

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

NINETEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 8789



Introduced by 2nd District of Agusan del Norte Representative
HON. DALE B. CORVERA

AN ACT
CRIMINALIZING THE CREATION AND DISSEMINATION OF CYBER
“FAKE NEWS”, AMENDING REPUBLIC ACT NO. 10175, OTHERWISE
KNOWN AS THE “CYBERCRIME PREVENTION ACT OF 2012”

EXPLANATORY NOTE

Online social networks or more popularly known as social media have become an integral part of Filipinos’ daily lives. In a press release issued by the Philippine Statistics Authority in 28 December 2020, 73.9% of Filipinos age 10 to 64 years old surf the internet for social media. Millions of Filipinos with internet access rely on social media to get their social updates and daily dose of all kinds of global and local news.

Unfortunately, in this information age, some people take advantage of social media and the sheer volume of their users to gain popularity and/or profit by intentionally creating and disseminating false information, stories or news that can mislead the public and cause unnecessary alarm or disturbance and cause damage to affected individuals.

In a study of Vosoughi et. al (2018)¹, the researchers discovered that falsehood in social media spreads significantly farther, faster, deeper, and more broadly than the truth. False political news also gains more interests than false news about terrorism, natural disasters, science, urban legends, or financial information.

To minimize (if not totally halt) the spread of and curtail the negative impacts brought about by false news, particularly those disseminated through social media platforms, it is necessary to criminalize cyber fake news.

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

DALE B. CORVERA
Representative

2nd District of Agusan del Norte

1. Vosoughi S, Roy D, Aral S. The spread of true and false news online. *Science*. 2018 Mar 9;359(6380):1146-1151. doi: 10.1126/science.aap9559. PMID: 29590045.

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

NINETEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 8789

Introduced by 2nd District of Agusan del Norte Representative
HON. DALE B. CORVERA

AN ACT
CRIMINALIZING THE CREATION AND DISSEMINATION OF CYBER
“FAKE NEWS”, AMENDING REPUBLIC ACT NO. 10175, OTHERWISE
KNOWN AS THE “CYBERCRIME PREVENTION ACT OF 2012”

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 “Basic Necessities and Prime Commodities Discount for Senior Citizens Act”.

Section 2. Section 3 of Republic Act No. 10175, otherwise known as the “Cybercrime Prevention Act of 2012”, is hereby amended by inserting a new sub-section and re-numbering succeeding sub-sections to read as follows:

“Section 3. Definition of Terms. – For purposes of this Act, the following terms are hereby defined as follows:

xxx

(m) Fake news refers to false information, facts, stories and news that are shared with the intention to mislead its audience;

(n) Interception refers to listening to, recording, monitoring or surveillance of the content of communications, including procuring of the content of

data, either directly, through access and use of a computer system or indirectly, through the use of electronic eavesdropping or tapping devices, at the same time that the communication is occurring;

(o) *Service provider* refers to:

- (1) Any public or private entity that provides to users of its service the ability to communicate by means of a computer system; and**
- (2) Any other entity that processes or stores computer data on behalf of such communication service or users of such service;**

(p) *Subscriber's information* refers to any information contained in the form of computer data or any other form that is held by a service provider, relating to subscribers of its services other than traffic or content data and by which identity can be established:

- (1) The type of communication service used, the technical provisions taken thereto and the period of service;**
- (2) The subscriber's identity, postal or geographic address, telephone and other access numbers, any assigned network address, billing and payment information, available on the basis of the service agreement or arrangement; and**
- (3) Any other available information on the site of the installation of communication equipment, available on the basis of the service agreement or arrangement;**

(q) *Traffic data* or non-content data refers to any computer data other than the content of the communication including, but not limited to, the communication's origin, destination, route, time, date, size, duration, or type of underlying service."

Section 3. Section 4 of Republic Act No. 10175, otherwise known as the "Cybercrime Prevention Act of 2012", is hereby amended by inserting a new sub-section to read as follows:

"Section 4. Cybercrime Offenses. – The following acts constitute the offense of cybercrime punishable under this Act:

xxx

(c) Content-related Offenses:

xxx

(5) Cyber Fake News – The creation and dissemination of fake news as defined in Section 3 hereof, committed through a computer system or any other similar means which may be devised in the future.”

Section 4. *Implementing Rules and Regulations.* – Within ninety (90) days from the approval of this Act, the Cybercrime Investigation and Coordinating Center, and other relevant government agencies, shall formulate the rules and regulations for the effective implementation of this Act.

Section 5. *Separability Clause.* – If, for any reason, any section, clause or term of this Act is held to be illegal, invalid, or unconstitutional, such parts not affected by such declaration shall remain in full force and effect.

Section 5. *Repealing Clause.* – All laws, presidential decrees, issuances, executive orders, letters of instruction, rules, and regulations inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

Section 6. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,