



Senate
Office of the Secretary

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

'19 SEP 30 P4:11

SENATE

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COMMITTEE REPORT NO. 9

Submitted jointly by the Committees on National Defense and Security, Peace, Unification and Reconciliation *and* Finance on **SEP 30 2019**

RE: Senate No. **1083**

Recommending its approval in substitution of Senate Nos. 6, 21, and 630

Sponsor: Senator Lacson

MR. PRESIDENT:

The Committees on National Defense and Security, Peace, Unification and Reconciliation *and* Finance, to which were referred **Senate No. 6**, introduced by Senator Vicente C. Sotto III, entitled:

AN ACT

**AMENDING R.A. 9372 OTHERWISE KNOWN AS THE ACT TO SECURE THE
STATE AND PROTECT OUR PEOPLE FROM TERRORISM OR THE HUMAN
SECURITY ACT (HSA) OF 2007, APPROPRIATING FUNDS THEREFOR AND FOR
OTHER PURPOSES**

Senate No. 21, introduced by Senator Panfilo M. Lacson, entitled:

AN ACT

**AMENDING CERTAIN PROVISIONS OF REPUBLIC ACT NO. 9372, OTHERWISE
KNOWN AS "AN ACT TO SECURE THE STATE AND PROTECT OUR PEOPLE
FROM TERRORISM"**

And **Senate No. 630**, introduced by Senator Imee R. Marcos, entitled:

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**

have considered the same and have the honor to report them back to the Senate with the recommendation that the attached **Senate No. 1083** prepared by the Committees entitled:

AN ACT

**AMENDING CERTAIN PROVISIONS OF REPUBLIC ACT NO. 9372, OTHERWISE
KNOWN AS "AN ACT TO SECURE THE STATE AND PROTECT OUR PEOPLE
FROM TERRORISM"**

be approved in substitution of Senate Nos. 6, 21, and 630, with Senators Sotto, Lacson, and Marcos as authors thereof.

Respectfully Submitted:

Chairpersons


SENATOR SONNY ANGARA

Committee on Finance

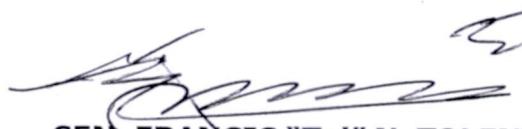
*Vice Chair, Ctte. on National Defense & Security
Peace, Unification & Reconciliation*


SENATOR PANFILO M. LACSON

*Committee on National Defense & Security,
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Vice Chairpersons



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*Committee on National Defense & Security
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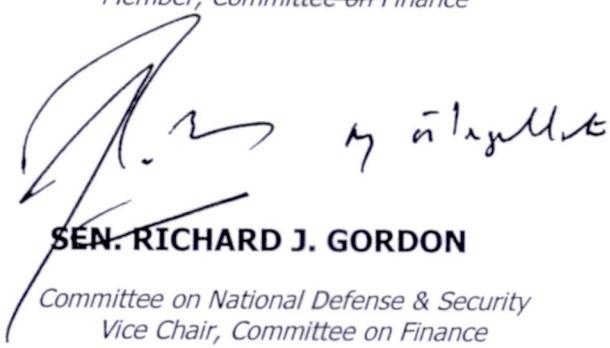
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R.J. Gordon
My signature

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*Committee on National Defense & Security
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SEN. EMANUEL "Manny" PACQUIAO

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Joel Villanueva
My signature

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SEN. PIA S. CAYETANO

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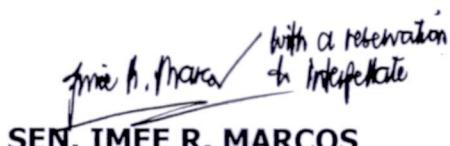
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Committee on Finance



SEN. RAMON "Bong" REVILLA JR.

Committee on National Defense & Security
Committee on Finance

will interpellate

may interpellate



SEN. AQUILINO "Koko" PIMENTEL III

Committee on Finance

SEN. FRANCIS N. PANGILINAN

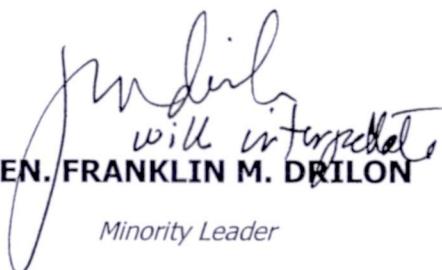
*Committee on National Defense & Security
Committee on Finance*

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HON. VICENTE C. SOTTO III

Senate President



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

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SENATE

Senate No. 1083

Prepared Jointly by the Committees on National Defense and Security, Peace, Unification and Reconciliation *and* Finance, with Senators Sotto, Lacson, *and* Marcos as Authors thereof

AN ACT

**AMENDING CERTAIN PROVISIONS OF REPUBLIC ACT NO. 9372, OTHERWISE
KNOWN AS "AN ACT TO SECURE THE STATE AND PROTECT OUR PEOPLE
FROM TERRORISM"**

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

1 **SECTION 1.** Section 1 of Republic Act No. 9372, otherwise known as the
2 Human Security Act, is hereby amended to read as follows:
3

4 "SECTION 1. *Short Title.* - This Act shall henceforth be known as the ["Human
5 Security Act of 2007."] "**ANTI-TERRORISM ACT OF 2019.**"
6

7 **SECTION 2.** Section 2 of the same Act, is also hereby amended to read as
8 follows:

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

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

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

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

19
20 **SECTION 3.** R.A. No. 9372 is also hereby renumbered and amended by
21 inserting a new Section 3, as follows:

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

23
24 (A) "**CONSPIRACY**" EXISTS WHEN TWO OR MORE PERSONS COME TO
25 AN AGREEMENT CONCERNING THE COMMISSION OF THE CRIMES
26 DEFINED AND PENALIZED UNDER THE PROVISIONS OF THIS ACT, AND
27 DECIDE TO COMMIT THE SAME;

28
29 (B) "**CRITICAL INFRASTRUCTURE**" REFERS TO AN ASSET OR SYSTEM
30 THAT IS ESSENTIAL FOR THE MAINTENANCE OF VITAL SOCIETAL

1 FUNCTIONS, HEALTH, SAFETY, SECURITY, ECONOMIC, OR SOCIAL
2 WELL-BEING. IT MAY INCLUDE, BUT IS NOT LIMITED TO,
3 COMMUNICATIONS, EMERGENCY SERVICES, FUEL, ENERGY, DAMS,
4 FINANCE, FOOD, PUBLIC SERVICES, INDUSTRY, TRANSPORT, RADIO
5 AND TELEVISION, INFORMATION TECHNOLOGY, COMMERCIAL
6 FACILITIES, CHEMICAL AND NUCLEAR SECTORS, AND WATER;

7

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

17

18 (D) "INCITING TO COMMIT TERRORIST ACTS" IS COMMITTED WHEN
19 A PERSON, DIRECTLY OR INDIRECTLY, PROVOKES, GOADS,
20 INSTIGATES, OR PERSUADES ANOTHER INDIVIDUAL OR
21 ORGANIZATION TO COMMIT ANY OF THE CRIMES DEFINED AND
22 PENALIZED UNDER THE PROVISIONS OF THIS ACT, WHETHER BY
23 MEANS OF VERBAL, WRITTEN, OR VISUAL COMMUNICATION;

24

25 (E) "MATERIAL SUPPORT" REFERS TO ANY PROPERTY, TANGIBLE OR
26 INTANGIBLE, OR SERVICE, INCLUDING CURRENCY OR MONETARY
27 INSTRUMENTS OR FINANCIAL SECURITIES, FINANCIAL SERVICES,
28 LODGING, TRAINING, EXPERT ADVICE OR ASSISTANCE, SAFEHOUSES,
29 FALSE DOCUMENTATION OR IDENTIFICATION, COMMUNICATIONS
30 EQUIPMENT, FACILITIES, WEAPONS, LETHAL SUBSTANCES,

1 **EXPLOSIVES, PERSONNEL (1 OR MORE INDIVIDUALS WHO MAY BE OR**
2 **INCLUDE ONESELF), AND TRANSPORTATION, EXCEPT MEDICINE OR**
3 **RELIGIOUS MATERIALS;**

4

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

9

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

13

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

21

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

26

27 **(J) "TERRORIST INDIVIDUAL" SHALL REFER TO ANY NATURAL**
28 **PERSON WHO COMMITS ANY OF THE ACTS DEFINED AND PENALIZED**
29 **UNDER THE PROVISIONS OF THIS ACT, AS A PRINCIPAL, ACCOMPLICE**

1 **OR ACCESSORY, OR THOSE WHO ARE MEMBERS OF TERRORIST
2 ORGANIZATIONS PROSCRIBED UNDER SECTION 24 HEREOF;**

3

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

9

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

16

17 **SECTION 4.** Section 3 of the same Act is also hereby renumbered and

18 amended to read as follows:

19 **"SEC. [3] 4. [Terrorism] TERRORIST ACTS. – [Any person who commits an
20 act punishable under any of the following provisions of the Revised Penal Code:] ANY
21 **PERSON WHO COMMITS ANY OF THE FOLLOWING UNLAWFUL ACTS, IN OR
22 OUTSIDE OF THE PHILIPPINES, REGARDLESS OF ITS STAGE OF EXECUTION:****

- 23 [a. Article 122 (Piracy in General and Mutiny in the High Seas or in the
24 Philippine Waters);
- 25 b. Article 134 (Rebellion or Insurrection);
- 26 c. Article 134-a (Coup d' Etat), including acts committed by private persons;
- 27 d. Article 248 (Murder);
- 28 e. Article 267 (Kidnapping and Serious Illegal Detention);
- 29 f. Article 324 (Crimes Involving Destruction); or under
- 30 (1) Presidential Decree No. 1613 (The Law on Arson);

- (2) Republic Act No. 6969 (Toxic Substances and Hazardous and Nuclear Waste Control Act of 1990);
- (3) Republic Act No. 5207, (Atomic Energy Regulatory and Liability Act of 1968);
- (4) Republic Act No. 6235 (Anti-Hijacking Law);
- (5) Presidential Decree No. 532 (Anti-Piracy and Anti-Highway Robbery Law of 1974); and
- (6) Presidential Decree No. 1866, as amended (Decree Codifying the Laws on Illegal and Unlawful Possession, Manufacture, Dealing in, Acquisition or Disposition of Firearms, Ammunitions or Explosives) thereby sowing and creating a condition of widespread and extraordinary fear and panic among the populace, in order to coerce the government to give in to an unlawful demand shall be guilty of the crime of terrorism and shall suffer the penalty of forty (40) years of imprisonment, without the benefit of parole as provided for under Act No. 4103, otherwise known as the Indeterminate Sentence Law, as amended.]

- A. ATTACKS THAT CAUSE DEATH OR SERIOUS BODILY INJURY TO ANY PERSON, OR ENDANGERS A PERSON'S LIFE;
- B. ATTACKS THAT CAUSE EXTENSIVE DAMAGE OR DESTRUCTION TO A GOVERNMENT OR PUBLIC FACILITY, CRITICAL INFRASTRUCTURE, PUBLIC PLACE OR PRIVATE PROPERTY LIKELY TO ENDANGER HUMAN LIFE OR RESULT IN MAJOR ECONOMIC LOSS;
- C. MANUFACTURE, POSSESSION, ACQUISITION, TRANSPORT, SUPPLY OR USE OF WEAPONS, EXPLOSIVES OR OF BIOLOGICAL OR CHEMICAL WEAPONS, AS WELL AS RESEARCH INTO, AND DEVELOPMENT OF, BIOLOGICAL AND CHEMICAL WEAPONS;

1 D. RELEASE OF DANGEROUS SUBSTANCES, OR CAUSING FIRES,
2 FLOODS OR EXPLOSIONS THE EFFECT OF WHICH IS TO
3 ENDANGER HUMAN LIFE; AND

4 E. THREAT TO COMMIT ANY OF THE ACTS LISTED IN PARAGRAPHS
5 (A) TO (D) OF THIS SECTION

6 WHEN THE PURPOSE OF SUCH ACT, BY ITS NATURE AND CONTEXT, IS
7 TO INTIMIDATE, PUT IN FEAR, FORCE OR INDUCE THE GOVERNMENT
8 OR ANY INTERNATIONAL ORGANIZATION, OR THE PUBLIC TO DO OR
9 TO ABSTAIN FROM DOING ANY ACT, OR SERIOUSLY DESTABILIZE OR
10 DESTROY THE FUNDAMENTAL POLITICAL, ECONOMIC OR SOCIAL
11 STRUCTURES OF THE COUNTRY, OR CREATE A PUBLIC EMERGENCY OR
12 UNDERMINE PUBLIC SAFETY, SHALL BE GUILTY OF COMMITTING A
13 TERRORIST ACT AND SHALL SUFFER THE PENALTY OF LIFE
14 IMPRISONMENT WITHOUT THE BENEFIT OF PAROLE AND THE
15 BENEFITS OF REPUBLIC ACT NO. 10592, OTHERWISE KNOWN AS "AN
16 ACT AMENDING ARTICLES 29, 94, 97, 98 AND 99 OF ACT NO. 3815, AS
17 AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL CODE":
18 PROVIDED, THAT, TERRORIST ACTS AS DEFINED UNDER THIS
19 SECTION SHALL NOT COVER LEGITIMATE EXERCISES OF THE
20 FREEDOM OF EXPRESSION AND TO PEACEABLY ASSEMBLE,
21 INCLUDING BUT NOT LIMITED TO ENGAGING IN ADVOCACY, PROTEST,
22 DISSENT OR MASS ACTION WHERE A PERSON DOES NOT HAVE THE
23 INTENTION TO USE OR URGE THE USE OF FORCE OR VIOLENCE OR
24 CAUSE HARM TO OTHERS."

25
26 **SECTION 5.** R.A. No. 9372 is also hereby renumbered and amended by
27 inserting a new Section 5, as follows:

28 **"SEC. 5. PLANNING, TRAINING, PREPARING AND FACILITATING
29 THE COMMISSION OF A TERRORIST ACT. - IT SHALL BE UNLAWFUL
30 FOR ANY PERSON TO PARTICIPATE IN THE PLANNING, TRAINING,**

1 PREPARATION AND FACILITATION IN THE COMMISSION OF A
2 TERRORIST ACT, POSSESSING OBJECTS CONNECTED IN THE
3 COMMISSION OF A TERRORIST ACT OR COLLECTING OR MAKING
4 DOCUMENTS LIKELY TO FACILITATE THE COMMISSION OF A
5 TERRORIST ACT. ANY PERSON FOUND GUILTY OF THE PROVISIONS
6 OF THIS ACT SHALL SUFFER THE PENALTY OF LIFE IMPRISONMENT
7 WITHOUT THE BENEFIT OF PAROLE AND THE BENEFITS OF R.A. NO.
8 **10592.**"

9

10 **SECTION 6.** Section 4 of the same Act is also hereby renumbered and
11 amended to read as follows:

12 "SEC. [4]. 6. **ATTEMPT OR** Conspiracy to Commit [Terrorism] **A**
13 **TERRORIST ACT.** - ANY ATTEMPT TO COMMIT ANY OF THE ACTS
14 DEFINED AND PENALIZED UNDER SECTION 4 OF THIS ACT SHALL BE
15 PENALIZED BY LIFE IMPRISONMENT WITHOUT THE BENEFIT OF
16 PAROLE AND THE BENEFITS OF R.A. NO. 10592.

17 **ANY CONSPIRACY** [Persons who conspire] to commit [the crime of
18 terrorism] **TERRORIST ACTS AS DEFINED AND PENALIZED UNDER**
19 **SECTION 4 OF THIS ACT** shall **BE PENALIZED BY** [suffer the penalty of forty
20 (40) years of imprisonment.] **LIFE IMPRISONMENT WITHOUT THE**
21 **BENEFIT OF PAROLE AND THE BENEFITS OF R.A. NO. 10592.**

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

25

26 **SECTION 7.** R.A. No. 9372 is also hereby renumbered and amended by
27 inserting new Sections 7 to 11, as follows:

28 "SEC. 7. **PROPOSAL TO COMMIT TERRORIST ACTS.** - ANY
29 PERSON WHO PROPOSES TO COMMIT TERRORIST ACTS AS DEFINED
30 IN SECTION 4 HEREOF SHALL SUFFER THE PENALTY OF

IMPRISONMENT FROM EIGHT (8) YEARS AND ONE DAY TO TWELVE (12) YEARS.

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

SEC. 9. RECRUITMENT TO AND MEMBERSHIP IN A TERRORIST ORGANIZATION. - ANY PERSON WHO SHALL RECRUIT ANOTHER TO PARTICIPATE, JOIN, COMMIT OR SUPPORT ANY TERRORIST ACT OR A TERRORIST INDIVIDUAL OR ANY TERRORIST ORGANIZATION, ASSOCIATION OR GROUP OF PERSONS WHICH IS PROSCRIBED UNDER SECTION 24 OF THIS ACT, OR THE UNITED NATIONS SECURITY COUNCIL-DESIGNATED TERRORIST ORGANIZATION, OR ORGANIZED FOR THE PURPOSE OF ENGAGING IN TERRORIST ACTS, SHALL SUFFER THE PENALTY OF LIFE IMPRISONMENT WITHOUT THE BENEFIT OF PAROLE AND THE BENEFITS OF R.A. NO. 10592.

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

1 SEC. 10. *FOREIGN TERRORIST.* – THE FOLLOWING ACTS ARE
2 UNLAWFUL AND SHALL BE PUNISHED WITH THE PENALTY OF LIFE
3 IMPRISONMENT WITHOUT THE BENEFIT OF PAROLE AND THE
4 BENEFITS OF R.A. NO. 10592:

- 5
- 6 (A) FOR ANY PERSON TO TRAVEL OR ATTEMPT TO TRAVEL TO A
7 STATE OTHER THAN HIS/HER STATE OF RESIDENCE OR
8 NATIONALITY, FOR THE PURPOSE OF PERPETRATING,
9 PLANNING, OR PREPARING FOR, OR PARTICIPATING IN
10 TERRORIST ACTS, OR PROVIDING OR RECEIVING TERRORIST
11 TRAINING; OR
- 12
- 13 (B) FOR ANY PERSON TO ORGANIZE OR FACILITATE THE TRAVEL
14 OF INDIVIDUALS WHO TRAVEL TO A STATE OTHER THAN THEIR
15 STATES OF RESIDENCE OR NATIONALITY FOR THE PURPOSE OF
16 PERPETRATING, PLANNING, TRAINING, OR PREPARING FOR,
17 OR PARTICIPATING IN TERRORIST ACTS OR PROVIDING OR
18 RECEIVING TERRORIST TRAINING, INCLUDING ACTS OF
19 RECRUITMENT WHICH MAY BE COMMITTED THROUGH ANY OF
20 THE FOLLOWING MEANS:
- 21
- 22 i. RECRUITING ANOTHER PERSON TO SERVE IN ANY
23 CAPACITY IN OR WITH AN ARMED FORCE IN A FOREIGN
24 STATE, WHETHER THE ARMED FORCE FORMS PART OF THE
25 ARMED FORCES OF THE GOVERNMENT OF THAT FOREIGN
26 STATE OR OTHERWISE;
- 27
- 28 ii. PUBLISHING AN ADVERTISEMENT OR PROPAGANDA,
29 FOR THE PURPOSE OF RECRUITING PERSONS TO SERVE IN
30 ANY CAPACITY IN OR WITH SUCH AN ARMED FORCE;

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

11
12 iv. PERFORMING ANY OTHER ACT WITH THE INTENTION
13 OF FACILITATING OR PROMOTING THE RECRUITMENT OF
14 PERSONS TO SERVE IN ANY CAPACITY IN OR WITH SUCH
15 AN ARMED FORCE.

16
17 (C) FOR ANY PERSON RESIDING ABROAD WHO COMES TO THE
18 PHILIPPINES TO PARTICIPATE IN PERPETRATING, PLANNING,
19 TRAINING, OR PREPARING FOR, OR PARTICIPATING IN TERRORIST
20 ACTS OR PROVIDE SUPPORT FOR OR FACILITATE TERRORIST
21 TRAINING HERE OR ABROAD.

22
23 SEC. 11. *PROVIDING MATERIAL SUPPORT TO TERRORISTS.* -
24 ANY PERSON WHO KNOWINGLY PROVIDES MATERIAL SUPPORT TO
25 ANY TERRORIST INDIVIDUAL OR TERRORIST ORGANIZATION,
26 ASSOCIATION OR GROUP OF PERSONS COMMITTING, INCITING TO OR
27 PLANNING TO COMMIT ANY OF THE ACTS PUNISHABLE UNDER
28 SECTION 4 HEREOF, OR WHO SHOULD HAVE KNOWN THAT SUCH
29 INDIVIDUAL OR ORGANIZATION, ASSOCIATION, OR GROUP OF
30 PERSONS IS COMMITTING OR PLANNING TO COMMIT SUCH ACTS,

1 **SHALL BE LIABLE AS PRINCIPAL TO ANY AND ALL TERRORIST**
2 **ACTIVITIES COMMITTED BY SAID INDIVIDUALS OR ORGANIZATIONS,**
3 **IN ADDITION TO OTHER CRIMINAL LIABILITIES HE/SHE OR THEY**
4 **MAY HAVE INCURRED IN RELATION THERETO.”**

5
6 **SECTION 8.** Section 5 of the same Act is also hereby renumbered and
7 amended to read as follows:

8 “SEC. [5] **12.** *Accomplice.* - Any person who, not being a principal under Article
9 17 of the Revised Penal Code or a conspirator as defined in Section [4] **3(A) AND**
10 **SECTION 5** hereof, cooperates in the execution of [either] **ANY OF** the crimeS [of
11 terrorism or conspiracy to commit terrorism] **DEFINED AND PENALIZED UNDER**
12 **THE PROVISIONS OF THIS ACT,** by previous or simultaneous acts **SHALL BE**
13 **LIABLE AS AN ACCOMPLICE AND** shall suffer the penalty of **IMPRISONMENT**
14 **RANGING** from seventeen (17) years, four **(4)** months **AND** one day to twenty (20)
15 years [of imprisonment].”

16
17 **SECTION 9.** Section 6 of the same Act is also hereby renumbered and
18 amended to read as follows:

19 “SEC. [6] **13.** *Accessory.* - Any person who, having knowledge of the
20 commission of **ANY OF** the crimeS [of terrorism or conspiracy to commit terrorism,]
21 **DEFINED AND PENALIZED UNDER THE PROVISIONS OF THIS ACT,** and without
22 having participated therein, either as principal or accomplice under Articles 17 and 18 of
23 the Revised Penal Code, takes part subsequent to its commission in any of the following
24 manner: (a) by profiting himself or assisting the offender to profit by the effects of the
25 crime; (b) by concealing or destroying the body of the crime, or the effects, or
26 instruments thereof, in order to prevent its discovery; **OR** (c) by harboring, concealing,
27 or assisting in the escape of the principal or conspirator of the crime, **SHALL BE**
28 **LIABLE AS AN ACCESSORY AND** shall suffer the penalty of **IMPRISONMENT**
29 **RANGING FROM** ten (10) years and one day to twelve (12) years [of imprisonment].

30

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

6

7 **SECTION 10.** R.A. No. 9372 is also hereby renumbered and amended by
8 inserting a new Section 14, as follows:

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

18

19 **SECTION 11.** Section 7 of the same Act is also hereby renumbered and
20 amended to read as follows:

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

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

14

15 **THE LAW ENFORCEMENT OR MILITARY PERSONNEL SHALL LIKEWISE**
16 **FILE AN EX-PARTE APPLICATION WITH THE COURT OF APPEALS FOR THE**
17 **ISSUANCE OF AN ORDER, TO COMPEL TELECOMMUNICATIONS SERVICE**
18 **PROVIDERS (TSP) AND INTERNET SERVICE PROVIDERS (ISP) TO PRODUCE**
19 **ALL CUSTOMER INFORMATION AND IDENTIFICATION RECORDS AS WELL AS**
20 **CALL AND TEXT DATA RECORDS, CONTENT AND OTHER CELLULAR OR**
21 **INTERNET METADATA OF ANY PERSON SUSPECTED OF ANY OF THE CRIMES**
22 **DEFINED AND PENALIZED UNDER THE PROVISIONS OF THIS ACT. UPON**
23 **ISSUANCE OF SAID ORDER, NOTICE THEREOF SHALL BE GIVEN TO**
24 **NATIONAL TELECOMMUNICATIONS COMMISSION (NTC) TO ENSURE**
25 **IMMEDIATE COMPLIANCE."**

26

27 **SECTION 12.** Section 8 of the same Act is also hereby renumbered and
28 amended to read as follows:

29 "SEC. [8] **16. Formal Application for Judicial Authorization.** - The written order
30 [of the authorizing division of the Court of Appeals] to **CONDUCT THE ACTS**

1 **AUTHORIZED UNDER SEC. 15 OF THIS ACT** [track down, tap, listen to, intercept,
2 and record communications, messages, conversations, discussions, or spoken or written
3 words of any person suspected of the crime of terrorism or the crime of conspiracy to
4 commit terrorism] shall only be granted by the authorizing division of the Court of
5 Appeals upon an *ex parte* written application of a [police or of a] law enforcement
6 [official] **AGENT OR DEPUTIZED LAW ENFORCEMENT AGENCY, OR MILITARY**
7 **PERSONNEL**, who has been duly authorized in writing by the Anti-Terrorism Council
8 [created in Section 53 of this Act to file such ex parte application], and upon
9 examination under oath or affirmation of the applicant and the witnesses **ESTABLISH**
10 [he may produce to establish]: (a) that there is probable cause to believe based on
11 personal knowledge of facts or circumstances that the [said] crimeS **DEFINED AND**
12 **PENALIZED** [of terrorism or conspiracy to commit terrorism] **UNDER THE**
13 **PROVISIONS OF THIS ACT** has been committed, or is being committed, or is about
14 to be committed; (b) that there is probable cause to believe based on personal
15 knowledge of facts or circumstances that evidence, which is essential to the conviction
16 of any charged or suspected person for, or to the solution or prevention of, any such
17 crimes, will be obtained; and, (c) that there is no other effective means readily available
18 for acquiring such evidence."

19
20 **SECTION 13.** Section 9 of the same Act is also hereby renumbered and
21 amended to read as follows:

22 "SEC. [9] **17. Classification and Contents of the Order of the Court.** - The written
23 order granted by the authorizing division of the Court of Appeals as well as [its order, if
24 any, to extend or renew the same, the original application of the applicant, including his
25 application to extend or renew, if any, and the written authorizations of the Anti-
26 Terrorism Council] **THE APPLICATION FOR SUCH ORDER**, shall be deemed and are
27 hereby declared as classified information. **BEING CLASSIFIED INFORMATION,**
28 **ACCESS TO THE SAID DOCUMENTS AND ANY INFORMATION CONTAINED IN**
29 **SAID DOCUMENTS SHALL BE LIMITED TO THE APPLICANTS, DULY**
30 **AUTHORIZED PERSONNEL OF THE ANTI-TERRORISM COUNCIL, THE**

1 **HEARING JUSTICES, THE CLERK OF COURT AND DULY AUTHORIZED**
2 **PERSONNEL OF THE HEARING OR ISSUING COURT.** [: Provided, That the person
3 being surveilled or whose communications, letters, papers, messages, conversations,
4 discussions, spoken or written words and effects have been monitored, listened to,
5 bugged or recorded by law enforcement authorities has the right to be informed of the
6 acts done by the law enforcement authorities in the premises or to challenge, if he or
7 she intends to do so, the legality of the interference before the Court of Appeals which
8 issued the written order.] The written order of the authorizing division of the Court of
9 Appeals shall specify the following: (a) the identity, such as name and address, if
10 known, of the [charged or suspected] person **OR PERSONS** whose communications,
11 messages, conversations, discussions, or spoken or written words are to be tracked
12 down, tapped, listened to, intercepted, and recorded and, in the case of radio,
13 electronic, or telephonic (whether wireless or otherwise) communications, messages,
14 conversations, discussions, or spoken or written words, the electronic transmission
15 systems or the telephone numbers to be tracked down, tapped, listened to, intercepted,
16 and recorded and their locations or if the person **OR PERSONS** suspected of
17 **COMMITTING ANY OF** the crimeS **DEFINED AND PENALIZED** [of terrorism or
18 conspiracy to commit terrorism is] **UNDER THE PROVISIONS OF THIS ACT ARE** not
19 fully known, such person **OR PERSONS** shall be subject to continuous surveillance
20 provided there is a reasonable ground to do so; (b) the identity [(name, address, and
21 the police or law enforcement organization)] of the [police or of the] law enforcement
22 [official] **AGENT OR MILITARY PERSONNEL**, including the individual identity
23 [(names, addresses, and the police or law enforcement organization)] of the members
24 of his team, judicially authorized to [track down, tap, listen to, intercept, and record the
25 communications, messages, conversations, discussions, or spoken or written words]
26 **UNDERTAKE SURVEILLANCE ACTIVITIES**; (c) the offense or offenses committed,
27 or being committed, or sought to be prevented; and, (d) the length of time within
28 which the authorization shall be used or carried out."

29

1 **SECTION 14.** Section 10 of the same Act is also hereby renumbered and
2 amended to read as follows:

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

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

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

29 If no case is filed [within the thirty (30)-day period] **AFTER THE LAPSE**
30 **OF THE JUDICIAL AUTHORIZATION**, the applicant [police or] law

1 enforcement **OR MILITARY** official shall immediately notify the person subject
2 of the surveillance, interception and recording of the termination of the said
3 surveillance, interception and recording. The penalty of **IMPRISONMENT**
4 **FROM** ten (10) years and one day to twelve (12) years [of imprisonment] shall
5 be imposed upon the applicant [police or] law enforcement **OR MILITARY**
6 official who fails to notify the person subject of the surveillance, monitoring,
7 interception and recording as specified above."

9 **SECTION 15.** Section 11 of the same Act is also hereby renumbered and
10 amended to read as follows:

11 "SEC. [11.] **19. Custody of Intercepted and Recorded Communications.** -
12 All tapes, discs, **OTHER STORAGE DEVICES**, [and] recordings, **NOTES**,
13 **MEMORANDA, SUMMARIES, EXCERPTS AND ALL COPIES THEREOF**
14 [made pursuant to the authorization of the authorizing division of the]
15 **OBTAINED UNDER THE JUDICIAL AUTHORIZATION GRANTED BY THE**
16 Court of Appeals [, including all excerpts and summaries thereof as well as all
17 written notes or memoranda made in connection therewith,] shall, within forty-
18 eight (48) hours after the expiration of the period fixed in the written order [of
19 the authorizing division of the Court of Appeals or within forty-eight (48) hours
20 after the expiration of any] **OR THE** extension or renewal granted [by the
21 authorizing division of the Court of Appeals] **THEREAFTER**, be deposited with
22 the [authorizing Division of the Court of Appeals] **ISSUING COURT** in a sealed
23 envelope or sealed package, as the case may be, and shall be accompanied by a
24 joint affidavit of the applicant [police or] law enforcement **OR MILITARY** official
25 and the members of his team. **THE JOINT AFFIDAVIT SHALL PROVIDE THE**
26 **CHAIN OF CUSTODY OR THE LIST OF PERSONS WHICH EXERCISED**
27 **POSSESSION OR CUSTODY OVER THE TAPES, DISCS AND**
28 **RECORDINGS.**

29 [In case of death of the applicant or in case he is physically disabled to
30 execute the required affidavit, the one next in rank to the applicant among the

1 members of the team named in the written order of the authorizing division of
2 the Court of Appeals shall execute with the members of the team that required
3 affidavit.]

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

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

16 **SECTION 16.** Section 12 of the same Act is also hereby renumbered and
17 amended to read as follows:

18 "SEC. [12] **20.** *Contents of Joint Affidavit.* - The joint affidavit of the
19 [police or of the] law enforcement [official and the individual members of his
20 team] **OR MILITARY PERSONNEL** shall state: (a) the number of tapes, discs,
21 and recordings that have been made, [as well as the number of excerpts and
22 summaries thereof and the number of written notes and memoranda, if any,
23 made in connection therewith]; (b) the dates and times covered by each of such
24 tapes, discs, and recordings; [(c) the number of tapes, discs, and recordings, as
25 well as the number of excerpts and summaries thereof and the number of
26 written notes and memoranda made in connection therewith that have been
27 included in the deposit; and (d) the date of the original written authorization
28 granted by the Anti-Terrorism Council to the applicant to file the ex parte
29 application to conduct the tracking down, tapping, intercepting, and recording,
30 as well as the date of any extension or renewal of the original written authority

1 granted by the authorizing division of the Court of Appeals] **AND (C) THE**
2 **CHAIN OF CUSTODY OR THE LIST OF PERSONS WHO HAD POSSESSION**
3 **OR CUSTODY OVER THE TAPES, DISCS AND RECORDINGS.**

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

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

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

19

20 **SECTION 17.** Section 13 of the same Act is also hereby renumbered and
21 amended to read as follows:

22 "SEC. [13] **21. Disposition of Deposited Materials.** - The sealed envelope
23 or sealed package and the contents thereof, **REFERRED TO IN SECTION 19**
24 **OF THIS ACT,** [which are deposited with the authorizing division of the Court of
25 Appeals,] shall be deemed and are hereby declared classified information. [, and
26 t] The sealed envelope or sealed package shall not be opened, [and its contents
27 (including the tapes, discs, and recordings and all the excerpts and summaries
28 thereof and the notes and memoranda made in connection therewith) shall not
29 be divulged, revealed, read, replayed,] **DISCLOSED**, or used as evidence unless
30 authorized by **A** written order of the authorizing division of the Court of Appeals

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

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

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

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

SECTION 18. Section 14 of R.A. No. 9372 is hereby deleted.

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

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

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

9
10 **SECTION 19.** Section 15 of the same Act is also hereby renumbered to
11 read as follows:

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

20
21 **SECTION 20.** Section 16 of the same Act is also hereby renumbered and
22 amended to read as follows:

23
24 "SEC. [16] **23.** *Penalty for Unauthorized or Malicious Interceptions and/or*
25 *Recordings.* - Any [police or] law enforcement **OR MILITARY** personnel who [,
26 not being authorized to do so by the authorizing division of the Court of Appeals,
27 tracks down, taps, listens to, intercepts, and records in whatever manner or form
28 any communication, message, conversation, discussion, or spoken or written
29 word of a person charged with or suspected of the crime of terrorism or the
30 crime of conspiracy to commit terrorism] **CONDUCTS SURVEILLANCE**

1 **ACTIVITIES WITHOUT A VALID JUDICIAL AUTHORIZATION** shall be
2 guilty of an offense and shall suffer the penalty of **IMPRISONMENT RANGING**
3 **FROM** ten (10) years and one day to twelve (12) years [of imprisonment].

4 [In addition to the liability attaching to the offender for the commission of
5 any other offense, the penalty of ten (10) years and one day to twelve (12)
6 years of imprisonment and the accessory penalty of perpetual absolute
7 disqualification from public office shall be imposed upon any police or law
8 enforcement personnel who maliciously obtained an authority from the Court of
9 Appeals to track down, tap, listen to, intercept, and record in whatever manner
10 or form any communication, message, conversation, discussion, or spoken or
11 written words of a person charged with or suspected of the crime of terrorism or
12 conspiracy to commit terrorism: *Provided*, That notwithstanding Section 13 of
13 this Act, the party aggrieved by such authorization shall be allowed access to the
14 sealed envelope or sealed package and the contents thereof as evidence for the
15 prosecution of any police or law enforcement personnel who maliciously
16 procured said authorization.]"

17
18 **SECTION 21.** Section 17 of the same Act is also hereby renumbered and
19 amended to read as follows:

20 "SEC. [17] **24. Proscription of Terrorist Organizations, Association, or**
21 **Group of Persons.** - Any **GROUP OF PERSONS**, organization, **OR** association,
22 [or group of persons organized for the purpose of engaging in terrorism, or]
23 which [, although not organized for that purpose, actually uses the acts to
24 terrorize mentioned in this Act or to sow and create a condition of widespread
25 and extraordinary fear and panic among the populace in order to coerce the
26 government to give in to an unlawful demand] **COMMITTS ANY OF THE ACTS**
27 **DEFINED AND PENALIZED UNDER THE PROVISIONS OF THIS ACT, OR**
28 **EXISTS FOR THE PURPOSE OF ENGAGING IN TERRORIST ACTS** shall,
29 upon application of the Department of Justice before a competent Regional Trial
30 Court, with due notice and opportunity to be heard given to the **GROUP OF**

1 **PERSONS**, organization [,] **OR** association, [or group of persons concerned],
2 be declared as a terrorist and outlawed **GROUP OF PERSONS**, organization[,]
3 **OR** association, [or group of persons] by the said Regional Trial Court.

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

10
11 **SECTION 22.** R.A. No. 9372 is also hereby renumbered and amended by
12 inserting new Sections 25 to 26, as follows:

13 **"SEC. 25. PRELIMINARY ORDER OF PROSCRIPTION. - WHERE**
14 **THE REGIONAL TRIAL COURT JUDGE HAS DETERMINED THAT**
15 **PROBABLE CAUSE EXISTS ON THE BASIS OF THE VERIFIED**
16 **APPLICATION WHICH IS SUFFICIENT IN FORM AND SUBSTANCE,**
17 **HE/SHE SHALL, WITHIN SEVENTY TWO (72) HOURS FROM THE FILING**
18 **OF THE APPLICATION, ISSUE A PRELIMINARY ORDER OF**
19 **PROSCRIPTION DECLARING THAT THE RESPONDENT IS A TERRORIST**
20 **AND AN OUTLAWED ORGANIZATION OR ASSOCIATION WITHIN THE**
21 **MEANING OF SECTION 24 OF THIS ACT.**

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

29 **THE ORDER OF PROSCRIPTION HEREIN GRANTED SHALL BE**
30 **POSTED IN A NEWSPAPER OF GENERAL CIRCULATION AND SHALL BE**

1 **VALID FOR A PERIOD OF THREE YEARS AFTER WHICH, A REVIEW OF**
2 **SUCH ORDER SHALL BE MADE AND IF CIRCUMSTANCES WARRANT,**
3 **THE SAME SHALL BE LIFTED.**

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

17 **SECTION 23.** Section 18 of the same Act is also hereby renumbered and
18 amended to read as follows:

19 "SEC. [18] **27. [Period of] Detention Without Judicial Warrant of Arrest.** -
20 The provisions of Article 125 of the Revised Penal Code to the contrary
21 notwithstanding, any [police or] law enforcement personnel **OR DEPUTIZED**
22 **LAW ENFORCEMENT AGENCY OR MILITARY PERSONNEL**, who, having
23 been duly authorized in writing by the Anti-Terrorism Council has taken custody
24 of a person charged with or suspected of **COMMITTING ANY TERRORIST**
25 **ACTS** [the crime of terrorism] or **ANY ATTEMPT OR CONSPIRACY TO**
26 **COMMIT TERRORIST ACTS** [the crime of conspiracy to commit terrorism
27 shall,] **OR ANY MEMBER OF A GROUP OF PERSONS, ORGANIZATION OR**
28 **ASSOCIATION PROSCRIBED IN ACCORDANCE WITH SECTION 24**
29 **HEREOF SHALL**, without incurring any criminal liability for delay in the delivery
30 of detained persons to the proper judicial authorities, deliver said charged or

1 suspected person to the proper judicial authority within a period of [three]
2 **FOURTEEN (14) WORKING** days counted from the moment the said charged
3 or suspected person has been apprehended or arrested, detained, and taken into
4 custody by the [said police, or] law enforcement **PERSONNEL OR DEPUTIZED**
5 **LAW ENFORCEMENT AGENCY OR MILITARY** personnel **IF IT IS**
6 **ESTABLISHED THAT (1) FURTHER DETENTION OF THE PERSON/S IS**
7 **NECESSARY TO PRESERVE EVIDENCE RELATED TO THE TERRORIST**
8 **ACT OR COMPLETE THE INVESTIGATION; (2) FURTHER DETENTION OF**
9 **THE PERSON/S IS NECESSARY TO PREVENT THE COMMISSION OF**
10 **ANOTHER TERRORIST ACT; AND (3) THE INVESTIGATION IS BEING**
11 **CONDUCTED PROPERLY AND WITHOUT DELAY.** [*Provided*, That the arrest
12 of those suspected of the crime of terrorism or conspiracy to commit terrorism
13 must result from the surveillance under Section 7 and examination of bank
14 deposits under Section 27 of this Act.]

15 [The police or law enforcement personnel concerned shall, before
16 detaining the person suspected of the crime of terrorism, present him or her
17 before any judge at the latter's residence or office nearest the place where the
18 arrest took place at any time of the day or night. It shall be the duty of the
19 judge, among other things, to ascertain the identity of the police or law
20 enforcement personnel and the person or persons they have arrested and
21 presented before him or her, to inquire of them the reasons why they have
22 arrested the person and determine by questioning and personal observation
23 whether or not the suspect has been subjected to any physical, moral or
24 psychological torture by whom and why. The judge shall then submit a written
25 report of what he/she had observed when the subject was brought before him to
26 the proper court that has jurisdiction over the case of the person thus arrested.
27 The judge shall forthwith submit his/her report within three calendar days from
28 the time the suspect was brought to his/her residence or office.]

29

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

18
19 **THE HEAD OF THE DETAINING FACILITY SHALL ENSURE THAT**
20 **THE DETAINED SUSPECT IS INFORMED OF HIS/HER RIGHTS AS A**
21 **DETAINEE AND SHALL ENSURE ACCESS TO THE DETAINEE BY HIS/HER**
22 **COUNSEL OR AGENCIES AND ENTITIES AUTHORIZED BY LAW TO**
23 **EXERCISE VISITORIAL POWERS OVER DETENTION FACILITIES.**

24
25 The penalty of **IMPRISONMENT RANGING FROM** ten (10) years and
26 one day to twelve (12) years [of imprisonment] shall be imposed upon the police
27 or law enforcement **OR MILITARY** personnel who fails to notify any judge as
28 provided in the preceding paragraph."

29
30 **SECTION 24.** Sections 19 and 20 of R.A. No. 9372 are hereby deleted.

1 [SEC. 19 . *Period of Detention in the Event of an Actual or Imminent*
2 *Terrorist Attack.* - In the event of an actual or imminent terrorist attack, suspects
3 may not be detained for more than three days without the written approval of a
4 municipal, city, provincial or regional official of a Human Rights Commission or
5 judge of the municipal, regional trial court, the Sandiganbayan or a justice of the
6 Court of Appeals nearest the place of the arrest. If the arrest is made during
7 Saturdays, Sundays, holidays or after office hours, the arresting police or law
8 enforcement personnel shall bring the person thus arrested to the residence of
9 any of the officials mentioned above that is nearest the place where the accused
10 was arrested. The approval in writing of any of the said officials shall be secured
11 by the police or law enforcement personnel concerned within five days after the
12 date of the detention of the persons concerned: *Provided, however,* That within
13 three days after the detention the suspects, whose connection with the terror
14 attack or threat is not established, shall be released immediately.]
15

16 [SEC. 20. *Penalty for Failure to Deliver Suspect to the Proper Judicial*
17 *Authority within Three Days.* - The penalty of ten (10) years and one day to
18 twelve (12) years of imprisonment shall be imposed upon any police or law
19 enforcement personnel who has apprehended or arrested, detained and taken
20 custody of a person charged with or suspected of the crime of terrorism or
21 conspiracy to commit terrorism and fails to deliver such charged or suspected
22 person to the proper judicial authority within the period of three days.]
23

24 **SECTION 25.** Section 21 of the same Act is also hereby renumbered and
25 amended to read as follows:

26 "SEC. [21] 28. *Rights of a Person under Custodial Detention.* - The
27 moment a person charged with or suspected of the crime of terrorism or the
28 crime of conspiracy to commit terrorism is apprehended or arrested and
29 detained, he shall forthwith be informed, by the arresting police or law
30 enforcement officers or by the police or law enforcement officers to whose

1 custody the person concerned is brought, of his or her right: (a) to be informed
2 of the nature and cause of his arrest, to remain silent and to have competent
3 and independent counsel preferably of his choice. If the person cannot afford the
4 services of counsel of his or her choice, the [police or] law enforcement
5 [officers] **OR MILITARY PERSONNEL** concerned shall immediately contact the
6 free legal assistance unit of the Integrated Bar of the Philippines (IBP) or the
7 Public Attorney's Office (PAO). It shall be the duty of the free legal assistance
8 unit of the IBP or the PAO thus contacted to immediately visit the person(s)
9 detained and provide him or her with legal assistance. These rights cannot be
10 waived except in writing and in the presence of the counsel of choice; (b)
11 informed of the cause or causes of his detention in the presence of his legal
12 counsel; (c) allowed to communicate freely with his legal counsel and to confer
13 with them at any time without restriction; (d) allowed to communicate freely and
14 privately without restrictions with the members of his family or with his nearest
15 relatives and to be visited by them; and, (e) allowed freely to avail of the service
16 of a physician or physicians of choice."

17

18 **SECTION 26.** Section 22 of the same Act is also hereby renumbered and
19 amended to read as follows:

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

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

6

7 **SECTION 27.** Section 23 of R.A. No. 9372 is hereby deleted.

8 *[SEC. 23. Requirement for an Official Custodial Logbook and its Contents.]*

9 - The police or other law enforcement custodial unit in whose care and control
10 the person charged with or suspected of the crime of terrorism or the crime of
11 conspiracy to commit terrorism has been placed under custodial arrest and
12 detention shall keep a securely and orderly maintained official logbook, which is
13 hereby declared as a public document and opened to and made available for the
14 inspection and scrutiny of the lawyer or lawyers of the person under custody or
15 any member of his or her family or relative by consanguinity or affinity within the
16 fourth civil degree or his or her physician at any time of the day or night without
17 any form of restriction. The logbook shall contain a clear and concise record of:
18 (a) the name, description, and address of the detained person; (b) the date and
19 exact time of his initial admission for custodial arrest and detention; (c) the
20 name and address of the physician or physicians who examined him physically
21 and medically; (d) the state of his health and physical condition at the time of his
22 initial admission for custodial detention; (e) the date and time of each removal of
23 the detained person from his cell for interrogation or for any purpose; (f) the
24 date and time of his return to his cell; (g) the name and address of the physician
25 or physicians who physically and medically examined him after each
26 interrogation; (h) a summary of the physical and medical findings on the
27 detained person after each of such interrogation; (i) the names and addresses of
28 his family members and nearest relatives, if any and if available; (j) the names
29 and addresses of persons, who visit the detained person; (k) the date and time
30 of each of such visits; (l) the date and time of each request of the detained

1 person to communicate and confer with his legal counsel or counsels; (m) the
2 date and time of each visit, and date and time of each departure of his legal
3 counsel or counsels; and, (n) all other important events bearing on and all
4 relevant details regarding the treatment of the detained person while under
5 custodial arrest and detention.

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

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

19 **SECTION 28.** Section 24 of the same Act is also hereby renumbered and
20 amended to read as follows:

21 “SEC. [24] **30. No Torture or Coercion in Investigation and Interrogation.**
22 – [No threat, intimidation, or coercion, and no act which will inflict any form of
23 physical pain or torment, or mental, moral, or psychological pressure, on the
24 detained person, which shall vitiate his free will, shall be employed in his
25 investigation and interrogation for the crime of terrorism or the crime of
26 conspiracy to commit terrorism; otherwise, the] **THE USE OF TORTURE AND**
27 **OTHER CRUEL, INHUMAN AND DEGRADING TREATMENT OR**
28 **PUNISHMENT, AS DEFINED IN SECTIONS 4 AND 5 OF REPUBLIC ACT**
29 **NO. 9745 OTHERWISE KNOWN AS THE “ANTI-TORTURE ACT OF 2009,”**
30 **AT ANY TIME DURING THE INVESTIGATION OR INTERROGATION OF A**

1 **DETAINED SUSPECTED TERRORIST IS ABSOLUTELY PROHIBITED. ANY**
2 evidence obtained from said detained person resulting from such [threat,
3 intimidation, or coercion, or from such inflicted physical pain or torment, or
4 mental, moral, or psychological pressure,] **TREATMENT** shall be, in its entirety,
5 absolutely not admissible and usable as evidence in any judicial, quasi-judicial,
6 legislative, or administrative investigation, inquiry, proceeding, or hearing."

7

8 **SECTION 29.** Section 25 of R.A. No. 9372 is hereby deleted.

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

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

23

24 **SECTION 30.** Section 26 of the same Act is also hereby renumbered and
25 amended to read as follows:

26 "SEC. [26] **31. Restriction on THE RIGHT TO Travel. – UPON THE**
27 **FILING OF THE INFORMATION REGARDING THE COMMISSION OF ANY**
28 **ACTS DEFINED AND PENALIZED UNDER THE PROVISIONS OF THIS**
29 **ACT, THE PROSECUTOR SHALL APPLY WITH THE COURT HAVING**
30 **JURISDICTION FOR THE ISSUANCE OF A PRECAUTIONARY HOLD**

1 **DEPARTURE ORDER (PHDO) AGAINST THE ACCUSED. THE SAID**
2 **APPLICATION SHALL BE ACCCOMPANIED BY THE COMPLAINT-**
3 **AFFIDAVIT AND ITS ATTACHMENTS, PERSONAL DETAILS, PASSPORT**
4 **NUMBER AND A PHOTOGRAPH OF THE ACCUSED, IF AVAILABLE.**

5 In cases where evidence of guilt is not strong, and the person charged [with the
6 crime of terrorism or conspiracy to commit terrorism] is entitled to bail and is
7 granted the same, the court, upon application by the prosecutor, shall limit the
8 right of travel of the accused to within the municipality or city where he resides
9 or where the case is pending, in the interest of national security and public
10 safety, consistent with Article III, Section 6 of the Constitution. **THE COURT**
11 **SHALL IMMEDIATELY FURNISH THE DEPARTMENT OF JUSTICE AND**
12 **THE BUREAU OF IMMIGRATION WITH THE COPY OF SAID ORDER.**

13 Travel outside of said municipality or city, without the authorization of the court,
14 shall be deemed a violation of the terms and conditions of his bail, which shall be
15 forfeited as provided under the Rules of Court.

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

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

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

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

29 **SECTION 31.** Sections 27 to 35 of R.A. No. 9372 are hereby deleted.

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

19
20 **[SEC. 28. Application to Examine Bank Deposits, Accounts, and Records.** - The
21 written order of the Court of Appeals authorizing the examination of bank
22 deposits, placements, trust accounts, assets, and records: (1) of a person
23 charged with or suspected of the crime of terrorism or conspiracy to commit
24 terrorism; (2) of any judicially declared and outlawed terrorist organization,
25 association, or group of persons, or (3) of any member of such organization,
26 association, or group of persons in a bank or financial institution, and the
27 gathering of any relevant information about the same from said bank or financial
28 institution, shall only be granted by the authorizing division of the Court of
29 Appeals upon an *ex parte* application to that effect of a police or of a law
30 enforcement official who has been duly authorized in writing to file such *ex parte*

1 application by the Anti-Terrorism Council created in Section 53 of this Act to file
2 such *ex parte* application, and upon examination under oath or affirmation of the
3 applicant and, the witnesses he may produce to establish the facts that will
4 justify the need and urgency of examining and freezing the bank deposits,
5 placements, trust accounts, assets, and records: (1) of the person charged with
6 or suspected of the crime of terrorism or conspiracy to commit terrorism; (2) of a
7 judicially declared and outlawed terrorist organization, association or group of
8 persons; or (3) of any member of such organization, association, or group of
9 persons.]

10

11 [SEC. 29. *Classification and Contents of the Court Order Authorizing the*
12 *Examination of Bank Deposits, Accounts, and Records.* - The written order
13 granted by the authorizing division of the Court of Appeals as well as its order, if
14 any, to extend or renew the same, the original *ex parte* application of the
15 applicant, including his *ex parte application* to extend or renew, if any, and the
16 written authorizations of the Anti-Terrorism Council, shall be deemed and are
17 hereby declared as classified information: *Provided*, That the person whose bank
18 deposits, placements, trust accounts, assets, and records have been examined,
19 frozen, sequestered and seized by law enforcement authorities has the right to
20 be informed of the acts done by the law enforcement authorities in the premises
21 or to challenge, if he or she intends to do so, the legality of the interference. The
22 written order of the authorizing division of the Court of Appeals designated to
23 handle cases involving terrorism shall specify: (a) the identity of the said: (1)
24 person charged with or suspected of the crime of terrorism or conspiracy to
25 commit terrorism; (2) judicially declared and outlawed terrorist organization,
26 association, or group of persons; and (3) member of such judicially declared and
27 outlawed organization, association, or group of persons, as the case may be,
28 whose deposits, placements, trust accounts, assets, and records are to be
29 examined or the information to be gathered; (b) the identity of the bank or
30 financial institution where such deposits, placements, trust accounts, assets, and

records are held and maintained; (c) the identity of the persons who will conduct the said examination and the gathering of the desired information; and, (d) the length of time the authorization shall be carried out.]

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

The authorizing division of the Court of Appeals may extend or renew the said authorization for another period, which shall not exceed thirty (30) days renewable to another thirty (30) days from the expiration of the original period: *Provided*, That the authorizing division of the Court of Appeals is satisfied that such extension or renewal is in the public interest: and, *Provided, further*, That the application for extension or renewal, which must be filed by the original applicant, has been duly authorized in writing by the Anti-Terrorism Council.

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

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

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

12

13 [SEC. 31. *Custody of Bank Data and Information Obtained after Examination of*
14 *Deposits, Placements, Trust Accounts, Assets and Records.* - All information,
15 data, excerpts, summaries, notes, memoranda, working sheets, reports, and
16 other documents obtained from the examination of the bank deposits,
17 placements, trust accounts, assets and records of: (1) a person charged with or
18 suspected of the crime of terrorism or the crime of conspiracy to commit
19 terrorism; (2) a judicially declared and outlawed terrorist organization,
20 association, or group of persons; or (3) a member of any such organization,
21 association, or group of persons shall, within forty-eight (48) hours after the
22 expiration of the period fixed in the written order of the authorizing division of
23 the Court of Appeals or within forty-eight (48) hours after the expiration of the
24 extension or renewal granted by the authorizing division of the Court of Appeals,
25 be deposited with the authorizing division of the Court of Appeals in a sealed
26 envelope or sealed package, as the case may be, and shall be accompanied by a
27 joint affidavit of the applicant police or law enforcement official and the persons
28 who actually conducted the examination of said bank deposits, placements, trust
29 accounts, assets and records.]

30

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

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

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

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

4

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

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

21

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

1 [SEC. 35. *Evidentiary Value of Deposited Bank Materials.* - Any information, data,
2 excerpts, summaries, notes, memoranda, work sheets, reports, or documents
3 acquired from the examination of the bank deposits, placements, trust accounts,
4 assets and records of: (1) a person charged or suspected of the crime of
5 terrorism or the crime of conspiracy to commit terrorism; (2) a judicially declared
6 and outlawed terrorist organization, association, or group of persons; or (3) a
7 member of such organization, association, or group of persons, which have been
8 secured in violation of the provisions of this Act, shall absolutely not be
9 admissible and usable as evidence against anybody in any judicial, quasi-judicial,
10 legislative, or administrative investigation, inquiry, proceeding, or hearing.]
11

12 **SECTION 32.** R.A. No. 9372 is also hereby renumbered and amended by
13 inserting a new Section 32, as follows:

14 **"SEC. 32. BANK INQUIRY AND EXAMINATION. – UPON ORDER OF**
15 **THE COURT DECLARING AN ORGANIZATION, ASSOCIATION, OR**
16 **GROUP OF PERSONS, AS TERRORISTS OR AN OUTLAWED**
17 **ORGANIZATION OR ASSOCIATION IN ACCORDANCE WITH SECTION 24**
18 **HEREOF, OR IF A VALID JUDICIAL AUTHORIZATION IS AVAILABLE**
19 **AGAINST SUCH ORGANIZATION, ASSOCIATION OR GROUP OF**
20 **PERSONS, LAW ENFORCEMENT OFFICERS OR MILITARY PERSONNEL,**
21 **THRU THE ANTI MONEY LAUNDERING COUNCIL, MAY CONDUCT AN**
22 **INQUIRY AND EXAMINATION INTO THE BANK ACCOUNTS AND**
23 **INVESTMENTS OF SUCH ORGANIZATION, ASSOCIATION, GROUP OF**
24 **PERSONS, OR INDIVIDUAL. SUCH INQUIRY AND EXAMINATION**
25 **SHALL BE IN ACCORDANCE WITH REPUBLIC ACT NO. 9160,**
26 **OTHERWISE KNOWN AS THE "ANTI-MONEY LAUNDERING ACT OF**
27 **2001, AS AMENDED" IN RELATION TO REPUBLIC ACT 10168,**
28 **OTHERWISE KNOWN AS THE "TERRORISM FINANCING PREVENTION**
29 **AND SUPPRESSION ACT OF 2012". ANY PERSON, LAW ENFORCEMENT**
30 **OR MILITARY PERSONNEL WHO EXAMINES THE DEPOSITS,**

1 **PLACEMENTS, TRUST ACCOUNTS, ASSETS, OR RECORDS IN A BANK OR**
2 **FINANCIAL INSTITUTION IN CONTRAVENTION OF THE PREVIOUS**
3 **PARAGRAPH SHALL SUFFER THE PENALTY OF IMPRISONMENT**
4 **RANGING FROM TEN (10) YEARS AND ONE DAY TO TWELVE (12)**
5 **YEARS."**

6

7 **SECTION 33.** Section 36 of R.A. No. 9372 is hereby deleted.

8 [*SEC. 36. Penalty for Unauthorized or Malicious Examination of a Bank or*
9 *a Financial Institution.* - Any person, police or law enforcement personnel who
10 examines the deposits, placements, trust accounts, assets, or records in a bank
11 or financial institution of: (1) a person charged with or suspected of the crime of
12 terrorism or the crime of conspiracy to commit terrorism; (2) a judicially declared
13 and outlawed terrorist organization, association, or group of persons; or (3) a
14 member of such organization, association, or group of persons, without being
15 authorized to do so by the Court of Appeals, shall be guilty of an offense and
16 shall suffer the penalty of ten (10) years and one day to twelve (12) years of
17 imprisonment.

18 In addition to the liability attaching to the offender for the commission of
19 any other offense, the penalty of ten (10) years and one day to twelve (12)
20 years of imprisonment shall be imposed upon any police or law enforcement
21 personnel, who maliciously obtained an authority from the Court of Appeals to
22 examine the deposits, placements, trust accounts, assets, or records in a bank or
23 financial institution of: (1) a person charged with or suspected of the crime of
24 terrorism or conspiracy to commit terrorism; (2) a judicially declared and
25 outlawed terrorist organization, association, or group of persons; or (3) a
26 member of such organization, association, or group of persons: *Provided*, That
27 notwithstanding Section 33 of this Act, the party aggrieved by such authorization
28 shall upon motion duly filed be allowed access to the sealed envelope or sealed
29 package and the contents thereof as evidence for the prosecution of any police
30 or law enforcement personnel who maliciously procured said authorization.]

1
2 **SECTION 34.** Section 37 of the same Act is also hereby renumbered and
3 amended to read as follows:

4 “SEC. [37] **33. Penalty of Bank Officials and Employees Defying a Court**
5 *Authorization.* - An employee, official, or a member of the board of directors of a
6 bank or financial institution, who refuses to allow the examination of the
7 deposits, placements, trust accounts, assets, and records [of: (1) a person
8 charged with or suspected of the crime of terrorism or the crime of conspiracy to
9 commit terrorism; (2) a judicially declared and outlawed terrorist organization,
10 association, or group of persons; or (3) a member of such judicially declared and
11 outlawed organization, association, or group of persons in said bank or financial
12 institution, when duly served with the written order of the authorizing division of
13 the Court of Appeals, shall be guilty of an offense and] **OF A TERRORIST OR**
14 **AN OUTLAWED GROUP OF PERSONS, ORGANIZATION OR**
15 **ASSOCIATION, IN ACCORDANCE WITH SECTION 24 HEREOF,** shall suffer
16 the penalty of **IMPRISONMENT RANGING FROM** ten (10) years and one day
17 to twelve (12) years [of imprisonment].”
18

19 **SECTION 35.** Sections 38 to 44 of R.A. No. 9372 are hereby deleted.

20 [SEC. 38. *Penalty for False or Untruthful Statement or Misrepresentation*
21 *of Material Fact in Joint Affidavits.* - Any false or untruthful statement or
22 misrepresentation of material fact in the joint affidavits required respectively in
23 Section 12 and Section 32 of this Act shall constitute a criminal offense and the
24 affiants shall suffer individually the penalty of ten (10) years and one day to
25 twelve (12) years of imprisonment.]
26

27 [SEC. 39. *Seizure and Sequestration.* - The deposits and their outstanding
28 balances, placements, trust accounts, assets, and records in any bank or
29 financial institution, moneys, businesses, transportation and communication
30 equipment, supplies and other implements, and property of whatever kind and

1 nature belonging: (1) to any person suspected of or charged before a competent
2 Regional Trial Court for the crime of terrorism or the crime of conspiracy to
3 commit terrorism; (2) to a judicially declared and outlawed organization,
4 association, or group of persons; or (3) to a member of such organization,
5 association, or group of persons shall be seized, sequestered, and frozen in order
6 to prevent their use, transfer, or conveyance for purposes that are inimical to the
7 safety and security of the people or injurious to the interest of the State.

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

14 Any person who unjustifiably refuses to follow the order of the proper
15 division of the Court of Appeals to allow the person accused of the crime of
16 terrorism or of the crime of conspiracy to commit terrorism to withdraw such
17 sums from sequestered or frozen deposits, placements, trust accounts, assets
18 and records as may be necessary for the regular sustenance of his/her family or
19 to use any of his/her property that has been seized, sequestered or frozen for
20 legitimate purposes while his/her case is pending shall suffer the penalty of ten
21 (10) years and one day to twelve (12) years of imprisonment.]

22
23 [SEC. 40. *Nature of Seized, Sequestered and Frozen Bank Deposits, Placements,*
24 *Trust Accounts, Assets and Records.* - The seized, sequestered and frozen bank
25 deposits, placements, trust accounts, assets and records belonging to a person
26 suspected of or charged with the crime of terrorism or conspiracy to commit
27 terrorism shall be deemed as property held in trust by the bank or financial
28 institution for such person and the government during the pendency of the
29 investigation of the person suspected of or during the pendency of the trial of
30 the person charged with any of the said crimes, as the case may be and their

1 use or disposition while the case is pending shall be subject to the approval of
2 the court before which the case or cases are pending.]

3

4 [SEC. 41. *Disposition of the Seized, Sequestered and Frozen Bank Deposits, Placements, Trust Accounts, Assets and Record.* - If the person suspected of or charged with the crime of terrorism or conspiracy to commit terrorism is found, after his investigation, to be innocent by the investigating body, or is acquitted, after his arraignment or his case is dismissed before his arraignment by a competent court, the seizure, sequestration and freezing of his bank deposits, placements, trust accounts, assets and records shall forthwith be deemed lifted by the investigating body or by the competent court, as the case may be, and his bank deposits, placements, trust accounts, assets and records shall be deemed released from such seizure, sequestration and freezing, and shall be restored to him without any delay by the bank or financial institution concerned without any further action on his part. The filing of any appeal on motion for reconsideration shall not stay the release of said funds from seizure, sequestration and freezing.

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

Upon his or her acquittal or the dismissal of the charges against him or her, the amount of Five hundred thousand pesos (P500,000.00) a day for the period in which his properties, assets or funds were seized shall be paid to him on the concept of liquidated damages. The amount shall be taken from the appropriations of the police or law enforcement agency that caused the filing of the enumerated charges against him/her.]

[SEC. 42. *Penalty for Unjustified Refusal to Restore or Delay in Restoring Seized, Sequestered and Frozen Bank Deposits, Placements, Trust Accounts, Assets and Records.* - Any person who unjustifiably refuses to restore or delays the

1 restoration of seized, sequestered and frozen bank deposits, placements, trust
2 accounts, assets and records of a person suspected of or charged with the crime
3 of terrorism or conspiracy to commit terrorism after such suspected person has
4 been found innocent by the investigating body or after the case against such
5 charged person has been dismissed or after he is acquitted by a competent court
6 shall suffer the penalty of ten (10) years and one day to twelve (12) years of
7 imprisonment.]

8

9 [SEC. 43. *Penalty for the Loss, Misuse, Diversion or Dissipation of Seized,*
10 *Sequestered and Frozen Bank Deposits, Placements, Trust Accounts, Assets and*
11 *Records.* - Any person who is responsible for the loss, misuse, diversion, or
12 dissipation of the whole or any part of the seized, sequestered and frozen bank
13 deposits, placements, trust accounts, assets and records of a person suspected
14 of or charged with the crime of terrorism or conspiracy to commit terrorism shall
15 suffer the penalty of ten (10) years and one day to twelve (12) years of
16 imprisonment.]

17

18 [SEC. 44. *Infidelity in the Custody of Detained Persons.* - Any public officer who
19 has direct custody of a detained person under the provisions of this Act and who
20 by his deliberate act, misconduct, or inexcusable negligence causes or allows the
21 escape of such detained person shall be guilty of an offense and shall suffer the
22 penalty of: (a) twelve (12) years and one day to twenty (20) years of
23 imprisonment, if the detained person has already been convicted and sentenced
24 in a final judgment of a competent court; and (b) six years and one day to
25 twelve (12) years of imprisonment, if the detained person has not been
26 convicted and sentenced in a final judgment of a competent court.]

27 **SECTION 36.** Section 45 of the same Act is also hereby renumbered to
28 read as follows:

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

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

5

6 **SECTION 37.** Section 46 of the same Act is also hereby renumbered and
7 amended to read as follows:

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

19

20 **SECTION 38.** Section 47 of the same Act is also hereby renumbered and
21 amended to read as follows:

22 "SEC. [47] **36.** *Penalty for Furnishing False Evidence, Forged Document,*
23 *or Spurious Evidence.* - The penalty of **IMPRISONMENT RANGING FROM**
24 twelve (12) years and one day to twenty (20) years [of imprisonment] shall be
25 imposed upon any person who knowingly furnishes false testimony, forged
26 document or spurious evidence in any investigation or hearing under this Act."

27

28 **SECTION 39.** Section 48 of the same Act is also hereby renumbered and
29 amended to read as follows:

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

7
8 **SECTION 40.** Sections 49 to 52 of R.A. No. 9372 are hereby deleted.

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

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

29 Any officer, employee, personnel, or person who delays the release or
30 refuses to release the amounts awarded to the individual acquitted of the crime

1 of terrorism as directed in the paragraph immediately preceding shall suffer the
2 penalty of six months of imprisonment.

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

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

11
12 [SEC. 51. *Duty to Record and Report the Name and Address of the Informant.* -
13 The police or law enforcement officers to whom the name of a suspect in the
14 crime of terrorism was first revealed shall record the real name and the specific
15 address of the informant.

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

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

24
25 [SEC. 52. *Applicability of the Revised Penal Code.* - The provisions of Book I of
26 the Revised Penal Code shall be applicable to this Act.]

27
28 **SECTION 41.** Section 53 of the same Act is also hereby renumbered and
29 amended to read as follows:

1 "SEC. [53] **38.** *Anti-Terrorism Council.* – An Anti-Terrorism Council,
2 hereinafter referred to, for brevity, as the "Council" is hereby created. The
3 members of the Council are: (1) the Executive Secretary, who shall be its
4 Chairperson; (2) the Secretary of Justice, who shall be its Vice Chairperson; and
5 (3) the Secretary of Foreign Affairs; (4) the Secretary of National Defense; (5)
6 the Secretary of the Interior and Local Government; (6) the Secretary of
7 Finance; [and] (7) the National Security Advisor[,]; **(8) THE SECRETARY OF**
INFORMATION AND COMMUNICATIONS TECHNOLOGY; **(9) THE**
SECRETARY OF SCIENCE AND TECHNOLOGY; **(10) THE SECRETARY OF**
TRANSPORTATION; **(11) THE SECRETARY OF LABOR AND**
EMPLOYMENT; **(12) THE SECRETARY OF EDUCATION;** **(13) THE**
SECRETARY OF SOCIAL WELFARE AND DEVELOPMENT; **(14) THE**
PRESIDENTIAL ADVISER FOR PEACE, REUNIFICATION AND UNITY
(PARU, FORMERLY PAPP); AND **(15) THE CHIEF MINISTER OF THE**
BANGSAMORO AUTONOMOUS REGION IN MUSLIM MINDANAO
(BARMM), as its other members.

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

23 The National Intelligence Coordinating Agency shall be the Secretariat of
24 the Council. The Council shall define the powers, duties, and functions of the
25 National Intelligence Coordinating Agency as Secretariat of the Council. The
26 **ANTI-TERRORISM COUNCIL-PROJECT MANAGEMENT CENTER, (ATC-**
PMC) IS HEREBY INSTITUTIONALIZED AS THE MAIN COORDINATING
AND PROGRAM MANAGEMENT ARM OF THE COUNCIL. THE COUNCIL
SHALL DEFINE THE POWERS, DUTIES, AND FUNCTIONS OF THE ATC-
PMC. **THE** National Bureau of Investigation, the Bureau of Immigration, the

1 Office of Civil Defense, the Intelligence Service of the Armed Forces of the
2 Philippines, the Anti-Money Laundering Council, the Philippine Center on
3 Transnational Crime, and the Philippine National Police intelligence and
4 investigative elements shall serve as support agencies for the Council.

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

21 **1. PREVENTING AND COUNTERING VIOLENT EXTREMISM**
22 **PROGRAM – THE PROGRAM SHALL ADDRESS THE CONDITIONS**
23 **CONDUCIVE TO THE SPREAD OF TERRORISM WHICH INCLUDE,**
24 **AMONG OTHERS: ETHNIC, NATIONAL AND RELIGIOUS**
25 **DISCRIMINATION; SOCIO-ECONOMIC DISGRUNTLEMENT;**
26 **POLITICAL EXCLUSION; DEHUMANIZATION OF VICTIMS OF**
27 **TERRORISM; LACK OF GOOD GOVERNANCE; AND PROLONGED**
28 **UNRESOLVED CONFLICTS BY WINNING THE HEARTS AND MINDS**
29 **OF THE PEOPLE TO PREVENT THEM FROM ENGAGING IN**
30 **VIOLENT EXTREMISM. IT SHALL IDENTIFY, INTEGRATE AND**

1 SYNCHRONIZE ALL GOVERNMENT AND NON-GOVERNMENT
2 INITIATIVES AND RESOURCES TO PREVENT RADICALIZATION
3 AND VIOLENT EXTREMISM, THUS REINFORCE AND EXPAND AN
4 AFTER-CARE PROGRAM;

5 **2. PREVENTING AND COMBATING TERRORISM PROGRAM – THE**
6 PROGRAM SHALL FOCUS ON DENYING TERRORIST GROUPS
7 ACCESS TO THE MEANS TO CARRY OUT ATTACKS TO THEIR
8 TARGETS AND FORMULATE RESPONSE TO ITS DESIRED IMPACT
9 THROUGH DECISIVE ENGAGEMENTS. THE PROGRAM SHALL
10 FOCUS ON OPERATIONAL ACTIVITIES TO DISRUPT AND COMBAT
11 TERRORISM ACTIVITIES AND ATTACKS SUCH AS CURTAILING,
12 RECRUITMENT, PROPAGANDA, FINANCE AND LOGISTICS, THE
13 PROTECTION OF POTENTIAL TARGETS, THE EXCHANGE OF
14 INTELLIGENCE WITH FOREIGN COUNTRIES, AND ARREST OF
15 SUSPECTED TERRORISTS;

16 **3. INTERNATIONAL AFFAIRS AND CAPACITY BUILDING PROGRAM**
17 – THE PROGRAM SHALL ENDEAVOR TO BUILD THE STATE'S
18 CAPACITY TO PREVENT AND COMBAT TERRORISM BY
19 STRENGTHENING THE COLLABORATIVE MECHANISMS BETWEEN
20 AND AMONG COUNCIL MEMBERS AND SUPPORT AGENCIES AND
21 FACILITATE COOPERATION AMONG RELEVANT STAKEHOLDERS,
22 BOTH LOCAL AND INTERNATIONAL, IN THE BATTLE AGAINST
23 TERRORISM; AND

24 **4. LEGAL AFFAIRS PROGRAM – THE PROGRAM SHALL ENSURE**
25 RESPECT FOR HUMAN RIGHTS AND ADHERENCE TO THE RULE OF
26 LAW AS THE FUNDAMENTAL BASES OF THE FIGHT AGAINST
27 TERRORISM. IT SHALL GUARANTEE COMPLIANCE WITH THE
28 SAME AS WELL AS WITH INTERNATIONAL COMMITMENTS TO
29 COUNTER-TERRORISM-RELATED PROTOCOLS AND BILATERAL
30 AND/OR MULTILATERAL AGREEMENTS.

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

3

4 **SECTION 42.** Section 54 of the same Act is also hereby renumbered and
5 amended to read as follows:

6

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

10

11 1. Formulate and adopt plans, programs and **PREVENTIVE AND** counter-
12 measures against terrorists and acts of terrorism in the country;

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

16 3. Direct the speedy investigation and prosecution of all persons accused or
17 detained for the crime of terrorism or conspiracy to commit terrorism and
18 other offenses punishable under this Act, and monitor the progress of
19 their cases;

20 4. **MONITOR THE PROGRESS OF THE INVESTIGATION AND
21 PROSECUTION OF ALL PERSONS ACCUSED AND/OR DETAINED
22 FOR THE CRIMES DEFINED AND PENALIZED UNDER THE
23 PROVISIONS OF THIS ACT;**

24 [4.] 5. Establish and maintain comprehensive data-base information
25 systems on terrorism, terrorist activities, and counter-terrorism
26 operations;

27 5. Freeze the funds property, bank deposits, placements, trust accounts,
28 assets and records belonging to a person suspected of or charged with
29 the crime of terrorism or conspiracy to commit terrorism, pursuant to

1 Republic Act No. 9160, otherwise known as the Anti-Money Laundering
2 Act of 2001, as amended;]

3 **6. ENLIST THE ASSISTANCE OF AND FILE THE APPROPRIATE**
4 **ACTION WITH THE ANTI-MONEY LAUNDERING COUNCIL TO**
5 **FREEZE AND FORFEIT THE FUNDS, BANK DEPOSITS,**
6 **PLACEMENTS, TRUST ACCOUNTS, ASSETS AND PROPERTY OF**
7 **WHATEVER KIND AND NATURE BELONGING (I) TO A PERSON**
8 **SUSPECTED OF OR CHARGED WITH ANY CRIME DEFINED AND**
9 **PENALIZED UNDER THE PROVISIONS OF THIS ACT, (II)**
10 **BETWEEN MEMBERS OF A JUDICIALLY DECLARED AND**
11 **OUTLAWED TERRORIST ORGANIZATION OR ASSOCIATION AS**
12 **PROVIDED IN SECTION 24 OF THIS ACT; (III) TO DESIGNATED**
13 **PERSONS DEFINED UNDER SECTION 3(E) OF REPUBLIC ACT NO.**
14 **10168, OTHERWISE KNOWN AS THE "TERRORISM FINANCING**
15 **PREVENTION AND SUPPRESSION ACT OF 2012"; (IV) TO AN**
16 **INDIVIDUAL MEMBER OF SUCH DESIGNATED PERSONS, OR (V)**
17 **ANY ORGANIZATION, ASSOCIATION OR GROUP OF PERSONS**
18 **PROSCRIBED UNDER SECTION 24 HEREOF;**

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

29 [7.] **8.** Establish and maintain coordination with and the cooperation and
30 assistance of other [nations in the struggle against] **STATES,**

1 **JURISDICTIONS, INTERNATIONAL ENTITIES AND**
2 **ORGANIZATIONS IN PREVENTING AND COMBATING** international
3 terrorism; [and]

- 4 **9. TAKE ACTION ON RELEVANT RESOLUTIONS ISSUED BY THE**
5 **UNITED NATIONS SECURITY COUNCIL ACTING UNDER CHAPTER**
6 **VII OF THE UN CHARTER; AND CONSISTENT WITH THE**
7 **NATIONAL INTEREST, TAKE ACTION ON FOREIGN REQUESTS TO**
8 **DESIGNATE TERRORIST, INDIVIDUALS, ASSOCIATIONS,**
9 **ORGANIZATIONS OR GROUP OF PERSONS;**
- 10 **10. TAKE MEASURES TO PREVENT TERRORISTS FROM ACQUIRING**
11 **WEAPONS OF MASS DESTRUCTION SUCH AS, BUT NOT LIMITED**
12 **TO THE IMPOSITION OF ECONOMIC AND FINANCIAL SANCTIONS**
13 **AND IMPORT RESTRICTIONS;**
- 14 **11. LEAD IN THE FORMULATION AND IMPLEMENTATION OF A**
15 **NATIONAL STRATEGIC PLAN TO PREVENT AND COMBAT**
16 **TERRORISM;**
- 17 [8.] **12.** Request the Supreme Court to designate specific divisions of the
18 Court of Appeals [and] **OR** Regional Trial Courts [in Manila, Cebu City and
19 Cagayan de Oro City, as the case may be,] to handle all cases involving
20 the crimeS [of terrorism or conspiracy to commit terrorism] **DEFINED**
21 **AND PENALIZED UNDER THE PROVISIONS OF THIS ACT**, and all
22 matters incident to said crimes. [The Secretary of Justice shall assign a
23 team of prosecutors from: (a) Luzon to handle terrorism cases filed in the
24 Regional Trial Court in Manila; (b) from the Visayas to handle cases filed
25 in Cebu City; and (c) from Mindanao to handle cases filed in Cagayan de
26 Oro City.]
- 27 **13. REQUIRE OTHER GOVERNMENT AGENCIES, OFFICES AND**
28 **ENTITIES AND OFFICERS AND EMPLOYEES AND NON**
29 **GOVERNMENT ORGANIZATIONS, PRIVATE ENTITIES AND**

1 **INDIVIDUALS TO RENDER ASSISTANCE TO THE COUNCIL IN THE**
2 **PERFORMANCE OF ITS MANDATE; AND**

3 **14. INVESTIGATE MOTU PROPRIO OR UPON COMPLAINT ANY**
4 **REPORT OF ABUSE, MALICIOUS APPLICATION OR IMPROPER**
5 **IMPLEMENTATION BY ANY PERSON OF THE PROVISIONS OF**
6 **THIS ACT."**

7

8 **SECTION 43.** Section 55 of the same Act is also hereby renumbered to read
9 as follows:

10 "SEC. [55] 40. *Role of the Commission on Human Rights.* - The
11 Commission on Human Rights shall give the highest priority to the investigation
12 and prosecution of violations of civil and political rights of persons in relation to
13 the implementation of this Act; and for this purpose, the Commission shall have
14 the concurrent jurisdiction to prosecute public officials, law enforcers, and other
15 persons who may have violated the civil and political rights of persons suspected
16 of, or detained for the crime of terrorism or conspiracy to commit terrorism."

17

18 **SECTION 44.** Section 56 of R.A. No. 9372 is hereby deleted.

19 [SEC. 56. *Creation of a Grievance Committee.* - There is hereby created a
20 Grievance Committee composed of the Ombudsman, as chair, and the Solicitor
21 General, and an undersecretary from the Department of Justice (DOJ), as
22 members, to receive and evaluate complaints against the actuations of the police
23 and law enforcement officials in the implementation of this Act. The Committee
24 shall hold office in Manila.

25 The Committee shall have three subcommittees that will be respectively
26 headed by the Deputy Ombudsmen in Luzon, the Visayas and Mindanao. The
27 subcommittees shall respectively hold office at the Offices of Deputy
28 Ombudsmen. Three Assistant Solicitors General designated by the Solicitor
29 General, and the regional prosecutors of the DOJ assigned to the regions where
30 the Deputy Ombudsmen hold office shall be members thereof. The three

1 subcommittees shall assist the Grievance Committee in receiving, investigating
2 and evaluating complaints against the police and other law enforcement officers
3 in the implementation of this Act. If the evidence warrants it, they may file the
4 appropriate cases against the erring police and law enforcement officers. Unless
5 seasonably disowned or denounced by the complainants, decisions or judgments
6 in the said cases shall preclude the filing of other cases based on the same cause
7 or causes of action as those that were filed with the Grievance Committee or its
8 branches.]

9

10 **SECTION 45.** Section 57 of the same Act is also hereby renumbered and
11 amended to read as follows:

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

20

21 **SECTION 46.** Section 58 of R.A. No. 9372 is hereby deleted:

22

23 [SEC. 58. *Extra-Territorial Application of this Act.* - Subject to the
24 provision of an existing treaty of which the Philippines is a signatory and to any
25 contrary provision of any law of preferential application, the provisions of this Act
26 shall apply: (1) to individual persons who commit any of the crimes defined and
27 punished in this Act within the terrestrial domain, interior waters, maritime zone,
28 and airspace of the Philippines; (2) to individual persons who, although physically
29 outside the territorial limits of the Philippines, commit, conspire or plot to commit
30 any of the crimes defined and punished in this Act inside the territorial limits of

1 the Philippines; (3) to individual persons who, although physically outside the
2 territorial limits of the Philippines, commit any of the said crimes on board
3 Philippine ship or Philippine airship; (4) to individual persons who commit any of
4 said crimes within any embassy, consulate, or diplomatic premises belonging to
5 or occupied by the Philippine government in an official capacity; (5) to individual
6 persons who, although physically outside the territorial limits of the Philippines,
7 commit said crimes against Philippine citizens or persons of Philippine descent,
8 where their citizenship or ethnicity was a factor in the commission of the crime;
9 and (6) to individual persons who, although physically outside the territorial
10 limits of the Philippines, commit said crimes directly against the Philippine
11 government.]

12

13 **SECTION 47.** Section 59 of the same Act is also hereby renumbered and
14 amended to read as follows:

15 “SEC. [59] **42.** *Joint Oversight Committee.* – [There is hereby created a
16 Joint Oversight Committee to oversee the implementation of this Act.

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

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

27 Upon the expiration of one year after this Act is approved by the
28 President, the Committee shall review the Act particularly the provisions that
29 authorize the surveillance of suspects of or persons charged with the crime of
30 terrorism. To that end, the Committee shall summon the police and law

1 enforcement officers and the members of the Anti-Terrorism Council and require
2 them to answer questions from the members of Congress and to submit a
3 written report of the acts they have done in the implementation of the law
4 including the manner in which the persons suspected of or charged with the
5 crime of terrorism have been dealt with in their custody and from the date when
6 the movements of the latter were subjected to surveillance and his or her
7 correspondences, messages, conversations and the like were listened to or
8 subjected to monitoring, recording and tapping.

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

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

17
18 **UPON THE EFFECTIVITY OF THIS ACT, A JOINT CONGRESSIONAL**
19 **OVERSIGHT COMMITTEE IS HEREBY CONSTITUTED. THE COMMITTEE**
20 **SHALL BE COMPOSED OF TWELVE (12) MEMBERS WITH THE**
21 **CHAIRPERSON OF THE COMMITTEE ON PUBLIC ORDER OF THE SENATE**
22 **AND THE HOUSE OF REPRESENTATIVES AS MEMBERS AND FIVE (5)**
23 **ADDITIONAL MEMBERS FROM EACH HOUSE TO BE DESIGNATED BY**
24 **THE SENATE PRESIDENT AND THE SPEAKER OF THE HOUSE OF**
25 **REPRESENTATIVES, RESPECTIVELY. THE MINORITY SHALL BE**
26 **ENTITLED TO A PRO-RATA REPRESENTATION BUT SHALL HAVE AT**
27 **LEAST TWO (2) REPRESENTATIVES IN THE COMMITTEE.**

28 **IN THE EXERCISE OF ITS OVERSIGHT FUNCTIONS, THE JOINT**
29 **CONGRESSIONAL OVERSIGHT COMMITTEE SHALL HAVE THE**
30 **AUTHORITY TO SUMMON LAW ENFORCEMENT OR MILITARY OFFICERS**

1 AND THE MEMBERS OF THE ANTI-TERRORISM COUNCIL TO APPEAR
2 BEFORE IT, AND REQUIRE THEM TO ANSWER QUESTIONS AND SUBMIT
3 WRITTEN REPORTS OF THE ACTS THEY HAVE DONE IN THE
4 IMPLEMENTATION OF THIS LAW AND RENDER AN ANNUAL REPORT TO
5 BOTH HOUSES OF CONGRESS AS TO THE STATUS OF ANTI-TERRORISM
6 CASES AND THE IMPLEMENTATION OF THIS ACT."

7

8 **SECTION 48.** R.A. No. 9372 is also hereby renumbered and amended by
9 inserting new Sections 43 to 49, as follows:

10 "SEC. 43. *PROMOTING PEACE AND INCLUSIVITY IN SCHOOLS,*
11 *LEARNING CENTERS AND TRAINING INSTITUTIONS.* — THE
12 DEPARTMENT OF EDUCATION (DEPED), COMMISSION ON HIGHER
13 EDUCATION (CHED), AND TECHNICAL EDUCATION AND SKILLS
14 DEVELOPMENT AUTHORITY (TESDA) SHALL PROMULGATE RULES AND
15 REGULATIONS TO PROMOTE IDEAS AND PRACTICE ON THE CULTURE
16 OF PEACE AND INCLUSIVITY IN SCHOOLS, LEARNING AND TRAINING
17 INSTITUTIONS UNDER THEIR RESPECTIVE JURISDICTIONS.

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

1 SEC. 44. *PROTECTION OF MOST VULNERABLE GROUPS.* - THERE
2 SHALL BE DUE REGARD FOR THE WELFARE OF ANY SUSPECTS WHO
3 ARE ELDERLY, PREGNANT, PERSONS WITH DISABILITY, WOMEN AND
4 CHILDREN WHILE THEY ARE UNDER INVESTIGATION,
5 INTERROGATION OR DETENTION.

6

7 SEC. 45. *MANAGEMENT OF PERSONS CHARGED UNDER THIS*
8 *ACT.* – THE BUREAU OF JAIL MANAGEMENT AND PENOLOGY (BJMP)
9 AND THE BUREAU OF CORRECTIONS (BUCOR) SHALL ESTABLISH A
10 SYSTEM OF ASSESSMENT AND CLASSIFICATION FOR PERSONS
11 CHARGED FOR COMMITTING TERRORIST ACTS AND PREPARATORY
12 ACTS PUNISHABLE UNDER THIS ACT. SAID SYSTEM SHALL COVER THE
13 PROPER MANAGEMENT, HANDLING, AND INTERVENTIONS FOR SAID
14 PERSONS DETAINED.

15 PERSONS CHARGED UNDER THIS ACT SHALL BE DETAINED IN
16 EXISTING FACILITIES OF THE BJMP AND THE BUCOR.

17

18 SEC. 46. *TRIAL OF PERSONS CHARGED UNDER THIS ACT.* – ANY
19 PERSON CHARGED FOR THE COMMISSION OF TERRORIST ACTS AND
20 THE PREPARATORY ACTS PUNISHED UNDER THIS ACT SHALL BE TRIED
21 IN SPECIAL COURTS CREATED FOR THIS PURPOSE. IN THIS REGARD,
22 THE SUPREME COURT SHALL DESIGNATE CERTAIN BRANCHES OF THE
23 REGIONAL TRIAL COURTS AS ANTI-TERROR COURTS WHOSE
24 JURISDICTION IS EXCLUSIVELY LIMITED TO TRY VIOLATIONS OF THE
25 PROVISIONS OF THIS ACT.

26 PERSONS CHARGED UNDER THE PROVISIONS OF THIS ACT
27 SHALL BE ALLOWED TO REMOTELY APPEAR AND PROVIDE
28 TESTIMONIES THROUGH THE USE OF VIDEO-CONFERENCING AND
29 SUCH OTHER TECHNOLOGY NOW KNOWN OR MAY HEREAFTER BE
30 KNOWN TO SCIENCE AS APPROVED BY THE SUPREME COURT.

1
2 **SEC. 47. APPLICABILITY OF THE REVISED PENAL CODE.** -
3 NOTWITHSTANDING ANY LAW, RULE OR REGULATION TO THE
4 CONTRARY, THE PROVISIONS OF THE REVISED PENAL CODE (ACT NO.
5 3815), AS AMENDED, SHALL NOT APPLY TO THE PROVISIONS OF THIS
6 ACT: *PROVIDED*, THAT, IN THE CASE OF MINOR OFFENDERS IN
7 CONFLICT WITH THE LAW, THE PROVISIONS OF REPUBLIC ACT NO.
8 11188, OTHERWISE KNOWN AS THE "SPECIAL PROTECTION OF
9 CHILDREN IN SITUATIONS OF ARMED CONFLICT ACT" SHALL APPLY.

10
11 **SEC. 48. APPROPRIATIONS.** - THE AMOUNT OF FIVE HUNDRED
12 MILLION PESOS (PHP 500,000,000.00) IS HEREBY APPROPRIATED TO
13 THE COUNCIL AS AN INITIAL FUND, FOR THE EFFECTIVE AND
14 IMMEDIATE IMPLEMENTATION OF THIS ACT. THEREAFTER, SUCH
15 SUMS AS MAY BE NECESSARY FOR THE CONTINUED IMPLEMENTATION
16 OF THIS ACT SHALL BE INCLUDED IN THE ANNUAL GENERAL
17 APPROPRIATIONS ACT.

18
19 **SEC. 49. IMPLEMENTING RULES AND REGULATIONS.** - THE ANTI-
20 TERRORISM COUNCIL AND DOJ, WITH THE ACTIVE PARTICIPATION
21 OF POLICE AND MILITARY INSTITUTIONS, SHALL PROMULGATE THE
22 RULES AND REGULATIONS FOR THE EFFECTIVE IMPLEMENTATION OF
23 THIS ACT WITHIN NINETY (90) DAYS AFTER ITS EFFECTIVITY. THEY
24 SHALL ALSO ENSURE THE FULL DISSEMINATION OF SUCH RULES AND
25 REGULATIONS TO BOTH HOUSES OF CONGRESS, AND ALL OFFICERS
26 AND MEMBERS OF VARIOUS LAW ENFORCEMENT AGENCIES."

27
28 **SECTION 50. Separability Clause.** - If for any reason any part or
29 provision of this Act is declared unconstitutional or invalid, the other parts or

provisions hereof which are not affected thereby shall remain and continue to be in full force and effect."

SECTION 51. *Repealing Clause.* - All laws, decrees, executive orders, rules or regulations or parts thereof, inconsistent with the provisions of this Act are hereby repealed, amended, or modified accordingly."

SECTION 52. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,