

Republic of the Philippines
House of Representatives
Quezon City

Sixteenth Congress
Second Regular Session

House Bill No. **5839**



Introduced by Representative VICENTE "VARF" BELMONTE

EXPLANATORY NOTE

Republic Act No. 9165 otherwise known as the Comprehensive Dangerous Drugs Act of 2002 has for more than a decade provided our drug law enforcement units the arsenal for the government's all-out war against the drug menace. With the penalties and powers provided under RA 9165, drug law enforcers have dismantled clandestine laboratories and drug dens; seized and destroyed dangerous drugs and controlled precursors; cleared marijuana plantations; and apprehended and convicted drug traffickers and drug couriers.

Despite the accomplishments in supply and demand reduction, drug syndicates have become fearless and resourceful in plying their nefarious trade – convicted drug lords operate within the secured confines of their detention facilities; clandestine laboratories are set-up in exclusive villages and high rise condominiums at the heart of Metro Manila; drug peddlers have grown in numbers including children and senior citizens; last December 26, 2013 the joint operations of the Philippine Drug Enforcement Agency and the PNP Anti-Illegal Drugs Special Operations Task Force led to the discovery of the operations of the Mexican Sinaloa drug cartel. The buy-bust operation of the National Bureau of Investigation led to the arrest of convicted drug lord Ruben Tiu outside the Sablayan Penal Colony.

In most anti-drug operations, only the small players are rounded up while the drug lords remain scot-free. Many names are in the watch list of the Philippine Drug Enforcement Agency but with very little evidence, these drug lords can't be pinned down. Hence, the need to urgently equip our drug law enforcers with the capability to stop the drug menace at its very core, to cut the roots of the drug syndicates and convict drug lords and not just the peddlers. There is a need to elevate violations of the drug law as a threat to national security and amend Republic Act No. 4200, the anti-wire tapping law.

In view of the foregoing, early passage of this bill is earnestly requested.

Vicente "Varf" Belmonte

Republic of the Philippines
House of Representatives
Quezon City

Sixteenth Congress
Second Regular Session

House Bill No. **5839**

Introduced by Representative VICENTE "VARF" BELMONTE

AN ACT AUTHORIZING WIRE TAPPING IN CASES INVOLVING VIOLATIONS OF THE COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002 AMENDING FOR THE PURPOSE CERTAIN PROVISIONS OF 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"

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

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

5 "SEC. 1. It shall be unlawful for any person, not being authorized
6 by all the parties to any private communication or spoken word, [to
7 tap any wire or cable, or by using any other device or arrangement,
8 to secretly overhear, intercept, or record such communication or
9 spoken word by using a device commonly known as a dictaphone
10 or dictagraph or detectaphone or walkie-talkie or tape recorder, or
11 however otherwise described:] **SUCH AS BUT NOT LIMITED TO**
12 **WIRE, ORAL OR ELECTRONIC COMMUNICATION, TO**
13 **OVERHEAR, INTERCEPT, TAP OR RECORD SUCH**
14 **COMMUNICATION OR SPOKEN WORD IN ANY MANNER WITH**
15 **THE USE OF A DEVICE CAPABLE OF SUCH INTERCEPTION,**
16 **TAPPING, OVERHEARING OR RECORDING, OR BY ANY**
17 **MEANS UTILIZING ANY TECHNOLOGY.**

"X X X

18 **SEC. 2.** Section 3 of Republic Act No. 4200, otherwise known as the "Act
19 to Prohibit and Penalize Wire Tapping and Other Related Violations of the
20 Privacy of Communication, and for Other Purposes" is hereby amended to read
21 as follows:

1 "Sec. 3. Nothing contained in this Act, however, shall render it
2 unlawful or punishable for any **LAW ENFORCEMENT AGENCY**
3 **OR ITS** peace officer, **AND/OR ANY TELECOMMUNICATIONS**
4 **COMPANY OR INTERNET SERVICE PROVIDER OR THEIR**
5 **EMPLOYEE**, who is authorized by a written order of the Court, to
6 execute any of the acts declared to be unlawful in the two
7 preceding sections. In cases involving the crimes of treason,
8 espionage, provoking war and disloyalty in case of war, piracy,
9 mutiny in the high seas, rebellion, conspiracy and proposal to
10 commit rebellion, inciting to rebellion, sedition, conspiracy to
11 commit sedition, inciting to sedition, kidnapping as defined by the
12 Revised Penal Code, **VIOLATIONS OF REPUBLIC ACT NO.**
13 **9165, OTHERWISE KNOWN AS THE COMPREHENSIVE**
14 **DANGEROUS DRUGS ACT OF 2002** and violations of
15 Commonwealth Act No. 616, punishing espionage and other
16 offenses against national security: *Provided*, That such written
17 order shall only be issued or granted upon written application and
18 the examination under oath or affirmation of the applicant and the
19 witnesses he may produce and a showing: (1) that there are
20 reasonable grounds to believe that any of the crimes enumerated
21 hereinabove has been committed or is being committed or is about
22 to be committed: *Provided, however*, That in cases involving the
23 offenses of rebellion, conspiracy and proposal to commit rebellion,
24 inciting to rebellion, sedition, conspiracy to commit sedition, and
25 inciting to sedition, such authority shall be granted only upon prior
26 proof that a rebellion or acts of sedition, as the case may be, have
27 actually been or are being committed; (2) that there are reasonable
28 grounds to believe that evidence will be obtained essential to the
29 conviction of any person for, or to the solution of, or to the
30 prevention of, any such crimes; and (3) that there are no other
31 means readily available for obtaining such evidence.

32 "The order granted or issued shall specify: (1) the identity of the
33 person or persons whose communications, conversations,
34 discussions, or spoken words are to be overheard, intercepted, or
35 recorded and, in the case of telegraphic or telephonic
36 communications, the telegraph line or the telephone number
37 involved and its location; (2) the identity of the peace officer
38 **AND/OR THE TELECOMMUNICATIONS COMPANY OR**
39 **INTERNET SERVICE PROVIDER OR THEIR EMPLOYEE**
40 authorized to overhear, intercept, or record the communications,
41 conversations, discussions, or spoken words; (3) the offense or
42 offenses committed or sought to be prevented; and (4) the period of
43 the authorization. The authorization shall be effective for the period
44 specified in the order which shall not exceed sixty (60) days from
45 the date of issuance of the order, unless extended or renewed by

1 the court upon being satisfied that such extension or renewal is in
2 the public interest.

"x x x

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

"x x x."

7 **SEC. 3. Separability Clause.** – If any provision or part hereof is held
8 invalid, or unconstitutional, the remainder of the law or the provision not
9 otherwise affected shall remain valid and subsisting.

10 **SEC. 4. Repealing Clause.** – Sections 1 and 3 of Republic Act 4200
11 otherwise known as "An Act to Prohibit and Penalize Wire Tapping and other
12 Related Violations of the Privacy of Communication, and for other Purposes" and
13 all other laws, presidential decrees or issuances, executive orders, letters of
14 instruction, administrative orders, rules and regulations contrary to or inconsistent
15 with the provisions of this Act are hereby repealed, modified or amended
16 accordingly.

17 **SEC. 5. Effectivity.** – This Act shall take effect fifteen (15) days after its
18 complete publication in at least two (2) newspapers of general circulation.

Approved,