

AN ACT REGULATING THE ACTIVITIES AND REQUIRING THE REGISTRATION OF FOREIGN AGENTS IN THE PHILIPPINES.

BATAS PAMBANSA BLG. 39, September 07, 1979

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Be it enacted by the Batasang Pambansa in session assembled:

SECTION 1. Title.—This Act shall be known as the "Foreign Agents Act of 1979".

SEC. 2. Declaration of Policy.—It shall be the purpose and policy of this Act for reasons of national security and interest to regulate the activities of foreign agents and to require them to register and to disclose their political activities in the Republic of the Philippines, so that the government and the people of the Philippines may be informed of their identity and may appraise their statements and actions.

SEC. 3. Definition of Terms.—For purposes of this Act—

- "Person" refers to an individual, partnership, association, corporation or any other combination of individuals.
- "Foreign principal" refers to the government of a foreign country or a foreign political party; a foreigner located within or outside the jurisdiction of the Republic of the Philippines; or a partnership, association, corporation, organization or other entity owned or controlled by foreigners.
- "Foreign agent" refers to any person who acts or agrees to act as political consultant, public relations counsel, publicity agent, information representative, or as agent, servant, representative, or attorney for a foreign principal or for any domestic organization subsidized directly or indirectly in whole or in part by a foreign principal. The term "foreign agent" shall not include a duly accredited diplomatic or consular officer of a foreign country or officials of the United Nations and its agencies and of other international organizations recognized by the Republic of the Philippines while engaged in activities within the scope of their legitimate functions as such officers or a bona fide member or employee of a foreign press service or news organization while engaged in activities within the scope of his legitimate functions as such.
- "Political activity" refers to political propaganda or any other activity which seeks in any reasonable degree to prevail upon, indoctrinate, convert, induce, persuade, or in any other way influence any agency or official of the Philippine Government, or any section of the public within the Philippines with respect to the domestic or foreign policies of the Philippines, or with respect to the political or public interests, policies, or relations of a foreign government or a foreign political party.
- "Political propaganda" refers to any oral, visual, graphic, written, pictorial, or other communication or expression :
 - (a) which seeks in any reasonable degree to prevail upon, indoctrinate, convert, induce, or in any other way influence a person or any section of the public within the Philippines with respect to the political or public interests, policies, or relations of a foreign government or a foreign political party or with respect to the foreign policies of the Philippines; or
 - (b) which advocates, advises, instigates, or promotes social, political, or religious dissension, disorder, civil

riot, or conflict involving the use of force, or the overthrow of the government of the Republic of the Philippines.

- "Political consultant" refers to any person who engages in informing or advising any other person on the domestic or foreign policies of the Philippines or on the political or public interests, policies, or relations of a foreign government or of a foreign political party.
- "Public relations counsel" refers to any person who engages directly or indirectly in informing, advising, or in any way representing a principal in any matter affected by the public policies or interests of a principal.
- "Publicity agent" refers to any person who engages directly or indirectly in the dissemination and/or publication of information for and on behalf of a principal.
- "Information representative" refers to any person who engages in collecting or gathering data and in disseminating and/or publishing the same for and on behalf of a principal.

SEC. 4. Registration.— (1) Every person who is now a foreign agent shall, within thirty days after this Act takes effect, and every person who shall hereafter become a foreign agent shall, within ten days thereafter, file with the Ministry of Justice a true and a complete registration statement, under oath, which shall set forth—

- The name, principal business address, and all other business and residence addresses in the Philippines or elsewhere, if any, of the registrant.
- The name of the foreign principal or other person/s or organization/s for which such person is acting as agent.
- A copy of the contract/s of employment, or in the absence thereof, a full statement of the terms and conditions, under which such person acts or agrees to act as agent.
- The date when such contract or each of such contracts was made, the date of commencement of activity thereunder and the period during which such contract or each of such contracts is to be in effect.
- The compensation to be paid, if any, and the form and manner of such compensation.
- The name of every foreign principal or other person, or organization which contributed or which has promised to contribute to the compensation provided for such contract.
- A detailed statement of every activity which the registrant is performing or is assuming or purporting or has agreed to perform for himself or any other person other than a foreign principal and which requires his registration.
- If the registrant be a partnership, association, or corporation, a true and complete copy of its charter, articles of incorporation, association, constitution, and by-laws and any other instruments relating to its organizations, powers and purposes.
- Such other statements, information or documents as the Ministry of Justice for purposes of this Act may from time to time require.

(2) The termination of the status of the foreign agent shall not relieve him from his obligation to file a registration statement in accordance with this Act for the period during which he was such an agent.

SEC. 5. Additional Statement.—Every person who has filed a registration statement required by Section four shall, within thirty days after the expiration of a period of six months succeeding the first filing, and every six months thereafter, file with the Ministry of Justice a statement, under oath, which shall set forth—

- Such facts as may be necessary to make the information required under Section four hereof accurate and current with respect to such period.

- The name, business, and residence address, and if an individual, the nationality, of any person other than a foreign principal for whom the registrant is acting, assuming or purporting to act or has agreed to act under such circumstances as require his registration hereunder, the extent to which such person is supervised, directed, owned, controlled, financed, or subsidized, in whole or in part, by any foreign government or foreign political party or by any other foreign principal, and the nature and amount of contributions, income, money," or thing of value, if any, that the registrant has received during the preceding sixty days from such person in connection with any of the activities referred to under this Act, either as compensation or for disbursement or otherwise, and the form and time of each such payment and from whom received.

- A detailed statement of money and other things of value spent or disposed of by the registrant during the preceding sixty days in furtherance of, or in connection with activities which require his registration hereunder, and which have been undertaken by him either as a foreign agent, or for himself, or any other person, or in connection with any activity relating to his becoming such an agent.

SEC. 6. Statement Open to Public Scrutiny.—The Minister of Justice (hereinafter referred to as the Minister) shall retain in permanent form all statements filed under this Act, and such statements shall be public records and open to public examination and inspection at all reasonable hours, under such rules and regulations as the Minister may prescribe.

The Minister shall, promptly upon receipt, transmit one copy of every registration statement and other statements or matters related thereto, to the Minister of Foreign Affairs and the Minister of Public Information for such comment and use as they may determine to be appropriate from the point of view of the foreign relations and internal policies of the Philippines.

SEC. 7. Exemptions.—This Act shall not apply to any person engaging or agreeing to engage only—

- In private and non-political activities in furtherance of the bona fide trade or commerce of a foreign principal;
- In activities in furtherance of bona fide charitable, religious, scholastic, academic, artistic or scientific pursuits ;
- In the legal representation of a foreign principal before any court or government agency: Provided, That for purposes of this subsection, legal representation does not include attempts to influence or persuade government personnel or officials other than in the course of their ordinary official business.

SEC. 8. Amended Registration.—If the Minister determines that a registration statement does not comply with the requirements of this Act or the regulations issued thereunder, he shall so notify the registrant in writing, specifying in what respects the statement is deficient.

It shall be unlawful for any person to act as a foreign agent at any time after receipt of such notification without filing an amended registration statement in full compliance with the requirements of this Act and the regulations issued thereunder.

SEC. 9. Filing and Labelling of Political Propaganda.— A foreign agent who transmits or disseminates in the Philippines any political propaganda for or in the interest of his foreign principal among two or more persons shall, not later than forty-eight hours after the beginning of the transmittal thereof, file with the Ministry of Justice two copies thereof, setting forth full information as to

The places, times and extent of such transmittal. Violation of this provision shall constitute an offense under this Act.

SEC. 10. Injunction.—Whenever in the judgment of the Minister any person is engaged in or about to engage in any act which constitutes or will constitute a violation of any provision of this Act, or regulations issued thereunder, or whenever any foreign agent fails to comply with any of the provisions of this Act, or the regulations issued thereunder, or otherwise is in violation of this Act, the Minister may secure from the appropriate court an order requiring compliance with any appropriate provision of the Act or regulation thereunder. The court shall have jurisdiction and authority to issue a temporary or permanent injunction, restraining order or such other order as it may deem proper. The proceedings shall enjoy the highest priority and shall be expedited in every way.

SEC. 11. Unlawful Acts.—(1) It shall be unlawful for any person within the Philippines who is a foreign agent:

- to transmit, convey, or otherwise furnish to any agency or official of the government for or in the interest of a foreign principal any political propaganda, or to request from any agency or official for or in the interest of such foreign principal any information or advice pertaining to any political or public interests, policies or relations of a foreign country or of a political party or pertaining to the foreign or domestic policies of the Philippines, unless the propaganda being issued or the request being made is prefaced or accompanied by a true and accurate statement to the effect that such person is registered as a foreign agent under this Act;
- to be a party to any contract, agreement, or understanding, either express or implied, with a foreign principal pursuant to which the amount or payment of the compensation, fee or other remuneration of such agent is contingent in whole or in part upon the success of any political activity carried out by such agent;
- To make, directly or indirectly, any contribution of money or other thing of value, or promise expressly or impliedly to make any such contribution, in connection with any convention, caucus or other process to select candidates for any political office.

(2) It shall be unlawful for any person in the Philippines to solicit, accept, or receive, directly or indirectly, from any foreign agent or from a foreign principal, any of the contributions, or promises to make such contributions, referred to in subsection (c) of this Section.

(3) It shall be unlawful for any public officer or employee or his spouse to act as a foreign agent. However, the government may employ any foreign agent: Provided, That the head of the employing agency certifies that such employment is required in the national interest. A certification issued under, this paragraph shall be forwarded by the head of such agency to the Minister who shall cause the same to be filed along with the registration statement and other documents filed by such agent.

SEC. 12. Penalties.—Any person who violates any provision of this Act or any regulation thereunder; or who fails to file any statement required to be filed under this Act; or in complying with the provision of this Act, makes a false statement of material fact, or omits to state any material fact required to be stated therein shall be liable on conviction to imprisonment for a term not exceeding five years or a fine not exceeding P10,000.00 or both.

If the offense, is committed by a corporation, partnership, association or any other organization or entity, the penalty provided herein shall be imposed on the president, managing director, managing partner, or chief operating officer, whichever the case may be: Provided, That if the offender is a foreigner, he shall, after payment of the fine and/or service of the sentence, be subject to deportation.

SEC. 13. Rules and Regulations.—The Minister of Justice shall forthwith promulgate such rules and regulations as may be necessary to implement the provisions of this Act; such rules and regulations shall have the effect of law fifteen (15) days following their publication in the. Official Gazette.

SEC. 14. Separability Clause.—It, for any reason, any provision or part hereof is declared unconstitutional, the remainder of this Act shall not be affected by such declaration.

SEC. 15. Revealing Clause.—All provisions of law which are in conflict with this Act are hereby repealed or modified accordingly.

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

Approved, September 7, 1979.

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