

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



'22 SEP -7 A9:32

SENATE
S. No. 1289

RECEIVED BY: _____

Introduced by Senator Manuel "Lito" M. Lapid

AN ACT
TO PROMOTE THE ACCOUNTABILITY OF SOCIAL MEDIA WEBSITES AND
OTHER SIMILAR ONLINE PLATFORMS AND ITS MEMBERS BY REQUIRING
THE SUBMISSION VALID PROOFS OF IDENTIFICATION AS A
PRECONDITION TO MEMBERSHIP

EXPLANATORY NOTE

It is undeniable that social media has brought and offered so many benefits in our lives. It allows for greater connectivity, quicker access to information, online banking and bills payment, online learning, remote employment, among others. However, this unfortunately comes with consequences.

Although social media per se is not a problem, the way people use it makes it one. The increased usage of social media nowadays led to more cases of cyberbullying, harassment, online scam, libel, illicit drug trade, prostitution, among others. These issues could be attributed to the lack of measure that focuses on traceability and accountability in the social media.

The proliferation of fake news and hate posts likewise presents a problem for our democracy. Democracy relies on people having access to accurate and timely information. Thus, the presence of fake social media profiles ultimately operates to mislead our people and deprive them of effective participation in our democratic processes.

With the intent to curb these undesirable consequences of the usage of social media, this bill seeks to mandate authentication process for all social media platforms

through registration of the users' accounts using any valid government-issued identification and/or barangay certificate. Besides, this should be inherent in social media accounts from the point of registration since all users deserve safe and secured social networking platforms.

Kagaya po sa tunay na mundo, kailangan pong maging responsible ang bawat tao sa kanilang salita at gawa. Dapat na pong tapusin ang pag-gawa ng krimen at pagpapakalat ng kasinungalingan gamit ang pekeng user account sa mga social media platform.

This bill requires the social media website operators to require their users to submit valid proofs of identification which can be accessed by law enforcers in cases involving criminal acts committed through these sites. This also punishes individuals who verifies their information using fake or falsified proofs of identification.

While this bill does not prohibit the use of alternate names or handles nor having multiple accounts in the same platform, it mandates that the operators of such platform require that any membership be supported by actual proofs of identification regardless if the same are not disclosed to the public.

In view of the foregoing, early passage of this bill is earnestly requested.


MANUEL "LITO" M. LAPID
Senator

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*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 Online and Social
Media Membership Accountability Act."

SECTION 2. *Declaration of Policy.* – The purpose of this Act is to facilitate secure
and accountable interactions, particularly online transactions, between individuals,
public institutions, and private entities.

To that end, it is hereby the declared the policy of the State that operators of
social media websites and other similar online platforms be required to validate the
identity of its users to ensure that their platforms are not used to commit crimes or
subvert our democracy.

SECTION 3. *Electronic Identification Requirement.* – The operators of social
media websites and other similar online platforms, hereinafter referred to as
operators, shall require its users to submit a valid proof of identification prior to
registration for their services.

1 For Philippine-based users, government-issued identification cards, including
2 barangay certification of identity shall be sufficient proof of identification for purposes
3 of this Act. Work and school identification cards may also be used provided they reflect
4 the actual name of the person so identified.

5 For existing members, the operators shall require that each member submit a
6 valid identification card as a condition for continuing membership on their platform.

7 SECTION 4. *Non-prohibited Acts.* – Nothing in this Act shall prevent individuals
8 from doing the following:

- 9 1. having multiple accounts in the same website
- 10 2. using site allowable usernames different from their actual name

11 SECTION 5. *Analytics.* – The operators should allow for analysis of their site
12 data based on the actual identity of users regardless of the number of accounts that
13 they use.

14 SECTION 6. *Disclosure of Real Identity.* – The identity and other personal
15 information of users shall not be disclosed to third parties except upon lawful order of
16 the courts or law enforcement agencies.

17 All personal information in the website are subject to R.A. No. 10173 or the
18 Data Privacy Act of 2013 and other privacy laws.

19 SECTION 7. *Penalty Clause.* – If a person files a lawsuit involving any social
20 media account, and the social media provider fails to identify and authenticate the
21 account owner, the social media provider shall be held equally liable of the penalties
22 imposed herein: (a) Fifty thousand pesos (Php 50,000) in fines or Fifteen (15) days of
23 community service, or both, for creating and using a social media account that is not
24 linked to valid identification card number provided by the government to each
25 individual; (b) One hundred thousand pesos (Php 100,000.00) in fines or Ninety (90)
26 days in prison, or both, for creating and using a social media account for the purpose
27 of performing acts of bullying, acts of defamation, libelous and malicious acts, and

1 trade of illegal drugs, weapons and firearms, whether or not such account is linked to
2 a valid identification card number provided by the government to each individual.

3 A person who registered as a user in a social media website or other similar
4 online platforms using a falsified proof of identification shall suffer the penalty of a
5 fine of not less than one hundred thousand pesos (Php 100,000) or imprisonment for
6 a period of not less than six months to not more than six years, or both, at the
7 discretion of the court.

8 SECTION 8. *Separability Clause.* – If, for any reason, any section, subsection,
9 clause or term of this Act is held invalid or unconstitutional, such parts not affected
10 by such declaration shall remain in full force and effect.

11 SECTION 9. *Repealing Clause.* – All existing laws, orders, decrees, rules and
12 regulations, or parts thereof, inconsistent with the provisions of this Act are hereby
13 amended, modified or repealed accordingly.

14 SECTION 10. *Effectivity.* – This Act shall take effect fifteen (15) days after its
15 publication in the *Official Gazette* or in at least two (2) newspapers of general
16 circulation.

17 *Approved,*