

Do Philippine Enforcement Agencies Have Power to Block Websites and Apps **Without Court Order?**

attorney@geronimo.law | +63 999 932 9836 | www.geronimo.law

JULY 10, 2026

1 General rule: court order is required to block websites and apps

Blocking an entire website or application is a prior restraint on expression and is presumptively unconstitutional (1987 Constitution, Art. III, Sec. 4; *Chavez v. Gonzales*, G.R. No. 168338, Feb. 15, 2008). The only general takedown power Congress ever conferred, the DOJ's authority to "restrict or block access" to computer data found *prima facie* in violation of the Cybercrime Prevention Act (R.A. No. 10175, Sec. 19), was struck down precisely because it authorized the seizure and suppression of computer data without a judicial warrant (*Disini v. Secretary of Justice*, G.R. No. 203335, Feb. 11, 2014). The Rule on Cybercrime Warrants (A.M. No. 17-11-03-SC, effective Aug. 15, 2018) filled the enforcement gap with four warrants (disclosure, interception, search-seizure-examination, and examination of seized devices). None of these is a blocking warrant. The only cybercrime measure that operates without judicial intervention is data preservation upon law enforcement order (R.A. No. 10175, Sec. 13). Therefore, no agency may block a site or app on the sole ground that it is being used to commit a cybercrime under R.A. No. 10175, and the CICC (created by R.A. No. 10175, Sec. 24) holds coordination and policy functions, not an express takedown power.

2 First exception: takedown duty for per se illicit content, upon notice

Where content is categorically outside constitutional protection, Congress imposed the blocking duty directly on private intermediaries, triggered by mere notice, with no judicial determination as condition precedent.

(a) *Child Sexual Abuse or Exploitation Materials (CSAEM) and Online Sexual Abuse or Exploitation of Children (OSAEC)*. Internet intermediaries must block access to, remove, or take down the internet address, URL, website, or content within 24 hours from receipt of notice from a competent authority, or of a notice containing sufficient information to identify the content and its source (R.A. No. 11930 [2022], Sec. 9(a)(3)); ISPs carry the same 24-hour duty, and failure to block is *prima facie* evidence of knowledge under the penal clause (Sec. 9(b)(2), in relation to Sec. 4(d)). Blocked addresses must be reported to the DOJ within three days (Sec. 9(a)(4)). Note that R.A. No. 11930 repealed R.A. No. 9775 (Anti-Child Pornography Act of 2009). Thus, citations to the old ISP filtering duty (R.A. No. 9775, Sec. 9) should be updated accordingly.

(b) *Trafficking in persons*. R.A. No. 9208, as amended by R.A. No. 11862 (2022), imposes parallel notice-based duties on internet intermediaries to preserve, disclose, block, and filter trafficking-related content, under rules formulated by the DICT in coordination with the CICC, NPC, and NTC.

3 Second exception: blocking unlicensed regulated activity through NTC

For this exception, the target of the takedown order is not content or expression but the online conduct of a licensed activity. The primary regulator (BSP, PAGCOR, SEC, etc.) determines the violation. The NTC then directs ISPs to block, invoking not any express blocking statute but its general supervisory power over enfranchised carriers and certificate holders (E.O. No. 546 [1979], Sec. 15; R.A. No. 7925). In current practice:

(i) *Unregistered virtual asset service providers*: upon BSP request grounded on the VASP licensing regime (MORNBFI Sec. 902-N, as amended by BSP Circular No. 1206 [2024]), the NTC in 2026 directed ISPs to block more than fifty unlicensed crypto trading platforms.

(ii) *Illegal online gambling*: PAGCOR certifies non-licensure under its franchise and regulatory charter (P.D. No. 1869, as amended by R.A. No. 9487) and endorses the sites to the NTC and CICC for blocking. Offshore gaming is now banned outright (E.O. No. 74 [2024]; R.A. No. 12312, the Anti-POGO Act of 2025), and the DICT has imposed gambling and pornography filters on the state Free Wi-Fi network (R.A. No. 10929).

(iii) *Unregistered securities, investment-taking, and lending apps*: the SEC issues cease and desist orders (R.A. No. 8799, Sec. 64; R.A. No. 9474; R.A. No. 11765) and endorses the platforms to the NTC and to app stores for delisting.

(iv) *E-commerce listings*: the DTI Secretary may issue an *ex parte* takedown order against a listing or offer (R.A. No. 11967, Sec. 15) on four grounds (patently prohibited goods; goods subject of another agency's cease and desist order; reposting after a prior takedown; and other online sales threatening public safety or financial or personal information). The violator must be heard within 48 hours; the order binds the merchant, the platform, and, by service of copies, the ISP and payment gateways; and it lapses after 30 days "unless otherwise extended or made permanent by a judicial order or decision." The statute itself thus marks where administrative power ends and judicial power begins. Non-compliance draws graduated fines (Sec. 29(c)), blacklisting (Sec. 16), and solidary liability for platforms that fail to act on notice (Sec. 27).

Notably, with respect to IP piracy, no compulsory administrative blocking power exists. Site blocking is voluntary under the IOPHL Rules on Voluntary Administrative Site Blocking (Memorandum Circular No. 2023-025), and the bills institutionalizing compulsory IOPHL blocking orders (House Bill No. 7600; Senate Bill No. 2150) remain pending. A rights holder needing compulsory relief must obtain an injunction from the courts.

The Supreme Court has never squarely validated this channel. Its legality rests on the licensing rationale and on the NTC's general regulatory power, and it might be at risk of being challenged where the target is expressive content or where due process is bypassed (see item 4(a)).

GERONIMO LAW | 610 VGP Center, Ayala Ave., Makati City | attorney@geronimo.law | +63 999 932 9836 | www.geronimo.law

This note is provided for general informational purposes only and does not constitute legal advice or create a lawyer-client relationship. The rules described here are current as of July 2026 and may change through legislation, regulation, or jurisprudence. For advice on a specific matter, please contact Geronimo Law.