

SENATE  
S. B. No. 1251

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Introduced by Senator Miriam Defensor Santiago

#### EXPLANATORY NOTE

Information technology is a strategic source and vital tool for progress. A major breakthrough is the Internet. What started as a network to support military research in the United States is now a computer network composed of thousand of smaller networks.

The internet has immediately gained acceptance among Filipinos since its introduction a few years ago. In fact, every office, whether government or private, is now equipped with internet-connected computers. Even individuals subscribe to the internet through available interactive computer services.

While the internet has tremendously improved almost all forms of human activities from banking to simple data handling, the advantages it offers can also be used by unscrupulous persons in the commission of certain crimes, particularly the violation of the right to privacy of individuals.

The bill seeks to penalize the use of computers and computer networks in the commission of a crime.

*Miriam Defensor Santiago*  
MIRIAM DEFENSOR SANTIAGO *ogb*

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Introduced by Senator Miriam Defensor Santiago

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AN ACT  
PENALIZING THE USE OF COMPUTERS TO COMMIT, FACILITATE OR CONCEAL  
THE COMMISSION OF A CRIME OR TO VIOLATE THE RIGHT TO PRIVACY OF  
PERSONS

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

SECTION 1. Short Title. - This Act shall be known as the "Computer Crimes Act."

SEC. 2. Declaration of Policy. - It is the polity of the State to prevent the use of computers in committing acts which violate the right to privacy of persons through unauthorized disclosure of personal records, and other acts penalized by the Penal Code and special laws.

SEC. 3. Definition of Terms. - As used in this Act, the term:

1) "Computer" shall refer to an electronic device or machine that performs mathematical or logical calculations or that assembles, stores, accesses, correlates, translates, transmits, presents or otherwise processes and prints information or data in text, numbers, graphics, symbols or music forms, derived from coded data in accordance with a predetermined program and shall include word processor, laptop computers mainframes, midrange, or personal computers;

2) "computer network" shall refer to a system that may refer to the linkage among machines or other collective capacity for receiving, transmitting or exchanging data in various forms;

3) "Interactive computer service" shall refer to any information service that provided computer access to multiple users via modern to the Internet;

4) "Internet" shall refer to the international computer network of both national and non-national interoperable packet switched data networks;

5) "Personally identifiable information" shall not include any record or aggregate data which does not identify particular persons;

6) "Informed written concern" means any statement –

a) in writing and freely signed by a subscriber;

b) consenting to the disclosures such service will make of the information provided; and

c) describing the rights of the subscriber under this Act; and

7) "Third party", with respect to the disclosure of personally identifiable information provided by a subscriber to an interactive computer service, refers to a person or other identity

a) such service;

b) an employee of such service; or

c) the subscriber to such service

SEC. 4. Prohibited Activities. - It shall be unlawful:

(a) to use and operate a computer or computer network primarily to facilitate criminal activity or primarily to commit activities prohibited by the Penal Code and special laws;

(b) to use a computer network to transmit a communication intended to conceal or hide the origin of money or other assets, tangible or intangible, that were derived from the commission of a crime;

(c) to use a computer or computer network to conceal, obliterate or hide the identity of persons guilty of committing a crime or an offense;

(d) to use a computer or computer network to conceal or hide commission of a crime or an offense and the evidence thereof.

(e) for an interactive computer service to disclose to a third party any personally identifiable information provided by a subscriber to such service without the subscriber's prior informed written consent.

Such service shall permit a subscriber to revoke the consent granted under Sec. 4 (e) at any time, and upon such revocation, such service shall cease disclosing such information to a third party.

(f) for an interactive computer service or an employee of such service to knowingly disclose to a third party any personally identifiable information provided by a subscriber to such service that such employee, has knowingly falsified.

SEC. 5. At a subscriber's request, an interactive computer service shall –

(a) provide the subscriber's personally identifiable information maintained by the service to the subscriber;

(b) permit the subscriber to verify such information maintained by the service; and

(c) permit the subscriber to correct any error in such information.

SEC. 6. At a subscriber's request, the service shall provide to the subscriber the identity of the third party recipients of the subscriber's personally identifiable information.

SEC. 7. Any person guilty of violation of this Act shall be punished by:

(a) imprisonment of not less than ten (10) years to not more than fifteen (15) years, and a fine of not less than P20,000.00 but not more than P50,000.00 if the crime or offense is committed against national security;

(b) imprisonment of not less than five (5) years to not more than ten (10) years if the crime is committed against persons or property. An additional fine equivalent to the value of the property taken or damaged through the use of the computer or network, may also be imposed.

SEC. 8. Separability Clause. If any provision or part thereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SEC. 9. Repealing Clause. Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to, or inconsistent with, the provisions of this Act is hereby repealed, modified and amended accordingly.

SEC. 10. Effectivity Clause. This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved.