

Observations on Philippine Media Law: Newsgathering and the Right to Information

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51 ATENEO L.J. 132 (2006)

SUBJECT(S): CONSTITUTIONAL LAW

*KEYWORD(S): MEDIA LAW, BILL OF RIGHTS, RIGHT TO INFORMATION,
JOURNALISM, NEWSGATHERING*

Media Law in the Philippines and its development with respect to a “right to information” has become a curious case requiring a legal analysis. In line with this, the following points are thus discussed: first, the history of the freedom of expression in Philippine Law, second, the freedom of expression, and third, the freedom of speech and the press and its three tests: clear and present danger, dangerous tendency, and balancing of interests.

A further analysis of the freedom of the press versus the right to privacy by discussing investigative journalism in the Philippines and the different branches of invasion of privacy, namely, putting the plaintiff in a false light, the intrusion on plaintiff’s physical solitude, and publication of embarrassing private facts, becomes significant with respect to personal rights. A definition of intrusive newsgathering is given, as well as a discussion of the assertion of the Bill of Rights, specifically how restrictions on the Bill of Rights are directed against the State and how it does not govern relations between private persons.

Therefore, it is submitted that constitutionally-enshrined freedoms are not absolute. The countervailing right to press freedom and rights of an individual are not envisioned as favoring trial by publicity, wherein featured subjects are immediately convicted by the bar of public opinion. Media practitioners cannot trivialize individual’s rights for the sake of getting the news.