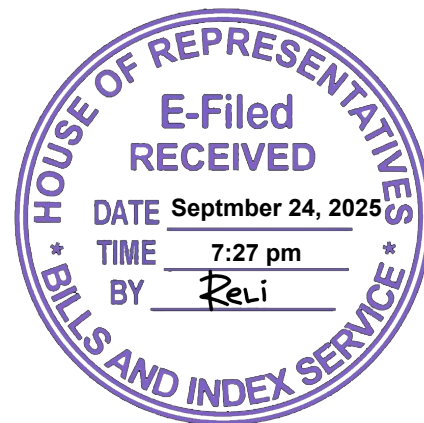


Republic of the Philippines
HOUSE OF REPRESENTATIVES
TWENTIETH CONGRESS
First Regular Session



HOUSE BILL NO. 4890

INTRODUCED BY CONGRESSMAN STEVE CHIONGBIAN SOLON

EXPLANATORY NOTE

Foreign interference takes various forms and targets multiple platforms, both in the physical and digital space. Such interference threats may be carried out through disinformation campaigns, economic coercion, covert political influence, manipulation of public opinion, and the erosion of state independence—all aimed at destabilizing and undermining a country to advance the interests of a foreign entity.

The growing risks associated with foreign interference have prompted states to adopt a range of comprehensive legal, technological, and diplomatic countermeasures to safeguard their political systems and uphold national integrity. Among the most prominent of these are legislative measures designed to prevent foreign interference in domestic affairs.

Given the Philippines' current geopolitical disputes and tensions, foreign interference is a pressing concern that must be urgently addressed. However, the existing legal framework, Batas Pambansa Bilang 39, or the Foreign Agents Act of 1979 is outdated, ineffective, and disconnected from the challenges the country faces today.

Article II, Section 7 of the 1987 Philippine Constitution mandates the State to pursue an independent foreign policy, guided by the principles of national sovereignty, territorial integrity, national interest, and the right to self-determination in its engagement with the international community. The Philippines is thus committed to charting its own course in foreign relations, free from the dictations or manipulations of other states. Sovereignty and independence in governance are paramount principles which the State is duty-bound to protect against any form of foreign intrusion.

Serving as the foundation for the Philippines' future conduct of foreign policy, its engagement with the global community, and its response to the growing threat of foreign interference, the prompt passage of this bill is earnestly sought.

A handwritten signature in black ink, appearing to be 'Steve Chiongbian Solon', written over a horizontal line.

REP. STEVE CHIONGBIAN SOLON
Lone District of Sarangani

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AN ACT
PENALIZING FOREIGN INTERFERENCE IN THE PHILIPPINES AND CREATING
THE COUNTER FOREIGN INTERFERENCE COUNCIL, AND FOR OTHER
PURPOSES

Sec. 1. *Short Title.* – This Act shall be known as the “Counter Foreign Interference Act.”

Sec. 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.

Towards this end, the State shall endeavor to protect and secure its national sovereignty and security through the enactment of measures aimed at enhancing the nation's capacity to detect, prevent, and respond to foreign interference and other related threats, thereby protecting our democratic processes, economic stability, and national security.

Sec. 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 of misleading, whether through words or conduct, including misrepresentation of intentions and/or conduct causing an unauthorized response from a person, 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 foreign organization responsible for the collection, analysis, and dissemination of intelligence related to foreign entities, including governments, organizations, and individuals.
- 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, organization, corporation or any other combination of individuals.

Sec. 4. *Foreign Interference.* – Any person who engages in covert, deceptive, coercive, or threatening conduct whether alone, or on behalf of, or in collaboration with, or directed, funded, or supervised by, a foreign principal, its agent or proxy, with the intention or without regard 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 and national interest of the Philippines, shall be guilty of committing foreign interference.

Sec. 5. *Foreign Interference Involving Foreign Intelligence Agencies.* – It shall be unlawful for any unauthorized person to knowingly 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.

Provided, That instances of negligence or a demonstrated absence of reasonable validation or verification concerning the nature of the entity to which resources or material support are provided, from which funds are received or obtained, or to which funds are made directly or indirectly available shall be a prima facie evidence that the person had knowledge that the resources or materials provided or funds received or obtained are from a foreign intelligence agency or any person acting on behalf of such agency.

Sec. 6. Foreign Interference by Electronic Communications Activity. – Any person who electronically publish, alter, or delete information or materials on behalf of a foreign principal, its agent or proxy, knowing or having reason to believe that the publication, alteration or deletion is likely to prejudice national or public security, negatively impact public health, safety, or finances, affect diplomatic relations, incite enmity among influential groups, undermine public confidence in authorities, or influence the outcome of elections or referendums, shall be guilty of foreign interference by electronic communications activity.

If, upon determination of the Counter Foreign Interference Council (CFIC) that an electronic communication will prejudice national or public security, negatively impact public health, safety, or finances, affect diplomatic relations, incite enmity among influential groups, undermine public confidence in authorities, or influence the outcome of elections or referendums, the CFIC 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 (₱1,000,000.00) for each day during which any part of that order is not fully complied with, up to a total of Five Hundred Million Pesos (₱500,000,000.00).

Provided, no administrative, criminal or civil proceedings shall lie against any person representing the internet service provider for complying with the Access Blocking Order issued by the CFIC in the regular performance of his duties and in good faith.

Sec. 7. 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, and 6 hereof shall be guilty of preparing or planning to commit foreign interference.

Sec. 8. Conspiracy to Commit Foreign Interference. – Any conspiracy to commit foreign interference defined and penalized under defined and penalized under Sections 4, 5, 6, and 7 of this Act shall be held liable.

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, and 7 hereof and decide to commit the same. Sec. 9. Proposal to Commit Foreign Interference. Any person who proposes to commit foreign interference as defined in Sections 4, 5, 6, and 7 hereof shall be held liable.

Proposal to commit foreign interference is committed when a person who has decided to commit any of the crimes defined and penalized under the provisions of this Act proposes its execution to some other person or persons.

It shall be presumed that the person performing any of the acts mentioned herein has performed them knowingly, unless the contrary is proven.

Sec. 9. Penalties. – Any person found guilty for knowingly committing any of the acts under Sections 4, 5, 6 and 8 of this Act shall be punished with life

imprisonment and a fine of not less than Five Million Pesos (P5,000,000.00) nor more than Ten Million Pesos (10,000,000.00), or both.

Any person found guilty of aiding, abetting or protecting persons committing foreign interference as defined herein or giving information on the matters enumerated herein shall suffer the penalty of twelve years and a fine of not less than Two Million Pesos (P2,000,000.00) but not more than Five Million Pesos (P5,000,000.00), or both.

Sec. 10. *Offense by Public Officials and Aliens.* – The maximum penalties provided for herein shall be imposed if the offender is a government official or employee. In addition, they shall also suffer the penalty of absolute perpetual disqualification from holding any public office or employment.

If the offender is an alien, [the alien] he/she shall, in addition to the penalties herein prescribed, be deported without further proceedings after serving the penalties herein prescribed and [shall] not be allowed re-entry into the country.

Sec. 11. *Trial of Persons Charged Under this Act.* – Any person charged for violations of any of the provisions of this Act shall be tried in special courts created for this purpose. In this regard, the Supreme Court shall designate certain branches of the Regional Trial Courts as Counter Foreign Interference Courts.

Persons charged under the provisions of this Act and witnesses shall be allowed to remotely appear and provide testimonies through the use of video-conferencing and such other technology now known or hereafter be known to science as approved by the Supreme Court.

Sec. 12. *The Counter Foreign Interference Council.* – A Counter Foreign Interference Council (CFIC) is hereby created. The members of the CFIC are: (1) Executive Secretary, as Chairperson, (2) National Security Adviser, as Vice Chairperson, (3) The Secretary of Justice (4) Department of Foreign Affairs (DFA), (5) Department of the Interior and Local Government (DILG), (6) Department of National Defense (DND), (7) Department of Information and Communications Technology (DICT), and (8) Anti-Money Laundering Council-Secretariat (AMLCS), as its members.

The (1) Commission on Higher Education (CHED), (2) Department of Trade and Industry (DTI), (3) National Bureau of Investigation (NBI), (4) Armed Forces of the Philippines (AFP), and the (5) Philippine National Police (PNP) shall serve as the support agencies of the CFIC.

The CFIC shall establish focus programs on critical components such as political, economic, social, technological, education, legal and military. These focus programs shall implement and enhance actionable plans, conduct risk assessments, and recommend policy adjustments to address emerging threats. By centralizing expertise and resources, CFIC 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 CFIC 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, 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. Coordinate with other government agencies which have shared responsibility on cybersecurity to 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;
- K. Oversee the allocation and management of resources necessary for effective counter-interference operations;
- L. Issue Access Blocking Order to internet access service provider in accordance with Section 6 hereof; and,
- M. Perform such other functions necessary to counter foreign interference.

The National Intelligence Coordinating Agency shall be the Secretariat of the CFIC. The CFIC shall determine the functions of the Secretariat.

Sec. 13. Extraterritorial Application. – The provisions of this Act shall apply to any person, who commits any of the offenses defined and penalized under this Act, regardless of the stage of the commission of the offense, within or outside the territorial jurisdiction of the Philippines.

In case of an individual who is neither a citizen or a national of the Philippines who commits any of the crimes 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 CFIC 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.

Sec. 14. Authority of the Anti-Money Laundering Council. – In addition to the unlawful activities enumerated under Republic Act No. 9160, otherwise known as the Anti-Money Laundering Act of 2001, as amended, foreign interference, in any form, is hereby considered as an unlawful activity 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 CFIC, 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.

Sec. 15. Surveillance of Suspects and Interception and Recording of Communications. – 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, who are duly authorized by their respective heads of agency may, upon a written order of the Regional Trial Court where any of the elements has been committed 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; or (c) 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.

Sec. 16. *Implementing Rules and Regulations.* – The CFIC and the DOJ shall forthwith promulgate such rules and regulations for the effective implementation of this Act within ninety (90) days after its effectivity.

Sec. 17. *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.

Sec. 18. *Repealing Clause.* – All provisions of law which are in conflict with this Act are hereby repealed or modified accordingly.

Sec. 19. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.