



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

TWENTIETH CONGRESS
Second Regular Session

HOUSE BILL NO. 11363



Introduced by Representative Irwin C. Tieng

EXPLANATORY NOTE

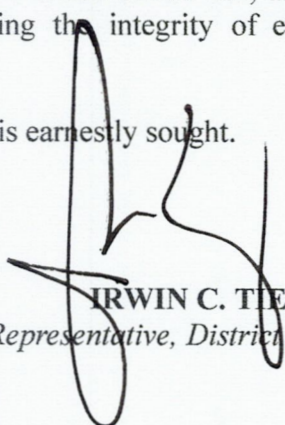
It is the fundamental duty of the State to maintain peace and order, protect life, liberty, and property, and ensure the welfare of the people. To effectively carry out these responsibilities, the State must adopt mechanisms that promote transparency, accountability, and public trust in law enforcement.

This bill seeks to mandate the use of body-worn cameras by law enforcement officers during authorized operations. The use of these devices will provide an objective and reliable record of interactions between law enforcement officers and the public, thereby enhancing transparency and accountability in the performance of official duties.

The measure aims to deter abuse and misconduct, protect officers from false accusations, improve evidence gathering, and strengthen public confidence in law enforcement agencies. It likewise establishes standard alternative recording devices for the use, storage, retention, access, and disclosure of recordings, while ensuring compliance with applicable privacy laws.

Furthermore, the bill imposes penalties for the unauthorized use, alteration, destruction, or disclosure of recordings, thereby safeguarding the integrity of evidence and promoting accountability.

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


IRWIN C. TIENG
Representative, District V Manila



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HOUSE BILL NO. 11363

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

Be in 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 "*Law Enforcement Body-worn Camera Act*"

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

- (a) Proper documentation of interactions between law enforcement officers and the public during enforcement operations;
- (b) Utilization of modern technology as a tool to deter incidents of abuse or misconduct by law enforcement officers during legitimate law enforcement operations and safety alternative recording device 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. *Definition of Terms.* -As used in this Act:

(a) *Alternative Recording Device* 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 alternative recording device 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 alternative recording device shall be capable of capturing with reasonable clarity the events that transpire during the law enforcement operation;

(b) *Body-worn Camera* 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 body-worn cameras and other alternative recording devices;

(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 other 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 arrest, 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 digital material generated as a result of using body-worn cameras or alternative recording devices, containing images and audio-video footage. It shall include the copies of the material created by way of copying the original to portable media storage and other data repositories.

SEC. 4. *Mandatory Use of Body-worn Cameras.* - Law enforcement officers shall wear and activate body-worn cameras to record the conduct of law enforcement operations: *Provided*, That in case of unavailability of body-worn cameras, the law enforcement officers shall use alternative recording devices subject to the requirements under this Act.

SEC. 5. *Minimum Standard Alternative Recording Devices for Body-worn Camera.* - Body-worn camera shall meet the following minimum standard requirements::

- (a) Video resolution: 1080p Full HD or higher
- (b) Frame rate: 30 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 (IR) Illuminator

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

- (a) Both the video and audio recording functions of the body-worn cameras/alternative recording devices are activated and actually recording:

- (i) For Warrant of Arrest and Search Warrant Execution, when officers approach the target location or upon receiving instructions to proceed with the operation;

- (ii) For Warrantless Arrest or Search, at the time when officers have reasonable suspicion or probable cause to conduct such actions;

- (iii) For Entrapment, Buy-Bust Operations, and other planned law enforcement operations, immediately upon arriving at the place of operations;

- (iv) For Hot Pursuit Operations, as soon as officers are engaged in pursuit of suspects or vehicles involved in criminal activities, and ensuring that recording captures the entire pursuit; and

- (v) For Response to Calls or Services, upon dispatch of a law enforcement officer in response to a call or service request.

- (b) The Recording shall only be terminated:

- (i) For Warrant of Arrest and Search Warrant Execution, when the law enforcement officers have completed the execution of the warrant, left the premises or area specified in the warrant, and endorsement of custody of the person arrested and the items seized to the authorized unit or agency;

- (ii) For Warrantless Arrest or Search, upon conclusion of the warrantless arrest or search, including the transportation of suspects or evidence for custody to the authorized unit or agency;

- (iii) For Entrapment, Buy-Bust Operations, and other planned law enforcement operations, upon the conclusion of the entrapment, buy-bust, or other enforcement operation, encompassing the arrest of suspects, seizure of contraband, departure of law enforcement officers from the operation location, and the taking of the arrested persons and seized items for custody to the appropriate unit or agency;

- (iv) For Hot Pursuit Operations, upon the conclusion of the hot pursuit, either upon the apprehension and taking of suspects into custody, or upon officers discontinuing the pursuit and returning to their respective units: and

- (v) For Response to Calls or Services, recording shall persist until the officers have resolved the situation or incident at the scene and have left the premises, ensuring comprehensive documentation of the response.

(c) Body-worn Cameras shall be worn in a location and manner that maximizes the ability of the camera to capture a video footage of the activities during the conduct of law enforcement operation; and

(d) Body-worn cameras shall record in full all the activities incidental to the conduct of the operation.

SEC. 7. *Prohibition on the Use of Body- Worn Cameras.* - The use of body-worn camera shall not be allowed in the following instances:

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

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

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

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

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

SEC. 8. *Submission of Recording.* - Any law enforcement officer tasked to wear and activate body-worn cameras or alternative recording devices shall submit to the data custodian of their law enforcement agency the recordings of their body-worn cameras or alternative recording devices used in the law enforcement operation within forty-eight (48) hours from the termination of such enforcement operation. Failure to submit the recordings within the period of time specified herein may subject the concerned law enforcement officer to administrative penalty.

SEC. 9. *Custody and Period of Retention of the Recordings.* - All recordings from the body-worn camera or alternative recording devices used during the operation shall be stored in an external media storage device and in a back-up storage based either on local servers or a secured web-based digital media storage platform. The recordings shall be under the custody of the law enforcement agency employing the officer or an authorized agent thereof whose camera captured the footage for thirty (30) days after the date it was endorsed to the data custodian of such law enforcement agency.

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

SEC. 10. *Use of Redaction Technology.* - Whenever necessary to protect personal data of an individual, the identity of a confidential source or crime victim, or the life or physical safety of any person appearing in a video footage, redaction technology may be used to obscure the person's face and other identifying characteristics, including tone of voice:

Provided, That the redaction does not interfere with the full, complete, and accurate comprehension of the events captured on the video footage: *Provided, further*, That when video footage redacted pursuant to this Section, an unedited, original version of the video footage shall be retained by the law enforcement agency: *Provided, finally*, That no other editing or alteration of video footage, including a reduction of resolution, shall be permitted under this Act.

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

- (a) Law enforcement officers, in connection with the subject of the operation or incidental to the occurrence of their operation;
- (b) Any person who is a subject of the recording or his or her counsel: *Provided*, That in case of a minor, his or her parent, guardian or counsel may be authorized;
- (c) The spouse, next of kin, or legally authorized designee of a deceased subject of the recording, or his or her counsel;
- (d) Any parties in interest in connection with a pending criminal or civil proceeding to prevent a serious threat to the fair administration of justice; and
- (e) Any person duly authorized to determine administrative or criminal violation of a law enforcement officer during the course of law enforcement operation.

Sec. 12. *Prohibited Acts*. - It shall be unlawful for any of the identified persons to perform the following acts:

(a) *Failure to Observe the Requirements for Body-Worn Cameras*. - Any law enforcement officer who fails to adhere with the requirements on the mandatory use of body-worn cameras or as prescribed in Sections 4, 6, 7, 8, and 9 of this Act shall be subject to the following penalties:

(1) First offense: punishable by suspension of one (1) month and one (1) day to six (6) months;

(2) Second offense: punishable by suspension of six (6) months and one (1) day to one (1) year plus demotion to the next lower position: *Provided*, That in case there is no such next lower position available, he or she shall suffer diminution in salary corresponding to the next lower salary grade; and

(3) Third offense: dismissal from the service;

(b) *Accessing Recording Due to Negligence*. - Any person who, due to negligence, provides access to recordings without being authorized under this Act or any existing law, shall be penalized with imprisonment ranging from one (1) year to three (3) years and a fine of not less than Five Hundred Thousand Pesos (P500,000.00) but not more than Two Million Pesos (P2,000,000.00);

(c) *Spoliation of Recording.* - Any person who tampers with, alter, conceal, manipulate, falsify, or destroy a recording with the intent to interfere with an investigation shall be penalized with imprisonment ranging from six (6) months to six (6) years and a fine of not less than One Hundred Thousand Pesos (P100,000.00) but not more than Five Hundred Thousand Pesos (P500,000.00); and

(d) *Unauthorized Use of Recordings.* - Any use of the recording that is not in accordance with this Act shall be punishable with imprisonment of not less than six (6) months but not exceeding six (6) years, or a fine not less than One hundred Thousand Pesos (P100,000.00) but not more than One Million Pesos (P1,000,000.00) or both such fine and imprisonment at the discretion of the court.

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

SEC. 14. *Implementing Rules and Regulations.* - The Department of the Interior and Local Government and the Department of Justice, in consultation with the PNP, NBI, PDEA, and other concerned government agencies, shall within sixty (60) days from the effectivity of this Act, promulgate the rules and regulations to effectively implement the provisions of this Act.

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

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

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

Approved,