



Republic of the Philippines
HOUSE OF REPRESENTATIVES

Quezon City
NINETEENTH CONGRESS
Third Regular Session



House Bill No. 10869

Introduced by CIBAC Party-List Representative
EDUARDO “BRO. EDDIE” C. VILLANUEVA

EXPLANATORY NOTE

The proposed amendments to Republic Act No. 10175, known as the “Cybercrime Prevention Act of 2012,” aim to strengthen measures against cybercrime and enhance the protection of individuals and entities from various cyber threats. The rapid evolution of technology and the increasing complexity of cybercrimes necessitate updates to the legal framework to address new challenges and ensure the security and integrity of digital information and communication systems.

The amendments to Section 3 introduce new definitions and expand existing ones to better capture the range of entities and activities involved in cybercrimes, including business process outsourcing services and data accessed by service providers, regardless of the subscriber’s location, and providing a clear framework for personal data protection. Section 4 broadens the scope of cybercrime offenses, addressing evolving tactics by including "inputting" in data interference and expanding computer-related fraud to cover all forms of damage, ensuring the law remains robust against various methods of committing cybercrimes. Section 5 introduces new offenses, such as influencing or deceiving another to commit cybercrimes, failing to surrender computer systems containing personal or sensitive information, and soliciting the commission of cybercrimes, recognizing the multifaceted nature of these crimes and providing comprehensive tools for law enforcement.

In conclusion, the proposed amendments to the Cybercrime

Prevention Act of 2012 are crucial in addressing the evolving landscape of cyber threats. By expanding definitions, introducing new offenses, and empowering affected parties to initiate prosecutions, the amendments enhance the legal framework's effectiveness in preventing and combating cybercrimes. The support of our esteemed colleagues is sought for the swift passage of this bill to ensure the continued protection of individuals and entities in the digital age.


EDUARDO “BRO. EDDIE” C. VILLANUEVA
Representative, CIBAC Partylist



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AN ACT
STRENGTHENING CYBERCRIME PREVENTION MEASURES,
AMENDING FOR THE PURPOSE 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:

1 **SECTION 1.** Section 3 of Republic Act No. 10175 is hereby
2 amended to read as follows:

3
4 SEC. 3. Definition of Terms. - For purposes of this Act, the
5 following terms are hereby defined as follows:

6 a) x x x;

7
8 x x x;

9
10 (n) Service provider refers to:

11
12 (1) x x x; **[and]**

13 (2) x x x[-]; **AND**

14 (3) **ANY ENTITY CONTRACTED BY ANOTHER**
15 **ENTITY, WHETHER DOMESTIC OR**
16 **FOREIGN, TO PROCESS ANY DATA OR**

1 **INFORMATION OF ANY PERSON**
2 **WHEREVER LOCATED, INCLUDING ENTITY**
3 **PROVIDING BUSINESS PROCESS**
4 **OUTSOURCING AND SIMILAR SERVICES.**

5
6 X X X
7

8 (o) Subscriber's information refers to any information
9 contained in the form of computer data or any other form that
10 is held **OR ACCESSED** by a service provider, relating to
11 subscribers, **WHETHER LOCATED IN THE PHILIPPINES**
12 **OR NOT**, of its services other than traffic or content data and
13 by which identity can be established:
14

15 X X X

16 **(Q) IDENTIFYING INFORMATION REFERS TO ANY**
17 **NAME OR NUMBER THAT MAY BE USED ALONE OR IN**
18 **CONJUNCTION WITH ANY OTHER INFORMATION TO**
19 **IDENTIFY ANY SPECIFIC INDIVIDUAL, INCLUDING ANY**
20 **OF THE FOLLOWING:**

- 21 **(1) NAME, DATE OF BIRTH, DRIVER'S LICENSE**
22 **NUMBER, PASSPORT NUMBER, TAX**
23 **IDENTIFICATION NUMBER OR OTHER**
24 **GOVERNMENT-ISSUED IDENTIFICATION NUMBER;**
25 **(2) UNIQUE BIOMETRIC DATA, SUCH AS**
26 **FINGERPRINT OR OTHER UNIQUE PHYSICAL**
27 **REPRESENTATION;**
28 **(3) UNIQUE ELECTRONIC IDENTIFICATION**
29 **NUMBER,**
30 **ADDRESS, OR ROUTING CODE; AND**
31 **(4) TELECOMMUNICATION IDENTIFYING**
32 **INFORMATION OR ACCESS DEVICE.**
33

34 **SEC. 2.** Section 4 of Republic Act No. 10175 is hereby amended to
35 read as follows:
36

37 SEC. 4. Cybercrime Offenses. - The following acts
38 constitute the offense of cybercrime punishable under this Act;
39

40 (a) Offenses against the confidentiality, integrity, and
41 availability of computer data and systems:
42 X X X
43

(3) Data Interference. - The intentional or reckless alteration, **INPUTTING**, damaging, deletion or deterioration of computer data, electronic document, or electronic data message, without right, including the introduction or transmission of viruses, **REGARDLESS OF WHO CONTROLS OR OWNS THE COMPUTER DATA.**

x x x

(b) Computer-related Offenses:

x x x

(2) Computer-related Fraud. - The unauthorized input, alteration, or deletion of computer data or program or interference in the functioning of a computer system, causing **ANY FORM OF** damage thereby, **WHETHER DIRECT, INDIRECT, LEGAL OR CONTRACTUAL**, with fraudulent intent: Provided, That if no damage has been caused, the penalty imposable shall be one (1) degree lower.

SEC. 3. Section 5 of Republic Act No. 10175 is hereby amended to read as follows:

SEC.5. Other Offenses. The following acts shall also constitute an offense:

(a) Aiding or Abetting in the Commission of Cybercrime. - Any person who willfully abets or aids in the commission of, **OR INFLUENCES OR DECEIVES ANOTHER TO COMMIT** any of the offenses enumerated in this Act shall be held liable.

b) x x x.

(C) FAILURE TO SURRENDER COMPUTER DATA OR COMPUTER SYSTEM. - ANY PERSON WHO KNOWINGLY AND UNLAWFULLY POSSESSES OR FAILS TO SURRENDER ANY COMPUTER SYSTEM THAT CONTAINS COMPUTER DATA THAT ARE CONSIDERED PERSONAL INFORMATION, SENSITIVE PERSONAL INFORMATION OR PRIVILEGED INFORMATION UNDER REPUBLIC ACT NO. 10173, OR THE "DATA PRIVACY ACT OF 2012," SHALL BE HELD LIABLE.

1
2 (D) SOLICITATION TO COMMIT CYBERCRIME. - ANY
3 PERSON WHO WILLFULLY PROPOSES, SOLICITS, OR
4 INDUCES ANOTHER PERSON TO COMMIT ANY OF THE
5 OFFENSES UNDER THIS ACT, SHALL BE HELD LIABLE.
6

7 SEC. 4. Section 6 of Republic Act No. 10175 is hereby amended
8 to read as follows:
9

10 SEC. 6. All crimes defined and penalized by the Revised
11 Penal Code, as amended, and special laws, if committed by,
12 through and with the use of information and communication
13 technologies shall be covered by the relevant provisions of this Act:
14 Provided, That the penalty to be imposed shall be one (1) degree
15 higher than that provided for by the Revised Penal Code, as
16 amended, and special laws, as the case may be. **THE**
17 **PROSECUTION OF THE OFFENSES UNDER THIS ACT MAY BE**
18 **INITIATED BY ANY OFFENDED PARTY WHICH MAY INCLUDE**
19 **AN AFFECTED SERVICE PROVIDER**
20

21 SEC. 5. Implementing Rules and Regulations. - The Department
22 of Information and Communications Technology (DICT), Department of
23 Justice (DOJ) Cybercrime Office, Philippine National Police (PNP) Anti-
24 Cybercrime Group, and the National Bureau of Investigation (NBI)
25 Cybercrime Division shall formulate the rules and regulations necessary
26 for its effective implementation within ninety (90) days from approval of
27 this Act.
28

29 SEC. 6. Separability Clause. - If any provision of this Act is
30 declared unconstitutional or invalid, the other provisions not otherwise
31 affected shall remain in full force and effect.
32

33 SEC. 7. Repealing Clause. - All laws, decrees, executive orders,
34 rules and regulations, and other issuances or parts thereof which are
35 inconsistent with this Act are hereby repealed, amended, or modified
36 accordingly.
37

38 SEC. 8. Effectivity. - This Act shall take effect fifteen (15) days after
39 its publication in at least two (2) newspaper of general circulation.
40

41 Approved,