

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

20th Congress
First Regular Session

House Bill No. **520**



Introduced by Representative Reynante U. Arrogancia

EXPLANATORY NOTE

In 1986, the Philippines ratified the International Covenant on Civil and Political Rights. It stipulates that everyone has the right to freedom of expression including the freedom to seek, receive and impart information. The exercise of these rights, however, carries duties and responsibilities that may be subject to certain restrictions by law for respect of the rights or reputation of others and protection of national security, public order, public health, or morals.

The progression of digital age offers advantages for unlimited communication and information. However, there has been an onslaught of disinformation which are deliberate false information with intent to disseminate false content. The circulation of false content has caused fear, alarm, division, and damaged reputations. The cyberspace is a boon to the need of the current generation for greater information and facility of communication¹. But all is not well with the system since it could not filter out a number of persons of ill will who would want to use cyberspace technology for mischiefs and crimes². Freedom of expression is not an unbridled license to provide immunity for every possible use of language with no consequence of the use of false content with intention to cause serious harm.

In the Philippines, Article 154 of the Revised Penal Code provides as unlawful the publication as news any false news which may endanger the public order, or cause damage to the interest or credit of the State and Republic Act 10175, otherwise known as the "Cybercrime Prevention Act of 2012", as punishable act of libel as defined in Article 355 of the Revised Penal Code committed through a computer system. Despite these laws, there has been mounting proof that our current laws are not sufficient to address the "fake news" and disinformation.

Hence, this bill seeks, through legislation, stronger protection against online disinformation that intentionally and seriously harm our national security, public order, public health and morals by amending Republic Act 10175 or the Cybercrime Prevention Act of 2012.

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


REYNANTE U. ARROGANCIA

¹ Disini v xxx G.R. No. 203335, February 18, 2014

² ibid

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AN ACT
PENALIZING THE CREATION AND DISSEMINATION OF DISINFORMATION,
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, otherwise known as the “Cybercrime
2 Prevention Act of 2012”, is hereby amended as follows:

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

6
7 xxx

8
9 **(m) DISINFORMATION REFERS TO AN INTENTIONALLY DISSEMINATED**
10 **FALSE INFORMATION, WITH CONSCIOUS DISREGARD TO UTILIZE**
11 **VERIFIABLE INFORMATION AND WITH MALICIOUS PURPOSE OF**
12 **POLITICAL OR ECONOMIC NATURE, TO CAUSE SERIOUS HARM AGAINST**
13 **PUBLIC HEALTH, NATIONAL SECURITY, NATIONAL ECONOMY OR**
14 **CAUSE ENMITY, HATRED OR VIOLENCE AGAINST CERTAIN GROUPS**
15 **WHO SHARE COMMON DEMOGRAPHICS.**

16
17 [m] (N) Interception xxx

18
19 [n] (O) Service Provider xxx

20
21 [o] **(P) Subscriber’s information refers to any information contained in the form of**
22 **computer data, SOCIAL MEDIA WEBSITES AND ANY OTHER SIMILAR**
23 **ONLINE PLATFORMS, or any other form that is held by a service provider, relating to**
24 **subscribers OR REGISTERED USERS xxx**

25 **SECTION 2.** All succeeding subsections under Section 3 of Republic Act No. 10175 shall
26 be renumbered accordingly.

27
28
29 **SECTION 3.** Section 4 of Republic Act No. 10175 otherwise known as the Cybercrime
30 Prevention Act of 2012 is hereby amended to include:

31
32 “Section 4. Cybercrime Offenses. — The following acts constitute the offense of
33 cybercrime punishable under this Act:

34
35 xxx

36
37 (c) Content-related Offenses:

38
39 xxx

40 **(5) DISINFORMATION – THE CREATION AND DISSEMINATION OF**
41 **DISINFORMATION AS DEFINED IN SECTION 3 (M) HEREOF THROUGH A**
42 **COMPUTER SYSTEM AS DEFINED IN SECTION 3 (G) OF THIS ACT.**

43
44 **SECTION 4. Repealing Clause.** – Any law, presidential decree, or issuance, executive
45 orders, letters of instruction, administrative orders. Rules or regulation contrary to or
46 inconsistent with the provisions of this Act are hereby repealed, modified or amended
47 accordingly.

48
49 **SECTION 5. Separability Clause.** - If, for any reason, any section or provision of this
50 Act is held unconstitutional or invalid, the other sections or provisions hereof shall not
51 be affected thereby.

52
53 **SECTION 6. Effectivity.** - This Act shall take effect fifteen (15) days from the date of
54 its publication in the Official Gazette or a newspaper of general circulation.

55
56 *Approved,*