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THE CAMERA DOES NOT LIE, BUT THE SYSTEM CAN:

CONSTRUCTING A RIGHTS-BASED FRAMEWORK FOR BODY-WORN CAMERAS IN THE PHILIPPINES

ACKNOWLEDGEMENT

On behalf of the National Secretariat and the project team, we express our deepest appreciation to our colleagues in the National Union of Peoples' Lawyers (NUPL), and to all who, in various ways, contributed to the completion of this study. We extend particular thanks to Ms. Swetha Saseedhar, member of the New York Bar and Visiting Fellow, whose research significantly enriched this work.

This study was undertaken in the context of the September 21, 2025 mass arrests, where NUPL lawyers have been directly involved in responding to egregious human rights violations and the excessive, unlawful use of force by the police. These events once again exposed how quickly abuses can occur when law enforcement operates without effective safeguards. As people's lawyers, we consider it essential not only to document the accounts of victims and communities, but also to examine, in a structured and critical way, the perspectives and practices of law enforcement authorities. By seeking to capture the point of view of law enforcers during police–civilian encounters such as the September 21 operations, this study aims to contribute to greater transparency, institutional accountability, and a more coherent, rights-based framework for the use of body-worn cameras in the Philippines.

We also acknowledge with gratitude the partnership and support of the Omega Research Foundation. Omega identifies and exposes human rights abuses committed around the world through the use of police, security, and military equipment. It tracks the development of weapons, their procurement and deployment, and advocates for stronger controls at every stage. Drawing on more than thirty years of global expertise, Omega works to protect human rights and to prevent torture and other grave violations. As tensions rise in many countries and governments increasingly restrict the exercise of fundamental rights, often with already marginalized groups bearing the brunt, Omega's work, which resonates with that of Filipino people's lawyers, has become even more vital.

This paper forms part of NUPL's collaboration with the Omega Research Foundation in advancing stronger safeguards against abuse and impunity in law enforcement operations.

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INTRODUCTION

"As soon as the police officer turned to me, I immediately raised both my hands up to signal that I had no intention of running away. But the policeman punched me in my face as soon as he reached me. He then grabbed me towards the street, pushed me to the ground and kicked me at my jaw.

I did not immediately feel the pain because of shock. At first, I thought that he merely knocked out one of my teeth. Thereafter, I started feeling an unbearable pain on my jaw. I learned later that I sustained facial fractures.

I was not informed that I was being arrested and the reason for my arrest. I was not read my Miranda rights.

I was then brought to the Manila Mendiola Tent where another police officer struck me with something hard on my head.

At Mendiola Tent I heard and saw other detainees being physically assaulted and tortured.

When I was brought out of the tent to be taken to the Manila Police Headquarters, another police officer punched me on the face, hitting my fractured jaw.

After we were brought to Manila Police Headquarters, some of us were then taken to the Manila Police Station 2.

It was only during inquest proceedings that I learned of the reason for my arrest and the crimes I have allegedly committed.

After I was released, I was confined at the East Avenue Medical Center where I had to undergo a seven-hour surgery to fix my jaw."

These sworn statements of Ian Alabastro, a freelance artist and one of the hundreds of protesters arrested by the Manila Police District during the September 21, 2025 mobilization, were submitted in his Counter-Affidavit where he refuted the false criminal charges filed against him. His account lays bare, with painful clarity, why the Philippines urgently needs a robust, coherent, and rights-based framework governing the use of body-worn cameras in law enforcement operations.

Alabastro's testimony narrates a chain of abuses inflicted while he was already under police control—assaults that body-worn cameras should have captured, but did not. Inside the police tent in Mendiola, he was struck "with something hard" on the head and witnessed other detainees being beaten and tortured. During his transfers to another site, an officer punched him directly on his already fractured jaw. Upon release, he required an extensive seven-hour surgery at the East Avenue Medical Center to reconstruct his jaw. These incidents, occurring inside police-controlled facilities and during custodial movement, are precisely the circumstances in which body-worn cameras are intended to function as safeguards against abuse.

And yet, no body-worn camera footage exists documenting his arrest, transport, detention, or the torture he endured. The absence of audiovisual evidence is especially egregious given the PNP's prior announcement placing Metro Manila on full-alert and deploying 50,000 personnel to "ensure order" during the protest. A large-scale, pre-planned security operation of this magnitude created both the opportunity and the operational necessity to equip arresting units with body-worn cameras. That no recording was produced, despite the clear foreseeability of arrests, confrontations, and risks of excessive force, reveals deep structural failures in both policy and implementation.

Alabastro's experience illustrates the core problem this paper confronts: body-worn cameras exist on paper, but fail in practice, especially in high-risk situations where documentation is most critical. His case exposes how discretionary activation, the absence of statutory sanctions for non-use, and fragmented regulatory directives collectively deepen the lack of accountability within the police force. Without mandatory activation rules, enforceable consequences for non-compliance, and independent mechanisms of oversight, body-worn cameras will continue to be selectively used—or deliberately unused—precisely when they are most essential for protecting civilians.

This introduction frames the central argument of this paper: meaningful transparency and accountability cannot rely on technology alone. They demand a unified legal framework that mandates activation, ensures tamper-proof retention, guarantees public access where appropriate, prohibits misuse (including surveillance and facial recognition), and imposes penalties for violations. The failure to document Alabastro's ordeal is not merely a technological omission, but is symptomatic of a broader institutional pattern of police abuse and entrenched impunity.

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I. USE OF BODY-WORN CAMERAS IN PHILIPPINE LAW ENFORCEMENT CONTEXT

A. Historical and Policy Background

The institutional use of body-worn cameras in Philippine law enforcement did not begin through legislation but through administrative issuances aimed at modernizing policing and addressing longstanding concerns about abuse of authority. The earliest formal policy appeared in 2017, when the National Police Commission (NAPOLCOM) issued Resolution No. 2017-369, concurring with PNP-Uniform and Equipment Standardization Board (UESB) Resolution No. 2017-010. This issuance prescribed the minimum technical specifications for BWCs and dashboard cameras to be used by frontline police officers.

Anchored on NAPOLCOM's authority under Republic Act No. 6975, as amended by R.A. 8551, the 2017 Resolution was essentially a procurement and equipment standard. It prescribed parameters such as video resolution, frame rate, audio quality, field of view, storage capacity, night-vision capacity, ingress protection, and integration with command-center systems. Its stated purpose was "to increase transparency during legitimate police operations by recording events that can be reviewed, studied, and used as evidence."

Although the Resolution standardized the hardware to be procured, it did not create rules governing how cameras were to be used in real operations. No procedures were established on when officers must activate cameras, how long recordings must be retained, who may access footage, or what sanctions apply when officers fail to record an incident. In effect, the Resolution shaped the technological baseline but left the accountability and evidentiary dimensions of body-worn camera use undefined. This meant that, despite the availability of technical standards, their contribution to human rights protection depended entirely on how individual agencies chose to operationalize them.

B. Operationalization under PNP Memorandum Circular No. 2018-009

The first attempt to translate NAPOLCOM's technical standards into actual operational rules came a year later, in the midst of heightened domestic and international scrutiny of the Duterte administration's anti-drug campaign. On 15 March 2018, then PNP Chief Police Director General Ronald "Bato" dela Rosa issued PNP Memorandum Circular No. 2018-009, "Operational Guidelines and Policies on the Use of Body-Worn Cameras." The Circular recognized that "trust and mutual respect between law enforcement agencies and the community are essential to effective policing," and framed body-worn cameras as a tool to promote transparency while safeguarding human rights and privacy.

¹ Approving the PNP-UESB Resolution No. 2017-010 dated March 14, 2017 that Prescribes the Minimum Standard Specifications for Body Worn and Dash Camera (Annex "A").

² Annex "B."

PNP MC 2018-009 was issued against the backdrop of thousands of reported drug-related deaths and mounting allegations of extrajudicial killings. Earlier that year, dela Rosa had publicly announced that police officers would soon be required to wear cameras during anti-drug operations and that "there will be no anti-drug operations without body-worn cameras." He also restricted "Oplan Tokhang" house visits to daytime hours and required officers to operate in uniform and in full view of the public—an implicit acknowledgment of widespread concerns about unrecorded and unreviewable police encounters.

Despite these publicly stated commitments, nationwide procurement lagged behind policy pronouncements. As a result, body-camera deployment remained limited to pilot areas and selected units. Nonetheless, PNP MC 2018-009 remains the most detailed internal framework governing the use of body-worn cameras by the police.

The Circular organized the expected use of cameras into three phases—Pre-Operation, Operation, and Post-Operation—and provided rules on evidence handling, data management, and command responsibility. It defined a body-worn camera as "an electronic camera system for creating, generating, sending, receiving, storing, displaying, and processing audiovisual recordings that may be worn by PNP personnel," and introduced the designated data custodian, a trained officer responsible for the secure handling of all recordings. It required police stations to establish Operations or Command Centers capable of receiving transmissions and reviewing recordings.

Before each deployment, body-worn cameras must undergo inspection and functional testing, with supply and data officers ensuring that devices are fully charged and cleared of old data. Officers are required to announce the start of recording at the beginning of an encounter to ensure fairness and transparency. The Circular also mandates periodic training and certification of all personnel authorized to use or manage the cameras.

During police operations, the camera must be placed in a visible area of the uniform—on the shoulder board, collar, or epaulet—to maximize its field of view. Recording must begin with a verbal activation statement identifying the officer, time, date, and nature of the incident. The Circular requires the use of body-worn cameras during a broad range of activities, including checkpoints, searches, arrests, pursuits, service of warrants, use-of-force incidents, and readings of Miranda rights. It expressly prohibits deactivation or tampering in anticipation of a forthcoming encounter

PNP MC 2018-009 also identifies circumstances where recording is prohibited, including in restrooms, locker rooms, and medical facilities, as well as situations involving confidential informants or privileged communications. These exceptions reflect an effort to balance transparency with legitimate privacy and safety concerns.

Following operations, body-worn cameras must be surrendered to the team leader and turned over to the data custodian. All footage must be downloaded to a secure system and erased from the device, minimizing the risk of unauthorized copying or leakage. Ordinary recordings must be kept for 60 days, subject to extension when related to a pending complaint or investigation. Release of footage is permitted only with a written order from the Chief of Police, a court, or higher headquarters. Submission of recordings as evidence must comply with chain-of-custody rules and electronic evidence standards, including affidavits of authenticity and sealing in evidence containers.

The Circular mandates regular audits at all levels—station, district, provincial, and regional. Each audit team is headed by a designated officer, with violations subject to administrative action under NAPOLCOM rules and Executive Order No. 226 on the Doctrine of Command Responsibility to ensure that commanders are accountable for lapses of subordinates.

C. Parallel PDEA Initiatives on Body-Worn Cameras

During the same period that the PNP was beginning to craft its own rules on the use of body-worn cameras, the Philippine Drug Enforcement Agency (PDEA) undertook a parallel effort to introduce audiovisual recording into anti-drug operations. Although PDEA's protocols were far less elaborate than those of the PNP, they were notable for being the first mandatory camera-use directives applied to drug enforcement operations at the national level.

As early as December 2017, PDEA issued an internal memorandum "encouraging" the use of body-worn cameras "as far as practicable" during anti-drug operations. While phrased in non-mandatory terms, the directive reflected growing public concern over allegations of abuse, including reports of suspects shot while allegedly resisting arrest ("nanlaban") and accusations of planted evidence. Shortly thereafter, on January 22, 2018, PDEA Director General Aaron N. Aquino issued a more stringent memorandum requiring the use of bodyworn cameras by PDEA agents and mandating the simultaneous wearing of cameras by media representatives invited to witness high-impact operations.

Aquino emphasized that audiovisual documentation, together with the visible presence of media witnesses, was intended to address the "negative perception" surrounding drug raids and to reinforce adherence to operational protocols. The guidelines required PDEA agents to wear body-worn cameras at all times during the conduct of operations and prohibited any editing, splicing, cutting, or deletion of footage. To protect media safety, the memorandum required that invited journalists be provided ballistic vests, helmets, and other protective equipment before entering target areas. The directive further required that media witnesses be permitted to record real-time footage, subject to security considerations.

Operationally, the PDEA memorandum directed that: (1) all agents were required to activate their cameras upon entry into the target area; (2) ground commanders collect all body-worn cameras immediately after the operation; (3) all audiovisual files be archived in secure data folders maintained at the PDEA office; and (4) copies of unedited footage be released to the media upon proper approval. Regional directors bore the ultimate responsibility for the integrity and safekeeping of the recordings, and were accountable for any tampering, loss, or failure to preserve the evidence.

These PDEA directives, while pioneering, did not create a comprehensive system for data retention, access rights, independent oversight, or evidentiary submission. They were largely operational in nature and grounded in efforts to enhance transparency and mitigate public distrust during the peak of the "drug war." Unlike PNP MC 2018-009, which set out detailed rules for logging, storage, chain of custody, and post-operation submission, PDEA protocols focused primarily on ensuring contemporaneous documentation through camera use and media presence.

Despite these strict directives, victims' accounts and independent investigations reveal that virtually no known anti-drug operation conducted under Oplan Tokhang or its successor

schemes was documented through body-worn camera footage. The absence of audiovisual records in cases alleging unlawful killings, arbitrary arrests, and planted evidence indicates that the PDEA rules, like the PNP's early initiatives, were not implemented and did not result in systematic or verifiable documentation.

D. Judicial Mandate under A.M. No. 21-06-08-SC

A major shift in the regulatory framework governing body-worn cameras occurred in 2021 when the Supreme Court issued A.M. No. 21-06-08-SC, the Rules on the Use of Body-Worn Cameras in the Execution of Warrants. The promulgation of these Rules followed a series of police operations marked by civilian deaths, most notably the "Bloody Sunday" raids in Southern Tagalog where nine activists and human rights defenders were killed during coordinated implementation of search warrants in the Southern Tagalog region.³ Acting on a recommendation from Associate Justice Marvic M.V.F. Leonen, the Court invoked its constitutional authority under Article VIII, Section 5(5), emphasizing that available technology should enhance the guarantees of due process and the right against unreasonable searches and seizures.

In adopting the Rules, the Court recognized that several developments had already anticipated the need for a more coherent regime. It noted that Congress had appropriated funds for the procurement of body-worn cameras; that NAPOLCOM had issued technical standards through Resolution No. 2017-369; and that the PNP had promulgated operational guidelines under PNP MC 2018-009. The Court also acknowledged that R.A. 10173 or the Data Privacy Act of 2012 expressly excluded law enforcement activities from its scope, giving room for the use of recording devices without contravening data protection restrictions. These conditions provided institutional groundwork for the Court to intervene decisively in the interest of constitutional rights.

The Supreme Court Rules applies to the issuance and execution of arrest and search warrants, as well as to certain situations involving warrantless arrests. It supplements the Revised Rules of Criminal Procedure rather than superseding them, meaning that ordinary remedies such as motions to suppress and contempt proceedings remain available. The Rules define critical terms—such as body-worn cameras, alternative recording devices, recordings, metadata, and data custodians—to establish a uniform operational vocabulary across all law-enforcement agencies engaged in warrant implementation.

The key provisions of the Supreme Court Rules are as follows:

Rule 2 - Arrest Warrants

Under Section 1, when a trial court finds probable cause, it shall issue an arrest warrant together with an order requiring the use of at least one (1) body-worn camera and one (1) alternative recording device, or such number as necessary to capture the relevant incidents during its execution.

In case of unavailability, officers must file an ex parte motion before the court to request authorization for the use of alternative recording devices, which, if granted, shall be attached to and form part of the warrant.

³ Mike Navallo, 'Weaponized' search warrants in 'Bloody Sunday' killings put pressure on Supreme Court to act to prevent bloodshed, ABS CBN News, March 9, 2021, available at https://www.abs-cbn.com/spotlight/03/09/21/weaponized-search-warrants-in-bloody-sunday-killings-put-pressure-on-supreme-court-to-act-to-prevent-bloodshed (Last accessed November 20, 2025).

Section 2 mandates that officers, "as early as practicable," notify the person to be arrested and other subjects of the recording that the execution of the warrant is being recorded.

Under Section 3, the body-worn cameras must be worn in conspicuous locations to maximize their ability to capture relevant events. Both video and audio functions must be activated upon arrival at the place of arrest and remain active until the operation concludes and the arrestee is delivered to the nearest police station or jail.

Section 4 requires that after execution, all recordings be stored in external media and deposited in sealed packages with the issuing court, accompanied by affidavits of the officers whose cameras were used. The affidavits must state: the date, time, and place of the recording; the manner by which it was taken and stored; notification on the use of bodyworn cameras or alternative recording devices to the persons recorded; chain of custody and access to the footage; any redactions made and their justifications; and reasonable grounds for any non-compliance.

If an officer fails to submit the required affidavit, the issuing judge shall issue a show-cause order and may hold the officer in contempt of court for continued non-submission.

Section 5 provides that failure to use body-worn cameras or alternative recording devices does not automatically render the arrest unlawful or the evidence inadmissible. Nevertheless, officers who, without reasonable grounds, fail to use, or who interfere with or manipulate the recording, may be held in contempt of court, without prejudice to administrative, civil, or criminal liability.

Rule 3 - Search Warrants

Under Section 1, the applicant for a search warrant must state the availability or unavailability of body-worn cameras in the application.

Section 2 reiterates the authority of Executive Judges of the Regional Trial Courts of Manila and Quezon City (and their Vice-Executive Judges when applicable) to act on applications for search warrants filed by agencies such as the PNP, PDEA, National Bureau of Investigation (NBI), Anti-Crime Task Force, and Bureau of Customs (BOC), for specified offenses including heinous crimes, illegal gambling, illegal possession of firearms, violations of the Comprehensive Dangerous Drugs Act, and other relevant statutes.

Upon finding probable cause, the judge shall issue the search warrant together with an order requiring the use of at least one (1) body-worn camera and one (1) alternative recording device, or as many as necessary to capture the execution (Section 3).

Section 4 requires officers to notify the lawful occupants of the premises that the search is being recorded.

Under Section 5, the recording must be activated upon arrival and remain active until the search has been concluded and the officers have returned to the police station.

After the search, Section 6 requires that all recordings be stored in external media and simultaneously deposited in sealed packages with the issuing court, along with affidavits similar to those required for arrest warrants. When death results from the execution of a search warrant, the officers must submit an incident report detailing the circumstances, the reasons for the death, and any related inquest proceedings.

Section 7 provides that failure to observe the requirements for using body-worn cameras or alternative recording devices, without reasonable grounds, during the execution of a search warrant renders the evidence obtained inadmissible for prosecution. Officers responsible may be held in contempt of court, in addition to possible administrative or criminal sanctions.

Section 8 allows any person searched to file a motion to suppress evidence if the search was conducted without body-worn cameras or alternative recording devices and the failure lacked reasonable grounds. This remedy shall likewise be available to persons searched incidental to an arrest by virtue of a warrant.

Rule 4 - Common Provisions

Section 1 mandates that data downloading and encryption be done within 24 hours of recording by the data custodian or representative, in the presence of the subjects or their counsel to ensure transparency. Metadata must be preserved.

Section 2 establishes the chain of custody over the recordings—from their creation to their turnover to the court—ensuring that no tampering or unauthorized access occurs.

Section 3 vests custody and security of the recordings in the Data Custodian of the concerned law enforcement unit, limiting viewing access to the subjects of the recording or their counsel, the parents or guardians of minors, the next of kin of deceased subjects, and employees of the law enforcement agency to which the officer whose camera captured the recording belongs. Recordings are not considered public records, except those involving incidents resulting in loss of life or assaults on law enforcement officers, which are deemed public and accessible.

Under Section 4, personal identifiers and sensitive content in special cases (e.g., minors, sexual offenses, domestic violence) must be redacted, while ensuring that relevant details remain visible.

Section 5 recognizes that recordings made by witnesses or media representatives may also be used as evidence, provided they are properly authenticated.

Finally, Section 6 provides that consent to use recordings in judicial proceedings must be obtained in the presence of counsel, and in the case of minors, from their parents or guardians.

For the first time, this judicial framework required the mandatory use of body-worn cameras and alternative recording devices in the execution of arrest and search warrants, prescribing detailed procedures for activation, notification, data custody, submission to the courts, and evidentiary handling. It also formalized the role of Data Custodians within law-enforcement agencies and delineated the responsibilities of issuing judges in ensuring compliance with these constitutional and procedural safeguards.

E. Technological Modernization through NAPOLCOM Resolution No. 2023-1612

In November 2023, the NAPOLCOM issued NAPOLCOM Resolution No. 2023-1612, an updated set of minimum standards for body-worn and dashboard cameras. This issuance builds on

the technical framework first introduced in 2017 and reflects the agency's recognition that equipment readiness remains a major gap in the implementation of earlier policies.

The Resolution defines body-worn and dash cameras as portable, battery-powered devices capable of generating, receiving, storing, and processing audio-visual recordings. It sets out technical requirements such as high-definition video; wide-angle field of view; low-light recording; synchronized metadata for time, date, and GPS; tamper-resistant construction; sufficient storage for an entire shift; wireless transfer capability; and pre- and post-recording functions. Integration with command-center systems is also required, reflecting an institutional move toward real-time monitoring.

Under the Resolution, the Philippine National Police must develop detailed technical specifications for procurement aligned with these standards and submit newly adopted specifications to NAPOLCOM for approval within five days. The Resolution also contains a repeal clause that invalidates prior inconsistent issuances, thereby consolidating the agency's equipment-related rules into a single updated standard.

What the Resolution provides in terms of hardware modernization, however, it does not extend to procedural safeguards or accountability mechanisms. Its focus remains on equipment capability rather than policies governing activation, storage, disclosure, or sanctions. As a result, the Resolution improves the technological baseline but leaves operational and rights-based concerns to be addressed by other issuances, including the Supreme Court's A.M. No. 21-06-08-SC and PNP MC 2018-009.

F. Data Privacy Regulation Under NPC Circular No. 2025-01

A further regulatory layer emerged in 2025 when the National Privacy Commission released NPC Circular No. 2025-01, the first comprehensive data-protection framework expressly governing personal data captured through body-worn cameras and alternative recording devices. Unlike earlier administrative issuance focusing on equipment or operational practice, the Circular situates body-worn camera use within the rights-based principles of the Data Privacy Act of 2012 and applies to all personal information controllers engaged in law enforcement.

The Circular adopts a broad definition of body-worn cameras, covering police-issued units as well as smartphones, action cameras, and similar devices capable of recording audio-visual data. It requires that all data processing adhere to principles of transparency, legitimate purpose, proportionality, and fairness. Agencies must provide clear notices of recording, implement visible indicators on devices or uniforms, preserve metadata, maintain a strict chain of custody, encrypt stored files, and restrict access to authorized personnel. Privacy impact assessments are required before body-worn cameras are deployed, and agencies must regularly review internal policies to address technological and legal developments.

NPC Circular No. 2025-01 also recognizes existing operational frameworks, such as A.M. No. 21-06-08-SC and PNP MC 2018-009, but supplements them with data protection duties that were previously unregulated. These include detailed procedures for granting or delaying access to footage, mandatory annual training on privacy rights, and mechanisms for exercising data subject rights. The Circular further clarifies that recordings created by private individuals, such as vloggers or civilian bystanders, may constitute personal data processing subject to the Data Privacy Act, depending on the context.

Through this Circular, the NPC introduces a comprehensive privacy regime that applies across law-enforcement institutions, including the PNP, PDEA, NBI, BOC, Bureau of Immigration, Bureau of Internal Revenue, Metro Manila Development Authority (MMDA), Land Transportation Office (LTO), LTFRB (Land Transportation Franchising and Regulatory Board (LTFRB), and private security agencies. The result is a complex regulatory landscape in which internal guidelines, judicial rules, and data privacy obligations coexist without a unified statute governing activation, use, disclosure, retention, and accountability. This fragmentation underscores the need for a coherent legislative framework that consolidates these disparate elements and provides clear, enforceable rules for body-worn camera use in the Philippines.

II. LEGAL AND REGULATORY GAPS IN THE IMPLEMENTATION OF BODY-WORN CAMERA RULES

Despite multiple administrative, operational, and judicial issuances between 2017 and 2023, the Philippine framework on body-worn cameras remains disjointed. The existing rules address discrete aspects of implementation—equipment standards, operational procedures, evidentiary handling, and data protection—but do not form a unified, enforceable system. What exists today is a collection of directives operating alongside one another without coherence or a common legal foundation.

A central deficiency is the absence of a statute enacted by Congress. No law presently institutionalizes the use of body-worn cameras, defines the legal obligations of agencies and officers, or prescribes penalties for non-use, obstruction, or manipulation of footage. Everything rests on subordinate legislation issued under delegated or inherent powers of government agencies and the courts.

NAPOLCOM's rule-making authority under R.A. 6975 and R.A. 8551 allows it to standardize internal administration and procedures, but not to create legally enforceable rights or liabilities. Likewise, A.M. No. 21-06-08-SC is grounded in the Supreme Court's constitutional authority over procedure. It imposes mandatory requirements during the execution of warrants, but it is not a legislative mandate and cannot supply sanctions beyond contempt.

In this setting, compliance remains largely discretionary. No statutory duty requires police units to carry and activate body-worn cameras during encounters that pose risks of force or violations of rights. No penal provision exists for officers who deliberately avoid recording, interfere with equipment, or alter or destroy footage. The framework lacks the force of law that could establish non-activation as a legally cognizable wrong. As a result, accountability depends almost entirely on internal discipline, which is inconsistent and susceptible to pressures within the police hierarchy."

A. Legislative Trends and Conceptual Limitations of Pending Measures

Legislative initiatives in the Nineteenth Congress reflect increased attention to audiovisual documentation in policing. Senate Bills Nos. 436, 1057, 1520, 2199, and 3005, together with House Bills Nos. 10901 and 2176, signal a growing recognition that body-worn cameras must be integrated into law enforcement practice.

However, these measures reveal a disparity in approach. A number of bills frame bodyworn cameras primarily as tools for upgrading police equipment and operational efficiency. Others approach them as safeguards against abuse, anchored in human-rights protection and civilian oversight. This divergence has produced proposals with varying scopes, standards, and enforcement mechanisms, none of which establishes a comprehensive accountability framework that covers mandatory activation, retention and disclosure of footage, independent oversight, and legally enforceable sanctions.

Senate Bill No. 436

Senate Bill No. 436 was introduced by Senator Ronald "Bato" Dela Rosa.⁴ Although its Explanatory Note cites global practice and emphasizes the potential of body-worn cameras to improve "transparency and accountability," enhance community relations, and protect "both citizens and law enforcers," its underlying orientation is evident from its declared policy. Section 2 states that the State shall "actively promote, induce and accelerate a sound and modern procedure in crime investigation" and "maximize the advances in technology... to support law enforcement and to guarantee the protection of fundamental rights." The Explanatory Note further stresses the need to "preserve the credibility" of law enforcement personnel and "improve public trust and citizen confidence" in them. This framing situates the measure within the logic of institutional legitimacy rather than public oversight.

While the bill appears broad in coverage—defining "law enforcement operation" to include "any legitimate operations conducted to enforce laws, statutes, executive orders, and ordinances"—its breadth is substantially curtailed by Section 7. That section prohibits recording in settings involving a "reasonable expectation of privacy," during privileged communications, and in other circumstances to be defined later in the Implementing Rules and Regulations "where the dignity of an individual may outweigh the public necessity for recording." The last clause is notably open-ended and delegates to implementing agencies the authority to carve out additional exemptions. This creates a substantial risk that entire categories of operations, including those most susceptible to abuse, may be excluded from mandatory recording.

The accountability provisions of SB 436 are thin. It contains no penal sanctions for the deliberate non-use of cameras, premature deactivation, destruction or alteration of footage, or the intentional obstruction of recording. It creates no administrative offenses specific to violations of activation or retention requirements. Nor does it provide an exclusionary rule for undocumented operations. In effect, the bill requires recording but attaches no legal consequence to violations of that requirement.

Access to recordings is similarly restricted. Section 8 provides that footage may be viewed only by persons "duly authorized by the court," which means that even the subjects of a recording must first obtain judicial approval. This rule on narrow access may impede the ability of victims of unlawful arrest, excessive use of force, or torture to seek independent remedies, and it reinforces the asymmetry between law enforcement agencies and the public.

Although SB 436 does not expressly codify the presumption of regularity, its orientation—emphasizing the preservation of law enforcement credibility—mirrors the dynamics that have historically shielded police misconduct from meaningful scrutiny. By centralizing control of footage within police agencies and the courts, providing no independent oversight, and imposing no consequences for non-activation or tampering, SB 436 runs the risk of legitimizing the appearance of transparency without creating enforceable rights. The bill therefore falls short of establishing the accountability mechanisms required to make body-worn cameras an effective tool for transparency and accountability.

⁴ An Act Mandating Law Enforcement Personnel to Use a Body-Worn Camera During Law Enforcement Operations, Providing Funds Therefor and for Other Purposes or the proposed "Law Enforcement Body-Worn Camera Act," filed on July 12, 2022 (Annex "D")

Senate Bill No. 1057

Senate Bill No. 1057, authored by Senator Sherwin "Win" Gatchalian, adopts a narrow, operations-specific approach by mandating the use of on-body cameras only during "anti-illegal drug and criminality operations," defined as searches, arrests, warrant service, and other enforcement actions under the Dangerous Drugs Act and "other laws involving other crimes" or "any related anti-drug or criminality program or campaign of the PNP."

While its Explanatory Note cites transparency, accountability, and protection against "police misconduct," it simultaneously emphasizes shielding officers from "false and uncorroborated accusations of abuse." This dual framing positions body-worn cameras as safeguards for both the public and the police, but the narrowed coverage, limited to drug and criminality operations, excludes many high-risk contexts such as crowd dispersals, demolition and eviction operations, politically motivated raids, and rural counterinsurgency activities, where use of force and human rights violations frequently occur.

SB 1057 contains more explicit accountability mechanisms than SB 436. Section 12 penalizes officers who "fail to wear, record or otherwise interfere with the on-body camera recording," imposing suspension without pay and, when an operation results in injury or death, "permanent removal from service." It further creates criminal liability for unauthorized use or misuse of recordings.

However, these penalties must be read together with the presumption of "irregularity and misconduct" established in Section 12(a), which arises when an officer fails to record an operation, but may be rebutted only by evidence of another recording or by proof that circumstances made compliance impossible. Although this appears protective of the public, SB 1057 does not require that the rebuttal undergo independent or automatic judicial scrutiny; the only evidence contemplated to overturn the presumption—"another recording" or an internal showing of impossibility—originates from law enforcement institutions themselves. While courts may ultimately review these claims in a criminal, civil, or administrative case, the bill does not require an early external assessment. As drafted, the mechanism may leave crucial exculpatory evidence within institutional control, limiting the value of Section 12(a) as an accountability tool.

Moreover, Section 6 declares that recordings are "property of the State" and may not be accessed, downloaded, or released without "prior authority from the courts," centralizing control over evidence in a way that may impede access to justice or timely remedies for rights violations.

SB 1057 includes privacy safeguards, such as the prohibition on "surreptitiously" obtaining data unrelated to the purpose of the operation and limits on using recordings made inside bathrooms, bedrooms, and similar private areas. These are important protections. At the same time, they are counterbalanced by the broad authorization for continuous recording. Sections 4 and 6 require that the on-body camera be "turned on and left running until the operations shall have been completed" and that there be "continuous recording of the events throughout these encounters," with Section 6 further stating that "the consent of any person recorded [is not] necessary." Continuous and uninterrupted documentation is particularly vital in the Philippine context, where buy-bust operations have repeatedly been exposed as staged, coercive, or manipulated. SB 1057, however, offers no clear proportionality guidelines beyond the enumerated exceptions in Section 7, potentially widening the surveillance powers of law enforcement.

⁵ An Act Mandating the Use of On-Body Cameras by Law Enforcement Officers During Any Anti-Illegal Drug and Criminality Operations, and Providing Funds Therefor or the proposed "Police On-Body Cam Act," filed on August 8, 2022 (Annex "E")

In sum, while SB 1057 incorporates stronger penalties, it ultimately confines the use of body-worn cameras to a narrow slice of police operations. By limiting coverage to drug and criminality campaigns and centralizing control of footage, the bill stops short of establishing a rights-based system that would safeguard civilians across the full spectrum of encounters with law enforcement.

Senate Bill No. 1520

Senate Bill No. 1520, introduced by Senator Ramon "Bong" Revilla Jr., adopts a narrower approach by linking the statutory duty to record only to two specific law-enforcement activities: "conducting a search" and "making an arrest," as stated in Section 3(g). Although Section 4 uses broader language—requiring activation whenever an officer responds to a call for service or initiates any other encounter—the operative requirement remains limited to searches and arrests. As drafted, the bill does not mandate recording in other high-risk operations such as buy-busts, checkpoints, custodial transport, or crowd dispersal, despite these being among the contexts where allegations of abuse most frequently arise.

The principal strength of SB 1520 lies in its access and retention provisions. Section 9 requires agencies to retain all footage for one year and automatically extends this to three years when the footage captures any use of force or when a complaint is filed. Section 10 grants subjects of the footage, their counsel, next of kin, and even the recording officer a statutory right to inspect or obtain a copy. The bill bars agencies from withholding footage on the ground that it is an "investigatory record" when the officer under review is a law enforcement employee—a transparency safeguard not found in the other pending bills. The bill also provides detailed rules on redaction and prohibits third-party vendors from accessing or altering footage (Section 12), reducing the risk of tampering.

SB 1520 introduces an accountability mechanism in Section 13, which establishes a "disputable presumption" in favor of plaintiffs when footage is missing, destroyed, or not captured. In contrast to SB 1057's narrow process for overcoming the presumption, SB 1520 allows it to be surmounted by contrary evidence or proof of exigent circumstances. This creates a more balanced evidentiary structure while still shifting weight toward accountability when documentation fails. However, because the bill does not impose penal sanctions beyond administrative discipline and does not broaden the recording mandate to other coercive or high-risk policing contexts, its systemic impact remains constrained.

Overall, SB 1520 strengthens transparency and evidentiary rights in the narrow context it covers, but its restricted operational scope and reliance on self-policing by law enforcement agencies mean that it does not fully address the deeper structural gaps in accountability.

Senate Bill No. 2199

Sen. Tulfo's SB 2199⁷ is, on paper, the broadest of the pending measures in terms of operational coverage. Section 4 extends mandatory body-camera use to a long list of law

⁶ 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 or the proposed "Body Camera and Dashboard Camera For Law Enforcement Officers Act of 2022," filed on November 21, 2022 (Annex "F")

⁷ An Act Mandating Law Enforcement Officers to Use Body-Worn Cameras During Law Enforcement and Special Police Operations, Providing Funds Therefor and for Other Purposes or the proposed "Body-Worn Camera Act," filed on May 16, 2023 (Annex "G")

enforcement activities, including the service of warrants; operations against illegal drugs, gambling, smuggling, carnapping, illegal logging, and cybercrime; as well as a wide range of "special police operations" such as checkpoints, roadblocks, civil disturbance management, demolition and eviction assistance, implementation of court and quasi-judicial orders, hostage situations, and maritime interdictions. In contrast to SB 1057 and SB 1520, SB 2199 covers many of the very contexts where allegations of illegal arrests, excessive force, and unreasonable searches most often arise.

Section 6 imposes a general obligation to "wear and activate" cameras to document "the entire conduct of the operation," and also requires activation during any call for service or investigative encounter. Although this establishes continuous documentation as the baseline, the mandate is tempered by Section 8, which prohibits recording in places where individuals have a reasonable expectation of privacy, in privileged communications, and—significantly—when "gathering intelligence" on the basis of protected speech, belief, or association, or when recording would pose "a serious threat to national security." The breadth of the exceptions, particularly the undefined invocation of "national security" and the authority granted to the IRR to add further exemptions, leaves considerable discretion to law enforcement authorities.

The main weakness of SB 2199 lies in its treatment of accountability. Section 10 explicitly introduces a presumption of regularity, declaring that in any search, seizure, or arrest it shall be presumed that officers complied with the body-worn camera requirement. This presumption is inserted even as Section 14 provides that failure to wear or activate a camera "shall not render the operation unlawful or render the evidence inadmissible," allowing facts to be established solely through officers' testimonies. The combined effect of Sections 10, 14, and 15 is to reaffirm, rather than temper, the longstanding doctrine of presumption of regularity, even in those situations where audiovisual documentation is absent or incomplete.

Although Sections 14 and 15 allow courts to cite officers in contempt for intentional interference with recordings, these remedies are discretionary, triggered only after judicial proceedings, and do not create automatic evidentiary consequences for missing or incomplete footage. Except in the limited context of search operations, the bill does not penalize undocumented encounters, nor does it impose presumptions adverse to officers who fail to record in situations where they are legally required to do so.

SB 2199's broad operational coverage attempts to standardize documentation across the full range of police functions. However, this scope is undermined by provisions that entrench existing presumptions in favor of law enforcement, impose no meaningful consequences for non-activation, and preserve the admissibility of evidence even in the absence of required recordings. As drafted, the bill establishes a wide mandate but a weak framework for accountability.

Senate Bill No. 3005

Senate Bill No. 3005, prepared by the Committees on Public Order and Dangerous Drugs and Finance and filed on June 9, 2025, consolidates Senate Bills Nos. 436, 1057, 1520, and 2199.

⁸ An Act Mandating Law Enforcement Officers to Use a Body-Worn Camera During Law Enforcement Operations, Providing Penalties for Violations, and Appropriating Funds Therefor or the proposed "Law Enforcement Body-Worn Camera Act," filed

Senate Bill No. 3005. It is the most operationally detailed among the pending measures as it attempts to harmonize the earlier bills into a single procedural framework.

The bill adopts broad coverage. Section 3(f) defines "law enforcement operation" to include the service of warrants; hot-pursuit operations; visitorial inspections; anti-illegal drug, anti-cybercrime, and anti-human trafficking operations; checkpoint and roadblock operations; and other enforcement functions. Unlike SB 1520, which confines mandatory recording to searches and arrests, SB 3005 extends the obligation to a wide range of routine, high-risk, and pre-planned encounters, including entrapment, buy-bust operations, and "planned operations" under Section 6(a)(iii). This seeks to address longstanding allegations of procedural irregularities and grievous rights violations in anti-drug policing.

Section 6 contains the most elaborate activation protocol across all pending measures. It identifies distinct start-and-stop triggers for the execution of warrants, warrantless arrests and searches, hot-pursuit operations, entrapment and buy-bust operations, and responses to calls for service. Each operational phase is tied to a clear activation requirement, reducing the exercise of discretion by specifying precisely when recording must commence and when it may cease. Under this scheme, continuous documentation becomes a statutory duty rather than a matter of internal policy.

However, the Bill's accountability structure does not fully match the comprehensiveness of its activation framework. Section 8 requires submission of recordings within 48 hours, but the consequence for non-submission is confined to administrative sanctions, without automatic evidentiary repercussions. Section 12 provides for escalating administrative penalties, including dismissal on the third offense, and introduces criminal liability for unauthorized access, destruction, or misuse of recordings. The Bill stops short of creating any presumption adverse to the officer when cameras are not activated, nor does it establish an exclusionary rule for undocumented encounters except where constitutional doctrine already mandates suppression. In practice, SB 3005 reinforces internal discipline but avoids shifting evidentiary standards in favor of civilians, notably in contrast to SB 1520's disputable presumption or the Supreme Court's rule on inadmissibility of evidence obtained from undocumented searches without reasonable grounds.

Access to recordings under SB 3005 is significantly more restrictive than in other pending bills. Section 11 leaves the release of recordings entirely to the discretion of the head of the law enforcement agency. Judicial intervention is required only when parties seek court-ordered access, and custody of the recordings remains with the agency that conducted the operation. Given a 30-day default retention period under Section 9, which is extendable only upon written order by a court or administrative body, this structure heightens the risk that critical footage will no longer exist when complaints are filed or when allegations of abuse surface.

SB 3005 thus offers the most detailed operational blueprint for body-worn camera use and the widest coverage of high-risk activities. However, its accountability mechanisms are largely administrative, and decisions over who may access the footage remain concentrated within the agency itself, while the Bill provides no statutory remedy when required recordings are missing or incomplete. Despite its comprehensive procedural structure, the Bill does not embed a rights-protective framework that guarantees independent scrutiny or recalibrates evidentiary standards to address well-documented patterns of abuse.

The House of Representatives has introduced parallel but conceptually distinct measures.

Representative Richard I. Gomez's HB 2176 proposed a sweeping mandate for the use of body-worn cameras across a very wide set of law enforcement and quasi-law-enforcement activities. It requires officers to wear and activate cameras "while in the course of conducting any police operations," a term defined broadly enough to include service of arrest and search warrants, anti-illegal drug and anti-cybercrime operations, and "similar operations that are conducted to enforce laws, statutes, executive orders and ordinances." This coverage mirrors the rationale of the Bill, which emphasizes recurring allegations of police misconduct, the dangers faced by sheriffs during the "execution of judgments," and the need to curb corruption in administrative enforcement bodies such as the Manila Traffic and Parking Bureau.

Although its scope is wide, HB 2176 adopts a comparatively simple activation rule. Cameras must be turned on "whenever a law enforcement officer is responding to a call for service, or at the initiation of any other law enforcement or investigative encounter," and remain activated "until the encounter has concluded and the law enforcement officers leave the scene." In contrast to Senate Bill No. 3005's operation-specific triggers, HB 2176 does not distinguish between types of operations or procedural stages. While the generality of this rule ensures broad coverage, it may not sufficiently address high-risk situations that require more precise activation points, such as buy-bust operations, custodial transfers, hot-pursuit scenarios, or operations conducted inside private dwellings.

Privacy-related limitations exist but are relatively narrow. HB 2176 prohibits recording inside schools except when there is an "imminent threat to life or health," and bars the use of recordings for "commercial or other non-law enforcement purpose." Notably, HB 2176 imposes an absolute prohibition on public release of footage, a safeguard that protects the right to privacy but simultaneously restricts a key mechanism of public oversight. Unlike other proposals that allow court-authorized disclosure or provide a right of access to persons recorded, HB 2176 places control over the footage entirely within law enforcement agencies.

HB 2176 establishes penalties, but they are limited in deterrent effect. Unauthorized use or release of footage is punishable by a fine "not exceeding ₱50,000" and/or suspension "not exceeding three (3) months," a level of sanction significantly lower than the criminal and administrative penalties contemplated in SB 3005.

HB 2176 also does not introduce evidentiary presumptions that shift the burden when required footage is missing or destroyed. In effect, even though the Explanatory Note speaks of transparency and accountability, the Bill's regulatory structure preserves agency discretion over who may access the recordings and avoids mechanisms that would genuinely support legal remedies or permit independent oversight.

HB 10901, authored by Rep. Luisa Lloren Cuaresma, adopts a sweeping mandate by

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 or the proposed "Body Camera for Law Enforcement Personnel Act," filed on July 21, 2025 (Annex "I")

¹⁰ An Act Mandating All Enforcement Officers of All Government Institutions, Agencies and Subdivisions to Wear Body-Worn Cameras in Their Operations to Promote Transparency, to Aid Administration of Justice and to Protect Citizens and Officers Alike and Appropriating Funds Thereto or the proposed "Body-Worn Cameras Act," filed on September 11, 2004 (Annex "J").

requiring body-worn cameras for "all enforcement officers of all government institutions, agencies and subdivisions," but provides only minimal guidance on how this mandate is to be operationalized. Unlike other measures that define triggers for activation or enumerate covered operations, HB 10901 contains no provision specifying when cameras must be activated, how long recording must continue, or which law enforcement activities fall within the duty to record.

HB 10901 grants exceptionally broad discretion to implementing agencies because it does not itself establish binding standards for equipment, activation, data retention, or access. Section 5 merely enumerates technical features that "shall be considered" in procurement, namely battery life, video quality, night recording, encryption, and similar specifications, without prescribing minimum thresholds, mandatory performance levels, or standardization across agencies. Section 8 adopts the same permissive structure for data storage and management, instructing agencies to "consider" issues such as retention periods, access controls, backup protocols, and audit mechanisms, but leaving the actual policies entirely to internal rule-making.

As a result, crucial matters, including how long footage is kept, who may view it, when officers may review their own recordings, and how custodians safeguard integrity, are all left to each law enforcement body to determine. This framework provides an administrative outline rather than enforceable obligations, which may produce uneven practices and fail to establish a uniform national standard for transparency and accountability.

Privacy protections are also thin. Section 6 prohibits recording in areas where individuals have an expectation of privacy, but the rest of the Bill does not identify exceptions for warrant-based entries, consented searches, privileged communications, or custodial interactions. Without clear statutory limits, the wide scope of the mandate, along with vague restrictions, may result in both under- and over-recording, depending on how each organization interprets its authority.

Finally, the penal clause in HB 10901 is narrow in scope, penalizing only the alteration, destruction, or suppression of recordings, with a maximum penalty of six months' imprisonment or a ₱5,000 fine. The Bill does not penalize failure to record, premature deactivation, refusal to submit footage, or obstruction of access—the most common forms of evasion that undermine accountability. As a result, despite its broad reach, HB 10901 offers limited enforceable safeguards and relies heavily on internal discretion.

All these proposed measures in Philippine Congress share the intuition that audiovisual documentation should become part of routine policing, yet they are grounded in markedly different premises. Some are centered on technological modernization (SB 436; HB 10901), while others focus on operational management and officer protection (SB 1057; SB 2199). Only a few incorporate meaningful evidentiary safeguards (SB 1520). This conceptual divergence produces inconsistent rules on activation, widely varying standards for access and retention, and accountability mechanisms that range from minimal to moderately developed. The corpus reflects an unresolved tension between police-centric priorities and rights-based imperatives, with most measures still organized around institutional needs rather than public oversight.

Across the corpus, the central conceptual limitation is the absence of a unified framework capable of transforming body-worn cameras from mere recording devices into genuine tools of accountability. Few of the bills impose statutory consequences for non-recording; even

fewer create presumptions in favor of civilians or ensure independent access to footage. Most place primary or exclusive custody of recordings in the hands of the same agencies whose conduct is being documented, with discretionary rules on disclosure weakening the utility of recordings in vindicating constitutional rights.

Moreover, high-risk operations are inconsistently covered or, in some cases, omitted altogether. The legislative trend therefore reveals a persistent reluctance to reconfigure institutional power structures or to align body-worn camera regulation with established international standards on the rights to life, liberty, effective remedy, and freedom from torture and cruel, inhumane and degrading treatment. Without a statutory commitment to transparency and accountability, the proposed measures will not achieve the transformative potential of the technology in the Philippine human rights context.

B. Fragmented Institutional Authority and Narrow Procedural Coverage

The governance of body-worn cameras in the Philippines remains dispersed across multiple institutions whose mandates overlap but are not harmonized, resulting in a fragmented and inconsistent regulatory environment. NAPOLCOM prescribes only minimum technical specifications and approves procurement. It does not regulate activation triggers, custodial responsibilities, or sanctions for non-compliance. The PNP fills part of this gap through its internal issuances, particularly PNP MC 2018-009, which establishes detailed operational procedures governing activation, post-operation turnover of cameras, downloading of data, internal custody, and a structured audit mechanism.

Under this Circular, recordings must be immediately surrendered to the team leader and then to a data custodian, who downloads and erases footage from the device, stores it in a designated repository, and maintains daily inspection logs. PNP MC 2018-009 further mandates multi-tiered monitoring bodies—from the station level through district and provincial committees, up to Regional Directors at the Police Regional Office level—who are required to conduct regular audits in the presence of both the team leader and the storage custodian. Despite its detail, the framework is entirely internal to the PNP and lacks the external oversight or statutory safeguards needed to ensure uniform and accountable implementation.

Parallel to this administrative structure is the Supreme Court's A.M. No. 21-06-08-SC, which governs the use of body-worn cameras only in the execution of search and arrest warrants, and where practicable, during warrantless arrests. Unlike the PNP's internal rules, which retain footage within police custody, the Supreme Court requires that all recordings from warrant-based operations be stored in an external media device and simultaneously deposited in a sealed package with the issuing court, accompanied by sworn affidavits of the officers whose cameras captured the footage. Officers may retain a back-up copy only for a limited period and only with leave of court. This creates a dual-custody regime: judicial deposit for warrant-related operations and internal PNP custody for all other encounters.

This ambiguity has already resulted in delays in accessing footage, as reported by NUPL lawyers in cases where immediate viewing could have enabled the swift filing of pretrial remedies such as motions to suppress evidence. In several instances, even when videographers' affidavits were included in the documents submitted by the law enforcement officers to prosecutors during inquests or preliminary investigations, defense counsel still had to file formal motions and await the trial court's resolution before obtaining the actual footage. The process was further prolonged by the requirement that the recordings be

delivered to the court first, and only thereafter downloaded onto an external storage device by defense counsel under the supervision of the branch clerk of court or other authorized personnel.

In offshoot cases where the arrested individual was subsequently charged with additional offenses—most commonly illegal possession of firearms, ammunition, or explosive allegedly "found" during the service of existing warrants—the footage had to be submitted first to the court that issued the original warrant of arrest. Defense counsel then had to subpoena the same recordings through a formal motion, further delaying access despite the direct relevance of such footage to disputing the validity of the ancillary charges.

The limited scope of the Supreme Court Rules further contributes to uneven implementation. A.M. No. 21-06-08-SC applies strictly to the implementation of arrest and search warrants and only to warrantless arrests "insofar as practicable," excluding from its ambit a wide spectrum of operations where abuses have historically been concentrated: undercover and buy-bust operations under the Dangerous Drugs Act; checkpoint and anti-terrorism operations under R.A. 11479 or the Anti-Terrorism Act of 2020; public assembly management under B.P. 880 or the Public Assembly Act; civil disturbance management; demolition and eviction enforcement; and counterinsurgency or joint AFP-PNP internal security operations. These omissions are significant as they exclude precisely the contexts in which unlawful lethal force leading to arbitrary arrests, tortures, or extrajudicial killings have historically occurred and continue to be documented.

The consequences of these regulatory gaps are illustrated by the March 7, 2021 "Bloody Sunday" raids in the Southern Tagalog region, where nine activists, rights defenders, and community organizers were killed during synchronized search warrant operations. Bodyworn camera footage, had it been taken and properly preserved, could have provided an independent evidentiary record of whether the victims indeed resisted arrest or were executed inside their homes, as their families, eyewitnesses, and human rights groups have consistently asserted. Instead, the subsequent dismissal of murder complaints against police officers involved in the killings of Emmanuel "Manny" Asuncion, Ana Mariz "Chai" Lemita-Evangelista, and Ariel Evangelista underscores how, in the absence of audiovisual documentation, state narratives prevail and accountability fails.

Similarly, during the September 21, 2025 anti-corruption protests, hundreds of demonstrators, including workers, students, and persons with disabilities, were rounded up, detained, and tortured in police custody. Human rights groups released testimonies of beatings and physical abuse, while the PNP categorically denied all allegations. Because the operation was not a warrant-based activity and involved "unified security operations" in a public assembly, there were under no binding rule to activate body-worn cameras. Hence, there was no visual record of the manner of arrest, no documentation of transport or custodial handling, and no footage of the alleged torture. Although journalists, bystanders, and fellow protesters were able to capture portions of the incident with their smartphones, cameras and other devices, gathering and authenticating such electronic evidence proved difficult, especially as several witnesses expressed fear or reluctance to come forward. The absence of a requirement for mandatory activation in precisely these high-risk operational contexts thus creates incentives for non-recording, allowing abuses to occur in unmonitored spaces—later to be denied, minimized, or reframed in official narratives.

¹¹ Philippine National Police, PNP Sets Full Alert in NCR to Secure Sept 21 Anti-Corruption Rally, available at https://www.facebook.com/pnp.pio/
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PNP MC 2018-009 nominally requires activation during "police operations," including checkpoints, arrests, and special operations, and it provides detailed post-operation protocols on turnover, downloading, storage, and multi-level internal audits. However, without statutory sanctions, compliance remains discretionary. Officers may invoke equipment "unavailability," classify actions as intelligence operations, or rely on the lack of activation triggers to justify non-recording. The multi-tier audit committees are composed entirely of PNP personnel, leaving out a civilian or independent body to verify whether recordings exist, whether they were deactivated prematurely, or whether they were deleted or overwritten.

This fragmented architecture creates precisely the conditions in which the most serious human rights violations continue to occur without audiovisual documentation. The institutional gaps are not merely procedural or technical; they carry grave consequences not only for life and liberty, but also for the ability of victims to obtain effective remedies." Without a coherent and enforceable framework that applies across all high-risk operations, body-worn cameras cannot function as meaningful safeguards against abuse and impunity.

C. Deficits in Data Management, Custody, and Access

Even with body-worn cameras in use, systemic weaknesses in data handling, custodial controls, and independent oversight diminish their usefulness as evidence and as tools for accountability. The Supreme Court's A.M. No. 21-06-08-SC and PNP MC 2018-009 both prescribe detailed procedures, but in the absence of a harmonized statutory framework, these regimes operate in parallel rather than in coordination.

Under the Supreme Court Rules, all recordings from the service of warrants must be downloaded within 24 hours, with the subject or counsel allowed to witness the downloading, and the encrypted files must be included in the chain of custody until deposited with the issuing court in a sealed external media device. By contrast, PNP MC 2018-009 requires officers to immediately surrender cameras to the team leader, after which a designated data custodian downloads the footage, stores it, erases residual data on the device, and maintains a 60-day retention period, with only two vetted personnel authorized to manage storage. The Circular further mandates daily inspection of recordings, maintenance of a review log, and limits disclosure to written requests approved by the Chief of Police or pursuant to court order.

Because these two custodial regimes are not legally reconciled, recordings may be subjected to inconsistent retention periods and differing rules on access and disclosure. In multi-agency operations, uncertainty persists over who has primary custody of the footage, who is responsible for redaction, and whether the PNP or the courts should serve as the principal custodian at each stage of the process.

These gaps manifest in routine judicial proceedings. In one case for obstruction of justice being handled by the NUPL, the police officer assigned as videographer during the service of an arrest warrant appeared in court pursuant to an order directing him to submit the body-camera footage from the operation. He admitted, however, that he had not downloaded the recording—which he had stored only on his personal smartphone—onto an external storage device, nor had he complied with the court's directive to produce it. As a result, the hearing had to be postponed to allow the defense sufficient time to review the footage and secure copies in preparation for cross-examination. This incident illustrates how weak custodial protocols and non-standardized data handling not only undermine evidentiary

integrity but also delay judicial processes and impair the accused's right to a meaningful defense and right to speedy trial.

Many law enforcement units, particularly outside metropolitan areas, reportedly store footage on unsecured hard drives, overwrite files due to insufficient storage capacity, or lose data because backup systems are absent or unreliable. These vulnerabilities lead to selective preservation, and even to destruction, or tampering of evidence, weakening the promise of chain-of-custody safeguards contemplated by both the Supreme Court and the PNP.

Access by the subject of the footage and their counsel remains severely limited. Neither the Supreme Court Rules nor PNP MC 2018-009 guarantees timely disclosure to the accused, and defense lawyers routinely report that they cannot review recordings before arraignment or pre-trial. In cases involving torture, illegal arrest, or extrajudicial killing, counsel often have no choice but to rely on circumstantial evidence because footage is unavailable, was never captured, or stays in police custody far longer than it should. This lack of early access weakens crucial pre-trial remedies: as challenges to the legality of an arrest, search, or seizure must be raised at the first opportunity, the absence of footage at that stage means these objections are either delayed or overtaken by arraignment. In effect, the inability to obtain recordings early on discourages defense counsel, particularly public defenders, from pursuing these remedies at all.

These deficits intersect with the longstanding collapse of forensic capacity in the Philippines. With only two licensed and internationally recognized Filipino forensic pathologists in the country, and with law enforcement agencies exhibiting chronic shortcomings in crime-scene processing, the evidentiary landscape is already severely compromised. In many cases, particularly during Oplan Tokhang operations and politically motivated killings, crime scenes and physical evidence are not merely mishandled but are deliberately altered, tampered with, or destroyed.

In this context, the absence of reliable body-worn camera recordings aggravates an already fragile forensic ecosystem, leaving victims and their families with little more than testimonial accounts to challenge official narratives.

D. Weak Enforcement, Minimal Oversight, and the Absence of Deterrent Mechanisms

The existing framework for body-worn cameras is marked by a profound absence of enforceable sanctions and credible oversight, leaving compliance largely voluntary and dependent on institutional goodwill. Under the Supreme Court's A.M. No. 21-06-08-SC, law enforcement officers who fail to record or who tamper with footage may be cited for contempt, but this remedy is narrow. It applies only to the execution of a warrant and only after a case has already reached the courts. No law requires automatic referral to the Internal Affairs Service (IAS), nor does any rule mandate an administrative investigation when footage is missing or incomplete, or when the body-worn camera is inexplicably deactivated. As a result, officers face no immediate consequences for failing to comply with the rules. Non-activation is treated as a mere technical lapse rather than a substantive breach that undermines constitutional guarantees.

This weak system of sanctions is reinforced by the near-total absence of independent civilian oversight. As IAS remains structurally embedded within the PNP hierarchy, it

lacks operational independence. At the same time, no external body exists with authority to compel the production of footage, conduct random audits, or issue public reports on systemic failures. Layers of confidentiality rules further shield law enforcement from scrutiny, as recordings are treated as non-public by default and are generally disclosed only in cases involving death or injury to an officer, sharply limiting access for victims, families, and the press. Even those whose encounters are recorded, persons with the most direct legal stake, have no guaranteed right to timely disclosure.

The effects of this accountability vacuum have been visible in high-profile operations. In the September 21, 2025 mass arrests during protest actions, hundreds of demonstrators reported beatings, torture, and degrading treatment in custody. With no mandatory use of body-worn cameras for crowd control or policing of public assemblies, officers faced no obligation to document the mass arrests. The evidentiary void that resulted mirrors longstanding patterns in cases involving politically charged operations. Without audiovisual documentation, allegations of grievous rights violations become easier to deny and impunity persists.

E. Divergent Procedural Remedies and Failure of Activation in Critical Encounters

Procedural consequences for failure to use body-worn cameras remain inconsistent across Philippine law. Under the Supreme Court Rules, non-use of body-worn cameras during the execution of a search warrant renders the resulting evidence inadmissible, and the subject of the search may file a motion to suppress. This is the strongest remedy currently available and represents the Supreme Court's attempt to fortify safeguards in operations historically prone to fabrication, planted evidence, and lethal force. But this remedy applies only to search warrants and, even then, presupposes that counsel is able to access footage promptly enough to raise suppression issues before arraignment—a procedural stage that, in practice, often overtakes disclosure.

No equivalent remedy applies to the service of arrest warrants or conduct of warrantless arrests. Rule 113 of the Revised Rules of Criminal Procedure does not require body-worn camera recording documentation for a valid arrest, and the absence of footage does not give rise to any presumption of irregularity. Likewise, custodial encounters, hot-pursuit operations, and buy-busts are still governed by traditional evidentiary rules, where police testimonies often carry decisive weight and where the presumption of regularity continues to operate unless explicitly rebutted. As a result, the failure to document in these contexts, which are precisely the settings most frequently associated with illegal arrests and tortures in custody, produce no automatic consequence.

This is evident in the 2023 killing of 17-year-old Jerhode "Jemboy" Baltazar in Navotas, one of the clearest examples of how the failure to activate a body-worn camera can reshape the trajectory of a criminal case. Although the Navotas police unit had body-worn cameras available, the officer designated to wear one admitted that he had left the device turned off during the operation, at first claiming that the battery had drained. As a result, no visual record existed of the moments leading to the shooting or of the officers' conduct immediately thereafter. The absence of footage forced prosecutors to rely solely on eyewitness accounts and limited forensic evidence, which contributed to the downgrading of initial charges and, ultimately, to the conviction of only one officer for homicide and several

¹² Iya Gozum, *Body cam turned off in police killing of 17-year-old Jemboy Baltazar*, Rappler, August 14, 2023, available at https://www.rappler.com/philippines/body-camera-turned-off-police-killing-jemboy-baltazar-navotas/ (last accessed November 21, 2025).

others for illegal discharge of firearms. The non-activation of the body-worn camera thus foreclosed crucial lines of inquiry, such as identifying who fired shots, whether warnings were issued, or whether the operation complied with use-of-force protocols.

In another criminal case for illegal possession of firearms, explosives, and explosive instruments, against an elderly political prisoner, the NUPL obtained footage revealing a similarly troubling pattern. Based on the footage, an advance team of police officers arrived at the accused's residence and entered the premises without any videographer documenting what transpired inside. Only after the said team had exited the house did the arresting officers enter the house with a videographer to serve the warrants. After the accused had been arrested, handcuffed, and brought to a waiting vehicle, a police officer who had remained inside the premises was heard off-camera announcing that a bomb was inside a room. No videographer captured this purported discovery. Firearms were later "found" in plain view.

This gaping lapse, precisely at the moments most vulnerable to abuse, renders the presence of body-worn cameras functionally meaningless. Still, the rules impose no clear sanctions for unexplained gaps, delayed activation, or the deliberate exclusion of crucial stages of an operation. The incident illustrates how selective recording defeats the purpose of body-worn cameras, aids in the commission of incriminatory machinations or planting of evidence, and ultimately leads to impunity.

In the absence of uniform statutory rules, body-worn cameras are operating within a discretionary regime in which their evidentiary weight, and the consequences for their absence, depend on the varying sensibilities of trial courts. Without harmonization, the promise of body-worn cameras as instruments of transparency remains largely unrealized.

Taken together, these gaps show that although existing Philippine regulations mark incremental progress toward institutionalizing audiovisual documentation, they remain structurally insufficient. The Supreme Court's rules introduce important procedural safeguards, but by constitutional design they cannot create a full legal regime governing deployment, sanctions, data governance, or civilian oversight. Administrative issuances, while detailed in operational terms, do not carry enforceable penalties, do not adopt uniform standards across agencies, and leave crucial questions of access and accountability unresolved. Meanwhile, Congress has yet to enact a single statute that mandates coverage across all law-enforcement operations, harmonizes data-management responsibilities, establishes independent oversight, and provides clear remedies for missing, incomplete, or manipulated footage.

Until these elements are integrated into a coherent, rights-based framework, body-worn cameras will not function as genuine safeguards against abuse or as reliable tools for protecting constitutional rights and strengthening public accountability.

III. COMPARATIVE INSIGHTS: GLOBAL NORMS AND SHORTCOMINGS

A. United States: A Patchwork of Standards

After a series of illegal police killings of unarmed Black civilians in the United States in the early 2010s, human rights advocates demanded greater transparency and accountability from law enforcement. Shortly thereafter, police departments across the U.S. rapidly expanded their body-worn camera programs. Even with widespread adoption, deadly force by U.S. police remains high, demonstrating that cameras alone do not deter abuse absent systemic reforms.¹³

Rules in the U.S. vary widely across states and municipalities. There are no federal standards for the use of body-worn camera, as each state or municipality is able to set their own standards. While New York requires body-worn camera activation in all uses of force (both lethal and non-lethal), and the Chicago police department mandates it for investigatory stops and evidence-based prosecutions, no national policy governs body-worn camera deployment. Federal law enforcement agencies have their own body worn camera programs and policies, while once required by Executive Order, they are no longer required as of January 2025. Thus, each federal law enforcement agency determines their use or non-use of body worn cameras.¹⁴

Studies on the use of body-worn cameras vary in terms of outcome. While some studies point to a decrease in police use of lethal force, others reveal that it remains the same. For example, the body-worn camera program in Rialto, California resulted in an 88% reduction in complaints against officers and a 60% decrease in incidents of police use of force in 2012. A 2017 study revealed that the police body-worn camera program in Washington DC did not result in a statistically significant difference in the use of force by law enforcement nor in the number of citizens' complaints against law enforcement.

These differences stem largely from the divergence in policy design: some jurisdictions have adopted comprehensive rules that make body-worn cameras meaningful instruments for preventing the use of force, while others have enacted weaker frameworks that fall short of that purpose. This section reviews model body-worn camera policies and identifies states and municipalities that have successfully implemented robust systems.

Model Body-Worn Camera Policy from ACLU

- 13 Sam Levin, US Police Use Force on 300,000 People a Year, With Numbers Rising Since George Floyd: 'Relentless Violence', The Guardian, August 28, 2024, available at https://www.theguardian.com/us-news/article/2024/aug/28/police-use-of-force-violence-data-analysis (Last accessed on October 25, 2023).
- 14 Hernandez D. Stroud, *Trump Reverses Biden Directives On Policing Reforms, Brennan Center For Justice*, January 22, 2025, available at https://www.brennancenter.org/our-work/analysis-opinion/trump-reverses-biden-directive-policing-reforms (Last accessed on October 23, 2025).
- 15 Igarapé Institute, Filling the Accountability Gap: Principles and Practices for Implementing Body Cameras for Law Enforcement, available at https://policehumanrightsresources.org/filling-accountability-gap-principles-practices-implementing-body-cameras-law-enforcement (Last accessed on October 25, 2025).
- 16 National Institute of Justice, Research on Body-Worn Cameras and Law Enforcement, available at https://nij.ojp.gov/topics/articles/research-body-worn-cameras-and-law-enforcement (Last accessed on October 29, 2025).

The American Civil Liberties Union (ACLU), a leading civil rights organization in the U.S., has long advocated for body-worn camera (BWC) programs anchored in clear activation rules, strict data-management standards, and meaningful accountability mechanisms. These safeguards are intended to enhance transparency, deter excessive force, and ensure that failures to follow body-worn camera policies carry real consequences.

In the Philippine setting, the relevance of the ACLU's A Model Act for Regulating the Use of Body Worn Cameras by Law Enforcement ¹⁷ (ACLU Model Act) is even more pronounced. This Model Policy offers insights into the how the current legal framework in the Philippines can better respond to the dire need to strengthen accountability amidst illegal uses of force and other human rights abuses carried out by law enforcement officers.

As Parts I and II of this paper establish, the country's current regulatory landscape is fragmented: activation requirements are inconsistent and often ignored; data custody is shared by police units and the courts; and there are no statutory sanctions for non-activation outside arrest and search operations. The gaps identified in the ACLU framework therefore map almost exactly onto the structural weaknesses of the Philippine regime.

What follows distills the key components of the ACLU Model Act and illustrates how they highlight urgent areas for legislation in the current Supreme Court Rules, the PNP's internal guidelines, and the NPC's data privacy guidelines.

Proper Activation of Body-Worn Cameras

The ACLU Model Act establishes the baseline for activation:

- 1. Cameras should be worn in a location and manner that maximizes the camera's ability to capture video footage of officer's activities (Section 1(a)).
- 2. With respect to body camera activation and deactivation:
 - a. Both the video and audio recording functions of the body camera shall be activate 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 (Section 1(a)(1)).
 - b. The body camera shall not be deactivated until the encounter has fully concluded and the law enforcement officer leaves the scene (Section 1(b) (1)).
 - c. All body cameras shall be equipped with, and, at all times, have activated, a pre-event buffering mode that causes the body camera to continuously record and retain the most recent 30 seconds of video and audio prior to an officer's activation of their body camera. Such pre-event recordings shall attach to, and be considered a part of, any recording that result from an officer's activation of their body camera (Section 1(b)(2)).

¹⁷ American Civil Liberties Union, A Model Act for Regulating the Use of Body Worn Cameras by Law Enforcement, available at https://www.aclu.org/sites/default/files/field-document/aclu-police-body-cameras-model-legislation-v3.0.pdf (Last accessed on October 20, 2025), Annex "J."

By contrast, Philippine rules are far narrower. The Supreme Court Rules require activation only in arrests and searches, and only from the moment the officer arrives at the target location. Pending bills in Congress largely replicate the same limited formulation. No rule currently requires recording of all police–civilian interactions. Thus, large operational zones, such as custodial handling, transport, crowd dispersal, checkpoints, and "stop-and-frisk" encounters, are left outside mandatory documentation.

As discussed, these gaps appear plainly in practice. The killing of Jerhode "Jemboy" Baltazar exposed how activation rules were egregiously violated. Although body-worn cameras were available, none captured the moment he was shot. Police later claimed the devices were off or positioned too far to record anything useful. In an illegal possession case involving an elderly political prisoner, an advance team of police officers entered and searched the home without any videographer present, who had been deliberately left outside, ensuring that the most critical stages of the operation were left undocumented.

A third illustration is the police response to the September 21, 2025 mobilizations. Two days before the Baha sa Luneta protest, the PNP publicly announced a "full-alert status" in NCR deploying 50,000 police personnel, and coordinating with the AFP and other government agencies. These are clear indications that it had ample opportunity to prepare its equipment. Despite this level of pre-planning, none of the arresting units deployed during the rally produced body-worn camera footage, even as hundreds of protesters reported beatings, forced dispersal, and degrading treatment in custody. The PNP's own statement on September 19 emphasized its commitment to "safeguard the right to peaceful assembly" and ensure "swift response and unified security operations." The complete absence of recordings during an operation of this scale, one involving mass arrests and foreseeable confrontations, reveals how activation remains discretionary in practice. It also demonstrates how body-worn cameras, without mandatory activation rules for policing public assembly, are advertently omitted in contexts where documentation is most essential.

These examples show how activation gaps encourage selective, self-serving documentation, undermining the very transparency body-worn cameras were intended to provide.

Retention and Review of Footage

The ACLU Model Act sets out a comprehensive and structured framework for the retention, review, and public availability of body-worn camera recordings:

- 1. 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 (Section (i)(1).
- 2. During the six (6) month retention period, the following persons shall have the right to inspect the body camera footage:
 - a. Any person who is a subject of body camera video footage, and/or their designated legal counsel;
 - b. A parent of a minor subject of body camera video footage, and/or their designated legal counsel;

- c. The spouse, next of kin or legally authorized designee of a deceased subject of body camera video footage, and/or their designated legal counsel;
- d. A law enforcement officer whose body camera recorded the footage, and/ or their designated legal counsel, subject to the limitations and restrictions in this Act;
- e. The superior officer of a law enforcement officer whose body camera recorded the video footage, subject to the limitations and restrictions in this Act; and
- f. Any defense counsel who claims, pursuant to a written affidavit, to have a reasonable basis for believing a video may contain evidence that exculpates a client (Section 1(i)(1)).
- 3. The right to inspect shall not include the right to possess a copy of the body camera video footage, unless the release of the body camera footage is otherwise authorized by this Act or by another applicable law (Section 1(i)(2)).
- 4. When a body camera fails to capture some or all of the audio or video of an incident due to malfunction, displacement of camera, or any other cause, any audio or footage that is captured shall be treated the same as any other body camera audio or footage under the law (Section 1(i)(3)).
- 5. Footage shall be automatically retained for no less than three (3) years if the footage captures an interaction or event involving: (a) any use of force; or (b) an encounter about which a complaint has been registered by a subject of the video footage (Section 1(j)(1)).
- 6. Footage shall also be retained for no less than three (3) years if a longer retention period is voluntarily requested by:
 - a. The law enforcement officer whose body camera recorded the video footage, if that
 - b. officer reasonably asserts the video footage has evidentiary or exculpatory value:
 - c. Any law enforcement officer who is a subject of the video footage, if that officer
 - d. reasonably asserts the video footage has evidentiary or exculpatory value;
 - e. Any superior officer of a law enforcement officer whose body camera recorded the
 - f. video footage or who is a subject of the video footage, if that superior officer
 - g. reasonably asserts the video footage has evidentiary or exculpatory value;
 - h. Any law enforcement officer, if the video footage is being retained solely and
 - i. exclusively for police training purposes;
 - j. Any member of the public who is a subject of the video footage;
 - k. Any parent or legal guardian of a minor who is a subject of the video footage; or
 - I. A deceased subject's spouse, next of kin, or legally authorized designee (Section 1(j)(2)).

- 7. Any member of the public who is a subject of the footage, the parent or legal guardian of a minor who is a subject of the footage, or a deceased subject's next of kin or legally authorized designee, shall be permitted to review the specific footage in question in order to make a determination as to whether they will voluntarily request it be subjected to a three (3) year retention period (Section 1(k)).
- 8. Footage shall not be divulged or used by any law enforcement agency for any commercial or other non-law enforcement purpose.
- 9. Where a law enforcement agency authorizes a third-party to act as its agent in maintaining footage, the agent shall not be permitted to independently access, view, or alter any footage, except to delete videos as required by law or retention policies of the agency.

While the NPC Guidelines on the processing of personal data collected using body-worn cameras include general principles on retention and review, they fall short of the specificity, predictability and enforceability embodied in the ACLU Model Act. The NPC Guidelines require recordings to be retained for only "as long as necessary" to achieve their purpose for which it was obtained. They may continue to be processed for as long as they fall under the applicable criteria for law enforcement processing under Sections 12 and 13 of the Data Privacy Act of 2012.

However, neither the Data Privacy Act nor the NPC Guidelines prescribe specific time limits for retention, categories for extended preservation, procedures for requesting longer retention, or safeguards against premature deletion of footage. This open-ended formulation delegates excessive discretion to the very law enforcement authorities whose conduct the recordings are meant to check. It will create opportunities for selective preservation, inconsistent application, and the potential destruction of material evidence, whether through neglect or design.

By contrast, the ACLU framework imposes mandatory minimum periods, clear classes of persons entitled to inspect recordings, and specific tracks for extended retention, including automatic preservation in cases involving force or complaints. These mechanisms function not only as safeguards for data protection but also as guarantees for accountability. They prevent the suppression of exculpatory material, ensure that families of victims and accused persons have timely access to critical evidence, and insulate recordings from unilateral police control.

Supplementing the NPC Guidelines with concrete and enforceable retention periods; delineated rights of inspection; mandatory preservation of recordings in cases of use of force or complaints of police abuse; as well as strict rules on police review would significantly strengthen the protective value of body-worn cameras. Clear time-bound requirements will also reduce opportunities for tampering and enhance the preservation of evidence.

Public Access to Footage

The ACLU Model Act also adopts a rights-based framework for the public release of bodyworn camera recordings:

1. All video footage of an interaction or event captured by a body camera, if identified with reasonable specificity and requested by a member of the public, must be provided

to the requester in accordance with the procedures for accessing government records under the applicable [Open Records Act or Freedom of Information (FOI) Law] (Section (1)(I)).

- 2. Subject to the public release rule above, the following categories of footage may not be released without the express written permission of the non-law-enforcement subject(s) of the video footage:
 - a. Footage not subject to the minimum three-year retention period; and
 - b. Footage subject to the minimum three-year retention period solely (Section 1(I)(1)).
- 3. Notwithstanding the periods prescribed in Open Records Act/FOI Law, requests for footage subject to the minimum three-year retention period—where a subject is recorded being killed, shot, or grievously injured—must be prioritized, and the footage released as expeditiously as possible, and in no case later than five (5) days from receipt of the request (Section 1(I)(2)).
- 4. Where necessary to protect personal privacy, the right to a fair trial, the identity of a confidential source or a victim of a crime, or the life or safety of any person appearing in the footage, redaction technology may be used to obscure faces and other identifying characteristics, including tone of voice, provided that the redaction does not impair the viewer's ability to fully and accurately understand the recorded events.
 - a. When redaction is performed, an unedited original copy must be retained in accordance with the applicable retention requirements.
 - b. Except as permitted under the rules on redaction or as otherwise expressly authorized by the Act, no editing or alteration of footage, including reduction of video resolution, shall be allowed (Section 1(I)(3)).
- 5. Footage may not be withheld from the public on the ground that it is an investigatory record or was compiled for law-enforcement purposes when the person under investigation is a police officer or other law enforcement employee and the footage concerns that person's on-the-job conduct (Section 1(m)).

The ACLU's approach to public release draws a clear line between privacy interests and the public's right to scrutinize police conduct. In contrast, the Philippine framework is marked by opacity, fragmented authority, and an absence of enforceable rights of access. Under the Supreme Court Rules, body-worn camera recordings used in the execution of search or arrest warrants are to be held under the custody of the issuing court, but the Rules do not create a parallel mechanism for public access nor do they recognize any presumptive right of disclosure to persons directly affected by police operations. Access by the accused is dependent on judicial discretion and compliance by law enforcement agencies, often occurring only after litigation has already commenced.

PNP MC 2018-009 similarly contains no mandatory disclosure mechanism. Recordings remain under police control and may be requested only through investigation channels or upon court order, which is frequently delayed or opposed.

NPC Advisory No. 2020-01 recognizes the need to protect recorded personal data but

provides no concrete timelines for retention, review, or release. Its general formulation—that recordings may be retained "only as long as necessary" or "for as long as required for law enforcement processing"—creates broad discretion for law enforcement and no actionable right for the data subject. As documented in practice, these gaps result in prolonged non-disclosure, delayed access for counsel, and the withholding of potentially exculpatory or impeaching evidence. They also allow police agencies to default to confidentiality even when the footage concerns on-duty conduct that implicates public accountability.

By contrast, the ACLU Model Act sets a presumption of public access, enforced by timelines, limited exceptions, and strict prohibition on withholding footage involving law enforcement officers under investigation for on-duty conduct. It further prevents the manipulation of disclosure by requiring expedited release when footage concerns death, injury from firearms, or grievous bodily harm, which are precisely the types of encounters that recur in Philippine policing—from anti-drug operations to dispersals of assemblies.

Adopting these principles into the Philippine context would help remedy longstanding deficiencies. First, there must be a statutory right of access for persons recorded, their counsel, and, where warranted, the public, subject only to narrowly drawn, exceptions protecting data privacy. Second, delayed disclosure should trigger adverse consequences: when footage is unavailable without adequate justification, courts should apply evidentiary presumptions in favor of the accused and against the State. Third, timelines for disclosure must be definite and enforceable, particularly in cases involving death, injury, or allegations of torture. Fourth, redactions must be permitted only to the extent necessary to protect legitimate privacy or safety interests, without compromising the intelligibility of the events recorded. Finally, public release must not be left to the discretion of the agency. A centralized and independent custodian, whether judicial or civilian, should manage requests, ensure chain of custody, and prevent selective disclosure or suppression of evidence.

Strengthening disclosure along the lines of the ACLU framework would therefore fill a critical accountability gap in a jurisdiction where access to information is neither presumed nor reliably available. In the Philippines, the urgency of adopting rights-based rules for public access is amplified by the absence of a comprehensive FOI law. The current system relies on a patchwork of executive orders and agency-level disclosure protocols, none of which create a uniform, enforceable right of access to law enforcement records. As a result, victims, families, journalists, and civil society organizations routinely encounter discretionary denials, indefinite delays, or blanket invocations of "confidentiality" when seeking evidence of police misconduct.

In a system characterized by widespread police abuse and chronic impunity, the ACLU model's presumption of transparency, thus, offers a concrete template for recalibrating Philippine rules away from opacity toward accountability.

Prohibition on the Use of Facial Recognition Technologies and Suppression of Protected Speech

The ACLU Model Act also establishes categorical safeguards to prevent body-worn cameras from becoming instruments of surveillance or tools for suppressing constitutionally protected activity. It does so through three prohibitions:

1. Body cameras may not be used to gather intelligence based on protected speech, associations, or religion, nor to record activity unrelated to a call for service or an

investigative encounter between a law enforcement officer and a member of the public. They must not be equipped with, or subjected to, any real-time facial recognition technologies (Section 1(g)).

- 2. No body-worn camera footage may be subjected to facial recognition or any other form of biometric analysis (Section 1(r)).
- 3. No footage may be subjected to any automated analysis or analytics unless all of the following strict requirements are met:
 - a. A judicial warrant authorizes the analysis;
 - b. The warrant specifies the precise, previously recorded video to which it applies;
 - c. The issuing court finds probable cause that the footage contains evidence relevant to an ongoing felony investigation; and
 - d. The warrant is consistent with the prohibition on gathering intelligence information based on First Amendment-protected speech, associations or religion (Section 1(r)).

These limitations respond to a well-documented trend in other jurisdictions where body-worn cameras, which were initially introduced as tools of transparency, were later repurposed for dragnet data collection, political profiling, and continuous public monitoring. These risks are even more acute in the Philippine setting. The expansion of body-worn camera deployment without parallel safeguards against biometric or analytic technologies creates substantial opportunities for rights violations, particularly against dissenters, activists, Indigenous peoples, and participants in mass mobilizations.

Given the history of surveillance of political movements and the weaponization of intelligence frameworks against civil society actors, the possibility that body-worn camera footage could be used for real-time tracking, crowd-scanning, or automated identification of protest participants is far from hypothetical. Without express safeguards, body-worn cameras may transform into surveillance tools that are embedded directly into police uniforms.

Thus, while activation and retention rules are essential to deterring enforced disappearances, custodial torture, and other forms of abuse, they must be coupled with firm prohibitions that prevent body-worn cameras from being used to chill protected expression or to generate intelligence on lawful political activity. The ACLU's restrictions offer a valuable model for balancing transparency and evidentiary integrity with safeguards against technologically enabled repression.

Failure to Adhere to Body-Worn Camera Policies

The ACLU Model Act creates clear legal consequences for failures to record, for interference with footage, and for attempts to manipulate or suppress audiovisual evidence:

1. Should any law enforcement officer, employee, or agent fail to adhere to the recording or retention requirements, intentionally interfere with a body camera's ability to

accurately capture video footage, or otherwise manipulate the video footage captured by a body camera during or after its operation:

- a. Appropriate disciplinary action shall be taken against the individual officer, employee or agent.
- b. A rebuttable evidentiary presumption shall be adopted in favor of criminal defendants who reasonably assert that exculpatory evidence was destroyed or not captured.
- c. A rebuttable evidentiary presumption shall be adopted on behalf of civil plaintiffs suing the government, a law enforcement agency and/or law enforcement officers for damages based on police misconduct who reasonably assert that evidence supporting their claim was destroyed or not captured (Section 1 (u)).
- 2. The disciplinary action requirement and rebuttable presumptions in the foregoing sub-section may be overcome by contrary evidence or proof of exigent circumstances that made compliance impossible (Section 1(v)).
- 3. Whenever a law enforcement officer equipped with a body camera is involved in, a witness to, or within viewable sight range of either a police use of force that results in a death, a police use of force where the discharge of a firearm results in an injury, or any law enforcement officer conduct that becomes the subject of a criminal investigation:
 - a. Such officer's body camera shall be immediately seized by the officer's agency or department, or the agency or department conducting the related criminal investigation, and maintained in accordance with the rules governing the preservation of evidence;
 - b. All data on the seized body camera shall be maintained in accordance with the rules governing the preservation of evidence; and
 - c. A copy of the data on the seized body camera shall made in accordance with prevailing forensic standards for data collection and reproduction and shall be made available to the public where required pursuant to Section 1(I) of this Act" (Section 1(w)).
- 4. Any footage recorded in contravention of this Act or any other applicable law may not be offered as evidence by any government entity, agency, department, prosecutorial office, or any other subdivision thereof in any criminal or civil action or proceeding against any member of the public (Section 1(x))
- 5. Any law enforcement policy or other guidance regarding body cameras, their use, or the video footage therefrom that is adopted by a state, county, or local government entity or agency, including any police or sheriff's department, shall be made publicly available on that entity's or agency's website.
- 6. These presumptions may be overcome only by contrary evidence or proof of exigent circumstances rendering compliance impossible (Sec. 1(v)).

As they currently stand, the Supreme Court Rules governing the implementation of arrest

warrants do not render an arrest unlawful, nor do they mandate the exclusion of evidence when the camera was not activated, activated late, or used improperly. Non-compliance is punishable only by contempt of court.

By contrast, the ACLU Model Act imposes a far more robust framework. It requires that disciplinary action be taken against any officer, employee, or agent who fails to adhere to recording or retention requirements, who interferes with the camera's ability to record, or who manipulates footage during or after its creation. It further establishes rebuttable evidentiary presumptions in favor of criminal defendants and civil plaintiffs who reasonably assert that missing or unrecorded footage would have been exculpatory or supportive of their claims. These presumptions shift the evidentiary burden away from individuals harmed by police conduct and create strong incentives for strict compliance.

The ACLU Model Act also provides for critical privacy and anti-surveillance safeguards that are absent from Philippine rules. It provides that no video footage shall be subjected to facial recognition or any other form of biometric analysis, and that no automated analytics may be applied to footage unless a court issues a judicial warrant that specifically authorizes the analysis; identifies the precise pre-recorded video to which the authorization applies; is supported by probable cause that the footage contains evidence relevant to an ongoing felony investigation; and is consistent with the Act's prohibitions on the use of body-worn cameras for intelligence gathering based on protected speech, association, or religion.

These limits are indispensable in the Philippine context, where activists and human rights defenders have long been targeted through red-tagging and intelligence collection. Without explicit prohibitions on biometric analysis and automated data processing, the expansion of body-worn camera use may deepen the state's capacity for political surveillance.

The ACLU Model Act likewise prohibits the use of footage for commercial or non-law-enforcement purposes, and strictly limits the role of third-party custodians. When a law enforcement agency authorizes a third-party service provider to maintain recordings, that agent is expressly forbidden from independently accessing, viewing, or altering the video except to delete files as required by law or policy. This clarity is currently lacking in the Philippines, where data custody is divided across the PNP, the courts, and private contractors without uniform standards for control of access or audit trails.

Finally, the Act mandates that all body-worn camera policies adopted by any law enforcement entity must be publicly accessible through the agency's website. Philippine agencies do not consistently publish their operational guidelines, leaving victims, lawyers, and the public unable to verify compliance or assess deviations from protocol. While some of these documents may be requested and temporarily accessed through the e-FOI portal, availability remains limited, as many uploads are later removed or taken down.

The ACLU Model Act demonstrates how a comprehensive body-worn camera regime links activation, privacy safeguards, public access, evidentiary presumptions, and enforceable penalties into a unified accountability structure.

By contrast, the Supreme Court's existing rules on arrests do not render an arrest unlawful, nor do they provide for automatic exclusion of evidence when cameras are not turned

¹⁸ www.foi.gov.ph

¹⁹ See this request for a copy of the PNP MC 2018-009 submitted to the PNP through the e-FOI portal: https://www.foi.gov.ph/requests/pnp-memoran-dum-circular-no-2018-009/ (Last accessed November 22, 2025). As of this writing, the link to the document has become broken or inaccessible. The only remaining online copy appears to be hosted on Scribd, which requires paid access.

on, activated late, or used improperly. Non-compliance punishable only by contempt of court under the Supreme Court Rules. This limited consequence does not meaningfully deter violations or address persistent patterns of impunity. Strengthening the Supreme Court's framework through a national legislation that specifically incorporates rebuttable evidentiary presumptions when required footage is missing or incomplete would bring Philippine procedures closer to the accountability mechanisms envisioned in the ACLU Model Act.

Effective Body-worn Policies from States, Municipalities and Police Departments

The following section reviews body-worn camera policies adopted across levels of governance in the US and the United Kingdom (U.K.) and highlights measures that have proven effective in practice. Many of these are in line with the ACLU Model Act.

The Supreme Court Rules on the use of body-worn cameras are currently limited to the execution of arrest and search warrants. This narrow scope limits the potential of body-worn cameras in preventing, capturing, and deterring human rights abuses in the full range of interactions with civilians. In line with the ACLU's guidelines requiring the recording of all law enforcement and investigative encounters between police and civilians, many U.S. states and municipalities have required law enforcement to activate their body-worn cameras in a wide array of encounters.

The Chicago Police Department, for example, requires law enforcement officers to record the entire incident for all routine calls for service, investigatory stops, foot and vehicle pursuits, high risk situations, situations that may enhance the probability of evidence-based prosecution, any encounter with the public that becomes adversarial after the initial contact, and any other instance in which the officer is enforcing the law.²⁰ New York State law, Bill S8493 of the New York Senate on the Use of Body-Worn Cameras by New York State Police Officers, requires body-worn cameras to be activated immediately before a law enforcement officer exits the patrol vehicle to engage with a person or situation to remain activated for all interactions with individuals suspected of criminal activity.²¹

Colorado: A Model for Legal Accountability

The State of Colorado has one of the strongest frameworks with respect to legal accountability for use and misuse of body-worn cameras. Its Enhance Law Enforcement Integrity Act (Senate Bill 20-217), which fully went into effect in July of 2023, requires all law enforcement agencies and the Colorado State Patrol to equip their officers with body-worn cameras and prescribed detailed rules for their use. Unlike many body-camera laws that merely set out operational guidelines, Colorado's statute directly addresses the core problem of police discretion, particularly the longstanding practice of selectively turning cameras on or off, and creates enforceable legal presumptions and sanctions to ensure compliance.

Under the law, all officers who interact with the public must wear and activate their cameras

²⁰ Body Worn Camera Directive of the Chicago Police Department. Chicago Police Department Field Operations Policy, S03-14, available at https://www.chicagopolice.org/policy-review/body-worn-cameras-directive_updated-december-2023/ (Last accessed on October 26, 2025), Annex "K."

²¹ Bill S8493 of the New York Senate on the Use of Body-Worn Cameras by New York State Police Officers (2019), available at https://www.nysenate.gov/legislation/bills/2019/s8493 (Last accessed on October 28, 2025), Annex "L."

²² SB20-217 of the Colorado State Senate Concerning Measures to Enhance Law Enforcement Integrity, and in Connection Therewith, Making an Appropriation (Enhance Law Enforcement Integrity Act (2023), available at https://leg.colorado.gov/sites/default/files/2020a-217-signed.pdf (Last accessed on October 28, 2025), Annex "M."

during any call for service or any interaction with civilians, whether consensual or non-consensual, where the purpose is to enforce the law or investigate a suspected violation. The statute does not stop at mandating activation; it establishes a comprehensive and graduated set of consequences for officers who fail to activate or who tamper with cameras or recordings.

The law provides for the following accountability mechanisms:23

1. Permissive inference of misconduct:

"If a peace officer fails to activate a body-worn camera as required by this section or tampers with body-worn camera footage or operation when required to activate the camera, there is a permissive inference in any investigation or legal proceeding, excluding criminal proceedings against the peace officer, that the missing footage would have reflected misconduct by the peace officer." (Colorado Rev. Stat. § 24-31-902(1)(a)(III))

2. Rebuttable presumption of inadmissibility of officer testimony:

"If a peace officer fails to activate or reactivate his or her body-worn camera as required or tampers with the footage or operation when required to activate the camera, any statements or conduct sought to be introduced in a prosecution through the peace officer... that were not recorded due to the police officer's conduct or if the statement or conduct was not recorded by other means, it creates a rebuttable presumption of inadmissibility... This section does not apply if the camera was not activated due to the malfunction of the camera and the peace officer was not aware of the malfunction or unable to rectify it." (Colorado Rev. Stat. § 24-31-902(1)(a)(III) (second paragraph))

3. Mandatory discipline (up to termination)

"In addition to any criminal liability and penalty under the law, if a court, administrative law judge, hearing officer, or a final decision in an internal investigation finds that a peace officer intentionally failed to activate a body-worn camera or dash camera or tampered with any body-worn or dash camera, except as permitted in this section, the peace officer's employer shall impose discipline up to and including termination, to the extent permitted by applicable constitutional and statutory personnel laws and case law." (Colorado Rev. Stat. § 24-31-902(1)(a)(IV)(A))

4. Mandatory suspension of certification

"In addition to any criminal liability and penalty under the law, if a court, administrative law judge, hearing officer, or a final decision in an internal investigation finds that a peace officer intentionally failed to activate a body-worn camera or dash camera or tampered with any body-worn or dash camera, except as permitted in this section, with the intent to conceal unlawful or inappropriate actions or obstruct justice, the P.O.S.T board shall suspend the peace officer's certification for a period of not less than one year and the suspension may only be lifted within the period of the suspension if the peace officer is exonerated by a court." (Colorado Rev. Stat. § 24-31-902(1)(a)(IV)(B))

5. Mandatory permanent revocation of certification (civilian death)

"In addition to any criminal liability and penalty under the law, if a court, administrative law judge, hearing officer, or a final decision in an internal investigation finds that a peace

officer intentionally failed to activate a body-worn camera or dash camera or tampered with any body-worn or dash camera, except as permitted in this section, with the intent to conceal unlawful or inappropriate actions, or obstruct justice, in an incident resulting in a civilian death, the P.O.S.T. board shall permanently revoke the peace officer's certification and the revocation may only be overturned if the peace officer is exonerated by a court." (Colorado Rev. Stat. § 24-31-902(1)(a)(IV)(C))

First, the law creates a permissive inference that missing footage would have reflected officer misconduct where an officer fails to activate the body-worn camera as required or tampers with it, except where the officer was unaware of an equipment malfunction in good faith.

Second, it establishes a rebuttable presumption of inadmissibility for any statements or conduct introduced in a prosecution through the officer that were not recorded because of the officer's failure to activate the camera and were not captured by other means. This operates as an exclusionary rule directed at police testimony and effectively neutralizes the presumption of regularity that perpetrators of human rights violations in uniform have long exploited. It removes the evidentiary advantage typically created by unrecorded encounters.

Third, Colorado imposes mandatory disciplinary sanctions. If a court, administrative law judge, or final internal investigative finding concludes that an officer intentionally failed to activate a camera or tampered with footage, the officer's employer must impose disciplinary sanctions, up to and including termination. Moreover, when intentional non-activation or tampering is done to conceal unlawful conduct or obstruct justice, particularly in incidents leading to serious bodily injury or death, the statute requires the Peace Officer Standards and Training (P.O.S.T.) Board to suspend or permanently revoke the officer's certification. Revocation is mandatory upon findings that concealment was intentional and related to a civilian's death, and reinstatement is possible only if the officer is exonerated by a court.

To summarize, the Colorado statute creates substantive evidentiary consequences. The permissive inference of misconduct and presumption of inadmissibility place the burden of missing footage squarely on law enforcement, not on civilians. It treats non-compliance as professional misconduct. Mandatory employment sanctions, including termination, signal that body-camera manipulation is not a trivial lapse but a breach of public trust. It links non-compliance to officer certification. By empowering the P.O.S.T. Board to suspend or revoke certifications, the law prevents officers who destroyed or suppressed evidence from quietly moving to another jurisdiction.

Without statutory teeth of this kind, body-worn camera systems may just become symbolic. Colorado's approach recognizes that technology alone cannot ensure accountability and that only robust legal rules can prevent police from exercising discretion over when their conduct is documented. Through its remedies and sanctions, Colorado demonstrates how legislation, through a body-worn camera program, can protect civilians, deter abuse, and enhance public transparency. These are principles directly relevant for jurisdictions, such as the Philippines, where impunity remains deeply entrenched.

Embedding Use of Force Accountability in Body-Worn Camera Policies

Body-worn cameras can play a crucial role in preventing the illegal use of force by law enforcement, but this potential can only be realized if the governing are designed with that

objective in mind. A strong body-worn camera policy must address the use of force in the policy itself and contain provisions that compel law enforcement officers to record, and thereby, to deter unlawful or excessive use of force .

The UK offers a useful model. It has one of the most developed body-worn camera systems in the world and requires officers to record instances involving the use of force. The UK was among the first to adopt body-worn cameras, with police departments beginning pilot programs as early as 2005.²⁴ Nearly two decades of practical experience have since informed enhanced and sound body-worn camera policies.

The National Police Chiefs Council (NPCC), which is the national coordinating body for law enforcement in the UK and the representative body for senior police leadership, promulgated a set of guidelines to be implemented across police forces. While these guidelines do not constitute binding national law, they have been widely adopted, including the Metropolitan Police Service, which covers Greater London.

The NPCC's Body-Worn Video Guidance of 2024 includes an equivocal directive on the use of force:25

"Any use of force must be recorded on BWV, unless there are exceptional and justifiable reasons not to. Use of force is subject to a high level of scrutiny, and BWV can provide valuable context around decision making when dealing with violent or aggressive subjects. All users at an incident will be expected to activate their cameras to record, regardless of if other colleagues are already present and recording. Different users will bring different perspectives and viewpoints, and anyone choosing not to record, will be expected to have a strong justification why they didn't. It is identified that there are limitations with carrying an overt camera in a discrete manner, and then mounting and securing when required in a dynamic situation. Consideration should be given to this when reviewing these instances."²⁶

These provisions flip the accountability structure in favor of the public, particularly victims of human rights violations committed by law enforcement officers. This places the burden on the law enforcement officials to prove there was an exceptional and justifiable circumstance for the non-recording, instead of assuming that it is excusable. It prevents officers from hiding behind the ambiguity that typically surrounds unrecorded encounters and ensures that the lack of footage itself triggers scrutiny.

The Metropolitan Police Service incorporates this requirement directly into its body-worn camera policy. It explicitly mandates that the cameras be activated for "any event where a user exercises the use of force against persons or property" and requires that such footage be preserved.²⁷

In the U.S., some body-worn camera policies address the use of force as well. The Bureau of Alcohol, Tobacco, Firearms and Explosives, a federal law enforcement agency, obliges law enforcement officers to activate their body-worn cameras during pre-planned operations where exigent circumstances could lead to the use of force, including arrests and the

²⁴ Axon, *The History of Police Body Cameras: From Invention to Innovation*, Axon, *available at https://www.axon.com/resources/police-body-cameras* (Last accessed on October 29, 2025).

²⁵ National Police Chief's Council, Body-Worn Video Guidance 2024, (October 2024), *available at* https://www.npcc.police.uk/syssiteassets/media/downloads/publications-log/local-policing-coordination-committee/2024/npcc-bwv-guidance-2024.pdf (last accessed on October 28, 2025).

²⁶ *Id*

²⁷ Metropolitan Police, *The Use of Body Worn Video Cameras Policy Statement*, (September 23, 2024) *available at* https://www.met.police.uk/syssiteassets/foi-media/metropolitan-police/policies/body-worn-video-policy-statement-september-2024.pdf (Last accessed on October 28, 2025).

execution of search warrants.²⁸ New York State's Bill S8493 of 2020 mandating body-worn camera use for the entire state police requires activation for all uses of force, including any display of aggression and deployment of lethal or non-lethal weapons by law enforcement.²⁹

In these U.S. and U.K. approaches, body-worn cameras must serve as tools for constraining police violence. To do so, activation rules cannot be limited to controlled, planned operations or left to officer discretion. Mandatory and comprehensive recording of force-related encounters ensures that the evidentiary record reflects the full context of police actions and prevents officers from shaping the narrative through selective documentation.

These lessons are directly relevant to the Philippine setting, where use-of-force incidents, including fatal police operations, are routinely undocumented or inconsistently recorded, and where the absence of footage often shields abusive conduct from accountability. The policies reviewed above demonstrate that recording the use of force is a primary requirement for any genuine body-worn camera regime aimed at protecting rights and promoting accountability.

International Standards on Body-Worn Cameras

Although international standards on body-worn cameras remain limited, UN Special Rapporteurs, the UN Human Rights Committee, and international non-government organizations (NGOs) have emphasized the need for transparency, accountability and proper safeguards in the use of body-worn cameras to prevent human rights violations.

In 2015, when body-worn cameras were gaining traction in police departments across the world, the Special Rapporteur on extrajudicial, summary or arbitrary executions Christof Heyns published a report on the use of information and communications technology to secure the right to life.³⁰ His report emphasized that recordings by information and communications technologies, including body-worn cameras, greatly enhance the opportunity to hold individuals to account for human rights violations and can prevent the commission of those violations.

However, in order to adequately prevent human rights violations, the recording devices must be paired with robust accountability mechanisms. He noted that body-worn cameras only deter violations to the right to life if proper procedures and enforceable sanctions are in place. For example, police officers should not exercise full control over their cameras, particularly with respect to activation and deactivation, as this enables selective documentation. He also emphasized the importance of credible punitive measures for noncompliance. Where policies fail to specify concreted consequences for failing to activate, tampering with, or otherwise manipulating body-worn cameras, they should be replaced with stronger provisions on accountability.

The UN Human Rights Council has also addressed the use of body-worn cameras in various thematic and country-specific reports. Across these documents, it was consistently stressed that body-worn cameras be used continuously, lawfully, and in a manner that does not

²⁸ U.S. Department Of Justice, Bureau Of Alcohol, Tobacco, Firearms And Explosives, *Special Agent Body-Worn Cameras* (June 22, 2022), available at https://www.atf.gov/resource-center/docs/guide/atf-o-30203a-special-agent-body-worn-cameras/download (Last accessed on October 28, 2025).

²⁹ Bill S8493 of the New York Senate on the Use of Body-Worn Cameras by New York State Police Officers (2019), available at https://www.nysenate.gov/legislation/bills/2019/s8493 (Last accessed on October 28, 2025).

³⁰ United Nations, Human Rights Council, The Use of Information and Communications Technologies to Secure the Right to Life, Report of the Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions Christof Heyns, A/HRC/29/37 (April 24, 2015), available at https://docs.un.org/en/a/hrc/29/37 (Last accessed on October 25, 2025).

permit selective or discretionary recording for there to be accountability for human rights violations by law enforcement .³¹ These recommendations reflect the principles discussed in this paper, most importantly that body-worn cameras should be mandatory for all police officers, that law enforcement officials should not have unilateral control over activation and deactivation, and that meaningful sanctions must apply when cameras are switched off or tampered with.

International guidance can also be drawn from UN treaty body reviews. For instance, the Committee Against Torture commended Armenia for enacting legislation requiring patrol police to continuously wear cameras, recognizing it as a significant safeguard against torture and ill-treatment. Conversely, the Committee criticized a body-worn camera bill in Luxembourg for failing to situate the policy within a framework focused on preventing and punishing excessive use of force. These assessments illustrate how body-worn camera policies are increasingly evaluated by international bodies for their effectiveness in constraining police power and protecting human rights, not merely for their technological or operational features.²²

The Geneva Centre for Security Sector Governance (DCAF), a UN-partnered Swiss foundation supported internationally and governed by a council of 40 states, has likewise issued detailed recommendations on body-worn camera programs.³³ DCAF underscores that the technology is only as effective as the oversight structure surrounding it. It recommends both internal and external accountability mechanisms, including routine supervisory review of footage (such as weekly audits to assess activation, adherence to policy, and use of force incidents) and the establishment of an independent organ empowered to investigate noncompliance or misuse.

Some states have already adopted oversight models consistent with these recommendations. Barbados, for example, created a civilian oversight authority mandated to handle complaints against police officers and to conduct independent investigations. As part of this mandate, it reviews body-worn camera footage to verify proper use and detect any misconduct. The authority's annual reports, submitted to and reviewed by Parliament, provide a structured means to identify policy gaps and strengthen regulatory frameworks. This form of external civilian oversight represents a crucial accountability safeguard, particularly in jurisdictions where internal review alone has historically failed to prevent or detect abuses.

Thus, emerging guidance from international human rights bodies underscores that body-worn cameras can only contribute meaningfully to the prevention of abuses when embedded within robust, rights-based policies. Proper regulation is essential not only to deter violations but also to secure timely access to justice for victims.

International Human Rights Obligations and the Need for Robust Body-Worn Camera Policies

³¹ United Nations, General Assembly, Impact of New Technologies on the Promotion and Protection of Human Rights in the Context of Assemblies, Including Peaceful Protests, Report of UN High Commissioner for Human Rights, A/HRC/44/24 (June 24, 2020), available at https://docs.un.org/en/a/hrc/44/24 (Last accessed on October 25, 2025).

³² United Nations, Committee Against Torture, Committee Against Torture Concludes Seventy-Sixth Session After Adopting Concluding Observations on Reports of Brazil, Colombia, Ethiopia, Kazakhstan, Luxembourg and Slovakia (May 12, 2023), available at https://www.ohchr.org/en/meeting-summaries/2023/05/committee-against-torture-concludes-seventy-sixth-session-after-adopting (Last accessed on October 20, 2025).

³³ Geneva Center For Security Governance, *The Use of Video Surveillance for Police Accountability: Benefits, Limitations and Considerations, available at* https://www.dcaf.ch/sites/default/files/publications/documents/dcaf_eca_pp_video_surveillance_paper_final_v20210811_0.pdf (Last accessed On October 26, 2025).

International law provides a strong normative foundation for the adoption of bodyworn cameras and for the establishment of clear, enforceable policies governing their use. These instruments articulate state obligations to prevent torture, protect life, ensure accountability for abuses, and provide effective remedies to victims. Body-worn camera systems, when properly regulated, directly support these obligations.³⁴

Body-worn cameras are important tools for enabling law enforcement agencies to review their own practices concerning arrest, detention, and custodial operations. Article 11 of the Convention against Torture (CAT) obligates States Parties to "keep under systematic review interrogation rules, instructions, methods and practices" to prevent torture and ill-treatment. Audiovisual documentation generated by body-worn cameras can expose abusive practices, reveal operational gaps, and facilitate institutional reforms aimed at preventing ill-treatment during arrest or detention.³⁵

International law not only requires preventive measures, but also mandates effective investigation of violations. The Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, Principle 9, requires "thorough, prompt and impartial investigations" into suspicious deaths, supported by the comprehensive collection of documentary evidence. Body-worn cameras, when activated consistently and governed by strict retention and disclosure rules, provide precisely the type of real-time evidence that is indispensable in investigations of unlawful killings, including those occurring during police operations.

Similarly, Article 12 of the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) requires authorities to promptly and impartially investigate any allegation of enforced disappearance. In cases where disappearances occur during police-led operations or at moments of apprehension, body-worn camera footage can be a critical source of information, but only if policies require activation during all civilian encounters. A weak activation rule directly undermines states' ability to comply with their investigative obligations.³⁶

Body-worn camera programs must also serve the aim of restoring public trust and ensuring accountability, consistent with the Updated Set of Principles for the Protection and Promotion of Human Rights Through Action to Combat Impunity. Principle 35 emphasizes that victims should not be repeatedly subjected to violations while seeking justice, and obliges states to adopt institutional reforms that reinforce the rule of law. This necessarily includes clear standards governing BWCs and real consequences for non-compliance. Exclusionary rules, rebuttable presumptions, and sanctions for officers who deactivate or tamper with cameras are essential to meeting this requirement.

Article 2(3) of the International Covenant on Civil and Political Rights (ICCPR) similarly obliges States Parties to ensure effective remedies for rights violations, including those committed by persons acting in an official capacity. Body-worn cameras can be instrumental in securing these remedies, provided their use is accompanied by robust safeguards that prevent

³⁴ United Nations Human Rights Committee, Office of the High Commissioner, *Manual on Human Rights for Law Enforcement Officials*, (2025), *available at* https://www.ohchr.org/sites/default/files/documents/publications/professional-training/manual-hr-for-law-enforcement-officials-ch21.pdf (Last accessed on October 27, 2025).

³⁵ Convention Against Torture and Other Cruel Inhuman or Degrading Treatment of Punishment, December 10, 1984, available at https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-against-torture-and-other-cruel-inhuman-or-degrading (Last accessed on November 1, 2025). This is a core international human rights instrument that the Philippines is yet to ratify, although it has already enacted a domestic law against torture, R.A. 9745 or the Anti-Torture Act in 2009.

³⁶ International Convention for the Protection of All Persons From Enforced Disappearance, December 20, 2006, available at https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-protection-all-persons-enforced (Last accessed on November 1, 2025).

manipulation, deletion, or selective activation. Body-worn cameras can significantly aid in bringing justice to individuals whose rights have been violated by officers of the state.

Thus, emerging guidance from international human rights instruments and bodies underscores that body-worn cameras contribute meaningfully to the protection of rights only when embedded within comprehensive, rights-based policies. Proper regulation, not merely the presence of the technology, is essential to deter abuses, enable effective investigation, and secure timely access to justice for victims.

³⁷ International Covenant on Civil and Political Rights, December 16, 1966, available at https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights (Last accessed on November 1, 2025).

IV. BUILDING A UNIFIED, RIGHTS-BASED FRAMEWORK FOR BODY-WORN CAMERAS IN THE PHILIPPINES

Despite the existence of various guidelines from the PDEA, PNP, NAPOLCOM, Supreme Court, and the NPC, the Philippines still lacks a single, coherent statute that governs the activation, retention, access, release, and accountability mechanisms for body-worn camera systems. The result is a fragmented and inconsistent regime that allows law enforcement agencies to selectively activate cameras, destroy or fail to preserve footage, restrict access by victims and counsel, and avoid consequences for non-compliance. As the case of Ian Alabastro and hundreds of other torture victims arrested during the September 21 protest demonstrates with unsettling clarity, these regulatory gaps directly translate to impunity on the ground.

To address this, Congress must enact a unified, rights-based Body-Worn Camera Transparency and Accountability Act that harmonizes conflicting issuances, establishes minimum national standards, and imposes enforceable legal consequences. This statute must incorporate international human rights principles, constitutional guarantees, and empirical lessons from jurisdictions such as Colorado, New York, Chicago, and the United Kingdom.

Below are the core recommendations drawn from the analysis in this paper.

A. Guiding Principles for Legislation

A Philippine body-worn camera law must embody the following principles:

- 1. Transparency as a public right, not a discretionary privilege of law enforcement.
- 2. Accountability as a legal obligation, backed by rebuttable presumptions, exclusionary rules, and administrative/criminal sanctions.
- 3. Victim-centered access, ensuring that persons harmed by police abuse and their counsel have clear rights to inspect and obtain footage.
- 4. Oversight independent of law enforcement, with external civilian review and automatic reporting.
- 5. Protection against surveillance misuse, including categorical prohibitions against facial recognition, biometric analysis, and dragnet monitoring.
- 6. Tamper-proof retention and secure custody, especially in cases of custodial violence, torture, enforced disappearances, and extra-judicial killings.
- 7. Uniform national standards, applicable to all law enforcement agencies (PNP, PDEA, NBI, BOC, LTO, local traffic enforcement units).
- 8. A whole-of-operation obligation, requiring continuous recording from first contact until the encounter fully concludes.

- 9. Non-activation as misconduct, creating adverse evidentiary inferences and triggering mandatory discipline.
- 10. Rights-consistent data protection, ensuring footage is used only for legitimate law enforcement purposes and never for chilling dissent, political targeting, or mass surveillance.

B. Core Statutory Obligations

A rights-based body-worn camera law must establish clear, enforceable obligations for law enforcement agencies and officers. These obligations must remove discretion, eliminate loopholes, and ensure that the camera functions as a safeguard against. Comparative experience, from the ACLU Model Act to Colorado's SB20-217, shows that policies without mandatory rules, explicit prohibitions, and statutory sanctions simply reproduce the conditions in which undocumented rights violations and impunity flourish. The Philippine context, marked by recurring patterns of selective recording, non-documentation, and lack of accountability, requires a statute with uncompromising precision.

1. Mandatory Activation

At the heart of any effective body-worn camera system is an unequivocal requirement to record all law enforcement or investigative encounters with civilians. Activation must be mandatory for arrests (warranted or warrantless), the execution of arrest, search, or inspection warrants, responses to calls for service, traffic stops, custodial transfers, and all forms of detention. Officers must also activate cameras during crowd-control operations, including political assemblies and protest dispersals, which are contexts where allegations of excessive force and abuse are most prevalent. Activation should begin before contact with civilians and continue uninterrupted until the encounter is fully resolved. This mirrors international best practice, including the NPCC guidelines in the UK and the statutory "always-on" presumption reflected in Colorado law. A Philippine statute must similarly eliminate officer discretion; otherwise, critical moments will continue to go unrecorded, often by design.

2. Strict Limits on Deactivation

Equally important as mandatory activation is the strict limitation on the circumstances in which an officer may deactivate a body-worn camera. Deactivation must be treated as an exception, not a default option. The law should permit it only under narrowly tailored grounds: (1) when a victim in a sensitive situation expressly and voluntarily requests deactivation, with such request captured on video; (2) when needed to protect the identity of confidential informants or undercover officers; (3) when entering a private residence and the occupant requests that recording cease; and (4) in rare situations where imminent threats make activation impossible, provided activation resumes at the first safe opportunity. Any deactivation must be preceded by an on-camera verbal justification and followed by a written report. This structure ensures both accountability and traceability and prevents after-the-fact rationalizations that routinely shield misconduct.

3. Retention and Preservation

Retention and preservation rules are fundamental to transparency and integrity of evidence. The ACLU Model Act provides a rigorous framework that does not rely on police discretion: a six-month default retention period, and automatic three-year retention for all

high-risk or rights-implicated footage. This includes recordings of incidents involving use of force, custodial injuries or deaths, allegations of torture or mistreatment, minors, and any encounter where a complaint has been filed. Subjects of the footage, their parents (for minors), and next-of-kin of deceased persons must have the right to request extended retention. Following Colorado's practice, footage taken during warrant-based operations should be placed under judicial custody to avoid selective deletion or alteration. This eliminates the possibility that law enforcement agencies can destroy material evidence while investigations or prosecutions are pending.

4. Public Release and Access

Access to footage must be governed by explicit statutory rights, especially given the Philippines' continuing absence of an FOI law. Individuals recorded in the footage, victims, and their counsel must have the right to inspect recordings and obtain copies within a reasonable and enforceable timeframe. For cases involving death or grievous injury, families should receive prioritized access within five days, with release to the public following shortly thereafter. Redaction procedures must protect privacy without obscuring material facts, preventing agencies from using privacy as a pretext for withholding evidence of misconduct. In the absence of clear legislative guarantees, access remains vulnerable to bureaucratic discretion and political interference.

5. Independent Oversight

An effective body-worn camera framework requires an external, independent oversight mechanism—not one housed within the PNP, NAPOLCOM or jointly administered with these agencies. The statute should establish an Independent Body-Worn Camera Accountability Office, modeled on the civilian oversight structures endorsed in the ACLU Model Act and Colorado's independent reporting system. This office must be empowered to conduct random audits, review footage for use of force incidents, investigate non-activation or tampering, issue public reports, and make referrals to the Office of the Ombudsman, Department of Justice, and other disciplinary or prosecutorial bodies. Without such independent oversight, internal police mechanisms will continue to allow deliberate non-compliance.

6. Facial Recognition and Surveillance Prohibitions

Given the documented misuse of surveillance technologies against activists and human rights defenders, the law must include categorical prohibitions on transforming body-worn cameras into tools of state surveillance. Following Sections 1(g) and (r) of the ACLU Model Act, the statute must ban real-time facial recognition, biometric processing, and automated analytics. The law must also bar commercial uses, political intelligence gathering, and any processing targeting freedoms of speech and association. These prohibitions are meant to prevent body-worn cameras from becoming instruments of suppression.

7. Accountability Mechanisms

Finally, the law must impose enforceable accountability measures. Drawing directly from Colorado's model, the statute should establish: (1) a permissive inference that missing or unrecorded footage would have shown officer misconduct; (2) a rebuttable presumption of inadmissibility for unrecorded officer testimony; (3) mandatory administrative sanctions ranging from reprimand to termination; (4) suspension or revocation of law enforcement certification for intentional non-activation or tampering; (5) criminal penalties for

destruction, alteration, or concealment of recordings; and (6) civil liability for officers and supervising agencies. These mechanisms ensure that failure to record no longer benefits the officer or disadvantages the victim. These consequences will help ensure that bodyworn cameras will no longer remain optional, discretionary, and ultimately ineffective.