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## FREEDOM OF THE PRESS

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# Philippines

[Philippines](#)[Freedom of the Press 2013](#)

The environment for media freedom in the Philippines remained largely stable in 2012, despite continued inertia in dealing with the ongoing issue of impunity in cases of violence against journalists, as well as the introduction of potentially restrictive internet legislation.

The constitution guarantees freedom of speech and of expression. There are no restrictive licensing requirements for newspapers or journalists, and few legal limitations such as privacy or obscenity laws. 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," and national security discourse is regularly employed in obstructing the public's access to government information.

The country's penal code makes libel a criminal offense punishable by a prison term and, in some cases, large fines. In late 2011, the UN Human Rights

Committee (UNHRC) released a declaration stating that the criminal sanction for libel in the Philippines is “excessive” and in violation of the International Covenant on Civil and Political Rights (ICCPR), to which the Philippines is a signatory. Nevertheless, defamation and libel suits continued in 2012 against those who criticized authorities. In April 2012, the mayor of Lal-lo in Cagayan province filed a libel case against broadcaster Rogelio Sending Jr. for an interview that linked the mayor to the suppression of anti-mining demonstrations. The same month, two journalists from *The News Today*—Junep Ocampo and Manuel “Boy” Mejorada—were arrested after the mayor of Iloilo City filed a defamation suit following the publication of an article accusing him of corruption.

A troubling development during the year was the introduction of the Cybercrime Prevention Act of 2012, enacted without any input from journalists or journalist organizations, which would have extended criminal libel to the web, with penalties surpassing those for print and broadcast. The act came into effect on October 3; six days later, the Supreme Court suspended the law’s implementation for 120 days following public demonstrations. In protest of the law, activists popularized the hashtag #NoToCyberCrimeLaw on Twitter, blackened their profile pictures on Facebook and Twitter, and questioned the constitutionality of the law in 15 separate petitions to the Supreme Court. An analyst with the advocacy group the Center for Media Freedom and Responsibility (CMFR) called the law “the worst assault on free expression since Ferdinand Marcos declared martial law 40 years ago.” At year’s end, the law remained temporarily suspended.

In February 2012, the government for the first time forwarded a draft Freedom of Information (FOI) bill to the House of Representatives for discussion and possible enactment. But throughout the year, President Benigno Aquino failed to prioritize the passage of the FOI bill, despite his vaunted platform to end corruption and promote greater transparency in government. Legislators and politicians reportedly lobbied to include provisions that would limit any FOI law’s retroactivity, while Aquino himself reportedly favored a national security exemption. In addition, some congressmen have tried to pass a separate right of reply (ROR) bill or include an ROR rider in the FOI bill. Nevertheless, civil society advocates see the bill as a genuine step forward and continue to lobby for its passage, which had not occurred by year’s end.

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 2012 saw an increase in killings of journalists compared to 2011, but a continued improvement from 2009, when the Philippines 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 continue. The numbers vary, depending on how advocacy groups define whether attacks are related to journalistic duties. According to CMFR, four journalists were killed in 2012: Aldion Layao, a host for DXRP Radio in Davao City, and Rommel Palma of DXMC-Bombo Radyo of Koronadal City were killed in April; announcer Nestor Libaton of DXHM Radio in Davao-Oriental was killed in May; and radio host and commentator Julius Cauzo of DWJJ in Cabanatuan City was killed in November. Journalists are also frequently subject to violence and harassment. During the year, 6 journalists were assaulted, and 12 were threatened.

Impunity remains a serious issue. In 2012, the Committee to Protect Journalists (CPJ) again ranked the Philippines third, after Iraq and Somalia, in its impunity index, which tracks the worst records for solving murders of journalists. Those advocating for an end to impunity have called for a strengthening of the country's witness protection program, enhancement of the police's ability to investigate cases, and the reformation of the antiquated court rules that have delayed trials in the Ampatuan massacre and other cases. The Arroyo administration had made some efforts to address impunity, such as establishing in 2006 Task Force USIG, a special police unit, as well as the Melo Commission to Investigate Media and Activist Killings. The law on the writ of amparo, 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. 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 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.

Nevertheless, while the trials in the Ampatuan massacre continued during 2012,

they were bogged down by judicial technicalities and a slow-moving court process, as well as by stalling tactics such as motions and petitions used by some defendants to stonewall the process. In March, the mutilated body of a key witness to the massacre, Esmail Amil Enog, was discovered; he was the third witness in the case to have been murdered since the beginning of the trial. In November, the Philippine Supreme Court upheld the indictments of two primary suspects in the massacre—Anwar Ampatuan Sr. and Zaldy Ampatuan, former governor of the Autonomous Region of Muslim Mindanao.

Most print and internet-based media outlets in the country are privately owned, and while the government owns some television and radio stations, they present a wide variety of views. The Philippine media scene is characterized by large, elite, and often family-owned conglomerates with interests in media and other large sectors of the economy. The elite who own media often use them to further their business or political interests. While the private press includes hundreds of newspaper titles, television ownership is more concentrated, with the two largest broadcast networks (ABS-CBN and GMA-7) controlled by wealthy families who own other media and non-media holdings and whose major TV networks dominate 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. The practice of using bribes or strategic “favors” to elicit positive coverage is widespread but also openly debated and challenged by journalist ethics trainings conducted by media groups and reform advocates. News reports are often rooted in sensationalism and innuendo in order to boost circulation. The nature of advertising and the prevalence in radio broadcasting of “block timing”—buying airtime for political or partisan purposes—contribute to sensational reporting and violence against its practitioners.

In 2012, 36 percent of the population accessed the internet. Internet use in the Philippines is not restricted, and social-media sites such as YouTube, Facebook, and Twitter, as well as international blog-hosting services, have remained openly available, with penetration rates for these sites among the highest in the region. Mobile phones remain the most widely used technology in the country, with nearly 95 million subscribers in 2012, many of whom access the internet through their mobile phones.

## 2013 SCORES

PRESS STATUS

**Partly Free**

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**13**

POLITICAL ENVIRONMENT

**20**

ECONOMIC ENVIRONMENT

**10**

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