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PHILIPPINES

JOURNALIST OFFICIALLY CHARGED WITH CYBER LIBEL

On 14 May, Maria Ressa, human rights defender and executive editor of online news outlet Rappler, was formally charged in court for one count of cyber libel.

Arrested on 13 February on what appeared to be politically-motivated charges, she was released on bail after spending a night in jail. A month later, on 29 March, she was again arrested for allegedly violating the Philippines' Anti-Dummy Law, which limits mass media ownership to Filipinos and Filipino-owned corporations. Ressa is also facing four counts of alleged tax-related violations for using financial mechanisms that Ressa argued are not taxable as these do not generate taxable income. The tax-related charges were brought against Maria Ressa and her company, Rappler Holdings Corp. in December 2018. All these charges remain pending in court.



Maria Ressa
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Rappler has been a consistent critic of President Rodrigo Duterte and his administration, and Ressa's arrest and prosecution appear to be part of broader campaign to silence critics of the government. Rappler has consistently drawn attention to the deadly reality of the 'war on drugs,' and the thousands of unlawful killings of poor and marginalized people perpetrated in its name. Its persistence in documenting these abuses has attracted the wrath of the Philippine authorities.

Maria Ressa currently faces eight active court cases initiated since January 2018, after the Philippine Securities and Exchange Commission tried to shut Rappler down. Rappler, its directors, and staff are facing 11 active court cases in total. The charges against her, her arrest, and the subsequent prosecution in court seem to be part of a continuing and broader campaign to silence critics of the Philippine government.

Please send a letter or email to the Secretary at the Department of Justice.

- * Express alarm at the continuing persecution of Maria Ressa, executive editor of news outlet Rappler, over allegations of cyber libel as well as violations of the Philippine's Anti-Dummy Law.
- * Urge his office to act swiftly to uphold and protect the freedom of the press.
- * Ask him to drop the charges against Maria Ressa and Rappler, which appear to be solely motivated by political interests.
- * Call on him to end the harassment of the media, journalists, and critics of the Duterte administration, and take measures to guarantee their right to freedom of expression and assembly.

Write to

Menardo I. Guevarra
Secretary, Department of Justice
DOJ Building, Padre Faura Street
Ermita, Manila
1000 Philippines
Email: communications@doj.gov.ph
Salutation: Dear Secretary Guevarra

Please copy

Her Excellency Petronila Garcia
Ambassador for the Republic of the Philippines
30 Murray Street
Ottawa, Ontario K1N 5M4
Fax: 613 233 4165
E-mail: embassyofphilippines@rogers.com

Dante Gierran
Director, National Bureau of Investigation
NBI Building, Taft Avenue, Ermita
Manila, Philippines 1000
Email: director@nbi.gov.ph

Additional information

Maria Ressa and former Rappler researcher Reynaldo Santos Jr have been formally charged with cyber-libel in relation to an article published online in May 2012, months before the Philippines' cyber-crime law was passed. Both filed a motion to dismiss the complaint after the Philippine Department of Justice (DOJ) maintained that the prescriptive period, i.e. the time limit for filing a case after the act in question was committed, for cyber libel is 12 years, not one year as is the case for regular libel. On 12 April, the Manila Regional Trial Court (RTC) denied the motion and upheld the DOJ's opinion on the prescriptive period. A second hearing was held on 14 May, during which both Ressa and Santos refused to enter a plea; as per the rules, the court entered a not-guilty plea for both on their behalf.

Maria Ressa was arrested for cyber libel on the evening of 13 February 2019. As the relevant office had closed by that time, she was only able to deposit a payment with the court for her temporary freedom the following morning.

In addition, Maria Ressa was arrested on 29 March for allegedly violating the Philippines' Anti-Dummy Law, which limits mass media ownership to Filipinos and Filipino-owned corporations. Also

charged were Rappler's managing editor and five other members of Rappler's board. Ressa was released later that day after paying PHP90,000 (approx. USD1,700) for their temporary freedom. The six others paid the same amount each ahead of the issuance of arrest warrants against them. The Philippine National Bureau of Investigation initiated the complaint against Ressa and other Rappler executives, saying they violated the Anti-Dummy Law by issuing Philippine Depositary Receipts – a financial instrument that allows foreigners to invest in a Filipino company without owning any part of it or being involved in day-to-day management – to foreign investor Omidyar Network. The Philippine Court of Tax Appeals has also rejected the argument that the PDRs constituted foreign ownership, after Omidyar donated these PDRs to 14 Filipino managers of Rappler.

In December 2018, another arrest warrant was issued against Ressa. Both Ressa and Rappler Holdings, of which she is the president, were charged with violating the tax code in 2015 in relation to funds received through PDRs.

In all, Ressa is facing eight active court cases: five tax-related charges, one cyber libel case, one libel complaint, and a case for violating the Anti-Dummy Law. All these are among the 11 cases that Ressa, Santos, Rappler Holdings, Rappler Inc., and Rappler's board of directors are collectively facing. All these remain pending in various courts.

On 24 July 2017, in his annual State of the Nation Address, Duterte claimed Rappler was owned by foreigners, implying that the media outlet was violating the Constitution, and in succeeding weeks, he repeated that claim. In January 2018, the Philippines Securities and Exchange Commission (SEC) temporarily revoked Rappler's registration, finding that it had violated foreign ownership rules. In February 2018, a Duterte spokesman [said](#) that Duterte himself had ordered presidential security staff to bar Rappler reporter Pia Ranada and editor Maria Ressa from entering the presidential palace.

Ressa's harassment is another example of how the Duterte administration singles out its most vocal critics for politically-motivated prosecutions. The attack on Ressa and Rappler follows the February 2017 arrest and detention of Senator Leila de Lima, another leading critic of the 'war on drugs', on politically-motivated charges. Senator de Lima has been in detention for two years now.