



Republic of the Philippines
House of Representatives
Quezon City

EIGHTEENTH CONGRESS

First Regular Session

House Bill No. 2278



Introduced by Representative Jose Enrique S. Garcia III

EXPLANATORY NOTE

The advances in technology has reshaped the landscape in information dissemination and news reporting. A remarkable shift from traditional news reporting in print and broadcast media to the internet, particularly in various social media platforms has emerged. In fact, it was recently reported that Facebook has trumped radio and newspaper as news source, with 21% of adult Filipinos or about 13.9 million individuals using Facebook daily for reading the news.¹

The technological advances spawned tremendous and ever growing beneficial innovations. Perhaps unwittingly, it has also provided the resource for scheming, unscrupulous users to defraud, cheat, deceive, mislead, discredit, or sow chaos with either deliberate or random targets. Rising in regrettable significance is the proliferation of false, manipulated, or distorted information more commonly described as "fake news" that their circulation has now become a daily occurrence.

It is said that fake news had always been around. The difference now lies in the speed with which it is being spread via the internet. The internet has, indeed, supplied a variety of information and communication facilities that eased and widened the reach for news or other information anyone needs. It has, at the same time, though, liberalized the dissemination by any computer literate of just about any information one wishes to circulate. This created the opportunity for seamlessly uploading false or manipulated information and passing them on as true, factual, and authentic.

The effect of spreading false information can be very destructive. It generates confusion, misleads decisions, breeds misunderstanding, and destroys relations. Even more disturbing is the impact of misinformation on the young whose impressionable tendencies weaken their ability to differentiate and identify authentic and accurate information from those that are fake. This perceived weakness could lead the young as unwitting instruments in the propagation of false information. It could also undermine their development as responsible and dependable citizens.

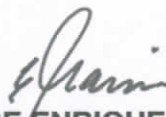
The Constitution recognizes the vital role of the youth in nation-building. This is the compelling reason which mandates the State to promote and protect their physical, moral, spiritual, intellectual, and social well-being.

¹ <https://news.abs-cbn.com/news/06/30/19/facebook-trumps-radio-newspaper>

Recognizing the destructive effect of fake news, western countries such as France and Germany have passed their respective laws defining and penalizing fake news with varying emphasis. In this region, Bangladesh, Cambodia, Malaysia, Myanmar, Singapore, Thailand and Vietnam have also passed their respective legislations prohibiting and penalizing the dissemination of propaganda, misinformation, fake news, or false information.

The Philippines now occupies the top spot for world internet usage index with an average of 10 hours a day. With this, the spread of false information in the country especially through the internet has become alarmingly prevalent. This threatens not only authentic journalism but also the credibility of other information circulated through print, broadcast or the internet. It then becomes imperative to prevent if not totally abate the distribution of false or manipulated information and shield the innocent especially the young from the adverse impact thereof by prohibiting and penalizing the dissemination of the same. This is precisely what this bill seeks.

Support for this bill is therefore earnestly sought from my colleagues.


REP. JOSE ENRIQUE S. GARCIA III
Second District, Bataan



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House Bill No. **2278**

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AN ACT
PROHIBITING AND PENALIZING THE DISSEMINATION OF FALSE OR
MANIPULATED INFORMATION AND FOR OTHER PURPOSES

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

1 **SECTION 1. Short Title.** – This Act shall be known as the “Anti-Falsehoods and
2 Manipulations Act of 2019.”

3 **SECTION 2. Declaration of Policy.** – The State recognizes the vital role of
4 communication and information in nation-building. To protect the integrity and sanctity of
5 communications and information, and shield the innocent especially the youth from the
6 adverse impact of false information, the State shall ensure that the channels of
7 transmission are free from false, fictitious, or manipulative contents, and are utilized only
8 to uphold freedom of expression characterized by accurate, responsible, relevant and
9 useful information.

10 **SECTION 3. Definition of Terms.** – The following terms used in this Act are defined
11 as follows:

12 a) “Broadcast” means the transmission or dissemination of information by
13 radio, television, live stream, podcast or similar other means of transmission;
14

15 b) “Dissemination” shall, for purposes of this Act, refer to the process of
16 circulating, sharing, forwarding, re-publishing or re-broadcasting false or manipulated
17 information through print, broadcast, or social media platforms;
18

19 c) “Falsehood” shall refer to purely fabricated or simulated information;
20

21 d) “Information” refer to the content of the publication or broadcast
22 disseminated which may be in the form of a statement, speech, news item, article, story,
23 commentary, post, message, audio or video recording, and the like;
24

25 e) “Manipulation” shall refer to the alteration, misuse, misapplication, or
26 exploitation of information for the purpose of misleading or unfairly managing or
27 influencing emotions to suit one’s purpose or advantage.
28

1 f) "Mass Media Enterprise" shall refer to any entity incorporated or organized
2 to engage in the business of radio and/or television broadcasting and granted a valid
3 government franchise or license to operate such business, or any entity that regularly
4 publishes newspapers, magazines, or other similar materials using print or online
5 publication.

6
7 g) "Mass Media/Social Media User" refer to any person or group of persons,
8 natural or juridical, who utilize mass media or social media platforms to circulate false or
9 manipulated information whether verified or under a pseudonym.

10
11 h) "Publication" means the dissemination of written information through print
12 or social media platforms;

13
14 i) "Social Media Platform" shall refer to any user-specific web-based
15 technology intended to create virtual connection through the internet such as social
16 networking sites, blog sites, video-sharing sites, and the like.

17 **SECTION 4. *Prohibited Acts.*** – The following acts are hereby prohibited:

18 a) Dissemination either by publication or broadcast of any false or
19 manipulated information by any mass media enterprise whether or not such mass media
20 enterprise has knowledge of its falsity;

21
22 b) Aiding or abetting in the publication or broadcast of any false or
23 manipulated information by any mass media enterprise;

24
25 c) Malicious creation and dissemination of any false or manipulated
26 information by any mass media/social media user;

27
28 d) Aiding or abetting in the creation and dissemination of any false or
29 manipulated information by any mass media/social media user.

30
31 e) Failure or refusal of any mass media enterprise or mass media/social
32 media user to remove or retract any published or broadcasted false or manipulated
33 information within reasonable time from the discovery of the falsity or when such falsity
34 should have been known.

35
36 In the creation and dissemination of false or manipulated information by mass
37 media enterprise or mass media/social media user, it shall be necessary to establish that
38 the false or manipulated information tend to mislead or deceive; cause panic, division,
39 violence, or hate; blacken or discredit one's reputation or good name; or similar other
40 injurious effects.

41 **SECTION 5. *Penalties.*** – The commission of the acts prohibited in Section 5 of this
42 Act shall be penalized as follows:

43 a) Any mass media enterprise found guilty of disseminating false or
44 manipulated information shall be punished:

45
46 i. on the first offense, by a fine ranging from Five Hundred Thousand
47 Pesos (P500,000.00) to One Million Pesos (P1,000,000.00);

48
49 ii. on the second offense, by a fine of at least One Million Pesos
50 (P1,000,000.00) but not more than Three Million Pesos (P3,000,000.00) and

1 suspension of franchise or license to operate for a period of not more than one (1)
2 month;
3
4 iii. on succeeding offenses, by a fine of at least Three Million Pesos
5 (P3,000,000.00) but not more than Five Million Pesos (P5,000,000.00) and either
6 suspension of franchise or license to operate for a period of at least one (1) month
7 but not more than three (3) months or revocation of said franchise or license to
8 operate, at the discretion of the court.
9
10 b) Any mass media enterprise found guilty of aiding or abetting in the
11 dissemination of false or manipulated information shall be punished:
12
13 i. on the first offense, by a fine of Five Hundred Thousand Pesos
14 (P500,000.00);
15
16 ii. on the second offense, by a fine of One Million Pesos
17 (P1,000,000.00); and
18
19 iii. on succeeding offenses, by a fine of Three Million Pesos
20 (P3,000,000.00) and suspension of franchise or license to operate for at least (1)
21 month but not exceeding six (6) months.
22
23 c) Any mass media/social media user found guilty of maliciously creating and
24 disseminating false or manipulated information shall be punished:
25
26 i. on the first offense, by a fine not exceeding Forty Thousand Pesos
27 (P40,000.00) or imprisonment of not more than thirty (30) days, or both, at the
28 discretion of the court;
29
30 ii. on the second offense, by a fine of at least One Hundred Thousand
31 Pesos (P100,000.00) but not more than Three Hundred Thousand Pesos
32 (P300,000.00) or imprisonment of not less than one (1) month but not more than
33 six (6) months, or both, at the discretion of the court; and
34
35 iii. on succeeding offenses, by a fine of at least Three Hundred
36 Thousand Pesos (P300,000.00) but not more than Five Hundred Thousand Pesos
37 (P500,000.00) or imprisonment of at least six (6) months but not more than six (6)
38 years, or both, at the discretion of the court.
39
40 d) Any mass media/social media user found guilty of aiding or abetting in the
41 creation and dissemination of false or manipulated information shall be punished:
42
43 i. on the first offense, by a fine of Fifty Thousand Pesos (P50,000.00);
44
45 ii. on the second offense, by a fine of One Hundred Thousand Pesos
46 (P100,000.00); and
47
48 iii. on succeeding offenses, by a fine of Three Hundred Thousand
49 Pesos (P300,000.00) or imprisonment of not less than thirty (30) days but not more
50 than six (6) months, or both, at the discretion of the court.
51
52 e) Any mass media enterprise found guilty of failing or refusing to remove or
53 retract published or broadcasted false or manipulated information within reasonable time
54 shall be punished by a fine of Five Hundred Thousand Pesos (P500,000.00) or
55 suspension of franchise or license to operate for a period of one (1) month, or both, at the

1 discretion of the court.

2
3 f) Any mass media/social media user found guilty of failing or refusing to
4 remove or retract published or broadcasted false or manipulated information within
5 reasonable time shall be punished by a fine of Two Hundred Thousand Pesos
6 (P200,000.00) or imprisonment not exceeding six (6) months, or both, at the discretion of
7 the court.

8
9 The fact that the mass media enterprise or mass media/social media user removed
10 or retracted the false or manipulated information published or broadcasted within
11 reasonable time and/or issued an erratum or apology in regard thereto shall be
12 considered in fixing the penalties prescribed under paragraphs (a) and (c) of this section.

13 **SECTION 6. *Liability under Other Laws.*** – Prosecution for any violation under this
14 Act shall not be a bar to any other prosecution if the same act or acts constitute a violation
15 of the Revised Penal Code, as amended, or other special penal laws.

16 **SECTION 7. *Special Jurisdiction to Try Cases.*** – To ensure the efficient and
17 speedy resolution of cases, the Supreme Court shall designate at least one Regional Trial
18 Court branch in each province and highly urbanized/independent city which shall have
19 exclusive jurisdiction to try cases involving violations of this Act.

20 **SECTION 8. *Implementing Rules and Regulations.*** – The Department of Justice
21 and the Department of Information and Communications Technology shall jointly
22 promulgate the rules and regulations implementing the provisions of this Act within ninety
23 (90) days from its effectivity.

24 **SECTION 9. *Separability Clause.*** – If, for any reason, any part or provision of this
25 Act is declared invalid or unconstitutional, the remaining parts or provisions not affected
26 shall remain in full force and effect.

27 **SECTION 10. *Repealing Clause.*** – All laws, presidential decrees, executive
28 orders, rules and regulations contrary to or inconsistent with the provisions of this Act are
29 hereby repealed or modified accordingly.

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

32 **Approved.**