

Manila, May 12, 1966

Mr. President:

I have been directed to inform your honorable Body that the House of Representatives on May 12, 1966, passed the following House Bill No. 7266, entitled:

AN ACT PROHIBITING THE EXPORTATION OF FIBERS (BUNTAL) OR FILAMENTS OF THE PLANT COMMONLY KNOWN AS "BURI" OR SEED OR SEEDLINGS THEREOF, REPEALING FOR THIS PURPOSE COMMONWEALTH ACT NUMBERED FIVE HUNDRED EIGHTY-FIVE AND REPUBLIC ACT NUMBERED THREE HUNDRED NINETEEN,

in which it requests the concurrence of the Senate.

Very respectfully,

(Sgd.) I. B. PAREJA
Secretary
House of Representatives

The Honorable
The President of the Senate
M a n i l a

The PRESIDENT. To the Committee on Commerce and Industry.

The SECRETARY:

COMMITTEE REPORT

(COMMITTEE REPORT NO. 408)

Mr. President:

The Committee on Education, to which was referred H. No. 588 — 6th C.R.P., introduced by Congressman Montano, entitled:

AN ACT CHANGING THE NAME OF KAWIT ELEMENTARY SCHOOL IN THE MUNICIPALITY OF KAWIT, PROVINCE OF CAVITE, TO AGUINALDO ELEMENTARY SCHOOL,

has considered the same and has the honor to report it back to the Senate with the following recommendation:

THAT IT BE APPROVED WITHOUT AMENDMENT.

Respectfully submitted,

(Sgd.) EVA ESTRADA-KALAW
Acting Chairman
Committee on Education

The Honorable
The President of the Senate
M a n i l a

The PRESIDENT. To the Calendar of Ordinary Business.

SUSPENSION OF THE SESSION

Senator ROY. Mr. President.

The PRESIDENT. The Majority Floor Leader.

Senator ROY. I move for the suspension of the session for five minutes.

The PRESIDENT. Is there any objection? (*Silence.*) The motion is approved and the session is suspended for five minutes.

It was 6:45 p.m.

RESUMPTION OF THE SESSION

The session was resumed at 7:19 p.m. with the President, Hon. Arturo M. Tolentino, presiding.

The PRESIDENT. The session is resumed.

CONSIDERATION OF HOUSE BILL NO. 1037

Senator ROY. Mr. President, I move that we consider House Bill No. 1037 with the distinguished gentleman from Quezon as the sponsor.

The PRESIDENT. The consideration of House Bill No. 1037 is now in order. The Secretary will please read the bill.

The SECRETARY:

AN ACT SHORTENING THE PRESCRIPTIVE PERIOD FOR LIBEL AND OTHER SIMILAR OFFENSES, AMENDING FOR THE PURPOSE ARTICLE NINETY OF THE REVISED PENAL CODE.

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

Section 1. Article ninety of the Revised Penal Code is hereby amended to read as follows:

"Art. 90. *Prescription of crimes.* — Crimes punishable by death, *reclusion perpetua* or *reclusion temporal* shall prescribe in twenty years.

"Crimes punishable by other afflictive penalties shall prescribe in fifteen years.

"Those punishable by a correctional penalty shall prescribe in ten years; with the exception of those punishable by *arresto mayor*, which shall prescribe in five years.

"The crime of libel or other similar offenses shall prescribe in ONE YEAR [two years].

"The offenses of oral defamation and slander by deed shall prescribe in six month.

"Light offenses prescribe in two months.

"When the penalty fixed by law is a compound one the highest penalty shall be made the basis of the application of the rules contained in the first, second and third paragraphs of this article."

Sec. 2. The provision of this amendatory Act shall not apply to cases of libel already filed in court at the time of approval of this amendatory Act.

Sec. 3. This Act shall take effect upon its approval.

The PRESIDENT. The gentleman from Quezon, Chairman of the Committee on Codes and Constitutional Amendments, is recognized on sponsorship.

SPONSORSHIP SPEECH OF SENATOR TAÑADA

Senator TAÑADA. Mr. President, House Bill No. 1037 is a very simple measure. It proposes to reduce the period within which criminal action for libel shall be filed.

Under Article 90 of the Revised Penal Code, the crime of libel shall prescribe in two years, whereas under Article 1147 of the New Civil Code, civil action for libel prescribes in one year. It has happened not only once but many times, that a criminal action for libel was instituted after the expiration of one year and the question that confronted the court was whether in that criminal action the court may adjudge in favor of the offended party, civil damages. The question arises precisely because, as I said, under Article 1147, the civil action for libel prescribes in one year.

In order to synchronize the provisions of the New Civil Code and the Revised Penal Code on this simple point, and in order to dispel all sorts of doubt on this matter, House Bill No. 1037 has been presented with a view to amending Article 90 of the Revised Penal Code by reducing the period of prescription of criminal action for libel from two years to one year.

Mr. President, I believe that the bill is simple and the purpose is laudable so that, if there is no other question, I would move for the approval of this bill without amendment.

Senator PADILLA. Mr. President.

The PRESIDENT. The Minority Floor Leader.

Senator PADILLA. Will the distinguished sponsor just yield to one or two questions for clarification?

The PRESIDENT. The gentleman may do so if he so pleases.

Senator TAÑADA. Gladly, Mr. President, to the distinguished Minority Floor Leader and authority in Criminal Law.

Senator PADILLA. Thank you. Under the New Civil Code, the period of prescription of civil action for libel is only one year.

Senator TAÑADA. That is right.

Senator PADILLA. Under the Revised Penal Code, Article 90, the period of prescription of criminal cation for libel is two years.

Senator TAÑADA. That is right.

Senator PADILLA. And the purpose of this bill is to reduce the period from two years to one year so as to harmonize with th New Civil Code and, at the same time, there is good reason for justification for shortening the prescription period for criminal action for libel.

Now, Your Honor, there was a similar bill filed in the Senate and I was going to sign that bill as co-author. But I did not sign it because the Senate version was to reduce the period to six months.

Senator TAÑADA. Correct.

Senator PADILLA. And I was in favor of reducing the period of two years to one year but not to six months.

Senator TAÑADA. That was the reason why our committee did not report the Senate bill. Instead, it reported the House Bill because I thought that the six-month period is not reasonable. I believe the reasonable period of one year.

Senator PADILLA. Yes, and it would be unreasonably short and, at the same time, six months would again sort of conflict with the provision of the New Civil Code which prescribes in one year, and there will be no reason why the criminal action should prescribe much earlier than the civil action.

Senator TAÑADA. Correct.

Senator PADILLA. And because of the fundamental principle that every criminal violation carries with it also civil liability, I am in full accord with this bill.

Senator TAÑADA. I am very glad to hear that, Mr. Senator.

Senator OSIAS. Mr. President.

The PRESIDENT. The gentleman from La Union.

Senator OSIAS. To this simple bill I would like to ask two simple questions.

Would there be harm on page 2 if we continue reducing? This bill reduces on page 1 from two years to one year, with which I agree. Would there be harm if on page 2, lines 2 and 3, change "six" to "THREE" and "two" to "ONE"?

Senator TAÑADA. I believe that the reduction would be a little unreasonable, Your Honor. I think we should also consider the interest of the party offended in cases of oral defamation and slander by deed. Maybe, three months would be too short.

Senator OSIAS. How about four months?

Senator TAÑADA. Let us make that a subject of another bill, Your Honor.

Senator OSIAS. Why lose time when we are at this now?

Senator TAÑADA. I would like to make the press believe that is specially a bill for their benefit so that they can discharge their functions better.

Senator OSIAS. If you want to serve in the first page, I want to serve in the second page.

Senator TAÑADA. But this is slander by deed and it is not libel.

Senator OSIAS. I will not push very strongly my suggestion . . .

Senator TAÑADA. I wish I could accede, Your Honor.

Senator SALONGA. Mr. President.

The PRESIDENT. The gentleman from Rizal.

Senator SALONGA. May I ask the distinguished sponsor just one question?

The PRESIDENT. The gentleman may yield if he so pleases.

Senator TAÑADA. Very Gladly, Mr. President.

Senator SALONGA. Just for a clarification. Under what particular crime would a radio broad-

cast or a television broadcast fall, particularly in the height of political activities which may be derogatory to the character and reputation of an individual? Would it fall under the crime of libel, or would it fall under the offense of oral defamation?

Senator TAÑADA. I would like to consider that under oral defamation.

Senator SALONGA. But the precedents seems to be to the contrary, that it would fall under libel. And that is the reason why I am asking whether in the context of this bill, insofar as radio broadcasts are concerned, the crime should prescribe in one year, or should it prescribe within six month?

Senator TAÑADA. In my opinion, radio broadcast is an oral defamation. It is not libel. Libel is considered to be defamation in writing, therefore, radio broadcasts, if defamatory, should prescribe in six months. And I think that would even be protective of the freedom of expression if we consider radio broadcasts as defamatory and as coming under oral defamation.

Senator SALONGA. My impression, on the basis of local decisions and Americans on the point, is that a radio broadcast or a television broadcast that is derogatory should be classified, not under oral defamation, but under libel.

Senator TAÑADA. That may be their view, but I happen to entertain a different view, because my understanding of libel is that it is always a written defamation, whereas radio broadcast is oral defamation.

Senator SALONGA. In view of your opinion, which, to my mind, is highly esteemed, particularly in matters affecting international relations . . .

Senator TAÑADA. Thank you very much.

Senator SALONGA. Does not Your Honor think that we should have a clarification in our

law as to where a radio broadcast or a television broadcast . . .

Senator TAÑADA. Anything that would clarify matters should be welcome, Your Honor.

Senator SALONGA. Would such a clarification be in order in this particular measure? This is only with respect to penalties. Or should it be with reference to that article defining oral defamation or defining libel, as the case may be?

Senator TAÑADA. Well, the authority on Criminal Law in this Chamber says that there would be no need because that would come under "similar offenses," although I would like to stick to my view that radio broadcasts are oral defamation. But I bow to the greater authority on the subject.

Senator SALONGA. Well, since the other authority is a fellow dove, I shall stop my interpellation at this point.

Senator TAÑADA. Thank you very much, so that we can conserve our energy and our forces.

Senator GANZON. Mr. President.

The PRESIDENT. The gentleman from Iloilo.

Senator GANZON. Did I hear right that utterances which are prejudicial to the honor of an individual over the radio are oral defamation?

Senator TAÑADA. That is in my opinion oral defamation.

Senator GANZON. According to Article 355 of the Revised Penal Code, it is libel. "A libel committed by means of writing, printing, lithography, engraving, radio, x x x" Here, Article 355 of the Revised Penal Code.

Senator TAÑADA. I was shown by our authority on Criminal Law the provision of Article 355. It provides:

"ART. 355. *Libel by means of writings or similar means.* — A libel committed by means of writing, printing, lithography, engraving, radio, phonograph, painting, theatrical exhibition, cinematographic exhibition, or any similar means, shall be punished by *prision correccional* in its minimum and medium periods or a fine ranging from 200 to 6,000 pesos. or both, in addition to the civil action which may be brought by the offended party."

Now, it seems, as stated by Senator Padilla, that "other similar offenses" covers the radio broadcast, but I still stick to my view that radio broadcast is oral defamation.

Senator GANZON. Well, how about Article 355 of the Revised Penal Code?

Senator TAÑADA. Because the only difference from an oral defamation without the aid of radio is that one is disseminated more widely and the other is not, but it is defamation just the same by verbal means.

Senator GANZON. Mr. President, this is a penal statute.

Senator TAÑADA. Correct.

Senator GANZON. Penal statutes shall be interpreted strictly against the State and liberally in favor of the accused.

Senator TAÑADA. There is where I agree with Your Honor.

Senator GANZON. Yes. But Article 355 is very clear.

Senator TAÑADA. Well, it depends upon the way one would look at it.

Senator GANZON. No, it does not depend on what we want. It depends on what the law wants. The law says that radio broadcast is libel.

Senator TAÑADA. Well, what appears clear to Your Honor, because you have a privileged mind, may not appear clear to me.

Senator GANZON. No, it is not privileged. All right, let us read this for posterity at least.

"ART. 355. *Libel by means of writings or similar means.* — A libel committed by means of writing, printing, lithography, engraving, radio, phonograph, painting, theatrical exhibition, cinematographic exhibition, or any similar means, shall be punished by *prision correccional* in its minimum and medium periods or a fine ranging from 200 to 6,000 pesos," etc.

Senator TAÑADA. That is true, Your Honor. But in my humble opinion, libel is basically a defamation in writing and that libel by radio is a contradistinction. It fights. Those two statements fight. That is why I cannot subscribe to this.

Senator GANZON. Your Honor cannot subscribe to the law?

Senator TAÑADA. Well, to that opinion. I do not want to.

Senator GANZON. Well, I will not press on that point, but I think I still remember the principle that we are a government of laws and not of men. So, when there is the law, apply the law. *Dura lex sed lex.*

All right. I will go to the next point if you will allow me, Mr. Senator.

Senator TAÑADA. Please.

Senator GANZON. This brings to my mind, Your Honor, the article of the New Civil Code on prescription.

Senator TAÑADA. Yes. Article 1147.

Senator GANZON. Article 1147. I bring that point in connection with Your Honor's answer. I want to find also the meaning of Article 1147, paragraph (2) — defamation.

Senator TAÑADA. Defamation.

Senator GANZON. Yes. Does defamation here include libel?

Senator TAÑADA. Yes. That is how I view that article.

Senator GANZON. Under the New Civil Code?

Senator TAÑADA. Yes.

Senator GANZON. It is either oral or written.

Senator TAÑADA. Yes.

Senator GANZON. And those covered by Article 355 of the Revised Penal Code.

Senator TAÑADA. Correct. That is defamation.

Senator GANZON. Well, how do we reconcile this now? The oral defamation under Article 90, the penal offense prescribes in six months but the civil action under Article 1147 prescribes in one year. I think the major philosophy why we have to change the prescriptive period in libel from 2 years to 1 year is to make it coincide and place it in harmony with Article 1147 of the New Civil Code. But how about oral defamation? It is six months under the Revised Penal Code, whereas the civil action under Article 1147 is one year. Should we not also attempt to harmonize, since the objective of reducing from 2 years to 1 year the prescriptive period of libel in the Revised Penal Code, Article 90 of Act No. 3815, is to harmonize — one year, one year? But oral defamation is still six months.

Senator TAÑADA. Oral defamation, Your Honor, is different from libel which is written.

Senator GANZON. Yes, essentially so.

Senator TAÑADA. And therefore, the period of prescription for the two really could be different — could be different.

Senator GANZON. For the purpose of the criminal action.

Senator TAÑADA. Yes.

Senator GANZON. But for the purpose of the civil action, since the law does not distinguish between written and oral defamation, it only says "defamation," the civil action is one year. All of them.

Senator TAÑADA. Yes, the civil action is one year. What we are trying to shorten is the criminal action.

Senator GANZON. Yes. But if the civil action under the Rules of Court is impliedly instituted with the criminal action unless the offended party expressly waives the civil action or decides to institute that separately, then the moment the prescription of the criminal action is made under Article 90 of the Revised Penal Code, no more civil action. That is precisely the reason why . . .

Senator TAÑADA. May I . . .

Senator GANZON. I just would like to complete my sentence, Your Honor.

Senator TAÑADA. Please. Go ahead.

Senator GANZON. That is the reason why the authors of this bill in the House of Representatives sought to reduce, as they did in fact reduce, the prescription of the criminal action for libel from 2 years to 1 year to coincide with Article 1147 of the Civil Code, under the very principle that when a criminal action is instituted, the civil action arising from the said offense is also impliedly instituted, subject, of course, to exceptions.

Senator TAÑADA. That is not the main reason. The main reason is really to shorten the period of the criminal action and, at the same time, synchronize. That is not the main reason.

Senator GANZON. So, we shorten and synchronize. What is the philosophy behind synchronization? The philosophy is about the institution of the criminal action impliedly joining the civil action, and we want to harmonize.

Senator TAÑADA. Not necessarily. Because as at present provided under our laws, the period of prescription in civil actions is different from the period of prescription in criminal action; and this can be different really. Now, the principle that Your Honor invokes regarding the Rules of Court to the effect that civil action goes with the criminal action when the criminal action is instituted is true where there are no different provisions of law in statute books. But in my humble opinion, Your Honor . . .

Senator GANZON. Yes. I am asking the question, Your Honor . . .

Senator TAÑADA. May I finish?

Senator GANZON. Please.

Senator TAÑADA. My humble opinion, Your Honor, is that with respect to oral defamation, the action there prescribes in six months.

Senator GANZON. Yes, Your Honor.

Senator TAÑADA. But it does not mean that the civil action, because of the existing provisions of the New Civil Code, prescribes in the same period. As long as we maintain the provision of the New Civil Code, it shall prescribe in one year.

Senator GANZON. Yes. Now, I am asking this question, Your Honor, at this stage in order to think of a possible amendment to the New Civil Code so as to harmonize the six-month period under Article 90 with the one-year period. I plan to introduce an amendment at the proper time and I thank the gentleman for opening my eye on this.

Senator TAÑADA. I will support that, Your Honor, because we should really synchronize matters.

Senator GANZON. Yes. Thank you very much.

Senator TAÑADA. Mr. President, if there are no more questions, the Committee has no Committee amendment to introduce.

The PRESIDENT. Any individual amendment? (*Silence.*) Now, is there any objection to the approval of the bill on second reading? (*Silence.*) The Chair hears none. The bill, House Bill No. 1037, is approved on second reading.

SUSPENSION OF THE SESSION

Senator ROY. Mr. President, I move for suspension of the session for one minute.

The PRESIDENT. Is there any objection? (*Silence.*) There being none, the session is suspended for one minute.

(*It was 7:42 p.m.*)

RESUMPTION OF THE SESSION

(*At 7:43 p.m., the session was resumed with Senator Francisco Soc Rodrigo presiding.*)

The PRESIDING OFFICER. The session is resumed.

Senator ROY. Mr. President, when the distinguished Senate President took the floor on the privilege hour this morning, the distinguished Minority Floor Leader expressed his desire to interpellate the Senate President. The privilege hour has already expired and I would, therefore, ask the consent of the Senate to allow the Senate President to take the floor so that he may be interpellated by the distinguished Minority Floor Leader.

The PRESIDING OFFICER. Is there any objection to the extension of the privilege hour?

(*Silence.*) There being none, the privilege hour is extended and the Senate President has the floor.

Senator TOLENTINO. Mr. President, as stated by the distinguished Majority Floor Leader, when we suspended session this morning your humble colleague was on the floor on the privilege hour and was about to be interpellated by the distinguished Minority Floor Leader.

Mr. President, may I state that although an extension of time for the privilege hour has been graciously given by the Senate, may I say that very soon we will enter into a discussion of the merits of the Aid-to-Vietnam Bill as reported out by the three committees. While I would not avoid any interpellation, as my colleagues in the Senate will perhaps know, I feel that we would be saving time if the questions which are perhaps related to the bill itself should be directed to the sponsors of the bill when the sponsorship comes. There may be simply duplication if I should be interpellated and then the same questions may be asked of the sponsors of the bill. Unless the distinguished Minority Floor Leader is insistent on proceeding with the interpellation and feels that he could ask questions of your humble colleague which he could not ask of the sponsors, maybe we will save the time of the Senate by having the questions propounded to the sponsors. At any rate, if questions are asked referring to the bill itself — its provisions — I always answer that I do not want to usurp the prerogatives of the sponsor because it is the sponsor that should answer those questions.

Senator PADILLA. Mr. President.

The PRESIDING OFFICER. The Minority Floor Leader.

Senator PADILLA. I was really going to propound questions on interpellation and a great portion of my questions would have dealt with the bill as reported out by the three committees as

distinguished from the Malacañang bill, because in the privileged speech of the distinguished Senate President, he stated that the Senate bill was different from the Malacañang bill. However, considering that the distinguished Senate President, on interpellations by the distinguished Senator from Nueva Ecija, made clear that he had delivered a privileged speech not intended to be a sponsorship speech of the Senate bill; and considering also that many of my questions can well be propounded to any of the three committee chairmen who, I understand, will speak as sponsor of the bill, I would have no objection to postponing my interpellation and directing them to any of the three sponsors.

Senator TOLENTINO. Thank you, Your Honor. In that case, Mr. President, I suppose that the extension of the privilege hour will automatically expire.

Senator PADILLA. No objection, Your Honor.

RESUMPTION OF CONSIDERATION OF
SENATE BILL NO. 374

Senator ROY. Mr. President, I move that we now resume consideration of Senate Bill No. 374.

The PRESIDING OFFICER. Resumption of consideration of Senate Bill No. 374 is now in order.

Senator ROY. Mr. President, I understand that we are now in the period of amendment. I ask that the Chairman of the Committee on Government Reorganization, Senator Ganzon, be recognized.

The PRESIDING OFFICER.. The gentleman from Iloilo has the floor.

Senator GANZON. Mr. President, the Committee would just propose one last Committee amendment — one more — prior to individual amendment. On page 5, line 17, delete the period and add the following sentence: