

REPUBLIC OF THE PHILIPPINES )  
FIFTEENTH CONGRESS )  
First Regular Session )

SENATE  
OFFICE OF THE SECRETARY

10 JUL -1 P1:38

SENATE

Senate Bill No. 76

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Introduced by Senator Manny Villar

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### EXPLANATORY NOTE

Justice Malcolm once wrote that public opinion should be the constant source of liberty and democracy rising superior to any official, or set of officials, to the Chief Executive, to the Legislature as well as the Judiciary. Our Constitution guarantees freedom of expression, freedom of speech and freedom of the press. However, the interest of society demands not merely the right to express one's thoughts but the right to an educated and enlightened public opinion. Essential to the protection of the freedom of expression is the promotion of a full discussion of public affairs. The freedom of speech and expression enshrined in the Constitution necessarily embraces a correlative right of reply, which is the right to reply to every form of expression protected under the Constitution, especially to accusations or criticisms published or aired through the mass media.

The right of reply gives people who feel aggrieved by baseless comments the right to defend themselves against criticism as it offers a possibility to react to any information in the media presenting inaccurate facts which affect their personal rights. These very same people have Constitutionally protected rights which are infringed by comments which may tarnish their reputations.

This Act enables all persons to equitably exercise their right of reply in the field of broadcast and print media and protects its exercise by providing penalties for violation of such right.

  
MANNY VILLAR

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**AN ACT**  
**GRANTING THE RIGHT OF REPLY AND PROVIDING PENALTIES FOR**  
**VIOLATION THEREOF**

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

**SECTION 1. Right of Reply.** - All persons natural or juridical who are accused directly or indirectly of committing or having committed or of intending to commit any crime or offense defined by law or are criticized by innuendo, suggestion or rumor for any lapse in behavior in public or private life shall have the right to reply to the charges published or printed in newspapers, magazines, newsletters or publications circulated commercially or for free, or to criticisms aired or broadcast over radio, television, websites, or through any electronic device.

**SECTION 2. Where Reply Published.** - The reply of the person so accused or criticized shall be published in the same space of the newspapers, magazine, newsletter or publication or aired over the same program on radio, television, website, or any electronic device concerned.

**SECTION 3. When Published.** - The reply shall be published or broadcast not later than three (3) days after the reply shall have been delivered to the editorial office of the publication concerned or to the station that carried the broadcast being replied to.

**SECTION 4. Length of Reply.** - The reply shall not be longer than the accusation or criticism as published or broadcasted.

**SECTION 5. Free of Charge.** - The publication or broadcast of the reply shall be free of charge, payment or fees.

**SECTION 6. Editing Reply.** - The reply as such shall be published or broadcast except for libelous allegations.

**SECTION 7. Penalties.** - The editor-in-chief, the publisher or station manager, or owner of the broadcast medium who fails or refuses to publish or broadcast the reply as mandated in the preceding section shall be fined in an amount not exceeding Ten thousand pesos (P10,000.00) for the first offense; Twenty thousand pesos (P20,000.00) for the second offense; and Thirty thousand pesos (P30,000.00) for the third offense.

Thereafter, for repeated failures or refusals to publish or broadcast the reply as mandated herein, a fine of Fifty thousand pesos (P50,000.00) shall be imposed.

Moreover, if the offender is a public official, he shall be subject to administrative liability under existing Civil Service laws.

The court may also recommend that proper sanctions be imposed by any appropriate mass media organizations on erring editors-in-chief, publishers, station managers or owners of media concerned.

**SECTION 8. Self-Regulation.** - The block-timers who also fail to broadcast or publish the reply shall be subject to the Code of Ethics or to the realm of self regulation of the network or station.

**SECTION 9. Other Remedies.** - The publication of the reply does not preclude recourse to other rights or remedies available to the party or parties concerned.

**SECTION 10. Sunset Clause.** - This Act shall lapse seven (7) years after its approval unless Congress shall provide otherwise.

**SECTION 11. Effectivity.** - This Act shall take effect fifteen (15) days following its publication in three (3) newspapers of general circulation.

Approved,