

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2599



Introduced by Representative Ferdinand L. Hernandez

**AN ACT AMENDING CERTAIN SECTION OF REPUBLIC ACT NO. 4200,
OTHERWISE KNOWN AS AN ACT TO PROHIBIT AND PENALIZE
WIRETAPPING AND OTHER RELATED VIOLATIONS OF THE PRIVACY OF
COMMUNICATION, AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

The War on Drugs has already made progress in fighting drug-related crimes over the past few years. However, there are several obstacles hampering our police forces in pursuing drug users, pushers, and syndicates. Specifically, intelligence-gathering has proven to be difficult, and this is being taken advantage of by big-time drug syndicates are able to avoid prosecution due to lack of evidence.

This bill seeks to allow law enforcement agencies to seek judicial authority in order to conduct wiretapping operations against drug syndicates, effectively adding violations of Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, into the list of crimes which fall under the exception to the Anti-Wiretapping Law.

With these reasons, support for this bill is earnestly sought.


FERDINAND L. HERNANDEZ

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

Section 1. Section 3 of the Republic Act 4200 is hereby amended to read as follows:

“Nothing contained in this Act, however, shall render it unlawful or punishable for any peace officer, AND LAW ENFORCER, 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, inciting to sedition, kidnapping as defined by the Revised Penal Code, VIOLATIONS OF REPUBLIC ACT 9165, OTHERWISE KNOWN AS THE COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002, and violations of Commonwealth Act No. 616, punishing espionage and other offenses against national security: Provided, that such written order shall only be issues or granted upon written application and the examination under oath or affirmation of the application 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 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 such crimes; and (3) that there are no other means readily available for obtaining such evidence."

Section 2. All laws inconsistent with the provisions of this Act are hereby repealed or amended accordingly.

Section 3. This Act shall take effect upon fifteen (15) days after its complete publication in the Official Gazette or in at least two (2) newspapers of general circulation, whichever comes earlier.

Approved,