

A CARNIVAL OF MIRRORS

The state of freedom of expression in the Philippines

pen
INTERNATIONAL

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85th PEN International Congress Manila, September 2019

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As we – writers from all corners of the globe – gather here in Manila, we welcome the hospitality of our Filipino colleagues with enthusiasm. In the International Year of Indigenous Languages, we will celebrate the literary and linguistic diversity of this archipelago, but also reflect on the state of free expression in the Philippines. Around the world spaces for free expression are shrinking: dissenting voices – be they journalists, academics, writers or students – face intimidation, harassment, online abuse, violence. It is also the case in the Philippines – and it is the mission of PEN International to join hands with Filipino writers to expand literary expression and its freedom.

This collection of essays by leading Philippine writers, prepared by PEN Philippines Centre and PEN International, explores a wide range of issues affecting freedom of expression in the Philippines. We are incredibly grateful to our contributing authors: Sheila S. Coronel, Inday Espina-Varona, Manuel Mogato, Criselda Yabes and H. Francisco V. Peñones Jr.

The Philippines is one of the world’s most dangerous countries for journalists. As Manuel Mogato reports, in 2018, the Committee to Protect Journalists’ Global Impunity Index ranked the Philippines as the fifth country in the world with the highest number of unsolved murders of journalists, behind Somalia, Syria, Iraq, and South Sudan—all conflict-torn states. Another non-profit press advocacy group, Reporters without Borders, ranked the Philippines as 134th of 180 countries in its 2019 World Press Freedom Index.

We gather here in solidarity with defenders of free expression in the Philippines, those who are pursuing truth in the face of intolerance.

Carles Torner

Executive Director, PEN International

Introduction

By Salil Tripathi

Rulers in the Philippines have not had an amicable relationship with writers who speak truth to power. Think of the Philippine national hero, José Rizal, a doctor by training, who turned to writing, challenging the Spanish colonial powers, demanding freedoms. For the crime of giving voice to the Philippine right of self-determination, he was arrested and later executed in 1896. His ideas – of civil disobedience and call for freedom, articulated most clearly in his fiction – resonated across the archipelago; the Philippine Revolution followed. The Spanish defeat to Americans two years later rekindled hopes of the Revolution, but it would take nearly five more decades before the Philippines gained freedom from American control, and American military bases would leave only in 1992.

And yet, it is Rizal’s idealism and words that gave voice to freedom in the Philippines, inspiring dissidents challenging colonial rule elsewhere in Asia and beyond. Rizal had waged what often seemed to him to be a lonely battle. In his novel, *Noli Me Tangere*, Rizal has his character Don Anastasio explain to the novel’s protagonist, Juan Crisostomo Ibarra, that he wrote in coded language “because I’m not writing for this generation, I’m writing for the ages. If they could read these, I would burn my books, my life’s work. On the other hand, the generation that can decipher these characters will be an educated generation. It will understand me and say, ‘In the nights of our grandparents, not everyone was asleep.’”¹ The journalists and writers that followed him carried on, walking that difficult path.

The years since Philippine independence have shown that writers and journalists cannot take freedom for granted. Eternal vigilance is indeed the price of liberty. There is no guarantee that yesterday’s revolutionaries won’t become today’s authoritarian leaders. History is replete with such examples.

As the essays by leading Philippine writers, prepared by PEN Philippines Centre and PEN International, expound on the varying issues affecting freedom of expression in the Philippines, they show that the Philippine saga is book-ended by two powerful men, who have seen journalists and writers as antagonists to be vanquished: Ferdinand Marcos, who ruled the Philippines from 1965 to 1986, and Rodrigo Duterte, the current president who came to power in 2016. These essays tackle a wide range of subjects, including ‘night-crawling’ in the streets of Manila, the courage of women journalists, the survival of indigenous languages, the Maguindanao massacre, the state’s use of legal means to intimidate the press, and art’s role in the effort to push back the claws of autocracy.

¹ Rizal, Jose: *Noli Me Tangere* (Penguin, 2006).

Marcos closed down newspapers and jailed journalists and writers when he declared martial law in 1972; Duterte has cast journalists and dissenting critics as the enemies of the people. But while those two book-ends show how writers and journalists have fought courageously, asking uncomfortable questions, exposing instances of wrongdoing and corruption, and exposing state abuse, the problem is more systemic. One of the worst massacres of journalists took place in November 2009, in Maguindanao, when 34 journalists were killed or abducted in an act of unprecedented brutality on the press. The Committee to Protect Journalists has called it 'the single deadliest' attack on journalists anywhere. Nearly a decade later, the victims' families and survivors await justice.

Such attacks are possible because governments in the Philippines— from Spanish colonial times — have believed that might is right. Leaders calculate that people prefer safety and stability over liberty. In Benito Mussolini's Italy, it was claimed, trains ran on time. Successive Communist leaders in China have asserted that people's rice bowls must be full first; freedom is a luxury. Many other leaders have argued that the greater collective good requires that freedoms should be curtailed. They define the greater collective good and they don't want to take any questions. They have all the answers; the bamboo shoots that rise must be chopped off, to set an example, to prevent others from rising. Seeking the cover of populism, the rulers have argued that they are ensuring safety by eliminating those committed to disruption and anarchy.

But journalists and writers are a stubborn lot. They may sway in a hurricane, but they rise again; they continue to raise uncomfortable questions. As journalists challenge the authorities, they become frequent targets. The violence does not always have to be perpetrated by the state. Vigilantes act in the name of powerful aggrieved people. Laws suppress freedom of expression, and are used liberally by those with power or with access to power, to silence challengers. Recall the culture of impunity that surrounds the Maguindanao massacre; remember the women who rose against Marcos, the journalists who caricatured the rulers, the novelists who used allegory and poetry to shame the leaders. Witness the harassment and arrest of Maria Ressa, whose investigative platform Rappler aims 'to comfort the afflicted and afflict the comfortable,' as the *Chicago Evening Post* columnist Finley Peter Dunne had described the job of a journalist, in one of his articles written in 1893.²

Philippine writers and journalists have continued to wage the long battle, pointing out injustice, inequality, and abuses that the people have suffered. Their bravery emboldens a nation. As Rizal wrote, "There can be no tyrants where there are no slaves." As we from the PEN community meet in Manila, we salute these heroes for their commitment and courage and stand in solidarity with them.

What is Thirty Years? Writing Against the Odds

By Sheila S. Coronel

Thirty years after he died in Honolulu where he had lived in lonely and bitter exile, Filipinos are still wrestling with the ghost of Ferdinand Marcos. The current president, Rodrigo Duterte, is a Marcos admirer, and shortly after his election in 2016, allowed the dictator a hero's burial.³

Before that, Marcos's pickled corpse—bloated with preservatives, a facemask carefully crafted from wax,⁴ making it look like the man was still in his prime—had been displayed in a refrigerated glass box, awaiting final internment. His family was adamant that he would be buried as a hero or not be buried at all.

Marcos was interred at noon on 18 November 2016, after a "stealth" funeral⁵ at the National Heroes'

Cemetery, attended by his family and a small contingent of soldiers who gave him a 21-gun salute. But the burial did not settle the question of whether he was hero or heel. Instead, it gave a glimpse of how divided the country was about his legacy and of how the new president, who came to power 30 years after a popular uprising had forced Marcos to flee, now seemed poised to bend the arc of history toward autocracy.

What difference do 30 years make? It is a question Filipino writers are grappling with as they struggle to make sense of the rise of the gun-toting former mayor of Davao⁶ who is now their president. Elected by a landslide at a time when freedom had lost its sheen and democracy its lustre, Duterte is a Marcos for the 21st Century. Not a dictator in the classic sense but a populist whose thuggish promise to the Filipinos was a Faustian bargain: commitment to safety and security if they marched to the beat of his iron drum.

Upon his election, Duterte declared a war on drugs that has killed thousands⁷ in some of the country's poorest communities. Several months later, he imprisoned a senator who raged against the carnage,⁸ put the chill on crusading journalists, engineered the ousting of the Supreme Court's independent-minded chief justice,⁹ and unleashed an army of trolls on his opponents.¹⁰ His violent and crass language set the tone for toxic public discourse, particularly online, and reversed the norms, such as they were, of civility, dialogue, and tolerance in public spaces.

Duterte is an autocrat of the internet age. Marcos shut down newspapers and broadcast stations, and restricted the news that the public was allowed to see. Duterte is different. Like Narendra

² Poynter, "Today in Media History: Mr. Dooley: 'The job of the newspaper is to comfort the afflicted and afflict the comfortable'", 7 October 2014, available at: <https://www.poynter.org/reporting-editing/2014/today-in-media-history-mr-dooley-the-job-of-the-newspaper-is-to-comfort-the-afflicted-and-afflict-the-comfortable/>

³ VJ Bacungan, CNN Philippines, "Duterte hopes people forgive Ferdinand Marcos", 18 November 2016, available at: <http://nine.cnnphilippines.com/news/2016/11/18/Duterte-hopes-people-forgive-Ferdinand-Marcos.html>

⁴ The Star Online, "'His face was wax': mortician to Philippines' dictator Marcos reveals trade secrets", 24 November 2016, available at: <https://www.thestar.com.my/news/regional/2016/11/24/his-face-was-wax-mortician-to-philippines-dictator-marcos-reveals-trade-secrets>

⁵ Patty Pasion, Rappler, "Petitioners on stealth burial: We won't take this sitting down", 18 November 2016, available at: <https://www.rappler.com/nation/152838-petitioners-reaction-marcos-burial>

⁶ Several news sites, including the *South China Morning Post*, carried photos of a young Duterte as mayor of Davao City brandishing his firearms. See for example, the *Washington Post*, "Duterte threatens to throw corrupt officials out of a helicopter - and says he's done it before", 29 December 2016, available at: <https://www.scmp.com/news/asia/southeast-asia/article/2057889/duterte-threatens-throw-corrupt-officials-out-helicopter>

⁷ Matthew Tostevin, Neil Jerome Morales, Reuters, "War on numbers: Philippines targets drug killing data", 18 July 2019, available at <https://www.reuters.com/article/us-philippines-drugs/war-on-numbers-philippines-targets-drug-killing-data-idUSKCN1UD1CJ>

⁸ International Commission of Jurists, "Philippines: stop politically-motivated persecution of Senator De Lima", 28 February 2017, available at: <https://www.icj.org/philippines-stop-politically-motivated-persecution-of-senator-de-lima/>; Rappler, "De Lima marks 2nd year in jail: 'How many more years shall I endure?'", 24 February 2019, available at: <https://www.rappler.com/nation/224267-de-lima-marks-second-year-jail-friends-family-allies>

⁹ International Commission of Jurists, "Philippines: Supreme Court decision removing its Chief Justice contributes to deterioration of the rule of law", 30 May 2018, available at: <https://www.icj.org/philippines-supreme-court-decision-removing-its-chief-justice-contributes-to-deterioration-of-the-rule-of-law/>

¹⁰ Mong Palatino, The Diplomat, "Beware Duterte's Troll Army in the Philippines", 18 November 2017, available at: <https://thediplomat.com/2017/11/beware-dutertes-troll-army-in-the-philippines/>; Mikas Matsuzawa, *PhilStar*, "Duterte camp spent \$200,000 for troll army, Oxford study finds", 24 July 2017, available at: <https://www.philstar.com/headlines/2017/07/24/1721044/duterte-camp-spent-200000-troll-army-oxford-study-finds>

Modi in India¹¹ and Viktor Orban in Hungary¹², he exerts control not so much by starving the public of news but by flooding the public arena with threats, disinformation, and propaganda. Like them, he is riding the crest of a populist wave by stoking divisiveness and hate.¹³

In his speeches, Duterte has called for blood (“Hitler massacred three million Jews. Now, there are three million drug addicts. I’d be happy to slaughter them”¹⁴), cracked misogynistic ‘jokes’ (“I was angry because she was raped, that’s one thing. But she was so beautiful, the mayor should have been first, what a waste”¹⁵), and made homophobic remarks (“I had an argument with their ambassador, that homosexual. Son of a bitch, he really annoys me”¹⁶). The more shocking his statements, the better they played. Many Filipinos applauded these displays of authenticity and hyper masculinity. Halfway through his term, Duterte’s satisfaction rating is at 80 percent.¹⁷

He has the country in his spell.

Speaking to their fears

As a young journalist in the 1980s, I was a frequent visitor to a bookshop in a small red-brick building in Manila’s historic core. For decades, Solidaridad has been an oasis for writers and free thinkers. Over the years, I have had the pleasure of many stimulating conversations with its garrulous and avuncular owner, F. Sionil José, *Manong*¹⁸ Frankie to generations of local writers. At 94, José is the dean of Philippine letters and the founder of Philippine PEN. He is a noted novelist whose work has addressed uncomfortable questions of class, revolution, and the country’s colonial legacy. His writing has championed social justice and

exposed the mendicancy and fecklessness of the Filipino elite.

In the 1980s, José was a trenchant critic of Marcos, so I asked him what he thought of the current president. José thinks that Duterte is different from Marcos because “he hasn’t closed any newspaper or TV and radio station, and he hasn’t imprisoned any journalist.” For sure, he said, he has violated the Constitution and “he has hell to pay” for those “thousands of EJKs [extrajudicial killings].” But, he added, “Duterte is vastly popular and people from all walks of life feel safer today.”

José was alluding to the social contract the president had forged with voters: that Faustian bargain, of a promise of safety, but at a cost. From the beginning, Duterte was explicit about the price he would exact, and the crowds cheered him on when he said there will be blood. At the final rally of his campaign, he warned, “Forget the laws on human rights. If I make it to the presidential palace, I will do just what I did as mayor. You drug pushers, hold-up men and do-nothings, you better get out – because I’d kill you. I’ll dump all of you into Manila Bay, and fatten all the fish there.”¹⁹

One needs to understand how broken the Philippine justice system²⁰ is in order to appreciate why voters found this statement so appealing. Duterte’s brand of vigilante justice resonates especially among the president’s most loyal constituents, the aspiring middle class squeezed between the predations of the wealthy and the misery of the poor.

They are call centre employees, families of overseas Filipinos, and low-end workers in the global technology industry. Globalisation has opened up new economic opportunities for them, but as the

underclass of a precarious global economy, they are vulnerable and insecure. Duterte has spoken to their fears. They are cheerleaders of the vigilante president and the most strident critics of the effete, liberal elite, a category in which they include journalists and writers.

Night-crawling the streets of Manila

Nearly three years ago, I spent a couple of weeks with the “night shift,” a group of reporters and photographers documenting the killings in Duterte’s drug war. From about 10pm to dawn, these journalists converged at Manila’s main police station and awaited news of the latest kill. Then they rushed to the shantytowns where the killings were taking place, interviewed witnesses and families, and photographed crime scenes. Much of what the world knows about the drug war killings was largely due to their efforts.

These journalists saw the bloodied corpses splayed out on the streets and heard the howls of grieving women and children. They told stories to humanise the victims and took images that showed the extent of the carnage. But they sensed that many Filipinos would rather shut their eyes, cover their ears, and turn away.

The “night shift” journalists have witnessed unimaginable violence but are helpless to prevent it. Even now, some of them have recurring nightmares and many are still trying to make sense of what they have seen. They have been trolled, threatened, and accused of faking stories and photographs, and siding with drug users and criminals. Moreover, their words and images have been drowned out by a deluge of government propaganda. The journalists question their impact and relevance.

At the end of 2016, Patricia Evangelista, a reporter who has exposed police impunity in the war on drugs, told me, “To a lot of people, [drug users], as Duterte said, are the dregs of society.

They’re painted in such a horrible fashion that there is no reason to care. We get hit with [questions like], ‘Why are you writing about these people? What about the other people who were raped, who were murdered by people who allegedly were into drugs?’ The question I get asked even by relatives who know what I’m doing is, ‘Ya, but are you sure they’re not guilty?’”²¹

On my last trip to Manila in July, I met with a group of young journalists who were struggling to have their voices heard above the din of trolls, pro-government bloggers, and propagandists. Duterte and his supporters have derided journalists, calling them corrupt fabulists who “pretend to be the moral torch of the country”²² and “presstitutes,”²³ a term coined originally by Gerald Celente, an American trend-spotter, but also used widely in India to deride journalists, most recently by a former junior foreign minister in the Modi government. More than a hundred journalists had been killed in the Philippines even before Duterte was elected and the president seemed to endorse these murders when he said, “Just because you’re a journalist, you are not exempted from assassination if you’re a son of a bitch.”²⁴

This is all part of the populist playbook, a riff off of Donald Trump’s dismissals of the “failing *New York Times*” and “fake news CNN.” This vitriol against the media is aimed at delegitimising professional fact gathering; the objective is to control the narrative. Journalists have long been accustomed to not being liked. What is worrisome, the broadcast journalist Jeff Canoy told me, was that they were no longer trusted. Out in the frontlines, reporters are concerned that this loss of trust and the erosion of relevance are making them more vulnerable to attack.

Taking the cue from Duterte, government prosecutors have filed multiple lawsuits against the feisty news site Rappler and initiated tax investigations against the owners of the *Philippine Daily Inquirer*.²⁵ Established in 2012, Rappler is

11 For more information on freedom of expression in India, see PEN’s reports: PEN International, “India: Pursuing truth in the face of intolerance”, September 2018, available at: <https://pen-international.org/app/uploads/PEN-Int-India-Report-2018.pdf>; International Human Rights Program (IHRP) at the University of Toronto, Faculty of Law, PEN Canada, PEN International, “Fearful Silence: The Chill on India’s Public Sphere”, 2016, available at: <https://pen-international.org/app/uploads/Fearful-Silence-The-Chill-on-Indias-Public-Sphere.pdf>; International Human Rights Program (IHRP) at the University of Toronto, Faculty of Law, PEN Canada, PEN International, “Imposing Silence: The use of India’s laws to suppress free speech”, available at: <https://pen-international.org/app/uploads/Imposing-Silence-FINAL.pdf>

12 Reuters, “EU’s Juncker takes aim at Hungary’s Orban over fake news”, 14 December 2018, available at: <https://www.reuters.com/article/us-eu-cyber-disinformation/eus-juncker-takes-aim-at-hungarys-orban-over-fake-news-idUSKBN1OD1U8>

13 *Philippine Daily Inquirer*, “Divisive”, 28 February 2017, available at: <https://opinion.inquirer.net/102031/divisive>

14 *Washington Post*, “Duterte: Hitler killed millions of Jews, I will kill millions of drug addicts”, 30 September 2016, available at: <https://www.washingtonpost.com/news/worldviews/wp/2016/09/29/duterte-hitler-killed-3-million-jews-i-will-kill-3-million-drug-dealers/>

15 Travis M Andrews, *Washington Post*, “Leading Philippine presidential contender: Gang rape victim ‘so beautiful’ he wishes he had ‘been first’”, available at: <https://www.washingtonpost.com/news/morning-mix/wp/2016/04/18/leading-philippines-presidential-contender-gang-rape-victim-so-beautiful-he-wishes-he-had-been-first/>

16 Pia Ranada, Rappler, “Duterte on US Ambassador Goldberg: ‘Buwisitakodiyán’”, 6 August 2016, available at: <https://www.rappler.com/nation/142109-duterte-us-ambassador-goldberg-buwisit>

17 Social Weather Stations, “Second Quarter 2019 Social Weather Survey: Pres. Duterte’s Net Satisfaction rating at new record-high ‘Very Good’ +68”, 8 July 2019, available at: <https://www.sws.org.ph/swsmain/artcldisplaypage?artcsyscode=ART-20190708142248>

18 The term ‘Manong’ is a term of respect

19 SBS News, “Street-executions-are surging in President Duterte’s Philippines”, 18 August 2016, available at: <https://www.sbs.com.au/news/the-feed/street-executions-are-surgin-in-president-duterte-s-philippines>

20 Bomie Lane S. Castillo, SunStar, “Survey: Weak justice system breeds crime, corruption”, 1 July 2017, available at: <https://www.sunstar.com.ph/article/150758>

21 Sheila Coronel, *The Atlantic*, “‘Have We Opened the Gates of Hell With Our Images?’ Reporting on the Philippines’ drug war”, 25 February 2017, available at: <https://www.theatlantic.com/international/archive/2017/02/rodrigo-duterte-philippines-drugs-reporters-siaron/517650/>

22 Nestor Corrales, *The Philippine Daily Inquirer*, “Duterte hits media for sensationalism, bias”, 10 May 2016, available at: <https://newsinfo.inquirer.net/784772/duterte-hits-media-for-sensationalism-bias>

23 Rappler, “Philippine media under attack: Press freedom after 2 years of Duterte”, 29 June 2018, available at: <https://www.rappler.com/newsbreak/investigative/206017-attacks-against-philippine-press-duterte-second-year>; Committee to Protect Journalists, 5 July 2018, “Mission Journal: Duterte leads tri-pronged attack on press amid condemnation of controversial policies”, available at: https://cpj.org/blog/2018/07/mission-journal-duterte-leads-tri-pronged-attack-o.php/Dan_Manglinong, Interaksyon, “What is the #DuterteEffect and why are Filipinos divided on it?”, 2 April 2018, available at: <http://www.interaksyon.com/breaking-news/2018/04/02/123655/what-is-the-duterteffect-and-why-are-filipinos-divided-on-it/>

24 *The Philippine Daily Inquirer*, “Duterte endorses killing corrupt journalists”, 1 June 2016, available at: <https://newsinfo.inquirer.net/788543/duterte-endorses-killing-corrupt-journalists>. According to the National Union of Journalists of the Philippines (NUJP), before Duterte came to power, 173 journalists had been killed across several administrations, which includes the Maguindanao massacre. Nonoy Espina, chair of the National Union of Journalists of the Philippines (editor’s source).

25 Catherine S. Valente, *The Manila Times*, “Duterte to pursue tax case vs Inquirer owners”, 28 April 2017, available at: <https://www.manilatimes.net/2017/04/28/news/top-stories/duterte-pursue-tax-case-vs-inquirer-owners/324419/>

an investigative news organisation supported by investors, which include foundations abroad, set up by the award-winning Philippine journalist Maria Ressa, which has consistently exposed wrongdoing by the powerful. Ressa has been arrested and faces criminal charges. Duterte himself has threatened he would not renew the franchise of ABS-CBN, the biggest broadcast network.²⁶ Given all this, the proprietors of the big media houses have urged their journalists to exercise caution and restraint in covering a presidency that is anything but cautious and restrained.²⁷

'They should've been allowed to live'

I have spent a good part of the past year counting the drug war dead as part of an investigation²⁸ into the human toll of Duterte's antidrug campaign. In the shantytowns I visited, the killings, whether by the police or by masked gunmen, were justified by local officials, residents, and the policemen themselves. Many times, I heard echoes of *Manong Frankie's* "people feel safer" sentiment. There is growing resistance, that's for sure. But there is also grassroots support for the brutal campaign. Some of that support comes from fear, some of it from despair and frustration.

Duterte may be a gravedigger of democracy but he is not the only one. Gravedigging is a collective effort, and the 30 years since Marcos have seen rising inequality and gridlocked politics. In the communities I visited, young men and women resorted to drug dealing because it provided a living. Opportunity was scarce and the police and politicians ignored the trade because sometimes they profited from it as well.

The police officers I spoke with realised that the problem was not drugs—it was poverty. Yet, they applauded when Duterte said drugs were an existential threat and gave the police more power and money. Duterte became president by fuelling a pre-existing fear of drugs and crime. He took advantage of the political moment, but the truth is that the dysfunction precedes him and will not end with him.

For all that, the Duterte era has inspired great work by scholars, poets, filmmakers, and other artists. The internet may have been the autocrat's playground, but it has also been an arena for resistance. In 2016, Ian Rosales Casocot, a writer based in Dumaguete City, started the "Kill List Chronicles"²⁹ on Facebook, an archive of fiction, poems, and essays intended to show, in his words, that Filipino writers have "come out of the shadows of overwhelming public approval of the ongoing purge, to register dissent, to call for a process of justice that also respects human life and dignity, to strive for a country that recognises that indeed *crime must pay* but this must be done in the only way that makes our democracy a functioning one."³⁰

In 2017, two senior literary figures, Alfred A. Yuson and Gémino Abad, published *Bloodlust*,³¹ a collection of protest poetry, including some that were first published online. As Yuson noted, this poetic protest³² was in the face of "a majority that shares in the hubris of blind power."³³

In the past three years, there have been heroic efforts by journalists, writers, artists, and ordinary citizens to address the bloodletting with understanding and compassion. Films³⁴, dance³⁵, and rap music³⁶ have provided unflinching portraits of the human cost of the drug war. Accountability is crucial as well, and journalists, human rights lawyers, and the Catholic clergy have been at the forefront of that effort.

Being attacked—as many journalists and writers have been, by the government and its troll armies—can be tremendously clarifying, painful as it may be. It affirms the importance of their work and the stakes at play. But being ignored or dismissed—as many also are, by the broader public—can be debilitating. The challenge is how to continue bearing witness in the face of indifference.

Reflecting on her work, Patricia Evangelista told me, "I hope many years from now that people will look at this era and say it will not happen again... It will be a question of why it was allowed, not a question of whether it was right or wrong. I hope it's condemned the same way as the martial law period was condemned. I hope that the body of work that we are building documenting the daily killings will work towards, at least, telling people that this is wrong. This happened. These people lived and they should have been allowed to live."³⁷

Time Warped: Space for Press Freedom Narrows in the Philippines

By Inday Espina-Varona

In the thirty-three years since the Philippines ousted the two-decade dictatorship of Ferdinand Marcos, admirers and critics of the country's media have described it as vibrant, raucous, and irrepressible.

More than 2,000 news outlets operate in the country: 40 national dailies, around 100 community newspapers, 31 television stations, more than a hundred local cable stations and thousands of radio stations on the AM and FM bands.³⁸ Most of them are also on the digital sphere via websites or social media pages. There are around a dozen independent exclusively digital news outlets, including Rappler and the Altermidya Network³⁹.

Press freedom is alive and well in the Philippines, Presidential Communications Operations Office (PCOO) Secretary Martin Andanar said⁴⁰ after the country was named Southeast Asia's most dangerous for the practice of journalism⁴¹ in December 2018. His office noted that an executive

26 ABS-CBN News, "Duterte to 'object' to ABS-CBN franchise renewal", 8 November 2018, available at: <https://news.abs-cbn.com/news/11/08/18/duterte-to-object-to-abs-cbn-franchise-renewal>; Darryl John Esguerra, "The Philippine Daily Inquirer", "Duterte renews threat to block ABS-CBN franchise renewal", 8 November 2018, available at: <https://newsinfo.inquirer.net/1051965/duterte-renews-threat-to-block-abs-cbn-franchise-renewal>

27 International Federation of Journalists (IFJ), "Underneath the autocrats: South East Asia media freedom report 2018", December 2018, available at: https://www.ifj.org/fileadmin/user_upload/Underneath_the_Autocrats_-_IFJ_SEAJU_2018_-_SP_HR.pdf

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32 *Asian Review of Books*, "'Bloodlust: Philippine Protest Poetry (from Marcos to Duterte)" edited by Alfred A Yuson and Gémino H Abad", 26 September 2017, available at: <http://asianreviewofbooks.com/content/bloodlust-philippine-protest-poetry-from-marcos-to-duterte-edited-by-alfred-a-yuson-and-gemino-h-abad/>

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order on Freedom of Information (FOI)⁴² and the creation of a task force on media safety⁴³ were among the President's first official acts. New priority measures in the current Congress session include an FOI bill, according to Cabinet Secretary Karlo Nograles.⁴⁴

The millions of Filipinos who spend hours daily on social media seem to agree with Andanar. Results of a recent national survey by the Social Weather Stations (SWS)⁴⁵ show that 59 percent of Filipino adults believe they can say anything, openly and without fear, even if it is against the administration. Sixty-seven percent say the country enjoys freedom of speech, of expression and of the press.

Law as weapon

Given the above, it is sometimes hard to explain why the Philippines is Southeast Asia's most dangerous country for the practice of journalism. Colleagues win international awards yearly for their coverage of President Rodrigo Duterte's war on drugs, corruption issues and outbreaks of conflict⁴⁶. There has been no let up on critical coverage, whether by legacy media or by an intrepid network of mainly freelance photojournalists⁴⁷, who post poignant reminders daily on social media on extra-judicial killings.

But "noise" in itself is not a barometer of freedom. It is an assertion of our rights. The same SWS survey that displays Filipinos' confidence in their ability to speak out also shows more than

half agreeing that, "it is dangerous to print or broadcast anything critical of the administration, even if it is the truth."⁴⁸

The Freedom for Media, Freedom for All Network's May 2019 press freedom report⁴⁹ is a helpful map, which points to the government's legal contortions aimed at silencing independent media. Existing tax laws and cyber libel laws, for example, spearhead these legal barriers.

Rappler, the country's biggest media firm owned by journalists, is unbowed after 11 regulatory and criminal charges and probes⁵⁰ over just a little more than a year. It has spent millions of pesos in bail and travel bonds for its chief executive Maria Ressa and other staff.

Ressa was arrested in February this year for cyber libel under a law enacted under former President Benigno Simeon Aquino III⁵¹. The offending article was published months before the law came into effect in 2012.⁵²

But it isn't just Rappler. The Duterte government has crafted new regulations, or injected existing laws with malign steroids to boost the state's coercive powers while tearing apart the protection of civil liberties.

The Justice Department has reported a big hike in cyber libel complaints⁵³, from only 34 in 2016 to 127 in 2017. In 2017, Agriculture Secretary Manny Piñol⁵⁴ filed a criminal libel case against reporter Frank

Cimatu. Former opposition Sen. Antonio Trillanes⁵⁵ also filed cyber libel raps against former assistant secretary Mocha Uson and a blogger.

The National Bureau of Investigation initially dismissed the private complaint against Rappler in 2018, citing the lapse of the one-year prescriptive period. It resurrected the case under the novel concept of "continuous publication".⁵⁶ The Justice Department now says the new prescription period is 12 years⁵⁷, triple the sentence stated for libel in the Revised Penal Code. That could open every journalist and blogger to harassment over old articles.

The Marcos heirs would have a vast sea to fish in with the wealth of articles and books written about the late dictator's "kleptocracy"⁵⁸, including some published in the last decade.

The chilling effect in this instance is no hyperbole. The offending Rappler article, which linked a businessman to the ambush and subsequent death of a Manila councilor, was partly based on a 2002 report published by the Philippine Star. Four days after Ressa's arrest in February this year, the national daily took down the report⁵⁹, hinting at threats by the businessman. Six months after the Justice Department approved the case against Rappler, the *Philippine Daily Inquirer* caved in to Senate President Vicente Sotto III's demand to take down a four-year old story⁶⁰ linking him to an alleged cover-up of the rape and eventual suicide of an actress.

Politicians, from Duterte downwards, like to meet critical reportage with the claim, "fake news."

Now they want to legislate sanctions against the practice, which Rep. Luis Raymund Villafuerte calls "a threat to credible journalism."

His proposed measure⁶¹ has an ambitious goal: prohibit the creation and malicious distribution of false information; ensure content published and disseminated by mass media outlets and social media personalities "are free from false, misleading or fictitious stories," curb the existence of disreputable news sources and prevent established mass media outlets from careless publishing of unverified or false content.

Even more dangerous is the proposal of Senate President Sotto⁶², which would allow the Department of Justice Cybercrime Office to direct netizens and owners of online platforms and internet intermediaries to rectify, take down or block access to content deemed to contain false information. This is similar to the provisions in the Anti-CyberCrime Law struck down by the Supreme Court in 2014⁶³, as they were deemed unconstitutional.

Crippling operations

The Securities and Exchange Commission (SEC) also revoked Rappler's corporate registration for alleged violation of the constitutional ban on foreign ownership of mass media⁶⁴. That move spawned other cases against Rappler, including tax evasion⁶⁵. Successful prosecution would mean the death of Rappler as a media outlet.

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60 Minda News, "STATEMENT of NUJP on Inquirer.net's taking down of Pepsi Paloma articles", 6 July 2018, available at <https://www.mindanews.com/statements/2018/07/statement-of-nujp-on-inquirer-nets-taking-down-of-pepsi-paloma-articles/>

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65 ABS-CBN News, "DOJ files 5 tax evasion cases vs Rappler Holdings, Maria Ressa", 29 November 2018, available at: <https://news.abs-cbn.com/news/11/29/18/doj-files-5-tax-evasion-cases-vs-rappler-holdings-maria-ressa>

The Court of Appeals gave some reprieve in July last year, remanding the case to SEC review⁶⁶. Duterte's office, however, quickly used the SEC decision to bolster its ban on Rappler. Aides told Rappler reporter Pia Ranada⁶⁷ to register under a program giving bloggers access to the Office of the President⁶⁸. The message was clear: Malacañang Palace (the presidential residence) did not consider Rappler a legitimate news organization.

Rappler and 41 journalist intervenors have challenged the ban in the Supreme Court. The President insists that access is "a privilege"⁶⁹. His aides say the availability of a live digital feed proves the ban is no threat to press freedom. Any self-respecting journalist knows one of the profession's most important tasks is to ask questions of its sources, which a ban precludes.

Other laws and regulations endanger the operations of many media firms.

SEC issued Memorandum Circular No. 15 (MC 15)⁷⁰ in November 2018, citing the need to block money laundering and terrorist financing. Most NGOs already disclose sources of their funds. The SEC now requires disclosure of where and how funds will be used, with details-including the locations-of planned programs and activities, those that are on-going, and all participants.

It is a Catch-22 situation. Non-compliance leads to fines and cancellation of certificates of registration, which allow the organizations to operate. Compliance exposes communities already braving harassment. That's no exaggeration either. Police

arrested Mindanao journalist Margarita Valle in June⁷¹ and held her incommunicado for 12 hours.⁷² She had just given a workshop for partners of the Rural Missionaries of the Philippines, a religious group that has lost many of its community leaders and teachers to hit teams or arrests. Given the spate of harassment experienced by NGOs, Valle's ordeal is perceived by Duterte's critics as part of the ongoing intimidation inflicted on NGOs.

The SEC move breaches its development mandate and intrudes on law enforcement. It upends due process by allowing investigation without the targets' knowledge. Police and military officers have already "visited" some media NGOs.⁷³

Some groups have found themselves in "high risk" and "moderate risk" lists unilaterally drawn up by the SEC. The threat covers news organizations that receive foreign grants⁷⁴ for projects with democratic themes that raise Duterte's blood pressure. Foreign Affairs Secretary Teodoro Locsin Jr. has ordered embassies abroad to tell foreign governments and private funders to clear with the government all donations to NGOs, including media⁷⁵.

Freedom for all

Neither media nor the law exists in a vacuum. As the President expands his other "wars" - against narcotics, terrorists, communists and pesky human rights advocates⁷⁶ - he is also marshalling all flanks and levels of the state bureaucracy.

Duterte has vowed to meet his 2019 deadline⁷⁷ for defeating Asia's longest-running insurgency.⁷⁸

He conflates all dissent with those who he claims oppose that goal. The government lumps opposition, across various colors and parties, with terrorism, armed rebellion and fantastic ouster conspiracies.

This anti-terror overdrive places media and other legal organizations in the government's crosshairs.

I woke up on April 20 this year to a flurry of messages from worried friends who had seen my name in a "matrix"⁷⁹ of dozens of journalists and lawyers, all supposedly involved in a plot to destroy Duterte. He claimed a friendly foreign power⁸⁰ had passed on the identities of the group behind a viral video series charging his family with having drug links. None of the journalists and lawyers accused had used the videos as these lacked attribution and substantiation.

That first matrix would morph into a second⁸¹, even stranger, version with athletes and sports correspondents added, before ending up as sedition charges against opposition personalities, including Vice President Leni Robredo, Catholic bishops, advertising executives and artists, with equally scant to zero evidence against the accused.⁸²

While no journalist has been charged, the weeks of government offensive show it is prepared to use the anti-sedition law⁸³ at the slightest pretext. Journalists won't even have to join any ouster plot⁸⁴. Just covering rebellion and sedition opens us to the charge of incitement.

Even worse is the threat to return to the Anti-Subversion Law, a Cold War relic given additional fangs by Marcos and repealed by President Fidel Ramos.⁸⁵

The original law⁸⁶ targeted members of the Communist Party of the Philippines and its armed wing. Marcos, however, expanded the coverage so that "any association, organization, political party, or group of persons organized for the purpose of overthrowing the (government) with the open or covert assistance and support of a foreign power by force, violence, deceit or other illegal means shall be considered and is hereby declared an illegal organization."⁸⁷

It is the latter that the government wants to revive⁸⁸. Thus, the attacks against media's "foreign funding" coincide with national security officials calling for the return of the Anti-Subversion Law.

The Marcos penchant of declaring critical groups illegal is building steam. Police Director General Oscar Albayalde calls it "purging all legal fronts of the communists."⁸⁹ The Armed Forces of the Philippines and the Philippine National Police have several times attacked the National Union of Journalists of the Philippines (NUJP) and other media groups as communist fronts.⁹⁰

Former NUJP director and Mindanao Gold Star Daily associate editor Cong Corrales and Froilan Gallardo, veteran reporter of Minda News, are the latest to be threatened and labeled as either members of or sympathetic to the Left.

66 While denying Rappler's appeal for review, the Court of Appeals instructed the Securities and Exchange Commission to allow Rappler a "corrective period". Lian Buan, Rappler, "What you should know about the Court of Appeals decision on Rappler", 28 July 2019, available at: <https://www.rappler.com/about-rappler/about-us/208364-frequently-asked-questions-court-appeals-decision-rappler-sec-case>; Lian Buan, Rappler, "Court of Appeals to SEC: Give Rappler corrective period", 27 July 2018, <https://www.rappler.com/nation/208291-court-of-appeals-sec-rappler-corrective-period>

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75 Janvic Mateo, Philstar, "Teddy Locsin wants foreign donations to NGOs cleared with DFA", 2 June 2019, available at: <https://www.philstar.com/headlines/2019/06/02/1922931/teddy-locsin-wants-foreign-donations-ngos-cleared-dfa>

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77 Executive Order No.70. 12/12/2018, available at: <https://www.officialgazette.gov.ph/downloads/2018/12dec/20181204-EQ-70-RRD.pdf>

78 ABS-CBN News, "CPP: Asia's longest communist insurgency", 26 December 2014, available at: <https://news.abs-cbn.com/video/focus/12/26/14/cpp-asias-longest-communist-insurgency>

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84 The so-called Oust-Duterte Matrix was first bared in an article penned by Manila Times publisher Dante Ang in early April 2019. It linked several personalities including members of the media critical of Duterte to an alleged ouster plot. The controversy led to media groups vowing to fight all forms of intimidation by Malacanang and the resignation of one of Manila Times' senior journalists, who openly criticised the article written by his publisher. While the Palace spokesperson, Salvador Panelo, first claimed that the matrix's source was the President himself, he later backtracked and said that it came from an unknown source. The Manila Times had since deleted its article online. See for example, Angela Coloma, ABS-CBN News, "Manila Times editor resigns over 'oust Duterte' matrix", 25 April 2019, available at: <https://news.abs-cbn.com/news/04/25/19/manila-times-editor-resigns-over-oust-duterte-matrix>

85 Republic Act No. 7636, An Act Repealing Republic Act Numbered One Thousand Seven Hundred, As Amended, Otherwise Known As The Anti-Subversion Act, available at: <http://www.chanrobles.com/repúblicaactno7636.htm#XW6EEChKjIW>

86 Republic Act No. 1700, Anti-Subversion Act: An Act To Outlaw The Communist Party Of The Philippines And Similar Associations, Penalizing Membership Therein, And For Other Purposes, available at: <http://www.chanrobles.com/repúblicaactno1700.htm#XW6EfhKjIW>

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Corrales' newspaper headlined how local officials drove off displaced indigenous people. He also wrote a column on the issue. The military insists the displaced group supports communists.

Gallardo wrote a story about a New People's Army (NPA) raid⁹¹ on a security outpost of an energy firm. "I called the NPA. I wrote the story," said the reporter who has covered all kinds of conflict and all kinds of actors since the 1980s.

He blames the attacks on the government's Whole Nation Approach. An explanation⁹² written by the head of the government Philippine Information Agency (PIA) describes the Whole Nation Approach as follows: "a consolidated blueprint based on truth and unbiased publicity is extremely necessary and no other sector of society is best to lead such strategy than the government itself."

"The President had made a calculated and strategic move in establishing this approach to a peace framework. It is in these times that the government needs to go on the offensive against subliminal mechanisms established by the (communists) in the international arena," the PIA head adds.

According to Gallardo, "They don't want anybody to mention the side of the NPA or people seen as their allies. But how can we do that? Any credible journalist will have contacts inside all the rebel groups."⁹³

The veteran reporter thinks that the red-tagging campaign⁹⁴ tries to strip away journalists' civilian status. Red-tagging increases the potential for retaliation by state and non-state forces for stories that court their displeasure.

"If we give in, there will be a news blackout. We'll just accept everything the government says, hook, line and sinker," Gallardo warns. A new anti-subversion law would institutionalize this threat.

It is repression by tranches in lieu of the old 'golpe'⁹⁵, with Duterte trying to dodge growing international scrutiny while he lays siege to democracy.

91 Froilan Gallardo, Minda News, "NPA rebels disarm security guards of power firm in MisOr", 19 August 2019, available at: <https://www.mindanews.com/top-stories/2019/08/npa-rebels-disarm-security-guards-of-power-firm-in-misor/>

92 Harold E. Clavite, PIA, "Whole of Nation", available at: <https://pia.gov.ph/features/articles/1018946>

93 Author conversation with Gallardo, 30 August 2019; Also see Bulatlat, "NUJP urges state forces to give protection to red-tagged journo", 3 September 2019, available at: <https://www.bulatlat.com/2019/09/03/nujp-urges-state-forces-to-give-protection-to-red-tagged-journos/>

94 "VERA FILES FACT SHEET: Why 'red-tagging' is dangerous", 11 October 2018, available at: <https://www.verafiles.org/articles/vera-files-fact-sheet-why-red-tagging-dangerous> "Red-Tagging" involves the profiling and labeling of media workers and critics of the Duterte administration as either members or sympathizers of the "outlawed" New People's Army and/or the Communist Party of the Philippines. Duterte's administration continues to employ this strategy as a way of tainting the reputations of his critics despite the repeal of the Anti-Subversion law in 1992. The Anti-Subversion Act of 1957 was used by Ferdinand Marcos to penalize anyone affiliated with the CPP-NPA. See also: <https://cmfr-phil.org/media-ethics-responsibility/journalism-review/against-red-tagging-media-provide-needed-context/>

95 "Golpe" or "autogolpe" describing Alberto Fujimori's "self-administered" coup, is used here in relation to the old Latin American model of total martial rule and total clampdown on the press. <https://www.britannica.com/biography/Alberto-Fujimori>

The Maguindanao Massacre: Trickle Down Justice

By Manuel Mogato

On 23 November 2009, a force of about 200 heavily-armed men stopped a convoy of six vehicles carrying family members and supporters of politician Esmael "Toto" Mangudadatu, a vice mayor from a nearby town, as they went to register his candidacy for the 2010 elections. Two other vehicles, not part of Mangudadatu's party, were also stopped.

The gunmen forced Mangudadatu's group, including journalists and media workers, as well as six passersby, off the highway to a nearby hill and executed them all. They then tried to hide the gruesome killings by burying the bodies and their vehicles in large freshly dug pits.

The 23 November 2009 massacre was described by the New York-based Committee to Protect Journalists (CPJ) as the "single deadliest event for the

press" the non-profit group had ever documented since it was founded in 1981.⁹⁶

Justice has remained elusive⁹⁷ for the families of 58 people, including 32 media workers, brutally killed⁹⁸ nearly a decade ago in an isolated hilltop in the Philippines' restive south, putting the Southeast Asian country on the map as one of the world's deadliest places for journalists in 2009.

In early August 2019, Justice Secretary Menardo Guevarra gave firm assurances that "justice will finally be served"⁹⁹ as the court already gave both lawyers for and against the political clan and its armed groups accused of committing the atrocity¹⁰⁰ until 15 August to submit written summations of their arguments. A decision is expected within 90 days.

"The Department of Justice (DOJ) expects that a judgment will be rendered before the 10th anniversary of the infamous massacre on 23 November 2019," Guevarra told journalists, adding the judge will hand down a decision with or without the lawyers' written summaries.¹⁰¹

State prosecutors had identified a total of 197 people¹⁰² behind the mass killings, including Andal Ampatuan Sr., patriarch of the powerful clan ruling the poor Maguindanao province, his brother, sons and grandsons, and dozens of local police officers and militia members under their control.

About 100 were indicted and went to trial while the rest, including three grandsons, remained free and unaccounted for.¹⁰³ Three police officers were acquitted because there was no strong evidence for their involvement¹⁰⁴, and the head of the family, Andal Ampatuan Sr., a former governor, died due to natural causes in June 2015 while still on trial.

96 Bulatlat, "The killing of a journalist is an attack against press freedom", 27 September 2013, available at: <https://www.bulatlat.com/2013/09/27/the-killing-of-a-journalist-is-an-attack-against-press-freedom/>

97 Mara Cepeda, Rappler, "Wheels of justice completely stopped' 9 years after Maguindanao massacre", 23 November 2018, available at: <https://www.rappler.com/nation/217410-opposition-statements-maguindanao-massacre-9th-anniversary>

98 Nonoy Espina, chair of the National Union of Journalists of the Philippines (editor's source)

99 Gabriel Pabico Lalu, *Inquirer.net*, "Decision for Maguindanao massacre likely out before 10th anniversary in Nov.- Guevarra", 08 August 2019, available at: <https://newsinfo.inquirer.net/1151913/decision-for-maguindanao-massacre-likely-out-before-10th-anniversary-in-nov-guevarra>

100 Human Rights Watch. "They own the people". 16 November 2010, available at: https://www.hrw.org/report/2010/11/16/they-own-people/ampatuans-state-backed-militias-and-killings-southern-philippines;Regine_Cabato_CNN_Philippines._Exclusive:_Justice_Secretary:_Maguindanao_massacre_trial_to_be_wrapped_up_this_year, 21 June 2018, available from: <https://cnnphilippines.com/news/2018/06/21/justice-secretary-menardo-guevarra-maguindanao-massacre-trial.html>

101 See Supra Note 99

102 Sofia Tomacruz, Rappler, "What has happened to the Maguindanao massacre trial 8 years later?", 23 November 2017, available at: <https://www.rappler.com/newsbreak/iq/189284-maguindanao-massacre-trial-updates>

103 Joel R. San Juan, Business Mirror, "Maguindanao massacre decision out in November- DOJ chief", 9 June 2019, available at: <https://businessmirror.com.ph/2019/08/09/maguindanao-massacre-decision-out-in-november-doj-chief/>

104 Janvic Mateo, *Philstar Global*, "3 Maguindanao massacre suspects acquitted for lack of evidence", 6 July 2017, available at: <https://www.philstar.com/headlines/2017/07/06/1717230/3-maguindanao-massacre-suspects-acquitted-lack-evidence>

105 Author interview with lawyer Nena Santos, 13 August 2019

The court has repeatedly denied motions by the Ampatuan lawyers to prolong the trial by asking Judge Jocelyn Solis-Reyes to present more witnesses to corroborate the alibis of Ampatuan's sons that they were not on the place where and when the victims were killed on 23 November 2009.

Court victory expected

Nena Santos, a lawyer representing the families of the slain journalists, was also hoping a decision would come on or before the 10th anniversary of the Maguindanao massacre, as the case is known. She said only a temporary restraining order (TRO) from a higher court could stop the Quezon City regional trial court from handing down a verdict.

But she highly doubted that a higher court would delay and issue a restraining order since all the complainants and some of the Ampatuan clan's co-accused will oppose the legal manoeuvre to buy more time.

"We are confident that they will be convicted," Santos said, emphasising the testimonial and material evidence presented in court against members of the Ampatuan clan, particularly on "Unsay" Jr., which were very strong, credible, and air-tight. "Our ten years of life's work spells justice. We will wait for the promulgation of judgment. It will come soon."¹⁰⁵

Santos told me in an interview that she never gave up on the case even when the court, at times, was hard on the prosecutors and complained of the slow pace of the trial. "We are not satisfied with the pace," she said, adding the court was too lenient on defence lawyers and was strict on public and private prosecutors.

On the other hand, should further investigations prove that the accused police officers and civilian volunteers played no role in the planning and staging of the massacre, the accusations may be dropped, or they may receive a lighter sentence, she said.¹⁰⁶

While politically-motivated killings are not uncommon in the volatile Muslim areas in the southern Philippines during election periods, “the scale and brutality of the November 23 massacre far exceeded previous attacks in this violent region,” according to a 2010 Human Rights Watch (HRW) report.¹⁰⁷

A culture of impunity

The rights group, HRW, spent nine months until August 2010 investigating 52 incidences of targeted killings, enforced disappearances, abductions, torture, and sexual assault in Maguindanao province to understand how and why the massacre happened.

Apart from the massacre, HRW had also documented killings of “at least 56 people, including relatives of opposition politicians, landowners who resisted forced acquisition of their property, eyewitnesses to crimes, including their own militia members, and even children.”

The Ampatuan clan was extremely powerful, and the patriarch, his sons, and grandsons had devised and carried out a plan to stop a rival political family from challenging their control over the province. They wanted absolute control. Andal was the three-term governor and wanted his Junior to take his place because he was no longer eligible to seek another term. And so, on 23 November 2009, they targeted rival politician Mangudadatu on his way to register his candidacy for the 2010 elections.

The massacre in Maguindanao shocked the whole world but the violence in the Philippines did not stop.

Assassinations of state witnesses were carried out even after former President Gloria Macapagal Arroyo declared martial law in the region a year after the massacre.¹⁰⁸ Several members of the Ampatuan clan were arrested, their “private army” dismantled and disarmed, and many of their powers clipped.

The clan has remained in power—to this day—even after Mangudadatu, who was not in the convoy at the time of the attack, won in the gubernatorial elections of 2010 and now sits as member of the 18th Congress. The wives and children of the Ampatuan clan continued to hold a tight grip in six towns, as if nothing had changed since the massacre.¹⁰⁹

The situation in Maguindanao underlines the culture of impunity in the Philippines.

Santos said she hopes for a better situation after the court hands down its verdict, punishing the people behind the Maguindanao massacre. “This case should open the eyes of politicians and the police that the killings will never go unpunished,” she said.¹¹⁰

Santos, though, is not too optimistic that things will be better under President Rodrigo Duterte due to his poor human rights record.

Fast-Forward to Duterte

In the three years following Duterte’s rise to the presidency in 2016, police and anti-drug agents acknowledged that more than 5,000 people were killed in sting operations gone bad, which ended up in gun battles.¹¹¹ More than 3,000 people have also died in drug-related “vigilante-style” assassinations in slum areas in the capital and nearby provinces.¹¹²

Murder and homicide cases have steadily climbed as petty street crimes have dropped, bringing a false sense of security and safety to communities.¹¹³

Political killings are also on the rise, targeting human rights activists, farmers, community organisers and lawyers, as security forces have stepped up their counter-insurgency operations after the president scrapped peace talks with Maoist-led rebels in November 2017,¹¹⁴ who have been waging a protracted guerrilla war for half a century.

New wave of attacks on the press

Thirteen media workers have already died under Duterte’s watch¹¹⁵, bringing the total to 186 journalists¹¹⁶ since democratic space and institutions were restored in the country after dictator Ferdinand Marcos was removed from power by an army-backed popular revolt in 1986.

The situation may get worse as Malacañang tries to revive an anti-subversion law¹¹⁷ and amend the existing anti-sedition legislation¹¹⁸ as Duterte moves to eliminate his political foes and critics,¹¹⁹ including journalists and groups tagged as communist fronts.

The National Union of Journalists of the Philippines (NUJP) in its latest statement decried the “increasing incidence of what can only be described as targeted attacks on members of the critical media,” citing three unrelated incidents, including the shooting and wounding of a Chinese-American human rights and news correspondent Brandon Lee in Ifugao province in northern Luzon.¹²⁰

“The three incidents appear to be the growing penchant for red-tagging¹²¹ independent media outfits, organizations, and journalists by agents and minions of a government that has proven itself unable to accept and tolerate criticism and dissent,” the NUJP said.

As of end of April 2019, the Freedom for Media, Freedom for All Network—a group of non-profit and independently-funded organisations—released its third semestral report on the state of Philippine Media under the Duterte administration, highlighting rising cases and incidents of attacks and threats. These were hardly investigated or resolved by the appropriate state agencies.

The network has recorded at least 128 threats and attacks against the press since 30 June 2016, most of them in the capital Manila, with online harassment topping the list.¹²² Apart from the red-tagging of media groups and journalists, the most serious act of harassment was linking many of them to the so-called “oust-Duterte plot” early this year.¹²³

Democracy has not prevented the Philippines from becoming one of the world’s most dangerous places for journalists. After all, the massacre in Maguindanao, the single deadliest event for journalists, happened outside a conflict area.

In 2018, the CPJ’s Global Impunity Index ranked the Philippines as the fifth country¹²⁴ in the world with the highest number of unsolved murders of journalists, behind Somalia, Syria, Iraq, and South Sudan—all conflict-torn states.

Another non-profit press advocacy group, Reporters without Borders, ranked the Philippines as 134th of 180 countries in its 2019 World Press Freedom Index¹²⁵, one notch down on the previous year due to the president’s constant attacks of journalists and media groups that are critical of his administration, as well as the coordinated attacks on social media by the government’s “keyboard warriors.”

106 Ibid

107 Human Rights Watch, “They Own People: The Ampatuans, State-backed Militias, and Killings in the Southern Philippines”, 16 November 2010, available at: <https://www.hrw.org/report/2010/11/16/they-own-people/ampatuans-state-backed-militias-and-killings-southern-philippines>

108 Human Rights Watch. “Philippines: Investigate Killing of Massacre Witness”. 23 June 2010, available at: <https://www.hrw.org/news/2010/06/23/philippines-investigate-killing-massacre-witness>

109 *Inquirer.net*, “Ampatuan clan remains powerful”, 25 November 2014, available at: <https://newsinfo.inquirer.net/652660/ampatuan-clan-remains-powerful>

110 Author interview with lawyer Nena Santos, 13 August 2019

111 Sofia Tomacruz, *Rappler*, “Duterte gov’t tally: Drug war deaths top 5,500 before SONA 2019”, 21 July 2019, available at: <https://www.rappler.com/nation/235712-duterte-government-tally-drug-war-deaths-before-sona-2019>

112 Ibid

113 Clare Baldwin and Andrew R.C. Marshall, *Reuters*, “As death toll rises, Duterte deploys dubious data in ‘war on drugs’”, 18 October 2016, available at: <https://www.reuters.com/investigates/special-report/philippines-duterte-data/>

114 Neil Jerome Morales, *Reuters*, “Philippines’ Duterte ditches peace process with Maoist rebels”, 24 November 2017, available at: <https://www.reuters.com/article/us-philippines-rebels/philippines-duterte-ditches-peace-process-with-maoist-rebels-idUSKBN1D0060>

115 Among them: Larry Que, Jun Briones, Rudy Alicaway, Leo Diaz, Christopher Lozada, Mario Cantaai, Marlon Muyco, Apolinario Suan, Edmund Sestoso, Carlos Matas, Dennis Denora, Joey Llana and Gabby Alboro. See *The Philippine Daily Inquirer*, “WHAT WENT BEFORE: 13 journalists killed under Duterte admin”, 12 July 2019, available at: <https://newsinfo.inquirer.net/1140825/what-went-before-13-journalists-killed-under-duterte-admin>

116 Nonoy Espina, chair of the National Union of Journalists of the Philippines (editor’s source)

117 *The Philippine Star*, “The Anti-Subversion Law, explained”, 13 August 2019, available at: <https://www.philstar.com/headlines/2019/08/13/1943044/why-anti-subversion-law-was-repealed>

118 Amnesty International. “Sedition charges used to silence critics”. 19 July 2019, available at: <http://www.amnesty.org.ph/news/sedition-raps/>

119 Ibid

120 Minda News, “NUJP STATEMENT: Attacks will not silence the independent media”, 11 August 2019, available at: <https://www.mindanews.com/statements/2019/08/nujp-statement-attacks-will-not-silence-the-independent-media/>

121 See Supra note 94.

122 Minda News, “State of Philippine Media Report”, 3 May 2019, available at: <https://www.mindanews.com/statements/2019/05/state-of-philippine-media-report/>

123 See Supra note 84.

124 Centre for Media Freedom & Responsibility, “PH still 5th in CPJ 2018 Global Impunity Index”, 5 November 2018, available at: <https://cmfr-phil.org/chronicle/ph-still-5th-in-cpj-2018-global-impunity-index/>; Committee to Protect Journalists, “Getting Away with Murder”, 29 October 2018, available at: <https://cpj.org/reports/2018/10/impunity-index-getting-away-with-murder-killed-justice.php>

125 Reporters Without Borders, “World Press Freedom Index 2019”, available at: <https://rsf.org/en/ranking>

The online attacks against journalists in the Philippines turned evermore vicious early in Duterte's term as the state's "keyboard warriors" targeted not only the credibility of legitimate news organisations and individual journalists critical of the Duterte administration, but used disinformation and hate messages against the journalists and their families.¹²⁶

The increasing threats and attacks on different social media platforms are designed to sway public opinion by depicting the mainstream media as purveyors of "fake news" and influencing people to believe in the administration's narrative, particularly on controversial issues such as the drug war and China policies.

Attacking the mainstream media's credibility is the biggest threat to press freedom and democracy. By doing so, the administration is also trying to eliminate dissent and prevent a healthy debate of ideas as the country slowly slides to authoritarianism.

Pushing back, staying alive

There is an urgent need for all journalists and various media groups to come together, cooperate, and work as one to push back on the government's efforts to control and muzzle the press using intimidation, threats and other legal and corporate tactics.

It is high time for all journalists to close ranks and continue reporting without fear of any wrongdoing and violations to basic human dignity and rights.

Journalists must strictly observe the highest ethical standard in reporting and must remain faithful to the principles of accuracy, fairness and impartiality. These principles are the only defence against any effort to discredit and question their credibility, the most important and potent weapons against disinformation.

Journalists must hold the line against all attempts by government to silence the press. They must also celebrate small victories against any effort to curtail press freedom and democracy and work together to preserve whatever little gain there is in this continuing struggle, like the possible conviction of perpetrators responsible for the Maguindanao massacre.

A court victory in the Maguindanao case does not guarantee it will eliminate the culture of impunity in the country. It will not improve by leaps and bounds the country's rankings in the CPJ and RSF indices, but certainly it will be a sweet, small victory, and an incremental gain for the families of the victims and the fight for press freedom.

The Newsroom's Fighting Women

By Criselda Yabes

There's one name for the writers and journalists that defied a dictatorship: WOMEN—the acronym for the Women Writers in Media Now.¹²⁷ In the years of President Ferdinand Marcos' dictatorship, it was mostly the women who went to the frontlines and wrote. They went to the remotest parts of the country where activist peasants were killed and communities suffered from military abuses. They listened to stories of torture and rape under interrogation; and of families telling them of their members being "salvaged"—the term referring to extrajudicial killings in those days—by the military and militias.

These women wrote these stories under the threat of censorship and imprisonment.

In Manila, there is a wall of remembrance¹²⁸ that was built soon after Marcos fell in 1986 to honour and remember the victims. This Bantayog ng mga Bayani (Heroes' Wall) is somewhat secluded near the intersection of a busy highway, and we have to search for it to be able to recall a dark past that most Filipinos seem to have forgotten over the recent decades.

It has been ages since I read these stories in magazines that were either passed around clandestinely or published under limited circulation. We called these publications the "mosquito press," the alternative to the sanitised daily broadsheets and the source of unblemished journalism on issues hidden from Philippine society and the world at large. Anything we could get our hands on, about rivalries in the cabinet, corruption among the Marcos family cronies, the growing threat of a communists' "people's army" in the countryside.

I was a journalism student during the early years of the 1980s. In the university, we spoke out loud, marched in demonstrations, and listened to the voices of leftist activists. The journalism club of which I was an officer invited the women journalists who had gumption to speak to us. We were awed by their audacity. In spite of the repressive atmosphere, they had wit and style, and definitely gave meaning to the oft-repeated phrase, "The pen is mightier than the sword." We read every piece they wrote—poetry, reportage, opinion columns, and anything else that was banned to the public.

Subversion was their genre

A few of these memories have returned recently, the result of trying to make sense of these bleakest of times. I remember magazine editor Jo-Ann Maglipon and other writers who, in 1974, were detained at Fort Bonifacio, then the sprawling Army headquarters, but now a high-end district of condominiums, shops, and restaurants. She was telling us about some of her visitors, a poet and his wife who brought a lovely picnic basket for lunch:

"Under a little thatch roof held up by four sticks, in the middle of a jogging path in that prison, right on top of the dusty earth, they spread their red-and-white tablecloth, on which they laid out pewters and silverware and fine glasses and nice breads. It felt almost English."¹²⁹

She had been in the underground movement when she was in her twenties in the early 1970s, supporting the communist party to overthrow Marcos. Another rebel among the WOMEN was Gemma Nemenzo, sister of an eminent scholar and activist, and once married to a close lieutenant of the Communist Party chairman. From 1972 to 1981, the official years of martial law, her life turned

¹²⁶ Ted Regencia, Aljazeera, "Philippines: Threats against journalists denounced", 20 September 2016, available at: <https://www.aljazeera.com/news/2016/09/philippines-threats-journalists-denounced-160920114525647.html>

¹²⁷ WOMEN or Women Writers in Media Now <https://womenwritersinmedianow.blogspot.com/#>

¹²⁸ Rhea Claire Madarang, Rappler, "This place in Metro Manila takes you on a gripping Martial Law tour", 21 September 2016, available at: <https://www.rappler.com/life-and-style/travel/ph-travel/146918-martial-law-tour-bantayog-ng-mga-bayani>

¹²⁹ Jo-Ann Q. Maglipon, Positively Filipino, "Martial Law Stories: Remembering", 2 April 2019, available at: <https://www.martiallawchroniclesproject.com/martial-law-stories-remembering/>

upside-down, bringing her up close and personal to prisons, killings, and betrayals.

For the literary and art communities fighting against the regime—she called it a time for “creative subversion” for the community of writers and artists—the most unforgettable of which, she cited, was an “anonymous poem borrowing references from Greek mythology but was actually a protest slogan when deciphered from the first letter of each line.”¹³⁰

It read, MARCOS HITLER DIKTADOR TUTA [Marcos, Hitler, Dictator, Lapdog],¹³¹ and it spread like wildfire in the underground. Marcos was the country's Hitler, the dictator, and a puppy dog of the American government that supported his regime from the start until he was deposed from power and spent the rest of his life as a virtual prisoner on Oahu Island in the middle of the Pacific. He died in 1989. Because of its brilliance, the poem titled “Prometheus Unbound” came out in a Marcos-controlled publication whose editors had clearly not realised what it was intended for.

These were but a few of the stories I remember about the WOMEN.¹³² They survived to tell their stories, witnessing the end of a tyranny and the country breaking into light out of nearly two decades of darkness. These days, their slogan is “Never Again!”

My generation reaped what they sowed.

A failed coup plot¹³³ by a faction within the army triggered Marcos' ousting in 1986. Before they planned their attempted coup, these colonels were calling for reforms in the military, which they claimed had become riddled with corruption. To keep people informed, they reached out to journalists, especially the WOMEN; and while their plot failed, their actions were still part of this larger political process that forced Marcos out of power. Sometimes, I would close my eyes and see myself there at the moment of history unfolding, those four days in February 1986, and I could say

that it was the best time to be a journalist in my country.

But, instead of celebrating, these officers mutinied against the new (and popular) government of President Corazon Aquino.¹³⁴ Theirs was some kind of a knee-jerk reaction to the suddenly diluted power of the military. Their coups split the establishment: the constitutionalists among them held tight for the principles of democracy and civilian supremacy, while the politically ambitious kept plotting. All these made investigating the military exhilarating for the journalists of my time to keep the flame of democracy alive while the country hung in the balance.

For about seven years after Marcos, there was no rest, every day we woke up to rumours of yet another plot. We followed at all times reports and rumours of the outbreak of mutinies from the presidential palace to the military camps.

Developing ties with the officers before 1986 paid dividends. The gates of the army camps were always open to journalists. The officers aired their views as though they, too, had broken free from a dictator's rigid mouthpiece. This was unthinkable under martial law. It was unheard of to be traipsing from office to office, from one headquarters to another trying to get a scoop. The men in uniform had been the monsters unleashed by Marcos; they had been recast as heroes helping to save democracy, which became a fresh breath of air that gave the press all its might to grab any story of the day. No one was going to stop us.

My journalistic and creative writings grew out of the saga of the military after martial law. There was not much else to cover save the string of mutinies until they petered out, after which the focus shifted back to the counter-insurgency campaign in the Mindanao south. The mutinies spread throughout the decades, running through one president to the next. There were battles, attacks, and sieges. There was a long-delayed attempt at brokering peace. I wasn't always there, but I always wanted to

be there because these were stories I felt attached to; I had them on the palm of my hand. I worked for foreign news agencies and then turned freelance, giving way to writing books about Mindanao or the military in between other stories.

Before I knew it, 30 years had passed, but the ghost of martial law began to loom over us in the shape of a new president, a tyrant wannabe who thundered out of the blue from a Mindanao city that had been wracked with violence. Rodrigo Duterte did not mince his words about his love for the late Marcos, whose remains he allowed to be buried in the Heroes' Cemetery near Fort Bonifacio; and by doing this revived the horrors of the past.

The country became divided, and the opposition was torn apart. One by one, the president targeted women who opposed him: jailing a senator he accused of involvement with drug dealers,¹³⁵ removing the vice president from his cabinet,¹³⁶ unseating the Supreme Court chief justice who questioned his drug war.¹³⁷ His open misogyny¹³⁸ is unrivalled by any other Philippine leader. Some of the younger women journalists, who have followed the trail of extrajudicial killings in the slums of Manila under the force of his anti-drug war, have seen scenes as brutal as Marcos's anti-subversive campaigns.

His popularity has been unscathed: How do we write about this? How do we explain it? He entertains, he ridicules, he flips his words at the snap of a finger. We are jolted by his pronouncements every so often, unable to make sense of his mind, which one academic from Mindanao, Duterte's bailiwick, has likened to that of a drunk at the neighbourhood store, riling himself up when awakened from a stupor.¹³⁹

He has catcalled young women journalists at press conferences,¹⁴⁰ he threatens press freedom by intimidation with legal action. It hasn't yet reached a point where journalists are literally shackled, yet the fear is there.

For the journalist or writer, we are living through a twilight zone: everything is the unknown, as with the rest of the world, and democracy is losing out to illiberal populism.

We may possibly recover later on, if one may be optimistic about it. I can still roam my country, I can still visit military camps in Mindanao, where martial law was declared at the outbreak of a battle against Islamist rebels in 2017¹⁴¹, but conversations with officers show how guarded they are. Disgust, anger, and fear are a lethal combination that paralyzes journalists and many other outspoken sectors. We have reached another junction in history.

Meanwhile, the WOMEN went back to the streets and published their writings of yore. Jo-Ann Maglipon recently edited an anthology of writings, *Not On Our Watch: Martial Law Really Happened. We Were There*.¹⁴² We are a country, it said, that has the hardest time remembering anything and this book should call us to a “Great Remembering.” Ceres Doyo, a long-standing columnist of the *Philippine Daily Inquirer*, has revived a compilation¹⁴³ of more than 30 newspaper and magazine articles by emboldened journalists, mostly women of those years of media shutdown, arrest, detention, forced resignation, interrogations, libel cases, and deaths.

My country will never run out of stories to tell, I can bet on that. I often wonder, though, how much of these stories will stay in our collective memory, what we recycle or thrash out, or what we have to keep writing to save us from falling again.

130 Positively Filipino, “Gemma Nemenzo On Life, Love, Writing, And Everything In Between”, 23 September 2014, available at: <http://www.positivelyfilipino.com/gemma/creative-subversion>. Jose “Pete” Lacaba wrote it first under the pseudonym Ruben Cuevas and submitted it in *Focus Magazine*, thus the reference here to the poem being “anonymous”. Authorities later discovered it was an acrostic poem that criticised the regime. This led to Lacaba's capture in 1974. See Paolo Enrico Melendez, *Esquire*, “The Marcos-era Resistance Poem that Smuggled a Hidden Message into State Media,” 11 September 2018, available at: <https://www.esquiremag.ph/long-reads/features/the-marcos-era-resistance-poem-that-smuggled-a-hidden-message-into-state-media-a1508-20180911-lfrm2>

131 Reddit, “[Text] Pete Lacaba - Prometheus Unbound, a poem written in protest of the Marcos dictatorship in the Philippines, sneakily published in a magazine allied with the Marcos regime”, available at: https://www.reddit.com/r/Frisson/comments/5e3lq6/text_pete_lacaba_prometheus_unbound_a_poem/

132 Women Writers in Media Now. 2019, available at: <https://womenwritersinmedianow.blogspot.com/>

133 Richard N Haass, *The Los Angeles Times*, “Failed Coup's Message to Marcos: ‘You're Finished, Pal’”, 11 July 1986, available at: <https://www.latimes.com/archives/la-xpm-1986-07-11-me-19966-story.html>

134 Howard G. Chua-Eoan and Edward W. Desmond, *Time*, “The Philippines The Coup That Failed”, 24 June 2001, available at: <http://content.time.com/time/magazine/article/0,9171,147536,00.html>

135 See supra note 8

136 The *Guardian*, “Philippines vice-president resigns from cabinet over ‘differences’ with Rodrigo Duterte”, 5 December 2016, available at: <https://www.theguardian.com/world/2016/dec/05/philippines-vice-president-resigns-cabinet-differences-with-rodrigo-duterte>

137 See supra note 9

138 DW, “Misogynist’ Duterte slammed over sexual harassment law”, available at: <https://www.dw.com/en/misogynist-duterte-slammed-over-sexual-harassment-law/a-49605354>

139 Author interview with academic. Editors have agreed to the author's request to keep the quoted academic anonymous.

140 The *Philippine Daily Inquirer*, “GMA reporter scores Duterte for catcalling wife Mariz Umali”, 2 June 2016, available at: <https://newsinfo.inquirer.net/788794/gma-reporter-raffy-iima-scores-duterte-for-catcalling-wife-mariz-umali>

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143 The title of the book is *Press Freedom Under Siege: Reportage that Challenged the Marcos Dictatorship* by Ceres Doyo, (University of the Philippines Press, Quezon City, 2019, 405 pages)

Writing in the Margins

By H. Francisco V. Peñones Jr.

In 2000, during the first-ever conference of writers called “Pagsurat Bikol” or Writing in Bicol, one of the speakers diagnosed the literature of the Bicol region as dying.

There was understandably a basis for his dire reading. In textbooks on Philippine literature used in schools, the writers often associated with the region wrote in English. They also adopted Bicol as their second home but none of them ever wrote in the language of the region.

In the entire country in August each year, the *Buwan ng Wika* or Language Month is also observed, and for 2019 the theme centred on the role of indigenous languages in promoting national unity. The Komisyon sa Wikang Filipino (KWF), which leads the annual celebration, said that 39 of the country’s 130 indigenous languages are already endangered.¹⁴⁴

Most of the endangered languages are those spoken by indigenous peoples living in the mountain areas of Northern and Southern Philippines. In Mindanao, the lives and languages of the *lumad*, the term for the mountain-dwelling indigenous tribes, are threatened by what UN Special Rapporteur on the Rights of Indigenous Peoples Victoria Tauli-Corpuz termed as the “criminalization of indigenous peoples.”¹⁴⁵ This means various trumped-up criminal charges are brought against leaders of indigenous peoples

who are defending their rights over their land, which are the target of capitalists and multi-national business interests. Recently, the government has ordered the closure of 55 *lumad* schools, which it claimed have become the breeding ground for communist rebels in the area¹⁴⁶.

Next year, the Pagsurat Bikol will mark its 20th year with sanguine gains. Kristian S. Cordero,¹⁴⁷ deputy director of the Ateneo de Naga University Press¹⁴⁸, estimates that since 2000, more than 200 books had already been published in the region, or an average of ten books per year¹⁴⁹. While few, for a region that considers the ‘20s and the ‘50s as the “golden years” of its literary history, the number overshadows the prolific publication record of those decades, which consisted mostly of devotional pamphlets and translated European metrical romances.

According to Cordero, the university press itself, which opened in 2014, has already printed 86 titles thus far. Some have won national book awards, while others are works of established writers in other regions of the country. Cordero himself can be considered to be the epitome of the vibrancy of the Bicol literary landscape. This year, he will receive the Southeast Asian Write Award¹⁵⁰ from the royal house of Thailand.

While there have been three other writers from Bicol who have previously received the award, Cordero is the youngest of the crop, having only published his first book in 2014, a compendium of poems in both the Bicol language and Filipino titled “Tulang Tulala” or “Stunned Verses.” Since then he has come out with several other books, anthologies, partnered with a philanthropist to sponsor an annual Bicol novel prize contest, has networked with European embassies for the translation of the *oeuvres* of their noted writers, like the Czech Karel Čapek or Argentine Jorge Luis Borges.

Cordero has also recently opened a bookstore and gallery, similar to the iconic Solidaridad Bookstore of National Artist Francisco Sionil José, who,

incidentally, will also share the SEAWrite Award this year¹⁵¹ with Cordero and the Mindanao-based poet and university chancellor, Ricky de Ungria. These helped fuel the resurgence of writing in the regional language, along with the parallel efforts of Bicol writers in explicating a Bicol philosophy and native poetics, and engaging with the government’s education department for the writing of Mother Tongue Based-Multi-Lingual Education (MTB-MLE) books under its K-12 programs.

In the academe, some scholars have introduced and used Bicol (“Bikol” in the Filipino orthography) as the language for research in local universities and colleges; others have started writing literary and art criticism informed by the native concepts of Bicol wit personified by the legendary folk character named Juan Osong, and *oragon*, a pre-colonial word that evolved in meaning from its pre-colonial reference to heroic feats of native warriors to its contemporary expression of excellence. All these continue to contribute to what is now called the renaissance of Bicol literature.

As in the Bicol region and in other parts of the country, writing in the indigenous language is also helped by government programmes and policies. Approved on May 2013, Republic Act 101533¹⁵² introduced curricular reforms in the Philippine educational system. This includes language proficiency through the MTB-MLE under which subjects are taught in the first language of the learners from Kindergarten until the Third Grade.

Initially, there were 12 regional languages included in the MTB-MLE program: Tagalog, Cebuano, Hiligaynon, Iloko, Bikol, Kapampangan, Maguindanaoan, Maranao, Pangasinense, Bahasa Sug (Tausug), Chabacano, and Waray. Seven more regional languages were added to the program in July 2013: Ybanag, Ivatan, Sambal, Aklanon, Kinaray-a, Yakan, and Surigaonon.

These regional languages are also included in the National Committee on Literary Arts of the National Commission for Culture and the Arts (NCCA). Yearly, the Committee provides publication grants for works in either of these languages; and on a rotating and competitive basis, the NCCA Writers Prize.

The government’s *Komisyon ng Wikang Filipino*¹⁵³ (KWF) or the Commission of Filipino Language also sponsors the installation of monuments or *Bantayog-Wika* for the major languages of the country, the latest of which in April this year was for the Ivatan language in Batanes, the northernmost province of the country. Down south, in Zamboanga City, the city government has also institutionalised the observance of the *Dia de Fundacion Chavacano* in June of each year. The celebration, according to City Ordinance 374, recognises the role of Chabacano, a Spanish-based creole language, in Zamboanga culture.

In Central Luzon, the planned PhP607-billion (US\$12-billion) “New Clark City,” which will rise across 9,450 hectares in Tarlac province, is set to dislocate more than 20,000 indigenous Aeta people.¹⁵⁴ The local government of Capas and some Aeta leaders said, however, that no indigenous peoples would be affected by the plan as the areas are not covered or considered as their ancestral domain.¹⁵⁵

These examples show how development aggression is threatening the survival of indigenous peoples, including their language. As linguist Leanne Hinton aptly puts it:

The decline of linguistic diversity in the world is linked to the world political economy, which invades and takes over the territories of indigenous peoples, threatens the ecosystems in which they live, wipes out their traditional means of livelihood, and (at best) turns them into low-caste labourers in the larger society in which they must now live on the margins.¹⁵⁶

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145 Victoria Tauli-Corpuz, “Report to Human Rights Council-2018. Attacks against and criminalization of indigenous peoples defending their rights”, available at: http://unsr.vtaulicorpuz.org/site/index.php?option=com_content&view=article&id=251:report-hrc2018&catid=11:annual-reports&Itemid=40&lang=en

146 Rappler, “DepEd orders temporary closure of 55 Lumad schools in Davao region”, 13 July 2019, available at: <https://www.rappler.com/nation/235305-deped-orders-closure-lumad-schools-davao-region>

147 IWP, “Kristian Sendon Cordero”, available at: <https://iwp.uiowa.edu/writers/kristian-sendon-cordero>

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149 Bicol Standard, “Kristian Cordero to receive Southeast Asian Writers Award”, August 2019, available at: <http://www.bicolstandard.com/2019/08/kristian-cordero-to-receive-southeast.html>

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151 See Supra note 149

152 Official Gazette. “Republic Act No. 10533”. 15 May 2013, available at: <https://www.officialgazette.gov.ph/2013/05/15/republic-act-no-10533/>

153 KWF, available at: <http://kwf.gov.ph/>

154 The *Philippine Daily Inquirer*, “P607-B Clark ‘green city’ to displace Aeta communities”, 8 July 2019, available at: <https://newsinfo.inquirer.net/1138945/p607-b-clark-green-city-to-displace-aeta-communities>

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Surviving the Absurd: A Summary

By Joel Pablo Salud

The media's ongoing struggle in the Philippines can be summed up in four words: Journalists deserve to die.¹⁵⁷

This was somewhat hinted at by President-elect Rodrigo Roa Duterte in a Davao City post-election press conference thirty days prior to his inauguration on 30 June 2016.

"Just because you're a journalist you are not exempted from assassination, if you're a son of a bitch," he said.

It was the first of several attacks against the Philippine press, which sparked a political climate conducive to authoritarianism. Not only that, the resulting climate of impunity pushed the gains of human rights advocates several steps back and opened the doors for a "drug war" even whose bloody ends, in the mind of his followers, more than justified the means.

Days later, Reporters Without Borders expressed its displeasure by calling on the Philippine media to boycott¹⁵⁸ Duterte's press conferences. While the Philippine press did little to promote the call, with some openly showing disapproval on social

media¹⁵⁹ on account of the media's responsibility to the Filipino public, the controversy somehow stripped the fresh-off-the-ballot-box chief executive of his new clothes. It exposed Duterte's *bête-noir* for the press in general and tough questions in particular.

Months before the former mayor of Davao City filed his Certificate of Candidacy (COC), we met at Davao's Marco Polo Hotel for a two-and-a-half hour interview.¹⁶⁰ I figured it was as good a meeting as any to ask him about his plans for the country, should he decide to run for president. Earlier, he had openly denied wanting a shot at the post.

I knew very little about the mayor save for what I'd read in the news. Word on the street proved unflattering. Rumours had it that Duterte was the leader of the dreaded Davao Death Squad allegedly responsible for the grisly murder of a Davao City broadcaster, Jun Pala, in 2003.¹⁶¹

(Barely a year into Duterte's term, a retired Davao City police officer, SPO3 Arthur Lascañas, admitted that he was hired by Duterte through a close aide to assassinate Pala.¹⁶² Fearing for his life, SPO3 Lascañas soon changed his tune¹⁶³, and later decided to leave the country.)

Suffice it that the interview¹⁶⁴ went on as planned. After divulging his admiration for former dictator Ferdinand Marcos, adding that his template for governance, should he bag the presidency, would mirror that of Marcos, I retorted that Filipinos had been subjected to the abuses and cruelty of the Marcos regime. "Won't that scare people?"

Duterte assured me that that will not happen for this one simple plan: "I'll shoot you, if you're a criminal. This is how it works. The backbone of

any society is peace. A leader can only accomplish things if on one level, he thinks and acts like a dictator."

Our magazine, the *Philippines Graphic*, published the interview back in 2015. All but a handful of what he said back then has set the stage today for a *blitzkrieg* out to push journalism into irrelevance, if not at the door of an assassination plot.

His administration's attacks soon proved systematic. As this report reveals, the government first filed tax deficiency charges amounting to P70 million and cyber libel cases against Rappler's chief executive officer, Maria Ressa.¹⁶⁵ It then moved to accuse the owners of *Philippine Daily Inquirer* of tax violations. He likewise threatened not to renew the license of the country's largest television network, ABS-CBN.

The administration's hostility leaped from awful to downright atrocious shortly after it launched Oplan Double-Barrel,¹⁶⁶ his war on drugs in 2016, logging in 100 deaths each week until it tapered down to about 39 deaths per week in late 2017. To this day, the nightly coverage exposes a bloody campaign whose targets consist mostly of the poor and the destitute. This left the media's "night-crawlers" very little to go on to expunge the images of carnage which they end up bringing into their homes.

On top of this, the administration forged an army of online 'trolls'¹⁶⁷ paid to run roughshod over those critical of the regime. Based on a study conducted by the University of Oxford¹⁶⁸, these online trolls receive a cumulative stipend of US\$200,000, with each office consisting of 400 to 500 staff members.

The assault, conducted largely online, involves not only threats spewed in the signature rudeness

of their employer but a torrential outpouring of fraudulent and oftentimes confusing statements put out to swindle the public of the facts.

What proved to be alarming to some nonetheless has moved human rights advocates to fend off the attacks as best they can, now that push has come to shove. It didn't take long before writers, artists, media practitioners, and other advocacy groups working under harsh conditions, expanded the quality and scope of their work.

Take for example Patricia Evangelista's highly-acclaimed piece, "Some People Need Killing: Murder in Manila,"¹⁶⁹ which pushed the boundaries of investigative reporting to include actual interviews with vigilantes who took Duterte's word as law.

Rappler's Marites Danguilan Vitug's latest *oeuvre*, *Rock Solid: How the Philippines Won Its Maritime Case against China*¹⁷⁰ sets the country's triumph at the Hague against all other narratives advanced by Duterte and the People's Republic of China under Xi Jinping.

Award-winning poet and *Philippine Star* columnist Alfred Yuson's *Bloodlust: Philippine Protest Poetry (From Marcos to Duterte)*¹⁷¹ gave 65 Filipino writers, myself included, the venue to speak boldly against tyrants and extrajudicial killings. Prize-winning poet and literary critic Gémino Abad co-edited the anthology.

In 2018, news organisations Rappler and Vera Files partnered with Facebook as third-party fact-checkers to "better identify and reduce the reach of false news that people share on our platform," according to Facebook's Director for Community Affairs for Asia Pacific Clair Deevy.¹⁷²

¹⁵⁷ BBC, "Philippines' Duterte condemned for saying journalists deserved to die", 1 June 2016, available at: <https://www.bbc.co.uk/news/world-asia-36423329>

¹⁵⁸ The *Philippine Star*, "Duterte dares media to boycott", 4 June 2016, available at: <https://www.philstar.com/opinion/2016/06/04/1589858/duterte-dares-media-boycott>

¹⁵⁹ Inday Espina-Varona, "RSF's call to boycott President-elect Duterte", 2 June 2016, available at: <https://www.facebook.com/nujphil/posts/inday-espina-varona-on-the-rsf-call-to-boycott-president-elect-duterte/10157063588610374/>; Inday Espina Varona, ABS-CBN News, "Opinion: Reporters Without Borders is wrong on boycott call", 2 June 2016, available at: <https://news.abs-cbn.com/blogs/opinions/06/02/16/opinion-reporters-without-borders-is-wrong-on-boycott-call>

¹⁶⁰ Philippines Graphic, "The Philippines Graphic exclusive interview with Davao City mayor Rodrigo Duterte", 19 February 2015, available at: <https://www.facebook.com/151450926767/photos/the-philippines-graphic-exclusive-interview-with-davao-city-mayor-rodrigo-duterte/10153051745941768/>

¹⁶¹ Jodesz Gavilan, Rappler, "Timeline: Probing into the Davao Death Squad", 28 June 2018, available at: <https://www.rappler.com/newsbreak/iq/171312-timeline-davao-death-squad-probe-hearing-investigations-rodrigo-duterte>

¹⁶² GMA News, "Duterte paid P4M to have Davao journalist Jun Pala killed, ex-cop claims", 20 February 2017, available at: <https://www.gmanetwork.com/news/news/nation/600253/duterte-paid-p4m-to-have-davao-journalist-jun-pala-killed-ex-cop-claims/story/>

¹⁶³ Manila Bulletin, "Gatchalian to DOJ- Charge Lascanas with Perjury", 21 February 2017, available at: <https://news.mb.com.ph/2017/02/21/gatchalian-to-doj-charge-lascanas-with-perjury/>

¹⁶⁴ Philippines Graphic, "The Philippines Graphic exclusive interview with Davao City mayor Rodrigo Duterte", 19 February 2015, available at: <https://www.facebook.com/151450926767/photos/the-philippines-graphic-exclusive-interview-with-davao-city-mayor-rodrigo-duterte/10153051745941768/>

¹⁶⁵ ABS-CBN News, "Rappler's Maria Ressa pleads not guilty to P70-M tax deficiency cases", 3 April 2019, available at: <https://news.abs-cbn.com/news/04/03/19/rapplers-maria-ressa-pleads-not-guilty-to-p70-m-tax-deficiency-cases>

¹⁶⁶ PNP, "Additional Policies and Guidelines in the Conduct of PNP Anti-illegal Drugs Campaign Plan: 'Double Barrel'", 22 July 2016, available at: <http://didm.pnp.gov.ph/Investigative%20Directive/2016-12%20Additional%20Policies%20and%20Guidelines%20in%20the%20Conduct%20of%20PNP%20Anti-illegal%20Drugs%20Campaign%20Plan%20Double%20Barrel.pdf>; CNN, "PNP: No more separate budget for drug war's Oplan Double Barrel", 30 August 2018, available at: <https://cnnphilippines.com/news/2018/08/30/PNP-drug-war-Oplan-Double-Barrel-budget.html>

¹⁶⁷ See "Duterte camp spent \$200,000 for troll army, Oxford study finds," Supra note 10.

¹⁶⁸ Samantha Bradshaw and Philip N Howard, Computational Propaganda Research Project, "Troops, Trolls and Troublemakers: A Global Inventory of Organised Social Media Manipulation", Working paper no. 12/2017, December 2017, available at: <http://comprop.oii.ox.ac.uk/wp-content/uploads/sites/89/2017/07/Troops-Trolls-and-Troublemakers.pdf>

¹⁶⁹ Patricia Evangelista, Rappler, "Some People Need Killing: Murder in Manila", 3 June 2019, available at: <https://www.rappler.com/newsbreak/investigative/tondo-vigilante-gang-war-on-drugs-series-part-one>

¹⁷⁰ BusinessWorld, "Solid as a Rock: Vitug explains the historic maritime ruling", 1 August 2018, available at: <https://www.bworldonline.com/solid-as-a-rock-vitug-explains-the-historic-maritime-ruling/>

¹⁷¹ The Manila Standard, "Bloodlust" poetry: protesting against 'tokhang' and tyrants", 8 October 2017, available at: <http://manilastandard.net/opinion/columns/pop-goes-the-world-by-jenny-ortoste/248782/-bloodlust-poetry-protesting-against-tokhang-and-tyrants.html>

¹⁷² Bonz Magsambol, Rappler, "Facebook partners with Rappler, Vera Files for fact-checking program", 12 April 2018, available at: <https://www.rappler.com/technology/social-media/200060-facebook-partnership-fact-checking-program>

Organisations and artist-media groups like LODI (Let's Organize for Democracy and Integrity)¹⁷³, where prize-winning journalist Inday Espina-Varona sits as one of the convenors, openly stand against Duterte and his trolls in a war against "fake" news. Theatre artists joined the fray with the staging of Mae Paner's *Tao Po*, a play largely based on the stories of the victims.

All this, plus wave after wave of protest marches¹⁷⁴ staged by students, professors, artists brandishing their protest art, and counting, not the least, the *lumad* of Mindanao, form a veritable groundswell against the authoritarian nature of the incumbent regime.

Journalism used to be far more readily acknowledged as a stronghold of democracy than it is today. In Duterte's mind, journalism has already morphed from being a nuisance to something of a crime meriting death.

The fight is far from over. There is yet the continuing call made here by Pulitzer Prize winning journalist Manuel Mogato "to come together, cooperate and work to push back government's efforts to muzzle the press".

Mogato is right. In good time, it is the quality of our reportage, topped with the unbending resolve to hold to the highest ethical standards of the profession that will win the day.

¹⁷³ Jhesset O. Enano, *The Philippine Daily Inquirer*, "'Lodi' vs 'lies': Art-media group to challenge Duterte info machine", 9 December 2017, available at: <https://newsinfo.inquirer.net/950869/disinformation-campaign-lodi-lets-organize-for-democracy-and-integrity-arts-and-media-alliance-joel-lamangan-sari-dalena-inday-espina-varona-tonyo-cruz-bonifacio-ilagan-mae-paner-juana-cha>

¹⁷⁴ Jamela Alindogan, *Aljazeera*, "Philippines: People protest against Duterte's address to nation", 22 July 2019, available at: <https://www.aljazeera.com/news/2019/07/philippines-people-protest-dutertes-address-nation-190722190144718.html>; Janess Ann J. Ellao, *Bulatlat*, "'Protest art' shines in this year's #UnitedPeopleSONA", 22 July 2019, available at: <https://www.bulatlat.com/2019/07/22/protest-art-shines-in-this-years-unitedpeoplesona/>

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Criselda Yabes is an independent journalist and writer. She has written books mostly on the military and on Mindanao, and others on Philippine news events. Her first novel 'Crying Mountain,' which was long-listed for the Man Asia Literary Prize in 2010, has recent been republished by Penguin Southeast Asia. Her second, 'Broken Islands,' is out by the Ateneo de Manila University Press. She is currently based in Manila but often travels around the country.

H. Francisco V. Peñones Jr.

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