

**Republic of the Philippines  
DEPARTMENT OF JUSTICE  
ANTI-TERRORISM COUNCIL**



**The 2020 Implementing Rules and Regulations of  
Republic Act No. 11479,  
otherwise known as The Anti-Terrorism Act of 2020**

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*R. A. F.*  
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## RULE I. PRELIMINARY PROVISIONS

### Rule 1.1. Title

These Rules shall be referred to as the "Implementing Rules and Regulations of Republic Act No. 11479, otherwise known as 'Anti-Terrorism Act of 2020.'"

### Rule 1.2. Definition of terms

As used in these Rules:

- (a) **Act** shall refer to the Republic Act No. 11479, otherwise known as "The Anti-Terrorism Act of 2020" as implemented by these Rules;
  - (b) **AMLC** shall refer to the Anti-Money Laundering Council;
  - (c) **ATC** shall refer to the Anti-Terrorism Council;
  - (d) **BI** shall refer to the Bureau of Immigration;
  - (e) **CHED** shall refer to the Commission on Higher Education;
  - (f) **Critical Infrastructure** shall refer to an asset or system, whether physical or virtual, so essential to the maintenance of vital societal functions or to the delivery of essential public services that the incapacity or destruction of such systems and assets would have a debilitating impact on national defense and security, national economy, public health or safety, the administration of justice, and other functions analogous thereto. It may include, but is not limited to, an asset or system affecting telecommunications, water and energy supply, emergency services, food security, fuel supply, banking and finance, transportation, radio and television, information systems and technology, chemical and nuclear sectors;
  - (g) **Dangerous Substances** shall refer to substances (a) that cause destruction, such as by fire, flood, or explosion; (b) those whose manufacture, production, processing, possession, storage, distribution, transfer, acquisition, use, importation, or exportation is regulated or prohibited by the State in view of their destructive nature such as under Republic Act No. 6969 or the "Toxic Substances and Hazardous and Nuclear Wastes Control Act of 1990" and Republic Act No. 5207 or the "Atomic Energy Regulatory and Liability Act of 1968"; and/or (c) those that endanger a person's life;
  - (h) **Designated Person** shall refer to any individual, group of persons, organizations, or associations designated and/or identified by the United Nations Security Council, another jurisdiction, or supranational jurisdiction as a terrorist, as one who finances terrorism, or as a terrorist organization or group. It shall likewise include any person, organization, association, or group of persons designated under paragraph 3 of Section 25 of the Act.
- For purposes of the Act, the above definition shall be in addition to the definition of designated persons under Section 3(e) of Republic Act No. 10168, otherwise known as the "Terrorism Financing Prevention and Suppression Act of 2012";
- (i) **Entity** shall include juridical person, organization, or association, whether domestic or foreign;

(j) **Extraordinary Rendition** shall refer to the transfer of a person, suspected of being a terrorist or supporter of a terrorist organization, association, or group of persons to a foreign nation for imprisonment and interrogation on behalf of the transferring nation. The extraordinary rendition may be done without framing any formal charges, trial, or approval of the court;

(k) **Hold Departure Order** shall mean an order in writing issued by a court commanding the BI to prevent any attempt by a person, who is accused of committing any of the acts defined and penalized under the provisions of the Act, to depart from the Philippines;

(l) **International Organization** shall mean an organization established by a treaty or other instrument governed by international law and possessing its own international legal personality;

(m) **ISAFP** shall refer to the Intelligence Service of the Armed Forces of the Philippines;

(n) **Law Enforcement Custodial Unit** shall refer to all government agencies or offices primarily responsible for detaining persons suspected of committing any of the acts defined and penalized under Sections 4, 5, 6, 7, 8, 9, 10, 11, and 12 of the Act;

(o) **Material Support** shall refer to any property, whether tangible or intangible, or service, including currency or monetary instruments or financial securities, financial services, lodging, training, expert advice, or assistance, including information related to movement and activities of government forces or to the situation in the surrounding areas that are possible targets and basis for terroristic attack, safe houses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel (one or more individuals who may be or include oneself), and transportation;

(p) **NBI** shall refer to the National Bureau of Investigation;

(q) **NCMF** shall refer to the National Commission on Muslim Filipinos;

(r) **NICA** shall refer to the National Intelligence Coordinating Agency;

(s) **OCD** shall refer to the Office of Civil Defense;

(t) **PNP** shall refer to the Philippine National Police;

(u) **Precautionary Hold Departure Order** shall refer to an order in writing issued *ex parte* by a court, upon a preliminary finding of probable cause and high probability that the respondent will depart from the Philippines to evade arrest and prosecution for any violation of Sections 4, 5, 6, 7, 8, 9, 10, 11, and 12 of the Act, commanding the BI to prevent any attempt by respondent to depart from the Philippines;

(v) **Proliferation of Weapons of Mass Destruction** shall refer to the transfer and export of chemical, biological, radiological, or nuclear weapons, including their means of delivery and related materials;

(w) **Property or funds** shall refer to financial assets, property of every kind, whether tangible or intangible, movable or immovable, however acquired, and legal documents or instruments in any form, including electronic or digital, evidencing title to, or interest in, such funds or other assets, including, but not limited to, bank credits, travelers cheques, bank cheques, money orders, shares, securities, bonds, drafts, or letters of credit, and



any interest, dividends, or other income or value accruing from, or generated by, such funds or other assets;

(x) **Proposal to Commit Terrorism** is committed when a person who has decided to commit any of the crimes defined and penalized under the provisions of this Act proposes its execution to some other person or persons;

(y) **Public Interest** shall refer to the security of the nation and the welfare of the general public and society which warrants recognition, promotion, and protection by the State;

(z) **Recruit** shall refer to any act to encourage other people to join a terrorist individual or organization, association, or group of persons proscribed under Section 26 of the Act, or designated by the UNSC as a terrorist organization, or organized for the purpose of engaging in terrorism;

(aa) **Supranational Jurisdiction** shall refer to an international organization or union in which the power and influence of member states transcend national boundaries or interests to share in decision-making and vote on issues concerning the collective body, e.g., the European Union;

(bb) **Surveillance Activities** shall refer to the act of tracking down, following, or investigating individuals or organizations, or the tapping, listening, intercepting, and recording of messages, conversations, discussions, spoken or written words, including computer and network surveillance, and other communications of individuals engaged in terrorism as defined hereunder;

(cc) **Terrorist Individual** shall refer to any natural person who commits any of the acts defined and penalized under Sections 4, 5, 6, 7, 8, 9, 10, 11, and 12 of the Act;

(dd) **Terrorist Organization, Association or Group of Persons** shall refer to any entity organized for the purpose of engaging in terrorism, or to those proscribed under Section 26 of the Act, or to UNSC-designated terrorist organizations;

(ee) **Training** shall refer to the giving of instruction or teaching designed to impart a specific skill in relation to terrorism as defined in the Act, as opposed to general knowledge;

(ff) **UNSC** shall refer to the United Nations Security Council; and

(gg) **Weapons of Mass Destruction (WMD)** shall refer to chemical, biological, radiological, or nuclear weapons which are capable of a high order of destruction or of causing mass casualties. It excludes the means of transporting or propelling the weapon where such means is a separable and divisible part from the weapon.

## **RULE II. DECLARATION OF POLICY IN THE FIGHT AGAINST TERRORISM**

### **Rule 2.1. Declaration of Policy**

These Rules are promulgated pursuant to the declared policy of the State:

- a. to protect life, liberty, and property from terrorism;
- b. to condemn terrorism as inimical and dangerous to the national security of the country and to the welfare of the people; and
- c. to make any form of terrorism a crime against the Filipino people, against humanity, and against the Law of Nations.

### **Rule 2.2. Implementation of the law**

In the implementation of the policy set forth in the Act, the State shall at all times uphold the basic rights and fundamental liberties of the people as enshrined in the Constitution.

### **Rule 2.3. Comprehensive approach in the fight against terrorism**

The State recognizes that the fight against terrorism requires a comprehensive approach, which comprises political, economic, diplomatic, military, and legal means, duly taking into account the root causes of terrorism but without acknowledging these as justifications for terrorist and/or criminal activities.

Such measures shall include conflict management and post-conflict peacebuilding, addressing the roots of conflict by building state capacity and promoting equitable economic development.

### **Rule 2.4. The Executive branch of the government and its respect for, and protection of, human rights at all times**

Nothing in the Act shall be interpreted as a curtailment, restriction, or diminution of constitutionally recognized powers of the executive branch of the government.

It is to be understood, however, that the exercise of the constitutionally recognized powers of the Executive department of the government shall not prejudice respect for human rights which shall be absolute and protected at all times.

## **RULE III. THE ANTI-TERRORISM COUNCIL AND ITS COMPREHENSIVE APPROACH IN THE FIGHT AGAINST TERRORISM**

### **Rule 3.1. Creation and mandate of the ATC**

The ATC created under the Act shall assume the responsibility for the proper and effective implementation of the policies of the State against terrorism.

The ATC shall formulate and adopt comprehensive, adequate, efficient, and effective plans, programs, or measures in order to prevent, counter, suppress, and/or eradicate the commission of terrorism in the country and to protect the people from such acts.



**Rule 3.2. Members of the ATC**

The members of the ATC are the:

- a. Executive Secretary, who shall be its Chairperson;
- b. National Security Adviser, who shall be its Vice Chairperson;
- c. Secretary of Foreign Affairs;
- d. Secretary of National Defense;
- e. Secretary of the Interior and Local Government;
- f. Secretary of Finance;
- g. Secretary of Justice;
- h. Secretary of Information and Communications Technology; and
- i. Executive Director of the Anti-Money Laundering Council Secretariat.

**Rule 3.3. Support agencies**

The following shall serve as the support agencies for the ATC:

- a. Department of Science and Technology;
- b. Department of Transportation;
- c. Department of Labor and Employment;
- d. Department of Education;
- e. Department of Social Welfare and Development;
- f. Presidential Adviser for Peace, Reunification and Unity;
- g. Bangsamoro Autonomous Region in Muslim Mindanao;
- h. National Bureau of Investigation;
- i. Bureau of Immigration;
- j. Office of Civil Defense;
- k. Intelligence Service of the Armed Forces of the Philippines;
- l. Philippine Center on Transnational Crimes;
- m. Philippine National Police intelligence and investigative elements;
- n. Commission on Higher Education; and
- o. National Commission on Muslim Filipinos.

All members and support agencies of the ATC shall designate permanent and alternate focal persons, with the position of Undersecretary, Assistant Secretary, or Director IV, who shall be responsible in ensuring close coordination between their respective agencies and the other members and support agencies in connection with the proper and timely execution of their respective work and responsibilities.

**Rule 3.4. Functions of the ATC**

In pursuit of its mandate, the ATC shall have the following functions:

- a. formulate and adopt plans, programs, and preventive and counter-measures against terrorists and terrorism in the country;
- b. coordinate all national efforts to suppress and eradicate terrorism in the country and mobilize the entire nation against terrorism;
- c. direct the speedy investigation and prosecution of all persons detained or accused for any crime defined and penalized under the Act;

- d. monitor the progress of the investigation and prosecution of all persons accused and/or detained for any crime defined and penalized under the Act;
- e. establish and maintain comprehensive database information systems on terrorism, terrorist activities, and counterterrorism operations;
- f. enlist the assistance of, and file the appropriate action with, the AMLC to freeze and forfeit the funds, bank deposits, placements, trust accounts, assets and property of whatever kind and nature belonging to (i) a person suspected of or charged with alleged violation of any of the acts defined and penalized under Sections 4, 5, 6, 7, 8, 9, 10, 11, and 12 of the Act, (ii) members of a judicially declared and outlawed terrorist organization or association as provided in Section 26 of the Act, (iii) designated persons defined under Section 3(e) of Republic Act No. 10168, (iv) an individual member of such designated persons, or (v) any individual, organization, association, or group of persons proscribed under Section 26 of the Act;
- g. grant monetary rewards and other incentives to informers who give vital information leading to the apprehension, arrest, detention, prosecution, and conviction of person or persons found guilty for violation of any of the acts defined and penalized under Sections 4, 5, 6, 7, 8, 9, 10, 11, and 12 of the Act; provided that monetary reward shall only be granted to informants after the accused's demurrer to evidence has been denied or the prosecution has rested its case and no such demurrer has been filed;
- h. establish and maintain coordination with and the cooperation and assistance of other states, jurisdictions, international entities, and organizations in preventing and combating international terrorism;
- i. take action on relevant resolutions issued by the UNSC acting under Chapter VII of the UN Charter, and, consistent with the national interest, take action on foreign requests to designate terrorist individuals, associations, organizations, or group of persons;
- j. take measures to prevent the acquisition and proliferation by terrorists of weapons of mass destruction;
- k. lead in the formulation and implementation of a national strategic plan to prevent and combat terrorism;
- l. request the Supreme Court to designate specific divisions of the Court of Appeals or Regional Trial Courts to handle all cases involving the crimes defined and penalized under the Act;
- m. require other government agencies, offices, entities, and all officers and employees and non-government organizations, private entities, and individuals to render assistance to the ATC in the performance of its mandate; and
- n. investigate *motu proprio* or upon complaint any report of abuse, malicious application, or improper implementation by any person of the provisions of the Act.

### **Rule 3.5. Records**

The ATC shall keep all records of its proceedings and decisions. All records of the ATC shall be subject to such security classifications as the ATC may, in its judgment and discretion, decide to adopt to safeguard the safety of the people, the security of the State, and the welfare of the nation.

All previous data based on the proceedings of the ATC under the Human Security Act of 2007, both hard copies and its digital versions, shall be included in the record keeping of the ATC Secretariat.



**Rule 3.6. Secretariat**

The NICA shall be the Secretariat of the ATC. The ATC shall define the powers, duties, and functions of the NICA as Secretariat of the ATC.

**Rule 3.7. The ATC – Program Management Center**

The ATC-Program Management Center (ATC-PMC) is hereby institutionalized as the main coordinating and program management arm of the ATC, with the following functions:

- a. directly assist the ATC in the fulfillment of its mandate and functions;
- b. directly assist the ATC in the administration, control, and supervision of its focus programs;
- c. directly monitor and evaluate the performance of all agencies tasked to implement the policies and directives of the ATC;
- d. act as the coordinator of the ATC in the proper execution of all its directives;
- e. act as the liaison of the ATC with the Joint Congressional Oversight Committee, and in the preparation and submission of the annual report of the ATC; and
- f. perform such other functions as the ATC may direct.

**Rule 3.8. Creation of focus programs of the ATC and their objectives**

In pursuit of its mandate, the ATC shall create focus programs in order to:

- a. prevent and counter terrorism as necessary;
- b. ensure the counterterrorism operational awareness of concerned agencies;
- c. pursue legal and legislative initiatives to counter terrorism;
- d. prevent and stem terrorist financing; and
- e. ensure compliance with international commitments to counterterrorism-related protocols and bilateral and/or multilateral agreements.

**Rule 3.9. Focus programs of the ATC**

The focus programs of the ATC shall include:

- a. *Preventing and countering violent extremism program*

The program shall address the conditions conducive to the spread of terrorism which include, among others:

- i. ethnic, national, and religious discrimination;
- ii. socio-economic disquietment;
- iii. political exclusion;
- iv. dehumanization of victims of terrorism;
- v. lack of good governance; and
- vi. prolonged unresolved conflicts by winning the hearts and minds of the people to prevent them from engaging in violent extremism.

The program shall identify, integrate, and synchronize all government and non-government initiatives and resources to prevent radicalization and violent extremism and to reinforce and expand an after-care program.

b. *Preventing and combating terrorism program*

The program shall focus on denying terrorist groups access to the means to carry out attacks on their targets and on formulating appropriate responses to the desired impact through decisive engagements.

The program shall likewise focus on operational activities to disrupt and combat terrorism activities and attacks such as curtailment, recruitment, propaganda, finance, and logistics, protecting potential targets, exchanging of intelligence information with foreign countries, and arresting suspected terrorists.

The prevention of access by non-state actors/terrorists to weapons of mass destruction through the country's chemical, biological, radiological, and nuclear initiatives is an integral part of this program.

c. *International affairs and capacity building program*

The program shall endeavor to build the State's capacity to prevent and combat terrorism by strengthening the collaborative mechanisms between and among ATC members and support agencies and facilitate cooperation among relevant stakeholders, both local and international, in the battle against terrorism.

d. *Legal affairs program*

The program shall ensure respect for human rights and adherence to the rule of law as the fundamental bases of the fight against terrorism. It shall guarantee compliance with the same as well as with international commitments to counterterrorism-related protocols and bilateral and/or multilateral agreements.

The ATC shall have the authority to identify the lead agency for each program. For the programs of preventing and countering violent extremism and preventing and combating terrorism under paragraphs (a) and (b) of this Rule, the Peace and Order Councils of local government units, the religious sector, the academe, and civil society groups shall be involved and shall be actively consulted. To this end, the peace and order programs of local government units in addressing terrorism in their respective areas should be aligned with the ATC's plans and programs in order to ensure the whole-of-nation approach in combatting terrorism.

**Rule 3.10. Purely executive functions of the ATC**

Nothing in the Act shall be interpreted to empower the ATC to exercise any judicial or quasi-judicial authority.



## **RULE IV. TERRORISM AND TERRORISM-RELATED CRIMES**

### **Rule 4.1. Extraterritorial application of the Act**

Subject to the provisions of any treaty to which the Philippines is a signatory and to any contrary provision of any law of preferential application, the provisions of the Act shall apply to:

- a. a Filipino citizen or national who shall commit any of the acts defined and penalized under Sections 4, 5, 6, 7, 8, 9, 10, 11, and 12 of the Act outside the territorial jurisdiction of the Philippines;
- b. individual persons who, although physically outside the territorial limits of the Philippines, shall commit any of the crimes mentioned in paragraph (a) of this Rule inside the territorial limits of the Philippines;
- c. individual persons who, although physically outside the territorial limits of the Philippines, shall commit any of the crimes mentioned in paragraph (a) of this Rule on board Philippine ship or Philippine airship;
- d. individual persons who shall commit any of the crimes mentioned in paragraph (a) of this Rule within any embassy, consulate, or diplomatic premises belonging to or occupied by the Philippine government in an official capacity;
- e. individual persons who, although physically outside the territorial limits of the Philippines, shall commit any of the crimes mentioned in paragraph (a) of this Rule against Philippine citizens or persons of Philippine descent, where their citizenship or ethnicity was a factor in the commission of the crime; and
- f. individual persons who, although physically outside the territorial limits of the Philippines, shall commit any of the crimes mentioned in paragraph (a) of this Rule directly against the Philippine government.

In the case of an individual who is neither a citizen nor a national of the Philippines who commits any of the crimes mentioned in paragraph (a) of this Rule outside the territorial limits of the Philippines, the Philippines shall exercise jurisdiction only when such individual enters or is inside the territory of the Philippines.

The state where the crime was committed or the state where the individual is a citizen or national with which the Philippines has entered into an extradition treaty or convention, when the relevant treaty or convention remains in force, may request for the extradition of such person. The request for extradition shall be subject to the procedures and requirements set forth under The Philippine Extradition Law insofar as the same is not inconsistent with any of the provisions of the Act.

In the absence of any request for extradition from the state where the crime was committed or the state where the individual is a citizen or national, or in the denial thereof, the ATC shall refer the case to the BI for deportation proceedings or to the DOJ for prosecution in the same manner as if the act of constituting the offense had been committed in the Philippines.

For purposes of this provision, the individual shall be charged before a designated anti-terrorism court having jurisdiction over the principal offices of the DOJ.

#### **Rule 4.2. The crime of terrorism**

Subject to the rule on extraterritorial application, it shall be unlawful for any person to commit terrorism within or outside the Philippines.

Any person found guilty of committing terrorism as defined in Section 4 of the Act shall suffer the penalty of life imprisonment without benefit of parole and the benefits of Republic Act No. 10592, otherwise known as "An Act Amending Articles 29, 94, 97, 98, and 99 of the Revised Penal Code" (more commonly known as the "Expanded Good Conduct Time Allowance [GCTA] Law").

#### **Rule 4.3. Elements of the crime of terrorism**

There is terrorism when the following elements concur:

- a. engagement in any of the following *acts*, regardless of the stage of execution:
  - i. acts intended to cause death or serious bodily injury to any person, or to endanger a person's life;
  - ii. acts intended to cause extensive damage or destruction to a government or public facility, public place, or private property;
  - iii. acts intended to cause extensive interference with, damage, or destruction to critical infrastructure;
  - iv. developing, manufacturing, possessing, acquiring, transporting, supplying, or using weapons or explosives intended to cause a disproportionate amount of damage, or of biological, nuclear, radiological, or chemical weapons; or
  - v. releasing of dangerous substances, or causing fire, floods, or explosions; and
- b. the *purpose* of engagement in any of the acts under paragraph (a) of this Rule, by its nature and context, is to:
  - i. intimidate the general public or a segment thereof;
  - ii. create an atmosphere or spread a message of fear;
  - iii. provoke or influence by intimidation the government or any international organization;
  - iv. seriously destabilize or destroy the fundamental political, economic, or social structures of the country; or
  - v. create a public emergency or seriously undermine public safety.

"Dangerous substances" shall refer to substances that: (a) cause destruction, such as by fire, flood, or explosion; (b) those whose manufacture, production, processing, possession, storage, distribution, transfer, acquisition, use, importation, or exportation is regulated or prohibited by the State, in view of their destructive nature, such as under Republic Act No. 6969 or the "Toxic Substances and Hazardous and Nuclear Wastes Control Act of 1990" and Republic Act No. 5207 or the "Atomic Energy Regulatory and Liability Act of 1968"; and/or (c) those that endanger a person's life.



**Rule 4.4. Acts not considered terrorism**

When not intended to cause death or serious physical harm to a person, to endanger a person's life, or to create a serious risk to public safety, the following activities shall not be considered acts of terrorism:

- a. advocacy;
- b. protest;
- c. dissent;
- d. stoppage of work;
- e. industrial or mass action;
- f. creative, artistic, and cultural expressions; or
- g. other similar exercises of civil and political rights.

If any of the acts enumerated in paragraph (a) to (g) of Rule 4.4, however, are intended to cause death or serious physical harm to a person, to endanger a person's life, or to create a serious risk to public safety, and any of the purposes enumerated in paragraph (b) under Rule 4.3 is proven in the engagement in the said act, the actor/s may be held liable for the crime of terrorism as defined and penalized under Section 4 of the Act. The burden of proving such intent lies with the prosecution arm of the government.

**Rule 4.5. Threat to commit terrorism**

It shall be unlawful for any person to threaten to commit the crime of terrorism as defined in Section 4 of the Act.

There is threat to commit terrorism when an intent to commit terrorism as defined in Section 4 of the Act is communicated by any means to another person or entity under circumstances which indicate the credibility of the threat.

Any such person found guilty therefor shall suffer the penalty of imprisonment of twelve (12) years.

**Rule 4.6. Planning, training, preparing, and facilitating the commission of terrorism**

It shall be unlawful for any person to:

- a. participate in the planning, training, preparation, and facilitation in the commission of terrorism;
- b. possess objects with knowledge or intent that these are to be used in the preparation for the commission of terrorism; or
- c. collect or make documents with knowledge or intent that these are to be used in the preparation for the commission of terrorism.

"Training" shall refer to the giving of instruction or teaching designed to impart a specific skill in relation to terrorism, as defined Section 4 of the Act, as opposed to general knowledge.

Any such person found guilty therefor shall suffer the penalty of life imprisonment without the benefit of parole and the benefits of Republic Act No. 10592.

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**Rule 4.7. Conspiracy to commit terrorism**

It shall be unlawful for any person to conspire to commit terrorism as defined under Section 4 of the Act.

There is conspiracy to commit terrorism when two (2) or more persons come to an agreement concerning the commission of terrorism as defined in Section 4 of the Act and decide to commit the same.

Prosecution for this crime shall not be a bar to prosecution for acts of terrorism defined and penalized under Section 4 of the Act.

Any such person found guilty therefor shall suffer the penalty of life imprisonment without the benefit of parole and the benefits of Republic Act No. 10592.

**Rule 4.8. Proposal to commit terrorism**

It shall be unlawful for any person to propose to commit terrorism as defined in Section 4 of the Act.

There is proposal to commit terrorism when a person who has decided to commit terrorism as defined Section 4 of the Act proposes its execution to some other person or persons.

Prosecution for this crime shall not be a bar to prosecution for acts of terrorism defined and penalized under Section 4 of the Act.

Any such person found guilty therefor shall suffer the penalty of imprisonment of twelve (12) years.

**Rule 4.9. Inciting to commit terrorism**

It shall be unlawful for any person who, without taking any direct part in the commission of terrorism, shall incite others to commit the execution of any of the acts specified as terrorism as defined in Section 4 of the Act.

There is incitement to commit terrorism as defined in Section 4 of the Act when a person who does not take any direct part in the commission of terrorism incites others to the commission of the same in whatever form by means of:

- i. speeches;
- ii. proclamations;
- iii. writings;
- iv. emblems;
- v. banners; or
- vi. other representations;

and the incitement is done under circumstances that show reasonable probability of success in inciting the commission of terrorism.



In determining the existence of reasonable probability that speeches, proclamations, writings, emblems, banners, or other representations would help ensure success in inciting the commission of terrorism, the following shall be considered:

a. *Context*

Analysis of the context should place the speech, proclamations, writings, emblems, banners, or other representations within the social and political context prevalent at the time the same was made and/or disseminated;

b. *Speaker/actor*

The position or status in the society of the speaker or actor should be considered, specifically his or her standing in the context of the audience to whom the speech or act is directed;

c. *Intent*

What is required is advocacy or intent that others commit terrorism, rather than the mere distribution or circulation of material;

d. *Content and form*

Content analysis includes the degree to which the speech or act was provocative and direct, as well as the form, style, or nature of arguments deployed in the speech, or the balance struck between the arguments deployed;

e. *Extent of the speech or act*

This includes such elements as the reach of the speech or act, its public nature, its magnitude, the means of dissemination used and the size of its audience; and

f. *Causation*

Direct causation between the speech or act and the incitement.

Any such person found guilty therefor shall suffer the penalty of imprisonment of twelve (12) years.

**Rule. 4.10. Recruitment to a terrorist organization**

It shall be unlawful for any person to intentionally or knowingly recruit another to participate in, join, commit to, and/or support terrorism or a terrorist individual or any terrorist organization, association, or group of persons:

- a. proscribed under Section 26 of the Act;
- b. designated by the UNSC as a terrorist organization; or
- c. organized for the purpose of engaging in terrorism.

Any such person found guilty therefor shall suffer the penalty of life imprisonment without the benefit of parole and the benefits of Republic Act No. 10592.

**Rule. 4.11. Organizing or facilitating travel for purposes related to the commission of terrorism**

It shall be unlawful for any person to organize or facilitate the travel of individuals to a state other than their state of residence or nationality knowing that such travel is for the purpose of:

- a. recruitment to a terrorist organization;
- b. perpetrating, planning, training, preparing for, or participating in terrorism; or
- c. providing or receiving terrorist training.

The act of facilitating travel for purposes of this Rule includes the act of financing such travel.

Any such person found guilty therefor shall suffer the penalty of life imprisonment without the benefit of parole and the benefits of Republic Act No. 10592.

The act of organizing or facilitating travel for the purposes stated in this Rule may be committed through any of the following means:

- a. recruiting another person to serve in any capacity in or with an armed force in a foreign state, whether the armed force forms part of the armed forces of the government of that foreign state or otherwise;
- b. publishing an advertisement or propaganda for the purpose of recruiting persons to serve in any capacity in or with such an armed force;
- c. publishing an advertisement or propaganda containing any information relating to the place at which or the manner in which persons may make applications to serve or obtain information relating to service in any capacity in or with such armed force or relating to the manner in which persons may travel to a foreign state for the purpose of serving in any capacity in or with such armed force; or
- d. performing any other act with the intention of facilitating or promoting the recruitment of persons to serve in any capacity in or with such armed force.

**Rule 4.12. Membership in a terrorist organization**

It shall be unlawful for any person to voluntarily and knowingly join any organization, association, or group of persons knowing that such organization, association, or group of persons is:

- a. proscribed under Section 26 of the Act;
- b. designated by the UNSC as a terrorist organization; or
- c. organized for the purpose of engaging in terrorism as defined in Section 4 of the Act.

Any such person found guilty therefor shall suffer the penalty of imprisonment of twelve (12) years.



**Rule 4.13. Foreign Terrorist**

It shall be unlawful for:

- a. any person to travel or attempt to travel to a state other than his/her state of residence or nationality, for the purpose of:
  - i. perpetrating, planning, or preparing for, or participating in terrorism; or
  - ii. providing or receiving terrorist training; or
- b. any person residing abroad to come to the Philippines, for the purpose of:
  - i. perpetrating, planning, training, or preparing for, or participating in terrorism; or
  - ii. providing support for or facilitating or receiving terrorist training here or abroad.

Any such person found guilty therefor shall suffer the penalty of life imprisonment without the benefit of parole and the benefits of Republic Act No. 10592.

**Rule 4.14. Providing material support to terrorists**

It shall be unlawful for any person to provide material support to any terrorist individual or terrorist organization, association, or group of persons committing terrorism as defined under Section 4 of the Act, knowing that such individual or organization, association, or group of persons is committing or planning to commit such acts.

"Material support" shall refer to any property, whether tangible or intangible, or service, including:

- a. currency or monetary instruments or financial securities;
- b. financial services;
- c. lodging;
- d. training;
- e. expert advice or assistance, including information related to movement and activities of government forces or to the situation in the surrounding areas that are possible targets and basis for terroristic attack;
- f. safe houses;
- g. false documentation or identification;
- h. communications equipment;
- i. facilities;
- j. weapons;
- k. lethal substances;
- l. explosives;
- m. personnel (one or more individuals who may be or include oneself); and
- n. transportation.

Humanitarian activities undertaken by the International Committee of the Red Cross, the Philippine Red Cross, and other state-recognized impartial humanitarian partners or organizations in conformity with International Humanitarian Law, as determined by the ATC, do not fall within the scope of the crime of providing material support to terrorists penalized under Section 12 of the Act.

The ATC may adopt a mechanism involving relevant government agencies and/or private entities for the purpose of assisting the ATC and submitting recommendations on whether or not an organization is a state-recognized impartial humanitarian partner or organization, as referred to in this Rule.

Any such person found guilty therefor shall be liable as a principal to any and all terrorist activities committed by said individuals or organizations, in addition to other criminal liabilities he/she or they may have incurred in relation thereto.

**Rule. 4.15. Accessory**

It shall be unlawful for any person who, having knowledge of the commission of any of the crimes defined and penalized under Section 4 of the Act but without having participated therein, takes part therein subsequent to its commission:

- a. by profiting himself or assisting the offender to profit by the effects of the crime;
- b. by concealing or destroying the body of the crime, or the effects, or instruments thereof, in order to prevent its discovery; or
- c. by harboring, concealing, or assisting in the escape of the principal or conspirator of the crime.

No person, regardless of relationship or affinity, shall be exempt from liability under Section 14 of the Act.

Any such person found guilty therefor shall be liable as an accessory and shall suffer the penalty of imprisonment of twelve (12) years.

**Rule 4.16. Penalty for public official**

If the offender found guilty of any of the acts defined and penalized under the provisions of the Act is a public official or employee, he/she shall be charged with the administrative offense of grave misconduct and/or disloyalty to the Republic of the Philippines and the Filipino people, and be meted with the penalty of dismissal from service, with the accessory penalties of cancellation of civil service eligibility, forfeiture of retirement benefits, and perpetual absolute disqualification from running for any elective office or holding any public office.



## **RULE V. SURVEILLANCE AND RECORDING OF COMMUNICATIONS**

### **Rule 5.1. Permissible surveillance of suspected persons, interception, and recording of private communications**

Without incurring any criminal liability for the acts defined and penalized under Republic Act No. 4200, or the "Anti-Wire Tapping Law", and upon a written order of the Court of Appeals, a law enforcement agent or military personnel may secretly wiretap, overhear and listen to, intercept, screen, read, surveil, record, or collect any private communications, conversation, discussion/s, data, information, messages in whatever form, kind, or nature, or spoken or written words:

- a. between members of a judicially declared and outlawed terrorist organization, as provided in Section 26 of the Act;
- b. between members of a designated person as defined in Section 3(e) of Republic Act No. 10168; or
- c. any person charged with or suspected of committing any of the crimes defined and penalized under Sections 4, 5, 6, 7, 8, 9, 10, 11, and 12 of the Act.

### **Rule 5.2. Manner of surveillance**

A law enforcement agent or military personnel shall conduct the surveillance provided for under Rule 5.1 in the following manner:

- a. with the use of any mode, form, kind, or type of electronic, mechanical, or other equipment or device or technology now known or may hereafter be known to science; or
- b. with the use of any other suitable ways and means for surveillance purposes.

### **Rule 5.3. Prohibition**

Surveillance, interception, and recording of private communications between lawyers and clients, doctors and patients, and journalists and their sources and confidential business correspondence shall not be authorized.

### **Rule 5.4. Application for an order to compel TSPs and ISPs to produce records**

In addition to the court order from the Court of Appeals provided for under Rule 5.1, the law enforcement agent or military personnel shall also be obligated to file an *ex parte* application with the Court of Appeals for the issuance of an order to compel telecommunications service providers (TSP) and internet service providers (ISP) to produce all relevant customer information and identification records as well as all relevant call and text data records, content, and other cellular or internet metadata of any person suspected of any of the crimes defined and penalized under Sections 4, 5, 6, 7, 8, 9, 10, 11, and 12 of the Act.

The order to compel shall be complied with by the TSPs and ISPs within forty-eight (48) hours from the time it was received.

**Rule 5.5. Notifications to the National Telecommunications Commission**

The law enforcement agent or military personnel shall furnish the National Telecommunications Commission a copy of the following:

- a. the *ex parte* application provided for in Rule 5.4; and
- b. a copy of the order to compel TSPs and ISPs to produce records provided in Rule 5.4 for the purpose of ensuring immediate compliance.

The NTC and the concerned TSPs and ISPs shall treat with utmost confidentiality any information received in the course of complying with this Rule.

**Rule 5.6. Judicial Authorization**

The following are the requirements for the Court of Appeals to issue a written court order to conduct the acts mentioned in Rule 5.1:

- a. an *ex parte* application filed by a law enforcement agent or military personnel who has been duly authorized in writing by the ATC.

The law enforcement or military personnel, office, unit, or team who shall request for ATC authority to apply for a court order shall be designated by the head of their respective agencies or his/her representative.

In cases of extreme and urgent situations where emergency surveillance must be conducted, the *ex parte* application for surveillance shall indicate that it is of extreme urgency, specifying the grounds relied upon for such assessment. In these instances, the application shall include a prayer for the immediate issuance of judicial authorization.

- b. the determination of the court, after an examination under oath or affirmation of the applicant and the witnesses he/she may produce, of the existence of the following:
  - i. probable cause to believe based on personal knowledge of facts or circumstances that any of the crimes defined and penalized under Sections 4, 5, 6, 7, 8, 9, 10, 11, and 12 of the Act has been committed, or is being committed, or is about to be committed; and
  - ii. probable cause to believe based on personal knowledge of facts or circumstances that evidence which is essential to the conviction of any charged or suspected person for, or to the solution or prevention of, any such crimes, will be obtained.



**Rule 5.7. Contents of the order of the court**

The written order of the authorizing division of the Court of Appeals shall specify the following:

- a. identity, such as name and address, if known, of the persons identified in Rule 5.1. If the person/s suspected of committing any of the crimes defined and penalized under Sections 4, 5, 6, 7, 8, 9, 10, 11, and 12 of the Act are not fully known, a statement that such person/s shall be the subject of continuous surveillance;
- b. electronic transmission systems or the telephone numbers to be tracked down, tapped, listened in to, intercepted, and recorded and their locations in the case of radio, electronic, or telephonic (whether wireless or otherwise) communications, messages, conversations, discussions, or spoken or written words;
- c. locations of the said electronic transmission systems or telephone numbers under paragraph (b) of Rule 5.7;
- d. identity of the law enforcement agent or military personnel, including the individual identity of the members of his team, judicially authorized to undertake surveillance activities;
- e. offense/s committed, or being committed, or sought to be prevented; and
- f. length of time within which the authorization shall be used or carried out.

**Rule 5.8. Classification of, and application for, the order of the court**

The written order granted by the authorizing division of the Court of Appeals as well as the application for such order shall be deemed and declared as classified information.

Being classified information, access to the said documents and any information contained in the said documents shall be limited to the applicants, duly authorized personnel of the ATC, the hearing justices, the clerk of court, and duly authorized personnel of the hearing or issuing court.

**Rule 5.9. Effective period of judicial authorization**

Any authorization granted by the Court of Appeals, pursuant to Rule 5.6, shall only be effective for the length of time specified in the written order of the authorizing division of the Court of Appeals which shall not exceed a period of sixty (60) calendar days from the date of receipt of the written order by the applicant law enforcement agent or military personnel.

**Rule 5.10. Extension or renewal of judicial authorization**

The authorizing division of the Court of Appeals may extend or renew the said authorization for a non-extendible period of thirty (30) calendar days from the expiration of the original period upon the determination of the following:

- a. that the issuing court is satisfied that such extension or renewal is in the public interest;
- b. that the *ex parte* application for extension or renewal is filed by the original applicant; and
- c. that the *ex parte* application for extension or renewal was duly authorized in writing by the ATC.

"Public interest" shall refer to the security of the nation and the welfare of the general public and society, which warrants recognition, promotion, and protection by the State.

In case of death or physical disability to file the application for extension or renewal of the original applicant, the one next-in-rank to the original applicant among the members of the team named in the original written order shall file the application.

**Rule 5.11. Period to file before the office of the prosecutor**

The applicant law enforcement agent or military personnel shall have thirty (30) calendar days after the termination of the period granted by the Court of Appeals within which to file the appropriate complaint for any violation of the Act before the appropriate prosecution office or office of the public prosecutor.

**Rule 5.12. Mandatory notice to the court**

After the lapse of the thirty (30)-day period provided for in Rule 5.11, the issuing court shall require the applicant law enforcement agent or military official to inform the court of the fact that an appropriate case for violation of the Act has been filed before the appropriate prosecution office or office of the public prosecutor.

If no case has been filed, such fact shall also be the subject of mandatory notice to the court to be filed within the same period stating the reason for the non-filing.

**Rule 5.13. Custody of recorded communications**

All tapes, discs, other storage devices, recordings, notes, memoranda, summaries, excerpts, and all copies thereof obtained under the judicial authorization granted by the Court of Appeals shall be deposited with the issuing court in a sealed envelope or sealed package, as the case may be.

**Rule 5.14. Period within which to deposit the recorded communications**

The deposit of the recorded communications with the issuing court shall be accomplished within forty-eight (48) hours upon the lapse of the period fixed in the order of grant of authorization or of the period of extension or renewal granted thereafter.



**Rule 5.15. Joint Affidavit of Deposit of Recorded Communications**

The deposit provided for under Rule 5.13 shall be accompanied by a joint affidavit of the applicant law enforcement agent or military personnel and the members of his/her team, stating the following:

- a. number of tapes, discs, and recordings that have been made;
- b. dates and times covered by each of such tapes, discs, and recordings; and
- c. chain of custody or the list of persons who had possession or custody over the tapes, discs, and recordings.

The joint affidavit shall certify under oath that no duplicates or copies of the whole or any part of any of such tapes, discs, other storage devices, recordings, notes, memoranda, summaries, or excerpts have been made, or, if made, that all such duplicates and copies are included in the sealed envelope or sealed package, as the case may be, deposited with the authorizing division of the Court of Appeals.

In case of death or physical disability to execute the required affidavit of the applicant, the one next-in-rank to the applicant among the members of the team named in the written order of the authorizing division of the Court of Appeals shall execute with the members of the team the required affidavit.

**Rule 5.16. Crime of omission or exclusion in the joint affidavit**

It shall be unlawful for any person, law enforcement agent, or military personnel to omit or exclude from the joint affidavit any item or portion thereof mentioned in Rule 5.15.

Any such person found guilty therefor shall suffer the penalty of imprisonment of ten (10) years.

**Rule 5.17. Crime in the custody of recorded communications**

It shall be unlawful for any person, law enforcement agent or military personnel, or any custodian of the tapes, discs, other storage devices recordings, notes, memoranda, summaries, excerpts and all copies thereof to remove, delete, expunge, incinerate, shred, or destroy in any manner the items enumerated in Section 20 of the Act in whole or in part under any pretext whatsoever.

Any such person found guilty therefor shall suffer the penalty of imprisonment of ten (10) years.

**Rule 5.18. Classification of the deposited materials**

The sealed envelope or sealed package and the contents thereof referred to in Section 20 of the Act shall be deemed and declared classified information from the moment of collection by the law enforcement agent or military personnel.

The deposited material shall remain in the custody of the court subject to its proper disposition pursuant to the court's applicable internal rules.

**Rule 5.19. Prohibition to open or disclose deposited materials; exception**

The sealed envelope or sealed package shall not be opened, and the contents thereof shall not be disclosed or used as evidence, unless authorized by a written order of the authorizing division of the Court of Appeals upon a written application to open, reveal, divulge, and use the contents of the sealed envelope or sealed package as evidence by the DOJ.

The application, which shall be duly authorized in writing by the ATC, shall clearly state the purpose or reason for the opening, replaying, or disclosure or for the use of the deposited material as evidence.

Prior notice in writing shall be furnished to the person whose conversation, communication, message, discussion, or spoken or written words have been the subject of surveillance, monitoring, recording, and interception.

Any person who violates this Rule shall be penalized by imprisonment of ten (10) years.

**Rule 5.20. Crime of unauthorized opening or disclosing of deposited material**

It shall be unlawful for any person to open, disclose, or use as evidence the sealed envelope or sealed package referred to in Section 22 of the Act without the authority granted by the authorizing division of the Court of Appeals.

Any such person found guilty therefor shall be penalized by imprisonment of ten (10) years.

**Rule 5.21. Evidentiary value of deposited materials**

Any listened to, intercepted, and recorded communications, messages, conversations, discussions, or spoken or written words, or any part or parts thereof, or any information or fact contained therein, including their existence, content, substance, purport, effect, or meaning, which have been secured in violation of the pertinent provisions of the Act, shall be inadmissible and cannot be used as evidence against anybody in any judicial, quasi-judicial, legislative, or administrative investigation, inquiry, proceeding, or hearing.

Such evidence may, however, be admissible in an action against the erring law enforcement agent or military personnel, but only for the purpose of proving the unauthorized surveillance activities.

**Rule 5.22. Crime of unauthorized or malicious interceptions and/or recordings**

It shall be unlawful for any law enforcement agent or military personnel to conduct surveillance activities without a valid judicial authorization pursuant to Section 17 of the Act.

Any such person found guilty therefor shall suffer the penalty of imprisonment of ten (10) years.



**Rule 5.23. Remedy of the aggrieved party**

The aggrieved party in the crime of unauthorized or malicious interceptions and/or recordings shall be furnished with all information that have been maliciously procured so he or she may avail of the remedies provided by law.

**Rule 5.24. Remedy in surveillance without legal ground**

Any person who suspects that his communications are unlawfully being intercepted or kept without legal grounds has the right to file a petition for writ of habeas data in accordance with the Supreme Court's "Rule on the Writ of Habeas Data" (A.M. No. 08-1-16-SC, 22 January 2008).

**Rule 5.25. Compliance with the Data Privacy Act**

The processing of personal data for the purpose of surveillance, interception, or recording of communications shall comply with Republic Act No. 10173, or the "Data Privacy Act of 2012," including adherence to the principles of transparency, proportionality, and legitimate purpose.

**RULE VI. DESIGNATION OF TERRORIST INDIVIDUAL, GROUPS OF PERSONS, ORGANIZATIONS, OR ASSOCIATIONS****Rule 6.1. Designation pursuant to the automatic adoption of the UN Security Council List**

Pursuant to the obligations of the Philippine Government under UNSC Resolution No. 1373, the ATC shall, by way of a resolution, automatically adopt the UNSC Consolidated List of individuals, group of persons, organizations, or associations who are designated and/or identified as:

- a. a terrorist;
- b. one who finances terrorism; or
- c. a terrorist organization or group.

The UNSC Consolidated List shall refer to the list periodically updated and published by the UNSC on terrorism and terrorism financing, which includes all individuals and entities subject to measures imposed by the UNSC. In initiating the process of automatic adoption by the ATC, priority shall be given to the terrorism-related Sanctions Lists pertaining to, among others, the ISIL (Da'esh) and Al-Qaida and Taliban.

**Rule 6.2. Designation pursuant to requests from foreign jurisdictions and supranational jurisdictions**

The ATC may, upon a finding of probable cause that the proposed designee meets the criteria for designation under UNSC Resolution No. 1373, adopt a request for designation by other foreign jurisdictions or supranational jurisdictions.

Among the criteria for designation under this Rule shall be:

- a. that an individual, groups of persons, organizations or association, whether domestic or foreign, commits or attempts to commit, or conspire in the commission of any of the acts defined and penalized under Sections 4, 5, 6, 7, 8, 9, 10, 11, and 12 of the Act;
- b. that an entity is owned or controlled directly or indirectly by such person/s; or
- c. that a person or entity is acting on behalf of, or at the direction of, the individual, groups of persons, organization, or association described in paragraph (a) above.

All requests for designation made by a foreign jurisdiction or supranational jurisdiction shall be coursed through the DFA. The DFA shall, in turn, refer said requests to the ATC. Any requests referred to any member of the ATC shall be immediately referred to the ATC-Secretariat.

Action on the request shall be communicated to the requesting jurisdiction or supranational jurisdiction in the same manner and through the same channels as it was received.

**Rule 6.3. Domestic designation by the ATC through a determination of probable cause**

Upon a finding of probable cause, the ATC may designate:

- a. an individual, groups of persons, entity, organization, or association, whether domestic or foreign, who commit, or attempt to commit, or conspire or who participate in or facilitate the commission of any of the acts defined and penalized under Sections 4, 5, 6, 7, 8, 9, 10, 11, and 12 of the Act;
- b. an entity owned or controlled directly or indirectly by such individual, group of persons, entity, organization, or association under paragraph (a) of this Rule; and
- c. a person or entity acting on behalf of, or at the direction of, the individual groups of persons, entity, organization, or association under paragraph (a) of this Rule.

For purposes of designation under Rule 6.2. and Rule 6.3 and for proposals for designation under Rule 6.8, probable cause shall refer to a reasonable ground of suspicion supported by circumstances warranting a cautious person to believe that the proposed designee meets the requirements for designation.

The ATC shall adopt mechanisms to collect or solicit information from relevant government agencies and other sources in order to identify individuals, groups of persons, organizations, or associations that, on the basis of probable cause, meet the criteria for designation under this Rule.



**Rule 6.4. Effects of designation**

The assets of the designated individual, groups of persons, organization, or association under the Act shall be subject to the authority of the AMLC to freeze pursuant to Sections 35 and 36 of the Act and Section 11 of Republic Act No. 10168.

All designations made under this Rule shall not be dependent upon the pendency of any criminal proceeding against the proposed designee.

**Rule 6.5. Posting, publication, dissemination, and notice of designation**

All ATC resolutions of designation shall be published/posted in a newspaper of general circulation, on the online official gazette, and on the official website of the ATC.

A list of designated persons or entities shall be published in/posted on the online official gazette and the official website of the ATC, which list shall include the following:

- a. the name of the designated person or entity and other identifier information;
- b. a brief description of the case for designation; and
- c. the date of designation or date of last review of designation.

For those designated under the appropriate UNSC Lists, a link to the specific list shall be provided in the ATC website.

The ATC shall adopt a mechanism for immediately communicating designations to the public, financial sector, and designated non-financial businesses and professions.

**Rule 6.6. Effectivity of designation**

The designation made under Rule 6.1 shall be effective until the designated individual, group of persons, organization, or association has been removed from the UNSC Consolidated List.

The designations made under Rule 6.2 and Rule 6.3 shall be immediately executory and shall be valid from the date of publication of the corresponding ATC resolution in the online official gazette and the official website of the ATC.

**Rule 6.7. Periodic review**

The ATC shall conduct a review every three (3) years to determine if the basis for designation under Rule 6.2. and 6.3 still exists. The ATC may consult with, and collect information from, relevant law enforcement agencies or from other foreign jurisdictions to support the review.

**Rule 6.8. Proposal to the UNSC, foreign jurisdictions, supranational jurisdictions to designate**

In order to prevent individuals or groups designated by ATC from raising funds or obtaining material support from overseas, the ATC may propose names for inclusion in the UNSC Consolidated List under the binding UNSC resolutions in accordance with the requirements and procedures of the UNSC. The proposal shall be coursed through the DFA that shall, in turn, transmit said proposal to the UNSC.

Similarly, the ATC may request foreign jurisdictions or supranational jurisdictions to designate the domestically-designated terrorist individuals and groups within their respective jurisdictions pursuant to UNSC Resolution No. 1373.

#### **Rule 6.9. Request for delisting**

For designations made under Rule 6.2 and Rule 6.3, a designated party or its assigns or successors-in-interest may file a verified request for delisting before the ATC within fifteen (15) days from publication of the designation.

A request for delisting may be filed as often as the grounds therefor exist. However, no request for delisting may be filed within six (6) months from the time of denial of a prior request for delisting.

The request shall set forth the grounds for delisting, as follows:

- a. mistaken identity;
- b. relevant and significant change of facts or circumstance;
- c. newly discovered evidence;
- d. death of a designated person;
- e. dissolution or liquidation of designated organizations, associations, or groups of persons; or
- f. any other circumstance which would show that the basis for designation no longer exists.

For designations made under Rule 6.2, the request for delisting shall be accompanied by proof of delisting by the foreign jurisdiction or supranational jurisdiction.

For designations made under Rule 6.1, the ATC may *motu proprio* or upon request of a designated person file a petition for delisting with the appropriate committee of the UNSC. The petition for delisting may also be filed directly by the designated person pursuant to the rules established by the appropriate UNSC committee.

The ATC shall be responsible for posting of the updated UNSC procedures for delisting and access to frozen funds setting forth the web links and addresses of the relevant UNSC committee responsible for acting on delisting requests and access to frozen funds.

#### **Rule 6.10. Notice of delisting**

Where persons, organizations, associations, or groups of persons are delisted by the UNSC or its appropriate sanctions committee, the ATC shall immediately issue a resolution that the person, organization, association, or group of persons has been delisted.

All ATC resolutions of delisting shall be published in/posted on a newspaper of general circulation, the online official gazette, and the official website of the ATC.

#### **Rule 6.11. Designation in relation to proscription**

The designation of a group of persons, organization, or association under this Rule shall be without prejudice to the proscription of terrorist organizations, associations, or groups of persons under Rule VII.



## **RULE VII. PROSCRIPTION OF TERRORIST ORGANIZATIONS**

### **Rule 7.1. Who may be proscribed**

The following shall be proscribed or declared as a terrorist and outlawed group of persons, organization, or association by the authorizing division of the Court of Appeals:

- a. any group of persons, organization, or association which commits any of the acts defined and penalized under Sections 4, 5, 6, 7, 8, 9, 10, 11, and 12 of the Act; or
- b. any group of persons, organization, or association organized for the purpose of engaging in terrorism.

### **Rule 7.2. Requirements**

A group of persons, organization, or association shall be proscribed or declared as terrorist and outlawed by the authorizing division of the Court of Appeals, upon satisfaction of the following requirements:

- a. recommendation from the NICA that said group of persons, organization, or association be proscribed or declared as terrorist and outlawed;
- b. authority from the ATC to cause the filing of an application for proscription or declaration of said group of persons, organization, or association as terrorist and outlawed;
- c. verified application of the DOJ to proscribe or declare a group of persons, organization, or association as terrorist and outlawed, with an urgent prayer for the issuance of a preliminary order of proscription; and
- d. due notice and opportunity to be heard given to the group of persons, organization or association to be declared as terrorist and outlawed.

### **Rule 7.3. Preliminary order of proscription; when to issue**

The application for proscription shall be filed with an urgent prayer for the issuance of a preliminary order of proscription.

The authorizing division of the Court of Appeals shall, within seventy-two (72) hours from the filing of the verified application by the DOJ, issue *ex-parte* a preliminary order of proscription declaring that the respondent is a terrorist and an outlawed organization or association within the meaning of Section 26 of the Act, upon a determination that:

- a. the verified application is sufficient in form and substance; and
- b. probable cause exists that the issuance of an order of proscription is necessary to prevent the commission of terrorism.

**Rule 7.4. Proscription proceedings**

Upon receipt of the verified application filed by the DOJ which is sufficient in form and substance, the authorizing division of the Court of Appeals shall immediately commence and conduct continuous hearings, which should be completed within six (6) months from the date the application was filed, to determine whether:

- a. the preliminary order of proscription should be made permanent;
- b. a permanent order of proscription should be issued in case no preliminary order was issued;
- c. a preliminary order of proscription should be lifted; or
- d. in any event that the verified application should be denied.

It shall be the burden of the applicant to prove that the respondent is a terrorist and an outlawed organization or association within the meaning of Section 26 of the Act before the court issues an order of proscription, whether preliminary or permanent.

**Rule 7.5. Effectivity of permanent order of proscription**

The permanent order of proscription shall be immediately executory and shall be valid for a period of three (3) years from the date of its publication.

**Rule 7.6. Publication of permanent order of proscription**

Upon the issuance of the permanent order of proscription, the ATC shall publish the same in a newspaper of general circulation.

**Rule 7.7. Review of the permanent order of proscription**

Six (6) months prior to the expiration of the permanent order of proscription, the DOJ may, upon the authority from the ATC and with the recommendation of the NICA, cause the review of such permanent order of proscription by filing a verified application for re-issuance of permanent order of proscription before the authorizing division of the Court of Appeals.

The Court of Appeals shall review the verified application for re-issuance filed by the DOJ, and shall resolve before the expiration of the three (3)-year period whether or not the permanent order of proscription should be lifted or re-issued.

**Rule 7.8. Effects of permanent order of proscription**

Membership of an individual in a proscribed or outlawed group of persons, organization, or association is punishable under Section 10 of the Act. The proscribed group of persons, organization, or association shall likewise be subject to targeted financial sanctions as herein provided.

**Rule 7.9. Effects of denial of application**

If the Court of Appeals finds that there exists no ground for which the application for proscription may be granted, any preliminary order of proscription shall be lifted and/or the subject of proscription shall be delisted from the designation made by the ATC.



The denial of an application for proscription shall not be a bar to a filing of another application against the same group of persons, organization, or association, if the subsequent application:

- a. is grounded on new evidence which the applicant could not have presented even in the exercise of reasonable diligence or on substantially new circumstances; and
- b. a period of six (6) months has elapsed from the date of decision on the prior application.

**Rule 7.10. Request to proscribe from foreign jurisdictions and supranational jurisdictions**

All requests for proscription made by a foreign or supranational jurisdiction shall be coursed through the DFA. The DFA shall, in turn, refer said requests to the ATC.

The ATC, with the assistance of NICA, shall determine if the request for proscription by a foreign or supranational jurisdiction is warranted and is consistent with the national interest.

If the request for proscription is granted, the ATC shall authorize the DOJ to commence proscription proceedings before the authorizing division of the Court of Appeals.

**RULE VIII. EXAMINATION OF BANK DEPOSITS AND AUTHORITY TO FREEZE**

**Rule 8.1. Permissible investigation of property and funds**

Upon the issuance by the court of a preliminary order of proscription or in case of designation under Section 25 of the Act, the AMLC, upon its own initiative or at the request of the ATC, may investigate the following:

- a. property or funds that are in any way related to:
  - i. financing of terrorism as defined and penalized under Republic Act No. 10168; or
  - ii. violation of Sections 4, 6, 7, 10, 11, or 12 of the Act; or
- b. property or funds of any person or persons in relation to whom there is a probable cause to believe that such person or persons are committing, attempting or conspiring to commit, or participating in or facilitating the financing of violations of Sections 4, 6, 7, 10, 11, or 12 of the Act.

**Rule 8.2. Court order to conduct investigation not required**

The AMLC is authorized to inquire into or examine deposits and investments with any banking institution or non-bank financial institution and their subsidiaries and affiliates without a court order for purposes of Rule 8.1 and notwithstanding the provisions of the following laws:

- a. Republic Act No. 1405, otherwise known as the "Law on Secrecy of Bank Deposits", as amended;
- b. Republic Act No. 6426, otherwise known as the "Foreign Currency Deposit Act of the Philippines", as amended;
- c. Republic Act No. 8791, otherwise known as "The General Banking Law of 2000"; and
- d. other applicable laws.

**Rule 8.3. Preventive freeze order based on preliminary order of proscription or designation**

The AMLC may, upon its own initiative or at the request of the ATC, issue without delay an *ex parte* preventive freeze order in the following instances:

- a. upon the issuance by the court of a preliminary order of proscription; or
- b. in case of designation under Rule 6.3.

The preventive freeze order shall direct the concerned covered institutions and relevant government agencies to desist from allowing any transaction, withdrawal, deposit, transfer, removal, conversion, other movement, concealment, or other disposition of the subject property or funds.

**Rule 8.4. Subject of preventive freeze order**

The following shall be the subject of the *ex parte* preventive freeze order as provided for under Rule 8.3:

- a. Property or funds that are in any way related to:
  - i. financing of terrorism as defined and penalized under Republic Act No. 10168; or
  - ii. a violation of Sections 4, 5, 6, 7, 8, 9, 10, 11, or 12 of the Act.
- b. Property or funds of any person or persons in relation to whom there is a probable cause to believe that such person or persons are committing, attempting or conspiring to commit, or participating in or facilitating the financing of the Sections 4, 5, 6, 7, 8, 9, 10, 11, or 12 of the Act.

**Rule 8.5. Effectivity period of preventive freeze order**

The freeze order shall take effect immediately and shall remain in effect for a period not exceeding twenty (20) days.



**Rule 8.6. Extension of the effectivity period of preventive freeze order**

Before the expiration of the twenty (20)-day period, the AMLC may file a petition with the Court of Appeals to extend the effectivity of the freeze order for a total period not exceeding six (6) months. The twenty (20)-day period shall be tolled by the filing of a petition to extend the effectivity of the preventive freeze order.

**Rule 8.7. Summary hearing on the extension of preventive freeze order**

Upon receipt of the petition, the Court of Appeals shall conduct a summary hearing, with notice to the parties, to determine whether or not to extend the effectivity of a preventive freeze order. Pending resolution by the Court of Appeals, the preventive freeze order shall remain in effect.

**Rule 8.8. Sanctions freeze order or targeted financial sanctions based on international obligations**

Notwithstanding the preceding paragraphs, the AMLC, consistent with the Philippines' international obligations, shall be authorized to issue a sanctions freeze order with respect to property or funds of a designated organization, association, group, or any individual to comply with binding terrorism-related resolutions, including UNSC Resolution No. 1373 pursuant to Article 41 of the UN Charter.

The property or funds referred to in the immediately preceding paragraph shall include all property or funds:

- a. that are owned or controlled by the subject of designation, and is not limited to those that are directly related or can be tied to a particular terrorist act, plot, or threat;
- b. that are wholly or jointly owned or controlled, directly or indirectly, by the subject of designation;
- c. derived or generated from funds or other assets owned or controlled, directly or indirectly, by the subject of designation; and
- d. of persons and entities acting on behalf or at the direction of the subject of designation.

The AMLC shall adopt a mechanism for immediately communicating the sanctions freeze order to the public, the financial sector, and designated non-financial businesses and professions.

**Rule 8.9. Effectivity of sanctions freeze order**

The sanctions freeze order shall take effect immediately and shall remain in effect until the basis for the issuance thereof shall have been lifted.

**Rule 8.10. Petition to determine basis of sanctions freeze order**

During the effectivity of the sanctions freeze order, an aggrieved party may, within twenty (20) days from the date of issuance, file with the Court of Appeals a petition to determine the basis of the sanctions freeze order according to the principle of effective judicial protection.

**Rule 8.11. Lifting of sanctions freeze order based on mistaken identity**

Any person whose property or funds have been subject of a sanctions freeze order by reason of having a similar name as the subject of designation may apply for the lifting of the sanctions freeze with the AMLC by submitting relevant government-issued identification documents or other relevant documents that would show the true identity of the aggrieved party.

**Rule 8.12. Access to frozen funds; humanitarian exemption**

The person whose property or funds have been frozen under any freeze order may, upon a verified request before the ATC, withdraw such sums as the ATC determines to be reasonably necessary for monthly family needs and sustenance, including for the services of counsel and the medical needs of such person and his/her immediate family.

**Rule 8.13. Civil forfeiture**

If the property or funds subject of any freeze order are found to be in any way related to financing of terrorism as defined and penalized under Republic Act No. 10168 or to any violation of Sections 4, 5, 6, 7, 8, 9, 10, 11, or 12 of the Act committed within the jurisdiction of the Philippines, said property or funds shall be the subject of civil forfeiture proceedings as provided for under Republic Act No. 10168.

**Rule 8.14. Applicability of the AMLA and TFP SA**

The relevant provisions on bank inquiry, freeze orders, and forfeiture under Republic Act 9160 or the "Anti-Money Laundering Act of 2001", as amended, and Republic Act No. 10168 or "The Terrorism Financing Prevention and Suppression Act of 2012", and all applicable implementing rules and regulations, insofar as these are not inconsistent with these Rules, shall have supplementary application.

**Rule 8.15. Request for assistance**

The AMLC may enlist the assistance of any branch, department, bureau, office, agency, or instrumentality of the government, including government-owned and controlled corporations, in undertaking measures to counter the financing of terrorism. This includes use of all necessary personnel, facilities, and resources.

**Rule 8.16. Crime of malicious examination of bank records**

It shall be unlawful for any person to maliciously or without authorization examine deposits, placements, trust accounts, assets, or records in a bank or financial institution in relation to Section 36 of the Act.

Any such person found guilty therefor shall suffer the penalty of four (4) years of imprisonment.



**Rule 8.17. Crime of defying a court authorization**

It shall be unlawful for any employee, official, or a member of the board of directors of a bank or financial institution who, after being duly served with the written order of authorization from the Court of Appeals, shall refuse to allow the examination of the deposits, placements, trust accounts, assets, and records of a terrorist or an outlawed group of persons, organizations, or associations in accordance with Rules 6 and 7.

Any such person found guilty therefor shall suffer the penalty of imprisonment of four (4) years.

**Rule 8.18. Safe harbor**

No administrative, criminal, or civil proceedings shall lie against any person or entity for acting in good faith when implementing the sanctions freeze or targeted financial sanctions as provided under pertinent UNSC Resolutions.

**RULE IX. DETENTION WITHOUT WARRANT OF ARREST****Rule 9.1. Authority from ATC in relation to Article 125 of the Revised Penal Code**

Any law enforcement agent or military personnel who, having been duly authorized in writing by the ATC under the circumstances provided for under paragraphs (a) to (c) of Rule 9.2, has taken custody of a person suspected of committing any of the acts defined and penalized under Sections 4, 5, 6, 7, 8, 9, 10, 11, and 12 of the Act shall, without incurring any criminal liability for delay in the delivery of detained persons under Article 125 of the Revised Penal Code, deliver said suspected person to the proper judicial authority within a period of fourteen (14) calendar days counted from the moment the said suspected person has been apprehended or arrested, detained, and taken into custody by the law enforcement agent or military personnel. The period of detention may be extended to a maximum period of ten (10) calendar days if it is established that (a) further detention of the person/s is necessary to preserve the evidence related to terrorism or complete the investigation, (b) further detention of the person is necessary to prevent the commission of another terrorism, and (c) the investigation is being conducted properly and without delay.

The ATC shall issue a written authority in favor of the law enforcement officer or military personnel upon submission of a sworn statement stating the details of the person suspected of committing acts of terrorism, and the relevant circumstances as basis for taking custody of said person.

If the law enforcement agent or military personnel is not duly authorized in writing by the ATC, he/she shall deliver the suspected person to the proper judicial authority within the periods specified under Article 125 of the Revised Penal Code, provided that if the law enforcement agent or military personnel is able to secure a written authority from the ATC prior to the lapse of the periods specified under Article 125 of the Revised Penal Code, the period provided under paragraph (1) of this Rule shall apply.

**Rule 9.2. Detention of a suspected person without warrant of arrest**

A law enforcement officer or military personnel may, without a warrant, arrest:

- a. a suspect who has committed, is actually committing, or is attempting to commit any of the acts defined and penalized under Sections 4, 5, 6, 7, 8, 9, 10, 11, or 12 of the Act in the presence of the arresting officer;
- b. a suspect where, based on personal knowledge of the arresting officer, there is probable cause that said suspect was the perpetrator of any of the acts defined and penalized under Sections 4, 5, 6, 7, 8, 9, 10, 11, or 12 of the Act, which has just been committed; and
- c. a prisoner who has escaped from a penal establishment or place where he is serving final judgment for or is temporarily confined while his/her case for any of the acts defined and penalized under Sections 4, 5, 6, 7, 8, 9, 10, 11, or 12 of the Act is pending, or has escaped while being transferred from one confinement to another.

**Rule 9.3. Immediate notification to the nearest court**

Immediately after taking custody of the suspected person, the law enforcement agent or military personnel shall, through personal service, notify in writing the judge of the trial court nearest the place of apprehension or arrest of the following facts:

- a. the time, date, and manner of arrest;
- b. the exact location of the detained suspect; and
- c. the physical and mental condition of the detained suspect.

For purposes of this rule, immediate notification shall mean a period not exceeding forty-eight (48) hours from the time of apprehension or arrest of the suspected person.

**Rule 9.4. Crime of failure to issue the notice of detention; penalty**

A penalty of imprisonment of ten (10) years shall be imposed upon the police or law enforcement agent or military personnel who fails to notify any judge as provided for in the preceding rule.

**Rule 9.5. Notification to the ATC and CHR**

The law enforcement agent or military personnel shall furnish the ATC and the Commission on Human Rights (CHR) copies of the written notification given to the judge in such manner as shall ensure receipt thereof within forty-eight (48) hours from the time of apprehension or arrest of the suspected person.

**Rule 9.6. Duty of the head of the detaining facility**

The head of the detaining facility shall:

- a. ensure that the detained suspect is informed of his/her rights as a detainee; and
- b. ensure access to the detainee by his/her counsel and agencies and entities authorized by law to exercise visitorial powers over detention facilities.

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**Rule 9.7. Construction of this rule**

Nothing in the Act shall be construed to have superseded any of the provisions of the law or rules of procedures on inquest proceeding and the availability of preliminary investigation to a person who has been lawfully arrested without a warrant of arrest.

**RULE X. RESTRICTION ON THE RIGHT TO TRAVEL****Rule 10.1. Application for a PHDO**

Prior to the filing of an information for any violation of Sections 4, 5, 6, 7, 8, 9, 10, 11, and 12 of the Act, the investigating prosecutor shall apply for the issuance of a PHDO against the respondent upon a preliminary determination of probable cause in the proper Regional Trial Court.

**Rule 10.2. Preliminary finding of probable cause by the investigating prosecutor**

For purposes of the application and upon motion by the law enforcement agent or military personnel in a complaint filed before the office of the city or provincial prosecutor, the investigating prosecutor shall make a preliminary determination of probable cause based on the complaint and its attachments.

**Rule 10.3. Supporting documents for the application for the issuance of a PHDO**

The application shall be accompanied by the complaint-affidavit and its attachments, personal details, passport number, and a photograph of the respondent, if available.

**Rule 10.4. Validity of the PHDO**

The PHDO shall be valid until lifted by the issuing court.

**Rule 10.5. Notice to the BI of the issuance of PHDO**

The issuing court shall furnish the BI with a duly certified copy of the PHDO within twenty-four (24) hours from issuance and through the fastest available means of transmittal.

**Rule 10.6. Temporary lifting of the PHDO**

The respondent may file a verified motion before the issuing court for the temporary lifting of the PHDO on the meritorious ground that, based on the complaint-affidavit and the evidence that he/she will present, there is doubt that probable cause exists for the issuance of the PHDO or that he/she is not a flight risk, provided that the respondent posts a bond in such amount as the issuing court may determine.

The lifting of the PHDO is without prejudice to the resolution of the preliminary investigation against the respondent.

**Rule 10.7. Lifting of the PHDO**

If the prosecutor, after preliminary investigation, dismisses the criminal complaint for lack of probable cause, the respondent may file a verified motion before the issuing court for the lifting of the PHDO based on the said dismissal.

**Rule 10.8. Notice to the BI of the lifting of PHDO**

The issuing court shall furnish the BI with a duly certified copy of the order lifting the PHDO within twenty-four (24) hours from issuance and through the fastest available means of transmittal.

**Rule 10.9. Suppletory application of A.M. No. 18-07-05-SC and other applicable rules**

In all matters not provided for in these Rules, the "Rule on Precautionary Hold Departure Order" (A.M. No. 18-07-05-SC) and other applicable rules that may be promulgated by the Supreme Court shall apply in a suppletory manner or by analogy whenever practicable and convenient.

**Rule 10.10. Application for the issuance of HDO, when filed**

Upon the filing of an information regarding the commission of any of the acts defined and penalized under the provisions of the Act, the prosecutor shall apply with the Regional Trial Court for the issuance of an HDO against the accused.

**Rule 10.11. Supporting documents for application for the issuance of an HDO**

The application shall be accompanied by the complaint-affidavit and its attachments, and shall contain the personal details, passport number, and a photograph of the accused, if available.

**Rule 10.12. Issuance of HDO, where evidence of guilt is strong**

For violations of the acts defined and penalized under the Act punishable by life imprisonment where the evidence of guilt is strong, the court, upon application by the prosecutor, shall immediately issue an HDO and direct the DFA to initiate the procedure for the cancellation of the passport of the accused.

**Rule 10.13. Restriction on travel or house arrest, where evidence of guilt is not strong and bail is granted**

If a person charged for violation of any act defined and penalized by the Act punishable by life imprisonment is granted bail because evidence of guilt is not strong, the court, in the interest of national security and public safety, consistent with Article III, Section 6 of the Constitution, and upon application by the prosecutor, shall issue an order:

- a. limiting the right of travel of the accused to within the municipality or city where he/she resides or where the case is pending; or
- b. placing the accused under house arrest.

**Rule 10.14. Scope of house arrest**

While under house arrest, the accused may not use telephones, cellphones, e-mails, computers, the internet, or other means of communications with people outside the residence, until otherwise ordered by the issuing court upon motion of the accused.



**Rule 10.15. Forfeiture of bail**

Travel outside of the municipality or city where the accused resides or where the case is pending without the authorization of the issuing court, or any violation of the terms and conditions of house arrest, shall be deemed a violation of the terms and conditions of bail, which shall be forfeited as provided under the Rules of Court.

**Rule 10.16. Notice to relevant agencies of the issuance of HDO or any order restricting the right to travel of the accused**

Within twenty-four (24) hours from issuance and through the fastest available means of transmittal, the issuing court shall furnish the:

- a. DOJ and BI with a copy of the order, limiting the right to travel of the accused within the municipality or city where he/she resides or where the case is pending or the order placing him/her under house arrest; or
- b. DFA and BI with a copy of the HDO.

**Rule 10.17. Cancellation of HDO or termination of the restriction on the right to travel**

The restrictions mentioned in Rules 10.12 and 10.13 shall be terminated on the following grounds:

- a. acquittal of the accused; or
- b. dismissal of the case filed against the accused.

The said restrictions may also be terminated earlier upon the discretion of the court on motion of the prosecutor or of the accused.

**Rule 10.18. Notice to relevant agencies of the cancellation of HDO or termination of the restriction on the right to travel**

Within twenty-four (24) hours from issuance and, through the fastest available means of transmittal, the issuing court shall furnish:

- a. the DOJ and BI with a copy of the order terminating the limitation on the right to travel of the accused within the municipality or city where he/she resides or where the case is pending or the order placing him/her under house arrest; or
- b. the DFA and BI with a copy of the order cancelling the HDO.

**Rule 10.19. Suppletory application of Supreme Court Circular No. 39-97 and other applicable rules**

In all matters not provided in these Rules, the "Guidelines in the Issuance of Hold Departure Orders" (Supreme Court Circular No. 39-97 dated 19 June 1997) and other applicable rules that may be promulgated by the Supreme Court shall apply in a suppletory manner, or by analogy, whenever practicable and convenient.

## **RULE XI. STATE GUARANTY OF ACCOUNTABILITY AND FULL RESPECT FOR HUMAN RIGHTS**

### **Rule 11.1. Mandate to the Commission on Human Rights**

The Commission on Human Rights shall give the highest priority to the investigation and prosecution of violations of civil and political rights of persons in relation to the implementation of the Act.

To this end, the ATC shall engage the CHR to ensure that technical assistance and capacity building mechanisms are developed and are in place in relation to the investigation and prosecution of cases of human rights violations.

### **Rule 11.2. Rights of a person under custodial detention**

The moment a person charged with or suspected of committing any of the acts defined and penalized under Sections 4, 5, 6, 7, 8, 9, 10, 11, and 12 of the Act is apprehended or arrested and detained, he/she shall forthwith be informed by the arresting law enforcement agent or military personnel to whose custody the person concerned is brought of his/her right:

- a. to be informed of the nature and cause of his/her arrest, to remain silent and to have competent and independent counsel preferably of his/her choice. If the person cannot afford the services of counsel of his/her choice, the law enforcement agent or military personnel concerned shall immediately contact the free legal assistance unit of the Integrated Bar of the Philippines (IBP) or the Public Attorney's Office (PAO). It shall be the duty of the free legal assistance units of the IBP or the PAO thus contacted to immediately visit the person/s detained and provide him/her with legal assistance. These rights cannot be waived except in writing and in the presence of counsel of choice;
- b. to be informed of the cause or causes of his/her detention in the presence of his legal counsel;
- c. to be allowed to communicate freely with his/her legal counsel and to confer with them at any time without restriction;
- d. to be allowed to communicate freely and privately without restrictions with the members of his/her family or with his/her nearest relatives and to be visited by them; and
- e. to be allowed freely to avail of the service of a physician or physicians of choice.

### **Rule 11.3. No torture or coercion in investigation and interrogation**

The use of torture and other cruel, inhumane and degrading treatment or punishment, as defined in Sections 4 and 5 of Republic Act No. 9745 otherwise known as the "Anti-Torture Act of 2009," at any time during the investigation or interrogation of a detained suspected terrorist is absolutely prohibited and shall be penalized under said law.

Any evidence obtained from said detained person resulting from such treatment shall in its entirety be inadmissible and cannot be used as evidence in any judicial, quasi-judicial, legislative, or administrative investigation, inquiry, proceeding, or hearing, except if the same is to be used as evidence against the person or persons accused of committing torture.

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**Rule 11.4. Crimes for violation of the rights of a detainee**

It shall be unlawful for any law enforcement agent or military personnel to violate the rights of a person under their custody as provided for in Rule 9 and 11.2.

Any such law enforcement agent or military personnel found guilty therefor shall suffer the penalty of imprisonment of ten (10) years.

Unless the law enforcement agent or military personnel who violated the rights of a detainee or detainees as stated above is duly identified, the same penalty shall be imposed on the head of the law enforcement unit or military unit having custody of the detainee at the time the violation was committed.

**Rule 11.5. Official custodial logbook and its contents**

The law enforcement custodial unit in whose care and control the person suspected of committing any of the acts defined and penalized under Sections 4, 5, 6, 7, 8, 9, 10, 11, and 12 of the Act has been placed under custodial arrest and detention shall keep a securely and orderly maintained official logbook, which is hereby declared as a public document and may be opened to and made available for the inspection and scrutiny of the lawyer of the person under custody or any member of his/her family or relative by consanguinity or affinity within the fourth civil degree or his/her physician at any time of the day or night subject to reasonable restrictions by the custodial facility.

The logbook shall contain a clear and concise record of:

- a. the name, description, and address of the detained person;
- b. the date and exact time of his/her initial admission for custodial arrest and detention;
- c. the name and address of the physician/s who examined him/her physically and medically;
- d. the state of his/her health and physical condition at the time of his/her initial admission for custodial detention;
- e. the date and time of each removal of the detained person from his/her cell for interrogation or for any purpose;
- f. the date and time of his/her return to his/her cell;
- g. the name and address of the physician/s who physically and medically examined him/her after each interrogation;
- h. a summary of the physical and medical findings on the detained person after each of such interrogation;
- i. the names and addresses of his/her family members and nearest relatives, if any and if available;
- j. the names and addresses of persons who visit the detained person;
- k. the date and time of each of such visit;
- l. the date and time of each request of the detained person to communicate and confer with his/her legal counsel;
- m. the date and time of each visit and the date and time of each departure of his/her legal counsel; and
- n. all other important events bearing on and all relevant details regarding the treatment of the detained person while under custodial arrest and detention.

The said law enforcement custodial unit shall, upon demand of the aforementioned lawyer or members of the family or relatives within the fourth civil degree of consanguinity or affinity of the person under custody or his/her physician, issue a certified true copy of the entries of the logbook relative to the concerned detained person subject to reasonable restrictions by the custodial facility. This certified true copy may be attested to by the person who has custody of the logbook or who allowed the party concerned to scrutinize the same at the time the demand for the certified true copy is made.

"Law enforcement custodial unit" shall include other government agencies or offices mandated with the responsibility for detaining persons suspected of committing any of the acts defined and penalized under Sections 4, 5, 6, 7, 8, 9, 10, 11, and 12 of the Act.

**Rule 11.6. Crime of failure to keep, maintain, and allow access to official custodial logbook**

It shall be unlawful for the law enforcement custodial unit to fail to comply with the requirement to keep, maintain, and allow access to official logbook as provided for in the preceding paragraphs.

Any person responsible for the failure of the law enforcement custodial unit to comply with the preceding paragraphs shall suffer the penalty of imprisonment of ten (10) years.

**Rule 11.7. Infidelity in the custody of detained persons**

It shall be unlawful for any public officer who has direct custody of a detained person under the provisions of the Act to cause or allow, by his deliberate act, misconduct, or inexcusable negligence, the escape of such detained person.

Any such person found guilty therefor shall suffer the penalty of ten (10) years of imprisonment.

**Rule 11.8. Crime of furnishing false evidence, forged document, or spurious evidence**

It shall be unlawful for any person to knowingly furnish false testimony, forged documents, and/or spurious evidence in any investigation or hearing conducted in relation to any violations under the Act.

Any such person found guilty therefor shall suffer the penalty of imprisonment of six (6) years.

**Rule 11.9. Crime of unauthorized revelation of classified materials**

It shall be unlawful for any person, law enforcement agent or military personnel, judicial officer, or civil servant who, not being authorized by the Court of Appeals to do so, reveals in any manner or form any classified information under the Act.

Any such person found guilty therefor shall suffer the penalty of imprisonment of ten (10) years without prejudice and in addition to any corresponding administrative liability the offender may have incurred for such acts.

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**Rule 11.10. Immunity and protection of government witnesses**

The immunity and protection of government witnesses shall be governed by the provisions of Republic Act No. 6981, otherwise known as "The Witness Protection, Security and Benefits Act".

**Rule 11.11. Protection of most vulnerable groups**

While under investigation, interrogation, or detention, there shall be due regard for the welfare of any suspects who are elderly or pregnant, who suffer from a disability, and who are women or children.

In the State's endeavor to build its capacity to prevent and combat terrorism, the ATC shall conduct training and capacity-building on gender-sensitive approaches to investigations and prosecutions as well as to rehabilitation and reintegration to families, particularly of women.

**Rule 11.12. Ban on extraordinary rendition**

No person suspected or convicted of any of the crimes defined and penalized under the provisions of Sections 4, 5, 6, 7, 8, 9, 10, 11, or 12 of the Act shall be subjected to extraordinary rendition to any country.

**Rule 11.13. Management of persons charged under the Act**

The Bureau of Jail Management and Penology (BJMP) and the Bureau of Corrections (BUCOR) shall jointly establish a system of assessment and classification for persons charged with committing terrorism and preparatory acts punishable under the Act. Said system shall cover the proper management, handling, and interventions for said persons detained, and must be consistent in its application and operability in the BJMP and the BUCOR.

Persons charged under the Act shall be detained in the existing facilities of the BJMP and the BUCOR.

**Rule 11.14. Trial of persons charged under the Act**

Any person charged for violations of Sections 4, 5, 6, 7, 8, 9, 10, 11, or 12 of the Act shall be tried in special courts created for this purpose.

The Supreme Court shall designate certain branches of the Regional Trial Courts as anti-terrorism courts whose jurisdiction is exclusively limited to try violations of Sections 4, 5, 6, 7, 8, 9, 10, 11, or 12 of the Act.

Persons charged under the provisions of the Act and all witnesses shall be allowed to remotely appear and provide testimonies through the use of video-conferencing and such other technology now known or may hereafter be known to science as approved by the Supreme Court.

In cases involving crimes defined and penalized under the provisions of the Act, the judge concerned shall set the case for continuous trial on a daily basis from Monday to Thursday or other short-term trial calendar to ensure compliance with the accused's right to speedy trial.

**Rule 11.15. Construction of the Act and these Rules**

Nothing in the Act and these Rules shall be interpreted to restrict the rights of any person to avail of the protections of appropriate judicial writs to prevent or remedy abuses.

**Rule 11.16. Constitution of Joint Congressional Oversight Committee**

Upon the effectivity of the Act, a Joint Congressional Oversight shall be constituted.

In the exercise of its oversight functions, the Joint Congressional Oversight Committee shall have the authority to:

- a. summon law enforcement or military officers and the members of the ATC to appear before it;
- b. require said persons to answer questions and submit written reports on the acts performed in the implementation of the Act and render an annual report to both Houses of Congress as to its status and implementation.

The Committee shall be composed of the following twelve (12) members:

- a. Chairperson of the Committee on Public Order of the Senate;
- b. Chairperson of the Committee on Public Order of the House of Representatives; and
- c. Five (5) additional members from each House to be designated by the Senate President and the Speaker of the House of Representatives, respectively.

The minority shall be entitled to a pro-rata representation but shall have at least two (2) representatives in the Committee.

**RULE XII. FINAL PROVISIONS****Rule 12.1. Operational guidelines**

The law enforcement agencies and other relevant government offices shall formulate their respective operational guidelines, prescribing their internal protocol and procedures, as may be necessary in the effective discharge of such powers and duties granted unto them by the Act, provided that the same shall not contravene any provisions of the said law and these implementing rules and regulations.

**Rule 12.2. Costs**

Each member of the ATC shall bear its own costs in implementing the mandate of the ATC. This does not, however, prevent any member from providing appropriate financial support or other resources needed, subject to compliance with legal and budgetary requirements.

**Rule 12.3. Revisions to the Implementing Rules and Regulations**

These Rules or any portion thereof may be amended by a resolution issued by the ATC. The ATC and the DOJ, with the active participation of the police and military institutions, shall promulgate the said amendments.

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**Rule 12.4. Separability clause**

If for any reason any part or provision of these Rules is declared unconstitutional or invalid, the other parts or provisions hereof which are not affected thereby shall remain and continue to be in full force and effect.

**Rule 12.5. Repealing clause**

All rules and regulations inconsistent with these Rules are hereby repealed or modified accordingly.

**Rule 12.6. Saving clause**

All judicial decisions and orders issued, as well as pending actions relative to the implementation of Republic Act No. 9372, otherwise known as the "Human Security Act of 2007", shall remain valid and effective.

**Rule 12.7. Effectivity**

These Implementing Rules and Regulations shall take effect upon its publication in at least two (2) newspapers of general circulation and upon registration with the Office of the National Administrative Register at the University of the Philippines Law Center, University of the Philippines, Diliman, Quezon City.

14 October 2020  
Manila, Philippines

**(Sgd) SALVADOR C. MEDIALDEA**  
Executive Secretary/  
Chairperson, Anti-Terrorism Council

**(Sgd) HERMOGENES C. ESPERON, JR**  
National Security Adviser/  
Vice-Chairperson, Anti-Terrorism Council

**(Sgd) MENARDO I. GUEVARRA**  
Secretary, Department of Justice/  
Member, Anti-Terrorism Council

**(Sgd) DELFIN N. LORENZANA**  
Secretary, Department of National Defense/  
Member, Anti-Terrorism Council

**(Sgd) EDUARDO M. AÑO**  
Secretary,  
Department of the Interior and Local Government/  
Member, Anti-Terrorism Council

**(Sgd) CARLOS G DOMINGUEZ III**  
Secretary, Department of Finance/  
Member, Anti-Terrorism Council

**(Sgd) TEODORO L. LOCSIN, JR.**

Secretary, Department of Foreign Affairs/  
Member, Anti-Terrorism Council

**(Sgd) GREGORIO B. HONASAN II**

Secretary,  
Department of Information and  
Communication Technology/  
Member, Anti-Terrorism Council

**(Sgd) MEL GEORGIE B. RACELA**

Executive Director,  
Anti-Money Laundering Council Secretariat/  
Member, Anti-Terrorism Council

**(Sgd) ALEX PAUL I. MONTEAGUDO, PhD, CESE**

Director General, NICA/  
Head, ATC Secretariat