

## COMMONWEALTH ACTS

The following laws were passed by the Second National Assembly, Third Session, and approved by the President of the Philippines. The Session, begun and held at the City of Manila on Monday, January 27, 1941, was also the last session of the National Assembly.

### FOR NATIONAL SECURITY

[COMMONWEALTH ACT No. 616]

#### AN ACT TO PUNISH ESPIONAGE AND OTHER OFFENSES AGAINST THE NATIONAL SECURITY

*Be it enacted by the National Assembly of the Philippines:*

SECTION 1. *Unlawfully obtaining or permitting to be obtained information affecting national defense.*—(a) Whoever, for the purposes of obtaining information respecting the national defense with intent or reason to believe that the information to be obtained is to be used to the injury of the Philippines or of the United States, or to the advantage of any foreign nation, goes upon, enters, flies over, or otherwise obtains information concerning any vessel, aircraft, work of defense, navy yard, naval station, submarine base, coaling station, fort, battery, torpedo station, dockyard, canal, railroad, arsenal, camp, factory, mine, telegraph, telephone, wireless, or signal station, building, office, or other place connected with the national defense, owned or constructed, or in progress of construction by the Philippines or by the United States or under the control of the Philippines or of the United States, or any of its officers or agents, or within the exclusive jurisdiction of the Philippines or of the United States, or any place in which any vessel, aircraft, arms, munitions, or other materials or instruments for the use in time of war are being made, prepared, repaired, or stored, under any contract or agreement with the Philippines or the United States, or with any person on behalf of the Philippines or the United States, or otherwise on behalf of the Philippines or the United States, or any prohibited place within the meaning of section six hereof; or

(b) Whoever, for the purpose aforesaid, and with like intent or reason to believe, copies, takes, makes, or obtains,

or attempts, or induces or aids another to copy, take, make, or obtain, any sketch, photograph, photographic negative, blue print, plan, map, model, instrument, appliance, document, writing, or note of anything connected with the national defense; or

(c) Whoever, for the purpose aforesaid, receives or obtains or agrees or attempts or induces or aids another to receive or obtain from any person, or from any source whatever, any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, map, model, instrument, appliance, or note of anything connected with the national defense, knowing or having reason to believe, at the time he receives or obtains, or agrees or attempts or induces or aids another to receive or obtain it, that it has been or will be obtained, taken, made, or disposed of by any person contrary to the provisions of this Act; or

(d) Whoever, lawfully or unlawfully having possession of, access to, control over, or being intrusted with any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, map, model, instrument, appliance, or note relating to the national defense, willfully communicates or transmits or attempts to communicate or transmit the same to any person not entitled to receive it, or willfully retains the same and fails to deliver it on demand to the officer or employee of the Philippines or of the United States entitled to receive it; or

(e) Whoever, being intrusted with or having lawful possession or control of any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, map, model, note or information, relating to the national defense, through gross negligence permits the same to be removed from its proper place of custody or delivered to anyone in violation of his trust or to be lost, stolen, abstracted, or destroyed, shall be punished by imprisonment for not more than ten years and may, in addition thereto, be fined not more than ten thousand pesos.

SEC. 2. *Unlawful disclosing information affecting national defense.*—(a) Whoever, with the intent or reason to believe that it is to be used to the injury of the Philippines or of the United States or to the advantage of a foreign nation, communicates, delivers, or transmits, or attempts to, or aids or induces another to, communicate, deliver, or transmit to any foreign government, or any faction or party or military or naval force within a foreign country, whether recognized or unrecognized by the Phil-

ippines or by the United States, or to any representative, officer, agent, employee, subject, or citizen thereof, either directly or indirectly, any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, map, model, note, instrument, appliance, or information relating to the national defense, shall be punished by imprisonment for not more than twenty years, if the offense is committed in time of peace, or by death or imprisonment for not more than thirty years, if it is in time of war.

(b) Whoever, in time of war with intent that the same shall be communicated to the enemy, shall collect, record, publish, or communicate, or attempt to elicit any information with respect to the movement, number, description, condition, or disposition of any of the armed forces, ships, aircraft, or war materials of the Philippines or of the United States, or with respect to the plans or conduct, or supposed plans or conduct of any military, naval, or air operations, or with respect to any works or measures undertaken for or connected with, or intended for the fortification or defense of any place, or any other information relating to the public defense, which might be useful to the enemy, shall be punished by death or by imprisonment for not more than thirty years.

SEC. 3. *Disloyal acts or words in time of peace.*—It shall be unlawful for any person, with intent to interfere with, impair, or influence the loyalty, morale, or discipline of the military, naval, or air forces of the Philippines or of the United States: (a) to advise, counsel, urge, or in any manner cause insubordination, disloyalty, mutiny, or refusal of duty by any member of the military, naval, or air forces of the Philippines or of the United States; or (b) to distribute any written or printed matter which advises, counsels, or urges insubordination, disloyalty, mutiny, or refusal of duty by any member of the military, naval, or air forces of the Philippines or of the United States. The violation of this section shall be punished by imprisonment for not more than ten years, or by fine not more than ten thousand pesos, or both.

SEC. 4. *Disloyal acts or words in time of war.*—Whoever, when the Philippines or the United States is at war, shall willfully make or convey false reports or false statements with the intent to interfere with the operation or success of the military, naval, or air forces of the Philippines or of the United States or to promote the success of its enemies shall willfully cause or attempt to cause insubordination, disloyalty, mutiny, or refusal of duty, in the military, naval, or air forces of the Philippines or the

United States, or shall willfully obstruct the recruiting or enlistment service of the Philippines or of the United States, to the injury of the service of the Philippines or of the United States, shall be punished by imprisonment for not more than twenty years, or by a fine of not more than twenty thousand pesos, or both.

SEC. 5. *Conspiracy to violate preceding sections.*—If two or more persons conspire to violate the provisions of sections one, two, three, or four of this Act, and one or more of such persons does any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be punished as in said sections provided in the case of the doing of the act the accomplishment of which is the object of such conspiracy.

SEC. 6. *Harboring or concealing violators of the law.*—Whoever harbors or conceals any person who he knows, or has reasonable ground to believe or suspect, has committed, or is about to commit, an offense under this Act, shall be punished by imprisonment of not more than ten years and may, in addition thereto, be fined not more than ten thousand pesos.

SEC. 7. *Designation of prohibited places by proclamation.*—The President of the Philippines in time of war or in case of national emergency may by proclamation designate any place other than those set forth in subsection (a) of section one hereof in which anything for the use of the army, navy, or air forces are being prepared or constructed or stored as a prohibited place for the purpose of this Act: *Provided*, That he shall determine that information with respect thereto would be prejudicial to the national defense.

SEC. 8. *Photographing, etc., defensive installations regulated; penalties.*—Whenever, in the interests of national defense, the President of the Philippines shall define certain vital military, naval, or air installations or equipment as requiring protection against the general dissemination of information relative thereto, it shall be unlawful to make any photograph, sketch, picture, drawing, map, or graphical representation of such vital military, naval, and air installations or equipment without first obtaining permission of the commanding officer of the military, naval, or air post, camp, or station concerned, or higher authority, and promptly submitting the product obtained to such commanding officer or higher authority for censorship or such other action as he may deem necessary. Any person found guilty of a violation of this section shall be punished by imprisonment for not more than one year, or by a fine of not more than two thousand pesos, or both.

SEC. 9. *Photographing, etc., from aircraft.*—Any person

who uses or permits or procures the use of an aircraft for the purpose of making a photograph, sketch, picture, drawing, map, or graphical representation of vital military, naval, or air installations or equipment, in violation of section eight of this Act, shall be liable to the penalty therein provided.

SEC. 10. *Reproducing, publishing, selling, etc., uncensored copies.*—After the President of the Philippines shall have defined any vital military, naval, or air installation or equipment as being within the category contemplated under section eight of this Act, it shall be unlawful for any person to reproduce, publish, sell, or give away any photograph, sketch, picture, drawing, map, or graphical representation of the vital military, naval, or air installations or equipment so defined, without first obtaining permission of the commanding officer of the military, naval, or air post, camp, or station concerned, or higher authority, unless such photograph, sketch, picture, drawing, map, or graphical representation has clearly indicated thereon that it has been censored by the proper military, naval, or air authority. Any person found guilty of a violation of this section shall be punished as provided in section eight of this Act.

SEC. 11. *Destroying or injuring or attempting to injure or destroy war material in time of war.*—When the Philippines or the United States is at war, whoever, with intent to injure, interfere with, or obstruct the Philippines or the United States or any associate nation in preparing for or carrying on the war, or whoever, with reason to believe that his act may injure, interfere with, or obstruct the Philippines or the United States or any associate nation in preparing for or carrying on the war, or whoever, with reason to believe that his action may injure, interfere with, or obstruct the Philippines or the United States or any associate nation in preparing for or carrying on the war, shall willfully injure or destroy, or shall attempt to so injure or destroy, any war material, war premises, or war utilities, as herein defined, shall be imprisoned not more than thirty years or be fined not more than thirty thousand pesos, or both.

SEC. 12. *Making or causing war material to be made in defective manner.*—When the Philippines or the United States is at war, whoever, with intent to injure, interfere with, or obstruct the Philippines or the United States or any associate nation in preparing for or carrying on the war, or whoever, with reason to believe that his act may injure, interfere with, or obstruct the Philippines or the United States or any associate nation in preparing for or carrying on the war, shall willfully make or cause to be

made in a defective manner, or attempt to make or cause to be made in a defective manner, any war material, as herein defined, or any tool, implement, machine, utensil, or receptacle used or employed in making, producing, manufacturing, or repairing any such war material, as herein defined, shall be imprisoned not more than thirty years or be fined not more than thirty thousand pesos or both.

SEC. 13. *Injuring or destroying national-defense material, premises, or utilities.*—Whoever, with intent to injure, interfere with, or obstruct the national defense of the Philippines or the United States, shall willfully injure or destroy, or shall attempt to so injure or destroy, any national-defense material, national-defense premises, or national-defense utilities, as herein provided, shall be imprisoned not more than ten years or be fined not more than ten thousand pesos, or both.

SEC. 14. *Making or causing to be made in a defective manner, or attempting to make or cause to be made in a defective manner, national-defense material.*—Whoever, with intent to injure, interfere with, or obstruct the national defense of the Philippines or of the United States, shall willfully make or cause to be made in a defective manner, or attempt to make or cause to be made in a defective manner, any national-defense material, as herein defined, or any tool, implement, machine, utensil, or receptacle used or employed in making, producing, manufacturing, or repairing any such national-defense material, as herein defined, shall be imprisoned not more than ten years, or fined not more than ten thousand pesos, or both.

SEC. 15. *Definition of terms.*—The term "aircraft" as used in this Act means any contrivance known or hereafter invented, used, or designed for navigation or flight in the air. The expression "post, camp, or station" as used in this Act shall be interpreted to include naval vessels, military and naval aircraft, and any separate military, naval, or air command.

The words "war or national-defense material" as used herein shall include arms, armament, ammunition, livestock, stores of clothing, food, foodstuffs, or fuel; and shall also include supplies, munitions, and all other articles of whatever description, and any part or ingredient thereof, intended for, adapted to, or suitable for the use of the Philippines or the United States, or any associate nation, in connection with the conduct of war or national defense.

The words "war or national-defense premises," as used

herein, shall include all buildings, grounds, mines, or other places wherein such war or national-defense material is being produced, manufactured, repaired, stored, mined, extracted, distributed, loaded, unloaded, or transported, together with all machinery and appliances therein contained; and all ports, arsenals, navy yards, prisons, camps, or other military, naval, or air stations of the Philippines or the United States or any associate nation.

The words "war or national-defense utilities," as used herein, shall include all railroads, railways, electric lines, roads of whatever description, railroad or railway fixture, canal, lock, dam, wharf, pier, dock, bridge, building, structure, engine, machine, mechanical contrivance, car, vehicle, boat, or aircraft, or any other means of transportation whatsoever, whereon or whereby such war or national-defense material or any troops of the Philippines or of the United States, or of any associate nation, are being or may be transported either within the limits of the Philippines or the United States or upon the high seas; and all dams, reservoirs, aqueducts, water and gas mains, oil or gasoline stations, pipes, structures, and buildings, whereby or in connection with which water, or gas, or oil, or gasoline, or other fluid is being furnished, or may be furnished, to any war or national-defense premises or to the military, naval, or air forces of the Philippines or the United States, or any associate nation, and all electric light and power, steam or pneumatic power, telephone, and telegraph plants, poles, wires, and fixtures and wireless stations, and the buildings connected with the maintenance and operation thereof used to supply water, light, heat, gas, oil, gasoline, fluid, power, or facilities of communication to any war or national-defense premises or to the military, naval, or air forces of the Philippines or of the United States, or any associate nation.

The words "associate nation," as used in this chapter, shall be deemed to mean any nation at war with any nation with which the Philippines or the United States is at war.

The words "foreign government," as used in this Act, shall be deemed to include any government, faction, or body of insurgents within a country with which the Philippines or United States is at peace, which government, faction, or body of insurgents may or may not have been recognized by the Philippines or the United States as a government.

SEC. 16. This Act shall take effect upon its approval.

Approved, June 4, 1941.