



## ON FREEDOM OF THE PRESS AND THE RULE OF LAW

A free press is indispensable to the rule of law.

When the truth cannot come out because the press is cowed, captured, or co-opted, the rule of law is undermined. When it is not possible to hold government accountable because the press is not free to report, the rule of law is degraded.

We, concerned faculty members of the University of the Philippines College of Law, express our support for the immediate consideration and passage of the pending bills filed in Congress for the grant of a legislative franchise for ABS-CBN. It is in the best interests of the public that more channels of information are allowed, especially in a public health emergency where greater access to information is imperative. Toward this end, we call on the House of Representatives to act speedily on the pending franchise bills.

The grant of the franchise to ABS-CBN would be consistent with the State's obligation under Article XVI, Sec. 10 of the 1987 Constitution to "provide the policy environment for...the balanced flow of information into, out of, and across the country, in accordance with a policy that respects the freedom of speech and of the press." It would also be consistent with the guarantee of a free press under Article III, sec. 4 of the 1987 Constitution.

In this regard, we express grave concern at how the National Telecommunications Commission (NTC) failed to follow basic due process in issuing its Cease and Desist Order dated May 5, 2020 which caused the shutdown of ABS-CBN's television and radio stations nationwide. Fundamental rules of fair play and NTC's own rules require that respondent be heard before any judgment is arrived at. Section 4, Rule 10 of the NTC's Rules of Practice required that ABS-CBN be required to show cause. The Cease and Desist Order directing the shutdown on May 5, 2020 was a judgment before any prior show cause order was given. This violates fundamental fair play and administrative due process.

NTC's action is inconsistent with its previous actions involving other networks similarly situated. It is a matter of public knowledge that the NTC has allowed networks to continue operating despite a lapsed franchise for so long as applications for a franchise renewal have been filed with Congress. This is the exact situation that ABS-CBN found itself in and there was certainly no reason for the NTC to have treated ABS-CBN differently.

We call on Congress to act favorably and with dispatch on the pending bills for the grant of a franchise to ABS-CBN. We also call on the National Telecommunications Commission to reconsider motu proprio its Cease and Desist Order dated May 5, 2020.

Quezon City, May 6, 2020.

For details, please visit

<https://law.upd.edu.ph/on-freedom-of-the-press-and-the-rule-of-law/>