

EIGHTEENTH CONGRESS)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



HOUSE OF REPRESENTATIVES

Introduced by Representative Rufus B. Rodriguez

House Bill No. **3786**

EXPLANATORY NOTE

Article III, Section 14 (2) of the 1987 Constitution provides the accused the right to a "speedy, impartial, and public trial". This means that anyone interested in observing the proceedings may do so subject only to certain limitations. The right to a public trial is given to the accused in order to prevent abuses that may be committed by the court to the prejudice of the defendant. Also, the accused is entitled to the support of his friends and relatives.

Further, the right to a public trial also means that anyone can attend court proceedings. However, due to the size of the courtrooms in the Philippines, only a few people can actually observe the proceedings. This can be remedied by allowing for the live coverage of the trial. Aside from this, media coverage will also ensure that the parties in the proceeding are answerable to the public in general and minimize the use of underhanded tricks or tactics that would prejudice any of the parties.

Also, by allowing full media coverage, the public itself would get first hand information on what is happening or how the trial is proceeding and there would be another form of documentation on what happened during the trial which may help the appellate courts if ever the case is appealed.

While it may be true that there are disadvantages to having live media coverage, it is also true that the benefits definitely outweigh them.

In view foregoing, immediate passage of this bill is immediately requested.


RUFUS B. RODRIGUEZ

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AN ACT
PROVIDING FOR THE LIVE MEDIA COVERAGE OF COURT PROCEEDINGS IN THE
PHILIPPINES

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

SECTION 1. Short Title – This Act shall be known as the “**Sunshine in the Courtroom Act**”.

SEC. 2. Declaration of Policy – It is the policy of the State to ensure that an accused is given a speedy, public and impartial trial.

SEC. 3. Media Coverage – Notwithstanding any other provision of law, the justices and judges of the Court of Appeals, Court of Tax Appeals, Sandiganbayan, Regional Trial Court, Metropolitan Trial Court and Metropolitan Circuit Court may, at the discretion of that judge, permit the photographing, electronic recording, broadcasting, or televising to the public of any court proceeding over which that justice or judge presides: *Provided that*, the justice or judge shall not permit the photographing, electronic recording, broadcasting, or televising to the public of any court proceeding if that justice or judge determines that the action would constitute a violation of the due process rights of any party.

SEC. 4. Obscuring of Parties – The court shall order the face and voice of a party or witness to be disguised or otherwise obscured in such manner as to render the party or witness unrecognizable to the public or broadcast audience of the trial proceeding if it would threaten the:

- (i) the safety of the individual;
- (ii) the security of the court;
- (iii) the integrity of future or ongoing law enforcement operations; or
- (iv) the interest of justice.

SEC. 5. Right of Party to Ask for the Obscuring of His Face and Voice – The parties to a case or any witness has the right to request that his face, image and voice be obscured.

SEC. 6. Privileged Communication – The photographing, electronic recording, broadcasting, or televising to the public of any part of the conversations between attorneys and their clients, between co-counsel of a client, between adverse counsels, or between counsel and the presiding judge or justice, are strictly prohibited if said conversations are privileged communication.

SEC. 7. Implementing Rules – The Supreme Court of the Philippines shall issue such orders, rules and regulations and other issuances as may be necessary to ensure the effective implementation of this Act.

SEC. 8. *Separability Clause* – If for any reason, any part of or provision of this Act is declared unconstitutional or invalid, such parts not affected thereby shall remain in full force and effect.

SEC. 9. *Repealing Clause* – Any law, executive order, letter of instruction, rules and regulations, circulars, issuances or any part thereof inconsistent with any of the provisions of this Act is hereby repealed, modified or amended accordingly.

SEC. 10. *Effectivity* – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,