

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1707



Introduced by HONORABLE LUIS RAYMUND F. VILLAFUERTE, JR.

EXPLANATORY NOTE

The Budapest Convention on Cybercrime (2001) is the first international treaty harmonizing national laws to prevent and punish Internet and computer crime. On 15 May 2007, the Committee of Ministers of the Council of Europe (COE) invited the Philippines to comply with the Convention on Cybercrime during the 1026th meeting of the Ministers' Deputies.¹ In line with the treaty, Republic Act No. 10175, otherwise known as the Cybercrime Prevention Act of 2012, was enacted. It pursues a common policy to address cybercrime by adopting appropriate legislation and fostering international cooperation. In 2012, the Department of Science and Technology (DOST), Department of the Interior and Local Government (DILG), and Department of Justice (DOJ) acceded to the Convention by issuing Certificates of Concurrence (COCs), respectively.

However, the submission of the COCs to the Department of Foreign Affairs (DFA) was postponed because Cybercrime Law challenges the Constitution. In Section 24, Article II of the 1987 Philippine Constitution, the "State recognizes the vital role of communication and information in nation building." Article III further expounds on our rights to due process and equal protection of the laws (Section 1), right to be free from unreasonable searches and seizures (Section 2), right to privacy of communication and correspondence (Section 3), freedom of speech, of expression, and of the press (Section 4), and prohibition against double jeopardy (Section 21). Furthermore, the Philippines' ratification of the International Convention on the Civil and Political Rights (ICCPR) obligates the nation to adhere to its provisions. Of particular note is Article 19 of the ICCPR mandating the country to protect the right to freedom of expression.

Republic Act No. 10175 contradicts these rights and mandates when it introduced cyber libel and harsh provisions found in Sections 4 (c) (4), 5,6, and 7. **Section 4 (c) (4)** provides that: "the following acts constitute the offense of cybercrime punishable under this Act:

¹ 2016-2017 Philippine Cybercrime Report. *Office of Cybercrime*, Department of Justice, retrieved from: https://doj.gov.ph/files/OOC/ooc_report_corrected.pdf

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1707

Introduced by **HONORABLE LUIS RAYMUND F. VILLAFUERTE, JR.**

**AN ACT AMENDING REPUBLIC ACT NO. 10175, OTHERWISE KNOWN AS
THE CYBERCRIME PREVENTION ACT OF 2012**

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

SECTION 1. Sections 4(c)(4), 6, 7, 12 and 19 of Republic Act No. 10175, otherwise known as the Cybercrime Prevention Act of 2012, are hereby repealed. All laws, orders, issuances, circulars, rules and regulations or parts thereof, which are inconsistent with the provisions of this Act, are hereby repealed or modified accordingly.

SECTION 2. Section 4(c)(1) is likewise hereby repealed; Provided, That the Anti-Trafficking in Persons Act of 2003 or Republic Act No. 9208 shall govern the offense of trafficking of persons committed through a computer system.

SECTION 3. Section 4(a) of the Act is hereby amended to read as follows:

"SEC. 4. *Cybercrime Offenses.* - The following acts constitute the offense of cybercrime punishable under this Act:

- (a) Offenses against the confidentiality, integrity and availability of computer data and systems, **AS CONSISTENT WITH THE DATA PRIVACY ACT OF 2012 OR REPUBLIC ACT NO. 10173: xxx"**

SECTION 4. *Separability Clause.* - Should any provision herein be subsequently declared invalid or unconstitutional, the same shall not affect the validity or the legality of the other provisions not so declared.

SECTION 5. *Repealing Clause.* - All laws, presidential decrees, executive orders, rules and regulations, other issuances, and parts thereof, which are

inconsistent with the provisions of this Act, are hereby repealed and modified accordingly.

SECTION 6. *Effectivity.* – This Act shall take effect fifteen (15) days after publication in the Official Gazette or in at least (2) newspapers of general circulation.

Approved,