

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session



HOUSE BILL NO. 9202

Introduced by **REPRESENTATIVE AUDREY KAY T. ZUBIRI**

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

EXPLANATORY NOTE

Espionage and foreign intelligence have evolved rapidly in recent years, driven by geopolitical competition, technological advancement, and the expanding digital landscape. The Philippines today faces threats far more complex than those contemplated under existing laws such as Article 117 of the Revised Penal Code (enacted in 1932) and Commonwealth Act No. 616 (1941). These decades-old statutes are no longer sufficient to address modern physical, electronic, and cyber-enabled espionage.

Recent intelligence and cybersecurity reports show a marked increase in espionage-linked cyber activity directed at Philippines government agencies, critical infrastructure, and private sector partners. The Microsoft Digital Defense Report 2025 lists the Philippines among the top 20 countries most impacted by cyber activity in the first half of 2025, ranking sixth among nations targeted by Chinese state-linked cyber threat actors, who focused heavily on IT, telecommunications, government, military, and academic institutions¹. Furthermore, the Department of Information and Communications Technology (DICT) confirmed repeated foreign attempts to access Philippine intelligence data. Although no major breach of critical infrastructure has been recorded yet, these attempts highlight the increasing sophistication of

¹ <https://www.abs-cbn.com/news/technology/2025/10/22/chinese-cyber-espionage-targets-philippines-microsoft-report-1827>

foreign espionage capabilities². These trends show that espionage is no longer confined to physical infiltration but now includes sophisticated cyber intrusions. Given the Philippines's strategic position and expanding digital footprint, the country is increasingly vulnerable to both foreign and domestic intelligence threats.

The proposed New Anti-Espionage Act seeks to modernize definitions, strengthen penalties, enhance surveillance authority subject to judicial oversight, protect critical infrastructure, impose accountability on officials and foreign offenders, and introduce extraterritorial application to ensure that espionage against the Philippines is punishable regardless of where it is conducted.

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



AUDREY KAY T. ZUBIRI
Representative, 3rd District of Bukidnon

² <https://www.rappler.com/technology/dict-foreign-cyber-intrusions-target-intelligence-data-no-breaches-february-2025/>

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

1 **Section 1.** This Act shall be known as the “*New Anti-Espionage Act.*”

2
3 **Sec. 2. Declaration of Policy.** — It is a declared policy of the State that paramount
4 consideration shall be given to its national sovereignty, territorial integrity, national interest,
5 and the right to self-determination. The State recognizes that espionage is inimical to its
6 sovereignty and democracy. Further, the fight against espionage, clandestine acquisition of
7 sensitive information and unlawful obtaining of classified information that affect the national
8 security or national defense requires a comprehensive approach. To this end, the State shall
9 adopt and implement effective measures to combat and prevent espionage to protect and
10 promote national security and interests. In the implementation of the policy stated above, the
11 State shall uphold the basic rights and fundamental liberties of the people as enshrined in the
12 Constitution.

13
14 **Sec 3. Definition of Terms.** — As used in this Act:

- 15 a) Classified matter refers to information or materials in whatever nature or form,
16 that is designated as classified for national security purposes. It includes
17 everything classified under any issuance or legislation concerning the security
18 classification of matters and information;

- 1 b) Critical infrastructure refers to assets, systems, public works and networks,
2 including but not limited to transportation, utilities, digital systems and
3 information and communications technology, whether physical or virtual, that
4 are considered vital and their destruction or disruption would have a debilitating
5 impact on national security, health and safety, or economic well-being of
6 citizens, or any combination thereof;
- 7 c) Cyber refers to digital technologies, computer or computer network, data and
8 the electronic medium in which online communication takes place;
- 9 d) National Defense refers to the mechanism of the State to marshal a nation's
10 forces and resources to protect national interests, sovereignty and territorial
11 integrity and respond to threats thereto;
- 12 e) National defense assets refer to the following premises, materials, and utilities
13 used by the Armed Forces of the Philippines, including its auxiliaries:
- 14 1. National defense premises shall include but are not limited to, all
15 buildings, grounds, mines, missile launch facilities, data centers,
16 communication and information facilities, or other places where
17 national defense material is produced, manufactured, repaired, stored,
18 mined, extracted, distributed, loaded, unloaded, or transported, together
19 with all machinery and appliances contained therein ; where
20 communications and data are processed, stored, transmitted, connected,
21 and coordinated; where missiles are stored, assembled, and operated ;
22 and all ports, arsenals, navy yards, prisons, camps, or other army, naval,
23 or air stations;
- 24 2. National defense materials shall include satellite and other intelligence,
25 surveillance and reconnaissance systems, arms, weapon system,
26 munition, missile, livestock, clothing, food, or fuel, communications,
27 codes, formulas, gadgets, computers, communication devices, and shall
28 also include supplies and all other articles of whatever description, and
29 any part or ingredient thereof, intended for, adapted to, or suitable for
30 the use of the Philippines in connection with national defense;
- 31 3. National defense utilities shall include all railroads, railways, electric
32 lines, roads of whatever description, railroad or railway fixture, canal,
33 lock, wharf, pier, dock, bridge, building, structure, engine, machine,
34 mechanical contrivance, car, vehicle, boat, or aircraft, or any other

1 means of transportation whatsoever, whereon or whereby such national
2 defense materials or any troops of the Philippines are being or may be
3 transported either within the limits of the Philippines or upon the high
4 seas ; and all dams, reservoirs, aqueducts, water and gas mains, oil or
5 gasoline stations, pipes, structures, and buildings, whereby or in
6 connection with which water, or gas, or oil, or gasoline, or other fluid is
7 being furnished, or may be furnished to national defense premises and
8 all electric light and power, steam or pneumatic power, telephone, and
9 telegraph plants, poles, wires, facilities, fiber optic infrastructures,
10 antennas, base transceiver stations, data centers, satellites, and fixtures
11 and wireless stations, and the buildings connected with the maintenance
12 and operation thereof used to supply water, light, heat, gas, oil, gasoline,
13 fluid, power, or facilities of communication to national defense
14 premises;

- 15 f) National security refers to a state or condition in which the people's welfare,
16 well-being, ways of life, government and its institutions, territorial integrity,
17 sovereignty, and core values are protected and enhanced;
- 18 g) National Security Facility refers to a building, installation or area housing
19 classified or sensitive information, materials, or equipment, and is protected by
20 security measures to prevent unauthorized access of classified information;
- 21 h) Person refers to any natural and juridical persons unless the context indicates
22 otherwise; and
- 23 i) Prohibited Place refers to a land, building, airspace, maritime domain, systems,
24 network, cyberspace or any area designated by the President or the President's
25 authorized representative, or the Secretary of National Defense as such to
26 protect the security, safety and interests of the State.

27
28 **Sec. 4. Espionage.** — Espionage is committed by any person who, within or outside
29 the Philippines, deals with classified matters without authority, through physical, electronic,
30 cyber, or any other means, which causes or has intent to cause injury to the Philippines or gives
31 or tends to give advantage to a state, nation, entity or individual, whether foreign or domestic.

32 Dealing with a classified matter shall mean receiving, obtaining, collecting, possessing,
33 processing, recording, copying, reproducing, disclosing or communicating, publishing,
34 delivering, transferring, transmitting, making available, concealing, intercepting, interfering,

1 selling, procuring, buying, altering, compromising or destroying its integrity, or allowing
2 classified information under one's custody to be removed from its proper place, delivered,
3 communicated, transmitted, or disclosed to an unauthorized person, stolen, abstracted,
4 intercepted or compromised.

5 Any person who accesses any sketch, drawing, map, layout, blueprint, graphical or
6 multimedia representation of critical infrastructure, prohibited place, or national defense assets,
7 without authority shall also be held liable for espionage: Provided, That only the President or
8 the President's authorized representative, or the Secretary of National Defense, as the case may
9 be, may grant authorization to enter or deal with representations of prohibited places and
10 national defense premises.

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

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

17 Any person who commits the aforementioned acts shall suffer the penalty of life
18 imprisonment without the benefit of parole and the benefits provided in Articles 29, 94, 97, 98
19 and 99 of Act No. 3815, or the "Revised Penal Code" as amended by Republic Act No. 10592
20 and by a fine of not less than Twenty million pesos (Php20,000,000.00) but not more than Fifty
21 million pesos (Php50,000,000.00).

22
23 **Sec. 5. Conspiracy to Commit Espionage.** — Conspiracy to commit espionage as
24 defined in Section 4 hereof shall be penalized with life imprisonment without the benefit of
25 parole and the benefits provided in Articles 29, 94, 97, 98 and 99 of Act No. 3815, or the
26 "Revised Penal Code" as amended by Republic Act No. 10592 and by a fine of not less than
27 Twenty million pesos (Php20,000,000.00) but not more than Fifty million pesos
28 (Php50,000,000.00). There is conspiracy when two (2) or more persons come to an agreement
29 concerning the commission of espionage as defined in Section 4 hereof and decide to commit
30 the same.

31
32 **Sec. 6. Proposal to Commit Espionage.** — Any person who proposes to commit
33 espionage as defined in Section 4 hereof shall suffer the penalty of ten (10) to twelve (12) years
34 imprisonment and by a fine of not less than Ten million pesos (Php10,000,000.00) but not more

1 than Twenty million pesos (Php20,000,000.00). There is proposal when the person who has
2 decided to commit espionage proposes its execution to some other person or persons.

3
4 **Sec. 7. Acts of Destruction, Interference, and Obstruction.** — It shall be unlawful for
5 any person to cause or attempt to cause destruction, interference, or obstruction to the
6 government's activities against threats to national defense and national security by:

- 7 a) making or causing to be made, or attempting to make or cause to be made any national
8 defense or national security material in a defective manner, including those used or
9 employed in the making, producing, manufacturing, or repairing of such materials; or
10 b) destroying or attempting to destroy any national defense assets.

11 Any person found to be in violation of this provision shall suffer the penalty of ten (10)
12 to twelve (12) years imprisonment and a fine of not less than Ten million pesos
13 (Php10,000,000.00) but not more than Twenty million pesos (Php20,000,000.00).

14
15 **Sec. 8. Disloyal Acts or Words Affecting National Defense, National Security, and**
16 **Critical Infrastructure.** — It shall be unlawful for any person to commit any of the following
17 acts to any member of the government or any institution or entity whose function is critical to
18 the preservation and promotion of national defense and national security, or protection of
19 critical infrastructure:

- 20 a) incite, coerce, deceive, or otherwise cause insubordination, disloyalty, mutiny, or
21 refusal of duty by any member of the aforementioned entities;
22 b) distribute any material or information that incites, coerces, deceives, or causes
23 insubordination, disloyalty, mutiny, or refusal of duty by any member of the
24 aforementioned entities;
25 c) make, disseminate or convey false reports, information or statements causing
26 interference with or obstruction to the operation or success of the government,
27 particularly in matters relating to national security or defense, or to promote the success
28 of enemy forces; or,
29 d) obstruct the recruitment or enlistment efforts of the military or the uniformed personnel
30 during armed conflict.

31 Any person found to be in violation of this provision shall suffer the penalty of ten (10)
32 to twelve (12) years imprisonment and a fine of not less than Ten million pesos
33 (Php10,000,000.00) but not more than Twenty million pesos (Php20,000,000.00).

Sec. 9. Unlawful Possession or Control of Surveillance or Mapping Equipment. — It shall be unlawful for any person to possess or control any surveillance system or equipment, including but not limited to cameras, listening or tracking devices, or any other technological means for the purpose of surveilling, monitoring, or spying on government officials, military personnel, or individuals involved in national security or defense activities, prohibited places, critical infrastructure, national defense assets or making a map related thereto. Any person found to be in violation of this Section shall suffer the penalty of ten (10) to twelve (12) years imprisonment and a fine of not less than Ten million pesos (Php10,000,000.00) but not more than Twenty million pesos (Php20,000,000.00).

Sec. 10. Abetting or Aiding. — Any person who abets or aids another to commit any of the offenses defined and penalized under this Act shall suffer the penalty of ten (10) to twelve (12) years imprisonment and a fine of not less than Ten million pesos (Php10,000,000.00) but not more than Twenty million pesos (Php20,000,000.00).

Sec. 11. Harboring, Concealing or Facilitating the Escape of Violators of the Law. — Harboring, concealing or facilitating the escape of a person whom one knows, or has reasonable ground to believe or suspect, has committed, or is about to commit, any of the offenses defined and penalized under this Act shall suffer the penalty of ten (10) to twelve (12) years imprisonment and a fine of not less than Ten million pesos (Php10,000,000.00) but not more than Twenty million pesos (Php20,000,000.00).

Sec. 12. Liability of Government Officials and Employees, Military Officers and Personnel, Foreigners and Juridical Entities. — A government official or employee found guilty of committing any of the offenses punishable under this Act shall suffer absolute perpetual disqualification from any public office and the maximum penalty provided in this Act.

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

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

1 The partner, president, director, manager, trustee, administrator or officer of any
2 juridical entity who consents to, knowingly tolerates or, due to negligence, fails to prevent the
3 commission of a violation of this Act shall be held liable. In addition to the payment of fine by
4 the juridical entity, its registration and license to operate with the appropriate government
5 authorities shall be cancelled and revoked permanently, as ordered by the Court, without
6 prejudice to the imposition of sanctions pending trial.

7
8 **Sec. 13. *Designation of Prohibited Places by Proclamation.*** — For purposes of this
9 Act, the President or the President's duly authorized representative, or the Secretary of National
10 Defense, as the case may be, may designate prohibited places where military or classified
11 activities, matters or information relative to defense and national security are conducted,
12 prepared, manufactured, processed, used, or stored indicating the reason for such designation.
13 National defense premises and national security facilities as defined herein shall be considered
14 prohibited places without need of such proclamation.

15
16 **Sec. 14. *Classification and Custody of Classified Matters During Inquiry,***
17 ***Investigation and Prosecution.*** — All inquiries, investigations, and prosecutions related to
18 espionage, including any related documents, evidence, proceedings, and communications, shall
19 be classified according to the security sensitivity of the matter involved. Such classified matters
20 shall be handled in accordance with the existing and subsequent guidelines in the handling of
21 classified matters and shall only be accessible to individuals with the requisite security
22 clearance and on a need-to-know basis.

23 Access to any material or information pertaining to espionage inquiries, investigations,
24 or prosecutions shall be strictly limited to authorized persons whose duties require such access,
25 including law enforcement, intelligence officers, military officials, judicial authorities, and
26 personnel directly involved in the conduct of the investigation or prosecution. Any
27 unauthorized disclosure, dissemination, or sharing of classified information related to
28 espionage cases shall be subject to penalties as provided under Section 4 of this Act. The
29 Department of Justice (DOJ) and Office of the National Security Adviser shall ensure the
30 proper classification, safeguarding, and control of such sensitive information, including
31 establishing of procedures for access, review, and declassification, where appropriate.

32
33 **Sec. 15. *Surveillance of Suspects and Interception and Recording of***
34 ***Communications.*** — The provisions of Republic Act No. 4200, otherwise known as the "Anti-

Wiretapping Law" to the contrary notwithstanding, a military personnel, law enforcement agent, or intelligence officer duly authorized by their respective heads of the agency may, upon written order of the Regional Trial Court where any of the elements for the violation of this Act has been committed or about to be committed, 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 of any person charged or suspected of committing any of the offenses defined and penalized under this Act: Provided, That such written order shall only be issued or granted upon written application and the examination under oath or affirmation of the applicant and the witnesses one may produce and a showing that there are:

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

The law enforcement agent, military personnel, or intelligence officer shall (1) file an ex parte application with the Regional Trial Court, where the telecommunications service providers (TSPs) and internet service providers (ISPs) are situated, for the issuance of an order, to compel TSPs and ISPs 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) with a copy of said application. The NTC shall be notified by the court upon the issuance of the order to ensure immediate compliance.

Sec. 16. Forfeiture of Materials and Effects. — Upon conviction for any offense under this Act, all materials and effects directly used or intended to be used in the commission of such offense may be subject to forfeiture in favor of the government and disposed of in accordance with applicable laws, regulations, and procedures.

Sec. 17. 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

1 the stage of the commission of the offense, within or outside the territorial jurisdiction of the
2 Philippines.

3
4 **Sec. 18. *Implementing Rules and Regulations.*** — Within one hundred twenty (120)
5 days from the effectivity of this Act, the Department of National Defense, the DOJ, and the
6 National Intelligence Coordinating Agency shall formulate the necessary rules and regulations
7 to ensure the efficient and effective implementation of this Act.

8
9 **Sec. 19. *Separability Clause.*** — If any provision of this Act is declared
10 unconstitutional, the remainder thereof not otherwise affected shall remain in full force and
11 effect.

12
13 **Sec. 20. *Repealing Clause.*** — Article 117 of the Revised Penal Code, Commonwealth
14 Act No. 616, and other laws, rules and regulations inconsistent with this Act are hereby
15 repealed. All other laws, decrees, executive orders, letters of instruction, proclamations, or
16 administrative regulations that are inconsistent with the provisions of this Act are hereby
17 repealed, amended or modified accordingly.

18
19 **Sec. 21. *Effectivity.*** — This Act shall take effect after fifteen (15) days following its
20 publication in the Official Gazette or in a newspaper of general circulation.

21
22 *Approved,*