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Freedom Of The Press - Philippines (2011)

Status: Partly Free
Legal Environment: 13
Political Environment: 22
Economic Environment: 11
Total Score: 46

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 could be used to limit journalists' traditional rights and access to sources. Also that year, former 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, which came shortly before legislative elections, called on the heads of government agencies to implement a vaguely defined security-clearance procedure for obtaining certain information.

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 2010, *Newsbreak* editor and investigative journalist Marites Vitug was charged with 13 counts of libel by a Supreme Court justice for an article she wrote in 2009. The mere threat of libel charges is often enough to hush criticism of officials and public figures. A longstanding effort to establish freedom of information legislation fell short again in the final weeks of the Arroyo administration, and press freedom groups are not optimistic about its passage in the near term, considering congressional efforts to tie the act with a right-of-reply law generally opposed by the media.

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. Political and controversial developments, including the run-up to the 2010 elections, are covered widely by local and national media outlets. The regional watchdog nongovernmental organization Asian Network for Free Elections reported that the media enjoyed a great degree of freedom during the elections, with the exception of the Autonomous Region in Muslim Mindanao (ARMM), where journalists experienced greater constraints including attacks on media outlets. However, it also reported media bias that contributed to a somewhat unbalanced playing field that frequently favored wealthier candidates. Controversial developments in the trials relating to the 2009 Maguindanao massacre and investigations into an August 2010 hostage crisis were not

off limits.

In 2010, the Committee to Protect Journalists ranked the Philippines third, after only Iraq and Somalia, in its impunity index tracking the worst records for resolving journalist murders. The Arroyo administration made some effort 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. However, local human rights groups disputed the official findings of the former, while the latter lacked any sort of enforcement capacity. 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 government and judiciary hoped the new tool would help alleviate the spike in extrajudicial and journalist killings; while a positive measure, it has proven limited in effect.

With the election of President Benigno Aquino in May 2010 came a strong pledge to end the killings and impunity. He asserted at his first state of the union that justice would be achieved and that half of the cases of extrajudicial killings were on their way to being resolved. Aquino met with press freedom groups in August with an eye toward measures such as strengthening witness protection programs and the investigative capacity of law enforcement bodies. While notable, the new president's political will remains challenged by the country's deeply entrenched legal constraints and culture of impunity. In a positive development, 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. Amoro was a witness in the 2002 slaying of journalist Edgar Damalerio.

Nevertheless, violence and threats against journalists remain abundant, and in 2009 the country came to be considered the world's most deadly environment for the press. This was a result of the November 2009 election-related massacre of 57 people in Maguindanao province; 29 journalists and three media workers were among those killed. The Arroyo government's political ties with local clans and paramilitary groups complicated investigations into the crimes throughout early 2010, including the near release of members of the Ampatuan clan accused of abducting and killing the victims of the massacre. The charges of rebellion were dismissed, but the members of the clan remain in prison. The case has come to be seen as a litmus test for the country's judicial system. The Maguindanao trials began for 19 defendants in September 2010, including six members of the Ampatuan family. By year's end, a total of 47 suspects were in custody but not on trial, while another 130 suspects were believed to still be at large. Several instances of witness intimidation, as well as offers of bribes to victims' family members, were reported. In June, a former Ampatuan militia member who was a witness to the massacre was killed under unclear circumstances.

Aside from the Maguindanao developments, 2010 saw continued death threats, a number of assassination attempts, and journalist killings. Exposing local crime and corruption, or criticizing the government, army, or police, can prove lethal. Following the libel charges and release of her book on controversies surrounding the judiciary in March, Marites Vitug received a series of death threats. A spokesman for the Supreme Court dismissed them hastily.

Three journalists were murdered in the final week of Arroyo's presidency in June in separate incidents in Northern Luzon (Joselito Agustin), and Southern Mindanao (Desiderio Camangyan and Nestor Bedolido). This brought the total number of journalists killed throughout her presidency to 137, according to the Manila-based Center for Media Freedom and Responsibility (CMFR). Only five convictions resulted, leaving the country with a 90 percent impunity rate at the end of her term. Another death occurred in July, when radio reporter Miguel Belen was shot by gunmen on motorcycles in the central province of Bicol, though the motive remained unclear. According to CMFR, eight journalists were killed during the year. The crimes were often carried out by hired gunmen, and no mastermind of such a slaying has been held fully accountable. Journalists also confronted some harassment, including a few threats in the course of covering the 2010 elections, with greater prevalence in the ARMM. The intimidation of witnesses remains a critical obstacle to securing convictions. Furthermore, local police tend to hesitate before taking action against influential officials who are suspected of crimes against the press. Radio broadcasters outside major urban centers, known for sensational political reporting intended to attract high ratings, are the most common victims of media intimidation. Local political rivalries, corruption, and family vendettas often make it difficult to identify the motives for and perpetrators of journalist murders.

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 boasts up approximately 500 newspaper titles, there has been a general trend toward concentration of ownership in television, with two broadcast networks controlled by wealthy families dominating audiences 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. The penchant for drama in the Philippines' media reached new heights in August 2010, when the broadcast media came under harsh attack for airing live the 11-hour August 23 hostage-taking incident, in which eight tourists and the hostage taker himself were killed. The broadcasts allowed the hostage taker to watch police movements and his brother's arrest in the incident. Both the Senate and a forum of media groups convened to investigate the media's role in the incident. About 25 percent of the population accessed the internet in 2010, and the government did not restrict access.