

MAY-JUNE 2009

PJRREPORTS

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The killing of Ms. Pitao led to a race for exclusives—and not much else

WHAT'S INSIDE

Instead of raising standards, foreign media ownership may lower them



Attacks against journalists continued despite World Press Freedom Day

MEDIA AND TRAGEDY MAKING THE PRIVATE PUBLIC

■ By Kathryn Roja G. Raymundo

NOT ALL private tragedies make it to the news. But thanks to the conventional news values, a private grief can become newsworthy if the story involves a person of prominence.

Before her death Trinidad "Trina" Arteché Etong was not prominent. Her name alone was not enough to make her death the stuff of which front-page headlines are made. But Trina Etong was married to one of ABS-CBN 2's leading news anchors, Ted Failon, born Mario Teodoro Failon Etong.

When the police named Failon a suspect in the death of Etong, when they told the media that they were not ruling out murder, the story, while remaining a private and personal tragedy, morphed quickly, perhaps too quickly, into front-page and top segment news, and leading news programs for days of coverage.

It is understandable that Trina's death should have been treated as a story about Ted Failon, the anchor of ABS-CBN 2's primetime news program *TV Patrol World* and co-host of the radio program "*Tambalang Failon*" at Sanchez (the

Turn to page 12



Photos by LITO OCAMPO

editor'sNOTE

Self-serving and anti-democratic

IN THEIR haste to pass House Resolution (HR) 1109, the majority members of the aptly named Lower House thankfully failed to act on the latest version of the Right of Reply bill. But that doesn't mean that they won't eventually get to it.

The sponsors of the, in their own words, "watered down" bill, and House Speaker Prospero Nograles, have promised, or more accurately, have threatened, to discuss it in the plenary session when the House reconvenes on July 27, during which the same majority that rammed through HR 1109 is likely to pass it into law despite its infirmities.

Its flaws are as legion as the apostles of corrupt governance in this country. The most basic of those flaws is its very excuse for being — its making it mandatory for every demand for a reply to be published, and therefore its abridging press freedom in stark violation of Article III, Section 4 of the 1987 Constitution.

The "watered down" bill claims to respect editorial prerogative in response to press objections that making the publication or airing of replies undermines the right to decide what to air or print. But it nevertheless proceeds to punish with fines any failure on the part of editors to agree to a demand for space and time for a reply.

In addition, the same bill has disingenuously inserted a proposal from Makati representative Teodoro Locsin Jr. to amend the libel law by making voluntary the publication or airing of a reply a condition for immunity from a libel suit, thus making it appear that the publication of a reply from anyone who feels aggrieved by a report or a commentary isn't really mandatory.

What's evident besides the immense ignorance—of the law as well as of the Constitution—that's feeding into the making of the Right of Reply bill now pending in Congress is a stubborn determination to pass it no matter what the cost.

The really interesting question is why Mrs. Arroyo's allies are so focused. The answers that come to mind, in the context of the obvious determination of the Arroyo coalition to stay in power, are as distressing as its ramming through the Constitutional amendments that it wants. Those answers are in fact linked to the efforts at charter change, which if realized will most certainly include mutilating Article III, Section 4 to legalize de facto suppression of press freedom.

The right of reply bill fits nicely into the intent to include in Section 4 the phrase "the responsible exercise of" as in "No law shall be passed abridging *the responsible exercise of* the freedom of speech, of expression, or of the press, or the right of the people peaceably to assemble and petition the government for redress of grievances." A right of reply law could thus be justified as perfectly constitutional once the charter is amended.

The right of reply bill should thus be seen in the overall context of regime efforts to amend the Constitution so it can stay in power. Not only journalist and media groups, but the entire citizenry as well, must oppose it as firmly as the regime's campaign to craft a constitution to suit its self-serving and anti-democratic purposes.

Luis V. Teodoro

PRESSED FREEDOM

Manix Abrera



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Melinda Quintos de Jesus

Publisher

Luis V. Teodoro

Editor

Hector Bryant L. Macale

Assistant Editor

Melanie Y. Pinlac

Kathryn Roja G. Raymundo

Edsel Van DT. Dura

Alaysa Tagumpay E. Escandor

Reporters

Arnel Rival

Art Director

Lito Ocampo

Photographer

Carol M. Paragele

Editorial Secretary

Jose Abueva

Joaquin Bernas, SJ

Melinda Quintos de Jesus

Fulgencio Factoran

Maribel Ongpin

Tina Monzon Palma

Paulynn Paredes Sicam

Luis V. Teodoro

Vergel O. Santos

Board of Advisers

PJR Reports

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PJR Reports

Center for Media Freedom and Responsibility

2/F Ateneo Professional Schools,
130 H.V. dela Costa St.
Salcedo Village
Makati City 1227

Phones:

(632) 840-0889/(632) 840-0903

(632) 894-1314/(632) 894-1326

E-mail: staff@cmfr-phil.org

Website: <http://www.cmfr-phil.org>

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



frontPAGE

Reporting “one of their own” was problematic for some of the media

speaking of MEDIA

Con-asses

“The Right of Reply has no business existing. The congressmen responsible for it are not doing us a favor by altering or amending or cutting here and there like tailors to make the thing fit. The thing will never fit. The Right of Reply bill is an atrocity. It is a violation of press freedom. I’ve written about this again and again. Suffice it to say here that the problem is not that it puts the fear of God, or President Gloria Macapagal Arroyo, on journalists (the so-called chilling effect), the problem is that it removes control of editorial content from the editors and reposes it elsewhere (the very real choking effect). Or still put more bluntly, it doesn’t rob media of their rages, it robs them of their pages (or air time).”

“You look at what’s preoccupying Congress these days, which are the Right of Reply bill and the Cha-cha, and you have to ask why we do not find ourselves in the middle of a tax revolt. This is a government predicated on making our lives miserable. Our every contact with it entails pain on our part. Our every encounter with it brings the sensation of having our heads held underwater. The time for engaging it even at the margins is long gone. Our entire energies should be devoted simply to getting rid of it. By elections next year as mandated by the Constitution, or by revolution this year if they persist on blocking it as mandated by self-preservation.”

Conrado de Quiros on the 14th Congress and its preoccupation with the Right of Reply Bill, Philippine Daily Inquirer, April 23

A Legal Mutant

“In trying to water down the authoritarian nature of the right of reply bill (House Bill No. 3306) in Congress, the House Committee on Public Information led by Rep. Bienvenido Abante is proposing an ‘amended’ version that, he says, addresses the legitimate fear of the public that the bill constitutes an instrument of prior restraint on the media.

“Unfortunately, the Committee has come out with proposed amendments that make the bill absurd, vague and a superfluous mutant in the Philippine legal system. Suffice it to say that such a bill, if passed into law, will be nothing

but a tool of those in power to harass and control the media.

“For one thing, Sec. 2 of the amended version states that an affected person’s reply will be published or aired ‘...as far as practicable and respecting the editorial judgement and availability of space or airtime.’ Sec. 5 further says the length of the reply is ‘...subject to editorial discretion.’ Having said these, Sec. 9 of the bill nonetheless penalizes and fines the editor, publisher, station owner or manager who refuses to publish the said reply.

“Question: if the Committee truly recognizes and respects editorial judgement or, to be more emphatic, guarantees the Constitutional right to a free press, what is the basis for penalizing its exercise? How can the law say it respects editorial judgement in one provision and then penalize those exercising such judgement in another provision?

“On another point, Sec. 8 of the amended version says: ‘Extinction of Liability. The publication or the airing of the reply shall extinguish all liability, civil or criminal, including costs, arising therefrom.’ The implication of this provision is that the mere publication or airing of one’s reply automatically deprives a person of the various legal remedies available for him to seek redress for whatever damages an article or broadcast story may have done against his person.

“Question: Does this mean that libel can now be committed with impunity as long as one’s reply is published? In other words, is publication of a reply now a defense against libel? Does the mere publication of a reply remove malice or restore the damage done by a libelous article so that its liabilities are extinguished?

“These are just the most glaring inconsistencies and absurdities of the proposed amendments to HB 3306. Obviously, no amount of sugarcoating can hide the truth that the right of reply bill is intended to muzzle the press, harass journalists and give in to the demands of politicians for greater media mileage. It is better for the House to junk this measure.”

Rep. Teddy Casiño criticizing the amendments to the Right of Reply Bill as a move to disguise the anti-press freedom character of the bill, May 26

in this ISSUE



MAY-JUNE 2009

Media and Tragedy Making the Private Public KATHRYN ROJA G. RAYMUNDO	1
Opportunity Missed Party List Issues Hardly Reported KATHRYN ROJA G. RAYMUNDO	6
The Killing of Rebelyn Pitao KEITH BACONGCO	7
Fear of the Unknown More Information Needed EDEL VAN DT. DURA	8
Commentary Thailand The End of Self Regulation? ROBY ALAMPAY	9
The TV5 What Foreign Media Ownership Might Mean EDEL VAN DT. DURA	10
Media Corruption A Community Journalist Looks at Media Corruption PACHICO A. SEARES	14
Community Media’s Catch 22 Reporting or Ad Soliciting? BONG S. SARMIENTO	16
The Wages of Corruption DINO BALABO	17
World Press Freedom Day 2009 “Nothing to Celebrate” MELANIE Y. PINLAC with a report from VERNIECE T. ZAMORA	18
Valuing Independence ALWYN ALBURO	24

REGULAR SECTIONS

Editor’s Note	2
Speaking of Media	3
Monitor	4
Crisis	20
Chronicle	23
Obit	23



CHEERS

MONITOR

JEERS



THREE CHEERS OF THE MONTH

Raising awareness

CHEERS TO ABS-CBN 2/ANC for its recent efforts to raise public awareness on the importance of the national elections next year.

In May, ANC launched "Countdown to 2010: An ANC leadership forum" to gather possible presidential candidates to answer and discuss questions and issues (in one-on-one and panel interviews) raised by the program anchors and audience. Held last May 11 at the Ateneo de Manila University, the first leg had presidential bets such as senators Francis Escudero, Richard Gordon, and Manuel Araneta Roxas III; Pampanga Gov. Eddie Panlilio, and Defense Sec. Gilbert Teodoro Jr. The company site also hosted a live chat during the event.

ANC held the second leg of the forum last June 5 at the University of the Philippines (UP). The guests included former President Joseph Estrada, Sen. Loren Legarda Metro Manila Development Authority chair Bayani Fernando, and Makati City Mayor Jejomar Binay. The second leg of the forum was organized in cooperation with the UP School of Economics.

"The ANC Leadership Forum is part of ABS-CBN's multi-platform launch of 'Boto Mo, I-Patrol Mo: Ako Ang Simula', the countdown to the 2010 presidential elections," the company said in a release.

Was that trip necessary?

CHEERS TO the Philippine press for finding a more relevant angle from which to report the already over-reported Manny Pacquiao vs. Rick Hatton boxing match.

For example, GMA-7's *Reporter's Notebook* in its March 12 episode ("Congress-



Pacquiao

LITO OCAMPO

man is Out") called attention to the recent exodus of some 50 congressmen to watch the Pacquiao-Hatton bout in Las Vegas, resulting in the suspension of sessions at the House of Representatives (HOR) where there had already been too many days without a quorum. For every failure to hold a session, over P22 million of taxpayers' money is lost.

Attendance in the Pacquiao-Hatton fight was not easy on the pocket—the cheapest ticket cost P36,000, and a one-night stay in a Las Vegas suite could cost at least P6,240. "*Ang sambayanan daw hikahos, pero ang ilang honorable, living the lifestyle of the rich and famous (The people are poor but some lawmakers are living the lifestyle of the rich and famous),*" reporter Maki Pulido pointed out.

The episode also noted that farmers have been camped outside the HOR for almost a month to pressure solons to extend the Comprehensive Agrarian Reform Program. Forestalled deliberations on land redistribution, however, were further delayed merely to accommodate the Pacquiao-Hatton match.

The episode did not lack context. It showed how the lack of quorum is perennial in Congress, with lawmaking becoming a sideline to traveling. In May alone, for instance, 10 legislators accompanied President Gloria Macapagal Arroyo to Egypt while 35 went to Tacloban City for the Palarong Pambansa, in addition to the 50 who went to Las Vegas. The result is a dismal number of bills passed—just 9 in the first regular session of the 14th Congress.

Annually, the number of bills passed has continued to fall, from 415 in the 11th Congress, 172 in the 12th Congress, to 162 in the 13th Congress.

Tripping off to Pampanga

CHEERS TO the *Philippine Daily Inquirer* for taking a different tack in the coverage of Arroyo's frequent travels.

The May 29 article "GMA's 14 Visits to Pampanga So Far Raise Doubts" did not rely on official sources alone to explain Arroyo's fixation with Pampanga — she made 14 visits to the said province just this year. The article pointed out that while Pampanga is her home province, 14 was a disproportionate number of visits especially when other regions in the country have yet to be visited. But what warrants this much attention from the President?

"She wants to leave a good legacy to Pampanga," the Malacañang deputy spokesperson was quoted saying. Other official reasons for such presidential trips were education, development, environment concerns, and job creation.

While the article mentioned these, it also pointed out inconsistencies and irregularities, including Arroyo's profuse attention to Pampanga's second district, making 12 out of the 14 visits to the region's most "voter-rich" area. In recent months, Arroyo has also been preoccupied with medical and dental missions in Pampanga's first district, the region's second most populous area.

These acts of generosity, however, were also accompanied by grandstanding—in one instance, unveiling a portrait of her family with the title "*pamilyang maaasahan*," (family you can depend on) and in the next, enthusiastically waving to the people from inside the presidential car. This behavior, the article observed, was suggestive of a reelection bid, especially with Charter Change and the 2010 national elections just around the corner. The article, however, did not link Arroyo's pre-occupation with the second district to the possibility that she's preparing to run as MP for that district once her House allies succeed in amending the Constitution. ■

Displaying affection

JEERS TO *The Philippine Star*, *The Daily Tribune*, and *TV Patrol World* for their reportage on Sen. Mar Roxas and broadcast journalist Korina Sanchez's guesting in the noontime show Wowowee.

BUT CHEERS to the *Philippine Daily Inquirer's* May 26 article ("A wedding before doing electoral battle") for correctly pointing that such TV appearances are far from being mere entertainment, Roxas having already aired political advertisements that virtually confirm his political ambitions in the upcoming 2010 elections. The article also mentioned that Sanchez is a broadcast journalist and a news anchor in ABS-CBN 2, and that there may be ethical considerations should she decide to campaign for Roxas.

But the *Star's* "Mar, Korina confirm wedding plans," and the *Tribune's* "Roxas proposes marriage to Korina for second time" read like a press release of the couple. Both articles offered a sensationalist spin to the already sensationalized Roxas-Sanchez wedding proposal, highlighting Roxas' "tears" after Sanchez proclaimed that "*Kahapon, ngayon, at bukas, iyong iyo ako* (Yesterday, today, and tomorrow, I am yours)."

TV Patrol had an even more dramatic coverage. The cameras zoomed in on Sanchez and Roxas's gestures of affection. A full two minutes was devoted to the topic, in which the headline read: "*Napaiyak. S. Roxas naging emosyonal sa pagbabahagi ng kanilang kwento ng pagibig sa publiko* (Emotional. S. Roxas became tearful while sharing their love story in public)." The minutes allotted to this nonsense was the same allotted to such other issues as the swine flu virus and charter change. ■



Quezon

[HTTP://HAGBAYON.WORDPRESS.COM](http://HAGBAYON.WORDPRESS.COM)

The Big Picture

CHEERS TO *Philippine Daily Inquirer* columnist Manuel L. Quezon III for his two-part column that explained the roots of political instability in the Philippines and Thailand. The two countries stood out in the region "for the promiscuous attitudes of their politicians when it comes to party affiliation," wrote Quezon, quoting writer Joe Studwell in "Asian Godfathers". "The question is, why? The answer, according to some scholars, lies in a phenomenon known as 'bossism'." ("The Thais and us [1], April 13, p. A15).

Although "bossism" exists in both nations, Quezon pointed out variations in practice—which depended on the establishment of democratic institutions vis-à-vis the stage of capitalist development as well as in the prevailing patronage system. Quezon based his arguments on academic John Thayer Sidel's "Capital, coercion and crime". ("The Long View")

In his follow-up piece, Quezon continued to look into the differences in the political systems of the Philippines and Thailand, while pointing out that both countries seem to have a political class "in a state of siege."

"Because of that siege, politically both nations seem to be adrift, as the institutions of the state prove incapable of honoring the mandates given to governments opposed by the political class, big business, and the middle and professional



CHEERS

MONITOR

JEERS



classes,” Quezon wrote (The Thais and us [2], p. A13). “What determines whether governments endure or fall is not institutional legitimacy in terms of electoral mandates and constitutional procedures, but whether the kind of legitimacy the ancient Chinese understood as the ‘Mandate of Heaven’ is accorded or taken away by paternal, non-elected figures.”



Arroyo

LITO OCAMPO

Laudable report

CHEERS TO the *Philippine Daily Inquirer* for providing an insight into the problematic situation of whistleblowing in the Philippines and its effect on anti-corruption efforts.

The April 20 front-page report (“Whistle-blowers pin hopes on 2010 polls”) showed readers the difficult situation faced by whistleblowers, such as those affiliated with the Whistleblowers Association, who had exposed various anomalies under the Arroyo administration such as the 2005 election cheating scandal, the national broadband network project and the P728-million fertilizer fund scam.

“The life of whistleblowers is hard, especially if the people they’ve accused of crimes remain in power,” the *Inquirer* wrote. The report looked into the safety, health, and economic concerns of the whistleblowers.

“All of them are looking forward to 2010, hoping that the threats would be lessened, and that they could look for new jobs or start new businesses without fear of government harassment. More than just a social group, the whistleblowers want their association to serve as a haven for future whistle blowers.”

Insensitive

JEERS TO *The Philippine Star* for a confusing article on the rape case against a World Health Organization (WHO) official who allegedly molested minors. The article failed the basics: grammar and consistency. The article said Australian

doctor Marcus Halton Hodge allegedly threatened, bribed, and raped males under legal age. Hodge is a program development and operations officer at the WHO office in Manila and has been based in the country for seven years. (“WHO executive wanted ‘victims’ to call him ‘Daddy’”, May 15, p. 20)

Despite the initial statement that Hodge raped males, *Star* used in the article aliases such as Melody, Nicole, Caramit, Kimberly, Ashley May, and Jessica—all female names.

Hence, the article had these statements, which were supposedly based on the *Star’s* interviews with the children Hodge allegedly abused:

“**Nicole** said **his** parents were jobless and **his** sister is the only one who is earning for the family; Among the six victims, **Melody** said **he** was the first to meet Hodge; and **Nicole, Melody** and **Caramit** said **they** used the money to buy make-up, shoes and lingerie(!).” (emphasis by *PJR Reports*)

For such a sensitive and disturbing topic, the *Star* should have been more considerate of the victims as well as the readers who want to understand the incident and should have put more effort in addressing the issue of sexual exploitation.

State of health research

CHEERS TO *The Manila Times* for a special report on the state of the country’s health research. The article discussed various medical breakthroughs by Filipino health scientists and agencies. The report said local health researchers, scientists, and agencies aim to shift health research from mostly intellectual work to practical applications. (“Focus must parallel health reform efforts,” April 19)

The report said the local health industry contributes new knowledge, techniques, preventive strategies, and pharmaceuticals that can help manage and fight diseases as well as reduce mortality. The report is especially timely amid the A(H1N1) virus threat. It showed the health industry’s preparedness in fighting and preventing infections and diseases.

It also said the Geneva-based Council on Health Research for Development has cited the Philippines for having “a reasonable



LITO OCAMPO

amount of internal funding, better infrastructure, higher health expenditures per capita, and more institutional capacity” compared to other developing countries.

Sharp?

JEERS TO *Manila Standard Today* for using WikiHow.com to explain boxer Emmanuel “Manny” Pacquiao’s change of clothing style. The story looked into the reasons why Pacquiao has been sporting a “preppy” look (“Pacquiao’s sharp suits? Armani, of course”, May 11, p. A1 & A2). The *Manila Standard* did interview Pacquiao’s business manager, but when explaining the significance of a preppy look it relied on WikiHow.com’s guide (<http://www.wikihow.com/Look-Preppy>).



Road rage

CHEERS TO GMA-7’s *Reporter’s Notebook* for discussing the alleged anomalies in the use of the Motor Vehicle User’s Charge (MVUC), also known as the “road user’s tax”. Its March 31 episode looked into how the National Road Board allocates the P7-billion road user’s tax collected

every year. They interviewed former and current members of the National Road Board, Iloilo 5th District Representative Niel Tupas Jr. (who filed a resolution to investigate the use of the road user’s tax), Transparency International’s Ret. Judge Dolores Español, the Automobile Association of the Philippines, and concerned citizens.

Reporter’s Notebook also checked the safety of roads in Manila and in the Samar province.



Ermita

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Fast and complete

CHEERS TO *Bulatlat* for its continuous reporting and comprehensive discussion of the recent abduction of three health workers.

Eight armed and hooded men took Filipino-American Melissa Roxas and two companions at gunpoint in Tarlac last May 19 in what seems to be another case of enforced disappearance in the Philippines which usually targets activists. Roxas was freed last May 25 but her two other colleagues, Juanito Carabeo and John Edward Handoc, remain missing. (<http://www.bulatlat.com/main/2009/05/24/fil-am-activist-2-others-abducted-at-gunpoint/> and <http://www.bulatlat.com/main/2009/05/25/filipino-american-activist-freed-2-companions-remain-missing/>)

Bulatlat was quick to report the incident with reactions from various sectors and statements from officials. It published the report of the New York Committee for Human Rights in the Philippines on political repression in the country (“Abduction of Fil-Am Activist Reflects Political Repression in the Philippines”, <http://www.bulatlat.com/main/2009/05/28/abduction->

<http://www.bulatlat.com/main/2009/05/28/ermita-led-human-rights-body-says-abduction-of-fil-am-2-others-a-fabrication-%E2%80%99%E2%80%99/>).

Bulatlat’s reports contained background on the number of enforced disappearances since 2001 and other information on human rights violations in the country. It also provided Roxas’s personal history who had moved to the country to pursue her human rights advocacy full time (<http://www.bulatlat.com/main/2009/05/25/melissa-roxas-moved-to-philippines-to-pursue-human-rights-advocacy/>).



LITO OCAMPO

Toothless?

CHEERS TO the Philippine Human Rights Reporting Project for checking the effectiveness of the writ of amparo in speeding up the resolution of the numerous cases of extra judicial killings and enforced disappearances in the Philippines.

Journalist Claire Delfin checked with Supreme Court on why several petitions for the issuance of the writ of amparo have been denied. The reasons have ranged from denial by the subjects, withdrawal of the petitions, amparo’s not being the “appropriate remedy”; lack of evidence; and failure of the petitioner to appear in hearings. Only four have been approved out of the 31 filed before the Court of Appeals since the writ of amparo was promulgated by the Supreme Court. ■

Opportunity missed Party list issues hardly reported

Although the press has kept the issue alive, its coverage never really answered these questions or even attempted to characterize what marginalized sectors are

■ By Kathryn Roja G. Raymundo

THE PRESS has failed to provide the information the public needs to understand the role and value of the party list system in Philippine politics and governance. What exactly is it, and why was it enshrined in the Constitution? What has the party list system gained—or lost—over the years in terms of its objectives? Has the system been flawed from the beginning, and doomed to fail its goals? These are some of the questions the press has to answer if it is to serve the public need to evaluate the system's effectiveness in providing the marginalized and underrepresented sectors of Philippine society representation in the lower house of Congress. But the press once again missed the opportunity to enhance its own relevance and value to Philippine society.

The Supreme Court (SC)'s April 21 decision on the Party-list System Act (Republic Act [RA] 7941) affects one of the most important legislative processes and political exercises in the country. Keep in mind that there is only a year left before the May 2010 elections. The party list system, supposedly created as a mechanism to assure "proportional representation", has been under fire, for, among other reasons, its seeming transformation into just one more gateway for traditional politicians to get into the House of Representatives (HOR).

Only recently did the issue catch press attention: when the SC redefined the terms of implementation of allocating seats in the HOR for party list representation. The Court ruled that party list representatives should consist of 20% of the total number of representatives in the House. Justice Antonio Carpio penned the ruling which revised the old computation in the allocation of seats where the two-percent threshold and the three-seat limit are followed. The Court also ruled that major political

parties may not participate in party list elections.

PJR Reports monitored the coverage of the party list issue by three newspapers (*Philippine Daily Inquirer*, *The Philippine Star*, and *Manila Bulletin*), two primetime news programs (*TV Patrol World* and *24 Oras*), and selected online news sites from April 21 to April 27.

Issues and controversies

The press coverage noted several issues and controversies. Among these were the proclamation of retired Army Maj. Gen. Jovito Palparan Jr., whom some groups allege to be responsible for the spate of extrajudicial killings, abductions, torture of government critics and other grave human rights violations that have characterized the last few years; the fact that as a result of the new computation, there are now four Arroyos in the House with the inclusion of Pres. Gloria Macapagal Arroyo's sister-in-law and presidential spouse Jose Miguel Arroyo's younger sister, Ma. Lourdes Arroyo in the roster of party list representatives; the newly pro-



LITO OCAMPO

claimed representatives' problems with office space and funds; and the SC ruling's impact on the charter change resolutions in the House.

The proclamation of Palparan and Arroyo revived questions on the basic purpose of the party list system—its being a means for "marginalized" sectors to participate in the country's political processes. Palparan is the first nominee of Bantay party list (representing people involved in the conduct of security and peace and order) while Arroyo is from the Kasangga party list (representing small entrepreneurs).

The *Star* in its story "Militants got Palparan proclaimed unwittingly" (April 26) was biased for Palparan and against the militant groups that were calling for his disqualification. The article reported some facts incorrectly. The opposition lawmakers for one knew of Palparan's candidacy and had

been wary of his party list group's being certified in the last elections, contrary to what the article claimed.

The part of the story which said that "Critics of militant lawmakers are probably humming the popular Pussycat Dolls song 'When I Grow Up' as left-wing groups are partly to blame for the inclusion of retired general Jovito Palparan in the list of new party list congressmen" was also poorly written and hardly made any sense, but nevertheless appeared on the front page.

The truth is that various groups have filed disqualification cases against Palparan's group as well as others with links to Malacanang, questioning if these groups really repre-

sectors these groups supposedly represent.

The press did not follow up several stories which could have been significant in the discussion of issues. In one *Star* article, "Comelec proclaims new party-list groups" (April 25), Rep. Liza Maza of women's group Gabriela mentioned their group's exposé about an alleged confidential memorandum from Malacañang's Office of External Affairs requesting for P5.5 million from the Office of the President to finance pro-administration party list groups in 2007. The *Inquirer* mentioned in one of its reports that in 2007, the anti-fraud election watchdog group *Kontra Daya* (Counter Fraud) listed Bantay as among the party list groups with alleged links to Malacañang and the military ("Irony: Melo to proclaim Palparan", April 24).

Also missed was the issue of political dynasties. The press could have revisited with regard to the fourth Arroyo's membership to the House Article II, Section 26 of the 1987 Constitution which declares that "The State shall guarantee equal access to opportunities for public service and prohibit political dynasties as may be defined by law."

As expected and given the constraints of the medium, television coverage focused on providing daily updates and follow-up reports rather than analyses.

Good effort

Both print and online media have to be credited for a better coverage of the events. Again, it was the commentaries that raised the discussion of issues to what are most important.

Media coverage did provide basic information about the party-list system. *GMANews.TV* published a party list backgrounder last April 22 which included a timeline of events, defined the party list system, and looked into its implementation (registration and manner of voting). The *Inquirer* also provided a side bar explaining the party list system through the discussion of laws and past cases ("Partylist system: Mechanism of proportional representation", April 23).

The news reports frequently referred to the features of the party list system in the Philippines based on RA 7941, the 1987 Constitution, and other court rulings ("Veterans Federation Inc. vs. COMELEC", "Partido ng Manggagawa vs COMELEC" (March 2006), "CIBAC vs COMELEC" (April 13,

sented the marginalized and underrepresented.

The press should have recalled how and/or why the Commission on Elections (COMELEC) declared these groups legitimate party-list groups. The 12 sectors specified by the Constitution as qualified for party list representation are labor, peasants, fisher folk, urban poor, indigenous cultural communities, elderly, handicapped, women, youth, veterans, overseas workers, and professionals. Where do the proclaimed party list groups fall under? How did the COMELEC define these sectors?

Although the press has kept the issue alive, its coverage never really answered these questions or even attempted to characterize what marginalized sectors are. Perhaps the press coverage would have made a huge impact if it has explained the flaws of the system as they try to help look for the solutions to the many issues faced by the

2007) and decisions on the separate petitions filed by BANAT (Barangay Association for National Advancement and Transparency) in August 2007 and by BAYAN MUNA, (The People First), in July 2007).

Neal H. Cruz in his *Inquirer* column "As I See It" argued that for purposes of practicality, the present number of representatives should be reduced rather than increased with party-list or regular members (April 24).

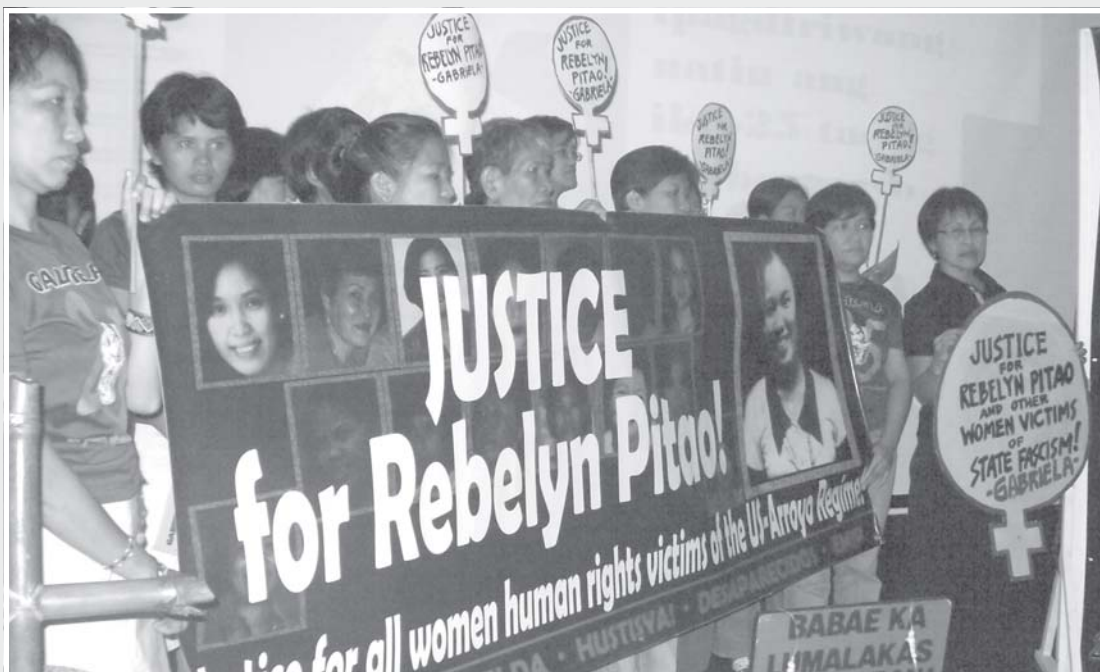
While explaining the problems of the April 21 decision, Artemio V. Panganiban in his column "With Due Respect" argued for Congress to "take the initiative in correcting the deficiencies of the Party list Law, as earlier suggested by the Court. Thorough congressional debates and public hearings can find the answers. While the Court can identify defects, only Congress has the constitutional mandate to formulate policy solutions. It is not too late. Congress can still do it (*Inquirer*, "Party list imponderables", April 25)."

Although outside of the monitor period, the following reports deserve mentioning for explaining matters missed by the daily news reports. Federico D. Pascual in his "Postscript" column at the *Star* noted three points about the party list issue: the confusion brought about by the supposed 250 limit in House membership, the need for a legal summit to explain the nuances of RA 7941, and the ambiguity of the phrase "marginalized and underrepresented sectors" ("A tough job sorting out Party list alphabet soup", April 30).

Fr. Joaquin G. Bernas, S.J. wrote a short background on how the Philippine party list system developed into a sectoral representation system over the years (*Inquirer*, "Sounding Board: The party-list experiment", May 4).

Newsbreak discussed the consequence of the SC decision on the new formula, the removal of the two-percent cap, and the three-seat limit ("Creation of 20 districts unconstitutional," May 5, http://newsbreak.com.ph/index.php?option=com_content&task=view&id=6090&Itemid=88889066). The article discussed the implications of the re-computation of the number of representatives on the pending bills, and the addition and conversion of new cities and districts.

Overall, despite these efforts, relative to its importance to Philippine governance—and, ultimately, the flowering of democracy, to its discredit the press paid too little attention to the party list system. ■



The killing of Rebelyn Pitao

The killing of Ms. Pitao provoked a battle for exclusives—and not much else

■ By Keith Bacongco

DAVAO CITY—When the news broke out on the killing of Rebelyn Pitao, everyone in the Davao media community was hankering to interview her father—Leoncio Pitao, a.k.a. Commander Parago—chief of the New People's Army (NPA) 1st Pulang Bagani Command operating in the hinterlands of Davao City.

But only her mother Evangeline and sister Rio granted interviews to the media.

Leoncio Pitao was silent for a few days. But on March 7, he granted an interview to reporters Elgin Damasco of dxDC and John Paul Sanieel of GMA Davao so he could air his sentiments over the abduction, torture and killing of his daughter.

"I was the one who initiated to contact Parago (Pitao) to get a reaction on the killing of his daughter. I dragged John Paul along," Damasco told *PJR Reports*. "It was better to do the interview with another jour-

nalist for security reasons."

The following day, another group of selected print and online journalists, including this writer, were granted an interview by Mr. Pitao. A day later, on March 9, GMA Davao and Radio Mindanao Network's (RMN) dxDC were the first to broadcast Mr. Pitao's sentiments on the killing of his daughter. *MindaNews* and the *Philippine Daily Inquirer* were the first to post his statements on their respective websites.

The afternoon newscast of ABS-CBN Davao claimed that it had footage of Mr. Pitao. But the footage was provided by



Photos by LITO OCAMPO

Damasco, who also took a video of the interview using his mobile phone. GMA, on the other hand, claimed it had "exclusive" video footage of its interview with the rebel leader.

However, the news anchor of the early morning program of dxAB, ABS-CBN's local radio station here, disputed the claim of GMA that it was an exclusive footage since they too had footage of the interview,

courtesy of Damasco.

On the other hand, Jun Degamon of GMA's dxRG, challenged ABS-CBN's Eric Ayup's claim that their I network also had footage of the rebel leader's interview.

To counter GMA's "exclusive" interview with the guerrilla leader, ABS-CBN aired its own exclusive in the afternoon—a phone interview with a supposed military agent named Sgt. Ben Tipait whom Mr. Pitao had named in his interview with GMA.

Battle for exclusives

The coverage of the killing of Ms. Pitao did not only spark the battle for exclusives and who would get to vital sources first. The airwaves also became a venue for a verbal war between the Army's spokesperson Maj. Randolph Cabangbang, and NPA southern Mindanao spokesperson Ka Simon Santiago.

After Mr. Pitao broke his silence, the two spokespersons became the favorite sources of the primetime news programs of almost every radio station in the city. The airwaves thus became a prime battleground of the propaganda war.

Santiago was enthusiastic in sending text messages to journalists in the region on whatever update the NPA had on the case.

Santiago clarified that the NPA did not mean to leave ABS-CBN behind when Mr. Pitao granted interviews. "It so happened that the RMN reporter dragged the GMA crew and informed us that he is already with the latter and already on their way to our guerrilla base," Santiago said in the vernacular.

A few days after the first airing of Mr. Pitao's TV interview, the NPA also granted ABS-CBN an interview. This time, the station reported live via mobile phone from the NPA's guerrilla base during its afternoon newscast.

The younger Pitao was abducted by armed men while on her way home at Bago Galera, Toril District, Davao City on March 4. About 24 hours later, her body was found floating in an irrigation ditch at Barangay San Isidro in Carmen, Davao del Norte—some 50 kilometers away from Davao City. ■

Keith Bacongco is a freelance journalist and a co-founder of AKP Images, a local photo agency.

Fear of the unknown More information needed

As the A(H1N1) crisis continues, the press should seriously weigh the impressions that each story, photograph, or video clip may advertently or inadvertently leave

■ By Edsel Van DT. Dura

WHEN THE Philippine press first reported the looming health crisis due to the new influenza A(H1N1) virus, it did not forget to provide the much-needed background information. However, the initially substantive reporting weakened after, and despite of, the confirmation of local cases.

New controversies, such as a sex scandal involving showbiz celebrities—an issue that did not have the global and immediate impact the H1N1 virus has, but which much of the media nevertheless played up—ensured the absence of background and context in the reports.

PJR Reports looked at the press coverage of the H1N1 from its earlier stages during late April. But the actual monitor began May 21, when the flu virus reached Philippine shores, until May 31. It covered the three major broadsheets (the *Manila Bulletin*, *Philippine Daily Inquirer* and *The Philippine Star*), three major television news programs (*TV Patrol World* of ABS-CBN 2 and *24 Oras* of GMA-7 as well as the government-run *Teledyaryo* of NBN-4), and online news sites *abs-cbnnews.com*, *GMANews.TV*, *Inquirer.net*, *Newsbreak*, *Bulatlat*, *The Daily PCIJ* of the Philippine Center for Investigative Journalism, and *Vera Files*.

The news is the message

In the first quarter of 2003 the world faced the Severe Acute Respiratory Syndrome

(SARS) crisis; now, an influenza H1N1 endemic threatens a pandemic is imminent. As of June 3, the global pandemic level set by World Health Organization (WHO) is at phase 5.

According to WHO's pandemic response guidelines, phase 5 means that there is "human-to-human spread of the virus into at least two countries in one WHO region" and that countries must finalize preparations to deal with the outbreak.

The Department of Health (DOH) said the new flu virus is a cocktail of "two genes from flu viruses that normally circulate in pigs in Europe and Asia and avian genes and human genes. Scientists call this a 'quadruple reassortant' virus. "It is not known at this time how severe this virus will be in the general population," DOH said, adding that there is no vaccine yet for the new flu virus. WHO said it takes five to six months to create a vaccine for a new influenza virus.

WHO said: "There is currently no evidence that the virus has changed since it was first identified, and virus changes are difficult to predict, but labo-



Should the press publish or air photographs/footage of persons wearing masks?
Photos by LITO OCAMPO



Duque

ratories worldwide are monitoring the situation very closely."

Since little is still known about the disease, the potential for distortion is real. As the *Philippine Journalism Review* (PJR Reports as formerly known) pointed out in 2003: "The dilemma for media (in reporting on disease) is real. Because of the danger to life, the press has the responsibility to report on a disease outbreak. But the chain reaction such news provokes eventually assumes a life of its own."

"The danger of provoking hysteria is probably inherent in reporting any kind of virulent disease, and more so when little is known about it," CMFR's Melinda Quintos de Jesus wrote in "The Challenge of SARS and other Public Health Crises" in the June 2003 issue of *PJR*.

While the A(H1N1) crisis continues at this point, the press should therefore seriously weigh the impressions that each story, photograph, or video clip may advertently or inadvertently leave.

For instance, photographs of persons wearing masks may create the false impression that doing so can prevent the spread of the virus. As WHO advised: "If you are not sick you do not have to wear a mask"—i.e., a mask

must be worn only when one has the virus.

To be fair to the Philippine press, however, international publications as well, like news magazines *Time* and *Newsweek*, have been using photographs of people in masks, and also of pigs as a metaphor for the original label of the virus as "swine flu".

Thermal scanners were also used by television to represent efforts to trace H1N1 cases, when DOH said the first onset of signs and symptoms show only after 7 to 10 days from the time of exposure.

Even the naming of the virus was problematic. Those who were for or against the name "swine flu" had various reasons—from the negative economic effect on pork producers to the complaint of radio broadcasters who say that H1N1 is not a "radio-friendly" word.

"This virus was originally referred to as 'swine flu' because laboratory tests showed that many of the genes in this new virus were very similar to influenza viruses that normally occur in pigs in North America. But further studies have shown that this new virus is very different from what normally circulates among North American pigs," DOH said.

The news reports have since avoided using the term "swine flu" in headlines, but used both terms interchangeably in body texts. The local government, on the other hand, has dropped the term and now refers to it as H1N1.

Care should also be taken in reporting death statistics. "... (P)erhaps, if there had been greater analysis of cases of deaths as well as the cases of recovery in the media, there would have been less fear in the cautionary response of both governments and the people," De Jesus said, in reference to SARS. "Statistical analysis could have also placed the risks in better perspective, she added."

Some reports tried to approach the story from different angles. The online news publication *Bulatlat* focused on the Visiting Forces Agreement (VFA) angle—"Because of VFA, Philippines Cannot Check Visiting US Troops for Swine Flu" and "Don't Blame Pigs—Blame Flu on Those Who Mimic Swines".

The latter article also tried to tackle the dire state of the local health-care system. It asked: "... (H)ow could we prevent its (H1N1) spread when 44 million Filipinos struggle to survive on P18 to P44 (\$0.38 to \$0.93) per day?"

The Philippines is not the only country with a poor health-care system though. To put the question in a larger context, Professor Richard Coker of the London School of Hygiene and Tropical Medicine, who has spent the past five years examining the preparedness of various countries for a pandemic, was interviewed by *Time* in its May 18 article "Why You'll Be Wearing Masks Again".

Coker said that while some countries in Southeast Asia and Latin America have detailed preparedness plans that adhere to WHO guidelines, he asks: "When it comes down to it, can you actually implement your strategy? Do you have the resources, can you allocate them properly? And the answer we're finding tends to be no."

The monitor was intended to look at the preparedness of the local press in reporting a public health crisis. It showed that the news media need to provide necessary information on a virtually unknown virus. The media should also tell the public if any recent findings about it are conclusive or not—if only to temper the tendency to provoke mass hysteria when reporting on public health crises and similar events. ■

COMMENTARY

Thailand The End of Self Regulation?

The Thai government is considering prior restraint on the media

■ By Roby Alampay

THAILAND IS considering imposing prior restraint on its broadcast media. It's just one of the ways, government ministers say, to rein in reports, commentary, and public discourse that have tended to polarize, offend, and incite Thais to violence in recent months.

On May 14, Minister Sathit Wongnongtoey, a minister attached to the Prime Minister's Office, said proposed new regulations will require community radio stations and cable and satellite TV channels to seek permission for each program to be aired. "Once the regulations take effect, any broadcast station airing content deemed to be politically incendiary won't be allowed to operate," Sathit said.

Interestingly, while the minister stressed that the proposed regulations won't take effect until at least June, there are no such suggestions to exercise similar censorship over Thailand's newspapers. As in the Philippines, broadcasting provides the most powerful platforms in Thailand. Television and radio networks blanket urban and rural areas alike, while at the other end of the sector, thousands of small community radio operators with a few kilometers range deliver news and commentary in ultra-localized packages most accessible to their respective towns. Print, on the other hand, has a more limited reach, but has traditionally catered to a more urban crowd, more literate, generally middle-class and higher.

The rationale for Thailand's most recent trial balloon on censorship, in other words, has as much to do with the supposedly troubling content of news and commentary as with the audiences accessing or favoring

whichever medium. Government's question is as much "What are they saying?" as "Who can handle all this back-and-forth?"

Many Thais, government officials among them, along with the newspaper-reading set, hold the recent violence in Thailand as supposed evidence that not everyone understands, nor can handle, all the news, accusations, and innuendoes flying from and against the country's now notorious Red and Yellow camps. Particularly where such charged words are being spun over the airwaves, they make a direct link between what people are listening to and the blood that tainted Bangkok's streets in April.

To be sure, as Filipinos again can relate to, the broadcast news and commentary can often be disturbing. There are indeed radio programs that are easy to pick out as either being "Yellow" or "Red", media critics acknowledge, and the biases tend to get the better of truly independent news. On one extreme, therefore, the Thai government has moved to outright block television broadcasts of a station tied to deposed Prime Minister Thaksin Shinawatra. Meanwhile, The *Bangkok Post* quoted Sathit as saying the government will ban any program that are "incendiary" and/or "offensive", whether aired by the anti-government Red Shirts or the anti-Thaksin Yellow Shirts. An

ily been invoked to cut off discussions about everything from other members of the royal family, their respective sentiments come to the recent political strife, the military's relationship with the Palace, the generals' motives for staging coups—and so on down to matters of national security, terrorism, and the fertility of that other powerful medium, the Internet, for all such dangerous topics outlined above.

Against this principle that neither a free press nor their audiences can be completely trusted, not even the personal

venting not just against whichever parties were in power, but also, against the perceived biases of media itself. It's true, in fact, that their venting degenerated into outright violence against members of the press. It was not just the crowds and the violence that Filipinos would have found familiar. Recalling Philippine media introspection post Edsa Dos and Edsa Tres, they would also be able to relate to the venom directed at journalists. Both in the Red riots that dominated the start of 2009 as well as in the Yellow takeover of Bangkok's airport and government house, protesters threw stones at media vehicles, booed them out of their territories, spat on a few, threatened them with more bodily harm. All acts indefensible and in fact already condemned, but instructive of the misled reaction of government to use it to rationalize a call for censorship.

For ironically, people—whether demanding that media take a side (theirs, preferably), or decrying them for lack of balance—were bolstering arguments for media independence and for keeping journalists free. There is much that needs to be done, the Thai Journalists Association (TJA) acknowledges, by way of raising professionalism, ethical standards, and the responsibility of journalists; and also in making the public, the government, and the politicians in understanding what an independent press stands for. But for all that, respecting the freedom and independence of the press must still be respected. Freedom and independence are preconditions to ethics and responsibility. Anything less is neither sincere nor sustainable, and by virtue of government's hand, has no chance of being credible in the eyes of a naturally skeptical public. Put another way, government cannot impose the ethics, the balance, the responsibility. And there lies the ultimate folly of Thailand's most recent proposal for prior restraint. To believe that they can impose balance is to actually fan the flames of bias. When government defines what is incendiary, what is offensive, and what is responsible—and what can be handled by the public—the result will not only be a shackled press, but, on the opposite side of that, an approved one. What comes out will be a categorized, and therefore more divisive, media. ■

Roby Alampay serves as executive director of the Southeast Asian Press Alliance.



[HTTP://FLICKR.COM/PHOTOS/GORPIN](http://flickr.com/photos/gorpin)

oversimplification of both camps, to be sure, but in any case, the government promises to be fair to either.

Qualified press freedom

The problem, however, is not about government fairness. It is not about being even-handed in censorship. What is more troubling is an argument being made more explicit by government that the virtues of a free press must be qualified by medium and by audience. There is an emboldened elitist argument reflecting a diminishing faith in the ability of people to handle information (both good and bad) and commentary (whether sponsored or independent).

Certainly, it is a sentiment that is being invoked beyond the most recent political dilemmas. Come to Thailand's most sensitive topics—the political role of the monarchy, and the monarchy's future beyond the reign of the 81-year-old King Bhumibol Adulyadej—there is already a government-backed principle that such discussions are best left out of media, but less risky when allowed in more academic forums. From there (from the top of Thailand's slippery slope), *lese majeste* has too eas-

assurances of new and current Prime Minister Abhisit Vejjajiva is enough to safeguard Thailand's independent media. In March, Abhisit stressed that *lese majeste* has its place in Thai history and culture, but assured that he will personally ask the police to not be too quick to pull the trigger where the law can be abused to harass the media. One day later the police raided *Prachatai.com*, an independent online news aggregator, for comments posted not even by its reporters or editors, but by one of its thousands of anonymous readers. Meanwhile, no less than Abhisit's own information ministers say they have blocked no less than 4,500 websites for politically questionable content.

Agitator and agitated

Given these facts, it's worth revisiting the premise for the most recent call for prior restraint. All that violence supposedly spawned by a potent mix of irresponsible commentators and gullible audience? It's worth separating the agitators (there were many from all camps) from the agitated, the genuinely frustrated. When they had their chances, sympathizers of both Yellow and Red persuasions were



HTTP://JEPOY.BENGERO.COM

■ By Edsel Van DT. Dura

GIVEN THE mass media's responsibility to serve public interest, it is only logical that the ownership and control over the Philippine mass media be entrusted solely to Filipino citizens.

Article XVI, Section 11 (1), of the 1987 Philippine Constitution thus states that "The ownership and management of mass media shall be limited to citizens of the Philippines, or to corporations, cooperatives or associations wholly-owned and managed by such citizens."

The Constitutional restriction on foreign ownership of Philippine mass media has been mostly observed in the Philippine media community. Recently, however, the Associated Broadcasting Company (ABC-5), the third oldest broadcast network in the Philippines, was sued by another local broadcast network last December for allegedly violating this Constitutional provision and the Anti-Dummy Law (Commonwealth Act No. 108, as amended).

ABC-5's (now TV5) financial losses caused it to lease practically all of its airtime to a company allegedly connected with a Malaysian media conglomerate.

TV5 is the television brand of MPB Primedia, Inc., the locally registered corporation which entered into a long-term blocktime agreement with ABC-5 headed by Filipino businessman Antonio "Tonyboy" Cojuangco, who acquired the station in October 2003. MPB stands for Media Prima Berhad.

Although MPB Primedia's Articles of Incorporation show that it is Filipino-owned, the lawsuit claims that MPB Primedia is a subsidiary of the Malaysian corporation Media Prima Berhad (MPB).

TV5, however, has always maintained that it has done nothing illegal since it was

launched last Aug. 9.

According to records from the Securities and Exchange Commission, MPB Primedia's seven Filipino incorporators are the only subscribers to the corporation's P5,600,000 authorized capital stock, which is the maximum number that the corporation is legally permitted to issue. They own 25 percent or P1,400,000 of the P5,600,000 authorized capital stock. Only P350,150 has been paid of the subscribed capital.

GMA Network including its subsidiaries Citynet and ZOE Broadcasting is asking the Quezon City Regional Trial Court to nullify the business deal between MPB Primedia and ABC-5. It is also claiming damages amounting to P11 million due to allegedly unfair competition.

"As mandated by the Constitution, mass media, which includes television and radio broadcast, is a completely nationalized business activity. The Anti-Dummy Law (Commonwealth Act No. 108, as amended) punishes the evasion of nationalization laws and prohibits non-Filipino citizens from intervening in the management, operation, administration, or control of any nationalized activity," GMA Network said in a statement.

But TV5 said the company is still owned and managed by Filipinos.

"If you go to TV5, it's a Filipino company—brand management, programming, and marketing as well. Everybody is Filipino," Jasper Evangelista, senior vice president for brand management of ABC-5, said in a Jan. 12 Philippine Entertainment

The TV5 What foreign media ownership might mean

ABC-5's financial losses caused it to lease practically all of its airtime to a company allegedly connected with a Malaysian media conglomerate



TEN: TV5's only news program

HTTP://WWW.TV5.COM.PH

ment Portal (PEP) report.

In the same PEP report, Pat Marcelo-Magbanua, TV5 media relations head, said: "Technically, we have Malaysian investors.... But in terms of management, that's still us (Filipino)—we're self-registered, we're Filipino-run, but we must admit that we have the money (from Malaysian investors), but definitely the decisions are made by us," Magbanua said.

Magbanua refused to comment on allegations that MPB Primedia's buying of almost all of the airtime of ABC-5 was a creative way of circumventing the Constitutional restriction on foreign ownership of Philippine mass media. She also declined to disclose other details on the venture.

"Inasmuch (sic) as TV5 would like to accommodate your questions, we have been advised by counsel to defer answering any questions related either directly or indirectly to the Block

Airtime Agreement between ABC-5 and MPB Primedia," Magbanua told *PJR Reports* in an e-mail.

In a March 25, 2008 press release posted on its own website, MPB said it had set up a private equity fund "for the purpose of investing in media assets across South East Asian and other Asian emerging markets." It mentioned that its first investment would be made in the Philippines under a blocktime and consultancy agreement with ABC-5, but without equity investments in ABC-5.

The press release did not mention MPB Primedia. But GMA Network said a March 25, 2008 report of Merrill Lynch of Singapore stated that MPB would establish a company in the Philippines named Primedia, which would be 70 percent owned by MPB, in line with its acquisition of ABC-5 airtime.

So far, an ABC-5 online press

release titled "ABC5 SIGNS CONTENT PARTNERSHIP WITH MALAYSIA-BACKED GROUP" identifies MPB Primedia, Inc. as "a Philippine corporation backed by Media Prima Berhad of Malaysia."

The Supreme Court has not issued any opinion on the meaning and extent of Article XVI, Section 11 (1) since the GMA Network suit is the first case of its kind, said Freedom Fund for Filipino Journalists (FFFJ) legal adviser Prima Jesusa Quinsayas. The FFFJ is a coalition organized to address the killing of journalists. The Center for Media Freedom and Responsibility (CMFR), a founding member-organization, serves as the FFFJ secretariat.

Misrepresentation

BusinessWorld board chair Vergel Santos said the press should find out what is involved in the venture because if TV5 does not reveal those details, "there could be misrepresentation." Santos said the public should be given "enough basis for decision-making", meaning there must be transparency.

"It is for the other stations to make these things public. That is why I have always encouraged reporting on one another because we're not supposed to simply watch the government or the powers that be. We (the media) need to do some proving ourselves. We must prove ourselves worthy of our being the

constitutional watchdog, by among other means, being transparent ourselves," said Santos, who is also a member of the CMFR board of advisers.

He said the market should be told the details of the agreement between ABC-5 and MPB Primedia because if the Malaysians really are the owners, it would mean that a Malaysian company is able to do what it likes in the Philippines, and with more freedom than in its own country. "(T)herefore it is fair to question its own ways of, and ideas about, running a media organization," Santos told *PJR Reports* in an interview.

In Malaysia "it is strictly forbidden to report anything that reflects badly on the president or monarch, or their family and close associates," according to press freedom watchdog Reporters Without Borders. The press in Malaysia also faces repressive media laws.

Profitable media = vibrant journalism?

The possibility of opening media to foreign ownership has been a goal of both the Arroyo and Estrada administrations as well as of Charter change advocates who have been proposing to amend the economic provisions of the 1987 Constitution in furtherance of "economic reform."

During the second term of President Gloria Macapagal Arroyo, the Medium Term Philippines Development Plan 2004-2010 (MTPDP) proposed to amend this protectionist provision of the Constitution. The recommendation of the Consultative Commission, created by Arroyo to draft a blueprint for a new constitution, to amend restrictions on foreign investments also highlights a government focus on opening the media to foreign ownership.

In addition, should House Resolution 737 be passed, it would not be far-fetched to apply the same amendments it envisions to restrictions on foreign ownership of Philippine media. The resolution, filed by House of Representatives Speaker Prospero Nograles, would "allow the acquisition by foreign corporations and associations and the transfer or conveyance thereto, of alienable public and private lands."

But would foreign ownership provide a guaranteed solution to problems in media such as low salaries on long working hours, as proponents claim? Does financial viability equate with editorial independence?

Rupert Murdoch, the Austra-

lian-born global media mogul, said upon his \$5 billion purchase of the Wall Street Journal on May 2007: "The first road to freedom is viability."

Before its relaunch, TV5 had been at the bottom of the national audience ratings charts and was suffering from heavy financial losses. In Jan. 2007, Alecks Pabico of the PCIJ reported that due to financial reasons ABC-5 had cancelled all its public affairs programs.

In the hope of resuscitating the troubled network, the business deal caused changes in programming to get youth audiences to take a second look. The network removed its newscasts and advisories, leaving only 30 minutes of newscast daily as required by the 2007 Broadcast Code of the Philippines.

Its only news program, *TEN: The Evening News*, also approaches the news from a different angle. The news is presented as a countdown starting from the least important to the most important stories for the day. At the same time, anchors are given substantial leeway to comment on the news, thus obliterating what little distinction there is between reporting and commentary in broadcasting.

Some of the comments by its anchors have not been exactly helpful, a monitor from the March-April 2009 issue of *PJR Reports* pointed out. Two of its anchors, for example, "hyped-up comments on the passing of rapper Francis Magalona which made it seem like the biggest news event of the year."

A former staff member of TV5 who asked not to be named also told *PJR Reports* that TV5's news production values have yielded to showbiz treatment. The question is how this treatment would eventually affect content: "(It is) inevitable if you treat your news like this, it changes the way your news would be handled by both reporter and the anchor, and the producer. You don't have to be a journalism student to know that the medium sometimes becomes the message, and is often the message."

"I wish it didn't turn out the way it did but then again there are those inside who strongly feel that this is the only avenue left for Channel 5 to survive, to make an impact on the viewers, (and to) still be able to deliver the news in its most basic form."

On the other hand, even with the infusion of capital—and despite the fact that TV5 announced that it already ranked third in audience ratings behind ABS-CBN and GMA Network—



TV5: Formerly known as ABC-5

LITO OCAMPO

TV5 employees were offered voluntary separation packages, with the warning that the station would most probably layoff workers if not enough of them availed of early retirement, *Philippine Daily Inquirer* reported.

To somehow support the business sense in this, Christopher Sy said before he resigned last January from MPB Primedia as chief executive that "to be heavy in local is more expensive." At present, the programming mix is 40 percent local and 60 percent canned, most of which are focused on entertainment.

"I think that's an investment (that) needs to be made, if you want to be relevant (to) the target market. We just (have) to be mindful of the investment that we are making," Sy said in a Sept. 1, 2008 *Manila Times* report. "Hopefully, soon we want to have 60 percent local and 40 percent canned."

But the experience of the American television network CBS Broadcasting Inc. shows otherwise, American journalist David Halberstam notes in his book *The Powers That Be*. Halberstam said that in the early years of CBS, competitor National Broadcasting Company (NBC) "was so strong in entertainment that the easiest way for a newcomer to make a reputation was in news."

"Boosting news and public affairs became the cheapest way to forge ahead and build a reputation," said Halberstam, a Pulitzer Prize recipient. "It was quick and it was cheap, and it had the added advantage of prestige and respectability; even if it did not immediately bring the network a direct cash profit, it sold the network by giving it an aura of class."

And there's also the question of relevance. Indeed how can canned foreign programs be relevant to the concerns of Filipinos?

Foreign media ownership elsewhere

The capacity to influence behavior and shape public opinion is inherent in the mass media. And owner interests are linked to the information presented in the media.

"The mass media, when it is controlled by competing interests, can present a multiplicity of views rather than a single, dominant perspective. That alone makes the issue of whether or not foreign media ownership should be allowed, indeed even encouraged," human rights group Article 19 said in its 2005 *Freedom of Expression and the Media in the Philippines*.

But the experience of other countries in foreign ownership of the media warns that rather than multiplicity, the domination of media ownership by a small number of huge media conglomerates and corporations eventually leads to a monopoly by one voice.

Robert McChesney, an American journalist and professor at the University of Illinois at Urbana-Champaign, breaks down media ownership in the US thus: "the top tier is occupied by a handful of global media conglomerates (Viacom, Vivendi, Disney, AOL-Time Warner, SONY, News Corporation); the second tier by a larger, but still select, grouping of cable companies (e.g. Comcast) and newspaper chains (e.g. New York Times); the bottom tier by a much larger grouping of hundreds of thousands of companies that fill local niche markets by doing the less profitable work the first and second-tier companies have little interest in."

"...(I)f you look at the numbers you'd say, look there's hundreds of thousands of media companies, but that's misleading. There's really only a couple dozen that dominate the system," McChesney said in *Rich*

Media, Poor Democracy.

When a handful of corporate empires shape media content, pluralism gives way to a single viewpoint. The quality of information is sacrificed, leading to a dumbing down of newspapers, television and radio just to secure a market share. Also, conflicts of interests become inevitable in such business structures as in the case of AOL-Time Warner.

Murdoch's media conglomerate News Corporation, for example, dominates the Australian media. It owns around 175 other newspapers, and also the Fox Broadcasting Company, 21st Century Fox film studios, and several satellite networks, among others.

The 2004 documentary film *Outfoxed: Rupert Murdoch's War on Journalism* has criticized Murdoch, who is a naturalized American citizen, for using Fox News Channel to promote his support for the 2003 US invasion of Iraq. It also criticized the pervasive bias in presenting news which contradicts the channel's claim of being "Fair and Balanced".

The Consumer Federation of America also criticized the corporations which "preferred mergers and acquisitions to competition." The Telecommunications Act of 1996, which led to the "deregulation" of the US communication industry, supposedly aimed to foster competition that failed to materialize. Its February 2001 statement thus called for meaningful competition before deregulation.

Meanwhile, online publication *Bulatlat* said in its 2006 report "Liberalizing the media: Pros and Cons" that "countries like Bulgaria, Croatia, Hungary, and Poland have allowed foreign ownership of media to prevent the concentration and monopoly of local companies. But now they are facing the same problem with foreign media domination, and the continued weakening of local mass media." The report cited the 2003 European Federation of Journalists' (EFJ) report *Eastern Empires: Foreign Media Ownership in CEE* as source.

Halberstam said: "Broadcasting is a curious profession. It is the most powerful instrument in the world for merchandising soap, and it is potentially the most powerful instrument in the world for public service, and it has always been caught in the duality of these roles... So there is an inevitable conflict of great proportions built in here, one that the public-service side rarely wins." ■



Photos by LITO OCAMPO

MEDIA AND TRAGEDY MAKING THE PRIVATE P

more complete.

Some could argue that it was too complete. ABS-CBN 2's primetime news program *TV Patrol World* devoted most of its air time to the story in the beginning and ran accounts on developments in both the event itself and the investigation.

ABS-CBN 2 had better photos, interviews, and video footage. *TV Patrol* had more access to the house helpers, relatives, and friends of the deceased ("*Trahedya sa Pamilya* [A Family's Tragedy]", April 16; "Pamela Trinchera", April 16; and "*Naniniwalang* suicide [They believe it's suicide]", April 17). Chief correspondent of ABS-CBN 2 and Failon's partner in the radio program Korina Sanchez also interviewed Kaye, Failon's daughter, over dzMM.

The family kept asking the press to respect its privacy. But Failon, the members of his household, his relatives and his friends were available for interviews with his home station. Ressa said that when Failon asked ABS-CBN 2 to air his side, the station of course ran the story. To the station's and its reporters' credit, the questions asked during the interviews provided the details the public wanted to know. ABS-CBN 2 reporter Ces Drilon asked: Did Failon own a gun? Did he quarrel with his wife? Would he have lashed out at his wife in anger? Would a wife refer to her husband as "po" (focusing on the alleged suicide note)? Did Failon order the maid to clean the bathroom? Failon broke down several times and ended the interview when Drilon asked him how he felt at being treated as a suspect. (*TV Patrol*, April 15)

But the repetitive format of the 24-hour news cycle meant ABS-CBN 2's milking for all it was worth footage of the immediate family showing them (Failon and kids) crying and hugging at her bedside when Etong died. If the first airing was already an intrusion into private grief, the reruns multiplied that lapse. ABS-CBN 2 could have done worse than to convince Failon to make himself available to GMA-7, if not to the same extent, at least to *some* extent. The public could have gained the most from it, and so would have ABS-CBN 2 and Failon, by demonstrating that it was not bias that tended to disprove police allegations of wrongdoing on



From page 1

Failon and Sanchez Tandem). Former president Joseph Estrada has mentioned him as a possible opposition senatorial candidate for 2010. Failon has served as a representative of the first district of Leyte, riding on the wave of celebrity successes in Philippine elections.

ABS-CBN Broadcasting Corporation is a multi-media conglomerate involved mostly with television and radio production. ABS-CBN 2 is one of the country's biggest television networks. Radio station dzMM, where Failon also works, is an ABS-CBN 2 sister company.

The fact that Failon was a prominent member of the media, that he belonged to a prominent media network, made the coverage a minefield where all journalists should have been more careful and thoughtful about how they covered it.

Unfortunately, given the inherent pressure of the deadline and the competition, journalists do not consider the need for evaluating the news treatment in the story.

How ABS-CBN 2 would cover the story given Failon's link to it and the competition for exclusivity between it and rival GMA-7 was thus at issue from the beginning. Maria Ressa, senior vice

president of the ABS-CBN News and Current Affairs, wrote: "In the past week, several people have criticized ABS-CBN 2, saying its coverage of the Ted Failon story is biased. How could we not be biased, they ask? After all, Ted Failon is a top network anchor. While everyone is entitled to an opinion, statements like these are a disservice to the journalists of ABS-CBN, men and women who set aside their personal likes or dislikes and attempted to treat this story like any other. Its not the first time we've become the story.... I ask our critics to look closely at our coverage." ("Telling it like it is", <https://abs-cbnnews.com/views-and-analysis/04/27/09/telling-it-it-maria-ressa>, April 27)

Ressa also said that "the advantage that ABS-CBN has is also a disadvantage (*Media in Focus*, April 23)," in that perceptions of bias are inevitable no matter what.

But that's an argument for ABS-CBN 2's maintaining more distance rather than less. Failon understandably felt more comfortable in his home network and decided to provide it exclusive interviews, even as ABS-CBN 2 rival GMA-7 did not seem to know how to handle the Failon story. Access is key, and the ABS-CBN 2 coverage could not have been

the part of Failon, but the reality of what happened as Failon told it.

Etong's death had all the ingredients of the real life drama on which the media thrive—a possible homicide or parricide, a disagreement between husband and wife, financial worries, a family feud, a private grief made public, and eventually, a suicide. The story occupied the news pages and programs for days with practically every detail being opened to public scrutiny.

It was thus business as usual—

one more golden opportunity for the media to boost ratings and circulations. From the time Etong was found severely wounded in her home on April 15 to her death at hospital the next day; only hours separated the news reports. Failon was invited to Camp Karingal in Quezon City and subjected to paraffin tests. The police declared all Etong (Failon) household members suspects, and police took the house help, driver, and relatives of Etong into custody.

The Philippine National Police



PUBLIC



affairs shows and websites from April 15 to 30.

Covering the police

Both the police and the media should have been more restrained, although one can't accuse the media of the human rights abuses that characterize police operations. The initial reports were confusing because there were no clear statements on what happened—neither from the family of Etong nor the police investigators. Without the facts and the support of hard evidence, as usual driven by the usual compulsion to outscop each other, the press resorted to speculation and drew unverified conclusions.

Taking only the version of the police on how the crime or incident occurred is dangerous because of the possibility of mis- and disinformation. This was especially relevant in this case as the people investigating the incident were supposedly known to hold a grudge against Failon and/or because the police have little patience and understanding when it comes to the way the media work.

Since the investigation was yet to be completed, the press should have kept from the public unverified information until it could be checked. All the “big three” Manila broadsheets (*Star*, *Inquirer*, and *Bulletin*) bannered the Failon story at least once, and kept it on the front page for a week. While they could be faulted for sensationalism (the technical definition of which is the exaggeration of a news event to make it appear more important than it really is), because of the nature of the print medium, their reports, except in a few instances, were more selective in their detail.

Some problems remained, however. For instance, initial media reports said doctors had told the police that the point of entry of the bullet was in the left temple and its exit was in the right. After two autopsies, it was found that the bullet had entered the right temple and had exited at the left.

The follow-up reports included the change in the trajectory of the bullet but mostly failed to note that it was the exact opposite of what the police had claimed at the be-



ginning of the investigation.

Were Ted Failon, relatives, and household members charged, arrested, or invited for questioning? Following the police's statements, the *Inquirer* bannered on April 16 “ABS-CBN's Failon arrested” and April 17 “Failon charged; wife dies”. But the police had yet to file charges against Ted Failon at that time and had also said in other instances that they were not arresting anybody but were only inviting them for questioning. Meanwhile, the police in other interviews said they were just taking the statements of Failon, relatives, and household members. (24 *Oras*, “*Bumuti ang kondisyon* [In a better condition]”, April 16)

The news reports rarely mentioned the implications of developments in the police investigation. Some reports included conflicting information about the gun used in the shooting. A caliber .380 Walther PPK pistol should have been heard when fired. But, witnesses denied hearing any gunshot. Other experts believed the shot was not heard because it happened in the bathroom which was inside the bedroom. (24 *Oras*, “*Analysis ng eksperto* [Analysis by experts]”, April 16)

The alleged suicide note from Etong was evidence. The reports said officials submitted the note to handwriting experts and psychologists for analysis. The reports which mentioned that Etong and house help Carlota Morbos seemed to have the same handwriting were left hanging.

Charges of tampered evidence did not help the police, family, friends, and the press get to the bottom of things. The Quezon City police maintained Failon and Etong's house helpers and immediate relatives committed obstruction of justice. The reasons for the charge were detailed in the reports, but hardly provided the



public any clue as to what to think.

The phrase “obstruction of justice” also kept falling from police mouths. But the press barely explained what obstruction of justice was and how one could be charged with it.

Ironically it was ABS-CBN 2 that first reported the homicide angle, in which Failon had supposedly accidentally shot his wife in the heat of an argument inside their car (*TV Patrol World*, “*Trahedya* [Tragedy]”, April 15). Other reports also said Failon sustained scratches, cuts, and bruises from that alleged fight. From the beginning, was there a police effort to spin or play up the case as murder instead of suicide? Already engaged in reporting practically everything, the press did not pursue this angle.

Succumbing to temptation

Failon and Etong's 12 year old daughter Karishma was mentioned frequently in the reports; her face was usually not shown or was pixelated. In one instance though, *abs-cbnNEWS.com* posted her photo with Etong and her sister Kaye as the subjects of its top story (April 20).

ABS-CBN 2 did report the incident with some caution. But the temptation to bask in the exclusivity of much of its footage was apparently too strong to resist. They had it; they flaunted it.

On the other hand, the *Inquirer's* article “Media critics score ABS-CBN coverage” was out of context and biased against ABS-CBN 2 (April 24). The *Inquirer* interviewed three of the Center for Media Freedom and Responsibility's (CMFR) board members: Melinda Quintos de Jesus, Luis V. Teodoro, and Vergel Santos. Their analyses were about the media coverage in general and not entirely focused on the ABS-CBN 2 reporting. (*PJR Reports* is the media monitoring publication of CMFR.)

Suicide

In the same episode of *Media in Focus* where Ressa was interviewed, psychiatrist June Pagaduan Lopez said “It's quite alarming that such an incident would merit that much media attention especially in the sensationalized, dramatic way that it was covered. It is a concern for mental health professionals like myself precisely because of what you mentioned as possible copy-cat tendencies of people especially young ones who romanticize the idea of suicide.”

Indeed the press tendency to go overboard in providing details no matter how gory, private or counter-productive has often sent the wrong signals to the public. As suicide is a very sensitive topic, if not discussed properly and carefully with sufficient background, people in great despair may be predisposed to view it as the easy way out.

Lopez reminded the press that suicide as a public event can make it appear superficial. In fact it can appear to be mere entertainment, like an event in a soap opera.

A positive

In addition to showing up police abuse of power, one of the positives of the coverage was its exposure of police incompetence.

A 24 *Oras* report titled “*Napag-iwanan na* (Left behind)?” detailed the PNP's use of outdated investigation techniques (April 20). Dr. Raquel del Rosario Fortun, a forensic pathologist, said that a paraffin test is not enough to establish whether one fired a gun if it's done too late, and that other methods are more reliable.

There were also a few instances when the press reported how the police were careless in their handling of case evidence. The April 20 report of *TV Patrol World* mentioned how one of the chief investigators used Etong's alleged suicide note as a fan, and that other policemen were gathering and carrying evidence with bare hands (“Psychological autopsy”). ■

MEDIACORRUPTION

The three articles that follow—all by working journalists—are part of *PJR Reports'* effort to look into and address the continuing problem of media and press corruption. Contributions on this topic and its ramifications are welcome.

A COMMUNITY JOURNALIST LOOKS AT MEDIA CORRUPTION

Media corruption distorts the news and debases the journalist

■ By Pachico A. Seares

ARE COMMUNITY journalists easier prey to corruption than their Manila-based counterparts because those working for community papers and broadcast stations are poorly paid?

Not true—not about the meager pay, but about a journalist's fall's being the necessary result of economic hardship.

Neither is it true that Manila-based journalists are beyond corruption because they enjoy higher salaries and more benefits.

Economic woes exact a heavy toll on journalists' values, but corruption of media feeds not just on money problems. There are the weaknesses of the person, the flaws of the profession, and society's tolerance of graft in many sectors.

With the power of media to build or destroy anyone's public image, it's inevitably the target of corruption. Perpetual tension, if not hostility, flows between journalists and news sources. And a pay-off or a buy-out, if standard "PR" (public relations) doesn't

work, is a ready option.

The clout of the "corruptee"

Corruption reaches out with little regard for press card or the news organization's address. What the corruptor considers is how much good or harm the "corruptee" can do, the medium's clout, its circulation figures, and its influence over the audience.

These command a higher price: reporters in the big papers, top-rated radio commentators, better-known and avidly-read opinion columnists.

Be it in urban center or countryside, the same motive prompts the use of grease. The corruptor wants to distort the kind and flow of information: to speed up good news, kill or delay bad news, or give bad news a spin in the payor's favor.



Cebu media: No easier prey to corruption than their Manila counterparts

ARNI ACLAO/SUN-STAR CEBU

What corruption does

Whatever the purchase or barter price, the effects are equally devastating on press functions.

Media corruption distorts the news and debases the journalist, who soon enough casts aside public interest for the corruptor's interest.

The clash of interests is more insidious as collusion with the payor is illicit. Breaking public trust, like sleeping with the enemy, is usually not transparent. And the audience often fails to catch on.

In pious declarations at public forums or over drinks at the bar, many journalists say they'll defend press freedom to the death—then yield to corruption's siren song.

What results isn't journalism class theory but for real: The corruptee no longer impartially sifts facts from fiction or checks for accuracy. He can't tell the story as it is, and neither can he



ALLAN CUIZON/SUN-STAR CEBU

they're talked about in newsrooms and coffee shops, and many tales are true.

Consider the forms corruption can take:

1. At a press conference in a department store owned by a politician, some reporters went home with a box of new shoes under their arms;

2. In a small city, some reporters get P500 a week from a "paymaster" in exchange for stories about a politician being published regularly, with the promise of a hefty increase when the election campaign starts;

3. In one province, anyone with a tape recorder, a member of what they call the "tamburong brigade", or a phony journalist, can dupe the mayor of a far-flung town by setting up an interview in exchange for a meal and P100 to P300.

4. Some local radio stations run public affairs "one-on-one" interviews, which are invoiced as "pay-before-broadcast" commercials;

5. A government office offers not just coffee and snacks but lunch: attendants keep poker faces when someone loudly reminds colleagues about lunch not being free even as he heads for the buffet table;

6. An anchor person calls a public official, saying he wants him to sponsor the birthday party of his five-year-old son at this restaurant; how much a sponsor pays and how many officials sign up as sponsors only the reporter knows;

7. An editor calls a PR man to tell his client, a public official, that he'll accompany his wife to

give an unpolluted opinion. Corruption influences each decision the journalist makes.

Mayette Q. Tabada, who teaches at the University of the Philippines in Cebu and at St. Theresa's College, worries about media corruption and how it disorients students exposed to the real world of journalism by internships and training sessions. She says novice writers' confusion over gray ethical areas may not result in media corruption, "but early habits always determine later ones."

Students are told that corruption may not condemn the corrupted journalist's soul but that he forfeits his freedom. With the practice virtually unchecked in some newsrooms, future journalists wonder if that is true.

Forms, extent of corruption

Cases of media corruption are not documented: no blotter entries exist on the crime. But

MEDIACORRUPTION

Manila and he needs plane tickets for two.

The forms of corruption can be tricky. Jerry Tundag, editor-in-chief of Cebu's daily newspaper *The Freeman*, says: "To think of corruption and draw images of cold hard cash is to be hopelessly outdated. Changing lifestyles bring with them new weaknesses that can be exploited in more ways than just good old money changing hands."

The extent of corruption varies from city to city, province to province, newsroom to newsroom. There's no way to quantify how many of a locality's media are tainted. It's only by word of mouth. But the sources to be believed, if one can make them talk, are the corruptors themselves or their reps.

Improvement of methods

Methods of payment vary. In urban centers, notably Manila, we hear of money being sent by ATM and routed through PR offices or persons. We're told about cartels of reporters, editors and photographers that deliver "service" spanning a sector or sectors of the newspaper or broadcast station or multiple news outlets.

In the countryside, though, there has been little improvement. The good old envelope, which spun off the banal cliché "envelopmental journalism," remains the easy way to transfer cash. A reporter said, "Go to the rest room shortly after a presscon. Crumpled envelopes in the trash bin tell you they went there not to pee but to check how much they were getting."

Spotting corruption signs

Corruption is committed on the sly: under the table, in dark pubs. Transacted in whispers or coded cellphone messages ("clinic karon," meaning it's payroll time today). No audio/video record, no paper trail. Banks are secretive, they don't open up without a court order. And journalists aren't public officials; publishers don't lifestyle-check their editors or reporters.

What to do then?

Editors can spot signs of a sell-out in reporters' copy: contrived focus, one-sidedness, frequency of praise, repeatedly favorable stories, omission of adverse reports, and the like, all aimed at favoring the secret client.

Lawyers call them badges of fraud. To editors, they're tell-

tale signs of corrupted reporting.

Leo Lastimosa, anchor of ABS-CBN's daily *Balita Patrol* and vice-chairman of KBP (Kapisanan ng Brodkaster sa Pilipinas—Broadcasters' Association of the Philippines) Cebu, says he doesn't use suspicious stories until the cause of suspicion is removed.

If the badges of fraud or tell-tale signs keep popping up, that may be the time to confront the suspected journalist.

But the human factor of keeping cordial relations, on top of the scarcity of talent in the newsroom, is what prevents the confrontation. The editor is usually silent until the breach of ethics explodes into a community or industry-wide scandal.

But not to Eileen G. Mangubat, former editor-in-chief and now publisher of *Cebu Daily News*. "The paper has a simple black-and-white rule about envelopes—no envelopes ever." Anyone caught will lose his job.

This summer there were three incidents of envelope-giving in the *Cebu Daily News*: by a presidential aspirant and by two schools. The presidential wannabe, Mangubat says, was rebuffed, and the two P1,000 bills in the two other cases were donated to charity.

Proof or evidence required

The need for proof is what bugs the effort to punish and stop corruption. Proof or evidence is part of due process.

Yet, what's required is not the kind demanded by a prosecutor (prima facie evidence) or a judge (guilt beyond reasonable doubt).

What satisfies labor laws will do. Due process is met in a mechanism that gives the journalist a chance to explain, with expulsion as ultimate punishment after lesser sanctions like reprimand or suspension.

After all, the paper or broadcast station peddles credibility. Loss of confidence in the journalist is enough reason to fire him but, as exponent of fairness and justice, the news organization hears him out first.

The few people *Sun.Star* had "fired" preempted that by resigning. *Sun.Star* Cebu executive editor [admin operations] Michelle P. So, who oversees the paper's "rewards/sanctions system" (RSS), said the voluntary exit showed they understood how fragile trust is



ALEX BADAYOS/SUN.STAR CEBU



Tabada ALLAN DEFENSOR/SUN.STAR CEBU in the news business.

Enforcers needed

Curbing media corruption will succeed only if (1) a news organization's leadership is serious about it, and (2) the community and media practitioners exert pressure on their peers.

Each newsroom must have an enforcer or panel of enforcers that sends the message: We won't close our eyes to corruption. News and opinion copy must be scrutinized, not just for the dangling participle or an unchecked fact but for possible sell-out on values. Every report, even rumor, of cash-giving or favor-exacting must be checked. Isolde D. Amante, *Sun.Star* Cebu's managing editor for news, regularly looks into complaints of mis-reporting and sniffs for any hint of corruption.

Newsroom enforcement can only be as effective as the stamina of its chief enforcer, usually the editor-in-chief. The publisher can only support with a clear policy against corruption, but the principal effort starts, and can end, with the editor-in-chief.

Alex Pal, editor of the *Dumaguete Post* and a *Philippine Daily Inquirer* correspondent, believes that editors can do much to reduce corruption by ensuring that each printed or broadcast story adheres to standards. Pal notes that stories

about politicians are usually one-sourced, and thus prime examples of puffery.

But not all newsrooms are enthusiastic about policing their ranks. Some journalists have dampened hopes of reform or change.

Erwin Ambo S. Delilan, editor of *Agila*, a tabloid in Bacolod, says, "You cannot expect anybody from media to become the next heroes of the Republic, to be honest and fair when he or his family is languishing in hunger." Most journalists, he says, don't want to be canonized as saints of the media industry. He says one local paper pays only P4,200 a month for its reporters, while a broadcast network pays only P3,800 a month for its reporters.

Questions to publishers

But Antonietta Lopez, a Bacolod correspondent for *The Philippine Star*, asks: If a publisher cannot afford to pay reporters, why go into the business?

Another question to publishers is why some of them frown on unethical practices and yet ask their reporters to do errands equally questionable, such as bending the rules to get a VIP pass at the airport, getting a customs clearance for an importation, or a permit for a side business. One publisher even ordered a reporter to secure family-vacation rooms from a hotel featured in his paper.

Worse still are publishers who tolerate or encourage bad journalism as long as they bring in the money for the paper. They require their reporters to solicit ads from politicians and, an informant swears this is true, for editors to sell the Page 1 stories.

Bacolod's Lopez asks publishers "to spare reporters from situ-

ations that can put them in compromising positions with a source."

Society and peer pressure

Newspapers and broadcast stations whose publishers and editors-in-chief don't mind if their reporters and writers throw values out the window may still find hope in young journalists joining in many news outlets. Infused with idealism taught in journalism schools, they can agitate for change in newsroom practices.

Competition among media rivals may spill over from circulation-advertising war to a "rivalry" on good journalism practices. A mantra I keep telling editors and marketing crew is that "good journalism is good business."

An excellent source of pressure on the practitioner is the influence of journalism councils that promote standards and values. In Cebu, we have the good fortune of having the Cebu Citizens-Press Council (CCPC) and Cebu Press Freedom Week (CPFW), both active in their mandate of promoting a free and responsible press.

Peer pressure is also a deterrent. Advocates of corruption-free journalism can help stymie cash-giving attempts at presscons. Journalists who can't explain their wealth are gossiped about by colleagues who can quickly explain their own poverty.

It still holds true, and I believe it ardently: A newsroom deserves the people who work there. So does the community that supports the news outlets. They can reduce corruption and raise standards and values if they try hard enough. —With inputs from Cherry Ann T. Lim and Michelle P. So ■

Pachico A. Seares is editor-in-chief of *Sun.Star Cebu* and *Sun.Star Superbalita* (Cebu) and executive director of Cebu Citizens-Press Council (CCPC).

A lawyer, he teaches *Media Issues and Journalism Law & Ethics* at U.P. in the Visayas Cebu College. He served two terms as trustee of Philippine Press Institute (PPI).

He was U.P. System's Gawad Plaridel awardee in 2008 and, in 2009, awardee in journalism for both Province of Cebu's "Garbo sa Sugbo" Awards and Perlas Foundation's "Valuable Filipino" Awards.

MEDIACORRUPTION

Community Media's Catch 22 REPORTING OR AD SOLICITING?

Corruption in the media happens because the media allow it to happen

■ By Bong S. Sarmiento

MINDANAO, PHILIPPINES—“*Wala pong gasolina dito*” (there’s no gasoline here).

There was none indeed, since those words, written in white paper, were conspicuously posted at the entrances of two government institutions—a military barracks and a municipal hall—in the Central Mindanao region.

The writing on the wall may not mean anything to the general public but it does to those for whom the message is meant—i.e., media practitioners. In fact, when I was covering the conflict last year between the military and the Moro rebels, the journalists I was with knowingly looked and grinned at each other when they saw the sign,

To ask for gasoline money from story sources has become common practice among many community media practitioners, and it is just one of the many forms of corruption that have plagued their ranks for decades.

Patricio P. Diaz, a journalist in Mindanao for about 60 years now, agrees that the tentacles of corruption in the Philippine media—whether at the national



or community level—have never been cut, but have in fact morphed in synch with the times, with “envelopmental journalism” now yielding to the more contemporary “ATM journalism.”

“Corruption in the media happens because the media allow it to happen. As a consequence, the treatment of stories is slanted, spineless and sanitized. Moreover, corrupt practices (in the media) sacrifice in-depth analysis of the issues that amount to mis- and disinformation,” Diaz, also the author of three books about Mindanao, told *PJR Reports*.

That corruption in the Philippine media does exist—and is evolving in step with technology—is widely known outside the country, as noted in the 2008 Asia Pacific Human Development Report of the United Nations Development Programme.

Moving up the technological ladder, in the Philippines in the 1990s, “envelopmental journalism”, a phrase born in the 1970s, is now known as “ATM journalism”, the report said

“Reporters can now receive discreet and regular pay-offs through their automated teller machine (ATM) accounts. Often, the accounts are in the names of relatives, rather than of the reporters themselves,” it noted.

The Philippine Press Institute abhors corruption among practitioners, succinctly summed in its “Journalists’ Code of Ethics” under paragraph five, which states: “I shall not let personal motives or interests influence me

in the performance of my duties; nor shall I accept or offer any present, gift or other consideration of a nature which may cast doubt on my professional integrity.”

The usual culprit

Corruption in the community media nevertheless remains because of, among other reasons, the notoriously low of community journalists. The amount of money involved in corruption is often degrading enough to allow the journalist to buy a few kilos of rice.

“Some community media practitioners write favorably about their sources in exchange for as little as P50 to P100,” says Ramil Bajo, correspondent of *The Philippine Star* in South Cotabato-Sultan Kudarat-Sarangani-General Santos area.

In local media circles, crooked journalists are called “tigbaseros,” from the local term “tigbas” meaning hack, but their corruption takes many forms.

One of the most common is asking the source of a story for money right after an interview. But the journalist may also prolong the conversation to suggest that the interview session will end only when money changes hands. This is different from so-

Where newspapering is a poorly-funded one person enterprise, corrupt practices are particularly rampant

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Photos by BONG S. SARMIENTO

called “AC/DC” (Attack Collect/Defend Collect) journalism, a practice in which journalists get money for attacking or defending a particular person or cause.

At press conferences, the local hacks, often wearing huge press identification cards, stay on long after the event is finished and other journalists have disappeared to file their stories. They would wait for the envelopes containing money, usually P1,000, to come their way.

When a story is published, some of these corrupt press practitioners even go back to their sources to show them the story and to again ask for money.

Bajo said that the subjects of the story—especially if they are government officials—are forced to give money so that whatever scandal or issue they’re involved won’t be reported, or, if it is, the story is biased in their favor.

In communities where newspapering is a poorly-funded one-person enterprise, in which the publisher is also the editor, reporter and marketing/advertising executive, corrupt practices are particularly rampant. If these newspapers do hire reporters, normally they are not given salaries. Without regular wages, the reporters have no other recourse but to ask for and/or accept money from news sources.

Bajo, who also writes for *Sun.Star’s Super Balita-General Santos*, describes them as members of the “underworld media” that instead of “treating journalism as a profession, consider journalism as solely livelihood.”

One of the newspaper-members of the “underworld media,” *PJR Reports* learned, goes to the extent of billing private companies after it publishes the firms’ press releases. One company was surprised because it did not send the published press release to the newspaper, and said it would have been entirely appropriate if they had just been asked to place an advertisement.

Food coupons for journalists

Meanwhile, a government department, given its limited resources, has “creatively” addressed the problem about press practitioners who ask for “gasoline money” after covering its press conferences or events.

“The tack it has taken is to give food coupons to be consumed at the canteen,” Allen Estabillo, *MindaNews* writer,

told *PJR Reports*.

Given that salaries in the community media are low, some outfits are addressing it, as in the case of Bombo Radyo-Koronadal, but in a manner that could spark heated debates.

The radio station encourages its reporters to look for advertisements, which should be the domain of the marketing department as has been the practice in national newspapers.

"We don't have an account executive (for our branch) because he or she would be the only one to get a commission. Reporters are allowed to solicit advertisements so they will have higher take home pays. Everyone in the station is in fact allowed to get ads, even the security guards," said Chris Pedrola, assistant manager of the radio station.

The commission for every advertisement placed is five percent. An entry-level reporter for Bombo could thus receive more than the minimum daily wage rate in the region.

The minimum daily wage, as pegged by the Regional Wages and Productivity Board, stands at P233 for those working in the non-agricultural sector.

Diaz, the veteran journalist, deplored the practice of the radio station but Pedrola was quick to the defense.

"There's a condition in it. We don't allow reporters to solicit advertisements from institutions or sources whose cases or issues are being reported by the station," Pedrola told *PJR Reports*.

Diaz, a recipient of the "Lifetime Achievement Award" in the 2002 Titus Brandsma Media Awards, suggests ways to weed out corruption in the community press.

"Media establishments should pay their editors, reporters and broadcasters respectable salaries and allowances commensurate to the demand of their work to give them respectability and dignity," he says.

"(On the other hand) editors, reporters and broadcasters should be conscious of the respectability and dignity demanded of journalists by the journalism profession and should have the will to resist temptation," Diaz added. ■

Bong S. Sarmiento is based in South Cotabato and is a correspondent of BusinessWorld. He also writes for several news organizations in Mindanao.

THE WAGES OF CORRUPTION

Not all so-called legitimate journalists in the provinces are exempt from corruption. Some of them are in fact the biggest bribe takers in the profession

■ By Dino Balabo

WHILE WORKING in a community newspaper in 2000, an older journalist told me, "*pare hindi ka magsu-survive sa Bulacan kung hindi ka manghihingi.*" Of course, he was referring to cash from local politicians and police officers at that time, which journalists call "pamasahé, (transportation money)" "for the boys," or "allowance."

I was only in my first three months of covering Bulacan then. I had heard about corruption from fellow journalists but never really paid attention to it. But as the days went by, I realized that almost everyone was getting something from various sources.

Two years later, I received a text message from a ranking police officer saying "*okey na naman, tuloy na uli ang palarong pambansa. Pasyal na lang kayo dito.*"

I asked a fellow journalist who writes for a national daily what it was all about, and he explained that "*palorong pambansa*" was code for "jueteng" (an illegal numbers game) and the message meant that the "allowance" for journalists was available again after a brief lull.

The practice of handing cash to community journalists has been around for longer than most veteran journalists can remember. In fact, the journalists who used to cover Camp Olivas in Pampanga say that getting these handouts is one of the many reasons why people with no training in journalism want to be journalists, or at least have a press identification card.

Legitimate journalists describe these creatures as "*pinabili lang ng suka, pag-uwi*, journalist na. (sent to buy vinegar, they returned home as journalists)." Of course, the legitimate ones

know that to be a journalist, you must take a four year journalism course, or at least undergo training from which the basic skills and ethics of the craft can be initially learned.

But not all so-called legitimate journalists in the provinces are exempt from corruption. Some of them are in fact the biggest bribe takers in the profession.

In his book, *Of the Press*, Bong Zapata Lacson of the Society of Pampanga Columnists (SPC) said community journalists are easy prey to politicians.

Lacson wrote: "Politics is war with its own breed of dogs. As rabid. More vicious. No politician worth his post is without his own kennel, even if all he can afford are stray mongrels. In this doghouse feed and breed the politician's stock-in-trade mutts and hounds—his coterie of advisers propagandists and publicists, and paid hacks in-masquerade as mediemen."

"A common warning on the gates of the Roman villas at the time of the Caesars. 'Beware of Dog.' But be most aware of media dogs. It is not difficult to distinguish them from your common pressman. No, dogtags will not help in identifying them. But by their bark you shall know who their masters are. By their bite you shall know how they are fed. By their drool you shall know them."



LITO OCAMPO

The question now is why do community journalists yield to corruption?

First, they are hardly paid, or if at all, receive only "starvation pay." I was once asked by the publisher of a community newspaper based in Bulacan to write for his paper. Our conversation ended the moment I asked him how much he would pay for every article published. His answer: "*umorbit ka na lang, wala pa kaming pera.*" (Just make the rounds. We don't have any money yet.)

Second, journalists including correspondents for national dailies usually spend more money in news gathering than what they actually get if the story is published. (That is assuming that their story will be published, but in most cases, the reverse is true.)

Third, not too many community journalists undergo training workshops like the ones offered by the Philippine Press Institute (PPI), the National Union of Journalists of the Philippines (NUJP), the Center for Media Freedom and Responsibility (CMFR), the Philippine Center for Investigative Journalism (PCIJ), and the Institute of War and Peace Reporting (IWPR).

As participants in a number of training workshops conducted by the said groups in past years, I learned valuable lessons on ethics and the conduct of the profession through

exchanging information with fellow journalists and the resource persons.

Fourth, the old school mentoring method in journalism is hardly practiced today. Journalists and their editors hardly see each other face to face, much less talk to each other on how to improve a journalist's story.

In the past as my mentor Jose Pavia of the PPI used to tell me, a journalist had to personally submit his/her story to the editor who will then ask what the journalist's story is all about before taking the copy. That way, the journalist can re-write his/her copy then hand it to the editor. That practice is gone as stories today are sent through email and other "high-tech" means.

Is there a solution to the above cited problems?

Yes. There is always a solution to any problem. But it must start from the journalist himself.

The problems I mentioned above are economics-based. It is said that the survival of community journalism, especially the newspapers, depends on the state of the local economy. And we all know how poor the country is, specially our communities.

But as journalists, we must not wait for our politicians to legislate us from poverty and to improve the economy. We must ourselves act now by upgrading our skills as journalists so we can demand better pay.

The unsolicited advice I received from an older journalist I mentioned at the start of this article challenged me to prove him wrong by not only surviving but doing well without compromising my dignity and that of my profession by asking various sources for money.

As a journalist, I know that our profession is a very competitive one. Thus, the need to upgrade one's skills through training. Further training has allowed me to be part of other publications aside from the community newspaper I used to write for, and has strengthened my independence and capacity to resist corruption and other temptations.

With regards to that publisher's advice, ("*umorbit ka na lang*"), I told myself, I will not write for any paper that doesn't pay. Journalism is a profession, and I am entitled to a professional fee. ■

Dino Balabo is a correspondent of the Philippine Star, Pilipino Star Ngayon, Mabuhay, and Central Luzon Business Week

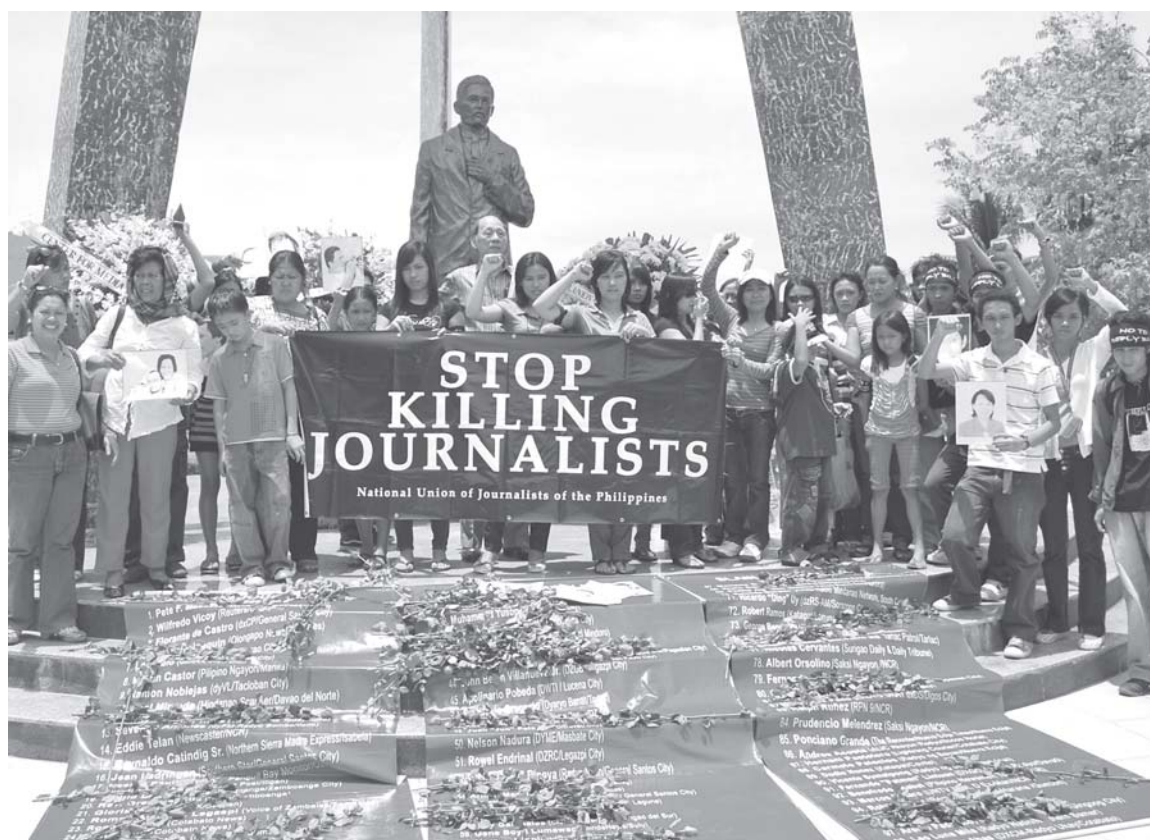
World Press Freedom Day 2009

“Nothing to celebrate”

The killing of journalists and other attacks are continuing—a lingering proof of the rampant culture of impunity



Photos by LITO OCAMPO



■ By Melanie Y. Pinlac with a report from Verniece T. Zamora

AS THE world marked the international press freedom day, justice remained elusive in the killing of journalists in the Philippines. The National Union of Journalists of the Philippines (NUJP) in fact went as far as to declare that there was “nothing to celebrate” last May 3 because of the continuing killing of and attacks against journalists, and the attempts to abridge press freedom through such pending legislation as the right of reply bill.

Indeed, while the Philippine press has achieved some success in its fight against impunity, the fact that there have only been convictions in three out of 40 work-related cases since 2001 is lingering proof of the pervasiveness of the culture of impunity.

According to the United Na-

tions Commission on Human Rights, impunity “arises from a failure by States to meet their obligations to investigate violations; to take appropriate measures in respect of the perpetrators, particularly in the area of justice, by ensuring that those suspected of criminal responsi-

bility are prosecuted, tried, and duly punished; to provide victims with effective remedies and to ensure that they receive reparation for the injuries suffered; to ensure the inalienable right to know the truth about violations; and to take other necessary steps to prevent a recurrence of violations.”

Among the killings since 2001, only in the cases of Edgar Damalerio, Marlene Esperat, and recently, in that of Armando “Rachman” Pace have the gunmen been convicted. And these convictions were not obtained easily. The prosecution teams in the Damalerio and Esperat cases had to hurdle a number of legal obstacles before they could successfully try the

gunmen, including going through the long and tedious process of asking for the transfer of trial venues to prevent the trials’ being influenced by the hometown influence of the accused. No mastermind has been convicted in any of these cases.

It took almost three years before the gunman was convicted in the Pace case. But because of the lack of evidence to prove the intent to murder Pace, the charge was downgraded to homicide (See “Journalist’s killer convicted; suspect acquitted in another case”, p. 21).

The 2009 Global Impunity Index of the Committee to Protect Journalists (CPJ) ranked the Philippines sixth among 14 countries with the highest number of unsolved killing of journalists relative to its population. The Philippines, a country in that’s supposedly a democracy and at peace, ranked higher than those countries with ongoing civil and political unrest. Meanwhile, Freedom House (starting 2004 when the number of media killings and harassments surged) has consistently ranked the Philippines as “partly free” in its “Freedom of the Press” reports despite the Constitutional provision protecting freedom of the press and expression.

Government failures

The inefficient law enforcement and judicial systems, the poorly-conducted police investigations, the poorly-funded witness protection program and the lack of political will have been cited by many media organizations including the Center for Media Freedom and Responsibility (CMFR) as the reasons behind the thriving culture of impunity in the Philippines. The ineffectiveness, for example, of the

Philippine National Police (PNP) in arresting suspects in the killing of journalists has worried families, press freedom advocates and journalists.

“*Hanggang ngayon hinihiling pa rin namin ang katarungan dahil hindi pa rin napaparusahan ang may sala* (We are still seeking for justice as the perpetrators remain free),” said Gloria Cuesta, widow of Radio Mindanao Network program director Dennis Cuesta who was killed in August last year, during the World Press Freedom Day celebrations at the Marcelo H. del Pilar (or Plaridel) Shrine in Bulakan, Bulacan. Cuesta represented the families of slain journalists who attended the annual Saranggola workshop of the NUJP. NUJP, together with Kasangga sa Kaunlaran Inc. and the United Kingdom-based Bevil Mabe Study Foundation Inc. launched Saranggola, a scholarship program for children of slain journalists, in 2005.

Gloria and her husband’s colleagues had been looking forward to the arrest of Police Inspector Redempto “Boy” Acharon, an alias “Gerry”, and other suspects charged with the murder of Dennis Cuesta after the court issued another arrest warrant against them last April 7. Two months have passed, but Acharon and the others are still at large.

The Freedom Fund for Filipino Journalists (FFFJ) has written the PNP asking for the immediate service of the arrest warrant against the alleged killers of Cuesta. Members of the Philippine Press Institute (PPI) and their guests at the 13th National Press Forum last April 27 to 29 also signed a petition calling for the arrest of Acharon as well as of alleged masterminds Osmeña Montañer and Estrella

Sabay in the 2005 killing of journalist Esperat.

FFFJ is composed of CMFR, which serves as its secretariat, the PPI, the Center for Community Journalism and Development, the *Kapisanan ng mga Brodkaster ng Pilipinas* (KBP-Association of Broadcasters of the Philippines), the Philippine Center for Investigative Journalism, and the US-based newspaper *Philippine News*. It was created in 2003 to address the relentless killing of, and attacks against journalists and to defend press freedom.

Saving face

The national government and law enforcement agencies have tried to dispel this image of political indifference and inefficiency. One such effort is the allotment of approximately P18 million for information on twenty alleged killers and masterminds in the murder of journalists. The Department of Interior and Local Government—which supervises the PNP—did this as a result of a March 11 dialogue with some media organizations.

During the meeting with President Gloria Macapagal Arroyo and representatives of presidential Task Force 211 and PNP's Task Force Usig last March 11, media organizations including the FFFJ and the NUJP expressed concern over the number of unserved warrants of arrest against the alleged gunmen and masterminds in the killing of journalists. According to Task Force Usig as of June 4, there are 19 identified suspects at large with standing arrest warrants including the alleged masterminds behind the killing of Esperat and Acharon.

Arroyo then immediately ordered the PNP to look into better ways to arrest the suspects at large, among them organizing tracker teams to hunt them down and the use of monetary rewards.

But for some journalists' groups, allocating monetary rewards would not resolve the shortcomings of the government in solving media killings. NUJP in a statement said that, "Instead of offering rewards, the police and other government agencies should focus on basic police and prosecution work in apprehending the killers and masterminds, filing the appropriate charges and putting them behind bars."

An obvious contradiction

Despite these so-called government efforts to uphold media



freedom in the country, and the government's claiming that the Philippines still has the freest press in Asia, some government officials and institutions continue to intimidate journalists through repressive bills and law suits.

Many members of the House of Representatives are pushing for the passage of the Right of Reply bill, which compels news and media agencies to publish or air replies from news subjects. This bill, if passed, will erode the editorial prerogative to decide what to print.

"[I told the House Speaker Prospero Nograles that] the win-win solution is when you and the rest of the House...stand up and say this is a-No-No-No because it violates the Constitutional provision of the freedom of the press and expression," PPI executive director Jose Pavia informed those who attended the May 3 event about the April 18 meeting with the House Speaker.

A few days after the May 3 celebration, a veteran broadcast journalist had to post bail for an anti-wiretapping case filed by the Government Social Security Services (GSIS) against her and her media production firm. GSIS vice president Ella Valencerina accused Cecilia "Cheche" Lazaro and some Probe Productions staff of allegedly recording and consequently airing without her knowledge a Nov. 10, 2008 phone conversation. (Please see "Broadcast journalist posts bail", p. 21)

The Anti-Wiretapping Act prohibits the recording of any private communication or spoken word without the consent of all parties involved. Those found guilty are sentenced to a prison term of not less than six months or more than six years.

Lazaro said in a statement that "this is a small price to pay for bringing a perfectly legitimate public interest issue out in the open. Probe will not be in-



PROMOTING UNDERSTANDING

AS THE Fourth Estate, the press can play a crucial role in nation-building, including promoting peace and bridging differences among citizens and states. This year on World Press Freedom Day, journalists and media organizations around the globe reviewed the role of the press in times of crises, conflict and war.

On May 2 to 3, the United Nations Educational, Scientific and Cultural Organization (UNESCO), in partnership with the Doha Center for Media Freedom, held the two-day International Conference on The Potential of Media: Dialogue, Mutual Understanding and Reconciliation in Doha, Qatar.

Around 250 media practitioners and journalists attended the said conference, according to UNESCO. "This year the focus is on the media's potential to foster dialogue, reconciliation and mutual understanding. Indeed, the press plays a vital role in challenging entrenched attitudes about religious, political or other differences among people," UN Secretary-General Ban Ki-moon said in his May 3 statement.

Ban Ki-moon added that "In societies struggling to rebuild after conflict, free and responsible news media are essential for good governance and to promote confidence and trust between leaders and the public."

At the end of the conference, the participants signed the "Doha Declaration on the Potential of Media: Dialogue, Mutual Understanding and Reconciliation" which seeks to strengthen the role of media "in communicating across cultural differences."

'Killing the messenger'

On May 3, the widow of slain Sri-Lankan journalist Lasantha Wickrematunge accepted the 2009 Guillermo Cano World Press Freedom Prize awarded to her husband. Wickrematunge, editor in chief of the newspaper *The Sunday Leader*, was killed by gunmen onboard a motorcycle at an intersection in a Colombo suburb. He was said to be a staunch critic of the war between the Sri-Lankan government and the Tamil Tigers.

Sonal Samarasinghe Wickrematunge expressed her and their family's gratitude for the posthumous award. "(B)y recognizing his life and work as you have done today, you send an important message to tyrants everywhere, that killing the messenger is not a solution. If by nothing else, it is by gestures such as the one you have made here today that the point is made ever more strongly that the human spirit cannot be subdued by violence—no, not even by murder. And so it is that even in death Lasantha's name draws more hits on Google than the prime minister of Sri Lanka."

Meanwhile, in the Philippines, journalists from Manila and Central Luzon and the families of the slain journalists gathered at the Marcelo H. del Pilar shrine in Bulakan, Bulacan to offer prayers and roses to slain journalists. Representatives from the National Union of Journalists of the Philippines (NUJP), Center for Media Freedom and Responsibility, Philippine Center for Investigative Journalism, and *Philippine Daily Inquirer* also offered wreaths.

On May 2, Manila-based journalists gathered on the eve of World Press Freedom day at Quezon City for the annual "Press Jam" sponsored by NUJP. A number of journalists around Asia—from Indonesia, Laos, and Nepal—also participated in the gathering. ■

timidated into submission.”

On the other hand, the *International Herald Tribune* and the *New York Times* correspondent Carlos Conde scored the military last March for allegedly including him in the 2007 “order of battle (OB) of the 10th Infantry Division”. Conde told CMFR that he had found out through the International Solidarity Mission, a fact-finding mission on the effects of the government’s counter-insurgency program in Davao to the community, that he was the lone journalist listed. Conde feared that his name was still in updated lists, which in the Philippines has become a virtual license for the assassination of those so listed. Conde pointed out that a political activist listed in the same document was killed in 2008. (See “Journalist included in military ‘order of battle’”, p. 21)

CMFR in a statement condemning the inclusion of Conde in the alleged OB said “The harassments, threats and other assaults on critical and independent journalists and media organizations already constitute a pattern of government intimidation that has eroded free expression and press freedom in the Philippines.”

It added that “While the consensus is that the killing of journalists cannot be blamed on government except as a result of its inefficiency and indifference, the case of Mr. Conde suggests that journalists and media groups may have to rethink that assessment. Are journalists being included in so-called ‘OBs’ to justify attacks on their persons as well as on the freedom the Constitution guarantees their profession?”

Extending a hand

The government’s lack of resolve to stop the attacks and threats against press freedom has prompted media organizations and press freedom advocates to take measures to secure justice for their slain colleagues.

Media organizations have been crucial factors in the prosecution of the alleged masterminds and killers of journalists. Last March 19, FFFJ filed a petition to transfer the trial of the frustrated murder case against the alleged gunman and mastermind in the shooting of broadcaster Nilo Labares from Cagayan de Oro City to Makati City or Cebu City. Last March 5, a gunman riding tandem on a motorcycle shot Labares, the chief of reporters for dxCC-RMN in Cagayan de Oro City.

The alleged gunman, a



LITO OCAMPO

The press should raise public awareness of the impact of impunity on freedom of expression and of the press.

.....

Bernardo Aguilar, has been charged before the Cagayan de Oro City Regional Trial Court. Aguilar was allegedly ordered by a suspected *video karera* operator to kill Labares. Labares reported on illegal gambling activities such as *video karera* and cockfighting prior to the shooting.

But the prosecution and victim fear that the influence of the accused could affect the outcome of the trial. In a March 17 letter to Chief Justice Reynato Puno, Labares alleged that City Police Director Noel Armilla threatened witnesses “to prevent them from testifying.” The police are allegedly protecting the gambling operator involved.

“If the case will proceed to trial here in Cagayan de Oro City I know that the protectors/coddlers will eventually get to me and kill me in order to silence me forever especially now that the gunman is free on bail. My witnesses will also hesitate to testify given the power and influence that these people have in the area,” Labares said in his letter.

The FFFJ has also requested the Supreme Court to transfer the venues of the trials of the alleged killers and/or masterminds in the Cuesta case, the Esperat case, and the Arcio Padrigao Sr. case this year. PPI

members have also sent a letter to the Supreme Court supporting these requests.

Media’s role in countering impunity

During the FFFJ Press Conference on Impunity and the Killing of Journalists held on the first day of the PPI’s 13th National Press Forum in Manila last April 27, CMFR Executive Director Melinda Quintos De Jesus reminded the press to continuously examine the failures of state agencies to bring the perpetrators in the killing of journalists to justice. The press conference reviewed what has been done and looked into other possible solutions to dismantle the culture of impunity. The press conference was part of the Philippine Counter Impunity campaign launched by FFFJ, CMFR, CPJ, the Open Society Institute (OSI) and the Southeast Asian Press Alliance last February 2008.

“If there is a policy of indifference and neglect, then we need to expose such failure on behalf of our slain colleagues and fellow workers in the press. Our task is to raise public awareness of the impact of impunity on free expression and press freedom. Otherwise, we are ourselves guilty of indifference and neglect. Otherwise, the press becomes part of the cycle of lawlessness and impunity,” De Jesus said in her address.

Through the help of CPJ and OSI, FFFJ has also launched a public information campaign on impunity. Anti-impunity advertisements are being published by members of PPI, and radio plugs being aired by KBP members. ■

CRISIS

NATIONAL

Journalist’s killer convicted; suspect acquitted in another case

A local court convicted the killer of a broadcaster while another judge acquitted a suspect in another case in Region XI (Davao Region). Eight of the 78 work-related murders of journalists/media practitioners since 1986 were in Region XI.

Last April 22, Judge George Omelio of the Regional Trial Court (RTC) Branch 14 in Davao City acquitted a block-timer of the charge of murdering his fellow block-time radio broadcaster Fernando “Batman” Lintuan for lack of evidence to support the testimony of the prosecution’s lone witness.

Meanwhile, Judge Albert Axalan of Branch 20 of the Digos City RTC convicted Joy “Tungol” Anticamara, who gunned down block-time radio broadcaster Armando “Rachman” Pace, for homicide instead of murder. Although it was promulgated last April 29, the decision had been signed March 24, 2009.

Since 2001, there have only been three convictions out of the 78 cases of journalists killed in the Philippines—the killers of Marlene Esperat, Edgar Damalerio, and now, of Pace. Forty journalists or 51.28 percent of the 78 were killed after Gloria Macapagal Arroyo assumed the presidency in 2001.

Acting on the accused’s demurrer to evidence, the Davao RTC Branch 14 acquitted Leonilo Larosa in the Lintuan case (Criminal Case no. 63,537-2008) after the prosecution failed to present new evidence against him. A demurrer is an application to dismiss the case, which the court or tribunal may grant or deny. The party demurring admits the facts of the preceding pleading to be true, but questions the sufficiency of facts for the case to proceed.

Larosa through his counsel filed a demurrer to evidence last March 12.

In his decision, Judge Omelio said the testimony of the 19-year-old witness in the Lintuan case was “irreconcilable, contradictory, and incompatible with his statements on other occasions.” The inconsistencies “therefore made him ridiculous and unbelievable,” Omelio added.

Lintuan was shot dead on Dec. 24, 2007 by a gunman riding tandem on a motorcycle. Lintuan was in his car with two colleagues and had just left the dxGO radio station premises.

Lintuan was critical of the local government and was known to be a

hard-hitting commentator in Davao. He also criticized the involvement of Larosa in and his promotion of “Last Two”, an illegal numbers game where the winning combination is taken from the last two numbers of the winning government Sweepstakes number.

Lintuan had been a radio broadcaster since the 1980s and was also a columnist for *Sun.Star Super Balita*, a Davao newspaper. He was the first president of the Davao Sportswriters Association and was also a member of the Philippine Sports Commission.

In the other media murder case (Criminal Case no. 281-2006), the court sentenced gunman Anticamara to a maximum of 17 years in prison and to pay damages amounting to P151,500 for the killing of Pace.

Judge Axalan of the Digos City RTC in his decision said he was convinced that Anticamara killed Pace after a 16-year-old witness positively identified him as the gunman. But the court reduced the offense to homicide because “the evidence on record does not show that the motorcycle was purposely used to facilitate the commission of the crime” but “was used only in facilitating the escape.”

Freedom Fund for Filipino Journalists (FFFJ) legal adviser Prima Jesusa Quinsayas explained that “the act of escaping from the crime scene on a motorcycle is different from using a motorcycle to facilitate the crime.”

The FFFJ is a coalition organized in 2003 to address the killing of journalists. Its members are the *Kapisanan ng Brodkaster sa Pilipinas* (Association of Broadcasters of the Philippines), the Philippine Press Institute, the Center for Community Journalism and Development, the Philippine Center for Investigative Journalism, the US-based newspaper Philippine News, and the Center for Media Freedom and Responsibility, which serves as its secretariat.

Court records show that the witness saw Anticamara, who has been her neighbor for around 12 years, with a gun after she heard three gunshots and saw Pace dead on the street. Anticamara had always maintained he was innocent.

Despite the decision, Quinsayas said a murder complaint can still be filed against the masterminds should the police or any other law enforcement agency identify them and gather sufficient evidence to establish probable cause, which is necessary for the filing of an information against the masterminds in the Pace case.

“...(J)ustice is never fully served

CRISIS

if the mastermind is not identified, arrested, tried and convicted,” Quinsayas said. No mastermind in the killing of journalists has been convicted since 2001.

Pace was killed on July 18, 2006 minutes after he signed off from his dxDS-Radyo Ukay program *Ukadyang*, slang in Davao for “*ukaya*” which means “stir it up”. Pace was shot thrice with a .45-caliber gun by two men on a black motorcycle along Rizal Avenue, Digos City. He died on the way to the hospital.

Three months before he was killed, Pace had received death threats through his mobile phone but chose to ignore them and to continue with his work.

Pace was known for his fiery commentaries and for mocking his subjects on the air. He also commented on his subjects’ personal problems, which his colleagues said led to the filing of about a hundred libel suits against him. His reporting style earned him the moniker “Rachman”, a term derived from the word “*rak-rak*” which means “firing indiscriminately at people”.

Journalist included in military ‘order of battle’

The Philippine Army in southern Mindanao allegedly included a journalist and two media organizations in a 2007 watchlist of persons and organizations it claims to be connected to the Communist Party of the Philippines (CPP) and its military arm, the New People’s Army (NPA). But the military has disowned the watchlist.

A powerpoint presentation titled “JCICC ‘Agila’ 3rd QTR 2007 OB Validation Result,” marked “SECRET” and allegedly prepared by the intelligence arm of the Philippine Army’s 10th Infantry Division includes journalist Carlos Conde in its “order of battle”. Conde, a journalist for fifteen years, is a correspondent for the *International Herald Tribune* and the *New York Times*, and also writes for local newspapers and online news sites.

An “order of battle” is a list of persons the Philippine military claims to be combatants or supporters of the CPP and NPA. A number of political activists who have appeared in such lists are among those who have been killed in the Philippines allegedly by military and paramilitary units. Over a thousand political activists and 40 journalists have been killed in the Philippines since 2001. Extra-judicial killings have been the subject of concern by the United Nations and human rights groups. The CPP is not illegal, but the government has been fighting the NPA

since 1968 in the most protracted guerilla war in Asia.

In an interview with the Center for Media Freedom and Responsibility (CMFR) last May 19, Conde said he was surprised at his inclusion in the “order of battle” validation report. Conde received the information from the International Solidarity Mission (ISM) which had just concluded a fact-finding mission into the effects of the government’s counter-insurgency program in Southern Mindanao. Although the list was dated 2007, Conde believes those included in it are still under threat. One person in the list, Celso Pojas, a peasant leader in Davao City, was killed in 2008.

Conde said he believes his inclusion is connected to his being the former coordinator of the National Union of Journalists of the Philippines (NUJP) in Davao City. Conde, also the secretary-general of NUJP from 2004-2006, led local campaigns against the killing of journalists in the province.

“Why my name is included in the ‘order of battle’ is a mystery. Unless, that is, the armed forces considers my and NUJP’s advocacy for press freedom, as well as pressuring the government to end the killings, as the work of enemies of the state (and) unless the Armed Forces of the Philippines views my job and my writing as threats to my country,” he said in a May 19 statement. The NUJP is the Philippine affiliate of the International Federation of Journalists.

The NUJP, previously tagged by the Armed Forces of the Philippines as an “enemy of the state”, and the defunct Media Mindanao News Service are also in the list. The College Editors Guild of the Philippines, an alliance of college publications, was also mentioned. But Conde was the only journalist specifically named in the alleged “order of battle”.

“Needless to say, this ‘order of battle’ has caused anxiety and fear in my family because, as we all know, an ‘order of battle’ in the Philippines is a veritable hit list,” Conde said in his statement.

Bayan Muna (Nation First) Congressman Satur Ocampo also showed the document during the presentation of the results of the fact-finding mission of the ISM in Davao, a May 20 *Sun.Star Cagayan de Oro* report said. *Sun.Star* quoted Ocampo as saying that ISM got the document from a “conscientious soldier.”

But officials of the 10th Infantry Division denied authorship of the document. Col. Lysander Suerte, the chief of staff of the 10th Infantry Division, said in a phone interview with CMFR that whoever came out with the document only wants to misinform and agitate the public. Suerte

also denied that the list presented by ISM was a list of persons targeted by the army.

“An ‘order of battle’ does not target individuals; it is mainly an assessment of the general threat to national security. What the ISM presented is not a list of targets, but that is how they want the public to see it so that unsolved/unexplained killings can be attributed to the military. They presented the list to create confusion and paranoia and eventually agitate the people to go against the military,” the 10th Infantry Division said in a statement.

The *Philippine Daily Inquirer* reported last May 20 that Maj. Gen. Reynaldo Mapagu, the commander of the 10th Infantry Division, had ordered an investigation into the origins of the watchlist.



Lazaro

LITO OCAMPO

Broadcast journalist posts bail

Manila-based broadcast journalist Cecilia “Cheche” Lazaro posted bail last May 8 after a local court ordered her arrest in connection with a wiretapping complaint filed by a government official in November 2008.

Judge Josephine Vitocruz of the Pasay Metropolitan Trial Court Branch 47 issued the warrant of arrest against Lazaro who was accused by Government Service Insurance System (GSIS) vice president for Public Relations and Communications Ella Valencerina of violating Republic Act 4200 or the Anti-Wiretapping Law. Lazaro denied that she and her staff, who were also earlier named respondents in the complaint, violated the law.

The Anti-Wiretapping Act prohibits the recording of any private communications or spoken word without the consent of all parties involved. Those found guilty are sentenced to a prison term of not less than six months or more than six years.

“This is a small price to pay for bringing a perfectly legitimate public interest issue out in the open,” Lazaro

said in a statement. “Probe will not be intimidated into submission.”

Lazaro posted bail of P12, 500 after the arrest warrant was issued last May 7.

In her complaint-affidavit, Valencerina said Lazaro “in conspiracy” with Probe Productions, Inc. staff members and Maria Ressa, head of the public affairs division of broadcast network ABS-CBN, secretly recorded and without her consent aired their Nov. 10, 2008 phone conversation in an episode of the late-night documentary show Probe.

Probe, hosted by Lazaro, is produced by Probe Productions, Inc. and aired on ABS-CBN 2 as a block time program. The segment *Perwisyong Benepisyo* (*Troubling Benefit*) was on member complaints on and problems in the GSIS Premium-Based Policy.

Lazaro and the other respondents filed through their counsel a memorandum to dismiss the case for lack of probable cause before the city prosecutor on March 26. In the memorandum, the respondents said Valencerina was informed that the telephone conversation was being recorded, contrary to what she alleged in her complaint.

The memorandum stated that the respondents have filed their respective counter-affidavits to the complaint along with the full and unedited recording of the phone conversation, which showed that Valencerina was informed of the recording, and a copy of the segment *Perwisyong Benepisyo*.

It added that Valencerina also dropped the accusation that the phone conversation was secretly recorded in her reply affidavit, but insisted that she never consented to the recording or subsequent broadcasting of the conversation. In the Probe episode involved, only parts of the conversation were aired.

Judge denies motion by alleged masterminds

The Philippine press gained another victory in its fight against impunity after a local court in Sultan Kudarat affirmed its earlier denial of the motion to dismiss the case against the alleged masterminds in the killing of journalist Marlene Esperat.

In a May 19, 2009 resolution, Judge Milanio Guerrero of the Regional Trial Court (RTC) Branch 20 of Tacurong City, Sultan Kudarat denied the Motion for Reconsideration (MR) filed by Osmeña Montañer and Estrella Sabay seeking the reversal of the April 7, 2009 order denying their motion for the dismissal of the case and the lifting of the arrest war-

rant against them for the murder of Esperat (“Motion to Quash with Motion for the Immediate Lifting of the Warrants of Arrest”). Montañer and Sabay, through lawyer Emmanuel Badoy, filed the motion for reconsideration last April 12.

Esperat was killed on March 24, 2005 in her house in Tacurong City. Montañer and Sabay allegedly ordered the killing because of Esperat’s exposés on allegedly anomalous transactions at the Department of Agriculture in Region XII where they were the Finance Officer and Regional Accountant, respectively.

Guerrero in his one-page resolution stated that the accused “(a)s correctly pointed out by the prosecution in its opposition (to the MR)...did not raise a new and substantial matter that would prompt the court to take a second look at its questioned order.”

During the May 13 hearing, the prosecution argued that the accused’s motion for reconsideration merely repeated the claims already answered in the court’s April 7 order. One such claim was that the case filed on Oct. 20, 2008 is a “revival...of Criminal Case No. 2568.” Criminal Case No. 2568 pertains to the case against killers Randy Grecia, Gerry Cabayag and Estanislao Bismanos. Bismanos, Cabayag and Grecia were convicted in October 2006.

“The arguments therein are patently... a mere REHASH of those stated in their original motion to quash and the supplement thereto, and which arguments had already been judiciously considered and ap-positely ruled upon by the court in its order of April 7, 2009,” the prosecution said in its opposition to the MR.

The prosecution also pointed out that Montañer and Sabay’s counsel even copied the exact words in the denied motion to quash in his motion for reconsideration.

Freedom Fund for Filipino Journalists legal counsel Prima Jesusa Quinsayas said the arrest of the accused is “the next ideal legal development.” Quinsayas joined the prosecution panel last May 13 as a collaborating private prosecutor for the Esperat family.

“What we want is for the two accused to be arrested so that they can be arraigned.... This means the proverbial ball is now in the Philippine National Police’s Task Force Usig’s court,” Quinsayas said.

Seven months after the court issued (on Oct. 21, 2008) the warrant against them, Montañer and Sabay are still at large. The national government is now offering monetary rewards of P500,000 each for their capture.

CRISIS

Police arrests accused in 2005 murder of journalist

Local police arrested one of the alleged gunmen in the 2005 killing of journalist Philip Agustin last May 13 in Pampanga.

The Philippine National Police in Central Luzon arrested accused Nilo "Boy" Morete in Poblacion village, Mabalacat, Pampanga at around 3:30 p.m. (local time) last May 13.

The Department of Interior and Local Government recently announced rewards for the suspected killers of journalists. DILG has allocated P140,000 for the capture of Morete and P150,000 for that of Alday.

Agustin, publisher and editor of the local weekly newspaper *Starline Times Recorder*, was shot dead in his house in Dingalan, Aurora on May 10, 2005.

Former Dingalan town mayor Jaime Ylarde allegedly ordered Morete and Manuel Alday to kill Agustin because of his reports on the alleged misuse of the town's calamity funds and missing relief goods. The story implicated Ylarde and other local government officials. The story was printed in Agustin's paper on the day he was killed.

Central Luzon police had surrendered Morete to the Manila Regional Trial Court (RTC). Manila RTC Branch 6 Judge Jansen Rodriguez has been handling the trial after the Supreme Court ordered the case to be transferred to Manila from Baler, Aurora RTC in 2006.

Freedom Fund for Filipino Journalists (FFFJ) legal counsel Prima Jesusa Quinsay said the arrest of Morete will reactivate the case (Criminal Case No. 06-245624) against the alleged killers and their accomplices.

In December 2008, Judge Rodriguez dismissed the charges against Ylarde after the daughter of Agustin, Rosebelle, withdrew her complaint. The case against the alleged killers and their accomplices has been archived since January 2009 because all the accused are at large.

New arrest warrant out for suspects in slay of journalist

A court in General Santos City has issued a new arrest warrant for the suspects, one of them a police officer, in the 2008 killing of radio broadcaster Dennis Cuesta.

Regional Trial Court Branch 37 judge Panambulan Mimbisa issued on April 7, 2009 the warrant against accused Police Inspector Redempto "Boy" Acharon, an alias "Gerry", and



CUESTA

several John Does in the murder of Cuesta. No bail was recommended.

The court also ordered the arresting officers to report within ten days whether the suspects have been arrested. Over a dozen warrants of arrest have not been served on suspects in the killing of journalists in the Philippines.

The new arrest order came two months after the first arrest warrant against the accused was lifted. Branch 36 judge Isaac Alvero Moran recalled the first warrant of arrest on Feb. 12, 2009, after the case (Criminal Case no. 20846) was transferred to another branch (37) of the same court. The transfer was triggered by the accused's "Very Urgent Motion to Recall Case Raffled to Branch 35 (sic)".

To remove doubts on the regularity of the raffling, the RTC Executive Judge had ordered RTC Branch 36 to send the case back to the Office of the Clerk of Court so that it will "be included in the regular raffling of cases on...February 12" and "be considered as a newly filed case" last Feb. 11, 2009.

Cuesta died in hospital on Aug. 9, 2008, five days after a gunman on a motorcycle shot him along a national highway near a shopping mall in General Santos City. A program director and anchor at the local station of Radio Mindanao Network (RMN), Cuesta was on his way home from an RMN-sponsored outreach program.

Cuesta's widow, Gloria, told the Center for Media Freedom and Responsibility (CMFR) last April 20 that she was glad that the court had issued a warrant but said she is dismayed that Acharon is still at large and freely roaming General Santos City. She said some local journalists even saw Acharon visiting a local police station last week. "The police told them (the journalists) that they could not arrest Acharon because they had not received a copy of the arrest warrant."

As of April 22, according to the Philippine National Police Task Force *Usig*, 27 identified suspects in 26 cases of work-related killings of journalists are at large (22 others remain unidentified). These 27 identified suspects include Acharon and the alleged masterminds in the celebrated Marlene Esperat case. Out of these identified suspects, 21 have standing warrants of arrest.

As in the Esperat case, the Freedom Fund for Filipino Journalists filed last Feb. 12 a request to transfer the trial to another court (in Makati City), to prevent the political influence of the accused from affecting the conduct and outcome of the trial. ■

INTERNATIONAL



[HTTP://BUMPSHACK.COM](http://BUMPSHACK.COM)

US-based journalists convicted in North Korea

The Highest Court of the Democratic People's Republic of Korea, or North Korea, sentenced last June 8 two US-based journalists to 12 years in a labor camp for "committing hostilities against the Korean nation and illegal entry".

The Korean Central News Agency, according to CNN, reported that the Central Court of North Korea found Euna Lee and Laura Ling guilty of the "grave crime they committed against the Korean nation and their illegal border crossing." It was not specified what "grave crime" they committed. Lee and Ling have been in detention since March.

Ling and Lee were arrested last March 17 by North Korean border security while filming at the border of China and North Korea. Their cameraman Mitch Koss escaped but was detained by Chinese authorities for a few days. Reporters Without Borders (Reporters Sans Frontiers) and the International Women's Media Foundation said the Current TV team

was doing a documentary on the flight of North Korean refugees to China and on the trafficking of women.

The trial of Ling and Lee, both of the San Francisco-based media company *Current TV*, was held from June 4 to June 8, according to reports. US State Department spokesperson Robert Wood, according to *The Associated Press* last June 5, said that no observers were allowed in the hearing. The report also said that the US is negotiating through Sweden for the release of the two journalists, as the US does not have direct diplomatic relation with North Korea.

CNN quoted US State Department Ian Kelley as saying that "We are deeply concerned by the reported sentencing of the two American citizen journalists by North Korean authorities, and we are engaged through all possible channels to secure their release." He said the US was trying to confirm the news on the conviction.

Members of the International Freedom of Expression eXchange (IFEX) called on the members of the Six-Party Talks to look into the detention of Lee and Ling last June 3. The Six-Party Talks was created in 2005 to discuss the nuclear program of North Korea.

"Both women are journalists reporting for Current TV. Their families have called for understanding from the DPRK's government, and they have apologized for any possible transgressions. Family members have said the women had assured them before they left the United States that they had never intended to enter North Korea while they were on their reporting trip.

"We call on you to use your diplomatic efforts to press for the release of these two journalists." -IFEX

Veteran Somali journalist dies from gunshot wounds

A Somali journalist died last May 26, a month after he was wounded while covering the clash between militia groups in the central town of Beledweyn. Somalia ranked third in the 2009 Global Impunity Index of the Committee to Protect Journalists (CPJ), and its press is categorized as "not free" by the press freedom watch group Freedom House.

Nur Muse Hussein, a correspondent for *Radio Voice of Holy Quran*, was reporting on the clash between the Hiran Regional Administration and the Hisbul Islam movement last April 20 when shot twice in his right leg, the National Union of Somali Journalists (NUSOJ) reported. Hussein,

known as Nur Inji, was shot with an AK-47 assault rifle.

NUSOJ reported that one fighter fired at Hussein and three other journalists when they identified themselves as members of the press. The news website *Mareeg* as quoted by NUSOJ said Hussein had been a reporter for 39 years, starting at the Somali National News Agency in 1970. Hussein left a wife and five children.

CPJ Africa Program Coordinator Tom Rhodes said that "(The) Fighting in Somalia has taken a terrible toll on the press corps, which continues to work under extraordinarily dangerous circumstances."

Hussein is the fourth Somali journalist killed in 2009. Last May 22, Abdirisak Mohamed Warsame, a producer at the radio station Shabelle Media Network, was on his way to work when he was caught in a gun fight between the Transitional Federal Government forces and the Islamist guerillas at around 7:30 a.m. -IFEX/CPJ

Suspects in killing of journalist arrested

Police arrested seven suspects including the alleged mastermind in the killing of journalist Agung Gede Narendra Prabangsa last May 24 in Bali, Indonesia.

The body of Prabangsa was found floating at the Bungsil Strait last Feb. 16, six days after he was reported missing. Prabangsa, a reporter for the daily *Radar Bali*, was killed after his series of investigative reports on alleged corruption at the local government's Regency Education Project was published.

The Alliance of Independent Journalists (AJI) reported that suspects told the police that Prabangsa was killed at the house of the alleged mastermind, Regency Education Project supervisor I Nyoman Susrama, last Feb. 11. He was allegedly invited to Susrama's house and was beaten to death. His body was then dumped in Padangbai Beach.

AJI said there were evidence found at the alleged crime scene, including blood from the victim and the car used to transport the Prabangsa's body.

The Jakarta Post reported that AJI requested the Bali police to continue with the investigations last May 27. "However, considering the arrested suspects are not all directly related to motive (reports on the alleged corruption at Regency Education Project) of the crime, we believe there is another possible mastermind behind this case," AJI-Bali chapter chair Bambang Wiyono told *The Jakarta Post*. -IFEX ■

CHRONICLE

OBIT

2009 Bastiat Prize Competition

FILIPINO JOURNALISTS may submit their best articles for the 2009 Bastiat Prize for Journalism (BPJ) and the Bastiat Prize for Online Journalism (BPOJ). Deadline is on June 30, 2009.

Now on its eighth year, the competition will award for the first time the BPOJ. The entrants to this category however may not enter the BPJ as contestants may not enter both competitions in the same year.

Authors of self-published articles and articles published only in weblogs ("blogs") are encouraged to join the BPOJ. The articles submitted for the BPOJ must "all have been published online and must be freely available to view without registration or a password at the relevant website."

The articles submitted must not exceed 4500 words. They must have been published between 1 July 2008 and 30 June 2009 in print or online. The text of a radio or television broadcast is also accepted provided that these have been published in print or online. Up to three articles may be submitted. The contest is open to all writers around the world whether freelancers or regularly employed in a news organizations

The awards will recognize the best articles which "promote the institutions of a free society: limited government, rule of law brokered by an independent judiciary, protection of private property, free markets, free speech, and sound science." Winners of the BPJ will receive: \$10,000 (first prize); \$4,000 (second prize); \$1,000 (third prize). The lone BPOJ winner will receive \$3,000.

The contest, named after 19th-century French philosopher and journalist Frédéric Bastiat, is organized by the International Policy Network (IPN). The IPN "is a charity based in the UK, and a non-profit organization in the US. It is a non-governmental, educational and non-partisan organization."

For more information, visit <http://www.policynetwork.net/>.

2009 Kurt Schork Awards in International Journalism

FILIPINO PRINT journalists may submit their best reports

for the Kurt Schork Memorial Awards. Deadline is on June 22, 2009.

The awards honor two journalists, one each in the category of local reporter and freelance journalist, who have shown "great courage and commitment to reporting on controversial issues in a developing country or nation in transition." The prize is \$5,000 USD for each category winner

Contestants may submit up to three (3) articles which must have been published within the 12 months preceding June 22, 2009. "The stories can focus on conflict, human-rights concerns, cross-border issues, or any other issue of controversy in a particular country or region," Institute for War and Peace Reporting (IWPR), the partner of Kurt Schork Memorial Fund in administering and organizing the awards, said in its website.

Entries are accepted from all types of print-based media including newspapers and magazines and established online publications.

Eligible in the local reporter category are print journalists whose work has been published in a local publication where they are employed. Entries from a team of journalists will also be considered.

In the freelance journalist category, the journalist must be employed in a news organization. "They are self-employed, providing services, either on the basis of time or on the production of editorial materials as defined by individual contractual arrangements, and earn the majority of their income from journalism."

For more information about the contest, visit the IWPR (<http://www.iwpr.net/>) and the Kurt Schork Memorial Fund (<http://www.ksmfund.org/>) websites.

Lawyer short-listed for freedom of expression award

FOR THE first time, a Filipino lawyer was short-listed for the Bindmans Law and Campaigning Award in the 2009 Index on Censorship Freedom of Expression Awards. The Index on Censorship is a freedom of expression organization in Britain.

Herminio Harry Roque, an international law expert, was nominated for the award, which "aims to recognise (sic) lawyers

and campaigners who have fought repression or who have struggled to change political climates and perceptions, especially those who have used or established legal means to fight injustice in the field of freedom of expression."

Roque was nominated particularly for his efforts as lawyer of the 40 journalists and three media organizations that filed on December 2006 a class action against Jose Miguel Arroyo, husband of President Gloria Macapagal Arroyo, in response to his 11 libel cases against a total of 46 journalists since 2003. Index on Censorship said the libel suits "seemed a blatant attempt to intimidate the press into silence." The libel suits were withdrawn by Arroyo but the class action suit continues. Libel is a criminal offense in the Philippines.

Roque, chair of the Center for International Law, is also a law professor at the University of the Philippines, Diliman and presidential assistant for human rights of the Integrated Bar of the Philippines

He was nominated along with Gamal Eid (North Africa), Harrison Nkomo (Zimbabwe), and Malik Imtiaz Sarwar (Malaysia). Sarwar, a human rights lawyer and activist and the current president of the National Human Rights Society, won the award.

Meanwhile, the recipients of the other Freedom of Expression Award categories for 2009 were: The Sunday Leader (Sri Lanka) for the Guardian Journalism Award; Psiphon for the Economist New Media Award; *Beijing Coma: Ma Jian* for the TR Fyvel Book Award; and *The Devil Came on Horseback* for the Index on Censorship Film Award.

5th PopDev Media Awards

FILIPINO JOURNALISTS working in any medium, bloggers and photographers may submit their best works that explain "the intrinsic connection between population factors and socio-economic issues" in the annual PopDev Media Awards. Deadline is on Aug. 31, 2009.

The awards will recognize the best entries in the print and online, television, radio, and photojournalism categories. Citations will also be given to owners of web blogs (text) and photo blogs. ■

CAPADOCIA, 69

Press Undersecretary Jose "Tata Joecap" Capadocia died in the crash of a Bell 412 presidential helicopter in Northern Luzon last April 7. He was 69.

He and seven fellow government officials were on their way to do an ocular inspection of the location for a scheduled presidential event in Ifugao when the accident happened. He became press undersecretary for media relations in 2007.

A journalist for more than 30 years, Capadocia was a beat reporter, anchorman, station manager, and editor. He served in various capacities for several media organizations including dzXL- Radio Mindanao Network and *The Manila Times*.

He was the president of the Defense Press Corps for three terms. He also helped organize a group of reporters covering what is now the Philippine National Police headquarters in Camp Crame, Quezon City.

Capadocia was a former chair of the National Union of Journalists of the Philippines (NUJP). NUJP extended their condolences to the family and said in a statement that "Joecap was a consummate newsman and a beloved colleague who always looked after the welfare of his fellow journalists.... As we mourn the loss of Jose Capadocia, we hail his many contributions to the cause of press freedom in the country and vow to continue upholding the principles he, and we, committed ourselves to upholding."

He was also chair of the international relations committee of the National Press Club and national chair of the *Partido Media* (Media Party). He was a member of the Confederation of Associations of Southeast Asian Nations (ASEAN) Journalists.

GMANews.TV reported that "as a journalist, Jose Capadocia was competitive but allowed his younger colleagues to shine. As a public servant, he was bent on getting his job done." Fellow journalists and other government officials paid him tribute (<http://www.gmanews.tv/story/156704/Tribute-to-late-journalist-JoeCap-died-in-a-blaze-of-glory>).

BERNAD, 91

Fr. Miguel Anselmo Azcona Bernad, S.J. died of a heart attack last March 15. He was 91.

Bernad was a man of many careers. He was a journalist, editor, author, teacher, historian, and literary critic. A Jesuit basic formation trained Bernad in the classics, the humanities, philosophy, and theology. He became a priest in 1946

and was ordained at Woodstock College in the United States of America.

He wrote the column "At Random" for *The Philippine Star*. Dr. Antonio J. Montalvan II of Capitol University said "Perhaps the Bernad writing style is best manifested in his *Philippine Star* columns which can only be described for its brevity, yet succinct in message, direct to the point, acerbic when necessary, generous in praises when needed, often inviting either commendation, offense, or intrigue."

Bernad was the first editor of the Ateneo De Manila University (ADMU)'s quarterly journal *Philippine studies*. He edited the official journal of Xavier University (XU) *Kinaadman* (Cebuano for knowledge and wisdom). He used *Kinaadman*, tagged as the journal of the southern Philippines, to publish the epics of and scholarly papers on Mindanao and its history, literature, culture, and arts.

He was a literature professor at the ADMU and XU-Ateneo de Cagayan. He was a visiting professor of literature at the Taiwan National University and the Tamkang College of Arts and Sciences both in Taipei.

Capitol University conferred *The Persona Integra*—the Total Person who will dedicate the fruits of education to establish that culture of truth in society—award to Bernad in 1995.

DELOS REYES, 50

Economic reporter Leticia "Jane" Subang delos Reyes passed away last March 29. She was 50.

Delos Reyes used to work at the defunct newspaper *Business Day*, the precursor of *BusinessWorld*. She spent the first 10 years of her professional career as a business journalist. She later became a freelance writer.

She was assigned to cover Davao City from late 1984 to early 1986 according to *MindaNews*, an online news and information source on Mindanao.

LAWAL, 54

Nigerian journalist Ladi Lawal died at the age of 54 last May 23. He was receiving treatment for a kidney ailment when he passed away in a hospital in Lagos.

Lawal worked as a radio broadcaster for the Federal Radio Corporation Nigeria. He began working at the media organization DAAR Communications PLC in 1994 as the director of news. He rose from the ranks becoming its general manager and then chief operations officer to executive director of operations and later its group managing director. ■

Valuing independence

When working for government media, whatever you do needs the bosses' approval.

■ By Alwyn Alburo

ONE POSITIVE result of working for a government-run network was that I learned to put the standards and independence of journalism first.

Being a reporter for a sequestered network is like being a child of overly strict parents. Whatever you do needs the bosses' approval, as a result of which your media colleagues look at you as second best or inferior.

Luckily I was either too ignorant or too dense to be bothered by it. I've always believed that any self-respecting reporter should always strive to excel in getting and reporting one's story, no matter the circumstances. Despite whatever handicaps I had, I didn't worry about labels; I simply worked hard to meet my journalistic responsibilities as much as the other reporter.

When I joined this particular sequestered network in the mid-nineties, I was well aware that I was going to work for a company under government control. My experience as a campus journalist helped me understand the issues surrounding the sequestration of the network, among them that of independence from the various administrations, from Marcos to that of Fidel Ramos, that controlled it.

Mostly, however, I joined the network out of nostalgia. As I kept telling its anchors later, I grew up watching them. I particularly romanticized the time when the network aired the Gulf War in

1991. At that time I was a college dropout working in a fastfood restaurant. Watching the real time reporting of the war (which the network relayed as taped material) made me yearn for the high that doing broadcast news offered.

When I joined the government network, however, I promised myself that I would learn what I could, and leave the network as soon as I was confident enough, and join another private network known for pioneering investigative journalism in the broadcast industry.

There were two extraordinary circumstances in 1996 that gave me the illusion that the network was still very much in contention with the leading private networks, as in the days when it was the number one network.

The first was when the network hit the jackpot on a canned foreign television series featuring a sultry Mexican actress-singer that later spawned the telenovela craze in the broadcasting industry. The second was when the network was conscripted, aging OB Van and

all, to showcase the country during the Philippines' first hosting of the Asia Pacific Economic Cooperation forum, or APEC '96.

The first gave me a taste how a network can cover one issue to the exclusion of every other news event. The second showed me how the network was just really one cog in the wheel of the government's propaganda bureau.

One lesson I learned was to be clear about one's loyalties as a journalist

The network's news officials during the last years of the Ramos administration were practical enough to follow Malacanang's orders but drew the line when clear editorial prerogatives were openly dictated upon. I remember one instance when the then press secretary called our news manager and asked him to go easy on the protest rallies against APEC '96. Our news manager rebuffed him boldly over this and the protest rallies aired in the newscast. That was the last I heard of that press secretary.

A marked change occurred in the newsroom when Joseph Estrada won over Jose De Venecia in 1998. Estrada's men made sweeping changes in



MANIX ABRERA

the network's management including, for the first time, changing editors in the news department. But what was really a surprising and sad moment for me was when a reporter who had covered Estrada during the election was rewarded with a seat in the network's board while retaining his position as anchor of the primetime newscast. I think my less than perfect world then was completely shattered when the unthinkable for me—mixing journalism and politics right in our backyard—did happen.

It got even worse when Estrada was ousted. All those who had been close to Estrada were ousted, and replaced by those reporters who had always been close to Gloria Macapagal Arroyo when they were covering her. I guess this was when I was really shaken from my complacency. What I saw made me seriously rethink staying on in the network.

Among the lessons I learned during my six-year stint with that sequestered network was to be clear about one's loyalties as a journalist, because clearly, in my experience, too many of those whom I admired in the

network or industry turned out to have conflicting loyalties which in the end proved to be their undoing (A journalist's loyalty should only be to the public he or she serves, no more no less). I am particularly against being close to those we cover especially politicians, the police, the military and businessmen, in that order. In keeping with the bitter lessons I learned while in the government-sequestered network, I moved to a privately-owned company primed for excellence in broadcast journalism.

Not everything I experienced in the sequestered network was regrettable, and even those that were had a positive impact in that I learned to value journalism's standards first, and to be an active advocate of press freedom and independence. ■

Alwyn Alburo is a desk editor in a private network. He is an MA Journalism graduate of the Ateneo de Manila University. Alburo, who teaches journalism and broadcasting courses, is currently the deputy secretary-general of the National Union of Journalists of the Philippines (NUJP).