

Republic of the Philippines
HOUSE OF REPRESENTATIVES
QUEZON CITY, METRO MANILA

SEVENTEENTH CONGRESS
FIRST REGULAR SESSION

HOUSE BILL NO. 289

HOUSE OF REPRESENTATIVES

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Introduced by Honorable Michael Odylon L. Romero

EXPLANATORY NOTE

The right to be secure in one's person is not limited to the right against unlawful intrusion into one's home or personal effects. This right also protects one's communication and correspondence, whether spoken, written or electronic.

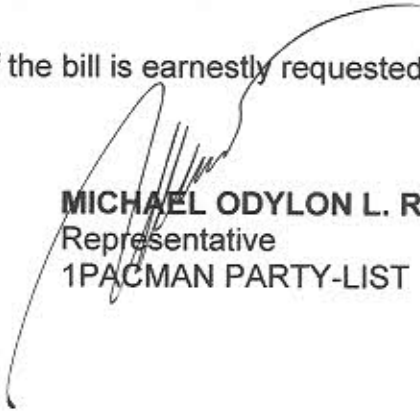
The privacy of communication and correspondence, as mandated by Article 111, Section 3(1) of the 1987 Constitution, is further strengthened with the enactment of Republic Act No. 4200 entitled "An Act to Prohibit and Penalize Wire Tapping and other related Violations of the Privacy of Communication, and for other Purposes" which prohibited and penalized wire-tapping. However, it must be stressed that said law particularly Section 3 thereof provided several exceptions to the prohibitions.

Under said law, wire-tapping is allowed when a peace officer is armed with a court order in cases involving the crimes of treason, espionage, provoking war and disloyalty in case of war, piracy, mutiny in the high seas, rebellion, conspiracy and proposal to commit rebellion, inciting to rebellion, sedition, conspiracy to commit sedition, inciting to sedition, kidnapping and violations of Commonwealth Act No. 616, punishing espionage and other offenses against national security. The Human Security Act of 2007 (RA 9372) also amended RA 4200 by including the crimes of terrorism and conspiracy to commit terrorism in the instances where wiretapping is allowed provided it is accompanied by a written order from the Court of Appeals.

With the following exceptions, wire-tapping though limited in its applications, has been an effective tool by our law enforcement agencies against criminal elements that have wrecked havoc, instability and lack of equanimity in our country to the detriment of many of our peace loving citizens. Unfortunately, there are still certain crimes that are not covered under the said exceptional cases, which endanger the life and welfare of the Filipino people particularly the youth. The present peace and order situation gives testament to this fact and thus, it is imperative for us to revisit RA 4200 so as to further enhance its effectiveness.

In fine, this proposed bill therefore seeks to add the violations of Republic Act 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002 to the list of offenses wherein our law-enforcement officers can, through court order, tap any wire or cable, or by using any other device or arrangement, to secretly overhear, intercept, or record private communication or spoken word in order not to tie the hands of our government and its law enforcement agencies in fulfilling its mandate of protecting life, liberty and property against the malefactors in our society.

Support and early passage of the bill is earnestly requested.



MICHAEL ODYLON L. ROMERO
Representative
1PACMAN PARTY-LIST

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**AN ACT AMENDING SECTION 3 OF REPUBLIC ACT NO. 4200, OTHERWISE
KNOWN AS AN ACT TO PROHIBIT AND PENALIZE WIRE TAPPING OTHER
RELATED VIOLATIONS OF THE PRIVACY OF COMMUNICATION, AND
FORD OTHER PURPOSES**

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

Section 1. The first paragraph of Section 3 of Republic Act No. 4200 is hereby amended to read as follows:

"Section 3. Nothing contained in this Act, however, shall render it unlawful or punishable for any peace officer, who is authorized by a written order of the Court, to execute any of the acts declared to be unlawful in the two preceding sections in cases involving the crimes of treason, espionage, provoking war and disloyalty in case of war, piracy, mutiny in the high seas, rebellion, conspiracy and proposal to commit rebellion, inciting to rebellion, sedition, conspiracy to commit sedition, inciting to sedition, kidnapping as defined by the Revised Penal Code, violations of Commonwealth Act No. 616, punishing espionage and other offenses against national security, and violations of Republic Act No. 9165 or the Comprehensive Dangerous Drugs Act of 2002, and its amendatory laws: *Provided*, That such written order shall only be issued or granted upon written application and the examination under oath or affirmation of the applicant and the witnesses he may produce and a showing: (1) that there are reasonable grounds to believe that any of the crimes enumerated hereinabove has been committed or is being committed or is about to be committed: *Provided, however*, That in cases involving the offenses of rebellion, conspiracy and proposal to commit rebellion, inciting to rebellion, sedition, conspiracy to commit sedition, and inciting to sedition, such authority shall be granted only upon prior proof that a rebellion or acts of sedition, as the case may be, have actually been or are being committed; (2) that there are reasonable grounds to believe that evidence will be obtained essential to the conviction of any person for, or to the solution of, or to the prevention of, any of such crimes; and (3) that there are no other means readily available for obtaining such evidence."

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