

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

NINETEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 9141



Introduced by HON. RUWEL PETER S. GONZAGA

EXPLANATORY NOTE

Digital technology and digital transformation play a significant role in the rapid development and changes of economic growth, enhancement of public service, and empowerment of individuals and communities while getting along with new evolving trends.

Nowadays valuable news and research, stories and insights, data and marketing products for basic and non-basic commodities can be delivered by the different social platforms. Data shows that there are 85.15 million internet users in the Philippines and most of the users are largely unattached from online and mobile life. The vulnerability on the exposure of the fake news or false content of our citizens not only in the Philippines, but the around the world is highly alarming since the lack of unfamiliarity in checking facts and the manner of how an individual perceives or interprets the data being disseminated.

With the current total number of scrupulous sites, cybercrime is one of the highest schemes using internet which cause damage to affected individuals. Thus, this bill seeks to criminalize the creation and dissemination of false news that affects the public interest.

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


RUWEL PETER S. GONZAGA

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INTRODUCED HON. RUWEL PETER S. GONZAGA

AN ACT
CRIMINALIZING THE CREATION AND DISSEMINATION OF "FAKE NEWS",
AMENDING FOR THE PURPOSE SECTION 3 AND 4 OF 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. 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 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,