

**PRIVILEGE SPEECH**

15<sup>th</sup> City Council  
Sangguniang Panlungsod  
Davao City  
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**IN SUPPORT OF THE CYBER CRIME BILL**

By Councilor Pilar C. Braga, PhD

Madam President, eight years ago a national law was passed after the country was placed at the center stage for being the source of the notorious "I Love You" virus which resulted in the collapse on May 4, 2000 of about 45 million computers worldwide including those at the Pentagon and the British Parliament. This national law known as the E-Commerce law was passed imposing penalties of fine and/or imprisonment on:

- 1. Hacking, cracking or any unauthorized access or entry in computer and communication systems, networks or servers;*
- 2. Introduction of computer virus and other means that will corrupt, destroy, alter, or result in the theft or loss of electronic data messages or electronic document;*
- 3. Piracy or unauthorized copying, distribution, use, alteration, or transmission of works and materials protected by intellectual property laws; and*
- 4. Violations of the Consumer Act (Republic Act No. 7394) through electronic means.*

Eight years since the enactment of the e-commerce law, the Internet landscape has changed dramatically, and the current law may not be able address the threats posed by identity theft, data privacy, online fraud, and online child pornography. Scandals relating to the use of digital technology, computers, internet and the World Wide Web have been grazing front pages of our newspapers.

The Internet is a haven for fraud and illegal acts known as *cyber crimes* which would include but not limited to financial fraud, theft of proprietary information, sabotage of data or network, to computer viruses, system penetration from the outside, and laptop theft.

Some of the pernicious acts committed in cyberspace may include:

- 1. Cyberstalking* - the use of threatening, obscene or hateful emails, spreading vicious rumors about a person

online, and electronic sabotage like e-mail bombs where a system is flooded with voluminous e-mails.

2. *Identity Theft* - the stealing of the personal data of another person and makes unauthorized online purchases or transactions.

3. *Impersonation* - by making it appear that a person is the person he claims to be for the purpose maligning another, entering into feigned electronic contract for financial gain, dissemination of false information, or enticing another person to cooperate in his commission of illegal or immoral acts.

4. *Online Fraud* - stealing money on-line, using stolen credit cards and computer passwords, phone dialing scams coursed through e-mail.

5. *Violations of Intellectual Property Rights* - copying, downloading and transferring applications through e-mail and the File-Transfer Protocol (FTP) of the Internet. Unauthorized copying of information like book, music or video, illegitimate use of a brand name, a design or a logo violates trademark laws.

The extent and sophistication that internet crimes in the Philippines have taken in recent years require a cyber crime law which unfortunately has been stalled or delayed in the past two Congresses.

Something has to be done about the breadth of the e-commerce law as well as its vagueness. We need to pinpoint more details on what a cyber crime is and put a little more technicality in the law. If it's too vague, the hacker can just use that vagueness to his advantage. We need the law to be more technical.

A working draft of the consolidated cyber crime bill addresses this vagueness by identifying and penalizing computer crimes and computer facilitated crimes. The bill, dubbed the Cyber Crime Prevention Act, consolidates at least four House bills introduced by at least 12 congressmen.

Instead of just hacking, cracking and introduction of viruses, the proposed bill now defines several acts as computer crimes including illegal access, illegal interception, misuse of devices and unsolicited commercial communications.

It also imposes penalties on computer sabotage, which it defines as "input, alteration, erasure or suppression of computer or communication data or computer or communication programs, or interference with computer and communication system or network." Acts filed under computer sabotage include data interference, system interference, computer fraud and computer forgery.

This provision also covers all offenses related to cyber sex including production of child pornography for the purpose of distribution, offering or making available child pornography through a computer or computer network; distribution of child pornography, possession, prostitution or solicitation of any form of cyber sex, operation of internet café or any type of establishment which engages in cyber sex and promotion and advertisement of any form of cyber sex.

Under the proposed bill, those found guilty of computer crimes or computer sabotage could be fined P100,000 up to a maximum amount commensurate to the damage incurred plus a jail sentence of six to 12 years. Those found guilty of computer facilitated crimes could be fined P200,000 to P800,000 and a mandatory imprisonment of six to 12 years provided that the maximum penalty, as provided for by law, is imposed.

Since cyberspace is not defined by any territorial boundaries the most serious challenge to our government right now is how to regulate and exercise jurisdiction over Internet activities that serve as avenues for the commission of crimes that destroy the basic social norms and values of society like pornography or obscenity.

Some has maintained to allow the introduction of new technologies that would effectively deter the use of the information superhighway in the commission of illicit, illegal, immoral or even plainly unacceptable web practices, an act of self-regulation.

We urgently need this kind of bill. Our Congress needs to fast track the review, integration and synchronization of the different versions. The longer it takes for the bill to become a law, the more daring cyber crimes are being committed in secrecy and clandestinely.

Madam President, allow me therefore to pass the necessary resolution regarding this matter at hand.

Thank you.

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City Councilor

