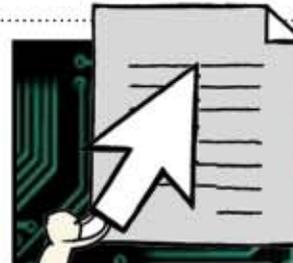




LIFE AS CORRESPONDENT
**SOME STORIES ARE
WORTH DYING FOR**

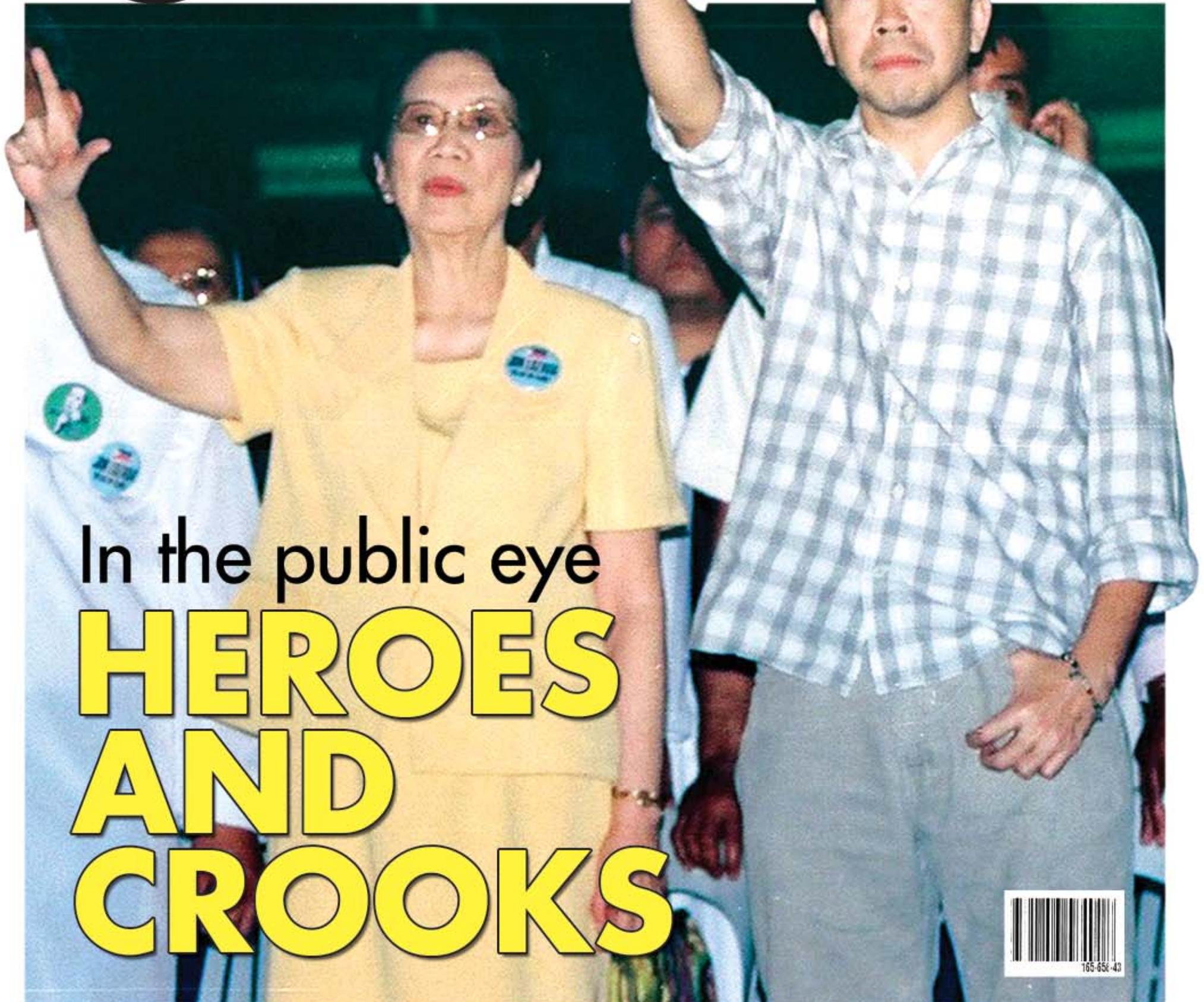


**DREAMING
OF ONLINE
JOURNALISM**

PJR REPORTS

Published by the Center for Media Freedom & Res

MARCH 2008



In the public eye
**HEROES
AND
CROOKS**



EDITOR'S NOTE

PJRREPORTS

PUBLISHED BY THE CENTER FOR MEDIA
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Dangerous times

HE WASN'T referring only to journalists when he declared these dangerous times "for those who report the truth." But Chief Justice Reynato S. Puno went on to illustrate just how dangerous it has been for journalists in the Philippines and elsewhere.

Keynoting the conference on Impunity and Press Freedom (see "Towards a Global United Front in Combating Impunity," pp. 15-16) last Feb. 27th, he reminded an international audience of jurists, lawyers, and journalists that while "679 journalists have been killed worldwide" since 1992, the Philippines is fifth among those countries where journalists have been murdered, and that, since 2001, dozens of journalists have been killed in the line of duty in the Philippines.

The Chief Justice reiterated that a free press is essential to democracy, and declared that human rights violations are rampant. "Democracy in this country," he declared in no uncertain terms, "is under siege," primarily because free expression and press freedom have been under constant threat.

Without the free press that permits the dissemination of information on matters of public interest, democracy cannot flourish. But free debate and discussion based on the sound information a free press can provide has never been the political elite's highest priority. Democracy is certainly not among the major concerns of the Arroyo presidency, which has made concealment of information, evasion, and disinformation rather than transparency and openness on public matters a national policy.

Indivisible from that policy is media repression, which since 2006 has been blatantly in place despite the Constitution. The raid on a newspaper office, the intimidation of TV networks through the deployment of armed troops and threats to with-

draw their franchises, the threats to file sedition as well as anti-wiretapping charges against newspapers and broadcast networks that printed or aired the "Hello Garci" tapes—these harassments have continued, aggravated by libel suits, the arrest of journalists on Nov. 29, 2007, and media "advisories" from the Department of Justice.

The declaration of Makati air space a "no fly zone" during the first three critical hours of the Feb. 29th demonstration is in the same category of regime repression and desperation. Again meant to prevent the media from providing the public meaningful information, the declaration stopped ABS-CBN 2 and other news organizations with the same capability from taking aerial photos of the demonstration, thus leaving it to the Arroyo police to issue their own, scaled-down "crowd estimates."

The media have brought the regime to court for infractions of the Constitutional provisions protective of free expression, but there is no indication that it will relent. As the NBN-ZTE scandal continues to fuel the political crisis that has led to demands for the resignation of Gloria Macapagal Arroyo, the likelihood is that the regime will not only stay the course of repression. It will also go to greater lengths to prevent information on the NBN corruption scandal and others equally explosive from reaching the public.

These are dangerous times not only for journalists, who continue to be harassed by the government, and to be killed in the communities. These are also dangerous times for the public. The regime policy of denying it the information it needs also denies the citizenry its sovereign right to decide on such matters as keeping the present regime in power or removing it. Everyone, and not just the press, has a stake in opposing the regime policy of media repression.

Luis V. Teodoro

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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 media's relentless coverage revived flagging interest in the NBN-ZTE scandal.

Cover photo by LITO OCAMPO

SPEAKING OF MEDIA

Commitment to the truth

"GMA Network will never allow itself to be used by any party—be it from the administration or from the opposition—to attempt to influence or control media. GMA Network will never allow itself to be used for any kind of propaganda for any partisan interest.

"Our only commitment is to the truth. "Our track record of balanced, fair, objective and truthful reporting throughout the years, and through all administrations, speaks for itself."

part of the GMA-7 statement on former presidential chief of staff Michael "Mike" Defensor's claim that anchor Mike Enriquez would be in-charge of a press conference for national broadband network controversy witness Rodolfo Noel "Jun" Lozada Jr., <http://www.gmanews.tv>, Feb. 10

The last bastion of democracy?

"Stop destroying our sacred institutions. Defend the PRESS and STOP all forms of harassment.

"The political system has been corrupted, the military and police have been divided, the courts and the church have also been compromised.

"Now, the FOURTH ESTATE, the last bastion of democracy is under attack. LET US UNITE AND STAND TOGETHER TO DEFEND PRESS FREEDOM."

Ellen Tordesillas, asking people to send this text message to President Gloria Macapagal Arroyo, Malacañang officials, Philippine National Police chief Dir. Gen. Avelino Razon Jr., and to the military, Malaya, Jan. 25

"Filipino politicians always boast that the Philippines' press is one of the freest in Asia. But local media practitioners insist the Philippines continues to be one of the most dangerous countries for journalists.

"Censorship is enforced by killing radio broadcasters and hard-hitting journalists in the provinces. Seventy journalists have been killed in the Philippines since democracy was restored in 1986. Ever since President Gloria Macapagal-Arroyo became chief executive seven years ago, 33 journalists have been murdered in the line of duty. Only two cases have resulted in convictions.

"Journalists and the public in general are prevented from accessing vital official documents which could pinpoint highly irregular government deals. The citizens' right to information is violated every time the government suppresses official reports which could prove damaging to the reputation of top leaders of the country....

"Arroyo's allies often castigate the

media for failing to report the achievements of the administration. The president herself displays her irritation and famous temper every time a reporter asks an embarrassing question. The president only wants to answer questions about her economic programs. Once, she accused a TV reporter of "abetting terrorism" in the country.

"The First Family has sued hundreds (sic) of journalists for libel. The First Gentleman asserts he is a private citizen whose privacy rights must be respected by the media. After the First Gentleman underwent major heart surgery last year, he withdrew all his libel cases against journalists."

Yehey! news editor and activist Mong Palatino, <http://www.upiasiaonline.com>, Feb. 11

All about business?

"Media is (a) business, big business. So, there is nothing wrong with turning a profit. Business is business....

"What I find laughable is when TV people, particularly news TV people, tell me that they are merely doing their job of bringing me information that I have a right to know under the Constitution. Yeah, right.

"Please, do not do me any favors. There is nothing in the Constitution requiring anybody to inform me of an important event, as and when it happens. If the TV people cover an event on-the-spot, they are doing it to raise their viewership, or their ratings, so they can charge higher advertising rates.

"Also, to boost viewership, TV stages demonstrations, or cooperates with those who want to stage demonstrations. You see it all the time. A dozen so-called militants (they are really hired mercenaries) wave some red flags down a street, and the demonstration is on the evening TV news. The latest one was the staged demonstration for "genuine" land reform. After the TV cameras get their footage, everybody goes home.

"Finally, let me go back to the Peninsula Hotel standoff. Media (meaning TV news, not the press) keeps complaining about the violation of their rights.

"I beg your pardon, it was no standoff. Neither was it a peaceful assembly allowed under the Constitution. It was a rebellion.

"In crushing a rebellion, nobody, not even Maria Ressa or Ces Drilon, has any rights. The security of the State is primordial."

Honesto General, Philippine Daily Inquirer, Feb. 13




CHEERS



JEERS

Plain wrong

 **JEERS TO** *The Philippine Star* for misreading the statements issued and aired by the Makati Business Club (MBC) and its executive director Alberto Lim regarding the national broadband network controversy.

The *Star* reported last Feb. 13 that the MBC called for the resignation of President Gloria Macapagal Arroyo amid the controversy. The *Star* added that the MBC also called for the resignation of Environment Secretary Lito Atienza and Commission on Higher Education chairman Romulo Neri for their alleged involvement in preventing whistleblower Rodolfo Noel "Jun" Lozada Jr. from testifying on alleged anomalies in the deal.

Contrary to the *Star's* report, the MBC, as an institution, did not call for Arroyo's resignation. In its Feb. 12 press release posted on its website, the MBC called only on Atienza and Neri to resign. "Their protection at any cost of the interests of those in power render them unworthy of the people's trust," the MBC statement said. "It is not a question of legal guilt; instead, it is a matter of good old-fashioned *delicadeza* and personal morality."

Apparently, the *Star* relied on Lim's TV interview as the basis for its claim that MBC was calling for Arroyo's resignation. It quoted Lim as saying that if Arroyo "sees the light and resigns, and the consequence is Noli de Castro becomes president, we will support him and help him become a good president." Nowhere in that single quote from Lim did he categori-

cally say that he, much less MBC, were calling for Arroyo's resignation.

Strangely enough, the *Star* even used the same MBC press release—which was clear in calling for the resignations of Atienza and Neri—in its report. In addition, despite the report's lead on MBC's alleged call for the President to resign, the report's headline was: "MBC calls on Neri, Atienza to resign."

What's in store for Melo?

 **CHEERS TO** *The Philippine Star* and *Newsbreak* for showing what's in store for former Supreme Court Associate Justice Jose Melo once he starts heading the controversy-plagued Commission on Elections (Comelec). Departing from the usual reports about Melo's appointment, the *Star* published last Jan. 27 a *Newsbreak* article detailing the critical financial state and low credibility of the election body after the resignation of Benjamin Abalos Sr. ("Financial Mess, Massive Housecleaning Await Melo at Comelec," p. 6).

The Marines did it

 **CHEERS TO** the *Philippine Daily Inquirer* for not letting the public forget the Mendiola massacre. On Jan. 22, marking the day of the tragic incident, the *Inquirer* showed several photos during that event ("Lim says Marines, not police, fired at protesters"). The main story pointed out that from the recollection of Manila Mayor Alfredo Lim, then chief of the Western Police District, the Marines

and not the police were the ones responsible for firing at the protesters.

The *Inquirer* reported the investigations that followed the incident and the creation of the Citizen's Mendiola Commission to find out what really happened. The next day, the *Inquirer* had a follow-up report on how militant groups commemorated the massacre ("Farmers met by placard-waving cops," Jan. 23). The stories included sidebars discussing what took place, the findings of the investigations, and some recommendations.

Limiting the debt

 **CHEERS TO** *The Manila Times* for a Jan. 20 report on the Congress's efforts to lower the country's debt burden and allocations for debt servicing.

The *Times* listed the various bills that aim to prevent the country's debt from growing by removing government guarantees on the loans made by government-owned and -controlled corporations. The *Times* also mentioned bills that would remove the President's power to automatically appropriate funds for debt servicing, which has been criticized for allegedly eroding the power of the legislature over the budget.

Airline fears

 **CHEERS TO** the *Philippine Daily Inquirer* for clarifying the issues behind the United States Federal Aviation Administration downgrade of the Philippines's aviation safety oversight

rating. In a banner story, the *Inquirer* explained what this rating means ("GMA fires aviation chief: US Embassy tells citizens to avoid RP airlines," Jan. 18). It also explained the consequences of the downgrade including the advisory of the US Embassy against the country's carriers and the dismissal of the aviation chief.

The *Inquirer* reported the effects of the downgrade on Philippine Airlines, the flag-carrier which has the only direct flights to the US from the country. It also solicited reactions from other stakeholders like travel agents ("What US air inspectors found unsafe;" "PAL lowers 2008 targets over air safety mess;" "RP travel agents air fears," Jan. 18).

On Jan. 19, the paper gathered information on the difficulties of Filipino air traffic controllers ("FAA awed by RP air traffic controllers").

Drugs OK?

 **JEERS TO** the *Philippine Daily Inquirer* for a confusing headline: "Drug use in schools not that bad—DepEd" (Feb. 14). Reading only the headline, people might think that the Department of Education (DepEd) is saying that drug use in schools is at an acceptable level. But, the story explained that a study commissioned by the Department of Health and the Dangerous Drugs Board in coordination with the DepEd found out that drug use is low among public and private high school students. For 2005 to 2006, only 67 out of 8,670 (0.77 percent) students tested positive for drug use.



Dysfunctional

 **CHEERS TO** the Philippine Center for Investigative Journalism (PCIJ) for a series showing that the controversial national roadband network project is just a symptom of the larger problem of the government's faulty procurement system and dysfunctional project evaluation and implementation.

The report added that the influx of foreign aid and its inefficient use, instead of helping in the country's development could plunge the Philippines into a debt crisis similar to the one it experienced in the 1980s.

The first report in the series noted the National Economic Development Authority's (NEDA) diminishing role in approving government projects and its impact on the quality of the projects.

The report said NEDA has been marginalized by the administration's policies to give implementing agencies more power to approve big state projects

and the creation of Cabinet groupings with powers that overlap with those of existing NEDA bodies. Pressure from lobbyists and the political sponsors of some projects have also weakened the NEDA's ability to properly evaluate government projects. PCIJ's Roel Landingin interviewed NEDA officials and former Cabinet secretaries who assessed the decline of the agency's powers.

The second report discussed how the efforts of the government and non-governmental organizations to keep the cost of the aid-funded projects down have failed due to the conditions set by lending institutions and countries.

Projects become more expensive due to the lenders' insistence on tying loans to specific companies and their opposition to placing caps on project financing, the report said.

In the final part, the report showed how the projects funded by official development assistance (ODA) do not deliver the promised economic benefits. PCIJ re-



Ex-NEDA chief Romulo Neri LITO OCAMPO

viewed several ODA-funded projects and found that the economic returns were often below their targets. Some were not even able to meet the minimum returns NEDA had set.

The PCIJ reports were published on Feb. 11 to 13.

Providing background

 **CHEERS TO** *GMANews.TV* for providing a backgrounder on the series of alleged anomalies involving presidential spouse Jose Miguel "Mike" Arroyo and former elections chair Benjamin Abalos Sr. Both reports served as sidebars to articles on the controversial national broadband network project that implicated both Arroyo and Abalos (<http://www.gmanews.tv/story/79636/Controversies-linked-to-Jose-Miguel-Mike-Arroyo> and <http://www.gmanews.tv/story/79804/Controversies-involving-Benjamin-Abalos>).

Timeline

 **CHEERS TO** *Newsbreak* for providing readers a comprehensive timeline of the national broadband network deal controversy ("Exposing the ZTE Overprice," <http://www.newsbreak>).




CHEERS



JEERS

As usual

 JEERS TO government-controlled station IBC-13 for its biased coverage of the Senate hearings on the testimony of electronics and communications engineer Rodolfo Noel "Jun" Lozada Jr. on the national broadband network (NBN) controversy.

On Feb. 8, *IBC Express Balita* focused on administration Sen. Miriam Defensor Santiago's efforts to destroy Lozada's credibility by highlighting the questionable deals the latter approved as head of Philippine Forest Corp., a government-owned and-controlled company. Santiago also said in an interview that Lozada may be liable for graft for his participation in raising the cost of the NBN project. The report did not mention that Lozada had admitted to, and regretted participating in, anomalous government transactions.

Express Balita was as biased when it reported Lozada's allegations that he was abducted by police at the airport upon his arrival from Hongkong. The report focused on the denials by former Cabinet secretary Michael Defensor, Environment Sec. Lito Atienza, and Manila International Airport Authority assistant manager Angel Atutubo that Lozada had been abducted.

In the continuation of the Senate hearing three days later, the news program showed footage of Atienza, Atutubo, Philippine National Police chief Dir. Gen. Avelino Razon Jr., and lawyer Antonio Bautista denying Lozada's kidnapping charge.



Lozada

LITO OCAMPO

The footage of Lozada the news program chose to show was of him hugging Defensor and shaking hands with Undersecretary Manny Gaité, who was also implicated in the cover-up of his abduction, before the start of the hearing.

The show was also unmindful of conflict of interest. One of the show's anchors Ali Atienza, son of the environment secretary, aired some of the reports on Lozada.

Was it unconstitutional?

 JEERS TO *Newswatch* for its failure to answer a question it itself raised. The news program reported last Jan. 28 Sen. Ma. Ana Consuelo Madrigal's claim that the extension of Gen. Hermogenes Esperon Jr.'s term as Armed Forces chief may have violated the Constitution. Citing constitutional provisions against such extensions except in times of war or other

Congress-declared national emergency, the program failed to get the government side. Neither did it get a legal expert to explain the issue.

The report did get the side of Esperon, who brushed aside such criticisms and said he was going to focus more on the anti-insurgency campaign. Two other senators, Rodolfo Biazon and Francis Escudero, also aired their views on the military operations against rebels.

Whether the extension of Esperon's term was constitutional or legal was not answered.

That's news?

 JEERS TO *Newswatch* for airing a story that should have been published only in the company bulletin. Last Jan. 25, it reported the joint clean-up operations of RPN-9 and IBC-13 employees in their compound. It said that the operations were conducted to protect the assets of both networks and for a healthier and greener working environment. But other than that, the story offered little by way of news value to the program's viewers.

What a waste

 JEERS TO *Top Story* for interviewing innocent 8-year olds on what they thought about the statements of national broadband network (NBN) witness Rodolfo Noel "Jun" Lozada Jr.

On Feb. 13, rumors spread that people were going to the EDSA Shrine following the testimony of Lozada at the Senate hear-

ing on the NBN deal. People went there all right, but only because some Grade 2 pupils were having their first communion.

But the reporter went on to do the story, with the children becoming victims in the end. As unaware of the subtleties of the NBN controversy as they were, the reporter started asking them their opinions. It was broadcast time wasted.

Sensationalism

 JEERS TO *TV Patrol World* for sensational reporting. Last Feb. 5, it reported a murder but focused on the victim's grieving family. The report used clips of the victim's grieving family members, including a 17-second footage showing the victim's sister crying hysterically upon learning what happened to her brother.

What's worse, the face of the victim's 13-year-old daughter was shown during the report. ■

FERRATUM

In its Feb. 2008 issue, the *PJR Reports* inadvertently used a "Jeers" icon to laud ANC broadcaster Pinky Webb's Feb. 6 interview with Philippine National Police chief Dir. Gen. Avelino Razon Jr. over the whereabouts of national broadband network deal whistleblower Rodolfo Noel "Jun" Lozada Jr. Our apologies.

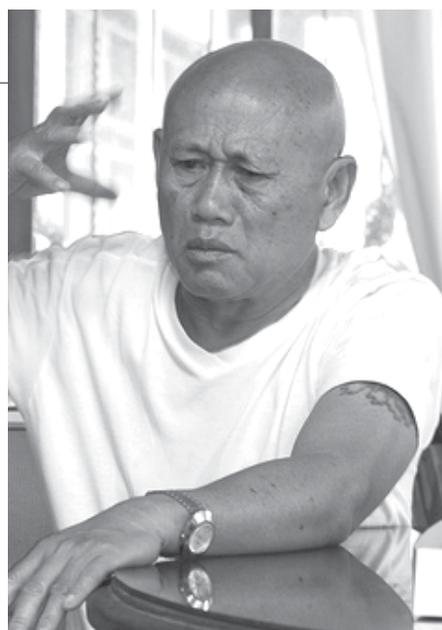
com.ph/index.php?option=com_content&task=view&id=4155&Itemid=88889296.

One-sided

 JEERS TO *Sun.Star Davao* for one-sided, unfair reporting. Two reports about the New People's Army's (NPA) alleged involvement in the killing of a local businessman in Davao City relied only on the claims of city mayor Rodrigo Duterte ("Mayor berates NPA for civilian deaths," Feb. 4 and "Duterte hints at anti-NPA attack," Feb.7). *Sun.Star* did not get the NPA's, or anyone else's reaction to the mayor's claim. Neither did it check with the police regarding the case.

Tears and kisses

 CHEERS TO *Mindaneews* for providing background about priest killer Norberto Manero, his release and plea



Manero

HTTP://WWW.FLICKR.COM/KITTOY

for forgiveness. In the report titled "Manero kneels before Fr. Favali's grave, kisses pix" published on Feb. 4, the news website reported the activities of Manero after serving a 23-year-sentence at the

New Bilibid Prisons.

In a candle lighting prayer service, Manero met with representatives of the Kidapawan Diocese and the witnesses to the murder of Italian priest Father Tulio Favali on April 11, 1985. An emotional Manero appeared in the chapel of the Bishop's House to pay respects to Fr. Favali's grave. He also apologized to Fr. Peter Geremia who was once the target of Manero's group for assassination.

What the other papers lacked, *Mindaneews* was able to provide. It recalled what transpired the night Fr. Favali was murdered. Based on court records, it was Manero's younger brother, Edilberto, who shot Fr. Favali in the head following the order of the elder vigilante leader Norberto, formerly known as Kumander Bucay. Witnesses pointed to the elder Manero which led to his arrest. A trial followed, and Manero was sentenced to life imprisonment.

The report also provided corresponding statements from the justice depart-

ment and the Catholic Church saying that neither had any objections to Manero's release (http://www.mindaneews.com/index.php?option=com_content&task=view&id=3769&Itemid=50).

Peeking at Prospero

  CHEERS/JEERS to *MindaNews* for a different perspective on the election of Davao Rep. Prospero Nograles as the new House Speaker.

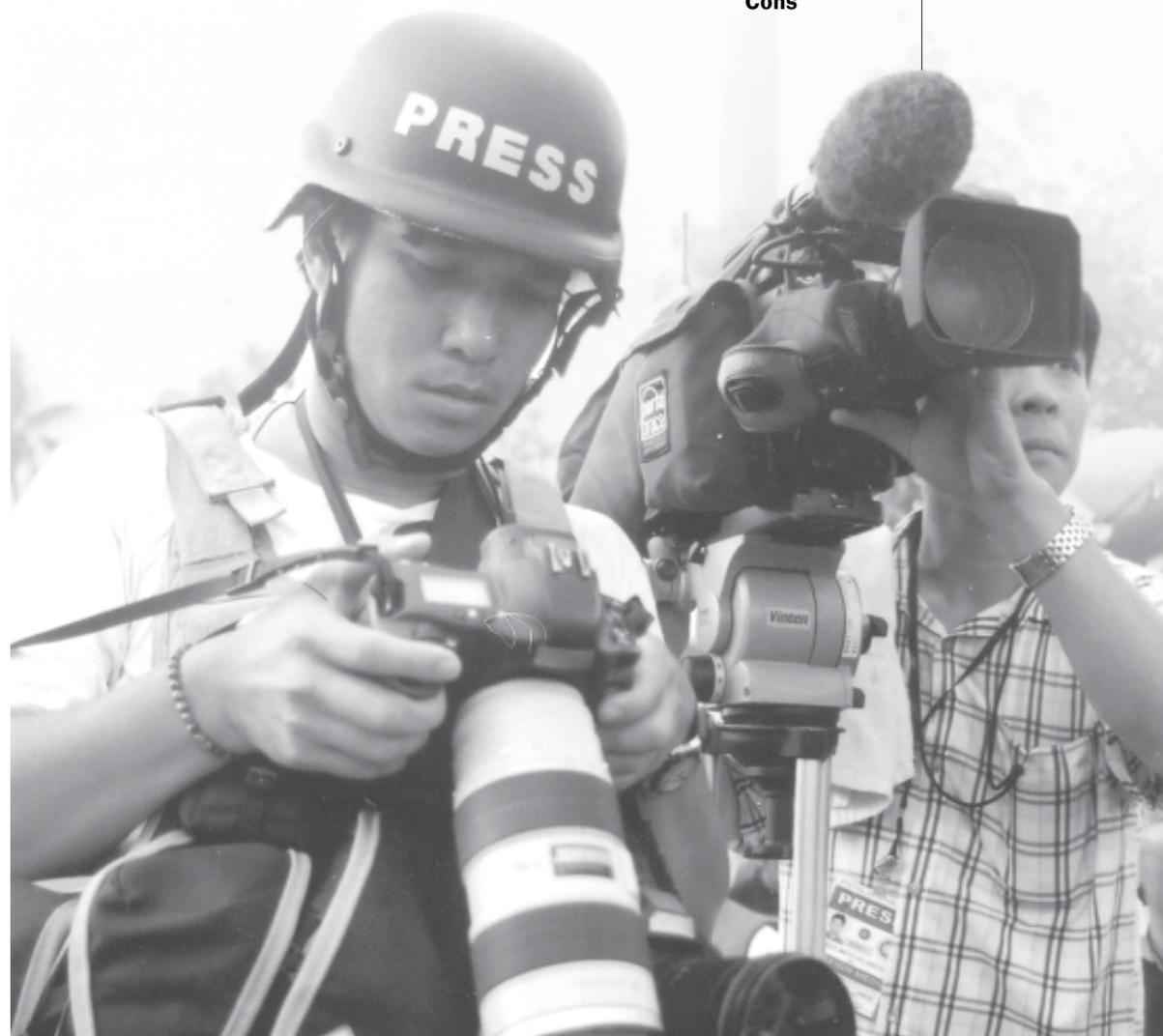
The Feb. 5 story "Nograles takes oath as new House Speaker" recalled the events that led to the election of a new House Speaker. What made the story stand out was its profile on the representative.

But it lacked an important detail. The statements of ousted House Speaker Jose de Venecia as well as views from his former political allies were not in the report (http://www.mindaneews.com/index.php?option=com_content&task=view&id=3771&Itemid=50). ■

MEDIA BILLS TO WATCH OUT FOR

■ By Melanie Y. Pinlac

THE MEDIA have been in the frontline of reporting on bills filed and laws enacted by the Congress. Media have explained to Filipinos the significance of these bills as well as their disadvantages. But the media have also been the target of several bills filed in Congress. Some bills on media want to improve the working conditions of media, while others aim to put media under government control. Here is an update on, including the pros and cons of, the bills affecting or targeting the media that have been filed at the 14th Congress.



BILLS ON MEDIA FILED IN THE 14th CONGRESS

Bill no. and title	On Tax Incentives for Media Companies	On the Right of Reply		
	Senate Bill (SB) no. 1832 (An Act Granting Incentives to Broadcast and Print Media Devoting Air Time and Space to Education, as well as, to Sponsors supporting such Programs and For Other Purposes)	SB no. 1178 (An Act of Granting the Right of Reply and Providing Penalties for Violation Thereof)	House Bill (HB) no. 01001 (An Act Granting the Right of Reply and Providing Penalties in Violation Thereof)	HB no. 00162 (An Act Granting the Right of Reply and Providing Penalties in Violation Thereof)
Proponents	Sen. Manuel Villar	Sen. Aquilino Pimentel	Rep. Monico Puentevilla	Rep. Juan Edgardo Angara
Date filed	Nov. 12, 2007	July 4, 2007	July 10, 2007	July 2, 2007
Legislative status	First read on Nov. 13, 2007 and currently pending at the Committees on Public Information and Mass Media; Education, Arts, and Culture; and Ways and Means	First read on Sept. 10, 2007 and referred to the Committees on Public Information and Mass Media and Justice and Human Rights	First read on Aug. 1, 2007	First read on July 24, 2007
Pros	<ul style="list-style-type: none"> Gives tax incentives of up to 10 percent to media companies producing educational programs. Advertising companies producing educational ads will also be given the same incentives. 			
Cons	<p>The three bills are basically similar except for some provisions.</p> <ul style="list-style-type: none"> Undermines the ability of the news organization to self-regulate What to print and broadcast becomes questions of law Requires publishers and editors to publish reply within 24 hours Imposes fines that ranges from P10,000 to P30,000 and imprisonment if news agency fails to comply Imposes higher fines than the two other bills. The Puentevilla bill imposes a fine ranging from P10,000 to P200,000. In addition, unlike the other bills on the right of reply, the bill could impose a maximum of 30-day suspension against the erring paper. Obligates a news organization to clear the name of a suspect who was reported as an accused in a crime but was later acquitted. This undermines the capacity of editors and reporters to filter what's newsworthy <p><i>Note: In a February 2007 letter Rep. Angara sent to Juan Mercado of the Philippine Daily Inquirer in response to his column on the said bill, Angara said he is no longer pursuing the passage of the right of reply bill. This was after his several consultations with mediemen, he said.</i></p>			

Sen. Legarda's SB no. 1398 and Sen. Estrada's SB no. 515 push for a better compensation package for media workers.

Photo by LITO OCAMPO

BILLS ON MEDIA FILED IN THE 14th CONGRESS

	On the Sotto Law, also known as Shield Law	On the Use of Derogatory Terms	On the Access to Information
Bill no. and Title	SB no. 165 (An Act Amending Republic Act No. 53, as Amended, Otherwise known as an Act to Exempt the Publisher, Editor, or Reporter of any Publication from Revealing the Source of Published News or Information obtained in Confidence by, including within its Coverage, Journalists from Broadcast, News Agencies, and Internet Publications)	HB no. 100 (An Act Prohibiting the Use of the Words “Muslim” and “Christian” in Mass Media to describe any Persons Suspected of or Convicted for having committed Criminal or Unlawful Acts, and Providing Penalties for Violation Thereof)	HB no. 2059 (An Act Implementing the Right of Access to Information on Matters of Public Concern Guaranteed under Section Seven, Article III of the 1987 Constitution and For Other Purposes) also known as “Freedom of Information Act of 2007”
Proponents	Sen. Ramon Revilla Jr.	Reps. Angara, Pangalian Balindong, Arnulfo Go, Bienvenido Abante Jr., Justin Chipeco, Raul Del Mar, and Neptali Gonzales II	Rep. Lorenzo Tañada and Del de Guzman
Date filed	June 30, 2007	July 2, 2007	Aug. 14, 2007
Legislative status	First read on July 31, 2007 and currently pending in the Committee on Public Information and Mass Media	Approved by the House of Representative on Feb. 5, 2008; a copy has been sent to the Senate on Feb. 11, 2008 for review	First read on Aug. 29, 2007 and pending at the Committee on Public Information, which is currently consolidating other bills on access to information including HB no. 2059.
Pros	<ul style="list-style-type: none"> Includes the broadcast and online media in the coverage of the Sotto Law or RA no. 53. Broadcast and Internet journalists then would also enjoy the privilege of print journalists from disclosing sources. 		<ul style="list-style-type: none"> Develops transparency in government (public bodies) transactions and operations Puts forward the right of an individual or group to access documents, drafts or final, the public needs Provides legal remedies when request for access to public documents is denied Explains that the government has the burden of proof when it denies requests for public documents
Cons		<ul style="list-style-type: none"> Moves to the legal realm what should be an ethics issue Makes illegal the use of “Muslim” and “Christian” in describing persons with criminal liabilities or, offense is punishable with penalty of arrest and/or fine to reporters (P1,000 to P10,000), editor-in-chief/news editor (not lower than P50,000), and companies/organizations (not lower than P50,000) once a report has violated this bill. 	

BILLS ON MEDIA FILED IN THE 14th CONGRESS

	On Decriminalization of Libel		On Journalists’ Work Compensation/Protection	
Bill no. and Title	SB no. 1403 (An Act Decriminalizing Libel by Means of Writings or Similar Means Repealing Article 355 of the Revised Penal Code)	SB no. 223 (An Act to Abolish the Penalty of Imprisonment in Libel Cases, Amending for the Purpose Article 355, 357, and 360 of Act No. 3815, as amended, otherwise known as the Revised Penal Code and other purposes)	SB no. 515 (An Act Providing for a Magna Carta for Journalism) also known as “Magna Carta for Journalists”	SB no. 1398 (An Act Protecting the Rights and Promoting the Welfare of Journalists while in the Exercise of Their Profession, and For Other Purposes) also known as “Journalist Welfare and Protection Act of 2007”
Proponents	Sen. Francis Escudero	Sen. Loren Legarda	Sen. Jinggoy Estrada	Sen. Legarda
Date filed	July 31, 2007	June 30, 2007	July 2, 2007	July 26, 2007
Legislative status	First read on Sept. 17, 2007 and referred to the Committees of Constitutional Amendments, Revision of Codes and Laws; and Public Information and Mass Media	First read on Aug. 1, 2007 and referred to the Committees on Constitutional Amendments, Revision of Codes and Laws; and Public Information and Mass Media	First read on Aug. 21, 2007 and currently pending at the Committees on Public Information and Mass Media and Labor, Employment, and Human Resources Development	First read on Sept. 11, 2007 and pending at Committees on Public Information and Mass Media; Labor, Employment, and Human Resources Development; and Ways and Means
Pros	<ul style="list-style-type: none"> Article 355 of the Revised Penal Code will be abolished; laws, orders, and rules “contrary or inconsistent with the provision of this Act” will also be repealed or modified accordingly. 	<ul style="list-style-type: none"> Removes the penalty of imprisonment in Articles 355, 356, and 357 of the Revised Penal Code 	<ul style="list-style-type: none"> Provides for a professional accreditation body for journalists formed by professional media groups Lays out journalists’ labor rights Offers journalists added protection from legal harassment 	<ul style="list-style-type: none"> Offers more detailed set of journalists’ labor rights including ideal working conditions (in terms of work hours and salaries). Also enumerates the benefits (including hazard allowance and exception from travel tax when traveling on assignment) journalists will receive.
Cons		<ul style="list-style-type: none"> Civil damages will be raised. For offense under Article 355, the fine—presently at P200-P600—will be P100,000-P300,000. Violation of Article 356 will be P50,000-P100,000 from P200-P2,000; Article 357, P100,000-P300,000. Amendment to Article 360 may leave rank-and-file journalists more vulnerable as the bill puts main liability on the author of defamatory article or show. Editors, publishers, and business managers will only be liable if the article/show passed through them. 	<ul style="list-style-type: none"> The accreditation of journalists could be open to abuse. Although stated in the bill that the lack of accreditation card will in “no way” prohibit journalists from practicing their profession, government could still require accreditation before allowing access to government documents and institutions. 	<ul style="list-style-type: none"> Proposes the creation of a National Journalist Coordinating Council to be headed by the Press Secretary, other heads of government-information arms and two other Presidential appointees. The council will have the power to decide policies and programs regarding journalist’s development and working conditions. The online medium is not included in its definition of “media entities.”

■ By Germelina Lacorte

"N OON, *parang lahat na yata ng outlet sa local ay hawak ko* (I used to handle almost all local media outlets)," Julie Alipala, the Zamboanga-based correspondent of the *Philippine Daily Inquirer* recalls the years 1998 to 2002 when she used to write for *Zamboanga Times* and *Zamboanga Today*, work as a talent reporter for Zamboanga-based television IBC-1, and Radyo Ukay on top of her being a correspondent for *Inquirer*, a television talent reporter for IBC-13, and a stringer for *Newsbreak* magazine.

How she juggled her time to accommodate the demands of six media outlets is anybody's guess. But Alipala, who decided to stop working for the three other media outlets in 2003 to spend more time with her child she's raising alone, gives us a picture of how it is to work as a correspondent in the provinces today.

At the time when most of the journalist killings in the country are taking place in the provinces, correspondents are not only facing bullets. They also have to cope with the starvation pay they are getting from their publishers that can barely keep their body and soul together.

Since they cannot rely on the pay that they are getting, most correspondents double as radio broadcasters, reporters for local papers, journalism instructors, ghostwriters, and PR people.



Zamboanga-based correspondent Julie Alipala at a rally against journalist killings: Her most traumatic experience did not come from covering war, but from seeing her story butchered. Photos by LITO OCAMPO

LIFE AS CORRESPONDENT SOME STORIES ARE WORTH DYING FOR

Unlike regular reporters, most correspondents are paid only for every story that gets printed, and whether or not the story they wrote will make it to the paper is just a matter of luck, says Jeffrey Tupas, another *Inquirer* correspondent based in Davao. *Inquirer* pays P60 per column inch on top of a P1,500 transportation allowance if a correspondent reaches the monthly production quota of 50 column inches.

Some correspondents however, are under retainer, regularly receiving P5,000 a month and insurance for out-of-town coverage.

Since they cannot rely on the pay that they are getting, most correspondents however double as radio broadcasters, reporters for local papers, journalism instructors, ghostwriters, and PR people.

"You look for other sources, *mang racket ka*," says Tupas. "In other words, you become a slave."

So, it's no wonder that for Alipala, who has been covering the conflicts in Sulu and Basilan for more than 15 years, her most traumatic experience did not come from covering the war at all.

"It came from seeing my

story on the page, merged with those of other reporters, butchered and totally unrecognizable, and the vital details missing," she says.

Sometimes, she said, she only sees her name in the tagline, with all the facts that she had patiently gathered taken out.

She recalls a story she wrote in February 2005 in Panamao about a former Moro National Liberation Front (MNLF) rebel turned regular soldier.

"It was basically butchered into three paragraphs," she says.



Luckily, the story "My Father is my Enemy," appeared later in *Newsbreak*. It was about a former Moro rebel integrated into the armed forces, whose father was still with MNLF troops loyal to Nur Misuari.

"Sometimes, you think the story is so big, but then it doesn't come out. It's never used at all," says Tupas. "But there are times when you write a story that you think is so small—a simple crime story, for instance—and it comes out. You can never really guess what's in the minds of the people in Manila."

Even the stories editors assign to him are not guaranteed of publication. "How much more with unassigned stories?" asks Tupas, recalling the time when he has been driven to despair. "So, it's really frustrating."

The worst happens when a correspondent is working for a national newspaper, and relying on his own resources to get the stories, only to end up not getting paid.

Carmelito Francisco, managing editor of the *Mindanao Times*, and who also writes for *Business World*, says this happened to him in 1997 to 1998, when he was writing for another Manila paper (not *BusinessWorld*) which never paid him for the stories they published.

Given the demands of the job—correspondents work



Manila Standard Today correspondent Rick Reyes and Philippine Daily Inquirer correspondent EV Espiritu

around the clock because the newsworthy events happen anytime of the day, whether they're taking a rest or a holiday—the situation becomes doubly oppressive when you're not paid well, complains Tupas.

"You're the one running after the news, because the news can't wait for you," he says, "That, in itself, is already hard enough, what makes it even harder is when you're not paid well, or not at all."

Tupas was still a development communication student at the University of Southern Mindanao (USM) in Kabacan, Cotabato when former President Joseph "Erap" Estrada, at the height of his power in 2000, campaigned for an advertising boycott of the *Inquirer*.

The Development Communication Society of USM, led by Tupas, came out with a t-shirt, saying that its members would work for the *Inquirer* if it survived the boycott.

Well, the newspaper survived, and Tupas eventually found himself working there in 2002. He said that Estrada's boycott campaign was the beginning of his awareness of the crisis faced by media.

But his work as a correspondent made him see another side of the crisis. This time it's his stories being cut on days when the newspaper is teeming with ads.

Tupas thinks he's lucky he has an additional paying job, working for an environmentalist group, to add to what he's getting as a correspondent.

"If I depended solely on reporting, I would starve," he says.

Joel Escovilla, an associate editor of the Davao newspaper *Mindanao Times*, agrees. He is still relatively new as a correspondent



Correspondent Vincent Cabreza of the *Inquirer*

of the latest national newspaper he is working for and is not yet comfortable mentioning its name. He admits, though, that his pay for any one paper (whether it's local or national), is never enough, and he has to moonlight for other writing jobs, and sometimes work as a journalism instructor.

But he says that because he has other jobs aside from being a correspondent, he doesn't really feel the pressure the way correspondents who depend on it for a living do.

"My situation is different," he says. "For me, it's only an 'aside,' a kind of bonus, additional pay, so, I really don't feel the difficulty, whether my stories will come out or not."

Which leads Alipala to ask, what will happen to the national papers when all correspondents all over the country decide to stop writing for a day or two?

She observes that, owing perhaps to the choices they're making, the difficulties they encounter



Most of the journalists/media practitioners killed were from the provinces.

when they're out there in the field, the richness of culture in the provinces (or is it their identification with the sufferings of their people?), correspondents often have a different way of presenting their stories.

Tupas explains that because of the stiff competition, a correspondent has to go out where the story is, study more closely what's happening to the people he covers, and write it the best way he or she can just to get the attention of his editors.

This drive to get the story right and fast enough often puts the correspondents' lives in danger, when they unwittingly step into the firing line between two parties in conflict, or earn somebody's ire because of their sto-

ries that see print.

Alipala was banned from military coverage in Basilan after she reported on the military abuses and the lapses of the military operation in Basilan's Ungkaya Pukan town on Aug. 18 last year, where 15 Marines died in the hands of the Abu Sayyaf.

Tupas was alarmed to see his name on the Armed Forces of the Philippines (AFP) website, after his story, "When the military gets in the way to people's health," appeared on the pages of *Inquirer*.

He admitted, though, that the story had failed to get the side of the military. "What was frightening was when the military started asking around, trying to brand me a leftist," he said.

But instead of being intimidated, Tupas said it made him reflect on the reasons why he kept on writing stories in the first place. "Why do I cling to a job that offers no security and is not even paying me well?" he asks—and answers his own question: "Somehow, it has given me a sense of fulfillment. I want people to know what's happening here, that there is injustice, and that's what I am writing about."

For Alipala, the danger that comes with the territory could never be a reason for her to quit her job. "I love my child so much, and I want to leave him a legacy, as my father did for me," she says.

As a journalist, Tupas says that he doesn't believe that there's no story worth his life. "If there is no story worth dying for, we might as well stop writing as journalists because it defeats journalism's purpose."

Tupas insists that there are times when journalists have to take risks just to get and write a story. He said this is true when covering stories of people who are being threatened or are subjected to abuses and injustice. Writing about them often puts a journalist's life at risk.

For Alipala, a story is not worth dying for if it applies only to journalists who parachute into the area to cover a war without understanding the breadth and depth of the conflict.

But what happened in Maimbung, Sulu, where soldiers are now being investigated over the death of two children and a woman four months pregnant over what was initially reported as a clash between government troops and the Abu Sayyaf Group in Sulu, is quite another case.

Alipala says she doesn't buy the soldiers' claim that the woman they killed was an Abu Sayyaf member—and she has to write the story according to her conscience.

"Will you just allow the AFP and other reporters to declare it as a firefight, when two children and a woman four months pregnant were killed, and they insist they were Abu Sayyaf?" asks Alipala.

When it means putting things into perspective, saving the lives of people displaced by senseless wars, or correcting injustice, a story is, after all, worth putting your life on the line, she says. "These are stories worth dying for." ■

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Germelina Lacorte is a correspondent of the Philippine Daily Inquirer and associate editor of Davao Today.

In the public eye HEROES AND CROOKS

■ By Kathryn Roja G. Raymundo with reports from Apple Jean C. Martin and Kristine Joyce G. Magadia

MOST FILIPINOS were about to consign the controversy over the national broadband network (NBN) project to the regions of their collective amnesia when a new witness popped up to add to the Jose "Joey" de Venecia III and former socioeconomic planning secretary Romulo Neri claim that former Commission on Elections (Comelec) Chair Benjamin Abalos Sr. was brokering the deal and offering bribes for its approval. This time it's President Gloria Macapagal Arroyo herself who's on the block; and not only is her legitimacy again being questioned; there are also renewed calls for her resignation or ouster.

All because of the explosive revelations of massive corruption and dysfunction in the government by one person, whose every statement filled and still fills the pages of the dailies and the airwaves.

The first media reports referred to Rodolfo Noel "Jun" Lozada Jr. as a "secret witness," or "Lacson's (Sen. Panfilo Lacson) witness" in the Senate inquiry into the cancelled \$329.5 million NBN-Zhong Xing Telecommunications Equipment Company Ltd. (ZTE) deal. The media began naming Lozada in their reports only when the Senate released a list of witnesses it had invited to testify on the NBN project.

An electronics and communications engineer, Lozada is the former president and chief executive officer of the Philippine Forest Corporation (PhilForest). PhilForest is a government-owned and -controlled subsidiary of the Department of Environment and Natural Resources (DENR). It



manages the countryside development program of the government through the utilization of idle lands and agro-reforestation projects.

"I owe my life to the media"

Lozada was a reluctant whistleblower. He flew to Hong Kong last Jan. 30, two hours be-



A pro-Arroyo rally (top); Journalists cover the Feb. 29 Makati rally (above); Lozada and Joey de Venecia at the Senate hearing on the national broadband network controversy (below).

Photos by LITO OCAMPO



fore the resumption of the NBN-ZTE deal Senate hearing, to avoid testifying on the NBN deal. The Senate later issued a warrant of arrest against him.

The Senate's sergeant-at-arms and members of the media awaited his return to no avail. Coming home from Hong Kong on Feb. 5, several men he did not know met Lozada at the Ninoy Aquino International Airport (NAIA) and took him south of Manila. His family, who was also waiting at the airport, did not see him arrive. Lozada's wife Violeta and other relatives

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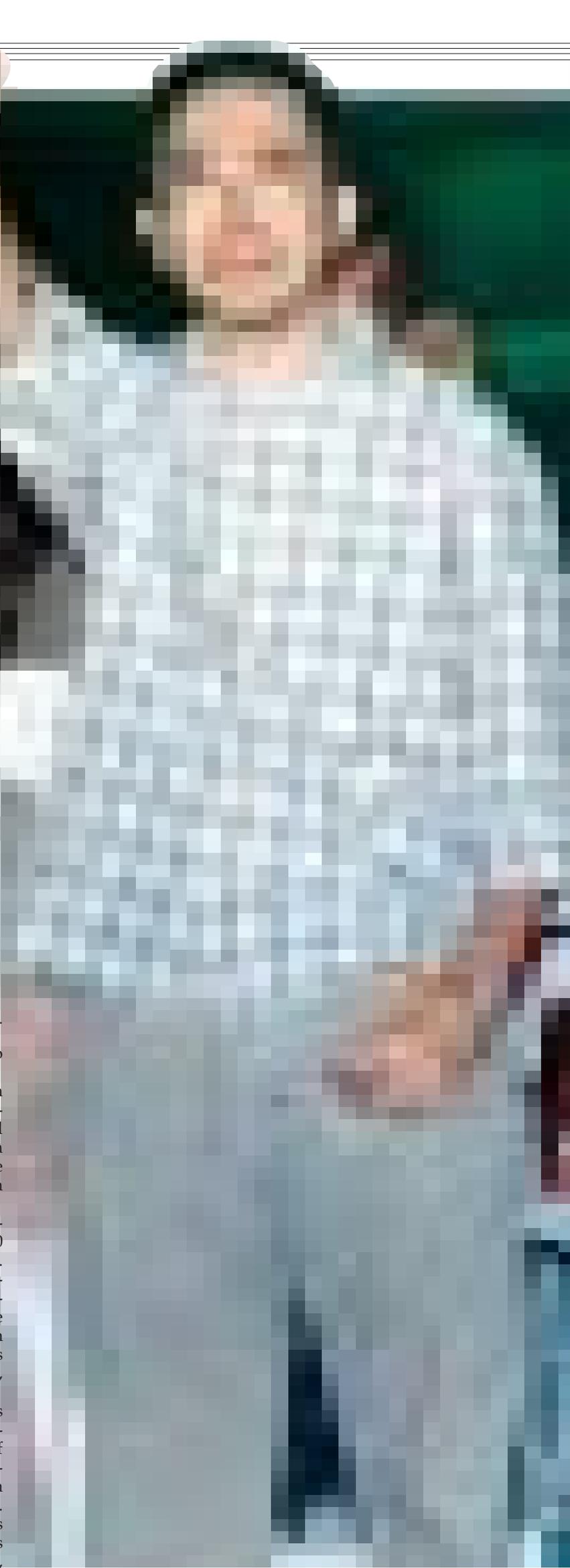
It is no exaggeration to say that the unwavering day-to-day, marathon coverage by the media rekindled interest in the NBN-ZTE deal.

feared for his life and turned to the media for help.

Thanks to the relentless media coverage of Lozada's "disappearance," Lozada's escorts decided to return him to his family at La Salle Greenhills (LSGH) where Violeta and children had been given sanctuary.

"I owe my life to you, the media," Lozada said in a Feb. 10 *Philippine Daily Inquirer* report. He added, if not for the "fortuitous—and certainly providential—media attention.... It is quite possible that I would have been killed that day." ("Lozada files kidnap raps vs. Atienza, Razon, et al.," Feb. 23)

Fearing for himself and his family, Lozada held a press conference at two in the morning of Feb. 6. He said some airport security men and the police had taken him into custody against his will. He corroborated the previous statements of NBN-ZTE deal's first witness, Joey De Venecia,



HOW IT ALL BEGAN

■ By Kathryn Roja G. Raymundo

THE NBN-ZTE controversy surfaced October last year. Joey de Venecia, son of then House Speaker Jose "Joey" de Venecia Jr., exposed the overpricing in the NBN-ZTE deal, implicating former Commission on Elections (Comelec) Chair Benjamin Abalos Sr. and President Gloria Macapagal Arroyo's husband Jose Miguel "Mike". De Venecia said Abalos offered him \$10 million to withdraw his company's bid for the NBN contract. De Venecia's Amsterdam Holdings Inc. lost the bid to China's ZTE. De Venecia said Abalos brokered the deal for ZTE with the support of the President's spouse.

Former National Economic and Development Authority (NEDA) chief Romulo Neri brought his friend, Lozada, into the picture. Neri sought Lozada's expertise and asked him to be his technical consultant for the NBN project. In a testimony at the Senate last October 2007, Neri said Abalos tried to bribe him with P200 million to approve the project. (In order for the project to push through, NEDA has to endorse it. Neri is now the Commission on Higher Education chair.)

Lozada got deeply involved while trying to reconcile the proposals of Abalos and De Venecia. Lozada said Neri instructed him to "moderate their greed." He said that while both offered similar structures for a telecommunications system; they proposed different financial transactions to government. De Venecia's project is a build-operate-transfer proposal while Abalos's is on a loan basis. Lozada's win-win solution is that De Venecia would implement the project while Abalos would handle the supply agreement.

All was well in the beginning until Abalos allegedly



Abalos

asked Lozada to "protect" his \$130 million "commission" in the deal. Lozada felt it was just too big and suggested bringing it down to \$65 million. Apparently, Abalos was not satisfied with what Lozada proposed. Lozada and his family started receiving death threats after supposedly earning the ire of the former Comelec chair.

As it turned out, the opposing forces in the NBN project did not reach an agreement. And as Lozada had feared, the public learned about the deal. All hell has since broken loose and the media were treated to a banquet of up-to-the-minute breaking news sustaining media coverage for weeks. ■

and added some of his own. Lozada revealed that the NBN project had doubled in cost because of corruption, specifically through the insistence of Abalos that Lozada “protect” his US\$130 million “commission.” His testimony drew a picture of unbridled greed and corruption in the Arroyo administration—and it became common knowledge through the media.

Unyielding coverage

It is no exaggeration to say that the unwavering day-to-day, marathon coverage by the media rekindled interest in the NBN-ZTE deal.

Despite the fact that Lozada’s Feb. 6 press conference was held in the wee hours of the morning, ANC aired it live. The public knew Lozada’s side of the story by the time most of the government officials he implicated were awake. ANC is a 24/7 cable news channel.

For anyone who wants to observe the Senate hearings on the NBN-ZTE deal, ANC airs them live each time and even replays them. Free TV’s news and current affairs programs nowadays include video clips

Most of the reports have been consistent in providing the background information that can help readers and viewers understand the controversy.

and reports on the scandal. Breaking news reports and website updates also provide the latest details.

On the Internet, three websites have dedicated microsites to the NBN-ZTE controversy. The “NBN Deal (<http://www.inquirer.net/specialfeatures/nbndeal>)” of

Inquirer.net offers every story the *Inquirer* has ever published about the NBN deal



plus videos, and complete copies of relevant documents. The site also has a feedback page.

“Senate Probe: NBN-ZTE Controversy (<http://www.gmanews.tv/nbnzte>)” is the microsite of *GMA News.TV*. It contains stories, transcripts of Lozada’s testimony, backgrounders, and news clips. On the other hand, *abs-cbnNews.com* offers the site “The ZTE-NBN Deal: Lozada Surfaces (<http://www.abs-cbnnews.com/images/news/microsites/zte-nbn/index.html>).” The site carries stories and reports from *Newsbreak* and the Philippine Center for Investigative Journalism. It also has a photo gallery, a timeline of events, quotes from individuals and various sectors, transcripts, and ANC studio interviews.

The reports in these news sites are not only on the irregularities on the NBN project. More importantly, they include analyses and commentary on past and present Arroyo administration projects and the runaway graft and corruption in the government, thus pro-

viding the public the information it needs to participate more actively in the democratic discourse.

Backgrounders, etc.

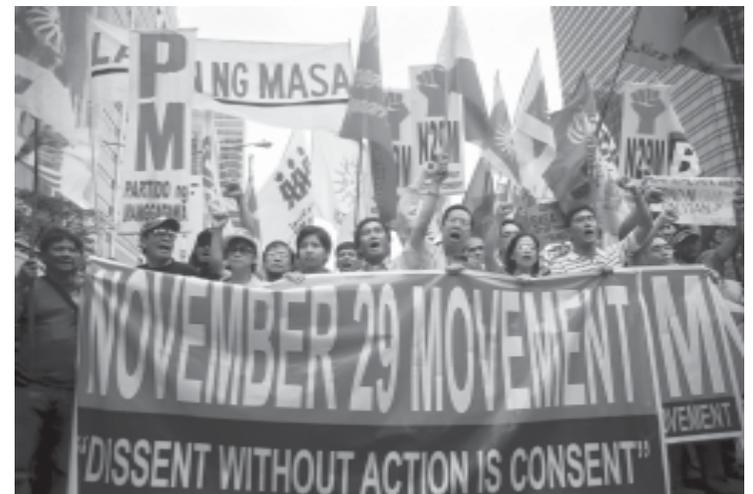
Most of the reports have been consistent in providing the background information that can help readers and viewers understand the controversy. The articles and news segments arm the public with information on who Lozada is, his role as a key witness in the

Senate investigation, what PhilForest is all about and what he did there, why he departed the country, etc.

On Feb. 7, the *Philippine Star* published on its front page a report from *Newsbreak* titled “Who is Jun Lozada?” which looked into how Lozada got involved in the NBN-ZTE deal, how he met former National Economic and Development Authority chief Romulo Neri, became president of PhilForest, and consulted some senators for assistance in and protecting his family.

Also on Feb. 7, *Bandila* reported one of the reasons why Lozada said he had seen the “ugly side of the state.” He lost his trust in the police and the justice system when the police mistook his brother for a car thief and killed him in 2001, and those responsible managed to escape punishment.

The media were also determined to look into various other issues that arose from the Lozada testimony. For example, the *Inquirer* provided a



sidebar to its story "Senators up in arms over abduction" on Feb. 7. It recalled the history of witness abductions by citing the cases of whistleblowers Udong Mahusay and Vidal Doble Jr.

Some articles and news segments explained government corruption. *TV Patrol World* focused on kickbacks in government transactions and bribery to secure procurement contracts with the government (Feb. 8). The program interviewed representatives of Transparency and Accountability Network and the Makati Business Club (MBC).

On the other hand, *abschnNews.com* chose to discuss why Filipinos seem to have lost interest in people power ("Filipinos experiencing People Power fatigue," Feb. 12).

Information glut

The information flood has its downside. There are so many sources eager to say their piece that the media have tended to report some things unchallenged.

For example, the initial reports on the statements by the police and airport officials regarding Lozada's disappearance on Feb. 5, and their testimonies in the Senate hearing, were in conflict, but the media failed to look into it.

Environment Sec. Lito Atienza said on Jan. 30 that he

knew of Lozada's scheduled conference in London and that Lozada left early because "he had to meet some people in Hong Kong." In the Senate inquiry, Atienza said that he did not know Lozada had gone to Hong Kong until he testified at the Senate hearing.

The Feb. 6 reports carried statements from some of the personalities involved that contradicted their earlier statements. On that day, Chief Superintendent Romulo Hilomen, Police Security and Protection Office (PSPO) director, told the Senate's sergeant-at-arms that Lozada was not in police custody. Soon after, however, Hilomen confirmed Philippine National Police (PNP) chief Dir. Gen. Avelino Razon Jr.'s statement that PSPO men were securing Lozada. But in a later interview Hilomen said he knew nothing of Lozada's whereabouts.

NAIA assistant general manager for security and emergency services Angel Atutubo denied that he escorted Lozada from his plane on his arrival. He said that Lozada was "not missing" but was actually with a certain SPO4 Roger Valeroso.

Unfortunately, Valeroso has also gone missing—but not before he was interviewed by GMA-7 last Feb. 11. He said then that if the Senate asked him to testify and clarify the supposed abduction, he



OUSTING DE VENECIA

By Don Gil K. Carreon and Kristine Joyce G. Magadia

DESPITE MALACAÑANG'S washing of hands over the ouster of Pangasinan Rep. Jose de Venecia Jr. from the speakership at the House of Representatives, press coverage of the event clearly showed two things: first, the plan to oust De Venecia had, at the very least, Palace blessings; and second, the change in the leadership did not necessarily mean reforms in the House of Representatives.

Although some lawmakers who voted in favor of a new House leader and Palace officials insisted that the move to oust De Venecia was not dictated by Malacañang, the press coverage showed otherwise. The press made sure to balance Malacañang's statements that it was not interfering in the House's affairs or was backing De Venecia with reports pointing out the active role of President Gloria Macapagal Arroyo's sons and allies in gathering support to unseat the Speaker. The attempts of De Venecia's camp to downplay the moves against him were likewise followed by reports on Nograles's growing number of supporters.

The reports also showed that the leadership change was motivated by political vendetta more than anything else. For example, De Venecia's critics were repeatedly quoted as saying that De Venecia should not expect Arroyo to stop her sons from moving against him since he had failed to prevent his son—Jose "Joey" De Venecia III—from testifying before the Senate about the alleged overpricing of the national broadband network (NBN) deal. In his testimony, Joey claimed that several powerful government officials and presidential spouse Jose Miguel "Mike" Arroyo were involved in the alleged anomalous deal.

The Philippine Star noted the ongoing-political tiff between De Venecia and the President as early as Dec. 31, or more than a month before De Venecia's ouster as House Speaker ("2007 political scene marked by GMA-JDV fall-out"). The report said, "the five-time Speaker remains under threat of being ousted as forces loyal to the First Family are bent on unseating him, in revenge for what his son did." It was also predicted that Davao Rep. Prospero Nograles was De Venecia's likely replacement. (Nograles replaced De Venecia, with a vote of 174-35 with 16 abstentions.)

Anatomy of an ouster

The reports did not focus only on personal vendetta as the primary reason for ousting De Venecia. Some pointed out how the outcome of coup

in the House was largely determined by pork and patronage and not by policies and principles.

Star columnist, Jarius Bondoc discussed how pork barrel funds would be critical in the Speakership battle ("Congress pork barrel to land in FG's hands," Feb. 4). Bondoc said that with De Venecia no longer in Malacañang's good graces, he may no longer be able to deliver promised project allotments as efficiently since the budget department, which is under the executive, has control over the funds release.

The Philippine Daily Inquirer's Amando Doronila on the other hand wrote how De Venecia's ouster would have serious repercussions on the administration. Doronilla also noted that despite Malacañang's insistence that it would not intervene in the fight for the speakership, Philippine history has shown that the President is instrumental in determining who becomes Speaker.

24 Oras provided a Feb. 6 report analyzing De Venecia's ouster. In the report, Alex Brillantes Jr., dean of the University of the Philippines National College of Public Administration and Governance, said that a change in the speakership was both good and bad to since there would be a new person leading the House but that the change was not motivated by any real policy issue. Brillantes added that the politics in the country is personality-based, not based in issues and ideals. The effects of a lawmaker being a Speaker for many terms were also discussed.

The Philippine Center for Investigative Journalism (PCIJ) also had an interesting report last Feb. 6 on De Venecia's ouster. The PCIJ blog post traced the loosening of De Venecia's hold on the speakership as far back as the 13th Congress, when he was not able to please members of the ruling coalition.

The report explained that De Venecia alienated some allies with the way he distributed committee chairmanships and memberships—a source of additional allowances and clout. This allowed Mrs. Arroyo's

party, Kabalikat ng Malayang Pilipino (Kampi), to recruit disgruntled legislators from other groups and to pose a real challenge to De Venecia.

As early as the 2007 local elections, the press had reported the growing friction between the former Speaker and Malacañang. The Lakas-CMD (Christian Muslim Democrats) party, which De Venecia previously headed, had chastised its ranks and challenging some of its candidates in local elections. A Kampi-led move to replace De Venecia with Cebu Rep. Pablo Garcia at the beginning of the 14th Congress last July further strained the political alliance. The rift widened when De Venecia initially refused to transmit to the House justice committee a weak impeachment complaint regarding the NBN controversy against the President last October. The three-page complaint, two of which were actually attacking De Venecia for purportedly backing his son in securing the NBN project, was allegedly filed to immunize the President from a stronger case.

What reform?

Despite these indications of media attention, there could have been more reports explaining the lawmakers' call for reform.

In a report by *24 Oras* in Feb. 4, Nograles said legislators who supported him were no longer satisfied with De Venecia's leadership and were clamoring for change. The report failed to specify what was wrong with De Venecia's way of running the Lower House. Furthermore, the report did not point out that while congressmen were calling for change in the House, they were supporting Nograles, a long time De Venecia deputy who had supported many of his former boss's policies.

The Inquirer did report Nograles's plan to address the congressmen's concerns on how the reforms would be carried out last Feb. 7 ("Nograles: I am no miracle man, reforms take long to brew says new Speaker"). Nograles said in the report that he plans to create an informal committee to classify which among the reforms being proposed by fellow legislators are actually doable. However, the report could have explained why Nograles was not able to push for such reforms when he was Majority Leader. ■



Protesters at the Feb. 29 rally in Makati.

would. According to him, he wanted to come out and deny that he forcefully took Lozada.

The media could and should have raised the very questions the public is now asking. Why was the Lozada family in a panic if it knew where Lozada was and who he was with, if the Lozadas were in constant communication as the police has been claiming? Were the airport and police officials involved in control of their operatives? To whom were the "escorts" of Lozada reporting? Where could Valeroso have gone? Should the media then continue to echo the government line that Lozada had not been abducted?

ABS-CBN 2 gave the public a TV special called "*Harapan*: The Jun Lozada exposé (Feb. 16)." It was simulcast over ABS-CBN 2, ANC, and radio dzMM Teleradyo. It was the first special on the controversy.

However, the three-hour live program drew flak when it put Lozada in a confrontation with a panel of government officials, apparently to demonstrate to government that the network was not pro-Lozada. Lozada exchanged barbs with Abalos, the PNP's Razon, deputy presidential spokesperson Anthony Golez, and Transportation and Communications Assistant Secretary Lorenzo Formoso III, among other officials.

Although people supporting Lozada were also present and interviewed, he was obviously outnumbered if not outargued. Oddly enough, however, it was the administration guests who were mostly complaining about the program's arrangements.

Anchors Korina Sanchez and Ricky Carandang immediately answered their complaint that they had been "set up." Sanchez explained that "*Harapan*" was not meant to be a Lozada-Abalos showdown but "a chance for those involved to air their side." In addition, "it was an opportunity for audiences to weigh in and compare the statements by Lozada and the accused government officials in order to help the public decide which side is telling the truth ("As Lozada faces 'mob', viewers weigh in on discussion," <http://www.abs-cbnnews.com/strongpage.aspx?storyid=109431>).

Viewers participated in the discussions by sending their reactions and questions through text messages, e-mail and online forum posts. When the show ended, its poll

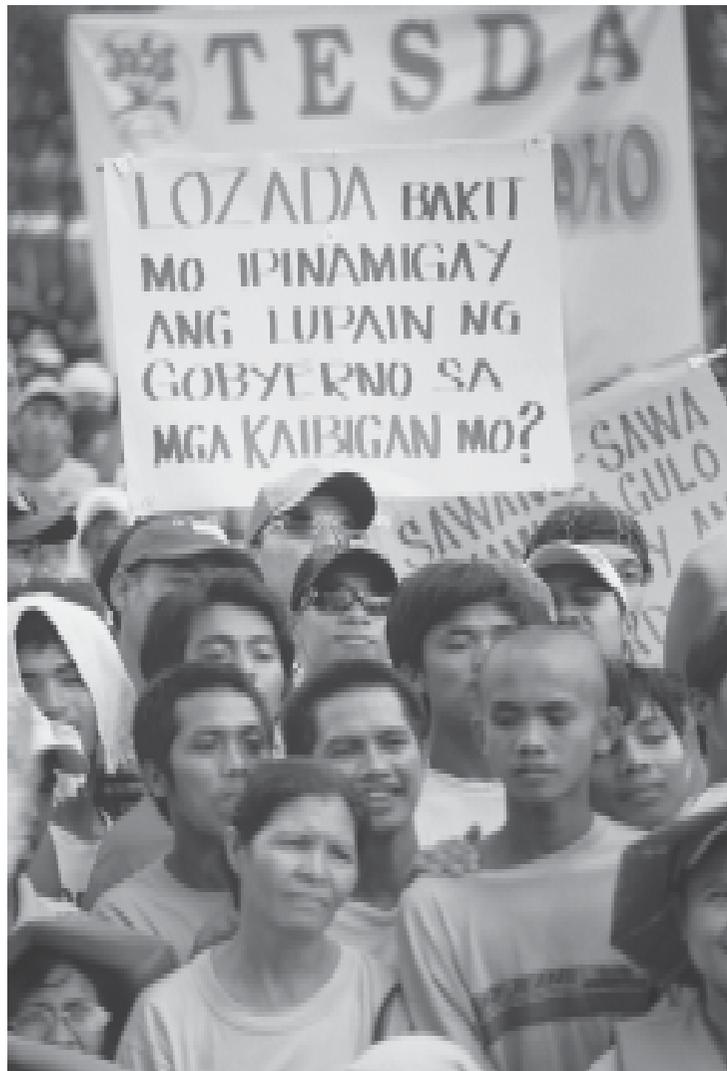
Taxpayer money is obviously being used to discredit Lozada, most obviously in the way government TV has jumped to the defense of the Arroyo government.

"*Nagsasabi ba ng totoo si Lozada* (Is Lozada telling the truth)?" showed that 92 percent of the total number of voters believed Lozada was being truthful, with only eight percent saying otherwise.

In full force

Malacañang predictably issued the usual calls to drop the NBN-ZTE controversy for the sake of political and economic stability. But it seems that the President and her allies are determined to defend themselves from the revelations of Lozada anyway they can, including through government media and their partisans in the privately-owned newspapers and networks. Taxpayer money is obviously being used to discredit Lozada, most obviously in the way government TV has jumped to the defense of the Arroyo government.

On Feb. 21, rare live breaking news interrupted the programming of government-owned and -sequestered TV to give way to NBN-4's program called *Boses* (*Voice*). Anchor



A pro-Arroyo rally, held on the same day as the anti-Arroyo rally in Makati last Feb. 29.

Mario Garcia was shown interviewing Philforest development officer Erwin Santos, who revealed the supposedly illegal activities of Lozada while the latter was still head of the company. Santos became officer in charge of PhilForest after Lozada's resignation.

Now being tagged as a "Palace crying witness," like

Lozada, Santos shed tears over live television while narrating how Lozada ignored proper procedures in PhilForest transactions. For an hour, he also said that Lozada's relatives had acquired public lands and that his former boss was involved in several illegal transactions when he was with the agency.



Media organizations such as the ABC-5 news team above, went full-blast in their coverage of the rallies last Feb. 29.

Repeatedly egging him on, Garcia encouraged Santos to do a Lozada by weeping before the cameras, and even referred to him as a "*panibagong bayani* (new hero)." The anchor asked him to raise his right hand and swear that what he had said was the truth. While Santos did so twice in the show, by his own admission his statements had nothing to do with the controversial NBN-ZTE deal. But Santos said he wanted to come out to demand his former boss's accountability for past wrongdoings.

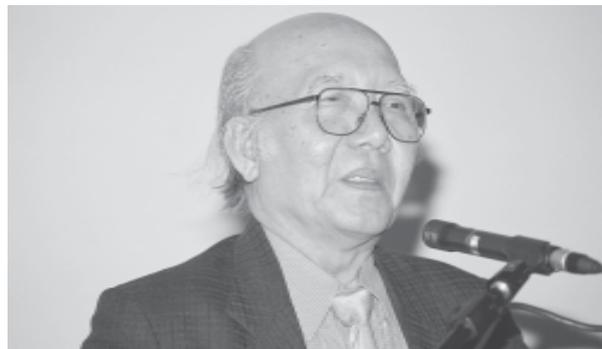
The "*Punto Legal*" (Legal Point) segment of *Teledyaryo*, the primetime news program of NBN-4 anchored by lawyer Romulo Macalintal, also took up the NBN-ZTE deal and the disappearance of Lozada, with, however, an obvious bias for the government side. News in *Teledyaryo* focused less on Lozada's accusations and more on the rebuttals of Arroyo's officials.

Political ads

The NBN-ZTE controversy led to a surge of political ads in major newspapers, either praising or reviling Lozada.

For example, a group called *Kongreso ng Mamamayan* (Central Luzon-National Capital Region-Southern Tagalog Chapters) released a full-page advertisement asking for closure on the scandal and expressing its reservations over Lozada as a "hero". It was published on Feb. 13, just two days before the 10,000-strong rally held in Makati and the Feb. 17 mass with 4,000 attendees at the La Salle Green Hills led by former President Corazon Aquino in support of Lozada.

In times of crisis the media have always been an arena of contention in the present crisis as much as the streets, for the very real reason that they're the critical factor in the kind of information and interpretation the public is getting and will get in the days and weeks to come. Government-controlled media are a lost cause as far as fairness, balance, and even truth-telling are concerned. It is the privately-owned media—the networks, the broadsheets, radio as well as television—that will help decide whether the present crisis will go the way of all others, or if it will lead to the changes in governance this country is so desperately in need of. So far it seems to be doing a good enough job. Hopefully it will continue to do so. In volatile Philippines, however, there are no guarantees. ■



IAPA's Trotti, 2000 Ramon Magsaysay Awardee for Journalism, Literature, and Creative Arts Astratmadja, and Supreme Court Chief Justice Puno served as keynote speakers of the conference. Participants, who came from as far as Latin America, listen and share insights about addressing the culture of impunity in the Philippines. Photos by LITO OCAMPO

TOWARDS A GLOBAL UNITED FRONT IN COMBATING IMPUNITY

■ By JB Santos

JUST THREE months after scores of journalists and media practitioners were arrested after covering the Manila Peninsula incident, over a hundred legal experts, judges, journalists, press freedom and human rights advocates from all over the world along with some local government officials gathered at the same site, this time to address a problem that has besieged the Philippines for over two decades now: the killing of journalists.

"Democracy in this country is under siege because bullets fired at the direction of journalists pierce not only human flesh, but also our republican ideals," Supreme Court Chief Justice Reynato Puno said in his keynote address at the start of the three-day international conference.

The "Impunity and Press Freedom" conference, held from Feb. 27 to 29, was organized by the Southeast Asian Press Alliance (SEAPA) and the Center for Media Freedom and Responsibility (CMFR) with support from the Open Society Institute (OSI) and the Committee to Protect Journalists (CPJ).

"It is a dangerous time for those who report the truth," Puno said.

In the Philippines, 70 journalists/media practitioners have been killed in the line of duty since 1986. Of the 33 journalist killings during the present administration, only two cases have convictions. The 2008 report of the New York-based press freedom watchdog CPJ described 2007 as the "deadliest year for the press in more than a decade," with its "unusually high number" of journalist killings. Freedom House, a Washington-based research institute on democracy,

Impunity could lead to self-censorship, misinformation, manipulation of news, erosion of the media's watchdog role, media closure, and ultimately "journalism that is reluctant to expose the truth."—Trotti

political freedom, and human rights, meanwhile said in its 2008 annual report that 2007 "was marked by a notable setback for global freedom."

Insist, insist, insist

Ricardo Trotti, director of the Inter American Press Association (IAPA) Press Freedom Program and Press Institute, identified certain circumstances in the legal and social environment which permit impunity to pros-

per. In his talk, Trotti identified lack of political will, an inadequate legal framework, a weak judicial system, police inefficiency, scant resources, and negligence and corruption on the part of government as causes of impunity. Impunity is "exemption from punishment or loss" and refers to the failure to bring perpetrators of human rights violations to justice.

When allowed to fester, Trotti pointed out that impunity could lead to self-censorship, misinformation, manipulation of news, erosion of the media's watchdog role, media closure, and ultimately "journalism that is reluctant to expose the truth."

Trotti also said that one of IAPA's main efforts is conducting dialogues with governments of different countries to pressure them to combat impunity. "We bother governments every now and then. That is a major and effective part of our work (as journalists)—to bother," Trotti said.

Echoing the observation that the press has to continuously defend press freedom worldwide, Atmakusumah Astratmadja, Ramon Magsaysay Awardee for Journalism, Literature, and Creative Arts in 2000 and head of the Dr. Soetomo Press Institute, meanwhile said in his keynote speech that government pressures on the Indonesian press have continued despite the end of the Suharto dictatorship in 1998. The laws protective of press freedom do not automatically guarantee a safe environment for media practice if the public is unaware of the crucial role media plays in a democracy.

What is needed is public awareness. "The tension between the public and the press in Indonesia is not necessarily a reflection of differences in their interest; it is more of a reflection of conflict of ideas and paradigms. Hence, the importance of continuous efforts to maintain mutual understanding between media workers and society, but without sacrificing the independence of the press," Astratmadja said.





Speakers at the international conference on press freedom and impunity organized by CMFR and SEAPA included Schell Center for International Human Rights's Christine Chung, International Center for Transitional Justice's Ruben Carranza, lawyer Harry Roque, PPI's Jose Pavia, and *MindaNews*'s Carol Arguillas.

Sustained campaign

In the Philippine context, Court of Appeals Justice Lucas Bersamin discussed the highlights of the July 16-17, 2007 Summit on Extrajudicial Killings the Supreme Court held in Manila.

IAPA's Gonzalo Marroquin narrated key points discussed at the "Hemisphere Conference on The Judiciary, The Press and Impunity" held on July 18 to 20, 2007 in Santo Domingo, Dominican Republic.

Justices from the highest courts in the Americas as well as 200 jurists, legal experts, lawyers, and journalists attended the Sto. Domingo conference, which stressed the need to enact legal reforms and active judiciaries in the fight against impunity.

In one panel discussion, the writ of amparo was discussed by the US-based Due Process of Law executive director Eduardo Bertoni, Judge Santiago Pedras Gomez of Spain, and Philippine Supreme Court Justice Adolf Azcuna.

The Philippine Supreme Court issued the implementing guidelines for the writ on Sept. 25, 2007 in response to the tide of extrajudicial killings and enforced disappearances in the country. 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 writ took effect on Oct. 24, 2007.

Bertoni said that to better appreciate and understand the writ of amparo, it is vital to understand first why the usual remedies, like the writ of habeas corpus, often do not work. Gomez meanwhile said that the writ of amparo in some cases has also been used to defend freedom of expression by protecting an individual's right to communicate or receive information.



PPI's Pavia, National Union of Journalists of the Philippines chair Jose Torres Jr., Supreme Court spokesperson Midas Marquez, and Court of Appeals Justice Bersamin



Law professor and columnist Raul Pangalangan, the Philippine National Police's Edmund Bayle, and Bersamin

Senior State Prosecutor Leo Dacera of the Philippines meanwhile explained the state of the witness protection program (WPP) of the Department of Justice which has been often cited as

in dire need of reform. He explained the disconnect between the popular notion of what a WPP should be and the actual reality on the ground that the program has to operate in. In some cases,

the economic expectations of some witnesses who come under the program pose a big difficulty as the WPP is only allotted a limited amount of funds. Dacera said that to an extent, WPP personnel could be considered as "glorified caregivers."

The importance of a sustained campaign against impunity through a joint effort by the government and media as exemplified in the Marlene Esperat case, would be effective in fighting impunity, Dacera said. The killers of Esperat have been convicted through the combined efforts of the Freedom Fund for Filipino Journalists (FFFJ) and government prosecutors.

The FFFJ is a coalition of six media organizations formed in

2003 in response to the increasing number of slain journalists. The FFFJ members are the Center for Community Journalism and Development, Philippine Center for Investigative Journalism, Kapisanan ng mga Brodkaster ng Pilipinas, Philippine Press Institute (PPI), the US-based newspaper the *Philippine News*, and CMFR which serves as the secretariat.

Unique and fleeting opportunity

At the culmination of the three-day conference, an international impunity campaign for the Philippines was launched by FFFJ, CPJ, and the OSI.

The campaign involves enhancing public awareness of impunity, more research analysis into the cases of journalists killed, mobilization of quick response teams to help journalists under threat, and the establishment of a legal defense fund among others.

CPJ executive director Joel Simon said that political will, an active judiciary, a strong community of the local press as well as media advocacy groups, the presence of international pressure, and records of landmark prosecution such as Esperat case provide an opportunity to campaign against impunity. "I believe there is a unique and fleeting opportunity to make a difference on an issue that has deep implications for the future of Philippine democracy," Simon said.

The conference did not only demonstrate the common interests of human rights groups, jurists, lawyers, and journalists in combating impunity. It was also an occasion for the groups representing these sectors to forge a united front across frontiers in the defense of free expression and press freedom, as well as a warning to the killers of journalists and activists that their deeds will not go unpunished. ■



SEAPA's Roby Alampay, CPJ's Simon, CMFR's Melinda Quintos de Jesus, PPI's Pavia, and OSI's Stewart Chisolm announce the launching of the international impunity campaign in the Philippines.

NATIONAL

Supreme Court rules government warnings constituted prior restraint

THE SUPREME Court has ruled that threatening statements from the justice secretary and the National Telecommunications Commission (NTC) warning media not to air or print a 2004 wiretapped conversation between President Gloria Macapagal Arroyo and an election commissioner constituted "impermissible forms of prior restraints on the right to free speech and press."

The 38-page decision, written by Chief Justice Reynato Puno on Feb. 15, declared government threats against media on June 8, and 11, 2005 as "constituting unconstitutional prior restraint on the exercise of freedom of speech and of the press."

"Issues revolving on their construct must be decided on a case to case basis, always based on the peculiar shapes and shadows of each case. But in cases where the challenged acts are patent invasions of a constitutionally protected right, we should be swift in striking them down as nullities per se. A blow too soon struck for press freedom is preferred than a blow too late," the decision said.

In 2005, wiretapped mobile phone conversations between Arroyo and former election commissioner Virgilio Garcillano were circulated in the Internet and through CDs. The recordings, which suggested that the 2004 presidential elections were being rigged in favor of Arroyo, also included conversations with other high-ranking government officials by a woman who sounds like Arroyo.

Shortly after compact disc copies of the "tapes" were circulated, Justice Sec. Raul Gonzalez warned reporters that they could be sued under the Anti-Wiretapping Act if they aired or printed their contents. Gonzalez said that anyone who had copies could be arrested. He also ordered the National Bureau of Investigation to investigate media organizations believed to have distributed, played, or printed the contents of the tapes.

The NTC subsequently warned that "radio and television owners/operators [must] observe the anti-wiretapping law and pertinent circulars on program standards."

Lawyer Francisco Chavez, a former solicitor general, filed a suit asking the court to restrain

Gonzalez and the NTC from further issuing similar statements and orders that may infringe on the public's right to know.

The High Tribunal said that "the Court should not be misinterpreted as devaluing violations of law. By all means, violations of law should be vigorously prosecuted by the State for they breed their own evil consequence."

However, "the need to prevent their violation cannot per se trump the exercise of free speech and free press, a preferred right whose breach can lead to greater evils."

"For this failure of the respondents alone to offer proof to satisfy the clear and present danger test, the Court has no option but to uphold the exercise of free speech and free press. There is no showing that the feared violation of the anti-wiretapping law [would] endanger the security of the state," the decision stated.

The decision also closely examined the law on freedom of speech, of expression and of the press, as well as content-neutral and content-based regulations.

Chief presidential legal counsel Sergio Apostol downplayed the landmark resolution and said that the decision was not yet final.

Judge upholds court's jurisdiction over journalist murder case

A CEBU City Regional Trial Court (RTC) judge denied last Feb. 14 a motion by two defendants accused of masterminding the murder of journalist Marlene Esperat. The motion sought to quash the charges filed by the state prosecutor against them on Feb. 1.

Defendants Estrella Sabay and Osmeña Montaner, accused of masterminding the Esperat killing, are the Region 12 finance officer and regional accountant respectively of the Department of Agriculture.

Esperat, who wrote exposés accusing Montaner and Sabay of corruption, was killed on March 24, 2005 in full view of her children while they were having dinner in their Tacurong City, Sultan Kudarat residence.

The defendants' motion argued that the Cebu City RTC has no jurisdiction over the case because the murder happened in Tacurong City, Sultan Kudarat. But in a seven-page decision, Cebu RTC Branch 7 Judge Simeon Dumdum Jr. ruled that the Cebu City RTC has jurisdiction over the case as stated in a Nov. 23, 2005 Supreme Court resolution.

Dumdum also denied the motion filed by the defendants which sought to halt the serving of arrest warrants on them. Dumdum issued arrest warrants for the two accused on Feb. 4, addressed to the Cotabato City police. Sabay and Montaner reside in Cotabato.

Nena Santos, private counsel for the prosecution, said that the issuance of the warrants was a "positive development."

"The prosecution will face a legal battle against the moneyed and influential accused, but we believe that at the end of the day, truth and justice will prevail," Santos added.

The High Tribunal's resolution ordered the transfer of the Esperat murder case from the Tacurong City RTC Branch 20 to Cebu City RTC in response to a Freedom Fund for Filipino Journalists (FFFJ) petition. The FFFJ requested the change of venue, citing safety concerns for the victims and the need for a more neutral court.

Dumdum said that the case "against Sabay and Montaner is but a continuation of the proceedings, of which Crim. Case No. 2568 was just the first part, relative to the murder of Marlene Esperat. The Supreme Court has directed the Regional Trial Court of Cebu City to conduct the proceedings. The latter continues to have jurisdiction over the case."

Criminal Case No. 2568 pertains to the case against Randy Grecia, Gerry Cabayag, and Estanislao Bismans. The latter three were convicted by Cebu City RTC Judge Eric Menchavez on Oct. 6, 2006 through the help of the testimony of suspect-turned-state witness Rowie Barua.

Santos said that she will request the Department of Justice (DoJ) to issue a hold departure order on Montaner and Sabay and the Court to order the Philippine National Police for the immediate arrest of the two suspects.

The information gathered from the preliminary investigation of the case was filed at the Cebu City RTC on Feb. 1, 2008.

"I have personally examined the complaint and their witness and on the basis of their sworn statements and other evidence presented before me there is reasonable ground to believe that the offense charged has been committed and the accused are probably guilty," wrote Geronimo Sy, the state prosecutor who conducted the preliminary investigation, on the information.

Through the assistance of the FFFJ, Valmi Garcia Mariveles, sister of Esperat, filed a complaint

at the DOJ on Sept. 13, 2007 against alleged masterminds Montaner and Sabay. The Center for Media Freedom and Responsibility is a founding member and serves as the FFFJ secretariat.

In her DOJ petition, Mariveles wrote that the reinstatement of the case against the masterminds would "help to dispel the mistaken notion that it is government's official policy to perpetuate a culture of impunity in the extrajudicial killing of journalists in our country."

Vice President was "just kidding" when he told bodyguard to "kill" reporter

De Castro LITO OCAMPO

THE COUNTRY'S second highest government official said that he was just joking when he ordered his bodyguard to "kill" a tabloid reporter on Feb. 13 after the latter repeatedly asked whether he was ready to assume the presidency if President Gloria Macapagal Arroyo resigns or is removed from office.

During an interview with reporters at the launching of a government housing project, Vice President Noli de Castro turned to his bodyguard and asked him to "kill" *People's Tonight* reporter Jeffrey Tiangco.

De Castro, a former television broadcaster for TV giant ABS-CBN 2 and the Constitutional successor to President Arroyo, was apparently annoyed after Tiangco, dissatisfied with the vice president's answer, repeatedly asked him if he was ready to succeed Arroyo.

"Can you kill this guy?" De Castro told one of his bodyguards.

A visibly shaken Tiangco asked de Castro if he meant it. The vice president did not answer him and turned to other reporters.

After the interview, Tiangco approached De Castro to say that he did not mean to badger him but that he was simply doing his

job as a reporter. De Castro said the supposed threat was merely a joke.

A representative from the vice-president's office later reiterated that De Castro's statement was only a joke.

If joke it was, it was made in the context of unabated extrajudicial killings which have claimed the lives of journalists and activists among others, for most of which government security forces have been blamed. Seventy journalists/media practitioners have been killed in the line of duty since the institutions of democracy were restored in 1986, while some 800 political activists have reportedly been killed since 2001.

The relationship between the government and the media has also been increasingly fraught with tension after the arrests of over 30 journalists who covered the Manila Peninsula standoff. The arrests, plus a series of threatening statements from high-ranking government officials, forced several media organizations and dozens of journalists to file suits against the government demanding that it stop media arrests and harassments.

Judge denies media request to extend court order against gov't harassment

A MAKATI Regional Trial Court (RTC) judge denied on Feb. 8 a petition by journalists to extend a previously granted 72-hour temporary restraining order (TRO) to prevent the police, the military, and other government agencies from threatening or arresting journalists and media practitioners during crisis situations.

"(P)laintiffs have failed to show the existence of a right which stands to be violated should the court not yield to their application for a temporary restraining order," the six-page order by Makati RTC Branch 56 Judge Reynaldo Laigo stated.

Some three dozen journalists and several media organizations filed a civil case against government officials and agencies in response to the arrest of over 30 media practitioners during the Nov. 29, 2007 Manila Peninsula incident.

Hours after the filing, Makati RTC Executive Judge Winlove Dumayas approved the petition seeking a 72-hour TRO barring government from threatening journalists and arresting them when covering events similar to the Manila Pen standoff.

Laigo said that “before an injunctive writ can be issued, it is essential to show the existence of a right to be protected, and the act against which the injunction is directed is a violation of such right.”

He also ruled that the advisory Justice Sec. Raul Gonzalez issued on Jan. 11 does not “constitute a threat that would operate as prior restraint.”

The Gonzalez advisory warned media executives that their “networks or organizations may incur criminal liabilities under the law, if anyone of (their) field reporters, news gatherers, photographers, cameramen and other media practitioners will disobey lawful orders from duly authorized government officers and personnel during emergencies which may lead to collateral damage to properties and civilian casualties in case of authorized police or military operations.”

According to Laigo, the advisory was simply a reiteration of Article 151 of the Revised Penal Code which imposes the penalties of arrest and fine on those who disobey “persons in authority or the agents of such persons.”

Journalist seeks court protection against killers

AN ORIENTAL Mindoro-based journalist filed a petition for a writ of amparo before the Supreme Court on Feb. 4 after discovering a plan to kill him, allegedly by people involved in anomalies he had exposed.

Nilo Baculo Sr., publisher and writer of the community newsletter *Traveler's News*, asked the High Court to issue him a “temporary protection order” under Section 14 of the Rule on the writ of amparo. A “temporary protection order” provides the petitioners protection by “a government agency or by an accredited person or private institution capable of keeping and securing their safety.”

Baculo was assisted by the Roque and Butuyan Law Offices.

This is the first time that a provincial journalist in danger has petitioned the High Tribunal for a writ of amparo. Out of the 70 journalists/media practitioners killed in the line of duty since 1986, 67 were from the provinces.

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 tide of extrajudicial killings and enforced disappearances in the Philippines. The writ took effect on Oct. 24, 2007.

Baculo found out on Dec. 16, 2007 about the attempt in his life after the “would-be assassin” approached and informed him that a group of people wanted him dead due to his exposés. He has been in hiding since then.

The hired hitman was Baculo's acquaintance and backed out of the deal after knowing that it was the journalist he had been hired to kill.

The supposed hitman, claimed Baculo, told him that he was hired to kill the journalist by local businessman Wilfredo Caballero, Calapan City Administrator Antonio Perez, and Councilor Allan Mañibo. The latter three allegedly got in touch with the hitman through Maximo Evora, a retired provincial warden.

All four are respondents in Baculo's petition. Other respondents are local government officials from city administration to elected officials implicated in Baculo's exposés.

In his complaint, Baculo stated that he found himself a “target of malicious and baseless criminal accusations” such as attempted rape, extortion, and involvement with the armed communist group New People's Army. He was jailed because of some of the accusations, and managed to be released after his friends raised bail amounting to P300,000.

Baculo hosted a public affairs program, “*Isumbong Mo Kay Ka Nilo (Tell it to Nilo)*” in dwIM Calapan City from 1995 to 2001. He transferred to dwAW Batangas in 2002. Baculo also published the weekly *Traveler's News* where he had a column under the same title as his radio show. He also served as the business manager of the *Pacific Review*, a Batangas City-based publication.

In his former radio program, Baculo aired critical stories on alleged anomalies and crimes involving local government officials and big businessmen. He also filed numerous administrative cases and criminal charges for the illegal activities he claimed to have uncovered.

In one of his exposés, Baculo related the alleged misuse of funds of the private-owned telephone company Calapan Telephone Systems Inc. (CATSI) in Oriental Mindoro by its majority stockholders, which include Caballero and his wife.

The minority shareholders of CATSI used Baculo's findings in a

case they filed against the majority stockholders. He said this is one of the reasons why Caballero's group wants him dead.

Lawyer Harry Roque, Baculo's counsel, in a statement said that they “hope that by resorting to the writ of amparo, Nilo Baculo and others similarly situated will finally have a legal recourse to prevent their inclusion in the growing list of victims of impunity in the Philippines.”

INTERNATIONAL

Chinese government continues pre-Olympic crackdown on dissent

THERE WAS real reason to celebrate during the Chinese New Year — three Chinese journalists were freed after years in prison on trumped-up charges. But officials have much farther to go before fulfilling the human rights commitments they made upon being awarded the 2008 Olympics, say International Free Expression Exchange (IFEX) members.

Journalist Li Changqing, the laureate of the 2008 World Association of Newspapers (WAN) Golden Pen of Freedom, was the first to be freed on Feb. 2, at the end of his three-year prison sentence for “fabricating and spreading false information,” reports WAN.

Li, a reporter and deputy news director of the *Fuzhou Daily* in Fuzhou City, had alerted the public to an outbreak of dengue fever in Fuzhou before the authorities announced it.

Three days later, Hong Kong-based journalist Ching Cheong was unexpectedly released on parole in Guangzhou, southern China. The *Singapore Strait Times* reporter had served three years of a five-year prison sentence for allegedly spying on Taiwan, reports the Committee to Protect Journalists (CPJ).

Then Yu Huafeng, the former director of the liberal Guangzhou-based newspaper *Nanfang Dushi Bao*, was released on Feb. 8 after his sentence was reduced for a third time, reports Reporters Without Borders (RSF). Yu ended up serving four years of what was originally a 12-year sentence on corruption charges, after his outspoken newspaper published a story about a suspected severe acute respiratory syndrome case in Guangzhou.

The reason for Ching's and Yu's early releases - years before their sentences were originally scheduled to end - is unclear.

According to the *Washington*

Post, the concession seems to have been intended to cultivate some goodwill among critics in Hong Kong and southern China, where thousands of Chinese journalists had taken up these men's causes.

“Hong Kong journalists enjoy more media freedoms than their mainland counterparts, and Mr. Yu's mainland paper has a reputation for defying state censors,” said the *Post*.

IFEX members had been lobbying for their freedom. The releases show that “campaigns of support for imprisoned journalists and cyber-dissidents can be successful,” says RSF.

But any goodwill inspired by the releases has dissipated with Beijing's crackdown on dissent in recent weeks. Within 24 hours of Ching's arrival home in Hong Kong, another journalist and outspoken critic of government corruption was sentenced to four years in prison for subverting the state, report CPJ and the International PEN Writers in Prison Committee.

Journalist Lu Gengsong had written several articles for overseas websites that were critical of local officials, and reported on the trial of a human rights defender the day before he was arrested.

His arrest follows that of one of the country's most prominent civil rights activists, Hu Jia, who uses blogs, webcasts, and video to expose human rights abuses. Hu was arrested in December and has allegedly been charged with “inciting subversion of state power,” report Human Rights Watch and RSF.

According to Human Rights Watch, state security convictions rose by almost 20 per cent between 2006 and 2007.

“Charging people with ‘inciting subversion’ has become the weapon of choice to silence dissent ahead of the Games,” said Human Rights Watch.

“Hu Jia's only ‘crime’ was to speak honestly about the tightening chokehold on dissent ahead of the Games, and his arrest sends a stark message to other Chinese activists: lie low ahead of the Olympics or face the consequences.”

WAN and RSF say that at least 30 journalists and 50 cyber-dissidents remain behind bars for doing their jobs, making China the world's biggest jailer of journalists.

IFEX members have been stepping up their campaigns, urging the Chinese government to release all journalists and political prisoners before the Summer Games.

They have also called on

Olympic committees and world leaders to demand the release of dissidents as a condition for their attendance in Beijing in August. According to ARTICLE 19 and RSF, a British newspaper recently revealed that the British Olympic Association wants to ban British participants from commenting on any “politically sensitive issues” during the Games.

“Repression will only increase through the opening of the Games unless foreign governments, the International Olympic Committee, and national Olympic committees make it clear to China that such abuses are a threat to the success of the 2008 Olympics in Beijing,” Human Rights Watch said.

“International silence in the face of these Olympics-related human rights violations is tantamount to giving the Chinese government a green light to intensify its pre-Olympic crackdown,” said IFEX. — IFEX

RSF slams public officials for press freedom decline

THE 2008 Reporters Without Borders (RSF) annual report slammed the “impotence, cowardice and duplicity” of public officials around the world for the global erosion of press freedom.

“The spinelessness of some Western countries and major international bodies is harming press freedom,” secretary-general Robert Ménard said in the organization's annual press freedom report. “The lack of determination by democratic countries in defending the values they supposedly stand for is alarming.”

Ménard charged that the UN Human Rights Council in Geneva had caved in to pressure from countries such as Iran and Uzbekistan, and expressed concern at the softness of the European Union towards dictators who did not flinch at the threat of European sanctions.

The report's introduction listed problems expected in the coming year, especially physical attacks on journalists during key elections in Pakistan (Feb. 18), Russia (March 2), Iran (March 14), and Zimbabwe (March 29).

The worldwide press freedom organization voiced concern about the safety of journalists covering civil war in Sri Lanka, the Palestinian Territories, Somalia, Niger, Chad and especially Iraq, where it said “journalists continue to be buried almost every week.”

It also protested against censorship of new media (mobile phones transmitting photos and

film and video-sharing and social networking websites) and highlighted media repression in China in the run-up to the Olympic Games there this summer.

"Nobody apart from the International Olympic Committee seems to believe the government will make a significant human rights concession before the Games start," it said. "Every time a journalist or blogger is released, another goes into prison.... China's dissidents will probably be having a hard time this summer."

The report includes surveys of press freedom in every region of the world over the past year and chapters on 98 countries, including European Union members and the United States. —RSF

Burmese authorities raid weekly's office

The editor and the manager of a Rangoon-based weekly were picked up for interrogation by local authorities on Feb. 15 and

have been detained at the township's police lockup since.

At about 5 p.m. (local time) that day, Thingangyun Township law enforcement officers came to the office of the *Myanmar Nation* and searched the place for three hours before bringing chief editor Thet Zin and manager Sein Win Maung to the police station for interrogation, a source told *Mizzima News*.

The reason for their detention has not been made known. However, the officers found and seized a copy of the Burmese translation of UN Special Rapporteur for Human Rights Paulo Sergio Pinheiro's Burma report, a video disk of the September 2007 demonstrations led by monks, and a copy of the book by Shan ethnic leader Shwe Ohn, called *Let's Build an Inseparable Union*.

On the morning of Feb. 18, an officer from the Thingangyun police station led a team of six to search the office again for three hours. This time, they seized data from the chief editor's computer.

In the evening, the Press Scrutiny and Registration Board called the permit holder of the publication to hold off distributing the journal as it is being reviewed, a source who wished to remain anonymous told *Mizzima News*.

Thet Zin's wife, Khin Swe Myint, said she has not been told why her husband and his colleague were taken away.

"I asked the policemen who came and searched the office this morning again. They only said that they came under instructions from higher authorities and they will submit their report following the search. They just said they would let me know about the case later," she told *Mizzima News*.

"I can't imagine why they were taken away from their office. This journal is being published officially after clearance from the censorship board. They didn't do anything that violates any rule or law. I asked (my husband), too. He also doesn't have any idea why he was being interrogated," she said. —SEAPA

CMFR publishes *Libel as Politics*

THE CENTER for Media Freedom and Responsibility (CMFR) has released *Libel as Politics*, a publication that examines libel from the perspective of law, history, politics, and press practice. The volume provides an insight on why defamation remains a crime in the Philippines despite constitutional provisions guaranteeing press freedom and expression.

Efforts to decriminalize libel have not prospered as politicians often use it as an effective harassment tool against journalists who subject them to unflattering reports. In 2007, broadcaster Alex Adonis was imprisoned for libel filed by Davao Rep. Prospero Nograles. Ironically, Nograles filed a bill for the decriminalization of libel last November.

The Supreme Court has issued a memorandum circular encouraging judges to penalize people convicted of libel with fines instead of imprisonment last January 28.

CMFR deputy director and UP journalism professor Luis Teodoro edited the book and discussed how journalists could avoid libel through ethical practice. Raul Pangalangan, former dean of the University of the Philippines College of Law analyzed the role politics plays in the litigation of libel suits.

Free Legal Assistance Group chair Jose Manuel Diokno looked into how criminal anti-defamation infringes on the right to free expression. Lawyer Harry Roque discussed the civil suit filed by journalists against presidential spouse Jose Miguel Arroyo for his abuse of right in filing 46 libel cases against 11 journalists. CMFR staffwriter and *PJR Reports* reporter Don Gil Carreon provided a brief history of libel in the Philippines.

The book was published with support from the Royal Ministry of Foreign Affairs, Government of Norway.

GMA-7, ABS-CBN 2 bag awards in 2008 New York Festivals

RIVAL NETWORKS GMA-7 and ABS-CBN 2 received medals of distinction in the recently concluded 2008 New York Festivals International Television Broadcasting Awards held at the Tribeca Rooftop in Manhattan, New York last Feb 1.

GMA-7 won a total of five medals. *Reporter's Notebook* bagged the gold world medal in the Human Interest Category for its documentary on child scavengers, "Batang Kalakal," and a bronze for its episode entitled "Engkwentro" (Crossfire) for Coverage of On-going Story Category.

Another documentary program of the network, *I-Witness*, won two silver world medals in two separate categories - "Huling Hala Bira!" (The Last Hurrah) for Community Portraits Category and "Iskul Ko, No. 1!" (My School is Number 1!) for Social Issues/Current Events.

Emergency's "Mga Batang Nagsusunog" (Kids Burning Copper), a story on child labor, health, and environmental issues, received a bronze medal from the United Nations Department of Public Information, a special award at the festival.

ABS-CBN 2, on the other hand, went home with a silver world medal in the News Promo (Special Series) Category for "Halalan" (Election), the station's election plug that asked for public vigilance during the 2007 elections.

George H. Nash as "arguably the most important public intellectual in the United States in the past half century."

HACKER, 101

SAID TO be the "oldest columnist in the world", Rose Hacker, a political activist and sex therapist and a columnist for London's *Camden New Journal*, died last Feb. 4 after a fortnight's illness. She was 101.

Hacker's articles dealt with sexuality and relationships. Among the books she wrote was the bestseller sex education book, *Telling the Teenagers: A guide to par-*

ents, teachers and youth leaders (1957) that was later revised and republished as *The Opposite Sex: Vital knowledge about adult relationships—from your first "date" to married life and love* (1960). She also wrote for *Co-operative Correspondence Magazine for Women* in 1935.

Hacker's work as a relationship counselor in the Marriage Guidance Council in the '50s got her involved with helping the disadvantaged. She also championed housing rights and equality for all.

She became a fortnightly columnist for the *Camden New Journal* when she was 100. ■

OBIT



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CRUZ, 66

LARRY CRUZ, journalist, publisher, and restaurateur, died of cancer last Feb. 4 in Washington, DC. He was 66.

Cruz was a reporter and a news editor for the *Manila Times* and *Philippines Herald* radio stations before he became a writer for the Hongkong-based *Asia Magazine*. He was the deputy secretary of the press office during the Marcos regime. He also headed the Bureau of National and Foreign Information.

Cruz became a pioneer of the glossy-magazine industry when he published *Metro magazine* in the 1980s.

Cruz was the chairman and chief executive officer of the LJC Consultancy Management Inc. which manages 14 restaurants around Metro Manila and Cebu.

BALBASTRO, 67

ENTERTAINMENT JOURNALIST, radio announcer, and lawyer Felimon "Billy" Balbastro died of lung cancer last Feb. 2 in Paranaque City. He was 67.

Balbastro was an alumnus of the UP College of Law and held positions in some student publications. In 1983, he obtained MA degrees from the Asian Institute of Journalism and Communications.

Balbastro began as an entertainment writer for the *Philippine Free Press* and *Kislap-Graphic*. He was a regular columnist for *Abante* and *Abante Tonight* and an anchor for Radio dzMM.

Balbastro, also an independent film supporter, was the president of the Philippine Movie Press Club from 1982 to 1984. Balbastro was a recipient of various awards including the FAMAS Dr. Jose R. Perez Memorial Award in Journalism in 1983 and was a member of the Committee on Cinema of the National Commission for Culture and the Arts.

CASTRO, 70

JOURNALIST AND former vice-president and director of the National Press Club Lamberto "Bert" Castro died of a heart attack last Feb. 13, 2008. He was 70.

Castro was a reporter for the *Daily Mirror* and a city editor for the *Manila Chronicle*. Castro co-hosted "Kapihan sa Manila Hotel" and

"Kapihan sa Max Breakfast Forum." He also taught at the University of the East College of Law, the Polytechnic University of the Philippines, and the Pamantasan ng Lungsod ng Maynila.

BUCKLEY, 82

WRITER, COMMENTATOR, lecturer, and influential American conservative William Frank Buckley who founded in 1955 the political bi-weekly magazine *National Review*, died in Stamford, Connecticut on Feb. 27 at age 82. He was suffering from emphysema and diabetes at the time of his death.

His works ranged from political essays, to autobiography, thrillers, and an account of his travel experiences. His first book, *God and Man at Yale*, published in 1951, launched Buckley's career. The book criticized how Yale University "strayed from its original educational mission" and attacked its professors for their stern liberalism and atheism.

Buckley worked as an editor for *The American Mercury* from 1951 to 1952. He founded and served as editor-in-chief of *National Review*, a leading conservative journal, until 1990. His wit and humorous conservatism brought him to the limelight with the television program *Firing Line* that ran from 1966-1999. In 1991, US President George H. W. Bush awarded Buckley the Presidential Medal of Freedom in 1991.

Buckley has been described by American conservative historian

DREAMING OF ONLINE JOURNALISM



■ By Jose Torres Jr.

IT'S 2:30 in the morning and I can hear the rain falling outside my window. I've just arrived from a leisurely drive home from the office. I can still taste my dinner—a cheeseburger from the 24-hour McDonald's takeout window. Next thing that I want to do is go to the bathroom, change into the most comfortable clothing I can get into, and dive into bed.

There will be no more big stories, at least in the next few hours, until the break of dawn. Another long day is over—meeting television reporters to discuss blogging, uploading the results of the nursing and medical board exams, setting up a live online chat with a key witness in the national broadband project mess, etc.

In another 30 minutes I will be in dreamland, enjoying the trees and the mountains, the fields and the oceans, and the blue skies of my rustic hometown in the south.

I was about to turn the television on to catch the replay of the late-night news and wait for sleep, when something flashed in my head. I had a deadline to meet. I still had one last thing to do before I crawled under the warm sheet and hugged my pillow. I had to do this piece.

I took my white *Eee* PC from the small black bag that looks like a makeup kit, opened it, pushed the silver button, and thanks to the latest innovation, the tiny computer booted up like, well, a fast computer, supposedly an ideal tool these days for people on the move, like writers and journalists.

Gone are the days in Mindanao when, armed with my favorite black Kilometrico pen and small reporter's notebook, I transcribed interviews under a small kerosene lamp and wrote stories that would come out in the papers two or three days after being rushed

to the nearest town center the next morning, falling in line to call long-distance to Manila and dictating the story to an editorial assistant who would transcribe a four-page special report.

There were no e-mails then, even fax machines were a rarity, and were available only in some big cities.

Those were the days of adventure, when journalists used borrowed pens and cigarette packs to write down interviews before running to their portable typewriters in the corner, or rushing to the nearest public telephone booth to call their respective newsrooms. Computers with no hard disks and pagers that were still to be introduced in the country—that was when I discovered journalism.

Cultural change

The times have changed. When once journalists were supposed to be people in the know, “preaching” to the public about the latest information and trends, these days journalists are facilitators, “conversation leaders” to a community that has access to information when they need it, where they need it, via the Web and their mobile gadgets.

There must be a cultural change in newsrooms, wrote an expert on online journalism whose name I cannot recall now. Journalists are not supposed to just transcribe what their sources say and relay it to the public the next day. The audi-

ence will most likely have the information before the ink on the newsprint is dry.

These days, journalists must go back to the basics of good journalism to be relevant—provide context, give all sides to a story, make the story whole. Information travels fast, more so these days. When once breaking stories were reported live only via radio and television, these days events are seen “real time” on mobile phones and computers as small as a Grade 4 writing pad.

The days of phoning in and “faxing” stories are about to be history. Even e-mailing stories to editors will one day be just an alternative to “twittering” or blogging real time coverage.

Photographers will not just click their cameras, they will have to tweak audio recorders for “natural sound” for their photo stories. Reporters will not only have their pens and notebooks, but also cameras that are capable of taking both still and moving images.

These are challenging times for media practitioners, especially for those who had their first crack at journalism before the days of Yahoo! and Google. The older ones must learn the basics of the new tools, while the young must learn from the lessons of the years gone by.

Content is king in journalism, we all know that. But content has to be presented in a way that will attract and hold audiences. Today's journalists must make sure that king and queen work together to deliver the message.

The real world

I am about to reach my quota of 800 words. What will I do next? Connect the computer to the wireless ZTE Bayan phone with access to the Net, open my gmail account, and send this

string of words to this magazine's editor.

And while I'm connected, I'll check the latest on the various news sites that are aggregated in my RSS account. There's no need to write URLs, open several windows in Mozilla, or click on my Favorites. The RSS engine does that for me.

I will check my office e-mail via my Webmail account, and if there are stories and photos from stringers and reporters in the provinces and abroad, I'll open our content management system, and upload the latest news and photos.

Maybe I'll post something on my blog, or check my Facebook and Friendster accounts, and then forget about sleeping because somebody somewhere is online and would invite me for a chat on the latest about the shenanigans committed by some public officials negotiating a national broadband project.

So what is journalism in the time of botched broadband projects? It's still getting accurate, balanced, and correct information that must be delivered as fast as can be to the public so that they may be able to make informed decisions.

I was supposed to write a personal account of my “transformation” from being a low-tech, *promdi* journalist to an online “geek”. But here I am blabbering about nothing. What can you expect from someone who tries to describe what one is doing while the roosters outside are already starting to welcome the morning?

There is no transformation. Journalism, like any other profession/job/calling is a learning process. It's up to us, journalists, how to adapt to the times, and understand our audience. The tools may be different, but the basics, the rules remain. There may be some innovations, but the bottom line, like the cycle of day and night, the rising and ebbing tide, will continue to be the same. ■

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Jose Torres Jr, a Center for Media Freedom and Responsibility fellow, has been working as an online journalist for eight years. He is officer-in-charge of GMANews.TV, the official website of GMA Network's News and Public Affairs department, and chair of the National Union of Journalists of the Philippines.

The days of phoning in and “faxing” stories are about to be history. Even e-mailing stories to editors will one day be just an alternative to “twittering” or blogging real time coverage.

MANIX ABRERA