

Republic of the Philippines
HOUSE OF THE REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS

First Regular Session

HOUSE BILL NO. 5391



Introduced by: Hon. Christopher S. Co, Rodel M. Batocabe and Alfredo A. Garbin, Jr.

EXPLANATORY NOTE

This bill seeks to deter, prosecute, and eliminate cyber-bullies from the cyber-world, and to create a culture of free and unfettered exchange of information, opinions and ideas based on mutual respect and sensitivity towards the feelings of others.

Cyber-bullying is a new social disease which results to dire consequences that threaten to tear the social and moral fabric of our society. The unique characteristic of cyberspace makes a person enjoy the benefit of anonymity and multiple personalities, making this realm the perfect venue for abuse and malicious conduct. Unlike physical bullying, electronic bullies can remain virtually anonymous using temporary email accounts, pseudonyms in chat rooms, instant messaging programs, cellphone text messaging and other Internet venues to mask their identity. This privilege of being "unknown" frees them from normative and social constraints in their behavior.

Unfortunately, a survey of all bills filed and laws passed in the history of the Congress of the Philippines shows that, almost surprisingly, no bill was filed to address this tumor of society, except for bills filed against bullying, which only place liability upon minor students. Even bills filed on cyber crimes do not include and define cyber-bullying. The need to prosecute cyber-bullies has been discussed extensively among psychological and information technology experts; but, unfortunately, these are futile attempts at institutionalization. This bill is an answer to the call for action.

With the rise of technology and the growing need for cyberspace interaction and communication, there is also a corresponding growth in the need for protection of its users, most especially minor children who suffer additional risks in being bullied.

Accordingly, the swift passage of this bill is earnestly sought.

Hon. CHRISTOPHER S. CO Hon. RODEL M. BATOCABE Hon. ALFREDO A. GARBIN, JR.

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AN ACT
DEFINING AND PENALIZING THE CRIME OF CYBER-BULLYING

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

SECTION 1. *Title* – This Act shall be known as the “ANTI-CYBER-BULLYING ACT OF 2011.”

SEC. 2. *Cyber-bullying, when committed.* The penalty of not less than Fifty Thousand Pesos (Php 50,000) but not more than One Hundred Thousand Pesos (Php 100,000), or, prison correccional, or both, shall be imposed upon any person who commits a series of acts directed towards another person through the use of electronic devices, which consist of any or more of the following:

- (a) Threats to a person with the infliction upon the person, honor or property of the person or of his family of any wrong;
- (b) Stalking or constantly following or pursuing a person in his daily activities with unwanted, obsessive attention;
- (c) Public humiliation or public and malicious imputation of a crime, or of a vice or defect, real or imaginary, or any act, omission, condition, status, or circumstance tending to cause the dishonor, discredit, or contempt, against a person;
- (d) Demanding, requesting or requiring sexual or monetary favors, or demanding property from a person; and
- (e) Any course of conduct directed towards a person that causes substantial emotional distress in such a person.

SEC. 3. *Electronic devices.* Electronic devices shall include, but are not limited to telephones and mobile phones, computers, laptops and tablets, or any other device, tool or implement that may be developed for instant messaging, text messaging, chatting, emailing, video chatting, interaction in social networking websites, or other virtual interaction.

SEC. 4. *Separability Clause.* - If any provision of this Act is declared invalid or unconstitutional, the other provisions not affected thereby shall continue to be in full force and effect.

SEC. 5. *Repealing Clause.* - All laws, decrees, executive orders or rules and regulations contrary to or inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 6. *Effectivity Clause* - This Act shall take effect fifteen (15) days from its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved.