Asian Journal of Media and Communication
E-ISSN: 2579-6119, P-ISSN: 2579-6100
Volume 8, Number 1, 2024
DOI: 10.20885/asjmc.vol8.iss1.art4

From National to Local: Media-citizen Councils as Independent Co-regulation at the Community Level

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Abstract. Following Miranda & Camponez (2019), media regulation or accountability in the Philippines has evolved from mandated/professional in 1965, to mandated/shared, to voluntary/professional in the late 1980s, and to voluntary/shared in the early 2000s. Today, the Philippine Press Institute is leading a multisectoral effort to establish community-based media-citizen councils outside Manila, signifying a shift from the national to local. Applying key informant interviews to collect the empirical data, this study has interviewed the Media-Citizen Council officers and members through face-to-face interviews or Zoom meetings. This study found that these media-citizen councils are local in nature. They were established in the different regions of the country to address media-related issues and complaints within their media companies and communities in their specific regions. These councils are also expanding their scope from traditional newspapers to include the broadcast and the emerging social media, and extending membership to locally-relevant stakeholders.

Keywords: Media self-regulation; media accountability; press council; media-citizen council; alternative dispute resolution.

Article History

Submitted:
April 12, 2024

Accepted:
November 27, 2024

Published:
November 30, 2024

1. Introduction

Curtailment of freedom of the press comes in many forms. In recent years, independent media organizations have seen an increasing number of state-sponsored threats, especially from populist regimes (Breiner, 2020). In the case of the Philippines, the decades-long problem of extrajudicial killings and harassment had been bolstered by the weaponization of existing laws and policies, including regulatory mechanisms (Pangue, 2020).

Following the election of Rodrigo Duterte to the presidency in 2016, attacks against the Philippine media have noticeably increased (Chua, n.d.). The shutdown of the broadcasting network ABS-CBN, which – at the time of its shutdown in 2020 – operates the greatest number of television and radio stations in the country, was executed using government regulatory requirement for a franchise issued through a legislation. With the

president vocal about anger against the network over unaired campaign advertisements, his allies in Congress voted against renewing the network's 25-year franchise, citing disproved claims of tax deficiency issues, among others (Cepeda, 2020). The case of online website Rappler, which has published numerous articles critical against the government, is not so different. Throughout the Duterte administration, several criminal charges – from cyberlibel to tax evasion – have been filed against Rappler's chief executive officer Maria Ressa and others (Buan, 2019). The company's legal standing was also challenged, with the Securities and Exchange Commission canceling its registration over ownership issues.

In 2022, a few months after the passage of the Anti-Terrorism Law, the government included several alternative media outfits in its list of 27 websites that supposedly have ties with communist groups and individuals earlier designated as 'terrorists'. The order to block the said websites was condemned by several local and international media groups, with the Communist Party of the Philippines stating that only seven of the 27 – and none of the media sites – were 'actual affiliates' (Valmonte, 2022).

Although the government has denied 'weaponizing' the law against media organizations known for critical reporting, the above cited cases were clear examples of lawfare, defined as the use of the law and other state regulatory mechanisms to curtail media's independence (Olea, 2021). Libel, which is still a criminal offense punishable with jail time in the Philippines, is known to have been used to harass or intimidate journalists who have published or aired critical content against individuals in power, including politicians and businessmen. Cases of physical attacks, including killings, are also often linked to the critical reporting or commentary of the victims (CMFR, 2022). More recently, several proposed measures have been filed to further regulate the media industry in the Philippines. These include 'anti-fake news' measures, which aim to supposedly address the spread of disinformation, especially on online platforms (Fernandez, 2022). Media organizations and other advocates have expressed concern that these measures would give the state more power to curtail freedoms of speech and of the press, which are enshrined and protected in the country's constitution.

Perhaps not coincidentally, local media organizations and practitioners – with the support of various partners, led by the Philippine Press Institute – have started banding together to form local media-citizen councils, a variation of the more traditional 'press councils' that had been described as the archetype of self-regulation of the media (Zlatev, 2008). Following the footsteps of the Cebu Citizens Press Council, which was established in 2005, media-citizen councils were established in Kordilyera, Iloilo, Davao, Batangas and Central Luzon.

This study, focusing on the establishment of media-citizen councils in the Philippine, apply a critical perspective of media regulation and social responsibility studies. The social responsibility of the press, or media accountability, is the middle ground between authoritarianism and libertarianism. One suppresses and the other invites a return to suppression. In the social responsibility, the media enjoy freedom but with 'concomitant obligations' to carry out "certain essential functions of mass communication in contemporary society" (Peterson, 1984: 74). While these functions are basically the same as those in the libertarian theory, social responsibility "reflects a dissatisfaction with the interpretation of those functions by some media owners and operators and with the way in which the press has carried them out." Publishers themselves, Peterson (1984: 77) noted, formulated codes of ethics and operated their media "with some concern for the public good."

Through this study, the researchers wanted to answer the following questions: 1. What prompted the creation of Media-Citizen Councils in the Philippines, where a national press council already exists? 2. What are the salient features of these councils and how different are they from traditional press councils?

2. Literature review

2.1. Media regulations

Media regulation may be defined as all means by which media organizations are formally restrained or directed in their activities. Tracing its roots from "restraints placed by church and state authorities on printers and authors in order to protect the established order," regulation is mainly seen as a form of external control of mass media, including print, film, television, radio and, more recently, online. Kleinsteuber (2004: 62) noted that "regulation in the original sense refers to an arbitrary process under the rule of the State, usually centered in a (more or less) independent regulatory body." As the most powerful external control, state regulation over media is a very sensitive political topic within a democratic society (Mirza, 2021).

Self-regulation, on the other hand, involves media operators applying standards and controls on themselves, allowing actors to solve problems among themselves "to keep the State out of its affairs" (Kleinsteuber, 2004: 63). Eberwein *et al.* (2019: 5) said it "originated as an alternative regulatory concept in the media sector… [that] includes all of those measures that representatives of the media professions initiate themselves to provide for the fulfilment of their social function." Media regulation, they pointed out, "aims at safeguarding professional quality standards in media and journalism, while simultaneously holding off control measures by the state" (Eberwein *et al.*, 2019: 5). Campbell (1999) outlined several examples of self-regulation by the media, such as through broadcast codes, advertising review units, and the press councils.

Co-regulation happens when state and private actors cooperate, although according to Kleinsteuber (2004: 63), the proper term is 'regulated self-regulation' if the system is structured "by the State but the State is not involved." It is called 'independent co-regulation' if it involves both public and press participation but "with greater emphasis on public membership and no participation from government" (Reid, 2014).

2.2. Press councils

One definition of a press council is that it is a body "created by the press and for the press, in which journalists and publishers cooperate of their own free will to ensure a proper relationship between the press on the one hand and the State and the society on the other" (Rampal, 1981). Bertrand (1978: 241) said the concept of press councils is easier defined in the negative – it is not, he said, "a governmental board of censorship, an internal agency for self-censorship, a lobbying bureau for media-owners, a union of media-workers, an arbitration court for media-employers and employees or a media-consumers' action group."

While there are varying forms, a press council's purpose "is to protect the freedom of the press by ensuring that it keep or recovers the trust of the public, by improving its

informative and ethical quality, and by making it more socially responsible" (Bertrand 1978: 247). Bertrand (1978) further argues that press councils "aim at preserving press freedom against direct or indirect threats of government intrusion," striving to help the press assume its social responsibility and thus obtaining "the support of public opinion in its fight for independence." Fieldman (2012: 57) found that some councils were "set up as a defence against statutory regulation with otherwise competing publishers uniting in the face of potential external interference and continuing to comply in order to avoid statutory interventions." There are also those whose stated purpose were to defend press freedom, promote accountability, and provide access to information for the public.

Press councils have been classified in terms of their origins, i.e. mandated or legislated, voluntary and incentivized (Fieldman, 2012); their participations, i.e. mandatory (required by law) and voluntary (Miranda and Camponez, 2019); and their compositions, i.e. exclusive or shared (Miranda & Camponez, 2019). According to Bertrand (1978), press councils can move along four parallel paths, although many are limited to the first or first two: 1) fighting any violation of press ethics, 2) fighting for freedom of information against governmental ignorance or hostility, 3) fighting for freedom of information against manipulation or limitation of the news flow by profit-motivated agents, and 4) fighting for the improvement of the press.

Some press councils work, some others do not, and others are struggling to make self-regulation work. Our review of Western, African and Asian research shows that these factors can account for the success or failure of a press council, including effectiveness or public/complainant satisfaction, ability to enforce decisions, independence, the existence of a code of ethics, public awareness and support, media or industry support, and funding.

The idea of the press council as an alternative dispute resolution has been explored by the Minnesota News Council (Hermanson, 1993), the Voluntary Media Council of Zimbabwe (Mhiripiri, 2013) and the Myanmar Press Council (Center for Law and Democracy, 2021). At its simplest, alternative dispute resolution is 'settling matters peacefully' by talking about a problem and attempting to reach a resolution acceptable to both parties (Barrett and Barrett, 2004). In the Philippines, it is covered by RA 9285.

In the Philippines at least, libel law, along with its cyber variety, is viewed as having been weaponized against freedom of expression (Commission on Human Rights, 2022). While the conviction rate is low (Yuching, 2022), journalists have complained of legal harassment (NUJP, 2023: 9). Nevertheless, Philippine law allows private individuals and organizations to become alternative dispute resolution providers, to take a role as arbiters or mediators. In addition, they are properly trained and duly accredited by the Department of Justice. Media-citizen councils should view this as a welcome opportunity.

3. Method

In order to get first-hand and in-depth information from the officers and members of the media-citizen councils, this study have applied depth interviews as a method of data collection. The researchers drafted an interview guide, which included questions regarding the formation of the media-citizen councils, its composition, its members and term of office, the procedures in receiving and handling complaints received, among others. The authors have interviewed officers and members of the six chosen media-citizen councils in the Philippines: Batangas Media-Citizen Council, Cebu Citizens-Press Council, Central Luzon

Media-Citizen Council, Davao Media-Citizen Council, Iloilo Media-Citizen Council, and the Kordilyera Media-Citizen Council.

The interviews were conducted in the early to the mid of 2023, individually through face-to-face interviews or Zoom meetings. At the start of the interviews, the researchers read and explained the informed consent. The interviews were only continued after the respondents sign the informed consent form. Interviews ran for about 40 minutes. Follow-up questions and clarifications were emailed to the respondents after the researchers reviewed the responses in the interviews. The interviews were transcribed and, along with supporting documents from the PPI and the media-citizen councils, were analyzed to explain the history and salient features of the councils.

4. Results and discussions

4.1. History of the media-citizen councils in the Philippines

The media-citizen councils were established in various regions of the Philippines to address specific needs and concerns within their media companies and communities. Three councils are in the northern part of the country (Batangas, Central Luzon, and the Kordilyera Media-Citizen Councils), two in the central part (Cebu Citizens-Press Council and Iloilo Media-Citizen Council), and one in the southern part (Davao Media-Citizen Council). Each council has its own unique history, challenges and objectives tailored to the needs of its region, but with a common purpose and focus on self-regulation.

The first of media-citizen councils was the Cebu Citizens-Press Council (CCPC), established in 2005 at the encouragement of the Philippine Press Council. According to Cherry Ann Lim, former Deputy Director of CCPC, that although the idea and plans for the formation of the council started in 2001 by the editors of the three local newspapers: Eileen Mangubat (Cebu Daily News), Atty Pachico Seares (Sun Star Cebu), and Noel Pangilinan (The Freeman), it was only launched in 2005.

CCPC was then followed by the Kordilyera Media Citizen Council in 2021, in 2022 by councils in Batangas, Iloilo and Davao, and 2023 in Central Luzon. The Kordilyera (covering the Cordillera Administrative Region) and Central Luzon councils are regional, while the others are urban. The Center for Media Freedom and Responsibility (CMFR) reports of earlier attempts to set up press councils in the Central Luzon region, Palawan province and Baguio city (2008: 64-65).

These councils aim to regulate and improve the conduct of practicing journalists, giving more concentration on professionalism and accountability. The councils offer workshops and refresher training for journalists. They accept complaints from the public, aggrieved at the mistakes of the journalists. They also serve as a mediation entity between journalists and the community to address a lot of issues, such as the right to reply and prevention of libel suits.

These media-citizen councils have ample linkages and receive support from national organizations. Four of the councils were established with the assistance of the Philippine Press Institute, the national association of newspapers and the oldest professional media organization in the Philippines. The other two, the Cebu Citizens-Press Council and the Kordilyera Media-Citizen Council, were established with the support, respectively, from the Center for Media Freedom and Responsibility and the Peace and Conflict Journalism

Network. These linkages aid in their efforts to address issues affecting media practitioners and maintain their professionalism.

Traditionally, the press referred only to the printed media. Later, it also meant radio and television. The Philippine Press Council literally admitted only newspapers. The Cebu press council has members from the broadcast as well as digital media. The preference today for media is a tacit nod to the diminished eminence of newspapers, even the 'terrestrial' frequency-based broadcasters, and the takeover by the digital media, which may be operated by professionally trained or educated journalists, but also by the so-called social-media influencers or vloggers or content creators who are performing journalistic roles (Negreira-Rey *et al.*, 2022).

4.2. Membership of the councils

These media-citizen councils have a diverse membership structure and are designed to be inclusive and representative of various sectors of society. They aim to create a collaborative environment where media practitioners, academics, church, civil society, and other stakeholders work together to promote responsible journalism and address issues related to media professionalism and ethics. The composition and policies of each council is diverse and vary according to their regional context and goals. This diversity may also guarantee a wide range of perspectives and expertise.

All councils include representatives from the media industry, mostly the editors-in-chiefs of newspapers and station managers of radio and television stations. Most of the councils also have members from academic institutions. These members may contribute to the educational and research aspects related to media, journalism, broadcasting, among others. Several councils include civil society organizations, non-government organizations, business sectors, and government agencies. Other councils have members representing the youth, women, and LGBTQ+ interests. This inclusion demonstrates an awareness of the importance of diverse perspectives and inclusivity within the council. This likewise reflects the councils' commitment to involve stakeholders with broader societal interests and responsibilities.

Of 15 members of the first media-council, CCPC, only seven of its members are from the media. These are the editors-in-chief of the five daily newspapers in Cebu and two representatives from the *Kapisanan ng mga Brodkaster ng Pilipinas-Cebu*. Two members are from the academy and former media practitioners, while six are from the general public, chosen mainly based on their interest in, appreciation of, and the workings of the press. Regular meetings are held quarterly or when necessary (personal communication, August 22, 2023). Except for the council's Executive Director, none of the council's officers is a journalist. The CCPC's president is a psychiatrist. The vice president is a business leader and a former honorary consul of Denmark and Norway. The council's secretary is a lawyer and university dean, while the treasurer is a priest.

The councils serve as a conduit between media professionals and the general public, the primary client which media serves. They aim to foster a positive and collaborative relationship between these two groups. They also aim to address grievances, promote ethical journalism, and serve as mediators between the media and the public.

Most councils have a screening process for membership, involving endorsements and screening committees. This ensures that members align with the council's objectives and values. It is good to note that some councils welcome independent online journalists,

bloggers, and influencers, while others do not yet. This indicates variations in policies and approaches among different councils. While this inclusivity reflects an understanding of the evolving media landscape and the importance of involving a new breed of media practitioners, others still prefer journalists who are employed and are part of a media company.

Table 1
Composition of the media-citizen councils

	Central Luzon	Batangas	Iloilo	Davao	Cebu	Kordilyera
Media	✓	✓	✓	✓	✓	✓
Academy	✓	✓	✓	✓	✓	✓
Business	✓	✓	✓	✓	✓	✓
Legal (IBP)	✓	✓	✓	✓	✓	
Faith-based organizations	✓	✓	✓	✓	✓	
Social media			✓	✓		
Youth		✓	✓			
Women		✓		✓		
Agriculture		✓				
IPs				✓		
State	NCIP National Commission on Indigenous Peoples CHR Commission on Human Rights	PIA Philippine Information Agency Provincial and City PIOs Public Information Officers	LGBTQ Affairs	MDA Mindanao Development Authority		PIA

The term of office for all the media-citizen councils in the Philippines is 2-3 years. Most of the councils elect their president, vice-president, secretary, and treasurer. Though the same with the other councils that rely on voluntary memberships, the Cebu Citizens Press Council (CCPC) members and officers affirm their voluntary participation in the council every year. CCPC members have alternate members, in case of absences. For the longest time, CCPC has kept most of its original members. This goes to show their loyalty to the council, camaraderie with fellow members, and most importantly, commitment to responsible community journalism.

4.3. Scope of works of the councils

These media-citizen councils play a crucial role in addressing various media-related complaints and issues within their regions. The specific scope of the councils' functions is

tailored to the needs and priorities of their respective communities. Thus, the types of complaints or issues they handle vary differently. All the councils focus on areas such as accuracy, fairness, right to reply, and professionalism, and at the same time, advocating for press freedom and responsible journalism.

Many of the councils focus on guaranteeing media accountability and responsibility. Individual journalists and media organizations must be held accountable for their reporting and conduct. Some councils engage in advocacy efforts related to press freedom, freedom of expression, right to information, and consistently on media accountability. They issue statements and views on these important issues to raise awareness and promote responsible journalism in the community.

These media-citizen councils involve the community and non-media members in their activities and projects. They conduct capacity building activities and collaborations between media and non-media entities, such as media literacy programs, emphasizing the importance of community engagement in media-related matters. Some councils reserve the right to entertain complaints or issues that are deemed highly important and could impact the credibility of the local media and the existence of the council. They take this in consideration, mediate, and help find solutions. This suggests a degree of flexibility in their scope of operation.

4.4. Procedures in handling complaints

The procedures in handling complaints and issues vary among the media-citizen councils in the Philippines. Each council has its unique range of procedures to address grievances related to media work and conduct. The councils follow a process for handling the complaints. This involves multiple stages, such as an initial assessment, mediation, review, and in some cases, an *en banc* decision. This process ensures a thorough attention and evaluation of the complaint.

Several councils highlight the use of mediation in resolving disputes and complaints. They aim to facilitate communication between the complainant and the media personnel or organization to reach an amicable resolution. Confidentiality in proceedings is a common practice of the media-citizen councils. The complaints and proceedings are usually not published until a final decision is concluded. This preserves the privacy for both the complainant and the media organization involved. However, transparency is accentuated by these councils. Some councils publish their decisions on their websites and social media accounts. Instead of imposing penalties, these councils focus more on achieving corrective actions to satisfy both the complainant and the media person or organization involved.

While a case is being reviewed by the council, some require complainants to sign a waiver of the right to sue, that they will not file a libel or damage suit against the news outlet. This may serve as a condition for the council to be able to handle the complaint first. Even without formal complaints, some councils initiate investigations, particularly when issues involve press freedom, safety, misinformation/disinformation, and credibility of the local media-citizen councils. Thus, specific procedures vary among councils, which reflects their unique processes in addressing grievances and at the same time promoting responsible journalism.

4.5. Funding of the councils

These media-citizen councils operate with a mix of funding sources to support their projects, but mostly the councils rely on external support. These sources include grants, donations, and support from various organizations. The Cebu Citizens Press Council (CCPC) collects a minimal membership fee, while newer media-citizen councils are also following suit in collecting membership fees and annual dues to ensure the council's financial sustainability when their primary funders cease support. This goes to show that funding sustainability is an ongoing concern for these media-citizen councils.

Majority of the expenses incurred by these councils include meeting expenditures, venue rental, food and refreshments during their meetings and events. In some of their events, these councils partner with hotels and schools to secure venues at no costs or with minimal expenses. The CCPC, which is the more established council, already spends for administrative costs and regulatory compliance fees, such as Securities and Exchange Commission registration, Bureau of Internal Revenues Income Tax Return, and business permit.

4.6. Legal personality of the councils

The Cebu Citizens-Press Council, the oldest among the other councils in the Philippines, has achieved legal status through obtaining government permits such as the Securities and Exchange Commission (SEC) registration, the Bureau of Internal Revenue (BIR) registration and the Cebu City business permit. All these government registrations require annual renewals with fees.

The newer councils, on the other hand, are actively processing the needed requirements to obtain legal personality as well. They plan workshops for their council members to firm up their procedures, scope, memberships, among others, which proves that they are working on formalizing their legal status. By having legal status, these councils become more credible to the community. This helps them acquire more partnerships and sponsors to support their councils' plans and projects.

5. Conclusion

This study concludes that media-citizen councils in the Philippines are local in nature. The media-citizen councils were established in different regions in the country to address media-related complaints and issues within their media companies and communities in their specific regions. This is a significant departure from the traditional press councils, which usually have a national coverage.

These councils are mixed in composition, with specific focus on the inclusion of citizens as members. The councils have autonomy and enjoy self-determination in terms of composition. Membership of the media-citizen council is diverse, composed of media owners, journalists, and representatives of various sectors. These sectors include the church, academy, and civic groups.

Unlike the previous press councils established in the Philippines, the media-citizen councils are not exclusive to members of the Philippine Press Institute, the national organization of newspapers. In fact, membership is not restricted to newspapers only. The *Kapisanan ng mga Brodkaster ng Pilipinas* (KBP), the independent and self-regulatory

association of radio and television stations and broadcasters in the Philippines is represented in the council. It is inclusive of the emerging media as well. Some of the media-citizen councils already welcome independent online journalists, bloggers, and influencers, while others are still in the process of discussion.

Lastly, these media-citizen councils are autonomous from each other. Although all of them aim to regulate and improve the conduct of journalists, concentrating on professionalism and accountability, and at the same time serve as a conduit between media professionals and the general public, these media-citizen councils are independent and self-governing.

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