



OFFICE OF THE SANGGUNANG PANLALAWIGAN

EXCERPTS FROM THE MINUTES OF THE 40th REGULAR SESSION OF THE SANGGUNANG PANLALAWIGAN OF LEYTE CONDUCTED AT THE SESSION HALL, LEGISLATIVE BUILDING, CAPITOL GROUNDS, TACLOBAN CITY ON 15 MAY 2020.

PHYSICALLY PRESENT:

Hon. Carlo P. Loreto	-	Vice-Governor/Presiding Officer
Hon. Raissa J. Villasin	-	2 nd District Board Member
Hon. Nolie C. Caña	-	Ex-Officio Sangguniang Panlalawigan Member/LnBP Provl. President

VIRTUALLY PRESENT:

Hon. Florante A. Cayunda, Jr.	-	Floor Leader
Hon. Trinidad G. Apostol	-	1 st Deputy Floor Leader
Hon. Ranulfo S. Abellanos	-	2 nd Deputy Floor Leader
Hon. Gina E. Merilo	-	1 st District Board Member
Hon. Ma. Corazon E. Remandaban	-	3 rd District Board Member
Hon. Anna Victoria V. Tuazon	-	3 rd District Board Member
Hon. Mesias P. Arevalo	-	4 th District Board Member
Hon. Maria Carmen Jean T. Rama	-	4 th District Board Member
Hon. Emmanuel L. Gacis	-	5 th District Board Member
Hon. Jo Vanille C. Merilo	-	Ex-Officio Sangguniang Panlalawigan Member/SK Provincial Fed. President
Hon. Chiqui Ruth C. Uy	-	Ex-Officio Sangguniang Panlalawigan Member/PCL President

ABSENT:

NONE

RESOLUTION NO. 2020-397

A RESOLUTION APPROVING ON THIRD AND FINAL READING, **PROVINCIAL ORDINANCE NO. 2020-10**, ENTITLED: "AN ORDINANCE PROHIBITING THE DISSEMINATION OF FALSE, ALTERED OR MANIPULATED INFORMATION OR STATEMENTS AND ONLINE SCAMS, PROVIDING PENALTIES THEREFOR, AND FOR OTHER PURPOSES".

WHEREAS, traditional tri-media, print, radio and television has been the medium to disseminate information and through media outlets, the public is informed of current events and other information that could affect their lives and influence their opinions and decisions;

WHEREAS, the world wide web or the internet and advances in technology, computer software, mobile phone applications and programs, have revolutionized how people communicate, conduct their business, and the way they access, disseminate and report information;

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WHEREAS, these technological advances have revolutionized information gathering and dissemination, such that not only media outlets are able to gather, record and spread the happenings of the day, but also just about anyone with a smartphone and a decent level of computer literacy can simultaneously record and upload the event through a social media platform of preference. These advancements in technology no longer preclude people from receiving and reading news stories from credible sources but have also enabled them to create and publish their opinions or tell their stories;

WHEREAS, these technological advances have grown tremendously, facilitating access to information and beneficial innovations, but also rendering the public vulnerable to scheming, unscrupulous individuals who exploit technological innovations to defraud, cheat, deceive, mislead, discredit, confuse or sow chaos with either deliberate or random targets, thereby giving rise to a breed of cybercriminals hiding behind false or fictitious names or knowingly using the name of well-known and credible persons;

WHEREAS, the ease of access to the name, photo, and social media details of popular and credible persons or media outlets in social media platforms such as Facebook, has paved the way for cyber identity theft, illegal transactions or defraud for monetary gain, destroying reputations that society values, and devaluing and de-legitimizing credible voices of expertise, authoritative institutions, fairly accurate and credible information, objective data, effectively undermining society's ability to engage in rational discourse based on shared facts;

WHEREAS, the proliferation of verifiably false, manipulated, altered, distorted, and misleading information created, presented and disseminated for economic gain or to intentionally deceive (more commonly described as "fake news"), has spread faster and with more pernicious effect via the internet, social media, online platforms, and various forms of information and communications technologies, which have liberalized the dissemination of just about any information one wishes to circulate, creating the opportunity for seamlessly spreading false or manipulated information and passing them on as true, factual and authentic;

WHEREAS, according to the We Are Social's *Global Digital Report 2019*, there are 76 million active Filipino social media users – 71% of the entire population – who spend an average of four hours a day on different social media platforms, the most visited of which, is Facebook, with 75 million monthly active Filipino users, hence its susceptibility to being the preferred social media platform for spreading falsities and conducting fraudulent activities;

WHEREAS, the false, altered or manipulated information or statements erodes trust in institutions and in digital and traditional media, because it generates confusion, misleads decision-makers, breeds misunderstanding and destroys relations, with adverse impact on the people's good morals that weakens their discernment of which information or statement is true or false, hampering the ability of citizens to make informed decisions, and ultimately impairing the constitutionally enshrined right to freedom of opinion and expression;

WHEREAS, as Filipinos began using the internet to transact business online, Congress passed the Republic Act No. 8792, Electronic Commerce Act of 2000, otherwise known as the E-Commerce Law that empowered all existing law to recognize electronic commercial and non-commercial transactions and documents as evidence;

WHEREAS, in response to developments in technology and the ever-growing use of multiple forms of social media in the Philippines, Congress enacted Republic Act No. 10175, also known as the Cybercrime Prevention Act of 2012 which sanctions computer-related forgery, computer-related identity theft, certain content-related offenses, and cyber-libel;

WHEREAS, Section 14 of Republic Act No. 11313 known as the Safe Spaces Act sanctions as gender-based online sexual harassment the invasion of privacy through cyber stalking, any unauthorized recording and sharing of any of the victim's photos, videos or any information online, impersonating identities of victims online or posting lies about victims to harm their reputation, or filing false abuse reports to online platforms to silence victims;

WHEREAS, the Supreme Court passed the Rules on Electronic Evidence;

WHEREAS, Article III Section 4 of the 1987 Philippine Constitution states that no law shall be passed abridging the freedom of speech, of expression, or of the press, or the right of the people peaceably to assemble and petition the government for redress of grievances;

WHEREAS, Article III of the 1987 Philippine Constitution likewise guarantees in Section 3 that: (1) The privacy of communication and correspondence shall be inviolable except upon lawful order of the court, or when public safety or order requires otherwise as prescribed by law. (2) Any evidence obtained in violation of this or the preceding section shall be inadmissible for any purpose in any proceeding;

WHEREAS, Section 6 (f) of the Bayanihan to Heal As One Act (Republic Act No. 11469) penalizes the spreading of false information regarding the COVID-19 crisis on social media and other platforms, and the participation in cyber incidents that make use or take advantage of the current crisis situation to prey on the public through scams, phishing, fraudulent emails, or other similar acts;

WHEREAS, the Department of Information and Communications Technology (DICT) has combined efforts with the Philippine National Police (PNP) to create Task Force COVID Kontra Peke," a group tasked with preventing and reporting fake news that causes public harm, putting the protection of health, security, and environment at risk;

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WHEREAS, there is an urgent need to safeguard the truth by equipping the general public with tools to filter out disinformation and fake news, uphold the integrity of communications and information technology platforms, encourage factual dissemination of information, promote news literacy among the general public, engage in collaborative fact-checking and support the development of appropriate and self-reliant scientific and technological capabilities, protect public morals, enhance economic prosperity and social justice, maintain peace and order, and preserve the comfort and convenience of the inhabitants and constituents of Leyte by tracking disinformation, fake news and online scams and holding the authors and promulgators of such accountable;

WHEREAS, Section 468 of the Local Government Code empowers the Sangguniang Panlalawigan to enact ordinances for the general welfare of the Province of Leyte and its inhabitants; enact measures to maintain peace and order and prevent and suppress lawlessness, disorder, riot, violence, rebellion or sedition; adopt measures to protect the inhabitants of the province from the harmful effects of disasters and calamities; enact ordinances to prevent, suppress, and impose appropriate penalties for fraudulent devices and ways to obtain money or property and other activities inimical to the welfare and morals of the inhabitants of the province; and prescribe reasonable limits on the use of property within the jurisdiction of the province for country-wide growth and progress.

NOW THEREFORE, on motion of Honorable Florante A. Cayunda, Jr., and duly seconded by Honorable Nolie C. Caña and Honorable Maria Jean Torres-Rama, be it

RESOLVED to **enact**, as it is hereby **ENACTED** on third and final reading, the following:

ORDINANCE NO. 2020-10
Series of 2020

AUTHORS: ATTY. CARLO P. LORETO
ATTY. ANNA VICTORIA M. VELOSO - TUAZON

"AN ORDINANCE PROHIBITING THE DISSEMINATION OF FALSE, ALTERED OR MANIPULATED INFORMATION OR STATEMENTS AND ONLINE SCAMS, PROVIDING PENALTIES THEREFOR, AND FOR OTHER PURPOSES"

Be it ordained by the Sangguniang Panlalawigan of Leyte, that:

ARTICLE I

TITLE, POLICY, PRINCIPLES AND DEFINITION OF TERMS

SECTION 1. SHORT TITLE. This Ordinance shall be known as the "**CLOY 2020**", or Cyber Leyte Ordinance Year 2020.

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SECTION 2. DECLARATION OF POLICY. Leyte recognizes the vital role of communication and information technology in meaningful progress and sustainable development. To protect the integrity and sanctity of communications and information, and to shield the innocent especially the youth from the adverse impact of false information, Leyte shall ensure that the channels of transmission are free from false, fictitious, altered or manipulated contents and are utilized only to uphold freedom of expression characterized by accurate, responsible, relevant and useful information.

SECTION 3. DEFINITION OF TERMS. For purposes of this ordinance, the following terms are defined:

1. **Aid or Abet** shall refer to the act of conniving or assisting in the creation and/or dissemination of Disinformation through financial support or other positive acts without which the Disinformation would not have been Disseminated.
2. **Broadcast** means the transmission or dissemination of information by radio, television, live stream, podcast or similar other means of transmission.
3. **Computer-related Fraud** refers to the unauthorized input, alteration, or deletion of computer data or program or interference in the functioning of a computer system, causing damage thereby with fraudulent intent.

The main crime involving fraud is "swindling" (*estafa*), which is punishable under Article 315 of the Revised Penal Code, as amended. Swindling will be considered a cybercrime if the offence was committed by, through and with the use of information and communications technologies, in accordance with Section 6 of the Cybercrime Prevention Act of 2012.

4. **Creating Disinformation** refers to the positive act of maliciously bringing into existence Disinformation, whether in written, audio or video format, deliberately disguised as factual, true, and credible.
5. **Disinformation** refers to verifiably false or misleading information that is created, presented, and disseminated for economic gain or to intentionally deceive the public, and may cause public harm, threatening democratic political and policymaking processes as well as the protection of citizens' health, the environment or security. It shall not include inadvertent errors, satire and parody, or clearly identified partisan news and commentary, or illegal content penalized under existing laws.
6. **Disseminating Disinformation** for purposes of this Ordinance, shall refer to the process of deliberately and maliciously circulating, sharing, forwarding, re-publishing or re-broadcasting Disinformation, false, altered or manipulated information through print, broadcast, or social media platforms;

7. **Fake News** refers to Disinformation exemplified by any of the following or combinations thereof:
- a. Malicious misquotation or the verifiably false report of one's statement;
 - b. Malicious editing of audio or video which results in people being actively disinformed by the distortion of facts and/or the context; or
 - c. Purely and maliciously fabricated content knowingly shared to cause harm.
8. **False or Inaccurate Content** refers to Disinformation published in a social media post, blog, vlog, website, broadcast or print primarily geared towards:
- a. Maliciously undermining or benefiting a person, agency, entity or even, since the person disseminating the Disinformation knows it to be verifiably false;
 - b. luring advertisers or based on number of "clicks" or "visits" (ex. click baiters for ads) for pecuniary or commercial gain;
 - c. disturbing public order; or
 - d. sowing enmity, hatred or ill towards certain persons, political, cultural or gender groups and other minorities in broadcast, printed or web-published material disguised as news or with any factual claims.
9. **Information** refer to the content of the publication or broadcast disseminated which may be in the form of a statement, speech, news item, article, story, commentary, post, message, audio or video recording and the like;
10. **Manipulation** shall refer to the alteration, misuse, misapplication or exploitation of information resulting in Disinformation;
11. **Mass Media Enterprise** refers to any entity incorporated or organized to engage in the business of radio and/or television broadcasting and granted a valid government franchise or license to operate such business, or any entity that regularly publishes newspapers, magazines, or other similar materials using print or online publication;
12. **Mass Media or Social Media User** refer to any person or group of persons, natural or juridical, who utilizes mass media or social media platforms to circulate information whether under a verified user name or under a pseudonym;

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13. **Online Identity Theft or Cyber Identity Theft** refers to the intentional acquisition, use, misuse, transfer, possession, alteration, or deletion of identifying information belonging to another, whether natural or juridical, without right, as contemplated under Section 4 (b) (c) of the Cybercrime Prevention Act of 2012.

For purposes of this Ordinance, it shall include the intentional acquisition, use, misuse, transfer, possession, alteration, or deletion, of identifying profiles, photos and other details online, without right, malicious pretence or assumption of the name, photo, profile and other details of a person other than himself on online social networking sites, to deceive or defraud others.

14. **Publication** means the dissemination of information through print, traditional media, websites, advertisements, or other social media networks and platforms.

15. **Social Media Platform** shall refer to any user-specific web-based technology intended to create virtual connection through the internet such as social networking sites, blog sites, video-sharing sites, and the like.

Definitions in Republic Act No. 10175 otherwise known as the Cybercrime Prevention Act of 2012, Republic Act No. 8792 commonly known as the E-Commerce Law of 2000, Republic Act No. 11313 otherwise known as the Safe Spaces Act, the Rules on Electronic Evidence, and other related laws, rules and regulations, are hereby adopted in this Ordinance.

ARTICLE II

PROHIBITED ACTS AND PENALTIES

SECTION 4. PROHIBITED ACTS. The following acts are hereby prohibited:

1. Any Mass Media Enterprise, Mass Media or Social Media User, or any person who Disseminates Disinformation, either by publication or broadcast, in the form of Fake News, False or Inaccurate Content, or any other verifiably false or manipulated information, without conducting an independent fact-check;
2. Any Mass Media Enterprise, Mass Media or Social Media User, or any person who, within seventy two hours (72 hours) from having detected the Disinformation Disseminated, fails to report it for appropriate action to the applicable Social Media Platform;
3. Any Mass Media Enterprise, Mass Media or Social Media User or any person who maliciously Creates Disinformation and Disseminates Disinformation, whether in the form of Fake News, False or Inaccurate Content, or any other verifiably false or manipulated information;

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4. Any Mass Media Enterprise, Mass Media or Social Media User or any person Aiding or Abetting in the creation and dissemination of any Disinformation, whether in the form of Fake News, False or Inaccurate Content, or any other verifiably false or manipulated information;
5. Any Mass Media Enterprise, Mass Media or Social Media User, or any person who (a) spreads Disinformation or false information regarding the COVID 19 crisis on social media and other platforms, (b) publicly announces that a person is infected with or under investigation or monitoring for COVID - 19, unless said patient has consented to the disclosure and waived his/her right to privacy for purposes of contact tracing or other medical purposes, or (c) publicly discloses any sensitive information pertaining to a probable, suspect, or confirmed positive COVID-19 patient, unless said patient has consented to the disclosure and waived his/her right to privacy to facilitate contact tracing or for other medical purposes.

If the person violating is a public officer, the penalty imposed shall be in the maximum and can also be a ground for filing of an administrative case against said public officer.

6. Any Mass Media Enterprise, Mass Media or Social Media User or any person knowingly committing Online Identify Theft or Cyber Identity Theft to deceive or defraud others, at the expense of the victim, damaging their reputation.

Failure or refusal of any Mass Media Enterprise, Mass Media or Social Media User or any person to remove, retract, or publish an erratum on the published or broadcasted Disinformation within ten (10) days from having been alerted of the Disinformation by the applicable Social Media Platform or independent fact-checking network.

All other crimes defined and penalized by the Revised Penal Code, as amended, and special laws, if committed by, through, and with the use of information and communications technologies shall be covered by the relevant provisions of Republic Act No. 10175 otherwise known as the Cybercrime Prevention Act of 2012, Republic Act No. 8792 commonly known as the E-Commerce Law of 2000, and Republic Act No. 11313 otherwise known as the Safe Spaces Act.

In the creation and dissemination of false or manipulated information by any Mass Media Enterprise, Mass Media User, Social Media User or any person, it shall be necessary to establish that the false or manipulated information tends to mislead or deceive; cause panic, division, violence, or hate; blacken or discredit one's reputation or good name; or have similar other injurious effects. Complaints may be referred to the NBI Cybercrime Unit, PNP and similar cybercrime laboratories to establish the physical identity, location, and for other purposes, for the successful prosecution of the same.

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Pressing the "Like" button and posting comments are considered as "protected expression" and expressly excluded from the list of prohibited acts.

SECTION 5. PENALTIES. The commission of the acts prohibited in Section 4 of this Ordinance shall be sanctioned in accordance with the applicable penalties set forth under the Revised Penal Code, and special laws such as Republic Act No. 11469 known as the Bayanihan to Heal as One Act, Republic Act No. 10175 otherwise known as the Cybercrime Prevention Act of 2012, Republic Act No. 8792 commonly known as the E-Commerce Law of 2000, and Republic Act No. 11313 otherwise known as the Safe Spaces Act, without prejudice to damages applicable under the Civil Code, and administrative liability under applicable laws.

If the offender is a public officer, the maximum penalty herein shall be imposed.

If committed by a juridical person, the President, General Manager, Corporate Secretary or person with related interest in the Corporation or Partnership or Association shall be held liable or penalized accordingly.

The fact that the offender removed or retracted the false or manipulated information published or broadcasted within ten (10) days from discovery or complaint on demand and/or issued an erratum or apology in regard thereto shall be considered in fixing the penalties prescribed.

ARTICLE III

FINAL PROVISIONS

SECTION 6. SEPARABILITY CLAUSE. - If, for any reason or reasons, any part or provision of this Ordinance shall be held unconstitutional or invalid, other parts or provisions hereof, which are not affected thereby, shall continue to be in full force and effect.

SECTION 7. REPEALING CLAUSE. All ordinances, rules and regulations, or part thereof, in conflict with, or inconsistent with any provisions of this Ordinance are hereby repealed or modified accordingly.

SECTION 8. EFFECTIVITY. This Ordinance shall take effect immediately upon approval.

Approved unanimously.

I HEREBY CERTIFY to the correctness of the foregoing resolution.

FLORINDA JILL S. UYVICO
Secretary to the Sanggunian
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ATTESTED:

HON. GINA E. MERILO
Sangguniang Panlalawigan Member

HON. RANULFO S. ABELLANOSA
Sangguniang Panlalawigan Member

HON. TRINIDAD G. APOSTOL
Sangguniang Panlalawigan Member

HON. RAIZA J. VILLASIN
Sangguniang Panlalawigan Member

HON. MA. CORAZON M. REMANDABAN
Sangguniang Panlalawigan Member

HON. ANNA VICTORIA M. VELOSO-TUAZON
Sangguniang Panlalawigan Member

HON. MESIAS P. AREVALO
Sangguniang Panlalawigan Member

HON. MARIA CARMEN JEAN TORRES-RAMA
Sangguniang Panlalawigan Member

ATTY. FLORANTE A. CAYUNDA JR.
Sangguniang Panlalawigan Member

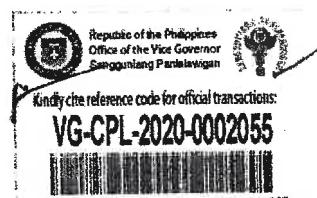
HON. EMMANUEL L. GAGIS
Sangguniang Panlalawigan Member

HON. NOLIE C. CAÑA
Sangguniang Panlalawigan Member

HON. CHIQUI RUTH C. UY
Sangguniang Panlalawigan Member

HON. JO VANNIE CHUA-MERILO
Sangguniang Panlalawigan Member

ATTY. CARLO P. LORETO
Vice Governor and Presiding Officer



Approved:

LEOPOLDO DOMINICO L. PETILLA
Governor

DATE: 26 MAY 2020