

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

EIGHTEENTH CONGRESS
First Regular Session

2082
HOUSE BILL NO. _____



INTRODUCED BY HON. JERICHO JONAS B. NOGRALES

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

EXPLANATORY NOTE

The Human Security Act (HSA) of 2007 (R.A. No. 9372) needs to be revised to make it rational, balanced, realistic and truly effective in the fight against terrorism.

The passage of the HSA in 2007 was intended to provide a legal framework that would allow the Philippine's criminal justice system and institutions to prevent and counter terrorism. Unfortunately, twelve (12) years after its passage, the HSA has provided little to nil contribution in the fight against terrorism. To this date, there have only been two cases where the HSA has been applied. First was in the 2008 case of Jun Guevarra where the accused plea bargained and in the proscription of the Abu Sayyaf Group as a Terrorist Organization in 2015.

Other than the two cases mentioned, there have been no other reported application of the HSA. Not a single case for the violation of the HSA was filed even for the infamous Marawi Siege, the Sulu Cathedral Bombing and the Zamboanga Bombing.

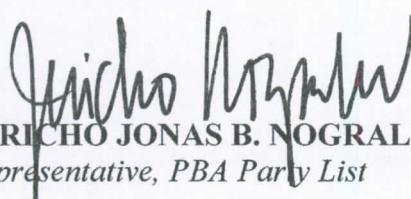
The non-use of the Human Security Act by law enforcement agencies is a clear symptom that there is a problem with our country's primary legal tool against terrorism. Criticisms of the HSA being not only inadequate but even detrimental in preventing and countering terrorism have surfaced. The vagueness of the definition of the crime of terrorism, the almost absurd provisions for awards of damages, and the unreasonably restrictive measures which negate the very intent of the HSA are but a few of the reasons raised why the law has become inutile.

This proposed measure seeks to address the gaps, lapses and inadequacies of the Human Security Act of 2007. Among this bill's salient features are:

- Provides a clearer definition of key concepts, including what “terrorist acts” are punishable;
- Allows for a graduation of penalties based on an offender’s participation;
- Penalizes “inciting to commit terrorist acts”;
- Defines and penalizes “foreign terrorism” and “foreign terrorist”;
- Imposes the penalty of perpetual disqualification from public office to offenders;
- Provides greater powers to the Anti-Terrorism Council (ATC), especially over telecommunications and internet service providers;
- Includes the Department of Information and Communications Technology (DICT), Department of Science and Technology (DOST), Department of Labor and Employment (DOLE), and Department of Education (DepEd) in the ATC;
- Mandates the creation of focus programs on Countering Violent Extremism, Counter Terrorism Operational Readiness, Legal Affairs, Anti-Terror Financing, and International Affairs;
- Empowers the ATC to take measures to prevent terrorists from acquiring Weapons of Mass Destruction (WMDs);
- Requires the DepEd, CHED and TESDA to promote peace and inclusivity in schools, learning centers, and training institutions;
- Imposes stricter rules on surveillance information disclosure;
- Emphasizes the need for documentation of the chain of possession and custody over surveillance tapes, discs and recording;
- Provides greater protection for members of the most vulnerable groups (elderly, pregnant women, PWDs, women, and children);
- Mandates the ATC to *motu proprio* investigate reports of abuse, malicious application and improper implementation of the law.

The recent bombing in Indanan, Sulu, reportedly perpetrated by suicide bombers, reveals a more sinister escalation in terror activities. It thus becomes more critical that we rationalize and update our primary legal tool against terrorism.

The expedient passage of this bill into law is earnestly and gravely sought.



JERICHO JONAS B. NOGRALES
Representative, PBA Party List

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AN ACT

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

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 ["Human
2 Security Act of 2007."] "**ANTI-TERRORISM ACT OF 2019.**"
3

4 SEC. 2. *Declaration of Policy.* - It is declared a policy of the State to protect life,
5 liberty, and property from acts of terrorism, to condemn terrorism as inimical and
6 dangerous to the national security of the country and to the welfare of the people, and
7 to make terrorism a crime against the Filipino people, against humanity, and against the
8 law of nations.
9

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

12 [The State recognizes that the fight against terrorism requires a comprehensive
13 approach, comprising political, economic, diplomatic, military, and legal means duly

1 taking into account the root causes of terrorism without acknowledging these as
2 justifications for terrorist and/or criminal activities. Such measures shall include
3 conflict management and post-conflict peace-building, addressing the roots of conflict
4 by building state capacity and promoting equitable economic development.

5

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

11

12 **SEC. 3. DEFINITION OF TERMS. - AS USED IN THIS ACT:**

13

14 (A) **"CONSPIRACY" EXISTS WHEN TWO OR MORE PERSONS**
COME TO AN AGREEMENT CONCERNING THE COMMISSION OF
THE CRIMES DEFINED AND PENALIZED UNDER THE PROVISION
OF THIS ACT, AND DECIDE TO COMMIT THE SAME;

18

19 (B) **"CRITICAL INFRASTRUCTURE" REFERS TO AN ASSET OR**
SYSTEM THAT IS ESSENTIAL FOR THE MAINTENANCE OF VITAL
SOCIETAL FUNCTIONS, HEALTH, SAFETY, SECURITY ECONOMIC
OR SOCIAL WELL-BEING. IT MAY INCLUDE, BUT IS NOT LIMITED
TO, COMMUNICATIONS, EMERGENCY SERVICES, FUEL,
ENERGY, DAMS, FINANCE, FOOD, PUBLIC SERVICES, INDUSTRY,
TRANSPORT, RADIO AND TELEVISION, INFORMATION
TECHNOLOGY, COMMERCIAL FACILITIES, CHEMICAL AND
NUCLEAR SECTORS, AND WATER;

28

29 (C) **"FOREIGN TERRORISTS" ARE ANY PERSONS WHO TRAVEL**
TO A STATE OTHER THAN THEIR STATES OF RESIDENCE OR
NATIONALITY FOR THE PURPOSE OF PERPETRATING,

1 PLANNING, OR PREPARING FOR, OR PARTICIPATING IN,
2 TERRORIST ACTS OR PROVIDING FOR OR RECEIVING OF
3 TERRORIST TRAINING. THESE SHALL ALSO INCLUDE
4 INDIVIDUALS RESIDING ABROAD WHO COME TO THE
5 PHILIPPINES TO PARTICIPATE IN PERPETRATING, PLANNING,
6 OR PREPARING FOR, OR PARTICIPATING IN TERRORIST ACTS
7 OR PROVIDE SUPPORT FOR OR FACILITATE TERRORIST
8 TRAINING HERE OR ABROAD;

9

10 (D) "INCITING TO COMMIT TERRORIST ACTS" IS COMMITTED
11 WHEN A PERSON, DIRECTLY OR INDIRECTLY, PROVOKES,
12 GOADS, INSTIGATES, OR PERSUADES ANOTHER INDIVIDUAL OR
13 ORGANIZATION TO COMMIT ANY OF THE CRIMES DEFINED AND
14 PENALIZED UNDER THE PROVISIONS OF THIS ACT, WHETHER
15 BY MEANS OF VERBAL, WRITTEN, OR VISUAL
16 COMMUNICATION;

17

18 (E) "MATERIAL SUPPORT" REFERS TO ANY PROPERTY,
19 TANGIBLE OR INTANGIBLE, OR SERVICE, INCLUDING
20 CURRENCY OR MONETARY INSTRUMENTS OR FINANCIAL
21 SECURITIES, FINANCIAL SERVICES, LODGING, TRAINING,
22 EXPERT ADVICE OR ASSISTANCE, SAFEHOUSES, FALSE
23 DOCUMENTATION OR IDENTIFICATION, COMMUNICATIONS
24 EQUIPMENT, FACILITIES, WEAPONS, LETHAL SUBSTANCES,
25 EXPLOSIVES, PERSONNEL (1 OR MORE INDIVIDUALS WHO MAY
26 BE OR INCLUDE ONESELF), AND TRANSPORTATION, EXCEPT
27 MEDICINE OR RELIGIOUS MATERIALS;

28

29 (F) "PROPOSAL TO COMMIT TERRORIST ACTS" IS
30 COMMITTED WHEN A PERSON WHO HAS DECIDED TO COMMIT
31 ANY OF THE CRIMES DEFINED AND PENALIZED UNDER THE

1 **PROVISIONS OF THIS ACT PROPOSES ITS EXECUTION TO SOME**
2 **OTHER PERSON OR PERSONS;**

3
4 **(G) "RECRUIT" SHALL REFER TO ANY ACT TO PROCURE,**
5 **INDUCE, OR INCITE OTHERS TO PARTICIPATE, COMMIT, OR**
6 **SUPPORT ANY TERRORIST ACTS, OR TERRORIST INDIVIDUALS**
7 **OR ORGANIZATIONS;**

8
9 **(H) "SURVEILLANCE ACTIVITIES" REFER TO THE TRACKING**
10 **DOWN, FOLLOWING, OR INVESTIGATION OF INDIVIDUALS OR**
11 **ORGANIZATIONS; OR THE TAPPING, LISTENING,**
12 **INTERCEPTING, AND RECORDING OF MESSAGES,**
13 **CONVERSATIONS, DISCUSSIONS, SPOKEN OR WRITTEN WORDS,**
14 **AND OTHER COMMUNICATIONS OF INDIVIDUALS ENGAGED IN**
15 **TERRORIST ACTS AS DEFINED HEREUNDER;**

16
17 **(I) "TRAINING" SHALL REFER TO THE GIVING OF**
18 **INSTRUCTION OR TEACHING DESIGNED TO IMPART A SPECIFIC**
19 **SKILL IN RELATION TO SOME TERRORIST ACTS AS DEFINED**
20 **HEREUNDER, AS OPPOSED TO GENERAL KNOWLEDGE;**

21
22 **(J) "TERRORIST INDIVIDUAL" SHALL REFER TO ANY**
23 **NATURAL PERSON WHO COMMITS ANY OF THE ACTS DEFINED**
24 **AND PENALIZED UNDER THE PROVISIONS OF THIS ACT, AS A**
25 **PRINCIPAL, ACCOMPLICE OR ACCESSORY, OR THOSE WHO ARE**
26 **MEMBERS OF TERRORIST ORGANIZATIONS PROSCRIBED**
27 **UNDER SECTION 24 HEREOF;**

28
29 **(K) "TERRORIST ORGANIZATION, ASSOCIATION OR GROUP**
30 **OF PERSONS" SHALL REFER TO ANY ENTITY ORGANIZED FOR**
31 **THE PURPOSE OF ENGAGING IN TERRORIST ACTS, OR THOSE**

1 **PROSCRIBED UNDER SECTION 24 HEREOF OR THE UNITED
2 NATIONS SECURITY COUNCIL-DESIGNATED TERRORIST
3 ORGANIZATION; AND**

4
5 **(L) "WEAPONS OF MASS DESTRUCTION" (WMD) SHALL REFER
6 TO CHEMICAL, BIOLOGICAL, RADIOLOGICAL, OR NUCLEAR
7 WEAPONS WHICH ARE CAPABLE OF A HIGH ORDER OF
8 DESTRUCTION OR CAUSING MASS CASUALTIES. IT EXCLUDES
9 THE MEANS OF TRANSPORTING OR PROPELLING THE WEAPON
10 WHERE SUCH MEANS IS A SEPARABLE AND DIVISIBLE PART
11 FROM THE WEAPON.**

12
13 SEC. [3] 4. **[Terrorism] TERRORIST ACTS.** – [Any person who commits an
14 act punishable under any of the following, provisions of the Revised Penal Code:] ANY
15 **PERSON WHO COMMITS ANY OF THE FOLLOWING UNLAWFUL ACTS,
16 REGARDLESS OF ITS STAGE OF EXECUTION, WHEN THE PURPOSE OF
17 SUCH ACT, BY ITS NATURE AND CONTEXT, IS TO INTIMIDATE, PUT IN
18 FEAR, FORCE OR INDUCE THE GOVERNMENT OR ANY
19 INTERNATIONAL ORGANIZATION, OR THE PUBLIC TO DO OR TO
20 ABSTAIN FROM DOING ANY ACT, OR SERIOUSLY DESTABILIZE OR
21 DESTROY THE FUNDAMENTAL POLITICAL, ECONOMIC OR SOCIAL
22 STRUCTURES OF THE COUNTRY, OR CREATE A PUBLIC EMERGENCY
23 OR UNDERMINE PUBLIC SAFETY:**

- 24
25 [a. Article 122 (Piracy in General and Mutiny in the High Seas or in the
26 Philippine Waters);
27 b. Article 134 (Rebellion or Insurrection);
28 c. Article 134-a (Coup d' Etat), including acts committed by private persons;
29 d. Article 248 (Murder);
30 e. Article 267 (Kidnapping and Serious Illegal Detention);
31 f. Article 324 (Crimes Involving Destruction); or under

- 1
- 2 (1) Presidential Decree No. 1613 (The Law on Arson);
- 3 (2) Republic Act No. 6969 (Toxic Substances and Hazardous and
- 4 Nuclear Waste Control Act of 1990);
- 5 (3) Republic Act No. 5207, (Atomic Energy Regulatory and Liability
- 6 Act of 1968);
- 7 (4) Republic Act No. 6235 (Anti-Hijacking Law);
- 8 (5) Presidential Decree No. 532 (Anti-Piracy and Anti-Highway
- 9 Robbery Law of 1974); and
- 10 (6) Presidential Decree No. 1866, as amended (Decree Codifying the
- 11 Laws on Illegal and Unlawful Possession, Manufacture, Dealing in, Acquisition
- 12 or Disposition of Firearms, Ammunitions or Explosives)

13

14 thereby sowing and creating a condition of widespread and extraordinary fear

15 and panic among the populace, in order to coerce the government to give in to

16 an unlawful demand shall be guilty of the crime of terrorism and shall suffer the

17 penalty of forty (40) years of imprisonment, without the benefit of parole as

18 provided for under Act No. 4103, otherwise known as the Indeterminate

19 Sentence Law, as amended.]

- 20
- 21 **A. ATTACKS THAT CAUSE DEATH OR SERIOUS BODILY**
- 22 **INJURY TO ANY PERSON;**
- 23 **B. ATTACKS THAT CAUSE EXTENSIVE DAMAGE OR**
- 24 **DESTRUCTION TO A GOVERNMENT OR PUBLIC FACILITY,**
- 25 **CRITICAL INFRASTRUCTURE, PUBLIC PLACE OR PRIVATE**
- 26 **PROPERTY LIKELY TO ENDANGER HUMAN LIFE OR**
- 27 **RESULT IN MAJOR ECONOMIC LOSS;**
- 28 **C. MANUFACTURE, POSSESSION, ACQUISITION, TRANSPORT,**
- 29 **SUPPLY OR USE OF WEAPONS, EXPLOSIVES OR OF**
- 30 **BIOLOGICAL OR CHEMICAL WEAPONS, AS WELL AS**

1 **RESEARCH INTO, AND DEVELOPMENT OF, BIOLOGICAL**
2 **AND CHEMICAL WEAPONS;**
3 **D. RELEASE OF DANGEROUS SUBSTANCES, OR CAUSING**
4 **FIRE, FLOODS OR EXPLOSIONS THE EFFECT OF WHICH IS**
5 **TO ENDANGER HUMAN LIFE; AND**
6 **E. THREAT TO COMMIT ANY OF THE ACTS LISTED IN**
7 **PARAGRAPHS (A) TO (D) OF THIS SECTION**

8
9 **SHALL BE GUILTY OF COMMITTING A TERRORIST ACT AND**
10 **SHALL SUFFER THE PENALTY OF LIFE IMPRISONMENT**
11 **WITHOUT THE BENEFIT OF PAROLE:** *PROVIDED*, THAT,
12 **TERRORIST ACTS AS DEFINED UNDER THIS SECTION SHALL NOT**
13 **COVER LEGITIMATE EXERCISES OF THE FREEDOM OF**
14 **EXPRESSION AND TO PEACEABLY ASSEMBLE, INCLUDING BUT**
15 **NOT LIMITED TO ENGAGING IN ADVOCACY, PROTEST, DISSENT**
16 **OR MASS ACTION WHERE A PERSON DOES NOT HAVE THE**
17 **INTENTION TO USE OR URGE THE USE OF FORCE OR VIOLENCE**
18 **OR CAUSE HARM TO OTHERS.**

19
20 **SEC. 5. *PLANNING, PREPARING AND FACILITATING THE***
21 ***COMMISSION OF A TERRORIST ACT.* - IT SHALL BE UNLAWFUL**
22 **FOR ANY PERSON TO PARTICIPATE IN THE PLANNING,**
23 **PREPARATION AND FACILITATION IN THE COMMISSION OF A**
24 **TERRORIST ACT, POSSESSING OBJECTS CONNECTED IN THE**
25 **COMMISSION OF A TERRORIST ACT OR COLLECTING OR**
26 **MAKING DOCUMENTS LIKELY TO FACILITATE THE**
27 **COMMISSION OF A TERRORIST ACT. ANY PERSON FOUND**
28 **GUILTY OF THE PROVISION OF THIS ACT SHALL SUFFER THE**
29 **PENALTY OF LIFE IMPRISONMENT WITHOUT THE BENEFIT OF**
30 **PAROLE.**

1 SEC. [4]. 6. ***ATTEMPT OR Conspiracy to Commit [Terrorism] A***
2 ***TERRORIST ACT. - ANY ATTEMPT TO COMMIT ANY OF THE ACTS***
3 ***DEFINED AND PENALIZED UNDER SECTION 4 OF THIS ACT***
4 ***SHALL BE PENALIZED BY LIFE IMPRISONMENT WITHOUT THE***
5 ***BENEFIT OF PAROLE.***

6
7 **ANY CONSPIRACY [Persons who conspire] to commit [the crime of**
8 **terrorism] TERRORIST ACTS AS DEFINED AND PENALIZED UNDER**
9 **SECTION 4 OF THIS ACT shall BE PENALIZED BY [suffer the penalty of**
10 **forty (40) years of imprisonment.] LIFE IMPRISONMENT WITHOUT THE**
11 **BENEFIT OF PAROLE.**

12
13 There is conspiracy when two or more persons come to an agreement concerning
14 the commission of [the crime of terrorism] **TERRORIST ACTS** as defined in
15 Section [3] 4 hereof and decide to commit the same.

16
17 SEC. 7. ***PROPOSAL TO COMMIT TERRORIST ACTS. - ANY PERSON***
18 ***WHO PROPOSES TO COMMIT TERRORIST ACTS AS DEFINED IN***
19 ***SECTION 4 HEREOF SHALL SUFFER THE PENALTY OF***
20 ***IMPRISONMENT FROM EIGHT (8) YEARS AND ONE DAY TO***
21 ***TWELVE (12) YEARS.***

22
23 SEC. 8. ***INCITING TO COMMIT TERRORIST ACTS. - ANY PERSON***
24 ***WHO DISTRIBUTES OR OTHERWISE MAKES A MESSAGE***
25 ***AVAILABLE TO THE PUBLIC WITH THE INTENT TO INCITE***
26 ***ANOTHER BY ANY MEANS, DIRECTLY OR INDIRECTLY TO***
27 ***COMMIT A TERRORIST ACT WHERE SUCH CONDUCT CAUSES A***
28 ***DANGER OF SUCH ACTS BEING ACTUALLY COMMITTED SHALL***
29 ***SUFFER THE PENALTY OF IMPRISONMENT FROM SIX (6) YEARS***
30 ***AND ONE DAY TO TEN (10) YEARS.***

1 **SEC. 9. RECRUITMENT TO AND MEMBERSHIP IN A TERRORIST**
2 **ORGANIZATION.** - ANY PERSON WHO SHALL RECRUIT ANOTHER
3 TO PARTICIPATE, JOIN, COMMIT OR SUPPORT ANY TERRORIST
4 ACT OR A TERRORIST INDIVIDUAL OR ANY TERRORIST
5 ORGANIZATION, ASSOCIATION OR GROUP OF PERSONS WHICH
6 IS PROSCRIBED UNDER SECTION 24 OF THIS ACT, OR THE
7 UNITED NATIONS SECURITY COUNCIL-DESIGNATED TERRORIST
8 ORGANIZATION, OR ORGANIZED FOR THE PURPOSE OF
9 ENGAGING IN TERRORIST ACTS, SHALL SUFFER THE PENALTY
10 OF LIFE IMPRISONMENT WITHOUT THE BENEFIT OF PAROLE.

11
12 ANY PERSON WHO SHALL VOLUNTARILY AND
13 KNOWINGLY JOIN ANY ORGANIZATION, ASSOCIATION OR
14 GROUP OF PERSONS KNOWING THAT SUCH ORGANIZATION,
15 ASSOCIATION OR GROUP OF PERSONS IS PROSCRIBED UNDER
16 SECTION 24 OF THIS ACT, OR THE UNITED NATIONS SECURITY
17 COUNCIL DESIGNATED TERRORIST ORGANIZATION, OR
18 ORGANIZED FOR THE PURPOSE OF ENGAGING IN TERRORIST
19 ACTS, SHALL SUFFER THE PENALTY OF EIGHT (8) YEARS AND
20 ONE DAY TO TWELVE (12) YEARS.

21
22 **SEC. 10. FOREIGN TERRORIST.** – THE FOLLOWING ACTS ARE
23 UNLAWFUL AND SHALL BE PUNISHED WITH THE PENALTY OF
24 LIFE IMPRISONMENT WITHOUT THE BENEFIT OF PAROLE:

25
26 (A) FOR ANY PERSON TO TRAVEL OR ATTEMPT TO TRAVEL
27 TO A STATE OTHER THAN HIS/HER STATE OF RESIDENCE
28 OR NATIONALITY, FOR THE PURPOSE OF PERPETRATING,
29 PLANNING, OR PREPARING FOR, OR PARTICIPATING IN
30 TERRORIST ACTS, OR PROVIDING OR RECEIVING
31 TERRORIST TRAINING; OR

1
2 **(B) FOR ANY PERSON TO ORGANIZE OR FACILITATE THE**
3 **TRAVEL OF INDIVIDUALS WHO TRAVEL TO A STATE**
4 **OTHER THAN THEIR STATES OF RESIDENCE OR**
5 **NATIONALITY FOR THE PURPOSE OF PERPETRATING,**
6 **PLANNING, OR PREPARING FOR, OR PARTICIPATING IN**
7 **TERRORIST ACTS OR PROVIDING OR RECEIVING**
8 **TERRORIST TRAINING, INCLUDING ACTS OF**
9 **RECRUITMENT WHICH MAY BE COMMITTED THROUGH**
10 **ANY OF THE FOLLOWING MEANS:**

- 11
12 i. **RECRUITING ANOTHER PERSON TO SERVE IN ANY**
13 **CAPACITY IN OR WITH AN ARMED FORCE IN A**
14 **FOREIGN STATE, WHETHER THE ARMED FORCE**
15 **FORMS PART OF THE ARMED FORCES OF THE**
16 **GOVERNMENT OF THAT FOREIGN STATE OR**
17 **OTHERWISE;**
- 18
19 ii. **PUBLISHING AN ADVERTISEMENT OR**
20 **PROPAGANDA, FOR THE PURPOSE OF RECRUITING**
21 **PERSONS TO SERVE IN ANY CAPACITY IN OR WITH**
22 **SUCH AN ARMED FORCE;**
- 23
24 iii. **PUBLISHING AN ADVERTISEMENT OR**
25 **PROPAGANDA CONTAINING ANY INFORMATION**
26 **RELATING TO THE PLACE AT WHICH, OR THE**
27 **MANNER IN WHICH, PERSONS MAY MAKE**
28 **APPLICATIONS TO SERVE, OR OBTAIN**
29 **INFORMATION RELATING TO SERVICE, IN ANY**
30 **CAPACITY IN OR WITH SUCH ARMED FORCE OR**
31 **RELATING TO THE MANNER IN WHICH PERSONS**

1 MAY TRAVEL TO A FOREIGN STATE FOR THE
2 PURPOSE OF SERVING IN ANY CAPACITY IN OR WITH
3 SUCH ARMED FORCE; OR

4

5 iv. PERFORMING ANY OTHER ACT WITH THE
6 INTENTION OF FACILITATING OR PROMOTING THE
7 RECRUITMENT OF PERSONS TO SERVE IN ANY
8 CAPACITY IN OR WITH SUCH AN ARMED FORCE.

9

10 (C) FOR ANY PERSON RESIDING ABROAD WHO COMES TO THE
11 PHILIPPINES TO PARTICIPATE IN PERPETRATING, PLANNING,
12 OR PREPARING FOR, OR PARTICIPATING IN TERRORIST ACTS
13 OR PROVIDE SUPPORT FOR OR FACILITATE TERRORIST
14 TRAINING HERE OR ABROAD.

15

16 SEC. 11. *PROVIDING MATERIAL SUPPORT TO TERRORISTS.* - ANY
17 PERSON WHO KNOWINGLY PROVIDES MATERIAL SUPPORT TO
18 ANY TERRORIST INDIVIDUAL OR TERRORIST ORGANIZATION,
19 ASSOCIATION OR GROUP OF PERSONS COMMITTING, INCITING
20 TO OR PLANNING TO COMMIT ANY OF THE ACTS PUNISHABLE
21 UNDER SECTION 4 HEREOF, OR WHO SHOULD HAVE KNOWN
22 THAT SUCH INDIVIDUAL OR ORGANIZATION, ASSOCIATION, OR
23 GROUP OF PERSONS IS COMMITTING OR PLANNING TO COMMIT
24 SUCH ACTS, SHALL BE LIABLE AS PRINCIPAL TO ANY AND ALL
25 TERRORIST ACTIVITIES COMMITTED BY SAID INDIVIDUALS OR
26 ORGANIZATIONS, IN ADDITION TO OTHER CRIMINAL
27 LIABILITIES HE OR THEY MAY HAVE INCURRED IN RELATION
28 THERETO.

29

30 SEC. [5] 12. *Accomplice.* - Any person who, not being a principal under Article
31 17 of the Revised Penal Code or a conspirator as defined in Section [4] 3(A)

1 **AND SECTION 5** hereof, cooperates in the execution of [either] **ANY OF** the
2 **crimeS** [of terrorism or conspiracy to commit terrorism] **DEFINED AND**
3 **PENALIZED UNDER THE PROVISIONS OF THIS ACT**, by previous or
4 simultaneous acts **SHALL BE LIABLE AS AN ACCOMPLICE AND** shall
5 suffer the penalty of **IMPRISONMENT RANGING** from seventeen (17) years,
6 four (4) months **AND** one day to twenty (20) years of imprisonment.

7
8 SEC. [6] **13. Accessory.** - Any person who, having knowledge of the commission
9 of **ANY OF** the **crimeS** [of terrorism or conspiracy to commit terrorism,]
10 **DEFINED AND PENALIZED UNDER THE PROVISIONS OF THIS**
11 **ACT**, and without having participated therein, either as principal or accomplice
12 under Articles 17 and 18 of the Revised Penal Code, takes part subsequent to its
13 commission in any of the following manner: (a) by profiting himself or assisting
14 the offender to profit by the effects of the crime; (b) by concealing or destroying
15 the body of the crime, or the effects, or instruments thereof, in order to prevent
16 its discovery; **OR** (c) by harboring, concealing, or assisting in the escape of the
17 principal or conspirator of the crime, **SHALL BE LIABLE AS AN**
18 **ACCESSORY AND** shall suffer the penalty of **IMPRISONMENT**
19 **RANGING FROM** ten (10) years and one day to twelve (12) years [**of**
20 imprisonment].

21
22 [Notwithstanding the above paragraph, the penalties prescribed for accessories
23 shall not be imposed upon those who are such with respect to their spouses,
24 ascendants, descendants, legitimate, natural, and adopted brothers and sisters, or
25 relatives by affinity within the same degrees, with the single exception of
26 accessories falling within the provisions of subparagraph (a).]

27
28 **SEC. 14. PERPETUAL DISQUALIFICATION FROM PUBLIC OFFICE.** -
29 **ANY PERSON FOUND GUILTY OF ANY OF THE ACTS DEFINED**
30 **AND PENALIZED UNDER THE PROVISIONS OF THIS ACT SHALL**
31 **BE PERPETUALLY DISQUALIFIED FROM RUNNING FOR ANY**

1 ELECTIVE OFFICE OR HOLDING ANY PUBLIC OFFICE.
2 FURTHERMORE, IF SAID PERSON IS A PUBLIC OFFICER OR
3 MEMBER OF THE CIVIL SERVICE, HE/SHE SHALL BE METED THE
4 PENALTY OF DISMISSAL FROM SERVICE, WITH THE ACCESSORY
5 PENALTIES OF CANCELLATION OF CIVIL SERVICE ELIGIBILITY,
6 AND FORFEITURE OF RETIREMENT BENEFITS.

7

8 SEC. [7] **15. Surveillance of Suspects and Interception and Recording of**
9 **Communications.** - The provisions of Republic Act No. 4200 (Anti-Wire
10 Tapping Law) to the contrary notwithstanding, [a police or] law enforcement
11 [official and the members of his team] **OR MILITARY PERSONNEL** may,
12 upon a written order of the Court of Appeals **OR REGIONAL TRIAL**
COURT SECRETLY WIRETAP, OVERHEAR AND listen to, intercept,
13 **SCREEN, READ, SURVEIL, [and] record OR COLLECT,** with the use of
14 any mode, form, kind or type of electronic, **MECHANICAL OR OTHER**
EQUIPMENT OR DEVICE or TECHNOLOGY NOW KNOWN OR MAY
15 **HEREAFTER BE KNOWN TO SCIENCE** [other surveillance equipment or
16 intercepting and tracking devices,] or with the use of any other suitable ways and
17 means for [that] **THE ABOVE** purposeS, any **PRIVATE** communicationS,
18 [message,] conversation, discussion/S, DATA, INFORMATION,
19 **MESSAGES IN WHATEVER FORM, KIND OR NATURE, [or] spoken or**
20 written words (A) between members of a judicially declared and outlawed
21 terrorist organization, **AS PROVIDED IN SECTION 24 OF THIS ACT;** (B)
22 **BETWEEN MEMBERS OF A DESIGNATED PERSON AS DEFINED IN**
23 **SECTION 3(E) OF REPUBLIC ACT NO. 10168, OTHERWISE KNOWN**
24 **AS THE "TERRORISM FINANCING PREVENTION AND**
25 **SUPPRESSION ACT OF 2012"; OR (C) [association, or group of persons or**
26 **of] any person charged with or suspected of COMMITTING ANY OF the**
27 **crimeS [of terrorism or conspiracy to commit terrorism] DEFINED AND**
28 **PENALIZED UNDER THE PROVISIONS OF THIS ACT:** *Provided*, That,
29 surveillance, interception and recording of communications between lawyers

1 and clients, doctors and patients, journalists and their sources and confidential
2 business correspondence shall not be authorized.

3

4 **IN CASE OF AN ACTUAL OR IMMINENT TERRORIST**
5 **ATTACK, THE ANTI-TERRORISM COUNCIL MAY FILE AN *EX-***
6 ***PARTE* APPLICATION WITH THE COURT OF APPEALS OR**
7 **REGIONAL TRIAL COURT FOR THE ISSUANCE OF AN ORDER, TO**
8 **COMPEL TELECOMMUNICATIONS SERVICE PROVIDERS (TSP)**
9 **AND INTERNET SERVICE PROVIDERS (ISP) TO PRODUCE ALL**
10 **CUSTOMER INFORMATION AND IDENTIFICATION RECORDS AS**
11 **WELL AS CALL AND TEXT DATA RECORDS AND OTHER**
12 **CELLULAR OR INTERNET METADATA OF ANY PERSON**
13 **SUSPECTED OF ANY OF THE CRIMES DEFINED AND PENALIZED**
14 **UNDER THE PROVISIONS OF THIS ACT. UPON ISSUANCE OF SAID**
15 **ORDER, NOTICE THEREOF SHALL BE GIVEN TO NATIONAL**
16 **TELECOMMUNICATIONS COMMISSION (NTC) TO ENSURE**
17 **IMMEDIATE COMPLIANCE.**

18

19 SEC. [8] **16. Formal Application for Judicial Authorization.** - The written order
20 [of the authorizing division of the Court of Appeals] to **LOCATE**, track down,
21 tap, listen to, intercept, and record communications, messages, conversations,
22 discussions, or spoken or written words of any person **OR GROUP OF**
23 **PERSONS** suspected of **COMMITTING ANY OF** the crimeS **DEFINED**
24 **AND PENALIZED** [of terrorism or the crime of conspiracy to commit
25 terrorism] **UNDER THE PROVISIONS OF THIS ACT** shall only be granted
26 by the authorizing division of the Court of Appeals **OR THE REGIONAL**
27 **TRIAL COURT** upon an *ex parte* written application of a [police or of a] law
28 enforcement [official] **AGENT OR DEPUTIZED LAW ENFORCEMENT**
29 **AGENCY, OR MILITARY PERSONNEL**, who has been duly authorized in
30 writing by the Anti-Terrorism Council [created in Section 53 of this Act to file
31 such *ex parte* application], and upon examination under oath or affirmation of

1 the applicant and the witnesses **ESTABLISH** [he may produce to establish]: (a)
2 that there is probable cause to believe based on personal knowledge of facts or
3 circumstances that the [said] crimeS **DEFINED AND PENALIZED** [of
4 terrorism or conspiracy to commit terrorism] **UNDER THE PROVISIONS OF**
5 **THIS ACT** has been committed, or is being committed, or is about to be
6 committed; (b) that there is probable cause to believe based on personal
7 knowledge of facts or circumstances that evidence, which is essential to the
8 conviction of any charged or suspected person for, or to the solution or
9 prevention of, any such crimes, will be obtained; and, (c) that there is no other
10 effective means readily available for acquiring such evidence.

11

12 SEC. [9] 17. *Classification and Contents of the Order of the Court.* - The written
13 order granted by the authorizing division of the Court of Appeals **OR THE**
14 **REGIONAL TRIAL COURT** as well as [its order, if any, to extend or renew
15 the same, the original application of the applicant, including his application to
16 extend or renew, if any, and the written authorizations of the Anti-Terrorism
17 Council] **THE APPLICATION FOR SUCH ORDER**, shall be deemed and are
18 hereby declared as classified information. **BEING CLASSIFIED**
19 **INFORMATION, ACCESS TO THE SAID DOCUMENTS AND ANY**
20 **INFORMATION CONTAINED IN SAID DOCUMENTS SHALL BE**
21 **LIMITED TO THE APPLICANTS, DULY AUTHORIZED PERSONNEL**
22 **OF THE ANTI-TERRORISM COUNCIL, THE HEARING JUSTICES**
23 **OR JUDGE, THE CLERK OF COURT AND DULY AUTHORIZED**
24 **PERSONNEL OF THE HEARING OR ISSUING COURT.** [: Provided, That
25 the person being surveilled or whose communications, letters, papers, messages,
26 conversations, discussions, spoken or written words and effects have been
27 monitored, listened to, bugged or recorded by law enforcement authorities has
28 the right to be informed of the acts done by the law enforcement authorities in
29 the premises or to challenge, if he or she intends to do so, the legality of the
30 interference before the Court of Appeals which issued the written order.] The
31 written order of the authorizing division of the Court of Appeals **OR THE**

1 **REGIONAL TRIAL COURT** shall specify the following: (a) the identity, such
2 as name and address, if known, of the [charged or suspected] person **OR**
3 **PERSONS** whose communications, messages, conversations, discussions, or
4 spoken or written words are to be tracked down, tapped, listened to, intercepted,
5 and recorded and, in the case of radio, electronic, or telephonic (whether wireless
6 or otherwise) communications, messages, conversations, discussions, or spoken
7 or written words, the electronic transmission systems or the telephone numbers
8 to be tracked down, tapped, listened to, intercepted, and recorded and their
9 locations or if the person **OR PERSONS** suspected of **COMMITTING ANY**
10 **OF** the crimeS **DEFINED AND PENALIZED** [of terrorism or conspiracy to
11 commit terrorism is] **UNDER THE PROVISIONS OF THIS ACT ARE** not
12 fully known, such person **OR PERSONS** shall be subject to continuous
13 surveillance provided there is a reasonable ground to do so; (b) the identity
14 [(name, address, and the police or law enforcement organization)] of the [police
15 or of the] law enforcement [official] **AGENT OR MILITARY PERSONNEL**,
16 including the individual identity [(names, addresses, and the police or law
17 enforcement organization)] of the members of his team, judicially authorized to
18 [track down, tap, listen to, intercept, and record the communications, messages,
19 conversations, discussions, or spoken or written words] **UNDERTAKE**
20 **SURVEILLANCE ACTIVITIES**; (c) the offense or offenses committed, or
21 being committed, or sought to be prevented; and, (d) the length of time within
22 which the authorization shall be used or carried out.

23

24 SEC. [10] **18. Effective Period of Judicial Authorization.** - Any authorization
25 granted by the [authorizing division of the Court of Appeals] **COURTS**,
26 pursuant to Section [9(d)] **16** of this Act, shall only be effective for the length of
27 time specified in the written order of the authorizing division of the Court of
28 Appeals **OR REGIONAL TRIAL COURT** which shall not exceed a period of
29 [thirty (30)] **SIXTY (60)** days from the date of receipt of the written order [of
30 the authorizing division of the Court of Appeals] by the applicant [police or] law
31 enforcement [official] **OR MILITARY PERSONNEL**.

1 The authorizing division of the Court of Appeals **OR THE REGIONAL**
2 **TRIAL COURT** may extend or renew the said authorization [for] **TO A**
3 [another] non-extendible period, which shall not exceed thirty (30) days from the
4 expiration of the original period: *Provided*, That the [authorizing division of the
5 Court of Appeals] **ISSUING COURT** is satisfied that such extension or renewal
6 is in the public interest: and *Provided, further*, That the *ex parte* application for
7 extension or renewal, which must be filed by the original applicant, has been
8 duly authorized in writing by the Anti-Terrorism Council.

9
10 In case of death of the original applicant or in case he is physically
11 disabled to file the application for extension or renewal, the one next in rank to
12 the original applicant among the members of the team named in the original
13 written order [of the authorizing division of the Court of Appeals] shall file the
14 application for extension or renewal: *Provided*, That, [, without prejudice to the
15 liability of the police or law enforcement personnel under Section 20 hereof,] the
16 applicant [police or] law enforcement **OR MILITARY** official shall have thirty
17 (30) days after the termination of the period granted by the Court of Appeals **OR**
18 **REGIONAL TRIAL COURT** as provided in the preceding paragraphs within
19 which to file the appropriate case before the Public Prosecutor's Office for any
20 violation of this Act.

21
22 If no case is filed [within the thirty (30)-day period] **AFTER THE**
23 **LAPSE OF THE JUDICIAL AUTHORIZATION**, the applicant [police or]
24 law enforcement **OR MILITARY** official shall immediately notify the person
25 subject of the surveillance, interception and recording of the termination of the
26 said surveillance, interception and recording. The penalty of **IMPRISONMENT**
27 **FROM** ten (10) years and one day to twelve (12) years [of imprisonment] shall
28 be imposed upon the applicant [police or] law enforcement **OR MILITARY**
29 official who fails to notify the person subject of the surveillance, monitoring,
30 interception and recording as specified above.

1 SEC. [11.] **19. Custody of Intercepted and Recorded Communications.** - All
2 tapes, discs, **OTHER STORAGE DEVICES**, [and] recordings, **NOTES**,
3 **MEMORANDA**, **SUMMARIES**, **EXCERPTS AND ALL COPIES**
4 **THEREOF** [made pursuant to the authorization of the authorizing division of
5 the] **OBTAINED UNDER THE JUDICIAL AUTHORIZATION**
6 **GRANTED BY THE Court of Appeals OR THE REGIONAL TRIAL**
7 **COURT** [, including all excerpts and summaries thereof as well as all written
8 notes or memoranda made in connection therewith,] shall, within forty-eight (48)
9 hours after the expiration of the period fixed in the written order [of the
10 authorizing division of the Court of Appeals or within forty-eight (48) hours after
11 the expiration of any] **OR THE** extension or renewal granted [by the authorizing
12 division of the Court of Appeals] **THEREAFTER**, be deposited with the
13 [authorizing Division of the Court of Appeals] **ISSUING COURT** in a sealed
14 envelope or sealed package, as the case may be, and shall be accompanied by a
15 joint affidavit of the applicant [police or] law enforcement **OR MILITARY**
16 official and the members of his team. **THE JOINT AFFIDAVIT SHALL**
17 **PROVIDE THE CHAIN OF CUSTODY OR THE LIST OF PERSONS**
18 **WHICH EXERCISED POSSESSION OR CUSTODY OVER THE TAPES,**
19 **DISCS AND RECORDINGS.**

20

21 [In case of death of the applicant or in case he is physically disabled to
22 execute the required affidavit, the one next in rank to the applicant among the
23 members of the team named in the written order of the authorizing division of
24 the Court of Appeals shall execute with the members of the team that required
25 affidavit.]

26

27 It shall be unlawful for any person, [police officer] **LAW**
28 **ENFORCEMENT OR MILITARY OFFICIAL** or any custodian of the tapes,
29 discs, **OTHER STORAGE DEVICES** [and] recordingS, **NOTES**,
30 **MEMORANDA**, **SUMMARIES**, **EXCERPTS AND ALL COPIES**
31 **THEREOF** [and their excerpts and summaries, written notes or memoranda to

1 copy in whatever form,] to remove, delete, expunge, incinerate, shred or destroy
2 in any manner the items enumerated above in whole or in part under any pretext
3 whatsoever.

4

5 Any person who removes, deletes, expunges, incinerates, shreds or
6 destroys the items enumerated above shall suffer [a] THE penalty of
7 **IMPRISONMENT RANGING FROM** [not less than] six (6) years and one
8 day to twelve (12) years [of imprisonment].

9

10 SEC. [12] **20. Contents of Joint Affidavit.** - The joint affidavit of the [police or
11 of the] law enforcement [official and the individual members of his team] **OR**
12 **MILITARY PERSONNEL** shall state: (a) the number of tapes, discs, and
13 recordings that have been made, [as well as the number of excerpts and
14 summaries thereof and the number of written notes and memoranda, if any, made
15 in connection therewith] ; (b) the dates and times covered by each of such tapes,
16 discs, and recordings; [(c) the number of tapes, discs, and recordings, as well as
17 the number of excerpts and summaries thereof and the number of written notes
18 and memoranda made in connection therewith that have been included in the
19 deposit; and (d) the date of the original written authorization granted by the Anti-
20 Terrorism Council to the applicant to file the ex parte application to conduct the
21 tracking down, tapping, intercepting, and recording, as well as the date of any
22 extension or renewal of the original written authority granted by the authorizing
23 division of the Court of Appeals] **AND (C) THE CHAIN OF CUSTODY OR**
24 **THE LIST OF PERSONS WHO HAD POSSESSION OR CUSTODY**
25 **OVER THE TAPES, DISCS AND RECORDINGS.**

26

27 The joint affidavit shall also certify under oath that no duplicates or copies
28 of the whole or any part of any of such tapes, discs, **OTHER STORAGE**
29 **DEVICES** [and] recordings, **NOTES, MEMORANDA, SUMMARIES,**
30 **EXCERPTS AND ALL COPIES THEREOF** and that no duplicates or copies
31 [of the whole or any part of any of such excerpts, summaries, written notes, and

1 memoranda] **THEREOF**, have been made, or, if made, that all such duplicates
2 and copies are included in the sealed envelope or sealed package, as the case may
3 be, deposited with the authorizing division of the Court of Appeals **OR**
4 **REGIONAL TRIAL COURT.**

5
6 It shall be unlawful for any person, [police or] law enforcement **OR**
7 **MILITARY** official to omit or exclude from the joint affidavit any item or
8 portion thereof mentioned in this Section.

9 Any person, [police or] law enforcement **OR MILITARY** officer who
10 violates any of the acts proscribed in the preceding paragraph shall suffer the
11 penalty of **IMPRISONMENT RANGING FROM** [not less than] ten (10) years
12 and one day to twelve (12) years [of imprisonment].

13
14 SEC. [13] **21. Disposition of Deposited Materials.** - The sealed envelope or
15 sealed package and the contents thereof, **REFERRED TO IN SECTION 19**
16 **OF THIS ACT**, [which are deposited with the authorizing division of the Court
17 of Appeals,] shall be deemed and are hereby declared classified information. [,
18 and t] The sealed envelope or sealed package shall not be opened, [and its
19 contents (including the tapes, discs, and recordings and all the excerpts and
20 summaries thereof and the notes and memoranda made in connection therewith)
21 shall not be] [divulged, revealed, read, replayed,] **DISCLOSED**, or used as
22 evidence unless authorized by A written order of the authorizing division of the
23 Court of Appeals **OR REGIONAL TRIAL COURT** which written order shall
24 be granted only upon a written application of the Department of Justice [filed
25 before the authorizing division of the Court of Appeals and only upon a showing
26 that the Department of Justice has been] duly authorized in writing by the Anti-
27 Terrorism Council to file the application with proper written notice **TO** the
28 person whose conversation, communication, message, discussion or spoken or
29 written words have been the subject of surveillance, monitoring, recording and
30 interception to open, reveal, divulge, and use the contents of the sealed envelope
31 or sealed package as evidence.

1
2 [Any person, law enforcement official or judicial authority who violates his duty
3 to notify in writing the persons subject of the surveillance as defined above shall
4 suffer the penalty of six years and one day to eight years of imprisonment.]

5
6 **THE WRITTEN APPLICATION, WITH NOTICE TO THE**
7 **PARTY CONCERNED, FOR THE OPENING, REPLAYING,**
8 **DISCLOSING, OR USING AS EVIDENCE OF THE SEALED PACKAGE**
9 **OR THE CONTENTS THEREOF, SHALL CLEARLY STATE THE**
10 **PURPOSE OR REASON FOR ITS OPENING, REPLAYING,**
11 **DISCLOSING, OR ITS BEING USED AS EVIDENCE.**

12
13 **VIOLATION OF THIS AND THE PRECEDING PARAGRAPH**
14 **SHALL BE PENALIZED BY IMPRISONMENT RANGING FROM**
15 **EIGHT YEARS AND ONE DAY TO TEN (10) YEARS.**

16
17 [SEC. 14. *Application to Open Deposited Sealed Envelope or Sealed Package.* -
18 The written application with notice to the party concerned to open the deposited
19 sealed envelope or sealed package shall clearly state the purpose or reason: (a)
20 for opening the sealed envelope or sealed package; (b) for revealing or disclosing
21 its classified contents; (c) for replaying, divulging, and or reading any of the
22 listened to, intercepted, and recorded communications, messages, conversations,
23 discussions, or spoken or written words (including any of the excerpts and
24 summaries thereof and any of the notes or memoranda made in connection
25 therewith); [and, (d) for using any of said listened to, intercepted, and recorded
26 communications, messages, conversations, discussions, or spoken or written
27 words (including any of the excerpts and summaries thereof and any of the notes
28 or memoranda made in connection therewith) as evidence.

1 Any person, law enforcement official or judicial authority who violates
2 his duty to notify as defined above shall suffer the penalty of six years and one
3 day to eight years of imprisonment.]

4

5 SEC. [15] **22. Evidentiary Value of Deposited Materials.** - Any listened to,
6 intercepted, and recorded communications, messages, conversations,
7 discussions, or spoken or written words, or any part or parts thereof, or any
8 information or fact contained therein, including their existence, content,
9 substance, purport, effect, or meaning, which have been secured in violation of
10 the pertinent provisions of this Act, shall absolutely not be admissible and usable
11 as evidence against anybody in any judicial, quasi-judicial, legislative, or
12 administrative investigation, inquiry, proceeding, or hearing.

13

14 SEC. [16] **23. Penalty for Unauthorized or Malicious Interceptions and/or**
15 **Recordings.** - Any [police or] law enforcement **OR MILITARY** personnel who
16 [not being authorized to do so by the authorizing division of the Court of
17 Appeals, tracks down, taps, listens to, intercepts, and records in whatever manner
18 or form any communication, message, conversation, discussion, or spoken or
19 written word of a person charged with or suspected of the crime of terrorism or
20 the crime of conspiracy to commit terrorism] **CONDUCTS SURVEILLANCE**
21 **ACTIVITIES WITHOUT A VALID JUDICIAL AUTHORIZATION** shall
22 be guilty of an offense and shall suffer the penalty of **IMPRISONMENT**
23 **RANGING FROM** ten (10) years and one day to twelve (12) years [of
24 imprisonment].

25

26 [In addition to the liability attaching to the offender for the commission
27 of any other offense, the penalty of ten (10) years and one day to twelve (12)
28 years of imprisonment and the accessory penalty of perpetual absolute
29 disqualification from public office shall be imposed upon any police or law
30 enforcement personnel who maliciously obtained an authority from the Court of
31 Appeals to track down, tap, listen to, intercept, and record in whatever manner

1 or form any communication, message, conversation, discussion, or spoken or
2 written words of a person charged with or suspected of the crime of terrorism or
3 conspiracy to commit terrorism: *Provided*, That notwithstanding Section 13 of
4 this Act, the party aggrieved by such authorization shall be allowed access to the
5 sealed envelope or sealed package and the contents thereof as evidence for the
6 prosecution of any police or law enforcement personnel who maliciously
7 procured said authorization.]

8

9 SEC. [17] **24. Proscription of Terrorist Organizations, Association, or Group of**
10 **Persons.** - Any **GROUP OF PERSONS**, organization, **OR** association, [or
11 group of persons organized for the purpose of engaging in terrorism, or] which
12 [, although not organized for that purpose, actually uses the acts to terrorize
13 mentioned in this Act or to sow and create a condition of widespread and
14 extraordinary fear and panic among the populace in order to coerce the
15 government to give in to an unlawful demand] **COMMITTS ANY OF THE**
16 **ACTS DEFINED AND PENALIZED UNDER THE PROVISIONS OF**
17 **THIS ACT, OR EXISTS FOR THE PURPOSE OF ENGAGING IN**
18 **TERRORIST ACTS** shall, upon application of the Department of Justice before
19 a competent Regional Trial Court, with due notice and opportunity to be heard
20 given to the **GROUP OF PERSONS**, organization [,] **OR** association, [or group
21 of persons concerned], be declared as a terrorist and outlawed **GROUP OF**
22 **PERSONS**, organization[,] **OR** association, [or group of persons] by the said
23 Regional Trial Court.

24

25 **THE APPLICATION SHALL BE FILED WITH AN URGENT**
26 **PRAYER FOR THE ISSUANCE OF A PRELIMINARY ORDER OF**
27 **PROSCRIPTION. NO APPLICATION FOR PROSCRIPTION SHALL**
28 **BE FILED WITHOUT THE AUTHORITY OF THE ANTI-TERRORISM**
29 **COUNCIL UPON THE RECOMMENDATION OF THE NATIONAL**
30 **INTELLIGENCE COORDINATING AGENCY (NICA).**

1 **SEC. 25. PRELIMINARY ORDER OF PROSCRIPTION.** - WHERE
2 THE REGIONAL TRIAL COURT JUDGE HAS DETERMINED THAT
3 PROBABLE CAUSE EXISTS ON THE BASIS OF THE VERIFIED
4 APPLICATION WHICH IS SUFFICIENT IN FORM AND SUBSTANCE,
5 HE/SHE SHALL, WITHIN SEVENTY TWO (72) HOURS FROM THE
6 FILING OF THE APPLICATION, ISSUE A PRELIMINARY ORDER OF
7 PROSCRIPTION DECLARING THAT THE RESPONDENT IS A
8 TERRORIST AND AN OUTLAWED ORGANIZATION OR
9 ASSOCIATION WITHIN THE MEANING OF SECTION 24 OF THIS
10 ACT.

11
12 THE COURT WILL SCHEDULE A SUMMARY HEARING AT A
13 DATE AND TIME WITHIN A SIX-MONTH PERIOD FROM THE
14 FILING OF THE VERIFIED APPLICATION, WHEN THE ORDER
15 OF PROSCRIPTION SHOULD BE SET ASIDE. THE COURT SHALL
16 DETERMINE WITHIN THE SAME PERIOD WHETHER THE
17 QUESTIONED ORDERS SHOULD BE MADE PERMANENT, SET
18 ASIDE, MODIFIED OR BE LIFTED AS THE CASE MAY BE.
19

20
21 THE ORDER OF PROSCRIPTION HEREIN GRANTED SHALL
22 BE POSTED IN A NEWSPAPER OF GENERAL CIRCULATION AND
23 SHALL BE VALID FOR A PERIOD OF THREE YEARS AFTER
24 WHICH, A REVIEW OF SUCH ORDER SHALL BE MADE AND IF
25 CIRCUMSTANCES WARRANT, THE SAME SHALL BE LIFTED.

26
27 **SEC. 26. REQUEST TO PROSCRIBE FROM FOREIGN JURISDICTIONS**
28 **AND SUPRA-NATIONAL JURISDICTIONS.** - CONSISTENT WITH THE
29 NATIONAL INTEREST, ALL REQUESTS FOR PROSCRIPTION
30 MADE BY ANOTHER JURISDICTION OR SUPRA-NATIONAL
31 JURISDICTION SHALL BE REFERRED BY THE DEPARTMENT OF

1 **FOREIGN AFFAIRS TO THE ANTI-TERRORISM COMMISSION TO**
2 **DETERMINE, WITH THE ASSISTANCE OF THE NATIONAL**
3 **INTELLIGENCE COORDINATING AGENCY, IF PROSCRIPTION**
4 **UNDER SECTION 24 OF THIS ACT IS WARRANTED. IF THE**
5 **REQUEST FOR PROSCRIPTION IS GRANTED, THE COMMISSION**
6 **SHALL CORRESPONDINGLY COMMENCE PROSCRIPTION**
7 **PROCEEDINGS THROUGH THE DEPARTMENT OF JUSTICE.**

8

9 SEC. [18] **27. [Period of] Detention Without Judicial Warrant of Arrest.** – The
10 provisions of Article 125 of the Revised Penal Code to the contrary
11 notwithstanding, any [police or] law enforcement personnel **OR DEPUTIZED**
12 **LAW ENFORCEMENT AGENCY OR MILITARY PERSONNEL**, who,
13 having been duly authorized in writing by the Anti-Terrorism Council has taken
14 custody of a person charged with or suspected of **COMMITTING ANY**
15 **TERRORIST ACTS** [the crime of terrorism] or **ANY ATTEMPT OR**
16 **CONSPIRACY TO COMMIT TERRORIST ACTS** [the crime of conspiracy
17 to commit terrorism shall,] **OR ANY MEMBER OF A GROUP OF**
18 **PERSONS, ORGANIZATION OR ASSOCIATION PROSCRIBED IN**
19 **ACCORDANCE WITH SECTION 24 HEREOF SHALL**, without incurring
20 any criminal liability for delay in the delivery of detained persons to the proper
21 judicial authorities, deliver said charged or suspected person to the proper
22 judicial authority within a period of [three] **FOURTEEN (14) WORKING**
23 days counted from the moment the said charged or suspected person has been
24 apprehended or arrested, detained, and taken into custody by the [said police, or]
25 law enforcement **PERSONNEL OR DEPUTIZED LAW ENFORCEMENT**
26 **AGENCY OR MILITARY personnel IF IT IS ESTABLISHED THAT (1)**
27 **FURTHER DETENTION OF THE PERSON/S IS NECESSARY TO**
28 **PRESERVE EVIDENCE RELATED TO THE TERRORIST ACT OR**
29 **COMPLETE THE INVESTIGATION; (2) FURTHER DETENTION OF**
30 **THE PERSON/S IS NECESSARY TO PREVENT THE COMMISSION**
31 **OF ANOTHER TERRORIST ACT; AND (3) THE INVESTIGATION IS**

1 **BEING CONDUCTED PROPERLY AND WITHOUT DELAY.** [Provided,
2 That the arrest of those suspected of the crime of terrorism or conspiracy to
3 commit terrorism must result from the surveillance under Section 7 and
4 examination of bank deposits under Section 27 of this Act.]

5
6 [The police or law enforcement personnel concerned shall, before
7 detaining the person suspected of the crime of terrorism, present him or her
8 before any judge at the latter's residence or office nearest the place where the
9 arrest took place at any time of the day or night. It shall be the duty of the judge,
10 among other things, to ascertain the identity of the police or law enforcement
11 personnel and the person or persons they have arrested and presented before him
12 or her, to inquire of them the reasons why they have arrested the person and
13 determine by questioning and personal observation whether or not the suspect
14 has been subjected to any physical, moral or psychological torture by whom and
15 why. The judge shall then submit a written report of what he/she had observed
16 when the subject was brought before him to the proper court that has jurisdiction
17 over the case of the person thus arrested. The judge shall forthwith submit his/her
18 report within three calendar days from the time the suspect was brought to his/her
19 residence or office.]

20
21 Immediately after taking custody of a person charged with or suspected
22 of **COMMITTING TERRORIST ACTS** [the crime of terrorism or conspiracy
23 to commit terrorism,] **OR ANY MEMBER OF A GROUP OF PERSONS,**
24 **ORGANIZATION OR ASSOCIATION PROSCRIBED UNDER**
25 **SECTION 24 HEREOF**, the [police or] law enforcement personnel **OR**
26 **DEPUTIZED LAW ENFORCEMENT AGENCY OR MILITARY**
27 **PERSONNEL** shall notify in writing the judge of the court nearest the place of
28 apprehension or arrest **OF THE FOLLOWING FACTS:** [Provided, That
29 where the arrest is made during Saturdays, Sundays, holidays or after office
30 hours, the written notice shall be served at the residence of the judge nearest the
31 place where the accused was arrested.] **(A) THE TIME, DATE, AND**

1 **MANNER OF ARREST; (B) THE LOCATION OR LOCATIONS OF THE**
2 **DETAINED SUSPECT/S AND (C) THE PHYSICAL AND MENTAL**
3 **CONDITION OF THE DETAINED SUSPECT/S.** THE LAW
4 ENFORCEMENT PERSONNEL OR DEPUTIZED LAW
5 ENFORCEMENT AGENCY OR MILITARY PERSONNEL SHALL
6 LIKEWISE FURNISH THE ANTI-TERRORISM COUNCIL OF THE
7 WRITTEN NOTICE GIVEN TO THE JUDGE.

8

9 **THE HEAD OF THE DETAINING FACILITY SHALL ENSURE**
10 **THAT THE DETAINED SUSPECT IS INFORMED OF HIS/HER**
11 **RIGHTS AS A DETAINEE AND SHALL ENSURE ACCESS TO THE**
12 **DETAINEE BY HIS/HER COUNSEL OR AGENCIES AND ENTITIES**
13 **AUTHORIZED BY LAW TO EXERCISE VISITORIAL POWERS OVER**
14 **DETENTION FACILITIES.**

15

16 The penalty of **IMPRISONMENT RANGING FROM** ten (10) years
17 and one day to twelve (12) years [of imprisonment] shall be imposed upon the
18 police or law enforcement **OR MILITARY** personnel who fails to notify any
19 judge as provided in the preceding paragraph.

20

21 [SEC. 19 . *Period of Detention in the Event of an Actual or Imminent Terrorist*
22 *Attack.* - In the event of an actual or imminent terrorist attack, suspects may not
23 be detained for more than three days without the written approval of a municipal,
24 city, provincial or regional official of a Human Rights Commission or judge of
25 the municipal, regional trial court, the Sandiganbayan or a justice of the Court of
26 Appeals nearest the place of the arrest. If the arrest is made during Saturdays,
27 Sundays, holidays or after office hours, the arresting police or law enforcement
28 personnel shall bring the person thus arrested to the residence of any of the
29 officials mentioned above that is nearest the place where the accused was
30 arrested. The approval in writing of any of the said officials shall be secured by
31 the police or law enforcement personnel concerned within five days after the date

1 of the detention of the persons concerned: *Provided, however,* That within three
2 days after the detention the suspects, whose connection with the terror attack or
3 threat is not established, shall be released immediately.]

4

5 [SEC. 20. *Penalty for Failure to Deliver Suspect to the Proper Judicial Authority*
6 *within Three Days.* - The penalty of ten (10) years and one day to twelve (12)
7 years of imprisonment shall be imposed upon any police or law enforcement
8 personnel who has apprehended or arrested, detained and taken custody of a
9 person charged with or suspected of the crime of terrorism or conspiracy to
10 commit terrorism and fails to deliver such charged or suspected person to the
11 proper judicial authority within the period of three days.]

12 SEC. [21] 28. *Rights of a Person under Custodial Detention.* - The moment a
13 person charged with or suspected of the crime of terrorism or the crime of
14 conspiracy to commit terrorism is apprehended or arrested and detained, he shall
15 forthwith be informed, by the arresting police or law enforcement officers or by
16 the police or law enforcement officers to whose custody the person concerned is
17 brought, of his or her right: (a) to be informed of the nature and cause of his
18 arrest, to remain silent and to have competent and independent counsel
19 preferably of his choice. If the person cannot afford the services of counsel of
20 his or her choice, the [police or] law enforcement [officers] **OR MILITARY**
21 **PERSONNEL** concerned shall immediately contact the free legal assistance
22 unit of the Integrated Bar of the Philippines (IBP) or the Public Attorney's Office
23 (PAO). It shall be the duty of the free legal assistance unit of the IBP or the PAO
24 thus contacted to immediately visit the person(s) detained and provide him or
25 her with legal assistance. These rights cannot be waived except in writing and in
26 the presence of the counsel of choice; (b) informed of the cause or causes of his
27 detention in the presence of his legal counsel; (c) allowed to communicate freely
28 with his legal counsel and to confer with them at any time without restriction;
29 (d) allowed to communicate freely and privately without restrictions with the
30 members of his family or with his nearest relatives and to be visited by them;

1 and, (e) allowed freely to avail of the service of a physician or physicians of
2 choice.

3

4 SEC. [22] **29. Penalty for Violation of the Rights of a Detainee.** – [Any police or
5 law enforcement personnel, or any personnel of the police or other law
6 enforcement custodial unit that violates any of the aforesaid rights of a person
7 charged with or suspected of the crime of terrorism or the crime of conspiracy to
8 commit terrorism shall be guilty of an offense and shall suffer the penalty of ten
9 (10) years and one day to twelve (12) years of imprisonment.] **THE PENALTY
10 OF IMPRISONMENT RANGING FROM TEN (10) YEARS AND ONE
11 DAY TO TWELVE (12) YEARS SHALL BE IMPOSED UPON ANY LAW
12 ENFORCEMENT OR MILITARY PERSONNEL WHO HAS VIOLATED
13 THE RIGHTS OF PERSONS UNDER THEIR CUSTODY, AS
14 PROVIDED FOR IN SECTIONS 26, 27, AND 28 OF THIS ACT.**

15

16 Unless the [police or] law enforcement **OR MILITARY** personnel who
17 violated the rights of a detainee or detainees as stated above is duly identified,
18 the same penalty shall be imposed on the [police officer or head or] leader of the
19 law enforcement **OR MILITARY** unit having custody of the detainee at the time
20 the violation was done.

21

22 [SEC. 23. *Requirement for an Official Custodial Logbook and its Contents.* - The
23 police or other law enforcement custodial unit in whose care and control the
24 person charged with or suspected of the crime of terrorism or the crime of
25 conspiracy to commit terrorism has been placed under custodial arrest and
26 detention shall keep a securely and orderly maintained official logbook, which
27 is hereby declared as a public document and opened to and made available for
28 the inspection and scrutiny of the lawyer or lawyers of the person under custody
29 or any member of his or her family or relative by consanguinity or affinity within
30 the fourth civil degree or his or her physician at any time of the day or night
31 without any form of restriction. The logbook shall contain a clear and concise

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

19

20 The said police or law enforcement custodial unit shall upon demand of
21 the aforementioned lawyer or lawyers or members of the family or relatives
22 within the fourth civil degree of consanguinity or affinity of the person under
23 custody or his or her physician issue a certified true copy of the entries of the
24 logbook relative to the concerned detained person without delay or restriction or
25 requiring any fees whatsoever including documentary stamp tax, notarial fees,
26 and the like. This certified true copy may be attested by the person who has
27 custody of the logbook or who allowed the party concerned to scrutinize it at the
28 time the demand for the certified true copy is made.

29

1 The police or other law enforcement custodial unit who fails to comply
2 with the preceding paragraph to keep an official logbook shall suffer the penalty
3 of ten (10) years and one day to twelve (12) years of imprisonment.]

4

5 SEC. [24] **30. No Torture or Coercion in Investigation and Interrogation.** – [No
6 threat, intimidation, or coercion, and no act which will inflict any form of
7 physical pain or torment, or mental, moral, or psychological pressure, on the
8 detained person, which shall vitiate his free will, shall be employed in his
9 investigation and interrogation for the crime of terrorism or the crime of
10 conspiracy to commit terrorism; otherwise, the] **THE USE OF TORTURE**
11 **AND OTHER CRUEL, INHUMAN AND DEGRADING TREATMENT**
12 **OR PUNISHMENT, AS DEFINED IN SECTIONS 4 AND 5 OF**
13 **REPUBLIC ACT NO. 9745 OR THE “ANTI-TORTURE ACT OF 2009,”**
14 **AT ANY TIME DURING THE INVESTIGATION OR**
15 **INTERROGATION OF A DETAINED SUSPECTED TERRORIST IS**
16 **ABSOLUTELY PROHIBITED.** ANY evidence obtained from said detained
17 person resulting from such [threat, intimidation, or coercion, or from such
18 inflicted physical pain or torment, or mental, moral, or psychological pressure,]
19 **TREATMENT** shall be, in its entirety, absolutely not admissible and usable as
20 evidence in any judicial, quasi-judicial, legislative, or administrative
21 investigation, inquiry, proceeding, or hearing.

22

23 [SEC. 25. *Penalty for Threat, Intimidation, Coercion, or Torture in the*
24 *Investigation and Interrogation of a Detained Person.* - Any person or persons
25 who use threat, intimidation, or coercion, or who inflict physical pain or torment,
26 or mental, moral, or psychological pressure, which shall vitiate the free-will of a
27 charged or suspected person under investigation and interrogation for the crime
28 of terrorism or the crime of conspiracy to commit terrorism shall be guilty of an
29 offense and shall suffer the penalty of twelve (12) years and one day to twenty
30 (20) years of imprisonment.

1 When death or serious permanent disability of said detained person occurs as a
2 consequence of the use of such threat, intimidation, or coercion, or as a
3 consequence of the infliction on him of such physical pain or torment, or as a
4 consequence of the infliction on him of such mental, moral, or psychological
5 pressure, the penalty shall be twelve (12) years and one day to twenty (20) years
6 of imprisonment.]

7
8 SEC. [26] 31. *Restriction on THE RIGHT TO Travel.* – UPON THE FILING
9 OF THE INFORMATION REGARDING THE COMMISSION OF ANY
10 ACTS DEFINED AND PENALIZED UNDER THE PROVISIONS OF
11 THIS ACT, THE PROSECUTOR SHALL APPLY WITH THE COURT
12 HAVING JURISDICTION FOR THE ISSUANCE OF A
13 PRECAUTIONARY HOLD DEPARTURE ORDER (PHDO) AGAINST
14 THE ACCUSED. THE SAID APPLICATION SHALL BE
15 ACCOMPANIED BY THE COMPLAINT-AFFIDAVIT AND ITS
16 ATTACHMENTS, PERSONAL DETAILS, PASSPORT NUMBER AND A
17 PHOTOGRAPH OF THE ACCUSED, IF AVAILABLE.

18
19 In cases where evidence of guilt is not strong, and the person charged [with the
20 crime of terrorism or conspiracy to commit terrorism] is entitled to bail and is
21 granted the same, the court, upon application by the prosecutor, shall limit the
22 right of travel of the accused to within the municipality or city where he resides
23 or where the case is pending, in the interest of national security and public safety,
24 consistent with Article III, Section 6 of the Constitution. **THE COURT SHALL**
25 **IMMEDIATELY FURNISH THE DEPARTMENT OF JUSTICE AND**
26 **THE BUREAU OF IMMIGRATION WITH THE COPY OF SAID**
27 **ORDER.** Travel outside of said municipality or city, without the authorization
28 of the court, shall be deemed a violation of the terms and conditions of his bail,
29 which shall be forfeited as provided under the Rules of Court.
30

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

3

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

7

8 **IF THE EVIDENCE OF GUILT IS STRONG, THE COURT**
9 **SHALL IMMEDIATELY ISSUE A HOLD DEPARTURE ORDER AND**
10 **DIRECT THE DEPARTMENT OF FOREIGN AFFAIRS TO CANCEL**
11 **THE PASSPORT OF THE ACCUSED.**

12

13 The restrictions above-mentioned shall be terminated upon the acquittal
14 of the accused or of the dismissal of the case filed against him or earlier upon the
15 discretion of the court on motion of the prosecutor or of the accused.

16

17 [SEC. 27. *Judicial Authorization Required to Examine Bank Deposits, Accounts,*
18 *and Records.* - The provisions of Republic Act No. 1405 as amended, to the
19 contrary notwithstanding, the justices of the Court of Appeals designated as a
20 special court to handle anti-terrorism cases after satisfying themselves of the
21 existence of probable cause in a hearing called for that purpose that: (1) a person
22 charged with or suspected of the crime of terrorism or, conspiracy to commit
23 terrorism, (2) of a judicially declared and outlawed terrorist organization,
24 association, or group of persons; and (3) of a member of such judicially declared
25 and outlawed organization, association, or group of persons, may authorize in
26 writing any police or law enforcement officer and the members of his/her team
27 duly authorized in writing by the anti-terrorism council to: (a) examine, or cause
28 the examination of, the deposits, placements, trust accounts, assets and records
29 in a bank or financial institution; and (b) gather or cause the gathering of any
30 relevant information about such deposits, placements, trust accounts, assets, and
31 records from a bank or financial institution. The bank or financial institution

1 concerned, shall not refuse to allow such examination or to provide the desired
2 information, when so, ordered by and served with the written order of the Court
3 of Appeals.]

4

5 [SEC. 28. *Application to Examine Bank Deposits, Accounts, and Records.* - The
6 written order of the Court of Appeals authorizing the examination of bank
7 deposits, placements, trust accounts, assets, and records: (1) of a person charged
8 with or suspected of the crime of terrorism or conspiracy to commit terrorism;
9 (2) of any judicially declared and outlawed terrorist organization, association, or
10 group of persons, or (3) of any member of such organization, association, or
11 group of persons in a bank or financial institution, and the gathering of any
12 relevant information about the same from said bank or financial institution, shall
13 only be granted by the authorizing division of the Court of Appeals upon an *ex*
14 *parte* application to that effect of a police or of a law enforcement official who
15 has been duly authorized in writing to file such *ex parte* application by the Anti-
16 Terrorism Council created in Section 53 of this Act to file such *ex parte*
17 application, and upon examination under oath or affirmation of the applicant and,
18 the witnesses he may produce to establish the facts that will justify the need and
19 urgency of examining and freezing the bank deposits, placements, trust accounts,
20 assets, and records: (1) of the person charged with or suspected of the crime of
21 terrorism or conspiracy to commit terrorism; (2) of a judicially declared and
22 outlawed terrorist organization, association or group of persons; or (3) of any
23 member of such organization, association, or group of persons.]

24

25 [SEC. 29. *Classification and Contents of the Court Order Authorizing the*
26 *Examination of Bank Deposits, Accounts, and Records.* - The written order
27 granted by the authorizing division of the Court of Appeals as well as its order,
28 if any, to extend or renew the same, the original *ex parte* application of the
29 applicant, including his *ex parte application* to extend or renew, if any, and the
30 written authorizations of the Anti-Terrorism Council, shall be deemed and are
31 hereby declared as classified information: *Provided*, That the person whose bank

1 deposits, placements, trust accounts, assets, and records have been examined,
2 frozen, sequestered and seized by law enforcement authorities has the right to be
3 informed of the acts done by the law enforcement authorities in the premises or
4 to challenge, if he or she intends to do so, the legality of the interference. The
5 written order of the authorizing division of the Court of Appeals designated to
6 handle cases involving terrorism shall specify: (a) the identity of the said: (1)
7 person charged with or suspected of the crime of terrorism or conspiracy to
8 commit terrorism; (2) judicially declared and outlawed terrorist organization,
9 association, or group of persons; and (3) member of such judicially declared and
10 outlawed organization, association, or group of persons, as the case may be.
11 whose deposits, placements, trust accounts, assets, and records are to be
12 examined or the information to be gathered; (b) the identity of the bank or
13 financial institution where such deposits, placements, trust accounts, assets, and
14 records are held and maintained; (c) the identity of the persons who will conduct
15 the said examination and the gathering of the desired information; and, (d) the
16 length of time the authorization shall be carried out.]

17

18 [SEC. 30. *Effective Period of Court Authorization to Examine and Obtain*
19 *Information on Bank Deposits, Accounts, and Records.* - The authorization
20 issued or granted by the authorizing division of the Court of Appeals to examine
21 or cause the examination of and to freeze bank deposits, placements, trust
22 accounts, assets, and records, or to gather information about the same, shall be
23 effective for the length of time specified in the written order of the authorizing
24 division of the Court of Appeals, which shall not exceed a period of thirty (30)
25 days from the date of receipt of the written order of the authorizing division of
26 the Court of Appeals by the applicant police or law enforcement official.

27

28 The authorizing division of the Court of Appeals may extend or renew the
29 said authorization for another period, which shall not exceed thirty (30) days
30 renewable to another thirty (30) days from the expiration of the original period:
31 *Provided,* That the authorizing division of the Court of Appeals is satisfied that

1 such extension or renewal is in the public interest: and, *Provided, further,* That
2 the application for extension or renewal, which must be filed by the original
3 applicant, has been duly authorized in writing by the Anti-Terrorism Council.

4

5 In case of death of the original applicant or in case he is physically
6 disabled to file the application for extension or renewal, the one next in rank to
7 the original applicant among the members of the team named in the original
8 written order of the authorizing division of the Court of Appeals shall file the
9 application for extension or renewal: *Provided,* That, without prejudice to the
10 liability of the police or law enforcement personnel under Section 19 hereof, the
11 applicant police or law enforcement official shall have thirty (30) days after the
12 termination of the period granted by the Court of Appeals as provided in the
13 preceding paragraphs within which to file the appropriate case before the Public
14 Prosecutor's Office for any violation of this Act.

15

16 If no case is filed within the thirty (30)-day period, the applicant police or
17 law enforcement official shall immediately notify in writing the person subject
18 of the bank examination and freezing of bank deposits, placements, trust
19 accounts, assets and records. The penalty of ten (10) years and one day to twelve
20 (12) years of imprisonment shall be imposed upon the applicant police or law
21 enforcement official who fails to notify in writing the person subject of the bank
22 examination and freezing of bank deposits, placements, trust accounts, assets and
23 records.

24

25 Any person, law enforcement official or judicial authority who violates
26 his duty to notify in writing as defined above shall suffer the penalty of six years
27 and one day to eight years of imprisonment.]

28

29 [SEC. 31. *Custody of Bank Data and Information Obtained after Examination of*
30 *Deposits, Placements, Trust Accounts, Assets and Records.* - All information,
31 data, excerpts, summaries, notes, memoranda, working sheets, reports, and other

1 documents obtained from the examination of the bank deposits, placements, trust
2 accounts, assets and records of: (1) a person charged with or suspected of the
3 crime of terrorism or the crime of conspiracy to commit terrorism; (2) a judicially
4 declared and outlawed terrorist organization, association, or group of persons; or
5 (3) a member of any such organization, association, or group of persons shall,
6 within forty-eight (48) hours after the expiration of the period fixed in the written
7 order of the authorizing division of the Court of Appeals or within forty-eight
8 (48) hours after the expiration of the extension or renewal granted by the
9 authorizing division of the Court of Appeals, be deposited with the authorizing
10 division of the Court of Appeals in a sealed envelope or sealed package, as the
11 case may be, and shall be accompanied by a joint affidavit of the applicant police
12 or law enforcement official and the persons who actually conducted the
13 examination of said bank deposits, placements, trust accounts, assets and
14 records.]

15

16 [SEC. 32. *Contents of Joint Affidavit.* - The joint affidavit shall state: (a) the
17 identifying marks, numbers, or symbols of the deposits, placements, trust
18 accounts, assets, and records examined; (b) the identity and address of the bank
19 or financial institution where such deposits, placements, trust accounts, assets,
20 and records are held and maintained; (c) the number of bank deposits,
21 placements, trust accounts, assets, and records discovered, examined, and frozen;
22 (d) the outstanding balances of each of such deposits, placements, trust accounts,
23 assets; (e) all information, data, excerpts, summaries, notes, memoranda,
24 working sheets, reports, documents, records examined and placed in the sealed
25 envelope or sealed package deposited with the authorizing division of the Court
26 of Appeals; (f) the date of the original written authorization granted by the Anti-
27 Terrorism Council to the applicant to file the *ex parte* application to conduct the
28 examination of the said bank deposits, placements, trust accounts, assets and
29 records, as well as the date of any extension or renewal of the original written
30 authorization granted by the authorizing division of the Court of Appeals; and

1 (g) that the items enumerated were all that were found in the bank or financial
2 institution examined at the time of the completion of the examination.

3
4 The joint affidavit shall also certify under oath that no duplicates or copies
5 of the information, data, excerpts, summaries, notes, memoranda, working
6 sheets, reports, and documents acquired from the examination of the bank
7 deposits, placements, trust accounts, assets and records have been made, or, if
8 made, that all such duplicates and copies are placed in the sealed envelope or
9 sealed package deposited with the authorizing division of the Court of Appeals.

10
11 It shall be unlawful for any person, police officer or custodian of the bank
12 data and information obtained after examination of deposits, placements, trust
13 accounts, assets and records to copy, to remove, delete, expunge, incinerate,
14 shred or destroy in any manner the items enumerated above in whole or in part
15 under any pretext whatsoever.

16
17 Any person who copies, removes, deletes, expunges, incinerates, shreds
18 or destroys the items enumerated above shall suffer a penalty of not less than six
19 years and one day to twelve (12) years of imprisonment.]

20
21 [SEC. 33. *Disposition of Bank Materials.* - The sealed envelope or sealed
22 package and the contents thereof, which are deposited with the authorizing
23 division of the Court of Appeals, shall be deemed and are hereby declared
24 classified information, and the sealed envelope or sealed package shall not be
25 opened and its contents shall not be divulged, revealed, read, or used as evidence
26 unless authorized in a written order of the authorizing division of the Court of
27 Appeals, which written order shall be granted only upon a written application of
28 the Department of Justice filed before the authorizing division of the Court of
29 Appeals and only upon a showing that the Department of Justice has been duly
30 authorized in writing by the Anti-Terrorism Council to file the application, with
31 notice in writing to the party concerned not later than three days before the

1 scheduled opening, to open, reveal, divulge, and use the contents of the sealed
2 envelope or sealed package as evidence.

3

4 Any person, law enforcement official or judicial authority who violates
5 his duty to notify in writing as defined above shall suffer the penalty of six years
6 and one day to eight years of imprisonment.]

7

8 [SEC. 34. *Application to Open Deposited Bank Materials.* - The written
9 application, with notice in writing to the party concerned not later than three days
10 of the scheduled opening, to open the sealed envelope or sealed package shall
11 clearly state the purpose and reason: (a) for opening the sealed envelope or sealed
12 package; (b) for revealing and disclosing its classified contents; and, (c) for using
13 the classified information, data, excerpts, summaries, notes, memoranda,
14 working sheets, reports, and documents as evidence.]

15

16 [SEC. 35. *Evidentiary Value of Deposited Bank Materials.* - Any information,
17 data, excerpts, summaries, notes, memoranda, work sheets, reports, or
18 documents acquired from the examination of the bank deposits, placements, trust
19 accounts, assets and records of: (1) a person charged or suspected of the crime
20 of terrorism or the crime of conspiracy to commit terrorism; (2) a judicially
21 declared and outlawed terrorist organization, association, or group of persons; or
22 (3) a member of such organization, association, or group of persons, which have
23 been secured in violation of the provisions of this Act, shall absolutely not be
24 admissible and usable as evidence against anybody in any judicial, quasi-
25 judicial, legislative, or administrative investigation, inquiry, proceeding, or
26 hearing.]

27

28 **SEC. 32. BANK INQUIRY AND EXAMINATION. – UPON ORDER OF**
29 **THE COURT DECLARING AN ORGANIZATION, ASSOCIATION, OR**
30 **GROUP OF PERSONS, AS TERRORISTS OR AN OUTLAWED**
31 **ORGANIZATION OR ASSOCIATION IN ACCORDANCE WITH**

1 SECTION 24 HEREOF, OR IF A VALID JUDICIAL AUTHORIZATION
2 IS AVAILABLE AGAINST SUCH ORGANIZATION, ASSOCIATION
3 OR GROUP OF PERSONS, LAW ENFORCEMENT OFFICERS OR
4 MILITARY PERSONNEL, THRU THE ANTI MONEY LAUNDERING
5 COUNCIL, MAY CONDUCT AN INQUIRY AND EXAMINATION INTO
6 THE BANK ACCOUNTS AND INVESTMENTS OF SUCH
7 ORGANIZATION, ASSOCIATION, GROUP OF PERSONS, OR
8 INDIVIDUAL. SUCH INQUIRY AND EXAMINATION SHALL BE IN
9 ACCORDANCE WITH REPUBLIC ACT NO. 9160, OTHERWISE
10 KNOWN AS THE "ANTI-MONEY LAUNDERING ACT OF 2001, AS
11 AMENDED" IN RELATION TO REPUBLIC ACT 10168, OTHERWISE
12 KNOWN AS "TERRORISM FINANCING PREVENTION AND
13 SUPPRESSION ACT OF 2012". ANY PERSON, LAW ENFORCEMENT
14 OR MILITARY PERSONNEL WHO EXAMINES THE DEPOSITS,
15 PLACEMENTS, TRUST ACCOUNTS, ASSETS, OR RECORDS IN A
16 BANK OR FINANCIAL INSTITUTION IN CONTRAVENTION OF THE
17 PREVIOUS PARAGRAPH SHALL SUFFER THE PENALTY OF
18 IMPRISONMENT RANGING FORM TEN (10) YEARS AND ONE DAY
19 TO TWELVE (12) YEARS.

20

21 [SEC. 36. *Penalty for Unauthorized or Malicious Examination of a Bank or a*
22 *Financial Institution.* - Any person, police or law enforcement personnel who
23 examines the deposits, placements, trust accounts, assets, or records in a bank or
24 financial institution of: (1) a person charged with or suspected of the crime of
25 terrorism or the crime of conspiracy to commit terrorism; (2) a judicially
26 declared and outlawed terrorist organization, association, or group of persons; or
27 (3) a member of such organization, association, or group of persons, without
28 being authorized to do so by the Court of Appeals, shall be guilty of an offense
29 and shall suffer the penalty of ten (10) years and one day to twelve (12) years [of
30 imprisonment.

31

1 In addition to the liability attaching to the offender for the commission of
2 any other offense, the penalty of ten (10) years and one day to twelve (12) years
3 of imprisonment shall be imposed upon any police or law enforcement
4 personnel, who maliciously obtained an authority from the Court of Appeals to
5 examine the deposits, placements, trust accounts, assets, or records in a bank or
6 financial institution of: (1) a person charged with or suspected of the crime of
7 terrorism or conspiracy to commit terrorism; (2) a judicially declared and
8 outlawed terrorist organization, association, or group of persons; or (3) a member
9 of such organization, association, or group of persons: *Provided*, That
10 notwithstanding Section 33 of this Act, the party aggrieved by such authorization
11 shall upon motion duly filed be allowed access to the sealed envelope or sealed
12 package and the contents thereof as evidence for the prosecution of any police
13 or law enforcement personnel who maliciously procured said authorization.]

14

15 SEC. [37] 33. *Penalty of Bank Officials and Employees Defying a Court*
16 *Authorization.* - An employee, official, or a member of the board of directors of
17 a bank or financial institution, who refuses to allow the examination of the
18 deposits, placements, trust accounts, assets, and records [of: (1) a person charged
19 with or suspected of the crime of terrorism or the crime of conspiracy to commit
20 terrorism; (2) a judicially declared and outlawed terrorist organization,
21 association, or group of persons; or (3) a member of such judicially declared and
22 outlawed organization, association, or group of persons in said bank or financial
23 institution, when duly served with the written order of the authorizing division
24 of the Court of Appeals, shall be guilty of an offense and] **OF A TERRORIST**
OR OUTLAWED ORGANIZATION, ASSOCIATION, GROUP OF
PERSONS, OR INDIVIDUALS, IN ACCORDANCE WITH SECTION 34
HEREOF, shall suffer the penalty **IMPRISONMENT RANGING FROM** [of]
28 ten (10) years and one day to twelve (12) years [of imprisonment].

29

30 [SEC. 38. *Penalty for False or Untruthful Statement or Misrepresentation of*
31 *Material Fact in Joint Affidavits.* - Any false or untruthful statement or

1 misrepresentation of material fact in the joint affidavits required respectively in
2 Section 12 and Section 32 of this Act shall constitute a criminal offense and the
3 affiants shall suffer individually the penalty of ten (10) years and one day to
4 twelve (12) years of imprisonment.]

5

6 [SEC. 39. *Seizure and Sequestration.* - The deposits and their outstanding
7 balances, placements, trust accounts, assets, and records in any bank or financial
8 institution, moneys, businesses, transportation and communication equipment,
9 supplies and other implements, and property of whatever kind and nature
10 belonging: (1) to any person suspected of or charged before a competent
11 Regional Trial Court for the crime of terrorism or the crime of conspiracy to
12 commit terrorism; (2) to a judicially declared and outlawed organization,
13 association, or group of persons; or (3) to a member of such organization,
14 association, or group of persons shall be seized, sequestered, and frozen in order
15 to prevent their use, transfer, or conveyance for purposes that are inimical to the
16 safety and security of the people or injurious to the interest of the State.

17

18 The accused or a person suspected of may withdraw such sums as may be
19 reasonably needed by the monthly needs of his family including the services of
20 his or her counsel and his or her family's medical needs upon approval of the
21 court. He or she may also use any of his property that is under seizure or
22 sequestration or frozen because of his/her indictment as a terrorist upon
23 permission of the court for any legitimate reason.

24

25 Any person who unjustifiably refuses to follow the order of the proper
26 division of the Court of Appeals to allow the person accused of the crime of
27 terrorism or of the crime of conspiracy to commit terrorism to withdraw such
28 sums from sequestered or frozen deposits, placements, trust accounts, assets and
29 records as may be necessary for the regular sustenance of his/her family or to use
30 any of his/her property that has been seized, sequestered or frozen for legitimate

1 purposes while his/her case is pending shall suffer the penalty of ten (10) years
2 and one day to twelve (12) years of imprisonment.]

3
4 [SEC. 40. *Nature of Seized, Sequestered and Frozen Bank Deposits, Placements,*
5 *Trust Accounts, Assets and Records.* - The seized, sequestered and frozen bank
6 deposits, placements, trust accounts, assets and records belonging to a person
7 suspected of or charged with the crime of terrorism or conspiracy to commit
8 terrorism shall be deemed as property held in trust by the bank or financial
9 institution for such person and the government during the pendency of the
10 investigation of the person suspected of or during the pendency of the trial of the
11 person charged with any of the said crimes, as the case may be and their use or
12 disposition while the case is pending shall be subject to the approval of the court
13 before which the case or cases are pending.]

14
15 [SEC. 41. *Disposition of the Seized, Sequestered and Frozen Bank Deposits,*
16 *Placements, Trust Accounts, Assets and Record.* - If the person suspected of or
17 charged with the crime of terrorism or conspiracy to commit terrorism is found,
18 after his investigation, to be innocent by the investigating body, or is acquitted,
19 after his arraignment or his case is dismissed before his arraignment by a
20 competent court, the seizure, sequestration and freezing of his bank deposits,
21 placements, trust accounts, assets and records shall forthwith be deemed lifted
22 by the investigating body or by the competent court, as the case may be, and his
23 bank deposits, placements, trust accounts, assets and records shall be deemed
24 released from such seizure, sequestration and freezing, and shall be restored to
25 him without any delay by the bank or financial institution concerned without any
26 further action on his part. The filing of any appeal on motion for reconsideration
27 shall not stay the release of said funds from seizure, sequestration and freezing.

28
29 If the person charged with the crime of terrorism or conspiracy to commit
30 terrorism is convicted by a final judgment of a competent trial court, his seized,

1 sequestered and frozen bank deposits, placements, trust accounts, assets and
2 records shall be automatically forfeited in favor of the government.

3

4 Upon his or her acquittal or the dismissal of the charges against him or
5 her, the amount of Five hundred thousand pesos (P500,000.00) a day for the
6 period in which his properties, assets or funds were seized shall be paid to him
7 on the concept of liquidated damages. The amount shall be taken from the
8 appropriations of the police or law enforcement agency that caused the filing of
9 the enumerated charges against him/her.]

10

11 [SEC. 42. *Penalty for Unjustified Refusal to Restore or Delay in Restoring*
12 *Seized, Sequestered and Frozen Bank Deposits, Placements, Trust Accounts,*
13 *Assets and Records.* - Any person who unjustifiably refuses to restore or delays
14 the restoration of seized, sequestered and frozen bank deposits, placements, trust
15 accounts, assets and records of a person suspected of or charged with the crime
16 of terrorism or conspiracy to commit terrorism after such suspected person has
17 been found innocent by the investigating body or after the case against such
18 charged person has been dismissed or after he is acquitted by a competent court
19 shall suffer the penalty of ten (10) years and one day to twelve (12) years of
20 imprisonment.]

21

22 [SEC. 43. *Penalty for the Loss, Misuse, Diversion or Dissipation of Seized,*
23 *Sequestered and Frozen Bank Deposits, Placements, Trust Accounts, Assets and*
24 *Records.* - Any person who is responsible for the loss, misuse, diversion, or
25 dissipation of the whole or any part of the seized, sequestered and frozen bank
26 deposits, placements, trust accounts, assets and records of a person suspected of
27 or charged with the crime of terrorism or conspiracy to commit terrorism shall
28 suffer the penalty of ten (10) years and one day to twelve (12) years of
29 imprisonment.]

1 [SEC. 44. *Infidelity in the Custody of Detained Persons.* - Any public officer
2 who has direct custody of a detained person under the provisions of this Act and
3 who by his deliberate act, misconduct, or inexcusable negligence causes or
4 allows the escape of such detained person shall be guilty of an offense and shall
5 suffer the penalty of: (a) twelve (12) years and one day to twenty (20) years of
6 imprisonment, if the detained person has already been convicted and sentenced
7 in a final judgment of a competent court; and (b) six years and one day to twelve
8 (12) years of imprisonment, if the detained person has not been convicted and
9 sentenced in a final judgment of a competent court.]

10
11 SEC. [45] 34. *Immunity and Protection of Government Witnesses.* - The
12 provisions of Republic Act No. 6981 (Witness Protection, Security and Benefits
13 Act) to the contrary notwithstanding, the immunity of government witnesses
14 testifying under this Act shall be governed by Sections 17 and 18 of Rule 119 of
15 the Rules of Court: *Provided, however,* That said witnesses shall be entitled to
16 benefits granted to witnesses under said Republic Act No.6981.

17
18 SEC. [46] 35. *Penalty for Unauthorized Revelation of Classified Materials.* - The
19 penalty of [ten (10) years and one day to twelve (12) years of imprisonment]
20 **IMPRISONMENT RANGING FROM SIX (6) MONTHS AND ONE (1)**
21 **DAY TO SIX (6) YEARS** shall be imposed upon any person, [police or] law
22 enforcement agent **OR DEPUTIZED LAW ENFORCEMENT AGENCY,**
23 **OR MILITARY PERSONNEL**, judicial officer or civil servant who, not being
24 authorized by the Court of Appeals **OR REGIONAL TRIAL COURT** to do
25 so, reveals in any manner or form any classified information under this Act.
26 **THE PENALTY IMPOSED HEREIN IS WITHOUT PREJUDICE AND**
27 **IN ADDITION TO ANY CORRESPONDING ADMINISTRATIVE**
28 **LIABILITY THE OFFENDER MAY HAVE INCURRED FOR SUCH**
29 **ACTS.**

1 SEC. [47].**36. Penalty for Furnishing False Evidence, Forged Document, or**
2 **Spurious Evidence.** - The penalty of **IMPRISONMENT RANGING FROM**
3 twelve (12) years and one day to twenty (20) years [of imprisonment] shall be
4 imposed upon any person who knowingly furnishes false testimony, forged
5 document or spurious evidence in any investigation or hearing under this Act.
6

7 SEC. [48].**37. Continuous Trial.** - In cases [of terrorism or conspiracy to commit
8 terrorism] **INVOLVING CRIMES DEFINED AND PENALIZED UNDER**
9 **THE PROVISIONS OF THIS ACT**, the judge **CONCERNED** shall set the
10 case for continuous trial on a daily basis from Monday to Friday or other short-
11 term trial calendar [so as] to ensure **COMPLIANCE WITH THE**
12 **ACCUSED'S RIGHT TO** speedy trial.

13 .
14 [SEC. 49. *Prosecution Under This Act Shall be a Bar to Another Prosecution*
15 *under the Revised Penal Code or any Special Penal Laws.* - When a person has
16 been prosecuted under a provision of this Act, upon a valid complaint or
17 information or other formal charge sufficient in form and substance to sustain a
18 conviction and after the accused had pleaded to the charge, the acquittal of the
19 accused or the dismissal of the case shall be a bar to another prosecution for any
20 offense or felony which is necessarily included in the offense charged under this
21 Act.]
22

23 [SEC. 50. *Damages for Unproven Charge of Terrorism* – Upon acquittal, any
24 person who is accused of terrorism shall be entitled to the payment of damages
25 in the amount of Five hundred thousand pesos (P500,000.00) for every day that
26 he or she has been detained or deprived of liberty or arrested without a warrant
27 as a result of such an accusation. The amount of damages shall be automatically
28 charged against the appropriations of the police agency or the Anti-Terrorism
29 Council that brought or sanctioned the filing of the charges against the accused.
30 It shall also be released within fifteen (15) days from the date of the acquittal of
31 the accused. The award of damages mentioned above shall be without prejudice

1 to the right of the acquitted accused to file criminal or administrative charges
2 against those responsible for charging him with the case of terrorism.

3

4 Any officer, employee, personnel, or person who delays the release or
5 refuses to release the amounts awarded to the individual acquitted of the crime
6 of terrorism as directed in the paragraph immediately preceding shall suffer the
7 penalty of six months of imprisonment.

8

9 If the deductions are less than the amounts due to the detained persons,
10 the amount needed to complete the compensation shall be taken from the current
11 appropriations for intelligence, emergency, social or other funds of the Office of
12 the President.

13

14 In the event that the amount cannot be covered by the current budget of
15 the police or law enforcement agency concerned, the amount shall be
16 automatically included in the appropriations of the said agency for the coming
17 year.]

18

19 [SEC. 51. *Duty to Record and Report the Name and Address of the Informant.* -
20 The police or law enforcement officers to whom the name of a suspect in the
21 crime of terrorism was first revealed shall record the real name and the specific
22 address of the informant.

23

24 The police or law enforcement officials concerned shall report the
25 informant's name and address to their superior officer who shall transmit the
26 information to the Congressional Oversight Committee or to the proper court
27 within five days after the suspect was placed under arrest or his properties were
28 sequestered, seized or frozen.

1 The name and address of the informant shall be considered confidential
2 and shall not be unnecessarily revealed until after the proceedings against the
3 suspect shall have been terminated.]

4

5 [SEC. 52. *Applicability of the Revised Penal Code.* - The provisions of Book I
6 of the Revised Penal Code shall be applicable to this Act.]

7

8 SEC. [53] **38. Anti-Terrorism Council.** – An Anti-Terrorism Council, hereinafter
9 referred to, for brevity, as the “Council” is hereby created. The members of the
10 Council are: (1) the Executive Secretary, who shall be its Chairperson; (2) the
11 Secretary of Justice, who shall be its Vice Chairperson; and (3) the Secretary of
12 Foreign Affairs; (4) the Secretary of National Defense; (5) the Secretary of the
13 Interior and Local Government; (6) the Secretary of Finance; [and] (7) the
14 National Security Advisor[,]; (8) **THE SECRETARY OF INFORMATION
AND COMMUNICATIONS TECHNOLOGY;** (9) **THE SECRETARY OF
SCIENCE AND TECHNOLOGY;** (10) **THE SECRETARY OF
TRANSPORTATION;** (11) **THE SECRETARY OF LABOR AND
EMPLOYMENT** AND (12) **THE SECRETARY OF EDUCATION,** (13)
19 **SECRETARY OF SOCIAL WELFARE AND DEVELOPMENT,** (14)
20 **PRESIDENTIAL ADVISER FOR PEACE, REUNIFICATION AND
UNITY (PARU, FORMERLY PAPP),** AND (15) **REPRESENTATIVE
FROM THE BANGSAMORO AUTONOMOUS REGION IN MUSLIM
MINDANAO (BARMM)** as its other members.

24

25 The Council shall implement this Act and assume the responsibility for
26 the proper and effective implementation of the anti-terrorism policy of the
27 country. The Council shall keep records of its proceedings and decisions. All
28 records of the Council shall be subject to such security classifications as the
29 Council may, in its judgment and discretion, decide to adopt to safeguard the
30 safety of the people, the security of the Republic, and the welfare of the nation.

1 The National Intelligence Coordinating Agency shall be the Secretariat of
2 the Council. The Council shall define the powers, duties, and functions of the
3 National Intelligence Coordinating Agency as Secretariat of the Council. The
4 **ANTI-TERRORISM COUNCIL-PROGRAM MANAGEMENT CENTER,**
5 **THE** National Bureau of Investigation, the Bureau of Immigration, the Office of
6 Civil Defense, the Intelligence Service of the Armed Forces of the Philippines,
7 the Anti-Money Laundering Council, the Philippine Center on Transnational
8 Crime, and the Philippine National Police intelligence and investigative elements
9 shall serve as support agencies for the Council.

10
11 The Council shall formulate and adopt comprehensive, adequate, efficient,
12 and effective anti-terrorism plans, programs, [and counter-] **OR** measures to
13 **PREVENT, COUNTER, suppress [and] OR** eradicate terrorism in the country
14 and to protect the people from acts of terrorism. **IN PURSUIT OF SAID**
15 **MANDATE, THE COUNCIL SHALL CREATE SUCH FOCUS**
16 **PROGRAMS TO PREVENT, COUNTER TERRORISM AS ARE**
17 **NECESSARY, SUCH AS BUT NOT LIMITED TO PROGRAMS TO**
18 **PREVENT AND COUNTER THE SPREAD OF TERRORISM AND**
19 **TERRORIST IDEOLOGIES, ENSURE THE COUNTER-TERRORISM**
20 **OPERATIONAL AWARENESS OF CONCERNED AGENCIES,**
21 **CONDUCT LEGAL ACTION AND PURSUE LEGAL AND**
22 **LEGISLATIVE INITIATIVES TO COUNTER TERRORISM, PREVENT**
23 **AND STEM TERRORIST FINANCING, AND ENSURE COMPLIANCE**
24 **WITH INTERNATIONAL COMMITMENTS TO COUNTER-**
25 **TERRORISM RELATED PROTOCOLS AND BILATERAL AND/OR**
26 **MULTILATERAL AGREEMENTS, AND IDENTIFY THE LEAD**
27 **AGENCY FOR SAID PROGRAMS, NAMELY:**

- 28
29 1. **PREVENTING and COUNTERING VIOLENT EXTREMISM**
30 **(PCVE) PROGRAM WHICH SHALL IDENTIFY, INTEGRATE**
31 **AND SYNCHRONIZE ALL GOVERNMENT AND NON-**

1 GOVERNMENT INITIATIVES AND RESOURCES TO DEVELOP
2 A PCVE FOR THE PREVENTION OF AND DISENGAGEMENT
3 FROM VIOLENT EXTREMISM, COUNTER-
4 RADICALIZATION, DE-RADICALIZATION AND PROVIDING
5 AFTERCARE THEREOF;

- 6 2. COUNTERTERRORISM OPERATIONAL READINESS (COR)
7 PROGRAM WHICH SHALL ASSESS, COLLABORATIVE
8 MECHANISMS BETWEEN AND AMONG COUNCIL MEMBERS
9 AND SUPPORT AGENCIES AND FACILITATE OPERATIONAL
10 COOPERATION AMONG OTHER AGENCIES AND
11 STAKEHOLDERS IN COMBATING TERRORISM AND IN
12 DETERMINING THE READINESS AND ENSURING
13 COMPLIANCE WITH BEST PRACTICE APPROACHES OF
14 ANTI-TERRORISM INITIATIVES;
- 15 3. LEGAL AFFAIRS PROGRAM WHICH SHALL FOCUS ON ALL
16 INITIATIVES REQUIRING LEGAL AND LEGISLATED
17 ACTIONS AND OTHER MEASURES NECESSARY IN THE
18 CAMPAIGN AGAINST TERRORISM;
- 19 4. TERRORISM FINANCING PROGRAM WHICH SHALL FOCUS
20 ON COMBATING TERRORIST FINANCING, SET UP
21 EFFECTIVE MECHANISM TO FREEZE FUNDS AND OTHER
22 FINANCIAL ASSETS, AND FORFEITURE OF ASSETS, OF
23 PERSONS AND ENTITIES INVOLVED IN OR ASSOCIATED
24 WITH TERRORISM, AS WELL PREVENTING THOSE FUNDS
25 FROM BEING MADE AVAILABLE TO TERRORIST; AND
- 26 5. INTERNATIONAL AFFAIRS PROGRAM WHICH SHALL
27 ENSURE COMPLIANCE WITH INTERNATIONAL
28 COMMITMENTS TO COUNTER-TERRORISM RELATED
29 PROTOCOLS AND BILATERAL AND/OR MULTILATERAL
30 AGREEMENTS.
- 31

1 Nothing herein shall be interpreted to empower the Anti-Terrorism Council to
2 exercise any judicial or quasi-judicial power or authority.

4 SEC. [54] **39. Functions of the Council.** - In pursuit of its mandate in the previous
5 Section, the Council shall have the following functions with due regard for the
6 rights of the people as mandated by the Constitution and pertinent laws:

- 8 1. Formulate and adopt plans, programs and **PREVENTIVE** and counter-
9 measures against terrorists and acts of terrorism in the country;
- 10 2. Coordinate all national efforts to suppress and eradicate acts of terrorism
11 in the country and mobilize the entire nation against terrorism prescribed
12 in this Act;
- 13 3. Direct the speedy investigation and prosecution of all persons accused or
14 detained for the crime of terrorism or conspiracy to commit terrorism and
15 other offenses punishable under this Act, and monitor the progress of their
16 cases;

19

20 **4. MONITOR THE PROGRESS OF THE INVESTIGATION AND**
21 **PROSECUTION OF ALL PERSONS ACCUSED AND/OR**
22 **DETAINED FOR THE CRIMES DEFINED AND PENALIZED**
23 **UNDER THE PROVISIONS OF THIS ACT;**

24

25 [4.] 5. Establish and maintain comprehensive data-base information
26 systems on terrorism, terrorist activities, and counter-terrorism
27 operations;

28

29 [5. Freeze the funds property, bank deposits, placements, trust accounts,
30 assets and records belonging to a person suspected of or charged with the
31 crime of terrorism or conspiracy to commit terrorism, pursuant to

Republic Act No. 9160, otherwise known as the Anti-Money Laundering Act of 2001, as amended;]

6. ENLIST THE ASSISTANCE OF AND FILE THE APPROPRIATE ACTION WITH THE ANTI-MONEY LAUNDERING COUNCIL TO FREEZE AND FORFEIT THE FUNDS, BANK DEPOSITS, PLACEMENTS, TRUST ACCOUNTS, ASSETS AND PROPERTY OF WHATEVER KIND AND NATURE BELONGING (I) TO A PERSON SUSPECTED OF OR CHARGED WITH ANY CRIME DEFINED AND PENALIZED UNDER THE PROVISIONS OF THIS ACT, (II) BETWEEN MEMBERS OF A JUDICIALLY DECLARED AND OUTLAWED TERRORIST ORGANIZATION, ASSOCIATION AS PROVIDED IN SECTION 24 OF THIS ACT; (III) TO DESIGNATED PERSONS DEFINED UNDER SECTION 3(E) OF REPUBLIC ACT NO. 10168, OTHERWISE KNOWN AS THE “TERRORISM FINANCING PREVENTION AND SUPPRESSION ACT OF 2012”; (IV) TO AN INDIVIDUAL MEMBER OF SUCH DESIGNATED PERSONS, OR (V) ANY ORGANIZATION, ASSOCIATION OR GROUP OF PERSONS PROSCRIBED UNDER SECTION 24 HEREOF;

[6.] 7. Grant monetary rewards and other incentives to informers who give vital information leading to the apprehension, arrest, detention, prosecution, and conviction of person or persons who are liable for the [crime of terrorism or conspiracy to commit terrorism] **CRIMES DEFINED AND PENALIZED UNDER THE PROVISIONS OF THIS ACT; PROVIDED, THAT, NO MONETARY REWARD SHALL BE GRANTED TO INFORMANTS UNLESS THE ACCUSED'S DEMURRER TO EVIDENCE HAS BEEN DENIED OR THE PROSECUTION HAS RESTED ITS CASE WITHOUT SUCH DEMURRER HAVING BEEN FILED;**

1
2 [7.] 8. Establish and maintain coordination with and the cooperation and
3 assistance of other [nations in the struggle against] STATES,
4 JURISDICTIONS, INTERNATIONAL ENTITIES AND
5 ORGANIZATIONS IN PREVENTING AND COMBATING
6 international terrorism; [and]

7
8 **9. TAKE ACTION ON RELEVANT RESOLUTIONS ISSUED BY THE**
9 **UNITED NATIONS SECURITY COUNCIL ACTING UNDER**
10 **CHAPTER VII OF THE UN CHARTER; AND CONSISTENT**
11 **WITH THE NATIONAL INTEREST, TAKE ACTION ON**
12 **FOREIGN REQUESTS TO DESIGNATE TERRORIST,**
13 **INDIVIDUALS, ASSOCIATIONS, ORGANIZATIONS OR**
14 **GROUP OF PERSONS;**

15
16 **10.TAKE MEASURES TO PREVENT TERRORISTS FROM**
17 **ACQUIRING WEAPONS OF MASS DESTRUCTION SUCH AS,**
18 **BUT NOT LIMITED TO THE IMPOSITION OF ECONOMIC**
19 **AND FINANCIAL SANCTIONS AND IMPORT RESTRICTIONS;**

20
21 **11.LEAD IN THE FORMULATION AND IMPLEMENTATION OF A**
22 **NATIONAL STRATEGIC PLAN TO PREVENT AND COMBAT**
23 **TERRORISM;**

24
25 [8.] 12. Request the Supreme Court to designate specific divisions of the
26 Court of Appeals [and] **OR** Regional Trial Courts [in Manila, Cebu City
27 and Cagayan de Oro City, as the case may be,] to handle all cases
28 involving the crimeS [of terrorism or conspiracy to commit terrorism]
29 **DEFINED AND PENALIZED UNDER THE PROVISIONS OF**
30 **THIS ACT, and all matters incident to said crimes.** [The Secretary of
31 Justice shall assign a team of prosecutors from: (a) Luzon to handle

terrorism cases filed in the Regional Trial Court in Manila; (b) from the Visayas to handle cases filed in Cebu City; and (c) from Mindanao to handle cases filed in Cagayan de Oro City.]

13. REQUIRE OTHER GOVERNMENT AGENCIES, OFFICES AND ENTITIES AND OFFICERS AND EMPLOYEES AND NON GOVERNMENT ORGANIZATIONS, PRIVATE ENTITIES AND INDIVIDUALS TO RENDER ASSISTANCE TO THE COUNCIL IN THE PERFORMANCE OF ITS MANDATE; AND

14. INVESTIGATE MOTU PROPRIO OR UPON COMPLAINT ANY REPORT OF ABUSE, MALICIOUS APPLICATION OR IMPROPER IMPLEMENTATION BY ANY PERSON OF THE PROVISIONS OF THIS ACT.

SEC. [55] 40. Role of the Commission on Human Rights. - The Commission on Human Rights shall give the highest priority to the investigation and prosecution of violations of civil and political rights of persons in relation to the implementation of this Act; and for this purpose, the Commission shall have the concurrent jurisdiction to prosecute public officials, law enforcers, and other persons who may have violated the civil and political rights of persons suspected of, or detained for the crime of terrorism or conspiracy to commit terrorism.

[SEC. 56. Creation of a Grievance Committee. - There is hereby created a Grievance Committee composed of the Ombudsman, as chair, and the Solicitor General, and an undersecretary from the Department of Justice (DOJ), as members, to receive and evaluate complaints against the actuations of the police and law enforcement officials in the implementation of this Act. The Committee shall hold office in Manila.

1 The Committee shall have three subcommittees that will be respectively
2 headed by the Deputy Ombudsmen in Luzon, the Visayas and Mindanao. The
3 subcommittees shall respectively hold office at the Offices of Deputy
4 Ombudsmen. Three Assistant Solicitors General designated by the Solicitor
5 General, and the regional prosecutors of the DOJ assigned to the regions where
6 the Deputy Ombudsmen hold office shall be members thereof. The three
7 subcommittees shall assist the Grievance Committee in receiving, investigating
8 and evaluating complaints against the police and other law enforcement officers
9 in the implementation of this Act. If the evidence warrants it, they may file the
10 appropriate cases against the erring police and law enforcement officers. Unless
11 seasonably disowned or denounced by the complainants, decisions or judgments
12 in the said cases shall preclude the filing of other cases based on the same cause
13 or causes of action as those that were filed with the Grievance Committee or its
14 branches.]

15
16 SEC. [57] **41. Ban on Extraordinary Rendition.** - No person suspected or
17 convicted of [the crime of terrorism] **ANY OF THE CRIMES DEFINED AND**
18 **PENALIZED UNDER THE PROVISIONS OF THIS ACT** shall be subjected
19 to extraordinary rendition to any country unless his or her testimony is needed
20 for terrorist related police investigations or judicial trials in the said country and
21 unless his or her human rights, including the right against torture, and right to
22 counsel, are officially assured by the requesting country and transmitted
23 accordingly and approved by the Department of Justice.

24
25 SEC. [58] **42. Extra-Territorial Application of this Act.** - Subject to the provision
26 of an existing treaty of which the Philippines is a signatory and to any contrary
27 provision of any law of preferential application, the provisions of this Act shall
28 apply: (1) to individual persons who commit any of the crimes defined and
29 punished in this Act within the terrestrial domain, interior waters, maritime zone,
30 and airspace of the Philippines; (2) to individual persons who, although
31 physically outside the territorial limits of the Philippines, commit, conspire or

1 plot to commit any of the crimes defined and punished in this Act inside the
2 territorial limits of the Philippines; (3) to individual persons who, although
3 physically outside the territorial limits of the Philippines, commit any of the said
4 crimes on board Philippine ship or Philippine airship; (4) to individual persons
5 who commit any of said crimes within any embassy, consulate, or diplomatic
6 premises belonging to or occupied by the Philippine government in an official
7 capacity; (5) to individual persons who, although physically outside the
8 territorial limits of the Philippines, commit said crimes against Philippine
9 citizens or persons of Philippine descent, where their citizenship or ethnicity was
10 a factor in the commission of the crime; and (6) to individual persons who,
11 although physically outside the territorial limits of the Philippines, commit said
12 crimes directly against the Philippine government.

13

14 SEC. [59] **43. Joint Oversight Committee.** – [There is hereby created a Joint
15 Oversight Committee to oversee the implementation of this Act.

16

17 The Oversight Committee shall be composed of five members each from
18 the Senate and the House in addition to the Chairs of the Committees of Public
19 Order of both Houses who shall also Chair the Oversight Committee in the order
20 specified herein. The membership of the Committee for every House shall at
21 least have two opposition or minority members. The Joint Oversight Committee
22 shall have its own independent counsel.

23

24 The Chair of the Committee shall rotate every six months with the Senate
25 chairing it for the first six months and the House for the next six months. In every
26 case, the ranking opposition or minority member of the Committee shall be the
27 Vice Chair.

28

29 Upon the expiration of one year after this Act is approved by the
30 President, the Committee shall review the Act particularly the provisions that
31 authorize the surveillance of suspects of or persons charged with the crime of

1 terrorism. To that end, the Committee shall summon the police and law
2 enforcement officers and the members of the Anti-Terrorism Council and require
3 them to answer questions from the members of Congress and to submit a written
4 report of the acts they have done in the implementation of the law including the
5 manner in which the persons suspected of or charged with the crime of terrorism
6 have been dealt with in their custody and from the date when the movements of
7 the latter were subjected to surveillance and his or her correspondences,
8 messages, conversations and the like were listened to or subjected to monitoring,
9 recording and tapping.

10
11 Without prejudice to its submitting other reports, the Committee shall
12 render a semi-annual report to both Houses of Congress. The report may include
13 where necessary a recommendation to reassess the effects of globalization on
14 terrorist activities on the people, provide a sunset clause to or amend any portion
15 of the Act or to repeal the Act in its entirety.

16 The courts dealing with anti-terrorism cases shall submit to Congress and
17 the President a report every six months of the status of anti-terrorism cases that
18 have been filed with them starting from the date this Act is implemented.]

19
20 **UPON THE EFFECTIVITY OF THIS ACT, A JOINT**
21 **CONGRESSIONAL OVERSIGHT COMMITTEE IS HEREBY**
22 **CONSTITUTED. THE COMMITTEE SHALL BE COMPOSED OF**
23 **TWELVE (12) MEMBERS WITH THE CHAIRPERSON OF THE**
24 **COMMITTEE ON PUBLIC ORDER OF THE SENATE AND THE**
25 **HOUSE OF REPRESENTATIVES AS MEMBERS AND FIVE (5)**
26 **ADDITIONAL MEMBERS FROM EACH HOUSE TO BE DESIGNATED**
27 **BY THE SENATE PRESIDENT AND THE SPEAKER OF THE HOUSE**
28 **OF REPRESENTATIVES, RESPECTIVELY. THE MINORITY SHALL**
29 **BE ENTITLED TO A PRO-RATA REPRESENTATION BUT SHALL**
30 **HAVE AT LEAST TWO (2) REPRESENTATIVES IN THE**
31 **COMMITTEE.**

1
2 **IN THE EXERCISE OF ITS OVERSIGHT FUNCTIONS, THE**
3 **JOINT CONGRESSIONAL OVERSIGHT COMMITTEE SHALL HAVE**
4 **THE AUTHORITY TO SUMMON LAW ENFORCEMENT OR**
5 **MILITARY OFFICERS AND THE MEMBERS OF THE ANTI-**
6 **TERRORISM COUNCIL TO APPEAR BEFORE IT, AND REQUIRE**
7 **THEM TO ANSWER QUESTIONS AND SUBMIT WRITTEN REPORTS**
8 **OF THE ACTS THEY HAVE DONE IN THE IMPLEMENTATION OF**
9 **THIS LAW AND RENDER AN ANNUAL REPORT TO BOTH HOUSES**
10 **OF CONGRESS AS TO THE STATUS OF ANTI-TERRORISM CASES**
11 **AND THE IMPLEMENTATION OF THIS ACT.**

12
13 **SEC. 44. PROMOTING PEACE AND INCLUSIVITY IN SCHOOLS,**
14 **LEARNING CENTERS AND TRAINING INSTITUTIONS. – THE**
15 **DEPARTMENT OF EDUCATION (DEPED), COMMISSION ON**
16 **HIGHER EDUCATION (CHED), AND TECHNICAL EDUCATION AND**
17 **SKILLS DEVELOPMENT AUTHORITY (TESDA) SHALL**
18 **PROMULGATE RULES AND REGULATIONS TO PROMOTE IDEAS**
19 **AND PRACTICE ON THE CULTURE OF PEACE AND INCLUSIVITY**
20 **IN SCHOOLS, LEARNING AND TRAINING INSTITUTIONS UNDER**
21 **THEIR RESPECTIVE JURISDICTIONS.**

22
23 **SCHOOLS, LEARNING CENTERS AND TRAINING**
24 **INSTITUTIONS FOUND BY THE APPROPRIATE ADMINISTRATIVE**
25 **OR LICENSING AGENCY TO BE PROMOTING OR ENCOURAGING**
26 **ACTS OF VIOLENCE, EXTREMISM, TERRORIST ACTS OR ANY**
27 **ACT PROHIBITED UNDER THIS LAW BASED ON SUBSTANTIVE**
28 **EVIDENCE SHALL HAVE ITS LICENSE REVOKED AND SHALL**
29 **IMMEDIATELY CEASE OPERATIONS. THIS IS WITHOUT**
30 **PREJUDICE TO OTHER CRIMINAL, CIVIL AND ADMINISTRATIVE**
31 **ACTIONS THAT MAY BE FILED AGAINST THE OFFICIALS AND**

1 PERSONNEL OF THE SCHOOL, LEARNING CENTER OR TRAINING
2 INSTITUTION AND OTHER INDIVIDUALS ASSOCIATED WITH THE
3 SCHOOLS, LEARNING CENTER OR TRAINING INSTITUTION.

4
5 **SEC. 45. PROTECTION OF MOST VULNERABLE GROUPS.** - THERE
6 SHALL BE DUE REGARD FOR THE WELFARE OF ANY SUSPECTS
7 WHO ARE ELDERLY, PREGNANT, PERSONS WITH DISABILITY,
8 WOMEN AND CHILDREN WHILE THEY ARE UNDER
9 INVESTIGATION, INTERROGATION OR DETENTION.

10
11 **SEC. 46. APPLICABILITY OF THE REVISED PENAL CODE.** - THE
12 PROVISIONS OF BOOK I OF THE REVISED PENAL CODE SHALL BE
13 APPLICABLE TO THIS ACT.

14
15 **SEC. 47. APPROPRIATIONS.** - THE AMOUNT OF FIVE HUNDRED
16 MILLION PESOS (PHP 500,000,000.00) IS HEREBY APPROPRIATED
17 TO THE COUNCIL AS AN INITIAL FUND, FOR THE EFFECTIVE
18 AND IMMEDIATE IMPLEMENTATION OF THIS ACT.
19 THEREAFTER, SUCH SUMS AS MAY BE NECESSARY FOR THE
20 CONTINUED IMPLEMENTATION OF THIS ACT SHALL BE
21 INCLUDED IN THE ANNUAL GENERAL APPROPRIATIONS ACT.

22
23
24 **SEC. 48. IMPLEMENTING RULES AND REGULATIONS.** - THE ANTI-
25 TERRORISM COUNCIL AND DOJ, WITH THE ACTIVE
26 PARTICIPATION OF POLICE AND MILITARY INSTITUTIONS,
27 SHALL PROMULGATE THE RULES AND REGULATIONS FOR THE
28 EFFECTIVE IMPLEMENTATION OF THIS ACT WITHIN NINETY
29 (90) DAYS AFTER ITS EFFECTIVITY. THEY SHALL ALSO ENSURE
30 THE FULL DISSEMINATION OF SUCH RULES AND REGULATIONS

**TO BOTH HOUSES OF CONGRESS, AND ALL OFFICERS AND
MEMBERS OF VARIOUS LAW ENFORCEMENT AGENCIES.**

SEC. [60] 49. Separability Clause. - If for any reason any part or provision of this Act is declared unconstitutional or invalid, the other parts or provisions hereof which are not affected thereby shall remain and continue to be in full force and effect.

SEC. [61] 50. Repealing Clause. - All laws, decrees, executive orders, rules or regulations or parts thereof, inconsistent with the provisions of this Act are hereby repealed, amended, or modified accordingly.

SEC. [62] 51. [Special] Effectivity Clause.—[After the bill shall have been signed into law by the President, the Act shall be published in three newspapers of national circulation; three newspapers of local circulation, one each in Ilocos Norte, Baguio City and Pampanga; three newspapers of local circulation, one each in Cebu, Iloilo and Tacloban; and three newspapers of local circulation, one each in Cagayan de Oro, Davao and General Santos City.]

The title of the Act and its provisions defining the acts of terrorism that are punished shall be aired everyday at primetime for seven days, morning, noon and night over three national television and radio networks; three radio and television networks, one each in Cebu, Tacloban and Iloilo; and in five radio and television networks, one each in Lanao del Sur, Cagayan de Oro, Davao City, Cotabato City and Zamboanga City. The publication in the newspapers of local circulation and the announcements over local radio and television networks shall be done in the dominant language of the community.

After the publication required above shall have been done, the Act shall take effect two months after the elections are held in May 2007.

1 Thereafter, the provisions of this Act shall be automatically suspended
2 one month before and two months after the holding of any election.]

3
4 **THIS ACT SHALL TAKE EFFECT FIFTEEN (15) DAYS AFTER**
5 **ITS COMPLETE PUBLICATION IN THE OFFICIAL GAZETTE OR IN**
6 **AT LEAST TWO (2) NEWSPAPERS OF GENERAL CIRCULATION.**

7
8 *Approved,*