

# **Philippines and the right to inform: TV, newspaper journalists join Rappler petition vs Duterte coverage ban**

Monday 13 May 2019, by [BUAN Lian](#), [Rappler.com](#) (Date first published: 30 April 2019).

**(UPDATED) At least 41 journalists from different media organizations intervene in a Supreme Court petition to end President Rodrigo Duterte’s coverage ban against Rappler.**

MANILA, Philippines (UPDATED) – Journalists from competing news outfits showed solidarity on Tuesday, April 30, as 41 reporters, columnists, and anchors from different media organizations filed a petition for intervention asking the Supreme Court (SC) to end President Rodrigo Duterte’s coverage ban against Rappler and its reporters and correspondents.

The petition for intervention asks the SC to hold oral arguments. The journalists first need to seek SC permission to intervene through a motion for leave, in which they have to defend their legal standing to join the petition.

Prepared by former SC spokesman and human rights lawyer Ted Te of the Free Legal Assistance Group, the petition for intervention argues that Duterte’s ban can extend to the 41 journalists, or any journalist for that matter, should their content be regarded as “fake news” by the President or Malacañang.

Among those who signed the petition for intervention are ABS-CBN News Channel (ANC) anchor Tina Monzon-Palma; Solita “Winnie” Monsod, currently a presenter for GMA News and Public Affairs and columnist of the Philippine Daily Inquirer; Lourd de Veyra, currently a presenter for One News; Inquirer columnist John Nery, former editor-in-chief of Inquirer.net; and Melinda de Jesus, Vergel Santos, and Luis Teodoro of the Center for Media Freedom and Responsibility.

Dozens of other journalists from both television and print outfits also signed, including current and former members of the Malacañang Press Corps and young reporters covering the metro and police beats.

## **Legal standing**

“The ban articulated by the President in his March 1, 2018, speech is already in place and it extends not only to Rappler and to its reporters and staff but also to any journalist who would write or broadcast anything that the President deems to be ‘fake news,’” said the petition.

Duterte’s ban against Rappler started on February 20, 2018, when the Presidential Security Group barred Rappler reporter Pia Ranada from entering Malacañang. Now in effect for 14 months, the ban has extended to all public events where Duterte is present and covers all Rappler reporters and correspondents.

Since February 2018, there have been 8 other instances where Rappler reporters, aside from

Ranada, were kicked out of coverages [1], the most recent being the prohibition against Rappler reporter Sofia Tomacruz from covering the April 23 “End Tuberculosis” event of the Department of Health. Duterte was in attendance [2].

Further explaining the petition, Te said: “The fact that there are reporters who are afraid, who are hesitant, who doubt when they write or report, that’s already the essence of the chill. It is prior restraint, and prior restraint is always constitutionally impermissible.”

The petition pointed out to the SC that Duterte and Malacañang had provided different reasons for the ban, showing that the President was merely acting on “caprice and whim” which, the petition said, “by any standard [is] constitutive of grave abuse of discretion.”

“As journalists and/or broadcasters, petitioners-in-intervention are clearly entitled to the Freedom of the Press under Section 4, Article III of the 1987 Constitution. The guarantee prohibits any law from being passed that ‘abridges’ press freedom. In the same vein, it also prohibits overbearing and over expansive exercise of executive power that trenches on press freedom,” said the petition.

### **‘Timely’**

Te said the petition for intervention is “timely” given the Duterte administration’s hostility towards the press.

“It’s been a year since the ban but I think if you trace the evolution of the ban, what’s difficult is that the ban was not written, it depends what President Duterte says. That’s what’s difficult. It appears to evolve, it appears to change every time there’s a speech.... I think it should be time that the Court rules on it,” Te said.

The main petition, a petition for certiorari [3], was filed by Ranada and 7 other Rappler reporters and correspondents on April 11.

A significant press freedom test case under the Duterte administration, Rappler argues that the coverage ban is a violation of the constitutional guarantees of a free press, free speech, equal protection, and due process.

Both the main petition and the petition for intervention argue that the ban constitutes prior restraint, which the SC has repeatedly disallowed for abridging freedom of expression.

“It must be noted that the President is not without legal recourse against false or malicious reporting or broadcasts. The law provides ample remedies against this. Judicial notice may be taken of a former president who availed herself of precisely such a remedy. Thus, personal displeasure at news reporting does not justify a wholesale ban against coverage,” said the petition.

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• Rappler.com. Published 11:51 AM, April 30, 2019. Updated 3:26 PM, May 05, 2019:  
<https://www.rappler.com/nation/229299-petition-intervention-rappler-duterte-coverage-ban-malacanang?utm>

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## **STATEMENT: With Rappler ban, Duterte also violates public right to know**

**This case is not just about Rappler. It is about every journalist's mandate to cover the Office of the President and scrutinize the tremendous power it holds without prior restraint or threat of punishment.**

Today, April 11, we went to the court of last resort, the Supreme Court, to question an unlawful and unjust order to ban our reporters from covering President Rodrigo Duterte.

This case is not just about Rappler. It is about every journalist's mandate to cover without prior restraint or threat of punishment the Office of the President and scrutinize the tremendous power it holds. [4]

It is about the freedom of the press, which is what our fellow journalists fight for every single day - in and out of their newsrooms.

It is about the public we all serve and who are served best when the media are able to freely provide them with information, however critical it may be of government.

The Philippine Constitution is clear: "No law shall be passed abridging the freedom of speech, of expression, or of the press."

Yet it has been 14 months since the President has barred us from covering him anywhere he goes [5]. He has not issued any written order but only a verbal command that, because he thought we peddle "fake news" and lies, no Rappler staffer should get anywhere near him.

During that period, we repeatedly appealed to Malacañang for reconsideration and even went to the extent of asking him personally in January 2019, through our Malacañang reporter Pia Ranada Robles, to lift the ban.

That ban has not only stayed, it has extended to our coverage of campaign sorties of administration candidates where the President is a guest.

We trust that the highest court of the land will see the ban for what it is: a violation by the executive branch of a fundamental right that the Constitution guarantees a free press.

### **Rappler.com**

- Rappler.com, Published 4:28 PM, April 11, 2019. Updated 9:40 PM, April 11, 2019:  
<https://www.rappler.com/about-rappler/about-us/227910-statement-malacanang-ban-reporters-covering-duterte>

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### **Footnotes**

[1] <https://www.rappler.com/nation/226601-malacanang-orders-cagayan-de-oro-correspondent-kicked-out-pdp-laban-rally>

[2] <https://www.rappler.com/nation/228739-malacanang-bans-reporter-tuberculosis-event-april-20>

[3] <https://www.rappler.com/nation/227927-rappler-asks-supreme-court-end-duterte-coverage-ban>

[4] READ: Rappler asks Supreme Court to end Duterte coverage ban:

<https://www.rappler.com/nation/227927-rappler-asks-supreme-court-end-duterte-coverage-ban>

[5] <https://www.rappler.com/nation/197537-duterte-ban-rappler-expands-beyond-malacanang>