AN ACT
EXPANDING THE SCOPE AND COVERAGE OF REPUBLIC ACT
NO. 4200, OTHERWISE KNOWN AS "AN ACT TO PROHIBIT
AND PENALIZE WIRE TAPPING AND OTHER RELATED
VIOLATIONS OF THE PRIVACY OF COMMUNICATION, AND
FOR OTHER PURPOSES"

EXPLANATORY NOTE

The right to be secured 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 it be spoken, written, or electronic.

The privacy of communication and correspondence, as mandated by Article III, Section 3(1) of the 1987 Constitution, is further strengthened with the enactment of Republic Act (RA) 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 prohibits and penalizes the use of any device or arrangement to secretly overhear, intercept, and record any private communication. However, it must be stressed that said law, particularly Section 3 thereof, provides several exceptions to the prohibitions.

Under the 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 among the instances where wire-tapping 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 who have wreaked 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 put not only the lives and property of our people in paramount danger, but also pose a grave threat to our nation’s security. The peace and order situation in the country gives testament to this fact and thus, it is imperative for us to revisit RA 4200 in order to further enhance its effectiveness.

In fine, this proposed bill therefore seeks to add the crimes of coup d'etat, conspiracy and proposal to commit coup d'etat, robbery in band, brigandage/highway robbery, violations of RA 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, and violations of RA 9160 as amended otherwise known as the Anti-Money Laundering Act of 2001 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 to strengthen the measures of the 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.

ROMAN T. ROMULO
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3553

INTRODUCED BY REP. ROMAN T. ROMULO
Lone District, Pasig City

AN ACT
EXPANDING THE SCOPE AND COVERAGE OF REPUBLIC ACT
NO. 4200, OTHERWISE KNOWN AS "AN ACT TO PROHIBIT
AND PENALIZE WIRE TAPPING AND OTHER RELATED
VIOLATIONS OF THE PRIVACY OF COMMUNICATION, AND
FOR OTHER PURPOSES"

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

1 SECTIon 1. Short Title. This Act shall be known as the
2 "Expanded Anti-Wire Tapping Act of 2019."

3 SECTION 2. Section 1 of Republic Act No. 4200, otherwise
4 known as the Anti-Wire Tapping Law is hereby amended to read as
5 follows:

6 "SECTION 1. It shall be unlawful for any person TO SECRETLY
7 WIRETAP, INTERCEPT, OVERHEAR AND LISTEN TO,
8 SCREEN, READ, SURVEIL, RECORD OR COLLECT, WITH
9 THE USE OF ANY MODE, FORM, KIND OR TYPE OF
10 ELECTRONIC, MECHANICAL OR OTHER EQUIPMENT
11 OR DEVICE OR TECHNOLOGY NOW KNOWN OR MAY
12 HEREAFTER BE KNOWN TO SCIENCE OR WITH THE
13 USE OF OTHER SUITABLE WAYS, ARRANGEMENTS OR
14 MEANS FOR THE ABOVE PURPOSES, PRIVATE
15 COMMUNICATIONS, CONVERSATIONS, DISCUSSION/S,
16 DATA, INFORMATION, MESSAGES IN WHATEVER
17 FORM, KIND OR NATURE, SPOKEN OR WRITTEN
TO KNOW THAT THE DESIGN OF SUCH ELECTRONIC, MECHANICAL, OR OTHER EQUIPMENT OR DEVICE OR TECHNOLOGY IS PRIMARILY INTENDED AND USEFUL FOR THE PURPOSES STATED IN SECTION 1 OF THIS ACT SHALL BE ALLOWED ONLY UPON WRITTEN PERMIT OR AUTHORITY FROM THE DEPARTMENT OF INFORMATION AND COMMUNICATIONS TECHNOLOGY (DICT); PROVIDED, THAT, SUCH REQUIREMENT SHALL NOT BE APPLICABLE TO PROCUREMENT UNDER THIS ACT BY THE PHILIPPINE NATIONAL POLICE (PNP), THE PHILIPPINE DRUG ENFORCEMENT AGENCY (PDEA), THE NATIONAL BUREAU OF INVESTIGATION (NBI) AND THE ARMED FORCES OF THE PHILIPPINES (AFP). PROVIDED, FURTHER, THAT, THE SAID AGENCIES MAY PROCURE THE EQUIPMENT ABOVE-MENTIONED EITHER THRU LIMITED SOURCE BIDDING OR DIRECT CONTRACTING AS PROVIDED UNDER REPUBLIC ACT NO. 9184."

SECTION 4. Section 2 thereof shall be deleted and a new Section 2 shall be inserted and which shall read as follows:

["SEC. 2. Any person who willfully or knowingly does or who shall aid, permit, or cause to be done any of the acts declared to be unlawful in the preceding section or who violates the provisions of the following section of any order issued thereunder, or aids, permits, or causes such violation shall, upon conviction thereof, be punished by imprisonment for not less than six months or more than six years and wit the accessory penalty of perpetual absolute disqualification from public office if the offender be a public official at the time of the commission of the offense, and, if the offender is an alien he shall be subject to deportation proceedings."

"SECTION 2. PROHIBITED ACTS. -

(A) ANY PERSON WHO WILFULLY OR KNOWINGLY DOES OR CAUSES TO BE DONE OR WHO SHALL AID,
ABET OR PERMIT, ANY OF THE ACTS DECLARED TO BE UNLAWFUL IN SECTION 1 HEREOF SHALL, UPON CONVICTION, SUFFER THE PENALTY OF IMPRISONMENT OF NOT LESS THAN SIX (6) YEARS BUT NOT MORE THAN TWELVE YEARS (12) AND A FINE OF NOT LESS THAN ONE (1) MILLION PESOS BUT NOT EXCEEDING FIVE (5) MILLION PESOS WITH THE ACCESSORY PENALTY OF PERPETUAL ABSOLUTE DISQUALIFICATION FROM PUBLIC OFFICE IF THE OFFENDER BE A PUBLIC OFFICIAL AT THE TIME OF THE COMMISSION OF THE OFFENSE. IF THE OFFENDER IS AN ALIEN, HE SHALL BE SUBJECT TO DEPORTATION PROCEEDINGS AFTER THE SERVICE OF HIS/HER SENTENCE;

(B) ANY PERSON WHO MANUFACTURES, ASSEMBLES, SELLS, IMPORTS, DISTRIBUTES, OR OTHERWISE DISPOSES ANY MODE, FORM, KIND OR TYPE OF ELECTRONIC, MECHANICAL OR OTHER EQUIPMENT OR DEVICE OR TECHNOLOGY NOW KNOWN OR MAY HEREAFTER BE KNOWN TO SCIENCE KNOWING OR HAVING REASON TO KNOW THAT THE DESIGN OF SUCH ELECTRONIC, MECHANICAL, OR OTHER EQUIPMENT, DEVICE OR TECHNOLOGY IS PRIMARILY INTENDED AND USEFUL FOR THE PURPOSES STATED IN SECTION 1 OF THIS ACT WITHOUT FIRST SECURING THE NECESSARY AUTHORITY OR PERMIT SHALL, UPON CONVICTION, SUFFER THE PENALTY OF IMPRISONMENT OF NOT LESS THAN THREE (3) YEARS BUT NOT MORE THAN SIX (6) YEARS AND A FINE OF NOT LESS THAN FIVE (5) HUNDRED THOUSAND PESOS BUT NOT EXCEEDING TWO (2) MILLION PESOS WITH THE ACCESSORY
PENALTY OF PERPETUAL ABSOLUTE DISQUALIFICATION FROM PUBLIC OFFICE IF THE OFFENDER BE A PUBLIC OFFICIAL AT THE TIME OF THE COMMISSION OF THE OFFENSE. IF THE OFFENDER IS AN ALIEN, HE SHALL BE SUBJECT TO DEPORTATION PROCEEDINGS AFTER THE SERVICE OF HIS/HER SENTENCE.

IN ADDITION TO THE PENALTY IMPOSED HEREIN, THE EQUIPMENT, DEVICE OR TECHNOLOGY TAKEN SHALL BE AUTOMATICALLY FORFEITED IN FAVOR OF THE GOVERNMENT; AND

(C) ANY PERSON WHO, HAVING KNOWLEDGE OR REASON TO KNOW THAT THE DESIGN OF SUCH ELECTRONIC, MECHANICAL, OR OTHER EQUIPMENT, DEVICE OR TECHNOLOGY IS PRIMARILY INTENDED AND USEFUL FOR THE PURPOSES STATED IN SECTION 1 OF THIS ACT, OWNS OR POSSESSES WITHOUT ANY AUTHORITY ANY OF THE ABOVEMENTIONED EQUIPMENT, DEVICE OR TECHNOLOGY, UPON CONVICTION SHALL ALSO SUFFER THE PENALTY AS PROVIDED UNDER SECTION 2(B).

SECTION 5. Section 3 of Republic Act No. 4200 is also hereby amended to read as follows:

"SEC. 3. Nothing contained in this Act, however, shall render it unlawful or punishable for any [peace] LAW ENFORCEMENT OR MILITARY officer, who is authorized by a written order of the Court, to execute any of the APPLICABLE 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, COUP D'ETAT, CONSPIRACY AND PROPOSAL TO COMMIT COUP D'ETAT, sedition, conspiracy to commit sedition, inciting to sedition, kidnapping as defined by the Revised Penal Code, ROBBERY IN BAND AS DEFINED AND PENALIZED BY ARTICLES 294, 295, 296, 299 AND 302 OF THE REVISED PENAL CODE, BRIGANDAGE/HIGHWAY ROBBERY AS DEFINED AND PENALIZED BY ARTICLE 306 OF THE REVISED PENAL CODE AND PRESIDENTIAL DECREE NO. 532, OTHERWISE KNOWN AS THE ANTI-PIRACY AND ANTI-HIGHWAY ROBBERY LAW OF 1974, VIOLATIONS OF REPUBLIC ACT NO. 9165, OTHERWISE KNOWN AS THE COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002, VIOLATIONS OF REPUBLIC ACT NO. 9160, AS AMENDED, OTHERWISE KNOWN AS THE ANTI-MONEY LAUNDERING ACT OF 2001 and violations of the Commonwealth Act No. 616, punishing espionage and other offenses against national security: 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.]

[The order granted or issued shall specify: (1) the identity
of the person or persons whose communications,
conversations, discussions, or spoken words are to be
overheard, intercepted, or recorded and, in the case of
telegraphic or telephonic communications, the telegraph
line or the telephone number involved and its location;
(2) the identity of the peace officer authorized to
overhear, intercept, or record the communications,
conversations, discussions, or spoken words; (3) the
offense or offenses committed or sought to be prevented;
and (4) the period of the authorization. The authorization
shall be effective for the period specified in the order
which shall not exceed sixty (60) days from the date of
issuance of the order, unless extended or renewed by the
court upon being satisfied that such extension or renewal
is in the public interest.]

[All recordings made under court authorization shall,
within forty-eight hours after the expiration of the period
fixed in the order, be deposited with the court in a sealed
envelope or sealed package, and shall be accompanied by
an affidavit of the peace officer granted such authority
stating the number of recordings made, the dates and
times covered by each recording, the number of tapes,
discs, or records included in the deposit, and certifying
that no duplicates or copies of the whole or any part
thereof have been made, or if made, that all such
duplicates or copies are included in the envelope or
package deposited with the court. The envelope or
package so deposited shall not be opened, or the
recordings replayed, or used in evidence, or their
contents revealed, except upon order of the court, which
shall not be granted except upon motion, with due notice
and opportunity to be heard to the person or persons
whose conversation or communications have been
recorded.]

[The court referred to in this section shall be understood
to mean the Court of First Instance within whose
territorial jurisdiction the acts for which authority is
applied for are to be executed.]

SECTION 6. Republic Act No. 4200 is also hereby amended by inserting
Sections 3-A to 3-H, as follows:

"SEC. 3-A. WIRETAPPING, INTERCEPTION,
SURVEILLANCE AND RECORDING OF
COMMUNICATIONS. — THE CHIEF OF THE PNP, THE
PDEA DIRECTOR GENERAL, THE NBI DIRECTOR OR
THE CHIEF OF STAFF OF THE AFP OR THEIR DUTY
AUTHORIZED REPRESENTATIVES MAY SUBMIT EX
PARTÉ APPLICATIONS FOR THE ISSUANCE OF
WRITTEN ORDERS FROM THE REGIONAL TRIAL
COURT, TO SECRETLY WIRETAP, INTERCEPT,
OVERHEAR AND LISTEN TO, SCREEN, READ, SURVEIL,
RECORD AND COLLECT, WITH THE USE OF ANY MODE,
FORM, KIND OR TYPE OF ELECTRONIC, MECHANICAL
OR OTHER EQUIPMENT OR DEVICE OR TECHNOLOGY
NOW KNOWN OR MAY HEREAFTER BE KNOWN TO
SCIENCE OR WITH THE USE OF ANY OTHER SUITABLE
WAYS, ARRANGEMENTS OR MEANS FOR THE ABOVE
PURPOSES, PRIVATE COMMUNICATIONS,
CONVERSATIONS, DISCUSSION/S, DATA,
INFORMATION, MESSAGES IN WHATEVER FORM, KIND
OR NATURE, SPOKEN OR WRITTEN WORDS 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 IN SECTION 3 HAS BEEN COMMITTED OR IS BEING COMMITTED OR IS ABOUT TO BE COMMITTED; (2) THAT THERE ARE REASONABLE GROUNDS TO BELIEVE THAT THE EVIDENCE THAT WILL BE OBTAINED IS 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 EFFECTIVE MEANS READILY AVAILABLE FOR OBTAINING SUCH EVIDENCE.

SEC. 3-B. EFFECTIVITY PERIOD OF JUDICIAL AUTHORIZATION. - ANY ORDER GRANTED BY THE REGIONAL TRIAL COURT SHALL ONLY BE EFFECTIVE FOR THE LENGTH OF TIME SPECIFIED IN THE WRITTEN ORDER, WHICH SHALL NOT EXCEED A PERIOD OF SIXTY (60) DAYS FROM THE DATE OF RECEIPT OF THE WRITTEN ORDER OF THE AUTHORIZING COURT BY THE APPLICANT.

THE AUTHORIZING COURT MAY, UPON APPLICATION, EXTEND OR RENEW THE SAID AUTHORIZATION FOR ANOTHER NON-EXTENDIBLE PERIOD, WHICH SHALL NOT EXCEED THIRTY (30) DAYS FROM THE EXPIRATION OF THE ORIGINAL PERIOD: PROVIDED, THAT THE COURT IS SATISFIED THAT SUCH EXTENSION OR RENEWAL IS IN THE PUBLIC INTEREST.

SEC. 3-C. CLASSIFICATION AND CONTENTS OF THE COURT AUTHORIZATION. – THE WRITTEN APPLICATION TOGETHER WITH SUPPORTING DOCUMENTS SUBMITTED AND WRITTEN ORDER GRANTED BY THE AUTHORIZING COURT SHALL BE
DEEMED AND ARE HEREBY DECLARED AS CLASSIFIED INFORMATION.

THE WRITTEN ORDER OF THE AUTHORIZING COURT SHALL SPECIFY THE FOLLOWING:

(A) THE IDENTITY, SUCH AS NAME AND ADDRESS, IF KNOWN, OF THE PERSON WHOSE PRIVATE COMMUNICATIONS, CONVERSATIONS, DISCUSSION/S, DATA, INFORMATION, MESSAGES IN WHATEVER FORM, KIND OR NATURE, SPOKEN OR WRITTEN WORDS AND/OR THE TELEPHONE NUMBERS, IF KNOWN THAT ARE TO BE SECRETLY WIRETAPPED, INTERCEPTED, OVERHEARD AND LISTENED TO, SCREENED, READ, SURVEILLED,Recorded and Collected and THEIR LOCATIONS;

(B) THE IDENTITY OF THE APPLICANT AUTHORIZED TO SECRETLY WIRETAP, INTERCEPT, OVERHEAR AND LISTEN TO, SCREEN, READ, SURVEIL, RECORD AND COLLECT PRIVATE COMMUNICATIONS, CONVERSATIONS, DISCUSSION/S, DATA, INFORMATION, MESSAGES IN WHATEVER FORM, KIND OR NATURE, SPOKEN OR WRITTEN WORDS;

(C) THE CRIME OR CRIMES COMMITTED, OR IS BEING COMMITTED, OR SOUGHT TO BE PREVENTED;

(D) THE LENGTH OF TIME WITHIN WHICH THE AUTHORIZATION SHALL BE USED OR CARRIED OUT; AND

(E) WHEN APPROPRIATE, THE SPECIFIC ASSISTANCE OR COOPERATION NEEDED FROM THE TELECOMMUNICATIONS OR INTERNET SERVICE PROVIDER.
IN NO CASE SHALL THE IDENTITY OF THE
AUTHORIZED APPLICANT BE DISCLOSED EXCEPT
UPON WRITTEN ORDER OF THE AUTHORIZING COURT
AFTER A DETERMINATION THAT THE PUBLIC
INTEREST IN THE DISCLOSURE OF THE INFORMATION
OUTWEIGHS THE PUBLIC INTEREST IN KEEPING THE
INFORMATION SECRET OR CONFIDENTIAL.

SEC. 3-D. CUSTODY OF INTERCEPTED AND RECORDED
COMMUNICATIONS. - ALL TAPES, DISCS, OTHER
STORAGE DEVICES, RECORDINGS, NOTES,
MEMORANDA, SUMMARIES, EXCERPTS AND ALL
COPIES THEREOF MADE PURSUANT TO THE ORDER OF
THE AUTHORIZING COURT, SHALL, WITHIN FORTY-
EIGHT (48) HOURS AFTER THE EXPIRATION OF THE
PERIOD FIXED IN THE WRITTEN ORDER OR WITHIN
FORTY-EIGHT (48) HOURS AFTER THE EXPIRATION OF
ANY EXTENSION OR RENEWAL GRANTED, BE
DEPOSITED WITH THE AUTHORIZING COURT IN A
SEALED ENVELOPE OR SEALED PACKAGE, AS THE
CASE MAY BE, AND SHALL BE ACCOMPANIED BY AN
AFFIDAVIT OF THE AUTHORIZED APPLICANT.

ANY PERSON WHO, WITHOUT WRITTEN AUTHORITY
FROM THE AUTHORIZING COURT, REMOVES,
CONCEALS, DESTROYS, DISCARDS OR REVEALS ANY
OF THE ABOVE-MENTIONED TAPE, DISC, OTHER
STORAGE DEVICE, RECORDING, NOTE,
MEMORANDUM, SUMMARY, OR EXCERPTS AND ANY
COPY THEREOF, OR ANY INFORMATION THEREON
SHALL, UPON CONVICTION, SUFFER THE PENALTY OF
IMPRISONMENT FOR NOT LESS THAN SIX (6) YEARS
BUT NOT MORE THAN TWELVE YEARS (12) AND A FINE
OF NOT LESS THAN ONE (1) MILLION PESOS BUT NOT
EXCEEDING FIVE (5) MILLION PESOS WITH THE
ACCESSORY PENALTY OF PERPETUAL ABSOLUTE
DISQUALIFICATION FROM PUBLIC OFFICE IF THE
OFFENDER BE A PUBLIC OFFICIAL AT THE TIME OF
THE COMMISSION OF THE OFFENSE.

SEC. 3-E. CONTENTS OF THE AFFIDAVIT. - THE
AFFIDAVIT OF THE AUTHORIZED APPLICANT SHALL
IDENTIFY THE FOLLOWING: (A) ALL TAPES, DISCS,
OTHER STORAGE DEVICES, RECORDINGS, NOTES,
MEMORANDA, SUMMARIES, EXCERPTS AND ALL
COPIES MADE IN CONNECTION THEREWITH; (B) THE
DURATION OF THE JUDICIAL AUTHORIZATION AND
THE DATES AND TIMES COVERED BY EACH OF SUCH
MATERIALS; AND (C) THE NUMBER OF TAPES, DISCS,
OR OTHER STORAGE DEVICES, RECORDINGS, NOTES,
MEMORANDA, SUMMARIES, EXCERPTS AND ALL
COPIES MADE IN CONNECTION THEREWITH THAT
HAVE BEEN INCLUDED IN THE DEPOSIT.

THE AFFIDAVIT SHALL ALSO CERTIFY UNDER OATH
THAT NO DUPLICATES OR COPIES OF THE WHOLE OR
ANY PART OF ANY OF SUCH TAPES, DISCS, OTHER
STORAGE DEVICES, RECORDINGS, NOTES,
MEMORANDA, SUMMARIES, AND EXCERPTS, HAVE
BEEN MADE, OR, IF MADE, THAT ALL SUCH
DUPLICATES AND COPIES ARE INCLUDED IN THE
SEALED ENVELOPE OR SEALED PACKAGE, AS THE
CASE MAY BE, DEPOSITED WITH THE AUTHORIZING
COURT.

SEC. 3-F. DISPOSITION OF DEPOSITED MATERIAL. - THE
SEALED ENVELOPE OR SEALED PACKAGE AND THE
CONTENTS THEREOF, WHICH ARE DEPOSITED WITH
THE AUTHORIZING COURT, SHALL BE DEEMED AND
ARE HEREBY DECLARED CLASSIFIED INFORMATION,
AND THE SEALED ENVELOPE OR SEALED PACKAGE
SHALL NOT BE OPENED AND ITS CONTENTS SHALL
NOT BE DISCLOSED, REVEALED, READ, REPLAYED, OR USED AS EVIDENCE UNLESS AUTHORIZED BY WRITTEN ORDER OF THE AUTHORIZING COURT WHICH SHALL NOT BE GRANTED EXCEPT UPON MOTION, WITH DUE NOTICE AND OPPORTUNITY TO BE HEARD TO THE INDIVIDUAL/S SUBJECT OF THE ABOVE-MENTIONED COURT AUTHORIZATION. PROVIDED, THAT WITHIN NINETY (90) DAYS FROM THE EXPIRATION OF THE ORDER, THE INDIVIDUAL/S WHOSE COMMUNICATIONS HAVE BEEN INTERCEPTED AND/OR RECORDED SHALL BE NOTIFIED OF SUCH FACT, UNLESS DELAY IN NOTIFICATION IS ALLOWED BY A WRITTEN ORDER OF THE AUTHORIZING COURT, UPON A FINDING THAT AN INVESTIGATION IS STILL ONGOING, AND AFTER A DETERMINATION THAT THE PUBLIC INTEREST IN DELAYING NOTIFICATION OUTWEIGHS THE PUBLIC INTEREST IN KEEPING THE INFORMATION SECRET OR CONFIDENTIAL: PROVIDED FURTHER, THAT DELAY IN NOTIFICATION SHALL NOT BE LONGER THAN ONE (1) YEAR.

SEC. 3-G. DESTRUCTION OF DEPOSITED MATERIAL. - AFTER THE LAPSE OF FIVE (5) YEARS FROM THE EXPIRATION OF THE PERIOD FIXED IN THE WRITTEN ORDER, THE AUTHORIZING COURT SHALL ORDER THE DESTRUCTION OF THE DEPOSITED MATERIAL UNLESS IT IS BEING UTILIZED IN AN ONGOING INVESTIGATION OR PROSECUTION, IN WHICH CASE, IT SHALL BE DESTROYED TWO (2) YEARS AFTER THE TERMINATION OF THE INVESTIGATION OR FINALITY OF THE DECISION ON THE CASE.

SEC. 3-H. COMMUNICATIONS ASSISTANCE FOR LAW ENFORCEMENT. - THE AUTHORIZING COURT MAY ORDER ANY TELECOMMUNICATIONS OR INTERNET SERVICE PROVIDER TO ASSIST AND COOPERATE WITH
THE LAW ENFORCEMENT OR MILITARY OFFICERS IN IMPLEMENTING THE ORDER OF THE AUTHORIZING COURT. THE SPECIFIC ASSISTANCE OR COOPERATION NEEDED SHALL BE INDICATED IN THE WRITTEN ORDER AS STATED IN SECTION 3 (C). THE TELECOMMUNICATIONS OR INTERNET SERVICE PROVIDER SHALL TAKE MEASURES TO ENSURE THAT THE PERSON WHOSE PRIVATE COMMUNICATIONS, CONVERSATIONS, DISCUSSION/S, DATA, INFORMATION, MESSAGES IN WHATEVER FORM, KIND OR NATURE, SPOKEN OR WRITTEN WORDS ARE TO BE SECRETLY WIRETAPPED, INTERCEPTED, OVERHEARD AND LISTENED TO, SCREENED, READ, SURVEILLED, RECORDED AND COLLECTED SHALL NEITHER DETECT NOR BE NOTIFIED OF SUCH FACT.

THE RESPONSIBLE PERSON/S OF THE TELECOMMUNICATIONS OR INTERNET SERVICE PROVIDER WHO UNJUSTIFIABLY REFUSE/S TO COMPLY WITH THE ORDER OF THE COURT SHALL BE CITED FOR CONTEMPT AND FINED IN AN AMOUNT NOT LESS THAN ONE (1) MILLION PESOS BUT NOT MORE THAN THREE (3) MILLION PESOS.

NO ADMINISTRATIVE, CRIMINAL OR CIVIL PROCEEDINGS SHALL LIE AGAINST THE EMPLOYEES OR OFFICIALS OF THE TELECOMMUNICATIONS OR INTERNET SERVICE PROVIDER FOR HAVING ASSISTED OR COOPERATED WITH THE LAW ENFORCEMENT OR MILITARY OFFICERS IN THE IMPLEMENTATION OF THE WRITTEN ORDER OF THE COURT."

SECTION 7. Section 4 of Republic Act No. 4200 is hereby amended to read as follows:
"SEC. 4. Any PRIVATE communicationS, CONVERSATIONS, 
DISCUSSION/S, DATA, INFORMATION, MESSAGES IN 
WHATEVER FORM, KIND OR NATURE, or spoken OR 
WRITTEN wordS, or the existence, contents, substance, purport, 
effect, or meaning of the same or any part thereof, or any 
information therein contained, obtained or secured by any person in 
violation of the preceding sections of this Act shall not be admissible 
in evidence in any judicial, quasi-judicial, legislative or 
administrative hearing or investigation. PROVIDED, THAT THE 
USE OF ANY EVIDENCE VALIDLY OBTAINED PURSUANT 
TO SECTIONS 3-A TO 3-H OF THIS ACT IN RELATION TO 
ANY OF THE OFFENSES MENTIONED IN SECTION 3 OF 
THIS ACT SHALL BE ALLOWED. "

SECTION 8. Separability Clause. If any provision of this Act shall be 
declared invalid or unconstitutional, the remaining part or provisions not otherwise 
affected shall remain in force.

SECTION 9. Repealing Clause. Any law, decree, ordinance, 
administrative circulars not consistent with any provision of this Act is hereby 
amended, repealed or modified accordingly.

SECTION 10. Effectivity Clause. This Act shall take effect fifteen (15) 
days after its complete publication in the Official Gazette or in at least two (2) 
newspapers of general circulation.

Approved,