



Republic of the Philippines
House of Representatives

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. **5829**



Introduced by Rep. Luisa Lloren Cuaresma
Lone District of Nueva Vizcaya

EXPLANATORY NOTE

The State adheres to the principle that public office is a public trust and inherent in this principle is the judicious and responsible stewardship in the utilization of the government's resources.

Section 1 of Article XI, of the 1987 Constitution states that, *"Public office is a public trust. Public officers and employees must, at all times, be accountable to the people, serve them with utmost responsibility, integrity, loyalty, and efficiency; act with patriotism and justice, and lead modest lives."*

The mandatory installation of Global Positioning System (GPS herein after) device in all government owned vehicle from the national government to the local government units will first and foremost allow government agencies, institutions and its subdivisions including government hospitals to detect, monitor and investigate movements in real-time of government owned vehicles to ensure that it is being used for only for the purposes granted to it by law.

Further, **Section 27 of Article II of the 1987 Constitution** provides, *"The State shall maintain honesty and integrity in the public service and take positive and effective measures against graft and corruption."*

Pursuant to **REPUBLIC ACT NO. 7638**, it is a declared policy of the State to ensure a continuous, adequate, reliable and economic supply of energy through the judicious conservation, renewal and efficient utilization of energy, to keep pace with the country's growth and economic development. Therefore, the need to strengthen the government's effort against the use of government vehicles for the purposes other than official business in line with the government's energy saving and anti-graft and corruption campaigns.

The satellite tracking of GPS keeps government employees honest. The knowledge that they can be tracked by GPS discourages drivers or public officers from making inappropriate use of the government owned vehicles. The GPS is also an effective way to create and calculate more efficient routes thereby invariably decreasing gas consumption and cost of vehicle maintenance.

Lastly, **Section 5 of Article II of the 1987 Constitution** provides, *"The maintenance of peace and order, the protection of life, liberty, and property, and promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy."*

The installation of GPS is one of the most efficient and cost-effective way for the law enforcers and emergency responders to immediately act upon the reported crime or emergency, assist them in their crime investigation, keep officers and citizens safe, enable situational awareness and provide evidence for trial for any official proceedings.

The GPS as a vehicle tracking system also assist in theft prevention and recovery of stolen government owned vehicles. The knowledge that GPS, a monitoring and retrieval device is installed in the unit can greatly dissuade a driver or public officer from enacting criminal activity using government vehicles. When used as security system, the GPS provides a reliable addition to the vehicle's alarm. The existence of vehicle tracking device then can be used to reduce the insurance cost, because the loss-risk of the vehicle drops significantly.

In the event that a crime gets consummated especially in cases of emergency, the GPS aids in law enforcement and emergency response. Police and emergency responders can simply follow the signal emitted by the tracking system and locate the crime scene or emergency.

Apprehending responsible persons in such crimes has always been difficult, in not nearly impossible. For our law enforcers because of lack of comprehensive, precise evidence for leads. Through the approval of this bill, such limitation will be downright addressed.

Thus, the GPS device help public officer to respond quickly to deter crimes, respond to emergency, assist in investigations, promotes accountability of public officers, transparency, provides audit trails that speed up proceedings, declog court dockets and aid in administration of justice in various types of interaction that law enforcers perform on a daily basis that protects not only the law enforcers but citizens alike.

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


LUIZA LLOREN CUARESMA



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Lone District of Nueva Vizcaya

**AN ACT PROVIDING FOR THE MANDATORY INSTALLATION OF GPS
TRACKING DEVICE IN ALL GOVERNMENT OWNED VEHICLES IN
THE COUNTRY TO PROMOTE TRANSPARENCY, TO AID
ADMINISTRATION OF JUSTICE AND TO PROTECT CITIZENS AND
PUBLIC OFFICERS ALIKE AND APPROPRIATING FUNDS THEREFOR**

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

SECTION 1. Short Title - This Act shall be known as the "GPS
Tracking Device Act"

SECTION 2. Declaration of Policy – The State adheres to the principle that public office is a public trust and inherent in this principle is the judicious and responsible stewardship in the utilization of the government's resources. Thus, there is a need to strengthen the government's effort against the use of government vehicles for purposes other than official business in line with the government's emergency saving and anti-graft and corruption campaign.

SECTION 3. Definition of Terms – For the purpose of this Act, the following terms shall be used under the definition provided hereof, to wit:

- a) *Global Positioning System (GPS)* – a space based satellite navigation system that provides location and time information in all weather conditions, anywhere on or near the Earth where there is an unobstructed line of sight to four or more GPS satellites;
- b) *Government owned vehicles* – shall mean any vehicle owned by the government that is propelled by any power other than muscular power using the public highways, but excepting road rollers, trolley cars, street-sweepers, sprinklers, lawn mowers, bulldozers, graders, fork-lifts, amphibian trucks, and cranes if not used on public highways and roads.
- c) *Public office* - the "owner" of a government-owned motor vehicle is the head of the office or the chief of the Bureau to which the said motor vehicle belongs.
- d) *Public officer* – the person who is assigned by the government to use government owned vehicle.
- e) *Tipewire Early Warning* – the feature of the GPS device to give the vehicle owner timely alerts if the vehicle moved when the owner does not intend it to move.

SECTION 4. Mandatory Installation of GPS – All government agencies, institutions and subdivisions are required to install a GPS device in every unit vehicle a government office presently owns/operates or will own/operate in the future.

SECTION 5. Monitoring – Each government agency, institution and subdivision shall conduct regular ocular inspection after lapse of two (2) months from the promulgation of this Act to comply with the requirement of installing GPS device in all their units.

SECTION 6. Unannounced Inspection - Authorized personnel of each government agency, institution and subdivision, the Department of Interior and Local Government and the Commission on Audit may conduct unannounced or surprised inspections to ensure compliance of this Act and to ensure that travel orders submitted by the public officers matches the GPS data.

SECTION 7. Specifications to Consider – For the purpose of this Act, the following shall be considered in procuring GPS device.

- a) Instant Crash Notification
- b) Tipewire Early Warning
- c) Stolen Vehicle Location Assist
- d) Vehicle Location Assist
- e) Recording limits
- f) Geofencing
- g) Tracking idle time
- h) Weather resistant
- i) Data storage
- j) Encryption and other security features necessary to protect the GPS device and the data storage.
- k) Control number assigned to each unit shall also be accounted for audit and control purposes.

SECTION 8. Training - Proper training on policies and equipment is a must. The implementing agency should ensure that a thorough logistics plan is in place prior to implementation. Training should not only be for installation of the GPS device but also for the law enforcer's perceptions of the device. Public officers should understand that the primary purpose of GPS device is for transparency, reliable audit trail, evidence collection and officer and citizen's safety. Public officers will need to understand they are prohibited to use government owned vehicles for purposes other than official business.

SECTION 9. Data Storage and Management – For the purpose of this Act, the following data storage and management must be considered:

- a) Storage issues, such as how long and who has access to the recordings;
- b) Not only must the data be protected and backed up regularly, it must be accessible to all parties involved;
- c) Crime recordings must be managed by law and through policies and may be retained for a default period of time to cover potential performance complaints;
- d) Policies should control the period of time this data is maintained. As recordings become more or less important to the government agency, adjustments need to be made; and

- e) The Head of the government agency, institution or subdivision may review the GPS data they have taken provided that they are accompanied by the custodian at all times. Provided further, they may review only for the purposes intended by this Act.
- f) The government agency, institutions and subdivisions shall appoint custodian to supervise, control and secure GPS device, its storage, database management and ensure its authenticity and integrity.

Database must protect data at all times with evidence encryption. An audit trail is created that shows who used the vehicle, the purpose of the use of vehicle, the time and date of use and returned will not only be useful as evidence in aid of administration of justice but to ensure accountability of public officers.

SECTION 10. Allowed Use and Disclosure – The use, viewing, copying, or disclosure of GPS data obtained pursuant to the purposes of this Act shall only be allowed in any of the following circumstances:

- a) Use, viewing, copying, or disclosure to a member or public officer in connection with and limited to the investigation or prosecution of an offense punishable by law or regulation;
- b) Use, viewing, copying, or disclosure in connection with any pending criminal, administrative or civil proceeding shall be allowed provided that it is accompanied by a request from a judge, quasi-judicial body or head of the law enforcement agency; or
- c) Viewing of persons to determine whether or not an offense was committed against their person or property, to ascertain the identity of a criminal perpetrator, and to determine the manner by which the offense was perpetrated may be allowed provided that they acquire permit from the department head where the data is stored. Provided further, they shall be accompanied by the custodian at all times.

SECTION 11. Admissibility as Evidence – For the purposes mentioned in this Act, the data taken from GPS shall be admissible as evidence civil, administrative, criminal or any official proceedings without prejudice to the Rules on Evidence and other special laws.

Certificate of Authenticity or any of the following stated in SECTION

12 hereof shall be attached to the records in any proceedings without prejudice to the Rules on Evidence and other special laws.

SECTION 12. Manner of Authentication – Before any data taken from GPS offered as authentic is received in evidence, its authenticity must be proved by any of the following means:

- a) By evidence that it had taken by the person purported to have taken the same;
- b) By Certificate of Authenticity issued by the law enforcement agency to certify its authenticity shall be signed by all of the following:
 - 1. GPS custodian; and
 - 2. Department head where the database is being stored
- c) By other appropriate security procedures or devices as may be authorized by the Supreme Court or by law for authentication of electronic data are applied to the GPS data taken; or
- d) By other evidence showing its integrity and reliability to the satisfaction of the judge.

SECTION 13. Implementing Rules and Regulations – Within ninety (90) days from the effectivity of this Act, the implementing agencies, government institutions and subdivisions in consultation with appropriate government agencies and other stakeholders shall promulgate the necessary rules and regulations as may be necessary to carry out the purpose of this Act.

SECTION 14. Penal Clause – Altering, destroying, suppressing or concealing recorded GPS data with intent to impair its verity, authenticity, legibility, availability, or admissibility as evidence in any investigation of or official proceedings in, civil, criminal or administrative cases shall be punishable with imprisonment of not exceeding one (1) year, or a fine not exceeding ten thousand pesos (P10,000.00), or both without prejudice to other civil, criminal and administrative liabilities that may arise therefrom.

SECTION 15. Appropriations - Each government institutions, agencies and subdivisions shall immediately include the operationalization of the GPS device, the funding of which shall be included in the annual General Appropriations Act.

SECTION 16. Separability Clause – Should any provision of this Act be subsequently declared unconstitutional, the same shall not affect the validity or the legality of the other provisions.

SECTION 17. Effectivity Clause. - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or newspaper of general circulation. Approved,

Approved,