



**WHAT IS
JOURNALISM
FOR?**



**A TWO-WAY
STREET**

PJR REPORTS

Published by the Center for Media Freedom & Responsibility

APRIL 2008



**COVERING THE
POLITICAL
CRISIS**



EDITOR'S NOTE

PJRREPORTS

PUBLISHED BY THE CENTER FOR MEDIA
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Good news, bad news

IT'S A cliché in these parts, the idea that crisis brings out the best in people, but crisis can also, and does bring out, the worst in men and women. For every taxi driver who returns a laptop a passenger has left in his cab, for example, there must be hundreds of other people who would not only grab any opportunity to make a few dishonest pesos, but who would even go out of their way to take something that doesn't belong to them, often with the use of force or subterfuge.

One can say the same of the Philippine media, which incidentally habitually play up every incident of people being at their best and most honest because it's so rare. The political crisis that has haunted the Arroyo administration as well as the country as a whole has brought out the best in some of the media. But it has also brought out the worst.

In 2007 among the results of that crisis, primarily because of the Arroyo regime's efforts at media suppression, was a decline in the number of investigative reports, ironically in the context of a spate of government scandals and a regime policy of concealment.

It was unfortunate but understandable. The media were unprepared for the shift from the policy of transparency that had been in place since the Aquino government to the policy of opaqueness of the Arroyo regime primarily because it was not only unannounced; it was also a creeping, gradual process that surprised the unwary.

The shift was in fact achieved through an accumulation of various acts and policies that before anyone knew it had made getting information and reporting it difficult as well as suspect. The truth-telling at the heart of the journalistic enterprise had become twice more dangerous for journalists, who found themselves at risk of arrest and of being charged with libel and inciting to sedition, even as the killing of journalists in the communities continued, encouraged by government

indifference and the inherent weaknesses of the justice system.

If the boost in the number and depth of reports on the current crisis is any gauge (see "Political Controversies: First Quarter Shows Coverage Boost", pp. 12-16), at least part of the media is well on the way to recovery, and what's more, many journalists are quickly learning how to extract information, in behalf of the public that needs and wants it, from an officialdom dedicated to concealing it. Official evasion, disinformation and even the arrest of journalists appear to have taught the media the signal lesson that their adversarial relationship with government, particularly with this government, demands the firmest allegiance to getting at the truth that it seeks to conceal.

On the other hand, the problems low professional standards in the context of a regime of self-regulation have remained, despite the existence of such mechanisms as the press ombudsman system and press councils (see "Tirol resigns as PDI Ombudsman," p. 22 and "The right of reply: voluntary compliance or legal sanction?," pp. 18-19). In many cases those who believe themselves to have been abused by the media have had no recourse except the courts, among other reasons because the decision makers in too many media organizations pay lip service to self-regulation but are at heart hostile to it.

And yet self-regulation as well as continuing professionalization are the only alternatives to a regime of external regulation and media failure to deliver the information, analyses, and context that the times demand. Such a failure will further encourage government efforts at intervention, and deprive the people the information they need to understand and to transform the structures of political power that have been so crucial in the making of Philippine society as we know it.

Luis V. Teodoro

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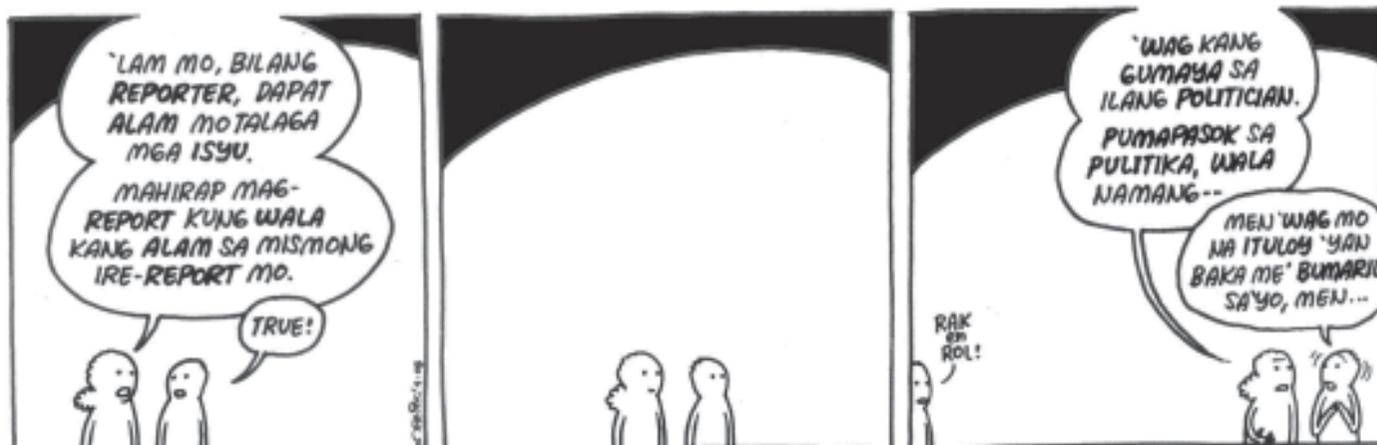
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PJR Reports welcomes feedback and
contributions on press and media
issues.

PRESSED FREEDOM

By Manix Abrera



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THE COVER

The political crisis has highlighted the basic press responsibility of providing information and analysis.

For the country's sake

"WE HAVE observed that in relation to the national crisis and controversies plaguing our country, Gloria Macapagal-Arroyo has not only evaded impeachment trials and charges of extrajudicial killings, bribery, corruption, constitutional violations, etc.; she has also escaped responsibility for highly controversial deals and acts by refusing to face the nation in a live and free-wheeling press conference that's open to all local and foreign media and other representatives of the people.

"It seems that she has cowed the Philippine media into not asking for such a press conference. The media have chosen to be so meek and silent and are not complaining at all about this. In fact, they are just content with the lies of Ms. Arroyo's official liars: Presidential Spokesperson Ignacio Bunye, Executive Secretary Eduardo Ermita, Cabinet Secretary Ricardo Saludo, Palace trouble-shooter Mike Defensor, etc.

"It is high time for the media to dare Ms Arroyo to face the people and answer the charges hurled against her so that the people can judge her by her facial expressions, demeanor, actions, answers and even her famous temper, if she wants to show it.

"In fact, the whole Arroyo family—to include First Gentleman Mike Arroyo, and Representatives Mikey and Dato, and Luli—should hold a similar live and free-wheeling press conference without threatening or buying the media.

"If Ms Arroyo is really untainted by 'Hello, Garci,' ZTE, 'Jose Pidal,' NorthRail, SouthRail, Diosdado Macapagal Boulevard, IMPSA, fertilizer scam, CyberEd, among others, the least that the people can ask of her is to come out of her controlled press briefings.

"She has hidden from the public long enough. We think the time has come for her to stop hiding behind her Cabinet and sacrificial lambs.

"And to the Philippine media, please get back your b—s, for the sake of our country."

reader Lourdes Cruz, Philippine Daily Inquirer, March 7

"Why does the opposition keep resorting to press statements and partisan hearings? Is it afraid of impartial due process?"

cabinet secretary Ricardo Saludo, challenging administration critics to question the Spratlys deal before the Supreme Court, <http://www.gmanews.tv>, March 7

"The image of a divided hierarchy could be a media creation. Four or five

bishops with a contrary opinion receive a lot of disproportionate media exposure and mileage. If one studies newspaper reports and interviews, their names appear again and again. Yet bishops with this contrary opinion constitute less than 10% of the whole hierarchy."

Cotabato Archbishop and former Catholic Bishops Conference of the Philippines (CBCP) president Orlando Quevedo, reacting to the alleged "media spin" of a divided CBCP hierarchy after the bishops did not join calls for President Gloria Macapagal Arroyo's resignation or ouster, <http://www.gmanews.tv>, March 6

"What the *Inquirer* has done I consider a total abuse of press freedom, an arrogant display of undeserved self righteousness, and a complete and utter denial of my own rights as a private citizen. Consider being rudely surprised on a quiet Sunday morning with a totally false account of yourself on the front page of a major daily newspaper boasting a readership of millions of Filipinos both here and abroad. If this is not a crime, it should be, a crime necessitating the most severe type of legal action."

former Philippine National Oil Company president Eduardo V. Mañalac, denying an *Inquirer* report that he was appearing as a witness to the Senate's investigation of the national broadband network deal. Three days after the controversial report, the *Inquirer* apologized, <http://www.abs-cbnnews.com>, March 10, 2008

"The hook-and-hold approach of news programs unduly buries hard news items of national significance as it uses easy-to-sensationalize spot news items and entertainment-related soft news pieces to attract and maintain audiences."

excerpt from "Mulat or Manunuri ng Ulat: Viewers Reception and Evaluation of Television News Programs," a study by the University of the Philippines Communication Research Department, *Inquirer*, March 24

"First, the limit safeguards the public from possible abuse by broadcast organizations in shortening programs to accommodate more airtime for commercial loads. Sacrificing program content for profit is doing a disservice to the public.

"Second, the cap prevents broadcast stations from flooding the market with excessive commercials. Limiting the number of TV and radio spots lessen the advertising clutter; thereby, making the ads more effective."

ABS-CBN 2 Corporate Communications head Bong Osorio, explaining his network's support for the Kapisanan ng mga Broadcaster ng Pilipinas' (KBP) call for broadcast networks to follow the KBP rule limiting the commercial load of programs to a maximum of 18 minutes per hour, <http://www.abs-cbnnews.com>, March 15

LETTERS TO THE EDITOR

Disappointed

Dear *PJR Reports*,

AS YOU well know, the UP Journalism Department encourages its students to read the *PJR Reports*, which we believe is a very useful instrument for a more lively discussion on media issues and ethics. Kudos, especially for the Monitor, which provides a very good assessment on the news coverages.

However, it saddened us to see an article in the February 2008 issue that we found contrary to what we teach our students in J102 or Newswriting. Specifically, we refer to the article, "Where to get stories on those dry days," which shows a rather amateurish understanding of daily reporting and also lists solutions appropriate only to a lazy reporter.

I enumerate our comments here:

First, a good reporter never "goes out of (his) mind waiting for a story." A good reporter goes after the story and never "waits" for it. He calls up his sources, makes the rounds of his beat and follows up leads. On the other hand, a lazy reporter can be found "waiting" in the press office for a press release or call for a press conference.

Second, a good reporter may have a "slow day" but never a "dry day." Slow days do not result from a lack of a breaking story as implied by the article. In many beats, such as health, environment and education, breaking news are few and far between. Slow days result from natural occurrences like a public holiday for a bank reporter or a session break for a Congress reporter.

Good reporters never have "dry days" because they always have "banked" stories, i.e. evergreen, exclusive data related to their beat that they had set aside for slow days. Also, their best source of news is their handy "little black book" that has the names and contact numbers of various sources whom they can call when in need of a story.

Third, a reporter is normally assigned to a beat so that he writes stories related to the beat. When a slow day comes, would an editor accept a report on the "weather," "parks" or "pets" from his Senate or Justice reporters as the article implies?

Also some of the suggested sources in the article are worrisome:

- Other newspapers – if they become sources of news, it implies that one's own newspaper has been scooped;
- Obituaries – if they are lesser-known persons then "digging for their backgrounds" are at best a waste of time, at worse an invasion of privacy; Lesser known people who are newsworthy, would have been written about long before the

obituary is printed (case in point, murdered Assistant Solicitor General Nestor J. Ballacillo, who was handling vital OSG cases)

- PR persons – always have an ulterior motive when talking to journalists and "talking to him more often" to get "juicier information" means allowing one's self to be used by them;
- And perhaps, more research should have been done for examples that illustrate the suggestions, because the story on Malu Fernandez was not written by an *Inquirer* reporter who was feeling "dry". In fact, the article was written by Rodel Rodis, a US-based columnist of *Inquirer.net*, who is very much in tune with the OFW blogosphere.

These are the important points with regards that article which we felt should be raised.

Yours truly,
Rachel Khan
Chair
Journalism Department
UP Diliman

THE EDITOR REPLIES

EVERN A cursory reading of the article in question should reveal that it says the exact opposite of what Ms. Khan saw in it: the reporter *should not* wait for a story but should seek it out. Ms. Khan et.al. also say they're "saddened" (sic) by it. "Saddened" is not the right word. "Disappointed" is, and that's what I am by this misreading of the article.

Both "a slow day" and "a dry day" are metaphors, meaning each phrase stands for something else. We can argue their respective merits until it snows in the Philippines in May without really resolving anything. The article did use "slow days" and "dry days" interchangeably. But the phrase "dry day" was used in the head instead of "slow day" because it does seem more apt: i.e., the well of news on the beat having been plumbed, it can turn out to be dry, in which case the reporter has to look elsewhere.

Investigative reporters and even opinion writers do "bank" (another metaphor) stories – which are different from the "evergreen, exclusive data" Ms. Khan's letter refers to. Data are data, not stories. But is Ms. Khan saying that beat reporters – who have to find fresh, hard news everyday – bank "stories" that in her peculiar universe are equivalent to "data"?

If in her mind she's referring to stories, how can these be "evergreen," considering the demands of timeliness? If on the other hand she's referring to data,

these aren't worth very much unless they contribute to or can be linked to something recent – or, to put it more technically, unless there's a news peg the reporter can hang it on to. There's also the question of their being "exclusive." How much data gathered from the beat is exclusive, and how long can one keep it that way?

In any case, the Carreon article was about those days when the beat reporter has run out of whatever it is he or she has "banked". The same is true of his list of sources: the article is talking about what to do when even your usual sources have dried up. Otherwise the article wouldn't have been written at all, would it?

And where did Carreon say or even imply that a reporter could talk about the weather or pets or some other topic of equal irrelevance *rather than* issues or events on the beat should he or she look elsewhere for stories? Creating a straw figure so it can be more easily attacked is an eminently unoriginal propaganda tactic and one would have expected more of those who claim to be concerned with improving the skills and knowledge of the next generation of journalists.

The rest of Ms. Khan et.al.'s letter is as misleading, however. What newspaper has never been scooped? It does happen, and for a number of reasons. But a rival newspaper's exclusive could underscore the weaknesses and strengths in one's own coverage, and even suggest story leads, just as an obituary, or a PR person can, and without compromising either ethical or professional standards.

But please note the context in which PR persons are mentioned: Carreon says one may be consulted because "he or she may agree to lead you to more interesting stories," and that's all. Is it necessary to say that the usual standards apply? The article doesn't say abandon professional and ethical standards; it should be obvious that it doesn't mean what it doesn't say.

Neither does the article say that the Malu Fernandez story was written by "an *Inquirer* reporter who was feeling (sic) 'dry'", only that "the mainstream media picked it up after active discussion of the issue in the blogosphere." Nowhere is the *Inquirer* even mentioned in this part of the article, but Ms. Khan attributes to it a claim it never made.

As for doing research, *PJR Reports* did research on the Malu Fernandez flap as it does on every issue it addresses, which it has been doing since *PJR* was first published 18 years ago, and in fact had an article on it in its September 2007 issue ("What's perfume to a columnist is lechon sauce to her readers: A column that bombed"). Everyone is welcome to read it. The claim that *PJR Reports* didn't do its research on the Fernandez column is as false as the claim that the article as a whole favors the lazy and advocates bad practice. ■

From a colleague

Highly respected *PJR Reports*;

MAY I call you colleagues? Even though I have been permanently in the Philippines since 1995, I still have difficulties understanding and adjusting to print media journalism as practiced in this island nation (my family has no TV). In 1989 I married a Filipina in Ormoc, Leyte. We went (back) to Sweden, my home country, for four years. Then we/I said: I shall return. We have 4 children: 2 girls 17 and 12, 2 boys 16 and 14. My family.

I have a column in the *Eastern Visayas Mail*; my column is called "The Foreign Eye". (Before I elaborate a little on the media excluding TV, I want to thank you for sending copies of *PJR Reports* to *EV Mail*, which is a weekly.)

Reading *PJR Reports* gives me pain as well as pleasure, and above all guidelines for journalists, columnists, and other media practitioners. Your remarks on advertorials, e.g., were instructive.

In the Feb. 2008 issue of the *PJR Reports*, on page 14, Jerrie M. Abella had an article: "Beyond and Drama: The Limits of Media Reportage". The first sentence: "DRAMA. LIKE violence, sells." How true. I would like to add that drama and violence kill yes, kill common sense, disturb sound judgment, and often lead hot-headed youths to ill-advised conclusions and actions – sometimes.

To me, 69 years of age, every day is a drama, sometimes sensational, sometimes, I admit, boring or just ordinary.

Now a "hidden drama". In the *Philippine Daily Inquirer* (March 11, p. A15) Frinston Lim's article is deep and high drama. The title is hardly exciting. "Banana 'pole-vaulting' workers in Davao Norte". From the article I learned what pole-vaulting is, I could detect problems from "the opening of the Chinese market." The deep and high drama is everyday drama for the 50,000 people/actors who stand/work on the stage behind the scenes. So – the article is a short, simple example of good journalism. It deserves Cheers. Right? But missing was more information regarding more than one named company, SFC. The photo caption: "... washes the fruits before packing" stimulated my wild association to read in irony, a well hidden kind.

Kindest regards,
Jan Collander

P.S. If you are willing we could have a seminar in Ormoc on journalism in which some *PJR*s would be studied.

If you are interested, just tell me. We can consider the journalists' code of ethics also.

PJR Reports is considering Mr. Collander's suggestion.

MONITOR



CHEERS



JEERS

The newspaper as business tool

JEERS TO the *Manila Bulletin* for demonstrating so well how a newspaper can be used as a business tool. On its March 1 front page and along side its lead story about the large anti-Arroyo rally in Makati the previous day, the *Bulletin* reported the joint birthday celebration of former President Fidel Ramos and his wife Amelita "Ming" Ramos at the Manila Hotel ("Ramoses celebrate their birthdays jointly at Manila Hotel").

Ignoring other issues that deserve front-page treatment, the story had little news value, except for the fact that the celebrants were former Malacañang occupants and that Manila Hotel is owned by *Bulletin* publisher Emilio Yap.

What a gas

CHEERS TO *The Manila Times* for discussing the government's efforts to develop the biofuel industry in a series of reports from March 2 to 4. The series tackled the pros and cons in developing the industry, including possible food shortages, the lack of preparedness by oil companies to meet the requirements set by the Biofuels Act, and a history of the biofuels industry in the country.



LITO OCAMPO

'Sexy' vs. important

JEERS TO *The Philippine Star* for focusing on what is "sexy" while forgetting to include what is important in a March 11 news report. In its story, "Jamby vs Pia: Cat fight erupts anew at Senate," the *Star* reported the long-standing feud between senators Ma. Ana Consuelo "Jamby" Madrigal and Pilar Juliana "Pia" Cayetano which had persisted till the previous day as both "questioned their respective inabilities to perform their duties as lawmakers."

According to the report, the feud erupted again when Cayetano wrote Madrigal, chair of the Senate committee on youth, women and family relations, "inquiring about the status of the bills on the Magna Carta for Women, of which (Cayetano) was one of the authors."



LITO OCAMPO

The rest of the report discussed the word war between the two senators, the latest in the continuing feud between Madrigal and Cayetano since the beginning of the 14th Congress.

What the *Star* did not provide was a background on the Magna Carta for Women and why several women's groups are pushing for the passage of the Magna Carta. The proposed Magna Carta, which failed to get passed in the 12th and 13th Congress, seeks to guarantee the basic rights of women and provide them with necessary protection against discrimination.

Pirating biological resources

CHEERS TO the *Philippine Daily Inquirer* for extensively tackling biopiracy and its companion issues. The *Inquirer's* "Talk of the Town" section discussed the issues of access and/or control over common biological resources, the patenting of biodiversity and genetic resources, and the sharing of commercial products from extracted genetic resources ("Battle over biological resources," Feb. 24). The *Inquirer* supported the story with a sidebar which defined biopiracy as the "theft of biological resources." It also provided a discussion on cases happening in different countries, including the Philippines.

The *Inquirer* further discussed the incidents of biopiracy and its effect on the country in a March 2 report about how a tribe in Mindanao and a farmers' community in Bohol are finding ways to protect their remaining biological resources and traditional crops ("Tribe, farmers guard against biopiracy").



The *Inquirer* report discussed Mt. Kitanglad and its rich biological resources.

WWW.BUKIDNON.GOV.PH

Personal use

JEERS TO *BusinessWorld* columnist Bernardo Lopez for using his column in a clear case of conflict of interest. Lopez used his March 12 column to write on his daughter's academic problems at the University of the Philippines (UP). Defending allegations that his daughter, a *summa cum laude* candidate, cheated in an exam, he wrote that there is a "great divide" happening in the university. On one side are students from private schools who have better communication skills and a better command of English, Lopez wrote, and on the other, those who do not. All are bright and talented, he added, except that since perhaps most of those who came from private schools always speak English and probably exude a certain kind of confidence, others hate them. "More so my daughter Bernadette," he wrote.

The column was all about his daughter's problem. He also published excerpts from his daughter's letter to the university president, the UP Diliman chancellor, and the college dean. Lopez also provided readers with a link to his daughter's blog site, which had the full version of the letter ("UP's Great Divide").



WWW.PARADISEPHILIPPINES.TV

Changes affect rice terraces

CHEERS TO *BusinessMirror* for discussing how changes in Ifugao culture are related to the current state of the Rice Terraces. Reporting that "safeguarding the spectacular rice terraces of the Philippines begins with preserving the culture of those who created them," it cited diminishing efforts to revive the rice terraces due to changes in Ifugao culture ("Tradition in Peril: Saving Ifugao Heritage and the dwindling 'Mumbaki' (Native High Priests)," Feb. 19).

Four for one

JEERS TO *The Philippine Star* for failing to ask the right questions on the media handlers House Speaker

Prospero Nograles has hired. The *Star* reported March 4 that Nograles has hired four media handlers to replace former journalist Noel Albano, who headed the public relations and information department during the speakership of former Palace ally Pangasinan Rep. Jose De Venecia. "With them working for my team, I am confident we will achieve a great degree of success in our image-building campaign for the House of Representatives. I should expect positive results in my first 100 days as Speaker," the *Star* quoted Nograles as saying.

But the *Star* did not explain why Nograles had hired four media handlers when he could have hired just one as in De Venecia's term. Given the costs of hiring four people to do a job previously done by just one person, the *Star* could have also asked if funds for the salaries of the four image builders were available and from what source. The report said that Nograles did not reveal the salaries of the four media handlers, but that according to *Star* sources, the four would each be getting at least P50,000 a month. The *Star* did not also check Albano's salary as a possible indicator of the salaries the four would be getting ("Speaker hires 4 media handlers to improve House image, p. 8").

False cover

JEERS TO the *Manila Bulletin* for publishing advertorials in a "false cover" in its Feb. 26 issue. Using the paper's typical layout, the front page ran advertorials about a detergent. In their Feb. 14 issue, the *Bulletin* and another broadsheet, *The Philippine Star*, had also printed false covers about a shampoo and a toothpaste. Readers cannot be blamed for thinking they were reading legitimate news reports rather than ads, since these were not only laid out on the front page; they also used the same type and heads as regular news stories.

Biased reporting

JEERS TO the *Manila Standard Today* for biased and incomplete reporting. A March 10 news report about the violent dispersal of protesters focused on the injured policemen, failing to note that there were also a number of protesters who were badly hurt during the incident ("Cops nab unruly rallyists"). It did not even try to get the side of the rallyists.

The report also lacked important facts. Merely referring to them as "rallyists", the report did not mention that those dispersed by the police were workers from Southern Tagalog who were staging a protest march calling attention to the allegedly intense trade union repression in their region. ■




LITO OCAMPO

Fast and complete, but...

CHEERS TO ANC for showing that a breaking news report can be fast and complete at the same time. In its March 24 breaking story about former President Corazon Aquino's colon cancer, the newscast immediately provided background on the disease—a laudable departure from the common breaking news stories.

Further providing background on the disease, ANC also interviewed a cancer specialist. But the questioning was not as commendable. Although the doctor said he was unaware of the former president's medical history, not being her personal physician, he was still asked to speculate on such matters as from which side of the former president's family the disease could have come from and what could have caused

Aquino to get the disease.

Once more, with feeling

JEERS TO IBC Express Balita for engaging in product advertising during a newscast—again.

Last March 4, it was multinational giant Nestlé which was at the receiving end of *Express Balita's* generosity as the news program reported the launching of the food company's new green tea product. Discussed in the commercial plug were the product's medicinal properties and where it can be bought.

PJR Reports has previously noted *Express Balita's* tendency to cede news air time to advertisers. Among the items that have been hawked in the government-sequestered station are condoms, pizzas, liquor products, and antiseptic mouthwash. ■



Providing context

CHEERS TO MindaNews for exploring an important angle in the legality of the Mineral Production Sharing Agreement (MPSA) and the Financial Technical Assistance Agreements (FTAA) under the 1995 Philippine Mining Act (http://www.mindanews.com/index.php?option=com_content&task=view&id=3959&Itemid=160). Instead of merely reporting a picket protest as an event itself, the March 7 story "Residents picket mining firm's office in Mati" provided supporting details explaining why the current environmental situation in



Macambol residents protest against mining operations in their area.

KEITH BACONGCO

Barangay Macambol, Mati, Davao Oriental led the residents into filing community petitions against the MPSA and FTAA. It explained the delicate ecological balance that surrounds the mining site and the indigenous people's claim to their ancestral lands. ■



Photos by LITO OCAMPO

The writ of habeas data IN DEFENSE OF PRESS FREEDOM

■ By Kathryn Roja G. Raymundo and Kristine Joyce G. Magadia

WHEN GOVERNMENT officials are constantly attacking the media for doing their job and even describe journalists as enemies of the state, are journalists the last to know when it comes to the legal remedies available?

No news organization or even any journalist has filed a petition for the writ of habeas data. More than two months after the Supreme Court promulgated the writ, journalists apparently have yet to familiarize themselves with this legal tool, much less appreciate its implications on the practice of journalism.

To test its effectiveness for the media, a media organization or a practitioner should act as the petitioner in a case. Harry Roque, lawyer and a University of the Philippines law professor, suggests that Dana Batnag of the Japanese wire service Jiji Press should file such a suit.

Roque, who is also the counsel for the journalists and media groups that filed a class suit against government officials for the arrest of journalists covering the Nov. 29 Manila Peninsula siege, recalled that Batnag became the subject of news reports when the police alleged that their investigation of the Manila Peninsula incident last year showed that one of the participants, Marine Capt. Nicanor Faeldon, escaped with the help of a female

journalist. The journalist was later reported as Batnag. Faeldon, then on trial for involvement in the 2003 Oakwood mutiny, was among the protesters led by former Navy lieutenant, now Sen. Antonio Trillanes IV and a group of soldiers under trial for the alleged mutiny.

Roque said Batnag could demand that the police release information it has about her and her alleged involvement in Faeldon's escape. The police could have been tracking Batnag and/or observing her movements to locate Faeldon. In this

case, the police could have violated her "right to privacy in life, liberty, and security". Roque said that such a suit would be ideal in testing how the writ of habeas data could be used by journalists as a "shield against intrusions" into press freedom.

Habeas data defined

The Supreme Court describes the writ of habeas data as "a judicial remedy available to any person whose right to privacy in life, liberty, or security is violated or threatened by an unlawful act or omission of a public official or employee, or of a private individual or entity engaged in the gathering, collecting, or storing of data or information regarding the person, family, home, and correspondence of the aggrieved party."

The writ protects an individual's right to privacy by allowing him/her to find out what data or information is being held about him/her and for what use and purpose it is being gathered, collected or stored. The petitioner could demand "the updating, rectification, suppression or destruction of the database or information or files kept" by the respondent. The writ is meant to establish the right to truth, and is especially relevant to those individuals, such as journalists, about whom state agencies compile derogatory informa-



Batnag



The writ of habeas data can be used to defend press freedom, Roque said.

tion because they are, rightly or wrongly, considered as security risks. Such information can be and has been used to include people in military "orders of battle" and to label them without giving them the chance to question the information and to defend themselves.

Together with the writ of amparo and writ of habeas corpus, the High Court sees the writ of habeas data as a tool to address extrajudicial killings and enforced disappearances in the country. Promulgated last Feb. 2, the writ also entitles the families of victims of such killings and disappearances to know the circumstances behind the fate of their relatives. It compels government agencies to release information and allow access to official records otherwise closed to the victims.

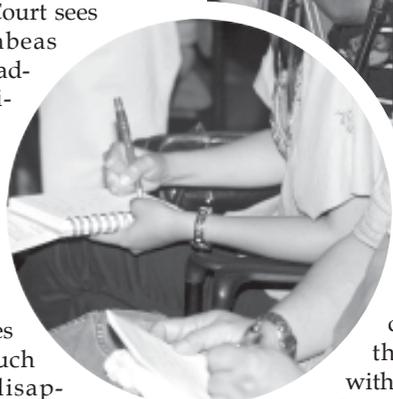
Habeas data is the youngest of the three writs. It originated in the 1981 Council of Europe 108th Convention on Data Protection. The council aims to create defenses for individual privacy through the protection and regulation of personal data. Several Latin American countries like Brazil and Colombia also use the writ to protect individuals against human rights abuses.

Using the writ

Due to the relative newness of the writ, questions on its provisions and use have been many. *PJR Reports* interviewed several news media practitioners from print, TV, and online. While all the interviewees were aware of the writ of habeas data, most of them chose not to comment on the provisions of the writ and its effect on journalistic practice because of their limited understanding of the writ.

The writ of habeas data, as literally translated from Latin, means "you should have the data." The information that could be retrieved using the writ is limited to the protection of the right to privacy, which is a personal right. Only the aggrieved person—or in cases of extrajudicial killings and disappearances, members of the family—may file petitions for the writ.

Roque said that a journalist can use the writ by cooperating with a person (or a family member of the victim) s/he is writing about, since that person can compel the source to release informa-



tion. The person or relative could then choose to share the information with the media.

In cases where journalists would like to gather data beyond what the writ could provide, they can file a petition for a writ of mandamus which is considered a general remedy for access to information, said Roque.

A threat to press freedom?

As investigations surrounding impunity, increasing human rights violations, and exacting accountability from government authorities begin to catch the public's attention, concerned groups see the writ of habeas data as another welcome development in the effort to bring these problems to a close.

Mass media in particular are affected by this newest remedy offered by the High Court to the burgeoning human rights problem.

Last Feb. 4, however, one report claimed that the writ of habeas data could work against the interests of journalists. The writ could hinder the daily tasks of journalists to search for or gather data, tap official and unofficial sources for information, and investigate the misdeeds of government officials, said journalist Aries Rufo.

In "Can Writ of Habeas Data Stifle Media?," the *Newsbreak* reporter wrote that "While the writ of habeas data does not prevent the gathering of information per se and covers only the collection and dissemination of 'erroneous' data, the possibility exists that it can be abused, especially by government officials, to prevent journalists from conducting lifestyle checks or investigations on corrupt practices (http://www.newsbreak.com.ph/index.php?option=com_content&task=view&id=4139&Itemid

=88889005)."

Roque does not share Rufo's reservations. The writ is meant to protect the rights of the individual against the state and existing jurisprudence upholds protecting the work of journalists in matters of public interest. He added that, in the first place, unlike state agencies like the police and military intelligence, it is not the function of journalists to store or withhold information, thus disqualifying them as possible respondents in a habeas data case.

The rules on the writ of habeas data also recognize the limitations of the information that could be demanded from a respondent. A provision of the writ specifies "lawful defenses (against the writ) such as national security, state secrets, privileged communication, **confidentiality of the source of information of media**, and others (emphasis by *PJR Reports*)."

The media are therefore protected by existing laws, among them the Shield Law (Republic Act 1477) which protects the confidentiality of their sources.

The role of journalists in information dissemination is also enshrined in the Bill of Rights of the 1987 Philippine Constitution. Article III, Section 4 of the Constitution states "No law shall be passed abridging the **freedom of speech, of expression, or of the press**, or the right of the people peaceably to assemble and petition the government for redress of grievances (emphasis by *PJR Reports*)."

The writ itself is thus not a threat to press freedom, but a tool for exacting accountability. As journalists report on what the government is doing, the government compiles information on journalists, which may be accurate or otherwise. The journalist's best defense is to be ethical and professional, thus preempting any use of the writ against his or her right to practice his or her profession. ■

EXTENDING THE RIGHT TO INFORMATION

DOES THE promulgation of the writ of habeas data preempt or otherwise weaken the pending House and Senate bills on the right to information?

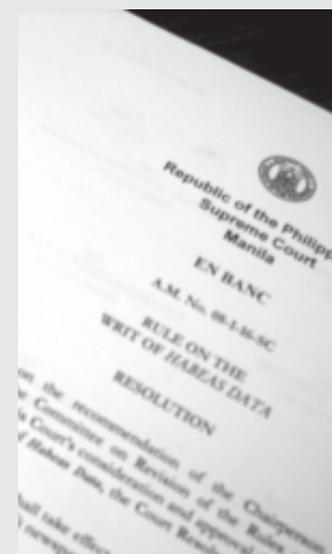
Lawyer Harry Roque said that the writ does neither, but rather complements it. The writ extends the right of citizens to information since it gives further access to data gathered, collected, and stored about a person by a government agency or by any private individual or business.

The legal basis of the right to information is in the 1987 Philippine Constitution, as stipulated in Article II Section 28, which states that "the right of the people to information on matters of public concern shall be recognized" and Article III Section 7, which declares that "...the State adopts and implements a policy of full public disclosure of all its transactions involving public interest."

The right to information is also enshrined in Article 19 of the International Covenant on Civil and Political Rights, to which the Philippines is a signatory. It states that "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."

This means that aside from the information that the writ of habeas data can obtain about the victims of extrajudicial killings and disappearances, official records and other data in the public interest should be made available by government as provided by the Constitution. Roque stressed that an enabling law "to give life to that" is not necessary, the right to information being self-executory. The writ of habeas data thus expands relatives' access to information in behalf of the victims of extrajudicial killings and disappearances, as well as the right to the same access of the subjects of government information-gathering.

The Freedom of Information Act serves "as a practical plat-



form for the effective exercise of the citizen's right to information." The Access to Information Network (ATIN) regards the bill as crucial to improving the exercise of the right to information in defining exceptions, providing a clear coverage of the right, and imposing sanctions on those who violate it.

Advocacy groups have been pushing for a Philippine Freedom of Information Act since 1993. Reps. Lorenzo Tañada and Del de Guzman filed a similar bill on Aug 14, 2007 during the 14th Congress.

Despite the fact that the Constitution upholds the right to information especially on matters of public concern, lawyer Nepomuceno Malaluan, co-convenor of ATIN, said that with the current government policy of concealment, people still find it hard to access public data and official records. It is therefore important to pass the bill since it would provide the necessary sanctions to a government official or agency that would refuse to give out the information. The bill, he said, will "connect the gaps" in the procedural problems of obtaining data and "fleshing out the Constitutional guarantee" of the right to information and the people's right to know. ■

TWO VIEWS ON THE PRESS AND THE POLITICAL CRISIS

The following were presented during the Center for Media Freedom and Responsibility forum on "The coverage of the political crisis" last March 25, 2008.

WHAT IS JOURNALISM FOR?



KATHRYN ROJA G. RAYMUNDO

■ By Melinda Quintos de Jesus

A crisis of leadership

THE POLITICAL crisis in the Philippines is a crisis of leadership, provoked initially by the initial controversy over the president's interference to manipulate election results in 2004. The crisis has been heightened by serial charges of corruption with a resulting loss of public trust and confidence in her leadership and her capacity to put public interest as the central value of her government. While these have all failed, the number of impeachment complaints (13) and attempts (three) filed in Congress— a strong indication of the depth of the crisis— are unprecedented in Philippine history.

But as has been pointed out by many critics of President Gloria Macapagal Arroyo, it is not only the public officials currently in power who are failing. The entire political system, culture, and conduct of the ruling class are all in need of reform. Because weaknesses seem embedded in the system, the public seems at a loss about how best to resolve the crisis.

The public has not been able to unite on a strategy. The continuing challenge to the president has weakened the authority of government and the state, along with its agencies and instrumentalities. The profound polarization has eroded public support for government itself as leaders resort to a tactical approach to insure the president's political survival.

The press community itself is divided. News reports and commentary reflect the opposing views of the factions among political groups and organizations, as well as those of civil society.

Basic principles

A review of basic principles may help clarify the role of the press during the present crisis. What is journalism for? What is its function and purpose in society? What are its obligations and responsibilities?

The revolutionary advance of communication technology and the explosion of news and other media formats, the rise of blogging and the emergence of citizen reporters and commentators have all created radical changes in how we think of media and news. Precisely because of the blurring of activity lines and the resulting confusion about what makes journalism, journalists need to establish a common or shared understanding of what they do as journalists. Only when we clarify this understanding can we take the necessary step of accepting the obligations and responsibilities incorporated in this activity.

Journalism as a process involves editing, the review and revision of reports, analysis and commentary. While eyewitness reports in the blogs may be highly valuable in terms of finding out about events and related information, such on-line reports are not always reviewed for authentication or verification.

Controlled or free

We often think of the different purposes assigned to journalism in different political systems. But there is a common ground.

Whether in a free or controlled system, the press can provide society a common fund of shared knowledge and understanding about itself, reflecting shared ideals and aspirations as well as the consensus on how these goals are to be achieved. That has always been one of the purposes assigned to journalism—that it provide people the means for carrying on a conversation. The American scholar James Carey has described journalism as primarily a medium for the conversation of a community.

Where is the difference in the way the two systems produce this conversation? In principle, though perhaps not always in practice, the free press opens the conversation to all. The purpose of a free press is to provide the kind of news and information that will help members of society to become free citizens who will engage one another in discussion and debate about public issues, and who can express their preferences on policy choices and their ideas about the laws and regulations that govern their lives.

In a controlled regime, government sets limits on the scope of the conversation and selects the participants in the public forum. The controlled system sees the press as the government's communication arm. It is a handmaid to government, which has paramount authority over policies and the implementation

of laws, policies, and programs. It is the government's view of the citizens' needs that becomes paramount.

Singapore's national development, for example, has seen profound changes in the guidelines given to the press according to government's view of society's current needs.

Mega media

The mega-media companies operating in the global free market system today have also radically changed our thinking about news and its purpose. These companies are involved in producing a commodity, a product that needs to be packaged, perhaps buffed and shined a bit so it can compete for a larger share of the market.

News then becomes all of the above, but as defined by two leading American journalists, Bill Kovach and Bob Rosenstiel, "the primary purpose of journalism is to provide citizens with the information they need to be free and self-governing." (Kovach and Rosenstiel, 2007). This definition was articulated only after one of the broadest efforts conducted by the American press to define for its members the function of the press in American society.

The group project was organized by what would be later called the Committee of Concerned Journalists. Using various methods, including content analysis of news, as well as public forums, conferences, interviews, and surveys, the project describes the theory and the culture of American journalism. From that description, the authors assert the purpose of journalism and enumerate its obligations and its responsibilities. The output is documented in a book, *The Elements of Journalism*, that has already gone into a third edition.

We turn to this American effort and its findings because the Philippine press is modeled on the American press system. Our constitution provides for freedom of speech and the press in almost exactly the same terms, the most libertarian to be found in the world: "No law shall be passed that shall abridge the freedom of speech and the freedom of the press..."

Despite alarming signs to the contrary, we have not yet moved away from this model. In fact, the leadership provided by Chief Justice Reynato Puno has significantly asserted and highlighted the value of freedom of speech and press to our way of life, the values for observance by government, and the people.

The journalistic community typically avoids this kind of discussion and most members of the press think neither of the theory nor purpose of what they do. Journalism is work and a job. And the conventions have been laid out for so long that they ceased to worry about the problems that arise in the course of the practice. Most journalists do not think of the information they provide as having such an enlarged purpose. They think simply of providing something that the public wants and will buy; they are giving them a category of information or knowledge that has been called "news."

Older generations of journalists have proudly said there is no need to define the news, we know it when we see it. Today, when the ordinary man in the street has the means to report the news, perhaps ahead of the radio or TV news teams trawling the streets, the credentialed press has become more curious about what sets them apart as a community of journalists.

Because of the current crisis, however, more and more groups and organizations have learned the virtues of self-examination and evaluation. It seems appropriate for members of the press to do the same: to examine the practice and understand the demands of the role assigned to them, as well as the standards of conduct of journalism.

Increasingly, however, the media are being seen as part of the problem. It is important that they see themselves as also part of the solution.

Perhaps we can add to the media's list of needs that of evaluating the various styles of journalistic conduct. We need to acknowledge that circumstances can affect the manner by which they gather and report the news. Like the American press, the Philippine stance is adversarial toward government.

This submits to modification when the country is at war or is under attack. But the shift has been harshly critiqued as the American press failed to more critically look at the American military engagement in Iraq, the detention of suspects in Guantanamo, or even the scandals which rocked American corporations. It would seem then that the adversarial style is not as important as the vigilant coverage of all public issues as these arise. Adversarial reporting need not be seen as a hostile challenge, but as the performance of an institutional check on the exercise of power.

Polarization

In a divided society, different groups will compete to use the press to publicize their side or their view so as to gain public support. Getting the press on one's side has also involved the practice of paying off its members to assure favorable coverage. The press can also be won over by selectively consulting only those sources that can tell the desired story. Journalism's purpose (of providing news and information for citizens) is more difficult to fulfill when conflicting and opposing views all claim to have the truth on their side.

Kovach and Rosenstiel make three points that are relevant to this discussion.

First, "The essence of journalism is (that it is a) discipline of verification." Among the many forms of mass communication, journalism alone focuses on getting right the relevant facts of what happened.

In a situation where as many versions of what happened can be heard or reported, the journalist must commit to investigate and detect the lies, expose them, and assert the facts and the truthful conclusions that may be drawn from them.

Unfortunately, the conventional news report that records simply what the different proponents are saying has become an inadequate format for this purpose. The press must employ more means than simply recording the statements made in an official investigation. The press must sift the verified and corroborated facts from the gossip and the propaganda.

When it fails to do this, it holds back the public's ability to make a judgment about where the truth lies in a scandal and controversy. Rather than making things clear, press reports that are limited to "he said, she said" accounts can only lead to greater confusion. Without background and context, such reports are almost without meaning.

Second, journalistic objectivity is not the absence of opinion. Journalists are like everyone else who have personal backgrounds and histories which necessarily give them an outlook and a perspective. Are they not allowed these views and opinions as journalists?

Obviously, journalistic reporting deals with the one's views and opinions in a different way than those assigned to write commentary and opinion pieces. But journalists on any page of the newspaper must commit to the method of verification.

Kovach and Rosenstiel re-

The journalist must commit to investigate and detect the lies, expose them, and assert the facts and the truthful conclusions that may be drawn from them.

mind us that the concept of objectivity has been misunderstood as an aim or a purpose. A journalist has to be objective. The earliest forms of the press in the US and in the Philippines were produced for a cause. Objectivity, they point out, is not an aim, but a method employed in producing journalism. It includes collecting data and validating the evidence; and from these, formulating a perspective or truthful conclusion based on verified facts.

Often, claiming editorial balance and objectivity, reporters will limit their work to the citation of statements made. Kovach and Rosenstiel call the result a "journalism of assertion," as the quoted statements are not verified. Given the neutral narrative voice, the reports cover up what the journalist has failed to do.

It is true however, that cultural blinders will keep even a trained reporter to see only what he or she can or wants to see. Walter Lippman has prescribed the development of the "scientific spirit" as a remedy to such human tendencies. The "scientific spirit" involves a method that includes, the citation of as many sources as necessary, the careful observation of the reality reported, and reference to documentary evidence.

In times of crisis, this "scientific spirit" requires also that journalists do what scholars and academics practice, which is to describe the method and manner by which the reporter or commentator found out about the facts and the measures taken to check the accuracy of these facts. They must force themselves to tell the public how they came to know what they know. This transparency exposes the process through which a newsroom determines the reliability of

the "truths" that it reports.

When the public is so advised, it learns more about the process and develops a stronger public ability to sense mis- or disinformation. Newsrooms should use a general checklist for accuracy culled from the different institutes that have studied the journalistic process in seeking to improve it and to make it rise to the challenge of complex stories.

Objectivity, neutrality and impartiality are all part of the same cloth of practice and method. The finding of truth shows a bias for truth as a value, reflecting on the natural advocacy that journalism must carry. The "news" that provides more truth about an official transaction may be seen as biased against one side as it exposes the claims of one or another as lies. Some may see the effort to expose lies and deception as partisan journalism. In times of political crisis, it is important that the press take this role, or it shall be party to the deception.

Third, in confronting the multiple factions that claim their respective truths, the journalists must make sure of their "independence from those they cover." It is natural for journalists assigned to beats to develop a working relationship with the subjects of their news reports. The mutual need can sometimes drive journalists into a relationship of dependency on sources, or to lose the detachment that is necessary to verify what these sources reveal to them.

In producing commentary, in interpreting the meaning of events, a journalist who writes opinion columns has more freedom to develop his or her voice and his or her point of view. But these journalists are still bound by the principles of accuracy and truthfulness as their opinions still need to be based on verified facts.

In a time of political crisis, can we expect journalists to keep themselves disinterested in political outcomes and to stay clear of the currents of political turmoil?

Press practice in behalf of public interest involves a level of commitment to country and society. Kovach and Rosenstiel argue that the model is "not disinterested. It is not cynical. It is not disengaged."

Rather, they see the "journalist's role as predicated on a special kind of engagement—being dedicated to informing the public, but not playing a direct role as an activist. It might be called 'engaged independence.'" ■

A TWO-WAY STREET



LITO OCAMPO

■ By Luis V. Teodoro

POLITICAL crises take many forms. In this country—and for the generations represented here today—these forms have ranged from such critical events as the bombing of a political rally and the subsequent suspension of the privilege of the writ of habeas corpus, the declaration of martial rule, the killing of the late Senator Benigno Aquino Jr., military-civilian mutinies that have unseated presidents, several coup attempts, and a declaration of a state of emergency which itself became an emergency for many groups and individuals as well as for the Bill of Rights.

Lately the crisis has taken the form of a confrontation between, on the one hand, a president more than a majority of the populace believes was not legitimately elected, and, on the other, a broad spectrum of forces that wants her government to at least account for, or to at most resign over, the vast network of corruption that has metastasized in it. Late last year, however, the country was also treated to a crisis which was erroneously reported as a coup attempt, the main component of which seemed to be a press conference in which the same putative president was asked to resign.

We have thus witnessed one political crisis after another, each of varying intensity, but each one being, by common consent, a turning point in the way the country is being governed. And that's what a political crisis is—a moment in the life of a country in which issues of power and governance come to the surface to shatter the illusion of stability that every government this country has ever had since 1946 has taken pains to cultivate.

The mother crisis

The political crises we have witnessed are, however, rooted in a mother crisis that unless addressed will continue to create the instability governments like the present one hate, but about which they have been unwilling to really do anything beyond the conveniences of repression. That mother crisis is that fueled by the contradiction between the demand for competent, honest and visionary governance that has been at the heart of Filipino hopes for over a hundred years, and its obvious absence.

The Philippine political crisis is driven by the people's hopes on the one hand, and by the political class' corruption and incompetence on the other. For as long as that contradiction remains, little child-crises of varying intensity will continue to afflict this country, which means that journalists will be constantly called upon to report and comment on developments that are not only crucial to the country's present and future, and which thus impose certain demands on the press.

Most of those demands we are all familiar with. Like any other issue or beat, the coverage of political crises is governed by the professional and ethical standards of journalism. These standards are linked to each other, the principles of ethical conduct being reflected in the practical performance of the journalist's job.

In that sense ethical journalism is competent journalism, and vice versa.

In practice, truth telling as a fundamental ethical principle in journalism finds expression in factual accuracy, which in turn is premised not only on getting the statements of sources correctly, but also on checking one's facts, consulting a number of sources, and providing context, background and/or history.

Although truth-telling is a basic responsibility, it is, however, in turn governed by the principles of independence and justice as equally vital ethical commitments. These are realized in practice not only through the journalist's non-involvement in any interest that would compromise his or her autonomy, but even more intensely, also in his or her capacity to transcend in favor of the facts his or her own advocacies, personal preferences, or even bias when reporting or commenting on issues of public concern.

In addition, the principle of humaneness mitigates the harm truth-telling can inflict on news subjects, especially those accused of wrongdoing who are presumed to be innocent, as well as those sectors of society that are most vulnerable to harm through publicity. In practice, this principle is realized through specifying that suspects are only suspects, for example, or in withholding the names of women and children involved in crimes whether as victims or suspected perpetrators.

Indispensable

These ethical and professional principles are indispensable to the basic journalistic responsibility of providing information to a public that has a right to it. As principles to which observance is voluntary, they are necessary in a regime of press freedom, in which the presumption is that journalistic responsibility can be achieved only through self-regulation.

The absence of government regulation is the fundamental condition for press freedom as a constitutionally protected right in the Philippines. The Constitution in fact emphasizes that no law may be passed abridging press freedom and free expression. But as experience has shown, this alone is no guarantee that press freedom cannot be curtailed.

The events of Nov. 29 are only one such indication during the Arroyo watch. The raid on a newspaper office in 2006, the threats that inciting to sedition charges

will be filed against certain media organizations, the spate of libel suits and advisories that promise legal retaliation should journalists refuse to heed police orders—all are indications that the Constitutional guarantee is not enough.

They also show that what is needed is government good faith as well as commitment to press freedom, based on the recognition, as Chief Justice Reynato Puno has pointed out, that press freedom is a primary right and that it may not be curtailed unless there is a clear and present danger to the state which reporting or commentary may aggravate. Pledged to protect and defend the constitution, governments are charged with the responsibility of upholding press freedom, not for its own sake, but to enable the news media to discharge their mandate of providing the citizenry the information it needs on matters of public interest. If the press has the professional and ethical responsibility of being accurate, independent, fair, and compassionate, a responsible, lawful government has the even more urgent responsibility to protect press freedom as a Constitutional mandate.

Rather than recognize this responsibility, however, the Arroyo government has made it a policy to undermine the Constitutional protection to which press freedom is specifically entitled. The soured and souring relations between the media and the Arroyo government are in fact based on the latter's insistence on prioritizing its political interests over press freedom, and, in effect, over the right of the citizenry to information as an indispensable condition for democratic discourse.

Media's mandate

Political crises being of public concern and interest, it need hardly be said that the media are professionally and ethically mandated to cover them. It is not as if this is the media's choice, but a responsibility thrust upon them by the very nature of the media's role in providing the public information in a society that claims to be a democracy. Covering the events of Nov. 29 was therefore a responsibility the media could not have shirked; no doubt, should something similar to EDSAs 1 and 2 come to pass, the media would be remiss in their duty if they failed to cover it.

This basic responsibility is either unappreciated or despised by those who fear the popular empowerment that information

Journalists covering political crises are at risk because the forces involved look at the press as a hostile entity that needs to be contained or suppressed.

brings, and they have raised various issues to cloak their bottom line wish, which is no coverage at all, or, at least, coverage that's to their liking.

When the police and other government agencies and officials raised these issues some journalists were understandably concerned. The community is after all committed to the standards of the profession, and if journalists overstepped their bounds, it was only correct for them to reexamine themselves and their actions. The press and the media should be thankful for every opportunity for self-assessment, especially when it involves the coverage of the political crises that we can expect to be with us for some time to come.

Obstruction of justice was of course the first issue raised, occasioning not only justifications for the arrest of journalists not only last Nov. 29, but also for future arrests in future crises.

No journalist would nor should argue in favor of obstructing justice as a principle, in the sense of, at its most basic, preventing the police from doing their work (if that indeed is what they're doing rather than using police operations as a cover for planned misdeeds), or, at its more complex level, denying themselves or others the penalties or rewards that they deserve. In the Nov. 29 case, however, whether there was indeed obstruction of justice is at issue, and I might point out that during a hearing before a branch of the Makati RTC last February, the judge was visibly taken aback when it was pointed out that the journalists were arrested after the so-called military rebels were



LITO OCAMPO

already in custody, which would preclude their obstructing police efforts, given the latter's success in doing their jobs.

The government's raising this issue as superior to the rights of the press and the public obscures the basic fact that journalists are indispensable to the public need for information, and that the basic responsibility of a government committed to democratic governance is to protect press freedom.

To provide the public's need for information the news media have to be onsite, and a news event does not end with police deadlines; it isn't something anyone can declare to be over. To assume so is to assume that as King Canute thought, ocean waves can be stopped at the say so of so-called authorities. Media organizations do have the option to either leave or stay, depending on their assessment of the gains and losses that may be incurred either way, and a police deadline imposed on the protagonists in a news event does not equally apply to the media. Force, or the threat of its use, is of course something else, and before police guns or truncheons

journalists have little hope of prevailing.

The basic responsibility of journalists is to provide factually accurate information as well as context and analysis so the public may judge events for themselves. Journalists can't do this if all sorts of obstacles including threats and arrests are thrown in their paths. But journalists also need to be fully aware of the conditions in which those responsibilities can be best discharged as well as those that have to do with the consequences of their reporting. They need only to be loyal to the facts, and, no matter how difficult it may be, given the passions that politics arouses, they also need to transcend their own views in favor of the facts and what they very likely mean.

Like most thinking people, journalists have their own convictions and even advocacies. They don't leave their citizenships at the door when they join the media. But the ethical norm in journalism is not to allow those convictions to interfere in the basic responsibility of reporting the truth.

Slippery slope

Personal involvements are specially tricky, a slippery slope on which journalists would do best not to be caught. In such instances the accepted protocol, as tough as it may be to follow, is to inhibit one's self from reporting on the sources with whom one is involved, given the difficulty of retaining one's neutrality when reporting on those sources.

Most journalists are aware of and understand the ethics of reporting on sources with whom they may have developed close ties. Journalism ethics does not demand that journalists abandon their advocacies, or forbid their acting on them. But acting on those advocacies does have consequences, among which being hauled off to court and even to prison are, or should be, accepted risks.

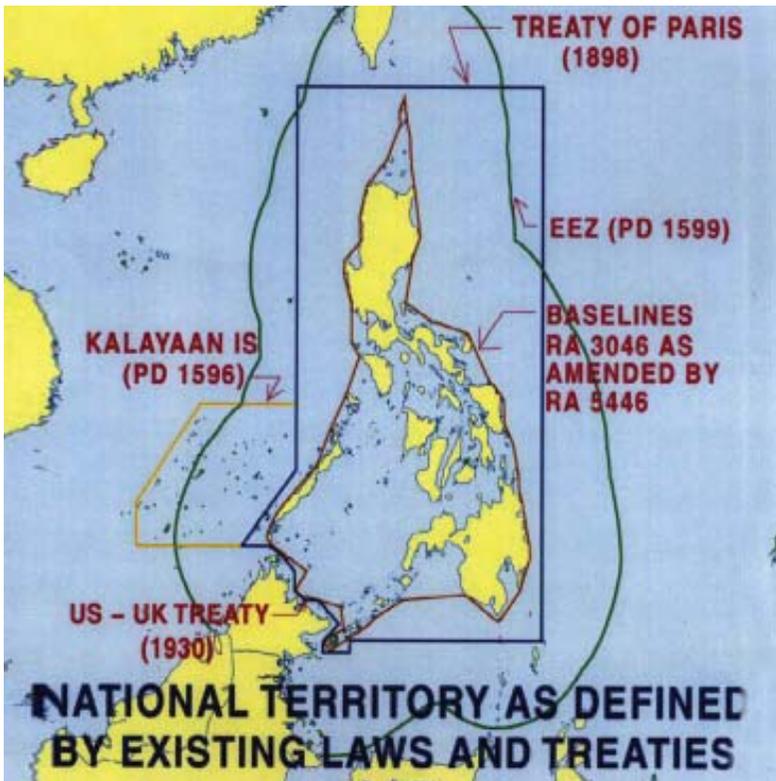
These risks are specially pronounced in covering political crises, because those forces involved in such crises often look at the media as hostile entities that either need to be contained, or suppressed. In the present circumstances, covering political crises will always involve such risks. This is not to say that being arrested onsite is lawful, only that a government to which legality is often the last concern cannot be underestimated. The responsible coverage of political crises may be a two-way street in which both the media and the government have their respective responsibilities, but no one should count on the latter's being true to them.

Which brings me to a crucial point. Journalists need to arm themselves with an evaluation and understanding of the policies, tendencies and proclivities of the present regime and such of its major actors as Mrs. Arroyo and other Palace denizens, the police, and the departments of the interior, justice and defense. The understanding that it is regime policy to conceal rather than reveal, to be opaque rather than transparent, should provide journalists the basic guide in covering political crises: it is that they have to exert extra effort to get information and to convey and interpret it to a public that wants and needs it. In many instances that has required the firmest insistence on upholding the journalist's right to report events as he or she sees fit, guided only by the ethics and standards of the profession. Covering political crisis during the watch of a government that is itself the problem rather than the solution demands that the journalist keep his or her sights on that most basic responsibility of all. ■



Political controversies

FIRST QUARTER SHOWS COVERAGE



VERA Files provided this infographic in its series on the Spratlys controversy.

■ By Hector Bryant L. Macale and Apple Jean C. Martin

RELENTLESS PRESS coverage has sustained public scrutiny of the Arroyo administration as political controversies continued to hound it through the first quarter of the year.

In contrast to the dearth of investigative reports on last year's political issues and controversies as noted by *PJR Reports* in its January 2008 issue was the increased number of investigative and in-depth reports during the period.

Many of these reports focused on the agreements on joint exploration among the Philippines, China, and Vietnam in the South China Sea. But the press also investigated issues involving official development assistance to the Philippines, and the conversion of agricultural lands into biofuel plantations. As part of its continued coverage of the national broadband network (NBN) controversy, both print and broadcast also issued a number of in-depth reports explaining various aspects of the issue.

Connections

A number of investigative reports looked into the link between the joint marine seismic agreement the Philippines had signed with China and Vietnam covering the disputed Spratly Islands in the South China Sea and the avalanche of multimillion dollar Chinese loans to the country. Some reports also discussed the constitutional and legal ramifications of the agreement, and its possible repercussions on the country's Spratlys claim as well as on regional stability.





Photos by LITO OCAMPO
Arroyo's photo by
REY BANIQUET/OPS-NIB

ER PAGE BOOST



A *Far Eastern Economic Review* article in its Jan.-Feb. 2008 issue, which accused the Arroyo administration of selling out to China Philippine and regional interests in the South China Sea, had rekindled Philippine press interest on the Philippine claim to the Spratlys and China's huge financial loans to the country ("Manila's Bungle in the South China Sea").

ABS-CBN 2's *The Correspondents* reported that after President Gloria Macapagal Arroyo signed a joint seismic agreement with China to study possible oil and gas deposits in the disputed Spratlys in 2003, China's official development assistance to the Philippines increased.

Of the 67 loans from China to the Philippines during the Arroyo administration—the most in any administration since the Marcos regime—57 were approved after the agreement was signed. Among the 57 loans was the Zhong Xing Telecommunication Equipment Company Limited (ZTE) deal for the NBN project. *The Correspondents* pointed



Whistleblower Rodolfo Lozada Jr.

out that while the conditions for Chinese loans were less cumbersome compared to those required by other international lenders, most of the Chinese-funded projects were tainted with corruption, the NBN-ZTE and North and South Rail projects, among others ("Kung 'di ukol, bubukol," Feb. 19).

VERA Files, a newly established group of investigative journalists (see "New investigative journal group formed," p.22), introduced itself to readers with a two-part special on the country's need for a new archipelagic baseline and its repercussions on the Philippine claim to the Spratlys. The first part detailed how Mrs. Arroyo's alleged neglect as well as infighting among government officials over turf and money resulted in the absence of a new archipelagic baseline, possibly affecting the Spratlys claim ("Arroyo neglect, gov't infighting jeopardize RP's territorial claim," <http://www.verafiles.org/index.php/focus/34-top-story/46->

arroyo-neglect-government-in-fighting-jeopardize-rp-territorial-claim, March 24). The second part discussed the country's belated efforts to beat the United Nations deadline on territorial claims ("RP in last minute scramble to beat UN deadline on territorial claim VERA Files, <http://www.verafiles.org/index.php/focus/34-top-story/45-rp-in-last-minute-scramble-to-beat-un-deadline>, March 25). The VERA Files reports were also carried in several newspapers such as *The Daily Tribune*, *Malaya*, *The Philippine Star*, and *BusinessMirror* and websites such as *GMANews.TV*.

VERA Files had earlier reported that six of the Spratly islands group occupied by the Philippines are included in the joint seismic agreements the country signed with China and Vietnam ("6 Philippine-occupied islands covered in Spratly agreements," [http://www.verafiles.org/index.php/focus/34-top-story/47-six-rp-occupied-islands-covered-in-controver-](http://www.verafiles.org/index.php/focus/34-top-story/47-six-rp-occupied-islands-covered-in-controver)



sial-spratlys-deals, March 10).

Newsbreak ran a three-part investigative report that showed that “the Arroyo administration has committed a series of acts geared toward compromising Philippine territorial interests in favor of China.” In exchange for the joint marine agreement with China (and later Vietnam) which *Newsbreak* reported violated local and international laws, the current administration got the most number of bilateral agreements with China in the past 30 years (“A Policy of Betrayal, http://newsbreak.com.ph/index.php?option=com_content&task=view&id=4296&Itemid=88889066, March 14). It also pointed out that the agreement should have been covered by a treaty, and not just by an executive agreement (http://newsbreak.com.ph/index.php?option=com_content&task=view&id=4298&Itemid=88889066, March 17). Legal and territorial issues were also discussed in the third part of the series (http://newsbreak.com.ph/index.php?option=com_content&task=view&id=4299&Itemid=88889066, March 17).

Newsbreak also reported that energy officials had known as early as 2004 that the agreement included an area that was “within Philippine waters and should not have been covered” (“RP knew Spratlys exploration ‘too close’ to Palawan: *But revised map shows survey by China and Vietnam is still within Philippine waters*,” <http://newsbreak.com.ph/>



Former national treasurer Leonor Briones

[index.php?option=com_content&task=view&id=4274&Itemid=88889051](http://newsbreak.com.ph/index.php?option=com_content&task=view&id=4274&Itemid=88889051), March 9). *The Philippine Star* and *abs-cbnNEWS.com* also published the *Newsbreak* series.

Newsbreak said that it had looked at the possible connection between the Chinese loans and the joint marine agreement with China with a special report on Aug. 28, 2006 (“Exploring The Spratlys,” http://www.newsbreak.com.ph/index.php?option=com_content&task=view&id=1572&Itemid=88889064) when allegations of overpricing and corruption in Chinese-funded projects arose over the North Rail project that year. With the agreement, *Newsbreak* said, Arroyo “could have effectively given up our territorial claim on the Spratlys, and the act could be a ground for her impeachment.”

Exploring the flood of official development assistance loans



An ABS-CBN 2 reporter covers an anti-Arroyo rally.

particularly from China, the Philippine Center for Investigative Journalism (PCIJ) released a three-part investigative report (“The perils and pitfalls of aid,” Feb. 11-13) explaining how the government has become lax in project evaluation.

The first part discussed how the evaluation process of the National Economic Development Authority—the country’s supposedly independent economic development and planning agency tasked to evaluate proposed large-scale government projects—has been undermined by political and lobbying pressures (“Oda surge sparks scandals for Arroyo, debt woes for RP,” <http://pcij.org/stories/2008/oda.html>).

The second explained the absence of bids and other requirements of lenders that ended favoring foreign contractors but which has resulted in cost overruns and project delays (*Bids sans*

caps, tied loans favor foreign contractor, <http://pcij.org/stories/2008/oda5.html>).

Because of these problems, PCIJ found that seven out of 10 ODA-funded projects “failed to deliver the promised economic benefits, and (will) exacerbate the nation’s debt burden” (“7 in 10 ODA projects fail to deliver touted benefits,” <http://pcij.org/stories/2008/oda9.html>). Newspapers such as *The Philippine Star*, *Malaya*, and *The Manila Times* and websites *abs-cbnNEWS.com*, *GMAnews.tv* and *Sun.Star Network online* carried PCIJ’s report.

Apart from these investigative reports on the Spratlys deal and the country’s economic and trade agreements with China, VERA Files also published a two-part investigative report last April 7 and 8 on how the sugar barons in Congress were converting their agricultural lands into biofuel plantations. By turning rice, corn, and sugar lands

into biofuel plantations amid the threat of food shortages, VERA Files reported, sugar barons may possibly evade the Comprehensive Agrarian Reform Program (“Iggy Arroyo to use biofuels law to evade CARP?,” http://www.verafiles.org/index.php?option=com_content&view=article&id=63:iggy-arroyo-to-use-biofuels-law&catid=34:topstory&Itemid=53).

The second part of the series detailed problems with the biofuels law. It also reported that the law’s authors and their families, including presidential brother-in-law Rep. Ignacio “Iggy” Arroyo and Sen. Juan Miguel Zubiri, own agricultural lands that may be utilized for biofuel production (“Ethical lapses mark passage of biofuels law,” http://www.verafiles.org/index.php?option=com_content&view=article&id=64:ethical-lapses-mark-passage-of-biofuels&catid=34:topstory&Itemid=53). *Malaya*, the *Star*, *Times*, and *GMAnews.TV*, *Sun.Star Network online* also carried the series.

Special programs and reports

Given the immense amount of news and updates available on controversies such as the NBN project and Spratlys agreement, the major media organizations tried to provide the background and context readers and viewers needed to better understand them.

Last March 16, GMA-7 aired a special documentary that discussed the connections among the personalities involved in the NBN-ZTE deal as well as other issues. “Koneksyon: *Anatomy of a Political Scandal*” provided viewers with background information on the country’s economic agreements with China, including the cyber-education project and the NBN-ZTE project.

It also reported the relationships among the personalities involved in the issue and looked into the question of whether the country really needed the NBN project. *Koneksyon* also traced how the project was awarded to ZTE and provided the views of those involved, among them various government officials and experts on political and economic issues.

“The special was more in-depth than anything GMA had previously produced on our public affairs programs or newscasts about NBN-ZTE and we were proud of it,” Nessa Valdellon, GMA-7’s Vice-President for GMA Public Affairs, told *PJR Reports* in an e-mail interview.

ABS-CBN 2 should also be



Media’s relentless coverage of political controversies has sustained public scrutiny of the current administration.



Congresswoman Riza Baraquel, Senators Benigno Aquino III and Alan Peter Cayetano, and Makati Mayor Jejomar Binay

credited for airing last Feb. 16 the first special on the NBN-ZTE controversy: *Harapan: the Jun Lozada controversy*. The three-hour special was aired over ABS-CBN, ANC, and network's radio arm dzMM (See "In the public eye: Heroes and Crooks," *PJR Reports* March 2008 issue). There was some criticism that the personalities invited, including star witness Rodolfo Noel "Jun" Lozada Jr., had been "set up" in the program. But Charie Villa, head of ABS-CBN 2's news gathering team, insisted that the program had been fair to all sides. Anchors Korina Sanchez and Ricky Carandang explained during the program that it was not meant to be a confrontation between Lozada and former elections chair Benjamin Abalos Sr., merely to provide an opportunity for the guests to air their respective sides.

But not only did *Harapan* become a venue for the personalities to explain their side, it also gave viewers a sense of the nature and vast extent of corruption in the Philippine government.

The press was also consistent in explaining developments related to the issue, as among them the revocation of Executive Order 464 last March 5 and the Su-

preme Court ruling on executive privilege last March 25.

Lapses

Notwithstanding the high number of investigative and in-depth reports on the controversies, there were serious lapses in the daily coverage. Some reports showed a lack of corroboration with other sources. Others were obviously partisan. Some important issues were also forgotten along the way.

In one of the most criticized instances of media lapses, the *Philippine Daily Inquirer* failed to confirm the accuracy of its March 9 lead story from the main subject itself. The *Inquirer* had reported that Philippine National Oil Company (PNOC) former president Eduardo Mañalac knew about the alleged \$41-million kickback in the NBN-ZTE project. Mañalac, it added, would testify as Sen. Panfilo Lacson's "surprise" witness on the Mar. 11 Senate inquiry ("Ex-PNOC head to testify: Spratlys pact signatory said to know of ZTE bribe advances").

The next day, the *Inquirer* bannered Mañalac's denial of both his supposed knowledge and his upcoming testimony in the



Arroyo regime officials Eduardo Ermita, Norberto Gonzales, and Raul Gonzalez

REY BANIQUET/OPS-NIB

Senate hearings on the deal. Although the paper reprinted his e-mailed letter complaining about the report, the damage done was serious enough for Mañalac to consider filing charges against the paper and the article's writer for "irresponsibility in making such an inflammatory declaration without confirming its accuracy" and "for their part in this piece of fabricated information" ("A complete falsehood," Mar. 10). The paper admitted its error—although it took three days for the paper to publish an apology ("PDI Apologizes," Mar. 12).

"There's a suspicion that we were given a bum steer", or what's known as "kuryente" in journalism circles, *Inquirer* publisher Isagani Yambot told *PJR Reports*, admitting that the re-



STUDENTS OR JOURNALISTS?

SEN. JUAN Miguel Zubiri was among those politicians identified in the VERA Files story on biofuels. In a press conference last April 9, Zubiri complained that the story's authors had introduced themselves as University of the Philippines (UP) students doing research on biofuels.

"I don't know why this supposed research was passed on as investigative report. I really think they have an agenda," *The Philippine Star* quoted Zubiri as saying.

VERA Files countered that the authors had not misrepresented themselves. The story's authors are UP journalism students, "a fact that was made known by the authors to Zubiri's office and by VERA Files to all editors and news desks when it released its story."

The story was part of an

abridged version of a UP thesis, VERA Files said in a statement, and was meticulously and comprehensively researched. It met UP standards and passed the editorial screening of VERA Files, the group added.

VERA Files, however, did not say whether Zubiri was informed that the interview was also intended for mainstream publication. Journalism ethics demands that publication be made explicit through the interviewer's identifying him or herself as a journalist. ■



Arroyo supporters



Youth groups call for the President's ouster.

porter and some editors had somehow been negligent with the story. He said the *Inquirer* was conducting a fact-finding investigation on the issue.

Some reports did not provide background and context. The press dutifully and uncritically reported Arroyo's "unity walks" in Malacañang, first with Cabinet officials, and later with local government executives and youth groups. Based on an obvious Palace propaganda ploy to show support for the beleaguered President, the reports did not ask how much money was used to host these walks (for transportation, accommodation, food, among others) and who was going to pay for these costs, among other lapses.

Again, the press also reported the graft suit filed by women's group Babae Ka against Lozada. The group sued Lozada for allegedly using his position as former Philippine Forest Corporation (PhilForest) president to give land to his sister and paying his insurance with PhilForest funds. These reports, however, did not provide any background information on Babae Ka. It turned out that Babae Ka had been accused of being an administration front when it ran—and lost—in last year's party-list elections.

Some reports were downright biased, especially, though not surprisingly, those from the Palace-controlled press. While covering the Feb. 29 Makati rally—the biggest since the inception of the NBN-ZTE controversy—NBN-4's *Primetime Teledyaryo* echoed concerns about the occurrence of rallies in Makati, the country's business center. Although the government-owned network dispatched two reporters to cover the Makati rally, the rest of *Teledyaryo's* reports that day mostly focused on the usual affairs in the Palace and on a pro-Arroyo rally at the Manila-Quezon City Mabuhay Rotonda.

Express Balita, a news program of government-sequestered IBC-13, also highlighted the activities

of pro-Arroyo groups last Feb. 29 and echoed the Palace's negative reaction to the participation of former presidents Joseph Estrada and Corazon Aquino in the Makati rally.

Crucial allegations initially reported, such as the loss of the memorandum of agreement on the South Rail project and conversion of agricultural lands into biofuel plantations for Chinese consumption, were not followed up and were forgotten in the course of the coverage.

Views

Political experts acknowledged the role of media in these crucial times. Political analyst and former Cabinet official Leonor Briones said the NBN-ZTE controversy could have died down in October of last year when the government cancelled the project. Media's relentless coverage of the controversy partly kept the issue alive, according to Briones, who currently serves as a professor at the University of the Philippines' National College of Public Administration and Governance.

As other controversies arise, the continuing challenge to the press is to make issues both understandable and interesting to the public. Briones said the press could present, for example, the connection between the Spratlys deal and the country's oil and food supply problem.

Benito Lim, who teaches at the Ateneo de Manila University and who is an expert on Chinese politics and the Spratlys issue, noted that most of the reporters covering the Spratlys controversy had no background at all on the issue. Most of them were merely getting the views of the personalities involved, and were thus susceptible to spin.

"Being the eyes and the ears of the people, reporters should do their own investigation," Lim said. Most media organizations tried to oblige, but with mixed results. ■

COMMENTARY

■ By Luis V. Teodoro

IT WAS supposed to be the talk of the town, and was getting 36,000 visits a day not only from netizens from the Philippines but also from other countries. But the Brian Gorrell blog and the controversy surrounding it were only reluctantly being covered by the Philippine media.

There were at least two reasons for the reticence. One was the story's limited relevance, though it has undoubtedly attracted a lot of interest. The other was the libel law.

For those whose interest has

been focused on the rice crisis, hunger, unemployment, several economists' doubts over the alleged 7.3 per cent growth of the economy last quarter, the national broadband network (NBN) scandal, China-Philip-

pine relations, the Spratlys, and other issues too many bloggers would sniff at as less than earth-shaking, the blog came online in furtherance of Gorrell's campaign to get back AU\$70,000 that he claims was swindled off him by an ex-boyfriend who's allegedly a member of Manila high society, and whose associates cover its doings as lifestyle page "journalists".

Among other claims, Gorrell has written that what he calls the "Gucci Gang" are freeloading, drug-snorting, pretentious

MUCH ADO ABOUT NOTHING—ALMOST



LITO OCAMPO

brutes and bitches—parasites who live off the freebies and handouts of such PR events as the launch of this or that product line for socialites (and such other pretenders to the title as the pretty actress-whores kept by Manila's aging but rich Lotharios) and the rest of that crowd.

It's not an unfair picture of Manila high society, it being the domain as well of the low. But it's the truth of Gorrell's charges against his alleged ex-lover and his cohort that's yet to be established. Primarily we only have his word for it via his blog, and while he has allowed one of those he has attacked in it some space, a blog is by its very nature self-serving, and the instrument of whoever created it.

That a blog is neither newspaper nor broadcast station seems obvious, but it's a fact that's nevertheless often missed, especially by those bloggers who've only recently discovered—and misconstrued—the miracles of free expression.

A blog provides those who would otherwise have no other way of venting their spleen the means to inflict their opinions on whoever chances upon it or is directed to it in cyberspace. While there's no shortage of bloggers who are also journalists so steeped in the professional and ethical standards of journalism they don't release anything into cyberspace that they haven't verified, legions more hardly know the difference between gossip and fact, and don't care to find out.

Anyone with a desk or laptop and an Internet connection can start a blog. He or she decides when it goes up, what goes into it, who gets to comment in it, and how long it stays up. A blog is a distinctly individual thing, unlike the collective undertaking of a newspaper or a news broadcast is, in both of which there are editors and a desk whose job is to look for errors in fact, correct bad grammar, and yes, check for libelous remarks.

It's true that some newspapers and news broadcasts seem to be run by idiots too, and have been either printed or aired by people who're just like most bloggers—i.e., they haven't had a single day's training in what they're claiming to be doing, which is journalism. There's this difference, however: responsible, professional journalists know the latter for what they are, and have about the same attitude towards them as doctors have toward quacks, which is to say that they don't hold them up as exemplars of the profession, whereas most

bloggers don't make that distinction among themselves.

As for libel, (non-journalist) bloggers have been known to sneer at journalists' concern for it, dismissing it as a concession to censorship. It can be. But while the libel law has been used to intimidate journalists, and Filipino journalists lost the most famous case in this country—the 1909 *Aves de Rapina* case—through a court biased for an official of the US colonial regime, it does have the eminently valid purpose of protecting media subjects from the abuse of the overzealous and/or malicious.

Not that journalists have not risked libel suits if the stakes are high enough. Some have braved prison and even death, both during the martial law period as well as the present regime, which at various times has threatened journalists with inciting to sedition cases and the withdrawal of network franchises, as well as listed them as “enemies of the state”.

Many have indeed died, 90 percent of the community journalists who have been killed in this country since 2001 for exposing corruption and criminality. Scared most journalists aren't. But it's a rare blogger who'd knowingly take the same risks while shooting his mouth off.

In many instances journalists risked life and limb and fortune for demonstrably relevant reasons—and by relevance I mean the value of what they were reporting to other lives, in some cases millions of them. Journalists did not shirk reporting the Nov. 29, 2007 incident, for example, and neither have they evaded the responsibility of reporting on the rice crisis, which for the impact it's likely to have on the fortunes of the Arroyo regime is potentially as risky as covering the NBN scandal. Of course they've tried to steer clear of libel suits at the same time by reporting only what they've verified, and refusing to be drawn into name-calling even the people they detest the most.

Too many bloggers, unaware of why certain professional and ethical standards have developed in the course of journalism's long history, prefer to call people names, among other reasons because they think it's argument enough. (It isn't.) There's also the fact that if they're in Australia the people they're insulting who are in the Philippines can't sue them—a convenience denied, say, a journalist in the Philippines who can be sued, and who probably has been (by, among others, Gloria

Macapagal Arroyo's husband).

So some sneer, declaring that the newspapers and the networks are too scared to report the Gorrell case with any prominence, and have chosen to keep it in the entertainment pages. But it's not a matter of being scared, but of the fact that that's exactly where stories like this belong, and only once, please. In the nitty-gritty, what it's all about is an Australian who admits to having been swept off his feet by one of those sweet-talking scammers of which Manila has no shortage, who lost his life savings in the process, and who hopes to recover them by shaming the alleged perpetrator and his cohort. This story deserves the front page?

Lesser stories have landed on the front pages and in the evening news for the sake of “human interest”, but that's an argument for the newspapers and the TV news programs to be more judicious in their decision-making rather than an argument in favor of putting this particular storm in a teacup together with the stories on the Spratlys and how the Arroyo regime's trying to soften the impact of the rice crisis by vainly cozying up to China.

But if only a third of what Gorrell says is true, specifically on the way his former lover's associates use their being with the lifestyle pages of a certain broadsheet to stay in hotels and to travel for free, there's a real story in the Gorrell to-do. It's in how certain sectors of Philippine journalism—or what passes for it in the lifestyle pages—is so far gone in corruption and unprofessional conduct, among other reasons because many of the people who're into it are there not for their skills as journalists but for their claimed connections with the high and mighty, among them the decision makers in the Philippine media with whom they happen to be rubbing elbows with in the same soirees. That's what mainstream media can be condemned for—for allowing this to happen: nay, for encouraging and abetting it to the detriment not only of people like Gorrell but also and primarily that of the foolish Filipinos who follow the lifestyles of their self-proclaimed betters more assiduously than they do reports of extra-judicial killings and the latest government scandal. ■

A slightly different version of this piece appeared in Luis V. Teodoro's "Vantage Point" column ("Teapot tempest") in the April 4 issue of BusinessWorld.



A Pinoypress on the Gorell case.

LIBEL IN A BORDERLESS WORLD

■ By Don Gil K. Carreon

A BLOG on the alleged swindling of an Australian by a Filipino socialite is raising questions on the Philippine libel law's ability to serve as a deterrent against defamation in a world that is increasingly becoming borderless due to the Internet.

Since March 4, Australian Brian Gorrell has been churning out unflattering (others might call them defamatory) articles in his blog against his former lover, former *Philippine Star* lifestyle columnist DJ Montano, as well as Montano's friends. Gorrell stated that he started the blog to shame his former lover into returning his life savings of \$70,000 (Australian), which he alleged Montano duped him out of, and which he needs to pay for his HIV treatment.

Filing a libel suit against Gorrell in the Philippines won't be of much help, as he has been posting his entries against Montano and his friends in Australia.

This unique situation has also prompted members of the Philippine legal community to pay attention to Gorrell's blog, which averages more than 36,000 visitors daily.

In an interview in *Media in Focus* last March 27, University of the Philippines law professor JJ Disini said at least some of Gorrell's posts in his blog are libelous. He said that while some of the characters subjected to libelous statements by Gorrell are unrelated to their fame.

Aside from alleging that Montano owes him money, Gorrell has also claimed that Montano and some of his socialite friends, whom he also identified, are cocaine users. He said that the articles against his ex-lover's friends are meant to pressure them to convince Montano to return his money.

The panelists in the *Media in Focus* episode said Gorrell should return to the Philippines and file charges against Montano who can then file libel charges against Gorrell. But the Australian has stated that he does not intend to battle Montano in the courts in the Philippines, which he described as having a corrupt law process.

In a report on the *Philippine Daily Inquirer* last April 12, Montano's lawyer, Jose Oliveros, said they were considering filing a criminal complaint for libel against Gorrell and civil cases of tort or damages in Australia and in the United States against the US company hosting Gorrell's blog.

The panelists in the *Media in Focus* episode said this option is indeed open to Montano, but said it would be “tedious” and “expensive,” as it would indeed be. ■

■ By Don Gil K. Carreon

ON JAN. 11, editorial board chair and columnist Vic Agustin of the *Manila Standard Today* announced in his *Cocktales* column that the paper had just been sued for libel. Agustin said the complainant was Philcomsat Holdings Corp. (PHC) vice president Enrique Locsin, a brother of the paper's publisher, Makati Rep. Teodoro Locsin Jr. PHC is a government-sequestered company whose management is bitterly disputed by its major shareholders.

Agustin wrote that the *Standard* was being sued for his Dec. 19 column "Locsin's private ATM." Quoting from the complaint, Agustin said Locsin had claimed that he had been "maliciously and unwarrantedly portrayed as a person who has withdrawn several millions of money from a certain corporation for his own personal account."

Fourteen days later, *The Phil-*

If self-regulation doesn't work, the government will do the regulating

THE RIGHT OF REPLY: VOLUNTARY COMPLIANCE OR LEGAL SANCTION?

ippine Star published an advertisement by Locsin complaining about the *Standard's* repeated refusal to publish his response to the Agustin column. He said the refusal had forced him to buy ad space in another paper to balance readers' understanding of the issues. Locsin is also the publisher of the news magazine *Philippines Free Press*.

Locsin complained about Agustin's Jan. 7 column "Lawyer's fiesta, PR bonanza," where the latter, among other claims, said that P400 million pesos of PHC funds could not be traced after Locsin ordered its withdrawal. When Locsin wrote the *Standard* in reply, he said the paper would not publish his letter even as a paid advertisement.

Locsin protested Agustin's selective reprinting of portions of his letter, which he said were taken out of context.

Agustin said in an e-mail interview with *PJR Reports* that the *Standard* decided against publishing the letter for four reasons: it was unsigned; it did not carry a return address and telephone number; the fax machine that was used to send it did not list a return number; and when a hard copy was eventually delivered, the Locsin PR consultant would not sign an acknowledgment that the letter, which still did not carry a return address or telephone number, indeed came from /had been delivered by the PR firm. Agustin said the *Standard* had a policy to print letters to the edi-

tor questioning the accuracy of its reports.

The right of reply law

The *Standard*-Locsin flap is a reminder of the acrimonious dis-



A forum on the right of reply.

To the Manila Standard Today

Since my letter clarifying the column of Mr. Victor Agustin has not been published and will not be published even as a paid advertisement, I am constrained to buy advertising space in another newspaper so that the readers of Manila Standard Today will be accorded a balanced understanding of the issues. I have sued Mr. Agustin for libel and am contemplating further legal action to protect my name and the interest of Philcomsat Holdings Corporation, of which I am vice president. While my letter has not seen print, Mr. Agustin chose parts of it in a subsequent column and spiced them with his distortions. Selectively reprinting is unfair because, at the very least, it is not fair to Mr. Agustin. It is most unfair and unethical for Mr. Agustin to use his column for his personal interest, he being part of the crazy Ilusorio-Africa group that wants to take over PHC and its funds. It is my wish that my subsequent letters to the editor clarifying Mr. Agustin's "facts" will see print as is expected of any publication.

January 10, 2008

Dear Editor,

We write in regard to the Cocktales column of Mr. Victor Agustin on January 7, Monday. He started off by saying that Philippine Holdings Corporation is cash-rich. That is correct. The company has kept its finances in good stead.

PHC is making money and is being audited by an independent party. As always, we will share with the public the audit report once completed. There might be some delay though because of a group associated with Marcos cronies that has been trying to wrest control of PHC from us. The Ilusorio-Africa group broke into and took physical possession of our main office last month with the help of about 30 armed men together with lawyer Lorna Kapunan.

They carted away documents, and even Christmas giveaways and umbrellas. It was from these documents that Mr. Agustin said I ordered the hasty withdrawal of P400 million that cannot now be traced. That the amount was there just last month clearly shows the company is cash-rich and we, the present management, have been prudent.

What was not said by Mr. Agustin was that company funds are moved periodically to banks that offer the highest returns. What was not said by Mr. Agustin was that the Ilusorio-Africa group, of which he is part, tried to take control of PHC's funds held by the Bank of Philippine Islands just weeks before the Dec. 19 break-in.

Had they succeeded, the public might once again not know if their funds (PHC is a listed company) are properly maintained, spent, and invested. It must be recalled that the crazy group ALSO took physical control of the sequestered POTC and Philcomsat (the mother companies of PHC) over sequestered companies, to look into their books. These companies had almost P8 billion in assets at that time. How much is left, if any?

Mr. Agustin also said I "suspended" the

pute between former foreign affairs secretary Roberto Romulo and *The Philippine Star* in 2004. In June 2004, Romulo complained that the *Star* had vilified him in more than 30 articles over a period of 14 months and had refused to print his side. Romulo first sought the help of the press community to resolve the issue but he eventually filed for libel. Central to that incident was also the right of reply and the press community's ability to ensure that people subjected to inaccurate and otherwise unflattering reports could still exercise this right when it is denied them by a news organization.

The right of reply proceeds from the assumption that reportage is a continuing dialogue and

that those subjected to damaging comment or reports have the right to defend themselves in the same medium. Responsible press organizations recognize this right. Some media critics, however, argue that the right should be legally enforceable, since voluntary compliance as a function of self-regulation is unreliable. For example, the press community's inability to resolve the Romulo-*Star* row partly fueled ongoing efforts to enact a right of reply law.

Such a law would theoretically make it easier for aggrieved parties to present their side. But the press has opposed the bills that have so far been introduced in Congress, among other reasons because a right of reply law would constitute prior restraint. Editors are also concerned that such a law would impinge on the editorial prerogative to decide what to print and have argued that it isn't necessary, since most news organizations do recognize the right of reply. In brief, the argument is that a right of reply law would be contrary to Article III Section 4 of the Constitution, which mandates that "No law shall be passed abridging the freedom of speech, of expression, or of the press, or the right of the people peaceably to assemble

Locsin vs. Locsin

FREE Press publisher Enrique "Henry" Locsin just did the unthinkable. Not only did he sue fellow journalists, he even included in the complaint sheet his younger brother, Makati Rep. Teodoro Locsin Jr., who is listed as publisher of this newspaper.

Victor C. Agustin
COCKTALES



Makati Rep. Teodoro Locsin Jr.

several millions of money from a certain corporation for his own personal account," said Henry Locsin, who was a Malacañang board nominee to, and former chairman of, the publicly-listed Philcomsat Holdings Corp.

"[Cocktales] even imputed that millions of money were withdrawn by the complainant's group during the time that complainant was allegedly replaced by a new set of officers," he added.

Agustin received his dismissed

In addition to his brother, Henry Locsin accused Manila Standard president Rogelio Salazar and the entire editorial board of libel for what Cocktales had written on Dec. 19, saying that the column, "Locsin's private ATM," was full of "concocted allegations and fabricated conclusions."

The libel complaint was filed in Makati, Rep. Locsin's district.

"[The article] malicious and unwarrantedly portrayed the private complainant person who has with-



Victor C. Agustin

and petition the government for redress of grievances.”

The proponents of right to reply laws have softened their stance and even withdrawn their support for it after consultations with the press. Aurora Rep. Juan Edgardo Angara said he is no longer pursuing the passage of the right of reply bill (House Bill 00162) he filed in July 2007, which has been merged with Rep. Monico Puentevella’s version (HB 01001).

Last October, Sen. Aquilino Pimentel, the bill’s proponent in the Senate, also expressed willingness to support the voluntary right of reply on the condition that there be a working remedy to those cases when news organizations refuse to recognize this right.

These were welcome developments, since the proposed laws were flawed. Pimentel’s Senate Bill 1178 makes it compulsory for press organizations to publish or air the reply of the aggrieved party within 24 hours or be fined P10,000. Third time offenders would face a 30-day prison term on top of a P30,000 penalty. Puentevella’s bill even proposes a 30-day suspension of operations of the media organization that does not comply.

Enter the PPC

The press community already has in place the mechanism Pimentel wants. The Philippine Press Council (PPC) is a self-regulatory body within the Philippine Press Institute (PPI). It is charged with addressing ethical and other complaints against the press, and recognizes the right of reply of those parties with grievances against the print media (complaints against broadcast are addressed by the Kapisanan ng Brodcaster ng Pilipinas, or KBP). The PPC, composed of representatives from the media, the private sector, and academe, was organized so that complaints against the press could be resolved without intervention from the courts or other government agencies.

Aside from the PPC, there are also several citizens press councils in the provinces organized by the Center for Media Freedom and Responsibility (CMFR). These councils—there’s one in Palawan, and one each in Baguio City and Cebu—accept complaints from those abused or aggrieved by the news media, but who have been denied the opportunity to defend themselves.

PPC chair Gary Mariano said the council was already looking into the Locsin-Agustin issue but had to abandon its inquiry because of the council’s policy not

to entertain complaints when cases have been filed in court.

“I wish Mr. Locsin (had come) to the Council,” Mariano said. “But the Council is an option, not a requirement. I respect his decision to go to court [as he claimed in the *Star* ad] and to place that ad in the *Star*.”

Locsin, however, told *PJR Reports* in an interview that he did not file a complaint before the PPC because he did not know that such a council exists.

The lack of awareness about the PPC—in this instance, even by a news magazine publisher—underscores a nagging problem that has haunted not only the PPC but the citizens press councils in the communities as well.

In a forum on press councils CMFR organized in September 2006, PPI executive director Jose Pavia declared that the lack of public awareness had been a long-standing problem of the PPC.

Pavia said the PPC had begun an aggressive awareness campaign of going to all information offices of government agencies in Manila and some campuses to inform them about the Council. Two years later, however, the problem apparently remains—and it is especially ironic, the membership of the PPC being media organizations whose mandate is to provide the public information.

Pavia in fact went farther. He said many journalists themselves are not even aware of the PPC’s existence, not to mention what it’s for.

“The lack of awareness about the PPC has always been there, even in the press community,”

Pavia said. “Maybe they have heard of it but they don’t know what it can do.”

Attempts to inform people about the Council continue.

“Every time we have an out of town seminar for community journalists, there is a companion activity wherein Mr. Mariano talks with students, especially mass communication students about the PPC and journalism ethics,” Pavia said.

The PPI website, <http://pressinstitute.ph>, also contains guidelines on how people could seek relief from the PPC if and when they have problems with the media.

The PPC is not the only press regulatory body that has awareness problems. In a roundtable discussion on the state of the Baguio-Benguet Citizens Press Council (BBCPC) last Dec. 10, the participants also attributed the lack of complaints filed before the BBCPC press council to the fact that much of the public is unaware of both the existence of the council as well as, in general, the fact that the news media are mandated by ethical standards to correct errors, and to present all the relevant sides in a given issue. CMFR helped establish the BBCPC in 2005.

Mariano has a different take on the low number of complaints submitted to press councils. He said one probable reason for the paucity of complaints to the PPC is that editors nationwide do recognize the right of reply, which is why those who believe they have not been heard do not go to press councils but to the media organizations instead.

The glaring fact remains,



PPI’s Jose Pavia

however: by not providing information about press councils and other self-regulatory mechanisms, or providing too little of it, media organizations themselves are not giving the corrective capacity of the press councils much of an opportunity to flourish.

Toothless tiger no more?

Despite Mariano’s positive take on press recognition of the right of reply, Locsin’s being forced to file a libel suit against the *Standard* indicates that while some news organizations claim to recognize the right of reply, they throw all sorts of obstacles into its implementation, as is evident in the *Standard*’s multiple conditions it wanted Locsin to meet before publishing his letter. If the right of reply is to be of any use for those aggrieved by the media, the latter need to make it easy rather than difficult for that right to be exercised.

The sense among policy and law makers that the media are

arbitrary and arrogant in the exercise of their power in fact proceeds mostly from their personal knowledge of how often the media have been asked to provide space or air time to those they have maligned or otherwise mistreated, and have refused. The proponents of right of reply laws cannot be blamed for thinking that the only way to address the problem is to compel the media to observe the very ethical responsibilities the media themselves claim to recognize but often don’t practice.

Hopefully in recognition of the fact that unless the media practice what they preach, the PPI has tried to ensure that those with grievances against the press would no longer have to turn to the courts. In August 2006, the PPI Board of Trustees adopted a resolution binding PPI members to the PPC’s decisions. PPI members that do not comply with its decisions may be subjected to censure, a fine, suspension or termination of membership. Mariano said the resolution was adopted after the PPC was virtually ignored by the Filipino-language tabloid *Pilipino Star Ngayon*, which they were trying to communicate with due to a right of reply complaint in January.

Press councils are sometimes regarded as being more of a “moral instance that do not need to enforce (their) decisions than a jurisdiction of the profession.” Hopefully, this step taken by the PPI to strengthen the PPC’s oversight functions would finally dissuade the government from forcing the media to comply, ironically with their own standards.

The Philippine media should learn a lesson from the British experience. When public disaffection grew with the British Press Council’s performance in the 1980s, the government commissioned a study to determine “what measures (whether legislative or otherwise) are needed to give further protection to individual privacy from the activities of the press and improve recourse against the press for the ordinary citizen.” In June 1990, the commission recommended that the Press Council be replaced by the Press Complaints Commission. If in 18 months, it does not satisfactorily conduct its job, a “statutory system for handling complaints should be introduced.” The complaints commission has since been made to work for the simple reason that if self-regulation doesn’t work, the government will do the regulating. ■



The Cebu Citizens’ Press Council website: any complaints?

NATIONAL

High Court grants transfer of venue of trials in the killing of two journalists

THE SUPREME Court granted last March 18 a petition by the Freedom Fund for Filipino Journalists (FFFJ) and the National Union of Journalists of the Philippines (NUJP) to transfer the venue of the trials of suspects in the killings of two Aklan-based journalists to another branch of the Regional Trial Court (RTC).

The High Court approved the petition for change of venue and ordered the Kalibo RTC clerk of court to send all records on the cases of the suspects in the Rolando Ureta and Herson Hinolan killings to the executive judge of the Cebu City RTC. The Court also asked the Cebu City RTC to immediately raffle off the cases upon receipt of the records.

Two assailants on a motorcycle killed Ureta on Jan. 3, 2001 in Lezo town, Aklan. A lone unknown gunman shot Hinolan on Nov. 13, 2004 outside a carnival in Kalibo, Aklan and died two days after at a local hospital.

In its Feb. 5 letter, the FFFJ and the NUJP asked the High Court to transfer the venue of the trials of the suspects in the Ureta and Hinolan killings from the RTC of Kalibo, Aklan to any branch of the Cebu City or Makati City RTC "to avoid a miscarriage of justice and to dispel the impression that a culture of impunity encouraged by government inaction makes the Philippines 'the most murderous place for journalists'."

The FFFJ is a coalition of six media organizations formed in 2003 in response to the high number of journalist killings in the country. Its members are the Center for Community Journalism and Development, Center for Media Freedom and Responsibility, Kapisanan ng mga Brodkaster ng Pilipinas, Philippine Center for Investigative Journalism, Philippine Press Institute, and the US-based newspaper *Philippine News*.

FFFJ said that "(b)ecause of the clout and influence of the accused in the area as shown by their ability to unduly influence the investigation of the case, witnesses have been reluctant to break their silence and testify for fear of retaliation. To date the masterminds of the crime remain free as none of the law enforcement agencies dare to enforce the warrant of arrest against them and/or conduct further investi-

gation to shore up the prosecution's evidence."

The Ureta and Hinolan families said they were grateful for the approval of the petition.

"I'm really happy that the case was transferred...because it would be hard to achieve justice if [the suspect] is tried here in Kalibo," Aphrodite Hinolan, wife of Herson Hinolan, said.

"I feel more encouraged (that justice will be achieved) now that the case has been transferred to another venue," Rolando Ureta's widow Emely, said.

Judge grants TRO on trial of "masterminds" in journalist's killing

THE CEBU City Court of Appeals issued a 60-day temporary restraining order (TRO) on March 25 in the trial of the suspected masterminds in the killing of a journalist.

A three-page resolution penned by Associate Justice Francisco Acosta and co-signed by Associate Justices Pampio Abarintos and Amy Lazario Javier granted the Feb. 4, 2008 petition filed by Osmeña Montañer and Estrella Sabay, accused of ordering the March 24, 2005 killing of journalist Marlene Esperat, asking for the issuance of a TRO to prevent Cebu Regional Trial Court (RTC) Branch 7 Judge Simeon Dumdum from hearing the case.

The Cebu Court of Appeals has yet to issue a resolution on the petition for certiorari also filed by Sabay and Montañer on Feb. 4, 2008. A certiorari is a writ which could be issued by a superior court to a lower court to annul or modify ongoing proceedings if the latter judge acted on a case outside his jurisdiction.

Sabay and Montañer argued that Dumdum has no jurisdiction over the case since the Nov. 23, 2005 Supreme Court resolution approving the transfer of the case from Tacurong City, Sultan Kudarat to Cebu City, Cebu only applied to then accused Estanislao Bismanos, Rowie Barua, Gerry Cabayag, and Randy Grecia.

Cebu City RTC Judge Eric Menchavez had earlier sentenced Bismanos, Cabayag, and Grecia — the gunman, lookout, and co-conspirator — to life imprisonment on Oct. 6, 2006. Barua, who turned state witness, was discharged.

The Freedom Fund for Filipino Journalists (FFFJ) petitioned the Supreme Court on July 4, 2005 for the transfer of the Bismanos et.al. case to Cebu. The Center for Media Freedom and Responsibil-

ity is a founding member of FFFJ and serves as its secretariat.

FFFJ asked for the transfer in response to the safety concerns of the witnesses and the need for a more neutral court and environment, the accused being allegedly influential in Tacurong.

Esperat, who had written exposés accusing Montañer and Sabay of corrupt practices, was gunned down in full view of her children while the family was having dinner in their Tacurong City, Sultan Kudarat residence.

Sabay and Montañer were not included in the Supreme Court resolution granting the transfer of venue because Tacurong City Judge Francis Palmones, then presiding judge of the case, had dismissed the case against Sabay and Montañer even before the prosecution had presented evidence.

Private prosecutor Nena Santos said that the Montañer and Sabay petition for certiorari and TRO is "another scheme to get away with murder through technicalities."

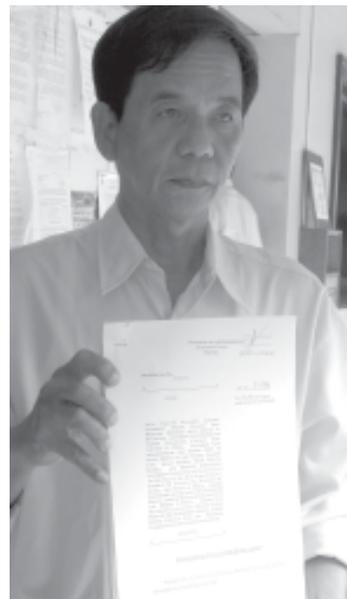
"I'm discouraged and saddened (by the issuance of the TRO), but I'm not giving up," Santos said. She filed a letter to the Supreme Court on March 24, 2008 asking for a "declaratory resolution" on the case's change of venue. In her letter, Santos asked for the Supreme Court to state "that only the Supreme Court has sole authority to act on matters affecting the change of venue of trial in criminal cases and that (the Nov. 23, 2005 Supreme Court resolution ordering the transfer of venue) clearly subsumes and encompasses the trial" of Sabay and Montañer.

Santos also asked for the Supreme Court to require the accused to explain why they should not be cited for contempt since the issue of transfer of venue has already been resolved by the Supreme Court, to direct the Cebu Court of Appeals to dismiss Sabay and Montañer's petition for certiorari, and to direct the Cebu RTC branch 7 to proceed with the case.

"Considering the absurdity of the position the accused have now taken, i.e., that the case should be returned to Tacurong City, or refiled in Cotabato City, we feel that it behooves the Supreme Court as a court of law and equity to use its plenary power to assist the People of the Philippines, private complainants and the media group in obtaining a speedy, just and inexpensive determination of this only media murder case where the masterminds have long been identified,

investigated, re-investigated, charged and re-charged but never arrested and brought to trial," Santos said in her letter.

Dumdum issued arrest warrants for Sabay and Montañer on Feb. 4, 2008, but the two were never arrested.



Baculo

MELANIEY. PINLAC

Supreme Court issues first writ of amparo

THE SUPREME Court granted the first writ of amparo for a journalist last March 11.

Journalist Nilo Baculo filed an application for the writ when he learned of a plan to kill him, allegedly by people whose wrong doing he had exposed.

In a four-page resolution, the Supreme Court, sitting en banc, issued a writ of amparo in behalf of Nilo Baculo Sr., publisher of the community newsletter *Traveler's News* in Calapan city, Oriental Mindoro.

Baculo asked the High Court on Feb. 4 to issue him a "temporary protection order" under Section 14 of the Rule on the writ of amparo after an alleged hired killer told him he had been hired to kill the journalist by a local businessman and two local officials of Calapan City. All had been the subject of Baculo's exposés, and were named respondents in Baculo's petition.

Baculo was elated that the High Court had approved his petition. "I am inspired...because there is still justice in the country," he said in Filipino.

Baculo also said that he will carry on his fight against corruption and anomalies in his community. Baculo, with the help of his children, continues to publish his weekly newsletter *Traveller's News*.

The writ of amparo is "a remedy available to any person whose right to life, liberty and

security is violated or threatened with violation by an unlawful act or omission of a public official or employee, or of a private individual or entity."

The implementing guidelines for the writ were issued by the Supreme Court on Sept. 25, 2007, in light of the rampant extrajudicial killings and enforced disappearances in the Philippines. The writ took effect on Oct. 24, 2007.

Suspect in 2004 killing of journalist surrenders

THE SUSPECT in the 2004 killing of radio broadcaster Herson Hinolan surrendered on March 5 to the Kalibo Regional Trial Court (RTC) Branch 7 in Aklan, after a key witness retracted his earlier testimony against the suspect.

Alfredo Arcenio, former mayor of Lezo town in Aklan, surrendered to Kalibo RTC Branch 7 Judge Virgilio Paman at around 3:10 p.m., said Aklan regional police director Supt. Benigno Durana Jr. Durana said Paman informed the police of Arcenio's surrender and has asked for additional security personnel. Arcenio was immediately turned over to the Aklan Rehabilitation Center, the local penal facility.

Hinolan was shot on Nov. 13, 2004 outside a local carnival. Witnesses allege Arcenio was the one who shot Hinolan and fled on board a motorcycle driven by another man. Two days later, Hinolan died at a local hospital due to multiple gunshot wounds. Hinolan was the station manager of dyIN Bombo Radyo in Kalibo where he hosted a program called "Bombohanay".

Durana said the police have been receiving unconfirmed reports that Arcenio would turn himself in a few days before the surrender. Arcenio had been free despite an arrest warrant issued by the local court against him on Sept. 7, 2006. Arcenio, who was a former intelligence officer of the Army, had supposedly disguised himself as a woman. The Philippine National Police offered a reward of P100,000 for his arrest while the Department of Justice (DoJ) issued a hold departure order against him to prevent him from leaving the country.

Arcenio, accompanied by his lawyer Lou Tirol, immediately filed a petition for bail before the local court. Though Arcenio is charged with a capital offense, bail could be granted if evidence against him is weak.

Arcenio's surrender was pre-

ceded by the retraction of witness Peter Melgar, who submitted an affidavit of desistance on February, withdrawing the statement he gave in 2004 identifying Arcenio as the gunman.

Bombo Radyo Kalibo station manager Jan Allen Ascaño said that Melgar stated in his retraction that he was not sure that it was Arcenio who shot Hinolan. After almost four years, Melgar claims that it was a case of mistaken identity.

"Masama ang loob ko sa nangyayari sa kaso (I feel bad with what's happening to case)," Aphrodite Hinolan, wife of Herson Hinolan, said. She said Arcenio could have paid off Melgar to retract his statement. Melgar has left the DoJ Witness Protection Program, Hinolan said.

Senior state prosecutor Leo Dacera of the DoJ's WPP said the DoJ lost contact with Melgar this February. The last time the DoJ had any contact with Melgar was when he claimed his subsistence allowance from the DoJ's WPP.

Lawyer Napoleon Oducado, private counsel in the Hinolan case, said in an interview with Bombo Radyo Kalibo that the case against Arcenio remains strong despite Melgar's retraction because there is another eyewitness who had identified Arcenio as the shooter.

The Supreme Court has recently approved the petition for change of venue filed by the Freedom Fund for Filipino Journalists and the National Union of Journalists of the Philippines in February 2008 for the case of Hinolan and another Aklan-based reporter Rolando Ureta (see related story "High Court grants petition for transfer of venue of the trials in the killing of two journalists").

News network prevented from aerial coverage

THE AIR Transport Office (ATO) prevented aerial news coverage by a local TV news network of the largest protest rally against President Gloria Macapagal Arroyo since a scandal over a national broadband network deal broke out. ATO declared the air space above Makati City where the Feb. 29 rally was held a "no fly zone".

The news helicopter of ABS-CBN 2 could not take off as a result, thus preventing reports and photographs from the air that could have given the public an idea of how large the rally was.

The ATO directive was issued upon the request of the Philip-

pine National Police (PNP) on Feb. 27. The PNP website said that the ATO directive was "another precautionary measure" to ensure the safety of those attending the rally. But ATO Executive Director Daniel Dimagiba was quoted as saying that the directive was aimed at stopping speculations that protestors were under surveillance by government forces during the event.

According to ABS-CBN 2 newsgathering head Charie Villa, the network received a copy of the directive just hours before the protest rally was about to begin.

The ban lasted from 5 p.m. to 8 p.m., or about the same time the rally started and ended. The PNP estimated the crowd at around 10,000 to 15,000, while organizers estimated attendance at 75,000.

The protest rally, which called for the resignation of Mrs. Arroyo, was one of many provoked by allegations of gross corruption in a government project to build a national broadband network allegedly involving millions of dollars in kickbacks for high-ranking government officials. Both Mrs. Arroyo and husband Jose Miguel "Mike" Arroyo have been implicated by three insider witnesses.

Villa said they were fortunate that the network had set up a back-up camera at the Ayala tower, a commercial building located near the rally site. But Villa said ABS-CBN 2 coverage was hampered anyway.

ATO is the government agency responsible for commercial licensing of pilots, registration of aircraft, and recording of various aeronautical activities connected with commercial aviation. ■

INTERNATIONAL

Irish newspaper wins appeal on libel case verdict

THE COURT of Appeals of Northern Ireland overturned on March 10 an unprecedented jury verdict directing local newspaper *The Irish News* to pay libel damages amounting to £25,000 to a restaurant for a critical food review.

Northern Ireland Lord Chief Justice Brian Kerr with two other Appeals court judges approved the appeal of the Belfast-based newspaper to overturn the jury's verdict on the libel case against *The Irish News* filed by the owner of Goodfellas Pizzeria, Ciarnan Convery.

The Irish News appealed the jury's verdict on the libel case which ordered it to pay £25,000 to Convery for damages. The newspaper said that the review written by Caroline Workman consisted of fair and honest comments.

Convery sued *The Irish News* for libel for the August 2000 review of his restaurant saying that the pizzeria has lousy service and cheap food ingredients.

Chief Justice Kerr also ordered a retrial of the case saying that the jury was misdirected during the trial. According to the London-based newspaper *The Times*, Kerr also said that "the question of malice has not been decided by the jury and this therefore remains an issue that requires to be determined, if it is concluded that the defense of fair comment is otherwise available."

The Associated Press (AP) reported Kerr as saying that the outcome of the previous trial could have been in favor of the newspaper if the jury was properly guided by the trial judge on what to do.

Workman was delighted by the court decision. "I am very relieved. I think it is a good day for restaurant trade of Northern Ireland," she told the *The Times*.

The Irish News editor Noel Doran told the *The Times* that "It is a great victory for *The Irish News*. We came here to prove a point of principle and we have been vindicated."

Convery plans to file another lawsuit against *The Irish News*, according to the AP report.

Crackdown over Tibet and Olympic protests continues

RIGHTS ACTIVISTS protesting the Chinese crackdown in Tibet, including three members of Reporters Without Borders (RSF), were arrested on March 24 for disrupting the Olympic flame-lighting ceremony in Olympia, Greece.

RSF secretary general Robert Ménard and two other RSF members unfurled a banner of the Olympic rings transformed into handcuffs and called for a boycott of the opening ceremonies of the Beijing Games in August.

The incident occurred as Liu Qi, president of the Beijing Organizing Committee, was addressing thousands of dignitaries, Olympics officials and spectators, minutes before the flame was lit at the ancient Greek temple of Olympia amid a security detail of 1,000 police officers and commandos. The March 24 ceremony marks the official

countdown to the Games.

According to RSF, Chinese state television cut to a pre-recorded scene during the disruption, and Greek national television broke off its broadcast.

Moments later, about 10 Tibetan activists marched out of a hotel in Olympia and shouted slogans against Chinese rule in Tibet. One woman doused in red paint lay down in the town's main street in front of a torch runner.

Police detained the three RSF members and some of the Tibetan activists. The RSF members were accused of showing "contempt for national symbols" and will go on trial on May 29.

"We cannot let the Chinese government seize the Olympic flame, a symbol of peace, without denouncing the dramatic situation of human rights in the country," RSF said in a statement.

RSF, along with other International Freedom of Expression Exchange (IFEX) members, has condemned China's human rights violations and the crackdown on press freedom in the face of rising civil unrest in Tibet.

Founded in 1992, IFEX is a global network of non-government organizations that seeks to promote and defend freedom of expression. The Center for Media Freedom and Responsibility is an IFEX member.

Human Rights Watch says the Olympics officials' resolve to run the Olympic torch through Tibet's capital Lhasa on June 20-21 could invite new protests and provoke further repression. "Either Tibet is open or it's not. If it is, let independent monitors and the media go there. If it's not, the torch shouldn't go there either," says Human Rights Watch.

China has faced a public relations disaster since protests erupted in Lhasa on March 10, the 49th commemoration of a failed uprising against Chinese rule, and spread through Tibet and neighboring provinces. The Chinese authorities responded by dispersing the protests, in some cases violently. The government says 22 people have died in the clashes but the toll has been impossible to confirm because of a news blackout imposed by China in the country's interior. Tibetan exile groups say at least 80 people have been killed.

According to the Committee to Protect Journalists (CPJ), state media have not reported the spread of violence into western China. The government censors have access to overseas reports and online discussion, leaving many in China uninformed about the extent of the turmoil. Mean-

while, the state press is relaying one-sided statements by officials raging against the "Dalai Lama's clique", "rioters", and foreign news media, says RSF.

The Chinese government continues to ban and expel foreign journalists from Tibet and the neighboring provinces of Gansu, Qinghai, and Sichuan, as well as the capital, Beijing, say RSF and CPJ. Journalists have been temporarily detained and followed. RSF has recorded more than 40 serious violations of the rights of foreign journalists since the protests erupted on March 10.

Meanwhile, lines of communication have been cut or heavily restricted. International radio stations have been jammed in Tibet and Internet café owners are being forced to increase the surveillance of clients to prevent photos and videos from being sent abroad, reports RSF. At the same time, telephone services are still subject to extensive disruptions.

Nor is the crackdown contained within China's borders. Police in Nepal broke up a protest near the UN offices in Kathmandu by hundreds of Tibetan refugees and monks on Monday. The protesters, who were demanding a UN investigation into the crackdown, were beaten with bamboo sticks and at least 40 were arrested, say news reports.

Human Rights Watch has urged Nepal to stop doing "Beijing's bidding" and end its crackdown on Tibetan exiles protesting against China. Nepal, home to thousands of Tibetan refugees, has said it will not allow protests against any "friendly nation," including China.

IFEX members RSF, CPJ, Human Rights Watch, as well as ARTICLE 19 and the World Association of Newspapers (WAN) are demanding that the Chinese government lift its lockdown of all Tibetan areas and give media and independent observers full access.

Human Rights Watch and RSF are also calling for an independent investigation, ideally headed by the United Nations, into recent events in Tibet. - IFEX

Egyptian editor sentenced to six months in jail

AN EGYPTIAN misdemeanor court has sentenced Ibrahim Eissa, editor in chief of the independent daily *Al-Dustour*, to six months in prison for "publishing false information and rumors" about President Hosni Mubarak's health. The court



Mubarak

WWW.MSN.ENCARTA.COM

said the articles were likely to disturb public security and harm the country's economy.

Eissa was forced to post 200 Egyptian pounds (Php 1,500) as bail to halt implementation of the court's ruling until appeal. Eissa's lawyers told the Committee to Protect Journalists (CPJ) that they would appeal the "politically-motivated verdict".

Eissa, who has been dogged for several years by criminal prosecutions, was charged under the Penal Code in September for publishing reports about Mubarak's health that were "liable to disturb public security and damage public interest." The case was first hastily submitted to the Emergency State Security Court, a special tribunal that does not allow for appeals and rarely issues acquittals. But it was examined later by a misdemeanor court following a local and international outcry.

Eissa's prosecution occurred after First Lady Suzanne Mubarak told the satellite television station Al-Arabiya that her husband's health was "excellent" and that "there must be punishment either for a journalist, a television program, and newspapers that publish the rumors (saying the contrary)."

Al-Dustour was neither the only nor the first Egyptian paper to speculate about Mubarak's health. But Eissa's critical and sarcastic articles, particularly one published at the end of August in which he said the president in Egypt "is a god and the gods don't get sick," prompted anger in official circles and was used later to prosecute him.

"The verdict is a strong message from the regime to warn every journalist against the danger of getting close to the president or criticizing him," Ibrahim Mansour, *Al-Dustour* executive editor, told CPJ. "This is mere schizophrenia. Because they keep

claiming that they are committed to freedom of expression at a time when they are issuing court decisions to jail journalists."

Eissa told CPJ that he currently faces eight cases, most of them filed by members of the ruling National Democratic Party headed by Mubarak, who will turn 80 in May. They accuse the editor of tarnishing the image of the country and harming the reputation of its leaders, in reaction mainly to articles critical of Mubarak's lengthy rule and of the rumor that his son, Gamal, is being groomed for power.

In May, CPJ designated Egypt as one of the worst backsliders on press freedom, citing an increase in the number of legal and physical attacks on the press.

Billion-baht defamation suits filed against columnist, former parliament member

TESCO LOTUS, one of the biggest retailers in Thailand, has filed two staggering defamation cases against a Thai columnist and a former Parliament member, sending a strong message to civil society and the press to tread carefully before criticizing the retailing giant in Thailand, the Southeast Asian Press Alliance (SEAPA) reports.

Tesco Lotus sued columnist and academic Kamol Kamoltrakul and former Thai National Legislative Assembly (NLA) member Jit Siratranont for 100 million baht (approximately Php 132 million) and one billion baht (approximately Php 1.32 billion), respectively, after they criticized and questioned the aggressive expansion strategies of Tesco Lotus in Thailand.

The British newspaper *The Observer* quoted a Tesco spokesman as saying that they "have issued proceedings against two

individuals in connection with a sustained campaign of false and misleading statements about Tesco Lotus in Thailand. The suggestion that profits from Tesco Lotus are not reinvested in Thailand is blatantly untrue. The reality is that we have invested well.... While we believe people are entitled to their opinions, it is our belief that in these cases Tesco Lotus was seriously defamed. Both cases are being dealt with by the Thai courts and we await the outcome. We regret that we have had to resort to this action and hope the matter can be resolved by agreement."

Siratranont, currently the secretary general of the Thai Chamber of Commerce, was quoted by *The Observer* as saying in a speech to 150 activists: "The large-scale expansion of the big retailers must be exercised with great care — not too aggressively and too rapidly — to reduce the potential tension, which could lead to serious conflict. There is also the need for the small retail traders to adjust to changes. Tesco Lotus must take all of this into account."

Kamol was sued for an article published in the Thai-language *KrungThepTurakit (Bangkok-BizNews)*, which expressed generally the same concerns about Tesco Lotus' aggressiveness, and also what the columnist suggested was the retailing giant's weak social responsibility in Thailand.

Both Siratranont and Kamol acknowledged erroneously saying that Tesco Lotus' Thailand operations accounted for as much as 37 percent of the UK-based Tesco's global revenue, but stressed that this did not detract from the main message of their concerns — concerns which, in any case, were of legitimate public interest in Thailand.

The expansion of foreign retailing chains in Thailand has long been a major political issue as it undercuts tens of thousands of small retailers across the country, SEAPA says.

Established in Bangkok in November 1998, SEAPA is a coalition of five media advocacy organizations around Southeast Asia that aims to unite independent journalists' and press-related organizations in the region into a force for advocacy and mutual protection. The Center for Media Freedom and Responsibility is a founding SEAPA member.

SEAPA sees the Tesco Lotus suits as harassment, pure and simple, not only of consumer advocates and Thai civil society actors, but of journalists and commentators in general. —SEAPA ■

2008 JVOAEJ focuses on corruption, human rights and environment

THE 2008 Jaime V. Ongpin Awards for Excellence in Journalism (JVOAEJ) will focus on corruption/governance, human rights and environmental issues.

This was among the changes announced in the country's most prestigious journalism awards by the Center for Media Freedom and Responsibility (CMFR), which administers the JVOAEJ.

CMFR executive director Melinda de Jesus said the changes are being introduced in recognition of the urgency of encouraging journalistic excellence in addressing corruption/governance, human rights, and environmental issues.

The country has been rocked by one corruption scandal after another, even as the human rights situation and environmental degradation have worsened.

CMFR also announced that a Board of Judges is being constituted to decide on who the 2008 JVOAEJ awardees will be. The selection process goes through several stages. CMFR conducted the first late last year, the independent scan of the major news publications to collect articles on the basis of minimum criteria, length and time of publication.

Articles submitted earlier were screened by a committee of journalists and academics last April 3 and 4. CMFR has also received for screening nominations by editors and reporters of in-depth reports published in 2007. Articles submitted to the Board of Judges do not have to be nominated by the news organization.

The articles that pass the screening stage used to be classified into investigative and explanatory articles and were then forwarded to Boards of Judges in the politics and governance, business and economics, and environment and social issues categories. A "superboard" then decided on a list of ten finalists at most, from which three awardees each from the investigative and explanatory categories were drawn.

CMFR said that for the judging this year, a superboard will no longer be constituted, and no distinction will be made between articles published in weeklies and dailies. A Board of Judges, which includes members

of the Screening Committee to assure continuity in the process, will instead decide on one awardee for each of the three categories mentioned above. The winning articles can be either investigative or explanatory reports, and will receive the usual cash prize of P70,000 each. Other meritorious investigative/explanatory articles will also be recognized and accordingly awarded.

The recipients of the Marshall McLuhan Prize and Australian Ambassador's Award will be chosen from among the awardees by the Canadian and Australian embassies in consultation with CMFR. The awardees will be presented in a ceremony preceded by the JVOAEJ journalism seminar, which this year will be on June 26.

New investigative journ group formed

A GROUP of veteran journalists has established VERA Files, which they said will be doing in-depth and investigative stories on Philippine issues. Vera is Latin for "true."

According to Ellen Tordesillas, one of its trustees, VERA Files will provide relevant information about current Philippine issues thru stories with background, context, and perspective. It aims to help make the public understand these issues so it can make informed decisions.

The new group's first story, on the Spratlys issue, was published on March 10 in several Manila newspapers, followed by a series on the biofuels law on April 7 and 8.

In addition to *Malaya* columnist and Jaime V. Ongpin Awards for Excellence in Journalism (JVOAEJ) first-prize winner Tordesillas, the trustees and main writers of VERA Files are Yvonne Chua and Luz Rimban, who are both JVOAEJ Hall of Famers; Chit Estella, former *PJR Reports* editor; Booma Cruz, formerly of *Pinoy Times*; and Jennifer Santiago of *BusinessMirror*.

Chua and Estella are both faculty members of the Department of Journalism of the University of the Philippines, while Rimban teaches at the Ateneo de Manila Department of Communication.

Tirol resigns as PDI ombudsman

LORNA KALAW-Tirol, former editor of the *PJR Reports*, has officially resigned as the press

ombudsman/readers' advocate of the *Philippine Daily Inquirer*. Tirol, who held the position for three years, was the fourth ombudsman of the newspaper. The *Inquirer's* previous readers' advocates were Domingo Quimlat, Alice Colet Villadolid, and Raul Palabrica.

The press ombudsman—also referred to as news ombudsman, public editor, readers' representative, or readers' advocate—acts as a liaison between readers and the newsroom, trying to make both parties understand each other. The ombudsman has a mandate to represent the readers in the newsroom, addressing their concerns about the newspaper's work. S/he thereby assures that fairness, accuracy, and balance are being met in news reports.

The role is usually given to long-term practitioners. It is commonly assigned to a newspaper insider, sometimes assumed by the publisher or editor; to an outsider, to provide an extra level of independence; or to someone appointed by the government (as in the case of Sweden). Some ombudsmen work on a contractual basis while most are on the newspaper's regular payroll.

The press ombudsman system originated in Japan in a Tokyo daily in 1922 and was later developed in the US in 1967. It was then adopted by such countries as UK, Ireland, Canada, and those in Europe, Latin America, and Asia, many years after. It was meant to provide an independent, self-regulatory mechanism to ensure transparency and accountability in news gathering and dissemination—a crucial task in establishing and sustaining newspaper credibility before the public.

Despite what a press ombudsman can do in the newsroom, the concept has not achieved universal acceptance in the media. According to the European Journalism Observatory, there are roughly 90 press ombudsmen internationally as of 2007. In the US alone, the number of press ombudsmen is declining as news organizations abolish the position for economic reasons despite several US studies suggesting that the position has a positive effect on improving newspaper credibility and over-all quality.

In the Philippines, the role has already been tried and tested by many newspapers. The *Inquirer*, *The Philippine Star*, the *Manila Bulletin*, *The Manila Times*, *Malaya*, and *BusinessWorld* and the now-de-

funct *The Manila Chronicle* and *Philippine Times Journal* are among the newspapers that, at least once, employed ombudsmen in their newsrooms. History has shown that as in most other countries, the press ombudsman system does not work in the Philippines either, and only the *Inquirer* has retained the position of ombudsman, or readers' advocate.

According to Vergel Santos, chairman of the editorial board of *BusinessWorld*, the main reason why press ombudsmanship is deemed ineffective is because the role "has an inherently ethical anomaly." He said that the nature of the job makes it unclear whose interests press ombudsmen represent. "Newspapers have profit interests. A press ombudsman represents the public interest, but is being paid by people who have private interests," Santos argued.

Newspapers employ a press ombudsman to impress on the public that they put a premium on their readers' concerns, but its limits are not properly defined. Santos said that some go beyond their duties and meddle in tasks that are not included in their job descriptions. This situation blurs a press ombudsman's lines of authority, creating conflict within the ranks in the newsroom.

But for Jose Pavia, executive director of the Philippine Press Institute, the failings of press performance monitoring institutions initiated in the country by the media themselves can be attributed to the low turn-out of complaints. Some people are too focused on other engagements and tend not to complain, while others are contented with buying tabloids which feed them the news that they want and which they therefore would not criticize. He said that with the small number of complaints, newspapers would think twice before employing press ombudsmen.

The history of the Philippine media has shown that at least initially they are motivated not by the public's right to and need for information but by private and political interests, the media being multi-million business propositions and as well as political weapons. Those who are supposed to represent public interest within the media, such as press ombudsmen, are pressured to prioritize the media's private and political interests first. The press ombudsman system thus tends to be a vulnerable regulatory mechanism most espe-

cially in the commercially- and politically-driven media in the Philippines.

Book on Manila Chronicle story released

A BOOK that recounts a timeless existence of the convergence between the forces of the Philippine media and politics, *The Power and the Glory: the Story of the Manila Chronicle 1945-1998*, was recently released.

Authored by historian Raul Rodrigo, *The Power and the Glory* deals with the entire saga of *The Manila Chronicle* from the time it was put up by a group of journalists led by ex-*Tribune* staff Roberto Villanueva in 1945 until its tragic downfall in 1998.

The *Chronicle*, acclaimed as one of the finest newspapers ever to be printed in the country, served as "both recorder and actor in some of the most significant moments in Philippine history." It has produced four Filipino winners of the Ramon Magsaysay Award for Journalism, Literature, and Creative Communication Arts, namely: Zac Sarian, Raul Locsin, Sheila Coronel, and Eggie Apostol. The Lopez family led the newspaper from 1947 to 1993.

The Eugenio Lopez Foundation published the book.

Washington Post reporters bag 2008 Selden Ring Award

DANA PRIEST and Anne Hull of *The Washington Post* took home the 2008 Selden Ring Award for Investigative Reporting for their series of reports on the deep and widespread problems at the Walter Reed Army Medical Center.

Priest and Hull's story, "The Other Walter Reed", exposed the poor condition and bad management at the hospital. Their investigation led in the dismissal of leading Army officials and the improvement of the system for treating military outpatients. The *Washington Post* started publishing the reports in Feb. 2007.

The Selden Ring Award for Investigative Reporting honors journalists whose investigative reporting "informed the public about major problems or corruption in society and yielded concrete results." The award is presented annually by the Annenberg School for Communication at the University of Southern California. ■

OBIT

BARNES, 63

TELEVISION JOURNALIST and newscaster Carol Barnes died of a stroke last March 8 in Brighton, England. She was 63.

At a time when looks are given much weight in the selection of female newscasters, Barnes stood out to prove she was far more than that. A combination of intelligence, passion, and glamour, Barnes started as a scriptwriter for *Independent Radio News* in the early 70's and moved to BBC Radio 4's *The World at One* in 1974.

In 1975, she became a reporter for ITN and anchored, among others, its flagship news program *News at Ten*. She also became part of the morning newsmagazine program *Channel 4 Daily* produced by ITN and aired over the British TV station Channel 4.

Barnes covered varied assignments, from Ayatollah Khomeini's exile in France in 1979, Brixton riot in 1981, down to the tragic death of Princess Diana in 1997. Her stint in ITN included her anchoring of the financial program *Simply Money* and current affairs *Seven Days*.

Barnes reportedly suffered from depression when her daughter by former partner and fellow journalist Denis MacShane, died in an accident in 2004. This led her to elude television work for a while. During this time, however, she worked as a columnist for the magazine *Absolute London*. Barnes also spearheaded a number of conferences which included a summit on age discrimination.

MCNICOLL, 93

DONALD MCNICOLL, a Scottish journalist who worked for the Associated Press (AP) for 33 years, died on Feb.25. He was 93.

McNicoll's 72-year career in journalism was primarily devoted to AP, first as the news agency's London desk head and later as its world desk head. While in AP, he wrote the AP Manual *News Agencies and the Law*, a guidebook discussing libel, and introduced AP-Dow Jones Financial News Service. McNicoll reported Winston Churchill's death and viewed it as his most remarkable work for the news agency.

Known for being a strict and meticulous editor, McNicoll trained his staff with the right journalistic skills, enabling them to be competitive with rival news organizations Reuters and United Press International. When computers were first introduced in the newsroom in the early 1970s, McNicoll took part in the negotiations after some employees contested the change.

McNicoll was elected head of the National Union of Journalists (NUJ) in AP for 20 years and chaired Fleet Street News Agencies' branch of NUJ.

McNicoll retired from AP in 1979, after which he continued to write, covering the environment and forestry beats. He also taught at the London School of Journalism for almost 30 years, serving as its deputy head from 1965-75.

RODERICK, 93

JOHN RODERICK, one of the most well-known foreign correspondents in Associated Press (AP), died on March 11 at the age of 93.

He joined the news agency's Portland bureau in 1937 and later its Washington office in 1942. Roderick's most notable report was his coverage of the civil war in China in 1946.

The relationship he established with communist leaders when he was covering the renewed civil war between the communists and the nationalists after World War II enabled Roderick to help pave the way for China's "reopening" to Washington after years of hostility, which eventually led to then President Richard Nixon's visit to China.

His fascination with China led him to write the book *Covering China*, which detailed the many conversations and encounters he had with Mao Zedong, Zhou Enlai and other top Chinese communist leaders.

Roderick also reported in 1948 the assassination of Count Folke Bernadotte, a United Nations mediator in the Arab-Israeli conflict, and the defeat of the French Union Forces in the Battle of Dien Bien Phu in Vietnam in 1954.

Roderick was named AP special correspondent in 1977 and received the Order of the Sacred Treasure, an award given by the Japanese government, in 1985. ■

THE JUSTICE BEAT

REPORTING BAR EXAMS AND EARTH-SHAKING DECISIONS

■ By Marieton Pacheco

I WILL never forget the Supreme Court's 84-page decision on the legality of the Expanded Value Added Tax (EVAT) Law. Barely a week into covering the judiciary, I could not believe that I had to produce a report on the decision, which the High Court's Public Information Office had distributed at 6 p.m. — 30 minutes before our network's primetime newscast. I distinctly remember that while former SC spokesman Ismael Khan Jr. was giving a press conference to explain the court's decision on the added tax that would further burden Filipinos, I was already in front of the cameras explaining to viewers why the EVAT was inevitable. This despite the fact that I had not read the main petition, nor the arguments for and against it.

It was my baptism of fire. While I would rather forget about my live report that night, I learned three important things about covering the judiciary during that two-and-a-half minute experience.

First, I am not expected to fully explain all the ramifications of the Supreme Court decision. My role as a justice beat reporter is to inform the public that the court has decided on an issue, and then to make the issue understandable to ordinary viewers in the two minutes that I have to do the report.

Second, it pays to do your homework. That means reading the petition when it is filed so you have enough background to understand and to be able to explain the case once the decision is issued.

And third, don't forget to ask why it's important. Sometimes we get so caught up in the legal arguments that we tend to take for granted why we do reports on court decisions in the first place. Many resolutions emerge from the Supreme Court's en banc sessions, but only a few are printed in the newspapers or aired over radio and television. There must be a reason why. Knowing why the decision is important makes it easier to go straight to what it means for the ordinary viewer.

My three years in the judiciary beat may seem relatively short compared to the terms of those who have been there for as long as some of the justices themselves. There are only a handful of these veterans. Lucky for us newbies, these veterans of

the beat never fail to share with us inside information and even insights when they are most needed.

While it takes some time to build trust among old and new reporters alike, I believe there will always be those who deserve our trust outright. We call them "kaka" in the beat, and no further introduction or explanation is necessary.

Other reporters have come and gone to and from that small press room at the Department of Justice (DoJ) building along Padre Faura. Many get reassigned to juicier beats, but given the choice, I have always wanted to stay. For me, there is nothing like covering the judiciary. Let me tell you why.

It is about seeing a pregnant woman jump for joy upon learning she has passed the Bar exams, as well as the long faces and tears of those who failed, and the clapping and cheering and shouting of those who made it as they search for their loved ones' faces in the crowd.

It is about feeling your back ache and your butt go numb as you sit through 10 hours of oral arguments, witnessing how the Supreme Court justices think just by listening to the questions they ask during the proceedings. It is watching that high profile and brilliant lawyer stutter and buckle as he tries to answer the

questions thrown at him by the justices. It is also about betting with your fellow beat reporters on who will lose or win a case based on the oral arguments presented.

While many dread the long hours, fellow beat reporter Joseph Morong from GMA-7 says it is actually what he likes most about the judiciary beat. He says he sees democracy in action when covering oral arguments, and how the principle of checks and balances operates, especially in cases where certain acts and policies of the executive department such as the Calibrated Peemotive Response policy, Presidential Proclamation 1017, and the People's Initiative are questioned.

Covering the judiciary also means interesting reading and a quick political education once you refuse to be intimidated by the thick *ponencias* or decisions by the High Court. The issues that have reached the court vary from the legality of the President's state of emergency proclamation to a person's sex change. Sometimes it is entertaining enough to just read and listen to legalese that even lawyers themselves find hard to understand. Add to that the pressure of translating the court's work into something the ordinary viewer or reader can appreciate — while you're trying to beat a deadline. I mean, lawyers

have days to go over the court's decision before they comment on the issue at hand, but justice reporters have only an hour or two to file their stories. It is no mean feat for people who have never been to law school.

Covering the justice beat also means listening to, waiting for and sometimes even anticipating what Justice secretary Raul Gonzalez will say next. Covering the judiciary also means covering the colorful, often-criticized man behind the DoJ as well. While many cringe in expectation, I for one admire Secretary Gonzalez for saying the unexpected — whether it be on the President's enemies, the DoJ's cases, or even Susan Roces.

And yes, it is about the friendships among court reporters. Among members of the Justice and Court Reporters Association or JUCRA, every good thing, whether big or small, is celebrated. Pizza, pancit, ice cream, and more are but regular fare as we celebrate birthdays, new

reporters assigned on the beat, banner stories, new cell phones, promotions, and even our own children's accomplishments in school! I think it is our way of reminding each other to always look at the glass as not half empty but half full.

Lastly, and perhaps most important of all — covering the judiciary enables us to inform people about the law. For many who have never really read the Constitution from its preamble to the end, covering the justice beat is almost like taking Law 101 — and it is something we as well as our readers or viewers learn not from teachers or books but from real people's experiences with the law through the stories that we tell. Most of us hope to remind people of their rights as individuals. We hope to remind them of their rights as citizens of this country, and to instill in them the faith that they should not lose hope in the justice system even if it has been criticized often. We can sense ourselves succeeding in some cases, but failing in some. But that's the way it is in the justice beat. ■

Marieton Pacheco covers the justice beat for ABS-CBN 2.

