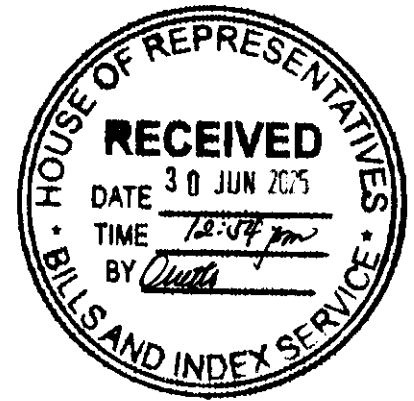


TWENTIETH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



HOUSE OF REPRESENTATIVES

House Bill No. 250

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

**AN ACT
TO COMBAT THE MALICIOUS USE OF DEEPFAKE TECHNOLOGY, PROMOTE
TRANSPARENCY, AND IMPOSE PENALTIES FOR HARMFUL DEEPFAKES**

EXPLANATORY NOTE

Section 4, Article III of the 1987 Constitution safeguards the right to freedom of speech and expression. Nevertheless, it is imperative for the State to remain resolute in its commitment to actively denounce and combat the inappropriate and malicious use of new media technologies, particularly when it pertains to the spread of false information, harassment, incitement of violence, and identity fraud.

This is where the concept of deepfake comes into play. In simpler terms, deepfakes utilize artificial intelligence, specifically deep learning, enabling people to generate new content, like altering a politician's speech, starring in a favorite movie, performing like a professional dancer, or even mimicking the voice of a company's CEO, among other applications.¹ To be clear, deepfakes, in and of themselves, are not inherently illegal. In fact, they offer valuable potential for positive applications. For example, Cereproc employs deepfakes to craft digital voices for children with disabilities or those who have lost their ability to speak due to illness, and to bring deceased actors back to life, like Peter Cushing in *Rogue One: A Star Wars Story*.² However, the legality of deepfakes depends on their content, as they can infringe upon copyrights, violate data protection, defame individuals, and intrude upon

¹ Sample, I. (2020, January 13). What are deepfakes – and how can you spot them? *The Guardian*. Retrieved October 23, 2023, from <https://www.theguardian.com/technology/2020/jan/13/what-are-deepfakes-and-how-can-you-spot-them>.

² A, S. (n.d.). *Interventions on the issue of Deepfakes in Copyright*. World Intellectual Property Organization. https://www.wipo.int/export/sites/www/about-ip/en/artificial_intelligence/conversation_ip_ai/pdf/ind_a.pdf

privacy.³ Furthermore, it is troubling that a significant proportion of online deepfake content, approximately 95-96%, is pornographic and non-consensual in nature.⁴

Deepfake technology made its debut in November 2017 when an anonymous user on the social media platform Reddit introduced an algorithm that employed existing artificial intelligence techniques to produce realistic fake videos.⁵ In an era of fake news and misinformation, where even a poorly edited image can mislead, the deceptive power of deepfakes is deeply concerning.⁶

Sadly, even in the Philippines, a number of celebrities have fallen victim to this phenomenon, such as Liza Soberano, Paulo Avelino, Ivana Alawi, Maine Mendoza, and Catriona Gray.⁷ Their experiences underscore the pressing need for legislation in this domain. In November 2018, then Senate President Pro Tempore Ralph Recto filed Senate Resolution No. 188, calling for a congressional inquiry into deepfakes.⁸

While existing laws may partially address offenses involving deepfake technology, the lack of a clear, specific definition of deepfakes remains a significant gap. This proposed measure aims to establish clearer parameters for determining appropriate legal consequences for deepfake-related offenses and mandates disclosure of media identified as deepfake content. Recognizing the complexities surrounding this technology, the bill also outlines specific exceptions for cases that qualify as harmful deepfakes, balancing regulation with legitimate use.

In view of the above, we earnestly request the immediate passage of this bill.



REP. LANI MERCADO-REVILLA

2nd District of Cavite

³ Philippine National Police Anti-Cybercrime Group, ACG-CYBER SECURITY BULLETIN NR 189: Understanding of Deepfake Threat Technology (2018). Quezon City, Philippines. Retrieved October 18, 2023, from <https://acg.pnp.gov.ph/main/cyber-security-bulletin/337-acg-cyber-security-bulletin-nr-189-understanding-of-deepfake-threat-technology.html>.

⁴ Ching, M. A. (2023, March 7). The danger of deepfakes: how they can impact your reputation and privacy. *PEP.Ph*. Retrieved October 23, 2023, from <https://www.pep.ph/news/local/171955/deepfakes-pros-and-cons-a738-20230307-lfrm>.

⁵ *Deepfake Technology*. Organization for Social Media Safety. (n.d.). <https://www.socialmediasafety.org/advocacy/deepfake-technology/#:~:text=Deepfake%20technology%20first%20appeared%20in,to%20create%20realistic%20fake%20videos>

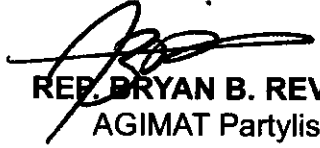
⁶ Philippine National Police Anti-Cybercrime Group, ACG-CYBER SECURITY BULLETIN NR 189: Understanding of Deepfake Threat Technology (2018). Quezon City, Philippines. Retrieved October 18, 2023, from <https://acg.pnp.gov.ph/main/cyber-security-bulletin/337-acg-cyber-security-bulletin-nr-189-understanding-of-deepfake-threat-technology.html>.

⁷ Llemit, K. A. (2021, January 28). "Deepfake": stars who fell victim to edited nude photos, videos. *Philstar Global*. Retrieved October 23, 2023, from <https://www.philstar.com/entertainment/2021/01/28/2073722/deepfake-stars-who-fell-victim-edited-nude-photos-videos>.

⁸ Disini & Disini Law Office. (2020, March 4). Issues in Deepfake Legislation and Regulation. *eLegal*. October 23, 2023, <https://legal.ph/issues-in-deepfake-legislation-and-regulation/>



REP. RAMON JOLO REVILLA III
1st District of Cavite



REP. BRYAN B. REVILLA
AGIMAT Partylist

TWENTIETH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 250

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

AN ACT
TO COMBAT THE MALICIOUS USE OF DEEFAKE TECHNOLOGY, PROMOTE
TRANSPARENCY, AND IMPOSE PENALTIES FOR HARMFUL DEEFAKES

*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 “**Deepfake
Accountability and Transparency Act.**”

SEC 2. Declaration of Policy. It is the policy of the State to protect the dignity,
privacy, and security of individuals from the harmful use of artificial intelligence
technologies, particularly deepfake media. The State shall promote transparency and
accountability in the creation and dissemination of such content.

SEC 3. Definition of Terms. For purposes of this Act, the following terms shall
mean:

- (a) **Deepfake** – Any media that appears to depict, with realistic likeness, a
person’s speech or conduct that they did not engage in, generated
substantially through technical means, including artificial intelligence,
machine learning, or digital manipulation.
- (b) **Harmful Deepfake** – A deepfake created or distributed with the intent to
deceive, defraud, or harm an individual or the public.

(c) **Disclosure** – A clear and conspicuous statement indicating that content has been digitally altered.

SEC 4. Mandatory Disclosure Requirements. Any person or entity that produces or distributes deepfake content shall ensure a clear, visible, and/or audible disclosure is included, depending on the media format:

(a) **Visual Content:** A written disclosure prominently displayed.

(b) **Audio Content:** A verbal statement at the beginning of the recording.

(c) **Audiovisual Content:** Both written and verbal disclosures, where applicable.

The disclosure must state that the content is altered and specify the nature of the alteration.

SEC 5. Prohibited Acts. It shall be unlawful to:

(a) Create or distribute a harmful deepfake without proper disclosure;

(b) Remove, alter, or tamper with required disclosures;

(c) Use deepfake technology to defame, deceive, commit fraud, or incite violence;

(d) Obtain consent through coercion, deception, or misrepresentation for creating a deepfake.

SEC 6. Exemptions. This Act shall not apply to:

(a) Content created for satire, parody, or artistic expression, provided it contains appropriate disclosure;

(b) Deepfakes created for educational or research purposes, with disclosure;

(c) Content where the individual depicted has given explicit, verifiable, and informed consent in written form.

SEC 7. Penalties. Any person who violates Section 5(a) or 5(b) shall face a fine ranging from Two Million (P2,000,000.00) to Five Million (P5,000,000.00), and/or imprisonment of 6 to 12 years.

Those who commit harmful deepfake acts under Section 5(c) or shall face a fine of Five Million (P5,000,000.00) to Ten Million (P10,000,000.00), and/or imprisonment of 12 to 20 years.

SEC 8. *Implementing Rules and Regulations.* The Department of Information and Communications Technology (DICT), in coordination with the Department of Science and Technology (DOST), Department of Trade and Industry (DTI) and the Department of Justice (DOJ) shall promulgate rules and guidelines to ensure the effective implementation of this Act.

SEC 9. *Appropriations.* The amount necessary to carry out the provisions of this Act shall be included in the annual General Appropriations Act.

SEC 10. *Separability Clause.* If any part or provision of this Act is declared invalid or unconstitutional, the remaining parts not affected shall remain in full force and effect.

SEC 11. *Repealing Clause.* All laws, decrees, orders, rules, and regulations inconsistent with this Act are hereby repealed or modified accordingly.

SEC 12. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in at least two (2) newspapers of general circulation.

Approved,