

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City



EIGHTEENTH CONGRESS
First Regular Session

House Bill No. 1949

Introduced by **MAGDALO Party-List Representative**
HON. MANUEL DG. CABOCHAN III

EXPLANATORY NOTE

Article II, Section 5 of the Constitution states that the maintenance of peace and order, the protection of life, liberty, and property, and promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy. However, the maintenance of our peace and order is threatened by prevailing drug problem.

Deficits in equipment, training, and intelligence sharing, impair our efforts against illegal drugs. Not to mention our extensive coastline, most of which is unpatrolled or uninhabited, serves as a gateway of illegal drug trade in the country. Hence, there is a need to provide our law enforcers additional tool to combat the prevalence of illegal drugs in the country.

This bill seeks to amend Section 3 of Republic Act No. 4200 or the Anti-Wiretapping Law which recommends to exempt law enforcement agencies who are conducting illegal drug operations from the realm of RA 4200. Wiretapping has been used to solve major crimes such as terrorism and drug trafficking in the United States. Wiretapping has helped establish the flow of drugs and the structure of syndicates and how they are managed from the source to the market. This measure hopes to establish the involvement of heads of syndicates and their financiers, which is otherwise not disclosed during actual criminal activities, via their recorded conversations.

In view of the foregoing, approval of this measure is earnestly sought.


MANUEL DG. CABOCHAN III
Representative
Magdalo Para sa Pilipino Party-List

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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"

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 Privacy
3 of Communication, and for Other Purposes", is hereby amended to read as
4 follows:

5 "SEC. 3. Nothing contained in this Act, however, shall render it
6 unlawful or punishable for any peace officer **AND LAW ENFORCER**,
7 who is authorized by a written order of the Court, to execute any of the
8 acts declared to be unlawful in the two preceding sections in cases
9 involving the crimes of treason, espionage, provoking war and disloyalty
10 in case of war, piracy, mutiny in the high seas, rebellion, conspiracy and
11 proposal to commit rebellion, inciting to rebellion, sedition, conspiracy to
12 commit sedition, inciting to sedition, kidnapping as defined by the Revised
13 Penal Code, **VIOLATIONS OF REPUBLIC ACT NO. 9165,**
14 **OTHERWISE KNOWN AS THE COMPREHENSIVE**
15 **DANGEROUS DRUGS ACT OF 2002**, and violations of
16 Commonwealth Act No. 616, punishing espionage and other offenses
17 against national security: Provided, That such written order shall only be
18 issued or granted upon written application and the examination under oath

1 or affirmation of the applicant and the witnesses he may produce and a
2 showing: (1) that there are reasonable grounds to believe that any of the
3 crimes enumerated hereinabove has been committed or is being committed
4 or is about to be committed: Provided, however, That in cases involving
5 the offenses of rebellion, conspiracy and proposal to commit rebellion,
6 inciting to rebellion, sedition, conspiracy to commit sedition, and inciting
7 to sedition, such authority shall be granted only upon prior proof that a
8 rebellion or acts of sedition, as the case may be, have actually been or are
9 being committed; (2) that there are reasonable grounds to believe that
10 evidence will be obtained essential to the conviction of any person for, or
11 to the solution of, or to the prevention of, any of such crimes; and (3) that
12 there are no other means readily available for obtaining such evidence.

13 X X X

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

18

19 **SEC. 2.** If any provision or part hereof is held invalid or unconstitutional,
20 the remainder of the law or the provision not otherwise affected shall remain valid
21 and subsisting.

22

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

27

28 **SEC. 4.** This Act shall take effect fifteen (15) days after its publication in
29 the *Official Gazette* or in at least two (2) national newspapers of general
30 circulation.

Approved,