



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

'17 MAR 13 A11 :59

RECEIVED BY: \_\_\_\_\_

SENATE

SENATE BILL NO. 1384

Introduced by **SENATOR LEILA M. DE LIMA**

**AN ACT**  
**ENSURING ACCOUNTABILITY IN INTELLIGENCE ACTIVITIES AND**  
**THE USE OF INTELLIGENCE AND CONFIDENTIAL FUNDS GRANTED**  
**TO ALL GOVERNMENT AGENCIES, ESTABLISHING FOR THE PURPOSE**  
**A JOINT CONGRESSIONAL INTELLIGENCE COMMITTEE TO**  
**STRENGTHEN THE OVERSIGHT POWERS OF CONGRESS TO MONITOR**  
**INTELLIGENCE ACTIVITIES OF ALL AGENCIES OF THE PHILIPPINE**  
**GOVERNMENT AND TO OVERSEE HOW INTELLIGENCE AND**  
**CONFIDENTIAL FUNDS ARE EXPENDED, AND FOR OTHER PURPOSES**

**Explanatory Note**

The Constitution declares that the State shall adopt and implement a policy of full public disclosure of all its transactions involving public interest<sup>1</sup> and that public officers and employees must at all times be accountable to the people.<sup>2</sup> All branches of government must be able to account for their actions and for their use of public funds, which shall be spent solely for public purposes.<sup>3</sup> None should be spared from the scrutiny of the public and the mechanism of checks and balances of our governmental system.

However, because of its nature, intelligence activities must be kept confidential for valid national security concerns. Throughout the years, this secrecy that surrounds the disbursement and utilization of intelligence and confidential funds has been used not only to protect intelligence activities, but also to hide abuses in the utilization of these funds. A balance must be struck between the need to maintain confidentiality and, at the same time, uphold accountability. Furthermore, there is a need to ensure that intelligence agencies are protecting, rather than undermining, civil liberties and that they are properly used to prepare for the threats to national security, rather than for partisan activities of any government official.

<sup>1</sup> Article II, section 28, 1987 Constitution.

<sup>2</sup> Article XI, section 1, 1987 Constitution.

<sup>3</sup> Section 4 (2), Presidential Decree No. 1445.

Under the 2017 General Appropriations Act, billions of pesos were appropriated to various agencies for intelligence and confidential activities. The Office of the President, for example, was given a 2.5 billion peso blank check for its intelligence and confidential activities in the conduct of its so-called "War on Drugs." Because of the necessary secrecy in the use of such funds, these amounts appear as lump sums in the annual General Appropriations Act and are not subject to the stringent regular auditing requirements of the Commission on Audit.

In 2015, the Commission on Audit, the Department of Budget and Management, the Department of Interior and Local Government, the Governance Commission for Government Owned and Controlled Corporations, and the Department of National Defense issued Joint Circular No. 2015-01, which provides for the guidelines on the entitlement to, release, use, reporting and audit of Confidential Funds (CF) and Intelligence Funds (IF). However, with the change of administration, the implementation of this Joint Circular has yet to be seen.


Thus, for the purpose of upholding accountability in the conduct of intelligence activities while, at the same time, maintaining the necessary confidentiality, this bill calls for the creation of a Joint Congressional Intelligence Committee (JCIC) tasked to monitor and oversee intelligence activities, which include the administration, financial management and expenditures of the intelligence agencies.

In addition, the bill compels all entities of the Philippine government that conduct intelligence activities and receive intelligence funds to keep the JCIC fully informed of all intelligence activities, including any significant anticipated intelligence activity and any significant intelligence failure, as soon as possible.

Furthermore, the bill requires that entities of the Philippine government first obtain a signed letter from the President, or from the respective head of the constitutional body in cases involving entities enjoying fiscal autonomy, specifically authorizing the proposed intelligence activity before any amount is disbursed and expended for the proposed intelligence activity. The President or the respective head of the constitutional body shall ensure that the JCIC receives a copy of this authorization letter within seventy-two (72) hours.

This bill was initially filed by Senator MAR Roxas during the Fourteenth Congress.

In view of the foregoing, early approval of this measure is requested.

  
**LEILA M. DE LIMA**



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*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 "Intelligence Oversight Act of  
2 2017".

3 **Sec. 2. Definition of Terms.**

4 (a) "Intelligence activities" pertain to activities related to the process of  
5 gathering, evaluation, correlation and interpretation of security  
6 information, as performed by intelligence agencies of the Philippine  
7 government.

8 (b) "Intelligence agencies" include the Office of the National Security  
9 Adviser ("NSA"), the National Intelligence Coordinating Agency  
10 ("NICA"), the Intelligence Service of the Armed Forces of the

1           Philippines (“ISAFP”), the Intelligence Group of the Philippine  
2           National Police (“PNP-IG”), the National Bureau of Investigation  
3           (“NBI”), the Office of the President (“OP”), and all departments,  
4           agencies, and other entities of the Philippine government, which receive  
5           intelligence and confidential funds from the General Appropriations  
6           Act.

7   **Sec. 3.** *Joint Congressional Intelligence Committee.* – A Joint Congressional  
8   Intelligence Committee (“JCIC”) is hereby established, which shall, subject to the  
9   Constitution, perform the oversight functions set out in this Act in relation to the  
10   intelligence activities, which include the administration, financial management, and  
11   expenditures of the intelligence agencies. The JCIC shall be composed of five (5)  
12   members each from the Senate and House of Representatives, which shall meet  
13   quarterly, or as often as necessary, to oversee the intelligence activities of the  
14   Philippine government. The JCIC shall be jointly chaired by the Chairperson of the  
15   Senate Committee on National Defense and Security and the House Committee on  
16   National Defense and Security. The other four (4) members of the Senate delegation  
17   are the Chairpersons of the Committee on Peace, Unification, and Reconciliation, the  
18   Committee on Justice and Human Rights, the Committee on Public Order and Illegal  
19   Drugs, and the Committee on Finance. The other four (4) members of the House  
20   Delegation are the Chairpersons of the Committee on Peace, Reconciliation and Unity,  
21   the Committee on Human Rights, the Committee on Public Order and Safety, and the  
22   Committee on Appropriations. The President of the Senate, the Speaker of the House  
23   of Representatives, and the minority leaders of both Houses shall serve as ex-officio  
24   members of the JCIC.

25   **Sec. 4.** *General Provisions on Congressional Intelligence Oversight.*

- 1 (a) The President shall ensure that the JCIC are kept fully informed of the  
2 intelligence activities of the Philippines, including any significant  
3 anticipated intelligence activity, as soon as possible. Provided, however,  
4 that this shall not be construed as requiring the approval of the JCIC as  
5 a condition precedent to the initiation of any significant anticipated  
6 intelligence activity.
- 7 (b) The President shall ensure that any illegal intelligence activity is  
8 reported promptly to the JCIC, as well as any corrective action that has  
9 been taken or is planned to be taken in connection with such illegal  
10 activity.
- 11 (c) If the President determines that it is essential to limit access to  
12 information regarding any intelligence activity to meet extraordinary  
13 circumstances affecting vital interests of the Philippines, the  
14 information may be reported to the chairpersons of the JCIC, the  
15 President of the Senate, the Speaker of the House of Representatives  
16 and the minority leaders of both Houses, and such other member or  
17 members of the Congress as may be included by the President. When  
18 access to information is limited as such, a statement of the reasons for  
19 limiting such access shall also be provided in writing to the JCIC.
- 20 (d) Nothing in this Act shall be construed as authority to withhold  
21 information from the JCIC on the grounds that providing the  
22 information would constitute the unauthorized disclosure of classified  
23 information or information relating to intelligence sources and  
24 methods.

1 **Sec. 5. *Protecting the Confidentiality of Intelligence Activities and other Classified***  
2 ***Information.*** – The JCIC shall establish procedures, subject to the approval of the  
3 Senate and the House of Representatives, to –

4 (a) protect from unauthorized disclosure all classified information, and all  
5 information relating to intelligence sources and methods, that is  
6 furnished to the JCIC under this Act; and

7 (b) penalize members that violate the confidentiality of the JCIC's  
8 proceedings.

9 Only upon the approval of these procedures, by both the Senate and the House of  
10 Representatives through a joint resolution, can the JCIC perform its oversight  
11 functions.

12 **Sec. 6. *Reporting of Intelligence Activities.*** – To the extent consistent with due regard  
13 for the protection from unauthorized disclosure of classified information relating to  
14 sensitive intelligence sources and methods or other exceptionally sensitive matters,  
15 the National Security Adviser, the Director of the National Intelligence Coordinating  
16 Agency, and the heads of all departments, agencies, and other entities of the Philippine  
17 government who receive intelligence and confidential funds from the annual General  
18 Appropriations Act shall –

19 (a) keep the JCIC fully informed of all intelligence activities, including any  
20 significant anticipated intelligence activity and any significant  
21 intelligence failure, as soon as possible; and

22 (b) furnish the JCIC any information or material concerning intelligence  
23 activities, which is requested by the JCIC in order to carry out its  
24 authorized responsibilities.

1 **Sec. 7. *Finding of the JCIC.*** – In accordance with the procedures adopted by the JCIC,  
2 the Chairperson of both Houses shall promptly call to the attention of the Senate or  
3 the House of Representatives, or to any appropriate committee or committees of each  
4 chamber, any matter relating to intelligence activities requiring the attention of such  
5 chamber or such committee or committees.

6 **Sec. 8. *Funding of Intelligence Activities.*** –

7 (a) Appropriated intelligence and confidential funds available to any  
8 agency of the Philippine government may be obligated or expended for  
9 intelligence or intelligence-related activities only if those funds were  
10 specifically authorized by the Congress for use for such activities as  
11 stated in the annual General Appropriations Act.

12 (b) No funds appropriated for, or otherwise available to, any department,  
13 agency, or entity of the Philippine Government may be expended, or  
14 may be directed to be expended, for any intelligence activity, unless and  
15 until a signed authorization letter from the President is obtained. For  
16 constitutional bodies which enjoy fiscal autonomy, the authorization  
17 letter must be signed by their respective head. The President, or the  
18 respective head of the constitutional body, shall ensure that the JCIC  
19 receives a copy of this authorization letter within seventy-two (72)  
20 hours.

21 **Sec. 9. *Annual Report on Intelligence Activities.*** – Not later than January 31 of each  
22 year, the President shall submit to the JCIC a report on the requirements of the  
23 Philippines for intelligence for the calendar year in which the report is submitted, and  
24 the activities of the intelligence agencies during the preceding calendar year. The  
25 purpose of the report is to facilitate an assessment of the activities of the intelligence

1 agencies during the preceding calendar year and to assist in the development of a  
2 mission and a budget for the intelligence agencies for the calendar year in which the  
3 report is submitted. The report shall specify matters in sufficient detail to assist  
4 Congress in making decisions with respect to the allocation of resources for the  
5 matters specified. The report shall also include a financial statement covering all the  
6 funds expended by any department, agency, or entity of the Philippine Government  
7 for intelligence or intelligence-related activities, as well as a detailed account of the  
8 use of these funds. The report shall be submitted in unclassified form, but may include  
9 a classified annex.

10 **Sec. 10. Separability Clause.** - If any provision of this Act is declared invalid or  
11 unconstitutional, the provisions not affected thereby shall continue to be in full force  
12 and effect.

13 **Sec. 11. Repealing Clause.** - All laws, executive orders, presidential decrees,  
14 presidential proclamations, letters of instruction, rules and regulations or parts  
15 thereof inconsistent with the provisions of this Act are hereby repealed or modified  
16 accordingly.

17 **Sec. 12. Effectivity.** - This Act shall take effect fifteen (15) days following its  
18 publication in the Official Gazette or in two (2) newspaper of general circulation in the  
19 Philippines.

20 Approved,