

Mobilising for press freedom in Duterte's Philippines: forms and challenges

While most Philippine presidents start their administrations with a 'honeymoon' stage with the media, former President Rodrigo Duterte started on controversial grounds. On 1 June 2016, even before he was officially sworn in, Duterte held a press conference in which he justified the killing of corrupt journalists. While he later backtracked due to the strong reaction from media groups, this statement foreshadowed further attacks against the media during his presidency.

In his second State of the Nation Address in July 2017, Duterte named two news organisations that would suffer the most attacks during his term: ABS-CBN, the country's biggest television network, and Rappler, a major online news outlet known for its activist stance. Earlier that month, Duterte also launched tirades against the Philippine Daily Inquirer, the biggest national broadsheet. The statements and attacks would not remain empty threats, as Duterte would soon mobilise various government agencies to curtail these organisations.

This article explores the nature of the mobilisation for press freedom in response to the Duterte government's attacks. Based on interviews with leading journalists and activists from key organisations, I examine the challenges facing press freedom mobilisations within Philippine media. I argue that actors in the press freedom space in the Philippines lack overall solidarity, which lessens the impact of mobilisations for press freedom.

Data gathering was based on two case studies: the attacks against Rappler, and the shutdown of ABS-CBN. Analyses of interviews were framed using the Social Conflict Approach or Murdoch School that identifies the convergences and tensions between mobilising actors from various sectors of society. Mobilisations for press freedom are framed as human rights mobilisations given that freedom of expression is a universal human right that is essential for the protection of other freedoms.

Attacks against Rappler and ABS-CBN

Official narratives from the Philippine government state that Rappler and ABS-CBN faced legal battles because they violated the law. But most senior journalists and executives interviewed agree that the two were singled out so the Duterte government could create a 'chilling effect' for Philippine media, a common populist tool to stifle dissent. Multiple interviewed sources claimed that the attacks against Rappler and ABS-CBN increased the level of monitoring by some executives, while also increasing self-censorship among journalists from other news organisations.

Attacks against Rappler took the form of legal cases and online harassment of journalists by social media trolls. This essay focuses on the former. In January 2018, the Securities and Exchange Commission (SEC) revoked Rappler's corporate licence to operate for allegedly violating the Constitution and the Anti-Dummy Law, which relates to evading foreign equity restrictions. The news organisation was accused of an illegal level of foreign ownership due to Philippine Depositary Receipts (PDR) from Omidyar Network. The Philippine Constitution prohibits any level of ownership by non-Filipino citizens or corporations although PDRs are a common investment tool used by Philippine companies to access foreign capital. By February 2018, Omidyar had donated its PDRs to Rappler managers (See this timeline for more details). However, the SEC, even after a mandated review of its decision by the Court of Appeals, upheld its decision. Rappler has taken the case to the Supreme Court, with the decision still pending at the time of publication.

Other legal attacks against Rappler are focused on alleged tax evasion and libel cases against one its founders, Nobel Peace Laureate Maria Ressa. Ressa is currently on trial for alleged tax evasion and was convicted of criminal cyber libel in 2020, a decision which was upheld on appeal in July.

ABS-CBN was shut down during the Duterte administration. Duterte's anger towards it stemmed from the fact that its Davao regional station did not air his paid political advertisements during the 2016 presidential elections. The network could not air some of the local ads due to scheduling issues, and refunded PHP 4 million paid to it by the Duterte campaign. However, an additional PHP 2.6 million refund was delayed, and the president's camp reportedly refused to accept the delayed refund. Duterte was also allegedly angered by the airing of an advertisement of a critic targeting him during the run up to the 2016 polls. The network has since apologised for both incidents.

By law, Philippine corporations have to apply for a broadcasting franchise license from Congress before being allowed to operate. ABS-CBN's congressional franchise was due to expire on May 4, 2020. Prior to this, Duterte had repeatedly threatened the company that its franchise would not be renewed. In February 2020, Solicitor General Jose Calida filed a quo warranto petition to revoke the media giant's franchise. While the Supreme Court did not act on the Solicitor General's petition, ABS-CBN faced an uphill battle on the House Committee on Legislative Franchises. ABS-CBN had to apply for a congressional franchise to continue its operations beyond May 4, 2020 in the Committee, which Duterte controlled given his super majority in the House of Representatives.

As the franchise expired and the free television went off air on 5 May, the House Committee continued its deliberations. It was during these deliberations that lawmakers grilled the media giant's news division. On July 10, 2020, the House Committee voted to deny the franchise renewal of ABS-CBN. Only 11 lawmakers voted against the resolution while 70 voted for it. The franchise bill did not even reach the floor of the House of Representatives, and ABS-CBN's frequencies have since been awarded to other media entities.

The legal nature of the attacks against news organisations was an effective tactic as Rappler Executive Editor Glenda Gloria explained, 'It was wise because it's legal. When you do legal cases [...] then you bury yourself in the details. It was a very smart move on the part of the Duterte government because when you do it legal, back-end, corporate, that's so hard to understand. It's similar to a franchise, and it's the playbook they also played against ABS.'

The nature of mobilisations

Mobilisations in support of press freedom mostly happened around the issues faced by Rappler and ABS-CBN. Here, I distinguish between direct and indirect forms of mobilisations that news organisations and civil society groups conducted in response to attacks against press freedom.

Direct mobilisations took the form of traditional street protests. When the SEC ordered the shutdown of Rappler, the National Union of Journalists of the Philippines (NUJP) held a 'Black Friday Protest for Freedom' in Quezon City. When Maria Ressa was first arrested in February 2019 in relation to her cyber libel charges, journalist groups and universities took to the streets to demonstrate their support of her.

A more organised and sustained form of direct mobilisations happened during the ABS-CBN shutdown. From 17 January 2020, Black Friday protests were regularly held near the vicinity of the ABS-CBN office in Quezon City. While temporarily suspended due to the first lockdown due to the COVID-19 pandemic, the protests continued online until they lost momentum in July 2020, when the House of Representatives denied the franchise renewal.

In relation to Rappler and ABS-CBN issues, the NUJP was crucial in mobilising on-ground support. An ABS-CBN senior journalist who chose to remain anonymous* said of the role of NUJP, 'They took it upon themselves to protest on behalf of ABS-CBN. ABS-CBN did not ask NUJP for help in making this an issue or shining the light on press freedom as an issue in relation to the quo warranto petition. They were just doing their job.'

The different factions of the Philippine Left, including the Makabayan Bloc and the moderate left, Akbayan, also provided much-needed on-ground support. The Makabayan bloc is an alliance of organisations and party-lists centred around national democratic principles while the Akbayan ascribes more to socialist democratic principles. Both factions, however, are a minority in Congress. According to a former Rappler manager who chose to remain anonymous*, leftist groups became natural allies of embattled media organisations: 'How alliances work, it's based on good will, trust, and respect. The basic principle is independence and initiative. You enter into an alliance because you defend and value the same liberties. It's issue based, it's human rights based.'

Rappler's Glenda Gloria noted: 'They became natural allies. Human rights has always been one of Rappler's advocacies. It was natural again because they were the most organised, they had warm bodies [supporters to mobilise], and they were very agile and social. So there's that. And again, that's why Rappler was eventually red-tagged [accused of being communist].'

While some news and civil society organisations also carried out traditional forms of protest, a key insight was that others used more indirect forms. These were less confrontational but similarly important.

Indirect mobilisations for press freedom took the form of campaigns that fought against disinformation. Since the 2015 presidential campaign, disinformation has significantly increased in the Philippines. Rappler has done extensive investigative reporting on how online trolls weaponised social media to spread the Duterte

government's propaganda. A 2022 report shows how Duterte institutionalised disinformation at the state level. Thus, disinformation is linked to government propaganda, and fighting online disinformation is seen by interviewees as a way to mobilise for press freedom.

One of the leading coalitions against disinformation was the Initiative for Media Freedom, a five-year program implemented by Internews Philippines and funded by the United States Agency for International Aid. One of the program's key objectives is to 'bolster the capacity of media and other organisations to address disinformation.' The coalition has produced important studies on the impact of disinformation on the Philippine media landscape, and on fighting disinformation during the elections.

Vera Files, a non-profit news organisation and a member of the Initiative for Media Freedom, is one of two accredited fact checkers in the Philippines by the International Fact Checking Network (IFCN). The organisation was involved in implementing the program's fact-checking incubator, which trains other news organisations to become verified fact-checkers in the IFCN. For Vera Files president Ellen Tordesillas, fighting disinformation is a key part of fighting for press freedom in the Philippines.

'Journalism is truth telling, so the fact that disinformation is falsehood means you fight it. That's basic...It becomes a press freedom issue because of the political aspect of it - when the political leaders use disinformation to promote their political agenda, and block our efforts to bring out the truth to the public,' Tordesillas said.

The Philippine Press Institute, the national association of newspapers in the Philippines established in 1964 which has a membership of close to 70 community papers, has also been conducting training for journalists on how to counter and correct online disinformation. The Institute's Executive Director Ariel Sebellino argues that fighting disinformation is not a 'softer way' of mobilising for press freedom because disinformation is an existential issue for Philippine media.

'We're fighting a bigger battle. The public has to be engaged. We know who are the architects of disinformation. We cannot be soft at this time. So as aggressively as we can, we have to put a lot of effort in activities on public education,' Sebellino noted.

Challenges

I argue that, using the social conflict approach, the fractures and internal issues within Philippine media, negatively affect the overall impact of press freedom mobilisations. Based on interviews with key media leaders in the Philippines, the following are the key challenges within the Philippine media sector:

- Political economy of ownership
- Competition and the business side of journalism
- Corruption in the press
- Funding issues

First, the **political economy of ownership of Philippine media** prevents news organisations from supporting organisations that are under siege. A 2016 study by Vera Files shows how media ownership in the Philippines is concentrated among only a few individuals and companies. What's unique about Philippine media is that most owners also have interests in other industries.

According to the founder and executive director of the Centre for Media Freedom and Responsibility, Melinda Quintos de Jesus, this is an inherent weakness in Philippines press.

'It is owned by business moguls who [...] are tied to all kinds of other interests, whether it is water, public utilities, mining. The investments they make then become hostage and media freedom becomes part of that hostage taking. This is a fundamental reality that people don't talk about so much. Why? Because journalists will not talk about their business owners. The political economy of media as an enterprise is stacked against complete and total freedom,' de Jesus said.

Multiple interviewees noted that many of their journalist colleagues were being censored by their own newsrooms during the Duterte administration. Some even reported self-censorship by their management. Senior journalists who wished to remain anonymous* from ABS-CBN noted that at the height of the shutdown, individual journalists would offer support personally but very few news organisations issued statements. Some journalists were prevented by their media executives from showing up at protests and being vocal on social media.

Surprisingly, insiders* claimed that even the ABS-CBN management did not initially fully support the mobilisations for its franchise renewal. Employees were also unsure

whether they were allowed to join the protests. 'It wasn't really sanctioned by the management, the protests. If they supported it, they didn't actually show, because they were of the view that they also had to protect the business. So they cannot go all out against the administration because they also had other business interests. So the protest actions were really initiated by the NUJP.'

Eventually, sources claimed, there was a shift in the management's attitude towards the protests with logistical support being provided, and some celebrities, such as actors, being allowed to speak out.

Second, in connection to the business side of news, the **competitive nature of journalism in the Philippines** also prevented the creation of a united front for press freedom. The Philippine media market is small, with many media groups fighting for advertising revenue. Prior to its shutdown, ABS-CBN led the broadcast market, with GMA 7 coming in second. TV 5 comes at a far third.

A senior journalist* from ABS-CBN noted: 'The competition is stiff. With advertising already small, then the advertising revenue potential becomes even smaller because there's so many players. And then to exacerbate matters, we're also up against big tech where the bulk of advertising money goes.'

When Duterte started attacking the media early in his administration in 2016, there was a meeting between heads of major news organisations to discuss how to potentially fight back. This eventually led to the creation of the 'Freedom for Media, Freedom for All' coalition, which aimed to protect press freedom and present a united front in fighting against government attacks. However, as the attacks on press freedom escalated, only a few organisations became actively involved. De Jesus noted that the members of the FMFA steering committee were primarily non-profit organisations like National Union of Journalists of the Philippines, Philippines Press Institute, Centre for Media Freedom and Responsibility, and the Philippine Center for Investigative Journalism.

'We don't have to worry about advertising. We don't have to worry about competition. The weaknesses of the movement were inherent in the commercial nature of news as a business. The stronger the corporations, the more restrained they were,' de Jesus claimed.

Early on, multiple sources who wished to remain anonymous* reported that there was an effort to get the owners of the big three broadcast networks, ABS-CBN, GMA

7, and TV 5, to meet to discuss how they could potentially support each other. This, however, did not push through as some of the owners declined the invitation.

Third, Philippine media is further fractured by **corruption in the press**, which has long been an ethical issue. Ariel Sebellino from the Philippine Press Institute claimed that it is an open secret that some journalists receive bribes from politicians. These journalists are then used to spread the government's propaganda and criticise other news organisations.

'State actors want to divide the media because they want to control the narrative. To be able to control the narrative ... they make an assessment, monitor or evaluate, and come up with a list of who to tap as allies, and tap into their networks...I know some, not only in the capital but also outside NCR, that are close allies of politicians working at the national level. These media practitioners echo or drumbeat propaganda,' Sebellino claimed.

A former executive who wished to remain anonymous* from one of the news organisations analysed, who has firsthand knowledge of corruption practices in the media, links press corruption to journalists' low wages, especially in provincial areas.

'Unfortunately, the reason why corruption is so widespread in the media is because the press is underpaid. If the press is underpaid, they'll find other means. They are susceptible to bribes and other sources of income because they need to survive', the former executive noted.

Fourth, **funding for press freedom activities is scarce**, and is a source of competition. One of the organisations that has the most experience in relation to lack of funding is CMFR, which promotes self-regulation and monitoring of the media sector. As a non-profit organisation, CMFR relies on grants to carry on its activities. Its founder de Jesus knows firsthand the difficulty of finding funds.

'We have not found permanent funding. We live from year to year. As you know, civil society everywhere is funded only on a very short-term basis. It's not sustainable ... In the overall landscape, for people who want to understand how things succeed or not succeed, they do have to have a realistic view of how limited the scope of funding is for this kind of work. All the national organisations really fend for themselves in a rather limited way. And it takes up a lot of time, and a lot of energy. Really, I think that it's a miracle that I feel that I can continue,' de Jesus noted.

Most funding on press freedom in the Philippines is currently centred around fighting disinformation, as shown in the two fact checking coalitions that were created for the 2022 presidential elections: Fact Check Philippines led mostly by academics from the University of the Philippines and FactsFirstPH led by Rappler. Fact Check Philippines was the first fact checking organisation in the Philippines, created before the 2019 midterm elections and revived for the 2022 polls. FactsFirstPH, on the other hand, was started by Rappler through funding from the Google News Initiative.

But even for press freedom initiatives that have funding, the nature of the funding institutions can sometimes impose limitations. In one of the coalitions that received foreign funding, a member* noted some difficulties.

‘When ABS-CBN was shut down, we were proposing to come up with a statement condemning the attacks against the media organisation. But apparently, they don’t want to stand as one. We can release individual statements as organisations, but they don’t want to release a statement as a consortium, as a collective group. I think it’s a bit cowardly, for lack of a better term. They don’t want to stand with them publicly. They just want to support behind the scenes,” the representative who wished to remain anonymous* said.

Conclusion: Opportunities for press freedom

Mobilisations for press freedom in the Philippines had little effect on curtailing the Duterte government’s attacks on press freedom, broadly because there is an overall lack of unity within the media sector. However, most interviewees agreed that the nature and popularity of the Duterte presidency was the biggest factor that curtailed the effectiveness of press freedom mobilisations.

‘At the end of the day, it depends on who’s in power. Because there’s no independence in other government agencies and the opportunistic nature of politicians, they would decide based on their interests. If you look at the ABS-CBN franchise, it’s really a big issue. Government had changed policies based on very little reaction from the public before. But here, they stood by it because that was what was dictated by the person in power,’ said Rowena Paraan, former chair of NUJP and former head of ABS-CBN’s citizen journalism arm.

Because of Duterte's populism, Tordesillas of Vera Files noted: 'Duterte's tirade against the media also has an effect because the trust in media has gone down [...] That's what we've been talking about. Let's do something about it. How should we regain the trust of the public? Because the public should be the ones protecting us [journalists], right?'

Journalists also note that the Duterte government was able to create a climate of fear early on with extrajudicial killings related to the so-called war on drugs. The attacks on major news organisations created a chilling effect to others, as observed in the self-censorship that was happening across newsrooms.

However, the challenges to media solidarity notwithstanding, there are opportunities for the fight for press freedom in the Philippines. A former NUJP officer who wished to remain anonymous* noted there are pockets of solidarity among Philippine journalists that are not necessarily expressed by the news organisations.

'We cannot generalise that there is no media solidarity because that is unfair for others who are actually working on solidifying media and requesting everyone to support each other ... There are issues that we can actually come together as one. One example is the Maguindanao Massacre issue. The media is solid on that issue ... If we're talking about individual support, we've seen a lot of individual support from other networks. At the end of the day, what NUJP tells the journalists is we'll have to look after each other,' the source noted.

Fighting disinformation seems to provide an opportunity to educate the public of the issues of press freedom. But for PPI's Sebellino, further introspection is needed on the failures of the media. 'We were flanked by the competition ... While we were doing the writing, the good journalism ... as compared to other non-legitimate content providers, we were not able to keep audiences on our side. The audiences were supposed to insulate the media against any harassment or abuse. The public should have been the allies of the media because in the first place, what journalism does is for the public. But what happened?'

Whatever introspection is needed, media organisations and civil society groups in the press freedom space need to organise fast. If the 2022 Philippine presidential elections were any proof, it's that online disinformation helps elect presidents, and in doing so, continues to erode trust in democratic institutions such as the media.

**Some interviewees chose to remain anonymous because they are still working for*

the organisations they describe or are prevented by their previous organisations from discussing the issue.

Image: A rally in the Philippines. Credit: Ryomaandres/WikiCommons.