

EIGHTEENTH CONGRESS)
REPUBLIC OF THE PHILIPPINES)
FIRST REGULAR SESSION)



HOUSE OF REPRESENTATIVES

Introduced by Representative Rufus B. Rodriguez

House Bill No. 1835

EXPLANATORY NOTE

This bill seeks to abolish the penalty of imprisonment in libel cases and to impose a higher fine instead to discourage if not totally deter the commission of the crime of libel.

Libel is defined under Article 353 of the Revised Penal Code as "a public and malicious imputation of a crime, or of a vice or defect, real or imaginary, or any act, omission, condition, status, or circumstance tending to cause the dishonor, discredit or contempt of a natural or juridical person, or to blacken the memory of one who is dead.". To be liable for libel, the following elements must be shown to exist: (a) the allegation of a discreditable act or condition concerning another; (b) publication of the charge; (c) identity of the person defamed; and (d) existence of malice.

An allegation made by a person against another is considered defamatory if it ascribes to the latter the commission of a crime; the possession of a vice or defect, whether real or imaginary; or any act, omission, condition, status or circumstance which tends to dishonor or discredit or put him in contempt, or which tends to blacken the memory of one who is dead. There is publication if the defamatory material is communicated to a third person, *i.e.*, a person other than the person to whom the defamatory statement refers. And there is malice if the author of the libelous remarks made such remarks with knowledge that it was false or with reckless disregard as to the truth or falsity thereof.

At present, a person guilty of committing libel is penalized with imprisonment ranging from *arresto mayor* or one month and one day to 6 months, to *prision correccional* or 6 months and one day to six years, aside from the fine ranging from P200 to P6,000.

While the penalty of fine must be sustained, for no crime should go unpunished, imposing a penalty of imprisonment will work more to discourage members of the media to perform their duties with zeal and vigilance. Instead of looking deeply into issues that have a potential of affecting public interest and general welfare, the penalty of imprisonment has paved the way for members of the media to approach their mandates with doubts and hesitation. We cannot have that in a country where democracy is primarily infringed on the freedom of speech and of expression, and where media is considered the Fourth Estate.

Although this bill abolished the penalty of imprisonment, it has increased the amount of the fine imposed to allow the law to accomplish its purpose of penalizing libel and deterring would be violators.

In view the foregoing, the immediate passage of this bill is earnestly requested.


RUFUS B. RODRIGUEZ

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AN ACT

TO ABOLISH THE PENALTY OF IMPRISONMENT IN LIBEL CASES, AMENDING FOR THE PURPOSE ARTICLES 355, 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:

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

"ART. 355. *Libel by means of writings or similar means.* – A libel committed by means of writing, printing, lithography, engraving, radio, phonograph, painting, theatrical exhibition, cinematographic exhibition, or any similar means, shall be punished by [*prision correccional* in its minimum and medium periods or] a fine ranging from [200 TO 6,000, or both] **TEN THOUSAND PESOS (10,000 Php) TO THIRTY THOUSAND PESOS (30,000 Php)**, in addition to the civil action which may be brought by the offended party."

THE PROVISIONS OF ARTICLES 90 AND 91 TO THE CONTRARY NOTWITHSTANDING, THE CRIME OF LIBEL AND THE CORRESPONDING PENALTY IMPOSED ABOVE SHALL PRESCRIBE IN SIX (6) MONTHS COUNTED FROM THE DATE OF THE FIRST PUBLICATION, AIRING OR EXHIBITION OF THE LIEBLOUS MATERIAL.

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

"ART. 356. *Threatening to publish and offer to present such publication for a compensation.* – The penalty of [*arresto mayor* or] a fine ranging from [200 to 2,000,] **FIVE THOUSAND PESOS (5,000 Php) to FIFTEEN THOUSAND PESOS (15,000 Php)** [or both,] shall be imposed upon any person who threatens another to publish a libel concerning him or the parents, spouse, child, or other members of the family of the latter, or upon anyone who shall offer to prevent the publication of such libel for a compensation or money consideration."

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

"ART. 357. *Prohibited publication of acts referred to in the course of official proceedings.* – The penalty of [*arresto mayor* or] a fine from [200 to 2,000 pesos, or both,] **TEN THOUSAND PESOS (10,000 Php) TO THIRTY THOUSAND PESOS (30,000 Php)** [or both] shall be imposed upon any reporter, editor, or manager of a newspaper, daily or magazine, who shall publish facts connected with the private life of another and offensive to the honor, virtue, and reputation of said person, even though said publication be made in connection with or under the pretext that it is necessary in the narration of any judicial or administrative proceedings wherein such facts have been mentioned."

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

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

The author or editor of a book or pamphlet, or the editor or business manager of a daily newspaper, magazine or serial publication, shall be responsible for the defamations contained therein to the same extent as if he were the author thereof, **PROVIDED SAID DEFAMATORY ARTICLE PASSED THROUGH SAID PUBLISHER, EDITOR OR BUSINESS MANAGER FOR EDITING AND REQUIRED THE LATTER'S APPROVAL FOR PUBLICATION."**

SEC. 5. *Separability Clause.* - If any provision of this Act is declared invalid, the remainder of this Act or any provision not affected thereby shall remain in force and effect.

SEC. 6. *Repealing Clause.* - All laws, presidential decrees, executive orders and their implementing rules, inconsistent with the provisions of this act are hereby repealed, amended or modified accordingly.

SEC. 7. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in at least two (2) national newspapers of general circulation.

Approved,