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HOUSE OF REPRESENTATIVES  
Quezon City

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House Bill No. 6875

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Introduced by

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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".

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  
3 the 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 the  
19 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. Any  
25 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***  
20 ***Evidence.*** – The penalty of imprisonment of six (6) years shall be imposed upon any  
21 person who knowingly furnishes false testimony, forged document or spurious  
22 evidence in any investigation or hearing conducted in relation to any violations under  
23 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 and  
24 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 the  
22 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,

CONGRESS OF THE PHILIPPINES  
EIGHTEENTH CONGRESS  
*First Regular Session*

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## SENATE

S. No. 1083

PREPARED BY THE COMMITTEES ON NATIONAL DEFENSE AND SECURITY; PEACE, UNIFICATION AND RECONCILIATION; AND FINANCE WITH SENATORS SOTTO III, LACSON, MARCOS, LAPID, REVILLA JR. AND DELA ROSA AS AUTHORS THEREOF

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  
2 known as "The Anti-Terrorism Act of 2020".

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

1 Filipino people, against humanity, and against the law of  
2 nations.

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

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

15 Nothing in this Act shall be interpreted as a  
16 curtailment, restriction or diminution of constitutionally  
17 recognized powers of the executive branch of the  
18 government. It is to be understood, however, that the  
19 exercise of the constitutionally recognized powers of the  
20 executive department of the government shall not prejudice

1 respect for human rights which shall be absolute and  
 2 protected at all times.

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

4 (a) *Critical Infrastructure* shall refer to an asset or  
 5 system, whether physical or virtual, so essential to the  
 6 maintenance of vital societal functions or to the delivery of  
 7 essential public services that the incapacity or destruction  
 8 of such systems and assets would have a debilitating  
 9 impact on national defense and security, national economy,  
 10 public health or safety, the administration of justice, and  
 11 other functions analogous thereto. It may include, but is  
 12 not limited to, an asset or system affecting  
 13 telecommunications, water and energy supply, emergency  
 14 services, food security, fuel supply, banking and finance,  
 15 transportation, radio and television, information systems  
 16 and technology, chemical and nuclear sectors;

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

18 Any individual, group of persons, organizations, or  
 19 associations designated and/or identified by the United  
 20 Nations Security Council, or another jurisdiction, or

1 supranational jurisdiction as a terrorist, one who finances  
 2 terrorism, or a terrorist organization or group; or  
 3 Any person, organization, association, or group of  
 4 persons designated under paragraph 3 of Section 25 of this  
 5 Act.

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

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

18 (d) *International Organization* shall refer to an  
 19 organization established by a treaty or other instrument

1 governed by international law and possessing its own  
 2 international legal personality;

3       (e) *Material Support* shall refer to any property,  
 4 tangible or intangible, or service, including currency or  
 5 monetary instruments or financial securities, financial  
 6 services, lodging, training, expert advice or assistance,  
 7 safehouses, false documentation or identification,  
 8 communications equipment, facilities, weapons, lethal  
 9 substances, explosives, personnel (one or more individuals  
 10 who may be or include oneself), and transportation;

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

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

19       (h) *Recruit* shall refer to any act to encourage other  
 20 people to join a terrorist individual or organization,

1 association or group of persons proscribed under Section 26  
 2 of this Act, or designated by the United Nations Security  
 3 Council as a terrorist organization, or organized for the  
 4 purpose of engaging in terrorism;

5       (i) *Surveillance Activities* shall refer to the act of  
 6 tracking down, following, or investigating individuals or  
 7 organizations; or the tapping, listening, intercepting, and  
 8 recording of messages, conversations, discussions, spoken  
 9 or written words, including computer and network  
 10 surveillance, and other communications of individuals  
 11 engaged in terrorism as defined hereunder;

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

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

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

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

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

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

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

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

4        (c) Engages in acts intended to cause extensive  
 5 interference with, damage or destruction to critical  
 6 infrastructure;

7        (d) Develops, manufactures, possesses, acquires,  
 8 transports, supplies or uses weapons, explosives or of  
 9 biological, nuclear, radiological or chemical weapons; and  
 10       (e) Release of dangerous substances, or causing fire,  
 11 floods or explosions

12       when the purpose of such act, by its nature and context, is  
 13 to intimidate the general public or a segment thereof,  
 14 create an atmosphere or spread a message of fear, to  
 15 provoke or influence by intimidation the government or  
 16 any of its international organization, or seriously  
 17 destabilize or destroy the fundamental political, economic,  
 18 or social structures of the country, or create a public  
 19 emergency or seriously undermine public safety, shall be  
 20 guilty of committing terrorism and shall suffer the penalty

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

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

15 SEC. 6. *Planning, Training, Preparing, and*  
 16 *Facilitating the Commission of Terrorism.* – It shall be  
 17 unlawful for any person to participate in the planning,  
 18 training, preparation and facilitation in the commission of  
 19 terrorism, possessing objects connected with the  
 20 preparation for the commission of terrorism, or collecting or

1 making documents connected with the preparation of  
 2 terrorism. Any person found guilty of the provisions of this  
 3 Act shall suffer the penalty of life imprisonment without  
 4 the benefit of parole and the benefits of Republic Act No.  
 5 10592.

6 SEC. 7. *Conspiracy to Commit Terrorism.* – Any  
 7 conspiracy to commit terrorism as defined and penalized  
 8 under Section 4 of this Act shall be penalized by life  
 9 imprisonment without the benefit of parole and the  
 10 benefits of Republic Act No. 10592.

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

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

19 SEC. 9. *Inciting to Commit Terrorism.* – Any person  
 20 who, without taking any direct part in the commission of

1 terrorism, shall incite others to the execution of any of the  
 2 acts specified in Section 4 hereof by means of speeches,  
 3 proclamations, writings, emblems, banners or other  
 4 representations tending to the same end, shall suffer the  
 5 penalty of imprisonment of twelve (12) years.

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

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

- 1           (a) Recruiting another person to serve in any capacity  
             2 in or with an armed force in a foreign state, whether the  
             3 armed force forms part of the armed forces of the  
             4 government of that foreign state or otherwise;
- 5           (b) Publishing an advertisement or propaganda for  
             6 the purpose of recruiting persons to serve in any capacity  
             7 in or with such an armed force;
- 8           (c) Publishing an advertisement or propaganda  
             9 containing any information relating to the place at which  
             10 or the manner in which persons may make applications to  
             11 serve or obtain information relating to service in any  
             12 capacity in or with such armed force or relating to the  
             13 manner in which persons may travel to a foreign state for  
             14 the purpose of serving in any capacity in or with such  
             15 armed force; or
- 16           (d) Performing any other act with the intention of  
             17 facilitating or promoting the recruitment of persons to  
             18 serve in any capacity in or with such armed force.
- 19           Any person who shall voluntarily and knowingly join  
             20 any organization, association or group of persons knowing

1 that such organization, association or group of persons is  
 2 proscribed under Section 26 of this Act, or designated by  
 3 the United Nations Security Council as a terrorist  
 4 organization, or organized for the purpose of engaging in  
 5 terrorism, shall suffer the penalty of imprisonment of  
 6 twelve (12) years.

7       SEC. 11. *Foreign Terrorist.* – The following acts are  
 8 unlawful and shall be punished with the penalty of life  
 9 imprisonment without the benefit of parole and the  
 10 benefits of Republic Act No. 10592:

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

16       (b) For any person to organize or facilitate the travel  
 17 of individuals who travel to a state other than their states  
 18 of residence or nationality knowing that such travel is for  
 19 the purpose of perpetrating, planning, training, or

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

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

19       SEC. 13. *Humanitarian Exemption.* – Humanitarian  
 20 activities undertaken by the International Committee of

1 the Red Cross (ICRC), the Philippine Red Cross (PRC), and  
 2 other state-recognized impartial humanitarian partners or  
 3 organizations in conformity with the International  
 4 Humanitarian Law (IHL), do not fall within the scope of  
 5 Section 12 of this Act.

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

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

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

12       SEC. 16. *Surveillance of Suspects and Interception and  
 13 Recording of Communications.* – The provisions of Republic  
 14 Act No. 4200, otherwise known as the “Anti-Wire Tapping  
 15 Law” to the contrary notwithstanding, law enforcement  
 16 agent or military personnel may, upon a written order of the  
 17 Court of Appeals secretly wiretap, overhear and listen to,  
 18 intercept, screen, read, surveil, record or collect, with the  
 19 use of any mode, form, kind or type of electronic,  
 20 mechanical or other equipment or device or technology now

1 known or may hereafter be known to science or with the  
 2 use of any other suitable ways and means for the above  
 3 purposes, any private communications, conversation,  
 4 discussion/s, data, information, messages in whatever  
 5 form, kind or nature, spoken or written words (a) between  
 6 members of a judicially declared and outlawed terrorist  
 7 organization, as provided in Section 26 of this Act; (b)  
 8 between members of a designated person as defined in  
 9 Section 3(E) of Republic Act No. 10168; or (c) any person  
 10 charged with or suspected of committing any of the crimes  
 11 defined and penalized under the provisions of this Act:  
 12 *Provided*, That, surveillance, interception and recording of  
 13 communications between lawyers and clients, doctors and  
 14 patients, journalists and their sources and confidential  
 15 business correspondence shall not be authorized.

16 The law enforcement agent or military personnel  
 17 shall likewise be obligated to (1) file an *ex parte* application  
 18 with the Court of Appeals for the issuance of an order, to  
 19 compel telecommunications service providers (TSP) and  
 20 internet service providers (ISP) to produce all customer

1 information and identification records as well as call and  
 2 text data records, content and other cellular or internet  
 3 metadata of any person suspected of any of the crimes  
 4 defined and penalized under the provisions of this Act; and  
 5 (2) furnish the National Telecommunications Commission  
 6 (NTC) a copy of said application. The NTC shall likewise  
 7 be notified upon the issuance of the order for the purpose of  
 8 ensuring immediate compliance.

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

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

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

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

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

11       SEC. 18. *Classification and Contents of the Order of the*  
 12 *Court.* – The written order granted by the authorizing  
 13 division of the Court of Appeals as well as the application  
 14 for such order, shall be deemed and are hereby declared as  
 15 classified information. Being classified information, access to  
 16 the said documents and any information contained in the  
 17 said documents shall be limited to the applicants, duly  
 18 authorized personnel of the ATC, the hearing justices, the  
 19 clerk of court and duly authorized personnel of the hearing  
 20 or issuing court. The written order of the authorizing

1       division of the Court of Appeals shall specify the following:  
 2       (a) the identity, such as name and address, if known, of the  
 3 person or persons whose communications, messages,  
 4 conversations, discussions, or spoken or written words are  
 5 to be tracked down, tapped, listened to, intercepted, and  
 6 recorded; and, in the case of radio, electronic, or telephonic  
 7 (whether wireless or otherwise) communications,  
 8 messages, conversations, discussions, or spoken or written  
 9 words, the electronic transmission systems or the  
 10 telephone numbers to be tracked down, tapped, listened to,  
 11 intercepted, and recorded and their locations or if the person  
 12 or persons suspected of committing any of the crimes  
 13 defined and penalized under the provisions of this Act are  
 14 not fully known, such person or persons shall be the  
 15 subject of continuous surveillance; (b) the identity of the  
 16 law enforcement agent or military personnel, including the  
 17 individual identity of the members of his team, judicially  
 18 authorized to undertake surveillance activities; (c) the  
 19 offense or offenses committed, or being committed, or

1 sought to be prevented; and, (d) the length of time within  
 2 which the authorization shall be used or carried out.

3       SEC. 19. *Effective Period of Judicial Authorization.* –  
 4 Any authorization granted by the Court of Appeals,  
 5 pursuant to Section 17 of this Act, shall only be effective  
 6 for the length of time specified in the written order of the  
 7 authorizing division of the Court of Appeals which shall  
 8 not exceed a period of sixty (60) days from the date of  
 9 receipt of the written order by the applicant law  
 10 enforcement agent or military personnel.

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

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

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

17       SEC. 20. *Custody of Intercepted and Recorded*  
 18 *Communications.* – All tapes, discs, other storage devices,  
 19 recordings, notes, memoranda, summaries, excerpts and  
 20 all copies thereof obtained under the judicial authorization

1 granted by the Court of Appeals shall, within forty-eight  
 2 (48) hours after the expiration of the period fixed in the  
 3 written order or the extension or renewal granted  
 4 thereafter, be deposited with the issuing court in a sealed  
 5 envelope or sealed package, as the case may be, and shall be  
 6 accompanied by a joint affidavit of the applicant law  
 7 enforcement agent or military personnel and the members  
 8 of his team.

9 In case of death of the applicant or in case he is  
 10 physically disabled to execute the required affidavit, the  
 11 one next in rank to the applicant among the members of  
 12 the team named in the written order of the authorizing  
 13 division of the Court of Appeals shall execute with the  
 14 members of the team that required affidavit.

15 It shall be unlawful for any person, law enforcement  
 16 agent or military personnel or any custodian of the tapes,  
 17 discs, other storage devices recordings, notes, memoranda,  
 18 summaries, excerpts and all copies thereof to remove,  
 19 delete, expunge, incinerate, shred or destroy in any

1 manner the items enumerated above in whole or in part  
 2 under any pretext whatsoever.  
 3 Any person who removes, deletes, expunges,  
 4 incinerates, shreds or destroys the items enumerated  
 5 above shall suffer the penalty of imprisonment of ten (10)  
 6 years.

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

14 The joint affidavit shall also certify under oath that  
 15 no duplicates or copies of the whole or any part of any of  
 16 such tapes, discs, other storage devices, recordings, notes,  
 17 memoranda, summaries, or excerpts have been made, or, if  
 18 made, that all such duplicates and copies are included in  
 19 the sealed envelope or sealed package, as the case may be,

1 deposited with the authorizing division of the Court of  
2 Appeals.

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

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

11 SEC. 22. *Disposition of Deposited Materials.* – The  
12 sealed envelope or sealed package and the contents thereof,  
13 referred to in Section 20 of this Act, shall be deemed and are  
14 hereby declared classified information. The sealed envelope  
15 or sealed package shall not be opened, disclosed, or used as  
16 evidence unless authorized by a written order of the  
17 authorizing division of the Court of Appeals which written  
18 order shall be granted only upon a written application of  
19 the Department of Justice (DOJ) duly authorized in writing  
20 by the ATC to file the application with proper written notice

1 to the person whose conversation, communication,  
2 message, discussion or spoken or written words have been  
3 the subject of surveillance, monitoring, recording and  
4 interception to open, reveal, divulge, and use the contents of  
5 the sealed envelope or sealed package as evidence.

6 The written application, with notice to the party  
7 concerned, for the opening, replaying, disclosing, or using  
8 as evidence of the sealed package or the contents thereof,  
9 shall clearly state the purpose or reason for its opening,  
10 replaying, disclosing, or its being used as evidence.

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

13 SEC. 23. *Evidentiary Value of Deposited Materials.* –  
14 Any listened to, intercepted, and recorded communications,  
15 messages, conversations, discussions, or spoken or written  
16 words, or any part or parts thereof, or any information or  
17 fact contained therein, including their existence, content,  
18 substance, purport, effect, or meaning, which have been  
19 secured in violation of the pertinent provisions of this Act,  
20 shall be inadmissible and cannot be used as evidence

1 against anybody in any judicial, quasi-judicial, legislative,  
 2 or administrative investigation, inquiry, proceeding, or  
 3 hearing.

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

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

1       Request for designations by other jurisdictions or  
 2 supranational jurisdictions may be adopted by the ATC  
 3 after determination that the proposed designee meets the  
 4 criteria for designation of UNSCR 1373.

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

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

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

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

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

17       SEC. 27. *Preliminary Order of Proscription.* – Where  
 18    the Court has determined that probable cause exists on the  
 19    basis of the verified application which is sufficient in form  
 20    and substance, that the issuance of an order of proscription

1     is necessary to prevent the commission of terrorism, he/she  
 2     shall, within seventy-two (72) hours from the filing of the  
 3     application, issue a preliminary order of proscription  
 4     declaring that the respondent is a terrorist and an outlawed  
 5     organization or association within the meaning of Section 26  
 6     of this Act.

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

11       (a) The preliminary order of proscription should be  
 12    made permanent;

13       (b) A permanent order of proscription should be  
 14    issued in case no preliminary order was issued; or

15       (c) A preliminary order of proscription should be  
 16    lifted. It shall be the burden of the applicant to prove that  
 17    the respondent is a terrorist and an outlawed organization  
 18    or association within the meaning of Section 26 of this Act  
 19    before the court issues an order of proscription whether  
 20    preliminary or permanent.

1       The permanent order of proscription herein granted  
 2       shall be posted in a newspaper of general circulation. It  
 3       shall be valid for a period of three (3) years after which, a  
 4       review of such order shall be made and if circumstances  
 5       warrant, the same shall be lifted.

6       SEC. 28. *Request to Proscribe from Foreign*  
 7       *Jurisdictions and Supranational Jurisdictions.* –  
 8       Consistent with the national interest, all requests for  
 9       proscription made by another jurisdiction or supranational  
 10      jurisdiction shall be referred by the Department of Foreign  
 11      Affairs (DFA) to the ATC to determine, with the assistance  
 12      of the NICA, if proscription under Section 26 of this Act is  
 13      warranted. If the request for proscription is granted, the  
 14      ATC shall correspondingly commence proscription  
 15      proceedings through the DOJ.

16       SEC. 29. *Detention Without Judicial Warrant of*  
 17       *Arrest.* – The provisions of Article 125 of the Revised Penal  
 18      Code to the contrary notwithstanding, any law  
 19      enforcement agent or military personnel, who, having been  
 20      duly authorized in writing by the ATC has taken custody of

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

18       Immediately after taking custody of a person  
 19       suspected of committing terrorism or any member of a  
 20       group of persons, organization or association proscribed

1 under Section 26 hereof, the law enforcement agent or  
 2 military personnel shall notify in writing the judge of the  
 3 court nearest the place of apprehension or arrest of the  
 4 following facts: (a) the time, date, and manner of arrest; (b)  
 5 the location or locations of the detained suspect/s and (c) the  
 6 physical and mental condition of the detained suspect/s.  
 7 The law enforcement agent or military personnel shall  
 8 likewise furnish the ATC and the Commission on Human  
 9 Rights (CHR) of the written notice given to the judge.

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

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

19 SEC. 30. *Rights of a Person under Custodial*  
 20 *Detention.* – The moment a person charged with or

1 suspected of committing any of the acts defined and  
 2 penalized under Sections 4, 5, 6, 7, 8, 9, 10, 11 and 12 of  
 3 this Act is apprehended or arrested and detained, he shall  
 4 forthwith be informed, by the arresting law enforcement  
 5 agent or military personnel by the law enforcement agent  
 6 or military personnel to whose custody the person  
 7 concerned is brought, of his or her right: (a) to be informed  
 8 of the nature and cause of his arrest, to remain silent and  
 9 to have competent and independent counsel preferably of  
 10 his choice. If the person cannot afford the services of counsel  
 11 of his or her choice, the law enforcement agent or military  
 12 personnel concerned shall immediately contact the free  
 13 legal assistance unit of the Integrated Bar of the  
 14 Philippines (IBP) or the Public Attorney's Office (PAO). It  
 15 shall be the duty of the free legal assistance unit of the IBP  
 16 or the PAO thus contacted to immediately visit the  
 17 person/s detained and provide him or her with legal  
 18 assistance. These rights cannot be waived except in writing  
 19 and in the presence of his/her counsel of choice; (b)  
 20 informed of the cause or causes of his/her detention in the

1 presence of his legal counsel; (c) allowed to communicate  
 2 freely with his/her legal counsel and to confer with them at  
 3 any time without restriction; (d) allowed to communicate  
 4 freely and privately without restrictions with the members  
 5 of his/her family or with his/her nearest relatives and to be  
 6 visited by them; and, (e) allowed freely to avail of the  
 7 service of a physician or physicians of choice.

8       SEC. 31. *Violation of the Rights of a Detainee.* – The  
 9 penalty of imprisonment of ten (10) years shall be imposed  
 10 upon any law enforcement agent or military personnel who  
 11 has violated the rights of persons under their custody, as  
 12 provided for in Sections 29 and 30 of this Act.

13       Unless the law enforcement agent or military  
 14 personnel who violated the rights of a detainee or detainees  
 15 as stated above is duly identified, the same penalty shall  
 16 be imposed on the head of the law enforcement unit or  
 17 military unit having custody of the detainee at the time the  
 18 violation was done.

19       SEC. 32. *Official Custodial Logbook and Its Contents.*  
 20 – The law enforcement custodial unit in whose care and

1 control the person suspected of committing any of the acts  
 2 defined and penalized under Sections 4, 5, 6, 7, 8, 9, 10, 11  
 3 and 12 of this Act has been placed under custodial arrest  
 4 and detention shall keep a securely and orderly  
 5 maintained official logbook, which is hereby declared as a  
 6 public document and opened to and made available for the  
 7 inspection and scrutiny of the lawyer of the person under  
 8 custody or any member of his/her family or relative by  
 9 consanguinity or affinity within the fourth civil degree or  
 10 his/her physician at any time of the day or night subject to  
 11 reasonable restrictions by the custodial facility. The  
 12 logbook shall contain a clear and concise record of: (a) the  
 13 name, description, and address of the detained person; (b)  
 14 the date and exact time of his/her initial admission for  
 15 custodial arrest and detention; (c) the name and address of  
 16 the physician or physicians who examined him/her physically  
 17 and medically; (d) the state of his/her health and physical  
 18 condition at the time of his/her initial admission for  
 19 custodial detention; (e) the date and time of each removal  
 20 of the detained person from his/her cell for interrogation or

1 for any purpose; (f) the date and time of his/her return to  
 2 his/her cell; (g) the name and address of the physician or  
 3 physicians who physically and medically examined him/her  
 4 after each interrogation; (h) a summary of the physical and  
 5 medical findings on the detained person after each of such  
 6 interrogation; (i) the names and addresses of his/her family  
 7 members and nearest relatives, if any and if available; (j)  
 8 the names and addresses of persons, who visit the detained  
 9 person; (k) the date and time of each of such visit; (l) the  
 10 date and time of each request of the detained person to  
 11 communicate and confer with his/her legal counsel or  
 12 counsels; (m) the date and time of each visit, and date and  
 13 time of each departure of his/her legal counsel or counsels;  
 14 and (n) all other important events bearing on and all  
 15 relevant details regarding the treatment of the detained  
 16 person while under custodial arrest and detention.

17 The said law enforcement custodial unit shall, upon  
 18 demand of the aforementioned lawyer or members of the  
 19 family or relatives within the fourth civil degree of  
 20 consanguinity or affinity of the person under custody or

1 his/her physician, issue a certified true copy of the entries  
 2 of the logbook relative to the concerned detained person  
 3 subject to reasonable restrictions by the custodial facility.  
 4 This certified true copy may be attested by the person who  
 5 has custody of the logbook or who allowed the party  
 6 concerned to scrutinize it at the time the demand for the  
 7 certified true copy is made.

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

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

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

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

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

19       In cases where evidence of guilt is not strong, and the  
 20 person charged is entitled to bail and is granted the same,

1       the court, upon application by the prosecutor, shall limit the  
 2 right of travel of the accused to within the municipality or  
 3 city where he/she resides or where the case is pending, in  
 4 the interest of national security and public safety,  
 5 consistent with Article III, Section 6 of the Constitution.  
 6       The court shall immediately furnish the DOJ and the  
 7 Bureau of Immigration with the copy of said order. Travel  
 8 outside of said municipality or city, without the authorization  
 9 of the court, shall be deemed a violation of the terms and  
 10 conditions of his/her bail, which shall be forfeited as  
 11 provided under the Rules of Court.

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

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

18       If the evidence of guilt is strong, the court shall  
 19 immediately issue an HDO and direct the DFA to initiate

1 the procedure for the cancellation of the passport of the  
 2 accused.

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

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

1 facilitating the financing of the aforementioned sections of  
 2 this Act.

3 The AMLC may also enlist the assistance of any  
 4 branch, department, bureau, office, agency or  
 5 instrumentality of the government, including government-  
 6 owned and controlled corporations in undertaking  
 7 measures to counter the financing of these terrorism,  
 8 which may include the use of its personnel, facilities and  
 9 resources.

10 For purposes of this Section and notwithstanding the  
 11 provisions of Republic Act No. 1405, otherwise known as  
 12 the "Law on Secrecy of Bank Deposits", as amended;  
 13 Republic Act No. 6426, otherwise known as the "Foreign  
 14 Currency Deposit Act of the Philippines", as amended;  
 15 Republic Act No. 8791, otherwise known as "The General  
 16 Banking Law of 2000" and other laws, the AMLC is hereby  
 17 authorized to inquire into or examine deposits and  
 18 investments with any banking institution or non-bank  
 19 financial institution and their subsidiaries and affiliates  
 20 without a court order.

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

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

1        That, the twenty-day period shall be tolled upon filing of a  
 2        petition to extend the effectivity of the freeze order.  
 3        Notwithstanding the preceding paragraphs, the  
 4        AMLC, consistent with the Philippines' international  
 5        obligations, shall be authorized to issue a freeze order with  
 6        respect to property or funds of a designated organization,  
 7        association, group or any individual to comply with binding  
 8        terrorism-related resolutions, including Resolution No.  
 9        1373 of the UN Security Council pursuant to Article 41 of  
 10      the charter of the UN. Said freeze order shall be effective  
 11      until the basis for the issuance thereof shall have been  
 12      lifted. During the effectivity of the freeze order, an  
 13      aggrieved party may, within twenty (20) days from  
 14      issuance, file with the Court of Appeals a petition to  
 15      determine the basis of the freeze order according to the  
 16      principle of effective judicial protection: *Provided,* That the  
 17      person whose property or funds have been frozen may  
 18      withdraw such sums as the AMLC determines to be  
 19      reasonably needed for monthly family needs and sustenance

1 including the services of counsel and the family medical  
2 needs of such person.

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

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

17 SEC. 38. *Safe Harbor.* – No administrative, criminal  
18 or civil proceedings shall lie against any person acting in  
19 good faith when implementing the targeted financial

1 sanctions as provided under pertinent United Nation  
2 Security Resolutions.

3 SEC. 39. *Bank Officials and Employees Defying a*  
4 *Court Authorization.* – An employee, official, or a member  
5 of the board of directors of a bank or financial institution,  
6 who after being duly served with the written order of  
7 authorization from the Court of Appeals, refuses to allow  
8 the examination of the deposits, placements, trust  
9 accounts, assets, and records of a terrorist or an outlawed  
10 group of persons, organization or association, in accordance  
11 with Sections 25 and 26 hereof, shall suffer the penalty of  
12 imprisonment of four (4) years.

13 SEC. 40. *Immunity and Protection of Government*  
14 *Witnesses.* – The immunity and protection of government  
15 witnesses shall be governed by the provisions of Republic  
16 Act No. 6981, otherwise known as "The Witness Protection,  
17 Security and Benefits Act".

18 SEC. 41. *Penalty for Unauthorized Revelation of*  
19 *Classified Materials.* – The penalty of imprisonment of ten  
20 (10) years shall be imposed upon any person, law

1 enforcement agent or military personnel, judicial officer or  
 2 civil servant who, not being authorized by the Court of  
 3 Appeals to do so, reveals in any manner or form any  
 4 classified information under this Act. The penalty imposed  
 5 herein is without prejudice and in addition to any  
 6 corresponding administrative liability the offender may  
 7 have incurred for such acts.

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

15       SEC. 43. *Penalty for Furnishing False Evidence,*  
 16 *Forged Document, or Spurious Evidence.* – The penalty of  
 17 imprisonment of six (6) years shall be imposed upon any  
 18 person who knowingly furnishes false testimony, forged  
 19 document or spurious evidence in any investigation or

1 hearing conducted in relation to any violations under this  
 2 Act.  
 3       SEC. 44. *Continuous Trial.* – In cases involving crimes  
 4 defined and penalized under the provisions of this Act, the  
 5 judge concerned shall set the case for continuous trial on a  
 6 daily basis from Monday to Thursday or other short-term  
 7 trial calendar to ensure compliance with the accused's  
 8 right to speedy trial.

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

1       The ATC shall implement this Act and assume the  
 2 responsibility for the proper and effective implementation  
 3 of the policies of the country against terrorism. The ATC  
 4 shall keep records of its proceedings and decisions. All  
 5 records of the ATC shall be subject to such security  
 6 classifications as the ATC may, in its judgment and  
 7 discretion, decide to adopt to safeguard the safety of the  
 8 people, the security of the Republic, and the welfare of the  
 9 nation.

10       The NICA shall be the Secretariat of the ATC. The  
 11 ATC shall define the powers, duties, and functions of the  
 12 NICA as Secretariat of the ATC. The Anti-Terrorism  
 13 Council-Program Management Center (ATC-PMC) is  
 14 hereby institutionalized as the main coordinating and  
 15 program management arm of the ATC. The ATC shall  
 16 define the powers, duties, and functions of the ATC-PMC.  
 17 The Secretary of Science and Technology, the Secretary of  
 18 Transportation, the Secretary of Labor and Employment,  
 19 the Secretary of Education, the Secretary of Social Welfare  
 20 and Development, the Presidential Adviser for Peace,

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

12       The ATC shall formulate and adopt comprehensive,  
 13 adequate, efficient, and effective plans, programs, or  
 14 measures to prevent, counter, suppress, or eradicate the  
 15 commission of terrorism in the country and to protect the  
 16 people from such acts. In pursuit of said mandate, the  
 17 ATC shall create such focus programs to prevent and  
 18 counter terrorism as necessary, to ensure the  
 19 counterterrorism operational awareness of concerned  
 20 agencies, to conduct legal action and to pursue legal and

1 legislative initiatives to counter terrorism, prevent and stem  
 2 terrorist financing, and to ensure compliance with  
 3 international commitments to counterterrorism-related  
 4 protocols and bilateral and/or multilateral agreements,  
 5 and identify the lead agency for each program, such as:

6       (a) Preventing and countering violent extremism  
 7 program – The program shall address the conditions  
 8 conducive to the spread of terrorism which include, among  
 9 others: ethnic, national, and religious discrimination;  
 10 socio-economic disgruntlement; political exclusion;  
 11 dehumanization of victims of terrorism; lack of good  
 12 governance; and prolonged unresolved conflicts by winning  
 13 the hearts and minds of the people to prevent them from  
 14 engaging in violent extremism. It shall identify, integrate,  
 15 and synchronize all government and non-government  
 16 initiatives and resources to prevent radicalization and  
 17 violent extremism, thus reinforce and expand an after-care  
 18 program;

19       (b) Preventing and combating terrorism program –  
 20 The program shall focus on denying terrorist groups access

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

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

16       (d) Legal affairs program – The program shall ensure  
 17 respect for human rights and adherence to the rule of law  
 18 as the fundamental bases of the fight against terrorism. It  
 19 shall guarantee compliance with the same as well as with

1 international commitments to counterterrorism-related  
 2 protocols and bilateral and/or multilateral agreements.

3 Nothing herein shall be interpreted to empower the  
 4 ATC to exercise any judicial or quasi-judicial power or  
 5 authority.

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

11 (a) Formulate and adopt plans, programs, and  
 12 preventive and counter-measures against terrorists and  
 13 terrorism in the country;

14 (b) Coordinate all national efforts to suppress and  
 15 eradicate terrorism in the country and mobilize the entire  
 16 nation against terrorism prescribed in this Act;

17 (c) Direct the speedy investigation and prosecution of  
 18 all persons detained or accused for any crime defined and  
 19 penalized under this Act;

1 (d) Monitor the progress of the investigation and  
 2 prosecution of all persons accused and/or detained for any  
 3 crime defined and penalized under the provisions of this  
 4 Act;

5 (e) Establish and maintain comprehensive database  
 6 information systems on terrorism, terrorist activities, and  
 7 counterterrorism operations;

8 (f) Enlist the assistance of and file the appropriate  
 9 action with the AMLC to freeze and forfeit the funds, bank  
 10 deposits, placements, trust accounts, assets and property of  
 11 whatever kind and nature belonging (i) to a person  
 12 suspected of or charged with alleged violation of any of the  
 13 acts defined and penalized under Sections 4, 5, 6, 7, 8, 9,  
 14 10, 11 and 12 of this Act, (ii) between members of a  
 15 judicially declared and outlawed terrorist organization or  
 16 association as provided in Section 26 of this Act; (iii) to  
 17 designated persons defined under Section 3(e) of R.A. No.  
 18 10168; (iv) to an individual member of such designated  
 19 persons; or (v) any individual, organization, association or  
 20 group of persons proscribed under Section 26 hereof;

1                 (g) Grant monetary rewards and other incentives to  
 2 informers who give vital information leading to the  
 3 apprehension, arrest, detention, prosecution, and  
 4 conviction of person or persons found guilty for violation of  
 5 any of the acts defined and penalized under Sections 4, 5,  
 6 6, 7, 8, 9, 10, 11 and 12 of this Act; *Provided*, That, no  
 7 monetary reward shall be granted to informants unless the  
 8 accused's demurrer to evidence has been denied or the  
 9 prosecution has rested its case without such demurrer  
 10 having been filed;

11                 (h) Establish and maintain coordination with and the  
 12 cooperation and assistance of other states, jurisdictions,  
 13 international entities and organizations in preventing and  
 14 combating international terrorism;

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

1                 (j) Take measures to prevent the acquisition and  
 2 proliferation by terrorists of weapons of mass destruction;  
 3                 (k) Lead in the formulation and implementation of a  
 4 national strategic plan to prevent and combat terrorism;  
 5                 (l) Request the Supreme Court to designate specific  
 6 divisions of the Court of Appeals or Regional Trial Courts to  
 7 handle all cases involving the crimes defined and penalized  
 8 under this Act;  
 9                 (m) Require other government agencies, offices and  
 10 entities and officers and employees and non-government  
 11 organizations, private entities and individuals to render  
 12 assistance to the ATC in the performance of its mandate;  
 13 and  
 14                 (n) Investigate *motu proprio* or upon complaint any  
 15 report of abuse, malicious application or improper  
 16 implementation by any person of the provisions of this Act.

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

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

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

11       (a) To a Filipino citizen or national who commits any  
 12       of the acts defined and penalized under Sections 4, 5, 6, 7, 8,  
 13       9, 10, 11 and 12 of this Act outside the territorial  
 14       jurisdiction of the Philippines;

15       (b) To individual persons who, although physically  
 16       outside the territorial limits of the Philippines, commit any  
 17       of the crimes mentioned in Paragraph 1 hereof inside the  
 18       territorial limits of the Philippines;

19       (c) To individual persons who, although physically  
 20       outside the territorial limits of the Philippines, commit any

1       of the said crimes mentioned in Paragraph 1 hereof on  
 2       board Philippine ship or Philippine airship;

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

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

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

17               In case of an individual who is neither a citizen or a  
 18       national of the Philippines who commits any of the crimes  
 19       mentioned in Paragraph 1 hereof outside the territorial  
 20       limits of the Philippines, the Philippines shall exercise

1 jurisdiction only when such individual enters or is inside  
 2 the territory of the Philippines: *Provided*, That, in the  
 3 absence of any request for extradition from the state where  
 4 the crime was committed or the state where the individual  
 5 is a citizen or national, or the denial thereof, the ATC shall  
 6 refer the case to the BI for deportation or to the DOJ for  
 7 prosecution in the same manner as if the act constituting  
 8 the offense had been committed in the Philippines.

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

1           In the exercise of its oversight functions, the Joint  
 2 Congressional Oversight Committee shall have the  
 3 authority to summon law enforcement or military officers  
 4 and the members of the ATC to appear before it, and  
 5 require them to answer questions and submit written  
 6 reports of the acts they have done in the implementation of  
 7 this Act and render an annual report to both Houses of  
 8 Congress as to its status and implementation.

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

14       SEC. 52. *Management of Persons Charged Under this  
 15 Act*. – The Bureau of Jail Management and Penology  
 16 (BJMP) and the Bureau of Corrections (BUCOR) shall  
 17 establish a system of assessment and classification for  
 18 persons charged for committing terrorism and preparatory  
 19 acts punishable under this Act. Said system shall cover

1 the proper management, handling, and interventions for  
 2 said persons detained.

3 Persons charged under this Act shall be detained in  
 4 existing facilities of the BJMP and the BUCOR.

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

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

18 SEC. 54. *Implementing Rules and Regulations.* – The  
 19 ATC and the DOJ, with the active participation of police  
 20 and military institutions, shall promulgate the rules and

1 regulations for the effective implementation of this Act  
 2 within ninety (90) days after its effectivity. They shall also  
 3 ensure the full dissemination of such rules and regulations  
 4 to both Houses of Congress, and all officers and members  
 5 of various law enforcement agencies.

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

11 SEC. 56. *Repealing Clause.* – Republic Act No. 9372  
 12 otherwise known as the “Human Security Act of 2007” is  
 13 hereby repealed. All laws, decrees, executive orders, rules  
 14 or regulations or parts thereof, inconsistent with the  
 15 provisions of this Act are hereby repealed, amended, or  
 16 modified accordingly.

17 SEC. 57. *Saving Clause.* – All judicial decisions and  
 18 orders issued, as well as pending actions relative to the  
 19 implementation of Republic Act No. 9372 otherwise known

1 as the "Human Security Act of 2007" prior to its repeal  
2 shall remain valid and effective.

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

Approved,