

IN UNCERTAIN TIMES

Statement of the plaintiffs in the petition for Damages and Injunction with Prayer for Preliminary Mandatory Injunction and/or a Temporary Restraining Order filed before the Regional Trial Court, Branch ____, Makati City

THESE ARE uncertain times for the press. Unless we do something about it, the next crisis situation will see journalists again arrested or worse, and charged with abetting rebellion or some other such offense reminiscent of the martial law catch-all of subversion. The uncertainty is the result of a government policy of press intimidation to assure its political survival and dominance. That policy is being implemented as journalists continue to be killed and harassed, and bodes ill for the future of press freedom and democracy itself.

As 2007 was ending, some international media watch groups noted “improvement” in the Philippine press situation. “Only”—and we enclose the word in quotation marks, one killing being one too many—“only” one journalist had been killed as December came around, and the threat of crippling libel charges from government officials seemed to have abated as the president’s husband withdrew his 11 libel suits against 46 reporters, columnists, editors and publishers. Two suspects in the 2001 killing of an Aklan journalist had also been arrested.

2007 however, did not pass with only one killing on the record. Ferdinand Lintuan was killed in Davao on December 24, less than a month after the arrest of over 30 journalists and media technicians covering the Peninsula Hotel incident last November 29. All’s not well in the prosecution of journalists’ killers either. The culture of impunity, the result of the intricate web of police-judiciary-local interest collusion, is not only alive but thriving.

An eyewitness in the May 2006 killing of Palawan broadcaster Fernando Batul was thus prevented last November from testifying in the trial of a former police officer for the killing. Ferdinand Bayles was instead arrested on the strength of a 1998 warrant for alleged involvement in an illegal cockfight.

Tactics such as this have resulted in only two convictions of journalists’ killers since 1986, despite such bright spots as the arrest of two suspects in the 2001 killing of Aklan journalist Rolando Ureta.

The arrests came six years after the deed, and only after persistent efforts by the lawyers of Ureta’s family and the Freedom Fund for Filipino Journalists. The case against the two suspects had in fact been dismissed twice by the Aklan prosecutor, first in 2004 and again in 2005. It was reopened only last January 16 after the Department of Justice, heeding a petition by Ureta’s widow, ordered it.

The continuing killing of journalists, the recent conviction and imprisonment for libel of others, the arbitrary arrests last November 29, government threats to arrest journalists covering situations similar to the Peninsula incident and to cancel broadcast network franchises, “advisories” that are nothing more than veiled threats, and even attempts to depict journalists as co-conspirators in rebellion--all have cast a pall of uncertainty over the future of press coverage

and the public's right to information, and therefore the sustainability of the debate over public issues that democracy requires.

It is in the awareness of what is at stake that the Center for Media Freedom and Responsibility, the National Union of Journalists and other media advocacy and journalists organizations, have been involved in a number of efforts to dismantle the culture of impunity, oppose the use of the libel law to silence the press, and resist the escalating threats to the Constitutionally-guaranteed right of journalists to report and comment on public issues without fear of being handcuffed, manhandled, and hauled off to a police camp for crossing imaginary police lines. Among those initiatives at the legal level was the filing of a class suit in 2006 in response to the presidential husband's frivolous libel suits. Others have included safety training for journalists, seminars in ethics and professional standards, and the creation of regional press councils to hear citizen complaints against the media.

The present suits—one a petition for a writ of prohibition and the other a class suit for damages as well as for a Preliminary Mandatory Injunction and/or a Temporary Restraining Order to stop further threats against the press and to prevent future arrests—these suits are part of the journalism community's continuing response to official intimidation, threats and harassment. They should serve as a warning that the Philippine press and the individuals and groups that compose it have passed the stage of issuing statements and manifestoes alone, and will supplement such campaigns for public awareness with the use of the legal means at their disposal.

A community of strong-minded and independent individuals and groups, the pluralism in the Philippine press is among its greatest assets. The plaintiffs emphasize that while two suits have been filed, the press community is one in condemning the campaign to silence the press.

The demand for damages provoked a lively debate during the discussions among journalists and other media practitioners last week. Some felt that whatever damages would be demanded should be purely symbolic. Others argued that the point of demanding damages is precisely to make it costly for those who would abuse the power momentarily entrusted to them by the sovereign citizens of this land. It was this view that prevailed in the end, thus the demand for damages amounting to P10,000,000.

In asking for damages the complainants in the class suit are thus not moved by any desire for gain. Should the suit prosper, whatever damages will be awarded will form part of a fund for the defense and protection of press freedom and journalists under threat. That, after all, is what has brought the various media groups and individual practitioners together today, in what is likely to be a historic moment in the continuing struggle for press freedom in this country.