

FREEDOM OF THE PRESS

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Philippines

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The constitution guarantees freedom of speech and expression. There are no restrictive licensing requirements for newspapers or journalists, and few legal limitations such as privacy or obscenity laws. However, national security legislation introduced in 2007 can be used to limit journalists' traditional rights and access to sources. Also that year, then president Gloria Macapagal Arroyo issued Executive Order 608, creating the National Security Clearance System, which was designed to "protect and ensure the integrity and sanctity" of classified information against "enemies of the state." The order came shortly before legislative elections, and called on the heads of government agencies to implement a vaguely defined security-clearance procedure approved by the national security adviser.

The country's penal code makes libel a criminal offense punishable by a prison term and, in some cases, large fines. Defamation suits continue against those who criticize authorities. In March 2011, Edgardo Maliza was arrested on libel charges for criticizing Ernesto Adobo, then the regional executive director of the Department of Environment and Natural Resources (DENR) in Northern Mindanao, in two 2009 articles, when Maliza was editor and publisher of the *Azilam Review*. The articles criticized Adobo for alleged misuse of government certificates. In April, Albert Loyola, a broadcaster from radio station dxRJ, was arrested on charges of libel against local city councilor Chonilo Ruiz in southern Lanao del Norte province. The journalist was released later that month after posting bail. Because of the frequency of libel suits, the mere threat of such charges is often enough to stifle criticism of officials and public figures.

In his first year in office, President Benigno Aquino, elected in May 2010, failed to prioritize the passage of a Freedom of Information (FOI) law, despite his vaunted platform to end corruption and promote greater transparency in government. By the end of 2011, Aquino's lieutenants had drafted a FOI bill that is set to be prioritized in 2012. Legislators and politicians had reportedly lobbied to include provisions that would limit any FOI law's retroactivity, while Aquino was reportedly favored a national security exemption. Nevertheless, civil society advocates see the bill as a genuine step forward. While the formal law was being discussed, in June, the Supreme Court allowed media and private companies to cover the trials of suspects in the 2009 Ampatuan massacre, in a positive effort to promote freedom of information. In the massacre, 32 journalists and media workers, out of 57 people in total, were killed in southern Maguindanao province, in one of the worst incidents of political violence in the Philippines' recent history.

Although a censorship board has the power to edit or ban content for both television and film, government censorship does not typically affect political material. Both the private media and the country's many publicly owned television and radio stations address numerous controversial topics, including alleged election fraud, ongoing counterinsurgency campaigns, and high-level corruption cases.

The year 2011 saw continued improvement from 2009, when the Philippines

2012 SCORES

PRESS STATUS

Partly Free

PRESS FREEDOM SCORE

42

LEGAL ENVIRONMENT

12

POLITICAL ENVIRONMENT

20

ECONOMIC ENVIRONMENT

10

was the world's most deadly environment. That year, 29 journalists and three media workers were killed in the Ampatuan massacre. However, violence and threats against journalists remain. Two journalists were killed in 2011, according to the Committee to Protect Journalists (CPJ). In January, broadcaster Gerardo "Gerry" Ortega was assassinated in Puerto Princesa, likely as a result of his criticism of former Palawan governor, Joel Reyes. International organizations urged the country to solve this case, and suspects were in custody, but they were released in June due to insufficient evidence. In June, Romeo Olea, a radio commentator, was shot on his way to work. He had received death threats in the past because of his harsh commentary about governance issues in Irgia City, where he lived. Journalists are also frequently subject to violence and harassment. In February, the publisher-editor of the Iloilo-based *Western Visayas Daily Guardian*, Lemuel Fernandez, was hit on the head while entering his car outside his office and sustained minor injuries; the attack was likely a result of the newspaper's discussion of sensitive issues. Also in February, four journalists received death threats for their coverage of controversial issues. In May, a government-owned radio station was attacked with homemade bombs which set the building on fire. No one was injured.

In 2011, CPJ ranked the Philippines third, after Iraq and Somalia, in its impunity index, which tracks the worst records for solving murders of journalists. The Arroyo administration had made some efforts to address the issue, such as establishing in 2006 Task Force USIG, a special police unit, as well as the Melo Commission to Investigate Media and Activist Killings. In 2008, the Supreme Court granted the first writ of amparo, which ordered the protection of a journalist who was targeted in a murder plot. The law on the writ of amparo, which was instituted in October 2007, protects the right to "life, liberty and security" in cases pertaining to extralegal killings, enforced disappearances, or threats of such acts. The government and judiciary hoped the new tool would help stem the rise in journalist killings; while a positive measure, it has proven limited in effect. In May 2010, Aquino pledged to end the killings and impunity, asserting that justice would be achieved and that half of the cases of extrajudicial killings were on their way to being resolved. Muhammad Maulana, who in 2005 killed Edgar Amoro, was sentenced to life in prison in January 2010, bringing the country's total number of convictions to six since 2001, according to the Philippines' Center for Media Freedom and Responsibility (CMFR). Amoro was a witness in the 2002 slaying of journalist Edgar Damalerio. Additionally, in April 2011, murder charges were filed against the killers of Marlina Flores-Sumera. The Ampatuan trials continued during 2011, but were bogged down by judicial technicalities and a slow-moving court process, as well as attempts to subvert the process altogether by some defendants. According to CPJ, by late 2011, only 70 of the case's 195 suspects had been charged, and 100 of them were evading police custody by hiding out in remote regions of the country.

Most print and internet-based media outlets are privately owned, and while the government owns some television and radio stations, they present a wide variety of views. While the private press has approximately 500 newspaper titles, television ownership is somewhat concentrated, with two broadcast networks controlled by wealthy families dominating audience share and advertising. Often criticized for lacking journalistic ethics, media outlets tend to reflect the political or economic orientations of their owners and patrons, and special interests reportedly employ bribes to elicit favorable coverage. News reports are often rooted in sensationalism and innuendo in order to boost circulation. The nature of advertising and the prevalence of "block timing"—buying airtime for political or partisan purposes—in radio broadcasting contribute to sensational reporting.

About 29 percent of the population accessed the internet in 2011, and the government did not restrict access. Social-media sites such as YouTube, Facebook, and Twitter, as well as international blog-hosting services are openly available, and penetration rates of these sites are among the highest in the region. Mobile phones remain the most widely used technology in the country, with 87 million subscribers.

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