

NINETEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
Second Regular Session )



23 AUG 10 P 6 :44

SENATE  
S. No. 2403

RECEIVED BY: \_\_\_\_\_

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Introduced by Senator Loren B. Legarda

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**AN ACT**  
**DECRIMINALIZING LIBEL, REPEALING FOR THE PURPOSE ARTICLES 353,**  
**354, 355, 356, 357, 360, 361, AND 362 OF REPUBLIC ACT NO. 3815, AS**  
**AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL CODE, AND**  
**SUB-PARAGRAPH 4 OF SECTION 4(C) OF REPUBLIC ACT NO. 10175,**  
**OTHERWISE KNOWN AS THE CYBERCRIME PREVENTION ACT OF 2012,**  
**AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

Freedom of opinion and freedom of expression are indispensable conditions for the complete development of an individual. They stand as essential pillars of any thriving society, forming the foundation upon which all free and democratic societies are built.

In a democratic society, it is imperative to uphold and defend the right to freedom of expression in all its forms. This commitment should encompass a particular interest in facilitating a press and media environment that remains free, uncensored, and unhindered.

In response to the international clamor to shift towards the decriminalization of defamation laws, this bill seeks to decriminalize libel as defined and penalized under the Revised Penal Code and the Cybercrime Prevention Act of 2012.

With the decriminalization of all forms of libel, we will be upholding our constitutionally-guaranteed fundamental right to freedom of speech, expression, and the press. More importantly, we will restore public trust and promote good governance by abolishing censorship and hindrance to free speech, allowing people to exact accountability from public officials.

In view of the foregoing, the immediate passage of this bill is earnestly requested.



**LOREN LEGARDA**

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

1 Section 1. Article 353 of Act No. 3815, as amended, is hereby repealed as  
2 follows:

3 ["ART. 353. Definition of libel. - A libel is public and malicious imputation of a  
4 crime, or of a vice or defect, real or imaginary, or any act, omission, condition, status,  
5 or circumstance tending to cause the dishonor, discredit, or contempt of a natural or  
6 juridical person, or to blacken the memory of one who is dead."]

7 Sec. 2. Article 354 of the same Act is repealed as follows:

8 ["ART. 354. Requirement for publicity. - Every defamatory imputation is  
9 presumed to be malicious, even if it be true, if no good intention and justifiable motive  
10 for making it is shown, except in the following cases:

11 1. A private communication made by any person to another in the  
12 performance of any legal, moral or social duty; and

13 2. A fair and true report, made in good faith, without any comments or  
14 remarks, of any judicial, legislative or other official proceedings which are not of  
15 confidential nature, or of any statement, report or speech delivered in said

1 proceedings, or of any other act performed by public officers in the exercise of their  
2 functions.”]

3 Sec. 3. Article 355 of the same Act is likewise repealed as follows:

4 [“ART. 355. Libel by means of writings or similar means. - A libel committed  
5 by means of writing, printing, lithography, engraving, radio, phonograph, painting,  
6 theatrical exhibition, cinematographic exhibition, or any similar means, shall be  
7 punished by prision correccional in its minimum and medium periods or a fine  
8 ranging from Forty thousand pesos (P40,000) to One million two hundred thousand  
9 pesos (P1,200,000), or both, in addition to the civil action which may be brought by the  
10 offended party.”]

11 Sec. 4. Article 356 of the same Act is likewise repealed as follows:

12 [“ART. 356. Threatening to publish and offer to prevent such publication for a  
13 compensation. - The penalty of arresto mayor or a fine from Forty thousand pesos  
14 (P40,000) to Four hundred thousand pesos (P400,000), or both, shall be imposed upon  
15 any person who threatens another to publish a libel concerning him or the parents,  
16 spouse, child, or other member of the family of the latter, or upon anyone who shall  
17 offer to prevent the publication of such, libel for a compensation or money  
18 consideration.”]

19 Sec. 5. Article 357 of the same Act is likewise repealed as follows:

20 [“ART. 357. Prohibited publication of acts referred to in the course of official  
21 proceedings. - The penalty of arresto mayor or a fine of Forty thousand pesos (P40,000)  
22 to Two hundred thousand pesos (P200,000), or both, shall be imposed upon any  
23 reporter, editor or manager of a newspaper, daily or magazine, who shall publish facts  
24 connected with the private life of another and offensive to the honor, virtue and  
25 reputation of said person, even though said publication be made in connection with  
26 or under the pretext that it is necessary in the narration of any judicial or  
27 administrative proceedings wherein such facts have been mentioned.”]

28 Sec. 6. Article 360 of the same Act is likewise repealed as follows:

29 [“ART. 360. Persons responsible. - Any person who shall publish, exhibit, or  
30 cause the publication or exhibition of any defamation in writing or by similar means,  
31 shall be responsible for the same.

32



1           The author or editor of a book or pamphlet, or the editor or business manager  
2 of a daily newspaper, magazine or serial publication, shall be responsible for the  
3 defamations contained therein to the same extent as if he were the author thereof.

4           The criminal and civil action for damages in cases of written defamations as  
5 provided for in this chapter, shall be filed simultaneously or separately with the court  
6 of first instance of the province or city where the libelous article is printed and first  
7 published or where any of the offended parties actually resides at the time of the  
8 commission of the offense: Provided, however, That where one of the offended parties  
9 is a public officer whose office is in the City of Manila at the time of the commission  
10 of the offense, the action shall be filed in the Court of First Instance of the City of  
11 Manila, or of the city or province where the libelous article is printed and first  
12 published, and in case such public officer does not hold office in the City of Manila,  
13 the action shall be filed in the Court of First Instance of the province or city where he  
14 held office at the time of the commission of the offense or where the libelous article is  
15 printed and first published and in case one of the offended parties is a private  
16 individual, the action shall be filed in the Court of First Instance of the province or city  
17 where he actually resides at the time of the commission of the offense or where the  
18 libelous matter is printed and first published: Provided, further, That the civil action  
19 shall be filed in the same court where the criminal action is filed and vice versa:  
20 Provided, furthermore, That the court where the criminal action or civil action for  
21 damages is first filed, shall acquire jurisdiction to the exclusion of other courts: And,  
22 provided, finally, That this amendment shall not apply to cases of written  
23 defamations, the civil and/or criminal actions which have been filed in court at the  
24 time of the effectivity of this law.

25           Preliminary investigation of criminal action for written defamations as  
26 provided for in the chapter shall be conducted by the provincial or city fiscal of the  
27 province or city, or by the municipal court of the city or capital of the province where  
28 such action may be instituted in accordance with the provisions of this article.

29           No criminal action for defamation which consists in the imputation of a crime  
30 which cannot be prosecuted de officio shall be brought except at the instance of and  
31 upon complaint expressly filed by the offended party.”]

32

1           Sec. 7. Article 361 of the same Act is likewise repealed as follows:

2           [“ART. 361. Proof of the truth. - In every criminal prosecution for libel, the  
3 truth may be given in evidence to the court and if it appears that the matter charged  
4 as libelous is true, and, moreover, that it was published with good motives and for  
5 justifiable ends, the defendants shall be acquitted.

6           Proof of the truth of an imputation of an act or omission not constituting a crime  
7 shall not be admitted, unless the imputation shall have been made against  
8 Government employees with respect to facts related to the discharge of their official  
9 duties.

10          In such cases if the defendant proves the truth of the imputation made by him,  
11 he shall be acquitted.”]

12          Sec. 8. Article 362 of the same Act is likewise repealed as follows:

13          [“ART. 362. Libelous remarks. - Libelous remarks or comments connected with  
14 the matter privileged under the provisions of Article 354, if made with malice, shall  
15 not exempt the author thereof nor the editor or managing editor of a newspaper from  
16 criminal liability.”]

17          Sec. 9. Section 4 (c) (4) of Act No. 10175, is hereby repealed as follows:

18          “Section 4. Cybercrime Offenses. – The following acts constitute the offense of  
19 cybercrime punishable under this Act:

20           x x x x

21           (c) Content-related Offenses:

22           x x x x

23          [(4) Libel. – The unlawful or prohibited acts of libel as defined in Article 355  
24 of the Revised Penal Code, as amended, committed through a computer system or any  
25 other similar means which may be devised in the future.”]

26          Sec. 10. Effect on Pending Cases. - All pending cases under the provisions of  
27 Articles 355, 357, and 360 of the Revised Penal Code on Libel, and Section 4 (c) (4) of  
28 the Cybercrime Prevention Act of 2012, prior to its amendment by this Act shall be  
29 dismissed upon effectivity of this Act.

30          Sec. 11. Immediate Release of Convicted Persons. - All persons serving  
31 sentence for violations of the provisions of Articles 353, 354, 355, 356, 357, 360, 361,  
32 and 362 of the Revised Penal Code on Libel, as amended, and Section 4 (c) (4) of the

1 Cybercrime Prevention Act of 2012, prior to its amendment by this Act shall be  
2 immediately released upon effectivity of this Act: Provided, That they are not serving  
3 sentence or detained for any other offense or felony.

4       Sec. 12. Separability Clause. - If any provision of this Act is declared invalid,  
5 the remainder of this Act or any provision not affected thereby shall remain in force  
6 and effect.

7       Sec. 13. Repealing Clause. - All laws, presidential decrees, executive orders and  
8 their implementing rules, inconsistent with the provisions of this act are hereby  
9 repealed, amended, or modified accordingly.

10       Sec. 14. Effectivity. - This Act shall take effect immediately after its publication  
11 in at least two (2) national newspapers of general circulation.

Approved,