

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3103

Introduced by Representative Michael L. Romero

EXPLANATORY NOTE

The State is cognizant that the battle against terrorism requires a very comprehensive approach, embracing political, economic, consular, military, and lawful means taking into account the original causes of terrorism without acknowledging these as justifications for terrorist and criminal activities.

This House Bill seeks to provide stiffer penalties and sanctions to the prevailing provisions of the **Human Security Act (RA9372)**, to uphold the constitutionally recognized powers of the executive department of the government that shall not prejudice respect for human rights which shall be absolute and protected at all times.

This measure shall include conflict management and post-conflict peace-building, addressing the roots of conflict by building state capacity and promoting equitable economic development.

Thus, the early passage of this bill is earnestly requested.


MICHAEL L. ROMERO Ph.D.

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AN ACT

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

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

SECTION 1. Section 5 of Republic Act No. 9372, is hereby amended to read as follows:

SEC. 5. *Accomplice.* — Any person who, not being a principal under Article 17 of the Revised Penal Code or a conspirator as defined in Section 4 hereof, cooperates in the execution of either the crime of terrorism or conspiracy to commit terrorism by previous or simultaneous acts shall suffer the penalty of *not less than twenty (20) years* of imprisonment.

SECTION 2. Section 6 of Republic Act No. 9372, is hereby amended to read as follows:

SEC. 6. *Accessory.* — Any person who, having knowledge of the commission of the crime of terrorism or conspiracy to

commit terrorism, and without having participated therein, either as principal or accomplice under Articles 17 and 18 of the Revised Penal Code, takes part subsequent to its commission in any of the following manner:

- (a) by profiting himself or assisting the offender to profit by the effects of the crime;
- (b) by concealing or destroying the body of the crime, or the effects, or instruments thereof, in order to prevent its discovery;
- (c) by harboring, concealing, or assisting in the escape of the principal or conspirator of the crime, shall suffer the penalty of *not less than twelve (12) years* of imprisonment.

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

SECTION 3. Section 36 of Republic Act No. 9372, is hereby amended to read as follows:

SEC. 36. *Penalty for Unauthorized or Malicious Examination of a Bank or a Financial Institution.* — Any person, police or law enforcement personnel who examines the deposits, placements, trust accounts, assets, or records in a bank or financial institution of:

- (1) a person charged with or suspected of the crime of terrorism or the crime of conspiracy to commit terrorism;
- (2) a judicially declared and outlawed terrorist organization, association, or group of persons; or

(3) a member of such organization, association, or group of persons, without being authorized to do so by the Court of Appeals, shall be guilty of an offense and shall suffer the penalty of *not less than twelve (12) years* of imprisonment.

In addition to the liability attaching to the offender for the commission of any other offense, the penalty of *not less than twelve (12) years* of imprisonment shall be imposed upon any police or law enforcement personnel, who maliciously obtained an authority from the Court of Appeals to examine the deposits, placements, trust accounts, assets, or records in a bank or financial institution of:

- (1) a person charged with or suspected of the crime of terrorism or conspiracy to commit terrorism;
- (2) a judicially declared and outlawed terrorist organization, association, or group of persons; or
- (3) a member of such organization, association, or group of persons:

Provided,

That notwithstanding Section 33 of this Act, the party aggrieved by such authorization shall upon motion duly filed be allowed access to the sealed envelope or sealed package and the contents thereof as evidence for the prosecution of any police or law enforcement personnel who maliciously procured said authorization.

SECTION 4. Section 37 of Republic Act No. 9372, is hereby amended to read as follows:

SEC. 37. *Penalty of Bank Officials and Employees Defying a Court Authorization.* — An employee, official, or a member of the board of directors of a bank or financial institution, who refuses to allow the examination of the deposits, placements, trust accounts, assets, and records of:

- (1) a person charged with or suspected of the crime of terrorism or the crime of conspiracy to commit terrorism;
- (2) a judicially declared and outlawed organization, association, or group of persons; or
- (3) a member of such judicially declared and outlawed organization, association, or group of persons in said bank or financial institution, when duly served with the written order of the authorizing division of the Court of Appeals, shall be guilty of an offense and shall suffer the penalty of *not less than twelve (12) years* of imprisonment.

SECTION 5. Section 38 of Republic Act No. 9372, is hereby amended to read as follows:

SEC. 38. Penalty for False or Untruthful Statement or Misrepresentation of Material Fact in Joint Affidavits. — Any false or untruthful statement or misrepresentation of material fact in the joint affidavits required respectively in Section 12 and Section 32 of this Act shall constitute a criminal offense and the affiants shall suffer individually the penalty of *not less than twelve (12) years* of imprisonment.

SECTION 6. Section 39 of Republic Act No. 9372, is hereby amended to read as follows:

SEC. 39. Seizure and Sequestration. — The deposits and their outstanding balances, placements, trust accounts, assets, and records in any bank or financial institution, moneys, businesses, transportation and communication equipment, supplies and other implements, and property of whatever kind and nature belonging:

- (1) to any person suspected of or charged before a competent Regional Trial Court for the crime of terrorism or the crime of conspiracy to commit terrorism;

(2) to a judicially declared and outlawed organization, association, or group of persons; or

(3) to a member of such organization, association, or group of persons shall be seized, sequestered, and frozen in order to prevent their use, transfer, or conveyance for purposes that are inimical to the safety and security of the people or injurious to the interest of the State.

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

Any person who unjustifiably refuses to follow the order of the proper division of the Court of Appeals to allow the person accused of the crime of terrorism or of the crime of conspiracy to commit terrorism to withdraw such sums from sequestered or frozen deposits, placements, trust accounts, assets and records as may be necessary for the regular sustenance of his/her family or to use any of his/her property that has been seized, sequestered or frozen for legitimate purposes while his/her case is pending shall suffer the penalty of *not less than twelve (12) years* of imprisonment.

SECTION 7. Section 41 of Republic Act No. 9372, is hereby amended to read as follows:

SEC. 41. Disposition of the Seized, Sequestered and Frozen Bank Deposits, Placements, Trust Accounts, Assets and Record. — If the person suspected of or charged with the crime of terrorism or conspiracy to commit terrorism is found, after his investigation, to be innocent by the investigating body, or is acquitted, after his arraignment or his case is dismissed before his arraignment by a competent court, the seizure, sequestration and freezing of his bank deposits, placements,

trust accounts, assets and records shall forthwith be deemed lifted by the investigating body or by the competent court, as the case may be, and his bank deposits, placements, trust accounts, assets and records shall be deemed released from such seizure, sequestration and freezing, and shall be restored to him without any delay by the bank or financial institution concerned without any further action on his part. The filing of any appeal on motion for reconsideration shall not stay the release of said funds from seizure, sequestration and freezing.

If the person charged with the crime of terrorism or conspiracy to commit terrorism is convicted by a final judgment of a competent trial court, his seized, sequestered and frozen bank deposits, placements, trust accounts, assets and records shall be automatically forfeited in favor of the government.

Upon his or her acquittal or the dismissal of the charges against him or her, the amount of *One Million pesos (P1,000,000.00)* a day for the period in which his properties, assets or funds were seized shall be paid to him on the concept of liquidated damages. The amount shall be taken from the appropriations of the police or law enforcement agency that caused the filing of the enumerated charges against him/her.

SECTION 8. Section 42 of Republic Act No. 9372, is hereby amended to read as follows:

SEC. 42. Penalty for Unjustified Refusal to Restore or Delay in Restoring Seized, Sequestered and Frozen Bank Deposits, Placements, Trust Accounts, Assets and Records. — Any person who unjustifiably refuses to restore or delays the restoration of seized, sequestered and frozen bank deposits, placements, trust accounts, assets and records of a person suspected of or charged with the crime of terrorism or conspiracy to commit terrorism after such suspected person has been found innocent by the investigating body or after the case against such charged person has been dismissed or after he is acquitted by a competent court shall suffer the penalty of *not less than twelve (12) years* of imprisonment.

SECTION 9. Section 43 of Republic Act No. 9372, is hereby amended to read as follows:

SEC. 43. Penalty for the Loss, Misuse, Diversion or Dissipation of Seized, Sequestered and Frozen Bank Deposits, Placements, Trust Accounts, Assets and Records. — Any person who is responsible for the loss, misuse, diversion, or dissipation of the whole or any part of the seized, sequestered and frozen bank deposits, placements, trust accounts, assets and records of a person suspected of or charged with the crime of terrorism or conspiracy to commit terrorism shall suffer the penalty of *not less than twelve (12) years* of imprisonment.

SECTION 10. Section 44 of Republic Act No. 9372, is hereby amended to read as follows:

SEC. 44. Infidelity in the Custody of Detained Persons. — Any public officer who has direct custody of a detained person or under the provisions of this Act and who by his deliberate act, misconduct, or inexcusable negligence causes or allows the escape of such detained person shall be guilty of an offense and shall suffer the penalty of:

- (a) *at least twenty (20) years* of imprisonment, if the detained person has already been convicted and sentenced in a final judgment of a competent court; and
- (b) *at least twelve (12) years* of imprisonment, if the detained person has not been convicted and sentenced in a final judgment of a competent court.

SECTION 11. Section 46 of Republic Act No. 9372, is hereby amended to read as follows:

SEC. 46. Penalty for Unauthorized Revelation of Classified Materials. — The penalty of *not less than twelve (12) years* of imprisonment shall be imposed upon any person, police or law enforcement agent, judicial officer or civil servant who, not

being authorized by the Court of Appeals to do so, reveals in any manner or form any classified information under this Act.

SECTION 12. Section 47 of Republic Act No. 9372, is hereby amended to read as follows:

SEC. 47. Penalty for Furnishing False Evidence, Forged Document, or Spurious Evidence. — The penalty of *not less than twenty (20) years* of imprisonment shall be imposed upon any person who knowingly furnishes false testimony, forged document or spurious evidence in any investigation or hearing under this Act.

SECTION 13. Section 50 of Republic Act No. 9372, is hereby amended to read as follows:

SEC. 50. Damages for Unproven Charge of Terrorism. — Upon acquittal, any person who is accused of terrorism shall be entitled to the payment of damages in the amount of *One Million pesos (P1,000,000.00)* for every day that he or she has been detained or deprived of liberty or arrested without a warrant as a result of such an accusation. The amount of damages shall be automatically charged against the appropriations of the police agency or the Anti-Terrorism Council that brought or sanctioned the filing of the charges against the accused.

It shall also be released within fifteen (15) days from the date of the acquittal of the accused. The award of damages mentioned above shall be without prejudice to the right of the acquitted accused to file criminal or administrative charges against those responsible for charging him with the case of terrorism.

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

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

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

SECTION 14. TRANSITORY PROVISION – Existing industries, businesses and offices affected by the implementation of this Act shall be given six (6) months transitory period from the effectivity of the IRR or such other period as may be determined, to comply with the requirements of this Act.

SECTION 15. IMPLEMENTING RULES AND REGULATIONS. – The departments and agencies charged with carrying out the provisions of this Act shall, within sixty (60) days after the effectivity of this Act, formulate the necessary rules and regulations for its effective implementation.

SECTION 16. REPEALING CLAUSE. – All laws, decrees, executive orders, rules and regulations, or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 17. SEPARABILITY CLAUSE. – If, for any reason, any section or provision of this Act is held unconstitutional or invalid, the other sections or provisions hereof shall not be affected thereby.

SECTION 18. EFFECTIVITY CLAUSE. – This Act shall take effect after fifteen (15) days from its publication in the Official Gazette or in at least two (2) national newspapers of general circulation whichever comes earlier.

Approved,