

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

19 JUL -1 A9:43

SENATE
S.B. No. 6

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**

EXPLANATORY NOTE

In the 2018 Global Terrorism Index released by the Institute for Economics and Peace (IEP), the Philippines ranked number ten (10) worldwide, making it worse affected by terrorism than South Sudan, Democratic Republic of Congo and Libya. Thailand was close behind, coming in at number 17.¹

In May 23, 2017, an unforeseen war started in the progressive city of Marawi when a group of armed men vehemently took over and replaced the Philippine flag with the black Islamic State (ISIS) flag. This war did not just involve acts from a local rebellious group but an actual invasion from foreign terrorists as well. It took five long months to terminate all combat operations in Marawi, which caused massive deaths

¹ <http://globalterrorismindex.org>

of civilians and military alike, devastation of the groundwork and displacement of the people and their livelihood.

Having all these events occurred despite the full implementation of the Human Security Act of 2007, it is high time that we amend the said law to resist the steadfast growth of terrorism. The amendments aim for the Philippine anti-terrorism law to be at par and in conformity to the international standards in combating terrorism.

The amendments seek to add predicate crimes in the definition of terrorism, include additional punishable acts and increase the penalties. Also, these amendments include the issuance of an order of proscription and assets preservation and to institutionalize the Anti-Terrorism Council-Program Management Center as an administrative arm of the Anti-terrorism Council.

Hence, to affirm the commitment of the Philippines to win the war against terrorism, the passage of this bill is earnestly sought.




VICENTE C. SOTTO III

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OFFICE OF THE CLERK
OF THE SENATE

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RECEIVED


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**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."**

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

7 "Section 2. *Declaration of Policy.* - It is declared a policy of the State to
8 protect **THE RIGHT TO** life, liberty, and property, **INCLUDING** from acts of
9 terrorism, to condemn terrorism as inimical and dangerous to the national
10 security of the country and to the welfare of the people, and to make terrorism
11 a crime against the Filipino people, against humanity, and against the law of
12 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 comprehensive
5 approach, comprising political, economic, diplomatic, military, and legal
6 means duly taking into account the root causes of terrorism without
7 acknowledging these as justifications for terrorist and/or criminal activities.
8 Such measures shall include conflict management and post-conflict peace-
9 building, addressing the roots of conflict by building state capacity and
10 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 OF
7 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 PERSON
13 WHO COMMITS ANY ACTS DEFINED AND PENALIZED IN
14 SECTIONS 4, 5, 5(A), 5(B), 5(C), 5(D), AND 5(E) HEREOF, AS A
15 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 4,
21 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 REAL,
6 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 TO,
10 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 Liability
17 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 SERIOUS
8 BODILY INJURY TO ANY PERSON, OR (II) INTENDED TO CAUSE
9 RISK TO THE HEALTH, SAFETY OR SECURITY OF THE PUBLIC, OR
10 (III) INTENDED TO SERIOUSLY INTERFERES WITH, DISRUPTS OR
11 DESTROYS CRITICAL INFRASTRUCTURE, OR (IV) USING WEAPONS
12 OF MASS DESTRUCTION, OR (V) PROSCRIBED UNDER ANY OF THE
13 RELEVANT TREATIES AND CONVENTIONS WHICH THE
14 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 the
23 government to give in to an unlawful demand] shall be guilty of the
24 crime of terrorism and shall suffer the penalty of [forty (40) years of
25 imprisonment] **LIFE IMPRISONMENT TO DEATH**, without the benefit
26 of parole as provided for under Act No. 4103, otherwise known as the
27 Indeterminate Sentence Law, as amended.”

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

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

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

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

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

SECTION 5(C). RECRUITMENT TO TERRORIST ORGANIZATION. - ANY PERSON WHO SHALL RECRUIT ANOTHER TO JOIN ANY ORGANIZATION, ASSOCIATION OR GROUP OF PERSONS ORGANIZED FOR THE PURPOSE OF ENGAGING IN TERRORISM, OR WHICH, 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 UNDER
4 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 PUNISHED
11 WITH THE PENALTY OF LIFE IMPRISONMENT TO DEATH, WITHOUT THE
12 BENEFIT OF PAROLE AS PROVIDED FOR UNDER ACT NO. 4103,
13 OTHERWISE KNOWN AS THE INDETERMINATE SENTENCE LAW, AS
14 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 TRAVEL
18 OF ANOTHER PERSON, TO ANOTHER STATE OR COUNTRY FOR THE
19 PURPOSE OF PLANNING OR PREPARATION OF, OR PARTICIPATION IN,
20 TERRORIST ACTS, OR PROVIDING OR RECEIVING TERRORIST
21 TRAINING, INCLUDING IN CONNECTION WITH ARMED CONFLICT,
22 SHALL BE PUNISHED WITH THE PENALTY OF LIFE IMPRISONMENT TO
23 DEATH, WITHOUT THE BENEFIT OF PAROLE AS PROVIDED FOR UNDER
24 ACT NO. 4103, OTHERWISE KNOWN AS THE INDETERMINATE
25 SENTENCE LAW, AS AMENDED.

26 ANY ALIEN WHO IS A FUGITIVE FROM JUSTICE FOR ANY ACTS OF
27 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 BY
30 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 ADVERTISE**
6 **THROUGH ANY MEDIUM TO GLORIFY OR PROMOTE TERRORIST ACTS**
7 **COMMITTED BY PROSCRIBED OR DESIGNATED INDIVIDUALS OR**
8 **ORGANIZATIONS SHALL SUFFER THE PENALTY OF TEN (10) YEARS OF**
9 **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 Sec.
14 [4] **5** hereof, cooperates in the execution of either the crime of terrorism or
15 conspiracy to commit terrorism by previous or simultaneous acts shall suffer
16 the penalty of from seventeen (17) years, four months one day to twenty (20)
17 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 or
27 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 the
29 escape of the principal or conspirator of the crime, shall suffer the penalty of
30 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 the
5 single exception of accessories falling within the provisions of subparagraph
6 (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 a
14 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 ATTACK,**
28 **THE SECRETARY OF THE DEPARTMENT OF JUSTICE, UPON THE**
29 **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 PRODUCE**

1 **ALL CUSTOMER INFORMATION AND IDENTIFICATION RECORDS AS**
2 **WELL AS CALL AND TEXT DATA RECORDS AND OTHER CELLULAR OR**
3 **INTERNET METADATA OF ANY PERSON SUSPECTED OF ANY CRIME IN**
4 **SECTION 4, 5, 5(A), 5(B), 5(C), 5(D), 5(E), AND 5(F) HEREOF.**

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

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

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

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

committed, or sought to be prevented; and, (d) the length of time within which the authorization shall be used or carried out.

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

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

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

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

1 If no case is filed within the thirty (30)-day period, the applicant police
2 or law enforcement official shall immediately notify the person subject of the
3 surveillance, interception and recording of the termination of the said
4 surveillance, interception and recording. The penalty of ten (10) years and
5 one day to twelve (12) years of imprisonment shall be imposed upon the
6 applicant police or law enforcement official who fails to notify the person
7 subject of the surveillance, monitoring, interception and recording as
8 specified above.]

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

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

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

30 It shall be unlawful for any person, police officer or any custodian of the tapes,
31 discs and recording, [and their excerpts and summaries, written notes or

1 memoranda to copy in whatever form.] to **INTENTIONALLY ALTER**, remove,
2 delete, expunge, incinerate, shred or destroy in any manner the items
3 enumerated above in whole or in part under any pretext whatsoever.

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

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

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

25 [The joint affidavit shall also certify under oath that no duplicates or copies of
26 the whole or any part of any of such tapes, discs, and recordings, and that no
27 duplicates or copies of the whole or any part of any of such excerpts,
28 summaries, written notes, and memoranda, have been made, or, if made, that
29 all such duplicates and copies are included in the sealed envelope or sealed
30 package, as the case may be, deposited with the authorizing division of the
31 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 less
6 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 used
17 as evidence unless authorized by [written order of] **THE AUTHORIZING**
18 **DIVISION OF THE COURT OF APPEALS OR THE REGIONAL TRIAL**
19 **COURT**, which [written order] shall be granted only upon a written application
20 of the Department of Justice [filed before the authorizing division of the Court
21 of Appeals and only upon a showing that the Department of Justice has been
22 duly authorized in writing by the Anti-Terrorism Council to file the application
23 with proper written notice the person whose conversation, communication,
24 message discussion or spoken or written words have been the subject of
25 surveillance, monitoring, recording and interception to open, reveal, divulge,
26 and use the contents of the sealed envelope or sealed package as evidence.]

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

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

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

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

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

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

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, [or
9 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 widespread
11 and extraordinary fear and panic among the populace in order to coerce the
12 government to give in to an unlawful demand] shall upon application of the
13 Department of Justice before a competent Regional Trial Court, [with due
14 notice and opportunity to be heard given to the organization, association, or
15 group of persons concerned,] be declared as a terrorist and/**OR** outlawed
16 organization, association, or group of persons by the said [Regional Trial]
17 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 COORDINATING**
25 **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**

1 OF PROSCRIPTION DECLARING THAT THE RESPONDENT THEREIN IS A
2 TERRORIST OR TERRORIST ORGANIZATION WITHIN THE MEANING OF
3 THIS ACT.

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

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

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

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

“Section 18. *Period of Detention Without Judicial Warrant of Arrest.* - The provisions of Article 125 of the Revised Penal Code to the contrary notwithstanding, any [police or] law enforcement **OR MILITARY** personnel [, who, having been duly authorized in writing by the Anti-Terrorism Council] has taken custody of a person [charged with or] suspected [of the crime of terrorism or the crime of conspiracy to commit terrorism] **OF COMMITTING ANY CRIME IN SECTION 4, 5(A), 5(B), 5(C), 5(D), 5(E), AND 5(F) HEREOF** shall, without incurring any criminal liability for delay in the delivery of detained persons to the proper judicial authorities, deliver said [charged or suspected] **ARRESTED** person to the proper judicial authority within a period of [three] **THIRTY (30)** days counted from the moment the said [charged or suspected] person has been [apprehended or] arrested **EXCLUDING SATURDAY, SUNDAY AND HOLIDAYS.** [, detained, and taken into custody by the said police, or law enforcement personnel: *Provided,* That the arrest of those suspected of the crime of terrorism or conspiracy to commit terrorism must result from the surveillance under Sec. 7 and examination of bank deposits under Sec. 27 of this Act.]

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

1 forthwith submit his/her report within three calendar days from the time the
2 suspect was brought to his/her residence or office.]

3 [Immediately after taking custody of a person charged with or suspected of
4 the crime of terrorism or conspiracy to commit terrorism, the police or law
5 enforcement personnel shall notify in writing the judge of the court nearest
6 the place of apprehension or arrest: *Provided*, That where the arrest is made
7 during Saturdays, Sundays, holidays or after office hours, the written notice
8 shall be served at the residence of the judge nearest the place where the
9 accused was arrested.]

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

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

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

1 *however*, That within [three] **THIRTY (30)** days after the detention the
2 suspects, whose connection with the terror attack or threat is not established,
3 shall be released immediately, **OTHERWISE, SAID SUSPECTS SHALL,**
4 **WITHIN THIRTY (30) DAYS AFTER THE ACTUAL OR IMMINENT**
5 **TERRORIST ATTACK CEASES, EXCLUDING SATURDAYS, SUNDAYS AND**
6 **HOLIDAYS, BE DELIVERED TO THE PROPER JUDICIAL AUTHORITY.**

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

13 **TO OBTAIN THE ARREST WARRANT, THE DOJ SHALL ESTABLISH**
14 **TO THE COURT'S SATISFACTION THAT THE PERSON IN QUESTION HAS**
15 **MATERIAL INFORMATION NECESSARY TO THE INVESTIGATION OR**
16 **PROSECUTION UNDER THIS ACT.**

17 **SECTION 19-B. SUSPENSION/CANCELATION OF PASSPORT - THE**
18 **DEPARTMENT OF FOREIGN AFFAIRS, BASED ON REASONABLE GROUND**
19 **OF SUSPICION, MAY SUSPEND OR CANCEL THE PASSPORT OF A**
20 **CITIZEN SUSPECTED OF ANY CRIME IN SECTION 4, 5(A), 5(B), 5(C), 5(D),**
21 **5(E), AND 5(G) HEREOF.**

22 **SECTION 19-C. ISSUANCE OF HOLD DEPARTURE ORDER - UPON**
23 **FILING OF THE INFORMATION FOR ANY CRIME IN SECTION 4, 5(A), 5(B),**
24 **5(C), 5(D), 5(E), 5(F), AND (G) HEREOF, THE COURT SHALL**
25 **IMMEDIATELY ISSUE A HOLD DEPARTURE ORDER AGAINST ANY**
26 **PERSON SO CHARGED.**

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

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

“Sec. [26] **20. [Restriction] CONDITIONS on Travel WHILE ON BAIL.** - In cases where evidence of guilt is not strong, and the person charged with [the crime of terrorism or conspiracy to commit terrorism is entitled to bail and is granted the same] **ANY CRIME IN SECTION 4, 5(A), 5(B), 5(C), 5(D), 5(E), AND 5(F)**, the court, upon application by the prosecutor, shall limit the [right of] travel of the accused to within the municipality or city [where he resides or] where the case is pending. [, in the interest of national security and public safety, consistent with Article III, Sec. 6 of the Constitution.] **THE COURT SHALL IMMEDIATELY FURNISH THE DEPARTMENT OF JUSTICE AND THE BUREAU OF IMMIGRATION WITH THE COPY OF SAID ORDER.** Travel outside of said municipality or city, without the authorization of the court, shall be deemed a violation of the terms and conditions of his bail. [, which shall then be forfeited as provided under the Rules of Court.]

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

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

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

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

“SECTION 21. BANK INQUIRY AND EXAMINATION. – BANK INQUIRY AND EXAMINATION INTO BANK ACCOUNTS AND INVESTMENTS SHALL BE IN ACCORDANCE WITH REPUBLIC ACT NO. 9160, OTHERWISE KNOWN AS THE “ANTI-MONEY LAUNDERING ACT OF 2001, AS AMENDED” IN RELATION TO REPUBLIC ACT 10168, OTHERWISE

1 **KNOWN AS "TERRORISM FINANCING PREVENTION AND SUPPRESSION**
2 **ACT OF 2012"**

3 SECTION 24. Sections 27, 28, 28, 30, 31, 32, 33, 34, 35, 36, 37, 38,
4 39, 40, 41, 42, 43, 44, and 45 of the same Act are hereby **REPEALED**.

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

6 **"SECTION 22. FREEZING AND FORFEITURE. - EXCEPT THOSE**
7 **COVERED BY SECTION 17-A, THE FREEZE AND FORFEITURE OF**
8 **PROPERTIES OR FUNDS AS HEREIN DEFINED THAT ARE IN ANY WAY**
9 **RELATED TO TERRORISM SHALL BE IN ACCORDANCE WITH REPUBLIC**
10 **ACT NO. 9160, OTHERWISE KNOWN AS THE "ANTI-MONEY**
11 **LAUNDERING ACT OF 2001, AS AMENDED" AND THE RULES OF**
12 **PROCEDURE IN CASES OF CIVIL FORFEITURE, ASSET PRESERVATION**
13 **AND FREEZE."**

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

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

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

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

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

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

4 **“SECTION 25. SPECIAL FACILITY. – ANY PERSON ARRESTED,**
5 **CHARGED, TRIED, OR CONVICTED UNDER THIS ACT SHALL BE HELD,**
6 **DETAINED OR IMPRISONED IN A SPECIAL FACILITY ESTABLISHED BY**
7 **THE STATE.”**

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

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

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

19 **“SECTION 27. COUNTERING VIOLENT EXTREMISM IN SOCIAL**
20 **MEDIA. – ALL DEPARTMENTS OF THE COUNCIL MEMBERS SHALL**
21 **ESTABLISH A SOCIAL MEDIA SECTION TO COUNTER VIOLENT**
22 **EXTREMISM IN SOCIAL MEDIA.”**

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

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

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

"Section [53] **29. Anti-Terrorism Council.** - An Anti-Terrorism Council, hereinafter referred to, for brevity, as the "Council," is hereby created. The members of the Council are: (1) the Executive Secretary, who shall be its Chairperson; (2) the Secretary of Justice, who shall be its Vice Chairperson; and (3) the Secretary of Foreign Affairs; (4) the Secretary of National Defense; (5) the Secretary of the Interior and Local Government; (6) the Secretary of Finance; [and] (7) the National Security Advisor; **(8) THE SECRETARY OF INFORMATION AND COMMUNICATIONS TECHNOLOGY; (9) THE SECRETARY OF SCIENCE AND TECHNOLOGY; (10) THE SECRETARY OF TRANSPORTATION; (11) SECRETARY OF LABOR AND EMPLOYMENT; AND (12) SECRETARY OF EDUCATION** as its other members.

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

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

THERE IS HEREBY CREATED AN ANTI-TERRORISM COUNCIL - PROGRAM MANAGEMENT CENTER (ATC-PMC) WHICH SHALL: (A) DIRECTLY ADMINISTER, CONTROL AND SUPERVISE THE PERFORMANCE OF THE OPERATIONAL FUNCTIONS AND DUTIES OF THE COUNCIL; (B) DIRECTLY ASSIST THE COUNCIL IN THE IMPLEMENTATION OF THE COUNCIL AS HEREIN STATED; (C) ACT AS THE COORDINATOR OF THE COUNCIL IN THE PROPER EXECUTION OF ALL DIRECTIVES OF THE COUNCIL; AND (D) PERFORM SUCH OTHER FUNCTIONS AND DUTIES AS DIRECTED BY THE COUNCIL. [The National

1 Bureau of Investigation, the Bureau of Immigration, the Office of Civil
2 Defense, the Intelligence Service of the Armed Forces of the Philippines, the
3 Anti-Money Laundering Council, the Philippine Center on Transnational
4 Crime, and the Philippine National Police intelligence and investigative
5 elements shall serve as support agencies for the Council.]

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

10 **DEPARTMENT OF JUSTICE**

11 **DEPARTMENT OF FOREIGN AFFAIRS**

12 **DEPARTMENT OF NATIONAL DEFENSE**

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

14 **DEPARTMENT OF FINANCE**

15 **DEPARTMENT OF INFORMATION AND COMMUNICATIONS**
16 **TECHNOLOGY**

17 **DEPARTMENT OF SCIENCE AND TECHNOLOGY**

18 **DEPARTMENT OF EDUCATION**

19 **DEPARTMENT OF TRANSPORTATION**

20 **DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES**

21 **DEPARTMENT OF TRADE AND INDUSTRY**

22 **DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT**

23 **ANTI-MONEY LAUNDERING COUNCIL**

24 **PHILIPPINE CENTER ON TRANSNATIONAL CRIME**

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

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

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

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

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

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

19 3. [Direct the speedy] **MONITOR THE PROGRESS OF THE**
20 investigation and prosecution of all persons accused **AND/or** detained for the
21 crime**S** [of terrorism or conspiracy to commit terrorism and other offenses
22 punishable under this Act, and monitor the progress of their cases] **DEFINED**
23 **AND PENALIZED UNDER SECTION 4, 5, 5(A), 5(B), 5(C), 5(D), 5(E), AND**
24 **5(F) HEREOF;**

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

27 5. **ENLIST THE ASSISTANCE OF ANTI-MONEY LAUNDERING**
28 **COUNCIL TO** freeze **AND FORFEIT** the funds, bank deposits, placements,

1 trust accounts, assets and **PROPERTY OF WHATEVER KIND AND NATURE**
2 belonging **(I)** to a person suspected of or charged with **ANY** crime **DEFINED**
3 **AND PENALIZED UNDER SECTION 4, 5, 5(A), 5(B), 5(C), 5(D), 5(E),**
4 **HEREOF, (II) TO DESIGNATED PERSONS DEFINED UNDER SECTION 3(E)**
5 **OF REPUBLIC ACT NO. 10168, OTHERWISE KNOWN AS THE**
6 **“TERRORISM FINANCING PREVENTION AND SUPPRESSION ACT OF**
7 **2012”; (III) TO AN INDIVIDUAL MEMBER OF SUCH DESIGNATED**
8 **PERSONS, OR (IV) ANY PERSON PROSCRIBED UNDER SECTION 17, 17-**
9 **A AND 17-B,** pursuant to republic Act No. 9160, otherwise known as the Anti-
10 Money Laundering Act of 2001, as amended;

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

20 7. Establish and maintain coordination with and the cooperation and
21 assistance of other nations in the struggle against international terrorism;
22 [and]

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

29 **7-B. TAKE MEASURES TO PREVENT TERRORISTS FROM**
30 **ACQUIRING WEAPONS OF MASS DESTRUCTION SUCH AS, BUT NOT**

1 **LIMITED TO THE IMPOSITION OF ECONOMIC AND FINANCIAL**
2 **SANCTIONS AND IMPORT RESTRICTIONS.**

3 [8. Request the Supreme Court to designate specific divisions of the
4 Court of Appeals and Regional Trial Courts in Manila, Cebu City and Cagayan
5 de Oro City, as the case may be, to handle all cases involving the crime of
6 terrorism or conspiracy to commit terrorism and all matters incident to said
7 crimes. The Secretary of Justice shall assign a team of prosecutors from: (a)
8 Luzon to handle terrorism cases filed in the Regional Trial Court in Manila;
9 (b) from the Visayas to handle cases filed in Cebu City; and (c) from Mindanao
10 to handle cases filed in Cagayan de Oro City.]

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

14 SECTION 35. Sections 55 and 56 of the same Act are hereby
15 **REPEALED.**

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

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

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

28 “Section [58] **32. *Extra-Territorial Application of this Act.*** - Subject to the
29 provision of an existing treaty of which the Philippines is a [signatory] **STATE**

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

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

1 **CONSTITUTING THE OFFENSE HAD BEEN COMMITTED IN THE**
2 **PHILIPPINES, IN WHICH CASE, THE COURTS IN THE CITY OF MANILA,**
3 **PHILIPPINES SHALL HAVE JURISDICTION OVER THE OFFENSE.**

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

6 “Section [59] **33.** *Joint Oversight Committee.* - There is hereby created
7 a Joint Oversight Committee to oversee the implementation of this Act.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 *Approved,*