

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1263

Introduced by **HONORABLE LUIS RAYMUND F. VILLAFUERTE, JR.**

EXPLANATORY NOTE

To serve and to protect is the motto of the Philippine National Police (PNP). As the primary law enforcement agency of the land, the PNP has been reposed with utmost trust and confidence by the State and its people to maintain peace and order, as well as ensure the safety and security of every Filipino. Indeed, it is a tall order to fulfill. It is also a great privilege that demands nothing short of the sacrosanct observance of standard protocols mandated not just by the rules of police engagement, but also by the laws of the land- foremost of which is the Constitution.

A few months ago, Kan Lloyd Delos Santos was gunned down by alleged police authorities in what appeared to be an anti-illegal drugs operation in Caloocan City. The dust has not yet settled when the same Caloocan City Police again faced media scrutiny for the death of Iskolar ng Bayan 19-year-old Carl Amaiz after an alleged foiled taxi robbery-holdup and police. Carl's alleged accomplice, 14-year-old Reynaldo "Kulot" de Guzman's lifeless body would be discovered 100 kilometers from Caloocan, stabbed 30 times and floating in a river. News of their deaths instantly flooded all media platforms and caused nationwide alarm.

The question stands- are the police being judicious in their sworn duty to serve and protect? This bill seeks to finally address this concern with the aid of science and technology by requiring police forces, especially those who take part in police operations, to wear body cameras which will the entire operation, and store the same file for at least three (3) years for all legal intents and purposes it may serve.

The installation of body cameras on police vests is a recent international development in law enforcement. In fact, early this year, the United States of America (USA) New York City and Washington City police departments, some of the largest in the city police forces in the world, started requiring their policemen to wear body cameras on duty. Several footages have already shown controversial material, some terribly incriminating against the police. While this development is new, US authorities are optimistic that this practice will compel their law enforcement authorities to strictly abide by protocol and laws. The same is the fervent hope of this representation.

By requiring every police officer on duty and/or engaged in police operations to wear a body camera, and by penalizing his failure to do so, this bill aims to curb police abuses of all sorts. The police forces are reminded that while their authority is great, the responsibility to always act honorably and within the ambit of existing standard operating procedures is never dispensable. In every case involving alleged police abuse, mishandling, or brutality, the audio-visual recordings shall be presented and studied by the court/s to determine the truth. Any misdeed on the part of the police forces shall be dealt with accordingly.

The people deserve to know the truth. Erring policemen must be held accountable. There is no injustice worse than that caused by the very hands of the State. In consideration of the foregoing premises, the passage of this bill is urgently sought.



LUIS RAYMUND F. VILLAFUERTE, JR.

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AN ACT
MANDATING LAW ENFORCEMENT PERSONNEL TO WEAR A BODY
CAMERA DURING LAW ENFORCEMENT AND SPECIAL POLICE
OPERATIONS, PROVIDING FUNDS THEREFOR AND FOR OTHER
PURPOSES

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

SEC. 1. Short Title. — This act shall be known as the 'Body Camera for Law Enforcement Personnel Act of 2017'.

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 police operations which include but not limited to service of warrants of arrest, implementation of search warrants, enforcement of visitorial powers, anti-illegal drug operation, anti-illegal gambling operations, anti-illegal logging operations, anticarnapping operations, anti-cybercrime operations, special police operations and similar operations that are conducted to enforce laws, statutes, executive orders and ordinances;
- c) Video Footage refers to any images or video recorded by a Body Camera;
- d) Subject of the Video Footage refers to 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, and shall not include people who only incidentally appear on the recording.

- e) Body Camera refers to a wearable body camera that is used by law enforcement officer 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 any 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 ensure that:

- a. The body cameras 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
- b. 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 leave the scene.

SEC. 5. Prohibition on the use of Body Cameras. — The use of body camera shall not be allowed in the following instances:

- a) Body cameras shall not be used to gather intelligence information based on protected speeches, associations, or religion, or to record activity that is 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.
- b) Law enforcement officers shall not activate the camera while on the grounds of any public, private or parochial elementary or secondary school, except when responding to an imminent threat to life or health.
- c) Video footage shall not be divulged or used by any law enforcement agency for any commercial or other non-law enforcement purpose.
- d) No government agency or official, or law enforcement agency, officer, or official may publicly disclose, release, or share body camera video footage
- e) Body cameras shall not be used surreptitiously.

SEC. 6. Penalties. — Any act or omission causing the violation of duties mandated under this Act shall be punishable by a fine not exceeding fifty thousand pesos (P50,000.00) a n d /o r suspension without pay for a period not exceeding three (3)

months, without prejudice to other administrative, civil or criminal liabilities that may arise therefrom.

SEC. 7. 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 PNP, NBJ and 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. 8. 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. 9. 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 10. Effectivity. — This Act shall take effect fifteen (15) days front its publication in buo (2) newspapers of general circulation.

Approved,