

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

SEVENTEENTH CONGRESS
FIRST REGULAR SESSION

HOUSE BILL NO. 4788



Introduced by Rep Jose Christopher Y. Belmonte

AN ACT

PROHIBITING THE PUBLIC DISPLAY OF PERSONS ARRESTED, ACCUSED OR UNDER CUSTODIAL INVESTIGATION IN A DEGRADING MANNER, AND AMENDING 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

EXPLANATORY NOTE

It is a declared policy of the State that no person shall be held to answer for a criminal offense without due process of law. In all criminal prosecutions, the accused shall be presumed innocent until the contrary is proved. (Article III, Section 14 of the Bill of Rights, 1987 Constitution)

It is likewise declared a national policy of the state that the employment of physical, psychological, or degrading punishment against any prisoner or detainee or the use of substandard or inadequate penal facilities under subhuman conditions shall be dealt with by law. (Article III, Section 19:2 of the Bill of Rights, 1987 Constitution)

The Universal Declaration of Human Rights states that "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him." (Article V of the Universal Declaration of Human Rights).

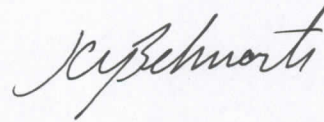
RA 7438 "An Act defining certain rights of persons arrested, detained or under custodial investigation as well as the duties of the arresting, detaining, and investigating officers and providing penalties for violations thereof" provides that persons arrested, detained or under custodial investigation have the following rights: right to be assisted by a counsel at all times; to be informed of the right to remain silent and to have a counsel, the reading and explanation of the custodial investigation report, the execution of any extrajudicial confession in the presence of a counsel; the right to execute any waiver of their right to be delivered to judicial authorities within the required period and to be made in the presence of a counsel, and the right to be visited by members of their immediate family.

These rights reinforce our constitutional guarantees on the rights of the accused. However, these provisions are incomplete when it comes to fully protecting human dignity. These days, it has been a common practice to present the names and profiles of the accused in the media, in some areas, even the parading in public of the accused person or suspect. This public display does not only subject the accused person to public humiliation, dishonour, discredit, ridicule or contempt, it also subject their families and close relations to undue emotional and psychological harm from bashing, abuse and threats online and in real life. There were even times that those who were subjected to such emotional abuse, stressful and embarrassing situations were innocent, victims of frame-up or even mistaken identity.

This trial by publicity and public display of persons arrested, accused or under custodial investigation undermines the existing justice system of the Philippines.

Thus, this bill aims to strengthen RA 7438 by extending protection to the rights of the accused through protecting them during public display and the prevention of public shaming. Presentation to the press of any person arrested, accused, detained or under custodial investigation shall only be allowed when such person gives his consent with the assistance of competent and independent counsel of his own choice. The said counsel should also be present and accompany the accused during the public display or presentation.

In view of the foregoing, the passage of this bill is earnestly sought.

A handwritten signature in cursive script, appearing to read "J. Behnarts", is written in dark ink on the right side of the page.



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SIXTEENTH (17th) CONGRESS
First Regular Session

HOUSE BILL NO. 4788

Introduced by REP. JOSE CHRISTOPHER Y. BELMONTE

AN ACT

**PROHIBITING THE PUBLIC DISPLAY OF PERSONS ARRESTED,
ACCUSED OR UNDER CUSTODIAL INVESTIGATION IN A DEGRADING
MANNER, AND AMENDING 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 the House of Representatives of the Republic of the
Philippines in Congress assembled:*

SECTION 1. Section 2 of Republic Act No. 7438 is hereby amended as follows:

“Sec. 2. Rights of Persons Arrested, Detained or Under Custodial Investigation; Duties of Public Officers. —

(a) x x x x

(b) x x x x

(c) x x x x

(d) x x x x

(e) x x x x

(f) x x x x

(g) NO PERSON ARRESTED, DETAINED, OR UNDER 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

1 SUCH PERSON BE PRESENTED TO THE PRESS IN SUCH
2 MANNER, SUBJECT TO THE PRECEDING RESTRICTIONS. SUCH
3 PUBLIC DISPLAY OR PRESENTATION TO THE PRESS OF ANY
4 PERSON ARRESTED, ACCUSED, DETAINED OR UNDER
5 CUSTODIAL INVESTIGATION SHALL ONLY BE ALLOWED WHEN
6 SUCH PERSON GIVES HIS CONSENT WITH THE ASSISTANCE OF
7 COMPETENT AND INDEPENDENT COUNSEL/S OF HIS OWN
8 CHOICE; PROVIDED, THAT, SAID COUNSEL SHALL LIKEWISE
9 BE PRESENT AND ACCOMPANY THE ACCUSED DURING THE
10 PUBLIC DISPLAY OR PRESENTATION.”

11
12 SEC. 2. Section 4 of Republic Act No. 7438, is hereby amended to read as
13 follows:

14
15 “Sec. 4. Penalty Clause – x x x x

16
17 x x x x

18
19 THE SAME PENALTIES SHALL BE IMPOSED UPON A PUBLIC
20 OFFICER OR EMPLOYEE OR ANYONE ACTING UPON ORDERS OF
21 SUCH OFFICER OR EMPLOYEE OR IN HIS PLACE, WHO DIRECTLY
22 OR INDIRECTLY CAUSES THE PUBLIC DISPLAY OF A PERSON
23 ARRESTED, ACCUSED OR UNDER INVESTIGATION IN A
24 DEGRADING MANNER OR CAUSES HIS PRESENTATION TO THE
25 PRESS IN SUCH MANNER. IN VIOLATION OF SEC. 2(g) OF THIS ACT.

26
27 SEC. 3. Repealing Clause. - All laws, rules and issuances or parts thereof
28 inconsistent with the provisions of this Act are hereby repealed, amended or modified
29 accordingly.

30
31 SEC. 4. Separability Clause. – This Act shall take effect fifteen days following
32 its publication in at least two newspapers of general circulation.

33
34 Approved,