

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1531



Introduced by Representative Roman T. Romulo

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

This bill proposes to expand the scope and coverage of the Anti-Wire Tapping Act by including coup d'état, conspiracy and proposal to commit coup d'état, 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 whereby law enforcement and military officers, through a court order, can perform acts otherwise declared unlawful under this law.

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 on 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 fall outside of the aforementioned 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 crucial 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'état, conspiracy and proposal to commit coup d'état, 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 a 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.

In view of the foregoing, immediate approval of this bill is earnestly requested.



ROMAN T. ROMULO

Lone District, Pasig City

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

1 **SECTION 1.** *Short Title.* This Act shall be known as the "Expanded Anti-Wire Tapping
2 Act of 2022."

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

6
7 "SECTION 1. It shall be unlawful for any person, not being authorized by [all the
8 parties] **ANY PARTY** to any **ORAL, WIRE, RADIO, DIGITAL OR ELECTRONIC**
9 private communication [or spoken word], to tap [any wire or cable, or by using
10 any other device or arrangement, to secretly overhear], intercept, or record
11 such communication [or spoken word by using a device commonly known as a
12 dictaphone or dictagraph or detectaphone or walkie-talkie or tape recorder, or
13 however otherwise described:] **WITH THE USE OF ANY MODE, FORM, KIND OR**
14 **TYPE OF ELECTRONIC, MECHANICAL OR OTHER EQUIPMENT OR DEVICE OR**

1 **TECHNOLOGY NOW KNOWN OR MAY HEREAFTER BE KNOWN TO SCIENCE,**
2 **OR SIMILAR DEVICES.**

3
4 "It shall also be unlawful for any person, be he a participant or not in
5 the act or acts penalized in the next preceding sentence, to knowingly possess
6 any tape record, wire record, disc record, or any other such record, or copies
7 thereof, of any **ORAL, WIRE, RADIO, DIGITAL OR ELECTRONIC PRIVATE**
8 communication [or spoken word] secured either before or after the effective
9 date of this Act in the manner prohibited by this law; or to replay the same for
10 any other person or persons; or to communicate the contents thereof, either
11 verbally or in writing, or to furnish transcriptions thereof, whether complete or
12 partial, to any other person: *Provided*, That the use of such record or any copies
13 thereof as evidence in any civil, criminal investigation or trial of offenses
14 mentioned in Section 3 hereof, shall not be covered by this prohibition."

15
16 **SECTION 3.** Section 2 thereof shall be deleted and a new Section 2 shall be inserted
17 and which shall read as follows:

18
19 ["SEC. 2. Any person who willfully or knowingly does or who shall aid, permit, or cause
20 to be done any of the acts declared to be unlawful in the preceding section or who
21 violates the provisions of the following section of any order issued thereunder, or aids,
22 permits, or causes such violation shall, upon conviction thereof, be punished by
23 imprisonment for not less than six months or more than six years and wit the accessory
24 penalty of perpetual absolute disqualification from public office if the offender be a
25 public official at the time of the commission of the offense, and, if the offender is an
26 alien he shall be subject to deportation proceedings."]

27
28 **"SECTION 2. PROHIBITED ACTS. –**

29
30 **(A) ANY PERSON WHO WILFULLY OR KNOWINGLY DOES OR CAUSES TO BE**
31 **DONE OR WHO SHALL AID, ABET OR PERMIT, ANY OF THE ACTS DECLARED**
32 **TO BE UNLAWFUL IN SECTION 1 HEREOF SHALL, UPON CONVICTION, SUFFER**

1 THE PENALTY OF IMPRISONMENT OF NOT LESS THAN SIX (6) YEARS BUT NOT
2 MORE THAN TWELVE YEARS (12) AND A FINE OF NOT LESS THAN ONE (1)
3 MILLION PESOS BUT NOT EXCEEDING FIVE (5) MILLION PESOS WITH THE
4 ACCESSORY PENALTY OF PERPETUAL ABSOLUTE DISQUALIFICATION FROM
5 PUBLIC OFFICE IF THE OFFENDER BE A PUBLIC OFFICIAL AT THE TIME OF THE
6 COMMISSION OF THE OFFENSE. IF THE OFFENDER IS AN ALIEN, HE SHALL BE
7 SUBJECT TO DEPORTATION PROCEEDINGS AFTER THE SERVICE OF HIS/HER
8 SENTENCE;

9
10 (B) ANY PERSON WHO MANUFACTURES, ASSEMBLES, SELLS, IMPORTS,
11 DISTRIBUTES, OR OTHERWISE DISPOSES ANY MODE, FORM, KIND OR TYPE OF
12 ELECTRONIC, MECHANICAL OR OTHER EQUIPMENT OR DEVICE OR
13 TECHNOLOGY NOW KNOWN OR MAY HEREAFTER BE KNOWN TO SCIENCE
14 KNOWING OR HAVING REASON TO KNOW THAT THE DESIGN OF SUCH
15 ELECTRONIC, MECHANICAL, OR OTHER EQUIPMENT, DEVICE OR
16 TECHNOLOGY IS PRIMARILY INTENDED AND USEFUL FOR THE PURPOSES
17 STATED IN SECTION 1 OF THIS ACT WITHOUT FIRST SECURING THE
18 NECESSARY AUTHORITY OR PERMIT SHALL, UPON CONVICTION, SUFFER THE
19 PENALTY OF IMPRISONMENT OF NOT LESS THAN THREE (3) YEARS BUT NOT
20 MORE THAN SIX (6) YEARS AND A FINE OF NOT LESS THAN FIVE (5) HUNDRED
21 THOUSAND PESOS BUT NOT EXCEEDING TWO (2) MILLION PESOS WITH THE
22 ACCESSORY PENALTY OF PERPETUAL ABSOLUTE DISQUALIFICATION FROM
23 PUBLIC OFFICE IF THE OFFENDER BE A PUBLIC OFFICIAL AT THE TIME OF THE
24 COMMISSION OF THE OFFENSE. IF THE OFFENDER IS AN ALIEN, HE SHALL BE
25 SUBJECT TO DEPORTATION PROCEEDINGS AFTER THE SERVICE OF HIS/HER
26 SENTENCE.

27
28 IN ADDITION TO THE PENALTY IMPOSED HEREIN, THE EQUIPMENT, DEVICE
29 OR TECHNOLOGY TAKEN SHALL BE AUTOMATICALLY FORFEITED IN FAVOR OF
30 THE GOVERNMENT; AND
31

1 (C) ANY PERSON WHO, HAVING KNOWLEDGE OR REASON TO KNOW THAT
2 THE DESIGN OF SUCH ELECTRONIC, MECHANICAL, OR OTHER EQUIPMENT,
3 DEVICE OR TECHNOLOGY IS PRIMARILY INTENDED AND USEFUL FOR THE
4 PURPOSES STATED IN SECTION 1 OF THIS ACT, OWNS OR POSSESSES
5 WITHOUT ANY AUTHORITY ANY OF THE ABOVEMENTIONED EQUIPMENT,
6 DEVICE OR TECHNOLOGY, UPON CONVICTION SHALL ALSO SUFFER THE
7 PENALTY AS PROVIDED UNDER SECTION 2(B).
8

9 **SECTION 4.** Section 3 of Republic Act No. 4200 is also hereby amended to read as
10 follows:
11

12 "SEC. 3. Nothing contained in this Act, however, shall render it unlawful or
13 punishable for any [peace] **LAW ENFORCEMENT OR MILITARY** officer, who is
14 authorized by a written order of the Court, to execute any of the **APPLICABLE**
15 acts declared to be unlawful in the two preceding sections in cases involving
16 the crimes of treason, espionage, provoking war and disloyalty in case of war,
17 piracy, mutiny in the high seas, rebellion, conspiracy and proposal to commit
18 rebellion, inciting to rebellion, **COUP D'ETAT, CONSPIRACY AND PROPOSAL TO**
19 **COMMIT COUP D'ETAT**, sedition, conspiracy to commit sedition, inciting to
20 sedition, kidnapping as defined by the Revised Penal Code, **ROBBERY IN BAND**
21 **AS DEFINED AND PENALIZED BY ARTICLES 294, 295, 296, 299 AND 302 OF THE**
22 **REVISED PENAL CODE, BRIGANDAGE/HIGHWAY ROBBERY AS DEFINED AND**
23 **PENALIZED BY ARTICLE 306 OF THE REVISED PENAL CODE AND PRESIDENTIAL**
24 **DECREE NO. 532, OTHERWISE KNOWN AS THE ANTI-PIRACY AND ANTI-**
25 **HIGHWAY ROBBERY LAW OF 1974, VIOLATIONS OF REPUBLIC ACT NO. 9165,**
26 **OTHERWISE KNOWN AS THE COMPREHENSIVE DANGEROUS DRUGS ACT OF**
27 **2002, VIOLATIONS OF REPUBLIC ACT NO. 3019, OTHERWISE KNOWN AS THE**
28 **ANTI-GRAFT AND CORRUPT PRACTICES ACT, SYNDICATED ILLEGAL**
29 **RECRUITMENT AS DEFINED AND PUNISHED UNDER REPUBLIC ACT NO. 8042,**
30 **AS AMENDED, OTHERWISE KNOWN AS THE MIGRANT WORKERS AND**
31 **OVERSEAS FILIPINOS ACT OF 1995, VIOLATIONS OF REPUBLIC ACT NO. 9160,**
32 **AS AMENDED, OTHERWISE KNOWN AS THE ANTI-MONEY LAUNDERING ACT**

1 **OF 2001** and violations of the Commonwealth Act No. 616, punishing
2 espionage and other offenses against national security: [*Provided, That such*
3 written order shall only be issued or granted upon written application and the
4 examination under oath or affirmation of the applicant and the witnesses he
5 may produce and a showing: (1) that there are reasonable grounds to believe
6 that any of the crimes enumerated hereinabove has been committed or is
7 being committed or is about to be committed. *Provided, however, That in cases*
8 involving the offenses of rebellion, conspiracy and proposal to commit
9 rebellion, inciting to rebellion, sedition, conspiracy to commit sedition, and
10 inciting to sedition, such authority shall be granted only upon prior proof that
11 a rebellion or acts of sedition, as the case may be, have actually been or are
12 being committed; (2) that there are reasonable grounds to believe that
13 evidence will be obtained essential to the conviction of any person for, or to
14 the solution of, or to the prevention of, any of such crimes; and (3) that there
15 are no other means readily available for obtaining such evidence.]

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

29
30 [All recordings made under court authorization shall, within forty-eight hours
31 after the expiration of the period fixed in the order, be deposited with the court
32 in a sealed envelope or sealed package, and shall be accompanied by an

1 affidavit of the peace officer granted such authority stating the number of
2 recordings made, the dates and times covered by each recording, the number
3 of tapes, discs, or records included in the deposit, and certifying that no
4 duplicates or copies of the whole or any part thereof have been made, or if
5 made, that all such duplicates or copies are included in the envelope or
6 package deposited with the court. The envelope or package so deposited shall
7 not be opened, or the recordings replayed, or used in evidence, or their
8 contents revealed, except upon order of the court, which shall not be granted
9 except upon motion, with due notice and opportunity to be heard to the
10 person or persons whose conversation or communications have been
11 recorded.]

12
13 [The court referred to in this section shall be understood to mean the Court of
14 First Instance within whose territorial jurisdiction the acts for which authority
15 is applied for are to be executed.]"

16
17 **SECTION 5.** Republic Act No. 4200 is also hereby amended by inserting Sections 3-A to
18 3-H, as follows:

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

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

11
12 SEC. 3-B. EFFECTIVITY PERIOD OF JUDICIAL AUTHORIZATION. - ANY ORDER
13 GRANTED BY THE REGIONAL TRIAL COURT SHALL ONLY BE EFFECTIVE FOR THE
14 LENGTH OF TIME SPECIFIED IN THE WRITTEN ORDER, WHICH SHALL NOT
15 EXCEED A PERIOD OF SIXTY (60) DAYS FROM THE DATE OF RECEIPT OF THE
16 WRITTEN ORDER OF THE AUTHORIZING COURT BY THE APPLICANT.

17 THE AUTHORIZING COURT MAY, UPON APPLICATION, EXTEND OR RENEW
18 THE SAID AUTHORIZATION FOR ANOTHER NON-EXTENDIBLE PERIOD, WHICH
19 SHALL NOT EXCEED THIRTY (30) DAYS FROM THE EXPIRATION OF THE
20 ORIGINAL PERIOD: *PROVIDED*, THAT THE COURT IS SATISFIED THAT SUCH
21 EXTENSION OR RENEWAL IS IN THE PUBLIC INTEREST.

22
23 SEC. 3-C. CLASSIFICATION AND CONTENTS OF THE COURT AUTHORIZATION. -
24 THE WRITTEN APPLICATION TOGETHER WITH SUPPORTING DOCUMENTS
25 SUBMITTED AND WRITTEN ORDER GRANTED BY THE AUTHORIZING COURT
26 SHALL BE DEEMED AND ARE HEREBY DECLARED AS CLASSIFIED
27 INFORMATION.

28
29 THE WRITTEN ORDER OF THE AUTHORIZING COURT SHALL SPECIFY THE
30 FOLLOWING:
31

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

9 (B) THE IDENTITY OF THE APPLICANT AUTHORIZED TO SECRETLY
10 WIRETAP, INTERCEPT, OVERHEAR AND LISTEN TO, SCREEN, READ, SURVEIL,
11 RECORD AND COLLECT PRIVATE COMMUNICATIONS, CONVERSATIONS,
12 DISCUSSION/S, DATA, INFORMATION, MESSAGES IN WHATEVER FORM, KIND
13 OR NATURE, SPOKEN OR WRITTEN WORDS;
14

15 (C) THE CRIME OR CRIMES COMMITTED, OR IS BEING COMMITTED,
16 OR SOUGHT TO BE PREVENTED;
17

18 (D) THE LENGTH OF TIME WITHIN WHICH THE AUTHORIZATION SHALL
19 BE USED OR CARRIED OUT; AND
20

21 (E) WHEN APPROPRIATE, THE SPECIFIC ASSISTANCE OR
22 COOPERATION NEEDED FROM THE TELECOMMUNICATIONS OR INTERNET
23 SERVICE PROVIDER.
24

25 IN NO CASE SHALL THE IDENTITY OF THE AUTHORIZED APPLICANT BE
26 DISCLOSED EXCEPT UPON WRITTEN ORDER OF THE AUTHORIZING COURT
27 AFTER A DETERMINATION THAT THE PUBLIC INTEREST IN THE DISCLOSURE
28 OF THE INFORMATION OUTWEIGHS THE PUBLIC INTEREST IN KEEPING THE
29 INFORMATION SECRET OR CONFIDENTIAL.
30

31 SEC. 3-D. CUSTODY OF INTERCEPTED AND RECORDED COMMUNICATIONS. -
32 ALL TAPES, DISCS, OTHER STORAGE DEVICES, RECORDINGS, NOTES,

1 MEMORANDA, SUMMARIES, EXCERPTS AND ALL COPIES THEREOF MADE
2 PURSUANT TO THE ORDER OF THE AUTHORIZING COURT, SHALL, WITHIN
3 FORTY-EIGHT (48) HOURS AFTER THE EXPIRATION OF THE PERIOD FIXED IN
4 THE WRITTEN ORDER OR WITHIN FORTY-EIGHT (48) HOURS AFTER THE
5 EXPIRATION OF ANY EXTENSION OR RENEWAL GRANTED, BE DEPOSITED
6 WITH THE AUTHORIZING COURT IN A SEALED ENVELOPE OR SEALED
7 PACKAGE, AS THE CASE MAY BE, AND SHALL BE ACCOMPANIED BY AN
8 AFFIDAVIT OF THE AUTHORIZED APPLICANT.

9
10 ANY PERSON WHO, WITHOUT WRITTEN AUTHORITY FROM THE
11 AUTHORIZING COURT, REMOVES, CONCEALS, DESTROYS, DISCARDS OR
12 REVEALS ANY OF THE ABOVE-MENTIONED TAPE, DISC, OTHER STORAGE
13 DEVICE, RECORDING, NOTE, MEMORANDUM, SUMMARY, OR EXCERPTS AND
14 ANY COPY THEREOF, OR ANY INFORMATION THEREON SHALL, UPON
15 CONVICTION, SUFFER THE PENALTY OF IMPRISONMENT FOR NOT LESS THAN
16 SIX (6) YEARS BUT NOT MORE THAN TWELVE YEARS (12) AND A FINE OF NOT
17 LESS THAN ONE (1) MILLION PESOS BUT NOT EXCEEDING FIVE (5) MILLION
18 PESOS WITH THE ACCESSORY PENALTY OF PERPETUAL ABSOLUTE
19 DISQUALIFICATION FROM PUBLIC OFFICE IF THE OFFENDER BE A PUBLIC
20 OFFICIAL AT THE TIME OF THE COMMISSION OF THE OFFENSE.

21
22 SEC. 3-E. CONTENTS OF THE AFFIDAVIT. - THE AFFIDAVIT OF THE AUTHORIZED
23 APPLICANT SHALL IDENTIFY THE FOLLOWING: (A) ALL TAPES, DISCS, OTHER
24 STORAGE DEVICES, RECORDINGS, NOTES, MEMORANDA, SUMMARIES,
25 EXCERPTS AND ALL COPIES MADE IN CONNECTION THEREWITH; (B) THE
26 DURATION OF THE JUDICIAL AUTHORIZATION AND THE DATES AND TIMES
27 COVERED BY EACH OF SUCH MATERIALS; AND (C) THE NUMBER OF TAPES,
28 DISCS, OR OTHER STORAGE DEVICES, RECORDINGS, NOTES, MEMORANDA,
29 SUMMARIES, EXCERPTS AND ALL COPIES MADE IN CONNECTION THEREWITH
30 THAT HAVE BEEN INCLUDED IN THE DEPOSIT.

31 THE AFFIDAVIT SHALL ALSO CERTIFY UNDER OATH THAT NO DUPLICATES OR
32 COPIES OF THE WHOLE OR ANY PART OF ANY OF SUCH TAPES, DISCS, OTHER

1 STORAGE DEVICES, RECORDINGS, NOTES, MEMORANDA, SUMMARIES, AND
2 EXCERPTS, HAVE BEEN MADE, OR, IF MADE, THAT ALL SUCH DUPLICATES
3 AND COPIES ARE INCLUDED IN THE SEALED ENVELOPE OR SEALED PACKAGE,
4 AS THE CASE MAY BE, DEPOSITED WITH THE AUTHORIZING COURT.

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

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

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

15
16 **THE RESPONSIBLE PERSON/S OF THE TELECOMMUNICATIONS OR INTERNET**
17 **SERVICE PROVIDER WHO UNJUSTIFIABLY REFUSE/S TO COMPLY WITH THE**
18 **ORDER OF THE COURT SHALL BE CITED FOR CONTEMPT AND FINED IN AN**
19 **AMOUNT NOT LESS THAN ONE (1) MILLION PESOS BUT NOT MORE THAN**
20 **THREE (3) MILLION PESOS.**

21
22 **NO ADMINISTRATIVE, CRIMINAL OR CIVIL PROCEEDINGS SHALL LIE AGAINST**
23 **THE EMPLOYEES OR OFFICIALS OF THE TELECOMMUNICATIONS OR INTERNET**
24 **SERVICE PROVIDER FOR HAVING ASSISTED OR COOPERATED WITH THE LAW**
25 **ENFORCEMENT OR MILITARY OFFICERS IN THE IMPLEMENTATION OF THE**
26 **WRITTEN ORDER OF THE COURT.”**

27
28 **SECTION 6.** Section 4 of Republic Act No. 4200 is hereby amended to read as follows:

29
30 **“SEC. 4. Any PRIVATE communicationS, CONVERSATIONS, DISCUSSION/S,**
31 **DATA, INFORMATION, MESSAGES IN WHATEVER FORM, KIND OR NATURE, or**
32 **spoken OR WRITTEN wordS, or the existence, contents, substance, purport,**

1 effect, or meaning of the same or any part thereof, or any information therein
2 contained, obtained or secured by any person in violation of the preceding
3 sections of this Act shall not be admissible in evidence in any judicial, quasi-
4 judicial, legislative or administrative hearing or investigation. **PROVIDED, THAT**
5 **THE USE OF ANY EVIDENCE VALIDLY OBTAINED PURSUANT TO SECTIONS 3-A**
6 **TO 3-H OF THIS ACT IN RELATION TO ANY OF THE OFFENSES MENTIONED IN**
7 **SECTION 3 OF THIS ACT SHALL BE ALLOWED.”**

8
9 **SECTION 7. *Separability Clause.*** If any provision of this Act shall be declared invalid or
10 unconstitutional, the remaining part or provisions not otherwise affected shall remain in
11 force.

12
13 **SECTION 8. *Repealing Clause.*** Any law, decree, ordinance, administrative circulars not
14 consistent with any provision of this Act is hereby amended, repealed or modified
15 accordingly.

16
17 **SECTION 9. *Effectivity Clause.*** This Act shall take effect fifteen (15) days after its
18 complete publication in the Official Gazette or in at least two (2) newspapers of general
19 circulation.

20
21 ***Approved,***