

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Constitution Hills, Quezon City

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 4795



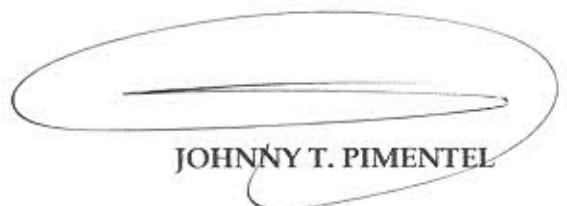
Introduced by: Representative JOHNNY T. PIMENTEL

EXPLANATORY NOTE

The advent of social media has provided an ease of access on its use. It has endowed the general public a wide electronic channel to exercise their right to free speech and freedom of expression. Nevertheless, akin to the unregulated and unchecked use of rights, the same has become prone to abuse. In many instances fighting words and expressions not constitutionally protected are employed to harass and threaten persons in the social media - including the use of lewd and sexual remarks. These malevolent acts must be kept in check.

Our present law, such as the Anti - Cybercrime Law, seem to fall short in capturing the gravity of the distress caused to the victims of cyber harassment with their provision of a lesser penalty. This Bill seeks to establish a clear demonstration of the penalties ascribed in this new species of harassment to correspond in the severity of the acts, which would also serve as a deterrent to would-be offenders.

To address the unheeded call of our citizens across cyberspace who have been subject to cyber threats and harassments, the approval of this Bill is earnestly sought.


JOHNNY T. PIMENTEL

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Introduced by: Representative JOHNNY T. PIMENTEL

AN ACT
PROHIBITING CYBER HARASSMENT
AND PROVIDING PENALTIES THEREOF

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

SECTION 1. Title - This Act shall be known as "Anti - Cyber Harassment Act of 2017".

SECTION 2. Declaration of Policy - It is the policy of the State to ensure the protection of the right to free speech and the freedom of expression in cyberspace without its abuse. Guided by the principle of accountability, speeches expressed in the cyberspace under a fraudulent, malevolent, reckless, wanton and oppressive manner to harass a person must be put in check.

SECTION 3. Punishable Acts - The following acts shall be punishable in this Act:

- (a) Threatening a person through text messaging, social media posts or other electronic media;
- (b) Placing a person in fear of imminent physical harm through text messaging, social media posts or other electronic media;

- (c) Engaging in willful, reckless or malevolent conduct that causes substantial emotional or psychological distress to a person through electronic media;
- (d) Sharing through social media posts with indecent, obscene, lewd and abusive remarks with sexual contents harassing the person of the victim;
- (e) Posting remarks that induce, abet or incite others into threatening and harassing a person through text messaging, social media posts or other electronic media; and
- (f) Using a fake account or accounts in the commission of acts in the preceding subsections.

SECTION 4. *Penalty* - The penalty of imprisonment of not less than five (5) years but not more than ten (10) years and a fine of not less than One hundred thousand pesos (P100,000.00) but not more than Five hundred thousand pesos (P500,000.00), or both, shall be imposed against those found guilty of violating Section 3 of this Act. *Provided*, that if the person found guilty is a person in authority and/or an agent, the accessory penalty of perpetual disqualification for public office, profession, or calling is also imposed.

SECTION 5. *Preventive Suspension* - Pending an investigation in relation to this Act, a person in authority and/or an agent, shall be preventively suspended if the evidence of guilt is strong. The preventive suspension shall continue until the case is terminated but not more than six months, without pay.

SECTION 6. *Separability Clause*. - If any part of this Act shall be held invalid, other provisions which are not affected shall continue to be in force.

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

SECTION 8. *Effectivity*. - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) national newspapers of general circulation.

Approved,