

Philippines



header1 Overview

Internet freedom declined sharply during the coverage period, as outgoing president Rodrigo Duterte and incoming president Ferdinand Marcos Jr. imposed new controls on online spaces. The Duterte administration blocked 27 websites, including online news sites, shortly before leaving office. The online information environment remains rife with disinformation after the election period, while a SIM card registration law enacted by President Marcos Jr. poses risks to people's privacy. Red-tagging—a form of harassment whereby targets are accused of having links with local communist groups—physical assaults, and politicized lawsuits continued to impact media workers and activists operating online.

The Philippines' decline in internet freedom occurred amid an erosion of political and civil rights under former president Duterte, who completed his six-year term in June 2022 and whose war on drugs led to thousands of extrajudicial killings. Although the Philippines transitioned from authoritarian rule in 1986, the rule of law and application of justice are haphazard and heavily favor political and economic elites. Impunity remains the norm for crimes against activists and journalists.

header2 Key Developments, June 1, 2022 - May 31, 2023

- Authorities imposed brief restrictions on mobile networks during local festivities in October 2022 and January 2023 (see A3).
- In June 2022, the Duterte administration blocked 27 websites, including several news sites, under the Anti-Terror Act (see B1 and B3).
- Journalists and activists were targeted with cyberlibel charges and other forms of intimidation during the coverage period. Despite being acquitted of tax evasion charges in January 2023, independent news site Rappler continued to face legal problems during the coverage period, including a shutdown order for allegedly violating foreign ownership rules (see C3 and C7).

- Previously vetoed by former president Duterte amid privacy concerns, a new SIM card registration law enacted in October 2022 requires all SIM card users to register their SIM cards by providing their personal details and photo identification, or face deactivation (see C4).

A Obstacles to Access

A1 1.00-6.00 pts0-6 pts

Do infrastructural limitations restrict access to the internet or the speed and quality of internet connections?	4.004
	6.006

The internet penetration rate in the Philippines was 73.1 percent of the country's total population of 116.5 million as of January 2023, according to DataReportal.¹ People in the Philippines access the internet through mobile devices far more than through fixed-line connections. According to the International Telecommunication Union (ITU), there were 143 mobile cellular subscriptions per 100 inhabitants as of 2021, compared to 4 fixed broadband subscriptions.² The two major telecommunications companies—PLDT (formerly known as the Philippine Long Distance Telephone Company) and Globe Telecom—have also introduced fifth-generation (5G) technology for mobile networks nationwide. The 5G network from mobile service provider Smart Communications, a PLDT subsidiary, has expanded to 7,300 base stations nationwide as of September 2022,³ while Globe Telecom reported that its 5G coverage reached 97.2 percent of the National Capital Region and 90.2 percent of key cities in the Visayas and Mindanao as of February 2023.⁴

According to Ookla, median mobile internet speed reached 25.84 megabits per second (Mbps) as of May 2023, while median fixed broadband speed reached 91.62 Mbps.⁵

The government has several ongoing projects to improve connectivity. According to a 2017 law, public places such as hospitals and schools must provide free Wi-Fi.⁶ As part of the Free Wi-Fi for All program, the Department of Information and Communications Technology (DICT) established over 11,000 Wi-Fi sites as of December 2021.⁷ During a congressional hearing, the information and communication technologies (ICT) secretary reported that only 3,900 Wi-Fi sites were working when they checked in July 2022 because the budget for the program had been reallocated in 2021.⁸ In December 2022, the government renewed its commitment to setting up more Wi-Fi sites in the country, with plans to launch 15,000 sites in 2023.⁹

In May 2020, the DICT also released the Common Tower Policy, which allows the construction of shared towers for telecommunications companies to provide faster and cheaper internet service throughout the country.¹⁰ In September 2021, it launched Tower Watch, a monitoring system that will allow oversight agencies to have access to the status of pending and completed tower applications.¹¹ In November 2021, the DICT announced its plan to build 178,000 cellular towers by 2025, noting that over 25,000 government-funded cellular towers were in operation.¹² No concrete update has been given about this goal as of May 2023.

In 2017, then president Duterte launched the Government Satellite Network to provide internet connectivity to barangays, or local villages, though there has been no apparent progress on that effort.¹³ In July 2022, DICT announced that the department is working with satellite-based internet provider SpaceX to provide free internet connectivity to people in remote areas.¹⁴

Meta (the parent company of Facebook) announced in March 2022 that it would invest in eight new submarine cables between 2021 and 2025, including a cable that will link the Philippines with other countries in the region.¹⁵ A year earlier, Meta abandoned a project to build a high-speed internet infrastructure that would improve the speed, affordability, and accessibility of broadband internet in the Philippines. In exchange for Facebook's Pacific Light Cable Network, which was set to connect to the Philippines by the fall of 2020, the government was set to receive 2 terabits per second

(Tbps) of international bandwidth, free of charge, which the DICT intended to use to support its free Wi-Fi program and provide inexpensive internet to small service providers.¹⁶ Facebook abandoned the project amid pressure from US national security officials.¹⁷

The Duterte administration launched the National Broadband Plan (NBP) in 2017, to improve broadband connectivity.¹⁸ In 2020, the DICT signed agreements to connect several provincial networks to the fiber-optic backbone, as part of the first phase of the NBP.¹⁹ In November 2022, a senator reported that Phase 1 of the NBP was 73 percent complete, and DICT reported that the NBP will be operational by mid-2023.²⁰

Internet services were interrupted by natural disasters and technical difficulties during the coverage period. In July 2022, internet services in several North Luzon towns and cities were temporarily halted due to a magnitude 7.0 earthquake.²¹ The country's main international airport in Manila temporarily lost communications, including internet connectivity, due to a power outage in January 2023.²² After the coverage period, in June 2023, PLDT reported that some of their submarine cable partners were having connection issues, resulting in some users experiencing slowed internet connections and affecting access to Google services.²³

A2 1.00-3.00 pts0-3 pts

Is access to the internet prohibitively expensive or beyond the reach of certain segments of the population for geographical, social, or other reasons?	1.001 3.003
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A digital divide exists in the Philippines, mainly due to the cost of network subscriptions and the geography of network coverage. Connectivity is most concentrated in densely populated urban areas, while many poor, remote, and rural areas remain largely underserved.²⁴ While mobile and fixed-line data package prices are generally uniform across the country, daily minimum wages in urban areas are significantly higher than those in some rural areas.²⁵ Users also experience significant differences in internet speeds and quality of service depending on the region,²⁶ with limited 5G connectivity in rural areas for both Globe Telecom²⁷ and Smart.²⁸

According to the Inclusive Internet Index 2022 report, the Philippines ranks 59th out of 100 surveyed countries in terms of the cost of internet access relative to income.²⁹ According to internet comparison site Cable, the average monthly cost of a broadband package is \$38.19 as of January 2023, while the cost on average for 1 gigabyte (GB) of mobile data is \$0.52 as of April 2022.³⁰

A3 1.00-6.00 pts0-6 pts

Does the government exercise technical or legal control over internet infrastructure for the purposes of restricting connectivity?	5.005 6.006
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Score Change: The score declined from 6 to 5 due to temporary restrictions on local mobile networks in October 2022 and January 2023.

During the coverage period, in both October 2022 and January 2023, authorities announced that they would temporarily restrict mobile services during major festivities in several cities. In early January 2023, citing safety and security reasons, the Iloilo City Police Office announced that mobile phone signals would be restricted during the Dinagyang Festival in Iloilo City on January 21 and 22.³¹ The restrictions impacted a much broader area than originally planned, including neighboring towns.³² People in affected areas were unable to make phone calls and access mobile data.³³

Also citing safety and security reasons on the recommendation of the police, the National Telecommunications Commission (NTC) ordered telecommunications companies to temporarily restrict mobile signals in the cities of Cebu, Mandaue, and Lapu-Lapu during the Sinulog Festival on January 14 and 15, 2023.³⁴ It is unclear whether the restrictions were implemented after the

plans were met with opposition from the local mayor.³⁵ Earlier in the coverage period, on October 22 and 23, 2022, similar restrictions had targeted mobile networks in some parts of Bacolod City during the MassKara Festival.³⁶

One provider, PLDT, plays an outsized role in the country's telecommunications infrastructure. The private entity³⁷ owns the majority of fixed-line connections, as well as a 429,000-kilometer fiber-optic network that connects to several international networks,³⁸ and is part of a network of 16 international cable systems.³⁹ In line with its modernization plan, PLDT has invested in the Apricot cable system, the Jupiter cable project, and the Asia Direct Cable (ADC) system.⁴⁰ In 2021, Converge ICT Solutions, a fiber broadband operator, also invested \$100 million to participate in the Bifrost cable system (see A1).⁴¹ In 2017, Globe Telecom launched a \$250 million submarine cable that links Davao and the United States.⁴²

A4 1.00-6.00 pts0-6 pts

Are there legal, regulatory, or economic obstacles that restrict the diversity of service providers?

4.004

6.006

Internet service is currently classified as a value-added service and is therefore subject to fewer regulatory requirements than mobile and fixed-phone services. 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 of Congress. Second, they need to apply for certification from the NTC. Companies have separately complained about cumbersome permit procedures to build new cell towers.⁴³ These requirements were eased under an executive order issued by President Marcos in July 2023, after the end of the coverage period.⁴⁴

There were 369 internet service providers (ISPs) registered with the NTC as of October 2020, according to a freedom of information disclosure.⁴⁵ At present, the telecommunications industry is dominated by two companies, PLDT and Globe Telecom, each of which have acquired a number of minor players over the last two decades.⁴⁶ In 2022, PLDT reported having a total of 74.1 million mobile, fixed-line, and broadband subscribers,⁴⁷ while Globe reported having over 86.7 million mobile subscribers as of year-end 2022.⁴⁸

New service providers face legal obstacles, such as constitutional limitations on the people or companies that can operate a public utility, in obtaining a congressional franchise.⁴⁹ However, a new provider, Dito Telecommunity Corporation, formerly known as Mislattel,⁵⁰ launched its commercial operations in March 2021 in the cities of Davao and Cebu,⁵¹ and, as of mid-2023, has since expanded to most provinces.⁵² Dennis Uy, founder of Udenna Corporation and Chelsea Logistics, owns 60 percent of Dito and was reportedly the biggest contributor to former president Duterte's 2016 presidential campaign.⁵³ Dito reported a subscriber base of 9 million in mid-June 2022.⁵⁴ In May 2022, the DICT approved the registration of SpaceX's Starlink, allowing them to set up as a satellite internet provider in the Philippines.⁵⁵

The Philippine Competition Act was signed in 2015, 25 years after it was first filed,⁵⁶ to protect consumers and preserve commercial competition. The law established the Philippine Competition Commission (PCC)⁵⁷ but does not prohibit monopolies and will not prevent an entity from dominating a market so long as the company does not commit certain legally prohibited abuses.⁵⁸

The PCC challenged the joint acquisition, in 2016, of the San Miguel Corporation's telecommunications assets by PLDT and Globe. The deal resulted in the two companies controlling about 80 percent of all available cellular frequencies.⁵⁹ The Court of Appeals subsequently affirmed the deal's validity.⁶⁰ However, the PCC later said that the NTC could reacquire the wireless frequency from PLDT and Globe and redistribute the rights to a third provider if the companies did not improve their services.⁶¹

In March 2022, during the previous coverage period, former president Duterte signed into law Republic Act (RA) No. 11659, which amends the Public Service Act by delineating specific public

services—not including telecommunications—as “public utilities.” The amendment allows 100 percent foreign ownership of telecommunication companies operating in the Philippines.⁶² Previously, noncitizens could hold no more than a 40 percent stake in telecommunications companies.⁶³ The law took effect during the coverage period, in April 2023.⁶⁴

The Open Access in Data Transmission⁶⁵ Act, passed by the House of Representatives in July 2021, would liberalize the telecommunications industry and avoid a monopoly by a single provider. Under the law, the government would encourage more players to build and operate broadband networks, promote infrastructure sharing, and make spectrum management more transparent—which would likely lower the cost of access for users.⁶⁶ The legislation failed to pass in the Senate in the 18th Congress, which ran from July 2019 to June 2022, and was refiled in the 19th Congress, which began in July 2022. The legislation was passed again by the House of Representatives in December 2022, and remained under consideration in the Senate as of July 2023.⁶⁷

A5 1.00-4.00 pts0-4 pts

Do national regulatory bodies that oversee service providers and digital technology fail to operate in a free, fair, and independent manner?	2.002
	4.004

While national regulatory bodies that oversee service providers and digital technology generally operate independently, all heads of government agencies are appointed by the president. This framework has led to instances of political interference.⁶⁸ Ivan John Enrile Uy, a career ICT official appointed by President Marcos, assumed office as DICT secretary in June 2022.⁶⁹

The DICT is responsible for planning, developing, and promoting a national ICT development agenda. Attached to the DICT are three offices, one of which is the NTC, which regulates the industry with quasi-judicial powers and supervises the provision of public telecommunications services.

Under the Duterte administration, the political ties of previous DICT secretaries and the way that the DICT allocated its funds raised concerns.⁷⁰

B Limits on Content

B1 1.00-6.00 pts0-6 pts

Does the state block or filter, or compel service providers to block or filter, internet content, particularly material that is protected by international human rights standards?	4.004
	6.006

Score Change: The score declined from 6 to 4 due to the blocking of 27 websites in June 2022, including the websites of two independent news outlets, on the basis of alleged terrorist links.

In June 2022, then national security advisor Hermogenes Esperon Jr. requested that the NTC order the blocking of 27 websites, alleging that they were affiliated to “Communist-Terrorist” groups and citing the Anti-Terror Act as justification for the request (see C2). The websites included Philippine news sites Bulatlat and Pinoy Weekly, US-based publications CounterPunch and Monthly Review, and several sites affiliated with the Communist Party of the Philippines (CPP), which former president Duterte listed as a terrorist group.⁷¹ Service providers, including PLDT, indicated that they would comply with the NTC order.⁷² Some users were unable to access Bulatlat and Pinoy Weekly after the blocking order.⁷³ Toward the end of August 2022, Bulatlat became accessible again after a regional trial court cited the NTC for indirect contempt of an earlier court injunction favoring the outlet.⁷⁴ Despite the decision to restore access to Bulatlat, the NTC blocking order remained in effect.⁷⁵

In October 2022, the same regional trial court reaffirmed its writ of preliminary injunction against the NTC despite appeals from the commission and from Esperon, ensuring continued access to Bulatlat and, in effect, to the other listed websites as well.⁷⁶ As of June 2023, some of the 27 websites remained blocked on some networks.⁷⁷

Internet users freely access social networks and communication apps including YouTube, Facebook, Twitter, and international blog-hosting services.

B2 1.00-4.00 pts0-4 pts

Do state or nonstate actors employ legal, administrative, or other means to force publishers, content hosts, or digital platforms to delete content, particularly material that is protected by international human rights standards?	3.003 4.004
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The government does not systematically order the removal of online content, although there have been some instances of information being removed in recent years.⁷⁸ Government authorities have reportedly forced people to publicly apologize for critical social media posts, including during the COVID-19 pandemic.⁷⁹

Between July and December 2022, Google disclosed 32 content removal requests from the government relating to 50 pieces of content, primarily due to defamation, copyright, and privacy and security; Google removed about half.⁸⁰ In December 2021, Meta said it removed about 300 accounts on Facebook and Instagram linked to the North Macedonian cyber mercenary firm Cytrox targeting politicians and journalists. Meta's investigation found that Cytrox has clients in the Philippines.⁸¹

During the previous coverage period, content relating to former dictator Ferdinand Marcos Sr. became inaccessible, sparking concerns that the incoming presidential administration of Ferdinand Marcos Jr. would seek to remove online content in order to paper over abuses perpetrated by the dictatorship.⁸² After the May 2022 elections, the website of the Presidential Museum and Library, which documents the history of the martial law era, became inaccessible.⁸³ The library later explained that the website was taken down for updates. In March 2022, the Guinness World Records website removed the entry for "the greatest robbery of a government," which had been attributed to the elder president Marcos.⁸⁴

B3 1.00-4.00 pts0-4 pts

Do restrictions on the internet and digital content lack transparency, proportionality to the stated aims, or an independent appeals process?	3.003 4.004
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Score Change: The score declined from 4 to 3 due to the NTC's arbitrary and vaguely defined order to block 27 websites.

The NTC's blocking of 27 websites in June 2022 received widespread criticism for lacking credible evidence, due process, and a clear legal basis (see B1).⁸⁵ While then national security advisor Esperon alleged that the websites had links to "Communist-Terrorist" groups and cited the Anti-Terror Act to justify the order, most of the organizations whose websites were included on the list were civil society or media organizations, including news outlets Bulatlat and Pinoy Weekly.

Content blocking is allowed under a law that requires ISPs to prevent access to child sexual abuse imagery.⁸⁶ The police may request that ISPs block sites hosting such images, and ISPs typically comply with such orders.⁸⁷ In May 2020, lawmakers proposed the Digital Economy Taxation Act, which would allow the government to block online or digital platforms that do not comply with tax laws or pay the appropriate taxes.⁸⁸ The bill was reintroduced in the 19th Congress, which runs between July 2022 and June 2025, and is still pending as of June 2023.⁸⁹

B4 1.00-4.00 pts0-4 pts

Self-censorship remains a problem for those communicating online. Many journalists, for example, practice self-censorship due to the persistent pressures and threats they face, including high levels of violence and civil and criminal cases related to online activity.⁹⁰

The Center for Media Freedom and Responsibility (CMFR), a Philippine civil society organization, suggested in January 2019 that journalists may be self-censoring around issues related to corruption or illegal drugs.⁹¹ The organization also asserted that former president Duterte's criticism of the press and online harassment have led journalists to use caution when investigating and reporting. Following its mission to the country in April 2019, the US nonprofit Committee to Protect Journalists (CPJ) expressed similar concerns that the criminal cases against Rappler and a worsening environment of online harassment had heightened fear and exacerbated online self-censorship.⁹²

The trolling and red-tagging of journalists, as well as the threats, arrests, and other forms of harassment and attacks on media personalities like Maria Ressa (see C3 and C7), have also deterred people from freely expressing themselves online. According to news anchor Karen Davila, many journalists double- and triple-check their stories before publishing to prevent negative consequences or to avoid offending the wrong person.⁹³ Vicente Corrales, associate editor of the Mindanao Gold Star Daily, and his family have been subjected to online attacks that label them as members of the CPP (see C7). Corrales said the first time he was red-tagged, he avoided working on any reports or news stories related to the peace process, armed insurgents, or state forces.⁹⁴

B5 1.00-4.00 pts0-4 pts

Are online sources of information controlled or manipulated by the government or other powerful actors to advance a particular political interest?

1.001

4.004

Online sources of information have been increasingly manipulated by the government and other actors, with commenters and trolls on social media distorting the information landscape online in an attempt to shape political outcomes. Public relations firms offer services to circulate false or misleading information online to boost partisan narratives.⁹⁵ Philippine celebrities are also paid to share content that contains partisan false information.⁹⁶ Hyperpartisan news outlets, including those on YouTube, have contributed to the growing amount of misleading and fraudulent content online.⁹⁷

Online content manipulation around elections is practiced across the political spectrum. During the May 2022 election, politicians and political parties enlisted disinformation-for-hire firms, mobilized support from microinfluencers and hyperpartisan outlets, and coordinated harassment campaigns to delegitimize critics and the media (see C7). Researchers at the Philippine Media Monitoring Laboratory (PMM) identified widespread networks of false or misleading content on Facebook, Twitter, and YouTube active ahead of the 2022 elections.⁹⁸

Tsek.ph fact-checkers found that former vice president Maria Leonor "Leni" Gerona Robredo—the main progressive candidate in the 2022 presidential race—was the most frequent target of disinformation campaigns, and that Ferdinand Marcos Jr. benefited the most.⁹⁹ The Marcos campaign also mobilized meme pages and nonpolitical social media pages to spread pro-Marcos and pro-Duterte narratives, as did other campaigns with their candidates.¹⁰⁰ Nonpolitical microinfluencers were also mobilized by the Marcos and Robredo campaigns to share partisan messages online.¹⁰¹

Pro-Marcos disinformation networks sought to rebrand the Marcos family, including by minimizing the atrocities perpetrated by now president Marcos's father and branding the Marcoses as glamorous and familial. YouTube and TikTok videos spreading these narratives appeared targeted toward younger voters who were not alive during the martial law era.¹⁰² Pro-Marcos and pro-

Duterte accounts also mobilized to praise the Russian invasion of Ukraine in February 2022, linking their support of the Philippine leaders to Russian president Vladimir Putin’s authoritarianism, and spreading conspiracy theories about Robredo’s statements of solidarity with the Ukrainian people.¹⁰³

In January 2022, during the previous coverage period, Twitter removed a network of accounts linked to the Marcos campaign for violations of its platform manipulation and spam policies.¹⁰⁴ Facebook removed over 400 accounts, pages, and groups in April 2022 for elections-related policy violations, including a network associated with the CPP’s armed activist wing and accounts in Vietnam, Thailand, and the United States that were posing as Philippine users.¹⁰⁵

To combat the impact of disinformation, a number of fact-checking initiatives have emerged, including during the 2022 election period. Social media platforms have also attempted to respond to the increasing levels of online disinformation in the country (see B7).

B6 1.00-3.00 pts0-3 pts

Are there economic or regulatory constraints that negatively affect users’ ability to publish content online?	1.001 3.003
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Some economic and regulatory constraints have impacted individuals’ ability to publish content online, including instances in which the licenses of media outlets critical of the government have been revoked.

Two days before the end of then president Duterte’s term in June 2022, the Securities and Exchange Commission (SEC) upheld its 2018 decision to revoke news website Rappler’s operating license for allegedly violating a legal provision mandating full Philippine ownership and control of mass media. The SEC based its ruling on depository receipts issued by Rappler Holdings to the Omidyar Network Fund LLC, a fund created by eBay founder and US citizen Pierre Omidyar.¹⁰⁶ Duterte had previously called for an investigation into the outlet’s ownership in 2017, and had repeatedly alleged that its coverage was “fake news.”¹⁰⁷ The outlet—which had been critical of Duterte and his violent war on drugs and had suggested that he had “weaponized” social media to discredit his political opponents—once again indicated its intent to appeal, and remained in operation.¹⁰⁸

News network ABS-CBN was forced to shut down its broadcasting services in 2020 after Congress failed to renew its franchise. Some of the network’s content migrated to its digital television services, websites, and social media accounts, which were also impacted by the shutdown.¹⁰⁹ Critics assailed ABS-CBN’s closure as politically motivated and called it an attack on press freedom and democracy.¹¹⁰ ABS-CBN frequencies were subsequently awarded to allies of then president Duterte.¹¹¹

B7 1.00-4.00 pts0-4 pts

Does the online information landscape lack diversity and reliability?	3.003 4.004
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Online platforms are regularly used to discuss politics, especially around elections. Generally, the Philippine blogosphere is rich and thriving. In January 2021, media researchers found that Filipinos were shifting away from news organizations as their sources of information and increasingly relying on digital platforms, especially during the coronavirus pandemic.¹¹²

The diversity of the online information landscape has been undermined by the normalization of disinformation, the shift toward a hyperpartisan information ecosystem, continued harassment against independent outlets and journalists, online self-censorship, and distributed denial-of-service (DDoS) attacks against alternative media outlets (see B4, B5, C7, and C8).

Despite challenges in combating the impact of disinformation, fact-checking initiatives continue. The collaborative fact-checking project Tsek.ph relaunched for the 2022 elections, bringing

together 34 partners across the media, academia, and civil society.¹¹³ The #FactsFirstPh initiative, a collaboration of more than 100 media, academic, civil society, legal, and church groups, also launched in January 2022.¹¹⁴

Social media platforms also increased their content moderation efforts ahead of the 2022 elections. According to Google, from February 2021 to January 2022, YouTube removed over 400,000 videos uploaded from the Philippines that violated its community guidelines.¹¹⁵

B8 1.00-6.00 pts0-6 pts

Do conditions impede users' ability to mobilize, form communities, and campaign, particularly on political and social issues?	6.006
	6.006

Digital activism in the Philippines has had a significant impact in the past, making national and international headlines and at times prompting positive action from the government. Mobilization tools and websites are freely available for users.

The use of hashtags on social media is popular, both as a tool to draw attention to individual events and as a means of participating in broader social movements. During the 2022 elections, opposing camps engaged in so-called hashtag wars in an attempt to consolidate online support.¹¹⁶ Other hashtags, like #RP612FIC, are used to share light-hearted political or social commentary during annual celebrations, such as the country's Independence Day.¹¹⁷

In 2019, after the National Bureau of Investigation (NBI) arrested Maria Ressa following a libel complaint, the hashtags #HoldTheLine and #DefendPressFreedom were employed in support of Ressa, Rappler, and freedom of expression. With the closure of ABS-CBN television and radio stations, people flocked to social media to express their dismay over the network's closure, using the hashtags #DefendPressFreedom and #NoToABSCBNShutdown.¹¹⁸

Citizens also frequently employ online petitions to call for action on matters relevant to the public. Several groups and individuals started online petitions to reopen ABS-CBN, for example.¹¹⁹ In February 2022, the Computer Professionals' Union started an online petition calling on then president Duterte to veto the proposed SIM card registration act (see C4).¹²⁰

C Violations of User Rights

C1 1.00-6.00 pts0-6 pts

Do the constitution or other laws fail to protect rights such as freedom of expression, access to information, and press freedom, including on the internet, and are they enforced by a judiciary that lacks independence?	3.003
	6.006

The Bill of Rights of the 1987 Constitution protects freedom of speech and expression as well as press freedom, although these rights are not always upheld in practice.

Judicial independence deteriorated during the Duterte administration. Some courts displayed increased independence from the government in the latter part of 2022, after Duterte left office.¹²¹ The constitution allows the president to fill vacancies in the Supreme Court and lower courts—without a confirmation process (Art. VIII, Sec. 9)—from a list provided by the Judicial and Bar Council.¹²² As of May 2023, 13 of the 15 Supreme Court justices were Duterte appointees, and no new appointments have been made since.¹²³

Comprehensive legislation on freedom of information was still pending during the coverage period.¹²⁴ In 2016, then president Duterte signed an executive order on freedom of information, giving the public the right to request information from select government agencies.¹²⁵

Are there laws that assign criminal penalties or civil liability for online activities, particularly those that are protected under international human rights standards?	2.002
	4.004

Some laws undermine free expression protections granted by the constitution. Users have faced criminal charges for online activity under the libel law, which the Supreme Court upheld in 2014. Section 4c (4) of the 2012 Cybercrime Prevention Act classifies libel as a cybercrime. Section 6 prescribes prison terms of up to eight years for online libel,¹²⁶ which is almost double the maximum penalty for the offense when it is perpetrated offline.¹²⁷ Several bills have sought to repeal the provision on cyberlibel, including a bill to decriminalize libel filed by an opposition senator in December 2022.¹²⁸

The penal code also criminalizes certain categories of online speech and activities. Inciting sedition by means of “speeches, proclamations, emblems, cartoons, banners, or other representations” is a crime under Article 142.¹²⁹ Article 154 penalizes a range of online speech categories, notably “printing, lithography, or any other means of publication” that result in the spread of allegedly false news that “may endanger the public order, or cause damage to the interest or credit of the state.”¹³⁰ Individuals prosecuted under these provisions face prison terms varying from one month and one day to six months, or fines ranging from 200 pesos (approximately \$4.00) to 1,000 pesos (approximately \$20.76).¹³¹

The Anti-Terrorism Act of 2020 was signed into law in July 2020 (see C5). Section 9 of the law criminalizes incitement to terrorism, which is broadly defined as when “any person who, without taking any direct part in the commission of terrorism,” incites others to commit terrorist acts “by means of speeches, proclamations, writings, emblems, banners, and other representations.” Those who are convicted could face 12-year prison terms.¹³² Those suspected of terrorism can be detained for up to 14 days without warrant or charge; their detention can also be extended by another 10 days. A total of 37 petitions were filed before the Supreme Court questioning the constitutionality of the Anti-Terrorism Act.¹³³ In December 2021, the Supreme Court upheld the constitutionality of the law, only striking down a provision that defined terrorism so broadly as to include protest and dissent and a section on designating terrorists at the request of other governments or international bodies.¹³⁴

Are individuals penalized for online activities, particularly those that are protected under international human rights standards?	3.003
	6.006

Journalists and ordinary social media users continued to face criminal and civil penalties for their online activities, most often under libel laws, a trend that has deepened since Duterte took power in 2016 and persisted in the first year of the Marcos administration. The CMFR reported that 10 cases of libel and cyberlibel were filed against media workers between June 30, 2022 and April 30, 2023.¹³⁵

The news site Rappler and its staff members continued to face a series of legal challenges during the coverage period.¹³⁶ In January 2023, the Court of Tax Appeals acquitted Rappler and its chief executive Maria Ressa of four charges of tax evasion filed by the Duterte government in 2018.¹³⁷ However, Rappler faced three other cases during the coverage period,¹³⁸ including a pending appeal against a closure order upheld by the SEC in June 2022 (see B6). In July 2022, as part of an ongoing cyberlibel case, the Court of Appeals upheld the 2020 criminal conviction of both Ressa and former researcher Reynaldo Santos Jr.¹³⁹ and added eight months to the maximum sentence of six years’ imprisonment that had been imposed on the pair. The appellate court upheld the July ruling in October 2022.¹⁴⁰ The case involves a 2012 Rappler article that linked a businessman to illegal activities.¹⁴¹ Rappler has indicated that it plans to appeal to the Supreme Court.¹⁴²

Another cyberlibel case targeted Frank Cimat, a Baguio-based journalist and Rappler contributor. In December 2022, a regional court convicted Cimat of cyberlibel and sentenced him to up to five years in prison over a 2017 Facebook post in which Cimat allegedly accused former agriculture minister Emmanuel Piñol of corruption. The court also ordered Cimat to pay 300,000 pesos (\$5,282) in moral damages.¹⁴³ Cimat later said he would appeal the decision.¹⁴⁴

In August 2022, police arrested social activist and former vice presidential candidate Walden Bello based on a cyberlibel complaint filed by Jefry Tupas, who served as now vice president Sara Duterte's information officer when she was mayor of Davao City. The complaint was made about a March 2022 Facebook post that allegedly accused Tupas of using and dealing drugs after she attended a party that was raided by the police.¹⁴⁵ Bello was released after posting bail the following day.¹⁴⁶

Indigenous rights activists have also faced legal action. Sarah Dekdeken, secretary general of Cordillera Peoples Alliance, was convicted of cyberlibel in December 2022. Dekdeken was ordered to pay a fine and damages after she was sued by a regional police director over a social media post in which she accused him of ordering the dismantling of monuments honoring tribal leaders.¹⁴⁷

C4 1.00-4.00 pts0-4 pts

Does the government place restrictions on anonymous communication or encryption?

3.003
4.004

Score Change: The score declined from 4 to 3 due to the enactment of a new mandatory SIM card registration law which erodes users' anonymity and privacy protections.

The SIM Card Registration Act was enacted on October 10, 2022 and took effect by the end of the year.¹⁴⁸ Under the act, SIM card owners are required to register with their service providers within six months to avoid deactivation, and users who purchase new cards will need to provide their personal information and a valid photo identification document at the point of sale.¹⁴⁹ The law includes fines for failing to register SIM cards, as well as criminal penalties of up to two years' imprisonment for providing false information or fraudulent identification documents in order to register and up to six years' imprisonment for SIM card spoofing with the intent to cause harm.¹⁵⁰ Critics in both civil society and the private sector have raised concerns that the law could facilitate privacy abuses and fail to limit spam and fraud.¹⁵¹

The deadline for registering SIM cards was initially set for April 26, 2023, but was later extended to July 25, 2023, as more than half of total users had not registered their SIM cards as of April 23, three days before the original deadline.¹⁵² Despite the extension, the justice secretary claimed that unregistered SIM cards would have limited functionality beyond the original April 26 deadline, as some services, like social media, would be cut off for those that remained unregistered.¹⁵³

During the Duterte administration, then president Duterte vetoed an iteration of the SIM card registration bill that had also included a controversial provision for the mandatory registration of social media accounts, which Duterte said may result in state intrusion and surveillance.¹⁵⁴ Rights groups such as the Foundation for Media Alternatives,¹⁵⁵ Democracy.net.ph,¹⁵⁶ and the Computer Professionals' Union had issued statements calling on the president to veto the bill because of the threat posed to freedom of expression and the right to privacy.¹⁵⁷

C5 1.00-6.00 pts0-6 pts

Does state surveillance of internet activities infringe on users' right to privacy?

3.003 6.006

Despite constitutional protections to ensure the privacy of communications, surveillance is a growing concern in the Philippines. Budget allocations for intelligence funds and funds for surveillance activities in civilian government agencies have increased under the Marcos administration.¹⁵⁸

Several reports in recent years have indicated that the government has acquired various surveillance technologies. In January 2021, Bloomberg News reported that the Philippines bought surveillance technology from Sandvine, a technology company based in Canada.¹⁵⁹ In February 2018, reports revealed that the British government sold high-tech spying equipment worth £150,000 (\$200,000) to the Philippines, including tools to listen in on telephone conversations, like international mobile subscriber identity (IMSI)–catchers—also known by the product name Stingrays—and surveillance tools to monitor internet activity.¹⁶⁰ In 2014, the Philippine government reportedly acquired radio frequency (RF) test equipment from an electronic surveillance company based in Germany.¹⁶¹ The Department of National Defense (DND) claimed the acquisition was not unusual and was necessary to protect national security.

Concerns about surveillance grew when, during a visit to Marawi in 2017, former president Duterte admitted to wiretapping politicians allegedly involved in the drug trade.¹⁶² He implied that the government possessed wiretapping or interception capabilities again in February 2018, when he said he knew in advance that the International Criminal Court (ICC) would undertake an initial review of allegations that he had committed crimes against humanity while conducting the brutal war on drugs.¹⁶³ Human rights groups and those opposed to the war on drugs, such as Catholic priests, have suspected that their communications are vulnerable to government surveillance.¹⁶⁴

The Anti-Terrorism Act of 2020,¹⁶⁵ which effectively replaced the Human Security Act of 2007, was signed by the president and entered into force in July 2020 (see C2).¹⁶⁶ The law expands the definition of terrorism and allows law enforcement and the military to conduct surveillance of any form on an individual suspected of a terrorist act for 60 days, with a potential extension of 30 days.¹⁶⁷ Those suspected of supporting a terrorist organization can also be subjected to surveillance. Civil society groups and critics fear that the law could be used to surveil government critics, including left-wing groups that are often tagged as terrorists (see C7).¹⁶⁸

Authorities have increased their capacity to monitor social media platforms. In January 2019, the DICT contracted local company Integrated Computer Systems, Inc., and Israeli-American company Verint Systems, Ltd., for the department’s Cybersecurity Management System (CMS), which includes a social media monitoring component. Monitoring is conducted in “near real time,” including during election periods, to identify misinformation and other threats.¹⁶⁹ Similarly, the AFP created a social media monitoring cell in October 2018, receiving training from the US military on how to monitor platforms to “counter misinformation by violent extremism organizations.”¹⁷⁰

In February 2020, the deputy chief for operations of the Philippine National Police (PNP) encouraged police officers to be more active on social media to aid in crime prevention efforts. The statement followed an earlier order by the PNP’s chief to monitor crimes and abuses on social media.¹⁷¹ The police also monitor social media posts that spread false information.¹⁷²

C6 1.00-6.00 pts0-6 pts

Does monitoring and collection of user data by service providers and other technology companies infringe on users’ right to privacy?

4.004
6.006

Telecommunications providers are required to collect personal data and provide it to law enforcement under certain circumstances. The SIM Card Registration Act mandates that service providers collect personal data, including copies of a valid photo identification document (see C4). After launching in December 2022, the registration process raised further privacy concerns over the companies’ handling of this data, with reports that companies were also asking users to consent to using their data for promotional and other purposes.¹⁷³

In 2015, the government issued rules under the Cybercrime Prevention Act, clarifying some sections of the law that pertain to surveillance. Under its provisions, ISPs must collect and preserve data for up to six months on request. Law enforcement authorities tasked with investigating

cybercrime—the NBI and the PNP’s cybercrime unit—require a court order to access computer data.¹⁷⁴

The Data Privacy Act of 2012 established parameters for the collection of personal financial information as well as an independent privacy regulator.¹⁷⁵ Other laws with implications for user privacy include the Anti-Child Pornography Act of 2009, which explicitly states that while it does not “require an ISP to engage in the monitoring of any user,”¹⁷⁶ it does require them to “obtain” and “preserve” evidence of violations or risk their licenses being revoked. The law also authorizes local government units to oversee and regulate commercial establishments that provide internet services.

C7 1.00-5.00 pts0-5 pts

Are individuals subject to extralegal intimidation or physical violence by state authorities or any other actor in relation to their online activities?	2.002
	5.005

Journalists and rights activists, especially women, have been increasingly targeted with online intimidation and harassment in recent years.¹⁷⁷ The authorities’ use of red-tagging, a form of harassment whereby targets are accused of having links with local communist groups, continued during the coverage period.

Violence against journalists and activists is a significant problem in the Philippines, although it is not always directly related to their online activity. According to the National Union of Journalists of the Philippines (NUJP), at least 198 journalists have been killed since 1986.¹⁷⁸ Between September 2022 and May 2023, three journalists were murdered. In October 2022, online political commentator Percival Mabasa (also known as Percy Lapid), was killed, and his murder was seen as possibly motivated by his critiques of leading government figures on his online video channel, which had amassed more than 200,000 subscribers at the time of his death.¹⁷⁹

Between June 2022 and July 2023, the NUJP reported 84 attacks on the media, a 42 percent increase compared to Duterte’s first year in office.¹⁸⁰ Between June 30, 2022 and April 30, 2023, the CMFR reported 40 cases of intimidation against media workers, 7 of harassment, 5 threats via messages and online, 4 cyberattacks, and 1 physical attack.¹⁸¹ In one reported case in June 2023, online media outlet and fact-checker VERA Files received a death threat via Facebook messenger, which included a photo of two men holding firearms.¹⁸²

The practice of red-tagging journalists, rights defenders, and civil society groups to intimidate government critics persists, and targets are frequently red-tagged publicly on social media.¹⁸³

In a move intended to hold tech platforms accountable for online attacks, journalist Leonardo “Cong” Corrales filed a complaint with the National Privacy Commission (NPC) in May 2023 in an effort to compel Meta to disclose information on the anonymous accounts that had red-tagged him on Facebook.¹⁸⁴ In 2019, Corrales was forced to flee his home and sought refuge with friends for over a month after receiving a barrage of social media attacks.¹⁸⁵

C8 1.00-3.00 pts0-3 pts

Are websites, governmental and private entities, service providers, or individual users subject to widespread hacking and other forms of cyberattack?	2.002
	3.003

Score Change: The score improved from 1 to 2 because fewer cyberattacks were reported during the coverage period, after a series of attacks targeted newsrooms ahead of the May 2022 general election.

The number of reported technical attacks against media outlets subsided during the coverage period. Previously, DDoS attacks against media outlets covering the election campaign intensified in late 2021 and early 2022. Alternative media site Pinoy Weekly reported a cyberattack in

November 2021, following a story on a looming Duterte-Marcos electoral alliance.¹⁸⁶ That December, ABS-CBN News, Rappler, Philstar, and VERA Files experienced DDoS attacks.¹⁸⁷ In February 2022, CNN Philippines experienced a DDoS attack as it hosted a presidential debate.¹⁸⁸ The hacker group Pinoy Vendetta claimed responsibility for the attacks, as well as attacks on the websites of opposition senators Leila De Lima and Antoni Trillanes, the group 1Sambayan, and other websites associated with the left.¹⁸⁹

In early May 2022, the YouTube channel belonging to the state-owned People's Television Network (PTV) was hacked and renamed to "Tesla Live." The outlet restored the account on the same day.¹⁹⁰

Government and official state accounts and websites continued to experience cyberattacks during the coverage period. In May 2023, hackers published explicit content after taking control of the Facebook account belonging to an army battalion in Northern Mindanao. The Facebook page of Davao's City Transport and Traffic Management Office (CTTMO) was hacked and defaced in April 2023.¹⁹¹

In April 2023, a DICT official reported that the department had recorded approximately 3,000 successful cyberattacks against Philippine companies and government agencies between 2020 and 2022, with 60 percent of those attacks carried out against government websites.¹⁹² Also in April 2023, cybersecurity research company VPNMentor reported that more than 1.2 million records from government agencies, including highly sensitive employee information, were leaked as a result of a massive data breach that exposed over 817 GB of data.¹⁹³

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