

**NINETEENTH CONGRESS OF THE }  
REPUBLIC OF THE PHILIPPINES }  
Third Regular Session }**

25 JAN 27 P12:30

RECORDED

**SENATE**

**S.B. No. 2951**

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**Introduced by Senator Francis "Tol" N. Tolentino**

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**AN ACT  
PENALIZING FOREIGN INTERFERENCE IN THE PHILIPPINES AND CREATING  
THE COUNTER FOREIGN INTERFERENCE COUNCIL, AND FOR OTHER  
PURPOSES**

**EXPLANATORY NOTE**


The increasing concern of the government regarding potential foreign interference in the Philippines' political and governmental affairs has prompted a deeper examination of the tactics and objectives employed by some wicked state actors. These actors have been infiltrating key areas of the bureaucracy, media, and critical infrastructures, thereby threatening the nation's national security, political stability, and sovereignty.

The current legal framework regulating the conduct of foreign agents in the Philippines, enacted in 1979, is outdated and inadequate to address the evolving threats on foreign interference. The government has recognized these concerns, emphasizing the need for a new law specifically designed to counter foreign interference effectively.

In response, the proposed legislation aims to penalize the various methods through which foreign agents and entities may interfere in the Philippine political and governmental processes. This measure is intended to safeguard national security and preserve democratic integrity by punishing individuals involved in malign actions serving foreign interests and prohibits support for foreign intelligence agencies to prevent their infiltration. Additionally, it expands its scope to include harmful electronic communications and imposes obligations to internet service providers to block access to electronic communications that are prejudicial to national security and public safety.

Overall, the proposed legislation underscores that even the planning of foreign interference can incur penalties, thereby reinforcing the government's commitment to protecting democratic processes from external influence.

In view of the foregoing, immediate passage of this bill is earnestly sought.



**FRANCIS "TOL" N. TOLENTINO**  
Senator

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1       **Section 1. *Short Title.*** This Act shall be known as the "Counter Foreign  
2 Interference Act."

3       **Sec. 2. *Declaration of Policy.*** It is the policy of the State to maintain peace and  
4 order, protect life, liberty, and property, and promote the general welfare as essential for  
5 the enjoyment of all citizens of the blessings of democracy. Moreover, it is the policy of  
6 the State to pursue an independent foreign policy wherein national sovereignty, territorial  
7 integrity, national interest, and the right to self-determination serve as paramount  
8 considerations in its relations with other states.

9       Towards this end, the State shall endeavor to protect and secure its national  
10 sovereignty and security through the enactment of measures aimed at enhancing the  
11 nation's capacity to detect, prevent, and respond to foreign interference and other related  
12 threats, thereby protecting our democratic processes, economic stability, and national  
13 security.

14       **Sec. 3. *Definition of Terms.*** As used in this Act:

15       A. *Access Blocking Order* – refers to a legal directive that mandates internet  
16 service providers to restrict access to specific online content or services.

17       B. *Deception* – An intentional of misleading, whether through words or conduct,  
18 including misrepresentation of intentions and/or conduct causing an  
19 unauthorized response from a person, computer, machine, or electronic  
20 device.

1 C. *Foreign Agent* – refers to any person who acts or agrees to act as political  
2 consultant, public relations counsel, publicity agent, information  
3 representative, or as agent, servant, representative, or attorney for a foreign  
4 principal or for any domestic organization subsidized directly or indirectly in  
5 whole or in part by a foreign principal.

6 The term "*foreign agent*" shall not include a duly accredited diplomatic or  
7 consular officer of a foreign country or officials of the United Nations and its  
8 agencies and of other international organizations recognized by the Republic  
9 of the Philippines while engaged in activities within the scope of their legitimate  
10 functions as such officers or a bona fide member or employee of a foreign  
11 press service or news organization while engaged in activities within the scope  
12 of his legitimate functions as such.

13 D. *Foreign Intelligence Agency* – is a specialized foreign organization responsible  
14 for the collection, analysis, and dissemination of intelligence related to foreign  
15 entities, including governments, organizations, and individuals.

16 E. *Foreign Principal* – refers to the government of a foreign country or a foreign  
17 political party; a foreigner located within or outside the jurisdiction of the  
18 Republic of the Philippines; or a partnership, association, corporation,  
19 organization or other entity owned or controlled by foreigners.

20 F. *Foreign Proxy* - refers to any person with a formalized relationship with the  
21 foreign state who wittingly and knowingly conducts activities on behalf of the  
22 foreign state's interests.

23 G. *Internet Access Service Provider* – refers to any organization that provides  
24 individuals and companies with access to the internet and related services.

25 H. *Online Publication* – refers to any content that is published and distributed on  
26 the internet, including various digital formats such as but not limited to  
27 websites, blogs, and electronic articles.

28 I. *Person* – refers to an individual, partnership, association, organization,  
29 corporation or any other combination of individuals.

30 **Sec. 4. *Foreign Interference.*** Any person who engages in covert, deceptive,  
31 coercive, or threatening conduct whether alone or on behalf of, or in collaboration with,  
32 or directed, funded, or supervised by, a foreign principal, its agent or proxy, with the  
33 intention or without regard that such conduct will influence the political or governmental  
34 process, affect the exercise of democratic or political rights or duties in the Philippines  
35 or any part thereof, support the intelligence activities of a foreign principal, or prejudice

1 the national security of the Philippines, shall be guilty of committing foreign  
2 interference.

3 **Sec. 5. *Foreign Interference Involving Foreign Intelligence Agencies.*** It shall be  
4 unlawful for any unauthorized person to knowingly or unwittingly provide resources or  
5 material support to, receive or obtain funds from, or directly or indirectly make available  
6 funds to, a foreign intelligence agency or any person acting on behalf of such agency.

7 **Sec. 6. *Foreign Interference by Electronic Communications Activity.*** Any person  
8 who electronically publish, alter, or delete information or materials on behalf of a foreign  
9 principal, its agent or proxy, knowing or having reason to believe that the publication,  
10 alteration or deletion is likely to prejudice national or public security, negatively impact  
11 public health, safety, or finances, affect diplomatic relations, incite enmity among  
12 influential groups, undermine public confidence in authorities, or influence the outcome  
13 of elections or referendums, shall be guilty of foreign interference by electronic  
14 communications activity.

15 If, upon determination of the Counter Foreign Interference Council (CFIC) that an  
16 electronic communication will prejudice national or public security, negatively impact  
17 public health, safety, or finances, affect diplomatic relations, incite enmity among  
18 influential groups, undermine public confidence in authorities, or influence the outcome  
19 of elections or referendums, the CFIC may issue Access Blocking Order directing the  
20 internet access service provider to take reasonable steps to disable access by end-users  
21 in the Philippines to the online publication.

22 An internet access service provider that does not comply with any access blocking  
23 order shall be fined with One Million Pesos (₱1,000,000.00) for each day during which  
24 any part of that order is not fully complied with, up to a total of Five Hundred Million  
25 Pesos (₱500,000,000.00).

26 **Sec. 7. *Preparing or Planning for a Foreign Interference Offense.*** Any person who  
27 participates in the planning, preparing, or facilitating the commission of acts defined  
28 and penalized under Sections 4, 5 and 6 hereof shall be guilty of preparing or planning  
29 to commit foreign interference.

30 **Sec. 8. *Conspiracy to Commit Foreign Interference.*** Any conspiracy to commit  
31 foreign interference defined and penalized under defined and penalized under Sections  
32 4, 5, 6, and 7 of this Act shall be held liable.

33 There is conspiracy when two (2) or more persons come to an agreement  
34 concerning the commission of foreign interference as defined in Sections 4, 5, 6, and 7  
35 hereof and decide to commit the same.

1       **Sec. 9. *Proposal to Commit Foreign Interference.*** Any person who proposes to  
2 commit foreign interference as defined in Sections 4, 5, 6, and 7 hereof shall be held  
3 liable.

4       Proposal to commit foreign interference is committed when a person who has  
5 decided to commit any of the crimes defined and penalized under the provisions of this  
6 Act proposes its execution to some other person or persons.

7       **Sec. 10. *Aiding and Abetting the Commission of Foreign Interference.*** Any person  
8 who knowingly or unwittingly aids, abets or protects a person who committed foreign  
9 interference as described in the immediately preceding sections, or gives them  
10 information on the movements of the military, law enforcement authority or intelligence  
11 units, when the latter are performing their official functions shall be guilty of aiding and  
12 abetting the commission of foreign interference.

13       It shall be presumed that the person performing any of the acts mentioned herein  
14 has performed them knowingly, unless the contrary is proven.

15       **Sec. 11. *Penalties.*** Any person found guilty for knowingly committing any of the  
16 acts under Sections 4, 5, 6 and 8 of this Act shall be punished with life imprisonment  
17 and a fine of not less than Five Million Pesos (P5,000,000.00) nor more than Ten Million  
18 Pesos (10,000,000.00), or both.

19       Any person found guilty of aiding, abetting or protecting persons committing  
20 foreign interference as defined herein or giving information on the matters enumerated  
21 herein shall suffer the penalty of twelve years and a fine of not less than Two Million  
22 Pesos (P2,000,000.00) but not more than Five Million Pesos (P5,000,000.00), or both

23       **Sec. 12. *Offense by Public Officials and Aliens.*** – The maximum penalties provided  
24 for herein shall be imposed if the offender is a government official or employee. In  
25 addition, they shall also suffer the penalty of absolute perpetual disqualification from  
26 holding any public office or employment.

27       If the offender is an alien, he/she shall, in addition to the penalties herein  
28 prescribed, be deported without further proceedings after serving the penalties herein  
29 prescribed and not be allowed re-entry into the country.

30       **Sec. 13. *Trial of Persons Charged Under this Act.*** - Any person charged for  
31 violations of any of the provisions of this Act shall be tried in special courts created for  
32 this purpose. In this regard, the Supreme Court shall designate certain branches of the  
33 Regional Trial Courts as Counter Foreign Interference Courts whose jurisdiction is  
34 exclusively limited to try violations of this Act.

35       Persons charged under the provisions of this Act and witnesses shall be allowed to  
36 remotely appear and provide testimonies through the use of video-conferencing and

1 such other technology now known or hereafter be known to science as approved by the  
2 Supreme Court.

3 **Sec. 14. *The Counter Foreign Interference Council.*** A Counter Foreign  
4 Interference Council (CFIC) is hereby created. The members of the CFIC are: (1)  
5 Executive Secretary, as Chairperson, (2) National Security Adviser, as Vice  
6 Chairperson, (3) The Secretary of Justice (4) Department of Foreign Affairs (DFA), (5)  
7 Department of the Interior and Local Government (DILG), (6) Department of National  
8 Defense (DND), (7) Department of Information and Communications Technology  
9 (DICT), and (8) Anti-Money Laundering Council-Secretariat (AMLCS), as its members.

10 The (1) Commission on Higher Education (CHED), (2) Department of Trade and  
11 Industry (DTI), (3) National Bureau of Investigation (NBI), (4) Armed Forces of the  
12 Philippines (AFP), and the (5) Philippine National Police (PNP) shall serve as the support  
13 agencies of the CFIC.

14 The CFIC shall establish focus programs on critical components such as political,  
15 economic, social, technological, education, legal and military. These focus programs  
16 shall implement and enhance actionable plans, conduct risk assessments, and  
17 recommend policy adjustments to address emerging threats. By centralizing expertise  
18 and resources, CFIC aims to enhance the nation's capacity to detect, prevent, and  
19 respond to foreign interference, thereby protecting democratic processes, economic  
20 stability, and national security. The CFIC shall perform the following functions:

- 21 A. Provide comprehensive strategic direction and ensure cohesive execution of  
22 the National Counter Foreign Interference Strategy across various agencies  
23 and sectors;
- 24 B. Collect, analyze, and assess intelligence related to foreign interference  
25 activities;
- 26 C. Develop, review, and recommend policies and legislative measures to address  
27 and counter foreign interference;
- 28 D. Manage and coordinate responses to incidents of foreign interference and  
29 related crises;
- 30 E. Supervise and ensure the effective investigation and prosecution of legal cases  
31 involving foreign interference;
- 32 F. Increase public understanding and resilience regarding foreign interference  
33 through education and outreach initiatives;

- 1 G. Strengthen cybersecurity measures to protect critical infrastructure and digital  
2 systems from foreign interference;
- 3 H. Foster international partnerships and collaborate on counter-interference  
4 efforts with other countries and global organizations;
- 5 I. Conduct regular risk assessments to identify vulnerabilities and develop  
6 strategies to mitigate potential threats;
- 7 J. Monitor the effectiveness of counter-interference strategies and provide regular  
8 reports on progress and challenges;
- 9 K. Oversee the allocation and management of resources necessary for effective  
10 counter-interference operations; and,
- 11 L. Perform such other functions necessary to counter foreign interference.

12 The National Intelligence Coordinating Agency shall be the Secretariat of the CFIC.  
13 The CFIC shall determine the functions of the Secretariat.

14 **Sec. 15. Extraterritorial Application.** Subject to the provision of any treaty of which  
15 the Philippines is a signatory and to any contrary provision of any law of preferential  
16 application, the provisions of this Act shall apply:

- 17 A. To a Filipino citizen or national who commits any of the acts defined and  
18 penalized under Sections 4, 5, 6, 7, 8, and 9 of this Act outside the territorial  
19 jurisdiction of the Philippines;
- 20 B. To individual persons who, although physically outside the territorial limits of  
21 the Philippines, commit any of the crimes mentioned in Paragraph (a) hereof  
22 inside the territorial limits of the Philippines;
- 23 C. To individual persons who, although physically outside the territorial limits of  
24 the Philippines, commit any of the said crimes mentioned in Paragraph (a)  
25 hereof on board Philippine ship or Philippine airship;
- 26 D. To individual persons who commit any of said crimes mentioned in Paragraph  
27 (a) hereof within any embassy, consulate, or diplomatic premises belonging to  
28 or occupied by the Philippine government in an official capacity;
- 29 E. To individual persons who, although physically outside the territorial limits of  
30 the Philippines, commit said crimes mentioned in Paragraph (a) hereof against  
31 Philippine officials, their representatives, staff, agent, or envoy; and



1 F. To individual persons who, although physically outside the territorial limits of  
2 the Philippines, commit said crimes directly against the Philippine government  
3 or its agent.

4 In case of an individual who is neither a citizen or a national of the Philippines who  
5 commits any of the crimes mentioned in Paragraph (a) hereof outside the territorial limits  
6 of the Philippines, the Philippines shall exercise jurisdiction only when such individual  
7 enters or is inside the territory of the Philippines: *Provided, That*, in the absence of any  
8 request for extradition from the state where the crime was committed or the state where  
9 the individual is a citizen or national, or the denial thereof, the CFIC shall refer the case  
10 to the Bureau of Immigration for deportation or to the DOJ for prosecution in the same  
11 manner as if the act constituting the offense had been committed in the Philippines.

12 **Sec. 16. Authority of the Anti-Money Laundering Council.** In addition to the  
13 unlawful activities enumerated under Republic Act No. 9160, otherwise known as the  
14 Anti-Money Laundering Act of 2001, as amended, foreign interference, in any form, is  
15 hereby considered as an unlawful activity subject to the authority of the Anti-Money  
16 Laundering Council to conduct financial investigation, freezing of accounts, and forfeiture  
17 of assets.

18 The AMLC, either upon its own initiative or at the request of the CFIC, is hereby  
19 authorized to investigate: (a) any property or funds that are in any way related to the  
20 commission of any acts as defined and penalized under this Act: and (b) property or funds  
21 of any person or persons in relation to whom there is probable cause to believe that such  
22 persons are committing or attempting or conspiring to commit, or participating in or  
23 facilitating the commission of any offenses under this Act.

24 The AMLC may also enlist the assistance of any branch, department, bureau,  
25 office, agency or instrumentality of the government, including government-owned and -  
26 controlled corporations in undertaking measures to prevent the financing of foreign  
27 interference or support to foreign intelligence, which may include the use of its personnel,  
28 facilities and resources.

29 For purposes of this section and notwithstanding the provisions of Republic Act  
30 No. 1405, otherwise known as the "Law on Secrecy of Bank Deposits", as amended;  
31 Republic Act No. 6426, otherwise known as the "Foreign Currency Deposit Act of the  
32 Philippines", as amended; Republic Act No. 8791, otherwise known as "The General  
33 Banking Law of 2000" and other laws, the AMLC is hereby authorized to inquire into or  
34 examine deposits and investments suspected of any of the crimes defined and penalized  
35 under the provisions of this Act with any banking institution or non-bank financial  
36 institution and their subsidiaries and affiliates without a court order.

37 **Sec. 17. Surveillance of Suspects and Interception and Recording of**  
38 *Communications.* The provisions of the Republic Act No. 4200, otherwise known as the

1 "Anti-Wiretapping Law" to the contrary notwithstanding, a law enforcement agent or  
2 intelligence officer, who are duly authorized by their respective heads of agency may,  
3 upon a written order of the Regional Trial Court where any of the elements has been  
4 committed secretly wiretap, overhear, and listen to, intercept, screen, read, surveil,  
5 record or collect, with the use of any mode, form, kind or type of electronic, mechanical  
6 or other equipment or device or technology now known or may hereafter be known to  
7 science or with the use of any other suitable ways and means for the above purposes,  
8 any private messages in whatever form, kind or nature, spoken or written words (a)  
9 between the foreign agent and the principal or his representative; (b) between foreign  
10 agent and member of the Philippine community; or (c) any person charged or suspected  
11 of committing any of the provisions of this act.

12 The law enforcement agent or intelligence officer shall likewise be obligated to (1)  
13 file an ex-parte application with the Regional Trial Court for the issuance of an order, to  
14 compel telecommunications service providers (TSP) and internet service providers (ISP)  
15 to produce all customer information and identification records as well as call and text data  
16 records, content and other cellular or internet metadata of any person suspected of any  
17 of the crimes defined and penalized under the provisions of this Act; and (2) furnish the  
18 National Telecommunications Commission (NTC) a copy of said application. The NTC shall  
19 likewise be notified upon the issuance of the order for the purpose of ensuring immediate  
20 compliance.

21 **Sec. 18. *Implementing Rules and Regulations.*** The CFIC and the DOJ shall  
22 forthwith promulgate such rules and regulations for the effective implementation of this  
23 Act within ninety (90) days after its effectivity.

24 **Sec. 19. *Separability Clause.*** If any part or provision of this Act is held invalid or  
25 unconstitutional, the other provisions not affected thereby shall remain in full force and  
26 effect.

27 **Sec. 20. *Repealing Clause.*** All provisions of law which are in conflict with this Act  
28 are hereby repealed or modified accordingly.

29 **Sec. 21. *Effectivity.*** This Act shall take effect fifteen (15) days after its publication  
30 in the Official Gazette or in a newspaper of general circulation.

*Approved,*