



SENATE
Senate Bill No. 22

'19 JUL -1 A10 :48

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INTRODUCED BY SENATOR LACSON

AN ACT
EXPANDING THE SCOPE AND COVERAGE OF REPUBLIC ACT
NO. 4200, OTHERWISE KNOWN AS "AN ACT TO PROHIBIT
AND PENALIZE WIRE TAPPING AND OTHER RELATED
VIOLATIONS OF THE PRIVACY OF COMMUNICATION, AND
FOR OTHER PURPOSES"

EXPLANATORY NOTE

The right to be secured in one's person is not limited to the right against unlawful intrusion into one's home or personal effects. This right also protects one's communication and correspondence, whether it be spoken, written, or electronic.

The privacy of communication and correspondence, as mandated by Article III, Section 3(1) of the 1987 Constitution, is further strengthened with the enactment of Republic Act (RA) No. 4200 entitled "*An Act to Prohibit and Penalize Wire Tapping and other related Violations of the Privacy of Communication, and for other Purposes*", which prohibits and penalizes the use of any device or arrangement to secretly overhear, intercept, and record any private communication. However, it must be stressed that said law, particularly Section 3 thereof, provides several exceptions to the prohibitions.

Under the said law, wire-tapping is allowed when a peace officer is armed with a court order in cases involving the crimes of treason, espionage, provoking war and disloyalty in case of war, piracy, mutiny in the high seas, rebellion, conspiracy and proposal to commit rebellion, inciting to rebellion, sedition, conspiracy to commit sedition, inciting to sedition, kidnapping and violations of Commonwealth Act No. 616, punishing espionage and other offenses against national security. The Human Security Act of 2007 (RA 9372) also amended RA 4200 by including the crimes of terrorism and conspiracy to commit terrorism among the instances where wire-tapping is allowed, provided it is accompanied by a written order from the Court of Appeals.

With the following exceptions, wire-tapping, though limited in its applications, has been an effective tool by our law enforcement agencies against

criminal elements who have wreaked havoc, instability and lack of equanimity in our country to the detriment of many of our peace loving citizens. Unfortunately, there are still certain crimes that are not covered under the said exceptional cases, which put not only the lives and property of our people in paramount danger, but also pose a grave threat to our nation's security. The peace and order situation in the country gives testament to this fact and thus, it is imperative for us to revisit RA 4200 in order to further enhance its effectiveness.

In fine, this proposed bill therefore seeks to add the crimes of coup d'etat, conspiracy and proposal to commit coup d'etat, robbery in band, brigandage/highway robbery, violations of RA 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, and violations of RA 9160 as amended otherwise known as the Anti-Money Laundering Act of 2001 to the list of offenses wherein our law-enforcement officers can, through court order, tap any wire or cable, or by using any other device or arrangement, to secretly overhear, intercept, or record private communication or spoken word in order to strengthen the measures of the government and its law enforcement agencies in fulfilling its mandate of protecting life, liberty, and property against the malefactors in our society.

Support and early passage of the bill is earnestly requested.


PANFILO M. LACSON
Senator



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

1 **SECTION 1.** *Short Title.* This Act shall be known as the
2 "Expanded Anti-Wire Tapping Act of 2019."

3 **SECTION 2.** Section 1 of Republic Act No. 4200, otherwise
4 known as the Anti-Wire Tapping Law is hereby amended to read as
5 follows:

6 "SECTION 1. It shall be unlawful for any person **TO SECRETLY**
7 **WIRETAP, INTERCEPT, OVERHEAR AND LISTEN TO,**
8 **SCREEN, READ, SURVEIL, RECORD OR COLLECT, WITH**
9 **THE USE OF ANY MODE, FORM, KIND OR TYPE OF**
10 **ELECTRONIC, MECHANICAL OR OTHER EQUIPMENT**
11 **OR DEVICE OR TECHNOLOGY NOW KNOWN OR MAY**
12 **HEREAFTER BE KNOWN TO SCIENCE OR WITH THE**
13 **USE OF OTHER SUITABLE WAYS, ARRANGEMENTS OR**
14 **MEANS FOR THE ABOVE PURPOSES, PRIVATE**
15 **COMMUNICATIONS, CONVERSATIONS, DISCUSSION/S,**
16 **DATA, INFORMATION, MESSAGES IN WHATEVER**
17 **FORM, KIND OR NATURE, SPOKEN OR WRITTEN**
18 **WORDS OF ANY PERSON OR PERSONS, WITHOUT ANY**
19 **AUTHORIZATION FROM ALL THE PARTIES**

1 **CONCERNED.** [, not being authorized by all the parties to any
2 private communication or spoken word, to tap any wire or cable, or
3 by using any other device or arrangement, to secretly overhear,
4 intercept, or record such communication or spoken word by using a
5 device commonly known as a dictaphone or dictagraph or
6 detectaphone or walkie-talkie or tape-recorder, or however otherwise
7 described:]

8 It shall also be unlawful for any person, be he a participant or
9 not in the act or acts penalized in the next preceding sentence, to
10 knowingly possess any tape record, wire record, disc record, or any
11 other **MODE, FORM , TYPE AND KIND OF** such record, or
12 copies thereof, of any **PRIVATE** communication,
13 **CONVERSATION, DISCUSSION, DATA, INFORMATION,**
14 **MESSAGE IN WHATEVER FORM, KIND OR NATURE,**
15 **WRITTEN** or spoken word [secured either before or after the
16 effective date of this Act in the manner prohibited by this law]; or to
17 replay the same for any other person or persons; or to communicate
18 the contents thereof, either verbally or in writing, or to furnish
19 transcriptions thereof, whether complete or partial, to any other
20 person: *Provided,* That the use of such record or any copies thereof
21 as evidence in any civil, criminal investigation or trial of offenses
22 mentioned in section 3 hereof, shall not be covered by this
23 prohibition”.

24 **SECTION 3.** Republic Act No. 4200 is also hereby amended by
25 inserting Section 1-A, as follows:

26 **“SECTION 1-A. THE SALE OR IMPORTATION BY**
27 **MANUFACTURERS, DISTRIBUTORS OR ANY PERSON OF**
28 **ANY MODE, FORM, KIND OR TYPE OF ELECTRONIC,**
29 **MECHANICAL OR OTHER EQUIPMENT OR DEVICE OR**
30 **TECHNOLOGY NOW KNOWN OR MAY HEREAFTER BE**
31 **KNOWN TO SCIENCE KNOWING OR HAVING REASON**
32 **TO KNOW THAT THE DESIGN OF SUCH ELECTRONIC,**
33 **MECHANICAL, OR OTHER EQUIPMENT OR DEVICE OR**

1 TECHNOLOGY IS PRIMARILY INTENDED AND USEFUL
2 FOR THE PURPOSES STATED IN SECTION 1 OF THIS
3 ACT SHALL BE ALLOWED ONLY UPON WRITTEN
4 PERMIT OR AUTHORITY FROM THE DEPARTMENT OF
5 INFORMATION AND COMMUNICATIONS TECHNOLOGY
6 (DICT); PROVIDED, THAT, SUCH REQUIREMENT SHALL
7 NOT BE APPLICABLE TO PROCUREMENT UNDER THIS
8 ACT BY THE PHILIPPINE NATIONAL POLICE (PNP),
9 THE PHILIPPINE DRUG ENFORCEMENT AGENCY
10 (PDEA), THE NATIONAL BUREAU OF INVESTIGATION
11 (NBI) AND THE ARMED FORCES OF THE PHILIPPINES
12 (AFP). PROVIDED, FURTHER, THAT, THE SAID
13 AGENCIES MAY PROCURE THE EQUIPMENT ABOVE-
14 MENTIONED EITHER THRU LIMITED SOURCE BIDDING
15 OR DIRECT CONTRACTING AS PROVIDED UNDER
16 REPUBLIC ACT NO. 9184.”

17 SECTION 4. Section 2 thereof shall be deleted and a new Section 2 shall
18 be inserted and which shall read as follows:

19 [“SEC. 2. Any person who willfully or knowingly does or who shall aid,
20 permit, or cause to be done any of the acts declared to be unlawful in the
21 preceding section or who violates the provisions of the following section of
22 any order issued thereunder, or aids, permits, or causes such violation shall,
23 upon conviction thereof, be punished by imprisonment for not less than six
24 months or more than six years and wit the accessory penalty of perpetual
25 absolute disqualification from public office if the offender be a public
26 official at the time of the commission of the offense, and, if the offender is
27 an alien he shall be subject to deportation proceedings.”]

28 "SECTION 2. *PROHIBITED ACTS.* -

29 (A) ANY PERSON WHO WILFULLY OR KNOWINGLY
30 DOES OR CAUSES TO BE DONE OR WHO SHALL AID,
31 ABET OR PERMIT, ANY OF THE ACTS DECLARED TO BE
32 UNLAWFUL IN SECTION 1 HEREOF SHALL, UPON

1 CONVICTION, SUFFER THE PENALTY OF
2 IMPRISONMENT OF NOT LESS THAN SIX (6) YEARS BUT
3 NOT MORE THAN TWELVE YEARS (12) AND A FINE OF
4 NOT LESS THAN ONE (1) MILLION PESOS BUT NOT
5 EXCEEDING FIVE (5) MILLION PESOS WITH THE
6 ACCESSORY PENALTY OF PERPETUAL ABSOLUTE
7 DISQUALIFICATION FROM PUBLIC OFFICE IF THE
8 OFFENDER BE A PUBLIC OFFICIAL AT THE TIME OF
9 THE COMMISSION OF THE OFFENSE. IF THE
10 OFFENDER IS AN ALIEN, HE SHALL BE SUBJECT TO
11 DEPORTATION PROCEEDINGS AFTER THE SERVICE OF
12 HIS/HER SENTENCE;

13 (B) ANY PERSON WHO MANUFACTURES,
14 ASSEMBLES, SELLS, IMPORTS, DISTRIBUTES, OR
15 OTHERWISE DISPOSES ANY MODE, FORM, KIND
16 OR TYPE OF ELECTRONIC, MECHANICAL OR
17 OTHER EQUIPMENT OR DEVICE OR
18 TECHNOLOGY NOW KNOWN OR MAY HEREAFTER
19 BE KNOWN TO SCIENCE KNOWING OR HAVING
20 REASON TO KNOW THAT THE DESIGN OF SUCH
21 ELECTRONIC, MECHANICAL, OR OTHER
22 EQUIPMENT, DEVICE OR TECHNOLOGY IS
23 PRIMARILY INTENDED AND USEFUL FOR THE
24 PURPOSES STATED IN SECTION 1 OF THIS ACT
25 WITHOUT FIRST SECURING THE NECESSARY
26 AUTHORITY OR PERMIT SHALL, UPON
27 CONVICTION, SUFFER THE PENALTY OF
28 IMPRISONMENT OF NOT LESS THAN THREE (3)
29 YEARS BUT NOT MORE THAN SIX (6) YEARS AND
30 A FINE OF NOT LESS THAN FIVE (5) HUNDRED
31 THOUSAND PESOS BUT NOT EXCEEDING TWO (2)
32 MILLION PESOS WITH THE ACCESSORY
33 PENALTY OF PERPETUAL ABSOLUTE
34 DISQUALIFICATION FROM PUBLIC OFFICE IF

1 THE OFFENDER BE A PUBLIC OFFICIAL AT THE
2 TIME OF THE COMMISSION OF THE OFFENSE. IF
3 THE OFFENDER IS AN ALIEN, HE SHALL BE
4 SUBJECT TO DEPORTATION PROCEEDINGS
5 AFTER THE SERVICE OF HIS/HER SENTENCE.

6 IN ADDITION TO THE PENALTY IMPOSED
7 HEREIN, THE EQUIPMENT, DEVICE OR
8 TECHNOLOGY TAKEN SHALL BE
9 AUTOMATICALLY FORFEITED IN FAVOR OF THE
10 GOVERNMENT; AND

11 (C) ANY PERSON WHO, HAVING KNOWLEDGE OR
12 REASON TO KNOW THAT THE DESIGN OF SUCH
13 ELECTRONIC, MECHANICAL, OR OTHER EQUIPMENT,
14 DEVICE OR TECHNOLOGY IS PRIMARILY INTENDED
15 AND USEFUL FOR THE PURPOSES STATED IN SECTION 1
16 OF THIS ACT, OWNS OR POSSESSES WITHOUT ANY
17 AUTHORITY ANY OF THE ABOVEMENTIONED
18 EQUIPMENT, DEVICE OR TECHNOLOGY, UPON
19 CONVICTION SHALL ALSO SUFFER THE PENALTY AS
20 PROVIDED UNDER SECTION 2(B).

21 SECTION 5. Section 3 of Republic Act No. 4200 is also hereby
22 amended to read as follows:

23 "SEC. 3. Nothing contained in this Act, however, shall
24 render it unlawful or punishable for any [peace] LAW
25 ENFORCEMENT OR MILITARY officer, who is
26 authorized by a written order of the Court, to execute any
27 of the APPLICABLE acts declared to be unlawful in the
28 two preceding sections in cases involving the crimes of
29 treason, espionage, provoking war and disloyalty in case
30 of war, piracy, mutiny in the high seas, rebellion,
31 conspiracy and proposal to commit rebellion, inciting to
32 rebellion, COUP D'ETAT, CONSPIRACY AND

1 **PROPOSAL TO COMMIT COUP D'ETAT**, sedition,
2 conspiracy to commit sedition, inciting to sedition,
3 kidnapping as defined by the Revised Penal Code,
4 **ROBBERY IN BAND AS DEFINED AND PENALIZED**
5 **BY ARTICLES 294, 295, 296, 299 AND 302 OF THE**
6 **REVISED PENAL CODE, BRIGANDAGE/HIGHWAY**
7 **ROBBERY AS DEFINED AND PENALIZED BY**
8 **ARTICLE 306 OF THE REVISED PENAL CODE AND**
9 **PRESIDENTIAL DECREE NO. 532, OTHERWISE**
10 **KNOWN AS THE ANTI-PIRACY AND ANTI-**
11 **HIGHWAY ROBBERY LAW OF 1974, VIOLATIONS**
12 **OF REPUBLIC ACT NO. 9165, OTHERWISE KNOWN**
13 **AS THE COMPREHENSIVE DANGEROUS DRUGS**
14 **ACT OF 2002, VIOLATIONS OF REPUBLIC ACT NO.**
15 **9160, AS AMENDED, OTHERWISE KNOWN AS THE**
16 **ANTI-MONEY LAUNDERING ACT OF 2001** and
17 violations of the Commonwealth Act No. 616, punishing
18 espionage and other offenses against national security:
19 [*Provided*, That such written order shall only be issued or
20 granted upon written application and the examination
21 under oath or affirmation of the applicant and the
22 witnesses he may produce and a showing: (1) that there
23 are reasonable grounds to believe that any of the crimes
24 enumerated hereinabove has been committed or is being
25 committed or is about to be committed. *Provided*,
26 *however*, That in cases involving the offenses of
27 rebellion, conspiracy and proposal to commit rebellion,
28 inciting to rebellion, sedition, conspiracy to commit
29 sedition, and inciting to sedition, such authority shall be
30 granted only upon prior proof that a rebellion or acts of
31 sedition, as the case may be, have actually been or are
32 being committed; (2) that there are reasonable grounds to
33 believe that evidence will be obtained essential to the
34 conviction of any person for, or to the solution of, or to
35 the prevention of, any of such crimes; and (3) that there

1 are no other means readily available for obtaining such
2 evidence.]

3 [The order granted or issued shall specify: (1) the identity
4 of the person or persons whose communications,
5 conversations, discussions, or spoken words are to be
6 overheard, intercepted, or recorded and, in the case of
7 telegraphic or telephonic communications, the telegraph
8 line or the telephone number involved and its location;
9 (2) the identity of the peace officer authorized to
10 overhear, intercept, or record the communications,
11 conversations, discussions, or spoken words; (3) the
12 offense or offenses committed or sought to be prevented;
13 and (4) the period of the authorization. The authorization
14 shall be effective for the period specified in the order
15 which shall not exceed sixty (60) days from the date of
16 issuance of the order, unless extended or renewed by the
17 court upon being satisfied that such extension or renewal
18 is in the public interest.]

19 [All recordings made under court authorization shall,
20 within forty-eight hours after the expiration of the period
21 fixed in the order, be deposited with the court in a sealed
22 envelope or sealed package, and shall be accompanied by
23 an affidavit of the peace officer granted such authority
24 stating the number of recordings made, the dates and
25 times covered by each recording, the number of tapes,
26 discs, or records included in the deposit, and certifying
27 that no duplicates or copies of the whole or any part
28 thereof have been made, or if made, that all such
29 duplicates or copies are included in the envelope or
30 package deposited with the court. The envelope or
31 package so deposited shall not be opened, or the
32 recordings replayed, or used in evidence, or their
33 contents revealed, except upon order of the court, which
34 shall not be granted except upon motion, with due notice

1 and opportunity to be heard to the person or persons
2 whose conversation or communications have been
3 recorded.]

4 [The court referred to in this section shall be understood
5 to mean the Court of First Instance within whose
6 territorial jurisdiction the acts for which authority is
7 applied for are to be executed.]”

8 **SECTION 6.** Republic Act No. 4200 is also hereby amended by inserting
9 Sections 3-A to 3-H, as follows:

10 "SEC. 3-A. WIRETAPPING, INTERCEPTION,
11 SURVEILLANCE AND RECORDING OF
12 COMMUNICATIONS. – THE CHIEF OF THE PNP, THE
13 PDEA DIRECTOR GENERAL, THE NBI DIRECTOR OR
14 THE CHIEF OF STAFF OF THE AFP OR THEIR DULY
15 AUTHORIZED REPRESENTATIVES MAY SUBMIT *EX*
16 *PARTE* APPLICATIONS FOR THE ISSUANCE OF
17 WRITTEN ORDERS FROM THE REGIONAL TRIAL
18 COURT, TO SECRETLY WIRETAP, INTERCEPT,
19 OVERHEAR AND LISTEN TO, SCREEN, READ, SURVEIL,
20 RECORD AND COLLECT, WITH THE USE OF ANY MODE,
21 FORM, KIND OR TYPE OF ELECTRONIC, MECHANICAL
22 OR OTHER EQUIPMENT OR DEVICE OR TECHNOLOGY
23 NOW KNOWN OR MAY HEREAFTER BE KNOWN TO
24 SCIENCE OR WITH THE USE OF ANY OTHER SUITABLE
25 WAYS, ARRANGEMENTS OR MEANS FOR THE ABOVE
26 PURPOSES, PRIVATE COMMUNICATIONS,
27 CONVERSATIONS, DISCUSSION/S, DATA,
28 INFORMATION, MESSAGES IN WHATEVER FORM, KIND
29 OR NATURE, SPOKEN OR WRITTEN WORDS UPON
30 WRITTEN APPLICATION AND THE EXAMINATION
31 UNDER OATH OR AFFIRMATION OF THE APPLICANT
32 AND THE WITNESSES HE MAY PRODUCE AND A
33 SHOWING: (1) THAT THERE ARE REASONABLE

1 GROUNDS TO BELIEVE THAT ANY OF THE CRIMES
2 ENUMERATED IN SECTION 3 HAS BEEN COMMITTED
3 OR IS BEING COMMITTED OR IS ABOUT TO BE
4 COMMITTED; (2) THAT THERE ARE REASONABLE
5 GROUNDS TO BELIEVE THAT THE EVIDENCE THAT
6 WILL BE OBTAINED IS ESSENTIAL TO THE
7 CONVICTION OF ANY PERSON FOR, OR TO THE
8 SOLUTION OF, OR TO THE PREVENTION OF, ANY OF
9 SUCH CRIMES; AND (3) THAT THERE ARE NO OTHER
10 EFFECTIVE MEANS READILY AVAILABLE FOR
11 OBTAINING SUCH EVIDENCE.

12 SEC. 3-B. EFFECTIVITY PERIOD OF JUDICIAL
13 AUTHORIZATION. - ANY ORDER GRANTED BY THE
14 REGIONAL TRIAL COURT SHALL ONLY BE EFFECTIVE
15 FOR THE LENGTH OF TIME SPECIFIED IN THE
16 WRITTEN ORDER, WHICH SHALL NOT EXCEED A
17 PERIOD OF SIXTY (60) DAYS FROM THE DATE OF
18 RECEIPT OF THE WRITTEN ORDER OF THE
19 AUTHORIZING COURT BY THE APPLICANT.

20 THE AUTHORIZING COURT MAY, UPON APPLICATION,
21 EXTEND OR RENEW THE SAID AUTHORIZATION FOR
22 ANOTHER NON-EXTENDIBLE PERIOD, WHICH SHALL
23 NOT EXCEED THIRTY (30) DAYS FROM THE
24 EXPIRATION OF THE ORIGINAL PERIOD: *PROVIDED*,
25 THAT THE COURT IS SATISFIED THAT SUCH
26 EXTENSION OR RENEWAL IS IN THE PUBLIC INTEREST.

27 SEC. 3-C. CLASSIFICATION AND CONTENTS OF THE
28 COURT AUTHORIZATION. - THE WRITTEN
29 APPLICATION TOGETHER WITH SUPPORTING
30 DOCUMENTS SUBMITTED AND WRITTEN ORDER
31 GRANTED BY THE AUTHORIZING COURT SHALL BE
32 DEEMED AND ARE HEREBY DECLARED AS CLASSIFIED
33 INFORMATION.

1 THE WRITTEN ORDER OF THE AUTHORIZING COURT
2 SHALL SPECIFY THE FOLLOWING:

3 (A) THE IDENTITY, SUCH AS NAME AND ADDRESS,
4 IF KNOWN, OF THE PERSON WHOSE PRIVATE
5 COMMUNICATIONS, CONVERSATIONS, DISCUSSION/S,
6 DATA, INFORMATION, MESSAGES IN WHATEVER
7 FORM, KIND OR NATURE, SPOKEN OR WRITTEN
8 WORDS AND/OR THE TELEPHONE NUMBERS, IF
9 KNOWN THAT ARE TO BE SECRETLY WIRETAPPED,
10 INTERCEPTED, OVERHEARD AND LISTENED TO,
11 SCREENED, READ, SURVEILLED, RECORDED AND
12 COLLECTED AND THEIR LOCATIONS;

13 (B) THE IDENTITY OF THE APPLICANT
14 AUTHORIZED TO SECRETLY WIRETAP, INTERCEPT,
15 OVERHEAR AND LISTEN TO, SCREEN, READ, SURVEIL,
16 RECORD AND COLLECT PRIVATE COMMUNICATIONS,
17 CONVERSATIONS, DISCUSSION/S, DATA,
18 INFORMATION, MESSAGES IN WHATEVER FORM, KIND
19 OR NATURE, SPOKEN OR WRITTEN WORDS;

20 (C) THE CRIME OR CRIMES COMMITTED, OR IS
21 BEING COMMITTED, OR SOUGHT TO BE PREVENTED;

22 (D) THE LENGTH OF TIME WITHIN WHICH THE
23 AUTHORIZATION SHALL BE USED OR CARRIED OUT;
24 AND

25 (E) WHEN APPROPRIATE, THE SPECIFIC
26 ASSISTANCE OR COOPERATION NEEDED FROM THE
27 TELECOMMUNICATIONS OR INTERNET SERVICE
28 PROVIDER.

29 IN NO CASE SHALL THE IDENTITY OF THE
30 AUTHORIZED APPLICANT BE DISCLOSED EXCEPT

1 UPON WRITTEN ORDER OF THE AUTHORIZING COURT
2 AFTER A DETERMINATION THAT THE PUBLIC
3 INTEREST IN THE DISCLOSURE OF THE INFORMATION
4 OUTWEIGHS THE PUBLIC INTEREST IN KEEPING THE
5 INFORMATION SECRET OR CONFIDENTIAL.

6 SEC. 3-D. CUSTODY OF INTERCEPTED AND RECORDED
7 COMMUNICATIONS. - ALL TAPES, DISCS, OTHER
8 STORAGE DEVICES, RECORDINGS, NOTES,
9 MEMORANDA, SUMMARIES, EXCERPTS AND ALL
10 COPIES THEREOF MADE PURSUANT TO THE ORDER OF
11 THE AUTHORIZING COURT, SHALL, WITHIN FORTY-
12 EIGHT (48) HOURS AFTER THE EXPIRATION OF THE
13 PERIOD FIXED IN THE WRITTEN ORDER OR WITHIN
14 FORTY-EIGHT (48) HOURS AFTER THE EXPIRATION OF
15 ANY EXTENSION OR RENEWAL GRANTED, BE
16 DEPOSITED WITH THE AUTHORIZING COURT IN A
17 SEALED ENVELOPE OR SEALED PACKAGE, AS THE
18 CASE MAY BE, AND SHALL BE ACCOMPANIED BY AN
19 AFFIDAVIT OF THE AUTHORIZED APPLICANT.

20 ANY PERSON WHO, WITHOUT WRITTEN AUTHORITY
21 FROM THE AUTHORIZING COURT, REMOVES,
22 CONCEALS, DESTROYS, DISCARDS OR REVEALS ANY
23 OF THE ABOVE-MENTIONED TAPE, DISC, OTHER
24 STORAGE DEVICE, RECORDING, NOTE,
25 MEMORANDUM, SUMMARY, OR EXCERPTS AND ANY
26 COPY THEREOF, OR ANY INFORMATION THEREON
27 SHALL, UPON CONVICTION, SUFFER THE PENALTY OF
28 IMPRISONMENT FOR NOT LESS THAN SIX (6) YEARS
29 BUT NOT MORE THAN TWELVE YEARS (12) AND A FINE
30 OF NOT LESS THAN ONE (1) MILLION PESOS BUT NOT
31 EXCEEDING FIVE (5) MILLION PESOS WITH THE
32 ACCESSORY PENALTY OF PERPETUAL ABSOLUTE
33 DISQUALIFICATION FROM PUBLIC OFFICE IF THE

1 OFFENDER BE A PUBLIC OFFICIAL AT THE TIME OF
2 THE COMMISSION OF THE OFFENSE.

3 SEC. 3-E. CONTENTS OF THE AFFIDAVIT. - THE
4 AFFIDAVIT OF THE AUTHORIZED APPLICANT SHALL
5 IDENTIFY THE FOLLOWING: (A) ALL TAPES, DISCS,
6 OTHER STORAGE DEVICES, RECORDINGS, NOTES,
7 MEMORANDA, SUMMARIES, EXCERPTS AND ALL
8 COPIES MADE IN CONNECTION THEREWITH; (B) THE
9 DURATION OF THE JUDICIAL AUTHORIZATION AND
10 THE DATES AND TIMES COVERED BY EACH OF SUCH
11 MATERIALS; AND (C) THE NUMBER OF TAPES, DISCS,
12 OR OTHER STORAGE DEVICES, RECORDINGS, NOTES,
13 MEMORANDA, SUMMARIES, EXCERPTS AND ALL
14 COPIES MADE IN CONNECTION THEREWITH THAT
15 HAVE BEEN INCLUDED IN THE DEPOSIT.

16 THE AFFIDAVIT SHALL ALSO CERTIFY UNDER OATH
17 THAT NO DUPLICATES OR COPIES OF THE WHOLE OR
18 ANY PART OF ANY OF SUCH TAPES, DISCS, OTHER
19 STORAGE DEVICES, RECORDINGS, NOTES,
20 MEMORANDA, SUMMARIES, AND EXCERPTS, HAVE
21 BEEN MADE, OR, IF MADE, THAT ALL SUCH
22 DUPLICATES AND COPIES ARE INCLUDED IN THE
23 SEALED ENVELOPE OR SEALED PACKAGE, AS THE
24 CASE MAY BE, DEPOSITED WITH THE AUTHORIZING
25 COURT.

26 SEC. 3-F. DISPOSITION OF DEPOSITED MATERIAL. - THE
27 SEALED ENVELOPE OR SEALED PACKAGE AND THE
28 CONTENTS THEREOF, WHICH ARE DEPOSITED WITH
29 THE AUTHORIZING COURT, SHALL BE DEEMED AND
30 ARE HEREBY DECLARED CLASSIFIED INFORMATION,
31 AND THE SEALED ENVELOPE OR SEALED PACKAGE
32 SHALL NOT BE OPENED AND ITS CONTENTS SHALL
33 NOT BE DISCLOSED, REVEALED, READ, REPLAYED, OR

1 USED AS EVIDENCE UNLESS AUTHORIZED BY WRITTEN
2 ORDER OF THE AUTHORIZING COURT WHICH SHALL
3 NOT BE GRANTED EXCEPT UPON MOTION, WITH DUE
4 NOTICE AND OPPORTUNITY TO BE HEARD TO THE
5 INDIVIDUAL/S SUBJECT OF THE ABOVE-MENTIONED
6 COURT AUTHORIZATION. PROVIDED, THAT WITHIN
7 NINETY (90) DAYS FROM THE EXPIRATION OF THE
8 ORDER, THE INDIVIDUAL/S WHOSE COMMUNICATIONS
9 HAVE BEEN INTERCEPTED AND/OR RECORDED SHALL
10 BE NOTIFIED OF SUCH FACT, UNLESS DELAY IN
11 NOTIFICATION IS ALLOWED BY A WRITTEN ORDER OF
12 THE AUTHORIZING COURT, UPON A FINDING THAT AN
13 INVESTIGATION IS STILL ONGOING, AND AFTER A
14 DETERMINATION THAT THE PUBLIC INTEREST IN
15 DELAYING NOTIFICATION OUTWEIGHS THE PUBLIC
16 INTEREST IN KEEPING THE INFORMATION SECRET OR
17 CONFIDENTIAL: PROVIDED FURTHER, THAT DELAY IN
18 NOTIFICATION SHALL NOT BE LONGER THAN ONE (1)
19 YEAR.

20 SEC. 3-G. DESTRUCTION OF DEPOSITED MATERIAL. -
21 AFTER THE LAPSE OF FIVE (5) YEARS FROM THE
22 EXPIRATION OF THE PERIOD FIXED IN THE WRITTEN
23 ORDER, THE AUTHORIZING COURT SHALL ORDER THE
24 DESTRUCTION OF THE DEPOSITED MATERIAL UNLESS
25 IT IS BEING UTILIZED IN AN ONGOING INVESTIGATION
26 OR PROSECUTION, IN WHICH CASE, IT SHALL BE
27 DESTROYED TWO (2) YEARS AFTER THE TERMINATION
28 OF THE INVESTIGATION OR FINALITY OF THE
29 DECISION ON THE CASE.

30 SEC. 3-H. COMMUNICATIONS ASSISTANCE FOR LAW
31 ENFORCEMENT. - THE AUTHORIZING COURT MAY
32 ORDER ANY TELECOMMUNICATIONS OR INTERNET
33 SERVICE PROVIDER TO ASSIST AND COOPERATE WITH
34 THE LAW ENFORCEMENT OR MILITARY OFFICERS IN

1 IMPLEMENTING THE ORDER OF THE AUTHORIZING
2 COURT. THE SPECIFIC ASSISTANCE OR COOPERATION
3 NEEDED SHALL BE INDICATED IN THE WRITTEN
4 ORDER AS STATED IN SECTION 3 (C). THE
5 TELECOMMUNICATIONS OR INTERNET SERVICE
6 PROVIDER SHALL TAKE MEASURES TO ENSURE THAT
7 THE PERSON WHOSE PRIVATE COMMUNICATIONS,
8 CONVERSATIONS, DISCUSSION/S, DATA,
9 INFORMATION, MESSAGES IN WHATEVER FORM, KIND
10 OR NATURE, SPOKEN OR WRITTEN WORDS ARE TO BE
11 SECRETLY WIRETAPPED, INTERCEPTED, OVERHEARD
12 AND LISTENED TO, SCREENED, READ, SURVEILLED,
13 RECORDED AND COLLECTED SHALL NEITHER DETECT
14 NOR BE NOTIFIED OF SUCH FACT.

15 THE RESPONSIBLE PERSON/S OF THE
16 TELECOMMUNICATIONS OR INTERNET SERVICE
17 PROVIDER WHO UNJUSTIFIABLY REFUSE/S TO
18 COMPLY WITH THE ORDER OF THE COURT SHALL BE
19 CITED FOR CONTEMPT AND FINED IN AN AMOUNT NOT
20 LESS THAN ONE (1) MILLION PESOS BUT NOT MORE
21 THAN THREE (3) MILLION PESOS.

22 NO ADMINISTRATIVE, CRIMINAL OR CIVIL
23 PROCEEDINGS SHALL LIE AGAINST THE EMPLOYEES
24 OR OFFICIALS OF THE TELECOMMUNICATIONS OR
25 INTERNET SERVICE PROVIDER FOR HAVING ASSISTED
26 OR COOPERATED WITH THE LAW ENFORCEMENT OR
27 MILITARY OFFICERS IN THE IMPLEMENTATION OF
28 THE WRITTEN ORDER OF THE COURT.”

29 SECTION 7. Section 4 of Republic Act No. 4200 is hereby
30 amended to read as follows:

31 “SEC. 4. Any PRIVATE communicationS, CONVERSATIONS,
32 DISCUSSION/S, DATA, INFORMATION, MESSAGES IN

1 **WHATEVER FORM, KIND OR NATURE**, or spoken **OR**
2 **WRITTEN** words, or the existence, contents, substance, purport,
3 effect, or meaning of the same or any part thereof, or any
4 information therein contained, obtained or secured by any person in
5 violation of the preceding sections of this Act shall not be admissible
6 in evidence in any judicial, quasi-judicial, legislative or
7 administrative hearing or investigation. **PROVIDED, THAT THE**
8 **USE OF ANY EVIDENCE VALIDLY OBTAINED PURSUANT**
9 **TO SECTIONS 3-A TO 3-H OF THIS ACT IN RELATION TO**
10 **ANY OF THE OFFENSES MENTIONED IN SECTION 3 OF**
11 **THIS ACT SHALL BE ALLOWED. “**

12 **SECTION 8. *Separability Clause.*** If any provision of this Act shall be
13 declared invalid or unconstitutional, the remaining part or provisions not otherwise
14 affected shall remain in force.

15 **SECTION 9. *Repealing Clause.*** Any law, decree, ordinance,
16 administrative circulars not consistent with any provision of this Act is hereby
17 amended, repealed or modified accordingly.

18 **SECTION 10. *Effectivity Clause.*** This Act shall take effect fifteen (15)
19 days after its complete publication in the Official Gazette or in at least two (2)
20 newspapers of general circulation.

21 *Approved,*