


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



23 JUL 27 A8:27

SENATE
S. No. 2368

RECEIVED BY: 

Introduced by Senator Jinggoy Ejercito Estrada

AN ACT
EXPANDING THE COVERAGE OF ESPIONAGE, AMENDING FOR THE
PURPOSE COMMONWEALTH ACT NO. 616, OTHERWISE KNOWN AS "AN ACT
TO PUNISH ESPIONAGE AND OTHER OFFENSES AGAINST THE NATIONAL
SECURITY", AND PROVIDING HIGHER PENALTIES FOR VIOLATIONS
THEREOF

EXPLANATORY NOTE

Espionage is defined as the offense of gathering, transmitting, or losing information respecting the national defense with intent or reason to believe that the information is to be used to the injury of the Republic of the Philippines or to the advantage of any foreign nation¹. It is one of the four crimes against national security under the Revised Penal Code – the other three are treason, conspiracy and proposal to commit treason, and misprision of treason. Espionage is a crime not conditioned by the citizenship of the offender, as in treason. While treason is committed only in time of war, espionage may be committed in time of peace and in time of war².

The Philippines' primary measures on espionage were enacted into law as far back as the 1930s and 1940s, namely Commonwealth Act No. 616 or "An Act to Punish Espionage and Other Offenses Against the National Security" signed in June 1941, and the Revised Penal Code which took effect in 1932, particularly Article 117 thereof.

¹ Reyes, Luis. B. The Revised Penal Code Criminal Law, Book Two, Articles 114-367. 2021 Edition.

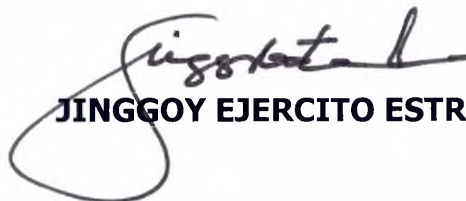
² Ibid.

Under prevailing laws, only information, materials, and other concerns pertaining to “national defense” unlawfully obtained and/or disclosed to the injury of the Philippines or to the advantage of any foreign nation constitute espionage with the penalty of imprisonment ranging from not more than ten years to thirty years, and a fine of Two thousand to Thirty thousand pesos. Under the Revised Penal Code, espionage is meted with the penalty of *prision correccional* or imprisonment from six months and one day to six years. This measure proposes stiffer penalties such as life imprisonment and heftier fines (at least one million pesos) for the commission of espionage.

It is imperative to update the provisions of the said laws and increase the penalties thereof to protect government information, including classified matters relevant to the preservation and protection of national security, from theft, wrongful destruction or alteration, misappropriation and conversion by any person including foreign governments and their agents or instrumentalities. In addition, provisions of the law are revised to take into account advancements in technology, to include electronic forms of documents and other information as well as cybersecurity.

Considering the antiquated nature of our espionage laws which were approved more than eight decades ago and the major changes in the national defense and security landscape since then, today is an opportune time to revisit pertinent policies and introduce appropriate amendments therein.

The passage of this legislation is earnestly sought.



JINGGOY EJERCITO ESTRADA

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

1 Section 1. *Short Title.* – This Act shall be known as the "*An Act Expanding the*
2 *Coverage of Espionage.*"

3 Sec. 2. *Definition of Terms.* – As used this Act, the following terms shall mean:

4 a) *Aircraft* means any contrivance known or hereafter invented, used, or
5 designed for navigation or flight in the air. The expression "post, camp, or
6 station" as used in this act shall be interpreted to include naval vessels,
7 military and naval aircraft, and any separate military, naval or air command.

8 b) *Associate nation* shall be deemed to mean any nation at war with any nation
9 with which the Philippines is at war.

10 c) *Classified matter and/or information* includes everything, regardless of its
11 physical character, classified as "top secret", "secret", "confidential", and
12 "restricted".

13 Documents, equipment, projects, books, reports, articles, notes, letters,
14 writings, drawings, sketches, plans, maps, photographs, photographic
15 negative, blueprints, recordings, machinery, models, apparatus, devices,

1 tools, appliance, and all other products or substances which fall within the
2 general term "matter". Information which is transmitted orally is considered
3 as "matter" for purposes of security.

4 d) *Foreign government* shall be deemed to include any government, faction,
5 or body of insurgents within a country with which the Philippines is at peace,
6 which government, faction, or body of insurgents may or may not have been
7 recognized by the Philippines as a government.

8 e) *National security* shall include human and political security, health security,
9 economic and financial security, food and water security, military and border
10 security, socio-cultural security, environment and disaster security, energy
11 security, maritime and airspace security, international security,
12 informational and cyber security, transportation and port security.

13 f) *War or national defense material* shall include arms, armament,
14 ammunition, livestock, stores of clothing, food, foodstuffs, or fuel; and shall
15 also include supplies, munitions, and all other articles of whatever
16 description, and any part or ingredient thereof, intended for, adapted to, or
17 suitable for the use of the Philippines or any associate nation, in connection
18 with the conduct of war or national defense.

19 g) *War or national defense premises* shall include all buildings, grounds, mines,
20 or other places wherein such war or national defense material is being
21 produced, manufactured, repaired, stored, mined, extracted, distributed,
22 loaded, unloaded, or transported, together with all machinery and
23 appliances therein contained; and all ports, arsenals, navy yards, prisons,
24 camps, or other military, naval, or air stations of the Philippines or any
25 associate nation.

26 h) *War or national defense utilities* shall include all railroads, railways, electric
27 lines, roads of whatever description, railroad or railway fixture, canal, lock,
28 dam, wharf, pier, dock, bridge, building, structure, engine, machine,
29 mechanical contrivance, car, vehicle, boat, or aircraft, or any other means
30 of transportation whatsoever, whereon or whereby such war or national
31 defense material or any troops of the Philippines or of any associate nation,
32 are being or may be transported either within the limits of the Philippines

1 or upon the high seas; and all dams, reservoirs, aqueducts, water and gas
2 mains, oil or gasoline stations, pipes, structures, and buildings, whereby or
3 in connection with which water, or gas, or oil, or gasoline, or other fluid is
4 being furnished, or may be furnished to any war or national defense
5 premises or to the military, naval, or air forces of the Philippines or any
6 associate nation, and all electric light and power, steam or pneumatic
7 power, telephone, and telegraph plants, poles, wires, and fixtures and
8 wireless stations, and the buildings connected with the maintenance and
9 operation thereof used to supply water, light, heat, gas, oil, gasoline, fluid,
10 power, or facilities of communication to any war or national defense
11 premises or to the military, naval or air forces of the Philippines or any
12 associate nation.

13 Sec. 3. Section 1 of Commonwealth Act No. 616 is hereby amended to read as
14 follows:

15 "Section 1. *Unlawfully obtaining or permitting to be*
16 *obtained* **CLASSIFIED MATTER AND/OR** *information*
17 *affecting national defense* **OR SECURITY.** –

18 "a) Whoever, for the purposes of obtaining
19 [~~information respecting the national defense~~] **OR**
20 **PERMITTING TO BE OBTAINED CLASSIFIED MATTER**
21 **OR INFORMATION AFFECTING NATIONAL DEFENSE**
22 **OR NATIONAL SECURITY**, with intent or reason to believe
23 that the **CLASSIFIED MATTER OR** information to be
24 obtained is to be used to the injury of the Philippines [~~or of~~
25 ~~the United States~~], or to the advantage of any foreign nation,
26 [~~goes upon, enters, flies over, or otherwise~~] **OR ENEMY OF**
27 **THE STATE, WHETHER DOMESTIC OR FOREIGN**,
28 obtains **CLASSIFIED MATTER OR** information **BY ANY**
29 **MEANS** concerning [~~any vessel, aircraft, work of defense,~~
30 ~~navy yard, naval station, submarine base, coaling station, fort,~~
31 ~~battery, torpedo station, dockyard, canal, railroad, arsenal,~~
32 ~~camp, factory, mine, telegraph, telephone, wireless, or signal~~

1 ~~station, building, office, or other place connected with the~~
2 ~~national defense, owned or constructed, or in progress of~~
3 ~~construction by the Philippines or by the United States or~~
4 ~~under the control of the Philippines or of the United States, or~~
5 ~~any of its officers or agents, or within the exclusive jurisdiction~~
6 ~~of the Philippines or of the United States, or any place in which~~
7 ~~any vessel, aircraft, arms, munitions, or other materials or~~
8 ~~instruments for the use in time of war are being made,~~
9 ~~prepared, repaired, or stored, under any contract or~~
10 ~~agreement with the Philippines or the United States, or with~~
11 ~~any person on behalf of the Philippines or the United States,~~
12 ~~or otherwise on behalf of the Philippines or the United States,~~
13 ~~or any prohibited place within the meaning of section six~~
14 ~~hereof; or]~~ **NATIONAL SECURITY OR NATIONAL**
15 **DEFENSE SHALL SUFFER THE PENALTY OF LIFE**
16 **IMPRISONMENT OR BY A FINE OF NOT LESS THAN**
17 **ONE MILLION PESOS (P1,000,000.00), OR BOTH;**

18 "b) Whoever, for the purpose aforesaid, and with like
19 intent or reason to believe, **INTERCEPTS, RECORDS,**
20 copies, takes, makes, or obtains, or attempts, or induces or
21 aids another to **INTERCEPT, RECORD,** copy, take, make, or
22 obtain any [~~sketch, photograph, photographic negative, blue~~
23 ~~print, plan, map, model, instrument, appliance, document,~~
24 ~~writing, or note of anything connected with the national~~
25 ~~defense; or]~~ **CLASSIFIED MATTER OR INFORMATION**
26 **AFFECTING NATIONAL DEFENSE OR NATIONAL**
27 **SECURITY SHALL SUFFER THE PENALTY OF TWELVE**
28 **(12) YEARS AND ONE (1) DAY TO TWENTY (20) YEARS**
29 **OF IMPRISONMENT OR BY A FINE OF NOT LESS THAN**
30 **FIVE HUNDRED THOUSAND PESOS (P500,000.00) OR**
31 **BOTH;**

1 “c) Whoever, for the purpose aforesaid, receives or
2 obtains or agrees or attempts or induces or aids another to
3 receive or obtain from any person, or from any source
4 whatever, [~~document, writing, code book, signal book,~~
5 ~~sketch, photograph, photographic negative, blue print, plan,~~
6 ~~map, model, instrument, appliance, or note of anything~~
7 ~~connected with the national defense]~~ **CLASSIFIED MATTER**
8 **OR INFORMATION, IN WHATEVER FORM**, knowing or
9 having reason to believe, at the time [he] **ONE** receives or
10 obtains, or agrees or attempts or induces or aids another to
11 receive or obtain it, that it has been or will be obtained, taken,
12 made, or disposed of by any person contrary to the provisions
13 of this Act **SHALL SUFFER THE PENALTY OF TWELVE**
14 **(12) YEARS AND ONE (1) DAY TO TWENTY (20) YEARS**
15 **OF IMPRISONMENT OR BY A FINE OF NOT LESS THAN**
16 **FIVE HUNDRED THOUSAND PESOS (P500,000.00), OR**
17 **BOTH;**

18 “d) Whoever, lawfully or unlawfully having possession
19 of, access to, control over, or being intrusted with any
20 [~~document, writing, code book, signal book, sketch,~~
21 ~~photograph, photographic negative, blue print, plan, map,~~
22 ~~model, instrument, appliance, or note]~~ **CLASSIFIED**
23 **MATTER OR INFORMATION** relating to the national
24 **SECURITY OR NATIONAL** defense, **IN WHATEVER**
25 **FORM**, willfully communicates or transmits or attempts to
26 communicate or transmit the same to any person not entitled
27 to receive it, or willfully retains the same and fails to deliver it
28 on demand to the officer or employee of the Philippines [~~or~~
29 ~~of the United States]~~ entitled to receive it **SHALL SUFFER**
30 **THE PENALTY OF TWELVE (12) YEARS AND ONE (1)**
31 **DAY TO TWENTY (20) YEARS OF IMPRISONMENT OR**

1 **BY A FINE OF NOT LESS THAN FIVE HUNDRED**
2 **THOUSAND PESOS (P500,000.00), OR BOTH;**

3 "e) Whoever, being intrusted with or having lawful
4 possession or control of any [~~document, writing, code book,~~
5 ~~signal book, sketch, photograph, photographic negative, blue~~
6 ~~print, plan, map, model, note or information]~~ **CLASSIFIED**
7 **MATTER OR INFORMATION, WHETHER IT BE IN**
8 **PRINTED COPY OR ELECTRONIC FORM,** relating to the
9 national defense **OR SECURITY,** through gross negligence
10 permits the same to be removed from its proper place of
11 custody or delivered to anyone in violation of this trust or to
12 be lost, stolen, abstracted, or destroyed, shall [~~be punished~~
13 ~~by imprisonment for not more than ten years and may, in~~
14 ~~addition thereto, be fined not more than ten thousand pesos]~~
15 **SUFFER THE PENALTY OF TWELVE (12) YEARS AND**
16 **ONE (1) DAY TO TWENTY (20) YEARS OF**
17 **IMPRISONMENT OR BY A FINE OF NOT LESS THAN**
18 **FIVE HUNDRED THOUSAND PESOS (P500,000.00), OR**
19 **BOTH."**

20 Sec. 4. Section 2 of Commonwealth Act No. 616 is hereby amended to read as
21 follows:

22 "Sec. 2. *Unlawfully disclosing* **CLASSIFIED MATTER**
23 **OR** *information affecting* **NATIONAL SECURITY OR**
24 *national defense.* –

25 "a) Whoever, with the intent or reason to believe that
26 it is to be used to the injury of the Philippines [~~or of the United~~
27 ~~States]~~ or to the advantage of a foreign nation **OR ENEMY**
28 **OF THE STATE, WHETHER DOMESTIC OR FOREIGN,**
29 communicates, delivers, or transmits, or attempts to, or aids
30 or induces another to, communicate, deliver or transmit to
31 any foreign government or any faction or party or military or
32 naval force within a foreign country, whether recognized or

1 unrecognized by the Philippines [~~or by the United States~~], or
2 to any representative, officer, agent, employee, subject, or
3 citizen thereof, **OR TO ANY ENEMY OF THE STATE**, either
4 directly or indirectly, any [~~document, writing, code book,~~
5 ~~signal book, sketch, photograph, photographic negative, blue~~
6 ~~print, plan, map, model, instrument, appliance,]~~
7 **CLASSIFIED MATTER** or information, **WHETHER IT BE IN**
8 **PRINTED COPY OR ELECTRONIC FORM, OF ANY**
9 **CLASSIFIED MATTER AND/OR INFORMATION** relating
10 to the **NATIONAL SECURITY AND/OR** national defense,
11 shall [~~be punished by imprisonment for not more than twenty~~
12 ~~years, if the offense is committed in time of peace, or by death~~
13 ~~or imprisonment for not more than thirty years, if it is in time~~
14 ~~of war]~~ **SUFFER THE PENALTY OF TWELVE (12) YEARS**
15 **AND ONE (1) DAY TO TWENTY (20) YEARS OF**
16 **IMPRISONMENT OR BY A FINE OF NOT LESS THAN**
17 **FIVE HUNDRED THOUSAND PESOS (P500,000.00), OR**
18 **BOTH.**

19 "b) Whoever, in time of war **OR DURING THE**
20 **DECLARATION OF MARTIAL LAW**, with intent that the
21 same shall be communicated to the enemy, shall collect,
22 record, publish or communicate, at attempt to elicit any
23 **CLASSIFIED MATTER OR** information with respect to
24 **NATIONAL SECURITY OR NATIONAL DEFENSE,**
25 **INCLUDING BUT NOT LIMITED TO** the movement,
26 number, description, condition or disposition of any of the
27 [~~armed forces]~~ **PHILIPPINE FORCES OR ITS ALLIES,**
28 ships, aircraft, or war materials of the Philippines [~~or of the~~
29 ~~United States~~], or with respect to the plans or conduct or
30 supposed plans or conduct of any military, naval or air
31 operations, or with respect to any works or measures
32 undertaken for or connected with, or intended for the

1 fortification or defense **AND SECURITY** of any place, or any
2 other information relating to the public defense **OR**
3 **NATIONAL SECURITY**, which might be useful to the enemy,
4 shall be punished by ~~[death or by imprisonment for not more~~
5 ~~than thirty years]~~ **LIFE IMPRISONMENT AND A FINE OF**
6 **NOT LESS THAN TWO MILLION PESOS**
7 **(P2,000,000.00)."**

8 Sec. 5. Section 3 of Commonwealth Act No. 616 is hereby amended to read as
9 follows:

10 "Sec. 3. *Disloyal acts or words in time of peace.* – It
11 shall be unlawful for any person, with intent to interfere with,
12 impair, or influence the loyalty, morale, or discipline of ~~[the~~
13 ~~military, naval, or air forces of the Philippines or of the United~~
14 ~~States:]~~ **ANY MEMBER OF THE GOVERNMENT WHOSE**
15 **FUNCTION IS NECESSARY TO THE PRESERVATION**
16 **AND PROMOTION OF NATIONAL SECURITY OR**
17 **NATIONAL DEFENSE:** a) to advise, counsel, urge, **INCITE**,
18 or in any manner cause insubordination, disloyalty, mutiny, or
19 refusal of duty by any member of the ~~[military, naval, or air~~
20 ~~forces of the Philippines or of the United States;]~~
21 **AFOREMENTIONED**; or b) to distribute any written or
22 printed matter which advises, counsels, **INCITES**, or urges
23 insubordination, disloyalty, mutiny, or refusal of duty by any
24 member of the ~~[military, naval, or air forces of the Philippines~~
25 ~~or of the United States]~~ **AFOREMENTIONED**. The violation
26 of this section shall be ~~[punished by imprisonment for not~~
27 ~~more than ten years, or by fine not more than ten thousand~~
28 ~~pesos, or both]~~ **IMPOSED WITH THE PENALTY OF TEN**
29 **(10) YEARS AND ONE (1) DAY TO TWELVE (12) YEARS**
30 **OF IMPRISONMENT OR BY A FINE OF NOT LESS THAN**
31 **FIVE HUNDRED THOUSAND PESOS (P500,000.00), OR**
32 **BOTH."**

1 Sec. 6. Section 4 of Commonwealth Act No. 616 is hereby amended to read as
2 follows:

3 "Sec. 4. *Disloyal acts or words in time of war.* –
4 Whoever, when the Philippines [~~or the United States~~] is at
5 war, shall willfully make or convey false reports or false
6 statements with the intent to interfere with the operation or
7 success of the [~~military, naval, or air forces of the Philippines~~
8 ~~or of the United States~~] **GOVERNMENT RELATING TO**
9 **NATIONAL SECURITY OR DEFENSE** or to promote the
10 success of its enemies shall willfully cause or attempt to cause
11 insubordination, disloyalty, mutiny, or refusal of duty, [~~in the~~
12 ~~military, naval, or air forces of the Philippines or the United~~
13 ~~States~~] **OF ANY MEMBER OF THE GOVERNMENT WHOSE**
14 **FUNCTION IS NECESSARY TO THE PRESERVATION**
15 **AND PROMOTION OF NATIONAL SECURITY AND/OR**
16 **NATIONAL DEFENSE**, or shall willfully obstruct the
17 recruiting or enlistment service of the Philippines [~~or of the~~
18 ~~United States~~] to the injury of the service of the Philippines
19 [~~or of the United States~~], shall be punished by imprisonment
20 for not more than [~~twenty~~] **THIRTY (30)** years, or by a fine
21 of [~~not more than twenty thousand pesos~~] **NOT LESS THAN**
22 **FIVE HUNDRED THOUSAND PESOS (P500,000.00), OR**
23 **BOTH."**

24 Sec. 7. Section 5 of the Commonwealth Act No. 616 is hereby amended to read
25 as follows:

26 "Sec. 5. *Conspiracy to violate preceding sections.* – If
27 two or more persons conspire to violate the provisions of
28 [~~sections one, two, three or four~~] **SECTIONS 3 TO 6** of this
29 Act, and one or more of such persons does any act to effect
30 the object of the conspiracy, **EACH OF THE PARTIES TO**
31 **SUCH CONSPIRACY** shall be punished as in said sections

1 provided in the case of the doing of the act the
2 accomplishment of which is the object of such conspiracy.”

3 Sec. 8. Section 6 of the Commonwealth Act No. 616 is hereby amended to read
4 as follows:

5 “Sec. 6. *Harboring or concealing violators of the law.* –
6 Whoever harbors or conceals any person who [~~he~~] **ONE**
7 knows, or has reasonable ground to believe or suspect, has
8 committed, or is about to commit, an offense under this Act,
9 shall be punished by imprisonment of not more than Ten **(10)**
10 years and may, in addition thereto, be fined [~~not more than~~
11 ~~ten~~] **NOT LESS THAN FIVE HUNDRED** thousand pesos
12 **(P500,000.00).**”

13 Sec. 9. Section 7 of the Commonwealth Act No. 616 is hereby amended to read
14 as follows:

15 “Sec. 7. *Designation of prohibited places by*
16 *proclamation.* – The President of the Philippines in time of war
17 or in case of national emergency may by proclamation
18 designate any place [~~other than those set forth in subsection~~
19 ~~(a) of section one hereof~~] in which anything for the use of the
20 **GOVERNMENT, ESPECIALLY** army, navy, air, **OR POLICE**
21 forces are being prepared or constructed or stored as a
22 prohibited place for the purpose of this Act: Provided, That
23 [~~he~~] **ONE** shall determine that information with respect
24 thereto would be prejudicial to the national defense **OR**
25 **NATIONAL SECURITY.**”

26 Sec. 10. Section 8 of the Commonwealth Act No. 616 is hereby amended to
27 read as follows:

28 “Sec. 8. *Photographing, etc., defensive installations*
29 *regulated; penalties.* – Whenever, in the interests of national
30 defense **OR NATIONAL SECURITY**, the President of the
31 Philippines **OR HIS DULY AUTHORIZED**
32 **REPRESENTATIVE** shall define certain vital [~~military, naval,~~

1 ~~or air~~] **GOVERNMENT** installations or equipment as requiring
2 protection against the general dissemination of information
3 relative thereto, it shall be unlawful to make any photograph,
4 sketch, picture, drawing, map, or graphical representation of
5 such vital [~~military, naval, and air~~] **GOVERNMENT**
6 installations or equipment without first obtaining permission
7 of the [~~commanding officer of the military, naval, or air post,~~
8 ~~camp, or station~~] **HEAD OF THE DEPARTMENT, OFFICE,**
9 **UNIT, BUREAU, AGENCY, CAMP, NAVAL STATION OR**
10 **AIR POST** concerned or higher authority, and promptly
11 submitting the product obtained to such [~~commanding officer~~
12 ~~or higher authority~~] **HEAD OF THE DEPARTMENT,**
13 **OFFICE, UNIT, BUREAU, AGENCY, CAMP, NAVAL**
14 **STATION, OR AIR POST** for censorship or such other action
15 as [~~he~~] **IT** may deem necessary. Any person found guilty of
16 a violation of this section shall be punished by imprisonment
17 for not more than [~~one year, or by a fine of not more than~~
18 ~~two thousand pesos~~] **SIX (6) YEARS AND ONE (1) DAY**
19 **OR BY A FINE OF NOT LESS THAN FIVE HUNDRED**
20 **THOUSAND PESOS (P500,000.00), or both."**

21 Sec. 11. Section 9 of the Commonwealth Act No. 616 is hereby amended to
22 read as follows:

23 "Sec. 9. *Photographing, etc. from aircraft, **DRONE OR***
24 ***OTHER SIMILAR MACHINES OR DEVICES.*** – Any person
25 who uses or permits or procures the use of an aircraft,
26 **DRONE, OR OTHER SIMILAR MACHINES OR DEVICES**
27 for the purpose of making a photograph, sketch, picture,
28 drawing, map, or graphical representation of vital [~~military,~~
29 ~~naval, or air~~] **GOVERNMENT** installations or equipment, in
30 violation of [~~section eight~~] **SECTION 10** of this Act, shall be
31 liable to the penalty therein provided."

1 Sec. 12. Section 10 of the Commonwealth Act No. 616 is hereby amended to
2 read as follows:

3 "Sec. 10. *Reproducing, publishing, selling, etc.*
4 *uncensored copies.* – After the President of the Philippines
5 shall have defined any vital [~~military, naval or air~~]
6 **GOVERNMENT** installation or equipment as being within the
7 category contemplated under [~~section eight~~] **SECTION 9** of
8 this Act, it shall be unlawful for any person to reproduce,
9 publish, sell or give away any photograph, sketch, picture,
10 drawing, map or graphical representation of the vital
11 **GOVERNMENT INSTALLATIONS OR EQUIPMENT,**
12 **ESPECIALLY** military, naval or air installations or equipment
13 so defined, without first obtaining permission of the
14 [~~commanding officer of the military, naval, or air post, camp~~
15 ~~or station~~] **HEAD OF THE DEPARTMENT, OFFICE, UNIT,**
16 **BUREAU, AGENCY, CAMP, NAVAL STATION OR AIR**
17 **POST** concerned, or higher authority, unless such
18 photograph, sketch, picture, drawing, map or graphical
19 representation has clearly indicated thereon that it has been
20 censored by the proper [~~military, naval, or air~~] authority. Any
21 person found guilty of a violation of this section shall be
22 punished as provided in [~~section eight~~] **SECTION 10** of this
23 Act."

24 Sec. 13. Section 11 of the Commonwealth Act No. 616 is hereby amended to
25 read as follows:

26 "Sec. 11. *Destroying or injuring or attempting to injure*
27 *or destroy war material in time of war.* – When the Philippines
28 [~~or the United States~~] is at war **OR DURING THE**
29 **IMPLEMENTATION OF MARTIAL LAW,** whoever, with
30 intent to injure, interfere with, or obstruct the Philippines [~~or~~
31 ~~the United States~~] or any associate nation in preparing for or
32 carrying on the war, or whoever, with reason to believe that

1 [his] **THE** act may injure, interfere with, or obstruct the
2 Philippines [~~or the United States~~] or any associate nation in
3 preparing for or carrying on the war, [~~or whoever with reason~~
4 to believe that his action may injure, interfere with, or
5 obstruct the Philippines or the United States or any associate
6 nation in preparing for or carrying on the war,] shall willfully
7 injure or destroy, or shall attempt to so injure or destroy, any
8 war material, war premises, or war utilities, as herein defined,
9 shall be imprisoned not more than Thirty **(30)** years or be
10 fined not more than [~~thirty~~] **FIVE HUNDRED** thousand pesos
11 **(P500,000.00)**, or both."

12 Sec. 14. Section 12 of the Commonwealth Act No. 616 is hereby amended to
13 read as follows:

14 "Sec. 12. *Making or causing war material to be made in*
15 *defective manner.* – When the Philippines [~~or the United~~
16 States] is at war, whoever, with intent to injure, interfere
17 with, or obstruct the Philippines [~~or the United States~~] or any
18 associate nation in preparing for or carrying on the war, or
19 whoever, with reason to believe that [his] **THE** act may
20 injure, interfere with, or obstruct the Philippines [~~or the~~
21 United States] or any associate nation in preparing for or
22 carrying on the war, shall willfully make or cause to be made
23 in a defective manner, or attempt to make or cause to be
24 made in a defective manner, any war material, as herein
25 defined, or any tool, implement, machine, utensil, or
26 receptacle used or employed in making, producing,
27 manufacturing, or repairing any such war material as herein
28 defined, shall be imprisoned not more than Thirty **(30)** years
29 or be fined not more than [~~thirty~~] **FIVE HUNDRED** thousand
30 pesos **(P500,000.00)**, or both."

31 Sec. 15. Section 13 of the Commonwealth Act No. 616 is hereby amended to
32 read as follows:

1 "Sec. 13. *Injuring or destroying national defense* **OR**
2 **NATIONAL SECURITY** material, **DOCUMENTS**, premises,
3 *or utilities*. – Whoever, with intent to injure, interfere with, or
4 obstruct the national defense **OR NATIONAL SECURITY** of
5 the Philippines [~~or the United States~~], shall willfully injure or
6 destroy, or shall attempt to so injure or destroy, any national
7 defense **OR NATIONAL SECURITY** material,
8 **DOCUMENTS**, [national defense] premises, or [national
9 defense] utilities, as herein provided, shall be [imprisoned]
10 **PUNISHED BY IMPRISONMENT FOR** not more than [ten]
11 **THIRTY (30)** years or be fined not more than [ten] **FIVE**
12 **HUNDRED** thousand pesos (**P500,000.00**), or both."

13 Sec. 16. Section 14 of the Commonwealth Act No. 616 is hereby amended to
14 read as follows:

15 "Sec. 14. *Making or causing to be made in a defective*
16 *manner, or attempting to make or cause to be made in a*
17 *defective manner, national defense* **OR NATIONAL**
18 **SECURITY** material. – Whoever, with intent to injure,
19 interfere with, or obstruct the national defense of the
20 Philippines [~~or of the United States,~~] **OR ITS ALLIED**
21 **NATION** shall willfully make or cause to be made in a
22 defective manner, or attempt to make or cause to be made in
23 a defective manner, or attempt to make or cause to be made
24 in a defective manner, any national defense material **OR**
25 **NATIONAL SECURITY MATERIAL**, as herein defined, or
26 any tool, implement, machine, utensil, or receptacle used or
27 employed in making, producing, manufacturing, or repairing
28 any such national defense material **OR NATIONAL**
29 **SECURITY MATERIAL** as herein defined, shall be
30 imprisoned not more than Ten **(10)** years, or fined not more
31 than [ten] **FIVE HUNDRED** thousand pesos
32 (**P500,000.00**), or both."

1 *Sec. 17. Implementing Rules and Regulations.* – Within one hundred twenty
2 (120) days from the effectivity of this Act, the Department of National Defense and
3 the National Security Council, after public hearings and consultation with concerned
4 sectors, shall formulate the necessary rules and regulations for the effective
5 implementation of this Act to be published in at least two (2) national newspapers of
6 general circulation.

7 *Sec. 18. Separability Clause.* – If for any reason, any provision of this Act is
8 declared unconstitutional or invalid, such parts not affected thereby shall remain in
9 full force and effect.

10 *Sec. 19. Repealing Clause.* – Section 15 of Commonwealth Act No. 616 is hereby
11 repealed. Article 117 of the Revised Penal Code, as well as all other laws, decrees,
12 executive orders, rules and regulations and other issuances or parts thereof which are
13 inconsistent with this Act are hereby repealed, amended or modified accordingly.

14 *Sec. 20. Effectivity.* – This Act shall take effect fifteen (15) days after its
15 publication in the *Official Gazette* or in any two (2) newspapers of general circulations.

Approved,