

Cebu Citizens-Press Council
Iloilo City Media Council
Iloilo Provincial Media Council
Panay Media Council
Negros Media Council
Region VII Media Council

Alternative dispute resolution through community media councils

Gary Mariano
16 June 2022

Asia's freest press?



1. #17 Timor-Leste
2. #62 Papua New Guinea
3. #113 Malaysia
4. #115 Thailand
5. #117 Indonesia
6. #139 Singapore
7. #142 Cambodia
8. #144 Brunei
- 9. #147 Philippines**
10. #161 Laos
11. #174 Vietnam
12. #176 Myanmar

Obstacles to press freedom

1. Legal
 - a. Cyber/libel (Art. 353, RA 10175)
 - b. Mandatory right of reply (HB 5185)
 - c. Jinggoy's Magna Carta
2. Harassment
3. EJK

Your libel experience

1. Frequent or rare?
2. Badge of honor?
3. Causes?
4. Avoidable?

Criminal penalties for libel

Prisión correccional

- 6 months & 1 day
- 4 years & 2 months

Cyberlibel — *prisión mayor*

- 2 years, 4 months & 1 day
- 8 years

Statutory right of reply

Can be enacted (HB 5185 18th Congress)

Court enforceable

Fines, imprisonment

Right of reply

Story does not have to be controversial or hard-hitting

Publication necessary although may cause harm

Prior - obtaining the other side before publication

Post - getting, recognizing, publishing a reaction

Related to lawsuits?

Voluntary right of reply

Bigyan ng agarang pagkakataon mapakinggan ang kabilang panig

Kapag hindi

→ cyber/libel

→ statutory right of reply

→ EJ* huwag naman sana

Alternative dispute resolution (RA 9285, 2004)

SEC. 2. Declaration of Policy. - it is hereby declared the policy of the State to actively promote party autonomy in the resolution of disputes or the freedom of the party to make their own arrangements to resolve their disputes. Towards this end, the State shall encourage and actively promote the use of Alternative Dispute Resolution (ADR) as an important means to achieve speedy and impartial justice and declog court dockets. As such, the State shall provide means for the use of ADR as an efficient tool and an alternative procedure for the resolution of appropriate cases. Likewise, the State shall enlist active private sector participation in the settlement of disputes through ADR. This Act shall be without prejudice to the adoption by the Supreme Court of any ADR system, such as mediation, conciliation, arbitration, or any combination thereof as a means of achieving speedy and efficient means of resolving cases pending before all courts in the Philippines which shall be governed by such rules as the Supreme Court may approve from time to time.

Community media councils as ADR

Self-regulatory mechanisms through which grievances against the press are addressed and resolved outside of the court system

Publication of decision/criticism

Complainant waives the right to file a libel case

Community media council

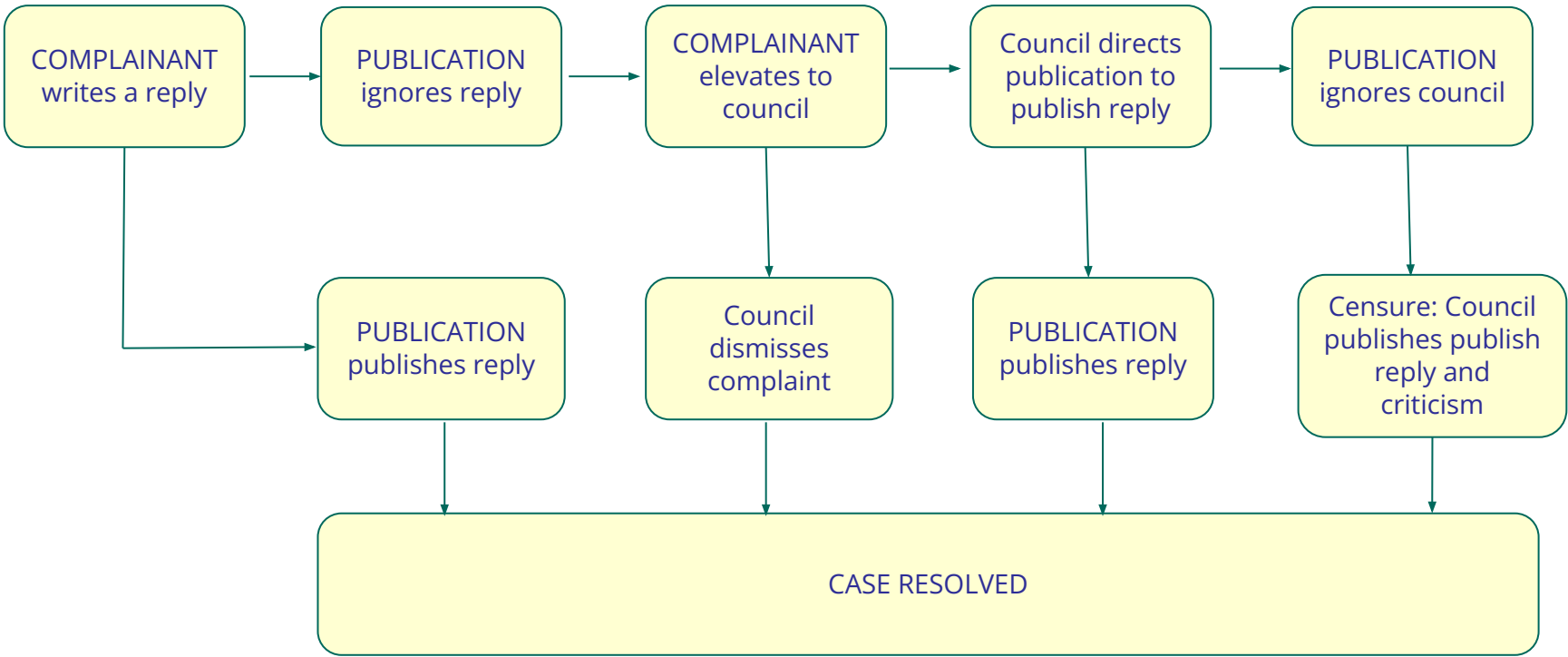
Media desiring protection

- Newspaper – print, online, PPI, non-PPI
- Radio, TV
- Bloggers

Academe, IBP, faith, business, LGU... you decide

Ethical, moral, professional **standards**

Community media council: How

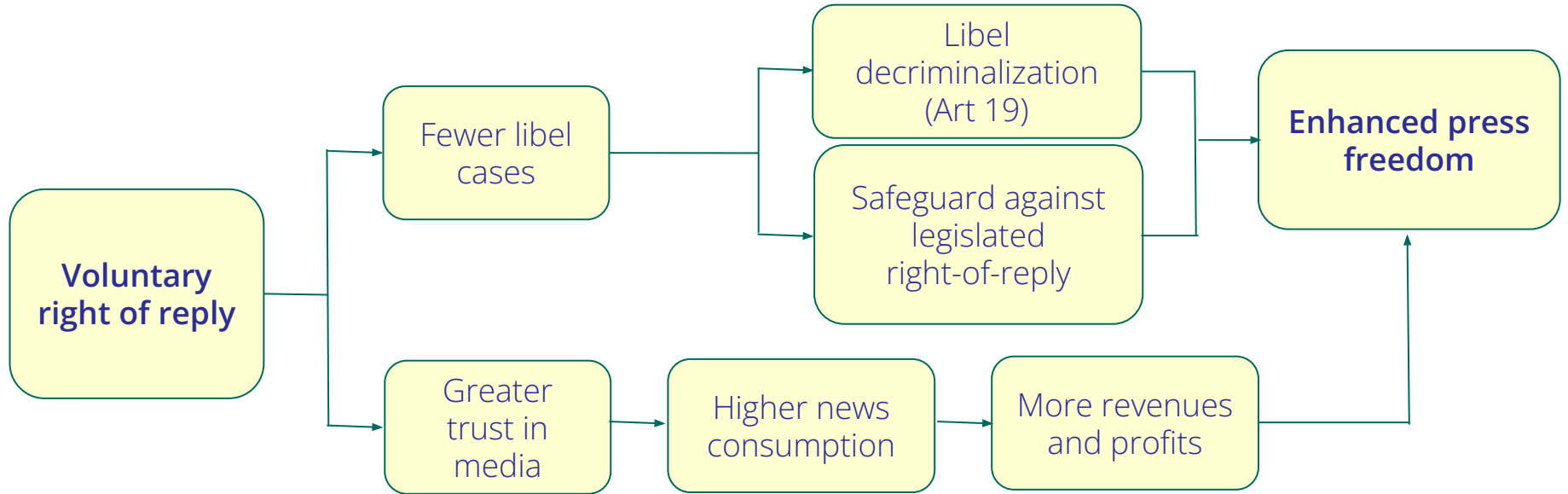


Community media council: Do you need one?

- Never wrong
- Nobody ever reacts negatively
- So sue me!

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Good begets good



Beyond right of reply

- Skills enhancement
- Media literacy
- Advocacies

Gary Mariano

Retired

DLSU Department of Communication

Member

CHED Technical Committee for Journalism

Was chair

PPI Philippine Press Council



0917 **5268371**