

HOUSE OF REPRESENTATIVES  
Quezon City

Nineteenth Congress  
First Regular Session

HOUSE BILL NO. 1266



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Introduced by Rep. Bernadette Herrera-Dy

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AN ACT RECOGNIZING DASHCAM VIDEOS, CCTV VIDEOS, AND OTHER  
VIDEO FOOTAGES FROM CITIZENS TO BE ADMISSIBLE AS  
ELECTRONIC EVIDENCE PROVIDED THEREIN PRIMA FACIE PROOF OF  
TRAFFIC VIOLATIONS

Explanatory Note

The Metro Manila Development Authority (MMDA) installed closed-circuit television (CCTV) along major roads in Metro Manila to apprehend vehicles violating traffic rules, laws and regulations and to supplement the number of traffic enforcers on the road. Through its nocontact traffic apprehension policy, the MMDA summons traffic violators through registered mail. It also launched its website (<https://www.mayhuliba.com/>) to help drivers know if they committed any traffic violations. It was reported that 377,429 traffic violators were apprehended by the MMDA from January to May through its no-contact apprehension policy this year. This is said to be 361,714 more than the 15,715 violators in the same period in 2018. Further, the report showed that in the first quarter of 2019, the MMDA apprehended 272,440 motorists for violating the yellow lane policy; 41,641 for disregarding loading and unloading zones; 20,070 for disregarding traffic signs; 12,604 for illegal parking and 11,588 for violating the number coding scheme.

In this digital age, we see the importance of technology in all government processes. According to the Organization for Security and Co-operation in Europe (OSCE), "digital technologies and electronic evidence play an increasingly important role in 'traditional' crime as well." In criminal cases, we even adopted rules on electronic evidence. Rule 11, Section 1 of A.M. No. 01-7-01 -SC of the Supreme Court of the Philippines states that "audio, photographic and video evidence of events, acts or transactions shall be admissible provided is shall be shown, presented or displayed to the court and shall be identified, explained or authenticated by the person who made the recording or by some other person

competent to testify on the accuracy thereof." With the changing times, it is necessary to utilize technology in the development of various sectors.

According to a joint study by RAND Corporation, Police Executive Research Forum (PERF), and the National Institute of Justice, "digital evidence has a wider scope, can be more personally sensitive, is mobile, and requires different training and tools compared with physical evidence." PERF emphasized in its study in the United States that the proliferation of video security cameras, body-worn cameras, citizen cell phone video, and other digital data sources urged the security sector to quickly access and process these new data sources, while reducing the burden on personnel for combing through evidence. In line with the MMDA's no-contact apprehension policy which recognizes the use of video footages in the achievement of their mandate, there is a need for a policy that shall not only accept video footages as evidence but shall also recognize it as good and sufficient especially in traffic violations. However, not all roads and areas have CCTVs installed in order to monitor road users. With the help of technology, it is possible for citizens to be part of the process. There are numerous social media pages and groups where netizens send videos depicting traffic violators. The MMDA and other appropriate agencies must be able to access such videos and use them in investigations and cases. Civilians must also be able to directly submit amateur video footage from their smartphones or dashcam videos in order to be used by the MMDA to apprehend violators. This will help not only the efficiency of issuing traffic violations but can also enhance citizen participation.

It is the duty of the state to safeguard the people and encourage citizen participation. To this end the government shall pursue a policy recognizing dashcam videos, CCTV videos, and other video footage from citizens to be admissible as electronic evidence provided therein prima facie proof of traffic violations.

The passage of this measure is earnestly sought.



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Section 1. Short Title. This Act shall be known as the "Citizen Traffic Watch Act."

Section 2. Declaration of Policy. It is the duty of the state to ensure the safety of its citizens.

At the same time, the government must encourage the citizens' active participation in the promotion of peace and security. To this end, the state shall pursue a policy recognizing dash cam videos, CCTV videos, and other video footages from citizens to be admissible as electronic evidence provided therein prima facie proof of traffic violations.

Section 3. Definition of Terms. For the purpose of this Act, the following terms will mean:

- a) Closed Circuit Television (CCTV) — a video camera employed in a CCTV system. A CCTV system links a camera to a video monitor using a direct transmission system. CCTV systems have many components with a variety of functions, features, and specifications. Key components include cameras, lenses, data distribution, power, and lighting, among others.
- b) Dashboard Camera (dash cam) — dash cams are small video cameras that are typically installed either on the dashboard of a car, although it can also be attached to the windshield or placed elsewhere. Any portable camera or recording device can be used as a dashcam, but purpose-built devices typically run on 12V DC, feature "always on" recording, and automatically overwrite old data as new data is recorded.

c) Prima facie - may be used as an adjective meaning "sufficient to establish a fact or raise a presumption unless disproved or rebutted." An example of this would be to use the term "prima facie evidence."

d) Prima facie evidence — is evidence good and sufficient on its face. Such evidence as, in the judgment of the law, is sufficient to establish a given fact, or the group or chain of facts constituting the party's claim or defense, and which if not rebutted or contradicted, will remain sufficient. Evidence which, if unexplained or uncontradicted, is sufficient to sustain a judgment in favor of the issue it supports, but which may be contradicted by other evidence.

e) Road User - anyone who uses a road, such as a pedestrian, cyclist or motorist.

Section 4. Scope. This Act shall apply to but are not limited to the following laws and policies, Republic Act No. 4136 or the Land Transportation and Traffic Code, Republic Act No. 10586 or the Anti-Drunk and Drugged Driving Act of 2013, the Revised Penal Code and its amendments, the Civil Code, and the Criminal Code of the Philippines.

Section 5. Citizen Participation and Traffic Watch. Any concerned individual may report and send video footage to the Metropolitan Manila Development Authority (MMDA), Land Transportation Office (LTO), and other concerned offices regarding traffic violations. Once verified, the video can be used as proof for traffic violations.

Section 6. Acceptance of Electronic Evidence Such as Dash cam Videos, CCTV, and Other Video Footages. All video footage received, acquired, or archived by the MMDA, in any manner or form can be admitted as evidence to prove any traffic violation. These shall be considered prima facie evidence and can be viewed and used by the MMDA, LTO, government personnel, legal bodies, and able courts that are tasked to investigate and prosecute such offenses, as long as deemed necessary for the investigation.

Section 7. Metro Manila Development Authority (MMDA) Monitoring and Archiving System. The MMDA shall keep a database of footages submitted to them for proper assessment. MMDA is also tasked to maintain and update a social media account that shall be used to promote citizen participation and for people to upload and/or send video footage. The identity of the submitter shall remain confidential unless otherwise needed upon discretion of the court.

Section 8. Enhancement of ICT and Video Data Processing. To better utilize technology, the MMDA and other appropriate agencies shall acquire in-house tools to process video evidence.

They shall develop information systems to better manage data, link with metadata, and to allow searchability and analysis. The Department of Information and Communications Technology (DICT) shall aid the MMDA through the provision of accurate research and tools in processing electronic evidence.

Section 9. Education of Traffic Laws and Regulations. The Metro Manila Development Authority, (MMDA), Land Transportation Office (LTO), the Department of Transportation (DOTr), the Department of Education (DepEd), the Commission Higher Education (CHED), Local Government Units (LGUs), barangays, driving schools, and the academe shall provide an avenue for the education of all traffic and transportation laws under this Act. These may include but are not limited to information campaigns, media campaigns, seminars, inclusion in the curriculum, and other mediums. This shall be included and specified in the Implementing Rules and Regulations of this Act.

Section 10. Appropriations. The amounts necessary to implement this Act shall be included in the annual General Appropriations Act.

Section 11. Implementing Rules and Regulations. Within ninety (90) days from the effectivity of this Act, the Department of Transportation (DOTr), the Land Transportation Office (LTO), the Metro Manila Development Authority (MMDA), Department of Information and Communications Technology (DICT), local government units, in consultation with other related government agencies and stakeholders, in consultation with appropriate government agencies and other stakeholders, shall promulgate the necessary rules and regulations to implement this Act.

Section 12. Separability Clause. If, for any reason or reasons, any part of the provision of this Act shall be held to be unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

Section 13. Repealing Clause. All laws, decrees, orders, rules, and regulations, or parts thereof, inconsistent with the provisions of this Act are hereby repealed, amended, or modified accordingly.

Section 14. Effectivity Clause. This Act shall take effect after fifteen (15) days following its publication in the Official Gazette and at least two (2) newspapers of general circulation.

Approved,