(Emiliano Morable, *The C.I.R. and Compulsory Arbitration,* 7 THE LAW REVIEW No. 2, at 106-112 (1956). ₱2.00 at U.S.T. College of Law, España, Manila. This issue also contains: Molina, *Do Schools Enjoy Freedom of Conscience?;* Arostegui, *Francisco De Vitoria and the United Nations.*)

LEGISLATION

FREEDOM OF THE PRESS — All the aspects of this subject have been so thoroughly discussed by legal luminaries, both local and foreign, in their various works, textbooks, and commentaries, that a further discussion on the subject is not necessary. This Comment is thus limited to the latest legislation regarding the freedom of the press.

R.A. No. 1477 was passed with the view of further implementing the constitutional guarantee of the freedom of the press. This Act, like R.A. No. 53, deals specifically with the right of publishers, editors and reporters to refuse to reveal the source of any information confided to them.

R.A. No. 1477 amends R.A. No. 53 by substituting the phrase "security of the state" in lieu of the phrase "interest of the state." Under R.A. No. 53, publishers, editors and reporters could be compelled to reveal the source of their information only when the courts, Congress, or any House or Senate committee finds that it is in the "interest of the state." Under R.A. No. 1477, they can be compelled only when the "security of the state" demands it.

It is interesting to note that the enactment of R.A. No. 1477 was prompted by incidents which led to the prosecution of newspapermen for contempt of court for refusing to reveal the source of their information. Both R.A. No. 1477 and R.A. No. 53, when introduced as House Bill No. 4601 and Senate Bill No. 6 respectively, provided for an absolute exemption — that newspapermen cannot be compelled to reveal the source of their information under any and all circumstances. Fortunately or unfortunately, however, both suffered amendments in the course of the proceedings for their enactment. An exception was incorporated both under R.A. No. 53 and R.A. No. 1477.

R.A. No. 1477 was introduced in the House of Representatives to make the exemption absolute. The proponent of the bill justified the granting of absolute exemption by stating that such absolute exemption was just as important for the unbridled freedom of the press as freedom from previous restraint or censorship and subsequent liability.

Going back to the amendment introduced by R.A. No. 1477, the question now is — What is the difference between "interest of the state" and "security of the state"?

Our Supreme Court had occasion to interpret the phrase "interest of the state" in the case of *In re Parazo,*[1] where it said:

[1] 45 O.G. 4382 (1948).

We do not attempt to define or fix the limits or scope of the phrase "interest of the state"; but we can say that the phrase cannot be confused and limited to the "security of the state" or to public safety alone.

. . .

The phrase "interest of the state" is quite broad and extensive. It is of course more general and broader than "security of the state." Although not as broad and comprehensive as "public interest," which may include most anything though of minor importance, but affecting the public, such as for instance, the establishment of barrio roads, etc., the phrase "interest of the state" even under a conservative interpretation, may and does include all cases and matters of national importance in which the whole state and nation, not only a branch or instrumentality thereof such as a province, city or town, or a part of the public, is interested or would be affected, such as the principal functions of Government, like administration of justice, scientific research, practice of law, or of medicine, impeachment of high Government officials, treaties with other nations, integrity of the three coordinate branches of the Government, their relations to each other, and the discharge of their functions, etc.

Under this interpretation, the Court held Angel Parazo guilty of contempt of court for refusing to reveal the source of his information regarding an article published in one of the local dailies about an alleged leakage in the 1948 Bar Examinations.

In the case of *People v. Castelo*,[2] the question again came up. A news report of an alleged "Extortion Try" by the Hon. Judge Rilloraza of the Pasay Court of First Instance for the acquittal of former Justice and National Defense Secretary Oscar Castelo was published in one of our local newspapers. The persons responsible for said report were required by Judge Rilloraza to reveal the source of their information but they refused. The judge then cited them and later found them guilty of contempt of court. The case was appealed to the Supreme Court and pending appeal, R.A. No. 1477 was enacted.

Because of this, the Supreme Court in its resolution of August 29, 1956, said:

In view of the approval on June 15, 1956, of Rep. Act No. 1477, amending section 1, Rep. Act No. 53, which provided that the publisher, editor, or duly accredited reporter of any newspaper, magazine, or periodical of general circulation could not be compelled to reveal the source of any information appearing in the publication confided or related in confidence to such publisher, editor or reporter, unless the Court finds that such revelation be demanded by the interest of the state, in the sense that, unless the Court finds that the revelation be demanded by the security of the state, there can be no such compulsion; and it appearing that the security of the state does not demand the revelation of the information involved in the contempt proceedings brought in the court below; and that the amendatory Act being favorable to the persons charged with contempt in the court below should be applied retroactively, the petitioners for writ of habeas corpus in G.R. No. L-10031, *Jose D. Aspiras*, *et. al. vs. Warden of the Pasay City Jail*, are held not guilty of contempt under the provisions of Rep. Act No. 53 as amended by Rep. Act No. 1477, and the judgment rendered in the contempt proceedings brought against them in the court below is set aside.

[2] (CFI) Rizal Br. 3 Crim. No. 3023-p, March 31, 1955, *appeal docketed* No. 10774, S. Ct.

The court, however, failed to state the scope of the phrase "security of the state."

During the proceedings of House Bill No. 4601 (which later became R.A. No. 1477) in the House of Representatives, the sponsor of the bill defined the meaning of "security of the state" as:

Security of the state means military and economic security.

Economic as well as military security must mean that safety without which there is a collapse of the state, and the danger of collapse must be present, clear, immediate, and direct. In these and in these cases alone where the security of the state is involved, inquiry into the sources of the information may be made.[3]

And by way of reference, this definition of the phrase, as found in the *Encyclopedia Britannica*,[4] was also incorporated into the Congressional Record:[5]

Security of the state is equivalent to national security which in turn means the security of a nation from the danger of subjugation by external power, from the danger or peril of destruction as a moral and political entity. It is the same safety of a country's vital rights and interests in its international relations, and as a member of the family of nations, which the citizen of any well organized national community enjoys in his personal relationships.

Because the modern nation-state is viewed as the chief carrier and protector of the individual's basic values, security came to be associated with the survival of one's own nation-state. Since the territorial integrity of the homeland furnishes the most obvious test of its capacity to survive, security also came to be synonymous with national defense.

From the foregoing discussion, it can be gleaned that the representatives of the Filipino people, although constantly conscious of any restriction which might unduly hamper the freedom of the press, were likewise cognizant of the fact that the freedom must not be allowed to deteriorate into a license. Thus they have always deemed it wise and proper to provide reasonable restrictions on the freedom.

[R.A. NO. 1477]

AN ACT

AMENDING SECTION ONE OF REPUBLIC ACT NUMBERED FIFTY-THREE, ENTITLED "AN ACT TO EXEMPT THE PUBLISHER,

[3] 3 H. CONG. REC. 993 (1956).
[4] 20 ENCYCLOPEDIA BRITANNICA 265.
[5] 3 H. CONG. REC. 993 (1956).

EDITOR, COLUMNIST OR REPORTER OF ANY PUBLICATION FROM REVEALING THE SOURCE OF PUBLISHED NEWS OR INFORMATION OBTAINED IN CONFIDENCE."

SECTION 1. Section 1 of Republic Act No. 53 is amended to read as follows:

"SECTION 1. Wtihout prejudice to his liability under the civil and criminal laws, the publisher, editor, columnist or duly accredited reporter of any newspaper, magazine or periodical of general circulation cannot be compelled to reveal the source of any news-report or information appearing in said publication which was related in confidence to such publisher, editor or reporter unless the court or a House or committee of Congress finds that such revelation is demanded by the security of the State."

SEC. 2. This Act shall take effect upon its approval.

Approved, June 15, 1956.

CASE DIGEST

SUPREME COURT

CIVIL LAW — NATURALIZATION — WHERE A CHARACTER WITNESS DIES SHORTLY BEFORE THE HEARING AND THE SUBSTITUTE IS WELL-KNOWN AND COMPETENT, THERE IS SUBSTANTIAL COMPLIANCE. — Raymundo Pe and Fortunato Pe filed separate petitions for naturalization in the Antique Court. Attached to each petition were the affidavits of the same two character witnesses, Panlilio Chua and Gerardo Agravante. After due publication of the notices and a joint hearing, the trial court found that both brothers possessed all the qualifications and none of the disqualifications for naturalization and granted the two petitions. The Provincial Fiscal appealed, on the ground that at the hearing, only one of the character witnesses testified for the applicants. In place of Panlilio Chua, one of the character witnesses whose affidavit was attached to the two petitions, Provincial Governor Calixto Zaldivar of Antique testified for the applicants. The Fiscal contends that the affidavits of the character witnesses form part of the application and that to substitute witnesses would be amending the application and depriving the government of the opportunity to check up on the new witnesses, find out their background and determine their competence to vouch for the good character of the applicants. *Held*, we realize that in previous naturalization cases, this Court has held that the two character witnesses required by law, whose affidavits should be attached to the application for naturalization, must be presented to testify at the trial, unless there is some valid reason why they or anyone of them could not testify, and in case of a justified change or substitution, the new witness or witnesses must be competent. In the present case, the reason why character witness Panlilio Chua could not testify at the hearing was because he died shortly before said hearing. That certainly was a valid excuse. The government could not well allege that it had no time to check up on the new or substitute witness so as to determine his background and his opportunity to know the applicants and his competency as a witness because as already stated, he was the Provincial Governor of the province, well known, and whose competency and background could not be doubted. PE *v.* REPUBLIC, G.R. No. L-7872, July 20, 1956.

CIVIL LAW — PERSONS — AN ILLEGITIMATE CHILD MAY BRING AN ACTION TO ESTABLISH HIS STATUS AS SUCH. — Plaintiff brought an action seeking a declaratory judgment on his hereditary rights in the property of his alleged father and incidentally the recognition of his status as an illegitimate son. Defendants, instead of answering the complaint, filed a motion to dismiss which was granted. The reason given was that an action for declaratory relief is proper only when a person is interested "under a deed, will, contract or other written instrument, or whose rights are affected by a statute or ordinance" in order to determine any question of construction or validity arising