

TWENTIETH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



HOUSE OF REPRESENTATIVES
H. No. 3219

Introduced by **Representative Binky April M. Tupas**

**AN ACT
PENALIZING FOREIGN INTERFERENCE IN THE PHILIPPINES AND
CREATING THE COUNTER FOREIGN INTERFERENCE TASK FORCE,
AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

The government of the Republic of the Philippines recognizes the risks and threats that foreign interference poses on the political and governance systems of the country. This prompts a deeper examination on the methods, strategies, and tactics employed by potential foreign adversaries that can infiltrate and penetrate critical operations and systems of that include government, media, and even critical infrastructures. This encroachment, even, infiltration, may pose widespread effects and threatens the country in terms of national security, political stability, and independence.

The current legal framework available today that regulates the conduct of foreign agents was enacted in 1979 (Batas Pambansa Bilang 39 of the "Foreign Agents Act of 1979") and it is manifest to be far behind and outdated in countering foreign interference. The government acknowledge this impediment and therefore pushes for a new law that will deal with the issue of foreign interference effectively.

The proposed bill aims to penalize activities that enable foreign interference in the policies and operations of the government of the Republic of the Philippines. The primary aim is to deter and prevent threats by foreign principals inimical to the country's national security and sovereignty, foreign intelligence agencies serving foreign interests, and agents who are engaged in malign actions against the interests of the Philippines. Additionally, it expands its scope to include harmful electronic communications and imposes obligations to internet service providers to block access to electronic communications that are prejudicial to national security and public safety.

By establishing stringent standards for identifying, investigating, and punishing any foreign attempts at interference, the proposed bill seeks to safeguard the Philippines from external dangers. In coming with the proposed

bill, foreign interference laws of other jurisdiction which includes Australia's law on foreign interference titled, "*National Security Amendment (Espionage and Foreign Interference) Act 2018*" and Singapore's "*Foreign Interference (countermeasures) Act of 2021*" were considered and used as reference.

In the light of the evolving sophistication of foreign threats and the growing prevalence of digital tools, the Philippines must bolster its defenses, ensure the safety of its people, and safeguard its democratic future.

Overall, the proposed legislation underscores that even the planning of foreign interference can incur penalties, thereby reinforcing the government's commitment to protecting democratic processes from external influence.

In view thereof, the approval of this bill is earnestly sought.


BINKY APRIL M. TUPAS

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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 "**Counter Foreign Interference Act of 2024.**"

SECTION 2. Declaration of Policy. It is the policy of the State to maintain peace and order, protect life, liberty, and property, and promote the general welfare as essential for the enjoyment of all citizens of the blessings of democracy. Moreover, it is the policy of the State to pursue an independent foreign policy wherein national sovereignty, territorial integrity, national interest, and the right to self-determination serve as paramount considerations in its relations with other states.

SECTION 3. Definition of Terms. As used in this Act:

- A. *Access Blocking Order* - refers to a legal directive that mandates internet service providers to restrict access to specific online content or services.
- B. *Deception* - An intentional or reckless act of misleading, whether through words or conduct, including misrepresentation of intentions and/or conduct causing an unauthorized response from a computer, machine, or electronic device.
- C. *Foreign Agent* - refers to any person who acts or agrees to act as political consultant, public relations counsel, publicity agent, information representative, or as agent, servant, representative, or attorney for a foreign principal or for any domestic organization subsidized directly or indirectly in whole or in part by a foreign principal.

The term "*foreign agent*" shall not include a duly accredited diplomatic or consular officer of a foreign country or officials of the United Nations and its agencies and of other international organizations recognized by the Republic of the Philippines while engaged in activities within the scope of their legitimate functions as such officers or a *bona fide* member or

employee of a foreign press service or news organization while engaged in activities within the scope of his legitimate functions as such.

- D. *Foreign Intelligence Agency* - is a specialized organization responsible for the collection, analysis, and dissemination of intelligence related to foreign entities, including governments, organizations, and individuals, to ensure national security and support governmental operations.
- E. *Foreign Principal* - refers to the government of a foreign country or a foreign political party; a foreigner located within or outside the jurisdiction of the Republic of the Philippines; or a partnership, association, corporation, organization or other entity owned or controlled by foreigners.
- F. *Foreign Proxy* - refers to any person with a formalized relationship with the foreign state who wittingly and knowingly conducts activities on behalf of the foreign state's interests.
- G. *Internet Access Service Provider* - refers to any organization that provides individuals and companies with access to the internet and related services.
- H. *Online Publication* - refers to any content that is published and distributed on the internet, including various digital formats such as but not limited to websites, blogs, and electronic articles.
- I. *Person* - refers to an individual, partnership, association, corporation or any other combination of individuals.
- J. *Target* - refers to individuals or entities that are influenced or coerced by foreign actors to further foreign agendas. These targets can face various forms of covert influence, manipulation, or intimidation.

SECTION 4. *Intentional Foreign Interference.* Any person who engages in covert, deceptive, coercive, or threatening conduct on behalf of, or in collaboration with, or directed, funded, or supervised by, a foreign principal, its agent or proxy, with the intention that such conduct will influence the political or governmental process, affect the exercise of democratic or political rights or duties in the Philippines or any part thereof, support the intelligence activities of a foreign principal, or prejudice the national security of the Philippines, shall be guilty of committing intentional foreign interference and shall suffer the penalty of life imprisonment and/or a fine not less than Five Million Pesos (Php 5,000,000.00) nor more than Ten Million Pesos (Php 10,000,000.00).

SECTION 5. *Intentional Interference Involving Targeted Persons.* Any person who conceals or fails to disclose to his target his conduct carried out on behalf of, or in collaboration with, or directed, funded, or supervised by, a foreign principal, its agent or proxy, with the intention that said act or conduct will influence another person in relation to a political or governmental process, or the exercise of any democratic rights or duties, of the target, shall suffer the penalty of life imprisonment and/or a fine not less than Five Million Pesos (Php 5,000,000.00) nor more than Ten Million Pesos (Php 10,000,000.00).

SECTION 6. *Reckless Foreign Interference.* Any person who engages in a covert, deceptive, threatening, or coercive acts on behalf of, in collaboration with, or directed, funded, or supervised by, a foreign principal, its agent or proxy, without regard on whether the act will influence the political or governmental processes, the exercise of a democratic or political right or duty, support the intelligence activities of a foreign principal, its agent or proxy, or prejudice the national security of the Philippines, shall suffer the penalty of imprisonment of twelve (12) years and/or a fine not less Two Million Pesos (Php 2,000,000.00) nor more than Five Million Pesos (Php 5,000,000.00).

SECTION 7. *Reckless Interference Involving Targeted Persons.* Any person who conceals or fails to disclose to his target his conduct carried out on behalf of, or in collaboration with, or directed, funded, or supervised by, a foreign principal, its agent or proxy, without regard on whether the conduct will influence another person in relation to political or governmental processes, or another person's democratic right or duty shall the penalty of imprisonment of twelve (12) years and/or a fine not less Two Million Pesos (Php 2,000,000.00) nor more than Five Million Pesos (Php 5,000,000.00).

SECTION 8. *Foreign Interference Involving Foreign Intelligence Agencies.* It shall be unlawful for any person to knowingly or unwittingly provide resources or material support to, receive or obtain funds from, or directly or indirectly make available funds to, a foreign intelligence agency or any person acting on behalf of such agency. Any person found guilty for knowingly committing this provision shall be penalized with imprisonment of twenty (20) years and/or a fine not less than Five Million Pesos (Php 5,000,000.00) nor more than Ten Million Pesos (Php 10,000,000.00).

A penalty of twelve (12) years and/or a fine not less than Two Million Pesos (Php 2,000,000.00) nor more than Five Million Pesos (Php 5,000,000.00) shall be imposed on any person found guilty of unwittingly committing the aforementioned acts.

SECTION 9. *Foreign Interference by Electronic Communications Activity.* Any person who engages in covert or deceptive electronic communications that will result in, or involves publishing information on behalf of a foreign principal, its agent or proxy, knowing or having reason to believe that the published information is likely to prejudice national or public security, negatively impact public health, safety, or finances, affect diplomatic relations, incite enmity among groups or individuals, undermine public confidence in authorities, or influence the outcome of parliamentary and presidential elections or referendums, shall be penalized with imprisonment of twenty (20) years and/or a fine not less than Five Million Pesos (Php 5,000,000.00) nor more than Ten Million Pesos (Php 10,000,000.00).

If, upon determination of the Chairperson of the CFITF that an electronic communication will prejudice national or public security, negatively impact public health, safety, or finances, affect diplomatic relations, incite enmity among groups or individuals, undermine public confidence in authorities, or influence the outcome of parliamentary and presidential elections or referendums, the Chairperson may issue Access Blocking Order directing the

internet access service provider to take reasonable steps to disable access by end-users in the Philippines to the online publication.

An internet access service provider that does not comply with any access blocking order shall be fined with One Million Pesos (Php 1,000,000) for each day during which any part of that order is not fully complied with, up to a total of Five Hundred Million pesos (Php 500,000,000.00).

SECTION 10. *Preparing or Planning for a Foreign Interference Offense.* Any person who participates in the planning, preparing, or facilitating the commission of acts defined and penalized under Sections 4, 5, 6, 7, 8, and 9 hereof shall be penalized with twelve years imprisonment and/or a fine not less than Two Million Pesos (Php 2,000,000.00) nor more than Five Million Pesos (Php 5,000,000.00).

SECTION 11. *Conspiracy to Commit Foreign Interference.* Any conspiracy to commit foreign interference defined and penalized under defined and penalized under Sections 4, 5, 6, 7, 8, and 9 of this Act shall suffer the penalty of twenty (20) years imprisonment and/or a fine not less than Five Million Pesos (Php 5,000,000.00) nor more than Ten Million Pesos (Php 10,000,000.00).

There is conspiracy when two (2) or more persons come to an agreement concerning the commission of foreign interference as defined in Sections 4, 5, 6, 7, 8, 9, and 10 hereof and decide to commit the same.

SECTION 12. *Proposal to Commit Foreign Interference.* Any person who proposes to commit terrorism as defined in Sections 4, 5, 6, 7, 8, 9, and 10 hereof shall suffer the penalty of imprisonment of twelve (12) years and/or fine not less than Two Million Pesos (Php 2,000,000.00) nor more than Five Million Pesos (Php 5,000,000.00).

SECTION 13. *The Counter Foreign Interference Task Force.* A Counter Foreign Interference Task Force (CFITF) is hereby created. The members of the CFITF are: (1) National Security Adviser, who shall be its Chairperson; (2) The Secretary of Justice who shall be its Vice Chairperson; (3) Commission on Election (COMELEC); (4) Department of Foreign Affairs (DFA); (5) Department of the Interior and Local Government (DILG); (6) Department of National Defense (DND); (7) Department of Trade and Industry (DTI); (8) Department of Information and Communications Technology (DICT); (9) Department of Social and Welfare Development (DSWD); (10) Commission on Higher Education (CHED); (11) Armed Forces of the Philippines (AFP); (12) Philippine National Police (PNP); (13) Anti-Money Laundering Council-Secretariat (AMLCS); and (14) Philippine Information Authority (PIA) as its members.

The CFITF will be structured into specialized sub-groups, each focusing on critical components such as political, economic, social, technological, education, legal, and military. These sub-groups will be tasked to implement and enhance actionable plans, conducting risk assessments, and recommending policy adjustments to address emerging threats. By centralizing expertise and resources, CFITF aims to enhance the nation's capacity to detect, prevent, and respond to foreign interference, thereby protecting democratic processes, economic stability, and national security.

The CFITF shall perform the following functions:

- A. Provide comprehensive strategic direction and ensure cohesive execution of the National Counter Foreign Interference Strategy across various agencies and sectors;
- B. Collect, analyze, interference activities, and assess intelligence related to foreign interference activities;
- C. Develop, review, and recommend policies and legislative measures to address and counter foreign interference;
- D. Manage and coordinate responses to incidents of foreign interference and related crises;
- E. Supervise and ensure the effective investigation and prosecution of legal cases involving foreign interference;
- F. Increase public understanding and resilience regarding foreign interference through education and outreach initiatives;
- G. Strengthen cybersecurity measures to protect critical infrastructure and digital systems from foreign interference;
- H. Foster international partnerships and collaborate on counter-interference efforts with other countries and global organizations;
- I. Conduct regular risk assessments to identify vulnerabilities and develop strategies to mitigate potential threats;
- J. Monitor the effectiveness of counter-interference strategies and provide regular reports on progress and challenges; and
- K. Oversee the allocation and management of resources necessary for effective counter-interference operations.

The NICA shall be the Secretariat of the CFITF and shall be responsible for the following functions:

- A. Provide administrative support to the CFITF by scheduling and organizing meetings;
- B. Organize and maintain a repository of documents, reports, and other materials related to the task force's work, including records of meetings, decisions, and actions taken by the task force;
- C. Handle internal communications between task force members and act as a liaison between the task force and external stakeholders; and
- D. Monitor the progress of the task force's initiatives.

SECTION 15. *Extraterritorial Application.* Subject to the provision of any treaty of which the Philippines is a signatory and to any contrary provision of any law of preferential application, the provisions of this Act shall apply:

- A. To a Filipino citizen or national who commits any of the acts defined and penalized under Sections 4, 5, 6, 7, 8, and 9 of this Act outside the territorial jurisdiction of the Philippines;
- B. To individual persons who, although physically outside the territorial limits of the Philippines, commit any of the crimes mentioned in Paragraph (a) hereof inside the territorial limits of the Philippines;
- C. To individual persons who, although physically outside the territorial limits of the Philippines, commit any of the said crimes mentioned in Paragraph (a) hereof on board Philippine ship or Philippine airship;
- D. To individual persons who commit any of said crimes mentioned in Paragraph (a) hereof within any embassy, consulate, or diplomatic premises belonging to or occupied by the Philippine government in an official capacity;
- E. To individual persons who, although physically outside the territorial limits of the Philippines, commit said crimes mentioned in Paragraph (a) hereof against Philippine officials, their representatives, staff, agent, or envoy; and
- F. To individual persons who, although physically outside the territorial limits of the Philippines, commit said crimes directly against the Philippine government or their agent.

In case of an individual who is neither a citizen or a national of the Philippines who commits any of the crimes mentioned in Paragraph (a) hereof outside the territorial limits of the Philippines, the Philippines shall exercise jurisdiction only when such individual enters or is inside the territory of the Philippines: Provided, That, in the absence of any request for extradition from the state where the crime was committed or the state where the individual is a citizen or national, or the denial thereof, the CFITF shall refer the case to the Bureau of Immigration for deportation or to the DOJ for prosecution in the same manner as if the act constituting the offense had been committed in the Philippines.

SECTION 16. *Authority of the Anti-Money Laundering Council.* In addition to the unlawful activities enumerated under Section 2 of Republic Act No. 10365 or An Act Further Strengthening the Anti-Money Laundering Law, amending for the Purpose Republic Act No. 9160, Otherwise known as the Anti-Money Laundering Act of 2001, foreign interference, in any form, is hereby considered as an unlawful act subject to the authority of the Anti-Money Laundering Council to conduct financial investigation, freezing of accounts, and forfeiture of assets.

The AMLC, either upon its own initiative or at the request of the CFITF, is hereby authorized to investigate: (a) any property or funds that are in any way related to the commission of any acts as defined and penalized under this Act; and (b) property or funds of any person or persons in relation to whom there is

probable cause to believe that such persons are committing or attempting or conspiring to commit, or participating in or facilitating the commission of any offenses under this Act.

The AMLC may also enlist the assistance of any branch, department, bureau, office, agency or instrumentality of the government, including government-owned and -controlled corporations in undertaking measures to prevent the financing of foreign interference or support to foreign intelligence, which may include the use of its personnel, facilities and resources.

For purposes of this section and notwithstanding the provisions of Republic Act No. 1405, otherwise known as the "Law on Secrecy of Bank Deposits", as amended; Republic Act No. 6426, otherwise known as the "Foreign Currency Deposit Act of the Philippines", as amended; Republic Act No. 8791, otherwise known as "The General Banking Law of 2000" and other laws, the AMLC is hereby authorized to inquire into or examine deposits and investments suspected of any of the crimes defined and penalized under the provisions of this Act with any banking institution or non-bank financial institution and their subsidiaries and affiliates without a court order.

SECTION 17. The provisions of the Republic Act No. 4200, otherwise known as the "Anti-Wiretapping Law" to the contrary notwithstanding, a law enforcement agent or intelligence officer may, upon a written order of the Regional Trial Court secretly wiretap, overhear, and listen to, intercept, screen, read, surveil, record or collect, with the use of any mode, form, kind or type of electronic, mechanical or other equipment or device or technology now known or may hereafter be known to science or with the use of any other suitable ways and means for the above purposes, any private messages in whatever form, kind or nature, spoken or written words (a) between the foreign agent and the principal or his representative; (b) between foreign agent and member of the Philippine community; (c) or any person charged or suspected of committing any of the provisions of this act.

The law enforcement agent or intelligence officer shall likewise be obligated to (1) file an *ex-parte* application with the Regional Trial Court for the issuance of an order, to compel telecommunications service providers (TSP) and internet service providers (ISP) to produce all customer information and identification records as well as call and text data records, content and other cellular or internet metadata of any person suspected of any of the crimes defined and penalized under the provisions of this Act; and (2) furnish the National Telecommunications Commission (NTC) a copy of said application.

The NTC shall likewise be notified upon the issuance of the order for the purpose of ensuring immediate compliance.

SECTION 18. *Implementing Rules and Regulations.* The CFITF and the DOJ shall forthwith promulgate such rules and regulations for the effective implementation of this Act within ninety (90) days after its effectiveness.

SECTION 19. *Separability Clause.* If, for any reason, any provision or part hereof is declared unconstitutional, the remainder of this Act shall not be affected by such declaration.

SECTION 20. *Repealing Clause.* All provisions of law which are in conflict with this Act are hereby repealed or modified accordingly.

SECTION 21. *Effectivity.* This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.