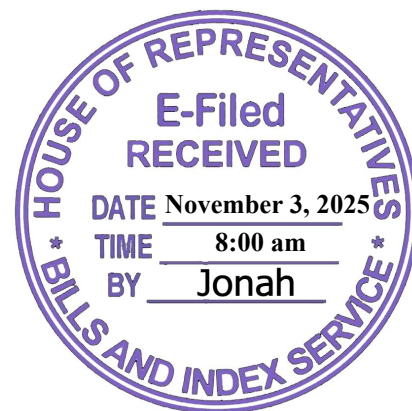


Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Batasan Hills, Quezon City

**TWENTIETH CONGRESS**  
First Regular Session

**HOUSE BILL NO. 5750**



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Introduced by **REP. ALFREDO “ALBEE” B. BENITEZ**

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**AN ACT PENALIZING ONLINE HATE AND ONLINE HARASSMENT AND  
PROVIDING ADDITIONAL PROTECTIONS AGAINST CYBERLIBEL,  
PRESCRIBING PENALTIES THEREFOR AND FOR OTHER PURPOSES**

**EXPLANATORY NOTE**

The freedom of speech is a constitutionally guaranteed right. Under Article III, Section 4 of the 1987 Philippine Constitution:

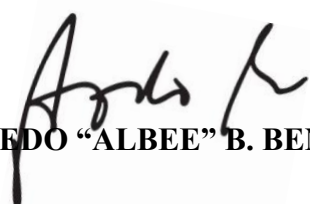
*"No law shall be passed abridging the freedom of speech, of expression, or of the press, or the right of the people peaceably to assemble and petition the government for redress of grievances."*

It is one tenets of our democracy—no individual shall be deprived of the right to freely express one’s ideas or opinions, which is ever more crucial in keeping the near omnipotent and near omniscient powers of the State in check.

The freedom of speech, however, while fundamental is not absolute, as it demands equal protection from those who would seek use it as subterfuge for spreading and committing hate, harassment, and coercion for their own vitriolic, selfish, and injurious ends. In today’s digital age, the perceived anonymity and distance granted by the Internet further emboldens such individuals to engage in harmful behavior without fear of reprisal or accountability.

To this end, this representation seeks to strengthen existing mechanisms that intend to protect individuals from online hate and online harassment. This shall be done through the provision of mandatory victim support mechanisms, education on the responsible use of digital spaces, the imposition of requirements digital platforms to provide mechanisms for redress and reporting, and the provision of additional penalties to would be violators.

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

  
**ALFREDO “ALBEE” B. BENITEZ**

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*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 “Emman Act”.

**SEC. 2. *Declaration of Policy.*** – It shall be the policy of the State to promote a safe, respectful, and dignity-preserving digital space for all persons, protect individuals from acts and expressions of online hate, harassment, and defamation, and to uphold free speech within the bounds of responsible conduct.

**SEC. 3. *Scope.*** – This Act covers all acts of online hate, harassment, and cyberlibel committed through any digital or information and communications technology (ICT) platform or device, affecting any person.

**SEC. 4. *Definition of Terms.*** – For purposes of this Act:

(a) Cyberlibel – shall refer to 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.

(b) Cyberstalking – shall refer to the use of the internet or electronic communication technologies to stalk, harass, or threaten an individual, group, or organization through repeated, unwanted contact or surveillance.

(c) Digital Platform – shall refer to any social media site, forum, messaging app, streaming service, or website facilitating user-generated content.

(d) Discrimination - shall refer to any distinction, exclusion, restriction, preference, or other differential treatment that is directly or indirectly based on age, ethnicity, race, religion, political belief, socio-economic status, sex, gender, sexual orientation, gender identity, gender expression, civil status, health status or medical condition, or other

similar grounds, which has the purpose or effect of nullifying or impairing the recognition, enjoyment, or exercise, on an equal footing, of political, civil, economic, social, and cultural rights.

(e) Doxxing – shall refer to the intentional public disclosure, without lawful basis, of someone’s personal or identifying information that can be used to locate, contact, harass, or endanger the person.

(f) Online Hate – shall refer to expressions, messages, or conduct that malign, threaten, incite discrimination, hostility, or violence directed towards any person or group of people.

(g) Online Harassment – shall refer to repeated and persistent actions such as unwanted messages, insults, threats, doxxing, or other similar conduct causing emotional distress through digital means.

**SEC. 5. *Exclusion of Public Officials and Employees.*** – Nothing in this Act shall be construed to penalize or restrict expressions of criticism, satire, or commentary directed at public officials and employees, regardless of appointment status, in relation to the discharge of their functions or matters of public interest. *Provided*, that this exclusion shall not apply to expressions or actions which shall contain false statements of fact and/or defamatory assertions that can be proven false.

**SEC. 6. *Prohibited Acts.*** – The following shall constitute violations punishable under this Act:

- (a) Cyberlibel directed at any person;
- (b) Commission of online hate speech or incitement of discrimination or violence; and
- (c) Engaging in online harassment, including cyberstalking, threats, and doxxing.

**SEC. 7. *Obligations of Digital Platforms.*** – Platforms shall implement reasonable policies and mechanisms for following:

- (a) Prompt removal or disabling of access to content that qualifies as cyberlibel, online hate or harassment upon a verified complaint or court order within a period of twenty-four (24) hours;
- (b) Prompt suspension or banning of users found engaged in content classified as prohibited under this Act;
- (c) Designation of trained trusted flaggers for content monitoring;
- (d) Transparent reporting on removal requests and actions taken; and
- (e) Mechanisms for users to report abuse and seek redress.

These responsibilities shall be prerequisites for any digital platform to be granted freedom to operate within the territorial jurisdiction of the Philippines.

Furthermore, digital platforms are required to preserve and maintain data and records in a manner that ensures their integrity, reliability, and availability for use as evidence in any judicial, administrative, or investigatory proceeding, and subsequently transfer such data and records upon order of the Court.

**SEC. 8. *Victim Support and Protection.*** – The State shall ensure ample support to victims such as:

- (a) Effective psychosocial support and counselling services with the aid of the Department of Social Welfare and Development (DSWD) and the Department of health; and
- (b) Legal assistance and protection for victims of online hate and harassment through appropriate agencies, such as the facilitation of a legal counsel through the Department of Justice (DOJ) and securing necessary protection orders.

The DOJ shall lead efforts to coordinate digital platforms for the immediate takedown of prohibited content upon a verified complaint or court order, or the preventive suspension or banning of users engaged in acts defined under Section 6 of this Act.

Any cost or expense arising from (a) or (b) as contained in this Section shall be borne by the perpetrator.

**SEC. 9. *Prevention and Education.*** – The DOJ and the Department of Information and Communications Technology (DICT), in coordination with other relevant government bodies and stakeholders including digital platforms or internet service providers shall pursue nationwide digital literacy and education campaigns in line with the responsible use of digital platforms and in line with the purposes of this Act.

**SEC. 10. *General Penalties.*** – Any person, with the exclusion of minors, found guilty of committing the prohibited acts under this Act shall be punished according to the degree of violation, as follows:

- (a) Light Violations – Acts of online hate or harassment consisting of insults, mockery, or similar offensive remarks but not amounting to threats, incitement, or doxxing shall be punished with *Arresto menor* in its minimum to maximum periods or a fine of ₱20,000.00 to ₱50,000.00, or both, at the discretion of the court.
- (b) Moderate Violations – Acts involving targeted online hate or harassment that cause demonstrable emotional distress, doxxing, cyberstalking, and the use of coordinated online mob harassment or hate campaigns shall be punished with *Arresto mayor* in its minimum to maximum periods and a fine of ₱50,000.00 to ₱200,000.00.
- (c) Aggravated Violations – Acts of online hate or harassment amounting to incitement, or when any of the prohibited acts under Section 6 are committed a public officer or employee abusing their position, shall be punished with *Prisión mayor* in its minimum to maximum periods and a fine of ₱500,000.00 to ₱1,000,000.00.

In all cases, offenders shall be liable to pay moral, exemplary, and actual damages to the victim as determined by the court.

Any person found guilty of committing the prohibited acts classified under Section 6 (a) shall be punished in accordance with Republic Act No. 10175 or the Cybercrime Prevention Act of 2012.

**SEC. 11. *Penalties for Minors.*** – Minors engaging or in commission of any of the prohibited acts contained herein shall be subjected to counselling and education on the responsible use of digital spaces, as well as any necessary psychological support, with the aid of the Juvenile Justice and Welfare Council (JJWC) and DOH in coordination with their respective parents or guardians and/or educational institutions.

**SEC. 13. *Platform Liability.*** – Notwithstanding the imposition of other penalties as prescribed by law, Digital platforms that fail to comply with obligations under Section 7 of this Act shall be fined ₱500,000.00 to ₱5,000,000.00 per violation, without prejudice to the suspension of their operations in the Philippines upon repeated non-compliance.

**SEC. 14. *Implementation.*** – The Department of Justice (DOJ) together with the Department of Information and Communications Technology (DICT), and in consultation with other relevant government agencies and stakeholders, shall promulgate the necessary implementing rules and regulations within 120 days after the effectivity of this Act.

**SEC. 15. *Separability Clause.*** – If any provision or part of this Act is held invalid or unconstitutional, the remaining parts or provisions not affected shall remain in full force and effect.

**SEC. 16. *Repealing Clause.*** – All laws, decrees, orders, rules, and regulations inconsistent with this Act are hereby repealed or modified accordingly.

**SEC. 17. *Effectivity.*** – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,