

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS

First Regular Session

House Bill No. 551



Introduced by **HON. ROZZANO RUFINO B. BIAZON**

EXPLANATORY NOTE

This proposed measure seeks to amend Republic Act No. 9372 (RA 9372), otherwise known as the Human Security Act of 2007 in order to attune it to a changed and continuously changing security situation landscape.

Since its passage, the milieu by which RA 9372 was enacted has drastically changed. Terrorist acts or the threat of such acts have become more serious, violent and undertaken in a complicated and systematic manner.

The definition of the crime of terrorism needs to be amended in order to address this concern. There are also certain provisions in the existing law that either impinge or hinder the arrest and prosecution of criminals involved in terroristic acts. Certain tools in order to help our collective goal of preventing the commission of terrorist acts must also be added to the existing law.

They say that the best protection against any crime is prevention. This proposed measure is specifically geared towards this objective – stopping terrorist acts before they are actually committed.

In view of the foregoing, the early passage of this Act is earnestly sought.


ROZZANO RUFINO B. BIAZON
Representative
Lone District, Muntinlupa City

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House Bill No. 551

Introduced by **HON. ROZZANO RUFINO B. BIAZON**

AN ACT
AMENDING CERTAIN PROVISIONS OF REPUBLIC ACT NO. 9372 ENTITLED
"AN ACT TO SECURE THE STATE AND PROTECT OUR PEOPLE FROM
TERRORISM", OTHERWISE KNOWN AS THE "HUMAN SECURITY ACT OF
2007"

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

SECTION 1. Section 1 of Republic Act No. 9372, otherwise known as the "Human Security Act of 2007" is hereby amended to read as follows:

"Section 1. *Short Title.* - This Act shall henceforth be known as the ["Human Security Act of 2007."] **"PREVENTION OF TERRORISM ACT."**

SEC. 2. Section 2 of the same Act is hereby amended to read as follows:

"Section 2. *Declaration of Policy.* - It is declared a policy of the State to protect **THE RIGHT TO** life, liberty, and property from acts of terrorism, to condemn terrorism as inimical and dangerous to the national security of the country and to the welfare of the people, and to make terrorism a crime against the Filipino people, against humanity, and against the law of nations.

In the implementation of the policy stated above, the State shall uphold the basic rights and fundamental liberties of the people as enshrined in the Constitution.

The State recognizes that the fight against terrorism requires a comprehensive approach, comprising political, economic, diplomatic, military, and legal means duly taking into account the root causes of terrorism without

acknowledging these as justifications for terrorist and/or criminal activities. Such measures shall include conflict management and post-conflict peace-building, addressing the roots of conflict by building state capacity and promoting equitable economic development.

Nothing in this Act shall be interpreted as a curtailment, restriction or diminution of constitutionally recognized powers of the executive branch of the government. It is to be understood, however, that the exercise of the constitutionally recognized powers of the executive department of the government shall not prejudice respect for human rights which shall be absolute and protected at all times."

SEC. 3. A new Section 3 is hereby inserted after Section 2 of the same Act, to read as follows:

"SECTION 3. DEFINITION OF TERMS. – AS USED IN THIS ACT:

(A) CONSPIRACY SHALL MEAN WHEN TWO OR MORE PERSONS COME TO AN AGREEMENT CONCERNING THE COMMISSION OF THE CRIME OF TERRORISM, AS DEFINED IN SECTION 4 HEREOF, AND DECIDE TO COMMIT THE SAME;

(B) CRITICAL INFRASTRUCTURE SHALL MEAN AN ASSET OR SYSTEM WHICH IS ESSENTIAL FOR THE MAINTENANCE OF VITAL SOCIETAL FUNCTIONS. "CRITICAL INFRASTRUCTURE" MAY INCLUDE, BUT IS NOT LIMITED TO, COMMUNICATIONS, EMERGENCY SERVICES, GAS, ENERGY, DAMS, FINANCE, FOOD, PUBLIC SERVICES, INDUSTRY, HEALTH, TRANSPORT, RADIO AND TELEVISION, INFORMATION TECHNOLOGY, COMMERCIAL FACILITIES, CHEMICAL AND NUCLEAR SECTORS, AND WATER;

(C) EXPERT ADVICE OR ASSISTANCE SHALL MEAN ADVICE OR ASSISTANCE DERIVED FROM SCIENTIFIC, TECHNICAL OR OTHER SPECIALIZED KNOWLEDGE;

- (D) *FOREIGN TERRORIST FIGHTER* SHALL MEAN AN INDIVIDUAL WHO TRAVELS TO A STATE OTHER THAN THE STATE OF RESIDENCE OR NATIONALITY FOR THE PURPOSE OF THE PERPETRATION, PLANNING, OR PREPARATION OF, OR PARTICIPATION IN, TERRORIST ACTS OR THE PROVIDING OR RECEIVING OF TERRORIST TRAINING, INCLUDING IN CONNECTION WITH ARMED CONFLICT;
- (E) *INDIVIDUAL TERRORIST* SHALL MEAN ANY NATURAL PERSON WHO COMMITS ANY ACTS OF THE DEFINED AND PENALIZED, UNDER THE PROVISIONS OF THIS ACT, AS A PRINCIPAL, ACCOMPLICE OR ACCESSORY, OR THOSE PROSCRIBED UNDER SECTION 17 HEREOF;
- (F) *MATERIAL SUPPORT* SHALL MEAN PROVIDING PROPERTY OR FUNDS, OR ANY FORM OF SERVICE, LODGING, SAFEHOUSES, TRAINING, EDUCATION, INDOCTRINATION, EXPERT ADVICE OR ASSISTANCE, FALSE DOCUMENTATION OR IDENTIFICATION, COMMUNICATION AND TRANSPORTATION EQUIPMENT, FACILITIES, WEAPONS, LETHAL SUBSTANCES, EXPLOSIVES AND PERSONNEL, TO INDIVIDUAL TERRORIST AND/OR TERRORIST ORGANIZATION, ASSOCIATION OR GROUP OF PERSONS ORGANIZED FOR THE PURPOSE OF ENGAGING IN TERRORISM;
- (G) *PROBABLE CAUSE* SHALL MEAN A REASONABLE GROUND OF SUSPICION, SUPPORTED BY CIRCUMSTANCES SUFFICIENTLY STRONG IN THEMSELVES AS TO WARRANT A REASONABLE MAN TO BELIEVE THAT THE INDIVIDUAL, ORGANIZATION, ASSOCIATION OR GROUP OF PERSONS WERE OR ARE ENGAGED IN TERRORISM OR HAVE PERFORMED ACTS COMMITTED BY A TERRORIST OR TERRORIST ORGANIZATION AS DEFINED IN THIS ACT;
- (H) *PROPERTY OR FUNDS* SHALL MEAN FINANCIAL ASSETS, PROPERTY OF EVERY KIND, WHETHER TANGIBLE OR INTANGIBLE,

MOVABLE OR IMMOVABLE, PERSONAL OR REAL, HOWEVER ACQUIRED, AND LEGAL DOCUMENTS OR INSTRUMENTS IN ANY FORM, INCLUDING ELECTRONIC OR DIGITAL, EVIDENCING TITLE, TO, OR INTEREST IN, SUCH FUNDS OR OTHER ASSETS, INCLUDING, BUT NOT LIMITED TO, BANK CREDITS, TRAVELERS CHEQUES, BANK CHEQUES, MONEY ORDERS, SHARES, SECURITIES, BONDS, DRAFTS, OR LETTERS OF CREDIT, VIRTUAL CURRENCY, AND ANY INTEREST, DIVIDENDS OR OTHER INCOME ON OR VALUE ACCRUING FROM OR GENERATED BY SUCH FUNDS OR OTHER ASSETS;

- (I) *PROPOSAL* SHALL MEAN WHEN THE PERSON WHO HAS DECIDED TO COMMIT THE CRIME OF TERRORISM PROPOSES ITS EXECUTION TO SOME OTHER PERSON OR PERSONS;
- (J) *TERRORIST ASSOCIATION OR GROUP OF PERSONS* SHALL MEAN, ANY ENTITY OWNED OR CONTROLLED BY ANY TERRORIST OR GROUP OF TERRORISTS THAT COMMITS ANY ACTS DEFINED AND PENALIZED UNDER THE PROVISIONS OF THIS ACT, OR THOSE PROSCRIBED UNDER SECTION 17 HEREOF, OR DESIGNATED PERSONS UNDER SECTION 3 (E) OF REPUBLIC ACT NO. 10168, OTHERWISE KNOWN AS THE "TERRORISM FINANCING PREVENTION AND SUPPRESSION ACT OF 2012;
- (K) *TRAINING* SHALL MEAN INSTRUCTION OR TEACHING DESIGNED TO IMPART A SPECIFIC SKILL, AS OPPOSED TO GENERAL KNOWLEDGE;
- (L) *WEAPONS OF MASS DESTRUCTION OR WMD* SHALL MEAN ANY DESTRUCTIVE DEVICE OR WEAPON THAT IS DESIGNED OR INTENDED TO CAUSE DEATH OR SERIOUS BODILY INJURY THROUGH THE RELEASE, DISSEMINATION, OR IMPACT OF TOXIC OR POISONOUS CHEMICALS, OR THEIR PRECURSORS, ANY WEAPON INVOLVING A BIOLOGICAL AGENT, TOXIN, OR VECTOR,

OR ANY WEAPON THAT IS DESIGNED TO RELEASE RADIATION OR RADIOACTIVITY AT A LEVEL DANGEROUS TO HUMAN LIFE. THIS INCLUDES, BUT NOT LIMITED TO: (A) NUCLEAR AND RADIOLOGICAL EXPLOSIVE DEVICES AND THEIR MAJOR SUB-SYSTEMS; (B) CHEMICALS COVERED BY SCHEDULE I, II AND III OF THE CHEMICAL WEAPONS CONVENTION; AND (C) BIOLOGICAL AGENTS AND BIOLOGICALLY DERIVED SUBSTANCES SPECIFICALLY DEVELOPED, CONFIGURED, ADAPTED, OR MODIFIED FOR THE PURPOSE OF INCREASING THEIR CAPABILITY TO PRODUCE CASUALTIES IN HUMANS OR LIVESTOCK, DEGRADE EQUIPMENT, OR DAMAGE CROPS.

SEC. 4. Section 3 of this Act is hereby renumbered and amended to read as follows:

"Section [3]4. *Terrorism*. - Any person who commits an act punishable under any of the following provisions of the Revised Penal Code **REGARDLESS OF ITS STAGE OF EXECUTION**:

- a. Article 122 (Piracy in General and Mutiny in the High Seas or in the Philippine Waters);
- b. Article 134 (Rebellion or Insurrection);
- c. Article 134-A (*Coup d' Etat*), including acts committed by private persons;
- d. Article 248 (Murder);
- e. Article 267 (Kidnapping and Serious Illegal Detention);
- f. Article 324 (Crimes Involving Destruction), [or under]

OR UNDER ANY OF THE FOLLOWING SPECIAL LAWS:

- 1. Presidential Decree No. 1613 (The Law on Arson);

2. Republic Act No. 6969 (Toxic Substances and Hazardous and Nuclear Waste Control Act of 1990);
3. Republic Act No. 5207, (Atomic Energy Regulatory and Liability Act of 1968);
4. Republic Act No. 6235 (Anti-Hijacking Law);
5. Presidential Decree No. 532 (Anti-Piracy and Anti-Highway Robbery Law of 1974); [and]
6. Presidential Decree No. 1866 (Decree Codifying the Laws on Illegal and Unlawful Possession, Manufacture, Dealing in, Acquisition or Disposition, of Firearms, Ammunitions or Explosives), **AS AMENDED BY REPUBLIC ACT NO. 8294, REPUBLIC ACT NO. 9516, AND REPUBLIC ACT NO. 10591 (COMPREHENSIVE FIREARMS AND AMMUNITION REGULATION ACT);**
7. **REPUBLIC ACT NO. 9165 (COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002);**
8. **REPUBLIC ACT NO. 9208 (ANTI-TRAFFICKING IN PERSONS ACT OF 2003);**
9. **REPUBLIC ACT NO. 10168 (TERRORISM FINANCING PREVENTION AND SUPPRESSION ACT OF 2012);**
10. **REPUBLIC ACT NO. 10175 (CYBERCRIME PREVENTION ACT OF 2012);**
11. **REPUBLIC ACT NO. 10697 (STRATEGIC TRADE MANAGEMENT ACT);**

OR ANY OTHER ACT INTENDED TO CAUSE DEATH OR SERIOUS BODILY INJURY TO A CIVILIAN, OR TO ANY OTHER PERSON NOT TAKING AN ACTIVE PART IN THE HOSTILITIES IN A SITUATION OF ARMED CONFLICT OR INTENDED TO SERIOUSLY INTERFERE WITH, DISRUPT OR DESTROY CRITICAL INFRASTRUCTURE, OR USING WEAPONS OF MASS DESTRUCTION, OR ANY OTHER ACT

PROSCRIBED UNDER ANY OF THE RELEVANT TREATIES AND CONVENTIONS WHICH THE PHILIPPINES IS A STATE PARTY, WHEN THE INTENT AND EFFECT OF ANY OF THE ABOVE FELONIES, CRIMES OR ACTS, BY THEIR NATURE OR CONTEXT, IS TO INTIMIDATE A POPULATION, OR TO COMPEL A GOVERNMENT, AN INTERNATIONAL ORGANIZATION, OR ANY PERSON OR ENTITY, TO DO OR TO ABSTAIN FROM DOING ANY ACT, [thereby sowing and creating a condition of widespread and extraordinary fear and panic among the populace, in order to coerce the government to give in to an unlawful demand] shall be guilty of the crime of terrorism and shall suffer the penalty of [forty (40) years of imprisonment] **LIFE IMPRISONMENT**.

SEC. 5. Section 4 of the same Act is hereby renumbered, amended and new sections designated as Sections 6, 7, 8, 9, 10 and 11 are hereby added, to read as follows:

"Section [4]5. Conspiracy to Commit Terrorism. - Persons who conspire to commit the crime of terrorism shall suffer the penalty of [forty (40) years of imprisonment] **LIFE IMPRISONMENT**. [There is conspiracy when two or more persons come to an agreement concerning the commission of the crime of terrorism, as defined in Sec. 3 hereof, and decide to commit the same.]

SECTION 6. PROPOSAL TO COMMIT TERRORISM. - ANY PERSON WHO PROPOSES TO COMMIT THE CRIME OF TERRORISM SHALL SUFFER THE PENALTY OF LIFE IMPRISONMENT.

SECTION 7. INCITING TO TERRORISM. - ANY PERSON WHO INCITES ANOTHER PERSON BY ANY MEANS TO COMMIT TERRORISM, BY DIRECTLY ADVOCATING THE COMMISSION OF ANY OF SUCH ACT, THEREBY CAUSING DANGER THAT ONE OR MORE SUCH ACTS MAY BE COMMITTED, SHALL SUFFER THE PENALTY OF LIFE IMPRISONMENT.

SECTION 8. RECRUITMENT TO TERRORIST ORGANIZATION. - ANY PERSON WHO RECRUITS ANOTHER TO JOIN ANY ORGANIZATION, ASSOCIATION OR GROUP OF PERSONS ORGANIZED FOR THE PURPOSE OF ENGAGING IN TERRORISM, OR WHICH, ALTHOUGH NOT ORGANIZED FOR

THAT PURPOSE, ACTUALLY COMMITS THE ACTS OF TERRORISM, ENUMERATED IN SECTION 4 HEREOF, SHALL SUFFER THE PENALTY OF LIFE IMPRISONMENT.

SECTION 9. *PROVIDING MATERIAL SUPPORT TO TERRORISTS OR TERRORIST ORGANIZATIONS.* – ANY PERSON WHO PROVIDES MATERIAL SUPPORT TO ANY INDIVIDUAL TERRORIST OR TERRORIST ORGANIZATION, ASSOCIATION OR GROUP OF PERSONS ORGANIZED FOR THE PURPOSE OF ENGAGING IN TERRORISM, SHALL SUFFER THE PENALTY OF LIFE IMPRISONMENT: PROVIDED, THAT THE SUPPORT SHALL BE WITH UNLAWFUL AND WILLFUL INTENT AND THAT IT SHOULD BE USED OR WITH THE KNOWLEDGE THAT THE SUPPORT WILL BE USED IN FULL OR IN PART TO COMMIT ACTS OF TERRORISM.

SECTION 10. *FOREIGN TERRORIST FIGHTER.* – ANY PERSON WHO TRAVELS TO A STATE OTHER THAN THE STATE OF RESIDENCE OR NATIONALITY FOR THE PURPOSE OF THE PERPETRATION, PLANNING, OR PREPARATION OF, OR PARTICIPATION IN, TERRORIST ACTS OR THE PROVIDING OR RECEIVING OF TERRORIST TRAINING, INCLUDING IN CONNECTION WITH ARMED CONFLICT SHALL SUFFER THE PENALTY OF LIFE IMPRISONMENT.

SECTION 11. *ASSISTANCE TO FOREIGN TERRORIST FIGHTER.* – ANY PERSON WHO RECRUITS OR ASSISTS A FOREIGN TERRORIST FIGHTER TO TRAVEL, OR FACILITATES THE TRAVEL OF A FOREIGN TERRORIST FIGHTER TO ANOTHER STATE OR COUNTRY, AWARE THAT THE PERSON BEING ASSISTED IS TRAVELLING FOR THE PURPOSE OF PLANNING OR PREPARATION OF, OR PARTICIPATION IN, TERRORIST ACTS, OR PROVIDING OR RECEIVING TERRORIST TRAINING, INCLUDING IN CONNECTION WITH ARMED CONFLICT, SHALL SUFFER THE PENALTY OF LIFE IMPRISONMENT.

SEC. 6. SEC. 5 of the same Act is hereby renumbered and amended to read as follows:

"Section **[5]12. Accomplice.** - Any person who, not being a principal under Article 17 of the Revised Penal Code or a conspirator as defined in Sec. **[4]5** hereof, cooperates in the execution of either the crime of terrorism or conspiracy to commit terrorism by previous or simultaneous acts shall suffer the penalty of imprisonment from seventeen (17) years, four months one day to twenty (20) years."

SEC. 7. Section 6 of the same Act is hereby renumbered and amended to read as follows:

"Section **[6]13. Accessory.** - Any person who, having knowledge of the commission of **ANY OF** the crime**S** [of terrorism or conspiracy to commit terrorism] **DEFINED AND PENALIZED UNDER THE PROVISIONS OF THIS ACT** and without having participated therein, either as principal or accomplice under Articles 17 and 18 of the Revised Penal Code, takes part subsequent to its commission in any of the following manner: (a) by profiting himself or assisting the offender to profit by the effects of the crime; (b) by concealing or destroying the body of the crime, or the effects, or instruments thereof, in order to prevent its discovery; (c) by harboring, concealing, or assisting in the escape of the principal or conspirator of the crime, shall suffer the penalty of ten (10) years and one day to twelve (12) years of imprisonment.

[Notwithstanding the above paragraph, the penalties prescribed for accessories shall not be imposed upon those who are such with respect to their spouses, ascendants, descendants, legitimate, natural, and adopted brothers and sisters, or relatives by affinity within the same degrees, with the single exception of accessories falling within the provisions of subparagraph (a).]"

SEC. 8. Section 7 of the same Act is hereby renumbered and amended to read as follows:

"Section **[7]14. Surveillance of Suspects and Interception and Recording of Communications.** - The provisions of Republic Act No. 4200 (Anti-Wire Tapping Law) **AND REPUBLIC ACT NO. 10175 (CYBERCRIME PREVENTION ACT)** to the contrary notwithstanding, [a police or law enforcement official and members of his team] **LAW ENFORCEMENT OR MILITARY PERSONNEL** may, upon a written order of the Court of Appeals **OR THE REGIONAL TRIAL COURT**, listen to,

intercept and record, with the use of any mode, form, kind or type of electronic or other surveillance equipment or intercepting and tracking devices, or with the use of any other suitable ways and means for that purpose, any communication, message, conversation, discussion, or spoken or written words between [members of a judicially declared and outlawed terrorist organization, association, or group of persons or of any person charged with or suspected of the crime of terrorism or conspiracy to commit terrorism] **DESIGNATED PERSONS AS DEFINED IN SECTION 3(E) OF REPUBLIC ACT NO. 10168, OTHERWISE KNOWN AS THE "TERRORISM FINANCING PREVENTION AND SUPPRESSION ACT OF 2012"; OR (B) OF ANY PERSON CHARGED OR SUSPECTED OF ANY CRIME DEFINED AND PENALIZED UNDER THE PROVISIONS OF THIS ACT.**

Provided, That surveillance, interception and recording of communications between lawyers and clients, doctors and patients, journalists and their sources and confidential business correspondence shall not be authorized.

IN CASE OF IMMINENT DANGER OR ACTUAL TERRORIST ATTACK, THE COURT OF APPEALS OR THE REGIONAL TRIAL COURT, BASED ON REASONABLE GROUND OF SUSPICION ON THE PART OF THE LAW ENFORCEMENT OR MILITARY PERSONNEL, SHALL HAVE THE POWER TO COMPEL TELECOMMUNICATIONS AND INTERNET SERVICE PROVIDERS TO PRODUCE ALL CUSTOMER INFORMATION AND IDENTIFICATION RECORDS AS WELL AS CALL AND TEXT DATA RECORDS AND OTHER CELLULAR OR INTERNET METADATA OF ANY PERSON SUSPECTED OF ANY CRIME DEFINED AND PENALIZED UNDER THIS ACT.

SEC. 9. Section 8 of the same Act is hereby renumbered and amended to read as follows:

"Section [8]**15. Formal Application for Judicial Authorization.** - The written order of the authorizing division of the Court of Appeals **OR THE REGIONAL TRIAL COURT** to track down, tap, listen to, intercept, and record communications, messages, conversations, discussions, or spoken or written words [of any person suspected of the crime of terrorism or the crime of conspiracy to commit terrorism] **IN SECTION 14 HEREOF** shall only be granted by the authorizing division of the Court

of Appeals **ORTHE REGIONAL TRIAL COURT** upon an *ex parte* written application of a [police or of a law enforcement official] **LAW ENFORCEMENT OR MILITARY PERSONNEL** [who has been duly authorized in writing by the Anti-Terrorism Council created in Sec. 53 of this Act to file such *ex parte* application], and upon examination under oath or affirmation of the applicant and the witnesses [he may produce to establish]: (a) that there is probable cause to believe based on personal knowledge of facts or circumstances that **ANY OF** the [said] crimes [of terrorism or conspiracy to commit terrorism] **DEFINED AND PENALIZED UNDER THE PROVISIONS OF THIS ACT** [has] **HAVE** been committed, or [is] **ARE** being committed, or [is] **ARE** about to be committed; (b) that there is probable cause to believe based on personal knowledge of facts or circumstances that evidence, which is essential to the conviction of any charged or suspected person for, or to the solution or prevention of, any such crimes, will be obtained; and, (c) that there is no other effective means readily available for acquiring such evidence.

SEC. 10. Section 9 of the same Act is hereby renumbered and amended to read as follows:

"Section [9]16. *Classification and Contents of the Order of the Court.* - The written order granted by the authorizing division of the Court of Appeals **OR REGIONAL TRIAL COURT** as well as its order, if any, to extend or renew the same, **AND** the original application of the applicant, including his application to extend [or renew], if any, [and the written authorizations of the Anti-Terrorism Council] shall be deemed and are hereby declared as classified information [:

Provided, That the person being surveilled or whose communications, letters, papers, messages, conversations, discussions, spoken or written words and effects have been monitored, listened to, bugged or recorded by law enforcement authorities has the right to be informed of the acts done by the law enforcement authorities in the premises or to challenge, if he or she intends to do so, the legality of the interference before the Court of Appeals which issued the written order.] The written order of the authorizing division of the Court of Appeals **OR REGIONAL TRIAL COURT** shall specify the following: (a) the identity, such as name and address, if known, of the [charged or suspected] person whose communications, messages, conversations, discussions, or spoken or written words are to be tracked

down, tapped, listened to, intercepted, and recorded and, in the case of radio, electronic, or telephonic (whether wireless or otherwise) communications, messages, conversations, discussions, or spoken or written words, the electronic transmission systems or the telephone numbers to be tracked down, tapped, listened to, intercepted, and recorded and their locations **OR IF THE PERSON SUSPECTED OF THE CRIME OF TERRORISM OR CONSPIRACY TO COMMIT TERRORISM IS NOT FULLY KNOWN, SUCH PERSON SHALL BE SUBJECT TO CONTINUOUS SURVEILLANCE PROVIDED THERE IS A REASONABLE GROUND TO DO SO;** (b) the identity [(name, address, and the police or law enforcement organization) of the police or of the law enforcement official, including the individual identity (names, addresses, and the police or law enforcement organization) of the members of his team] **OF THE LAW ENFORCEMENT OR MILITARY PERSONNEL**, judicially authorized to track down, tap, listen to, intercept, and record the communications, messages, conversations, discussions, or spoken or written words; (c) the offense or offenses committed, or being committed, or sought to be prevented; and, (d) the length of time within which the authorization shall be used or carried out."

SEC. 11. Section 10 of the same Act is hereby renumbered and amended to read as follows:

"Section [10]**17. Effective Period of Judicial Authorization.** - Any authorization granted by the authorizing division of the Court of Appeals **OR REGIONAL TRIAL COURT**, pursuant to Sec. [9]**10(d)** of this Act, shall only be effective for the length of time specified in the written order [of the authorizing division of the Court of Appeals], which shall not exceed a period of [thirty (30)] **NINETY (90)** days from the date of receipt of the written order [of the authorizing division of the Court of Appeals] by the applicant [police or law enforcement official] **LAW ENFORCEMENT OR MILITARY PERSONNEL.**

The authorizing division of the Court of Appeals **OR THE REGIONAL TRIAL COURT** may extend or renew the said authorization for another non-extendible period, which shall not exceed thirty (30) days from the expiration of the original period: Provided, That the [authorizing division of the Court of Appeals] **ISSUING COURT** is satisfied that such extension or renewal is in the public interest: and Provided, further, That the ex parte application for extension or renewal, which must

be filed by the original applicant, has been duly authorized in writing by the Anti-Terrorism Council."

[In case of death of the original applicant or in case he is physically disabled to file the application for extension or renewal, the one next in rank to the original applicant among the members of the team named in the original written order of the authorizing division of the Court of Appeals shall file the application for extension or renewal: *Provided*, That, without prejudice to the liability of the police or law enforcement personnel under Sec. 20 hereof, the applicant police or law enforcement official shall have thirty (30) days after the termination of the period granted by the Court of Appeals as provided in the preceding paragraphs within which to file the appropriate case before the Public Prosecutor's Office for any violation of this Act.

If no case is filed within the thirty (30)-day period, the applicant police or law enforcement official shall immediately notify the person subject of the surveillance, interception and recording of the termination of the said surveillance, interception and recording. The penalty of ten (10) years and one day to twelve (12) years of imprisonment shall be imposed upon the applicant police or law enforcement official who fails to notify the person subject of the surveillance, monitoring, interception and recording as specified above.]

SEC. 12. Section 11 of the same Act is hereby renumbered and amended to read as follows:

Sec. ~~[11]~~**18. Custody of Intercepted and Recorded Communications.**- All tapes, discs, and recordings made pursuant to the authorization of the authorizing division of the Court of Appeals **OR REGIONAL TRIAL COURT**, [including all excerpts and summaries thereof as well as all written notes or memoranda made in connection therewith, shall,] within [forty-eight (48) hours] **TEN (10) DAYS** after the expiration of the period fixed in the written order [of the authorizing division of the Court of Appeals or within forty-eight (48) hours after the expiration] **OR** of any extension or renewal granted **NOT EXCEEDING NINETY (90) DAYS FROM THE DATE OF RECEIPT OF THE WRITTEN ORDER BY THE APPLICANT LAW ENFORCEMENT OR MILITARY PERSONNEL** [by the authorizing division of the

Court of Appeals], be deposited with the authorizing Division of the Court of Appeals **OR THE REGIONAL TRIAL COURT** in a sealed envelope or sealed package, as the case may be, and shall be accompanied by[a]THE affidavit of the applicant [police or law enforcement official and the members of his team] **LAW ENFORCEMENT OR MILITARY PERSONNEL**.

[In case of death of the applicant or in case he is physically disabled to execute the required affidavit, the one next in rank to the applicant among the members of the team named in the written order of the authorizing division of the Court of Appeals shall execute with the members of the team that required affidavit.]

It shall be unlawful for any person, [police officer] **LAW ENFORCEMENT OR MILITARY PERSONNEL**, or any custodian of the [tapes, discs and] recording, and their excerpts and summaries, written notes or memoranda to copy] in whatever [form] **MEDIUM**, to **INTENTIONALLY ALTER**, remove, delete, expunge, incinerate, shred or destroy in any manner the items enumerated above in whole or in part under any pretext whatsoever.

Any person who **INTENTIONALLY ALTERS**, removes, deletes, expunges, incinerates, shreds or destroys the items enumerated above shall suffer [a] **THE** penalty of [not less than] six years and one day to twelve (12) years of imprisonment.

SEC. 13. Section 12 of the same Act is hereby renumbered and amended to read as follows:

"Section [12]19. *Contents of [Join]THE Affidavit.* - The [joint] affidavit of the [police or of the law enforcement official and the individual members of his team] **LAW ENFORCEMENT OR MILITARY PERSONNEL** shall state: (a) the number of tapes, discs, and recordings that have been made, [as well as the number of excerpts and summaries thereof and the number of written notes and memoranda, if any, made in connection therewith]; **AND** (b) the dates and times covered by each of such tapes, discs, and recordings. [; (c) the number of tapes, discs, and recordings, as well as the number of excerpts and summaries thereof and the number of written notes and memoranda made in connection therewith that have been included in the deposit; and (d) the date of the original written authorization granted by the Anti-

Terrorism Council to the applicant to file the ex parte application to conduct the tracking down, tapping, intercepting, and recording, as well as the date of any extension or renewal of the original written authority granted by the authorizing division of the Court of Appeals.]

[The joint affidavit shall also certify under oath that no duplicates or copies of the whole or any part of any of such tapes, discs, and recordings, and that no duplicates or copies of the whole or any part of any of such excerpts, summaries, written notes, and memoranda, have been made, or, if made, that all such duplicates and copies are included in the sealed envelope or sealed package, as the case may be, deposited with the authorizing division of the Court of Appeals.]

[It shall be unlawful for any person, police or law enforcement official to omit or exclude from the joint affidavit any item or portion thereof mentioned in this Section.]

[Any person, police or law enforcement officer who violates any of the acts prescribed in the preceding paragraph shall suffer the penalty of not less than ten (10) years and one day to twelve (12) years of imprisonment.]

SEC. 14. Section 13 of the same Act is hereby renumbered and amended to read as follows:

Sec. [13] **20. Disposition of Deposited Material.** - The sealed envelope or sealed package and the contents thereof, which are deposited [with the authorizing division of the Court of Appeals] **IN ACCORDANCE WITH SECTION 12 HEREOF**, shall be deemed and are hereby declared classified information, and the sealed envelope or sealed package shall not be opened and its contents [(including the tapes, discs, and recordings and all the excerpts and summaries thereof and the notes and memoranda made in connection therewith)] shall not be divulged, revealed, read, replayed, or used as evidence unless authorized by [written order of] **THE AUTHORIZING DIVISION OF THE COURT OF APPEALS OR THE REGIONAL TRIAL COURT**, which [written order] shall be granted only upon a written application of the Department of Justice [filed before the authorizing division of the Court of Appeals and only upon a showing that the Department of Justice has been duly authorized in writing by the Anti-Terrorism Council to file the application

with proper written notice the person whose conversation, communication, message discussion or spoken or written words have been the subject of surveillance, monitoring, recording and interception to open, reveal, divulge, and use the contents of the sealed envelope or sealed package as evidence.]

[Any person, law enforcement official or judicial authority who violates his duty to notify in writing the persons subject of the surveillance as defined above shall suffer the penalty of six years and one day to eight years of imprisonment.]

SEC. 15. Section 14 of the same Act is hereby renumbered and amended to read as follows:

"Section [14] 21. *Application to Open Deposited Sealed Envelope or Sealed Package.* - The written application [with notice to the party concerned] to open the deposited sealed envelope or sealed package shall [clearly] state the purpose or reason: (a) for ITS opening [the sealed envelope or sealed package; (b) for revealing or disclosing its classified contents; (c)](B)for replaying, divulging, and or reading any of the listened to, intercepted, and recorded communications, messages, conversations, discussions, or spoken or written words [(including any of the excerpts and summaries thereof and any of the notes or memoranda made in connection therewith)]; and, [(d)](C)for using any of said listened to, intercepted, and recorded communications, messages, conversations, discussions, or spoken or written words [(including any of the excerpts and summaries thereof and any of the notes or memoranda made in connection therewith))] as evidence.

[Any person, law enforcement official or judicial authority who violates his duty to notify as defined above shall suffer the penalty of six years and one day to eight years of imprisonment.]

SEC. 16. Section 15 of the same Act is hereby renumbered and amended to read as follows:

"Section [15]22. *Evidentiary Value of Deposited Materials.* - Any listened to, intercepted, and recorded communications, messages, conversations, discussions, or spoken or written words, or any part or parts thereof, or any information or fact contained therein, including their existence, content, substance, purport, effect, or

meaning, which have been secured in violation of the [pertinent] provisions of this Act, shall [absolutely] not be admissible [and usable] as evidence against anybody in any judicial, quasi-judicial, legislative, or administrative investigation, inquiry, proceeding, or hearing.

SEC. 17. Section 16 of the same Act is hereby **REPEALED**.

SEC. 18. Section 17 of the same Act is hereby renumbered and amended and new sections designated as Sections 24 and 25 are hereby added to read as follows:

"Section [17]23. *Proscription of INDIVIDUAL TERRORIST, Terrorist Organizations, Association, or Group of Persons.* - Any **INDIVIDUAL**, organization, association, or group of persons **WHO SHALL COMMIT ANY OF THE CRIMES DEFINED AND PENALIZED UNDER THE PROVISIONS OF THIS ACT AND ANY INDIVIDUAL, ORGANIZATION, OR GROUP OF PERSONS** organized for the purpose of engaging in terrorism, [or which, although not organized for that purpose, actually uses the acts to terrorize mentioned in this Act or to sow and create a condition of widespread and extraordinary fear and panic among the populace in order to coerce the government to give in to an unlawful demand] shall upon **EX PARTE** application of the Department of Justice before a competent Regional Trial Court, [with due notice and opportunity to be heard given to the organization, association, or group of persons concerned,] be declared as a terrorist and/OR outlawed organization, association, or group of persons by the said [Regional Trial] Court.

THE EX PARTE APPLICATION SHALL BE FILED WITH AN URGENT PRAYER FOR THE ISSUANCE OF A PRELIMINARY ASSET PRESERVATION ORDER BASED ON INFORMATION OR DATA ON THE FINANCIAL AND OTHER ASSETS OF THE INDIVIDUAL, ORGANIZATION OR GROUP OF PERSONS SOUGHT TO BE PROSCRIBED, AND/OR A PRELIMINARY ORDER OF PROSCRIPTION.

NO APPLICATION FOR PROSCRIPTION WILL BE FILED WITHOUT THE AUTHORITY OF THE ANTI-TERRORISM COUNCIL UPON THE RECOMMENDATION OF THE NATIONAL INTELLIGENCE COORDINATING AGENCY (NICA) AND/OR THE ANTI-MONEY LAUNDERING COUNCIL.

SECTION 24. ORDER OF PROSCRIPTION AND ASSET PRESERVATION.

- WHERE THE REGIONAL TRIAL COURT JUDGE HAS DETERMINED THAT PROBABLE CAUSE EXISTS ON THE BASIS OF THE VERIFIED EX PARTE PETITION SUFFICIENT IN FORM AND SUBSTANCE, THE COURT WITHIN TWENTY FOUR (24) HOURS FROM THE FILING OF THE APPLICATION MAY ISSUE A PRELIMINARY ORDER OF PROSCRIPTION DECLARING THAT THE RESPONDENT THEREIN IS A TERRORIST OR TERRORIST ORGANIZATION WITHIN THE MEANING OF THIS ACT. WHERE THE REGIONAL TRIAL COURT JUDGE HAS DETERMINED THAT PROBABLE CAUSE EXISTS ON THE BASIS OF THE VERIFIED EX PARTE PETITION SUFFICIENT IN FORM AND SUBSTANCE, THE COURT WITHIN TWENTY FOUR (24) HOURS FROM THE FILING OF THE APPLICATION MAY ISSUE A PRELIMINARY ORDER OF PROSCRIPTION DECLARING THAT THE RESPONDENT THEREIN IS A TERRORIST OR TERRORIST ORGANIZATION WITHIN THE MEANING OF THIS ACT.

THE PRELIMINARY ASSET PRESERVATION ORDER ISSUED IN ACCORDANCE WITH THE RULES ON CIVIL FORFEITURE SHALL, EFFECTIVE IMMEDIATELY, FORBID THE TRANSACTION, WITHDRAWAL, DEPOSIT, TRANSFER, REMOVAL, CONVERSION, CONCEALMENT OR OTHER DISPOSITION OF ANY PROPERTY OR FUNDS OWNED OR CONTROLLED BY THE PROSCRIBED TERRORIST, ORGANIZATION, ASSOCIATION OR GROUP OF PERSONS. SUCH ORDER SHALL BE EFFECTIVE FOR A PERIOD SIX (6) MONTHS FROM THE RESPECTIVE DATES OF SERVICE TO RESPONDENT OR ANY PERSON ACTING IN HIS BEHALF, AND UPON EACH INSTITUTION OR GOVERNMENT AGENCY IN POSSESSION OF THE SUBJECT PROPERTY OR FUNDS.

THE COURT WILL SCHEDULE A SUMMARY HEARING AT A DATE AND TIME WITHIN THE SIX-MONTH PERIOD AT WHICH THE RESPONDENT MAY FOR GOOD CAUSE SHOW WHY THE ORDER OF PROSCRIPTION BE SET ASIDE, AND THE ASSET PRESERVATION ORDER SHOULD BE LIFTED. THE COURT SHALL DETERMINE WITHIN THE SAME PERIOD WHETHER THE

QUESTIONED ORDERS SHOULD BE MADE PERMANENT, SET ASIDE, MODIFIED OR BE LIFTED AS THE CASE MAY BE.

SECTION 25. REQUEST TO PROSCRIBE FROM FOREIGN JURISDICTIONS AND SUPRA-NATIONAL JURISDICTIONS. -CONSISTENT WITH THE NATIONAL INTEREST, ALL REQUESTS FOR PROSCRIPTION MADE BY ANOTHER JURISDICTION OR SUPRA-NATIONAL JURISDICTION SHALL BE REFERRED BY THE DEPARTMENT OF FOREIGN AFFAIRS TO THE ANTI-TERRORISM COUNCIL (ATC) TO DETERMINE, WITH THE ASSISTANCE OF THE NICA, IF PROSCRIPTION UNDER SEC.17 OF THIS ACT IS WARRANTED AND, IF SO, THE ATC SHALL CORRESPONDINGLY COMMENCE PROSCRIPTION PROCEEDINGS THROUGH THE DEPARTMENT OF JUSTICE."

SEC. 19. Section 18 of the same Act is hereby renumbered and amended to read as follows:

"Section [18] **26. Period of Detention Without Judicial Warrant of Arrest.** - The provisions of Article 125 of the Revised Penal Code to the contrary notwithstanding, any [police or] law enforcement **OR MILITARY** personnel [, who, having been duly authorized in writing by the Anti-Terrorism Council] has taken custody of a person [charged with or] suspected [of the crime of terrorism or the crime of conspiracy to commit terrorism] **OF COMMITTING ANY OF THE CRIMES DEFINED AND PENALIZED UNDER THE PROVISIONS OF THIS ACT** shall, without incurring any criminal liability for delay in the delivery of detained persons to the proper judicial authorities, deliver said [charged or suspected] **ARRESTED** person to the proper judicial authority within a period of [three] **THIRTY (30)** days counted from the moment the said [charged or suspected] person has been [apprehended or] arrested **EXCLUDING SATURDAY, SUNDAY AND HOLIDAYS.**[, detained, and taken into custody by the said police, or law enforcement personnel: Provided, That the arrest of those suspected of the crime of terrorism or conspiracy to commit terrorism must result from the surveillance under Sec. 7 and examination of bank deposits under Sec. 27 of this Act.]

[The police or law enforcement personnel concerned shall, before detaining the person suspected of the crime of terrorism, present him or her before any judge

at the latter's residence or office nearest the place where the arrest took place at any time of the day or night. It shall be the duty of the judge, among other things, to ascertain the identity of the police or law enforcement personnel and the person or persons they have arrested and presented before him or her, to inquire of them the reasons why they have arrested the person and determine by questioning and personal observation whether or not the suspect has been subjected to any physical, moral or psychological torture by whom and why. The judge shall then submit a written report of what he/she had observed when the subject was brought before him to the proper court that has jurisdiction over the case of the person thus arrested. The judge shall forthwith submit his/her report within three calendar days from the time the suspect was brought to his/her residence or office.]

[Immediately after taking custody of a person charged with or suspected of the crime of terrorism or conspiracy to commit terrorism, the police or law enforcement personnel shall notify in writing the judge of the court nearest the place of apprehension or arrest: *Provided*, That where the arrest is made during Saturdays, Sundays, holidays or after office hours, the written notice shall be served at the residence of the judge nearest the place where the accused was arrested.]

[The penalty of ten (10) years and one day to twelve (12) years of imprisonment shall be imposed upon the police or law enforcement personnel who fails to notify and judge as provided in the preceding paragraph.]

SEC. 20. Section 19 of the same Act is hereby renumbered amended and new sections designated as Sections 28 and 29 are hereby added to read as follows:

"Section [19] **27**. Period of Detention in the Event of an Actual or Imminent Terrorist Attack. - In the event of an actual or imminent terrorist attack, suspects may [not] be detained for more than [three] **THIRTY (30)** days without [the written approval of a municipal, city, provincial or regional official of a Human Rights Commission or judge of the municipal, regional trial court, the Sandiganbayan or a justice of the Court of Appeals nearest the place of the arrest] **THE LAW ENFORCEMENT OR MILITARY PERSONNEL INCURRING ANY CRIMINAL LIABILITY FOR DELAY OF DELIVERY OF DETAINED PERSONS TO THE PROPER JUDICIAL AUTHORITIES UNDER ARTICLE 125 OF THE REVISED**

PENAL CODE. [If the arrest is made during Saturdays, Sundays, holidays or after office hours, the arresting police or law enforcement personnel shall bring the person thus arrested to the residence of any of the officials mentioned above that is nearest the place where the accused was arrested. The approval in writing of any of the said officials shall be secured by the police or law enforcement personnel concerned within five days after the date of the detention of the persons concerned:] Provided, however, That within [three] **THIRTY (30)** days after the detention the suspects, whose connection with the terror attack or threat is not established, shall be released immediately, **OTHERWISE, SAID SUSPECTS SHALL, WITHIN THIRTY (30) DAYS AFTER THE ACTUAL OR IMMINENT TERRORIST ATTACK CEASES, EXCLUDING SATURDAYS, SUNDAYS AND HOLIDAYS, BE DELIVERED TO THE PROPER JUDICIAL AUTHORITY."**

SEC. 28. ARREST OF UNWILLING MATERIAL WITNESS. – WHEN THERE IS NO OTHER MATERIAL WITNESS, UPON APPLICATION OF THE DEPARTMENT OF JUSTICE, THE COURT MAY ISSUE AN ARREST WARRANT OF A MATERIAL WITNESS IN ORDER TO SECURE HIS OR HER TESTIMONY IN CONNECTION WITH THE INVESTIGATION OR PROSECUTION OF ANY OFFENSE UNDER THIS ACT.

TO OBTAIN THE ARREST WARRANT, THE DOJ SHALL ESTABLISH TO THE COURT'S SATISFACTION THAT THE PERSON IN QUESTION HAS MATERIAL INFORMATION NECESSARY TO THE INVESTIGATION OR PROSECUTION UNDER THIS ACT.

SECTION 29. SUSPENSION/CANCELLATION OF PASSPORT – THE DEPARTMENT OF FOREIGN AFFAIRS MAY SUSPEND OR CANCEL THE PASSPORT OF A CITIZEN CHARGED WITH ANY OF THE CRIMES DEFINED AND PENALIZED UNDER THE PROVISIONS OF THIS ACT, UPON LAWFUL ORDER OF THE COURT WHERE THE CITIZEN'S CRIMINAL CASE IS PENDING.

SEC. 21. Sections 20, 21, 22, 23, 24, and 25 of the same Act are hereby REPEALED.

SEC. 22. Section 26 of the same Act is hereby renumbered and amended to read as follows:

"Sec. [26]30. *[Restriction]***CONDITIONS on Travel WHILE ON BAIL.** - In cases where evidence of guilt is not strong, and the person charged with [the crime of terrorism or conspiracy to commit terrorism is entitled to bail and is granted the same] **ANY OF THE CRIMES DEFINED AND PENALIZED UNDER THE PROVISIONS OF THIS ACT,** the court, upon application by the prosecutor, shall limit the [right of] travel of the accused to within the municipality or city [where he resides or] where the case is pending.[, in the interest of national security and public safety, consistent with Article III, Sec. 6 of the Constitution.] **THE COURT SHALL IMMEDIATELY FURNISH THE DEPARTMENT OF JUSTICE AND THE BUREAU OF IMMIGRATION WITH THE COPY OF SAID ORDER.** Travel outside of said municipality or city, without the authorization of the court, shall be deemed a violation of the terms and conditions of his bail. [, which shall then be forfeited as provided under the Rules of Court.]

[He/she may also be placed under house arrest by order of the court at his or her usual place of residence.]

[While under house arrest, he or she may not use telephones, cellphones, e-mails, computers, the internet or other means of communications with people outside the residence until otherwise ordered by the court.]

The restrictions abovementioned shall be terminated upon the acquittal of the accused or of the dismissal of the case filed against him. [or earlier upon the discretion of the court on motion of the prosecutor or of the accused.]"

SEC. 23. A new Section to be designated as Section 31 is hereby inserted, to read as follows:

"SECTION 31. BANK INQUIRY AND EXAMINATION. – BANK INQUIRY AND EXAMINATION INTO BANK ACCOUNTS AND INVESTMENTS SHALL BE IN ACCORDANCE WITH REPUBLIC ACT NO. 9160, OTHERWISE KNOWN AS THE "ANTI-MONEY LAUNDERING ACT OF 2001, AS AMENDED" IN RELATION TO REPUBLIC ACT NO. 10168, OTHERWISE KNOWN AS THE "TERRORISM FINANCING PREVENTION AND SUPPRESSION ACT OF 2012."

SEC. 24. Sections 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, and 45 of the same Act are hereby **REPEALED**.

SEC. 25. A new Section to be designated as Section 32 is hereby inserted to read as follows:

"SECTION 32. FREEZING AND FORFEITURE. – EXCEPT THOSE COVERED BY SECTION 17-A, THE FREEZE AND FORFEITURE OF PROPERTIES OR FUNDS AS HEREIN DEFINED THAT ARE IN ANY WAY, RELATED TO TERRORISM SHALL BE IN ACCORDANCE WITH REPUBLIC ACT NO. 9160, OTHERWISE KNOWN AS THE "ANTI-MONEY LAUNDERING ACT OF 2001, AS AMENDED" AND THE RULES OF PROCEDURE IN CASES OF CIVIL FORFEITURE, ASSET PRESERVATION AND FREEZE."

SEC. 26. A new Section to be designated as Section 33 is hereby inserted, to read as follows:

"SEC. 33. SEIZURE OF PROPERTIES AT THE TIME OF ARREST. – PROPERTIES FOUND IN POSSESSION OF A KNOWN MEMBER OF A PROSCRIBED TERRORIST ORGANIZATION, AT THE TIME OF HIS ARREST, SHALL BE PRESUMED TO BE RELATED TO TERRORISM FINANCING AND SHALL BE PLACED UNDER CUSTODIA LEGIS PENDING COMMENCEMENT OF FORFEITURE PROCEEDINGS; PROVIDED, THAT IF THE PROPERTY IS OWNED BY A THIRD PERSON NOT LIABLE UNDER THIS ACT, THE SAME SHALL BE RELEASED TO SUCH PERSON, UPON DETERMINATION OF THE COURT."

SEC. 27. Section 46 of the same Act is hereby renumbered and amended to read as follows:

"Section [46] 34. *Penalty for Unauthorized Revelation of Classified Materials.*
- The penalty of [ten (10) years and one day to twelve (12) years]**SIX (6) MONTHS AND ONE (1) DAY TO SIX (6) YEARS** of imprisonment shall be imposed upon any person, [police or] law enforcement **OR MILITARY PERSONNEL**[agent], judicial officer or civil servant who, not being authorized by the Court of Appeals

ORREGIONAL TRIAL COURT to do so, reveals in any manner or form any classified information under this Act.

SEC. 28. Sections 47 of the same Act is hereby renumbered and amended to read as follows:

"Section ~~[47]~~**35. Penalty for Furnishing False TESTIMONY, [Evidence,] Forged Document, or Spurious Evidence.** (As proposed by the Office for Transportation Security). - The penalty of twelve (12) years and one (1) day to twenty (20) years of imprisonment shall be imposed upon any person who knowingly furnishes false testimony, forged document or spurious evidence in any investigation or hearing under this Act."

SEC. 29. Sections 48, 49, 50, and 51 of the same Act are hereby **REPEALED**.

SEC.30. A new Section to be designated as Section 36 is hereby inserted, to read as follows:

"SECTION 36. SPECIAL FACILITY. – ANY PERSON ARRESTED, CHARGED, TRIED, OR CONVICTED UNDER THIS ACT SHALL BE HELD, DETAINED OR IMPRISONED IN A SPECIAL FACILITY ESTABLISHED BY THE STATE."

SEC. 31. A new Section to be designated as Section 27 is hereby inserted, to read as follows:

"SECTION 37. COUNTERING VIOLENT EXTREMISM IN SCHOOLS. – THE DEPARTMENT OF EDUCATION (DEPED), COMMISSION ON HIGHER EDUCATION (CHED), AND TECHNICAL EDUCATION AND SKILLS DEVELOPMENT AUTHORITY (TESDA) SHALL PROMULGATE RULES AND REGULATIONS ON THE OPERATION OF SCHOOLS OR LEARNING CENTERS THAT WILL ENSURE THE LATTER ARE NOT BEING USED TO PROPAGATE VIOLENT EXTREMISM IDEOLOGY. ANY SCHOOL FOUND VIOLATING THE SAME SHALL BE SUBJECT TO ADMINISTRATIVE PENALTY."

SEC. 32.A new Section to be designated as Section 38 is hereby inserted, to read as follows:

"SECTION 38. COUNTERING VIOLENT EXTREMISM IN SOCIAL MEDIA. – ALL DEPARTMENTS OF THE COUNCIL MEMBERS SHALL ESTABLISH A SOCIAL MEDIA SECTION TO COUNTER VIOLENT EXTREMISM IN SOCIAL MEDIA."

SEC. 33. Section 52 of the same Act is hereby renumbered and amended to read as follows:

"Section [52] 39. *Applicability of the Revised Penal Code.* – The provisions [of Book I] of the Revised Penal Code shall [be applicable] **APPLY SUPPLETORILY to this Act."**

SEC. 34. Section 53 of the same Act is hereby renumbered and amended to read as follows:

"Section [53] 40. *Anti-Terrorism Council.* - An Anti-Terrorism Council, hereinafter referred to, for brevity, as the "Council," is hereby created. The members of the Council are: (1) the Executive Secretary, who shall be its Chairperson; (2) the Secretary of Justice, who shall be its Vice Chairperson; and (3) the Secretary of Foreign Affairs; (4) the Secretary of National Defense; (5) the Secretary of the Interior and Local Government; (6) the Secretary of Finance; [and] (7) the National Security Advisor; (8) **THE SECRETARY OF INFORMATION AND COMMUNICATIONS TECHNOLOGY; (9) THE SECRETARY OF SCIENCE AND TECHNOLOGY; (10) THE SECRETARY OF TRANSPORTATION; (11) SECRETARY OF LABOR AND EMPLOYMENT; AND (12) SECRETARY OF EDUCATION as its other members.**

The Council shall implement this Act and assume the responsibility for the proper and effective implementation of the anti-terrorism policy of the country. The Council shall keep records of its proceedings and decisions. All records of the Council shall be subject to such security classifications as the Council may, in its judgment and discretion, decide to adopt to safeguard the safety of the people, the security of the Republic, and the welfare of the nation.

The National Intelligence Coordinating Agency shall be the Secretariat of the Council. The Council shall define the powers, duties, and functions of the National Intelligence Coordinating Agency as Secretariat of the Council.

THERE IS HEREBY CREATED AN ANTI-TERRORISM COUNCIL – PROGRAM MANAGEMENT CENTER (ATC-PMC) WHICH SHALL: (A) DIRECTLY ADMINISTER, CONTROL AND SUPERVISE THE PERFORMANCE OF THE OPERATIONAL FUNCTIONS AND DUTIES OF THE COUNCIL; (B) DIRECTLY ASSIST THE COUNCIL IN THE IMPLEMENTATION OF THE COUNCIL AS HEREIN STATED; (C) ACT AS THE COORDINATOR OF THE COUNCIL IN THE PROPER EXECUTION OF ALL DIRECTIVES OF THE COUNCIL; AND (D) PERFORM SUCH OTHER FUNCTIONS AND DUTIES AS DIRECTED BY THE COUNCIL.[The National Bureau of Investigation, the Bureau of Immigration, the Office of Civil Defense, the Intelligence Service of the Armed Forces of the Philippines, the Anti-Money Laundering Council, the Philippine Center on Transnational Crime, and the Philippine National Police intelligence and investigative elements shall serve as support agencies for the Council.]

ALL THE DEPARTMENTS THAT EACH COUNCIL MEMBER HEADS, TO INCLUDE AGENCIES UNDER THEM, SHALL SERVE AS SUPPORT AGENCIES FOR THE COUNCIL, AS FOLLOWS:

DEPARTMENT OF JUSTICE

DEPARTMENT OF FOREIGN AFFAIRS

DEPARTMENT OF NATIONAL DEFENSE

DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT

DEPARTMENT OF FINANCE

DEPARTMENT OF INFORMATION AND COMMUNICATIONS TECHNOLOGY

DEPARTMENT OF SCIENCE AND TECHNOLOGY

DEPARTMENT OF EDUCATION

DEPARTMENT OF TRANSPORTATION

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

DEPARTMENT OF TRADE AND INDUSTRY

DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT

ANTI-MONEY LAUNDERING COUNCIL

PHILIPPINE CENTER ON TRANSNATIONAL CRIME

SUCH OTHER OFFICES, AGENCIES, OR UNITS AS NECESSARY.

The Council shall formulate and adopt comprehensive, adequate, efficient, and effective anti-terrorism plans, programs, [and counter-] **OR** measures to **COUNTER**, suppress [and] **OR** eradicate terrorism in the country and to protect the people from acts of terrorism. Nothing herein shall be interpreted to empower the Anti-Terrorism Council to exercise any judicial or quasi-judicial power or authority.

SEC. 35. Section 54 of the same Act is hereby renumbered and amended to read as follows:

"Section [54] **41. Functions of the Council.** - In pursuit of its mandate in the previous Section, the Council shall have the following functions [with due regard for the rights of the people as mandated by the Constitution and pertinent laws]:

1. Formulate and adopt plans, programs and counter-measures against terrorists and acts of terrorism in the country;
2. Coordinate all national efforts to suppress and eradicate acts of terrorism in the country and mobilize the entire nation against terrorism prescribed in this Act;
3. [Direct the speedy] **MONITOR THE PROGRESS OF THE** investigation and prosecution of all persons accused **AND/or** detained for the crimeS [of terrorism or conspiracy to commit terrorism and other offenses punishable under this Act, and monitor the progress of their cases] **DEFINED AND PENALIZED UNDER THE PROVISIONS OF THIS ACT;**

4. Establish and maintain comprehensive data-base information systems on terrorism, terrorist activities, and counter-terrorism operations;

5. **ENLIST THE ASSISTANCE OF ANTI-MONEY LAUNDERING COUNCIL TO [F]freeze AND FORFEIT the funds [property], bank deposits, placements, trust accounts, assets [and], records AND PROPERTY OF WHATEVER KIND AND NATURE belonging (I) to a person suspected of or charged with [the] ANY crime [of terrorism or conspiracy to commit terrorism] DEFINED AND PENALIZED UNDER THE PROVISIONS OF THIS ACT, (II) TO DESIGNATED PERSONS DEFINED UNDER SECTION 3(E) OF REPUBLIC ACT NO. 10168, OTHERWISE KNOWN AS THE "TERRORISM FINANCING PREVENTION AND SUPPRESSION ACT OF 2012"; (III) TO AN INDIVIDUAL MEMBER OF SUCH DESIGNATED PERSONS, OR (IV) ANY PERSON PROSCRIBED UNDER SECTION 23, 24 AND 25, [pursuant to Republic Act No. 9160, otherwise known as the Anti-Money Laundering Act of 2001, as amended];**

6. Grant monetary rewards and other incentives to informers who give vital information leading to the [apprehension,] arrest, detention, prosecution, and conviction of person or persons who are liable for the crimeS [of terrorism or conspiracy to commit terrorism] **DEFINED AND PENALIZED UNDER THE PROVISIONS OF THIS ACT: PROVIDED, THAT NO MONETARY REWARD SHALL BE GRANTED TO INFORMERS UNLESS THE ACCUSED'S DEMURRER TO EVIDENCE HAS BEEN DENIED OR PROSECUTION HAS RESTED ITS CASE WITHOUT SUCH DEMURRERS HAVING BEEN FILED;**

7. Establish and maintain coordination with and the cooperation and assistance of other nations in the struggle against international terrorism; [and]

7-A. TAKE ACTION ON RELEVANT RESOLUTIONS ISSUED BY THE UNITED NATIONS SECURITY COUNCIL ACTING UNDER CHAPTER VII OF THE UN CHARTER; AND CONSISTENT WITH THE NATIONAL INTEREST, TAKE ACTION ON FOREIGN REQUESTS TO DESIGNATE TERRORIST INDIVIDUALS, ASSOCIATIONS, ORGANIZATIONS OR GROUP OF PERSONS;

7-B. TAKE MEASURES TO PREVENT TERRORISTS FROM ACQUIRING WEAPONS OF MASS DESTRUCTION SUCH AS, BUT NOT LIMITED TO THE

IMPOSITION OF ECONOMIC AND FINANCIAL SANCTIONS AND IMPORT RESTRICTIONS.

[8. Request the Supreme Court to designate specific divisions of the Court of Appeals and Regional Trial Courts in Manila, Cebu City and Cagayan de Oro City, as the case may be, to handle all cases involving the crime of terrorism or conspiracy to commit terrorism and all matters incident to said crimes. The Secretary of Justice shall assign a team of prosecutors from: (a) Luzon to handle terrorism cases filed in the Regional Trial Court in Manila; (b) from the Visayas to handle cases filed in Cebu City; and (c) from Mindanao to handle cases filed in Cagayan de Oro City.]

8. CALL UPON OTHER GOVERNMENT AGENCIES, NON-GOVERNMENT ORGANIZATIONS AND PRIVATE ENTITIES FOR ASSISTANCE IN THE PERFORMANCE OF ITS MANDATE."

SEC. 36. Sections 55 and 56 of the same Act are hereby **REPEALED**.

SEC. 37. Section 57 of the same Act is hereby renumbered and amended to read as follows:

"Section [57] **42. Ban on Extraordinary Rendition.** - No person suspected, **CHARGED** or convicted of the crime of terrorism shall be subjected to extraordinary rendition to any country unless his or her testimony is needed for terrorist related police investigations or judicial trials in the said country and unless his or her [human] rights [, including the right against torture, and right to counsel,]**UNDER ARTICLE III OF THE CONSTITUTION** are officially assured by the requesting country and transmitted accordingly and approved by the Department of Justice.

SEC. 38. Section 58 of the same Act is hereby renumbered and amended to read as follows:

"Section [58] **43. Extra-Territorial Application of this Act.** - Subject to the provision of an existing treaty of which the Philippines is a [signatory]**STATE PARTY**, and to any contrary provision of any law of preferential application, the provisions of this Act shall apply: (1) to individual persons who commit any of the crimes defined

and [punished in this] **PENALIZED UNDER THE PROVISIONS OF THIS** Act within the terrestrial domain, interior waters, maritime zone, and airspace of the Philippines; **OR (2) to individual persons who, although physically outside the territorial limits of the Philippines, commit, conspire or plot to commit any of the crimes defined and [punished in this] PENALIZED UNDER THE PROVISIONS OF THIS Act (I) inside the territorial limits of the Philippines; [(3) to individual persons who, although physically outside the territorial limits of the Philippines, commit any of the said crimes](II) on board Philippine ship or Philippine airship; [(4) to individual persons who commit any of said crimes] (III) within any embassy, consulate, or diplomatic premises belonging to or occupied by the Philippine government in an official capacity; [(5) to individual persons who, although physically outside the territorial limits of the Philippines, commit said crimes] (IV) against Philippine citizens or persons of Philippines descent, where their citizenship or ethnicity was a factor in the commission of the crime; and [(6) to individual persons who, although physically outside the territorial limits of the Philippines, commit said crimes] (V) directly against the Philippine government, AND (3) TO INDIVIDUAL PERSONS WHO, ALTHOUGH PHYSICALLY OUTSIDE THE TERRITORIAL LIMITS OF THE PHILIPPINES, COMMIT ANY OF THE PUNISHABLE ACTS IN SECTION 5(E) HEREOF AND SHALL THEREAFTER RETURN OR ENTER PHILIPPINE TERRITORY.**

IN CASE OF AN ALIEN WHOSE EXTRADITION IS WITHIN THE SCOPE OF ANY OF THE TREATIES OF WHICH THE REPUBLIC OF THE PHILIPPINES IS A STATE PARTY, AND THAT ALIEN IS NOT EXTRADITED TO THE REQUESTING STATE, THE REPUBLIC OF THE PHILIPPINES, WITHOUT EXCEPTION WHATSOEVER AND WHETHER OR NOT THE OFFENSE WAS COMMITTED IN THE PHILIPPINES, SHALL SUBMIT THE CASE WITHOUT UNDUE DELAY TO THE DEPARTMENT OF JUSTICE FOR THE PURPOSE OF PROSECUTION IN THE SAME MANNER AS IF THE ACT CONSTITUTING THE OFFENSE HAD BEEN COMMITTED IN THE PHILIPPINES, IN WHICH CASE, THE COURTS IN THE CITY OF MANILA, PHILIPPINES SHALL HAVE JURISDICTION OVER THE OFFENSE.

SEC. 39. Section 59 of the same Act is hereby renumbered Section 34, and new subsection designated as 34-A is hereby inserted, to read as follows:

"Section [59] 44. *Joint Oversight Committee.* - There is hereby created a Joint Oversight Committee to oversee the implementation of this Act.

The Oversight Committee shall be composed of five members each from the Senate and the House in addition to the Chairs of the Committees of Public Order of both Houses who shall also Chair the Oversight Committee in the order specified herein. The membership of the Committee for every House shall at least have two opposition or minority members. The Joint Oversight Committee shall have its own independent counsel.

The Chair of the Committee shall rotate every six months with the Senate chairing it for the first six months and the House for the next six months. In every case, the ranking opposition or minority member of the Committee shall be the Vice Chair.

Upon the expiration of one year after this Act is approved by the President, the Committee shall review the Act particularly the provision that authorize the surveillance of suspects of or persons charged with the crime of terrorism. To that end, the Committee shall summon the police and law enforcement officers and the members of the Anti-Terrorism Council and require them to answer questions from the members of Congress and to submit a written report of the acts they have done in the implementation of the law including the manner in which the persons suspected of or charged with the crime of terrorism have been dealt with in their custody and from the date when the movements of the latter were subjected to surveillance and his or her correspondences, messages, conversations and the like were listened to or subjected to monitoring, recording and tapping.

Without prejudice to its submitting other reports, the Committee shall render a semi-annual report to both Houses of Congress. The report may include where necessary a recommendation to reassess the effects of globalization on terrorist activities on the people, provide a sunset clause to or amend any portion of the Act or to repeal the Act in its entirety.

The Courts dealing with anti-terrorism cases shall submit to Congress and the President a report every six months of the status of anti-terrorism cases that have been filed with them starting from the date this Act is implemented.

SECTION 45. IMPLEMENTING RULES AND REGULATIONS. - THE ANTI-TERRORISM COUNCIL SHALL PROMULGATE RULES AND REGULATIONS TO IMPLEMENT EFFECTIVELY THE PROVISIONS OF THIS ACT WITHIN SIX (6) MONTHS FROM THE EFFECTIVITY OF THIS ACT."

SEC.40. Section 60 of the same Act is hereby renumbered to read as follows:

"Section [60] **46. Separability Clause.** - If for any reason any part or provision of this Act is declared unconstitutional or invalid, the other parts or provisions hereof which are not affected thereby shall remain and continue to be in full force and effect.

SEC. 41. Section 61 of the same Act is hereby re-numbered to read as follows:

"Section [61] **47. Repealing Clause.** - Sections 16, 20, 21, 22, 23, 24, 25, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 48,49, 50, 51, and 55 of Republic Act No. 9372 are hereby REPEALED.

All laws, decrees, executive orders, rules or regulations or parts thereof, inconsistent with the provisions of this Act, are hereby repealed, amended, or modified accordingly.

SEC. 42. Section 62 of the same Act is hereby renumbered and amended to read as follows:

"Section [62] **48. [Special] Effectivity Clause.** - **THIS ACT SHALL TAKE EFFECT FIFTEEN (15) DAYS AFTER ITS COMPLETE PUBLICATION IN THE OFFICIAL GAZETTE OR IN AT LEAST TWO (2) NEWSPAPERS OF GENERAL CIRCULATION.**

[After the bill shall have been signed into law by the President, the Act shall be published in three newspapers of national circulation; three newspapers of local circulation, one each in Ilocos Norte, Baguio City and Pampanga; three newspapers of local circulation, one each in Cebu, Iloilo and Tacloban; and three newspapers of local circulation, one each in Cagayan de Oro, Davao and General Santos City.]

[The title of the Act and its provisions defining the acts of terrorism that are punished shall be aired everyday at primetime for seven days, morning, noon and night over three national television and radio networks; three radio and television networks, one each in Cebu, Tacloban and Iloilo; and in five radio and television networks, one each in Lanao del Sur, Cagayan de Oro, Davao City, Cotabato City, and Zamboanga City. The publication in the newspapers of local circulation and the announcements over local radio and television networks shall be done in the dominant language of the community.]

[After the publication required above shall have been done, the Act shall take effect two months after the elections are held in May 2007.]

[Thereafter, the provisions of this Act shall be automatically suspended one month before and two months after the holding of any election.]

Approved,