

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Second Regular Session

House Bill No. **7690**



Introduced by **MAGDALO Party-List Representative**
HON. GARY C. ALEJANO

EXPLANATORY NOTE

Section 7 of the Bill of Rights of the 1987 Constitution reads:

“The right of the people to information on matters of public concern shall be recognized. Access to official records, and to documents, and papers pertaining to official acts, transactions, or decisions, as well as to government research data used as basis for policy development, shall be afforded the citizen, subject to limitations as may be provided by law.”

Likewise, Article II, Section 28 of the 1987 Constitution provides that:

“Subject to reasonable conditions prescribed by law, the State adopts and implements a policy of full public disclosure of all its transactions involving public interest.”

These express provisions, however, are not absolute. Intelligence activities and the information gathered from it, due to valid national security concerns, are kept confidential. Unfortunately, this discretion has also been exploited to enable corrupt government officials and employees to conceal their criminal dealings. These activities, moreover, is also at risk of undermining civil liberties if left unchecked. As such, there is an obvious call for accountability, all the while maintaining the confidentiality of such activities and information.

To address this conundrum, this legislative proposal seeks to establish a Joint Congressional Intelligence Committee to monitor and oversee intelligence activities, including the administration, financial management, and expenditures of the country’s intelligence agencies. This Act shall also demand that intelligence agencies should prepare a report of their activities and expenditures, including any notable developments or failures in intelligence activities, as soon as possible.

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


GARY C. ALEJANO
Representative

Magdalo Para sa Pilipino Party-List

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AN ACT

**ENSURING ACCOUNTABILITY IN INTELLIGENCE ACTIVITIES AND THE USE OF
INTELLIGENCE AND CONFIDENTIAL FUNDS GRANTED TO ALL GOVERNMENT
AGENCIES, ESTABLISHING FOR THE PURPOSE A JOINT CONGRESSIONAL
INTELLIGENCE COMMITTEE TO STRENGTHEN THE OVERSIGHT POWERS OF
CONGRESS TO MONITOR INTELLIGENCE ACTIVITIES OF ALL AGENCIES OF THE
PHILIPPINE GOVERNMENT AND TO OVERSEE HOW INTELLIGENCE AND
CONFIDENTIAL FUNDS ARE EXPENDED, AND FOR OTHER PURPOSES**

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

SECTION 1. *Short Title.*—This Act shall be known as the Intelligence Oversight Act.

SEC. 2. *Definition of Terms.*—

a. **Intelligence Activities** pertain to activities related to the process of gathering, evaluation, correlation, and interpretation of security information, as performed by intelligence agencies of the Philippine government.

b. **Intelligence Agencies** include the Office of the National Security Adviser, the National Intelligence Coordinating Agency, the Intelligence Service of the Armed Forces of the Philippines, the Intelligence Group of the Philippine National Police, the National Bureau of Investigation, the Office of the President, and all departments, agencies, and other entities of the Philippine government, which receive intelligence and confidential funds from the General Appropriations Act.

SEC. 3. *Joint Congressional Intelligence Committee.*—A Joint Congressional Intelligence Committee is hereby established, which shall, subject to the Constitution, perform the oversight functions set out in this Act in relation to the intelligence activities, which include the administration, financial management, and expenditures of the intelligence agencies. The JCIC shall be composed of five (5) members each from the Senate and the House of Representatives, which shall meet quarterly, or as often as necessary, to oversee the intelligence activities of the Philippine government. The JCIC shall be jointly chaired by the Chairperson of the Senate Committee on National Defense and Security and the House Committee on National Defense and Security. The

1 other four (4) members of the Senate delegation are the Chairpersons of the Committee on Peace,
2 Unification, and Reconciliation, the Committee on Justice and Human Rights, the Committee on
3 Public Order and Illegal Drugs, and the Committee on Finance. The other four members of the
4 house delegation are the Chairpersons of the Committee on Peace, Reconciliation, and Unity, the
5 Committee on Human Rights, the Committee on Public Order and Safety, and the Committee on
6 Appropriations. The President of the Senate, the Speaker of the House of Representatives, and the
7 minority leaders of both Houses shall serve as ex-officio members of the JCIC.

8
9 **SEC. 4. General Provisions on Congressional Intelligence Oversight.—**

10
11 a. The President shall ensure that the JCIC are kept fully informed of the intelligence
12 activities of the Philippines, including any significant anticipated intelligence activity, as
13 soon as possible. *Provided*, however, that this shall not be construed as requiring the
14 approval of the JCIC as a condition precedent to the initiation of any significant anticipated
15 intelligence activity.

16
17 b. The President shall ensure that any illegal intelligence activity is reported
18 promptly to the JCIC, as well as any corrective action that has been taken or is planned to be
19 taken in connection with such illegal activity.

20
21 c. If the President determines that it is essential to limit access to information
22 regarding any intelligence activity to meet extraordinary circumstances affecting vital interests
23 of the Philippines, the information may be reported to the chairpersons of the JCIC, the President
24 of the Senate, the Speaker of the House of Representatives and the minority leaders of both
25 Houses, and such other member or members of the Congress as may be included by the
26 President. When access to information is limited as such, a statement of the reasons for
27 limiting such access shall also be provided in writing to the JCIC.

28
29 d. Nothing in this Act shall be construed as authority to withhold information from
30 the JCIC on the grounds that providing the information would constitute the unauthorized
31 disclosure of classified information or information relating to intelligence sources and
32 methods.

33
34 **Sec. 5. Protecting the Confidentiality of Intelligence Activities and Other Classified**
35 **Information.**—The JCIC shall establish procedures, subject to the approval of the Senate and
36 House of Representatives, to—

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38 a. protect from unauthorized disclosure all classified information, and all information
39 relating to intelligence sources and methods, that is furnished to the JCIC under this Act;
40 and

41
42 b. penalize members that violate the confidentiality of the JCIC's proceedings

43
44 Only upon the approval of these procedures, by both the Senate and the House of
45 Representatives through a joint resolution, can the JCIC perform its oversight functions.

1 **SEC. 6. Reporting of Intelligence Activities.**—To the extent consistent with due regard for
2 the protection from unauthorized disclosure of classified information relating to sensitive
3 intelligence sources and methods or other exceptionally sensitive matters, the National Security
4 Adviser, the Director of the National Intelligence Coordinating Agency, and the heads of all
5 departments, agencies, and other entities of the Philippine government who receive intelligence and
6 confidential funds from the annual General Appropriations Act shall—
7

8 a. keep the JCIC fully informed of all intelligence activities. Including any
9 significant anticipated intelligence activity and any significant intelligence failure, as soon as
10 possible; and
11

12 b. furnish the JCIC any information or material concerning intelligence activities,
13 which is requested by the JCIC in order to carry out its authorized responsibilities.
14

15 **SEC. 7. Finding of the JCIC.**—In accordance with the procedures adopted by the JCIC, the
16 Chairperson of both Houses shall promptly call to the attention of the Senate or the House of
17 Representatives, or to any appropriate committee or committees of each chamber, any matter
18 relating to intelligence activities requiring the attention of such chamber or such committee or
19 committees.
20

21 **SEC. 8. Funding of Intelligence Activities.**—
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23 a. Appropriated intelligence and confidential funds available to any agency of the
24 Philippine government may be obligated or expended for intelligence or intelligence-related
25 activities only if those funds were specifically authorized by the Congress for use for such
26 activities as stated in the annual General Appropriations Act.
27

28 b. No funds appropriated for, or otherwise available to, any department, agency, or
29 entity of the Philippine Government may be expended, or may be directed to be expended,
30 for any intelligence activity, unless and until a signed authorization letter from the President is
31 obtained. For constitutional bodies which enjoy fiscal autonomy, the authorization letter
32 must be signed by their respective head. The President, or the respective head of the constitutional
33 body, shall ensure that the JCIC receives a copy of this authorization letter within seventy-
34 two (72) hours.
35

36 **SEC. 9. Reports.**—Not later than January of each year, the President shall submit to the
37 JCIC a report on the requirements of the Philippines for intelligence for the calendar year in which
38 the report is submitted, and the activities of the intelligence agencies during the preceding calendar
39 year. The purpose of the report is to facilitate an assessment of the activities of the intelligence
40 agencies during the preceding calendar year and to assist in the development of a mission and a
41 budget for the intelligence agencies for the calendar year in which the report is submitted. The
42 report shall specify matters in sufficient detail to assist Congress in making decisions with respect
43 to the allocation of resources for the matters specified. The report shall also include a financial
44 statement covering all the funds expended by any department, agency, or entity of the Philippine
45 Government for intelligence or intelligence-related activities, as well as a detailed account of the

1 use of these funds. The report shall be submitted in unclassified form, but may include a classified
2 annex.

3 **SEC. 9. *Repealing Clause.***—All laws, executive orders, presidential decrees, presidential
4 proclamations, letters of implementation, rules and regulations or parts thereof inconsistent with the
5 provisions of this Act are hereby repealed or modified accordingly.

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7 **SEC. 10. *Separability Clause.***—If any provision of this Act is declared invalid or
8 unconstitutional, the provisions not affected thereby shall continue to be in full force and effect.

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10 **SEC. 11. *Effectivity.***—This Act shall take effect fifteen (15) days after its publication in the
11 Official Gazette in at least two (2) newspapers of general circulation.

Approved,