

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City, Metro Manila

FIFTEENTH CONGRESS  
First Regular Session

House Bill No. 1287

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Introduced by **Rep. Pablo P. Garcia**

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**EXPLANATORY NOTE**

The 1987 Constitution recognizes the importance of the privacy and sanctity of the person, his house and other possessions and sets down the essential requisites for the issuance of a valid search warrant so that the right of the citizens against unreasonable searches or seizures by State officers can be protected.

To ensure that these constitutional requirements are properly complied with before any search or seizure is conducted, this bill proposes that the presence of a lawyer be required to determine the authenticity of a search warrant as well as to protect the rights of his client against arbitrary acts during said search or seizure.

In view of the foregoing, early approval hereof is earnestly sought.

  
**PABLO P. GARCIA**

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**AN ACT**  
**GRANTING A PARTY AGAINST WHOM A SEARCH WARRANT IS ISSUED THE**  
**RIGHT TO SECURE THE PRESENCE OF A LAWYER BEFORE ANY SEARCH OR**  
**SEIZURE CAN BE LAWFULLY CONDUCTED**

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

**SECTION 1.** Any provision of law or Rules of Court to the contrary notwithstanding, no police, military or agent of any other law enforcement agency shall conduct any search or seizure by virtue of a search warrant unless and until the party against whom the search warrant is issued can secure the presence of a lawyer of his choice and, if he cannot afford the services of a lawyer, he must be provided with one. This right cannot be waived except in writing and in the presence of a lawyer.

**SEC. 2.** Any police, military or agent of any other law enforcement agency found guilty of violation of this Act shall suffer a penalty of *prision correccional* in its maximum period and a fine of six thousand (6,000) pesos.

**Sec. 3.** This Act shall take effect upon its approval.

**Approved,**