

Philippines' top court upholds 'cyber libel' law

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Filipino youths use the Internet at a cafe in Manila on February 18, 2014

The Philippines' top court ruled on Tuesday that a cybercrime law penalising online libel is constitutional, disappointing critics who argue it could curb Internet freedom in one of Asia's most freewheeling democracies.

The Cybercrime Protection Law was passed in 2012 to stamp out online scourges such as fraud, identity theft, spamming and child pornography, but its implementation was suspended after coming under challenge

from various groups.

The Supreme Court said however that one of its most controversial provisions, the section which penalises cyber libel, "is not unconstitutional", spokesman Theodore Te said.

Only the sender of the material faced prosecution and not the recipient, Te added.

The court also upheld provisions penalising cyber-squatting, computer fraud, [identity theft](#) and gaining illegal access through a computer, he said.

Opponents of the law could still file a motion for reconsideration, Te added.

Justice Secretary Leila de Lima said the Supreme Court decision was "timely" as the government needed it to deal with the growing number of cybercrime cases.

"In the intervening period when the (law was suspended), cybercrime in its many forms was continuing and even escalating," she said.

"A clear legal framework is necessary to protect citizens and balance the state's duties."

Fight not over

But Neri Colmenares, a congressman who was among those who challenged the law, said they may appeal.

"The government should not be the prosecutor of stained reputations," Colmenares said, branding it a "draconian law".

"No one should go to prison just for expressing oneself, specially on the Internet, where people express their frustration with government," he said.

President Benigno Aquino signed the law in 2012 but opponents quickly said it gave the [government](#) wide powers to curb Internet freedom due to provisions that impose heavy prison terms for online libel.

The original law also gave the state power to shut down websites and monitor online activities, in a country where major protests have been organised through Facebook and Twitter.

The Supreme Court on Tuesday "partially granted the relief" sought by the law's opponents, when it ruled as unlawful a provision giving the Justice Department powers to shut down websites or record Internet traffic data in real time.

But Terry Ridon, a congressman representing the youth sector in parliament, still vowed to challenge the law.

While the high court entertains appeals, it rarely reverses decisions.

"The fight against e-Martial Law is far from over. We call on everyone to up the ante and once again show our collective dissent against this repressive [law](#)," Ridon said.

Justice Department assistant secretary Geronimo Sy said authorities would concentrate on more serious crimes like child pornography, human and drug trafficking, financial fraud and hacking rather than online libel.

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