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Freedom House (Author)

Freedom on the Net 2022 - Philippines

PARTLY FREE

65

/ 100

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LAST YEAR'S SCORE & STATUS

65 / 100 Partly Free

Scores are based on a scale of 0 (least free) to 100 (most free). See the [research methodology](#) and [report acknowledgements](#).

Overview

Internet freedom in the Philippines remained under threat during the coverage period. Disinformation proliferated during the May 2022 general election, which saw the landslide victories of Ferdinand “Bongbong” Marcos Jr., son of late dictator Ferdinand Marcos—who whose rule of the country was marked by corruption and human rights abuses, as president, and Sara Duterte-Carpio, daughter of outgoing president Rodrigo Duterte, as vice president. Red-tagging—a form of harassment whereby targets are accused of having links with local communist groups—physical assaults, and politicized lawsuits against government critics continued, as did technical attacks against news outlets and civil society groups.

The Philippines’ decline in internet freedom has occurred amidst an erosion of political and civil rights under President Rodrigo, who completed his six-year term in June 2022 and whose war on drugs has 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.

Key Developments, June 1, 2021 - May 31, 2022

- Ahead of the May 2022 election, candidates and campaigns—particularly the Marcos Jr. campaign—mobilized disinformation-for-hire firms, microinfluencers and meme pages, and hyperpartisan media sites to manipulate online narratives (see B5).
- In April 2022, President Duterte vetoed a bill that mandated the registration of SIM cards and social media accounts after civil society and industry groups mobilized against it for undermining free expression and privacy (see B8 and C4).
- Journalist and news sites continued to face politicized cyberlibel charges for their reporting. For example, former energy secretary Alfonso Cusi and Dennis Uy, a prominent businessman and Duterte ally, sued seven media organizations in December 2021 over their reporting on corruption allegations involving the two men (see C2 and C3).
- Online harassment spiked during the election period, with journalists facing targeted campaigns over their reporting, spurred by Marcos Jr.'s disparagement of and accusations of bias against the media (see C7).
- A series of DDoS attacks targeted media sites in late 2020 and early 2022, ahead of the May general election, including against CNN Philippines during a presidential debate that the outlet was hosting (see C8).

A Obstacles to Access

A1 0-6 pts

Do infrastructural limitations restrict access to the internet or the speed and quality of internet connections? 4 / 6

The internet penetration rate in the Philippines was 68 percent of the country's total population of 111.8 million as of February 2022, 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 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 6,400 base stations nationwide as of November 2021,³ while Globe Telecom's 5G coverage reached 96 percent of the National Capital Region and 84 percent of key cities in the Visayas and Mindanao in December.⁴

According to Ookla, median mobile internet speed reached 19.26 megabits per second (Mbps) as of May 2022, while median fixed broadband speed reached 60.09 Mbps.⁵

Internet usage and data traffic surged in parts of the country during the COVID-19 pandemic, with more people relying on the internet to keep informed and work from home.⁶ The Department of Information and Communications Technology (DICT) directed the National Telecommunications Commission (NTC) to ensure consistent and reliable telecommunications services in the country.⁷ Wi-Fi terminals were set up in designated quarantine areas, as well as in COVID-19 monitoring and control centers.⁸ To overcome infrastructure weaknesses and improve connectivity, the DICT, in February 2021, set a target of 15,000 new cellular towers over the next three years.⁹ In May 2022, the DICT reported difficulties with permitting and construction of the towers.¹⁰

The government also has several other ongoing projects that would improve internet access. According to a 2017 law, public places such as hospitals and schools must provide free Wi-Fi.¹¹ As part of the Free Wi-Fi for All program, the DICT established over 11,000 Wi-Fi sites as of December 2021.¹² DICT planned to install 120,000 sites by 2022, though the department itself had doubts about achieving that target.¹³ 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.¹⁴ It launched, in September 2021, Tower Watch, a monitoring system that will allow oversight agencies to have access to the status of pending and completed tower applications, including compliance of local government units.¹⁵ In November, 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.¹⁶

During his State of the Nation Address (SONA) in July 2020, President Duterte threatened to close Smart Communications and Globe Telecom if they did not improve their services by December, which they did.¹⁷ Smart committed to investing between 88 and 92 billion pesos (\$1.83 billion to \$1.92 billion) in 2021 to expand their fiber-optic and wireless coverage;¹⁸ Globe promised to build 2,000 cell sites in 2021.¹⁹

In 2017, the president launched the Government Satellite Network to provide internet connectivity to barangays, or local villages, though there has been no apparent progress on that effort.²⁰

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.²¹ 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 access 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.²² Facebook abandoned the project amid pressure from US national security officials.²³

The Duterte administration launched the National Broadband Plan (NBP) in 2017, to improve broadband connectivity.²⁴ In 2020, the DICT signed agreements to connect several provincial networks to the fiber-optic backbone, as part of the first phase of NBP.²⁵

Internet services were disrupted in April 2022 after a tropical depression hit the southern part of the Philippines. Mobile data services were reportedly interrupted in 24 towns in Leyte, 15 in Southern Leyte, 10 in Bohol, and 2 in Cebu.²⁶

A2 0-3 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 / 3

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, rural areas remain largely underserved.²⁷

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.²⁸ According to the internet comparison site Cable, the average monthly cost of a broadband package is \$44.19, while the cost on average for 1 gigabyte (GB) of mobile data is \$0.52 as of April 2022.²⁹

A3 0-6 pts

Does the government exercise technical or legal control over internet infrastructure for the purposes of restricting connectivity? 6 / 6

Authorities announced they would jam mobile phones in certain parts of Quezon City during the sixth SONA of President Duterte in July 2021.³⁰ It is unclear if the restrictions were implemented. Signals within the vicinity of the Batasang Pambansa complex, where the president delivers his

SONA, have been jammed during the president's address in previous years. The police said it is implemented for security reasons.

During previous coverage periods, the government ordered the shutdown of mobile phone networks during major events in several cities. In 2020, for the Black Nazarene procession, a widely attended Roman Catholic event held every January in the Quiapo district of Manila, the NTC issued a memorandum to Globe Telecom and Smart Communications to temporarily cut network services in specific areas where the procession passed. The memorandum was issued on request of the National Capital Region Police Office.³¹ That same month, mobile signals were restricted for two days in different parts of Cebu during the Sinulog-Santo Niño Festival, also for security reasons.³²

One provider, PLDT, plays an outsized role in the country's telecommunications infrastructure. The private entity³³ owns the majority of fixed-line connections, as well as a 429,000-kilometer fiber-optic network that connects to several international networks,³⁴ and is part of a network of 16 international cable systems.³⁵ In line with its modernization plan, PLDT has invested in the Apricot cable system, the Jupiter cable project, and Asia Direct cable system.³⁶ In 2021, Converge ICT Solutions, a fiber broadband operator, also invested \$100 million to participate in the Bifrost cable system (see A1).³⁷ In 2017, Globe Telecom launched a \$250 million submarine cable that links Davao and the United States.³⁸

A4 0-6 pts

Are there legal, regulatory, or economic obstacles that restrict 4 / the diversity of service providers? 6

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. Globe has separately complained of needing to obtain 25 permits to build a single cell site, a process that can last at least eight months.³⁹

There were 130 internet service providers (ISPs) registered with the NTC as of October 2019, according to a freedom of information disclosure.⁴⁰ All of them connect to PLDT or Globe. 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.⁴¹ In 2021, PLDT reported having a total of 78.8 million mobile, fixed line, and broadband subscribers,⁴² while Globe reported having over 81 million mobile subscribers in December 2021.⁴³

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.⁴⁴ However, a new provider, Dito Telecommunity Corporation, formerly known as Mislattel,⁴⁵ launched its commercial operations in March 2021 in the cities of Davao and Cebu.⁴⁶ Dennis Uy, founder of Udenna Corporation and Chelsea Logistics, owns 60 percent of Dito and was reportedly the biggest contributor to Duterte's 2016 presidential campaign.⁴⁷ Dito reported a subscriber base of 9 million in mid-June 2022.⁴⁸ 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.⁴⁹

The Philippine Competition Act was signed in 2015, 25 years after it was first filed,⁵⁰ to protect consumers and preserve commercial competition. The law established the Philippine Competition Commission (PCC)⁵¹ 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.⁵²

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.⁵³ The Court of Appeals subsequently affirmed the deal's validity.⁵⁴ 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.⁵⁵

In March 2022, 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 therefore allows 100 percent foreign ownership of telecommunication companies operating in the Philippines.⁵⁶ Previously, noncitizens could hold no more than a 40 percent stake in telecommunications companies.⁵⁷

The Open Access in Data Transmission⁵⁸ 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.⁵⁹ The legislation remained under consideration as of June 2022.⁶⁰

A5 0-4 pts

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

2 / 4

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.⁶¹ President-elect Marcos Jr. named Ivan John Enrile Uy, a career ICT official, as DICT secretary in May 2022; he assumed office in June 2022.⁶²

The DICT is responsible for planning, developing, and promoting a national information and communications technology (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.

Previous DICT secretaries have had political ties. In November 2018, Duterte appointed incumbent senator Gregorio Honasan, a former military officer and longtime friend,⁶³ to lead the DICT.⁶⁴ In October 2021, Honasan resigned from the DICT to run as senator.⁶⁵

How the DICT has allocated its funds has raised concerns in recent years. In January 2020, undersecretary Eliseo Rio resigned, citing concerns over how the DICT spent 300 million pesos (\$6.23 million) from a confidential fund; Rio also raised concerns that Honasan had not informed him of the underlying disbursement process.⁶⁶ Rio and Honasan later issued a joint statement stating the payment was above board.⁶⁷ In the 2020 budget, however, the amount allotted to the confidential fund doubled from 400 million pesos (\$8.3 million) to 800 million pesos (\$16.6 million).⁶⁸

In May 2020, Duterte accepted Rio's resignation, replacing him with Ramon Jacinto, a supporter of Duterte and previously his adviser on entrepreneurship and ICT.⁶⁹ Rio and Jacinto previously clashed over their positions on common cell towers. Jacinto was sworn in as undersecretary of the DICT in August 2020⁷⁰ but was later appointed the Presidential Adviser for Telecommunications, a position within the president's cabinet.⁷¹

B Limits on Content

B1 0-6 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? 6 / 6

No systematic government censorship of online content was documented in the Philippines during the coverage period, and internet users enjoyed unrestricted access to both domestic and international sources of information. Internet users freely access social networks and communication apps including YouTube, Facebook, Twitter, and international blog-hosting services.

In June 2022, after the coverage period, then national security advisor Hermogenes Esperon Jr. requested the NTC order the blocking of 27 websites, citing the Anti-Terror Act (see C2). The websites included Philippine news sites Bulatlat and Pinoy Weekly, US-based progressive 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. Service providers, including PLDT, indicated they would comply with the NTC order.⁷² Some users were unable to access Butlatlat and Pinoy Weekly after the blocking order.⁷³

B2 0-4 pts

Do state or nonstate actors employ legal, administrative, or other means to force publishers, content hosts, or digital platforms to 3 / delete content, particularly material that is protected by 4 international human rights standards?

The government does not systematically order the removal of online content, although there have been some instances of information being removed in recent years. Government authorities have reportedly forced people to publicly apologize for critical social media posts, including during the COVID-19 pandemic.⁷⁴

In February 2019, the *Philippine Star* removed from its website a 2002 article about Wilfredo Keng, a businessman who was suspected of involvement in the murder of a Manila councilman, after Keng threatened legal action against the outlet.⁷⁵ The takedown took place only a few days after Rappler chief executive Maria Ressa posted bail in connection with Keng's libel case against the news site (see C3).⁷⁶

Between July and December 2021, Google disclosed 49 content removal requests from the government relating to 87 pieces of content, primarily due to defamation, copyright, and privacy and security; Google removed about half.⁷⁷ Twitter reported complying with three content removal requests relating to five accounts in the same period.⁷⁸ Meta received one request from the government to remove content during the same time period, and restricted access to that item in the Philippines.⁷⁹ In December 2021, Meta also 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.⁸⁰

Content relating to former dictator Ferdinand Marcos became inaccessible during the coverage period, sparking concerns that the Marcos Jr. administration would seek to remove online content in order to paper over abuses perpetrated by the Marcos dictatorship.⁸¹ After the May 2022 elections, the website of the Presidential Museum and Library, which documents the history of the martial law era, became inaccessible.⁸² The library later explained that the website was taken

down for updates. In March, the Guinness World Records website removed the entry for “the greatest robbery of a government,” which had been attributed to the elder president Marcos.⁸³

B3 0-4 pts

Do restrictions on the internet and digital content lack transparency, proportionality to the stated aims, or an independent appeals process? 4 / 4

Restrictions on the internet are generally fair and proportional to the stated aims. Content blocking is allowed under a law that requires ISPs to prevent access to child sexual abuse imagery.⁸⁴ The police may request that ISPs block sites hosting such images, and ISPs typically comply with such orders.⁸⁵

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.⁸⁶ The bill has not proceeded since introduction.

Several draft bills relating to false information were filed during the 18th Congress, which runs between July 2019 and July 2022. The bills establish criminal penalties for those who violate its provisions⁸⁷ and would also allow authorities more latitude to issue takedown orders, to “correct” false or misleading content, or to block websites altogether with no judicial oversight and limited avenues of appeal (see C2).⁸⁸

B4 0-4 pts

Do online journalists, commentators, and ordinary users practice self-censorship? 2 / 4

Self-censorship remains a problem for those communicating online. Many journalists, for example, practice self-censorship due to the high level of violence against journalists and the increasing number of civil and criminal cases related to online activity. According to a June 2019 survey from pollster Social Weather Stations, 51 percent of Filipinos responded that it was “dangerous to print or broadcast anything critical of the administration even if it is true.”⁸⁹ In August 2019, a former editor-in-chief of the news site Inquirer.net said that some stories remained unpublished under the Duterte administration due to fear of “pushback.”⁹⁰

The Center for Media Freedom and Responsibility, a 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 the president'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

Supreme Court Associate Justice Marvic Leonen has also said that broadcaster ABS-CBN's license issues and closure have had a chilling effect on expression (see B6).⁹³

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), has 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.⁹⁴ Vicente Corrales, associate editor of the Mindanao Gold Star Daily, along with 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.⁹⁵

B5 0-4 pts

Are online sources of information controlled or manipulated by the government or other powerful actors to advance a particular political interest? 1 / 4

Online sources of information have been increasingly manipulated by the government and other actors. During the May 2022 election period, 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 identified widespread networks of false or misleading content on Facebook, Twitter, and YouTube active ahead of the election period.⁹⁶ Tsek.ph fact-checkers (see B7) found that Vice President Maria Leonor "Leni" Gerona Robredo—the main progressive candidate in the presidential race—was the most frequent target of disinformation campaigns, and that Marcos Jr. benefited the most.⁹⁷ 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.⁹⁸ Nonpolitical microinfluencers were also mobilized by the Marcos Jr. and Robredo campaigns to share partisan messages online.⁹⁹

Pro-Marcos Jr. disinformation networks sought to rebrand the Marcos family, including by minimizing the atrocities perpetrated by the Marcos dictatorship 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.¹⁰⁰ Pro-Marcos Jr. 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.¹⁰¹

In January 2022, Twitter removed a network of accounts linked to the Marcos Jr. campaign for violations of its platform manipulation and spam policies.¹⁰² Facebook removed over 400 accounts, pages, and groups in April 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.¹⁰³

Online content manipulation around elections is practiced across the political spectrum. Public relations firms increasingly offer services to circulate false or misleading information online to boost partisan narratives. The firms offer services comprising high-level strategy offered by marketing executives, operators of influencer accounts who post content to promote a campaign, and workers contracted to engage with and spread the content. PR executives have noted that they work with candidates across the political spectrum and are hired with the knowledge that their firms manipulate online content.¹⁰⁴

Hyperpartisan news outlets, including those on YouTube, have contributed to the growing preponderance of misleading and fraudulent content online.¹⁰⁵ Philippine celebrities are also paid to share content that contains partisan false information.¹⁰⁶

Content manipulation was prevalent around the 2016 presidential election, predominantly through fake social media accounts supporting President Duterte or attacking his detractors.¹⁰⁷ Many of the accounts that actively supported Duterte during the campaign continued to operate once he took power, backing the president's agenda.¹⁰⁸

Research released in August 2019 by Australian National University's New Mandala website showed how online content manipulation was an important component of candidates' campaign strategies for the May 2019 midterm elections.¹⁰⁹ Disinformation campaigns used "more insidious and camouflaged" tactics, focusing on microtargeting private social media groups with limited content moderation, as well as having nonpolitical accounts spread election-related content in an effort to make it seem more genuine.

In April 2019, the *Manila Times* published a matrix of news outlets, journalists, and advocacy groups allegedly plotting to overthrow the president. Maria Ressa, Rappler, Vera Files, the Philippine Center for Investigative Journalism (PCIJ), and the National Union of People's Lawyers (NUPL) were mentioned as alleged conspirators in the "coup" and were accused of routinely publishing fraudulent information intended to incite

readers. The information about the supposed plot, which had not been corroborated, was reportedly provided by Duterte himself, and the story was written by *Manila Times'* chairman emeritus, who had worked for the president.¹¹⁰ In May 2019, the presidential spokesperson released a new set of diagrams further elaborating on the list of alleged conspirators in the plot.¹¹¹

The government also attempted to control the narrative around COVID-19 and, in some instances, agencies have commanded employees to refrain from posting critical commentary on social media.¹¹²

B6 0-3 pts

**Are there economic or regulatory constraints that negatively 1 /
affect users' ability to publish content online? 3**

Some economic and regulatory constraints have impacted individuals' ability to publish content online, including instances of the licenses of media outlets critical of the government being revoked.

In January 2018, Rappler—which had been critical of President Duterte and his violent war on drugs and had suggested that he had “weaponized” social media to discredit his political opponents—was ordered to close by the Securities and Exchange Commission (SEC) for 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.¹¹³ Duterte had previously called for an investigation into the outlet's ownership, in 2017, and had repeatedly alleged its coverage was fake news.¹¹⁴ Following the closure order, the Rappler's reporter was banned from all official presidential events.¹¹⁵ The outlet remained in operation during the coverage period while awaiting a ruling from the Court of Appeals on a petition contesting the closure.¹¹⁶ In June 2022, after the coverage period, the SEC again announced the revocation of Rappler's license; the outlet again indicated its intent to appeal.¹¹⁷

In February 2022, Rappler signed a Memorandum of Understanding (MOU) with the Commission on Elections (Comelec) to collaborate on a fact-checking initiative during the upcoming elections. Groups opposed to Rappler, including the Office of the Solicitor General (OSG), asked the poll body to nullify the agreement, citing the claims about Rappler's foreign ownership; the OSG filed a petition with the Supreme Court to nullify the agreement.¹¹⁸ Comelec subsequently suspended the agreement.¹¹⁹

ABS-CBN's broadcast services have been suspended indefinitely since June 2020 after Congress, dominated by supporters of President Duterte, failed to renew its broadcast license. The NTC ordered ABS-CBN to cease its digital television and satellite services in June 2020; ¹²⁰ the House of Representatives voted to permanently shut down the network's television

and radio services a month later.¹²¹ Duterte had criticized the network several times, including, for example, after it did not air his paid political advertisements during the 2016 presidential campaign.¹²² Critics have assailed ABS-CBN's closure as politically motivated and called it an attack on press freedom and democracy.¹²³

The television broadcast frequencies of ABS-CBN were taken over by Advanced Media Broadcasting System,¹²⁴ a company owned by former senator Manuel Villar, a Duterte campaign supporter.¹²⁵

The Open Access in Data Transmission¹²⁶ Act, passed by the House of Representatives in July 2021, would mandate net neutrality if enacted (see A4).¹²⁷

B7 0-4 pts

Does the online information landscape lack diversity and 3 / reliability? 4

Online platforms are regularly used to discuss politics, especially around elections. Generally, the Philippine blogosphere is rich and thriving. In January 2021, media researchers reported that Filipinos were shifting away from news organizations as their sources of information and increasingly relying on digital platforms, especially during the coronavirus pandemic.¹²⁸

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). With the closure of ABS-CBN's television and radio stations, some of the network's content migrated to its digital television services, websites, and social media accounts, which were also impacted by the shutdown (see B6).¹²⁹

Despite challenges in combating the impact of disinformation, fact-checking initiatives continue. In January 2022, Tsek.ph, a collaborative fact-checking project for the 2019 elections, was relaunched.¹³⁰ #FactsFirstPh, a collaboration of more than 100 media, academic, civil society, legal, and church groups, also launched in January 2022 to fight disinformation in the country during the elections.¹³¹ Ahead of the 2022 elections, Google reported that from February 2021 to January 2022, YouTube removed over 400,000 videos uploaded from the Philippines that violated its community guidelines.¹³²

B8 0-6 pts

Do conditions impede users' ability to mobilize, form 6 / communities, and campaign, particularly on political and social 6 issues?

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. After the National Bureau of Investigation (NBI) arrested Maria Ressa in February 2019 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.¹³³

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.¹³⁴ In February 2022, the Computer Professionals' Union started an online petition calling on the president to veto the proposed SIM card registration act (see C4).¹³⁵

Despite the coronavirus lockdown, during which outdoor gatherings were generally prohibited by the Inter-Agency Task Force on Emerging Infectious Diseases, rights groups held rallies and protests while trying to maintain physical distancing and other minimum health protocols. On May Day in 2021, workers held large protests in Manila; some protestors were arrested for violating quarantine protocols. Following the incident, police urged groups to hold online demonstrations instead, advice that some groups saw as a government attempt to deny free expression and assembly rights.¹³⁶

C Violations of User Rights

C1 0-6 pts

Do the constitution or other laws fail to protect rights such as freedom of expression, access to information, and press freedom, 3 / including on the internet, and are they enforced by a judiciary 6 that lacks independence?

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.

Several draft bills that would better protect users' rights were pending at the end of the coverage period. Three bills were filed in Congress that aim to amend the Cybercrime Prevention Act of 2012; two of those bills seek to repeal the act's cyberlibel provision.¹³⁷

Judicial independence has deteriorated during President Duterte's administration.¹³⁸ 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.¹³⁹ Supreme Court Chief Justice Maria Lourdes Sereno, a sometimes vocal opponent of the Duterte government's policies, was ousted in May 2018 when the Supreme Court narrowly granted a petition from the solicitor general to cancel Sereno's 2010 appointment because she allegedly did not disclose all of her assets.¹⁴⁰ The UN's special rapporteur on the dependence of judges and lawyers expressed concern over the dismissal, calling it a threat to judicial independence.¹⁴¹ As of May 2022, 13 of the 15 Supreme Court Justices were Duterte appointees.¹⁴²

To respond to the COVID-19 pandemic, the government passed RA No. 11469, also known as the Bayanihan to Heal as One Act, in March 2020. The legislation gave the president broad emergency powers and further criminalized online expression (see C2).¹⁴³ Various media and civil society groups warned that the law posed a grave danger to freedom of expression due to its failure to define false information.¹⁴⁴ The law expired in June 2020 and was replaced in September 2020 by RA No. 11494, or the Bayanihan to Recover as One Act. This replacement legislation extended the president's special powers to address the pandemic and provided funds to handle the health crisis. The provision in the original law penalizing the spread of false information was not renewed.¹⁴⁵

C2 0-4 pts

Are there laws that assign criminal penalties or civil liability for online activities, particularly those that are protected under international human rights standards? 2 / 4

Some laws undermine free expression protections granted by the constitution. Users can face 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,¹⁴⁶ which is almost double the maximum penalty for the offense when it is perpetrated offline.¹⁴⁷

The Penal Code also criminalizes certain online speech and activities. Inciting sedition by means of "speeches, proclamations, emblems, cartoons, banners, or other representations" is a crime under Article 142.¹⁴⁸ 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."¹⁴⁹ Individuals prosecuted under these provisions face prison terms varying from one

month and one day to six months or fines ranging from 200 pesos (\$4.00) to 1,000 pesos (\$20.76).¹⁵⁰

Section 6 (f) of the Bayanihan to Heal as One Act, which expired in June 2020, penalized individuals and groups for “creating, perpetuating, or spreading false information regarding the COVID-19 crisis on social media and other platforms,” especially information that is “clearly geared to promote chaos, panic, anarchy, fear, or confusion.”¹⁵¹ Those who were convicted faced prison terms of up to two months, fines ranging from 10,000 pesos (\$208) to 1 million pesos (\$20,755), or both (see C1).

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.¹⁵² 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. Multiple petitions have been filed before the Supreme Court questioning the law’s constitutionality.¹⁵³

In August 2020, the chief of the Armed Forces of the Philippines (AFP) proposed using the Anti-Terrorism Act to regulate social media. He claimed authorities could prevent terrorists from organizing and planning attacks and remain “one step ahead of terror groups” by using the implementation section of the law.¹⁵⁴ After the proposal was harshly criticized, he clarified that he only wanted social media companies to implement more mechanisms to ensure their platforms are not being used for terrorist purposes.¹⁵⁵

C3 0-6 pts

Are individuals penalized for online activities, particularly those 3 / that are protected under international human rights standards? 6

Journalists and ordinary 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. Over the coverage period, people were arrested and spuriously charged as a form of intimidation and harassment (see C7).

A number of libel cases have targeted news site Rappler.¹⁵⁶ In February 2019, the Regional Trial Court issued an arrest order for Rappler chief executive Maria Ressa and former researcher Reynaldo Santos Jr. on charges of cyberlibel, under the 2012 Cybercrime Prevention Act.¹⁵⁷ The charges stemmed from a complaint filed by businessman Wilfredo Keng against the outlet in late 2017, regarding a 2012 story by Santos that suggested Keng’s involvement in murder, human trafficking, and drug smuggling.¹⁵⁸ In June 2020, a Manila court found Ressa and Santos guilty,

specifying that their sentence could include imprisonment ranging from six months and one day to six years, as well as fines.¹⁵⁹ The Court of Appeals upheld that ruling in July 2022, adding eight months to the prison sentence. Rappler indicated plans to appeal to the Supreme Court.¹⁶⁰

Another libel case was filed against Ressa and Rappler reporter Rambo Talabong in January 2021 over an investigative story on alleged corruption at a university. Rappler's legal counsel observed that "cyber libel is now the first option in case of disagreement on reporting."¹⁶¹ The case against Ressa and Talabong was dismissed by a Manila court in August 2021.¹⁶² In June 2021, Keng withdrew his second cyberlibel suit against Ressa, this one over a social media post she had made earlier that month that included screenshots of the original 2002 *Philippine Star* article that alleged Keng was linked to a murder case.¹⁶³

Politicians have filed online libel cases against journalists, bloggers, and ordinary internet users. In May 2022, columnist and broadcaster Ramon Tulfo was arrested by the police following a cyberlibel case filed against him by former secretary of justice Vitaliano Aguirre and subsequently released on bail. Duterte's executive secretary also filed a cyberlibel case against Tulfo.¹⁶⁴

Energy Secretary Alfonso Cusi filed libel and cyberlibel cases against officials and reporters of seven news sites for their reporting on graft charges filed against Cusi and the Department of Energy in December 2021.¹⁶⁵ Dennis Uy, whose company Udenna was alleged to have benefited from the corruption for which Cusi was charged, likewise filed two counts of libel in February 2022 against the *Manila Bulletin*.¹⁶⁶

In February 2022, Senator Francis Pangilinan filed a cyberlibel case against Maharlika, a pro-Marcos YouTube channel, for violation of the Cybercrime Prevention Act.¹⁶⁷ According to the Senator, Maharlika published false content intended to damage his and his family's reputation.¹⁶⁸ In July 2021, Pangilinan also filed cyberlibel cases against two YouTube channels, for posting videos claiming he physically abused his wife, and Google's country manager in the Philippines, for not ensuring the videos were removed.¹⁶⁹

Organizers of a rally supporting presidential candidate Vice President Robredo filed cyber libel charges in February 2022 against a doctor who claimed that rally participants were paid to join.¹⁷⁰ Quezon City mayor Joy Belmonte filed cyberlibel cases against Quezon City mayoralty candidate Michael Defensor for posting on social media alleged libelous posts against the incumbent mayor.¹⁷¹

In February 2022, during the election period, the NBI detained and presented to the media a man who officials alleged threatened in a TikTok video to kill presidential candidate Marcos Jr. The man denied that the

TikTok account where the post appeared was his; no charges were filed.¹⁷²

In July 2018, blogger Eduardo “Cocoy” Dayao was charged with cyberlibel under the Cybercrime Prevention Act after Senate president Vicente Sotto filed a complaint regarding an article by Dayao criticizing seven senators for not signing a resolution calling for the government to end the killing of minors.¹⁷³ The case against Dayao was ongoing at the end of the coverage period.

Then senator Antonio Trillanes, a vocal critic of Duterte, filed a libel complaint against Duterte supporter and blogger RJ Nieto for posting “false and derogatory” statements on his Facebook account in 2017 accusing Trillanes of being a drug dealer.¹⁷⁴ In July 2018, Nieto was indicted, but the case was ongoing at the end of the coverage period.¹⁷⁵

C4 0-4 pts

Does the government place restrictions on anonymous 4 / communication or encryption? 4

There are no restrictions on anonymous communication or encryption in the Philippines. The government does not require user registration for internet and mobile access, and prepaid services are widely available, even in small neighborhood stores. There are legislative initiatives in both houses of Congress that seek SIM card registration systems in order to prevent mobile phone-aided terrorism and criminal activities.¹⁷⁶

In February 2022, Congress passed the consolidated SIM card registration bill, which required the registration of SIM cards as a prerequisite to sale and activation.¹⁷⁷ It also mandated all social media account providers require real names and phone numbers from individuals creating accounts on their platforms, though the bill does not specify a penalty for failing to do so. The bill likewise penalized individuals using fictitious names to register social media accounts with a minimum jail term of six years, a fine of 200,000 pesos (\$3,800), or both.¹⁷⁸ Supporters of the bill claimed registration was needed to address trolling, hate speech, and defamation.

In April 2022, President Duterte vetoed the bill because of the provision for mandatory registration of social media accounts, which the president said may result in state intrusion and surveillance.¹⁷⁹ Rights groups such as the Foundation for Media Alternatives,¹⁸⁰ Democracy.net.ph,¹⁸¹ and the Computer Professionals’ Union¹⁸² 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.

C5 0-6 pts

Does state surveillance of internet activities infringe on users’ 3 / right to privacy? 6

Despite constitutional protections to ensure the privacy of communications, surveillance is a growing concern in the Philippines.

Documents leaked during the previous coverage period included evidence that the government intends to procure hardware and software for communications surveillance.¹⁸³ In January 2021, Bloomberg News reported that the Philippines bought surveillance technology from Sandvine, a technology company based in Canada.¹⁸⁴ 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.¹⁸⁵ In 2014, the Philippine government reportedly acquired radio frequency (RF) test equipment from an electronic surveillance company based in Germany.¹⁸⁶ 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, President Duterte admitted to wiretapping politicians allegedly involved in the drug trade.¹⁸⁷ 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.¹⁸⁸ 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.¹⁸⁹

The Anti-Terrorism Act of 2020,¹⁹⁰ which effectively replaced the Human Security Act of 2007, was signed by the president and entered into force in July (see C2).¹⁹¹ 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.¹⁹² 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).¹⁹³ A total of 37 petitions were filed before the Supreme Court questioning the constitutionality of the Anti-Terrorism Act.¹⁹⁴ 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.¹⁹⁵

Previously, the Human Security Act of 2007 allowed for law enforcement to “listen to, intercept, and record, with the use of any mode, form, kind,

or type of electronic or other surveillance equipment or intercepting and tracking devices” the conversations of those who are charged with or suspected of terrorism.¹⁹⁶ Under the act, law enforcement officials must obtain a court order to carry out such surveillance activities.¹⁹⁷ However, the law includes a broad definition of terrorism that critics argued was susceptible to abuse.¹⁹⁸

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.¹⁹⁹ 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.”²⁰⁰

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.²⁰¹ The police also monitor social media posts that spread false information.²⁰²

C6 0-6 pts

Does monitoring and collection of user data by service providers and other technology companies infringe on users’ right to privacy? 4 / 6

In general, technology companies are not required to aid the government in monitoring the communications of their users, although there are some data retention requirements.

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.²⁰³

The Data Privacy Act of 2012 established parameters for the collection of personal financial information as well as an independent privacy regulator.²⁰⁴ 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,”²⁰⁵ 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 0-5 pts

Are individuals subject to extralegal intimidation or physical violence by state authorities or any other actor in relation to their online activities? 2 / 5

Journalists and rights activists, especially women, have been increasingly targeted with online intimidation and harassment in recent years.²⁰⁶ Authorities' use of red-tagging, a form of harassment whereby targets are accused of having links with local communist groups, increased during the coverage period.

In October 2021, Orlando Dinoy, a reporter for the news site Newsline Philippines, was killed by an unidentified gunman in his apartment. Law enforcement investigators indicated he may have been killed because of his Facebook posts about politics and illegal gambling or his journalism.²⁰⁷

Political vlogger Danilo Lumikid was killed in April 2022. Lumikid was a frequent critic of a local politician and reportedly faced several cyberlibel charges. Police were investigating whether his killing was in retaliation for his videos.²⁰⁸

Robredo was red-tagged ahead of the election, particularly after the news site Journal News Online claimed in April 2022 that she was advised by CPP founder Jose Maria Sison.²⁰⁹ Similar claims circulated online and offline throughout the coverage period, including about Robredo supporters.²¹⁰

The Duterte administration employed the tactic of red-tagging to intimidate government critics. Authorities frequently conduct raids against groups or individuals who are tagged as communists or allies of communist groups, planting evidence that can be used to bring charges against them. In December 2020, police arrested Lady Ann Salem, editor of the online news website Manila Today, for alleged illegal possession of weapons. The criminal cases filed against Salem were dismissed by the Mandaluyong Regional Trial Court though she remained incarcerated until March 2021 because government prosecutors refused to accept her release.²¹¹

Journalists and ordinary citizens also get red-tagged publicly on social media.²¹² In March 2021, Presidential Communications Undersecretary Lorraine Badoy, who is also a spokesperson of the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC), accused Rappler of being "an ally and mouthpiece" of the CPP, New People's Army (NPA), and the National Democratic Front of the Philippines (NDFP) in a post on Facebook.²¹³ In February 2022, Badoy said the government planned to

sue Rappler for spreading disinformation and Facebook for allowing Rappler and Vera Files “to abuse the immense power” over their designation as fact-checkers.”²¹⁴ The Movement Against Disinformation coalition denounced Badoy’s announcement as a form of harassment and intimidation.²¹⁵

Online harassment campaigns against candidates and journalists accompanied some of the false information circulated during the May election (see B5). During the campaign period, social media users threatened to circulate a video manipulated to depict Aika Robredo, Vice President Robredo’s daughter, having sex.²¹⁶ The online harassment of journalists was sometimes spurred by campaigns, particularly by that of Marcos Jr., who disparaged reporters and complained of “anti-Marcos” bias. For example, Washington Post journalist Regine Cabato reported a spike in sexist online harassment after she covered pro-Marcos Jr. disinformation networks.²¹⁷

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), 22 journalists and media workers have been killed during the Duterte administration, as of December 2021.²¹⁸ In 2021 alone, three journalists were shot dead. Attackers generally go unpunished.

C8 0-3 pts

Are websites, governmental and private entities, service providers, or individual users subject to widespread hacking and other forms of cyberattack? 1 / 3

Technical attacks targeting media groups continued during the coverage period. Swedish nonprofit media foundation Qurium reported that the alternative online media sources Bulatlat and Altermidya faced distributed denial-of-service (DDoS) attacks in May 2021. During the same month, left-wing nongovernmental organization (NGO) and human rights alliance Karapatan was also the target of a DDoS attack.²¹⁹ Qurium traced the attacks to the office of the Philippine Army and the Department of Science and Technology (DOST), though²²⁰ DOST denied any involvement.²²¹ In August 2021, Qurium reported that Karapatan had been under a prolonged DDoS attacks for several weeks.²²²

A series of DDoS attacks targeted media sites in late 2020 and early 2022 ahead of the May general election. Alternative media site Pinoy Weekly reported a cyberattack in November 2021, following a story on a looming Duterte-Marcos alliance for the upcoming elections.²²³ In December, ABS-CBN News, Rappler, Philstar, and Vera Files experienced DDoS attacks.²²⁴ In February, CNN Philippines experienced a DDoS attack as it hosted a presidential debate.²²⁵

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.²²⁶ Presidential communications undersecretary and NTF-ELCAC spokesperson Badoy praised the group for taking down the sites of the “communist” groups and Rappler. Commentator Wilson Chua identified Pinoy Vendetta as a potentially pro-Duterte hacker group.²²⁷

In October 2021, the official website of senator Richard Gordon experienced a DDoS attack and was down for several hours. His social media pages were also swarmed with messages from trolls.²²⁸ Gordon chairs the investigation into the anomalous government procurement of COVID-19 equipment and supplies from Pharmally Pharmaceutical Corp. The main website of the Philippine Senate was also reported to have experienced cyberattacks during the same period.²²⁹

Journalist Anthony Esguerra of US-based VICE News and Voice of America (VOA) reported in March 2022 that his Facebook account was hacked and had been sharing nude photos and pro-Marcos content.²³⁰

In April 2022, officials disclosed the arrests of three individuals linked to the hacking group XSOX Group.²³¹ A Facebook page with the group’s name claimed to have hacked several websites, including those of Rappler, Comelec, DOST, and Smartmatic, a US provider of elections technology contracted with Comelec.²³²

Researchers at Citizen Lab, a research group based at the University of Toronto, identified a vulnerability in StaySafe.ph—the government’s COVID-19 contact tracing and health reporting system—that left geolocation, unique identification, and health status data accessible. This vulnerability was fixed after it was reported in 2020.²³³

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Wiedner Hauptstraße
32, 1041 Wien
T +43 1 589 00 583
F +43 1 589 00 589
info@ecoi.net

Contact
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