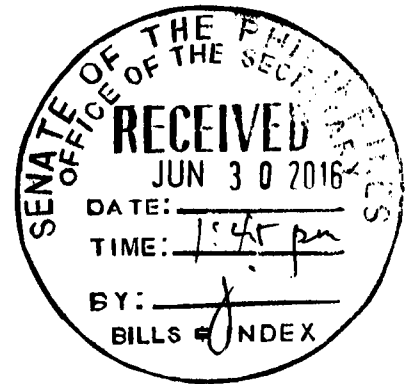


SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Congress)

SENATE

S.B. No. 21



Introduced by **SENATOR GREGORIO B. HONASAN II**

AN ACT
AUTHORIZING THE WIRETAPPING, INTERCEPTION, SURVEILLANCE AND
RECORDING OF COMMUNICATIONS OF PUSHERS, MANUFACTURERS,
CULTIVATORS, IMPORTERS AND FINANCIERS OF DANGEROUS DRUGS,
AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9165 AND FOR OTHER
PURPOSES

EXPLANATORY NOTE

Republic Act No. 9165, otherwise known as the “Dangerous Drugs Act of 2002, declares that “it is the policy of the State to safeguard the integrity of its territory and the well-being of its citizenry, particularly the youth, from the harmful effects of dangerous drugs on their physical and mental well-being, and to defend the same against acts of omissions detrimental to their development and preservation. In view of the foregoing, the State needs to enhance further the efficacy of the law against dangerous drugs, it being one of today’s more serious social ills.”

The Philippines is a transit and destination country for illegal drugs, particularly methamphetamine, as well as a limited source of marijuana for mostly local consumption. Methamphetamine and marijuana remain the two most widely consumed illicit drugs. The 2013 UN Transnational Crime Report estimated that the Philippines had 960,000 methamphetamine users, approximately 2.1 percent of the adult population aged 16 to 64 -- one of the highest rates in Asia. Chinese and African organized crime groups traffic large amounts of methamphetamine into the Philippines, and transnational trafficking groups remain involved in producing methamphetamine within the country, though this may be declining. (*US Department State, 2015 International Narcotics Strategy Report*)

According to the Dangerous Drugs Board, an estimated 1.7 million Filipinos are hooked on drugs. Back in 2012, The United Nations World Drug Report indicated that the Philippines had the highest abuse rate of methamphetamine hydrochloride or shabu in East Asia. Although the local manufacture of methamphetamine hydrochloride has reportedly gone down following successful raids on shabu laboratories, enforcement agencies have noted a trend of African shabu being smuggled into the country for the local drug trade and transshipment to other countries.

The government has embarked on an unrelenting campaign against the trafficking and use of dangerous drugs yet their distribution and use appear to be as persistent as the efforts to check them. It will take more than the present methods to address the drug trade which has assumed global proportions and now poses a threat to national security. We need to upgrade our countermeasures against this global menace.

Many of the principals openly lead deceptively normal, legitimate lives and even donate to charity while keeping their underworld activities hidden under a securely layered organizational and corporate structure. The narcotics trade cannot be stopped by cutting off the tentacles while leaving the head intact. Retailers may be rounded up and drug couriers prosecuted but they are expandable. Meanwhile, dangerous drugs continue to flourish despite continuing arrests and stiff penalties. It is lucrative industry that rakes in money for untouchable drug lords, even as it exploits poor victims.

In the Philippines, drug syndicates operate with much less finesse but there are indications that they are learning fast. Marijuana plantations are burned, shabu laboratories raided, not to mention couriers, street pushers and users arrested, but in many cases the drug lords are never identified or get off scot-free. There is big money in the industry and temptations abound in a world of bribes and payoffs.

The illegal drugs trade like terrorism cannot be treated with kid gloves. This is an industry that has made a few people rich by preying on society especially the youth, our children. It has destroyed the future of promising young men and women, destroyed families and inflicted the most brutal and horrific crimes on society.

Rounding up street pushers and users of prohibited drugs and raiding pot sessions are just part of the effort. In fact, these operations have often been the source of corruption, with compromise fines and bribes encouraging drug abuse instead of checking it.

The Philippine government must bring the war against illegal drugs to the ring leaders. Even as we cut off the tentacles of the drug menace, we need to draw up measures to strike at the head. As proven by the experience of other countries, this goes beyond identifying the drug lords. The defense of those involved in the illegal trade is known to have fallen in the courtroom in the face of legally-acquired incriminatory wiretapped recordings of conversations spelling out their transactions.

In the United States, wiretapping has been used to solve major crimes such as homicide, illegal gambling, terrorism and drug trafficking. Data from the courts in the United States from 2002 to 2014 show that eight or nine out of every 10 wiretapping orders issued by the U.S. courts involved narcotics. Wiretaps help establish the flow of drugs and how they are managed from the source to the market. The heads of syndicates and financiers are not exposed during criminal activity. It is not easy to prove their participation in the trade, but recorded conversations can establish their involvement. Intensive wiretapping at the higher levels of a syndicate involves time and resources. But disrupting operations and decapitating syndicates are more cost effective than focusing on the retail trade.

The Philippine law enforcement and justice sector agencies lack sufficient resources, staff, and effective investigative tools to effectively identify, investigate, and prosecute members of drug trafficking organizations. Restrictions imposed by the Anti-Wiretapping Act of 1965 continue to bar the use of judicially authorized interception of criminal communications, and procedures such as plea bargaining and drug-related asset forfeitures are rarely used. Many drug-related cases are dismissed for failure to follow the strict evidence procedures in the Comprehensive Dangerous Drugs Act of 2002. Reforms to the law remain pending. Prosecution and adjudication of cases continue to face significant procedural delays. (*US Department State, 2015 International Narcotics Strategy Report*)

Our people, our families and children have long suffered from this scourge. Countless times its heartless proponents have corrupted our humanity, all because of their callousness and greed. It is time to take the war to them.

In view of the foregoing circumstances, the immediate passage of this bill is earnestly sought.

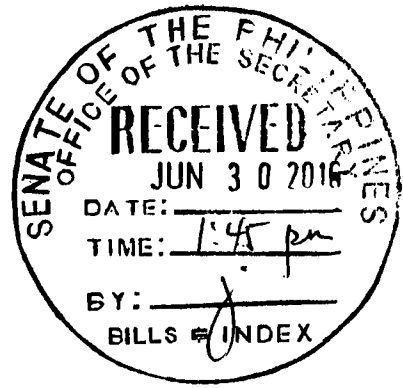


GREGORIO B. HONASAN II

SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Congress)

SENATE

S. B. No. 21



Introduced by **SENATOR GREGORIO B. HONASAN II**

AN ACT

AUTHORIZING THE WIRETAPPING, INTERCEPTION, SURVEILLANCE AND RECORDING OF COMMUNICATIONS OF PUSHERS, MANUFACTURERS, CULTIVATORS, IMPORTERS AND FINANCIERS OF DANGEROUS DRUGS, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9165 AND FOR OTHER PURPOSES

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

1 SECTION 1. Republic Act No. 9165, otherwise known as the Comprehensive Dangerous
2 Drugs Act of 2002, is hereby amended by inserting Sections 26-A to 26-K, as follows:

3 "SEC. 26-A. WIRETAPPING, INTERCEPTION, SURVEILLANCE
4 AND RECORDING OF COMMUNICATIONS. - THE PROVISIONS OF
5 REPUBLIC ACT NO. 4200 (ANTI-WIRE TAPPING LAW) TO THE
6 CONTRARY NOTWITHSTANDING, THE PDEA DIRECTOR GENERAL,
7 THE CHIEF OF THE PNP, OR THE NBI DIRECTOR MAY AUTHORIZE
8 TEAMS OF THE PDEA, PNP OR NBI OPERATIVES RESPECTIVELY,
9 COMPOSED OF A LEADER AND MEMBERS FOR EACH TEAM, TO
10 SUBMIT EX-PARTE APPLICATIONS FOR THE ISSUANCE OF
11 WRITTEN ORDERS FROM SPECIAL DIVISIONS OF THE COURT OF
12 APPEALS, TO WIRETAP, INTERCEPT, LISTEN TO, SURVEIL AND
13 RECORD, WITH THE USE OF ANY MODE, FORM, KIND OR TYPE OF
14 ELECTRONIC OR OTHER EQUIPMENT OR DEVICE OR WITH THE
15 USE OF ANY OTHER SUITABLE WAYS AND MEANS FOR THAT
16 PURPOSE, COMMUNICATIONS, MESSAGES, CONVERSATIONS,
17 DISCUSSIONS, OR SPOKEN OR WRITTEN WORDS OF ANY PERSON,
18 AGAINST WHOM THE EXISTENCE OF PROBABLE CAUSE IS
19 ESTABLISHED TO HAVE VIOLATED SEC. 4, SEC. 5, SEC. 8, OR SEC. 16
20 OF THIS ACT."

21 "SEC. 26 -B. ISSUANCE OF JUDICIAL ORDER. - THE WRITTEN
22 ORDER OF THE AUTHORIZING DIVISION OF THE COURT OF
23 APPEALS TO WIRETAP, INTERCEPT, LISTEN TO, SURVEIL AND
24 RECORD COMMUNICATIONS, MESSAGES, CONVERSATIONS,
25 DISCUSSIONS, OR SPOKEN OR WRITTEN WORDS OF ANY PERSON

1 AGAINST WHOM THE EXISTENCE OF PROBABLE CAUSE IS
2 ESTABLISHED TO HAVE VIOLATED SEC. 4, SEC. 5, SEC. 8, OR SEC. 16
3 OF THIS ACT SHALL ONLY BE ISSUED AND GRANTED UPON EX-
4 PARTE EXAMINATION UNDER OATH OR AFFIRMATION OF THE
5 APPLICANT AND THE WITNESSES HE/SHE MAY PRODUCE TO
6 ESTABLISH: (A) THAT THERE IS PROBABLE CAUSE TO BELIEVE
7 BASED ON PERSONAL KNOWLEDGE OF FACTS OR
8 CIRCUMSTANCES THAT ANY OF THE SAID CRIMES UNDER SEC. 4,
9 SEC. 5, SEC. 8, OR SEC. 16 OF THIS ACT HAS BEEN COMMITTED, OR
10 IS BEING COMMITTED, OR IS ABOUT TO BE COMMITTED; (B) THAT
11 THERE IS PROBABLE CAUSE TO BELIEVE BASED ON PERSONAL
12 KNOWLEDGE OF FACTS OR CIRCUMSTANCES THAT EVIDENCE
13 WHICH IS ESSENTIAL TO THE CONVICTION OF THE PERSON
14 AGAINST WHOM THE EXISTENCE OF PROBABLE CAUSE IS
15 ESTABLISHED TO HAVE VIOLATED SEC. 4, SEC. 5, SEC. 8, OR SEC. 16
16 OF THIS ACT WILL BE OBTAINED, OR THAT EVIDENCE WHICH IS
17 ESSENTIAL TO THE SOLUTION OR PREVENTION OF ANY SUCH
18 CRIMES WILL BE OBTAINED; AND, (C) THAT THERE ARE NO OTHER
19 EFFECTIVE MEANS READILY AVAILABLE FOR ACQUIRING SUCH
20 EVIDENCE.”

21 “SEC. 26 -C. EFFECTIVE PERIOD OF JUDICIAL
22 AUTHORIZATION. - ANY ORDER GRANTED BY THE AUTHORIZING
23 DIVISION OF THE COURT OF APPEALS SHALL ONLY BE EFFECTIVE
24 FOR THE LENGTH OF TIME SPECIFIED IN THE WRITTEN ORDER OF
25 THE AUTHORIZING DIVISION OF THE COURT OF APPEALS, WHICH
26 SHALL NOT EXCEED A PERIOD OF THIRTY (30) DAYS FROM THE
27 DATE OF RECEIPT OF THE WRITTEN ORDER OF THE
28 AUTHORIZING DIVISION OF THE COURT OF APPEALS BY THE
29 APPLICANT PDEA, PNP OR NBI OFFICIAL OR AGENT.

30 THE AUTHORIZING DIVISION OF THE COURT OF APPEALS
31 MAY EXTEND OR RENEW THE SAID AUTHORIZATION FOR
32 ANOTHER NON-EXTENDIBLE PERIOD, WHICH SHALL NOT EXCEED
33 THIRTY (30) DAYS FROM THE EXPIRATION OF THE ORIGINAL
34 PERIOD: *PROVIDED*, THAT THE AUTHORIZING DIVISION OF THE
35 COURT OF APPEALS IS SATISFIED THAT SUCH EXTENSION OR
36 RENEWAL IS IN THE PUBLIC INTEREST: *PROVIDED, FURTHER*,
37 THAT THE EX-PARTE APPLICATION FOR EXTENSION OR
38 RENEWAL, WHICH MUST BE FILED BY THE ORIGINAL APPLICANT,

1 HAS BEEN DULY AUTHORIZED IN WRITING BY THE PDEA
2 DIRECTOR GENERAL, THE CHIEF OF THE PNP, OR THE NBI
3 DIRECTOR, AS THE CASE MAY BE.

4 IN CASE OF DEATH, PHYSICAL DISABILITY, RESIGNATION
5 OR CESSATION FROM OFFICE OF THE ORIGINAL APPLICANT TO
6 FILE THE APPLICATION FOR EXTENSION OR RENEWAL, THE ONE
7 NEXT-IN-RANK TO THE ORIGINAL APPLICANT AMONG THE
8 MEMBERS OF THE TEAM NAMED IN THE ORIGINAL WRITTEN
9 ORDER OF THE AUTHORIZING DIVISION OF THE COURT OF
10 APPEALS SHALL FILE THE APPLICATION FOR EXTENSION OR
11 RENEWAL.”

12 “SEC. 26 - D. CLASSIFICATION AND CONTENTS OF THE
13 ORDER OF THE COURT OF APPEALS. - THE WRITTEN ORDER
14 GRANTED BY THE AUTHORIZING DIVISION OF THE COURT OF
15 APPEALS AS WELL AS ITS ORDER, IF ANY, TO EXTEND OR RENEW
16 THE SAME, THE ORIGINAL APPLICATION OF THE APPLICANT,
17 INCLUDING HIS/HER APPLICATION TO EXTEND OR RENEW, IF
18 ANY, AND THE WRITTEN AUTHORIZATIONS OF THE PDEA
19 DIRECTOR GENERAL, THE CHIEF OF THE PNP, OR THE NBI
20 DIRECTOR SHALL BE DEEMED AND ARE HEREBY DECLARED AS
21 CLASSIFIED INFORMATION. THE WRITTEN ORDER OF THE
22 AUTHORIZING DIVISION OF THE COURT OF APPEALS SHALL
23 SPECIFY THE FOLLOWING: (A) THE IDENTITY, SUCH AS NAME AND
24 ADDRESS, IF KNOWN, OF THE PERSON WHOSE COMMUNICATIONS,
25 MESSAGES, CONVERSATIONS, DISCUSSIONS, OR SPOKEN OR
26 WRITTEN WORDS ARE TO BE WIRETAPPED, INTERCEPTED,
27 LISTENED TO, SURVEILLED, AND RECORDED IN THE CASE OF
28 RADIO, ELECTRONIC, OR TELEPHONIC (WHETHER WIRELESS OR
29 OTHERWISE) COMMUNICATIONS, MESSAGES, CONVERSATIONS,
30 DISCUSSIONS, OR SPOKEN OR WRITTEN WORDS, THE
31 ELECTRONIC TRANSMISSION SYSTEMS AND/OR THE TELEPHONE
32 NUMBERS, IF KNOWN, TO BE WIRETAPPED, INTERCEPTED,
33 LISTENED TO, RECORDED, SURVEILLED OR TRACKED AND THEIR
34 LOCATIONS; (B) THE IDENTITIES (NAME AND UNIT) OF THE PDEA,
35 PNP OR NBI TEAM LEADER, INCLUDING THE INDIVIDUAL
36 IDENTITY (NAMES AND UNIT) OF THE MEMBERS OF HIS/HER
37 TEAM, JUDICIALLY AUTHORIZED TO WIRETAP, INTERCEPT,
38 LISTEN TO, SURVEIL AND RECORD THE COMMUNICATIONS,

1 MESSAGES, CONVERSATIONS, DISCUSSIONS, OR SPOKEN OR
2 WRITTEN WORDS; (C) THE OFFENSE OR OFFENSES COMMITTED,
3 OR BEING COMMITTED, OR SOUGHT TO BE PREVENTED; AND, (D)
4 THE LENGTH OF TIME WITHIN WHICH THE AUTHORIZATION
5 SHALL BE USED OR CARRIED OUT.”

6 “IN NO CASE SHALL THE IDENTITY OF THE
7 ABOVEMENTIONED PDEA, PNP OR NBI TEAM LEADER, INCLUDING
8 THE INDIVIDUAL IDENTITIES OF THE MEMBERS OF HIS/HER TEAM
9 BE DISCLOSED UNLESS AUTHORIZED BY WRITEN ORDER OF THE
10 AUTHORIZING DIVISION OF THE COURT OF APPEALS, WHICH
11 WRITTEN ORDER SHALL BE GRANTED ONLY FOR PURPOSES OF
12 INVESTIGATING OR PROSECUTING ANY VIOLATION OF ARTICLE
13 226 OR ARTICLE 229 OF THE REVISED PENAL CODE AS PROVIDED
14 IN SECTION 26-E OF THIS ACT OR REPUBLIC ACT NO. 4200, AFTER
15 A DETERMINATION THAT THE PUBLIC INTEREST IN THE
16 DISCLOSURE OF THE INFORMATION OUTWEIGHS THE PUBLIC
17 INTEREST IN KEEPING THE INFORMATION SECRET OR
18 CONFIDENTIAL.”

19 “SEC. 26 - E. CUSTODY OF INTERCEPTED AND RECORDED
20 COMMUNICATIONS. - ALL TAPES, DISCS, RECORDINGS, NOTES,
21 MEMORANDA, SUMMARIES, EXCERPTS AND ALL COPIES THEREOF
22 MADE PURSUANT TO THE ORDER OF THE AUTHORIZING DIVISION
23 OF THE COURT OF APPEALS, SHALL, WITHIN FORTY-EIGHT (48)
24 HOURS AFTER THE EXPIRATION OF THE PERIOD FIXED IN THE
25 WRITEN ORDER OF THE AUTHORIZING DIVISION OF THE COURT
26 OF APPEALS OR WITHIN FORTY-EIGHT (48) HOURS AFTER THE
27 EXPIRATION OF ANY EXTENSION OR RENEWAL GRANTED BY THE
28 AUTHORIZING DIVISION OF THE COURT OF APPEALS, BE
29 DEPOSITED WITH THE AUTHORIZING DIVISION OF THE COURT OF
30 APPEALS IN A SEALED ENVELOPE OR SEALED PACKAGE, AS THE
31 CASE MAY BE, AND SHALL BE ACCOMPANIED BY A JOINT
32 AFFIDAVIT OF THE APPLICANT PDEA, PNP OR NBI OFFICIAL AND
33 THE MEMBERS OF HIS/HER TEAM.

34 IN CASE OF DEATH, PHYSICAL DISABILITY, RESIGNATION
35 OR CESSATION FROM OFFICE OF THE APPLICANT TO EXECUTE
36 THE REQUIRED AFFIDAVIT, THE ONE NEXT-IN-RANK TO THE
37 APPLICANT AMONG THE MEMBERS OF THE TEAM NAMED IN THE
38 WRITEN ORDER OF THE AUTHORIZING DIVISION OF THE COURT

1 OF APPEALS SHALL EXECUTE WITH THE MEMBERS OF THE TEAM
2 THE REQUIRED JOINT AFFIDAVIT.

3 ANY PUBLIC OFFICER WHO, WITHOUT AUTHORITY,
4 REMOVES, CONCEALS, OR DESTROYS ANY OF THE ABOVE-
5 MENTIONED TAPE, DISC, RECORDING, NOTE, MEMORANDUM,
6 SUMMARY, OR EXCERPTS AND ANY COPY THEREOF SHALL BE
7 LIABLE UNDER ARTICLE 226 OF THE REVISED PENAL CODE.

8 ANY PUBLIC OFFICER WHO, WITHOUT AUTHORITY,
9 REVEALS ANY OF THE ABOVE-MENTIONED MATERIALS OR ANY
10 INFORMATION THEREON SHALL BE LIABLE UNDER ARTICLE 229
11 OF THE REVISED PENAL CODE.”

12 “SEC. 26 - F. CONTENTS OF JOINT AFFIDAVIT. - THE JOINT
13 AFFIDAVIT OF THE PDEA, PNP, OR NBI TEAM LEADER AND THE
14 INDIVIDUAL MEMBERS OF HIS/HER TEAM SHALL IDENTIFY THE
15 FOLLOWING: (A) ALL TAPES, DISCS, RECORDINGS, NOTES,
16 MEMORANDA, SUMMARIES, EXCERPTS AND ALL COPIES MADE IN
17 CONNECTION THEREWITH; (B) THE DATES AND TIMES COVERED
18 BY EACH OF SUCH MATERIALS; (C) THE NUMBER OF TAPES, DISCS,
19 RECORDINGS, NOTES, MEMORANDA, SUMMARIES, EXCERPTS AND
20 ALL COPIES MADE IN CONNECTION THEREWITH THAT HAVE
21 BEEN INCLUDED IN THE DEPOSIT; AND (D) THE DATE OF THE
22 ORIGINAL WRITTEN AUTHORIZATION GRANTED BY THE PDEA
23 DIRECTOR GENERAL, THE CHIEF OF THE PNP, OR THE NBI
24 DIRECTOR TO THE APPLICANT TO FILE THE *EX-PARTE*
25 APPLICATION AS WELL AS THE DATE OF ANY EXTENSION OR
26 RENEWAL OF THE ORIGINAL WRITTEN AUTHORITY GRANTED BY
27 THE AUTHORIZING DIVISION OF THE COURT OF APPEALS.

28 THE JOINT AFFIDAVIT SHALL ALSO CERTIFY UNDER OATH
29 THAT NO DUPLICATES OR COPIES OF THE WHOLE OR ANY PART
30 OF ANY OF SUCH TAPES, DISCS, AND RECORDINGS, AND THAT NO
31 DUPLICATES OR COPIES OF THE WHOLE OR ANY PART OF ANY OF
32 SUCH NOTES, MEMORANDA, SUMMARIES, AND EXCERPTS, HAVE
33 BEEN MADE, OR, IF MADE, THAT ALL SUCH DUPLICATES AND
34 COPIES ARE INCLUDED IN THE SEALED ENVELOPE OR SEALED
35 PACKAGE, AS THE CASE MAY BE, DEPOSITED WITH THE
36 AUTHORIZING DIVISION OF THE COURT OF APPEALS.”

37 “SEC. 26-G. DISPOSITION OF DEPOSITED MATERIAL. - THE
38 SEALED ENVELOPE OR SEALED PACKAGE AND THE CONTENTS

1 **THEREOF, WHICH ARE DEPOSITED WITH THE AUTHORIZING**
2 **DIVISION OF THE COURT OF APPEALS, SHALL BE DEEMED AND**
3 **ARE HEREBY DECLARED CLASSIFIED INFORMATION, AND THE**
4 **SEALED ENVELOPE OR SEALED PACKAGE SHALL NOT BE OPENED**
5 **AND ITS CONTENTS (INCLUDING THE TAPES, DISCS, AND**
6 **RECORDINGS AND ALL THE EXCERPTS AND SUMMARIES**
7 **THEREOF AND THE NOTES AND MEMORANDA MADE IN**
8 **CONNECTION THEREWITH) SHALL NOT BE DIVULGED,**
9 **REVEALED, READ, REPLAYED, OR USED AS EVIDENCE UNLESS**
10 **AUTHORIZED BY WRITTEN ORDER OF THE AUTHORIZING**
11 **DIVISION OF THE COURT OF APPEALS, WHICH WRITTEN ORDER**
12 **SHALL BE GRANTED ONLY UPON A WRITTEN APPLICATION OF**
13 **THE SECRETARY OF THE DEPARTMENT OF JUSTICE OR THE PDEA**
14 **DIRECTOR GENERAL, THE CHIEF OF THE PNP, OR THE NBI**
15 **DIRECTOR FILED BEFORE THE AUTHORIZING DIVISION OF THE**
16 **COURT OF APPEALS.”**

17 **“THE DISCLOSURE, REVELATION, OR UTILIZATION OF THE**
18 **DEPOSITED MATERIAL SHALL ALWAYS BE UNDER THE CONTROL**
19 **AND SUPERVISION OF THE AUTHORIZING DIVISION OF THE**
20 **COURT OF APPEALS. THE DEPOSITED MATERIAL OR PARTS**
21 **THEREOF WHICH ARE NOT UTILIZED IN THE PROSECUTION FOR**
22 **VIOLATION OF SEC. 4, SEC. 5, SEC. 8, OR SEC. 16 OF THIS ACT SHALL**
23 **BE REDEPOSITED WITH THE AUTHORIZING DIVISION OF THE**
24 **COURT OF APPEALS.”**

25 **“SEC. 26-H. DESTRUCTION OF DEPOSITED MATERIAL. -**
26 **AFTER THE LAPSE OF TEN (10) YEARS FROM THE TERMINATION**
27 **OF THE PERIOD AUTHORIZING THE WIRETAPPING,**
28 **INTERCEPTION, SURVEILLANCE AND RECORDING OF**
29 **COMMUNICATIONS, MESSAGES, CONVERSATIONS, DISCUSSIONS,**
30 **OR SPOKEN OR WRITTEN WORDS, THE AUTHORIZING DIVISION OF**
31 **THE COURT OF APPEALS SHALL ORDER THE DESTRUCTION OF**
32 **THE DEPOSITED MATERIAL UNLESS IT IS BEING UTILIZED IN AN**
33 **ONGOING INVESTIGATION OR PROSECUTION, IN WHICH CASE, IT**
34 **SHALL BE DESTROYED AFTER THE TERMINATION OF THE**
35 **INVESTIGATION OR PROSECUTION OF THE CASE.”**

36 **“SEC. 26-I. COMMUNICATIONS ASSISTANCE FOR LAW**
37 **ENFORCEMENT. - THE AUTHORIZING DIVISION OF THE COURT OF**
38 **APPEALS MAY ORDER ANY TELECOMMUNICATIONS OR**

1 INTERNET SERVICE PROVIDER TO ASSIST AND COOPERATE WITH
2 THE LAW ENFORCEMENT OFFICERS IN IMPLEMENTING THE
3 ORDER OF THE AUTHORIZING DIVISION OF THE COURT OF
4 APPEALS. THE TELECOMMUNICATIONS OR INTERNET SERVICE
5 PROVIDER SHALL TAKE MEASURES TO ENSURE THAT THE
6 PERSON WHOSE COMMUNICATIONS, MESSAGES,
7 CONVERSATIONS, DISCUSSIONS, OR SPOKEN OR WRITTEN WORDS
8 ARE BEING WIRETAPPED, INTERCEPTED, LISTENED TO,
9 SURVEILLED, AND RECORDED SHALL. NEITHER DETECT NOR BE
10 NOTIFIED OF SUCH FACT.”

11 “SEC. 26-J. EVIDENTIARY VALUE OF DEPOSITED MATERIALS.
12 - EVIDENCE OBTAINED PURSUANT TO SECTIONS 26-A TO 26-I OF
13 THIS ACT SHALL NOT BE USED IN THE PROSECUTION OF ANY
14 OTHER OFFENSE OR FELONY OTHER THAN TO PROSECUTE
15 VIOLATIONS OF SEC. 4, SEC. 5, SEC. 8, OR SEC. 16 OF THIS ACT.”

16 “SEC. 26-K. DESIGNATION OF SPECIAL DIVISIONS OF THE
17 COURT OF APPEALS. - THE DANGEROUS DRUGS BOARD SHALL
18 REQUEST THE SUPREME COURT TO DESIGNATE AT LEAST ONE
19 SPECIAL DIVISION OF THE COURT OF APPEALS EACH FOR LUZON,
20 VISAYAS, AND MINDANAO TO IMPLEMENT SECTIONS 26-A TO 26-J
21 OF THIS ACT.”

22 SEC. 2. Separability Clause. - If for any reason any part or provision of this Act is declared
23 unconstitutional or invalid, the other parts or provisions hereof which are not affected thereby shall
24 remain and continue to be in full force and effect.

25 SEC. 3. Repealing Clause. - All laws, decrees, executive orders, rules or regulations or
26 parts thereof, inconsistent with the provisions of this Act are hereby repealed, amended, or
27 modified accordingly.

28 SEC. 4. Effectivity_ - This Act shall take effect after fifteen (15) days following its
29 publication in the Official Gazette or in two (2) newspapers of general Circulation.

30 *Approved,*