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Introduced by **SENATOR FERDINAND R. MARCOS, JR.**

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Explanatory Note

This bill amends Section 6 of Republic Act 10175, otherwise known as the Cybercrime Prevention Act of 2012.

One of the pillars of a democratic country is the exercise of the freedom of expression. This constitutionally guaranteed right is an essential vehicle to articulate one's thoughts and sentiments.

Any form of expression, however, is admittedly, not an absolute right. There are limitations in the law that should to be observed in expressing one's opinion so as not to violate another person's rights and dignity.

And this is especially true when it comes to the cyberspace.

Republic Act 10175 or the Cybercrime Prevention Act of 2012 aims to effectively "protect and safeguard the integrity of computer and communications systems, networks, and databases, and the confidentiality, integrity, and availability of information and data stored therein, from all forms of misuse, abuse, and illegal access by making punishable under the law such conduct or conducts", (section 2, RA 10175).

Internet usage therefore, should be coupled with the highest degree of responsibility and accountability. Thus, any form of abuse or misuse should be addressed according to the principles of fairness and due process.

With the far reaching effects of the cyberspace, almost everything could be committed through the use of information and communications technologies. Such broad nature of the internet however, should not serve as a blanket authority on the part of the Government to transgress the rights of its citizens. Advance technology should not be considered as a threat or bane that should be avoided. Instead, it should be utilized as an instrument in reaching out to a greater number of people for a common welfare.

Imposing a higher penalty on crimes defined under the Revised Penal Code and specials laws committed through the internet is not in accordance with the principle of justice and equality, and sound public policy. If a crime is committed by, through and with the use of information and communications technologies, then the penalties provided under the present laws should be imposed accordingly and should not be increased solely on the ground that the crime was perpetrated through the use of the cyberspace.

This bill seeks to remove this distinction under the present law.

In view thereof, approval of this bill is earnestly requested.

  
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**FERDINAND R. MARCOS, JR.**

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

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SENATE  
S. B. NO. 11

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Introduced by SENATOR FERDINAND R. MARCOS, JR.

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**AN ACT AMENDING SECTION 6 OF REPUBLIC ACT 10175 OTHERWISE KNOWN  
AS AN ACT DEFINING CYBERCRIME, PROVIDING FOR THE PREVENTION,  
INVESTIGATION AND IMPOSITION OF PENALTIES THEREFOR AND FOR OTHER  
PURPOSES.**

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

Section 1. Section 6 of Republic Act No. 10175 is hereby amended to read as follows:

"All crimes defined and penalized by the Revised Penal Code, as amended, and special laws, if committed by, through and with the use of information and communications technologies shall be covered by the relevant provisions of this Act.[: *Provided*, That the penalty to be imposed shall be one (1) degree higher than that provided for by the Revised Penal Code, as amended, and special laws, as the case may be.]

Section 2. Separability Clause. If any provision of this Act is held invalid, the other provisions not affected shall remain in full force and effect.

Section 3. Repealing Clause. All laws, decrees, or rules inconsistent with this Act are hereby repealed or modified accordingly.

Section 4. Effectivity. This Act shall take effect fifteen (15) days after the completion of its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved.