

# [ Commonwealth Act No. 616, June 04, 1941 ]

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

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

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

(b) Whoever, for the purpose aforesaid, and with like intent or reason to believe, copies, takes, makes, or obtains, or attempts, or induces or aids another to copy, take, make, or obtain, any sketch, photograph, photographic negative, blue print, plan, map, model, instrument, appliance, document, writing, or note of anything connected with the national defense; or

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

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

(e) Whoever, being intrusted with or having lawful possession or control of any

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

SEC. 2. *Unlawful disclosing information affecting national defense.*— (a) Whoever, with the intent or reason to believe that it is to be used to the injury of the Philippines or of the United States or to the advantage of a foreign nation, communicates, delivers, or transmits, or attempts to, or aids or induces another to, communicate, deliver, or transmit to any foreign government, or any faction or party or military or naval force within a foreign country, whether recognized or unrecognized by the Philippines or by the United States, or to any representative, officer, agent, employee, subject, or citizen thereof, either directly or indirectly, any document, writing code book, signal book, sketch, photograph, photographic negative, blue print, plan, map, model, instrument', appliance, or information relating to the national defense, shall be punished by imprisonment for not more than twenty years, if the offense is committed in time of peace, or by death or imprisonment for not more than thirty years, if it is in time of war.

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

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

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

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

SEC. 5. *Conspiracy to violate preceding sections.* — If two or more persons conspire to violate the provisions of sections one, two, three, or four of this Act, and one or more of such persons does not act to effect the object of the conspiracy, each of the parties to such conspiracy shall be punished as in said sections provided in the case of the doing of the act the accomplishment of which is the object of such conspiracy.

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

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

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

SEC. 9. *Photographing, etc., from aircraft.* — Any person who uses or permits or procures the use of an aircraft for the purpose of making a photograph, sketch, picture, drawing, map, or graphical representation of vital military naval or air installations or equipment, in violation of section eight of this Act, shall be liable to the penalty therein provided.

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