

THIRTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Third Regular Session)

CERTIFIED BY THE
PRESIDENT FOR ITS
IMMEDIATE ENACTMENT ON
OCTOBER 12, 2005

SENATE

S. No. 2137

THIRD READING
COPY
AS OF FEB. 6, 2007

*(In substitution of S. Nos. 735, 831, 871, 1736 and 1768
taking into consideration the Privilege Speech of Senator Lim
on March 9, 2005, entitled: “Warrantless Arrest: The Need to Revert to
Old Concept in Combating Crimes”
and P. S. Res. No. 184)*

Prepared jointly by the Committees on Public Order and Illegal
Drugs; Justice and Human Rights; and Finance with Senators
Villar, Lacson, Enrile, Ejercito Estrada (J.), Magsaysay Jr., Lim,
Arroyo and Revilla as authors

AN ACT
TO SECURE THE STATE AND PROTECT OUR PEOPLE FROM
TERRORISM

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

1 SECTION 1. *Short Title.* – This Act shall henceforth be known as
2 the “Human Security Act of 2007.”

3 SEC. 2. *Declaration of Policy.* – It is declared a policy of the State
4 to protect life, liberty, and property from acts of terrorism, to condemn
5 terrorism as inimical and dangerous to the national security of the
6 country and to the welfare of the people, and to make terrorism a crime
7 against the Filipino people, against humanity, and against the law of
8 nations.

1 **In the implementation of the policy stated above, the State shall**
2 **uphold the basic rights and fundamental liberties of the people as**
3 **enshrined in the constitution.**

4 **The State recognizes that the fight against terrorism requires a**
5 **comprehensive approach, comprising political, economic, diplomatic,**
6 **military, and legal means duly taking into account the root causes of**
7 **terrorism without acknowledging these as justifications for terrorist**
8 **and/or criminal activities. Such measures shall include conflict**
9 **management and post-conflict peace-building, addressing the roots of**
10 **conflict by building state capacity and promoting equitable economic**
11 **development.**

12 **Nothing in this Act shall be interpreted as a curtailment,**
13 **restriction or diminution of constitutionally recognized powers of the**
14 **executive branch of the government. It is to be understood, however,**
15 **that the exercise of the constitutionally recognized powers of the**
16 **executive department of the government shall not prejudice respect for**
17 **human rights which shall be absolute and protected at all times.**

18 **SEC. 3. *Terrorism.* – Any person who commits an act punishable**
19 **under any of the following provisions of the Revised Penal Code:**

- 20 **A. Article 122 (Piracy in General and Mutiny in the High**
21 **Seas or in the Philippine Waters);**
- 22 **B. Article 134 (Rebellion or Insurrection);**
- 23 **C. Article 134-a (Coup d’Etat), including acts committed**
24 **by private persons;**

- 1 **D. Article 248 (Murder);**
- 2 **E. Article 267 (Kidnapping and Serious Illegal Detention);**
- 3 **F. Article 324 (Crimes Involving Destruction,**
- 4 **or under**
- 5 **(1) Presidential Decree No. 1613 (The Law on Arson);**
- 6 **(2) Republic Act No. 6969 (Toxic**
- 7 **Substances and Hazardous and Nuclear Waste**
- 8 **Control Act of 1990);**
- 9 **(3) Republic Act No. 5207, (Atomic Energy**
- 10 **Regulatory and Liability Act of 1968);**
- 11 **(4) Republic Act No. 6235 (Anti-Hijacking**
- 12 **Law);**
- 13 **(5) Presidential Decree No. 532 (Anti-piracy and**
- 14 **Anti-highway Robbery Law of 1974); and,**
- 15 **(6) Presidential Decree No. 1866, as amended (Decree**
- 16 **Codifying the Laws on Illegal and Unlawful**
- 17 **Possession, Manufacture, Dealing in, Acquisition**
- 18 **or Disposition of Firearms, Ammunitions or**
- 19 **Explosives)**
- 20 **thereby sowing and creating a condition of widespread and**
- 21 **extraordinary fear and panic among the populace, in order to coerce the**
- 22 **government to give in to an unlawful demand shall be guilty of the**
- 23 **crime of terrorism and shall suffer the penalty of forty (40) years of**
- 24 **imprisonment, without the benefit of parole as provided for under Act**

1 No. 4103, otherwise known as the Indeterminate Sentence Law, as
2 amended.

3 **SEC. 4. *Conspiracy to Commit Terrorism.* – Persons who conspire**
4 **to commit the crime of terrorism shall suffer the penalty of forty (40)**
5 **years of imprisonment.**

6 **There is conspiracy when two or more persons come to an**
7 **agreement concerning the commission of the crime of terrorism as**
8 **defined in Section 3 hereof and decide to commit the same.**

9 **SEC. 5. *Accomplice.* – Any person who, not being a principal**
10 **under Article 17 of the Revised Penal Code or a conspirator as defined**
11 **in Section 4 hereof, cooperates in the execution of either the crime of**
12 **terrorism or conspiracy to commit terrorism by previous or**
13 **simultaneous acts shall suffer the penalty of from seventeen (17) years,**
14 **four (4) months one day to twenty (20) years of imprisonment.**

15 **SEC. 6. *Accessory.* – Any person who, having knowledge of the**
16 **commission of the crime of terrorism or conspiracy to commit**
17 **terrorism, and without having participated therein, either as principal**
18 **or accomplice under Articles 17 and 18 of the Revised Penal Code, takes**
19 **part subsequent to its commission in any of the following manner: (a) by**
20 **profiting himself or assisting the offender to profit by the effects of the**
21 **crime; (b) by concealing or destroying the body of the crime, or the**
22 **effects, or instruments thereof, in order to prevent its discovery; (c) by**
23 **harboring, concealing, or assisting in the escape of the principal or**

1 conspirator of the crime, shall suffer the penalty of ten (10) years and
2 one day to twelve (12) years of imprisonment.

3 Notwithstanding the above paragraph, the penalties prescribed
4 for accessories shall not be imposed upon those who are such with
5 respect to their spouses, ascendants, descendants, legitimate, natural,
6 and adopted brothers and sisters, or relatives by affinity within the
7 same degrees, with the single exception of accessories falling within the
8 provisions of subparagraph (a).

9 *SEC. 7. Surveillance of Suspects and Interception and Recording of*
10 *Communications.* – The provisions of Republic Act No. 4200 (Anti-wire
11 Tapping Law) to the contrary notwithstanding, a police or law
12 enforcement official and the members of his team may, upon a written
13 order of the Court of Appeals, listen to, intercept and record, with the
14 use of any mode, form, kind or type of electronic or other surveillance
15 equipment or intercepting and tracking devices, or with the use of any
16 other suitable ways and means for that purpose, any communication,
17 message, conversation, discussion, or spoken or written words between
18 members of a judicially declared and outlawed terrorist organization,
19 association, or group of persons or of any person charged with or
20 suspected of the crime of terrorism or conspiracy to commit terrorism.

21 *Provided,* That surveillance, interception and recording of
22 communications between lawyers and clients, doctors and patients,
23 journalists and their sources and confidential business correspondence
24 shall not be authorized.

1 **SEC. 8. *Formal Application for Judicial Authorization.*** – The
2 written order of the authorizing division of the Court of Appeals to
3 track down, tap, listen to, intercept, and record communications,
4 messages, conversations, discussions, or spoken or written words of any
5 person suspected of the crime of terrorism or the crime of conspiracy to
6 commit terrorism shall only be granted by the authorizing division of
7 the Court of Appeals upon an *ex parte* written application of a police or
8 of a law enforcement official who has been duly authorized in writing by
9 the Anti-Terrorism Council created in Section 53 of this Act to file such
10 *ex parte* application, and upon examination under oath or affirmation of
11 the applicant and the witnesses he may produce to establish: (a) that
12 there is probable cause to believe based on personal knowledge of facts
13 or circumstances that the said crime of terrorism or conspiracy to
14 commit terrorism has been committed, or is being committed, or is
15 about to be committed; (b) that there is probable cause to believe based
16 on personal knowledge of facts or circumstances that evidence, which is
17 essential to the conviction of any charged or suspected person for, or to
18 the solution or prevention of, any such crimes, will be obtained; and, (c)
19 that there is no other effective means readily available for acquiring
20 such evidence.

21 **SEC. 9. *Classification and Contents of the Order of the Court.*** – The
22 written order granted by the authorizing division of the Court of
23 Appeals as well as its order, if any, to extend or renew the same, the
24 original application of the applicant, including his application to extend

1 or renew, if any, and the written authorizations of the Anti-Terrorism
2 Council shall be deemed and are hereby declared as classified
3 information: *Provided*, That the person being surveilled or whose
4 communications, letters, papers, messages, conversations. Discussions,
5 spoken or written words and effects have been monitored, listened to,
6 bugged or recorded by law enforcement authorities has the right to be
7 informed of the acts done by the law enforcement authorities in the
8 premises or to challenge, if he or she intends to do so, the legality of the
9 interference before the Court of Appeals which issued the written order.
10 The written order of the authorizing division of the Court of Appeals
11 shall specify the following: (a) the identity, such as name and address, if
12 known, of the charged or suspected person whose communications,
13 messages, conversations, discussions, or spoken or written words are to
14 be tracked down, tapped, listened to, intercepted, and recorded and, in
15 the case of radio, electronic, or telephonic (whether wireless or
16 otherwise) communications, messages, conversations, discussions, or
17 spoken or written words, the electronic transmission systems or the
18 telephone numbers to be tracked down, tapped, listened to, intercepted,
19 and recorded and their locations or if the person suspected of the crime
20 of terrorism or conspiracy to commit terrorism is not fully known, such
21 person shall be subject to continuous surveillance provided there is a
22 reasonable ground to do so; (b) the identity (name, address, and the
23 police or law enforcement organization) of the police or of the law
24 enforcement official, including the individual identity (names,

1 addresses, and the police or law enforcement organization) of the
2 members of his team, judicially authorized to track down, tap, listen to,
3 intercept, and record the communications, messages, conversations,
4 discussions, or spoken or written words; (c) the offense or offenses
5 committed, or being committed, or sought to be prevented; and, (d) the
6 length of time within which the authorization shall be used or carried
7 out.

8 **SEC. 10. *Effective Period of Judicial Authorization.* – Any**
9 **authorization granted by the authorizing division of the Court of**
10 **Appeals, pursuant to Sec. 9 (d) of this Act, shall only be effective for the**
11 **length of time specified in the written order of the authorizing division**
12 **of the Court of Appeals, which shall not exceed a period of thirty (30)**
13 **days from the date of receipt of the written order of the authorizing**
14 **division of the Court of Appeals by the applicant police or law**
15 **enforcement official.**

16 **The authorizing division of the Court of Appeals may extend or**
17 **renew the said authorization for another non-extendible period, which**
18 **shall not exceed thirty (30) days from the expiration of the original**
19 **period: *Provided,* That the authorizing division of the Court of Appeals**
20 **is satisfied that such extension or renewal is in the public interest: and**
21 ***Provided, further,* That the *ex parte* application for extension or renewal,**
22 **which must be filed by the original applicant, has been duly authorized**
23 **in writing by the Anti-Terrorism Council.**

1 **In case of death of the original applicant or in case he is physically**
2 **disabled to file the application for extension or renewal, the one next in**
3 **rank to the original applicant among the members of the team named in**
4 **the original written order of the authorizing division of the Court of**
5 **Appeals shall file the application for extension or renewal: *Provided,***
6 **That, without prejudice to the liability of the police or law enforcement**
7 **personnel under Section 20 hereof, the applicant police or law**
8 **enforcement official shall have thirty (30) days after the termination of**
9 **the period granted by the Court of Appeals as provided in the preceding**
10 **paragraphs within which to file the appropriate case before the Public**
11 **Prosecutor's Office for any violation of this Act.**

12 **If no case is filed within the thirty (30)-day period, the applicant**
13 **police or law enforcement official shall immediately notify the person**
14 **subject of the surveillance, interception and recording of the**
15 **termination of the said surveillance, interception and recording. The**
16 **penalty of ten (10) years and one day to twelve (12) years of**
17 **imprisonment shall be imposed upon the applicant police or law**
18 **enforcement official who fails to notify the person subject of the**
19 **surveillance, monitoring, interception and recording as specified above.**

20 **SEC. 11. *Custody of Intercepted and Recorded Communications.* –**
21 **All tapes, discs, and recordings made pursuant to the authorization of**
22 **the authorizing division of the Court of Appeals, including all excerpts**
23 **and summaries thereof as well as all written notes or memoranda made**
24 **in connection therewith, shall, within forty-eight (48) hours after the**

1 expiration of the period fixed in the written order of the authorizing
2 division of the Court of Appeals or within forty-eight (48) hours after
3 the expiration of any extension or renewal granted by the authorizing
4 division of the Court of Appeals, be deposited with the authorizing
5 Division of the Court of Appeals in a sealed envelope or sealed package,
6 as the case may be, and shall be accompanied by a joint affidavit of the
7 applicant police or law enforcement official and the members of his
8 team.

9 In case of death of the applicant or in case he is physically
10 disabled to execute the required affidavit, the one next in rank to the
11 applicant among the members of the team named in the written order of
12 the authorizing division of the Court of Appeals shall execute with the
13 members of the team that required affidavit.

14 It shall be unlawful for any person, police officer or any custodian
15 of the tapes, discs and recording, and their excerpts and summaries,
16 written notes or memoranda to copy in whatever form, to remove,
17 delete, expunge, incinerate, shred or destroy in any manner the items
18 enumerated above in whole or in part under any pretext whatsoever.

19 Any person who removes, deletes, expunges incinerates, shreds or
20 destroys the items enumerated above shall suffer a penalty of not less
21 than six (6) years and one day to twelve (12) years of imprisonment.

22 **SEC. 12. Contents of Joint Affidavit.** – The joint affidavit of the
23 police or of the law enforcement official and the individual members of
24 his team shall state: (a) the number of tapes, discs, and recordings that

1 have been made, as well as the number of excerpts and summaries
2 thereof and the number of written notes and memoranda, if any, made
3 in connection therewith; (b) the dates and times covered by each of such
4 tapes, discs, and recordings; (c) the number of tapes, discs, and
5 recordings, as well as the number of excerpts and summaries thereof
6 and the number of written notes and memoranda made in connection
7 therewith that have been included in the deposit; and (d) the date of the
8 original written authorization granted by the Anti-Terrorism Council to
9 the applicant to file the *ex parte* application to conduct the tracking
10 down, tapping, intercepting, and recording, as well as the date of any
11 extension or renewal of the original written authority granted by the
12 authorizing division of the Court of Appeals.

13 The joint affidavit shall also certify under oath that no duplicates
14 or copies of the whole or any part of any of such tapes, discs, and
15 recordings, and that no duplicates or copies of the whole or any part of
16 any of such excerpts, summaries, written notes, and memoranda, have
17 been made, or, if made, that all such duplicates and copies are included
18 in the sealed envelope or sealed package, as the case may be, deposited
19 with the authorizing division of the Court of Appeals.

20 It shall be unlawful for any person, police or law enforcement
21 official to omit or exclude from the joint affidavit any item or portion
22 thereof mentioned in this Section.

23 Any person, police or law enforcement officer who violates any of
24 the acts proscribed in the preceding paragraph shall suffer the penalty

1 of not less than ten (10) years and one day to twelve (12) years of
2 imprisonment.

3 **SEC. 13. *Disposition of Deposited Materials.*** – The sealed envelope
4 or sealed package and the contents thereof, which are deposited with the
5 authorizing division of the Court of Appeals, shall be deemed and are
6 hereby declared classified information, and the sealed envelope or
7 sealed package shall not be opened and its contents (including the tapes,
8 discs, and recordings and all the excerpts and summaries thereof and
9 the notes and memoranda made in connection therewith) shall not be
10 divulged, revealed, read, replayed, or used as evidence unless
11 authorized by written order of the authorizing division of the Court of
12 Appeals, which written order shall be granted only upon a written
13 application of the Department of Justice filed before the authorizing
14 division of the Court of Appeals and only upon a showing that the
15 Department of Justice has been duly authorized in writing by the Anti-
16 Terrorism Council to file the application with proper written notice the
17 person whose conversation, communication, message discussion or
18 spoken or written words have been the subject of surveillance,
19 monitoring, recording and interception to open, reveal, divulge, and use
20 the contents of the sealed envelope or sealed package as evidence.

21 Any person, law enforcement official or judicial authority who
22 violates his duty to notify in writing the persons subject of the
23 surveillance as defined above shall suffer the penalty of six (6) years and
24 one day to eight (8) years of imprisonment.

1 **SEC. 14. *Application to Open Deposited Sealed Envelop or Sealed***
2 ***Package.*** – The written application with notice to the party concerned to
3 open the deposited sealed envelope or sealed package shall clearly state
4 the purpose or reason: (a) for opening the sealed envelope or sealed
5 package; (b) for revealing or disclosing its classified contents; (c) for
6 replaying, divulging, and or reading any of the listened to, intercepted,
7 and recorded communications, messages, conversations, discussions, or
8 spoken or written words (including any of the excerpts and summaries
9 thereof and any of the notes or memoranda made in connection
10 therewith); and, (d) for using any of said listened to ,intercepted, and
11 recorded communications, messages, conversations, discussions, or
12 spoken or written words (including any of the excerpts and summaries
13 thereof and any of the notes or memoranda made in connection
14 therewith) as evidence.

15 Any person, law enforcement official or judicial authority who
16 violates his duty to notify as defined above shall suffer the penalty of six
17 (6) years and one day to eight (8) years of imprisonment.

18 **SEC. 15. *Evidentiary Value of Deposited Materials.*** – Any listened
19 to, intercepted, and recorded communications, messages, conversations,
20 discussions, or spoken or written words, or any part or parts thereof, or
21 any information or fact contained therein, including their existence,
22 content, substance, purport, effect, or meaning, which have been
23 secured in violation of the pertinent provisions of this Act, shall
24 absolutely not be admissible and usable as evidence against anybody in

1 any judicial, quasi-judicial, legislative, or administrative investigation,
2 inquiry, proceeding, or hearing.

3 **SEC. 16. *Penalty for Unauthorized or malicious Interceptions and/or***
4 ***Recordings.*** – Any police or law enforcement personnel who, not being
5 authorized to do so by the authorizing division of the Court of Appeals,
6 tracks down, taps, listens to, intercepts, and records in whatever
7 manner or form any communication, message, conversation, discussion,
8 or spoken or written word of a person charged with or suspected of the
9 crime of terrorism or the crime of conspiracy to commit terrorism shall
10 be guilty of an offense and shall suffer the penalty of ten (10) years and
11 one day to twelve (12) years of imprisonment.

12 In addition to the liability attaching to the offender for the
13 commission of any other offense, the penalty of ten (10) years and one
14 day to twelve (12) years of imprisonment and the accessory penalty of
15 perpetual absolute disqualification from public office shall be imposed
16 upon any police or law enforcement personnel who maliciously obtained
17 an authority from the Court of Appeals to track down, tap, listen to,
18 intercept, and record in whatever manner or form any communication,
19 message, conversation, discussion, or spoken or written words of a
20 person charged with or suspected of the crime of terrorism or
21 conspiracy to commit terrorism: *Provided, That notwithstanding*
22 **Section 13 of this Act, the party aggrieved by such authorization shall**
23 **be allowed access to the sealed envelope or sealed package and the**

1 contents thereof as evidence for the prosecution of any police or law
2 enforcement personnel who maliciously procured said authorization.

3 **SEC. 17. *Proscription of Terrorist Organizations, Association, or***
4 ***Group of Persons.*** – Any organization, association, or group of persons
5 organized for the purpose of engaging in terrorism, or which, although
6 not organized for that purpose, actually uses the acts to terrorize
7 mentioned in this Act or to sow and create a condition of widespread
8 and extraordinary fear and panic among the populace in order to
9 coerce the government to give in to an unlawful demand shall, upon
10 application of the Department of Justice before a competent Regional
11 Trial Court, with due notice and opportunity to be heard given to the
12 organization, association, or group of persons concerned, be declared as
13 a terrorist and outlawed organization, association, or group of persons
14 by the said Regional Trial Court.

15 **SEC. 18. *Period of Detention Without Judicial Warrant of Arrest.*** –
16 The provisions of Article 125 of the Revised Penal Code to the contrary
17 notwithstanding, any police or law enforcement personnel, who, having
18 been duly authorized in writing by the Anti-Terrorism Council has
19 taken custody of a person charged with or suspected of the crime of
20 terrorism or the crime of conspiracy to commit terrorism shall, without
21 incurring any criminal liability for delay in the delivery of detained
22 persons to the proper judicial authorities, deliver said charged or
23 suspected person to the proper judicial authority within a period of
24 three (3) days counted from the moment the said charged or suspected

1 person has been apprehended or arrested, detained, and taken into
2 custody by the said police, or law enforcement personnel: *Provided,*
3 That the arrest of those suspected of the crime of terrorism or
4 conspiracy to commit terrorism must result from the surveillance under
5 Section 7 and examination of bank deposits under Section 27 of this Act.

6 The police or law enforcement personnel concerned shall, before
7 detaining the person suspected of the crime of terrorism, present him or
8 her before any judge at the latter's residence or office nearest the place
9 where the arrest took place at any time of the day or night. It shall be
10 the duty of the judge, among other things, to ascertain the identity of
11 the police or law enforcement personnel and the person or persons they
12 have arrested and presented before him or her, to inquire of them the
13 reasons why they have arrested the person and determine by
14 questioning and personal observation whether or not the suspect has
15 been subjected to any physical, moral or psychological torture by whom
16 and why. The judge shall then submit a written report of what he/she
17 had observed when the subject was brought before him to the proper
18 court that has jurisdiction over the case of the person thus arrested. the
19 judge shall forthwith submit his/her report within three (3) calendar
20 days from the time the suspect was brought to his/her residence or
21 office.

22 Immediately after taking custody of a person charged with or
23 suspected of the crime of terrorism or conspiracy to commit terrorism,
24 the police or law enforcement personnel shall notify in writing the judge

1 of the court nearest the place of apprehension or arrest: *Provided*, That
2 where the arrest is made during Saturdays, Sundays, holidays or after
3 office hours, the written notice shall be served at the residence of the
4 judge nearest the place where the accused was arrested.

5 The penalty of ten (10) years and one day to twelve (12) years of
6 imprisonment shall be imposed upon the police or law enforcement
7 personnel who fails to notify any judge as provided in the preceding
8 paragraph.

9 **SEC. 19. *Period of Detention in the Event of an Actual or Imminent***
10 ***Terrorist Attack.*** – In the event of an actual or imminent terrorist attack,
11 suspects may not be detained for more than three (3) days without the
12 written approval of a municipal, city, provincial or regional official of a
13 Human Rights Commission or judge of the municipal, regional trial
14 court, the Sandiganbayan or a justice of the Court of Appeals nearest
15 the place of the arrest. If the arrest is made during Saturdays, Sundays,
16 holidays or after office hours, the arresting police or law enforcement
17 personnel shall bring the person thus arrested to the residence of any of
18 the officials mentioned above that is nearest the place where the accused
19 was arrested. The approval in writing of any of the said officials shall be
20 secured by the police or law enforcement personnel concerned within
21 five (5) days after the date of the detention of the persons concerned:
22 *Provided, however*, That within three (3) days after the detention the
23 suspects, whose connection with the terror attack or threat is not
24 established, shall be released immediately.

1 **SEC. 20. *Penalty for Failure to Deliver Suspect to the Proper***
2 ***Judicial Authority Within Three (3) Days.*** – The penalty of ten (10) years
3 **and one day to twelve (12) years of imprisonment shall be imposed upon**
4 **any police or law enforcement personnel who has apprehended or**
5 **arrested, detained and taken custody of a person charged with or**
6 **suspected of the crime of terrorism or conspiracy to commit terrorism**
7 **and fails to deliver such charged or suspected person to the proper**
8 **judicial authority within the period of three (3) days.**

9 **SEC. 21. *Rights of a Person Under Custodial Detention.*** – The
10 **moment a person charged with or suspected of the crime of terrorism or**
11 **the crime of conspiracy to commit terrorism is apprehended or arrested**
12 **and detained, he shall forthwith be informed, by the arresting police or**
13 **law enforcement officers or by the police or law enforcement officers to**
14 **whose custody the person concerned is brought, of his or her right: (a)**
15 **to be informed of the nature and cause of his arrest, to remain silent**
16 **and to have competent and independent counsel preferably of his**
17 **choice. If the person cannot afford the services of counsel of his or her**
18 **choice, the police or law enforcement officers concerned shall**
19 **immediately contact the free legal assistance unit of the Integrated Bar**
20 **of the Philippines (IBP) or the Public Attorney’s Office (PAO). It shall**
21 **be the duty of the free legal assistance unit of the IBP or the PAO thus**
22 **contacted to immediately visit the person(s) detained and provide him**
23 **or her with legal assistance. These rights cannot be waived except in**
24 **writing and in the presence of the counsel of choice; (b) informed of the**

1 cause or causes of his detention in the presence of his legal counsel; (c)
2 allowed to communicate freely with his legal counsel and to confer with
3 them at any time without restriction; (d) allowed to communicate freely
4 and privately without restrictions with the members of his family or
5 with his nearest relatives and to be visited by them; and, (e) allowed
6 freely to avail of the service of a physician or physicians of choice.

7 **SEC. 22. *Penalty for Violation of the Rights of a Detainee.* – Any**
8 **police or law enforcement personnel, or any personnel of the police or**
9 **other law enforcement custodial unit that violates any of the aforesaid**
10 **rights of a person charged with or suspected of the crime of terrorism or**
11 **the crime of conspiracy to commit terrorism shall be guilty of an offense**
12 **and shall suffer the penalty of ten (10) years and one day to twelve (12)**
13 **years of imprisonment.**

14 **Unless the police or law enforcement personnel who violated the**
15 **rights of a detainee or detainees as stated above is duly identified, the**
16 **same penalty shall be imposed on the police officer or head or leader of**
17 **the law enforcement unit having custody of the detainee at the time the**
18 **violation was done.**

19 **SEC. 23. *Requirement for an Official Custodial Logbook and Its***
20 ***Contents.* – The police or other law enforcement custodial unit in whose**
21 **care and control the person charged with or suspected of the crime of**
22 **terrorism or the crime of conspiracy to commit terrorism has been**
23 **placed under custodial arrest and detention shall keep a securely and**
24 **orderly maintained official logbook, which is hereby declared as a**

1 public document and opened to and made available for the inspection
2 and scrutiny of the lawyer or lawyers of the person under custody or
3 any member of his or her family or relative by consanguinity or affinity
4 within the fourth civil degree or his or her physician at any time of the
5 day or night without any form of restriction. The logbook shall contain
6 a clear and concise record of: (a) the name, description, and address of
7 the detained person; (b) the date and exact time of his initial admission
8 for custodial arrest and detention; (c) the name and address of the
9 physician or physicians who examined him physically and medically; (d)
10 the state of his health and physical condition at the time of his initial
11 admission for custodial detention; (e) the date and time of each removal
12 of the detained person from his cell for interrogation or for any
13 purpose; (f) the date and time of his return to his cell; (g) the name and
14 address of the physician or physicians who physically and medically
15 examined him after each interrogation; (h) a summary of the physical
16 and medical findings on the detained person after each of such
17 interrogation; (i) the names and addresses of his family members and
18 nearest relatives, if any and if available; (j) the names and addresses of
19 persons who visit the detained person; (k) the date and time of each of
20 such visits; (l) the date and time of each request of the detained person
21 to communicate and confer with his legal counsel or counsels; (m) the
22 date and time of each visit, and date and time of each departure of his
23 legal counsel or counsels; and, (n) all other important events bearing on

1 and all relevant details regarding the treatment of the detained person
2 while under custodial arrest and detention.

3 The said police or law enforcement custodial unit shall upon
4 demand of the aforementioned lawyer or lawyers or members of the
5 family or relatives within the fourth civil degree of consanguinity or
6 affinity of the person under custody or his or her physician issue a
7 certified true copy of the entries of the logbook relative to the concerned
8 detained person without delay or restriction or requiring any fees
9 whatsoever including documentary stamp tax, notarial fees, and the
10 like. This certified true copy may be attested by the person who has
11 custody of the logbook or who allowed the party concerned to scrutinize
12 it at the time the demand for the certified true copy is made.

13 The police or other law enforcement custodial unit who fails to
14 comply with the preceding paragraph to keep an official logbook shall
15 suffer the penalty of ten (10) years and one day to twelve (12) years of
16 imprisonment.

17 **SEC. 24. *No Torture or Coercion in Investigation and Interrogation.***
18 – No threat, intimidation, or coercion, and no act which will inflict any
19 form of physical pain or torment, or mental, moral, or psychological
20 pressure, on the detained person, which shall vitiate his free-will, shall
21 be employed in his investigation and interrogation for the crime of
22 terrorism or the crime of conspiracy to commit terrorism; otherwise,
23 the evidence obtained from said detained person resulting from such
24 threat, intimidation, or coercion, or from such inflicted physical pain or

1 torment, or mental, moral, or psychological pressure, shall be, in its
2 entirety, absolutely not admissible and usable as evidence in any
3 judicial, quasi-judicial, legislative, or administrative investigation,
4 inquiry, proceeding, or hearing.

5 **SEC. 25. *Penalty for Threat, Intimidation, Coercion, or Torture in***
6 ***the Investigation and Interrogation of a Detained Person.*** – Any person or
7 persons who use threat, intimidation, or coercion, or who inflict
8 physical pain or torment, or mental, moral, or psychological pressure,
9 which shall vitiate the free-will of a charged or suspected person under
10 investigation and interrogation for the crime of terrorism or the crime
11 of conspiracy to commit terrorism shall be guilty of an offense and shall
12 suffer the penalty of twelve (12) years and one day to twenty (20) years
13 of imprisonment.

14 When death or serious permanent disability of said detained
15 person occurs as a consequence of the use of such threat, intimidation,
16 or coercion, or as a consequence of the infliction on him of such physical
17 pain or torment, or as a consequence of the infliction on him of such
18 mental, moral, or psychological pressure, the penalty shall be twelve
19 (12) years and one day to twenty (20) years of imprisonment

20 **SEC. 26. *Restriction on Travel.*** - In cases where evidence of guilt is
21 not strong, and the person charged with the crime of terrorism or
22 conspiracy to commit terrorism is entitled to bail and is granted the
23 same, the court, upon application by the prosecutor, shall limit the right
24 of travel of the accused to within the municipality or city where he

1 resides or where the case is pending, in the interest of national security
2 and public safety, consistent with Article III, Section 6 of the
3 Constitution. Travel outside of said municipality or city, without the
4 authorization of the court, shall be deemed a violation of the terms and
5 conditions of his bail, which shall then be forfeited as provided under
6 the Rules of Court.

7 He or she may also be placed under house arrest by order of the
8 court at his or her usual place of residence.

9 While under house arrest, he or she may not use telephones,
10 cellphones, e-mails, computers, the internet or other means of
11 communications with people outside the residence until otherwise
12 ordered by the court.

13 The restrictions abovementioned shall be terminated upon the
14 acquittal of the accused or of the dismissal of the case filed against him
15 or earlier upon the discretion of the court on motion of the prosecutor
16 or of the accused.

17 **SEC. 27. *Judicial Authorization Required to Examine Bank***
18 ***Deposits, Accounts, and Records.*** – The provisions of Republic Act No.
19 **1405** as amended, to the contrary notwithstanding, the justices of the
20 **Court of Appeals** designated as a special court to handle anti-terrorism
21 cases after satisfying themselves of the existence of probable cause in a
22 hearing called for that purpose that (1) a person charged with or
23 suspected of the crime of terrorism or conspiracy to commit terrorism,
24 (2) of a judicially declared and outlawed terrorist organization,

1 association, or group of persons, and (3) of a member of such judicially
2 declared and outlawed organization, association, or group of persons,
3 may authorize in writing any police or law enforcement officer and the
4 members of his/her team duly authorized in writing by the Anti-
5 Terrorism Council to: (a) examine, or cause the examination of, the
6 deposits, placements, trust accounts, assets and records in a bank or
7 financial institution; and (b) gather or cause the gathering of any
8 relevant information about such deposits, placements, trust accounts,
9 assets, and records from a bank or financial institution. the bank or
10 financial institution concerned shall not refuse to allow such
11 examination or to provide the desired information, when so ordered by
12 and served with the written order of the Court of Appeals.

13 **SEC. 28. *Application to Examine Bank Deposits, Accounts, and***
14 ***Records.*** – The written order of the Court of Appeals authorizing the
15 examination of bank deposits, placements, trust accounts, assets, and
16 records: (1) of a person charged with or suspected of the crime of
17 terrorism or conspiracy to commit terrorism, (2) of any judicially
18 declared and outlawed terrorist organization, association, or group of
19 persons, or (3) of any member of such organization, association, or
20 group of persons in a bank or financial institution, and the gathering of
21 any relevant information about the same from said bank or financial
22 institution, shall only be granted by the authorizing division of the
23 Court of Appeals upon an *ex parte* application to that effect of a police
24 or of a law enforcement official who has been duly authorized in writing

1 to file such *ex parte* application by the Anti-Terrorism Council created
2 in Section 53 of this Act to file such *ex parte* application, and upon
3 examination under oath or affirmation of the applicant and the
4 witnesses he may produce to establish the facts that will justify the need
5 and urgency of examining and freezing the bank deposits, placements,
6 trust accounts, assets, and records: (1) of the person charged with or
7 suspected of the crime of terrorism or conspiracy to commit terrorism,
8 (2) of a judicially declared and outlawed terrorist organization,
9 association or group of persons, or (3) of any member of such
10 organization, association, or group of persons.

11 **SEC. 29. *Classification and Contents of the Court Order Authorizing***
12 ***the Examination of Bank Deposits, Accounts, and Records.*** – The written
13 order granted by the authorizing division of the Court of Appeals as
14 well as its order, if any, to extend or renew the same, the original *ex*
15 *parte* application of the applicant, including his *ex parte* application to
16 extend or renew, if any, and the written authorizations of the Anti
17 Terrorism Council, shall be deemed and are hereby declared as
18 classified information: *Provided*, That the person whose bank deposits,
19 placements, trust accounts, assets, and records have been examined,
20 frozen, sequestered and seized by law enforcement authorities has the
21 right to be informed of the acts done by the law enforcement authorities
22 in the premises or to challenge, if he or she intends to do so, the legality
23 of the interference. The written order of the authorizing division of the
24 Court of Appeals designated to handle cases involving terrorism shall

1 specify: (a) the identity of the said: (1) person charged with or suspected
2 of the crime of terrorism or conspiracy to commit terrorism, (2)
3 judicially declared and outlawed terrorist organization, association, or
4 group of persons, and (3) member of such judicially declared and
5 outlawed organization, association, or group of persons, as the case may
6 be, whose deposits, placements, trust accounts, assets, and records are
7 to be examined or the information to be gathered; (b) the identity of the
8 bank or financial institution where such deposits, placements, trust
9 accounts, assets, and records are held and maintained; (c) the identity of
10 the persons who will conduct the said examination and the gathering of
11 the desired information; and, (d) the length of time the authorization
12 shall be carried out.

13 **SEC. 30. *Effective Period of Court Authorization to Examine and***
14 ***Obtain Information on Bank Deposits, Accounts, and Records.*** – The
15 authorization issued or granted by the authorizing division of the Court
16 of Appeals to examine or cause the examination of and to freeze bank
17 deposits, placements, trust accounts, assets, and records, or to gather
18 information about the same, shall be effective for the length of time
19 specified in the written order of the authorizing division of the Court of
20 Appeals, which shall not exceed a period of thirty (30) days from the
21 date of receipt of the written order of the authorizing division of the
22 Court of Appeals by the applicant police or law enforcement official.

23 The authorizing division of the Court of Appeals may extend or
24 renew the said authorization for another period, which shall not exceed

1 **thirty (30) days renewable to another thirty (30) days from the**
2 **expiration of the original period, provided that the authorizing division**
3 **of the Court of Appeals is satisfied that such extension or renewal is in**
4 **the public interest, and provided further that the application for**
5 **extension or renewal, which must be filed by the original applicant, has**
6 **been duly authorized in writing by the Anti-Terrorism Council.**

7 **In case of death of the original applicant or in case he is physically**
8 **disabled to file the application for extension or renewal, the one next in**
9 **rank to the original applicant among the members of the team named in**
10 **the original written order of the authorizing division of the Court of**
11 **Appeals shall file the application for extension or renewal: *Provided,***
12 **That, without prejudice to the liability of the police or law enforcement**
13 **personnel under Section 19 hereof, the applicant police or law**
14 **enforcement official shall have thirty (30) days after the termination of**
15 **the period granted by the Court of Appeals as provided in the preceding**
16 **paragraphs within which to file the appropriate case before the Public**
17 **Prosecutor's Office for any violation of this Act.**

18 **If no case is filed within the thirty (30)-day period, the applicant**
19 **police or law enforcement official shall immediately notify in writing the**
20 **person subject of the bank examination and freezing of bank deposits,**
21 **placements, trust accounts, assets and records. The penalty of ten (10)**
22 **years and one day to twelve (12) years of imprisonment shall be imposed**
23 **upon the applicant police or law enforcement official who fails to notify**

1 in writing the person subject of the bank examination and freezing of
2 bank deposits, placements, trust accounts, assets and records.

3 Any person, law enforcement official or judicial authority who
4 violates his duty to notify in writing as defined above shall suffer the
5 penalty of six (6) years and one day to eight (8) years of imprisonment.

6 **SEC. 31. *Custody of Bank Data and Information Obtained after***
7 ***Examination of Deposits, Placements, Trust Accounts, Assets and***
8 ***Records.*** – All information, data, excerpts, summaries, notes,
9 memoranda, working sheets, reports, and other documents obtained
10 from the examination of the bank deposits, placements, trust accounts,
11 assets and records of: (1) a person charged with or suspected of the
12 crime of terrorism or the crime of conspiracy to commit terrorism, (2) a
13 judicially declared and outlawed terrorist organization, association, or
14 group of persons, or (3) a member of any such organization, association,
15 or group of persons shall, within forty-eight (48) hours after the
16 expiration of the period fixed in the written order of the authorizing
17 division of the Court of Appeals or within forty-eight (48) hours after
18 the expiration of the extension or renewal granted by the authorizing
19 division of the Court of Appeals, be deposited with the authorizing
20 division of the Court of Appeals in a sealed envelope or sealed package,
21 as the case may be, and shall be accompanied by a joint affidavit of the
22 applicant police or law enforcement official and the persons who
23 actually conducted the examination of said bank deposits, placements,
24 trust accounts, assets and records.

1 **SEC. 32. Contents of Joint Affidavit.** – The joint affidavit shall
2 state: (a) the identifying marks, numbers, or symbols of the deposits,
3 placements, trust accounts, assets, and records examined; (b) the
4 identity and address of the bank or financial institution where such
5 deposits, placements, trust accounts, assets, and records are held and
6 maintained; (c) the number of bank deposits, placements, trust
7 accounts, assets, and records discovered, examined, and frozen; (d) the
8 outstanding balances of each of such deposits, placements, trust
9 accounts, assets; (e) all information, data, excerpts, summaries, notes,
10 memoranda, working sheets, reports, documents, records examined and
11 placed in the sealed envelope or sealed package deposited with the
12 authorizing division of the Court of Appeals; (f) the date of the original
13 written authorization granted by the Anti-Terrorism Council to the
14 applicant to file the *ex parte* application to conduct the examination of
15 the said bank deposits, placements, trust accounts, assets and records,
16 as well as the date of any extension or renewal of the original written
17 authorization granted by the authorizing division of the Court of
18 Appeals; and (g) that the items enumerated were all that were found in
19 the bank or financial institution examined at the time of the completion
20 of the examination.

21 The joint affidavit shall also certify under oath that no duplicates
22 or copies of the information, data, excerpts, summaries, notes,
23 memoranda, working sheets, reports, and documents acquired from the
24 examination of the bank deposits, placements, trust accounts, assets and

1 records have been made, or, if made, that all such duplicates and copies
2 are placed in the sealed envelope or sealed package deposited with the
3 authorizing division of the Court of Appeals.

4 It shall be unlawful for any person, police officer or custodian of
5 the bank data and information obtained after examination of deposits,
6 placements, trust accounts, assets and records to copy, to remove,
7 delete, expunge, incinerate, shred or destroy in any manner the items
8 enumerated above in whole or in part under any pretext whatsoever.

9 Any person who copies, removes, deletes, expunges incinerates,
10 shreds or destroys the items enumerated above shall suffer a penalty of
11 not less than six (6) years and one day to twelve (12) years of
12 imprisonment.

13 **SEC. 33. *Disposition of Bank Materials.*** – The sealed envelope or
14 sealed package and the contents thereof, which are deposited with the
15 authorizing division of the Court of Appeals, shall be deemed and are
16 hereby declared classified information, and the sealed envelope or
17 sealed package shall not be opened and its contents shall not be
18 divulged, revealed, read, or used as evidence unless authorized in a
19 written order of the authorizing division of the Court of Appeals, which
20 written order shall be granted only upon a written application of the
21 Department of Justice filed before the authorizing division of the Court
22 of Appeals and only upon a showing that the Department of Justice has
23 been duly authorized in writing by the Anti-Terrorism Council to file
24 the application, with notice in writing to the party concerned not later

1 than three (3) days before the scheduled opening, to open, reveal,
2 divulge, and use the contents of the sealed envelope or sealed package as
3 evidence.

4 Any person, law enforcement official or judicial authority who
5 violates his duty to notify in writing as defined above shall suffer the
6 penalty of six (6) years and one day to eight (8) years of imprisonment.

7 **SEC. 34. *Application to Open Deposited Bank Materials.*** – The
8 written application, with notice in writing to the party concerned not
9 later than three (3) days of the scheduled opening, to open the sealed
10 envelope or sealed package shall clearly state the purpose and reason:
11 (a) for opening the sealed envelope or sealed package; (b) for revealing
12 and disclosing its classified contents; and, (c) for using the classified
13 information, data, excerpts, summaries, notes, memoranda, working
14 sheets, reports, and documents as evidence.

15 **SEC. 35. *Evidentiary Value of Deposited Bank Materials.*** – Any
16 information, data, excerpts, summaries, notes, memoranda, work
17 sheets, reports, or documents acquired from the examination of the
18 bank deposits, placements, trust accounts, assets and records of: (1) a
19 person charged or suspected of the crime of terrorism or the crime of
20 conspiracy to commit terrorism, (2) a judicially declared and outlawed
21 terrorist organization, association, or group of persons, or (3) a member
22 of such organization, association, or group of persons, which have been
23 secured in violation of the provisions of this Act, shall absolutely not be
24 admissible and usable as evidence against anybody in any judicial,

1 quasi-judicial, legislative, or administrative investigation, inquiry,
2 proceeding, or hearing.

3 **SEC. 36. *Penalty for Unauthorized or Malicious Examination of a***
4 ***Bank or a Financial Institution.*** – Any person, police or law enforcement
5 personnel who examines the deposits, placements, trust accounts, assets,
6 or records in a bank or financial institution of: (1) a person charged
7 with or suspected of the crime of terrorism or the crime of conspiracy to
8 commit terrorism, (2) a judicially declared and outlawed terrorist
9 organization, association, or group of persons, or (3) a member of such
10 organization, association, or group of persons, without being authorized
11 to do so by the Court of Appeals, shall be guilty of an offense and shall
12 suffer the penalty of ten (10) years and one day to twelve (12) years of
13 imprisonment.

14 In addition to the liability attaching to the offender for the
15 commission of any other offense, the penalty of ten (10) years and one
16 day to twelve (12) years of imprisonment shall be imposed upon any
17 police or law enforcement personnel, who maliciously obtained an
18 authority from the Court of Appeals to examine the deposits,
19 placements, trust accounts, assets, or records in a bank or financial
20 institution of: (1) a person charged with or suspected of the crime of
21 terrorism or conspiracy to commit terrorism, (2) a judicially declared
22 and outlawed terrorist organization, association, or group of persons, or
23 (3) a member of such organization, association, or group of persons:
24 *Provided, That notwithstanding Section 33 of this Act, the party*

1 aggrieved by such authorization shall upon motion duly filed be allowed
2 access to the sealed envelope or sealed package and the contents thereof
3 as evidence for the prosecution of any police or law enforcement
4 personnel who maliciously procured said authorization.

5 **SEC. 37. *Penalty of Bank Officials and Employees Defying a Court***
6 ***Authorization.*** – An employee, official, or a member of the board of
7 directors of a bank or financial institution, who refuses to allow the
8 examination of the deposits, placements, trust accounts, assets, and
9 records of: (1) a person charged with or suspected of the crime of
10 terrorism or the crime of conspiracy to commit terrorism, (2) a
11 judicially declared and outlawed terrorist organization, association, or
12 group of persons, or (3) a member of such judicially declared and
13 outlawed organization, association, or group of persons in said bank or
14 financial institution, when duly served with the written order of the
15 authorizing division of the Court of Appeals, shall be guilty of an
16 offense and shall suffer the penalty of ten (10) years and one day to
17 twelve (12) years of imprisonment.

18 **SEC. 38. *Penalty for False or Untruthful Statement or***
19 ***Misrepresentation of Material Fact in Joint Affidavits.*** – Any false or
20 untruthful statement or misrepresentation of material fact in the joint
21 affidavits required respectively in Section 12 and Section 32 of this Act
22 shall constitute a criminal offense and the affiants shall suffer
23 individually the penalty of ten (10) years and one day to twelve (12)
24 years of imprisonment.

1 **SEC. 39. *Seizure and Sequestration.*** – The deposits and their
2 outstanding balances, placements, trust accounts, assets, and records in
3 any bank or financial institution, moneys, businesses, transportation
4 and communication equipment, supplies and other implements, and
5 property of whatever kind and nature belonging: (1) to any person
6 suspected of or charged before a competent Regional Trial Court for the
7 crime of terrorism or the crime of conspiracy to commit terrorism; (2)
8 to a judicially declared and outlawed organization, association, or group
9 of persons; or (3) to a member of such organization, association, or
10 group of persons shall be seized, sequestered, and frozen in order to
11 prevent their use, transfer, or conveyance for purposes that are inimical
12 to the safety and security of the people or injurious to the interest of the
13 State.

14 The accused or a person suspected of may withdraw such sums as
15 may be reasonably needed by the monthly needs of his family including
16 the services of his or her counsel and his or her family's medical needs
17 upon approval of the court. He or she may also use any of his property
18 that is under seizure or sequestration or frozen because of his or her
19 indictment as a terrorist upon permission of the court for any legitimate
20 reason.

21 Any person who unjustifiably refuses to follow the order of the
22 proper division of the Court of Appeals to allow the person accused of
23 the crime of terrorism or of the crime of conspiracy to commit
24 terrorism to withdraw such sums from sequestered or frozen deposits,

1 placements, trust accounts, assets and records as may be necessary for
2 the regular sustenance of his or her family or to use any of his or her
3 property that has been seized, sequestered or frozen for legitimate
4 purposes while his or her case is pending shall suffer the penalty of ten
5 (10) years and one day to twelve (12) years of imprisonment.

6 **SEC. 40. *Nature of Seized, Sequestered and Frozen Bank Deposits,***
7 ***Placements, Trust Accounts, Assets and Records.*** – The seized,
8 sequestered and frozen bank deposits, placements, trust accounts, assets
9 and records belonging to a person suspected of or charged with the
10 crime of terrorism or conspiracy to commit terrorism shall be deemed
11 as property held in trust by the bank or financial institution for such
12 person and the government during the pendency of the investigation of
13 the person suspected of or during the pendency of the trial of the person
14 charged with any of the said crimes, as the case may be and their use or
15 disposition while the case is pending shall be subject to the approval of
16 the court before which the case or cases are pending.

17 **SEC. 41. *Disposition of the Seized, Sequestered and Frozen Bank***
18 ***Deposits, Placements, Trust Accounts, Assets and Record.*** – If the person
19 suspected of or charged with the crime of terrorism or conspiracy to
20 commit terrorism is found, after his investigation, to be innocent by the
21 investigating body, or is acquitted, after his arraignment or his case is
22 dismissed before his arraignment by a competent court, the seizure,
23 sequestration and freezing of his bank deposits, placements, trust
24 accounts, assets and records shall forthwith be deemed lifted by the

1 **investigating body or by the competent court, as the case may be, and**
2 **his bank deposits, placements, trust accounts, assets and records shall**
3 **be deemed released from such seizure, sequestration and freezing, and**
4 **shall be restored to him without any delay by the bank or financial**
5 **institution concerned without any further action on his part. The filing**
6 **of any appeal on motion for reconsideration shall not state the release of**
7 **said funds from seizure, sequestration and freezing.**

8 **If the person charged with the crime of terrorism or conspiracy to**
9 **commit terrorism is convicted by a final judgment of a competent trial**
10 **court, his seized, sequestered and frozen bank deposits, placements,**
11 **trust accounts, assets and records shall be automatically forfeited in**
12 **favor of the government.**

13 **Upon his or her acquittal or the dismissal of the charges against**
14 **him or her, the amount of Five Hundred Thousand Pesos (P500,000.00)**
15 **a day for the period in which his properties, assets or funds were seized**
16 **shall be paid to him on the concept of liquidated damages. The amount**
17 **shall be taken from the appropriations of the police or law enforcement**
18 **agency that caused the filing of the enumerated charges against him or**
19 **her.**

20 **SEC. 42. *Penalty for Unjustified Refusal to Restore or Delay in***
21 ***Restoring Seized, Sequestered and Frozen Bank Deposits, Placements,***
22 ***Trust Accounts, Assets and Records.* – Any person who unjustifiably**
23 **refuses to restore or delays the restoration of seized, sequestered and**
24 **frozen bank deposits, placements, trust accounts, assets and records of a**

1 person suspected of or charged with the crime of terrorism or
2 conspiracy to commit terrorism after such suspected person has been
3 found innocent by the investigating body or after the case against such
4 charged person has been dismissed or after he is acquitted by a
5 competent court shall suffer the penalty of ten (10) years and one day to
6 twelve (12) years of imprisonment.

7 **SEC. 43. *Penalty for the Loss, Misuse, Diversion or Dissipation of***
8 ***Seized, Sequestered and Frozen Bank Deposits, Placements, Trust***
9 ***Accounts, Assets and Records.*** – Any person who is responsible for the
10 loss, misuse, diversion, or dissipation of the whole or any part of the
11 seized, sequestered and frozen bank deposits, placements, trust
12 accounts, assets and records of a person suspected of or charged with
13 the crime of terrorism or conspiracy to commit terrorism shall suffer
14 the penalty of ten (10) years and one day to twelve (12) years of
15 imprisonment.

16 **SEC. 44. *Infidelity in the Custody of Detained Persons.*** – Any public
17 officer who has direct custody of a detained person under the provisions
18 of this Act and who by his deliberate act, misconduct, or inexcusable
19 negligence causes or allows the escape of such detained person shall be
20 guilty of an offense and shall suffer the penalty of: (a) twelve (12) years
21 and one day to twenty (20) years of imprisonment, if the detained
22 person has already been convicted and sentenced in a final judgment of
23 a competent court; and (b) six (6) years and one day to twelve (12) years

1 of imprisonment, if the detained person has not been convicted and
2 sentenced in a final judgment of a competent court.

3 **SEC. 45. *Immunity and Protection of Government Witnesses.* –**

4 **The provisions of Republic Act No. 6981 (Witness Protection, Security**
5 **and Benefits Act) to the contrary notwithstanding, the immunity of**
6 **government witnesses testifying under this Act shall be governed by**
7 **Sections 17 and 18 of Rule 119 of the Rules of Court: *Provided, however,***
8 **That said witnesses shall be entitled to benefits granted to witnesses**
9 **under said Republic Act No. 6981.**

10 **SEC. 46. *Penalty for Unauthorized Revelation of Classified***

11 ***Materials.* – The penalty of ten (10) years and one day to twelve (12)**
12 **years of imprisonment shall be imposed upon any person, police or law**
13 **enforcement agent, judicial officer or civil servant who, not being**
14 **authorized by the Court of Appeals to do so, reveals in any manner or**
15 **form any classified information under this Act.**

16 **SEC. 47. *Penalty for Furnishing False Evidence, Forged***

17 ***Document, or Spurious Evidence.* – The penalty of twelve (12) years and**
18 **one day to twenty (20) years of imprisonment shall be imposed upon any**
19 **person who knowingly furnishes false testimony, forged document or**
20 **spurious evidence in any investigation or hearing under this Act.**

21 **SEC. 48. *Continuous Trial.* - In cases of terrorism or conspiracy**

22 **to commit terrorism, the judge shall set the case for continuous trial on**
23 **a daily basis from Monday to Friday or other short-term trial calendar**
24 **so as to ensure speedy trial.**

1 **SEC. 49. *Prosecution Under This Act Shall Be a Bar to Another***
2 ***Prosecution Under the Revised Penal Code or Any Special Penal Laws. -***

3 **When a person has been prosecuted under a provision of this Act, upon**
4 **a valid complaint or information or other formal charge sufficient in**
5 **form and substance to sustain a conviction and after the accused had**
6 **pleaded to the charge, the acquittal of the accused or the dismissal of the**
7 **case shall be a bar to another prosecution for any offense or felony**
8 **which is necessarily included in the offense charged under this Act.**

9 **SEC. 50. *Damages for Unproven Charge of Terrorism. –*** Upon
10 **acquittal, any person who is accused of terrorism shall be entitled to the**
11 **payment of damages in the amount of Five Hundred Thousand Pesos**
12 **(P500,000.00) for every day that he or she has been detained or deprived**
13 **of liberty or arrested without a warrant as a result of such an**
14 **accusation. The amount of damages shall be automatically charged**
15 **against the appropriations of the police agency or the Anti-Terrorism**
16 **Council that brought or sanctioned the filing of the charges against the**
17 **accused. It shall also be released within fifteen (15) days from the date**
18 **of the acquittal of the accused. The award of damages mentioned above**
19 **shall be without prejudice to the right of the acquitted accused to file**
20 **criminal or administrative charges against those responsible for**
21 **charging him with the case of terrorism.**

22 **Any officer, employee, personnel, or person who delays the release**
23 **or refuses to release the amounts awarded to the individual acquitted of**

1 the crime of terrorism as directed in the paragraph immediately
2 preceding shall suffer the penalty of six (6) months of imprisonment.

3 If the deductions are less than the amounts due to the detained
4 persons, the amount needed to complete the compensation shall be
5 taken from the current appropriations for intelligence, emergency,
6 social or other funds of the Office of the President.

7 In the event that the amount cannot be covered by the current
8 budget of the police or law enforcement agency concerned, the amount
9 shall be automatically included in the appropriations of the said agency
10 for the coming year.

11 **SEC. 51. *Duty to Record and Report the Name and Address of the***
12 ***Informant.*** - The police or law enforcement officers to whom the name of
13 a suspect in the crime of terrorism was first revealed shall record the
14 real name and the specific address of the informant.

15 The police or law enforcement officials concerned shall report the
16 informant's name and address to their superior officer who shall
17 transmit the information to the Congressional Oversight Committee or
18 to the proper court within five (5) days after the suspect was placed
19 under arrest or his properties were sequestered, seized or frozen.

20 The name and address of the informant shall be considered
21 confidential and shall not be unnecessarily revealed until after the
22 proceedings against the suspect shall have been terminated.

23 **SEC. 52. *Applicability of the Revised Penal Code.*** - The provisions
24 of Book I of the Revised Penal Code shall be applicable to this Act.

1 **SEC. 53. *Anti-Terrorism Council.* – An Anti-Terrorism Council,**
2 **hereinafter referred to, for brevity, as the “Council,” is hereby created.**
3 **The members of the Council are: (1) the Executive Secretary, who shall**
4 **be its chairperson; (2) the Secretary of Justice, who shall be its Vice**
5 **Chairperson; and (3) the Secretary of Foreign Affairs; (4) the Secretary**
6 **of National Defense; (5) the Secretary of the Interior and Local**
7 **Government; (6) the Secretary of Finance; and (7) the National Security**
8 **Advisor, as its other members.**

9 **The Council shall implement this Act and assume the**
10 **responsibility for the proper and effective implementation of the anti-**
11 **terrorism policy of the country. The Council shall keep records of its**
12 **proceedings and decisions. All records of the Council shall be subject to**
13 **such security classifications as the Council may, in its judgment and**
14 **discretion, decide to adopt to safeguard the safety of the people, the**
15 **security of the Republic, and the welfare of the nation.**

16 **The National Intelligence Coordinating Agency shall be the**
17 **Secretariat of the Council. The Council shall define the powers, duties,**
18 **and functions of the National Intelligence Coordinating Agency as**
19 **Secretariat of the Council. The National Bureau of Investigation, the**
20 **Bureau of Immigration, the Office of Civil Defense, the Intelligence**
21 **Service of the Armed Forces of the Philippines, the Anti-Money**
22 **Laundering Council, the Philippine Center on Transnational Crime,**
23 **and the Philippine National Police intelligence and investigative**
24 **elements shall serve as support agencies for the Council.**

1 **The Council shall formulate and adopt comprehensive, adequate,**
2 **efficient, and effective anti-terrorism plans, programs, and counter-**
3 **measures to suppress and eradicate terrorism in the country and to**
4 **protect the people from acts of terrorism. Nothing herein shall be**
5 **interpreted to empower the Anti-Terrorism Council to exercise any**
6 **judicial or quasi-judicial power or authority.**

7 **SEC. 54. *Functions of the Council.* – In pursuit of its mandate in**
8 **the previous Section, the Council shall have the following functions with**
9 **due regard for the rights of the people as mandated by the Constitution**
10 **and pertinent laws:**

- 11 **1. Formulate and adopt plans, programs and counter-**
12 **measures against terrorists and acts of terrorism in the**
13 **country;**
- 14 **2. Coordinate all national efforts to suppress and eradicate**
15 **acts of terrorism in the country and mobilize the entire**
16 **nation against terrorism proscribed in this Act;**
- 17 **3. Direct the speedy investigation and prosecution of all**
18 **persons accused or detained for the crime of terrorism or**
19 **conspiracy to commit terrorism and other offenses**
20 **punishable under this Act, and monitor the progress of**
21 **their cases;**
- 22 **4. Establish and maintain comprehensive data-base**
23 **information systems on terrorism, terrorist activities, and**
24 **counter-terrorism operations;**

- 1 **5. Freeze the funds property, bank deposits, placements, trust**
2 **accounts, assets and records belonging to a person**
3 **suspected of or charged with the crime of terrorism or**
4 **conspiracy to commit terrorism, pursuant to Republic Act**
5 **No. 9160 otherwise known as the Anti-Money Laundering**
6 **Act of 2001, as amended;**
- 7 **6. Grant monetary rewards and other incentives to informers**
8 **who give vital information leading to the apprehension,**
9 **arrest, detention, prosecution, and conviction of person or**
10 **persons who are liable for the crime of terrorism or**
11 **conspiracy to commit terrorism;**
- 12 **7. Establish and maintain coordination with and the**
13 **cooperation and assistance of other nations in the struggle**
14 **against international terrorism; and**
- 15 **8. Request the Supreme Court to designate specific divisions**
16 **of the Court of Appeals and regional trial courts in Manila,**
17 **Cebu City and Cagayan de Oro City, as the case may be, to**
18 **handle all cases involving the crime of terrorism or**
19 **conspiracy to commit terrorism and all matters incident to**
20 **said crimes. The Secretary of Justice shall assign a team of**
21 **prosecutors from: (a) Luzon to handle terrorism cases filed**
22 **in the regional trial court in Manila; (b) from the Visayas to**
23 **handle cases filed in Cebu City; and (c) from Mindanao to**
24 **handle cases filed in Cagayan de Oro City.**

1 **SEC. 55. *Role of the Commission on Human Rights.*** - The
2 **Commission on Human Rights shall give the highest priority to the**
3 **investigation and prosecution of violations of civil and political rights of**
4 **persons in relation to the implementation of this Act; and for this**
5 **purpose, the Commission shall have the concurrent jurisdiction to**
6 **prosecute public officials, law enforcers, and other persons who may**
7 **have violated the civil and political rights of persons suspected of,**
8 **accused of, or detained for the crime of terrorism or conspiracy to**
9 **commit terrorism.**

10 **SEC. 56. *Creation of a Grievance Committee.*** - There is hereby
11 **created a Grievance Committee composed of the Ombudsman, as chair,**
12 **and the Solicitor General, and an undersecretary from the Department**
13 **of Justice (DOJ), as members, to receive and evaluate complaints**
14 **against the actuations of the police and law enforcement officials in the**
15 **implementation of this Act. The Committee shall hold office in Manila.**

16 **The Committee shall have three (3) subcommittees that will be**
17 **respectively headed by the Deputy Ombudsmen in Luzon, the Visayas**
18 **and Mindanao. The subcommittees shall respectively hold office at the**
19 **Offices of Deputy Ombudsmen. Three (3) Assistant Solicitors General**
20 **designated by the Solicitor General, and the regional prosecutors of the**
21 **DOJ assigned to the regions where the Deputy Ombudsmen hold office**
22 **shall be members thereof. The three (3) subcommittees shall assist the**
23 **Grievance Committee in receiving, investigating and evaluating**
24 **complaints against the police and other law enforcement officers in the**

1 **implementation of the Act. If the evidence warrants it, they may file the**
2 **appropriate cases against the erring police and law enforcement**
3 **officers. Unless seasonably disowned or denounced by the complainants,**
4 **decisions or judgments in the said cases shall preclude the filing of other**
5 **cases based on the same cause or causes of action as those that were**
6 **filed with the Grievance Committee or its branches.**

7 **SEC. 57. *Ban on Extraordinary Rendition.* - No person suspected**
8 **or convicted of the crime of terrorism shall be subjected to**
9 **extraordinary rendition to any country unless his or her testimony is**
10 **needed for terrorist related police investigations or judicial trials in the**
11 **said country and unless his or her human rights, including the right**
12 **against torture, and right to counsel, are officially assured by the**
13 **requesting country and transmitted accordingly and approved by the**
14 **Department of Justice.**

15 **SEC. 58. *Extra-Territorial Application of this Act.* – Subject to the**
16 **provision of an existing treaty of which the Philippines is a signatory**
17 **and to any contrary provision of any law of preferential application, the**
18 **provisions of this Act shall apply: (1) to individual persons who commit**
19 **any of the crimes defined and punished in this Act within the terrestrial**
20 **domain, interior waters, maritime zone, and airspace of the Philippines;**
21 **(2) to individual persons who, although physically outside the territorial**
22 **limits of the Philippines, commit, conspire or plot to commit any of the**
23 **crimes defined and punished in this Act inside the territorial limits of**
24 **the Philippines; (3) to individual persons who, although physically**

1 outside the territorial limits of the Philippines, commit any of the said
2 crimes on board Philippine ship or Philippine airship; (4) to individual
3 persons who commit any of said crimes within any embassy, consulate,
4 or diplomatic premises belonging to or occupied by the Philippine
5 government in an official capacity; (5) to individual persons who,
6 although physically outside the territorial limits of the Philippines,
7 commit said crimes against Philippine citizens or persons of Philippine
8 descent, where their citizenship or ethnicity was a factor in the
9 commission of the crime; and (6) to individual persons who, although
10 physically outside the territorial limits of the Philippines, commit said
11 crimes directly against the Philippine government.

12 **SEC. 59. *Joint Oversight Committee.*** - There is hereby created a
13 **Joint Oversight Committee to oversee the implementation of this Act.**

14 **The Oversight Committee shall be composed of five (5) members**
15 **each from the Senate and the House in addition to the Chairs of the**
16 **Committees of Public Order of both Houses who shall also Chair the**
17 **Oversight Committee in the order specified herein. The membership of**
18 **the Committee for every House shall at least have two (2) opposition or**
19 **minority members. The Joint Oversight Committee shall have its own**
20 **independent counsel.**

21 **The Chair of the Committee shall rotate every six (6) months with**
22 **the Senate chairing it for the first six (6) months and the House for the**
23 **next six (6) months. In every case, the ranking opposition or minority**
24 **member of the Committee shall be the Vice Chair.**

1 Upon the expiration of one year after this Act is approved by the
2 President, the Committee shall review the Act particularly the
3 provisions that authorize the surveillance of suspects of or persons
4 charged with the crime of terrorism. To that end, the Committee shall
5 summon the police and law enforcement officers and the members of
6 the Anti-Terrorism Council and require them to answer questions from
7 the members of Congress and to submit a written report of the acts they
8 have done in the implementation of the law including the manner in
9 which the persons suspected of or charged with the crime of terrorism
10 have been dealt with in their custody and from the date when the
11 movements of the latter were subjected to surveillance and his or her
12 correspondences, messages, conversations and the like were listened to
13 or subjected to monitoring, recording and tapping.

14 Without prejudice to its submitting other reports, the Committee
15 shall render a semi-annual report to both Houses of Congress. The
16 report may include where necessary a recommendation to reassess the
17 effects of globalization on terrorist activities on the people, provide a
18 sunset clause to or amend any portion of the Act or to repeal the Act in
19 its entirety.

20 The courts dealing with anti-terrorism cases shall submit to
21 Congress and the President a report every six (6) months of the status of
22 anti-terrorism cases that have been filed with them starting from the
23 date this Act is implemented.

1 **SEC. 60. *Separability Clause.*** – If for any reason any part or
2 provision of this Act is declared unconstitutional or invalid, the other
3 parts or provisions hereof which are not affected thereby shall remain
4 and continue to be in full force and effect.

5 **SEC. 61. *Repealing Clause.*** – All laws, decrees, executive orders,
6 rules or regulations or parts thereof, inconsistent with the provisions of
7 this Act are hereby repealed, amended, or modified accordingly.

8 **SEC. 62. *Special Effectivity Clause.*** - After the bill shall have been
9 signed into law by the President, the Act shall be published in three (3)
10 newspapers of national circulation; three (3) newspapers of local
11 circulation, one each in Ilocos Norte, Baguio City and Pampanga; three
12 (3) newspapers of local circulation, one each in Cebu, Iloilo and
13 Tacloban; and three (3) newspapers of local circulation, one each in
14 Cagayan de Oro, Davao and General Santos City.

15 The title of the Act and its provisions defining the acts of
16 terrorism that are punished shall be aired everyday at primetime for
17 seven (7) days, morning, noon and night over three (3) national
18 television and radio networks; three (3) radio and television networks,
19 one each in Cebu, Tacloban and Iloilo; and in five (5) radio and
20 television networks, one each in Lanao del Sur, Cagayan de Oro, Davao
21 City, Cotabato City and Zamboanga City. The publication in the
22 newspapers of local circulation and the announcements over local radio
23 and television networks shall be done in the dominant language of the
24 community.

1 **After the publication required above shall have been done, the**
2 **Act shall take effect two (2) months after the elections are held in May**
3 **2007.**

4 **Thereafter, the provisions of this Act shall be automatically**
5 **suspended one month before and two months after the holding of any**
6 **election.**

Approved,