

NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



'22 NOV 21 P1:10

SENATE

S. No. 1520

RECEIVED BY:

Introduced by SENATOR RAMON BONG REVILLA, JR.

**AN ACT
REQUIRING AND REGULATING THE USE OF WEARABLE BODY CAMERAS
AND DASHBOARD CAMERAS BY LAW ENFORCEMENT OFFICERS IN THE
COURSE OF CONDUCTING A SEARCH OR MAKING AN ARREST, PROVIDING
FUNDS THEREFOR, AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

Article III, Section 1 of 1987 Constitution provides that The Bill of Rights categorically provides that, "No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws." It also provides that "the right of the people to be secured in their persons, houses, papers, and effects against unreasonable searches and seizures of whatever nature and for any purpose shall be inviolable".

This measure will require law enforcers to use wearable body cameras and audio-video record events while in the course of conducting a search or making an arrest. This is a response to a number of alarming reports of abuses committed by few law enforcers; hence, institutionalizing safeguards to protect the citizens and facilitating means to address the culture of impunity within their ranks. By recording law enforcers-public encounters, both sectors are provided with recourse in times of dispute. At the core of the measure is improving the criminal justice system in the country.

In hope of strengthening the transparency mechanism in law enforcement operations, the immediate approval of the measure is hereby sought.

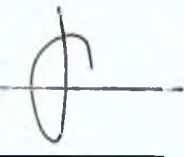
RAMON BONG REVILLA, JR.

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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 "Body Camera and
2 Dashboard Camera for Law Enforcement Officers Act of 2022".

3 Sec. 2. *Declaration of Policy.* - It is the policy of the State to promote
4 accountability and transparency in the conduct of police operations. This emanates
5 from constitutional mandates that "[n]o person shall be deprived of life, liberty, or
6 property without due process of law" and that "the right of the people to be secure in
7 their persons, houses, papers, and effects against unreasonable searches and seizures
8 of whatever nature and for any purpose shall be inviolable". Towards this end, all law
9 enforcement officers with the authority to conduct searches and make arrests shall be
10 required to use body and dashboard cameras to record events that occur while in the
11 course of conducting a search or making an arrest.

12 Sec 3. *Definitions.* - The following phrases, when used in this Act, shall have
13 the meanings given to them in this section, unless the context clearly indicates
14 otherwise:

15 a. *Dashboard Camera.* - An event-recording device issued to a law enforcement
16 officer by the agency, attached to the interior windscreen or to the top of the

1 dashboard of a vehicle that continuously records the view through a vehicle's
2 windscreen;

3 b. *Law Enforcement Officer.* - Any government employee, whether permanent or
4 temporary, authorized by law to conduct searches and make arrests, including,
5 but not limited to, officers of the Philippine National Police (PNP), National
6 Bureau of Investigation (NBI), and Philippine Drug Enforcement Agency
7 (PDEA).

8 c. *Subject of the video footage.* - Any identifiable law enforcement officer or any
9 identifiable suspect, victim, detainee, injured party, or other similarly situated
10 person who appears on the body camera recording, and shall not include people
11 who only incidentally appear on the recording.

12 d. *Use of Force.* - Any action by a law enforcement officer that (i) results in death,
13 injury, complaint of injury, or complaint of pain that persists beyond the use of
14 a physical control hold, or (ii) involves the use of a weapon against a member
15 of the public, or (iii) involves any intentional pointing of a firearm at a member
16 of the public.

17 e. *Video footage.* - Any image or audio recorded by a wearable body camera or a
18 dashboard camera contemplated under this Act.

19 f. *Wearable body camera.* - A portable event recording device issued to a law
20 enforcement officer by their agency to be worn on their body and which records
21 both audio and visual events occurring during an encounter with a member of
22 the public while performing their duties as a law enforcement officer;

23 g. *Mandatory Use of Wearable Body Cameras.* - All law enforcement officers with
24 the authority to conduct searches and make arrests shall be required to wear
25 a body camera and record the events that occur while in the course of
26 conducting a search or making an arrest. Such body cameras shall be worn in
27 a location and manner that maximizes the camera's ability to capture video
28 footage of the law enforcement officer's activities. Both the video and audio
29 recording functions of the body camera shall be activated whenever a law
30 enforcement officer is responding to a call for service, or at the initiation of any
31 other law enforcement encounter between a law enforcement officer and a
32 member of the public, except that when an immediate threat to the officer's

1 life or safety makes activating the camera impossible or dangerous, the officer
2 shall activate the camera at the first reasonable opportunity to do so. The body
3 camera shall not be deactivated until the encounter has fully concluded and the
4 law enforcement officer leaves the scene. Body cameras shall not be used
5 surreptitiously by a law enforcement officer who is wearing a body camera and
6 shall, as far as practicable, notify the subject of the recording that they are
7 being recorded by a body camera at the commencement of the encounter.

8 *Sec. 5. Minimum Core Standards of Wearable Body Cameras.* - All
9 wearable body cameras to be utilized in compliance with this Act shall meet the
10 following minimum core standards:

- 11 a. Picture Quality/Resolution - the resolution should be at least 640 x 480 pixels.
- 12 b. Frame Rate - the frame rate should be at least 25 frames per second.
- 13 c. Battery Runtime - the camera should be equipped with a battery that permits
14 the device to record continuously for at least 3 hours. All officers should also
15 be equipped with a spare battery and/or a means of recharging the camera
16 while on duty.
- 17 d. Camera Focal Width - the camera must employ a wide point of view.
- 18 e. Memory Specifications - at the lowest quality setting, the camera must permit
19 at least 3 hours of recording.
- 20 f. Night video quality - the camera must be able to capture decent video during
21 nighttime.

22 *Sec. 6. Prohibited Uses of wearable body cameras.* - No law enforcement officer
23 shall use wearable body cameras to record activity that is unrelated to a response to
24 a call for service or a law enforcement or investigative encounter between a law
25 enforcement officer and a member of the public.

26 *Sec. 7. Mandatory Use of dashboard cameras on vehicles.* - All law enforcement
27 agencies authorized by law to conduct searches and make arrests shall be required to
28 install dashboard cameras to be used to record the events that occur while in the
29 course of conducting a search or making an arrest. Such dashboard cameras shall be

1 installed in a location and manner that maximizes the camera's ability to capture video
2 footage of the law enforcement officer's activities.

3 *Sec. 8. Minimum core standards of dashboard cameras.* - All dashboard
4 cameras utilized in compliance with this Act shall meet the following minimum core
5 standards:

6a. Picture Quality/Resolution - the resolution should be at least 640 x 480 pixels.

7b. Frame Rate - the frame rate should be at least 25 frames per second.

8c. Runtime - the camera should be able to record continuously for the entire duration
9 of a law enforcement operation.

10d. Camera Focal Width - the camera must employ a wide point of view.

11e. Memory Specifications - at the lowest quality setting, the camera must permit at
12 least eight (8) hours of recording.

13f. Night video quality - the camera must be able to capture decent video during
14 nighttime.

15 *Sec. 9. Retention of video footage.* - All video footages taken using a wearable body
16 camera or a dashboard camera as required under this Act shall be retained by the law
17 enforcement agency that employs the law enforcement officer whose wearable body
18 camera captured the footage, or an authorized agent thereof, for one (1) year from
19 the date it was recorded: *Provided,* That a video footage shall be automatically
20 retained for no less than three (3) years if the video footage captures an interaction
21 or event involving: any use of force, or an encounter about which a complaint has
22 been registered by a subject of the video footage.

23 *Sec. 10. Right to inspect and possess a copy of video footage.* - During the one
24 (1) year retention period, the following persons shall have the right to inspect and/or
25 possess a copy of the body camera footage:

26 a. Any person who is a subject of body camera video footage, or their legal
27 counsel;

28 b. A parent or legal guardian of a minor subject of body camera video footage, or
29 their legal counsel;

- 1 c. The spouse, next of kin or legally authorized designee of a deceased subject of
2 body camera video footage, or their legal counsel;
- 3 d. A law enforcement officer whose body camera recorded the video footage, or
4 their legal counsel;
- 5 e. The superior officer of a law enforcement officer whose body camera recorded
6 the video footage: *Provided*, That a law enforcement agency may establish
7 reasonable fees relating to the costs incurred to disclose audio or video
8 recordings. The fees shall be paid by the requesting party at the time of
9 disclosure of the audio or video recording: *Provided* further, That a body
10 camera video footage may not be withheld from the public on the basis that it
11 is an investigatory record or was compiled for law enforcement purposes, where
12 any person under investigation or whose conduct is under review, is a police
13 officer or other law enforcement employee, and the video footage relates to
14 that person's on-the-job conduct.

15 Sec. 11. *Use of Redaction Technology.* - Whenever doing so is necessary to
16 protect personal privacy, the right to a fair trial, the identity of a confidential source
17 or crime victim, or the life or physical safety of any person appearing in video footage,
18 redaction technology may be used to obscure the face and other personally identifying
19 characteristics of that person, including the tone of the person's voice: *Provided*, the
20 redaction does not interfere with a viewer's ability to fully, completely, and accurately
21 comprehend the events captured on the video footage. *Provided*, That when redaction
22 is performed on video footage pursuant to this Section, an unedited, original version
23 of the video footage shall be retained: *Provided* further, That no other editing or
24 alteration of video footage, including a reduction of the video footage's resolution,
25 shall be permitted under this Act.

26 Sec. 12. *Prohibition on Third Parties Maintaining Footages.* - Where a law
27 enforcement agency authorizes a third-party to act as its agent in maintaining body
28 camera footage, the agent shall not be permitted to independently access, view, or
29 alter any video footage, except to delete videos as required by law or agency retention
30 policies.

1 Sec. 13. *Disciplinary Action; Disputable Presumption.* - Should any law
2 enforcement office or agent fail to adhere to the recording or retention requirements
3 contained in this Act, intentionally interfere with a body camera's or a dashboard
4 camera's ability to accurately capture video footage, or otherwise manipulate the video
5 footage captured by a body camera during or after its operation shall be subject to
6 appropriate disciplinary action. A disputable presumption shall be adopted in favor of
7 plaintiffs suing the government, a law enforcement agency and/or law enforcement
8 officers for police misconduct when the evidence supporting their claim was destroyed
9 or not captured: *Provided,* That the disciplinary action requirement and rebuttable
10 presumptions under this Section may be overcome by contrary evidence or proof of
11 exigent circumstances that made compliance with Sections 4 and 7 of this Act
12 impossible.

13 Sec. 14. *Prohibited Use as Evidence.* - Any body camera's or dashboard
14 camera's video footage recorded in contravention of this Act or any other applicable
15 law may not be offered as evidence by any government agency, office, or any other
16 subdivision thereof, in any criminal or civil action or proceeding against any member
17 of the public.

18 Sec. 15. *Appropriation.* - The initial amount necessary for the implementation
19 of this Act shall be charged against the current fiscal year's appropriations of the law
20 enforcement agency involved, such as, but not limited to, the PNP, NBI and PDEA.
21 Thereafter, such sums as may be necessary for the continued implementation of this
22 Act shall be included in the annual General Appropriations Act.

23 Sec. 16. *Implementing Rules and Regulations (IRR).* - Within sixty (60) days
24 from the implementation of this Act, the Department of Interior and Local Government
25 (DILG), National Police Commission (NAPOLCOM), PNP, NBI and PDEA shall
26 promulgate IRR of this Act.

27 Such IRR shall include imposing administrative disciplinary measures for: (a)
28 Failure to wear the body camera while on duty; (b) Failure to keep the wearable body
29 camera on during an interaction with a member of the public, as required under this
30 Act.

1 Sec. 17. *Separability Clause.* - If any provision of this Act or the application of
2 such provision is declared invalidOR unconstitutional, the provisions not affected
3 thereby shall remain in full force and effect.

4 Sec 18. *Repealing Clause.* - Any law, presidential decree or issuance, executive
5 order, letter of instruction, administrative order, rule, or regulation contrary to or
6 inconsistent with the provisions of this Act are hereby repealed, modified, or amended
7 accordingly.

8 Sec. 19. *Effectivity.* - This Act shall take effect fifteen (15) days after its
9 complete publication either in the *Official Gazette* or in two (2) newspapers of general
10 circulation in the Philippines.

Approved,