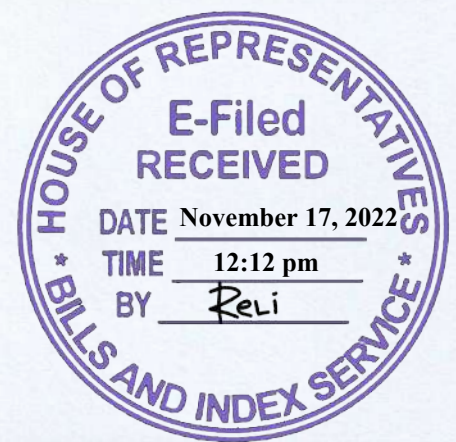


Republic of the Philippines
HOUSE OF REPRESENTATIVES

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 6202



Introduced by Representative Rex Gatchalian

AN ACT
MANDATING THE USE OF ON-BODY CAMERAS BY LAW ENFORCEMENT
OFFICERS DURING ANY ANTI-ILLEGAL DRUG AND CRIMINALITY
OPERATIONS, AND PROVIDING FUNDS THEREFOR

EXPLANATORY NOTE

In 2018, the Philippine National Police (PNP) issued Memorandum Circular (MC) No. 2018-009 entitled "Operational Guidelines and Policies on the Use of Body Worn Camera," in recognition of the importance of trust and mutual respect between law enforcement agencies and the community in ensuring effective policing. Furthermore, it aims to ensure the protection of human rights, including the privacy of both the police personnel and the community as it ensures transparency of all police operations and other related law enforcement activities.

In 2021, to supplement MC No. 2018-009, the Supreme Court (SC) released A.M. No. 21-06-08-SC or the "Rules on the Use of Body-Worn Cameras in the Execution of Warrants." Here, the SC recognizes that advances in technology, particularly the availability of body-worn cameras, make it possible to integrate its use to support law enforcement and guarantee the protection of fundamental rights. Moreover, the recordings from the body cameras can deter the excessive use of force by law enforcement officers in the execution of warrants. It can also aid trial courts in resolving issues that may become relevant in criminal cases, such as conflicting eyewitness statements.

This bill seeks to institutionalize the introduction of body cameras by the PNP for its personnel and to expand its application to other law enforcement agencies especially those involved in anti-illegal drug and criminality operations. The function

of the on-body camera will be two-pronged: protect the public against police misconduct by improving law enforcement accountability and help protect our policemen from false and uncorroborated accusations of abuse.

Further, it is important to recognize the value of utilizing technology as an important enforcement and public safety tool. However, in order that public confidence in this technology is maintained, basic policies to protect the integrity of the recording must be put in place, fortified with stringent guidelines in its use, retention, storage, and preservation.

Moreover, this measure provides guidance for the responsible and effective use of body cameras by the police and other law enforcement officers who conduct anti-illegal drug and criminality operations in the country, for the purpose of safety, security and privacy. This includes prohibited acts that are meted with administrative and criminal liabilities for those who disregard the set rules on the use of body-cameras.

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



HON. REX GATCHALIAN
Representative
1st District, Valenzuela City

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

1 **SECTION. 1.** Short Title. - This Act shall be known as the "Police On- Body
2 *Cam Act.*"

3
4 **SEC. 2.** Declaration of Policy. - It is the declared duty of the State to maintain
5 peace and order, protect life, liberty and property and promote the general welfare.
6 Towards this end, the State shall continuously develop mechanisms to help improve
7 law enforcement transparency and accountability through:

- 8 a) Proper documentation of interactions between law enforcement officers
9 and the public, especially during anti-illegal drug and criminality
10 operations;
11 b) Utilization of modern technology as a tool to deter incidents of abuse or
12 misconduct by law enforcement officers during legitimate police
13 operations, as well as safeguard these officer's rights against false
14 accusations;
15 c) Formulation of means to reduce the cost and impact of crime in the
16 community;
17 d) Improvement in community relations between police enforcement officers
18 and the public by maintaining policies that balance the rights of the public
19 for privacy and the promotion of accountability during anti- illegal drug
20 and criminality operations.
21

1 **SEC. 3.** Definition of Terms. - For purposes of this Act, the following terms shall
2 be defined as follows:

- 3 a) *On-Body Camera* refers to the use of a wearable audio, video or photographic
4 recording system utilized by law enforcement officers to record their
5 interactions with the public or gather video evidence at crime scenes. Some
6 feature live streaming capabilities while others are based on local storage;
7 b) *Images* refer to recorded images in the On-Body Camera;
8 c) *Law Enforcement Officers* refer to elements of the Philippine National Police
9 (PNP), and members of the Drug Enforcement Unit of the Philippine Drug
10 Enforcement Agency (PDEA), and other law enforcement officers involved in
11 anti-illegal drug and criminality operations;
12 d) *Anti-illegal Drug and Criminality Operation* refers to any law enforcement or
13 police operation involving the conduct of searches, service of warrants,
14 arrest or apprehension of persons for violation of Republic Act No. 9165,
15 otherwise known as the "Comprehensive Dangerous Drugs Act of 2002", as
16 amended, or any other law related to illegal drug activities, as well as of laws
17 involving other crimes as defined by special laws and the revised penal code,
18 or under any related anti-drug or criminality program or campaign of the
19 PNP.

20
21 **SEC. 4.** *Use of On-Body Camera in Police Operations.* - Members of the PNP,
22 PDEA, and other law enforcement officers involved in anti-illegal drug and criminality
23 operations are hereby mandated to use on-body cameras during police operations
24 and as such, shall establish protocols and stringent standard for the responsible and
25 effective use of this overt camera. The camera must be turned on and left running
26 until the operations shall have been completed.

27
28 **SEC. 5.** Minimum Standards. - The on-body camera system must be capable
29 of setting on playback a full account of the operation that was concluded. It must
30 likewise be ensured that the cameras are of high-quality resolution capable of
31 delineating the activity and physical features of individuals and areas within the
32 premises being recorded.

33 The requirement for the technology that will become the storage for the recorded
34 data must consider optimum measures to retain its integrity, preventing tampering,
35 deleting or copying as well as prohibiting its unauthorized use. Other standard

1 specifications of the camera shall be provided in the Implementing Rules and
2 Regulations (IRR) of this Act.

3
4 **SEC. 6. *On-Body Camera Recordings.*** - In all anti-illegal drug and criminality
5 operations of law enforcement officers, on-body cameras shall record in full all the
6 activities incidental to the conduct of the operation. There shall be continuous
7 recording of the events throughout these encounters to ensure that officers involved
8 cannot manipulate what is to be recorded. Neither shall the consent of any person
9 recorded be necessary for the continuous recording of the on-body camera.

10 The content of the recordings become property of the State. It is vital that these
11 recordings are tamper-proof and access thereof shall contain immutable audits. They
12 shall not be accessed or downloaded without obtaining prior authority from the
13 courts.

14
15 **SEC. 7. *Privacy Rights.*** - The use of the on-body camera shall be made in a
16 manner consistent with the Constitution, Republic Act No. 10173, otherwise known
17 as the "Data Privacy Act of 2012", and other related laws. The on-body camera shall
18 not be used surreptitiously in order to obtain data or information that is unrelated
19 to the purpose of the operation. Any recording of person(s) inside a restroom, toilet,
20 shower, bathroom, bedroom, changing room and other similar areas shall not be
21 allowed to be used as evidence in any court of law except when the suspect or the
22 person under investigation has concealed himself and/or the contraband in the
23 places mentioned, or that the crime was committed therein.

24 As part of an information campaign, the public shall be informed of the general
25 procedure and guidelines in the conduct of the police or other law enforcement
26 agencies operation with the on-body camera in at least two (2) newspapers of general
27 circulation. It shall likewise be posted in the website of the PNP and the PDEA and
28 printed copies thereof shall be displayed in every police precinct to constitute due
29 notice of the presence of the on-body camera during these police operations.

30
31 **SEC. 8. *Procedure for Access and Disclosure of Recordings.*** - Only persons
32 authorized by the court, upon application, shall have access to images and
33 recordings from law enforcement or police on-body cameras. Viewing of the images
34 and recordings shall take place in a restricted area or in private conditions. All access
35 granted under the circumstances must be documented and for a limited or
36 prescribed time only. The courts shall in its discretion grant the use, viewing, copying

1 or disclosure of images and recordings performed in accordance with this Act under
2 the following circumstances:

- 3 a) Upon request by law enforcement officers in connection with and limited to
4 an investigation for the prosecution of an offense punishable by law, which
5 is the subject of the operation or incidental to the occurrence of the
6 operation;
- 7 b) By a person whose image has been captured indubitably revealing
8 information of a highly sensitive and personal nature;
- 9 c) Where a disclosure of the recording is necessary to advance a compelling
10 interest of the public;
- 11 d) By any interested person in connection with a pending criminal or civil
12 proceeding to prevent a serious threat to the fair administration of justice;
- 13 e) To determine whether an administrative or criminal offense has been
14 committed by a law enforcement officer during the course of an anti-illegal
15 drug and criminality operation, and to ascertain his identity and the manner
16 by which the offense was committed.

17 Law Enforcement Officers are prohibited to release images or recordings from
18 the on-body camera to the media or to upload the same onto public and social media
19 internet websites. The courts shall give its order allowing or denying the use, copying
20 or disclosure of images and recordings within twenty- four (24) hours after
21 submission of the request, as herein specified. The public shall be informed of the
22 procedure for the access to the images and recording of the operation in a manner
23 consistent with the policy of this Act.
24

25 **SEC. 9. Retention, Storage and Preservation.** - Unless otherwise reserved for a
26 specific purpose to review the events of a crime, or where the recording shall be used
27 as evidence in an administrative, civil, or criminal proceeding, or where there is a
28 formal or informal complaint against any law enforcement or police officer involved
29 in the operation, or where the operation has led to the arrest or detention of person(s),
30 or that the information in the recording needs to be studied further for any number
31 of reasons, data of recordings shall not be kept for more than thirty (30) days and
32 shall be deleted beyond said period.

33 The administration for the proper data storage, the chain of custody for the
34 camera and its recording, and the guidelines for the release of the recording with
35 prior leave of the court, shall be provided for in detail in the IRR which must be
36 consistent with the policy established herein.

1
2 **SEC. 10. Officers' Training.** - There shall be an appropriate training for the law
3 enforcement officers in the use and handling of the on-body camera. It is important
4 that their knowledge shall include both the technical familiarity on usage of the
5 camera and the implication on the Constitutional provisions, the Data Privacy Act of
6 2012, and other relevant laws on the protection of privacy.
7

8 **SEC. 11. Periodic Review.** - A bi-annual review of the use of the on-body camera
9 and the utilization of its recording shall be required to ensure that the policies
10 established under this Act are effectively implemented. A copy of the report on the
11 findings made from the review conducted shall be submitted to Congress within
12 thirty (30) days upon its conclusion.
13

14 **SEC. 12. Prohibited Acts.** — It shall be unlawful for any of the identified persons
15 to perform the following acts:

- 16 a) Any law enforcement officer who shall participate in the anti- illegal drug
17 and criminality operation but fails to wear, record or otherwise interfere with
18 the on-body camera recording shall suffer the penalty of suspension from
19 service for a period of six (6) months without pay; Provided, That if said anti-
20 illegal drug and criminality operation results in the injury or death of a drug
21 personality or any other person who is not a law enforcement officer, the law
22 enforcement officer shall suffer the penalty of permanent removal from
23 service; Provided, Further, That the presumption of irregularity and
24 misconduct in the course of the performance of his duty may be rebutted
25 only by evidence of another recording attesting to the regularity in the
26 conduct of the operations exculpating said officer or by proof that
27 circumstances has made it impossible for him to comply with the provisions
28 of this Act;
- 29 b) Where a law enforcement officer involved in the operation has abused his
30 authority and committed a crime, regardless whether the incident has been
31 captured in the on-body camera recording, he shall be prosecuted under the
32 law for the crime which he has committed and the penalty to be applied
33 shall be the maximum period;
- 34 c) Any use of the recording that are not in accordance with the objective of this
35 Act shall be punishable with an imprisonment of not less than six (6)
36 months but not exceeding six (6) years, or a fine not less than One Hundred

1 Thousand Pesos (Php 100,000.00) but not more than One Million Pesos (Php
2 1,000,000.00) or both such fine and imprisonment at the discretion of the
3 court.
4

5 **SEC. 13. Appropriations.** - The amount necessary to carry out the provisions of
6 this Act shall be included in the budget of the Department of Interior and Local
7 Government in the General Appropriations Act in the year immediately following its
8 enactment.
9

10 **SEC. 14. Implementing Rules and Regulations.** - The PDEA and the PNP, in close
11 coordination with the Department of Interior and Local Government, the Department
12 of Information and Communications, the Department of Justice, and the National
13 Privacy Commission, shall issue the necessary rules and regulations for the effective
14 implementation of this Act, including the determination of the number of PNP and
15 PDEA personnel who shall be prioritized in the initial phase of implementation of this
16 Act.
17

18 **SEC. 15. Repealing Clause.** - All laws, presidential decrees, executive orders,
19 rules and regulations or part thereof, contrary to or inconsistent with the provisions
20 of this Act, are hereby repealed or modified accordingly.
21

22 **SEC. 16. Separability Clause.** - If any section or provision of this Act is held
23 unconstitutional or invalid, all other sections or provisions shall remain in full force
24 and effect
25

26 **SEC. 17. Effectivity Clause.** - This Act shall take effect fifteen (15) days after its
27 publication in the Official Gazette and/or in at least two (2) newspapers of general
28 publication.

Approved,