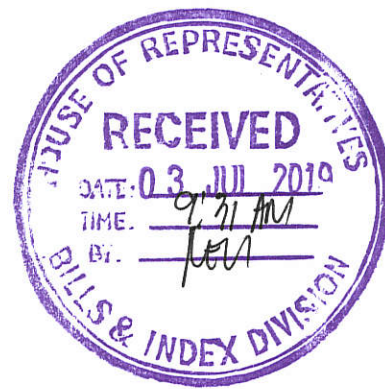


REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
QUEZON CITY

EIGHTEENTH CONGRESS
First Regular Session



HOUSE BILL NO. 1229

Introduced by REPRESENTATIVES ENRICO A. PINEDA and
MICHAEL ODYLON L. ROMERO, PhD.


EXPLANATORY NOTE

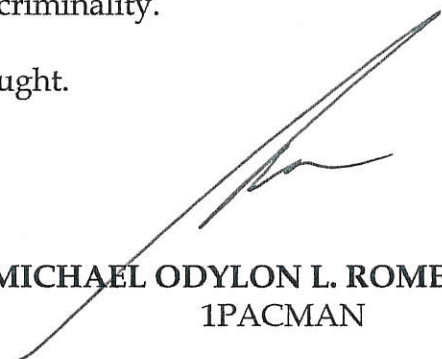
The Philippines is one of the many jurisdictions with a low conviction rate and such is attributed to the fact that not much evidence or tool for evidence gathering is made available to our law enforcement officers. Apart from scarce equipment and technology which is a farce compared to other advanced countries, the Philippines has a legal environment that limits the capabilities and capacities of its able law enforcement officers. There is a need to somewhat revisit our policy on evidence gathering and make available to our law enforcement officers tools such as consensual recording which has been proven effective in the United State of America (USA) in achieving their high conviction rates and efficient crime prevention efforts.

In consensual recording, an officer who most often goes undercover or through an informant, makes a telephone call or proceeds to a face to face meeting and personally records his conversation with a certain person of interest without need of a court order. In this type of evidence gathering, what is required is that the law enforcement officer or the person under his authority makes the recording of a conversation of which they are parties and in which a crime is being committed, discussed or at the very least alluded to. This tool as used in the US justice system has proved to be an efficient tool to prosecute or even prevent crimes such as drug trafficking, theft, public corruption and terrorism. It has also helped protect the innocent as the recording of the conversation would make it difficult for law enforcement officers to misrepresent what had really transpired in the conversation. Definitely, it would be a good means to prevent instances where law enforcement officers allegedly plants evidence against suspected offenders.

It is believed that only with properly empowered law enforcement organization focused and motivated of preserving peace and order could the country achieve a society free from dangers of crime. If they will be provided with this tool that has proved effective in other territories, we may be on our way to achieve not only a high conviction rate but more importantly, a low incidence of criminality.

Early passage of this bill is earnestly sought.


ENRICO A. PINEDA
1PACMAN


MICHAEL ODYLON L. ROMERO, PhD
1PACMAN

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HOUSE BILL NO. 1229

Introduced by REPRESENTATIVES ENRICO A. PINEDA and
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Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

AN ACT ALLOWING FOR SINGLE PARTY CONSENSUAL RECORDING IN LAW ENFORCEMENT

SECTION 1. Title. This Act shall be known as the "Consensual Recording Law Enforcement Act".

SECTION 2. Consensual Recording by Law Enforcement Officer. A law enforcement officer is authorized to record an oral communication to which the officer or a person under the direct supervision of the officer is a party. For purposes of this section, a person is a party to an oral conversation if the oral communication is directed to such person or through telephone or other similar means, or is made in the person's immediate presence and is audible to the person regardless of whether the communication is specifically directed to such person.

SECTION 3. Admissibility of Consensual Recording. No recording made under this Act shall be admissible in court unless it is proven that the recording presented is of the entire conversation free from any alterations. It shall be made part of the recording, a recitation of the circumstances including the identity of the person making the recording, the date, time and place where the recording is made, the person or persons subject of the recording, and the offense for which the recording is being made.

SECTION 4. Repealing Clause. All laws, decrees, executive orders, administrative orders or parts thereof inconsistent with the provisions of this Act is hereby repealed, amended or modified accordingly.

SECTION 5. Separability Clause. If any provision of this Act is held invalid or unconstitutional, other provisions not affected thereby shall continue to be in full force and effect.

SECTION 6. Effectivity Clause. This Act shall take effect fifteen (15) days following its complete publication in the Official Gazette or in at least two (2) newspaper of general circulation.

Adopted,