AN ACT
CRIMINALIZING THE MALICIOUS AUTHORING, PUBLICATION AND
DISSEMINATION OF FAKE NEWS ON SOCIAL MEDIA AND OTHER
MEDIA PLATFORMS AND PRESCRIBING PENALTIES THEREFOR

EXPLANATORY NOTE

Over the past few years, we have witnessed the unfortunate transformation of social media. What once started as an exciting and innovative way of staying connected with friends and family has morphed into a bitter platform of flame wars, personal attacks, and unmitigated strife. A major cause of this dangerous situation has been the proliferation of fake news. It is essentially defined by this legislation as information and content which, though purporting to be an accurate representation of the facts, actually distorts or misrepresents said facts in a deliberate manner for malicious purposes.

Alarmingly, the damage caused by fake news is not limited to social media. It is clear that fake news has become a cancer to Philippine society. Slowly but surely, each article of fake news eats away at the threads that bind us together as a people, threatening the very foundations of our young democracy in the process. The confusion and misinformation caused by fake news undermine our democratic institutions - for the foundation of a true functioning democracy has always been principled discourse based on the facts present, as they really are. A democracy cannot thrive if it is built on lies and deception.

Realizing the serious threat that fake news poses to Philippine society, and submitting that fake news is not protected speech as contemplated under the constitutional right to free speech, this representation has filed this legislation to formally criminalize the authoring, publication, and distribution of fake news on social media and other media platforms. Through this legislation mass media enterprises, content authors, and even social media platform users will be held criminally liable for creating and propagating fake news. Additionally, this bill provides a mechanism for persons aggrieved by fake news to demand a retraction of the fake news article based on a final judicial determination of its quality as such.

It is my sincere belief that passage of this measure is an important first
step toward building a more respectful political environment, and ultimately a more mature and productive democracy. Therefore, the swift passage of this critical legislation is humbly and earnestly sought.

ED CHRISTOPHER S. GO
Representative
2nd District, Isabela
AN ACT
CRIMINALIZING THE MALICIOUS AUTHORING, PUBLICATION AND
DISSEMINATION OF FAKE NEWS ON SOCIAL MEDIA AND OTHER
MEDIA PLATFORMS AND PRESCRIBING PENALTIES THEREFOR

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

SECTION 1. Short Title – This Act shall also be known as the “Fake
News Criminalization Act of 2019”.

SECTION 2. Definition of Terms – For the purposes of this Act, the
terms are defined as follows:

A. “Fake News” shall refer to any digital, print, audio, or visual
information or content, published on any media platform, which purports to
be an accurate and objective representation of a fact or set of facts, but
deliberately and maliciously distorts, fabricates, or otherwise renders a
false report of said facts for the purpose of:

1. Discrediting, demeaning, or villifying an individual, public figure,
   political movement, body corporate, institution, or similar actor;
2. Generating ad revenue via web traffic through clicks, visit, likes,
or other means;
3. Endangering national security or disturbing public order; or,
4. Sowing enmity, hatred, malice, or ill will against political groups,
cultural communities, genders, religious followers, and
marginalized or underrepresented minorities in society.

B. “Means of Commission” shall refer to:

1. Misquotation or otherwise false and inaccurate report or representation of a statement made by or on behalf of a natural or legal person;

2. Any editing or manipulation of audio or video data which results in the distortion of a statement, fact, set of facts, or context of the original recording; and.

3. Any other fabrication of information or content which purports to be an accurate, truthful, and faithful representation of a fact or set of facts.

C. “Media Platform” shall refer to conventional and digital media forms, including print, television, news, online news, blogs, video blogs and channels and podcasts, as well as social media websites and applications such as Facebook, Twitter, Instagram, Tumblr, and others.

D. “Mass Media Enterprise” shall refer to any entity engaged in the mass media business, including companies operating and publishing print newspapers and magazines; online or digital news and magazines; and radio, television, and digital broadcasting, who have been granted a valid government franchise for the purpose of engaging in said business.

E. “Content Author” shall refer to any natural or juridical person not connected to a mass media enterprise who authors any article of fake news.

F. “Social Media Platform User” shall refer to any person or group of persons who uses any social media platform to send messages or post information on a social media account, whether registered under their own name, under a pseudonym, using the name of another, or anonymous.
G. “Author” shall refer to any positive act of creation, including but not
limited to writing, drawing, editing, coding, recording, speaking, and
manipulating any physical substance, of any article of fake news.

H. “Publish” shall refer to any positive act of making available to the
public for initial dissemination, publication, or broadcast of any article of
fake news on any media platform despite actual knowledge or reasonable
ground to believe that such news is false, inaccurate, misleading, or
fabricated.

I. “Disseminate” shall refer to any act of deliberate and malicious
sharing, forwarding, republishing, rebroadcasting, reblogging, retweeting,
circulating, spreading, or any subsequent dissemination of fake news on
any media platform despite actual knowledge or reasonable ground to
believe that such news is false, inaccurate, misleading, or fabricated.

J. “Retract” shall refer to the act of deletion, acknowledgment of error,
and correction of fake news previously published or disseminated by the
mass media enterprise or social media platform user on the media platform
where the article of fake news was originally posted.

SECTION 3. Authoring by Mass Media Enterprise – It shall be
unlawful for any mass media enterprise or its employees and talents to author
fake news. Any mass media enterprise found guilty of violating this subsection
of the Act shall be punished with a fine of Two Million Pesos (₱2,000,000) for
the first offense. The mass media enterprise shall be punished with a fine of
Two Million Pesos (₱4,000,000) and suspension of operations for one week if
found guilty of subsequent offenses of the same subsection of this Act.

SECTION 4. Publication and Dissemination by Mass Media
Enterprise – It shall be unlawful for any mass media enterprise to publish or
disseminate fake news. Any mass media enterprise found guilty of violating
this subsection of this Act shall be punished with a fine of One Million Pesos
(₱1,000,000) for the first offense. The mass media enterprise shall be
punished with a fine of Two Million Pesos (₱2,000,000) and suspension of
operations for one week if found guilty of subsequent offenses of the same
subsection of this Act.

SECTION 5. Authoring by Private Individual – It shall be unlawful for
any content author or social media platform user to author fake news. Any
person found guilty of violating this subsection of the Act shall be punished
with a penalty of imprisonment of prision mayor or a fine of One Million Pesos
(₱1,000,000) or both, for the first offense. Subsequent violations of the same
subsection of this Act by the same person shall be punished with a penalty of
imprisonment of reclusion temporal and a fine of Two Million Pesos
(₱2,000,000) or both, at the discretion of the court.

SECTION 6. Publication and Dissemination by Private Individual –
It shall be unlawful for any content author or social media platform user to
publish or disseminate fake news. Any person found guilty of violating this
subsection of the Act shall be punished with a penalty of imprisonment of
prision correccional in its medium to maximum periods or a fine of Five
Hundred Thousand Pesos (₱500,000) or both, for the first offense.
Subsequent violations of the same subsection of this Act by the same person
shall be punished with a penalty of imprisonment of prision mayor in its
minimum period and a fine of One Million Pesos (₱1,000,000) or both, at the
discretion of the court.

SECTION 7. Retraction – Upon written demand made by the person
discredited, demeaned, or vilified by the article of fake news, the author,
publisher, or disseminator of the fake news shall retract it.

A content author or social media user who fails or refuses to retract
fake news despite proper demand made shall suffer the penalty of imprisonment of up to *prisión correccional* or a fine of One Million Pesos (₱1,000,000) or both, at the discretion of the court, upon final judicial determination made in a proper criminal action that said article was indeed fake news as provided under the provisions of this Act.

A mass media enterprise who fails or refuses to retract fake news despite proper demand made shall suffer the penalty of a fine of Two Million Pesos (₱2,000,000) or the suspension of operations for one week, or both, at the discretion of the court, upon final judicial determination made in a proper criminal action that said article was indeed fake news as provided under the provisions of this Act.

**SECTION 8. Disqualification of Public Officers** – In addition to the penalties prescribed under this Act, any appointive or elective public officer found guilty of violating any provision of this Act shall suffer the additional penalty of absolute perpetual disqualification from holding public office.

**SECTION 9. Liability Under Other Penal Laws** – Prosecution under this Act shall be without prejudice to any liability for violation of the Revised Penal Code, as amended, or any special laws.

**SECTION 10. Repealing Clause** – All laws, decrees, executive orders, letters of instructions, rules and regulations, or parts thereof, which are inconsistent with this Act are hereby repealed, amended, or modified accordingly.

**SECTION 11. Separability Clause** – If any provision of this act is judicially declared invalid or unconstitutional, the remaining provisions of this Act not affected thereby shall continue to be in full force and effect.

**SECTION 12. Effectivity Clause** – This act shall take effect fifteen (15) days following its publication in two (2) newspaper of general circulation.