

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

'22 JUL -7 P5 :55

SENATE  
S. No. 225

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Introduced by Senator MARK A. VILLAR

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**AN ACT  
FURTHER PROTECTING THE INTEGRITY OF ELECTRONIC  
TRANSACTIONS, DEFINING FOR THE PURPOSE THE CRIME OF  
INTERNET AND TELECOMMUNICATIONS PHISHING, PROVIDING  
PENALTIES THEREFOR**

EXPLANATORY NOTE

Phishing is an act to acquire sensitive information, such as usernames, passwords, website details, and credit card accounts, by masquerading as a trustworthy entity in an electronic communication.

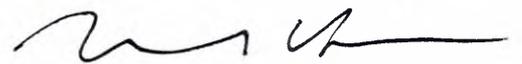
Phishing targets emails, telephone, or text messages by someone posing as a legitimate institution to lure individuals into providing sensitive data such as banking and credit card details, passwords, and personally identifiable information.

The Cybercrime Division of the National Bureau of Investigation (NBI) and the Bangko Sentral ng Pilipinas (BSP) have reported an increase in phishing.

The Bankers Association of the Philippines (BAP) has urged the public to be vigilant against phishing activities especially now that some people rely on online transactions.

The damage caused by phishing ranges from denial of access to one's email account, to substantial financial loss. It may be an assault to a person's right to privacy. The perpetrators can ruin an individual's trustworthiness and credit standing, as well as deny the victims access to their bank accounts.

This bill seeks to initiate the discussion on the enactment of an effective policy against phishing and all other forms of internet and telecommunications fraud. Since online transactions have become more popular as a mode of doing business in the Philippines, the deliberation of this proposed measure is recommended.

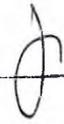


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*Be it enacted by the Senate and House of Representatives of the Philippines  
in Congress assembled:*

1           Section 1. *Short Title.* – This Act shall be known as the "*Anti-Phishing Law.*"

2           Sec 2. *Internet and Messaging Phishing.* – Any person who shall commit the  
3 act of phishing in the internet or in a messaging system shall be punished with  
4 imprisonment of not less than two (2) years nor more than ten (10) years, or a fine  
5 of not less than Fifty Thousand Pesos (Php 50,000.00) but not more than Five  
6 Hundred Thousand Pesos (Php 500,000.00) or both such imprisonment and fine,  
7 at the discretion of the court.

8           The act of internet and messaging phishing involves securing or obtaining  
9 sensitive personal information for the purpose of using it in fraud, for participating  
10 in fraudulent business practices, or for the purpose of identity theft and  
11 misrepresentation. It is carried out by means of electronic mail (email), messaging,  
12 through the use of phone calls, voice over internet protocol, or a combination of all  
13 those mentioned and other facilities of information technology.

1           This Act covers the development and possession of phishing kits or materials  
2 to commit fraud and the creation of fake websites to send bogus emails in order  
3 to defraud another person.

4           Sec. 3. *Coordination.* – The Department of Justice (DOJ), in coordination  
5 with the relevant offices, such as, but not limited to the Cyber Crime Division (CCD)  
6 of the National Bureau of Investigation (NBI) and the Anti-Cybercrime Group (ACG)  
7 of the Philippine National Police (PNP), and they shall establish a framework of a  
8 comprehensive process of assisting victims of phishing and assist law enforcement  
9 agencies in obtaining evidence to apprehend perpetrators.

10           Sec 4. *Implementing Rules and Regulations.* – The DOJ, in coordination with  
11 all the above-mentioned offices and the other relevant agencies, shall formulate the  
12 rules and regulations necessary to implement the provisions of this Act within ninety  
13 (90) days from the effectivity of this Act.

14           Sec 5. *Appropriations.* – The amount necessary for the implementation of  
15 this Act shall be charged to the appropriations or funds of the implementing  
16 agencies and offices.

17           Sec 6. *Separability Clause.* – If any portion or provision of this Act is declared  
18 unconstitutional, the remainder of this Act or any provision not affected thereby  
19 shall remain in force and effect.

20           Sec 7. *Repealing Clause.* – Any law, presidential decree or issuance,  
21 executive order, letter of instruction, rule or regulation inconsistent with the  
22 provisions of this Act is hereby repealed or modified accordingly.

23           SEC 8. *Effectivity.* – This Act shall take effect fifteen (15) days following its  
24 complete publication in a newspaper of general circulation.

Approved,