

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



SENATE
Senate Bill No. 21

19 JUL -1 A10:47

RECEIVED

Introduced by SENATOR LACSON

**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"**

EXPLANATORY NOTE

When the Human Security Act of 2007 (HSA) was first deliberated on in the Halls of the Senate through Senate Bill No. 2137, some of the issues that have been raised were: how do you distinguish the crime of terrorism from the common crimes punished under the Revised Penal Code; what would determine whether the act done would be punishable under the law or under the Revised Penal Code; and, how do you assure the people that the law will not be abused by the law enforcement.

In an attempt to address these concerns, the final version of the HSA that was crafted became too protective that it actually became just a dead letter law. In fact, 12 years after the passage of the HSA, what can only be said as an application of the HSA were the sentencing Jun Guevarra by plea bargaining in 2008, and the proscription of the Abu Sayyaf Group as a Terrorist Organization in 2015.

What is more, the Marawi Seige last May 2017 has showcased the gaps in the current law that leads to the conclusion that we still do not have an effective legal framework that can empower the government to address terrorism as a crime. This conclusion is further emphasized by the fact that even with the gruesome effects of the clearly terrorist acts that have been committed, to date, the only conviction for Terrorism under the HSA was the conviction of Nur A. Sapien, which was promulgated by the Regional Trial Court of Taguig (Branch 70).

These are the loopholes that this legislative proposal aims to address. This bill aims to give the government an effective legal framework that would enable it to

The main innovation of this proposal is the definition of Terrorist Acts under Sec. 4 of the Bill. In order to eliminate the handicap experienced by law enforcers in prosecuting under the HSA, and in order to prevent any more confusion on which law will govern, this bill has already done away with the predicate crimes in defining terrorism.

Other salient features of the Bill are as follows:

- a. Making recruitment and membership in a terrorist group a punishable act;
- b. New provision regarding Foreign Terrorist Fighters to give the statement that the Philippines cannot be used as a pit stop for foreign terrorists planning to commit terrorist acts here or abroad;
- c. Making providing material support to terrorists a punishable act;
- d. Addition of the Regional Trial Court as a venue for securing judicial authorization for surveillance;
- e. Longer period of judicial authorization for surveillance to give the law enforcers more time to effectively gather evidence;
- f. Provision on preliminary order for proscription of terrorist organizations;
- g. Including the Secretaries of the Department of Labor and Employment, Department of Information and Communications Technology, Department of Science and Technology, Department of Transportation, Department of Education, and Department of Social Welfare and Development in the composition of the Anti-Terrorism Council; and
- h. Increasing the functions of the Anti-Terrorism Council, which now includes the mandate to monitor the progress of investigations and prosecution of all persons accused and/or detained for the crimes defined under this Act in order to prevent abuse and ensure proper conduct of investigations.

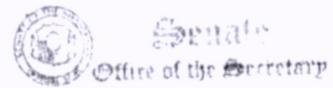
While an anti-terror law in itself cannot completely eradicate the problem of terrorism, an intensified one can however give the government and the law enforcement agencies the much needed tool in dealing with the emerging threats of terrorism.

It is for this reason that the passage of this bill is earnestly sought.



PANFILO M. LACSON
Senator

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

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

9
10 In the implementation of the policy stated above, the State shall uphold the basic
11 rights and fundamental liberties of the people as enshrined in the Constitution.

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

18

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

6

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

8

9 (A) "CONSPIRACY" EXISTS WHEN TWO OR MORE PERSONS
10 COME TO AN AGREEMENT CONCERNING THE COMMISSION OF
11 THE CRIMES DEFINED AND PENALIZED UNDER THE PROVISION
12 OF THIS ACT, AND DECIDE TO COMMIT THE SAME;

13

14 (B) "CRITICAL INFRASTRUCTURE" REFERS TO AN ASSET OR
15 SYSTEM THAT IS ESSENTIAL FOR THE MAINTENANCE OF VITAL
16 SOCIETAL FUNCTIONS, HEALTH, SAFETY, SECURITY ECONOMIC
17 OR SOCIAL WELL-BEING. IT MAY INCLUDE, BUT IS NOT LIMITED
18 TO, COMMUNICATIONS, EMERGENCY SERVICES, FUEL, ENERGY,
19 DAMS, FINANCE, FOOD, PUBLIC SERVICES, INDUSTRY,
20 TRANSPORT, RADIO AND TELEVISION, INFORMATION
21 TECHNOLOGY, COMMERCIAL FACILITIES, CHEMICAL AND
22 NUCLEAR SECTORS, AND WATER;

23

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

34

1 (D) "INCITING TO COMMIT TERRORIST ACTS" IS COMMITTED
2 WHEN A PERSON, DIRECTLY OR INDIRECTLY, PROVOKES, GOADS,
3 INSTIGATES, OR PERSUADES ANOTHER INDIVIDUAL OR
4 ORGANIZATION TO COMMIT ANY OF THE CRIMES DEFINED AND
5 PENALIZED UNDER THE PROVISIONS OF THIS ACT, WHETHER BY
6 MEANS OF VERBAL, WRITTEN, OR VISUAL COMMUNICATION;

7
8 (E) "MATERIAL SUPPORT" REFERS TO ANY PROPERTY,
9 TANGIBLE OR INTANGIBLE, OR SERVICE, INCLUDING CURRENCY
10 OR MONETARY INSTRUMENTS OR FINANCIAL SECURITIES,
11 FINANCIAL SERVICES, LODGING, TRAINING, EXPERT ADVICE OR
12 ASSISTANCE, SAFEHOUSES, FALSE DOCUMENTATION OR
13 IDENTIFICATION, COMMUNICATIONS EQUIPMENT, FACILITIES,
14 WEAPONS, LETHAL SUBSTANCES, EXPLOSIVES, PERSONNEL (1 OR
15 MORE INDIVIDUALS WHO MAY BE OR INCLUDE ONESELF), AND
16 TRANSPORTATION, EXCEPT MEDICINE OR RELIGIOUS
17 MATERIALS;

18
19 (F) "PROPOSAL TO COMMIT TERRORIST ACTS" IS COMMITTED
20 WHEN A PERSON WHO HAS DECIDED TO COMMIT ANY OF THE
21 CRIMES DEFINED AND PENALIZED UNDER THE PROVISIONS OF
22 THIS ACT PROPOSES ITS EXECUTION TO SOME OTHER PERSON
23 OR PERSONS;

24
25 (G) "RECRUIT" SHALL REFER TO ANY ACT TO PROCURE,
26 INDUCE, OR INCITE OTHERS TO PARTICIPATE, COMMIT, OR
27 SUPPORT ANY TERRORIST ACTS, OR TERRORIST INDIVIDUALS
28 OR ORGANIZATIONS;

29
30 (H) "SURVEILLANCE ACTIVITIES" REFER TO THE TRACKING
31 DOWN, FOLLOWING, OR INVESTIGATION OF INDIVIDUALS OR
32 ORGANIZATIONS; OR THE TAPPING, LISTENING, INTERCEPTING,
33 AND RECORDING OF MESSAGES, CONVERSATIONS, DISCUSSIONS,
34 SPOKEN OR WRITTEN WORDS, AND OTHER COMMUNICATIONS OF

1 INDIVIDUALS ENGAGED IN TERRORIST ACTS AS DEFINED
2 HEREUNDER;

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

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

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

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

31 SEC. [3] 4. [Terrorism] TERRORIST ACTS. – [Any person who commits an
32 act punishable under any of the following, provisions of the Revised Penal Code:] ANY
33 PERSON WHO COMMITS ANY OF THE FOLLOWING UNLAWFUL ACTS,
34 REGARDLESS OF ITS STAGE OF EXECUTION, WHEN THE PURPOSE OF
35 SUCH ACT, BY ITS NATURE AND CONTEXT, IS TO INTIMIDATE, PUT IN

1 **FEAR, FORCE OR INDUCE THE GOVERNMENT OR ANY INTERNATIONAL**
2 **ORGANIZATION, OR THE PUBLIC TO DO OR TO ABSTAIN FROM DOING**
3 **ANY ACT, OR SERIOUSLY DESTABILIZE OR DESTROY THE**
4 **FUNDAMENTAL POLITICAL, ECONOMIC OR SOCIAL STRUCTURES OF**
5 **THE COUNTRY, OR CREATE A PUBLIC EMERGENCY OR UNDERMINE**
6 **PUBLIC SAFETY:**

- 7
- 8 [a. Article 122 (Piracy in General and Mutiny in the High Seas or in the
9 Philippine Waters);
10 b. Article 134 (Rebellion or Insurrection);
11 c. Article 134-a (Coup d' Etat), including acts committed by private persons;
12 d. Article 248 (Murder);
13 e. Article 267 (Kidnapping and Serious Illegal Detention);
14 f. Article 324 (Crimes Involving Destruction); or under
15
- 16 (1) Presidential Decree No. 1613 (The Law on Arson);
17 (2) Republic Act No. 6969 (Toxic Substances and Hazardous and
18 Nuclear Waste Control Act of 1990);
19 (3) Republic Act No. 5207, (Atomic Energy Regulatory and Liability
20 Act of 1968);
21 (4) Republic Act No. 6235 (Anti-Hijacking Law);
22 (5) Presidential Decree No. 532 (Anti-Piracy and Anti-Highway
23 Robbery Law of 1974); and
24 (6) Presidential Decree No. 1866, as amended (Decree Codifying the
25 Laws on Illegal and Unlawful Possession, Manufacture, Dealing in, Acquisition or
26 Disposition of Firearms, Ammunitions or Explosives)

27

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

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

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

30 SEC. 5. *PLANNING, PREPARING AND FACILITATING THE*
31 *COMMISSION OF A TERRORIST ACT.* - IT SHALL BE UNLAWFUL FOR
32 ANY PERSON TO PARTICIPATE IN THE PLANNING, PREPARATION
33 AND FACILITATION IN THE COMMISSION OF A TERRORIST ACT,
34 POSSESSING OBJECTS CONNECTED IN THE COMMISSION OF A
35 TERRORIST ACT OR COLLECTING OR MAKING DOCUMENTS

1 **LIKELY TO FACILITATE THE COMMISSION OF A TERRORIST ACT.**
2 **ANY PERSON FOUND GUILTY OF THE PROVISION OF THIS ACT**
3 **SHALL SUFFER THE PENALTY OF LIFE IMPRISONMENT WITHOUT**
4 **THE BENEFIT OF PAROLE.**

5
6 **SEC. [4]. 6. *ATTEMPT OR Conspiracy to Commit [Terrorism] A TERRORIST***
7 **ACT. - ANY ATTEMPT TO COMMIT ANY OF THE ACTS DEFINED**
8 **AND PENALIZED UNDER SECTION 4 OF THIS ACT SHALL BE**
9 **PENALIZED BY LIFE IMPRISONMENT WITHOUT THE BENEFIT OF**
10 **PAROLE.**

11
12 **ANY CONSPIRACY** [Persons who conspire] to commit [the crime of terrorism]
13 **TERRORIST ACTS AS DEFINED AND PENALIZED UNDER SECTION 4**
14 **OF THIS ACT** shall **BE PENALIZED BY** [suffer the penalty of forty (40) years
15 of imprisonment.] **LIFE IMPRISONMENT WITHOUT THE BENEFIT OF**
16 **PAROLE.**

17
18 There is conspiracy when two or more persons come to an agreement concerning
19 the commission of [the crime of terrorism] **TERRORIST ACTS** as defined in
20 Section [3] 4 hereof and decide to commit the same.

21
22 **SEC. 7. *PROPOSAL TO COMMIT TERRORIST ACTS.* - ANY PERSON**
23 **WHO PROPOSES TO COMMIT TERRORIST ACTS AS DEFINED IN**
24 **SECTION 4 HEREOF SHALL SUFFER THE PENALTY OF**
25 **IMPRISONMENT FROM EIGHT (8) YEARS AND ONE DAY TO**
26 **TWELVE (12) YEARS.**

27
28 **SEC. 8. *INCITING TO COMMIT TERRORIST ACTS.* - ANY PERSON WHO**
29 **DISTRIBUTES OR OTHERWISE MAKES A MESSAGE AVAILABLE TO**
30 **THE PUBLIC WITH THE INTENT TO INCITE ANOTHER BY ANY**
31 **MEANS, DIRECTLY OR INDIRECTLY TO COMMIT A TERRORIST**
32 **ACT WHERE SUCH CONDUCT CAUSES A DANGER OF SUCH ACTS**
33 **BEING ACTUALLY COMMITTED SHALL SUFFER THE PENALTY OF**
34 **IMPRISONMENT FROM SIX (6) YEARS AND ONE DAY TO TEN (10)**
35 **YEARS.**

1
2 SEC. 9. *RECRUITMENT TO AND MEMBERSHIP IN A TERRORIST*
3 *ORGANIZATION.* - ANY PERSON WHO SHALL RECRUIT ANOTHER
4 TO PARTICIPATE, JOIN, COMMIT OR SUPPORT ANY TERRORIST
5 ACT OR A TERRORIST INDIVIDUAL OR ANY TERRORIST
6 ORGANIZATION, ASSOCIATION OR GROUP OF PERSONS WHICH IS
7 PROSCRIBED UNDER SECTION 24 OF THIS ACT, OR THE UNITED
8 NATIONS SECURITY COUNCIL-DESIGNATED TERRORIST
9 ORGANIZATION, OR ORGANIZED FOR THE PURPOSE OF
10 ENGAGING IN TERRORIST ACTS, SHALL SUFFER THE PENALTY OF
11 LIFE IMPRISONMENT WITHOUT THE BENEFIT OF PAROLE.
12

13 ANY PERSON WHO SHALL VOLUNTARILY AND KNOWINGLY
14 JOIN ANY ORGANIZATION, ASSOCIATION OR GROUP OF PERSONS
15 KNOWING THAT SUCH ORGANIZATION, ASSOCIATION OR GROUP
16 OF PERSONS IS PROSCRIBED UNDER SECTION 24 OF THIS ACT, OR
17 THE UNITED NATIONS SECURITY COUNCIL DESIGNATED
18 TERRORIST ORGANIZATION, OR ORGANIZED FOR THE PURPOSE
19 OF ENGAGING IN TERRORIST ACTS, SHALL SUFFER THE PENALTY
20 OF EIGHT (8) YEARS AND ONE DAY TO TWELVE (12) YEARS.
21

22 SEC. 10. *FOREIGN TERRORIST.* – THE FOLLOWING ACTS ARE
23 UNLAWFUL AND SHALL BE PUNISHED WITH THE PENALTY OF
24 LIFE IMPRISONMENT WITHOUT THE BENEFIT OF PAROLE:
25

26 (A) FOR ANY PERSON TO TRAVEL OR ATTEMPT TO TRAVEL TO
27 A STATE OTHER THAN HIS/HER STATE OF RESIDENCE OR
28 NATIONALITY, FOR THE PURPOSE OF PERPETRATING,
29 PLANNING, OR PREPARING FOR, OR PARTICIPATING IN
30 TERRORIST ACTS, OR PROVIDING OR RECEIVING
31 TERRORIST TRAINING; OR
32

33 (B) FOR ANY PERSON TO ORGANIZE OR FACILITATE THE
34 TRAVEL OF INDIVIDUALS WHO TRAVEL TO A STATE OTHER
35 THAN THEIR STATES OF RESIDENCE OR NATIONALITY FOR

1 THE PURPOSE OF PERPETRATING, PLANNING, OR
2 PREPARING FOR, OR PARTICIPATING IN TERRORIST ACTS
3 OR PROVIDING OR RECEIVING TERRORIST TRAINING,
4 INCLUDING ACTS OF RECRUITMENT WHICH MAY BE
5 COMMITTED THROUGH ANY OF THE FOLLOWING MEANS:
6

- 7 i. RECRUITING ANOTHER PERSON TO SERVE IN ANY
8 CAPACITY IN OR WITH AN ARMED FORCE IN A
9 FOREIGN STATE, WHETHER THE ARMED FORCE
10 FORMS PART OF THE ARMED FORCES OF THE
11 GOVERNMENT OF THAT FOREIGN STATE OR
12 OTHERWISE;
- 13 ii. PUBLISHING AN ADVERTISEMENT OR PROPAGANDA,
14 FOR THE PURPOSE OF RECRUITING PERSONS TO
15 SERVE IN ANY CAPACITY IN OR WITH SUCH AN ARMED
16 FORCE;
- 17 iii. PUBLISHING AN ADVERTISEMENT OR
18 PROPAGANDA CONTAINING ANY INFORMATION
19 RELATING TO THE PLACE AT WHICH, OR THE
20 MANNER IN WHICH, PERSONS MAY MAKE
21 APPLICATIONS TO SERVE, OR OBTAIN INFORMATION
22 RELATING TO SERVICE, IN ANY CAPACITY IN OR WITH
23 SUCH ARMED FORCE OR RELATING TO THE MANNER
24 IN WHICH PERSONS MAY TRAVEL TO A FOREIGN
25 STATE FOR THE PURPOSE OF SERVING IN ANY
26 CAPACITY IN OR WITH SUCH ARMED FORCE; OR
27
- 28 iv. PERFORMING ANY OTHER ACT WITH THE
29 INTENTION OF FACILITATING OR PROMOTING THE
30 RECRUITMENT OF PERSONS TO SERVE IN ANY
31 CAPACITY IN OR WITH SUCH AN ARMED FORCE.

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

6

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

19

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

28

29 SEC. [6] 13. *Accessory.* - Any person who, having knowledge of the commission
30 of ANY OF the crimeS [of terrorism or conspiracy to commit terrorism,]
31 DEFINED AND PENALIZED UNDER THE PROVISIONS OF THIS ACT,
32 and without having participated therein, either as principal or accomplice under
33 Articles 17 and 18 of the Revised Penal Code, takes part subsequent to its
34 commission in any of the following manner: (a) by profiting himself or assisting
35 the offender to profit by the effects of the crime; (b) by concealing or destroying

1 the body of the crime, or the effects, or instruments thereof, in order to prevent its
2 discovery; **OR** (c) by harboring, concealing, or assisting in the escape of the
3 principal or conspirator of the crime, **SHALL BE LIABLE AS AN**
4 **ACCESSORY AND** shall suffer the penalty of **IMPRISONMENT RANGING**
5 **FROM** ten (10) years and one day to twelve (12) years [of imprisonment].
6

7 [Notwithstanding the above paragraph, the penalties prescribed for accessories
8 shall not be imposed upon those who are such with respect to their spouses,
9 ascendants, descendants, legitimate, natural, and adopted brothers and sisters, or
10 relatives by affinity within the same degrees, with the single exception of
11 accessories falling within the provisions of subparagraph (a).]
12

13 **SEC. 14. PERPETUAL DISQUALIFICATION FROM PUBLIC OFFICE.** -
14 **ANY PERSON FOUND GUILTY OF ANY OF THE ACTS DEFINED AND**
15 **PENALIZED UNDER THE PROVISIONS OF THIS ACT SHALL BE**
16 **PERPETUALLY DISQUALIFIED FROM RUNNING FOR ANY**
17 **ELECTIVE OFFICE OR HOLDING ANY PUBLIC OFFICE.**
18 **FURTHERMORE, IF SAID PERSON IS A PUBLIC OFFICER OR**
19 **MEMBER OF THE CIVIL SERVICE, HE/SHE SHALL BE METED THE**
20 **PENALTY OF DISMISSAL FROM SERVICE, WITH THE ACCESSORY**
21 **PENALTIES OF CANCELLATION OF CIVIL SERVICE ELIGIBILITY,**
22 **AND FORFEITURE OF RETIREMENT BENEFITS.**
23

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

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

15

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

30

31 SEC. [8] **16. Formal Application for Judicial Authorization.** - The written order
32 [of the authorizing division of the Court of Appeals] to **LOCATE**, track down,
33 tap, listen to, intercept, and record communications, messages, conversations,
34 discussions, or spoken or written words of any person **OR GROUP OF**
35 **PERSONS** suspected of **COMMITTING ANY OF** the crimeS **DEFINED AND**

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

19
20 SEC. [9] 17. *Classification and Contents of the Order of the Court.* - The written
21 order granted by the authorizing division of the Court of Appeals **OR THE**
22 **REGIONAL TRIAL COURT** as well as [its order, if any, to extend or renew the
23 same, the original application of the applicant, including his application to extend
24 or renew, if any, and the written authorizations of the Anti-Terrorism Council]
25 **THE APPLICATION FOR SUCH ORDER**, shall be deemed and are hereby
26 declared as classified information. **BEING CLASSIFIED INFORMATION,**
27 **ACCESS TO THE SAID DOCUMENTS AND ANY INFORMATION**
28 **CONTAINED IN SAID DOCUMENTS SHALL BE LIMITED TO THE**
29 **APPLICANTS, DULY AUTHORIZED PERSONNEL OF THE ANTI-**
30 **TERRORISM COUNCIL, THE HEARING JUSTICES OR JUDGE, THE**
31 **CLERK OF COURT AND DULY AUTHORIZED PERSONNEL OF THE**
32 **HEARING OR ISSUING COURT.** [: Provided, That the person being surveilled
33 or whose communications, letters, papers, messages, conversations, discussions,
34 spoken or written words and effects have been monitored, listened to, bugged or
35 recorded by law enforcement authorities has the right to be informed of the acts

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

27
28 SEC. [10] **18. Effective Period of Judicial Authorization.** - Any authorization
29 granted by the [authorizing division of the Court of Appeals] **COURTS**, pursuant
30 to Section [9(d)] **16** of this Act, shall only be effective for the length of time
31 specified in the written order of the authorizing division of the Court of Appeals
32 **OR REGIONAL TRIAL COURT** which shall not exceed a period of [thirty
33 (30)] **SIXTY (60)** days from the date of receipt of the written order [of the
34 authorizing division of the Court of Appeals] by the applicant [police or] law
35 enforcement [official] **OR MILITARY PERSONNEL**.

1 The authorizing division of the Court of Appeals **OR THE REGIONAL**
2 **TRIAL COURT** may extend or renew the said authorization [for] **TO A** [another]
3 non-extendible period, which shall not exceed thirty (30) days from the expiration
4 of the original period: *Provided*, That the [authorizing division of the Court of
5 Appeals] **ISSUING COURT** is satisfied that such extension or renewal is in the
6 public interest: and *Provided, further*, That the *ex parte* application for extension
7 or renewal, which must be filed by the original applicant, has been duly authorized
8 in writing by the Anti-Terrorism Council.

9
10 In case of death of the original applicant or in case he is physically disabled
11 to file the application for extension or renewal, the one next in rank to the original
12 applicant among the members of the team named in the original written order [of
13 the authorizing division of the Court of Appeals] shall file the application for
14 extension or renewal: *Provided*, That, [, without prejudice to the liability of the
15 police or law enforcement personnel under Section 20 hereof,] the applicant
16 [police or] law enforcement **OR MILITARY** official shall have thirty (30) days
17 after the termination of the period granted by the Court of Appeals **OR**
18 **REGIONAL TRIAL COURT** as provided in the preceding paragraphs within
19 which to file the appropriate case before the Public Prosecutor's Office for any
20 violation of this Act.

21
22 If no case is filed [within the thirty (30)-day period] **AFTER THE LAPSE**
23 **OF THE JUDICIAL AUTHORIZATION**, the applicant [police or] law
24 enforcement **OR MILITARY** official shall immediately notify the person subject
25 of the surveillance, interception and recording of the termination of the said
26 surveillance, interception and recording. The penalty of **IMPRISONMENT**
27 **FROM** ten (10) years and one day to twelve (12) years [of imprisonment] shall be
28 imposed upon the applicant [police or] law enforcement **OR MILITARY** official
29 who fails to notify the person subject of the surveillance, monitoring, interception
30 and recording as specified above.

31
32 SEC. [11.] **19. Custody of Intercepted and Recorded Communications.** - All tapes,
33 discs, **OTHER STORAGE DEVICES**, [and] recordings, **NOTES**,
34 **MEMORANDA**, **SUMMARIES**, **EXCERPTS AND ALL COPIES**
35 **THEREOF** [made pursuant to the authorization of the authorizing division of the]

OBTAINED UNDER THE JUDICIAL AUTHORIZATION GRANTED BY THE Court of Appeals OR THE REGIONAL TRIAL COURT [, including all excerpts and summaries thereof as well as all written notes or memoranda made in connection therewith,] shall, within forty-eight (48) hours after the expiration of the period fixed in the written order [of the authorizing division of the Court of Appeals or within forty-eight (48) hours after the expiration of any] **OR THE** extension or renewal granted [by the authorizing division of the Court of Appeals] **THEREAFTER**, be deposited with the [authorizing Division of the Court of Appeals] **ISSUING COURT** in a sealed envelope or sealed package, as the case may be, and shall be accompanied by a joint affidavit of the applicant [police or] law enforcement **OR MILITARY** official and the members of his team. **THE JOINT AFFIDAVIT SHALL PROVIDE THE CHAIN OF CUSTODY OR THE LIST OF PERSONS WHICH EXERCISED POSSESSION OR CUSTODY OVER THE TAPES, DISCS AND RECORDINGS.**

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

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

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

1 SEC. [12] **20.** *Contents of Joint Affidavit.* - The joint affidavit of the [police or of
2 the] law enforcement [official and the individual members of his team] **OR**
3 **MILITARY PERSONNEL** shall state: (a) the number of tapes, discs, and
4 recordings that have been made, [as well as the number of excerpts and summaries
5 thereof and the number of written notes and memoranda, if any, made in
6 connection therewith] ; (b) the dates and times covered by each of such tapes,
7 discs, and recordings; [(c) the number of tapes, discs, and recordings, as well as
8 the number of excerpts and summaries thereof and the number of written notes
9 and memoranda made in connection therewith that have been included in the
10 deposit; and (d) the date of the original written authorization granted by the Anti-
11 Terrorism Council to the applicant to file the ex parte application to conduct the
12 tracking down, tapping, intercepting, and recording, as well as the date of any
13 extension or renewal of the original written authority granted by the authorizing
14 division of the Court of Appeals] **AND (C) THE CHAIN OF CUSTODY OR**
15 **THE LIST OF PERSONS WHO HAD POSSESSION OR CUSTODY OVER**
16 **THE TAPES, DISCS AND RECORDINGS.**

17
18 The joint affidavit shall also certify under oath that no duplicates or copies
19 of the whole or any part of any of such tapes, discs, **OTHER STORAGE**
20 **DEVICES** [and] recordings, **NOTES, MEMORANDA, SUMMARIES,**
21 **EXCERPTS AND ALL COPIES THEREOF** and that no duplicates or copies
22 [of the whole or any part of any of such excerpts, summaries, written notes, and
23 memoranda] **THEREOF**, have been made, or, if made, that all such duplicates
24 and copies are included in the sealed envelope or sealed package, as the case may
25 be, deposited with the authorizing division of the Court of Appeals **OR**
26 **REGIONAL TRIAL COURT.**

27
28 It shall be unlawful for any person, [police or] law enforcement **OR**
29 **MILITARY** official to omit or exclude from the joint affidavit any item or
30 portion thereof mentioned in this Section.

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

1 SEC. [13] **21. Disposition of Deposited Materials.** - The sealed envelope or sealed
2 package and the contents thereof, **REFERRED TO IN SECTION 19 OF THIS**
3 **ACT,** [which are deposited with the authorizing division of the Court of Appeals,]
4 shall be deemed and are hereby declared classified information. [, and t] The
5 sealed envelope or sealed package shall not be opened, [and its contents (including
6 the tapes, discs, and recordings and all the excerpts and summaries thereof and the
7 notes and memoranda made in connection therewith) shall not be] [divulged,
8 revealed, read, replayed,] **DISCLOSED**, or used as evidence unless authorized by
9 A written order of the authorizing division of the Court of Appeals **OR**
10 **REGIONAL TRIAL COURT** which written order shall be granted only upon a
11 written application of the Department of Justice [filed before the authorizing
12 division of the Court of Appeals and only upon a showing that the Department of
13 Justice has been] duly authorized in writing by the Anti-Terrorism Council to file
14 the application with proper written notice **TO** the person whose conversation,
15 communication, message, discussion or spoken or written words have been the
16 subject of surveillance, monitoring, recording and interception to open, reveal,
17 divulge, and use the contents of the sealed envelope or sealed package as
18 evidence.

19
20 [Any person, law enforcement official or judicial authority who violates his duty
21 to notify in writing the persons subject of the surveillance as defined above shall
22 suffer the penalty of six years and one day to eight years of imprisonment.]
23

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

30
31 **VIOLATION OF THIS AND THE PRECEDING PARAGRAPH**
32 **SHALL BE PENALIZED BY IMPRISONMENT RANGING FROM EIGHT**
33 **YEARS AND ONE DAY TO TEN (10) YEARS.**

1 [SEC. 14. *Application to Open Deposited Sealed Envelope or Sealed Package.* -

2 The written application with notice to the party concerned to open the deposited
3 sealed envelope or sealed package shall clearly state the purpose or reason: (a) for
4 opening the sealed envelope or sealed package; (b) for revealing or disclosing its
5 classified contents; (c) for replaying, divulging, and or reading any of the listened
6 to, intercepted, and recorded communications, messages, conversations,
7 discussions, or spoken or written words (including any of the excerpts and
8 summaries thereof and any of the notes or memoranda made in connection
9 therewith); [and, (d) for using any of said listened to, intercepted, and recorded
10 communications, messages, conversations, discussions, or spoken or written words
11 (including any of the excerpts and summaries thereof and any of the notes or
12 memoranda made in connection therewith) as evidence.

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

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

27 SEC. [16] **23. Penalty for Unauthorized or Malicious Interceptions and/or**
28 **Recordings.** - Any [police or] law enforcement **OR MILITARY** personnel who [,
29 not being authorized to do so by the authorizing division of the Court of Appeals,
30 tracks down, taps, listens to, intercepts, and records in whatever manner or form
31 any communication, message, conversation, discussion, or spoken or written word
32 of a person charged with or suspected of the crime of terrorism or the crime of
33 conspiracy to commit terrorism] **CONDUCTS SURVEILLANCE ACTIVITIES**
34 **WITHOUT A VALID JUDICIAL AUTHORIZATION** shall be guilty of an

1 offense and shall suffer the penalty of **IMPRISONMENT RANGING FROM**
2 ten (10) years and one day to twelve (12) years [of imprisonment].
3

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) years of
6 imprisonment and the accessory penalty of perpetual absolute disqualification
7 from public office shall be imposed upon any police or law enforcement personnel
8 who maliciously obtained an authority from the Court of Appeals to track down,
9 tap, listen to, intercept, and record in whatever manner or form any
10 communication, message, conversation, discussion, or spoken or written words of
11 a person charged with or suspected of the crime of terrorism or conspiracy to
12 commit terrorism: *Provided*, That notwithstanding Section 13 of this Act, the party
13 aggrieved by such authorization shall be allowed access to the sealed envelope or
14 sealed package and the contents thereof as evidence for the prosecution of any
15 police or law enforcement personnel who maliciously procured said
16 authorization.]
17

18 SEC. [17] **24. Proscription of Terrorist Organizations, Association, or Group of**
19 **Persons.** - Any **GROUP OF PERSONS**, organization, **OR** association, [or group
20 of persons organized for the purpose of engaging in terrorism, or] which [,
21 although not organized for that purpose, actually uses the acts to terrorize
22 mentioned in this Act or to sow and create a condition of widespread and
23 extraordinary fear and panic among the populace in order to coerce the
24 government to give in to an unlawful demand] **COMITS ANY OF THE ACTS**
25 **DEFINED AND PENALIZED UNDER THE PROVISIONS OF THIS ACT,**
26 **OR EXISTS FOR THE PURPOSE OF ENGAGING IN TERRORIST ACTS**
27 shall, upon application of the Department of Justice before a competent Regional
28 Trial Court, with due notice and opportunity to be heard given to the **GROUP OF**
29 **PERSONS**, organization [,] **OR** association, [or group of persons concerned], be
30 declared as a terrorist and outlawed **GROUP OF PERSONS**, organization[,] **OR**
31 association, [or group of persons] by the said Regional Trial Court.
32

33 **THE APPLICATION SHALL BE FILED WITH AN URGENT**
34 **PRAAYER FOR THE ISSUANCE OF A PRELIMINARY ORDER OF**
35 **PROSCRIPTION. NO APPLICATION FOR PROSCRIPTION SHALL BE**

1 FILED WITHOUT THE AUTHORITY OF THE ANTI-TERRORISM
2 COUNCIL UPON THE RECOMMENDATION OF THE NATIONAL
3 INTELLIGENCE COORDINATING AGENCY (NICA).

5 SEC. 25. *PRELIMINARY ORDER OF PROSCRIPTION.* - WHERE
6 THE REGIONAL TRIAL COURT JUDGE HAS DETERMINED THAT
7 PROBABLE CAUSE EXISTS ON THE BASIS OF THE VERIFIED
8 APPLICATION WHICH IS SUFFICIENT IN FORM AND SUBSTANCE,
9 HE/SHE SHALL, WITHIN SEVENTY TWO (72) HOURS FROM THE
10 FILING OF THE APPLICATION, ISSUE A PRELIMINARY ORDER OF
11 PROSCRIPTION DECLARING THAT THE RESPONDENT IS A
12 TERRORIST AND AN OUTLAWED ORGANIZATION OR
13 ASSOCIATION WITHIN THE MEANING OF SECTION 24 OF THIS
14 ACT.

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

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

31 SEC. 26. *REQUEST TO PROSCRIBE FROM FOREIGN JURISDICTIONS*
32 *AND SUPRA-NATIONAL JURISDICTIONS.* - CONSISTENT WITH THE
33 NATIONAL INTEREST, ALL REQUESTS FOR PROSCRIPTION MADE
34 BY ANOTHER JURISDICTION OR SUPRA-NATIONAL JURISDICTION
35 SHALL BE REFERRED BY THE DEPARTMENT OF FOREIGN AFFAIRS

1 TO THE ANTI-TERRORISM COMMISSION TO DETERMINE, WITH
2 THE ASSISTANCE OF THE NATIONAL INTELLIGENCE
3 COORDINATING AGENCY, IF PROSCRIPTION UNDER SECTION 24
4 OF THIS ACT IS WARRANTED. IF THE REQUEST FOR
5 PROSCRIPTION IS GRANTED, THE COMMISSION SHALL
6 CORRESPONDINGLY COMMENCE PROSCRIPTION PROCEEDINGS
7 THROUGH THE DEPARTMENT OF JUSTICE.

8

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

1 [The police or law enforcement personnel concerned shall, before detaining
2 the person suspected of the crime of terrorism, present him or her before any judge
3 at the latter's residence or office nearest the place where the arrest took place at
4 any time of the day or night. It shall be the duty of the judge, among other things,
5 to ascertain the identity of the police or law enforcement personnel and the person
6 or persons they have arrested and presented before him or her, to inquire of them
7 the reasons why they have arrested the person and determine by questioning and
8 personal observation whether or not the suspect has been subjected to any
9 physical, moral or psychological torture by whom and why. The judge shall then
10 submit a written report of what he/she had observed when the subject was brought
11 before him to the proper court that has jurisdiction over the case of the person thus
12 arrested. The judge shall forthwith submit his/her report within three calendar days
13 from the time the suspect was brought to his/her residence or office.]

14
15 Immediately after taking custody of a person charged with or suspected of
16 **COMMITTING TERRORIST ACTS** [the crime of terrorism or conspiracy to
17 commit terrorism,] **OR ANY MEMBER OF A GROUP OF PERSONS,**
18 **ORGANIZATION OR ASSOCIATION PROSCRIBED UNDER SECTION**
19 **24 HEREOF**, the [police or] law enforcement personnel **OR DEPUTIZED LAW**
20 **ENFORCEMENT AGENCY OR MILITARY PERSONNEL** shall notify in
21 writing the judge of the court nearest the place of apprehension or arrest **OF THE**
22 **FOLLOWING FACTS:** [*Provided*, That where the arrest is made during
23 Saturdays, Sundays, holidays or after office hours, the written notice shall be
24 served at the residence of the judge nearest the place where the accused was
25 arrested.] **(A) THE TIME, DATE, AND MANNER OF ARREST; (B) THE**
26 **LOCATION OR LOCATIONS OF THE DETAINED SUSPECT/S AND (C)**
27 **THE PHYSICAL AND MENTAL CONDITION OF THE DETAINED**
28 **SUSPECT/S.** **THE LAW ENFORCEMENT PERSONNEL OR DEPUTIZED**
29 **LAW ENFORCEMENT AGENCY OR MILITARY PERSONNEL SHALL**
30 **LIKEWISE FURNISH THE ANTI-TERRORISM COUNCIL OF THE**
31 **WRITTEN NOTICE GIVEN TO THE JUDGE.**

32
33 **THE HEAD OF THE DETAINING FACILITY SHALL ENSURE**
34 **THAT THE DETAINED SUSPECT IS INFORMED OF HIS/HER RIGHTS**
35 **AS A DETAINEE AND SHALL ENSURE ACCESS TO THE DETAINEE**

1 **BY HIS/HER COUNSEL OR AGENCIES AND ENTITIES AUTHORIZED**
2 **BY LAW TO EXERCISE VISITORIAL POWERS OVER DETENTION**
3 **FACILITIES.**

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

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

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

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

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

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

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

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

28
29 The said police or law enforcement custodial unit shall upon demand of the
30 aforementioned lawyer or lawyers or members of the family or relatives within the
31 fourth civil degree of consanguinity or affinity of the person under custody or his
32 or her physician issue a certified true copy of the entries of the logbook relative to
33 the concerned detained person without delay or restriction or requiring any fees
34 whatsoever including documentary stamp tax, notarial fees, and the like. This
35 certified true copy may be attested by the person who has custody of the logbook

1 or who allowed the party concerned to scrutinize it at the time the demand for the
2 certified true copy is made.

3

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

7

8 SEC. [24] **30. No Torture or Coercion in Investigation and Interrogation.** – [No
9 threat, intimidation, or coercion, and no act which will inflict any form of physical
10 pain or torment, or mental, moral, or psychological pressure, on the detained
11 person, which shall vitiate his free will, shall be employed in his investigation and
12 interrogation for the crime of terrorism or the crime of conspiracy to commit
13 terrorism; otherwise, the] **THE USE OF TORTURE AND OTHER CRUEL,**
INHUMAN AND DEGRADING TREATMENT OR PUNISHMENT, AS
DEFINED IN SECTIONS 4 AND 5 OF REPUBLIC ACT NO. 9745 OR THE
“ANTI-TORTURE ACT OF 2009,” AT ANY TIME DURING THE
INVESTIGATION OR INTERROGATION OF A DETAINED SUSPECTED
TERRORIST IS ABSOLUTELY PROHIBITED. ANY evidence obtained from
19 said detained person resulting from such [threat, intimidation, or coercion, or from
20 such inflicted physical pain or torment, or mental, moral, or psychological
21 pressure,] **TREATMENT** shall be, in its entirety, absolutely not admissible and
22 usable as evidence in any judicial, quasi-judicial, legislative, or administrative
23 investigation, inquiry, proceeding, or hearing.

24

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

33

34 When death or serious permanent disability of said detained person occurs as a
35 consequence of the use of such threat, intimidation, or coercion, or as a

1 consequence of the infliction on him of such physical pain or torment, or as a
2 consequence of the infliction on him of such mental, moral, or psychological
3 pressure, the penalty shall be twelve (12) years and one day to twenty (20) years of
4 imprisonment.]

5
6 SEC. [26] **31. Restriction on THE RIGHT TO Travel.** – UPON THE FILING
7 OF THE INFORMATION REGARDING THE COMMISSION OF ANY
8 ACTS DEFINED AND PENALIZED UNDER THE PROVISIONS OF THIS
9 ACT, THE PROSECUTOR SHALL APPLY WITH THE COURT HAVING
10 JURISDICTION FOR THE ISSUANCE OF A PRECAUTIONARY HOLD
11 DEPARTURE ORDER (PHDO) AGAINST THE ACCUSED. THE SAID
12 APPLICATION SHALL BE ACCCOMPANIED BY THE COMPLAINT-
13 AFFIDAVIT AND ITS ATTACHMENTS, PERSONAL DETAILS,
14 PASSPORT NUMBER AND A PHOTOGRAPH OF THE ACCUSED, IF
15 AVAILABLE.

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

28
29 He/she may also be placed under house arrest by order of the court at his or
30 her usual place of residence.

31
32 While under house arrest, he or she may not use telephones, cellphones, e-
33 mails, computers, the internet, or other means of communications with people
34 outside the residence until otherwise ordered by the court.
35

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

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

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

27
28 [SEC. 28. *Application to Examine Bank Deposits, Accounts, and Records.* - The
29 written order of the Court of Appeals authorizing the examination of bank
30 deposits, placements, trust accounts, assets, and records: (1) of a person charged
31 with or suspected of the crime of terrorism or conspiracy to commit terrorism; (2)
32 of any judicially declared and outlawed terrorist organization, association, or
33 group of persons, or (3) of any member of such organization, association, or group
34 of persons in a bank or financial institution, and the gathering of any relevant
35 information about the same from said bank or financial institution, shall only be

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

12

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

1
2 [SEC. 30. *Effective Period of Court Authorization to Examine and Obtain*
3 *Information on Bank Deposits, Accounts, and Records.* - The authorization issued
4 or granted by the authorizing division of the Court of Appeals to examine or cause
5 the examination of and to freeze bank deposits, placements, trust accounts, assets,
6 and records, or to gather information about the same, shall be effective for the
7 length of time specified in the written order of the authorizing division of the
8 Court of Appeals, which shall not exceed a period of thirty (30) days from the date
9 of receipt of the written order of the authorizing division of the Court of Appeals
10 by the applicant police or law enforcement official.

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

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

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

1 official who fails to notify in writing the person subject of the bank examination
2 and freezing of bank deposits, placements, trust accounts, assets and records.
3

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

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

25 [SEC. 32. *Contents of Joint Affidavit.* - The joint affidavit shall state: (a) the
26 identifying marks, numbers, or symbols of the deposits, placements, trust
27 accounts, assets, and records examined; (b) the identity and address of the bank or
28 financial institution where such deposits, placements, trust accounts, assets, and
29 records are held and maintained; (c) the number of bank deposits, placements,
30 trust accounts, assets, and records discovered, examined, and frozen; (d) the
31 outstanding balances of each of such deposits, placements, trust accounts, assets;
32 (e) all information, data, excerpts, summaries, notes, memoranda, working sheets,
33 reports, documents, records examined and placed in the sealed envelope or sealed
34 package deposited with the authorizing division of the Court of Appeals; (f) the
35 date of the original written authorization granted by the Anti-Terrorism Council to

1 the applicant to file the *ex parte* application to conduct the examination of the said
2 bank deposits, placements, trust accounts, assets and records, as well as the date of
3 any extension or renewal of the original written authorization granted by the
4 authorizing division of the Court of Appeals; and (g) that the items enumerated
5 were all that were found in the bank or financial institution examined at the time
6 of the completion of the examination.

7

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

14

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

20

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

24

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

1 divulge, and use the contents of the sealed envelope or sealed package as
2 evidence.

3

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

7

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

15

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

26

27 **SEC. 32. BANK INQUIRY AND EXAMINATION. – UPON ORDER OF THE**
28 **COURT DECLARING AN ORGANIZATION, ASSOCIATION, OR**
29 **GROUP OF PERSONS, AS TERRORISTS OR AN OUTLAWED**
30 **ORGANIZATION OR ASSOCIATION IN ACCORDANCE WITH**
31 **SECTION 24 HEREOF, OR IF A VALID JUDICIAL AUTHORIZATION IS**
32 **AVAILABLE AGAINST SUCH ORGANIZATION, ASSOCIATION OR**
33 **GROUP OF PERSONS, LAW ENFORCEMENT OFFICERS OR**
34 **MILITARY PERSONNEL, THRU THE ANTI MONEY LAUNDERING**
35 **COUNCIL, MAY CONDUCT AN INQUIRY AND EXAMINATION INTO**

1 THE BANK ACCOUNTS AND INVESTMENTS OF SUCH
2 ORGANIZATION, ASSOCIATION, GROUP OF PERSONS, OR
3 INDIVIDUAL. SUCH INQUIRY AND EXAMINATION SHALL BE IN
4 ACCORDANCE WITH REPUBLIC ACT NO. 9160, OTHERWISE
5 KNOWN AS THE "ANTI-MONEY LAUNDERING ACT OF 2001, AS
6 AMENDED" IN RELATION TO REPUBLIC ACT 10168, OTHERWISE
7 KNOWN AS "TERRORISM FINANCING PREVENTION AND
8 SUPPRESSION ACT OF 2012". ANY PERSON, LAW ENFORCEMENT
9 OR MILITARY PERSONNEL WHO EXAMINES THE DEPOSITS,
10 PLACEMENTS, TRUST ACCOUNTS, ASSETS, OR RECORDS IN A
11 BANK OR FINANCIAL INSTITUTION IN CONTRAVENTION OF THE
12 PREVIOUS PARAGRAPH SHALL SUFFER THE PENALTY OF
13 IMPRISONMENT RANGING FORM TEN (10) YEARS AND ONE DAY
14 TO TWELVE (12) YEARS.

15

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

26

27 In addition to the liability attaching to the offender for the commission of
28 any other offense, the penalty of ten (10) years and one day to twelve (12) years of
29 imprisonment shall be imposed upon any police or law enforcement personnel,
30 who maliciously obtained an authority from the Court of Appeals to examine the
31 deposits, placements, trust accounts, assets, or records in a bank or financial
32 institution of: (1) a person charged with or suspected of the crime of terrorism or
33 conspiracy to commit terrorism; (2) a judicially declared and outlawed terrorist
34 organization, association, or group of persons; or (3) a member of such
35 organization, association, or group of persons: *Provided*, That notwithstanding

1 Section 33 of this Act, the party aggrieved by such authorization shall upon
2 motion duly filed be allowed access to the sealed envelope or sealed package and
3 the contents thereof as evidence for the prosecution of any police or law
4 enforcement personnel who maliciously procured said authorization.]
5

6 SEC. [37] **33. Penalty of Bank Officials and Employees Defying a Court**
7 *Authorization.* - An employee, official, or a member of the board of directors of a
8 bank or financial institution, who refuses to allow the examination of the deposits,
9 placements, trust accounts, assets, and records [of: (1) a person charged with or
10 suspected of the crime of terrorism or the crime of conspiracy to commit
11 terrorism; (2) a judicially declared and outlawed terrorist organization, association,
12 or group of persons; or (3) a member of such judicially declared and outlawed
13 organization, association, or group of persons in said bank or financial institution,
14 when duly served with the written order of the authorizing division of the Court of
15 Appeals, shall be guilty of an offense and] **OF A TERRORIST OR**
OUTLAWED ORGANIZATION, ASSOCIATION, GROUP OF PERSONS,
OR INDIVIDUALS, IN ACCORDANCE WITH SECTION 34 HEREOF,
18 shall suffer the penalty **IMPRISONMENT RANGING FROM** [of] ten (10)
19 years and one day to twelve (12) years [of imprisonment].
20

21 [SEC. 38. *Penalty for False or Untruthful Statement or Misrepresentation of*
22 *Material Fact in Joint Affidavits.* - Any false or untruthful statement or
23 misrepresentation of material fact in the joint affidavits required respectively in
24 Section 12 and Section 32 of this Act shall constitute a criminal offense and the
25 affiants shall suffer individually the penalty of ten (10) years and one day to
26 twelve (12) years of imprisonment.]
27

28 [SEC. 39. *Seizure and Sequestration.* - The deposits and their outstanding
29 balances, placements, trust accounts, assets, and records in any bank or financial
30 institution, moneys, businesses, transportation and communication equipment,
31 supplies and other implements, and property of whatever kind and nature
32 belonging: (1) to any person suspected of or charged before a competent Regional
33 Trial Court for the crime of terrorism or the crime of conspiracy to commit
34 terrorism; (2) to a judicially declared and outlawed organization, association, or
35 group of persons; or (3) to a member of such organization, association, or group of

1 persons shall be seized, sequestered, and frozen in order to prevent their use,
2 transfer, or conveyance for purposes that are inimical to the safety and security of
3 the people or injurious to the interest of the State.

4

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

11

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

20

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

31

32 [SEC. 41. *Disposition of the Seized, Sequestered and Frozen Bank Deposits,*
33 *Placements, Trust Accounts, Assets and Record.* - If the person suspected of or
34 charged with the crime of terrorism or conspiracy to commit terrorism is found,
35 after his investigation, to be innocent by the investigating body, or is acquitted,

1 after his arraignment or his case is dismissed before his arraignment by a
2 competent court, the seizure, sequestration and freezing of his bank deposits,
3 placements, trust accounts, assets and records shall forthwith be deemed lifted by
4 the investigating body or by the competent court, as the case may be, and his bank
5 deposits, placements, trust accounts, assets and records shall be deemed released
6 from such seizure, sequestration and freezing, and shall be restored to him without
7 any delay by the bank or financial institution concerned without any further action
8 on his part. The filing of any appeal on motion for reconsideration shall not stay
9 the release of said funds from seizure, sequestration and freezing.

10

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

15

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

22

23 [SEC. 42. *Penalty for Unjustified Refusal to Restore or Delay in Restoring Seized,*
24 *Sequestered and Frozen Bank Deposits, Placements, Trust Accounts, Assets and*
25 *Records.* - Any person who unjustifiably refuses to restore or delays the
26 restoration of seized, sequestered and frozen bank deposits, placements, trust
27 accounts, assets and records of a person suspected of or charged with the crime of
28 terrorism or conspiracy to commit terrorism after such suspected person has been
29 found innocent by the investigating body or after the case against such charged
30 person has been dismissed or after he is acquitted by a competent court shall suffer
31 the penalty of ten (10) years and one day to twelve (12) years of imprisonment.]

32

33 [SEC. 43. *Penalty for the Loss, Misuse, Diversion or Dissipation of Seized,*
34 *Sequestered and Frozen Bank Deposits, Placements, Trust Accounts, Assets and*
35 *Records.* - Any person who is responsible for the loss, misuse, diversion, or

1 dissipation of the whole or any part of the seized, sequestered and frozen bank
2 deposits, placements, trust accounts, assets and records of a person suspected of or
3 charged with the crime of terrorism or conspiracy to commit terrorism shall suffer
4 the penalty of ten (10) years and one day to twelve (12) years of imprisonment.]
5

6 [SEC. 44. *Infidelity in the Custody of Detained Persons.* - Any public officer who
7 has direct custody of a detained person under the provisions of this Act and who
8 by his deliberate act, misconduct, or inexcusable negligence causes or allows the
9 escape of such detained person shall be guilty of an offense and shall suffer the
10 penalty of: (a) twelve (12) years and one day to twenty (20) years of
11 imprisonment, if the detained person has already been convicted and sentenced in
12 a final judgment of a competent court; and (b) six years and one day to twelve (12)
13 years of imprisonment, if the detained person has not been convicted and
14 sentenced in a final judgment of a competent court.]
15

16 SEC. [45] 34. *Immunity and Protection of Government Witnesses.* - The provisions
17 of Republic Act No. 6981 (Witness Protection, Security and Benefits Act) to the
18 contrary notwithstanding, the immunity of government witnesses testifying under
19 this Act shall be governed by Sections 17 and 18 of Rule 119 of the Rules of
20 Court: *Provided, however,* That said witnesses shall be entitled to benefits granted
21 to witnesses under said Republic Act No. 6981.
22

23 SEC. [46] 35. *Penalty for Unauthorized Revelation of Classified Materials.* - The
24 penalty of [ten (10) years and one day to twelve (12) years of imprisonment]
25 **IMPRISONMENT RANGING FROM SIX (6) MONTHS AND ONE (1) DAY
26 TO SIX (6) YEARS** shall be imposed upon any person, [police or] law
27 enforcement agent **OR DEPUTIZED LAW ENFORCEMENT AGENCY, OR**
28 **MILITARY PERSONNEL**, judicial officer or civil servant who, not being
29 authorized by the Court of Appeals **OR REGIONAL TRIAL COURT** to do so,
30 reveals in any manner or form any classified information under this Act. **THE
31 PENALTY IMPOSED HEREIN IS WITHOUT PREJUDICE AND IN
32 ADDITION TO ANY CORRESPONDING ADMINISTRATIVE LIABILITY
33 THE OFFENDER MAY HAVE INCURRED FOR SUCH ACTS.**
34

1 SEC. [47] **36. Penalty for Furnishing False Evidence, Forged Document, or**
2 *Spurious Evidence.* - The penalty of **IMPRISONMENT RANGING FROM**
3 twelve (12) years and one day to twenty (20) years [of imprisonment] shall be
4 imposed upon any person who knowingly furnishes false testimony, forged
5 document or spurious evidence in any investigation or hearing under this Act.
6

7 SEC. [48] **37. Continuous Trial.** - In cases [of terrorism or conspiracy to commit

8 **terrorism]** **INVOLVING CRIMES DEFINED AND PENALIZED UNDER**
9 **THE PROVISIONS OF THIS ACT,** the judge **CONCERNED** shall set the case
10 for continuous trial on a daily basis from Monday to Friday or other short-term
11 trial calendar [so as] to ensure **COMPLIANCE WITH THE ACCUSED'S**
12 **RIGHT TO** speedy trial.
13

14 [SEC. 49. *Prosecution Under This Act Shall be a Bar to Another Prosecution*
15 *under the Revised Penal Code or any Special Penal Laws.* - When a person has
16 been prosecuted under a provision of this Act, upon a valid complaint or
17 information or other formal charge sufficient in form and substance to sustain a
18 conviction and after the accused had pleaded to the charge, the acquittal of the
19 accused or the dismissal of the case shall be a bar to another prosecution for any
20 offense or felony which is necessarily included in the offense charged under this
21 Act.]
22

23 [SEC. 50. *Damages for Unproven Charge of Terrorism* – Upon acquittal, any
24 person who is accused of terrorism shall be entitled to the payment of damages in
25 the amount of Five hundred thousand pesos (P500,000.00) for every day that he or
26 she has been detained or deprived of liberty or arrested without a warrant as a
27 result of such an accusation. The amount of damages shall be automatically
28 charged against the appropriations of the police agency or the Anti-Terrorism
29 Council that brought or sanctioned the filing of the charges against the accused. It
30 shall also be released within fifteen (15) days from the date of the acquittal of the
31 accused. The award of damages mentioned above shall be without prejudice to the
32 right of the acquitted accused to file criminal or administrative charges against
33 those responsible for charging him with the case of terrorism.
34

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

5

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

10

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

14

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

19

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

25

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

29

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

32

33 SEC. [53] 38. *Anti-Terrorism Council.* – An Anti-Terrorism Council, hereinafter
34 referred to, for brevity, as the “Council” is hereby created. The members of the
35 Council are: (1) the Executive Secretary, who shall be its Chairperson; (2) the

Secretary of Justice, who shall be its Vice Chairperson; and (3) the Secretary of Foreign Affairs; (4) the Secretary of National Defense; (5) the Secretary of the Interior and Local Government; (6) the Secretary of Finance; [and] (7) the National Security Advisor[,]; (8) **THE SECRETARY OF INFORMATION AND COMMUNICATIONS TECHNOLOGY**; (9) **THE SECRETARY OF SCIENCE AND TECHNOLOGY**; (10) **THE SECRETARY OF TRANSPORTATION**; (11) **THE SECRETARY OF LABOR AND EMPLOYMENT** AND (12) **THE SECRETARY OF EDUCATION**, (13) **SECRETARY OF SOCIAL WELFARE AND DEVELOPMENT**, (14) **PRESIDENTIAL ADVISER FOR PEACE, REUNIFICATION AND UNITY (PARU, FORMERLY PAPP)**, AND (15) **REPRESENTATIVE FROM THE BANGSAMORO AUTONOMOUS REGION IN MUSLIM MINDANAO (BARMM)** as its other members.

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

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

The Council shall formulate and adopt comprehensive, adequate, efficient, and effective anti-terrorism plans, programs, [and counter-] OR measures to **PREVENT, COUNTER**, suppress [and] OR eradicate terrorism in the country and to protect the people from acts of terrorism. **IN PURSUIT OF SAID**

1 MANDATE, THE COUNCIL SHALL CREATE SUCH FOCUS
2 PROGRAMS TO PREVENT, COUNTER TERRORISM AS ARE
3 NECESSARY, SUCH AS BUT NOT LIMITED TO PROGRAMS TO
4 PREVENT AND COUNTER THE SPREAD OF TERRORISM AND
5 TERRORIST IDEOLOGIES, ENSURE THE COUNTER-TERRORISM
6 OPERATIONAL AWARENESS OF CONCERNED AGENCIES,
7 CONDUCT LEGAL ACTION AND PURSUE LEGAL AND LEGISLATIVE
8 INITIATIVES TO COUNTER TERRORISM, PREVENT AND STEM
9 TERRORIST FINANCING, AND ENSURE COMPLIANCE WITH
10 INTERNATIONAL COMMITMENTS TO COUNTER-TERRORISM
11 RELATED PROTOCOLS AND BILATERAL AND/OR MULTILATERAL
12 AGREEMENTS, AND IDENTIFY THE LEAD AGENCY FOR SAID
13 PROGRAMS, NAMELY:

- 14
- 15 1. PREVENTING and COUNTERING VIOLENT EXTREMISM
16 (PCVE) PROGRAM WHICH SHALL IDENTIFY, INTEGRATE
17 AND SYNCHRONIZE ALL GOVERNMENT AND NON-
18 GOVERNMENT INITIATIVES AND RESOURCES TO DEVELOP A
19 PCVE FOR THE PREVENTION OF AND DISENGAGEMENT
20 FROM VIOLENT EXTREMISM, COUNTER-RADICALIZATION,
21 DE-RADICALIZATION AND PROVIDING AFTERCARE
22 THEREOF;
 - 23 2. COUNTERTERRORISM OPERATIONAL READINESS (COR)
24 PROGRAM WHICH SHALL ASSESS, COLLABORATIVE
25 MECHANISMS BETWEEN AND AMONG COUNCIL MEMBERS
26 AND SUPPORT AGENCIES AND FACILITATE OPERATIONAL
27 COOPERATION AMONG OTHER AGENCIES AND
28 STAKEHOLDERS IN COMBATING TERRORISM AND IN
29 DETERMINING THE READINESS AND ENSURING
30 COMPLIANCE WITH BEST PRACTICE APPROACHES OF ANTI-
31 TERRORISM INITIATIVES;
 - 32 3. LEGAL AFFAIRS PROGRAM WHICH SHALL FOCUS ON ALL
33 INITIATIVES REQUIRING LEGAL AND LEGISLATED ACTIONS
34 AND OTHER MEASURES NECESSARY IN THE CAMPAIGN
35 AGAINST TERRORISM;

- 1 **4. TERRORISM FINANCING PROGRAM WHICH SHALL FOCUS**
2 **ON COMBATING TERRORIST FINANCING, SET UP EFFECTIVE**
3 **MECHANISM TO FREEZE FUNDS AND OTHER FINANCIAL**
4 **ASSETS, AND FORFEITURE OF ASSETS, OF PERSONS AND**
5 **ENTITIES INVOLVED IN OR ASSOCIATED WITH TERRORISM,**
6 **AS WELL PREVENTING THOSE FUNDS FROM BEING MADE**
7 **AVAILABLE TO TERRORIST; AND**
- 8 **5. INTERNATIONAL AFFAIRS PROGRAM WHICH SHALL**
9 **ENSURE COMPLIANCE WITH INTERNATIONAL**
10 **COMMITMENTS TO COUNTER-TERRORISM RELATED**
11 **PROTOCOLS AND BILATERAL AND/OR MULTILATERAL**
12 **AGREEMENTS.**

1 **DETAINED FOR THE CRIMES DEFINED AND PENALIZED**
2 **UNDER THE PROVISIONS OF THIS ACT;**

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

7 [5. Freeze the funds property, bank deposits, placements, trust accounts, assets
8 and records belonging to a person suspected of or charged with the crime of
9 terrorism or conspiracy to commit terrorism, pursuant to Republic Act No.
10 9160, otherwise known as the Anti-Money Laundering Act of 2001, as
11 amended;]

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

31 [6.] 7. Grant monetary rewards and other incentives to informers who give vital
32 information leading to the apprehension, arrest, detention, prosecution, and
33 conviction of person or persons who are liable for the [crime of terrorism or
34 conspiracy to commit terrorism] **CRIMES DEFINED AND PENALIZED**
35 **UNDER THE PROVISIONS OF THIS ACT; PROVIDED, THAT, NO**

1 MONETARY REWARD SHALL BE GRANTED TO INFORMANTS
2 UNLESS THE ACCUSED'S DEMURRER TO EVIDENCE HAS
3 BEEN DENIED OR THE PROSECUTION HAS RESTED ITS CASE
4 WITHOUT SUCH DEMURRER HAVING BEEN FILED;

5

6 [7.] 8. Establish and maintain coordination with and the cooperation and
7 assistance of other [nations in the struggle against] STATES,
8 JURISDICTIONS, INTERNATIONAL ENTITIES AND
9 ORGANIZATIONS IN PREVENTING AND COMBATING
10 international terrorism; [and]

11

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

18

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

23

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

27

28 [8.] 12. Request the Supreme Court to designate specific divisions of the Court
29 of Appeals [and] OR Regional Trial Courts [in Manila, Cebu City and
30 Cagayan de Oro City, as the case may be,] to handle all cases involving the
31 crimeS [of terrorism or conspiracy to commit terrorism] DEFINED AND
32 PENALIZED UNDER THE PROVISIONS OF THIS ACT, and all
33 matters incident to said crimes. [The Secretary of Justice shall assign a
34 team of prosecutors from: (a) Luzon to handle terrorism cases filed in the
35 Regional Trial Court in Manila; (b) from the Visayas to handle cases filed

1 in Cebu City; and (c) from Mindanao to handle cases filed in Cagayan de
2 Oro City.]
3

4 **13.REQUIRE OTHER GOVERNMENT AGENCIES, OFFICES AND**
5 **ENTITIES AND OFFICERS AND EMPLOYEES AND NON**
6 **GOVERNMENT ORGANIZATIONS, PRIVATE ENTITIES AND**
7 **INDIVIDUALS TO RENDER ASSISTANCE TO THE COUNCIL IN**
8 **THE PERFORMANCE OF ITS MANDATE; AND**

9

10 **14.INVESTIGATE MOTU PROPRIO OR UPON COMPLAINT ANY**
11 **REPORT OF ABUSE, MALICIOUS APPLICATION OR**
12 **IMPROPER IMPLEMENTATION BY ANY PERSON OF THE**
13 **PROVISIONS OF THIS ACT.**

14

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

22

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

29

30 The Committee shall have three subcommittees that will be respectively
31 headed by the Deputy Ombudsmen in Luzon, the Visayas and Mindanao. The
32 subcommittees shall respectively hold office at the Offices of Deputy
33 Ombudsmen. Three Assistant Solicitors General designated by the Solicitor
34 General, and the regional prosecutors of the DOJ assigned to the regions where the
35 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 in
3 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 in
6 the said cases shall preclude the filing of other cases based on the same cause or
7 causes of action as those that were filed with the Grievance Committee or its
8 branches.]

9

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

18

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

1 and (6) to individual persons who, although physically outside the territorial limits
2 of the Philippines, commit said crimes directly against the Philippine government.
3

4 SEC. [59] **43. Joint Oversight Committee.** – [There is hereby created a Joint
5 Oversight Committee to oversee the implementation of this Act.
6

7 The Oversight Committee shall be composed of five members each from
8 the Senate and the House in addition to the Chairs of the Committees of Public
9 Order of both Houses who shall also Chair the Oversight Committee in the order
10 specified herein. The membership of the Committee for every House shall at least
11 have two opposition or minority members. The Joint Oversight Committee shall
12 have its own independent counsel.
13

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

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

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

1 The courts dealing with anti-terrorism cases shall submit to Congress and
2 the President a report every six months of the status of anti-terrorism cases that
3 have been filed with them starting from the date this Act is implemented.]
4

5 UPON THE EFFECTIVITY OF THIS ACT, A JOINT
6 CONGRESSIONAL OVERSIGHT COMMITTEE IS HEREBY
7 CONSTITUTED. THE COMMITTEE SHALL BE COMPOSED OF
8 TWELVE (12) MEMBERS WITH THE CHAIRPERSON OF THE
9 COMMITTEE ON PUBLIC ORDER OF THE SENATE AND THE HOUSE
10 OF REPRESENTATIVES AS MEMBERS AND FIVE (5) ADDITIONAL
11 MEMBERS FROM EACH HOUSE TO BE DESIGNATED BY THE
12 SENATE PRESIDENT AND THE SPEAKER OF THE HOUSE OF
13 REPRESENTATIVES, RESPECTIVELY. THE MINORITY SHALL BE
14 ENTITLED TO A PRO-RATA REPRESENTATION BUT SHALL HAVE
15 AT LEAST TWO (2) REPRESENTATIVES IN THE COMMITTEE.
16

17 IN THE EXERCISE OF ITS OVERSIGHT FUNCTIONS, THE
18 JOINT CONGRESSIONAL OVERSIGHT COMMITTEE SHALL HAVE
19 THE AUTHORITY TO SUMMON LAW ENFORCEMENT OR MILITARY
20 OFFICERS AND THE MEMBERS OF THE ANTI-TERRORISM
21 COUNCIL TO APPEAR BEFORE IT, AND REQUIRE THEM TO
22 ANSWER QUESTIONS AND SUBMIT WRITTEN REPORTS OF THE
23 ACTS THEY HAVE DONE IN THE IMPLEMENTATION OF THIS LAW
24 AND RENDER AN ANNUAL REPORT TO BOTH HOUSES OF
25 CONGRESS AS TO THE STATUS OF ANTI-TERRORISM CASES AND
26 THE IMPLEMENTATION OF THIS ACT.
27

28 SEC. 44. *PROMOTING PEACE AND INCLUSIVITY IN SCHOOLS,
29 LEARNING CENTERS AND TRAINING INSTITUTIONS.* – THE
30 DEPARTMENT OF EDUCATION (DEPED), COMMISSION ON HIGHER
31 EDUCATION (CHED), AND TECHNICAL EDUCATION AND SKILLS
32 DEVELOPMENT AUTHORITY (TESDA) SHALL PROMULGATE
33 RULES AND REGULATIONS TO PROMOTE IDEAS AND PRACTICE
34 ON THE CULTURE OF PEACE AND INCLUSIVITY IN SCHOOLS,

1 LEARNING AND TRAINING INSTITUTIONS UNDER THEIR
2 RESPECTIVE JURISDICTIONS.

3
4 SCHOOLS, LEARNING CENTERS AND TRAINING
5 INSTITUTIONS FOUND BY THE APPROPRIATE ADMINISTRATIVE
6 OR LICENSING AGENCY TO BE PROMOTING OR ENCOURAGING
7 ACTS OF VIOLENCE, EXTREMISM, TERRORIST ACTS OR ANY ACT
8 PROHIBITED UNDER THIS LAW BASED ON SUBSTANTIVE
9 EVIDENCE SHALL HAVE ITS LICENSE REVOKED AND SHALL
10 IMMEDIATELY CEASE OPERATIONS. THIS IS WITHOUT
11 PREJUDICE TO OTHER CRIMINAL, CIVIL AND ADMINISTRATIVE
12 ACTIONS THAT MAY BE FILED AGAINST THE OFFICIALS AND
13 PERSONNEL OF THE SCHOOL, LEARNING CENTER OR TRAINING
14 INSTITUTION AND OTHER INDIVIDUALS ASSOCIATED WITH THE
15 SCHOOLS, LEARNING CENTER OR TRAINING INSTITUTION.
16

17 SEC. 45. *PROTECTION OF MOST VULNERABLE GROUPS.* - THERE
18 SHALL BE DUE REGARD FOR THE WELFARE OF ANY SUSPECTS
19 WHO ARE ELDERLY, PREGNANT, PERSONS WITH DISABILITY,
20 WOMEN AND CHILDREN WHILE THEY ARE UNDER
21 INVESTIGATION, INTERROGATION OR DETENTION.
22

23 SEC. 46. *APPLICABILITY OF THE REVISED PENAL CODE.* - THE
24 PROVISIONS OF BOOK I OF THE REVISED PENAL CODE SHALL BE
25 APPLICABLE TO THIS ACT.
26

27 SEC. 47. *APPROPRIATIONS.* - THE AMOUNT OF FIVE HUNDRED
28 MILLION PESOS (PHP 500,000,000.00) IS HEREBY APPROPRIATED TO
29 THE COUNCIL AS AN INITIAL FUND, FOR THE EFFECTIVE AND
30 IMMEDIATE IMPLEMENTATION OF THIS ACT. THEREAFTER, SUCH
31 SUMS AS MAY BE NECESSARY FOR THE CONTINUED
32 IMPLEMENTATION OF THIS ACT SHALL BE INCLUDED IN THE
33 ANNUAL GENERAL APPROPRIATIONS ACT.
34

1 SEC. 48. *IMPLEMENTING RULES AND REGULATIONS.* - THE ANTI-
2 TERRORISM COUNCIL AND DOJ, WITH THE ACTIVE
3 PARTICIPATION OF POLICE AND MILITARY INSTITUTIONS, SHALL
4 PROMULGATE THE RULES AND REGULATIONS FOR THE
5 EFFECTIVE IMPLEMENTATION OF THIS ACT WITHIN NINETY (90)
6 DAYS AFTER ITS EFFECTIVITY. THEY SHALL ALSO ENSURE THE
7 FULL DISSEMINATION OF SUCH RULES AND REGULATIONS TO
8 BOTH HOUSES OF CONGRESS, AND ALL OFFICERS AND MEMBERS
9 OF VARIOUS LAW ENFORCEMENT AGENCIES.
10

11 SEC. [60] 49. *Separability Clause.* - If for any reason any part or provision of this
12 Act is declared unconstitutional or invalid, the other parts or provisions hereof
13 which are not affected thereby shall remain and continue to be in full force and
14 effect.
15

16 SEC. [61] 50. *Repealing Clause.* - All laws, decrees, executive orders, rules or
17 regulations or parts thereof, inconsistent with the provisions of this Act are hereby
18 repealed, amended, or modified accordingly.
19

20 SEC. [62] 51. *[Special] Effectivity Clause.* - [After the bill shall have been signed
21 into law by the President, the Act shall be published in three newspapers of
22 national circulation; three newspapers of local circulation, one each in Ilocos
23 Norte, Baguio City and Pampanga; three newspapers of local circulation, one each
24 in Cebu, Iloilo and Tacloban; and three newspapers of local circulation, one each
25 in Cagayan de Oro, Davao and General Santos City.
26

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

1 After the publication required above shall have been done, the Act shall
2 take effect two months after the elections are held in May 2007.
3

4 Thereafter, the provisions of this Act shall be automatically suspended one
5 month before and two months after the holding of any election.]
6

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

10

11 *Approved,*