

SENATE
Senate Bill No. 831

Introduced by **SENATOR LACSON**

EXPLANATORY NOTE

Terrorist acts constitute an attack equally upon the individual, separately considered from the society in which he lives; the state to which he belongs and the international community of which he forms part. Terrorism, whether national or international not only has generated a global nightmare, but also threatens to unleash a “dialectic of violence” which may ultimately destroy liberal, industrial and pluralistic society. Contemporary terror-violence is fundamentally an assault upon the state, and its causes and consequences can well undermine the future of the world community.

Since its impact has been both constant and universal, terrorism in either word or deed has not been confined to one particular region and cannot be identified with any special group. Its innocent victims may be found among every class and nationality. The victims of these purposive and legally indefensible acts are persons whose selection as victims, whether randomized or calculated, was due solely to their waiting in a hotel lobby, sitting in an outdoor café, watching a movie in a theater, standing on a street corner, flying on an aircraft or riding a bus.

Terrorism in microcosm is a struggle for power, and its purpose is totally destructive. The necessary concomitant of terrorism is fear, and the ultimate objective is coercion. It is a strategy by which groups, unable to achieve power or to influence governmental policy through legitimate means, can coerce governments, overturn established regimes and intimidate entire peoples.

As a form of organized violence, terrorism is not a new historical phenomenon, but the way it is being implemented by modern terrorist is new. The nexus between violent political philosophies and modern technology has helped to create this terror crisis.

The horror of modern terrorism, and the source of its strength, is that everyone is a potential victim. As with infectious disease, the terrorist danger is everywhere. And it is not always the result of insane and irrational conduct rather it is often the product of sane and rational minds.

The normal method of detecting and preventing ordinary crimes will not count much to meet the present day challenge of terrorism. Much more is needed. A more innovative and bolder approach would be necessary if we were to succeed in our effort to control and eradicate this bane of the modern world. In our country today, this is urgently required because of the undeniable presence of terrorism and terrorist groups in our land.

Past events have shown the ruthlessness by which terrorist groups carry out their evil design i.e., the bombing of the Port Terminal Services building in Zamboanga City on August 10, 1992 which caused the death of two (2) foreign missionaries and which injured forty (40) others; the successive bombings of San Pedro Cathedral in Davao City on December 26, 1993, which resulted in the killing of six (6) persons and the wounding of One Hundred Thirty Two (132) others; the treacherous and wanton pillage of the town of Ipil in Zamboanga del Sur on April 4, 1995, which claimed the lives of Fifty Three (53) innocent civilians and peace officers, caused injury to Forty Eight (48) other persons, the burning and looting of Seventeen (17) commercial establishments and the destruction of property worth Five Hundred Million Pesos (PhP 500,000,000.00) and more recently, the various acts of terrorism committed by a group of armed men calling themselves the Abu Sayyaf Group. This group, though espousing the fight of their Muslim brothers in the South, actually engages in terroristic activities like kidnapping, hostage taking, bombing and other activities designed to instill fear and terror to their victims and the community at large.

To date, after the Sipadan incident where this group was allegedly paid One Million Dollars (\$1,000,000.00) each for the release of their victims by the Libyan government, they again struck by forcibly taking people who were vacationing in the Dos Palmas Beach Resort in Palawan. Recent reports reveal that when they failed to get a concession from the government regarding their demands, they began killing their innocent victims. Two of their victims were reportedly beheaded, an act which shows their vileness, of doing whatever is necessary just to get the message through.

If Congress hesitates in responding adequately and effectively to this, or if it fails to read well the aforesaid unmistakable signs of an impending danger to our people, it is not remote to say that history will probably hold it as being remiss in the discharge of its responsibility to the people of this country.

In view of this grave and dangerous development, it becomes a matter of utmost urgency and necessity for Congress to enact a law that will adequately and effectively contain if not eliminate this menace to our society and people. Hence this proposed bill.

The proposed measure endeavors to reconcile the need for an adequate legal device to enable law enforcement authorities to respond effectively to the problem of terrorism on one hand, and the demand for the


protection of the political and civil rights and liberties of the people on the other hand.

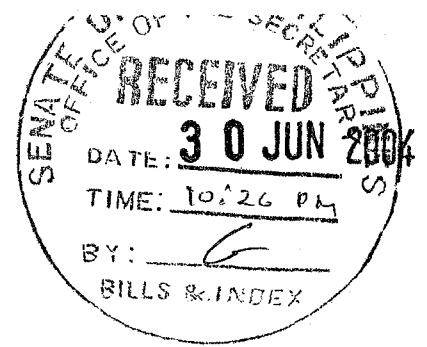
Although it allows the use of electronic surveillance, the wire or cable tapping of suspected participants in or perpetrator of terrorism or conspiracy to commit terrorism, or members of terrorist organizations, as well as the examination of deposit in a bank or other financial institution of money, marketable securities or shares of stock or precious metals belonging to such participants or perpetrators of the crime involved, or to the members of terrorist organizations, and the authorization of warrantless arrests, these actions are done under rigid judicial procedures and safeguards.

The evidence gathered, if any, including duplicates or written or photocopies thereof shall not be revealed or disclosed to anyone under pain of severe penalty, and only upon the prior written order of a competent court. Moreover, such evidence shall not be used for any purpose whatsoever other than in a criminal case for terrorism. Conspiracy to commit terrorism or membership in a terrorist organization.

And, finally, an "Anti-Terrorism Council" composed of the Secretary of Justice, as Chairman, and the Secretary of National Defense, the Secretary of Interior and Local Government, the Court Administrator of the Supreme Court, and the Director General of the National Security Council, as members, is proposed to be created to coordinate, supervise, and monitor the effort of the entire government to combat and eliminate terrorism in our land.

The early passage of this bill is therefore earnestly sought.


PANFILO M. LACSON
Senator



SENATE **831**
Senate Bill No. _____

Introduced by **SENATOR LACSON**

THE ANTI-TERRORISM ACT OF 2004

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

SECTION 1. Short Title. - This Act shall be known and cited as the Anti-Terrorism Act of 2004.

SEC. 2. Declaration of Policy. - It is an imperative policy of the State to declare terrorism as a heinous crime against humanity, brutalizing as it does mostly innocent and harmless victims, and to regard conspiracy to commit terrorism and membership in any terrorist organization as a criminal offense, and to eradicate any and all kinds of terroristic acts in the country and, to that end, to provide adequate, efficient and effective legal counter measures in order to protect and secure the people from the occurrence or incidence of terroristic acts and, necessarily, to strengthen the capability of the government to effectively and efficiently detect, deter, prevent, respond to, and eliminate such terroristic acts and, finally, to severely punish any and all perpetrators, participants, and supporters thereof.

SEC. 3. Terrorism. How committed. - The crime of terrorism is committed by:

(1) causing or threatening to cause the wanton destruction or loss of lives, property, or personal liberties, or the creation of a state of terror calculated to cause a change in or impediment to the operation of public authorities or to disturb international relations in order to advance his or her ideological, political, religious, cultist, and/or other similar cause or purpose; or

(2) hijacking or threatening to hijack any kind of aircraft, ship, vessel, electric or railroad train, locomotive, passenger bus or other means of mass transportation, or

public conveyance, in order to advance his or her ideological, political, religious, ethnic, cultist, and/or other similar cause or purpose; or

(3) taking or threatening to take hostages in order to compel, coerce, force, induce, or pressure another person, whether natural or juridical, including the government or any of its agencies or instrumentalities, to give something of value or a sum of money as ransom, or in order for that other person to do or abstain from doing any act or decision as a condition for the release or non-taking of the hostages; or

(4) assassinating or threatening to assassinate the President of the Philippines, or the Vice President of the Philippines, or the Chief Justice of the Supreme Court, or the President of the Senate, or the Speaker of the House of Representatives, or any other national leader of the country, or any internationally protected person to cause a change in or impediment to the operation of public authorities, or to disturb international relations, to gain or obtain political, economic or other form of favor or concession from the government; or

(5) kidnapping or threatening to kidnap the President of the Philippines, or the Vice President of the Philippines, or the Chief Justice of the Supreme Court, or the President of the Senate, or the Speaker of the House of Representatives, or any other national leader of the country, or any internationally protected person, or any member of his or her immediate family, as a hostage for ransom, or to cause a change in or impediment to the operation of public authorities, or to disturb international relations, or for any other forms of economic or political concessions; or

(6) using or threatening the use of arson, noxious or poisonous substances or materials, biological or chemical agents, radioactive materials, nuclear devices, bombs or explosives, firearms, or any other kind of lethal weapons, material, or substances: (a) in order to exact or extort material or other forms of concession from the government or from any of its agencies or instrumentalities, or from any person, whether natural or juridical; or (b) in order to bring about the loss of lives or safety or property of the people of the community; or (c) in order to cause the destruction of the industrial or business plants of the nation; or (d) in order to destroy the source of water, food, power, or fuel supply of a community; or (e) in order to inflict massive and wanton destruction to the

environment; or (f) in order to paralyze or gravely disrupt the vital civil or military depots, installations, communications, or power transmission lines of the nation.

SEC. 4. *Penalty for Terrorism.* - Any person convicted of the crime of terrorism shall suffer the penalty of reclusion perpetua to death and a fine not to exceed One Million (PhP 1,000,000.00) Pesos.

SEC. 5. *Conspiracy to Commit Terrorism. How committed.* - The crime of conspiracy to commit terrorism is committed when two or more persons agree to commit the crime of terrorism (whether that agreement is expressly or tacitly made, or whether it is implied from their conduct) without actually committing any of the acts enumerated in Section 3 of this Act.

The owner, lessee, caretaker, administrator, superintendent, or occupant of a land, room, house, tenement, building, or any kind of edifice or other premises who willfully allows such land, room, house, tenement, building, edifice, or premises to be used as a safehouse or as an assembly area, or as a meeting or hiding place of any member of a terrorist organization, or as a place for a person or persons to prepare or plan the crime of terrorism, or as a staging area or launching point for terrorism, shall also be liable as a conspirator.

Participation in the preparation for or planning of terrorism; or in establishing or maintaining, or in serving as, contact or link with any domestic or foreign terrorist organization; or in gathering information on potential objects or targets of terrorism; or in manufacturing implements, equipment, or instruments for terrorism; or in transporting noxious or lethal substances or materials for terrorism; or in providing any material support or assistance thereof such as but not limited to furnishing, providing, or maintaining safehouses, transportation, communications, funds, forged or false passport, documentation or identification for any terrorist or any member of any terrorist organization; or in procuring weapons, bombs, explosives, devices spare parts, and other accessories thereof; or in providing training for terrorism, or in soliciting funds, food, medicine, or any material that will assist in the commission of terrorism; or in willfully aiding or protecting any terrorist or any member of a terrorist organization, shall be prima facie evidence of conspiring to commit terrorism.

SEC. 6. *Penalty for Conspiracy to Commit Terrorism.* - The conspiracy to commit terrorism shall be punished by imprisonment for not less than twelve (12) years and one day to a maximum of reclusion temporal and a fine not to exceed Five Hundred thousand (PhP500,000.00) Pesos, and with the accessory penalty of perpetual absolute disqualification to hold public office if the offender be a government official or employee at the time of the commission of the offense.

SEC. 7. *Membership in a Terrorist Organization.* - Any person, whether a resident or not, who, after the approval of this Act, knowingly, willfully and by overt acts affiliates himself with, becomes or remains a member of any organization, whether domestic or foreign, whose purposes include the conduct of terrorism, whether in or out of the country, is guilty of an offense and, when convicted, shall suffer the penalty of imprisonment for not less than six (6) years and one (1) day to not more than twelve (12) years and with the accessory penalty of perpetual absolute disqualification to hold public office if the offender be a government official or employee at the time of the commission of the offense.

SEC. 8. The provision of Section 1, Republic Act 4200 otherwise known as the "Anti-Wire Tapping Act" to the contrary notwithstanding, in cases involving terrorism or conspiracy to commit terrorism or membership in a terrorist organization, a competent Court, may, by written order, authorize such number of peace officers as may be necessary: (A) to conduct electronic surveillance of any person suspected to be (1) a participant in or a perpetrator of the crime of terrorism or the crime of conspiracy to commit terrorism, or conspiracy to commit terrorism, or (2) a member of a terrorist organization; and/or (B) to tap any wire, cable, or any other means of transmitting any form of their communications, written or spoken words, conversations, discussions, information, or data and to secretly intercept, listen to or overhear, and record their communications, written or spoken words, conversations, discussions, information, or data: *Provided,* That such written order shall be issued or granted only upon application in writing by the Secretary of Justice or by his duly authorized representative and only upon examination under oath or affirmation of the applicant and the witnesses he or she may produce and upon the court being satisfied: (1) that there are reasonable grounds to believe that the crime of terrorism has been or is about to be committed, or that the crime

of conspiracy to commit terrorism has been or is being committed, or that the person who is to be placed under surveillance or who is to be the subject of a wire or cable cap is a member of a terrorist organization; (2) that there are reasonable grounds to believe that facts or information which are relevant and material evidence against the perpetrators or participants in such crime of terrorism or conspiracy to commit terrorism or membership in a terrorist organization will be obtained and that such evidence is material and essential to the conviction of the perpetrators or participants thereof or to the solution or the prevention of any such crimes; and (3) that there are no other speedy and adequate means readily and effectively available to obtain such facts or information.

The written order granted or issued by the Court shall specify: (1) the identity or true name, if known, or alias, if any, of each person against whom electronic surveillance shall be conducted or whose communications, written or spoken words, conversations, discussions, information or data are to be listened to or overheard, intercepted or recorded and, in the case of telegraphic or telephonic transmission lines, the telegraphic lines or telephone numbers involved and their locations; (2) the identities or true names and the code names or numbers, if any, of the peace officers who are authorized and designated to conduct the electronic surveillance and/or to intercept, listen to or overhear, and record the communications, written or spoken words, conversations, discussions, information, or data; (3) the offense or offenses committed or sought to be solved or to be prevented; and (4) the period of the authorization.

The authorization shall be effective for the period specified in the written order which shall not exceed sixty (60) days from the date of the issuance of the order unless extended or renewed by the Court upon being satisfied that such extension or renewal is necessary and in the public interest.

All communications, written words, information, photographs, data taken or intercepted, all recordings of spoken words, conversations, or discussions made, under the court's written authorization shall, within forty eight (48) hours after the expiration of the period fixed in the order, be deposited with the Court in a sealed envelope or sealed package.

The sealed envelope or sealed package shall be accompanied by a joint affidavit of the peace officers authorized and designated in the written order of the Court to conduct the electronic surveillance or to intercept, listen to or overhear, and record the communications, written or spoken words, conversations, discussions, information, or data, and such joint affidavit shall state the number of times the electronic surveillance was conducted and the number of interceptions or recordings made, the date, the time, and the place covered by such electronic surveillance, interception or recording, the number of mails, letters, documents, photos, or other materials, tapes, discs, or records contained in the sealed envelope or sealed package. The joint affidavit shall also include a certification that no duplicates or written or photocopies of such mails, letters, documents, photos, or other materials, tapes, discs, or records have been made, or if made, that all such duplicates or written or photocopies are in the sealed envelope or sealed package deposited with the Court.

The said envelope and sealed package, and the joint affidavit of the peace officers so authorized and designated by the written order of the Court shall be kept for safekeeping in a fire-proof vault in the court premises under the sole custody and personal control of the Clerk of Court who shall be designated as such custodian in a formal written order of the Court.

The sealed envelope or sealed package shall not be opened, or the recordings replayed, or their contents revealed, except upon order of the Court, which shall not be granted except upon motion, and, if circumstances allow it, with due notice and opportunity to be heard to the person or persons who were the object of the electronic surveillance conducted or whose communications, written or spoken words, conversations, discussions, information, or data were intercepted, listened to or overheard, and recorded.

Any communications, written or spoken words, conversations, discussions, information, photos, or data taken, obtained or acquired in the manner authorized by the Court in accordance with the provisions of this Act may be used and are admissible as evidence only and solely in any judicial, quasi-judicial, legislative or administrative

hearing or investigation of the crime of terrorism or conspiracy to commit terrorism, or membership in any terrorist organization, and not for any other purpose whatsoever; *Provided*, however, that any communications, written or spoken words, conversations, discussions, information, photos, or data taken, obtained or acquired in violation of this Section shall be inadmissible as evidence in any judicial, quasi-judicial, legislative or administrative hearing or investigation.

Any person who divulges or reveals the contents of the sealed envelope or sealed package or the joint affidavit of the peace officers so authorized and designated by the Court, or any communications, written or spoken words, conversations, discussions, information, photos, or data taken, obtained or acquired in the manner authorized by the Court in accordance with the provisions of this Act (unless authorized to do so by the Court and only and solely to the Secretary of Justice or to the peace officers' immediate superiors, or in any judicial, quasi-judicial, legislative or administrative hearing or investigation of the crime of terrorism or conspiracy to commit terrorism or membership in a terrorist organization) or who, in any manner, tampers or destroys the same, or causes the partial or total destruction or loss thereof, shall be liable for a criminal offense and, when convicted shall suffer the penalty of imprisonment for a period of not less than four (4) years and one day to not more than six (6) years and with the accessory penalty of perpetual absolute disqualification to hold public office if the offender be a government official or employee at the time of the commission of the offense.

Any person, whether a peace officer or not, who actually and directly participates in the acts or operations mentioned in the first paragraph of this section without being authorized by the written order of the Court, shall be liable for an offense and, when convicted, shall suffer the penalty of imprisonment for not less than six (6) months and one day to not more than six (6) years and with the accessory penalty of perpetual absolute disqualification to hold public office if the offender be a government official or employee at the time of the commission of the offense.

The Court referred to in this section and in the immediately following section shall be understood to be mean the Regional Trial Court within whose territorial jurisdiction the acts for which authority is applied for are to be done or executed.

SEC. 9. The provision of Republic Act No. 1405, otherwise known as the "Secrecy Of Bank Deposits Law" as amended, to the contrary notwithstanding, in cases of terrorism or conspiracy to commit terrorism or membership in a terrorist organization, a competent Court may, by written order, authorize such number of peace officers as may be necessary to look into and examine any deposit with any bank or any other financial institution of money, marketable securities or shares of stock in a corporation, or precious metals belonging to any person or organization when such peace officers have reasonable grounds to believe that the depositor is engaged or is about to engage in terrorism or conspiracy to commit terrorism, or when such peace officers have reasonable grounds to believe that the depositor is a member of a terrorist organization, whether domestic or foreign; *Provided*, that such written order shall only be issued upon application in writing by the Secretary of Justice or by his duly authorized representative and only upon examination under oath or affirmation of the applicant and the witnesses he may produce and upon the Court being satisfied: (1) that there are reasonable grounds to believe that the crime of terrorism or conspiracy to commit terrorism has been or is about to be committed, or that a depositor in the bank or financial institution is a member of a terrorist organization; (2) that there are reasonable grounds to believe that the money, marketable securities or shares of stock or precious metals deposited with the bank or financial institution are being used or about to be used to support the crime of terrorism or conspiracy to commit terrorism or a terrorist organization; and (3) that there are no other speedy and adequate means readily and effectively available to deny that financial support to the terrorism or conspiracy to commit terrorism or terrorist organization except to look into and examine the said deposit of money, marketable securities or shares of stock, or precious metals and to freeze, sequester and interdict it in favor of the government.

The authorization shall be effective for the period specified in the written order which shall not exceed sixty (60) days from the date of the issuance of the order unless extended or renewed by the Court upon being satisfied that such extension or renewal is in the public interest.

All facts, information, particulars or findings acquired or obtained under court authorization in connection with the deposit of money, marketable securities or shares of stock or precious metals in bank or any other financial institution shall, within forty eight (48) hours after the expiration of the period fixed in the order, be deposited with the Court in a sealed envelope or sealed package, and shall be accompanied by a joint affidavit of the peace officers so authorized, stating: (1) the dates when the examination have actually been done; (2) the name of the bank or financial institution holding such deposit; (3) the account number under which the such deposit is being held by the bank or by the financial institution; and (4) the amount or value thereof. The joint affidavit shall also contain a certification that no duplicates or written or photocopies of the whole or part of the facts, information, particulars, or findings have been made, or if made, that all such duplicates or written or photocopies are in the sealed envelope or sealed package deposited with the Court.

The said envelope and sealed package, and the joint affidavit of the peace officers so authorized and designated by the Court shall be kept for safekeeping in a fire-proof vault in the court premises under the sole custody and personal control of the Clerk of Court who shall be designated as such custodian in a formal written order of the Court.

The sealed envelope or sealed package shall not be opened, nor its contents revealed, except upon order of the Court, which shall not be granted except upon motion, and, if circumstances allow it, with due notice and opportunity to be heard to the person or organization whose deposit of money, marketable securities or shares of stock, or precious metals with a bank or financial institution has been looked into and examined by virtue of the written order of the Court.

Any person who divulges or reveals the contents of the sealed envelope or sealed package or the joint affidavit of the peace officers so authorized and designated by the

Court, or any facts, information, particulars, or findings acquired or obtained in the manner authorized by the Court in accordance with the provisions of this Act (unless authorized to do so by the Court and only and solely to the Secretary of Justice or to the peace officers' immediate superiors, or in any judicial, quasi-judicial, legislative or administrative hearing or investigation of the crime of terrorism or conspiracy to commit terrorism or membership in a terrorist organization) or who, in any manner, tampers or destroys the same, or causes the partial or total destruction or loss thereof, shall be liable for a criminal offense and, when convicted shall suffer the penalty of imprisonment for a period of not less than four (4) years and one day to not more than six (6) years and with the accessory penalty of perpetual absolute disqualification to hold public office if the offender be a government official or employee at the time of the commission of the offense.

Any person, whether a peace officer or not, who actually and directly participates in the act or examination mentioned in the first paragraph of this section without being authorized in the written order of the Court, shall be liable for an offense and, when convicted, shall suffer the penalty of imprisonment for not less than six (6) months and one day to not more than six (6) years and with the accessory penalty of perpetual absolute disqualification to hold public office if the offender be a government official or employee at the time of the commission of the offense.

Any facts, information, particulars, or findings acquired or obtained in the manner authorized by the Court in accordance with the provisions of this Act may be used and are admissible as evidence only and solely in any judicial, quasi-judicial, legislative or administrative hearing or investigation of the crime of terrorism or conspiracy to commit terrorism or membership in a terrorist organization, and not for any other purpose whatsoever.

When the Court is reasonably convinced that the crime of terrorism or conspiracy to commit terrorism has been or is about to be committed, or that a depositor in a bank or financial institution is a member of a terrorist organization, and that the deposit of money, marketable securities or shares of stock, or precious metals with the bank or financial institution is being used or about to be used to support such terrorism or conspiracy to

commit terrorism or terrorist organization, the Court may, upon written application by the Secretary of Justice or by his duly authorized representative, grant or issue a written order directing the bank or financial institution where such deposit is held not to release any portion of the money, marketable securities or shares of stock, or precious metals to the depositor or to the depositor's agent or representative.

SEC. 10. When a *prima facie* case of terrorism or conspiracy to commit terrorism or membership in a terrorist organization has been established in the course of the preliminary investigation, a Regional Trial Court of competent jurisdiction may, upon written application by the Secretary of Justice or by his duly authorized representative, grant or issue a written order placing under sequestration all weapons, materials, funds, bombs, explosives, vehicles, communication equipment or instruments, and other assets or paraphernalia which are established by clear and convincing evidence to be for the commission of terrorism or conspiracy to commit terrorism. Such sequestered weapons, materials, funds, bombs, explosives, vehicles, communication equipment or instruments, and other assets and paraphernalia shall be disposed in accordance with the order of the Court after due notice and hearing to all interested parties.

SEC. 11. A peace officer or a private person may, without a warrant, arrest a person; (a) when, in his presence, the person to be arrested has committed, is actually committing, or is attempting to commit any of the offense under Sections 3, 5 and 6 herein; or (2) when any of said offense has in fact been committed and he has reasonable ground to believe that the person to be arrested has committed the same. Any person thus arrested may be detained for not more than thirty-six (36) hours following his or her arrest. The police authorities making the arrest shall, within the said period of thirty-six (36) hours file the appropriate charge against the person arrested otherwise, he or she shall be released.

The period of detention may be extended beyond thirty-six (36) hours if the person arrested without a warrant demand for a preliminary investigation and waive his or her right under the provisions of Article 125 of the Revised Penal Code as amended in writing and in the presence of his or her counsel.

SEC. 12. Any person, not a citizen of the Philippines, who is convicted for any of the crimes specified in Sections 3, 5 and 6 of this Act, shall serve the full term of his or her imprisonment.

After his or her release from prison, such person shall be deported within seventy-two (72) hours to the country that issued his or her last passport, or if such a person is stateless, or if his or her passport is a forgery, he shall be deported to his or her last country of origin immediately before his or her last entry into the Philippines.

SEC. 13. Notwithstanding the provisions of existing law to the contrary, any foreign national who is known to be a member of a terrorist organization, whether domestic or foreign; or found to have been engaged or to be involved in terrorism, whether here or abroad, either by himself alone or with others; or discovered to be a part of a conspiracy to commit terrorism, shall be refused entry into the country as an undesirable alien, or may be arrested and charged accordingly either under Section 3, 5 or 6 of this Act, as the evidence warrants.

SEC. 14. Any person who provides material information, whether testimonial or documentary, necessary for the investigation or prosecution of individuals suspected or accused of committing any of the offense under Sections 3, 5 and 6 herein shall be placed under the witness protection program under the terms and conditions provided in Republic Act 6981.

SEC. 15. Any person who serves as a witness for the government and who gives testimony in a criminal case of terrorism, or conspiracy to commit terrorism, or membership in a terrorist organization, or who, voluntarily or by virtue of a subpoena *testificandum* or *duces tecum*, produces, identifies, or gives testimony on, but not limited to, books, papers, documents, tapes containing words, sounds, pictures or images, photos, maps, diagrams, sketches, recordings, disc, or any other form of written, recorded, or real evidence, shall be immune from any criminal prosecution arising from any damaging or incriminating revelation or disclosure of any evidence (oral, written or otherwise) against him or her in the course of his or her testimony.

SEC. 16. In order to effectively implement this Act, there is hereby created an "Anti-Terrorism Council", hereinafter referred to as the "Council", composed of the Secretary of Justice, as chairman, and the Secretary of Foreign Affairs, the Secretary of National Defense, the Secretary of Interior and Local Government, the Court Administrator of the Supreme Court, and the Director General of the National Security Council, as members, to coordinate, supervise and monitor the effort of the entire government against, domestic and international terrorism. The Council shall be under the control and supervision of the President of the Philippines.

The personnel of the National Security Council shall provide the support staff and secretariat for the Council. Any additional personnel needed by the Council in performing its task shall be drawn from the Department of Justice, the Department of Foreign Affairs, the Department of National Defense and the Department of Interior and Local Government, on a temporary detail, without any additional compensation, allowance, or any other form of emoluments for such personnel assigned temporarily to the Council.

In addition to their normal functions, the National Bureau of Investigations, the Bureau of Immigration and Deportation, the National Intelligence Coordinating Agency, the Intelligence Service of the Armed Forces of the Philippines, and the intelligence and investigative elements of the Philippine National Police shall serve as support agencies for the Council.

The Council shall keep records of its proceedings and decisions, and such records shall be subject to such security classifications as the Council may, in its sound discretion, direct to safeguard the national interest.

The amount of Twenty Million Pesos (PhP 20,000,000) out of the unappropriated funds of the government is hereby appropriated to support the operations of the Council for the current year. Thereafter, the amount of money needed to support the operations of the Council shall be included yearly in the General Appropriations Act.

SEC. 17. *Separability Clause.*- If, for any reason, any provision, portion, or section of this Act is declared unconstitutional, such declaration shall not affect or impair the validity and enforceability of the remaining portion of this Act.

SEC. 18. *Repealing Clause.*- All laws, executive orders, decrees, rules and regulations, or any part thereof inconsistent with the provisions of this Act are deemed repealed or modified accordingly.

SEC. 19. *Effectivity.*- This act shall take effect upon its approval.

Approved,