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**EIGHTEENTH CONGRESS**  
*First Regular Session*

HOUSE BILL NO. 5622

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**Introduced by Rep. SOLOMON R. CHUNGALAO**

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**AN ACT DEFINING, CRIMINALIZING, AND PUNISHING TERRORISM, AND  
FOR OTHER PURPOSES**

**EXPLANATORY NOTE**

Terrorism is a complex generational problem; a tangle of social issues that crystalize into acts of violent extremism. In the last few decades, the world has been forced to confront this global threat in its continuously evolving forms. The Philippine legislature's primary effort in this regard was enacted in 2007, specifically *Republic Act No. 9372*, or the "*Human Security Act of 2007*."

However, in the twelve years since the *Human Security Act* was enacted, several critical issues with the law have been observed.

Chief among these issues is the lack of an outright definition of terrorism. Instead, the *Human Security Act* pegs terrorism on the commission of predicate crimes (such as murder or rebellion) that have the effect of sowing and creating a condition of widespread and extraordinary fear and panic among the populace in order to coerce the government to give in to an unlawful demand. Since it is often easier to charge and prosecute a person for committing one of the predicate crimes, the net effect is that there fewer prosecutions for acts of terrorism. In fact, the first conviction for violation of the *Human Security Act* came only in 2015.

Second, there are provisions in the *Human Security Act* that are susceptible to abuse. For example, in the event of an actual or imminent terrorist attack, a suspect may be arrested without warrant and detained without charge indefinitely, subject to written approval of any one of the

numerous public officers identified by the law. Indefinite detention without charge is inherently problematic. While an actual or imminent terrorist attack is a circumstance that would warrant preventive detention of a suspected terrorist, there are cases where an “imminent” attack has been used to justify detention for years. The most controversial example would be the detention of suspected terrorists by the United States’ government in Guantanamo Bay.

Finally, the security and law enforcement sector has found the law to be unwieldy in application, hampering operations with the threat of heavy penalties while also providing little guidance. The proposed revisions to the *Human Security Act* were led by the security sector in the 17<sup>th</sup> Congress precisely because of the issues they encountered with the law in practice.

The drafting of this bill was guided by the knowledge that addressing the problem of terrorism does require allowing the law enforcement sector greater flexibility, balanced by clear safeguards against abuse. It cannot be overemphasized that violations of human rights—including social and economic rights—have been shown to increase terrorist activity and recruitment, which is why any anti-terrorism effort must be coupled with long-term solutions to the problem of violent extremism. In the Philippines in particular, where long-running violent insurgencies have only recently begun to wind down, it is important to address the drivers of conflict in order to subvert the efforts of terrorists seeking to profit from the instability.

Addressing the threat that the terrorists of 2019 pose to us now requires a recalibrated response, informed by previous experience here and elsewhere in the world.

For the foregoing reasons, speedy passage of this measure is earnestly sought.



ATTY. SOLOMON R. CHUNGALAO





- (2) Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation and its Supplemental Protocol;
- (3) International Convention against the Taking of Hostages;
- (4) Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation;
- (5) Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents;
- (6) International Convention for the Suppression of Terrorist Bombings; and
- (7) International Convention for the Suppression of Terrorist Financing.

**SEC. 4. *Other Terrorist Acts.*** — Any other act not proscribed in the immediately preceding section shall also constitute an act of terrorism when the following criteria are met:

- (1) An unlawful act or threat of violence is done; and
- (2) The unlawful act or threat is carried out with the goal of spreading public fear in order to compel the Philippine Government, a foreign government, or an international organization to do or refrain from doing an act.

**SEC. 5. *Planning to Commit Terrorism.*** — It is hereby prohibited to undertake preparation or planning for a terrorist act. This shall include the gathering of actionable intelligence or information, storing of weapons or explosives, and convening or attending meetings to plan a terrorist act. If the terrorist act is actually carried out, then the offense shall be punished under Sections 3 or 4 of this Act.

**SEC. 6. *Financing or Providing Material Support for Terrorism.*** — It is hereby prohibited to finance an individual or organization declared to be a terrorist or a terrorist group. It shall likewise be prohibited to finance any individual, group, or organization that plans, commits, or advocates acts of terrorism with the knowledge that the funds will be used, directly or indirectly, to commit terrorism or any other act prohibited under this Act. Any attempt to finance terrorism as provided in this Section shall also be punishable, subject to the provisions in Section 10.

Financing shall refer to the act of possessing, providing, collecting, using, or making available property, funds, or other financial instruments and services to any person. Financial instruments and services shall include cash, remittances, mobile payments, digital wallets,



1 cryptocurrency, debit cards, hawala, and other payment systems. Financing of terrorism as  
2 defined under this Act shall constitute a predicate offense to money laundering as defined  
3 *Republic Act No. 9160*, or the "*Anti-Money Laundering Act of 2001*," as amended, and subject to its  
4 suspicious transaction reporting requirement.

5  
6 It is also hereby prohibited to knowingly provide material support to terrorists. Material  
7 support shall include the provision of lodging, training, expert advice, assistance, safe-houses,  
8 false documentation or identification, communications equipment, facilities, weapons, lethal  
9 substances, and transportation. For the purposes of this Act, material support shall not include  
10 the provision of medical attention or religious instruction.

11  
12 When financing or providing material support is traced to an organization or juridical  
13 person, the individuals found directly responsible for financing or providing material support for  
14 terrorism, as well as the corporate officers of the organization or juridical person, shall be made  
15 to suffer the penalty of imprisonment while the organization or juridical person shall bear the  
16 cost of the fine imposed under Section 10 of this Act.

17  
18 **SEC. 7. *Incitement to Terrorism.*** — It is hereby prohibited to incite others to  
19 terrorism. Incitement is any public act or statement whereby a person orders or exhorts the  
20 commission of acts of terrorism, regardless of whether a terrorist act is later committed. It is  
21 sufficient for the purpose of this provision that the act or statement creates an imminent threat  
22 that a terrorist act will be committed.

23  
24 **SEC. 8. *Recruitment.*** — It is hereby prohibited to recruit others into a terrorist  
25 organization, as defined in Section 13 of this Act.

26  
27 **SEC. 9. *Acting as an Accomplice or Accessory to a Terrorist Act.*** — Any person  
28 who shall, by previous or simultaneous acts, cooperate in the commission of terrorism under  
29 Sections 3, 4, and 6 of this Act shall be liable as an accomplice. Any person who profits or assists  
30 a terrorist to profit by the effects of the crime, conceals or destroys the body, effects, or  
31 instruments of the crime, or harbors, conceals, or assists in the escape of a terrorist shall be liable  
32 under this Act as an accessory to terrorism.

33  
34 **SEC. 10. *Penalties.*** — The following penalties shall be imposed for each prohibited act  
35 as defined in this Act:

- 36  
37 (1) For committing acts of terrorism as defined under Sections 3 and 4 of this Act, the  
38 penalty of imprisonment for a period between twenty (20) years and one (1) day to  
39 forty (40) years;  
40



- 1 (2) For cooperation in the commission of acts of terrorism by previous or simultaneous  
2 acts, as defined under Section 9 of this Act, the penalty of fifteen (15) years and one  
3 (1) day to twenty (20) years of imprisonment;  
4
- 5 (3) For profiting or assisting a terrorist to profit by the effects of the crime, concealing  
6 or destroying the body, effects, or instruments of the crime, or by harboring,  
7 concealing, or assisting in the escape of a terrorist, as defined under Section 9 of this  
8 Act, the penalty of ten (10) years and one (1) day to fifteen (15) years of  
9 imprisonment;  
10
- 11 (4) For planning to commit an act of terrorism, as defined under Section 5 of this Act,  
12 the penalty of ten (10) years and one (1) day to twenty (20) years of imprisonment;  
13
- 14 (5) For financing or providing material support for terrorism, as defined under Section 6  
15 of this Act, the penalty of ten (10) years and one (1) day to twenty (20) years of  
16 imprisonment and a fine not exceeding five million pesos (PhP5,000,000.00), the  
17 proceeds of which shall accrue exclusively to measures aimed at preventing and  
18 countering violent extremism;  
19
- 20 (6) For incitement to terrorism and recruitment to a terrorist organization, as defined  
21 under Sections 7 and 8 of this Act, respectively, the penalty of eight (8) years and one  
22 (1) day to twelve (12) years of imprisonment; and  
23
- 24 (7) Any public official, law enforcement agent, or other government employee who is  
25 found guilty under this Act shall suffer an additional penalty of five (5) years of  
26 imprisonment and an additional fine not exceeding five million pesos  
27 (PhP5,000,000.00), as well as perpetual absolute disqualification from office and  
28 forfeiture of benefits.  
29

30 In meting out penalties under this Act, courts shall also apply the relevant provisions of  
31 *Act No. 4103, or the "Indeterminate Sentence Law."*  
32

33 The provisions of this Act shall be without prejudice to the civil or administrative  
34 liabilities of the person accused, which may be determined in a separate suit filed by the proper  
35 parties.  
36

37 **SEC. 11. *Circumstances Affecting Criminal Liability.*** — If any of the acts proscribed  
38 in this Act are committed under any of the circumstances laid out in this provision, criminal  
39 liability shall be modified accordingly.  
40

- 41 (1) *Exempting Circumstances.* — The following are exempt from criminal liability:

- (a) An insane person as defined by law and jurisprudence;
- (b) A person under fifteen years of age;
- (c) A person over fifteen years of age and under eighteen, unless he or she has acted with discernment; and
- (d) A person acting under the compulsion of irresistible force or an uncontrollable fear of an equal or greater injury.

(2) *Mitigating Circumstances.* – The following shall be considered mitigating circumstances:

- (a) The offender is under eighteen years of age but over fifteen years of age;
- (b) The offender voluntarily surrendered to a person of authority or his or her agents;
- (c) The offender voluntarily confessed his or her guilt before the court prior to the presentation of evidence by the prosecution; and
- (d) The offender cooperates with authorities in the prevention, investigation, and prosecution of acts of terrorism.

The appreciation of a mitigating circumstance bars the court from imposing the maximum penalty as provided in Section 10 for the punishable act. The appreciation of two or more mitigating circumstances will merit the minimum penalty as provided in Section 10 for the punishable act.

(3) *Aggravating Circumstances.* – The following shall be considered aggravating circumstances:

- (a) The offender has been previously convicted by final judgment of any other offense involving moral turpitude;
- (b) The acts of terrorism were committed with the use of chemical, biological, radiological, or nuclear weapons, agents, or materials;
- (c) The act of terrorism is committed in consideration of a price, reward, or promise;
- (d) The act of terrorism is committed in a place of worship, medical facility, or school; and
- (e) The act proscribed under this act was committed with the aid of persons under fifteen years of age.

The appreciation of an aggravating circumstance will merit the imposition of the maximum penalty as provided in Section 10 for the punishable act.

**SEC. 12. *Intent as a Defense.*** — Recognizing that the criminal intent that qualifies an act as terrorism is the intent to spread fear as a means of compelling action or inaction, a



1 different intent shall furnish a defense to charges brought under Section 4 of this Act but shall  
2 not bar the prosecution of the offender for another offense.

### 3 4 **Terrorist Organizations**

5  
6 **SEC. 13. *Definition of a Terrorist Organization.*** — A terrorist organization is any  
7 organization, association, or group of persons organized for the purpose of engaging in terrorism  
8 or that, although not organized for that purpose, primarily functions in support of terrorism by  
9 intentionally conducting training, providing guidance for executing terrorist acts, soliciting  
10 funding for terrorism, promoting extremist views and ideologies, and other similar acts.

11  
12 **SEC. 14. *Determination of the Nature of an Organization.*** — The determination of  
13 whether an organization is a terrorist organization as defined under this Act shall be done by a  
14 specially-designated division of the Court of Appeals, as provided for under Section 28 of this  
15 Act.

16  
17 The Anti-Terrorism Council constituted under Section 23 of this Act must file a petition  
18 with the specially-designated division of the Court of Appeals to declare an organization as a  
19 terrorist organization. The Court of Appeals shall decide on the petition within thirty (30) days  
20 of its filing. The decision of the Court of Appeals may be appealed to the Supreme Court, but  
21 the consequences of the classification, as provided in this Act, shall immediately take effect.

22  
23 **SEC. 15. *Cancellation of Licenses, Freeze Orders, Forfeiture of Assets.*** — Once an  
24 organization has been declared a terrorist organization, any member of the Anti-Terrorism  
25 Council may initiate proceedings to cancel the licenses and registration of an organization under  
26 *Republic Act No. 11232*, or the "*Revised Corporation Code of the Philippines*", if any; apply for a freeze  
27 order as provided in Section 21 of this Act; and forfeit the organization's assets in favor of the  
28 state. The procedure for civil forfeiture shall be made in accordance with the *Anti-Money*  
29 *Laundering Act*, as amended, its *Revised Implementing Rules and Regulations* and the *Rules of Procedure*  
30 promulgated by the Supreme Court.

### 31 32 **Surveillance of Suspected Terrorists and Terrorist Organizations**

33  
34 **SEC. 16. *Surveillance of Suspected Terrorists and Terrorist Organizations.*** — The  
35 provisions of existing laws notwithstanding, law enforcement agencies and their duly-authorized  
36 agents may conduct surveillance on suspected terrorists and terrorist organizations under the  
37 following conditions and restrictions:

#### 38 39 A. Scope of Surveillance



1 Surveillance on suspected terrorists and terrorist organizations shall include fixed  
2 surveillance and all types of electronic monitoring. For this purpose, telecommunication  
3 companies and internet service providers may be compelled to produce customer information,  
4 call and text records, and other data that are deemed relevant by the law enforcement agency  
5 making the request for surveillance.

6  
7 Surveillance shall also contemplate bank inquiries and examination of bank accounts and  
8 investments. The Anti-Money Laundering Council (AMLC) is hereby authorized to investigate,  
9 upon its own initiative or at the request of the Anti-Terrorism Council, the following:

10  
11 (1) Any property or funds that are in any way related to financing of terrorism or acts of  
12 terrorism; or

13  
14 (2) Property or funds of any person or persons in relation to whom there is probable  
15 cause to believe that such person or persons are committing or attempting or conspiring to  
16 commit, or participating in or facilitating the financing of terrorism or acts of terrorism as  
17 defined in this Act.

18  
19 The AMLC may also enlist the assistance of any branch, department, bureau, office,  
20 agency or instrumentality of the government, including government-owned and -controlled  
21 corporations in undertaking measures to counter the financing of terrorism, which may include  
22 the use of its personnel, facilities and resources.

23  
24 For purposes of this section and notwithstanding the provisions of *Republic Act No. 1405*,  
25 otherwise known as the "*Law on Secrecy of Bank Deposits*", as amended; *Republic Act No. 6426*,  
26 otherwise known as the "*Foreign Currency Deposit Act of the Philippines*", as amended; *Republic Act*  
27 *No. 8791*, otherwise known as "*The General Banking Law of 2000*" and other laws, the AMLC is  
28 hereby authorized to inquire into or examine deposits and investments with any banking  
29 institution or non-bank financial institution and their subsidiaries and affiliates without a court  
30 order.

#### 31 32 B. Surveillance of Suspected Terrorists

- 33  
34 (1) A law enforcement agency or its duly-authorized agents must make an *ex parte* written  
35 request to the specially-designated Regional Trial Court of the judicial region where  
36 the person subject to surveillance is located. The written request must detail the need  
37 for surveillance of the person involved and all evidence in support of the request.  
38 The request and all its attachments are classified information that shall not be  
39 released publicly: *Provided*, That the persons subject of the surveillance or his or her  
40 authorized representative shall be furnished with the request and all its attachments



1 in the event that law enforcement charges the person or takes the person into  
2 custody as a result of the surveillance.

3  
4 (2) The Regional Trial Court must act on the request within fifteen (15) days of its  
5 submission. In granting the request, the court may impose additional conditions on  
6 the surveillance to be conducted, such as the mode of surveillance and the period  
7 during which surveillance shall be permitted, but in no case shall surveillance exceed  
8 a period of ninety (90) days.

9  
10 (3) Should law enforcement determine that the suspected terrorist who was subjected to  
11 surveillance is not a terrorist and there is no basis to continue surveillance, all data  
12 gathered on the person shall be sealed. The agency or agent involved shall then be  
13 required to submit a written report of the surveillance to the Anti-Terrorism Council,  
14 which shall determine within a period of thirty (30) days whether there is a need to  
15 store the data collected or have it expunged.

16  
17 (4) Upon expiration of the period for surveillance or desistance on the part of law  
18 enforcement, the agency or agent conducting the surveillance must submit a report  
19 and all data collected to the Anti-Terrorism Council, along with a recommendation as  
20 to whether further action should be taken against the subject of surveillance. The  
21 report and the collected data, if any, must be submitted within thirty (30) days of  
22 conclusion of the surveillance. The Anti-Terrorism Council shall review the report  
23 and collected data, if any, and decide within thirty (30) days from receipt whether to  
24 take further action against the subject of surveillance.

25  
26 (5) Should further surveillance be deemed necessary, the Anti-Terrorism Council shall  
27 send a request for an extension to the Regional Trial Court that permitted the  
28 original surveillance. The court must act on the request within five (5) days of receipt.  
29 No extension may exceed the period of ninety (90) days, but the Anti-Terrorism  
30 Council is not precluded from requesting another extension.

31  
32 (6) If the Anti-Terrorism Council finds that further action is unwarranted at the time, it  
33 shall seal the data collected and determine within a period of one (1) year whether the  
34 same should continue to be stored or expunged.

35  
36 (7) Should the Regional Trial Court deny the request for surveillance, the requesting  
37 agency or agent is not precluded from making another request, provided that more  
38 evidence in support of the request is submitted.

39  
40 C. Surveillance of Terrorist Organizations and their Members  
41



1 (1) Once an organization has been deemed a terrorist organization pursuant to Section  
2 14 of this Act, a law enforcement agency or its duly-authorized agents may conduct  
3 surveillance on a duly-classified terrorist organization and its members without need  
4 of judicial authority.

5  
6 (2) All data collected on the terrorist organizations and its members shall be reported to  
7 the Anti-Terrorism Council with a recommendation as to what legal action should be  
8 taken. The Anti-Terrorism Council shall act on all such reports and  
9 recommendations within fifteen (15) days from receipt thereof.  
10

11 **SEC. 17. *Creation of a Database.*** — The Anti-Terrorism Council Program  
12 Management Center constituted under Section 24 of this Act is hereby authorized and required  
13 to create a database of suspected terrorists and terrorist organizations, terrorist activities, and  
14 counter-terrorism operations. The database shall include information gathered from the  
15 surveillance authorized under the next preceding section. This database shall be classified and  
16 accessible only to government agencies and public officials as determined by the Anti-Terrorism  
17 Council on a need-to-know basis.  
18

19 The members of the Anti-Terrorism Council and such other agencies as may be allowed  
20 the access the database shall be required to provide information necessary to populate the  
21 database without prejudice to relevant laws on information security.  
22

### 23 **Control Orders**

24  
25 **SEC. 18. *Preventive Custody.*** — Notwithstanding the provisions of *Article 125 of Act*  
26 *No. 3815*, or the "*Revised Penal Code*", a person may be taken into preventive custody without  
27 need of charge, under the following conditions:  
28

29 (1) When a law enforcement agency or agent has sufficient grounds to believe that a  
30 person is planning or preparing to commit an act of terrorism, or any act punished  
31 under this law, an application to the Anti-Terrorism Council shall be made in order  
32 to take the person suspected into preventive custody;  
33

34 (2) The Anti-Terrorism Council is required to act on the application within twenty-four  
35 (24) hours. If the Anti-Terrorism Council approves the application, the person  
36 suspected shall be taken into preventive custody for an initial period of three (3) days,  
37 during which the Anti-Terrorism Council must file an *ex parte* petition for  
38 commitment before the specially-designated Regional Trial Court. The petition shall  
39 contain the approved application and its supporting evidence, as well as any  
40 information that arose subsequent to taking the suspect into custody.  
41



1 (3) The court must act on the petition within three (3) days of receipt. Should the court  
2 find that the preventive custody is unwarranted, it shall order the immediate release  
3 of the suspect. Should the court find that preventive custody is warranted, it shall  
4 issue a commitment order permitting custody of the suspect for up to thirty (30)  
5 days, counted from the date that the person was first taken into custody.  
6

7 (4) Suspects taken into custody under this Section shall be held in special facilities under  
8 the custody of the law enforcement agency that applied for the custody. Should the  
9 law enforcement agency see the need to extend the preventive custody, it shall file a  
10 petition for extension before the same Regional Trial Court that issued the  
11 commitment order.  
12

13 (5) The court shall hold a summary hearing on the petition for extension, where the  
14 suspect in custody shall be represented by counsel of choice, after which the court  
15 shall decide whether to extend the custody. No extension shall exceed fifteen (15)  
16 days, but a law enforcement agency is not precluded from making another  
17 application for extension subject to the same judicial process.  
18

19 (6) Preventive custody shall cease when the suspect is released or formal charges are  
20 brought against him or her.  
21

22 No law enforcement agent shall be liable for taking a person into preventive custody  
23 under this Section of this Act, *Provided:* That the procedure outlined above is strictly followed and  
24 any failure to comply therewith shall compel the release of the suspect. Otherwise, the law  
25 enforcement agent shall be held liable under *Article 125 of the Revised Penal Code*.  
26

27 **SEC. 19. *Rights of a Person under Preventive Custody.*** — A person taken into  
28 preventive custody shall be informed by the arresting or detaining law enforcement agents of the  
29 nature and cause of his or her arrest and detention. The arresting or detaining agents shall also  
30 inform the person detain of his or her right to remain silent and to have competent and  
31 independent counsel, preferably of his or her choice.  
32

33 If the person cannot afford the services of counsel of his or her choice, the law  
34 enforcement agents concerned shall immediately contact the free legal assistance unit of the  
35 Integrated Bar of the Philippines (IBP) or the Public Attorney's Office (PAO). It shall be the  
36 duty of the free legal assistance unit of the IBP or the PAO thus contacted to immediately visit  
37 the person in custody and provide legal assistance.  
38

39 The person in preventive custody shall be allowed to communicate freely with his or her  
40 legal counsel and to confer with them at any time without restriction.  
41



1 The person in preventive custody shall be allowed freely to avail of the service of a  
2 physician or physicians of choice. Furthermore, at the conclusion of the preventive custody,  
3 whether through the suspect's release or the filing of formal charges, a physician shall conduct an  
4 examination of the suspect and submit a report of his or her condition to the Anti-Terrorism  
5 Council, the court that issued the commitment order, and, in the event that the person is  
6 charged, to the court where the case is raffled.

7  
8 Nothing in this section shall be construed as limiting the rights of a person in preventive  
9 custody in relation to rights granted under the Constitution, other statutes, or rules of procedure.

10  
11 **SEC. 20. *Penalty for Violation of the Rights of a Person in Preventive Custody.* —**  
12 Any law enforcement agent who violates any of the rights of a person in preventive custody  
13 pursuant to this Act shall be criminally liable under this Act and shall suffer the penalty of  
14 imprisonment for a period within ten (10) years and one (1) day to fifteen (15) years, without  
15 prejudice to administrative or civil liability under other laws.

16  
17 If the law enforcement agent directly responsible for violating the rights of a suspect in  
18 preventive custody cannot be identified, the leader of the law enforcement unit having custody  
19 of the detainee at the time the violation was done shall be charged under this Act pursuant to the  
20 doctrine of command responsibility.

21  
22 **SEC. 21. *Freeze Order.* —** The AMLC, either upon its own initiative or at the request  
23 of the Anti-Terrorism Council, is hereby authorized to issue an *ex parte* order to freeze without  
24 delay:

25  
26 (1) Property or funds that are in any way related to financing of terrorism or acts of  
27 terrorism; or

28  
29 (2) Property or funds of any person, group of persons, terrorist organization, or  
30 association, in relation to whom there is probable cause to believe that they are committing or  
31 attempting or conspiring to commit, or participating in or facilitating the commission of  
32 financing of terrorism as defined herein.

33  
34 The freeze order shall be effective for a period not exceeding twenty (20) days. Upon a  
35 petition filed by the AMLC before the expiration of the period, the effectivity of the freeze order  
36 may be extended up to a period not exceeding six (6) months upon order of the specially-  
37 designated division of the Court of Appeals: *Provided*, That the twenty-day period shall be tolled  
38 upon filing of a petition to extend the effectivity of the freeze order.

39  
40 Notwithstanding the preceding paragraphs, the AMLC, consistent with the Philippines'  
41 international obligations, shall be authorized to issue a freeze order with respect to property or

1 funds of a designated organization, association, group or any individual to comply with binding  
2 terrorism-related *Resolutions*, including *Resolution No. 1373*, of the United Nations Security  
3 Council. This freeze order shall be effective until the basis for the issuance thereof is lifted.  
4 During the effectivity of the freeze order, an aggrieved party may, within twenty (20) days from  
5 its issuance, file with the specially-designated division of the Court of Appeals a petition to  
6 determine the basis of the freeze order according to the principle of effective judicial protection.

7  
8 However, if the property or funds subject of the freeze order under the immediately  
9 preceding paragraph are found to be in any way related to financing of terrorism or acts of  
10 terrorism committed within the jurisdiction of the Philippines, said property or funds shall be the  
11 subject of civil forfeiture proceedings in accordance with the *Anti-Money Laundering Act*, as  
12 amended, and its Revised Implementing Rules and Regulations and the Rules of Procedure  
13 promulgated by the Supreme Court.

14  
15 **SEC. 22. *Suspension and Cancellation of Passports.*** — Upon the recommendation  
16 of the Anti-Terrorism Council, the Secretary of Foreign Affairs may suspend the passport of a  
17 suspected terrorist for thirty (30) days to prevent him or her from acting in a manner prejudicial  
18 to the Philippines or other countries. The suspension may be extended upon recommendation of  
19 the Anti-Terrorism Council, but in no case may such extension exceed thirty (30) days.

20  
21 The Secretary of Foreign Affairs may summarily cancel the passports of Filipino  
22 members of a duly-classified terrorist organization.

### 23 24 **The Anti-Terrorism Council**

25  
26 **SEC. 23. *Composition.*** — The Anti-Terrorism Council under this Act shall be  
27 composed of:

28  
29 (1) The heads of the following departments and agencies, who shall sit as *ex-officio*  
30 members of the Anti-Terrorism Council:

31  
32 (a) Department of National Defense;

33  
34 (b) Department of the Interior and Local Government;

35  
36 (c) Department of Justice;

37  
38 (d) Department of Foreign Affairs;

39  
40 (e) Department of Transportation;



- 1 (f) Department of Information and Communications Technology;  
2  
3 (g) Department of Social Welfare and Development;  
4  
5 (h) Department of Education;  
6  
7 (i) Department of Labor;  
8  
9 (j) Anti-Money Laundering Council;  
10  
11 (k) National Bureau of Investigation;  
12  
13 (l) National Security Council;  
14  
15 (m) National Intelligence Coordinating Agency;  
16  
17 (n) Commission on Human Rights;  
18  
19 (o) Commission on Higher Education;  
20  
21 (p) The Office for Preventing and Countering Violent Extremism;  
22  
23 (q) The National Youth Commission;  
24  
25 (r) The Philippine Commission on Women;  
26  
27 (s) Office of the Presidential Adviser on the Peace Process;  
28  
29 (2) The chairpersons of the Committees of National Defense and Security of the Senate  
30 and House of Representatives, who shall also sit as *ex-officio* members of the Anti-  
31 Terrorism Council;  
32  
33 (3) The Chief Minister of the Bangsamoro Autonomous Region in Muslim Mindanao,  
34 who shall also serve in *ex-officio* capacity; and  
35  
36 (4) A representative of civil society to be appointed by the President of the Philippines.  
37

38 The Chairperson of the Anti-Terrorism Council shall be the Executive Secretary, who  
39 shall preside over the meetings of the Anti-Terrorism Council but shall only vote on any matter  
40 when there is a tie. The Executive Secretary must designate a Vice-Chair among the members of  
41 the Anti-Terrorism Council, who shall serve as Chairperson if the Executive Secretary is unable  
42 to attend a meeting.

1  
2 The Anti-Terrorism Council is not precluded from adding additional agencies to its  
3 members as the need arises, provided that such additions are done with the approval of the Joint  
4 Congressional Oversight Committee constituted under Section 30 of this Act.  
5

6 The departments and agencies whose heads are Council members under Paragraph 1 of  
7 this Section shall serve as support agencies for the Anti-Terrorism Council.  
8

9 **SEC. 24. *Anti-Terrorism Council Program Management Center.*** — In order to  
10 preserve institutional memory and the continuous, efficient operation of the Anti-Terrorism  
11 Council, the Anti-Terrorism Council Program Management Center is hereby constituted as a  
12 government agency attached to the Office of the President. It shall be headed by an Executive  
13 Director who shall have the rank of a Cabinet Secretary. It shall serve as Secretariat to the Anti-  
14 Terrorism Council.  
15

16 The Program Management Center shall have primary responsibility of creating and  
17 maintaining the database required under Section 17 of this Act. In line with this duty of data  
18 collection, the Program Management Center is hereby authorized to conduct research on all  
19 matters relating to terrorism, including the authority to analyze the data in its possession.  
20

21 The Anti-Terrorism Council shall determine the Program Management Center's  
22 additional duties.  
23

24 **SEC. 25. *Other Duties of the Anti-Terrorism Council.*** — Apart from the duties  
25 provided elsewhere in this Act, the Anti-Terrorism Council shall:  
26

- 27 (1) Periodically apprise the President of terrorist threats;
- 28
- 29 (2) Issue terrorism alerts when it deems it necessary;
- 30
- 31 (3) Coordinate with foreign counterparts;
- 32
- 33 (4) Grant monetary rewards and other incentives to informers who give vital  
34 information leading to the apprehension, arrest, detention, prosecution, and  
35 conviction of persons liable for acts of terrorism as defined in this Act;
- 36
- 37 (5) Advise government agencies on appropriate levels of confidentiality, the system of  
38 security clearance, and anti-terrorism protocols; and
- 39
- 40 (6) Propose legislation and policy.
- 41



1                   **Office for Preventing and Countering Violent Extremism**

2  
3           **SEC. 26. *The Office for Preventing and Countering Violent Extremism.*** — There  
4 is hereby created an Office for Preventing and Countering Violent Extremism (OPCVE), which  
5 shall have the mandate of addressing the root causes of terrorism. It shall be constituted as an  
6 agency attached to the Office of the President and headed by an Executive Director who shall  
7 have the rank of an Undersecretary.

8  
9           **SEC. 27. *Duties of the OPCVE.*** — The OPCVE shall propose and implement  
10 programs that identify vulnerable sectors and institute appropriate intervention to address the  
11 various push-and-pull factors of radicalization. The OPCVE shall ensure that all programs are  
12 inclusive and sensitive to diverse cultures, genders, and religions.

13  
14           All departments and agencies whose heads sit on the Anti-Terrorism Council are  
15 required to assist the OPCVE in the fulfillment of its mandate.

16  
17                   **Designated Courts**

18  
19           **SEC. 28. *Designation of Special Courts.*** — The Supreme Court shall designate at  
20 least one branch of the Regional Trial Court in each judicial region as a special anti-terrorism  
21 court tasked with hearing and deciding cases filed under this Act, as well as fulfilling the duties  
22 laid out in this Act.

23  
24           The Supreme Court shall also designate at least three divisions of the Court of Appeals as  
25 special anti-terrorism divisions tasked with fulfilling the duties laid out in this Act.

26  
27           Any appeals of the decisions or orders of the designated Regional Trial Courts shall be  
28 raised to the designated divisions of the Court of Appeals.

29  
30           **SEC. 29. *Safeguards for Confidentiality and Special Training.*** — Courts designated  
31 as special courts or divisions under this Act shall be granted special security clearance and receive  
32 special training from the Anti-Terrorism Council in order to ensure that all material presented to  
33 the courts are treated with the appropriate level of confidentiality. Particular attention shall be  
34 paid to the storage of sensitive material. When necessary, secure storage facilities for the use of  
35 designated courts may be appropriated under this Act.

36  
37                   **Final Provisions**

38  
39           **SEC. 30. *Joint Congressional Oversight Committee.*** — There is hereby created a  
40 Joint Congressional Oversight Committee to monitor the implementation of this Act. The  
41 Committee shall be composed of five (5) Senators and five (5) Representatives to be appointed



1 by the Senate President and the Speaker of the House of Representatives, respectively. The  
2 Oversight Committee shall be co-chaired by a Senator and a Representative designated by the  
3 Senate President and the Speaker of the House of Representatives, respectively. The Joint  
4 Congressional Oversight Committee shall convene at least once a year.

5  
6 **SEC. 31. Abuse of Powers Under this Act.** — Apart from the penalty provided under  
7 *Section 20* in this Act, law enforcement and other public officers may still be held liable for any  
8 actions that abuse the powers granted under this Act if such actions are punished by other  
9 statutes. The abuse of the powers under this Act shall be treated as a special aggravating  
10 circumstance warranting the maximum penalty provided by law, unless the court appreciates two  
11 or more mitigating circumstances in favor of the accused.

12  
13 **SEC. 32. Supplementary Application of the Revised Penal Code.** — When  
14 necessary, the provisions of the *Revised Penal Code* shall be suppletorily applicable to this Act.

15  
16 **SEC. 33. Appropriations.** — The amount necessary for the initial implementation of  
17 this Act shall be charged against the available appropriations of the Departments of the Interior  
18 and Local Government, National Defense, and Social Work and Development under the current  
19 General Appropriations Act. Thereafter, such amounts as may be necessary for the continued  
20 implementation of this Act shall be automatically appropriated in succeeding years.

21  
22 **SEC. 34. Implementing Rules and Regulations.** — The Anti-Terrorism Council  
23 constituted under this Act shall convene upon its effectivity and shall, within sixty (60) days after  
24 the effectivity of this Act, issue the implementing rules and regulations of this Act through the  
25 Program Management Center.

26  
27 **SEC. 35. Repealing Clause.** — *Republic Act No. 9372* and *Republic Act No. 10168* are  
28 hereby repealed. All other laws, executive orders, administrative orders, rules and regulations, or  
29 parts thereof that are inconsistent with this Act are hereby amended, repealed, or modified  
30 accordingly.

31  
32 **SEC. 36. Separability Clause.** — Should any provision of this Act be declared invalid,  
33 the remaining provisions shall continue to be valid and subsisting.

34  
35 **SEC. 37. Effectivity Clause.** — This Act shall take effect fifteen (15) days after its  
36 publication in the *Official Gazette* or two (2) newspapers of general circulation.

*Approved,*