

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

EIGHTEENTH CONGRESS
First Regular Session



0281

HOUSE BILL NO. _____

Introduced by REPRESENTATIVE ANTONIO T. ALBANO

EXPLANATORY NOTE

The Philippine is one of the many jurisdiction with a low conviction rate and such attributed to the fact that not much evidence or tool for evidence gathering is made available to our law enforcement officers. Apart scarce equipment and technology which is farce compared to other advances countries, the Philippines has a legal environment that limits the capabilities and capacities of its able law enforcement officers. There is a need to somewhat revisit our policy on evidence gathering and make available to our law enforcement officers tools such as recording which has been proven effective in the United States of America (USA) in achieving their high conviction rates and efficient crime prevention efforts.

In consensual recording, an officer who must often goes undercover or through an informant, makes a telephone call or proceeds to face meeting and personally records his conversations with a certain person of interest without a need of court order. In this type of evidence gathering, what is required is that the law enforcement officer or the person under his authority makes the recording of a conversation of which that are parties and in which a crime is being committed, discussed or at the very least alluded to. This tool as used in the US justice system has proved to be an efficient toll to prosecute or even prevent crimes such as drug trafficking, theft, public corruption and terrorism. It has also helped protect the innocent as the recording of the conversation would make it difficult for law enforcement officers to misinterpret what had really transpired in the conversation. Definitely, it would be a good means to prevent instances where law enforcement officers allegedly plants evidence against suspected offenders.

It is believed that only with properly empowered law enforcement organization focused and motivated of preserving peace and order could the country achieve a society free from the dangers of crime. If thy will be provided with this too that has proved effective in other territories, we may be on our way to achieve not only a high conviction rate but more importantly, a low incidence of criminality.

Early passage of this bill is earnestly sought.



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AN ACT
ALLOWING FOR SINGLE PARTY CONSENSUAL REDORDING IN LAW
ENFORCEMENT

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

Section 1. Title. This act shall be known as the "Consensual Recording of Law Enforcement Act of 2018.

Section 2. Consensual Recording by Law Enforcement Officer. A law enforcement officer is authorized to record an oral communication to which the officer or a person under the direct supervision of the officer is a party. For purposes of this section, a person is a party to an oral conversation if the oral communications is directed to such person or through telephone or other similar means, or is made in the person's immediate presence and is audible to the person regardless of whether the communication is specifically directed to such persons.

Section 3. Admissibility of Consensual Recording. No recording made under this act shall be admissible in court unless it is proven that recording presented is on the entire conversation free from any alterations. It Shall b made part of the recording, a recitation of the circumstances including the identity of the person making the recording, the date time and place where the recording is made, the person or persons subject of the recording, and the offense for which the recording is being made.

Section 4. Repealing Clause. All laws, decrees, executive orders, administrative orders or parts thereof inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

Section 5. Separability Clause. If any provision of this Act is held invalid or unconstitutional, other provisions not affected thereby shall continue to be in full force and effect.

Section 6. Effectivity Clause. This Act shall take effect fifteen (15) days following its complete publication in the Official gazette or in at least Two (2) newspaper of general circulation.

Adopted.