

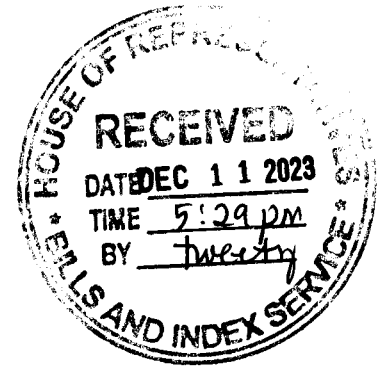


Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

Nineteenth Congress

Second Regular Session

House Bill No. 9711



Introduced by:
HON. MARISSA "DEL MAR" MAGSINO
OFW PARTY LIST

EXPLANATORY NOTE

Article XV, Section 3(a) of the Constitution mandates the State to defend the right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation and other conditions prejudicial to their development.

Any type of bullying can have physical and psychological effects on a child. Anxiety, fear, depression, low self-esteem, behavioral issues, and academic struggles are just of the few challenges children may experience if they are targeted. Cyberbullying, however, may be particularly damaging. Unlike traditional bullying—which is often limited to schools and known bullies—cyberbullying can occur at any time and be perpetrated by anonymous sources. This makes it more relentless, and often more ruthless, as well as difficult to complain about.

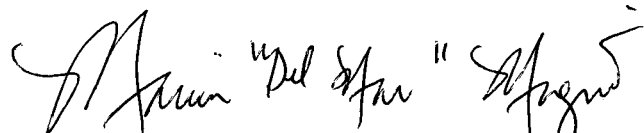
Cyberbullying refers to an aggressive, intentional act or behavior carried out by an individual or a group through the use of digital technologies and electronic devices on social media and other messaging platforms by sending, sharing, or posting harmful, false, mean or threatening content against a person, or exposing their personal or private information that aims to scare, shame, dehumanize, anger or embarrass the victim, and cause psychological and emotional distress to the victim.

A study done by the De La Salle University in 2021, *'How Filipino Youth Identify and Act on Bullying and Harassment on Social Media'*, showed Filipino youth experience a wide range of bullying and harassment on social media. Moreover, Stairway Foundation, Inc., a child-care non-profit organization, reported that Filipino children aged 7 to 16 years old, at one time or another, have been bullied in various social media platforms through photo editing, humiliation, threats, exposure of personal information,

and impersonation. Victims often suffer decrease in self-esteem or often opt to isolate themselves as a result of the bullying. Others suffer from mental health issues such as depression and in some extreme cases, entertain suicidal thoughts.

It is imperative for the government to intensify its commitment to online safety and to protect Filipino children against cyberbullying. The youth now belong to a digital generation; the world is literally at their fingertips. But this digital world has become difficult to navigate because of hate speech and cyberbullying. While we have Republic Act No. 10627 or the 'Anti-Bullying Act of 2013', it only directs all elementary and secondary schools in the country to adopt policies to prevent and address bullying in their institutions with the exclusion of cyberbullying. On the other hand, Republic Act No. 10175, or the 'Anti-Cybercrime Act of 2012', penalizes criminal acts in general, committed through the use of computer systems and similar electronic devices. Thus, this bill seeks to specifically prohibit and penalize acts of cyberbullying directed against children who are much vulnerable to these attacks and to their destructive effects.

In view of the foregoing and as the Ambassador of Sunfull Foundation in the Philippines and one of the leaders of the Sunfull Peace Movement, which aims to counter cyberbullying, hate speech, and human rights violations on the internet, I hope for the immediate consideration and approval of the bill.



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AN ACT
PROVIDING PROTECTION TO CHILDREN AGAINST CYBERBULLYING

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-Cyberbullying Against Children Act’.

Section 2. *Definition of Terms* – For purposes of this Act:

- a) *Children* – refers to persons who are below eighteen (18) years of age, including those who are above eighteen years old but are with disabilities that render them vulnerable and unable to support and protect themselves from all forms of harm and threats against their persons;
- b) *Cyberbullying* – refers to an aggressive, intentional act or behavior carried out by an individual or a group through the use of digital technologies and electronic devices on social media and other messaging platforms by sending, sharing, or posting harmful, false, mean or threatening content against a person, or exposing their personal or private information that aims to scare, shame, dehumanize, anger or embarrass the victim, and cause psychological and emotional distress to the person;
- c) *Digital Technologies* – refers to electronic tools, devices and systems that process, transmit and store data in binary form, including the Internet, social

media, websites, software applications, computers, smartphones, and other similar electronic systems and devices; and

- d) *Social Media* – refers to a form of media communications on the Internet through which users share information, personal messages, including videos, and other similar content.

Section 3. *Prohibited Acts* – The following acts, when committed against children through or with the use of digital technologies, social media, computer systems and electronic devices, shall constitute cyberbullying punishable under this Act:

- a) Spreading lies about, or sending or posting embarrassing and humiliating photos or videos of the child on social media;
- b) Sending, posting or sharing harmful, abusive, profane, foul or threatening messages or language, images or videos;
- c) Sending, posting or sharing slanderous statements or accusations that cause undue emotional and psychological distress to the child, including name-calling, and commenting negatively on the person's physical appearance, private and personal and family information;
- d) Impersonating the child and sending mean or false messages to others on his/her behalf through fake accounts; and
- e) Any act that causes damage to a child's psychological and/or emotional well-being; and
- f) Any other act of cyberbullying as defined in this Act.

Section 4. *Penalties* - Any person found guilty of any of the punishable acts enumerated in Section 3 of this Act shall be punished with imprisonment of *prision mayor* or a fine of at least Two Hundred Thousand Pesos (Php 200,000.00) up to a maximum amount commensurate to the damage incurred by the victim, or both at the discretion of the court.

Section 5. *Enforcement and Implementation* – Whenever practicable and feasible, the provisions of Chapter IV of Republic Act No. 10175, otherwise known as the 'Anti-Cybercrime Act of 2012', shall suppletorily apply for the effective enforcement and implementation of this Act.

Section 6. *Liability Under Other Laws* - A prosecution under this Act shall be without prejudice to any liability for any violation of the Revised Penal Code, as amended, or other special laws.

Section 7. *Implementing Rules and Regulations* – Within sixty (60) days from the effectivity of this Act, the Department of Information and Communications and Technology (DICT), the Department of Justice (DOJ) and the Department of Science and

Technology (DOST) shall promulgate the rules and regulations necessary for the effective implementation of this Act.

Section 8. *Repealing Clause.* – All laws, decrees, orders, rules and regulations or parts thereof which are inconsistent with or contrary to the provisions of this Act are hereby repealed, amended or modified accordingly.

Section 9. *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.