



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 7602

Introduced by Representative Richard I. Gomez

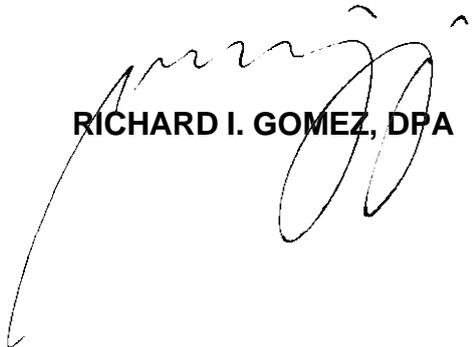
EXPLANATORY NOTE

Incidents of police abuse, including occasional involvement in extra-judicial killings and other criminal activities, have gradually eroded the people's trust in our law enforcement personnel. In the interest of good governance, however, we ought to be mindful of the reminder of the great U.S. Supreme Court Justice Louis Brandeis who once said that "Crime is contagious. If the government becomes a lawbreaker, it breeds contempt for the law. It invites every man to become a law unto himself. It invites anarchy."

In order to address therefore this persistent problem of law and order, this bill mandates law enforcement personnel, which includes members of the PNP, the NBI and the PDEA, to wear body cameras during law enforcement and special police operations and store the same file for at least six (6) months, or for even a longer duration under justifiable circumstances.

This measure seeks to tap modern technology in order to compel our police forces to strictly abide by their protocols and our country's laws. Legislative notice is taken of recent developments wherein on-duty security officers screening passengers at the NAIA and other gateways nationwide are now also being required to wear body cameras to monitor in real time their activities. This is probably intended to augment or address the gaps in the operation of CCTV cameras.

In view of the foregoing considerations, the immediate approval of this bill is earnestly recommended.


RICHARD I. GOMEZ, DPA

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AN ACT
MANDATING LAW ENFORCEMENT PERSONNEL TO WEAR A BODY
CAMERA 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:

SECTION 1. Short Title. — This Act shall be known as the “*Body Camera for Law Enforcement Personnel Act*”.

SEC. 2. Definition of Terms. — For purposes of this Act, the following terms are defined as follows:

- a) Law Enforcement Officer refers to any person authorized by law to prevent, investigate, conduct searches and other police operations, apprehend or detain individuals suspected or convicted of offenses under Philippine laws;
- b) Law Enforcement Operation refers to any legitimate police operations which include but not limited to service of warrants of arrest, implementation of search warrants, enforcement of visitorial powers, anti-illegal drug operation, anti-illegal gambling operations, anti-illegal logging operations, anti-carnapping operations, anti-cybercrime operations, special police operations and similar operations that are conducted to enforce laws, statutes, executive orders and ordinances;
- c) Video Footage refers to any images or video recorded by a Body Camera;

- d) Subject of the Video Footage refers to identifiable law enforcement officer or any identifiable suspect, victim, detainee, conversant, injured party, or other similarly situated person who appears on the body camera recording, and shall not include people who only incidentally appear on the recording.
- e) Body Camera refers to a wearable body camera that is used by law enforcement officer by his/her agency that records both audio and video when conducting police operations.

SEC. 3. *Mandatory Use of Body Cameras.* — All law enforcement officers that conduct police operations shall be required to wear a body camera and record the events while in the course of conducting any police operations as defined in this Act.

SEC. 4. *Guidelines for the Use of Body Cameras.* — Any law enforcement enforcer mandated to wear a body camera shall ensure that:

- a) The body cameras shall be worn in a location that maximizes the camera's ability to perform its full potential by capturing audio and video footage of the law enforcement officer's activities; and
- b) Both video and audio recording functions of the body camera shall be activated whenever a law enforcement officer is responding to a call for service or at the initiation of any other law enforcement or investigative encounter between a law enforcement officer and a member of the public, except that when an immediate threat to the officer's life or safety makes activating the camera impossible or dangerous, the officer shall activate the camera at the first reasonable opportunity to do so. The body camera shall not be deactivated until the encounter has concluded and the law enforcement officers leave the scene.
- c) Body camera video footage shall be retained by the law enforcement agency that employs the officer whose camera captured the footage, or an authorized agent thereof, for six (6) months from the date it was recorded, after which time such footage shall be permanently deleted. In the event however that the subject video footage captured images involving the use of force or when a request is made for a longer retention period on justifiable grounds, the footage may be retained for no less than three (3) years at the discretion of the head of the unit.

SEC. 5. *Prohibition on the Use of Body Cameras.* — The use of body camera shall

not be allowed in the following instances:

- a) Body cameras shall not be used to gather intelligence information based on protected speeches, associations, or religion, or to record activity that is unrelated to a response to a call for service or a law enforcement or investigative encounter between a law enforcement officer and the member of the public.

- b) Law enforcement officers shall not activate the camera while on the grounds of any public, private or parochial elementary or secondary school, except when responding to an imminent threat to life or health.
- c) Video footage shall not be divulged or used by any law enforcement agency for any commercial or other non-law enforcement purpose.
- d) No government agency or official, or law enforcement agency, officer, or official may publicly disclose, release, or share body camera video footage
- e) Body cameras shall not be used surreptitiously.

SEC. 6. Penalties. — Any act or omission causing the violation of duties mandated under this Act shall be punishable by a fine not exceeding Fifty thousand pesos (P50,000.00) and /or suspension without pay for a period not exceeding three (3) months, without prejudice to other administrative, civil or criminal liabilities that may arise therefrom.

SEC. 7. Funding. — The initial amount necessary for the implementation of this Act shall be charged against the current fiscal year's appropriation of the law enforcement agencies involved, such as, but not limited to, the PNP, NBI and PDEA. Thereafter, such sums as may be necessary for the continued implementation of this Act shall be included in the annual General Appropriations Act.

SEC. 8. Separability Clause. — Should any provision of this Act or part hereof be declared invalid or unconstitutional, the other provisions or parts not affected thereby shall remain valid and effective.

SEC. 9. Repealing Clause. — All laws, decrees, orders, and issuance or portions thereof which are inconsistent with the provisions of this Act are hereby repealed, amended, or modified accordingly.

SEC 10. Effectivity. — This Act shall take effect fifteen (15) days after its publication in the *Official Gazzette* or in a newspaper of general circulation.

Approved,