

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

7 JUL -3 A9:55

SENATE

RECEIVED BY: 

Senate Bill No. 653

INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

EXPLANATORY NOTE

The introduction of computers and computer networking facilitates data storage, information exchange and communications. Computers improve banking, telecommunications, engineering and data handling.

The advantages offered by computers can also be used by unscrupulous persons in the commission of certain crimes.

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

Immediate enactment of this bill into law is earnestly sought.


JINGGOY EJERCITO ESTRADA
Senator

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AN ACT
PENALIZING THE USE OF COMPUTERS TO COMMIT, FACILITATE OR
CONCEAL THE COMMISSION OF A CRIME.

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

SEC. 1. Short Title. - This Act shall be cited as the "Computer Crimes Act".

SEC. 2. Declaration of Policy. - It is the policy of the State to prevent the use of computers in committing acts penalized under the Revised Penal Code and other special laws.

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

- A. "Computer" shall refer to an electronic machine that performs mathematical or logical calculations or that assembles, stores, correlates, or otherwise processes and prints information derived from coded data in accordance with a predetermined program and shall include word processors, laptop computers, mainframes or personal computers.

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 under the Revised Penal Code and other special laws;
- B. to use a computer or 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; and
- D. to use a computer or computer network to conceal or hide the commission of a crime or an offense and the evidence thereof.

SEC. 5. Penalty. – Any person guilty of the violation of this Act shall be punished by:

- A. ten (10) to fifteen (15) years imprisonment and a fine of not less than twenty thousand pesos (P20,000.00) but not more than fifty thousand pesos (P50,000.00) if the crime is committed against national security;
- B. five (5) to ten (10) years imprisonment if the crime committed is against persons or property.

The crime is qualified if the computer used is a computer of the Government of the Philippines.

SEC. 6. Prosecution for the violation of this Act is without prejudice to prosecution under any appropriate crime or offense enumerated in the Revised Penal Code and in other special laws.

SEC. 7. Separability Clause. – If any provision or part hereof is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SEC. 8. 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, or amended accordingly.

SEC. 9. Effectivity Clause. - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,