

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1868

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| HOUSE OF REPRESENTATIVES | |
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Introduced by Representative **FERDINAND L. HERNANDEZ**

AN ACT
AUTHORIZING WIRE TAPPING IN CASES INVOLVING VIOLATIONS OF
REPUBLIC ACT NO. 9165, OTHERWISE KNOWN AS THE
"COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002", AMENDING
FOR THE PURPOSE SECTION 3 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"

EXPLANATORY NOTE

Drug trade in the Philippines has reached the point that it became a known convenient transit point for drug dealers because of our geographic location and the absence of laws that will trace the communications regarding the trade. However, an intensified campaign against illegal drugs, its use, sale and distribution has recently taken an active pursuit. Drug raids, apprehensions, buy busts are frequently conducted nowadays. But still, the big wigs, as they are the kings of the trade remain at large. They operate discreetly by communicating through their agents and the trade continues by a mere call or other means of communications. Thus, the need to equip our law enforcers the capability to track down the traces of activities of those involved in the illegal drug trade.

The bill proposes to amend 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". It is aimed to include violations of Republic Act No. 9165 or the Comprehensive Dangerous Drugs Act of 2002 from the list where wire-tapping of communications may be allowed.

With the exception at place, it hoped to clip the trade and arrest, convict and penalize all those involved in the illegal drugs trade.

Passage of this bill is hereby earnestly sought.



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COMMUNICATION, AND FOR OTHER PURPOSES"

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

1 SECTION 1. Section 3 of Republic Act No. 4200, entitled "An Act to
2 Prohibit and Penalize Wire Tapping and Other Related Violations of the
3 Privacy of Communication, and for Other Purposes", is hereby amended to
4 read as follows:

5
6 "SEC. 3. Nothing contained in this Act, however, shall render
7 it unlawful or punishable for any peace officer **AND LAW**
8 **ENFORCER**, who is authorized by a written order of the
9 Court, to execute any of the acts declared to be unlawful in
10 the two preceding sections in cases involving the crimes of
11 treason, espionage, provoking war and disloyalty in case of
12 war, piracy, mutiny in the high seas, rebellion, conspiracy and
13 proposal to commit rebellion, inciting to rebellion, sedition,

1 conspiracy to commit sedition, inciting to sedition, kidnapping
2 as defined by the Revised Penal Code, **VIOLATIONS OF**
3 **REPUBLIC ACT NO. 9165, OTHERWISE KNOWN AS THE**
4 **COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002,**
5 and violations of Commonwealth Act No. 616, punishing
6 espionage and other offenses against national security:
7 *Provided,* That such written order shall only be issued or
8 granted upon written application and the examination under
9 oath or affirmation of the applicant and the witnesses he may
10 produce and a showing: (1) that there are reasonable grounds
11 to believe that any of the crimes enumerated hereinabove has
12 been committed or is being committed or is about to be
13 committed: *Provided, however,* That in cases involving the
14 offenses of rebellion, conspiracy and proposal to commit
15 rebellion, inciting to rebellion, sedition, conspiracy to commit
16 sedition, and inciting to sedition, such authority shall be
17 granted only upon prior proof that a rebellion or acts of
18 sedition, as the case may be, have actually been or are being
19 committed; (2) that there are reasonable grounds to believe
20 that evidence will be obtained essential to the conviction of
21 any person for, or to the solution of, or to the prevention of,
22 any of such crimes; and (3) that there are no other means
23 readily available for obtaining such evidence.

24 " x x x

25 "The court referred to in this section shall be understood
26 to mean the [Court of First Instance] **REGIONAL TRIAL**
27 **COURT** within whose territorial jurisdiction the acts for which
28 authority is applied for are to be executed."
29

30 SEC. 2. If any provision or part hereof is held invalid or
31 unconstitutional, the remainder of the law or the provision not otherwise
32 affected shall remain valid and subsisting.

1 SEC. 3. Section 3 of Republic Act No. 4200 and all other laws,
2 presidential decrees or issuances, executive orders, letters of instruction,
3 administrative orders, rules and regulations contrary to or inconsistent
4 with the provisions of this Act are hereby repealed, modified or amended
5 accordingly.

6
7 SEC. 4. This Act shall take effect fifteen (15) days after its complete
8 publication in at least two (2) newspapers of general circulation.

9
10 *Approved,*