

JGL Eye

By Joseph G. Lariosa

CHICAGO, Illinois (JGLi) – Sen. Aquilino “Nene” Pimentel, Jr. has a long track record as an advocate for the civil rights movement in the Philippines.

While a former Mindanao (Cagayan de Oro city) mayor, Mr. Pimentel earned his spurs as a vocal critic of the late President Marcos. Marcos would shut his mouth up when he was thrown to jail for three months.

But it now appears that among the civil rights issues, press freedom is not his strong suit.

Mr. Pimentel introduced the Philippine Senate Bill No. 1178, “An Act Granting the Right of Reply and Providing Penalties for Violation Thereof.”

* Editor's Note: Please click this [Right to Reply bill](#) to view the full text.

During the Kapehan (coffee talk) sponsored by the NPC-Phil. U.S.A. headed by *Easimedia's* Lourdes Ceballos at Fil-Am Delight restaurant in Chicago's northwest side last Saturday (April 18), this bill was among the topics of conversation.

FINE AND IMPRISONMENT

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

It added, "The editor-in-chief and the publisher or station manager and owner of the broadcast medium who fails or refuses to publish or broadcast the reply as mandated in the preceding section shall be fined in an amount not exceeding 10,000 pesos (US\$200) in the first offense; 20,000 pesos (US\$400) for the second offense; and 30,000 pesos (US\$500) and imprisonment for not more than 30 days for the third offense."

Immediate past NPC-Phil. U.S.A. President Yoly Tubalinal, publisher-editor of the Chicago-based The Fil Am Weekly Megascene, said this bill, if passed, is “thoughtless and infringement of freedom of speech.”

EXPLOSIVE

While Mariano “Anong” Santos, publisher-editor of Chicago-based Pinoy Monthly and vice president of Filipino American Media Organization of the United States (FAMOUS) and guest of Kapehan, called it an “explosive” that blasts the journalists, who don’t practice basic journalism. Mr. Pimentel should have instead asked the National Press Club of the Philippines “to educate its members to be ethical, fair, in practicing their trade carefully and professionally.”

Because I have a rare experience of being a journalist before, during and after Marcos imposed martial law in the Philippines, I told the Kapehan participants that this “Right To Reply” bill has reminded me of the chilling effect of the Mass Media Council (

MMC

) President Marcos put in place to control and silence the media.

This MMC was supervised by newsmen, who were displaced from their jobs following the closure of their newspapers, television and radio stations.

MARTIAL LAW IN DISGUISE

But the ones implementing its mandate were the military officers, who would visit newspapers allowed to publish, and would take with them the government press releases. These officers would be the ones to tell the editors, what page and what portion of the page the press releases would appear and how long should the press releases come out.

The slim difference between the MMC and the Right of Reply is that the MMC could fire an editor or close the newspaper and could send the editor to rot in jail indefinitely without the benefit of a bond hearing.

There was no doubt that when Marcos was toppled from power, the vestiges of Martial Law that trampled on the peoples' civil rights, including press freedom, were roundly rejected by the

Filipino people.

One of those who learned the lesson from Marcos' fall was Philippine Chief Justice Reynato Puno.

Mr. Puno had to exercise "judicial activism" when the Philippine Congress was remiss in its duty to amend the pre-martial law Philippine Libel Law by decriminalizing libel.

Mr. Puno "legislated from the bench" when he urged judges to forego imprisonment as a punishment for journalists convicted of libel. Instead, they will just be required to pay a fine as practiced in the United States.

Instead of decriminalizing the Sotto Law, the Philippine Libel Law, Senator Pimentel's Right to Reply bill reinforced it by imposing a more punitive fine and imprisonment.

I hope Senator Pimentel, my friend, will withdraw the Right To Reply bill from the Senate calendar and let it gather dust and let it die.

DUPLICATION OF LIBEL LAW

The Right to Reply bill is not only oppressing and suppressing press freedom, it is also duplicating the Sotto Law.

Politicians or some vested interests, who would like to score “pogi” points or would like to project wholesome or favorable images, should not be cheapie by turning to the government for help in muscling their press releases down the throats of editors.

They should, instead, retain the services of good public- or press-relations agencies, who specialize in handling “crisis management” or “damage control” issues that could sway the editors to give their clients good media play.

In this way, the public or press relations agencies as a profession will thrive and grow. And the government will stop encroaching on the jobs of editors of privately-owned newspapers that are necessary in a free society. (lariosa_jos@sbcglobal.net)

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