the domestic legal framework poses another serious threat – through imprisonment due to libel, which is currently a criminal offense. While it is the right of individuals to be protected from

¹ <https://cpj.org/reports/2022/11/killing-with-impunity-vast-majority-of-journalists-murderers-go-free/>

² <https://rsf.org/en/country/philippines>

irresponsible reporting or commentary, imprisonment is not a just penalty for such. Civil damages may be enough penalty and deterrence.

Also, under present rules, the complainant or offended party in a libel case, if one is a public officer, may file the complaint in a trial court in Manila if his office is in Manila, or in a trial court outside Manila if his office is located there. If the offended party is a private person, then the venue of filing is in a trial court in his place of residence at the time of the commission of the alleged libelous act. Such have been used and abused by subjects of news articles or other journalistic pieces in order to harass and cause inconvenience to the journalists and media organizations. They file libel suits in far-flung places, away from the office of the said media practitioners, have them imprisoned and/or pose bail, even if the cases are eventually withdrawn or settled, if not dismissed by the court.

It is the duty of the State to afford ample protection to journalists, which, in turn, translates into adherence to a larger cause: the promotion of the Constitutionally-protected right to expression. This bill seeks to decriminalize libel and limit the venue of filing libel suits.

This representation authored a similar measure during my first term as a Senator in 2004 during the 13th Congress³, and refiled the same in the succeeding 14th⁴, 15th⁵ and 16th⁶ Congresses. It is unfortunate that despite the clarion call of mass media organizations and human rights groups to amend prevailing laws on libel, they have remained untouched over the years. Efforts to revise existing laws to strengthen press freedom have languished in the Senate legislative mill for two decades since I first filed this bill.

The passage of this legislation is earnestly sought.


JINGGOY EJERCITO ESTRADA

³ Senate Bill No. 977 filed on 30 June 2004

⁴ Senate Bill No. 5 filed on 30 June 2007

⁵ Senate Bill No. 83 filed on 01 July 2010 and Senate Bill No. 683 filed on 07 July 2010

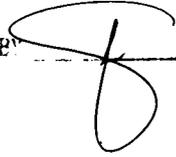
⁶ Senate Bill No. 1387 filed on 28 August 2013 and Senate Bill No. 1962 filed on 27 November 2013

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AN ACT
ABOLISHING THE PENALTY OF IMPRISONMENT IN LIBEL CASES AND
PROVIDING FOR THE VENUE OF THE CIVIL ACTION IN LIBEL CASES
AGAINST COMMUNITY JOURNALISTS, PUBLICATIONS OR BROADCAST
STATIONS, AMENDING FOR THE PURPOSE CERTAIN PROVISIONS OF ACT
NO. 3815, OTHERWISE KNOWN AS THE REVISED PENAL CODE, AS
AMENDED, AND FOR OTHER PURPOSES

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

1 Section 1. Article 355 of Act No. 3815, as amended, otherwise known as the
2 Revised Penal Code, is hereby amended to read as follows:

3 "Article 355. Libel by Means of Writing or Similar Means. - A
4 libel committed by means of writing, printing, lithography, engraving,
5 radio, phonograph, painting, theatrical exhibition, cinematographic
6 exhibition, or any similar means, shall be punished by [~~prisión~~
7 ~~correccional~~ in its minimum and medium periods or] a fine ranging
8 from [~~200 to 6,000 pesos, or both,~~] **TEN THOUSAND PESOS**
9 **(P10,000) TO THIRTY THOUSAND PESOS (P30,000)**, in addition
10 to the civil action which may be brought by the offended party.

11 **"THE PROVISIONS OF ARTICLES 90 AND 91 TO THE**
12 **CONTRARY NOTWITHSTANDING, THE OFFENSE AND PENALTY**
13 **IMPOSED ABOVE SHALL PRESCRIBE IN SIX (6) MONTHS**

1 **COUNTED FROM THE DATE OF THE FIRST PUBLICATION,**
2 **AIRING OR EXHIBITION OF THE LIBELOUS MATERIAL.”**

3 Sec. 2. Article 356 of the same Act is hereby amended to read as follows:

4 “Art. 356. Threatening to Publish and Offer to Prevent Such
5 Publication for a Compensation. - [~~The penalty of *arresto mayor* or a~~
6 ~~fine from 200 to 2,000 pesos, or both,~~] **A FINE RANGING FROM**
7 **FIVE THOUSAND PESOS (P5,000) TO FIFTEEN THOUSAND**
8 **PESOS (P15,000)** shall be imposed upon any person who threatens
9 another to publish a libel concerning him or the parents, spouse, child,
10 or other members of the family of the latter, or upon anyone who
11 shall offer to prevent the publication of such libel for a compensation
12 or money consideration.”

13 Sec. 3. Article 357 of the same Act is hereby amended to read as follows:

14 “Art. 357. Prohibited Publication of Acts referred to in the
15 Course of Official Proceedings. - [~~The penalty of *arresto mayor* or a~~
16 ~~fine of from 200 to 2,000 pesos, or both,~~] **A FINE RANGING FROM**
17 **FIVE THOUSAND PESOS (P5,000) TO FIFTEEN THOUSAND**
18 **PESOS (P15,000)** shall be imposed upon any reporter, editor or
19 manager of a newspaper, daily or magazine, who shall publish facts
20 connected with the private life of another and offensive to the honor,
21 virtue and reputation of said person, even though said publication be
22 made in connection with or under the pretext that it is necessary in
23 the narration of any judicial or administrative proceedings wherein
24 such facts have been mentioned.”

25 Sec. 4. Article 360 of the same Act is hereby amended to read as follows:

26 “Art. 360. Persons responsible. - [~~Any person who shall publish,~~
27 ~~exhibit, or cause the publication or exhibition of any defamation in~~
28 ~~writing or by similar means,~~] **THE AUTHOR OF THE PUBLISHED**
29 **ARTICLE OR ANY PERSON WHO SHALL CAUSE THE**
30 **EXHIBITION OF THEATRICAL OR CINEMATOGRAPHIC**
31 **EXHIBIT CONTAINING DEFAMATORY WORDS** shall be
32 responsible for the same.

1 “The author or editor of a book or pamphlet, or the editor or
2 business manager of a daily newspaper, magazine or serial publication
3 shall be responsible for any defamation contained therein to the same
4 extent as if he were the author thereof; **PROVIDED, THAT**
5 **DEFAMATORY ARTICLE PASSED THROUGH SAID PUBLISHER,**
6 **EDITOR OR BUSINESS MANAGER FOR EDITING AND**
7 **REQUIRED THE LATTER’S APPROVAL FOR PUBLICATION.**

8 **x x x”**

9 Sec. 5. A new article, to be numbered as Article 360-A of the same Act, is
10 hereby inserted after Article 360 of the same act, to read as follows:

11 **“ARTICLE 360-A. VENUE. THE CIVIL SECTION IN CASES**
12 **OF LIBEL AGAINST A COMMUNITY JOURNALIST,**
13 **PUBLICATION OR BROADCAST STATION SHALL BE FILED IN**
14 **THE REGIONAL TRIAL COURT OF THE PROVINCE OR CITY**
15 **WHERE THE PRINCIPAL OFFICE OR PLACE OF BUSINESS OF**
16 **THE SAID COMMUNITY JOURNALIST, PUBLICATION OR**
17 **BROADCAST STATION IS LOCATED: PROVIDED, HOWEVER,**
18 **THAT THE COURT WHERE THE CIVIL ACTION IS FIRST FILED**
19 **SHALL ACQUIRE JURISDICTION TO THE EXCLUSION OF**
20 **OTHER COURTS.**

21 **“THE TERM ‘COMMUNITY JOURNALIST, PUBLICATION**
22 **OR BROADCAST STATION’ SHALL BE UNDERSTOOD TO MEAN**
23 **A JOURNALIST OR NEWS MEDIUM THAT OPERATES WITHIN A**
24 **LIMITED AREA OF CIRCULATION OR BROADCAST IN A CITY,**
25 **PROVINCE OR REGION, AS DEFINED UNDER EXISTING**
26 **LAWS.”**

27 Sec. 6. *Separability Clause.* – If for any reason, any provision of this Act is
28 declared unconstitutional or invalid, such parts not affected thereby shall remain in
29 full force and effect.

30 Sec. 7. *Repealing Clause.* – All laws, decrees, executive orders, rules and
31 regulations and other issuances or parts thereof which are inconsistent with this Act
32 are hereby repealed, amended or modified accordingly.

1 Sec. 8. *Effectivity.* – This Act shall take effect fifteen (15) days after its
2 publication in the *Official Gazette* or in any two (2) newspapers of general
3 circulations.

Approved,