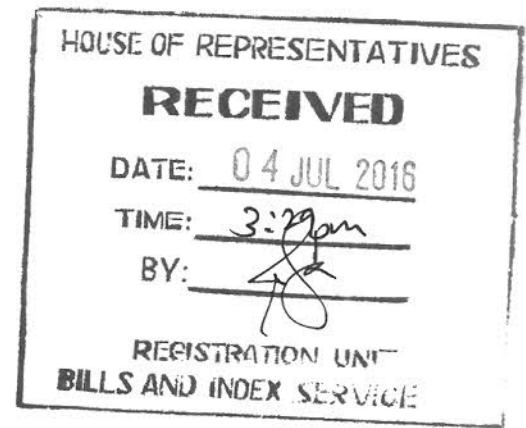


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. 913



Introduced by Representative Herminio Harry L. Roque, Jr.

**AN ACT PROVIDING FOR A JOURNALIST PROTECTION, SECURITY AND
BENEFIT PROGRAM AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

The killing of journalists is the worst form of censorship of the media. It is a crime of murder and constitutes the most serious infringement of press freedom in the country.

Since the EDSA People Power Revolution and the restoration of democracy in the country in 1986, there have been 172 journalists killed in the line of duty in the Philippines. The massacre of 58 people, including 32 media workers, in Maguindanao province in 2009 holds the record for the "deadliest single-day attack anywhere in the world on journalists."

In fact, in 2015, the Philippines was tagged as the third deadliest country for journalists, only after Iraq and Syria, where armed conflict is prevalent due to the presence of the Islamic State of Iraq and Syria (ISIS).

This bill seeks to accord protection to journalists at risk. It defines journalists as those who regularly impart information to the general public whether or not they actually earn a living or not out of the practice. This is the definition given by the United Nations Educational, Scientific and Cultural Organization (UNESCO).

The protections specified in this bill include the provision of a safe house, provision of security personnel, as well the provision of health and educational assistance to journalists at risk.

Under human rights law, the State is obliged to protect the right to life and the freedom of expression. This bill seeks to comply with these state obligations. Ultimately, this bill seeks to ensure that journalists have the right to work free from the threat of violence and to ensure the right to freedom of opinion and expression for all.



HERMINIO HARRY L. ROQUE, JR.

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HOUSE OF REPRESENTATIVES
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1 **AN ACT PROVIDING FOR A JOURNALIST PROTECTION, SECURITY AND**
2 **BENEFIT PROGRAM AND FOR OTHER PURPOSES**
3

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

6 **Section 1. *Name of Act.*** - This Act shall be known as the "**Journalist**
7 ***Protection, Security and Benefit Act***".
8

9 **Section 2. *Implementation of Program.*** - The Department of Justice, in
10 consultation with existing media groups, such as , but not limited to the National
11 Union of Journalists of the Philippines, the National Press Club and the Kapisanan
12 ng mga Brodkasters sa Pilipinas, hereinafter referred to as the Department, through
13 its Secretary, shall formulate and implement a "Witness Protection, Security and
14 Benefit Program", hereinafter referred to as the Program, pursuant to and consistent
15 with the provisions of this Act.
16

17 The Department may call upon any department, bureau, office or any other
18 executive agency to assist in the implementation of the Program and the latter offices
19 shall be under legal duty and obligation to render such assistance.
20

21 **Section 3. *Admission into the Program.*** - Any journalist who has reasonable
22 grounds to believe that there exists a threat to his life or security, may be admitted
23 into the Program. For purposes of this Act, a journalist is one who regularly imparts
24 information to the general public, regardless of whether he or she receives
25 compensation for rendering such service.
26

27 If the Department, after examination of said applicant and other relevant
28 facts, is convinced that the requirements of this Act and its implementing rules and
29 regulations have been complied with, it shall admit said applicant to the Program,
30 require said journalist to execute a sworn statement detailing his knowledge or
31 information giving rise to the threat and thereafter issue the proper certification. For

1 purposes of this Act, any such person admitted to the Program shall be known as a
2 Protected Journalist.
3

4 **Section 4. *Memorandum of Agreement With the Person to be Protected.* -**

5 Before a person is provided protection under this Act, he shall first execute a
6 memorandum of agreement which shall set forth his responsibilities including:
7

8 a) to testify before and provide information to all appropriate law
9 enforcement officials concerning all appropriate proceedings in connection
10 with or arising from the perceived threat;

11 b) to avoid the commission of the crime;

12 c) to take all necessary precautions to avoid detection by others of the facts
13 concerning the protection provided him under this Act;

14 d) to comply with legal obligations and civil judgments against him;

15 e) to cooperate with respect to all reasonable requests of officers and
16 employees of the Government who are providing protection under this Act;
17 and

18 f) to regularly inform the appropriate program official of his current activities
19 and address.

20 **Section 5. *Breach of the Memorandum of Agreement.* -** Substantial breach of
21 the memorandum of agreement shall be a ground for the termination of the
22 protection provided under this Act: Provided, however, That before terminating
23 such protection, the Secretary of Justice shall send notice to the person involved of
24 the termination of the protection provided under this Act, stating therein the reason
25 for such termination.
26

27 **Section 6. *Confidentiality of Proceedings.* -** All proceedings involving
28 application for admission into the Program and the action taken thereon shall be
29 confidential in nature. No information or documents given or submitted in support
30 thereof shall be released except upon written order of the Department or the proper
31 court.
32

33 Any person who violates the confidentiality of said proceedings shall upon
34 conviction be punished with imprisonment of not less than one (1) year but not more
35 than six (6) years and deprivation of the right to hold a public office or employment
36 for a period of five (5) years.
37
38

1 **Section 7. *Rights and Benefits.*** - The witness shall have the following rights
2 and benefits:*ITC-ALF*

3 (a) To have a secure housing facility until the threat, intimidation or
4 harassment disappears or is reduced to a manageable or tolerable level. When
5 the circumstances warrant, the Protected Journalist shall be entitled to
6 relocation and/or change of personal identity at the expense of the Program.
7 This right may be extended to any member of the family of the Witness
8 within the second civil degree of consanguinity or affinity.

9 (b) The Department shall, whenever practicable, assist the Protected Journalist
10 in obtaining a means of livelihood. The Journalist relocated pursuant to this
11 Act shall be entitled to a financial assistance from the Program for his support
12 and that of his family in such amount and for such duration as the
13 Department shall determine.

14 (c) In no case shall the Protected Journalist be removed from or demoted in
15 work because or on account of his absences due to his attendance before any
16 judicial or quasi-judicial body or investigating authority, including legislative
17 investigations in aid of legislation, in going thereto and in coming therefrom:
18 Provided, That his employer is notified through a certification issued by the
19 Department, within a period of thirty (30) days from the date when the
20 Witness last reported for work: Provided, further, That in the case of
21 prolonged transfer or permanent relocation, the employer shall have the
22 option to remove the Protected Journalist from employment after securing
23 clearance from the Department upon the recommendation of the Department
24 of Labor and Employment.

25 (d) To be provided with reasonable travelling expenses and subsistence
26 allowance by the Program in such amount as the Department may determine
27 for his attendance in the court, body or authority where his testimony is
28 required, as well as conferences and interviews with prosecutors or
29 investigating officers.

30 (e) To be provided with free medical treatment, hospitalization and medicines
31 for any injury or illness incurred or suffered by him while in this program in
32 any private or public hospital, clinic, or at any such institution at the expense
33 of the Program.

34 (f) If a Protected Journalist is killed, despite his participation in the Program,
35 his heirs shall be entitled to a burial benefit of not less than Five Hundred
36 Thousand Pesos(500,000.00) from the Program exclusive of any other similar
37 benefits he may be entitled to under other existing laws.

38 (g) In case of death or permanent incapacity, his minor or dependent children
39 shall be entitled to free education, from primary to college level in any state,

1 or private school, college or university as may be determined by the
2 Department, as long as they shall have qualified thereto.

3 (h) To be provided with security detail by the Philippine National Police or
4 any other law enforcement agency.

5 **Section 8. Sworn Statement.** - Before any person is admitted into the Program
6 pursuant to the next preceding Section he shall execute a sworn statement describing
7 in detail the threat to his life or security. If after said examination of said person, his
8 sworn statement and other relevant facts, the Department is satisfied that the
9 requirements of this Act and its implementing rules are complied with, it may admit
10 such person into the Program and issue the corresponding certification.

11
12 **Section 9. Rules and Regulations.** - The Department shall promulgate such
13 rules and regulations as may be necessary to implement the intent and purposes of
14 this Act. Said rules and regulations shall be published in two (2) newspapers of
15 general circulation.

16
17 **Section 10. Repealing Clause.** - All laws, decrees, executive issuances, rules
18 and regulations inconsistent with this Act are hereby repealed or modified
19 accordingly.

20
21 **Section 11. Funding.** - The amount of Fifty million pesos (P50,000,000.00) is
22 hereby authorized to be appropriated out of any funds in the National Treasury not
23 otherwise appropriated to carry into effect the purpose of this Act.

24
25 Furthermore, other funding schemes or sources, subject to the limitations of
26 the law, shall be allowed in furtherance hereof.

27
28 **Section 12. Separability Clause.** - The declaration of unconstitutionality or
29 invalidity of any provision of this Act shall not affect the other provisions hereof.

30
31 **Section 13. Effectivity.** - This Act shall take effect after fifteen (15) days
32 following its publication in two (2) newspapers of general circulation.

33
34 Approved.

