

Republic of the Philippines
HOUSE OF REPRESENTATIVES

THIRTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 77



Introduced by : **REP. RAUL V. DEL MAR**

EXPLANATORY NOTE

The attached bill seeks to provide a specific venue of action in libel cases against a community journalist, community publication or community broadcast station.

There is no question – and nobody disputes this that the right to one’s reputation and honor is as much a constitutional rights as the passion of life, liberty and property. Indeed, “it is one of those rights necessary to human society that underlie the whole scheme of civilization. Law and jurisprudence recognize and protect the value of such reputation and subject one who attacks it, by slanderous words of libelous publication, to the full criminal and civil sanctions.

However, there is likewise the reality – this is difficult to question if not undeniable – that libel, whether filed as a criminal or civil action, is likewise used a convenient legal tool to harass journalists, especially the community newspaper and broadcast practitioners. This is so because, under the present rules, the complainant or offended party, if he is a public officer, can file the complaint in Manila if his office is in Manila or in the office outside Manila if his office is located there. If he is a private person, the venue is his place of residence at the time of the commission of the offense. Thus, a newspaper or broadcast station in Aparri or Jolo, Cebu or Davao can be made to answer a complaint filed in Metro Manila where the complaint resides although the subject, the issue or the incident published, - in law the cause of action – did not arise in Metro Manila.

This situation is not changed by the fact that – under the same rule on venue – the complainant or offended party has the option to file the action the Regional Trial Court of the province or city where the libelous article is printed or first published because, in reality and in practice, the offended party usually does not exercise that option since he chooses the venue that is as far away from the principal office of business or work of the defendant or accused as possible.

The prevailing legal rules on venue thus place these community journalists and local broadcasters in a situation where they have to answer complaints or charges filed, rightly or wrongly, in remote or distant places, deliberately filed far away from their place of business or work. In this context, the element of oppression is there. The toll of inconvenience, financial or otherwise, is often more onerous and burdensome than the penalty or fine prescribed by the law. This may even lead to a miscarriage of justice in cases where the accused or defendant fail to appear because of the distance and travel constraints.

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The criminal or civil action may eventually be thrown out by the court but the damage has been done; it already punished the community journalist and his publication by the excessive cost of litigation and inconvenience outside the principal office of publication or business of the said journalist or publication.

The community journalist and his organization, mostly financially handicapped and already afflicted with all sorts of pressures and threats, need immediate relief from the present rule on venue of libel cases, whether criminal or civil, which create an opportunity for oppression. In substance, thereof, the proposed legislation seeks to provide the relief sought, to correct this unfairness by closing this loophole that is often exploited or taken advantage of by offended parties.

In view of the foregoing, approval of this bill is earnestly sought.


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AN ACT
PROVIDING FOR THE VENUE OF THE CRIMINAL AND CIVIL ACTION IN
LIBEL CASES AGAINST COMMUNITY JOURNALISTS, PUBLICATIONS OR
BROADCAST STATIONS.

Be it enacted by the Senate and the House of Representatives of the Philippines in congress assemble:

SECTION 1. Venue. The criminal or civil action incases of libel against a community journalist, publication or broadcast station shall be filed in the Regional Trial Court of the province or city where the principal office or place of business of the said community journalist, publication or broadcast station is located: *Provided, however,* that the civil action shall be filed in the same court where the criminal action is filed and vice versa: and *Provided, further,* that the court where the criminal action or civil action is first filed shall acquire jurisdiction to the exclusion of other courts.

The term "community journalist, publication or broadcast station" shall be understood to mean a journalist or news medium that operates within a limited area of circulation or broadcast in a city, province or region, as defined under existing laws.

SEC. 2. Separability Clause. If any part or provision of this Act shall be held to be unconstitutional or invalid, other provisions hereof which are not affected thereby shall continue to be in full force and effect.

SEC. 3. Repealing Clause. All laws, decrees, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SEC. 4. *Effectivity Clause.* This Act shall take effect fifteen (15) days from its publication in the *Official Gazette* or in at least two (2) national newspapers of general circulation.

Approved,