

EIGHTEENTH CONGRESS )  
REPUBLIC OF THE PHILIPPINES )  
First Regular Session )



**HOUSE OF REPRESENTATIVES**

House Bill No. 361

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**Introduced by Representative VICTOR A. YAP**

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**EXPLANATORY NOTE**

The spread of fake news has been widely seen by experts as a major global threat with its reported ability to imperil democracies. In the Philippines, almost 9 out of 10 Filipinos who surf the internet to access their social media account are aware of fake news, and most of them said "they consider fake news to be widespread on social media," based on a 2018 Pulse Asia survey. The same survey showed that half of Filipinos who use the internet for social media have changed their views on government and politics based on what they see online.

In March 2019, Facebook reportedly took down 200 pages, groups and accounts for using "coordinated inauthentic behavior" to spread content across the social media network. 67 Facebook pages, 68 Facebook accounts, 40 groups and 25 Instagram accounts were taken down for "misleading others about who they were and what they were doing."

To curtail the abuse and misuse of social media, this bill aims to prohibit and penalize online identity theft. Social media networks shall be responsible for identifying, denying the application, and shutting down fake accounts.

Violators shall be punished with imprisonment of six to 12 years, and a fine ranging from P30,000 to P50,000. Any person who owns or has control over programs or technology capable of propagating fake accounts shall also be held liable.

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

A handwritten signature in black ink, appearing to be "V. Yap", written over a faint grid or lines.

**VICTOR A. YAP**  
Representative, 2nd District of Tarlac

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AN ACT  
PROHIBITING FAKE, MALICIOUS AND SPURIOUS IDENTITY ON SOCIAL MEDIA

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

1 **SECTION 1. Declaration of Policy.** – It is the policy of the State to protect and uphold public  
2 interest and to regulate the flow of true and fair information from various sources so as to ensure  
3 responsible use of information and communications technology.  
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5 **SECTION 2. Definition of Terms.** – For the purpose of this Act, the following terms shall  
6 mean:

7 (a) *Information and Communications Technology* refers to the totality of electronic means to  
8 collect, process, and present information to end-users in support of their activities. It  
9 consists, among others, of computer systems, office systems and consumer electronics, as  
10 well as networked information structure, the components of which include the telephone  
11 system, the internet, fax machines and computers;

12 (b) *Social Media* refers to as any electronic medium that allows interaction among people in  
13 which they create, share or exchange information and ideas, including, but not limited to,  
14 uploading or downloading videos, still photographs, blogs, video blogs, podcasts, instant  
15 messages, electronic mail or internet website profiles or locations; and

16 (c) *Social Media Network* refers to social media venues such as Facebook, Twitter and  
17 Instagram, as well as sites like Pinterest and LinkedIn and the likes. E-mail accounts  
18 created through Google, Yahoo!, and other internet sites shall be included in the  
19 definition.

20 **SECTION 3. Prohibited Acts.** – Every person who will communicate, exchange, deliver, blog,  
21 or share information through social media must observe a responsible and fair exercise of his or  
22 her right to free expression and opinion. However, he or she is prohibited from opening an  
23 account for his or her online presence using someone else’s identity and presenting himself or  
24 herself to the online world as that person whom he or she is not.

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1 **SECTION 4. *Responsibility of Social Media Networks.*** – Social media networks are  
2 responsible for ascertaining the veracity of the identity of a social media user. Applicants for  
3 social media accounts shall be subjected by social media networks to effective identity  
4 verification in order to ascertain the authenticity of an account. The applications of those found  
5 as presenting himself or herself as another person whom he or she is not shall be denied. Further,  
6 accounts which are subsequently discovered as inauthentic or compromised shall be shut down.

7 **SECTION 5. *Penalties.*** – Any person who intentionally and maliciously commits any act in  
8 violation of Sections 3 and 4 of this Act shall be punished with imprisonment of not less than six  
9 (6) years and one (1) day up to twelve (12) years and a fine ranging from thirty thousand pesos  
10 (P30,000.00) to fifty thousand pesos (P50,000.00).

11 Any person who owns or has control over artificial intelligence programs or similar  
12 programs that create social media accounts that result into acts in violation of Sections 3 and 4  
13 hereof shall be liable under this Section.

14 **SECTION 6. *Separability Clause.*** - If, for any reason, any section or provision of this Act or  
15 any part thereof, or the application of such section, provision or portion is declared invalid or  
16 unconstitutional, all the other provisions not affected thereby shall remain valid.

17 **SECTION 7. *Repealing Clause.*** – All laws, presidential decrees, executive orders,  
18 proclamations and/or administrative regulations which are inconsistent with the provisions of  
19 this Act are hereby amended, modified, superseded or repealed accordingly.

20 **SECTION 8. *Effectivity Clause.*** – This Act shall take effect fifteen (15) days after its complete  
21 publication in the Official Gazette or in at least two (2) newspapers of general circulation.

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Approved.