



Office of the Sangguniang Bayan

ORDINANCE NO. 03-2017

AN ORDINANCE MANDATING THE INSTALLATION OF CLOSED CIRCUIT TELEVISION (CCTV) OR VIDEO SURVEILLANCE SYSTEM IN THE PREMISES OF ALL PRIVATE COMMERCIAL ESTABLISHMENTS WITH A CAPITAL OF EIGHT HUNDRED THOUSAND PESOS (Php 800,000.00) AND ABOVE; BANKS AND OTHER FINANCIAL ENTITIES, SCHOOLS, STATE UNIVERSITIES AND COLLEGES (SUCs), LOCAL UNIVERSITIES AND COLLEGES (LUCs), AND OTHER LEARNING INSTITUTIONS REGARDLESS OF THE AMOUNT OF CAPITAL AND PUBLIC PLACES, PUBLIC UTILITIES AND GOVERNMENT OWNED AND CONTROLLED CORPORATIONS (GOCCs), PROVIDING PENALTIES FOR VIOLATION THEREOF AND OTHER PURPOSES.

SECTION 1. TITLE. This ordinance shall be known and cited as the "PINAMALAYAN CCTV Installation Ordinance of 2017".

SECTION 2. Declaration of Policies. – Republic Act No. 7160, otherwise known as the Local Government Code of 1991 provides, in part, that every local government unit shall exercise powers necessary for its efficient and effective governance and those which are essential to the promotion of general welfare;

Law enforcement agencies in the country have already proven that Closed Circuit Television (CCTV) system are among the most effective tools in crime deterrence, prevention, detection and solution since there is a video recording which can be used in addition to the testimonies of witnesses;

In order to intensify the Municipality's drive to deter, prevent, detect, and solve criminality, and to preserve video recording as evidence, this august body deems it proper to require the use of CCTV system in business establishment and public places within the Municipality of Pinamalayan.

SECTION 3. DEFINITION OF TERMS. The definitions and provisions contained in this section shall govern the construction, meaning and application of the following words and phrases used in this Ordinance.

- a) **BANK** – means the establishment whose primary function is related to custody, loan, exchange, issuance of money, extension of credit, or receiving, transmission of funds, etc.
- b) **COMMERCIAL ESTABLISHMENT** – means establishment that is used for commercial use.
- c) **CAPITAL** – the amount of money invested and declared in securing business permit of a person within the jurisdiction of this municipality.
- d) **VIDEO SURVEILLANCE SYSTEM** – means a digital surveillance system including cameras, cabling, monitors and digital video recorders (DVRs) that record in color or black in white with cameras and lens of a type, minimum resolution. The system must be capable of producing retrievable and identifiable images and video recordings on an approved media that can be enlarged through projection or other means, and can be made permanent record for use in a criminal investigation. It shall also include without limitation any closed circuit television cameras (CCTV) or other cameras, video recorders, digital recorders or other technological devices used in the above manner.
- e) **FEEDS** – refer to the visual information transmitted by the CCTV cameras.
- f) **MONITORS** – refer to the screen or other devices on which the feeds are viewed.

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- g) **PUBLIC PLACES** – Public building or places like public markets, public passenger terminals, plazas or parks, main thoroughfares or in the entrance and exit points of the municipality.
- h) **FINANCIAL ENTITIES** – a financial institution (FI) is a company engaged in the business of dealing with monetary transaction such as deposits, loans, investment, currency exchange, couriers and receivers.

SECTION 4. CCTV/ OR VIDEO SURVEILLANCE SYSTEM REQUIREMENTS.

- a) All banks, department stores, shopping malls, public and private schools, colleges and universities, gasoline station, pawnshops, lending institutions, convenience stores, and similar establishments are hereby required to install a Closed Circuit Television (CCTV) or video surveillance system.
- b) National Government Agencies (NGAs), Government Owned and Controlled Corporations (GOCCs) and the Local Government Unit (LGU), shall likewise install Closed Circuit Television (CCTV) in public buildings, places like public markets, public passenger terminals, plazas or parks, airport, seaport, main thoroughfares or in the entrance and exit points of the municipality and others as maybe recommended by Barangay Officials, concerned citizens to the Chief of Police of the municipality of Pinamalayan.
- c) Such establishment or government agencies, which installed surveillance system prior to the effective date of this ordinance, shall ensure they are in full compliance with this ordinance.
- d) The video surveillance system shall be maintained in proper working order at all times and shall be in operation at least during office hours, or at the option of the owner for 24 hours, seven (7) days a week, and shall meet the minimum technological standards established in this ordinance.
- e) The installation of CCTV system shall be pre-requisite for the issuance or renewal of business permits of the establishments mentioned herein.

SECTION 5. FEEDS, VIDEO RECORDINGS. The establishment shall retain the continuous digital images recorded by the system for not less than thirty (30) days for review and references purposes. "The feeds or digital images recorded by such system may be presented when required by a court of competent jurisdiction, the local police, National Bureau of Investigation (NBI), Criminal Investigation and Detection Group (CIDG), Philippines Drug Enforcement Agency (PDEA) and the Municipal Mayor, as the case maybe".

SECTION 6. ACCESS TO RECORDING. If a crime/any untoward incidence occurs or an employee believes that a crime is committed, the concerned business establishment/ and concerned citizens shall immediately contact the Pinamalayan Municipal Police Station through the chief of Police or his duly authorized representative and provide immediate access to the media the CCTV/video recording, provided however, that the access to recording shall be in accordance with the existing policy and rules of the concerned establishment.

SECTION 7. PROHIBITION. It shall be unlawful for any person to allow the unauthorized or unofficial use or viewing of any saved video recording and the unauthorized public identification of any person or client seen in the video. The same shall not, in any manner be used to infringe with privacy of individuals; and those found in violation shall be prosecuted for the laws violating the right to privacy.

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SECTION 8. PROPER REQUEST FOR FEEDS. The feeds may be used at any time to satisfy the written order of any court of competent jurisdiction or any authorized subpoena.

SECTION 9. NO BROADCASTING. Subject to Section 6 above, the Feeds shall not be:

- a) Broadcasted by the establishment on or through a medium other than the Monitors;
- b) Viewed by any person/s other than employees who are authorized to view the Monitors;
- c) Transferred to any third party, whether for profit or for any purpose, or;
- d) Recorded or otherwise stored except in accordance with this Ordinance.

SECTION 10. MINIMUM TECHNOLOGY STANDARDS. The CCTV or video surveillance system must be capable of delineating, on playback of the system, the activity and physical features of persons or areas within the premises and must be able to record such images on air approved form of media. For this purpose, it shall have at least met the following specifications:

- a) Have one dedicated channel for each camera in operation;
- b) Shall record at least 64 by 480 recording resolution level;
- c) Shall have the capacity to record at fifteen frames per second, per camera. For example, a system with 10 cameras would need to have a DVR capable of recording at least 150 frames per second;
- d) Shall have enough memory to retain data from all cameras for a period of thirty (30) days. An estimate is one (1) TV Hard Disk for a set of four (4) cameras;
- e) Shall possess the ability to view and retrieve data while the system remain in operation;
- f) Shall possess the ability to produce DVD-R copy of desired data for evidentiary purposes on a format playable via Windows Player to a standard DVD player;
- g) Shall possess the ability to time stamp and "watermark" the recorded images;
- h) Shall be placed in a locked and secured location to prevent destruction or tampering.

CAMERAS

- a) Operate with a minimum of 780 Total Vertical Lines (TVL).
- b) Shall have the ability, if possible, to record color images during sufficient lighting and record in black and white during hours of low light.
- c) Each camera shall be matched to each specific application taking into consideration:
 - 1. The distance to target image
 - 2. "Lux rating" or compatibility with the amount of light available to include excessive amounts of sunlight
 - 3. View angle of camera in relation to area of a desired coverage.
- d) Each camera shall have a clear and unobstructed view of the area of desired coverage.
- e) Cameras shall be positioned to capture "Head and Shoulder" images at exits, entrance and points of sale locations.

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DIGITAL VIDEO RECORDER MONITORS

- a) Each system shall have a monitor that may be assessed by the Police Department and other law enforcement agencies for viewing of the recorded images.
- b) The monitor shall be a Liquid Crystal Display (LCD) design with a screen no smaller than fifteen diagonal inches.

POWER SUPPLY

- a) Each system shall have a dedicated power source to prevent intentional or accidental deactivation and preferably provided with Uninterrupted Power Supply (UPS).

SECTION 11. MINIMUM COVERAGE STANDARDS, SITE ASSESSMENT, SIGNAGE.

- a) The video surveillance system shall have a minimum, separate cameras dedicated to each register/check-out stand, entrance/exit and parking lot or area designated for customer and or employee parking use.
- b) The placement of cameras included in the video surveillance systems required under this Ordinance shall be approved by the Municipal Inspectorate Team.
- c) The Municipal Inspectorate team or his duly designee shall conduct an assessment of each site required to install a video surveillance system prior to installation and upon approval, notice will be placed on plain view inside the premises. This approval notice will also inform customer and employees of the existence of the video surveillance system. A separate notice of the video surveillance system, in a form acceptable to the Municipal Inspectorate Team, shall be placed on the parking area.

SECTION 12. CREATION OF MUNICIPAL INSPECTORATE TEAM ON INSTALLED CCTV UNDER THE OFFICE OF THE MUNICIPAL MAYOR.

- A) Composition: the Municipal Inspectorate Team shall be composed of the following:

CHAIRPERSON : The Chief of Police, Pinamalayan Municipal Police Station

MEMBERS :

1. Sangguniang Bayan, Chairman on Public Order & Safety and Human Rights
2. Business Permit and Licenses Officer (BPLO)
3. The Municipal Treasurer
4. The Municipal Engineer

- B) For purposes of this Ordinance, the Municipal Inspectorate Team shall have the following functions:

- a) To conduct detailed inspection in whatever stage of installation of the CCTV;
- b) To have dialogue with the CCTV operators from time to time;

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- c) To have coordination with the Municipal Peace and Order Council on reports that maybe gathered from CCTV operators of any entity or establishment;
- d) To ensure that this Ordinance is properly complied with by all concerned.

SECTION 13. INSPECTION. The video surveillance system shall be subject to regular inspection by the Municipal Inspectorate Team or its assignee, who is authorized to inspect at reasonable times, any video surveillance system, to determine if the system conforms to this Ordinance. If the video surveillance system does not so conforms, the concerned establishment must take immediate steps to bring the system back into conformance.

SECTION 14. ENFORCEMENT; CIVIL PENALTIES.

- a) Establishments subject to the mandatory requirements shall have six (6) months from its effective date to comply with the regulation set forth in this Ordinance.
- b) The violation of any provision by any owner or principal operator of establishments subject to this Ordinance shall result in a notice of violation from the Municipal Inspectorate Team or his designee. The Local Chief of Police is authorized to investigate all alleged violations. Violators shall have thirty (30) days after receipt of the notice to provide proof of compliance to the Chief of Police or his designee otherwise he shall issue a citation against the violators and shall pay a civil penalty not less than One Thousand Pesos (Php1,000.00), but not to exceed Two Thousand Five Hundred Pesos (Php 2,500.00). The Chief of Police is hereby authorized to bring a civil action in any court of competent jurisdiction to recover such civil penalties.
- c) In addition to the foregoing, the violation of any provision of this ordinance, shall be and, is hereby declared to be public nuisance and contrary to the public interest and shall, at the discretion of the Municipal Inspectorate Team, create a cause of action of injunctive relief and recommend cancellation or non-renewal of business permit issued.
- d) For the purpose of this ordinance, each day that a violation continuous shall be a separate violation.

SECTION 15. APPEAL PROCESS.

- a) Any establishment or any agency found to be in violation of this Ordinance, the Municipal Inspectorate Team or his designee shall have the right to a hearing before the Municipal Mayor or his designee.
- b) The Municipal Inspectorate Team, or his designee, shall give the applicant written notice of the violation. The notice shall set forth the grounds for the violation, and shall inform the owner or principal business operator of the establishment or agency head that he has ten (10) days from the date of receipt of a registered mail of the notice to file a written request for a hearing.
- c) Within ten (10) days upon receipt of the written notice of violation by the Municipal Inspectorate Team or his designee, the owner or principal business operator or agency head may appeal by requesting a hearing before the Municipal Mayor. Such a request must be made in writing and must set forth the specific grounds for the appeal. If the applicant files a timely request for a hearing, the Municipal Mayor or his duly designee shall



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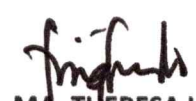
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set a time and place for hearing within ten days thereafter. All parties involved shall have the right to offer testimonial, documentary and tangible bearing on the issue, to be represented by counsel, and to confront and cross-examine any witness against them. The decision of the Municipal Mayor or his designee to deny the application shall be in writing and shall be rendered within one week of the hearing.

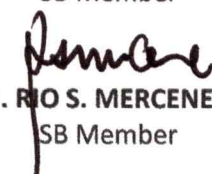
SECTION 16. SEPARABILITY CLAUSE. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid or unconstitutional by a decision of any court with competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

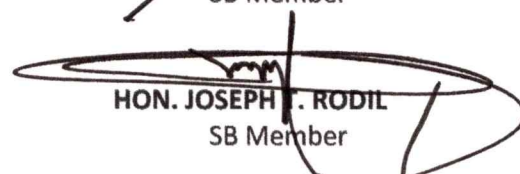
SECTION 17. EFFECTIVITY CLAUSE. This ordinance shall take effect upon approval of the Sangguniang Panlalawigan.

ENACTED this 2nd day of October 2017, upon motion of Hon. Rio S. Mercene and seconded by all SB members present.


HON. MA. THERESA H. TESNADO
SB Member


HON. ARNOLDO M. MADRID
SB Member


HON. RIO S. MERCENE
SB Member


HON. JOSEPH T. RODIL
SB Member

HON. SEVERINO J. NARITO
SB Member


HON. NAPOLEON M. MANGARING
SB Member


HON. JEFFREY PAUL A. UMBAO
SB Member

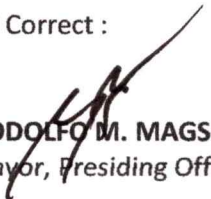

HON. LEONARDO L. PEDRAZA
SB Member


HON. ANJUNE A. ZAMORA
ABC Vice Pres./Member

Attested :


ARNEL G. ABRENICA
Secretary to the Sanggunian

Certified Correct :


HON. RODOLFO M. MAGSINO
Vice Mayor, Presiding Officer

Approved :


HON. ARISTEO A. BALDOS, JR.
Municipal Mayor

OCT 23 2017