



Republic of the Philippines  
**House of Representatives**  
Quezon City, Metro Manila



Nineteenth Congress  
Second Regular Session

HOUSE BILL NO. **9261**

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**Introduced by Representative FERDINAND MARTIN G. ROMUALDEZ,  
MANUEL JOSE M. DALIPE, YEDDA MARIE K. ROMUALDEZ, JUDE  
A. ACIDRE**

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**EXPLANATORY NOTE**

This bill seeks to strengthen the cybercrime prevention measures by amending Republic Act (RA) No. 10175, otherwise known as the “*Cybercrime Prevention Act of 2012*.”

Cyberspace is a virtual place where an infinite repository of information and exchange is easily accessible. Technical innovations and the COVID-19 pandemic have further emphasized the benefits and, similarly, risks of navigating through the internet. Web users who seek deeper information and ease of communication are more exposed to dangers that persons of ill will or scammers pose through the use of cyberspace technology.

RA 10175 was passed to address the “*need to protect and safeguard the integrity of computer, computer and communications systems, networks, and databases, and the confidentiality, integrity, and availability of information and data stored therein, from all forms of misuse, abuse, and illegal access by making punishable under the law such conduct or conducts.*” It is a significant regulatory and penal measure dealing with a wide range of cybercrime-related offenses. Enacted almost a decade ago, however, the limitations of the law have become more apparent.

Cybersecurity statistics and reports all indicate that the Philippines is a hotspot for cyber-attacks. In banking, the Bankers Association of the Philippines (BAP) reported that P1 billion was lost in 2021 alone due to fraud and unauthorized withdrawals. Indeed, as exacerbated by the COVID-19 pandemic, financial services are among the most targeted by hackers. Similarly, the Philippines ranked 4th globally as the country that was most targeted by web threats in 2021. Notably, cyber threats that were detected in the country from 2017 to 2021 have increased tremendously to 433%.

The information technology and business management industry employs 1.57 million direct employees and contributes \$32.5 billion dollars in service export revenue. This industry suffers greatly due to persistent and widespread computer-related fraud, preventing these companies from creating more jobs and infusing more money into our economy.

Currently, data interference, computer-related offenses and in particular, computer-related fraud, are defined and penalized under Secs. 4(a)(3) and 4(b) of RA 10175.

This bill proposes to widen the scope of computer-data-related offenses and allow for the prosecution of more key players involved in the commission and proliferation of cybercrime offenses, such as principals by inducement. Any party who suffers damages caused by the commission of the offense, either directly or indirectly, may initiate the prosecution of the offense committed. These proposed amendments will ensure that justice will be served and prevent further damage to society perpetrated by unscrupulous individuals.

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



**FERDINAND MARTIN G. ROMUALDEZ**

*Representative*  
First District, Leyte



**MANUEL JOSE M. DALIPE**

*Representative*  
Second District, Zamboanga City



**YEDDA MARIE K. ROMUALDEZ**

*Representative*  
Party- List, Tingog Sinirangan



**JUDE A. ACIDRE**

*Representative*  
Party- List, Tingog Sinirangan



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1 **AN ACT**  
2 **STRENGTHENING THE CYBERCRIME PREVENTION MEASURES,**  
3 **AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 10175,**  
4 **OTHERWISE KNOWN AS THE “CYBERCRIME PREVENTION ACT OF**  
5 **2012”**

6  
7 *Be it enacted by the Senate and House of Representatives of the Philippines in*  
8 *Congress assembled:*  
9

10  
11 **SECTION 1.** Section 3 of Republic Act No. 10175 is amended to read as  
12 follows:

13 **“SEC. 3. *Definition of Terms.*** – For purposes of this Act, the  
14 following terms are hereby defined as follows:

15 **“a)** x x x;

16 x x x;

17 **“(n) *Service provider*** refers to:

1                   “(1) x x x; [~~and~~]

2                   “(2) x x x[-]; AND

3                   “(3) ANY ENTITY CONTRACTED BY ANOTHER  
4                   ENTITY, WHETHER DOMESTIC OR FOREIGN, TO  
5                   PROCESS ANY DATA OR INFORMATION OF ANY  
6                   PERSON WHEREVER LOCATED, INCLUDING ENTITY  
7                   PROVIDING BUSINESS PROCESS OUTSOURCING AND  
8                   SIMILAR SERVICES.”

9                   “x x x

10                  “(o) *Subscriber’s information* refers to any information  
11                  contained in the form of computer data or any other form that is held  
12                  **OR ACCESSED** by a service provider, relating to subscribers,  
13                  **WHETHER LOCATED IN THE PHILIPPINES OR NOT**, of its  
14                  services other than traffic or content data and by which identity can be  
15                  established:

16                       “(1) x x x;

17                       “(2) x x x;

18                       “(3) x x x.”

19                   “(p) x x x.

20                   “(Q) **IDENTIFYING INFORMATION** REFERS TO ANY  
21                   NAME OR NUMBER THAT MAY BE USED ALONE OR IN  
22                   CONJUNCTION WITH ANY OTHER INFORMATION TO

1 IDENTIFY ANY SPECIFIC INDIVIDUAL, INCLUDING ANY  
2 OF THE FOLLOWING:

3 “(1) NAME, DATE OF BIRTH, DRIVER’S LICENSE  
4 NUMBER, PASSPORT NUMBER, TAX  
5 IDENTIFICATION NUMBER OR OTHER  
6 GOVERNMENT-ISSUED IDENTIFICATION NUMBER;

7 “(2) UNIQUE BIOMETRIC DATA, SUCH AS  
8 FINGERPRINT OR OTHER UNIQUE PHYSICAL  
9 REPRESENTATION;

10 “(3) UNIQUE ELECTRONIC IDENTIFICATION  
11 NUMBER, ADDRESS, OR ROUTING CODE; AND

12 “(4) TELECOMMUNICATION IDENTIFYING  
13 INFORMATION OR ACCESS DEVICE.

14 SEC. 2. Section 4 of the same Act is amended to read as follows:

15 “SEC. 4. *Cybercrime Offenses.* – The following acts constitute  
16 the offense of cybercrime punishable under this Act:

17 “(a) Offenses against the confidentiality, integrity and  
18 availability of computer data and systems:

19 “x x x

20 “(3) Data Interference. – The intentional or reckless  
21 alteration, **INPUTTING**, damaging, deletion or deterioration of  
22 computer data, electronic document, or electronic data message,

without right, including the introduction or transmission of viruses, **REGARDLESS OF WHO CONTROLS OR OWNS THE COMPUTER DATA.**

“X X X

“(b) Computer-related Offenses:

“X X X

“(2) Computer-related Fraud. – The unauthorized input, alteration, or deletion of computer data or program or interference in the functioning of a computer system, causing **ANY FORM OF** damage, **WHETHER DIRECT, INDIRECT, LEGAL OR CONTRACTUAL**, thereby with fraudulent intent: *Provided*, That if no damage has been caused, the penalty imposable shall be one (1) degree lower.”

SEC. 3. Section 5 of the same Act is amended to read as follows:

“SEC. 5. *Other Offenses.* – The following acts shall also constitute an offense:

“(a) Aiding or Abetting in the Commission of Cybercrime. – Any person who willfully abets or aids in the commission of, **OR INFLUENCES OR DECEIVES ANOTHER TO COMMIT** any of the offenses enumerated in this Act shall be held liable.

“(b) X X X.

1           **“(C) FAILURE TO SURRENDER COMPUTER DATA OR**  
2           **COMPUTER SYSTEM. – ANY PERSON WHO KNOWINGLY**  
3           **AND UNLAWFULLY POSSESSES OR FAILS TO**  
4           **SURRENDER ANY COMPUTER SYSTEM THAT CONTAINS**  
5           **COMPUTER DATA THAT ARE CONSIDERED PERSONAL**  
6           **INFORMATION, SENSITIVE PERSONAL INFORMATION**  
7           **OR PRIVILEGED INFORMATION UNDER REPUBLIC ACT**  
8           **NO. 10173, OR THE “DATA PRIVACY ACT OF 2012,” SHALL**  
9           **BE HELD LIABLE.**

10           **“(D) SOLICITATION TO COMMIT CYBERCRIME. –**  
11           **ANY PERSON WHO WILLFULLY PROPOSES, SOLICITS,**  
12           **OR INDUCES ANOTHER PERSON TO COMMIT ANY OF**  
13           **THE OFFENSES UNDER THIS ACT, SHALL BE HELD**  
14           **LIABLE.”**

15           SEC. 4. Section 6 of the same Act is amended to read as follows:

16           “SEC. 6. All crimes defined and penalized by the Revised Penal  
17           Code, as amended, and special laws, if committed by, through and  
18           with the use of information and communications technologies shall be  
19           covered by the relevant provisions of this Act: *Provided*, That the  
20           penalty to be imposed shall be one (1) degree higher than that provided  
21           for by the Revised Penal Code, as amended, and special laws, as the  
22           case may be.

1                   **“THE PROSECUTION OF THE OFFENSES UNDER THIS**  
2                   **ACT MAY BE INITIATED BY ANY OFFENDED PARTY OR ANY**  
3                   **AFFECTED SERVICE PROVIDER.”**

4                   SEC. 5. All laws, executive orders, issuances, rules and regulations, or  
5 parts thereof inconsistent with the provisions of this Act are repealed or modified  
6 accordingly.

7                   SEC. 6. This Act shall take effect fifteen (15) days after its publication in  
8 the *Official Gazette* or in a newspaper of general circulation.

9                   Approved,