

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

EIGHTEENTH CONGRESS

Third Regular Session

HOUSE BILL NO. 9909



INTRODUCED BY REPRESENTATIVE XAVIER JESUS D. ROMUALDO

EXPLANATORY NOTE

Since the beginning of the coronavirus disease 2019 (COVID-19) pandemic, the public has been exposed to a great deal of information regarding the disease, the virus that causes it, and actions taken to combat it. According to the World Health Organization and the United Nations, the present pandemic is the first “in history in which technology and social media are being used on a massive scale to keep people safe, informed, productive and connected.” However, such technology has also enabled and amplified an “infodemic” that undermines measures to control and end the pandemic. This includes the deliberate creation and dissemination of wrong information. COVID-19 disinformation is a serious threat to public health and continues to cost lives. Such deliberately-propagated false, inaccurate, or misleading information undermines science, sows mistrust, harms the physical and mental health of people, and impairs public health measures and efforts to stop the pandemic.

Having already foreseen the grave effects of disinformation during the early months of the pandemic, Congress, in Republic Act (RA) No. 11469, otherwise known as the *Bayanihan to Heal As One Act*, penalized individuals or groups creating, perpetrating, or spreading false information regarding the COVID-19 crisis on social media and other platforms. However, the provisions of RA No. 11469 “expired” in June 2020.

Unauthorized disclosure of personal and health information and breach of data privacy rights of COVID-19 patients, whether classified as suspect, probable, or confirmed cases, have also become prevalent during the pandemic. Such unauthorized disclosures and breaches, particularly of the identity and condition of COVID-19 patients to persons who do not have the right to know or even the public in general, have resulted in harassment, discrimination, and even physical harm towards COVID-19 patients. Because of fear of their condition being unduly made known to others and the unfortunate consequences that follow, patients opt not to report symptoms, lie during contact-tracing, avoid COVID-19 testing, and do not submit themselves to proper handling, isolation, and treatment. This exacerbates the spread of COVID-19 and seriously undermines public health measures and efforts to contain the pandemic.

To protect the public against COVID-19 disinformation and protect the privacy and dignity of COVID-19 patients, this measure seeks to penalize the creation and dissemination of false COVID-19 information and the unauthorized disclosure of one’s COVID-19 condition.

Specifically, this measure seeks to criminally penalize (1) the creation, communication, publication, or dissemination, with intent to deceive, through any means or medium, including social media, false information regarding (a) COVID-19, including how the disease is caused or transmitted and the COVID-19 situation of the country or a locality, (b) the COVID-19 condition or infection or health status of any person, including a person’s symptoms or illness and the circumstances regarding how a person became ill or died, (c) duly-authorized COVID-19 vaccines, or (d) public health measures undertaken to address COVID-19; and (2) the divulgement, revelation, communication, dissemination, or publication, without legal authority or consent of the person concerned, through any means or medium, including social media, the COVID-19

condition of another, including the results of another's COVID-19 diagnostic test, or identifying or making identifiable a person as a COVID-19 case or patient.

This measure likewise proposes to disqualify those who shall be convicted under it from availing of probation and allow offended parties to institute independent civil actions for damages against the offenders who injured them.

In view of all the foregoing, the support of the Members of Congress for the approval of this measure is earnestly sought.


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AN ACT
TO PREVENT DISINFORMATION RELATING TO THE CORONAVIRUS DISEASE 2019
PANDEMIC AND PROTECT AGAINST

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 and may be cited as the *COVID-19 Anti-*
2 *Disinformation and Patient Protection Act.*

3

4 SEC. 2. *Declaration of Policy.* – The State recognizes that falsehoods and wrong information about
5 the coronavirus disease 2019 (COVID-19) are deliberately being created and disseminated. The
6 fabrication and spread of such false information undermine public health measures and efforts to
7 combat COVID-19 and cause needless illness and death. The State likewise recognizes that
8 privacy breaches involving the identity and condition of COVID-19 patients is prevalent. These
9 unauthorized disclosures have led to discrimination, harassment, and even physical harm towards
10 COVID-19 patients. Moreover, such breaches and unauthorized disclosures severely impair and
11 weaken public health efforts because they foster fear and discourage cooperation and honesty
12 among the people. It is thus the policy of the State to protect the public against COVID-19 and
13 health disinformation, safeguard the privacy and dignity of COVID-19 patients, and suppress and
14 penalize the dissemination of false COVID-19 information and the unauthorized disclosure of a
15 person’s COVID-19 condition.

16

17 SEC. 3. *Creating or Disseminating False COVID-19 Information.* – Any person who, with intent
18 to deceive, shall create, communicate, publish, or disseminate through any means or medium,
19 including social media, false information regarding COVID-19, including how the disease is

1 caused or transmitted and the COVID-19 situation of the country or a locality, the COVID-19
2 condition or infection or health status of any person, including a person's symptoms or illness and
3 the circumstances regarding how a person became ill or died, duly-authorized COVID-19
4 vaccines, or public health measures undertaken to address COVID-19 shall be penalized with
5 imprisonment of six (6) months to one (1) year and a fine of one hundred thousand pesos
6 (P100,000.00) to five hundred thousand pesos (P500,000.00).

7
8 The creation, dissemination, publication, or circulation of such false information shall be presumed
9 to be with intent to deceive if no good intention and justifiable motive for it is shown.

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11 SEC. 4. *Unauthorized Disclosure of COVID-19 Condition.* – Any person who shall, without legal
12 authority or consent of the person concerned, through any means or medium, including social
13 media, divulge, reveal, communicate, disseminate, or publicize the COVID-19 condition of
14 another, including the results of another's COVID-19 diagnostic test, or identify or make
15 identifiable a person as a COVID-19 case or patient shall be penalized with imprisonment of three
16 (3) months to six (6) months and a fine of fifty thousand pesos (P50,000.00) to two hundred fifty
17 thousand pesos (P250,000.00).

18
19 SEC. 5. *Non-Availability of Probation.* – Any person convicted under this Act shall be disqualified
20 from availing of probation.

21
22 SEC. 6. *Independent Civil Action.* – Any person who suffers damage or injury due to the
23 commission of any of the offenses penalized under Sections 3 and 4 of this Act may institute a
24 civil action for damages, separate and distinct from the criminal action, against the offenders
25 thereof and such civil action shall proceed independently of the criminal action.

26
27 SEC. 7. *Separability Clause.* – If any provision of this Act is declared invalid or unconstitutional,
28 the other provisions not affected thereby shall remain in full force and effect.

1 SEC. 8. *Repealing Clause.* – All laws, decrees, executive orders and issuances, rules and
2 regulations, and other issuances or parts thereof that are inconsistent with the provisions of this
3 Act are hereby repealed or modified accordingly.

4

5 SEC. 9. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the Official
6 Gazette or a newspaper of general circulation.

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8 Approved,