Freedom of Speech: Criticism of Public Officials, Public Figures and Judges

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This Note aims to delineate the proper boundaries between allowable criticisms of public men and those which are punishable under the law. Involved are the right of freedom of speech and the rights to privacy, accurate information, and the orderly administration of justice. The Note also touches upon the standards for liability that govern criticisms of public officials, public figures, and judges.

The Author first discusses the freedom of speech as a core value. The discussion includes jurisprudence, rationale of the right, and limitations to such. Freedom of speech under the 1987 Constitution is also touched upon. The Note also provides a discussion of the different statutory limitations to the right including seditious speech and libel. Then, public officials are defined including the scope of allowable criticisms to such. Accordingly, a discussion on the "actual malice standard" for libel committed against public officials is given. Important to the discussion is also the definition of the coverage of official conduct of public officials. The Author then proceeds to tackle public figures and some cases that involve the plaintiff's status as basis in cases of libel. These discussions are then applied in Philippine jurisprudence wherein the right to privacy is intricately tied to a freedom of speech especially when it comes to public figures and officials. A whole chapter is dedicated to the contempt powers of the court, where the judiciary is treated as a class separate from public officials. The judiciary enjoys potent power not possessed by other public officials insofar as retaliation for unfair criticism is concerned. This power is the power to cite a person in contempt of court. The Note then discusses the procedure for contempt and some criticism on the exercise of such power. This power is then dissected by the Note vis-à-vis the test for reasonable classification. The Note ends with some suggested remedies namely: the adoption of a right of reply and vigilance.