

THIRTEENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
Second Regular Session )

5 OCT 12 P4:17

RECEIVED BY:                     

SENATE

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COMMITTEE REPORT NO. 34

Submitted jointly by the Committees on Public Order and Illegal Drugs; Justice and Human Rights; and Finance on 12 OCT 2005.

Re: S. No. 2137, prepared jointly by the Committees.

Recommending its approval in substitution of Senate Bill Nos. 735, 831, 871, 1736 and 1768, taking into consideration the Privilege Speech of Senator Lim delivered on March 9, 2005, entitled: "Warrantless Arrest: The Need to Revert to Old Concept in Combatting Crimes" and Proposed Senate Resolution No. 184.

Sponsors: Senators Villar, Lacson, Enrile, Ejercito Estrada (J.), Magsaysay Jr., and Lim

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MR. PRESIDENT:

The Committees on Public Order and Illegal Drugs; Justice and Human Rights; and Finance to which were referred Senate Bill No. 735, introduced by Senator Villar, entitled:

**"AN ACT  
TO DEFINE AND PENALIZE ACTS OF TERRORISM AND FOR OTHER  
PURPOSES";**

Senate Bill No. 831, introduced by Senators Lacson and Enrile, entitled:

**"THE ANTI-TERRORISM ACT OF 2004";**

Senate Bill No. 871, introduced by Senator Ejercito Estrada (J.), entitled:

**"AN ACT  
TO DEFINE AND PENALIZE ACTS OF TERRORISM AND FOR OTHER  
PURPOSES";**

Senate Bill No. 1736, introduced by Senator Magsaysay Jr., entitled:

**"AN ACT  
DEFINING THE CRIME OF TERRORISM, AND THE FINANCING,  
PREPARATION AND FACILITATION OF ACTS OF TERRORISM,  
PROVIDING PENALTIES THEREFOR AND FOR OTHER PURPOSES";**

and Senate Bill No. 1768, introduced by Senator Lim, entitled:

**“AN ACT  
TO DETER AND PUNISH ACTS OF TERRORISM AND FOR OTHER  
PURPOSES”;**

taking into consideration the Privilege Speech of Senator Lim delivered on March 9, 2005, entitled:

**“WARRANTLESS ARREST: THE NEED TO REVERT  
TO OLD CONCEPT IN COMBATTING CRIMES”;**

and Proposed Senate Resolution No. 184, introduced by Senator Villar, entitled:

**“RESOLUTION  
DIRECTING THE SENATE COMMITTEE ON PUBLIC ORDER AND ILLEGAL  
DRUGS TO CONDUCT AN INVESTIGATION, IN AID OF LEGISLATION,  
INTO THE VALENTINE’S DAY BOMBINGS IN MAKATI, DAVAO CITY AND  
GENERAL SANTOS CITY, WITH THE END VIEW OF RECOMMENDING  
POLICY MEASURES TO ENSURE PUBLIC SECURITY IN AREAS OF  
CONVERGENCE LIKE BUS TERMINALS, AIRPORTS, COMMERCIAL  
ESTABLISHMENTS AND VITAL INSTALLATIONS NATIONWIDE”**

have considered the same and have the honor to report them back to the Senate with the recommendation that the attached bill, Senate Bill No. 2137, prepared jointly by the Committees, entitled:


**“AN ACT  
TO DETER AND PUNISH ACTS OF TERRORISM AND FOR OTHER  
PURPOSES”**

be approved in substitution of Senate Bill Nos. 735, 831, 871, 1736 and 1768, taking into consideration the Privilege Speech of Senator Lim delivered on March 9, 2005, entitled: “Warrantless Arrest: The Need to Revert to Old Concept in Combatting Crimes” and Proposed Senate Resolution No. 184”, with Senators Villar, Lacson, Enrile, Ejercito Estrada (J.), Magsaysay Jr. and Lim as authors.

Respectfully submitted,

Chairmen:

**JOKER P. ARROYO**  
Committee on Justice and Human Rights  
Member, Committee on Finance

  
**MANNY VILLAR**  
Committee on Public Order and Illegal Drugs  
Committee on Finance  
Member, Committee on Justice and Human Rights

Members:

**RALPH G. RECTO**

Committee on Public Order and Illegal Drugs  
Committee on Finance

*with amendments  
& proposed amendments*  
**RICHARD J. GORDON**

Committee on Public Order and Illegal Drugs  
Committee on Justice and Human Rights  
Committee on Finance

*Ron Jr*  
**RAMON BONG REVILLA JR.**

Committee on Public Order and Illegal Drugs  
Committee on Justice and Human Rights  
Committee on Finance

*Mano*  
**MANUEL "LITO" M. LAPID**

Committee on Public Order and Illegal Drugs  
Committee on Finance

*Amendments with*  
**JUAN PONCE ENRILE**

Committee on Public Order and Illegal Drugs  
Committee on Justice and Human Rights  
Committee on Finance

*Sergio Estrada*  
**JINGGOY EJERCITO ESTRADA**

*with very serious reservations*  
Committee on Public Order and Illegal Drugs  
Committee on Finance

*Amendments*  
**PANFILO M. LACSON**

Committee on Public Order and Illegal Drugs  
Committee on Finance

*with amendments*  
**ALFREDO S. LIM**

Committee on Public Order and Illegal Drugs  
Committee on Justice and Human Rights  
Committee on Finance

*Pro P. Cayetano*  
**COMPAÑERA MA S. CAYETANO**

*with amendments*  
Committee on Justice and Human Rights

*with amendments*  
**SERGIO OSMEÑA III**

*with amendments & amendments*  
Committee on Justice and Human Rights  
Committee on Finance

*with serious reservations  
& amendments*  
**M.A. MADRIGAL**

*M.A. Madriganal*  
Committee on Justice and Human Rights  
Committee on Finance

*main sponsor of the bill*  
**MIRIAM DEFENSOR SANTIAGO**

Committee on Finance

*Rodolfo G. Biazon*

**RODOLFO G. BIAZON**  
Committee on Finance

*Ramon B. Magsaysay Jr.* w/representative parents

**RAMON B. MAGSAYSAY JR.**  
Committee on Finance

*Mar Roxas*

**MAR ROXAS**  
Committee on Finance

*Edgardo J. Angara*

**EDGARDO J. ANGARA**  
Committee on Finance

**LUISA "LOI" P. EJERCITO ESTRADA**  
Committee on Finance

Ex - Officio Members :

*Juan M. Flavier*

**JUAN M. FLAVIER**  
President Pro-Tempore

*Francis N. Pangilinan*

**FRANCIS N. PANGILINAN**  
Majority Leader

*Aquilino Q. Pimentel Jr.*

**AQUILINO Q. PIMENTEL JR.**  
Minority Leader

**Hon. FRANKLIN M. DRILON**  
President  
Senate of the Philippines  
Pasay City

INFORMATION SHEET  
ON  
COMMITTEE REPORT NO. 34

SENATE  
OFFICE OF THE SECRETARY

Short Title: \_\_\_\_\_  
Filed on: 12 OCT 2005

5 OCT 12 P4:17

a) COMMITTEE (s) which reported out the bill(s)/resolution(s)/other matters:

Primary: COMMITTEE ON PUBLIC ORDER AND ILLEGAL DRUGS RECEIVED BY:  
Secondary: COMMITTEE ON JUSTICE AND HUMAN RIGHTS AND COMMITTEE ON FINANCE

b) BILL(s) and/or RESOLUTION(s)/OTHER MATTER(s) reported out and taken into consideration:

Bill/Resolution/Others	Referred to the Ctte(s) on	Authors
1. <u>SENATE BILL NO. 735</u>	} <u>COMMITTEE ON PUBLIC ORDER AND ILLEGAL DRUGS,</u>	<u>SENATOR MANNY VILLAR</u>
2. <u>SENATE BILL NO. 831</u>		<u>SENATORS PANFILO LACSON &amp; JUAN Ponce ENRIQUE</u>
3. <u>SENATE BILL NO. 871</u>	} <u>COMMITTEE ON JUSTICE AND HUMAN RIGHTS AND COMMITTEE ON FINANCE</u>	<u>SENATOR JINGGOY EJERCITO ESTRADA</u>
<u>SENATE BILL NO. 1736</u>		<u>SENATOR PATMON MAGSAYSAY JR.</u>
<u>SENATE BILL NO. 1768</u>		<u>SENATOR ALFREDO LIM</u>

Other bill(s)/resolution(s)/other matters of similar subject matter ~~are~~ included in this report:  
PRIVILEGE SPEECH OF SENATOR ALFREDO S. LIM DELIVERED ON MARCH 9, 2005 ENTITLED:  
REASON(S) "WARRANTLESS ARREST: THE NEED TO REVERT TO OLD CONCEPT IN COMBATTING CRIMES"  
AND PROPOSED SENATE RESOLUTION NO. 184 BY SENATOR MANNY VILLAR

c) ACTION TAKEN by the Committee(s):

Primary Committee	Secondary Committee (If this is not a joint report)
<input checked="" type="checkbox"/>	
[ ]	[ ]
[ ]	[ ]
[ ]	[ ]
[ ]	[ ]
[ ]	[ ]

d) COMMITTEE MEETINGS/PUBLIC HEARINGS/TWG/OTHERS CONDUCTED: SEE ATTACHED SHEET FOR  
Date: APRIL 20, 2005 Date: MAY 31, 2005 Date: JUNE 7, 2005 TWG MEETINGS  
Time: 11:00 A.M. Time: 1:00 P.M. Time: 1:00 P.M.  
Venue: SEN. RECTO ROOM, SENATE Venue: SEN. PECSON ROOM, SENATE Venue: SEN. RECTO ROOM, SENATE

e) Does this Bill/Resolution contain any REVENUE or APPROPRIATION Provision? YES

If Yes, has it been referred to the Finance or Ways and Means Committee and what where its recommendations: YES

f) RELATED/COUNTERPART MEASURE from the HOUSE OF REPRESENTATIVES:

Bill/Resolution No.(s)	Status in the House	Status in the Senate
_____	_____	_____
_____	_____	_____
_____	_____	_____

g) MEMBER(s) without signature in the report; and reason(s):

SENATORS JOKER ARROYO, RALPH G. RECTO, AND LUISA "LOI" P. EJERCITO ESTRADA  
- NOT AVAILABLE

h) Additional remarks: \_\_\_\_\_  
\_\_\_\_\_

Submitted by: XERXES A. NITAFAN  
XERXES S. NITAFAN  
Legislative Committee Secretary  
Date submitted: OCTOBER 12, 2005

## TECHNICAL WORKING GROUP MEETINGS

### **1<sup>ST</sup> TWG**

August 18, 2005 (Thursday)

9:30 A.M.

Sen. G.T. Pecson Room, Senate of the Philippines

### **2<sup>ND</sup> TWG**

August 23, 2005 (Tuesday)

1:30 P.M.

Sen. C.M. Recto Room, Senate of the Philippines

### **3<sup>RD</sup> TWG**

August 24, 2005 (Wednesday)

10:00 A.M.

Sen. G.T. Pecson Room, Senate of the Philippines

### **4<sup>TH</sup> TWG**

August 26, 2005 (Friday)

9:00 A.M.

PCTC Conference Room, Camp Crame, Q.C.

### **5<sup>TH</sup> TWG**

September 30, 2005 (Friday)

9:00 A.M.

NICA Conference Room, 7<sup>th</sup> Floor NIC Bldg., #5 Luna Rd. cor. East Ave., Q.C.

### **6<sup>TH</sup> TWG**

October 4, 2005 (Tuesday)

1:00 P.M.

Mabini Hall, 4/F Executive Secretary's Hall, J.P. Laurel St., San Miguel, Manila.

### **7<sup>TH</sup> TWG**

October 5, 2005 (Wednesday)

10:00 A.M.

Sen. G.T. Pecson Room, Senate of the Philippines

### **8<sup>TH</sup> TWG**

October 6, 2005 (Thursday)

9:30 A.M.

Office of the Special Envoy on Transnational Crime (OSETC) Conference Room,  
PCTC Bldg., Camp Crame, Q.C.

### **9<sup>TH</sup> TWG**

October 7, 2005 (Friday)

2:00 P.M.

BJMP National Office Conference Room, BJMP 4/F Juco Bldg., #144 Mindanao Ave.,  
Proj. 8, Q.C.

THIRTEENTH CONGRESS OF THE REPUBLIC )  
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SENATE  
S. No. 2137

*(In substitution of S. Nos. 735, 831, 871, 1736 and 1768  
taking into consideration the Privilege Speech of Senator Lim  
delivered on March 9, 2005, entitled: "Warrantless Arrest:  
The Need to Revert to Old Concept in Combatting Crimes"  
and Proposed Senate Resolution No. 184)*

Prepared jointly by the Committees on Public Order and Illegal Drugs; Justice and Human Rights; and Finance with Senators Villar, Lacson, Enrile, Ejercito Estrada (J.), Magsaysay Jr. and Lim as authors

AN ACT  
TO DETER AND PUNISH ACTS OF TERRORISM AND FOR OTHER  
PURPOSES

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

1           **SECTION 1. *Short Title.*** – This Act shall be known as the “Anti-Terrorism Act of  
2 2005.”

3           **SEC. 2. *Declaration of Policy.*** – It is hereby declared the policy of the State to  
4 protect the life, liberty and property of the people against all acts of terrorism and to  
5 strongly condemn terrorism as a crime against humanity and the law of nations. Towards  
6 this end, the State shall adopt adequate, efficient and effective counter measures to fight,  
7 suppress and penalize all acts of terrorism with due regard to and respect for the  
8 fundamental rights and freedoms of the people guaranteed under the Philippine  
9 Constitution.

10           Further, the State recognizes the borderless and heinous nature of terrorism and  
11 shall encourage and maintain cooperation with all nations in the fight against the same in  
12 accordance with the United Nations resolutions and other international, regional,  
13 multilateral and bilateral agreements or instruments consistent with national interest.

1           **SEC. 3. *Terrorism, How Committed.*** – Terrorism is committed by any person or  
2 group of persons, whether natural or juridical, through premeditated, threatened, or actual  
3 use of violence, force, coercion, intimidation, or any other means of destruction  
4 perpetrated against person/s, property/ies, environment or the government, with the  
5 intention of creating or sowing a state of danger, panic, fear or chaos to the general public  
6 or a segment thereof by any of the following acts:

- 7           1.       Causing or threatening to cause death or serious physical or mental harm  
8                   to a person or group of persons;
- 9           2.       Depriving or threatening to deprive any person of his/her liberty;
- 10          3.       Assassinating or kidnapping the officials within the constitutional line of  
11                   succession, or any internationally protected person in violation of the  
12                   Convention on the Protection and Punishment of Crimes Against  
13                   Internationally Protected Persons, including Diplomatic Agents, and other  
14                   international agreements;
- 15          4.       Causing or threatening to cause serious risk to the health or safety of the  
16                   general public or any segment thereof;
- 17          5.       Causing or threatening to cause substantial damage or wanton destruction  
18                   or resorting to arson on critical infrastructure or any property, public or  
19                   private;
- 20          6.       Causing or threatening to cause serious interference with or serious  
21                   disruption of an essential service, facility or system, whether public or  
22                   private, other than a result of lawful advocacy, protest, dissent or stoppage  
23                   of work;
- 24          7.       Attacking or threatening to attack the cyberspace, by destroying the actual  
25                   machinery of the information and communication infrastructure,  
26                   disrupting the information technology underlying the internet, government  
27                   or private computer networks or systems, or committing any unlawful act  
28                   against information and communication systems;



- 1           8.     Hijacking or threatening to hijack any kind of aircraft, electric or railroad  
2           train, passenger bus or other means of mass transportation, or public  
3           conveyance, or piracy of ship or sea vessel;
- 4           9.     Willfully destroying the environment including the natural resources in  
5           land, water or air, such as forests or marine and mineral resources, or  
6           intentionally causing oil or toxic spillages, or other similar acts of  
7           destruction against the environment that threatens ecological security, or  
8           natural cultural property;
- 9           10.    Manufacturing, processing, selling, acquiring, possessing, using, diverting,  
10          supplying or transporting chemical, biological, radiological or nuclear  
11          agents, or equipment and instruments used in their production,  
12          distribution, release or spread that would endanger directly or indirectly  
13          the safety of one or more individuals, or to cause mass destruction or great  
14          damage to property; or
- 15          11.    Manufacturing, selling, acquiring, supplying, disposing, using or  
16          possessing explosives, bombs, grenades, projectiles, devices or other lethal  
17          weapons, or substances or machinery used or intended to be used for the  
18          manufacture of explosives in furtherance of, or incident to, or in  
19          connection with, an act of terrorism defined herein.

20           Any person who commits any act of terrorism shall suffer the penalty of life  
21   imprisonment and a fine of ten million pesos (Php 10,000,000.00): Provided, that, if an  
22   act of terrorism should result in the death of a person, or if committed with the use of  
23   uniform, paraphernalia, communication equipment, or other implements peculiar to the  
24   armed forces or other law enforcement agencies, or if the offender is a government  
25   official or employee or has retired, resigned, dismissed or otherwise separated from the  
26   government service, the penalty of death shall be imposed.

27           **SEC. 4. Acts that Facilitate, Contribute to or Promote Terrorism.** – It shall be  
28   unlawful for any person or group of persons, whether natural or juridical, to knowingly,

1 willfully and voluntarily facilitate, contribute to or promote terrorism through any of the  
2 following acts:

- 3 1. Establishing, maintaining or serving as contact or link with any person or  
4 group of persons or organization/s who have pursued or are pursuing  
5 terrorism;
- 6 2. Arranging or assisting in the conduct of meeting of two (2) or more  
7 persons, knowing that the meeting is to support or is in furtherance of  
8 terrorism;
- 9 3. Participating in training and providing training facilities to any person or  
10 group of persons, organizations to carry out terrorism;
- 11 4. Providing or offering to provide training, skill or expertise in furtherance  
12 of terrorism;
- 13 5. Recruiting in order to facilitate or commit terrorism;
- 14 6. Facilitating the entry or stay in the Philippines of aliens, knowing that the  
15 aliens have pursued or are pursuing terrorism;
- 16 7. Facilitating, providing, maintaining, soliciting or encouraging financial or  
17 material support for the commission of terrorism; or
- 18 8. Harboring or concealing any person whom he knows or has reasonable  
19 ground to believe, to be the person who carried out any act stated in this  
20 Section or who committed or is likely to commit any act of terrorism.

21 Any person who commits any of the acts stated in this Section shall suffer the  
22 penalty of life imprisonment and a fine of ten million pesos (Php 10,000,000.00):  
23 Provided, that, if the act should result in the death of a person, or if such act was  
24 committed with the use of firearms or ammunition, or uniform, paraphernalia,  
25 communication equipment, or other implements peculiar to the armed forces or other law  
26 enforcement agencies, or if the offender is a public officer or employee, the death penalty  
27 shall be imposed.

1           **SEC. 5. *Conspiracy or Proposal to Commit Terrorism.*** – There is a conspiracy to  
2 commit terrorism when two or more persons come to an agreement to commit any act of  
3 terrorism as defined herein and decide to commit it.

4           There is proposal to commit terrorism when any person who has decided to  
5 commit any act of terrorism as defined herein proposes its execution to some other person  
6 or persons.

7           Any person who conspires to commit any act of terrorism shall be punished by  
8 imprisonment of not less than ten (10) years to fifteen (15) years and a fine of five  
9 million pesos (Php 5,000,000.00).

10          Any person who proposes the commission of any act of terrorism shall be  
11 punished by imprisonment of not less than six (6) years and one (1) day but not more  
12 than ten (10) years and a fine of three million pesos (Php3,000,000.00).

13          *Provided,* That if the offender is a government official or employee or has retired,  
14 resigned, dismissed or otherwise separated from the government service, the maximum  
15 penalty and the accessory penalty of perpetual disqualification to hold public office shall  
16 be imposed.

17          **SEC. 6. *Infidelity in the Custody of Prisoners.*** – Any public officer who shall  
18 have custody of a prisoner under the provisions of this Act and who shall have caused the  
19 escape of such prisoner whether through the former's consent or negligence shall suffer  
20 the following penalties:

- 21           1.       Imprisonment of ten (10) years and one (1) day to fifteen (15) years, if a  
22                   fugitive shall have been sentenced by final judgment to any penalty;
- 23           2.       Imprisonment of five (5) years and one (1) day to ten (10) years if the  
24                   fugitive shall not have been finally convicted but only held as a detention  
25                   prisoner.

26          **SEC. 7. *Making False Threats of Acts of Terrorism.*** – It shall be unlawful for  
27 any person to:

- 1           1.       Communicate or make available by any means, any information which  
2                    he/she knows or believes to be false to another person with the intention of  
3                    inducing in him/her any other person a false belief that a terrorist act has  
4                    been, is being or will be carried out; or
- 5           2.       Place any article or substance in any place, or dispatch any article or  
6                    substance by mail or by any other means of sending things from one place  
7                    to another, with the intention of inducing in another person a false belief  
8                    that –
- 9                a.       The article or substance is likely to explode or ignite and thereby cause  
10                   personal injury or damage to property; or
- 11               b.       The article contains or the substance consists of any dangerous,  
12                    hazardous, radioactive or harmful substance; any toxic chemical; or  
13                    any microbial or other biological agent, or toxin, that is likely to cause  
14                    death, disease or personal injury or damage to property.

15           For purposes of subsections (1) and (2), a reference to a person inducing in  
16           another person a false belief does not require the first-mentioned person to have any  
17           particular person in mind as the person in whom he/she intends to induce the false belief.

18           If the false threat did not result to death, disease, personal injury or damage to  
19           property, the penalty of imprisonment from six (6) months to one (1) year and a fine of  
20           fifty thousand pesos (Php 50,000.00) shall be imposed.

21           If the false threat resulted to death, disease, personal injury or damage to property,  
22           the penalty of imprisonment from one (1) year and one (1) day to six (6) years and a fine  
23           of one hundred thousand pesos (Php 100,000.00) shall be imposed.

24           **SEC. 8. Proscription of an Organization.** – For the purpose of this Act and with  
25           the observance of due process, the Anti Terrorism Council, upon its own initiative, or  
26           upon recommendation of the Secretary of Justice may proscribe a group as a terrorist  
27           organization if such organization is characterized by-any of the following:

- 1           1.     Any member or members thereof openly and publicly declares, admits,  
2                     acknowledges, to have committed any of the acts punishable under this  
3                     Act;
- 4           2.     Any member or members thereof have been convicted for the commission  
5                     of any act of terrorism as defined and described in Sections 3, 4 and 5 of  
6                     this Act;
- 7           3.     It is proscribed by the United Nations or international organizations.  
8                     Proscriptions shall be published in the government gazette and major newspapers.  
9                     Any proscribed organization or member thereof may move for de-proscription or  
10                    de-listing before the Department of Justice (DOJ), whose decision is appealable to the  
11                    Court of Appeals.

12           **SEC. 9. *Membership in a Terrorist Organization.*** – Where an organization has  
13                    been proscribed as a terrorist organization, it shall be unlawful for any person who  
14                    knowingly, willfully, and by overt acts, affiliates himself, becomes, or remains a member  
15                    of such activities unless he can prove a lack of personal knowledge of the organization's  
16                    activities; or that he has taken any part in the activities of the organization at any time  
17                    while it was proscribed; or that he took immediate steps to terminate his membership  
18                    therefrom as soon as practicable after it was proscribed; or that the organization was not  
19                    declared a terrorist organization at the time he became a member or begun to profess to  
20                    be a member.

21                    Any person convicted under this Section shall suffer the penalty of imprisonment  
22                    of not less than six (6) years and one (1) day to not more than twelve (12) years. Provided  
23                    that, if the offender is a government official or employee, or has retired, resigned,  
24                    dismissed or otherwise separated from the government service, the maximum penalty and  
25                    the accessory penalty of perpetual disqualification to hold public office shall be imposed.

26           **SEC. 10. *Arrest and Detention.*** – Any person arrested for violation of this Act,  
27                    pursuant to Rule 113, Section 5, paragraphs (a) and (b), of the Rules of Court, may be  
28                    detained for an inquest period of not more than three (3) days following his/her arrest.

1           The period of detention may be extended beyond three (3) days if the person  
2 arrested without a warrant demands for a preliminary investigation and consents to it in  
3 writing and in the presence of his or her counsel. He/she shall be entitled to all the rights  
4 under Republic Act No. 7438, otherwise known as “An Act Defining Certain Rights of  
5 Persons Arrested, Detained, or Under Custodial Investigation.”

6           **SEC. 11. *Witness Protection.*** – Any person who provides material information,  
7 whether testimonial or documentary, necessary for the investigation or prosecution of  
8 individuals suspected or accused of committing any of the offense under Sections 3, 4, 5,  
9 6 and 7 herein shall be placed under the Witness Protection Program pursuant to Republic  
10 Act No. 6981.

11           **SEC. 12. *Immunity from Prosecution.*** – Any person who serves as a witness for  
12 the government or provides evidence in a criminal case involving any violation of this  
13 Act, or who voluntarily or by virtue of a subpoena ad testificandum or duces tecum,  
14 produces, identifies, or gives testimony on, but not limited to, books, papers, documents,  
15 tapes containing words, sounds, pictures or images, photos, maps, diagrams, sketches,  
16 recordings, disc or any other form of written, recorded, or real evidence, shall be immune  
17 from any criminal prosecution, subject to the compliance with the provisions of  
18 Presidential Decree No. 1732, otherwise known as “Decree Providing Immunity from  
19 Criminal Prosecution to Government Witnesses” and the pertinent provisions of the  
20 Rules of Court.

21           **SEC. 13. *Prosecution, Judgment and/or Conviction.*** – Any person may be  
22 charged with or convicted of acts of terrorism without prejudice to the prosecution of any  
23 other act or acts penalized under the Revised Penal Code which are not absorbed in the  
24 offense of terrorism.

25           When there is a variance between the act of terrorism charged in the complaint or  
26 information, and that proved or established by the evidence, the accused shall be  
27 convicted of the offense proved included in the charge of terrorism if the intent to sow  
28 danger, panic, fear or chaos to the general public or a group of persons or particular

1 persons, or to coerce or intimidate the government to do or to abstain from doing an act  
2 terror or intimidate or coerce the government or the public was not proven during the  
3 trial. No person, however, shall be twice put in jeopardy of punishment for the same  
4 offense.

5 **SEC. 14. *Penalty for Officers of Juridical Persons, Alien or Public Officer.*** – If  
6 the offender is a corporation, association or partnership, the corresponding penalty in this  
7 Act shall be imposed upon its responsible officers, directors or trustees who knowingly  
8 permitted or failed to prevent its commission. If the offender is an alien, he or she shall,  
9 in addition to the penalties herein prescribed, be summarily deported after serving the  
10 sentence. If the offender is a public official or employee, he or she shall, in addition to the  
11 penalties prescribed herein, be barred from holding public office.

12 **SEC. 15. *Applicability of Republic Act No. 9160, as amended by Republic Act***  
13 ***No. 9194.*** – Any act of terrorism and other violations as punished under this Act shall be  
14 considered unlawful activities under Republic Act No. 9160, otherwise known as the  
15 “Anti-Money Laundering Act of 2001,” as amended by Republic Act No. 9194.

16 Upon determination that reasonable ground to suspect exists that any monetary  
17 instrument or property is in any way related to terrorism and other violation under this  
18 Act, the Anti-Money Laundering Council (AMLC) may issue a freeze order, which shall  
19 be effective immediately, on the said monetary instrument/s and/or properties for a period  
20 not exceeding ninety (90) days unless extended by the Court of Appeals. Notice to the  
21 purported owner/s that his/their monetary instrument/s and/or properties has/have been  
22 frozen shall be issued simultaneously with the issuance of the freeze order. The purported  
23 owner/s of the monetary instrument/s and/or property shall have three (3) working days  
24 upon receipt of the notice to explain why the freeze order should be lifted. The AMLC  
25 has three (3) working days to resolve the freeze order case from receipt of the purported  
26 owner/s’ explanation.

27 A freeze order shall stop all movements or transactions of or involving the  
28 monetary instrument/s and property. In cases where checks drawn against a bank account

1 subject of a freeze order were issued within fifteen (15) days prior to the issuance of the  
2 freeze order, the freeze order shall likewise result in the automatic cancellation and stop  
3 payment thereof. All movements or transactions, irrespective of the amount involved,  
4 occurring within the same period shall be reported to the AMLC.

5         Provided, that deposits or investments with any banking institutions or non-bank  
6 financial institutions may be inquired into or examined without prior court order pursuant  
7 to Republic Act No. 9160, as amended: Provided, further, that any person of covered  
8 institution knowing that any money, instrument, or property or its proceeds, represents,  
9 involves, or relates to terrorism or the furtherance thereof and fails to report the same as  
10 suspicious transactions to the AMLC shall be criminally liable pursuant to Section 14 of  
11 this Act.

12         **SEC. 16. *Communications Assistance for Law Enforcement Agencies.* –**

- 13         1.         The provisions of Republic Act No. 4200, otherwise known as the “Anti-  
14 Wire Tapping Act” to the contrary notwithstanding, any peace officer may  
15 apply ex parte before the executive judge of any Regional Trial Court for  
16 an order, extension of such an order, requiring a provider of wire or  
17 electronic communication service to provide intercepted communication  
18 and call identifying information to law enforcement agencies, or  
19 authorizing or approving the installation, use and/or retrieval of  
20 surveillance device, in connection with an investigation for any offense  
21 punishable under this Act.
- 22         2.         For purposes of this Act, a surveillance device shall include but not be  
23 limited to the following:
- 24                 a.         Data surveillance device or program capable of being used to record or  
25 monitor the input of information into, or the output of information  
26 from the computer;
- 27                 b.         Listening device capable of being used to overhear, record, monitor or  
28 listen to a conversation or words spoken to or by any person in



- 1 conversation, but does not include a hearing aid or similar device used  
2 by a person with impaired hearing to overcome the impairment and  
3 permit that person to hear only sounds ordinarily audible to the human  
4 ear;
- 5 c. Optical surveillance device capable of being used to record visually or  
6 observe an activity, but does not include spectacles, contact lenses, or  
7 similar device used by a person with impaired sight to overcome the  
8 impairment;
- 9 d. Electronic tracking device capable of being used to determine or  
10 monitor the location of a person or an object or the status of an object;
- 11 e. Pen register capable of recording or decoding electronic or other  
12 impulses which identified the numbers dialed or otherwise transmitted  
13 on the telephone line to which such device is attached, but such term  
14 does not include any device used by a provider or customer of a wire  
15 or electronic communication service for billing, or recording as an  
16 incident to billing, for communication services provided by such  
17 provider or any device used by a provider or customer of a wire  
18 communication service for cost accounting or other like purposes in  
19 the ordinary course of its business;
- 20 f. Trap and trace device capable of capturing the incoming electronic or  
21 other impulses which identify the originating number of an instrument  
22 or device from which a wire or electronic communication was  
23 transmitted; or
- 24 g. A device that is a combination of any two or more of the devices  
25 referred to in paragraph (1) to (6) of this Section.
- 26 3. When the peace officer has certified that the information likely to be  
27 obtained by such interception, installation or use is relevant to an ongoing  
28 investigation for any offense punishable under this Act, the court shall

1 issue an ex parte order requiring a provider of wire or electronic  
2 communication service or authorizing the installation, use and/or retrieval  
3 of the devices applied for, for a period not to exceed sixty (60) days.

4 Such order shall state one or more of the following --

- 5 a. the permission to be subjected to surveillance;
- 6 b. the use of surveillance device in or on a specified object or class of  
7 object;
- 8 c. the use of surveillance device with respect to the conversations,  
9 activities, or, location of a specified person or a person whose identity  
10 is unknown;
- 11 d. the order be sealed until otherwise ordered by the court;
- 12 e. the person using the line to which the device is to be attached, or the  
13 company who has been ordered by the court to provide assistance to  
14 the applicant, not to disclose the existence of the device or the  
15 existence of the investigation to the listed subscriber, or to any other  
16 person, unless or until otherwise ordered by the court;
- 17 f. the provider of wire or electronic communication service to provide  
18 intercepted communication and call identifying information to the  
19 peace officer; or
- 20 g. the entry into the premises, and into other specified premises adjoining  
21 or providing access to the premises, in order to install or retrieve the  
22 surveillance device.

23 4. A provider of wire or electronic communication service, landlord,  
24 custodian, or other person shall install or assist in the installation of such  
25 device forthwith on the appropriate line and furnish such peace officer  
26 forthwith all information, facilities, and technical assistance necessary to  
27 accomplish the installation, use and/or retrieval of the device  
28 unobtrusively and with a minimum of interference with the services that

- 1           the person so order by the court, accord the party with respect to whom the  
2           installation, use and/or retrieval is to take place, if such assistance is  
3           directed by a court order.
- 4           5.    Unless otherwise ordered by the court, the information obtained by the  
5           device shall be furnished to the peace officer designated in the court order,  
6           at reasonable intervals during regular business hours for the duration of  
7           the order.
- 8           6.    Any person who discloses information obtained, gathered or acquired  
9           pursuant to this Section, for the purpose other than that for which it was  
10          authorized, shall suffer the penalty of imprisonment of not less than six (6)  
11          months and one (1) day to not more than six (6) years: Provided that, if the  
12          offender is a government official or employee or has retired, resigned,  
13          dismissed or otherwise separated from the government service, the  
14          maximum penalty and the accessory penalty of perpetual disqualification  
15          to hold public office shall be imposed.
- 16          7.    A court order shall not be required to authorize the installation, use or  
17          retrieval of surveillance device in any case where a peace officer, in  
18          connection with an investigation for any offence punishable under this  
19          Act, obtains the written consent of a party to the communication to be  
20          monitored or recorded in connection with any offense punishable under  
21          this Act.
- 22          8.    No cause of action shall lie in any court against any provider of a wire or  
23          electronic communication service, its officers, employees, agents, or other  
24          specified persons providing information, facilities, or assistance in  
25          accordance with the terms of a court order under this Act. A good faith  
26          reliance on a court order under this Act is a complete defense against any  
27          civil or criminal action brought under this Act or any other law.

1           9.     Any communication, written or spoken word, conversation, discussion,  
2                   information, photos, or data taken, obtained or acquired in violation of this  
3                   Section shall not be admissible as evidence in any judicial, quasi-judicial,  
4                   legislative or administrative hearing or investigation.

5           10.    Any person who hinders, obstructs or otherwise prevents the peace officer  
6                   from performing his duties in Section 21 of this Act shall suffer the  
7                   penalty of imprisonment of not less than six (6) months and one (1) day to  
8                   not more than six (6) years: Provided, that, if the offender is a government  
9                   official or employee or has retired, resigned, dismissed or otherwise  
10                  separated from the government service, the maximum penalty and the  
11                  accessory penalty of perpetual disqualification to hold public office shall  
12                  be imposed.

13           **SEC. 17. *Seizure of Vehicle, Vessel, Aircraft, Equipment, or Other Property or***  
14    ***Instrument.*** – Any vehicle, vessel, aircraft, equipment or other property or instrument  
15    used in furtherance of, or incident to, or in connection with, any act of terrorism as  
16    defined in this Act shall be presumed *prima facie* evidence to have been unlawfully used  
17    in furtherance of or incident to or in connection with any act of terrorism as provided in  
18    this Act, and shall carry with it the confiscation and forfeiture of thereof, in favor of the  
19    government, including but not limited to all the proceeds of the crime, such as money and  
20    other assets obtained thereby and the instruments or tools with which it was committed  
21    unless they are property of third person not liable for the offense and who does not  
22    knowingly authorize, tolerate or consent the use of the same.

23           **SEC. 18. *Prosecution of and Jurisdiction Over Cases Involving Acts of***  
24    ***Terrorism.*** – The Regional Trial Courts shall have jurisdiction to try all offenses  
25    punishable under this Act.

26           Any person may be charged with or convicted of any offense punishable under  
27    Sections 4, 5, 6 and 7 of this Act without prejudice to the prosecution of any act or acts

1 penalized under the Revised Penal Code or other special laws provided that such acts or  
2 acts are not absorbed in the offense charged.

3 When there is a variance between the offense charged in the complaint or  
4 information, and that proved or established by the evidence, the accused shall be  
5 convicted of the offense proved included in the charge of the intent to create or sow a  
6 state of danger, panic, fear or chaos to the general public or a segment thereof was not  
7 proven during the trial. No person, however, shall be twice out in jeopardy of punishment  
8 for the same offense.

9 **SEC. 19. *Non-Applicability of Probation and Plea-Bargaining.*** – The provisions  
10 of the Probation Law or Presidential Decree No. 968, as amended, shall not be applicable  
11 for offenses punishable under this Act. Neither shall the provisions on plea bargaining  
12 provided for in the Rules of Court be made applicable to offenses punishable by this Act.

13 **SEC. 20. *Anti-Terrorism Council.*** – There is hereby created an Anti-Terrorism  
14 Council, hereinafter referred to as the “Council,” which shall serve as the central policy-  
15 making, coordinating, supervising and monitoring body of the government on all matters  
16 of domestic and international terrorism. The Council shall be under the supervision and  
17 control of the President, who shall serve as its chairperson, with the National Security  
18 Adviser as its vice-chairperson, and with the following members: Secretary of Justice;  
19 Secretary of Foreign Affairs; Secretary of National Defense; Secretary of the Interior and  
20 Local Government; Secretary of Transportation and Communications; Director General  
21 of the National Intelligence Coordinating Agency; and such other members that may be  
22 designated by the President.

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

26 The Council shall organize an Anti-Terrorism Command Center, hereinafter  
27 referred to as the “Center,” which shall carry out and implement policies of the Council.

1 The Center shall likewise serve as the secretariat for the Council from the existing  
2 government agencies involved on anti-terrorism efforts.

3 The Council shall, not later than one hundred eighty (180) days after the  
4 effectivity of the Implementing Rules and Regulations, formulate and come up with a  
5 comprehensive and effective anti-terrorism plan and program to deter and prevent acts of  
6 terrorism, to include, among others, exhaustive preparations necessary for the  
7 government and the country to cope with all forms of terrorist attacks such as, but not  
8 limited to, the use of biological, chemical or nuclear weapons, or other weapons of mass  
9 destruction.

10 **SEC. 21. *Functions of the Council.*** – In pursuit of its mandate under Section 19,  
11 the council shall have the following functions:

- 12 1. Formulate policies, plans and measures, and conduct research and studies  
13 in addressing terrorism;
- 14 2. Formulate a comprehensive program and establish institutional  
15 mechanisms implementing the same;
- 16 3. Coordinate and supervise the implementation of policies, plans and  
17 measures to prevent and suppress acts of terrorism;
- 18 4. Direct and monitor the conduct of anti-terrorism and counter-terrorism  
19 measures and post-conflict actions to address the effects of terrorism;
- 20 5. Cause or direct the immediate investigation and speedy prosecution of  
21 cases involving acts of terrorism and monitor the progress of such cases;
- 22 6. Transfer the conduct of investigation of specific cases from one law  
23 enforcement agency to another;
- 24 7. Establish a comprehensive data-base information systems on anti-  
25 terrorism and counter-terrorism operations and post conflict actions;
- 26 8. Approve the system of grant of monetary rewards and incentives to  
27 informants who are willing to give vital information to build up cases for  
28 the prosecution of those who committed acts of terrorism;

1           9.     Recommend the inclusion of vital witnesses under the Witness Protection,  
2                     Security and Benefits Program;

3           10.    Exercise such other relevant functions as may be assigned by the  
4                     President.

5           **SEC. 22. *Implementing Rules and Regulations.*** – Within sixty (60) days from the  
6     effectivity of this Act, the Anti-Terrorism Council shall promulgate the Implementing  
7     Rules and Regulations as may be necessary to ensure the efficient and effective  
8     implementation of the provisions of this Act.

9           **SEC. 23. *Appropriations.*** – The amount of Twenty-Five million pesos (PhP  
10    25,000,000.00) is hereby authorized to be appropriated to the Council as initial funding  
11    chargeable against the contingent fund of the Office of the President.

12           Thereafter, the amount needed by the Council to effectively carry out the purpose  
13    of this Act shall be included in the annual General Appropriations Act.

14           **SEC. 24. *Mutual Assistance and Cooperation between the Philippines and other***  
15    ***States or International Organizations.*** – When a foreign State or International  
16    Organization makes a request for assistance concerning any matter related to any act of  
17    terrorism, the Council shall take the appropriate action on the matter, provided that such  
18    request does not contravene the Constitution or any existing law. Any request of the  
19    Philippine government to a foreign State or International Organization shall be coursed  
20    through the Council.

21           **SEC. 25. *Extra-Territorial Application of this Act.*** – Except as provided in the  
22    treaties and laws of preferential application, the provisions of this Act shall be enforced  
23    not only within the Philippine archipelago, including its atmosphere, its interior waters  
24    and maritime zone but also outside of its jurisdiction against those who should commit  
25    any offense covered by this Act while on a Philippine ship, airship, Philippine embassies  
26    and consulates, or other diplomatic premises.

1           **SEC. 26. *Suppletory Effect of the Revised Penal Code.*** – The provisions of the  
2 Revised Penal Code and other special laws shall have suppletory effect to the provisions  
3 of this Act.

4           **SEC. 27. *Separability Clause.*** – If any provision or portion of this Act or the  
5 application thereof to any person or circumstance is declared to be unconstitutional or  
6 invalid, the other provisions or portions of this Act, and the application of such provision  
7 or section to other persons or circumstances, shall not be affected thereby.

8           **SEC. 28. *Amendatory Clause.*** – Pertinent provisions of Republic Act No. 9160,  
9 as amended by Republic Act No. 9194 and Republic Act No. 4200 are hereby amended  
10 or modified accordingly.

11           **SEC. 29. *Repealing Clause.*** – All laws, decrees, executive orders, rules or  
12 regulations or parts thereof, inconsistent with the provisions of this Act are hereby  
13 repealed, amended or modified accordingly.

14           **SEC. 30. *Effectivity.*** – This Act shall take effect fifteen (15) days after its  
15 complete publication in the Official Gazette or at least two (2) newspapers of general  
16 circulation.

17           Approved,