

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



SENATE
S. B. No. 764

'19 JUL 24 P5:07

RECEIVED BY: _____

Introduced by Senator SONNY ANGARA

AN ACT
AUTHORIZING WIRE TAPPING IN CASES INVOLVING VIOLATIONS OF
REPUBLIC ACT NO. 9165, OTHERWISE KNOWN AS THE "COMPREHENSIVE
DANGEROUS DRUGS ACT OF 2002", AMENDING FOR THE PURPOSE
SECTION 3 OF REPUBLIC ACT NO. 4200, ENTITLED "AN ACT TO PROHIBIT
AND PENALIZE WIRE TAPPING AND OTHER RELATED VIOLATIONS OF THE
PRIVACY OF COMMUNICATION, AND FOR OTHER PURPOSES"

EXPLANATORY NOTE

The crisis on illegal drugs continues to plague the country and its development by persistently perverting the youth and other individuals through abuse and addiction to these substances that destroy not only their health, but also their aspirations for the future. According to the Dangerous Drugs Board (DDB), there are approximately 1.76 million illegal drug users in the country as of 2015 that causes 1,700 deaths annually due to their drug abuse. DDB further claimed that there are about four to five million Filipinos still involved in illegal drugs as of 2018.

Throughout the Philippines, close to 24,424 barangays are still affected by the problem on illegal drugs in 2018 based from the Philippine Drug Enforcement Agency (PDEA). Worse, the United Nations (UN) 2015 World Drug Report has observed a new trend of African-produced methamphetamine being smuggled into the Philippines through its airports for subsequent distribution in Southeast Asia, which in effect makes the country as a transshipment site for illegal drugs in the ASEAN region.

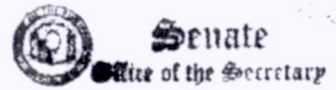
It is apparent that the problem on illicit drugs has amplified as it now causes the rapid decay of our country and its reputation globally. This proposed measure aims to authorize wiretapping in cases involving violations of Republic Act No. 9165,

otherwise known as the Comprehensive Dangerous Drugs Act of 2002 to effectively crackdown on drug traffickers and dealers.

Considering the assistance of this proposed legislation would provide to law enforcement authorities in promptly apprehending and solving cases of drug dealing and/or trafficking individuals and groups, an immediate passage of this measure is earnestly sought.



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

1 Section 1. Section 3 of Republic Act No. 4200, entitled "*An Act to Prohibit and*
2 *Penalize Wire Tapping and Other Related Violations of the Privacy of*
3 *Communication, and for Other Purposes*", is hereby amended to read as follows:

4 "Sec. 3. Nothing contained in this Act, however, shall render it unlawful or
5 punishable for any peace officer **AND LAW ENFORCER**, who is authorized
6 by a written order of the Court, to execute any of the acts declared to be
7 unlawful in the two preceding sections in cases involving the crimes of
8 treason, espionage, provoking war and disloyalty in case of war, piracy,
9 mutiny in the high seas, rebellion, conspiracy and proposal to commit
10 rebellion, inciting to rebellion, sedition, conspiracy to commit sedition, inciting
11 to sedition, kidnapping as defined by the Revised Penal Code, **VIOLATIONS**
12 **OF REPUBLIC ACT NO. 9165, OTHERWISE KNOWN AS THE**
13 **COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002**, and violations of
14 Commonwealth Act No. 616, punishing espionage and other offenses against
15 national security: *Provided*, That such written order shall only be issued or

1 granted upon written application and the examination under oath or
2 affirmation of the applicant and the witnesses he may produce and a
3 showing: (1) that there are reasonable grounds to believe that any of the
4 crimes enumerated hereinabove has been committed or is being committed
5 or is about to be committed: *Provided, however,* That in cases involving the
6 offenses of rebellion. Conspiracy and proposal to commit rebellion, inciting to
7 rebellion. sedition, conspiracy to commit sedition, and inciting to sedition,
8 such authority shall be granted only upon prior proof that a rebellion or acts
9 of sedition, as the case may be, have actually been or are being committed;
10 (2) that there are reasonable grounds to believe that evidence will be
11 obtained essential to the conviction of any person for, or to the solution of, or
12 to the prevention of, any of such crimes; and (3) that there are no other
13 means readily available for obtaining such evidence.

14 "x x x

15 "The court referred to in this section shall be understood to mean the [Court
16 of First Instance] **REGIONAL TRIAL COURT** within whose territorial
17 jurisdiction the acts for which authority is applied for are to be executed."

18 *Sec. 2. Separability Clause.* – If any portion or provision of this Act is
19 subsequently declared invalid or unconstitutional, other provisions hereof which are
20 not affected thereby shall remain in full force and effect.

21 *Sec. 3. Repealing Clause.* – Section 3 of Republic Act No. 4200 or "*An Act to*
22 *Prohibit and Penalize Wire Tapping and Other Related Violations of the Privacy of*
23 *Communication, and for Other Purposes*" and all other laws, acts, presidential
24 decrees, executive orders, presidential proclamations, issuances, rules and
25 regulations, or parts thereof which are contrary to or inconsistent with any of the
26 provisions of this Act are hereby repealed, amended, or modified accordingly.

27 *Sec. 4. Effectivity.* – This Act shall take effect fifteen (15) days after its
28 publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,