

REPUBLIC OF THE PHILIPPINES  
HOUSE OF REPRESENTATIVES  
Quezon City

SEVENTEENTH CONGRESS  
First Regular Session

House Bill No. 4151



---

Introduced by **MAGDALO Party-List Representative**  
**HON. GARY C. ALEJANO**

---

**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 our worsening drug problem.

According to the Dangerous Drugs Board (DDB), the prevalence of drug use in the country increased by 2.3% in 2015 compared in their 2012 figures. According to their 2012 survey, there are 1.3 million drug users in 2012, which increased to 1.76 million in 2015. The current administration identifies the anti-drug campaign as its core policy. In fact, as of mid-September 2016, there have been more than 715,000 surrenderees, 18,000 drug personalities arrested, and over 3,500 deaths both from legitimate police operations and extrajudicial or unexplained killings.

However, deficits in equipment, training, and intelligence sharing, impairs our efforts against illegal drugs. Not to mention our extensive coastline, most of which is unpatrolled or uninhabited, which 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.

  
HON. GARY C. ALEJANO

REPUBLIC OF THE PHILIPPINES  
HOUSE OF REPRESENTATIVES  
Quezon City

SEVENTEENTH CONGRESS  
First Regular Session

House Bill No. 4151

---

Introduced by **MAGDALO Party-List Representative**  
**HON. GARY C. ALEJANO**

---

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

4           "SEC. 3. Nothing contained in this Act, however, shall render it  
5 unlawful or punishable for any peace officer **AND LAW ENFORCER**, who  
6 is authorized by a written order of the Court, to execute any of the acts  
7 declared to be unlawful in the two preceding sections in cases involving the  
8 crimes of treason, espionage, provoking war and disloyalty in case of war,  
9 piracy, mutiny in the high seas, rebellion, conspiracy and proposal to commit  
10 rebellion, inciting to rebellion, sedition, conspiracy to commit sedition,  
11 inciting to sedition, kidnapping as defined by the Revised Penal Code,  
12 **VIOLATIONS OF REPUBLIC ACT NO. 9165, OTHERWISE KNOWN**  
13 **AS THE COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002**, and  
14 violations of Commonwealth Act No. 616, punishing espionage and other  
15 offenses against national security: Provided, That such written order shall only  
16 be issued or granted upon written application and the examination under oath  
17 or affirmation of the applicant and the witnesses he may produce and a  
18 showing: (1) that there are reasonable grounds to believe that any of the  
19 crimes enumerated hereinabove has been committed or is being committed or  
20 is about to be committed: Provided, however, That in cases involving the  
21 offenses of rebellion, conspiracy and proposal to commit rebellion, inciting to  
22 rebellion, sedition, conspiracy to commit sedition, and inciting to sedition,

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

7 X X X

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

12  
13 **SEC. 2.** If any provision or part hereof is held invalid or unconstitutional, the  
14 remainder of the law or the provision not otherwise affected shall remain valid and  
15 subsisting.

16  
17 **SEC. 3.** Section 3 of Republic Act No. 4200 and all other laws, presidential  
18 decrees or issuances, executive orders, letters of instruction, administrative orders,  
19 rules and regulations contrary to or inconsistent with the provisions of this Act are  
20 hereby repealed, modified or amended accordingly.

21  
22 **SEC. 4.** This Act shall take effect fifteen (15) days after its publication in the  
23 *Official Gazette* or in at least two (2) national newspapers of general circulation.

Approved,