

**EIGHTEENTH CONGRESS OF THE }
REPUBLIC OF THE PHILIPPINES }
First Regular Session }**

SENATE
S.B. No. 9

19 JUL -1 A9:47

INTRODUCED BY **SENATOR VICENTE C. SOTTO III**

**AN ACT
PROHIBITING THE PUBLICATION AND PROLIFERATION OF FALSE
CONTENT ON THE PHILIPPINE INTERNET, PROVIDING MEASURES
TO COUNTERACT ITS EFFECTS AND PRESCRIBING PENALTIES
THEREFOR**

EXPLANATORY NOTE

The internet is a vast repository of information. Without a doubt, most of us heavily rely on it to the point that its influence has become deeply embedded in our daily lives. But not all we see on the internet represents the truth. False information continues to circulate and is becoming prevalent on the internet globally. In the Philippines, widespread are headlines that are mere click-baits; made up quotes attributed to prominent figures; and digitally altered photos. Filipinos have fallen prey to believing that most of them are credible news.

In the recently held midterm elections, a video showing a pre-shaded ballot went viral. Many have seen, liked, shared, and gave their infuriated comments about it. It raised doubts as to the integrity of the automated election system. Only to find out that it was a hoax. Upon investigation, it turned out to be a staged video and the ballot used was

not the official ballot.¹ In the U.S., a “deep fake” or doctored video featuring a computer-generated image of Facebook’s Mark Zuckerberg has gone viral on Instagram. Footage of his body from a past video was merged with the said image then superimposed on its audio is the voice of an actor.² Evidently, advancement in technology has its downside. It poses threats and can be the subject of abuses. It can be dangerous when used as a tool to manipulate information, particularly those that are of national importance.

While it is true that freedom of expression and the press are protected rights, it is not absolute under all circumstances. The use of these rights to cause disinformation and division is an abuse of democracy.

In this regard, this bill seeks to protect the public from the deleterious effects of false and deceiving content online. It aims to attain this objective by providing expedient remedies that would address this growing concern. This legislation also enumerates particular acts that are considered punishable to further serve as a deterrent. Lastly, it seeks to promote the responsible use of the internet.

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


VICENTE C. SOTTO III
Senator

¹ <https://newsinfo.inquirer.net/1113085/obviously-staged-says-comelec-exec-on-video-showing-pre-shaded-ballots>

² <http://fortune.com/2019/06/12/deepfake-mark-zuckerberg/>

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

1 SECTION 1. **Title.** – This Act shall be known and referred to as the “Anti-
2 False Content Act”.

3 SECTION 2. **Declaration of Policy.** – The State recognizes the vital role of
4 communication and information in nation-building. It shall be declared the
5 policy of the State to protect the public from any misleading or false
6 information that is being published and has become prevalent on the
7 Internet.

8 To this end, the State shall be proactive in preventing further
9 exploitation of online media platforms for such purpose. It shall be
10 committed to counteracting its concomitant prejudicial effects to public
11 interest while remaining cognizant of the people's fundamental rights to
12 freedom of speech and freedom of the press.

1 SECTION 3. **Definition of Terms.** – Whenever used in this Act, the following
2 terms shall have the respective meanings as set forth hereafter:

3 (a) *Publication* shall refer to the act of uploading content on an online
4 intermediary with an intent to circulate particular information to the
5 public;

6 (b) *Content* shall refer to a text, image, audio recording, video, and
7 animation published on the internet;

8 (c) *Online intermediary* shall refer to a provider of service which displays
9 an index of search results that leads the internet users to a specific
10 online location, enables them to access contents originating from third
11 parties, and allows them to upload and download content. It includes
12 but is not limited to social networking sites, search engines, and video
13 sharing sites;

14 (d) *Public interest* shall refer to anything that affects national security,
15 public health, public safety, public order, public confidence in the
16 Government, and international relations of the Philippines;

17 (e) *Fictitious online account or website* shall refer to those that has an
18 anonymous author or uses an assumed name in pursuing activities
19 for the purpose of avoiding impunity.

20 SECTION 4. **Punishable Acts.** – The following acts shall constitute the
21 offense punishable under this Act:

22 (a) Creating and/or publishing on one's personal online account or
23 website a content knowing or having a reasonable belief that it
24 contains information that is false or that would tend to mislead the
25 public;

1 (b) Use of a fictitious online account or website in creating and/or
2 publishing a content knowing or having a reasonable belief that it
3 contains information that is false or that would tend to mislead the
4 public;

5 (c) Offering or providing one's service to create and/or publish a content
6 online knowing or having a reasonable belief that it would be used to
7 deceive the public, regardless whether it is done for profit or not;

8 (d) Financing an activity which has for its purpose the creation and/or
9 publication of a content online containing information that is false or
10 that would tend to mislead the public;

11 (e) Non-compliance with any of the counteractive measures provided
12 under Section 5 of this Act, whether deliberate or through negligence.

13 SECTION 5. **Counteractive measures.** – The Department of Justice (DOJ)
14 Office of Cybercrime shall have the authority to issue the following orders to
15 restrain the commission of the offenses punished under this Act:

16 (a) *Rectification Order* – an order directing the administrator of the online
17 account or website that is either personal or fictitious, to issue a
18 notice indicating the necessary corrections to the published content.

19 Online intermediaries whose platform was used to publish the content
20 can also be issued such Order. It would require the particular online
21 intermediary to issue a notice of correction informing all its users that
22 the subject content contains misleading or false information.

23 (b) *Takedown Order* – an order directing the owner or administrator of the
24 online account or website that is either personal or fictitious, to take
25 down the published content.

1 (c) *Block Access Order* – an order directing the online intermediary to
2 disable access by users to the published content. It is a remedy
3 available in cases where there is a failure to comply with the Orders
4 mentioned in paragraphs (a) and (b) of this Section due to the fault or
5 negligence of the administrator or online intermediary, and in cases
6 where rectification or taking down of the published content is proven
7 to be technically impossible.

8 These Orders shall only be issued when there is finding that the
9 complaint filed to the DOJ Office of Cybercrime by an aggrieved party is
10 valid and has sufficient basis. In matters affecting the public interest, the
11 same office shall issue *motu proprio* the appropriate Order. The remedies
12 provided herein are cumulative and the issuance of one shall not preclude
13 or waive the right to use any or all other remedies.

14 SECTION 6. ***Appeal to Cancel the Order*** – The administrator of an online
15 account or website and the online intermediary who has been issued with
16 any of the Orders under Section 5 hereof may file a verified petition for
17 review with the Office of the Secretary of the Department of Justice within
18 fifteen (15) days from receipt of the assailed Order.

19 SECTION 7. ***Liability under the Revised Penal Code and Cybercrime***
20 ***Law.*** – Prosecution under this Act shall be without prejudice to any liability
21 or violation of any provision of the Revised Penal Code and Republic Act No.
22 10175 or the Cybercrime Prevention Act of 2012.

23 SECTION 8. ***Penalties.*** – Any person found guilty of the punishable act
24 under Sec. 4 (a) shall be punished with imprisonment of *prision mayor* or a
25 fine of not more than Three Hundred Thousand Pesos (Php300,000.00), or
26 both;

1 Any person found guilty of the punishable act under Sec.4 (b) shall be
2 punished with imprisonment of *prision mayor* or a fine of not more than Five
3 Hundred Thousand Pesos (Php500,000.00), or both;

4 Any person found guilty of the punishable act under Sec. 4 (c) shall be
5 punished with imprisonment of *prision mayor* or a fine of not more than Two
6 Hundred Thousand Pesos (Php200,000.00), or both;

7 Any person found guilty of the punishable act under Section 4 (d) shall
8 suffer the penalty of *reclusion temporal* or a fine not exceeding One Million
9 Pesos (Php1,000,000.00), or both;

10 Any person found guilty of the punishable act under Section 4 (e) shall
11 suffer the penalty of *reclusion temporal* or a fine not exceeding Two Million
12 Pesos (Php2,000,000.00), or both.

13 In cases where the published content undermines the public interest,
14 the maximum period for the penalty of imprisonment shall be imposed.

15 SECTION 9. **Jurisdiction.** – The Regional Trial Courts shall have
16 jurisdiction over any violation of the provisions of this Act. Regardless of the
17 place of commission, a Filipino national who commits any of the offenses
18 defined under this Act shall be within the jurisdiction of the Philippine
19 courts.

20 SECTION 10. **Law Enforcement Authorities.** – The Cybercrime Division of
21 the Philippine National Police (PNP) and of the National Bureau of
22 Investigation (NBI) shall be responsible for the effective enforcement of the
23 provisions of this Act.

24 SECTION 11. **Implementing Rules and Regulations.** – The ICT-DOST,
25 Department of Information and Communications Technology (DICT),
26 Department of Justice (DOJ) Cybercrime Office, Philippine National Police

1 (PNP) Cybercrime Division and the National Bureau of Investigation (NBI)
2 Cybercrime Division shall formulate the rules and regulations necessary for
3 its effective implementation within ninety (90) days from approval of this
4 Act.

5 SECTION 12. **Separability Clause.** – In case any provision of this Act is
6 declared invalid or unconstitutional, such declaration shall have no effect in
7 the validity or constitutionality of the remaining provisions hereof.

8 SECTION 13. **Repealing Clause.** – All laws, decrees, rules and regulations
9 inconsistent with the provisions of this Act are hereby repealed or amended
10 accordingly.

11 SECTION 14. **Effectivity.** – This Act shall take effect fifteen (15) days after
12 publication in the Official Gazette or in a newspaper of general circulation.

Approved,