

Republic of the Philippines
House of Representatives
Quezon City, Metro Manila
Eighteenth Congress
First Regular Session
HOUSE BILL NO. 3413



Introduced by:

ACT-CIS Party Representative: Jocelyn P. Tulfo, Eric Yap, and Rowena Nina Taduran

EXPLANATORY NOTE

As of 2018, the Philippines have become the 10th country in the world with the highest incidence of terrorist attacks¹. This comes amidst the occurrence of major terrorist activities such as the siege of Marawi and the Sulu suicide bombing incident wherein multitudes of our countrymen died helpless in the face of malefactors radicalized by ideals incompatible with our republic's policies².

As a country of laws, the tool we must utilize to combat such threats is the presence of an effective legal framework to both deter would-be terrorists and prosecute persons guilty of terrorist acts. Within our legal system's arsenal is the Human Security Act of 2007 – more formally cited as R.A.9372³. Unfortunately, based on legal records, there has been a disproportionate amount of convictions under this act compared to the number of terrorist attacks which have occurred in the years since its passage. In fact, it could be observed that there has only been one conviction under the human security act which was arrived at, not through trial on the merits, but based on a plea bargaining agreement by the accused.

The facts above serve as proof that our legal framework against terrorism leaves much to be desired. Using the Human Security Act of 2007, a successful prosecution of a person accused of terrorism requires too many legal facts to be first established which complicates and extends the process of prosecution. If the law is left the same, our country will hold onto the false hope that it is able to effectively defend itself against an increasingly obvious vulnerability.

This bill seeks to redefine what constitutes a terrorist act to be treated as a separate crime in itself. No longer would it be necessary to separately prove the accused person's motive and unlawful demand from the felony committed. As long as the act fits the description of a terrorist act, then it is only that act's elements which must then be proven before a court of law

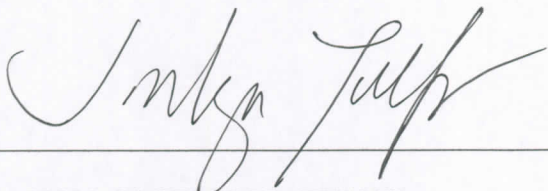
¹ 2018 Global Terrorism Index by visionofhumanity.org

² CNNPhilippines.com

³ R.A. 9372: Human Security Act of 2007

The process of proscription is also amended to be safe against abuses. Instead of probable cause as a requisite for its issuance, the degree of proof would now be that of “*clear and convincing evidence*”. This therefore requires more certainty and therefore more evidence on the part of the applying body. As stated earlier, this is in line with producing a law that is both strict yet fair, a law that hears before it strikes, and a law which is now urged to be passed.

ACT-CIS PARTYLIST



HON. JOCELYN P. TULFO



Hon. ERIC YAP



Hon. ROWENA NIÑA TADURAN

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**AN ACT AMENDNING CERTAIN PROVISSIONS OF REBULIC 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:*

SECTION 1. *Short Title.* - This Act shall henceforth be known as the ["Human
Security Act of 2007."] **"ANTI-TERRORISM ACT OF 2019."**

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

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

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

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

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

(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;

(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;

(C) "FOREIGN TERRORISTS" ARE ANY PERSONS WHO TRAVEL TO A STATE OTHER THAN THEIR STATES OF RESIDENCE OR NATIONALITY FOR THE PURPOSE OF PERPETRATING, PLANNING, OR PREPARING FOR, OR PARTICIPATING IN, TERRORIST ACTS OR PROVIDING FOR OR RECEIVING OF TERRORIST TRAINING. THESE SHALL ALSO INCLUDE INDIVIDUALS RESIDING ABROAD WHO COME TO THE PHILIPPINES TO PARTICIPATE IN PERPETRATING, PLANNING, OR PREPARING FOR, OR PARTICIPATING IN TERRORIST ACTS OR PROVIDE SUPPORT FOR OR FACILITATE TERRORIST TRAINING HERE OR ABROAD;

(D) "INCITING TO COMMIT TERRORIST ACTS" IS COMMITTED WHEN A PERSON, DIRECTLY OR INDIRECTLY, PROVOKES, GOADS, INSTIGATES, OR PERSUADES ANOTHER INDIVIDUAL OR

ORGANIZATION TO COMMIT ANY OF THE CRIMES DEFINED AND PENALIZED UNDER THE PROVISIONS OF THIS ACT, WHETHER BY MEANS OF VERBAL, WRITTEN, OR VISUAL COMMUNICATION;

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

(F) "PROPOSAL TO COMMIT TERRORIST ACTS" IS COMMITTED WHEN A PERSON WHO HAS DECIDED TO COMMIT ANY OF THE CRIMES DEFINED AND PENALIZED UNDER THE PROVISIONS OF THIS ACT PROPOSES ITS EXECUTION TO SOME OTHER PERSON OR PERSONS;

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

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

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

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

(K) "TERRORIST ORGANIZATION, ASSOCIATION OR GROUP OF PERSONS" SHALL REFER TO ANY ENTITY ORGANIZED FOR THE PURPOSE OF ENGAGING IN TERRORIST ACTS, OR THOSE PROSCRIBED UNDER SECTION 24 HEREOF OR THE UNITED NATIONS SECURITY COUNCIL-DESIGNATED TERRORIST ORGANIZATION; AND

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

SEC. [3] 4. [*Terrorism*] TERRORIST ACTS. – [Any person who commits an act punishable under any of the following, provisions of the Revised Penal Code:] ANY PERSON WHO COMMITS ANY OF THE FOLLOWING UNLAWFUL ACTS, REGARDLESS OF ITS STAGE OF EXECUTION, WHEN THE PURPOSE OF SUCH ACT, BY ITS NATURE AND CONTEXT, IS TO INTIMIDATE, PUT IN FEAR, FORCE OR INDUCE THE GOVERNMENT OR ANY INTERNATIONAL ORGANIZATION, OR THE PUBLIC TO DO OR TO ABSTAIN FROM DOING ANY ACT, OR SERIOUSLY DESTABILIZE OR DESTROY THE

FUNDAMENTAL POLITICAL, ECONOMIC OR SOCIAL STRUCTURES OF THE COUNTRY, OR CREATE A PUBLIC EMERGENCY OR UNDERMINE PUBLIC SAFETY:

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

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

thereby 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 shall be guilty of the crime of terrorism and shall suffer the penalty of forty (40) years of imprisonment, without the benefit of parole as provided for under Act No. 4103, otherwise known as the Indeterminate Sentence Law, as amended.]

- A. ATTACKS THAT CAUSE DEATH OR SERIOUS BODILY INJURY TO ANY PERSON;**
- B. ATTACKS THAT CAUSE EXTENSIVE DAMAGE OR DESTRUCTION TO A GOVERNMENT OR PUBLIC FACILITY, CRITICAL INFRASTRUCTURE, PUBLIC PLACE OR PRIVATE PROPERTY LIKELY TO ENDANGER HUMAN LIFE OR RESULT IN MAJOR ECONOMIC LOSS;**
- C. MANUFACTURE, POSSESSION, ACQUISITION, TRANSPORT, SUPPLY OR USE OF WEAPONS, EXPLOSIVES OR OF BIOLOGICAL OR CHEMICAL WEAPONS, AS WELL AS RESEARCH INTO, AND DEVELOPMENT OF, BIOLOGICAL AND CHEMICAL WEAPONS;**
- D. RELEASE OF DANGEROUS SUBSTANCES, OR CAUSING FIRES, FLOODS OR EXPLOSIONS THE EFFECT OF WHICH IS TO ENDANGER HUMAN LIFE; AND**
- E. THREAT TO COMMIT ANY OF THE ACTS LISTED IN PARAGRAPHS (A) TO (D) OF THIS SECTION**

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

SEC. 5. *PLANNING, PREPARING AND FACILITATING THE COMMISSION OF A TERRORIST ACT.* - IT SHALL BE UNLAWFUL FOR ANY PERSON TO PARTICIPATE IN THE PLANNING, PREPARATION AND FACILITATION IN THE COMMISSION OF A TERRORIST ACT, POSSESSING OBJECTS CONNECTED IN THE COMMISSION OF A TERRORIST ACT OR COLLECTING OR MAKING DOCUMENTS LIKELY TO FACILITATE THE COMMISSION OF A TERRORIST ACT. ANY PERSON FOUND GUILTY OF THE PROVISION OF THIS ACT

SHALL SUFFER THE PENALTY OF LIFE IMPRISONMENT WITHOUT THE BENEFIT OF PAROLE.

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

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

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

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

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

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

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

SEC. 10. FOREIGN TERRORIST. - THE FOLLOWING ACTS ARE UNLAWFUL AND SHALL BE PUNISHED WITH THE PENALTY OF LIFE IMPRISONMENT WITHOUT THE BENEFIT OF PAROLE:

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

(B) FOR ANY PERSON TO ORGANIZE OR FACILITATE THE TRAVEL OF INDIVIDUALS WHO TRAVEL TO A STATE OTHER

THAN THEIR STATES OF RESIDENCE OR NATIONALITY FOR THE PURPOSE OF PERPETRATING, PLANNING, OR PREPARING FOR, OR PARTICIPATING IN TERRORIST ACTS OR PROVIDING OR RECEIVING TERRORIST TRAINING, INCLUDING ACTS OF RECRUITMENT WHICH MAY BE COMMITTED THROUGH ANY OF THE FOLLOWING MEANS:

- i. RECRUITING ANOTHER PERSON TO SERVE IN ANY CAPACITY IN OR WITH AN ARMED FORCE IN A FOREIGN STATE, WHETHER THE ARMED FORCE FORMS PART OF THE ARMED FORCES OF THE GOVERNMENT OF THAT FOREIGN STATE OR OTHERWISE;**
- ii. PUBLISHING AN ADVERTISEMENT OR PROPAGANDA, FOR THE PURPOSE OF RECRUITING PERSONS TO SERVE IN ANY CAPACITY IN OR WITH SUCH AN ARMED FORCE;**
- iii. PUBLISHING AN ADVERTISEMENT OR PROPAGANDA CONTAINING ANY INFORMATION RELATING TO THE PLACE AT WHICH, OR THE MANNER IN WHICH, PERSONS MAY MAKE APPLICATIONS TO SERVE, OR OBTAIN INFORMATION RELATING TO SERVICE, IN ANY CAPACITY IN OR WITH SUCH ARMED FORCE OR RELATING TO THE MANNER IN WHICH PERSONS MAY TRAVEL TO A FOREIGN STATE FOR THE PURPOSE OF SERVING IN ANY CAPACITY IN OR WITH SUCH ARMED FORCE; OR**
- iv. PERFORMING ANY OTHER ACT WITH THE INTENTION OF FACILITATING OR PROMOTING THE RECRUITMENT OF PERSONS TO SERVE IN ANY CAPACITY IN OR WITH SUCH AN ARMED FORCE.**

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

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

SEC. [5] 12. *Accomplice.* - Any person who, not being a principal under Article 17 of the Revised Penal Code or a conspirator as defined in Section [4] 3(A) AND SECTION 5 hereof, cooperates in the execution of [either] ANY OF the crimeS [of terrorism or conspiracy to commit terrorism] DEFINED AND PENALIZED UNDER THE PROVISIONS OF THIS ACT, by previous or simultaneous acts SHALL BE LIABLE AS AN ACCOMPLICE AND shall suffer the penalty of IMPRISONMENT RANGING from seventeen (17) years, four (4) months AND one day to twenty (20) years of imprisonment.

SEC. [6] 13. *Accessory.* - Any person who, having knowledge of the commission of ANY OF the crimeS [of terrorism or conspiracy to commit terrorism,] DEFINED AND PENALIZED UNDER THE PROVISIONS OF THIS ACT, 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; **OR** (c) by harboring, concealing, or assisting in the escape of the principal or conspirator of the crime, **SHALL BE LIABLE AS AN ACCESSORY AND** shall suffer the penalty of **IMPRISONMENT RANGING FROM** ten (10) years and one day to 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).]

SEC. 14. PERPETUAL DISQUALIFICATION FROM PUBLIC OFFICE. - ANY PERSON FOUND GUILTY OF ANY OF THE ACTS DEFINED AND PENALIZED UNDER THE PROVISIONS OF THIS ACT SHALL BE PERPETUALLY DISQUALIFIED FROM RUNNING FOR ANY ELECTIVE OFFICE OR HOLDING ANY PUBLIC OFFICE. FURTHERMORE, IF SAID PERSON IS A PUBLIC OFFICER OR MEMBER OF THE CIVIL SERVICE, HE/SHE SHALL BE METED THE PENALTY OF DISMISSAL FROM SERVICE, WITH THE ACCESSORY PENALTIES OF CANCELLATION OF CIVIL SERVICE ELIGIBILITY, AND FORFEITURE OF RETIREMENT BENEFITS.

SEC. [7] 15. Surveillance of Suspects and Interception and Recording of Communications. - The provisions of Republic Act No. 4200 (Anti-Wire Tapping Law) to the contrary notwithstanding, [a police or] law enforcement [official and the members of his team] **OR MILITARY PERSONNEL** may, upon a written order of the Court of Appeals **OR REGIONAL TRIAL COURT SECRETLY WIRETAP, OVERHEAR AND** listen to, intercept, **SCREEN, READ, SURVEIL, [and] record OR COLLECT,** with the use of any mode, form, kind or type of electronic, **MECHANICAL OR OTHER EQUIPMENT OR DEVICE** or **TECHNOLOGY NOW KNOWN OR MAY HEREAFTER BE KNOWN TO SCIENCE** [other surveillance equipment or intercepting and tracking devices,] or with the use of any other suitable ways and means for [that] **THE ABOVE** purposeS, any **PRIVATE** communicationS, [message,] conversation,

discussion/S, **DATA, INFORMATION, MESSAGES IN WHATEVER FORM, KIND OR NATURE, [or] spoken or written words (A) between members of a judicially declared and outlawed terrorist organization, AS PROVIDED IN SECTION 24 OF THIS ACT; (B) BETWEEN MEMBERS OF A DESIGNATED PERSON AS DEFINED IN SECTION 3(E) OF REPUBLIC ACT NO. 10168, OTHERWISE KNOWN AS THE "TERRORISM FINANCING PREVENTION AND SUPPRESSION ACT OF 2012"; OR (C) [association, or group of persons or of] any person charged with or suspected of COMMITTING ANY OF the crimeS [of terrorism or conspiracy to commit terrorism] DEFINED AND PENALIZED UNDER THE PROVISIONS OF THIS ACT:** *Provided, That, surveillance, interception and recording of communications between lawyers and clients, doctors and patients, journalists and their sources and confidential business correspondence shall not be authorized.*

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

SEC. [8] 16. *Formal Application for Judicial Authorization.* - The written order [of the authorizing division of the Court of Appeals] to **LOCATE**, track down, tap, listen to, intercept, and record communications, messages, conversations, discussions, or spoken or written words of any person **OR GROUP OF PERSONS** suspected of **COMMITTING ANY OF the crimeS DEFINED AND PENALIZED** [of terrorism or the crime of conspiracy to commit terrorism] **UNDER THE PROVISIONS OF THIS ACT** shall only be granted by the

authorizing division of the Court of Appeals **OR THE REGIONAL TRIAL COURT** upon an *ex parte* written application of a [police or of a] law enforcement [official] **AGENT OR DEPUTIZED LAW ENFORCEMENT AGENCY, OR MILITARY PERSONNEL**, who has been duly authorized in writing by the Anti-Terrorism Council [created in Section 53 of this Act to file such *ex parte* application], and upon examination under oath or affirmation of the applicant and the witnesses **ESTABLISH** [he may produce to establish]: (a) that there is probable cause to believe based on personal knowledge of facts or circumstances that the [said] crimeS **DEFINED AND PENALIZED** [of terrorism or conspiracy to commit terrorism] **UNDER THE PROVISIONS OF THIS ACT** has been committed, or is being committed, or is about to be committed; (b) that there is probable cause to believe based on personal knowledge of facts or circumstances that evidence, which is essential to the conviction of any charged or suspected person for, or to the solution or prevention of, any such crimes, will be obtained; and, (c) that there is no other effective means readily available for acquiring such evidence.

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

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

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

The authorizing division of the Court of Appeals **OR THE REGIONAL TRIAL COURT** may extend or renew the said authorization [for] **TO A** [another] non-extendible period, which shall not exceed thirty (30) days from the expiration of the original period: *Provided*, That the [authorizing division of the Court of Appeals] **ISSUING COURT** is satisfied that such extension or renewal is in the public interest: and *Provided, further*, That the *ex parte* application for extension

or renewal, which must be filed by the original applicant, has been duly authorized in writing by the Anti-Terrorism Council.

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

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

SEC. [11.] **19. Custody of Intercepted and Recorded Communications.** - All tapes, discs, **OTHER STORAGE DEVICES**, [and] recordings, **NOTES, MEMORANDA, SUMMARIES, EXCERPTS AND ALL COPIES THEREOF** [made pursuant to the authorization of the authorizing division of the] **OBTAINED UNDER THE JUDICIAL AUTHORIZATION GRANTED BY THE** Court of Appeals **OR THE REGIONAL TRIAL COURT** [, including all excerpts and summaries thereof as well as all written notes or memoranda made in connection therewith,] shall, within forty-eight (48) hours after the expiration of the period fixed in the written order [of the authorizing division of the Court of Appeals or within forty-eight (48) hours after the expiration of any] **OR THE** extension or renewal granted [by the authorizing division of the Court of Appeals]

THEREAFTER, be deposited with the [authorizing Division of the Court of Appeals] **ISSUING COURT** in a sealed envelope or sealed package, as the case may be, and shall be accompanied by a joint affidavit of the applicant [police or] law enforcement **OR MILITARY** official and the members of his team. **THE JOINT AFFIDAVIT SHALL PROVIDE THE CHAIN OF CUSTODY OR THE LIST OF PERSONS WHICH EXERCISED POSSESSION OR CUSTODY OVER THE TAPES, DISCS AND RECORDINGS.**

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

It shall be unlawful for any person, [police officer] **LAW ENFORCEMENT OR MILITARY OFFICIAL** or any custodian of the tapes, discs, **OTHER STORAGE DEVICES** [and] recordings, **NOTES, MEMORANDA, SUMMARIES, EXCERPTS AND ALL COPIES THEREOF** [and their excerpts and summaries, written notes or memoranda to copy in whatever form,] to remove, delete, expunge, incinerate, shred or destroy in any manner the items enumerated above in whole or in part under any pretext whatsoever.

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

SEC. [12] 20. Contents of Joint Affidavit. - The joint affidavit of the [police or of the] law enforcement [official and the individual members of his team] **OR MILITARY PERSONNEL** shall state: (a) the number of tapes, discs, and recordings that have been made, [as well as the number of excerpts and summaries thereof and the number of written notes and memoranda, if any, made in connection therewith] ; (b) the dates and times covered by each of such tapes, discs, and recordings; [(c) the number of tapes, discs, and recordings, as well as

the number of excerpts and summaries thereof and the number of written notes and memoranda made in connection therewith that have been included in the deposit; and (d) the date of the original written authorization granted by the Anti-Terrorism Council to the applicant to file the ex parte application to conduct the tracking down, tapping, intercepting, and recording, as well as the date of any extension or renewal of the original written authority granted by the authorizing division of the Court of Appeals] **AND (C) THE CHAIN OF CUSTODY OR THE LIST OF PERSONS WHO HAD POSSESSION OR CUSTODY OVER THE TAPES, DISCS AND RECORDINGS.**

The joint affidavit shall also certify under oath that no duplicates or copies of the whole or any part of any of such tapes, discs, **OTHER STORAGE DEVICES** [and] recordings, **NOTES, MEMORANDA, SUMMARIES, EXCERPTS AND ALL COPIES THEREOF** and that no duplicates or copies [of the whole or any part of any of such excerpts, summaries, written notes, and memoranda] **THEREOF**, have been made, or, if made, that all such duplicates and copies are included in the sealed envelope or sealed package, as the case may be, deposited with the authorizing division of the Court of Appeals **OR REGIONAL TRIAL COURT.**

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

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

SEC. [13] 21. *Disposition of Deposited Materials.* - The sealed envelope or sealed package and the contents thereof, **REFERRED TO IN SECTION 19 OF THIS ACT**, [which are deposited with the authorizing division of the Court of Appeals,] shall be deemed and are hereby declared classified information. [, and t] The sealed envelope or sealed package shall not be opened, [and its contents (including the tapes, discs, and recordings and all the excerpts and summaries thereof and the notes and memoranda made in connection therewith) shall not be] [divulged,

revealed, read, replayed,] **DISCLOSED**, or used as evidence unless authorized by A written order of the authorizing division of the Court of Appeals **OR REGIONAL TRIAL COURT** which written order shall be granted only upon a written application of the Department of Justice [filed before the authorizing division of the Court of Appeals and only upon a showing that the Department of Justice has been] duly authorized in writing by the Anti-Terrorism Council to file the application with proper written notice **TO** the person whose conversation, communication, message, discussion or spoken or written words have been the subject of surveillance, monitoring, recording and interception to open, reveal, divulge, and use the contents of the sealed envelope or sealed package as evidence.

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

THE WRITTEN APPLICATION, WITH NOTICE TO THE PARTY CONCERNED, FOR THE OPENING, REPLAYING, DISCLOSING, OR USING AS EVIDENCE OF THE SEALED PACKAGE OR THE CONTENTS THEREOF, SHALL CLEARLY STATE THE PURPOSE OR REASON FOR ITS OPENING, REPLAYING, DISCLOSING, OR ITS BEING USED AS EVIDENCE.

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

[SEC. 14. *Application to Open Deposited Sealed Envelope or Sealed Package.* - The written application with notice to the party concerned to open the deposited sealed envelope or sealed package shall clearly state the purpose or reason: (a) for opening the sealed envelope or sealed package; (b) for revealing or disclosing its classified contents; (c) for replaying, divulging, and or reading any of the listened to, intercepted, and recorded communications, messages, conversations, discussions, or spoken or written words (including any of the excerpts and summaries thereof and any of the notes or memoranda made in connection

therewith); [and, (d) for using any of said listened to, intercepted, and recorded communications, messages, conversations, discussions, or spoken or written words (including any of the excerpts and summaries thereof and any of the notes or memoranda made in connection therewith) as evidence.

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

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

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

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

communication, message, conversation, discussion, or spoken or written words of a person charged with or suspected of the crime of terrorism or conspiracy to commit terrorism: *Provided*, That notwithstanding Section 13 of this Act, the party aggrieved by such authorization shall 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.]

SEC. [17] **24. Proscription of Terrorist Organizations, Association, or Group of Persons.** - Any **GROUP OF PERSONS**, organization, **OR** association, [or group of persons organized for the purpose of engaging in terrorism, or] which [, although not organized for that purpose, actually uses the acts to terrorize mentioned in this Act or to sow and create 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] **COMMITTS ANY OF THE ACTS DEFINED AND PENALIZED UNDER THE PROVISIONS OF THIS ACT, OR EXISTS FOR THE PURPOSE OF ENGAGING IN TERRORIST ACTS AS SHOWN BY THE PRESENCE OF CLEAR AND CONVINCING EVIDENCE** shall, upon application of the Department of Justice before a competent Regional Trial Court, with due notice and opportunity to be heard given to the **GROUP OF PERSONS**, organization [,] **OR** association, [or group of persons concerned], be declared as a terrorist and outlawed **GROUP OF PERSONS**, organization[,] **OR** association, [or group of persons] by the said Regional Trial Court.

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

SEC. 25. PRELIMINARY ORDER OF PROSCRIPTION. - WHERE THE REGIONAL TRIAL COURT JUDGE HAS DETERMINED THAT THERE IS CLEAR AND CONVINCING EVIDENCE OF TERRORIST ACTS OR THAT A PERSON IS A TERRORIST AS SET FORTH IN A

VERIFIED APPLICATION WHICH IS SUFFICIENT IN FORM AND SUBSTANCE, HE/SHE SHALL, WITHIN SEVENTY TWO (72) HOURS FROM THE FILING OF THE APPLICATION, ISSUE A PRELIMINARY ORDER OF PROSCRIPTION DECLARING THAT THE RESPONDENT IS A TERRORIST AND AN OUTLAWED ORGANIZATION OR ASSOCIATION WITHIN THE MEANING OF SECTION 24 OF THIS ACT.

THE COURT WILL SCHEDULE A SUMMARY HEARING AT A DATE AND TIME WITHIN A SIX-MONTH PERIOD FROM THE FILING OF THE VERIFIED APPLICATION, WHEN THE RESPONDENT MAY, FOR GOOD CAUSE, SHOW WHY THE ORDER OF PROSCRIPTION SHOULD BE SET ASIDE. THE COURT SHALL DETERMINE WITHIN THE SAME PERIOD WHETHER THE QUESTIONED ORDERS SHOULD BE MADE PERMANENT, SET ASIDE, MODIFIED OR BE LIFTED AS THE CASE MAY BE.

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

SEC. 26. REQUEST TO PROSCRIBE FROM FOREIGN JURISDICTIONS AND SUPRA-NATIONAL JURISDICTIONS. - CONSISTENT WITH THE NATIONAL INTEREST, ALL REQUESTS FOR PROSCRIPTION MADE BY ANOTHER JURISDICTION OR SUPRA-NATIONAL JURISDICTION SHALL BE REFERRED BY THE DEPARTMENT OF FOREIGN AFFAIRS TO THE ANTI-TERRORISM COMMISSION TO DETERMINE, WITH THE ASSISTANCE OF THE NATIONAL INTELLIGENCE COORDINATING AGENCY, IF PROSCRIPTION UNDER SECTION 24 OF THIS ACT IS WARRANTED. IF THE REQUEST FOR PROSCRIPTION IS GRANTED, THE COMMISSION SHALL CORRESPONDINGLY COMMENCE PROSCRIPTION PROCEEDINGS THROUGH THE DEPARTMENT OF JUSTICE.

SEC. [18] 27. *[Period of] Detention Without Judicial Warrant of Arrest.* – The provisions of Article 125 of the Revised Penal Code to the contrary notwithstanding, any [police or] law enforcement personnel **OR DEPUTIZED LAW ENFORCEMENT AGENCY OR MILITARY PERSONNEL**, who, having been duly authorized in writing by the Anti-Terrorism Council has taken custody of a person charged with or suspected of **COMMITTING ANY TERRORIST ACTS** [the crime of terrorism] or **ANY ATTEMPT OR CONSPIRACY TO COMMIT TERRORIST ACTS** [the crime of conspiracy to commit terrorism shall,] **OR ANY MEMBER OF A GROUP OF PERSONS, ORGANIZATION OR ASSOCIATION PROSCRIBED IN ACCORDANCE WITH SECTION 24 HEREOF SHALL**, without incurring any criminal liability for delay in the delivery of detained persons to the proper judicial authorities, deliver said charged or suspected person to the proper judicial authority within a period of [three] **FOURTEEN (14) WORKING** days counted from the moment the said charged or suspected person has been apprehended or arrested, detained, and taken into custody by the [said police, or] law enforcement **PERSONNEL OR DEPUTIZED LAW ENFORCEMENT AGENCY OR MILITARY** personnel **IF IT IS ESTABLISHED THAT (1) FURTHER DETENTION OF THE PERSON/S IS NECESSARY TO PRESERVE EVIDENCE RELATED TO THE TERRORIST ACT OR COMPLETE THE INVESTIGATION; (2) FURTHER DETENTION OF THE PERSON/S IS NECESSARY TO PREVENT THE COMMISSION OF ANOTHER TERRORIST ACT; AND (3) THE INVESTIGATION IS BEING CONDUCTED PROPERLY AND WITHOUT DELAY.** *[Provided, That the arrest of those suspected of the crime of terrorism or conspiracy to commit terrorism must result from the surveillance under Section 7 and examination of bank deposits under Section 27 of this Act.]*

[The police or law enforcement personnel concerned shall, before detaining the person suspected of the crime of terrorism, present him or her before any judge at the latter's residence or office nearest the place where the arrest took place at any time of the day or night. It shall be the duty of the judge, among other things, to ascertain the identity of the police or law enforcement personnel and the person or persons they have arrested and presented before him or her, to inquire of them the reasons why they have arrested the person and determine by questioning and personal observation whether or not the suspect has been subjected to any physical, moral or psychological torture by whom and why. The judge shall then submit a written report of what he/she had observed when the subject was brought

before him to the proper court that has jurisdiction over the case of the person thus arrested. The judge shall forthwith submit his/her report within three calendar days from the time the suspect was brought to his/her residence or office.]

Immediately after taking custody of a person charged with or suspected of **COMMITTING TERRORIST ACTS** [the crime of terrorism or conspiracy to commit terrorism,] **OR ANY MEMBER OF A GROUP OF PERSONS, ORGANIZATION OR ASSOCIATION PROSCRIBED UNDER SECTION 24 HEREOF**, the [police or] law enforcement personnel **OR DEPUTIZED LAW ENFORCEMENT AGENCY OR MILITARY PERSONNEL** shall notify in writing the judge of the court nearest the place of apprehension or arrest **OF THE FOLLOWING FACTS:** [*Provided*, That where the arrest is made during Saturdays, Sundays, holidays or after office hours, the written notice shall be served at the residence of the judge nearest the place where the accused was arrested.] **(A) THE TIME, DATE, AND MANNER OF ARREST; (B) THE LOCATION OR LOCATIONS OF THE DETAINED SUSPECT/S AND (C) THE PHYSICAL AND MENTAL CONDITION OF THE DETAINED SUSPECT/S. THE LAW ENFORCEMENT PERSONNEL OR DEPUTIZED LAW ENFORCEMENT AGENCY OR MILITARY PERSONNEL SHALL LIKEWISE FURNISH THE ANTI-TERRORISM COUNCIL OF THE WRITTEN NOTICE GIVEN TO THE JUDGE.**

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

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

[SEC. 19 . *Period of Detention in the Event of an Actual or Imminent Terrorist Attack*. - In the event of an actual or imminent terrorist attack, suspects may not be detained for more than three days without the written approval of a municipal, city, provincial or regional official of a Human Rights Commission or judge of the municipal, regional trial court, the Sandiganbayan or a justice of the Court of Appeals nearest the place of the arrest. If the arrest is made during Saturdays, Sundays, holidays or after office hours, the arresting police or law enforcement personnel shall bring the person thus arrested to the residence of any of the officials mentioned above that is nearest the place where the accused was arrested. The approval in writing of any of the said officials shall be secured by the police or law enforcement personnel concerned within five days after the date of the detention of the persons concerned: *Provided, however*, That within three days after the detention the suspects, whose connection with the terror attack or threat is not established, shall be released immediately.]

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

SEC. [21] 28. *Rights of a Person under Custodial Detention*. - The moment a person charged with or suspected of the crime of terrorism or the crime of conspiracy to commit terrorism is apprehended or arrested and detained, he shall forthwith be informed, by the arresting police or law enforcement officers or by the police or law enforcement officers to whose custody the person concerned is brought, of his or her right: (a) to be informed of the nature and cause of his arrest, to remain silent and to have competent and independent counsel preferably of his choice. If the person cannot afford the services of counsel of his or her choice, the [police or] law enforcement [officers] **OR MILITARY PERSONNEL** concerned shall immediately contact the free legal assistance unit of the Integrated Bar of the Philippines (IBP) or the Public Attorney's Office (PAO). It shall be the duty of the free legal assistance unit of the IBP or the PAO thus contacted to immediately visit the person(s) detained and provide him or her with legal assistance. These rights cannot be waived except in writing and in the presence of the counsel of choice; (b) informed of the cause or causes of his detention in the presence of his legal

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

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

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

[SEC. 23. *Requirement for an Official Custodial Logbook and its Contents.* - The police or other law enforcement custodial unit in whose care and control the person charged with or suspected of the crime of terrorism or the crime of conspiracy to commit terrorism has been placed under custodial arrest and detention shall keep a securely and orderly maintained official logbook, which is hereby declared as a public document and opened to and made available for the inspection and scrutiny of the lawyer or lawyers of the person under custody or any member of his or her family or relative by consanguinity or affinity within the fourth civil degree or his or her physician at any time of the day or night without any form of restriction. The logbook shall contain a clear and concise record of: (a) the name, description, and address of the detained person; (b) the date and exact time of his initial admission for custodial arrest and detention; (c) the name

and address of the physician or physicians who examined him physically and medically; (d) the state of his health and physical condition at the time of his initial admission for custodial detention; (e) the date and time of each removal of the detained person from his cell for interrogation or for any purpose; (f) the date and time of his return to his cell; (g) the name and address of the physician or physicians who physically and medically examined him after each interrogation; (h) a summary of the physical and medical findings on the detained person after each of such interrogation; (i) the names and addresses of his family members and nearest relatives, if any and if available; (j) the names and addresses of persons, who visit the detained person; (k) the date and time of each of such visits; (l) the date and time of each request of the detained person to communicate and confer with his legal counsel or counsels; (m) the date and time of each visit, and date and time of each departure of his legal counsel or counsels; and, (n) all other important events bearing on and all relevant details regarding the treatment of the detained person while under custodial arrest and detention.

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

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

SEC. [24] 30. *No Torture or Coercion in Investigation and Interrogation.* – [No threat, intimidation, or coercion, and no act which will inflict any form of physical pain or torment, or mental, moral, or psychological pressure, on the detained person, which shall vitiate his free will, shall be employed in his investigation and interrogation for the crime of terrorism or the crime of conspiracy to commit terrorism; otherwise, the] **THE USE OF TORTURE AND OTHER CRUEL,**

INHUMAN AND DEGRADING TREATMENT OR PUNISHMENT, AS DEFINED IN SECTIONS 4 AND 5 OF REPUBLIC ACT NO. 9745 OR THE “ANTI-TORTURE ACT OF 2009,” AT ANY TIME DURING THE INVESTIGATION OR INTERROGATION OF A DETAINED SUSPECTED TERRORIST IS ABSOLUTELY PROHIBITED. ANY evidence obtained from said detained person resulting from such [threat, intimidation, or coercion, or from such inflicted physical pain or torment, or mental, moral, or psychological pressure,] **TREATMENT** shall be, in its entirety, absolutely not admissible and usable as evidence in any judicial, quasi-judicial, legislative, or administrative investigation, inquiry, proceeding, or hearing.

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

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

SEC. [26] 31. *Restriction on THE RIGHT TO Travel.* – **UPON THE FILING OF THE INFORMATION REGARDING THE COMMISSION OF ANY ACTS DEFINED AND PENALIZED UNDER THE PROVISIONS OF THIS ACT, THE PROSECUTOR SHALL APPLY WITH THE COURT HAVING JURISDICTION FOR THE ISSUANCE OF A PRECAUTIONARY HOLD DEPARTURE ORDER (PHDO) AGAINST THE ACCUSED. THE SAID APPLICATION SHALL BE ACCOMPANIED BY THE COMPLAINT-AFFIDAVIT AND ITS ATTACHMENTS, PERSONAL DETAILS,**

PASSPORT NUMBER AND A PHOTOGRAPH OF THE ACCUSED, IF AVAILABLE.

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

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

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

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

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

[SEC. 27. *Judicial Authorization Required to Examine Bank Deposits, Accounts, and Records.* - The provisions of Republic Act No. 1405 as amended, to the

contrary notwithstanding, the justices of the Court of Appeals designated as a special court to handle anti-terrorism cases after satisfying themselves of the existence of probable cause in a hearing called for that purpose that: (1) a person charged with or suspected of the crime of terrorism or, conspiracy to commit terrorism, (2) of a judicially declared and outlawed terrorist organization, association, or group of persons; and (3) of a member of such judicially declared and outlawed organization, association, or group of persons, may authorize in writing any police or law enforcement officer and the members of his/her team duly authorized in writing by the anti-terrorism council to: (a) examine, or cause the examination of, the deposits, placements, trust accounts, assets and records in a bank or financial institution; and (b) gather or cause the gathering of any relevant information about such deposits, placements, trust accounts, assets, and records from a bank or financial institution. The bank or financial institution concerned, shall not refuse to allow such examination or to provide the desired information, when so, ordered by and served with the written order of the Court of Appeals.]

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

[SEC. 29. *Classification and Contents of the Court Order Authorizing the Examination of Bank Deposits, Accounts, and Records.* - The written order granted by the authorizing division of the Court of Appeals as well as its order, if any, to extend or renew the same, the original *ex parte* application of the applicant, including his *ex parte application* to extend or renew, if any, and the written authorizations of the Anti-Terrorism Council, shall be deemed and are hereby declared as classified information: *Provided*, That the person whose bank deposits, placements, trust accounts, assets, and records have been examined, frozen, sequestered and seized by law enforcement authorities has the right to be informed of the acts done by the law enforcement authorities in the premises or to challenge, if he or she intends to do so, the legality of the interference. The written order of the authorizing division of the Court of Appeals designated to handle cases involving terrorism shall specify: (a) the identity of the said: (1) person charged with or suspected of the crime of terrorism or conspiracy to commit terrorism; (2) judicially declared and outlawed terrorist organization, association, or group of persons; and (3) member of such judicially declared and outlawed organization, association, or group of persons, as the case may be. whose deposits, placements, trust accounts, assets, and records are to be examined or the information to be gathered; (b) the identity of the bank or financial institution where such deposits, placements, trust accounts, assets, and records are held and maintained; (c) the identity of the persons who will conduct the said examination and the gathering of the desired information; and, (d) the length of time the authorization shall be carried out.]

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

The authorizing division of the Court of Appeals may extend or renew the said authorization for another period, which shall not exceed thirty (30) days renewable to another thirty (30) days from the expiration of the original period:

Provided, That the authorizing division of the Court of Appeals is satisfied that such extension or renewal is in the public interest: and, *Provided, further*, That the application for extension or renewal, which must be filed by the original applicant, has been duly authorized in writing by the Anti-Terrorism Council.

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

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

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

[SEC. 31. *Custody of Bank Data and Information Obtained after Examination of Deposits, Placements, Trust Accounts, Assets and Records.* - All information, data, excerpts, summaries, notes, memoranda, working sheets, reports, and other documents obtained from the examination of the bank 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 terrorist organization, association, or group of persons; or

(3) a member of any such organization, association, or group of persons shall, within forty-eight (48) hours after the expiration of the period fixed in the written order of the authorizing division of the Court of Appeals or within forty-eight (48) hours after the expiration of the extension or renewal granted by the authorizing division of the Court of Appeals, be deposited with the authorizing division of the Court of Appeals in a sealed envelope or sealed package, as the case may be, and shall be accompanied by a joint affidavit of the applicant police or law enforcement official and the persons who actually conducted the examination of said bank deposits, placements, trust accounts, assets and records.]

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

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

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

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

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

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

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

[SEC. 35. *Evidentiary Value of Deposited Bank Materials.* - Any information, data, excerpts, summaries, notes, memoranda, work sheets, reports, or documents acquired from the examination of the bank deposits, placements, trust accounts, assets and records of: (1) a person charged 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, which have been secured in violation of the provisions of this Act, shall absolutely not be admissible and usable as evidence against anybody in any judicial, quasi-judicial, legislative, or administrative investigation, inquiry, proceeding, or hearing.]

SEC. 32. *BANK INQUIRY AND EXAMINATION.* – UPON ORDER OF THE COURT DECLARING AN ORGANIZATION, ASSOCIATION, OR GROUP OF PERSONS, AS TERRORISTS OR AN OUTLAWED ORGANIZATION OR ASSOCIATION IN ACCORDANCE WITH SECTION 24 HEREOF, OR IF A VALID JUDICIAL AUTHORIZATION IS AVAILABLE AGAINST SUCH ORGANIZATION, ASSOCIATION OR GROUP OF PERSONS, LAW ENFORCEMENT OFFICERS OR MILITARY PERSONNEL, THRU THE ANTI MONEY LAUNDERING COUNCIL, MAY CONDUCT AN INQUIRY AND EXAMINATION INTO THE BANK ACCOUNTS AND INVESTMENTS OF SUCH ORGANIZATION, ASSOCIATION, GROUP OF PERSONS, OR INDIVIDUAL. SUCH INQUIRY AND EXAMINATION SHALL BE IN ACCORDANCE WITH REPUBLIC ACT NO. 9160, OTHERWISE KNOWN AS THE “ANTI-MONEY LAUNDERING ACT OF 2001, AS AMENDED” IN RELATION TO REPUBLIC ACT 10168, OTHERWISE KNOWN AS “TERRORISM FINANCING PREVENTION AND SUPPRESSION ACT OF 2012”. ANY PERSON, LAW ENFORCEMENT OR MILITARY PERSONNEL WHO EXAMINES THE DEPOSITS, PLACEMENTS, TRUST ACCOUNTS, ASSETS, OR RECORDS IN A BANK OR FINANCIAL INSTITUTION IN CONTRAVENTION OF THE PREVIOUS PARAGRAPH SHALL SUFFER THE PENALTY OF IMPRISONMENT RANGING FORM TEN (10) YEARS AND ONE DAY TO TWELVE (12) YEARS.

[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 ten (10) years and one day to twelve (12) years [of imprisonment.

In addition to the liability attaching to the offender for the commission of any other offense, the penalty of ten (10) years and one day to 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.]

SEC. [37] 33. *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 terrorist 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] **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] ten (10) years and one day to twelve (12) years [of imprisonment].

[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 ten (10) years and one day to twelve (12) years of imprisonment.]

[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 ten (10) years and one day to twelve (12) years of imprisonment.]

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

[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 state 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 Five hundred thousand pesos (P500,000.00) a day for the period of

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.]

[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 ten (10) years and one day to twelve (12) years of imprisonment.]

[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 ten (10) years and one day to twelve (12) years of imprisonment.]

[SEC. 44. *Infidelity in the Custody of Detained Persons.* - Any public officer who has direct custody of a detained person 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) twelve (12) years and one day to 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) six years and one day to twelve (12) years of imprisonment, if the detained person has not been convicted and sentenced in a final judgment of a competent court.]

SEC. [45] 34. *Immunity and Protection of Government Witnesses.* - The provisions of Republic Act No. 6981 (Witness Protection, Security and Benefits Act) to the

contrary notwithstanding, the immunity of government witnesses testifying under this Act shall be governed by Sections 17 and 18 of Rule 119 of the Rules of Court: *Provided, however,* That said witnesses shall be entitled to benefits granted to witnesses under said Republic Act No.6981.

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

SEC. [47] **36. *Penalty for Furnishing False Evidence, Forged Document, or Spurious Evidence.*** - The penalty of **IMPRISONMENT RANGING FROM** twelve (12) years and one day to 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.

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

[SEC. 49. *Prosecution Under This Act Shall be a Bar to Another Prosecution under the Revised Penal Code or any Special Penal Laws.* - When a person has been prosecuted under a provision of this Act, upon a valid complaint or information or other formal charge sufficient in form and substance to sustain a conviction and after the accused had pleaded to the charge, the acquittal of the

accused or the dismissal of the case shall be a bar to another prosecution for any offense or felony which is necessarily included in the offense charged under this Act.]

[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 Five hundred thousand pesos (P500,000.00) 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.]

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

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

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

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

SEC. [53] **38. *Anti-Terrorism Council.*** – An Anti-Terrorism Council, hereinafter referred to, for brevity, as the “Council” is hereby created. The members of the Council are: (1) the Executive Secretary, who shall be its Chairperson; (2) the Secretary of Justice, who shall be its Vice Chairperson; and (3) the Secretary of Foreign Affairs; (4) the Secretary of National Defense; (5) the Secretary of the Interior and Local Government; (6) the Secretary of Finance; [and] (7) the 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) **SECRETARY OF SOCIAL WELFARE AND DEVELOPMENT,** (14) **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.

The Council shall implement this Act and assume the responsibility for the proper and effective implementation of the anti-terrorism policy of the country. The Council shall keep records of its proceedings and decisions. All records of the

Council shall be subject to such security classifications as the Council may, in its judgment and discretion, decide to adopt to safeguard the safety of the people, the security of the Republic, and the welfare of the nation.

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

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

- 1. PREVENTING and COUNTERING VIOLENT EXTREMISM (PCVE) PROGRAM WHICH SHALL IDENTIFY, INTEGRATE AND SYNCHRONIZE ALL GOVERNMENT AND NON-GOVERNMENT INITIATIVES AND RESOURCES TO DEVELOP A**

PCVE FOR THE PREVENTION OF AND DISENGAGEMENT FROM VIOLENT EXTREMISM, COUNTER-RADICALIZATION, DE-RADICALIZATION AND PROVIDING AFTERCARE THEREOF;

- 2. COUNTERTERRORISM OPERATIONAL READINESS (COR) PROGRAM WHICH SHALL ASSESS, COLLABORATIVE MECHANISMS BETWEEN AND AMONG COUNCIL MEMBERS AND SUPPORT AGENCIES AND FACILITATE OPERATIONAL COOPERATION AMONG OTHER AGENCIES AND STAKEHOLDERS IN COMBATING TERRORISM AND IN DETERMINING THE READINESS AND ENSURING COMPLIANCE WITH BEST PRACTICE APPROACHES OF ANTI-TERRORISM INITIATIVES;**
- 3. LEGAL AFFAIRS PROGRAM WHICH SHALL FOCUS ON ALL INITIATIVES REQUIRING LEGAL AND LEGISLATED ACTIONS AND OTHER MEASURES NECESSARY IN THE CAMPAIGN AGAINST TERRORISM;**
- 4. TERRORISM FINANCING PROGRAM WHICH SHALL FOCUS ON COMBATING TERRORIST FINANCING, SET UP EFFECTIVE MECHANISM TO FREEZE FUNDS AND OTHER FINANCIAL ASSETS, AND FORFEITURE OF ASSETS, OF PERSONS AND ENTITIES INVOLVED IN OR ASSOCIATED WITH TERRORISM, AS WELL PREVENTING THOSE FUNDS FROM BEING MADE AVAILABLE TO TERRORIST; AND**
- 5. INTERNATIONAL AFFAIRS PROGRAM WHICH SHALL ENSURE COMPLIANCE WITH INTERNATIONAL COMMITMENTS TO COUNTER-TERRORISM RELATED PROTOCOLS AND BILATERAL AND/OR MULTILATERAL AGREEMENTS.**

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

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

1. Formulate and adopt plans, programs and **PREVENTIVE** and counter-measures against terrorists and acts of terrorism in the country;
2. Coordinate all national efforts to suppress and eradicate acts of terrorism in the country and mobilize the entire nation against terrorism prescribed in this Act;
3. Direct the speedy investigation and prosecution of all persons accused or detained for the crime of terrorism or conspiracy to commit terrorism and other offenses punishable under this Act, and monitor the progress of their cases;
4. **MONITOR THE PROGRESS OF THE INVESTIGATION AND PROSECUTION OF ALL PERSONS ACCUSED AND/OR DETAINED FOR THE CRIMES DEFINED AND PENALIZED UNDER THE PROVISIONS OF THIS ACT;**
- [4.] 5. Establish and maintain comprehensive data-base information systems on terrorism, terrorist activities, and counter-terrorism operations;
- [5. Freeze the funds property, bank deposits, placements, trust accounts, assets and records belonging to a person suspected of or charged with the 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;

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

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

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

11.LEAD IN THE FORMULATION AND IMPLEMENTATION OF A NATIONAL STRATEGIC PLAN TO PREVENT AND COMBAT TERRORISM;

[8.] **12.** Request the Supreme Court to designate specific divisions of the Court of Appeals [and] **OR** Regional Trial Courts [in Manila, Cebu City and Cagayan de Oro City, as the case may be,] to handle all cases involving the crimeS [of terrorism or conspiracy to commit terrorism] **DEFINED AND PENALIZED UNDER THE PROVISIONS OF THIS ACT**, and all matters incident to said crimes. [The Secretary of 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.

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

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

SEC. [58] 42. *Extra-Territorial Application of this Act.* - Subject to the provision of an existing treaty of which the Philippines is a signatory and to any contrary provision of any law of preferential application, the provisions of this Act shall apply: (1) to individual persons who commit any of the crimes defined and punished in this Act within the terrestrial domain, interior waters, maritime zone, and airspace of the Philippines; (2) to individual persons who, although physically outside the territorial limits of the Philippines, commit, conspire or plot to commit any of the crimes defined and punished in this Act inside the territorial limits of the Philippines; (3) to individual persons who, although physically outside the territorial limits of the Philippines, commit any of the said crimes on board Philippine ship or Philippine airship; (4) to individual persons who commit any of said crimes within any embassy, consulate, or diplomatic premises belonging to or occupied by the Philippine government in an official capacity; (5) to individual persons who, although physically outside the territorial limits of the Philippines, commit said crimes against Philippine citizens or persons of Philippine descent, where their citizenship or ethnicity was a factor in the commission of the crime; and (6) to individual persons who, although physically outside the territorial limits of the Philippines, commit said crimes directly against the Philippine government.

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

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

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

Upon the expiration of one year after this Act is approved by the President, the Committee shall review the Act particularly the provisions that authorize the surveillance of suspects of or persons charged with the crime of terrorism. To that end, the Committee shall summon the police and law enforcement officers and the members of the Anti-Terrorism Council and require them to answer questions from the members of Congress and to submit a written report of the acts they have done in the implementation of the law including the manner in which the persons suspected of or charged with the crime of terrorism have been dealt with in their custody and from the date when the movements of the latter were subjected to surveillance and his or her correspondences, messages, conversations and the like were listened to or subjected to monitoring, recording and tapping.

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

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

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

IN THE EXERCISE OF ITS OVERSIGHT FUNCTIONS, THE JOINT CONGRESSIONAL OVERSIGHT COMMITTEE SHALL HAVE

THE AUTHORITY TO SUMMON LAW ENFORCEMENT OR MILITARY OFFICERS AND THE MEMBERS OF THE ANTI-TERRORISM COUNCIL TO APPEAR BEFORE IT, AND REQUIRE THEM TO ANSWER QUESTIONS AND SUBMIT WRITTEN REPORTS OF THE ACTS THEY HAVE DONE IN THE IMPLEMENTATION OF THIS LAW AND RENDER AN ANNUAL REPORT TO BOTH HOUSES OF CONGRESS AS TO THE STATUS OF ANTI-TERRORISM CASES AND THE IMPLEMENTATION OF THIS ACT.

SEC. 44. *PROMOTING PEACE AND INCLUSIVITY IN SCHOOLS, LEARNING CENTERS AND TRAINING INSTITUTIONS.* - THE DEPARTMENT OF EDUCATION (DEPED), COMMISSION ON HIGHER EDUCATION (CHED), AND TECHNICAL EDUCATION AND SKILLS DEVELOPMENT AUTHORITY (TESDA) SHALL PROMULGATE RULES AND REGULATIONS TO PROMOTE IDEAS AND PRACTICE ON THE CULTURE OF PEACE AND INCLUSIVITY IN SCHOOLS, LEARNING AND TRAINING INSTITUTIONS UNDER THEIR RESPECTIVE JURISDICTIONS.

SCHOOLS, LEARNING CENTERS AND , TRAINING INSTITUTIONS FOUND BY THE APPROPRIATE ADMINISTRATIVE OR LICENSING AGENCY TO BE PROMOTING OR ENCOURAGING ACTS OF VIOLENCE, EXTREMISM, TERRORIST ACTS OR ANY ACT PROHIBITED UNDER THIS LAW BASED ON SUBSTANTIVE EVIDENCE SHALL HAVE ITS LICENSE REVOKED AND SHALL IMMEDIATELY CEASE OPERATIONS. THIS IS WITHOUT PREJUDICE TO OTHER CRIMINAL, CIVIL AND ADMINISTRATIVE ACTIONS THAT MAY BE FILED AGAINST THE OFFICIALS AND PERSONNEL OF THE SCHOOL, LEARNING CENTER OR TRAINING INSTITUTION AND OTHER INDIVIDUALS ASSOCIATED WITH THE SCHOOLS, LEARNING CENTER OR TRAINING INSTITUTION.

SEC. 45. *PROTECTION OF MOST VULNERABLE GROUPS.* - THERE SHALL BE DUE REGARD FOR THE WELFARE OF ANY SUSPECTS WHO ARE ELDERLY, PREGNANT, PERSONS WITH DISABILITY,

WOMEN AND CHILDREN WHILE THEY ARE UNDER INVESTIGATION, INTERROGATION OR DETENTION.

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

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

SEC. 48. *IMPLEMENTING RULES AND REGULATIONS.* - THE ANTI-TERRORISM COUNCIL AND DOJ, WITH THE ACTIVE PARTICIPATION OF POLICE AND MILITARY INSTITUTIONS, SHALL PROMULGATE THE RULES AND REGULATIONS FOR THE EFFECTIVE IMPLEMENTATION OF THIS ACT WITHIN NINETY (90) DAYS AFTER ITS EFFECTIVITY. THEY SHALL ALSO ENSURE 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.

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

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

Approved,