

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session



HOUSE BILL NO. 332

Introduced by **REP. RACHEL MARGUERITE "CUTIE" DEL MAR**

EXPLANATORY NOTE

Section 4 Article III of the 1987 Philippine Constitution guarantees that no law shall be passed abridging the freedom of speech, of expression or of the press, or the right of the people peaceably to assemble and petition the government for redress of grievances.

With the advent of advance technologies, social media and other platforms, the exercise of freedom of speech, of expression or of the press has become wider, faster and accessible. Despite compliance with the Data Privacy Act, netizen, not only media people, are now at risk in all kinds of lawsuits by commenting or publishing something through a social media platform.

Libel is one of the enumerated cybercrime offenses under Republic Act No. 10175, otherwise known as the Cybercrime Prevention Act of 2012. It has been defined as the unlawful or prohibited acts of libel as defined in Article 355 of the Revised Penal Code, as amended, committed through a computer system or any other similar means which may be devised in the future. In the said law, there is no express provision on the prescription of the enumerated offenses. It is only in the Section 90 of the "Revised Penal Code" that provides for the prescriptive period of one year for the libel offenses.

There are two different conclusions from the legal luminary perspective interpreting the prescription of the cyber-libel into twelve (12) years as provided for in the Implementing Rules and Regulations of R.A. No. 10175. The said IRR provides for the penalty of cyber-libel into *prision correccional* in its maximum period to *prision mayor* in its minimum period. As such, the offense is deemed to prescribe only after twelve (12) years. It was further contended that the cyber-libel is a separate and distinct offense from ordinary libel rendering the prescriptive period in the Revised Penal Code inapplicable.

On other legal luminary perspective, citing the 2014 case of *Disini vs. Secretary of Justice*¹ stating that cyber-libel is not a new crime since Article 353 of the penal code, in relation to Article 355, already punishes it." Libel under Art. 355 is committed "by means of writing, printing, xxx or any similar means" and online defamation constitutes "similar means of committing libel." Thus, the prescriptive period of one year in the penal code applies to cyber-libel since it is defined and punished in the penal code.

This bill seeks to eliminate the conflicting interpretation of the applicable laws by expressly providing for the prescriptive period on cyber-libel offenses.

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


RACHEL MARGUERITE "CUTIE" DEL MAR

¹ G.R. No. 203335. February 11, 2014.

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 332

Introduced by **REP. RACHEL MARGUERITE “CUTIE” DEL MAR**

AN ACT
PROVIDING FOR THE PRESCRIPTION OF CYBER-LIBEL OFFENSE
AMENDING FOR THE PURPOSE SECTION 90 OF THE REVISED PENAL
CODE

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

SECTION 1. Article 90 of Act No. 3185, otherwise known as the Revised Penal Code, as amended, is hereby amended to read as follows:

“Art. 90. Prescription of crime. – Crimes punishable by death, *reclusion perpetua* or *reclusion temporal* shall prescribe in twenty years.

Crimes punishable by other afflictive penalties shall prescribe in fifteen years.

Those punishable by a correctional penalty shall prescribe in ten years; with the exception of those punishable by *arresto mayor*, which shall prescribe in five years.

The crime of libel, **INCLUDING CYBER-LIBEL AS DEFINED IN R.A. NO. 10175, OTHERWISE KNOWN AS THE CYBERCRIME PREVENTION ACT OF 2012**, or other similar offenses shall prescribe in one year **RECKONING FROM THE FIRST OR ORIGINAL POSTING OR PUBLICATION.**

The crime of oral defamation and slander by deed shall prescribe in six months.

x x x”

SEC. 2. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

Approved,