

CRIMINAL LAW

SMOTHERED AND SUBDUED

Decriminalizing Libel

by Krizza Mae N. Mallari (JD-2A) // Katryna Mae N. Mallari

Libel is a public and malicious imputation of a crime, or 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.¹

Libel is a criminal offense, as well as cyber libel, that is used by many, especially nowadays where there is rampant use of social media for spreading the latest news relevant to society. It is widely known that although there are positive effects to the technological advancements happening in the world, there are also cons that come with it. Point being, the internet

has become an outlet for many, even used by politicians and influential people to their advantage to further their personal agenda; that being the ultimate reason as to why Opposition Senator Risa Hontiveros filed the Senate Bill No. 1593, known as the Decriminalization of Libel Act.

“Our libel laws have been weaponized to stifle very basic fundamental rights. These laws have been used to constantly attack many of our freedoms, but particularly the freedom of the press. We need to decriminalize libel if we are to truly defend press freedom,”² says Sen. Hontiveros in a statement. The decision to file the case was made

on the same day,

Tuesday December 13, 2022, as Frank Cimat, a journalist, and a contributor to the independent news outlet Rappler. He is the third Rappler reporter to have been convicted of cyber libel alongside Rappler CEO and Executive Editor Maria Ressa, and ex-Rappler researcher Reynaldo Santos Jr.³

In filing the Senate Bill mentioned above, it will repeal several articles of the Revised Penal Code (RPC) referring to libel, as well as the Cybercrime Prevention Act of 2012.⁴ The country's laws and courts have repeatedly been weaponized by those of influence to arrest and detain critics of politics and the government, resulting in the

red tagging of activists,

lawyers, and judges to oppose the views of those in power. Notably, the opposition of the National Task Force to End Local Communist Armed Conflict administration, and the anti-terrorism law.⁵ Sen. Hontiveros also mentioned how libel laws are used against journalists “who are just doing their jobs.”⁶

Journalists are to bring important information to the public that requires its immediate

attention. With the recent libel cases that involved journalists as mentioned, they deny the citizens access to what is rightfully theirs to know. No freedom is absolute. Freedom of speech does not mean freedom of consequences. Media practitioners are accountable for any information released to the public. Journalist Ethics and Core Values of fairness and objectivity through strict and proper fact checking exist to counter those that aim to share disinforma-

tion and misinformation.

Thus, Media Organizations should do well to keep the practitioners that work under them in line as well as people in politics to learn to handle feedback and criticisms and not use the law as something to fall back on with the slightest offense. Sen. Hontiveros also pointed out that these cyber libel cases that has been ceaselessly filed by private individuals that clog court dockets and continuously contribute to the overburdening of

the executive and judicial branches, resulting in the drain and scarcity of their resources.⁷

Opposition Senator Risa Hontiveros concluded, "If we allow our laws to punish rather than protect the press, we chip away at our Constitutional rights. This will cost us our democracy."⁸

1 Pinoy Attorney – Attorneys of the Philippines (2017) "Using Privileged Communication as a Defense to Libel."

2 Bolledo, J. – Rappler (2022) "Senator Hontiveros files bill seeking to decriminalize Libel."

3 Committee to Protect Journalists – CPJ (2022) "Rappler contributor Frank Cimatú convicted of cyber libel in the Philippines."

4-6 Philippine Daily Inquirer Editorial (2022) "Decriminalizing libel" & Press Release – Senate of the Philippines (2022) "Defend Press Freedom: Hontiveros files bill to decriminalize Libel."

7 Philippine Daily Inquirer Editorial (2022) "Decriminalizing libel", Press Release – Senate of the Philippines (2022) "Defend Press Freedom: Hontiveros files bill to decriminalize Libel.", & Mangaluz J. – Inquirer.net (2022) "Sen. Risa Hontiveros files bill decriminalizing Libel."

8 Philippine Daily Inquirer Editorial (2022) "Decriminalizing Libel." & Press Release – Senate of the Philippines (2022) "Defend Press Freedom: Hontiveros files bill to decriminalize Libel."