

HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3553



INTRODUCED BY REP. ROMAN T. ROMULO
Lone District, Pasig City

AN ACT
EXPANDING THE SCOPE AND COVERAGE 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"

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.

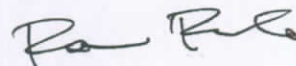
The privacy of communication and correspondence, as mandated by Article III, Section 3(1) of the 1987 Constitution, is further strengthened with the enactment of Republic Act (RA) No. 4200 entitled "*An Act to Prohibit and Penalize Wire Tapping and other related Violations of the Privacy of Communication, 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.



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**AN ACT
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FOR OTHER PURPOSES"**

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

1 **SECTION 1. *Short Title.*** This Act shall be known as the
2 "Expanded Anti-Wire Tapping Act of 2019."

3 **SECTION 2.** Section 1 of Republic Act No. 4200, otherwise
4 known as the Anti-Wire Tapping Law is hereby amended to read as
5 follows:

6 "SECTION 1. It shall be unlawful for any person **TO SECRETLY**
7 **WIRETAP, INTERCEPT, OVERHEAR AND LISTEN TO,**
8 **SCREEN, READ, SURVEIL, RECORD OR COLLECT, WITH**
9 **THE USE OF ANY MODE, FORM, KIND OR TYPE OF**
10 **ELECTRONIC, MECHANICAL OR OTHER EQUIPMENT**
11 **OR DEVICE OR TECHNOLOGY NOW KNOWN OR MAY**
12 **HEREAFTER BE KNOWN TO SCIENCE OR WITH THE**
13 **USE OF OTHER SUITABLE WAYS, ARRANGEMENTS OR**
14 **MEANS FOR THE ABOVE PURPOSES, PRIVATE**
15 **COMMUNICATIONS, CONVERSATIONS, DISCUSSION/S,**
16 **DATA, INFORMATION, MESSAGES IN WHATEVER**
17 **FORM, KIND OR NATURE, SPOKEN OR WRITTEN**

1 TO KNOW THAT THE DESIGN OF SUCH ELECTRONIC,
2 MECHANICAL, OR OTHER EQUIPMENT OR DEVICE OR
3 TECHNOLOGY IS PRIMARILY INTENDED AND USEFUL
4 FOR THE PURPOSES STATED IN SECTION 1 OF THIS
5 ACT SHALL BE ALLOWED ONLY UPON WRITTEN
6 PERMIT OR AUTHORITY FROM THE DEPARTMENT OF
7 INFORMATION AND COMMUNICATIONS TECHNOLOGY
8 (DICT); PROVIDED, THAT, SUCH REQUIREMENT SHALL
9 NOT BE APPLICABLE TO PROCUREMENT UNDER THIS
10 ACT BY THE PHILIPPINE NATIONAL POLICE (PNP),
11 THE PHILIPPINE DRUG ENFORCEMENT AGENCY
12 (PDEA), THE NATIONAL BUREAU OF INVESTIGATION
13 (NBI) AND THE ARMED FORCES OF THE PHILIPPINES
14 (AFP). PROVIDED, FURTHER, THAT, THE SAID
15 AGENCIES MAY PROCURE THE EQUIPMENT ABOVE-
16 MENTIONED EITHER THRU LIMITED SOURCE BIDDING
17 OR DIRECT CONTRACTING AS PROVIDED UNDER
18 REPUBLIC ACT NO. 9184.”

19 SECTION 4. Section 2 thereof shall be deleted and a new Section 2 shall
20 be inserted and which shall read as follows:

21 [“SEC. 2. Any person who willfully or knowingly does or who shall aid,
22 permit, or cause to be done any of the acts declared to be unlawful in the
23 preceding section or who violates the provisions of the following section of
24 any order issued thereunder, or aids, permits, or causes such violation shall,
25 upon conviction thereof, be punished by imprisonment for not less than six
26 months or more than six years and wit the accessory penalty of perpetual
27 absolute disqualification from public office if the offender be a public
28 official at the time of the commission of the offense, and, if the offender is
29 an alien he shall be subject to deportation proceedings.”]

30 **“SECTION 2. PROHIBITED ACTS. -**

31 **(A) ANY PERSON WHO WILFULLY OR KNOWINGLY**
32 **DOES OR CAUSES TO BE DONE OR WHO SHALL AID,**

1 ABET OR PERMIT, ANY OF THE ACTS DECLARED TO BE
2 UNLAWFUL IN SECTION 1 HEREOF SHALL, UPON
3 CONVICTION, SUFFER THE PENALTY OF
4 IMPRISONMENT OF NOT LESS THAN SIX (6) YEARS BUT
5 NOT MORE THAN TWELVE YEARS (12) AND A FINE OF
6 NOT LESS THAN ONE (1) MILLION PESOS BUT NOT
7 EXCEEDING FIVE (5) MILLION PESOS WITH THE
8 ACCESSORY PENALTY OF PERPETUAL ABSOLUTE
9 DISQUALIFICATION FROM PUBLIC OFFICE IF THE
10 OFFENDER BE A PUBLIC OFFICIAL AT THE TIME OF
11 THE COMMISSION OF THE OFFENSE. IF THE
12 OFFENDER IS AN ALIEN, HE SHALL BE SUBJECT TO
13 DEPORTATION PROCEEDINGS AFTER THE SERVICE OF
14 HIS/HER SENTENCE;

15 (B) ANY PERSON WHO MANUFACTURES,
16 ASSEMBLES, SELLS, IMPORTS, DISTRIBUTES, OR
17 OTHERWISE DISPOSES ANY MODE, FORM, KIND
18 OR TYPE OF ELECTRONIC, MECHANICAL OR
19 OTHER EQUIPMENT OR DEVICE OR
20 TECHNOLOGY NOW KNOWN OR MAY HEREAFTER
21 BE KNOWN TO SCIENCE KNOWING OR HAVING
22 REASON TO KNOW THAT THE DESIGN OF SUCH
23 ELECTRONIC, MECHANICAL, OR OTHER
24 EQUIPMENT, DEVICE OR TECHNOLOGY IS
25 PRIMARILY INTENDED AND USEFUL FOR THE
26 PURPOSES STATED IN SECTION 1 OF THIS ACT
27 WITHOUT FIRST SECURING THE NECESSARY
28 AUTHORITY OR PERMIT SHALL, UPON
29 CONVICTION, SUFFER THE PENALTY OF
30 IMPRISONMENT OF NOT LESS THAN THREE (3)
31 YEARS BUT NOT MORE THAN SIX (6) YEARS AND
32 A FINE OF NOT LESS THAN FIVE (5) HUNDRED
33 THOUSAND PESOS BUT NOT EXCEEDING TWO (2)
34 MILLION PESOS WITH THE ACCESSORY

1 **PENALTY OF PERPETUAL ABSOLUTE**
2 **DISQUALIFICATION FROM PUBLIC OFFICE IF**
3 **THE OFFENDER BE A PUBLIC OFFICIAL AT THE**
4 **TIME OF THE COMMISSION OF THE OFFENSE. IF**
5 **THE OFFENDER IS AN ALIEN, HE SHALL BE**
6 **SUBJECT TO DEPORTATION PROCEEDINGS**
7 **AFTER THE SERVICE OF HIS/HER SENTENCE.**

8 **IN ADDITION TO THE PENALTY IMPOSED**
9 **HEREIN, THE EQUIPMENT, DEVICE OR**
10 **TECHNOLOGY TAKEN SHALL BE**
11 **AUTOMATICALLY FORFEITED IN FAVOR OF THE**
12 **GOVERNMENT; AND**

13 **(C) ANY PERSON WHO, HAVING KNOWLEDGE OR**
14 **REASON TO KNOW THAT THE DESIGN OF SUCH**
15 **ELECTRONIC, MECHANICAL, OR OTHER EQUIPMENT,**
16 **DEVICE OR TECHNOLOGY IS PRIMARILY INTENDED**
17 **AND USEFUL FOR THE PURPOSES STATED IN SECTION 1**
18 **OF THIS ACT, OWNS OR POSSESSES WITHOUT ANY**
19 **AUTHORITY ANY OF THE ABOVEMENTIONED**
20 **EQUIPMENT, DEVICE OR TECHNOLOGY, UPON**
21 **CONVICTION SHALL ALSO SUFFER THE PENALTY AS**
22 **PROVIDED UNDER SECTION 2(B).**

23 **SECTION 5.** Section 3 of Republic Act No. 4200 is also hereby
24 amended to read as follows:

25 "SEC. 3. Nothing contained in this Act, however, shall
26 render it unlawful or punishable for any [peace] **LAW**
27 **ENFORCEMENT OR MILITARY** officer, who is
28 authorized by a written order of the Court, to execute any
29 of the **APPLICABLE** acts declared to be unlawful in the
30 two preceding sections in cases involving the crimes of
31 treason, espionage, provoking war and disloyalty in case
32 of war, piracy, mutiny in the high seas, rebellion,

1 conspiracy and proposal to commit rebellion, inciting to
2 rebellion, **COUP D'ETAT, CONSPIRACY AND**
3 **PROPOSAL TO COMMIT COUP D'ETAT**, sedition,
4 conspiracy to commit sedition, inciting to sedition,
5 kidnapping as defined by the Revised Penal Code,
6 **ROBBERY IN BAND AS DEFINED AND PENALIZED**
7 **BY ARTICLES 294, 295, 296, 299 AND 302 OF THE**
8 **REVISED PENAL CODE, BRIGANDAGE/HIGHWAY**
9 **ROBBERY AS DEFINED AND PENALIZED BY**
10 **ARTICLE 306 OF THE REVISED PENAL CODE AND**
11 **PRESIDENTIAL DECREE NO. 532, OTHERWISE**
12 **KNOWN AS THE ANTI-PIRACY AND ANTI-**
13 **HIGHWAY ROBBERY LAW OF 1974, VIOLATIONS**
14 **OF REPUBLIC ACT NO. 9165, OTHERWISE KNOWN**
15 **AS THE COMPREHENSIVE DANGEROUS DRUGS**
16 **ACT OF 2002, VIOLATIONS OF REPUBLIC ACT NO.**
17 **9160, AS AMENDED, OTHERWISE KNOWN AS THE**
18 **ANTI-MONEY LAUNDERING ACT OF 2001** and
19 violations of the Commonwealth Act No. 616, punishing
20 espionage and other offenses against national security:
21 [*Provided*, That such written order shall only be issued or
22 granted upon written application and the examination
23 under oath or affirmation of the applicant and the
24 witnesses he may produce and a showing: (1) that there
25 are reasonable grounds to believe that any of the crimes
26 enumerated hereinabove has been committed or is being
27 committed or is about to be committed. *Provided*,
28 *however*, That in cases involving the offenses of
29 rebellion, conspiracy and proposal to commit rebellion,
30 inciting to rebellion, sedition, conspiracy to commit
31 sedition, and inciting to sedition, such authority shall be
32 granted only upon prior proof that a rebellion or acts of
33 sedition, as the case may be, have actually been or are
34 being committed; (2) that there are reasonable grounds to
35 believe that evidence will be obtained essential to the

1 conviction of any person for, or to the solution of, or to
2 the prevention of, any of such crimes; and (3) that there
3 are no other means readily available for obtaining such
4 evidence.]

5 [The order granted or issued shall specify: (1) the identity
6 of the person or persons whose communications,
7 conversations, discussions, or spoken words are to be
8 overheard, intercepted, or recorded and, in the case of
9 telegraphic or telephonic communications, the telegraph
10 line or the telephone number involved and its location;
11 (2) the identity of the peace officer authorized to
12 overhear, intercept, or record the communications,
13 conversations, discussions, or spoken words; (3) the
14 offense or offenses committed or sought to be prevented;
15 and (4) the period of the authorization. The authorization
16 shall be effective for the period specified in the order
17 which shall not exceed sixty (60) days from the date of
18 issuance of the order, unless extended or renewed by the
19 court upon being satisfied that such extension or renewal
20 is in the public interest.]

21 [All recordings made under court authorization shall,
22 within forty-eight hours after the expiration of the period
23 fixed in the order, be deposited with the court in a sealed
24 envelope or sealed package, and shall be accompanied by
25 an affidavit of the peace officer granted such authority
26 stating the number of recordings made, the dates and
27 times covered by each recording, the number of tapes,
28 discs, or records included in the deposit, and certifying
29 that no duplicates or copies of the whole or any part
30 thereof have been made, or if made, that all such
31 duplicates or copies are included in the envelope or
32 package deposited with the court. The envelope or
33 package so deposited shall not be opened, or the
34 recordings replayed, or used in evidence, or their

1 contents revealed, except upon order of the court, which
2 shall not be granted except upon motion, with due notice
3 and opportunity to be heard to the person or persons
4 whose conversation or communications have been
5 recorded.]

6 [The court referred to in this section shall be understood
7 to mean the Court of First Instance within whose
8 territorial jurisdiction the acts for which authority is
9 applied for are to be executed.]”

10 **SECTION 6.** Republic Act No. 4200 is also hereby amended by inserting
11 Sections 3-A to 3-H, as follows:

12 **"SEC. 3-A. WIRETAPPING, INTERCEPTION,**
13 **SURVEILLANCE AND RECORDING OF**
14 **COMMUNICATIONS. – THE CHIEF OF THE PNP, THE**
15 **PDEA DIRECTOR GENERAL, THE NBI DIRECTOR OR**
16 **THE CHIEF OF STAFF OF THE AFP OR THEIR DULY**
17 **AUTHORIZED REPRESENTATIVES MAY SUBMIT *EX***
18 ***PARTE* APPLICATIONS FOR THE ISSUANCE OF**
19 **WRITTEN ORDERS FROM THE REGIONAL TRIAL**
20 **COURT, TO SECRETLY WIRETAP, INTERCEPT,**
21 **OVERHEAR AND LISTEN TO, SCREEN, READ, SURVEIL,**
22 **RECORD AND COLLECT, WITH THE USE OF ANY MODE,**
23 **FORM, KIND OR TYPE OF ELECTRONIC, MECHANICAL**
24 **OR OTHER EQUIPMENT OR DEVICE OR TECHNOLOGY**
25 **NOW KNOWN OR MAY HEREAFTER BE KNOWN TO**
26 **SCIENCE OR WITH THE USE OF ANY OTHER SUITABLE**
27 **WAYS, ARRANGEMENTS OR MEANS FOR THE ABOVE**
28 **PURPOSES, PRIVATE COMMUNICATIONS,**
29 **CONVERSATIONS, DISCUSSION/S, DATA,**
30 **INFORMATION, MESSAGES IN WHATEVER FORM, KIND**
31 **OR NATURE, SPOKEN OR WRITTEN WORDS UPON**
32 **WRITTEN APPLICATION AND THE EXAMINATION**
33 **UNDER OATH OR AFFIRMATION OF THE APPLICANT**

1 AND THE WITNESSES HE MAY PRODUCE AND A
2 SHOWING: (1) THAT THERE ARE REASONABLE
3 GROUNDS TO BELIEVE THAT ANY OF THE CRIMES
4 ENUMERATED IN SECTION 3 HAS BEEN COMMITTED
5 OR IS BEING COMMITTED OR IS ABOUT TO BE
6 COMMITTED; (2) THAT THERE ARE REASONABLE
7 GROUNDS TO BELIEVE THAT THE EVIDENCE THAT
8 WILL BE OBTAINED IS ESSENTIAL TO THE
9 CONVICTION OF ANY PERSON FOR, OR TO THE
10 SOLUTION OF, OR TO THE PREVENTION OF, ANY OF
11 SUCH CRIMES; AND (3) THAT THERE ARE NO OTHER
12 EFFECTIVE MEANS READILY AVAILABLE FOR
13 OBTAINING SUCH EVIDENCE.

14 SEC. 3-B. EFFECTIVITY PERIOD OF JUDICIAL
15 AUTHORIZATION. - ANY ORDER GRANTED BY THE
16 REGIONAL TRIAL COURT SHALL ONLY BE EFFECTIVE
17 FOR THE LENGTH OF TIME SPECIFIED IN THE
18 WRITTEN ORDER, WHICH SHALL NOT EXCEED A
19 PERIOD OF SIXTY (60) DAYS FROM THE DATE OF
20 RECEIPT OF THE WRITTEN ORDER OF THE
21 AUTHORIZING COURT BY THE APPLICANT.

22 THE AUTHORIZING COURT MAY, UPON APPLICATION,
23 EXTEND OR RENEW THE SAID AUTHORIZATION FOR
24 ANOTHER NON-EXTENDIBLE PERIOD, WHICH SHALL
25 NOT EXCEED THIRTY (30) DAYS FROM THE
26 EXPIRATION OF THE ORIGINAL PERIOD: *PROVIDED*,
27 THAT THE COURT IS SATISFIED THAT SUCH
28 EXTENSION OR RENEWAL IS IN THE PUBLIC INTEREST.

29 SEC. 3-C. CLASSIFICATION AND CONTENTS OF THE
30 COURT AUTHORIZATION. - THE WRITTEN
31 APPLICATION TOGETHER WITH SUPPORTING
32 DOCUMENTS SUBMITTED AND WRITTEN ORDER
33 GRANTED BY THE AUTHORIZING COURT SHALL BE

1 **DEEMED AND ARE HEREBY DECLARED AS CLASSIFIED**
2 **INFORMATION.**

3 **THE WRITTEN ORDER OF THE AUTHORIZING COURT**
4 **SHALL SPECIFY THE FOLLOWING:**

5 **(A) THE IDENTITY, SUCH AS NAME AND ADDRESS,**
6 **IF KNOWN, OF THE PERSON WHOSE PRIVATE**
7 **COMMUNICATIONS, CONVERSATIONS, DISCUSSION/S,**
8 **DATA, INFORMATION, MESSAGES IN WHATEVER**
9 **FORM, KIND OR NATURE, SPOKEN OR WRITTEN**
10 **WORDS AND/OR THE TELEPHONE NUMBERS, IF**
11 **KNOWN THAT ARE TO BE SECRETLY WIRETAPPED,**
12 **INTERCEPTED, OVERHEARD AND LISTENED TO,**
13 **SCREENED, READ, SURVEILLED, RECORDED AND**
14 **COLLECTED AND THEIR LOCATIONS;**

15 **(B) THE IDENTITY OF THE APPLICANT**
16 **AUTHORIZED TO SECRETLY WIRETAP, INTERCEPT,**
17 **OVERHEAR AND LISTEN TO, SCREEN, READ, SURVEIL,**
18 **RECORD AND COLLECT PRIVATE COMMUNICATIONS,**
19 **CONVERSATIONS, DISCUSSION/S, DATA,**
20 **INFORMATION, MESSAGES IN WHATEVER FORM, KIND**
21 **OR NATURE, SPOKEN OR WRITTEN WORDS;**

22 **(C) THE CRIME OR CRIMES COMMITTED, OR IS**
23 **BEING COMMITTED, OR SOUGHT TO BE PREVENTED;**

24 **(D) THE LENGTH OF TIME WITHIN WHICH THE**
25 **AUTHORIZATION SHALL BE USED OR CARRIED OUT;**
26 **AND**

27 **(E) WHEN APPROPRIATE, THE SPECIFIC**
28 **ASSISTANCE OR COOPERATION NEEDED FROM THE**
29 **TELECOMMUNICATIONS OR INTERNET SERVICE**
30 **PROVIDER.**

1 IN NO CASE SHALL THE IDENTITY OF THE
2 AUTHORIZED APPLICANT BE DISCLOSED EXCEPT
3 UPON WRITTEN ORDER OF THE AUTHORIZING COURT
4 AFTER A DETERMINATION THAT THE PUBLIC
5 INTEREST IN THE DISCLOSURE OF THE INFORMATION
6 OUTWEIGHS THE PUBLIC INTEREST IN KEEPING THE
7 INFORMATION SECRET OR CONFIDENTIAL.

8 SEC. 3-D. CUSTODY OF INTERCEPTED AND RECORDED
9 COMMUNICATIONS. - ALL TAPES, DISCS, OTHER
10 STORAGE DEVICES, RECORDINGS, NOTES,
11 MEMORANDA, SUMMARIES, EXCERPTS AND ALL
12 COPIES THEREOF MADE PURSUANT TO THE ORDER OF
13 THE AUTHORIZING COURT, SHALL, WITHIN FORTY-
14 EIGHT (48) HOURS AFTER THE EXPIRATION OF THE
15 PERIOD FIXED IN THE WRITTEN ORDER OR WITHIN
16 FORTY-EIGHT (48) HOURS AFTER THE EXPIRATION OF
17 ANY EXTENSION OR RENEWAL GRANTED, BE
18 DEPOSITED WITH THE AUTHORIZING COURT IN A
19 SEALED ENVELOPE OR SEALED PACKAGE, AS THE
20 CASE MAY BE, AND SHALL BE ACCOMPANIED BY AN
21 AFFIDAVIT OF THE AUTHORIZED APPLICANT.

22 ANY PERSON WHO, WITHOUT WRITTEN AUTHORITY
23 FROM THE AUTHORIZING COURT, REMOVES,
24 CONCEALS, DESTROYS, DISCARDS OR REVEALS ANY
25 OF THE ABOVE-MENTIONED TAPE, DISC, OTHER
26 STORAGE DEVICE, RECORDING, NOTE,
27 MEMORANDUM, SUMMARY, OR EXCERPTS AND ANY
28 COPY THEREOF, OR ANY INFORMATION THEREON
29 SHALL, UPON CONVICTION, SUFFER THE PENALTY OF
30 IMPRISONMENT FOR NOT LESS THAN SIX (6) YEARS
31 BUT NOT MORE THAN TWELVE YEARS (12) AND A FINE
32 OF NOT LESS THAN ONE (1) MILLION PESOS BUT NOT
33 EXCEEDING FIVE (5) MILLION PESOS WITH THE
34 ACCESSORY PENALTY OF PERPETUAL ABSOLUTE

1 **DISQUALIFICATION FROM PUBLIC OFFICE IF THE**
2 **OFFENDER BE A PUBLIC OFFICIAL AT THE TIME OF**
3 **THE COMMISSION OF THE OFFENSE.**

4 **SEC. 3-E. CONTENTS OF THE AFFIDAVIT. - THE**
5 **AFFIDAVIT OF THE AUTHORIZED APPLICANT SHALL**
6 **IDENTIFY THE FOLLOWING: (A) ALL TAPES, DISCS,**
7 **OTHER STORAGE DEVICES, RECORDINGS, NOTES,**
8 **MEMORANDA, SUMMARIES, EXCERPTS AND ALL**
9 **COPIES MADE IN CONNECTION THEREWITH; (B) THE**
10 **DURATION OF THE JUDICIAL AUTHORIZATION AND**
11 **THE DATES AND TIMES COVERED BY EACH OF SUCH**
12 **MATERIALS; AND (C) THE NUMBER OF TAPES, DISCS,**
13 **OR OTHER STORAGE DEVICES, RECORDINGS, NOTES,**
14 **MEMORANDA, SUMMARIES, EXCERPTS AND ALL**
15 **COPIES MADE IN CONNECTION THEREWITH THAT**
16 **HAVE BEEN INCLUDED IN THE DEPOSIT.**

17 **THE AFFIDAVIT SHALL ALSO CERTIFY UNDER OATH**
18 **THAT NO DUPLICATES OR COPIES OF THE WHOLE OR**
19 **ANY PART OF ANY OF SUCH TAPES, DISCS, OTHER**
20 **STORAGE DEVICES, RECORDINGS, NOTES,**
21 **MEMORANDA, SUMMARIES, AND EXCERPTS, HAVE**
22 **BEEN MADE, OR, IF MADE, THAT ALL SUCH**
23 **DUPLICATES AND COPIES ARE INCLUDED IN THE**
24 **SEALED ENVELOPE OR SEALED PACKAGE, AS THE**
25 **CASE MAY BE, DEPOSITED WITH THE AUTHORIZING**
26 **COURT.**

27 **SEC. 3-F. DISPOSITION OF DEPOSITED MATERIAL. - THE**
28 **SEALED ENVELOPE OR SEALED PACKAGE AND THE**
29 **CONTENTS THEREOF, WHICH ARE DEPOSITED WITH**
30 **THE AUTHORIZING COURT, SHALL BE DEEMED AND**
31 **ARE HEREBY DECLARED CLASSIFIED INFORMATION,**
32 **AND THE SEALED ENVELOPE OR SEALED PACKAGE**
33 **SHALL NOT BE OPENED AND ITS CONTENTS SHALL**

1 NOT BE DISCLOSED, REVEALED, READ, REPLAYED, OR
2 USED AS EVIDENCE UNLESS AUTHORIZED BY WRITTEN
3 ORDER OF THE AUTHORIZING COURT WHICH SHALL
4 NOT BE GRANTED EXCEPT UPON MOTION, WITH DUE
5 NOTICE AND OPPORTUNITY TO BE HEARD TO THE
6 INDIVIDUAL/S SUBJECT OF THE ABOVE-MENTIONED
7 COURT AUTHORIZATION. PROVIDED, THAT WITHIN
8 NINETY (90) DAYS FROM THE EXPIRATION OF THE
9 ORDER, THE INDIVIDUAL/S WHOSE COMMUNICATIONS
10 HAVE BEEN INTERCEPTED AND/OR RECORDED SHALL
11 BE NOTIFIED OF SUCH FACT, UNLESS DELAY IN
12 NOTIFICATION IS ALLOWED BY A WRITTEN ORDER OF
13 THE AUTHORIZING COURT, UPON A FINDING THAT AN
14 INVESTIGATION IS STILL ONGOING, AND AFTER A
15 DETERMINATION THAT THE PUBLIC INTEREST IN
16 DELAYING NOTIFICATION OUTWEIGHS THE PUBLIC
17 INTEREST IN KEEPING THE INFORMATION SECRET OR
18 CONFIDENTIAL: PROVIDED FURTHER, THAT DELAY IN
19 NOTIFICATION SHALL NOT BE LONGER THAN ONE (1)
20 YEAR.

21 SEC. 3-G. DESTRUCTION OF DEPOSITED MATERIAL. -
22 AFTER THE LAPSE OF FIVE (5) YEARS FROM THE
23 EXPIRATION OF THE PERIOD FIXED IN THE WRITTEN
24 ORDER, THE AUTHORIZING COURT SHALL ORDER THE
25 DESTRUCTION OF THE DEPOSITED MATERIAL UNLESS
26 IT IS BEING UTILIZED IN AN ONGOING INVESTIGATION
27 OR PROSECUTION, IN WHICH CASE, IT SHALL BE
28 DESTROYED TWO (2) YEARS AFTER THE TERMINATION
29 OF THE INVESTIGATION OR FINALITY OF THE
30 DECISION ON THE CASE.

31 SEC. 3-H. COMMUNICATIONS ASSISTANCE FOR LAW
32 ENFORCEMENT. - THE AUTHORIZING COURT MAY
33 ORDER ANY TELECOMMUNICATIONS OR INTERNET
34 SERVICE PROVIDER TO ASSIST AND COOPERATE WITH

1 THE LAW ENFORCEMENT OR MILITARY OFFICERS IN
2 IMPLEMENTING THE ORDER OF THE AUTHORIZING
3 COURT. THE SPECIFIC ASSISTANCE OR COOPERATION
4 NEEDED SHALL BE INDICATED IN THE WRITTEN
5 ORDER AS STATED IN SECTION 3 (C). THE
6 TELECOMMUNICATIONS OR INTERNET SERVICE
7 PROVIDER SHALL TAKE MEASURES TO ENSURE THAT
8 THE PERSON WHOSE PRIVATE COMMUNICATIONS,
9 CONVERSATIONS, DISCUSSION/S, DATA,
10 INFORMATION, MESSAGES IN WHATEVER FORM, KIND
11 OR NATURE, SPOKEN OR WRITTEN WORDS ARE TO BE
12 SECRETLY WIRETAPPED, INTERCEPTED, OVERHEARD
13 AND LISTENED TO, SCREENED, READ, SURVEILLED,
14 RECORDED AND COLLECTED SHALL NEITHER DETECT
15 NOR BE NOTIFIED OF SUCH FACT.

16 THE RESPONSIBLE PERSON/S OF THE
17 TELECOMMUNICATIONS OR INTERNET SERVICE
18 PROVIDER WHO UNJUSTIFIABLY REFUSE/S TO
19 COMPLY WITH THE ORDER OF THE COURT SHALL BE
20 CITED FOR CONTEMPT AND FINED IN AN AMOUNT NOT
21 LESS THAN ONE (1) MILLION PESOS BUT NOT MORE
22 THAN THREE (3) MILLION PESOS.

23 NO ADMINISTRATIVE, CRIMINAL OR CIVIL
24 PROCEEDINGS SHALL LIE AGAINST THE EMPLOYEES
25 OR OFFICIALS OF THE TELECOMMUNICATIONS OR
26 INTERNET SERVICE PROVIDER FOR HAVING ASSISTED
27 OR COOPERATED WITH THE LAW ENFORCEMENT OR
28 MILITARY OFFICERS IN THE IMPLEMENTATION OF
29 THE WRITTEN ORDER OF THE COURT.”

30 SECTION 7. Section 4 of Republic Act No. 4200 is hereby
31 amended to read as follows:

1 “SEC. 4. Any **PRIVATE** communication**S**, **CONVERSATIONS**,
2 **DISCUSSION/S**, **DATA**, **INFORMATION**, **MESSAGES IN**
3 **WHATEVER FORM, KIND OR NATURE**, or spoken **OR**
4 **WRITTEN** word**S**, or the existence, contents, substance, purport,
5 effect, or meaning of the same or any part thereof, or any
6 information therein contained, obtained or secured by any person in
7 violation of the preceding sections of this Act shall not be admissible
8 in evidence in any judicial, quasi-judicial, legislative or
9 administrative hearing or investigation. **PROVIDED, THAT THE**
10 **USE OF ANY EVIDENCE VALIDLY OBTAINED PURSUANT**
11 **TO SECTIONS 3-A TO 3-H OF THIS ACT IN RELATION TO**
12 **ANY OF THE OFFENSES MENTIONED IN SECTION 3 OF**
13 **THIS ACT SHALL BE ALLOWED. “**

14 **SECTION 8. *Separability Clause.*** If any provision of this Act shall be
15 declared invalid or unconstitutional, the remaining part or provisions not otherwise
16 affected shall remain in force.

17 **SECTION 9. *Repealing Clause.*** Any law, decree, ordinance,
18 administrative circulars not consistent with any provision of this Act is hereby
19 amended, repealed or modified accordingly.

20 **SECTION 10. *Effectivity Clause.*** This Act shall take effect fifteen (15)
21 days after its complete publication in the Official Gazette or in at least two (2)
22 newspapers of general circulation.

23 ***Approved,***