

EIGHTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
*First Regular Session* )



**SENATE**

**S. No. 59**

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Introduced by Senator Manuel "Lito" M. Lapid

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**AN ACT  
ALLOWING FOR SINGLE PARTY CONSENSUAL RECORDING IN LAW  
ENFORCEMENT**

EXPLANATORY NOTE

Much of the attribution to the country's low conviction rate goes to the lack of available evidence to prosecute criminal offenses. The law enforcement officers do not have much available tools to gather evidence which are otherwise available in territories which have good prosecution success rates like the United States of America. One of the commonly used law enforcement tool that contribute to the success of US law enforcement is consensual recordings.

Under this mechanism, an officer who most oftenly goes undercover or through an informant, makes a telephone call or proceeds to a face to face meeting and personally records his conversations with a certain person of interest without need of a court order. All that is required is that the law enforcement officer or the person under his authority is a party to such conversation in order to make the recording admissible in evidence. This tool as used in the US justice system has proved to be an efficient tool 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 misrepresent what had really transpired in the conversation.

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 they will be provided with this tool 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.



**MANUEL "LITO" M. LAPID**  
*Senator*



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

1 Section 1. *Title.* This act shall be known as the "Consensual Recording for Law  
2 Enforcement Act".

3

4 Section 2. *Consensual Recording.* A law enforcement officer is authorized to  
5 record an oral communication to which the officer or a person under the direct  
6 supervision of the officer is a party. For purposes of this section, a person is a party  
7 to an oral conversation if the oral communication is made in the person's immediate  
8 presence and is audible to the person regardless of whether the communication is  
9 specifically directed to the person.

10

11 Section 3. *Admissibility of recording.* No recording made under this act shall  
12 be admissible in court unless it is proven that the recording presented is of the entire  
13 conversation free from any alterations and that such conversation is not a product of  
14 instigation.

15

16 It shall be made part of the recording a recitation of the circumstances  
17 including the identity of the person making the recording, the date time and place

18 where the recording is made, the person or persons subject of the recording, and  
19 the offense for which the recording is being made.

20

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

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

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28 Section 6. *Effectivity Clause.* This Act shall take effect fifteen (15) days  
29 following its complete publication in the Official Gazette or in at least two (2)  
30 newspaper of general circulation.

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32 *Approved,*

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