



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Eighteenth Congress
First Regular Session

House Bill No. 6099

Introduced by Representative Ferdinand L. Hernandez

AN ACT
MANDATING THE USE OF BODY WORN CAMERAS BY LAW ENFORCEMENT
OFFICERS FOR THE PURPOSE OF ENSURING LEGITIMACY OF OPERATIONS
AND INCREASING THE LEVEL OF ACCOUNTABILITY OF BOTH THE POLICE
AND THE PUBLIC

EXPLANATORY NOTE

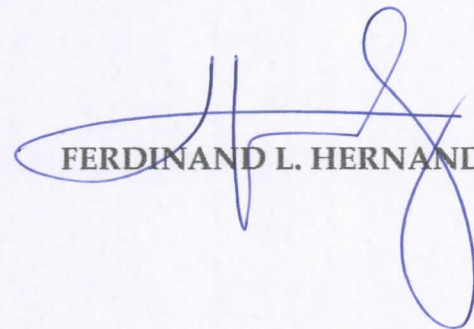
It is in line with the state principle declared in Article II, Section 5 of the 1987 Philippine Constitution, which provides, "[t]he maintenance of peace and order, the protection of life, liberty, and property, and promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy," that the legislature sees the need to craft a law to protect the rights of the public against abusive police forces in the performance of their duty to serve and protect the country.

Some members of today's Philippine National Police (PNP) have been involved in issues of human rights violations, corrupt practices, as well as disgraceful links to the illegal drug trade, resulting to the public's distrust of the mere conduct of police operations, questioning their legitimacy.

It is for this reason that the proposed bill seeks to mandate the use of body worn cameras by the police forces deployed in the field to conduct anti-drug operations, serve search and arrest warrants, and other legitimate police operations.

The proposed legislative measure on requiring mandatory use of body cameras to be worn by our law enforcement officers is intended mainly to address public concerns over the quality of policing in the community. It aims to enhance citizen perceptions of police transparency and legitimacy, decrease the use of unnecessary force during police operations, and improve police behavior during encounters.

In view of the foregoing, the passage of this bill is earnestly sought.



FERDINAND L. HERNANDEZ



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

Section 1. *Short Title.* — This Act shall be known as the “Body Camera for Law Enforcement Personnel Act of 2019.”

Sec. 2. *Definition of Terms.* — For purposes of this Act, the following terms are defined as follows:

- a. *Law Enforcement Officer* – refers to any person authorized by law to prevent, investigate, conduct searches and other police operations, apprehend or detain individuals suspected or convicted of offenses under Philippine laws;

- b. *Law Enforcement Operation* – refers to any legitimate law enforcement operation which includes but is not limited to service and implementation of warrants of arrest, service and implementation of search warrants, enforcement of visitorial powers, conduct of anti-illegal drug operation, anti-illegal gambling operations, anti-illegal logging operations, anti-carnapping operations, anti-cybercrime operations, special police operations, and any other similar operations to enforce laws, statutes, executive orders, and ordinances;
- c. *Footage* – refers to any images, video, or audio recorded by a body camera;
- d. *Subject of the video footage* – refers to any identifiable law enforcement officer or any identifiable suspect, victim, detainee, conversant, injured party, or other similarly situated person who appears on the body camera recording; *provided* that it shall not include people who only incidentally appear on the recording;
- e. *Body camera* – refers to a wearable body camera that is used by a law enforcement officer or by his/her agency that records both audio and video when conducting police operations.

Sec. 3. *Mandatory Use of Body Cameras*. — All law enforcement officers that conduct police operations shall be required to wear a body camera and record the events while in the course of conducting such police operations as defined in this Act.

Sec. 4. *Guidelines for the Use of Body Cameras*. — Any law enforcement enforcer mandated to wear a body camera shall abide by the following guidelines:

- a. The body camera shall be visible to the public;
- b. The body camera shall be worn in a location that maximizes the camera's ability to perform its full potential by capturing audio and video footage of the law enforcement officer's activities; and
- c. Both video and audio recording functions of the body camera shall be activated whenever a law enforcement officer is responding to a call for service or at the initiation of any other law enforcement or investigative encounter between a law enforcement officer and a member of the public, except that when an immediate threat to the officer's life or safety makes activating the camera impossible or dangerous, the officer shall activate the camera at the first reasonable opportunity to do so. The body camera shall not be deactivated until the encounter has concluded and the law enforcement officers have left the scene.

Sec. 5. *Prohibition on the Use of Body Cameras.* — The use of body cameras is prohibited in the following instances:

- a. Where the use of the body camera shall be in violation of the rights of speech and expression, associations, religion, or any other fundamental rights;
- b. Where the body camera shall be used to record events unrelated to a response to a call for service or a law enforcement or investigative encounter between a law enforcement officer and the member of the public;
- c. Where the officer wearing the body camera is on the grounds of any school, college, university, or any other similar learning institution, except when responding to an imminent threat to life or health; or

- d. Where the use of the body camera shall be inconsistent with the provisions of Republic Act No. 10088, otherwise known as the "Anti-Camcording Act;" Republic Act No. 9995, otherwise known as the "Anti-Photo and Video Voyeurism Act;" and other similar laws regulating the use of cameras and other recording devices.

Sec. 6. Prohibition on Use of Footage for Commercial and Other Non-Law Enforcement Related Use. – Video and audio footages recorded by a body camera shall not be divulged or used by any law enforcement agency for any commercial or other non-law enforcement purpose.

Sec. 7. Privacy Rights. - No government agency or official, or law enforcement agency, officer, or official may publicly disclose, release, or share body camera video footage where such disclosure, release, or sharing of is not in any way related to law enforcement or the prosecution of criminal actions.

Sec. 8. Penalties. — Any violation of the provisions under this Act shall be punishable by a fine not less than Fifty Thousand Pesos (Php 50,000.00) and/or suspension without pay for a period not less than three (3) months, without prejudice to other administrative, civil or criminal liabilities that may arise therefrom.

Sec. 9. Funding. — The initial amount necessary for the implementation of this Act shall be charged against the current fiscal year's appropriation of the law enforcement agencies involved such as but not limited to the Philippine National Police (PNP), National Bureau of Investigation (NBI) and the Philippine Drug Enforcement Agency (PDEA). Thereafter, such sums as may be necessary for the continued implementation of this Act shall be included in the annual General Appropriations Act.

Sec. 10. *Separability Clause.* — Should any provision of this Act or part hereof be declared invalid or unconstitutional, the other provisions or parts not affected thereby shall remain valid and effective.

Sec. 11. *Repealing Clause.* — All laws, decrees, orders, and issuance or portions thereof which are inconsistent with the provisions of this Act are hereby repealed, amended, or modified accordingly.

Sec. 11. *Effectivity.* — This Act shall take effect fifteen (15) days front its publication in the Official Gazette or in newspapers of general circulation.

Approved,