

Digital martial law in the philippines essay sample

[Countries](#), [Philippines](#)



I. Introduction

The first record cybercrime took place in year 1820! That is not surprising considering the fact that the abacus, which is thought to be the earliest form of computer, has been around since 3500 B. C in India, Japan and China. The era of modern computers, however, began with the analytical engine of Charles Babbage. Today computers have come a long way, with neural networks and nano-computing promising to turn every atom in a glass of water into a computer capable of performing a billion operations per second. Cybercrime is an evil having its origin in the growing dependence on computers in modern life. In a day and age when everything from microwave ovens and refrigerators to nuclear power plants is being run by the computer systems. Cybercrime has assumed and sinister implications as well.

In this modern day and age where the internet has become a potent tool of exchange of information and communication, the passage of law against freely expressing one's thoughts online through various media has also become a possible tool of oppression. What do you think about the passage of the Cybercrime Prevention Act of 2012 in the Philippines? According to Cybercrime Prevention Act of 2012 also known as Republic Act No. 10175 is the first law in the Philippines which specifically criminalizes computer crimes. Aims to address legal issues concerning online transactions. Among the cybercrime offenses included in the bill are cyber squatting, cybersex, child pornography, identity theft, illegal access to data and libel. Surely, this law aims to stop or lessen cybercrimes in the Philippines, but some contents of it really go against the Freedom of Expression and Privacy. The Philippine Government's intention in passing the bill as law maybe purely for the

intention of providing adequate security to the Filipino “ netizens” in the cyberspace, however, we think that those who crafted the law did not really considered the pulse of the public with regards to passing it as law, more so to the negative implications some provisions of it could bring to the public.

Generally, the said law speaks for our freedom’s confinement. But wait, isn’t our country under the power of democracy? How come such ironic matter takes its toll without the citizen’s tolerance? Unfortunately, that’s where the biggest doubt currently dwells. Coming directly from the mouth of one of the world’s greatest philosophers, Aristotle “ Democracy is when the indigent and not the men of property, are the rulers”. Now, is Cybercrime Law a serious threat to democracy?

Rationale for the study

Since new cybercrimes arise by the leap development telecommunications and information technologies, researches must face such challenges with a totally different thought and technical skills. Let us accept the reality that we are totally dependent and reliant to our computers. The purpose of this research is to give all the people a clear picture on the nature of Cybercrime Law, and to investigate it’s advantages and threats as a Filipino “ netizens” who lives in a democratic country.

Theoretical and Conceptual foundations of the study

Cyberspace has become the platform of the best and worst things that people can come up with when they’re online. While it’s a hotbed of game-changing ideas and artistic expression, it has also turned into a breeding

ground for trolls and cyberthugs. That being said, well meaning Pinoy lawmakers thought it best to pass Republic Act No. 10175 or The Cybercrime Prevention Act of 2012. But wait! There's a catch. This very same law that professes to protect us from those who would do us wrong via digital means also threatens to take away our freedom to say what we want. For us to become more aware in other forms of cybercrime, here are the categories according to Nandini, (Aug06) on his articles, which are cybercrimes against persons, cybercrimes against property and cybercrimes against government. The first category cybercrimes against person was all about committing the crime to the persons and these include various crimes like transmission of child pornography, cyber bullying, and the like. The second is cybercrimes against property. These crimes include computer vandalism, transmission of harmful programs, spreading viruses and hacking and so on. The third one according to Nandini is cybercrimes against government. Cyber terrorism is one distinct kind of crime in this category.

The growth of internet has shown that the medium of Cyberspace is being used by individuals and groups to threaten the international governments as also to terrorize the citizens of a country. This crime manifests itself into terrorism when an individual " cracks" into a government or military maintained website. In this form of cybercrime, moves the government to create a law which will protect users of internet against cyberspace crime. But this law has disadvantages to our society. It will lead to the curtailment of our freedom of expression, which has stop us to express our feelings and the freedom of communicating to our community. As Fr. Bernas S. J.,(2012) says about this " the law deals not only with the most delicate rights of

freedom of expression, freedom of expression and communication, and the privacy of communication but also with the equally sacred right of the people “ to be secure in their persons, houses, papers and effects” against government intrusions.” The new cybercrime law would ruin the Philippines’s reputation as having one of the best records on Internet Freedom Worldwide, says the Manila-based Center for Media Freedom& Responsibility.

Listed below are mainly the four reasons why the Philippines’s Cybercrime Law should be repealed: 1. The law extends criminal libel to the web.

Historically, politicians and other powerful individuals in the Philippines have abused the existing law on criminal libel to silence criticism. In several instances, lower courts and prosecutors dismissed allegations of libelous online articles, citing that the penal code does not cover communications on the web. The new law would change this extending criminal libel to websites, blogs and social media platforms. Some critics say the law would also cover information shared over texts or instant messaging tools on mobile phones. This means that the person who sends a text containing “ malicious” comments could be charged with criminal cases.

2. The law imposes higher penalties for libel committed online. Under the new law, a person convicted of cyberlibel could spend 12 years in prison. This is six years longer than the maximum year of imprisonment in traditional media platforms (print and broadcasts). Plus a person already facing a libel charges for a story printed in a newspaper could be charged again under the new law if the same libelous article appears online. Most local news organizations repost what had been printed in the papers on their websites

or blog, so they would all be susceptible. This is in addition to the possibility of facing civil defamation charges. In the Philippines, a person can be sued for libel separately and independently under both its penal and civil codes.

3. The law gives government agencies powers to restrict and monitor Internet use. The cybercrime law empowers the government- particularly the Department of Justice- to block any access to computer data which contain information that violates the law. It can arbitrarily shutdown a website at first glance without due process.

4. The law brazenly disregards national and international protections of free expression. The Philippine Constitution explicitly protects the right of freedom of expression. It declares that “ no law shall be passed abridging the freedom of speech, of expression, or of the press, or the right of the people peaceably to assemble and petition the government for redress of grievances.

Problem Statement

Much has already said about Republic Act No. 10175. This law has alarming implications for free expression on and off the Internet- self-censorship, website blocks, surveillance and legal harassment, to name a few.

Implementing it would contribute to the deterioration of democracy as well as the free exchange of ideas in and out of the Philippines. What can we do?

The temporary restraining order will expire on this February year 2013.

Filipino “ netizens” leaves no time to convince the Philippine Congress and the Supreme Court to repeal, or at least amend, the cybercrime act. Some

senators and party-list representatives have filled bills for the repeal law. For the record, the following senators voted to pass the law:

Senator Bongbong Marcos

Senator Bong Revilla

Senator Chiz Escudero

Senator Gringo Honasan

Senator Jinggoy Estrada

Senator Koko Pimentel

Senator Lito Lapid

Senator Loren Legarda

Senator Manny Villar

Senator Pia Cayetano

Senator Ping Lacson

Senator Ralph Recto

Senator Tito Sotto

But since many of them are gearing up for the May 2013 general election, we fear that the bills not be given due attention.

Scope and Limitations of the Study

In this research, the researchers will present the true profile and nature of RA No. 10175 and its effects and threats as a democratic government and to expose different theories and related views about The Cybercrime Prevent