

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Batasang Pambansa, Quezon City

FIFTEENTH CONGRESS
Third Regular Session

HOUSE BILL NO. 6648



INTRODUCED BY REP. JOSEPH VICTOR G. EJERCITO

EXPLANATORY NOTE

The United Nations Human Rights Committee recently declared that the Philippines' Revised Penal Code's provisions penalizing libel is "incompatible with Article 19, paragraph three of the International Covenant on Civil Political Rights (ICCPR)," which pertains to the freedom of expression.

The UNHRC is a treaty monitoring body created under an optional protocol to the ICCPR with the power to declare that a State party to the Convention is in breach of its obligations under the covenant.

Under the 1987 Constitution, the Philippines adopts the generally accepted principles of international law which therefore form part of the law of the land. It is obvious that all treaties are binding on the State Party ratifying the same and must be performed by them in good faith.

Some sections found under Chapter II of Republic Act 10175 violate the Constitutional freedoms and collectively, these provisions inter-operate with each other to create a chilling effect upon the freedom of expression. Moreover, these provisions are utterly vague and overbroad as these provisions of law lack comprehensible standards to guide the authorities and citizens as to what acts constitute libel or aiding or abetting in the commission of libel or attempted libel in the internet world. These provisions, are likewise incompatible with the standards set under the International Covenant on Civil Political Rights (ICCPR), which the Philippines is a party to the convention.

It should be stressed that under the Revised Penal Code, real world or offline libel cannot be censored by the courts even after the conviction of the accused. Under the Cybercrime Prevention Act, a mere prima facie showing entitles the complainant to these remedies. Effectively, the DOJ

Secretary becomes the judge, prosecutor and executioner – indeed, the final authority on all matters of online speech.

Since the Cybercrime Prevention Act of 2012 does not distinguish, the DOJ Secretary can restrain and block access to content whether authored by private citizens and the organized press.

Although the Supreme Court ordered a temporarily relief by issuing a TRO, Congress should take steps by amending the law in order to provide a permanent relief to the netizens and guaranteeing the Filipino people that freedom of expression, of speech, due process, equal protection and right to privacy are sacred freedoms that should be protected.

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

A handwritten signature in black ink, appearing to read 'J. Ejercito', with a horizontal line extending to the left.

REP. JOSEPH VICTOR G. EJERCITO
Lone District, San Juan City

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**AN ACT REPEALING SECTIONS OF REPUBLIC ACT NO. 10175,
OTHERWISE KNOWN AS THE CYBERCRIME PREVENTION ACT OF
2012**

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

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

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

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

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

SECTION 5. Section 12 of Chapter IV of Republic Act No. 10175 is hereby repealed.

SECTION 6. Section 17 of Chapter IV of Republic Act No. 10175 is hereby repealed.

SECTION 7. Section 19 of Chapter IV of Republic Act No. 10175 is hereby repealed.

SECTION 8. Section 20 of Chapter IV of Republic Act No. 10175 is hereby repealed.

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

Approved,