

THIRTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES
First Regular Session

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SENATE

S. No. 351

Introduced by Senator S. R. Osmeña III

EXPLANATORY NOTE

For more than a decade now, members of our law enforcement agencies have greatly suffered from a reputation so low they are obeyed more out of fear than out of respect. The proliferation of Kotong cops, kidnap-for-ransom syndicates and drug syndicates allegedly protected by high-ranking police officials have all contributed to the public's loss of respect for them.

In an effort to combat this perception, they have resorted to their public relations personnel to counter the bad perceptions. One of these gimmicks is the presentation of suspects allegedly wanted for a criminal or civil case.

In the process, the human rights of these suspects are violated. Families and friends are unjustly embarrassed to watch their kin being presented to the media and the public without following the rule of presumption of innocence. Worse is when the cases are ultimately dismissed, the reputation of a person goes down the drain and retrieving it could be as hard as building it.

To avoid these incidents from happening again, this bill is being proposed. Members of law enforcement agencies who will be in violation of this law be held criminally, civilly or be administratively liable. This bill also proposes certain guidelines as to what these law enforcement agencies can do to keep the public informed about the status of high-profile cases.

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

S. Osmeña III
SERGIO OSMEÑA III
Senator

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**AN ACT
PROHIBITING THE PRESENTATION TO THE PRESS OR PUBLIC OF
SUSPECTS IN CRIMINAL INVESTIGATIONS BEFORE CASES ARE
FORMALLY FILED AGAINST THE SUSPECTS**

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

1 SECTION 1. *Declaration of Policy.* - It is a policy of the State to safeguard
2 the right to presumption of innocence of all citizens including suspects in criminal
3 investigations.

4 SEC. 2. *Unlawful Act.* - It shall be unlawful for any person to present
5 publicly or in a press conference any suspect who is being investigated by a
6 government office for possible criminal liability before formal charges are filed
7 against him or her, unless there is a written consent by the suspect with the
8 assistance of counsel.

9 This Act, however, does not apply to suspects who are at large or for
10 whom warrants of arrest have been issued. Their names and photographs can
11 be provided to the public for dissemination in order to facilitate their arrest.

12 SEC. 3. *Acts Allowed.* - Officials who have custody of a suspect and
13 knowledge of his or her arrest may inform the public the fact that a suspect has
14 been arrested, the crime for which he or she was arrested, the time, date, place,
15 manner and other circumstances concerning the arrest but should not include the
16 identity and personal circumstances concerning the arrest.

17 SEC. 4. *Access of Media.* - Interview by media may be allowed upon the
18 suspect's written consent with the assistance of counsel. No interview shall be

1 allowed without the presence of counsel unless the suspect waives such
2 privilege in writing.

3 SEC. 5. *Penalty.* - Any person who shall violate this Act shall suffer the
4 penalty of six months and one day to six years or a fine of twenty thousand
5 pesos or both.

6 If the offender is a member of the police force, law enforcement agency or
7 the Philippine Bar, the penalty to be imposed shall be six years and one day to
8 eight years.

9 SEC. 6. *Repealing Clause.* - All laws, presidential decrees, executive
10 orders, rules and regulations or parts thereof inconsistent with the provisions of
11 this Act are hereby repealed or immediately modified accordingly.

12 SEC. 7. *Effectivity.* - This Act shall take effect fifteen (15) days after its
13 publication in at least two (2) national newspaper of general circulation.

Approved,