

FIFTEENTH CONGRESS OF THE  
REPUBLIC OF THE PHILIPPINES  
First Regular Session

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5-10  
JUL 12 1983

SENATE  
S. B. 1199

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Introduced by Senator Villar

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### EXPLANATORY NOTE

The 1987 Constitution, in no uncertain terms, presumes every person innocent of a crime imputed to him, and that evidence beyond reasonable doubt is required to prove that a person is guilty.

It is amazing therefore, that for several years, the Revised Penal Code provisions that presume the author of a defamatory imputation as malicious, has been always overlooked. Henceforth, it is time to introduce changes into our basic laws on Criminal Law, as the same can be considered unconstitutional because of the fact that it goes over and above the Constitutional provisions providing the presumption of innocence on every person accused of a crime.

Equal opportunity should be given to every person on whom a crime is being imputed against, for this is the requirement of due process, that the rudiments of fair play be observed. Henceforth, this representation considers this urgent.

  
MANNY VILLAR

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**AN ACT  
AMENDING ARTICLE 354 OF ACT NO. 3815, OTHERWISE KNOWN AS THE  
REVISED PENAL CODE OF THE PHILIPPINES, AS AMENDED.**

*Be it enacted by the Senate and the House of Representatives of the Philippines in  
Congress assembled:*

**SECTION 1.** Article 354 of the Revised Penal Code is hereby amended to read  
as follows:

Art. 354. *Requirement for publicity.* — **[Every defamatory imputation is  
presumed to be malicious] THE AUTHOR OF A DEFAMATORY  
IMPUTATION IS PRESUMED INNOCENT, HOWEVER, IF IT IS PROVEN TO  
BE MALICIOUS,** even if it be true, if no good intention and justifiable motive for  
making it is shown, **THE AUTHOR SHALL BE ADJUDGED GUILTY THEREOF,**  
except in the following cases:

1. A private communication made by any person to another in the  
performance of any legal, moral or social duty; and
2. A fair and true report, made in good faith, without any comments or  
remarks, of any judicial, legislative or other official proceedings which are  
not of confidential nature, or of any statement, report or speech delivered  
in said proceedings, or of any other act performed by public officers in the  
exercise of their functions.

**SECTION 2.** Repealing Clause. - All laws, orders, decrees, rules and regulations,  
and other parts thereof inconsistent with the provisions of this Act are hereby repealed,  
amended or modified accordingly.

**SECTION 3.** Effectivity. - This Act shall take effect fifteen (15) days after its  
publication in at least two (2) national newspapers of general circulation.

Approved,