

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



HOUSE OF REPRESENTATIVES

H. NO. 324

Introduced by Representative Joseller "Yeng" M. Guiao

Explanatory Note

This bill was originally filed by former Senator Flavio in the 10th Congress and seeks to safeguard the constitutional presumption of innocence of persons suspected of having committed crimes. I am re-filing this measure because I believe in what it stands for.

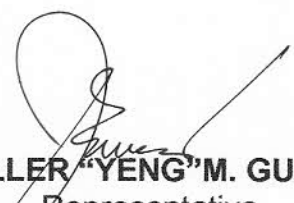
Our law enforcement agencies are always under pressure to solve crimes, particularly the high-profile cases, at the earliest possible time. Due to the clamor of the people for peace and order, the police are only too eager to please and thereby receive support and approval from a hungry public.

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 press conferences 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/her family. In so far as the suspect - whose name and face have already appeared in newspapers or television - is concerned, the harm has already been done.

Presenting suspects to the public before formal charges are filed against them violates their human dignity. The 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.


JOSELLER "YENG" M. GUIAO
Representative
1st District, Pampanga

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AN ACT
PROHIBITING THE PRESENTATION TO THE PRESS OR PUBLIC OF
SUSPECTS IN CRIMINAL INVESTIGATIONS BEFORE CASES ARE
FORMALLY FILED AGAINST THE SUSPECTS

Be it 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 presumption of innocence of all citizens including suspects in criminal investigations.

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

This Act, however, does not apply to suspects who are at large or for whom warrants of arrest have been issued. Their names and photographs can be provided to the public for dissemination in order to facilitate their arrest.

SECTION 3. Acts Allowed. – Officials who have custody of a suspect and knowledge of his or her arrest may inform the public 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 but should not include the identity and personal circumstances of the suspect.

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

SECTION 5. Penalty. – Any person who shall violate this Act shall suffer the penalty of imprisonment of not less than Six Months and One Day to Six Years or a fine of Twenty Thousand Pesos, or both fine and imprisonment at the discretion of the court.

If the offender is member of the police force, law enforcement agency or the Philippine Bar, the penalty to be imposed shall be Six Years and One Day to Eight Years.

SECTION 6. *Repealing Clause.* – All laws, presidential decrees, executive orders, rules and regulations or parts thereof inconsistent with 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 at least two (2) national newspapers of general circulation.

Approved,