

Embargo: until September 5, 2005

## **The Danger of Impunity**

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A correspondent based in Batangas, south of Manila, has been living in danger for more than a month now after her articles exposing alleged corruption in the province angered Governor Armando Sanchez.

With five journalists already slain since the start of the year, Mei Magsino-Lubis, a correspondent of the *Philippine Daily Inquirer*, knows that to stay alive, one has to take death threats seriously and act with precaution. Early July, she noticed that her home was being stalked by unidentified men. By the middle of the month, she received a call from a police source notifying her that two prisoners from the provincial jail were “released” with orders to kill her. According to her source, it was no less than the warden, Lutgardo Natanauan, brother in law of Sanchez, who allegedly allowed their escape. Wasting no time, she has gone into hiding.

Magsino-Lubis’ story is now a common one. A country that boasts of having the “freest press in the region,” has been sadly dubbed “the most dangerous nation for journalists outside war zones,” by international media organizations.

**Figure 1**

<b>Status of Cases (1986-2005)</b>	
Convictions	2
Dismissals	3
Pending Cases	15
Under Investigation	27
Killed during crossfire with rebels	5
Killed in a crossfire during coup d' etat attempt	2
<b>Total no. of journalists killed</b>	<b>54</b>

The threat to press freedom and the danger to journalists will continue for as long as a culture of impunity remains. Since 1986, 54 journalists had been slain in the line of duty; while an estimated 17 were killed for reasons not involving their work. (See Figure 1)

The formation of the Philippine National Police’s Task Force Newsmen (PNP-TFN) in July 2004 was a step towards a more resolute pursuit of suspects. Moreover, the PNP-TFN provides a venue for journalists to seek protection in case of threat.

According to PNP-TFN records, a total of 42 murder suspects are under arrest. Of these, 32 had been arrested by PNP or National Bureau of Investigation (NBI) operatives, while ten (10) suspects had turned themselves in. These suspects are believed to be hired killers. To date, no police investigation has actually led to the indictment of a mastermind.

An improvement in police investigation should also be accompanied by government’s commitment in prosecuting the suspects. A recent study done by the Center for Media Freedom and Responsibility (CMFR) shows that since 1986, only two cases actually led to convictions. There are (three) other suspects in the PNP-TFN list of convicted

murderers. However, these men are behind bars because of other crimes and not because of the journalist’s murder. The successful convictions were for the slay cases of Alberto Berbon, a DZMM deskman, who was killed in December 1996; and, Nesino Paulin Toling, the publisher-editor of Ozamiz City’s *Panguil Bay Monitor*, who was killed in April 1991. Although in both cases, the convicted were the assassins and not the masterminds.

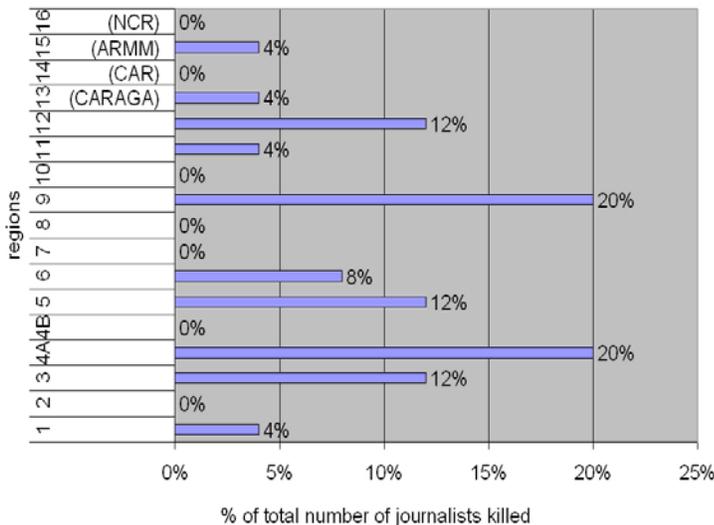
Meanwhile, three cases have been dismissed primarily because of a lack of evidence against the accused. As noted by Col. Frederick Oconer, former deputy director of the PNP-TFN, finding witnesses brave enough to testify in court is a challenge. "It is very hard to convince them (to testify) for fear of their lives. Most of the time, they know who the masterminds are," he said. In like manner, Chief State Prosecutor Jovencito Zuño said his office has formed a special panel to handle these crimes, but it has similar difficulties bringing suspects to justice. "There are no witnesses. That's why we can't prosecute," he said.

**Figure 2:  
Killings by Region**

Region	# of slain journalists
I	1
II	0
III	3
CALABARZON	5
IVB	0
V	3
VI	2
VII	0
VIII	0
IX	5
X	0
XI	1
XII	3
CARAGA	1
CAR	0
ARMM	1
NCR	0
<b>Total</b>	<b>25</b>

At the same time, it is misleading to call the entire country “a dangerous place.”

In truth, some provincial regions have proven more hazardous than others. The CMFR study of journalists killed from 2000-2005 showed that Region IV-A (CALABARZON) and Region IX (Zamboanga Peninsula) proved to be the most dangerous, even as they accounted for 20% each of the total number of slain journalists. Region V (Bicol Region) and Region XII (SOCKSARGEN) came in second, accounting for 12% each. (See Figure 2)



**ESPERAT: A TEST CASE**

During their recent visits to Manila, representatives of the Paris-based *Reporters Sans Frontières* (Reporters Without Borders) and the New York-based *Committee to Protect Journalists* noted that the Marlene Esperat case will be a “test case for the Arroyo government” to determine the sincerity with which it values freedom of expression in its pursuit of crimes against journalists.

Of all the cases currently pending in courts, it is only in the Esperat case that authorities have attempted to indict suspected masterminds. Killed last March 24, Esperat was a well-known crusading provincial journalist. A chemist and former ombudsman of the Department of Agriculture (DA) Region XII, she started writing for the local publication the *Midland Review* to expose the anomalies she discovered in the DA. She also had a show on the local *Radyo Natin* station.

The heightened media coverage of the murder case pressured the police to act fast on the case. On April 11, 2005, four men were charged with murder. These were: Randy Grecia, Sgt. Rowie Barua, Ex-Sgt. Estanislao Bismanos, and Jerry Cabayag. A few days later, an amended murder complaint was filed against DA Region XII employees Estrella Sabay and Osmeña Montañer as additional accused.

However, the Department of Justice (DoJ), in a resolution signed by Sec. Raul Gonzalez, endorsed the dismissal of the case against Sabay and Montañer. In fact, instead of helping pursue the case, the DoJ assigned the prosecution to Cotabato City prosecutor Tocod Ronda, the same lawyer who represented the two DA officials in filing a libel case against Esperat.

As of this writing, the Tacurong City Regional Trial Court has temporarily withdrawn the arrest warrant against Sabay and Montañer. Earlier, RTC Judge Francis Palmones noted that Ronda did not have the authority to conduct a re-investigation of the case, which was the latter's basis for filing a motion for dismissal against them. But, he has, nevertheless, suspended any decision regarding the two DA officials. Meanwhile, Grecia, Cabayag, and Bismanos have pleaded guilty to the murder.

To give the case a better chance at succeeding, the family of Esperat has petitioned the Supreme Court to change the venue of the hearings to another province.

Meanwhile, the trial of former police officer Guillermo Wapile, the suspect behind the murder of Edgar Damalerio, is finally in session in Cebu City after a two-year delay. The case was only able to move forward after it was transferred out of Pagadian, the ex-cop's hometown and where the killing took place.

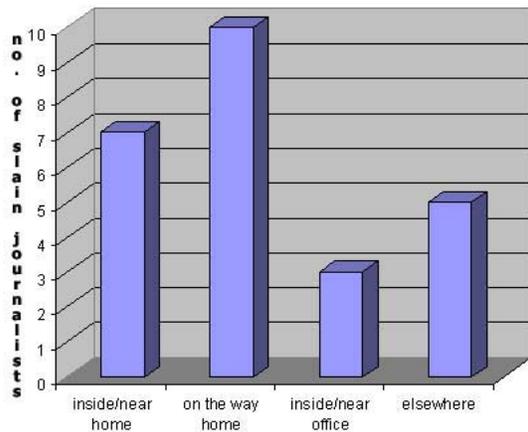
During the first five sessions spanning from June 1 to 24, 2005, key witness Edgar Ongue and Damalerio's widow, Gemma, took turns in positively identifying Wapile in court as the one who gunned down Damalerio on May 13, 2002. During the period of delay, the case took several blows, including the murder of another key witness, Edgar Amoro, last February 2.

### **COMMON TARGETS**

The CMFR study (entitled: *In Search of Solutions: A Study of Journalists Killings in the Philippines*) revealed that like Esperat and Damalerio, other slain journalists in the past five years (2000-2005) were working for the provincial press, covering local issues and exposing local anomalies.

Most of them seemed to have thrown caution to the wind or at least were not prudent enough to go into hiding after receiving death threats. Majority or 19 out of the 25 slain media practitioners were killed in their homes or near their offices. The CMFR study showed that nine (37%) were killed on the way home, seven (29%) near or inside their homes and three (13%) near or inside their offices. Only five (21%) were killed elsewhere. (See Figure 3)

**FIGURE 3: Location of killing**

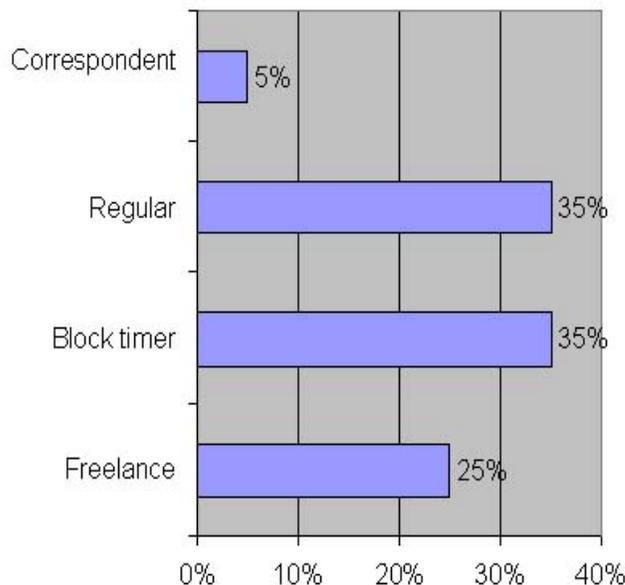


None of them were affiliated with any national news organization, even as 35% were freelance journalists and 35% were radio block timers. Only 25% were regular employees of provincial news organizations, while 5% were correspondents. (See Figure 4)

The CMFR study also showed that like Esperat, the slain journalists were not trained journalists. About 62% had college degrees in fields not related to journalism or mass communication. Some 25% finished high school and 13% had no record of educational attainment.

In the past five years, tongue-lashing, crusading broadcast journalists were the most common targets. A quick look at the number of slain journalists in recent years shows a grim reality for broadcasters – 21 of the 25 media men killed in the line of duty since 2000 were or at least had a stint as a radio or TV broadcaster.

**FIGURE 4: Employment Status**



Seventeen or more than 80% of the said number of murdered broadcasters didn't have accreditation (either they failed to renew their license, did not pass the accreditation exam, or had no records at all) from the *Kapisanan ng mga Brodkaster ng Pilipinas* (KBP). The KBP or the Association of Philippine Broadcasters was organized on April 27, 1973 by the country's major radio and television networks as an institution of self-regulation. Its primary aim is to elevate standards, promote social

change and public welfare by establishing acceptable industry practices.

Typical of the aforesaid situation is the case of Klein Cantoneros, who was waylaid last May 4 in the southern city of Dipolog. The previous year, he had attended a training seminar sponsored by the *Philippine Center for Investigative Journalism* (PCIJ) and KBP, but still failed the corresponding certification exam. Prior to this, he had produced his own commentary talk show by blocktiming at the local FM station DXAA for about five months.

Months after Cantoneros failed the test, DXAA station manager Jett Opilac admitted that although he was aware of possible sanctions from the KBP, he still allowed the former to go on air. Worse, the local KBP chapter did not even manage to apply for a temporary permit for Cantoneros. However, Opilac claimed that he personally made sure that Cantoneros would not go over the ethical limits in his commentaries. When asked why he allowed Cantoneros to go on air, Opilac had only one answer, “the guy had a vision and principle.”

### **THE POWER OF THE AIRWAVES**

According to a July 2005 survey by the Asia Research Organization Inc., 79% of households in the Philippines own a radio.

Of the 13.4 million households outside Metro Manila, 10.3 million (77%) have radio sets. Based on these figures, it is obvious that radio remains as one of the most effective means of reaching Filipinos today. This confirmed an earlier study conducted by the National Statistics Office (NSO) and the then Department of Education, Culture, and Sports (DECS) that said radio posted the highest proportion of exposure among the forms of mass media (television, video, comics, magazine, newspaper, and books).

According to the National Telecommunications Commission (NTC), there are currently 952 radio stations nationwide. Of these, however, only 604 or 63% are KBP members.

Both the NTC and KBP expressed their difficulties in monitoring all the radio stations listed, with the lack of resources and funds. They often have to rely on formal complaints to act on violations, all of which are either ethical or administrative. As a result, not all broadcasts, especially in the provinces, are examined for possible abusive and inaccurate commentaries and reports, which in turn—though unjustifiably—result to threats, harassments, and worst, murders against the broadcasters in charge.

In Dipolog City alone, both the NTC’s local regional office and the local KBP chapter failed to reprimand any of the local radio stations, which committed serious administrative infringements by not keeping recordings of their broadcasts for at least ten days, a breach which should normally result in a revocation of a broadcasting franchise.

In some cases, however, even NTC efforts in monitoring radio stations failed to prevent the abusive commentaries of certain journalists.

Elre V. Galo, NTC Region IX's administrative officer, recalled that they took the initiative to scrutinize the commentaries of Zamboanga City commentators Rey Bancairin (killed March 29, 1998) and Candelario Cayona (killed May 30, 2001), prior to their deaths. However, because there were no formal complaints against them, no sanctions were given the two broadcasters. The NTC though, through the local KBP chapter, warned Bancairin and Cayona of the need to be less offensive and more objective in their commentaries. As indicated in the KBP radio code, "*Freedom with responsibility—that is the true broadcaster's creed.*"

### **THE NEED FOR ACCREDITATION**

The accreditation program was instituted by the KBP to professionalize on-air personalities of both radio and television stations and to assure the public that broadcasters are aware of their responsibilities.

Seeking accreditation, noted KBP executive director Rey Hulog, could contribute to a greater awareness in ethical standards, which could, in turn, result in a reduction in the alarming number of slain radio journalists.

With the cooperation of other media organizations and private institutions, he bared KBP's plans to put up more ethical workshops, training programs, and policy forums especially for province-based broadcasters as prerequisite to the accreditation exams. Hulog believes there is a need to improve the professionalism of the broadcasters even as their safety depended primarily "on the reputation [they make] in a local community." In Metro Manila, he said, KBP has a tie-up with Miriam College to monitor broadcast content.

Basically, all on-air personnel—the network's or station's staff, block timers, contractuels, or resource persons—need to be accredited for as long as they go on the air with a certain period of regularity.

Current accreditation requirements for first-timers are: (1) a passing grade for the accreditation exam; (2) a positive performance evaluation by the local station manager; and, (3) payment of the accreditation fee (PhP150). Renewals, which are imposed for every two-year period, require a letter of endorsement from the manager of their respective stations. Moreover, an applicant must be connected to any KBP-member radio or television station to be accredited. For their part, KBP provides accredited members with insurance coverage amounting to: PhP100,000 for accidental death and dismemberment; PhP25,000 for unprovoked murder & assault; and, PhP10,000 for funeral expenses.

Exams are regularly conducted by a staff from the KBP Standards Authority (KBP-SA) upon written request from an organized KBP local chapter. A staff representative from the KBP-SA will conduct the test to a minimum of forty (40) examinees, from the province or region where the local chapter is located. Exams are also conducted in the National KBP Office by appointment.

## **THE ISSUE OF BLOCK TIMERS**

Block timing is one of the primary fund-generators for the provincial radio stations, but has proved to be an emerging problem for the KBP.

KBP's attention to the growth of freelance journalists with radio shows came in the wake of the number of block timers killed in the past few years. Seven of the last 10 slain commentators were block timers in the provinces, the most recent of which was Cantoneros.

To address the issue of freelance broadcasters being killed, Hulog added that the KBP is in the process of mapping out more concrete and specific procedures for block timers, including a separate "inventory of block timers."

Block timers like Cantoneros rely on their advertisers to buy air time from local radio stations. Hypothetically, some block timers—most of whom do not have any formal training in broadcasting or in journalism ethics—resort to biting commentaries to attract audience share, and in the same process, advertisers as well.

Moreover, despite the present KBP Radio Code's prohibition of open-ended contracts for block timers, Cantoneros managed to go on air for almost 14 months, two more than allowed by the KBP.

As stated in the Code, the KBP National Office should be furnished with a copy of a duly signed contract between the station and the block timer. This should include a monthly certification on the status of the block timer's program. The station should also certify that the block timer adheres to the KBP Radio Code. Failure to adhere to the Code should cause the termination of the contract. In the case of Cantoneros, the DXAA station failed to submit any contract or monthly certification to the KBP, while allowing him to go on air for more than a year.

Moreover, the station should make a tape recording of all shows produced by block timers. However, when asked by CMFR, none of the stations in which the slain journalists worked had ever made a recording.

According to the 1998 Radio Code, violations on matters regarding block timers are classified as serious offense, and could lead to the revocation of the station's license by the NTC.

Although legally, Cantoneros only received one libel suit in his stint as a block timer for DXAA, his death demonstrated the dilemma for broadcasting bodies like the NTC, KBP and its radio stations in watching over its ranks and ensure responsible and respectable journalism as a whole, but at the same time, practice press freedom at it fullest. #

**\*The Center for Media Freedom and Responsibility is a private non-stock, non-profit foundation, dedicated to promote autonomy and accountability in Philippine journalism.**