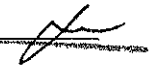


THIRTEENTH CONGRESS OF THE )  
 REPUBLIC OF THE PHILIPPINES )  
 Second Regular Session )

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Senate Bill No. 2187

RECEIVED BY:



Introduced by Sen. Juan Ponce Enrile

**EXPLANATORY NOTE**

Over the years, terrorism has evolved in its types, forms and objectives and has become a global phenomenon. While it had been the September 11, 2001 or the 9/11 tragedy which highlighted the need for the international community to be more vigilant and aggressive in combating terrorism, various literature indicate that terrorism drew its original meaning from the "Reign of Terror" of the French Revolution. Subsequently, it acquired a wider meaning to mean "a system of terror" and a terrorist was considered as anyone who furthered his views by a system of coercive intimidation.

Even more recently, the term terrorism (like guerrilla) has been used in so many different senses as to become almost meaningless, covering almost any, and not necessarily political, act of violence.

No definition of terrorism can possibly cover all the varieties of terrorism that appeared throughout history: peasant wars and labor disputes and brigandage have been accompanied by systematic terror, and the same is true of general wars, civil wars, revolutionary wars, wars of national liberation and resistance movements against foreign occupiers.

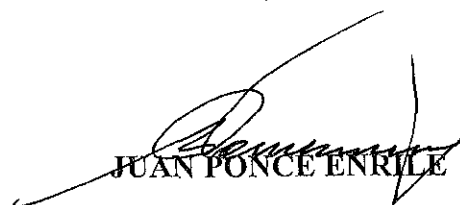
The importance of terrorism should not be belittled not only because "terroristic activities" continue to take place in various countries all over the world, but also because of the fact that although the number of victims in these instances is comparatively small, terrorism undermines government authority. It may have this effect by showing that democratic governments are unable to respond effectively.

But, is it realistic to expect governments which are incapable of stamping out crime, or drug peddling, illegal immigration, smuggling, kidnapping, gambling, pornography, prostitution, vandalism, large scale swindling, and corruption to have full success in the battle against terrorism? If governments could not protect all of the citizens all of the time against muggers and thieves, how could they protect everyone against terrorist attacks?

It may well be that, as some argue, terrorism constitutes a potentially serious domestic threat. But much experience has shown that democratic societies seldom take effective measures against potential threats. Only when the threat becomes clear and present are the authorities and the public sufficiently aroused to agree on the adoption of measures likely to put an end to terrorism, or at least to cause a drastic decline to terrorist activities.

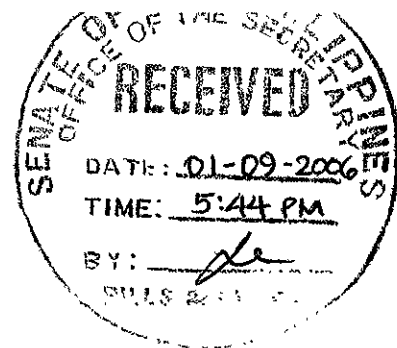
Hence, this bill. The proposed measure presents a more precise definition not only of the crime of terrorism, but the crimes of conspiracy to commit terrorism and of proposal to commit terrorism as well. Furthermore, it strengthens the legal processes by which the problem of terrorism may be addressed and, at the same time, it contains provisions that may well be regarded as safeguard measures to protect the rights and interests of our citizenry.

In view of the foregoing, the approval of this measure is earnestly sought.



JUAN PONCE ENRILE

THIRTEENTH CONGRESS OF THE  
REPUBLIC OF THE PHILIPPINES  
Second Regular Session



Senate Bill No. 2187

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Introduced by Sen. Juan Ponce Enrile

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AN ACT  
TO DEFINE AND PUNISH THE CRIME OF TERRORISM, THE CRIME OF  
CONSPIRACY TO COMMIT TERRORISM, AND THE CRIME OF PROPOSAL TO  
COMMIT TERRORISM, AND FOR OTHER PURPOSES

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

**SECTION 1.** *Terrorism.* – Any person who, acting in any of the manner described in Paragraphs 1, 2, and 3 of Article 17 of the Revised Penal Code, uses or, having the ability or capability to do so, threatens to use assassination, kidnapping, hostage-taking, hijacking, bombing, dynamiting, destructive flooding, biological or chemical agent or agents, nuclear device or devices, arson, the destruction of the main water reservoir or water supply system, the destruction of the environment, the serious disruption of the electric power or communication systems of the country, or the destruction of any other strategic infrastructures of the nation, or any other form of violence similar or analogous to any of those enumerated herein, in order to inflict widespread fear, anxiety or panic among the populace so as to coerce a government, a political authority, or a population to comply with a given demand, or, even without such coercion and demand, so as to cause great injury, damage, and or destruction to a population, a government, or a political authority shall be guilty of the crime of terrorism and shall suffer the penalty of *reclusion perpetua* or death, at the discretion of the court.


**SEC. 2.** *Conspiracy to Commit Terrorism.* -- Persons who conspire to commit the crime of terrorism shall suffer the penalty of *reclusion perpetua*.

There is a conspiracy to commit the crime of terrorism when two or more persons come to an agreement to use or, having the ability or capability to do so, to threaten to use

assassination, kidnapping, hostage-taking, hijacking, bombing, dynamiting, destructive flooding, biological or chemical agent or agents, nuclear device or devices, arson, the destruction of the main water reservoir or water supply system, the destruction of the environment, the serious disruption of electric power or communication systems of the country, or the destruction of any other strategic infrastructures of the nation, or who uses or threatens to use any other form of violence similar or analogous to any of those enumerated herein, in order to inflict widespread fear, anxiety, or panic among the populace so as to coerce a government, a political authority, or a population to comply with a given demand, or, even without such coercion and demand, so as to cause great injury, damage, and or destruction to a population, a government, or a political authority.

**SEC. 3. Proposal to Commit Terrorism.** – Any person who proposes to another person the commission of the crime of terrorism shall suffer the penalty of *reclusion temporal* in its maximum period.

There is proposal to commit the crime of terrorism when a person, having the ability or capability to do so, proposes to another person: (a) the use of assassination, kidnapping, hostage-taking, hijacking, bombing, dynamiting, destructive flooding, biological or chemical agent or agents, nuclear device or devices, arson, the destruction of the main water reservoir or water supply system, the destruction of the environment, the serious disruption of the electric power or communication systems of the country, or the destruction of any other strategic infrastructures of the nation; (b) or the use of any other form of violence similar or analogous to those enumerated herein; or (c) the use of threat to employ any, several, or all of such forms of violence, in order to inflict widespread fear, anxiety, or panic among the populace so as to coerce a government, a political authority, or a population to comply with a given demand, or, even without such coercion and demand, so as to cause great injury, damage, and or destruction to a population, a government, or a political authority.




**SEC. 4. Accomplice.** – An individual person, not being a proposer or a co-conspirator in a crime of terrorism and not being a principal in such a crime under either Paragraph 1,

Paragraph 2, or Paragraph 3 of Article 17 of the Revised Penal Code, who cooperates in the execution of the crime of terrorism by previous or simultaneous act or acts shall be adjudged an *accomplice* to the crime of terrorism and shall suffer the penalty of *reclusion temporal* in its maximum period.

**SEC. 5. Accessory.** – An individual person who, having knowledge of the commission of the crime of terrorism and not being involved as a proposer, as an accomplice, as a co-conspirator, or as a principal therein in any of the manner described in Paragraphs 1, 2, and 3 of Article 17 of the Revised Penal Code, takes part subsequent to the commission of the crime of terrorism, or the crime of conspiracy to commit terrorism, or the crime of proposal to commit terrorism, as the case may be, by committing any of the following acts: (a) profiting himself or assisting the perpetrator or perpetrators of the crime of terrorism to profit by the effects thereof; (b) concealing or destroying the body of the crime or the effects or instruments thereof, in order to prevent its discovery; or, (c) harboring, sheltering, concealing, supplying food, money, weapons, any means of transportation to, or in any way aiding, a proposer of, or a co-conspirator, an accomplice, or a principal in a crime of terrorism, in a crime of conspiracy to commit terrorism, or in a crime of proposal to commit terrorism, or assisting in the escape of such proposer, co-conspirator, accomplice, or principal, shall be adjudged as an *accessory* to the crime of terrorism, or to the crime of conspiracy to commit terrorism, or to the crime of proposal to commit terrorism, as the case may be, and shall suffer the penalty of *Prision Mayor* in its maximum period.


**SEC. 6. Interception and Recording of Communications** – The provisions of Republic Act No. 4200, otherwise known as the Anti-Wire Tapping Law, to the contrary notwithstanding, it shall be proper, without incurring any criminal liability, for a police or military personnel or any other government law enforcement agent, provided he is authorized by a written order of a Regional Trial Court to do so, to overhear, intercept, and record with the use of electronic devices or of any other suitable means, or to do any of the acts declared unlawful in R.A 4200 in connection with the communications, conversations, discussions, or spoken or written words of



any person charged or suspected for the crimes of terrorism, or for the crime of conspiracy to commit terrorism, or for the crime of proposal to commit terrorism.

**SEC. 7. *Formal Application for Judicial Authorization.*** – The written order of the Regional Trial Court to overhear, intercept, and record communications, conversations, discussions, or spoken or written words of said charged or suspected person shall only be issued or granted by the Regional Trial Court upon a written application to that effect by a police or military personnel or by a government law enforcement agent and upon examination under oath or affirmation of the applicant and the witnesses he may produce to establish: (a) that there are reasonable grounds to believe that any of the said crimes has been committed, or is being committed, or is about to be committed; (b) that there are reasonable grounds to believe that evidence, which is essential to the conviction of any suspected person for, or to the solution or prevention of, any such crimes, will be obtained; and, (c) that there is no other effective means readily available for acquiring such evidence.

**SEC. 8. *Classification and Contents of the Order of the Court.*** – The written order issued or granted by the Regional Trial Court shall be deemed classified information. It shall specify the following: (a) the identity, such as name and address, if known, of the charged or suspected person whose communications, conversations, discussions, or spoken or written words are to be overheard, intercepted, and recorded and, in the case of electronic or telephonic communications, conversations, discussions, or spoken or written words, the electronic transmission systems or the telephone numbers involved and their locations; (b) the identity (name, address, and the police or military unit or organization) of the police or military personnel or government law enforcement agent judicially authorized to overhear, intercept, and record the communications, conversations, discussions, or spoken or written words; (c) the offense or offenses committed or sought to be prevented; and, (d) the length of time within which the authorization shall be used or carried out.



**SEC. 9. *Effective Period of Judicial Authorization.*** – The authorization issued or granted by the Regional Trial Court, pursuant to Sec. 8(d) of this Act, shall be effective for the length of time specified in the written order of the Regional Trial Court, which shall not exceed a period of sixty (60) days from the date the written order of the Regional Trial Court has been received by the applicant police or military personnel or government law enforcement agent.

The Regional Trial Court may extend or renew the said authorization for another period, which shall not exceed sixty (60) days from the expiration of the original period, if the Regional Trial Court is satisfied that such extension or renewal is in the public interest.

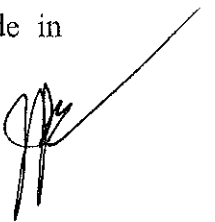
**SEC. 10. *Custody of Intercepted and Recorded Communications.*** – All tapes, discs, and recordings made under the authorization of the Regional Trial Court, including all written excerpts and summaries thereof, or written notes or memoranda made in connection therewith, shall, within ninety-six (96) hours after the expiration of the period fixed in the written order of the Regional Trial Court, be deposited with the said Regional Trial Court in a sealed envelope or sealed package, and shall be accompanied by an affidavit of the applicant police or military personnel or government law enforcement agent.

**SEC. 11. *Contents of Affidavit.*** – The said affidavit of the police or military personnel or government law enforcement agent shall state: (a) the number of tapes, discs, and recordings that have been made, as well as the number of written excerpts and summaries thereof, or the number of written notes and memoranda made in connection therewith; (b) the dates and times covered by each of such tapes, discs, and recordings; and, (c) the number of tapes, discs, and recordings, as well as the number of excerpts and summaries thereof, or the number of written notes and memoranda made in connection therewith, that have been included in the deposit.

The said affidavit shall also certify under oath that no duplicates or copies of the whole or any part of any of such tapes, discs, and recordings, and that no duplicates or copies of the whole or any part of any of such excerpts and summaries or written notes and memoranda, have been made, or, if made, that all such duplicates and copies are included in the sealed envelope or sealed package deposited with the Regional Trial Court.

**SEC. 12. *Disposition of Deposited Materials.*** – The sealed envelope or sealed package deposited with the Regional Trial Court with the classified information contained therein shall not be opened, and its contents (including the tapes, discs, and recordings and all the excerpts and summaries thereof and the notes and memoranda made in connection therewith) shall not be divulged, revealed, read, replayed, or used as evidence, unless authorized by written order of the Regional Trial Court, which written order shall be granted only upon a written application of a duly authorized representative of the Department of Justice before the Regional Trial Court.

**SEC. 13. *Application to Open Deposited Sealed Envelop or Sealed Package.*** -- The written application to open the deposited sealed envelop or sealed package shall clearly state the purpose or reason: (a) for opening the sealed envelope or sealed package; (b) for revealing or disclosing any of its contents to third parties; (c) for replaying, divulging, and or reading any of the overheard, intercepted, and recorded communications, conversations, discussions, or spoken or written words (including any of the excerpts and summaries thereof, or any of the notes or memoranda made in connection therewith); and, (d) for using any of said overheard, intercepted, and recorded communications, conversations, discussions, or spoken or written words (including any of the excerpts and summaries thereof, or any of the notes or memoranda made in connection therewith) as evidence, if any said materials are going to be used as evidence.

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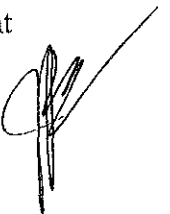
**SEC. 14. *Evidentiary Value of Deposited Materials.*** – Any overheard, intercepted, and recorded communications, conversations, discussions, or spoken or written words, or any part or parts thereof, or any information or fact contained therein, including their existence, content, substance, purport, effect, or meaning, which have been secured not in accordance with the pertinent provisions of this Act, shall absolutely not be admissible and usable as evidence against anybody in any judicial, quasi-judicial, legislative, or administrative investigation, inquiry, proceeding, or hearing.

**SEC. 15. *Penalty for Unauthorized Interceptions and or Recordings.*** – Any police or military personnel or any government law enforcement agent who, not being authorized to do so by a Regional Trial Court, overhears, intercepts, and records in whatever manner or form any communication, conversation, discussion, or spoken or written word of a person charged or suspected for the crime of terrorism, or the crime of conspiracy to commit terrorism, or the crime of proposal to commit terrorism shall be guilty of an offense and shall suffer the penalty of *prision mayor* in its maximum period.

**SEC. 16. *Proscription of Terrorist Organizations, Association, or Group of Persons.*** – Any organization, association, or group of persons organized for the purpose of engaging in terrorism, or which, although not organized for that purpose, actually uses or threatens to use any of the acts of terrorism mentioned in this Act as part of or tool for its strategy of violence to attain its political, religious, social, or economic ends, shall, upon application of the Department of Justice before a competent Regional Trial Court, with due notice and opportunity to be heard given to the organization, association, or group of persons concerned, be declared as a terrorist and outlawed organization, association, or group of persons by the Regional Trial Court.

**SEC. 17. *Penalty for Membership in a Terrorist Organization, Association, or Group of Persons.*** – Any person who, by overt acts, willfully and knowingly becomes or remains a member of a judicially declared and outlawed terrorist organization, association, or group of persons shall suffer the penalty of *prision mayor* in its maximum period, and shall be disqualified permanently from holding any public office, appointive or elective, and from exercising the right to vote.

**SEC. 18. *Seizure and Sequestration.*** – The deposits and their outstanding balances, placements, trust accounts, assets, and records in any bank or financial institution, moneys, businesses, transportation and communication equipment, supplies and other implements, and property of whatever kind and nature belonging to any person charged before a competent Regional Trial Court for the crime of terrorism, or for the crime of conspiracy to commit

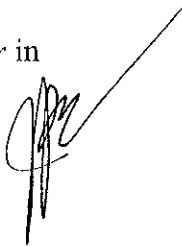




terrorism, or for the crime of proposal to commit terrorism; or belonging to a judicially declared and outlawed organization, association, or group of persons; or belonging to any member of such organization, association, or group of persons shall be seized and sequestered in order to prevent their use, transfer, or conveyance for purposes that are inimical to the safety and security of the people or injurious to the interest of the Government or any of its instrumentalities.

**SEC. 19. *Period of Detention Without Judicial Warrant of Arrest*** – The provisions of Article 25 of the Revised Penal Code to the contrary notwithstanding, any police or military personnel or any government law enforcement agent, who has taken custody of a person suspected for the crime of terrorism, or for the crime of conspiracy to commit terrorism, or for the crime of proposal to commit terrorism, shall, without incurring any criminal liability for arbitrary detention, deliver said suspected person to the proper judicial authority within a period of fifteen (15) days counted from the day said suspected person has been taken into custody by the said police or military personnel or government law enforcement agent.

**SEC. 20. *Penalty for Failure to Deliver Suspect to the Proper Judicial Authority Within Fifteen (15) Days***. – Any police or military personnel or government law enforcement agent who has taken custody of a person suspected for the crime of terrorism, or for the crime of conspiracy to commit terrorism, or for the crime of proposal to commit terrorism and who fails to deliver such suspected person to the proper judicial authority within the said period of fifteen (15) days shall be guilty of the crime of arbitrary detention and shall suffer the penalty of *prision mayor* in its maximum period.




**SEC. 21. *Rights of a Person Under Custodial Detention***. – When a person charged or suspected for the crime of terrorism, or for the crime of conspiracy to commit terrorism, or for the crime of proposal to commit terrorism is placed under custodial detention, he shall be: (a) informed of his right to a legal counsel or counsels of his choice; (b) informed of the cause or causes of his detention in the presence of his legal counsel or counsels; (c) allowed to communicate freely with his legal counsel or counsels and to confer with them at any time

without restriction; (d) allowed to communicate freely with the members of his family or with his nearest relatives and to be visited by them; and, (e) allowed freely to avail of the service of a physician or physicians, when a real need for it exists.

**SEC. 22.** *Penalty for Violation of the Rights of a Detainee.* – Any police or military personnel, government law enforcement agent, or any personnel of the custodial body, who violates any of the aforesaid rights of a person charged or suspected for the crime of terrorism, or for the crime of conspiracy to commit terrorism, or for the crime of proposal to commit terrorism shall be guilty of an offense and shall suffer the penalty of *prision mayor* in its maximum period.

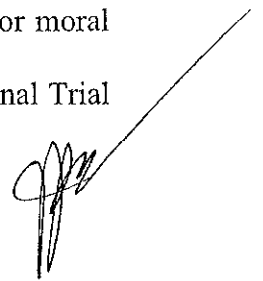
**SEC. 23.** *Requirement for an Official Custodial Logbook and Its Contents.* – The custodial body in whose control the detainee is placed shall keep a securely and orderly maintained official logbook, which shall be opened to and available for the inspection and scrutiny of any interested party. The logbook shall contain a clear record of: (a) the name, description, and address of the detainee; (b) the date and hour of his initial admission for custodial detention; (c) the name and address of the physician or physicians who examined him physically and medically, and the state of his health and physical condition, on the day of his initial admission for custodial detention; (d) the date and hour of each removal of the detainee from his cell for interrogation, and the date and hour of his return to it from such interrogation; (e) the name and address of the physician or physicians who physically and medically examined him after each interrogation; (f) a summary of the physical and medical findings on the detainee after each of such examination; (g) the names and addresses of his family members and nearest relatives, if any and if available; (h) the names and addresses of persons who visit the detainee; (i) the date and hour of each of such visits; (j) the date and hour of each request of the detainee to communicate and confer with his legal counsel or counsels; (k) the date and hour of each visit, and date and hour of each departure of his legal counsel or counsels each time; and, (l) all other important and relevant details regarding the treatment of the detainee while under custodial *detention*.



**SEC. 24. *No Torture or Coercion in Investigation and Interrogation.*** – No threat, intimidation, or coercion, and no act which will inflict physical pain or torment, or mental or moral pressure, on the detained person, which shall vitiate his free-will, shall be employed in his investigation and interrogation for the crime of terrorism, or for the crime of conspiracy to commit terrorism, or for the crime of proposal to commit terrorism; otherwise, the evidence obtained from said detained person resulting from such threat, intimidation, or coercion, or from such inflicted physical pain or torment, or mental or moral pressure, shall be, in its entirety, absolutely not admissible and usable as evidence in any judicial, quasi-judicial, legislative, or administrative investigation, inquiry, proceeding, or hearing.

**SEC. 25. *Penalty for Threat, Intimidation, Coercion, or Torture in the Investigation and Interrogation of a Detained Person.*** – Any person or persons who use threat, intimidation, or coercion, or who inflict physical pain or torment, or mental or moral pressure, which shall vitiate the free-will of a charged or suspected person under investigation and interrogation for the crime of terrorism, or for the crime of conspiracy to commit terrorism, or for the crime of proposal to commit terrorism shall be guilty of an offense and shall suffer the penalty of *reclusion temporal*.

When death or serious permanent disability of said person occurs as a consequence of the use of such threat, intimidation, or coercion, or as a consequence of the infliction on him of such physical pain or torment, or as a consequence of the infliction on him of such mental or moral pressure, the penalty shall be *reclusion perpetua* or death, at the discretion of the Regional Trial Court.

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**SEC. 26. *Judicial Authorization Required to Examine Bank Deposits, Accounts, and Records.*** – The provisions of Republic Act No. 1405, otherwise known as *An Act Prohibiting Disclosure or Inquiry into Deposits with any Banking Institution and Providing Penalty therefor*, as amended, to the contrary notwithstanding, it shall be proper for any police or military personnel or any other government law enforcement agent, without incurring any criminal liability, provided he is authorized by a written order of a Regional Trial Court to do so: (a) to examine, or cause the examination of, the deposits, placements, trust accounts, assets, and

records in a bank or financial institution of a person charged or suspected for the crime of terrorism, or for the crime of conspiracy to commit terrorism, or for the crime of proposal to commit terrorism, or of a judicially declared and outlawed terrorist organization, association, or group of persons, or of a member of such organization, association, or group of persons; and, (b) to gather or cause the gathering of any desired information about such deposits, placements, trust accounts, assets, and records from a bank or financial institution. The bank or financial institution concerned shall not refuse to allow such examination or to provide the desired information, when so ordered and served with the written order of the Regional Trial Court.

**SEC. 27.** *Application to Examine Bank Deposits, Accounts, and Records.* – The written order of the Regional Trial Court authorizing the examination of bank deposits, placements, trust accounts, assets, and records of the said charged or suspected person, or of any judicially declared and outlawed terrorist organization, association, or group of persons, or of any member of such organization, association, or group of persons in a bank or financial institution, and the gathering of any desired information about the same from said bank or financial institution, shall only be issued or granted by the Regional Trial Court upon a written application to that effect by a police or military personnel or government law enforcement agent and upon examination under oath or affirmation of the applicant and the witnesses he or she may produce.

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**SEC. 28.** *Classification and Contents of the Court Order Authorizing the Examination of Bank Deposits, Accounts, and Records.* – The written order issued or granted by the Regional Trial Court shall be deemed classified information. It shall specify: (a) the identity of the said charged or suspected person, or of the judicially declared and outlawed terrorist organization, association, or group of persons, or of the member of such organization, association, or group of persons, as the case may be, whose deposits, placements, trust accounts, assets, and records are to be examined or the information about which must be gathered; (b) the identity of the bank or financial institution where such deposits, placements, trust accounts, assets, and records are held and maintained; (c) the identity of the persons who will conduct the said examination and the

gathering of the desired information; and, (d) the length of time the authorization shall be carried out.

**SEC. 29.** *Effective Period of Court Authorization to Examine and Obtain Information on Bank Deposits, Accounts, and Records.* – The authorization issued or granted by the Regional Trial Court to examine or cause the examination of bank deposits, placements, trust accounts, assets, and records, or to gather information about the same, shall be effective for the length of time specified in the written order of the Regional Trial Court, which shall not exceed a period of sixty (60) days from the date the written order of the Regional Trial Court has been received by the applicant police or military personnel, or government law enforcement agent.

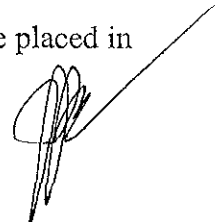
The Regional Trial Court may extend or renew the authorization for another period, which shall not exceed sixty (60) days from the expiration of the original period, if the Regional Trial Court is satisfied that such extension or renewal is in the public interest.



**SEC. 30.** *Custody of Bank Data and Information Obtained after Examination of Deposits, Placements, Trust Accounts, Assets, and Records.* – All information, data, excerpts, summaries, notes, memoranda, working sheets, reports, and other documents obtained from the examination of the bank deposits, placements, trust accounts, assets, and records in a bank or financial institution of a charged or suspected person for the crime of terrorism, or for the crime of conspiracy to commit terrorism, or for the crime of proposal to commit terrorism, or of a judicially declared and outlawed terrorist organization, association, or group of persons, or of a member of any such organization, association, or group of persons, shall, within ninety-six (96) hours after the expiration of the period fixed in the written order of the Regional Trial Court, be deposited with the said Regional Trial Court in a sealed envelop or sealed package, and shall be accompanied by a joint affidavit of the applicant police or military personnel or government law enforcement agent and the persons who actually conducted the examination of said bank deposits, placements, trust accounts, assets, and records.

**SEC. 31. *Contents of Joint Affidavit.*** – The joint affidavit shall state: (a) the identifying marks, numbers, or symbols of the deposits, placements, trust accounts, assets, and records examined; (b) the identity and address of the bank or financial institution where such deposits, placements, trust accounts, assets, and records are held and maintained; (c) the number of bank deposits, placements, trust accounts, assets, and records discovered and examined; and, (d) the outstanding balances of each of such deposits, placements, trust accounts, assets, and records examined and contained in the sealed envelop or sealed package deposited with the Regional Trial Court.

The joint affidavit shall also certify under oath that no duplicates or copies of the information, data, excerpts, summaries, notes, memoranda, working sheets, reports, and other documents acquired from the examination of the bank deposits, placements, trust accounts, assets, and records have been made, or, if made, that all such duplicates and copies are placed in the sealed envelop or sealed package deposited with the Regional Trial Court.



**SEC. 32. *Disposition of Bank Materials.*** – The sealed envelop or sealed package deposited with the Regional Trial Court with the classified information contained therein shall not be opened and its contents shall not be divulged, revealed, read, or used as evidence unless authorized in a written order of the Regional Trial Court, which written order shall be granted only upon a written application of a duly authorized representative of the Department of Justice before the Regional Trial Court.

**SEC. 33. *Application to Open Deposited Bank Materials.*** – The written application to open the sealed envelop or sealed package shall clearly state the purpose and reason: (a) for opening the sealed envelop or sealed package; (b) for reading and disclosing its classified contents; and, (c) for using the classified information, data, excerpts, summaries, notes, memoranda, working sheets, reports, and documents as evidence, if said materials are going to be used as evidence.

**SEC. 34. *Evidentiary Value of Deposited Bank Materials.*** – Any information, data, excerpts, summaries, notes, memoranda, work sheets, reports, or documents acquired from the examination of the bank deposits, placements, trust accounts, assets, and records of a person charged or suspected for the crime of terrorism, or for the crime of conspiracy to commit terrorism, or for the crime of proposal to commit terrorism, or of a judicially declared and outlawed terrorist organization, association, or group of persons, or of any member of such organization, association, or group of persons, which have been secured not in accordance with the pertinent provisions of this Act, shall absolutely not be admissible and usable as evidence against anybody in any judicial, quasi-judicial, legislative, or administrative investigation, inquiry, proceeding, or hearing.

**SEC. 35. *Penalty for Unauthorized Examination of a Bank or a Financial Institution.*** – Any person, police or military personnel, or government law enforcement agent who examines the deposits, placements, trust accounts, assets, or records in a bank or financial institution of a person charged or suspected for the crime of terrorism, or for the crime of conspiracy to commit terrorism, or for the crime of proposal to commit terrorism, or of a judicially declared and outlawed terrorist organization, association, or group of persons, or of any member of such organization, association, or group of persons, without being authorized to do so by a Regional Trial Court, shall be guilty of an offense and shall suffer the *penalty of prison* mayor in its maximum period.

**SEC. 36. *Penalty of Bank Officials and Employees Defying a Court Authorization.*** – An employee, official, or a member of the board of directors of a bank or financial institution, who refuses to allow the examination of the deposits, placements, trust accounts, assets, and records of a person charged or suspected for the crime of terrorism, or for the crime of conspiracy to commit terrorism, or for the crime of proposal to commit terrorism, or of a judicially declared and outlawed terrorist organization, association, or group of persons, or of any member of such organization, association, or group of persons in said bank or financial institution, when duly served with the written order of the Regional Trial Court authorizing such examination by the

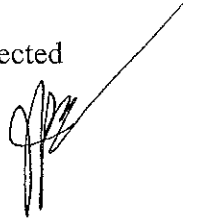
persons named in said written order, shall be guilty of an offense and shall suffer the penalty of *prision mayor* in its maximum period.

**SEC. 37. *Penalty for Unauthorized Revelation of Classified Materials.*** – Any person, police or military personnel, government law enforcement agent, judicial officer, or civil servant who, not being authorized by the Regional Trial Court to do so in the manner provided in this Act, reveals in any manner or form any classified information under this Act shall be guilty of an offense and shall suffer the penalty of *prision mayor* in its maximum period.

**SEC. 38. *Penalty for Furnishing False Evidence, Forged Document, or Spurious Evidence.*** – Any person who knowingly furnishes false testimony, forged document, or spurious evidence in any investigation or hearing under this Act shall be guilty of an offense and shall suffer the penalty of *reclusion temporal*.

**SEC. 39. *Deportation of Aliens.*** – Any alien convicted under this Act shall serve his full sentence in a national penitentiary and, thereafter, shall be deported immediately to his country.

**SEC. 40. *Separability Clause.*** – If for any reason any part or provision of this Act is declared unconstitutional or invalid, the other parts or provisions hereof which are not affected thereby shall remain and continue to be in full force and effect.

A handwritten signature in black ink, consisting of stylized initials and a long horizontal stroke extending to the right.

**SEC. 41. *Effectivity Clause.*** – This Act shall take effect on the fifteenth day following its publication in at least two (2) national newspapers of general circulation.

Approved