

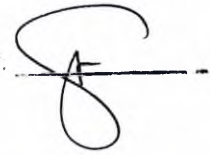
**NINETEENTH CONGRESS OF THE  
REPUBLIC OF THE PHILIPPINES**  
*First Regular Session*

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'22 AUG -8 A10 :11

**SENATE**

RECEIVED BY



S. B. No. 1057

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**Introduced by SEN. WIN GATCHALIAN**

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**AN ACT**  
**MANDATING THE USE OF ON-BODY CAMERAS BY LAW ENFORCEMENT**  
**OFFICERS DURING ANY ANTI-ILLEGAL DRUG AND CRIMINALITY**  
**OPERATIONS, AND PROVIDING FUNDS THEREFOR**

**EXPLANATORY NOTE**

To strengthen the conduct of anti-illegal drug and criminality police operations, to boost the public's confidence on the police, and to remove doubts on the commission of human rights abuse and police brutality, the Philippine National Police (PNP) issued Memorandum Circular (MC) No. 2018-009 entitled "*Operational Guidelines and Policies on the Use of Body Worn Camera*"<sup>1</sup> in recognition of the importance of trust and mutual respect between law enforcement agencies and the community in ensuring effective policing. It aims to ensure the protection of human rights including the privacy of both the police personnel and the community as it ensures transparency of all police operations and other related law enforcement activities.

Thus, it is the intent of this measure to institutionalize the introduction of body-cams by the PNP for its personnel, and to expand its application to other law enforcement agencies especially those involved in anti-illegal drug and criminality operations. The function of the on-body camera will be two-pronged: protect the

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<sup>1</sup> March 15, 2018.

public against police misconduct by improving law enforcement accountability and help protect our policemen from false and uncorroborated accusations of abuse.

Further, it is important to recognize the value of utilizing technology as an important enforcement and public safety tool. However, in order that public confidence in this technology is maintained, basic policies to protect the integrity of the recording must be put in place, fortified with stringent guidelines in its use, retention, storage and preservation.

Moreover, this measure provides guidance for the responsible and effective use of body-cams by the police and other law enforcement officers who conduct anti-illegal drug and criminality operations in the country, for the purpose of safety, security and privacy. This includes prohibited acts that are meted with administrative and criminal liabilities for those who disregard the set rules on the use of body-cams.

This measure is necessary to institutionalize the law-enforcement reforms to help allay the fears of the public when conduct of these anti-illegal and criminality operations will be made in the future, hence, the passage of this bill is earnestly sought.



**WIN GATCHALIAN**



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**AN ACT  
MANDATING THE USE OF ON-BODY CAMERAS BY LAW  
ENFORCEMENT OFFICERS DURING ANY ANTI-ILLEGAL DRUG AND  
CRIMINALITY OPERATIONS, AND PROVIDING FUNDS THEREFOR**

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

1 SECTION. 1. *Short Title.* - This Act shall be known as the "Police On-  
2 Body Cam Act".

3

4 SEC. 2. *Declaration of Policy.* - It is the declared duty of the State to  
5 maintain peace and order, protect life, liberty and property and promote the  
6 general welfare. Towards this end, the State shall continuously develop  
7 mechanisms to help improve law enforcement transparency and accountability  
8 through:

9 a) Proper documentation of interactions between law enforcement  
10 officers and the public, especially during anti-illegal drug and criminality  
11 operations;

12 b) Utilization of modern technology as a tool to deter incidents of abuse  
13 or misconduct by law enforcement officers during legitimate police  
14 operations, as well as safeguard these officer's rights against false

- 1           accusations;
- 2           c) Formulation of means to reduce the cost and impact of crime in the
- 3           community;
- 4           d) Improvement in community relations between police enforcement
- 5           officers and the public by maintaining policies that balance the rights of
- 6           the public for privacy and the promotion of accountability during anti-
- 7           illegal drug and criminality operations.

8

9           SEC. 3. *Definition of Terms.* - For purposes of this Act, the following

10          terms shall be defined as follows:

11           a) *On-Body Camera* refers to the use of a wearable audio, video or

12          photographic recording system utilized by law enforcement officers to record

13          their interactions with the public or gather video evidence at crime scenes.

14          Some feature live streaming capabilities while others are based on local

15          storage;

16           b) *Images* refer to recorded images in the On-Body Camera;

17           c) *Law Enforcement Officers* refer to elements of the Philippine National

18          Police (PNP), and members of the Drug Enforcement Unit of the Philippine Drug

19          Enforcement Agency (PDEA), and other law enforcement officers involved in

20          anti-illegal drug and criminality operations;

21           d) *Anti-illegal Drug and Criminality Operation* refers to any law

22          enforcement or police operation involving the conduct of searches, service of

23          warrants, arrest or apprehension of persons for violation of Republic Act No.

24          9165, otherwise known as the "Comprehensive Dangerous Drugs Act of 2002",

25          as amended, or any other law related to illegal drug activities, as well as of

26          laws involving other crimes as defined by special laws and the revised penal

27          code, or under any related anti-drug or criminality program or campaign of the

28          PNP.

29

30           SEC. 4. *Use of On-Body Camera in Police Operations.* - Members of the

31          PNP, PDEA, and other law enforcement officers involved in anti-illegal drug and

32          criminality operations are hereby mandated to use on-body cameras during

1 police operations and as such, shall establish protocols and stringent standard  
2 for the responsible and effective use of this overt camera. The camera must  
3 be turned on and left running until the operations shall have been completed.  
4

5       SEC. 5. *Minimum Standards.* - The on-body camera system must be  
6 capable of setting on playback a full account of the operation that was  
7 concluded. It must likewise be ensured that the cameras are of high-quality  
8 resolution capable of delineating the activity and physical features of individuals  
9 and areas within the premises being recorded.

10       The requirement for the technology that will become the storage for the  
11 recorded data must consider optimum measures to retain its integrity,  
12 preventing tampering, deleting or copying as well as prohibiting its  
13 unauthorized use. Other standard specifications of the camera shall be  
14 provided in the Implementing Rules and Regulations (IRR) of this Act.  
15

16       SEC. 6. *On-Body Camera Recordings.* - In all anti-illegal drug and  
17 criminality operations of law enforcement officers, on-body cameras shall  
18 record in full all the activities incidental to the conduct of the operation. There  
19 shall be continuous recording of the events throughout these encounters to  
20 ensure that officers involved cannot manipulate what is to be recorded. Neither  
21 shall the consent of any person recorded be necessary for the continuous  
22 recording of the on-body camera.

23       The content of the recordings become property of the State. It is vital  
24 that these recordings are tamper-proof and access thereof shall contain  
25 immutable audits. They shall not be accessed or downloaded without obtaining  
26 prior authority from the courts.  
27

28       SEC. 7. *Privacy Rights.* - The use of the on-body camera shall be made  
29 in a manner consistent with the Constitution, Republic Act No. 10173,  
30 otherwise known as the "Data Privacy Act of 2012", and other related laws.

31       The on-body camera shall not be used surreptitiously in order to obtain  
32 data or information that is unrelated to the purpose of the operation. Any

1 recording of person(s) inside a restroom, toilet, shower, bathroom, bedroom,  
2 changing room and other similar areas shall not be allowed to be used as  
3 evidence in any court of law except when the suspect or the person under  
4 investigation has concealed himself and/or the contraband in the places  
5 mentioned, or that the crime was committed therein.

6 As part of an information campaign, the public shall be informed of the  
7 general procedure and guidelines in the conduct of the police or other law  
8 enforcement agencies operation with the on-body camera in at least two (2)  
9 newspapers of general circulation. It shall likewise be posted in the website of  
10 the PNP and the PDEA and printed copies thereof shall be displayed in every  
11 police precinct to constitute due notice of the presence of the on-body camera  
12 during these police operations.

13

14 SEC. 8. *Procedure for Access and Disclosure of Recordings.* - Only  
15 persons authorized by the court, upon application, shall have access to images  
16 and recordings from law enforcement or police on-body cameras. Viewing of  
17 the images and recordings shall take place in a restricted area or in private  
18 conditions. All access granted under the circumstances must be documented  
19 and for a limited or prescribed time only. The courts shall in its discretion grant  
20 the use, viewing, copying or disclosure of images and recordings performed in  
21 accordance with this Act under the following circumstances:

22 a) Upon request by law enforcement officers in connection with  
23 and limited to an investigation for the prosecution of an offense  
24 punishable by law, which is the subject of the operation or incidental to  
25 the occurrence of the operation;

26 b) By a person whose image has been captured indubitably  
27 revealing information of a highly sensitive and personal nature;

28 c) Where a disclosure of the recording is necessary to advance a  
29 compelling interest of the public;

30 d) By any interested person in connection with a pending criminal  
31 or civil proceeding to prevent a serious threat to the fair administration  
32 of justice;

1 e) To determine whether an administrative or criminal offense  
2 has been committed by a law enforcement officer during the course of  
3 an anti-illegal drug and criminality operation, and to ascertain his  
4 identity and the manner by which the offense was committed.

5 Law Enforcement Officers are prohibited to release images or recordings  
6 from the on-body camera to the media or to upload the same onto public and  
7 social media internet websites. The courts shall give its order allowing or  
8 denying the use, copying or disclosure of images and recordings within twenty-  
9 four (24) hours after submission of the request, as herein specified. The public  
10 shall be informed of the procedure for the access to the images and recording  
11 of the operation in a manner consistent with the policy of this Act.

12

13 SEC. 9. *Retention, Storage and Preservation.* - Unless otherwise  
14 reserved for a specific purpose to review the events of a crime, or where the  
15 recording shall be used as evidence in an administrative, civil, or criminal  
16 proceeding, or where there is a formal or informal complaint against any law  
17 enforcement or police officer involved in the operation, or where the operation  
18 has led to the arrest or detention of person(s), or that the information in the  
19 recording needs to be studied further for any number of reasons, data of  
20 recordings shall not be kept for more than thirty (30) days and shall be deleted  
21 beyond said period.

22 The administration for the proper data storage, the chain of custody for  
23 the camera and its recording, and the guidelines for the release of the recording  
24 with prior leave of the court, shall be provided for in detail in the IRR which  
25 must be consistent with the policy established herein.

26

27 SEC. 10. *Officers' Training.* - There shall be an appropriate training for  
28 the law enforcement officers in the use and handling of the on-body camera.  
29 It is important that their knowledge shall include both the technical familiarity  
30 on usage of the camera and the implication on the Constitutional provisions,  
31 the Data Privacy Act of 2012, and other relevant laws on the protection of  
32 privacy.

1           SEC. 11. *Periodic Review.* - A bi-annual review of the use of the on-body  
2 camera and the utilization of its recording shall be required to ensure that the  
3 policies established under this Act are effectively implemented. A copy of the  
4 report on the findings made from the review conducted shall be submitted to  
5 Congress within thirty (30) days upon its conclusion.

6  
7           SEC. 12. *Prohibited Acts.* – It shall be unlawful for any of the identified  
8 persons to perform the following acts:

9                   a) Any law enforcement officer who shall participate in the anti-  
10 illegal drug and criminality operation but fails to wear, record or  
11 otherwise interfere with the on-body camera recording shall suffer the  
12 penalty of suspension from service for a period of six (6) months without  
13 pay; *Provided,* That if said anti-illegal drug and criminality operation  
14 results in the injury or death of a drug personality or any other person  
15 who is not a law enforcement officer, the law enforcement officer shall  
16 suffer the penalty of permanent removal from service; *Provided,*  
17 *Further,* That the presumption of irregularity and misconduct in the  
18 course of the performance of his duty may be rebutted only by evidence  
19 of another recording attesting to the regularity in the conduct of the  
20 operations exculpating said officer or by proof that circumstances has  
21 made it impossible for him to comply with the provisions of this Act;

22                   b) Where a law enforcement officer involved in the operation has  
23 abused his authority and committed a crime, regardless whether the  
24 incident has been captured in the on-body camera recording, he shall  
25 be prosecuted under the law for the crime which he has committed and  
26 the penalty to be applied shall be the maximum period;

27                   c) Any use of the recording that are not in accordance with the  
28 objective of this Act shall be punishable with an imprisonment of not  
29 less than six (6) months but not exceeding six (6) years, or a fine not  
30 less than One Hundred Thousand Pesos (Php 100,000.00) but not more  
31 than One Million Pesos (Php 1,000,000.00) or both such fine and  
32 imprisonment at the discretion of the court.



1           SEC. 13. *Appropriations.* - The amount necessary to carry out the  
2 provisions of this Act shall be included in the budget of the Department of  
3 Interior and Local Government in the General Appropriations Act in the year  
4 immediately following its enactment.

5  
6           SEC. 14. *Implementing Rules and Regulations.* - The PDEA and the PNP,  
7 in close coordination with the Department of Interior and Local Government,  
8 the Department of Information and Communications, the Department of  
9 Justice, and the National Privacy Commission, shall issue the necessary rules  
10 and regulations for the effective implementation of this Act, including the  
11 determination of the number of PNP and PDEA personnel who shall be  
12 prioritized in the initial phase of implementation of this Act.

13  
14           SEC. 15. *Repealing Clause.* - All laws, presidential decrees, executive  
15 orders, rules and regulations or part thereof, contrary to or inconsistent with  
16 the provisions of this Act, are hereby repealed or modified accordingly.

17  
18           SEC. 16. *Separability Clause.* - If any section or provision of this Act is  
19 held unconstitutional or invalid, all other sections or provisions shall remain in  
20 full force and effect

21  
22           SEC. 17. *Effectivity Clause* - This Act shall take effect fifteen (15) days  
23 after its publication in the *Official Gazette* and/or in at least two (2) newspapers  
24 of general publication.

*Approved,*