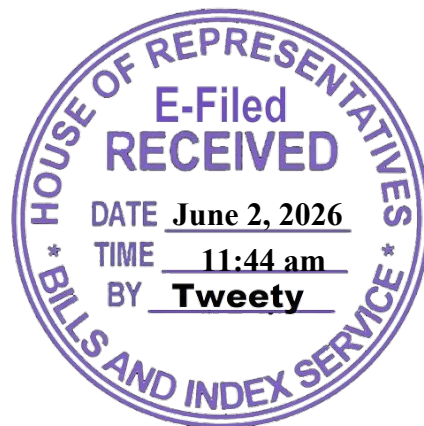




Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session



COMMITTEE REPORT NO. 435

Submitted by the Committees on Revision of Laws and National Defense and Security
on June 2, 2026;

Re : House Bill No. 9642;

Recommending its approval in substitution of **House Bills Numbered 812, 1457, 1844, 2793, 3023, 4202, 4886, 6177, 6183 and 7201**;

Sponsors : Representatives **Emigdio P. Tanjuatco III, Ysabel Maria J. Zamora and Rufus B. Rodriguez**

Mr. Speaker:

The Committees on Revision of Laws and National Defense and Security, to which were referred House Bill No. 812, introduced by Reps. Lordan G. Suan and Jurdin Jesus M. Romualdo, entitled:

“AN ACT
AMENDING ARTICLE 117 OF ACT NO. 3815, OTHERWISE KNOWN AS THE ‘REVISED PENAL CODE OF THE PHILIPPINES’, AS AMENDED, PUNISHING CONSPIRACY AND PROPOSAL TO COMMIT ESPIONAGE AND MISPRISION OF ESPIONAGE, AND FOR OTHER PURPOSES”;

House Bill No. 1457, introduced by Rep. Atty. Gerville “Jinky Bitrics” R. Luistro, entitled:

“AN ACT
AMENDING ARTICLE 117 OF ACT NO. 3815, OTHERWISE KNOWN AS THE ‘REVISED PENAL CODE OF THE PHILIPPINES’, AS AMENDED, PUNISHING CONSPIRACY AND PROPOSAL TO COMMIT ESPIONAGE AND MISPRISION OF ESPIONAGE, AND FOR OTHER PURPOSES”;

House Bill No. 1844, introduced by Rep. Leila M. De Lima, entitled:

“AN ACT
AMENDING ARTICLE 117 OF ACT NO. 3815, OTHERWISE KNOWN AS THE
'REVISED PENAL CODE OF THE PHILIPPINES', AS AMENDED, PUNISHING
CONSPIRACY AND PROPOSAL TO COMMIT ESPIONAGE AND MISPRISION OF
ESPIONAGE, AND FOR OTHER PURPOSES”;

House Bill No. 2793, introduced by Rep. Javier Miguel Lopez Benitez, entitled:

“AN ACT
DEFINING AND PENALIZING ESPIONAGE AND OTHER SIMILAR OFFENSES
AGAINST NATIONAL SECURITY”;

House Bill No. 3023, introduced by Reps. Binky April M. Tupas, Jurdin Jesus M. Romualdo, Esmael G. Mangudadatu and Mercedes K. Alvarez, entitled:

“AN ACT
EXPANDING THE COVERAGE OF ESPIONAGE, AMENDING FOR THE PURPOSE
COMMONWEALTH ACT NUMBER 616 OR THE ANTI-ESPIONAGE LAW AND
ARTICLE 117 OF THE REVISED PENAL CODE, AND PROVIDING HIGHER
PENALTIES FOR VIOLATIONS THEREOF”

House Bill No. 4202, introduced by Rep. Eduardo “Bro Eddie” C. Villanueva, entitled:

“AN ACT
DEFINING AND PENALIZING ESPIONAGE AND OTHER OFFENSES AGAINST
NATIONAL SECURITY”;

House Bill No. 4886, introduced by Reps. Carlos Andes Loria, Arnan C. Panaligan and Alfred C. Delos Santos, entitled:

“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*";

House Bill No. 6177, introduced by Reps. Rufus B. Rodriguez and Maximo B. Rodriguez, Jr., entitled:

“AN ACT
AN ACT AMENDING ARTICLE 117 OF ACT NO. 3815, OTHERWISE KNOWN AS
"THE REVISED PENAL CODE";

House Bill No. 6183, introduced by Reps. Rufus B. Rodriguez and Maximo B. Rodriguez, Jr., entitled:

“AN ACT
EXPANDING THE COVERAGE OF ESPIONAGE, AMENDING FOR THE PURPOSE
COMMONWEALTH ACT NUMBER 616 OR THE ANTI-ESPIONAGE LAW AND
ARTICLE 117 OF THE REVISED PENAL CODE, AND PROVIDING HIGHER
PENALTIES FOR VIOLATIONS THEREOF”;

and House Bill No. 7201, introduced by Rep. Alexander Ty Pimentel, entitled:

“AN ACT
STRENGTHENING NATIONAL SECURITY BY EXPANDING THE COVERAGE OF
ESPIONAGE, AMENDING FOR THIS PURPOSE ARTICLE 117 OF ACT NO. 3815 (THE
REVISED PENAL CODE) AND COMMONWEALTH ACT NO. 616, AND PROVIDING
FOR HIGHER PENALTIES AND OTHER PURPOSES”

have considered the same and recommend that the attached House Bill No.

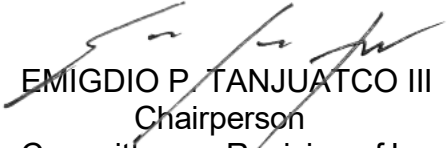
9642, entitled:

**“AN ACT
EXPANDING THE COVERAGE OF ESPIONAGE LAW”**

be approved in substitution of House Bills Numbered 812, 1457, 1844, 2793, 3023, 4202, 4886, 6177, 6183 and 7201 with Representatives. Ysabel Maria J. Zamora, Nathaniel M. Oducado, Lordan G. Suan, Jurdin Jesus M. Romualdo, Atty. Gerville “Jinky Bitrics” R. Luistro, Leila M. De Lima, Javier Miguel Lopez Benitez, Binky April M. Tupas, Esmael G. Mangudadatu, Mercedes K. Alvarez, Eduardo “Bro. Eddie” C. Villanueva, Carlos Andes Loria, Arnan C. Panaligan, Alfred C. Delos Santos, Rufus B. Rodriguez, Maximo B. Rodriguez, Jr., Alexander Ty Pimentel, Eulogio “Leo” R. Rodriguez, Antonino B. Roman III, Richard I. Gomez DPA, Gerald Cloyd Alexis V. Galang, Roger Gaviola Mercado, Steve Chiongbian Solon, Gil “Kabarangay Jr.” Acosta, Jose “Joboy” S. Aquino II, Solomon R. Chungalao, Salvador A. Pleyto, Leonel “Jhong” D. Ceniza, Laarni Lavin Roque, Dibu S. Tuan, Marlo C. Bancoro, Oscar G. Malapitan and Emigdio P. Tanjuatco III as authors thereof.

Respectfully submitted,


OSCAR G. MALAPITAN
Chairperson
Committee on National Defense
And Security


EMIGDIO P. TANJUATCO III
Chairperson
Committee on Revision of Laws

THE HONORABLE SPEAKER
HOUSE OF REPRESENTATIVES
Quezon City

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

House Bill No. 9642
(In substitution of House Bills Numbered 812, 1457, 1844,
2793, 3023, 4202, 4886, 6177, 6183 and 7201)

Introduced by Representatives Ysabel Maria J. Zamora, Nathaniel M. Oducado, Lordan G. Suan, Jurdin Jesus M. Romualdo, Atty. Gerville “Jinky Bitrics” R. Luistro, Leila M. De Lima, Javier Miguel Lopez Benitez, Binky April M. Tupas, Esmael G. Mangudadatu, Mercedes K. Alvarez, Eduardo “Bro. Eddie” C. Villanueva, Carlos Andes Loria, Arnan C. Panaligan, Alfred C. Delos Santos, Rufus B. Rodriguez, Maximo B. Rodriguez, Jr. Alexander Ty Pimentel, Eulogio “Leo” R. Rodriguez, Antonino B. Roman III, Richard I. Gomez DPA, Gerald Cloyd Alexis V. Galang, Roger Gaviola Mercado, Steve Chiongbian Solon, Gil “Kabarangay Jr.” Acosta, Jose “Joboy” S. Aquino II, Solomon R. Chungalao, Salvador A. Pleyto, Leonel “Jhong” D. Ceniza, Laarni Lavin Roque, Dibu S. Tuan, Marlo C. Bancoro, Oscar G. Malapitan and Emigdio P. Tanjuatco III

AN ACT
EXPANDING THE COVERAGE OF ESPIONAGE LAW

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 “**New Espionage Act**”.

SEC. 2. *Declaration of Policy.* - It is a declared policy of the State that in its relations with other states, the paramount consideration shall be national sovereignty, territorial integrity, national interest, and the right to self-determination. The State recognizes that espionage is inimical to its sovereignty and democracy. The fight against espionage, clandestine acquisition of sensitive information, and unlawful acquisition of classified information that affects national security or national defense requires a comprehensive approach. Interference by foreign jurisdictions on our political and governmental affairs poses a threat to our sovereignty and independence. To this end, the State shall adopt and implement effective measures to combat and prevent espionage and foreign interference to protect

1 and promote national security and interests.

2

3 In the implementation of the policy above, the State shall uphold the basic rights and
4 fundamental liberties of the people as enshrined in the Constitution.

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

6 (a) “*Classified matter*” refers to information or materials classified as top secret,
7 secret, confidential, and restricted, in whatever nature or form, that the
8 government or administrator of critical infrastructures deems sensitive and requires
9 protection from unauthorized disclosure. It includes everything classified under
10 any issuance or legislation concerning the security classification of matters and
11 information;

12 (b) *Critical infrastructure* refers to an asset or system, whether physical or virtual, so
13 essential to the maintenance of vital societal functions or to the delivery of
14 essential public services that the incapacity or destruction of such systems and
15 assets would have a detrimental impact on national defense and security,
16 national economy, public health or safety, the administration of justice, and other
17 functions analogous thereto. It may include, but is not limited to, an asset or
18 system affecting telecommunications, water and energy supply, emergency
19 services, food security, fuel supply, banking and finance, transportation, radio
20 and television, information systems and technology, chemical and nuclear
21 sectors;

22 (c) *Cyber* refers to digital technologies, computer or computer network, data and
23 electronic medium in which online communication takes place;

24 (d) *National defense* refers to the mechanism of the State to marshal a nation's forces
25 and resources to protect national interests and respond to threats thereto;

26 (e) *National defense assets* refer to the following premises, materials, and utilities used
27 by the Armed Forces of the Philippines, Philippine National Police, Philippine Coast
28 Guard and other law enforcement agencies, including their auxiliaries:

29 (i) National defense premises shall include but are not limited to, all

1 buildings, grounds, mines, missile launch facilities, data centers,
2 communication and information facilities, or other places where war or
3 national defense material is produced, manufactured, repaired,
4 stored, mined, extracted, distributed, loaded, unloaded, or
5 transported, together with all machinery and appliances contained
6 therein; where communications and data are processed, stored,
7 transmitted, connected, and coordinated; where missiles are stored,
8 assembled, and operated; and all ports, arsenals, navy yards,
9 prisons, camps, or other military, naval or air stations;

10 (ii) National defense materials shall include satellite and other
11 intelligence surveillance and reconnaissance systems, arms,
12 weapon system, munition, missile, livestock, clothing, food, or fuel,
13 communications, codes, formulas, gadgets, computers,
14 communication devices, and shall also include supplies and all other
15 articles of whatever description, and any part or ingredient thereof,
16 intended for, adapted to, or suitable for the use of the Philippines
17 in connection with national defense; and

18 (iii) National defense utilities shall include all railroads, railways, electric
19 lines, roads of whatever description, railroad or railway fixture, canal,
20 lock, wharf, pier, dock, bridge, building, structure, engine, machine,
21 mechanical contrivance, car, vehicle, boat, aircraft, or any other means
22 of transportation whatsoever, whereon or whereby such national
23 defense materials or any troops of the Philippines are being or may be
24 transported either within the limits of the Philippines territory upon the
25 high seas; and all dams, reservoirs, aqueducts, water and gas mains, oil
26 or gasoline stations, pipes, structures, and buildings, whereby or in
27 connection with which water, gas, oil, gasoline, or other fluid is being
28 furnished, or may be furnished, to national defense premises and all
29 electric light and power, steam or pneumatic power, telephone, and
30 telegraph plants, poles, wires, facilities, fiber optic infrastructures,
31 antennas, base transceiver stations, data centers, satellites, and fixtures
32 and wireless stations, and the buildings connected with the maintenance
33 and operation thereof used to supply water, light, heat, gas, oil,
34 gasoline, fluid power, or facilities of communication to national defense

premises;

(f) *National security* refers to a state or condition in which the people's welfare, well-being, ways of life, government and its institutions, territorial integrity, sovereignty, and core values are protected and enhanced;

(g) *National security facility* refers to a building, installation or area housing classified or sensitive information, materials, or equipment, and is protected by security measures to prevent unauthorized access and protect classified information;

(h) *Prohibited place* refers to a land, building, airspace, maritime domain, systems, network, cyberspace or any area designated by the President of the Philippines or the President's authorized representative, or the Secretary of National Defense as such to protect the security, safety and interest of the State;

(i) *Deception* refers to an intentional 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;

(j) *Person* refers to an individual, partnership, association, organization, corporation or any other combination of individuals.

SEC. 4. Extraterritorial Application. – Subject to the provision of any treaty or any international agreement to which the Philippines is a signatory and to any contrary provision of any law of preferential application, the provisions of this Act shall apply to the following persons:

(a) Filipino citizens or nationals who commit any of the acts defined and penalized under this Act outside the territorial jurisdiction of the Philippines;

(b) Those who, although physically outside the territorial limits of the Philippines, commit any of said crimes inside the territorial limits of the Philippines;

(c) Those who, although physically outside the territorial limits of the Philippines, commit any of the said crimes onboard Philippine ship or Philippine airship;

1 (d) Those who commit any of said crimes within any embassy, consulate,
2 or diplomatic premises belonging to or occupied by the Philippine government in
3 an official capacity;

4 (e) Those who, although physically outside the territorial limits of the
5 Philippines, commit any of said crimes against Philippine officials, their
6 representatives, staff, agent, or envoy; and

7 (f) Those who, although physically outside the territorial limits of the
8 Philippines, commit any of said crimes directly against the Philippine government
9 or its agent.

10 In case of an individual who is neither a citizen or a national of the Philippines
11 who commits any of said crimes outside the territorial limits of the Philippines, the
12 Philippines shall exercise jurisdiction only when such individual enters or is inside
13 the territory of the Philippines.

14 **SEC. 5. Espionage.** – Any person who, in time of war or peace, commits the
15 following acts shall be liable for the crime of espionage:

16 (a) Dealing with classified matters without authority, through physical, electronic,
17 cyber, or any other means, which causes or tends to cause injury to the
18 Philippines, or gives or tends to give advantage to a state, other foreign nation,
19 entity, or individual, whether foreign or domestic.

20 Dealing with a classified matter shall mean receiving, obtaining, collecting,
21 possessing, processing, recording, copying, reproducing, disclosing or
22 communicating, publishing, delivering, transferring, transmitting, making
23 available, concealing, selling, procuring, buying, altering, compromising or
24 destroying its integrity;

25 (b) Accessing any sketch, drawing, map, lay-out, blueprint, graphical or multimedia
26 representation of critical infrastructure, prohibited place, or national defense assets,
27 without authority shall also be held liable for espionage: *Provided*, That only the
28 President or the President's authorized representative, or the Secretary of National
29 Defense, as the case may be, may grant authorization to enter or deal with

representations of prohibited places and national defense premises:

Provided further, That, the same shall also apply to any person who enters or aids or induces another to enter any national defense assets or critical infrastructure without any authority.

(c) Making or assisting to make a false declaration or statement for the purpose of obtaining authorization from a competent authority shall be presumed guilty of espionage;

Provided, That the possession of a classified matter by an unauthorized person shall be *prima facie* evidence of disclosure against the person who, by reason of the latter's official functions, is in custody of said classified matter.

Provided, further, That any person who commits the aforementioned acts shall suffer the penalty of life imprisonment without the benefit of parole and the benefits of Good Conduct Time Allowance (GCTA) provided for in Articles 29, 94, 97, 98, and 99 of Act No. 3815, otherwise known as "The Revised Penal Code" , as amended by Republic Act No. 10592, and a fine of not less than Ten million pesos (P10,000,000.00) but not more than Twenty million pesos (P20,000,000.00).

SEC. 6. Conspiracy to Commit Espionage. – Conspiracy to commit espionage as defined in Section 5 hereof shall be penalized with life imprisonment without the benefit of parole and the benefits of GCTA provided for in Articles 29, 94, 97, 98, and 99 of Act No. 3815, otherwise known as "The Revised Penal Code" , as amended by Republic Act No. 10592, and by a fine of not less than Ten million pesos (P10,000,000.00) but not more than Twenty Million Pesos (P20,000,000.00).

There is conspiracy when two (2) or more persons come to an agreement concerning the commission of espionage as defined in Section 5 hereof, and decide to commit the same.

SEC. 7. Proposal to Commit Espionage. – Any person who proposes to commit espionage as defined in Section 5 hereof shall suffer the penalty of ten (10) to twelve (12) years imprisonment and a fine of not less than Five million pesos (P5,000,000.00) but not more than Ten million pesos (P10,000,000.00).

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

3 **SEC. 8. *Acts of Destruction, Interference, and Obstruction.*** – It shall be unlawful for
4 any person to cause or attempt to cause destruction, interference, or obstruction to
5 the national defense efforts against armed conflict by:

6 (a) Making or causing to be made, or attempting to make or cause to be
7 made any national defense or national security material in a defective
8 manner, including those used or employed in the making, producing,
9 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
12 ten (10) to twelve (12) years imprisonment and a fine of not less than Five million
13 pesos (P5,000,000.00) but not more than Ten million pesos (P10,000,000.00).

14 **SEC. 9. *Disloyal Acts or Words Affecting National Security, National Defense, and***
15 ***Critical Infrastructure.*** – It shall be unlawful for any government employee whose
16 function is critical to the preservation and promotion of national defense and national
17 security, or to the protection of critical infrastructure to do the following acts:

18 (a) Incite, coerce, deceive, or otherwise cause insubordination,
19 disloyalty, mutiny, or refusal of duty;

20 (b) Distribute any material or information that incites, coerces,
21 deceives, or causes insubordination, disloyalty, mutiny, or refusal of
22 duty;

23 (c) Make or convey false reports or statements causing interference
24 with or obstruction to the operation or success of the government,
25 particularly in matters relating to national security or defense, or to
26 promote the success of enemy forces; or,

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

Any person found to be in violation of this provision shall suffer the penalty of ten (10) to twelve (12) years imprisonment and a fine of not less than Five million pesos (P5,000,000.00) but not more than Ten million pesos (P10,000,000.00).

SEC. 10. *Unlawful Possession or Control of Surveillance or Mapping Equipment.*

– It shall be unlawful for any person to possess or control any surveillance system, equipment or software, including but not limited to drones, cameras, listening or tracking devices, or any other 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 or any representation 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 (P10,000,000.00) but not more than Twenty million pesos (P20,000,000.00).

SEC. 11. *Aiding or Abetting.* – Any person who aids or abets 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 (P10,000,000.00) but not more than Twenty million pesos (P20,000,000.00).

In cases where the offender is a government official or an employee, the fine shall be not less than Fifteen million pesos (P15,000,000.00) but not more than Twenty-five million pesos (P25,000,000.00).

SEC. 12. *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 (P10,000,000.00) but not more than Twenty million pesos (P20,000,000.00).

In cases where the offender is a government official or an employee, the fine shall be not less than Fifteen million pesos (P15,000,000.00) but not more than Twenty-five million pesos (P25,000,000.00).

SEC. 13. *Liability of Government Officials and Employees, Military Officers and*

1 *Personnel, Foreigners and Juridical Entities.* – A government official or employee
2 found guilty of committing any of the offenses punishable under this Act shall
3 suffer **perpetual absolute disqualification** from holding any appointive or
4 elective public office.

5 Military officers and personnel charged with violations under this Act shall
6 likewise be tried by general courts-martial under Commonwealth Act No. 408 or
7 the “Articles of War,” as amended.

8 If the offender is a juridical person, the partner, chairperson, president, director,
9 trustee, administrator, chief operating officer, general manager, treasurer or
10 finance officer shall be held liable under this Act. The certificate of registration
11 and pertinent licenses of the said juridical entity shall be revoked and/or
12 cancelled and shall no longer be allowed reinstatement or renewal.

13 Any Foreign nationals found guilty of an offense punishable under this Act shall, in
14 addition to the prescribed penalties, be deported immediately upon completion
15 of the sentence without further proceedings and shall be permanently prohibited
16 from re-entering the country.

17 **SEC. 14. *Designation of Prohibited Places.*** – For purposes of this Act, the President
18 or the President's duly authorized representative, or the Secretary of National
19 Defense, as the case may be, may designate prohibited places where military or
20 classified activities, or matters of information relative to defense and national
21 security are conducted, prepared, manufactured, processed, used, or stored
22 indicating the reason for such designation.

23 National defense premises and national security facilities as defined herein shall be
24 considered prohibited places.

25 **SEC. 15. *Classification and Custody of Classified Matters During Inquiry,***
26 ***Investigation and Prosecution.*** – All inquiries, investigations, and prosecutions
27 related to offenses punishable under this Act including any related documents,
28 evidence, proceedings, and communications, shall be classified according to the
29 security sensitivity of the matter involved. Such classified matters shall be handled
30 in accordance with the existing and subsequent guidelines in the handling of
31 classified matters and shall only be accessible to individuals with the requisite

1 security clearance and on a need-to-know basis.

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

9 The Department of Justice (DOJ) and the Office of the National Security Adviser
10 shall ensure the proper classification, protection, and control of such sensitive
11 information, including establishing procedures for its access, review, and, where
12 appropriate, declassification,

13 **SEC. 16. *Surveillance of Suspects, and Interception and Recording of***
14 ***Communications.*** – The provisions of Republic Act No. 4200, otherwise known
15 as the "Anti-Wiretapping Law", to the contrary notwithstanding, a military
16 personnel, law enforcement agent, or intelligence officer duly authorized by their
17 respective heads of the agency may, upon written order of the Court of Appeals
18 secretly wiretap, overhear, and listen to, intercept, screen, read, surveil, record or
19 collect, with the use of any mode, form, kind or type of electronic, mechanical or
20 other equipment or device or technology now known or may hereafter be known
21 to science or with the use of any other suitable ways and means for the above
22 purposes, any private messages in whatever form, kind or nature, spoken or
23 written words any person charged or suspected of committing any of the offenses
24 defined and penalized under this Act: *Provided*, That such written order shall only
25 be issued or granted upon written application and the examination under oath or
26 affirmation of the applicant and the witnesses he may produce and a showing:

27 (1) That there are reasonable grounds to believe that any of the crimes
28 enumerated hereinabove has been committed or is being committed or is
29 about to be committed;

30 (2) That there are reasonable grounds to believe that evidence will be obtained
31 essential to the conviction of any person for, or to the solution of, or to the
32 prevention of, any of such crimes; and

1 (3) That there are no other means readily available for obtaining such evidence.

2 The law enforcement agent, military personnel, or intelligence officer shall:

3 (1) File an *ex-parte* application with the Court of Appeals, where the
4 telecommunications service providers (TSPs) and internet service
5 providers (ISPs) are situated, for the issuance of an order, to compel TSPs
6 and ISPs to produce all customer information and identification records
7 as well as call and text data records, content and other cellular or internet
8 metadata of any person suspected of any of the crimes defined and
9 penalized under the provisions of this Act; and

10 (2) Furnish the Commissioner of the National Telecommunications
11 Commission with a copy of said *ex parte* order. The Commissioner shall
12 be notified by the applicant-law enforcement agent, -military personnel, or
13 intelligence officer upon the issuance of the order to ensure immediate
14 compliance.

15 **SEC. 17. Authority of the Anti-Money Laundering Council (AMLC).** – In addition to
16 the unlawful activities enumerated under Republic Act No. 9160, otherwise
17 known as the “Anti-Money Laundering Act of 2001”, as amended, espionage and
18 other acts or activities prohibited under this Act, in any form, are hereby
19 considered unlawful activities subject to the authority of the AMLC to conduct
20 financial investigation, freezing of accounts, and forfeiture of assets.

21 The AMLC, either upon its own initiative or at the request of the National Security
22 Council (NSC), is hereby authorized to investigate: (a) any property or funds that
23 are in any way related to the commission of any acts as defined and penalized
24 under this Act; and (b) property or funds of any person or persons in relation to
25 whom there is probable cause to believe that such persons are committing or
26 attempting or conspiring to commit, or participating in or facilitating the
27 commission of any offenses under this Act.

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

1 For purposes of this section and notwithstanding the provisions of Republic Act
2 No. 1405, otherwise known as the "Law on Secrecy of Bank Deposits", as
3 amended; Republic Act No. 6426, otherwise known as the "Foreign Currency
4 Deposit Act of the Philippines", as amended; Republic Act No. 8791, otherwise
5 known as "The General Banking Law of 2000" and other relevant laws, the
6 AMLC is hereby authorized, upon the approval of the Court of Appeals, to inquire
7 into or examine deposits and investments with any banking institution or non-bank
8 financial institution, including their subsidiaries and affiliates, that are suspected to be
9 connected with any crime defined and penalized under this Act, without the need for
10 a court order

11 **SEC. 18. *Forfeiture of Materials and Effects.*** – Upon conviction for any offense
12 penalized under this Act, all materials and effects directly used or intended to be
13 used in the commission of such offense shall be subject to forfeiture proceedings in
14 favor of the government and disposed of in accordance with applicable laws,
15 rules, and regulations.

16 **SEC. 19. *Liability for Use of Information and Communication Technology.*** – Section
17 6 of Republic Act No. 10175, or the "Cybercrime Prevention Act of 2012", shall
18 be applied in case any of the offenses defined and penalized in this Act is
19 committed with the use of information and communication technology.

20 **SEC. 20. *Implementing Rules and Regulations.*** – Within one hundred twenty
21 (120) days after the effectivity of this Act, the Department of National Defense,
22 the DOJ, and the National Security Council shall formulate the necessary rules
23 and regulations to ensure the efficient and effective implementation of this Act.

24 **SEC. 21. *Separability Clause.*** – If any part or provision of this Act is held invalid
25 or unconstitutional, the other provisions not affected thereby shall remain in full force
26 and effect.

27 **SEC. 22. *Repealing Clause.*** – All provisions of law which are in conflict with this
28 Act are hereby repealed or modified accordingly.

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

Approved,

**HOUSE OF REPRESENTATIVES
COMMITTEE AFFAIRS DEPARTMENT**

FACT SHEET

House Bill No. 9642

(In substitution of House Bills Numbered 812, 1457, 1844, 2793, 3023, 4202, 4886, 6177, 6183 and 7201)

**AN ACT
EXPANDING THE COVERAGE OF ESPIONAGE LAW**

Introduced by: ***Representatives Ysabel Maria J. Zamora, Nathaniel M. Oducado, Lordan G. Suan, Jurdin Jesus M. Romualdo, Atty. Gerville “Jinky Bitrics” R. Luistro, Leila M. De Lima, Javier Miguel Lopez Benitez, Binky April M. Tupas, Esmael G. Mangudadatu, Mercedes K. Alvarez, Eduardo “Bro. Eddie” C. Villanueva, Carlos Andes Loria, Arnan C. Panaligan, Alfred C. Delos Santos, Rufus B. Rodriguez, Maximo B. Rodriguez, Jr. Alexander T. Pimentel, Eulogio “Leo” R. Rodriguez, Antonino B. Roman III, Richard I. Gomez DPA, Gerald Cloyd Alexis V. Galang, Roger Gaviola Mercado, Steve Chiongbian Solon, Gil “Kabarangay Jr” Acosta, Jose “Joboy” S. Aquino II, Solomon R. Chungalao, Salvador A. Pleyto, Leonel “Jhong” D. Ceniza, Laarni Lavin Roque, Dibu S. Tuan, Marlo C. Bancoro, Oscar G. Malapitan and Emigdio P. Tanjuatco III***

Committee Referral: **COMMITTEE ON REVISION OF LAWS (Primary Referral)**
Committee Chairperson: **REP. EMIGDIO P. TANJUATCO III**

Committee Referral: **COMMITTEE ON NATIONAL DEFENSE AND SECURITY
(Secondary Referral)**
Committee Chairperson: **REP. OSCAR G. MALAPITAN**

OBJECTIVES:

- To address evolving threats to national security arising from technological advancements, cyber operations, transnational intelligence activities, and increasingly sophisticated methods of obtaining and transmitting sensitive information
- To strengthen the ability of the State to detect, prevent, investigate and punish espionage; and
- To align national security laws with modern technologies and cross-border threats.

KEY PROVISIONS:

- Broadens the definition of espionage to cover acts committed in times of war or peace, including the unauthorized dealing with classified matters through physical, electronic, cyber, or other means, when such acts injure the Philippines or benefit foreign or domestic entities;
- Provides comprehensive protection to classified matters, national defense assets, national security facilities, and critical infrastructure, including telecommunications, energy, transportation, banking, data systems, and cyberspace;
- Criminalizes cyber espionage, digital surveillance, electronic interception, mapping, and technological monitoring of prohibited places and defense assets;
- Applies to offenses committed outside Philippine territory, including crimes by Filipinos abroad, acts against Philippine officials and interests, offenses committed on Philippine vessels or aircraft, and acts by foreign nationals against the Philippine government, subject to international law;
- Penalizes espionage and conspiracy by life imprisonment without parole or Good Conduct and Time Allowance and fines ranging from ₱10 million to ₱20 million, reflecting the gravity of crimes against national security;
- Penalizes conspiracy and proposal to commit espionage, destruction or obstruction of national defense efforts, disloyal acts or statements by government personnel, unlawful possession of surveillance or mapping equipment, as well as aiding, abetting, harboring, or concealing offenders;
- Provides for accountability across sectors where government officials face absolute perpetual disqualification from public office; military personnel are tried by general and courts martial; corporate officers of juridical entities are held personally liable; and foreign offenders are subject to deportation and permanent exclusion after serving sentence;
- Designation of prohibited places as may be determined by the President or the Secretary of National Defense while national defense premises and security facilities are deemed prohibited by law;

- Provides for the strict classification and custody rules of classified matters in the investigations and prosecutions with access limited to authorized personnel on a need-to-know basis;
- Provides for court-authorized surveillance and interception and declares espionage as an unlawful activity under the Anti-Money Laundering Act, empowering the Anti-Money Laundering Council to investigate, freeze, and forfeit assets;
- Harmonizes with existing penal and cybercrime laws.

RELATED LAWS:

- Art. 117 of the Revised Penal Code;
- Commonwealth Act No. 616, entitled “An Act to Punish Espionage and other Offenses Against the National Security”;
- Republic Act No. 10175, otherwise known as the “Cybercrime Prevention Act of 2012” and
- Republic Act No. 9160, otherwise known as the “Anti-Money Laundering Act of 2001”, as amended by Republic Act Nos. 9194, 10365, and 10167.