

Philippines: Hopes for the new administration

In the first automated elections in the Philippines on 10 May 2010, the Filipino electorate ended the nine-year watch of Gloria Macapagal Arroyo and elected then Senator Benigno Aquino III president.

The Arroyo administration left a total of 79 cases of journalists and media workers killed in the line of duty. This number includes the 32 journalists/media practitioners killed while covering the filing of a local candidate's certificate of candidacy in Maguindanao province.

While on their way to file the certificate of candidacy of then Buluan town vicemayor and now Maguindanao governor Esmael "Toto" Mangudadatu, the Mangudadatu women and supporters, together with 32 journalists and media workers, were waylaid and killed by approximately 100 men allegedly led by Andal "Unsay" Ampatuan Jr., then a known ally of President Arroyo. Five civilians who happened to pass the same highway as the Mangudadatu convoy—including a couple on their way to a hospital in Cotabato City and a government employee on his way to work—were also killed.

Despite the imperative of ending the killings—not only because of their impact on press freedom but even more urgently for their effect on democracy itself—the Arroyo administration seemed indifferent and responded only when criticized by international press freedom watch groups. By the end of her term, and despite her creation of special task forces to solve the killings, only five out of the 79 cases had been resolved, and only partially.

Just before Arroyo's term ended in June 2010, three media practitioners were in fact killed in separate incidents in Northern Luzon (Jovelito Agustin), and Southern Mindanao (Desiderio Camangyan and Nestor Bedolido).

The new administration's attitude to press freedom

Many Filipinos hope that the new administration of Benigno Aquino III will put in place a different kind of governance that, among others, would end impunity by seeing to it that the killers of Filipino journalists and media practitioners are punished.

The Aquino administration promised several times to respect press freedom and freedom of expression. President Aquino has also vowed to end impunity. In his first State of the Nation Address (SONA), Aquino said that half of the cases of extrajudicial killings "are now on their way to being resolved."

"We will not stop the pursuit of the remaining half of these killings until justice has been achieved," Aquino told the nation in Filipino.

Speaking for the then incoming president on the two murders of journalists last June, Edwin Lacierda (now presidential spokesperson) said that Aquino "will be serious about protecting the rights of journalists and this will not be mere lip service."

The Aquino family has itself been “a victim of human rights violations so it’s natural for him (Mr. Aquino) to ensure that the rights of everyone, especially the members of the media, will be upheld,” the "Manila Bulletin" quoted Lacierda as saying.

In August, Aquino’s Communications Group and Justice Secretary Leila de Lima met with representatives of the Freedom Fund for Filipino Journalists (FFFJ) and the National Union of Journalists of the Philippines (NUJP) to discuss how the government could help end the culture of impunity which encourages the killing of journalists. Among the measures discussed were the strengthening of the state-run witness protection program, capacitybuilding for forensics experts in the police and military, and the creation of a multisectoral quick response team.

The FFFJ is a coalition of media organizations and press freedom groups launched on 7 January 2003 to address the killing of journalists. Its members are: the Center for Media Freedom and Responsibility (CMFR), the Center for Community Journalism and Development, the Kapisanan ng mga Brodkaster ng Pilipinas (KBP or Association of Broadcasters of the Philippines), the Philippine Center for Investigative Journalism, the US-based newspaper "Philippine News", and the Philippine Press Institute. CMFR serves as its technical secretariat.

Killings under Aquino

However, the hope that the killing of journalists would stop once a new administration was in place was dampened by the first work-related killing of a journalist and about 20 extrajudicial killings that occurred during the first six months of the Aquino administration.

The latest media casualty was Miguel Belen, a volunteer reporter for dwEB and a former barangay (village) official in Iriga City, Camarines Sur. Belen died on 31 July, 22 days after unidentified men shot him in Nabua, Camarines Sur.

Belen was on his way home from covering the last draw of the Small-Town Lottery when unidentified men ambushed him in Barangay San Jose.

In an interview on 13 July, dwEB station manager Richard Arnedo said Belen had previously reported on local elections and corruption in Iriga City. Arnedo said other staff members of dwEB have also received threats in the past.

The murder case against the alleged killer of Belen was being heard at the Regional Trial Court (RTC) of Iriga City when this report was being written.

Uninformed about the press

Despite his statements and his officials’ meeting with press freedom groups, Aquino and his allies, at least during their first months in office, seemed to know little about how the press works and how it regulates itself.

Controversies such as the 23 August 2010 hostage-taking at Manila’s Quirino Grandstand, which ended with nine individuals including the hostage-taker dead, provided a glimpse of how the new

administration was looking at issues involving press freedom, media responsibility, and free expression.

The inquiry conducted by the Incident Investigation and Review Committee (IIRC) which Aquino created revealed how the actions of some journalists—among them crossing the police-cordoned area, interviewing the hostage-taker while negotiators were trying to call him, and going live even when the hostage-taker had access to TV and other media—were critical to the hostage incident's outcome.

The first IIRC report left the sanctioning of broadcast media practitioners and entities to the KBP. However, the Palace legal team recommended the filing of charges of reckless imprudence against Radio Mindanao Network commentator Michael Rogas and TV5 anchor/reporter Erwin Tulfo. In contrast, officials from the police and the Department of the Interior and Local Government were cleared of any culpability, although the filing of administrative and criminal charges against Manila Mayor Alfredo Lim had supposedly been recommended by the IIRC.

Aquino's statements seemed to focus on blaming the media and exonerating the officials charged with resolving the crisis. In a press conference on the IIRC report, Aquino described some media practitioners' behavior in the hostage crisis as "irresponsible, bordering on the criminal" and warned that if such "unprofessional behavior" would happen again, he "could be compelled to ask Congress for appropriate regulations."

But even before Aquino's warning, Cebu 6th District Rep. Gabriel Quisumbing had already filed House Bill no. 2737, which makes it unlawful for the media to report police and troop movements during crises such as a hostage-taking incident.

Some senators who were investigating the hostage-taking also threatened to revoke the broadcast organizations' franchises to operate because of their supposed lapses in covering the crisis. They also warned that the Senate could pass a law regulating the networks' coverage of similar situations in the future.

The 15th Congress

During the year under review, members of the 15th Congress continued to press for the passing of a right of reply (RoR) law, which would sanction media organizations for refusing to publish replies from the subjects of their reports and commentaries, despite opposition from journalist and media advocacy groups. Some of these representatives have declared the passage of an RoR law as the condition for their approval of the freedom of information (FOI) bill. A proposed FOI law, acceptable to media, journalists' and media advocacy groups, was not ratified by the House of Representatives last June 2010, some suspect because then Speaker Prospero Nograles and the majority congressmen were secretly opposed to it.

There are other bills pending before the 15th Congress, among them on the protection of journalists' sources, the decriminalization of libel, the general welfare of media practitioners, censorship, prohibitions in coverage and the use of derogatory terms, absentee voting, and the creation of a Magna Carta for journalists.

Legal battles

The Supreme Court under Chief Justice Renato Corona has been helpful in one case involving the killing of a journalist. The office of the court administrator has endorsed a request to transfer the trial venue of the case against the alleged gunman in the killing of broadcaster Crispin Perez last 29 September.

Some court decisions on cases involving journalists and media practitioners were disappointing. In August 2010, for example, a Manila court acquitted the alleged gunmen in the 2004 killing of broadcaster Roger Mariano.

Branch 54 of the Manila Regional Trial Court (RTC) cleared former Senior Police Officer Apolonio Medrano and Basilio Yadao of charges for the murder of Ilocos Norte-based broadcaster Mariano in 2004. The decision, dated 6 August 2010, was promulgated on 11 August.

Branch 54 Judge Reynaldo Alhambra said in his 6 August decision that the prosecution had failed to prove beyond reasonable doubt that the accused were the same men who attacked and killed Mariano. The judge also said that the identification of the accused was “certainly difficult, if not impossible” to establish. His decision enumerated the testimonies of eye witnesses and said that “their narrations may have been embellished to the point that these are contrary to the natural and logical consequences of what they claimed to have been the events that transpired that night.”

Changes in ownership

In late 2009, television company TV5 went through another change in ownership. MediaQuest Holdings, a subsidiary of the Philippine Long Distance Telephone Co. headed by business tycoon Manuel V. Pangilinan, acquired major shares of the television company and of Primedia Inc. which earlier had a “content generation” contract with the network. MediaQuest’s acquisition of TV5 brought about major changes in its programming, and has intensified the battle for ratings among television networks.

The entry of TV5’s *Willing Willie* in the weekday primetime block last October has had an adverse impact on the primetime news programs of the two biggest networks. The variety and game show, misleadingly billed as a “public service” program, is aired Mondays to Fridays at 6:30 p.m., almost the same time as ABS-CBN 2’s *TV Patrol* and GMA-7’s *24 Oras*, both news programs. As of November, audience surveys had put *Willing Willie* first in the ratings game, at least in Manila.

Losing the ratings war has allegedly pushed ABS-CBN 2 to change the anchors of *TV Patrol*. ABS-CBN 2 announced in late November the return of former vicepresident Noli De Castro and broadcaster Korina Sanchez to the show, replacing Karen Davila and Julius Babao. (Also in that month, Maria Ressa resigned as the station’s news and current affairs head after serving for six years. Ressa, a former correspondent for international broadcast giant CNN and head of its

Jakarta news bureau, instituted major editorial policies in ABS-CBN, including the crafting of the station's first ethical standards manual for reporters and editors.)

The view that changes in the Philippine media are more illusory than real is basically accurate, but TV5's approach to winning the ratings war could make things worse in terms of undermining the already limited audience share of the news and public affairs programs. Together with such problems as the killing of journalists, threats and harassment in the communities where the justice system is weakest, and irresponsible and unethical coverage as demonstrated by, among others, the 23 August incident, the impact of TV5's focus on grabbing as much of the audience share as possible promises to further make the development of the informed public that is so vital to democracies even more problematic.

Outlook

Expect fewer killings in 2011, but the prosecution of the alleged killers of journalists and media practitioners will continue to be slow moving. The accused persons and their accomplices continue to use various legal maneuvers to delay the hearings, and in some cases, even their arrest. The worst case scenario would be a situation in which the trial drags on for years and/or is resolved without anyone being punished, in which case the killing of journalists will continue and even increase in number.

The challenge to the present administration is to pro-actively act on the matter of impunity. Public condemnation alone will not stop the killing of journalists. Aquino and his cabinet, as well as the judiciary, need to review the current legal and political structure, and formulate concrete solutions, among them the equal application of the law and the dismantling of the private armies, which would in this case be demonstrated by the conclusion of the Ampatuan Massacre trial and the punishment of the perpetrators.

Violence against journalists and media practitioners, especially in the southern provinces of Mindanao, could escalate by the end of the year when the Autonomous Region of Muslim Mindanao possibly holds local elections. The ARMM has the most number of journalists and media workers killed since 1986. The number reached 36 after the killing of the 32 journalists and media workers on 23 November 2009 at Ampatuan town, Maguindanao. A key factor is the continuing existence of the private armies of a number of warlords.

As far as laws that could affect media practice and press freedom are concerned, the prospects for the passage of a Freedom of Information law do not seem bright, given the insistence of a number of congressmen and senators to make it conditional to the passage of a Right of Reply law to which the press community is opposed. Other pending laws such as a proposal to decriminalize libel, a Magna Carta for journalists, and an amendment to the shield law are not likely to pass, since none have been certified by the President of the Philippines as priority bills.

Some parts of this report were drawn from the Center for Media Freedom and Responsibility's "2010 Philippine Press Freedom Report"

