Republic of the Philippines

# House of Representatives

Quezon City, Metro Manila

Nineteenth Congress
Third Regular Session

HOUSE BILL NO. **11495**

HOUSE OF REPRESENTATIVES
E-Filed
RECEIVED
DATE April 7, 2025
TIME 8:00 am
BY Tweety
BILLS AND INDEX SERVICE

**Introduced by Representative LORDAN G. SUAN**

**AN ACT**
**AMENDING ARTICLE 117 OF ACT NO. 3815, OTHERWISE KNOWN AS "THE REVISED PENAL CODE" OF THE PHILIPPINES, AS AMENDED, PUNISHING CONSPIRACY AND PROPOSAL TO COMMIT ESPIONAGE AND MISPRISION OF ESPIONAGE, AND FOR OTHER PURPOSES**

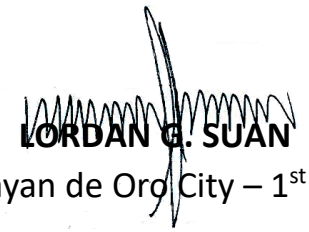
## EXPLANATORY NOTE

The 1987 Philippine Constitution, under Article I, defines our national territory, encompassing the entire Philippine archipelago, including its islands, waters, territorial sea, and seabed. Furthermore, Article II underscores the fundamental role of the state in ensuring peace and order, protecting life, liberty, and property, and promoting the general welfare of the Filipino people. National security is at the core of these constitutional mandates, as it is essential to safeguarding our sovereignty and maintaining stability within our borders.

In recent years, alarming cases of espionage have emerged, posing a serious threat to our national security. The Criminal Investigation and Detection Group (CIDG), the Armed Forces of the Philippines (AFP), and other security agencies have apprehended Chinese spies operating in various forms—ranging from sleeper agents to the use of sophisticated communication devices, drones, and other advanced technologies for intelligence gathering and unauthorized surveillance. One particularly concerning case involved a Chinese spy successfully infiltrating the Philippine government and even securing an elected position as a mayor.

These incidents expose significant vulnerabilities in our national security framework, leaving our country susceptible to foreign entities with hostile intentions against our sovereignty. While authorities have successfully intercepted some of these espionage operations, existing laws remain inadequate in addressing the evolving threats posed by foreign spies—especially those utilizing cutting-edge technology. Traditional espionage methods have transformed, and if our legal system fails to keep pace, our nation will remain exposed to serious security risks.

To address this growing concern, it is imperative that our legislative framework adapts to the realities of modern intelligence warfare. Loopholes and ambiguities in our laws must not be left unaddressed, as they create opportunities for hostile actors to exploit our nation's vulnerabilities. This is a pressing national security issue that demands urgent and decisive legislative action to strengthen our defenses, close legal gaps, and ensure the protection of our country and its people.



**LORDAN G. SUAN**
Cagayan de Oro City – 1st District

Republic of the Philippines

# House of Representatives

Quezon City, Metro Manila

Nineteenth Congress
Third Regular Session

HOUSE BILL NO. **11495**

**Introduced by Representative LORDAN G. SUAN**

**AN ACT**
**AMENDING ARTICLE 117 OF ACT NO. 3815, OTHERWISE KNOWN AS "THE REVISED PENAL CODE" OF THE PHILIPPINES, AS AMENDED, PUNISHING CONSPIRACY AND PROPOSAL TO COMMIT ESPIONAGE AND MISPRISION OF ESPIONAGE, AND FOR OTHER PURPOSES**

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

**SECTION 1**. ***Short Title*.** – This Act shall be known as the "Espionage Law of 2024".

**SEC. 2.** It is hereby declared the policy of the State to protect life, liberty and property and promote the general welfare which are essential for the enjoyment by all the people of the blessings of democracy in a just and humane society, and to protect and defend our territory and sovereignty. Further, considering the fast-changing moral, political, social and economic environment, and the ever-changing communications and electronics equipment and devices, national security shall remain primary concern of the State and every Filipino citizen.

**SEC. 3.** Article 117 of the Revised Penal Code is hereby amended to read as follows:

"Art. 117. – Espionage. – The Penalty of **RECLUSION TEMPORAL AND A FINE NOT EXCEEDING FIVE MILLION PESOS (PHP5,000,000.00) NOR LESS THAN**

**THREE MILLION PESOS (PHP3,000,000.)** shall be IMPOSED upon any person who:

1. Without authority therefor, **enters OR AIDS OR INDUCES ANOTHER OT ENTER** a warship, fort, or naval or military establishment or reservation or **FACILITY OR CAMP OR INSTALLATION**, to obtain any information, plans, photographs, or other data **WHETHER** of a confidential nature **OR NOT** relative to the defense **OR SECURITY** of the Philippine Archipelago, **OR TO MILITARY TRAINING OR EQUIPMENT OF THE AREMED FORCES OF THE PHILIPPINES;** or

2. Being in possession, by reason of the public office he/SHE holds, of the articles, data, or information referred to in the precedimg paragraph, discloses their content to a representative of a foreign nation**, FOREIGN NATIONAL OR TO CRIMINAL SINDICATES OR ELEMENTS TO THE INJURY OF THE PHILIPPINES, OR TO THE ADVANTAGE OF A FOREIGN NATION, NATIONAL OR ORGANIZATION; OR**

3. OBTAINS, RECEIVES GATHER, PASSES, OR CAUSES TO BE OBTAINED, RECEIVED, GATHERED, PASSED, OR ATTEMPTS TO OBTAIN, RECEIVE, GATHER, OR PASS, IN ANY PLACE IN THE PHILIPPINES INFORMATION OR DATA CONCERNING ANY VESSEL, AIRCRAFT, NAVAL STATION, MILITARY CAMP OR INSTALLATIONS OR FACILITIES, WORK OF DEFENSE, MILITARY TRAINING OR EQUIPMENT, COMMUNICATIONS EQUIPMENT OR FACILITIES, OR OTHER INFORMATION OR DATA TO A FOREIGN ANTION OR ITS REPRESENTATIVE, OR TO A FOREIGN NATIONAL OR ORGANIZATION; OR

4. LAWFULLY OR UNLAWFULLY HAVING POSSESSION OF THE INFORMATION OR DATA REFERRED TO IN THE PRECEDINGS PARAGRAPHS WILLFULLY COMMUNICATES, TRANSMITS, OR ATTEMPTS TO COMMUNICATE OR TRANSMIT THE SAME TO ANY PERSON NOT ENTITLED TO RECEIVE IT.

The penalty next higher in degree shall be imposed if the offender is a public officer or employee and **SUCH PENALTY SHALL BE IMPOSED IN ITS MAXIMUM PERIOD IF THE OFFENDER IS AN ELECTED PUBLIC OFFICIAL.**

**SEC. 4.** ***Conspiracy and Proposal to commit espionage; Penalty*** – The conspiracy or proposal to commit the crime espionage shall be punished by *Prision Mayor* in its maximum period and a fine of not less than Two Million

Pesos (Php2,000,000.00) nor more than Three Million Pesos (Php3,000,000.00) and Prision Mayor in its medium period and a fine not less than Two Million Pesos (Php2,000,000.00) nor more than Three Million Pesos (Php3,000,000.00) respectively.

**SEC. 5.** ***Misprision of Espionage.*** **–** Any person owing allegiance to the government of the Philippines and having knowledge of the commission of any of the unlawful acts enumerated and penalized under Sections 3 and 4 of this Act who conceals or does not disclose or make known the same as soon as possible to the nearest Philippine National Police station in the City of Municipality where he or she resides shall be held liable and punished as an accessory to the unlawful act committed.

**SEC. 6.** ***Aiding, Inducing, or Supporting violators of the law.*** **–** Any person who induces, aids, or supports in any manner and in any means, another in obtaining, receiving, gathering, or passing in any place in the Philippines information or data concerning any vessel, aircraft, naval station, military camp, or installations or facilities, work of defense, military training or equipment, or communications equipment or facilities, or other information or data connected with or relative to national defense or security for the purpose of disclosing or with the intention to disclose such information or data to a foreign nation or its representative, or to a foreign national shall be punished by *Prision Mayor* in it minimum period and fine of not less than One Million Pesos (Php1,000,000.00) nor more than Two Million Pesos (Php2,000,000.00).

**SEC. 7.** ***Harboring or Concealing violators of the law.*** **–** Any person who harbors or conceals another who he or she knows, or ha reasonable grounds to believe, has committed or is about to commit, any offense under this Act shall be punished by *Prision Correctional* in its maximum period and a fine of not less than Five Hundred Thousand Pesos (Php500,000.00) nor more than One Million Pesos (Php1,000,000.00).

**SEC. 8.** ***Persons liable.*** **–** If the offender is a corporation, the President, Chief Operating Officer, General Manager, Treasurer, and/or Finance Officer shall be held criminally liable and a fine shall be imposed upon the corporation. Likewise, the Certificate of Registration and pertinent Licenses of the corporation shall be revoked and/or canceled and shall no longer be allowed to reinstatement or renewal.

Any person convicted of any of the unlawful acts defined and penalized under this Act shall not be eligible for probation nor to parole or executive clemency, and if the offender is a foreign national, he or she shall be immediately deported upon serving his or her sentence and shall not be allowed to re-enter the Philippines.

**SEC. 9.** ***Disposition of property.*** **–** All property of any kind, nature or extent used in the commission of any of the unlawful acts defined and penalized under this Act, or in furtherance thereof, shall be seized and confiscated in favor of the government.

**SEC.10.** ***Separability Clause.*** **–** If any provision or part of this Act is declared invalid or unconstitutional, the remaining parts or provisions not affected shall remain in full force and effect.

**SEC. 11.** ***Repealing Clause.*** **–** All laws, executive orders, decrees, and other issuances that are inconsistent with this Act are hereby repealed, amended, or modified accordingly.

**SEC. 12.** ***Effectivity.*** **–** This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

*Approved,*