

A locally based analysis of the media landscape in Asia

THE PHILIPPINES 2011



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Introduction to the Asian Media Barometer in the Philippines

The *Asian Media Barometer (ANMB)* is an in-depth and comprehensive description and measurement system for national media environments in Asia. Unlike other press surveys or media indices the *ANMB* is a local self-assessment exercise based on criteria derived from international standards for media freedom.

At the same time the *Asian Media Barometer* serves as a practical lobbying tool for media organisations. Its results are presented to the public of the respective country with the aim to push and lobby for an improvement of the media situation using international standards as benchmarks. They are then integrated into the advocacy work by the FES-offices and their local partners.

Design and method of the *Asian Media Barometer (ANMB)* have been adapted for Asia from the *African Media Barometer (AMB)*, which is based on homegrown criteria derived from African Protocols and Declarations like the Declaration on Principles on Freedom of Expression in Africa (2002). Since 2005 the *African Media Barometer* has been held more than 70 times in over 28 African countries in intervals of 2-3 years. It offers FES and its local partners a long-term analysis of media landscapes and is used as a valuable instrument in their campaigns for media reforms.

Yet, in Asia the situation is different. There have been individual attempts in several, especially South Asian countries to come up with a charter or indicators on freedom of expression and freedom of the media. Unfortunately, these initiatives have not been successfully established within individual countries, let alone implemented on a sub-regional, or a more ambitious regional scale. In fact, the Joint Declaration of 2006 by the UN Special Rapporteur on Freedom of Opinion and Expression and his counterparts from regional organisations notes that Asia-Pacific region lacks such a mechanism.¹

However, the lack of an Asian Charter or Declaration on Freedom of Expression is no excuse for Asian governments to restrict media freedom or deny citizens their right to access information. Article 19 of the International Covenant on Civil and Political Rights (ICCPR), which guarantees freedom of expression, including “the right to seek, receive, and impart information and ideas”, applies to all UN Member States. And in its General Comment from July 2011 the UN

1 International Mechanisms for Promoting Freedom of Expression, Joint Declaration by the UN Special Rapporteur on Freedom of Opinion and Expression, the OSCE Representative on Freedom of the Media, the OAS Special Rapporteur on Freedom of Expression and the ACHPR (African Commission on Human and Peoples' Rights) Special Rapporteur on Freedom of Expression, 19.12.2011, <http://www.article19.org/data/files/pdfs/igo-documents/four-mandates-dec-2006.pdf>.

Human Rights Committee has just strengthened the protection of international law on freedom of expression and provided authoritative guidance to state actors to create an enabling environment for media freedom.²

Thus, the international benchmarks being used in the *Asian Media Barometer* have been confirmed by the authority of the UN-system.

The only Asian document that is trying to suggest non-binding benchmarks on media freedom is the Bangkok Declaration on Information and Broadcasting (2003).³ Here the Ministers of Information and Broadcasting from various countries in the Asia-Pacific region as well as heads of radio and television organizations, policy makers, decision makers, scholars, and representatives of international organizations discussed and signed up to recommendations on Freedom of Information and Broadcasting Legislation.

The conference was organised by the Asia-Pacific Institute for Broadcasting Development (AIBD) and actively supported by the International Telecommunication Union, UNESCO, United Nations and the Friedrich-Ebert-Stiftung (FES). Its recommendations on freedom of information, freedom of expression and on the transformation of state into public broadcasters concur with the indicators of the *Asian Media Barometer*.






After the first successful *Asian Media Barometers* for India and Pakistan (2009), Thailand (2010) and the Philippines (2011) the FES-media project in Asia will be deploying this instrument for monitoring the media landscapes and advocating media reforms in more Asian countries.

Methodology: Every two to three years a panel of experts, consisting of at least five media practitioners and five representatives from civil society, meets to assess the media situation in their own country. For two days they discuss the national media environment according to 45 predetermined indicators on which they have to score in an anonymous vote on a scale from 1 to 5. The indicators are formulated as goals which are derived from international political protocols and declarations. The discussion and the scoring is moderated by a FES trained consultant who also edits the country report.

2 Human Rights Committee, One Hundred and second session, CCPR/c/GC, General Comment No. 34, Article 19: Freedoms of opinion and expression, Geneva, 11-29 July 2011, <http://www2.ohchr.org/english/bodies/hrc/docs/gc34.pdf> (access 10.11.2011).

3 Full text at <http://www.aibd.org.my/node/693> (access 10.11.2011).

Scoring system: After the discussion of each indicator, panel members score that respective indicator in an anonymous vote according to the following grading system:

1	Country does not meet indicator	
2	Country meets only a few aspects of indicator	
3	Country meets some aspects of indicator	
4	Country meets most aspects of indicator	
5	Country meets all aspects of the indicator	

That means, if the country does not meet the indicator the score will be 1 (one). If the country meets all aspects of the indicator it would be a 5 (five), which is the best score possible.

The sum of all individual indicator scores will be divided by the number of panel members to determine the average score for each indicator. These average indicator scores are added up to form average sector scores which then make up the overall country score.

Outcome: The final, qualitative report summarizes the general content of the discussion and provides the average score for each indicator plus the sector scores and the overall country score. In the report panellists are not quoted by name to protect them from possible repercussions. Over time the biennial or tri-annual reports measure the media development in that particular country and should form the basis for a political discussion on media reform.

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THE ASIAN MEDIA BAROMETER (ANMB)

THE PHILIPPINES 2011

Summary:

The Philippines has one of the freest and most rambunctious media in all of Asia.

This is partly due to the strong protection of media freedom and free expression, which has a long history in the country- from the Malolos Constitution of 1899 to the current Constitution, which was ratified in 1987 after the people power revolt had ended the 21-year rule of the late strongman Ferdinand E. Marcos.

Under the Bill of Rights the Constitution guarantees freedom of expression and the freedom of the press. It also affirms the people's right to access to information and documents in the possession of government agencies.

Yet despite a 15-year advocacy by a broad coalition of citizen's groups, legislators have still to pass the Freedom of Information Act, which spells out the procedures for disclosing information. Having signed on to the draft Freedom of Information Act as a senator, President Benigno Simeon C. Aquino III has recently raised a number of concerns regarding the Act, giving no clear signal to Congress that he wants the long overdue bill passed.

Thus, in practice it remains a difficult task for journalists and citizens to access financial and asset records of politicians and to secure documents from national agencies. It is even harder to obtain information at the local government level.

A "shield law" from 1956 protects reporters and editors from having to reveal their sources. Yet it was the Supreme Court which in 2009 tried to force two journalists to reveal their sources in a bribery case concerning some justices – revealing how the judiciary in the Philippines seems to have their own set of restrictions.

Furthermore, pending bills that try and extend this shield to broadcasting and online journalists are stalling in Congress, as is the government's Whistleblower Protection Act. This suggests a general lack of urgency concerning needed media reforms in both the legislative and executive.

Apart from the Constitution and the laws, jurisprudence has generally upheld four aspects of press freedom in the Philippines, notably freedom of prior restraint, freedom from subsequent punishment, freedom to publish and broadcast, and freedom of access to information. On the ground, however, many local courts have little understanding of the liberal orientation of the Constitution.

Despite these strong constitutional and legal protections, in practice freedom of expression is seriously impeded by various economic, cultural and political factors. The prevalent culture of impunity leads to self-censorship of journalists and prevents citizens from asserting their right to speak their minds.

In a country tagged by the Committee to Protect Journalists (CPJ) as “one of the deadliest places in the world for journalists”, it is feudal power that often trumps the expression of citizens concerns. The killing of 32 journalists and media workers in the town of Ampatuan in November 2009 only illustrated how local warlords and power brokers can stifle any form of free expression that contradicts their political or economic interests in most brutal ways.

Yet many journalists and citizens are trying to circumvent these limitations, practicing their freedom of expression, if often – and particularly in the country side – with considerable fear.

Despite the courts adopting a relatively liberal attitude, the libel and sedition offenses under the Revised Penal Code serve as a threat to journalists doing investigative work. The mere threat of a time consuming court case is often enough to silence journalists or citizens. It is interesting to note that media has largely failed in reporting such libel cases. Neither has the growing number of proposed pieces of legislation that could constrict media freedom caught the attention of the press or the public.

The broad and deep network of civil society established during the people power revolt of 1986 has been very active to fight the culture of impunity and to secure justice for murdered journalists. Yet, there is still no political process by which media legislation evolves from a meaningful consultation between state institutions and civil society groups. Representatives from media organisations don't see the point in their participating in Congressional hearings, primarily because they oppose any new forms of media regulation. Advocacy groups, however, have readily engaged public officials/state agencies on these issues with the aim to make recommendations or in the case of FOI, draft legislation.

The Philippine media makes a multi-layered landscape with a national and a community press, a network of state radio stations, many private radio and TV-stations and a large number of internet providers. Within the print sector the tabloids cater for a larger audience which reads Filipino whereas the broadsheets are generally published in English and mainly read in Metro-Manila and some secondary cities. Their prices, however, are prohibitive for the majority of low or middle-income families. Without a reliable system to measure circulation figures, the claims of newspapers are open to massaging and manipulation.

There is no effort by the government to help increase the regional distribution of newspapers nor is there a coordinated strategy with the aim of supporting a diverse media landscape. The development of an ICT-policy to meet the information

needs of all citizens has been hampered by downgrading the Commission on Information and Communications Technology to the rank of just another bureau under the Department of Science and Technology.

Media ownership remains largely under the control of interest groups vested with both economic and political interests. Although a few corporate houses and families hold majority interests in the largest media agencies, there is no anti-trust legislation pertaining to the media in the Philippines. And passing one is not among the priorities of the government. There is also a growing and worrying tendency of politicians acquiring stakes in (local) media outlets. But the media itself do hardly any explicatory or analytical reporting on these trends and the emerging media monopolies.

As one of the few countries in the world the fundamental law of the Philippines upholds that ownership of mass media entities is the sole privilege of Filipino citizens and corporations. The effects this restriction has on the diversity of media outlets and the concentration of ownership is hardly discussed – and if so controversially.

Not all the voices of ethnic, religious and social groups are reflected fairly in the media coverage. Many ethnic groups see their faces only in the media when they are involved in crime or scandals. Particularly in connection with crime or insurgencies the religion or ethnicity of alleged perpetrators is mentioned; which it never is when the purported criminal belongs to the majority group.

The Philippines has more than 50 per cent participation by women in terms of reporters, researchers, correspondents, anchors but fewer in terms of the middle to top echelons of the newsrooms. In community media, however, men continue to dominate the beats and the newsrooms. However, it is important to note that there are regional differences, so for example, in Cebu women dominate in the top newsroom positions.

But despite the advances of women in the media outlets their role as proponents of women's issues remains a challenge when in everyday reporting sensationalism wins over background coverage aiming at a fair representation of women's voices.

Past governments have habitually used their power over the placement of advertisements with certain media outlets. The incumbent President Aquino has not been accused of following this tradition. Yet, he has also told advertisers that they should only support „responsible media organisations“. The distribution of government ads can become subject to wrangling, rigging and kickback offers in some parts of the country.

There is as yet no public broadcasting entity to speak of, even though the state finances and runs the National Broadcasting Network (PTV-4) and supervises two other sequestered television stations that are scheduled for privatisation.

The Philippines have no independent broadcasting regulator that issues licences in the public interest, nor has PTV-4 a board representing society at large.

Whereas previous governments have run PTV-4 as a mere propaganda arm of the government the current administration is said to propose a law for the transformation of the national into a public broadcaster. The very low ratings and the considerable debt and losses of PTV-4 will make this a difficult political project.

Unlike in some other Asian countries community radios have not taken off and usually serve only communities of interests and not small geographical communities.

Two associations – the Philippine Press Institute (PPI) and the Kapisanan ng mag Brodaster ng Pilipinas (KBP) perform the function of self-regulatory bodies in the Philippines. However, the Complaints Authority of the PPI, the Philippine Press Council (PPC), is hardly known and has only received a handful of complaints over the last few years.

The KBP failed to perform its function when its Standards Authority imposed only very small fines after some television journalists had behaved very irresponsibly during the dramatic hostage-taking in Manila in 2010. And the Ombudsmen in single media houses don't seem to have the support of the top management or owners. With the media in general not ready for self-criticism and self-correction, the principle of self-regulation by the media is not really working in practice.

The standards of reporting are very varied. Low salaries and the lack of skills and training often lead to poor writing and reporting. Media practitioners complain about the deteriorating quality of graduates coming out of journalism schools. Whilst TV-anchors make more money than their education warrants, small community newspapers can't pay living wages for their reporters or correspondents. Poor unionisation of the journalistic workforce outside of the top television networks leaves journalists in small cities and rural areas exposed to the whims of the publishers.

The result is a subculture of corruption where some journalists take bribes to perform their professional function.

In summary, the media landscape in the Philippines is characterised by diversity, freedom, an active stock of journalists and citizens and an executive and legislature slow on media reforms. However, operating in a culture of impunity and in one of the most dangerous countries for journalists, it comes as no surprise that even the free and rambunctious media of the Philippines reflect the constraints of fear and a growing concentration of ownership in their journalistic practice. Within this context the courage of many journalists is as remarkable as the lack of self-criticism of the media remains deplorable.

SECTOR 1:

**Freedom of expression, including
freedom of the media, is effectively
protected and promoted.**

Sector 1: Freedom of expression, including freedom of the media, is effectively protected and promoted.

1.1 Freedom of expression, including freedom of the media, is guaranteed in the constitution and supported by other pieces of legislation.

Analysis:

The Philippines is considered to have one of the freest and most rambunctious media in all of Asia. Press freedom and basic civil liberties were restored under a new Constitution that an overwhelming vote of the Filipinos ratified in February 1987, during the term of President Corazon Cojuangco Aquino. In February 1986, a four-day civilian-backed military uprising, also known as the EDSA people power revolt, forced the late strongman Ferdinand E. Marcos to flee to the United States, ending his 21-year rule, including 14 years under martial law.

Under the Bill of Rights (Article III, Section 4), the Constitution guarantees that, “No law shall be passed abridging the freedom of speech, of expression, or of the press, or the right of the people to peaceably assemble and petition the government for redress of grievances.”

The Constitution also affirms the people’s right to access to information and documents in the possession of government agencies. In Article III, Section 7 it states: “The right of the people to information on matters of public concern shall be recognized. Access to official records, and to documents and papers pertaining to official acts, transactions, or decisions, as well as to government research data used as basis for policy development, shall be afforded the citizen, subject to such limitations as may be provided by law.”

However, during election campaign periods that are scheduled every three years, the Constitution also allows the Commission on Elections to “supervise and regulate the enjoyment and use of all franchises or permits for the operation of transportation and other public utilities, media of communication or information, all grants, special privileges, or concessions granted by the Government or any subdivision, agency, or instrumentality thereof, including any government-owned or controlled corporation or its subsidiary.”

The objective, the Constitution says, is “to ensure equal opportunity and equal rates therefor, for public information campaigns and forums among candidates

in connection with the objective of holding free, orderly, honest, peaceful, and credible elections.”

Ownership of mass media entities is the sole privilege of Filipino citizens and corporations under the fundamental law of the land. Under General Provisions (Article XVI, Section 11), the Constitution prescribes that, “the ownership and management of mass media shall be limited to citizens of the Philippines, or to corporations, cooperatives or associations, wholly-owned and managed by such citizens.” But the charter mandates the two-chamber Congress to “regulate or prohibit monopolies in commercial mass media when the public interest so requires” and that “no combinations in restraint of trade or unfair competition therein shall be allowed.”

Other laws and statutes, and jurisprudence on libel and other cases filed against media agencies and journalists have largely affirmed the free and untrammelled exercise of press freedom.

Republic Act No. 6713 or the Code of Conduct and Ethical Standards for Public Officials and Employees – enacted in February 1989 – directs all public officials and employees, “when required by the public interest... (to) provide information of their policies and procedures in clear and understandable language, ensure openness of information, public consultations and hearings whenever appropriate, encourage suggestions, simplify and systematize policy, rules and procedures, avoid red tape and develop an understanding and appreciation of the socio-economic conditions prevailing in the country, especially in the depressed rural and urban areas.”

“...many local courts have no understanding of the liberal orientation of the Constitution.”

Since the 1986 people power revolt or over the last 25 years, the Philippines has witnessed a parade of five Presidents and eight Congresses (8th to 15th). For as long a period, they have failed to pass specific laws to implement the 1987 Constitution’s guarantee of the Filipinos’ right to information, as well as another provision banning political dynasties.

Protection of media freedom and free expression has “a long history and tradition” in the Philippines, noted a panellist. All four Philippine Constitutions, since the republic’s birth in 1898, have acknowledged free expression and press freedom.⁴ These include the Malolos Constitution, the 1935 Constitution, 1973 Constitution, and the 1987 Constitution. The study avers, however, that protection of the rights in law and theory has not always ensured effective protection in practice.

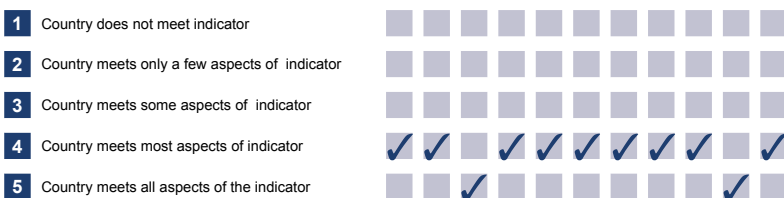
⁴ According to *Freedom of Expression and the Media in the Philippines*, a 2005 study conducted by Article 19 and the Independent Center for Media Freedom and Responsibility (CMFR).

Apart from the Constitution and the laws, case decisions or jurisprudence have generally upheld four aspects of press freedom in the Philippines, notably freedom from prior restraint, freedom from subsequent punishment, freedom to publish and broadcast, and freedom of access to information, a panellist said.

But another panellist lamented that practice or implementation of the laws remains problematic, citing that “many local courts have no understanding of the liberal orientation of the Constitution.”

Scores:

Individual scores:



Average score:

4.2

1.2 The right to freedom of expression is practised and citizens, including journalists, are asserting their rights without fear.

Analysis:

Although the law and jurisprudence have firm and absolute protection for freedom of expression and press freedom, various economic, cultural and political factors proscribe the practice by citizens and journalists.

These factors, according to various panellists, include the economic interests and political bias of media owners; the threat or fear of harassment by some politicians and private armed groups; the culture of impunity and the constantly rising number of media killings; the resort to self-censorship by certain journalists; and even the limited knowledge and experience of many journalists and citizens in asserting and practising the right to free expression.

“Fear lies in a number of cultural aspects which have been retained in the Philippines despite the greater guarantees in the present Constitution,” said one

panellist. “If you ask anyone, he or she establishes a sense of right only by his experience. The feudal aspect is still retained in so many ways. We don’t speak freely to anyone superior or to anyone who has power. We don’t speak freely in an environment that is controlled by feudal power.”

The other aspect of lingering feudal ties is the culture of impunity that stomps all efforts to secure justice for the 142 journalists, mostly from the community media, who had been murdered in the line of duty since 1986. “Few powerful people are ever really punished, and this is the context of the attacks and threats against journalists, and if you are not able to punish those who kill journalists or close down radio stations, or go after (those who kill) ordinary citizens who crossed your path, then there is fear and the practice, therefore, is affected.”

*“We don’t speak
freely in an
environment that
is controlled by
feudal power.”*

Despite its free and rambunctious media, the Philippines was tagged “one of the deadliest places in the world for journalists” by the Committee to Protect Journalists (CPJ) after 57 persons, including 32 journalists and media workers, were massacred in Ampatuan town, Maguindanao in the southern island of Mindanao, on November 23, 2009.

Members of the powerful and vastly armed Ampatuan clan, including patriarch Andal Sr. and two sons who were senior elective officials at the time, are in jail facing trial for the massacre. About 200 other civilian militia, police and military personnel are their co-respondents in the multiple murder case that lawyers forecast could stretch on for a decade.

The death of the 32 media workers was thus far the biggest single-day casualty toll recorded for the media across the world, according to the CPJ.

Between the cities and the towns, there exist also greater or lesser latitudes for freedom of expression and press freedom. In provinces under the control of political clans and dynasties, a panellist said, “it’s difficult for citizens and broadcast journalists to have complete freedom of expression because (they would have to) be critical (to the government) run by dynasties and clans. There is a prevailing atmosphere of fear because if these journalists who have their ‘powerful press cards’ can get killed, what can happen to ordinary citizens?”

Even in a fairly urbanized city south of Metro Manila, another panellist noted the double standards that prevail in some newsrooms: Columnists “can really criticize anybody” but news reporters, by editorial policy, are required to get the side of those being criticized. Problems ensue sometimes because “there are certain personalities who are very touchy about certain issues, so whether we are fearful or not, it depends on the story.”

Self-censorship or steering away from trouble is the recourse of other journalists, said a panellist. “They say that as long as you don’t involve yourself directly with the political manoeuvrings, then you are safe. I have been interviewing politicians from governor to congressman and people are asking me, “Are you not scared?” I told them, as long as you’re not really into that deep politics, then you are safe.”

Yet still, another member of the panel countered that situations of acute conflict between political clans leave some community journalists no choice but to side with one or the other camp. “You have to align yourself to one political camp because if you are perceived as somebody who is not with this group, you get threatened.”

“In this country, it’s 5,000 pesos (about US\$115) to eliminate someone. And nothing’s done, we’re walking in fear.”

This was the case for some journalists in Maguindanao province, site of the 2009 massacre, the panellist added. “They would say we have no choice, we have to write favourably about the Ampatuans, otherwise we get killed... It’s also a form of protection, it’s not because they want to be biased, it’s for them to continue writing and be part of the media.”

Just as worrisome, a panellist said economic or financial sustainability restrains other journalists and media agencies from turning critical “because it’s hard for them to keep their newspapers afloat. They are vulnerable so they have to be careful who they hit.” Contracts to publish government

notices, court orders, and city or town ordinances are so fiercely fought among small community newspapers; in secondary towns with few or underdeveloped business entities, these government contracts are often the only potential advertising revenues a newspaper can hope to raise to support editorial operations.

Despite the pervasive fear of reprisal from political clans among journalists and citizens, a panellist from an independent magazine talked about “getting a lot of help or tips from politically aware leaders who will provide information anonymously.”

“They tweet us, send us direct messages. In that sense, people shed a big amount of fear that they have but again, there’s a guarantee that we won’t reveal their names,” the panellist added.

Through it all, a member of the panel observed that the situation seems to be getting worse, and not without good reason. “I think the operative word portion here is ‘without fear.’ And I fear that we are really going backwards even faster with all the violence.”

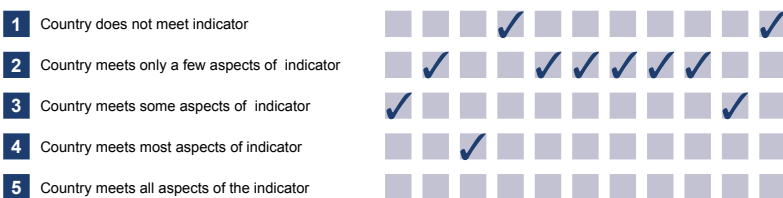
Hiring guns or goons to mow down critics has become so cheap and easy, the panellist averred. “In this country, it’s 5,000 pesos (about US\$115) to eliminate

someone. And we already know that there are certain towns where all the assassins are. And nothing's done, we're walking in fear. These are people being hired by politicians, gambling lords, warlords, they say even by big business interests. So we're moving backwards very quickly."

The panellist said the government of incumbent President Benigno Simeon C. Aquino III has to work faster on the cases of media murders so it could avoid getting full blame for the culture of impunity. "If this government which initially gave some, a lot of hope, does not move aggressively in protecting this right and pushing this right forward, then we are moving further back."

Scores:

Individual scores:



Average score: 2.1

1.3 There are no laws or parts of laws restricting freedom of expression such as excessive official secrets or libel acts, or laws that unreasonably interfere with the responsibilities of media.

Analysis:

In the last 10 years, a handful of cases of newspapers and radio stations closed or banned by local officials, or for supposed failure to secure business permits, has occurred. A community journalist was detained for several years for a series of libel suits filed by the governor of a province south of Metro Manila. Unfortunately for the Philippine media so jealous of its freedom, these cases had not been reported or monitored fully. There is very little reporting by the media of media issues and concerns, apart from the murders of their colleagues and fellow workers.

Sedition and libel are criminal offenses under the Revised Penal Code, and remain real threats of subsequent punishment on journalists. A panellist noted that, "in

terms of prior restraint and censorship, we're a bit liberal on that, but in terms of subsequent punishment, that's where libel laws come in." A panellist observed that politicians take to filing suit as a pre-emptive measure. "Even if I know I will not win and I'm a politician, I will just file a case against you, just to harass you."

The Philippine judiciary has adopted The New York Times vs. Sullivan ruling as part of local jurisprudence and "the administrative order of the Supreme Court is that whenever possible we do not penalize with imprisonment. The court has the discretion to just impose a fine." But that's as far as theory and form goes. In terms of practice, however, because libel is a criminal offense, "you can be imprisoned" and some local officials have precisely used libel as a weapon "to harass journalists," said a panellist. "We have cases of a broadcaster being imprisoned for libel despite a court order."

"Even if I know I will not win and I'm a politician, I will just file a case against you, just to harass you."

"We've had a lot of community journalists face libel charges from politicians simply because they wrote something about a certain issue. And a community journalist wouldn't have the resources to hire a lawyer. If it's a legislator who filed a case, you have to fly to Manila to go to a hearing," the panellist added. "The impact is not just on the individual charged but on the entire community."

The book *Mass Media Laws and Regulations in the Philippines* by Luis V. Teodoro Jr. and Rosalinda V. Katabay lists the following as the limits of press freedom, free speech, freedom of expression, and the right to information: right to privacy, national security, libel, obscenity, and fair administration of justice and contempt.

The Revised Penal Code or Act No. 3815 was enacted on December 8, 1930 and amended in part by subsequent decrees of the late strongman Ferdinand E. Marcos. It was reinstated by Executive Order No. 187 on June 5, 1987 by then President Corazon C. Aquino, after the ratification of the new Constitution.

In Article 138, The Revised Penal Code defines "inciting a rebellion or insurrection" thus: "The penalty of *prision mayor* (jail term lasting from minimum of six years and one day to maximum of 12 years) in its minimum period shall be imposed upon any person who, without taking arms or being in open hostility against the Government, shall incite others to the execution of any of the acts specified in article 134 of this Code, by means of speeches, proclamations, writings, emblems, banners or other representations tending to the same end."

In Article 154, The Revised Penal Code defines "unlawful use of means of publication and unlawful utterances" that are subject to the penalty of *arresto mayor* (jail term lasting from minimum of one month and one day to maximum of six months) and a fine ranging from 200 to 1,000 pesos (USD5-23) to include the following:

- “1. Any person who by means of printing, lithography, or any other means of publication shall publish or cause to be published as news any false news which may endanger the public order, or cause damage to the interest or credit of the State;
2. Any person who by the same means, or by words, utterances or speeches shall encourage disobedience to the law or to the constituted authorities or praise, justify, or extol any act punished by law;
3. Any person who shall maliciously publish or cause to be published any official resolution or document without proper authority, or before they have been published officially; or
4. Any person who shall print, publish, or distribute or cause to be printed, published, or distributed books, pamphlets, periodicals, or leaflets which do not bear the real printer's name, or which are classified as anonymous.”

In recent history, hardly any sedition cases had been filed. A panellist noted: “If the government files a sedition case against you, they are really mad at you.”

“The problem is if I’m a politician, I may just file it (case) against you. If that were just the case, that would be okay because the case law in this matter (is clear) but the point is combined with the inefficiency of our justice system,” the panellist said. “It’s not really about the criminal penalty; it’s about being tied up for such a long period of time.”

Additionally, many journalists have voiced concern about The Human Security Act of 2007 (Republic Act No. 9372) or the “anti-terrorism law,” but while “a lot of journalists took a position against it, thinking that it might affect the media... in practice, there have been no cases so far for journalists.”

So far, the law has been invoked in only one case in Bataan province that had been dismissed. The police have apparently avoided enforcing the law because of a provision that says they are supposed to indemnify a victim of illegal incarceration 500,000 pesos (about USD12,000) per day.

Some concerns have also been raised about how the military deals with the media. In 2009, the military listed in its “order of battle” or “hit list” a handful of journalists from the strife-torn southern island of Mindanao. “It was particularly worrying because some of the other names were already killed,” said a panellist. In some other provinces visited by armed insurgencies, including the provinces of Negros, Samar and Bicol regions, local military commands have also enrolled the names of some journalists they deem to be critical of the armed forces.

A lawyer clarified that to be sure, government officials will not publicly admit that such lists exist, because “they will know that will violate the law and constitutional

rights. They'll refuse to admit." But while the restrictions on media freedom remain in the laws, "I think there are (restrictions) in practice, but I don't see any in the recent history. What we are hearing now are accounts and experiences in relation to extreme circumstances or extreme measures."

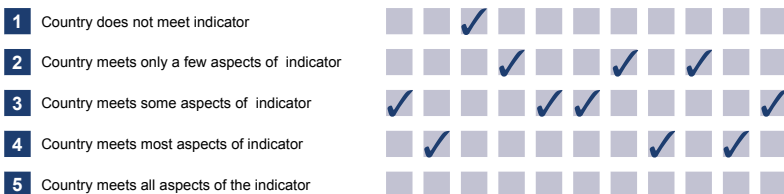
Most of the panellists agreed, however, that a growing number of proposed legislation filed with both the Senate and the House of Representatives in recent years should be monitored by the media as these could expand or constrict press freedom and freedom of expression.

At least three of these bills relate or pertain to libel:

- Senate Bill No. 683, introduced by Senator Jose "Jinggoy" Ejercito Estrada, or An Act to Abolish the Penalty of Imprisonment in Libel Cases and Providing for the Venue of the Civil Action in Libel Cases Against Community Journalists, Publications or Broadcast Stations, Amending for the Purpose Certain Provisions of Act No. 3815, Otherwise Known as the Revised Penal Code, as Amended, and for Other Purposes.
- House Bill No. 2901, introduced by Isabela Representative Giorgidi B. Aggabao, or An Act Making Any Discussion of Any Matter of Public Concern, or Criticism of Official Conduct of Public Figures, Qualifiedly Privileged, Increasing Fines for the Crime of Libel, and Providing for the Venue of Libel Cases Filed Against Community Journalists, Their Editors, Business Managers or Publishers, Amending for the Purpose Articles 354, 355, 356, 357, 358, 360, and 361 of Act No. 3815, Otherwise Known as the Revised Penal Code of the Philippines.
- House Bill No. 371, introduced by Cebu City Representative Rachel Marguerite B. Del Mar, An Act Providing for the Venue of the Criminal and Civil Action in Libel Cases Against Community Journalists, Publications or Broadcast Stations.

Scores:

Individual scores:



Average score:

2.8

1.4 Government makes every effort to honour regional and international instruments on freedom of expression and freedom of the media.

Analysis:

The Philippines is a signatory to a number of international covenants and instruments that have relevant provisions on freedom of expression and freedom of the media.

These include the following:

- The Universal Declaration on Human Rights (UDHR), which features in its Article 19 the following clause: “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”
- The International Covenant on Civil and Political Rights (ICCPR).

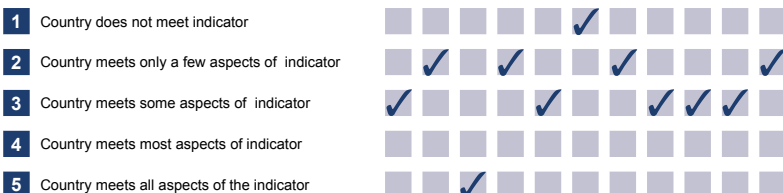
It must be stressed that Article 19 further spells out the following principles:

- “1. Everyone shall have the right to hold opinions without interference.
2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.
3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
 - (a) For respect of the rights or reputations of others;
 - (b) For the protection of national security or of public order (ordre public), or of public health or morals.”

Despite its accession to these covenants, the Philippine government has been largely coy about publicizing or informing the citizens about the meaning and policy content of these covenants. “There’s a poverty of information flowing out about how the government signed on to regional or international covenants,” said a panellist, adding that “when you keep the public ignorant,” there would be fewer expectations of the results that the covenants should enable or trigger.

Scores:

Individual scores:



Average score:

2.6

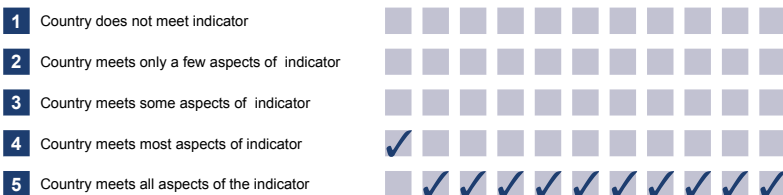
1.5 Print publications are not required to obtain permission to publish from state authorities.

Analysis:

There are no laws requiring print media to obtain permission to publish from state authorities.

Scores:

Individual scores:



Average score:

4.9

1.6 Entry into and practice of the journalistic profession is not restricted by law.

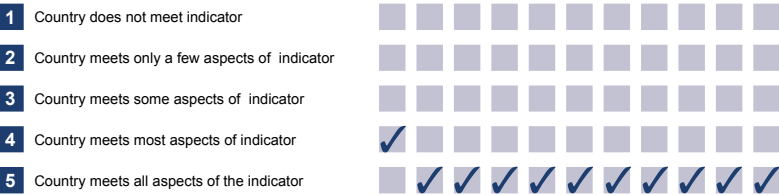
Analysis:

There are no laws restricting the practice of the journalistic profession. However, members of the Philippine Press Institute (PPI), the national organisation of newspaper owners and editors, have had “informal discussions” on whether there has to be a certain certification process in order to “uplift journalistic standards.” According to a newspaper editor and panellist, “the discussions haven’t prospered to exact, definite proposals. But they talk.”

The panellist added: “Basically, what drives the discussion is that we need better journalists. It doesn’t have to be mandatory, it’s voluntary, and so it depends. You accept a passing score of 60. I accept a passing score of 90. But basically the standards, just to make journalists better. But again, it’s very informal.”

Scores:

Individual scores:



Average score: 4.9

1.7 Confidential sources of information are protected by law and/or the courts.

Analysis:

A “shield law” prescribes that reporters and editors may not be compelled to reveal the identities of their sources. Republic Act No. 1477 passed in June 1956 states that, “without prejudice to his liability under the civil and criminal laws, the publisher, editor, columnist or duly accredited reporter of any newspaper, magazine or periodical of general circulation cannot be compelled to reveal the source of any news-report or information appearing in said publication which

was related in confidence to such publisher, editor or reporter unless the court or a House (of Representatives) or committee of Congress finds that such revelation is demanded by the security of the State.”

One participant noted that in recent years, bills had been filed proposing to expand the coverage of the law so that it applies not just to print but also to broadcast and online journalists. “But it just won’t pass Congress approval,” the panellist said.

In 2009, the Supreme Court tried to compel two journalists from an independent magazine to reveal their sources for their story on the alleged receipt of bribe money by some justices. “They were really being pressured in the witness stand to reveal their sources. This is another example of how the judiciary has its own set of restrictions,” said a panellist.

At least three bills related to the “shield law” are pending in Congress:

- Senate Bill No. 41, introduced by Senator Vicente Sotto III, or An Act Amending Section 1 of Republic Act No. 53, Otherwise Known as “An Act to Exempt the Publisher, Editor or Reporter of Any Publication From Revealing the Source of Published News or Information Obtained in Confidence”
- Senate Bill No. 2505, introduced by Senator Ramon Bong Revilla Jr., or An Act Amending Republic Act No. 53, as Amended, Otherwise Known as An Act to Exempt the Publisher, Editor or Reporter of Any Publication From Revealing the Source of Published News or Information Obtained in Confidence By, Including Within Its Coverage, Journalists from Broadcast, News Agencies, and Internet Publications.
- House Bill No. 370, introduced by Cebu City Representative Rachel Marguerite B. Del Mar, or An Act Amending Republic Act No. 53, as Amended, Otherwise Known as “An Act to Exempt the Publisher, Editor or Reporter of Any Publication From Revealing the Source of Published News or Information Obtained in Confidence” by Including Within Its Coverage, Journalists from Broadcast, News Agencies, and Internet Publications)

One participant said the government has prepared a draft Freedom of Information Act that it wants to submit to Congress as an administration measure. The law nearly passed in the 14th Congress in March 2010; the House of Representatives failed to ratify it for alleged lack of a quorum of the 260-odd members of the lower chamber. President Aquino, at the time a senator, had signed on to that law. As the presumptive winner of the May 2010 presidential elections, he had also promised to push for the law's passage.

But in his first 15 months as President, he has refused to endorse the law. Instead, Aquino has raised a number of concerns, saying that a Freedom of Information law might constrain deliberative processes of the executive, unduly expose people to threats of kidnapping, and put government in prejudicial position in right-of-way cases, among others.

A panellist said the government was “redoing the whole process... making sure that the draft is based on a consensus from everybody, the stakeholders, the media, as well as government.”

The President's endorsement of the law is deemed most crucial, despite the separation of powers in law among the executive, the legislature, and the judiciary. “In practice,” said a panellist, “that's not really how it works. Congress will always wait for Malacañang (Office of the President). Congress will only push the bill if there's a clear signal from the President that he wants it passed.... because they wouldn't want their pork barrel to be affected.”

If securing documents from national agencies is often a difficult process, it is much testier at the local government level, according to another panellist, who had filed a request to access her certificate of registration as a voter. “It's really hardly ever accessible. It's my personal file and I couldn't get it. And I paid 200 pesos (about USD5) for that.”

Even worse, the panellist said, the regional government in the Autonomous Region in Muslim Mindanao had reportedly “enacted almost 200 laws already since 1990” but at most only 20 of these laws have been uploaded on the Internet.

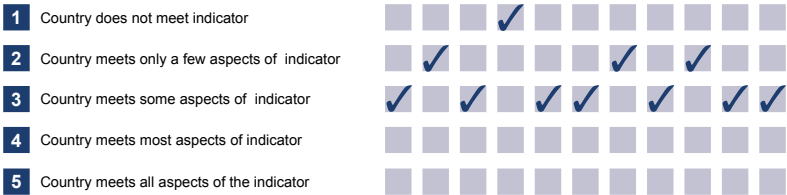
The government has certified a Whistleblower Protection Act among the priority measures it wants Congress to pass but the proposal has not moved forward. The *Witness Protection Program* of the Department of Justice has been allotted 150-million pesos (about USD3.4 million) as budget for 2011, but it has to assist nearly 500 witnesses and whistleblowers who are testifying on various major felonies.

“In the cases of media killings,” averred a panellist, “several witnesses have been taken out of the program because the case has been archived, the suspect has not

been arrested – but we see the suspect eating at McDonald’s. The eyewitnesses have now been discharged and they now fear for their safety.”

Scores:

Individual scores:



Average score: 2.5

1.9 Websites and blogs are not required to register with or obtain permission from state authorities.

Analysis:

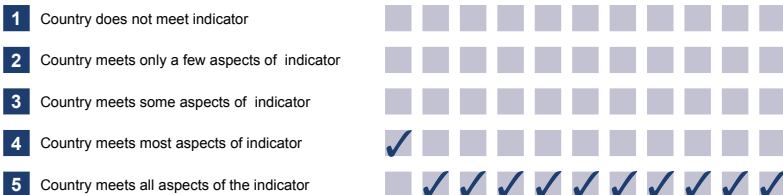
There is as yet no law requiring websites and blogs to register with or obtain permission from state authorities.

Groups of bloggers have started discussions, however, on “policing themselves” through self-regulation mechanisms.

A proposal by the state National Telecommunication Commission (NTC) in 2009 to regulate games and other online “content providers” was vigorously criticized online by bloggers and later withdrawn.

Scores:

Individual scores:



Average score: 4.9

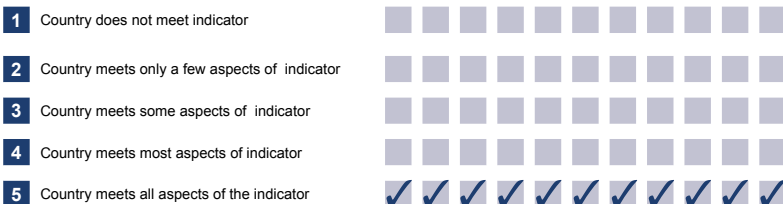
1.10 The State does not seek to block or filter Internet content unless laws provide for restrictions that serve a legitimate interest and are necessary in a democratic society.

Analysis:

There are no reported or recorded cases as yet of the state seeking to block or filter Internet content.

Scores:

Individual scores:



Average score: 5.0

1.11 Civil society in general and media lobby groups actively advance the cause of media freedom.

Analysis:

The first people power revolt of 1986 ushered in a broad and deep network of civil society organisations (CSOs) in the Philippines, and strengthened CSO groups focused on media and media development concerns.

Said a panellist: “In terms of level of advocacy, in terms of level of activity, we’re probably way up in the ladder of ranking. But because most of the action you seek are in the hands of the State, at a certain point, no matter how active you are, you still have to stand against the forces of those who uphold the law, enforce the law.”

Media CSOs have made a push for connecting with lawyers, students, and other sectors to pursue shared objectives like ending the culture of impunity and securing justice for murdered journalists.

In some communities, CSOs and the media have worked together to monitor corruption, government performance, and advancing media freedom.

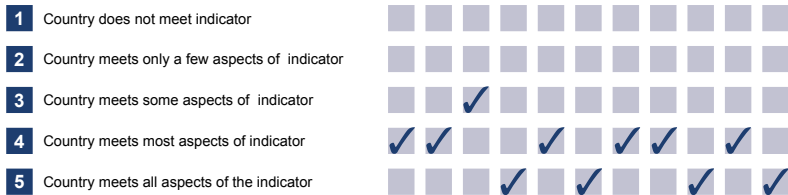
The panellists voiced concern though about recent proposals by legislators to impose new laws to proscribe the conduct of media, noting that this is happening amid the perceived failure of self-regulation mechanisms.

Nonetheless, independent media organisations continue to flourish, including the National Union of Journalists of the Philippines that counts 1,100 individual journalists and correspondents as members.

At least 160 organisations and individuals from media, the various professions, students, the churches, the academe, and business compose the Right to Know, Right Now! Coalition that is pushing for the passage of the Freedom of Information Act.

Scores:

Individual scores:



Average score: 4.3

1.12 Media legislation evolves from meaningful consultations among state institutions, citizens and interest groups.

Analysis:

"Generally, legislation in this country does not come from meaningful consultation", one panellist said and most members of the group affirmed this view.

The two chambers of Congress typically conduct public hearings, and call in experts or resource persons, but the panellists said nothing meaningful comes out of the supposed consultations. “Does it matter if you are there?” asked a panellist. “No,” replied another.

When it comes to proposed laws on the media, “media organisations and some journalists feel that they should not participate in the public hearing on media legislation because there should be no law, we go back to the Constitution, (and we point out) they’re interfering with us. That’s one of the attitudes,” a panellist said.

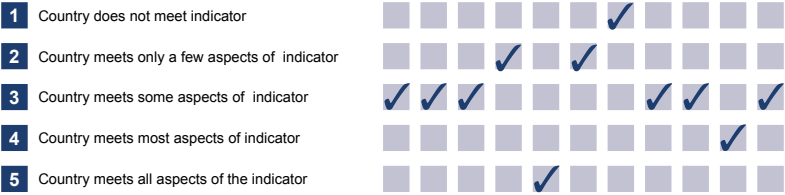
A proposed Right of Reply bill met with stiff opposition from many journalists and media organisations in 2010, during the 14th Congress. The bill has been refiled in the 15th Congress. Said a panellist: “Some legislators, they are using one right as a bargaining chip for (another). Like they would agree to the decriminalization of libel, if journalists agree to the right of reply. There have been some bills... more as brownie points for legislators.”

The panellist cited the proposed Magna Carta for Journalists that is supposed to “regulate, standardize the salaries and benefits of those working in media. There’s

another one making the journalist a ‘special person.’They just want to score points (with the media).”

Scores:

Individual scores:



Average score: 2.9

Average score for Sector 1: 3.7

SECTOR 2:

The media landscape, including new media, is characterised by diversity, independence and sustainability.

Sector 2: The media landscape, including new media, is characterised by diversity, independence and sustainability.

2.1 A wide range of sources of information (print, broadcasting, Internet, mobile phones) is accessible and affordable to citizens.

Analysis:

The latest available data from various sources on the media landscape offer the following facts and figures on the number of media agencies in the Philippines:

MEDIA	NUMBER
Print (2004)	
Newspapers	580
Magazines	49
Others	16
Broadcast – Radio (2010)	
AM	392
FM	782
Broadcast – TV (2010)	
TV	352
CATV	988
Internet (2010)	
NTC-Registered Internet Service Providers (ISP)	304

Sources:

For print data, Philippine Media Factbook, 2005

For broadcast, internet, and cell phone users data, National Telecommunications Commission

INTERNET AND CELL PHONE USERS (2010)	NUMBER
Estimated Number of Subscribers (NTC-Registered ISPs)	4,320,000
Internet Users (Internet World Stats)	29,700,000
Cell phone subscribers	83,150,138

Sources:

For print data, Philippine Media Factbook, 2005

For broadcast, internet, and cell phone users data, National Telecommunications Commission

The Philippine media is a multi-layered landscape, with entities defined not simply by platform but by geographical location and scope of circulation and broadcast, target audience, language, and size of operations (manpower, sales, and revenues).

“National newspapers and tabloids” are “national” not so much because of audience reach but mainly because these operate from the capital region of Metro Manila.

In contrast, in media circles, the term “community press” refers to either all other media agencies located outside Metro Manila, as well as the majority of small-circulation newspapers and small-budget radio and cable television stations.

The national newspapers or broadsheets are published in English, the language of government, the law, the schools, business, and the elite. The national tabloids, which by most accounts have a composite readership bigger than the newspapers, are published in the national language, Filipino.⁵

The leading national broadsheets typically sell for 20 pesos (USD0.5) a copy. The monthly subscription of about 600 pesos (USD12) is prohibitive for the majority of low to middle-income Filipino families. It is equivalent to nearly 30 kilos of rice, or 3.5 kilos of pork, or nearly two days’ salary of the minimum-wage worker.

In the secondary cities outside Metro Manila, English-language newspapers also dominate the regional print media communities. However, tabloids published in the local languages have posed strong competition.

Yet because tabloids sell at just 60 per cent of the cover price of broadsheets, they have cornered even bigger circulation figures than the broadsheets. And because

⁵ The Philippines has about a dozen major indigenous languages that each has at least a million native speakers. Apart from Tagalog, these are Cebuano, Ilokano, Hiligaynon, Waray-waray, Kapampangan, Bikol, Albay Bikol, Maranao, Maguindanao, Kinaray-a, and Tausug. Language experts count dozens more of native languages and dialects spoken by smaller communities.

they run on smaller production and editorial budgets, tabloids are sometimes more profitable ventures than broadsheets could be.

A panellist noted that the 500,000 circulation of *Bulgar*, the largest tabloid, is double the 250,000 circulation of the *Philippine Daily Inquirer* and the *Philippine Star*, the two broadsheets that have separately claimed to be the nation's no. 1 newspaper.

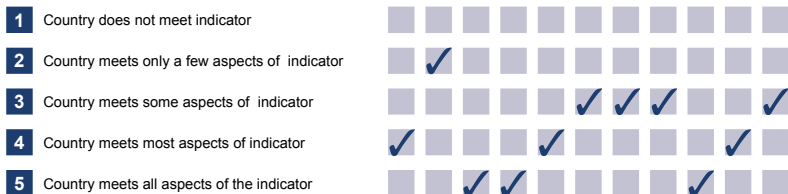
But another panellist, an editor with the leading business newspaper, revealed that circulation claims of the newspapers have not been validated by independent or common audits.

In the “community press,” the top titles generally run from 3,000 to 5,000 copies every day, even as a panellist from outside Metro Manila said editors and owners would claim daily circulation of about double, or from 10,000 to 20,000 copies.

There is one network of state radio stations called the Radyo ng Bayan (People's Radio), under the state agency called Philippine Broadcasting Service. The network claims to have presence in around 30 of the 81 provinces of the Philippines but most of its stations are merely hooked up with the frequency of the state-run television called National Broadcasting Network Channel 4.

Scores:

Individual scores:



Average score: 3.7

2.2 Citizens' access to domestic and international media sources is not restricted by state authorities.

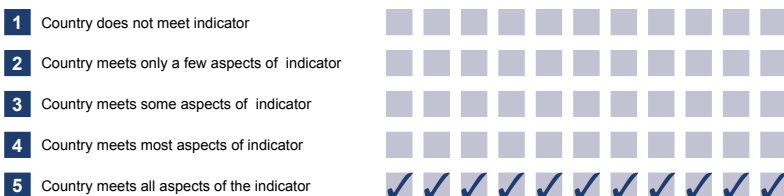
Analysis:

There have been no laws or state initiatives designed to restrict citizens' access to domestic and international media sources.

A panellist observed a tendency of senior government officials to rather grant requests for interviews from foreign media agencies, than to those from local media agencies.

Scores:

Individual scores:



Average score: 5.0

2.3 Efforts are undertaken to increase the scope of circulation of the print media, particularly to rural communities.

Analysis:

Officially, there are no recorded efforts by government agencies to help increase the scope of circulation of the print media, particularly to rural communities, through tax relief or other financial assistances designed to assist the latter's distribution and printing costs.

There are no formal arrangements between or among publishers of different print media agencies to cooperate or share the costs of distributing their newspapers across the same target market groups or areas.

In general, all the cities and towns outside the capital region of Metro Manila, newspapers from the community media compete fiercely to secure contracts (sometimes through public bidding or negotiated deals) to publish new laws and their rules and regulations, judicial notices, and notices of bidding for goods and services government agencies want to acquire.

In the Senate, two bills have been filed by opposition Senator Manuel Villar, who lost his campaign for the presidency in May 2010, offering tax subsidies to print and broadcast media.

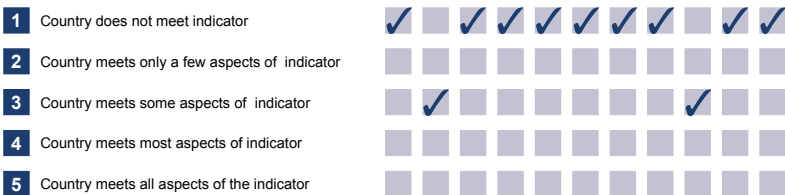
His first proposal, Senate Bill No. 851, is titled An Act Granting Tax Incentives to Broadcast and Print Media Devoting Air Time and Space to Educational Programs, and to Advertisers or Sponsors Supporting Such Programs and For Other Purposes.

His second proposal, Senate Bill No. 1119, is titled An Act Granting Tax Incentives to Broadcast and Print Media Devoting Air Time and Space to Education, as well as, to Sponsors Supporting Such Programs and For Other Purposes.

The administration of President Benigno Simeon C. Aquino III has not certified these bills among its priority legislative measures.

Scores:

Individual scores:



Average score: 1.4

2.4 The editorial independence of print media published by a public authority is protected adequately against undue political interference.

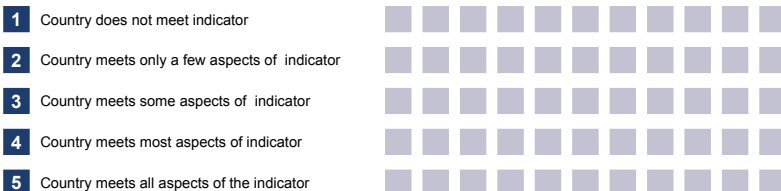
Analysis:

This indicator does not apply to the Philippine media since there are no publications on record that are being published by state agencies on the national level.

However, there is a government agency called the Philippine News Agency (PNA) that is being run by the Office of the President's Communications Coordination Group. Like a wire agency, it pushes stories from the perspective of the government. It is subsidized by public funds.

Scores:

Individual scores:



Average score:

n/a

2.5 Adequate competition legislation/regulation seeks to prevent media concentration and monopolies

Analysis:

There are no laws as yet that seek to prevent media concentration and monopolies.

In law and theory, there is no anti-trust legislation pertaining to the media in the Philippines, and passing one is not among the priorities of the government.

In practice, however, media ownership remains largely under the control of interest groups vested with both economic and political interests and tendencies.

A few corporate houses and families continue to hold majority interest and equity in the largest and most profitable media agencies, and in some cases, have acquired majority cross-ownership of print, radio and television agencies.

One panellist cited as an example the recent acquisition (2010) by the owner of the country's top telecommunications company of a second-line television network, after acquiring minority shares in the two leading national newspapers and the top business newspaper.

“A few corporate houses and families continue to hold majority interest and equity in the largest and most profitable media agencies...”

Except for a few industries, including public utilities, Philippine laws have no anti-trust orientation. This bothers the panellists but the problem, according to

one of them, is that “we could not get the anti-trust law passed unless we have a (political) leadership focusing on the needs for anti-trust.”

“I think the common people are not bothered ... it’s more the people in the industry who are bothered,” said another. The situation lingers “because the public does not know that it will affect the price of what they pay for (goods and services). That’s why in the text and in the mobile reconfiguration, quite a number of the bloggers already put that out as an issue,” added the first.

Among the 22 proposed laws that the Aquino administration has certified as its priority bills is one titled An Act Penalizing Competitive Agreement, the Use of Dominant Power, and Anti-Competitive Mergers, Establishing Also the Philippine Fair Competition Commission. A similar bill with a stronger anti-trust orientation has been filed by Senate President Juan Ponce Enrile. This has drawn support from the Makati Business Club, the leading association of senior corporate leaders and executives, but has moved rather slowly in the legislative wringer.

One participant remarked that “the transaction costs for ordinary people to understand anti-trust law is very high... there are mathematical formula to identify if there’s a monopoly” and this is “one of the barriers for ordinary people to really understand.”

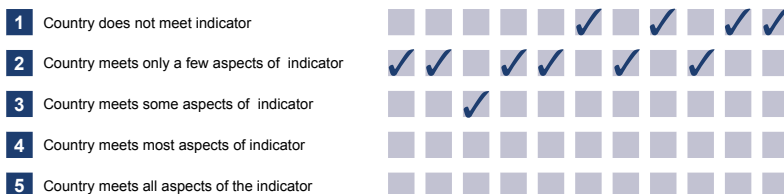
There is hardly any explicatory or analytical reporting by the media themselves on the clear or emerging cases of media monopolies and the concentration of media ownership in the hands of a few corporate houses and families.

Meanwhile, some legislators have proposed to amend the Constitution’s economic provisions, including the ban on majority ownership of foreign ownership of the extractive industries, as well as the 100 per cent Filipino ownership of the mass media.

“One of the provisions being cited was media ownership. There was a lot of opposition that people don’t want foreigners to have any say on how the media operate,” said a panellist. Nonetheless, “there were a few who thought their salaries would increase (once foreign owners come in).”

Scores:

Individual scores:



Average score: 1.7

2.6 Government promotes a diverse media landscape with economically sustainable and independent media outlets.

Analysis:

There is neither formal nor coordinated initiative to promote a diverse media landscape with economically sustainable and independent media outlets.

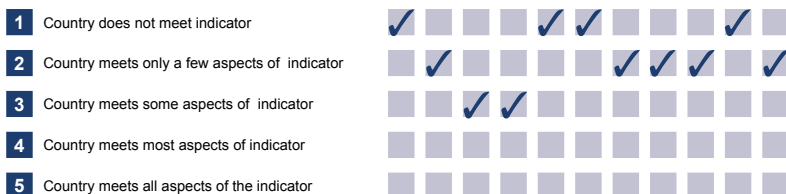
One panellist felt that in the past, the government was more interested in the media following its line than in promoting diversity.

Another panellist said government allows duty-free importation of certain equipment such as radio station transmitters, “but then again, the problem is most of the big stations only import once or twice or depending on their need. So they are saying they do not get much benefit from this.”

In the Senate, two bills (No. 851 & No. 119) have been filed offering tax subsidies to print and broadcast media (for details refer to indicator 2.3).

Scores:

Individual scores:



Average score: 1.8

2.7 All media fairly reflect the voices of both women and men.

Analysis:

In most newspapers with big to medium-size circulation, there are sections pegged on lifestyle, society and culture, home and entertainment, and parenting but these are not exactly designed to serve as the “women’s page.”

However, women’s issues are tackled every so often in a fairly modest volume of stories in the various sections of the newspapers.

But in terms of access to management or senior positions in the newsrooms, gender issues do not appear to be a problem in the Philippine media. The panellists cited that in the three major television networks, the women hold the most senior positions and act as “gatekeepers for news.”

“Our problem is always, our group (of women) tries to draw out relevant news, but if there’s news about the three-legged chicken in La Union (province), that gets airtime instead of issues about women,” said a female panellist. “In our meetings, there’s a conscious attempt but that is (filtered) down to the editing tables mostly manned by the men. Implementation wise, it’s a daily battle.”

Said another female panellist: “News reflects the reality there generally. You find that compared to many Asian countries, Filipino women are involved in many, many areas, in both official circles and civil society.”

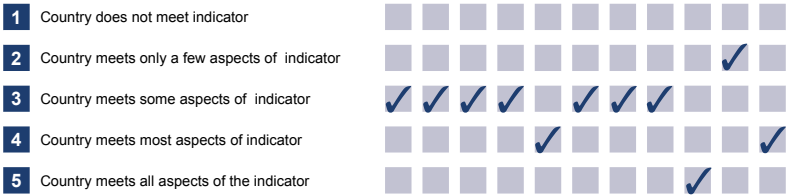
“We are still held by the old convention. There is not a necessary endeavour to ‘let’s look at the women dimension.’ I don’t think this has been fully achieved, but we have progressed,” added the first panellist.

The government Communications Group is preparing three documents, said a panellist. The first is a proposed Code of Ethics for Media that enrolls provisions on gender equality and fair treatment of men, women, and other groups. The second pertains to non-discrimination on the portrayal of women in media, film, and broadcast and print media. The last encourages media organisations to look at their content and making sure that it promotes gender equality.

Public consultations on the three documents will be conducted shortly as part of government’s efforts to promote the Magna Carta for Women that passed in 2010, and to highlight and mainstream gender equality and gender sensitivity in the media, the panellist added.

Scores:

Individual scores:



Average score: 3.3

2.8 All media fairly reflect the voices of society in its ethnic, linguistic, religious, political and social diversity.

Analysis:

A proposed “anti-discrimination” law frowns upon racist, negative, and unfair projection of ethno-linguistic, cultural and social minorities but remains stalled in congressional debate and inertia.

A member of the panel averred: “When the criminal is a Muslim, the headline would be ‘Muslim terrorist’ or ‘Muslim killer’... But if the criminal is a Christian,

the media would not say ‘Christian killer’ or ‘Christian terrorist.’ So if you connect the word Muslim to a terrorist, that’s something not really acceptable to people in Mindanao.”

A second panellist rued the apparent bias against Filipinos of Chinese descent, another minority group. “There’s always ‘Chinese smuggler’ you know. If it’s a bad thing, (it’s) ‘Chinese businessmen,’” the panellist said. “But the Chinese people here are not from China, they were born here.”

“When the criminal is a Muslim, the headline would be ‘Muslim terrorist’ or ‘Muslim killer’... But if the criminal is a Christian, the media would not say ‘Christian killer’ or ‘Christian terrorist.’”

A third panellist cited the resort to ridicule of gays and lesbians by some newspapers but also hastened to add that, “in the last 20 years, to be fair to media, there has been more serious, sober discussion.”

“I remember, a newspaper, their editorial cartoon would show, the article was about a gay teacher... they showed the teacher wearing fishnet stockings,” the panellist said. The teacher forthwith visited the newspaper office and had a talk with the editors. The teacher said, “I’m not wearing fishnet stocking right now,” the panellist recalled. “That began a long journey for Philippine media to treat gays more fairly. But they had to fight for it tooth and nail all the way.”

The business sections, said a fourth panellist, focus almost entirely on management and corporate stories, “but we don’t have a labour section in the newspaper. Not so much attention is given to the unions, to the labourers, but so much attention to the business sector because they are the ones who control the media.”

Still a fifth panellist noted that “conventional journalism (that) relates to the establishment and the power-holders of society” continues to endure in the Philippines. “All our ethnic groups do not see their faces in the media unless they are involved in crime, scandals, sex, generally, because they are not celebrities.”

“Only Catholics will get much of their news out there compared to other Christians. The political and social records simply do not have news about the poor as poverty context. Why? Because our training is conventional,” the panellist added. “When you look for the (answers for) who, what, where, when. We’re only now beginning to see the why and wherefore. We have so much yet to do in terms of just turning the media heads around.”

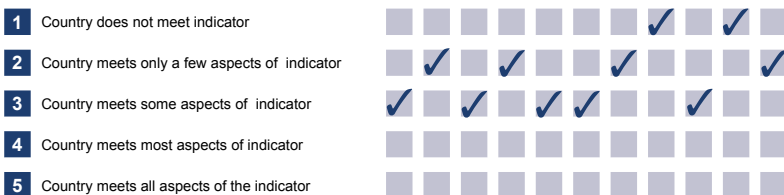
First-term Congresswoman Lani Mercado Revilla has filed House Bill No. 3658 titled An Act Prohibiting the Use of the Word ‘Muslim’ or ‘Islamic’ in Print, Radio, Television Including Cable Television and Other Forms of Broadcast Media to Refer to or Describe Any Person Suspected or Convicted of A Crime or Unlawful Act and Providing Penalties Therefor.

Two other similar bills are also pending with the lower chamber of Congress:

- House Bill No. 1103, introduced by Lanao del Sur Rep. Pangalian M. Balindong, An Act Prohibiting the Use of the Word ‘Muslim’ and ‘Christian’ in Mass Media to Describe Any Person Suspected of or Convicted for Having Committed Criminal or Unlawful Acts, and Providing Penalties for Violation Therefor.
- House Bill No. 2832, introduced by ALIF Party-List Rep. Acmad Tomawis, An Act Prohibiting the Use of the Word ‘Muslim’ or ‘Islamic’ in Print, Radio, Television Including Cable Television and Other Forms of Broadcast Media to Refer to or Describe Any Person Suspected or Convicted of A Crime or Unlawful Act and Providing Penalties Therefor).

Scores:

Individual scores:



Average score:

2.3

2.9 The country has a coherent ICT policy or the government implements promotional measures, which aim to meet the information needs of all citizens, including marginalised communities.

Analysis:

The government recently decided to downgrade what used to be called the Commission on Information and Communications Technology (CICT) to one of the bureaus under the Department of Science and Technology (DOST).

A panellist acknowledged that, “I think there is no coherent policy. It’s a work in progress, and I think media practitioners, private stakeholders should push for this. Ordinary Filipinos should push for this because it will be the overarching infrastructure that we need to have a more progressive and developed media.”

The government has a crying need for “a system wherein we can reach the different provinces, the most marginalised sectors and communities, especially the rural areas,” the panellist added.

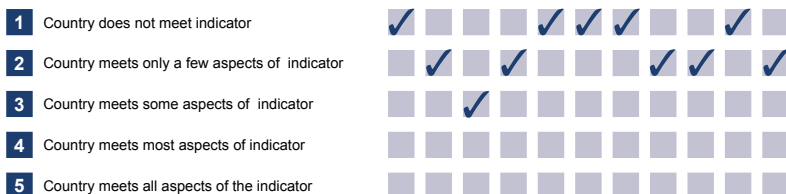
Presently, with the combined reach of its radio network, a state-run television station, and its information arm that runs like a wire agency, the government has information capability in only 68 out of the 81 provinces of the Philippines.

The former CICT was supposed to lead in the formulation of a coherent ICT policy but because of “political reasons” and “institutional squabbles,” it was “downgraded” to the rank of just another bureau or unit under the Science and Technology department, the panellist lamented.

“It’s really a downgrading because they were pushing for it to become from a commission to a department. When you say it’s a department, it’s like a ministry – it has more power, bigger mandate, and bigger budget which is very important. Right now, it is relegated to a position or to an agency of one of the departments. Bureau level,” said the panellist. Others agreed.

Scores:

Individual scores:



Average score:

1.6

2.10 Government does not use its power over the placement of advertisements as a means to interfere with editorial content.

Analysis:

Before incumbent President Benigno Simeon C. Aquino III came to power in May 2010, two Philippine presidents had crossed paths with the Philippine media and pulled out advertising contracts from certain newspapers.

In 1998-99, friends in the entertainment industry of then President Joseph Estrada, a multi-awarded action movie star, pulled out advertising contracts from the Philippine Daily Inquirer for its alleged strident criticism of the government.

“Allegedly, the production companies of films pulled out on request of Estrada,” a panellist said.

On the other hand, Estrada’s successor, President Gloria Macapagal Arroyo, issued an executive order or EO “concentrating all the authority to place ads by the government controlled corporations” under the Office of the President or Malacañang Palace.

Recalled a second panellist: “It used to be that the SSS (Social Security System) and other GOCCs (government-owned and -controlled corporations) can choose in which newspaper and station they will place ads. But after the EO, concentrated authority was placed under Malacañang and there was even a statement that they should support the ‘responsible’ media.”

Arroyo also reportedly directed that government advertising contracts be booked almost entirely with the government television and radio stations.

Another member of the panel said the Arroyo EO “is still existing” but that “right now, the thrust of the new administration is to allow different departments to look for their own stations or newspapers where they want to place their ads.”

Aquino himself has not been accused of using government advertising contracts to curry favour, or inflict disfavour, with the media. However, at a conference with advertisers in 2011 where he was a keynote speaker, he had remarked that advertisers “should support only ‘responsible’ media organisations.”

Noted a panellist: “That’s very significant, that kind of statement because you’re practically telling advertisers to only put your ads on these media agencies... and this is coming from the President.”

Contracts for the publication of judicial notices are also “politically decided” in that, according to a journalist from outside Metro Manila, “they can punish newspapers by withholding these (ads).”

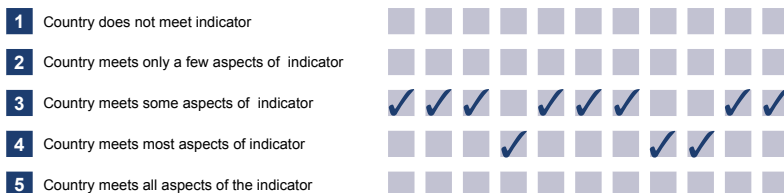
Another panellist clarified though: “As far as I know, local courts, they do a raffle, like if they have to, if there’s a requirement that this decision has to come out in two or three days in the newspapers.” Still a third panellist reported instances of alleged rigging and corruption in the raffling of the advertising contracts.

Yet still, certain newspapers skirt their being banned from getting government ads by offering all sorts of enticements to the advertising agencies. “What bans? It’s all about the money really. It depends if you can give the best possible kickback offer, even if your boss does not want advertising in the paper.”

The law stipulates that new laws, rules and regulations, as well as judicial notices, must be published in newspapers of general circulation fifteen days before these become effective.

Scores:

Individual scores:



Average score: 3.3

2.11 The advertising market is large enough to support a diversity of media outlets.

Analysis:

The following data on the volume and value of advertising money in the Philippines were obtained for this report from AGB Nielsen Media Research (Philippines), a subsidiary of AGB Nielsen Media Research.

It has provided Philippine broadcast and advertising companies what it calls Television Audience Measurement reports since 1992, through 1,969 “peplemeters” installed across Metro Manila, and all the urban areas of Rizal, Laguna, Cavite, and Bulacan and parts of Pampanga.

According to Nielsen Media, total ad spending (adspend) in the Philippines from January to September 2011 amounted to P190.02 billion, or about USD4.41 billion for television, radio and print media. This amount was based on published rate cards of the media agencies, or before deducting applicable discounts and commissions, hence, the actual amount spent could be lower.

Here is the spread, by media platform:

TV	P146.08 billion or 76.84 per cent
Radio	P34.92 billion or 18.37 per cent
Print	P9.02 billion or 4.7 per cent
Total	P190.02 billion

Here is the spread, by advertising spots:

TV ad spots	1,216
Radio ad spots	5,532
Print ad spots	160

But a panellist observed that, “advertisers get out there and use rate cards, which means it doesn’t care about diversity, or getting a range of political opinion.” A second panellist seconded: “I think the advertising market is large enough, but it is not going to diversify.”

“I think the advertising market is large enough, but it is not going to diversify.”

The advertising market is fairly large but, a second panellist averred, advertisers tend to cluster around the market leaders given wide disparities in audience reach and circulation of a few big and a multitude of small media agencies. “The problem is anyone in the Philippines can put up a newspaper and anyone can be a journalist.”

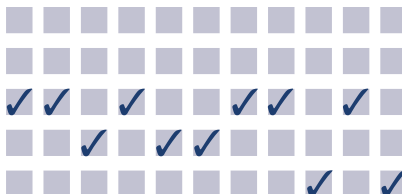
In the community media, small radio stations tend to open up to blocktimers willing to buy airtime and deliver revenues for operations, “so they don’t need to get advertising.”

“The market is large but we have daily shows that air five commercials for hair shampoo alone. We were surprised. Five different shampoos? It is not diverse,” said a panellist.

Scores:

Individual scores:

- 1** Country does not meet indicator
- 2** Country meets only a few aspects of indicator
- 3** Country meets some aspects of indicator
- 4** Country meets most aspects of indicator
- 5** Country meets all aspects of the indicator



Average score: 3.6

Average score for Sector 2: 2.8

SECTOR 3:

Broadcasting regulation is transparent and independent; the State broadcaster is transformed into a truly public broadcaster.

Sector 3: Broadcasting regulation is transparent and independent; the State broadcaster is transformed into a truly public broadcaster.

3.1 Broadcasting legislation has been passed and is implemented that provides for a conducive environment for public, commercial and community broadcasting.

Analysis:

There is as yet no public broadcasting entity in the Philippines, even as the state finances and runs a national television station (National Broadcasting Network Channel 4).

The state also supervises through boards composed of government-appointed directors two other sequestered television stations (IBC Channel 13 and RPN Channel 9) that are reportedly scheduled to be privatized during the term of President Benigno Simeon C. Aquino III.

The panellists agreed that in sector III they would only be scoring on the condition and performance of the National Broadcasting Network Channel 4 (PTV-4), not on the two sequestered stations. The scoring was done against the international benchmarks for a truly public broadcaster as laid down by UNESCO⁶ and as recommended by the Bangkok Declaration.⁷ The very low scoring reflects the fact that in the Philippines “there is no public broadcaster to speak of” as the panel put it.

6 UNESCO defines Public Service Broadcasting as “broadcasting made, financed and controlled by the public, for the public. It is neither commercial nor state-owned, free from political interference and pressure from commercial forces. Through PSB, citizens are informed, educated and also entertained. When guaranteed with pluralism, programming diversity, editorial independence, appropriate funding, accountability and transparency, public service broadcasting can serve as a cornerstone of democracy.” Retrieved from http://portal.unesco.org/ci/en/ev.php-URL_ID=1525&URL_DO=DO_TOPIC&URL_SECTION=201.html (03.11.2011).

7 The Bangkok Declaration states in its Preamble: “Mindful of the crucial role played by public service broadcasting in increasing the awareness of people, promoting freedom of expression, ensuring free flow of information and ideas, maintaining diversity in the broadcasting sector and empowering communities, public service broadcasting should provide programming that serves the public interest and facilitate people’s participation in development programs for societies.” For recommendations, please refer to the full text of the Declaration at <http://www.aibd.org.my/node/693> (03.11.2011).

The privatization of RPN-9, where the government retains 20.8 per cent of total shares, is planned for the end 2011. A report from the Commission on Audit is being awaited to kick-start the process.

The privatization of IBC-13, where the government retains 100-per cent stake, is being scheduled in 2012. The process has reportedly been stalled by a joint venture agreement that the previous government entered into with the private sector on the use and development of the land where the network stands.

The state television network, NBN Channel 4 (also known as PTV-4), was conceived to serve as the “People’s Television Network” under Republic Act No. 7306, which was enacted in 1991 during the term of the then President Fidel V. Ramos. An initial capitalization of P1 billion (about USD220 million) was appropriated from public funds for the station. The amount was disbursed in tranches from 1993 to 2009.

Under the law, the station cannot accept commercial advertisements. It can only get institutional advertisements from companies or from government corporations. “So now, there is no more funding, so the resources and the equipment are all outdated in terms of having the capacity to cover the colors, the light. It’s basically running out of money,” the panellist added.

But because of the audience share of PTV-4 is a negligible 0.03 per cent, according to Nielsen media, “the members of the Cabinet, even the President were asking: ‘Why are we going to resuscitate a station that has only an audience share of 0.03?’ We were saying that we think the government needs to gain control over the station and eventually have it transformed into a Public State Broadcasting Agency.”

President Aquino’s Communications Group is finalizing an administration measure to cover the transformation of PTV-4 that it wants Congress to enact in a rush. The proposed legislation seeks new capitalization for a three- to six-year plan to revive the network, as well as a provision “to provide airtime to legitimate people’s organisations and non-government organisations in the promotion of their programmes and projects,” without having to pay for airtime.

A seven-member advisory board with fixed terms of office is envisioned to supervise the network’s board of directors. Blocktime arrangements will be limited to education, sports, quality entertainment programmes, as well as those that “promote national interest, subject to quality standards set by the board of directors of the network.

Scores:

Individual scores:

[illegible]

Average score: 1.1

3.2 Broadcasting is regulated by an independent body adequately protected by law against interference whose board is appointed – in an open way – involving civil society and not dominated by any particular political party.

Analysis:

There is no independent body to regulate broadcasting whose board is representing society at large (see indicator 3.1).

Scores:

Individual scores:

[illegible]

Average score: 1.0

3.3 The body, which regulates broadcasting services and licences, does so in the public interest and ensures fairness and a diversity of views broadly representing society at large.

Analysis:

There is no broadcasting regulator which performs this function in the public interest (see indicator 3.1).

Scores:

Individual scores:

1	Country does not meet indicator												
2	Country meets only a few aspects of indicator												
3	Country meets some aspects of indicator												
4	Country meets most aspects of indicator												
5	Country meets all aspects of the indicator												

Average score: 1.2

3.4 The state/public broadcaster is accountable to the public through a board representative of society at large and selected in an independent, open and transparent manner.

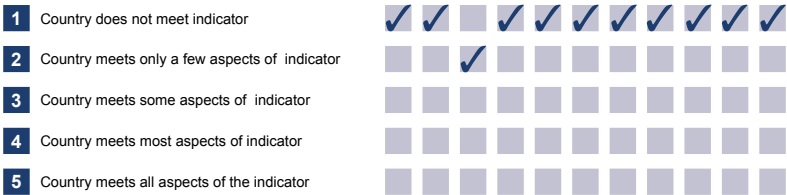
Analysis:

The present law governing the state-run PTV-4 provides that the five-member board of directors be composed of two members from the government sector, two members from the private sector, and the fifth from the education sector.

There are no institutionalised regulations in place that safeguard editorial independence.

Scores:

Individual scores:



Average score: 1.1

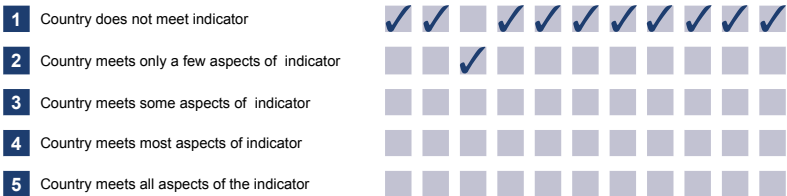
3.5 Office bearers with the State and political parties, as well as those with a financial interest in the broadcasting industry, are excluded from possible membership on the board of the state/public broadcaster.

Analysis:

There are no regulations that would exclude state officials or members with commercial interests from the board of PTV-4 (see indicator 3.1 and 3.4).

Scores:

Individual scores:



Average score: 1.1

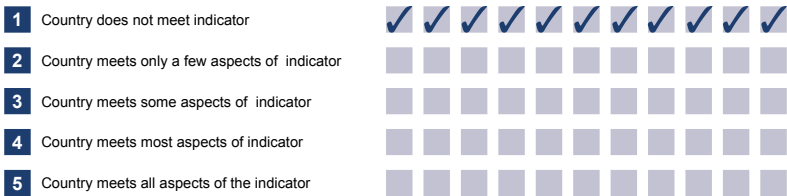
3.6 The editorial independence of the state/public broadcaster from political influence is guaranteed by law and practiced.

Analysis:

There are no safeguards against political influence on editorial decisions with the state broadcaster (see indicator 3.1).

Scores:

Individual scores:



Average score: 1.0

3.7 The state/public broadcaster is adequately funded in a manner that protects it from arbitrary interference through its budget and from commercial pressure.

Analysis:

In previous governments, the state-run PTV-4 “was used as a propaganda arm of the government and there were people who were given blocktime for certain programmes, most of them were close to the former President,” according to a panellist.

The proposed law that seeks to transform PTV-4 into a state/public broadcasting agency envisions “a new programming plan” that will be crafted with inputs from the private sector. “Practitioners who had already resigned from private media... expertise and technology transfer” are the features being promised for the project for which the Aquino government wants to get fresh public funds of P4-billion (about USD700 million).

The 2010 audit report for PTV-4 from the state Commission on Audit (COA) is not yet available.

But as of the latest COA report, PTV-4 is clearly deep in debt and losses: Its revenue was P181.55 million, while its expenses, P409.69 million as of 2009. It also incurred a P228.15-million loss from operation that year. It received a P100-million subsidy that year, bringing down its net loss to a still significantly huge P123.36 million (about USD3.2 million).

Audit Report for 2009 of PTV-4:

Revenue	PhP	181,547,136
Expenses		181,621,868
Loss from operation		229,146,679
Other income		4,783,777
Loss before subsidy		223,362,902
Subsidy from national government		100,000,000
Net loss after subsidy		123,362,902

Source: Statement of Income and Expenses, Commission on Audit, 2009

Scores:

Individual scores:

[illegible]

Average score: 1.1

3.8 The state/public broadcaster is technically accessible in the entire country.

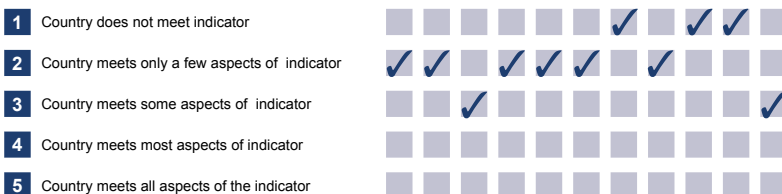
Analysis:

The PTV-4 general manager has reported that the state-run television has technical reach of around 65 to 70 per cent of the entire nation, “if it is fully operational or functional.”

The government radio network consists of 36 stations in all but in order to expand reach, these stations have had to hook up with or ride on the frequency and bandwidth of PTV-4. “The problem again is, in some areas, even in Metro Manila, the reception is not good,” said a panellist.

Scores:

Individual scores:



Average score: 1.9

3.9 The state/public broadcaster offers diverse programming formats for all interests.

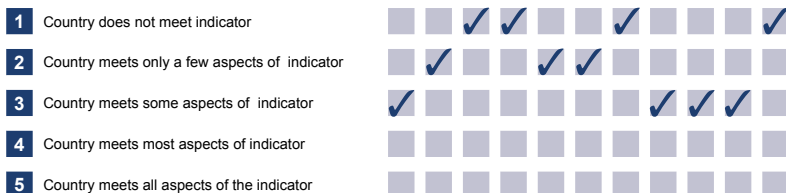
Analysis:

The state-run PTV-4 used to have programmes focusing on Philippine lifestyle and travel that also showcased the culture of the different administrative regions and ethno-linguistic groups of the Philippines. A few public-affairs programmes try to discuss public policy issues not just from the perspective of government but also from the perspective of the political opposition, civil society organisations, marginalised groups and the social sectors.

In contrast, under the previous government, some reporters were fired or suspended from work for simply interviewing the opposition. However, these cases were documented.

Scores:

Individual scores:



Average score:

1.7

3.10 The state/public broadcaster offers balanced and fair information in news and current affairs, reflecting the full spectrum of diverse views and opinions.

Analysis:

A mixed picture emerges from the government's Radyo ng Bayan (People's Radio). In some stations there is a successful attempt at offering balanced and fair information within the constraints of the government's radio network.

In other stations local politicians brazenly intervene. In one province north of Metro Manila, a governor barged into the radio booth and whacked a reporter while on board for his programme.

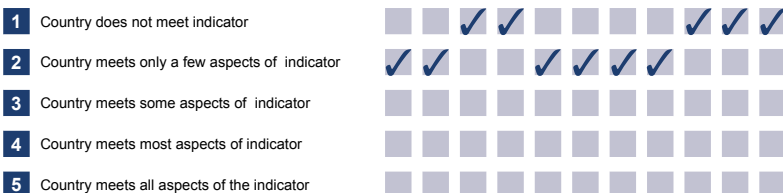
In another province southeast of Metro Manila, a female journalist was transferred from one to another station simply because "the governor did not like her talking about corruption issues."

All in all, old habits linger still. Radyo ng Bayan is used to being a megaphone of government officials. I think it will take a long time for them to realize that they can now speak their minds and be critical."

The panellist said that, "the general thrust of the new administration is to make sure that these are as independent as possible."

Scores:

Individual scores:



Average score: 1.5

3.11 The state/public broadcaster offers as much diverse and creative local content as economically achievable.

Analysis:

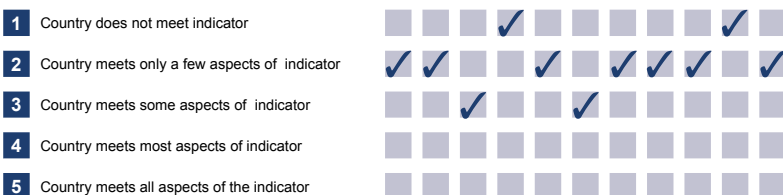
Generally all content in the state-run PTV-4 and Radyo ng Bayan stations is local content. There is no content sourced from outside the Philippines.

The real problem, according to one panellist, is this: “There’s local content but not creative content.” Most members of the group agreed.

*“There’s
local content
but not
creative
content.”*

Scores:

Individual scores:



Average score: 2.0

3.12 Community broadcasting enjoys special promotion by the government given its potential to broaden access by communities to the airwaves.

Analysis:

The government has not even started to clarify any regulatory framework, based on national laws or regional protocols, so it could help promote community broadcasting and broaden access by communities to the airwaves.

Small to medium-size networks of radio stations, including those being run or are affiliated with religious congregations and groups, exist and operate using their own money.

Scores:

Individual scores:

1	Country does not meet indicator	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓
2	Country meets only a few aspects of indicator			✓								
3	Country meets some aspects of indicator											
4	Country meets most aspects of indicator											
5	Country meets all aspects of the indicator											

Average score: 1.1

Average score for Sector 3: 1.3

The media practise high levels of professional standards.

QUESTIONS RE-	PUBLICATION	DEGREE DOCU-	QUESTIONS
THIRD	FREEDOM ANSWERS	MENTS LEGISLA-	PUBLIC
DOCU-	PRESS INTERVIEWS	TION QUESTIONS	FREEDOM
LEGISLA-	MEDIA EFFICIENCY	LAWS PUBLICA-	PRESS
QUESTIONS	HONESTY ACCESS	TION FREEDOM	MEDIA
PUBLICA-	BOOKS TRANSLA-	ANSWERS PRESS	HONEST
FREEDOM	TION TRUTH POINT	INTERVIEWS	BOOKS
RS PRESS	OF VIEWS INFOR-	MEDIA EFFI-	TION T
IEWS	MATION COMMUNI-	CENCY HONESTY	OF VIE
EFFI-	CATION CONSTITU-	ACCESS BOOKS	MATION
Y HONESTY	TION TELEVISION	TRANSLATION	CATION
BOOKS	BROADCAST RADIO	TRUTH POINT OF	TION T
LATION	SATELLITE NEWS	VIEWS INFORMA-	BROADC
POINT OF	PAPER MAGAZINES	TION COMMUNICA-	SATELL
INFORMA-	REPORTS THIRD	TION CONSTITU-	PAPER
COMMUNICA-	DEGREE DOCUMENTS	TION TELEVI-	REPORT
CONSTITU-	LEGISLATION	SION BROADCAST	DEGREE
TELEVI-	QUESTIONS LAWS	RADIO SATELLITE	LEGISL
BROADCAST	PUBLICATION	NEWS PAPER	QUESTI
SATELLITE	FREEDOM ANSWERS	MAGAZINES RE-	PUBLIC
PAPER	PRESS INTERVIEWS	PORTS THIRD	FREEDOM
INES RE-	MEDIA EFFICIENCY	DEGREE DOCU-	PRESS
THIRD			MEDIA

Sector 4: The media practise high levels of professional standards.

4.1 The media follow voluntary codes of professional standards, which are enforced by self-regulatory bodies that deal with complaints from the public.

Analysis:

Two associations – the Philippine Press Institute (PPI) and the Kapisanan ng mga Brodkaster ng Pilipinas (KBP or the Association of Broadcasters in the Philippines) – are about the only organisations that come close to what could be called self-regulatory bodies in the Philippines.

However, associations are by mandate and mission industry associations at core and not self-regulatory bodies concerned principally with professional and ethical standards.

The PPI counts about 210 national and community newspapers as members. Its Board of Trustees include the publishers and representatives of the major broadsheets, and a trustee each representing the smaller newspapers by major island groups of the Philippines. Thus, the newspapers outside Metro Manila have only the trustees for Luzon, the Visayas, and Mindanao as their representatives in the PPI.

Of the about 10 national newspapers, only *The Manila Bulletin* – ranked No. 3 in terms of circulation – is not a member of the PPI. It decided to pull out of the industry group over supposed disagreements with the other newspaper owners on advertising issues.

To deal with the “right of reply” and other complaints against its member-newspapers, the PPI trustees decided in 1998 to revive what is called the Philippine Press Council (PPC) with newspaper editors and a representative each from the academe, the judiciary, and the business sector as members.

A panellist described the work at the PPC “a frustrating experience” for two reasons: “One, it (PPC) does not have real power, and two, there are no sanctions involved.”

The PPC’s mandate is to receive complaints in whatever form from the public against the editorial treatment or alleged bias of certain stories of PPI member-newspapers. It has authority to summon the complainant/s and the editors of

the concerned newspapers to deliberations, and afterwards, rule on the merits or demerits of the case.

A ruling typically ends with the concerned newspaper, and all the other broadsheets represented in the PPC, being asked to publish the side of the complainant/s, or an apology, or even the PPC ruling itself.

The PPC's mandate is also prescribed by The Philippine Journalist's Code of Ethics, which was crafted in the late eighties and ratified in April 1998 by the now moribund National Press Club (NPC). The NPC used to be a widely acclaimed national association of journalists but petty quarrels, factionalism, and financial losses have caused its membership to dwindle to an ever-thinning number of mostly police-beat reporters and public-relations practitioners.

*“There is a
real resistance
to correction
by the media.”*

The PPI adopted the Code in 1998 (see copy in Appendix), installing it as a reference of conduct, albeit not strictly enforced, of its member-newspapers.

The Code is disseminated in every member media organisation. “But while they do hear cases” said one panellist, “the enforcement of judgments, which are normally just a request of the offending paper to put out the side of the aggrieved party, is where the problems lie.” “The rules carry some sanctions, more sanctions can be imposed, but they have never been defined... so it only extends to that request.”

Even more tragic, the public is hardly aware that the PPC exists or that it has been mandated by the PPI to receive and hear complaints against the newspapers. In recent years, the PPC has received only a handful of complaints.

Yet apart from the PPI Journalist's Code of Ethics, the major newspapers, including the *Philippine Daily Inquirer*, has enacted its own Code of Ethics and appointed a Reader's Advocate or Ombudsman.

The PPC's work has been hampered by the failure of its editors and members to attend meetings, the lack of resources to support public forums to discuss its work, as well as the reluctance of the concerned newspapers to publish the PPC's ruling or decision on complaints.

Another panellist observed that the failure of self-regulation mechanisms may be rooted in the general reluctance of editors and journalists to accept or acknowledge that they have committed mistakes.

“There is a real resistance to correction by the media,” said one panellist. “Even in the KBP which has a more structured standard for the filing of complaints. They

feel like ‘why are you doing this to me? When you did not do this to this and that and the others... there’s a real, strong resistance to defend whatever it was that was done, despite the evidence. And they will say, ‘Well, we stand by our reporter.’”

The same panellist averred that the efforts by certain media agencies to designate Ombudsmen in their newsrooms have also met with bad, sad results. “The history of the ombudsman in this country is also in a dismal sorry state. There were real efforts to institutionalize the ombudsman. Every ombudsman who has resigned has said, ‘People treat me like a pariah. I was not given any importance.’”

For radio and television networks clustered under the KBP (Kapisanan ng mga Brodkaster ng Pilipinas), a Standards Authority has been organized to receive and hear complaints and concerns related to professional and ethical standards. But like the PPI, the KBP has failed to draw in all major networks under its fold. One of the top two networks, GMA Channel 7, had pulled out of the KBP owing to alleged disagreements with rival networks over advertising load issues.

Yet unlike the PPI, the KBP Standards Authority (which also includes network managers and representatives of academe as members) has been kept busy with all sorts of minor and major complaints about member-networks and individual broadcasters. Yet again, like the PPI, the Standards Authority has resorted mainly to imposing fines and slight penalties on erring members and journalists.

One of the panellists voiced concern about the dominant presence of radio broadcasters in the KBP. “The problem with KBP is that it is run mostly by radio people who impose on the TV people. So, I think, if I may, (that) there’s a gap between radio and TV people.”

Except for the tedious task of monitoring and securing tape-recorded copies of the stories that become the subject of complaints, the KBP Standards Authority was deemed to have served as a “more effective” mechanism for self-regulation, compared with the PPC.

In a December 2010 ruling, the KBP Standards Authority censured the management and imposed fines on the anchors of three television stations and a radio network for airing live footage and commentary on a hostage-taking incident in Manila that occurred on August 23, 2010. The hostage-taker, a police captain, and eight tourists from Hong Kong, died in the police operations that the censured agencies covered live, blow-by-blow, on radio and TV.

The KBP ruling was apparently also partly triggered by public outcry and official criticism of media behaviour during the hostage-taking incident. “There was general agreement that certain ethical and legal principles were violated. The general defence of the media at the time was that the police did not prevent them from actually coming or breaking through the yellow line, etc.,” a panellist said.

“What was wrong was that the live coverage was not stopped at the critical point when the coverage could actually turn things around because the hostage-taker had a TV inside. It should have been presumed that he had access to what is going on. So he sees his brother being held out by the police, he realises he has live coverage, follows it, and at that point- starts shooting.”

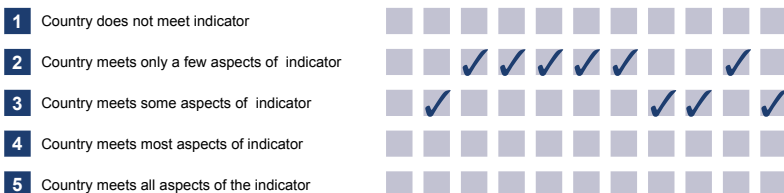
“Ethically, it was very, very clear,” added the panellist. “That was not clear, however, to the practitioners. Live coverage, it was done, because it was a knee-jerk thing. Something’s going on, we go live, and people need to know. In the course of the coverage, we have anchors saying, there’s a sniper here... exposing the police.”

The KBP subsequently amended its Broadcast Code, even as it kept quiet about its ruling for months – supposedly because it did not want to antagonize its members by the disclosure of the report. The story about the KBP Standards Authority ruling was published by the Philippine Center for Investigative Journalism in June 2011, based on interviews with – and documents requested from and released by – the KBP officers themselves. The Center for Media Freedom and Responsibility simultaneously ran an analysis on the apparent failure of self-regulation in the broadcast media.

When the KBP made its decision, the people had nearly forgotten about the media’s errors. “By the time the decision was made, everyone had forgotten about it. I mean you forget, that the Philippines is a country where you move from one disaster to another,” said a panellist.

Scores:

Individual scores:



Average score:

2.4

4.2 The standard of reporting follows the basic principles of accuracy and fairness.

Analysis:

There is general consensus among the panellists that poor to good reporting could be observed across media platforms, across media agencies, and from one to another reporter or editor in the Philippines.

For the most part, the lack of relevant and sufficient training, skills, and qualifications of many young and some senior-age journalists was cited as a basic problem. “Our radio reporters are fresh out of college. One report a month ago did not get the other side, on the first take of the news. And there’s no fact checking, very basic in Journalism 101. Either they have not been taught in college or they just forgot. The older batch also needs to be reminded,” said one member of the panel.

To make matters worse, many small-operation newspapers in the provinces can not afford to pay modestly good salaries, much less cover the cost of in-house training for their reporters.

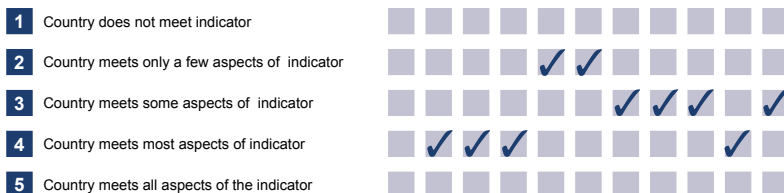
While some big newspapers exert efforts to correct errors of fact (accuracy issues), the standards of fairness (getting all sides) vary from newsroom to newsroom.

Nonetheless, public-opinion polls continue to affirm that the people find the media “credible,” with television ranking first, radio second, and print last.

This survey was discussed in part in the PCIJ’s book, *News for Sale*, in 2007: “In a Pulse Asia survey conducted in March and April 2004 (the year presidential elections were held), 67 per cent of Filipino registered voters said television was most credible, followed by radio with 20 per cent. Newspapers were the least credible, getting only a five per cent credibility rating.”

Scores:

Individual scores:



Average score:

3.2

4.3 The media cover the full spectrum of events, issues and cultures, including business/economics, cultural, local and investigative stories.

Analysis:

In general, national newspapers assign inordinate focus on national news, as well as those sourced from agencies, officials, sources, and events in the national capital region, while relegating news from outside Metro Manila to the inside pages.

Increasingly, however, many media agencies have started to give more space to arts, culture, travel, and lifestyle stories from areas outside Metro Manila.

Yet as a pattern, “the coverage is only of the national figure and not the community. Outside of Manila... National newspapers are not ‘national’ in terms of the scope of the coverage. Mindanao is covered only when the president goes there,” said a panellist. The provinces get stellar casting in the newspapers and primetime news often because of disasters, calamities, bombings, and other tragedies.

“National newspapers are not ‘national’ in terms of the scope of the coverage.”

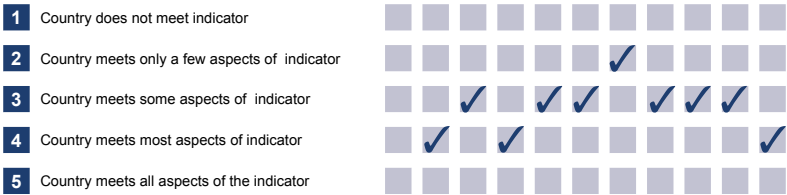
In some cases, advertising support for certain events or stories serves as a trigger for newspapers and broadcast media to pay attention to the same.

However, media reporting about the media is deemed to be inadequate. Media organisations seldom run stories related to media, including issues or activities of unions and employees associations in media. However, it always happens that

stories about or concerning media owners, including changes in equity control of media agencies, get assured coverage in print, radio, and television.

Scores:

Individual scores:



Average score: 3.2

4.4. Equal opportunities regardless of race or ethnicity, social group, gender/sex, religion, disabilities and age are promoted in media houses.

Analysis:

The Philippines, by most media accounts, have more than 50 per cent participation by women in terms of rank and file (reporters, researchers, correspondents, anchors, etc.) but fewer in terms of the middle to top echelons of the newsrooms.

Equal opportunity and comparable salaries exist for women in most newsrooms, but this has not stretched on to the other disadvantaged or underrepresented sectors. Equal opportunities for these sectors are largely “promoted... but not affirmed” in most newsrooms.

Women are amply represented as anchors or talents in most talk shows, news programmes and public affairs panels. “There will be cases still where there will be more men like business shows... But whether this is already conceptually achieved in all the newspapers, I do not think so,” said the first female panellist.

In the community media, however, the men continue to dominate both the beats (field) and the newsrooms, with female reporters relegated to assignments that are deemed to be “less dangerous” or less prone to safety and security threats.

There are scattered anecdotes of reporters who had been turned away by certain media agencies on account of their being Muslims or gay or lack of youth or physical attributes.

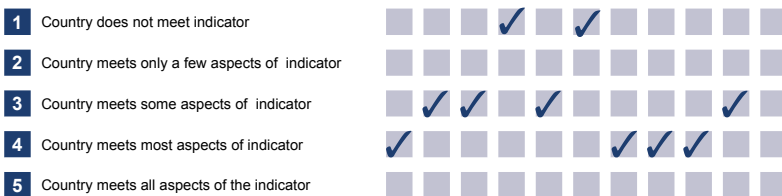
“I know of a reporter who was with a TV station for a long time. He resigned, shifted career, “It was an open secret in the network- that if you are gay, you won’t rise to the level of anchor. You’ll just be a reporter,” said a panellist.

A second panellist described the case of a TV-journalist who was always told by the vice-president of the station through text messages “Please don’t put eyeliner and make-up...but his lips are really reddish and he had rosy cheeks. So he had to transfer to another TV network, which eventually promoted him from reporter to desk editor.”

Cases of alleged sexual harassment are few and seldom reported, even as many newsrooms have adopted firm, categorical policies against it.

Scores:

Individual scores:



Average score:

2.9

4.5 Journalists and editors do not practise self-censorship.

Analysis:

Self-censorship becomes the resort of some reporters and editors in some newsrooms, on account of the biases or interests of some media owners, advertisers, and editors, as well as a precautionary move by some reporters who know about these biases.

For small, financially challenged community newspapers, self-censorship – writing about a friendly advertiser or politician, or not writing about the not-so-friendly ones, has also become a matter of financial survival.

The issue of self-censorship is seen to unravel in the Philippines in relation to yet another: corruption of the media.

“There is another different indicator, corruption. Self-censorship is if I have my own reasons not to write certain stories because I know the owners don’t like it, or it’s too dangerous, or I’m afraid of the government,” said a panellist. “It happens if your outfit is small and you rely heavily on a few advertisers. The bigger the outfit, the more leeway you have as a journalist to criticize. Smaller papers, they don’t have a choice.”

“The issue of self-censorship is seen to unravel in the Philippines in relation to yet another: corruption of the media.”

To illustrate the point, a second panellist intoned: “For example, we write a story, we don’t criticize, we just say; let’s say someone’s bag was snatched outside a mall. Before, we would say the name of the mall but the mall would complain and say that it was outside. So now we say ‘outside a mall in this area.’ We can’t say the name of the mall. We’re not criticizing them; we’re just saying it happened in this area.”

Alternately, those who do not advertise may also get shut out of the news pages, according to a third panellist. “At some events I’ve attended, some journalists would tell me, ‘Don’t write about this, because they (a certain company) won’t advertise.’ And that is what happened. So when the series of stories appear in the papers, the ads don’t come out. The writers consciously say, ‘Forget it; I’m not going to do it.’”

Yet even from the reporters’ level, “some stories do not get written at all,” said a fourth panellist. “I sometimes hear beat reporters say they stop covering certain issues or certain people because they already understood the biases of their editors. Whenever they file these kinds of stories, the editors would readily dismiss (the story).”

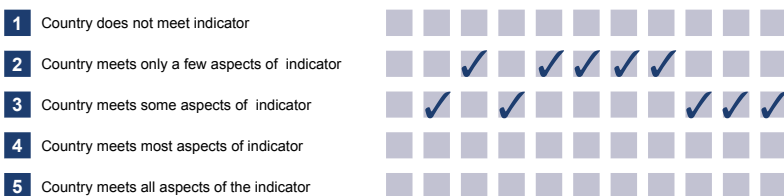
In addition, the panel was reminded about the discussion lead under indicator 1.2 and the differences between the situation in Metro Manila, which is relatively free and the provinces, where there is a ‘culture of silence’ and feudalism. One panellist said: “In Davao City it is impossible to find an independent journalist, they are all afraid to talk. In Maguindanao there are no real local news, only bureaus.”

Another member of the panel mentioned the case of a radio station manager whose daughter was abducted in Puerto Princesa, Palawan in September 2011 and released eight hours later by police action. Her kidnappers were not identified

or captured. Since the father of the girl had – in his radio programmes – been overtly critical against the provincial government and the police this was seen as a clear attempt to silence him. It was noted that although the police acted as if they had led thorough investigations, as many of the traces lead to the upper political echelons, not much had come out of the proceedings.

Scores:

Individual scores:



Average score: 2.5

4.6 Owners of established mainstream private media do not interfere with editorial independence.

Analysis:

To this indicator the panellists offered a mixed picture, or better said, one that varies from newsroom to newsroom, or even from story to story.

“It depends,” said one, citing that it is during election campaigns that media owners tend to interfere more in editorial processes.

“This big station, during the presidential election, they were told to slant coverage for a particular candidate,” said a panellist. “The managers were told in a meeting that our family (owes) the businesses to (a former president’s family).”

Most of the big media agencies are owned by big corporate entities and families, including some with relatives in politics, hence, they are seen to be mired in “conflict of interest” to begin with.

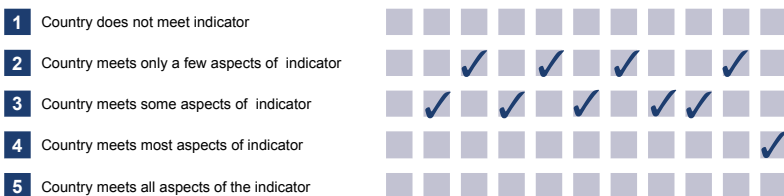
Some media agencies, as a policy, disclose these connections between them and the other corporate interests of their owners; still some others keep silent about such compromising connections.

In the community media, several panellists raised concern about more and more politicians buying into or buying out local radio stations and newspapers.

Said a panellist: “In the last meeting that I was invited to attend at the KBP, the complaints came from members and officers of the KBP that more and more local politicians are buying small, local stations and they brought this up as an issue in terms of the continuing independence of local radio stations. While there may not be evidence in terms of the biases of these radio stations at this time that anybody has looked at, they feel that given that kind of a situation, it is (a possible problem).”

Scores:

Individual scores:



Average score: 2.7

4.7 Journalists and media have integrity and are not corrupt.

Analysis:

The nearly unanimous sense of panellists is to hold the proposition in doubt. It cannot be said that journalists and media houses in the Philippines all have integrity and are not corrupt.

Nonetheless, a panellist stressed: “We still need to acknowledge that there are, despite the widespread corruption, people who have been incorruptible.”

In the three volumes of the PCIJ book *News for Sale*⁸, surveys conducted with reporters who covered the candidates showed that a majority of them had either been offered or received bribe money from politicians during campaign. When asked what they did with the money, some said they told their editors about it and

⁸ Published in 2004, 2007, and 2010, all election years.

donated the money to charity, others said they kept quiet about the incidents, and a few others said they kept the money for themselves.

A handful of the reporters surveyed said they actually seek out cash enticements or free plane rides with politicians and political parties, because their editors do not provide for allowances and per diem for election campaign coverage.

While a big majority of the reporters said they were aware of the rules against getting or asking money from politicians, they noted the lack of clarity of their agencies' Codes of Ethics about what they should do with the money. Still and all, most of the reporters asserted that the cash enticements from politicians did not affect or influence the content or tone of their stories.

“Corruption of the media has become a subculture.”

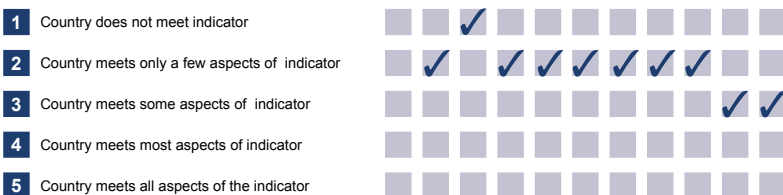
Corruption of the media has become a subculture, it has acquired its own glossary or language. For instance, “smiling money” is a term used to refer to money that was given by a source, as a token of thanks supposedly, after the fact or publication of a story. In contrast, “blood money” refers to money given by a source before the publication of a story, supposedly to influence its tone and content.

The panellists said the problem begs a discussion of “leadership in the newsrooms.” Some newsrooms have their rules spelled out in handbooks, while in many others the editors have not discussed or avoid discussing the issue with their reporters.

Some reporters have rationalized that the low pay media agencies give their reporters is to blame for the spread of corruption. Said another panellist: “There are radio reporters who would say, ‘We have to live. I have to feed my family. So if they give me money to censor the news, I’ll take it.’”

Scores:

Individual scores:



Average score:

2.1

4.8 Salary levels and general working conditions for journalists and other media practitioners are adequate.

Analysis:

According to the Bureau of Labor and Employment Statistics, the average monthly wage rate of “Journalists and Other Writers” is 17,629 pesos (about USD 450) as of July 2008.

This official estimate is actually much more generous than prevailing rates for first-time jobbers in the media, or entry-level salaries that for the national media (print and broadcast) reportedly range from P12,000 to P15,000 a month, before tax, or about USD300 to USD400 only. In contrast, the booming call-centres industry supposedly offers an entry-level salary of

P25,000 (about USD600) for new college graduates who speak English with the right twang.

“There are no journalists in community papers who can live comfortably.”

Salary rates are so sharply skewed as one moves up the employment ladder. Middle-managers (section editors and executive producers) are paid from P25,000 to P60,000, (USD600 to USD1,200) while top-level talents (managing editors to editors in chief, and network officers), from P80,000 to P250,000 or even higher (USD1,800 to USD5,800) a month.

The anchors or on-camera talents of the networks get the best cut, although the majority of them have only been trained to read from scripts. The top networks pay anchors of the major news programs even bigger amounts than what their network executives or senior producers get.

But the disparities become starker if the salaries of those from national media are compared to those from the community media. “The issue of less pay here,” said a panellist, “concerns the pay for ‘foot soldiers’.”

In the big, secondary cities outside Metro Manila, a panellist said entry-level reporters get at most P8,000 to P9,000 (about USD160 to USD220), gross. “That is in Cebu, so other areas would have lower rates. They can’t really afford to get reporters so they get a correspondent.”

“There are no journalists in community papers who can live comfortably. Honestly,” said a panellist. Another one seconded: “It’s a totally underpaid profession” and

4.9 Media professionals have access to training facilities offering formal qualification programmes as well as opportunities to upgrade skills.

Analysis:

Most of the bigger universities in the Philippines offer undergraduate degrees in mass communication (with various course codes for journalism, broadcast communication, advertising, public relations, development communication, organisational communication, etc.). One state university and three private universities also have Masters programmes in communication.

But the depth or relevance of the curricula, as well as the expertise and practice of the faculty members of these universities vary from poor to fair to good, in the opinion of the panellists.

Their common concern is the deteriorating quality of graduates coming out of journalism schools.

“I found English to be a particular problem. Despite the fact that most graduates are very good with conversational English, when it comes to writing, you want to tear out the paper... it seems to be deteriorating,” said a panellist.

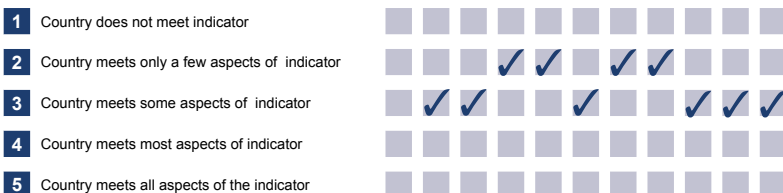
Another seconded thus: “It’s interesting that reporters who write in English have very bad copy. But when you ask them to write in Filipino, they are very good. So I think some practitioners ask why we have too many broadsheets in English, when most of the population are reading in Filipino.”

The big media agencies have launched in-house training programmes, but often to update their editors and reporters on policy issues in the news. Independent media organisations, notably the Center for Media Freedom and Responsibility, the Philippine Center for Investigative Journalism, and the National Union of Journalists of the Philippines are leading the effort to provide journalists seminars on journalism techniques, skills, ethics, policy issues, and safety training.

“Despite the fact that most graduates are very good with conversational English, when it comes to writing, you want to tear out the paper...”

Scores:

Individual scores:



Average score:

2.6

4.10 Journalists and other media practitioners are organised in trade unions and/or professional associations, which effectively represent their interests.

Analysis:

The National Union of Journalists of the Philippines is for now “more of a guild organisation” but is “on its way to being transformed into a union,” according to a panellist who is a member. The downside is, the process is “going to take a long time because of how people in the industry think.”

Unions or professional associations of journalists and media workers exist for now in the top television networks and the national newspapers. These do not include, however, a big number of reporters and media workers who are cast as “talents” or “correspondents” or “stringers” – or those working part-time and without permanent employment status.

The law prohibits non-regular personnel from joining the unions, shutting out the bigger number of personnel in the television networks. Instead, what have evolved are associations or guilds of correspondents, cameramen, talents, contractuels, etc. The unorganized or non-unionized make up the bigger number of journalists and media workers in the Philippines.

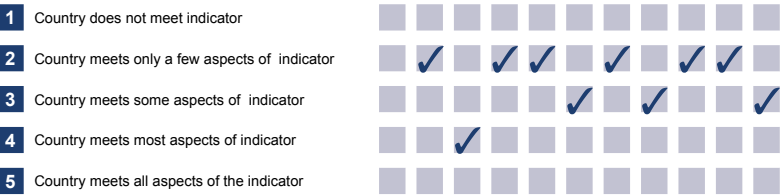
The industry associations – the Philippine Press Institute and the Kapisanan ng mga Brodkaster ng Pilipinas – are seen by media workers to be representing largely the interest of media owners and managers. These two groups have hardly intervened or interceded in media labour concerns or issues.

There are some cases of journalists being fired for organizing unions.

What emerges from the situation, according to a panellist, is a media community united on some issues (i.e. killings of journalists) but fragmented on others (i.e. welfare and economic issues of the unions and rank-and-file). “On the attacks and threats, we have gained solidarity. On other issues, I think fragmentation,” said the panellist.

Scores:

Individual scores:



Average score: 2.5

Average score for Sector 4: 2.6

OVERALL COUNTRY SCORE: 2.6

Follow-up questions

What are the positive and negative developments in the last two to three years?

- “There is growing acceptance of the **need for ethics in the profession**. Most people are now saying yes, we need to be more responsible.”
- “**The rise of media advocates** doing work that news organisations could not provide, especially after the Maguindanao massacre is a positive thing. They have raised the issues of impunity and media killings not just on the national level but on the international level, too.”
- “There is a **better sense of the importance of self-regulation**, and mechanisms are being institutionalized in both the PPI (Philippine Press Institute) and the KBP (Association of Broadcasters of the Philippines). Some newspapers have tried to install an ombudsman. Self-regulation faced a severe test in the hostage-taking crisis in 2010 and in a number of scandals involving very big personalities on television. The reforms will not happen very soon, however, and enforcing agreements may require industry solidarity that has not been achieved.”
- “**Media corruption** remains a big problem. It illustrates the failure of the entire sector and the rest of society to address the issue, to put out complaints, and give feedback on actions taken.”
- “**The use of Internet to spread and collect information** is both positive and negative development. More and more people are writing nowadays, but whether they actually know or abide by a code of ethics is the question. There’s competition between ordinary citizens and professional journalists, but there are no standards, no regulations online. The journalist is pressured to write because the story has already been tweeted. The need to react quickly through a tweet or blog post or via Facebook has kept media on their toes. Citizen journalists have also taken to task government media.”
- “Recent **efforts by some legislators to impose additional regulations** on the media are a negative development. These include the proposed Right of Reply law (RoR). The positive development is that these regulations have not yet passed. We should be careful when the government tries to regulate media. We should actually resist any effort to impose additional regulation aside from those that have already been traditionally accepted in our society and that follow international practice.”

- “There are any number of bills in the Senate and in the House that could provide broader or smaller ambits for freedom, operations, protection for journalists, etc. which are not being monitored significantly by the media. I don’t know if it’s true, but there seems to be a growing **acceptance from the part of the people that media should be regulated**. Expanded media regulation is a bad way to go.”
- “**Media ownership** is now more concentrated in the hands of people with huge economic or political influence. In the last three years, a telecommunications giant has taken significant stakes in many media organisations, raising concerns about cross-ownership issues. Philippine media was, of course, born from vested interests.”
- “**Impunity and media killings** remain unchecked. There is need to foster greater public awareness of the impunity aspect of the murders that the impunity continues to go unchecked despite advocacies.”
- “**The failure of the Congress to pass the Freedom of Information Act** might be part of the negative because it has been a long campaign, a long struggle for 15 years. Some thought it would have already been passed in the 14th Congress - but it was not. Now the signs are it may have a hard time getting passed in the 15th Congress.”
- “**Gender equality** remains a problem outside Metro Manila, as much as representation of the concerns of the minorities and the regions. When conducting training in the provinces, it’s difficult to get a 50-50 male-female participants ratio. The seminars are normally dominated by men.”
- “**The network war**, i.e. the rivalry between the top television networks, is dictating the content of news. The competition for profit and audience share has always been there but the remarkable development is that in the course of this competition, infotainment has started to dominate the content of the news.”

Positive developments:

- Acceptance of the need for ethics in the profession
- Growth of advocacy groups
- Internet revolution
- Proposed Right of Reply law was not passed
- Plans to transform state broadcaster into public broadcaster
- Anti-trust laws are in the pipeline
- Slow advances on women’s representation in media outlets and in media content

Negative developments:

- Failure to enforce self-regulation
- Failure of society to address media corruption
- Drop in professional standards through online journalism
- Media killings remain unchecked, impunity reigns
- Expanded government regulation
- Ownership of the media by powerful groups / Increasing cross ownership
- No marked progress in journalism education
- Failure of the passage of the Freedom of Information Act
- Network wars / Rise of infotainment / News for profit war

What kinds of activities are needed over the next two years to address some of the problems?

- “We need to call for a **national consultation or roundtable discussion to revisit the self-regulation framework**, to prove that it is desirable. It is like a challenge to fight for the media free of government regulation. But it is also a challenge to the media itself to become more self-critical. If you want more freedom, then you have to demonstrate responsibility. Media will have to overcome that initial barrier of the perceived disinterest of media owners and get the advertising and the business community as stakeholders, and then publicize the resolutions or an official statement.”
- “There is an **integrity initiative** in the private sector and one of the pillars is the media. Maybe we can just ramp up our work and start with a kind of a pledge or a code of conduct that is industry-specific, and urge the top management to commit to it.”
- “We have **to take media issues out from an all-media responsibility** because that is pointless. If we keep the issues within the media, we’re too comfortable the way it is. Nobody’s going to lose any money and things are not changing, unfortunately. It should not be that civil society groups will only come together when the government really begins to threaten to regulate, which all right-minded people don’t want. So we should join now with the different relevant sectors, maybe even the lawyers, advertisers, etc.”
- “We should step up the information drive to gain massive public support for the passage of the **Freedom of Information bill**. The campaign must be conducted at the grassroots level or the people’s level.”
- “We should embark on a conversation about the **future of the state broadcaster** among media and civil society groups and with the government.”

- “Research on the **economic conditions of journalists** and how they impact on the reporting of news would be useful. We need to strengthen media trade unions.”

Proposals for activities:

- To organise a national roundtable on self-regulation
- To gain massive public support and build coalitions outside of media
- To start a FOI campaign at the people’s level
- To create a platform to discuss the transformation of the state into a public broadcaster
- To research on the economic conditions of journalists and its impact on reporting of news
- To strengthen media trade unions

The panel meeting took place at the Canyon Woods Resort, Tagaytay, on 8-9 October 2011

Panellists:

Mr Arnold E. Belleza
Executive Editor, *Business World*

Ms Lesley Jeanne Y. Cordero
Assistant Secretary for Legislative Affairs, Presidential Communications Operations Office

Ms Miriam Grace A. Go
Fellow, *Newsbreak*

Ms Cherry Ann T. Lim
Managing Editor, *Sun.Star Cebu*

Mr Solomon F. Lumba
Assistant Professor, College of Law, University of the Philippines

Ms Norkhalia Mae Mambuay-Campong
Information Officer, Reform ARMM Now

Ms Rowena C. Paraan
Secretary-General, National Union of Journalists of the Philippines

Mr Peter Angelo R. Perfecto
Executive Director, Makati Business Club

Ms Melinda Quintos de Jesus
Executive Director, Center for Media Freedom and Responsibility

Mr Danton R. Remoto
Desk Manager, Head of Research, News 5

Mr Jonas C. Soltes
Regional Correspondent, *Philippine Daily Inquirer* (Bicol)

Researcher:

Ms Karol Anne M. Ilagan
Researcher Director, Philippine Center for Investigative Journalism

Rapporteur:

Ms Malou Mangahas
Executive Director, Philippine Center for Investigative Journalism

Moderator:

Mr Rolf Paasch
Friedrich-Ebert-Stiftung

Editor:

Ms Marina Kramer
(Mr Rolf Paasch)

APPENDICES:

APPENDIX 1

PHILIPPINE PRESS INSTITUTE

The Philippine Journalist's Code of Ethics

I shall scrupulously report and interpret the news, taking care not to suppress essential facts nor to distort the truth by omission or improper emphasis. I recognize the duty to air the other side and the duty to correct substantive errors promptly.

I shall not violate confidential information on material given me in the exercise of my calling.

I shall resort only to fair and honest methods in my effort to obtain news, photographs and/or documents, and shall properly identify myself as a representative of the press when obtaining any personal interview intended for publication.

I shall refrain from writing reports, which will adversely affect a private reputation unless the public interest justifies it. At the same time, I shall fight vigorously for public access to information, as provided for in the Constitution.

I shall not let personal motives or interests influence me in the performance of my duties; nor shall I accept or offer any present, gift or other consideration of a nature which may cast doubt on my professional integrity.

I shall not commit any act of plagiarism.

I shall not, in any manner, ridicule, cast aspersions on, or degrade any person by reason of sex, creed, religious belief, political conviction, cultural and ethnic origin.

I shall presume persons accused of crime of being innocent until proven otherwise. I shall exercise caution in publishing names of minors and women involved in criminal cases so that they may not unjustly lose their standing in society.

I shall not take unfair advantage of a fellow journalist.

I shall accept only such tasks as are compatible with the integrity and dignity of my profession, invoking the "conscience clause" when duties imposed on me conflict with the voice of my conscience.

I shall conduct myself in public or while performing my duties as journalist in such manner as to maintain the dignity of my profession. When in doubt, decency should be my watchword.

APPENDIX 2

2007 Broadcast Code of the Philippines

PART I. Article 1.

Broadcasting in the Philippines should reflect the hopes and dreams of a freedom loving people;

broadcasting is a powerful medium in shaping our country's cultural, social and economic growth and development;

broadcasting, because of its immediate and lasting impact on the public, demands of its practitioners a high sense of responsibility, morality, fairness and honesty at all times.

broadcasting has an obligation to uphold the properties and customs of civilized society, maintain the respect of the rights and sensitivities of all people, preserve the honor and the sanctity of the family and home, protect the sacredness of individual dignity, and promote national unity.

PROGRAM STANDARDS

NEWS AND PUBLIC AFFAIRS

Sec.1.OBJECTIVE

News and public affairs programs shall aim primarily to inform the public on important current events and issues rather than merely to entertain. (A)

Sec. 2. NEWS SCHEDULE

News shall be part of a station's daily programming. No less than 30 minutes of daily programming should be devoted to news. (S)

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The letter at the end of each provision indicates the class of penalties to be imposed for violations as spelled out in Part III

Sec. 3. FAIRNESS AND OBJECTIVITY

Receiving bribes, gifts, privileges or any consideration to favor one side of a story, stop a story from airing , or put any person in either bad or favorable light is prohibited. (G)

Side comments expressing personal opinions while a news item is being reported or delivered are prohibited to prevent the listener from mistaking opinion for news. (S)

When presented as part of a news program, editorials or commentaries must be identified as such and presented as distinct from news reports.(S)

NEWS SOURCES

Care must be taken in selecting news sources since the credibility of the news rests upon its sources.(A)

Only news that can be attributed to a source shall be aired. When a source cannot be identified by name, the reason for this should be made clear in the news report. (G)

News sources must be clearly identified, except when confidentiality of the source was a condition for giving the information. (S)

Information provided by confidential sources may be aired only if it is in the public interest to do so. (G)

Before airing information provided by a confidential source, an effort should first be made to look for a source who can be identified or who can corroborate the information provided by the confidential source. (S)

Press releases may be used as news sources only after the station has verified that they come from an authentic source. (S)

Suspects or fugitives from the law may be interviewed as news sources. However, they should not be aided, abetted, or encouraged when in the act of planning or committing a crime, or be accompanied on their way to committing a crime.(S)

Rumors or gossips shall not be aired in the guise of news. Using terms like “anonymous source”, “confidential source” or “unknown source” shall not justify the airing of rumors and gossips especially in news programs. (G)

UNCONFIRMED REPORTS

Unconfirmed reports shall not be aired unless there is an immediate and urgent need for the public to know about them, such as when the public needs to be warned of the possibility of an imminent danger. When such reports are aired, it must be emphasized that they are unconfirmed. (S)

An unconfirmed report must be verified as soon as possible. If an unconfirmed report is found to be false, an announcement saying so must be made. (G)

NEWS INTERVIEWS

Interviews must be presented in the proper context. Replies of interviewees to questions must not be edited or editorialized in a way that would distort their intended meaning. (S)

Selecting and phrasing of questions during an interview shall be the primary responsibility of the interviewer. Such questions must be determined primarily by the public interest to be served. (A)

When the interviewer is not free to choose his questions or the interviewee or source has imposed conditions on the conduct of the interview, this fact must be made clear to the public during the broadcast. (S)

UNCONVENTIONAL NEWS GATHERING AND REPORTING

In the most extreme circumstances, when information being sought is vitally important to public interest or necessary to prevent profound harm, the use of hidden cameras or microphones and other similar techniques of news gathering and reporting may be resorted to. Before resorting to such techniques, conventional methods must first be exhausted. In all cases, the use of such techniques must conform to the law. (G)

When material obtained through such techniques are broadcast, this must be presented fairly, factually and in the proper context. The right to privacy must be observed and harm to the innocent avoided. (G)

Unconventional techniques and equipment for information gathering and reporting shall be allowed only for trained journalists and those who are skilled in their use. (G)

When materials that have been obtained through unconventional techniques are received from third parties, their broadcast must conform with the relevant provisions under this section. (G)

NEWS PRODUCTION AIDS AND TECHNIQUES

News production aids should not mislead the public. (S)

Archived or file video, photo, and audio materials should be properly labeled as such when aired and must not be presented in a manner that may cause the public to mistake them as the broadcast of a live or more recent event. (L)

Subjects of video and voice clips should be clearly identified. (L)

The simulation or re-enactment of actual events must be clearly labeled as such to avoid misleading the public. (S)

Text crawls shall not be used for advertising messages during a newscast except during the closing credits. (S)

SENSATIONALISM

The presentation of news and commentaries must always be in good taste. (A)

Morbid, violent, sensational or alarming details not essential to a factual report are prohibited. (S)

The presentation of news and commentaries must not be done in a way that would create unnecessary panic or alarm. (G)

STATION EDITORIALS

Station editorials shall be clearly identified as such and the station assumes responsibility for the views expressed in them. (L)

Station editorials may be prepared only by persons who are qualified and expressly authorized by the station to do so. (A)

ADVERTISEMENTS IN THE NEWS

11.a. Advertisements must be clearly distinguished from the news. (L)

11.b. Advertisements in the guise of news are prohibited. (S)

ANALYSIS AND COMMENTARIES

The airing of public affairs programs and commentaries is encouraged, particularly to give the public the opportunity to participate in discussions of current issues, concerns and events.

Public affairs programs and commentaries shall be handled only by persons who have thorough knowledge of and practice broadcast ethics. (S)

Public affairs programs shall aim to enlighten the citizenry on significant issues, concerns and events. (A)

Public affairs programs shall strive to elicit responsible views on public issues, concerns and events from all sectors of society.

Public affairs programs aired on time contracted to other parties (such as blocktimers) shall name who is responsible for producing the programs every time they are aired. (S)

Opposing or contrasting sides of public issues should be fairly presented. (S)

Personal bias or prejudice shall not be allowed to distort the facts. (S)

COVERAGE INVOLVING CHILDREN

The right to privacy of children must always be respected. Since undue publicity or wrong labeling can cause harm to them, children who are victims of abuse or in conflict with the law shall not be identified, directly or indirectly. Any information that might cause them to be identified shall not be aired. (G)

Surprise and unplanned (“ambush”) interviews of children are prohibited. (S)

Child victims, child suspects, children accused of a crime, children arrested or detained on suspicion of wrong-doing, and children that are undergoing trial shall be protected from further suffering emotional distress or trauma; they shall be interviewed only upon the consent of their parent or legal guardian, unless the parent or guardian is the accused. The interview shall be conducted only with the authority and supervision of qualified lawyers, psychologists, or social workers responsible for their welfare. (S)

Children should not be required, coerced or bribed to recall and narrate traumatic experiences, demonstrate horrific acts, or describe them in graphic details. (S)

Programs and materials involving children must comply with all pertinent laws, rules and regulations. (G)

PERSONAL ATTACKS

Personal attacks, that is, attacks on the honesty, integrity, or personal qualities of an identified person, institution or group¹, on matters that have no bearing on the public interest are prohibited. (G)

Programs intended to malign, unfairly criticize or attack a person, natural or juridical, are prohibited. (G)

Personal attacks against fellow broadcasters are prohibited. (G)

When personal attacks against any person, institution or group are aired, that person, institution or group shall be given a fair opportunity to reply immediately in the same program, if possible, or at the earliest opportunity. If not, the opportunity to reply should be given in any other program under similar conditions. (G)

CORRECTING MISTAKES

When a mistake has been broadcast, it must be acknowledged and rectified as soon as possible by stating the mistake and making the correction. (S)

CRIME AND CRISIS SITUATIONS

The coverage of crimes in progress or crisis situations such as hostage-taking or kidnapping shall not put lives in greater danger than what is already inherent in the situation. Such coverage should be restrained and care should be taken so as not to hinder or obstruct efforts of authorities to resolve the situation. (G)

A coverage should avoid inflicting undue shock and pain to families and loved ones of victims of crimes, crisis situations, disasters, accidents, and other tragedies. (S)

The identity of victims of crimes or crisis situations in progress shall not be announced until the situation has been resolved or their names have been released by the authorities. The names of fatalities should be aired only when their next of kin have been notified or their names released, by the authorities. (S)

The coverage of crime or crisis situations shall not provide vital information or offer comfort or support to the perpetrators. (G)

Stations are encouraged to adopt standard operating procedures (SOP's) consistent with this Code to govern the conduct of their news personnel during the coverage of crime and crisis situations. (A)

Persons who are taken into custody by authorities as victims or for allegedly committing private crimes (such as indecency or lasciviousness), shall not be identified, directly or indirectly -- unless a formal complaint has already been filed against them. They shall not be subjected to undue shame and humiliation, such as showing them in indecent or vulgar acts and poses. (S)

INDIVIDUAL RIGHTS

The right to privacy of individuals shall be respected. Intrusion into purely private or personal matters which have no bearing on the public interest is prohibited. (G)

Persons affected by tragedy or grief shall be treated with sensitivity, respect and discretion; they should be allowed to suffer their grief in private. (S)

News coverage must not violate nor interfere with an individual's right to be presumed innocent until proven guilty. (S)

Care and sound discretion should be exercised in disclosing the identities of persons, by face or by name, so as not to harm their or their families' reputation and safety. Proper labeling of a person as a "suspect," "alleged perpetrator," "accused," or "convict(ed)," is required. (S)

The broadcast of material showing arrested or detained persons being physically assaulted or verbally abused in a manner that demeans or humiliates them is prohibited. (S)

No broadcast personnel involved in the coverage of arrested or detained persons shall encourage or exhort the commission of violence against the arrested person or detainee. (S)

Telephone calls or interviews must not be aired without informing the other party beforehand. (S)

POLITICAL PROPAGANDA

(Note: The provisions under this section have been adopted from R.A. 9006 or the Fair Election Act.)

Equal opportunity in the access of airtime shall be given to candidates and political parties. (S)

No program or sponsor shall be allowed to manifestly favor or oppose any candidate or political party. However, the right to responsibly inform the public on significant issues and events and the duty to provide a forum for the discussion of such issues and events shall be respected. (S)

The amount of airtime allotted to political propaganda and the rates to be charged for it shall be consistent with existing laws. (S)

When a person employed or engaged in any capacity in a station becomes a candidate or is employed or retained in any capacity by a candidate or political party, he shall go on leave for the duration of the election period or his employment may be terminated by the station. (G)

All broadcasts of election propaganda shall be identified as such and shall be identified through the words "paid for by" followed by the name of the candidate

or political party for whom the election propaganda is being broadcast. If the broadcast is donated by the station, the words “airtime for this broadcast was provided free of charge by this station for...”, followed by the name of the candidate or party, shall be used. (S)

All programs related to the campaign and the elections shall be subject to the relevant provisions of this Code and all Election Laws. (S)

PUBLIC COMPLAINTS AND GRIEVANCES

Complaints, criticisms, or grievances aired against persons, institutions or group, whether public or private, shall be limited to issues which have a bearing on the public interest. (S)

The identity of persons or organizations who are allowed to air complaints, criticisms, or grievances must be verified before they are allowed to go on the air. (L)

Persons, institutions or groups who are the subject of complaints, criticisms, or grievances aired on a station must be given immediate opportunity to reply within the same program, if possible, or at the earliest opportunity. If not, the opportunity to reply should be given in any other program under similar conditions. (G)

PERSONAL CALLS OR MESSAGES

Persons who are allowed by the station to make personal calls or appeals (panawagan) or air personal messages or opinions, shall be guided on the manner and language they should use on the air. (L)

Requests for the airing of personal calls, appeals, personal messages or opinions shall be carefully screened to insure that they are legitimate. (L)

The airing of personal calls, appeals, messages from anonymous persons or sources are prohibited. (S)

Letters, phone calls, e-mails, text messages and the like from unidentified sources or from sources who refuse to be identified shall not be aired. Materials from letters, phone calls, e-mails, text messages and the like when aired must be in accordance with the provisions of this Code and shall be the responsibility of the station. (S)

Requests for airtime for public service messages or public service programs shall be carefully reviewed to ensure that the person or group making the request is legitimate and serve a worthy cause. (S)

CHILDREN'S PROGRAMS AND WELFARE

Sec.1.The airing of programs that would help children to develop to their full physical, mental, and social potential shall be encouraged.

Sec. 2. At least fifteen per cent (15%) of a TV station's daily airtime should be devoted to programs suitable for viewing by children. (S)

Children's programs shall contribute to the sound and balanced development of children.

Children's programs shall not foster violence as a desirable way or a means of resolving conflicts and problems. (S)

Children's programs shall not depict inappropriate sexual subjects or violent actions. (S)

Children's programs should promote values that would help children to become responsible citizens. Such values include respect for authority and law and order, good manners, love of country, a sense of duty, and the proper concept of courage. (A)

Children's programs should complement what children learn from school.

Children's programs should encourage children in the art of correct speech and pronunciation. Speech and expressions which may hinder the language development of children shall be avoided. Slang and incorrect pronunciation shall be discouraged. (A)

Children's programs shall not encourage children to purchase a product specifically for the purpose of keeping the program on the air. (S)

Advertisements of products or services which are not suitable for children or which might cause them physical, mental, psychological or moral harm shall not be aired in or adjacent to children's programs. (G)

The possibility that children might be among the audience should always be considered. Materials that might be physically, mentally, psychologically, or morally harmful to children should not be aired during times when they are likely to be watching or listening. (S)

No material that might be physically, mentally, psychologically, or morally harmful to children shall be aired immediately before, during or immediately after a children's program. (G)

Trailers of movies classified as "R" (Restricted) by the Movie and Television Review and Classification Board (MTRCB) shall be aired only between nine o'clock in the evening (9:00 p.m.) and five o'clock in the morning (5:00 a.m.). (S)

RELIGION

Religious programs shall emphasize the positive role of religion in society. (G)

Religious programs shall not spread false charges or accusations against persons or organizations with different beliefs. Such programs shall not be used to maliciously attack, insult, harass, or ridicule other churches, faiths, sects, or denominations or their followers merely because of their belief. (G)

Religious programs shall give due regard to the freedom of religion and religious expression. (A)

Religious programs shall comply with other pertinent provisions of this Code.

SUPERSTITION AND THE OCCULT

Programs featuring superstitious and pseudo- scientific beliefs and practices, such as supernatural powers, foretelling of the future, astrology, phrenology, palm-reading, numerology, mind- reading, hypnotism, faith healing or similar subjects shall be careful not to induce belief in them. Care shall be taken to prevent the exploitation of people who may be easily swayed by such superstitious and pseudo-scientific beliefs and practices.(S)

Programs or program materials that promote or encourage occult practices, black magic, witchcraft, and similar activities are prohibited]. (S)

MEDICAL, LEGAL AND OTHER PROFESSIONAL ADVICE

Only duly qualified and authorized persons shall be allowed to give medical, legal or other professional advice. (S)

Information about medical, legal and other professional matters, especially those affecting the well-being of others, must come only from authoritative sources. These sources must be identified when the information is aired. (G)

Any information on alternative medicine should be identified as such and any therapeutic claim should `be consistent with the regulations and certifications of the Bureau of Food and Drugs (BFAD). (G)

MUSIC

Broadcast stations shall strive to promote the development of Filipino music.

Where appropriate to the program format, radio stations must play at least four (4) Original Pilipino Music (OPM's) per hour. Any music which is composed, performed, adapted, translated, or arranged by a Filipino -- including adaptations and translations into Pilipino or a Philippine dialect of foreign works -- shall be considered an OPM for the purpose of complying with this requirement. The term Filipino shall refer to a Filipino citizen or anyone of Filipino descent. (S)

Music with lyrics that run counter to Filipino values shall not be played. (S)

Songs with lyrics or messages that are vulgar, indecent, promote substance abuse, gender discrimination, racism, Satanism, violence or sexual perversion or demeans a member of any sector of society shall not be played. (S)

The station shall bear primary responsibility for selecting and scheduling the music it airs. It shall not allow undue intrusion in the selection of its music except those dictated by the needs or demands of its audience. In no instance shall the station surrender, transfer, or waive its responsibility for programming. (S)

Demanding or receiving money, goods, services and/or any other form of consideration without the knowledge and consent of network management in exchange for airing music materials is prohibited. (S)

The same recording may not be played more than once in the same clock hour. (L)

When airtime for a music program is paid for or produced by a recording company, the name of the recording company shall be announced as the producer or sponsor of the program. (S)

The tabulation or ranking of recorded music ("Top 10 Hits", "Top 40", etc.) must be based on valid criteria (such as album sales, number of requests, etc.) and supported by evidence. (S)

FUND RAISING

Programs and messages or announcements for fund-raising activities shall clearly identify the names of the organizers and their beneficiaries. Only legitimate projects and organizations shall be allowed to use broadcast facilities for fund raising. (L)

QUIZ SHOWS, CONTESTS, PUBLIC PARTICIPATION PROGRAMS AND PROMOTIONS

Contests and promotions shall be conducted with fairness and shall comply with all pertinent government laws, rules and regulations and the provisions of this Code. Contests and promotions shall not unduly exploit the audience or participants. (S)

All contest details including rules, eligibility requirements, opening and termination dates shall be completely and clearly announced at least three (3) days before the contest. The winners' names shall be announced and the prizes awarded as soon as possible after the contest. (S)

Public or audience participation programs shall not ridicule, diminish or demean the dignity of an individual participating in such programs. (G)

Performers in programs shall always observe decency and proper decorum. (S)

GAMBLING AND BETTING

The coverage of lotteries, horseracing, cockfighting, and jai-alai may be allowed if they are conducted by duly authorized government agencies or if licensed and authorized by the government. However, such coverage may be aired only after the actual event has taken place and only between 11:00 p.m. and 5:00 a.m. (G)

Programs which feature the coverage of lotteries, horseracing, cockfighting and jai-alai shall air an advisory before the program that it contains materials not suitable for children. (G)

Whenever material containing the coverage of a lottery, horseracing, cockfighting or jai-alai is aired, the public must be continually informed through a voice-over announcement, if on radio, or a superimposed text, if on television, that the broadcast is delayed. (G)

Gambling shall never be presented as something good, nor shall the public be encouraged to engage in it. (G)

The announcement of results and schedules of horseracing, cockfighting, lotteries and jai-alai may be allowed only for those which have been duly authorized by law. However, the announcement of tips is prohibited. (G)

The announcement of tips, results, and schedules of illegal gambling activities is prohibited. (G)

Advertisements only of lotteries that are licensed or authorized by the government shall be allowed. (G)

Advertisements of lotteries shall not exhort the public to bet. Phrases like “tumaya na kayo” (bet now), “bumili na kayo ng ticket” (buy a ticket) or “yayaman ka sa lotto” (you’ll get rich with lotto) shall not be used. The announcement of tips is prohibited. However, mention of prizes, schedule of draws and results are allowed. (G)

Advertisements of lotteries shall not be aired in religious, educational and children’s programs during breaks preceding or following such programs. (G)

Advertisements of horse races and cockfights are allowed only between 11:00 p.m. and 5:00 a.m. (G)

Advertisements of horse races, cockfights and jai-alai may contain announcements of results but not the announcements of tips. (G)

Advertisements of casinos authorized by the government are allowed, provided that such advertisements do not exhort the public to gamble or bet. Such advertisements shall be in the form of institutional or corporate advertising only and shall not mention or show any gambling activity or paraphernalia. (G)

Advertisements of gaming or gambling activities, other than those which conform to provisions above are prohibited. (G)

NATIONAL DEVELOPMENT

Support for national development in the improvement of the people’s social and economic well-being shall be pursued continually. (A)

Public service announcements (PSAs) that contribute to national development shall be aired.

CULTURE AND TRADITION

Traditional Filipino family values such as family unity, mutual respect, trust, helpfulness, and affection shall be upheld. (A)

The mores, culture, traditions, and characteristics of people must be respected. Maliciously ridiculing, denigrating or disparaging culture, customs and traditions are prohibited. (G)

Opportunities shall be provided for the continuing expression of the Filipino national identity in the sciences, culture, and the arts.

The predominant use of Filipino creativity, talent, and other human resources shall be encouraged.

Broadcasters must acquaint themselves with the culture, mores, traditions, needs and other characteristics of the locality and its people to best serve the community. (A)

RESPECT FOR LAW AND ORDER

Broadcast facilities shall not be used or allowed to be used for advocating the overthrow of government by force or violence. (G)

The broadcast of materials, which tend to incite treason, rebellion, sedition or create civil disorder or disturbance is prohibited. (G)

DISCRIMINATION

A person's race, religion, color, ethnicity, gender, and physical or mental disability shall not be used in a way that would embarrass, denigrate, or ridicule him. (G)

MENTALLY AND PHYSICALLY CHALLENGED PERSONS

Mentally and physically challenged persons shall be treated with respect and shall not be humiliated or embarrassed due to their disability. (G)

CRIME AND VIOLENCE

Crime and violence and other acts of wrong-doing or injustice shall not be presented as good or attractive or beyond retribution, correction or reform. (G)

Criminals shall not be glorified; crime shall always be condemned. (G)

Violence shall not be encouraged and horror shall be minimized. Morbid and gory details are prohibited. (G)

Speech or action likely to incite any person to violence or anti-social behavior is prohibited. (G)

Details of a crime or the re-enactment of a crime shall not be presented in such a way that will teach or encourage the audience how to commit it. (G)

SEX, OBSCENITY AND PORNOGRAPHY

Sex and related subjects must be treated with care and must conform to what is generally accepted as proper. (S)

Pre-marital sex or extra-marital sex shall not be condoned or justified. (S)

Explicit depiction of sexual acts, sexual perversions and nudity are prohibited. (G)

Explicit or graphic descriptions of sexual organs, other sensitive parts of the body, and acts generally considered indecent or offensive are prohibited. (G)

Offensive, obscene blasphemous, profane, and vulgar double meaning words and phrases are prohibited, even if understood only by a segment of the audience. (G)

LIQUOR, CIGARETTES, AND DANGEROUS DRUGS

The use of liquor and use of dangerous drugs shall never be presented as socially desirable or acceptable. (S)

Smoking shall not be presented as a good habit and shall not be encouraged. (S)

ON-AIR LANGUAGE

Vulgar, obscene, or indecent language is prohibited. (G)

Language tending to incite violence, sedition or rebellion is prohibited. (G)

Name-calling and personal insults are prohibited. (G)

ON-AIR DECORUM

Persons who appear in entertainment and variety programs (such as hosts, emcees, talents, guests, participants, and audiences), especially in live shows, shall be decently attired and behave in a way that is considered appropriate in public based on the standards of the community where the programs are aired. (S)

Persons who appear in live programs, variety shows, game shows and other similar programs shall not be embarrassed, insulted, ridiculed, harassed or humiliated in whatever manner. (G)

Camera and other production techniques should not be used to create indecent and inappropriate images. (G)

Persons who are drunk or under the influence of prohibited drugs or substances shall not be allowed to go on the air. (S)

QUALIFICATION OF ON-AIR/PROGRAM PERSONS

Persons who are allowed to handle programs shall have adequate knowledge and competence for the job to insure the integrity and credibility of the broadcast media. (S)

Program persons shall adhere to the basic principles and ethical standards of journalism, including those provided in this Code.(S)

ACCREDITATION

Persons who regularly go on the air and newswriters, scriptwriters, editors and directors whose job is to produce material which go on-air shall be required to obtain accreditation with the KBP. Stations shall not allow any person to go on the air without the requisite accreditation except in instances provided in the rules of accreditation. (G)

BRIBERY

Asking or receiving money or any gift, present, benefit, or privilege to favor or put in bad light any person, group, or institution in the course of a broadcast is prohibited. Any act that may harm the public interest, damage the station, or put its credibility in doubt should be avoided . (G)

BLOCKTIMERS

The term blocktimer shall refer to natural or juridical persons that buys or contracts for or is given broadcast air time. Blocktimers and on-air performers in blocktime programs shall be required to sign an undertaking to comply with the provisions of this Code and other pertinent policies, rules and regulations of the KBP. (G)

The blocktimer and the on-air performer in the blocktime program shall be jointly and severally liable with the station for any penalty that may be imposed for violations of this Code.

UNIVERSAL ETHICAL STANDARDS

Universally accepted ethical practices and code of conduct for broadcast media, pertinent Philippine laws and their implementing rules and regulations are deemed adopted in this Code.

Violations of universally accepted ethical principles and code of conduct for broadcast media not otherwise specifically covered by this Code shall be sanctioned with censure.

PART III Article 1.

IMPLEMENTING RULES AND REGULATIONS

Complaints of violations of this Code shall be handled by the KBP Standards Authority which shall hear and rule on such complaints in accordance with duly established rules of procedure.

Persons, natural and juridical, who are granted airtime, whether by sale or donation (including blocktimers and independent producers) shall be required to execute an undertaking that they shall be liable, jointly and severally with the station, for all applicable penalties that may be imposed for violations of this Code in their programs. Individuals who go on the air during such airtime shall also be required to execute the same undertaking.

Persons who regularly go on the air and newswriters, scriptwriters, editors and directors whose job is to produce material which go on- air are expected to know and understand the provisions of this Code and shall be required to obtain accreditation with the KBP before they are allowed to go on the air.

Copies of this Code shall be provided by the station to all its personnel who go on the air, produce material for airing or who participate in such work, all persons granted programming airtime and those who go on the air during such airtime.

PENALTIES

Penalties for violations of the program standards under this Code shall be classified as follows:

1. Light Offenses (L) for violations of the following provisions:
Article 1, Sec. 8b,8c, 10a, 11a; Article 9, Sec. 2; Article 10, Sec.1,2 ; Article 15, Sec. 7; Article 16.

2. Serious Offense (S) for violations of the following provisions:
Article 1, Sec. 2, 3c, 3d,4c,4e,4f,4g, 5a,6a, 6c,8a,8d,8e, 9b, 11b; Article 2, Sec.2, 5, 6, 7; Article 3, Sec. 2, 3, 4; Article 5 ; Article 6, Sec. 2, 3, 6; Article 7, Sec. 2-7; Article 8, Sec. 1-3, 5,6; Article 9, Sec. 1; Article 10, Sec. 3-5;

Article 2.

1st Offense 2nd Offense 3rd Offense

4th Offense

1st Offense 2nd Offense 3rd Offense

Article 11, Sec.2,4, 5, 9,11,13; Article 13, Sec. 1,2; Article 14, Sec. 1; Article 15, Sec.2-6, 8, 9; Article 17, Sec. 1,2,4; Article 25, Sec.1,2; Article 26, Sec. 1,2; Article 28, Sec. 1,4; Article 29, Sec. 1,2.

Grave Offense (G) for violations of the following provisions:

Article 1, Sec. 3a, 3b, 4b,4d, 4h, 5b , 7a,7b,7c,7d, 9c; Article 3, Sec.1,5; Article 4, Sec. 1-4; Article 6, Sec. 1, 4; Article 7, Sec. 1; Article 8, Sec. 4; Article 9, Sec. 3; Article 11, Sec. 10,12; Article 12, Sec. 1, 2; Article 14, Sec. 2,3; Article 17, Sec.3; Article 18, Sec. 1-13; Article 20, Sec. 2; Article 21, Sec. 1,2; Article 22 ; Article 23 ; Article 24, Sec. 1-5; Article 25, Sec. 3-5; Article 27, Sec. 1-3; Article 28, Sec. 2,3; Article 30 ; Article 31; Article 32, Sec. 1.

Light (L) offenses shall be subject to the following penalties:

1. When the violation is on radio:

On the Individual P5,000.00 and reprimand

P10,000.00 and 15-day on-air suspension P15,000.00 and 30-day on-air suspension

P20,000.00 and revocation of accreditation

2. When the violation is on television:

On the Individual P10,000.00 and reprimand
P15,000.00 and 15-day on-air suspension P20,000.00 and 30-day on-air
On the Station
P10,000.00 and censure
P20,000.00
P30,000.00
P40,000.00 plus 60-day suspension of membership privileges

On the Station
P20,000.00 and censure
P30,000.00 P40,000.00
29

4th Offense Article 3.
1st Offense 2nd Offense
3rd Offense
4th Offense

Article 4.
1st Offense 2nd Offense
suspension
P25,000.00 and revocation of accreditation
P50,000.00 and 90-day suspension of membership privileges

Serious (S) offenses shall be subject to the following penalties:

1. When the violation is on radio:
On the Individual P10,000.00 and reprimand P15,000.00
and 30-day on-air suspension P20,000.00 and 60-day on-air suspension
P25,000.00 and revocation of accreditation

2. When the violation is on television:
On the Individual P15,000.00 and reprimand P20,000.00
and 30-day on-air suspension P25,000.00 and 60-day on-air suspension
P30,000.00 and revocation of accreditation

On the Station P20,000.00 and censure
P30,000.00
P40,000.00
P50,000.00 and 90-day suspension of membership privileges

On the Station P30,000.00 and censure
P40,000.00
P50,000.00
P60,000.00 and 120-day suspension of membership privileges

Grave (G) offenses shall be subject to the following penalties:

1. When the violation is on radio:
 On the Individual P15,000.00 and reprimand P20,000.00
 and 60-day on-air suspension
 On the Station P30,000.00 and censure
 P40,000.00
 30
 3rd Offense
 4th Offense
 1st Offense 2nd Offense
 3rd Offense
 4th Offense
 Article 5.
 P25,000.00 and 90-day on-air suspension

 On the Individual
 P30,000.00 and revocation of accreditation
2. When the violation is on television:
 On the Individual P20,000.00 and reprimand P25,000.00
 and 60-day on-air suspension P30,000.00 and 90-day on-air suspension
 P35,000.00 and revocation of accreditation
 P50,000.00

 On the Station
 P60,000.00 and 120-day
 suspension of membership privileges

 On the Station P40,000.00 and censure
 P50,000.00
 P60,000.00
 P70,000.00 and 150-day suspension of membership privileges

Provisions which have an Admonitory or (A) notation means the provision is to be observed. No penalty other than censure is prescribed but the Code highly recommends its implementation.

Article 1, Sec. 1, 4a, 6b, 9a, 10b; Article 2, Sec. 3; Article 6, Sec. 5 ; Article 11, Sec. 6, 8; Article 12, Sec. 3; Article 19, Sec. 1, 2 ; Article 20, Sec. 1, 5.

NOTE:

The provisions of this code were adopted by the general membership of the Kapisanan ng mga Brodcaster ng Pilipinas during a series of plenary sessions in 2006 and 2007.

APPENDIX 3

Ang KBP BRODKASTER (The KBP Broadcasting Principles)

KATOTOHANAN ang pangunahing layunin ng brodkaster sa pamamahayag ng mga balita, pangyayari at kuro-kuro. Pinangangalagaan niya ang pagbibigay ng tama at mahahalagang impormasyon at hindi niya binabago ang katotohanan sa pamamagitan ng pagdaragdag, pagbabawas, pagpapalit o paggamit ng impormasyon o detalye ukol sa mga pangyayari o pahayag sa maling paraan.

BUKAS NA ISIPAN ang taglay ng brodkaster sa mga nagtutunggaling kaisipan at pangangatuwiran. Hindi siya dali-daling humuhusga ayon sa sariling pananaw kundi pinagaaralan muna ang iba't ibang paraan ng pagtanaw sa isyu.

PANANAGUTAN sa madlang tagapakinig at manonood ang pasan ng brodkaster. Maingat at may pagpapahalaga siya sa bawat salitang binibigkas at imaheng ipinalalabas. Serbisyo publiko ang pangunahin niyang layunin.

BALANSE sa pamamahayag at paglalathala ng balita, kuro-kuro, pananaw at talakayan sa himpapawid ang isang mahusay na brodkaster. Malinaw na ipinakikita niya ang magkakaibang panig ng isyu. Hindi niya ginagamit ang himpapawid upang manlibak o manira, pahiyain o bastusin ang sinumang tao, anuman ang kasarian, pananaw, paniniwala sa relihiyon o pulitika, kultura, lahi o etnisidad.

RESPONSIBLE ang brodkaster sa pangangalaga sa kanyang pangalan at sa pangalan ng KBP at ng industriya ng pamamahayag. Ang mga opinyon at kuro-kuro niya ay ipinahahayag sa naaangkop at maliwanag na paraan. Pinag-aaralan at sinasaliksik niya ang mga isyu bago ito isahimpapawid. Mapanuri siya ngunit hindi mapanirang-puri.

OTORIDAD NG SALIGANG BATAS ang isinusulong ng brodkaster sa lahat ng pagkakataon. Ipinagtatangol, ipinaglalaban at pinangangalagaan niya ang malayang pamamahayag at karapatan ng madla na humanap at tumanggap ng impormasyon.

DANGAL AT KAGANDAHANG ASAL ang taglay ng isang propesyonal na brodkaster sa salita, isip, gawa at pagkatao sa loob at labas ng himpilan. Mapagpakumbaba siya sa pakikitungo sa lahat ng mga nakakasalamuha maging sila ay kapwa brodkaster o ang madla.

KATUWIRAN ang laging maaasahan sa tunay na brodkaster. Sa bawat pagkakataon ay pinaninindigan niya ang tama at inihahayag ang mali. May taglay siyang kabutihan, paggalang at kagandahang-loob. Isinasaalang-alang niya ang kanyang integridad at karangalan sa lahat ng pagkakataon.

ALAGA AT PAG-IINGAT sa paggamit at pagpapahayag ng mga maselan at kritikal na impormasyon ang maaasahan sa magaling na brodkaster. Pinangangalagaan niya ang pinanggalingan ng impormasyon.

SUMUSUNOD ang brodkaster sa mga panuntunan at tuntunin na nakasaad sa Pambansang Broadcast Code ng KBP, gayundin sa lahat ng mga batas na may kinalaman sa pagbobrodkast.

TAPAT ang brodkaster at hindi inuuna ang pansariling kapakanan. Hindi siya tumatanggap ng anumang suhol na maaaring makapagpabago sa kanyang paninindigan o makaimpluwensya sa kanyang pagtingin sa katotohanan. Tapat sa pangangalap ng impormasyon o datos, larawan o video na, kung pag-aari ng iba, hindi niya ginagamit nang walang pahintulot. Iginagalang niya ang intellectual property rights ng iba.

EPEKTIBO ang brodkaster sa paggamit ng radyo at telebisyon upang ipahayag ang katotohanan, isulong ang kaayusan at katahimikan, at paunlarin ang mga mamamayan at ang ating bansa.

RESPETO sa kapwa mamamahayag, mga mamamayan at mga institusyon ay taglay ng isang mabuting brodkaster. Iginagalang niya ang karapatang pang-tao ng lahat at ang prinsipyong nagpapalagay na walang sala ang isang tao hanggang hindi napatutunayang may sala.

Ang KBP BRODKASTER (The KBP Broadcasting Principles)

KATOTOHANAN: TRUTH is the primary objective of broadcasting news, events and opinions. The broadcaster is conscientious in giving the truth - does not slant or twist it by adding, omitting, changing or using information or details of events and statements inaccurately. Coupled with this is the practice of swiftly correcting an error when called for.

BUKAS NA ISIPAN: OPENMINDEDNESS to all and opposing views and arguments is an important attribute of the broadcaster. He/she is not quick to judge by his/her own standards but rather studies the various ways of viewing an issue.

PANANAGUTAN: ACCOUNTABILITY to the listening and viewing public is an obligation of the broadcaster. He/she exercises care in the choice of words to utter and images to exhibit. Public Service is the broadcaster's principal objective.

BALANSE: BALANCE in the presentation of the news, views and discussions is the goal of the broadcaster, who airs both or all sides of an issue. The broadcaster does not use the air to malign, destroy, insult or disrespect anyone regardless of gender, view, religious belief, political position, culture, race or ethnicity.

RESPONSIBLE: RESPONSIBLE use of his/her name, the name of KBP, and the Broadcast industry is a mark of the broadcaster. Opinions are expressed appropriately and clearly. Issues are researched and examined before they are aired. The broadcaster is critical but is not libelous.

OTORIDAD NG SALIGANG BATAS: The AUTHORITY OF THE CONSTITUTION is upheld by the broadcaster at all times. He/she vigilantly defends, advocates and protects the freedom of speech and of the press and the public's right to access to information.

DANGAL AT KAGANDAHANG ASAL: DIGNITY AND DECORUM are the marks of a professional broadcaster in word, thought, deed and personal conduct, whether inside or outside the station. The broadcaster exercise humility in dealing with fellow broadcasters and the general public.

KATWIRAN: RIGHTEOUSNESS is expected of a true broadcaster, who at all times is determined to stand by what is right and to expose what is wrong. The broadcaster is always mindful of the values of integrity, honor and decency.

ALAGA AT PAG-IINGAT: The broadcaster is CAREFUL AND PRUDENT in handling delicate and critical information and protects the sources of such information.

SUMUSUNOD: The broadcaster is OBEDIENT to the rules and regulations of the KBP as stated in the Broadcast Code of the Philippines and the laws of the country pertaining to all broadcast and broadcast- related activities.

TAPAT: TRUSTWORTHINESS is the broadcaster's quality, who does not put personal gain ahead of duty. He/she does not accept bribes, gifts or favors that influence him/her to change his/her stand or distort the truth. He/she is honest in the conduct of gathering information, photos, and images and does not resort to plagiarism. He/she respects the intellectual property rights of others.

EPEKTIBO: EFFECTIVE use of Television and Radio in the promotion of what is right, orderly, and peaceful is a hallmark of the broadcaster, who contributes to the development of our citizens and our nation.

RESPEITO: RESPECT for fellow Broadcasters, all humans and institutions is expected of the broadcaster, who upholds human rights and the principle that an accused person is innocent until proven guilty.

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