

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City
17th CONGRESS
Third Regular Session
House Bill No. 7954



Introduced by **Representative Wes Gatchalian**

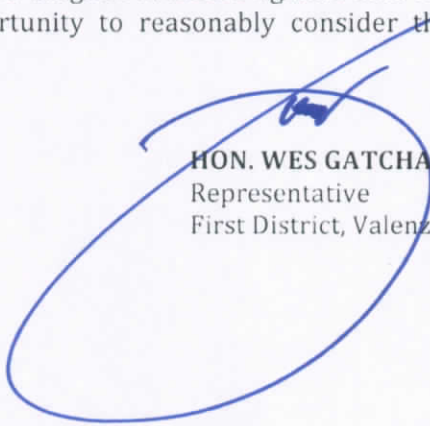
EXPLANATORY NOTE

"If we cannot fully understand the acts of other people, until we know what they think they know, then in order to do justice we have to appraise not only the information which has been at their disposal, but the minds through which they have filtered it."

— **Walter Lippmann, Public Opinion**

Our constitution mandates the fundamental presumption of innocence of the accused. It is however an unfortunate reality that ever so often, in the court of public opinion, the diametrical opposite is true. Worse, is that in some instances, public outcry spills over the courts of justice and informs the minds of the court. There is therefore a need to properly filter and frame information disbursed when educating the public. Thus, the goal of this proposed measure is to set the guidelines and parameters which the members of the Philippine National Police (PNP) should follow when discussing and presenting suspects, whether arrested or not, to the media.

In addition to what has been said there is also a more grounded reason for this law - that is to protect the reputation of an accused guaranteed by Article 17 of the International Convention on Civil and Political Rights to which the Philippines is a party to. Whenever the police announce that an individual is suspected of committing a crime, immediately a stigma attaches to the name of a person regardless of the strength or weakness of the evidence which exist against him. And no amount of being declared as innocent vindicates an already tarnished name which remains in public records. What this law proposes is to impose a reasonable safeguard before the police could disclose the identity of a suspected person. Furthermore, when disclosing the identity of the person, the officer must also disclose evidence which is sufficient to constitute probable cause which he personally verified. These requirements ensure that no person would be branded by the police as a criminal before there is tangible evidence against him. It also ensures that the public will have an opportunity to reasonably consider the purported strength of these pieces of evidence.


HON. WES GATCHALIAN
Representative
First District, Valenzuela City

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**AN ACT PRESCRIBING GUIDELINES AND
PARAMETERS IN INFORMATION DISCLOSED
BY THE PHILIPPINE NATIONAL POLICE TO THE MEDIA
REGARDING PERSONS SUSPECTED OF
COMMITTING CRIMINAL ACTS
AND FOR OTHER SIMILAR PURPOSES**

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

SECTION 1. *Declaration of Policy* – The state shall balance the interest of protecting the reputation of an accused who is at all times to be presumed as innocent until proven guilty in a court of law, with the right of the public to information and protection against suspected unscrupulous practices of individuals.

SECTION 2. *Definition of terms.* – For the purposes of this law, the following terms shall mean:

- a. Arrest – using legal authority to deprive a person of his or her freedom of movement, with or without warrant;
- b. Domicile – Habitual place of abode of a person, the place to which, whenever absent for business or pleasure, one intends to return;
- c. Firing Line – Presentation in which arrested suspects stand behind police;
- d. Informant - those who covertly provide information about criminal activity to law enforcement officers;
- e. Media - a person or entity engaged in disseminating information to the general public through a newspaper, magazine, other publication, radio, television, cable television, news website, blogs, or other medium of mass communication;
- f. Occupation - fairly permanent trade, profession, employment, business, or means of livelihood;
- g. Residence – Current place of abode whether for business or pleasure;
- h. Religion - a sincere and meaningful belief that occupies in the life of its possessor a place parallel to the place held by God in the lives of other persons;

- i. Suspect - Person under suspicion under investigation by law enforcement officials for committing a crime;
- j. Probable cause – Such facts and circumstances sufficient to excite a reasonable mind to the belief in the existence of the crime and that the person suspected is the perpetrator of the crime;
- k. Wanted Person - a person who is either convicted or accused of a crime and hiding from law enforcement in the state or taking refuge in a different country in order to avoid arrest.

SECTION 3. *Presentation Before Arrest.* – No member of the Philippine National Police (PNP) shall disclose to the media the identity of a suspect before his arrest without disclosing all of the following information:

- a. The personal circumstances of the suspect, which shall be limited to the following: name, age, residence, domicile, religious affiliation, and occupation.
- b. The evidence he has presently collected sufficient to constitute probable cause.
- c. The manner in which he has obtained the evidence. *Provided*, that if the evidence was sourced from an informant whose identity is undisclosed, the investigating officer shall personally verify the information and attest to the truth of the information under oath.

SECTION 4. *Presentation Upon Arrest.* – When a member of the PNP presents an arrested suspect to the media, he shall strictly observe the following:

- a. In disclosing the identity of the arrested suspect, the same requirements in the immediately preceding section shall be observed;
- b. In no case shall an arrested suspect be presented to the media in a firing line. When presenting a suspect, the responsible officer shall ensure that the arrested suspect is groomed and supporting the attire of his choice;
- c. The arrested suspect, with the aid of competent counsel, shall be allowed the opportunity to make a statement during the presentation;
- d. In no case shall the arrested suspect be subjected to physical assault;

SECTION 5. *Publication Before Arrest.* – In publishing of pictures of wanted persons, the warrant of arrest shall be included along with the information mandated in Section 3 of this law.

SECTION 6. *Limit to Access.* – Except as hereinafter provided media access shall at all times be allowed and guaranteed. *Provided*, that access shall be limited to any area or scene of an incident or crime where there is a strong possibility that evidence maybe damaged, altered, destroyed, or otherwise prejudiced by its existence being published or portrayed. *Provided further*, that any limitation to media access shall not exceed forty-eight (48) hours.

SECTION. 7. *Implementing Rules and Regulations.* The National Police Commission shall promulgate implementing rules and regulations and other

issuances as may be necessary to ensure the effective implementation of this law, including penalties for violations thereof which shall not be less than for Less Grave Neglect of Duty, within sixty (60) days from its effectivity.

SECTION. 8. *Separability Clause.* – If any provision of this Act shall be held unconstitutional, the remainder of the Act not otherwise affected shall remain in full force and effect.

SECTION. 9. *Repealing Clause.* – All existing laws, presidential decrees, executive orders, proclamations or administrative regulations that are inconsistent with the provisions of this Act are hereby amended, modified, superseded, or repealed accordingly.

Approved,