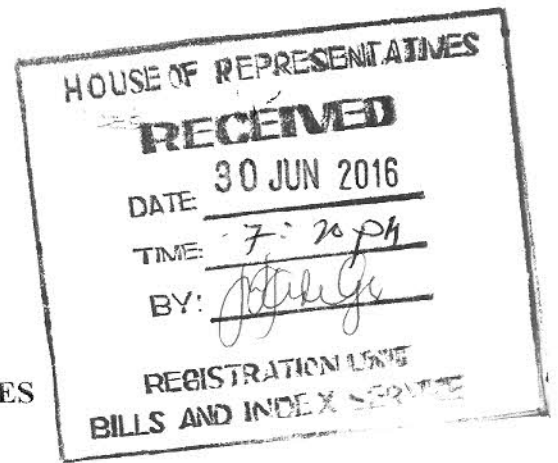




Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Seventeenth Congress
First Regular Session

HOUSE BILL NO. 236



Introduced by Honorable Rodante D. Marcoleta

EXPLANATORY NOTE

This bill seeks to grant a justifiable measure to improve the free flow of information by ensuring that the people will hear both sides of the story.

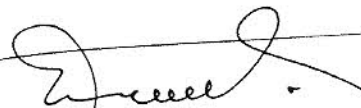
It is the declared policy of the State to guarantee freedom of expression, freedom of speech and freedom of the press. Nevertheless, the interest of the public demands not only the right to express one's judgments or views but the right to an educated and enlightened public opinion.

The right of reply gives the aggrieved individuals, injured by inaccurate or offensive statements or ideas published or aired through the mass media, the right to make corrections using the same communications outlet. The right of reply to a harmful publication is one of the basic rights recognized by the journalists code of professional ethics in the world and is often viewed as a proper form of ethical behavior. This right is not a recipe

for removing control from the editor or publisher; on the contrary, it is a very practical way of demonstrating a commitment to accuracy.

This Act enables all persons to equitably exercise their right of reply in the field of broadcast and print media and protects its exercise by providing penalties for violation of such right.

In view of the foregoing, approval of this bill is highly and earnestly recommended.



RODANTE D. MARCOLETA



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HOUSE BILL NO. 236

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AN ACT
GRANTING THE RIGHT OF REPLY AND PROVIDING
PENALTIES FOR VIOLATION THEREOF

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

SECTION 1. ***Right of Reply.*** – All persons natural or juridical who are accused directly or indirectly of committing or having committed or of intending to commit any crime or offense defined by law or are criticized by innuendo, suggestion or rumor for any lapse in behavior in public or private life shall have the right to reply to the charges published or printed in newspapers, magazines, newsletters or publications circulated commercially or for free, or to criticisms aired or broadcast over radio, television, websites or through any electronic device.

SEC. 2. *Where Reply Published.* The reply of the person so accused or criticized shall be published in the same space of the newspapers, magazine, newsletter or publication or aired over the same program on radio, television, website, or any electronic device concerned.

SEC. 3. *When Published.* – The reply shall be published or broadcast not later than three (3) days after the reply shall have been delivered to the editorial office of the publication concerned or to the station that carried the broadcast being replied to.

SEC. 4. *Length of Reply.* – The reply shall not be longer than the accusation or criticism as published or broadcasted.

SEC. 5. *Free of Charge.* – The publication or the broadcast of the reply shall be free of charge, payment or fees.

SEC. 6. *Editing Reply.* – The reply as such shall be published or broadcast except for libelous allegations.

SEC. 7. *Penalties.* – The writer, broadcaster, editor-in-chief, segment reporter, publisher, producer, responsible manager or officer, as the case may be, of the broadcast medium who fails or refuses to publish, print, air, or broadcast the reply as mandated in this Act shall be fined in an amount not exceeding *twenty thousand pesos* (₱20,000) for the first offense; *fifty thousand pesos* (₱50,000) for the second offense; and *eighty thousand pesos*

(₱80,000) and imprisonment of not more than thirty (30) days for the third offense.

Thereafter, for repeated failures or refusal to publish, print, air, or broadcast the reply as mandated herein, a fine of *one hundred thousand pesos* (₱100,000) and imprisonment of not more than sixty (60) days shall be imposed.

Moreover, if the offender is a public official, he or she shall be subjected to administrative liability under existing Civil Service laws. For purposes of this Act, a public official is any person holding any office in the Government of the Republic of the Philippines by virtue of an appointment, election or contract.

The court may also recommend that proper sanctions be imposed by any appropriate mass media organizations on erring editors-in-chief, publishers, station managers or owners of media concerned.

SEC. 8. *Other Remedies.* – The publication of the reply does not preclude recourse to other rights or remedies available to the party or parties concerned.

SEC. 9. *Separability Clause.* – If, for any reason, any section or provision of this Act is declared unconstitutional or invalid, the other sections or provisions which are not affected shall continue to be in full force and effect.

SEC. 10. *Repealing Clause.* – All laws, decrees, executive orders, proclamations, rules and regulations, and issuances, or parts thereof, which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 11. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) national newspapers of general circulation.

Approved,