

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

'04 JAN 30 P10:35

SENATE
Senate Bill No. 841

RECEIVED BY: 

Introduced by **SENATOR PANFILO M. LACSON**

EXPLANATORY NOTE

Article III, Section 3(1) of the 1987 Constitution provides that "the privacy of communication and correspondence shall be inviolable except upon lawful order of the court, or when public safety or order requires otherwise as prescribed by law."

In this connection, Congress enacted Republic Act No. 4200 entitled " An Act to Prohibit and Penalize Wire tapping and other related Violations of the Privacy of Communication, and for other Purposes" which prohibited and penalized wire-tapping. However, it must be stressed that said law particularly Section 3 thereof provided several exceptions to the prohibitions.

Under said law, wire-tapping is allowed when a peace officer is armed with a court order in cases involving the crimes of treason, espionage, provoking war and disloyalty in case of war, piracy, mutiny in the high seas, rebellion, conspiracy and proposal to commit rebellion, inciting to rebellion, sedition, conspiracy to commit sedition, inciting to sedition, kidnapping and violations of Commonwealth Act No. 616, punishing espionage and other offenses against national security.

With the following exceptions, wire-tapping though limited in its applications, has been an effective tool by our law enforcement agencies against criminal elements who have wrecked havoc, instability and lack of equanimity in our country to the detriment of many of our peace loving citizens.


Since its passage in June 19, 1965 and up to the present, Republic Act No. 4200 has not been reviewed. In the light of the present peace and order situation in the country, it is imperative for us to revisit the said law to keep it at pace with the changing times.

Taking into account the devastating effects and terror brought about by these crimes on the public, it becomes indispensable to totally stop, if not minimize, the commission of

said crimes. Criminal offenders and organized syndicates have adopted means and methods using advance communication facilities, technologies and instruments to prepare and perpetrate criminal activities in such a way that they are hardly detected, much more foiled. In order to track down the offenders with an end to stop, if not prevent, the commission of these crimes, there is a need to arm our law enforcement officers the authority to tap, if necessary and with court order, the conversation, plans or agreement of the offenders.

In fine, the propose bill therefore seeks to add the crimes of coup d'etat, conspiracy and proposal to commit coup d'etat, robbery in band, brigandage/highway robbery, violations of Republic Act 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002 and violations of Republic Act 9160 as amended by Republic Act 9194, otherwise known as the Anti-Money Laundering Act of 2001 to the list of offenses wherein our law-enforcement officers can, through court order, tap any wire or cable, or by using any other device or arrangement, to secretly overhear, intercept, or record private communication or spoken word in order not to tie the hands of our government and its law enforcement agencies in fulfilling its mandate of protecting life, liberty and property against the malefactors in our society.

Support and early passage of the bill is earnestly requested.


PANFILO M. LACSON
Senator

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AN ACT
AMENDING SECTION 3 OF REPUBLIC ACT 4200,
OTHERWISE KNOWN AS AN ACT TO PROHIBIT AND
PENALIZE WIRE TAPPING AND OTHER RELATED
VIOLATIONS OF THE PRIVACY OF COMMUNICATION,
AND FOR OTHER PURPOSES

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

SECTION 1. SEC. 3 of Republic Act 4200, otherwise known
as the Anti-Wire Tapping Law is hereby amended to read as
follows:

"SEC. 3. Nothing contained in this Act, however,
shall render it unlawful or punishable for any peace
officer, who is authorized by a written order of the
Court, to execute any of the acts declared to be
unlawful in the two preceding sections in cases
involving the crimes of treason, espionage, provoking
war and disloyalty in case of war, piracy, mutiny in
the high seas, rebellion, conspiracy and proposal to
commit rebellion, inciting to rebellion, **COUP
D'ETAT, CONSPIRACY AND PROPOSAL TO
COMMIT COUP D'ETAT**, sedition, conspiracy to
commit sedition, inciting to sedition, kidnapping as
defined by the Revised Penal Code, **ROBBERY IN
BAND AS DEFINED AND PENALIZED BY
ARTICLES 294, 295, 296, 299 AND 302 OF THE
REVISED PENAL CODE,**
**BRIGANDAGE/HIGHWAY ROBBERY AS
DEFINED AND PENALIZED BY ARTICLE 306 OF
THE REVISED PENAL CODE AND PD 532,**
**OTHERWISE KNOWN AS THE ANTI-PIRACY
AND ANTI-HIGHWAY ROBBERY LAW OF 1974,**
**VIOLATIONS OF REPUBLIC ACT NO. 9165
OTHERWISE KNOWN AS THE
COMPREHENSIVE DANGEROUS DRUGS ACT**

OF 2002, VIOLATIONS OF REPUBLIC ACT NO. 9160 AS AMENDED BY REPUBLIC ACT 9194, OTHERWISE KNOWN AS THE ANTI-MONEY LAUNDERING ACT OF 2001 and violations of the Commonwealth Act No. 616, punishing espionage and other offenses against national security: Provided, xxxx"

SEC. 2. This Act shall take effect fifteen days after the completion of its publication in the Official Gazette or in a newspaper of general circulation.

Approved,