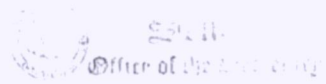


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



'19 JUL 16 A9:07

SENATE

S. No. 518

RECEIVED BY _____

Introduced by SENATOR RONALD "BATO" DELA ROSA

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

EXPLANATORY NOTE

The Philippine Drug Enforcement Agency (PDEA), reported out that from July 1, 2016 to March 31, 2019, as part of the Duterte Administration's War on Drugs, there were already 127,379 Anti-Drug Operations conducted; 182,061 drug personalities arrested and 5,375 died in anti-drug operations.¹

The Philippine National Police (PNP) and PDEA, under the *Oplan Tokhang* and *Double Barrel*, have been massively criticized and lambasted for the alleged summary executions, excessive and unnecessary use of force in dealing with the public and other human rights abuses during anti-drug operations and other police operations.

In January 2018, as the PNP Chief that time, I have initiated the procurement of body-worn cameras for the PNP, with an allotted budget of P334 million. This includes 12,476 body cameras, 175 body camera livestreaming systems, 1,941 computer sets and 2,103 docking stations.²

¹ <http://pdea.gov.ph/2-uncategorised/279-realnumbersph>


² <https://www.rappler.com/nation/195280-pnp-live-stream-capable-body-cameras-june-2018>

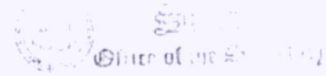
Despite this effort, it is necessary to institutionalize the use of body cameras by all law enforcement officers, in all law enforcement and police operations. Many countries like Australia, Canada, Singapore, United Kingdom, United States of America, Denmark, Finland, France and Germany, among others, have been using this technology.

This proposed bill, which was filed by Senator Joseph Victor Ejercito during the 17th Congress, aims to preserve credibility and transparency in the conduct of law enforcement operations. The operatives will be more accountable in their actions because they know that they are being monitored and will eventually halt the rising number of abuses and killings in anti-drug campaign. Moreover, this will in turn improve public trust and citizen confidence in the law and to police personnels. Furthermore, body cam recordings can be use as evidence to reconstruct events of police operations which will help in the speedy investigation and resolution of cases.

The measure also provides for the guidelines in the use of body cameras in order to forestall misuse and manipulation of such.

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


RONALD "BATO" DELA ROSA



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

'19 JUL 16 A 9 :08

RECEIVED BY: _____ 

SENATE

S. No. 518

Introduced by SENATOR RONALD "BATO" DELA ROSA

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 House of Representatives of the Republic of the Philippines in Congress assembled:

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SECTION. 1. *Short Title.* - This act shall be known as the "*Body Camera for Law Enforcement Personnel Act of 2019.*"

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 includes 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, anti-carnapping operations,

- 1 anti-cybercrime operations, special police operations and similar operations that
2 are conducted to enforce laws, statutes, executive orders and ordinances;
- 3 c) *Video Footage* refers to any images or video recorded by a Body Camera;
- 4 d) *Subject of the Video Footage* refers to identifiable law enforcement officer or any
5 identifiable suspect, victim, detainee, conversant, injured party, or other similarly
6 situated person who appears on the body camera recording, and shall not include
7 people who only incidentally appear on the recording;
- 8 e) *Body camera* refers to a wearable body camera that records both audio and video,
9 used by law enforcement officers when conducting police operations.

10 SEC. 3. *Mandatory Use of Body Cameras* - All law enforcement officers that conduct
11 police operations shall be required to wear a body camera and record the events while in
12 the course of conducting any police operations as defined in this Act.

13

14 SEC. 4. *Guidelines for the Use of Body Cameras*. - Any law enforcement officer
15 mandated to wear a body camera shall ensure that:

- 16 a) The body cameras shall be worn in a location that maximizes the camera's ability
17 to perform its full potential by capturing audio and video footage of the law
18 enforcement officer's activities.
- 19 b) Both video and audio recording functions of the body camera shall be activated
20 whenever a law enforcement officer is responding to a call for service or at the
21 initiation of any other law enforcement or investigative encounter between a law
22 enforcement officer and a member of the public, except that when an immediate
23 threat to the officer's life or safety makes activating the camera impossible or
24 dangerous, the officer shall activate the camera at the first reasonable opportunity
25 to do so. The body camera shall not be deactivated until the encounter has
26 concluded and the law enforcement officers leave the scene.

1 SEC. 5. *Prohibition on the use of Body Cameras* - The use of body camera shall
2 not be allowed in tire following instances:

- 3 a) Body cameras shall not be used to gather intelligence information based on
4 protected speeches, associations, or religion, or to record activity that is unrelated
5 to a response to a call for service or a law enforcement or investigative encounter
6 between a law enforcement officer and the member of the public.
- 7 b) Law enforcement officers shall not activate the camera while on the grounds of
8 any public, private or parochial elementary or secondary school, except when
9 responding to an imminent threat to life or health.
- 10 c) Video footage shall not be divulged or used by any law enforcement agency tor
11 any commercial or other non-law enforcement purpose.
- 12 d) No government agency or official, or law enforcement agency, officer, or official
13 may publicly disclose, release, or share body camera video footage.
- 14 e) Body cameras shall not be used surreptitiously.

15
16 SEC. 6. *Penalties*. - Any act or omission causing the violation of duties mandated
17 under this Act shall be punishable by a fine not exceeding fifty thousand pesos
18 (P50,000.00) and/or suspension without pay for a period not exceeding three (3) months,
19 without prejudice to other administrative, civil or criminal liabilities that may arise
20 therefrom.

21 SEC. 7. *Funding*. - The initial amount necessary for tire implementation of this Act
22 shall be charged against the current fiscal year's appropriation of the law enforcement
23 agencies involved, such as, but not limited to, the Philippine National Police, National
24 Bureau of Investigation and Philippine Drug Enforcement Agency. Thereafter, such sums
25 as may be necessary for the continued implementation of this Act shall be included in the
26 annual General Appropriations Act.

27 Sec. 8. *Separability Clause* - If any provision of this Act is declared invalid, the
28 remainder thereof not affected thereby shall continue to be in full force and effect.

1 *Sec. 9. Repealing Clause* - All Laws, decrees, order, rules and regulations or other
2 issuances or parts thereof inconsistent with the provisions of this Act are hereby repealed
3 or modified accordingly.

4 *SEC. 10. Effectivity.* - This act shall take effect fifteen (15) days after its complete
5 publication in at least two (2) national newspapers of general circulation.

6 Approved,

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