

SENATE

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P. S. RES. NO. 509

RECEIVED BY: \_\_\_\_\_



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Introduced by **SENATOR LEILA M. DE LIMA**

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**RESOLUTION**  
**DIRECTING THE SENATE COMMITTEE ON PUBLIC INFORMATION**  
**AND MASS MEDIA TO CONDUCT AN INQUIRY, IN AID OF**  
**LEGISLATION, ON THE REPORTED NEWS BLACKOUT IN MARAWI,**  
**PARTICULARLY ON THE STATUS OF THE CURRENT CRISIS AND THE**  
**PLIGHT OR CONDITION OF THE INTERNALLY DISPLACED**

*WHEREAS*, Article VII, Section 18 of the Constitution, in its fourth paragraph, declares, in part, that “[a] state of martial law does not suspend the operation of the Constitution...”;

*WHEREAS*, Article II, Section 1 of the Constitution declares that “The Philippines is a democratic and republican State and all government authority emanates from them”;

*WHEREAS*, Section 5 of the same Article further declares it a basic principle that “[t]he maintenance of peace and order, the protection of life, liberty, and property, and the promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy”;

*WHEREAS*, Section 24 also states that, as a policy, “[t]he State recognizes the vital role of communication and information in nation-building”;

*WHEREAS*, Article III, Section 7 provides that “[t]he right of the people to information on matters of public concern shall be recognized”;

*WHEREAS*, Section 4 of the same Article secures, among others, the freedom of the press by providing, in part, that “[n]o law shall be passed abridging” such freedom;

*WHEREAS*, Article XVI, Section 10 states that “[t]he State shall provide the policy environment for ... the emergence of communication structures suitable to the needs and aspirations of the nation and the balanced flow of information into, out of, and across the country, in accordance with a policy that respects the freedom of speech and of the press”;

WHEREAS, President Rodrigo R. Duterte declared martial law in Mindanao last May 23, after a clash erupted between government forces and members of the Maute terror group in Marawi City, Lanao del Sur<sup>1</sup>;

WHEREAS, since then, it has been 119 days<sup>2</sup> of ongoing clashes in Marawi City between government troops and ISIS-inspired members of the Maute group;

WHEREAS, according to recent news reports, “a total of 614 terrorists, 45 civilians and 133 government troopers have been killed since the fighting broke”<sup>3</sup>;

WHEREAS, last August 8, ABS-CBN News reported that, according to the Integrated Provincial Health Office (IPHO), at least 30,732 evacuees have manifested mental disorders due to the prolonged war, difficulties in living conditions in the evacuation centers among others<sup>4</sup>;

WHEREAS, last August 11, Sunstar reported that despite aid from the International Committee of the Red Cross, much more is required to meet the needs of the displaced families in Marawi with hardly any income and with resources running low<sup>5</sup>;

WHEREAS, last September 3, GMA News reported and published “[a] video [that] captured a scramble for relief goods that broke out among some Marawi evacuees at an evacuation center in Iligan City”<sup>6</sup>;

WHEREAS, it reported that, “[i]n the video, which was featured in a report on ‘24 Oras Weekend,’ evacuees raced each other to get sacks of rice and relief packs that just arrived,” that “[n]o line was formed to distribute the packages equally in an orderly fashion,” that “[t]hroughout the footage taken in the basketball court, no authorities were seen calling them to order,” and that “[t]he Department of Social Welfare and Development has yet to speak up on the mismanagement of the goods”<sup>7</sup>;

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<sup>1</sup> Sunstar. (23 May 2017). “Duterte declares martial law in Mindanao”. Retrieved from <http://www.sunstar.com.ph/manila/local-news/2017/05/24/duterte-declares-martial-law-mindanao-543524>. Accessed 11 September 2017.

<sup>2</sup> As of 18 September 2017.

<sup>3</sup> Philippine Star. (04 September 2017). “Marawi crisis a stalemate”. Retrieved from <http://www.philstar.com/headlines/2017/09/04/1735663/marawi-crisis-stalemate>. Accessed 11 September 2017.

<sup>4</sup> ABS-CBN News. (08 August 2017). “‘Mental health crisis’ among Marawi evacuees alarms officials”. Retrieved from <http://news.abs-cbn.com/focus/08/08/17/mental-health-crisis-among-marawi-evacuees-alarms-officials>. Accessed 11 September 2017.

<sup>5</sup> Sunstar. (11 August 2017). “Red Cross gives aid to 7,000 home-based Marawi evacuees”. Retrieved from <http://www.sunstar.com.ph/zamboanga/local-news/2017/08/11/red-cross-gives-aid-7000-home-based-marawi-evacuees-557991>. Accessed 11 September 2017.

<sup>6</sup> GMA News. (03 September 2017). “Marawi evacuees in Iligan City scramble for relief goods”. Retrieved from <http://www.gmanetwork.com/news/news/nation/624351/marawi-evacuees-in-iligan-city-scramble-for-relief-goods/story>. Accessed 11 September 2017.

<sup>7</sup> *Ibid.*

*WHEREAS*, based on data from the United Nations High Commissioner for Refugees, there are 359,680 internally displaced persons or 78,466 families housed in the evacuation centers in 16 municipalities across Lanao Del Norte and Lanao Del Sur<sup>8</sup>;

*WHEREAS*, last August 3, Sunstar reported that the Department of Public Works and Highways (DPWH)-Northern Mindanao, in partnership with Army engineers and Marawi City Engineer's Office, have started building model transition houses as part of Marawi early recovery and rehabilitation process<sup>9</sup>;

*WHEREAS*, continued and even more effective media coverage of the developments in the conflict zone appears to be in peril;

*WHEREAS*, Minda News, on 29 August 2017, reported that several members of the press have written a letter addressed to the Armed Forces of the Philippines (AFP) Chief of Staff, General Eduardo Ano, regarding the military's act of "banning media presence even in cleared areas that they wanted to cover and had previously covered"<sup>10</sup>;

*WHEREAS*, in the said letter, journalists, invoking their constitutionally enshrined freedom of the press, reasoned that "[p]ress releases, press conferences and photo/video handouts from the military are no substitute to field coverage by the media";

*WHEREAS*, they went on to state that "[w]hat is happening in Marawi is a curtailment of press freedom, a freedom guaranteed by the Constitution, even under a state of martial law", and that, in any case, "[t]here are many existing and tested methods by which journalists can carry out their duty with the military still being able to preserve the secrecy of vital tactical movements"<sup>11</sup>;

*WHEREAS*, the letter further stated that, just as the military is performing its duty in the conflict zone, "our duty to the people compels us to be in Marawi," thus they requested that they be allowed to sit down with Gen. Año and discuss such urgent concern<sup>12</sup>;

*WHEREAS*, the military, however, is reported to have refused to heed the journalists' demand for greater leeway in covering the conflict<sup>13</sup>;

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<sup>8</sup> Rappler News. (01 September 2017). "Marawi evacuees pine for home as they observe Eid'l Adha". Retrieved from <http://www.philstar.com/headlines/2017/09/04/1735663/marawi-crisis-stalemate>. Accessed 11 September 2017.

<sup>9</sup> Sunstar. (03 August 2017). "Gov't begins building transition houses for evacuees". Retrieved from <http://www.sunstar.com.ph/cagayan-de-oro/local-news/2017/08/03/govt-begins-building-transition-houses-evacuees-556592>. Accessed 11 September 2017.

<sup>10</sup> Minda News. (29 August 2017). "Military says Marawi siege over in 2-3 weeks; journalists decry "restrictions". Retrieved from <http://www.mindanews.com/top-stories/2017/08/military-says-marawi-siege-over-in-2-3-weeks-journalists-decry-restrictions>. Accessed 11 September 2017.

<sup>11</sup> *Ibid.*

<sup>12</sup> *Ibid.*

<sup>13</sup> *Ibid.*

*WHEREAS*, press freedom plays a critical role in conflict prevention, conflict management, and post-conflict reconstruction;

*WHEREAS*, free and independent media coverage is not only a desirable but, in fact, a necessary component in ensuring that the constitutionally enshrined democratic values upon which our nation is built are respected, protected and upheld, especially those that protect the welfare and rights of affected civilians; and in ensuring that appropriate, adequate and effective measures, and concerted efforts, are being taken by all concerned government agencies to alleviate the sufferings of those affected, minimize the damage to both private and public property, and to quickly and effectively rebuild and reconstruct lives and properties that have been damaged;

*WHEREAS*, then United Nations Deputy Secretary-General, Louise Fréchette, speaking on the occasion of the World Press Freedom Day Observance as organized by the UN Department of Public Information (DPI), particularly during a programme that addressed the theme “The Media and Armed Conflict Addressed” and reaffirmed “the right of the press to do its job”, is reported to have stated that, “[u]nless ideas and information could travel freely, both within frontiers and across them, peace would remain that much more elusive”<sup>14</sup>;

*WHEREAS*, then UN Deputy Secretary-General Fréchette is further reported to have stated that “[w]here censorship was imposed, both democracy and development were the losers” and that “[a] free and independent press was the lifeblood of strong, functioning societies, and a lifeline to progress itself”;<sup>15</sup>

*WHEREAS*, speaking on the same occasion, then Chairman of the UN Committee on Information, Iftekhhar Ahmed Chowdhury, is likewise reported to have affirmed the media’s right to its freedom of the press, stating that the “[f]reedom of expression – the foundation of press freedom – was neither a gift nor a political concession; it was a fundamental human right, enshrined in article 19 of the Universal Declaration of Human Rights” because “[t]he drafters of that Declaration five decades ago were acutely aware of the incontrovertible axiom that no society could be totally free without a free press”<sup>16</sup>;

*WHEREAS*, Chairman Chowdhury, noting that “[i]t was only through a free press that it was possible to hear the voice of the weak and the small”, is further reported to having expounded on the importance of media, even and especially in the context of armed conflict, by stating that “[w]hether in Iraq, or in the occupied Palestinian territories, or South Asia, or West Africa, journalists served as ‘our eyes and ears’.... Through them, the world learned not only how a war was conducted, but also how it affected peoples. Journalists could give voice to those who would otherwise remain unheard, tell stories that otherwise would remain untold. They could construct conduits between those trapped in a conflict zone and those outside. In conflicts and

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<sup>14</sup> As reported in a Press Release, entitled “IMPORTANCE OF FREE, INDEPENDENT PRESS, ROLE OF JOURNALISTS IN IRAQ WAR HIGHLIGHTED IN WORLD PRESS FREEDOM DAY OBSERVANCE” (2 May 2003). Retrieved from: <http://www.un.org/press/en/2003/pi1480.doc.htm>. Accessed 18 September 2017.

<sup>15</sup> *Ibid.*

<sup>16</sup> *Ibid.*

war, the presence of journalists could prevent atrocities. They could sense a conflict ahead and alert the world to the need for preventive measures to avoid tragedy”<sup>17</sup>;

*WHEREAS*, on the same occasion, Abdul Waheed Khan, then Assistant Director-General for Information and Communication of the United Nations Educational, Scientific and Cultural Organization (UNESCO), reportedly observed that since “[a]rmed conflict was always devastating, affecting peoples’ perceptions of threat and fear in a way that could cause a spiral effect, fanning the flames of conflict, ... [t]he media could positively contribute by providing accurate and relevant information vital for people to make well-informed choices, both in times of peace and war”<sup>18</sup>;

*WHEREAS*, according to him, “[c]redible media was essential in all cases, but during war accurate and professional reporting was most at a premium,” which is why “[t]he UNESCO was firm in its commitment to the free exchange of ideas as a basic human right to be enjoyed by all people, and its constitution stressed the need for unhindered communication that linked the free flow of ideas to the broader ideas of preventing war”<sup>19</sup>;

*WHEREAS*, Article II, Section 2 of the Constitution states that “The Philippines renounces war as an instrument of national policy, adopts the generally accepted principles of international law as part of the law of the land and adheres to the policy of peace, equality, justice, freedom, cooperation, and amity with all nations”;

*WHEREAS*, the Philippines is not only a signatory to the Universal Declaration of Human Rights (UDHR), it is also one of the drafters of said instrument, having been represented therein by Carlos P. Romulo, who “[i]n 1947, ... worked closely with Mrs. Eleanor Roosevelt who chaired and finalized the Universal Declaration of Human Rights which was adopted by the UN General Assembly in 1948”<sup>20</sup>;

*WHEREAS*, the Philippines has been a member of UNESCO and a signatory to its Constitution since 21 November 1946;<sup>21</sup>

*WHEREAS*, while the government, especially the AFP, should be able to conduct military action as may be allowed under the Constitution freely, such is not necessarily incompatible with according respect for press freedom under certain appropriate conditions and parameters, considering that the latter also serves the ends of successful conflict management and resolution, and post-conflict reconstruction;

*WHEREAS*, there is, thus, an urgent need to look into the state of press freedom in the context of the extended declaration of Martial Law in Mindanao and the ongoing

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<sup>17</sup> *Ibid.*

<sup>18</sup> *Ibid.*

<sup>19</sup> *Ibid.*

<sup>20</sup> PhilStar. Romulo, Robert R. “Filipino Worldview: Carlos P. Romulo” (13 January 2017). Retrieved from <http://www.philstar.com/business/2017/01/13/1662121/carlos-p-romulo>. Accessed 18 September 2017.

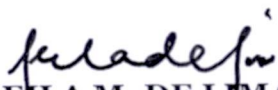
<sup>21</sup> <http://www.unesco.org/new/en/unesco/worldwide/asia-and-the-pacific/philippines/>. Accessed 18 September 2017.

armed conflict in Marawi City, in order to ensure that the Filipino people, as well as policy- and decision-makers such as those in the legislature, continue to have “eyes and ears” that serve as conduits between them and those trapped in the conflict zone, other than through the lens of the AFP’s perspective, considering that independent reporting could serve as a deterrent to the commission of atrocities, the prevention of tragedies, and the alleviation of civilian sufferings, among others;

*WHEREAS*, Congress must, therefore, closely monitor the state of press freedom and the freedom of expression and ensure measures are in place, through relevant legislation, to prevent infringement of the same;

***NOW THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED***, to direct the Senate Committee on Public Information and Mass Media to conduct an inquiry, in aid of legislation, on the reported news blackout in Marawi, to ensure that the public remains fully informed of the status of the current crisis, and has access to information on the plight of the internally displaced, progress made by the government in terms of conflict management, available assistance especially for the elderly, women, children and persons with disability covering clean water, food, clothing, shelter and medicines, and provide participation in the designing of plans to rebuild communities and reintegrate therein those forced to flee their homes.

*Adopted,*

  
LEILA M. DE LIMA