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REPUBLIC OF THE PHILIPPINES }
Second Regular Session }

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SENATE
S.B. No. 1715

RECEIVED BY: 

INTRODUCED BY SENATOR VICENTE C. SOTTO III

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

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

1 SECTION 1. Section 1 of Republic Act No. 9372, otherwise known as
2 the "Human Security Act of 2007" is hereby amended to read as follows:

3 "Section 1. *Short Title.* - This Act shall henceforth be known as the
4 ["Human Security Act of 2007."] "**PREVENTION OF TERRORISM ACT OF**
5 **2017.**"

6 SECTION 2. Section 2 of the same Act is hereby amended to read as
7 follows:

8 "Section 2. *Declaration of Policy.* - It is declared a policy of the State to
9 protect **THE RIGHT TO** life, liberty, and property, **INCLUDING** from acts of
10 terrorism, to condemn terrorism as inimical and dangerous to the national
11 security of the country and to the welfare of the people, and to make
12 terrorism a crime against the Filipino people, against humanity, and against
13 the law of nations."

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

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

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

17 SECTION 3. A new Section 3 is hereby added to read as follows:

18 “SECTION 3. DEFINITION OF TERMS. - AS USED IN THIS ACT:

19 **(A) “CRITICAL INFRASTRUCTURE” SHALL MEAN AN ASSET OR**
20 **SYSTEM WHICH IS ESSENTIAL FOR THE MAINTENANCE OF**
21 **VITAL SOCIETAL FUNCTIONS. “CRITICAL INFRASTRUCTURE”**
22 **MAY INCLUDE, BUT IS NOT LIMITED TO, COMMUNICATIONS,**
23 **EMERGENCY SERVICES, GAS, ENERGY, DAMS, FINANCE,**
24 **FOOD, PUBLIC SERVICES, INDUSTRY, HEALTH, TRANSPORT,**
25 **RADIO AND TELEVISION, INFORMATION TECHNOLOGY,**
26 **COMMERCIAL FACILITIES, CHEMICAL AND NUCLEAR**
27 **SECTORS, AND WATER.**

28 **(B) “WEAPONS OF MASS DESTRUCTION” OR WMD SHALL MEAN**
29 **“CHEMICAL, BIOLOGICAL, RADIOLOGICAL, OR NUCLEAR**
30 **WEAPONS CAPABLE OF A HIGH ORDER OF DESTRUCTION OR**

1 CAUSING MASS CASUALTIES, AND EXCLUDING THE MEANS OF
2 TRANSPORTING OR PROPELLING THE WEAPON WHERE SUCH
3 MEANS IS A SEPARABLE AND DIVISIBLE PART FROM THE
4 WEAPON.

5 (C) "CONSPIRACY" SHALL MEAN WHEN TWO OR MORE PERSONS
6 COME TO AN AGREEMENT CONCERNING THE COMMISSION
7 OF THE CRIME OF TERRORISM, AS DEFINED IN SECTION 4
8 HEREOF, AND DECIDE TO COMMIT THE SAME.

9 (D) "PROPOSAL" SHALL MEAN WHEN THE PERSON WHO HAS
10 DECIDED TO COMMIT THE CRIME OF TERRORISM PROPOSES
11 ITS EXECUTION TO SOME OTHER PERSON OR PERSONS.

12 (E) "INDIVIDUAL TERRORIST" REFERS TO ANY NATURAL
13 PERSON WHO COMMITS ANY ACTS DEFINED AND PENALIZED
14 IN SECTIONS 4, 5, 5(A), 5(B), 5(C), 5(D), AND 5(E) HEREOF, AS
15 A PRINCIPAL, ACCOMPLICE OR ACCESSORY, OR THOSE
16 PROSCRIBED UNDER SECTION 17 HEREOF.

17 (F) "TERRORIST ORGANIZATION, ASSOCIATION OR GROUP OF
18 PERSONS" REFERS TO ANY ENTITY OWNED OR CONTROLLED
19 BY ANY TERRORIST OR GROUP OF TERRORISTS THAT
20 COMMITS ANY ACTS DEFINED AND PENALIZED IN SECTIONS
21 4, 5, 5(A), 5(B), 5(C), 5(D), AND 5(E) OR THOSE PROSCRIBED
22 UNDER SECTION 17 HEREOF, OR DESIGNATED PERSONS
23 UNDER SECTION 3 (E) OF R.A. 10168, OTHERWISE KNOWN AS
24 THE "TERRORISM FINANCING PREVENTION AND
25 SUPPRESSION ACT OF 2012.

26 (G) "MATERIAL SUPPORT" MEANS PROVIDING PROPERTY OR
27 FUNDS, OR ANY FORM OF SERVICE, LODGING, SAFEHOUSES,
28 TRAINING, EDUCATION, INDOCTRINATION, EXPERT ADVICE
29 OR ASSISTANCE, FALSE DOCUMENTATION OR
30 IDENTIFICATION, COMMUNICATION AND TRANSPORTATION
31 EQUIPMENT, FACILITIES, WEAPONS, LETHAL SUBSTANCES,
32 EXPLOSIVES AND PERSONNEL, TO INDIVIDUAL TERRORIST
33 AND/OR TERRORIST ORGANIZATION, ASSOCIATION OR

1 GROUP OF PERSONS ORGANIZED FOR THE PURPOSE OF
2 ENGAGING IN TERRORISM.

3 (H) "PROPERTY OR FUNDS" REFER TO FINANCIAL ASSETS,
4 PROPERTY OF EVERY KIND, WHETHER TANGIBLE OR
5 INTANGIBLE, MOVABLE OR IMMOVABLE, PERSONAL OR
6 REAL, HOWEVER ACQUIRED, AND LEGAL DOCUMENTS OR
7 INSTRUMENTS IN ANY FORM, INCLUDING ELECTRONIC OR
8 DIGITAL, EVIDENCING TITLE TO, OR INTEREST IN, SUCH
9 FUNDS OR OTHER ASSETS, INCLUDING, BUT NOT LIMITED
10 TO, BANK CREDITS, TRAVELERS CHEQUES, BANK CHEQUES,
11 MONEY ORDERS, SHARES, SECURITIES, BONDS, DRAFTS, OR
12 LETTERS OF CREDIT, AND ANY INTEREST, DIVIDENDS OR
13 OTHER INCOME ON OR VALUE ACCRUING FROM OR
14 GENERATED BY SUCH FUNDS OR OTHER ASSETS.

15 (I) "TRAINING" MEANS INSTRUCTION OR TEACHING DESIGNED
16 TO IMPART A SPECIFIC SKILL, AS OPPOSED TO GENERAL
17 KNOWLEDGE.

18 (J) "EXPERT ADVICE OR ASSISTANCE" MEANS ADVICE OR
19 ASSISTANCE DERIVED FROM SCIENTIFIC, TECHNICAL OR
20 OTHER SPECIALIZED KNOWLEDGE.

21 (K) "PROBABLE CAUSE" REFERS TO A REASONABLE GROUND OF
22 SUSPICION, SUPPORTED BY CIRCUMSTANCES SUFFICIENTLY
23 STRONG IN THEMSELVES AS TO WARRANT A REASONABLE
24 MAN IN BELIEVING THAT THE INDIVIDUAL, ORGANIZATION,
25 ASSOCIATION OR GROUP OF PERSONS WERE OR
26 CONTINUOUSLY ENGAGED IN TERRORISM OR HAVE
27 PERFORMED ACTS COMMITTED BY A TERRORIST OR
28 TERRORIST ORGANIZATION AS DEFINED IN THIS ACT.

29 SECTION 4. Section 3 of this Act is hereby re-numbered and amended
30 to read as follows:

1 “Section [3] **4. Terrorism.** - Any person who commits an act punishable
2 under any of the following provisions of the Revised Penal Code
3 **REGARDLESS OF ITS STAGE OF EXECUTION:**

4 a. Article 122 (Piracy in General and Mutiny in the High Seas or
5 in the Philippine Waters);

6 b. Article 134 (Rebellion or Insurrection);

7 c. Article 134-A (Coup d' Etat), including acts committed by
8 private persons;

9 d. Article 248 (Murder);

10 e. Article 267 (Kidnapping and Serious Illegal Detention);

11 f. Article 324 (Crimes Involving Destruction), [or under]

12 **OR UNDER ANY OF THE FOLLOWING SPECIAL LAWS:**

13 1. Presidential Decree No. 1613 (The Law on Arson);

14 2. Republic Act No. 6969 (Toxic Substances and Hazardous and
15 Nuclear Waste Control Act of 1990);

16 3. Republic Act No. 5207, (Atomic Energy Regulatory and
17 Liability Act of 1968);

18 4. Republic Act No. 6235 (Anti-Hijacking Law);

19 5. Presidential Decree No. 532 (Anti-Piracy and Anti-Highway
20 Robbery Law of 1974); [and]

21 6. Presidential Decree No. 1866 (Decree Codifying the Laws on
22 Illegal and Unlawful Possession, Manufacture, Dealing in,
23 Acquisition or Disposition, of Firearms, Ammunitions or
24 Explosives), **AS AMENDED BY REOUBLIC ACT NO. 8294,**
25 **REPUBLIC ACT NO. 9516 AND REPUBLIC ACT NO. 10591;**

1 7. REPUBLIC ACT NO. 9208 (ANTI-TRAFFICKING IN
2 PERSONS ACT OF 2003)

3 8. REPUBLIC ACT NO. 9165 (COMPREHENSIVE DANGEROUS
4 DRUGS ACT OF 2002), AND

5 9. REPUBLIC ACT NO. 10175 (CYBERCRIME PREVENTION
6 ACT OF 2012)

7 OR ANY OTHER ACT (I) INTENDED TO CAUSE DEATH OR
8 SERIOUS BODILY INJURY TO ANY PERSON, OR (II) INTENDED TO
9 CAUSE RISK TO THE HEALTH, SAFETY OR SECURITY OF THE
10 PUBLIC, OR (III) INTENDED TO SERIOUSLY INTERFERES WITH,
11 DISRUPTS OR DESTROYS CRITICAL INFRASTRUCTURE, OR (IV)
12 USING WEAPONS OF MASS DESTRUCTION, OR (V) PROSCRIBED
13 UNDER ANY OF THE RELEVANT TREATIES AND CONVENTIONS
14 WHICH THE PHILIPPINES IS A STATE PARTY

15 WHEN THE PURPOSE AND/OR EFFECT OF ANY OF THE ABOVE
16 FELONIES, CRIMES OR ACTS, BY THEIR NATURE OR CONTEXT,
17 IS TO INTIMIDATE A POPULATION, OR TO COMPEL A
18 GOVERNMENT, AN INTERNATIONAL ORGANIZATION, OR ANY
19 PERSON OR ENTITY, TO DO OR TO ABSTAIN FROM DOING ANY
20 ACT,

21 [thereby sowing and creating a condition of widespread and
22 extraordinary fear and panic among the populace, in order to coerce
23 the government to give in to an unlawful demand] shall be guilty of
24 the crime of terrorism and shall suffer the penalty of [forty (40) years
25 of imprisonment] **LIFE IMPRISONMENT TO DEATH**, without the
26 benefit of parole as provided for under Act No. 4103, otherwise known
27 as the Indeterminate Sentence Law, as amended.”

1 SECTION 5. Section 4 of the same Act is hereby re-numbered,
2 amended and new subsections designated as subsections 5(a), 5(b), 5(c),
3 5(d), 5(e), 5(f), and 5(g) are hereby added to read as follows:

4 "Section [4] **5. Conspiracy to Commit Terrorism.** - Persons who conspire
5 to commit the crime of terrorism shall suffer the penalty of [forty (40) years
6 of imprisonment] **LIFE IMPRISONMENT TO DEATH**, without the benefit of
7 parole as provided for under Act No. 4103, otherwise known as the
8 Indeterminate Sentence Law, as amended.

9 [There is conspiracy when two or more persons come to an agreement
10 concerning the commission of the crime of terrorism, as defined in Sec. 3
11 hereof, and decide to commit the same.]

12 **SECTION 5(A). PROPOSAL TO COMMIT TERRORISM. - ANY**
13 **PERSON WHO PROPOSES TO COMMIT THE CRIME OF TERRORISM**
14 **SHALL SUFFER THE PENALTY OF LIFE IMPRISONMENT TO DEATH,**
15 **WITHOUT THE BENEFIT OF PAROLE AS PROVIDED FOR UNDER ACT**
16 **NO. 4103, OTHERWISE KNOWN AS THE INDETERMINATE SENTENCE**
17 **LAW, AS AMENDED.**

18 **SECTION 5(B). INCITING TO TERRORISM. - ANY PERSON WHO**
19 **INCITES ANOTHER PERSON BY ANY MEANS TO COMMIT TERRORISM,**
20 **WHETHER OR NOT DIRECTLY ADVOCATING THE COMMISSION OF ANY**
21 **OF SUCH ACT, THEREBY CAUSING DANGER THAT ONE OR MORE**
22 **SUCH ACTS MAY BE COMMITTED, SHALL BE PUNISHED WITH THE**
23 **PENALTY OF LIFE IMPRISONMENT TO DEATH, WITHOUT THE BENEFIT**
24 **OF PAROLE AS PROVIDED FOR UNDER ACT NO. 4103, OTHERWISE**
25 **KNOWN AS THE INDETERMINATE SENTENCE LAW, AS AMENDED.**

26 **SECTION 5(C). RECRUITMENT TO TERRORIST ORGANIZATION. -**
27 **ANY PERSON WHO SHALL RECRUIT ANOTHER TO JOIN ANY**
28 **ORGANIZATION, ASSOCIATION OR GROUP OF PERSONS ORGANIZED**
29 **FOR THE PURPOSE OF ENGAGING IN TERRORISM, OR WHICH,**
30 **ALTHOUGH NOT ORGANIZED FOR THAT PURPOSE, ACTUALLY USES**

1 THE ACTS ENUMERATED IN SECTION 3 HEREOF TO TERRORIZE,
2 SHALL BE PUNISHED WITH THE PENALTY OF LIFE IMPRISONMENT TO
3 DEATH, WITHOUT THE BENEFIT OF PAROLE AS PROVIDED FOR
4 UNDER ACT NO. 4103, OTHERWISE KNOWN AS THE INDETERMINATE
5 SENTENCE LAW, AS AMENDED.

6 SECTION 5(D). *PROVIDING MATERIAL SUPPORT TO TERRORISTS*
7 *OR TERRORIST ORGANIZATIONS.* - ANY PERSON WHO PROVIDES
8 MATERIAL SUPPORT TO ANY INDIVIDUAL TERRORIST OR TERRORIST
9 ORGANIZATION, ASSOCIATION OR GROUP OF PERSONS ORGANIZED
10 FOR THE PURPOSE OF ENGAGING IN TERRORISM, SHALL BE
11 PUNISHED WITH THE PENALTY OF LIFE IMPRISONMENT TO DEATH,
12 WITHOUT THE BENEFIT OF PAROLE AS PROVIDED FOR UNDER ACT
13 NO. 4103, OTHERWISE KNOWN AS THE INDETERMINATE SENTENCE
14 LAW, AS AMENDED.

15 SECTION 5(E). *FOREIGN TERRORIST FIGHTERS.* - ANY PERSON
16 WHO SHALL TRAVEL OR ATTEMPTS TO TRAVEL, OR RECRUITS OR
17 ASSISTS ANOTHER PERSON TO TRAVEL, OR FACILITATES THE
18 TRAVEL OF ANOTHER PERSON, TO ANOTHER STATE OR COUNTRY
19 FOR THE PURPOSE OF PLANNING OR PREPARATION OF, OR
20 PARTICIPATION IN, TERRORIST ACTS, OR PROVIDING OR RECEIVING
21 TERRORIST TRAINING, INCLUDING IN CONNECTION WITH ARMED
22 CONFLICT, SHALL BE PUNISHED WITH THE PENALTY OF LIFE
23 IMPRISONMENT TO DEATH, WITHOUT THE BENEFIT OF PAROLE AS
24 PROVIDED FOR UNDER ACT NO. 4103, OTHERWISE KNOWN AS THE
25 INDETERMINATE SENTENCE LAW, AS AMENDED.

26 ANY ALIEN WHO IS A FUGITIVE FROM JUSTICE FOR ANY ACTS
27 OF TERRORISM COMMITTED ABROAD, BASED ON VERIFIABLE
28 INFORMATION FROM ANY LAWFUL AUTHORITIES ABROAD, SHALL BE
29 CONSIDERED AS AN UNDESIRABLE ALIEN. HE SHALL BE ARRESTED
30 BY VIRTUE OF A MISSION ORDER ISSUED BY THE COMMISSIONER OF

1 **IMMIGRATION FOR THE PURPOSE OF INSTITUTING DEPORTATION**
2 **PROCEEDINGS.**

3 **SEC. 5 (F). GLORIFICATION OF TERRORISM – ANY PERSON WHO,**
4 **NOT BEING A CONSPIRATOR, ACCOMPLICE OR ACCESSORY UNDER**
5 **SECTIONS 5, 6 AND 7 OF THIS ACT, SHALL BY ANY MEANS**
6 **ADVERTISE THROUGH ANY MEDIUM TO GLORIFY OR PROMOTE**
7 **TERRORIST ACTS COMMITTED BY PROSCRIBED OR DESIGNATED**
8 **INDIVIDUALS OR ORGANIZATIONS SHALL SUFFER THE PENALTY OF**
9 **TEN (10) YEARS OF IMPRISONMENT.”**

10 SECTION 6. SEC. 5 of the same Act is hereby re-numbered and
11 amended to read as follows:

12 “Section [5] **6. *Accomplice.*** - Any person who, not being a principal
13 under Article 17 of the Revised Penal Code or a conspirator as defined in
14 Sec. [4] **5** hereof, cooperates in the execution of either the crime of terrorism
15 or conspiracy to commit terrorism by previous or simultaneous acts shall
16 suffer the penalty of from seventeen (17) years, four months one day to
17 twenty (20) years of imprisonment.”

18 SECTION 7. Section 6 of the same Act is hereby re-numbered and
19 amended to read as follows:

20 “Section [6] **7. *Accessory.*** - Any person who, having knowledge of the
21 commission of the **ANY OF THE** crime [of terrorism or conspiracy to commit
22 terrorism] **IN SECTION 4, 5(A), 5(B), 5(C), 5(D), AND 5(E) HEREOF** and
23 without having participated therein, either as principal or accomplice under
24 Articles 17 and 18 of the Revised Penal Code, takes part subsequent to its
25 commission in any of the following manner: (a) by profiting himself or
26 assisting the offender to profit by the effects of the crime; (b) by concealing
27 or destroying the body of the crime, or the effects, or instruments thereof, in
28 order to prevent its discovery; (c) by harboring, concealing, or assisting in
29 the escape of the principal or conspirator of the crime, shall suffer the
30 penalty of ten (10) years and one day to twelve (12) years of imprisonment.

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

7 SECTION 8. Section 7 of the same Act is hereby re-numbered and
8 amended to read as follows:

9 “Section [7] **8. Surveillance of Suspects and Interception and Recording**
10 *of Communications.* - The provisions of Republic Act No. 4200 (Anti-Wire
11 Tapping Law) **AND R.A. 10175 (CYBERCRIME PREVENTION ACT)** to the
12 contrary notwithstanding, [a police or law enforcement official and members
13 of his team] **LAW ENFORCEMENT OR MILITARY PERSONNEL** may, upon
14 a written order of the Court of Appeals **AND/OR REGIONAL TRIAL COURT**,
15 listen to, intercept and record, with the use of any mode, form, kind or type
16 of electronic or other surveillance equipment or intercepting and tracking
17 devices, or with the use of any other suitable ways and means for that
18 purpose, any communication, message, conversation, discussion, or spoken
19 or written words **(A)** between members of a [judicially declared and outlawed
20 terrorist organization, association, or group of persons or of any person
21 charged with or suspected of the crime of terrorism or conspiracy to commit
22 terrorism] **DESIGNATED PERSON AS DEFINED IN SECTION 3(E) OF R.A.**
23 **10168, OTHERWISE KNOWN AS THE “TERRORISM FINANCING**
24 **PREVENTION AND SUPPRESSION ACT OF 2012”, OR (B) ANY PERSON**
25 **CHARGED OR SUSPECTED OF ANY CRIME IN SECTION 4, 5, 5(A), 5(B),**
26 **5(C), 5(D), 5(E), AND 5(F) HEREOF.**

27 **IN CASE OF IMMINENT DANGER OR ACTUAL TERRORIST**
28 **ATTACK, THE SECRETARY OF THE DEPARTMENT OF JUSTICE, UPON**
29 **THE CERTIFICATION OF THE ANTI-TERRORISM COUNCIL BASED ON**
30 **REASONABLE GROUND OF SUSPICION, SHALL HAVE THE POWER TO**
31 **COMPEL TELECOM AND INTERNET SERVICE PROVIDERS TO**
32 **PRODUCE ALL CUSTOMER INFORMATION AND IDENTIFICATION**
33 **RECORDS AS WELL AS CALL AND TEXT DATA RECORDS AND OTHER**

1 **CELLULAR OR INTERNET METADATA OF ANY PERSON SUSPECTED OF**
2 **ANY CRIME IN SECTION 4, 5, 5(A), 5(B), 5(C), 5(D), 5(E), AND 5(F)**
3 **HEREOF.**

4 SECTION 9. Section 8 of the same Act is hereby re-numbered and
5 amended to read as follows:

6 “Section [8] 9. *Formal Application for Judicial Authorization.* - The
7 written order of the authorizing division of the Court of Appeals **AND/OR**
8 **REGIONAL TRIAL COURT** to track down, tap, listen to, intercept, and
9 record communications, messages, conversations, discussions, or spoken or
10 written words of [any person suspected of the crime of terrorism or the crime
11 of conspiracy to commit terrorism] **IN SECTION 8 HEREOF** shall only be
12 granted by the authorizing division of the Court of Appeals **AND/OR THE**
13 **REGIONAL TRIAL COURT** upon an *ex parte* written application of a [police
14 or of a law enforcement official] **LAW ENFORCEMENT OR MILITARY**
15 **PERSONNEL** [who has been duly authorized in writing by the Anti-
16 Terrorism Council created in Sec. 53 of this Act to file such *ex parte*
17 application], and upon examination under oath or affirmation of the
18 applicant and [the] **HIS/HER** witnesses [he may produce to establish]: (a)
19 that there is probable cause to believe based on personal knowledge of facts
20 or circumstances that **ANY OF** the [said] crime**S** [of terrorism or conspiracy
21 to commit terrorism] **SECTION 4, 5, 5(A), 5(B), 5(C), 5(D), AND 5(E)**
22 **HEREOF** has been committed, or is being committed, or is about to be
23 committed; (b) that there is probable cause to believe based on personal
24 knowledge of facts or circumstances that evidence, which is essential to the
25 conviction of any charged or suspected person for, or to the solution or
26 prevention of, any such crimes, will be obtained; and, (c) that there is no
27 other effective means readily available for acquiring such evidence.

28 SECTION 10. Section 9 of the same Act is hereby re-numbered and
29 amended to read as follows:

30 “Section [9] 10. *Classification and Contents of the Order of the Court.* -
31 The written order granted by the authorizing division of the Court of Appeals

1 **AND/OR REGIONAL TRIAL COURT** as well as its order, if any, to extend or
2 renew the same, **AND** the original application of the applicant, including his
3 application to extend [or renew], if any, [and the written authorizations of
4 the Anti-Terrorism Council] shall be deemed and are hereby declared as
5 classified information: [*Provided*, That the person being surveilled or whose
6 communications, letters, papers, messages, conversations, discussions,
7 spoken or written words and effects have been monitored, listened to,
8 bugged or recorded by law enforcement authorities has the right to be
9 informed of the acts done by the law enforcement authorities in the
10 premises or to challenge, if he or she intends to do so, the legality of the
11 interference before the Court of Appeals which issued the written order.] The
12 written order of the authorizing division of the Court of Appeals **AND/OR**
13 **REGIONAL TRIAL COURT** shall specify the following: (a) the identity, such
14 as name and address, if known, of the [charged or suspected] person whose
15 communications, messages, conversations, discussions, or spoken or
16 written words are to be tracked down, tapped, listened to, intercepted, and
17 recorded and, in the case of radio, electronic, or telephonic (whether wireless
18 or otherwise) communications, messages, conversations, discussions, or
19 spoken or written words, the electronic transmission systems or the
20 telephone numbers to be tracked down, tapped, listened to, intercepted, and
21 recorded and their locations or if the person suspected of the crime of
22 terrorism or conspiracy to commit terrorism is not fully known, such person
23 shall be subject to continuous surveillance provided there is a reasonable
24 ground to do so; (b) the identity [(name, address, and the police or law
25 enforcement organization) of the police or of the law enforcement official,
26 including the individual identity (names, addresses, and the police or law
27 enforcement organization) of the members of his team] **OF THE LAW**
28 **ENFORCEMENT OR MILITARY PERSONNEL**, judicially authorized to track
29 down, tap, listen to, intercept, and record the communications, messages,
30 conversations, discussions, or spoken or written words; (c) the offense or
31 offenses committed, or being committed, or sought to be prevented; and, (d)
32 the length of time within which the authorization shall be used or carried
33 out.

1 SECTION 11. Section 10 of the same Act is hereby re-numbered and
2 amended to read as follows:

3 “Section [10] **11. Effective Period of Judicial Authorization.** - Any
4 authorization granted by the authorizing division of the Court of Appeals
5 **AND/OR REGIONAL TRIAL COURT**, pursuant to Sec. [9] **10(d)** of this Act,
6 shall only be effective for the length of time specified in the written order [of
7 the authorizing division of the Court of Appeals], which shall not exceed a
8 period of [thirty (30)] **NINETY (90)** days from the date of receipt of the
9 written order [of the authorizing division of the Court of Appeals] by the
10 applicant [police or law enforcement official] **LAW ENFORCEMENT OR**
11 **MILITARY PERSONNEL”**.

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

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

30 If no case is filed within the thirty (30)-day period, the applicant police
31 or law enforcement official shall immediately notify the person subject of the

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

7 SECTION 12. Section 11 of the same Act is hereby re-numbered and
8 amended to read as follows:

9 Sec. [11] **12. Custody of Intercepted and Recorded Communications.** -
10 All tapes, discs, and recordings made pursuant to the authorization of the
11 authorizing division of the Court of Appeals **AND/OR REGIONAL TRIAL**
12 **COURT**, [including all excerpts and summaries thereof as well as all written
13 notes or memoranda made in connection therewith, shall,] within [forty-
14 eight (48) hours] **TEN (10) DAYS** after the expiration of the period fixed in
15 the written order [of the authorizing division of the Court of Appeals or
16 within forty-eight (48) hours after the expiration] of any extension or renewal
17 granted [by the authorizing division of the Court of Appeals], be deposited
18 with the authorizing Division of the Court of Appeals **AND/OR THE**
19 **REGIONAL TRIAL COURT** in a sealed envelope or sealed package, as the
20 case may be, and shall be accompanied by [a] **THE** affidavit of the applicant
21 [police or law enforcement official and the members of his team] **LAW**
22 **ENFORCEMENT OR MILITARY PERSONNEL.**

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

28 It shall be unlawful for any person, police officer or any custodian of the
29 tapes, discs and recording, [and their excerpts and summaries, written
30 notes or memoranda to copy in whatever form,] to **INTENTIONALLY ALTER,**

1 remove, delete, expunge, incinerate, shred or destroy in any manner the
2 items enumerated above in whole or in part under any pretext whatsoever.

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

7 SECTION 13. Section 12 of the same Act is hereby re-numbered and
8 amended to read as follows:

9 “Section [12] **13 Contents of [Joint] THE Affidavit.** - The [joint] affidavit
10 of the [police or of the law enforcement official and the individual members
11 of his team] **LAW ENFORCEMENT OR MILITARY PERSONNEL** shall state:
12 (a) the number of tapes, discs, and recordings that have been made, [as well
13 as the number of excerpts and summaries thereof and the number of
14 written notes and memoranda, if any, made in connection therewith]; **AND**
15 (b) the dates and times covered by each of such tapes, discs, and recordings.
16 [; (c) the number of tapes, discs, and recordings, as well as the number of
17 excerpts and summaries thereof and the number of written notes and
18 memoranda made in connection therewith that have been included in the
19 deposit; and (d) the date of the original written authorization granted by the
20 Anti-Terrorism Council to the applicant to file the *ex parte* application to
21 conduct the tracking down, tapping, intercepting, and recording, as well as
22 the date of any extension or renewal of the original written authority granted
23 by the authorizing division of the Court of Appeals.]

24 [The joint affidavit shall also certify under oath that no duplicates or copies
25 of the whole or any part of any of such tapes, discs, and recordings, and
26 that no duplicates or copies of the whole or any part of any of such excerpts,
27 summaries, written notes, and memoranda, have been made, or, if made,
28 that all such duplicates and copies are included in the sealed envelope or
29 sealed package, as the case may be, deposited with the authorizing division
30 of the Court of Appeals.]

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

4 [Any person, police or law enforcement officer who violates any of the
5 acts prescribed in the preceding paragraph shall suffer the penalty of not
6 less than ten (10) years and one day to twelve (12) years of imprisonment.]

7 SECTION 14. Section 13 of the same Act is hereby re-numbered and
8 amended to read as follows:

9 Sec. [13] **14. Disposition of Deposited Material.** -The sealed envelope or
10 sealed package and the contents thereof, which are deposited [with the
11 authorizing division of the Court of Appeals] **IN ACCORDANCE WITH**
12 **SECTION 12 HEREOF**, shall be deemed and are hereby declared classified
13 information, and the sealed envelope or sealed package shall not be opened
14 and its contents [(including the tapes, discs, and recordings and all the
15 excerpts and summaries thereof and the notes and memoranda made in
16 connection therewith)] shall not be divulged, revealed, read, replayed, or
17 used as evidence unless authorized by [written order of] **THE**
18 **AUTHORIZING DIVISION OF THE COURT OF APPEALS OR THE**
19 **REGIONAL TRIAL COURT**, which [written order] shall be granted only upon
20 a written application of the Department of Justice [filed before the
21 authorizing division of the Court of Appeals and only upon a showing that
22 the Department of Justice has been duly authorized in writing by the Anti-
23 Terrorism Council to file the application with proper written notice the
24 person whose conversation, communication, message discussion or spoken
25 or written words have been the subject of surveillance, monitoring, recording
26 and interception to open, reveal, divulge, and use the contents of the sealed
27 envelope or sealed package as evidence.]

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

1 SECTION 15. Section 14 of the same Act is hereby re-numbered and
2 amended to read as follows:

3 “Section [14] **15**. *Application to Open Deposited Sealed Envelope or*
4 *Sealed Package*. - The written application [with notice to the party
5 concerned] to open the deposited sealed envelope or sealed package shall
6 [clearly] state the purpose or reason: (a) for **ITS** opening [the sealed envelope
7 or sealed package; (b) for revealing or disclosing its classified contents; (c)]
8 **(B)** for replaying, divulging, and or reading any of the listened to,
9 intercepted, and recorded communications, messages, conversations,
10 discussions, or spoken or written words [(including any of the excerpts and
11 summaries thereof and any of the notes or memoranda made in connection
12 therewith)]; and, [(d)] **(C)** for using any of said listened to, intercepted, and
13 recorded communications, messages, conversations, discussions, or spoken
14 or written words [(including any of the excerpts and summaries thereof and
15 any of the notes or memoranda made in connection therewith)] as evidence.

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

19 SECTION 16. Section 15 of the same Act is hereby re-numbered and
20 amended to read as follows:

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

30 SECTION 17. Section 16 of the same Act is hereby **REPEALED**.

1 SECTION 18. Section 17 of the same Act is hereby amended and new
2 subsections designated as subsections 17-A and 17-B are hereby added to
3 read as follows:

4 "Section 17. *Proscription of **INDIVIDUAL TERRORIST**, Terrorist*
5 *Organizations, Association, or Group of Persons.* - Any **INDIVIDUAL**,
6 organization, association, or group of persons **WHO VIOLATE SECTION 4,**
7 **5(A), 5(B), 5(C), 5(D) or 5(E), AND ANY INDIVIDUAL, ORGANIZATION, OR**
8 **GROUP OF PERSONS** organized for the purpose of engaging in terrorism,
9 [or which, although not organized for that purpose, actually uses the acts to
10 terrorize mentioned in this Act or to sow and create a condition of
11 widespread and extraordinary fear and panic among the populace in order
12 to coerce the government to give in to an unlawful demand] shall upon
13 application of the Department of Justice before a competent Regional Trial
14 Court, [with due notice and opportunity to be heard given to the
15 organization, association, or group of persons concerned,] be declared as a
16 terrorist and/**OR** outlawed organization, association, or group of persons by
17 the said [Regional Trial] Court.

18 **THE EX PARTE APPLICATION SHALL BE FILED WITH AN URGENT**
19 **PRAYER FOR THE ISSUANCE OF A PRELIMINARY ASSET**
20 **PRESERVATION ORDER AND/OR A PRELIMINARY ORDER OF**
21 **PROSCRIPTION.**

22 **NO APPLICATION FOR PROSCRIPTION WILL BE FILED WITHOUT**
23 **THE AUTHORITY OF THE ANTI-TERRORISM COUNCIL UPON THE**
24 **RECOMMENDATION OF THE NATIONAL INTELLIGENCE**
25 **COORDINATING AGENCY (NICA).**

26 **SECTION 17-A. ORDER OF PROSCRIPTION. - ASSET**
27 **PRESERVATION ORDER. WHERE THE REGIONAL TRIAL COURT JUDGE**
28 **HAS DETERMINED THAT PROBABLE CAUSE EXISTS ON THE BASIS OF**
29 **THE VERIFIED EX PARTE PETITION SUFFICIENT IN FORM AND**
30 **SUBSTANCE, THE COURT WITHIN TWENTY FOUR (24) HOURS FROM**
31 **THE FILING OF THE APPLICATION MAY ISSUE A PRELIMINARY ORDER**
32 **OF PROSCRIPTION DECLARING THAT THE RESPONDENT THEREIN IS**
33 **A TERRORIST OR TERRORIST ORGANIZATION WITHIN THE MEANING**
34 **OF THIS ACT.**

1 THE PRELIMINARY ASSET PRESERVATION ORDER SHALL,
2 EFFECTIVE IMMEDIATELY, FORBID THE TRANSACTION,
3 WITHDRAWAL, DEPOSIT, TRANSFER, REMOVAL, CONVERSION,
4 CONCEALMENT OR OTHER DISPOSITION OF ANY PROPERTY OR
5 FUNDS OWNED OR CONTROLLED BY THE PROSCRIBED TERRORIST,
6 ORGANIZATION, ASSOCIATION OR GROUP OF PERSONS. SUCH ORDER
7 SHALL BE EFFECTIVE FOR A PERIOD SIX (6) MONTHS FROM THE
8 RESPECTIVE DATES OF SERVICE TO RESPONDENT OR ANY PERSON
9 ACTING IN HIS BEHALF, AND UPON EACH INSTITUTION OR
10 GOVERNMENT AGENCY IN POSSESSION OF THE SUBJECT PROPERTY
11 OR FUNDS.

12 THE COURT WILL SCHEDULE A SUMMARY HEARING AT A DATE
13 AND TIME WITHIN THE SIX-MONTH PERIOD AT WHICH THE
14 RESPONDENT MAY FOR GOOD CAUSE SHOW WHY THE ORDER OF
15 PROSCRIPTION BE SET ASIDE, AND THE ASSET PRESERVATION
16 ORDER SHOULD BE LIFTED. THE COURT SHALL DETERMINE WITHIN
17 THE SAME PERIOD WHETHER THE QUESTIONED ORDERS SHOULD BE
18 MADE PERMANENT, SET ASIDE, MODIFIED OR BE LIFTED AS THE
19 CASE MAY BE.

20 SECTION 17-B. *REQUEST TO PROSCRIBE FROM FOREIGN*
21 *JURISDICTIONS AND SUPRA-NATIONAL JURISDICTIONS.* - CONSISTENT
22 WITH THE NATIONAL INTEREST, ALL REQUESTS FOR PROSCRIPTION
23 MADE BY ANOTHER JURISDICTION OR SUPRA-NATIONAL
24 JURISDICTION SHALL BE REFERRED BY THE DEPARTMENT OF
25 FOREIGN AFFAIRS TO THE ANTI-TERRORISM COUNCIL (ATC) TO
26 DETERMINE, WITH THE ASSISTANCE OF THE NICA, IF PROSCRIPTION
27 UNDER SEC.17 OF THIS ACT IS WARRANTED AND, IF SO, THE ATC
28 SHALL CORRESPONDINGLY COMMENCE PROSCRIPTION
29 PROCEEDINGS THROUGH THE DEPARTMENT OF JUSTICE.”

30 SECTION 19. Section 18 of the same Act is hereby amended to read as
31 follows:

32 “Section 18. *Period of Detention Without Judicial Warrant of Arrest.* -
33 The provisions of Article 125 of the Revised Penal Code to the contrary
34 notwithstanding, any [police or] law enforcement **OR MILITARY** personnel [,
35 who, having been duly authorized in writing by the Anti-Terrorism Council]

1 has taken custody of a person [charged with or] suspected [of the crime of
2 terrorism or the crime of conspiracy to commit terrorism] **OF COMMITTING**
3 **ANY CRIME IN SECTION 4, 5(A), 5(B), 5(C), 5(D), 5(E), AND 5(F) HEREOF**
4 shall, without incurring any criminal liability for delay in the delivery of
5 detained persons to the proper judicial authorities, deliver said [charged or
6 suspected] **ARRESTED** person to the proper judicial authority within a
7 period of [three] **THIRTY (30)** days counted from the moment the said
8 [charged or suspected] person has been [apprehended or] arrested
9 **EXCLUDING SATURDAY, SUNDAY AND HOLIDAYS.** [, detained, and taken
10 into custody by the said police, or law enforcement personnel: *Provided,*
11 That the arrest of those suspected of the crime of terrorism or conspiracy to
12 commit terrorism must result from the surveillance under Sec. 7 and
13 examination of bank deposits under Sec. 27 of this Act.]

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

29 [Immediately after taking custody of a person charged with or suspected of
30 the crime of terrorism or conspiracy to commit terrorism, the police or law
31 enforcement personnel shall notify in writing the judge of the court nearest
32 the place of apprehension or arrest: *Provided,* That where the arrest is made

1 during Saturdays, Sundays, holidays or after office hours, the written notice
2 shall be served at the residence of the judge nearest the place where the
3 accused was arrested.]

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

8 SECTION 20. Section 19 of the same Act is hereby amended and new
9 subsections designated as subsections 19-A, 19-B and 19-C are hereby
10 added to read as follows:

11 “Section 19. *Period of Detention in the Event of an Actual or Imminent*
12 *Terrorist Attack.* - In the event of an actual or imminent terrorist attack,
13 suspects may [not] be detained for more than [three] **THIRTY (30)** days
14 without [the written approval of a municipal, city, provincial or regional
15 official of a Human Rights Commission or judge of the municipal, regional
16 trial court, the Sandiganbayan or a justice of the Court of Appeals nearest
17 the place of the arrest] **THE LAW ENFORCEMENT OR MILITARY**
18 **PERSONNEL INCURRING ANY CRIMINAL LIABILITY FOR DELAY OF**
19 **DELIVERY OF DETAINED PERSONS TO THE PROPER JUDICIAL**
20 **AUTHORITIES UNDER ARTICLE 125 OF THE REVISED PENAL CODE.** [If
21 the arrest is made during Saturdays, Sundays, holidays or after office
22 hours, the arresting police or law enforcement personnel shall bring the
23 person thus arrested to the residence of any of the officials mentioned above
24 that is nearest the place where the accused was arrested. The approval in
25 writing of any of the said officials shall be secured by the police or law
26 enforcement personnel concerned within five days after the date of the
27 detention of the persons concerned:] *Provided, however,* That within [three]
28 **THIRTY (30)** days after the detention the suspects, whose connection with
29 the terror attack or threat is not established, shall be released immediately,
30 **OTHERWISE, SAID SUSPECTS SHALL, WITHIN THIRTY (30) DAYS**
31 **AFTER THE ACTUAL OR IMMINENT TERRORIST ATTACK CEASES,**

1 EXCLUDING SATURDAYS, SUNDAYS AND HOLIDAYS, BE DELIVERED
2 TO THE PROPER JUDICIAL AUTHORITY.

3 SECTION 19-A. ARREST OF UNWILLING MATERIAL WITNESS. -
4 WHEN THERE IS NO OTHER MATERIAL WITNESS, UPON APPLICATION
5 OF THE DEPARTMENT OF JUSTICE, THE COURT MAY ISSUE AN
6 ARREST WARRANT OF A MATERIAL WITNESS IN ORDER TO SECURE
7 HIS OR HER TESTIMONY IN CONNECTION WITH THE INVESTIGATION
8 OR PROSECUTION OF ANY OFFENSE UNDER THIS ACT.

9 TO OBTAIN THE ARREST WARRANT, THE DOJ SHALL ESTABLISH
10 TO THE COURT'S SATISFACTION THAT THE PERSON IN QUESTION
11 HAS MATERIAL INFORMATION NECESSARY TO THE INVESTIGATION
12 OR PROSECUTION UNDER THIS ACT.

13 SECTION 19-B. SUSPENSION/CANCELATION OF PASSPORT - THE
14 DEPARTMENT OF FOREIGN AFFAIRS, BASED ON REASONABLE
15 GROUND OF SUSPICION, MAY SUSPEND OR CANCEL THE PASSPORT
16 OF A CITIZEN SUSPECTED OF ANY CRIME IN SECTION 4, 5(A), 5(B),
17 5(C), 5(D), 5(E), AND 5(G) HEREOF.

18 SECTION 19-C. ISSUANCE OF HOLD DEPARTURE ORDER - UPON
19 FILING OF THE INFORMATION FOR ANY CRIME IN SECTION 4, 5(A),
20 5(B), 5(C), 5(D), 5(E), 5(F), AND (G) HEREOF, THE COURT SHALL
21 IMMEDIATELY ISSUE A HOLD DEPARTURE ORDER AGAINST ANY
22 PERSON SO CHARGED.

23 SECTION 21. Sections 20, 21, 22, 23, 24, and 25 of the same Act are
24 hereby **REPEALED**:

25 SECTION 22. Section 26 of the same Act is hereby re-numbered and
26 amended to read as follows:

27 "Sec. [26] **20**. [*Restriction*] **CONDITIONS** on Travel **WHILE ON BAIL**. -
28 In cases where evidence of guilt is not strong, and the person charged with
29 [the crime of terrorism or conspiracy to commit terrorism is entitled to bail

1 and is granted the same] **ANY CRIME IN SECTION 4, 5(A), 5(B), 5(C), 5(D),**
2 **5(E), AND 5(F)**, the court, upon application by the prosecutor, shall limit the
3 [right of] travel of the accused to within the municipality or city [where he
4 resides or] where the case is pending. [, in the interest of national security
5 and public safety, consistent with Article III, Sec. 6 of the Constitution.] **THE**
6 **COURT SHALL IMMEDIATELY FURNISH THE DEPARTMENT OF**
7 **JUSTICE AND THE BUREAU OF IMMIGRATION WITH THE COPY OF**
8 **SAID ORDER.** Travel outside of said municipality or city, without the
9 authorization of the court, shall be deemed a violation of the terms and
10 conditions of his bail. [, which shall then be forfeited as provided under the
11 Rules of Court.]

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

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

17 The restrictions abovementioned shall be terminated upon the acquittal of
18 the accused or of the dismissal of the case filed against him. [or earlier upon
19 the discretion of the court on motion of the prosecutor or of the accused.]”

20 SECTION 23. A new Section 21 is hereby added to read as follows:

21 **“SECTION 21. BANK INQUIRY AND EXAMINATION. - BANK**
22 **INQUIRY AND EXAMINATION INTO BANK ACCOUNTS AND**
23 **INVESTMENTS SHALL BE IN ACCORDANCE WITH REPUBLIC ACT NO.**
24 **9160, OTHERWISE KNOWN AS THE “ANTI-MONEY LAUNDERING ACT**
25 **OF 2001, AS AMENDED” IN RELATION TO REPUBLIC ACT 10168,**
26 **OTHERWISE KNOWN AS “TERRORISM FINANCING PREVENTION AND**
27 **SUPPRESSION ACT OF 2012”**

28 SECTION 24. Sections 27, 28, 28, 30, 31, 32, 33, 34, 35, 36, 37, 38,
29 39, 40, 41, 42, 43, 44, and 45 of the same Act are hereby **REPEALED.**

30 SECTION 25. A new Section 22 is hereby added to read as follows:

1 “SECTION 22. FREEZING AND FORFEITURE. – EXCEPT THOSE
2 COVERED BY SECTION 17-A, THE FREEZE AND FORFEITURE OF
3 PROPERTIES OR FUNDS AS HEREIN DEFINED THAT ARE IN ANY WAY
4 RELATED TO TERRORISM SHALL BE IN ACCORDANCE WITH
5 REPUBLIC ACT NO. 9160, OTHERWISE KNOWN AS THE “ANTI-MONEY
6 LAUNDERING ACT OF 2001, AS AMENDED” AND THE RULES OF
7 PROCEDURE IN CASES OF CIVIL FORFEITURE, ASSET PRESERVATION
8 AND FREEZE.”

9 SECTION 26. Section 46 of the same Act is hereby re-numbered and
10 amended to read as follows:

11 “Section [46] **23. *Penalty for Unauthorized Revelation of***
12 ***Classified Materials.*** - The penalty of [ten (10) years and one day to twelve
13 (12) years] **SIX (6) MONTHS AND ONE (1) DAY TO SIX (6) YEARS** of
14 imprisonment shall be imposed upon any person, [police or] law
15 enforcement **OR MILITARY PERSONNEL** [agent], judicial officer or civil
16 servant who, not being authorized by the Court of Appeals **AND/OR**
17 **REGIONAL TRIAL COURT** to do so, reveals in any manner or form any
18 classified information under this Act.

19 SECTION 27. Sections 47 of the same Act is hereby re-numbered to
20 read as follows:

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

26 SECTION 28. Sections 48, 49, 50, and 51 of the same Act are hereby
27 REPEALED.

28 SECTION 29. A new Section 25 is hereby added to read as follows:

29 “**SECTION 25. SPECIAL FACILITY. – ANY PERSON ARRESTED,**
30 **CHARGED, TRIED, OR CONVICTED UNDER THIS ACT SHALL BE HELD,**

1 **DETAINED OR IMPRISONED IN A SPECIAL FACILITY ESTABLISHED BY**
2 **THE STATE.”**

3 SECTION 30. A new Section 26 is hereby added to read as follows:

4 **“SECTION 26. COUNTERING VIOLENT EXTREMISM IN SCHOOLS. –**
5 **THE DEPARTMENT OF EDUCATION (DEPED), COMMISSION ON HIGHER**
6 **EDUCATION (CHED), AND TECHNICAL EDUCATION AND SKILLS**
7 **DEVELOPMENT AUTHORITY (TESDA) SHALL PROMULGATE RULES AND**
8 **REGULATIONS ON THE OPERATION OF SCHOOLS OR LEARNING**
9 **CENTERS THAT WILL ENSURE THE LATTER ARE NOT BEING USED TO**
10 **PROPAGATE VIOLENT EXTREMISM IDEOLOGY. ANY SCHOOL FOUND**
11 **VIOLATING THE SAME SHALL BE SUBJECT TO ADMINISTRATIVE**
12 **PENALTY.”**

13 **SECTION 31.** A new Section 27 is hereby added to read as follows:

14 **“SECTION 27. COUNTERING VIOLENT EXTREMISM IN SOCIAL**
15 **MEDIA. – ALL DEPARTMENTS OF THE COUNCIL MEMBERS SHALL**
16 **ESTABLISH A SOCIAL MEDIA SECTION TO COUNTER VIOLENT**
17 **EXTREMISM IN SOCIAL MEDIA.”**

18 SECTION 32. Section 52 of the same Act is hereby re-numbered and
19 amended to read as follows:

20 “Section [52] **28.** *Applicability of the Revised Penal Code.* - The
21 provisions [of Book I] of the Revised Penal Code shall [be applicable] **APPLY**
22 **SUPPLETORILY** to this Act.”

23 SECTION 33. Section 53 of the same Act is hereby re-numbered and
24 amended to read as follows:

25 “Section [53] **29.** *Anti-Terrorism Council.* - An Anti-Terrorism Council,
26 hereinafter referred to, for brevity, as the "Council," is hereby created. The
27 members of the Council are: (1) the Executive Secretary, who shall be its
28 Chairperson; (2) the Secretary of Justice, who shall be its Vice Chairperson;

1 and (3) the Secretary of Foreign Affairs; (4) the Secretary of National
2 Defense; (5) the Secretary of the Interior and Local Government; (6) the
3 Secretary of Finance; [and] (7) the National Security Advisor; **(8) THE**
4 **SECRETARY OF INFORMATION AND COMMUNICATIONS TECHNOLOGY;**
5 **(9) THE SECRETARY OF SCIENCE AND TECHNOLOGY; (10) THE**
6 **SECRETARY OF TRANSPORTATION; (11) SECRETARY OF LABOR AND**
7 **EMPLOYMENT; AND (12) SECRETARY OF EDUCATION** as its other
8 members.

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

16 The National Intelligence Coordinating Agency shall be the Secretariat of the
17 Council. The Council shall define the powers, duties, and functions of the
18 National Intelligence Coordinating Agency as Secretariat of the Council.

19 **THERE IS HEREBY CREATED AN ANTI-TERRORISM COUNCIL -**
20 **PROGRAM MANAGEMENT CENTER (ATC-PMC) WHICH SHALL: (A)**
21 **DIRECTLY ADMINISTER, CONTROL AND SUPERVISE THE**
22 **PERFORMANCE OF THE OPERATIONAL FUNCTIONS AND DUTIES OF**
23 **THE COUNCIL; (B) DIRECTLY ASSIST THE COUNCIL IN THE**
24 **IMPLEMENTATION OF THE COUNCIL AS HEREIN STATED; (C) ACT AS**
25 **THE COORDINATOR OF THE COUNCIL IN THE PROPER EXECUTION OF**
26 **ALL DIRECTIVES OF THE COUNCIL; AND (D) PERFORM SUCH OTHER**
27 **FUNCTIONS AND DUTIES AS DIRECTED BY THE COUNCIL.** [The National
28 Bureau of Investigation, the Bureau of Immigration, the Office of Civil
29 Defense, the Intelligence Service of the Armed Forces of the Philippines, the
30 Anti-Money Laundering Council, the Philippine Center on Transnational

1 Crime, and the Philippine National Police intelligence and investigative
2 elements shall serve as support agencies for the Council.]

3 **ALL THE DEPARTMENTS THAT EACH COUNCIL MEMBER HEADS**
4 **TO INCLUDE AGENCIES UNDER THEM, OTHER DEPARTMENT,**
5 **AGENCIES SHALL SERVE AS SUPPORT AGENCIES FOR THE COUNCIL,**
6 **AS FOLLOWS:**

7 **DEPARTMENT OF JUSTICE**

8 **DEPARTMENT OF FOREIGN AFFAIRS**

9 **DEPARTMENT OF NATIONAL DEFENSE**

10 **DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT**

11 **DEPARTMENT OF FINANCE**

12 **DEPARTMENT OF INFORMATION AND COMMUNICATIONS**
13 **TECHNOLOGY**

14 **DEPARTMENT OF SCIENCE AND TECHNOLOGY**

15 **DEPARTMENT OF EDUCATION**

16 **DEPARTMENT OF TRANSPORTATION**

17 **DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES**

18 **DEPARTMENT OF TRADE AND INDUSTRY**

19 **DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT**

20 **ANTI-MONEY LAUNDERING COUNCIL**

21 **PHILIPPINE CENTER ON TRANSNATIONAL CRIME**

22 **SUCH OTHER OFFICES, AGENCIES, OR UNITS AS NECESSARY.**

1 The Council shall formulate and adopt comprehensive, adequate, efficient,
2 and effective anti-terrorism plans, programs, [and counter-] **OR** measures to
3 **COUNTER**, suppress [and] **OR** eradicate terrorism in the country and to
4 protect the people from acts of terrorism. Nothing herein shall be interpreted
5 to empower the Anti-Terrorism Council to exercise any judicial or quasi-
6 judicial power or authority.

7 SECTION 34. Section 54 of the same Act is hereby re-numbered and
8 amended to read as follows:

9 “Section [54] **30. Functions of the Council.** - In pursuit of its
10 mandate in the previous Section, the Council shall have the following
11 functions [with due regard for the rights of the people as mandated by the
12 Constitution and pertinent laws]:

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

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

18 3. [Direct the speedy] **MONITOR THE PROGRESS OF THE**
19 investigation and prosecution of all persons accused **AND/or** detained for
20 the crime**S** [of terrorism or conspiracy to commit terrorism and other
21 offenses punishable under this Act, and monitor the progress of their cases]
22 **DEFINED AND PENALIZED UNDER SECTION 4, 5, 5(A), 5(B), 5(C), 5(D),**
23 **5(E), AND 5(F) HEREOF;**

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

26 5. **ENLIST THE ASSISTANCE OF ANTI-MONEY LAUNDERING**
27 **COUNCIL TO** freeze **AND FORFEIT** the funds, bank deposits, placements,
28 trust accounts, assets and **PROPERTY OF WHATEVER KIND AND**
29 **NATURE** belonging **(I)** to a person suspected of or charged with **ANY** crime
30 **DEFINED AND PENALIZED UNDER SECTION 4, 5, 5(A), 5(B), 5(C), 5(D),**

1 5(E), HEREOF, (II) TO DESIGNATED PERSONS DEFINED UNDER
2 SECTION 3(E) OF REPUBLIC ACT NO. 10168, OTHERWISE KNOWN AS
3 THE "TERRORISM FINANCING PREVENTION AND SUPPRESSION ACT
4 OF 2012"; (III) TO AN INDIVIDUAL MEMBER OF SUCH DESIGNATED
5 PERSONS, OR (IV) ANY PERSON PROSCRIBED UNDER SECTION 17, 17-
6 A AND 17-B, pursuant to republic Act No. 9160, otherwise known as the
7 Anti-Money Laundering Act of 2001, as amended;

8 6. Grant monetary rewards and other incentives to informers who give vital
9 information leading to the [apprehension,] arrest, detention, prosecution,
10 and conviction of person or persons who are liable for the crimeS [of
11 terrorism or conspiracy to commit terrorism] **DEFINED AND PENALIZED**
12 **UNDER SECTION 4, 5, 5(A), 5(B), 5(C), 5(D), 5(E), AND 5(F) HEREOF,**
13 **PROVIDED THAT NO MONETARY REWARD SHALL BE GRANTED TO**
14 **INFORMERS UNLESS THE ACCUSED'S DEMURRER TO EVIDENCE HAS**
15 **BEEN DENIED OR PROSECUTION HAS RESTED ITS CASE WITHOUT**
16 **SUCH DEMURRES HAVING BEEN FILED;**

17 7. Establish and maintain coordination with and the cooperation and
18 assistance of other nations in the struggle against international terrorism;
19 [and]

20 **7-A. TAKE ACTION ON RELEVANT RESOLUTIONS ISSUED BY THE**
21 **UNITED NATIONS SECURITY COUNCIL ACTING UNDER CHAPTER VII**
22 **OF THE UN CHARTER; AND CONSISTENT WITH THE NATIONAL**
23 **INTEREST, TAKE ACTION ON FOREIGN REQUESTS TO DESIGNATE**
24 **TERRORIST, INDIVIDUALS, ASSOCIATIONS, ORGANIZATIONS OR**
25 **GROUP OF PERSONS;**

26 **7-B. TAKE MEASURES TO PREVENT TERRORISTS FROM**
27 **ACQUIRING WEAPONS OF MASS DESTRUCTION SUCH AS, BUT NOT**
28 **LIMITED TO THE IMPOSITION OF ECONOMIC AND FINANCIAL**
29 **SANCTIONS AND IMPORT RESTRICTIONS.**

30 [8. Request the Supreme Court to designate specific divisions of the
31 Court of Appeals and Regional Trial Courts in Manila, Cebu City and
32 Cagayan de Oro City, as the case may be, to handle all cases involving the

1 crime of terrorism or conspiracy to commit terrorism and all matters
2 incident to said crimes. The Secretary of Justice shall assign a team of
3 prosecutors from: (a) Luzon to handle terrorism cases filed in the Regional
4 Trial Court in Manila; (b) from the Visayas to handle cases filed in Cebu
5 City; and (c) from Mindanao to handle cases filed in Cagayan de Oro City.]

6 **8. CALL UPON OTHER GOVERNMENT AGENCIES, NON-**
7 **GOVERNMENT ORGANIZATIONS AND PRIVATE ENTITIES FOR**
8 **ASSISTANCE IN THE PERFORMANCE OF ITS MANDATE.”**

9 SECTION 35. Sections 55 and 56 of the same Act are hereby
10 **REPEALED.**

11 SECTION 36. Section 57 of the same Act is hereby re-numbered and
12 amended to read as follows:

13 “Section [57] **31. Ban on Extraordinary Rendition.** - No person
14 suspected, **CHARGED** or convicted of the crime of terrorism shall be
15 subjected to extraordinary rendition to any country unless his or her
16 testimony is needed for terrorist related police investigations or judicial
17 trials in the said country and unless his or her [human] rights [, including
18 the right against torture, and right to counsel,] **UNDER ARTICLE III OF**
19 **THE CONSTITUTION** are officially assured by the requesting country and
20 transmitted accordingly and approved by the Department of Justice.

21 SECTION 37. Section 58 of the same Act is hereby re-numbered and
22 amended to read as follows:

23 “Section [58] **32. Extra-Territorial Application of this Act.** - Subject to
24 the provision of an existing treaty of which the Philippines is a [signatory]
25 **STATE PARTY** and to any contrary provision of any law of preferential
26 application, the provisions of this Act shall apply: (1) to individual persons
27 who commit any of the crimes defined and punished in [this] **SECTION 4, 5,**
28 **5(A), 5(B), 5(C), 5(D), 5(E), AND 5(F) OF THIS** Act within the terrestrial
29 domain, interior waters, maritime zone, and airspace of the Philippines; **OR**

1 (2) to individual persons who, although physically outside the territorial
2 limits of the Philippines, commit, conspire or plot to commit any of the
3 crimes defined and punished in [this] **SECTION 4, 5, 5(A), 5(B), 5(C), 5(D),**
4 **AND 5(E) OF THIS Act (I)** inside the territorial limits of the Philippines; [(3)
5 to individual persons who, although physically outside the territorial limits
6 of the Philippines, commit any of the said crimes] **(II)** on board Philippine
7 ship or Philippine airship; [(4) to individual persons who commit any of said
8 crimes] **(III)** within any embassy, consulate, or diplomatic premises
9 belonging to or occupied by the Philippine government in an official
10 capacity; [(5) to individual persons who, although physically outside the
11 territorial limits of the Philippines, commit said crimes] **(IV)** against
12 Philippine citizens or persons of Philippines descent, where their citizenship
13 or ethnicity was a factor in the commission of the crime; and [(6) to
14 individual persons who, although physically outside the territorial limits of
15 the Philippines, commit said crimes] **(V)** directly against the Philippine
16 government, **AND (3) TO INDIVIDUAL PERSONS WHO, ALTHOUGH**
17 **PHYSICALLY OUTSIDE THE TERRITORIAL LIMITS OF THE**
18 **PHILIPPINES, COMMIT ANY OF THE CRIME DEFINED AND PUNISHED**
19 **IN SECTION 5(E) HEREOF AND SHALL THEREAFTER RETURN OR**
20 **ENTER PHILIPPINE TERRITORY.**

21 **IN CASE OF AN ALIEN WHOSE EXTRADITION IS WITHIN THE**
22 **SCOPE OF ANY OF THE TREATIES OF WHICH THE REPUBLIC OF THE**
23 **PHILIPPINES IS A STATE PARTY, AND THAT ALIEN IS NOT**
24 **EXTRADITED TO THE REQUESTING STATE, THE REPUBLIC OF THE**
25 **PHILIPPINES, WITHOUT EXCEPTION WHATSOEVER AND WHETHER OR**
26 **NOT THE OFFENSE WAS COMMITTED IN THE PHILIPPINES, SHALL**
27 **SUBMIT THE CASE WITHOUT UNDUE DELAY TO THE DEPARTMENT OF**
28 **JUSTICE FOR THE PURPOSE OF PROSECUTION IN THE SAME MANNER**
29 **AS IF THE ACT CONSTITUTING THE OFFENSE HAD BEEN COMMITTED**
30 **IN THE PHILIPPINES, IN WHICH CASE, THE COURTS IN THE CITY OF**
31 **MANILA, PHILIPPINES SHALL HAVE JURISDICTION OVER THE**
32 **OFFENSE.**

1 SECTION 38. Section 59 of the same Act is hereby re-numbered and
2 new subsection designated as 33-A is hereby added to read as follows:

3 "Section [59] **33.** *Joint Oversight Committee.* - There is hereby created
4 a Joint Oversight Committee to oversee the implementation of this Act.

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

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

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

27 Without prejudice to its submitting other reports, the Committee shall
28 render a semi-annual report to both Houses of Congress. The report may
29 include where necessary a recommendation to reassess the effects of

1 globalized on terrorist activities on the people, provide a sunset clause to
2 or amend any portion of the Act or to repeal the Act in its entirety.

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

7 **SECTION 33-A. IMPLEMENTING RULES AND REGULATIONS. -**
8 **WITHIN SIX (6) MONTHS FROM THE EFFECTIVITY OF THIS ACT, THE**
9 **ANTI-TERRORISM COUNCIL SHALL PROMULGATE RULES AND**
10 **REGULATIONS TO IMPLEMENT EFFECTIVELY THE PROVISIONS OF**
11 **THIS ACT.”**

12 SECTION 39. Section 60 of the same Act is hereby re-numbered to
13 read as follows:

14 “Section [60] **34. Separability Clause.** - If for any reason any part or
15 provision of this Act is declared unconstitutional or invalid, the other parts
16 or provisions hereof which are not affected thereby shall remain and
17 continue to be in full force and effect.

18 SECTION 40. Section 61 of the same Act is hereby re-numbered to
19 read as follows:

20 “Section [61] **35. Repealing Clause.** - All laws, decrees, executive orders,
21 rules or regulations or parts thereof, inconsistent with the provisions of this
22 Act, are hereby **EXPRESSLY** repealed, amended, or modified accordingly.

23 SECTION 41. Section 62 of the same Act is hereby re-numbered and
24 amended to read as follows:

25 “Section [62] **36. [Special] Effectivity Clause.** - **THIS ACT SHALL**
26 **TAKE EFFECT FIFTEEN (15) DAYS AFTER ITS COMPLETE**
27 **PUBLICATION IN THE OFFICIAL GAZETTE OR IN AT LEAST TWO (2)**
28 **NEWSPAPERS OF GENERAL CIRCULATION.**

1 [After the bill shall have been signed into law by the President, the
2 Act shall be published in three newspapers of national circulation; three
3 newspapers of local circulation, one each in Ilocos Norte, Baguio City and
4 Pampanga; three newspapers of local circulation, one each in Cebu, Iloilo
5 and Tacloban; and three newspapers of local circulation, one each in
6 Cagayan de Oro, Davao and General Santos City.]

7 [The title of the Act and its provisions defining the acts of terrorism that are
8 punished shall be aired everyday at primetime for seven days, morning,
9 noon and night over three national television and radio networks; three
10 radio and television networks, one each in Cebu, Tacloban and Iloilo; and in
11 five radio and television networks, one each in Lanao del Sur, Cagayan de
12 Oro, Davao City, Cotabato City and Zamboanga City. The publication in the
13 newspapers of local circulation and the announcements over local radio and
14 television networks shall be done in the dominant language of the
15 community.]

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

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

20 *Approved,*