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*First Regular Session*                              }

S E N A T E

S. No. 1083

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PREPARED BY THE COMMITTEES ON NATIONAL DEFENSE  
AND SECURITY; PEACE, UNIFICATION AND  
RECONCILIATION; AND FINANCE WITH SENATORS  
SOTTO III, LACSON, MARCOS, LAPID, REVILLA JR.  
AND DELA ROSA AS AUTHORS THEREOF

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AN ACT TO PREVENT, PROHIBIT AND PENALIZE  
TERRORISM, THEREBY REPEALING REPUBLIC  
ACT NO. 9372, OTHERWISE KNOWN AS THE  
“HUMAN SECURITY ACT OF 2007”

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

1        SECTION 1. *Short Title.* – This Act shall henceforth be  
2        known as “The Anti-Terrorism Act of 2020”.

3        SEC. 2. *Declaration of Policy.* – It is declared a policy  
4        of the State to protect life, liberty, and property from  
5        terrorism, to condemn terrorism as inimical and dangerous  
6        to the national security of the country and to the welfare of  
7        the people, and to make any terrorism a crime against the

1 Filipino people, against humanity, and against the law of  
2 nations.

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

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

15 Nothing in this Act shall be interpreted as a  
16 curtailment, restriction or diminution of constitutionally  
17 recognized powers of the executive branch of the  
18 government. It is to be understood, however, that the  
19 exercise of the constitutionally recognized powers of the  
20 executive department of the government shall not prejudice

1 respect for human rights which shall be absolute and  
2 protected at all times.

3 SEC. 3. *Definition of Terms.* – as used in this Act:

4 (a) *Critical Infrastructure* shall refer to an asset or  
5 system, whether physical or virtual, so essential to the  
6 maintenance of vital societal functions or to the delivery of  
7 essential public services that the incapacity or destruction  
8 of such systems and assets would have a debilitating  
9 impact on national defense and security, national economy,  
10 public health or safety, the administration of justice, and  
11 other functions analogous thereto. It may include, but is  
12 not limited to, an asset or system affecting  
13 telecommunications, water and energy supply, emergency  
14 services, food security, fuel supply, banking and finance,  
15 transportation, radio and television, information systems  
16 and technology, chemical and nuclear sectors;

17 (b) *Designated Person* shall refer to:

18 Any individual, group of persons, organizations, or  
19 associations designated and/or identified by the United  
20 Nations Security Council, or another jurisdiction, or

1 supranational jurisdiction as a terrorist, one who finances  
2 terrorism, or a terrorist organization or group; or

3 Any person, organization, association, or group of  
4 persons designated under paragraph 3 of Section 25 of this  
5 Act.

6 For purposes of this Act, the above definition shall be  
7 in addition to the definition of designated persons under  
8 Section 3(e) of Republic Act No. 10168, otherwise known as  
9 the "Terrorism Financing Prevention and Suppression Act  
10 of 2012".

11 (c) *Extraordinary Rendition* shall refer to the transfer  
12 of a person, suspected of being a terrorist or supporter of a  
13 terrorist organization, association, or group of persons to a  
14 foreign nation for imprisonment and interrogation on  
15 behalf of the transferring nation. The extraordinary  
16 rendition may be done without framing any formal  
17 charges, trial, or approval of the court.

18 (d) *International Organization* shall refer to an  
19 organization established by a treaty or other instrument

1 governed by international law and possessing its own  
2 international legal personality;

3           (e) *Material Support* shall refer to any property,  
4 tangible or intangible, or service, including currency or  
5 monetary instruments or financial securities, financial  
6 services, lodging, training, expert advice or assistance,  
7 safehouses, false documentation or identification,  
8 communications equipment, facilities, weapons, lethal  
9 substances, explosives, personnel (one or more individuals  
10 who may be or include oneself), and transportation;

11           (f) *Proliferation of Weapons of Mass Destruction* shall  
12 refer to the transfer and export of chemical, biological,  
13 radiological, or nuclear weapons, their means of delivery  
14 and related materials;

15           (g) *Proposal to Commit Terrorism* is committed when  
16 a person who has decided to commit any of the crimes  
17 defined and penalized under the provisions of this Act  
18 proposes its execution to some other person or persons;

19           (h) *Recruit* shall refer to any act to encourage other  
20 people to join a terrorist individual or organization,

1 association or group of persons proscribed under Section 26  
2 of this Act, or designated by the United Nations Security  
3 Council as a terrorist organization, or organized for the  
4 purpose of engaging in terrorism;

5           (i) *Surveillance Activities* shall refer to the act of  
6 tracking down, following, or investigating individuals or  
7 organizations; or the tapping, listening, intercepting, and  
8 recording of messages, conversations, discussions, spoken  
9 or written words, including computer and network  
10 surveillance, and other communications of individuals  
11 engaged in terrorism as defined hereunder;

12           (j) *Supranational Jurisdiction* shall refer to an  
13 international organization or union in which the power and  
14 influence of member states transcend national boundaries  
15 or interests to share in decision-making and vote on issues  
16 concerning the collective body, i.e. the European Union;

17           (k) *Training* shall refer to the giving of instruction or  
18 teaching designed to impart a specific skill in relation to  
19 terrorism as defined hereunder, as opposed to general  
20 knowledge;

1           (l) *Terrorist Individual* shall refer to any natural  
2     person who commits any of the acts defined and penalized  
3     under Sections 4, 5, 6, 7, 8, 9, 10,11 and 12 of this Act;

4           (m) *Terrorist Organization, Association or Group of  
5     Persons* shall refer to any entity organized for the purpose  
6     of engaging in terrorism, or those proscribed under Section 26  
7     hereof or the United Nations Security Council-designated  
8     terrorist organization; and

9           (n) *Weapons of Mass Destruction* (WMD) shall refer to  
10   chemical, biological, radiological, or nuclear weapons which  
11   are capable of a high order of destruction or causing mass  
12   casualties. It excludes the means of transporting or  
13   propelling the weapon where such means is a separable  
14   and divisible part from the weapon.

15           SEC. 4. *Terrorism.* – Subject to Section 49 of this Act,  
16   terrorism is committed by any person who within or  
17   outside the Philippines, regardless of the stage of  
18   execution:

19           (a) Engages in acts intended to cause death or serious  
20   bodily injury to any person, or endangers a person's life;

- 1           (b) Engages in acts intended to cause extensive  
2 damage or destruction to a government or public facility,  
3 public place or private property;
- 4           (c) Engages in acts intended to cause extensive  
5 interference with, damage or destruction to critical  
6 infrastructure;
- 7           (d) Develops, manufactures, possesses, acquires,  
8 transports, supplies or uses weapons, explosives or of  
9 biological, nuclear, radiological or chemical weapons; and
- 10          (e) Release of dangerous substances, or causing fire,  
11 floods or explosions  
12 when the purpose of such act, by its nature and context, is  
13 to intimidate the general public or a segment thereof,  
14 create an atmosphere or spread a message of fear, to  
15 provoke or influence by intimidation the government or  
16 any of its international organization, or seriously  
17 destabilize or destroy the fundamental political, economic,  
18 or social structures of the country, or create a public  
19 emergency or seriously undermine public safety, shall be  
20 guilty of committing terrorism and shall suffer the penalty

1 of life imprisonment without the benefit of parole and the  
2 benefits of Republic Act No. 10592, otherwise known as  
3 "An Act Amending Articles 29, 94, 97, 98 and 99 of Act No.  
4 3815, as amended, otherwise known as the Revised Penal  
5 Code": *Provided*, That, terrorism as defined in this Section  
6 shall not include advocacy, protest, dissent, stoppage of  
7 work, industrial or mass action, and other similar exercises  
8 of civil and political rights, which are not intended to cause  
9 death or serious physical harm to a person, to endanger a  
10 person's life, or to create a serious risk to public safety.

11 SEC. 5. *Threat to Commit Terrorism.* – Any person who  
12 shall threaten to commit any of the acts mentioned in  
13 Section 4 hereof shall suffer the penalty of imprisonment of  
14 twelve (12) years.

15 SEC. 6. *Planning, Training, Preparing, and*  
16 *Facilitating the Commission of Terrorism.* – It shall be  
17 unlawful for any person to participate in the planning,  
18 training, preparation and facilitation in the commission of  
19 terrorism, possessing objects connected with the  
20 preparation for the commission of terrorism, or collecting or

1 making documents connected with the preparation of  
2 terrorism. Any person found guilty of the provisions of this  
3 Act shall suffer the penalty of life imprisonment without  
4 the benefit of parole and the benefits of Republic Act No.  
5 10592.

6         SEC. 7. *Conspiracy to Commit Terrorism.* – Any  
7 conspiracy to commit terrorism as defined and penalized  
8 under Section 4 of this Act shall be penalized by life  
9 imprisonment without the benefit of parole and the  
10 benefits of Republic Act No. 10592.

11         There is conspiracy when two (2) or more persons  
12 come to an agreement concerning the commission of  
13 terrorism as defined in Section 4 hereof and decide to  
14 commit the same.

15         SEC. 8. *Proposal to Commit Terrorism.* – Any person  
16 who proposes to commit terrorism as defined in Section 4  
17 hereof shall suffer the penalty of imprisonment of twelve  
18 (12) years.

19         SEC. 9. *Inciting to Commit Terrorism.* – Any person  
20 who, without taking any direct part in the commission of

1      terrorism, shall incite others to the execution of any of the  
2      acts specified in Section 4 hereof by means of speeches,  
3      proclamations, writings, emblems, banners or other  
4      representations tending to the same end, shall suffer the  
5      penalty of imprisonment of twelve (12) years.

6            *SEC. 10. Recruitment to and Membership in a*  
7      *Terrorist Organization.* – Any person who shall recruit  
8      another to participate in, join, commit or support any  
9      terrorism or a terrorist individual or any terrorist  
10     organization, association or group of persons proscribed  
11     under Section 26 of this Act, or designated by the United  
12     Nations Security Council as a terrorist organization, or  
13     organized for the purpose of engaging in terrorism, shall  
14     suffer the penalty of life imprisonment without the benefit  
15     of parole and the benefits of Republic Act No. 10592.

16           The same penalty shall be imposed on any person  
17     who organizes or facilitates the travel of individuals to a  
18     state other than their state of residence or nationality for  
19     the purpose of recruitment which may be committed  
20     through any of the following means:

1           (a) Recruiting another person to serve in any capacity  
2       in or with an armed force in a foreign state, whether the  
3       armed force forms part of the armed forces of the  
4       government of that foreign state or otherwise;

5           (b) Publishing an advertisement or propaganda for  
6       the purpose of recruiting persons to serve in any capacity  
7       in or with such an armed force;

8           (c) Publishing an advertisement or propaganda  
9       containing any information relating to the place at which  
10      or the manner in which persons may make applications to  
11      serve or obtain information relating to service in any  
12      capacity in or with such armed force or relating to the  
13      manner in which persons may travel to a foreign state for  
14      the purpose of serving in any capacity in or with such  
15      armed force; or

16           (d) Performing any other act with the intention of  
17      facilitating or promoting the recruitment of persons to  
18      serve in any capacity in or with such armed force.

19           Any person who shall voluntarily and knowingly join  
20      any organization, association or group of persons knowing

1       that such organization, association or group of persons is  
2       proscribed under Section 26 of this Act, or designated by  
3       the United Nations Security Council as a terrorist  
4       organization, or organized for the purpose of engaging in  
5       terrorism, shall suffer the penalty of imprisonment of  
6       twelve (12) years.

7           SEC. 11. *Foreign Terrorist.* – The following acts are  
8       unlawful and shall be punished with the penalty of life  
9       imprisonment without the benefit of parole and the  
10      benefits of Republic Act No. 10592:

11           (a) For any person to travel or attempt to travel to a  
12       state other than his/her state of residence or nationality,  
13       for the purpose of perpetrating, planning, or preparing for,  
14       or participating in terrorism, or providing or receiving  
15       terrorist training;

16           (b) For any person to organize or facilitate the travel  
17       of individuals who travel to a state other than their states  
18       of residence or nationality knowing that such travel is for  
19       the purpose of perpetrating, planning, training, or

1 preparing for, or participating in terrorism or providing or  
2 receiving terrorist training; or

3 (c) For any person residing abroad who comes to the  
4 Philippines to participate in perpetrating, planning,  
5 training, or preparing for, or participating in terrorism or  
6 provide support for or facilitate or receive terrorist training  
7 here or abroad.

8 SEC. 12. *Providing Material Support to Terrorists.* –  
9 Any person who provides material support to any terrorist  
10 individual or terrorist organization, association or group of  
11 persons committing any of the acts punishable under  
12 Section 4 hereof, or knowing that such individual or  
13 organization, association, or group of persons is committing  
14 or planning to commit such acts, shall be liable as principal  
15 to any and all terrorist activities committed by said  
16 individuals or organizations, in addition to other criminal  
17 liabilities he/she or they may have incurred in relation  
18 thereto.

19 SEC. 13. *Humanitarian Exemption.* – Humanitarian  
20 activities undertaken by the International Committee of

1 the Red Cross (ICRC), the Philippine Red Cross (PRC), and  
2 other state-recognized impartial humanitarian partners or  
3 organizations in conformity with the International  
4 Humanitarian Law (IHL), do not fall within the scope of  
5 Section 12 of this Act.

6         SEC. 14. *Accessory.* – Any person who, having  
7 knowledge of the commission of any of the crimes defined  
8 and penalized under Section 4 of this Act, without having  
9 participated therein, takes part subsequent to its  
10 commission in any of the following manner: (a) by profiting  
11 himself or assisting the offender to profit by the effects of  
12 the crime; (b) by concealing or destroying the body of the  
13 crime, or the effects, or instruments thereof, in order to  
14 prevent its discovery; or (c) by harboring, concealing, or  
15 assisting in the escape of the principal or conspirator of the  
16 crime, shall be liable as an accessory and shall suffer the  
17 penalty of imprisonment of twelve (12) years.

18             No person, regardless of relationship or affinity, shall  
19 be exempt from liability under this section.

1           SEC. 15. *Penalty for Public Official.* – If the offender  
2        found guilty of any of the acts defined and penalized under  
3        the provisions of this Act is a public official or employee,  
4        he/she shall be charged with the administrative offense of  
5        grave misconduct and/or disloyalty to the Republic of the  
6        Philippines and the Filipino people, and be meted with the  
7        penalty of dismissal from the service, with the accessory  
8        penalties of cancellation of civil service eligibility, forfeiture  
9        of retirement benefits and perpetual absolute  
10      disqualification from running for any elective office or  
11      holding any public office.

12           SEC. 16. *Surveillance of Suspects and Interception and*  
13        *Recording of Communications.* – The provisions of Republic  
14        Act No. 4200, otherwise known as the “Anti-Wire Tapping  
15        Law” to the contrary notwithstanding, law enforcement  
16        agent or military personnel may, upon a written order of the  
17        Court of Appeals secretly wiretap, overhear and listen to,  
18        intercept, screen, read, surveil, record or collect, with the  
19        use of any mode, form, kind or type of electronic,  
20        mechanical or other equipment or device or technology now

1 known or may hereafter be known to science or with the  
2 use of any other suitable ways and means for the above  
3 purposes, any private communications, conversation,  
4 discussion/s, data, information, messages in whatever  
5 form, kind or nature, spoken or written words (a) between  
6 members of a judicially declared and outlawed terrorist  
7 organization, as provided in Section 26 of this Act; (b)  
8 between members of a designated person as defined in  
9 Section 3(E) of Republic Act No. 10168; or (c) any person  
10 charged with or suspected of committing any of the crimes  
11 defined and penalized under the provisions of this Act:  
12 *Provided*, That, surveillance, interception and recording of  
13 communications between lawyers and clients, doctors and  
14 patients, journalists and their sources and confidential  
15 business correspondence shall not be authorized.

16 The law enforcement agent or military personnel  
17 shall likewise be obligated to (1) file an *ex-parte* application  
18 with the Court of Appeals for the issuance of an order, to  
19 compel telecommunications service providers (TSP) and  
20 internet service providers (ISP) to produce all customer

1 information and identification records as well as call and  
2 text data records, content and other cellular or internet  
3 metadata of any person suspected of any of the crimes  
4 defined and penalized under the provisions of this Act; and  
5 (2) furnish the National Telecommunications Commission  
6 (NTC) a copy of said application. The NTC shall likewise  
7 be notified upon the issuance of the order for the purpose of  
8 ensuring immediate compliance.

9         *SEC. 17. Judicial Authorization, Requisites.* – The  
10 authorizing division of the Court of Appeals shall issue a  
11 written order to conduct the acts mentioned in Section 16  
12 of this Act upon:

13             (1) Filing of an *ex parte* written application by a law  
14 enforcement agent or military personnel, who has been  
15 duly authorized in writing by the Anti-Terrorism Council  
16 (ATC); and

17             (2) After examination under oath or affirmation of the  
18 applicant and the witnesses he may produce, the issuing  
19 court determines:

1               (a) that there is probable cause to believe based on  
2 personal knowledge of facts or circumstances that the  
3 crimes defined and penalized under Sections 4, 5, 6, 7, 8, 9,  
4 10, 11 and 12 of this Act has been committed, or is being  
5 committed, or is about to be committed; and

6               (b) that there is probable cause to believe based on  
7 personal knowledge of facts or circumstances that  
8 evidence, which is essential to the conviction of any  
9 charged or suspected person for, or to the solution or  
10 prevention of, any such crimes, will be obtained.

11              *SEC. 18. Classification and Contents of the Order of the*  
12 *Court.* – The written order granted by the authorizing  
13 division of the Court of Appeals as well as the application  
14 for such order, shall be deemed and are hereby declared as  
15 classified information. Being classified information, access to  
16 the said documents and any information contained in the  
17 said documents shall be limited to the applicants, duly  
18 authorized personnel of the ATC, the hearing justices, the  
19 clerk of court and duly authorized personnel of the hearing  
20 or issuing court. The written order of the authorizing

1 division of the Court of Appeals shall specify the following:

2 (a) the identity, such as name and address, if known, of the

3 person or persons whose communications, messages,

4 conversations, discussions, or spoken or written words are

5 to be tracked down, tapped, listened to, intercepted, and

6 recorded; and, in the case of radio, electronic, or telephonic

7 (whether wireless or otherwise) communications,

8 messages, conversations, discussions, or spoken or written

9 words, the electronic transmission systems or the

10 telephone numbers to be tracked down, tapped, listened to,

11 intercepted, and recorded and their locations or if the person

12 or persons suspected of committing any of the crimes

13 defined and penalized under the provisions of this Act are

14 not fully known, such person or persons shall be the

15 subject of continuous surveillance; (b) the identity of the

16 law enforcement agent or military personnel, including the

17 individual identity of the members of his team, judicially

18 authorized to undertake surveillance activities; (c) the

19 offense or offenses committed, or being committed, or

1 sought to be prevented; and, (d) the length of time within  
2 which the authorization shall be used or carried out.

3           SEC. 19. *Effective Period of Judicial Authorization.* –  
4 Any authorization granted by the Court of Appeals,  
5 pursuant to Section 17 of this Act, shall only be effective  
6 for the length of time specified in the written order of the  
7 authorizing division of the Court of Appeals which shall  
8 not exceed a period of sixty (60) days from the date of  
9 receipt of the written order by the applicant law  
10 enforcement agent or military personnel.

11           The authorizing division of the Court of Appeals may  
12 extend or renew the said authorization to a non-extendible  
13 period, which shall not exceed thirty (30) days from the  
14 expiration of the original period: *Provided*, That the  
15 issuing court is satisfied that such extension or renewal is  
16 in the public interest: and *Provided, further*, That the *ex*  
17 *parte* application for extension or renewal, which must be  
18 filed by the original applicant, has been duly authorized in  
19 writing by the ATC.

1           In case of death of the original applicant or in case he  
2       is physically disabled to file the application for extension or  
3       renewal, the one next in rank to the original applicant  
4       among the members of the team named in the original  
5       written order shall file the application for extension or  
6       renewal: *Provided, finally,* That, the applicant law  
7       enforcement agent or military personnel shall have thirty  
8       (30) days after the termination of the period granted by the  
9       Court of Appeals as provided in the preceding paragraphs  
10      within which to file the appropriate case before the Public  
11      Prosecutor's Office for any violation of this Act.

12           For purposes of this provision, the issuing court shall  
13      require the applicant law enforcement or military official  
14      to inform the court, after the lapse of the 30-day period of  
15      the fact that an appropriate case for violation of this Act  
16      has been filed with the Public Prosecutor's Office.

17           SEC. 20. *Custody of Intercepted and Recorded*  
18       *Communications.* – All tapes, discs, other storage devices,  
19       recordings, notes, memoranda, summaries, excerpts and  
20       all copies thereof obtained under the judicial authorization

1 granted by the Court of Appeals shall, within forty-eight  
2 (48) hours after the expiration of the period fixed in the  
3 written order or the extension or renewal granted  
4 thereafter, be deposited with the issuing court in a sealed  
5 envelope or sealed package, as the case may be, and shall be  
6 accompanied by a joint affidavit of the applicant law  
7 enforcement agent or military personnel and the members  
8 of his team.

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

15       It shall be unlawful for any person, law enforcement  
16 agent or military personnel or any custodian of the tapes,  
17 discs, other storage devices recordings, notes, memoranda,  
18 summaries, excerpts and all copies thereof to remove,  
19 delete, expunge, incinerate, shred or destroy in any

1 manner the items enumerated above in whole or in part  
2 under any pretext whatsoever.

3 Any person who removes, deletes, expunges,  
4 incinerates, shreds or destroys the items enumerated  
5 above shall suffer the penalty of imprisonment of ten (10)  
6 years.

7 SEC. 21. *Contents of Joint Affidavit.* – The joint  
8 affidavit of the law enforcement agent or military  
9 personnel shall state: (a) the number of tapes, discs, and  
10 recordings that have been made; (b) the dates and times  
11 covered by each of such tapes, discs, and recordings; and (c)  
12 the chain of custody or the list of persons who had  
13 possession or custody over the tapes, discs and recordings.

14 The joint affidavit shall also certify under oath that  
15 no duplicates or copies of the whole or any part of any of  
16 such tapes, discs, other storage devices, recordings, notes,  
17 memoranda, summaries, or excerpts have been made, or, if  
18 made, that all such duplicates and copies are included in  
19 the sealed envelope or sealed package, as the case may be,

1 deposited with the authorizing division of the Court of  
2 Appeals.

3 It shall be unlawful for any person, law enforcement  
4 agent or military personnel to omit or exclude from the joint  
5 affidavit any item or portion thereof mentioned in this  
6 Section.

7 Any person, law enforcement agent or military officer  
8 who violates any of the acts proscribed in the preceding  
9 paragraph shall suffer the penalty of imprisonment of ten  
10 (10) years.

11 SEC. 22. *Disposition of Deposited Materials.* – The  
12 sealed envelope or sealed package and the contents thereof,  
13 referred to in Section 20 of this Act, shall be deemed and are  
14 hereby declared classified information. The sealed envelope  
15 or sealed package shall not be opened, disclosed, or used as  
16 evidence unless authorized by a written order of the  
17 authorizing division of the Court of Appeals which written  
18 order shall be granted only upon a written application of  
19 the Department of Justice (DOJ) duly authorized in writing  
20 by the ATC to file the application with proper written notice

1 to the person whose conversation, communication,  
2 message, discussion or spoken or written words have been  
3 the subject of surveillance, monitoring, recording and  
4 interception to open, reveal, divulge, and use the contents of  
5 the sealed envelope or sealed package as evidence.

6       The written application, with notice to the party  
7 concerned, for the opening, replaying, disclosing, or using  
8 as evidence of the sealed package or the contents thereof,  
9 shall clearly state the purpose or reason for its opening,  
10 replaying, disclosing, or its being used as evidence.

11       Violation of this section shall be penalized by  
12 imprisonment of ten (10) years.

13       SEC. 23. *Evidentiary Value of Deposited Materials.* –  
14 Any listened to, intercepted, and recorded communications,  
15 messages, conversations, discussions, or spoken or written  
16 words, or any part or parts thereof, or any information or  
17 fact contained therein, including their existence, content,  
18 substance, purport, effect, or meaning, which have been  
19 secured in violation of the pertinent provisions of this Act,  
20 shall be inadmissible and cannot be used as evidence

1      against anybody in any judicial, quasi-judicial, legislative,  
2      or administrative investigation, inquiry, proceeding, or  
3      hearing.

4            *SEC. 24. Unauthorized or Malicious Interceptions*  
5      *and/or Recordings.* – Any law enforcement agent or  
6      military personnel who conducts surveillance activities  
7      without a valid judicial authorization pursuant to Section  
8      17 of this Act shall be guilty of this offense and shall suffer  
9      the penalty of imprisonment of ten (10) years. All  
10     information that have been maliciously procured should be  
11     made available to the aggrieved party.

12           *SEC. 25. Designation of Terrorist Individual, Groups*  
13      *of Persons, Organizations or Associations.* – Pursuant to  
14     our obligations under United Nations Security Council  
15     Resolution No. 1373, the ATC shall automatically adopt  
16     the United Nations Security Council Consolidated List of  
17     designated individuals, group of persons, organizations, or  
18     associations designated and/or identified as a terrorist, one  
19     who finances terrorism, or a terrorist organization or  
20     group.

1 Request for designations by other jurisdictions or  
2 supranational jurisdictions may be adopted by the ATC  
3 after determination that the proposed designee meets the  
4 criteria for designation of UNSCR 1373.

5 The ATC may designate an individual, groups of  
6 persons, organization, or association, whether domestic or  
7 foreign, upon a finding of probable cause that the  
8 individual, groups of persons, organization, or association  
9 commit, or attempt to commit, or conspire in the  
10 commission of the acts defined and penalized under  
11 Sections 4, 5, 6, 7, 8, 9, 10, 11 and 12 of this Act.

12 The assets of the designated individual, groups of  
13 persons, organization or association above-mentioned shall  
14 be subject to the authority of the Anti-Money Laundering  
15 Council (AMLC) to freeze pursuant to Section 11 of  
16 Republic Act No. 10168.

17 The designation shall be without prejudice to the  
18 proscription of terrorist organizations, associations, or  
19 groups of persons under Section 26 of this Act.

1           SEC. 26. *Proscription of Terrorist Organizations,*  
2     *Association, or Group of Persons.* – Any group of persons,  
3     organization, or association, which commits any of the acts  
4     defined and penalized under Sections 4, 5, 6, 7, 8, 9, 10,  
5     11 and 12 of this Act, or organized for the purpose of  
6     engaging in terrorism shall, upon application of the DOJ  
7     before the authorizing division of the Court of Appeals with  
8     due notice and opportunity to be heard given to the group of  
9     persons, organization or association, be declared as a  
10    terrorist and outlawed group of persons, organization or  
11    association, by the said Court.

12           The application shall be filed with an urgent prayer  
13    for the issuance of a preliminary order of proscription. No  
14    application for proscription shall be filed without the  
15    authority of the ATC upon the recommendation of the  
16    National Intelligence Coordinating Agency (NICA).

17           SEC. 27. *Preliminary Order of Proscription.* – Where  
18    the Court has determined that probable cause exists on the  
19    basis of the verified application which is sufficient in form  
20    and substance, that the issuance of an order of proscription

1      is necessary to prevent the commission of terrorism, he/she  
2      shall, within seventy-two (72) hours from the filing of the  
3      application, issue a preliminary order of proscription  
4      declaring that the respondent is a terrorist and an outlawed  
5      organization or association within the meaning of Section 26  
6      of this Act.

7            The court shall immediately commence and conduct  
8      continuous hearings, which should be completed within six  
9      (6) months from the time the application has been filed, to  
10     determine whether:

11                (a) The preliminary order of proscription should be  
12      made permanent;

13                (b) A permanent order of proscription should be  
14      issued in case no preliminary order was issued; or

15                (c) A preliminary order of proscription should be  
16      lifted. It shall be the burden of the applicant to prove that  
17      the respondent is a terrorist and an outlawed organization  
18      or association within the meaning of Section 26 of this Act  
19      before the court issues an order of proscription whether  
20      preliminary or permanent.

1       The permanent order of proscription herein granted  
2       shall be posted in a newspaper of general circulation. It  
3       shall be valid for a period of three (3) years after which, a  
4       review of such order shall be made and if circumstances  
5       warrant, the same shall be lifted.

6           SEC. 28. *Request to Proscribe from Foreign*  
7       *Jurisdictions and Supranational Jurisdictions.* –  
8       Consistent with the national interest, all requests for  
9       proscription made by another jurisdiction or supranational  
10      jurisdiction shall be referred by the Department of Foreign  
11      Affairs (DFA) to the ATC to determine, with the assistance  
12      of the NICA, if proscription under Section 26 of this Act is  
13      warranted. If the request for proscription is granted, the  
14      ATC shall correspondingly commence proscription  
15      proceedings through the DOJ.

16           SEC. 29. *Detention Without Judicial Warrant of*  
17       *Arrest.* – The provisions of Article 125 of the Revised Penal  
18      Code to the contrary notwithstanding, any law  
19      enforcement agent or military personnel, who, having been  
20      duly authorized in writing by the ATC has taken custody of

1      a person suspected of committing any of the acts defined  
2      and penalized under Sections 4, 5, 6, 7, 8, 9, 10, 11 and 12 of  
3      this Act, shall, without incurring any criminal liability for  
4      delay in the delivery of detained persons to the proper  
5      judicial authorities, deliver said suspected person to the  
6      proper judicial authority within a period of fourteen (14)  
7      calendar days counted from the moment the said suspected  
8      person has been apprehended or arrested, detained, and  
9      taken into custody by the law enforcement agent or military  
10     personnel. The period of detention may be extended to a  
11     maximum period of ten (10) calendar days if it is established  
12     that (1) further detention of the person/s is necessary to  
13     preserve evidence related to the terrorism or complete the  
14     investigation; (2) further detention of the person/s is  
15     necessary to prevent the commission of another terrorism;  
16     and (3) the investigation is being conducted properly and  
17     without delay.

18            Immediately after taking custody of a person  
19     suspected of committing terrorism or any member of a  
20     group of persons, organization or association proscribed

1 under Section 26 hereof, the law enforcement agent or  
2 military personnel shall notify in writing the judge of the  
3 court nearest the place of apprehension or arrest of the  
4 following facts: (a) the time, date, and manner of arrest; (b)  
5 the location or locations of the detained suspect/s and (c) the  
6 physical and mental condition of the detained suspect/s.  
7 The law enforcement agent or military personnel shall  
8 likewise furnish the ATC and the Commission on Human  
9 Rights (CHR) of the written notice given to the judge.

10 The head of the detaining facility shall ensure that  
11 the detained suspect is informed of his/her rights as a  
12 detainee and shall ensure access to the detainee by his/her  
13 counsel or agencies and entities authorized by law to  
14 exercise visitorial powers over detention facilities.

15 The penalty of imprisonment of ten (10) years shall be  
16 imposed upon the police or law enforcement agent or  
17 military personnel who fails to notify any judge as provided  
18 in the preceding paragraph.

19 SEC. 30. *Rights of a Person under Custodial*  
20 *Detention.* – The moment a person charged with or

1 suspected of committing any of the acts defined and  
2 penalized under Sections 4, 5, 6, 7, 8, 9, 10, 11 and 12 of  
3 this Act is apprehended or arrested and detained, he shall  
4 forthwith be informed, by the arresting law enforcement  
5 agent or military personnel by the law enforcement agent  
6 or military personnel to whose custody the person  
7 concerned is brought, of his or her right: (a) to be informed  
8 of the nature and cause of his arrest, to remain silent and  
9 to have competent and independent counsel preferably of  
10 his choice. If the person cannot afford the services of counsel  
11 of his or her choice, the law enforcement agent or military  
12 personnel concerned shall immediately contact the free  
13 legal assistance unit of the Integrated Bar of the  
14 Philippines (IBP) or the Public Attorney's Office (PAO). It  
15 shall be the duty of the free legal assistance unit of the IBP  
16 or the PAO thus contacted to immediately visit the  
17 person/s detained and provide him or her with legal  
18 assistance. These rights cannot be waived except in writing  
19 and in the presence of his/her counsel of choice; (b)  
20 informed of the cause or causes of his/her detention in the

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

8       SEC. 31. *Violation of the Rights of a Detainee.* – The  
9 penalty of imprisonment of ten (10) years shall be imposed  
10 upon any law enforcement agent or military personnel who  
11 has violated the rights of persons under their custody, as  
12 provided for in Sections 29 and 30 of this Act.

13       Unless the law enforcement agent or military  
14 personnel who violated the rights of a detainee or detainees  
15 as stated above is duly identified, the same penalty shall  
16 be imposed on the head of the law enforcement unit or  
17 military unit having custody of the detainee at the time the  
18 violation was done.

19       SEC. 32. *Official Custodial Logbook and Its Contents.*  
20 – The law enforcement custodial unit in whose care and

1 control the person suspected of committing any of the acts  
2 defined and penalized under Sections 4, 5, 6, 7, 8, 9, 10, 11  
3 and 12 of this Act has been placed under custodial arrest  
4 and detention shall keep a securely and orderly  
5 maintained official logbook, which is hereby declared as a  
6 public document and opened to and made available for the  
7 inspection and scrutiny of the lawyer of the person under  
8 custody or any member of his/her family or relative by  
9 consanguinity or affinity within the fourth civil degree or  
10 his/her physician at any time of the day or night subject to  
11 reasonable restrictions by the custodial facility. The  
12 logbook shall contain a clear and concise record of: (a) the  
13 name, description, and address of the detained person; (b)  
14 the date and exact time of his/her initial admission for  
15 custodial arrest and detention; (c) the name and address of  
16 the physician or physicians who examined him/her physically  
17 and medically; (d) the state of his/her health and physical  
18 condition at the time of his/her initial admission for  
19 custodial detention; (e) the date and time of each removal  
20 of the detained person from his/her cell for interrogation or

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

17 The said law enforcement custodial unit shall, upon  
18 demand of the aforementioned lawyer or members of the  
19 family or relatives within the fourth civil degree of  
20 consanguinity or affinity of the person under custody or

1 his/her physician, issue a certified true copy of the entries  
2 of the logbook relative to the concerned detained person  
3 subject to reasonable restrictions by the custodial facility.  
4 This certified true copy may be attested by the person who  
5 has custody of the logbook or who allowed the party  
6 concerned to scrutinize it at the time the demand for the  
7 certified true copy is made.

8       The law enforcement custodial unit who fails to  
9 comply with the preceding paragraph to keep an official  
10 logbook shall suffer the penalty of imprisonment of ten (10)  
11 years.

12       SEC. 33. *No Torture or Coercion in Investigation and*  
13 *Interrogation.* – The use of torture and other cruel,  
14 inhumane and degrading treatment or punishment, as  
15 defined in Sections 4 and 5 of Republic Act No. 9745  
16 otherwise known as the “Anti-Torture Act of 2009,” at any  
17 time during the investigation or interrogation of a detained  
18 suspected terrorist is absolutely prohibited and shall be  
19 penalized under said law. Any evidence obtained from said  
20 detained person resulting from such treatment shall be, in

1       its entirety, inadmissible and cannot be used as evidence in  
2       any judicial, quasi-judicial, legislative, or administrative  
3       investigation, inquiry, proceeding, or hearing.

4           SEC. 34. *Restriction on the Right to Travel.* – Prior to  
5       the filing of an information for any violation of Sections 4, 5,  
6       6, 7, 8, 9, 10, 11 and 12 of this Act, the investigating  
7       prosecutor shall apply for the issuance of a precautionary  
8       hold departure order (PHDO) against the respondent upon a  
9       preliminary determination of probable cause in the proper  
10      Regional Trial Court.

11          Upon the filing of the information regarding the  
12       commission of any acts defined and penalized under the  
13       provisions of this Act, the prosecutor shall apply with the  
14       court having jurisdiction for the issuance of a hold departure  
15       order (HDO) against the accused. The said application shall  
16       be accompanied by the complaint-affidavit and its  
17       attachments, personal details, passport number, and a  
18       photograph of the accused, if available.

19          In cases where evidence of guilt is not strong, and the  
20       person charged is entitled to bail and is granted the same,

1 the court, upon application by the prosecutor, shall limit the  
2 right of travel of the accused to within the municipality or  
3 city where he/she resides or where the case is pending, in  
4 the interest of national security and public safety,  
5 consistent with Article III, Section 6 of the Constitution.

6 The court shall immediately furnish the DOJ and the  
7 Bureau of Immigration with the copy of said order. Travel  
8 outside of said municipality or city, without the authorization  
9 of the court, shall be deemed a violation of the terms and  
10 conditions of his/her bail, which shall be forfeited as  
11 provided under the Rules of Court.

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

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

18 If the evidence of guilt is strong, the court shall  
19 immediately issue an HDO and direct the DFA to initiate

1       the procedure for the cancellation of the passport of the  
2       accused.

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

7           *SEC. 35. Anti-Money Laundering Council Authority*  
8       *to Investigate, Inquire into and Examine Bank Deposits. –*  
9       Upon the issuance by the court of a preliminary order of  
10      proscription or in case of designation under Section 25 of this  
11      Act, the AMLC, either upon its own initiative or at the  
12      request of the ATC, is hereby authorized to investigate: (a)  
13      any property or funds that are in any way related to  
14      financing of terrorism as defined and penalized under  
15      Republic Act No. 10168, or violation of Sections 4, 6, 7, 10,  
16      11 or 12 of this Act; (b) property or funds of any person or  
17      persons in relation to whom there is probable cause to  
18      believe that such person or persons are committing or  
19      attempting or conspiring to commit, or participating in or

1 facilitating the financing of the aforementioned sections of  
2 this Act.

3 The AMLC may also enlist the assistance of any  
4 branch, department, bureau, office, agency or  
5 instrumentality of the government, including government-  
6 owned and controlled corporations in undertaking  
7 measures to counter the financing of these terrorism,  
8 which may include the use of its personnel, facilities and  
9 resources.

10 For purposes of this Section and notwithstanding the  
11 provisions of Republic Act No. 1405, otherwise known as  
12 the "Law on Secrecy of Bank Deposits", as amended;  
13 Republic Act No. 6426, otherwise known as the "Foreign  
14 Currency Deposit Act of the Philippines", as amended;  
15 Republic Act No. 8791, otherwise known as "The General  
16 Banking Law of 2000" and other laws, the AMLC is hereby  
17 authorized to inquire into or examine deposits and  
18 investments with any banking institution or non-bank  
19 financial institution and their subsidiaries and affiliates  
20 without a court order.

1        SEC. 36. *Authority to Freeze.* – Upon the issuance by  
2        the court of a preliminary order of proscription or in case of  
3        designation under Section 25 of this Act, the AMLC, either  
4        upon its own initiative or request of the ATC, is hereby  
5        authorized to issue an *ex parte* order to freeze without  
6        delay: (a) any property or funds that are in any way related  
7        to financing of terrorism as defined and penalized under  
8        Republic Act No. 10168, or any violation of Sections 4, 5, 6, 7,  
9        8, 9, 10, 11 or 12 of this Act; (b) property or funds of any  
10      person or persons in relation to whom there is probable  
11      cause to believe that such person or persons are  
12      committing or attempting or conspiring to commit, or  
13      participating in or facilitating the financing of the  
14      aforementioned sections of this Act.

15        The freeze order shall be effective for a period not  
16      exceeding twenty (20) days. Upon a petition filed by the  
17      AMLC before the expiration of the period, the effectivity of  
18      the freeze order may be extended up to a period not exceeding  
19      six (6) months upon order of the Court of Appeals: *Provided,*

1 That, the twenty-day period shall be tolled upon filing of a  
2 petition to extend the effectivity of the freeze order.

3 Notwithstanding the preceding paragraphs, the  
4 AMLC, consistent with the Philippines' international  
5 obligations, shall be authorized to issue a freeze order with  
6 respect to property or funds of a designated organization,  
7 association, group or any individual to comply with binding  
8 terrorism-related resolutions, including Resolution No.  
9 1373 of the UN Security Council pursuant to Article 41 of  
10 the charter of the UN. Said freeze order shall be effective  
11 until the basis for the issuance thereof shall have been  
12 lifted. During the effectivity of the freeze order, an  
13 aggrieved party may, within twenty (20) days from  
14 issuance, file with the Court of Appeals a petition to  
15 determine the basis of the freeze order according to the  
16 principle of effective judicial protection: *Provided*, That the  
17 person whose property or funds have been frozen may  
18 withdraw such sums as the AMLC determines to be  
19 reasonably needed for monthly family needs and sustenance

1     including the services of counsel and the family medical  
2     needs of such person.

3                 However, if the property or funds subject of the freeze  
4     order under the immediately preceding paragraph are  
5     found to be in any way related to financing of terrorism as  
6     defined and penalized under Republic Act No. 10168, or any  
7     violation of Sections 4, 5, 6, 7, 8, 9, 10, 11 or 12 of this Act  
8     committed within the jurisdiction of the Philippines, said  
9     property or funds shall be the subject of civil forfeiture  
10   proceedings as provided under Republic Act No. 10168.

11                SEC. 37. *Malicious Examination of a Bank or a*  
12     *Financial Institution.* – Any person who maliciously, or  
13     without authorization, examines deposits, placements,  
14     trust accounts, assets, or records in a bank or financial  
15     institution in relation to Section 36 shall suffer the penalty  
16     of four (4) years of imprisonment.

17                SEC. 38. *Safe Harbor.* – No administrative, criminal  
18     or civil proceedings shall lie against any person acting in  
19     good faith when implementing the targeted financial

1      sanctions as provided under pertinent United Nation  
2      Security Resolutions.

3            *SEC. 39. Bank Officials and Employees Defying a*  
4      *Court Authorization.* – An employee, official, or a member  
5      of the board of directors of a bank or financial institution,  
6      who after being duly served with the written order of  
7      authorization from the Court of Appeals, refuses to allow  
8      the examination of the deposits, placements, trust  
9      accounts, assets, and records of a terrorist or an outlawed  
10     group of persons, organization or association, in accordance  
11     with Sections 25 and 26 hereof, shall suffer the penalty of  
12     imprisonment of four (4) years.

13           *SEC. 40. Immunity and Protection of Government*  
14      *Witnesses.* – The immunity and protection of government  
15      witnesses shall be governed by the provisions of Republic  
16      Act No. 6981, otherwise known as “The Witness Protection,  
17      Security and Benefits Act”.

18           *SEC. 41. Penalty for Unauthorized Revelation of*  
19      *Classified Materials.* – The penalty of imprisonment of ten  
20      (10) years shall be imposed upon any person, law

1 enforcement agent or military personnel, judicial officer or  
2 civil servant who, not being authorized by the Court of  
3 Appeals to do so, reveals in any manner or form any  
4 classified information under this Act. The penalty imposed  
5 herein is without prejudice and in addition to any  
6 corresponding administrative liability the offender may  
7 have incurred for such acts.

8           SEC. 42. *Infidelity in the Custody of Detained Persons.*  
9 – Any public officer who has direct custody of a detained  
10 person under the provisions of this Act and, who, by his  
11 deliberate act, misconduct or inexcusable negligence,  
12 causes or allows the escape of such detained person shall  
13 be guilty of an offense and shall suffer the penalty of ten  
14 (10) years of imprisonment.

15           SEC. 43. *Penalty for Furnishing False Evidence,*  
16 *Forged Document, or Spurious Evidence.* – The penalty of  
17 imprisonment of six (6) years shall be imposed upon any  
18 person who knowingly furnishes false testimony, forged  
19 document or spurious evidence in any investigation or

1 hearing conducted in relation to any violations under this  
2 Act.

3 SEC. 44. *Continuous Trial.* – In cases involving crimes  
4 defined and penalized under the provisions of this Act, the  
5 judge concerned shall set the case for continuous trial on a  
6 daily basis from Monday to Thursday or other short-term  
7 trial calendar to ensure compliance with the accused's  
8 right to speedy trial.

9 SEC. 45. *Anti-Terrorism Council.* – An Anti-Terrorism  
10 Council (ATC) is hereby created. The members of the ATC  
11 are: (1) the Executive Secretary, who shall be its  
12 Chairperson; (2) the National Security Adviser who shall be  
13 its Vice Chairperson; and (3) the Secretary of Foreign  
14 Affairs; (4) the Secretary of National Defense; (5) the  
15 Secretary of the Interior and Local Government; (6) the  
16 Secretary of Finance; (7) the Secretary of Justice; (8) the  
17 Secretary of Information and Communications Technology;  
18 and (9) the Executive Director of the Anti-Money  
19 Laundering Council (AMLC) Secretariat as its other  
20 members.

1       The ATC shall implement this Act and assume the  
2 responsibility for the proper and effective implementation  
3 of the policies of the country against terrorism. The ATC  
4 shall keep records of its proceedings and decisions. All  
5 records of the ATC shall be subject to such security  
6 classifications as the ATC may, in its judgment and  
7 discretion, decide to adopt to safeguard the safety of the  
8 people, the security of the Republic, and the welfare of the  
9 nation.

10       The NICA shall be the Secretariat of the ATC. The  
11 ATC shall define the powers, duties, and functions of the  
12 NICA as Secretariat of the ATC. The Anti-Terrorism  
13 Council-Program Management Center (ATC-PMC) is  
14 hereby institutionalized as the main coordinating and  
15 program management arm of the ATC. The ATC shall  
16 define the powers, duties, and functions of the ATC-PMC.  
17 The Secretary of Science and Technology, the Secretary of  
18 Transportation, the Secretary of Labor and Employment,  
19 the Secretary of Education, the Secretary of Social Welfare  
20 and Development, the Presidential Adviser for Peace,

1 Reunification and Unity (PAPRU, formerly PAPP), the  
2 Chief Minister of the Bangsamoro Autonomous Region in  
3 Muslim Mindanao (BARMM), the National Bureau of  
4 Investigation (NBI), the Bureau of Immigration (BI), the  
5 Office of Civil Defense (OCD), the Intelligence Service of the  
6 Armed Forces of the Philippines (ISAFP), the Philippine  
7 Center on Transnational Crimes (PCTC), the Philippine  
8 National Police (PNP) intelligence and investigative  
9 elements, the Commission on Higher Education (CHED),  
10 and the National Commission on Muslim Filipinos (NCMF)  
11 shall serve as support agencies for the ATC.

12 The ATC shall formulate and adopt comprehensive,  
13 adequate, efficient, and effective plans, programs, or  
14 measures to prevent, counter, suppress, or eradicate the  
15 commission of terrorism in the country and to protect the  
16 people from such acts. In pursuit of said mandate, the  
17 ATC shall create such focus programs to prevent and  
18 counter terrorism as necessary, to ensure the  
19 counterterrorism operational awareness of concerned  
20 agencies, to conduct legal action and to pursue legal and

1 legislative initiatives to counter terrorism, prevent and stem  
2 terrorist financing, and to ensure compliance with  
3 international commitments to counterterrorism-related  
4 protocols and bilateral and/or multilateral agreements,  
5 and identify the lead agency for each program, such as:

6           (a) Preventing and countering violent extremism  
7 program – The program shall address the conditions  
8 conducive to the spread of terrorism which include, among  
9 others: ethnic, national, and religious discrimination;  
10 socio-economic disgruntlement; political exclusion;  
11 dehumanization of victims of terrorism; lack of good  
12 governance; and prolonged unresolved conflicts by winning  
13 the hearts and minds of the people to prevent them from  
14 engaging in violent extremism. It shall identify, integrate,  
15 and synchronize all government and non-government  
16 initiatives and resources to prevent radicalization and  
17 violent extremism, thus reinforce and expand an after-care  
18 program;

19           (b) Preventing and combating terrorism program –  
20 The program shall focus on denying terrorist groups access

1 to the means to carry out attacks to their targets and  
2 formulate response to its desired impact through decisive  
3 engagements. The program shall focus on operational  
4 activities to disrupt and combat terrorism activities and  
5 attacks such as curtailing, recruitment, propaganda,  
6 finance and logistics, the protection of potential targets,  
7 the exchange of intelligence with foreign countries, and the  
8 arrest of suspected terrorists;

9 (c) International affairs and capacity building  
10 program – The program shall endeavor to build the State's  
11 capacity to prevent and combat terrorism by strengthening  
12 the collaborative mechanisms between and among ATC  
13 members and support agencies and facilitate cooperation  
14 among relevant stakeholders, both local and international,  
15 in the battle against terrorism; and

16 (d) Legal affairs program – The program shall ensure  
17 respect for human rights and adherence to the rule of law  
18 as the fundamental bases of the fight against terrorism. It  
19 shall guarantee compliance with the same as well as with

1 international commitments to counterterrorism-related  
2 protocols and bilateral and/or multilateral agreements.

3 Nothing herein shall be interpreted to empower the  
4 ATC to exercise any judicial or quasi-judicial power or  
5 authority.

6 SEC. 46. *Functions of the Council.* – In pursuit of its  
7 mandate in the previous Section, the ATC shall have the  
8 following functions with due regard for the rights of the  
9 people as mandated by the Constitution and pertinent  
10 laws:

11 (a) Formulate and adopt plans, programs, and  
12 preventive and counter-measures against terrorists and  
13 terrorism in the country;

14 (b) Coordinate all national efforts to suppress and  
15 eradicate terrorism in the country and mobilize the entire  
16 nation against terrorism prescribed in this Act;

17 (c) Direct the speedy investigation and prosecution of  
18 all persons detained or accused for any crime defined and  
19 penalized under this Act;

1           (d) Monitor the progress of the investigation and  
2 prosecution of all persons accused and/or detained for any  
3 crime defined and penalized under the provisions of this  
4 Act;

5           (e) Establish and maintain comprehensive database  
6 information systems on terrorism, terrorist activities, and  
7 counterterrorism operations;

8           (f) Enlist the assistance of and file the appropriate  
9 action with the AMLC to freeze and forfeit the funds, bank  
10 deposits, placements, trust accounts, assets and property of  
11 whatever kind and nature belonging (i) to a person  
12 suspected of or charged with alleged violation of any of the  
13 acts defined and penalized under Sections 4, 5, 6, 7, 8, 9,  
14 10, 11 and 12 of this Act, (ii) between members of a  
15 judicially declared and outlawed terrorist organization or  
16 association as provided in Section 26 of this Act; (iii) to  
17 designated persons defined under Section 3(e) of R.A. No.  
18 10168; (iv) to an individual member of such designated  
19 persons; or (v) any individual, organization, association or  
20 group of persons proscribed under Section 26 hereof;

1                 (g) Grant monetary rewards and other incentives to  
2 informers who give vital information leading to the  
3 apprehension, arrest, detention, prosecution, and  
4 conviction of person or persons found guilty for violation of  
5 any of the acts defined and penalized under Sections 4, 5,  
6 6, 7, 8, 9, 10, 11 and 12 of this Act; *Provided*, That, no  
7 monetary reward shall be granted to informants unless the  
8 accused's demurrer to evidence has been denied or the  
9 prosecution has rested its case without such demurrer  
10 having been filed;

11                 (h) Establish and maintain coordination with and the  
12 cooperation and assistance of other states, jurisdictions,  
13 international entities and organizations in preventing and  
14 combating international terrorism;

15                 (i) Take action on relevant resolutions issued by the  
16 UN Security Council acting under Chapter VII of the UN  
17 Charter; and consistent with the national interest, take  
18 action on foreign requests to designate terrorist,  
19 individuals, associations, organizations or group of persons;

1                   (j) Take measures to prevent the acquisition and  
2 proliferation by terrorists of weapons of mass destruction;

3                   (k) Lead in the formulation and implementation of a  
4 national strategic plan to prevent and combat terrorism;

5                   (l) Request the Supreme Court to designate specific  
6 divisions of the Court of Appeals or Regional Trial Courts to  
7 handle all cases involving the crimes defined and penalized  
8 under this Act;

9                   (m) Require other government agencies, offices and  
10 entities and officers and employees and non-government  
11 organizations, private entities and individuals to render  
12 assistance to the ATC in the performance of its mandate;  
13 and

14                   (n) Investigate *motu proprio* or upon complaint any  
15 report of abuse, malicious application or improper  
16 implementation by any person of the provisions of this Act.

17                   SEC. 47. *Commission on Human Rights (CHR)*. – The  
18 CHR shall give the highest priority to the investigation and  
19 prosecution of violations of civil and political rights of  
20 persons in relation to the implementation of this Act.

1           SEC. 48. *Ban on Extraordinary Rendition.* – No  
2     person suspected or convicted of any of the crimes defined  
3     and penalized under the provisions of Sections 4, 5, 6, 7, 8,  
4     9, 10, 11 or 12 of this Act shall be subjected to  
5     extraordinary rendition to any country.

6           SEC. 49. *Extraterritorial Application.* – Subject to the  
7     provision of any treaty of which the Philippines is a  
8     signatory and to any contrary provision of any law of  
9     preferential application, the provisions of this Act shall  
10    apply:

11           (a) To a Filipino citizen or national who commits any  
12     of the acts defined and penalized under Sections 4, 5, 6, 7, 8,  
13     9, 10, 11 and 12 of this Act outside the territorial  
14     jurisdiction of the Philippines;

15           (b) To individual persons who, although physically  
16     outside the territorial limits of the Philippines, commit any  
17     of the crimes mentioned in Paragraph 1 hereof inside the  
18     territorial limits of the Philippines;

19           (c) To individual persons who, although physically  
20     outside the territorial limits of the Philippines, commit any

1 of the said crimes mentioned in Paragraph 1 hereof on  
2 board Philippine ship or Philippine airship;

3 (d) To individual persons who commit any of said  
4 crimes mentioned in Paragraph 1 hereof within any  
5 embassy, consulate, or diplomatic premises belonging to or  
6 occupied by the Philippine government in an official  
7 capacity;

8 (e) To individual persons who, although physically  
9 outside the territorial limits of the Philippines, commit said  
10 crimes mentioned in Paragraph 1 hereof against Philippine  
11 citizens or persons of Philippine descent, where their  
12 citizenship or ethnicity was a factor in the commission of  
13 the crime; and

14 (f) To individual persons who, although physically  
15 outside the territorial limits of the Philippines, commit said  
16 crimes directly against the Philippine government.

17 In case of an individual who is neither a citizen or a  
18 national of the Philippines who commits any of the crimes  
19 mentioned in Paragraph 1 hereof outside the territorial  
20 limits of the Philippines, the Philippines shall exercise

1 jurisdiction only when such individual enters or is inside  
2 the territory of the Philippines: *Provided*, That, in the  
3 absence of any request for extradition from the state where  
4 the crime was committed or the state where the individual  
5 is a citizen or national, or the denial thereof, the ATC shall  
6 refer the case to the BI for deportation or to the DOJ for  
7 prosecution in the same manner as if the act constituting  
8 the offense had been committed in the Philippines.

9 SEC. 50. *Joint Oversight Committee.* – Upon the  
10 effectivity of this Act, a Joint Congressional Oversight  
11 Committee is hereby constituted. The Committee shall be  
12 composed of twelve (12) members with the chairperson of  
13 the Committee on Public Order of the Senate and the  
14 House of Representatives as members and five (5)  
15 additional members from each House to be designated by  
16 the Senate President and the Speaker of the House of  
17 Representatives, respectively. The minority shall be  
18 entitled to a pro-rata representation but shall have at least  
19 two (2) representatives in the Committee.

1        In the exercise of its oversight functions, the Joint  
2 Congressional Oversight Committee shall have the  
3 authority to summon law enforcement or military officers  
4 and the members of the ATC to appear before it, and  
5 require them to answer questions and submit written  
6 reports of the acts they have done in the implementation of  
7 this Act and render an annual report to both Houses of  
8 Congress as to its status and implementation.

9            SEC. 51. *Protection of Most Vulnerable Groups.* –  
10 There shall be due regard for the welfare of any suspects  
11 who are elderly, pregnant, persons with disability, women  
12 and children while they are under investigation,  
13 interrogation or detention.

14            SEC. 52. *Management of Persons Charged Under this*  
15 *Act.* – The Bureau of Jail Management and Penology  
16 (BJMP) and the Bureau of Corrections (BUCOR) shall  
17 establish a system of assessment and classification for  
18 persons charged for committing terrorism and preparatory  
19 acts punishable under this Act. Said system shall cover

1       the proper management, handling, and interventions for  
2       said persons detained.

3           Persons charged under this Act shall be detained in  
4       existing facilities of the BJMP and the BUCOR.

5           SEC. 53. *Trial of Persons Charged Under this Act.* –  
6       Any person charged for violations of Sections 4, 5, 6, 7, 8, 9,  
7       10, 11 or 12 of this Act shall be tried in special courts  
8       created for this purpose. In this regard, the Supreme  
9       Court shall designate certain branches of the Regional  
10      Trial Courts as anti-terror courts whose jurisdiction is  
11       exclusively limited to try violations of the abovementioned  
12       provisions of this Act.

13           Persons charged under the provisions of this Act and  
14       witnesses shall be allowed to remotely appear and provide  
15       testimonies through the use of video-conferencing and such  
16       other technology now known or may hereafter be known to  
17       science as approved by the Supreme Court.

18           SEC. 54. *Implementing Rules and Regulations.* – The  
19       ATC and the DOJ, with the active participation of police  
20       and military institutions, shall promulgate the rules and

1 regulations for the effective implementation of this Act  
2 within ninety (90) days after its effectivity. They shall also  
3 ensure the full dissemination of such rules and regulations  
4 to both Houses of Congress, and all officers and members  
5 of various law enforcement agencies.

6 SEC. 55. *Separability Clause.* – If for any reason any  
7 part or provision of this Act is declared unconstitutional or  
8 invalid, the other parts or provisions hereof which are not  
9 affected thereby shall remain and continue to be in full  
10 force and effect.

11 SEC. 56. *Repealing Clause.* – Republic Act No. 9372  
12 otherwise known as the “Human Security Act of 2007” is  
13 hereby repealed. All laws, decrees, executive orders, rules  
14 or regulations or parts thereof, inconsistent with the  
15 provisions of this Act are hereby repealed, amended, or  
16 modified accordingly.

17 SEC. 57. *Saving Clause.* – All judicial decisions and  
18 orders issued, as well as pending actions relative to the  
19 implementation of Republic Act No. 9372 otherwise known

1 as the "Human Security Act of 2007" prior to its repeal  
2 shall remain valid and effective.

3 SEC. 58. *Effectivity.* – This Act shall take effect  
4 fifteen (15) days after its complete publication in the  
5 *Official Gazette* or in at least two (2) newspapers of general  
6 circulation.

Approved,