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THE PHILIPPINE PRESS AND MEDIA

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THE PHILIPPINE MEDIA are predominantly owned and controlled by corporations whose use of these instruments of mass communication to defend and advance their political agenda and economic interests is a major factor in the way the press, whether in broadcasting and print media or online sites, frames its reporting. Together with such personal limitations as low skills levels due to poor or inadequate training, this creates a conflict between corporate and public interests which often subjects practitioners to such ethical and professional dilemmas as biased, distorted, incomplete, and even inaccurate reports.

The corruption that for decades has been a subject of concern among journalists and media advocacy groups is also a contributing factor to the way events and issues of public concern are presented through the media. In some communities, journalists are not paid salaries but are expected to survive through advertising commissions. It is a practice that is also taking hold among some media organizations in the National Capital Region. Additionally, the continuing attacks against, and the harassment and killing of journalists have diminished practitioner capacity to report accurately and fairly on such issues, if they have not been forced to altogether abandon reporting on public sector corruption and wrongdoing, environmental destruction, and warlordism, among other public concerns.

There is an alternative press tradition that goes back to the 19th century reform and revolutionary periods in Philippine history that is now resident in mostly online news sites as well as in small film, video and broadcast organizations scattered all over the archipelago. These organizations draw from the reform and revolutionary legacies of *La Solidaridad* and *Kalayaan* and are driven by a critical, even frankly revolutionary perspective. Immune from the economic and political pressures to which their fellows in the dominant press are subject, the alternative media are able to look into most of those issues that the dominant press are either unwilling or unable to report. But they are hampered by financial difficulties and their relatively limited reach as well as by attempts to deny them access to information sources such as the victims of human rights violations, militarization and demolitions.

The practitioners in both traditions are vulnerable and have been subjected to such other attempts to prevent them from doing their jobs as being refused access to press conferences, whenever they are perceived to be unsympathetic to, say, a local government official; being listed in the local military's order of battle; or their organizations' being named among the enemies of the state, and being denied access to government-held information. In addition, there is the 84- year old libel law to contend with, under the terms of which conviction can cost a journalist a prison term of six months for each count of libel. Information and commentary through online platforms that are perceived as libelous can mean even longer jail time upon conviction, the penalty for online libel under the Cyber Crime Prevention Act of 2012 having been raised by one degree.

A government media system is also in place, but suffers from extremely limited reach, low practitioner skills levels, and low credibility, primarily because it is correctly perceived as biased for whatever administration is in power and as in effect being its public relations arm rather than as serving as a means of providing reliable information on government policies, decisions and other official acts. Financially the system is dependent on Congress and the President through annual appropriations in the General Appropriations Act. The system has the as yet unrealized potential to fill the gaps and the professional failings in the reporting of the corporate media.

To address these issues and to assure the dissemination through the news media of the meaningful, accurate and fair information that the citizenry need as a necessary condition for their informed participation in public affairs, the following are recommended as the specifics of a policy of encouraging media independence and initiative.

1. Create an effective body to address the killing, harassment and other attacks on journalists and media workers.

The task forces that have been created in the past have not functioned as intended insofar as preventing further killings of journalists is concerned. Such a body would have the mandate to immediately proceed to the venue of a killing and should include members of journalists and media advocacy groups to assure that there will be no cover-up whenever local officials or military and police personnel are involved, and that evidence at the site of the killings is properly preserved by the police.

2. Assure the passage of a Freedom of Information (FOI) Act.

Although an Executive Order mandating public access to government held information already exists, its application is limited to the executive department and its exceptions problematic. An FOI Act that would apply to all three branches of government is therefore still necessary in furtherance of the people's right to know, and would be of tremendous help for both the press and the public in the campaign against corruption. An FOI Act that assures public and media access to government held information would make exposing wrongdoing in both government and the private sector less problematic than at present, when, despite Constitutional recognition of the right to information, government agencies can restrict access by imposing various requirements as conditions to their providing the public and the media information relating to government policies, actions, and decisions. If the media and the citizenry are to be partners and movers in the quest for authentic change, they need access to government held information.

An FOI act, however, can limit rather than expand the right to information through a long list of government-held information that may not be accessed. United Nations standards mandate that such exemptions be limited and that they be clearly defined. In the FOI version submitted to the 16th Congress, the list of exemptions, for example, included inputs to policy-making decisions. This exemption denies the public participation in the discussion of contemplated government policies and therefore needs to be removed from any FOI bill submitted to the 17th Congress.

3. Assure the independence of State media.

The critical issue in the capacity of State media to function as vehicles of public information is their independence. The basic means of assuring this is to remove from Congress the power to decide the budgetary allocations for State media, and to make the appropriation of the budgets of the latter automatic through a law that will mandate a fixed amount from government funds for State media annually. To address the fluctuations in costs that may require additional funding, a law can be passed mandating State media share in taxes paid on TV and radio sets.

Administrative control over State media operations by the Presidential Communications Operations Office can continue. Additionally, however, a committee to oversee the operations of State media and to assure its independence and ethical and professional compliance should be constituted, the members of which should be sourced from journalists and media advocacy groups as well as from State journalism and communication schools. A representative from State media should also be part of the committee.

4. Encourage the formation of an industry-wide union in the press and media.

Such an industry-wide union would standardize salaries and benefits across the entire media industry and would therefore help minimize corruption and enhance professionalism. The same union would have the right to negotiate with media owners as to the terms and conditions of practitioner employment, among them the abolition of the practice of contractualization in the media.

5. Decriminalize libel

The decriminalization of libel is long overdue. The Philippine libel law has served to silence journalists and has been described as excessive by the United Nations Human Rights Committee in a 2011 declaration in response to a complaint filed before it by Davao broadcaster Alex Adonis, who was sentenced to four years in prison for reading over the air a tabloid account of a Davao politician's supposedly being caught in a hotel by the husband of his paramour. The libel law was notably used by the husband of former President Gloria Macapagal Arroyo to harass 46 journalists against whom he filed 11 libel suits.

6. Amend the Cyber Crime Prevention Act of 2012

The libel provisions of RA 10175 are a continuing threat to free expression via the Internet and other computer-based means of communication including cell phones. Ironically, these were inserted into the law, and the penalties even raised, despite the UNHRC declaration urging the review of the libel law which it described as “excessive.” These provisions must be removed from the Act through Congressional action,

7. Review the policy against Presidential press conferences and the designation of State media as the sole vehicle of Presidential communication with the public.

This policy limits media access to the leading source of government information in the country and permits only one voice to report on his official activities, including his statements on policy issues. Only multiple media voices as sources of public information can assure the public that all the aspects of an event or issue have been looked into, and from among which a citizen can decide which of them is credible in his estimation. The same diversity of sources can also help citizens arrive at informed opinions on issues of public concern. Direct access to the president is also invaluable if only his voice is the most authoritative in the bureaucracy. As Harry S. Truman pointed out decades ago, the buck stops at the office of the president.