

**Paper No. 7**

# The State of Media Ethics in the Philippines

(Speech delivered by Isagani Yambot, publisher of the Philippine Daily Inquirer, at the AMIC Seminar on Media Ethics in Kuala Lumpur, Sept. 11-13, 2000)

## Introduction

I will plunge right away into my topic because Joema Carlos said I should limit my speech to 25 minutes but he gave me a long list of topics that looks more like an outline for a book than for a short speech.

**Case No. 1**—In September 1996 the Philippine Daily Inquirer ran a three-part series that included a question-and-answer interview with an 11-year-old girl who had filed a complaint for rape against Rep. Romeo Jalosjos. The interview contained some graphic descriptions of sexual acts, including cunnilingus done by the congressman on the girl.

Some readers reacted strongly, saying that the Inquirer should not have run such graphic descriptions of sex. The editors said they used the detailed, graphic descriptions because they wanted to show that the accused congressman was a depraved man who took advantage of a young girl. They said that in the system of justice in the Philippines that is skewed in favor of the rich and the influential, something had to be done to give the girl a fighting chance against the congressman in the courts.

The congressman was convicted of statutory rape and is now serving his sentence in prison. While in prison he ran for reelection and won.

**Case No. 2** —Another congressman figured in this case. The former girlfriend of Rep. Romeo Candazo alleged that he was the father of her 13-year-old daughter. We ran a photo of the girl together with the congressman—a photo taken “during happier times.” We pixelized the face of the girl and put a black bar over her eyes to prevent identification.

We thought we had done the right thing until our readers’ advocate called our attention to the photo and said it should not have been used at all. He said a law prohibits the identification of a minor in cases involving custody, adoption, filiation, child abuse and recognition.

**Case No. 3**—Last June 2 we ran on the front page of the Inquirer a color photo of government soldiers exulting after seizing a camp of the Moro Islamic Liberation Front in Camp Bushra in Mindanao. The photo showed some soldiers waving the Philippine flag in front of a bombed-out mosque. The cutlines (caption) read: “Government troops rejoice in front of a bombed-out mosque at the MILF’s Camp Bushra which they overran Monday.”

Several readers wrote to us, saying that what we did showed a lack of regard for the sensibilities of the Muslims and that it would further increase the hostility between Christians and Muslims in the country.

The editors said it was a newsworthy photo. They added that they would have also ran the photo even if it had been one showing Moro rebels exulting after taking over a government camp and planting the MILF flag on a Christian church.

In these three cases the editors dealt with questions of ethics and applied their standards and norms in arriving at answers.

## **I. What is ethics?**

Let's define our terms. What is ethics? Ethics is the moral principles that govern a person's behavior or conduct of an activity.

Ethics is also the discipline that deals with what is good or bad or right or wrong, or with moral duty and obligation.

In Greek philosophical tradition ethos stood for the systematic study of the principles that should underlie behavior.

Media ethics consists of the moral principles that govern the behavior of people engaged in mass media or the conduct of mass communication.

## **II. The scope of media ethics**

Media ethics covers all the official and professional activities of media people, from the gathering of the news to the writing and editing of news stories. This broad term thus covers, among other things,

1. The conflict between the Editorial culture and the Business culture
2. Conflicts of interest, including secondary employment, political involvement and the holding of public office
3. The seduction and corruption of the media, including such things as bribes, freebies, junkets, perks and sidelines
4. Reporters and their sources
5. Truthtelling; deception and misrepresentation
6. Fakery, including plagiarism and quote tampering
7. The use of dubious methods to get stories
8. Questions of taste
9. Invasion of privacy
10. Government secrecy and access to information

11. A dispassionate or a compassionate approach to the gathering and presentation of facts?
12. Responsibility and accountability to the public
13. Social justice, including the reporting of the concerns of the minorities, the poor and the disfranchised
14. Violence in the media, including, for instance, the question: Does violence in the media help promote a culture of violence? And if it does, should it then be censored?
15. Entertainment: should the entertainment media be put to the test of ethical reasoning?

### III. Self-regulation v. statutory regulation

The media in the Philippines regulate themselves. This was not the case during the martial law regime of President Ferdinand E. Marcos. The government and government-controlled mechanisms during the martial law regime were:

- The Department of Public Information
- The Media Advisory Council
- The Mass Media Council
- The Broadcast Media Council
- The Kapisanan ng mga Brodkaster ng Pilipinas (The Association of Broadcasters of the Philippines)
- The Publishers Association of the Philippines Inc.
- The National Press Club, especially under the presidency of Primitivo Mijares, then a close adviser and speech writer of Marcos. Mijares was later said to have been killed by Marcos' agents after he wrote the book ``Conjugal Dictatorship.''

The Malacanang Palace issued ``guidelines'' which prompted journalists to resort to some form of self-censorship. The military also gave guidelines on the writing of sensitive stories.

Now that democracy has been restored in the Philippines, the media enjoy freedom of the press, but there are limitations on this freedom. It is limited by the laws on:

- Libel
- Obscenity
- The right to privacy
- National security
- Inciting to sedition
- Offenses against decency and good taste
- The sub judice rule—contempt of court

#### IV. How the media regulate themselves

What are the regulatory or self-policing bodies of the media? On the industry level, there are the Philippine Press Council of the Philippine Press Institute, the ethics committee of the National Press Club and the Standards Authority of the KBP or broadcasters' association.

Individual newspapers and broadcast networks have readers' advocates or ombudsmen, senior editors who act as ombudsmen and permanent or ad hoc investigating bodies.

The Inquirer is the only newspaper with a readers' advocate. The Philippine Star used to have an ombudsman but after he died no successor was appointed. A senior editor now acts as ombudsman.

In five broadsheets the editor in chief is also the ombudsman; in two, it is the executive editor; and in one it is the managing editor.

ABS-CBN Channel 2, the biggest television network, has an ombudsman. In other TV networks, it is the vice president for news and public affairs; the news manager together with the programming committee; the legal department; or the board of directors which acts as the ombudsman.

In April this year the Philippine Daily Inquirer appointed a lawyer and former columnist, Raul Palabrica, to the position of readers' advocate. He succeeded Alice Colet Villadolid, a journalist and journalism professor, who resigned to devote her time to the National Commission for Culture and the Arts.

The readers' advocate represents the readers on matters that relate to their complaints about unfair and inaccurate news and photos. He listens to and addresses readers' comments and makes sure that they are heard by the editors.

He asks the editors to publish an erratum or correction of errors or even an apology, if called for. He may also recommend the imposition of disciplinary action on an erring journalist if called for by the circumstances.

The Philippine Press Council was organized by the Philippine Press Institute, the national organization of newspapers, to protect and promote the right of reply of news subjects. The council was formed in the late 1980s to act on readers' complaints. After a period of inactivity caused by a controversy over a case involving two lady senators, the Philippine Press Council was revived about five years ago. It is composed of managing editors and other senior editors of the member-dailies of the Philippine Press Institute.

Recently there were moves to expand the membership and scope of the Philippine Press Council but so far nothing definite has come out of the proposals.

## V. "Public interest" as a justification for overriding ethical constraints

Does the public in all instances have a "right to know"? Is "public interest" a justification that can override ethical constraints?

To these two questions we answer yes, if the person in the news is a public official performing his public duties, or when his private life affects his public duties. Our answer is also yes if the news personality is a public figure. A public figure is a person in a position of power—whether it be political, economic or social power.

Another definition of public figure is this: A public figure is a person of widespread fame or notoriety or a person who has injected himself/herself into the debate of a controversial public issue for the purpose of affecting its outcome.

Public figures are people who need "the oxygen of publicity" to survive and who have the potential ability to take advantage and make use of their positions to advance their own interests.

Because the acts of public officials and public figures could have great impact on the public, public interest becomes a justification in overriding the ethical constraint, for instance, that guarantees the privacy of individuals.

The Press Complaints Commission of Great Britain says publication is justified in cases that include "detecting of a serious crime or misdemeanor...protecting public health and safety [and] preventing the public from being misled by some statement or action of an individual or organisation."

## VI. The content of media ethics

Media ethics covers such things as accuracy and fairness in reporting; the protection of individual privacy; sensitivity in the reporting of cases involving grief and shock; preserving the anonymity of certain vulnerable people such as children, rape victims, innocent relatives of criminals; avoidance of intimidation or persistent pursuit in the quest to obtain information; the responsible use of technology in the gathering of information and the seduction and corruption of the media.

### 1. Accuracy in reporting

Accuracy in reporting is one of the cardinal rules in journalism. Joseph Pulitzer, a giant in American journalism after whom the Pulitzer Prizes were named, said that newsmen should always remember three words, and these are "accuracy, accuracy, accuracy."

Most news organizations have written or unwritten rules on accuracy. The very first section in the Inquirer Manual of Editorial Policies, after the Mission and Vision Statement and the Basic Statement of Policy, is the section on accuracy.

The section includes subsections on :

1. How to ensure the accuracy of a story which includes material on direct observation, authoritative sources, attribution and the two-source rule.
2. Accuracy in spelling names
3. Accuracy in the use of words, or precision of language.
4. Accuracy in writing photo cutlines or captions and headlines
5. "Defensive" note-taking, tape recording and documentation
6. Correction of errors

When the accuracy of a story is challenged by a news source or a person affected by the story, the Inquirer will stand by the story only if the reporter has a tape-recording or notes on the press conference or interview in which the disputed material was obtained.

Most news organizations also have rules on fairness and objectivity. In the Inquirer we have a section on fairness and objectivity in our Manual of Editorial Policies.

## **2. Fairness--**

This is what the Inquirer Manual of Editorial Policies says in part about fairness:

Newspaper reports should not only be accurate; they should also be as balanced and as fair as possible. Reporters writing about controversial cases or issues have the obligation to present all the significant viewpoints fairly and fully.

If there are two or more sides to an issue or controversy, all these viewpoints should be presented.

If a story contains information or charges derogatory to or critical of a person, he or she should be given an opportunity to react to them in the same story.

## **3. Protection of privacy**

The privacy of persons is protected and guaranteed both by laws and journalists' code of ethics or canons of taste.

Laws—The laws which protect privacy are:

--The Constitution, Section 2 of the Bill of Rights (Article III) which guarantees people against unreasonable searches and seizures and Section 3 which protects the privacy of communication and correspondence.

--Article 26, Chapter 2 of the Civil Code which commands every person to respect the privacy and peace of mind of his neighbors and other persons.

Here is what the Inquirer's Canons of Taste for Journalists says about privacy:

Journalists should respect the right of the individual to privacy and human dignity, in conformity with the provisions of international and national laws concerning the protection of the rights and reputation of others, prohibiting libel, calumny, slander and defamation.

The media can invade people's privacy in four ways:

1. By intruding into their private lives. Intrusion often involves some type of physical surveillance: the use of tape recorders, wire taps, telephoto lenses and electronic eavesdropping devices to spy on individuals in private places, such as their homes.

2. By publishing private facts about their lives. The media cannot publish embarrassing facts about the life of a private citizen although those facts may be true. The media are freer to discuss the private lives of public officials and public figures.

3. By placing them in a false light. Falsity may occur when journalists fictionalize a true story in an attempt to make it more interesting or dramatic.

4. By using their identities for commercial purposes. The media cannot use a person's name or image in advertisements, nor for any other commercial purposes, without his or her permission.

#### **4. Sensitivity in the reporting of cases involving grief and shock**

Newspapers have to be compassionate; they have to question the need to report suicides in all cases, particularly when the suicide is not a public official or public figure.

In the writing of stories and in the taking of pictures, journalists have to avoid portraying people in a state of grief and shock in awkward, unseemly poses. To do so is to intrude into the privacy of their grief.

#### **5. Preserving the anonymity of certain vulnerable entities such as children, rape victims and innocent victims of relatives of criminals**

In the majority of the Philippine news media, there is concern to preserve the anonymity of certain vulnerable entities such as children, rape victims and innocent victims of relatives of criminals.

A typical rule would be that on the identification of juvenile offenders. The Inquirer Manual of Editorial Policies says that in general, the identification of juvenile offenders—people under 18—should be withheld unless the crime is so serious, such as murder, that the courts would rule that the offenders have to be tried as adults in open court.. The reason for this is that the offenders are still juveniles who are considered to have the right to make a mistake.

In any case, the decision to run the names of juvenile offenders shall be made on a case-by-case basis.

**Rape victims**—The convention in journalism is to withhold the identification of rape victims unless the victims are well-known persons or unless they are also slain. The reason for withholding identification is that rape is seen by many as a crime that often stigmatizes its victims so that they become “double victims,” so to speak.

Some Philippine publications and broadcast networks, however, fail to observe this rule. The editors or directors of the other media organizations, thinking that the rape victims have already been identified anyway, say that they would go ahead and identify them also.

In the Inquirer we say that we follow our own rule: No identification unless :

1. The victim is a well-known person.
2. The victim was also slain.
3. A kidnapping or some other serious crime was also committed by the rapist(s).
4. The victim, who is not a minor, is willing to be identified.
5. The victim is so extraordinarily newsworthy that the full story must be told. (For instance, the victim is a public figure or the attack occurred in a public place.)
6. The complaint is not valid and the complainant is charged with filing false information.

**Innocent relatives of criminals**—We tell our editors and deskpersons not to implicate innocent relatives of suspects in crimes or people who have been convicted of crimes by the courts by mentioning them as relatives of the suspect or criminal.

**6. Avoidance of intimidation or persistent pursuit in the quest to obtain information  
Also, the responsible use of technology in the gathering of information**

These come under the rule on privacy. Reporters are reminded that media can intrude into people’s privacy by, among other ways, intruding into their private lives. Intrusion often involves some type of surveillance, the use of tape recorders, wire taps, telephoto lenses and electronic eavesdropping devices to spy on individuals in private places, such as their homes.

There is an Anti-Wiretapping Law (Republic Act No. 4200) which prohibits and penalizes wiretapping and other related violations of the privacy of communication.

### **7.The seduction and corruption of the media**

**Seduction**—Government officials, politicians, show biz personalities and other very important people constantly try to gain favor with journalists by giving them freebies like free meals and drinks, free tickets to shows and by sending them on junkets and free trips.

Sometimes they are given certain perks like work space in pressrooms, a discount price on a new car or free books to review. But the pressrooms may be justifiable and defensible. An American editor said that the press serves as a "public surrogate" when it covers government and can therefore enjoy the free use of space in public buildings.

**Corruption** –This is a topic to which an entire afternoon can be devoted. My colleague from the Philippines, Ms Chay Florentino-Hofilena is the expert on this subject. She wrote a book about this titled "News for Sale/ The corruption of the Philippine media."

I believe she will discuss the topic extensively, so let me just quote the blurb for the book: "This study shows that compared to the past, the media corruption in the post-Marcos era is costlier, more pervasive and even more systemic. It is also creative and difficult to detect. Transactions have become much more sophisticated, and in some cases, even institutionalized. The organized way in which corruption takes place—through a network of journalists reporting to other journalists or to professional public relations or PR people—makes it seem almost like the operation of a criminal syndicate, a mafia of corrupt practitioners."

### **VII. The nature and scale of sanctions for breach of ethical standards**

In the Philippine media the sanctions for breach of ethical standards can range from a figurative slap on the wrist to dismissal from the media organization.

In the Philippine Daily Inquirer, those who join the paper as regular staff members are required to subscribe to the Filipino Journalists Code of Ethics. Any violation of the Code is punishable under the Inquirer Code of Discipline.

Infractions and offenses punishable under the Code of Discipline are classified into (1) light, (2) less serious, (3) serious, (4) grave and (5) very grave.

The penalties are (1) oral reprimand and warning, (2) written reprimand and warning to suspension for one day, (3) suspension for one day to 15 days, (4) suspension for 16 to 60 days and (5) termination of employment.

An investigating committee looks into each case of alleged violation of the Code of Ethics and imposes a penalty after holding an inquiry that can last from one day to two or three weeks.

Three staff members have been asked to resign for breach of ethical standards. One was a photographer who covered a golf tournament in the Southern Philippines. He was allowed by the sponsor of the tournament to sign for his hotel room and food and drinks. But he brought along several women friends, had them served food and drinks, and signed for their bill. This came to the attention of the editor in chief, and after an inquiry, the photographer was asked to resign.

Another case was that of a reporter who approached the news editor and asked him to publish a press release about the Post Office. He was holding an envelope when he told the news editor: in Filipino: "There's something here for the boys." The news editor said the reporter apparently tried to bribe him to make him publish the press release. An inquiry found that the reporter did try to bribe the editor and the reporter was asked to resign.

The third case was that of an editor who asked a reporter for a color TV set in exchange, apparently, for keeping him in his current beat. An inquiry found the editor culpable and he was also asked to resign.

In 1992 a special ethics committee of the National Press Club found a reporter of a tabloid guilty of attempting to bribe reporters and photographers who had attended a press conference at the NPC given by the lawyer of an accused killer. The National Press Club board expelled the reporter on recommendation of the committee.

The ethics committee recommended the dismissal of the erring reporter to the editors of the tabloid but its publisher said he could not immediately dismiss him because they had to go through a procedure called for by the collective bargaining agreement between management and the union.

### **VIII. Universality vs. cultural, social and political relativism in the application of ethical standards to the media**

**Universality**—The question is often asked: Is there a universal ground for making ethical decisions?

Or is decision-making on ethical problems a process of adapting to the mores and cultural, social and political environment of a given community?

Most ethical norms aim for the ideal condition of universality.

1. **There is the Golden Rule of the Judeo-Christian tradition:** Do unto others what you would have others do unto you. There is also the Judeo-Christian concept of considering persons as ends: "Love thy neighbor as thyself."

The love of neighbor that this tradition advises is thoroughly practical. The term "neighbor" includes the weak and the poor, widows and orphans, aliens and disenfranchised and disadvantaged people, and yes, even enemies. "Love thy enemies, do good unto them...." "If someone strikes you on the right cheek, turn to him the other also."

This is a giving and forgiving norm. And because of its deep understanding of humanity and "humanness," the Judeo-Christian norm is particularly helpful in approaching issues of social injustice, invasion of privacy, violence and pornography.

2. **Aristotle's Golden Mean**—Aristotle said, "Moral virtue is appropriate location between two extremes."—It is a mean between two extremes, one involving excess and the other, deficiency. In ethics, Aristotle stressed moderation or temperance. Thus, courage is a mean between cowardice and temerity, generosity is a mean between stinginess and wastefulness and modesty is a mean between shamelessness and bashfulness.

Because the word "mean" has a mathematical connotation, a sense of average, Aristotle denies that he meant a precise equal distance from two extremes. What he is referring to is the "mean relative to us," relative to the person's status, situation and strong and weak points.

The mean is the right quantity at the right time, toward the right people, for the right reason and in the right manner.

3. **Kant's Categorical Imperative**—As a guide for determining whether an action is moral, Kant declared: "Act only on the maxim whereby you can at the same time will that it should become a universal law."

What Kant means is that what is right for one is right for all. He advises us to check the underlying principle of our decisions and see whether we want it applied universally.

Under this norm, certain actions are always wrong, such as cheating, coveting, stealing, dishonesty. Benevolence and truth-telling are always universally right. Kant writes that the obligation of the good conscience is to do its duty for the sake of duty.

4. **Mill's Principle of Utility**—John Stuart Mill said, "Seek the greatest happiness for the greatest number." For Mill, the morally right alternative produces the greatest balance of good over evil.

The norm of utility instructs people (1) to produce the greatest possible balance of good over evil and (2) to distribute this as widely as possible. Thus, utilitarianism is often defined as promoting the greatest good for the greatest number.

As Kant's Categorical Imperative shows, there are certain actions that are universally always wrong. And there are actions that are always universally right. But there are situations when a person making an ethical decision has to consider other factors such as the cultural milieu, social customs and traditions and the political environment.

### **Universality: Some guiding principles**

In the Philippine media—at least in the conservative, responsible sector--there seems to be unanimity about the idea that journalists should be **responsible to society**.

There is also universal agreement that in a free society the public has **a right to be informed**.

It is also agreed that **accuracy and fairness** are universal standards—standards that are observed by journalists all over the world.

Most journalists believe in the **clear separation between news and advertising** as a guiding principle in the news media.

Every day, ethical and moral principles confront journalists, and they have to have some principles to guide them.

### **Goodwin's 7 questions**

Eugene Goodwin, professor emeritus of journalism at the Pennsylvania State University and author of "Groping for Ethics in Journalism," suggests that journalists facing ethical issues ask themselves seven questions, either alone or in conversation with others.

The questions:

1. What do we usually do in a case like this? If policies for handling this kind of case have been laid down, they should be considered.
2. Who will be hurt and who will be helped? Realizing who is likely to be hurt and whether the benefits can justify the hurt can help a journalist make an intelligent decision.

3. Are there better alternatives? If there are, then they should be considered before a journalist decides on a particular course of action.
4. Can I look myself in the mirror again? A journalist should be able to live with himself/herself after making a decision on an ethical issue.
5. Can I justify this to other people, the public? If we realize that we have to justify our decision (explain it in an editor's note or a column, for example) we're apt to be more careful in how and what we decide.
6. What principles or values can I apply? Certain principles or values—such as truth telling, the public's right to know, compassion, social responsibility, the Golden Rule, justice, fairness and journalistic independence—might emerge as more important than others in a specific ethical decision.
7. Does this fit the kind of journalism I believe in? Whatever we decide about a particular ethical question should fit our general philosophy of how journalism ought to be done and how people in a civilized society ought to behave.

## IX. Roles

The responsibility of keeping the media ethical is not just that of journalists. Everyone, every sector has a stake and an interest in an ethical press. Here are some of the things various actors can do to promote ethical conduct in the press:

1. Journalists—The journalists can promote ethical conduct by constantly examining their own conduct and decisions and determining whether they have measured up to their self-imposed standards and values.

The publishers and editors should take the lead in this self-examination. If this cannot be done daily, I suggest that it be done at least once a week. In the *Inquirer* a segment of the Editorial Assessment Meeting held every Monday is devoted to a discussion of questions of editorial policy, including ethical issues.

2. Media proprietors and owners can direct their editors to put together manuals of editorial policies which cover ethical issues likely to confront their staff every day.
3. Ombudsmen or readers' advocates can bring up ethical questions at editorial policy meetings. They can also write a weekly column or article discussing the issues which are referred to them for resolution or comment.
4. Councils of press and broadcasting standards can set up standards of ethical reporting. They can also take cognizance of serious cases of breach of ethics by journalists.

5. Colleges of mass communication can imbue would-be journalists with a sense of ethics by making Media Ethics a required subject in mass communication or journalism degree courses. Right now, in seven of the eight leading mass communication schools in Metro Manila, Media Ethics is a required subject.
6. Professional organizations such as press institutes and press clubs can conduct seminars, roundtable discussions and workshops on ethics to make journalists more aware of the ethical principles of journalism.
7. Readers, listeners or viewers can do a lot to raise a general awareness of the need for ethical journalism by monitoring the reports of journalists and complaining to editors, news directors, ombudsmen or readers' advocates about violations of the Code of Ethics as well as of other universally accepted principles of journalism.

### **Ethically competent journalists**

What position does ethics occupy in the pyramid of skills and competencies of a journalist?

The faculty of the Poynter Institute in St. Petersburg, Florida, which includes many journalists, developed a list of 10 skills that it believed a journalist needed to be competent in the newsroom.

At the base of the pyramid are narrative and analysis, with news judgment and reporting as the cornerstones.

On the second tier of the pyramid are visual (literacy), technological knowledge and skill in using numbers or numeracy.

On the third are cultural and civic competence.

And at the top of the pyramid the capstone is ethics.

You will see from this that editors and professors of mass communication give the greatest importance to ethics. Why? Because a reporter may be very good at reporting, he may be excellent at story-telling, he may exercise impeccable news judgment, but if he does not have ethics he may do a lot of harm to his readers, his news sources and news subjects, to his community and to his country.

Two American editors—Bob Steele and Paul Pohlman—said that every day, a journalist goes through moral mine fields. One wrong step, one wrong decision on an ethical issue could blow him sky-high. Every day, a journalist deals with a lot of information, complex issues, conflicting claims, contradictory statements. A journalist sets out armed with professional standards and good intentions, but doing these complex things under

deadline pressure and the pressure to beat the competition sometimes beclouds his thinking and weakens his common sense.

It is thus of paramount importance that the mass media should develop journalists who not only can write and report well but who also possess solid ethical decision-making skills. These are the journalists who have a personal mission and vision, who have a clear idea of their guiding principles, who hold true to their values, who are committed to serve the public interest and who have firm beliefs and independence of mind, so that when they're tested in the daily crucible of journalism, they will not be found wanting.