

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

House Bill No. **4562**



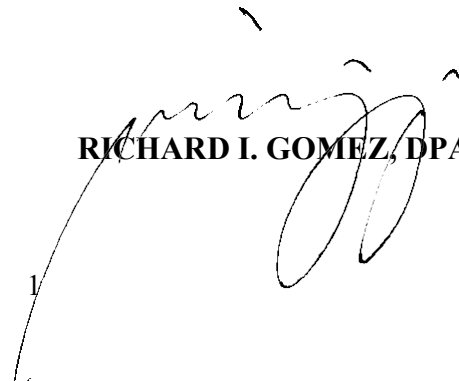
Introduced by Representative Richard I. Gomez, DPA

EXPLANATORY NOTE

The 1987 Constitution declares in Article III, Section 4 that freedom of speech, expression and freedom of the press must be upheld and preserved. However, let us remember that the Preamble of the same Constitution, which sets the guiding principles of the supreme and fundamental law of the country, also indicates the values of truth, justice, and freedom, amongst its ideals for our society. Therefore, freedom of speech, while assured by law, must still abide by the values of truth, justice and freedom, at the very least.

With the explosion of social media and digital platforms as means of proliferating all types of information, the line defining legitimate news from fake news, to unverified information, entertainment and others is now muddled. Needless to say, this confusion has and continues to cause chaos, widespread disinformation and misinformation and the weaponization of the digital sphere.

This bill seeks to define fake news and disinformation, establish prohibited acts and their corresponding penalties. It is vital that we strengthen our laws so that new technologies are not used to spread lies with the intent of causing confusion, inciting hatred or negative influence on public knowledge and opinion. In view of the foregoing, the swift passage of this bill is sought.


RICHARD I. GOMEZ, DPA

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House Bill No. **4562**

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

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

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.*

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* - false information intentionally spread to deceive, manipulate, or influence public perception, behavior, or policy.

c. *Social media platforms* - 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* - 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* - the deliberate or reckless disregard for truth, with the purpose of causing harm, panic, hatred, violence, or undermining trust in institutions.

f. *Dummy accounts* - social media accounts that do not reflect the true identity of verifiable individuals or organizations.

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;

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 be supplementary, 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 P500,000 but not more than P2,000,000, 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. *Prohibited Acts Committed Incognito or Using Dummy Accounts*– For prohibited acts in Section 4 of this Act committed by persons or organizations whose true identity/ties is/are concealed or under the guise of dummy accounts:

- a. The Department of Justice shall establish a judicial process where aggrieved individuals or organizations can swiftly prove that prohibited acts in Section 4 of the Act were indeed committed by specific Dummy Accounts. Upon examination and ruling by a judge in the Regional Trial Court (RTC) of the province or city where the content was first accessed or downloaded, the judge is authorized to issue a court order to the concerned social media platform to remove content deemed in violation of this Act.
- b. Upon receipt of such court order, social media platforms shall immediately remove such content, and ban such dummy account from participating in said social media platforms.

SEC. 12. *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;

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

SEC. 15. *Repealing Clause* – All laws, decrees, rules and regulations inconsistent with this Act are hereby repealed or amended accordingly.

SEC. 16. *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,