

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. **5340**



INTRODUCED BY: DEPUTY SPEAKER GWENDOLYN F. GARCIA

EXPLANATORY NOTE

The right to be secured in one's person is not limited to the right against unlawful intrusion into one's home or personal effects. This right also protects one's communication and correspondence, whether it be spoken, written, or electronic.

The privacy of communication and correspondence, as mandated by Article III, Section 3(1) of the 1987 Constitution, is further strengthened with the enactment of Republic Act (RA) No. 4200 entitled "An Act to Prohibit and Penalize Wire Tapping and other related Violations of the Privacy of Communication, and for other Purposes", which prohibits and penalizes the use of any device or arrangement to secretly overhear, intercept, and record any private communication. However, it must be stressed that said law, particularly Section 3 thereof, provides several exceptions to the prohibitions.

Under the said law, wire-tapping is allowed when a peace officer is armed with a court order 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 and violations of Commonwealth Act No. 616, punishing espionage and other offenses against national security. The Human Security Act of 2007 (RA 9372) also amended RA 4200 by including the crimes of terrorism and conspiracy to commit

terrorism among the instances where wire-tapping is allowed, provided it is accompanied by a written order from the Court of Appeals.

With the following exceptions, wire-tapping, though limited in its applications, has been an effective tool by our law enforcement agencies against criminal elements who have wreaked havoc, instability and lack of equanimity in our country to the detriment of many of our peace loving citizens. Unfortunately, there are still certain crimes that are not covered under the said exceptional cases, which put not only the lives and property of our people in paramount danger, but also pose a grave threat to our nation's security. The peace and order situation in the country gives testament to this fact and thus, it is imperative for us to revisit RA 4200 in order to further enhance its effectiveness.

In fine, this proposed bill therefore seeks to add the crimes of coup d'etat, conspiracy and proposal to commit coup d'etat, robbery in band, brigandage/highway robbery, violations of RA 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, and violations of RA 9160 as amended otherwise known as the Anti-Money Laundering Act of 2001 to the list of offenses wherein our law-enforcement officers can, through court order, tap any wire or cable, or by using any other device or arrangement, to secretly overhear, intercept, or record private communication or spoken word in order to strengthen the measures of the government and its law enforcement agencies in fulfilling its mandate of protecting life, liberty, and property against the malefactors in our society.

Support and early passage of the bill is earnestly requested.


GWENDOLYN F. GARCIA

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AN ACT
AMENDING SECTION 3 OF REPUBLIC ACT 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:*

SECTION 1. SEC. 3 of Republic Act 4200, otherwise known as the Anti-Wire Tapping Law is hereby amended to read as follows:

"SEC. 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, **COUP D'ETAT, CONSPIRACY AND PROPOSAL TO COMMIT COUP D'ETAT**, sedition, Conspiracy to commit sedition, inciting to sedition, Kidnapping as defined by the Revised Penal Code, **ROBBERY IN BAND AS DEFINED AND PENALIZED BY ARTICLES 294, 295, 296, 299 AND 302 OF THE REVISED PENAL CODE, BRIGANDAGE/HIGHWAY ROBBERY AS DEFINED AND PENALIZED BY ARTICLE 306 OF REVISED PENAL CODE AND PD 532, OTHERWISE KNOWN AS THE ANTI-PIRACY AND ANTI-HIGHWAY ROBBERY LAW OF 1974, VIOLATIONS OF REPUBLIC ACT NO. 9165 OTHERWISE KNOWN AS THE COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002, VIOLATIONS**

**OF REPUBLIC ACT NO. 9160 AS AMENDED, OTHERWISE KNOWN AS
THE ANTI-MONEY LAUNDERING ACT OF 2001** and violations of the
Commonwealth Act No. 616, punishing espionage and other
offenses against National security: Provided, xxxx"

SECTION 2. This Act shall take effect fifteen (15) days after the
completion of its publication in the Official Gazette or in a newspaper
of general circulation.

Approved