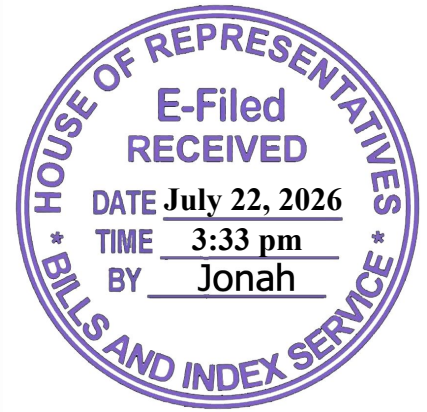


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH CONGRESS
First Regular Session

House Bill No. **10188**



INTRODUCED BY REPRESENTATIVE RALPH WENDEL P. TULFO

AN ACT
MANDATING LAW ENFORCEMENT OFFICERS TO USE A BODY-WORN
CAMERA DURING LAW ENFORCEMENT OPERATIONS, PROVIDING
PENALTIES FOR VIOLATIONS, AND APPROPRIATING FUNDS THEREFOR

EXPLANATORY NOTE

Pursuant to Article II, Section 4 of the 1987 Philippine Constitution, the prime duty of the Government is to serve and protect the people. In the performance of its duty, law enforcement officers are entrusted with the responsibility of maintaining peace and order, preventing crime, and protecting the lives of every Filipino.

In recent years, incidents involving law enforcement operations have underscored the need for greater transparency and accountability in the conduct of police and other law enforcement personnel. Allegations of excessive use of force, unlawful arrests, abuse of authority, and conflicting accounts of encounters between officers and civilians have highlighted the importance of having objective and reliable documentation of law enforcement activities.

The use of body-worn cameras during law enforcement operations has become an effective tool in promoting professionalism, accountability, and public trust. Body-worn cameras help to protect both law enforcement officers and civilians from false

accusations, discourage misconduct, preserve evidence for criminal investigations and court proceedings, and enhance the integrity of law enforcement activities.

Hence, this bill seeks to mandate the use of body-worn cameras during law enforcement operations, provide penalties for violations of its provisions, and appropriate the necessary funds for its effective implementation. Likewise, it aims to strengthen public accountability, improve the quality and integrity of law enforcement operations, protect both officers and civilians, and foster greater public trust in the country's justice system.

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



RALPH WENDEL P. TULFO

Representative

2nd District of Quezon City

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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 “Law Enforcement
2 Body-Worn Camera Act.”

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

8
9 (a) Proper documentation of interactions between law enforcement officers and
10 the public during law enforcement operations;

11
12 (b) Utilization of modern technology as a tool to deter incidents of abuse or
13 misconduct by law enforcement officers during legitimate law enforcement
14 operations and safeguard these officers against false accusations;

(c) Formulation of means to reduce the cost and impact of crime in the community; and

(d) Improvement in relations between law enforcement officers and the public by balancing the right to privacy and the promotion of accountability during law enforcement operations.

SEC 3. *Definitions of Terms.* – As used in this Act:

(a) *Alternative Recording Device (ARD)* refers to an electronic camera system which is not a body-worn camera that is capable of creating, generating, sending, receiving, storing, displaying, and processing audio-visual recordings, and is worn during law enforcement activities. An ARD shall be deemed a functional equivalent of a body-worn camera as defined herein when it complies with the minimum requirements set forth by the law enforcement agencies in accordance with this Act: *Provided*, That the ARD shall be capable of capturing with reasonable clarity the events that transpire during the law enforcement operation;

(b) *Body-worn Camera (BWC)* refers to an electronic camera system assigned to law enforcement units for creating, generating, sending, receiving, storing, displaying, and processing audio-visual recordings that shall be worn during law enforcement operation;

(c) *Data Custodian* refers to a designated officer of the law enforcement agency with the responsibility of storing and safekeeping data recorded from BWCs and other ARDs;

(d) *Law Enforcement Agency* refers to the Philippine National Police (PNP), the National Bureau of Investigation (NBI), the Bureau of Jail Management and Penology (BJMP), and the Philippine Drug Enforcement Agency (PDEA);

(e) *Law Enforcement Officer* means any member of the PNP, NBI, BJMP, and PDEA authorized to conduct law enforcement, special police operations, including the prevention, investigation, apprehension, or detention of individuals suspected or convicted of offenses punishable under Philippine laws, and similar enforcement operations;

(f) *Law Enforcement Operation* refers to any legitimate operation of a law enforcement agency to enforce laws, statutes, executive orders, and ordinances, including the service of warrants of arrests, hot pursuit operations, enforcement of visitorial powers, anti-illegal drug operations, anti-cybercrime operations, anti-human trafficking operations, and checkpoint operations; and

(g) *Recording* refers to a digital material generated from the use of BWCs or ARDs containing images and audio-video footages. It shall include material created by copying the original to portable media storage and other data repositories.

SEC 4. *Mandatory Use of Body-worn Camera.* – Law enforcement officers shall wear and activate BWCs to record the conduct of law enforcement operations: *Provided,* That in case of unavailability of BWCs, the law enforcement officers shall use ARDs subject to the requirements under this Act.

SEC 5. *Minimum Standards for Body-worn Camera.* – BWC shall meet the following minimum standard requirements:

(a) Video resolution	1080p Full HD or higher
(b) Frame rate	60 frames per second

(c) Audio	Built-in
(d) Date and time stamping	Built-in
(e) GPS	Built-in
(f) Battery life	Eight (8) hours continuous
(g) Storage	Capable of storing eight (8) hours continuous audio-video footage
(h) Low-light recording	With a night mode built in, a low lux rating, and/or infrared (Illuminator)

SEC 6. Guidelines for the Use of Body-worn Cameras. – Law enforcement officers mandated to wear BWCs under this Act shall ensure that:

(a) Both the video and audio recording functions of the BWCs/ARDs are activated and actually recording:

(1) For warrant of arrest and search warrant execution, when officers approach the target location or upon receiving instructions to proceed with the operation;

(2) For warrantless arrest or search, at the time when officers have reasonable suspicion or probable cause to conduct such actions;

(3) For entrapment, buy-bust operations, and other planned law enforcement operations, immediately upon arriving at the place of operations;

(4) For hot pursuit operations, as soon as officers are engaged in pursuit of suspects or vehicles involved in criminal activities, and for the entire pursuit; and

(5) For response to calls or services, upon dispatch of a law enforcement officer in response to a call or service request.

1 (b) The Recording is only terminated:
2

3 (1) When the law enforcement officers have served or executed the arrest or
4 search warrant, left the premises or area specified in the warrant, and
5 upon the endorsement of custody of the person arrested and the items
6 seized to the authorized unit or agency;

7 (2) Upon conclusion of the warrantless arrest or search, including the
8 transportation of suspects or evidence for custody to the authorized unit
9 or agency;

10 (3) Upon the conclusion of the entrapment, buy-bust, or other enforcement
11 operation, encompassing the arrest of suspects, seizure of contraband,
12 departure of law enforcement officers from the operation location, and
13 the taking of the arrested persons and seized items for custody to the
14 appropriate unit or agency.

15 (4) Upon the conclusion of the hot pursuit, either upon the apprehension
16 and taking of suspects into custody or upon officers discontinuing the
17 pursuit and the returning to their respective units; and

18 (5) When responding to calls or services, until the officers have resolved
19 the situation or incident have left the scene.
20

21 (c) BWCs are worn where it can capture a video footage of the law enforcement
22 officer's activities during the conduct of law enforcement operations; and
23

24 (d) BWCs record in full all the activities incidental to the conduct of the
25 operation.
26
27
28
29

1 **SEC. 7. *Prohibition on the Use of Body-worn Cameras.*** – The use of BWCs shall
2 not be allowed in the following instances:

3
4 (a) Gathering intelligence information based on protected speeches, associations,
5 or religion, recording activities unrelated to a call or service response, or a law
6 enforcement or investigative encounter between a law enforcement officer and
7 the member of the public;

8
9 (b) Where individuals have a reasonable expectation of privacy, unless the
10 recording is pursuant to a valid arrest or search warrant, a valid warrantless
11 arrest and search under established rules;

12
13 (c) During privileged communications between the subject of recordings and
14 other individuals, such as attorneys, members of the clergy, peer support
15 counselors, and medical professionals;

16
17 (d) When the recording would pose a serious threat to national security; and

18
19 (e) Surreptitious data or information that is unrelated to the purpose of the
20 enforcement operation being conducted.

21
22 **SEC 8. *Submission of Recording.*** – Any law enforcement officer tasked to wear
23 and activate BWCs or ARDs shall submit to the data custodian of their law
24 enforcement agency the recordings of their BWCs or ARDs used in the law
25 enforcement operation within forty-eight (48) hours from the termination of such
26 enforcement operation. Failure to submit the recordings within the period of time
27 specified herein may subject the concerned law enforcement officer to administrative
28 penalty.

1 **SEC 9. Custody and Period of Retention of the Recordings.** – All recordings
2 from the BWC or ARDs used during the operation shall be stored in an external media
3 storage device and in a back-up storage based either on local servers or a secured web-
4 based digital media storage platform. The recordings shall be under the custody of the
5 law enforcement agency employing the officer or an authorized agent thereof whose
6 camera captured the footage for thirty (30) days from endorsement to the agency's
7 data custodian.

8
9 In case there is an order from a judicial, administrative, or quasi-judicial body
10 requesting for a copy of the footage, said footage shall be retained by the data
11 custodian to be permanently deleted only after the termination of the case.

12
13 **SEC 10. Use of Redaction Technology.** – Whenever necessary to protect
14 personal data, the identity of a confidential source or crime victim, or the life or
15 physical safety of any person appearing in video footage, redaction technology may
16 be used to obscure the face and other identifying characteristics, including tone of
17 voice: *Provided*, That the redaction does not interfere with the full, complete, and
18 accurate comprehension of the events captured on the video footage: *Provided, further*,
19 That for video footage redacted pursuant to this section, an unedited, original version
20 of the video footage shall be retained by the law enforcement agency: *Provided, finally*,
21 That no other editing or alteration of video footage, including a redaction of
22 resolution, shall be permitted under this Act.

23
24 **SEC. 11. Access and Disclosure of Recordings.** – Subject to the provisions of
25 Republic Act No, 10173, otherwise known as the "Data Privacy Act of 2012", only
26 persons duly authorized by the head of the concerned law enforcement agency may
27 be allowed to access recordings under their custody. The head of law enforcement
28 agency may, in its discretion, grant the use, viewing, copying, or disclosure of
29 recording to upon request of the following individuals:

- 1 (a) Law enforcement officers, in connection with the subject of the operation or
2 incidental to the occurrence of their operation;
3
4 (b) Any person who is a subject of the recording or his or her counsel: *Provided*,
5 That in case of a minor, his or her parent, guardian or counsel may be
6 authorized;
7
8 (c) The spouse, next of kin, or legally authorized designee of a deceased subject
9 of the recording, or his or her counsel;
10
11 (d) Any party in interest in connection with a pending criminal or civil
12 proceeding to prevent a serious threat to the fair administration of justice;
13 and
14
15 (e) Any person duly authorized to determine administrative or criminal
16 violation of a law enforcement officer during the course of law enforcement
17 operations.
18

19 **SEC 12. *Prohibited Acts.*** – It shall be unlawful for any of the identified persons
20 to perform the following acts:
21

- 22 (a) *Failure to Observe the Requirements for BWCs.* – Any law enforcement officer
23 who fails to adhere with the requirements on the mandatory use of BWCs,
24 or as prescribed in Sections 4, 6, 7, 8 and 9 of this Act, shall be subject to the
25 following penalties:
26

- 27 (1) First offense: suspension of one (1) month and one (1) day to six (6) months;
28 (2) Second offense: suspension of six (6) months and one (1) day to one (1)
29 year plus demotion to the next lower position: *Provided*, That in case there

1 is no such next lower position available, he or she shall suffer diminution
2 in salary corresponding to the next lower salary grade; and

3 (3) Third offense: dismissal from the service;
4

5 (b) *Accessing Recording Due to Negligence.* – Any person who, due to negligence,
6 provides access to recordings without being authorized under this Act or
7 any existing law, shall be penalized by imprisonment ranging from one (1)
8 year to three (3) years and a fine of not less than Five hundred thousand
9 pesos (P500,000) but not more than Two million pesos (P2,000,000);
10

11 (c) *Spoliation of recording.* – Any person who tampers with, alter, conceal,
12 manipulate, falsify, or destroy a recording with the intent to interfere with an
13 investigation shall be penalized by imprisonment ranging from six (6) months
14 to six (6) years and a fine of not less than One hundred thousand pesos
15 (P100,000) but not more than Five hundred thousand pesos (P500,000); and
16

17 d. *Unauthorized Use of recordings* – Any use of the recording that is not in accordance
18 with this Act shall be punishable with imprisonment of not less than six (6)
19 months but not exceeding six (6) years, or a fine not less than One hundred
20 thousand pesos (P100,000) but not more than One million pesos (P1,000,000) or
21 both such fine and imprisonment at the discretion of the court.
22

23 **SEC. 13. Appropriations.** – The initial amount necessary for the implementation
24 of this Act shall be charged against the current fiscal year's appropriations of the
25 law enforcement agencies concerned. Thereafter, such sums as may be necessary
26 for the continued implementation of this Act shall be included in the annual
27 General Appropriations Act.
28

29 **SEC. 14. Implementing Rules and Regulations (IRR).** – The Department of the
30 Interior and Local Government and the Department of Justice, in consultation with

1 the PNP, NBI, PDEA and other concerned government agencies, shall within sixty
2 (60) days from the effectivity of this Act, promulgate the rules and regulations to
3 effectively implement the provisions of this Act.
4

5 **SEC. 15. *Separability Clause.*** - If any provision of the Act is declared
6 unconstitutional, the remainder hereof not otherwise affected shall remain in full force
7 and effect.
8

9 **SEC. 16. *Repealing Clause.*** - All laws, decrees, executive orders, rules,
10 regulations, and other issuances or parts thereof which are contrary to or inconsistent
11 with the provisions of this Act are hereby repealed or modified accordingly.
12

13 **SEC. 17. *Effectivity Clause.*** - This Act shall take effect after fifteen (15) days
14 following its publication in the Official Gazette or in a newspaper of general
15 circulation.
16

17 *Approved,*