

EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

SENATE



S.B. NO. 630

19 JUL 18 P4:18

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Introduced by SENATOR IMEE R. MARCOS

**AN ACT TO COMBAT TERRORISM AND SECURE THE NATION,
AMENDING FOR THIS PURPOSE CERTAIN PROVISIONS OF REPUBLIC ACT
NO. 9372, OTHERWISE KNOWN AS "HUMAN SECURITY ACT OF 2007", AND
OTHER LAWS**

EXPLANATORY NOTE

Recent events have made it abundantly clear that the nature of modern crime has thoroughly changed. What the Revised Penal Code punished, in its varied and complex enumeration of crime, was finally the action of a pathetic, lone individual driven by personal motive and desperation. This bears no resemblance to the wholesale, wide-ranging and international scope of modern crime, perpetrated not by solo actors, but by transnational, syndicated, terrorist organizations exploiting globalization, international financial networks, and digital technologies for both profit and violent purpose.

The Marawi siege of 2017 led by the terrorist Maute group, caused the ruination of the entire city, billions in damage and destruction, untold suffering among its populace, finally tolling a casualty count of 520 terrorists and 122 Filipino soldiers. President Rodrigo Roa Duterte was then compelled to declare the entire island of Mindanao under Martial Law, a situation still prevailing today.

Despite the magnitude of the damage and the costs incurred, only Nur Supian was convicted under the "Human Security Act of 2007" (HSA) after a year last March 2018. One other conviction linked to the Marawi siege was that of Junaid Macauyag Awal, for rebellion under Article 134 of the Revised Penal Code, and R.A. No. 9851 otherwise known as the "Philippine Act on Crimes against International Humanitarian Law, Genocide, and other Crimes against Humanity", after witnesses identified him as a hostage taker during the siege.

Further, the participation of foreign terrorists in terrorist activity on the Philippine territory has become frequent and commonplace. On November of 2017, an Indonesian named Muhammad Ilham Syahputrawas was arrested by the police in Mindanao and found guilty, not for violations of HSA, but for mere possession of illegal firearms under R.A. 10591 or the "Comprehensive Firearms and Ammunition Act."

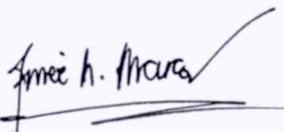
Worst, last fortnight, a suicide bombing within Philippine territory perpetrated by a Filipino was announced over the news. Shortly thereafter, the Armed Forces of the Philippines (AFP) and the Philippine National Police (PNP) jointly confirmed that one of the two bombers of Indanan, Sulu was Norman Lasuca, a local Filipino whose family was well-known in the area. This development marks a major escalation in terror tactics employed by local extremists, as suicide bombings have previously been unheard of - until now.

In 2007, R.A. No. 9372 otherwise known as the "Human Security Act" was passed into law in order to encompass the international and syndicated aspects of terror, as well as modes of terrorism unforeseen by the Revised Penal Code and other laws. As transnational terrorism and *jihadists* become commonplace, the (HSA) has proven inadequate.

This bill seeks to cover the new modes of extreme violence in terrorism, including the exploitation of technology and media, novel venues and types of indoctrination and participation, the Philippines' compliance and cooperation required

by international agreements, and finally in an effort to mutually strengthen public security and human rights.

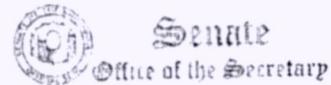
Under the premises above-mentioned, the passage of this bill is earnestly requested.



Imee R. Marcos

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OTHER LAWS**

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

1 Section 1. *Short Title.* -- This Act shall be known as the "The Anti-Terrorism Act of
2 2019."

3
4 "Sec. 2. *Declaration of Policy.* -- It is [declared a] **THE** policy of the State to protect
5 life, liberty, and property from acts of terrorism, to condemn [terrorism, the] **ITS**
6 financing and support [thereof] as inimical and dangerous to the national security of
7 the country and to the welfare of the people, and to make terrorism a crime against
8 the Filipino people, against humanity, and against the law of nations **INCLUDING**
9 **THE UNITED NATIONS TERRORISM RELATED INSTRUMENTS ADOPTED BY**
10 **THE PHILIPPINES, AND THE APPLICABLE RESOLUTIONS OF THE SECURITY**
11 **COUNCIL UNDER CHAPTER VII OF THE UNITED NATIONS CHARTER.**

12
13 **THE STATE SHALL FURTHER OPPOSE TERRORISM IN ALL ITS FORMS**
14 **AND MANIFESTATIONS REGARDLESS OF ITS INTENTIONS IN ITS DUTY TO**
15 **SECURE AND PROTECT THE FILIPINO PEOPLE.**

16
17 In the implementation of [the] **THIS** policy [stated above], the [State shall
18 uphold the] basic rights and fundamental liberties of the people as enshrined in the
19 Constitution **SHALL BE UPHELD AT ALL TIMES.**

1 [Nothing in] **NOR SHALL** this Act [shall] be interpreted as a curtailment, re-
2 striction or diminution of constitutionally recognized powers of the executive branch
3 of the government. [It is to be understood, however that the exercise of the constitu-
4 tionally recognized powers of the executive department of the government shall not
5 prejudice respect for human rights which shall be absolute and protected at all times.]

6
7 Sec. 3. *Terrorism.* – [Any person who commits an act punishable under any of the
8 following provisions of the Revised Penal Code:] **TERRORIST ACTS ARE ANY ACT**
9 **OR SERIES OF ACTS INTENDED, BY THEIR NATURE AND CONTEXT, TO SOW**
10 **AND CREATE FEAR AND PANIC AMONG THE POPULACE OR A SECTION OF**
11 **THE POPULACE, OR TO COERCE THE GOVERNMENT OR AN ENTITY IMBUED**
12 **WITH PUBLIC INTEREST, TO SUCCUMB TO A TERRORIST'S DEMAND; OR**
13 **ANY OTHER ACT INTENDED TO CAUSE DEATH OR SERIOUS BODILY INJURY**
14 **OR DEATH TO A CIVILIAN, OR TO ANY OTHER PERSON NOT TAKING AN**
15 **ACTIVE PART IN A SITUATION OF ARMED CONFLICT, WHEN THE PURPOSE**
16 **OF SUCH ACT, BY ITS NATURE OR CONTEXT, IS TO INTIMIDATE A POPULA-**
17 **TION, OR TO COMPEL A GOVERNMENT, AN INTERNATIONAL ORGANIZA-**
18 **TION OR ENTITY IMBUED WITH PUBLIC INTEREST TO DO OR TO ABSTAIN**
19 **FROM DOING ANY ACT, SHALL ALSO BE CONSIDERED ACTS OF TERROR.**

20
21 **TERRORISM SHALL INCLUDE THE FOLLOWING ACTS PUNISHED UNDER**
22 **THE FOLLOWING LAWS, PROVIDED THAT THEY ARE COMMITTED WITH THE**
23 **INTENT TO TERRORIZE AS AFOREMENTIONED:**

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

- 33 1. Presidential Decree No. 1613 (The Law on Arson);
34 2. Republic Act No. 6969 (Toxic Substances and Hazardous and Nuclear Waste
35 Control Act of 1990);
36 3. Republic Act No. 5207, (Atomic Energy Regulatory and Liability Act of 1968);
37 4. Republic Act No. 6235 (Anti-Hijacking Law);
38 5. Presidential Decree No. 532 (Anti-Piracy and Anti-Highway Robbery Law of
39 1974); and,
40 6. Presidential Decree No. 1866, as amended (Decree Codifying the Laws on
41 Illegal and Unlawful Possession, Manufacture, Dealing in, Acquisition or Dis-

position of Firearms, Ammunitions or Explosives) **AS AMENDED BY REPUBLIC ACT NO. 8294, REPUBLIC ACT 9516, AND REPUBLIC ACT NO. 10591**

- 7. REPUBLIC ACT NO. 10168 (TERRORISM FINANCING PREVENTION AND SUPPRESSION ACT OF 2012);**
- 8. REPUBLIC ACT NO. 10697 (STRATEGIC MANAGEMENT ACT)**
- 9. REPUBLIC ACT NO. 9208 (ANTI-TRAFFICKING IN PERSONS ACT OF 2003)**
- 10. REPUBLIC ACT NO. 9165 (COMPREHENSIVE DANGEROUS DRUGS ACT)**
- 11. REPUBLIC ACT NO. 10175 (CYBERCRIME PREVENTION ACT)**

FURTHER, ANY ACT WITHIN THE SCOPE OF THE FOLLOWING TREATIES OR INTERNATIONAL AGREEMENTS TO WHICH THE PHILIPPINES IS A SIGNATORY SHALL BE CONSIDERED TERRORIST ACTS:

- A. CONVENTION FOR THE SUPPRESSION OF UNLAWFUL SEIZURE OF AIRCRAFT, SIGNED AT THE HAGUE ON 16 DECEMBER 1970;**
- B. CONVENTION FOR THE SUPPRESSION OF UNLAWFUL ACTS AGAINST THE SAFETY OF CIVIL AVIATION, SIGNED IN MONTREAL ON 23 SEPTEMBER 1971;**
- C. CONVENTION ON THE PREVENTION AND PUNISHMENT OF CRIMES AGAINST INTERNATIONALLY PROTECTED PERSONS, INCLUDING DIPLOMATIC AGENTS, ADOPTED BY THE GENERAL ASSEMBLY OF THE UNITED NATIONS ON 14 DECEMBER 1973;**
- D. INTERNATIONAL CONVENTION AGAINST THE TAKING OF HOSTAGES, ADOPTED BY THE GENERAL ASSEMBLY OF THE UNITED NATIONS ON 17 DECEMBER 1979;**
- E. CONVENTION ON THE PHYSICAL PROTECTION OF NUCLEAR MATERIAL, ADOPTED IN VIENNA ON 3 MARCH 1980;**
- F. PROTOCOL FOR THE SUPPRESSION OF UNLAWFUL ACTS OF VIOLENCE AT AIRPORTS SERVING INTERNATIONAL CIVIL AVIATION, SUPPLEMENTARY TO THE CONVENTION FOR THE SUPPRESSION OF UNLAWFUL ACTS AGAINST THE SAFETY OF CIVIL AVIATION, SIGNED IN MONTREAL ON 24 FEBRUARY 1988;**
- G. CONVENTION FOR THE SUPPRESSION OF UNLAWFUL ACTS AGAINST THE SAFETY OF MARITIME NAVIGATION, DONE AT ROME ON 10 MARCH 1988;**

1 **H. PROTOCOL FOR THE SUPPRESSION OF UNLAWFUL ACTS AGAINST**
2 **THE SAFETY OF FIXED PLATFORMS LOCATED ON THE CONTINENTAL**
3 **SHELF, SIGNED IN ROME ON 10 MARCH 1988;**

5 **I. INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF TERROR-**
6 **IST BOMBINGS, ADOPTED BY THE GENERAL ASSEMBLY OF THE**
7 **UNITED NATIONS ON 15 DECEMBER 1997; OR**

9 **J. INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF THE FI-**
10 **NANCING OF TERRORISM AT THE UNITED STATES ON 9 DECEMBER**
11 **1999.**

13 [thereby sowing and creating a condition of widespread and extraordinary fear
14 and panic among the populace, in order to coerce the government to give in to
15 an unlawful demand shall be guilty of the crime of terrorism and shall suffer the
16 penalty of forty (40) years of imprisonment, without the benefit of parole as
17 provided for under Act No. 4103, otherwise known as the Indeterminate Sentence
18 Law, as amended.]

20 ***SEC. 4. OTHER DEFINITIONS. -- THE FOLLOWING TERMS SHALL MEAN:***

22 **A. *VIOLENT EXTREMISM* - ANY ACT ENCOURAGING, CONDONING, JUS-**
23 **TIFYING OR SUPPORTING THE COMMISSION OF A VIOLENT ACT TO**
24 **ACHIEVE POLITICAL, IDEOLOGICAL, RELIGIOUS, SOCIAL OR ECO-**
25 **NOMIC GOALS.**

27 **B. *CRITICAL INFRASTRUCTURE* -- SHALL MEAN AN ASSET OR SYSTEM**
28 **ESSENTIAL TO THE MAINTENANCE OF VITAL SOCIETAL FUNCTIONS,**
29 **INCLUDING, BUT NOT LIMITED TO, COMMUNICATIONS, DISASTER**
30 **AND EMERGENCY FACILITIES, FUEL, ENERGY, WATER SUPPLY, FI-**
31 **NANCE AND COMMERCIAL FACILITIES, FOOD, PUBLIC SERVICES, IN-**
32 **DUSTRY, HEALTH, TRANSPORT, RADIO AND TELEVISION, INFOR-**
33 **MATION TECHNOLOGY AND DIGITAL ACCESS, KEY CHEMICAL, BIO-**
34 **LOGICAL AND NUCLEAR CENTERS.**

36 **C. *TERRORIST INDIVIDUAL* -- SHALL REFER TO ANY NATURAL PERSON**
37 **WHO COMMITS ANY OF THE ACTS DEFINED AND PENALIZED UNDER**
38 **THE PROVISIONS OF THIS ACT, AS A PRINCIPAL, ACCOMPLICE, OR**
39 **ACCESSORY, OR THOSE WHO ARE MEMBERS OF TERRORIST ORGAN-**
40 **IZATIONS PROSCRIBED UNDER THE PROVISIONS OF THIS ACT.**

1 D. ***FOREIGN TERRORISTS*** -- ANY PERSON WHO TRAVELS TO A STATE
2 OTHER THAN THEIR STATES OF ORIGIN OR RESIDENCE OR NATION-
3 ALITY, FOR THE PURPOSE OF PERPETRATING, PLANNING, OR PRE-
4 PARING FOR, OR PARTICIPATING IN, TERRORIST ACTS OR PROVID-
5 ING FOR OR RECEIVING TERRORIST TRAINING. THESE SHALL ALSO
6 INCLUDE INDIVIDUALS RESIDING ABROAD WHO COME TO THE PHIL-
7 IPPINES TO PERPETRATE, PLAN, OR PREPARE, OR PARTICIPATE IN
8 TERRORIST ACTS, OR PROVIDE SUPPORT FOR OR FACILITATE TER-
9 RORIST TRAINING HERE OR ABROAD.

10 E. ***TERRORIST ORGANIZATION, ASSOCIATION OR GROUP OF PERSONS***-
11 SHALL REFER TO ANY ENTITY ORGANIZED FOR THE PURPOSE OF
12 ENGAGING IN TERRORIST ACTS, OR THOSE PROSCRIBED UNDER THE
13 PROVISIONS OF THIS ACT OF THE UNITED NATIONS SECURITY
14 COUNCIL-DESIGNATED TERRORIST ORGANIZATION.

15 F. ***MATERIAL SUPPORT***-- REFERS TO ANY PROPERTY, TANGIBLE OR IN-
16 TANGIBLE, OR SERVICE, INCLUDING CURRENCY OR MONETARY IN-
17 STRUMENTS OR FINANCIAL SECURITIES, FINANCIAL SERVICES,
18 LODGING, TRAINING, EXPERT ADVICE OR ASSISTANCE,
19 SAFEHOUSES, FALSE DOCUMENTATION OR IDENTIFICATION, COM-
20 MUNICATIONS EQUIPMENT, FACILITIES, WEAPONS, LETHAL SUB-
21 STANCES, EXPLOSIVES, PERSONNEL (ONE OR MORE INDIVIDUALS
22 WHO MAY BE OR INCLUDE ONESELF), AND TRANSPORTATION.

23 G. ***TRAINING*** -- MEANS INSTRUCTION OR TEACHING DESIGNED TO IM-
24 PART A SPECIFIC SKILL, AS OPPOSED TO GENERAL KNOWLEDGE.

25 H. ***RECRUIT***-- SHALL REFER TO ANY ACT TO PROCURE, INDUCE, OR IN-
26 CITE OTHERS TO PARTICIPATE, COMMIT, OR SUPPORT TERRORIST
27 ACTS, TERRORIST INDIVIDUALS, OR ORGANIZATIONS.

28 I. ***SURVEILLANCE ACTIVITIES***-- REFERS TO THE TRACKING DOWN, FOL-
29 LOWING, OR INVESTIGATION OF INDIVIDUALS OR ORGANIZATIONS,
30 OR THE TAPPING, LISTENING, INTERCEPTING, AND RECORDING OF
31 MESSAGES, CONVERSATIONS, DISCUSSIONS, SPOKEN OR WRITTEN
32 WORDS, AND OTHER COMMUNICATIONS, OF INDIVIDUALS ENGAGED
33 IN TERRORIST ACTS, AS DEFINED HEREUNDER.

34 J. ***COMPUTER AND NETWORK SURVEILLANCE*** - SHALL MEAN MONITOR-
35 ING OF COMPUTER ACTIVITY AND DATA STORED ON A HARD DRIVE,
36 OR DATA BEING TRANSFERRED OVER COMPUTER NETWORKS SUCH
37 AS THE INTERNET CARRIED OUT COVERTLY AND WITH LEGAL AU-
38 THORIZATION BY THE GOVERNMENT.

1 K. **WEAPONS OF MASS DESTRUCTION (WMD)** -- SHALL REFER TO CHEM-
2 ICAL, BIOLOGICAL, RADIOLOGICAL, OR NUCLEAR WEAPONS WHICH
3 ARE CAPABLE OF A HIGHER ORDER OF DESTRUCTION OR CAUSING
4 MASS CASUALTIES. IT EXCLUDES THE MEANS OF TRANSPORTING OR
5 PROPELLING THE WEAPON WHERE SUCH MEANS IS A SEPARABLE
6 AND DIVISIBLE PART FROM THE WEAPON.

7
8 L. **CHEMICAL/ BIOLOGICAL/ RADIOLOGICAL/ NUCLEAR (CBRN) TER-
9 RORISM.** – MANUFACTURE, ACQUIRE, POSSESS, DEVELOP,
10 TRANSPORT, TRANSFER, OR REUSE OF NUCLEAR OR RADIOLOGICAL,
11 CHEMICAL OR BIOLOGICAL WEAPONS AND THEIR MEANS OF DELIV-
12 ERY, IN PARTICULAR FOR TERRORIST PURPOSES.

13
14 SEC.5. **COUNTERING INDOCTRINATION.**— THE ANTI-TERRORISM COUNCIL
15 (ATC), IN COORDINATION WITH THE DEPARTMENT OF EDUCATION (DE-
16 PED), COMMISSION ON HIGHER EDUCATION (CHED), AND TECHNICAL ED-
17 UCATION AND SKILLS DEVELOPMENT AUTHORITY (TESDA) SHALL ISSUE
18 IMPLEMENTING RULES AND REGULATIONS ON THE REGISTRY, CURRICU-
19 LUM AND OPERATION OF RELIGIOUS SCHOOLS, LEARNING CENTERS AND
20 OTHER FORMAL EDUCATIONAL INSTITUTIONS TO PREVENT THEIR USE AS
21 VENUES FOR TERRORISTIC INDOCTRINATION. ANY SCHOOL FOUND VIO-
22 LATING THE SAME SHALL BE SUBJECT TO ADMINISTRATIVE PENALTIES.

23
24 FURTHER, INFORMAL LEARNING CENTERS, REGULAR WEEKEND CLASSES
25 AND OTHER CONTINUING EDUCATIONAL ACTIVITIES SHOULD ALSO BE RE-
26 PORTED TO THE DEPED, CHED, AND TESDA. THEY MAY BE OFFICIALLY REC-
27 OGNIZED TO AVAIL OF THE GOVERNMENT ASSISTANCE TO STUDENTS AND
28 TEACHERS IN PRIVATE EDUCATION (GATSPE) AS PROVIDED UNDER R.A.
29 NO. 8545 THROUGH CURRICULUM ASSISTANCE, TEACHER TRAINING, DE-
30 VELOPMENT OF FACILITIES AND FREE STUDENT VOUCHERS.

31
32 SCHOOLS, LEARNING CENTERS AND TRAINING INSTITUTIONS FOUND BY
33 THE APPROPRIATE ADMINISTRATIVE OR LICENSING AGENCY TO BE PRO-
34 MOTING OR ENCOURAGING ACTS OF VIOLENCE, EXTREMISM, TERRORIST
35 ACTS OR ANY ACT PROHIBITED UNDER THIS LAW SHALL HAVE ITS LICENSE
36 REVOKE AND IMMEDIATELY CEASE OPERATIONS. THIS IS WITHOUT
37 PREJUDICE TO OTHER CRIMINAL, CIVIL, AND ADMINISTRATIVE ACTIONS
38 THAT MAY BE FILED AGAINST THE OFFICIALS AND PERSONNEL OF THE
39 SCHOOL, LEARNING CENTER OR TRAINING INSTITUTION, AND AGAINST
40 OTHER INDIVIDUALS ASSOCIATED WITH THE SCHOOL, LEARNING CENTER
41 OR TRAINING INSTITUTION.

1 SEC. 6. **MEDIA AND TERRORIST PROPAGANDA.** –THE COUNCIL SHALL
2 ADOPT A UNIFIED AND COMPREHENSIVE COMMUNICATIONS STRATEGY,
3 FOR BOTH TRADITIONAL AND SOCIAL MEDIA, ASSIGNING A LEAD AGENCY
4 FOR ACCOUNTABILITY AND ENFORCEMENT. CLOSE MONITORING AND
5 EVALUATION SHALL BE UNDERTAKEN TO UPDATE THE COUNCIL OF ALL
6 RELEVANT MEDIA COVERAGE.

7

8 THE ROLE OF THE MEDIA IN COVERING SPECIFIC TERRORIST EVENTS
9 SHALL BE DELINEATED BY THE COUNCIL, UPON CONSULTATION WITH REL-
10 EVANT STAKEHOLDERS, ESTABLISHING GUIDELINES AND LIMITATIONS
11 ON COVERAGE PARTICULARLY DURING TERRORIST INCIDENTS STILL ON-
12 GOING, WHENEVER NATIONAL SECURITY OR OPERATIONAL REQUIRE-
13 MENTS MAY BE COMPROMISED.

14

15 IN CASES OF IMMIMENT OR CONTINUING TERRORIST EVENTS, THE COUN-
16 CIL MAY UNDERTAKE TARGETED INTERVENTIONS, SUCH AS COMMUNITY
17 ACTION, LOCAL GOVERNMENT PARTICIPATION, NETWORK OR SYSTEMS
18 INTERRUPTIONS, AND SUCH OTHER ACTIONS AS MAY CONTROL OR PUT
19 AN END TO SAID EVENT.

20

21 SEC.7. **RECRUITMENT TO TERRORIST ORGANIZATION.** – ANY PERSON
22 WHO SHALL RECRUIT ANOTHER TO PARTICIPATE, JOIN, COMMIT, OR SUP-
23 PORT ANY ORGANIZATION, ASSOCIATION OR GROUP OF PERSONS ORGA-
24 NIZED FOR THE PURPOSE OF ENGAGING IN TERRORISM, OR WHICH, ALT-
25 HOUGH NOT ORGANIZED FOR THAT PURPOSE, ACTUALLY USES THE ACTS
26 ENUMERATED IN SEC.3 HEREOF TO TERRORIZE, SHALL BE PUNISHED
27 WITH THE PENALTY OF LIFE IMPRISONMENT TO DEATH, WITHOUT THE
28 BENEFIT OF PAROLE.

29

30 Sec. 8. Secs. 4, 5, and 6 of RA 9372 is hereby amended to read as follows:

31

32 "Sec. [4] **8.** Sec. *Conspiracy to Commit Terrorism.* – Persons who conspire to
33 commit the crime of terrorism shall suffer the penalty of forty (40) years of
34 imprisonment."

35

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

39

40 Sec. [5.] **8A.** *Accomplice.* – [Any person who, not being a principal under
41 Article 17 of the Revised Penal Code or a conspirator as defined in Section 4
42 hereof, cooperates in the execution of either the crime of terrorism or

1 conspiracy to commit terrorism by previous or simultaneous acts] **AN AC-**
2 **COMPLICE, AS DEFINED UNDER BOOK I OF ACT NO. 3815, OTHER-**
3 **WISE KNOWN AS THE REVISED PENAL CODE,** shall suffer the penalty of
4 from seventeen (17) years, four months one day to twenty (20) years of
5 imprisonment."

6

7 Sec. [6.] **8B. Accessory.** – [Any person who, having knowledge of the
8 commission of the crime of terrorism or conspiracy to commit terrorism, and
9 without having participated therein, either as principal or accomplice under
10 Articles 17 and 18 of the Revised Penal Code, takes part subsequent to its
11 commission in any of the following manner: (a) by profiting himself or assisting
12 the offender to profit by the effects of the crime; (b) by concealing or
13 destroying the body of the crime, or the effects, or instruments thereof, in
14 order to prevent its discovery; (c) by harboring, concealing, or assisting in the
15 escape of the principal or conspirator of the crime,] **AN ACCESSORY, AS**
16 **DEFINED UNDER BOOK I OF ACT NO. 3815, OTHERWISE KNOWN AS**
17 **THE REVISED PENAL CODE,** shall suffer the penalty of ten (10) years and
18 one day to twelve (12) years of imprisonment.

19

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

25

26 **SEC.9. PROPOSAL TO COMMIT TERRORISM. – ANY PERSON WHO PRO-**
27 **POSES TO COMMIT THE CRIME OF TERRORISM SHALL SUFFER IMPRISON-**
28 **MENT OF NOT LESS THAN SIX (6) YEARS AND ONE DAY TO TEN (10) YEARS.,**
29 **WITHOUT THE BENEFIT OF PAROLE AS PROVIDED FOR UNDER ACT NO.**
30 **4103, OTHERWISE KNOWN AS THE "INDETERMINATE SENTENCE LAW", AS**
31 **AMENDED.**

32

33 **SEC. 10. INCITING TO COMMIT TERRORIST ACTS. – ANY PERSON WHO DIS-**
34 **TRIBUTES OR OTHERWISE MAKES A MESSAGE AVAILABLE TO THE PUBLIC**
35 **WITH THE INTENT TO INCITE ANOTHER BY ANY MEANS, DIRECTLY OR IN-**
36 **DIRECTLY, TO COMMIT A TERRORIST ACT WHERE SUCH CONDUCT CAUSES**
37 **A DANGER OF SUCH ACTS BEING ACTUALLY COMMITTED SHALL SUFFER**
38 **THE PENALTY OF IMPRISONMENT FROM SIX (6) YEARS AND ONE DAY TO**
39 **TEN (10) YEARS.**

40

41 **SEC. 11. SUPPORTING TERRORISTS OR TERRORIST ORGANIZATIONS. –**
42 **ANY PERSON WHO KNOWINGLY PROVIDES MATERIAL SUPPORT TO ANY**
43 **INDIVIDUAL TERRORIST OR TERRORIST ORGANIZATION, ASSOCIATION**
44 **OR GROUP OF PERSONS ORGANIZED FOR THE PURPOSE OF ENGAGING IN**

1 TERRORISM, SHALL BE PUNISHED WITH THE PENALTY OF LIFE IMPRISON-
2 MENT TO DEATH, WITHOUT THE BENEFIT OF PAROLE AS PROVIDED UNDER
3 ACT NO. 4103, OTHERWISE KNOWN AS THE INDETERMINATE SENTENCE
4 LAW, AS AMENDED.

5
6 ANY PERSON WHO SHALL VOLUNTARILY AND KNOWINGLY SUPPORT --
7 THROUGH CONCEALMENT, PROVIDING FALSE INFORMATION, PROVISION
8 OF ESCAPE ROUTES, PROVIDING A DRIVER, FAKE IDENTIFICATION CARDS,
9 COOK, OR BY FEEDING THEM, AND OTHER SIMILAR ACTS -- ANY ORGANI-
10 ZATION, ASSOCIATION OR GROUP OF PERSONS KNOWING THAT SUCH OR-
11 GANIZATION, ASSOCIATION OR GROUP OF PERSONS IS PROSCRIBED UN-
12 DER SECTION 3 OF THIS ACT, OR THE UNITED NATIONS SECURITY COUN-
13 CIL DESIGNATED TERRORIST ORGANIZATION, OR ORGANIZED FOR THE
14 PURPOSE OF ENGAGING IN TERRORIST ACTS, SHALL SUFFER THE PENALTY
15 OF EIGHT (8) YEARS AND ONE (1) DAY TO TWELVE (12) YEARS.

16
17 SEC. 12. *FOREIGN TERRORIST.* – THE FOLLOWING ARE UNLAWFUL AND
18 SHALL BE PUNISHED WITH THE PENALTY OF LIFE IMPRISONMENT WITH-
19 OUT BENEFIT THE OF PAROLE:

20
21 (A) FOR ANY PERSON TO TRAVEL OR ATTEMPT TO TRAVEL TO A STATE
22 OTHER THAN HIS/HER STATE OF RESIDENCE OR NATIONALITY, FOR THE
23 PURPOSE OF PERPETRATING, PLANNING, OR PREPARING FOR, OR PARTIC-
24 IPATING IN TERRORIST ACTS, OR PROVIDING OR RECEIVING TERRORIST
25 TRAINING; OR

26
27 (B) FOR ANY PERSON TO ORGANIZE OR FACILITATE THE TRAVEL OF
28 INDIVIDUALS WHO TRAVEL TO A STATE OTHER THAN THEIR STATES OF
29 RESIDENCE OR NATIONALITY FOR THE PURPOSE OF PERPETRATING,
30 PLANNING, OR PREPARING FOR, OR PARTICIPATING IN TERRORIST ACTS
31 OR PROVIDING OR RECEIVING TERRORIST TRAINING, INCLUDING ACTS
32 OF RECRUITMENT WHICH MAY BE COMMITTED THROUGH ANY OF THE FOL-
33 LOWING MEANS:

34
35 1. RECRUITING ANOTHER PERSON TO SERVE IN ANY CAPACITY IN
36 OR WITH AN ARMED FORCE IN A FOREIGN STATE, WHETHER THE ARMED
37 FORCE FORMS PART OF THE ARMED FORCES OF THE GOVERNMENT OF
38 THAT FOREIGN STATE OR OTHERWISE;

39
40 2. PUBLISHING AN ADVERTISEMENT OR PROPAGANDA, FOR THE
41 PURPOSE OF RECRUITING PERSONS TO SERVE IN ANY CAPACITY IN OR
42 WITH SUCH AN ARMED FORCE;

1 **3. PUBLISHING AN ADVERTISEMENT OR PROPAGANDA CONTAINING**
2 **ANY INFORMATION RELATING TO THE PLACE WHICH, OR THE MANNER IN**
3 **WHICH, PERSONS MAY MAKE APPLICATIONS TO SERVE, OR OBTAIN IN-**
4 **FORMATION RELATING TO SERVICE, IN ANY CAPACITY IN OR WITH SUCH**
5 **ARMED FORCE OR RELATING TO THE MANNER IN WHICH PERSONS MAY**
6 **TRAVEL TO A FOREIGN STATE FOR THE PURPOSE OF SERVING IN ANY CA-**
7 **CAPACITY IN OR WITH SUCH ARMED FORCE;**

8
9 **4. PERFORMING ANY OTHER ACT WITH THE INTENTION OF FACILI-**
10 **TATING OR PROMOTING THE RECRUITMENT OF PERSONS TO SERVE IN**
11 **ANY CAPACITY IN OR WITH SUCH AN ARMED FORCE;**

12
13 **(C) FOR ANY PERSON RESIDING ABROAD WHO COMES TO THE PHIL-**
14 **IPPINES TO PARTICIPATE IN PERPETRATING, PLANNING, OR PREPARING**
15 **FOR, OR PARTICIPATING IN TERRORIST ACTS OR PROVIDE SUPPORT FOR**
16 **OR FACILITATE TERRORIST TRAINING HERE OR ABROAD.**

17
18 **SEC. 13. *CHEMICAL/ BIOLOGICAL/ RAIOLOGICAL/ NUCLEAR (CBRN) TER-***
19 ***RORISM.* – MANUFACTURE, ACQUIRE, POSSESS, DEVELOP, TRANSPORT,**
20 **TRANSFER, OR REUSE NUCLEAR OR RADIOLOGICAL, CHEMICAL OR BIO-**
21 **LOGICAL WEAPONS AND THEIR MEANS OF DELIVERY, IN PARTICULAR FOR**
22 **TERRORIST PURPOSES, AS WELL AS ATTEMPTS TO ENGAGE IN ANY OF THE**
23 **FOREGOING ACTIVITIES, ASSIST AND FINANCE THEM SHALL SUFFER THE**
24 **PENALTY OF TEN (10) YEARS AND ONE DAY TO TWELVE (12) YEARS OF IM-**
25 **PRISONMENT.”**

26
27 **SEC. 14. *CYBER-TERRORISM.* – ANY PERSON OR GROUP OF PERSONS WHO,**
28 **WITH PREMEDITATION, UNDERTAKE POLITICALLY, IDEOLOGICALLY, ECO-**
29 **NOMICALLY AND SOCIAALLY MOTIVATED ATTACK AGAINST INFORMATION,**
30 **COMPUTER SYSTEMS, COMPUTER PROGRAMS, AND DATA WHICH RESULTS**
31 **IN VIOLENCE AGAINST NON-COMBATANT TARGETS BY SUB-NATIONAL**
32 **GROUPS OR CLANDESTINE AGENTS WITH THE INTENT, BY ITS NATURE OR**
33 **CONTEXT, TO SOW AND CREATE A CONDITION OF FEAR AND PANIC AMONG**
34 **THE POPULACE OR A SECTION OF THE POPULACE, OR TO COERCE THE GOV-**
35 **ERNMENT OR AN INSTITUTION/ENTITY IMBUED WITH PUBLIC INTEREST,**
36 **SHALL SUFFER THE PENALTY OF TEN (10) YEARS AND ONE DAY TO TWELVE**
37 **(12) YEARS OF IMPRISONMENT.”**

38
39 **SEC. 15. *GLORIFICATION OF TERRORISM.* – ANY PERSON WHO, NOT BEING**
40 **A CONSPIRATOR, ACCOMPLICE OR ACCESSORY PENALIZED UNDER THIS**
41 **ACT, SHALL BY ANY MEANS PUBLICIZE, PROMOTE, OR GLORIFY, PERSON-**
42 **ALLY OR THROUGH THE MEDIA, TERRORIST OR EXTREMELY VIOLENT**
43 **ACTS, SHALL SUFFER THE PENALTY OF TEN (10) YEARS AND ONE DAY TO**
44 **TWELVE (12) YEARS OF IMPRISONMENT.”**

1 Sec. 16. Sec. 7 of R.A. 9372 us hereby amended to read as follows:

2 "Sec.7. *Surveillance of Suspects and Interception and Recording of Communi-*
3 *cations.* The provisions of R.A. No. 4200 (Anti-Wire Tapping Law) **AND R.A.**
4 **NO. 10175 (CYBERCRIME PREVENTION ACT)** to the contrary notwithstanding,
5 a police or law enforcement official and the members of his team may,
6 upon a written order of the **REGIONAL TRIAL COURT OR THE** Court of Ap-
7 peals, listen to, intercept, **SCREEN, READ, SURVEIL,** and record, **OR COL-**
8 **LECT,** with the use of any mode, form, kind or type of electronic, **MECHANI-**
9 **CAL, DIGITAL, OR CYBER COMPUTER NETWORK** or other surveillance
10 equipment or or intercepting and tracking devices, or with the use of any other
11 suitable ways and means for that purpose, any **PRIVATE** communication, mes-
12 sage, conversation, discussion, **DATA, INFORMATION, MESSAGES IN**
13 **WHATEVER FORM, KIND OR NATURE, OR SPOKEN OR WRITTEN**
14 **WORDS AS WELL AS COMMUNICATIONS:**

15 **(A) BY ANY PERSON, WHO BASED ON REASONABLE GROUNDS, IS**
16 **SUSPECTED OF OR CHARGED WITH THE CRIME OF TERRORISM OR**
17 **CONSPIRACY TO COMMIT TERRORISM; OR**

18 (b) between members of a [judicially declared and outlawed] **PROSCRIBED**
19 **OR DESIGNATED** terrorist organization **AS DEFINED UNDER SEC. 3 (E) OF**
20 **RA 10168 OTHERWISE KNOWN AS THE "TERRORISM FINANCING**
21 **PREVENTION AND SUPPRESSION ACT OF 2012; OR**

22
23 **(C) PROSCRIBED OR DESIGNATED INDIVIDUAL OR NATURAL PERSON**
24 **AS DEFINED BY SEC. 3 (E) OF RA 10168 OTHERWISE KNOWN AS THE**
25 **"TERRORISM FINANCING PREVENTION AND SUPPRESSION ACT OF**
26 **2012.**

27
28 [*Provided, That surveillance, interception and recording of communications*
29 *between lawyers and clients, doctors and patients, journalists and their sources*
30 *and confidential business correspondence shall not be authorized]*

31
32 **IN CASE OF AN ACTUAL TERRORIST ATTACK, THE COUNCIL MAY FILE**
33 **AN *EX-PARTE* APPLICATION WITH THE REGIONAL TRIAL COURT OR**
34 **THE COURT OF APPEALS FOR THE ISSUANCE OF AN ORDER, TO**
35 **COMPEL NETWORK SYSTEMS TO PRODUCE ALL CUSTOMER**
36 **INFORMATION AND IDENTIFICATION RECORDS, AS WELL AS CALL,**
37 **TEXT OR DATA RECORDS, AND OTHER CELLULAR OR INTERNET**
38 **METADATA OF ANY PERSON SUSPECTED OF ANY OF THE CRIMES**
39 **DEFINED AND PENALIZED UNDER THE PROVISIONS OF THIS ACT.**
40 **UPON ISSUANCE OF SAID ORDER, NOTICE THEREOF SHALL BE GIVEN**
41 **TO THE NATIONAL TELECOMMUNICATIONS COMMISSION TO ENSURE**
42 **IMMEDIATE COMPLIANCE."**

1 Sec. 17. Sec. 8 of R.A. 9372 us hereby amended to read as follows:

2
3 "Sec. 8. *Formal Application for Judicial Authorization.* - The written order of the
4 **REGIONAL TRIAL COURT OR THE** authorizing division of the Court of Appeals
5 to **LOCATE**, [track down,] tap, listen to, intercept, and record communications,
6 messages, conversations, discussions, or spoken or written words of any person
7 **OR GROUP OF PERSONS** suspected of **COMMITTING ANY OF** the crime of
8 terrorism or the crime of conspiracy to commit terrorism shall only be granted by
9 the **REGIONAL TRIAL COURT OR THE** authorizing division of the Court of
10 Appeals upon an *ex parte* written application of a police or of a law enforcement
11 official, **AGENT OR DEPUTIZED LAW ENFORCEMENT OR MILITARY PER-**
12 **SONNEL** who has been duly authorized in writing by the Anti-Terrorism Council
13 created in Sec. 53 of this Act to file such *ex parte* application, and upon exami-
14 nation under oath or affirmation of the applicant and the witnesses he may pro-
15 duce to establish: (a) that there is probable cause to believe based on personal
16 knowledge of facts or circumstances that **ANY OF** the said crimeS of terrorism
17 or conspiracy to commit terrorism has been committed, or is being committed, or
18 is about to be committed; (b) that there is probable cause to believe, based on
19 personal knowledge of facts or circumstances that evidence, which is essential to
20 the conviction of any charged or suspected person for, or to the solution or pre-
21 vention of, any such crimes, will be obtained; and, (c) that there is no other
22 effective means readily available for acquiring such evidence."

23
24 Sec. 18. Sec. 9 of R.A. 9372 us hereby amended to read as follows:

25
26 "Sec. 9. *Classification and Contents of the Order of the Court.* - The written order
27 granted by the **REGIONAL TRIAL COURT OR THE** authorizing division of the
28 Court of Appeals as well as its order, if any, to extend or renew the same, the
29 original application of the applicant, including his application to extend or renew,
30 if any, and the written authorizations of the Anti-Terrorism Council shall be
31 deemed and are hereby declared as classified information: [Provided, That the
32 person being surveilled or whose communications, letters, papers, messages,
33 conversations, discussions, spoken or written words and effects have been mon-
34 itored, listened to, bugged or recorded by law enforcement authorities has the
35 right to be informed of the acts done by the law enforcement authorities in the
36 premises or to challenge, if he or she intends to do so, the legality of the inter-
37 ference before the Court of Appeals which issued the written order.] **BEING**
38 **CLASSIFIED INFORMATION, ACCESS TO SAID DOCUMENTS AND ANY**
39 **INFORMATION CONTAINED THEREIN SHALL BE LIMITED TO THE AP-**
40 **PPLICANTS OR THE HEARING JUSTICES OR JUDGE.** The written order of the
41 **REGIONAL TRIAL COURT OR THE** authorizing division of the Court of Appeals
42 shall specify the following: (a) the identity, such as name and address, if known,
43 of the charged or suspected person whose communications, messages, conver-
44 sations, discussions, or spoken or written words are to be tracked down, tapped,

1 listened to, intercepted, and recorded and, in the case of radio, electronic, or
2 telephonic (whether wireless or otherwise) communications, messages, conver-
3 sations, discussions, or spoken or written words, the electronic transmission sys-
4 tems or the telephone numbers to be tracked down, tapped, listened to, inter-
5 cepted, and recorded and their locations or if the person suspected of the crime
6 of terrorism or conspiracy to commit terrorism is not fully known, such person
7 shall be subject to continuous surveillance provided there is a reasonable ground
8 to do so; (b) the identity (name, address, and the police or law enforcement **OR**
9 **MILITARY** organization) of the members of his team judicially authorized to
10 track down, tap, listen to, intercept, and record the communications, messages,
11 conversations, discussions, or spoken or written words **UNDERTAKE SURVEIL-**
12 **LANCE ACTIVITIES**; (c) the offense or offenses committed, or being commit-
13 ted, or sought to be prevented; and, (d) the length of time within which the
14 authorization shall be used or carried out."

15
16 Sec. 19. Sec. 10 of R.A. 9372 us hereby amended to read as follows:
17

18 "Sec. 10. *Effective Period of Judicial Authorization.* - Any authorization granted by the
19 **REGIONAL TRIAL COURT OR THE** authorizing division of the Court of Appeals the
20 Court pursuant to Sec. 9(d) of this Act, shall only be effective for the length of time
21 specified in the written order of the authorizing division of the Court of Appeals, which
22 shall not exceed a period of [thirty (30)] **SIXTY (60)** days from the date of receipt
23 of the written order of the authorizing division of the Court of Appeals by the applicant
24 police, [or] law enforcement official or **MILITARY OFFICIAL**. [The applicant police
25 or law enforcement official shall, within thirty (30) days, report to the authorizing
26 division of the court of appeals the result of the said surveillance, interception and
27 recording.]

28
29 The **REGIONAL TRIAL COURT OR THE** authorizing division of the Court of Appeals
30 may extend or renew the said authorization for another period, which shall not exceed
31 [thirty (30)] **NINETY (90)** days from the expiration of the original period unless this
32 period is extended by the Court for good cause shown: Provided, That the **REGIONAL**
33 **TRIAL COURT OR THE** authorizing division of the Court of Appeals is satisfied that
34 such extension or renewal is in the public interest: and *Provided, further*, That the *ex*
35 *parte* application for extension or renewal, which must be filed by the original appli-
36 cant, has been duly authorized in writing by the Anti-Terrorism Council.

37
38 In case of death of the original applicant or in case he is physically disabled to file the
39 application for extension or renewal, **THE SUCCESSOR IN POSITION OR** the one
40 next in rank to the original applicant who is likewise a member of the team shall file
41 the application for extension or renewal: Provided, That, without prejudice to the lia-
42 bility of the police or law enforcement personnel under Sec. [20] **29** hereof, the ap-
43 plicant [police, or] law enforcement official or **MILITARY OFFICER** shall have thirty
44 (30) days after the termination of the period granted by the **REGIONAL TRIAL**
45 **COURT OR THE** Court of Appeals as provided in the preceding paragraphs within

1 which to file the appropriate case before the Public Prosecutor's Office for any violation
2 of this Act.

3

4 If no case is filed within the thirty-day period **AFTER THE LAPSE OF THE JUDICIAL**
5 **AUTHORIZATION**, the applicant [police or] law enforcement **OR MILITARY** official
6 shall [immediately notify the person subject of the surveillance, interception and re-
7 cording.] **TERMINATE SAID SURVEILLANCE, INTERCEPTION AND RECORD-
8 ING UNLESS THIS PERIOD IS EXTENDED BY THE COURT FOR CAUSE.** The
9 penalty of ten (10) years and one day to twelve (12) years of imprisonment shall be
10 imposed upon the applicant [police or] law enforcement **OR MILITARY** official **WHO**
11 **MALICIOUSLY OR THROUGH INEXCUSABLE NEGLIGENCE** who fails to notify
12 the person subject of the surveillance, monitoring, interception and recording [as
13 specified above.] **OF THE TERMINATION OF THE SAID SURVEILLANCE, IN-
14 TERCEPTION AND RECORDING UPON THE FILING OF A CASE SPECIFIED
15 ABOVE."**

16

17 Sec. 20. Sec. 11 of R.A. 9372 us hereby amended to read as follows:

18

19 "Sec. 11. *Custody of Intercepted and Recorded Communications.* - All **ORIGINAL**
20 **DISCS OR OTHER STORAGE DEVICES**, and recordings, **NOTES, MEMO-**
21 **RANDA, SUMMARIES, EXCERPTS AND ALL COPIES THEREOF OBTAINED UN-**
22 **DER THE JUDICIAL AUTHORIZATION GRANTED BY THE** [made pursuant to the
23 authorization of the authorizing division of the] **REGIONAL TRIAL COURT OR THE**
24 Court of Appeals shall, within [forty-eight (48) hours] **TEN (10) DAYS** after the ex-
25 piration of the period fixed in the written order of the **REGIONAL TRIAL COURT OR**
26 **THE** division of the Court of Appeals or within forty-eight (48) hours after the expira-
27 tion of any extension or renewal granted by the **REGIONAL TRIAL COURT OR THE**
28 division of the Court of Appeals, be deposited with the authorizing division of the
29 [Court of Appeals] **SAME COURT** in a sealed envelope or sealed package, as the case
30 may be, and shall be accompanied by a joint affidavit of the applicant police or law
31 enforcement official and the members of his team **LAW ENFORCEMENT OR MILI-**
32 **TARY PERSONNEL. THE JOINT AFFIDAVIT SHALL PROVIDE THE CHAIN OF**
33 **CUSTODY OR THE LIST OF PERSONS WHO EXERCISED POSSESSION OR**
34 **CUSTODY OVER THE TAPES, DISCS AND RECORDINGS.**

35

36 In case of death of the applicant or in case he is physically disabled to execute the
37 required affidavit, the successor in position or the one next in rank to the applicant
38 who is likewise a member of the team shall execute with the members of the team
39 that required affidavit.

40

41 It shall be unlawful for any person, police officer, **LAW ENFORCEMENT OR MILI-**
42 **TARY OFFICIAL** or any custodian of the tapes, **OTHER STORAGE DEVICES**, discs
43 and **OTHER STORAGE OR recording DEVICE, NOTES, MEMORANDA, SUMMAR-**
44 **IES, EXCERPTS AND ALL COPIES THEREOF** [and their excerpts and summaries,

1 written notes or memoranda to copy in whatever form, to remove, delete, expunge,
2 incinerate, shred or destroy in any manner the items enumerated above in whole or
3 in part under any pretext whatsoever] **TO REMOVE, DELETE, EXPUNGE, INCIN-**
4 **ERATE, SHRED OR DESTROY IN ANY MANNER THE ITEMS ENUMERATED**
5 **ABOVE IN WHOLE OR IN PART UNDER ANY PRETEXT WHATSOEVER.**

6
7 Any person who **MALICIOUSLY OR THROUGH INEXCUSABLE NEGLIGENCE** re-
8 moves, deletes, expunges, incinerates, shreds, **LOSES** or destroys the items enum-
9 erated above shall suffer a penalty of **IMPRISONMENT RANGING FROM** [not less
10 than] six (6) years and one day to twelve (12) years of imprisonment."

11
12 Sec. 21. Sec. 12 of R.A. 9372 us hereby amended to read as follows:
13
14 "Sec. 12. *Contents of Joint Affidavit.* - The joint affidavit of the police or of the law
15 enforcement official **OR MILITARY OFFICER** and the individual members of his team
16 shall state: (a) the number of tapes, discs, and recordings that have been made [as
17 well as the number of excerpts and summaries thereof and the number of written
18 notes and memoranda, if any, made in connection therewith]; (b) the dates and times
19 covered by each of such tapes, discs, and recordings; (c) the number of tapes, discs,
20 and recordings; and (d) the date of the original written authorization granted by the
21 Anti-Terrorism Council to the applicant to file the *ex parte* application to conduct the
22 tracking down, tapping, intercepting, and recording, as well as the date of any exten-
23 sion or renewal of the original written authority granted by the **REGIONAL TRIAL**
24 **COURT OF THE** authorizing division of the Court of Appeals.

25
26 The joint affidavit shall also certify under oath the number of duplicates or copies of
27 the whole or any part of any of such tapes, discs, **OTHER STORAGE DEVICES** and
28 recordings **NOTES, MEMORANDA, SUMMARIES, EXCERPTS AND ALL COPIES**
29 **THEREOF**, and [that] no duplicates or copies of the whole or any part of any of such
30 excerpts, summaries, written notes, and memoranda, have been made, or, if made,
31 that all such duplicates and copies are included in the sealed envelope or sealed pack-
32 age, as the case may be, deposited with the **REGIONAL TRIAL COURT OR THE**
33 authorizing division of the Court of Appeals.

34
35 It shall be unlawful for any person, police or law enforcement official **OR MILITARY**
36 **OFFICER** to omit or exclude from the joint affidavit any item or portion thereof men-
37 tioned in this Section.

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

42
43 Sec. 22. Sec. 13 of R.A. 9372 us hereby amended to read as follows:

1 "Sec. 13. *Disposition of Deposited Material.* -The sealed envelope or sealed package
2 and the contents thereof, which are deposited with the **REGIONAL TRIAL COURT**
3 **OR THE** authorizing division of the Court of Appeals shall be deemed and are hereby
4 declared classified information, and the sealed envelope or sealed package shall not
5 be opened and its contents (including the tapes, discs, and recordings [and all the
6 excerpts and summaries thereof and the notes and memoranda made in connection
7 therewith]) shall not be divulged, revealed, read, replayed, **DISCLOSED** or used as
8 evidence unless authorized by written order of the **REGIONAL TRIAL COURT OR**
9 **THE** authorizing division of the Court of Appeals, which written order shall be granted
10 only upon a written application of the Department of Justice filed before the authorizing
11 division of the Court of Appeals and only upon a showing that the Department of
12 Justice has been duly authorized in writing by the Anti-Terrorism Council to file the
13 application to open, reveal, divulge, and use the contents of the sealed envelope or
14 sealed package as evidence.

15
16 [Any person, law enforcement official or judicial authority who violates his duty to
17 notify in writing the persons subject of the surveillance as defined above shall suffer
18 the penalty of six years and one day to eight years of imprisonment.]

19
20 **THE WRITTEN APPLICATION, WITH NOTICE TO THE PARTY CON-**
21 **CERNED, FOR THE OPENING, REPLAYING, DISCLOSING, OR USING AS EVI-**
22 **DENCE OF THE SEALED PACKAGE OR THE CONTENTS THEREOF, SHALL**
23 **CLEARLY STATE THE PURPOSE OR REASON FOR ITS OPENING, REPLAYING,**
24 **DISCLOSING, OR ITS BEING USED AS EVIDENCE.**

25
26 **VIOULATION OF THIS AND THE PRECEDING PARAGRAPH SHALL BE PE-**
27 **NALIZED BY IMPRISONMENT RANGING FROM EIGHT (8) YEARS AND ONE**
28 **DAY TO TEN YEARS."**

29
30 Sec. 23. Sec. 14 of R.A. 9372 us hereby amended to read as follows:

31
32 "Sec. 14. *Application to Open Deposited Sealed Envelope or Sealed Package.* - The
33 written application to open the deposited sealed envelope or sealed package shall
34 clearly state the purpose or reason: (a) for **ITS** opening the sealed envelope or sealed
35 package; **AND** (b) for revealing or disclosing its classified contents. [(c) for replaying,
36 divulging, and or reading any of the listened to, intercepted, and recorded communi-
37 cations, messages, conversations, discussions, or spoken or written words (including
38 any of the excerpts and summaries thereof and any of the notes or memoranda made
39 in connection therewith); and, (d) for using any of said listened to, intercepted, and
40 recorded communications, messages, conversations, discussions, or spoken or written
41 words (including any of the excerpts and summaries thereof and any of the notes or
42 memoranda made in connection therewith) as evidence.]"

1 Sec. 24. Sec. 15 of R.A. 9372 us hereby amended to read as follows:

2

3 "Sec. 15. *Evidentiary Value [of Deposited Materials]*. - Any listened to, intercepted,
4 and recorded communications, messages, conversations, discussions, or spoken or
5 written words, or any part or parts thereof, or any information or fact contained
6 therein, including their existence, content, substance, purport, effect, or meaning,
7 which have been secured in violation of the pertinent provisions of this Act, shall not
8 be admissible and usable as evidence in any judicial, quasi-judicial, legislative, or ad-
9 ministrative investigation, inquiry, proceeding, or hearing **EXCEPT AS AUTHORIZED**
10 **BY THE PROPER COURT OR IN CONNECTION WITH A POSSIBLE VIOLATION**
11 **OF SECTIONS 19, 23, 24, OR 43 OF THIS ACT.**"

12

13 Sec. 25. Sec. 16 of R.A. 9372 us hereby amended to read as follows:

14

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

24

25 In addition to the liability attaching to the offender for the commission of any other
26 offense, the penalty of ten (10) years and one day to twelve (12) years of imprison-
27 ment, and if applicable, the accessory penalty of perpetual absolute disqualification
28 from public office, shall be imposed upon any person, police or law enforcement per-
29 sonnel who maliciously obtained an authority from the division of the Court of Appeals
30 to track down, tap, listen to, intercept, and record in whatever manner or form any
31 communication, message, conversation, discussion, or spoken or written words of a
32 person charged with or suspected of the crime of terrorism or conspiracy to commit
33 terrorism: Provided, That notwithstanding Sec. 13 of this Act, the party aggrieved by
34 such authorization shall be allowed access to the sealed envelope or sealed package
35 and the contents thereof as evidence for the prosecution of any police or law enforce-
36 ment personnel who maliciously procured said authorization."

37

38 Sec. 26. Sec. 17 of R.A. 9372 us hereby amended to read as follows:

39

40 "Sec. 17. *Proscription of TERRORIST INDIVIDUALS, Terrorist Organizations, Asso-*
41 *ciation, or Group of Persons*. - Any **INDIVIDUAL**, organization, association, or group
42 of persons **WHO VIOLATE ANY OF THE ACTS DEFINED AND PENALIZED UN-**
43 **DER THE PROVISIONS OF THIS ACT AND ANY INDIVIDUAL, ORGANIZA-**
44 **TION, OR GROUP OF PERSONS** organized for the purpose of engaging in terrorism,

1 or which, although not organized for that purpose, actually uses the acts to terrorize
2 mentioned in this Act [or to sow and create a condition of widespread and extraordi-
3 nary fear and panic among the populace in order to coerce the government to give in
4 to an unlawful demand] shall, upon application of the Department of Justice before a
5 competent Regional Trial Court, with due notice and opportunity to be heard given to
6 the organization, association, or group of persons concerned, be declared as a terrorist
7 and outlawed organization, association, or group of persons by the said Regional Trial
8 Court.

9

10 **AN EX PARTE APPLICATION SHALL BE FILED WITH AN URGENT**
11 **PRAYER FOR THE ISSUANCE OF A PRELIMINARY ASSET PRESERVATION**
12 **ORDER AND/OR A PRELIMINARY ORDER OF PROSCRIPTION.**

13

14 **THE APPLICATION FOR PROSCRIPTION SHALL BE FILED BY THE SEC-**
15 **RETARY OF THE DEPARTMENT OF JUSTICE UPON THE RECOMMENDATION**
16 **OF THE ANTI-TERRORISM COUNCIL."**

17

18 Sec. 27. Sec. 18 of R.A. 9372 us hereby amended to read as follows:

19

20 "Sec. 18. *Period of Detention Without Judicial Warrant of Arrest.* - The provisions of
21 Article 125 of the Revised Penal Code to the contrary notwithstanding, any police or
22 law enforcement personnel **OR MILITARY OFFICER**, who, having been duly author-
23 ized in writing by the Anti-Terrorism Council has taken custody of a person charged
24 with or suspected of the crime of terrorism or the crime of conspiracy to commit ter-
25 rrorism shall, without incurring any criminal liability for delay in the delivery of detained
26 persons to the proper judicial authorities, deliver said charged or suspected **OR AR-**
27 **RESTED** person to the proper judicial authority within a period of [three (3)] **SEVEN**
28 **(7) WORKING** days counted from the moment the said charged or suspected person
29 has been apprehended or arrested, detained, and taken into custody by the said po-
30 lice, or law enforcement personnel: Provided, That the arrest of those suspected of
31 the crime of terrorism or conspiracy to commit terrorism must result from the surveil-
32 lance under Sec.[7] **15** [and examination of bank deposits under Sec. 27] of this Act,
33 or if the evidence of probable commission of a terrorism offense or involvement in a
34 conspiracy to commit terrorism is found by the judicial authority to whom the person
35 is presented pursuant to the following paragraph of this section to be clear and con-
36 vincing.

37

38 [The police or law enforcement personnel concerned shall, before detaining the per-
39 son suspected of the crime of terrorism, present him or her before any judge at the
40 latter's residence or office nearest the place where the arrest took place at any time
41 of the day or night. It shall be the duty of the judge, among other things, to ascertain
42 the identity of the police or law enforcement personnel and the person or persons
43 they have arrested and presented before him or her, to inquire of them the reasons

1 why they have arrested the person and determine by questioning and personal obser-
2 vation whether or not the suspect has been subjected to any physical, moral or psy-
3 chological torture by whom and why. The judge shall then submit a written report of
4 what he/she had observed when the subject was brought before him to the proper
5 Court that has jurisdiction over the case of the person thus arrested. The judge shall
6 forthwith submit his/her report within three calendar days from the time the suspect
7 was brought to his/her residence or office.]

8

9 Immediately after taking custody of a person charged with or suspected of the crime
10 of terrorism or conspiracy to commit terrorism, the police or law enforcement person-
11 nel shall notify in writing the judge of the Court nearest the place of apprehension or
12 arrest, **SUCH AS: (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. Pro-
13 vided, That where the arrest is made during Saturdays, Sundays, holidays or after
14 office hours, the written notice shall be served at the residence of the judge nearest
15 the place where the accused was arrested.

16

17

18

19

20

21

22 The penalty of **IMPRISONMENT RANGING FROM** ten (10) years and one day to
23 twelve (12) years of imprisonment shall be imposed upon the police or law enforce-
24 ment personnel **OR MILITARY OFFICER** who **MALICIOUSLY OR THROUGH**
25 **NEGLIGENCE** fail to notify and judge as Provided in the preceding paragraph."

26

27 Sec. 28. Sec. 19 of R.A. 9372 us hereby amended to read as follows:

28 "Sec. 19. *Period of Detention in the Event of an Actual or Imminent Terrorist Attack.*
29 - In the event of an actual or imminent terrorist attack, suspects may not be detained
30 for more than three **(3)** days without the written approval of a municipal, city, pro-
31 vincial or regional official of a Human Rights Commission or judge of the municipal,
32 Regional Trial Court, the Sandiganbayan or a justice of the Court of Appeals nearest
33 the place of the arrest. If the arrest is made during Saturdays, Sundays, holidays, the
34 arresting [police or] law enforcement personnel **OR MILITARY OFFICER** shall bring
35 the person thus arrested to the residence of any of the officials mentioned above that
36 is nearest the place where the accused was arrested. The approval in writing of any
37 of the said officials shall be secured by the police or law enforcement personnel con-
38 cerned within five days after the date of the detention of the persons concerned:
39 *Provided, however,* That within three (3) days after the detention the suspects, whose
40 connection with the terror attack or threat is not established, shall be released imme-
41 diately. **OTHERWISE, SAID SUSPECTS SHALL, WITHIN THIRTY (30) DAYS**
42 **AFTER THE ACTUAL OR IMMINENT TERRORIST ATTACK CEASES, EXCLUD-**
43 **ING SATURDAYS, SUNDAYS AND HOLIDAYS, BE DELIVERED TO THE**
44 **PROPER JUDICIAL AUTHORITY.**"

1 Sec. 29. Sec. 20 of R.A. 9372 us hereby amended to read as follows:

2

3 "Sec. 20. *Penalty for Failure to Deliver Suspect to the Proper Judicial Authority within*
4 *Three Days.* - The penalty [of ten (10) years and one day to twelve (12) years of
5 imprisonment] **PROVIDED UNDER SECTION 124 OF ACT NO. 3815, OTHER-**
6 **WISE KNOWN AS THE REVISED PENAL CODE,** shall be imposed upon any [police
7 or] law enforcement personnel **OR MILITARY OFFICER** who has **MALICIOUSLY**
8 **OR THROUGH INEXCUSABLE NEGLIGENCE** apprehended or arrested, detained
9 and taken custody of a person charged with or suspected of the crime of terrorism or
10 conspiracy to commit terrorism and maliciously or through inexcusable negligence fails
11 to deliver such charged or suspected person to the proper judicial authority within the
12 period of three days, except in the cases in which Section 19 of this Act is applicable
13 and its provision have been followed."

14

15 Sec. 30. Sec. 21 of R.A. 9372 us hereby amended to read as follows:

16

17 "Sec. 21. *Rights of a Person under Custodial Detention.* - The moment a person
18 charged with or suspected of the crime of terrorism or the crime of conspiracy to
19 commit terrorism is apprehended or arrested and detained, he shall forthwith be in-
20 formed, by the arresting [police or] law enforcement **OR MILITARY** officers or by
21 the [police or] law enforcement **OR MILITARY** officers to whose custody the person
22 concerned is brought, of his or her right: (a) to be informed of the nature and cause
23 of his arrest, to remain silent and to have competent and independent counsel pref-
24 erably of his choice. If the person cannot afford the services of counsel of his or her
25 choice, the police or law enforcement officers concerned shall immediately contact the
26 free legal assistance unit of the Integrated Bar of the Philippines (IBP) or the Public
27 Attorney's Office (PAO). It shall be the duty of the free legal assistance unit of the IBP
28 or the PAO thus contacted to immediately visit the person(s) detained and provide
29 him or her with legal assistance. These rights cannot be waived except in writing and
30 in the presence of the counsel of choice; (b) informed of the cause or causes of his
31 detention in the presence of his legal counsel; (c) allowed to communicate freely with
32 his legal counsel and to confer with them at any hour of the day or, in urgent cases,
33 of the night; (d) allowed to communicate freely and privately at any hour of the day
34 or, in urgent cases, of the night with the members of his family or with his nearest
35 relatives and to be visited by them; (e) allowed freely to avail of the service of a
36 physician or physicians of choice.; **AND, (F) INFORMED OF HIS RIGHT TO COM-**
MUNICATE WITHOUT DELAY WITH THE NEAREST APPROPRIATE REPRE-
SENTATIVE OF THE STATE OF WHICH THAT PERSON IS A NATIONAL OR IF
THAT PERSON IS STATELESS, THE STATE IN WHICH THAT PERSON ORDI-
NARILY RESIDES."

41

42 Sec. 31. Sec. 22 of R.A. 9372 us hereby amended to read as follows:

1 "Sec. 22. *Penalty for Violation of the Rights of a Detainee.* – [Any police or law
2 enforcement personnel, or any personnel of the police or other law enforcement
3 custodial unit that violates any of the aforesaid rights of a person charged with or
4 suspected of the crime of terrorism or the crime of conspiracy to commit terrorism
5 shall be guilty of an offense and shall suffer the penalty of ten (10) years and one day
6 to twelve (12) years of imprisonment.] **THE PENALTY OF IMPRISONMENT RANG-**
7 **ING FROM TEN (10) YEARS AND ONE DAY TO TWELVE (12) YEARS SHALL**
8 **BE IMPOSED UPON ANY LAW ENFORCEMENT OR MILITARY OFFICER WHO**
9 **HAS VIOLATED THE RIGHTS OF PERSONS UNDER THEIR CUSTODY.**

10
11 Unless the police or law enforcement **OR MILITARY** personnel who violated the
12 rights of a detainee or detainees as stated above is duly identified, the same penalty
13 shall be imposed on the police officer or head or leader of the law enforcement **OR**
14 **MILITARY** unit having custody of the detainee at the time the violation was done."

15
16 Sec. [23] **32. Requirement for an Official Custodial Logbook and its Contents.** - The
17 police or other law enforcement custodial unit in whose care and control the person
18 charged with or suspected of the crime of terrorism or the crime of conspiracy to
19 commit terrorism has been placed under custodial arrest and detention shall keep a
20 securely and orderly maintained official logbook, which is hereby declared as a public
21 document and opened to and made available for .the inspection and scrutiny of the
22 lawyer or lawyers of the person under custody or any member of his or her family or
23 relative by consanguinity or affinity within the fourth civil degree or his or her physician
24 at any time of the day or night without any form of restriction. The logbook shall
25 contain a clear and concise record of: (a) the name, description, and address of the
26 detained person; (b) the date and exact time of his initial admission for custodial arrest
27 and detention; (c) the name and address of the physician or physicians who examined
28 him physically and medically; (d) the state of his health and physical condition at the
29 time of his initial admission for custodial detention; (e) the date and time of each
30 removal of the detained person from his cell for interrogation or for any purpose; (f)
31 the date and time of his return to his cell; (g) the name and address of the physician
32 or physicians who physically and medically examined him after each interrogation; (h)
33 a summary of the physical and medical findings on the detained person after each of
34 such interrogation; (i) the names and addresses of his family members and nearest
35 relatives, if any and if available; (j) the names and addresses of persons, who visit the
36 detained person; (k) the date and time of each of such visits; (l) the date and time
37 of each request of the detained person to communicate and confer with his legal
38 counsel or counsels; (m) the date and time of each visit, and date and time of each
39 departure of his legal counsel or counsels; and, (n) all other important events bearing
40 on and all relevant details regarding the treatment of the detained person while under
41 custodial arrest and detention.

42 The said police or law enforcement custodial unit shall upon demand of the
43 aforementioned lawyer or lawyers or members of the family or relatives within the
44 fourth civil degree of consanguinity or affinity of the person under custody or his or
45 her physician issue a certified true copy of the entries of the logbook relative to the
46 concerned detained person without delay or restriction or requiring any fees

1 whatsoever including documentary stamp tax, notarial fees, and the like. This certified
2 true copy may be attested by the person who has custody of the logbook or who
3 allowed the party concerned to scrutinize it at the time the demand for the certified
4 true copy is made.

5

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

9

10 **SECTIONS 24 AND 25 OF R.A. 9372 ARE HEREBY DELETED.**

11

12 [“Sec. 24. *No Torture or Coercion in Investigation and Interrogation.* –
13 No threat, intimidation, or coercion, and no act which will inflict any form of physical
14 pain or torment, or mental, moral, or psychological pressure, on the detained person,
15 which shall vitiate his freewill, shall be employed in his investigation and interrogation
16 for the crime of terrorism or the crime of conspiracy to commit terrorism; otherwise,
17 the evidence obtained from said detained person resulting from such threat, intimid-
18 ation, or coercion, or from such inflicted physical pain or torment, or mental, moral, or
19 psychological pressure shall be, in its entirety, absolutely not admissible and usable
20 as evidence in any judicial, quasi-judicial, legislative, or administrative investigation,
21 inquiry, proceeding or hearing.]

22

23 [“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,
24 intimidation, or coercion, or who inflict physical pain or torment, or mental, moral, or
25 psychological pressure, which shall vitiate the free-will of a charged or suspected per-
26 son under investigation and interrogation for the crime of terrorism or the crime of
27 conspiracy to commit terrorism shall be guilty of an offense and shall suffer the penalty
28 of ten (10) years and one day to twelve (12) years of imprisonment.
29

30

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

36

37 **SEC. 33. *RIGHTS OF THE DETAINED.* -- IN THE INVESTIGATION AND INTER-
ROGATION OF THE DETAINED PERSON/S, THE PROVISIONS AND PENAL-
TIES PROVIDED FOR UNDER R.A. 9745, OTHERWISE KNOWN AS THE
40 “ANTI-TORTURE ACT OF 2009”, SHALL BE APPLICABLE.**

1 **ANY PUBLIC OFFICER WHO HAS DIRECT CUSTODY OF A DETAINED PERSON**
2 **OR WHO BY HIS/HER MALICIOUS, DELIBERATE ACT, MISCONDUCT, OR IN-**
3 **EXCUSABLE NEGLIGENCE, CAUSES OR ALLOWS THE ESCAPE OF SUCH DE-**
4 **TAINED PERSON SHALL BE GUILTY OF AN OFFENSE AND SHALL SUFFER THE**
5 **PENALTY OF: (A) TWELVE (12) YEARS AND ONE DAY TO TWENTY (20)**
6 **YEARS OF IMPRISONMENT, IF THE DETAINED PERSON HAS ALREADY BEEN**
7 **CONVICTED AND SENTENCED IN A FINAL JUDGMENT OF A COMPETENT**
8 **COURT; AND (B) SIX YEARS AND ONE DAY TO TWELVE (12) YEARS OF IM-**
9 **PRISONMENT, IF THE DETAINED PERSON HAS NOT BEEN CONVICTED AND**
10 **SENTENCED IN A FINAL JUDGMENT OF A COMPETENT COURT.**

11
12 Sec. 34. Sec. 26 of R.A. 9372 us hereby amended to read as follows:

13
14 “Sec. 26. *Restriction on MOBILITY AND Travel*.— In cases where evidence of guilt
15 is not strong, and the person charged with the crime of terrorism or conspiracy to
16 commit terrorism is entitled to bail and is granted the same, the Court, upon ap-
17 plication by the prosecutor, shall limit the right of travel of the accused to [within]
18 the municipality or city where he resides or [where] **IF** the case is pending, in the
19 interest of national security and public safety, consistent with Article III, Sec. 6 of
20 the Constitution. **THE COURT SHALL IMMEDIATELY FURNISH THE DEPART-**
21 **MENT OF JUSTICE AND THE BUREAU OF IMMIGRATION WITH THE COPY**
22 **OF THE SAID ORDER.** Travel outside of said municipality or city, without the
23 authorization of the Court, shall be deemed a violation of the terms and conditions
24 of his bail, which shall then be forfeited as provided under the Rules of Court.

25
26 He/she may also be placed under house arrest by order of the Court at his or her
27 usual place of residence.

28
29 While under house arrest, he or she may not use telephones, cellphones, e-mails,
30 computers, the internet or other means of communications with people outside
31 the residence until otherwise ordered by the Court.

32
33 If the evidence of guilt is strong, the court shall immediately issue a hold departure
34 order and direct the Department of Foreign Affairs to cancel the passport of the
35 accused.

36
37 The restrictions abovementioned shall be terminated upon the acquittal of the ac-
38 cused or of the dismissal of the case filed against him or earlier upon the discretion
39 of the Court on motion of the prosecutor or of the accused.”

40
41 **SECTIONS 27 AND 28 OF R.A. 9372 ARE HEREBY DELETED.**

1 [“Sec. 27. *Judicial Authorization Required to Examine Bank Deposits, Accounts, and*
2 *Records.* - The provisions of Republic Act No. 1405 as amended, and Republic Act
3 6426 to the contrary notwithstanding, the authorizing division of the Court of Appeals
4 after satisfying itself of the existence of probable cause in a hearing called for that
5 purpose that: (1) a person charged with or suspected of the crime of terrorism or,
6 conspiracy to commit terrorism, (2) of a judicially declared and outlawed terrorist or-
7 ganization, association, or group of persons; and (3) of a member of such judicially
8 declared and outlawed organization, association, or group of persons, may authorize
9 in writing any police or law enforcement officer and the members of his/her team duly
10 authorized in writing by the Anti-Terrorism Council to: (a) examine, freeze or cause
11 the examination of, the deposits, placements, trust accounts, assets and records in a
12 bank or financial institution; and (b) gather or cause the gathering of any relevant
13 information about such deposits, placements, trust accounts, assets, and records from
14 a bank or financial institution. The bank or financial institution concerned, shall not
15 refuse to allow such examination or to provide the desired information, when so, or-
16 dered by and served with the written order of the Court of Appeals.”]

17
18 [Sec. 28. *Application to Examine Bank Deposits, Accounts, and Records.* - The written
19 order of the Court of Appeals authorizing the examination of bank deposits, place-
20 ments, trust accounts, assets, and records: (1) of a person charged with or suspected
21 of the crime of terrorism or conspiracy to commit terrorism; (2) of any judicially de-
22 clared and outlawed terrorist organization, association, or group of persons, or (3) of
23 any member of such organization, association, or group of persons in a bank or finan-
24 cial institution, and the gathering of any relevant information about the same from
25 said bank or financial institution, shall only be granted by the authorizing division of
26 the Court of Appeals upon an *ex parte* application to that effect of a police or of a law
27 enforcement official who has been duly authorized in writing to file such *ex parte*
28 application by the Anti-Terrorism Council created in Sec. 53 of this Act, and upon
29 examination under oath or affirmation of the applicant and, the witnesses he/she may
30 produce to establish the facts that will justify the need and urgency of examining and
31 freezing the bank deposits, placements, trust accounts, assets, and records: (1) of the
32 person charged with or suspected of the crime of terrorism or conspiracy to commit
33 terrorism; (2) of a judicially declared and outlawed terrorist organization, association
34 or group of persons; or (3) of any member of such organization, association, or group
35 of persons.]

36
37 Sec. [32] **35.** *Contents of Joint Affidavit.* - The joint affidavit shall state: (a) the iden-
38 tifying marks, numbers, or symbols of the deposits, placements, trust accounts, as-
39 sets, and records examined; (b) the identity and address of the bank or financial in-
40 stitution where such deposits, placements, trust accounts, assets, and records are
41 held and maintained; (c) the total number of bank deposits, placements, trust ac-
42 counts, assets, and records discovered, examined, and frozen; (d) the outstanding
43 balances of each of such deposits, placements, trust accounts, assets; (e) the date of
44 the original written authorization granted by the Anti-Terrorism Council to the appli-
45 cant to file the ex parte Application to conduct the examination of the said bank de-
46 posits, placements, trust accounts, assets and records, as well as the date of any

1 extension or renewal of the original written authorization granted by the authorizing
2 division of the Court of Appeals; and (f) that the items enumerated were all that were
3 found in the bank or financial institution examined at the time of the completion of
4 the examination.

5

6 The joint affidavit shall also certify under oath the number of duplicates or copies of
7 the original documents that have been made of the information, data, acquired from
8 the examination of the bank deposits, placements, trust accounts, assets and records.

9

10 It shall be unlawful for any person, police officer or custodian of the bank data and
11 information obtained after examination of deposits, placements, trust accounts, assets
12 and records to **MALICIOUSLY OR THROUGH INEXCUSABLE NEGLIGENCE** re-
13 moves, deletes, expunges, incinerates, shreds or destroys in any manner the items
14 enumerated above in whole or in part.

15

16 Any person who copies, for purposes other than legitimate law enforcement purposes,
17 or who **MALICIOUSLY OR THROUGH INEXCUSABLE NEGLIGENCE** removes, de-
18 lets, expunges, incinerates, shreds or destroys the items enumerated above shall
19 suffer a penalty of not less than six years and one day to twelve (12) years of impris-
20 onment.

21

22 **SEC. 36. BANK INQUIRY AND EXAMINATION – UPON ORDER OF THE COURT**
23 **OR PROSCRIPTION OF AN ORGANIZATION, ASSOCIATION, OR PERSON AS**
24 **TERRORISTS, THE COUNCIL THRU THE ANTI-MONEY LAUNDERING COUN-**
25 **CIL, MAY CONDUCT AN INQUIRY AND EXAMINATION INTO THE BANK AC-**
26 **COUNTS AND INVESTMENTS OF SUCH ORGANIZATION, ASSOCIATION, OR**
27 **INDIVIDUAL. SUCH INQUIRY AND EXAMINATION SHALL BE IN ACCORD-**
28 **ANCE WITH RA NO. 9160, OTHERWISE KNOWN AS THE "ANTI-MONEY**
29 **LAUNDERING ACT OF 2001", IN RELATION TO RA NO. 10168, OTHERWISE**
30 **KNOWN AS "TERRORISM FINANCING PREVENTION AND SUPPRESSION**
31 **ACT OF 2012". ANY PERSON, LAW ENFORCEMENT OR MILITARY OFFICER**
32 **WHO EXAMINES THE DEPOSITS, PLACEMENTS, TRUST ACCOUNTS, ASSETS,**
33 **OR RECORDS IN A BANK OR FINANCIAL INSTITUTION IN CONTRAVENTION**
34 **OF THE PREVIOUS PARAGRAPH SHALL SUFFER THE PENALTY OF IMPRIS-**
35 **ONMENT RANGING FROM TEN (10) YEARS AND ONE DAY TO TWELVE (12)**
36 **YEARS.**

37

38 **WHEN INORDINATE DELAY IN THE REQUEST FOR A BANK INQUIRY HAS**
39 **OCCURRED, OR AN ONGOING CRIMINAL INVESTIGATION MAY BE COM-**
40 **PROMISED, THE LAW ENFORCEMENT OR MILITARY OFFICER IN CHARGE,**
41 **SHALL REQUEST THE COUNCIL *MOTU PROPRIOTO* SEEK COURT AUTHORI-**
42 **ZATION FOR A BANK INQUIRY.**

43

44 **SECTIONS 33-34 OF R.A. 9372 ARE HEREBY DELETED.**

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

12
13 Any person, law enforcement official or judicial authority who violates his duty to notify
14 in writing as defined above shall suffer the penalty of six years and one day to eight
15 years of imprisonment.]

16
17 [SEC. 34. *Application to Open Deposited Bank Materials.* - The written application,
18 with notice in writing to the party concerned not later than three days of the scheduled
19 opening, to open the sealed envelope or sealed package shall clearly state the purpose
20 and reason: (a) for opening the sealed envelope or sealed package; (b) for revealing
21 and disclosing its classified contents; and, (c) for using the classified information, data,
22 excerpts, summaries, notes, memoranda, working sheets, reports, and documents as
23 evidence.]

24
25 Sec. 37. Sec. 35 of R.A. 9372 is hereby amended to read as follows:

26
27 "Sec. 35. *Evidentiary Value of IMPROPERLY ACQUIRED Deposited Bank Materials.*
28 - Any information, data, excerpts, summaries, notes, memoranda, work sheets, re-
29 ports, or documents acquired from the examination of the bank deposits, placements,
30 trust accounts, assets and records of **THE FOLLOWING**: (1) a person charged or
31 suspected of the crime of terrorism or the crime of conspiracy to commit terrorism;
32 (2) a judicially declared and outlawed terrorist organization, association, or group of
33 persons; or (3) a member of such organization, association, or group of persons, which
34 have been secured in violation of the provisions of this Act, shall [absolutely] not be
35 admissible and usable as evidence against anybody in any judicial, quasi-judicial, leg-
36 islative, or administrative investigation, inquiry, proceeding, or hearing".

37
38 [Sec. 29. *Classification and Contents of the Court Order Authorizing the Examination
39 of Bank Deposits, Accounts, and Records.* - The written order granted by the author-
40 izing division of the Court of Appeals as well as its order, if any, to extend or renew
41 the same, the original *ex parte* application of the applicant, including his *ex parte*
42 application to extend or renew, if any, and the written authorizations of the Anti-
43 Terrorism Council, shall be deemed and are hereby declared as classified information.]

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

16

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

26

27 The applicant police or law enforcement official shall, within thirty (30) days, report
28 to the authorizing division of the Court of Appeals the result of the examination of the
29 bank deposits, placements, trust accounts, assets, and records. The authorizing divi-
30 sion of the Court of Appeals may extend or renew the said authorization for another
31 period, which shall not exceed thirty (30) days renewable to another ninety (90) days
32 from the expiration of the original period, unless this period is extended by the Court
33 for good cause shown: Provided, That the authorizing division of the Court of Appeals
34 is satisfied that such extension or renewal is in the public interest: and, Provided,
35 further, That the application for extension or renewal, which must be filed by the
36 original applicant, has been duly authorized in writing by the Anti-Terrorism Council.

37

38 In case of death of the original applicant or in case he is physically disabled or for any
39 other reason he is unable to file the application for extension or renewal, the one next
40 in rank to the original applicant among the members of the team named in the original
41 written order of the authorizing division of the Court of Appeals shall file the application
42 for extension or renewal: Provided, That, without prejudice to the liability of the police
43 or law enforcement personnel under Sec. 19 hereof, the applicant police or law en-
44 forcement official shall have eight months after the termination of the period granted
45 by the Court of Appeals as provided in the preceding paragraphs within which to file
46 the appropriate case before the Public Prosecutor's Office for any violation of this Act.

1 If no case is filed within the thirty-day period, the applicant police or law enforcement
2 official shall terminate the bank examination and freezing of bank deposits, place-
3 ments, trust accounts, assets and records, unless this period is extended by the Court
4 for good cause shown. The penalty of ten (10) years and one day to twelve (12) years
5 of imprisonment shall be imposed upon the applicant police or law enforcement official
6 who fails to notify in writing the person subject of the bank examination of bank de-
7 posits, placements, trust accounts, assets and records of the termination of the said
8 bank examination upon the filing of a case.

9

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

13

14 [Sec. 31. *Custody of Bank Data and Information Obtained after Examination of De-*
15 *posits, Placements, Trust Accounts, Assets and Records.* - All information, data, and
16 other documents obtained from the examination of the bank deposits, placements,
17 trust accounts, assets and records obtained from examination under the preceding
18 Section shall, within forty-eight (48) hours after the expiration of the period fixed in
19 the written order of the authorizing division of the Court of Appeals or within forty-
20 eight (48) hours after the expiration of the extension or renewal granted by the au-
21 thorizing division of the Court of Appeals, be deposited with the authorizing division
22 of the Court of Appeals in a sealed envelope or sealed package, as the case may be,
23 shall be accompanied by a joint affidavit of the applicant police or law enforcement
24 official and the persons who actually conducted the examination of said bank deposits,
25 placements, trust accounts, assets and records.]

26

27 **SECTION 36 OF R.A. 9372 is HEREBY DELETED.**

28

29 [Sec. 36. *Penalty for Unauthorized or Malicious Examination of a Bank or a Financial*
30 *Institution.* - Any person, police or law enforcement personnel who examines the de-
31 posits, placements, trust accounts, assets, or records in a bank or financial institution
32 of [the following]: (1) a person charged with or suspected of the crime of terrorism or
33 the crime of conspiracy to commit terrorism; (2) a judicially declared and outlawed
34 terrorist organization, association, or group of persons; or (3) a member of such or-
35 ganization, association, or group of persons, without being authorized to do so by the
36 Court of Appeals, shall be guilty of an offense and shall suffer the penalty of ten (10)
37 years and one day to twelve (12) years of imprisonment.

38

39 In addition to the liability attaching to the offender for the commission of any other
40 offense, the penalty of ten (10) years and one day to twelve (12) years of imprison-
41 ment shall be imposed upon any police or law enforcement personnel, who maliciously
42 obtained an authority from the Court of Appeals to examine the deposits, placements,
43 trust accounts, assets, or records in a bank or financial institution of: (1) a person

1 charged with or suspected of the crime of terrorism or conspiracy to commit terrorism;
2 (2) a judicially declared and outlawed terrorist organization, association, or group of
3 persons; or (3) a member of such organization, association, or group of persons: Pro-
4 vided, That notwithstanding Sec. 33 of this Act, the party aggrieved by such authori-
5 zation shall upon motion duly filed be allowed access to the sealed envelope or sealed
6 package and the contents thereof as evidence for the prosecution of any police or law
7 enforcement personnel who maliciously procured said authorization.]

8

9 Sec. 38. Sec. 37 of R.A. 9372 is hereby amended to read as follows:

10

11 "Sec. 37. *Penalty of Bank Officials and Employees Defying a Court Authorization.* - An
12 employee, official, or a member of the board of directors of a bank or financial insti-
13 tution, who refuses to allow the examination of the deposits, placements, trust ac-
14 counts, assets, and records of the following: (1) a person charged with or suspected
15 of the crime of terrorism or the crime of conspiracy to commit terrorism; (2) a judicially
16 declared and outlawed organization, association, or group of persons; or (3) a member
17 of such judicially declared and outlawed organization, association, or group of persons
18 in said bank or financial institution, when duly served with the written order of the
19 authorizing division of the Court of Appeals, shall be guilty of an offense and shall
20 suffer the penalty of **IMPRISONMENT RANGING FROM** ten (10) years and one
21 day to twelve (12) years of imprisonment."

22

23 Sec. 38. of R.A. 9372 is hereby amended to read as follows:

24

25 "Sec. 38. *Penalty for False or Untruthful Statement or Misrepresentation of Material*
26 *Fact in Joint Affidavits.* - Any false or untruthful statement or misrepresentation of
27 material fact made **MALICIOUSLY OR THROUGH INEXCUSABLE NEGLIGENCE**
28 in the joint affidavits required respectively in Sec. 20 and Sec. 34 of this Act shall
29 constitute a criminal offense and the affiants shall suffer individually the penalty of ten
30 (10) years and one day to twelve (12) years of imprisonment".

31

32 Sec. 39 of R.A. 9372 is hereby amended to read as follows:

33

34 "Sec. 39. **FREEZE, Seizure and Sequestration. – THE FROZEN, SEIZED, OR SE-**
35 **QUESTERED BALANCES, PLACEMENTS, AND OTHER ASSETS FROM A BANK**
36 **INQUIRY ARISING FROM A TERRORISM INVESTIGATION SHALL BE PRO-**
37 **CESSED IN ACCORDANCE WITH RA 10168 OTHERWISE KNOWN AS THE**
38 **"TERRORISM FINANCING PREVENTION AND SUPPRESSION ACT OF 2012."**

39

40 The accused or a person suspected of may withdraw such sums as may be reasonably
41 needed by the monthly needs of his/her family including the services of his or her
42 counsel and his or her family's medical needs upon approval of the Court. He or she
43 may also use any of his property that is under seizure or sequestration or frozen

1 because of his/her indictment as a terrorist upon permission of the Court for any le-
2 gitimate reason.

3
4 Any person who unjustifiably refuses to follow the order of the proper division of the
5 Court of Appeals to allow the person accused of the crime of terrorism or of the crime
6 of conspiracy to commit terrorism to withdraw such sums from sequestered or frozen
7 deposits, placements, trust accounts, assets and records as may be necessary for the
8 regular sustenance of his/her family or to use any of his/her property that has been
9 seized, sequestered or frozen for legitimate purposes while his/her case is pending
10 shall suffer the penalty of ten (10) years and one day to twelve (12) years of impris-
11 onment".

12
13 Sec. 40 of R.A. 9372 is hereby amended to read as follows:

14
15 "Sec. 40. *Nature of Seized, Sequestered and Frozen Bank Deposits, Placements, Trust*
16 *Accounts, Assets and Records.* - The seized, sequestered and frozen bank deposits,
17 placements, trust accounts, assets and records belonging to a person suspected of or
18 charged with the crime of terrorism or conspiracy to commit terrorism shall be deemed
19 as property held in trust by the bank or financial institution for such person and the
20 government during the pendency of the investigation of the person suspected of or
21 during the pendency of the trial of the person charged with any of the said crimes, as
22 the case may be and their use or disposition while the case is pending shall be subject
23 to the approval of the Court before which the case or cases are pending.

24
25 **BANK DEPOSITS AND OTHER ASSETS OBTAINED IN A BANK INQUIRY ARIS-**
26 **ING FROM A TERRORISM INVESTIGATION MAY BE PRESENTED AS EVI-**
27 **DENCE BEFORE THE COURTS.**

28
29 Sec. 41 of R.A. 9372 is hereby amended to read as follows:

30
31 "Sec. 41. *Disposition of the Seized, Sequestered and Frozen Bank Deposits, Place-*
32 *ments, Trust Accounts, Assets and Record.* - If the person suspected of or charged
33 with the crime of terrorism or conspiracy to commit terrorism is found, after his inves-
34 tigation, to be innocent by the investigating body, or is acquitted, after his arraignment
35 or his case is dismissed before his arraignment by a competent Court, the seizure,
36 sequestration and freezing of his bank deposits, placements, trust accounts, assets
37 and records shall forthwith be deemed lifted by the investigating body or by the com-
38 petent Court, as the case may be, and his bank deposits, placements, trust accounts,
39 assets and records shall be deemed released from such seizure, sequestration and
40 freezing, and shall be restored to him without any delay by the bank or financial insti-
41 tution concerned without any further action on his part. The filing of any appeal on
42 motion for reconsideration shall not stay the release of said funds from seizure, se-
43 questration and freezing.

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

5

6 In case of civil forfeiture, the provisions of the Rules of Court shall apply.

7

8 [Upon acquittal, any person who is maliciously accused of terrorism shall be entitled
9 to the payment of liquidated damages in the amount of Five hundred thousand pesos
10 (P500, 000.00) for the period in which his/her properties, assets or funds were seized.
11 The amount shall be taken from the appropriations of the police or law enforcement
12 agency that caused the filing of the enumerated charges against him/her.]”

13

14 Sec. 42 of R.A. 9372 is hereby amended to read as follows:

15

16 “Sec. 42. *Penalty for Unjustified Refusal to Restore or Delay in Restoring Seized, Se-
17 questered and Frozen Bank Deposits, Placements, Trust Accounts, Assets and Rec-
18 cords.* - Any person who **MALICIOUSLY OR THROUGH INEXCUSABLE NEGLI-**
19 **GENCE** refuses to restore or delays the restoration of seized, sequestered and frozen
20 bank deposits, placements, trust accounts, assets and records of a person suspected
21 of or charged with the crime of terrorism or conspiracy to commit terrorism after such
22 suspected person has been found innocent by the investigating body or after the case
23 against such charged person has been dismissed or after he is acquitted by a com-
24 petent Court shall suffer the penalty of ten (10) years and one day to twelve (12) years
25 of imprisonment.”

26

27 Sec. 43 of R.A. 9372 is hereby amended to read as follows:

28

29 “Sec. 43. *Penalty for the Loss, Misuse, Diversion or Dissipation of Seized, Sequestered
30 and Frozen Bank Deposits, Placements, Trust Accounts, Assets and Records.* - Any
31 person who, **MALICIOUSLY OR THROUGH INEXCUSABLE NEGLIGENCE**, is re-
32 sponsible for the loss, misuse, diversion, or dissipation of the whole or any part of the
33 seized, sequestered and frozen bank deposits, placements, trust accounts, assets and
34 records of a person suspected of or charged with the crime of terrorism or conspiracy
35 to commit terrorism shall suffer the penalty of ten (10) years and one day to twelve
36 (12) years of imprisonment.”

37

38 **SECTION 44 OF R.A. 9372 IS HEREBY DELETED.**

39

40 [Sec. 44. *Infidelity in the Custody of Detained Persons.* - Any public officer who has
41 direct custody of a detained person or under the provisions of this Act and who by his

1 deliberate act, misconduct, or inexcusable negligence causes or allows the escape of
2 such detained person shall be guilty of an offense and shall suffer the penalty of: (a)
3 twelve (12) years and one day to twenty (20) years of imprisonment, if the detained
4 person has already been convicted and sentenced in a final judgment of a competent
5 court; and (b) six years and one day to twelve (12) years of imprisonment, if the
6 detained person has not been convicted and sentenced in a final judgment of a
7 competent court.]

8

9 Sec. 44. Sec. 46 of R.A. 9372 is hereby amended to read as follows:

10

11 "Sec. 46. *Penalty for Unauthorized Revelation of Classified Materials.* - The penalty of
12 six (6) years and one day to twelve (12) years of imprisonment shall be imposed upon
13 any person, police or law enforcement **OR MILITARY OFFICER**, agent, judicial of-
14 ficer or civil servant who, not being authorized by the **REGIONAL TRIAL COURT**
15 **OR THE** Court of Appeals to do so, **MALICIOUSLY OR THROUGH INEXCUSABLE**
16 **NEGLIGENCE** reveals in any manner or form any classified information under this
17 Act. **THE PENALTY IMPOSED HEREIN IS WITHOUT PREJUDICE AND IN AD-**
18 **DITION TO ANY CORRESPONDING ADMINISTRATIVE LIABILITY THE OF-**
19 **FENDER MAY HAVE INCURRED FOR SUCH ACTS.**"

20

21 Sec. 45. Sec. 47 of R.A. 9372 is hereby amended to read as follows:

22

23 "Sec. 47. *Penalty for Furnishing False Evidence, Forged Document, or Spurious Evi-*
24 *dence.* - The penalty of **IMPRISONMENT RANGING FROM** twelve (12) years and
25 one day to twenty (20) years of imprisonment shall be imposed upon any person who
26 knowingly furnishes false testimony, forged document or spurious evidence in any
27 investigation or hearing under this Act."

28

29 Sec. 46. Sec. 48 of R.A. 9372 is hereby amended to read as follows:

30

31 "Sec. 48. *Continuous Trial.* - In cases [of terrorism or conspiracy to commit terrorism]
32 **INVOLVING THE CRIMES DEFINED AND PENALIZED UNDER THE PROVI-**
33 **SIONS OF THIS ACT**, the judge shall set the continuous trial on a daily basis from
34 Monday to Friday or other short-term trial calendar so as to ensure **COMPLIANCE**
35 **WITH THE ACCUSED'S RIGHT TO SPEEDY** trial."

36

37 Sec. [45] **49. Immunity and Protection of Government Witnesses.** - The provisions of
38 Republic Act No. 6981 (Witness Protection, Security and Benefits Act) to the contrary
39 notwithstanding, the immunity of government witnesses testifying under this Act shall
40 be governed by Sections 17 and 18 of Rule 119 of the Rules of Court: Provided, how-
41 ever, That said witnesses shall be entitled to benefits granted to witnesses under said
42 Republic Act No.6981.

1 **SECTIONS 49, 50, AND 51 OF R.A. 9372 ARE HEREBY DELETED.**

2

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

10

11 [SEC. 50. *Damages for Unproven Charge of Terrorism.* - Upon acquittal, any person
12 who is accused of terrorism shall be entitled to the payment of damages in the amount
13 of Five hundred thousand pesos (P500,000.00) for every day that he or she has been
14 detained or deprived of liberty or arrested without a warrant as a result of such an
15 accusation. The amount of damages shall be automatically charged against the
16 appropriations of the police agency or the Anti-Terrorism Council that brought or
17 sanctioned the filing of the charges against the accused. It shall also be released within
18 fifteen (15) days from the date of the acquittal of the accused. The award of damages
19 mentioned above shall be without prejudice to the right of the acquitted accused to
20 file criminal or administrative charges against those responsible for charging him with
21 the case of terrorism.

22

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

27

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

31

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

35

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

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

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

4

5 Sec. 50. Sec. 53 of R.A. 9372 is hereby amended to read as follows:

6

7 "Sec. 53. *Anti-Terrorism Council.* - An Anti-Terrorism Council, hereinafter referred to,
8 for brevity, as the "Council," is hereby created. The members of the Council are: (1) the
9 Executive Secretary, who shall be its Chairperson; (2) the Secretary of Justice,
10 who shall be its Vice Chairperson; and (3) the Secretary of Foreign Affairs; (4) the
11 Secretary of National Defense; (5) the Secretary of the Interior and Local Government;
12 (6) the Secretary of Finance; and (7) the National Security Advisor as its other mem-
13 bers.

14

15 The Council shall implement this Act and assume the responsibility for the proper and
16 effective implementation of the anti-terrorism policy of the country. The Council shall
17 keep records of its proceedings and decisions. All records of the Council shall be sub-
18 ject to such security classifications as the Council may, in its judgment and discretion,
19 decide to adopt to safeguard the safety of the people, the security of the Republic,
20 and the welfare of the nation.

21

22 The National Intelligence Coordinating Agency shall be the Secretariat of the Council.
23 The Council shall define the powers, duties, and functions of the National Intelligence
24 Coordinating Agency as Secretariat of the Council. The National Bureau of Investigation,
25 the Bureau of Immigration, the Office of Civil Defense, the Intelligence Service
26 of the Armed Forces of the Philippines, the Anti-Money Laundering Council, the Phil-
27 ippine Center on Transnational Crime, **THE NATIONAL TELECOMMUNICATIONS**
28 **COMMISSION** and the Philippine National Police intelligence and investigative ele-
29 ments shall serve as support **AGENCIES** for the Council.

30

31 **THE SECRETARY OF INFORMATION AND COMMUNICATIONS TECHNOLOGY,**
32 **SECRETARY OF SCIENCE AND TECHNOLOGY, SECRETARY OF TRANSPORTA-**
33 **TION, THE SECRETARY OF LABOR AND EMPLOYMENT, THE SECRETARY OF**
34 **EDUCATION, AND SECRETARY OF SOCIAL WELFARE AND DEVELOPMENT,**
35 **TOGETHER WITH THE PRESIDENTIAL ADVISER FOR PEACE, REUNIFICATION**
36 **AND UNITY AND THE CHIEF MINISTER OF THE BANGSAMORO AUTONO-**
37 **MOUS REGION IN MUSLIM MINDANAO, OR THOUGH THEIR DULY AUTHO-**
38 **RIZED REPRESENTATIVES, SHALL ACT AS PERMANENT RESOURCE PERSONS**
39 **OF THE COUNCIL.**

40

41 The Council shall formulate and adopt comprehensive, adequate, efficient, and effec-
42 tive anti-terrorism plans, programs, [and counter-] or measures **TO PREVENT,**
43 **COUNTER,** suppress [and] **OR** eradicate terrorism in the country and to protect the
44 people from acts of terrorism.

1 **UNDER THE COUNCIL, AN ANTI-TERRORISM PROJECT MANAGEMENT**
2 **GROUP (ATPMG) SHALL BE CONSTITUTED OF PERMANENT EMPLOYEES TO**
3 **BE THE MAIN ADMINISTRATIVE AND OPERATIONS ARM OF THE COUNCIL.**

5 [The Council shall identify the lead agency for such programs.]

7 Sec. 51. Sec. 54 of R.A. 9372 is hereby amended to read as follows:

9 "Sec. 54. *Functions of the Council.* - In pursuit of its mandate in the previous Section,
10 the Council shall have the following functions with due regard for the rights of the
11 people as mandated by the Constitution and pertinent laws:

13 [1.] 2. Formulate and adopt plans, programs and counter-measures against terrorists
14 and acts of terrorism in the country;]

15 [2. Coordinate all national efforts to suppress and eradicate acts of terrorism in the
16 country and mobilize the entire nation against terrorism prescribed in this Act;]

18 [3. Direct the speedy investigation and prosecution of all persons accused or detained
19 for the crime of terrorism or conspiracy to commit terrorism and other offenses pun-
20 ishable under this Act, and monitor the progress of their cases]

22 [4. Establish and maintain comprehensive data-base information system on terrorism,
23 terrorist activities, and counter-terrorism operations.]

25 [5. Freeze the funds property, bank deposits, placements, trust accounts, assets and
26 records belonging to a person suspected of or charged with the crime of terrorism or
27 conspiracy to commit terrorism, pursuant to Republic Act No. 9160, otherwise known
28 as the Anti-Money Laundering Act of 2001, as amended]

30 **1. PROMOTE NATIONALISM, ENABLE THE YOUTH TO BECOME RESPONSI-**
31 **BLE CITIZENS AND RESILIENT TO ANY FORM OF MANIPULATION, INCLUD-**
32 **ING RADICALIZATION AND VIOLENT EXTREMISM;**

34 **2. COORDINATE ALL GOVERNMENT EFFORTS GEARED TOWARDS PEACE**
35 **BUILDING. IT SHALL PROMOTE CULTURE OF PEACE AND NONVIOLENCE**
36 **SPECIFICALLY INVOLVING YOUNG PEOPLE AND WOMEN;**

38 **3. FORMULATE AND IMPLEMENT A COMPREHENSIVE ANTI-TERRORISM**
39 **PLAN TO INCLUDE MEASURES ON TARGET HARDENING, SAFEGUARDING**

1 **OF CRITICAL INFRASTRUCTURE, COUNTER-TERRORISM CAPACITY BUILD-**
2 **ING, STRENGTHENING OF LAW ENFORCEMENT AND BORDER CONTROL, FA-**
3 **CILITATION OF INTELLIGENCE FUSION, ENSURING OPERATIONAL READI-**
4 **NESS, AND ON THE PURSUIT OF LEGAL AND LEGISLATIVE INITIATIVES;**

5
6 **4. ESTABLISH AND MAINTAIN A COMPREHENSIVE DATABASE INFOR-**
7 **MATION SYSTEM ON TERRORISM, TERRORIST ACTIVITIES, AND COUNTER-**
8 **TERRORISM OPERATIONS;**

9
10 **5. PREVENT INDOCTRINATION, RADICALIZATION AND COUNTER THE**
11 **SPREAD OF TERRORIST AND VIOLENT EXTREMIST IDEAS;**

12
13 **6. MONITOR THE PROGRESS OF THE INVESTIGATION AND PROSECUTION**
14 **OF ALL PERSONS ACCUSED AND/OR DETAINED DEFINED AND PENALIZED**
15 **UNDER THE PROVISIONS OF THIS ACT;**

16
17 [6] **7.** Grant monetary rewards and other incentives to informers who give vital in-
18 formation leading to the apprehension, arrest, detention, prosecution, and conviction
19 of person or persons who are liable for [the crime of terrorism or conspiracy to commit
20 terrorism;] **CRIMES DEFINED AND PENALIZED UNDER THE PROVISIONS OF**
21 **THIS ACT; PROVIDED, THAT, NO MONETARY REWARD SHALL BE GRANTED**
22 **TO INFORMANTS UNLESS THE ACCUSED'S DEMURER TO EVIDENCE HAS**
23 **BEEN DENIED OR THE PROSECUTION HAS RESTED ITS CASE WITHOUT**
24 **SUCH DEMURER HAVING BEEN FILED;**

25
26 [7] **8.** Establish and maintain coordination with and the cooperation and assistance of
27 other [nations in the struggle against] **STATES, JURISDICTIONS, INTERNATION-**
28 **AL ENTITIES AND ORGANIZATIONS IN PREVENTING AND COMBAT-**
29 **ING** international terrorism; and

30
31 [9. In the performance of its functions, the ATC and its Program Management Center
32 may call for any assistance and support from any government agency and instrumen-
33 tality, including local governments.]

34
35 Sec. [55] **52. Role of the Commission on Human Rights.** - The Commission on Human
36 Rights shall give the highest priority to the investigation and prosecution of violations
37 of civil and political rights of persons in relation to the implementation of this Act; and
38 for this purpose, the Commission shall have the concurrent jurisdiction to prosecute
39 public officials, law enforcers, and other persons who may have violated the civil and
40 political rights of persons suspected of, or detained for the crime of terrorism or con-
41 spiracy to commit terrorism.

1 Sec. [56] **53.** *Creation of a Grievance Committee.* - There is hereby created a Griev-
2 ance Committee composed of the Ombudsman, as chair, and the Solicitor General,
3 and an undersecretary from the Department of Justice (DOJ), as members, to receive
4 and evaluate complaints against the actuations of the police and law enforcement
5 officials in the implementation of this Act. The Committee shall hold office in Manila.
6

7 The Committee shall have three subcommittees that will be respectively headed by
8 the Deputy Ombudsmen in Luzon, the Visayas and Mindanao. The subcommittees
9 shall respectively hold office at the Offices of Deputy Ombudsman. Three Assistant
10 Solicitors General designated by the Solicitor General, and the regional prosecutors of
11 the DOJ assigned to the regions where the Deputy Ombudsmen hold office shall be
12 members thereof. The three subcommittees shall assist the Grievance Committee in
13 receiving, investigating and evaluating complaints against the police and other law
14 enforcement officers in the implementation of this Act. If the evidence warrants it,
15 they may file the appropriate cases against the erring police and law enforcement
16 officers. Unless seasonably disowned or denounced by the complainants, decisions or
17 judgments in the said cases shall preclude the filing of other cases based on the same
18 cause or causes of action as those that were filed with the Grievance Committee or its
19 branches.
20

21 Sec. [57] **54.** *Ban on Extraordinary Rendition.* - No person suspected, **CHARGED** or
22 convicted of the crime of terrorism shall be subjected to "extraordinary rendition" to
23 any country, However, "rendition" may occur when his or her testimony is needed for
24 terrorist related police investigations or judicial trials in the said country and his or her
25 human rights, including the right against torture, and right to counsel, are officially
26 assured by the requesting country and transmitted accordingly and approved by the
27 Department of Justice.
28

29 Sec. 55. Sec. 58 of R.A. 9372 is hereby amended to read as follows:
30

31 "Sec. 58. *Extra-Territorial Application of this Act.* - Subject to the provision of an ex-
32 isting treaty of which the Philippines is a signatory **STATE PARTY** and to any contrary
33 provision of any law of preferential application, the provisions of this Act shall apply:
34 (1) to individual persons who commit any of the crimes defined and punished in this
35 Act within the terrestrial domain, interior waters, maritime zone, and airspace of the
36 Philippines; (2) to individual persons who, although physically outside the territorial
37 limits of the Philippines, commit, conspire or plot to commit any of the crimes defined
38 and punished in this Act inside the territorial limits of the Philippines; (3) to individual
39 persons who, although physically outside the territorial limits of the Philippines, com-
40 mit any of the said crimes on board Philippine ship or Philippine airship; (4) to individ-
41 ual persons who commit any of said crimes within any embassy, consulate, or diplo-
42 matic premises belonging to or occupied by the Philippine government in an official
43 capacity; (5) to individual persons who, although physically outside the territorial limits
44 of the Philippines, commit said crimes *against* Philippine citizens, persons of Philippines
45 descent, or other nationals; and (6) to individual persons who, although physically

1 outside the territorial limits of the Philippines, commit said crimes directly against the
2 Philippine government.

3

4 **IF A LAW ENFORCEMENT OR MILITARY PERSONNEL OR OFFICER IS AR-
5 RESTED OUT OF PHILIPPINE TERRITORY IN THE PURSUIT OF A TERROR-
6 IST, GROUP OF TERRORISTS, OR TERRORIST ORGANIZATIONS, THE GOV-
7 ERNMENT SHALL EXTEND ALL EFFORTS AND RESOURCES TO REPATRIATE
8 SAID LAW ENFORCEMENT PERSONNEL OR MILITARY OFFICER.**

9

10 **IN CASES WHERE A FILIPINO IS ARRESTED UNDER SUSPICION OF TER-
11 RORIST INVOLVEMENT OUTSIDE PHILIPPINE JURISDICTION, THE STATE
12 SHALL REQUEST THE FOREIGN COUNTRY FOR THE REPATRIATION OF THE
13 FILIPINO SUSPECT IN ORDER THAT HE/SHE SHALL BE TRIED IN PHILIP-
14 PINE COURTS WHENEVER THE ACTS CHARGED ARE PUNISHABLE UNDER
15 PHILIPPINE LAWS, EVEN IN THE ABSENCE OF AN EXTRADITION TREATY
16 WITH THE SAID FOREIGN COUNTRY.**

17

18 **IF A LAW ENFORCEMENT PERSONNEL OR MILITARY OFFICER IS KILLED
19 OUTSIDE PHILIPPINE JURISDICTION IN THE PURSUIT OF A TERRORIST,
20 GROUP OF TERRORISTS, TERRORIST ORGANIZATIONS, OR IN THE PER-
21 FORMANCE OF HIS/HER DUTIES, THE PHILIPPINE GOVERNMENT, WITH
22 THE ASSISTANCE AND COOPERATION OF THE FOREIGN COUNTRY, SHALL
23 EXERT ALL EFFORTS TO RETRIEVE HIS/HER REMAINS.**

24

25 **THE SAME EFFORT SHALL ALSO BE EXERTED TO RETRIEVE THE REMAINS
26 OF A FILIPINO NATIONAL SUSPECTED OR CONVICTED OF COMMITTING
27 TERRORIST ACTIVITIES.**

28

29 **IN CASE OF AN ALIEN WHOSE EXTRADITION IS WITHIN THE SCOPE OF ANY
30 OF THE TREATIES OF WHICH THE REPUBLIC OF THE PHILIPPINES IS A
31 STATE PARTY, AND THAT ALIEN IS NOT EXTRADITED TO THE REQUESTING
32 STATE, THE REPUBLIC OF THE PHILIPPINES, WITHOUT EXCEPTION WHAT-
33 SOEVER AND WHETHER OR NOT THE OFFENSE WAS COMMITTED IN THE
34 PHILIPPINES, SHALL SUBMIT THE CASE WITHOUT UNDUE DELAY TO THE
35 DEPARTMENT OF JUSTICE FOR THE PURPOSE OF PROSECUTION IN THE
36 SAME MANNER AS IF THE ACT CONSTITUTING THE OFFENSE HAD BEEN
37 COMMITTED IN THE PHILIPPINES, IN WHICH CASE, THE COURTS IN THE
38 CITY OF MANILA, PHILIPPINES SHALL HAVE JURISDICTION OVER THE OF-
39 FENSE.**

40

41 In case of an alien whose extradition is requested pursuant to, and within the scope
42 of any of the treaties listed in Section 3(d) of this Act, of which the Republic of the
43 Philippines is a State Party, and that alien is not extradited to the requesting state,
44 the Republic of the Philippines, without exception whatsoever and whether or not the

1 offence was committed in the Philippines, shall submit the case without undue delay
2 to the Department of Justice for the purpose of prosecution in the same manner as if
3 the act constituting the offence had been committed in the Philippines, in which case,
4 the Courts of the Philippines shall have jurisdiction over the offense.

5 The Philippines may at its option, and subject to the principle *aut dedere, aut judicare*,
6 consider any of the treaties listed in Section 3(d) of this Act, as a legal basis for re-
7 questing or granting extradition in respect of the offenses set forth under this Act".

8
9 Sec. [59] **56. Joint Oversight Committee.** – There is hereby created a Joint Oversight
10 Committee to oversee the implementation of this Act. The Oversight Committee shall
11 be composed of five members each from the Senate and the House in addition to the
12 Chairs of the Committees of Public Order of both Houses who shall also Chair the
13 Oversight Committee in the order specified herein. The membership of the Committee
14 for every House shall at least have two opposition or minority members. The Joint
15 Oversight Committee shall have its own independent counsel.

16
17 The Chair of the Committee shall rotate every six months with the Senate chairing it
18 for the first six months and the House for the next six months. In every case, the
19 ranking opposition or minority member of the Committee shall be the Vice Chair.

20
21 Upon the expiration of one year after this Act is approved by the President, the Com-
22 mittee shall review the Act particularly the provision that authorize the surveillance of
23 suspects of or persons charged with the crime of terrorism. To that end, the Commit-
24 tee shall summon the police and law enforcement officers and the members of the
25 Anti-Terrorism Council and require them to answer questions from the members of
26 Congress and to submit a written report of the acts they have done in the implemen-
27 tation of the law including the manner in which the persons suspected of or charged
28 with the crime of terrorism have been dealt with in their custody and from the date
29 when the movements of the latter were subjected to surveillance and his or her cor-
30 respondences, messages, conversations and the like were listened to or subjected to
31 monitoring, recording and tapping.

32
33 Without prejudice to its submitting other reports, the Committee shall render a semi-
34 annual report to both Houses of Congress. The report may include where necessary a
35 recommendation to reassess the effects of globalization on terrorist activities on the
36 people, provide a sunset clause to or amend any portion of the Act or to repeal the
37 Act in its entirety.

38
39 The Courts dealing with anti-terrorism cases shall submit to Congress and the Presi-
40 dent a report every six months of the status of anti-terrorism cases that have been
41 filed with them starting from the date this Act is implemented.

1 Sec. [52] **57. Applicability of the Revised Penal Code** – the Provisions of Book I of the
2 Revised Penal Code shall be applicable to this Act.

3
4 **SEC. 58. APPROPRIATIONS – THE AMOUNT OF FIVE HUNDRED MILLION**
5 **PESOS (PHP 500, 000, 00.00) IS HEREBY APPROPRIATED TO THE COUNCIL**
6 **AS AN INITIAL FUND, FOR THE EFFECTIVE AND IMMEDIATE IMPLEMENTA-**
7 **TION OF THIS ACT. THEREAFTER, SUCH SUMS AS MAY BE NECESSARY FOR**
8 **THE CONTINUED IMPLEMENTATION OF THIS ACT SHALL BE INCLUDED IN**
9 **THE ANNUAL GENERAL APPROPRIATIONS ACT.**

10
11 **SEC. 59. IMPLEMENTING RULES AND REGULATIONS -- THE ANTI-TERROR-**
12 **ISM COUNCIL SHALL PROMULGATE THE RULES AND REGULATIONS FOR**
13 **THE EFFECTIVE IMPLEMENTATION OF THIS ACT WITHIN NINETY (90)**
14 **DAYS AFTER ITS EFFECTIVITY. THEY SHALL ALSO ENSURE THE FULL DIS-**
15 **SEMINATION OF SUCH RULES AND REGULATIONS TO BOTH HOUSES OF**
16 **CONGRESS, AND ALL OFFICERS AND MEMBERS OF VARIOUS LAW EN-**
17 **FORCEMENT AGENCIES.**

18
19 Sec. 60. *Separability Clause.* - If for any reason any part or provision of this Act is
20 declared unconstitutional or invalid, the other parts or provisions hereof which are not
21 affected thereby shall remain and continue to be in full force and effect.

22
23 Sec. 61. *Repealing Clause.* - All laws, decrees, executive orders, rules or regulations
24 or parts thereof, inconsistent with the provisions of this Act are hereby repealed,
25 amended, or modified accordingly.

26
27 Sec. 62. *Special Effectivity Clause.* - After the bill shall have been signed into law by
28 the President, the Act shall take effect fifteen (15) days after its publication in the
29 Official Gazette or in at least two (2) newspapers of general circulation. It also shall
30 be published in three newspapers of local circulation, one each in Ilocos Norte, Baguio
31 City and Pampanga; three newspapers of local circulation, one each in Cebu, Iloilo and
32 Tacloban; and three newspapers of local circulation, one each in Cagayan de Oro,
33 Davao and General Santos City.

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

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

3

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

Approved,