

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

House Bill No. 915



Introduced by HON. IRWIN C. TIENG, HON. MARIANO MICHAEL M.
VELARDE and HON. JOSE L. ATIENZA, JR.

EXPLANATORY NOTE

As signatory to the WIPO Copyright Treaty (WCT), the Philippines recognizes the right to develop and maintain the protection of the rights of authors in their literary and artistic works in a manner as effective and uniform as possible

With the tremendous expansion of the Internet, online piracy continues to pose a challenge to the entertainment industry. It is commonly known as digital piracy, but these terms are too benign that doesn't even begin to adequately describe the toll that intellectual property theft takes on the many creators, artists, producers, songwriters, musicians and others whose hard work and great talent make music or film possible.

One advantage of using a computer to perform these types of piracy is that each copy of a song or movie is an exact replica of the original without degradation of its quality. With the advent of new technologies of MP3 and the video compression formats (VCF), song and movie downloading have relatively become fast and free of charge.

Regardless of how the infringer sees it, piracy is theft of intellectual property and is no more justifiable than shoplifting. The internet has regrettably become a cash-cow for the criminals and organized crime cartels that profit from digital piracy. The damage done to the entertainment industry and legitimate end user does not outweigh the few advantages that piracy does have.

In order to combat this form of piracy, the immediate passage of this bill is earnestly sought.

IRWIN C. TIENG

MARIANO MICHAEL M. VELARDE

JOSE L. ATIENZA, JR.

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AN ACT TO PROHIBIT ONLINE PIRACY AND PROVIDING PENALTIES FOR
VIOLATION THEREOF

BE IT ENACTED by the Senate and the House of Representatives of the
Philippines in Congress assembled.

SECTION 1. **Short Title.** This Act shall be known as "Anti-Online Piracy
Act of 2013."

SECTION 2. **Declaration of State Policy.** It shall be the policy of the
State to recognize the right to develop and maintain the protection of the rights of
authors in their artistic works. Towards this end, the government shall exert
efforts to combat online piracy that has seriously damaging the entertainment
industry.

SECTION 3. **Prohibited Acts.** It is hereby prohibited and declared
unlawful for any person:

- a) To make in a manner not authorized by the copyright owner, copies of
music recordings or films, in complete or substantially complete form,
by any means, including but not limited to uploading, downloading, or
streaming.
- b) To offer goods or services, or provides access in a manner not
authorized by the copyright owner, copies of music recordings or films,
in complete or substantially complete form, by any means, including by
means of download, streaming, provision of a link or aggregated links
to other sites.

SECTION 4. **Penalties.** Any person who shall violate any provision of this
Act shall suffer the following penalties, to wit:

- a. Imprisonment of one (1) year to two (2) years plus a fine ranging
from fifty thousand pesos (P 50,000.00) to one hundred fifty
thousand pesos (P 150,000.00) for the first offense;
- b. Imprisonment of two (2) years and one (1) day to three (3) years
plus a fine ranging from one hundred fifty thousand pesos (P
150,000.00) to three hundred thousand pesos (P 300,000.00) for
the second offense;

- c. Imprisonment of three (3) years and one (1) day to five (5) years plus a fine ranging from three hundred thousand pesos (P 300,000.00) to one million pesos (P 1,000,000.00) for the third and subsequent offenses;

In determining the number of years of imprisonment and the amount of fine, the court shall consider the value of the infringing materials and the damage that the copyright owner has suffered by reason of the infringement.

SECTION 5. *Implementing Rules and Regulations.* – The Department of Justice, in coordination with other concerned government agencies and instrumentalities it may deem essential, within sixty (60) days from the effectivity of this Act, formulate and develop the implementing rules and regulations for the proper execution of the provisions of the law.

Section 6. *Separability Clause.* - If any provision or part thereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

Section 7. *Repealing Clause.* - Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to, or inconsistent with the provisions of this Act is hereby repealed, modified or amended accordingly.

Section 8. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its complete publication in at least two (2) national newspapers of general circulation.

Approved,