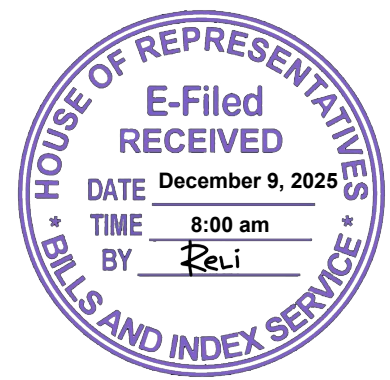


TWENTIETH CONGRESS)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



HOUSE OF REPRESENTATIVES

*Introduced by Representative Rufus B. Rodriguez and
Representative Maximo B. Rodriguez, Jr.*

House Bill No. **6648**

EXPLANATORY NOTE

In the case of People vs Santos, Jr., Ressa and Rappler, Inc. decided by the Regional Trial Court Branch 46 in Manila, defendants Santos, Jr. and Ressa were convicted of violation of Section 4 (c)(4) of Republic Act No. 10175 or the Cybercrime Prevention Act of 2012.

Section 4(c)(4) of RA 10175 provides:

(4) Libel. — 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.

After the promulgation, retired Supreme Court senior associate Justice Antonio Carpio said the 12-year prescription period is the "overriding issue in the Rappler case".

RA 10175 did not provide for any prescription period of the crimes punishable in said law. In filing the case, the Department of Justice used Act No. 3326, which basically provides that for any other offense punished by imprisonment for six years or more, the prescription period is 12 years.

There have been a lot of differing opinions on when the crime of cyber libel prescribes. Some legal experts argue that since the article involved in the case was published in May 2012, then the alleged crime has prescribed in May 2013 and if, granting for the sake of argument that it was republished in February 2014, then the complainant only had until February 2015 to file the case. Complainant Wilfredo Kent filed a complaint against Santos, Jr., Ressa and Rappler, Inc in the NBI in October 2017 and the case was filed in Court on February 5, 2019.

Far Eastern University Law Dean Mel Sta Maria was quoted as saying that when the Supreme Court decided the constitutionality of cyber libel in 2014 in the case of Disini et al vs Secretary of Justice et al, (GR No. 203335-203518, February 11, 2014), it said that "Cyberlibel is actually not a new crime since Article 353, in relation to Article 355 of the penal code, already punishes it." And that, "In effect, Section 4(c)(4) above merely affirms that online defamation constitutes similar means for committing libel." "Because cyber-libel is not a new crime, then the one-year prescriptive period applies to it. Moreover, such prescriptive period was not changed by the new Cybercrime Law."

Further, former Integrated Bar of the Philippines (IBP) President Atty. Domingo Egon Cayosa was reported as stating that "May the case highlight the need for clarity in our laws to leave less room for interpretation or misapplication and fortify our courage to uphold the rule of law" and that there were questions and arguments regarding the correct interpretation and application of jurisprudence and the laws, specifically the Revised Penal Code and the

Cybercrime Law, with respect to “prescription” and “republication,” as well as the Supreme Court Circular 08-2008 with respect to the penalties imposed.

In order to hopefully avoid any further confusion, this bill provides for amendments to RA 10175 by providing for a prescription period for the offenses punishable by said law.

In view of the foregoing, immediate approval of this measure is earnestly requested.



RUFUS B. RODRIGUEZ



MAXIMO B. RODRIGUEZ, JR.

TWENTIETH CONGRESS)
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HOUSE OF REPRESENTATIVES

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House Bill No. **6648**

AN ACT

AMENDING REPUBLIC ACT NO. 10175 ENTITLED “AN ACT DEFINING CYBERCRIME, PROVIDING FOR THE PREVENTION, INVESTIGATION, SUPPRESSION AND THE IMPOSITION OF PENALTIES THEREFOR AND FOR OTHER PURPOSES” BY PROVIDING FOR PRESCRIPTION PERIOD FOR THE OFFENSES PUNISHABLE BY SAID LAW, AND FOR OTHER PURPOSES

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

SECTION 1. A new Section 8 is hereby added to Republic Act 10175 to read as follows:

SEC 8. *Prescription.* – The punishable acts as provided for in Chapter II of this Act shall prescribe in three (3) years from the commission of the offense except Sec 4 (c)(4) Libel, which shall prescribe in one (1) year from date of publication.

SEC 2. The succeeding Sections are hereby renumbered accordingly.

SEC 3. Repealing Clause. — All laws, decrees or rules inconsistent with this Act are hereby repealed or modified accordingly.

SEC 4. Effectivity. — This Act shall take effect fifteen (15) days after the completion of its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,