

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Eighteenth Congress
First Regular Session



Committee Report No. 340

Submitted by the Committee on Public Order and Safety and the Committee on National Defense and Security on MAY 30 2020

6875

Re. House Bill No. _____ in substitution of House Bills Numbered 551, 2082, 2847, 3103, 3413, and 5710

Recommending its approval without amendment

Sponsors: Reps. Narciso R. Bravo Jr., Raul "Boboy" C. Tupas, Rozzano Rufino B. Biazon, Jericho Jonas B. Nograles, and Luis Raymund "LRay" F. Villafuerte Jr.

Mr. Speaker:

The Committee on Public Order and Safety and the Committee on National Defense and Security, to which were referred

House Bill No. 551, introduced by Representative Rozzano Rufino B. Biazon, entitled:

AN ACT

AMENDING CERTAIN PROVISIONS OF REPUBLIC ACT NO. 9372 ENTITLED: AN ACT TO SECURE THE STATE AND PROTECT OUR PEOPLE FROM TERRORISM, OTHERWISE KNOWN AS THE "HUMAN SECURITY ACT OF 2007"

House Bill No. 2082, introduced by Representative Jericho Jonas B. Nograles, entitled:

AN ACT

AMENDING CERTAIN PROVISIONS OF REPUBLIC ACT NO. 9372, OTHERWISE KNOWN AS "AN ACT TO SECURE THE STATE AND PROTECT OUR PEOPLE FROM TERRORISM"

House Bill No. 2847, introduced by Representative Luis Raymund "LRay" F. Villafuerte Jr., entitled:

AN ACT

AMENDING CERTAIN PROVISIONS OF REPUBLIC ACT NO. 9372, OTHERWISE KNOWN AS "AN ACT TO SECURE THE STATE AND PROTECT OUR PEOPLE FROM TERRORISM"

House Bill No. 3103, introduced by Representative Michael Odylon L. Romero, entitled:

AN ACT

AMENDING REPUBLIC ACT 9372, OTHERWISE KNOWN AS THE "HUMAN SECURITY ACT OF 2007" PROVIDING FOR STIFFER PENALTIES AND SANCTIONS, AND FOR OTHER PURPOSES

House Bill No. 3413, introduced by Representatives Jocelyn P. Tulfo, Eric G. Yap and Rowena Niña O. Taduran, entitled:

AN ACT

AMENDING CERTAIN PROVISIONS OF REPUBLIC ACT NO. 9372, OTHERWISE KNOWN AS "AN ACT TO SECURE THE STATE AND PROTECT OUR PEOPLE FROM TERRORISM"

and House Bill No. 5710, introduced by Representative Lianda B. Bolilia, entitled:

AN ACT

AMENDING R.A. 9372 OTHERWISE KNOWN AS THE ACT TO SECURE THE STATE AND PROTECT OUR PEOPLE FROM TERRORISM OR THE HUMAN SECURITY ACT (HSA) OF 2007, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

6875

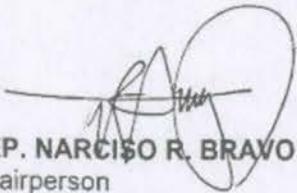
have considered the same and recommend that House Bill No. , entitled:

AN ACT

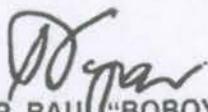
TO PREVENT, PROHIBIT AND PENALIZE TERRORISM, THEREBY REPEALING REPUBLIC ACT NO. 9372, OTHERWISE KNOWN AS THE "HUMAN SECURITY ACT OF 2007"

in substitution of House Bills Numbered 551, 2082, 2847, 3103, 3413, and 5710 be approved without amendment with the following as authors thereof: Representatives Rozzano Rufino B. Biazon, Jericho Jonas B. Nograles, Luis Raymund "LRay" F. Villafuerte, Jr., Michael Odylon L. Romero, Jocelyn P. Tulfo, Eric G. Yap, Rowena "Niña" O.Taduran, John Marvin "Yul Servo" C. Nieto, Lianda B. Bolilia, Manuel Jose "Mannix" M. Dalipe, Narciso R. Bravo, Jr., Raul "Boboy" C. Tupas, Ruwel Peter S. Gonzaga, Ferdinand L. Hernandez, Evelina G. Escudero, Loren Legarda, Conrado M. Estrella III, Roberto V. Puno, Aurelio "Dong" D. Gonzales, Raneo E. Abu, Neptali M. Gonzales II, Dan S. Fernandez, Rodante D. Marcoleta, Henry S. Oaminal, Pablo John F. Garcia, Deogracias Victor "DV" Savellano, Vilma Santos-Recto, Ferdinand Martin G. Romualdez, Cristal S. Bagatsing, Juan Pablo "Rimpy" P. Bondoc, Marilyn "Len" B. Alonte, Bernadette "BH" Herrera-Dy, Xavier Jesus D. Romualdo, Wilter "Sharky" Wee Palma II, Ma. Theresa V. Collantes, Ria Christina G. Fariñas, Camille A. Villar, Sharee Ann T. Tan, Joseph Stephen "Caraps" S. Paduano, Julianne "Jam" A. Baronda, Anthony Peter "Onyx" D. Crisologo, Eddiebong G. Plaza, Samier A. Tan, Jorge PATROL Bustos, Michael Edgar Y. Aglipay, Joseph Sto. Niño B. Bernos, Francisco Jose "Bingo" F. Matugas II, Wilton "Tonton" Tan Kho, Maria Fe R. Abunda, Resurreccion M. Acop, Edgar Mary S. Sarmiento, Strike B. Revilla, Ruth Mariano-Hernandez, Dahlia A. Loyola, John Reynald M. Tiangco, Adriano A. Ebcas, Presley C. De Jesus, Manuel DG. Cabochan III, Robert Ace S. Barbers, Lawrence "Law" H. Fortun, Rogelio Neil P. Roque, Francisco G. Datol Jr., Ciriaco B. Gato Jr., Vicente "Ching" S.E. Veloso, Cyrille "Beng" F. Abueg-Zaldivar, Michael B. Gorriceta, Jose "Ping-Ping" I. Tejada, Hector S. Sanchez, Alberto "Bobby" D. Pacquiao, Arnold "Noli" D. Celeste, and Argel Joseph T. Cabatbat.

Respectfully submitted:



REP. NARCISO R. BRAVO JR.
Chairperson
Committee on Public Order and Safety



REP. RAUL "BOBOY" C. TUPAS
Chairperson
Committee on National Defense and Security

THE HONORABLE SPEAKER
House of Representatives
Quezon City



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Eighteenth Congress
First Regular Session

House Bill No. 6875

Introduced by

Representatives Rozzano Rufino B. Biazon, Jericho Jonas B. Nograles, Luis Raymund "LRay" F. Villafuerte, Jr., Michael Odylon L. Romero, Jocelyn P. Tulfo, Eric G. Yap, Rowena "Niña" O.Taduran, John Marvin "Yul Servo" C. Nieto, Lianda B. Bolilia, Manuel Jose "Mannix" M. Dalipe, Narciso R. Bravo, Jr., Raul "Boboy" C. Tupas, Ruwel Peter S. Gonzaga, Ferdinand L. Hernandez, Evelina G. Escudero, Loren Legarda, Conrado M. Estrella III, Roberto V. Puno, Aurelio "Dong" D. Gonzales, Raneo E. Abu, Neptali M. Gonzales II, Dan S. Fernandez, Rodante D. Marcoleta, Henry S. Oaminal, Pablo John F. Garcia, Deogracias Victor "DV" Savellano, Vilma Santos-Recto, Ferdinand Martin G. Romualdez, Cristal S. Bagatsing, Juan Pablo "Rimpy" P. Bondoc, Marlyn "Len" B. Alonte, Bernadette "BH" Herrera-Dy, Xavier Jesus D. Romualdo, Wilter "Sharky" Wee Palma II, Ma. Theresa V. Collantes, Ria Christina G. Fariñas, Camille A. Villar, Sharee Ann T. Tan, Joseph Stephen "Caraps" S. Paduano, Julienne "Jam" A. Baronda, Anthony Peter "Onyx" D. Crisologo, Eddiebong G. Plaza, Samier A. Tan, Jorge PATROL Bustos, Michael Edgar Y. Aglipay, Joseph Sto. Niño B. Bernos, Francisco Jose "Bingo" F. Matugas II, Wilton "Tonton" Tan Kho, Maria Fe R. Abunda, Resurreccion M. Acop, Edgar Mary S. Sarmiento, Strike B. Revilla, Ruth Mariano-Hernandez, Dahlia A. Loyola, John Reynald M. Tiangco, Adriano A. Ebcas, Presley C. De Jesus, Manuel DG. Cabochan III, Robert Ace S. Barbers, Lawrence "Law" H. Fortun, Rogelio Neil P. Roque, Francisco G. Datol Jr., Ciriaco B. Gato Jr., Vicente "Ching" S.E. Veloso, Cyrille "Beng" F. Abueg-Zaldivar, Michael B. Gorriceta, Jose "Ping-Ping" I. Tejada, Hector S. Sanchez, Alberto "Bobby" D. Pacquiao, Arnold "Noli" D. Celeste, and Argel Joseph T. Cabatbat

AN ACT TO PREVENT, PROHIBIT AND PENALIZE TERRORISM, THEREBY
REPEALING REPUBLIC ACT NO. 9372, OTHERWISE KNOWN AS THE
"HUMAN SECURITY ACT OF 2007"

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

- 1 SECTION 1. *Short Title.* – This Act shall henceforth be known as "The Anti-Terrorism Act of 2020".
- 2

1 SEC. 2. *Declaration of Policy.* – It is declared a policy of the State to protect life,
2 liberty, and property from terrorism, to condemn terrorism as inimical and dangerous
3 to the national security of the country and to the welfare of the people, and to make
4 terrorism a crime against the Filipino people, against humanity, and against The Law
5 of Nations.

6 In the implementation of the policy stated above, the State shall uphold the
7 basic rights and fundamental liberties of the people as enshrined in the Constitution.

8 The State recognizes that the fight against terrorism requires a comprehensive
9 approach, comprising political, economic, diplomatic, military, and legal means duly
10 taking into account the root causes of terrorism without acknowledging these as
11 justifications for terrorist and/or criminal activities. Such measures shall include
12 conflict management and post-conflict peacebuilding, addressing the roots of conflict
13 by building state capacity and promoting equitable economic development.

14 Nothing in this Act shall be interpreted as a curtailment, restriction or diminution
15 of constitutionally recognized powers of the executive branch of the government. It is
16 to be understood, however, that the exercise of the constitutionally recognized powers
17 of the executive department of the government shall not prejudice respect for human
18 rights which shall be absolute and protected at all times.

19 SEC. 3. *Definition of Terms.* – as used in this Act:

20 (a) *Critical Infrastructure* shall refer to an asset or system, whether physical or
21 virtual, so essential to the maintenance of vital societal functions or to the delivery of
22 essential public services that the incapacity or destruction of such systems and
23 assets would have a debilitating impact on national defense and security, national
24 economy, public health or safety, the administration of justice, and other functions
25 analogous thereto. It may include, but is not limited to, an asset or system affecting

1 telecommunications, water and energy supply, emergency services, food security,
2 fuel supply, banking and finance, transportation, radio and television, information
3 systems and technology, chemical and nuclear sectors;

4 (b) *Designated Person* shall refer to:

5 Any individual, group of persons, organizations, or associations designated
6 and/or identified by the United Nations Security Council, or another jurisdiction, or
7 supranational jurisdiction as a terrorist, one who finances terrorism, or a terrorist
8 organization or group; or

9 Any person, organization, association, or group of persons designated under
10 paragraph 3 of Section 25 of this Act.

11 For purposes of this Act, the above definition shall be in addition to the definition
12 of designated persons under Section 3(e) of Republic Act No. 10168, otherwise
13 known as the "Terrorism Financing Prevention and Suppression Act of 2012".

14 (c) *Extraordinary Rendition* shall refer to the transfer of a person, suspected of
15 being a terrorist or supporter of a terrorist organization, association, or group of
16 persons to a foreign nation for imprisonment and interrogation on behalf of the
17 transferring nation. The extraordinary rendition may be done without framing any
18 formal charges, trial, or approval of the court.

19 (d) *International Organization* shall refer to an organization established by a
20 treaty or other instrument governed by international law and possessing its own
21 international legal personality;

22 (e) *Material Support* shall refer to any property, tangible or intangible, or
23 service, including currency or monetary instruments or financial securities, financial
24 services, lodging, training, expert advice or assistance, safehouses, false
25 documentation or identification, communications equipment, facilities, weapons,

1 lethal substances, explosives, personnel (one or more individuals who may be or
2 include oneself), and transportation;

3 (f) *Proliferation of Weapons of Mass Destruction* shall refer to the transfer and
4 export of chemical, biological, radiological, or nuclear weapons, their means of
5 delivery and related materials;

6 (g) *Proposal to Commit Terrorism* is committed when a person who has decided
7 to commit any of the crimes defined and penalized under the provisions of this Act
8 proposes its execution to some other person or persons;

9 (h) *Recruit* shall refer to any act to encourage other people to join a terrorist
10 individual or organization, association or group of persons proscribed under Section
11 26 of this Act, or designated by the United Nations Security Council as a terrorist
12 organization, or organized for the purpose of engaging in terrorism;

13 (i) *Surveillance Activities* shall refer to the act of tracking down, following, or
14 investigating individuals or organizations; or the tapping, listening, intercepting, and
15 recording of messages, conversations, discussions, spoken or written words,
16 including computer and network surveillance, and other communications of
17 individuals engaged in terrorism as defined hereunder;

18 (j) *Supranational Jurisdiction* shall refer to an international organization or union
19 in which the power and influence of member states transcend national boundaries or
20 interests to share in decision-making and vote on issues concerning the collective
21 body, i.e. the European Union;

22 (k) *Training* shall refer to the giving of instruction or teaching designed to impart
23 a specific skill in relation to terrorism as defined hereunder, as opposed to general
24 knowledge;

1 (l) *Terrorist Individual* shall refer to any natural person who commits any of the
2 acts defined and penalized under Sections 4, 5, 6, 7, 8, 9, 10, 11 and 12 of this Act;

3 (m) *Terrorist Organization, Association or Group of Persons* shall refer to any
4 entity organized for the purpose of engaging in terrorism, or those proscribed under
5 Section 26 hereof or the United Nations Security Council-designated terrorist
6 organization; and

7 (n) *Weapons of Mass Destruction (WMD)* shall refer to chemical, biological,
8 radiological, or nuclear weapons which are capable of a high order of destruction or
9 causing mass casualties. It excludes the means of transporting or propelling the
10 weapon where such means is a separable and divisible part from the weapon.

11 SEC. 4. *Terrorism.* – Subject to Section 49 of this Act, terrorism is committed by
12 any person, who within or outside the Philippines, regardless of the stage of
13 execution:

14 (a) Engages in acts intended to cause death or serious bodily injury to any
15 person, or endangers a person's life;

16 (b) Engages in acts intended to cause extensive damage or destruction to a
17 government or public facility, public place or private property;

18 (c) Engages in acts intended to cause extensive interference with, damage or
19 destruction to critical infrastructure;

20 (d) Develops, manufactures, possesses, acquires, transports, supplies or uses
21 weapons, explosives or of biological, nuclear, radiological or chemical weapons; and

22 (e) Release of dangerous substances, or causing fire, floods or explosions
23 when the purpose of such act, by its nature and context, is to intimidate the general
24 public or a segment thereof, create an atmosphere or spread a message of fear, to
25 provoke or influence by intimidation the government or any international

1 organization, or seriously destabilize or destroy the fundamental political, economic,
2 or social structures of the country, or create a public emergency or seriously
3 undermine public safety, shall be guilty of committing terrorism and shall suffer the
4 penalty of life imprisonment without the benefit of parole and the benefits of Republic
5 Act No. 10592, otherwise known as "An Act Amending Articles 29, 94, 97, 98 and 99
6 of Act No. 3815, as amended, otherwise known as the Revised Penal Code":
7 *Provided*, That, terrorism as defined in this Section shall not include advocacy,
8 protest, dissent, stoppage of work, industrial or mass action, and other similar
9 exercises of civil and political rights, which are not intended to cause death or serious
10 physical harm to a person, to endanger a person's life, or to create a serious risk to
11 public safety.

12 SEC. 5. *Threat to Commit Terrorism.* – Any person who shall threaten to commit
13 any of the acts mentioned in Section 4 hereof shall suffer the penalty of
14 imprisonment of twelve (12) years.

15 SEC. 6. *Planning, Training, Preparing, and Facilitating the Commission of*
16 *Terrorism.* – It shall be unlawful for any person to participate in the planning, training,
17 preparation and facilitation in the commission of terrorism, possessing objects
18 connected with the preparation for the commission of terrorism, or collecting or
19 making documents connected with the preparation of terrorism. Any person found
20 guilty of the provisions of this Act shall suffer the penalty of life imprisonment without
21 the benefit of parole and the benefits of Republic Act No. 10592.

22 SEC. 7. *Conspiracy to Commit Terrorism.* – Any conspiracy to commit terrorism
23 as defined and penalized under Section 4 of this Act shall suffer the penalty of life
24 imprisonment without the benefit of parole and the benefits of Republic Act No.
25 10592.

1 There is conspiracy when two (2) or more persons come to an agreement
2 concerning the commission of terrorism as defined in Section 4 hereof and decide to
3 commit the same.

4 SEC. 8. *Proposal to Commit Terrorism.* – Any person who proposes to commit
5 terrorism as defined in Section 4 hereof shall suffer the penalty of imprisonment of
6 twelve (12) years.

7 SEC. 9. *Inciting to Commit Terrorism.* – Any person who, without taking any
8 direct part in the commission of terrorism, shall incite others to the execution of any
9 of the acts specified in Section 4 hereof by means of speeches, proclamations,
10 writings, emblems, banners or other representations tending to the same end, shall
11 suffer the penalty of imprisonment of twelve (12) years.

12 SEC. 10. *Recruitment to and Membership in a Terrorist Organization.* – Any
13 person who shall recruit another to participate in, join, commit or support terrorism or
14 a terrorist individual or any terrorist organization, association or group of persons
15 proscribed under Section 26 of this Act, or designated by the United Nations Security
16 Council as a terrorist organization, or organized for the purpose of engaging in
17 terrorism, shall suffer the penalty of life imprisonment without the benefit of parole
18 and the benefits of Republic Act No. 10592.

19 The same penalty shall be imposed on any person who organizes or facilitates
20 the travel of individuals to a state other than their state of residence or nationality for
21 the purpose of recruitment which may be committed through any of the following
22 means:

23 (a) Recruiting another person to serve in any capacity in or with an armed force
24 in a foreign state, whether the armed force forms part of the armed forces of the
25 government of that foreign state or otherwise;

1 (b) Publishing an advertisement or propaganda for the purpose of recruiting
2 persons to serve in any capacity in or with such an armed force;

3 (c) Publishing an advertisement or propaganda containing any information
4 relating to the place at which or the manner in which persons may make applications
5 to serve or obtain information relating to service in any capacity in or with such
6 armed force or relating to the manner in which persons may travel to a foreign state
7 for the purpose of serving in any capacity in or with such armed force; or

8 (d) Performing any other act with the intention of facilitating or promoting the
9 recruitment of persons to serve in any capacity in or with such armed force.

10 Any person who shall voluntarily and knowingly join any organization,
11 association or group of persons knowing that such organization, association or group
12 of persons is proscribed under Section 26 of this Act, or designated by the United
13 Nations Security Council as a terrorist organization, or organized for the purpose of
14 engaging in terrorism, shall suffer the penalty of imprisonment of twelve (12) years.

15 SEC. 11. *Foreign Terrorist.* – The following acts are unlawful and shall suffer the
16 penalty of life imprisonment without the benefit of parole and the benefits of Republic
17 Act No. 10592:

18 (a) For any person to travel or attempt to travel to a state other than his/her
19 state of residence or nationality, for the purpose of perpetrating, planning, or
20 preparing for, or participating in terrorism, or providing or receiving terrorist training;

21 (b) For any person to organize or facilitate the travel of individuals who travel to
22 a state other than their states of residence or nationality knowing that such travel is
23 for the purpose of perpetrating, planning, training, or preparing for, or participating in
24 terrorism or providing or receiving terrorist training; or

1 (c) For any person residing abroad who comes to the Philippines to participate
2 in perpetrating, planning, training, or preparing for, or participating in terrorism or
3 provide support for or facilitate or receive terrorist training here or abroad.

4 SEC. 12. *Providing Material Support to Terrorists.* – Any person who provides
5 material support to any terrorist individual or terrorist organization, association or group
6 of persons committing any of the acts punishable under Section 4 hereof, knowing
7 that such individual or organization, association, or group of persons is committing or
8 planning to commit such acts, shall be liable as principal to any and all terrorist
9 activities committed by said individuals or organizations, in addition to other criminal
10 liabilities he/she or they may have incurred in relation thereto.

11 SEC. 13. *Humanitarian Exemption.* – Humanitarian activities undertaken by the
12 International Committee of the Red Cross (ICRC), the Philippine Red Cross (PRC),
13 and other state-recognized impartial humanitarian partners or organizations in
14 conformity with the International Humanitarian Law (IHL), do not fall within the scope of
15 Section 12 of this Act.

16 SEC. 14. *Accessory.* – Any person who, having knowledge of the commission of
17 any of the crimes defined and penalized under Section 4 of this Act, without having
18 participated therein, takes part subsequent to its commission in any of the following
19 manner: (a) by profiting himself or assisting the offender to profit by the effects of the
20 crime; (b) by concealing or destroying the body of the crime, or the effects, or
21 instruments thereof, in order to prevent its discovery; or (c) by harboring, concealing,
22 or assisting in the escape of the principal or conspirator of the crime, shall be liable
23 as an accessory and shall suffer the penalty of imprisonment of twelve (12) years.

24 No person, regardless of relationship or affinity, shall be exempt from liability
25 under this section.

1 SEC. 15. *Penalty for Public Official.* – If the offender found guilty of any of the
2 acts defined and penalized under any of the provisions of this Act is a public official
3 or employee, he/she shall be charged with the administrative offense of grave
4 misconduct and/or disloyalty to the Republic of the Philippines and the Filipino
5 people, and be meted with the penalty of dismissal from the service, with the
6 accessory penalties of cancellation of civil service eligibility, forfeiture of retirement
7 benefits and perpetual absolute disqualification from running for any elective office or
8 holding any public office.

9 SEC. 16. *Surveillance of Suspects and Interception and Recording of*
10 *Communications.* – The provisions of Republic Act No. 4200, otherwise known as
11 the “Anti-Wire Tapping Law” to the contrary notwithstanding, a law enforcement agent
12 or military personnel may, upon a written order of the Court of Appeals secretly wiretap,
13 overhear and listen to, intercept, screen, read, surveil, record or collect, with the use
14 of any mode, form, kind or type of electronic, mechanical or other equipment or
15 device or technology now known or may hereafter be known to science or with the
16 use of any other suitable ways and means for the above purposes, any private
17 communications, conversation, discussion/s, data, information, messages in
18 whatever form, kind or nature, spoken or written words (a) between members of a
19 judicially declared and outlawed terrorist organization, as provided in Section 26 of
20 this Act; (b) between members of a designated person as defined in Section 3(E) of
21 Republic Act No. 10168; or (c) any person charged with or suspected of committing
22 any of the crimes defined and penalized under the provisions of this Act: *Provided,*
23 That, surveillance, interception and recording of communications between lawyers
24 and clients, doctors and patients, journalists and their sources and confidential
25 business correspondence shall not be authorized.

1 The law enforcement agent or military personnel shall likewise be obligated to
2 (1) file an *ex-parte* application with the Court of Appeals for the issuance of an order,
3 to compel telecommunications service providers (TSP) and internet service providers
4 (ISP) to produce all customer information and identification records as well as call
5 and text data records, content and other cellular or internet metadata of any person
6 suspected of any of the crimes defined and penalized under the provisions of this
7 Act; and (2) furnish the National Telecommunications Commission (NTC) a copy of
8 said application. The NTC shall likewise be notified upon the issuance of the order
9 for the purpose of ensuring immediate compliance.

10 SEC. 17. *Judicial Authorization, Requisites.* – The authorizing division of the
11 Court of Appeals shall issue a written order to conduct the acts mentioned in Section
12 16 of this Act upon:

13 (1) Filing of an *ex parte* written application by a law enforcement agent or
14 military personnel, who has been duly authorized in writing by the Anti-Terrorism
15 Council (ATC); and

16 (2) After examination under oath or affirmation of the applicant and the witnesses
17 he may produce, the issuing court determines:

18 (a) that there is probable cause to believe based on personal knowledge of
19 facts or circumstances that the crimes defined and penalized under Sections 4, 5, 6,
20 7, 8, 9, 10, 11 and 12 of this Act has been committed, or is being committed, or is
21 about to be committed; and

22 (b) that there is probable cause to believe based on personal knowledge of
23 facts or circumstances that evidence, which is essential to the conviction of any
24 charged or suspected person for, or to the solution or prevention of, any such
25 crimes, will be obtained.

1 SEC. 18. *Classification and Contents of the Order of the Court.* – The written
2 order granted by the authorizing division of the Court of Appeals as well as the
3 application for such order, shall be deemed and are hereby declared as classified
4 information. Being classified information, access to the said documents and any
5 information contained in the said documents shall be limited to the applicants, duly
6 authorized personnel of the ATC, the hearing justices, the clerk of court and duly
7 authorized personnel of the hearing or issuing court. The written order of the
8 authorizing division of the Court of Appeals shall specify the following: (a) the identity,
9 such as name and address, if known, of the person or persons whose communications,
10 messages, conversations, discussions, or spoken or written words are to be tracked
11 down, tapped, listened to, intercepted, and recorded; and, in the case of radio,
12 electronic, or telephonic (whether wireless or otherwise) communications, messages,
13 conversations, discussions, or spoken or written words, the electronic transmission
14 systems or the telephone numbers to be tracked down, tapped, listened to,
15 intercepted, and recorded and their locations or if the person or persons suspected of
16 committing any of the crimes defined and penalized under the provisions of this Act
17 are not fully known, such person or persons shall be the subject of continuous
18 surveillance; (b) the identity of the law enforcement agent or military personnel,
19 including the individual identity of the members of his team, judicially authorized to
20 undertake surveillance activities; (c) the offense or offenses committed, or being
21 committed, or sought to be prevented; and, (d) the length of time within which the
22 authorization shall be used or carried out.

23 SEC. 19. *Effective Period of Judicial Authorization.* – Any authorization granted
24 by the Court of Appeals, pursuant to Section 17 of this Act, shall only be effective for
25 the length of time specified in the written order of the authorizing division of the Court

1 of Appeals which shall not exceed a period of sixty (60) days from the date of receipt
2 of the written order by the applicant law enforcement agent or military personnel.

3 The authorizing division of the Court of Appeals may extend or renew the said
4 authorization to a non-extendible period, which shall not exceed thirty (30) days from
5 the expiration of the original period: *Provided*, That the issuing court is satisfied that
6 such extension or renewal is in the public interest: and *Provided, further*, That the ex
7 *parte* application for extension or renewal, which must be filed by the original
8 applicant, has been duly authorized in writing by the ATC.

9 In case of death of the original applicant or in case he is physically disabled to
10 file the application for extension or renewal, the one next in rank to the original
11 applicant among the members of the team named in the original written order shall
12 file the application for extension or renewal: *Provided, finally*, That, the applicant law
13 enforcement agent or military personnel shall have thirty (30) days after the
14 termination of the period granted by the Court of Appeals as provided in the preceding
15 paragraphs within which to file the appropriate case before the Public Prosecutor's
16 Office for any violation of this Act.

17 For purposes of this provision, the issuing court shall require the applicant law
18 enforcement or military official to inform the court, after the lapse of the 30-day
19 period of the fact that an appropriate case for violation of this Act has been filed with
20 the Public Prosecutor's Office.

21 SEC. 20. *Custody of Intercepted and Recorded Communications.* – All tapes,
22 discs, other storage devices, recordings, notes, memoranda, summaries, excerpts
23 and all copies thereof obtained under the judicial authorization granted by the Court
24 of Appeals shall, within forty-eight (48) hours after the expiration of the period fixed in
25 the written order or the extension or renewal granted thereafter, be deposited with

1 the issuing court in a sealed envelope or sealed package, as the case may be, and
2 shall be accompanied by a joint affidavit of the applicant law enforcement agent or
3 military personnel and the members of his team.

4 In case of death of the applicant or in case he is physically disabled to execute
5 the required affidavit, the one next in rank to the applicant among the members of
6 the team named in the written order of the authorizing division of the Court of
7 Appeals shall execute with the members of the team that required affidavit.

8 It shall be unlawful for any person, law enforcement agent or military personnel or
9 any custodian of the tapes, discs, other storage devices recordings, notes,
10 memoranda, summaries, excerpts and all copies thereof to remove, delete, expunge,
11 incinerate, shred or destroy in any manner the items enumerated above in whole or
12 in part under any pretext whatsoever.

13 Any person who removes, deletes, expunges, incinerates, shreds or destroys
14 the items enumerated above shall suffer the penalty of imprisonment of ten (10)
15 years.

16 SEC. 21. *Contents of Joint Affidavit.* – The joint affidavit of the law enforcement
17 agent or military personnel shall state: (a) the number of tapes, discs, and recordings
18 that have been made; (b) the dates and times covered by each of such tapes, discs,
19 and recordings; and (c) the chain of custody or the list of persons who had
20 possession or custody over the tapes, discs and recordings.

21 The joint affidavit shall also certify under oath that no duplicates or copies of the
22 whole or any part of any of such tapes, discs, other storage devices, recordings,
23 notes, memoranda, summaries, or excerpts have been made, or, if made, that all such
24 duplicates and copies are included in the sealed envelope or sealed package, as the
25 case may be, deposited with the authorizing division of the Court of Appeals.

1 It shall be unlawful for any person, law enforcement agent or military personnel to
2 omit or exclude from the joint affidavit any item or portion thereof mentioned in this
3 Section.

4 Any person, law enforcement agent or military officer who violates any of the
5 acts proscribed in the preceding paragraph shall suffer the penalty of imprisonment
6 of ten (10) years.

7 SEC. 22. *Disposition of Deposited Materials.* – The sealed envelope or sealed
8 package and the contents thereof, referred to in Section 20 of this Act, shall be deemed
9 and are hereby declared classified information. The sealed envelope or sealed
10 package shall not be opened, disclosed, or used as evidence unless authorized by a
11 written order of the authorizing division of the Court of Appeals which written order
12 shall be granted only upon a written application of the Department of Justice (DOJ)
13 duly authorized in writing by the ATC to file the application with proper written notice to
14 the person whose conversation, communication, message, discussion or spoken or
15 written words have been the subject of surveillance, monitoring, recording and
16 interception to open, reveal, divulge, and use the contents of the sealed envelope or
17 sealed package as evidence.

18 The written application, with notice to the party concerned, for the opening,
19 replaying, disclosing, or using as evidence of the sealed package or the contents
20 thereof, shall clearly state the purpose or reason for its opening, replaying, disclosing,
21 or its being used as evidence.

22 Violation of this section shall be penalized by imprisonment of ten (10) years.

23 SEC. 23. *Evidentiary Value of Deposited Materials.* – Any listened to, intercepted,
24 and recorded communications, messages, conversations, discussions, or spoken or
25 written words, or any part or parts thereof, or any information or fact contained

1 therein, including their existence, content, substance, purport, effect, or meaning,
2 which have been secured in violation of the pertinent provisions of this Act, shall be
3 inadmissible and cannot be used as evidence against anybody in any judicial, quasi-
4 judicial, legislative, or administrative investigation, inquiry, proceeding, or hearing.

5 *SEC. 24. Unauthorized or Malicious Interceptions and/or Recordings.* – Any law
6 enforcement agent or military personnel who conducts surveillance activities without
7 a valid judicial authorization pursuant to Section 17 of this Act shall be guilty of this
8 offense and shall suffer the penalty of imprisonment of ten (10) years. All information
9 that have been maliciously procured should be made available to the aggrieved
10 party.

11 *SEC. 25. Designation of Terrorist Individual, Groups of Persons, Organizations*
12 *or Associations.* – Pursuant to our obligations under United Nations Security Council
13 Resolution (UNSCR) No. 1373, the ATC shall automatically adopt the United Nations
14 Security Council Consolidated List of designated individuals, group of persons,
15 organizations, or associations designated and/or identified as a terrorist, one who
16 finances terrorism, or a terrorist organization or group.

17 Request for designations by other jurisdictions or supranational jurisdictions
18 may be adopted by the ATC after determination that the proposed designee meets
19 the criteria for designation of UNSCR No. 1373.

20 The ATC may designate an individual, groups of persons, organization, or
21 association, whether domestic or foreign, upon a finding of probable cause that the
22 individual, groups of persons, organization, or association commit, or attempt to
23 commit, or conspire in the commission of the acts defined and penalized under
24 Sections 4, 5, 6, 7, 8, 9, 10, 11 and 12 of this Act.

1 The assets of the designated individual, groups of persons, organization or
2 association above-mentioned shall be subject to the authority of the Anti-Money
3 Laundering Council (AMLC) to freeze pursuant to Section 11 of Republic Act No.
4 10168.

5 The designation shall be without prejudice to the proscription of terrorist
6 organizations, associations, or groups of persons under Section 26 of this Act.

7 SEC. 26. *Proscription of Terrorist Organizations, Association, or Group of*
8 *Persons.* – Any group of persons, organization, or association, which commits any of
9 the acts defined and penalized under Sections 4, 5, 6, 7, 8, 9, 10, 11 and 12 of this
10 Act, or organized for the purpose of engaging in terrorism shall, upon application of
11 the DOJ before the authorizing division of the Court of Appeals with due notice and
12 opportunity to be heard given to the group of persons, organization or association, be
13 declared as a terrorist and outlawed group of persons, organization or association,
14 by the said Court.

15 The application shall be filed with an urgent prayer for the issuance of a
16 preliminary order of proscription. No application for proscription shall be filed without
17 the authority of the ATC upon the recommendation of the National Intelligence
18 Coordinating Agency (NICA).

19 SEC. 27. *Preliminary Order of Proscription.* – Where the Court has determined
20 that probable cause exists on the basis of the verified application which is sufficient in
21 form and substance, that the issuance of an order of proscription is necessary to
22 prevent the commission of terrorism, he/she shall, within seventy-two (72) hours from
23 the filing of the application, issue a preliminary order of proscription declaring that the
24 respondent is a terrorist and an outlawed organization or association within the
25 meaning of Section 26 of this Act.

1 The court shall immediately commence and conduct continuous hearings,
2 which should be completed within six (6) months from the time the application has
3 been filed, to determine whether:

- 4 (a) The preliminary order of proscription should be made permanent;
5 (b) A permanent order of proscription should be issued in case no preliminary
6 order was issued; or
7 (c) A preliminary order of proscription should be lifted. It shall be the burden of
8 the applicant to prove that the respondent is a terrorist and an outlawed organization
9 or association within the meaning of Section 26 of this Act before the court issues an
10 order of proscription whether preliminary or permanent.

11 The permanent order of proscription herein granted shall be published in a
12 newspaper of general circulation. It shall be valid for a period of three (3) years after
13 which, a review of such order shall be made and if circumstances warrant, the same
14 shall be lifted.

15 SEC. 28. *Request to Proscribe from Foreign Jurisdictions and Supranational*
16 *Jurisdictions.* – Consistent with the national interest, all requests for proscription
17 made by another jurisdiction or supranational jurisdiction shall be referred by the
18 Department of Foreign Affairs (DFA) to the ATC to determine, with the assistance of
19 the NICA, if proscription under Section 26 of this Act is warranted. If the request for
20 proscription is granted, the ATC shall correspondingly commence proscription
21 proceedings through the DOJ.

22 SEC. 29. *Detention Without Judicial Warrant of Arrest.* – The provisions of
23 Article 125 of the Revised Penal Code to the contrary notwithstanding, any law
24 enforcement agent or military personnel, who, having been duly authorized in writing
25 by the ATC has taken custody of a person suspected of committing any of the acts

1 defined and penalized under Sections 4, 5, 6, 7, 8, 9, 10, 11 and 12 of this Act, shall,
2 without incurring any criminal liability for delay in the delivery of detained persons to
3 the proper judicial authorities, deliver said suspected person to the proper judicial
4 authority within a period of fourteen (14) calendar days counted from the moment the
5 said suspected person has been apprehended or arrested, detained, and taken into
6 custody by the law enforcement agent or military personnel. The period of detention
7 may be extended to a maximum period of ten (10) calendar days if it is established that
8 (1) further detention of the person/s is necessary to preserve evidence related to
9 terrorism or complete the investigation; (2) further detention of the person/s is
10 necessary to prevent the commission of another terrorism; and (3) the investigation
11 is being conducted properly and without delay.

12 Immediately after taking custody of a person suspected of committing terrorism
13 or any member of a group of persons, organization or association proscribed under
14 Section 26 hereof, the law enforcement agent or military personnel shall notify in
15 writing the judge of the court nearest the place of apprehension or arrest of the
16 following facts: (a) the time, date, and manner of arrest; (b) the location or locations of
17 the detained suspect/s and (c) the physical and mental condition of the detained
18 suspect/s. The law enforcement agent or military personnel shall likewise furnish the
19 ATC and the Commission on Human Rights (CHR) of the written notice given to the
20 judge.

21 The head of the detaining facility shall ensure that the detained suspect is
22 informed of his/her rights as a detainee and shall ensure access to the detainee by
23 his/her counsel or agencies and entities authorized by law to exercise visitorial powers
24 over detention facilities.

1 The penalty of imprisonment of ten (10) years shall be imposed upon the police or
2 law enforcement agent or military personnel who fails to notify any judge as provided
3 in the preceding paragraph.

4 SEC. 30. *Rights of a Person under Custodial Detention.* – The moment a person
5 charged with or suspected of committing any of the acts defined and penalized under
6 Sections 4, 5, 6, 7, 8, 9, 10, 11 and 12 of this Act is apprehended or arrested and
7 detained, he shall forthwith be informed, by the arresting law enforcement agent or
8 military personnel to whose custody the person concerned is brought, of his or her
9 right: (a) to be informed of the nature and cause of his arrest, to remain silent and to
10 have competent and independent counsel preferably of his choice. If the person
11 cannot afford the services of counsel of his or her choice, the law enforcement agent
12 or military personnel concerned shall immediately contact the free legal assistance
13 unit of the Integrated Bar of the Philippines (IBP) or the Public Attorney's Office
14 (PAO). It shall be the duty of the free legal assistance unit of the IBP or the PAO thus
15 contacted to immediately visit the person/s detained and provide him or her with
16 legal assistance. These rights cannot be waived except in writing and in the
17 presence of his/her counsel of choice; (b) informed of the cause or causes of his/her
18 detention in the presence of his legal counsel; (c) allowed to communicate freely with
19 his/her legal counsel and to confer with them at any time without restriction; (d)
20 allowed to communicate freely and privately without restrictions with the members of
21 his/her family or with his/her nearest relatives and to be visited by them; and, (e)
22 allowed freely to avail of the service of a physician or physicians of choice.

23 SEC. 31. *Violation of the Rights of a Detainee.* – The penalty of imprisonment of
24 ten (10) years shall be imposed upon any law enforcement agent or military

1 personnel who has violated the rights of persons under their custody, as provided for
2 in Sections 29 and 30 of this Act.

3 Unless the law enforcement agent or military personnel who violated the rights of
4 a detainee or detainees as stated above is duly identified, the same penalty shall be
5 imposed on the head of the law enforcement unit or military unit having custody of
6 the detainee at the time the violation was done.

7 SEC. 32. *Official Custodial Logbook and Its Contents.* – The law enforcement
8 custodial unit in whose care and control the person suspected of committing any of
9 the acts defined and penalized under Sections 4, 5, 6, 7, 8, 9, 10, 11 and 12 of this
10 Act has been placed under custodial arrest and detention shall keep a securely and
11 orderly maintained official logbook, which is hereby declared as a public document
12 and opened to and made available for the inspection and scrutiny of the lawyer of
13 the person under custody or any member of his/her family or relative by
14 consanguinity or affinity within the fourth civil degree or his/her physician at any time
15 of the day or night subject to reasonable restrictions by the custodial facility. The
16 logbook shall contain a clear and concise record of: (a) the name, description, and
17 address of the detained person; (b) the date and exact time of his/her initial
18 admission for custodial arrest and detention; (c) the name and address of the
19 physician or physicians who examined him/her physically and medically; (d) the state of
20 his/her health and physical condition at the time of his/her initial admission for
21 custodial detention; (e) the date and time of each removal of the detained person
22 from his/her cell for interrogation or for any purpose; (f) the date and time of his/her
23 return to his/her cell; (g) the name and address of the physician or physicians who
24 physically and medically examined him/her after each interrogation; (h) a summary of
25 the physical and medical findings on the detained person after each of such

1 interrogation; (i) the names and addresses of his/her family members and nearest
2 relatives, if any and if available; (j) the names and addresses of persons, who visit the
3 detained person; (k) the date and time of each of such visit; (l) the date and time of
4 each request of the detained person to communicate and confer with his/her legal
5 counsel or counsels; (m) the date and time of each visit, and date and time of each
6 departure of his/her legal counsel or counsels; and (n) all other important events
7 bearing on and all relevant details regarding the treatment of the detained person
8 while under custodial arrest and detention.

9 The said law enforcement custodial unit shall, upon demand of the
10 aforementioned lawyer or members of the family or relatives within the fourth civil
11 degree of consanguinity or affinity of the person under custody or his/her physician,
12 issue a certified true copy of the entries of the logbook relative to the concerned
13 detained person subject to reasonable restrictions by the custodial facility. This
14 certified true copy may be attested by the person who has custody of the logbook or
15 who allowed the party concerned to scrutinize it at the time the demand for the
16 certified true copy is made.

17 The law enforcement custodial unit who fails to comply with the preceding
18 paragraph to keep an official logbook shall suffer the penalty of imprisonment of ten
19 (10) years.

20 **SEC. 33. No Torture or Coercion in Investigation and Interrogation.** – The use of
21 torture and other cruel, inhumane and degrading treatment or punishment, as defined
22 in Sections 4 and 5 of Republic Act No. 9745 otherwise known as the "Anti-Torture
23 Act of 2009," at any time during the investigation or interrogation of a detained
24 suspected terrorist is absolutely prohibited and shall be penalized under said law.
25 Any evidence obtained from said detained person resulting from such treatment shall

1 be, in its entirety, inadmissible and cannot be used as evidence in any judicial, quasi-
2 judicial, legislative, or administrative investigation, inquiry, proceeding, or hearing.

3 SEC. 34. *Restriction on the Right to Travel.* – Prior to the filing of an information
4 for any violation of Sections 4, 5, 6, 7, 8, 9, 10, 11 and 12 of this Act, the investigating
5 prosecutor shall apply for the issuance of a precautionary hold departure order
6 (PHDO) against the respondent upon a preliminary determination of probable cause in
7 the proper Regional Trial Court.

8 Upon the filing of the information regarding the commission of any acts defined
9 and penalized under the provisions of this Act, the prosecutor shall apply with the
10 court having jurisdiction for the issuance of a hold departure order (HDO) against the
11 accused. The said application shall be accompanied by the complaint-affidavit and
12 its attachments, personal details, passport number, and a photograph of the
13 accused, if available.

14 In cases where evidence of guilt is not strong, and the person charged is
15 entitled to bail and is granted the same, the court, upon application by the prosecutor,
16 shall limit the right of travel of the accused to within the municipality or city where
17 he/she resides or where the case is pending, in the interest of national security and
18 public safety, consistent with Article III, Section 6 of the Constitution. The court shall
19 immediately furnish the DOJ and the Bureau of Immigration (BI) with the copy of said
20 order. Travel outside of said municipality or city, without the authorization of the court,
21 shall be deemed a violation of the terms and conditions of his/her bail, which shall be
22 forfeited as provided under the Rules of Court.

23 He/she may also be placed under house arrest by order of the court at his/her
24 usual place of residence.

1 While under house arrest, he/she may not use telephones, cellphones, e-mails,
2 computers, the internet, or other means of communications with people outside the
3 residence until otherwise ordered by the court.

4 If the evidence of guilt is strong, the court shall immediately issue an HDO and
5 direct the DFA to initiate the procedure for the cancellation of the passport of the
6 accused.

7 The restrictions above-mentioned shall be terminated upon the acquittal of the
8 accused or of the dismissal of the case filed against him/her or earlier upon the
9 discretion of the court on motion of the prosecutor or of the accused.

10 *SEC. 35. Anti-Money Laundering Council Authority to Investigate, Inquire into*
11 *and Examine Bank Deposits.* – Upon the issuance by the court of a preliminary order
12 of proscription or in case of designation under Section 25 of this Act, the AMLC, either
13 upon its own initiative or at the request of the ATC, is hereby authorized to
14 investigate: (a) any property or funds that are in any way related to financing of
15 terrorism as defined and penalized under Republic Act No. 10168, or violation of
16 Sections 4, 6, 7, 10, 11 or 12 of this Act; and (b) property or funds of any person or
17 persons in relation to whom there is probable cause to believe that such person or
18 persons are committing or attempting or conspiring to commit, or participating in or
19 facilitating the financing of the aforementioned sections of this Act.

20 The AMLC may also enlist the assistance of any branch, department, bureau,
21 office, agency or instrumentality of the government, including government-owned and
22 controlled corporations in undertaking measures to counter the financing of
23 terrorism, which may include the use of its personnel, facilities and resources.

24 For purposes of this Section and notwithstanding the provisions of Republic Act
25 No. 1405, otherwise known as the "Law on Secrecy of Bank Deposits", as amended;

1 Republic Act No. 6426, otherwise known as the "Foreign Currency Deposit Act of the
2 Philippines", as amended; Republic Act No. 8791, otherwise known as "The General
3 Banking Law of 2000" and other laws, the AMLC is hereby authorized to inquire into or
4 examine deposits and investments with any banking institution or non-bank financial
5 institution and their subsidiaries and affiliates without a court order.

6 SEC. 36. *Authority to Freeze*. – Upon the issuance by the court of a preliminary
7 order of proscription or in case of designation under Section 25 of this Act, the AMLC,
8 either upon its own initiative or request of the ATC, is hereby authorized to issue an ex
9 *parte* order to freeze without delay: (a) any property or funds that are in any way
10 related to financing of terrorism as defined and penalized under Republic Act No.
11 10168, or any violation of Sections 4, 5, 6, 7, 8, 9, 10, 11 or 12 of this Act; and (b)
12 property or funds of any person or persons in relation to whom there is probable
13 cause to believe that such person or persons are committing or attempting or
14 conspiring to commit, or participating in or facilitating the financing of the
15 aforementioned sections of this Act.

16 The freeze order shall be effective for a period not exceeding twenty (20) days.
17 Upon a petition filed by the AMLC before the expiration of the period, the effectivity of
18 the freeze order may be extended up to a period not exceeding six (6) months upon
19 order of the Court of Appeals: *Provided*, That, the twenty-day period shall be tolled
20 upon filing of a petition to extend the effectivity of the freeze order.

21 Notwithstanding the preceding paragraphs, the AMLC, consistent with the
22 Philippines' international obligations, shall be authorized to issue a freeze order with
23 respect to property or funds of a designated organization, association, group or any
24 individual to comply with binding terrorism-related resolutions, including UNSCR No.
25 1373 pursuant to Article 41 of the charter of the UN. Said freeze order shall be

1 effective until the basis for the issuance thereof shall have been lifted. During the
2 effectivity of the freeze order, an aggrieved party may, within twenty (20) days from
3 issuance, file with the Court of Appeals a petition to determine the basis of the freeze
4 order according to the principle of effective judicial protection: *Provided*, That the
5 person whose property or funds have been frozen may withdraw such sums as the
6 AMLC determines to be reasonably needed for monthly family needs and sustenance
7 including the services of counsel and the family medical needs of such person.

8 However, if the property or funds subject of the freeze order under the
9 immediately preceding paragraph are found to be in any way related to financing of
10 terrorism as ,defined and penalized under Republic Act No. 10168, or any violation of
11 Sections 4, 5, 6, 7, 8, 9, 10, 11 or 12 of this Act committed within the jurisdiction of
12 the Philippines, said property or funds shall be the subject of civil forfeiture
13 proceedings as provided under Republic Act No. 10168.

14 SEC. 37. *Malicious Examination of a Bank or a Financial Institution.* – Any
15 person who maliciously, or without authorization, examines deposits, placements,
16 trust accounts, assets, or records in a bank or financial institution in relation to
17 Section 36 shall suffer the penalty of four (4) years of imprisonment.

18 SEC. 38. *Safe Harbor.* – No administrative, criminal or civil proceedings shall lie
19 against any person acting in good faith when implementing the targeted financial
20 sanctions as provided under pertinent United Nations Security Resolutions.

21 SEC. 39. *Bank Officials and Employees Defying a Court Authorization.* – An
22 employee, official, or a member of the board of directors of a bank or financial
23 institution, who after being duly served with the written order of authorization from
24 the Court of Appeals, refuses to allow the examination of the deposits, placements,
25 trust accounts, assets, and records of a terrorist or an outlawed group of persons,

1 organization or association, in accordance with Sections 25 and 26 hereof, shall
2 suffer the penalty of imprisonment of four (4) years.

3 SEC. 40. *Immunity and Protection of Government Witnesses.* – The immunity
4 and protection of government witnesses shall be governed by the provisions of
5 Republic Act No. 6981, otherwise known as "The Witness Protection, Security and
6 Benefits Act".

7 SEC. 41. *Penalty for Unauthorized Revelation of Classified Materials.* – The
8 penalty of imprisonment of ten (10) years shall be imposed upon any person, law
9 enforcement agent or military personnel, judicial officer or civil servant who, not being
10 authorized by the Court of Appeals to do so, reveals in any manner or form any
11 classified information under this Act. The penalty imposed herein is without prejudice
12 and in addition to any corresponding administrative liability the offender may have
13 incurred for such acts.

14 SEC. 42. *Infidelity in the Custody of Detained Persons.* – Any public officer who
15 has direct custody of a detained person under the provisions of this Act and, who, by
16 his deliberate act, misconduct or inexcusable negligence, causes or allows the
17 escape of such detained person shall be guilty of an offense and shall suffer the
18 penalty of ten (10) years of imprisonment.

19 SEC. 43. *Penalty for Furnishing False Evidence, Forged Document, or Spurious
Evidence.* – The penalty of imprisonment of six (6) years shall be imposed upon any
20 person who knowingly furnishes false testimony, forged document or spurious
21 evidence in any investigation or hearing conducted in relation to any violations under
22 this Act.

24 SEC. 44. *Continuous Trial.* – In cases involving crimes defined and penalized
25 under the provisions of this Act, the judge concerned shall set the case for

1 continuous trial on a daily basis from Monday to Thursday or other short-term trial
2 calendar to ensure compliance with the accused's right to speedy trial.

3 SEC. 45. *Anti-Terrorism Council*. – An Anti-Terrorism Council (ATC) is hereby
4 created. The members of the ATC are: (1) the Executive Secretary, who shall be its
5 Chairperson; (2) the National Security Adviser who shall be its Vice Chairperson; and
6 (3) the Secretary of Foreign Affairs; (4) the Secretary of National Defense; (5) the
7 Secretary of the Interior and Local Government; (6) the Secretary of Finance; (7) the
8 Secretary of Justice; (8) the Secretary of Information and Communications
9 Technology; and (9) the Executive Director of the Anti-Money Laundering Council
10 (AMLC) Secretariat as its other members.

11 The ATC shall implement this Act and assume the responsibility for the proper
12 and effective implementation of the policies of the country against terrorism. The
13 ATC shall keep records of its proceedings and decisions. All records of the ATC shall
14 be subject to such security classifications as the ATC may, in its judgment and
15 discretion, decide to adopt to safeguard the safety of the people, the security of the
16 Republic, and the welfare of the nation.

17 The NICA shall be the Secretariat of the ATC. The ATC shall define the powers,
18 duties, and functions of the NICA as Secretariat of the ATC. The Anti-Terrorism
19 Council-Program Management Center (ATC-PMC) is hereby institutionalized as the
20 main coordinating and program management arm of the ATC. The ATC shall define
21 the powers, duties, and functions of the ATC-PMC. The Department of Science and
22 Technology (DOST), the Department of Transportation (DOTr), the Department of
23 Labor and Employment (DOLE), the Department of Education (DepEd), the
24 Department of Social Welfare and Development (DSWD), the Presidential Adviser
25 for Peace, Reunification and Unity (PAPRU, formerly PAPP), the Bangsamoro

1 Autonomous Region in Muslim Mindanao (BARMM), the National Bureau of
2 Investigation (NBI), the BI, the Office of Civil Defense (OCD), the Intelligence Service
3 of the Armed Forces of the Philippines (ISAFP), the Philippine Center on
4 Transnational Crimes (PCTC), the Philippine National Police (PNP) intelligence and
5 investigative elements, the Commission on Higher Education (CHED), and the
6 National Commission on Muslim Filipinos (NCMF) shall serve as support agencies of
7 the ATC.

8 The ATC shall formulate and adopt comprehensive, adequate, efficient, and
9 effective plans, programs, or measures to prevent, counter, suppress, or eradicate the
10 commission of terrorism in the country and to protect the people from such acts. In
11 pursuit of said mandate, the ATC shall create such focus programs to prevent and
12 counter terrorism as necessary, to ensure the counterterrorism operational
13 awareness of concerned agencies, to conduct legal action and to pursue legal and
14 legislative initiatives to counter terrorism, prevent and stem terrorist financing, and to
15 ensure compliance with international commitments to counterterrorism-related
16 protocols and bilateral and/or multilateral agreements, and identify the lead agency
17 for each program, such as:

18 (a) Preventing and countering violent extremism program – The program shall
19 address the conditions conducive to the spread of terrorism which include, among
20 others: ethnic, national, and religious discrimination; socio-economic disgruntlement;
21 political exclusion; dehumanization of victims of terrorism; lack of good governance;
22 and prolonged unresolved conflicts by winning the hearts and minds of the people to
23 prevent them from engaging in violent extremism. It shall identify, integrate, and
24 synchronize all government and non-government initiatives and resources to prevent

1 radicalization and violent extremism, thus reinforce and expand an after-care
2 program;

3 (b) Preventing and combating terrorism program – The program shall focus on
4 denying terrorist groups access to the means to carry out attacks to their targets and
5 formulate response to its desired impact through decisive engagements. The
6 program shall focus on operational activities to disrupt and combat terrorism
7 activities and attacks such as curtailing, recruitment, propaganda, finance and
8 logistics, the protection of potential targets, the exchange of intelligence with foreign
9 countries, and the arrest of suspected terrorists;

10 (c) International affairs and capacity building program – The program shall
11 endeavor to build the State's capacity to prevent and combat terrorism by
12 strengthening the collaborative mechanisms between and among ATC members and
13 support agencies and facilitate cooperation among relevant stakeholders, both local
14 and international, in the battle against terrorism; and

15 (d) Legal affairs program – The program shall ensure respect for human rights
16 and adherence to the rule of law as the fundamental bases of the fight against
17 terrorism. It shall guarantee compliance with the same as well as with international
18 commitments to counterterrorism-related protocols and bilateral and/or multilateral
19 agreements.

20 Nothing herein shall be interpreted to empower the ATC to exercise any judicial
21 or quasi-judicial power or authority.

22 SEC. 46. *Functions of the Council.* – In pursuit of its mandate in the previous
23 Section, the ATC shall have the following functions with due regard for the rights of
24 the people as mandated by the Constitution and pertinent laws:

- 1 (a) Formulate and adopt plans, programs, and preventive and counter-
- 2 measures against terrorists and terrorism in the country;
- 3 (b) Coordinate all national efforts to suppress and eradicate terrorism in the
- 4 country and mobilize the entire nation against terrorism prescribed in this Act;
- 5 (c) Direct the speedy investigation and prosecution of all persons detained or
- 6 accused for any crime defined and penalized under this Act;
- 7 (d) Monitor the progress of the investigation and prosecution of all persons
- 8 accused and/or detained for any crime defined and penalized under the provisions of
- 9 this Act;
- 10 (e) Establish and maintain comprehensive database information systems on
- 11 terrorism, terrorist activities, and counterterrorism operations;
- 12 (f) Enlist the assistance of and file the appropriate action with the AMLC to
- 13 freeze and forfeit the funds, bank deposits, placements, trust accounts, assets and
- 14 property of whatever kind and nature belonging (i) to a person suspected of or charged
- 15 with alleged violation of any of the acts defined and penalized under Sections 4, 5, 6,
- 16 7, 8, 9, 10, 11 and 12 of this Act, (ii) between members of a judicially declared and
- 17 outlawed terrorist organization or association as provided in Section 26 of this Act;
- 18 (iii) to designated persons defined under Section 3(e) of R.A. No. 10168; (iv) to an
- 19 individual member of such designated persons; or (v) any individual, organization,
- 20 association or group of persons proscribed under Section 26 hereof;
- 21 (g) Grant monetary rewards and other incentives to informers who give vital
- 22 information leading to the apprehension, arrest, detention, prosecution, and
- 23 conviction of person or persons found guilty for violation of any of the acts defined
- 24 and penalized under Sections 4, 5, 6, 7, 8, 9, 10, 11 and 12 of this Act; *Provided*,
- 25 That, no monetary reward shall be granted to informants unless the accused's

1 demurrer to evidence has been denied or the prosecution has rested its case without
2 such demurrer having been filed;

3 (h) Establish and maintain coordination with and the cooperation and
4 assistance of other states, jurisdictions, international entities and organizations in
5 preventing and combating international terrorism;

6 (i) Take action on relevant resolutions issued by the UN Security Council acting
7 under Chapter VII of the UN Charter; and consistent with the national interest, take
8 action on foreign requests to designate terrorist, individuals, associations,
9 organizations or group of persons;

10 (j) Take measures to prevent the acquisition and proliferation by terrorists of
11 weapons of mass destruction;

12 (k) Lead in the formulation and implementation of a national strategic plan to
13 prevent and combat terrorism;

14 (l) Request the Supreme Court to designate specific divisions of the Court of
15 Appeals or Regional Trial Courts to handle all cases involving the crimes defined and
16 penalized under this Act;

17 (m) Require other government agencies, offices and entities and officers and
18 employees and non-government organizations, private entities and individuals to
19 render assistance to the ATC in the performance of its mandate; and

20 (n) Investigate *motu proprio* or upon complaint any report of abuse, malicious
21 application or improper implementation by any person of the provisions of this Act.

22 SEC. 47. *Commission on Human Rights (CHR)*. – The CHR shall give the
23 highest priority to the investigation and prosecution of violations of civil and political
24 rights of persons in relation to the implementation of this Act.

1 SEC. 48. *Ban on Extraordinary Rendition.* – No person suspected or convicted
2 of any of the crimes defined and penalized under the provisions of Sections 4, 5, 6, 7,
3 8, 9, 10, 11 or 12 of this Act shall be subjected to extraordinary rendition to any
4 country.

5 SEC. 49. *Extraterritorial Application.* – Subject to the provision of any treaty of
6 which the Philippines is a signatory and to any contrary provision of any law of
7 preferential application, the provisions of this Act shall apply:

8 (a) To a Filipino citizen or national who commits any of the acts defined and
9 penalized under Sections 4, 5, 6, 7, 8, 9, 10, 11 and 12 of this Act outside the
10 territorial jurisdiction of the Philippines;

11 (b) To individual persons who, although physically outside the territorial limits of
12 the Philippines, commit any of the crimes mentioned in Paragraph 1 hereof inside
13 the territorial limits of the Philippines;

14 (c) To individual persons who, although physically outside the territorial limits of
15 the Philippines, commit any of the said crimes mentioned in Paragraph 1 hereof on
16 board Philippine ship or Philippine airship;

17 (d) To individual persons who commit any of said crimes mentioned in
18 Paragraph 1 hereof within any embassy, consulate, or diplomatic premises belonging to
19 or occupied by the Philippine government in an official capacity;

20 (e) To individual persons who, although physically outside the territorial limits of
21 the Philippines, commit said crimes mentioned in Paragraph 1 hereof against
22 Philippine citizens or persons of Philippine descent, where their citizenship or
23 ethnicity was a factor in the commission of the crime; and

24 (f) To individual persons who, although physically outside the territorial limits of
25 the Philippines, commit said crimes directly against the Philippine government.

1 In case of an individual who is neither a citizen or a national of the Philippines
2 who commits any of the crimes mentioned in Paragraph 1 hereof outside the
3 territorial limits of the Philippines, the Philippines shall exercise jurisdiction only when
4 such individual enters or is inside the territory of the Philippines: *Provided*, That, in
5 the absence of any request for extradition from the state where the crime was
6 committed or the state where the individual is a citizen or national, or the denial
7 thereof, the ATC shall refer the case to the BI for deportation or to the DOJ for
8 prosecution in the same manner as if the act constituting the offense had been
9 committed in the Philippines.

10 SEC. 50. *Joint Oversight Committee*. – Upon the effectivity of this Act, a Joint
11 Congressional Oversight Committee is hereby constituted. The Committee shall be
12 composed of twelve (12) members with the chairperson of the Committee on Public
13 Order of the Senate and the House of Representatives as members and five (5)
14 additional members from each House to be designated by the Senate President and
15 the Speaker of the House of Representatives, respectively. The minority shall be
16 entitled to a pro-rata representation but shall have at least two (2) representatives in
17 the Committee.

18 In the exercise of its oversight functions, the Joint Congressional Oversight
19 Committee shall have the authority to summon law enforcement or military officers
20 and the members of the ATC to appear before it, and require them to answer
21 questions and submit written reports of the acts they have done in the
22 implementation of this Act and render an annual report to both Houses of Congress
23 as to its status and implementation.

1 SEC. 51. *Protection of Most Vulnerable Groups.* – There shall be due regard for
2 the welfare of any suspects who are elderly, pregnant, persons with disability,
3 women and children while they are under investigation, interrogation or detention.

4 SEC. 52. *Management of Persons Charged Under this Act.* – The Bureau of Jail
5 Management and Penology (BJMP) and the Bureau of Corrections (BuCor) shall
6 establish a system of assessment and classification for persons charged for
7 committing terrorism and preparatory acts punishable under this Act. Said system
8 shall cover the proper management, handling, and interventions for said persons
9 detained.

10 Persons charged under this Act shall be detained in existing facilities of the
11 BJMP and the BuCor.

12 SEC. 53. *Trial of Persons Charged Under this Act.* – Any person charged for
13 violations of Sections 4, 5, 6, 7, 8, 9, 10, 11 or 12 of this Act shall be tried in special
14 courts created for this purpose. In this regard, the Supreme Court shall designate
15 certain branches of the Regional Trial Courts as anti-terror courts whose jurisdiction
16 is exclusively limited to try violations of the abovementioned provisions of this Act.

17 Persons charged under the provisions of this Act and witnesses shall be
18 allowed to remotely appear and provide testimonies through the use of video-
19 conferencing and such other technology now known or may hereafter be known to
20 science as approved by the Supreme Court.

21 SEC. 54. *Implementing Rules and Regulations.* – The ATC and the DOJ, with
22 the active participation of police and military institutions, shall promulgate the rules
23 and regulations for the effective implementation of this Act within ninety (90) days
24 after its effectivity. They shall also ensure the full dissemination of such rules and

1 regulations to both Houses of Congress, and all officers and members of various law
2 enforcement agencies.

3 SEC. 55. *Separability Clause*. – If for any reason any part or provision of this Act
4 is declared unconstitutional or invalid, the other parts or provisions hereof which are
5 not affected thereby shall remain and continue to be in full force and effect.

6 SEC. 56. *Repealing Clause*. – Republic Act No. 9372, otherwise known as the
7 "Human Security Act of 2007", is hereby repealed. All laws, decrees, executive
8 orders, rules or regulations or parts thereof, inconsistent with the provisions of this
9 Act are hereby repealed, amended, or modified accordingly.

10 SEC. 57. *Saving Clause*. – All judicial decisions and orders issued, as well as
11 pending actions relative to the implementation of Republic Act No. 9372, otherwise
12 known as the "Human Security Act of 2007", prior to its repeal shall remain valid and
13 effective.

14 SEC. 58. *Effectivity*. – This Act shall take effect fifteen (15) days after its
15 complete publication in the *Official Gazette* or in at least two (2) newspapers of
16 general circulation.

Approved,

FACT SHEET
6875
HOUSE BILL NO. _____

AN ACT
TO PREVENT, PROHIBIT AND PENALIZE
TERRORISM, THEREBY REPEALING REPUBLIC ACT NO. 9372, OTHERWISE
KNOWN AS THE "HUMAN SECURITY ACT OF 2007"

Introduced by:

Representatives Rozzano Rufino B. Biazon, Jericho Jonas B. Nograles,

Luis Raymund "LRay" F. Villafuerte, Jr., Michael Odylon L. Romero, Jocelyn P. Tulfo, Eric G. Yap, Rowena "Niña" O.Taduran, John Marvin "Yul Servo" C. Nieto, Lianda B. Bolilia, Manuel Jose "Mannix" M. Dalipe, Narciso R. Bravo, Jr., Raul "Boboy" C. Tupas, Ruwel Peter S. Gonzaga, Ferdinand L. Hernandez, Evelina G. Escudero, Loren Legarda, Conrado M. Estrella III, Roberto V. Puno, Aurelio "Dong" D. Gonzales, Raneo E. Abu, Neptali M. Gonzales II, Dan S. Fernandez, Rodante D. Marcoleta, Henry S. Oaminal, Pablo John F. Garcia, Deogracias Victor "DV" Savellano, Vilma Santos-Recto, Ferdinand Martin G. Romualdez, Cristal S. Bagatsing, Juan Pablo "Rimpy" P. Bondoc, Marilyn "Len" B. Alonte, Bernadette "BH" Herrera-Dy, Xavier Jesus D. Romualdo, Wilter "Sharky" Wee Palma II, Ma. Theresa V. Collantes, Ria Christina G. Fariñas, Camille A. Villar, Sharee Ann T. Tan, Joseph Stephen "Caraps" S. Paduano, Julianne "Jam" A. Baronda, Anthony Peter "Onyx" D. Crisologo, Eddiebong G. Plaza, Samier A. Tan, Jorge PATROL Bustos, Michael Edgar Y. Aglipay, Joseph Sto. Niño B. Bernos, Francisco Jose "Bingo" F. Matugas II, Wilton "Tonton" Tan Kho, Maria Fe R. Abunda, Resurreccion M. Acop, Edgar Mary S. Sarmiento, Strike B. Revilla, Ruth Mariano-Hernandez, Dahlia A. Loyola, John Reynald M. Tiangco, Adriano A. Ebcas, Presley C. De Jesus, Manuel DG. Cabochan III, Robert Ace S. Barbers, Lawrence "Law" H. Fortun, Rogelio Neil P. Roque, Francisco G. Datol Jr., Ciriac B. Gato Jr., Vicente "Ching" S.E. Veloso, Cyrille "Beng" F. Abueg-Zaldivar, Michael B. Gorriceta, Jose "Ping-Ping" I. Tejada, Hector S. Sanchez, Alberto "Bobby" D. Pacquiao, Arnold "Noli" D. Celeste, and Argel Joseph T. Cabatbat

Committee Referral: COMMITTEE ON PUBLIC ORDER AND SAFETY (Primary)

Committee Chairperson: REP. NARCISO R. BRAVO, JR.

Committee Referral: COMMITTEE ON NATIONAL DEFENSE (Secondary)

Committee Chairperson: REP. RAUL "BOBOY" C. TUPAS

OBJECTIVES

- To clearly define the crime of terrorism in order to make the law more responsive to the threats of terrorism that constantly evolve in our fast-changing environment
- To strengthen the ability of law enforcement agencies to surveil and prevent acts of terrorism, and to prosecute those who commit these acts.

KEY PROVISIONS

- Defines the following terms: a) Critical Infrastructure; b) Designated Person; c) Extra Ordinary Rendition; d) International Organization; e) Material Support; f) Proliferation of Weapons of Mass Destruction; g) Proposal to Commit Terrorism; h) Recruit; i) Surveillance Activities; j) Supranational Jurisdiction; k) Training; l) Terrorist Individual; m) Terrorist Organization, Association or Group of Persons; and n) Weapons of Mass Destruction;

- Establishes the prohibited acts committed by a terrorist and foreign terrorist fighter, regardless of the stage of execution;
- Stipulates that legitimate exercises of the freedom of expression and to peaceably assemble, where a person does not have the intention to use or urge the use of force or violence or cause harm to others, are not covered by the Act;
- Imposes the penalty of life imprisonment without the benefit of parole and benefits of RA 10592 upon any person who commits the following: a) terrorism; b) planning, training, preparing, and facilitating the commission of terrorism; c) conspiracy to commit terrorism; d) recruitment to and membership in a terrorist organization; e) unlawful acts committed by foreign terrorist; and f) providing material support to terrorism;
- Exempts humanitarian activities undertaken by the International Red Cross, the Philippine Red Cross, and other state-recognized impartial humanitarian organization in the scope of providing material support as provided in Sec. 12 of this Act;
- Imposes the penalty of imprisonment of twelve (12) years upon any person who performs the following: a) threaten to commit terrorism; b) proposal to commit terrorism; c) inciting to commit terrorism; and e) accessory in the commission of the crimes defined and penalized in Sec. 4;
- Imposes the penalty of imprisonment of ten (10) years upon any person who commits the following: a) removes, deletes, expunges, incinerates, shreds or destroys items under the custody of intercepted and recorded communication; b) omit or exclude the contents of joint affidavit c) violates the guidelines for the disposition of deposited materials ; d) unauthorized or malicious interceptions and/or recordings; e) detention without judicial warrants; f) violates the rights of a detainee; g) failure to comply to keep an official logbook; h) unauthorized revelation of classified materials; and i) causes or allows the escape of a detain person;
- Imposes the penalty of six (6) years upon any person who furnish false evidence, forged documents or spurious evidence in any investigation or hearing conducted in relation to this act;
- Imposes the penalty of imprisonment of four (4) years to: a) any person who maliciously or without authorization, examines deposits, placements, trust accounts, assets, or records in bank or financial institution; and b) to bank officials and employees defying the inquiry of the Anti-Money Laundering Council (AMLC);
- Authorizes the surveillance of suspects and interception and recording of communications and provides exemption for privileged communication and provides guidelines for custody of intercepted and recorded communications;
- Establishes the standards for formal application and effective period for judicial authorization;
- Mandates that the written order granted by the authorizing division of the Court of Appeals shall be deemed and declared as classified information and mandates procedure for the disposition and evidentiary value of deposited materials;
- Establishes guidelines on the designation of terrorist individual, organizations, association or group of persons and authorizes their proscription;

- Mandates the procedure for preliminary order of proscription and preliminary asset preservation order, request to proscribe from foreign jurisdictions and supranational jurisdictions and detention without judicial warrant of arrest;
- Provides for the rights of a person under custodial detention and prohibits torture or coercion in investigation and interrogation;
- Allows and authorizes the Anti-Money Laundering Council (AMLC) to investigate, inquire into and examine bank deposits and to freeze without delay any property or funds (a) that are in any way related to financing terrorism; (b) of any person(s) believe committing or attempting or conspiring to commit, or participate in facilitating or financing terrorism;
- Grants immunity and protection of government witnesses as provided under Republic Act No. 6981 otherwise known as the "Witness Protection, Security and Benefit Act";
- Mandates the continuous trial of cases involving crimes defined and penalized under this Act;
- Creates an Anti-Terrorism Council that shall implement the Act and assume the responsibility for the proper and effective implementation of the anti-terrorism policy of the country;
- Emphasizes the role of the Commission on Human Rights;
- Prohibits the extraordinary rendition of a person suspected or convicted of any of the crimes defined and penalized under the provision of this Act, unless the testimony is needed for terrorist related police investigations or judicial trial in said country;
- Provides the procedure for extra-territorial application of the Act;
- Directs the Bureau of Jail Management and Penology and the Bureau of Corrections to establish a system of assessment and classification for the management of persons charged under this Act;
- Authorizes the Supreme Court to designate certain branches of the Regional Trial Court as an Anti-Terror Courts whose jurisdiction is exclusively limited to try violations of this Act;
- Directs the ATC and the Department of Justice to promulgate the Implementing Rules and Regulations of this Act within ninety (90) days from its approval
- Mandates that all judicial decisions and orders issued, as well as pending actions relative to the implementation of RA 9372 otherwise known as the "Human Security Act of 2007" prior to its repeal shall remain valid and effective

RELATED LAWS:

- Republic Act No. 9372 (Human Security Act of 2007)
- Republic Act No. 10168 (Terrorism Financing Prevention and Suppression Act of 2012)
- Republic Act No. 10697 (Strategic Trade* Management Act)
- Republic Act No. 10175 (Cybercrime Prevention Act of 2012)

- Republic Act No. 10592 entitled, "An Act Amending Articles 29, 94, 97 and 39 of Act No. 3815, as Amended, Otherwise Known as the Revised Penal Code"
- Republic Act No. 9160 (Anti-Money Laundering Act, as amended)
- Republic Act No. 6981, otherwise known as "The Witness Protection, Security and Benefits Act"
- Republic Act No. 3815, otherwise known as the Revised Penal Code