

# Philippines

	2014	2015		
<b>Internet Freedom Status</b>	Free	Free	<b>Population:</b>	100.1 million
Obstacles to Access (0-25)	10	10	<b>Internet Penetration 2014:</b>	40 percent
Limits on Content (0-35)	5	5	<b>Social Media/ICT Apps Blocked:</b>	No
Violations of User Rights (0-40)	12	12	<b>Political/Social Content Blocked:</b>	No
<b>TOTAL* (0-100)</b>	<b>27</b>	<b>27</b>	<b>Bloggers/ICT Users Arrested:</b>	No
			<b>Press Freedom 2015 Status:</b>	Partly Free

\* 0=most free, 100=least free

## Key Developments: June 2014 – May 2015

- In an unprecedented move, the government ordered telecommunication companies to block mobile signals in the capital region during a papal visit, temporarily depriving approximately 20 million subscribers of access (see **Restrictions on Connectivity**).
- In October 2014, a senator filed criminal libel charges against a journalist in relation to allegations of corruption published on a personal blog (see **Prosecutions and Detentions for Online Activities**).
- Police are investigating the targeted assassination of a former journalist in April 2015 for a possible connection to her online comments on social and political issues (see **Intimidation and Violence**).

## Introduction

Internet freedom in the Philippines has been gradually declining since the country was first evaluated in 2012. Although still categorized as “free,” little progress has been observed in terms of improving access to the internet, limited by high subscription costs and service that barely reaches the population outside major cities. Access was undermined when authorities restricted network coverage during the papal visit in 2015.

Libel cases accounted for 16 percent of “cybercrime” incidents documented by police in 2014, in the wake of the Supreme Court’s 2014 ruling stating that online libel is a crime under the Cybercrime Prevention Act of 2012. Countermeasures to this law, the Magna Carta for Internet Freedom and the Crowdsourcing Act of 2013, were stalled in the legislature during the coverage period of this report. On a positive note, the Senate approved a Freedom of Information bill in 2014, with its counterpart in the lower chamber awaiting second reading.

Protection of journalists working in the country has not improved, although online journalists have yet to experience the same level of violence as mainstream journalists. The killing of outspoken internet user Melinda Magsino on April 13, in a targeted shooting reminiscent of the frequent attacks on radio commentators and other media practitioners in the Philippines, caused concern that this situation may be changing for the worse, though police and press freedom groups are still investigating to establish whether her murder was related to her online activities.

## Obstacles to Access

*Mobile phone subscribers experienced widespread blocking of network coverage in the capital region during the visit of the Catholic Church leader Pope Francis. For almost five days in January, service providers blocked network coverage for almost 20 million people living in the Manila metropolitan area on the direct order of the president through the National Telecommunications Commission. In a significant step to boost internet speed and affordability in the country, both houses of Congress initiated an inquiry into the poor performance of broadband amid high subscription rates, following a study by a private firm listing the Philippines as having the worst internet service in Southeast Asia.*

## Availability and Ease of Access

Internet penetration increased to 40 percent by 2014, up from 37 percent in 2013.<sup>1</sup> Connectivity is concentrated mainly in urban areas, while rural areas remain largely underserved.<sup>2</sup> To address this divide, the government announced that it would be providing free Wi-Fi service to some 600 municipalities in remote areas through TV White Space technologies with the help of telcos in 2015.<sup>3</sup> Dubbed “Super Wi-Fi,” this method of tapping unused TV channels for wireless data delivery was first introduced in the Philippines in 2013 to serve fishermen in the Visayas region.<sup>4</sup>

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1 International Telecommunication Union (ITU), “Percentage of Individuals Using the Internet, 2000-2014,” <http://bit.ly/1cblxxY>.

2 John Carlos Rodriguez, “How many Filipinos are still not connected to Internet?” *ABS-CBN News*, October 3, 2014, <http://bit.ly/1Nkv4nd>.

3 Bernie Magkilat, “Free Internet for 600 towns in 2015,” *Manila Bulletin*, October 13, 2014, <http://bit.ly/Zpy0Jq>.

4 Clarice Africa, “The Philippines rolls out TV White Spaces to Improve Fisherfolk Registration,” *Asia Pacific Future Gov*, July 30, 2013, <http://bit.ly/1QrkkmU>.

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Mobile phone subscriptions have increased significantly in recent years, with penetration reaching 111 percent in 2014, indicating that some users have more than one device.<sup>5</sup> By the third quarter of 2014, leading telcos Philippine Long Distance Telephone Co. (PLDT) and Globe Telecommunications reported a combined 110 million mobile phone subscribers,<sup>6</sup> in a country with a population of 100 million.<sup>7</sup> Despite this, there were only 3.1 million mobile broadband subscribers by late 2014,<sup>8</sup> following the deployment of 4G LTE and HSPA+ technologies in the previous year,<sup>9</sup> slightly better than the 2.5 million subscribing to fixed broadband.<sup>10</sup>

The slow uptake of broadband internet in the country, and the consequently low internet penetration, is largely due to steep subscription fees. The cost and slow speed of internet service was a prominent issue in the past year, with a couple of lawmakers initiating inquiries into steep charges and poor performance;<sup>11</sup> telcos being summoned by the government to discuss minimum broadband speed<sup>12</sup> – a move firmly rejected by telcos in a position paper;<sup>13</sup> and the PLDT publicly blaming “abusive” internet users for the slow speeds.<sup>14</sup> Akamai reported the average connection speed in the country at 2.5 Mbps in the third quarter of 2014, no change from the previous year.<sup>15</sup> Not only does the Philippines have the slowest internet speed in the region, it also has the most expensive subscriptions.<sup>16</sup> In early 2015, PLDT was charging a minimum monthly subscription fee for fixed broadband at US\$29 for up to 2Mbps, a significant increase from last year’s \$22; while Globe’s charges remained at \$24.<sup>17</sup>

## Restrictions on Connectivity

In a departure from previous years, the government ordered a sporadic regional suspension of cellular services during the visit of Pope Francis from January 15 to 19, 2015.<sup>18</sup> Telcos sent text messages to mobile phone subscribers announcing service interruption, citing a directive from the National Telecommunications Commission to block network coverage in areas visited by the Pope for security reasons.<sup>19</sup> The government stated concerns over the potential for remote detonation of explosives via mobile phone, a justification criticized by at least one lawmaker.<sup>20</sup>

According to latest government data from 2012, the Philippines has 360 operating ISPs.<sup>21</sup> Many

5 ITU, “Mobile-Cellular Telephone Subscriptions, 2000-2013,” <http://bit.ly/1cblxxY>.

6 Quarterly reports to the Securities and Exchange Commission (SEC), as of September 30, 2014.

7 “Philippine population officially hits 100 million,” *Rappler*, July 28, 2014, <http://bit.ly/UCPsYB>.

8 Quarterly reports to the SEC, as of September 30, 2014.

9 Lawrence Agcaoili, “Smart, Globe race to put up more 4G LTE infra sites,” *The Philippine Star*, October 14, 2013, <http://bit.ly/1A8i0Ea>.

10 ITU, “Fixed (Wired)-Broadband Subscriptions, 2000-2013,” <http://bit.ly/1cblxxY>.

11 Ben Rosario, “Solons back probe of slow Internet connections,” *Manila Bulletin*, December 27, 2014, <http://bit.ly/1wfWuEN>.

12 “Telcos to explain expensive but slow Internet at NTC hearing,” *Rappler*, October 21, 2014, <http://bit.ly/1KFEKcw>.

13 “Filipino telcos not keen on setting minimum broadband speeds,” *Telegeography*, February 2, 2015, <http://bit.ly/181a8Rf>.

14 Ruth Abbey Gita, “Abusive users’ to blame for slow internet,” *Sun Star Cebu*, September 4, 2014, <http://bit.ly/1qjuflG>.

15 Akamai, *State of the Internet Report*, Q3 2014, March 8, 2015, <http://www.akamai.com/stateoftheinternet/>.

16 Matikas Santos, “PH Internet slowest in ASEAN,” *Inquirer*, July 26, 2014, <http://bit.ly/1CXpMre>.

17 PLDT Products, <http://pldthome.com/>; Globe Telecom, <http://www.globe.com.ph/#>.

18 Mica Basa, “No network service? It’s for Pope’s safety, say telcos,” *Rappler*, January 16, 2015, <http://bit.ly/18siEsm>.

19 Danessa O. Rivera, “Telcos note govt has say in blocking network coverage for papal visit,” *GMA News Online*, January 16, 2015, <http://bit.ly/1MhdUTL>.

20 Aurea Calica, “Palace appeals for understanding over jammed signals,” *The Philippine Star*, January 18, 2015, <http://bit.ly/1BVrFGt>.

21 National Statistics Office, “Philippines in Figures 2014.”

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of these connect to PLDT, which owns the majority of fixed-line connections as well as the 10,000 kilometer domestic fiber-optic network that connects to several international networks. Since the completion of a new cable linking the central provinces of Palawan and Iloilo in January 2014,<sup>22</sup> the company now owns or partly owns five out of nine international cable landings.<sup>23</sup>

### ICT Market

Companies entering the market go through a two-stage process. First, they must obtain a congressional license that involves parliamentary hearings and the approval of both the upper and lower houses. Second, they need to apply for certification from the National Telecommunications Commission. The constitution limits foreign ownership of local businesses to 40 percent. Internet service is currently classified as a value-added service and is therefore subject to fewer regulatory requirements than mobile and fixed phone services.

In the 1990s, government legislation allowed competitors a foothold in a market previously dominated by the PLDT, a company that had been U.S.-owned and Philippine government-owned before its current incarnation as a private entity.<sup>24</sup> However, in the absence of antitrust laws to promote healthy competition between businesses, the PLDT now controls 70 percent of the country's ICT sector.<sup>25</sup> House Bill 5286, or the Philippine Fair Competition Act, a bill that would dismantle monopolies, has been languishing in the House of Representatives for at least 23 years since it was filed in the 8th Congress (1987-1992).<sup>26</sup>

Globe is the sole challenger to PLDT, after it purchased debts from struggling competitor Bayan Telecommunications in early 2013.<sup>27</sup> The complete takeover of Bayantel by Globe has been heavily contested by PLDT, alleging that the move would result into a disproportionate distribution of frequencies, on grounds that Globe would have significantly more frequencies per subscriber than PLDT.<sup>28</sup>

### Regulatory Bodies

The National Telecommunications Commission has regulated the industry with quasi-judicial powers and developed tariff and technical regulations, licensing conditions, and competition and interconnection requirements since its creation in 1979.

In 2015, business groups urged the Senate to act on the still pending Senate Bill No. 50 to create a specialized Department of Information and Communications Technology, citing the need to boost the country's competitiveness through a streamlining of ICT-related agencies.<sup>29</sup> The bill has been

22 Miguel R. Camus, "PLDT Completes Palawan-Iloilo Link," *Philippine Daily Inquirer*, January 26, 2014, <http://bit.ly/1BVowGD>.

23 "Submarine Cable Map," *TeleGeography*, last updated February 1, 2014, <http://bit.ly/181agjA>.

24 Mary Ann Li. Reyes, "PLDT: From voice to multi-media (First of Two Parts)," *The Philippine Star*, <http://bit.ly/1O45UKY>.

25 Winston Castelo, "Controversy on PLDT-Digital Merger," *Winnie Castelo Reports*, November 22, 2011, <http://bit.ly/1FzZ2wT>.

26 Lira Dalangin-Fernandez, "Guess which legislation has been at the House of Representatives the longest? Nope, not RH bill," *Interaksyon*, March 9, 2015, <http://bit.ly/1babVVU>.

27 By October, it owned 39 percent of Bayan and is awaiting approval from the National Telecommunications Commission to assume full control. See, Lawrence Agcaoili, "Entry of Globe in Bayantel crucial to its rehab," *The Philippine Star*, January 23, 2015, <http://bit.ly/18sos4W>.

28 Lawrence Agcaoili, "PLDT questions Globe bid to acquire Bayantel," *The Philippine Star*, February 2, 2015, <http://bit.ly/1aUUpoB>.

29 Chelsea Cruz, "Business groups press Congress for Department of ICT," *Interaksyon*, February 25, 2015, <http://bit.ly/1aUUpoB>.

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pending before a bicameral conference committee since March 2012. Three years later, on March 11, 2015, some members of the 16th Congress reintroduced the bill as Senate Bill No. 2686 and was approved during the third reading on June 1. It has been with the lower chamber awaiting concurrence since June 4.<sup>30</sup>

At present, institutions governing the ICT sector are highly bureaucratic, often with ambiguous or overlapping responsibilities that slow the pace of development. Successive government administrations—including that of President Benigno Aquino—have modified the structure of official ICT bodies. His Executive Order 47 of 2011 established an Information and Communications Technology Office (ICTO) under the Department of Science and Technology (DOST) tasked with conducting research, development, and capacity-building in the ICT industry. However, the division of labor between this office and the Department of Transportation and Communications, which also deals with ICT-related communications, as well as the National Computer Center and the Telecommunications Office, is hard to perceive. If an ICT department is approved, all other ICT-related agencies will be abolished and their powers and personnel transferred to its jurisdiction.

All relevant government bodies are headed by presidential appointees. Critics believe this creates a dependence on the incumbent administration, which determines their budget.

## Limits on Content

*Freedom of expression online was tested in the country after news of a deadly encounter between the national police and the Muslim insurgents made national headlines. A video of the actual killings went viral on YouTube and was shared multiple times on different social media platforms, which prompted the president to issue a takedown order and the National Bureau of Investigation to investigate the origin of the video as well as those sharing and liking it. Online activism was less prominent than in previous years, when activists organized street protests through online campaigning.*

## Blocking and Filtering

No systematic government censorship of online content has been documented in the Philippines, and internet users enjoyed unrestricted access to both domestic and international sources of information during the coverage period of this report. Internet users freely access social networks and communication apps including YouTube, Facebook, Twitter, and international blog-hosting services. Although rare, blocking and filtering of content is allowed under a law that requires ISPs to prevent access to pornographic sites.<sup>31</sup> The Department of Justice briefly sought to block Canada-based online dating site Ashley Madison after it launched in the country in November 2014.<sup>32</sup> According to Department Secretary Leila De Lima, “The website is a platform that allows illegal acts to be eventually committed. A ban may be enforced,” referring to the website’s promotion of extramarital affairs, which are illegal.<sup>33</sup>

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[ly/1BH3Phh](#).

<sup>30</sup> SB 2686 (2015), <http://bit.ly/1SuUXFm>.

<sup>31</sup> TJ Dimacali, “ISPs tasked to block just child porn, not all adult sites – NTC,” *GMA News Online*, March 17, 2014, <http://bit.ly/1FnJD5x>.

<sup>32</sup> Agence France-Presse, “DOJ seeks to block adultery website Ashley Madison,” *GMA News Online*, November 30, 2014, <http://bit.ly/1Emkir6>.

<sup>33</sup> The Revised Penal Code of the Philippines states that concubinage is a crime committed by “any husband who shall keep a mistress in the conjugal dwelling, or shall have sexual intercourse, under scandalous circumstances, with a woman who is not

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The justice department backtracked a month later, stating that it could only request that telcos and ISPs block the website, rather than mandate it. This followed the Supreme Court's ruling earlier in the year against Section 19, the infamous "takedown" clause of the 2012 Cybercrime Prevention Act that would have allowed the Department of Justice to "restrict or block" overly broad categories of content without a court order.<sup>34</sup> In February, however, the Supreme Court ruled the section unconstitutional, while upholding other provisions criminalizing online libel (see Legal Environment).

### Content Removal

In early 2015, 44 members of the Philippine National Police Special Action Force in Mamasapano, Maguindanao, in the southern Philippines, were killed, allegedly by Muslim insurgents. Video of the Mamasapano Massacre, as it was dubbed in media reports, went viral on YouTube, eliciting public anger against the uploader of the video as well as the perpetrators, on grounds that sharing the footage was insensitive to the families. The Office of the President ordered the uploader to take down the video.<sup>35</sup> After the individual refused to comply, the National Bureau of Investigation (NBI) threatened to go after the individual, and those who subsequently shared or "liked" it on social media.<sup>36</sup> This announcement was issued in spite of the fact that the Supreme Court had found in their 2014 ruling against Section 5 of the Cybercrime law that it was unconstitutional to punish those who simply like or share a post or video online. The NBI later said they had identified the source of the video, but no criminal charges were reported.<sup>37</sup>

On July 1, 2013, Senator Miriam Defensor Santiago refiled the Magna Carta for Philippine Internet Freedom in the Senate.<sup>38</sup> The bill attracted widespread support and discussion on social media.<sup>39</sup> Democracy.Net.PH, a group of internet freedom advocates, was particularly active,<sup>40</sup> and Santiago credited the group for spearheading citizen participation in drafting a provision that "provides for court proceedings in cases where websites or networks are to be taken down and prohibits censorship of content without a court order."<sup>41</sup> The bill is pending in relevant committees and awaiting endorsement.

### Media, Diversity, and Content Manipulation

Many news websites are online versions of traditional media, which self-censor due to the level of violence against journalists in the Philippines. While the same attitude may be reflected in their on-

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his wife, or shall cohabit with her in any other place..."

34 Rep. Act 10175 (2012), <http://bit.ly/1wjGai4>.

35 Andrea Calozzo, "Palace: Take down video of Mamasapano clash," *GMA News Online*, February 11, 2015, <http://bit.ly/1x5MrmH>.

36 Aie Balagtas See, "NBI to hunt people sharing raw footage of SAF massacre," *The Philippine Star*, February 21, 2015, <http://bit.ly/1HTVBTO>.

37 Mark Mereñas, "Man who uploaded Mamasapano video goes to NBI in Davao," *GMA News Online*, February 18, 2015, <http://bit.ly/1x5Vhkc>.

38 SB 53 (2013), "Magna Carta for Philippine Internet Freedom," <http://bit.ly/1NX8OQ5>.

39 "Pinoy netizens welcome Miriam's online rights bill," *ABS-CBN News*, July 4, 2013, <http://bit.ly/1xp4iQ0>. Its counterpart, House Bill No. 1086, was also filed in House of Representatives; Center for Media Freedom and Responsibility, "Update: the Cybercrime Prevention Act of 2012," September 12, 2013, <http://bit.ly/1BGpYez>.

40 Demokrasya, "Democracy.Net.Ph. Marks First Anniversary of the Drafting of the Magna Carta for Philippine Internet Freedom (#MCPiF)," <http://bit.ly/1FjKAvk>.

41 Norman Bordadora, "Santiago Proposes Magna Carta for Internet," *Inquirer*, December 1, 2012, <http://bit.ly/18rVQt6>; Louis Bacani, "'Crowdsourcing' bill allows citizens' online participation in lawmaking," *The Philippine Star*, July 4, 2013, <http://bit.ly/1DnofxQ>.

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line output, the degree is difficult to establish. State officials and private authorities are periodically reported using harassment to suppress online speech.

More generally, the Philippine blogosphere is rich and thriving. Both state and nonstate actors actively use the internet as a platform to discuss politics, especially during elections. There have been no explicit government restrictions in place against any social media or communication applications in the Philippines.

## Digital Activism

In the previous three years, digital activism in the country had a significant impact on addressing a number of contentious sociopolitical issues, making national and international headlines and prompting positive action from the government. Past successes include a 2013 protest against the alleged misuse of PHP 10 billion (US\$220 million) from a Priority Development Assistance Fund, locally dubbed the “pork barrel,” by senators and members of congress. A Facebook petition called for the abolition of the fund and the filing of criminal charges against the lawmakers,<sup>42</sup> and helped fuel nationwide protests.<sup>43</sup> The Supreme Court subsequently declared the fund unconstitutional.<sup>44</sup> In 2015, three senators and several NGO officials were in detention on charges of alleged corruption, while other lawmakers are still being investigated.<sup>45</sup> In comparison, this coverage period saw a relatively low level of online participation in activist causes.

## Violations of User Rights

*The Philippines criminalized online libel in 2012, punishable by harsher penalties than offline libel, a rights violation that the Supreme Court failed to rectify when it considered the constitutionality of the law in 2014. During the coverage period, a senator filed a criminal lawsuit against a former aide who blogged about irregularities in the senator's dealings with development projects. A former journalist who was active online was killed by armed men in broad daylight in April 2015, though whether it was in reprisal for digital activity remains unclear. On a positive note, the House of Representatives finally approved its counterpart Freedom of Information bill, 22 years after it was filed in Congress.*

## Legal Environment

The Bill of Rights of the 1987 constitution protects freedom of expression (Section 4) and privacy of communication (Section 1).<sup>46</sup> However, some laws undermine those protections. Libel is punishable by fines and imprisonment under Articles 353 and 360 of the Revised Penal Code. This has historically been challenging to prove in online cases which lack a physical place of publication—one of the requirements for an offline prosecution—and in 2007, a Department of Justice resolution established that the Articles do not apply to statements posted on websites.<sup>47</sup>

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42 David Lozada, “Aug 26 anti-pork barrel protests spread nationwide,” *Rappler*, August 24, 2013, <http://bit.ly/1Og4yMw>.

43 “Thousands join Million People March vs pork,” *ABS-CBN News*, August 26, 2013, <http://bit.ly/1Qrp8IT>.

44 Mark Merueñas, “Supreme Court Declares PDAF Unconstitutional,” *GMA News Online*, November 19, 2013, <http://bit.ly/1NkzXN2>.

45 Patricia Denise Chiu, “Govt lawyers block ex-solon’s request to be detained at Camp Crame,” *GMA News Online*, February 25, 2015, <http://bit.ly/1MCZD3Q>.

46 Cons. (1987), art. III, Bill of Rights, <http://bit.ly/1Qrp8IT>.

47 Department of Justice, Resolution No. 05-1-11895 on *Malayan Insurance vs. Philip Piccio, et al.*, June 20, 2007. Article 353



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Section 4c (4) of the 2012 cybercrime law, however, classified libel as a cybercrime. Section 6 stipulates a higher degree of punishment for online libel with imprisonment of up to eight years,<sup>48</sup> almost double the maximum penalty for the identical offense perpetrated offline which is punishable by prison terms of six months to four years and two months under the revised penal code.<sup>49</sup> The Supreme Court suspended implementation of the law after widespread protests, but in a February 2014 decision the court ruled that the libel provision was constitutional, keeping the disproportionate penalties on the books. However, it clarified that users reacting online to a libelous post—by “liking” it, for example—could not be held liable, and struck down Sections 12 and 19 that would have allowed law enforcers to monitor and collect real-time traffic data without a court order.<sup>50</sup> On April 8, 2014, the Department of Justice began the first round of public consultations for the formulation of the Implementing Rules and Regulations (IRR) governing the act in accordance with Section 28, which gave the department 90 days to produce the IRR.<sup>51</sup> After seven public consultations,<sup>52</sup> the justice department concluded its review on June 11, 2015.<sup>53</sup> This followed a Congressional inquiry into the three-year delay in the release of the IRR.<sup>54</sup> Prior to the announcement, the justice department released guidelines on bail wherein PHP 10,000 (US\$219) is required of anyone charged with online libel.<sup>55</sup>

If passed, the Magna Carta for Internet Freedom would repeal the cybercrime law and treat online libel as a civil, not a criminal act, with penalties determined by the courts and commensurate to actual damages suffered. It also requires a court order for authorities seeking to obtain any data pertinent to acts it defines as criminal.<sup>56</sup> It would further mandate the dissemination of public information as long as such information does not go against provisions in existing laws.<sup>57</sup>

The Magna Carta initiative was supported by Senator Teofisto Guingona III, who separately filed the Crowdsourcing Act of 2013. Also known as Senate Bill No. 73, the act would not only allow citizens to participate in the legislative process through the use of ICTs, but also require lawmakers to include the people’s comments in committee reports concerning pending bills. If passed, it would make some important measures mandatory: People’s committee hearings to be held in Congress (Section 6); continuous online participation by citizens while debates are being held on the floor (Section 7); and a pre-approval consultation (Section 8) wherein the president of the Philippines must allow people to send online comments about a pending bill for five days, and subsequently

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states that, “libel is committed by means of writing, printing, lithography, engraving, radio, phonograph, painting, theatrical exhibition, cinematographic exhibition, or any similar means.” The Department also stated that the accused are not culpable because they cannot be considered as authors, editors, or publishers as provided for in Article 360. Critics have further noted that the Revised Penal Code, which dates from 1932, long predates digital technology, and therefore shouldn’t be applied to digital content.

48 SC Decision, G.R. No. 203335, February 11, 2014, <http://bit.ly/1EZnzAA>; “Concurring and Dissenting Opinion,” C.J. Sereno, <http://bit.ly/1KHhICy>.

49 Purple Romero, “DOJ holds dialogue on ‘E-Martial Law,’” October 9, 2012, *Rappler*, <http://bit.ly/1NXmTx2>.

50 SC Decision, G.R. No. 203335, February 11, 2014, <http://bit.ly/1EZnzAA>.

51 Republic of the Philippines Department of Justice, “Public Consultations on Cybercrime IRR begins,” April 8, 2014, <http://bit.ly/1BGB5nG>.

52 Kim Luces, “7th public consultation for Cybercrime Prevention Act IRR meant to be last,” May 17, 2014, *GMA News Online*, <http://bit.ly/1FoneFk>.

53 Republic of the Philippines Department of Justice, “DOJ endorses IRR of Cybercrime Prevention Act,” June 11, 2015, <http://bit.ly/1KijToJ>.

54 Republic of the Philippines House of Representatives, “Committee Meetings, 09-June-2015, Tuesday,” <http://bit.ly/1JF8Aw7>.

55 “DOJ sets guidelines on bail for cybercrime,” *Rappler*, June 7, 2015, <http://bit.ly/1KImYVK>.

56 Jillian York, “A Brief Analysis of the Magna Carta for Philippine Internet Freedom,” Electronic Frontier Foundation, July 8, 2013, <http://bit.ly/1Lk2LV4>.

57 SB 53 (2013), “Magna Carta for Philippine Internet Freedom,” <http://bit.ly/1NX8OQ5>.



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consider those comments for at least another three days, before signing a bill into law.<sup>58</sup> Both bills were still pending in the Science and Technology Committee as of May 2015.

Twenty-two years after it was first filed in Congress, the Senate approved the People's Freedom of Information Act of 2013 in March 2014.<sup>59</sup> In November, the lower chamber also approved the bill, which critics said was watered down.<sup>60</sup> The bill passed the Committee on Appropriations on March 4, 2015; the bill is awaiting second reading, the timeframe for which is not known.<sup>61</sup>

## Prosecutions and Detentions for Online Activities

At least one concerning libel case was filed during the coverage period in the wake of the Supreme Court's ruling that punishing online libel under the Cybercrime Prevention Act is constitutional. On October 10, 2014, Senate President Franklin Drilon filed charges against a journalist who blogged about the senator's alleged misuse of public funds.<sup>62</sup> Charges are pending following the journalist's posting bail on February 20, 2015.<sup>63</sup> Earlier in 2014, Senator Drilon had publicly supported another senator's proposal to decriminalize online libel.<sup>64</sup>

In a report released on March 15, 2015, the justice department cited 614 cybercrime incidents recorded by the Philippine National Police Anti Cybercrime Group in 2014, an increase of more than 100 percent from the 288 cases in 2013. Libel accounted for 16 percent of cases in 2014, second only to internet fraud at 22 percent.<sup>65</sup>

## Surveillance, Privacy, and Anonymity

A 2012 Data Privacy Act established parameters for the collection of personal financial information and an independent privacy regulator.<sup>66</sup> Other laws with privacy implications include the Anti-Child Pornography Act of 2009 which explicitly states that its section on ISPs may not be "construed to require an ISP to engage in the monitoring of any user,"<sup>67</sup> though it does require them to "obtain" and "preserve" evidence of violations, and threatens to revoke their license for noncompliance; Section 12 of the law also authorizes local government units to monitor and regulate commercial establishments that provide internet services. Under the Human Security Act of 2007, law enforcement officials must obtain a court order to intercept communications or conduct surveillance activities

58 SB 73 (73), "Philippine Crowdsourcing Act," <http://www.senate.gov.ph/lisdata/1589313132!.pdf>. The Guingona Project, <http://theguingonaproject.com/>.

59 Center for Media Freedom and Responsibility, "Freedom of Information: Timeline of FOI Legislation in the Philippines," <http://bit.ly/1x81L21>.

60 Xianne Arcangel, "House panel approves FOI bill," *GMA News Online*, November 24, 2014, <http://bit.ly/1x6fdnh>.

61 Official Gazette of the Republic of the Philippines, "Freedom of Information Bill update," <http://www.gov.ph/foi/>.

62 Ernie Reyes, "Drilon slaps 4 counts of libel on Iloilo journo in Pasay City," *InterAksyon*, October 5, 2014, <http://bit.ly/1MD9Ey2>.

63 Joel Locsin, "Former Iloilo administrator posts P40k bail," *GMA News Online*, February 20, 2015, <http://bit.ly/1K1L5xW>.

64 Charissa Luci, "Move to repeal Cybercrime Law gaining," *Manila Bulletin*, March 3, 2014, <http://bit.ly/1G89vk8>.

65 Department of Justice, *Philippines 2014-2015 Cybercrime Report: The Rule of Law in Cyberspace*, March 15, 2015, <http://bit.ly/1OWp61e>.

66 Alec Christie and Arthur Cheuk, "Australia: New tough privacy regime in the Philippines Data Privacy Act signed into law," *DLA Mondaq*, October 27, 2012, <http://bit.ly/1HVsgie>; Rep. Act 10173 (2012), <http://bit.ly/1PcYtpj>; Janette Toral, "Salient Features of Data Privacy Act of 2012 – Republic Act 10173," *Digital Filipino*, December 17, 2012, <http://bit.ly/1Clq5Hl/>.

67 Rep. Act 9775 (2009), "Anti-Child Pornography Act of 2009," <http://bit.ly/1Nsh2Y>.

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against individuals or organizations suspected of terrorist activity.<sup>68</sup> To date, no abuse of this law has been reported.

There are no restrictions on anonymous communication in the Philippines. The government does not require user registration for internet and mobile access, and prepaid services are widely available, even in small neighborhood stores. However, reports about the increasing frequency of crimes committed on the internet, particularly rising incidents of child pornography, have prompted some government and law enforcement officials to call for a law requiring the registration of SIM cards for prepaid subscribers.<sup>69</sup>

## Intimidation and Violence

Violence against journalists is a significant problem in the Philippines. As of March 2015, the Committee to Protect Journalists reported at least 77 Philippine journalists had been killed in relation to their work—most covering political issues like corruption—since 1992.<sup>70</sup> Not one of these murders has been fully prosecuted—meaning that not everyone responsible for ordering and executing each killing has been tried and convicted—creating an entrenched culture of impunity that sends the message that individuals exercising free speech can be attacked at will.

Fears that online journalists may experience the same violence were exacerbated early this year when two armed men shot and killed Melinda Magsino, a former broadsheet correspondent who later ran an online magazine, but who was no longer actively reporting.<sup>71</sup> Some reports said she also wrote about current affairs on her personal Facebook page, but police were also investigating other possible motives.<sup>72</sup>

In a case some observers described as harassment in response to online speech, university officials suspended a student for publicly protesting against increased school fees on Facebook in 2015.<sup>73</sup>

## Technical Attacks

There have been no reports of politically motivated incidents of technical violence or cyberattacks perpetrated by the government toward private individuals. However, as in the previous coverage period, hackers attacked several government websites. Responding to the Mamasapano massacre, the hacktivist group, Anonymous Philippines, claimed responsibility for altering government websites to display condolences for the families of the fallen Special Action Force unit, and criticism against President Aquino for mishandling the official response to the tragedy.<sup>74</sup>

68 “Rep. Act 9372 (2007), “Human Security Act,” <http://bit.ly/1UJSzXj>.

69 Aurea Calica, Jose Rodel Clapano and Mike Frialde, “Pre-paid SIM registration Mulled,” *The Philippine Star*, January 19, 2014, <http://bit.ly/1UJSzXj>.

70 Committee to Protect Journalists, “77 Journalists killed in Philippines since 1992/Motive Confirmed,” Accessed March 16, 2015, <http://bit.ly/1DrMpre>.

71 “Ex-PDI reporter shot dead in Batangas,” April 14, 2015, *Inquirer*, <http://bit.ly/1bKqMpz>; International Federation of Journalists, “Melinda Magsino-Lubis,” April 13, 2015, <http://bit.ly/1Og97q2>.

72 Rose-An Jessica Dioquino, “Slain journalist working on several possible stories before fatal shooting, says partner,” *GMA News Online*, April 16, 2015, <http://bit.ly/1EwUIN6>.

73 “CHED: No final decision on tuition hikes yet as consultations still ongoing,” *InterAksyon*, February 26, 2015, <http://bit.ly/19o5bTN>.

74 Charmaine De Lazo, “Gov’t sites hacked to protest ‘misencounter,’” *The Philippine Star*, January 31, 2015, <http://bit.ly/1LizYSH>.