COMMITTEE REPORT NO.  _34_

Submitted jointly by the Committees on Public Order and Illegal Drugs; Justice and Human Rights; and Finance on _2 OCT 2005_.

Re: S. No. _2137_, prepared jointly by the Committees.

Recommending its approval in substitution of Senate Bill Nos. 735, 831, 871, 1736 and 1768, taking into consideration the Privilege Speech of Senator Lim delivered on March 9, 2005, entitled: “Warrantless Arrest: The Need to Revert to Old Concept in Combating Crimes” and Proposed Senate Resolution No. 184.

Sponsors: Senators Villar, Lacson, Enrile, Ejercito Estrada (J.), Magsaysay Jr., and Lim

MR. PRESIDENT:

The Committees on Public Order and Illegal Drugs; Justice and Human Rights; and Finance to which were referred Senate Bill No. 735, introduced by Senator Villar, entitled:

“AN ACT TO DEFINE AND PENALIZE ACTS OF TERRORISM AND FOR OTHER PURPOSES”;

Senate Bill No. 831, introduced by Senators Lacson and Enrile, entitled:

“THE ANTI-TERRORISM ACT OF 2004”;

Senate Bill No. 871, introduced by Senator Ejercito Estrada (J.), entitled:

“AN ACT TO DEFINE AND PENALIZE ACTS OF TERRORISM AND FOR OTHER PURPOSES”;

Senate Bill No. 1736, introduced by Senator Magsaysay Jr., entitled:

“AN ACT DEFINING THE CRIME OF TERRORISM, AND THE FINANCING, PREPARATION AND FACILITATION OF ACTS OF TERRORISM, PROVIDING PENALTIES THEREFOR AND FOR OTHER PURPOSES”;

...
and Senate Bill No. 1768, introduced by Senator Lim, entitled:

"AN ACT
TO DETER AND PUNISH ACTS OF TERRORISM AND FOR OTHER PURPOSES";

taking into consideration the Privilege Speech of Senator Lim delivered on March 9, 2005, entitled:

"WARRANTLESS ARREST: THE NEED TO REVERT TO OLD CONCEPT IN COMBATTING CRIMES";

and Proposed Senate Resolution No. 184, introduced by Senator Villar, entitled:

"RESOLUTION
DIRECTING THE SENATE COMMITTEE ON PUBLIC ORDER AND ILLEGAL DRUGS TO CONDUCT AN INVESTIGATION, IN AID OF LEGISLATION, INTO THE VALENTINE'S DAY BOMBINGS IN MAKATI, DAVAO CITY AND GENERAL SANTOS CITY, WITH THE END VIEW OF RECOMMENDING POLICY MEASURES TO ENSURE PUBLIC SECURITY IN AREAS OF CONVERGENCE LIKE BUS TERMINALS, AIRPORTS, COMMERCIAL ESTABLISHMENTS AND VITAL INSTALLATIONS NATIONWIDE"

have considered the same and have the honor to report them back to the Senate with the recommendation that the attached bill, Senate Bill No. 2137, prepared jointly by the Committees, entitled:

"AN ACT
TO DETER AND PUNISH ACTS OF TERRORISM AND FOR OTHER PURPOSES"

be approved in substitution of Senate Bill Nos. 735, 831, 871, 1736 and 1768, taking into consideration the Privilege Speech of Senator Lim delivered on March 9, 2005, entitled: "Warrantless Arrest: The Need to Revert to Old Concept in Combatting Crimes" and Proposed Senate Resolution No. 184", with Senators Villar, Lacson, Enrile, Ejercito Estrada (J.), Magsaysay Jr. and Lim as authors.

Respectfully submitted,

Chairmen:

JOKER P. ARROYO
Committee on Justice and Human Rights
Member, Committee on Finance

MANNY VILLAR
Committee on Public Order and Illegal Drugs
Committee on Finance
Member, Committee on Justice and Human Rights
Members:

RALPH G. RECTO
Committee on Public Order and Illegal Drugs
Committee on Finance

RICHARD J. GORDON
Committee on Public Order and Illegal Drugs
Committee on Justice and Human Rights
Committee on Finance

RAMON BONG REVILLA JR.
Committee on Public Order and Illegal Drugs
Committee on Justice and Human Rights
Committee on Finance

MANUEL “LITO” M. LAPID
Committee on Public Order and Illegal Drugs
Committee on Finance

JINGGOY EJERCITO ESTRADA
Committee on Public Order and Illegal Drugs
Committee on Finance

SERGIO OSMEÑA III
Committee on Justice and Human Rights
Committee on Finance

MIRIAM DEFENSOR SANTIAGO
Committee on Finance
RODOLFO G. BIAZON
Committee on Finance

RAMON B. MACAYSA JR.
Committee on Finance

MAR ROXAS
Committee on Finance

EDGARDO J. ANGARA
Committee on Finance

LUISA "LOI" P. EJERCITO ESTRADA
Committee on Finance

Ex - Officio Members:

HUAN M. FLAVIER
President Pro-Tempore

FRANCIS N. RANGILINAN
Majority Leader

AQUILINO Q. PIMENTEL JR.
Minority Leader

Hon. FRANKLIN M. DRILON
President
Senate of the Philippines
Pasay City
SECURITY INFORMATION SHEET

COMMITTEE REPORT NO. 34

Short Title: Filing on: 12 OCT 2005

FILED ON

a) COMMITTEE (s) which reported out the bill(s)/resolution(s)/other matters:

Primary: COMMITTEE ON PUBLIC ORDER AND ILLEGAL DRUGS RECEIVED BY:
Secondary: COMMITTEE ON JUSTICE AND HUMAN RIGHTS AND COMMITTEE ON FINANCE

b) BILL(s) and/or RESOLUTION(s)/OTHER MATTER(s) reported out and taken into consideration:

<table>
<thead>
<tr>
<th>Bill/Resolution/Others</th>
<th>Referred to the Ctte(s) on</th>
<th>Authors</th>
</tr>
</thead>
<tbody>
<tr>
<td>SENATE BILL NO. 735</td>
<td>COMMITTEE ON PUBLIC ORDER AND ILLEGAL DRUGS,</td>
<td>SENATOR MARVIN VILLAR</td>
</tr>
<tr>
<td>SENATE BILL NO. 831</td>
<td>COMMITTEE ON JUSTICE AND HUMAN RIGHTS, SENATOR ALFREDO S. LIM</td>
<td>SENATOR MARVIN VILLAR</td>
</tr>
<tr>
<td>SENATE BILL NO. 871</td>
<td>COMMITTEE ON JUSTICE AND HUMAN RIGHTS, SENATOR ALFREDO S. LIM</td>
<td>SENATOR MARVIN VILLAR</td>
</tr>
<tr>
<td>SENATE BILL NO. 173</td>
<td>COMMITTEE ON FINANCE, SENATOR ALFREDO S. LIM</td>
<td>SENATOR MARVIN VILLAR</td>
</tr>
</tbody>
</table>

Other bill(s)/resolution(s)/other matters of similar subject matter included in this report:

PRIVILEGE SPEECH OF SENATOR ALFREDO S. LIM DELIVERED ON MARCH 9, 2005 EMBATTED:
RECOMMENDED: "WARRANTIES ALLUSION: THE NEED TO REVIVE THE OLD CONCEPT OF CAMPANING COUNCILS" AND PROPOSED SENATE RESOLUTION NO. 1844 BY SENATOR MARVIN VILLAR.

c) ACTION TAKEN by the Committee(s):

<table>
<thead>
<tr>
<th>Primary Committee</th>
<th>Secondary Committee</th>
</tr>
</thead>
<tbody>
<tr>
<td>[✓] Recommending Approval</td>
<td>[]</td>
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<td>[] with amendments</td>
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<td>[] without amendments</td>
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<td>[] in substitution of</td>
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<td>[] in consolidation with</td>
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<td>[] Laid on the Table/Archived</td>
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</table>

d) COMMITTEE MEETINGS/PUBLIC HEARINGS/TWG/OTHERS CONDUCTED:

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Venue</th>
</tr>
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<tbody>
<tr>
<td>APRIL 20, 2005</td>
<td>1:00 A.M.</td>
<td>SEN. RECO ROM, SENATE</td>
</tr>
<tr>
<td>MAY 31, 2005</td>
<td>1:00 P.M.</td>
<td>SEN. RECO ROM, SENATE</td>
</tr>
<tr>
<td>JUNE 7, 2005</td>
<td>1:00 P.M.</td>
<td>SEN. RECO ROM, SENATE</td>
</tr>
</tbody>
</table>

e) Does this Bill/Resolution contain any REVENUE or APPROPRIATION Provision?

YES

If Yes, has it been referred to the Finance or Ways and Means Committee and what where its recommendations:

YES

f) RELATED/COUNTERPART MEASURE from the HOUSE OF REPRESENTATIVES:

<table>
<thead>
<tr>
<th>Bill/Resolution No.(s)</th>
<th>Status in the House</th>
<th>Status in the Senate</th>
</tr>
</thead>
</table>


g) MEMBER(s) without signature in the report; and reason(s):

SENIORS JOSER, ABDOY, RALPH G. RECTO, AND LILIA "LOL" P. ESPERIT GUERRA

- NOT AVAILABLE

h) Additional remarks:


Submitted by: X ERNEST S. NITASAN

Legislative Committee Secretary

Date submitted: OCTOBER 12, 2005
TECHNICAL WORKING GROUP MEETINGS

1ST TWG
August 18, 2005 (Thursday)
9:30 A.M.
Sen. G.T. Pecson Room, Senate of the Philippines

2ND TWG
August 23, 2005 (Tuesday)
1:30 P.M.
Sen. C.M. Recto Room, Senate of the Philippines

3RD TWG
August 24, 2005 (Wednesday)
10:00 A.M.
Sen. G.T. Pecson Room, Senate of the Philippines

4TH TWG
August 26, 2005 (Friday)
9:00 A.M.
PCTC Conference Room, Camp Crame, Q.C.

5TH TWG
September 30, 2005 (Friday)
9:00 A.M.
NICA Conference Room, 7th Floor NIC Bldg., #5 Luna Rd. cor. East Ave., Q.C.

6TH TWG
October 4, 2005 (Tuesday)
1:00 P.M.
Mabini Hall, 4/F Executive Secretary’s Hall, J.P. Laurel St., San Miguel, Manila.

7TH TWG
October 5, 2005 (Wednesday)
10:00 A.M.
Sen. G.T. Pecson Room, Senate of the Philippines

8TH TWG
October 6, 2005 (Thursday)
9:30 A.M.
Office of the Special Envoy on Transnational Crime (OSETC) Conference Room,
PCTC Bldg., Camp Crame, Q.C.

9TH TWG
October 7, 2005 (Friday)
2:00 P.M.
BJMP National Office Meeting Room, BJMP 4/F Juco Bldg., #144 Mindanao Ave.,
Proj. 8, Q.C.
SENATE

S. No. 2137

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

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

AN ACT
TO DETER AND PUNISH ACTS OF TERRORISM AND FOR OTHER
PURPOSES

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

SECTION 1. Short Title. – This Act shall be known as the “Anti-Terrorism Act of

2005.”

SEC. 2. Declaration of Policy. – It is hereby declared the policy of the State to
protect the life, liberty and property of the people against all acts of terrorism and to
strongly condemn terrorism as a crime against humanity and the law of nations. Towards
this end, the State shall adopt adequate, efficient and effective counter measures to fight,
suppress and penalize all acts of terrorism with due regard to and respect for the
fundamental rights and freedoms of the people guaranteed under the Philippine
Constitution.

Further, the State recognizes the borderless and heinous nature of terrorism and
shall encourage and maintain cooperation with all nations in the fight against the same in
accordance with the United Nations resolutions and other international, regional,
multilateral and bilateral agreements or instruments consistent with national interest.
SEC. 3. Terrorism, How Committed. — Terrorism is committed by any person or group of persons, whether natural or juridical, through premeditated, threatened, or actual use of violence, force, coercion, intimidation, or any other means of destruction perpetrated against person/s, property/ies, environment or the government, with the intention of creating or sowing a state of danger, panic, fear or chaos to the general public or a segment thereof by any of the following acts:

1. Causing or threatening to cause death or serious physical or mental harm to a person or group of persons;

2. Depriving or threatening to deprive any person of his/her liberty;

3. Assassinating or kidnapping the officials within the constitutional line of succession, or any internationally protected person in violation of the Convention on the Protection and Punishment of Crimes Against Internationally Protected Persons, including Diplomatic Agents, and other international agreements;

4. Causing or threatening to cause serious risk to the health or safety of the general public or any segment thereof;

5. Causing or threatening to cause substantial damage or wanton destruction or resorting to arson on critical infrastructure or any property, public or private;

6. Causing or threatening to cause serious interference with or serious disruption of an essential service, facility or system, whether public or private, other than a result of lawful advocacy, protest, dissent or stoppage of work;

7. Attacking or threatening to attack the cyberspace, by destroying the actual machinery of the information and communication infrastructure, disrupting the information technology underlying the internet, government or private computer networks or systems, or committing any unlawful act against information and communication systems;
8. Hijacking or threatening to hijack any kind of aircraft, electric or railroad train, passenger bus or other means of mass transportation, or public conveyance, or piracy of ship or sea vessel;

9. Willfully destroying the environment including the natural resources in land, water or air, such as forests or marine and mineral resources, or intentionally causing oil or toxic spillages, or other similar acts of destruction against the environment that threatens ecological security, or natural cultural property;

10. Manufacturing, processing, selling, acquiring, possessing, using, diverting, supplying or transporting chemical, biological, radiological or nuclear agents, or equipment and instruments used in their production, distribution, release or spread that would endanger directly or indirectly the safety of one or more individuals, or to cause mass destruction or great damage to property; or

11. Manufacturing, selling, acquiring, supplying, disposing, using or possessing explosives, bombs, grenades, projectiles, devices or other lethal weapons, or substances or machinery used or intended to be used for the manufacture of explosives in furtherance of, or incident to, or in connection with, an act of terrorism defined herein.

Any person who commits any act of terrorism shall suffer the penalty of life imprisonment and a fine of ten million pesos (Php 10,000,000.00): Provided, that, if an act of terrorism should result in the death of a person, or if committed with the use of uniform, paraphernalia, communication equipment, or other implements peculiar to the armed forces or other law enforcement agencies, or if the offender is a government official or employee or has retired, resigned, dismissed or otherwise separated from the government service, the penalty of death shall be imposed.

SEC. 4. Acts that Facilitate, Contribute to or Promote Terrorism. – It shall be unlawful for any person or group of persons, whether natural or juridical, to knowingly,
willfully and voluntarily facilitate, contribute to or promote terrorism through any of the following acts:

1. Establishing, maintaining or serving as contact or link with any person or group of persons or organization/s who have pursued or are pursuing terrorism;

2. Arranging or assisting in the conduct of a meeting of two (2) or more persons, knowing that the meeting is to support or in furtherance of terrorism;

3. Participating in training and providing training facilities to any person or group of persons, organizations to carry out terrorism;

4. Providing or offering to provide training, skill or expertise in furtherance of terrorism;

5. Recruiting in order to facilitate or commit terrorism;

6. Facilitating the entry or stay in the Philippines of aliens, knowing that the aliens have pursued or are pursuing terrorism;

7. Facilitating, providing, maintaining, soliciting or encouraging financial or material support for the commission of terrorism; or

8. Harboring or concealing any person whom he knows or has reasonable ground to believe, to be the person who carried out any act stated in this Section or who committed or is likely to commit any act of terrorism.

Any person who commits any of the acts stated in this Section shall suffer the penalty of life imprisonment and a fine of ten million pesos (Php 10,000,000.00):

Provided, that, if the act should result in the death of a person, or if such act was committed with the use of firearms or ammunition, or uniform, paraphernalia, communication equipment, or other implements peculiar to the armed forces or other law enforcement agencies, or if the offender is a public officer or employee, the death penalty shall be imposed.
SEC. 5. Conspiracy or Proposal to Commit Terrorism. — There is a conspiracy to commit terrorism when two or more persons come to an agreement to commit any act of terrorism as defined herein and decide to commit it.

There is proposal to commit terrorism when any person who has decided to commit any act of terrorism as defined herein proposes its execution to some other person or persons.

Any person who conspires to commit any act of terrorism shall be punished by imprisonment of not less than ten (10) years to fifteen (15) years and a fine of five million pesos (Php 5,000,000.00).

Any person who proposes the commission of any act of terrorism shall be punished by imprisonment of not less than six (6) years and one (1) day but not more than ten (10) years and a fine of three million pesos (Php3,000,000.00).

Provided, That if the offender is a government official or employee or has retired, resigned, dismissed or otherwise separated from the government service, the maximum penalty and the accessory penalty of perpetual disqualification to hold public office shall be imposed.

SEC. 6. Infidelity in the Custody of Prisoners. — Any public officer who shall have custody of a prisoner under the provisions of this Act and who shall have caused the escape of such prisoner whether through the former's consent or negligence shall suffer the following penalties:

1. Imprisonment of ten (10) years and one (1) day to fifteen (15) years, if a fugitive shall have been sentenced by final judgment to any penalty;

2. Imprisonment of five (5) years and one (1) day to ten (10) years if the fugitive shall not have been finally convicted but only held as a detention prisoner.

SEC. 7. Making False Threats of Acts of Terrorism. — It shall be unlawful for any person to:
1. Communicate or make available by any means, any information which he/she knows or believes to be false to another person with the intention of inducing in him/her any other person a false belief that a terrorist act has been, is being or will be carried out; or

2. Place any article or substance in any place, or dispatch any article or substance by mail or by any other means of sending things from one place to another, with the intention of inducing in another person a false belief that –

   a. The article or substance is likely to explode or ignite and thereby cause personal injury or damage to property; or

   b. The article contains or the substance consists of any dangerous, hazardous, radioactive or harmful substance; any toxic chemical; or any microbial or other biological agent, or toxin, that is likely to cause death, disease or personal injury or damage to property.

For purposes of subsections (1) and (2), a reference to a person inducing in another person a false belief does not require the first-mentioned person to have any particular person in mind as the person in whom he/she intends to induce the false belief.

If the false threat did not result to death, disease, personal injury or damage to property, the penalty of imprisonment from six (6) months to one (1) year and a fine of fifty thousand pesos (Php 50,000.00) shall be imposed.

If the false threat resulted to death, disease, personal injury or damage to property, the penalty of imprisonment from one (1) year and one (1) day to six (6) years and a fine of one hundred thousand pesos (Php 100,000.00) shall be imposed.

SEC. 8. Proscription of an Organization. – For the purpose of this Act and with the observance of due process, the Anti Terrorism Council, upon its own initiative, or upon recommendation of the Secretary of Justice may proscribe a group as a terrorist organization if such organization is characterized by any of the following:
1. Any member or members thereof openly and publicly declares, admits, acknowledges, to have committed any of the acts punishable under this Act;

2. Any member or members thereof have been convicted for the commission of any act of terrorism as defined and described in Sections 3, 4 and 5 of this Act;

3. It is proscribed by the United Nations or international organizations.

Proscriptions shall be published in the government gazette and major newspapers.

Any proscribed organization or member thereof may move for de-proscription or de-listing before the Department of Justice (DOJ), whose decision is appealable to the Court of Appeals.

SEC. 9. Membership in a Terrorist Organization. – Where an organization has been proscribed as a terrorist organization, it shall be unlawful for any person who knowingly, willfully, and by overt acts, affiliates himself, becomes, or remains a member of such activities unless he can prove a lack of personal knowledge of the organization’s activities; or that he has taken any part in the activities of the organization at any time while it was proscribed; or that he took immediate steps to terminate his membership therefrom as soon as practicable after it was proscribed; or that the organization was not declared a terrorist organization at the time he became a member or begun to profess to be a member.

Any person convicted under this Section shall suffer the penalty of imprisonment of not less than six (6) years and one (1) day to not more than twelve (12) years. Provided that, if the offender is a government official or employee, or has retired, resigned, dismissed or otherwise separated from the government service, the maximum penalty and the accessory penalty of perpetual disqualification to hold public office shall be imposed.

SEC. 10. Arrest and Detention. – Any person arrested for violation of this Act, pursuant to Rule 113, Section 5, paragraphs (a) and (b), of the Rules of Court, may be detained for an inquest period of not more than three (3) days following his/her arrest.
The period of detention may be extended beyond three (3) days if the person arrested without a warrant demands for a preliminary investigation and consents to it in writing and in the presence of his or her counsel. He/she shall be entitled to all the rights under Republic Act No. 7438, otherwise known as "An Act Defining Certain Rights of Persons Arrested, Detained, or Under Custodial Investigation."

**SEC. 11. Witness Protection.**—Any person who provides material information, whether testimonial or documentary, necessary for the investigation or prosecution of individuals suspected or accused of committing any of the offense under Sections 3, 4, 5, 6 and 7 herein shall be placed under the Witness Protection Program pursuant to Republic Act No. 6981.

**SEC. 12. Immunity from Prosecution.**—Any person who serves as a witness for the government or provides evidence in a criminal case involving any violation of this Act, or who voluntarily or by virtue of a subpoena ad testificandum or duces tecum, produces, identifies, or gives testimony on, but not limited to, books, papers, documents, tapes containing words, sounds, pictures or images, photos, maps, diagrams, sketches, recordings, disc or any other form of written, recorded, or real evidence, shall be immune from any criminal prosecution, subject to the compliance with the provisions of Presidential Decree No. 1732, otherwise known as "Decree Providing Immunity from Criminal Prosecution to Government Witnesses" and the pertinent provisions of the Rules of Court.

**SEC. 13. Prosecution, Judgment and/or Conviction.**—Any person may be charged with or convicted of acts of terrorism without prejudice to the prosecution of any other act or acts penalized under the Revised Penal Code which are not absorbed in the offense of terrorism.

When there is a variance between the act of terrorism charged in the complaint or information, and that proved or established by the evidence, the accused shall be convicted of the offense proved included in the charge of terrorism if the intent to sow danger, panic, fear or chaos to the general public or a group of persons or particular
persons, or to coerce or intimidate the government to do or to abstain from doing an act
terror or intimidate or coerce the government or the public was not proven during the
trial. No person, however, shall be twice put in jeopardy of punishment for the same
offense.

SEC. 14. Penalty for Officers of Juridical Persons, Alien or Public Officer. — If
the offender is a corporation, association or partnership, the corresponding penalty in this
Act shall be imposed upon its responsible officers, directors or trustees who knowingly
permitted or failed to prevent its commission. If the offender is an alien, he or she shall,
in addition to the penalties herein prescribed, be summarily deported after serving the
sentence. If the offender is a public official or employee, he or she shall, in addition to the
penalties prescribed herein, be barred from holding public office.

SEC. 15. Applicability of Republic Act No. 9160, as amended by Republic Act
No. 9194. — Any act of terrorism and other violations as punished under this Act shall be
considered unlawful activities under Republic Act No. 9160, otherwise known as the

Upon determination that reasonable ground to suspect exists that any monetary
instrument or property is in any way related to terrorism and other violation under this
Act, the Anti-Money Laundering Council (AMLC) may issue a freeze order, which shall
be effective immediately, on the said monetary instrument/s and/or properties for a period
not exceeding ninety (90) days unless extended by the Court of Appeals. Notice to the
purported owner/s that his/their monetary instrument/s and/or properties has/have been
frozen shall be issued simultaneously with the issuance of the freeze order. The purported
owner/s of the monetary instrument/s and/or property shall have three (3) working days
upon receipt of the notice to explain why the freeze order should be lifted. The AMLC
has three (3) working days to resolve the freeze order case from receipt of the purported
owner/s’ explanation.

A freeze order shall stop all movements or transactions of or involving the
monetary instrument/s and property. In cases where checks drawn against a bank account
subject of a freeze order were issued within fifteen (15) days prior to the issuance of the freeze order, the freeze order shall likewise result in the automatic cancellation and stop payment thereof. All movements or transactions, irrespective of the amount involved, occurring within the same period shall be reported to the AMLC.

Provided, that deposits or investments with any banking institutions or non-bank financial institutions may be inquired into or examined without prior court order pursuant to Republic Act No. 9160, as amended: Provided, further, that any person of covered institution knowing that any money, instrument, or property or its proceeds, represents, involves, or relates to terrorism or the furtherance thereof and fails to report the same as suspicious transactions to the AMLC shall be criminally liable pursuant to Section 14 of this Act.

SEC. 16. Communications Assistance for Law Enforcement Agencies. –

1. The provisions of Republic Act No. 4200, otherwise known as the “Anti-Wire Tapping Act” to the contrary notwithstanding, any peace officer may apply ex parte before the executive judge of any Regional Trial Court for an order, extension of such an order, requiring a provider of wire or electronic communication service to provide intercepted communication and call identifying information to law enforcement agencies, or authorizing or approving the installation, use and/or retrieval of surveillance device, in connection with an investigation for any offense punishable under this Act.

2. For purposes of this Act, a surveillance device shall include but not be limited to the following:

a. Data surveillance device or program capable of being used to record or monitor the input of information into, or the output of information from the computer;

b. Listening device capable of being used to overhear, record, monitor or listen to a conversation or words spoken to or by any person in
conversation, but does not include a hearing aid or similar device used by a person with impaired hearing to overcome the impairment and permit that person to hear only sounds ordinarily audible to the human ear;

c. Optical surveillance device capable of being used to record visually or observe an activity, but does not include spectacles, contact lenses, or similar device used by a person with impaired sight to overcome the impairment;

d. Electronic tracking device capable of being used to determine or monitor the location of a person or an object or the status of an object;

e. Pen register capable of recording or decoding electronic or other impulses which identified the numbers dialed or otherwise transmitted on the telephone line to which such device is attached, but such term does not include any device used by a provider or customer of a wire or electronic communication service for billing, or recording as an incident to billing, for communication services provided by such provider or any device used by a provider or customer of a wire communication service for cost accounting or other like purposes in the ordinary course of its business;

f. Trap and trace device capable of capturing the incoming electronic or other impulses which identify the originating number of an instrument or device from which a wire or electronic communication was transmitted; or

g. A device that is a combination of any two or more of the devices referred to in paragraph (1) to (6) of this Section.

3. When the peace officer has certified that the information likely to be obtained by such interception, installation or use is relevant to an ongoing investigation for any offense punishable under this Act, the court shall
issue an ex parte order requiring a provider of wire or electronic
communication service or authorizing the installation, use and/or retrieval
of the devices applied for, for a period not to exceed sixty (60) days.
Such order shall state one or more of the following --

a. the permission to be subjected to surveillance;

b. the use of surveillance device in or on a specified object or class of
   object;

c. the use of surveillance device with respect to the conversations,
   activities, or, location of a specified person or a person whose identity
   is unknown;

d. the order be sealed until otherwise ordered by the court;

e. the person using the line to which the device is to be attached, or the
   company who has been ordered by the court to provide assistance to
   the applicant, not to disclose the existence of the device or the
   existence of the investigation to the listed subscriber, or to any other
   person, unless or until otherwise ordered by the court;

f. the provider of wire or electronic communication service to provide
   intercepted communication and call identifying information to the
   peace officer; or

g. the entry into the premises, and into other specified premises adjoining
   or providing access to the premises, in order to install or retrieve the
   surveillance device.

4. A provider of wire or electronic communication service, landlord,
custodian, or other person shall install or assist in the installation of such
device forthwith on the appropriate line and furnish such peace officer
forthwith all information, facilities, and technical assistance necessary to
accomplish the installation, use and/or retrieval of the device
unobtrusively and with a minimum of interference with the services that
the person so order by the court, accord the party with respect to whom the
installation, use and/or retrieval is to take place, if such assistance is
directed by a court order.

5. Unless otherwise ordered by the court, the information obtained by the
device shall be furnished to the peace officer designated in the court order,
at reasonable intervals during regular business hours for the duration of
the order.

6. Any person who discloses information obtained, gathered or acquired
pursuant to this Section, for the purpose other than that for which it was
authorized, shall suffer the penalty of imprisonment of not less than six (6)
months and one (1) day to not more than six (6) years: Provided that, if the
offender is a government official or employee or has retired, resigned,
dismissed or otherwise separated from the government service, the
maximum penalty and the accessory penalty of perpetual disqualification
to hold public office shall be imposed.

7. A court order shall not be required to authorize the installation, use or
retrieval of surveillance device in any case where a peace officer, in
connection with an investigation for any offense punishable under this
Act, obtains the written consent of a party to the communication to be
monitored or recorded in connection with any offense punishable under
this Act.

8. No cause of action shall lie in any court against any provider of a wire or
electronic communication service, its officers, employees, agents, or other
specified persons providing information, facilities, or assistance in
accordance with the terms of a court order under this Act. A good faith
reliance on a court order under this Act is a complete defense against any
civil or criminal action brought under this Act or any other law.
9. Any communication, written or spoken word, conversation, discussion, information, photos, or data taken, obtained or acquired in violation of this Section shall not be admissible as evidence in any judicial, quasi-judicial, legislative or administrative hearing or investigation.

10. Any person who hinders, obstructs or otherwise prevents the peace officer from performing his duties in Section 21 of this Act shall suffer the penalty of imprisonment of not less than six (6) months and one (1) day to not more than six (6) years: Provided, that, if the offender is a government official or employee or has retired, resigned, dismissed or otherwise separated from the government service, the maximum penalty and the accessory penalty of perpetual disqualification to hold public office shall be imposed.

SEC. 17. Seizure of Vehicle, Vessel, Aircraft, Equipment, or Other Property or Instrument. — Any vehicle, vessel, aircraft, equipment or other property or instrument used in furtherance of, or incident to, or in connection with, any act of terrorism as defined in this Act shall be presumed *prima facie* evidence to have been unlawfully used in furtherance of or incident to or in connection with any act of terrorism as provided in this Act, and shall carry with it the confiscation and forfeiture of thereof, in favor of the government, including but not limited to all the proceeds of the crime, such as money and other assets obtained thereby and the instruments or tools with which it was committed unless they are property of third person not liable for the offense and who does not knowingly authorize, tolerate or consent the use of the same.

SEC. 18. Prosecution of and Jurisdiction Over Cases Involving Acts of Terrorism. — The Regional Trial Courts shall have jurisdiction to try all offenses punishable under this Act.

Any person may be charged with or convicted of any offense punishable under Sections 4, 5, 6 and 7 of this Act without prejudice to the prosecution of any act or acts
penalized under the Revised Penal Code or other special laws provided that such acts or acts are not absorbed in the offense charged.

When there is a variance between the offense charged in the complaint or information, and that proved or established by the evidence, the accused shall be convicted of the offense proved included in the charge of the intent to create or sow a state of danger, panic, fear or chaos to the general public or a segment thereof was not proven during the trial. No person, however, shall be twice out in jeopardy of punishment for the same offense.

**SEC. 19. Non-Applicability of Probation and Plea-Bargaining.** - The provisions of the Probation Law or Presidential Decree No. 968, as amended, shall not be applicable for offenses punishable under this Act. Neither shall the provisions on plea bargaining provided for in the Rules of Court be made applicable to offenses punishable by this Act.

**SEC. 20. Anti-Terrorism Council.** - There is hereby created an Anti-Terrorism Council, hereinafter referred to as the “Council,” which shall serve as the central policy-making, coordinating, supervising and monitoring body of the government on all matters of domestic and international terrorism. The Council shall be under the supervision and control of the President, who shall serve as its chairperson, with the National Security Adviser as its vice-chairperson, and with the following members: Secretary of Justice; Secretary of Foreign Affairs; Secretary of National Defense; Secretary of the Interior and Local Government; Secretary of Transportation and Communications; Director General of the National Intelligence Coordinating Agency; and such other members that may be designated by the President.

The Council shall keep records of its proceedings and decisions, and such records shall be subject to such security classifications as the Council may, in its sound discretion, direct to safeguard the national interest.

The Council shall organize an Anti-Terrorism Command Center, hereinafter referred to as the “Center,” which shall carry out and implement policies of the Council.
The Center shall likewise serve as the secretariat for the Council from the existing government agencies involved on anti-terrorism efforts.

The Council shall, not later than one hundred eighty (180) days after the effectivity of the Implementing Rules and Regulations, formulate and come up with a comprehensive and effective anti-terrorism plan and program to deter and prevent acts of terrorism, to include, among others, exhaustive preparations necessary for the government and the country to cope with all forms of terrorist attacks such as, but not limited to, the use of biological, chemical or nuclear weapons, or other weapons of mass destruction.

SEC. 21. Functions of the Council. – In pursuit of its mandate under Section 19, the council shall have the following functions:

1. Formulate policies, plans and measures, and conduct research and studies in addressing terrorism;

2. Formulate a comprehensive program and establish institutional mechanisms implementing the same;

3. Coordinate and supervise the implementation of policies, plans and measures to prevent and suppress acts of terrorism;

4. Direct and monitor the conduct of anti-terrorism and counter-terrorism measures and post-conflict actions to address the effects of terrorism;

5. Cause or direct the immediate investigation and speedy prosecution of cases involving acts of terrorism and monitor the progress of such cases;

6. Transfer the conduct of investigation of specific cases from one law enforcement agency to another;

7. Establish a comprehensive data-base information systems on anti-terrorism and counter-terrorism operations and post conflict actions;

8. Approve the system of grant of monetary rewards and incentives to informants who are willing to give vital information to build up cases for the prosecution of those who committed acts of terrorism;
9. Recommend the inclusion of vital witnesses under the Witness Protection, Security and Benefits Program;

10. Exercise such other relevant functions as may be assigned by the President.

SEC. 22. Implementing Rules and Regulations. — Within sixty (60) days from the effectivity of this Act, the Anti-Terrorism Council shall promulgate the Implementing Rules and Regulations as may be necessary to ensure the efficient and effective implementation of the provisions of this Act.

SEC. 23. Appropriations. — The amount of Twenty-Five million pesos (PhP 25,000,000.00) is hereby authorized to be appropriated to the Council as initial funding chargeable against the contingent fund of the Office of the President.

Thereafter, the amount needed by the Council to effectively carry out the purpose of this Act shall be included in the annual General Appropriations Act.

SEC. 24. Mutual Assistance and Cooperation between the Philippines and other States or International Organizations. — When a foreign State or International Organization makes a request for assistance concerning any matter related to any act of terrorism, the Council shall take the appropriate action on the matter, provided that such request does not contravene the Constitution or any existing law. Any request of the Philippine government to a foreign State or International Organization shall be coursed through the Council.

SEC. 25. Extra-Territorial Application of this Act. — Except as provided in the treaties and laws of preferential application, the provisions of this Act shall be enforced not only within the Philippine archipelago, including its atmosphere, its interior waters and maritime zone but also outside of its jurisdiction against those who should commit any offense covered by this Act while on a Philippine ship, airship, Philippine embassies and consulates, or other diplomatic premises.
SEC. 26. Suppletory Effect of the Revised Penal Code. — The provisions of the Revised Penal Code and other special laws shall have suppletory effect to the provisions of this Act.

SEC. 27. Separability Clause. — If any provision or portion of this Act or the application thereof to any person or circumstance is declared to be unconstitutional or invalid, the other provisions or portions of this Act, and the application of such provision or section to other persons or circumstances, shall not be affected thereby.

SEC. 28. Amendatory Clause. — Pertinent provisions of Republic Act No. 9160, as amended by Republic Act No. 9194 and Republic Act No. 4200 are hereby amended or modified accordingly.

SEC. 29. Repealing Clause. — All laws, decrees, executive orders, rules or regulations or parts thereof, inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SEC. 30. Effectivity. — This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or at least two (2) newspapers of general circulation.

Approved,