

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

FIFTEENTH CONGRESS
Second Regular Session

House Bill No. 6613



Introduced by **Kabataan Party-list Representative Raymond V. Palatino,**
Bayan Muna Party-list Representative Teddy A. Casiño

EXPLANATORY NOTE

No less than the United Nations has declared the internet as a human right. The UN emphasizes that there should be "as little restriction as possible to the flow of information via the Internet, except in few, exceptional, and limited circumstances prescribed by international human rights law." The Internet, according to the UN report, vastly expands the capacity of individuals to enjoy their right to freedom of opinion and expression, which is an "enabler of other human rights." In this regard, the Internet "boosts economic, social and political development, and contributes to the progress of humankind as a whole".

The passage of Republic Act No. 10175, or the Cybercrime Prevention Act of 2012, poses serious threats to Internet freedom, the right to privacy and other essential civil liberties including the freedom of speech, expression, and the press. The insertion of provisions regarding online libel and vague sections on data collection and sanctions is essentially an online censorship law.

For years, various individuals have used libel, a criminal offense in the country, to harass journalists, whistleblowers, and ordinary citizens. The inclusion of online libel, all information exchange in the Internet, and even personal communications, would exacerbate the situation, as such "crime" is highly prone to abuse.

The catch-all provision under Sec. 6 – in which all offenses defined under the Revised Penal Code and special laws committed through information and communications technologies shall be charged with a penalty one degree higher than that provided in the Code – poses unnecessary and unexplained higher sanctions for cybercrimes. Thus, all content in such platforms which may contain libelous material may now be subject to a criminal suit one degree higher than the penalty imposed on libel under the RPC. By imposing a penalty one degree higher than what had been stated in the RPC on libel, longer prison terms are guaranteed for persons found to have published or posted material containing libelous remarks online. It essentially states that crimes committed online are graver than those committed in the real world. Due to the vague provisions in RA 10175, even commenters and those that retweet libellous materials can also be incriminated.

The new law is thus a threat to the constitutional freedoms of the press and expression.

The relative freedom of publication utilized by online critics of government policies shall now be curtailed.

The law may also be treading upon unconstitutional waters in Chapter IV, on the powers being granted to law enforcement agencies, which includes preservation, disclosure, search and seizure and destruction of computer data. The role of the courts in the grant of warrants relative to the preservation, disclosure, search and seizure and destruction of computer data is unclear.

The Cybercrime Prevention Law is, in fact, far worse than the "Stop Online Piracy Act" and the "Protect IP Act," that were pushed in the US Congress earlier this year but failed to prosper. RA 10175 will have a "chilling impact" on bloggers, online journalists, advocacy groups and normal netizens, as any website can be shut down through accusations of infringement, without due process.

Less than a week after the launch of the campaign, concerned netizens have already collected at least 17,000 signatures against the contentious provisions of RA 10175. Legal and information technology experts have expressed their opposition to the aforementioned sections.

Stakeholders demand that the House take a second look at what may have been a mistake by Congress and the President.

It is in this light that the approval of this bill is earnestly and urgently sought.



HON. RAYMOND V. PALATINO
Representative, Kabataan Partylist



HON. TEDDY A. CASIÑO
Representative, Bayan Muna

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AN ACT
REPEALING SECTIONS OF REPUBLIC ACT NO. 10175, OR THE CYBERCRIME
PREVENTION ACT OF 2012

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

1 **SECTION 1.** Section 4(c)(4) of Chapter II of Republic Act No. 10175 is hereby
2 repealed.

3 **SECTION 2.** Section 5 of Chapter II of Republic Act No. 10175 is hereby repealed.

4 **SECTION 3.** Section 6 of Chapter II of Republic Act No. 10175 is hereby repealed.

5 **SECTION 4.** Section 7 of Chapter II of Republic Act No. 10175 is hereby repealed.

6 **SECTION 5.** Chapter IV of Republic Act No. 10175 is hereby repealed.

7 **SECTION 6. *Effectivity.*** This Act shall take effect fifteen (15) days after its publication
8 in at least two (2) newspaper of general circulation.

Approved,