

Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 4390



Introduced by **Representative ED CHRISTOPHER S. GO**

AN ACT
CRIMINALIZING THE MALICIOUS AUTHORIZING, 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.

Alarminglly, 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

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

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

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

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

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

17 marginalized or underrepresented minorities in society.

18 B. "Means of Commission" shall refer to:

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

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

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

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

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

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

40 F. "Social Media Platform User" shall refer to any person or group of
41 persons who uses any social media platform to send messages or post
42 information on a social media account, whether registered under their own
43 name, under a pseudonym, using the name of another, or anonymous.

44 G. "Author" shall refer to any positive act of creation, including but not
45 limited to writing, drawing, editing, coding, recording, speaking, and
46 manipulating any physical substance, of any article of fake news.

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

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

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

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

68 **SECTION 4. *Publication and Dissemination by Mass Media***
69 ***Enterprise*** – It shall be unlawful for any mass media enterprise to publish or
70 disseminate fake news. Any mass media enterprise found guilty of violating

71 this subsection of this Act shall be punished with a fine of One Million Pesos
72 (P1,000,000) for the first offense. The mass media enterprise shall be
73 punished with a fine of Two Million Pesos (P2,000,000) and suspension of
74 operations for one week if found guilty of subsequent offenses of the same
75 subsection of this Act.

76 **SECTION 5. *Authoring by Private Individual*** – It shall be unlawful for
77 any content author or social media platform user to author fake news. Any
78 person found guilty of violating this subsection of the Act shall be punished
79 with a penalty of imprisonment of *prision mayor* or a fine of One Million Pesos
80 (P1,000,000) or both, for the first offense. Subsequent violations of the same
81 subsection of this Act by the same person shall be punished with a penalty of
82 imprisonment of *reclusion temporal* and a fine of Two Million Pesos
83 (P2,000,000) or both, at the discretion of the court.

84 **SECTION 6. *Publication and Dissemination by Private Individual*** –
85 It shall be unlawful for any content author or social media platform user to
86 publish or disseminate fake news. Any person found guilty of violating this
87 subsection of the Act shall be punished with a penalty of imprisonment of
88 *prision correccional* in its medium to maximum periods or a fine of Five
89 Hundred Thousand Pesos (P500,000) or both, for the first offense.
90 Subsequent violations of the same subsection of this Act by the same person
91 shall be punished with a penalty of imprisonment of *prision mayor* in its
92 minimum period and a fine of One Million Pesos (P1,000,000) or both, at the
93 discretion of the court.

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

97 A content author or social media user who fails or refuses to retract

98 fake news despite proper demand made shall suffer the penalty of
99 imprisonment of up to *prision correccional* or a fine of One Million Pesos
100 (P1,000,000) or both, at the discretion of the court, upon final judicial
101 determination made in a proper criminal action that said article was indeed
102 fake news as provided under the provisions of this Act.

103 A mass media enterprise who fails or refuses to retract fake news
104 despite proper demand made shall suffer the penalty of a fine of Two Million
105 Pesos (P2,000,000) or the suspension of operations for one week, or both, at
106 the discretion of the court, upon final judicial determination made in a proper
107 criminal action that said article was indeed fake news as provided under the
108 provisions of this Act.

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

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

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

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

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