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'Fake news' & press freedom

THE Senate Committee on Public Information and Mass Media, headed by Sen. Grace Poe, has been holding hearings on ways to stop the spread of "fake news" and determine if legislation is the proper remedy for this.

In a recent hearing, the committee focused on an alleged "compromise agreement" that would allow the government to get a cut of the Marcos wealth. The report was subsequently taken down for allegedly not complying with Facebook's "community standards."

The free reporting of news and the expression of opinion are protected by the Bill of Rights in our Constitution, as it is in the United States from which we developed our notion of freedom of speech, of expression, and of the press.

In times of war, this freedom is limited by national security. In ordinary times, the law on libel penalizes defamatory reports but does not block publication. In 2012, the Philippine Congress enacted the Cybercrime Prevention Act, RA 10175, penalizing such new crimes as cybersex and identity theft, as well as on-line defamation, but only the original author of the libelous post, not those who "liked," "shared," or "retweeted" it.

In the ongoing hearings on "fake news," it is important that the basic freedom of speech, of

expression, and of the press remains unimpaired by any effort to block what some may claim to be "fake news." The fact is that what is fake or real is often impossible to determine immediately and the truth often emerges only after considerable time.

In the meantime, there may be efforts to block reports claiming they are "fake." Take the ongoing case of the suspected drug traders Kerwin Espinosa and Peter Lim, who were recently cleared by prosecutors of the Department of Justice (DOJ). Following widespread negative reactions to their report, administration officials, including Secretary of Justice Vitaliano Aguirre II, loudly rejected the prosecutors' findings, although it must be asked how he, the head of the DOJ, could not have known about it in advance.

Now which is the fake news here? That administration officials were taken by surprise? Or that they knew about the prosecutors' findings all the time?

It will be best if we just stick to the constitutional provision on freedom of speech, of expression, and of the press, and let all views be expressed, lest we end up blocking allegedly "fake news" which later turns out to be real news. We must have faith that in a free public discussion in forums and in media, the truth will emerge.

*FAKE NEWS