



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session



House Bill No. 4202

Introduced by CIBAC Party-List Representative
EDUARDO "BRO. EDDIE" C. VILLANUEVA

EXPLANATORY NOTE

Espionage poses a direct and serious threat to a nation's sovereignty, defense, and democratic institutions. In today's context of rapid technological change, heightened geopolitical rivalries, and deep reliance on digital infrastructure, the Philippines must modernize its legal framework on espionage to effectively address new national security challenges.

At present, the country's laws against espionage rely largely on the Revised Penal Code of 1930, specifically Title One on crimes against national security and the law of nations. While these provisions once served their purpose, they are outdated in language and limited in scope. They fail to capture present-day threats such as cyber intrusions into classified systems, insider infiltration, disinformation campaigns, and digital surveillance which target critical state institutions.

This proposed "New Anti-Espionage Act" seeks to establish a comprehensive and updated legal framework to define, prevent, and penalize espionage and related acts that endanger national security. The measure recognizes that espionage today extends beyond traditional models of physical infiltration and document theft. It now encompasses unauthorized cyber access to sensitive information, surveillance of defense assets, tampering with critical infrastructure, and the hostile use of digital networks.

The bill also accounts for espionage that occurs both within and outside Philippine territory, acknowledging the role of both state and nonstate actors. It provides for extraterritorial application, imposes strong penalties, and lays down clear safeguards for the handling of classified materials during investigation and prosecution.

Protection under this measure covers not only physical defense installations and documents but also digital and virtual systems that sustain military operations, intelligence networks, and essential public services. It designates prohibited areas, strengthens controls over access to sensitive facilities, and establishes accountability for individuals, organizations, government officials, and foreign agents engaged in acts that compromise national security.

At the same time, the bill balances security needs with constitutional rights. It requires strict judicial authorization for surveillance and intelligence operations and mandates transparent and accountable procedures for managing classified matters under established security protocols.

The urgency of this measure lies in ensuring that Philippine law is not only responsive but anticipatory – capable of preventing, investigating, and punishing espionage in its modern forms. The New Anti-Espionage Act fills critical gaps in existing law, reinforces institutional resilience, and equips the State to protect its people and sovereignty from threats both foreign and domestic.

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


EDUARDO "BRO. EDDIE" C. VILLANUEVA



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AN ACT
DEFINING AND PENALIZING ESPIONAGE AND OTHER OFFENSES AGAINST
NATIONAL SECURITY

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 "*New Anti- Espionage*
2 *Act.*"
3

4 **SEC. 2. Declaration of Policy.** - It is the policy of the State to give paramount
5 importance to national sovereignty, territorial integrity, national security, and the right
6 to self-determination. The State recognizes that espionage and the unlawful
7 acquisition of classified or sensitive information pose serious threats to national
8 security and democratic institutions. In pursuit of its national interest, the State shall
9 adopt a comprehensive and coordinated approach to prevent, detect, and combat
10 espionage and related acts. Toward this end, effective measures shall be implemented
11 to safeguard the country's security and promote the welfare of the Filipino people.
12

13 In the implementation of the policy stated above, the State shall uphold the basic
14 rights and fundamental liberties of the people as enshrined in the Constitution.
15

16 **SEC 3. Definition of Terms.** - For purposes of this Act, the following terms are
17 defined:

- 18 a) Classified Matter refers to information or materials, in whatever nature or form,
19 that is designated as classified for National Security purposes. It includes
20 everything classified under any issuance or legislation concerning the
21 security classification of matters and information;
22 b) Critical Infrastructure refers to assets, systems, public works and networks,
23 including but not limited to transportation, utilities, digital systems, and
24 information and communications technology, whether physical or virtual, that
25 are considered vital, and their destruction or disruption would have a
26 debilitating impact on national security, health and safety, or economic
27 wellbeing of citizens, or any combination thereof;

- 1 c) Cyber refers to digital technologies, computer or computer network, data and
2 the electronic medium in which online communication takes place;
- 3 d) National Defense refers to the mechanism of the State to marshal a nation's
4 forces and resources to protect national interests, sovereignty, and territorial
5 integrity, and respond to threats thereto;
- 6 e) National Defense Assets refer to the following premises, materials, and
7 utilities used by the Armed Forces of the Philippines (AFP), including its
8 auxiliaries:
- 9 1. National Defense Premises shall include, but are not limited to, all
10 buildings, grounds, mines, missile launch facilities, data centers,
11 information and communications facilities, or other places where
12 national defense material is produced, manufactured, repaired, stored,
13 mined, extracted, distributed, loaded, unloaded, or transported,
14 together with all machinery and appliances contained therein; where
15 communications and data are processed, stored, transmitted,
16 connected, and coordinated; where missiles are stored, assembled,
17 and operated; and all ports, arsenals, navy yards, prisons, camps, or
18 other army, naval, or air stations;
- 19 2. National Defense Materials shall include satellite and other intelligence,
20 surveillance and reconnaissance systems, arms, weapon system,
21 munition, missile, livestock, clothing, food, or fuel, communications,
22 codes, formulas, gadgets, computers, communication devices, and
23 shall also include supplies and all other articles of whatever description,
24 and any part or ingredient thereof, intended for, adapted to, or suitable
25 for the use of the Philippines in connection with National Defense; and
- 26 3. National Defense Utilities shall include all railroads, railways, electric
27 lines, roads of whatever description, railroad or railway fixture, canal,
28 lock, wharf, pier, dock, bridge, building, structure, engine, machine,
29 mechanical contrivance, car, vehicle, boat, or aircraft, or any other
30 means of transportation whatsoever, whereon or whereby such
31 National Defense Materials or any troops of the Philippines are being
32 or may be transported either within the limits of the Philippines or upon
33 the high seas; and all dams, reservoirs, aqueducts, water and gas
34 mains, oil or gasoline stations, pipes, structures, and buildings,
35 whereby or in connection with which water, or gas, or oil, or gasoline,
36 or other fluid is being furnished, or may be furnished to National
37 Defense premises and all electric light and power, steam or pneumatic
38 power, telephone, and telegraph plants, poles, wires, facilities, fiber
39 optic infrastructures, antennas, base transceiver stations, data centers,
40 satellites, and fixtures and wireless stations, and the buildings
41 connected with the maintenance and operation thereof used to supply
42 water, light, heat, gas, oil, gasoline, fluid, power, or facilities of
43 communication to National Defense premises.
- 44 f) National Security refers to a state or condition in which the people's welfare,
45 well-being, ways of life, government and its institutions, territorial integrity,
46 sovereignty, and core values are protected and enhanced;
- 47 g) National Security Facility refers to a building, installation or area housing
48 classified or sensitive information, materials, or equipment, and is protected
49 by security measures to prevent unauthorized access of Classified Matters;

1 h) Person refers to any natural and juridical person unless the context indicates
2 otherwise; and Prohibited Place refers to a land, building, airspace, maritime
3 domain, systems, network, cyberspace, or any area designated by the
4 President of the Philippines or the President's authorized representative, or
5 the Secretary of National Defense as such to protect the security, safety, and
6 interests of the State.
7

8 **SEC 4. Espionage.** - Espionage is committed by any person, within or outside
9 the Philippines, who deals with classified matters without authority, through physical,
10 electronic, cyber, or any other means, which causes or has intent to cause injury to
11 the Philippines or gives or tends to give advantage to a state, nation, entity or individual,
12 whether foreign or domestic.
13

14 Dealing with a classified matter shall mean receiving, obtaining, collecting,
15 possessing, processing, recording, copying, reproducing, disclosing or communicating,
16 publishing, delivering, transferring, transmitting, making available, concealing,
17 intercepting, interfering, selling, procuring, buying, altering, compromising or
18 destroying its integrity, or allowing classified information under one's custody to be
19 removed from its proper place, delivered, communicated, transmitted, or disclosed to
20 an unauthorized person, stolen, abstracted, intercepted or compromised.
21

22 Any person who accesses any sketch, drawing, map, lay out, blueprint, graphical
23 or multimedia representation of critical infrastructure, prohibited place, or National
24 Defense assets, without authority shall also be held liable for espionage: Provided,
25 That only the President of the Philippines or the President's authorized representative,
26 or the Secretary of National Defense, as the case may be, may grant authorization to
27 enter or deal with representations of prohibited places and National Defense premises.
28

29 Any person who makes or assists in making a false declaration or statement for
30 the purpose of obtaining authorization from a competent authority shall be presumed
31 guilty of this offense.
32

33 Possession of a classified matter by an unauthorized person shall be prima facie
34 evidence of disclosure against the person who, by reason of his official functions, is in
35 custody of said classified matter.
36

37 Any person, whether acting singly or in conspiracy, who commits the
38 aforementioned acts shall suffer the penalty of life imprisonment without the benefit of
39 parole and the benefits provided in Articles 29, 94, 29 97, 98 and 99 of Act No. 3815,
40 otherwise known as the "Revised Penal Code," as amended by Republic Act. No.
41 10592, and by a fine of not less than Twenty Million Pesos (P20,000,000.00) but not
42 more than Fifty Million Pesos (P50,000,000.00).
43

44 There is conspiracy when two (2) or more persons come to an agreement
45 concerning the commission of espionage as defined in this Section and decide to
46 commit the same.
47

48 **SEC. 5. Proposal to Commit Espionage** - Any person who proposes to commit
49 espionage as defined in Section 4 hereof shall suffer the penalty of ten (10) to twelve

1 (12) years imprisonment and by a fine of not less than Ten Million Pesos
2 (P10,000,000.00) but not more than Twenty Million Pesos (P20,000,000.00).

3
4 There is proposal when the person who has decided to commit espionage
5 proposes its execution to some other person or persons.
6

7 **SEC 6. Acts of Destruction, Interference, and Obstruction.** - It shall be
8 unlawful for any person to cause or attempt to cause destruction, interference, or
9 obstruction to the government's activities against threats to national defense and
10 national security by:

- 11
12 a) making or causing to be made, or attempting to make or cause to be made
13 any National Defense or National Security material in a defective manner,
14 including those used or employed in the making, producing, manufacturing,
15 or repairing of such materials; or
16 b) destroying or attempting to destroy any National Defense assets. Any person
17 found to be in violation of this provision shall suffer the penalty of ten (10) to
18 twelve (12) years imprisonment and a fine of not less than Ten Million Pesos
19 (P10,000,000.00) but not more than Twenty Million Pesos (P20,000,000.00).
20

21 **SEC 7. Disloyal Acts or Words Affecting National Defense, National**
22 **Security, and Critical Infrastructure.** - It shall be unlawful for any person to commit
23 any of the following acts to any member of the government or any institution or entity
24 whose function is critical to the preservation and promotion of national defense and
25 national security, or protection of critical infrastructure:
26

- 27 a) incite, coerce, deceive, or otherwise cause insubordination, disloyalty,
28 mutiny, or refusal of duty by any member of the aforementioned entities;
29 b) distribute any material or information that incites, coerces, deceives, or
30 cause insubordination, disloyalty, mutiny, or refusal of duty by any
31 member of the aforementioned entities;
32 c) make, disseminate, or convey false reports, information or statements
33 causing interference with or obstruction to the operation or success of
34 the government, particularly in matters relating to national security or
35 defense, or to promote the success of enemy forces; or
36 d) obstruct the recruitment or enlistment efforts of the military or the
37 uniformed personnel during armed conflict. Any person found to be in
38 violation of this provision shall suffer the penalty of ten (10) to twelve
39 (12) years imprisonment and a fine of not less than Ten Million Pesos
40 (P10,000,000.00) but not more than Twenty Million pesos
41 (P20,000,000.00).
42

43 **SEC 8. Unlawful Possession or Control of Surveillance or Mapping**
44 **Equipment.** - It shall be unlawful for any person to possess or control any surveillance
45 system or equipment, including but not limited to cameras, listening or tracking devices,
46 or any other technological means for the purpose of surveilling, monitoring, or spying
47 on government officials, military personnel, or individuals involved in national security
48 or defense activities, prohibited places, critical infrastructure, national defense assets
49 or making a map related thereto. Any person found to be in violation of this Section
50 shall suffer the penalty of ten (10) to twelve (12) years imprisonment and a fine of not

1 less than Ten Million Pesos (P10,000,000.00) but not more than Twenty Million Pesos
2 (P20,000,000.00).

3
4 **SEC. 9. Abetting or Aiding.** - Any person who abets or aids another to commit
5 any of the offenses defined and penalized under this Act shall suffer the penalty of ten
6 (10) to twelve (12) years imprisonment and a fine of not less than Ten Million Pesos
7 (P10,000,000.00) but not more than Twenty Million Pesos (P20,000,000.00).

8
9 **SEC. 10. Harboring, Concealing or Facilitating the Escape of Violators of
10 the Law.** - Harboring, concealing, or facilitating the escape of a person whom one
11 knows, or has reasonable ground to believe or suspect, has committed, or is about to
12 commit, any of the offenses defined and penalized under this Act shall suffer the
13 penalty of ten (10) to twelve (12) years imprisonment and a fine of not less than Ten
14 Million Pesos (P10,000,000.00) but not more than Twenty Million Pesos
15 (Php20,000,000.00).

16
17 **SEC 11. Liability of Government Officials and Employees, Military Officers
18 and Personnel, Foreigners, and Juridical Entities.** - A government official or
19 employee found guilty of committing any of the offenses punishable under this Act
20 shall suffer absolute perpetual disqualification from any public office and the maximum
21 penalty provided in this Act.

22
23 Military officers and personnel charged with violations under this Act shall be tried
24 by General Courts-Martial under Commonwealth Act No. 408 or the "Articles of War,"
25 as amended.

26
27 Foreigners found guilty of committing any offense punishable herein shall, in
28 addition to the penalties prescribed under this Act, be deported immediately without
29 further proceedings after the service of sentence and be permanently barred from
30 entering the Philippines.

31
32 The partner, president, director, manager, trustee, administrator or officer of any
33 juridical entity who consents to, knowingly tolerates or, due to negligence, fails to
34 prevent the commission of a violation of this Act shall be held liable. In addition to the
35 payment of fine by the juridical entity, its registration and license to operate with the
36 appropriate government authorities shall be cancelled and revoked permanently, as
37 ordered by the court, without prejudice to the imposition of sanctions pending trial.

38
39 **SEC 12. Designation of Prohibited Places by Proclamation.** - For purposes
40 of this Act, the President of the Philippines or the President's duly authorized
41 representative, or the Secretary of National Defense, as the case may be, may
42 designate prohibited places where military or classified activities, matters or
43 information relative to defense and national security are conducted, prepared,
44 manufactured, processed, used, or stored indicating the reason for such designation.

45
46 National defense premises and national security facilities as defined herein shall
47 be considered prohibited places without need of such proclamation.

48
49 **SEC. 13. Classification and Custody of Classified Matters During Inquiry,
50 Investigation, and Prosecution.** - All inquiries, investigations, and prosecutions

1 related to espionage, including any related documents, evidence, proceedings, and
2 communications, shall be classified according to the security sensitivity of the matter
3 involved. Such classified matters shall be handled in accordance with the existing and
4 subsequent guidelines in the handling of classified matters and shall only be
5 accessible to individuals with the requisite security clearance and on a need-to-know
6 basis.

7
8 Access to any material or information pertaining to espionage inquiries,
9 investigations, or prosecutions shall be strictly limited to authorized persons whose
10 duties require such access, including law enforcement, intelligence officers, military
11 officials, judicial authorities, and personnel directly involved in the conduct of the
12 investigation or prosecution. Any unauthorized disclosure, dissemination, or sharing
13 of classified information related to espionage cases shall be subject to penalties as
14 provided under Section 4 of this Act.

15
16 The Department of Justice (DOJ) and Office of the National Security Adviser
17 shall ensure the proper classification, safeguarding, and control of such sensitive
18 information, including establishing of procedures for access, review, and
19 declassification, where appropriate.

20
21 **SEC 14. Surveillance of Suspects and Interception and Recording of**
22 **Communications.** - The provisions of Republic Act No. 4200, otherwise known as the
23 "Anti-Wiretapping Law" to the contrary notwithstanding, a military personnel, law
24 enforcement agent, or intelligence officer duly authorized by their respective heads of
25 the agency may, upon written order of the Regional Trial Court where any of the
26 elements for the violation of this Act has been committed or about to be committed,
27 wiretap, overhear, and listen to, intercept, screen, read, surveil, record or collect, with
28 the use of any mode, form, kind or type of electronic, mechanical or other equipment
29 or device or technology now known or may hereafter be known to science or with the
30 use of any other suitable ways and means for the above purposes, any private
31 messages in whatever form, kind or nature, spoken or written words any person
32 charged or suspected of committing any of the offenses defined and penalized under
33 this Act: Provided, That such written order shall only be issued or granted upon written
34 application and the examination under oath or affirmation of the applicant and the
35 witnesses one may produce and a showing:

- 36
37 a) that there are reasonable grounds to believe that any of the crimes
38 enumerated herein has been committed or is being committed or is about to
39 be committed;
40 b) that there are reasonable grounds to believe that the evidence that will be
41 obtained is essential to the conviction of any person for, or to the solution of,
42 or to the prevention of, any of such crimes; and
43 c) that there are no other means readily available for obtaining such evidence.

44
45 The law enforcement agent, military personnel, or intelligence officer shall: (1)
46 file an ex parte application with the Regional Trial Court, where the
47 telecommunications service providers (TSPs) and internet service providers (ISPs)
48 are situated, for the issuance of an order, to compel TSPs and ISPs to produce all
49 customer information and identification records as well as call and text data records,
50 content and other cellular or internet metadata of any person suspected of any of the

1 crimes defined and penalize under the provisions of this Act; and (2) furnish the
2 National Telecommunications Commission (NTC) with a copy of said application. The
3 NTC shall be notified by the court upon the issuance of the order to ensure immediate
4 compliance.

5
6 **SEC. 15. Forfeiture of Materials and Effects.** - Upon conviction for any offense
7 under this Act, all materials and effects directly used or intended to be used in the
8 commission of such offense may be subject to forfeiture in favor of the government
9 and disposed of in accordance with applicable laws, regulations, and procedures.

10
11 **SEC. 16. Extraterritorial Application.** - The provisions of this Act shall apply to
12 any person, who commits any of the offenses defined and penalized under this Act,
13 regardless of the stage of the commission of the offense, within or outside the territorial
14 jurisdiction of the Philippines.

15
16 **SEC. 17. Implementing Rules and Regulations.** - Within one hundred twenty
17 (120) days from the effectivity of this Act, the Department of National Defense, the
18 DOJ, and the National Intelligence Coordinating Agency shall formulate the necessary
19 rules and regulations to ensure the efficient and effective implementation of this Act.

20
21 **SEC. 18. Separability Clause.** – If any portion or provision of this Act is declared
22 unconstitutional, the remainder hereof or any provisions not affected thereby shall
23 remain in force and effect.

24
25 **SEC. 19. Repealing Clause.** – Any law, presidential decree or issuance,
26 executive order, letter of instruction, rule, or regulation inconsistent with the provisions
27 of this Act is hereby repealed or modified accordingly.

28 **SEC. 20. Effectivity.** – This Act shall take effect fifteen (15) days after its
29 complete publication in the Official Gazette or in a newspaper of general circulation.

30
31 *Approved,*