



HOUSE OF REPRESENTATIVES

H. No. 8378

---

BY REPRESENTATIVES BARBERS, ROMERO, BATAOIL, HERNANDEZ (F.),  
ACOP, PINEDA, BAGATSING, ALEJANO, SUANSING (H.), TEVES,  
BLAZON, PADUANO, SARMIENTO (C.), SARMIENTO (E.M.),  
ORTEGA (P.), TINIO, CASTRO (F.L.), BATOCABE, GARIN (S.),  
LANETE, TAMBUNTING, EVARDONE, DEL MAR, CASTELO,  
GARCIA (G.), ESPINO, OAMINAL AND CALIXTO-RUBIANO, PER  
COMMITTEE REPORT NO. 886

---

AN ACT AMENDING 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 1 of Republic Act No. 4200 is hereby  
2 amended to read as follows:

3 "SECTION 1. It shall be unlawful for any person,  
4 not being authorized by [all the parties] ANY PARTY to  
5 any ORAL, WIRE, RADIO, DIGITAL OR ELECTRONIC  
6 private communication [or spoken word], to tap [any  
7 wire or cable, or by using any other device or  
8 arrangement, to secretly overhear.] intercept[,] or

1 record such communication [or spoken word by using a  
2 device commonly known as a dictaphone or dictagraph  
3 or detectaphone or walkie-talkie or tape recorder, or  
4 however otherwise described:] WITH THE USE OF ANY  
5 ELECTRONIC, MECHANICAL, DIGITAL OR ANALOG PHONE  
6 SYSTEM, OR SIMILAR DEVICES.

7 "It shall also be unlawful for any person, be he a  
8 participant or not in the act or acts penalized in the  
9 next preceding sentence, to knowingly possess any tape  
10 record, wire record, disc record, or any other such  
11 record, or copies thereof, of any ORAL, WIRE, RADIO,  
12 DIGITAL OR ELECTRONIC PRIVATE communication  
13 [or spoken word] secured either before or after the  
14 effective date of this Act in the manner prohibited by  
15 this law; or to replay the same for any other person or  
16 persons; or to communicate the contents thereof, either  
17 verbally or in writing, or to furnish transcriptions  
18 thereof, whether complete or partial, to any other  
19 person: *Provided*, That the use of such record or any  
20 copies thereof as evidence in any civil, criminal  
21 investigation or trial of offenses mentioned in Section 3  
22 hereof, shall not be covered by this prohibition."

23 SEC. 2. Section 2 of Republic Act No. 4200 is hereby amended  
24 to read as follows:

25 "SEC. 2. Any person who willfully or knowingly  
26 does or who shall aid, permit, or cause to be done any of  
27 the acts declared to be unlawful in the preceding section

1 or who violates the provisions of the following section or  
2 of any order issued thereunder, or aids, permits, or  
3 causes such violation shall, upon conviction thereof, be  
4 punished by imprisonment for not less than six months  
5 [or more than six years] TO A MAXIMUM OF SIX (6)  
6 YEARS IMPRISONMENT WITHOUT THE BENEFIT OF  
7 PROBATION, and with the accessory penalty of  
8 perpetual absolute disqualification from public office if  
9 the offender be a public official at the time of the  
10 commission of the offense, and, if the offender is an  
11 alien he shall be subject to deportation proceedings  
12 AFTER SERVICE OF SENTENCE."

13 SEC. 3. Section 3 of Republic Act No. 4200 is hereby amended  
14 to read as follows:

15 "SEC. 3. Nothing contained in this Act, however,  
16 shall render it unlawful or punishable for any peace  
17 officer[,] OR LAW ENFORCER who is authorized by a  
18 written order of the Court, to execute any of the acts  
19 declared to be unlawful in the two preceding sections in  
20 cases involving the crimes of treason, espionage,  
21 provoking war and disloyalty in case of war, piracy,  
22 mutiny in the high seas, rebellion, conspiracy and  
23 proposal to commit rebellion, inciting to rebellion, *COUP*  
24 *D'ETAT*, CONSPIRACY AND PROPOSAL TO COMMIT *COUP*  
25 *D'ETAT*, sedition, conspiracy to commit sedition, inciting  
26 to sedition, kidnapping as defined by the Revised Penal  
27 Code, ROBBERY IN BAND AS DEFINED AND PENALIZED

1 BY ARTICLES 294, 295, 296, 299 AND 302 OF THE  
2 REVISED PENAL CODE AND PRESIDENTIAL DECREE  
3 NO. 532, OTHERWISE KNOWN AS THE 'ANTI-PIRACY AND  
4 ANTI-HIGHWAY ROBBERY LAW OF 1974', VIOLATION OF  
5 REPUBLIC ACT NO. 9165, OTHERWISE KNOWN AS THE  
6 'COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002',  
7 AS AMENDED, VIOLATION OF REPUBLIC ACT NO. 3019,  
8 OR THE 'ANTI-GRAFT AND CORRUPT PRACTICES ACT',  
9 SYNDICATED ILLEGAL RECRUITMENT AS DEFINED AND  
10 PUNISHED UNDER REPUBLIC ACT NO. 8042, OR THE  
11 'MIGRANT WORKERS AND OVERSEAS FILIPINOS ACT  
12 OF 1995', AS AMENDED, VIOLATIONS OF REPUBLIC ACT  
13 NO. 9160, OTHERWISE KNOWN AS THE 'ANTI-MONEY  
14 LAUNDERING ACT OF 2001', AS AMENDED, and  
15 violations of Commonwealth Act No. 616, punishing  
16 espionage and other offenses against national security:  
17 *Provided*, That such written order shall only be issued  
18 or granted upon written application and the  
19 examination under oath or affirmation of the applicant  
20 and the witnesses he may produce and a showing:  
21 (1) that there are reasonable grounds to believe that  
22 any of the crimes enumerated hereinabove has been  
23 committed or is being committed or is about to be  
24 committed[: *Provided, however*, That in cases involving  
25 the offenses of rebellion, conspiracy and proposal to  
26 commit rebellion, inciting to rebellion, sedition,  
27 conspiracy to commit sedition, and inciting to sedition,

1 such authority shall be granted only upon prior proof  
2 that a rebellion or acts of sedition, as the case may be,  
3 have actually been or are being committed]; (2) that  
4 there are reasonable grounds to believe that evidence  
5 will be obtained essential to the conviction of any person  
6 for, or to the solution of, or to the prevention of, any of  
7 such crimes; and (3) that there are no other means  
8 readily available for obtaining such evidence.

9 "The order granted or issued shall specify: (1) the  
10 identity of the person or persons whose  
11 communications, conversations, discussions, or spoken  
12 words are to be overheard, intercepted, or recorded  
13 and, in the case of telegraphic or telephonic  
14 communications, the telegraph line or the telephone  
15 number involved and its location; (2) the identity of the  
16 peace officer authorized to overhear, intercept, or record  
17 the communications, conversations, discussions, or  
18 spoken words; (3) the offense or offenses committed or  
19 sought to be prevented; and (4) the period of the  
20 authorization. The authorization [shall be effective for  
21 the period specified in the order which shall not exceed  
22 sixty (60) days from the date of issuance of the order,  
23 unless extended or renewed by the court upon being  
24 satisfied that such extension or renewal is in the public  
25 interest.] MAY BE EXTENDED OR RENEWED FOR  
26 ANOTHER NINETY (90) DAYS FROM THE EXPIRATION OF  
27 THE ORIGINAL PERIOD, SUBJECT TO RENEWAL:

1        *PROVIDED*, THAT THE COURT IS SATISFIED THAT SUCH  
2        EXTENSION OR RENEWAL IS IN THE PUBLIC INTEREST:  
3        *PROVIDED, FURTHER*, THAT THE APPLICATION FOR  
4        EXTENSION OR RENEWAL IS FILED BY THE ORIGINAL  
5        APPLICANT, OR IN CASE OF PHYSICAL OR MENTAL  
6        DISABILITY OR DEATH, A MEMBER OF THE TEAM NAMED  
7        IN THE ORIGINAL ORDER OF THE AUTHORIZATION.

8            "All recordings made under court authorization  
9        shall, within [forty-eight hours] TEN (10) DAYS after the  
10       expiration of the period fixed in the order, be deposited  
11       with the court in a sealed envelope or sealed package,  
12       and shall be accompanied by an affidavit of the peace  
13       officer granted such authority stating the number of  
14       recordings made, the dates and times covered by each  
15       recording, the number of tapes, discs, or records  
16       included in the deposit, and certifying that no  
17       duplicates or copies of the whole or any part thereof  
18       have been made, or if made, that all such duplicates or  
19       copies are included in the envelope or package deposited  
20       with the court. IT SHALL BE UNLAWFUL FOR ANY  
21       PERSON, POLICE OR LAW ENFORCEMENT OFFICIAL TO  
22       OMIT OR EXCLUDE FROM THE AFFIDAVIT ANY ITEM OR  
23       PORTION ABOVEMENTIONED. The envelope or package  
24       so deposited shall not be opened, or the recordings  
25       replayed, or used in evidence, or their contents revealed,  
26       except upon order of the court, which shall not be  
27       granted except upon motion, with due notice and

1 opportunity to be heard to the person or persons whose  
2 conversation or communications have been recorded.

3 "ANY RECORDING AUTHORIZED BY WRITTEN  
4 ORDER OF THE COURT SHALL NOT BE ADMISSIBLE IN  
5 EVIDENCE AGAINST ANY PERSON WHO IS A PARTY TO  
6 THE COMMUNICATION, CONVERSATION, DISCUSSION, OR  
7 SPOKEN WORD WHICH ARE OVERHEARD, INTERCEPTED,  
8 OR RECORDED, IF THE PERSON'S IDENTITY IS NOT  
9 SPECIFIED IN SUCH WRITTEN ORDER AS REQUIRED IN  
10 THE SECOND PARAGRAPH OF THIS SECTION. THE NAME  
11 AND PERSONAL CIRCUMSTANCES OF SUCH PERSON, OR  
12 ANY OTHER INFORMATION WHICH TEND TO ESTABLISH  
13 THE PERSON'S IDENTITY SHALL NOT BE DISCLOSED TO  
14 THE PUBLIC.

15 "ANY PERSON, POLICE OR LAW ENFORCEMENT  
16 OFFICER WHO VIOLATES ANY OF THE ACTS PRESCRIBED  
17 IN THE PRECEDING PARAGRAPHS SHALL SUFFER THE  
18 PENALTY OF NOT LESS THAN SIX (6) MONTHS TO SIX (6)  
19 YEARS OF IMPRISONMENT.

20 "The court referred to in this section shall be  
21 understood to mean the [Court of First Instance]  
22 REGIONAL TRIAL COURT within whose territorial  
23 jurisdiction the acts for which authority is applied for  
24 are to be executed."

25 SEC. 4. A new section to be known as Section 3-A shall be  
26 inserted to read as follows:

27 "SEC. 3-A. IT SHALL LIKEWISE BE UNLAWFUL  
28 FOR PUBLIC TELECOMMUNICATION ENTITIES AND  
29 OTHER SIMILAR ENTERPRISES ENGAGED IN THE

1 BUSINESS OF VOICE AND DATA TRANSMISSION THROUGH  
2 WIRE, RADIO, DIGITAL OR ELECTRONIC MEANS, TO  
3 RETAIN FOR MORE THAN ONE (1) YEAR RECORDS OF  
4 VOICE AND DATA, WHICH ARE NOT THE SUBJECT OF ANY  
5 PENDING CASE, INCLUDING INFORMATION ON THE  
6 IDENTITY OF THE PARTIES, ORIGIN, DESTINATION,  
7 DATE, TIME AND DURATION OF THE COMMUNICATION  
8 UNLESS OTHERWISE ORDERED BY A COURT OF  
9 COMPETENT JURISDICTION FOR PURPOSES ALLOWED  
10 UNDER SECTION 3 OF THIS ACT.

11 "ANY PERSON WHO WILLFULLY OR KNOWINGLY  
12 VIOLATES THE PROHIBITION HEREIN PRESCRIBED OR  
13 WHO AIDS, PERMITS, OR CAUSES SUCH VIOLATION  
14 SHALL, UPON CONVICTION THEREOF, BE PUNISHED BY  
15 IMPRISONMENT OF NOT LESS THAN SIX (6) YEARS BUT  
16 NOT MORE THAN TWELVE (12) YEARS AND A FINE OF  
17 ONE MILLION PESOS (P1,000,000.00), AND WITH THE  
18 ACCESSORY PENALTY OF PERPETUAL ABSOLUTE  
19 DISQUALIFICATION FROM PUBLIC OFFICE IF THE  
20 OFFENDER BE A PUBLIC OFFICIAL AT THE TIME OF THE  
21 COMMISSION OF THE OFFENSE: *PROVIDED*, THAT IF  
22 THE PERSON WHO COMMITS THE VIOLATION IS AN  
23 ALIEN, THE PERSON SHALL BE SUBJECT TO  
24 DEPORTATION PROCEEDINGS AFTER SERVICE OF  
25 SENTENCE."

26 SEC. 5. *Separability Clause.* - Should any provision of this  
27 Act or any part thereof be declared invalid, the other provisions,  
28 insofar as they are separable from the invalid one, shall remain in  
29 full force and effect.



1           SEC. 6. *Repealing Clause.* — All laws, orders, issuances,  
2 rules and regulations or parts thereof inconsistent with this Act are  
3 hereby repealed or modified accordingly.

4           SEC. 7. *Effectivity.* — This Act shall take effect fifteen (15)  
5 days after its publication in the *Official Gazette* or in a newspaper of  
6 general circulation.

Approved,

O