


'19 AUG 20 AM 11:00

SENATE
S. No. 929

RECEIVED BY: 

Introduced by SENATOR LEILA M. DE LIMA

**AN ACT
PENALIZING PRESENTATION OF SUSPECTS AND RELEASE OF THEIR
PRIVATE INFORMATION TO THE PRESS OR PUBLIC BEFORE FORMAL
CHARGES ARE FILED IN COURT**

EXPLANATORY NOTE

An individual's right to privacy, presumption of innocence, human dignity, due process and equal protection clause are assured not only by the Philippine Constitution but also various international human rights instruments.

The International Convention on Civil and Political Rights (ICCPR) prescribes that no one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence nor to unlawful attacks on his honor and reputation. Further, Section 2 of the same also mandates that "[e]veryone has the right to the protection of the law against such interference or attacks."

In the past, it has become customary to present crime suspects to the media. Members of the Philippine National Police (PNP) often parade suspects or persons in interest to the media in a "firing line" behind them wearing orange shirts. Some would even allow confrontation of suspects and their victims, and the victims' relatives before the press.

In 2008, PNP issued a memorandum banning the presentation of suspects in a "firing line" to the media. But PNP may still use the media to inform the public about the arrest, the crime committed, its nature and circumstances, time and place of its commission, and other persons involved. The memorandum also prohibits manhandling and infliction of bodily harm, such as slapping, boxing and the like, on the person of the suspect. Under the memorandum, PNP officers who violated this

policy will face a charge of “less grave neglect of duty” which may lead to suspension or demotion, or even dismissal from service.

However, without a statutory edict, strict adherence to the policy of non-parading of suspects by the PNP officers and members of other investigative and law enforcement bodies cannot be assured. We have also seen that parading of suspects has been resorted to by local government officials who are not covered by the PNP memorandum.

To address this policy gap, this bill aims to penalize presentation of suspects or persons of interest to media, ensuring that this policy will be implemented across all professions and across all regions.

“Parading suspects” violates not only their constitutional right to presumption of innocence but also their human rights by subjecting them to undue embarrassment and prejudice by the public. This act besmirches the suspect’s name, including that of their family even before probable cause is established, much less before guilt is proven in court.

Even if the suspect is exonerated, such exoneration will not receive the same magnitude of publicity as when he was presented in a firing line before media in the first instance. It would also not prevent subsequent internet searches disclosing that the person had been arrested, causing irremediable damage to the person’s and his family’s reputation.

It is not only in the Philippines where parading of suspects is used to inform and send to the public the message that the government does not tolerate illegal acts. It is used by Thailand, Uganda, Indonesia, to name a few. Daily Monitor article reported an incident in Uganda wherein after the police paraded the suspect of a killing incident before the media, the residents thereafter attacked and sought to murder the suspect’s family¹.

The act of parading of suspects was, however, banned by Thailand Prime Minister Prayut Chan-o-cha in 2016. Prayut believes that “violations of human rights

¹ Daily Monitor. *Parading of suspects by police puts their families at great risk*. 29 July 2019. Retrieved from <https://www.monitor.co.ug/OpEd/Letters/Parading-of-suspects-by-police-puts-their-families-at-great-risk/806314-5213582-yjs9iiz/index.html>

could result if suspect was later found not guilty or had served his time. He could have trouble facing or re-entering society and, in some case, might return to crime.”²

Novian Hariawan, a former drug user who is now an addiction counselor, criticized the parading and shackling of 23 drug suspects during a Sunday in Denpasar, Indonesia stating that “the violence and shaming would not stop people from abusing drugs, but help would.”

The Association of Indonesian Addiction Counselors explained that parading of suspects does not work because the number of drug abuse cases continue to rise³.

In a study conducted with regard to British Press Ethics, it was concluded in a case that, “[m]any of the stories published in these newspapers are designed to ‘monster’ the individual, in flagrant disregard of his reputation, privacy and rights to a fair trial.”⁴

In this era of human rights, we do not want innocent persons victimized by witch hunts through trial by publicity. While it is recognized that our police and other law enforcement officers need to apprise the public about their investigation, they should concentrate on the development of the investigation or case build up instead of resorting to the parading of individuals which transgresses the constitutionally guaranteed right to presumption of innocence. While their heroic efforts in apprehending suspects are laudable, their achievements should not be debased into a cheap attempt at shaming in lieu of legitimate prosecution and administration of justice.

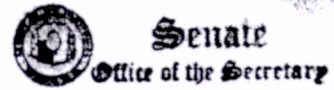
Immediate passage of this measure is earnestly sought.


LEILA M. DE LIMA

² Bangkok Post. *Prayut bans parading of suspects*. 16 September 3. Retrieved from <https://www.bangkokpost.com/thailand/general/1077564/pm-no-more-suspect-photo-ops>

³ Jakarta Post. *Activists slam Denpasar Police for Parading Drug suspects before crowd*. 26 February 2019. Retrieved from <https://www.thejakartapost.com/news/2019/02/25/activists-slam-denpasar-police-for-parading-drug-suspects-before-crowd.html>

⁴ Leveson Report, Vol 2, Part F, chapter 4, par 4.8, p.137



'19 AUG 20 AM 100

SENATE
S. No. 929

RECEIVED BY: [Signature]

Introduced by SENATOR LEILA M. DE LIMA

**AN ACT
PENALIZING PRESENTATION OF SUSPECTS AND RELEASE OF THEIR
PRIVATE INFORMATION TO THE PRESS OR PUBLIC BEFORE FORMAL
CHARGES ARE FILED IN COURT**

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

1 Section 1. *Declaration of Policy.* - It is the policy of the State to promote and to
2 ensure a balance between the constitutionally guaranteed rights of an individual to
3 presumption of innocence, human dignity, due process and equal protection clause
4 and the right of the State to public order and safety as well as the right of the public to
5 access information on public matters.

6 Sec. 2. *Punishable Act.* - It shall be unlawful for any public official or law
7 enforcement officer to present to the public, with or without name tags, or in any
8 manner causing or tending to cause degradation, humiliation, dishonor, discredit,
9 ridicule or contempt, whether through a press conference or some other means, any
10 person who is a suspect in an investigation conducted by any government agency prior
11 to the filing of formal charges against him or her in court, unless there is written
12 consent by the suspect with the assistance of counsel.

13 It shall likewise be unlawful for a public official or law enforcement officer to
14 divulge the identity or personal information of a suspect prior to the filing of formal
15 charges in court.

16 The Act, however, does not apply to suspects against whom warrants of arrest
17 have been issued or those who remain at large. Their names and photographs can be
18 provided to the public for dissemination in order to facilitate arrest.

1 Sec. 3. *Information That May Be Disclosed.* - Officials who have custody of a
2 suspect and knowledge of his or her arrest may inform the public of the fact that a
3 suspect has been arrested; the crime for which he or she was arrested; and the time,
4 date, place, manner of apprehension, and other circumstances concerning the arrest.
5 In no case should the identity or personal circumstances of the suspect be revealed.

6 Sec. 4. *Access of Media.* - Interview by media may be allowed upon the suspect's
7 written consent with assistance of counsel. No interview shall be allowed without the
8 presence of counsel unless the suspect waives such privilege in writing.

9 Sec. 5. *Penalty.* - The penalty of *prision correccional*, or a fine of Fifty Thousand
10 pesos (P50,000.00), or both, for violation of this Act.

11 In addition to the penalties prescribed herein, the offender, who is a public
12 official or employee, shall suffer temporary absolute disqualification from the office.

13 Sec. 6. *Separability Clause.* - Should any provision of this Act be declared
14 invalid, the remaining provisions shall continue to be valid and subsisting.

15 Sec. 7. *Repealing Clause.* - All laws, presidential decrees, executive orders, rules
16 and regulations and other issuances or parts thereof inconsistent with this Act are
17 hereby repealed, modified or amended accordingly.

18 Sec. 8. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its
19 publication in the Official Gazette or in at least two (2) newspapers of general
20 circulation in the Philippines.

21 Approved,