



Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

Twentieth Congress
First Regular Session

HOUSE BILL NO. 4886



Introduced by Representative Carlos Andes Loria

EXPLANATORY NOTE

This bill seeks to define and penalize espionage and other offenses against national security, repealing for the purpose Commonwealth Act No. 616, entitled "*An Act to Punish Espionage and Other Offenses Against the National Security*," and Article 117 of Act No. 3815, as amended, otherwise known as "*The Revised Penal Code*"

The country's principal measures on espionage, Commonwealth Act No. 616 (1941) and Article 117 of Act No. 3815, otherwise known as the Revised Penal Code of 1932, were crafted more than eighty years ago. These laws reflected the realities of their time, focusing mainly on acts of obtaining or transmitting defense-related information through traditional means, and imposing penalties that today are no longer commensurate to the gravity of the offense.

Under these outdated statutes, espionage is largely limited to matters pertaining to "national defense." Offenders may be punished by imprisonment ranging only from six months to thirty years, and by fines that do not exceed thirty thousand pesos. Such penalties fall short of reflecting the magnitude of the harm that espionage can inflict in the present day, where national security is no longer confined to battlefields and fortifications, but also extends to cyberspace, critical infrastructure, and the complex networks that sustain the nation's governance, economy, and way of life.

This bill seeks to repeal Commonwealth Act No. 616 and Article 117 of the Revised Penal Code, while consolidating and modernizing their still-relevant

provisions. It defines espionage in broader terms to cover not only the unlawful acquisition or disclosure of classified information on national defense, but also acts that compromise national security and critical infrastructure. It expands liability to include unauthorized possession, reproduction, alteration, and manipulation of classified matters, whether through physical, electronic, or cyber means.

To underscore the seriousness of these offenses, the measure prescribes life imprisonment without eligibility for parole and substantial fines ranging from twenty million to fifty million pesos for the most severe violations, while retaining appropriate penalties for related offenses such as conspiracy, attempts, harboring of offenders, and unauthorized imaging of vital facilities. It likewise provides accountability for public officers, military personnel, foreign nationals, and juridical entities involved in espionage.

Given the antiquated state of our espionage laws, the rapid evolution of modern threats, and the continuing geopolitical tensions in the region, there is an urgent need to overhaul our legal framework to protect sovereignty, uphold national security, and preserve the welfare of our people.

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


CARLOS ANDES LORIA



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AN ACT

PROHIBITING ESPIONAGE AND OTHER OFFENSES AGAINST THE NATIONAL SECURITY AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF, REPEALING FOR THE PURPOSE COMMONWEALTH ACT NO. 616, ENTITLED "AN ACT TO PUNISH ESPIONAGE AND OTHER OFFENSES AGAINST THE NATIONAL SECURITY," AND ARTICLE 117 OF ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS "*THE REVISED PENAL CODE*"

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

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

SEC. 2. ***Declaration of Policy.*** – It is the policy of the State to protect national sovereignty, preserve territorial integrity, uphold national interests, and promote the right to self-determination. Towards this end, the State shall adopt effective measures to prevent and punish espionage and related offenses, which

1 threaten sovereignty and democracy, while upholding the Bill of Rights and
2 fundamental liberties.

3 SEC. 3. ***Definition of Terms.*** – As used in this Act:

4 (a) *Classified matter* refers to information or material, regardless of
5 form, designated as classified for national security purposes.

6 (b) *Critical infrastructure* refers to assets, systems, and networks,
7 whether physical or virtual, whose disruption would significantly affect national
8 security, public safety, or the economic well-being of citizens.

9 (c) *Cyber* refers to digital technologies, computer systems or networks,
10 data, and electronic communications environments.

11 (d) *National defense* refers to the protection of the State’s sovereignty,
12 territorial integrity, and national interests through the mobilization of its forces
13 and resources against actual or potential threats.

14 (e) *National defense assets* refer to premises, materials, and utilities,
15 whether physical, digital, or virtual, that are designated or used for national
16 defense purposes, including military installations, equipment, supplies,
17 communication and information systems, and transportation and energy facilities
18 essential to defense operations.

19 (f) *National security* refers to the condition in which the people’s
20 welfare, way of life, government, and territorial integrity are safeguarded from
21 threats.

1 (g) *National security facility* refers to a site, building, system, or area
2 that houses classified or sensitive information, materials, or equipment and is
3 protected by security measures.

4 (h) *Person* refers to any natural or juridical person, unless the context
5 indicates otherwise.

6 (i) *Prohibited place* refers to any area, physical or virtual, designated
7 by competent authority as restricted for national defense or security purposes,
8 including national defense premises and national security facilities.

9 (j) *Imaging* refers to photographing, filming, scanning, mapping, or
10 producing graphical representations by any means, including remote or digital
11 methods.

12 (k) *Surveillance system or equipment* refers to any device, tool, or
13 technology designed or adapted for monitoring, recording, or tracking persons,
14 places, or electronic activity.

15 SEC. 4. **Espionage.** — Any person who, within or outside the Philippines
16 and without any authority, deals with any classified matter through physical,
17 electronic, cyber, or any other means, with the intent or reason to believe that
18 such act may cause injury to the Philippines or give advantage to a state, nation,
19 entity, or individual, whether foreign or domestic, shall be liable for espionage.

20 (a) **Acts constituting “dealing.”** — Any act involving a classified
21 matter such as receiving, obtaining, collecting, possessing, processing, recording,
22 copying, reproducing, disclosing or communicating, publishing, delivering,

1 transferring, transmitting, making available, concealing, intercepting, interfering
2 with, selling, procuring, buying, altering, compromising or destroying its
3 integrity constitute dealing. Likewise, dealing includes allowing a classified
4 matter under one's custody to be removed from its proper place, or to be
5 delivered, communicated, transmitted, disclosed to an unauthorized person,
6 stolen, abstracted, intercepted, or compromised.

7 **(b) *Accessing sensitive representations.*** — Any person who, without
8 authority, accesses any sketch, drawing, map, layout, blueprint, or graphical or
9 multimedia representation of a prohibited place, national security facility, critical
10 infrastructure, or national defense asset, is liable for espionage. Only the
11 President of the Philippines or the duly authorized representative, or the Secretary
12 of National Defense, may grant authority to enter or deal with such
13 representations for prohibited places and national defense premises.

14 **(c) *False statements to obtain access.*** — Any person who makes or
15 assists in making a false declaration or statement to obtain authorization commits
16 espionage.

17 **(d) *Presumption.*** — Possession of a classified matter by an
18 unauthorized person shall constitute prima facie evidence of unauthorized
19 disclosure against the custodian who, by reason of official functions, had custody
20 thereof.

21 **(e) *Penalty.*** — Any person who commits the acts under this Section
22 shall suffer the penalty of life imprisonment without eligibility for parole or the

benefits under Articles 29, 94, 97, 98 and 99 of the Revised Penal Code, as amended by Republic Act No. 10592, and a fine of not less than Twenty million pesos (₱20,000,000.00) but not more than Fifty million pesos (₱50,000,000.00).

(f) **Aggravating circumstances.** — The maximum fine shall be imposed, and the court may order the imposition of accessory penalties when:

(1) The offense is committed in time of war, armed conflict, or a declared state of national emergency;

(2) The offender is a public officer or employee or a member of the armed forces or uniformed services;

(3) The act involves critical infrastructure or causes serious disruption of essential public services; or

(4) The offense is committed by, or in conspiracy with, an organized group or a foreign state actor.

SEC. 5. Conspiracy to Commit Espionage. – Conspiracy to commit espionage shall be penalized with life imprisonment without the benefit of parole and the benefits provided in Articles 29, 94, 97, 98 and 99 of Act No. 3815, as amended, and by a fine of not less than Twenty million pesos (₱20,000,000.00) but not more than Fifty million pesos (₱50,000,000.00).

There is conspiracy when two or more persons come to an agreement and decide to commit espionage.

SEC. 6. Proposal to Commit Espionage. – Any person who proposes to commit espionage shall suffer the penalty of ten (10) to twelve (12) years of

1 imprisonment and a fine of not less than Ten million pesos (₱10,000,000.00) but
2 not more than Twenty million pesos (₱20,000,000.00).

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

5 **SEC. 7. *Destruction, Interference, and Obstruction.*** – It is unlawful for
6 any person to cause or attempt to cause destruction, interference, or obstruction
7 to the government’s activities against threats to national defense and national
8 security by:

9 (a) Making or causing to be made, or attempting to make or cause to be
10 made any national defense or national security material in a defective manner,
11 including those used or employed in the making, producing, manufacturing, or
12 repairing of such materials; or

13 (b) Destroying or attempting to destroy any national defense assets.

14 Any person found guilty of the unlawful acts defined in this Section shall
15 suffer the penalty of ten (10) to twelve (12) years of imprisonment and a fine of
16 not less than Ten million pesos (₱10,000,000.00) but not more than Twenty
17 million pesos (₱20,000,000.00).

18 **SEC. 8. *Disloyal Acts or Words.*** – It is unlawful for any person to commit any
19 of the following acts to any member of the government or any institution or entity
20 whose function is critical to the preservation and promotion of national defense
21 and national security, or protection of critical infrastructure:

1 (a) Incite, coerce, deceive, or otherwise cause insubordination,
2 disloyalty, mutiny, or refusal of duty by any member of the aforementioned
3 entities;

4 (b) Distribute any material or information that incites, coerces,
5 deceives, or causes insubordination, disloyalty, mutiny, or refusal of duty by any
6 member of the aforementioned entities;

7 (c) Make, disseminate or convey false reports, information or
8 statements causing interference with or obstruction to the operation or success of
9 the government, particularly in matters relating to national security or defense, or
10 to promote the success of enemy forces; or

11 (d) Obstruct the recruitment or enlistment efforts of the military or the
12 uniformed personnel during armed conflict.

13 Any person found guilty of the unlawful acts defined in this Section shall
14 suffer the penalty of ten (10) to twelve (12) years of imprisonment and a fine of
15 not less than Ten million pesos (₱10,000,000.00) but not more than Twenty
16 million pesos (₱20,000,000.00).

17 SEC. 9. ***Prohibited Surveillance Equipment.*** – It is unlawful for any
18 person to possess or control any surveillance system or equipment, including
19 cameras, listening or tracking devices, or any other technological means for the
20 purpose of surveilling, monitoring, or spying on government officials, military
21 personnel, or individuals involved in national security or defense activities,

1 prohibited places, critical infrastructure, national defense assets or making a map
2 related thereto.

3 Any person found guilty of the unlawful acts defined in this Section shall
4 suffer the penalty of ten (10) to twelve (12) years of imprisonment and a fine of
5 not less than Ten million pesos (₱10,000,000.00) but not more than Twenty
6 million pesos (₱20,000,000.00).

7 SEC. 10. *Accessory*. – Any person who abets, aids, or in any manner
8 facilitates the commission of any offense under this Act, or who profits from or
9 conceals the effects of the crime, shall suffer the penalty of imprisonment of ten
10 (10) to twelve (12) years and a fine of not less than Ten million pesos
11 (₱10,000,000.00) but not more than Twenty million pesos (₱20,000,000.00),
12 without prejudice to higher liability where the act amounts to conspiracy.

13 SEC. 11. *Harboring or Concealing Offenders*. – Any person who harbors,
14 conceals, or facilitates the escape of a person whom the former person knows, or
15 has reasonable ground to believe or suspect, has committed or is about to commit
16 an offense under this Act, shall suffer the penalty of imprisonment of ten (10) to
17 twelve (12) years and a fine of not less than Ten million pesos (₱10,000,000.00)
18 but not more than Twenty million pesos (₱20,000,000.00).

19 SEC. 12. *Unauthorized Imaging*. – It is unlawful for any person to image
20 certain vital military, naval, air, space, cyber, or critical infrastructure
21 installations or equipment, which are defined and declared by the President of the
22 Philippines or the Secretary of National Defense as requiring protection against

1 general dissemination of information in the interest of national defense or
2 security, without prior written permission of the commanding officer of the
3 concerned post, camp, station, ship, aircraft, or higher authority. Likewise, it is
4 unlawful for any person who took the imagery to fail to submit the materials
5 obtained for censorship or other necessary action as may be directed by such
6 authority. Imaging from aircraft or unmanned systems without such authority is
7 likewise unlawful.

8 After a facility or equipment has been so defined, it shall be unlawful to
9 reproduce, publish, sell, or distribute any image or graphical representation
10 without prior written permission of the commanding officer or higher authority,
11 unless such material clearly indicates that it has been censored by the proper
12 authority.

13 Any person found guilty of the unlawful acts defined in this Section shall
14 suffer the penalty of imprisonment of six (6) to ten (10) years and a fine of not
15 less than Five million pesos (₱5,000,000.00) but not more than Ten million pesos
16 (₱10,000,000.00). If committed in time of war or armed conflict, or results in
17 actual compromise of classified matters, the penalty shall be imprisonment of ten
18 (10) to twelve (12) years and a fine of not less than Ten million pesos
19 (₱10,000,000.00) but not more than Twenty million pesos (₱20,000,000.00).

20 SEC. 13. ***Designation of Prohibited Places.*** – The President of the
21 Philippines or the duly authorized representative, or the Secretary of National
22 Defense, may designate prohibited places where military or classified activities,

1 matters, or information relating to defense or national security are conducted,
2 prepared, manufactured, processed, used, or stored, indicating the reason for such
3 designation. National defense premises and national security facilities are
4 deemed prohibited places without need of a proclamation. The designation shall
5 be reviewed periodically and, where compatible with security, be published or
6 communicated to affected communities and agencies.

7 SEC. 14. ***Handling of Classified Information.*** – All inquiries,
8 investigations, and prosecutions related to espionage, including any documents,
9 evidence, proceedings, and communications, shall be classified in accordance
10 with the security sensitivity of the matters involved. Such classified materials
11 shall be handled pursuant to existing and future guidelines on the handling of
12 classified information and be accessible only to individuals with the requisite
13 security clearance and a demonstrated need-to-know.

14 Access to any material or information pertaining to espionage inquiries,
15 investigations, or prosecutions shall be strictly limited to authorized persons
16 whose official duties require such access, including law enforcement officers,
17 intelligence personnel, military officials, judicial authorities, and other personnel
18 directly involved in the conduct of the investigation or prosecution. Any
19 unauthorized disclosure, dissemination, or sharing of classified information
20 related to espionage cases shall be subject to the penalties provided under Section
21 4 of this Act.

1 The Department of Justice (DOJ) and the Office of the National Security
2 Adviser shall ensure the proper classification, safeguarding, and control of such
3 sensitive information, and shall establish procedures for access, review, and
4 declassification, where appropriate.

5 SEC. 15. ***Court-Authorized Surveillance and Interception.*** –

6 Notwithstanding the provisions of Republic Act No. 4200, entitled “*An Act to*
7 *Prohibit and Penalize Wire Tapping and Other Related Violations of the Privacy*
8 *of Communication, and for Other Purposes,*” a duly authorized military
9 personnel, law enforcement agent, or intelligence officer may, upon written order
10 of the Regional Trial Court where any element of an offense under this Act has
11 been committed or is about to be committed, wiretap, overhear, intercept, read,
12 surveil, record, or collect any private communication or message, in whatever
13 form, kind, or nature, using any electronic, mechanical, or other equipment or
14 technology.

15 Such order shall be issued only upon written application, after the
16 examination under oath of the applicant and any witnesses, and upon a showing
17 that:

18 (a) There are reasonable grounds to believe that an offense defined in
19 this Act has been committed, is being committed, or is about to be committed;

20 (b) There are reasonable grounds to believe that the evidence to be
21 obtained is essential to the conviction of any person, the solution of, or the
22 prevention of such crimes; and

1 (c) There are no other means readily available for obtaining such
2 evidence.

3 The duly authorized officer shall file the *ex parte* application with the
4 Regional Trial Court where the telecommunications service providers (TSPs) and
5 internet service providers (ISPs) are situated, to compel them to produce all
6 customer information and identification records, call and text data records,
7 content, and other cellular or internet metadata of any person suspected of
8 offenses under this Act. Likewise, the authorized officer shall furnish the
9 National Telecommunications Commission (NTC) with a copy of the
10 application. The NTC shall be notified by the court upon issuance of the order to
11 ensure immediate compliance.

12 SEC. 16. ***Attempt and Frustrated Offenses.*** – Except where already
13 penalized, attempted or frustrated commission of offenses under this Act shall be
14 punished two (2) degrees lower than the prescribed penalty for the consummated
15 offense.

16 SEC. 17. ***Liability of Officers, Foreign Nationals and Juridical Entities.*** – A
17 government official or employee found guilty of any offense under this Act shall
18 suffer the maximum penalty prescribed and absolute perpetual disqualification
19 from holding public office.

20 Military officers and personnel charged with violations of this Act shall be
21 tried by General Courts-Martial under Commonwealth Act No. 408, or the
22 “*Articles of War*,” as amended.

1 Foreign nationals found guilty of any offense under this Act shall be deported
2 immediately after service of sentence and permanently barred from re-entering
3 the Philippines.

4 The partner, president, director, manager, trustee, administrator, or officer of
5 any juridical entity who consents to, knowingly tolerates, or through negligence
6 fails to prevent the commission of prohibited acts under this Act shall be held
7 liable. The registration and license to operate of erring juridical entities shall be
8 permanently cancelled and revoked by order of the Court, without prejudice to
9 the imposition of sanctions pending trial.

10 SEC. 18. ***Forfeiture.*** – Upon conviction, all materials, devices, data, proceeds,
11 and instrumentalities directly used or intended for use in the offense shall be
12 forfeited in favor of the government and disposed of in accordance with
13 applicable laws, rules and regulations.

14 SEC. 19. ***Jurisdiction and Extraterritorial Application.*** – This Act applies to
15 any person who commits any offense defined herein, regardless of the stage of
16 commission, within or outside Philippine territory, when any element of the
17 offense occurs in the Philippines, the effects occur in the Philippines, the victim
18 is the Philippine State, or the offender is a Philippine national or a juridical entity
19 organized under Philippine law.

20 SEC. 20. ***Implementing Rules and Regulations.*** – Within one hundred twenty
21 (120) days from the effectivity of this Act, the Secretary of National Defense
22 shall, in coordination with the Secretary of Justice and the Director-General of

1 the National Intelligence Coordinating Agency, issue the rules and regulations
2 necessary for the effective implementation of this Act.

3 SEC. 21. ***Separability Clause.*** — If any provision of this Act is declared
4 unconstitutional or invalid, the remaining parts or provisions not affected shall
5 remain in full force and effect.

6 SEC. 22. ***Repealing Clause.*** – Article 117 of the Revised Penal Code and
7 Commonwealth Act No. 616 are repealed. All other laws, executive orders,
8 issuances, rules and regulations, or parts hereof inconsistent with the provisions
9 of this Act are repealed or modified accordingly.

10 SEC. 23. ***Effectivity.*** – This Act shall take effect fifteen (15) days after its
11 publication in the *Official Gazette* or in a newspaper of general circulation.

12 Approved,