


FOURTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
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SENATE

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Introduced by Sen. Manuel "Lito" M. Lapid

RESOLUTION

DIRECTING THE APPROPRIATE COMMITTEES IN THE SENATE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, INTO THE RISING INCIDENCE OF ELECTRONIC IDENTITY THEFT AND THE SCHEME OF "PHISHING" IN ELECTRONIC FINANCIAL TRANSACTIONS IN THE COUNTRY, WITH THE END IN VIEW OF PROTECTING THE GENERAL PUBLIC

WHEREAS, in view of the rapid advancement in information technology and the widespread use of electronic devices in commercial financial transactions, there is now a growing need on the part of the government to protect the rights of persons using electronic devices in their financial transactions;

WHEREAS, in this age of information technology, our society is becoming increasingly dependent on information technology for communications, entertainment, commerce, and banking;

WHEREAS, to date, many internet users are increasingly subjected to scams based on misleading or false communications that trick the user into sending money or revealing enough information to enable various forms of identify theft that result in financial loss;

WHEREAS, one class of such internet scams is called "phishing" which uses false e-mail return addresses, stolen graphics, stylistic imitation, misleading or disguised hyperlinks, so-called "social engineering", and other artifices to trick users into revealing personally identifiable information. After obtaining this information, the "phisher" then uses the information to create unlawful identification documents and/or to unlawfully obtain money or property;

WHEREAS, the phenomenon of "phishing", otherwise described as the "fishing for information" is a scam where internet fraudsters send e-mail messages to trick unsuspecting victims into revealing personal and financial information that can be used to steal the victims' identity;

WHEREAS, in computer language, "phishing" is an attempt to criminally and fraudulently acquire sensitive information, such as usernames, passwords and credit card details, by masquerading as a trustworthy entity in an electronic communication. Phishing is typically carried out by e-mail or instant messaging, and often directs users to enter details at a website, although phone contact has also been used. Phishing is an example of social engineering techniques used to fool users;

WHEREAS, identity theft through “phishing” occurs when someone uses one’s personal information such as the name, social security number or other identifying information without permission of the person to commit fraud or other crimes. Typically, identity thieves use someone’s personal data to empty the victim’s financial accounts, run up charges on the victim’s existing credit cards, apply for new loans, services or benefits in the victim’s name, file fraudulent tax returns or even commit crimes. People whose identities have been stolen can spend months or years cleaning up the mess thieves have made of their good name and credit record. In the meantime, victims may lose job opportunities, refused loans, education, housing or cars, or even get arrested for crimes they didn’t commit;

WHEREAS, these crimes victimize not only the individuals whose information is stolen, but the entire online community, including millions of people who rely on the integrity of the internet’s system of addresses and hyperlinks;

WHEREAS, Section 9 of Republic Act No. 8484, otherwise known as the “Access Devices Regulation Act of 1998”, provides that “any person who possesses one or more counterfeit access devices or uses the said access device with intent to defraud financial transactions is punishable by law”;

WHEREAS, Article 348 of the Revised Penal Code also prohibits usurpation of the filiation and civil status of another person for the purpose of defrauding another or assuming the parental or conjugal rights of another person;

WHEREAS, with the emergence of highly technical and complicated electronic schemes designed to defraud the financial transactions of the general public, there is an urgent need to study and revise the provisions of our existing laws to address these fraudulent schemes and protect the welfare of the general public;

WHEREAS, there is an urgent need to determine whether the implementing agencies of the government are well equipped with the technology and know-how to address the issue of identity theft and “phishing” in the country in order to protect the general public.

NOW, THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED to direct the appropriate Committees in the Senate to conduct an inquiry, *In Aid of Legislation*, into the rising incidence of electronic identity theft and the scheme of “phishing” in electronic financial transactions, with the end in view of protecting the general public.

ADOPTED,


MANUEL “LITO” M. LAPID
Senator