

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

FIFTEENTH CONGRESS
First Regular Session

House Bill No. 3493

Introduced by **HONORABLE MARCELINO "MARCY" R. TEODORO**

EXPLANATORY NOTE

This measure seeks to modify the provision of the *Revised Penal Code* on libel, more specifically Article 355 that set forth the means by which libel may be committed, to include defamatory posts, remarks or imputations made in *social networking sites* and *internet blogs*.

According to the website *Internet World Stats*, the Philippines have almost 30 Million internet users. Suffice to say, the number of internet users grew tremendously in the past decade, from a measly 2 Million users in year 2000 to 29,700,000 as of June 2010 which is 29.7% of the population. In due time, social networking sites and blogs came about and flourished worldwide; in the Philippines, more than half of the internet users today actively engaged in social networking and blogs.

The word, "blog", comes from the term web log, which was eventually shortened to its new term. As defined by *Wikipedia*, a blog is a type of website or part of a website, which is usually maintained by an individual with regular entries of commentary, descriptions of events, or other material such as graphics or video.

Whereas, "social networking websites" function like an online community of internet users. Many of these online community members share common interests in hobbies, religion, or politics. Once you are granted access to a social networking website you can begin to socialize. This socialization may include reading the profile pages of other members and possibly contacting them, as well as, sending messages and leaving comments and remarks.

Blogging and participating in social networking can result in a range of legal liabilities and other unforeseen consequences. The impact of blogging upon the mainstream media has been observed in the United States, in 2009 the presence of the American journalism industry had declined to the point that several newspaper corporations were filing for bankruptcy. Aside from this consequence, several cases have been brought before the courts against bloggers and internet users concerning issues of defamation or liability. Apparently, because of its popularity, ease of use and possibility of getting away through anonymity, blogs and social networking sites had become the instrument of unscrupulous individuals to slander and defame the name and good image of a person.

While the existing provisions of the law on the matter may be considered sufficient in filing cases of libel made through the internet, many supposed offenders can still argue that the criminal character of the act (making of defamatory posts and blogs) would require a more certain and unambiguous definition so they can be rightfully charge of a crime under Article 355. It must be noted that one of the basic principles in criminal law states "nullum crimen nulla sine poena lege." Literally means "there is no

crime, when there is no law punishing an act." Said legal precept posits that one cannot be punished for doing something that is not prohibited by law, a principle that is accepted as just and upheld by the penal codes of constitutional states and all modern democracies including the Philippines.

Admittedly, the making of defamatory blogs and engaging in irresponsible social networking are thriving in the country because of the lack of specific and very clear provision of the law on the matter. Through this proposed legislation, this representation hopes to prevent and suppress the proliferation of the aboved discussed social menace.

Thus, in view of the foregoing, approval of this bill is earnestly sought.



MARCELINO "MARCY" R. TEODORO
Representative, 1st District
City of Marikina

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AN ACT
AMENDING ARTICLE 355, CHAPTER 1, TITLE XIII OF THE REVISED PENAL
CODE AND FOR OTHER PURPOSES

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. Section 355, Chapter 1, Title XIII of the Education Act of 1982 is hereby amended to read as follows:

"Art. 355. *Libel means by writings or similar means.* — A libel committed by means of writing, printing, lithography, engraving, radio, phonograph, painting, theatrical exhibition, cinematographic exhibition, or any similar means WHICH INCLUDES AMONG OTHERS WRITTEN WORDS, COMMENTS, AND OPINIONS EXPRESSED IN INTERNET WEB LOGS (BLOGS) OR MADE AND CONTAINED IN SOCIAL NETWORKING SITES, shall be punished by prision correccional in its minimum and medium periods or a fine ranging from 200 to 6,000 pesos, or both, in addition to the civil action which may be brought by the offended party."

SECTION 2. Repealing Clause. — Pertinent provisions of the Revised Penal Code and all other laws, decrees, executive orders and rules and regulations contrary to or inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 3. Effectivity Clause. — This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,