

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezón City

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3729



Introduced by Rep. Winston "Winnie" Castelo

EXPLANATORY NOTE

First off, let it be laid that it is the "declared policy of the State to maintain honesty and integrity in the public service and to take positive and effective measures against graft and corruption."

Secondly, the act of plagiarism has cast its blinding shadows not just in the academe but even in high places. More contemporary examples to illustrate this view are the case of the alleged 'copying' of brand by a line department and the show-cause order against the UP College of Law faculty.

Thirdly, never before has the act of plagiarism been meted out as a criminal act but merely confronted as a moral infringement and therefore allotted with disciplinary action.

I, the author, view that we can now propose of criminalizing plagiarism and providing penalties therefor precisely to strengthen that State policy of promoting honesty and integrity in the public service.

The urgent passage of this legislative measure which may be characterized as one of landmark legislations in that it is first ever, is heretofore, earnestly prayed for.

WINSTON "WINNIE" CASTELO
2nd District, Quezon City

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AN ACT
CRIMINALIZING PLAGIARISM, PROVIDING PENALTIES THEREOF,
AND FOR OTHER PURPOSES

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

Section 1. **Short Title.** – This Act shall be known and cited as the “Anti-Plagiarism Law of the Philippines”.

Sec. 2. **Declaration of State Policy.** – It is the declared policy of the State to maintain honesty and integrity in the public service and to take positive and effective measures against graft and corruption.

Sec. 2. **Definition of Terms.** – Plagiarism shall be defined as the unauthorized use or close imitation of the language and thoughts of another author and the representation of them as one’s own original work.

Sec. 3. **Plagiarism as a Crime.** – Under this Act, plagiarism ceases to be categorized as a mere copyright infringement and becomes a reprehensible act, the commission whether intentional or unintentional, shall be punishable.

Plagiarism is committed under any of the following conditions, namely:

1. presence of predominantly ulterior intent
2. unfair use of copyrighted material
3. moral rights of copyright holders are transgressed
4. use of copied materials without attribution to the author
5. passing off of the work of another as one’s own

Sec. 3. **Application of Penalties.**

- a) Penalty to be imposed if committed by a public official or employee would be dismissal from the service and imprisonment for a period to be determined by a competent court.
- b) Penalty to be imposed if committed by a government lawyer would be disbarment and that of prison mayor.
- c) Penalty to be imposed if committed by a justice would be disbarment and that of reclusion perpetua.
- d) Penalty to be imposed if committed by a student, a private individual, or private employee would be dismissal from school, organization or firm, respectively and imprisonment for a period to be determined by a competent court.

Sec. 4. **Repealing Clause.** – All other general and special laws, acts, decrees, executive orders, proclamation, administrative rules and regulations, or part thereof, inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

Sec. 5. **Implementation.** – The Secretary of the Department of Justice shall immediately insure incorporation of this Act into the Revised Penal Code of the Philippines.

Sec. 6. **Effectivity.** – This Act takes effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,