

[REPUBLIC ACT NO. 11479, July 03, 2020]

AN ACT TO PREVENT, PROHIBIT AND PENALIZE TERRORISM, THEREBY REPEALING REPUBLIC ACT NO. 9372, OTHERWISE KNOWN AS THE "HUMAN SECURITY ACT OF 2007"

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

SECTION 1. *Short Title.*- This Act shall henceforth be known as "The Anti-Terrorism Act of 2020".

SEC. 2. *Declaration of Policy.*- It is declared a policy of the State to protect life, liberty, and property from terrorism, to condemn terrorism as inimical and dangerous to the national security of the country and to have welfare of the people, and to make terrorism a crime against the Filipino people, against humanity, and against The Law of Nations.

In the implementation of the policy stated above, the State shall uphold the basic rights and fundamental liberties of the people as enshrined in the Constitution.

The State recognizes that the fight against terrorism requires a comprehensive approach, comprising political, economic, diplomatic, military, and legal means duly taking into an account the root cause of terrorism and/or criminal activities. Such measures shall include conflict management and post-conflict peace building, addressing the roots of conflict by building state capacity and promoting equitable economic development.

Nothing in this 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.

SEC. 3. *Definition of Terms.*- as used in this Act:

(a) *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, there 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;

(b) *Designated Person* shall refer to: Any individual, group of persons, organizations, or associations designated and/or identified by the United Nations

Security Council, or another jurisdiction, or supranational jurisdiction as a terrorist, one who finances terrorism, or a terrorist organization or group; or

Any person, organization, association, or group of persons designated under paragraph 3 Section 25 of this Act.

For purposes of this 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".

(c) *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.

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

(e) *Material Support* shall refer to any property, tangible or intangible, or service, including currency or monetary instruments or financial securities, financial services, lodging, training, expert advice or assistance, 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;

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

(g) *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;

(h) *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 this Act, or designated by the United Nations Security Council as a terrorist organization, or organized for the purposed of engaging in terrorism;

(i) *Surveillance Activities* shall refer to the act of tracking down, following, or investigating individual 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;

(j) *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 , i.e. the European Union;

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

(l) *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 this Act;

(m) *Terrorist Organization, Association or Group of Persons* shall refer to any entity organized for the purpose of engaging in terrorism, or those proscribed under Section 26 hereof of the United Nations Security Council-designated terrorist organization; and

(n) *Weapons of Mass Destruction (WMD)* shall refer to chemical, biological, radiological, or nuclear weapons which are capable of a high order of destruction or 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.

SEC. 4. *Terrorism*.- Subject to Section 49 of this Act, terrorism is committed by any person who, within or outside the Philippines, regardless of the stage of execution:

(a) Engages in acts intended to cause death or serious bodily injury to any person, or endangers a person's life;

(b) Engages in acts intended to cause extensive damage or destruction to a government or public facility, public place or private property;

(c) Engages in acts intended to cause extensive interference with, damage or destruction to critical infrastructure;

(d) Develops, manufactures, possesses, acquires, transports, supplies or uses weapons, explosives or of biological, nuclear, radiological or chemical weapons; and

(e) Release of dangerous substances, or causing fire, floods or explosions.

when the purpose of such act, by its nature and context, is to intimidate the general public or a segment thereof, create an atmosphere or spread a message of fear, to provoke or influence by intimidation the government or any international organization, or seriously destabilize or destroy the fundamental political, economic, or social structures of the country, or create a public emergency or seriously undermine public safety, shall be guilty of committing terrorism and shall suffer the penalty of life imprisonment without the 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 Act No. 3815, as amended, otherwise known as the Revised Penal Code". Provided, That, terrorism as defined in this section shall not include advocacy, protest, dissent, stoppage of work, industrial or mass action, and other similar exercises of civil and political rights, which are 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.

SEC. 5. *Threat to Commit Terrorism*.- Any person who shall threaten to commit any of the acts mentioned in Section 4 hereof shall suffer the penalty of imprisonment of twelve (12) years.

SEC. 6. *Planning, Training, Preparing, and facilitating the Commission of Terrorism*.- it shall be unlawful for any person to participate in the planning, training, preparation and facilitation in the commission of terrorism, possessing objects connected with the preparation for the commission of terrorism, or collecting or making documents connected with the preparation of terrorism. Any person found

guilty of the provisions of this Act shall suffer the penalty of life imprisonment without the benefit of parole and the benefits of Republic Act No. 10592.

SEC. 7. *Conspiracy to Commit Terrorism.*- Any conspiracy to commit terrorism as defined and penalized under Section 4 of this Act shall suffer the penalty of life imprisonment without the benefit of parole and the benefit of Republic Act No. 10592.

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

SEC. 8. *Proposal to Commit Terrorism.*- Any person who proposes to commit terrorism as defined in section 4 hereof shall suffer the penalty of imprisonment of twelve (12) years.

SEC. 9. *Inciting to Commit Terrorism.*- Any person who without taking any direct part in the commission of terrorism, shall include others to the execution of any of the acts specified in Section 4 hereof by means of speeches, proclamations, writings, emblems, banners or other representations tending to the same end, shall suffer the penalty of imprisonment of twelve (12) years.

SEC. 10. *Recruitment to and Membership in a Terrorist Organization.*- Any person who shall recruit another to participate in, join, commit or support terrorism or a terrorist individual or any terrorist organization, association or group of persons proscribed under Section 26 of this Act, or designated by the United Nations Security Council as a terrorist organization, or organized for the purpose of engaging in terrorism, shall suffer the penalty of life imprisonment without the benefit of parole and the benefits of Republic Act No. 10592.

The same penalty shall be imposed on any person who organizes or facilitates the travel of individuals to a state other than their state of residence or nationality for the purpose of recruitment which 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 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 intention of facilitating or promoting the recruitment of persons to serve in any capacity in or with such armed force.

Any person who shall voluntarily and knowingly join any organization, association or group of persons knowing that such organization, association or group of persons is proscribed under Section 26 of this Act, or designated by the United Nations

Security Council as a terrorist organization, or organized for the purpose of engaging in terrorism, shall suffer the penalty of imprisonment of twelve (12) years.

SEC. 11. *Foreign Terrorist.*- The following acts are unlawful and shall suffer the penalty of life imprisonment without the benefit of parole and the benefits of Republic Act No. 10592:

(a) For any person to travel or attempt to travel to a state other than his/her state of residence or nationality for the purpose of perpetrating, planning, or preparing for, or participating in terrorism, or providing or receiving terrorist training;

(b) For any person to organize or facilitate the travel of individuals who travel to a state other than their states of residence or nationality knowing that such travel is for the purpose of perpetrating, planning, training, or preparing for, or participating in terrorism or providing or receiving terrorist training; or

(c) For any person residing abroad who comes to the Philippines to participate in perpetrating, planning, training, or preparing for, or participating in terrorism or provide support for or facilitate or receive terrorist training here or abroad.

SEC. 12. *Providing Material Support to Terrorists.*- Any person who provides material support to any terrorist individual or terrorist organization, association or group of persons committing any of the acts punishable under Section 4 hereof, knowing that such individual or organization, association, or group of persons is committing or planning to commit such acts, shall be liable as 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.

SEC. 13. *Humanitarian Exemption.*- Humanitarian activities undertaken by the International Committee of the Red Cross (ICRC), the Philippine Red Cross (PRC), and other state-recognized impartial humanitarian partners or organizations in conformity with the International Humanitarian Law (IHL), do not fall within the scope of Section 12 of this Act.

SEC. 14. *Accessory.*- Any person who having knowledge of the commission of any of the crimes defined and penalized under Section 4 of this Act, without having participated therein, takes part subsequent to its commission in any of the following manner: (a) by profiting himself/herself 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, shall be liable as an accessory and shall suffer the penalty of imprisonment of twelve (12) years.

No person, regardless of relationship or affinity, shall be exempt from liability under this section.

SEC. 15. *Penalty for Public Official.*- If the offender found guilty of any of the acts defined and penalized under any of the provisions of this 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 the service, with the accessory penalties of cancellation of civil service eligibility, forfeiture of retirement