

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

NINETEENTH CONGRESS  
1<sup>st</sup> Regular Session

House Bill No. **8158**



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**Introduced by Representatives JOCELYN P. TULFO and  
RALPH WENDEL P. TULFO**

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#### **EXPLANATORY NOTE**

This proposed measure seeks to address recent allegations and complaints of violation of human rights, abuse of authority, and unlawful activities by law enforcement personnel during their operations. The proposed measure will ensure a responsible implementation of police operations and the protection of the rights of the public in the conduct thereof.

Section 1, Article III of the 1987 Constitution guarantees that no person shall be deprived of life, liberty and property without due process of law. While Section 2 Article III<sup>1</sup> of the Constitution mandates the right of the people against unreasonable searches and seizures. Despite these constitutional guarantees, there is an increasing number of reports and complaints of violations of human rights and physical abuses by law enforcement agencies against suspected criminals over these past few years.

According to the World Population Review's<sup>2</sup>, the Philippines is the country with the world's highest number of police killings reaching over 6,000 individuals from 2016 to 2021 alone. Often, these reports were justified by the police with violent resistance by the alleged criminal or threats on the life of law enforcement personnel.

The State has the responsibility to ensure that the rights of its citizens are protected and that law enforcement personnel are held accountable for the

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<sup>1</sup> Section 2, Article III of the 1987 Constitution states:

*"Section 2. The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures of whatever nature and for any purpose shall be inviolable, and no search warrant or warrant of arrest shall issue except upon probable cause to be determined personally by the judge after examination under oath or affirmation of the complainant and the witnesses he may produce, and particularly describing the place to be searched and the persons or things to be seized."*

<sup>2</sup> <https://hir.harvard.edu/invisible-no-more-shedding-light-on-police-violence-and-corruption-in-the-philippines/>

fulfillment of their duties. It is therefore incumbent upon the State to enact measures to deter the occurrence of alleged human rights violations and abuse of power. With the enactment of this measure, we will equip our law enforcement agencies with designated body-cameras that will serve as a deterrent to any possible abuses or unlawful activities during legitimate police operations. This will also serve as a protection to law enforcement agencies against unfounded accusations of abuse preserving the trust of the public in our police force.

In view of the foregoing, the immediate enactment of this measure is earnestly sought.



**REP. JOCELYN P. TULFO**  
*ACT-CIS Partylist, Representative*



**REP. RALPH TULFO**  
*Representative, 2<sup>nd</sup> District of Quezon City*

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**Introduced by Representatives JOCELYN P. TULFO and  
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**AN ACT**

**MANDATING LAW ENFORCEMENT OFFICERS TO USE BODY-WORN  
CAMERAS DURING LAW ENFORCEMENT AND SPECIAL POLICE  
OPERATIONS, PROVIDING FUNDS THEREFOR AND FOR OTHER  
PURPOSES**

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

1       **Section 1. Short Title.** – This Act shall be known as the “Body-worn Camera  
2 Act”.

3       **Sec. 2. Declaration of Policy.** – It is hereby declared the policy of the State to  
4 strengthen public trust in our law enforcement officers, to protect them from  
5 wrongful accusations of abuse in the lawful discharge of their functions, and to  
6 provide a deterrent for actual abuse from occurring. This law seeks to provide for an  
7 effective law enforcement operation – from investigation, apprehension, detention,  
8 and prosecution by utilizing sound and modern procedures in crime investigation.

9       **Sec. 3. Definition of Terms.** – As used in this act:

10       (a) *Alternative Recording Device* refers to an electronic camera system which is not  
11 a body-worn camera, that is capable of creating, generating, sending,  
12 receiving, storing, displaying, and processing audio-visual recordings, and

1 may be worn during law enforcement activities. It may be used as a substitute  
2 for body-worn cameras in case of unavailability. To be used as a functional  
3 equivalent, it shall comply with the minimum requirements set forth by the  
4 law enforcement agencies in accordance with this Act: *Provided, That the*  
5 *alternative recording device shall be capable of capturing with reasonable*  
6 *clarity the events that transpire during the law enforcement activity or*  
7 *operations;*

8 (b) *Body-worn Camera* refers to an electronic camera system designated to law  
9 enforcement units for creating, generating, sending, receiving, storing,  
10 displaying, and processing audio-visual recordings that may be worn during  
11 operations;

12 (c) *Data Custodian* refers to a designated officer of the law enforcement agency for  
13 the conduct of law enforcement operation, who has the sole responsibility of  
14 storing and safekeeping data recorded from body-worn cameras;

15 (d) *Law Enforcement Officer* means any person authorized by law to conduct law  
16 enforcement or special police operations including prevent, investigate,  
17 apprehend, or detain individuals suspected or convicted of offenses  
18 punishable under Philippine laws;

19 (e) *Operation* refers to both Law Enforcement Operation and Special Police  
20 Operations;

21 (f) *Metadata* refers to information within the recording file containing any digital  
22 identifiers that are captured as part of the actual recording, such as the  
23 recording date, time, GPS coordinates, and other relevant information; and

24 (g) *Recording* refers to the digital material generated as a result of using body-  
25 worn cameras or alternative recording devices, which contains images and  
26 audio- video footage. It shall include copies of the material created by way of  
27 copying to portable media storage and other data repositories.

1           **Sec. 4. Scope and Applicability.** – This law shall apply to all Law Enforcement  
2 Operations including but not limited to service of warrants of arrest, implementation  
3 of search warrants, enforcement of visitorial powers by the Chief of the Philippine  
4 National Police and its unit commanders, anti-illegal drugs operation, anti-illegal  
5 gambling operations, anti-illegal logging operations, anti-illegal fishing operations,  
6 anti-carnapping operations, anti-kidnapping operations, anti-cybercrime operations,  
7 anti-smuggling operations and similar operations that are conducted to enforce  
8 penal laws; and to Special Police Operations including checkpoint operations;  
9 roadblock operations; civil disturbance management operations; police assistance in  
10 the enforcement of demolition, eviction, injunction and similar orders; police  
11 assistance in the implementation of final court orders and orders from quasi-judicial  
12 bodies; hostage situation; visit, board, search and seizure of on-board marine vessels;  
13 and similar police operations that are conducted by police units with specialized  
14 training on the peculiarity of the mission or purpose.

15           **Sec. 5. Minimum Standards for Body-worn Camera.** – Body-worn cameras  
16 shall meet the following minimum standard requirement:

- |    |                            |                                              |
|----|----------------------------|----------------------------------------------|
| 17 | (a) Video resolution       | : 720p or higher                             |
| 18 | (b) Frame rate             | : Built-in                                   |
| 19 | (c) Audio                  | : Built-in                                   |
| 20 | (d) Date and time stamping | : Built-in                                   |
| 21 | (e) GPS                    | : Built-in                                   |
| 22 | (f) Battery life           | : eight (8) hours continuous                 |
| 23 | (g) Storage                | : capable of storing eight (8) hours         |
| 24 |                            | continuous audio-video footage               |
| 25 | (h) Low-light recording    | : with a night mode built in, a low lux      |
| 26 |                            | rating, and/or and infrared (IR) Illuminator |

1       **Sec. 6. Mandatory Use of Body-worn Camera.** – All law enforcement officers  
2 are mandated to wear and activate the designated body-worn camera to capture and  
3 record the entire conduct of operation during its execution: *Provided*, That in case of  
4 unavailability of body-worn cameras, the law enforcement officers shall secure a  
5 written authorization from the head of the agency to use alternative recording  
6 devices as provided herein: *Provided, further*, That the written authorization shall  
7 require the use of at least two (2) alternative recording devices activated and  
8 recording during the operation.

9       A body-worn camera shall also be activated whenever a law enforcement  
10 officer is responding to a call for service or at the initiation of any other operation or  
11 investigative encounter between a law enforcement officer and a member of the  
12 public: *Provided, however*, except that when an immediate threat to the officer's life or  
13 safety makes activating the camera impossible or dangerous, the officer shall activate  
14 the camera at the first reasonable opportunity.

15       **Sec. 7. Guidelines for the Use of Body-worn Camera.** – Law enforcement  
16 officers mandated to wear body-worn camera under this Act shall ensure that:

- 17       (a) Body-worn cameras shall be worn in a location and manner that maximizes  
18       the camera's ability to capture video footage of the operation;
- 19       (b) Body-worn camera shall record in full all the activities incidental to the  
20       conduct of the operation. It shall not be deactivated until the operation has  
21       concluded and the law enforcement officers leave the venue of the operation;
- 22       (c) Both video and audio recording functions of the body-worn camera shall be  
23       activated during operations; and
- 24       (d) It shall not be used surreptitiously in order to obtain data or information that  
25       is unrelated to the purpose of the operation.

26       **Sec. 8. Prohibition on the Use of Body-worn Cameras.** – The use of body-  
27 worn camera shall not be allowed in the following instances:

1 (a) It shall not be used to gather intelligence information based on protected  
2 speeches, associations, or religion, or to record activity that it unrelated to a  
3 response to a call or service or a law enforcement or investigative encounter  
4 between a law enforcement officer and the member of the public;

5 (b) In locations where individuals have a reasonable expectation of privacy such  
6 as residences, unless the recording is being made pursuant to a valid arrest or  
7 search warrant of the individuals or location, or pursuant to a valid  
8 warrantless arrest and search in accordance with existing laws and  
9 established rules;

10 (c) During privileged communications between the subject of recordings and  
11 other individuals, such as attorneys, members of the clergy, peer support  
12 counselors, and medical professionals; or those otherwise considered  
13 privileged under laws.

14 (d) Such other circumstances as may be provided in the implementing rules and  
15 regulations of this Act, which is part of the constitutional privilege and where  
16 the dignity of an individual outweighs the public necessity for recording; and

17 (e) The recording would pose a serious threat to national security.

18 **Sec. 9. Notification to Person to be Arrested and Other Subjects.** – When  
19 conducting an operation, the officers wearing the body-worn cameras or alternative  
20 recording devices shall, as early as practicable, notify the person/s subject of the  
21 operation and the recording that the execution of the warrant of arrest is being  
22 recorded and that they are making an arrest pursuant to a warrant issued by a court.

23 **Sec. 10. Presumption of Regularity.** – In any search, seizure, and arrest  
24 conducted by officers from the Philippine National Police (PNP), National Bureau of  
25 Immigration (NBI), or Philippine Drug Enforcement Agency (PDEA), and other law  
26 enforcement agencies, it is presumed that the standard process of regularity in  
27 wearing a body-worn camera during the operation was followed.

1       **Sec. 11. Right of the Subject of the Operation.** - Anyone present during a  
2 search, seizure, or arrest has the right to record a video footage using their own  
3 cameras or any other video recording device. The recording may be used as  
4 evidence against the law enforcement officer suspected to have committed an  
5 offense during the operations.

6       **Sec. 12. Custody and Period of Retention of the Footage.** - All recordings  
7 from the body-worn camera or alternative recording devices used during the  
8 operation shall be stored in an external media storage device and shall be under the  
9 custody of the law enforcement agency that employs the officer whose camera  
10 captured the footage, or an authorized agent thereof, for one (1) year after the date it  
11 was recorded.

12       The period of retention, however, may be extended up to two (2) years,  
13 provided, that there is an order from a judicial, administrative, or quasi-judicial  
14 body requesting for a copy of the footage. In such a case, the footage shall be under  
15 judicial custody and will be permanently deleted only after the termination of the  
16 case. Any violation thereof will be treated as destruction of evidence or obstruction  
17 of justice.

18       **Sec. 13. Access and Disclosure of Recordings.** - Subject to the provisions of  
19 Republic Act No. 10173, otherwise known as the "Data Privacy Act of 2012", only  
20 persons duly authorized by the court shall have access to images and recordings  
21 from body-worn cameras. The court shall, in its discretion, grant the use, viewing,  
22 copying or disclosure of images and recording under the following circumstances:

23       (a) Upon request by law enforcement officers in connection with the subject of  
24 the operation or incidental to the occurrence of the operation;

25       (b) Any person who is a subject of the recording or his or her counsel: *Provided,*  
26 That in case of a minor, his or her parent, guardian or counsel;

27       (c) The spouse, next of kin, or legally authorized designee of a deceased subject  
28 of the recording, or his or her counsel;

1 (d) Any interested person in connection with a pending criminal or civil  
2 proceeding to prevent a serious threat to the fair administration of justice;

3 (e) For determination of administrative or criminal violation of a law  
4 enforcement officer during the course of law enforcement operation;

5 **Sec. 14. *Effect of Failure to Observe the Requirements for Body-Worn***  
6 ***Cameras during Operations.*** – Failure to observe the requirements of using body-  
7 worn cameras or alternative recording devices shall not render the operation  
8 unlawful or render the evidence inadmissible. Facts surrounding the operation may  
9 be proven by the testimonies of the law enforcement officers, those involved in the  
10 operations, the subjects of the operations, and other witnesses to the operations.

11 The law enforcement officer who, however, fails without reasonable grounds  
12 to use the body-worn camera or alternative recording devices, or intentionally  
13 interferes with the body-worn cameras' ability to accurately capture audio and video  
14 recordings of the arrest, or otherwise manipulates such recording during or after the  
15 operation shall be administratively, civilly and criminally liable under existing laws,  
16 and may further be held liable for contempt of court as determined by a competent  
17 court. This provision shall not apply if body-worn cameras were not activated due  
18 to their malfunction or when allowed under this Act.

19 **Sec. 15. *Effect of Failure to Observe the Requirements for Body-Worn***  
20 ***Cameras on Search Conducted.*** – Failure to observe the requirement of using body-  
21 worn cameras or alternative recording devices, without reasonable grounds, during  
22 the execution of the search warrant shall render the evidence obtained inadmissible  
23 for the persecution of the offense for which the search warrant was applied.

24 A law enforcement officer who fails to adhere to the requirements during the  
25 execution of a search warrant, or intentionally interferes with the body-worn  
26 cameras' ability to accurately capture audio and video recordings of the search, or  
27 otherwise manipulates such recording during or after the search shall be  
28 administratively, civilly and criminally liable under existing laws, and may further

1 be held liable for contempt of court as determined by a competent court. This  
2 provision shall not apply if body-worn cameras were not activated due to their  
3 malfunction prior to the incident.

4 **Sec 16. *Recordings Not a Substitute for Witnesses.*** - For evidentiary  
5 purposes, the recordings captured by body-worn cameras or alternative recording  
6 devices are suppletory to the testimonies of the persons subject of the recording or  
7 the law enforcer officer. The recordings shall not be deemed as substitutes for the  
8 presentation of witnesses.

9 **Sec. 17. *Appropriations.*** - The initial amount necessary for the  
10 implementation of this Act shall be charged against the current fiscal year's  
11 appropriations of the law enforcement agency involved. Thereafter, such sums as  
12 may be necessary for the continued implementation of this Act shall be included in  
13 the annual General Appropriations Act.

14 **Sec. 18. *Applicability to Pending Cases.*** - After the effectivity of this law, it  
15 shall apply to pending applications for search warrants or warrants of arrest and to  
16 those warrants issued that have not yet been implemented or executed by the  
17 appropriate law enforcement agencies.

18 **Sec. 19. *Implementing Rules and Regulations.*** - Within sixty (60) days from  
19 the effectivity of this Act, the Department of Interior and Local Government and the  
20 Department of Justice, in consultation with the PNP, NBI, PDEA, and other law  
21 enforcement agencies and concerned stakeholders, shall promulgate the rules and  
22 regulations implementing this Act.

23 **Sec. 20. *Separability Clause.*** - If any provision of this Act is held invalid or  
24 unconstitutional, the same shall not affect the validity and effectivity of the other  
25 provisions hereof.

26 **Sec. 21. *Repealing Clause.*** - All laws, executive orders, rules and regulations  
27 inconsistent with, or contrary to this Act, are hereby repealed or amended  
28 accordingly.

1           **Sec. 22. Effectivity Clause.** - This Act shall take effect fifteen (15) days after its  
2 publication in the Official Gazette or in a newspaper of general circulation.

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4           *Approved,*