

SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)



14 MAR -3 P6:09

SENATE
S.B. No. 2158

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Introduced by: Senator Paolo Benigno "Bam" A. Aquino IV

AN ACT DECRIMINALIZING LIBEL, REPEALING FOR THIS PURPOSE ARTICLE 355 OF ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL CODE

EXPLANATORY NOTE

The Filipino nation was built on our forefathers' fight for freedom of expression and democracy. In the age of foreign colonizers, José Rizal's *Noli Me Tangere* and *El Filibusterismo*, and Graciano Lopez Jaena's *La Solidaridad*, helped to ignite the spark that galvanized a fragmented people and lit up a revolution.

Decades later, in the midst of Martial Law, Filipinos once again used the power of words and ideas to fight against tyranny and oppression. Although many of the country's top journalists were jailed for exposing the truths behind an unjust dictatorship, they inspired an entire nation to rise up and wage a bloodless revolution for democracy.

This spirit lives on in the Information Age. Around the world, citizens are using the power of ideas and words—transmitted over a globally connected network—to expose corruption, challenge unjust regimes, pursue the common good, and ensure good governance.

In the words of the late President Corazon C. Aquino, "Freedom of expression—in particular, freedom of the press—guarantees popular participation in the decisions and actions of government, and popular participation is the essence of our democracy."

In the Philippines, freedom of speech has given rise to a robust civil society. No less than the Bill of Rights of the 1987 Constitution protects this fundamental human right, saying: "No law shall be passed abridging the freedom of speech, of expression, or of the press, or the right of the people peaceably to assemble and petition the government for redress of grievances."

Moreover, the International Covenant on Civil and Political Rights (ICCPR), of which the Philippines is a state party, protects these same rights while recognizing citizens' responsibility in exercising these freedoms. Article 19 states:

1. Everyone shall have the right to hold opinions without interference.
2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.
3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

- (a) For the respect of the rights or reputations of others;
- (b) For the protection of national security or of public order (*ordre public*), or of public health or morals.

In light of all of these, this representation seeks to **decriminalize all forms of libel (i.e., in broadcast media or online)** to encourage free and responsible discourse without necessarily compromising the State's ability to hold persons accountable for irresponsible behavior.

No less than the United Nations Human Rights Committee (UNHRC) called Philippine libel laws "excessive" and incompatible with Article XIX, paragraph 3 of the ICCPR. It said: "States parties should consider the decriminalisation of defamation 113 and, in any case, the application of the criminal law should only be countenanced in the most serious of cases and imprisonment is never an appropriate penalty. It is impermissible for a State party to indict a person for criminal defamation but then not to proceed to trial expeditiously—such a practice has a chilling effect that may unduly restrict the exercise of freedom of expression of the person concerned and others."

In view of the foregoing, the approval of this bill is earnestly sought.



Senator Paolo Benigno "Bam" A. Aquino IV

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

1 **SECTION 1.** Libel by means of writing or similar means as defined in Article 355 of the
2 Revised Penal code is hereby decriminalized.

3 **SECTION 2. *Repealing Clause*** - Article 355 of the Revised Penal Code, as amended, is
4 hereby repealed.

5 **SECTION 3. *Effectivity Clause*** - This Act shall take effect fifteen (15) days after its
6 publication in the Official Gazette or in at least two newspapers of general circulation.

Approved,