



Republic of the Philippines
Supreme Court
Manila

EN BANC

NOTICE

Sirs/Mesdames:

Please take notice that the Court En Banc issued a Resolution dated June 29, 2021, which reads as follows:

“A.M. No. 21-06-08-SC (Rules on the Use of Body-Worn Cameras in the Execution of Warrants)

RESOLUTION

WHEREAS, Article III, Section 1 of the Constitution guarantees that no person shall be deprived of life, liberty, and property without due process of law;

WHEREAS, Article III, Section 2 of the Constitution mandates the right of the people against unreasonable searches and seizures;¹

WHEREAS, there are increasing reports of civilian deaths resulting from the execution of warrants issued by trial courts, the causes and conditions surrounding such deaths being widely disputed;

WHEREAS, following these incidents, the Supreme Court received letters from lawyers’ groups and several human rights advocates docketed as A.M. No. 21-03-16-SC, imploring it to review the procedure in the issuance

¹ CONST., art. III, sec. 2 states:

SECTION 2. The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures of whatever nature and for any purpose shall be inviolable, and no search warrant or warrant of arrest shall issue except upon probable cause to be determined personally by the judge after examination under oath or affirmation of the complainant and the witnesses he may produce, and particularly describing the place to be searched and the persons or things to be seized.

of search warrants, particularly Chapter V, Section 12 of A.M. No. 03-8-02-SC, as amended;

WHEREAS, the Supreme Court is vested with the power to promulgate rules concerning the protection and enforcement of constitutional rights, pleading, practice, and procedure in all courts;²

WHEREAS, pursuant to its constitutional authority, the Supreme Court adopted the Revised Rules of Criminal Procedure and their amendments, providing the procedure in the prosecution of criminal offenses before the trial courts while ensuring the protection of constitutional rights;

WHEREAS, Rules 112 and 113 of the Revised Rules of Criminal Procedure specify the procedure for the issuance and execution of arrest warrants;

WHEREAS, Rule 126 of the Revised Rules of Criminal Procedure outlines the procedure for the issuance and execution of search warrants;

WHEREAS, Chapter V, Section 12 of A.M. No. 03-8-02-SC, as amended,³ provides an exception to Section 2 of Rule 126, insofar as it allows the Executive Judges of the Regional Trial Courts of Manila and Quezon City to issue search warrants that may be served in places outside of their territorial jurisdiction;

WHEREAS, advances in technology, particularly the availability of body-worn cameras, make it possible to integrate its use to support law enforcement and to guarantee the protection of fundamental rights;

² CONST., art. VIII, sec. 5(5) states:
SECTION 5. The Supreme Court shall have the following powers:

.....
(5) Promulgate rules concerning the protection and enforcement of constitutional rights, pleading, practice, and procedure in all courts...

³ A.M. No. 03-8-02-SC, ch. V, sec. 12, as amended, states:
SECTION 12. *Issuance of search warrants in special criminal cases by the Regional Trial Courts of Manila and Quezon City.* — The Executive Judges and, whenever they are on official leave of absence or are not physically present in the station, the Vice-Executive Judges of the RTCs of Manila and Quezon City shall have authority to act on applications filed by the National Bureau of Investigation (NBI), the Philippine National Police (PNP), the Anti-Crime Task Force (ACTAF), the Philippine Drug Enforcement Agency (PDEA), and the Bureau of Customs, for search warrants involving heinous crimes, illegal gambling, illegal possession of firearms and ammunitions as well as violations of the Comprehensive Dangerous Drugs Act of 2002, the Intellectual Property Code, the Anti-Money Laundering Act of 2001, the Tariff and Customs Code, as amended, and other relevant laws that may hereafter be enacted by Congress, and included herein by the Supreme Court.

The applications shall be personally endorsed by the heads of such agencies and shall particularly describe therein the places to be searched and/or the property or things to be seized as prescribed in the Rules of Court. The Executive Judges and Vice-Executive Judges concerned shall issue the warrants, if justified, which may be served in places outside the territorial jurisdiction of the said courts.

The Executive Judges and the authorized Judges shall keep a special docket book listing names of Judges to whom the applications are assigned, the details of the applications and the results of the searches and seizures made pursuant to the warrants issued.

This Section shall be an exception to Section 2 of Rule 126 of the Rules of Court.

WHEREAS, Section 4(e)⁴ of Republic Act No. 10173, or the Data Privacy Act of 2012, excludes from its coverage information necessary to carry out law enforcement functions;

WHEREAS, the use of body-worn cameras can produce video and audio recordings of the circumstances surrounding the execution of warrants;

WHEREAS, such recordings can deter the excessive use of force by law enforcement officers in the execution of warrants and can aid trial courts in resolving issues that may become relevant in the criminal case, such as conflicting eyewitness accounts;

WHEREAS, Congress has appropriated funds for the procurement of body-worn cameras for use of the Philippine National Police;

WHEREAS, the National Police Commission has issued Resolution No. 2017-369, prescribing the minimum standard specifications for body-worn cameras to be used in law enforcement;

WHEREAS, the Philippine National Police has issued PNP Memorandum Circular No. 2018-009, which provides the Operational Guidelines and Policies on the Use of Body-Worn Cameras;

WHEREAS, the Philippine National Police has already procured body-worn cameras for its police operations, trained its officers, and deployed the body-worn cameras for use;

NOW, THEREFORE, acting on the recommendations of Associate Justice Marvic M.V.F. Leonen, this Court, sitting *En Banc*, resolves to **APPROVE** the “**RULES ON THE USE OF BODY-WORN CAMERAS IN THE EXECUTION OF WARRANTS**” as follows:

⁴ Republic Act No. 10173 (2012), sec. 4(e) states:

SECTION 4. *Scope.* –

This Act does not apply to the following:

. . . .

(e) Information necessary in order to carry out the functions of public authority which includes the processing of personal data for the performance by the independent, central monetary authority and law enforcement and regulatory agencies of their constitutionally and statutorily mandated functions. Nothing in this Act shall be construed as to have amended or repealed Republic Act No. 1405, otherwise known as the Secrecy of Bank Deposits Act; Republic Act No. 6426, otherwise known as the Foreign Currency Deposit Act; and Republic Act No. 9510, otherwise known as the Credit Information System Act (CISA). . .

**RULES ON THE USE OF BODY-WORN CAMERAS
IN THE EXECUTION OF WARRANTS**

RULE 1

GENERAL PROVISIONS

SECTION 1. *Title.* — These Rules shall be known and cited as the “Rules on the Use of Body-Worn Cameras in the Execution of Warrants.”

SECTION 2. *Scope and Applicability.* — These Rules shall apply to all applications, issuances, and executions of arrest and search warrants under the Revised Rules of Criminal Procedure. These Rules shall also apply to warrantless arrests as provided in Rule 2, Section 3 of these Rules.

SECTION 3. *Supplementary Nature of these Rules to the Existing Rules of Procedure.* — These Rules shall supplement the existing Revised Rules of Criminal Procedure, which provisions shall continue to govern all stages of the prosecution of criminal actions.

Remedies provided under existing rules shall, whenever applicable, be made available to any party who seeks relief from any of the orders provided under this Rule.

SECTION 4. *Definition of Terms.* — For purposes of these Rules, the following terms are defined as follows:

1. **Alternative Recording Device** — An electronic camera system which is not a body-worn camera, that is capable of creating, generating, sending, receiving, storing, displaying, and processing audio-visual recordings, and may be worn during law enforcement activities. It may be used as a substitute for body-worn cameras in case of unavailability. To be used as a functional equivalent, it shall comply with the following minimum standard requirements:

- | | | | |
|------|------------------------|---|--|
| i. | Video resolution | : | 720p or higher |
| ii. | Frame rate | : | 30 frames per second |
| iii. | Audio | : | Built-in |
| iv. | Data and time stamping | : | Built-in |
| v. | GPS | : | Built-in |
| vi. | Battery life | : | 8 hours continuous |
| vii. | Storage | : | Capable of storing 8
hours continuous audio-
video footage |

- viii. Low-light recording : With night mode built in, a low lux rating, and/or an infrared (IR) illuminator

In any case, the alternative recording device shall be capable of capturing with reasonable clarity the events that transpire during the implementation of the warrant.

2. Body-Worn Camera — An electronic camera system designated to law enforcement units for creating, generating, sending, receiving, storing, displaying, and processing audio-visual recordings that may be worn during law enforcement activities.
3. Data Custodian — An officer of the law enforcement agency implementing the arrest or search warrant, who has the sole responsibility of storing and safekeeping data recorded from body-worn cameras.
4. Metadata — Information within the recording file containing any digital identifiers that are captured as part of the actual recording, such as the recording date, time, GPS coordinates, etc.
5. Recording — Digital material generated as a result of using body-worn cameras or alternative recording devices, which contains images and audio-video footages. It shall include the copies of the material created by way of copying to portable media storage and other data repositories.

RULE 2

ARREST WARRANTS

SECTION 1. *Issuance of Warrant and Requirement to Use Body-Worn Cameras.* — Upon finding probable cause, the trial court shall issue an arrest warrant with an order requiring the use of at least one body-worn camera and one alternative recording device, or a minimum of two devices, or such number as may be necessary to capture and record the relevant incidents during its execution.

In case of unavailability of body-worn cameras, the law enforcement officers who will implement the warrant shall file an *ex parte* motion before the court, requesting authority to use alternative recording devices for justifiable reasons. Should the trial court find merit in the motion, it shall issue an order allowing the use of alternative recording devices, which order shall be attached to and form part of the arrest warrant. If a body-worn

camera is not available, the officers must use at least two alternative recording devices.

SECTION 2. *Notification to Person to be Arrested and Other Subjects.* —

When making an arrest by virtue of a warrant, the officers wearing the body-worn cameras or alternative recording devices shall, as early as practicable, notify the person to be arrested and the other subjects of the recording that the execution of the warrant of arrest is being recorded and that they are making an arrest pursuant to a warrant issued by a court.

SECTION 3. *Use of Body-Worn Cameras During Arrest.* —

At least one body-worn camera and one alternative recording device, or such number as necessary to capture and record the relevant incidents during execution of the warrant shall be worn by members of the team making the arrest by virtue of a warrant. Should a body-worn camera be unavailable, at least two alternative recording devices must be used. The officers having such cameras shall ensure that they are worn in a conspicuous location and in a manner that maximizes their ability to capture a recording of the arrest.

Both video and audio recording functions of the cameras shall be activated as soon as the officers arrive at the place of arrest. Unless provided in Rule 4, Section 10 of these Rules, the cameras shall not be deactivated until the arrest has been fully concluded and the arresting officers have delivered the person arrested to the nearest police station or jail pursuant to Rule 113, Section 3 of the Revised Rules of Criminal Procedure.

Where a peace officer effectuates an arrest under Rule 113, Section 5 of the Revised Rules of Criminal Procedure and insofar as it is practicable, the arrest shall be recorded using body-worn cameras or alternative recording devices in the same manner as an arrest made with a warrant. Further, in cases of warrantless arrests effected under Section 21 of the Comprehensive Dangerous Drugs Act of 2002, as amended, the media representative may be allowed to record the operation, subject to the custody requirements under Rule 4, Sections 1, 2, and 3 of these Rules.

In case of malfunction, damage, or unavailability of body-worn cameras, resort to alternative recording devices may be allowed. Reasons for resorting to such alternative devices shall be explained in the affidavit to be submitted to the court under Section 4 of this Rule.

SECTION 4. *Affidavit of Arrest and Submission of Recordings to Court.* —

Upon filing of the report under Rule 113, Section 4 of the Revised Rules of Criminal Procedure, all recordings from the body-worn cameras or alternative recording devices used during the execution of the warrant shall be stored in an external media storage device and simultaneously deposited in a sealed package with the issuing court, provided that the officer may,

with leave of court, retain a back-up copy for justifiable reasons for a period not exceeding 15 days. In case of redaction of personal identifiers in the recordings pursuant to Rule 4, Section 4 of these Rules, both the unredacted and the redacted files shall be submitted to the court. The report shall be accompanied by affidavits of the officers whose body-worn cameras or alternative recording devices were used to capture the recordings, and the affidavits shall state:

1. The date, time, and place of the recording;
2. The manner by which the recording was taken and stored, and when applicable, the fact of unavailability of body-worn cameras and that a resort to alternative recording devices was necessary, and the circumstances detailing the non-activation, interruption, or sudden termination of the recording;
3. The fact that persons subject of the recording were notified of the use of body-worn cameras or alternative recording devices;
4. The date, time, place, and other circumstances surrounding the first instance of retrieval or download of the recordings from the cameras;
5. The names and positions of the persons who had possession of and access to the recordings, including details of such access, from the time of their taking until their deposit with the court;
6. The fact of redaction of personal identifiers appearing in the recording whenever applicable, the special circumstances justifying such redaction, and the details redacted, pursuant to Rule 4, Section 4 of these Rules;
7. Whenever applicable, a certification that both unredacted and redacted files containing the recordings are submitted to the court;
8. The names and positions of the officers who will be delivering the recordings to the court;
9. Reasonable ground in case of noncompliance with any of the requirements on the use of body-worn cameras or alternative recording devices, including all acts undertaken showing genuine and sufficient efforts exerted to ensure compliance with these Rules.

In case of death, physical disability, resignation, or severance of ties with the agency of the officers whose body-worn cameras or alternative recording devices were used in the execution of the warrant, any member of the arresting team shall make the affidavit.

In case of failure to execute the warrant of arrest, the officer to whom it was assigned for execution shall, within 30 days from such assignment, file a report stating the reasons for such failure. It is also the duty of the issuing judge to ascertain if the report filed under Rule 113, Section 4 of the Revised Rules of Criminal Procedure is accompanied by the required affidavits, and if none, to issue a show cause order against the responsible officer and to require the submission. If the officer fails to comply with such order, he or she may be held liable for contempt of court until the proper submission is made.

In case of the use of body-worn cameras or alternative recording devices during warrantless arrests pursuant to Section 3 of this Rule, the recordings and the affidavits of arrest shall be submitted to the prosecutor conducting the inquest proceedings, and they shall form part of the records of such proceedings.

SECTION 5. *Effect of Failure to Observe the Requirements for Body-Worn Cameras on Arrest Made.* — Failure to observe the requirement of using body-worn cameras or alternative recording devices shall not render the arrest unlawful or render the evidence obtained inadmissible. Facts surrounding the arrest may be proved by the testimonies of the arresting officers, the person arrested, and other witnesses to the arrest. However, a law enforcement officer who fails, without reasonable grounds, to use body-worn cameras or alternative recording devices, or intentionally interferes with the body-worn cameras' ability to accurately capture audio and video recordings of the arrest, or otherwise manipulates such recording during or after the arrest may be liable for contempt of court. Liability for contempt of court shall not apply if the body-worn cameras were not activated due to their malfunction and the law enforcement officers were not aware of the malfunction prior to the incident or when allowed under Rule 4 Section 10. This is without prejudice to any administrative, civil, or criminal proceedings that may be initiated against him or her for the same acts or omissions.

Failure to timely file the affidavit as required under Section 4 of this Rule may likewise render the law enforcement officer liable for contempt of court.

RULE 3

SEARCH WARRANTS

SECTION 1. *Application for Search Warrants.* — An applicant for a search warrant shall state in the application the availability or unavailability

of body-worn cameras to be used in the execution of the search warrant. In case of their unavailability, the applicant may request for authority to use alternative recording devices.

Multiple search warrant applications based on the same evidence filed in the same court shall be a ground for denial. If already issued, this shall be a ground for the quashal of these warrants.

SECTION 2. *Search Warrants in Special Criminal Cases by Executive Judges of Regional Trial Courts.* — Except for the jurisdiction of the Special Commercial Courts to issue search warrants involving intellectual property rights violations, the Executive Judges and, whenever they are on official leave of absence or are not physically present in the station, the Vice-Executive Judges of the Regional Trial Courts shall have authority to act on applications for search warrants to be implemented within their judicial regions, filed by the National Bureau of Investigation, the Philippine National Police, the Anti-Crime Task Force, the Philippine Drug Enforcement Agency, and the Bureau of Customs, for search warrants involving heinous crimes, illegal gambling, illegal possession of firearms and ammunitions, as well as violations of the Comprehensive Dangerous Drugs Act of 2002, the Anti-Money Laundering Act of 2001, the Customs Modernization and Tariff Act, and other relevant laws that may later be enacted by Congress and included in these Rules by the Supreme Court.

The applications shall be personally endorsed by the heads of such agencies and shall particularly describe the places to be searched and/or the properties or things to be seized as prescribed in the Rules of Court. They shall also state the compelling reasons for filing the application with these courts. The Executive Judges and Vice-Executive Judges concerned shall issue the warrants, if justified, which may be served in places outside the territorial jurisdiction but within the judicial regions of these courts.

The Executive Judges and the authorized Judges shall keep a special docket book listing names of Judges to whom the applications are assigned, the details of the applications, and the results of the searches and seizures made pursuant to the warrants issued.

This shall be an exception to Rule 126, Section 2 of the Revised Rules of Criminal Procedure.

SECTION 3. *Issuance of Warrant and Requirement to Use Body-Worn Cameras.* — If the judge finds probable cause, he or she shall issue the search warrant, which shall include an order requiring the use of at least one body-worn camera and one alternative recording device, or a minimum of two devices, or such number as necessary to capture and record the relevant incidents during its execution.

SECTION 4. *Notification to Persons in Place to be Searched.* — When conducting a search by virtue of a warrant, the officers wearing the body-worn cameras or alternative recording devices shall, as early as practicable, notify the lawful occupants of the premises to be searched that the execution of the search warrant is being recorded and that they are conducting a search pursuant to a warrant issued by a court.

SECTION 5. *Use of Body-Worn Camera During Search.* — At least one body-worn camera and one alternative recording device or such number as necessary to capture and record the relevant incidents during execution of the warrant shall be worn by members of the team conducting the search by virtue of a warrant. Should a body-worn camera be unavailable, at least two alternative recording devices must be used. The officers having such cameras shall ensure that they are worn in a conspicuous location and in a manner that maximizes their ability to capture a recording of the search.

Unless justified under Rule 4, Section 10 of these Rules, both video and audio recording functions of the cameras shall be activated as soon as the officers arrive at the place of search, and the cameras shall not be deactivated until the search has been fully concluded and the officers conducting the search have left the premises and returned to the police station.

In case of malfunction, damage, or unavailability of body-worn cameras, a resort to alternative recording devices may be allowed. Reasons for resorting to such alternative devices shall be explained in the affidavit to be submitted to the court under Section 6 of this Rule.

SECTION 6. *Affidavit of Search and Submission of Recordings to Court.* — Upon filing of the return under Rule 126, Section 12 of the Revised Rules of Criminal Procedure, all recordings from the body-worn cameras or alternative recording devices used during the execution of the warrant shall be stored in an external media storage device and simultaneously deposited in a sealed package with the issuing court. In case of redaction of personal identifiers in the recordings pursuant to Rule 4, Section 4 of these Rules, both the unredacted and the redacted files shall be submitted to the court. The return shall be accompanied by affidavits of the officers whose body-worn cameras or alternative recording devices were used to capture the recordings, and the affidavits shall state:

1. The date, time, and place of the recording;
2. The manner by which the recording was taken and stored, and when applicable, the fact of unavailability of body-worn cameras and that a resort to alternative recording devices was necessary,

and the circumstances detailing the non-activation, interruption, or sudden termination of the recording;

3. The fact that persons subject of the recording were informed of the use of body-worn cameras or alternative recording devices;
4. The date, time, place, and other circumstances surrounding the first instance of retrieval or download of the recordings from the cameras;
5. The names and positions of the persons who had possession of and access to the recordings, including details of such access, from the time of their taking until their deposit with the court;
6. The fact of redaction of personal identifiers appearing in the recording whenever applicable, the special circumstances justifying such redaction, and the details redacted, pursuant to Rule 4, Section 4 of these Rules;
7. Whenever applicable, a certification that both unredacted and redacted files containing the recordings are submitted to the court;
8. The names and positions of the officers who will be delivering the recordings to the court;
9. Reasonable ground in case of noncompliance with any of the requirements on the use of body-worn cameras or alternative recording devices, including all acts undertaken showing genuine and sufficient efforts exerted to ensure compliance with these Rules.

In case of death, physical disability, resignation, or severance of ties with the agency of the officers whose body-worn cameras or alternative recording devices were used in the execution of the search warrant, any member of the team conducting the search shall make the affidavit.

When death results from the execution of the search warrant, an incident report detailing the implementation of the search, the reasons why such death occurred, the result of related inquest proceedings, if any—including possibly those against the officer or officers causing the death—together with other relevant documents, shall likewise be submitted.

It is the duty of the issuing judge to ascertain if the return filed under Rule 126, Section 12 of the Revised Rules of Criminal Procedure is accompanied by the required affidavits, and if none, to issue a show cause order against the responsible officer and to require the submission. If the

officer fails to comply with such order, he or she may be held liable for contempt of court until the proper submission is made.

SECTION 7. *Effect of Failure to Observe the Requirements for Body-Worn Cameras on Search Conducted.* — Failure to observe the requirement of using body-worn cameras or alternative recording devices, without reasonable grounds, during the execution of the search warrant shall render the evidence obtained inadmissible for the prosecution of the offense for which the search warrant was applied.

A law enforcement officer who fails to adhere to the requirements during the execution of a search warrant, or intentionally interferes with the body-worn cameras' ability to accurately capture audio and video recordings of the search, or otherwise manipulates such recording during or after the search may be liable for contempt of court. Liability for contempt of court shall not apply if the body-worn cameras were not activated due to their malfunction and the law enforcement officers were not aware of the malfunction prior to the incident. This is without prejudice to any administrative, civil, or criminal proceedings that may be initiated against him or her for the same acts or omissions.

Failure to timely file the affidavit as required under Section 6 of this Rule may likewise render the law enforcement officer liable for contempt of court.

SECTION 8. *Remedies from Search Conducted in Violation of These Rules.* — In addition to the grounds allowed under the Revised Rules of Criminal Procedure, a motion to suppress evidence may be filed by a person searched if the search was done without the use of body-worn cameras or alternative recording devices and the failure to use such cameras is without any reasonable ground. This remedy shall likewise be available to persons searched incidental to an arrest by virtue of a warrant, when such arrest was without the use of body-worn cameras or alternative recording devices without reasonable ground.

RULE 4

COMMON PROVISIONS

SECTION 1. *Downloading of Data from the Cameras; Preservation of Metadata.* — Downloading of the data from the body-worn cameras or alternative recording devices for safekeeping shall be done within 24 hours from the time of their recording by the data custodian or his or her representative. In case of recordings captured by the media representative under Rule 2, Section 3 of these Rules, data shall likewise be turned over to

and downloaded by the data custodian or his or her representative within 24 hours from the time of their recording. To ensure that no tampering is done during the downloading process, subjects of the recordings or their counsels shall be allowed to witness the downloading of the recordings from the cameras prior to safekeeping. Data downloaded from the cameras shall be encrypted. The metadata contained in the recordings, regardless if taken by body-worn cameras or alternative recording devices, shall be preserved.

SECTION 2. *Chain of Custody over the Recordings.* — The chain of custody over the recordings shall at all times be preserved from improper access, review, and tampering. It shall cover the following events:

1. Recording of the footage using the body-worn cameras or alternative recording devices;
2. Turnover of the body-worn cameras or alternative recording devices used by the arresting or searching team, or of the data by the media representative under Rule 2, Section 3 of these Rules to the data custodian of the law enforcement agency to which they belong;
3. Downloading of the data by the data custodian pursuant to Section 1 of this Rule;
4. Redaction of personal identifiers by the data custodian or his or her representative pursuant to Section 4 of this Rule, whenever applicable;
5. Retrieval of recording data and their transfer to an external media storage device by the data custodian;
6. Submission and delivery of the recordings contained in an external media storage device to the court under Rule 2, Section 4 and Rule 3, Section 6 of these Rules.

SECTION 3. *Custody of and Access to Recordings.* — The data custodian of the law enforcement unit employing the officers whose body-worn cameras or alternative recording devices captured the recordings, or to whom data was turned over by the media representative under Rule 2, Section 3 of these Rules, shall retain and have custody of the recordings, and he or she shall ensure their security, confidentiality, and integrity. Prior to submission to the court under Rule 2, Section 4 and Rule 3, Section 6 of these Rules, the data custodian or any other person in custody of the recording shall limit viewing access of the footage to:

1. Any person who is a subject of the recording or his or her counsel;

2. The parent, guardian, or counsel of any minor who is a subject of the recording;
3. The spouse, next of kin, or legally authorized designee of a deceased subject of the recording, or his or her counsel; and
4. Employees of the law enforcement agency to which the officer whose camera captured the recording belongs.

Data recorded by body-worn cameras and alternative recording devices are not public record subject to disclosure, unless the recordings involve an incident resulting in a loss of life or an assault made on law enforcement officers during the arrest or search. Recordings and copies of such recordings that depict or record circumstances in which a person dies while being apprehended by or while in the custody of law enforcement officers, or when assault is made on law enforcement officers, are considered public record.

SECTION 4. *Redaction of Personal Identifiers in Special Circumstances.*

— When sensitive information and images appear in the recordings, such as in cases involving minors, sexual offenses, or domestic violence, it shall be the duty of the data custodian or his or her authorized representative to redact such information, images, and other personal identifiers of the person appearing in the recordings for his or her protection. Any person redacting information pursuant to this Section shall ensure that other incidents relevant to the arrest or search remain in the recordings.

SECTION 5. *Recordings During Arrest or Search.* — These Rules are without prejudice to the use of cameras by persons witnessing the arrest or search.

To be admitted as evidence, any recording taken under these Rules, as well as those made by persons witnessing the arrest or search, must be presented during trial and authenticated by the person who captured the recording.

SECTION 6. *Consent to Use Recording in Court Proceeding.* — Consent of the person arrested or those affected by searches and seizures to the use of the recordings resulting from the use of body-worn cameras or alternative recording devices in a court proceeding shall only be asked in the presence of counsel. If the person consents or remains silent, the recordings may be used by and against him or her in a court proceeding. If he or she declines, the recordings may not be used by or against him or her. In case of minor subjects, consent shall be secured from his or her parent or guardian.

Recordings under these Rules are not public record subject to disclosure, except when they capture incidents resulting in a loss of life or an assault made on law enforcement officers during the arrest or search. Should the arrest or search be attended by any of these incidents, the recordings may be used in court even without the consent of the persons identified in the preceding paragraphs.

The lack of consent to the use of the recordings shall not delay the conduct of the arrest or search in accordance with the warrant issued.

SECTION 7. *Copies of Recordings.* — All persons mentioned in Section 3, paragraphs 1 to 3 of this Rule shall be entitled to obtain a copy of the recording within five days from data downloading should the person subject of the recording consent to its use in a court proceeding. They shall not release such recording to other persons, including the media, before and after use in trial. A violation of this Section may constitute contempt of court.

SECTION 8. *Recordings Not a Substitute for Witnesses.* — For evidentiary purposes, the recordings captured by body-worn cameras or alternative recording devices are suppletory to the testimonies of the persons subject of the recording or the law enforcement officer. The recordings shall not be deemed as substitutes for the presentation of witnesses.

SECTION 9. *Introduction of Recordings as Evidence.* — The introduction of recordings as evidence is governed by the 2019 Amendments to the Revised Rules on Evidence and the Rules on Electronic Evidence.

SECTION 10. *Circumstances Where Use of Body-Worn Cameras or Alternative Recording Devices may be turned off.* — Body-worn cameras or alternative recording devices shall be turned off during the following circumstances during the arrest or search:

1. Communications between law enforcement personnel unrelated to the conduct of the search or the arrest;
2. Encounters with undercover officers or confidential informants;
3. When law enforcement officers are on break or otherwise engaged in personal or non-work-related activities;
4. Inside restrooms, locker rooms, or other places where there is a similar expectation of privacy, and there is no legal reason to be present unless the premises are covered by the search warrant;
5. In locations where individuals have a reasonable expectation of privacy such as in residences, unless the recording is being made

pursuant to a valid arrest or search warrant of the individuals or locations;

6. Strip or body cavity searches when such is necessary as provided in the warrant;
7. Conduct of tactical planning before conducting the search or the arrest;
8. Privileged communications between the subject of recordings and other individuals, such as attorneys, members of the clergy, peer support counselors, and medical professionals;
9. Such other circumstances as may be provided by the trial court issuing the warrant which is part of constitutional privilege and where the dignity of an individual may outweigh the public necessity for recording.

RULE 5

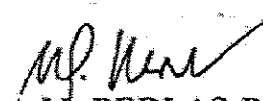
FINAL PROVISIONS


SECTION 1. *Applicability to Pending Cases.* — After their effectivity, these Rules shall apply to pending applications for search warrants or warrants of arrest and to those warrants issued that have not yet been implemented or executed.

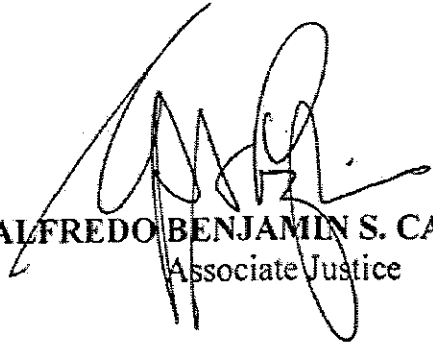
SECTION 2. *Repeal.* — Chapter V, Section 12 of A.M. No. 03-8-02-SC, as amended, is repealed by Rule 3, Section 2 of these Rules.

SECTION 3. *Effectivity.* — These Rules shall take effect following their publication in the Official Gazette or in two newspapers of national circulation.

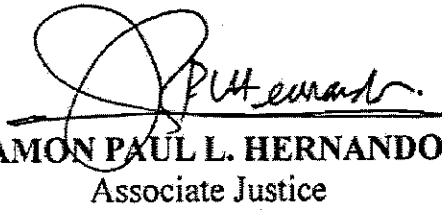

ALEXANDER G. GESMUNDO
Chief Justice


ESTELA M. PERLAS-BERNABE
Associate Justice

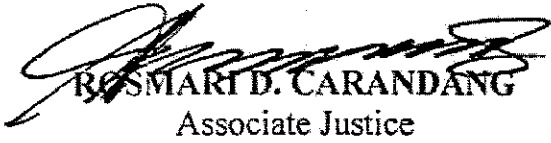

MARVIC M.V.F. LEONEN
Associate Justice



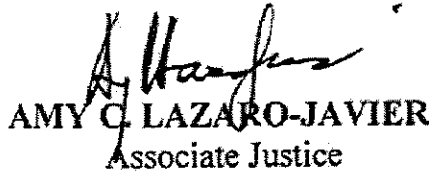
ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



RAMON PAUL L. HERNANDO
Associate Justice



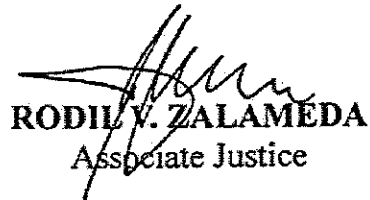
ROSMARI D. CARANDANG
Associate Justice



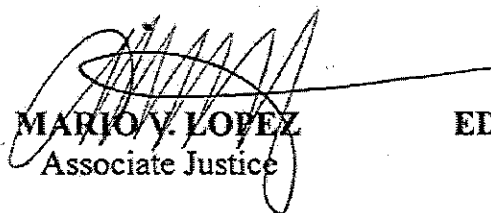
AMY C. LAZARO-JAVIER
Associate Justice



HENRI JEAN PAUL B. INTING
Associate Justice



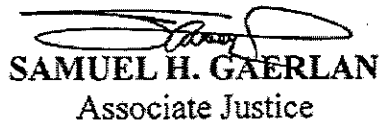
RODIL V. ZALAMEDA
Associate Justice



MARIO V. LOPEZ
Associate Justice



EDGARDO L. DELOS SANTOS
Associate Justice



SAMUEL H. GAERLAN
Associate Justice



RICARDO R. ROSARIO
Associate Justice



JHOSEP V. LOPEZ
Associate Justice