


FOURTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

CLERK OF THE SENATE

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SENATE
S. B. No. 918

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Introduced by SENATOR EDGARDO J. ANGARA

EXPLANATORY NOTE

In a country where democracy is primarily infringed on the freedom of speech and expression, in a State where the media is considered the fourth estate, it is a sad reality that existing laws on libel have not been attuned to the evolving needs of the people under a democratic rule and the rising importance of media in effecting transparency and accountability in governance.

While a newspaperman is free to share his views publicly on issues that affect our nation and our people, he remains unprotected from the risk of imprisonment. While we recognize that socially-relevant issues must have room for open debate and public discussion, we do not safeguard the very people who risk their safety and career in order to report events that have escaped our critical eye, circumstances that would have led us to think twice before making our conclusions, and instances that would have made us more aware of what is more important and what is more relevant.


It is not our intent in this proposal to downplay the importance of one's privacy and the right of a person to be free from public and malicious imputation of a crime, or of a vice, or defect, real or imaginary, or circumstances tending to cause the dishonor, discredit or contempt of a person or to blacken the memory of one who is dead. But the penalty of imprisonment that goes with libel is, to our opinion, not commensurate to the act being penalized.

The penalty of fine must be sustained, as we believed that libel must not go unpunished. But to imprison a person convicted of libel might preclude him in the future from doing his job with zeal and critical eye. Such person may choose not to look deeply into issues and concerns that may not seem to affect public interest on face value, but with deep investigation, would expose anomalies and abuses, for fear of imprisonment.

Libel should therefore be decriminalized in the light of protecting the right to speech and self-expression.

Such an amendment loosens the restraint on the free flow of information and thus fosters the growth of a free and open society. Socially-relevant issues must have room for open debate and public discussion. With the decriminalization of libel, the safeguards strengthened.

In view of the foregoing, passage of this on speech and expression bill is earnestly recommended.


EDGARDO J. ANGARA
Senator

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SECRETARY
7 3 26:31
RECEIVED BY: [Signature]

Introduced by SENATOR EDGARDO J. ANGARA

AN ACT TO ABOLISH THE PENALTY OF IMPRISONMENT IN
LIBEL CASES, AMENDING FOR THE PURPOSE ARTICLES 355, 356,
357 AND 360 OF ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN
AS THE REVISED PENAL CODE AND FOR OTHER PURPOSES

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

1 SECTION 1. Article 355 of Act No. 3815, as amended, is hereby
2 amended as to read as follows:

3 "ART. 355. *Libel by means of writings or similar means.* - A libel
4 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 [prison
7 correctional in its minimum and medium periods or] a fine ranging
8 from 200 to 6,000, or both, in addition to the civil action which may be
9 brought by the offended

10 THE PROVISIONS OF ARTICLE 90 AND 91 TO THE
11 CONTRARY NOT WITHSTANDING, THE OFFENSE AND
12 PENALTY IMPOSED ABOVE SHALL PRESCRIBE IN SIX (6)
13 MONTHS COUNTED FROM THE DATE OF THE FIRST
14 PUBLICATION, AIRING OR EXHIBITION OF THE LIBELOUS
15 MATERIAL."

16
17 SECTION 2. Article 356 of Act No. 3815, as amended, is hereby
18 amended as follows:

19 "ART. 356. *Threatening to publish and offer to present such*
20 *publication for compensation.* - The penalty of [arresto mayor or] a fine
21 ranging from 200 to 2,000, [or both,] shall be imposed upon any person
22 who threatens another to publish a libel concerning him or the parents,
23 spouse, child, or other members of the family of the latter, or upon
24 anyone who shall offer to prevent the publication of such libel for a
25 compensation or money consideration".

1
2 **SECTION 3.** Article 357 of the same Act is likewise amended to read as
3 follows:

4 "ART. 357. *Prohibited publication of acts referred to in the course*
5 *of official proceedings.* - The penalty of [arresto mayor or] a fine from
6 200 to 2,000 pesos, [or both,] shall be imposed upon any reporter,
7 editor, or manager of a newspaper, daily or magazine, who shall
8 publish facts connected with the private life of another and offensive to
9 the honor, virtue, and reputation of said person, even though said
10 publication be made in connection with or under the pretext that it is
11 necessary in the narration of any judicial or administrative
12 proceedings wherein such facts have been mentioned.

13
14 **SECTION 4.** Article 360 of the same Act is likewise amended to read
15 as follows:

16 "ART. 360. *Persons responsible.* - [Any person who shall publish,
17 exhibit, or cause the publication or exhibition of any defamation in
18 writing or by similar means,] THE AUTHOR OF THE PRINTED
19 ARTICLE OR ANY PERSON WHO SHALL CAUSE THE
20 EXHIBITION OF THEATRICAL OR CINEMATOGRAFIC EXHIBIT
21 CONTAINING DEFAMATORY WORDS shall be responsible for the
22 same.

23 [The author or editor of a book or pamphlet, or the editor or
24 business manager of a daily newspaper, magazine or serial publication,
25 shall be responsible for the defamations contained therein to the same
26 extent as if he were the author thereof.]

27
28 **SECTION 5.** All provisions of existing laws, orders, rules and
29 regulations contrary to or inconsistent with this Act are hereby repealed or
30 modified accordingly.

31
32 **SECTION 6.** This Act shall take effect after fifteen (5) days following
33 its publication in the Official Gazette or in at least two (2) newspapers of
34 general circulation.

35
36 *Approved,*