

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Congressional Hills, Quezon City

SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3906



Introduced by **Representative Leopoldo "Pol" N. Bataoil**

EXPLANATORY NOTE

Article II, Section 5 of the 1987 Constitution of the Republic of the Philippines states that, "the maintenance of peace and order, the protection of life, liberty, and property, and promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy."

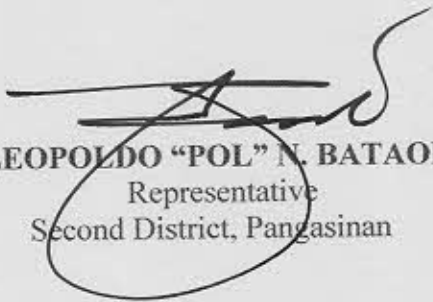
Dangerous drugs had been syndicated into the country for a long time, under the control of local and even international organized drug groups. Abuse of these substances, including but not limited to, cannabis or *marijuana* and methamphetamine or *shabu*, had been a proven cause of long-lasting, even permanent, damages to a person's body and brain.

Even before the Sinaloa Cartel, one of the world's most powerful drug-trafficking organizations, had ventured into the Philippine territory, the government had been seriously dealing with dangerous drugs and illegal trafficking. Agencies were established to supervise the investigation, operation, and prosecution of members of local and international drug syndicates. Laws were also enacted and amended as the drugs problem continues to worsen inexorably year after year.

Philippine Drug Enforcement Agency (PDEA) Director General Arturo Cacadac, Jr. urged the Philippine Congress to enact a law allowing them to wiretap individuals suspected to be involved in the illegal drug trade. He claimed that at least 98% of wiretapping activities in the US are related to monitoring illegal drug trades, and that the drug situation in the country will get better if the people behind the trade are immediately neutralized.

The existing law on wire-tapping, Republic Act No. 4200, also known as the Anti-Wire-tapping Act, authorizes wire-tapping on certain crimes through a written Court order. The crimes, however, do not include illegal drug trafficking or any similar offenses. Also, the procedure in handling intercepted materials had not been provided in the unamended legislation. Thus, this bill seeks to amend some provisions of Republic Act 4200 and address the immediate issues on the proliferation of dangerous drugs and more importantly of drug syndicates in the country.

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



LEOPOLDO "POL" N. BATAOIL
Representative
Second District, Pangasinan

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

SECTION 1. The following provisions of RA 4200 are hereby amended to read as follows:

Section 3. Nothing contained in this Act, however, shall render it unlawful or punishable for any peace officer, who is authorized by a written order of the Court, to execute any of the acts declared to be unlawful in the two preceding sections in cases involving the crimes of treason, espionage, provoking war and disloyalty in case of war, piracy, mutiny in the high seas, rebellion, conspiracy and proposal to commit rebellion, inciting to rebellion, sedition, conspiracy to commit sedition, inciting to sedition, kidnapping as defined by the Revised Penal Code, **ILLEGAL DRUG TRAFFICKING AS DEFINED BY REPUBLIC ACT NO. 9165**, and violations of Commonwealth Act No. 616, punishing espionage and other offenses against national security: *Provided*, That such written order shall only be issued or granted upon written application and the examination under oath or affirmation of the applicant and the witnesses he may produce and a showing: (1) that there are reasonable grounds to believe that any of the crimes enumerated hereinabove has been committed or is being committed or is about to be committed: *Provided, however*, That in cases involving the offenses of rebellion, conspiracy and proposal to commit rebellion, inciting to

rebellion, sedition, conspiracy to commit sedition, and inciting to sedition, such authority shall be granted only upon prior proof that a rebellion or acts of sedition, as the case may be, have actually been or are being committed; (2) that there are reasonable grounds to believe that evidence will be obtained essential to the conviction of any person for, or to the solution of, or to the prevention of, any of such crimes; and (3) that there are no other means readily available for obtaining such evidence.

The order granted or issued shall specify: (1) the identity of the person or persons whose communications, conversations, discussions, or spoken words are to be overheard, intercepted, or recorded and, in the case of telegraphic or telephonic communications, the telegraph line or the telephone number involved and its location; (2) the identity of the peace officer authorized to overhear, intercept, or record the communications, conversations, discussions, or spoken words; (3) the offense or offenses committed or sought to be prevented; and (4) the period of the authorization; **AND (5) THE MODE, FORM, KIND OR TYPE OF ELECTRONIC OR OTHER SURVEILLANCE EQUIPMENT OR INTERCEPTING AND TRACKING DEVICES TO BE USED.** The authorization shall be effective for the period specified in the order which shall not exceed sixty (60) days from the date of issuance of the order. ~~unless extended or renewed by the court upon being satisfied that such extension or renewal is in the public interest.~~

AUTHORIZATION MAY BE EXTENDED OR RENEWED FOR ANOTHER THIRTY (30) DAYS FROM THE EXPIRATION OF THE ORIGINAL PERIOD: PROVIDED, THAT THE COURT IS SATISFIED THAT SUCH EXTENSION OR RENEWAL IS IN THE PUBLIC INTEREST; PROVIDED, FURTHER, THAT THE APPLICATION FOR EXTENSION OR RENEWAL IS FILED BY THE ORIGINAL APPLICANT, OR IN CASE OF PHYSICAL OR MENTAL DISABILITY OR DEATH, A MEMBER OF THE TEAM NAMED IN THE ORIGINAL ORDER OF THE AUTHORIZATION.

All recordings made under court authorization shall, within forty-eight hours after the expiration of the period fixed in the order, be deposited with the court in a sealed envelope or sealed package, and shall be accompanied by an affidavit of the peace officer granted such authority stating the number of recordings made, the dates and times covered by each recording, the number of tapes, discs, or records included in the deposit, and certifying that no duplicates or copies of the whole or any part thereof have been made, or if made, that all such duplicates or copies are included in the envelope or package deposited with the court. **IT SHALL BE UNLAWFUL FOR ANY PERSON, POLICE OR LAW ENFORCEMENT OFFICIAL TO OMIT OR EXCLUDE FROM THE AFFIDAVIT ANY ITEM OR PORTION ABOVEMENTIONED.** The envelope or package so deposited shall not be opened, or the recordings replayed, or used in evidence, or their contents revealed, except upon order of the court, which shall not be granted except upon motion, with due notice and opportunity to be heard to the person or persons whose conversation or communications have been recorded.

The court referred to in this section shall be understood to mean the **REGIONAL TRIAL COURT** within whose territorial jurisdiction the acts for which authority is applied for are to be executed.

ANY PERSON, POLICE OR LAW ENFORCEMENT OFFICER WHO VIOLATES ANY OF THE ACTS PRESCRIBED IN THE PRECEDING PARAGRAPHS SHALL SUFFER THE PENALTY OF NOT LESS THAN SIX (6) MONTHS TO SIX (6) YEARS OF IMPRISONMENT.

SECTION 2. *Amending Clause.* – Republic Act No. 4200 is hereby amended accordingly.

SECTION 3. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) national newspapers of general circulation.

Approved,