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

S E N A T E

S.B. No. __336__

Introduced by **Senator Jinggoy Ejercito Estrada**
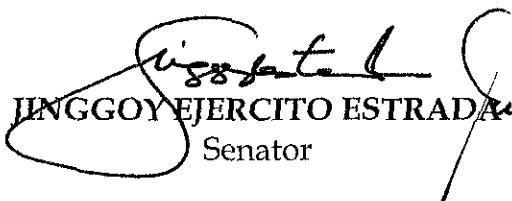

EXPLANATORY NOTE

Our law enforcement agencies are always under pressure to solve crimes, particularly the high-profile cases, at the earliest possible time. Due to the clamor of the people for peace and order, the police are only too eager to please as they receive support and approval from a public hungry for orderliness.

Today, law enforcement agencies usually present a suspect or a set of suspects in a press conference with an announcement that a case has been solved. It is during these times that the public gets a first glimpse of the suspects.

In the process of presenting suspects in a press conference, however, some fundamental rights are violated. While an accused enjoys due process and the constitutional presumption of innocence, a suspect who is presented in a press conference is subjected to unwanted publicity. Even if the charges, if at all they are filed, are later dismissed, the zeal of our law enforcers in showing that they are on top of a case could besmirch the name and reputation of a suspect or his or her family. In so far as the suspect --- whose name and face have already appeared in newspapers or television --- is concerned, the harm and damage has already been done.

Presenting suspects to the public before formal charges are filed against them violates their human dignity. This bill proposes that those who present suspects in a press conference be held criminally, civilly or administratively liable. The bill also proposes certain guidelines on what the police can do to keep the public informed as to the status of pending high-profile cases.

The approval of this bill is earnestly requested.

JINGGOY EJERCITO ESTRADA
          Senator

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Introduced by **Senator Jinggoy Ejercito Estrada**

AN ACT
PROHIBITING THE PRESENTATION TO THE MEDIA OR THE PUBLIC OF MERE SUSPECTS IN CRIMINAL INVESTIGATIONS PRIOR TO THE FILING OF THE FORMAL CHARGES AGAINST THEM

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

SECTION 1. *Declaration of Policy.* – It is the policy of the State to safeguard the right to the presumption of innocence of all citizens including those who are mere suspects in criminal investigations.

SECTION 2. *Unlawful Act.* – It shall be unlawful for any person to present publicly or in a press or media conference any suspect who is being investigated by a government office for possible criminal liability before formal charges are filed against him or her, unless the suspect issues a written consent for such a public interview with the assistance of counsel.

SECTION 3. *Acts Allowed.*- Officials who have custody of a suspect and knowledge of his or her arrest may inform the public of the fact that a suspect has been arrested, the crime for which he or she was arrested, the time, date, place, manner and other circumstances concerning the arrest, including his identity and personal circumstances.

SECTION 4. *Access of Media.* – Interview by media may be allowed upon the written consent of the suspect with the assistance of counsel. No interview shall be allowed in the absence of his or her counsel, unless the suspect waives

his right to counsel in writing prior to such interview.

SECTION 5. *Penalty.-* Any person who shall violate this Act shall suffer the penalty of Six Months and One Day to Six Years, or a fine not exceeding Twenty Thousand Pesos (P20,000.00), or both.

SECTION 6. Repealing Clause. – All laws, presidential decrees, executive orders, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or immediately modified accordingly.

SECTION 7. Effectivity.- This Act shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

Approved,