

PHILIPPINES

1. GENERAL INFORMATION ON MEDIA AND MEDIA USE

Literacy and education The Philippines' National Statistics Office (NSO) reports that 88.6 per cent of Filipinos aged 10 to 64 are functionally literate. Breaking down the data by gender, there are more women than men who are functionally literate: 90.4 per cent of females and 86.8 per cent of males. The figures come from the 2003 Functional Literacy, Education and Mass Media Survey (FLEMMS), the national survey that determines literacy among Filipinos, conducted by the National Statistics Office (NSO 2008). The NSO defines a functionally literate or basically literate person as one who can read and write, also classified as Level 1 literacy. Others levels are Level 2 referring to those who can read, write and compute; Level 3 referring to those who can read, write, compute and comprehend; and Level 4 referring to high school graduates and higher. The National Statistics Office estimates that of 5.1 per cent of functionally literate Filipinos lack numerical skills or cannot compute. The survey also found that 1 in 10 are illiterate, which means they can neither read, nor write. Literacy levels are at their highest in the National Capital Region and lowest in the Autonomous Region for Muslim Mindanao.

The quality of education in the Philippines has been deteriorating over the years, with the public educational system particularly problematic. A recent study by the Asian South Pacific Bureau of Adult Education found that 81 per cent of children aged 8 to 11 were attending primary school, but only 55 per cent in the 12–15 age range were attending high school. This indicates high drop out rates by the time Filipino children reach high school level (ASPBAE 2007).

Media landscape As of June 2007, there were 382 AM radio stations and 628 FM radio stations all over the country, according to the National Telecommunications Commissions, the government agency that regulates the broadcast industry. There are seven daily national newspapers: the Manila Bulletin, Philippine Star, Philippine Daily Inquirer, Manila Times, Malaya, and the Daily Tribune. There are two business papers that publish only on weekdays: BusinessWorld and Business Mirror. There are also at least 18 tabloids publishing daily. There are also hundreds of local newspapers in the various cities and towns all over the country.

Party media Political parties in the Philippines are not driven by ideology or principles. Rather, they are temporary alliances of individuals with similar interests or personal loyalties. It is not unusual for Filipino politicians to flit from one party to another to pursue their political ambitions. Hence there are no real party lines or platforms to promote or popularise. However, politicians and their families do own media entities (small community newspaper or radio stations) in towns and cities outside the capital although there is no count or study on this issue.

Internet media According to the website Internet World Stats, the number of internet users in the Philippines has almost doubled in two years, from 7.8 million in 2005 to 14 million as of December 2007. The same website notes that there has been a 600 per cent increase in internet users in the Philippines since 2000, when the number of users was pegged at only 2 million. There were 123,000 broadband subscribers in the Philippines as of September 2007.

The arrival of internet publications provided journalists with a venue for reporting the news immediately and independently. Newspaper organisations have come up with websites like the inquirer.net of the Philippine Daily Inquirer and the sunstar.com.ph of the Cebu-based Sun.Star Publishing Inc. Through new media, newspaper organisations offer news in various platforms – on websites, blogs, e-newsletters and text message alerts.

On independent internet publications, the Newsbreak at newsbreak.com.ph runs news features and in-depth reports, the Philippine Center for Investigative Journalism is known for investigative journalism, and blogs are becoming popular and are not limited to Manila journalists. Among the journalism blogs outside of Metro Manila are the 'Leon Kilat: The Cybercafe Experiments' of Cebu journalist Max Limpag, 'Peryodistang Pinay' of Isolde Amante of Cebu, and the 'Mindanao Alerts' of Carol Arguillas. The internet makes publishing faster and cheaper than putting out a newspaper. There are no government rules to limit these internet newspapers but the same laws on libel apply.

As of 1994, 81.22 per cent households in the Philippines owned a radio, 44.93 per cent owned a television set, and only 1.15 per cent of the total number of households owned a personal computer (NSO 1994).

General media access

Almost all of the population have access to and watch TV, by far the biggest source of news and information among Filipinos – 98.8 in Metro Manila, 97.5 in Luzon Island, 98.2 in the Visayas and 92.6 in Mindanao. In Metro Manila, media consumption from highest to lowest are: 1) television; 2) newspapers; 3) radio; 4) cable TV ; and 5) magazines. Outside the capital, however, radio is the second most used medium after television, with newspapers in third place (4As 2007: 25–27). A 2006 AC Nielsen survey found that 20.1 per cent of the population in Metro Manila had used the internet in the past 12 months, while the figure was 17.7 nationwide (4As 2007: 107).

Media consumption

In 2004, a radio listenership survey was commissioned by the Kapisanan ng mga Brodkaster ng Pilipinas (KBP) or the Association of Broadcasters in the Philippines, a private organisation of broadcast network executives. The study covered two of the biggest cities in the country: Manila and Cebu. Among its findings was that the majority of listeners in the two cities listened to radio for at least 10 hours a week, and on average spent some 20 hours a week listening to the radio. However, radio is mainly a source of music and entertainment rather than news. The survey noted that 'everybody watches TV'. It also found that 5 a.m. to 10 a.m. and from 3 p.m to 5 p.m. are the hours when there are more radio listeners than there are TV viewers. 'From 6 p.m. to 10 p.m. television is the medium of choice,' the study said.

The media in general are a very powerful sector in Philippine society, exerting highly significant influence on Filipinos. A number of political and social upheavals throughout Philippine history were triggered by writers and journalists exposing injustice or corruption, arousing public opinion that has shaped mass actions.

Media influence on political opinion

Each medium designs its content to suit its target audience. Television, for instance, which targets from the middle to lowest economic classes, would have a different content from cable TV and newspapers. Despite these differences, major political news and information are carried, printed or broadcast across all media, influencing public opinion across social classes.

There are many examples of the influence of mass media on the formation of political opinion over the past decade. In 2000, investigative reports into the lifestyle and business interests of then President Joseph Estrada turned public opinion against the once popular movie actor, who eventually faced an impeachment trial. A captive Filipino audience watched as television station aired the live coverage of the impeachment trial of Estrada, who later resigned.

In 2005, Estrada's successor Gloria Macapagal Arroyo nearly suffered the same fate and was forced to apologise to the public when media organisations aired wiretapped phone conversations between her and an election official, Virgilio Garcillano. Those conversations, known as the 'Hello, Garci'

tapes, took place in 2004 shortly after she ran for president, while the Commission on Elections was still counting the votes. In one of those taped conversations, the president was heard discussing with the election official the number of votes she would get.

In late 2007 and early 2008, an exposé by a newspaper columnist triggered Senate investigations into a \$329 million peso broadband network deal supposedly overpriced to accommodate kickbacks for Arroyo's husband and close political associates. In February 2008, media coverage forced the authorities to present a key witness who had been taken forcibly into police custody. A cross section of Filipinos again started holding rallies and calling for Arroyo's resignation after what has since been viewed as a botched abduction. Filipinos again watched as the Senate held whole day hearings, which were covered and aired live on television and radio.

State-owned media State-owned radio and television stations do exist in the Philippines but they do not function as public broadcasting corporations. Instead, they are mouthpieces of the government and form part of the official communication network designed to serve the president and her officials.

In August 2004, President Gloria Macapagal Arroyo issued Executive Order No. 348 creating an Office of the Communications Director, who was given the rank of cabinet member and was tasked with directing the operations of 'the public sector mass media and the public information system of the government.' The communication director's main task is to 'coordinate the dissemination, through the mass media, of policies, programmes, achievements, reports and activities of the President and the administration.' The Office of the Communications Director is under the Office of the President.

Among the entities that are listed under the Office of the Communications Director are the newspapers and tabloids under the Journal Group, and three government-owned and controlled TV stations: RPN Channel 9, NBN-Channel 4, and IBC-Channel 13. For radio, the government has the Bureau of Broadcasts, which runs a nationwide network of radio stations called Radyo ng Bayan (People's Radio).

The communications director is now called the secretary for government mass media, a position held by a former broadcast commentator who has served the Arroyo government since 2001 and also helped her campaign for the presidency in 2004. News and programmes that are broadcast or published on government media focus on the president, her family, her government and their activities.

State-owned media and published opinion State-owned media are practically propaganda vehicles of the government. Ratings-wise, however, government television stations attract only a negligible fraction of the viewing public. On the official government station, NBN Channel 4, the ratings mostly go up during the Lotto draw, which is aired on that channel. Most of the television audience is shared by the two biggest broadcast network, ABS-CBN Channel 2 and GMA Channel 7, both private commercial networks.

Government press conferences Government officials are aware of the power and reach of the media, and so it is common for government agencies to call press conferences to announce major events, or hold regular press conferences for beat reporters assigned to those offices. These press conferences are open to all and are a means of making public government programmes.

One official who does not hold regular press conferences is President Gloria Macapagal Arroyo, who is accessible to the media only during presidential activities and speeches. It is her executive secretary and spokesperson who speak on her behalf during regular palace press conferences. The absence of regular presidential press conferences is a glaring departure from the practice of previous presidents, especially Corazon Aquino and Fidel Ramos, who faced the media regularly and granted regular interviews to journalists.

2. LEGAL ENVIRONMENT

Freedom of opinion is implied in the Bill of Rights of the 1987 constitution and is a right ingrained among Filipinos. Freedom of opinion was recognised as far back as 1898 when the Filipino revolutionary movement, after overthrowing Spanish colonisation, drafted a charter considered the first democratic constitution in Asia. Known as the Malolos Constitution, it recognised every Filipino's 'right to freely express his ideas or opinions, orally or in writing, through the use of the press and other similar means.' The Philippine revolutionary government, however, was short-lived. American colonisers soon took over and moulded a Philippine educational, government and legal system after their own. Hence the rights to free speech and expression in the Philippine constitution are echoes of similar provisions in the American charter, and are interpreted using English and American jurisprudence (Teodoro / Kabatay 2007).

*Freedom
of expression*

Freedom of the press and free media coverage are guaranteed under the 1987 constitution of the Philippines. Section 4 of the Bill of Rights says, 'No law shall be passed abridging the freedom of speech, of expression, or of the press, or the right of the people peaceably to assemble and petition the government for redress of grievances.' Section 7 provides people with the right to information 'on matters of public concern,' ensuring access 'to official records, and to documents and papers pertaining to official acts, transactions, or decisions, as well as to government research data used as basis for policy development... subject to such limitations as may be provided by law.'

*Free media
coverage*

Framers of the 1987 constitution viewed the right to information provision as a safeguard against a repeat of the repressive, dictatorial rule of former President Ferdinand Marcos. Members of the constitutional commission envisioned the right to information as a weapon to ensure an open and honest government. They pointed out, however, that the right to information refers not only to a government's duty to make available information involving public interest. It also refers to citizens being vigilant and exercising their right to demand information (Teodoro / Kabatay 2007).

Presidents Corason Aquino and Fidel Ramos both passed executive orders granting the public access to government information and documents. Aside from this there is also Republic Act 6713, the Code of Conduct for government officials and employees, which requires them to make available information sought by the public. The law cites exceptions that government functionaries can invoke when denying access. These exceptions include cases when the information, document or record involves national security, when disclosure would jeopardise a person's life and safety and cause unwarranted invasion of privacy, and when the subject matter is still being discussed and finalised.

*Regulation of
media coverage*

Although the right to information is considered a self-executing right, which means no supplemental law needs to be passed for it to be exercised, media groups and non-government organisations have been lobbying for the passage of a Right to Information law that will ensure speedy and systematic access to government data and documents by the general public. In most government agencies, the instinct is to withhold, rather than to release, data to the public. Journalists have no problem accessing such information: they do manage to obtain requested documents from official government functionaries, if not from sources they cultivate in the course of their work. The media and NGO alliance Access to Information Network (ATIN), however, sees the need for a law that will make the release of information an obligation and not just a favour given to journalists. ATIN also believes that while some government officials and agencies do release information to journalists, they do not do the same to the general public.

The Philippines' Revised Penal Code classifies defamation into two types: libel and slander. Libel is defamation done through writing, including the mass media, while slander is oral defamation. Persons suing for libel have the option of seeking criminal as well as civil action, which means they can seek damages that may range from P200 to P6,000, as well as the imprisonment of offenders with terms ranging from one day to six years.

There have been several cases of libel filed against journalists, some of them demanding outrageously enormous amounts in damages and seeking the imprisonment of reporters and editors. This has led media practitioners to believe that libel is used as a tool to get back at the media, and not necessarily to defend a person's honour and reputation. Philippine presidents Corazon Aquino and Joseph Estrada have used it against journalists who have written articles critical of their performance while in office. Recently, President Gloria Macapagal Arroyo's husband Jose Miguel Arroyo filed 11 counts of libel against 46 journalists for writing various stories about him at the time his wife was facing a severe political crisis in 2005.

Because libel is a criminal offence, libel suits have resulted in journalists getting jailed, especially in far-flung provinces where journalists do not have ready access to legal counsel and support from their peers. On 22 January 2008, a radio commentator from northern Mindanao was arrested and thrown in jail for failing to attend hearings arising from a libel suit against him. The judge recommended no bail.

In March 2007, the publisher and seven editors of the leading newspaper Philippine Daily Inquirer were jailed for one hour after they posted bail in connected with the libel suit filed by the president's husband, Jose Miguel Arroyo. The publisher and editors were told to voluntarily surrender to a Manila police station, where they were detained while awaiting the court's release order. A similar thing happened to the editor of a community newspaper from Palawan province in Southern Philippines who was sued for libel by a congressman. Although the two parties had amicably settled, the judge chose to ignore the settlement, and ordered the arrest of the editor when she showed up for a court hearing in June 2007. She spent the whole day in detention while awaiting a release order from the court.

In the Bill of Rights, the right to privacy refers to citizens enjoying freedom from government intrusion rather than government enjoying freedom from media criticism. Again, this is a principle put in place in the 1987 constitution after the Marcos dictatorship, which was marked by arbitrary arrests, searches and seizures.

The relevant provisions are Section 2 of the Bill of Rights, which provides for people's 'right to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures of whatever nature...' Likewise, Section 3.1 guarantees the privacy of communication and correspondence, except when a court of law orders otherwise.

As far as the privacy of individuals is concerned, the Revised Penal Code penalises certain acts that are seen to constitute invasions of privacy. These cover public officials revealing secrets or causing the wrongful delivery and publication of documents, and trespassing by private individuals on a person's home.

Philippine jurisprudence says that the right to privacy of public officials is narrower than that of ordinary citizens. The courts have ruled that public officials are public figures like movie stars, sports personalities, and similarly famous individuals who are known to and have appeared in public. As such, the public has a legitimate interest in their work and their character, and media reportage about them is justified. However, the courts draw the line on matters involving aspects of a public official's life that have nothing to do with or do not affect his public duties.

In general, government regulation of media coverage is seen as constituting prior restraint, defined as government restrictions on the media before actual publication and seen as a curtailment to the freedom of the press and free expression.

Coverage of court proceedings, however, is another matter. In October 1991, the Philippine Supreme Court banned the live coverage of court hearings 'to protect the parties' right to due process, to prevent the distraction of the participants in the proceedings and in the last analysis, to avoid miscarriage of justice.' The High Court issued the order after broadcast stations aired live the testimony of former President Corazon Aquino in the libel suit she filed against the late Luis Beltran,

at that time editor of the daily newspaper Philippine Star. Beltran had written in a column that Aquino 'hid under her bed' during the August 1987 coup attempt.

There are no bodies or commissions that regulate coverage by the print media, but there are a number of government and non-government agencies that may impose restrictions on the broadcast media.

The Movie and Television Ratings and Classification Board (MTRCB) is a government body that reviews programmes on television and movies, as well as publicity materials in print relating to such shows. In May 2005, the MTRCB issued a circular memorandum requiring television public affairs, news documentaries and similar programmes to submit their material to the board for review before broadcast. Television newsrooms and media groups protested against the memorandum, called it prior restraint, and branded it a suppression of TV news coverage. The protests forced the MTRCB chair to revise the memorandum, specifying this time that the board would review public affairs programmes only after they had been aired (Teodoro / Kabatay 2007).

There is also the National Telecommunications Commission (NTC), the government agency that assigns broadcast frequencies, and regulates the broadcast and telecommunications industries. NTC issues the certificates of public convenience for broadcast networks and may revoke these certificates in case of violations of NTC rules and regulations.

In April 2005, the armed forces of the Philippines circulated copies of a compact disc detailing the peace and order situation. In that report, it identified certain groups as 'enemies of the state,' including the Philippine Center for Investigative Journalism, the National Union of Journalists of the Philippines and the Catholics Bishops Conference of the Philippines. Media groups protested what was perceived to be the government's adversarial attitude toward the press (Maragay/Evangelista 2005). At that time, the Philippine Congress was already deliberating the proposed Human Security Act, entitled 'An Act to Secure the State and Protect our People from Terrorism,' which was the government's response to terrorist threats.

Changes in the past five years

Human rights groups and non-governmental organisations protested the passage of the law for allowing government intrusion into the privacy of individuals on the mere suspicion of their having links to terrorists. Section 7 of the Human Security Act allows the surveillance of suspects and interception and recording of communications. Media practitioners saw this provision of the law as a restriction on free coverage. As a concession, the Philippine Congress inserted an exception, which reads, 'Surveillance, interception and recording of communications between lawyers and clients, doctors and patients, journalists and their sources and confidential business correspondence shall not be authorised.'

Still, this provides little comfort to journalists, and reinforces the view that directly or indirectly, the Philippine government has been attempting to constrict the democratic space that allowed journalists free and easy access to sources.

In the evening of 29 November 2007, journalists got what they considered a taste of the effect of the Human Security Act. Policemen handcuffed scores of journalists and photographers following the takeover of the Manila Peninsula Hotel by two military officials under detention and facing trial for rebellion. These members of the media were then herded into buses and hauled to a police camp south of Metro Manila where they were 'processed'.

Earlier that day, the two military officers walked out of a court hearing and proceeded to the hotel, the police were supposed to begin an assault but were stopped by the presence of journalists covering the two officers. Police officials defended the arrest of journalists by saying that the journalists had obstructed police operations. The government said the 'processing' of the journalists was done to determine whether those who covered the siege of the Manila Peninsula were genuine journalists and to ensure that media ranks had not been infiltrated by military rebels posing as reporters. Media organisations decried the police action as a curtailment of press freedom.

Less than two months after the incident, the Secretary of Justice, Raul Gonzales, issued an advisory to chief executive officers of media networks and heads of press groups. In his advisory, Gonzales warned the media 'that that your respective companies, networks or organisations may incur criminal liabilities under the law, if anyone of your field reporters, news gatherers, photographers, cameramen and other media practitioners will disobey lawful orders from duly authorised government officers and personnel during emergencies which may lead to collateral damage to properties and civilian casualties in case of authorised police or military operation.' News directors and heads of media organisations saw this as yet another threat to press freedom. Press groups viewed these government restrictions as strong aggravation on press freedom, which prompted them to seek legal redress.

Legal censorship The common basis for government censorship and monitoring are security of the state, general welfare and morality (pornography, obscenity, protection of minors, rape, private crimes). The National Telecommunications Commission, a regulatory body, is limited to issuing licences and franchises to radio and television stations and is not empowered to regulate content of radio programmes. The Movie and Television Review and Classification Board is a government agency that screens movies and television programmes for public viewing. It too monitors broadcast programmes for possible violations of laws and ethics. These are government bodies that monitor media, not necessarily to regulate media coverage.

The effects of the denial or regulation of access to information are legalised censorship that prevents free coverage of certain groups, issues and institutions. When President Arroyo issued Executive Order 464 on 26 September 2005, members of the executive branch were banned from appearing before congressional inquiries or hearings without her prior consent.

Journalists who violate the law or government order could face arrest and would have to pay a fine or face prison sentence. Under the Human Security Act, the ultimate penalty is a death sentence, now changed to life imprisonment with the abolition of the death penalty. There is also the chance of government officials exerting economic pressure on a publication, forcing the media outfit to face possible closure due to bankruptcy.

Media licences There are no laws that require government licensing of newspapers. However, a law passed almost a century ago requires publishers, editors, managers, owners and stockholders of a newspaper to register with the Bureau of Posts for them to avail themselves of mailing privileges (CMFR 2007: 19).

Broadcast companies are required to obtain certificates of public convenience from the National Telecommunications Commission (NTC) before they can operate. The NTC assigns radio and television frequencies to broadcast stations and enforces telecommunication rules and regulations. Aside from this, broadcast companies are also required to apply for a congressional franchise, which is granted by the House of Representatives.

The president appoints commissioners of the NTC, and therefore the agency may not be totally free from political interference (CMFR 2007: 21). Similarly, managers and owners of radio stations wanting to operate either a local or national station have to deal with politicians and seek a sponsor or sponsors in Congress to be able to obtain a franchise from the House of Representatives.

Journalists' legal status Journalists do not need official state permission to practise their profession. In general, journalists are allowed access to public meetings of the government and parliament. Most meetings can be broadcast. Exceptions are executive sessions (closed door hearings) of congressional investigations.

Media organisations have always turned to the courts for relief from state repression. In January 2008, more than 100 journalists filed suit to stop what they considered growing restrictions on press freedom. The cases were an offshoot of the Manila Peninsula siege, which resulted in the arrests of journalists and increased threats of punitive action against the media issued by various government officials.

The two cases were part of a concerted campaign by various media groups to confront increased state restrictions on the media. One group composed of 36 journalists signed a petition asking a regional trial court to issue an injunction against government from further threatening or arresting media persons and demanding P10 million in damages ((\$245, 600). The court granted the petition two hours after it was filed, saying, 'Considering the extreme urgency, and that great and irreparable injury (that) would result to the Plaintiffs before the matter can be heard on notice, the Temporary Restraining Order is hereby granted.' The injunction was good for only 72 hours. The media groups sought an extension of the restraining order but were denied. If the media groups win the case, they intend to put the P10 million peso damages into a trust fund for the defence of press freedom.

The other group of journalists filed a writ of prohibition and injunction before the Supreme Court. Eighty-one signed the petition asking the High Tribunal to prevent the government from making any more threats and arrests, and for imposing any more limits to the freedom of the press. The High Court has yet to act on this petition. Among those named respondents in both cases are the secretaries of justice, national defence, local governments, the director-general of the Philippine national police and the chief of staff of the armed forces of the Philippines.

Journalists likewise filed a class action suit against First Gentleman Jose Miguel Arroyo who they said abused the right to sue for libel when he named 46 journalists as respondents in a case he filed in 2006. Arroyo asked the court to dismiss the class suit, since he himself dropped the libel charges in 2007. The court, however, denied Arroyo's motion to dismiss and ordered the case to proceed (Yap 2008).

The 1987 constitution explicitly prohibits media monopolies. Section 11 of the General Provisions (Article XVI) requires Congress to 'regulate or prohibit monopolies in commercial mass media,' and bans 'combinations in restraint of trade or unfair competition.' This provision seeks to prevent the concentration of media ownership in the hands of only a few entities, which happened shortly before and during the martial law years.

*Monopolies
and cartels*

When then President Ferdinand Marcos declared martial law in 1972, one of his first actions was to shut down the media, which were owned by the country's richest and most powerful families. He called these families oligarchs who used the tri-media ownership—newspapers and radio and television stations—to protect their business interests. However, the Marcos government itself took over ownership of some of these media entities and used them to control the flow of information during his administration.

The constitution also bans foreign ownership of the mass media. Section 11 requires that ownership and management of mass media be limited to Filipino citizens or corporations that are wholly-owned by Filipinos. In recent years, however, there have been repeated attempts to amend certain provisions of the 1987 constitution, including the provision on media ownership.

3. POLITICAL CONDITIONS

There are still many groups, issues and areas of the country that are underreported or suffer biases from reportage in the national media. There are many reasons for the exclusion. One of these is the physical inaccessibility of groups and communities living in extremely remote areas of the country such as ethnic minorities or indigenous peoples. Another reason is the tendency of the media to focus on events in accessible urban centres, prompting media critics to call this Manila-centric or city-centric reporting. A third reason for the exclusion is the highly commercial orientation of the media, which tend to focus on familiar issues and groups that 'sell' or will attract readers and viewers.

*Coverage of
marginal groups*

However, there is also a lively provincial press in the Philippines, hundreds of community newspapers and radio stations spread out all over the archipelago trying to reach unreported or underreported sectors and issues. There is also the growing Philippine blogosphere, composed of

thousands of weblogs or blogs, which feature issues and events that the mainstream media overlook. There have been times when big issues start out in the community press or blogs and are picked up by the national media.

Self-censorship The Philippine Supreme Court on 25 September 2007 adopted new rules governing the use of the writ of amparo that would deny authorities the basic defence of simple denial when they are sued to produce before the courts the bodies of victims of involuntary disappearances via a petition for habeas corpus (Sun.Star 2007).

The High Court also issued rules implementing the writ of habeas data that specified, among others, the writ cannot be used to force media to name their sources. The rules took effect on 2 February 2008 and named lawful defences such as national security, state secrets, privileged communication, confidentiality of the source of information of media and others (Supreme Court 2008).

Yet there remains a chilling effect on media, and state action to deliberately exclude certain political matters from news coverage could lead to instances of self-censorship. The warning to media issued by the justice secretary on 11 January 2008 against 'interfering' in police operations may unwittingly push a journalist to either tone down or cancel a report. Self-censorship can occur in television, radio or newspaper coverage.

State repression The petition of the journalists to the Supreme Court said that 'threats by top-ranking government officials are damaging to a free press because of the chilling effect they produce: the fear and uncertainty they plant in the minds of journalists that leaves them constantly wondering if what they are going to publish or broadcast will land them in jail, and adjusting their actions accordingly' (Fonbuena 2008). The fear of repression is real to media organisations and journalists, who regularly have to fight for their rights. In the last five years, especially as attempts to change the Arroyo leadership have continued, instances of state repression have been frequent.

Obstacles to internet access One area of promise is in new media where technology has enabled the free flow of information despite state repression and the vested interests of media owners.

The internet in the Philippines is regulated primarily by the Electronic Commerce Act of 2000 that regulates operations and transactions and does not hinder access or restrict content. But the industry is governed by the same laws on intellectual property, libel and fraud.

Changes in the past five years Other than on the internet, the actual threat of state repression on the media has changed in the past five years. Threats on press freedom have grown in number and have worsened from the time Marcos was removed from office. With the Arroyo administration fighting for its survival, instances of state repression have continued and have posed a strong aggravation to media.

The declaration of emergency rule, curfew, the executive order preventing Cabinet officials from appearing in Congress hearings without her permission, and the warning from her justice secretary have been made in reaction to threats to her political hold. State media are used to counter the bad publicity through institutional advertisements, talk shows and commentary; and some government officials have started writing opinion columns in mainstream media.

From 1986 until recently, journalists and media companies did not have to fear state repression. It was only under the Arroyo administration that the media had to contend with state repression, or at least the threat of it. Veteran journalists have, in fact, likened Arroyo to Ferdinand Marcos, and have labelled her administration a dictatorship in disguise, or a democracy in name only.

The Arroyo administration has used the law and various government agencies against the media. In 2005, at the height of the political scandal involving wiretapped conversations between Arroyo and an election official, the secretary of justice threatened to file suit against media entities caught playing the wiretapped conversations for violating the law on wiretapping. Days later, the National

Telecommunication Commission sent out a memorandum to broadcast bodies warning them that their licences could be revoked for airing the contents of the tapes. In February 2008, the Philippine Supreme Court upheld the freedom of the press and ruled that the warnings made by the secretary of justice and the national telecommunications commission were both unconstitutional.

The state does not have mechanisms to control production and distribution of print media but they maximise state-sponsored airtime to spread the government's viewpoint and gain political hold. *Government control over print media*

4. ECONOMIC PRESSURES

The state does not subsidise the private media. However, there are government agencies known to be regular advertisers in print and broadcast. The biggest of these advertisers is the Philippine Charity Sweepstakes Office (PCSO), a charitable institution under the Office of the President which administers the lotto and sweepstakes draws. In 2006, the PCSO ranked first among the top 10 brands advertised in the media, defeating other commercial products that include shampoo, coffee, cigarette, beer, and lotion. It also ranked 10th among top companies in terms of gross advertising expenditure. The Philippine Amusements and Gaming Corporation (PAGCOR) is another consistent advertiser on government and private media and is estimated to be spending some P1.25 billion every year for advertising and public relations. *State subsidies*

For newspapers, the advertising budget of government agencies represents a minimal part of their advertising revenues. That is true for national publications, but for community newspapers with smaller advertising revenues, advertising money could spell the newspaper's demise or continued publication. Still, private media have remained critical towards the government despite the indirect subsidy in the form of advertisements. These placements of advertisements have not created differences among newspapers, radio and television in their critical coverage.

The Philippine government generally leaves private business alone. This is the case too with private media, which government tries not to meddle with because of the principle of independence of a free press. But government has found other means, including economic, to exert pressure on critical media. These are instances of government using market mechanisms to silence the press. *Further aspects*

A threat to cancel an advertisement has been used as a means to warn media. On the other hand, advertisements are placed on a regular basis to control media, to keep them indebted to government for their financial survival.

President Arroyo, on 6 March 2006, issued an executive order that was perceived to have the effect of reining in the press through government advertising. Executive Order 511 seeks to supervise all public information activities, including advertisements, of all government agencies. However, there are doubts whether through EO 511 advertising clout is used to rein in the media.

The private media are dependent on advertising because there is no formal state subsidy, and thus take the lead in reporting otherwise underreported subjects such as the environment, women's and children's rights and the informal economy. But government advertising is providing an indirect subsidy to the private media. Pressure can come in the form of an investigation into tax payments and compliance with regulations by the other business interests of media owners, and buying into the media organisation to control their coverage. All these are economic measures designed to hit back at the media despite constitutional guarantees on the freedom of the press.

5. NON-STATE REPRESSION

Journalists in Metro Manila, the capital region, are free to do their work without fear of attacks from non-state groups and organisations. However, the same cannot be said of journalists working outside the capital, if one were to go by the locations where journalists have been attacked or killed in the last few years. Since the restoration of democracy following the fall of the Marcos dictatorship in 1986, 70 journalists and media practitioners have been killed in the line of duty. A study *Repression by non-state groups*

conducted by the Center for Media Freedom and Responsibility (CMFR) found that about half or 33 of the killings took place under the present government of President Gloria Macapagal Arroyo, who assumed office in 2001 after her predecessor Joseph Estrada was ousted from office for corruption. The CMFR study also said that 90 per cent of journalists killed since 2001 were reporting about corruption and other illegal activities such as drug trafficking and illegal gambling (Khan 2007).

Almost all of the attacks took place in provinces or cities outside Metro Manila. Journalists have been killed even in highly urbanised areas of Cebu in Central Philippines and Davao in the South. The most recent was the killing of Francisco Lintuan, a radio commentator from Davao City, who was shot dead by still unknown gunmen on Christmas eve 2007.

Many of the cases remain unsolved. Although local government officials or policemen have been named prime suspects in some of the cases, these attacks are still considered non-state because they are not part of a systematic government policy against the press. But it is the culture of lawlessness and impunity prevailing in the country that has made journalists easy targets of assassins—law enforcers are unable to protect journalists and to pursue, arrest and convict the killers.

Changes in the past five years Although attacks on journalists in the Philippines have alarmed media groups, the number of journalists slain in 2007 has actually decreased from previous years. In 2005 and 2006, the New York-based Committee to Protect Journalists considered the Philippines the most dangerous country in the world in which to be a journalist. That notoriety now belongs to Russia, where in 2007 there were 25 per cent more journalists killed than in the Philippines (Khan 2007).

The Philippine National Police has set up a Task Force to investigate and solve the killings of journalists but its success rate has been low. Although the Task Force claims that a good number of cases were solved, its definition of 'solved' was that possible suspects were identified but still not yet in police custody or on trial (Teodoro 2007).

6. CONCLUSIONS

Freedom of the media: general situation Press freedom exists in the Philippines because it is a right provided for in the constitution. It continues to be upheld because the media fight to protect that right, and citizens demand truthful reportage from journalists. However, as Filipinos have known from experience, governments have tried to curtail this freedom, as the media push for more transparency especially amid growing political crises. Media groups have noted how the democratic space that allowed journalists to report freely has narrowed in the last few years, as government tried skirting the constitutional provision, imposing limits on press coverage, and punishing with libel suits journalists who expose the truth. The Southeast Asian Press Alliance counts this as part of the 'weakening' and 'backsliding' of press freedom among Southeast Asia's most liberal press systems. The situation in the Philippines could be considered as one of freedom of the media with major restrictions.

Changes in the past five years There are a number of incidents that point to a strong aggravation affecting media freedom: Early in the morning of February 25, 2006, policemen raided the office of the newspaper The Daily Tribune, confiscating copies of the newspaper's issue for the day. At that time, President Gloria Arroyo had placed the country under a state of emergency, following a supposed coup d'état attempt by restive soldiers. At that time, Arroyo was facing allegations that she cheated when she ran for the presidency in 2004.

In the months following the February 2006 raid, the government would take other direct action seen as attempts to harass and intimidate the media. These include filing libel suits against journalists and their media outfits, and announcing that it was blacklisting certain media persons. There were also reports that the military had classified some media outfits as 'enemies of the state.'

The arrests of scores of journalists after they had covered two military officers who lay siege to the Manila Peninsula Hotel in November 2007 was seen as a direct curtailment of press freedom.

Indirectly, the Arroyo administration issued Executive Order 464 that limits journalists' access to information by preventing officials from testifying before congressional bodies without prior consent from their superiors. Arroyo invoked executive privilege and the separation of the powers of co-equal branches of government to justify the order. Lawyers' and media groups, however, saw the executive order as an abuse of discretion on the part of the president and a means to withhold information from the public at a time her government was facing a political crisis in 2006. As a result of this executive order, officials of the executive department who in the past would routinely testify on summons of the Senate and House of Representatives could now invoke the EO 464 if they refused to testify.

Most journalists would agree that the biggest obstacle to free media coverage is the negative attitude of the country's political leadership toward the media, which manifests itself in restrictive policies and pronouncements. This distrust toward the media stems from the government's own insecurities: the media have been examining allegations that President Gloria Arroyo cheated in the 2004 elections, and that she, her friends and family are involved in corrupt business deals.

Major obstacles to free media coverage

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