

The Right to Anonymity in the Philippines: An Emerging Challenge

FOUNDATION FOR MEDIA ALTERNATIVES

Right to Anonymity

- The right of an individual to communicate anonymously (with no names) or through the use pseudonyms (assumed names).

Significance / Tradeoffs

- *It is a vital component in protecting the right to freedom of expression and the right to privacy.*
 - Fosters expression without fear of reprisal. It enables whistleblowers. It allows people to disclose their innermost concerns on various issues in online platforms.
 - Many people don't want the things they say online to be connected with their offline identities. They may be concerned about political or economic retribution, harassment, or even threats to their lives.
- *It sometimes enables unlawful activities (child pornography, online scams, cyberbullying, other cybercrimes, etc.) and terrorism*

Relevant Legal Authorities

- **Consti, Art. III, Sec. 4.** No law shall be passed abridging the freedom of speech, of expression, or of the press...
- **Consti., Art. III, Sec. 3.** (1) The privacy of communication and correspondence shall be inviolable except upon lawful order of the court, or when public safety or order requires otherwise as prescribed by law...
- **Consti., Art. XV, Sec. 10.** The State shall provide the policy environment for... the emergence of communication structures suitable to... the balanced flow of information into, out of, and across the country, in accordance with a policy that respects the freedom of speech and of the press.
- **Consti., Art. II, Sec. 11.** The State values the dignity of every human person and guarantees full respect for human rights.
- **Sec. 26(2), RA 6770.** Ombudsman recognizes anonymous complaints.
- **Section 7(b), RA 10173.** The National Privacy Commission can commence investigations on its own.

PH Context

- There is a new administration in power, led by a President whose approach or views towards human rights are peculiar—to say the least.

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Don't compare Trump and Duterte - the Philippines leader is far worse

Tom Smith

It's easy to connect their level of unpredictability

Duterte: Don't use human rights as excuse to destroy PH

By: Marc Jayson Cayabyab | INQUIRER.net

04:39 PM July 25th, 2016

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@MJcayabyabINQ

- 2 laws that pose a significant threat to the right to anonymity: (1) Cybercrime Protection Act (provisions on cyber-libel and surveillance); Anti-Child Pornography Act.

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SC tempers Anti-Cybercrime Act, but Internet libel a go

By Ira Pedrasa, ABS-CBNnews.com

at Feb 18 2014 01:38 PM | Updated as of Feb 19 2014 03:29 AM

NTC issues guidelines to filter online child porn

By Rainier Allan Ronda (The Philippine Star) | Updated July 17, 2015 - 12:00am

MANILA, Philippines - The National Telecommunications Commission (NTC) has issued guidelines to Internet service providers (ISPs) to filter child pornography and block access to such websites.

Memorandum Circular 03-07-2015 identifies nine minimum technical and specification requirements to be adopted by ISPs.

- Many libel cases have been filed after the Supreme Court upheld the concerned provision of the law.

Robin Padilla files online libel charges vs basher; netizens defend Miss Krizzy

by Argyll Cyrus B. Geducos
May 13, 2016

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Actor Robin Padilla on Thursday appeared before the National Bureau of Investigation (NBI) to file online libel charges against a Twitter user who allegedly bashed him during the 2015 election.

Electoral fraud activist Antonio Contreras to sue UP professor Ian Vega for libel!

May 25, 2016 by benign0

17

PNP ANTI-CYBERCRIME GROUP WARNS: 'Spreading foul election memes could lead to online libel raps'

By: Julliane Love de Jesus | INQUIRER.net
@JLDeJesusINQ | 02:41 PM January 8th, 2016

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Anti-cybercrime police warned paid trolls spreading destructive memes against politicians, particularly those running in the national elections this year, that they may be charged with libel.

Newspaper reporter sues radio reporter for libel, cyber-bullying

Posted by: cmfr
Posted on: July 9, 2014, 6:03 pm

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- There have been cases of legitimate exercise of one's right to freedom of expression that have been met with severe instances of cyberbullying and threats.

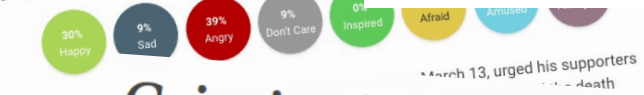


Environmental advocate sues Duterte supporters for cyberbullying

By Asia Pacific Report - May 7, 2016

47 0

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The camp of Duterte to "take the m... threats they h... harassing a s... mayor a que... student was... informatior... that he she... early Mon

Criminal complaint filed vs Duterte supporters for harassing, bullying



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By: Tetch Torres-Tupas

@T2TupasINQ

INQUIRER.net

06:28 PM May 2nd, 2016

- 2 pending bills significantly impact the local exercise of the right to anonymity: (1) National ID System; (2) Mandatory SIM Card Registration.

Two party-list lawmakers make own national ID proposal

July 17, 2016 Written by Ryan Ponce Pacpaco Published in [Top Stories](#) Read: 89

TWO more party-list congressmen yesterday proposed the establishment of a National Identification Card to serve as the official identification of all Filipino citizens or alien permanent residents dealing with government agencies, government owned or controlled corporation (GOCC), firm or establishment.

Ako Bicol Reps. Rodel M. Batocabe and Christopher S. Co authored House Bill (HB) No. 523 to institutionalize a national identification card that will replace the current practice of requiring at least two valid government issued IDs when transacting business with different agencies in the country.

House OKs bill on registration of prepaid SIM cards

By Jess Diaz (The Philippine Star) | Updated May 23, 2015 - 12:00am



STAR/File photo

MANILA, Philippines - The House of Representatives has approved a bill requiring the registration of all prepaid mobile phone subscriber identify module (SIM) cards.

Trillanes files bill to create national ID system



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12:42 PM July 5th, 2016

- **Sketchy legal regime governing the PH surveillance landscape.** Many gov't agencies operate and engage in surveillance activities w/o any clear legal bases and no oversight mechanisms to keep them in check.



END