

REPUBLIC OF THE PHILIPPINES  
**HOUSE OF REPRESENTATIVES**  
Quezon City

**EIGHTEENTH CONGRESS**  
**First Regular Session**

House Bill No. 2896



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Introduced by **MAGDALO Party-List Representative**  
**HON. MANUEL DG. CABOCHAN III**

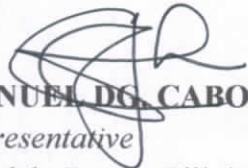
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**EXPLANATORY NOTES**

The spate of killings in drug-related operations of the Philippine National Police has sparked outrage over allegations of human rights abuse and police brutality. Thousands have already been reported killed since waging the war on drugs under the present administration. Most of the cases are categorized as deaths under investigation while others were brushed off as cases of “nanlaban”. Hence, there is a need to ensure transparency in the conduct of police operations for the protection of our people and our law enforcers.

This proposed measure aims to aid the government, especially our law enforcers, in the maintenance of peace and order, protection of life, liberty, and property, and in promoting the public’s general welfare thru the provision of adequate tools and instruments to aid in law enforcement and public safety. This legislation institutionalizes the use of body-worn cameras during the conduct of police operations. The use of body-worn cameras aims to promote law enforcement transparency and accountability. As experienced by other countries, body-worn cameras help increase transparency and provide protection not only to the public but the officers as well and further boost the trust of the community in law enforcement agencies.

In view of the foregoing reasons, the expeditious approval of this bill is earnestly requested.

  
**MANUEL DG. CABOCHAN III**  
*Representative*  
Magdalo Para sa Pilipino Party-List

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AN ACT  
REQUIRING ALL MEMBERS OF THE DIFFERENT LAW ENFORCEMENT  
AGENCIES OF THE GOVERNMENT TO WEAR BODY-WORN CAMERAS  
DURING THE CONDUCT OF THEIR OPERATIONS, AND APPROPRIATING  
FUNDS THEREFOR

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

1       **SECTION 1.***Short Title.*- This Act shall be known as the “**Body-Worn Camera**  
2 **Act.**”

3  
4       **SEC. 2.***Declaration of Policy.* - It is the policy of the State to maintain peace and  
5 order, protect life, liberty, and property, and promote the general welfare, which are deemed  
6 essential for the enjoyment by all the people of the blessings of democracy.

7  
8       Towards this end, the State shall provide its law enforcement agents and enforcers  
9 adequate tools and instruments that will ensure the safety both of its citizens and its law  
10 enforcers in the fulfilment of this policy.

11  
12       **SEC. 3.***Definition of Terms.*- For purposes of this Act, the following terms shall  
13 mean:

- 14       a) “Body-Worn Camera (BWC)” means a portable electronic recording device that is  
15 worn on a law enforcement officer’s body and that records audio and video data in  
16 the course of the officer performing his or her official duties and responsibilities.  
17       b) “Law Enforcement Officer” means any person authorized by law to prevent,  
18 investigate, apprehend or detain individuals suspected or convicted of offenses  
19 under Philippine laws.  
20       c) “Law Enforcement Operation” includes service of warrants of arrest,  
21 implementation of search warrants, enforcement of visitorial powers of the Chief,



Philippine National Police and unit commanders, anti-illegal drugs operation, anti-illegal gambling operations, anti-illegal logging operations, anti-illegal fishing operations, anti-carnapping operations, anti-kidnapping operations, anti-cybercrime operations and similar operations that are conducted to enforce laws, statutes, executive orders and ordinances.

- d) "Subject of the video footage" means any law enforcement officer or any suspect, victim, detainee, conversant, injured party or other similarly situated person who appears on the body camera recording, and shall not include people who incidentally appear on the recording.
- e) "Special police operation" includes checkpoint operations; roadblock operations; civil disturbance management operations; police assistance in the enforcement of demolition, eviction, injunction and similar orders; police assistance in the implementation of final court orders and orders from quasi-judicial bodies; hostage situation; visit, board, search, and seizure of on-board marine vessels; and similar police operations that are conducted by police units with specialized training on the peculiarity of the mission or purpose.
- f) "private place" means a place where an individual may reasonably expect to be safe from casual or hostile intrusion or surveillance but does not include a place to which the public or a substantial group of the public has access.

**SEC. 4. Law Enforcers' mandatory use of Body-worn cameras.-** All law enforcement officers with the authority to conduct searches and make arrests shall be required to wear a body camera and record the events that occur while in the course of conducting a search or making an arrest. Such body cameras shall be worn in a location and manner that maximizes the camera's ability to capture a video footage of the law enforcement officer's activities.

Law Enforcement Officers shall only use body-worn cameras (BWC) issued by their respective law enforcement agency. The BWC equipment and all data, images, and video captured, recorded, or otherwise produced by the equipment shall be the property of the State. Officers shall inspect and test their BWCs prior to each shift in order to verify proper functioning and shall notify their supervisor of any problems. Law Enforcement Officers shall activate the video and audio components of BWC to start recording at the commencement of any and all law enforcement and police service contacts with citizens. The body camera shall not be deactivated until the encounter has fully concluded and the law enforcement officer leaves the scene. Officers shall not indiscriminately record entire duties or patrols.

Law Enforcement Officers shall inform individuals that they are being recorded. When notification is not made, the recording officer shall note the reason for non-notification within the associated report.

**SEC. 5. Camera Standard. –** All body-worn cameras to be utilized in compliance with

1 this Act shall be determined according to the latest technological standards and shall comply  
2 with the minimum core specifications as prescribed by the law enforcement agencies.

3  
4 **SEC. 6. *Training for Law Enforcers.*** - There shall be an appropriate training for the  
5 law enforcement officers in the use and handling of the on-body camera. It is important that  
6 their knowledge shall include both the technical familiarity on usage of the camera and the  
7 implication of Constitutional provisions and other relevant laws on the protection of privacy.

8  
9 **SEC. 7. *Data Storage and Management.***—All video footages taken using a body-worn  
10 camera during legitimate Law Enforcement Operations may be retained by the Law  
11 Enforcement Officer in his device for no later than the end of their shift. All recorded images  
12 and sounds shall be downloaded in the form of a file to a secure storage device not connected  
13 either to the Internet or to any off-site storage facility no later than the end of each shift.  
14 Access to such files shall be password-protected. Each file shall contain information related  
15 to the date, BWC identifier, and assigned officer.

16  
17 Unless being retained as evidence in a civil or criminal case or as part of an internal  
18 affairs investigation, recordings made by a BWC shall be destroyed or overwritten every 30  
19 days.

20  
21 **SEC. 8. *Privacy Rights.*** – The use of body-worn cameras shall be made in a manner  
22 consistent with the Constitution and laws on piracy.

23  
24 The body-worn camera shall not be used surreptitiously in order to obtain data or  
25 information that is unrelated to the purpose of the operation. Any recording of person(s)  
26 inside a restroom, toilet, shower, bathroom, bedroom, changing room and other similar areas  
27 shall not be allowed to be used as evidence in any court of law except when the suspect or the  
28 person under investigation has concealed himself and/ or the contraband in the places  
29 mentioned, or that the crime was committed therein.

30  
31 As part of an information campaign, the public shall be informed of the general  
32 procedure and guidelines in the conduct of the police operation with body-worn cameras in at  
33 least two (2) newspapers of general circulation. It shall likewise be posted in the website of  
34 the PNP, and other concerned law enforcement agencies. Likewise, printed copies of said  
35 guidelines shall be displayed in the every police precincts as well as in the premises of  
36 concerned law enforcement agencies to constitute due notice of the presence of the body-  
37 worn cameras during these police operations.

38  
39 **SEC. 9. *Procedure for Access and Disclosure of Recordings.*** – Only persons  
40 authorized by the court, upon application, shall have access to images and recordings from  
41 law enforcement or police body-worn cameras. Viewing of the images and recordings shall  
42 take place in a restricted area or in private conditions. All access granted under the  
43 circumstances must be documented and for a limited or prescribed time only. The courts shall



1 in its discretion grant the use, viewing, copying or disclosure of images and recordings  
2 performed in accordance with this Act under the following circumstances:

- 3
- 4 a) Upon request by law enforcement officers in connection with and limited to an  
5 investigation for the prosecution of an offense punishable by law, which is the  
6 subject of the operation or incidental to the occurrence of the operation;
  - 7 b) By a person whose images has been captured indubitably revealing information of  
8 a highly sensitive and personal nature;
  - 9 c) Where a disclosure of the recording is necessary to advance a compelling interest  
10 of the public;
  - 11 d) By any interested person in connection with a pending criminal or civil  
12 proceeding to prevent a serious threat to the fair administration of justice;
  - 13 e) To determine whether an administrative or criminal offense has been committed  
14 by a law enforcement officer during the course of an anti-illegal drug and  
15 criminality operation, and to ascertain his identity and the manner by which the  
16 offense was committed.
- 17

18 Law Enforcement Officers are prohibited to release images or recordings from the  
19 body-worn camera to the media or to upload the same onto public and social media internet  
20 websites.

21

22 The courts shall give its order allowing or denying the use, copying or disclosure of  
23 images and recordings within twenty-four (24) hours after submission of the request, as  
24 herein specified.

25

26 The public shall be informed of the procedure for the access to the images and  
27 recording of the operation in a manner consistent with the policy of this Act.

28

29 **SEC. 10. *Prohibited Acts.* –**

- 30 a) Any law enforcement officer who shall participate in the anti-illegal drug and  
31 criminality operation who fails to wear, record or otherwise interfere with the  
32 body-worn camera recording shall suffer the penalty of suspension from service  
33 for a period of six (6) months without pay; *Provided*, that if said anti-illegal drug  
34 and criminality operation results in the injury or death of a drug personality or any  
35 other person who is not a law enforcement officer, the law enforcement officer  
36 shall suffer the penalty of permanent removal from service; *Provided, Further*,  
37 that the presumption of irregularity and misconduct in the course of the  
38 performance of his duty may be rebutted only by evidence of another recording  
39 attesting to the regularity in the conduct of the operations exculpating said officer  
40 or by proof that circumstances has made it impossible for him to comply with the  
41 provisions of this Act;
- 42
- 43 b) Where a law enforcement officer involved in the operation has abused his  
44 authority and committed a crime, regardless whether the incident has been

1 captured in the body-worn camera recording, he shall be prosecuted under the law  
2 for the crime which he has committed and the penalty to be applied shall be the  
3 maximum period;  
4

- 5 c) Any use of the recording that are not in accordance with the objective of this Act,  
6 or any alteration, deletion of any body-worn camera recording, shall be punishable  
7 with an imprisonment of not less than six (6) months but not exceeding six (6)  
8 years, or a fine not less than One Hundred Thousand Pesos (Php100,000.00) but  
9 not more than One Million Pesos (Php1,000,000.00) or both such fine and  
10 imprisonment at the discretion of the court.  
11

12 **SEC.11.Appropriations.** – The amount necessary to carry out the provisions of this  
13 Act shall be included in the budget of the concerned law enforcement agencies in the year  
14 immediately following its enactment.  
15

16 **SEC. 12.Implementing Rules and Regulations.**– Within sixty (60) days from the  
17 implementation of this Act, the Department of Interior and Local Government, National  
18 Police Commission, Philippine National Police, Philippine Drug Enforcement Agency and  
19 National Bureau of Investigation shall promulgate rules and regulations implementing this  
20 Act.  
21

22 **SEC. 13.Separability Clause.** If any portion or provision of this Act is subsequently  
23 declared invalid or unconstitutional, other provisions hereof which are not affected thereby  
24 shall remain in full force and effect.  
25

26 **SEC.14.Repealing Clause.** All other laws, acts, presidential decrees, executive  
27 orders, presidential proclamations, issuances, rules and regulations or parts thereof which are  
28 contrary to or inconsistent with any of the provisions of this Act are hereby repealed,  
29 amended or modified accordingly.  
30

31 **SEC.15.Effectivity.** This Act shall take effect fifteen (15) days after its publication in  
32 the *Official Gazette* or in at least two (2) newspapers of general circulation.

*Approved,*