


13TH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

'04 JUL -6 AM 1:32

SENATE

RECEIVED BY: 

S. BILL NO. 1372

Introduced by Senator Ralph G. Recto

Explanatory Note

Peace and order has indeed become illusive in our country where the recorded crime rate for 2001 was 98.8 per 100,000 population and the policeman to population ratio is 1:730.

In a country beset with the perennial problem of high crime rate, we have developed an insatiable appetite to witness criminals being caught by authorities. It is a common practice that arrested suspects are being paraded in media with handcuffs and complete with name tags.

Unfortunately however, there have been a number of times when those arrested turn out to be innocent people who were just either framed up or worse have been victims of mistaken identities. Public presentation of the accused is subject to abuse and tends to be humiliating not only to the accused himself but more so for his family. The public has a propensity to judge the accused immediately after the public presentation and more often they are already given the verdict of guilty prior to their day in court.

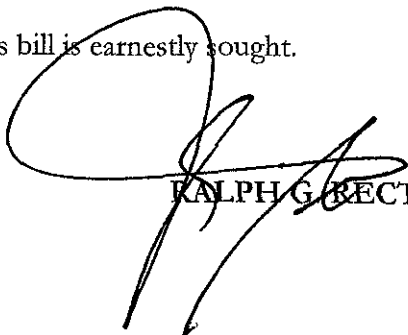
As mass communication becomes more and more accessible it is inevitable that the power of media has become so influential. However, we should always be reminded that Congress shall give highest priority to the enactment of measures that protect the right of people to human dignity.

This bill seeks to uphold the rights of persons arrested, detained, or under custodial investigation by ensuring that no person arrested, detained or under custodial investigation shall be put on public display in hand cuffs, with name tags or other tugs, or in any manner causing or tending to cause degradation, humiliation, dishonor, discredit, ridicule or contempt, nor shall such person be presented to the press in such manner. Subject to the preceding restrictions, the public display or presentation to the press of any person arrested, accused, detained, or under custodial investigation shall only be allowed if such person is assisted by counsel of his choice during the public display or presentation.

Consequently, a fine of six thousand pesos (P6,000.00) or a penalty of imprisonment of not less than eight (8) years but not more than ten (10) years, or both shall be imposed upon any public officer or employee, or anyone acting upon orders of such officer or employee or in his place, who directly or indirectly causes the public display of a person arrested, accused or under investigation in a degrading manner or causes his presentation to the press in such manner.

Hopefully, with the passage of this bill, our arresting officers may be more responsible in presenting suspected fugitives of the law to the public and media practitioners may practice the necessary restraint in their profession, upholding the suspect's human rights at all times.

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


RALPH G. RECTO

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AN ACT

PROHIBITING THE PUBLIC DISPLAY OF PERSONS ARRESTED, ACCUSED OR UNDER CUSTODIAL INVESTIGATION IN A DEGRADING MANNER, AMENDING FOR THE PURPOSE SECTIONS 2 AND 4 OF REPUBLIC ACT NO. 7438, ENTITLED "AN ACT DEFINING CERTAIN RIGHTS OF PERSONS ARRESTED, DETAINED OR UNDER CUSTODIAL INVESTIGATION AS WELL AS THE DUTIES OF THE ARRESTING, DETAINING AND INVESTIGATING OFFICERS, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF"

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

1 SECTION 1. Section 2 of Republic Act No. 7438 is hereby amended by adding a new
2 paragraph to be known as paragraph (g), to read as follows:

3 "Sec. 2. *Rights of Persons Arrested, Detained, or Under Custodial Investigation; Duties of*
4 *Public Officers.* - (a) xxxxxxx

5 "(b) xxxxxxx

6 "(c) xxxxxxx

7 "(d) xxxxxxx

8 "(e) xxxxxxx

9 "(f) xxxxxxx

10 "(G) NO PERSON ARRESTED, DETAINED, OR UNDER CUSTODIAL
11 INVESTIGATION SHALL BE PUT ON PUBLIC DISPLAY IN HAND CUFFS,
12 WITH NAME TAGS OR OTHER TAGS, OR IN ANY MANNER CAUSING OR
13 TENDING TO CAUSE DEGRADATION, HUMILIATION, DISHONOR,
14 DISCREDIT, RIDICULE OR CONTEMPT, NOR SHALL SUCH PERSON BE
15 PRESENTED TO THE PRESS IN SUCH MANNER. SUBJECT TO THE
16 PRECEDING RESTRICTIONS, THE PUBLIC DISPLAY OR PRESENTATION
17 TO THE PRESS OF ANY PERSON ARRESTED, ACCUSED, DETAINED OR

1 UNDER CUSTODIAL INVESTIGATION SHALL ONLY BE ALLOWED IF
2 SUCH PERSON IS ASSISTED BY COUNSEL OF HIS CHOICE DURING THE
3 PUBLIC DISPLAY OR PRESENTATION.

4 "XXXXXX."

5
6 SEC. 2. Section 4 of Republic Act No. 7438 is hereby amended to read as follows:

7 "SEC. 4. *Penalty Clause.* – (a) Any arresting public officer or employee, or any
8 investigating officer, who fails to inform any person arrested, detained or under custodial
9 investigation of his right to remain silent and to have competent and independent counsel
10 preferably of his own choice, shall suffer a fine of Six thousand pesos (P6,000.00) or a
11 penalty of imprisonment of not less than eight (8) years but not more than ten (10) years, or
12 both. The penalty of perpetual absolute disqualification shall also be imposed upon the
13 investigating officer who has been previously convicted of a similar offense.

14 "XXXXXX

15 "THE SAME PENALTIES SHALL BE IMPOSED UPON A PUBLIC
16 OFFICER OR EMPLOYEE, OR ANYONE ACTING UPON ORDERS OF SUCH
17 OFFICER OR EMPLOYEE OR IN HIS PLACE, WHO DIRECTLY OR
18 INDIRECTLY CAUSES THE PUBLIC DISPLAY OF A PERSON ARRESTED,
19 ACCUSED OR UNDER INVESTIGATION IN A DEGRADING MANNER OR
20 CAUSES HIS PRESENTATION TO THE PRESS IN SUCH MANNER.

21 "(b) XXXXXX"

22
23 SEC. 3. *Repealing Clause.* – All laws, rules and issuances or parts thereof inconsistent
24 with the provisions of this Act are hereby repealed, amended or modified accordingly.

25
26 SEC. 4. *Separability Clause.* – This Act shall take effect fifteen (15) days following its
27 publication in at least two (2) newspapers of general circulation.

Approved,