

1 NINETEENTH CONGRESS OF THE )  
2 REPUBLIC OF THE PHILIPPINES )  
3 *Second Regular Session* )  
4



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6 **HOUSE OF REPRESENTATIVES**

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8 **House Bill No. 9425**

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12 **Introduced by REPRESENTATIVES LANI MERCADO-REVILLA,**  
13 **BRYAN B. REVILLA AND RAMON JOLO REVILLA III**  
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17 **AN ACT**  
18 **DEFINING DEEPFAKE AND THE IMPOSITION OF PENALTIES THEREFOR FOR**  
19 **ACTS CONSTITUTING HARMFUL DEEPFAKES**

20  
21 **EXPLANATORY NOTE**

22 Section 4, Article III of the 1987 Constitution safeguards the right to freedom of  
23 speech and expression. However, the State ought to be committed to effectively  
24 condemn and combat the inappropriate and malicious use of these technologies,  
25 especially in instances involving the dissemination of disinformation, harassment,  
26 incitement of violence, and identity fraud.

27 This is where deepfake sets in. In simpler terms, deepfakes utilize artificial  
28 intelligence known as deep learning to manipulate photos, videos, and sounds,  
29 thereby putting new words in a politician's mouth, starring in one's favorite movie,  
30 dancing like a pro, or even mimicking the CEO's voice, among others.<sup>1</sup> To be clear,  
31 deepfakes, in and of themselves, are not inherently illegal. In fact, they offer valuable  
32 potential for positive applications. For instance, Cereproc employs deepfakes to craft  
33 digital voices for children with disabilities or those who have lost their ability to speak  
34 due to illness.<sup>2</sup> Deepfakes have also been used to bring deceased actors back to life,  
35 like Peter Cushing in *Rogue One: A Star Wars Story*.<sup>3</sup> However, the legality of  
deepfakes depends on their content, as they can infringe upon copyrights, violate data  
protection, defame individuals, and intrude upon privacy.<sup>4</sup> Furthermore, it is troubling

<sup>1</sup> [What are deepfakes – and how can you spot them? | Internet | The Guardian](#)

<sup>2</sup> [ind\\_a.pdf \(wipo.int\)](#)

<sup>3</sup> [ind\\_a.pdf \(wipo.int\)](#)

<sup>4</sup> [ACG-CYBER SECURITY BULLETIN NR 189: Understanding of Deepfake Threat Technology \(pnp.gov.ph\)](#)

1 that a significant proportion of online deepfake content, approximately 95-96%, is  
2 pornographic and non-consensual in nature.<sup>5</sup>

3  
4 Deepfake technology made its debut in November 2017 when an anonymous  
5 user on the social media platform Reddit introduced an algorithm that employed  
6 existing artificial intelligence techniques to produce realistic fake videos.<sup>6</sup> In this age  
7 overwhelmed by fake news and misinformation, where even a poorly edited image can  
8 mislead, the potential for deception and manipulation posed by deepfakes is genuinely  
9 disconcerting.<sup>7</sup>

10  
11 Sadly, even in the Philippines, a number of celebrities have fallen victim to this  
12 phenomenon, such as Liza Soberano, Paulo Avelino, Ivana Alawi, Maine Mendoza,  
13 and Catriona Gray.<sup>8</sup> Their experiences underscore the pressing need for legislation in  
14 this domain. In November 2018, Senate President Pro Tempore Ralph Recto filed  
15 Senate Resolution No. 188, calling for a congressional inquiry into deepfakes.<sup>9</sup> This  
16 present bill seeks to address the intricate challenges presented by deepfakes.

17  
18 Although certain legal provisions from various laws may potentially cover  
19 offenses committed using deepfake technology, the absence of a precise definition for  
20 deepfakes is a notable gap. The primary objective of this proposed measure is to  
21 establish clearer parameters for determining the appropriate legal consequences for  
22 deepfake-related actions. Moreover, in recognition for the potential for harm, it is  
23 deemed necessary to impose the penalty of one (1) degree higher than those  
24 prescribed in the Revised Penal Code, as amended, and relevant special laws for  
25 offenses involving deepfakes. Addressing the complexities posed by deepfakes  
26 requires a delicate balance. As such, this bill introduces several exceptions relating to  
27 acts that qualify as harmful deepfakes.

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29 In light of the foregoing, we earnestly request the immediate passage of this  
30 bill.

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32   
REP. LANI MERCADO-REVILLA  
2<sup>nd</sup> District of Cavite

  
REP. BRYAN B. REVILLA  
AGIMAT Partylist

  
REP. RAMON JOJO REVILLA III  
1<sup>st</sup> District of Cavite

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<sup>5</sup> [Explainer: Why everyone should be concerned about deepfakes | PEP.ph](#)

<sup>6</sup> [Deepfake Technology - Organization for Social Media Safety](#)

<sup>7</sup> [ACG-CYBER SECURITY BULLETIN NR 189: Understanding of Deepfake Threat Technology \(pnp.gov.ph\)](#)

<sup>8</sup> ['Deepfake': Stars who fell victim to edited nude photos, videos | Philstar.com](#)

<sup>9</sup> [Issues in Deepfake Legislation and Regulation | eLegal Philippines](#)

HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 9425

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Introduced by REPRESENTATIVES LANI MERCADO-REVILLA,  
BRYAN B. REVILLA AND RAMON JOLO REVILLA III

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AN ACT  
DEFINING DEEPFAKE AND THE IMPOSITION OF PENALTIES THEREFOR FOR  
ACTS CONSTITUTING HARMFUL DEEPFAKES

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

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2       **SECTION 1.** *Short Title.* This Act shall be known as “**Penalizing Deepfake**  
3 **Act**”.

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5       **SEC 2.** *Declaration of Policy.* The State acknowledges the progress in  
6 technological advancements, including artificial intelligence. Nevertheless, the State  
7 is committed to effectively condemn and combat the inappropriate and malicious use  
8 of these technologies, especially in instances involving the dissemination of  
9 disinformation, harassment, incitement of violence, and identity fraud.

10  
11       **SEC 3.** *Deepfake Defined.* As used in this Act, “deepfake” refers to any audio,  
12 visual or audio-visual recording created or altered through technical means, such as  
13 video recording, motion-picture film, sound recording, electronic image, or photograph,  
14 which are so convincing that a reasonable person would mistake it for an authentic  
15 representation of an individual’s speech or conduct.

16  
17       **SEC 4.** *Deepfake Defamatory Content.* The use of deepfake technology to  
18 create defamatory content involving speech or actions shall be defined in accordance  
19 with the relevant provisions on slander, outlined in Articles 358 and 359 of the Revised  
20 Penal Code.

21

1           **SEC 5. *Deepfake Gender-Based Sexual Harassment.*** Gender-based sexual  
2 harassment carried out through the use of deepfake technology shall be defined in  
3 Section 12 of Republic Act 11313, also known as the “Safe Spaces Act,” addressing  
4 gender-based online sexual harassment.  
5

6           **SEC 6. *Deepfake Involving a Child.*** Any unlawful actions against a child through  
7 the use of deepfake technology shall be defined in accordance with Section 4 of  
8 Republic Act 11930, also known as the “Anti-Online Sexual Abuse or Exploitation of  
9 Children (OSAEC) and Anti-Child Sexual Abuse or Exploitation Materials (CSAEM)  
10 Act.”  
11

12           **SEC 7. *Deepfake Access Device Fraud.*** Acts that constitute access device  
13 fraud facilitated through the use of deepfake technology shall be defined in accordance  
14 with Section 9 of Republic Act 8484, also known as the “Access Devices Regulation  
15 Act of 1998.”  
16

17           **SEC 8. *Deepfake Deceptive Consumer Transactions.*** Sales acts or practices  
18 intended to deceive the public carried out through deepfake technology shall be  
19 defined in accordance with Article 50 of Republic Act 7394, also known as the  
20 “Consumer Act of the Philippines”, in conjunction with Section 33(c) of Republic Act  
21 8792, also known as the “Electronic Commerce Act of 2000.”  
22

23           **SEC 9. *Deepfake Copyrighted Work.*** Infringement of copyrighted work through  
24 deepfake technology shall be defined in accordance with Sections 184 and 185 of  
25 Republic Act 8293, also known as the “Intellectual Property Code of the Philippines.”  
26

27           **SEC 10. *Deepfake Election Offense.*** The deployment of fraudulent devices  
28 during an election period using deepfake technology shall be defined in accordance  
29 with Section 261(c) Batas Pambansa Bilang 881, also known as the “Omnibus Election  
30 Code of the Philippines.”  
31

32           **SEC 11. *Deepfake Terrorism.*** Acts of terrorism facilitated through deepfake  
33 technology shall be defined in accordance with Sections 5, 8, 9, and 10 of Republic  
34 Act 11479, also known as “The Anti-Terrorism Act of 2020.”  
35

36           **SEC 12. *Deepfake Other Cyber Fraudulent Practices.*** All other cyber-fraudulent  
37 practices committed through deepfake technology shall be defined in Section 4(b)(1)  
of Republic Act 10175, also known as the “Cybercrime Prevention Act of 2012.”

**SEC 13. Exceptions.** No person shall be found liable for acts constituting  
harmful deepfakes under the following circumstances:

1 (1) When the depicted individual was knowingly aware of the creation and  
2 commercial distribution of a deepfake and he or she provided his or her consent,  
3 except in cases involving children, in accordance with Section 5 of this Act;

4  
5 (2) When the deepfake serves artistic purposes, including parody, satire,  
6 commentary or criticism; and

7  
8 (3) When the dissemination of the deepfake is carried out as part of an  
9 investigation, prosecution, or other lawful proceedings, and the person acts in good  
10 faith to minimize the risk of further dissemination.

11  
12 **SEC 15. *Penalty.*** The penalty to be imposed for the offenses committed through  
13 the use of deepfake technology shall be one (1) degree higher than those prescribed  
14 in the Revised Penal Code, as amended, and relevant special laws.

15  
16 **SEC 16. *Liability under Other Laws.*** A prosecution under this Act shall be  
17 without prejudice to any liability for violation of any provision of the Revised Penal  
18 Code, as amended, or special laws, as the case may be.

19 .  
20 **SEC 17. *Implementing Rules and Regulations.*** – Within ninety (90) days from  
21 the effectivity of this Act, the Department of Justice, Department of Trade and Industry,  
22 National Bureau of Investigation, and Philippine National Police shall promulgate the  
23 rules and regulations for the effective implementation of this Act.

24  
25 **SEC 18. *Separability Clause.*** – Any portion or provisions of this Act that may  
26 be declared unconstitutional or invalid shall not have the effect of nullifying other  
27 portions and provisions hereof as long as such remaining portions or provisions can  
28 still subsist and be given effect in their entirety.

29  
30 **SEC 19. *Repealing Clause.*** – All other laws, decrees, orders, other issuances,  
31 rules and regulations, or parts thereof inconsistent with the provisions of this Act are  
32 hereby repealed, modified, or amended accordingly.

33  
34 **SEC 20. *Effectivity.*** – This Act shall take effect fifteen (15) days after its  
35 publication in the *Official Gazette* or in at least two (2) newspapers of general  
36 circulation.

*Approved,*