

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Second Regular Session

House Bill No. **7834**



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

EXPLANATORY NOTE

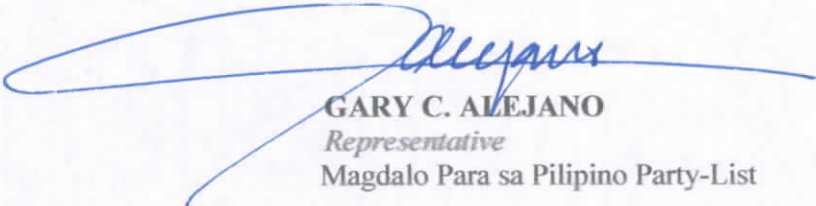
Our people are entitled to live free from threats to their lives and their security and so, there is no more fundamental role for a government than protecting the peace that its people enjoy.

Activities that undermine the security of the Philippines are often carried out in a clandestine, deceptive and hostile manner, are increasingly global, complex, and sophisticated, and often emerge and evolve rapidly. The nature of such threats present to us a reality that protecting the Filipino people and our country from activities that threaten our security often transcends the mandate and capability of any one agency of the Philippine government. If we are to succeed, a united front is much needed.

This representation recognizes that information needs to be shared—and disparate information needs to be efficiently collated—in order to enable the Government to protect the Philippines and its people from activities that threaten it.

As such, under this Act, information in respect of activities that undermine the security of the Philippines and its people is to be shared in a manner consistent with Philippine laws and the protection of privacy.

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


GARY C. ALEJANO
Representative
Magdalo Para sa Pilipino Party-List

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1 **AN ACT**
2 **TO ENCOURAGE AND FACILITATE INFORMATION SHARING BETWEEN THE**
3 **AGENCIES OF THE PHILIPPINE GOVERNMENT IN ORDER TO PROTECT THE**
4 **PHILIPPINES AGAINST ACTIVITIES THAT UNDERMINE ITS SECURITY**
5

6 *Be it enacted by the Senate and House of Representatives of the Philippines in Congress*
7 *assembled,*
8

9 **SECTION 1. Short Title.**—This Act shall be known as the “National Information Sharing
10 Act.”
11

12 **SEC. 2. Declaration of Policy.**—It is hereby declared the policy of the State to encourage
13 and facilitate the sharing of information among the agencies of the Philippine Government in order
14 to protect the Philippines against activities that undermine it. Information sharing under this Act
15 shall be guided by the following principles:

16 a. effective and responsible information sharing protects the Philippines and its
17 people;

18 b. respect for caveats on and originator control over shared information is consistent
19 with effective and responsible information sharing;

20 c. entry into information-sharing arrangements is appropriate when agencies of the
21 Philippine government share information regularly;

22 d. the provision of feedback as to how shared information is used and as to whether it
23 is useful in protecting against activities that undermine the security of the Philippines
24 facilitates effective and responsible information sharing; and

25 e. only those within an institution who exercise its jurisdiction or carry out its
26 responsibilities in respect of activities that undermine the security of the Philippines ought to
27 receive information that is disclosed under this Act.
28

29 **SEC. 3. Definitions.**—For the purposes of this Act:
30

31 a. **Activity that undermines the security of the Philippines** means any activity,
32 including any of the following activities, if it undermines the sovereignty, security or
33 territorial integrity of the Philippines or the lives or the security of the people of the Filipino
34 people:
35

1. interference with the capability of the Government of the Philippines in relation to intelligence, defense, border operations, public safety, the administration of justice, diplomatic or consular relations, or the economic or financial stability of the Philippines;
2. changing or unduly influencing a government in the Philippines by force or unlawful means;
3. espionage, sabotage or covert foreign-influenced activities;
4. terrorism;
5. proliferation of nuclear, chemical, radiological or biological weapons;
6. interference with critical infrastructure;
7. an activity that causes serious harm to a person or their property because of that person's association with the Philippines; and
8. an activity that takes place in the Philippines and undermines the security of another state.

For greater certainty, it does not include advocacy, protest, dissent and artistic expression.

b. Agency of the Philippine Government has the definition given to it on section 2(4) of E.O. No. 297 or the "Administrative Code of 1987."

c. People of the Philippines means:

1. the people in the Philippines; or
2. any citizen as defined in Article IV, Sec. 1 of the 1987 Constitution

SEC. 4. Powers of the Director-General.—

a. The Director-General of the National Intelligence Coordinating Agency shall make regulations for carrying out the purposes and provisions of this Act, including regulations—

1. respecting the manner of disclosure under section 5;
2. requiring records to be kept and retained in respect of that disclosure; and
3. respecting the manner in which those records are kept and retained.

SEC. 5. Disclosure of Information.—

a. Disclosure of information—Subject to any provision of any other law, or any regulation made under such an Act, that prohibits or restricts the disclosure of information, an agency of the Philippine government may, on its own initiative or on request, disclose information to the head of a recipient agency of the Philippine government or their delegate, if the information is relevant to the recipient institution's jurisdiction or responsibilities under Philippine laws or another lawful authority in respect of activities that undermine the security of the Philippines, including in respect of their detection, identification, analysis, prevention, investigation or disruption.

b. Further disclosure—Information received under subsection (a) may be further disclosed under that subsection.

1 **c. Further disclosure other than under this Act**—For greater certainty, the use and
2 further disclosure, other than under this Act, of information that is disclosed under
3 subsection (a) are neither authorized nor prohibited by this Act, but must be done in accordance
4 with the law, including any legal requirements, restrictions and prohibitions.

5
6 **SEC. 6. No Presumption.**—The Act of disclosing information under this Act does not
7 create a presumption—

8 a. that the disclosing agency is conducting a joint investigation or decision-making
9 process with the recipient agency and therefore has the same obligations, if any, as the
10 recipient institution to disclose or produce information for the purposes of a proceeding; or

11
12 b. that there has been a waiver of any privilege, or of any requirement to obtain
13 consent, for the purposes of any other disclosure of that information either in a proceeding
14 or to an institution that is not an agency of the Philippine government.

15
16 **SEC. 7. Non-Derogation.**—Nothing in this Act limits or affects any authority to disclose
17 information under any other Philippine law.

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19 **SEC. 8. Protection from Civil Proceedings.**—No civil proceedings lie against any person
20 for their disclosure in good faith of information under this Act.

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22 **SEC. 9. Implementing Rules and Regulations**—The National Intelligence Coordinating
23 Agency shall formulate the necessary rules and regulations for the implementation of the provisions
24 of this Act.

25
26 **SEC. 10. Separability Clause.**—If any section or provision of this Act shall be held
27 unconstitutional or invalid, the other sections or provisions not otherwise affected shall remain
28 valid.

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30 **SEC. 11. Effectivity**—This Act shall take effect fifteen (15) days following its publication
31 in at least two (2) newspapers of general circulation.

Approved,