

THE ASIAN MEDIA BAROMETER (ANMB): THE PHILIPPINES 2011

(A project of the Friedrich-Ebert Stiftung (FES) in cooperation with the Philippine Center for Investigative Journalism)

Summary:

The Philippines has one of the freest and most rambunctious media in all of Asia.

This is partly due to the strong protection of media freedom and free expression, which has a long history in the country - from the Malolos Constitution of 1899 to the current Constitution, which was ratified in 1987 after the people power revolt had ended the 21-year rule of the late strongman Ferdinand E. Marcos.

Under the Bill of Rights the Constitution guarantees freedom of expression and the freedom of the press. It also affirms the people's right to access to information and documents in the possession of government agencies.

Yet despite a 15-year advocacy by a broad coalition of citizen's groups, legislators have still to pass the Freedom of Information Act, which spells out the procedures for disclosing information. Having signed on to the draft Freedom of Information Act as a senator, President Benigno Simeon C. Aquino III has recently raised a number of concerns regarding the Act, giving no clear signal to Congress that he wants the long overdue bill passed.

Thus, in practice it remains a difficult task for journalists and citizens to access financial and asset records of politicians and to secure documents from national agencies. It is even harder to obtain information at the local government level.

A "shield law" from 1956 protects reporters and editors from having to reveal their sources. Yet it was the Supreme Court, which in 2009 tried to force two journalists to reveal their sources in a bribery case concerning some justices – revealing how the judiciary in the Philippines seems to have their own set of restrictions.

Furthermore, pending bills that try and extend this shield to broadcasting and online journalists are stalling in Congress, as is the government's Whistleblower Protection Act. This suggests a general lack of urgency concerning needed media reforms in both the legislative and executive.

Apart from the Constitution and the laws, jurisprudence has generally upheld four aspects of press freedom in the Philippines, notably freedom from prior restraint, freedom from subsequent punishment, freedom to publish and broadcast, and freedom of access to information.

On the ground, however, many local courts have little understanding of

the liberal orientation of the Constitution. Despite these strong constitutional and legal protections, in practice freedom of expression is seriously impeded by various economic, cultural and political factors. The prevalent culture of impunity leads to self-censorship of journalists and prevents citizens from asserting their right to speak their minds.

In a country tagged by the Committee to Protect Journalists (CPJ) as “one of the deadliest places in the world for journalists“, it is feudal power that often trumps the expression of citizens concerns. The killing of 32 journalists and media workers in the town of Ampatuan, Maguindanao, in November 2009 only illustrated how local warlords and power brokers can stifle any form of free expression that contradicts their political or economic interests in most brutal ways.

Yet many journalists and citizens are trying to circumvent these limitations, practicing their freedom of expression, if often – and particularly in the countryside – with considerable fear.

Despite the courts adopting a relatively liberal attitude, the libel and sedition offenses under the Revised Penal Code serve as a threat to journalists doing investigative work. The mere threat of a time-consuming court case is often enough to silence journalists or citizens. It is interesting to note that media has largely failed in reporting such libel cases. Neither has the growing number of proposed pieces of legislation that could constrict media freedom caught the attention of the press or the public.

The broad and deep network of civil society established during the people power revolt of 1986 has been very active to fight the culture of impunity and to secure justice for murdered journalists. Yet, there is still no political process by which media legislation evolves from a meaningful consultation between state institutions and civil society groups.

Representatives from media organizations don't see the point in their participating in Congressional hearings, primarily because they oppose any new forms of media regulation. Advocacy groups, however, have readily engaged public officials/state agencies on these issues with the aim to make recommendations or in the case of FOI, draft legislation.

The Philippine media makes a multi-layered landscape with a national and a community press, a network of state radio stations, many private radio and TV stations, and a large number of internet providers. Within the print sector the tabloids cater for a larger audience, which reads Filipino, whereas the broadsheets are generally published in English and mainly read in Metro-Manila and some secondary cities. Their prices, however, are prohibitive for the majority of low or middle-income families. Without a reliable system to measure circulation figures, the claims of newspapers are open to massaging and manipulation.

There is no effort by the government to help increase the regional

distribution of newspapers nor is there a coordinated strategy with the aim of supporting a diverse media landscape. The development of an ICT-policy to meet the information needs of all citizens has been hampered by downgrading the Commission on Information and Communications Technology to the rank of just another bureau under the Department of Science and Technology.

Media ownership remains largely under the control of interest groups vested with both economic and political interests. Although a few corporate houses and families hold majority interests in the largest media agencies, there is no anti-trust legislation pertaining to the media in the Philippines. And passing one is not among the priorities of the government. There is also a growing and worrying tendency of politicians acquiring stakes in (local) media outlets. But the media itself do hardly any explicatory or analytical reporting on these trends and the emerging media monopolies.

As one of the few countries in the world the fundamental law of the Philippines upholds that ownership of mass media entities is the sole privilege of Filipino citizens and corporations. The effects this restriction has on the diversity of media outlets and the concentration of ownership is hardly discussed – and if so controversially.

Not all the voices of ethnic, religious and social groups are reflected fairly in the media coverage. Many ethnic groups see their faces only in the media when they are involved in crime or scandals. Particularly in connection with crime or insurgencies the religion or ethnicity of alleged perpetrators is mentioned; which it never is when the purported criminal belongs to the majority group.

The Philippines has more than 50 per cent participation by women in terms of reporters, researchers, correspondents, anchors but fewer in terms of the middle to top echelons of the newsrooms. In community media, however, men continue to dominate the beats and the newsrooms. However, it is important to note that there are regional differences, so for example, in Cebu women dominate in the top newsroom positions.

But despite the advances of women in the media outlets their role as proponents of women's issues remains a challenge when in everyday reporting sensationalism wins over background coverage aiming at a fair representation of women's voices.

Past governments have habitually used their power over the placement of advertisements with certain media outlets. The incumbent President Aquino has not been accused of following this tradition. Yet, he has also told advertisers that they should only support "responsible media organizations". The distribution of government ads can become subject to wrangling, rigging and kickback offers in some parts of the country.

There is as yet no public broadcasting entity to speak of, even though

the state finances and runs the National Broadcasting Network (PTV-4) and supervises two other sequestered television stations that are scheduled for privatization.

The Philippines has no independent broadcasting regulator that issues licenses in the public interest, nor has PTV-4 a board representing society at large.

Whereas previous governments have run PTV-4 as a mere propaganda arm of the government the current administration is said to propose a law for the transformation of the national into a public broadcaster. The very low ratings and the considerable debt and losses of PTV-4 will make this a difficult political project.

Unlike in some other Asian countries community radios have not taken off and usually serve only communities of interests and not small geographical communities.

Two associations – the Philippine Press Institute (PPI) and the ***Kapisanan ng mga Brodkaster sa Pilipinas*** (KBP) perform the function of self-regulatory bodies in the Philippines. However, the Complaints Authority of the PPI, the Philippine Press Council (PPC), is hardly known and has only received a handful of complaints over the last few years.

The KBP failed to perform its function when its Standards Authority imposed only very small fines after some television journalists had behaved very irresponsibly during the dramatic hostage-taking in Manila in 2010. And the Ombudsmen in single media houses don't seem to have the support of the top management or owners. With the media in general not ready for self-criticism and self-correction, the principle of self-regulation by the media is not really working in practice.

The standards of reporting are very varied. Low salaries and the lack of skills and training often lead to poor writing and reporting. Media practitioners complain about the deteriorating quality of graduates coming out of journalism schools. Whilst TV-anchors make more money than their education warrants, small community newspapers can't pay living wages for their reporters or correspondents. Poor unionization of the journalistic workforce outside of the top television networks leaves journalists in small cities and rural areas exposed to the whims of the publishers.

The result is a subculture of corruption where some journalists take bribes to perform their professional function.

In summary, the media landscape in the Philippines is characterized by diversity, freedom, an active stock of journalists and citizens and an executive and legislature slow on media reforms.

However, operating in a culture of impunity and in one of the most dangerous countries for journalists, it comes as no surprise that even the free and rambunctious media of the Philippines reflect the constraints of fear and a growing concentration of ownership in their journalistic practice.

Within this context the courage of many journalists is as remarkable as the lack of self- criticism of the media remains deplorable.