

NINETEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
*First Regular Session* )



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**SENATE**  
**P.S. RES. No. 191**

RECEIVED BY: \_\_\_\_\_

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Introduced by Senator Robinhood Padilla

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**RESOLUTION**

**CALLING FOR THE ADOPTION OF AN INTER-AGENCY APPROACH IN THE FORMULATION OF POLICIES AGAINST THE PROLIFERATION AND SPREAD OF FALSE INFORMATION OR "FAKE NEWS", AND DIRECTING THE SENATE COMMITTEE ON PUBLIC INFORMATION AND MASS MEDIA TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, WITH THE END VIEW OF PROPOSING AMENDMENTS TO REPUBLIC ACT NO. 10175, OTHERWISE KNOWN AS "THE CYBERCRIME PREVENTION ACT OF 2012" AND OTHER PERTINENT LAWS**

1           WHEREAS, Section 24, Article II, of the 1987 Constitution serves as basis for  
2 the State's recognition of the vital role of communication and information in nation  
3 building;

4           WHEREAS, Section 10, Article XVI, thereof mandates the State to provide an  
5 environment for the full development of Filipino capability and the emergence of  
6 communication structures suitable to the needs and aspirations of the nation and the  
7 balanced flow of information into, out of, and across the country, in accordance with  
8 the policy that respects the freedom of speech and the press;

9           WHEREAS, pursuant to these constitutional injunctions, Republic Act No. 10175  
10 otherwise known as *Cybercrime Prevention Act of 2012* was enacted recognizing,  
11 among others, "the vital role of information and communications industries such as  
12 content production, telecommunications, broadcasting electronic commerce, and data  
13 processing, in the nation's overall social and economic development";<sup>1</sup>

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<sup>1</sup> Sec. 2, RA 10175.

1 WHEREAS, *Cybercrime Prevention Act of 2012* defined and penalized  
2 cybercrimes offenses relating to confidentiality, integrity and availability of computer  
3 data and systems,<sup>2</sup> computer-related offenses,<sup>3</sup> and content-related offenses;<sup>4</sup>

4 WHEREAS, according to the Philippine Institute for Development Studies, false  
5 information or fake news is as old as humanity.<sup>5</sup> What makes it different now lies in  
6 the advent of modern means of communication, especially social media, which allows  
7 said information to spread quickly and massively ("*viral*" in common parlance);<sup>6</sup>

8 WHEREAS, according to Schulman and Siman-Tov, fake news can be classified  
9 into two: *first* is misinformation or the "*dissemination of false information, even if not*  
10 *deliberate or malicious, based on unsubstantiated conjecture and in light of various*  
11 *considerations*" while the *second* is disinformation defined as "*false information that*  
12 *is spread deliberately and maliciously for personal gain or to cause damage to another*  
13 *party;*"<sup>7</sup>

14 WHEREAS, a study conducted before the pandemic revealed that the global  
15 economy loses around \$78 billion every year due to fake news spreading in the  
16 financial, public health, and business sector, and also in politics;<sup>8</sup>

17 WHEREAS, on 1 April 2022, the United Nations Human Rights Council adopted  
18 a "*fake news*" resolution and noted with concern, "*the increasing and far-reaching*  
19 *negative impact on the enjoyment and realization of human rights of the deliberate*  
20 *creation and dissemination of false or manipulated information intended to deceive*  
21 *and mislead audiences, either to cause harm or for personal, political or financial gain;*"

22 WHEREAS, the spread of fake news through means such as social media,  
23 messaging mobile applications, and SMS, has considerably widened the social and

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<sup>2</sup> Sec. 4(a), RA 10175.

<sup>3</sup> Sec. 4(b), RA 10175.

<sup>4</sup> Sec. 4(c), RA 10175.

<sup>5</sup> Siar, S 2021. *Fake news, its dangers and how we can fight it*. Philippine Institute for Development Studies, Policy Notes No. 2021-06. <https://pidswebs.pids.gov.ph/CDN/PUBLICATIONS/pidspn2106.pdf> (Accessed on 7 Sep. 2022)

<sup>6</sup> *Ibid.*

<sup>7</sup> Schulman, R. and D. Siman-Tov. 2020. From biological weapons to miracle drugs: Fake news about the coronavirus pandemic. Institute for National Security Studies. <https://www.jstor.org/stable/resrep23529> (Accessed: 7 Sept. 2022)

<sup>8</sup> Brown, E., (2019 Dec. 18), Online fake news is costing us \$78 billion globally each year, Zdnet Online, <https://www.zdnet.com/article/online-fake-news-costing-us-78-billion-globally-each-year/> (Accessed on 7 Sep. 2022)

1 political divide among Filipinos resulting in confusion, distrust, and proliferation of hate  
2 speech;

3 WHEREAS, there is a need for the news industry, both public and private, to  
4 take initiatives for the promotion of news literacy and the strengthening of professional  
5 journalism;

6 WHEREAS, educational institutions should likewise be proactive in raising  
7 awareness on online propaganda, misinformation, and falsehoods as serious  
8 educational and social issues in order to empower information recipients to  
9 independently identify red flags and to encourage them to question their accuracy;

10 WHEREAS, in 2020, the Department of Information and Communications  
11 Technology (DICT) and the Philippine National Police (PNP) created a task force to  
12 prevent the reporting of fake news relating to the COVID-19 pandemic while the  
13 DICT's Cybersecurity Bureau (CSB), through the Computer Emergency Response  
14 Team (CERT-PH), is in charged with technical assistance on information sharing and  
15 analysis for the benefit of the PNP and the National Bureau of Investigation (NBI);

16 WHEREAS, in August 2022, the PNP Anti-Cybercrime Group (ACG) was instructed  
17 to intensify the conduct of cyber patrolling and to validate videos circulating in social  
18 media and file the appropriate charges for the purveyors fake information;

19 WHEREAS, the antiquated Revised Penal Code of the Philippines under RA No.  
20 Act No. 3815, as amended by RA No. 10951 and in relation to Section 6 of Republic  
21 Act No. 10175, otherwise known as the Cybercrime Prevention Act of 2012, penalizes  
22 the publication of false news which may endanger the public order, or cause damage  
23 to the interest or credit of the State;<sup>9</sup>

24 WHEREAS, in recognition of the impact of fake news on the State's  
25 management of the COVID-19 pandemic, Congress, in the first Bayanihan to Heal as  
26 One Act, even included a provision penalizing the spread of fake news;<sup>10</sup>

27 WHEREAS, pursuant to the police power of the State, Congress has the power  
28 to enact laws to regulate speech and restrict any form of expression that may convey  
29 false information within the bounds of the Constitution in order to curb the spread and  
30 abate the ill-effects of "fake news;" and

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<sup>9</sup> Article 154, Revised Penal Code.

<sup>10</sup> Section 6, Republic Act No. 11469.

1           WHEREAS, in the Philippines, no less than the Supreme Court recognizes that  
2   *"although freedom of expression enjoys an exalted place in the hierarchy of*  
3   *constitutional rights. But it is also a settled principle, growing out of the nature of well-*  
4   *ordered civil societies that the exercise of the right is not absolute for it may be so*  
5   *regulated that it shall not be injurious to the equal enjoyment of others having equal*  
6   *rights, not injurious to the rights of the community or society."*<sup>11</sup> Now, therefore, be it  
7           RESOLVED BY THE SENATE, as it is hereby resolved, To call for the adoption  
8   of an inter-agency approach in the formulation of policies against the proliferation and  
9   spread of false information or "fake news", and directing the Senate Committee on  
10   Public Information and Mass Media to conduct an inquiry, in aid of legislation, with the  
11   end goal of proposing amendments to Republic Act No. 10175, otherwise known as  
12   "The Cybercrime Prevention Act of 2012" and other pertinent laws.

Adopted,



**ROBINHOOD PADILLA**  
Senator

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<sup>11</sup> *Primicias v. Fugoso*, 80 Phil. 71 (1980), quoted in Justice Azcuna's ponencia in *Bayan v. Ermita*, G.R. No. 169838, April 25, 2006.