

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 6022



Introduced by **HON. LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.**

EXPLANATORY NOTE

Tradional mass media has long been the way to spread and disseminate information to a wide audience and has become vital to our daily lives as the source of reports and accounts of relevant events happening across the nation and around the globe.

The age of internet has truly democratized speech that not only are media outlets able to gain increased traction and an even wider reach through it but also just about anyone who has a decent level of computer literacy. The advancement in technology has allowed people the outlet to not only read news stories from credible sources but also to create their own accounts of the story.

The distribution of false information through fake news has become easier in the age of internet, where anyone can post a report or a statement to resemble a news story and claim it as true and factual. Thus, it comes as no surprise that "Fake News" evolved into a term that gained popularity during the 2016 US election debate periods, and has already become common in our vocabulary to describe a means of distorting truth to manipulate, deceive or generate income. This use of media, whether new or traditional, is a clear warning of the possibilities of deception by people and a threat to credible journalism.

This bill proposes to nip the cause of fake news in the bud by prohibiting the creation and malicious distribution of false information. It aims to ensure that the content being published and disseminated by mass media outlets and social media personalities are free from false, misleading or fictitious stories through a clear definition of what fake news is. It penalizes not only the creation of false content and the malicious distribution thereof, but also the failure to remove such content once it has been published, with varying penalties depending on the gravity of the act.

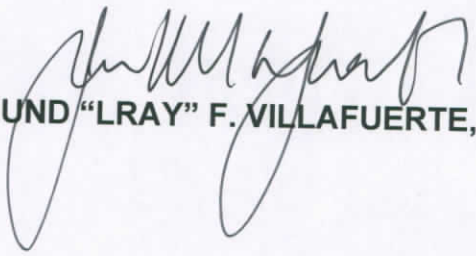
The aim is to encourage responsible and credible journalism, as well as creating awareness of the harmful effects of spreading untruthful facts. Misleading and deceptive news can cause divisiveness, health hazards,

security risks, panic and chaos to this nation, contrary to our Constitutionally enshrined principle of adhering to a policy of peace and cooperation.

Other countries have taken strides in preventing the spread of false information through legislation. Singapore has passed the Telecommunications Act of 2000, penalizing any person who transmits or causes a message to be transmitted which he knows to be false or fabricated. Canada, on the other hand, regulates its media through various laws and has banned licensed media outlets to broadcast any false or misleading news. Countries like Germany, Italy and the United States of America have started their respective legislative proposals to avert the creation of fake news.

With the Philippines being one of the most virtually-connected countries in the world (with 7 million active social media users), we have access to platforms of media and access to an array of information available on the web, some with questionable sources. While the responsibility of discerning lie from truth falls with the person consuming the information, it is a moral duty of the State to protect its people from such lies in the first place. This bill aims to curb the existence of disreputable news sources and prevent established mass media outlets from careless publishing of unverified or false content.

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



LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.

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AN ACT
PROHIBITING THE CREATION AND DISTRIBUTION OF FALSE NEWS

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

SECTION 1. Short Title. – This Act shall be known as the “*Anti-Fake News Act of 2017*”

SECTION 2. Declaration of Policies and Objectives. –The State shall ensure that public airwaves and channels are free from false, fictitious and misleading stories under the guise of news, and are utilized to strengthen democracy through correct, relevant and timely information.

SECTION 3. Definition of Terms. – For purposes of this Act, the terms are defined as follows:

A. “Fake News” shall refer to any of the following or combinations thereof:

1. Misquotation or the false and/or inaccurate report of one’s statement;
2. Editing audio or video which results in the distortion of facts and/or the context; or
3. Purely fabricated content.

B. “False/Inaccurate Report” refers to falsities and inaccuracies in reporting that are primarily geared towards:

1. undermining or benefiting a person, agency, entity or event;
2. luring advertisers based on number of “clicks” or “visits” (ex. click baiters for ads) for pecuniary or commercial gain;
3. imperiling national security or disturbing public order; or
4. sowing enmity, hatred or ill towards certain political/cultural/gender groups and other minorities.

in broadcast, printed or web-published material disguised as news or with any factual claims.

C. "Mass Media Outlet" shall refer to:

1. any entity incorporated to carry on the business of radio and/or television broadcasting and granted a valid government franchise to operate such business; or
2. any entity that publishes newspapers with regular public circulation and uses print, online publication, microwave, satellite or whatever means to disseminate content for commercial purposes.

D. "Social Media Platform" shall refer to any user-specific web-based technology intended to create virtual connection through the internet such as social networking sites, blog sites, video-sharing sites, and the like.

E. "Social Media User" shall refer to any person or group of persons, natural or juridical, organized or unorganized, that utilizes social media platforms to send messages and/or information across through any social media account, verified or under a pseudonym, fictitious or false account/page name for whatever purposes it may serve;

F. "Create" shall refer to the positive act of bringing into existence whether in written, audio or video format fake news guised as factual, true and verified news stories, and the initial dissemination, publication or broadcast of the same through broadcast media, print, and social media platforms.

G. "Disseminate" shall refer to the act of deliberately and maliciously sharing, forwarding, republishing or re-broadcasting fake news through broadcast media, print, and social media platforms despite the knowledge or reasonable grounds to believe that such news story is false, fictitious, and misleading.

H. "Aid or abet" shall refer to the act of conniving or assisting in the creation and/or dissemination of fake news through advice, financial support, or other positive acts without which the fake news would not have come into being.

I. "Retract" shall refer to the withdrawal and deletion of fake news broadcast or published when applicable.

SECTION 4. Prohibited Acts. – The following acts are hereby prohibited:

- a. It shall be unlawful for any mass media outlet to create through broadcast, social media platforms, and/or print fake news whether or not such mass media outlet knows of its falsity, and regardless of intent;
- b. It shall be unlawful for any mass media outlet to aid or abet in the creation, distribution or circulation of fake news whether or not such mass media outlet knows of its falsity and regardless of intent;

- c. It shall be unlawful for any mass media or social media user to deliberately and maliciously create and disseminate fake news through broadcast, social media platforms, and/or print ;
- d. It shall be unlawful for any mass media user to deliberately and maliciously aid or abet in the creation, distribution or circulation of fake news through broadcast, social media platforms, and/or print;
- e. It shall be unlawful for any mass media outlet or social media user to defer or desist from:
 - 1. retracting any fake news, and
 - 2. broadcasting or publishing an erratum addressing the fake news.

SECTION 5. Penalties. – The commission of any of the prohibited act/s in Section 3 shall be penalized as follows:

- a) Any mass media outlet found guilty of creating fake news shall be punished with a fine of One Million Pesos (PHP 1,000,000) for its first offense.

Any mass media outlet found guilty of creating fake news shall be punished with a fine of Two Million Pesos (PHP 2,000,000) and its operation suspended for one week for its second offense.

Any succeeding violation by a mass media outlet of any act enumerated in Section 4 shall be punished with a fine of Five Million Pesos (PHP 5,000,000) and its operation suspended for a month.

- b) Any mass media outlet found guilty of disseminating fake news shall be punished with a fine of Five Hundred Thousand Pesos (PHP 500,000) for its first offense.

Any mass media outlet found guilty of disseminating fake news shall be punished with a fine of One Million Pesos (PHP 1,000,000) and its operation suspended for one week for its second offense.

- c) Any social media user found guilty of creating fake news shall be punished with imprisonment of arresto menor or a fine of One Hundred Thousand Pesos (PHP 100,000), or both for his first offense.

Any social media user found guilty of creating fake news shall be punished with imprisonment of arresto mayor or a fine of Three Hundred Thousand Pesos (PHP 300,000), or both for his second offense.

Any succeeding violation by a social media user of any act enumerated in Section 4 shall be punished with imprisonment of prision correccional or a fine of Five Hundred Thousand Pesos (PHP 500,000), or both.

- d) Any social media user found guilty of disseminating fake news shall be punished with a fine of Fifty Thousand Pesos (PHP 50,000) for his first offense.

Any social media user found guilty of disseminating fake news shall be punished with imprisonment of arresto menor or a fine of One Hundred Thousand Pesos (PHP 100,000), or both for his second offense.

- e) Any mass media outlet found guilty of aiding and abetting in the creation or dissemination of fake news content, by any means, shall be punished with a fine of Three Hundred Thousand Pesos (PHP 300,000) or suspension of operation up to one month, or both.
- f) Any social media user found guilty of aiding and abetting in the creation or dissemination of fake news content, by any means, shall be punished with imprisonment up to arresto mayor or a fine of One Hundred Thousand Pesos (PHP 100,000), or both.
- g) Any mass media outlet that fails or refuses to retract any fake news and issue an erratum regarding such fake news shall be punished with a fine of Five Hundred Thousand Pesos (PHP 500,000) or suspension of operation for a month, or both.
- h) Any social media user who fails or refuses to retract any fake news and issue an erratum regarding such fake news shall be punished with a fine of Three Hundred Thousand Pesos (PHP 300,000), or imprisonment up to prision correccional, or both.

SECTION 6. Liability under Other Laws. — A prosecution under this Act shall be without prejudice to any liability for violation of any provision of the Revised Penal Code, as amended, or special laws.

SECTION 7. Implementing Rules and Regulations – The Department of Information and Communications Technology (DICT), the Department of Justice (DOJ) and the National Bureau of Investigation (NBI) shall jointly formulate the necessary rules and regulations within ninety (90) days from approval of this Act, for its effective implementation.

SECTION 8. Separability Clause. – If any provisions of this Act is declared invalid, the provisions thereof not affected by such declaration shall remain in force and in effect.

SECTION 9. Repealing Clause. – All laws, executive orders, rules and regulation, or parts thereof, inconsistent with the provisions of this Act are hereby repealed or amended accordingly.

SECTION 10. Effectivity. – This Act shall take effect fifteen (15) days after its publication in two (2) national newspapers of general circulation.

Approved,