



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Twentieth Congress
Second Regular Session

HOUSE BILL NO. 9825



Introduced by Deputy Speaker David “Jay-Jay” C. Suarez

EXPLANATORY NOTE

The widespread use of social media has transformed the way people, particularly the minors, communicate, learn, and interact with the world. While digital platforms provide valuable opportunities for education, creativity, and social connection, their rapid growth and increasing accessibility have likewise exposed children to serious risks, including cyberbullying, online sexual exploitation, harmful and addictive content, algorithmic manipulation, privacy violations, and adverse effects on their mental health and well-being.

By reason of their age and developmental vulnerabilities, children require special protection from digital environments that are primarily designed to maximize user engagement and commercial gain. The Constitution mandates the State to protect and strengthen the family and to promote the physical, moral, spiritual, intellectual, and social well-being of the youth.¹ Thus, in the exercise of its role as *parens patriae*, the State is duty-bound, together with parents and other stakeholders, to ensure that technological innovation does not come at the expense of the welfare and development of children.

Indeed, in *Samahan ng mga Progresibong Kabataan (SPARK) v. Quezon City*,² the Supreme Court recognized the protection of children and the promotion of their welfare as compelling State interests capable of justifying regulatory measures, provided that such measures are narrowly tailored and reasonably related to their intended purpose. Meanwhile, in *Disini, Jr. v. Secretary of Justice*,³ the State's authority to regulate activities in cyberspace in order to address legitimate harms

¹ CONST., art. II, secs. 12 and 13; art. XV, sec. 3(2).

² G.R. No. 225442, August 08, 2017 [Per J. Perlas-Bernabe, En Banc].

³ G.R. No. 203335, February 11, 2014 [Per J. Abad, En Banc].

arising from the use of information and communications technologies was upheld by the Supreme Court.

Fully cognizant of the foregoing, protecting minors in the digital space cannot rest solely upon the State. It requires a whole-of-nation approach involving parents, platform operators, educational institutions, and other stakeholders who share the responsibility of ensuring a safe and age-appropriate digital environment for children.

Accordingly, this bill seeks to establish reasonable safeguards against the unrestricted use of social media by children below sixteen (16) years of age⁴⁵ by placing the primary responsibility upon covered platform operators. It adopts age-assurance mechanisms, privacy-preserving standards, and safety-by-default settings, while ensuring that parental guidance remains an integral component of children's digital experiences.

At the same time, the bill recognizes, and therefore strikes a delicate balance between the importance of preserving fundamental rights and freedoms enshrined in the Constitution and protecting the welfare of the children. It does not prohibit access to educational resources, news media, government services, and other beneficial online platforms. Neither does it authorize censorship or unjustified surveillance. Rather, it adopts a balanced and rights-based approach that protects children while respecting freedom of expression, access to information, and the right to privacy.

This concept is not novel. Australia, through its Online Safety Amendment (Social Media Minimum Age) Act 2024, and Malaysia, through its Online Safety Act 2025 and related child protection regulations, have adopted measures aimed at protecting minors from the risks associated with commercial social media platforms. These developments reflect a growing international recognition that the State has a legitimate role in ensuring that digital environments remain safe and age-appropriate for children.

The measure is likewise anchored on the Philippines' obligations under the *United Nations Convention on the Rights of the Child* (UNCRC), to which the Philippines is a State Party. Under the Convention, States Parties undertake to ensure that the best interests of the child shall be a primary consideration in all actions

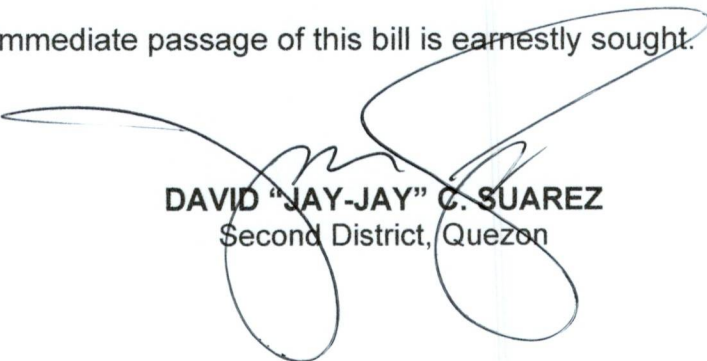
⁴ The age 16 is the precautionary legislative standard informed by the weight of developmental science. It is likewise the age threshold in similar policies found in Australia and Malaysia.

⁵ Studies suggest that the adolescents ages 10 to 19 are undergoing a highly sensitive period of brain development—a period when risk-taking behaviors reach their peak, when well-being experiences the greatest fluctuations, and when mental health challenges such as depression typically emerge. In in early adolescence, when identities and sense of self-worth are forming, brain development is especially susceptible to social pressures, peer opinions, and peer comparison. In addition, **adolescent social media use is predictive of a subsequent decrease in life satisfaction for certain developmental stages including for girls 11–13 years old and boys 14–15 years old** (U.S. Surgeon General's Advisory on Social Media and Youth Mental Health (2023), <https://www.hhs.gov/sites/default/files/sg-youth-mental-health-social-media-advisory.pdf>).

concerning children and to afford children special protection against exploitation, abuse, and other conditions prejudicial to their development. In the digital age, these obligations necessarily extend to the online environment and underscore the responsibility of the State to adopt appropriate measures that safeguard the welfare and development of children while respecting their rights and fundamental freedoms.

By promoting digital literacy, strengthening parental involvement, and requiring greater accountability from social media platforms, this measure endeavors to create a safer and more responsible digital environment for Filipino children.

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



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HOUSE BILL NO. 9825

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**AN ACT PROTECTING THE DIGITAL WELFARE OF MINORS BY RESTRICTING
THE CREATION AND MAINTENANCE OF SOCIAL MEDIA ACCOUNTS BY
PERSONS BELOW SIXTEEN (16) YEARS OF AGE, 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 “*Digital Safety of
Minors Act.*”

SECTION 2. Declaration of Policy. – Consistent with Sections 12 and 13, Article II and Section 3(2), Article XV of the 1987 Constitution, the State’s prerogative of *parens patriae*, as well as its international commitment under the United Nations Convention on the Rights of the Child to consider the best interests of the child in all actions concerning children, the State reaffirms its unwavering commitment to protect and promote the physical, mental, moral, spiritual, intellectual, emotional, psychological, and social well-being of children. It is therefore the declared policy that the State is duty-bound to protect minors from structural harms arising from commercial social media ecosystems designed to maximize engagement without due regard to the developmental vulnerabilities of children.

The State further declares that the primary legal and operational responsibility for age assurance and child safety in social media spaces rests with covered operators that design, deploy, and profit from such platforms, and not with children, parents, or educational institutions alone.

Toward these ends, the State aims to strike the delicate balance between the fundamental freedoms of speech and expression, the right to information, and other constitutionally protected freedoms vis-à-vis the regulation of social media use by minors, ensuring that the least restrictive means are employed in achieving the compelling State interest of child protection.

SECTION 3. *Definition of Terms.* – As used in this Act, the following terms are defined as follows:

- (a) “*Age Assurance*” shall mean the set of technically reliable and proportionate measures, with the least intrusion to the personal data and privacy of an individual, used to determine with reasonable confidence whether a user meets the minimum age requirement for creating or maintaining a covered social media account;
- (b) “*Child*” or “*Minor*” means any person below sixteen (16) years of age;
- (c) “*Covered Operator*” is any natural or juridical person that owns, operates, manages, or controls a covered social media platform and exercises meaningful influence over the platform’s design, architecture, data processing, content recommendation systems, or terms of access;
- (d) “*Covered Social Media Platform*” means any internet-based service or application accessible in the Philippines which enables users to create a public or semi-public profile, publish or interact with user-generated content visible beyond the user’s selected contacts, connect with other users, and receive algorithmically curated content from accounts or sources not actively selected by the user;
- (e) “*Personal Data*” shall have the meaning assigned thereto under Republic Act No. 10173, otherwise known as the Data Privacy Act of 2012;
- (f) “*Safety-by-Default*” means the highest available privacy and safety settings automatically applied upon account creation without requiring any action from the user.

SECTION 4. *Restriction on Account Creation and Maintenance by Minors.*
– Except as provided under Section 7 of this Act, children below sixteen (16) years of age may not create, register, or maintain an account on any covered social media platform that offer, direct, make available, or target their services to users in the Philippines, regardless of whether such operators are incorporated or physically located within or outside the Philippines.

This restriction shall not apply to the following providers and operators:

- (a) Telecommunications networks and basic voice, SMS, and MMS services;
- (b) Learning management systems and dedicated educational platforms used primarily for academic instruction;
- (c) Electronic mail services and end-to-end encrypted direct messaging services that do not feature public profile creation, public content discovery, or algorithmic content recommendation;
- (d) Online services used primarily for commerce, employment, or enterprise productivity, as may be determined by the Department of Information and Communications Technology (DICT) and the Department of Trade and Industry (DTI); and
- (e) Online services operated by the national government, local government units, or intergovernmental organizations for public service delivery purposes.

Nothing in this Act shall be construed to restrict minors from accessing news websites, educational platforms, government services, or other online resources that do not constitute covered social media platforms as defined herein.

SECTION 5. *Obligations of Covered Operators.* – The covered operators shall be primarily responsible in restricting minors from creating or maintaining a covered social media account. The covered operators shall:

- (a) Implement reasonable and proportionate age-assurance systems, with the least intrusion on personal data and privacy of an individual, at the point of account creation and on a periodic basis thereafter to prevent or identify accounts held by children below sixteen (16) years of age in violation of this Act;
- (b) Obtain verifiable parental or guardian consent in accordance with Section 7 of this Act, before permitting a child below sixteen (16) years of age to create or maintain an account whenever parental consent is invoked as the basis for exemption;
- (c) Apply safety-by-default settings to all accounts maintained by users who are sixteen (16) or seventeen (17) years of age, including, but not limited to, restrictions on direct messages to confirmed contacts, disabled public discoverability, and limitations on data collection for algorithmic profiling purposes;

- (d) Disable behavioral, algorithmic, and targeted advertising directed to users below eighteen (18) years of age, unless such user has affirmatively and expressly consents to the same targeted advertising, in accordance with existing laws;
- (e) Maintain and publicize a transparent notice and appeal mechanism through which users, parents, or guardians may contest account restrictions or disablements imposed pursuant to this Act;
- (f) Promptly disable or remove accounts where the covered operator has reasonable grounds to believe that such accounts are maintained by minors as defined in this Act, subject to the requirements of Section 8 hereof; and
- (g) Refrain from transferring, selling, licensing, or otherwise disclosing to third parties any personal data collected in the course of age assurance, except insofar as such disclosure is strictly necessary to perform the age-assurance function under agreements requiring equivalent data protection obligations.

SECTION 6. *Standards for Age Assurance Mechanisms.* – The mechanisms employed by covered operators in assuring the age of its users shall, as far as practicable not rely solely on self-declaration by the user regarding age or date of birth. Covered operators shall employ the least intrusive technically available method capable of achieving reasonable accuracy in age estimation or verification and must collect and process only the minimum personal data necessary for age-assurance purposes. The mechanism shall not be designed or implemented in a manner that unduly burdens adult users, creates surveillance risks, or produces a chilling effect on expressive activity.

For this purpose, covered operators shall refrain from retaining biometric information, identity documents, or government-issued credential data beyond the period strictly necessary to complete the verification process, and in no case for more than thirty (30) days after verification.

The DICT, in coordination with the National Privacy Commission (NPC), shall conduct an independent technical audit and review of covered operators every two (2) years.

SECTION 7. *Parental or Guardian Consent Mechanism.* – Covered operators may permit minors to access to its platforms subject to the following mechanisms:

- (a) The consent mechanism shall be verifiable and shall include reasonable measures to ascertain that the consenting person is in fact the parent or legal guardian of the child;
- (b) Consent shall be freely given and may be withdrawn at any time by the parent or guardian without penalty;
- (c) The process for obtaining consent shall be explained in plain language appropriate for parents and shall disclose the nature of the platform, the data to be processed, the safety settings that shall apply, and the means by which the parent or guardian may monitor and withdraw access;
- (d) Covered operators shall not condition parental consent upon the collection of personal data beyond what is necessary for authentication and notification purposes; and
- (e) Parental or guardian consent shall not override or diminish the safety-by-default, advertising, and data-minimization obligations imposed under this Act.

SECTION 8. Procedure for Disabling or Removing and Restoration of Covered Social Media Accounts Maintained by Minors. – Pursuant to Section 5 of this Act, and prior to disabling or permanently deleting any account pursuant to this Act, the covered operator shall:

- (a) Notify the account holder clearly stating the specific ground for the proposed action, together with a summary of evidence or reasonable basis relied upon, and the available remedies for appeal;
- (b) Allow the account user, or the parent or guardian when applicable, a period of not less than fifteen (15) days within which to contest the proposed action and submit proof of age or other relevant documentation; and
- (c) Restore full account access without undue delay from receipt of sufficient proof that the user is sixteen (16) years of age or older;

During the pendency of the contest period, the covered operator may restrict but not completely disable the account in order to preserve the user's content and connections pending resolution. Covered operators shall maintain records of notices issued and appeals resolved under this provision for a period of three (3) years, which records shall be made available to the DICT upon request.

SECTION 9. Non-infringement of Freedom of Information and Access to Information. – Nothing in this Act shall be construed to authorize censorship or

filtering of lawful content published on covered platforms, restrict or condition access to news media, journalistic publications, public interest information, educational resources, or government information services, prohibit minors from using the internet for educational, communicative, or expressive purposes outside covered social media platforms as defined in this Act, and authorize the monitoring, surveillance, or interception of online communications of minors beyond what is strictly necessary for age assurance under this Act.

SECTION 10. *Data Privacy Safeguards.* – Covered operators and their authorized processors shall, in the implementation of this Act, strictly observe the principles of transparency, legitimate purpose, proportionality, data minimization, purpose limitation, data quality, security, and retention limitation in accordance with Data Privacy Act of 2012.

For this purpose, personal data collected solely for purposes of age assurance or parental consent under this Act shall not be used for behavioral and algorithmic profiling, targeted advertising, content recommendation, sale to third parties, or any commercial purpose and shall not be retained in identifiable form beyond the period strictly necessary for age assurance and, in no case, beyond the period prescribed under Section 8 of this Act.

SECTION 11. *Child Protection and Digital Literacy Programs.* – The Department of Education (DepEd), the Department of Social Welfare and Development (DSWD), and the DICT shall jointly develop and implement comprehensive programs on digital literacy, online safety, critical media consumption, and child rights awareness designed to equip children with the knowledge and skills necessary to navigate digital environments safely, critically, and with due regard for their rights, rather than merely restricting digital access.

SECTION 12. *Best Interest of the Child.* – In the implementation of this Act, the agencies tasked to implement this Act, as well as covered operators, must be guided by the paramount consideration of best interest of the child.

Nothing in this Act shall be construed to restrict the rights of children to expression, access to information, or participation in civic life, except to the extent necessary to achieve the compelling State interest of protecting minors from the specific and demonstrable harms arising from unregulated access to covered social media platforms.

SECTION 13. *Administrative Penalties.* -- Any covered operator found to have violated the provisions of this Act or its Implementing Rules and Regulations shall be subject to the following administrative penalties:

- (a) For a first violation, a fine of not less than Five Hundred Thousand Pesos (P500,000.00) but not more than Five Million Pesos (P5,000,000.00), and an order directing the remediation of such violation;
- (b) For second and succeeding violations, a fine of not less than Five Million Pesos (P5,000,000.00) to not more than One Hundred Million Pesos (P100,000,000.00);
- (c) If the violation is willful, deliberate, or systematic, the DICT may order the temporary suspension of the accessibility of the covered platform within the Philippines for a period not exceeding one (1) year, in addition to the monetary penalties prescribed herein;
- (d) If the covered operator has repeatedly failed to comply with the requirements of this Act following suspension, the DICT shall order the permanent revocation of the authority to operate the covered platform in the Philippines, subject to judicial review.

The foregoing shall be without prejudice to the filing of separate civil or criminal actions under applicable laws, including Republic Act No. 10175, otherwise known as the "Cybercrime Prevention Act of 2012," Republic Act No. 7610, otherwise known as the "Special Protection of Children Against Abuse, Exploitation and Discrimination Act," and Republic Act No. 10173, otherwise known as the "Data Privacy Act of 2012."

SECTION 14. Appropriations. – The amounts necessary for the initial implementation of this Act shall be charged against the current appropriations of the DICT, the NPC, the DepEd, the DSWD, and other concerned agencies. Thereafter, such sums as may be necessary for the continued implementation of this Act shall be included in the annual General Appropriations Act.

SECTION 15. Implementing Rules and Regulations. – The DICT, in coordination with the NPC, the DepEd, the DSWD, the Department of Justice, the Commission on Human Rights, and the Council for the Welfare of Children, shall promulgate the implementing rules and regulations pertinent to the provisions of this Act within ninety (90) days after the effectivity of this Act.

SECTION 16. Separability Clause. – If, for any reason, any section or provision of this Act is declared unconstitutional or invalid, the other sections or provisions which are not affected shall continue to be in full force and effect.

SECTION 17. Repealing Clause. – All laws, presidential decrees, executive orders, or issuances, or any part thereof which are inconsistent with the provisions of this Act are hereby repealed, amended, or modified accordingly.

SECTION 18. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or any newspaper of general circulation.

Approved,