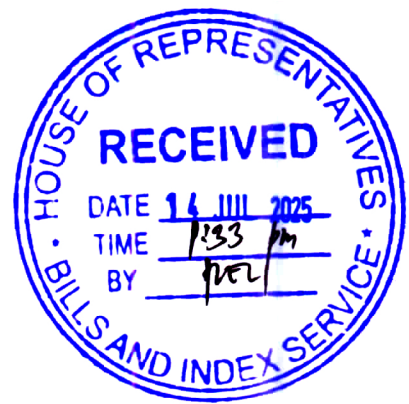


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 1844



Introduced by Representative **LEILA M. DE LIMA**

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

Article II, Section 5 of the 1987 Constitution states that “[t]he maintenance of peace and order, the protection of life, liberty, and property, and promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy.”

It is the primordial duty of the State to protect and uphold national sovereignty, territorial integrity, and the interest of the Filipino people. But recent events in our country have exposed the loopholes in our national security policies and the urgent need to revise and strengthen our counter-espionage laws to more adequately respond to the threats in our country.

The revelation that dismissed Bamban Mayor Alice Guo or Guo Hua Ping is a Chinese spy is very disturbing and alarming as it showed that spies have already infiltrated the leadership of Local Government Units (LGUs).

There were also reports on alleged Chinese spies who were arrested with their Filipino cohorts.

In January 2025, a Chinese national and his two Filipino accomplices were arrested for reportedly gathering sensitive data around military facilities and vital infrastructures.¹ This was followed by the arrest of five more suspected Chinese spies who were allegedly monitoring Philippine Coast Guard (PCG) and Philippine Navy activities in Palawan, including the resupply of troops in the West Philippine Sea

¹ Go, Miriam Grace. (20 January 2025). Arrest of suspected Chinese spy: What we know so far. Rappler. Retrieved from <https://www.rappler.com/philippines/what-we-know-so-far-arrest-suspected-chinese-spy-january-2025/>.

(WPS).² In April 2024, the Department of Information and Communications Technology (DICT) bared that suspected Chinese companies pretending to be American or European businesses were recruiting active and former AFP members.³

According to the President and Founder of Manila-based think tank International Development and Security Cooperation (IDSC) Chester Cabalza, it is not impossible for China to infiltrate the Philippines with its own agents and spies who feed false information to Filipinos, as they lure locals with a big sum of money to work for them and get critical information for their operations inside the Philippines.⁴

Coming in many forms, there could be more spies in the country as enabled by the pro-China stance of the previous administration under President Rodrigo Duterte.

Other threats to our national security, such as the continued harassments and aggressions of China in the West Philippine Sea, the influx of Chinese students in areas near our country's military bases, and the emergence of online gaming hubs operated by Chinese workers located near our military and police camps demand that our security agencies be given all the necessary resources to go after spies operating in the Philippines, especially in areas around our most sensitive defense installations.

As former Senator, this Representation filed Senate Resolutions during the 18th Congress to look into the influx of Chinese nationals in the country and probe the Memorandum of Agreement (MOA) between the Armed Forces of the Philippines (AFP) and the Chinese-linked consortium Dito Telecommunity which allows it to install telecommunication facilities and equipment within the country's military camps and installations, exposing the country to risks of espionage and potentially endangering our national security.

A similar proposed measure on espionage was filed during the 19th Congress, as a result of the investigation conducted by the House Quad Committee. This current bill by this Representation similarly aims to amend, strengthen, and widen the scope of Article 117 of the Revised Penal Code.

Clearly, there is a dire need to put an end to all kinds of espionage to protect our national sovereignty, territorial integrity and national interest.

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


LEILA M. DE LIMA

² Villanueva, Gillian. (31 January 2025). 5 more Chinese 'spies' nabbed. Philippine Daily Inquirer. Retrieved from <https://globalnation.inquirer.net/262903/5-more-chinese-spies-nabbed>.

³ Dela Peña, Kurt. (18 September 2024). Chinese espionage in PH: 'They come in many forms'. Retrieved from <https://newsinfo.inquirer.net/1984383/chinese-espionage-in-ph-they-come-in-many-forms>.

⁴ Ibid.

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

1 SECTION 1. *Short Title.* – This Act shall be known as the "Anti-Espionage Act of
2 2025".
3

4 SEC. 2. *Declaration of Policy.* – It is a declared policy of the State that
5 paramount consideration shall be given to national sovereignty, territorial integrity,
6 national interest, and the right to self-determination. National security should not be
7 compromised. To this end, the State must combat espionage with its full capabilities as
8 it poses serious threats to our national sovereignty, safety and well-being of Filipino
9 citizens.
10

11 SEC. 3. Article 117 of the Revised Penal Code is hereby amended to read, as
12 follows:
13

14 "Art. 117. – *Espionage.* – The penalty of **RECLUSION TEMPORAL AND A FINE OF**
15 **NOT LESS THAN TWENTY MILLION PESOS (P20,000,000.00) BUT NOT MORE**
16 **THAN THIRTY MILLION PESOS (P30,000,000.00)** shall be **IMPOSED** upon any
17 person, who:
18

- 19 1. Without authority therefor, enters **OR AIDS OR INDUCES ANOTHER TO**
20 **ENTER** a warship, fort, or naval or military establishment or reservation or
21 **FACILITY OR CAMP OR INSTALLATION**, to obtain any information, plans,
22 photographs, or other data **WHETHER** of a confidential nature **OR NOT** relative
23 to the defense **OR SECURITY** of the Philippine Archipelago, **OR TO MILITARY**

1 **TRAINING OR EQUIPMENT OF THE ARMED FORCES OF THE**
2 **PHILIPPINES; or**

- 3
- 4 2. Being in possession, by reason of the public office he/**SHE** holds, of the articles,
5 data, or information referred to in the preceding paragraph, discloses their
6 contents to a representative of a foreign nation, **FOREIGN NATIONAL OR TO**
7 **CRIMINAL SINDICATES OR ELEMENTS TO THE DISADVANTAGE OF THE**
8 **PHILIPPINES, OR TO THE ADVANTAGE OF A FOREIGN NATION,**
9 **NATIONAL OR ORGANIZATION; OR**
- 10
- 11 3. **OBTAINS, RECEIVES, GATHERS, PASSES, OR CAUSES TO BE**
12 **OBTAINED, RECEIVED, GATHERED, PASSED, OR ATTEMPTS TO OBTAIN,**
13 **RECEIVE, GATHER, OR PASS, IN ANY PLACE IN THE PHILIPPINES**
14 **INFORMATION OR DATA CONCERNING ANY VESSEL, AIRCRAFT, NAVAL**
15 **STATION, MILITARY CAMP OR INSTALLATIONS OR FACILITIES, WORK**
16 **OF DEFENSE, MILITARY TRAINING OR EQUIPMENT, COMMUNICATIONS**
17 **EQUIPMENT OR FACILITIES, OR OTHER INFORMATION OR DATA**
18 **CONNECTED WITH OR RELATIVE TO NATIONAL DEFENSE OR SECURITY**
19 **FOR THE PURPOSE OF DISCLOSING SUCH INFORMATION OR DATA TO A**
20 **FOREIGN NATION OR ITS REPRESENTATIVE, OR TO A FOREIGN**
21 **NATIONAL OR ORGANIZATION; OR**
- 22
- 23 4. **LAWFULLY OR UNLAWFULLY HAVING POSSESSION OF THE**
24 **INFORMATION OR DATA REFERRED TO IN THE PRECEDING**
25 **PARAGRAPHS WILLFULLY COMMUNICATES, TRANSMITS, OR ATTEMPTS**
26 **TO COMMUNICATE OR TRANSMIT THE SAME TO ANY PERSON NOT**
27 **ENTITLED TO RECEIVE IT.**

28

29 ~~The penalty next higher in degree shall be imposed if the offender be a public officer~~
30 ~~or employee."~~

31

32 SEC. 4. Chapter One, Title One of the Revised Penal Code is hereby further
33 amended by adding six (6) new articles as follows:

34

35 **"ART. 117-A. CONSPIRACY AND PROPOSAL TO COMMIT ESPIONAGE;**
36 **PENALTY. – THE CONSPIRACY OR PROPOSAL TO COMMIT THE CRIME OF**
37 **ESPIONAGE SHALL BE PUNISHED BY PRISION MAYOR IN ITS MAXIMUM**
38 **PERIOD AND A FINE OF NOT LESS THAN TEN MILLION PESOS (P10,000,000.00)**
39 **BUT NOT MORE THAN TWENTY MILLION PESOS (P20,000,000.00) AND PRISION**
40 **MAYOR IN ITS MEDIUM PERIOD AND A FINE OF NOT LESS THAN TEN MILLION**
41 **PESOS (P10,000,000.00) BUT NOT MORE THAN TWENTY MILLION PESOS**
42 **(P20,000,000.00), RESPECTIVELY.**

43

44 **ART. 117-B. MISPRISION OF ESPIONAGE. – ANY PERSON OWING ALLEGIANCE**
45 **TO THE GOVERNMENT OF THE PHILIPPINES AND HAVING KNOWLEDGE OF**
46 **THE COMMISSION OF ANY OF THE UNLAWFUL ACTS ENUMERATED AND**
47 **PENALIZED UNDER SECTIONS 3 AND 4 OF THIS ACT WHO CONCEALS OR**
48 **DOES NOT DISCLOSE OR MAKE KNOWN THE SAME AS SOON AS POSSIBLE**

1 TO THE NEAREST PHILIPPINE NATIONAL POLICE STATION IN THE CITY OR
2 MUNICIPALITY WHERE HE OR SHE RESIDES SHALL BE HELD LIABLE AND
3 PUNISHED AS AN ACCESSORY TO THE UNLAWFUL ACT COMMITTED.
4

5 **ART. 117-C. AIDING, INDUCING, OR SUPPORTING VIOLATORS OF THE LAW. –**
6 **ANY PERSON WHO INDUCES, AIDS, OR SUPPORTS IN ANY MANNER AND IN**
7 **ANY MEANS, ANOTHER IN OBTAINING, RECEIVING, GATHERING, OR PASSING**
8 **IN ANY PLACE IN THE PHILIPPINES INFORMATION OR DATA CONCERNING**
9 **ANY VESSEL, AIRCRAFT, NAVAL STATION, MILITARY CAMP, OR**
10 **INSTALLATIONS OR FACILITIES, WORK OF DEFENSE, MILITARY TRAINING OR**
11 **EQUIPMENT, OR COMMUNICATIONS EQUIPMENT OR FACILITIES, OR OTHER**
12 **INFORMATION OR DATA CONNECTED WITH OR RELATIVE TO NATIONAL**
13 **DEFENSE OR SECURITY FOR THE PURPOSE OF DISCLOSING OR WITH THE**
14 **INTENTION TO DISCLOSE SUCH INFORMATION OR DATA TO A FOREIGN**
15 **NATION OR ITS REPRESENTATIVE, OR TO A FOREIGN NATIONAL SHALL BE**
16 **PUNISHED BY PRISION MAYOR IN ITS MINIMUM PERIOD AND A FINE OF NOT**
17 **LESS THAN FIVE MILLION PESOS (P5,000,000.00) BUT NOT MORE THAN TEN**
18 **MILLION PESOS (P10,000,000.00).**
19

20 **ART. 117-D. HARBORING, CONCEALING OR FACILITATING THE ESCAPE OF**
21 **VIOLATORS OF THE LAW. – ANY PERSON WHO HARBORS, CONCEALS OR**
22 **FACILITATES THE ESCAPE OF A PERSON WHO HE OR SHE KNOWS, OR HAS**
23 **REASONABLE GROUNDS TO BELIEVE, HAS COMMITTED OR IS ABOUT TO**
24 **COMMIT, ANY OFFENSE UNDER THIS ACT SHALL BE PUNISHED BY PRISION**
25 **CORRECTIONAL IN ITS MAXIMUM PERIOD AND A FINE OF NOT LESS THAN**
26 **FIVE MILLION PESOS (P5,000,000.00) BUT NOT MORE THAN TEN MILLION**
27 **PESOS (P10,000,000.00).**
28

29 **ART. 117-E. PERSONS LIABLE. – IF THE OFFENDER IS A CORPORATION, THE**
30 **PRESIDENT, CHIEF OPERATING OFFICER, GENERAL MANAGER, TREASURER,**
31 **AND/OR FINANCE OFFICER SHALL BE HELD CRIMINALLY LIABLE AND A FINE**
32 **SHALL BE IMPOSED UPON THE CORPORATION. LIKEWISE, THE CERTIFICATE**
33 **OF REGISTRATION AND PERTINENT LICENSES OF THE CORPORATION SHALL**
34 **BE REVOKED AND/OR CANCELED AND SHALL NO LONGER BE ALLOWED**
35 **REINSTATEMENT OR RENEWAL.**
36

37 **ANY PERSON CONVICTED OF ANY OF THE UNLAWFUL ACTS DEFINED**
38 **AND PENALIZED UNDER THIS ACT SHALL NOT BE ELIGIBLE FOR PROBATION**
39 **NOR TO PAROLE OR EXECUTIVE CLEMENCY.**
40

41 **IF THE OFFENDER IS A GOVERNMENT OFFICIAL OR EMPLOYEE, THE**
42 **PENALTY SHALL BE IMPOSED IN ITS MAXIMUM PERIOD AND FINE, AND**
43 **SUFFER PERPETUAL ABSOLUTE DISQUALIFICATION FROM HOLDING ANY**
44 **APPOINTIVE OR ELECTIVE POSITION IN GOVERNMENT OR IN ANY AGENCY,**
45 **ENTITY, OR INSTRUMENTALITY THEREOF.**
46

1 IF THE OFFENDER IS A FOREIGN NATIONAL, HE OR SHE SHALL BE
2 IMMEDIATELY DEPORTED UPON SERVING HIS OR HER SENTENCE AND SHALL
3 NOT BE ALLOWED TO RE-ENTER THE PHILIPPINES.

4
5 **ART. 117-F. DISPOSITION OF PROPERTY. – ALL PROPERTY OF ANY KIND,**
6 **NATURE OR EXTENT USED IN THE COMMISSION OF ANY OF THE UNLAWFUL**
7 **ACTS DEFINED AND PENALIZED UNDER THIS ACT, OR IN FURTHERANCE**
8 **THEREOF, SHALL BE SEIZED AND CONFISCATED IN FAVOR OF THE**
9 **GOVERNMENT.”**

10
11 SEC. 5. *Implementing Rules and Regulations.* – Within one hundred twenty
12 (120) days from the effectivity of this Act, the Department of National Defense (DND),
13 the Department of Justice (DOJ), and the National Intelligence Coordinating Agency
14 (NICA) shall formulate the necessary rules and regulations to ensure the efficient and
15 effective implementation of this Act.

16
17 SEC. 6. *Separability Cause.* – If any provision or part hereof, is held invalid or
18 unconstitutional, the other parts or provisions of the law which are not affected shall
19 remain and continue to be in full force and effect.

20
21 SEC. 7. *Repealing Clause.* – All laws, decrees, executive orders, rules and
22 regulations and other issuances contrary to or inconsistent with the provisions of this
23 Act are hereby repealed, amended or modified accordingly.

24
25 SEC. 8 *Effectivity.* – This Act shall take effect fifteen (15) days after its
26 publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,