



the headquarters of the National Capital Region Police Office (NCRPO).

The reasons they gave varied: Criminal Investigation and Detection Group-National Capital Region (CIDG-NCR) head Asher Dolina said the media needed to be processed, and he made it clear it was either as “witnesses” or “suspects.” Others said some of the Magdalo soldiers could have disguised themselves as media men, and so they needed to

check the identities of all the reporters who chose to stay behind and see the siege through.

In the end some 50 reporters, several of them handcuffed with plastic tie wires, were brought to Bicutan in a bus and “processed.” But not all.

In “Media Nation,” a talk show on media at the ANC cable channel, Philippine National Police (PNP) spokesperson Nicanor Bartolome admitted some reporters were allowed to

UNDER SIEGE

Press freedom and the embattled Arroyo administration

■ By ODINA BATNAG

On Nov 29, 2007, two groups actually made a stand at the Manila Peninsula – those who called for a change in government and the journalists who covered the call.

But while the police have already arrested and charged the Magdalos – as the soldiers affiliated with Sen. Antonio Trillanes IV are known – and their civilian supporters, they have yet to do the same with the media workers who refused to obey the police “request” to

stop covering the event and leave the hotel.

Media in manacles

Not that the police haven’t tried. As soon as the Magdalos were arrested, the police handcuffed some members of the media and brought them to



“The point for demanding for damages is precisely to make it costly for those who would abuse the power momentarily entrusted to them by the citizens of this land.”



MIGHTIER THAN THE SWORD?

The Pen played host to a show of military force against journalists covering another failed military-led attempt to unseat Gloria Macapagal-Arroyo. *Clockwise, from left:* journalists in plastic handcuffs about to be herded to Bicutan; soldiers about to storm the hotel; media coverage inside the Manila Pen, where the “Magdalo soldiers” holed out; and media coverage outside the hotel.

Photos by LITO OCAMPO



go after their IDs were checked. Others simply chose to walk out, and were not stopped by the police.

In Bicutan, the reporters were asked for their name, address and contact details, and then allowed to leave. There were no charges filed, then or later; nor was it made clear why they had to be brought all the way to Bicutan, instead of to the nearest police station.

Chilling effect

Since then, the government – and not just the police – has tried to justify the illegal arrest of the reporters.

When media groups questioned the legality of the arrests and warned against its “chilling effect” on members of the press, the police insisted that the Manila Peninsula hotel was a “crime scene,” and thus under the authority and jurisdiction of the police.

Palace officials, on the other hand, tried to convince the media to help draw up rules defining coverage, but reporters balked at this, believing that such rules would only restrict them and thus be tantamount to prior censorship. When a meeting between government officials and several media groups failed to come up with a consensus on media coverage, the NCRPO issued a set of guidelines restricting reporters (at least those covering the NCRPO headquarters in Bicutan) to the press room. It also warned police officers that terrorism and other such sensitive issues are topics that they are not supposed to discuss with the media. Instead, police officers were told to refer questions on such topics to the designated spokespersons.

Policing the media

On January 11, the justice department issued an advisory that read:

“PLEASE BE REMINDED THAT YOUR RESPECTIVE COMPANIES, NETWORKS OR ORGANIZATIONS MAY INCUR CRIMINAL LIABILITIES UNDER THE LAW, IF ANYONE



WHEN JOURNALISTS MAKE IT TO THE NEWS: “Media must act to help preserve democracy.”
Photo by LITO OCAMPO

OF YOUR FIELD REPORTERS, NEWS GATHERERS, PHOTOGRAPHERS, CAMERAMEN AND OTHER JOURNALISTS WILL DISOBEY LAWFUL ORDERS FROM DULY AUTHORIZED GOVERNMENT OFFICERS AND PERSONNEL DURING EMERGENCIES WHICH MAY LEAD TO COLLATERAL DAMAGE TO PROPERTIES AND CIVILIAN CASUALTIES IN CASE OF AUTHORIZED POLICE OR MILITARY OPERATIONS.”

Four days later, in their weekly forum, the police said it was standard operating procedure (SOP) to arrest anyone who would obstruct a police operation.

“We have SOPs and media have ethics. We have a law that says anybody who would not follow instructions could be charged with obstruction of justice,” Razon was quoted in news reports on January 16.

“Force will be used – if need be – to eject members of the media from a “crisis situation,” Chief Supt. Silverio Alarcio of the PNP directorate for operations was quoted by the Philippine Daily Inquirer.

“We can force you out because you are not supposed to be inside. You might have to be pushed out to enforce the law. It’s for your protection and so that you won’t be counted as victims.”

Razon was more descriptive: “Anong freedom of

“Hindi namin maaaring hayaan na ang kalayaan sa pamamahayag ay magipit sa makipot niyang kinalalagyan.”

.....
the press *pa ang pag-uusapan natin, kung yung member ng press ay patay na?*”

Witch hunt

As if to support their claims that the media got in the way of the police in the Manila Peninsula siege, the PNP went on the offensive the following day, actually blaming a reporter for the escape of one of the Magdalo leaders, Marine Capt. Nicanor Faeldon. Faeldon is being tried on charges of *coup d’etat* at the Makati Regional Trial Court, and was one of those who walked out of the trial, along with Trillanes and the other Magdalo officers.

“We were able to ascertain that the reporter assisted in Faeldon’s escape,” Razon was quoted in the Philippine Daily Inquirer on January 17.

“Nakita po sa CCTV at meron din testimony,” Razon was quoted by the Philippine Star. As early as December, Razon

had told the Manila Standard they were looking into the participation of a woman who appeared to have provided Faeldon with a press card, which helped him escape.

He said charges of obstruction of justice, as well as complicity to commit rebellion, might be filed against the reporter.

But not just yet. Razon said they would rather wait until Faeldon is recaptured before identifying the reporter.

In the days that followed, media went on a guessing game as police officers hiding behind the cloak of anonymity and media’s right to privileged information continued to leak out information describing the reporter. A senior police officer eventually identified the reporter before a group of reporters covering the police beat, but “off the record.”

When a national daily finally identified the reporter, it quoted an unknown source as saying that the reporter was caught on video helping Faeldon. As if on cue, the TV station released the footage of the reporter and Faeldon the following day, “in the interest of transparency.”

The newspaper source, however, said the reporter had curly hair, and that the video was the police’s strongest evidence against the reporter. The footage, however, only showed two people talking, their heads leaning towards each other, the reporter’s tape recorder between them. On the video, the reporter’s hair was straight, not curly.

Later reports quoted police officers as saying they had a video of the reporter talking to Faeldon, and handing him something. Earlier reports said it was a press card. Not one of the police sources quoted explained, at least in the news items that came out, how a female reporter’s ID could have helped a male Marines officer escape from the battalion of policemen and Marines that surrounded the hotel.

The reporter – as well as

other media groups - dared the police to file charges in court, but the police was just adamant. They would not officially name the reporter; neither would they file charges in court. Still, days after the incident, Razon insisted: "I am not inventing this; a reporter helped Faeldon escape."

Fighting back

The Philippine media, however, is fighting back.

When the police tried to handcuff the media, not all agreed. ABS-CBN news anchor Ces Drilon loudly protested, as did Malaya columnist Ellen Tordesillas. When the others followed Drilon's and Tordesillas' lead and started shouting "*walang handcuffs!*" as they sat on the teargas-filled stairs of the Manila Peninsula, the police backed down and simply brought the rest of the reporters to Bicutan in a bus.

Within days, the National Press Club, which had earlier drawn flak for "replacing" some revolutionary symbols in a mural it had commissioned for its building, questioned before the Commission on Human Rights (CHR) the legality of the arrests.

At least three cases have been filed in court, questioning not only the legality of the arrests of the media workers but the statements that followed, which said the arrests were legal and would be repeated, should a similar situation occur.

Led by the National Union of Journalists of the Philippines (NUJP), a group of reporters have filed a class suit at the Makati Regional Trial Court; 11 of those arrested at the Manila Peninsula have filed a Writ of Amparo before the Supreme Court; another case, for a Writ of Prohibition, has also been filed at the Supreme Court.

On the day the class suit and the Writ of Prohibition were filed before the Makati RTC and the Supreme Court, reporters made a rare show of unity by holding a joint press conference, to highlight the fact that the Philippine media is united in



A RADIO REPORTER IN HELMET: But is it enough protection against a repressive State?

Photo by LITO OCAMPO

fighting for the rights of freedom of expression and to information.

Writ of Amparo

The Writ of Amparo asked for protection from the court, considering the threats of arrest from the police and the promise - in the light of the DOJ memorandum - that it will be repeated, should a similar situation arise in the future.

"Unless we do something about it, the next crisis situation will see journalists again arrested or worse, and charged with abetting rebellion or some other such offense reminiscent of the martial law catch-all of subversion," said the plaintiffs to the class suit in a statement issued on January 28, the day it was filed.

"The uncertainty is the result of a government policy of press

intimidation to assure its political survival and dominance. That policy is being implemented as journalists continue to be killed and harassed, and bodes ill for the future of press freedom and democracy itself," the petitioners added.

Aside from asking for protection for the journalists from arrest and harassment by the police, petitioners in the class suit are also asking for P10 million in exemplary damages.

"The point for demanding for damages is precisely to make it costly for those who would abuse the power momentarily entrusted to them by the citizens of this land," the petitioners said.

"Today, we warn all those who would use and abuse the power that the people entrusted in them by cloaking the truth

from the people, that we can and we will back our words with action whenever our and the people's rights and liberties are threatened and assaulted," said the NUJP in a statement.

"The line has been moved," said Maria Ressa of ABS-CBN, in a statement after they filed the Writ of Prohibition before the Supreme Court. The rules of coverage are changing, she said, and the media must act to help preserve democracy.

"Isinasagawa namin ang pagkilos na ito sapagkat hindi namin maaaring hayaan na ang kalayaan sa pamamahayag ay magipit sa makipot niyang kinalalagyan base sa di-makatwiran na prinsipyo na binubuo ng mga nasa kapangyarihan para pagsilbihan ang kasalukuyang political na interes," Ressa added.

In this, at least, the media and the police agree.

Redefining the rules on coverage

In an interview with ANC's "Media Nation" in January, Bartolome admitted they would want to redefine the rules on coverage. When media groups criticized the PNP for engaging in a "witch hunt" in saying they have evidence that a reporter helped Faeldon escape from the hotel but then refusing to either reveal their evidence or to file charges in court, a Palace official again called on the media to meet with them and define rules of coverage to prevent similar conflicts between the police and the media in the future.

No one, so far, has agreed to such a redefinition of the rules of coverage.

Instead, reporters continue to sign on to the two cases, the one before the Makati RTC and the Writ for Prohibition before the Supreme Court. ●

**Ms. Batnag is a reporter of Jiji Press, a Japanese news agency in Manila. She was identified by the Philippine Daily Inquirer as the lady reporter being accused by the police of helping rebel soldier Capt. Nicanor Faeldon escape during the Nov. 29, 2007 "Manila Peninsula Siege."*