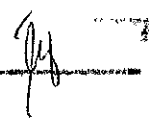


14th CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

7 JUL -3 AM '84

SENATE

RECEIVED BY: 

S.B.No. 738

Introduced by Senator Ramon Bong Revilla, Jr.

EXPLANATORY NOTE

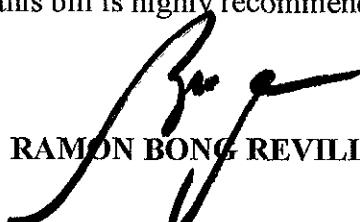
Article III Section 12 (1) of 1987 Constitution provides that any person under investigation for the commission of an offense shall have the right to be informed of his right to remain silent and to have competent and independent counsel preferably of his own choice. If the person cannot afford the services of counsel, he must be provided with one. These rights cannot be waived except in writing and in the presence of counsel.

Among the legitimate purposes of government is the punishment of those who violate the rights of others through the commission of violent or forceful acts, such as murder, rape, robbery, theft and others and to enforce law and order.

We normally think of a trial by jury as one of the individual rights afforded to persons accused of crime. It is also, as we have seen a right that is institutional as well – one that belongs to the people as a whole as well as to the individual. But jury trials, as have been all too evident in dictatorships, can be meaningless unless that is governed by rules that ensure fairness to the individual. Individual rights cannot be protected and democracies cannot function unless those accused of crimes receive what we now call due process of law. The rights of the accused have been established in the Bill of Rights and have been continuously refined in courtrooms ever since.

We tend to emphasize the relationship of rights to individual liberty, but those rights which are most identified as individual – such as rights of persons accused of crimes – still have a community basis. Regarding the rights of the accused, the basic outlines of due process are spelled out in the Constitution.

In light of foregoing, the passage of this bill is highly recommended.


RAMON BONG REVILLA, JR.

14th CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

7 JUL -3 AM 11:34

RECEIVED BY: _____

SENATE

S.B.No. 738

Introduced by Senator Ramon Bong Revilla, Jr.

AN ACT

PROHIBITING THE PUBLIC DISPLAY OF PERSONS ARRESTED, ACCUSED OR UNDER CUSTODIAL INVESTIGATION IN A DEGRADING MANNER, AMENDING FOR THE PURPOSE SECTIONS 2 AND 4 OF REPUBLIC ACT NO. 7438, ENTITLED "AN ACT DEFINING CERTAIN RIGHTS OF PERSONS ARRESTED, DETAINED OR UNDER CUSTODIAL INVESTIGATION AS WELL AS THE DUTIES OF THE ARRESTING, DETAINING AND INVESTIGATING OFFICERS, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF"

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

SECTION 1. Section 2 of Republic Act No. 7438 is hereby amended by adding a new paragraph to be known as paragraph (g), to read as follows;

"Section 2. Rights of Persons Arrested, Detained, or Under Custodial Investigation; Duties of Public Officers. -

- (a) xxxxxx
- (b) xxxxxx
- (c) xxxxxx
- (d) xxxxxx
- (e) xxxxxx
- (f) xxxxxx

(g) NO PERSON ARRESTED, DETAINED, OR UNDER CUSTODIAL INVESTIGATION SHALL BE PUT ON PUBLIC DISPLAY IN HAND CUFFS, WITH NAME TAGS OR OTHER TAGS, OR IN ANY MANNER CAUSING OR TENDING TO CAUSE DEGRADATION, HUMILIATION, DISHONOR, DISCREDIT, RIDICULE OR CONTEMPT, NOR SHALL SUCH PERSON BE PRESENTED TO THE PRESS IN SUCH MANNER. SUBJECT TO THE PRECEDING RESTRICTIONS, THE PUBLIC DISPLAY OR PRESENTATION TO THE PRESS OF ANY PERSON ARRESTED, ACCUSED, DETAINED OR UNDER CUSTODIAL INVESTIGATION SHALL ONLY BE ALLOWED IF SUCH PERSON IS ASSISTED BY COUNSEL OF HIS CHOICE DURING THE PUBLIC DISPLAY OR PRESENTATION.

xxxxxx

SECTION 2. Section 4 of Republic Act No. 7438 is hereby amended to read as follows;

“Section 4. Penalty Clause. – (a) Any arresting public officer or employee, or nay investigating officer, who fails to inform any person arrested, detained or under custodial investigation of his right to remain in silent and to have a competent and independent counsel preferably of his own choice, shall suffer a fine of six thousand pesos (P6, 000.00) or a penalty of imprisonment of not less than eight (8) years but not more than ten (10) years, or both. The penalty of perpetual absolute disqualification shall also be imposed upon the investigating officer has been previously convicted of a similar offense.

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“THE SAME PENALTIES SHALL BE IMPOSED UPON A PUBLIC OFFICER OR EMPLOYEE. OR ANYONE ACTING UPON ORDERS OF SUCH OFFICER OR EMPLOYEE OR HIS OWN PLACE, WO DIRECTLY OR INDIRECTLY CAUSES THE PUBLIC DISPLAY OF A PERSON ARRESTED, ACCUSED OR UNDER INVESTIGATION IN A DEGRADING MANNER OR CAUSES HIS PRESENTATION TO THE PRESS IN SUCH MANNER.

SECTION 3. Repealing Clause – All laws, rules and issuances or parts thereof inconsistent with the provisions of this Act are hereby repealed, annulled or modified accordingly.

SECTION 4. Separability Clause – This Act shall take effect fifteen (15) days following its publication in at least two (2) newspapers of general circulation.

Approved,