

SEVENTEENTH CONGRESS OF THE REPUBLIC  
OF THE PHILIPPINES  
First Regular Session

HOUSE OF REPRESENTATIVES  
H.B. No. 2835

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Introduced by Representative Harry L. Roque Jr.

**AN ACT IN COMPLIANCE BY THE REPUBLIC OF THE PHILIPPINES WITH ITS  
OBLIGATIONS UNDER THE ROME STATUTE OF THE INTERNATIONAL  
CRIMINAL COURT AND FOR OTHER PURPOSES**

**EXPLANATORY NOTE**

Upon ratification of the Rome Statute of the International Criminal Court in August 2011 (with the treaty coming into force in November 2011), the Republic of the Philippines undertakes formal obligations to implement the international crimes contained therein - genocide, war crimes and crimes against humanity into domestic legislation. This has already been achieved prior to the country's ratification, with the passing of Republic Act 9851 or the Philippine Act on Crimes against IHL, Genocide and other Crimes against Humanity.

The Republic of the Philippines is also obligated to cooperate with the International Criminal Court in the Hague in matters involving the prosecution, trial and enforcement of judgment of its criminal cases, fully cognizant of its primary responsibility to investigate and prosecute these international crimes under the principle of complementarity.

The bill creates a comprehensive system by which the Philippines shall extend legal assistance to the International Criminal Court in its judicial proceedings. This includes the arrest and surrender of persons, searches, procurement of evidence, and other matters. This bill is consistent with domestic and international law.

The Rome Statute provides a system of accountability and prevention, and the ICC relies on national law enforcement systems to give effect to its orders. As party to the Rome Statute,

the Philippines must fulfil its international legal obligations to assist the Court in the task of addressing the most serious crimes of international concern.<sup>i</sup>

A handwritten signature in blue ink, appearing to read 'H. L. Roque Jr.', is positioned above the printed name.

HARRY L. ROQUE JR.

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<sup>i</sup> This bill is an output of the Technical Working Group of the International Criminal Court (ICC) implementation project of the Institute of International Legal Studies of the U.P. Law Center. The working group was composed of members and experts from the following agencies: the Institute of International Legal Studies-UP Law Center, the U.P. College of Law; the Department of Justice; the Department of Foreign Affairs; the Office of the Solicitor General; the Coalition of the International Criminal Court (CICC-Asia); the Commission on Human Rights, the Department of National Defense, and the Philippine Coalition for the International Criminal Court (PCICC).

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1 **AN ACT IN COMPLIANCE BY THE REPUBLIC OF THE PHILIPPINES WITH ITS**  
2 **OBLIGATIONS UNDER THE ROME STATUTE OF THE INTERNATIONAL**  
3 **CRIMINAL COURT AND FOR OTHER PURPOSES**

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

4 **PART I**

5 **PRELIMINARY MATTERS**

6 **SECTION 1. *Short Title.*** — This Act shall be known as the “Philippine ICC  
7 Compliance Act of 2014.”

8 **SECTION 2. *Declaration of Principles and Policies.*** — (a) The Philippines  
9 renounces war as an instrument of national policy, adopts the generally accepted principles of  
10 international law as part of the law of the land and adheres to a policy of peace, equality,  
11 justice, freedom, cooperation and amity with all nations;  
12 (b) The State values the dignity of every human person and guarantees full respect  
13 for human rights;  
14 (c) The State adopts the generally accepted principles of international law found in  
15 the Rome Statute of the International Criminal Court as part of the law of the  
16 land;  
17 (d) The State shall put an end to impunity for the perpetrators of genocide, crimes  
18 against humanity and war crimes and shall contribute to the prevention of such  
19 crimes by exercising its criminal jurisdiction over those responsible for these  
20 international crimes;

- (e) The State condemns and outlaws such grave crimes that threaten the peace, security and well-being of the world, and shall ensure their effective prosecution by measures at the national level by enhancing international cooperation; and
- (f) The State shall fully adhere to the principles and standards of the Rome Statute of the International Criminal Court.

**SECTION 3. *Definition of Terms.*** — For purposes of this Act, the term:

- (a) “*Arrest*” means the taking of a person into custody in order that he may be bound to answer for the commission of the offense;
- (b) “*Authenticated by the ICC*” means authenticated by the ICC Registrar under the Rome Statute;
- (c) “*Court*” means the Court of Appeals of the Philippines;
- (g) “*Crime within the jurisdiction of the ICC*” means the crimes of genocide, war crimes, crimes against humanity and aggression as defined under the Rome Statute and its Elements of Crimes;
- (h) “*Forfeiture order*” means an order made by the ICC under Article 77(2)(b) of the Rome Statute for the seizure of proceeds of a crime within the jurisdiction of the ICC;
- (i) “*ICC*” means the International Criminal Court established under the Rome Statute, and includes any of the organs of said Court;
- (j) “*Premises*” includes a place and a conveyance, including vehicles, ships and aircrafts whether motorized or not;
- (k) “*Pre-Trial Chamber*” means the Pre-Trial Chamber of the ICC;
- (l) “*Property*” means real or personal property of every description, whether situated in the Philippines or elsewhere and whether tangible or intangible, and includes an interest in any such real or personal property;
- (n) “*Provisional arrest*” means an arrest requested by the ICC under Section 13 of this law in accordance with Article 92 of the Rome Statute;
- (o) “*Request for cooperation*” means request as defined in Section 4;
- (p) “*Surrender*” means surrender of the person to the ICC;
- (q) “*Surrender warrant*” means a warrant issued under Section 20; and
- (r) “*Trial Chamber*” means the Trial Chamber of the ICC.

PART II  
GENERAL PROVISIONS RELATING TO REQUEST  
FOR COOPERATION

**SECTION 4.** *What constitutes a request for cooperation.* — A request for cooperation is a request made by the ICC to the government of the Republic of the Philippines (hereinafter, the Philippines), in respect of an investigation or prosecution that the Prosecutor of the ICC is conducting or proposing to conduct, for:

- (a) assistance in connection with any one or more of the following:
  - i. the arrest (including the provisional arrest), and surrender to the ICC, of a person in relation to whom the ICC has issued a warrant of arrest or a judgment of conviction;
  - ii. the identification and whereabouts of a person or the location of items;
  - iii. the taking of evidence, including testimony on oath, and the production of evidence, including expert opinions and reports necessary to the ICC;
  - iv. the questioning of any person being investigated or prosecuted;
  - v. the service of documents, including judicial documents;
  - vi. facilitating the voluntary appearance of persons (other than prisoners) before the ICC;
  - vii. the temporary transfer of prisoners to the ICC;
  - viii. the examination of places or sites;
  - ix. the execution of searches and seizures;
  - x. the provision of records and documents, including official records and documents;
  - xi. the protection of victims or witnesses or the preservation of evidence;
  - xii. the identification, tracing, and freezing or seizure, of the proceeds of crimes within the jurisdiction of the ICC for the purpose of eventual forfeiture, without prejudice to the rights of *bona fide* third parties; and
- (b) any other type of assistance other than those mentioned above that is not prohibited by Philippine law, with a view to facilitating the investigation and prosecution of crimes within the jurisdiction of the ICC and the enforcement of orders of the ICC made after convictions for such crimes.

**SECTION 5.** *How requests for cooperation are to be made.* — A request for cooperation shall be made in writing and transmitted to the Secretary of Justice through the Department of Foreign Affairs (DFA).

1        **SECTION 6. *Urgent requests for cooperation.*** — (a) A request for cooperation made  
2        in urgent cases may be made by using any means capable of delivering a written record.

(b) If a request is made or sent in the first instance in a manner specified in subsection (a), it must be followed by a formal request within ninety (90) days made in accordance with the preceding section.

6       **SECTION 7. *Execution of requests.*** — A request for cooperation shall be executed  
7       in the manner specified in the request following the procedure outlined therein and permitting  
8       the participation of persons specified in the request in the execution process, unless it is  
9       prohibited under Philippine law.

10           **SECTION 8. *Consultations with the ICC.*** — (a) The Secretary of Justice shall  
11 consult with the ICC without delay if, for any reason, there may be problems with the  
12 execution of a request for cooperation.

(b) Before refusing a request for cooperation, the Secretary of Justice shall consult with the ICC to ascertain whether the cooperation requested could be provided:

15 i. subject to certain conditions;

16 ii. at a later date; or

17 iii. in an alternative manner.

(c) Any information or document provided to the ICC Prosecutor shall be kept confidential and the ICC Prosecutor shall use them solely for the purpose for which it was provided by the Secretary of Justice.

21           **SECTION 9. Confidentiality of requests.** — Requests for cooperation and any  
22 supporting documents shall be kept confidential, except to the extent that disclosure is  
23 necessary for execution of the request.

24       **SECTION 10. *Response to be sent to the ICC.*** — (a) The Secretary of Justice shall,  
25       without undue delay, notify the ICC of his response to a request for cooperation and of the  
26       outcome of any action that has been taken on the request; and

(b) Should the Secretary of Justice decide to refuse or postpone the cooperation requested, he shall notify the ICC of the reasons therefor.

## PART III

## REQUESTS BY THE ICC FOR ARREST AND

## SURRENDER OF PERSONS



1       **SECTION 11. *Request for arrest and surrender of person alleged to have***  
2       *committed a crime.* — If a request is made for arrest and surrender of a person for whom a  
3       warrant of arrest has been issued by the Pre-Trial Chamber of the ICC. The request shall  
4       contain:

- 5       (a) information sufficiently describing the person sought;
- 6       (b) information on the person's probable location;
- 7       (c) a copy of the warrant of arrest, authenticated by the ICC; and
- 8       (d) any such documents, statements or information as may be necessary to meet the  
9       requirements for the surrender process under the Philippine law.

10       **SECTION 12. *Request for arrest and surrender of person already convicted.*** — If a  
11       request is made for arrest and surrender of a person who has already been convicted by the  
12       ICC the request shall contain:

- 13       (a) a copy of the warrant of arrest for the person authenticated by the ICC;
- 14       (b) a copy of the judgment of conviction authenticated by the ICC;
- 15       (c) information to demonstrate that the person sought is the person referred to in the  
16       judgment of conviction; and
- 17       (d) information that the person sought has been sentenced:
  - 18           i. a copy of the sentence imposed authenticated by the ICC; and
  - 19           ii. in the case of a sentence of imprisonment – a statement of any period already  
20           served and the period remaining to be served.

21       **SECTION 13. *Request for provisional arrest.*** — If a request is made for provisional  
22       arrest of a person, the request shall contain:

- 23       (a) information sufficiently describing the person sought;
  - 24       (b) information on the person's probable location; and
  - 25       (c) a statement of:
    - 26           i. the crime/s within the jurisdiction of the ICC for which the person's arrest is  
27           requested; and
    - 28           ii. the facts alleged to constitute those crimes, including, the dates when, and the  
29           locations where the crimes are alleged to have been committed;
  - 30       (d) a statement of the existence of a warrant of arrest, or of a judgment of conviction,  
31       against the person sought; and
  - 32       (e) a statement that a request for arrest and surrender of the person will follow.
- 33

PART IV

ARREST AND SURRENDER OF PERSONS

**SECTION 14. *Arrest following request for arrest and surrender.*** — (a) The Secretary of Justice may petition the Court of Appeals for a warrant of arrest when:

- (i) the Secretary of Justice receives a request for arrest and surrender of a person through the Department of Foreign Affairs; and
  - (ii) the documentary requirements have been complied.
- (b) The Court of Appeals shall issue the warrant of arrest after determining the authenticity of the documentation.

**SECTION 15. *Arrest following request for provisional arrest.*** — (a) In case of urgency, the Secretary of Justice may, by written notice, inform the Court of Appeals that a request for provisional arrest has been received if:

- i. the Secretary of Justice receives a request for provisional arrest and surrender of a person; and
  - ii. the requirements under Section 14, subsections (a) to (e) have been complied.
- (b) If the Secretary of Justice issues such a notice, the Court of Appeals shall issue a warrant of arrest against the person pursuant to the application of the ICC;
- (c) After the warrant has been issued, the Court of Appeals shall without delay inform the Secretary of Justice that a warrant of arrest has been issued; and
- (d) The ICC shall submit the complete and authenticated documents within ninety (90) days, otherwise, the person provisionally arrested shall be released from custody.

**SECTION. 16. *Return of warrant to the Court of Appeals.*** — (a) If a person is arrested under a warrant issued under Sections 15 and 16, the person executing the warrant must make a return by surrendering the person to the Court of Appeals;

- (b) The Court of Appeals shall ensure that:
- i. the person is the same person specified in the warrant;
  - ii. the person was arrested in accordance with this Act; and
  - iii. the rights of the person have been respected under Philippine laws;
- (c) If the Court of Appeals is not satisfied as to any matters mentioned in subsection (b), it shall order the release of the person from custody. The person released may be arrested pursuant to a further warrant; and



- 1 (d) If the Court of Appeals is satisfied as to all the matters mentioned in  
2 subsection (b), it shall transfer custody of the person to the Secretary of Justice  
3 for surrender to the ICC; unless the person has been granted provisional release.

4 **SECTION 17. *Application for provisional release.*** — A person brought before the  
5 Court of Appeals under Section 17 may make an application for provisional release. The  
6 Court of Appeals shall not provisionally release a person on bail unless it is satisfied that:

- 7 (a) Consideration has been given to the gravity of the alleged crimes within the  
8 jurisdiction of the ICC; and  
9 (b) Necessary safeguards are provided to ensure that the Republic of the Philippines  
10 can surrender the person to the ICC.

11 **SECTION 18. *Procedure following application for provisional release.*** —

- 12 (a) When an application for provisional release is made, the Court of Appeals shall  
13 suspend the hearing of the application and notify the Secretary of Justice;  
14 (b) The Secretary of Justice shall, upon receipt of notification, immediately consult  
15 the ICC to obtain any recommendations from the Pre-Trial Chamber of the ICC  
16 under Article 59(5) of the Rome Statute, and shall promptly convey those  
17 recommendations to the Court of Appeals;  
18 (c) The Court of Appeals shall consider the recommendations of the ICC to prevent  
19 the escape of the person; and  
20 (d) Where no recommendations are received from the ICC within sixty (60) days  
21 after the Secretary of Justice is notified of the application for provisional release,  
22 the Court of Appeals may proceed to hear the application.

23 **SECTION 19. *Return of warrant to the ICC.*** — If the Secretary of Justice is  
24 required to make a return of a warrant against a person who is detained in the Philippines for  
25 another felony or offense under Philippine law, the Secretary of Justice may, after  
26 consultation with the ICC, do either of the following:

- 27 (a) Defer making a return of the warrant until termination on any grounds for  
28 detention under Philippine law; or  
29 (b) Make a temporary return of warrant subject to the conditions agreed upon.

30 **SECTION 20. *Grounds for refusal of surrender of a person.*** — (a) The Secretary of  
31 Justice shall refuse a request for surrender of a person if the ICC later determines that the  
32 case is inadmissible under Article 20 of the Rome Statute;

- (b) The Secretary of Justice may refuse a request for surrender of a person if there are competing requests from the ICC, and from a foreign country that is not a party to the Rome Statute, relating to the same conduct, and the Philippines is under an obligation to extradite the person to a foreign country; or
- (c) If there is a competing request between the ICC and a foreign country that is not a party to the Rome Statute, and does not have an extradition treaty with the Philippines, the Secretary of Justice shall give priority to the request from the ICC.

**SECTION 21. *Grounds for postponement of surrender of a person.*** — (a) The

Secretary of Justice may postpone the execution of a request for surrender of a person at any time, if:

- i. a determination on admissibility under Articles 18, 19 or 20 of the Rome Statute is pending before the ICC; or
  - ii. the request would interfere with an ongoing investigation or prosecution in the Philippines involving a conduct different from the conduct that constituted the crime; or
  - iii. the request involves a conflict with the Philippines' international obligations; and
- (b) If the Secretary of Justice postpones the execution of the request, the postponement may be for a reasonable period.

**SECTION 22. *Competing requests from a foreign country party to the Rome Statute for same conduct.*** — (a) If a request for surrender of a person is made and a foreign country requests the extradition of the person pursuant to an extradition treaty for the same conduct that forms the basis of the crime for which the person's surrender is sought:

- (b) The Secretary of Justice shall determine whether the person is to be surrendered or extradited to the foreign country giving priority to the request from the ICC if the ICC has, under Article 18 or 19 of the Rome Statute, made a determination that the case for which surrender is admissible, taking into account the investigation or prosecution conducted by the foreign country in relation to its request for extradition; or
- (c) Where a determination under Article 90, subsection 2(a), par. 3 of the Rome Statute has not been made, the requested State may, at its discretion, pending the determination of the Court of Appeals, may proceed with the request for

extradition from the requesting State but shall not extradite the person until the Court of Appeals has determined that the case is inadmissible. The Court of Appeals' determination in this regard shall be made on an expedited basis.

**SECTION 23. *Competing requests from a foreign country party to the Rome Statute for different conduct.*** — If a request for surrender of a person is made and a foreign country requests for the extradition of the person under the extradition treaty for conduct other than the conduct that forms the basis of the crime for which the person's surrender is sought:

- (a) The Secretary of Justice shall notify the ICC and the foreign country of that fact;
- (b) The Secretary of Justice shall determine whether the person is to be surrendered or extradited to the foreign country considering the nature and gravity of the crime; and
- (c) The Secretary of Justice shall consider all relevant matters including, but not limited to:
  - i. the respective dates of the requests;
  - ii. the interests of the foreign country;
  - iii. whether the crime was committed in its territory;
  - iv. the nationality of the victims and of the person sought; and
  - v. the possibility of subsequent surrender between the ICC and the foreign country.

**SECTION 24. *Competing requests from a foreign country not a party to the Rome Statute.*** — If a request for surrender of a person is made and a foreign country requests the extradition of the person for conduct that forms the basis of the crime for which the person's surrender is sought:

- (a) The Secretary of Justice shall notify the ICC and the foreign country of that fact; and
- (b) The Secretary of Justice shall determine whether the person is to be surrendered or extradited to the foreign country:
  - i. If the Philippines is under obligation to extradite the person to a foreign country, the Secretary of Justice must consider all relevant matters including but not limited to: the respective dates of the requests, the interests of the foreign country, whether the crime was committed in its territory and the nationality of the victims and of the person sought, and the possibility of

subsequent surrender between the ICC and the foreign country but shall give special consideration to the relative nature and gravity of the conduct in question.

- ii. If the Philippines is not under an obligation to extradite the person to a foreign country, priority must be given to the request from the ICC.

**SECTION 25. *Ongoing Philippine investigation involving different conduct.*** — If a request for surrender of a person is made that would interfere with an ongoing investigation or prosecution in the Philippines involving a conduct different from the conduct constituting the crime within the jurisdiction of the ICC to which the request relates, the Secretary of Justice may:

- (a) Proceed with the execution of the request despite the Philippines' investigation or prosecution; or
- (b) Postpone the execution of the request until the Philippines' investigation or prosecution has been finally disposed of.

**SECTION 26. *Waiver of rule of speciality.*** — (a) If the ICC requests the Philippines under Article 101, par. 2 of the Rome Statute to waive the requirements of paragraph 1 thereof in respect of a person surrendered by the Philippines, the Secretary of Justice may waive the requirements.

- (b) Before deciding whether to waive the requirements, the Secretary of Justice may request the ICC to provide additional information in accordance with Article 91 of the Rome Statute.

## PART V

### OTHER REQUESTS BY ICC

**SECTION 27. *Request for search warrants.*** — (1) This applies if:

- (a) The ICC requests the Secretary of Justice for the application of a search warrant for evidentiary material; and
- (b) The Secretary of Justice is satisfied that:
  - (i) the request is relevant to an investigation being conducted by the ICC Prosecutor or a proceeding before the ICC; and
  - (ii) there are reasonable grounds to believe that the material is in the Philippines.

(2) The Secretary of Justice executes the request by authorizing, in writing, any law enforcement officer to apply to the Court of Appeals for a search warrant.

1       **SECTION 28. *When search warrants may be issued.*** — The Court of Appeals may  
2       issue a search warrant if:

- 3           (a) The application has been made in accordance with the preceding section; and  
4           (b) The Court of Appeals is satisfied that there is probable cause under Philippine  
5           law.

6       **SECTION 29. *Facilitation.*** — The Secretary of Justice shall facilitate the taking,  
7       gathering, and production of evidence when:

- 8           (a) The ICC requests that the evidence be taken, gathered, or produced in the  
9           Philippines;  
10          (b) The Secretary of Justice is satisfied that:  
11           (i) the request is relevant to an investigation being conducted by the ICC  
12           Prosecutor or a proceeding before the ICC; and  
13           (ii) there are reasonable grounds to believe that the evidence can be taken or  
14           produced in the Philippines;  
15          (c) The Secretary of Justice requests the appropriate government agency, in writing,  
16           for:  
17           (i) the taking or production of evidence or production; and  
18           (ii) the transmittal of evidence to the ICC.

19       **SECTION 30. *Other Types of Assistance.*** — This applies to: (a) the ICC requests for  
20       other types of assistance:

- 21           (i) identification and whereabouts of persons or the location of items;  
22           (ii) taking of evidence, including testimony under oath, and the production of  
23           evidence, including expert opinions and reports necessary to the ICC ;  
24           (iii) questioning of any person investigated or prosecuted;  
25           (iv) service of documents;  
26           (v) facilitating the voluntary appearance of persons as witnesses or experts  
27           before the ICC;  
28           (vi) temporary transfer of persons as provided in Section 4, paragraph a(vii);  
29           (vii) examination of places or exhumation of grave sites;  
30           (viii) enforcement of reparation orders and fines imposed by the ICC;  
31           (ix) protection of victims and witnesses;

(x) identification, tracing and freezing or seizure of proceeds, property, assets, and instrumentalities of crimes for the purposes of forfeiture without prejudice to the rights of third parties;

(xi) preservation of evidence; and

(xii) any other type of assistance not prohibited by Philippine law which facilitates the investigation and prosecution of crimes within the jurisdiction of the ICC.

(b) The Secretary of Justice shall cooperate if he is satisfied that the request is relevant to an investigation or prosecution conducted by the ICC Prosecutor or a proceeding before the ICC; and

(c) The Secretary of Justice shall forthwith give authority for the request to proceed and transmit the ICC request to the appropriate government agency for compliance.

**SECTION 31. *Refusal.*** — The Secretary of Justice shall refuse the request if prohibited by Philippine law, and:

(a) The ICC fails to modify the request as contemplated in Article 93, par. 3 of the Rome Statute; or

(b) The assistance requested cannot be provided pursuant to Article 93, par. 5 of the Rome Statute;

If the foregoing does not apply, the Secretary of Justice shall give authority for the request to proceed and transmit the ICC request.

**SECTION 32. *Authorization.*** — If the Secretary of Justice authorizes the provision of the assistance, the appropriate government agency shall:

(a) Take the necessary action to comply with the request; and

(b) Submit a written report to the Secretary of Justice on the action taken.

**SECTION 33. *Requests by the Philippines to the ICC.*** — This applies when:

(a) An investigation is taking place in the Philippines; or

(b) A prosecution has been instituted in the Philippines for a crime within the jurisdiction of the ICC and under Philippine law, as the case may be.

**SECTION 34. *Request by the Secretary of Justice.*** — (a) The Secretary of Justice may request the ICC to provide assistance under Article 93, par.10 of the Rome Statute in connection with the investigation or prosecution referred to in the preceding section.



(b) The assistance requested may include the following:

- (i) the transmittal of statements, documents or other types of evidence obtained in the course of an investigation or trial conducted by the ICC; and
- (ii) the interrogation of a person detained by order of the ICC.

## PART VI

### OBSTRUCTION OF JUSTICE

**SECTION 35. *Penalties.*** — The penalty of six (6) years and one (1) day imprisonment, or a fine ranging from Fifty Thousand (P50,000.00) to One Hundred Thousand (P100,000.00) pesos, or both, shall be imposed upon any person who knowingly or willfully obstructs, impedes, frustrates or delays the apprehension of suspects and the investigation and prosecution of criminal cases under this law or the Rome Statute of the International Criminal Court by committing any of the following acts:

- (a) preventing witnesses from testifying or from reporting the commission of any offense or the identity of any offender/s by means of bribery, misrepresentation, deceit, intimidation, force or threats;
- (b) altering, destroying, suppressing or concealing any paper, record, document, or object, with intent to impair its verity, authenticity, legibility, availability, or admissibility as evidence in the investigation or official proceedings or to be used in the investigation or official proceedings;
- (c) harboring or concealing, or facilitating the escape of, any person he knows, or has reasonable ground to believe or suspect, has committed any offense under this law in order to prevent his arrest, prosecution, and conviction;
- (d) publicly using a fictitious name for the purpose of concealing a crime, evading prosecution or the execution of a judgment, or concealing his true name and other personal circumstances for the same purpose or purposes;
- (e) delaying the prosecution of criminal cases under this law including those already being investigated or prosecuted in the International Criminal Court by obstructing the service of process or court orders;
- (f) making, presenting or using any record, document, paper or object with knowledge of its falsity and with intent to affect the course or outcome of the investigation of, or official proceedings in the criminal case;

- (g) soliciting, accepting, or agreeing to accept any benefit in consideration of abstaining from, discounting, or impeding the prosecution of a criminal offender under this law or before the International Criminal Court;
- (h) threatening directly or indirectly another with the infliction of any wrong upon his person, honor or property or that of any immediate member or members of his family in order to prevent such person from appearing in the investigation of, or official proceedings in the criminal case, or imposing a condition, whether lawful or unlawful, in order to prevent a person from appearing in the investigation of or in official proceedings in the criminal case; and
- (i) giving of false or fabricated information to mislead or prevent the law enforcement agencies from apprehending the offender or from protecting the life or property of the victim; or fabricating information from the data gathered in confidence by investigating authorities for purposes of background information and not for publication and publishing or disseminating the same to mislead the investigator or the court.

## PART VII

### FINAL PROVISIONS

**SECTION 36. *Separability Clause.*** — If any provision of this Act is declared invalid or unconstitutional, other provisions hereof which are not affected thereby shall continue to be in full force and effect.

**SECTION 37. *Repealing Clause.*** — Any law, decree, issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to, or inconsistent with any provision of this Act is hereby amended or modified accordingly.

**SECTION 38. *Effectivity.*** — This Act shall take fifteen (15) days following its publication in the *Official Gazette* or in at least two (2) newspaper of general circulation.

Approved,