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Responsible Reporting And Journalistic Autonomy

By

Dean Armando Malay
RESPONSIBLE REPORTING AND JOURNALISTIC AUTONOMY

By: Dean Armando Malay

The way the topic above is framed, it is as if it is an either or proposition. Should press freedom be maintained at the expense of responsibility? Should responsibility have primacy over freedom? I do not think this is the case, because between responsibility and freedom, although we use the term "journalistic autonomy", actually we need freedom to write what we believe should be written but against that is the question of how far can we go in writing. This is an old, old topic and it always comes up. And to me, if it is in absolute terms and is a choice between one or the other, I will choose freedom. Including irresponsibility if that is the price we have to pay for freedom.

Romulo, one time, engaged a lot of people when he said that the third world cannot afford the luxury of press freedom. I remember we were quite angry about that because he seems to say that there are some countries which should enjoy press freedom but there are other countries - and he specified third world countries - which cannot afford that luxury. It is a contradiction. In the same manner that Abraham Lincoln once said that you cannot be half slave and half free, there is no such thing as one hundred percent press freedom for developed countries like the United States and Great Britain and restrictions to press freedom in a developing country.

However, the two should not be put on an either or situation. We can have freedom and we can have freedom with responsibility.

The sacredness of press freedom is such that almost all countries, in their constitutions, say that press freedom should not be abridged. We got our Constitutional provision from the Americans which says "No law shall be passed abridging press freedom". I think this is also in the American Constitution. This means that anything that would substract from that press freedom should be declared unconstitutional. Now, does this mean that we could go berserk? Does that mean that we can run amok and write whatever we want?

There are laws in the penal code and I think this is true all over the world, which says that specific transgressions by the press are punishable. In the Philippines, of course, we have the law on libel. Press freedom does not give anybody the license to malign anybody or write about anybody maliciously with untrue things which could result in
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public ridicule. This has been there. I think even in the old Spanish laws, we have this law on libel. You can not just call somebody a good without any proof. A public official - and this is the trend today in world jurisprudence - are sitting ducks when it comes to libel. There are very few public officials who can win a libel suit. This is especially so if the case involved is, for example, an article about his performance on his job. This becomes so even in regards to matters about his private life especially when he is still in office or even when he is no longer in office. Even a public figure who has already ceased being a public official is still subject to a lot of stories, articles and books. Even ex-presidents - they do not usually go to court saying they had been libelled because since they are no longer presidents, they should be immune from adverse publicity. The courts all over the world have tended to expand the meaning of press freedom so that a public official is described as a "fish in a crystal bowl" who has no private life to speak of. And if he has a second wife or if he beats his servants, he can not say that that is his private affair. Because the very fact that he is a public official presumes him to be very law abiding. As such, he is supposed to be more careful than the private individual.

So, this shows that freedom and responsibility can not be one hundred per cent on the part of media people. There is the law on libel which one must answer to. But fortunately in the Philippines, there are very few libel cases and in regards to cases filed in court, the courts have been very liberal and they have acquitted a lot of journalists even if the statements are really libelous on the ground that this is a risk which a public official has to take; that their lives should be subject to scrutiny and even exposure. So, there is already one limit to what we call the freedom of the press to publish anything.

Number two is obscenity. Obscenity is still in our statutes. You can not be very obscene although again, in films, in books and in articles, this appears to have already been relaxed.

There was a time when newspapers could not use ... words. When they had to use the word "damned", they just put "d". Sexual organs could never be described by their real terms. Now, I see the word "penis" all the time in publications. So that obscenity or such words are already getting
to be accepted. Movies are also ... and as Dr. Tiongson said, frontal nudity is allowed in many countries. Not here yet. Even the word "penetration" - I hesitate to use that word here if this were 1930 or 1920. In other words, if a man has a penis, why can't we say he has a penis?

There is a third one and this is causing more problems than obscenity or libel and this is the "inciting to rebellion". Most countries have this in their penal codes. It says that anything that you write which incites people to sedition is a criminal offense. If we are going to apply that very, very strictly the way the Americans did it during the American occupation when they were imprisoning playwrights and actors for dressing in a katipunero uniform or waving a Katipunan flag, then there will be problems. This was done. And if you, as journalists, would go after the history of press freedom in the country especially during the American regime when the Americans wanted to put down the spirit of revolt, when they arrested anybody who wanted independence... This is all part of what we went through. They tried to impose this and we are still suffering from that colonial mentality. In those days, the pictures in our classrooms were those of George Washington and Abraham Lincoln. We did not see a picture of Rizal or Bonifacio. They were not allowed in textbooks; they were not allowed in the classroom. So, we begun thinking that the greatest man on earth was George Washington.

That was history. But this "inciting to sedition" was used by Marcos to impose martial law.

When I was arrested because of the "We Forum" case, there were no specific crimes attributed to each one. And so, I asked Fiscal Apostol what was the civil case against me. I was not the one who wrote about the medals of Mr. Marcos. And the Fiscal said: You sent an article from Europe which intended to show that the government of Mr. Marcos was salvaging a lot of people. Well, I was just quoting an Amnesty International report reporting that the Philippines was one of the countries where political disappearances were increasing... I knew that such type of a story, even if carried by the Associated press or the United Press International would not be published in any Philippine paper. But I wrote it in my column and I said "Here is a dispatch from somewhere in Holland and I reproduced just one paragraph. For that, I was one of those picked up because we tended to destabilize the government. So, you can see that destabilization of government is a very big term. And I told the fiscal before I left: I don't have to write an article for the people to hate Mr. Marcos. I think they hate him already without me putting my two cents worth.
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I was just trying to point out that while press freedom is guaranteed in many countries but there are penal limits which are in the form of statutes. However, while these are the only legal limits to press freedom, there is an even greater limit and that is our sense of responsibility. And this is now a matter of personal choice. In other words, you can go berserk provided you do not get charged of libel, obscenity etc. But should you do it simply because you want to prove that you have freedom? This is where your sense of responsibility comes in. And I maintain that we can have press freedom with responsibility if only we are ready to ponder and not to try to show that because we have freedom, we can do anything!

How do we do this? The best form is not to pass new laws but for journalists to enforce self-policing. Self-policing is more effective than outright rules and regulations, when they are done by government, are certain to be violated. What is more effective is for every journalist to have a sense of responsibility. And if he is writing on something he is not sure about, he is not diminishing his freedom by having a second look. Therefore, the matter of exercising press freedom or journalistic autonomy, is really a matter of integrity and sense of responsibility of the journalist.

In many countries, instead of having penal clauses in their penal codes to punish journalists, they are now relying on the press policing bodies like the Press Council. England has it, Sweden has it. The industry itself puts up a body, usually a mixed body of publishers, editors and the public. In the Philippines, we had a Press Council and we have asked retired justices of well-known probity to head this. And this press council periodically meets to find out whether there had been lapses in reporting to which attention should be called. It has no penal powers. It cannot send a newspaperman to jail. But it can force a newspaperman to appear before it to explain. In other words, by force of its position and standing in the community, it can ask the newspapermen why they did this and that. This was quite successful!

Before, there was the Business Writers Association of the Philippines. It was a group of business writers who formed an association and every year, they would give awards. So, there was the "Manufacturer of the year" and later began to add more: "Battery-maker of the Year", "Furniture Maker of the Year" etc... In the beginning, this was quite well. But later on, we learned - and this is where the so-called "envelopmental journalism" comes on - that the awards were being sold. Therefore, a manufacturer of a poor quality toyo would get the title "Manufacturer of the year" if he places an ad in a brochure and probably give an envelope to the members of the
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Business Writers Association. We could not have learned about this were it not for a member of the association writing about it in his column. We summoned two or three of these people, were able to get some admissions and they had to stop it. So you see, by having this body, we were able to stop a racket which could have continued flourishing if it was not stopped on time.

This is the way the press council works. But the press Council was a casualty of martial law because most of the members of the press Council were incarcerated. Chino Roces was one of them. So, they decided to give up the idea at least during the duration. Now, they are trying to revive it but who will head it is a big problem. Mr. Roces is now the publisher of the Chronicle and maybe, he does not want to head it when there is now a great rivalry between newspaper groups.

In addition to the Press Council, we had the so-called Press Institute. We had seminars like this. That is why, I told you, Dr. Quebral and I had been debating for a long, long time, on questions like development journalism because we held seminars in the city and in the provinces precisely on ethics. In other words, the way journalist would be gathering their stories - the correct way and the unethical ways etc... Juan Mercado used to head this Press Institute and I was a lecturer in most of these seminars.

So, these are the things which we can do and which we should do. We do not want the government to come in. Because there are now complaints against the press. And there is some truth to the assertion that there is irresponsibility getting into the media today. I do not know if you agree with me but with the euphoria of restored press freedom, there is a tendency to abuse. I am not the only one detecting this return to a certain state of irresponsible reporting that is coming out in the press. You will notice that many newspapers today shoot for the kill and then later on, they are forced to admit that they made a mistake. Then, instead of saying "We stand corrected", they say "We clarify the situation".

So much depends on our sense of integrity because freedom is a very... in other words, it is like being deprived of wine or liquor for a long time and then, you have the freedom to have it again and you are liable to really go berserk. But I think that later, responsibility will come back to the Philippine media and I think, we should be examples for others. Maybe, there are members of your staff or co-workers whom you think are doing some hanky-punky. I think you can tell them, look! The whole profession is the one being injured by this. Now, the explanation for this is the same as the usual explanation of why policemen are corrupt or why government clerks do not work well: that they are not being paid well. But I
think this argument is not justifiable. Because, as I tell my students in journalism, if you are for a luxurious life, if you want to eat tenderloin steak everyday, have a sports car or have a beautiful house through journalism, don't do it. You can not have it the honest way. I am not saying you will be poor. Journalists are not as poor as a manual worker or even as a teacher. But the salary given to us is not enough to make us indulge in luxury. But as long as we keep our noses clean, we can always tell our children, our families that while you did not make much money out of journalism, you manage to support a family decently and I lived up to the highest standards of journalism and I think this is reward enough because journalism is more of a mission rather than a profession like accounting or maybe business.

So I would like to end on that note. I hope that young people like you will really bring back to journalism the luster and the glory that, I think it deserves. And I hope that journalism will always be the noble profession that we know it is.