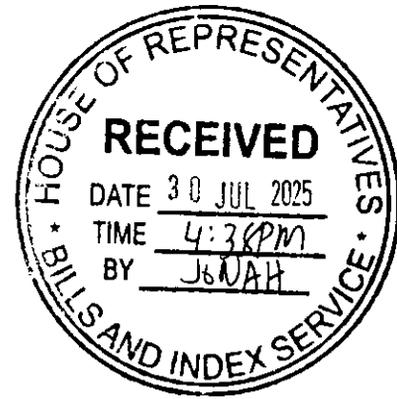


Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City

**TWENTIETH CONGRESS**  
First Regular Session

House Bill No. **2697**



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**Introduced by the Hon. Ferdinand Alexander A. Marcos**  
1<sup>st</sup> District, Ilocos Norte

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### **EXPLANATORY NOTE**

In 2016, the Oxford Dictionary declared “post-truth” as the international word of the year. This is defined as relating to or denoting circumstances in which objective facts are less influential in shaping public opinion than appeals to emotion and personal belief. In early 2017, Time Magazine posed the question, “Is Truth Dead?” on its cover. Since that time, fake news have spread throughout the world especially through digital platforms.

It goes without saying that disinformation is a threat to our democratic way of life which largely depends on truth or facts, predictability and social order. While there is equally a need to safeguard our freedoms of speech, of expression and of the press, it is also imperative to understand that the very preservation of these constitutionally-guaranteed rights are compromised by the abuse or misuse of the said rights or freedoms. The deliberate and malicious creation and dissemination of false or misleading information that is presented as fact will likely result in public harm.

Under this measure, fake news refers to intentional disinformation, characterized by proof of malicious intent and actual or probable harm. Hence, excluded from the coverage are personal opinions, honest mistakes, satire, parody, and good-faith reporting.

Existing provisions of law in the Revised Penal Code and the Cybercrime Prevention Act do not seem to be adequate in addressing this fast-evolving social menace. Hence, this bill is being introduced for urgent consideration.

This proposed legislation is based on a similar measure that was introduced in the 19<sup>th</sup> Congress – House Bill No. 11506 – by the Honorable Rufus Rodriguez.

A handwritten signature in black ink, appearing to read "Ferdinand Alexander A. Marcos". The signature is fluid and cursive.

**FERDINAND ALEXANDER A. MARCOS**

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HOUSE OF REPRESENTATIVES  
Quezon City, Metro Manila

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AN ACT

**PENALIZING THE MALICIOUS AND DELIBERATE DISSEMINATION OF FALSE INFORMATION THAT UNDERMINES PUBLIC ORDER OR NATIONAL SECURITY, STRENGTHENING REGULATIONS ON FAKE NEWS THROUGH DIGITAL PLATFORMS, AND FOR OTHER PURPOSES**

**Section 1. Short Title.** - This Act shall be known as the “Anti-Fake News and Disinformation Act”.

**Sec. 2. Declaration of Policy.** - The State upholds the freedom of speech, of expression, and of the press under Section 4, Article III of the 1987 Constitution. However, it also recognizes the increasing threat posed by the intentional dissemination of false information, especially through digital and social media platforms, which may endanger public safety, erode democratic institutions, and threaten national security. This Act seeks to deter and penalize such conduct, consistent with constitutional protections and human rights standards.

**Sec. 3. Definition of Terms.** Under this Act,

- a. **Fake News** refers to false or misleading information presented as fact or news, deliberately and maliciously disseminated to mislead the public, that may sow confusion, incite hatred or violence, or disrupt public order.
- b. **Disinformation** refers to false information intentionally spread to deceive, manipulate, or influence public perception, behavior, or policy.
- c. **Social Media Platforms** refer to websites, mobile applications, or other digital systems enabling users to create, share, or disseminate content, including but not limited to Facebook, YouTube, TikTok, Instagram, X (formerly Twitter), and other similar networks.
- d. **Cyber-Enabled Dissemination** refers to the use of internet-enabled technologies and platforms to commit acts penalized under this Act, including through bots, trolls, or coordinated inauthentic behavior.

- e. **Malicious Intent** refers to the deliberate or reckless disregard for truth, with the purpose of causing harm, panic, hatred, violence, or undermining trust in institutions.

**Sec. 4. *Prohibited Acts.*** - It shall be unlawful for any person to:

- a. Knowingly and maliciously publish or disseminate, through any medium including print, broadcast, or digital and social media, any fake news or disinformation as defined in Section 3;
- b. Create, operate, or finance troll farms, bot networks, or coordinated campaigns specifically aimed at spreading fake news;
- c. Disseminate fake news or disinformation that incites violence, promotes hate speech, discredits democratic institutions, or may cause public panic or disorder; or
- d. Facilitate or allow the use of social media platforms or accounts to repeatedly and systematically engage in the conduct described above.

**Sec. 5. *Cybercrime Linkage.*** - When the offense under this Act is committed through computer systems or digital networks, the provisions of the Cybercrime Prevention Act of 2012 (RA 10175) shall apply suppletorily, particularly on:

- a. Jurisdiction and venue;
- b. Preservation and disclosure of computer data;
- c. Real-time collection of traffic data;
- d. Cooperation with service providers; and
- e. Law enforcement authority.

**Sec. 6. *Penalties.*** - Any person found guilty of violating Section 4 shall suffer: Imprisonment of six (6) years to twelve (12) years and a fine of not less than ₱500,000 but not more than ₱2,000,000, or both, at the discretion of the court. In accordance with prevailing rules, jurisdiction shall lie with the Regional Trial Courts (RTCs).

**Sec. 7. *Relation to Article 154 of the Revised Penal Code.*** -

- a. Offenses punishable under Article 154 of the Revised Penal Code that are committed through information and communications technologies or digital platforms shall be prosecuted under this Act, subject to higher penalties and the procedural provisions of RA 10175.
- b. Where applicable, the offender may be prosecuted under both this Act and Article 154, provided that the constitutional prohibition against double jeopardy is not violated.

**Sec. 8. *Aggravating Circumstances.*** - The maximum penalty shall be imposed if any of the following aggravating circumstances are present:

- a. The offense endangers or undermines national security, public safety, or diplomatic relations;

- b. The fake news relates to or interferes with elections, public health emergencies, disaster response, or peace negotiations;
- c. The offender is a public officer, elected official, journalist, or social media influencer with 50,000 or more followers or subscribers, who knowingly leverages their platform to spread disinformation;
- d. The act is committed using automated or coordinated digital systems, including the use of troll farms, bots, or sock puppet networks;
- e. The fake news is disseminated with the direct or indirect aid of a foreign government, foreign entity, or foreign individual, including financial, logistical, technical, or cyber infrastructure support, with the intent or effect of influencing public opinion, destabilizing institutions, or undermining democratic processes.

**Sec. 9. *Exceptions.*** - This Act shall not apply to:

- a. Clearly labeled satire, parody, or editorial content;
- b. Personal opinions or interpretations that do not claim to state factual assertions;
- c. Honest mistakes made without malicious intent;
- d. News reporting or academic discourse made in good faith and with reasonable verification of sources.

**Sec. 10. *Judicial Recourse and Appeals.*** –

- a. All prosecutions under this Act shall be filed in the Regional Trial Court of the province or city where the offense was committed, or where the content was first accessed or downloaded.
- b. The accused shall be entitled to legal counsel, to confront witnesses, and to a fair and public trial under the Rules of Court.
- c. Convicted persons may appeal to the Court of Appeals and, where warranted, to the Supreme Court, in accordance with the Rules of Criminal Procedure.
- d. Injunctive relief or constitutional remedies (e.g., habeas corpus, amparo, certiorari) may be sought by the accused if the enforcement of this Act results in violation of fundamental rights.
- e. The Commission on Human Rights (CHR) may provide legal and monitoring assistance in cases alleging abuse of this Act for political or retaliatory purposes.

**Sec. 11. *Designation of Liaison Officers by Social Media Platforms.*** –

- a. All social media platforms operating within the Philippines or providing services to users in the Philippines shall designate a duly authorized liaison officer to the Department of Information and Communications Technology (DICT).
- b. The liaison officer shall serve as the platform's official point of contact for matters involving:
  1. Compliance with this Act and other cyber-related laws;
  2. Coordination on takedown or moderation requests involving malicious disinformation that threatens national security or public order;
  3. Emergency responses during critical events such as elections, disasters, or public health crises;
  4. Reporting obligations and transparency measures as may be required by the DICT or Congress.

- c. Social media platforms shall submit to the DICT:
  - 1. The full name and contact information of the designated liaison;
  - 2. Updates to the designation within fifteen (15) days of any change;
  - 3. An annual report on the platform's enforcement actions related to disinformation targeting Filipino users.
  
- d. The DICT, in consultation with stakeholders, shall issue guidelines for the registration, responsibilities, and performance evaluation of designated liaisons within sixty (60) days from the effectivity of this Act.

**Sec. 12. *Oversight and Review Mechanism.*** - A Joint Congressional Oversight Committee composed of members from the Senate, House of Representatives, the judiciary, and representatives from civil society and media organizations shall:

- a. Monitor implementation of this Act;
- b. Review enforcement procedures for potential abuse or overreach; and
- c. Submit a triennial report with recommendations for amendment or repeal, if warranted.

**Sec. 13. *Separability Clause.*** - If any provision of this Act is declared unconstitutional, the remaining provisions shall remain valid and in effect.

**Sec. 14. *Repealing Clause.*** - All laws, decrees, rules and regulations inconsistent with this Act are hereby repealed or amended accordingly.

**Sec. 15. *Effectivity.*** - This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in a newspaper of general circulation.

***Approved,***