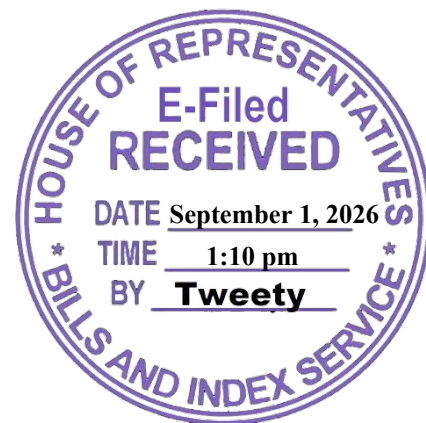




**Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City**

**Twentieth Congress
2nd Regular Session
HOUSE BILL NO. 11036**



Introduced by Rep. Elisa “Olga” T. Kho and Rep. Antonio T. Kho

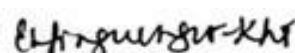
EXPLANATORY NOTE

Article III, Section 1 of the 1987 Philippine Constitution guarantees that no person shall be deprived of life, liberty, or property without due process of law, while Section 2 secures the fundamental right of the people against unreasonable searches and seizures. In recent years, public demand for greater transparency, accountability, and protection of human rights during police and law enforcement operations has escalated significantly.

Although the Supreme Court, through A.M. No. 21-06-08-SC, requires the use of body-worn cameras (BWCs) during the execution of search and arrest warrants, no comprehensive law yet mandates their use in all law enforcement operations, including buy-bust operations, checkpoints, and warrantless arrests.

This bill seeks to institutionalize the mandatory use of BWCs and authorized recording devices during police and field operations to promote transparency, accountability, and protection for both civilians and law enforcement officers. It also provides penalties for deliberate non-use, tampering, or unauthorized disclosure of recordings, while ensuring data privacy and due process and providing funding for equipment, training, and implementation.

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


REP. ELISA T. KHO, M.D., FPCCP


REP. ANTONIO T. KHO



**Republic of the Philippines
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**Twentieth Congress
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HOUSE BILL NO. 11036**

Introduced by Rep. Elisa “Olga” T. Kho and Rep. Antonio T. Kho

**AN ACT
MANDATING LAW ENFORCEMENT OFFICERS TO USE BODY-WORN CAMERAS
DURING LAW ENFORCEMENT OPERATIONS, PROVIDING PENALTIES FOR
VIOLATIONS, 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 "Mandatory Body-Worn Camera Act."

SECTION 2. *Declaration of Policy.* — It is the policy of the State to uphold due process, protect constitutional rights, and maintain transparency and accountability in law enforcement operations. Towards this end, the State shall ensure the use of modern technology to document law enforcement activities, protect civilians from arbitrary enforcement, and defend law enforcement officers against unfounded suits.

SECTION 3. *Definition of Terms.* — As used in this Act:

- (a) Body-Worn Camera (BWC) refers to an electronic device designated for law enforcement units capable of generating, storing, and processing audio-visual recordings, worn on the body of an officer.
- (b) Alternative Recording Device (ARD) refers to an electronic camera system or handheld recording unit used as an authorized substitute in case of unavailability or malfunction of a body-worn camera.
- (c) Law Enforcement Agency (LEA) refers to government agencies whose personnel are vested by law with power to make arrests, conduct searches, and enforce laws, including the Philippine National Police (PNP), National Bureau of Investigation (NBI), Philippine Drug Enforcement Agency (PDEA), Bureau of Customs (BOC), and other similar agencies.

(d) Law Enforcement Operation refers to activities conducted by LEAs, including serving search or arrest warrants, conducting warrantless arrests, buy-bust operations, sobriety checkpoints, raid operations, and control of civil disturbance.

SECTION 4. *Mandatory Use of Body-Worn Cameras.* — All law enforcement officers conducting law enforcement operations are hereby mandated to wear and activate functional body-worn cameras or alternative recording devices.

The recording device must be activated prior to arrival at the scene of operation or at the initiation of the enforcement action and must run continuously until the operation is fully concluded and the person or site is turned over to proper custody or secured.

SECTION 5. *Notification to the Public.* — As soon as practicable, law enforcement officers executing an operation shall inform the subjects and occupants of the premises that the operation is being recorded on video and audio.

SECTION 6. *Exceptions to Continuous Recording.* — Interruption or deactivation of the recording during an active operation shall be strictly prohibited, except under the following circumstances:

- (a) Where an officer enters a location where a reasonable expectation of privacy exists (e.g., restrooms) and no enforcement action is occurring;
- (b) During tactical discussions among officers involving sensitive security matters or confidential informers; or
- (c) Due to sudden equipment malfunction or mechanical failure beyond the control of the officer.

Provided, That any deactivation or failure to record under this Section shall be explicitly noted and justified in the post-operation report submitted by the team leader.

SECTION 7. *Data Integrity and Privacy.* — All audio-video data captured by BWCs shall be downloaded, indexed, and stored in a secure data repository by a designated Data Custodian within twenty-four (24) hours from the conclusion of the operation. Recordings shall be preserved for a minimum period of three (3) years, unless required as evidence in court, administrative, or criminal proceedings, in which case they shall be retained until final disposition. All data processing shall comply with Republic Act No. 10173, otherwise known as the "Data Privacy Act of 2012."

SECTION 8. *Penalties.*

- (a) Any law enforcement officer who fails to activate, intentionally deactivates without authorization, or fails to wear a BWC or ARD during an operation without justifiable grounds shall suffer the penalty of suspension for six (6) months for the first offense, and dismissal from the service with forfeiture of benefits for the second offense.

(b) Any person who intentionally tampers with, edits, alters, deletes, or destroys any video or audio recording captured by a BWC or ARD shall be punished by imprisonment of six (6) years and one (1) day to twelve (12) years (*prision mayor*) and a fine ranging from One Hundred Thousand Pesos (₱100,000.00) to Five Hundred Thousand Pesos (₱500,000.00).

(c) Any unauthorized leaking or public releasing of unredacted footage outside official judicial or administrative proceedings shall be punished in accordance with the penalties set under the Data Privacy Act of 2012 and applicable criminal laws.

SECTION 9. *Evidentiary Weight and Non-Compliance Effects.* — Unreasonable failure to comply with the camera mandate during the execution of a search warrant shall render any evidence seized inadmissible in evidence, pursuant to Article III, Section 3(2) of the Constitution. Non-compliance during warrantless arrests or other operations shall create a rebuttable presumption of irregularity against the law enforcement officers involved.

SECTION 10. *Appropriations.* — The amount necessary for the initial implementation of this Act shall be charged against the current year's budget of the respective law enforcement agencies. Thereafter, such sums as may be necessary for the continuous procurement, maintenance, training, and storage infrastructure for BWCs shall be included in the annual General Appropriations Act (GAA).

SECTION 11. *Implementing Rules and Regulations (IRR).* — Within ninety (90) days from the effectivity of this Act, the Department of the Interior and Local Government (DILG) and the Department of Justice (DOJ), in consultation with the National Police Commission (NAPOLCOM), the Supreme Court of the Philippines, and human rights stakeholders, shall issue the necessary rules and regulations for the effective implementation of this Act.

SECTION 12. *Separability Clause.* — If any provision of this Act is declared unconstitutional or invalid, the remaining provisions shall remain in full force and effect.

SECTION 13. *Repealing Clause.* — All laws, executive orders, rules, and regulations inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 14. *Effectivity.* — This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,