

Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City

EIGHTEENTH CONGRESS  
Second Regular Session



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COMMITTEE REPORT NO. 906

Submitted by the Committee on Human Rights on April 7, 2021

**RE: House Bill No. 9177**

Recommending its approval in substitution of House Bills Numbered 2370 and 3672

**Sponsors:** Representatives Jesus “Bong” C. Suntay, Cheryl P. Deloso-Montalla, Mujiv S. Hataman and Amihilda J. Sangcopan

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Mr. Speaker:

The Committee on Human Rights, to which were referred the following measures, to wit:

**House Bill No. 2370** introduced by Rep. Cheryl P. Deloso- Montalla entitled:

**“AN ACT DEFINING HATE SPEECH AND PROVIDING PENALTIES THEREFOR”**

**House Bill No. 3672** introduced by Rep. Mujiv S. Hataman and Rep. Amihilda J. Sangcopan entitled:

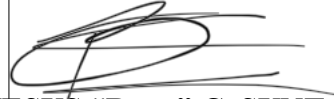
**“AN ACT DEFINING HATE SPEECH AND PROVIDING PENALTIES THEREFOR”**

has considered the same and recommends the approval of the attached House Bill No. 9177, entitled:

**“AN ACT DEFINING HATE SPEECH AND PROVIDING PENALTIES THEREFOR”**

in substitution of House Bills Numbered 2370 and 3672 with Representatives Deloso-Montalla, Hataman, Sangcopan, Suntay, Nograles (J.), Roman, Tambunting, Benitez, Panotes, Babasa, Fortun, Abueg-Zaldivar, Savellano and Sy-Alvarado as authors thereof.

Respectfully submitted,

A rectangular box containing a handwritten signature in black ink. The signature is stylized and appears to be 'J. Suntay'.

**JESUS “Bong” C. SUNTAY**  
Chairperson  
Committee on Human Rights

THE HONORABLE SPEAKER  
HOUSE OF REPRESENTATIVES  
QUEZON CITY

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City, Metro Manila

**EIGHTEENTH CONGRESS**  
Second Regular Session

**HOUSE BILL NO. 9177**  
(In Substitution to House Bill Nos. 2370 and 3672)

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Introduced by REPRESENTATIVES CHERYL P. DELOSO-MONTALLA, MUJIV S. HATAMAN, AMIHILDA J. SANGCOPAN, JESUS “BONG” C. SUNTAY, JERICHO JONAS B. NOGRALES, GERALDINE B. ROMAN, JOY MYRA S. TAMBUNTING, FRANCISCO “KIKO” B. BENITEZ, MARISOL C. PANOTES, LEONARDO L. BABASA, JR., LAWRENCE “LAW” H. FORTUN, CYRIL “BENG” F. ABUEG-ZALDIVAR, DEOGRACIAS VICTOR “DV” B. SAVELLANO, and “KUYA” JOSE ANTONIO R. SY-ALVARADO

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**AN ACT**  
**DEFINING HATE SPEECH AND PROVIDING PENALTIES THEREFOR**

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

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2           **SECTION 1. *Title.*** - This Act shall be known as the "Anti- Hate Speech Act."

3

4           **SEC. 2. *Declaration of Policy.*** - Consistent with the principles enshrined in the Constitution  
5 as well as the provisions of the Universal Declaration of Human Rights, the International Covenant  
6 on Civil and Political Rights, the Convention on the Elimination of All Forms of Racial  
7 Discrimination and the Rabat Plan of Action to which the Philippines is a State Party, it is hereby  
8 declared the policy of the State to guarantee the right to freedom of expression, and to prohibit any  
9 advocacy of national, racial, or religious hatred that constitutes incitement to discrimination,  
10 hostility, or violence.

11           This right shall include defining and punishing acts that constitute hate speech on the basis of  
12 ethnicity, race, religion, color, national or social origin, birth, indigenous origin or identity, migrant  
13 or refugee status, political or other opinion, sexual orientation, gender identity, sex, language, and  
14 disability, and similarly protected attributes under international law. The right to a remedy is itself  
guaranteed under existing human rights treaties and customary international law, being peremptory

1 in character, a jus cogens, a fundamental and overriding principle of international law, and as such  
2 has been recognized as non-derogable, and cannot be restricted or suspended under any circumstance.

3 **SEC. 3. Definition of Terms.** – As used in this Act:

4 a) **Hate Speech** refers to all forms of expressions, including advocacy, that constitute  
5 incitement to discrimination, hostility and violence against any person or group of persons  
6 on the basis of ethnicity, race, religion, color, national or social origin, birth, indigenous  
7 origin or identity, migrant or refugee status, political or other opinion, sexual orientation,  
8 gender identity, sex, language, and disability.

9 b) **Interactive Computer Service** refers to any information service, system, or access  
10 software provider that provides or enables computer access by multiple users to a  
11 computer server, including specifically a service or system that provides access to the  
12 Internet, and such systems operated or services offered by libraries or educational  
13 institutions.

14 **SEC. 4. Determination of Hate Speech.** - In determining the existence of hate speech, the  
15 following shall be considered:

16 a) **Context** - Analysis of the context should place the speech within the social and political  
17 context prevalent at the time the speech was made and disseminated;

18 b) **Speaker** - The speaker's position or status in society should be considered, specifically  
19 the individual's or organization's standing in the context of the audience to whom the  
20 speech is directed;

21 c) **Intent** - Negligence and recklessness are not sufficient for a speech to be an offense. It is  
22 important that the elements of advocacy and incitement to discrimination, hostility or  
23 violence, rather than the mere distribution or circulation of material, are present.

24 d) **Content and form** - Content analysis includes the degree to which the speech was  
25 provocative and direct, as well as the form, style, nature of arguments deployed in the  
26 speech or the balance struck between the arguments deployed;

- 1 e) *Extent of the speech* - This includes such elements as the reach of the speech, its public  
2 nature, its magnitude, the means of dissemination used, and the size of the audience; and  
3 f) *Likelihood or imminence* - The action advocated through the hate speech does not have  
4 to be committed for said speech to amount to a crime. Nevertheless, there should be a  
5 reasonable probability that the speech would succeed in inciting discrimination, hostility  
6 or violence against the target group and that the causation is direct.

7 **SEC. 4. Punishable Acts.** – The following acts when containing hate speech are prohibited:

- 8 a) Utterance or writing of words, or displays or depiction of behavior made before a public  
9 audience;  
10 b) Publication or distribution of written material to the public or through social media,  
11 broadcasting or other forms of communication; or  
12 c) Public performance of plays, shows, recordings of audio or visual images.

13 It shall be illegal for any organization to promote and incite racial discrimination, and to  
14 organize and conduct propaganda activities for such purposes. Membership in such organization or  
15 participation in such activities shall be considered a violation of this Act.

16 **SEC. 5. Penalty.** - Any person found liable for violating any provision of this Act shall be  
17 penalized by *arresto mayor* or imprisonment for a period of not less than thirty (30) days or not more  
18 than six (6) months and/or a fine of not less than Ten thousand pesos (Php 10,000.00) nor more than  
19 One hundred thousand pesos (Php 100,000.00), and non-custodial sanctions such as community  
20 service, taking into consideration the circumstances and gravity of the offense, and the following  
21 conditions:

- 22 a) The penalty provided for shall be imposed in its maximum period if the offender has been  
23 previously convicted under this Act;  
24 b) When the offender is a corporation, partnership or association, the officer, agent or  
25 employee thereof who is responsible for the violation of this Act shall suffer the penalty  
26 imposed in its maximum period;

1 c) A foreigner found to have violated the provisions of this Act shall be deported  
2 immediately after service of sentence and shall be perpetually barred entry into the  
3 country;

4 d) The penalty provided for in this Act shall be imposed in its maximum period if the  
5 offender is a public official, officer or employee: *Provided*, That the penalty of suspension  
6 shall also be imposed.

7 To determine liability, no provider or user of an interactive computer service shall be treated  
8 as the publisher, performer, or speaker of any information provided by another information content  
9 provider; *Provided*, That no provider or user of an interactive computer service shall be held liable  
10 on account of (a) any action voluntarily taken in good faith to restrict access or availability of material  
11 that the provider or user considers to be hate speech as defined in this law, or that it harasses or is  
12 otherwise objectionable, whether or not such material is constitutionally protected; or (b) any action  
13 taken to enable or make available to information content provider or user the technical means to  
14 restrict access to the materials.

15 **SEC. 6. *Separability Clause.*** - If any part or provision of this Act is held invalid or declared  
16 unconstitutional, the remainder of this Act or any provision not affected thereby shall remain in full  
17 force effect.

18 **SEC. 7. *Repealing Clause.*** – All laws, decrees, executive orders, memorandum orders,  
19 memorandum circulars, administrative orders, ordinances, or parts thereof, which are inconsistent  
20 with the right to adequate food and the provisions of this Act, are hereby deemed repealed or modified  
21 accordingly.

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

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25  
26 Approved,

## FACT SHEET

House Bill No. 9177

Substitute Bill on

House Bill Nos. 2370 and 3672

(As approved by the Committee on December 02, 2020)

### AN ACT

### DEFINING HATE SPEECH AND PROVIDING PENALTIES THEREFOR

*Introduced by Representatives* **CHERYL P. DELOSO-MONTALLA, MUJIV S. HATAMAN  
and AMIHILDA J. SANGCOPAN**

*Committee Referral:* **COMMITTEE ON HUMAN RIGHTS**

*Committee Chairperson:* **Rep. JESUS “BONG” C. SUNTAY**

#### OBJECTIVES:

- To define and punish acts that constitute hate speech on the basis of ethnicity, race, religion, color, national or social origin, indigenous origin or identity, migrant or refugee status, political or other opinion, sexual orientation, gender identity, sex, language, and disability, and similarly protected attributes under international law.
- To guarantee the right to freedom of expression and the prohibition of any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, as State policies consistent with the principles enshrined in the Constitution, as well as the provisions of the various international instruments to which the Philippines is a State Party.

#### KEY PROVISIONS:

- Defines hate speech as all forms of expressions, including advocacy, that constitute incitement to discrimination, hostility and violence against any person or group of persons on the basis of ethnicity, race, religion, color, national or social origin, birth, indigenous origin or identity, migrant or refugee status, political or other opinion, sexual orientation, gender identity, sex, language, and disability.
- Identifies the elements to be considered in determining the existence of hate speech, namely:
  - ◆ Context – Analysis of the context should place the speech within the social and political context prevalent at the time the speech was made and disseminated;
  - ◆ Speaker – The speaker’s position or status in society should be considered, specifically the individual’s or organization’s standing in the context of the audience to whom the speech is directed;
  - ◆ Intent – Negligence and recklessness are not sufficient for a speech to be an offense. It is important that elements of advocacy and incitement to discrimination, hostility or violence, rather than the mere distribution or circulation of material, are present;

- ◆ Content and Form – Content analysis includes the degree to which the speech was provocative and direct as well as the form, style, nature or arguments deployed in the speech or the balance struck between the arguments deployed;
  - ◆ Extent of the Speech – This includes such elements as the reach of the speech, its public nature, its magnitude, the means of dissemination used, and the size of the audience; and
  - ◆ Likelihood or Imminence – The action advocated through the hate speech does not have to be committed for said speech to amount to a crime. Nevertheless, there should be a reasonable probability that the speech would succeed in inciting discrimination, hostility or violence against a target group and that the causation is direct.
- Provides penalties against any person who purposefully commits, assists, consents to, allows, or finances the commission of hate speech by means of words, rendered orally or in writing, or displays of behavior or depiction made before for a public audience; publication or distribution of written material to the public or through social media, broadcasting or other forms of communication; or public performance of plays, shows, recordings of audio or visual images.
  - Imposes no liabilities on any provider or user of an interactive computer service on account of any action voluntarily taken in good faith to restrict access to or availability of material that the provider or user considers to be hate speech, or speech that constitutes harassment or is objectionable, whether or not such material is constitutionally protected; or any action taken to enable or make available to an information content provider or user the technical means to restrict access to the materials.

#### **RELATED LAWS:**

- Universal Declaration of Human Rights
- International Covenant on Civil and Political Rights
- Convention on the Elimination of All Forms of Racial Discrimination
- Rabat Plan of Action