



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

NINETEENTH CONGRESS
Third Regular Session

HOUSE BILL NO. 11206



Introduced by
HON. ATTY. GERVILLE "JINKY BITRICS" R. LUISTRO

AN ACT
STRENGTHENING THE CYBERCRIME PREVENTION MEASURES, AMENDING
FOR THE PURPOSE REPUBLIC ACT NO. 10175, OTHERWISE KNOWN AS THE
"CYBERCRIME PREVENTION ACT OF 2012"

EXPLANATORY NOTE

From 2020 to 2024, the Philippines experienced a significant rise in cyber threats, including ransomware attacks, data breaches, and distributed denial-of-service (DDoS) incidents. Major cases included the 2023 ransomware attack on the Philippine Health Insurance Corporation (PhilHealth), which leaked sensitive data of 13 million individuals, and breaches in agencies like the Philippine Statistics Authority, exposing millions of citizens' information. Education, healthcare, and government sectors were frequent targets, compounded by weak systems and limited cybersecurity awareness.¹ The rise of hacktivism and "cybercrime-as-a-service" also enabled more actors to execute complex attacks.²

Despite these challenges, efforts to strengthen cybersecurity have included military cyber commands and international collaborations. However, the Philippines remains Southeast Asia's most targeted nation, with 29% of organizations reporting a 50% surge in incidents in 2023 alone.³ Enhanced defenses and robust policies are critical to countering these escalating risks.

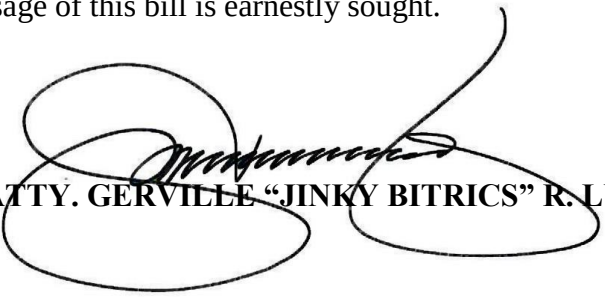
¹ Asia Pacific Foundation of Canada. (2023). Data breaches plague Philippines. Retrieved from <https://www.asiapacific.ca>

² Cyfirma. (2024). Philippines threat overview. Retrieved from <https://www.cyfirma.com>

³ BusinessMirror. (2024). PHL got most of the region's cyber attacks in '23. Retrieved from <https://businessmirror.com.ph>

This bill seeks to expand the scope of computer-data-related offenses, enabling the prosecution of a broader range of individuals involved in cybercrime, including those who act as principals by inducement. It aims to empower victims, whether directly or indirectly affected by these offenses, to initiate legal action against perpetrators. By introducing these amendments, the measure aims to strengthen the mechanisms for delivering justice and mitigate the harm caused by malicious actors, ultimately protecting society from further exploitation and abuse.

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



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

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

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

“(n) Services provider refers to:

“(3) **ANY ENTITY CONTRACTED BY ANOTHER ENTITY, WHETHER DOMESTIC OR FOREIGN, TO PROCESS ANY DATA OR INFORMATION OF ANY PERSON WHEREVER LOCATED, INCLUDING ENTITY PROVIDING BUSINESS PROCESS OUTSOURCING AND SIMILAR SERVICES**”

“(o) Subscriber’s information refers to any information contained in the form of computer data or any other forms that is held **OR ACCESSED** by a service provider, relating to subscribers, **WHETHER LOCATED IN THE PHILIPPINES OR NOT**, of its services other than traffic or content data and by which identity can be established”

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

- (1) NAME, DATE OF BIRTH, DRIVER’S LICENSE NUMBER, PASSPORT NUMBER, TAX IDENTIFICATION NUMBER OR OTHER GOVERNMENT-ISSUED IDENTIFICATION NUMBER;**
- (2) UNIQUE BIOMETRIC DATA, SUCH AS FINGERPRINT OR OTHER UNIQUE PHYSICAL REPRESENTATION;**
- (3) UNIQUE ELECTRONIC IDENTIFICATION NUMBER, ADDRESS, OR ROUTING CODE; AND**
- (4) TELECOMMUNICATION IDENTIFYING INFORMATION OR ACCESS DEVICE.”**

SECTION 2. Section 4 of the same Act is amended to read as follows:

“SEC. 4. *Cybercrime offenses.* – The following acts constitute the offense of cybercrime punishable under this Act:

“(b) Computer-related Offenses:

“(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, WHETHER DIRECT, INDIRECT, LEGAL OR CONTRACTUAL, thereby with fraudulent intent: *Provided*, That if no damage has been caused, the penalty imposable shall be one (1) degree lower.”**

SECTION 3. Section 5 of the same Act is 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.**

“(C) FAILURE TO SURRENDER COMPUTED 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. 10175, OR THE “DATA PRIVACY ACT OF 2012,” SHALL BE HELD LIABLE.

“(D) SOLICITATION TO COMMIT CYBERCRIME. – ANY PERSON WHO WILLFULLY PROPOSES, SOLICITS, OR INDUCES ANOTHER PERSON TO COMMIT ANY OF THE OFFENSES UNDER THIS ACT SHALL BE HELD LIABLE”

SECTION 4. Section 6 of the same Act is amended to read as follows:

“SEC. 6. All crimes defined and penalized by the Revised Penal Code, as amended, and special laws, if committed by, through and with the use of information and communications technologies shall be covered by the relevant provisions of this Act: Provided, That the penalty to be imposed shall be one (1) degree higher than that provided for by the Revised Penal Code, as amended, and special laws, as the case may be.

“THE PROSECUTION OF THE OFFENSES UNDER THIS ACT MAY BE INITIATED BY ANY OFFENDED PARTY OR ANY AFFECTED SERVICES PROVIDER.”

SECTION 5. *Separability Clause.* – Should any provision herein be declared unconstitutional, the same shall not affect the validity of the other provisions of this Act.

SECTION 6. *Repealing Clause.* – Republic Act Nos. 5527 and 6138 and Presidential Decree Nos. 498 and 1534 are hereby repealed.

SECTION 7. *Effectivity.* – This Act shall take effect after fifteen (15) days following its publication in at least two (2) newspapers of general circulation and the Official Gazette.

Approved