

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

16th Congress
First Regular Session

House Bill No. **3749**



Introduced by Honorable Sergio A. F. Apostol

EXPLANATORY NOTE

Social Media as a new medium of communication is one of the the newest trends in Information Technology. People can instantly connect and have correspondence with one another by just the use of their cellphones, laptops or tablets through these social media sites. However, for every benefit social media may bring lies the danger of some who take social medial as a means to take advantage of another. Cyber bullying and other forms of harassment through the use of social media may cause mental and psychological anguish to their innocent victims.

This Act seeks to regulate these social media mediums, and by mandating the proper government agencies to prosecute crimes committed through the use thereof. With this, ample protection will be given to law-abiding social media users and prevent them from falling prey to crimes committed through the use of the technology.


SERGIO A. F. APOSTOL
Representative
Second District, Leyte

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"SOCIAL MEDIA REGULATION ACT OF 2014"

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

SECTION 1. State Policy. - It is the policy of the State to regulate the transfer and promote the adaptation of technology from all sources for the national benefit.

SECTION 2. Social Media defined. Cyber bullying- For purposes of this Act, Social media is defined as any "electronic medium that allows interaction among people in which they create, share or exchange information and ideas, including, but not limited to, uploading or downloading videos, still photographs, blogs, video blogs, podcasts, instant messages, electronic mail or Internet website profiles or locations." The definition includes such social media venues as Facebook, Twitter and LinkedIn, as well as sites like Pinterest and Instagram. E-mail accounts created through Yahoo!, Google, and other Internet sites shall be included in the definition.

Cyber bullying- is the use of social media to harm or harass other people in a deliberate, repeated, and hostile manner.

SECTION 3. Social Media Responsibility. - Every person who will communicate, exchange, deliver, blog or share information through the social media must observe a responsible and fair exercise of his right to free expression and opinion. He must give everyone his due, observe good faith and avoid any form of harrasment that my bring harm or shame to the name or reputation of another, without any valid or legal justification, in a public forum through the use of social media.

SECTION 4. Acts punished. - Any person who intentionally and maliciously commits any act of cyber bullying through the use of a social media as

defined under herein shall be punished with an imprisonment of not less than six (6) years and one (1) day years up to twelve (12) years and/or a fine ranging from thirty thousand pesos (P30,000) to fifty thousand pesos (P50,000), upon the discretion of the Court.

Any person who will commit an act of a malicious and public imputation as defined and penalized under Articles 353-355 of the Revised Penal Code, as amended, committed through the use of a social media as defined under this Act, shall be punished with a penalty of prision correccional in its minimum and medium periods and/or a fine ranging from thirty thousand pesos (P30,000.00) to fifty thousand pesos (P50,000 pesos), upon the discretion of the Court.

All prosecutions of the crimes as aforementioned shall be under the direct control and authority of the Department of Justice.

SECTION 5. Separability Clause. - If any provision of this Act is declared unconstitutional, the same shall not affect the validity and effectivity of other provisions thereof.

SECTION 6. Repealing Clause. - All laws, decrees, orderes and issuances or portions thereof which are inconsistent with the provisions of the Act are hereby repealed or modified accordingly.

SECTION 7. Effectivity. - This Act shall take effect fifteen (15) days following its publication in the Offical Gazette, and in at least two (2) national newspapers of general circulation.

Approved,