

Combating fake news

The past years saw the rise of a type of expression that has shaped (or distorted) public discourse around the world: fake news. No wonder the Collins Dictionary officially named "fake news" as its Word of the Year for 2017.

In the United States, fake news was pervasive during the 2016 presidential election (e.g. the Pope endorsing Donald Trump, Hillary Clinton selling weapons to ISIS etc.). There were also bizarre fake news like "Morgue employee cremated while taking a nap." The news hoax generated almost one million shares, reactions, and comments since it was published.

Fake news has also been flooding the Philippines. In the last presidential election, for example, fake news claimed the Pope endorsed then presidential aspirant, Rodrigo Duterte. Fake news also claimed that the Nasa had declared him the "best president in the solar system." Other fake news like warnings on super-typhoon and declarations of nonworking holidays also surface every now and then.

Fake news has become so pervasive that the Catholic Bishops Conference of the Philippines' (CBCP) admonished the public "to refrain from spreading alternative facts, fake news, or false information." For its part, the government is set to launch a "grand information summit" this year to fight fake news and improve media literacy among Filipinos.

The problem, for the most part, is that fake news may actually pass off as true and correct. This, in turn, affects people's perception or opinion on others and harms people's reputation. Worse, fake news creates confusion about what is true and adversely affects our citizens' decision-making on important issues (e.g. who to vote for in an election, or which side to take on public matters). Even the most educated among us may be duped into believing fake news.

Fake news or false information has polarized an already divided nation like ours, and the sad part is that this problem has a normative effect. People may choose what "truths" to believe in, which may be shared and accepted by the majority of the population. Fake news sways public opinion and adversely affects a country's ability to govern itself. It puts to great risk the proper workings of a democratic nation like the Philippines.

The Cybercrime Act and Republic Act No. 10951 provides penalties for fake news to the extent that it is libelous or defamatory. They are, however, insufficient as they do not address fake news as such.

Sen. Joel Villanueva introduced Senate Bill No. 1492 which seeks to penalize, among others, the malicious publication, circulation, dissemination or distribution of false news or information either by print, broadcast or online media. Interestingly, as in

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Germany, the bill proposes to penalize mass media and social media that fail to remove false news "within a reasonable period of time after having knowledge, or having reasonable ground to be-

lieve of its falsity."

The bill proposes a fine ranging from P100,000 to P5 million and imprisonment of one to five years, and if the offender is a public official, the penalties are doubled and with the accessory penalty of absolute perpetual disqualification from holding any public office.

One question under Senate Bill No. 1492 is under what standards should fake news be defined. While some fake news may readily be apparent if the falsity is clear, there may be gray areas where facts may be true but the presentation or reporting may be grossly slanted, biased, or

at the very least, unverified (i.e. the killing of a minor purportedly linked to Tokhang). It may also be in the form of satirical presentation of news which may seem real to the reader. False news may also be interspersed or combined with real facts.

Certainly, as in the United States, the law will give rise to a constitutional battle between the freedom of expression and the state's police power to address the problem of public misinformation.

As the debate goes on as to how fake news should be addressed, the only way we netizens can deal with it right now is to be more responsible in not creating or circulating false news and to be discerning and critical in what we see and read in social media, and how we react to them. So far, this is the only practical solution that we have to combat fake news. INQ