

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City

**EIGHTEENTH CONGRESS**

First Regular Session

House Bill No. **5406**



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Introduced by **HON. ROZZANO RUFINO B. BIAZON**

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**EXPLANATORY NOTE**

a. This bill seeks to declare as unlawful the creation and disclosure of any deepfake material or a materially deceptive audio or video recording of an individual without his or her consent. "Deepfake" is a technique for human image synthesis based on artificial intelligence. It is used to combine and superimpose existing images and videos onto source images or videos using a machine learning technique known as generative adversarial network. A materially deceptive audio or video recording on the other hand means, in simple terms, an altered audio or video recording.

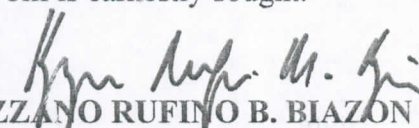
Modern technology has no doubt changed, and continues to change, how we live. It has given us comforts that we never imagined could be achieved. Modern technology has also made certain tasks easier and more cost-effective to do. Distance is no longer a barrier to communication as this has been addressed with the use of modern technology. This practically "shrunk" the world as communication can now be done by parties at the opposite ends of the globe in a more efficient and effective manner.

These are only a few of the benefits of modern technology that continue to shape both our physical and virtual world. However, modern technology also has its downside. One such modern technology is the computer. The computer has been used not only for the commission of crimes but also to destroy the reputation of people through computer-generated images.

The malicious creation and disclosure of any deepfake material or a materially deceptive audio or video recording has sullied the reputation of some individuals. In some cases, the damage to the reputation of the unfortunate victims of these malicious acts are so serious that their health is affected and some even had to relocate just to rebuild their damaged reputation.

These irresponsible and damaging actions of unscrupulous individuals must not be allowed in a society where decency exists. Unlike material things which are easily recovered when lost, the reputation of an individual is very hard to recover. In some cases, it gets lost forever.

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

  
**ROZZANO RUFINO B. BIAZON**  
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Lone District, Muntinlupa City

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**AN ACT**

**DECLARING AS UNLAWFUL THE CREATION AND DISCLOSURE OF ANY DEEPPAKE MATERIAL OR A MATERIALLY DECEPTIVE AUDIO OR VIDEO RECORDING OF AN INDIVIDUAL WITHOUT HIS OR HER CONSENT.**

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

SECTION ONE. *Short Title.* – This Act shall be known as the “*Anti-Deepfake Act of 2019*”.

Sec. 2. *Definition of Terms.* – As used in this Act:

a. (1) “Consent” means an agreement written in plain language signed knowingly and voluntarily by the individual that includes a general description of the audio or video recording.

(2) An individual may rescind consent by delivering written notice within three business days from the date consent was given to the person in whose favor consent was made, unless one of the following requirements is satisfied:

- (i) The individual is given at least 72 hours to review the terms of the agreement before signing it; or
- (ii) The individual’s authorized representative provides written approval of the signed agreement.

b. “Deepfake” is a technique for human image synthesis based on artificial intelligence. It is used to combine and superimpose existing images and videos onto source images or videos using a machine learning technique known as generative adversarial network.

c. “Disclose” means to publish, make available, or distribute to the public.



d. "Individual" means a natural person.

e. "Materially deceptive audio or video recording" means an image or an audio or video recording of a person's appearance, speech, or conduct that has been intentionally manipulated in a manner such that both of the following conditions are met:

- (1) The image or audio or video recording would falsely appear to a reasonable person to be authentic; and
- (2) The image or audio or video recording would cause a reasonable person to have a fundamentally different understanding or impression of the expressive content of the image or audio or video recording than that person would have if the person were hearing or seeing the unaltered, original version of the image or audio or video recording.

f. "Person" means a human being or legal entity.

Sec. 3. *Unlawful Act.* – It shall be unlawful to create and disclose with malice, any deepfake material or a materially deceptive audio or video recording of an individual without his or her consent.

Sec. 4. *Exemptions.* – A person shall not be liable under the preceding section in either of the following circumstances:

- a. The person discloses the material that contains a video recording of a depicted individual or a materially deceptive audio or video recording in the course of any of the following:
  - (i) Reporting unlawful activity;
  - (ii) Exercising the person's law enforcement duties; or
  - (iii) Hearings, trials, or other legal proceedings.
- b. The deepfake material or materially deceptive audio or video recording is a commentary, criticism, or disclosure that is otherwise protected by the Constitution.

Sec. 5. *Penalties.* – A person who violates the provisions of this Act shall suffer a fine not to exceed One Million Pesos (PhP1,000,000.00) or an imprisonment of not more than five (5) years, or both, at the discretion of the courts.

Sec. 6. *Separability Clause.* – If any provision or part hereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

Sec. 7. *Repealing Clause.* – Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to, or is inconsistent with, the provisions of this Act is hereby repealed or amended accordingly.

Sec. 8. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

*Approved,*