



Republic of the Philippines
City of Bago

OFFICE OF THE SANGGUNIANG PANLUNGSOD

ORDINANCE NO. 22-03

AN ORDINANCE REQUIRING ALL BUSINESS AND COMMERCIAL COMPLEXES AND ESTABLISHMENTS AND OTHER PLACES AND SPACES CONSIDERED AS HIGH RISK TO INSTALL VIDEO SURVEILLANCE CAMERAS OR CCTV AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

Explanatory Note:

WHEREAS, Banks, moneychangers, pawnshops, credit facilities and other financial institutions, as well as hotels, malls, supermarkets, pharmacies and grocery stores are easy and frequent targets of lawless element;

WHEREAS, video surveillance cameras or closed-circuit television (CCTV) can incidentally view behavior that has caused or likely to cause danger or damage to any person or progeny and help in the identification of the perpetrators thereof and therefore can help avert criminalities;

WHEREAS, CCTV has proven, time and again, its usefulness in recounting details of criminalities and identification of perpetrators thus making incident and investigation reports speedy and thorough;

WHEREAS, Sec. 16 of the Local Government Code of 1991 (R.A. 7160) so provides that local government units shall exercise its powers expressly granted, and those that are necessarily implied therefrom, which are necessary and essential to the promotion of the general welfare of its inhabitants;

WHEREAS, Sec. 447 also provides that local government units may “maintain peace and order by enacting measures to prevent and suppress lawlessness, disorder, riot, violence, rebellion or sedition and impose penalties for violations thereof;

WHEREAS, the City of Bago is in active pursuit of programs and measures that endeavors to create an environment conducive to the advancement of local trade and commerce and considers businesses as its indispensable partner in the promotion of progress and development;

NOW, THEREFORE, on motion of SP Member Victor Michael A. Javellana, unanimously seconded by SP Members present, **BE IT ORDAINED**, AS IT IS HEREBY ORDAINED, by the Sangguniang Panlungsod of the City of Bago that:

ARTICLE 1. TITLE. This Ordinance shall be known as “**THE BAGO CITY CCTV ORDINANCE**”.

ARTICLE 2. DECLARATION OF POLICY. -It is hereby declared the policy of the City to protect the security and well-being of its constituents from criminality and lawlessness by enacting sound measures for the maintenance of peace and order within its jurisdiction.

It is also its policy to ensure that the fundamental rights of an individual to privacy is not and will be unreasonably infringed or curtailed other than what is necessary for the protection of the welfare of the general public;

Thus, in the enactment and implementation of this Ordinance, it is emphasized and affirmed that the City adheres and fully respects every individual's right to privacy by regulating the installation and use of video surveillance camera or CCTV, ensuring that Feed Locations are limited to public spaces only and that proper safeguards are provided against unauthorized viewing and/or disclosure of video recordings made in accordance with this Ordinance;

ARTICLE 3. DEFINITION OF TERMS. - For the purpose of this Ordinance, the following terms shall mean:

a) **Business Establishment** — refers to banks and their satellite offices, branches and automated teller machines (ATMs), money changers, pawnshops, credit facilities and other similar lending and financial institutions, as well as other high risk commercial complexes or establishments as may be identified by the CCTV Camera Council.

b) **Closed-Circuit Television or CCTV** — refers to video surveillance camera used to transmit visual information to a monitor or a number of monitors.

c) **Commercial Complex and Establishment** — refers to a building or structure or a set of buildings or structures usually owned by a single owner, company or corporation housing under its roof several business entities of varied natures by various owners.

d) **Critical Assets** — persons, properties or resources of the City that may be in need of protection or recovery, or is in danger of destruction.

e) **Culling** — the process by which records of feeds are picked out or selected to be discarded or destroyed.

f) **Designated Security Personnel** — police or civilian personnel authorized to operate or use particular CCTV camera or cameras.

g) **Feeds** — are visual information or images transmitted by video surveillance cameras to the monitors.

h) **Feed locations** — areas that are covered or viewed by video surveillance camera.

i) **High Risk Areas** — refers to commercial complexes and establishments or other places and spaces with common business areas where there is a greater degree of susceptibility to occurrence of accidents or criminalities because of the numerous financial, social or business interactions, or places and spaces where critical assets or properties of the City are situated.

j) **Monitors** — the screens or other devices on which Feeds are viewed.

k) **New Business Establishments** — refers to newly created trading or commercial concerns undergoing application for business permit or the license to operate prior to the effectivity of this ordinance.

l) **Old Business Establishments** — refers to existing business establishments that have duly secured current business permit or the license to operate and are already operating at the time of the effectivity of this ordinance.

m) **Recycling** — refers to the process by which records or tapes of feeds or visual information may be erased though overrun by another or new visual information.

n) **Satellites branches/offices** — refers to small extension offices of business concerns such that of banks, airline companies and the like.

ARTICLE 4. SCOPE OF APPLICATION AND INSTALLATION OF VIDEO SURVEILLANCE CAMERAS. - All business establishments and other commercial complexes and establishments and places and spaces considered as high risk areas as defined herein are hereby mandated to install video surveillance cameras and monitors in the premises of their establishments subject to limitations prescribed herein and by the CCTV Camera Council created for the purpose.

CCTV surveillance cameras are also required of the City to be installed in identified high risk areas and public spaces or places in the City for homeland protection, traffic monitoring and crime prevention and detection, its treasury, storage facilities, and other critical assets for their protection and preservation.

The provision of the preceding paragraph likewise applies to all commercial establishments and financial institutions and government or non-governmental offices that may not be considered as high risk but have installed or affixed CCTV Cameras in their places of work or commerce prior or subsequent to the enactment of this Ordinance.

A written notice declaring the presence of a CCTV Camera or cameras in any business or commercial establishment/s so covered by this Ordinance must be posted by the owner/s in conspicuous place or places within its vicinity.

ARTICLE 5. REQUIREMENTS FOR BUSINESS REGISTRATION. - A Certificate of Compliance (COC) must be secured by new business establishments specified in Article 4, paragraphs 1 and 2 from the CCTV Camera Council as a requirement by the City prior to the approval of their business permit applications. Likewise, same COC shall be required of old business establishments, those in paragraph 3 of the same article included, as a requisite upon every renewal of their business permits.

ARTICLE 6. CREATION AND COMPOSITION OF CCTV CAMERA COUNCIL. - A CCTV Camera Council shall be created as an oversight body tasked with the approval, control and supervision of all CCTV Camera, use and installation composed of the City Mayor or his designated representative as Chairman, the City Chief of the Philippine National Police or his representative as Co-Chairman, the City Engineer, three (3) members from the business sector, and the representative from the Regional Director of the National Telecommunications Commission as ex-officio member within thirty (30) days after the approval of this ordinance.

ARTICLE 7. SPECIFIC POWERS OF THE CCTV CAMERA COUNCIL. - The CCTV Camera Council shall have the following powers and functions:

a) Create and adopt policies and procedures within sixty (60) days after its creation setting up the criteria and standard for CCTV cameras and monitors;

b) Maintain a log of all CCTV cameras and their corresponding feed locations, the dates of their approval, and the criteria used for their approval as well as the name/s of designated person/s authorized to handle, operate, and preserve the records or tapes of CCTV cameras of each establishment;

c) Create a task force that shall have visitorial powers to inspect, evaluate and monitor establishments with CCTV cameras at any given time so as to determine compliance with this ordinance;

d) Monitor and inspect all preserved/stored feeds, the date the records were taken, and determine when such records of feeds are due for recycling or culling;

e) Receive and/or approve application for CCTV installation as prerequisite to issuance of Certificate of Compliance;

f) Recommend to the City Mayor, the approval or renewal of business permits of establishments so affected by the ordinance as well as the suspension revocation of the same;

g) Identify businesses, commercial complexes and establishments, or other places and spaces which may be considered as high risk as defined under this ordinance;

h) Perform such other duties and functions as may be set forth in the Policies and Procedures Manual.

ARTICLE 8. LIMITATION ON USE. - CCTV Cameras and all their feeds shall be solely used for the specific purposes as follows:

1. Law Enforcement and Crime Prevention. - CCTV Cameras and their Feeds, may be used for the purpose of providing surveillance in the service of law enforcement and crime prevention within the city where there is documented criminal activity;

2. Homeland Security. - CCTV Cameras, and any and all Feeds, may be used for the purposes of providing surveillance in the service of homeland security, law enforcement and crime prevention, and disaster preparedness and recovery in areas identified as critical assets of the City as may be set forth by any competent authority;

3. Traffic Monitoring. - CCTV CAMERAS, and any and all Feeds, may be used for the purpose of traffic monitoring but are not intended to include enforcement of traffic violations. Notwithstanding the foregoing, the Feeds from CCTV Cameras used for traffic monitoring may be used for lawful purpose in the event that such CCTV Cameras, while being used for their primary function, incidentally view behavior that has caused or is likely to cause danger to person or property.

Provided, no feed shall be used or released by its owner or the security personnel authorized access to it unless an authority from the CCTV Camera Council is secured. Provided further, feeds may only be used by authorized persons for purposes allowed under this Ordinances.

ARTICLE 9. PROHIBITIONS. - The Feeds shall not be used for the following:

- a) **Broadcasting.** Broadcast by any of the authorized persons mentioned herein of any of the Feeds or of its parts or records on or through any medium other than the monitors;
- b) **Viewing.** Feeds shall not be viewed by any person/s other than those expressly authorized herein to view them.
- c) **Transfer.** Feeds shall not be transferred to any third party, whether for profit or not;
- d) **Reproduction.** No person shall be allowed to copy any or all parts of the records of the Feeds.

ARTICLE 10. PRESERVATION OF FEEDS. Feeds shall be recorded or stored by owner or owners of institutions or establishment for future use for a period three (3) months. Thereafter, they may be recycled or destroyed except where a specific log is ordered to be preserved upon motu proprio order of the CCTV Camera Council or upon duly approved request in which cases such specific record/s of feeds shall be turned over, in its original and unadulterated form and substance, to the CCTV Camera Council or the requesting party.

ARTICLE 11. PROPER REQUEST FOR FEEDS. - Stored or preserved Feeds may be used to satisfy the following:

1. Any authorized subpoena or written order of a court of competent jurisdiction;
2. Any written request from the chief officer of the investigating body or authority ensuing the advent of a criminality for proper disposition of crime investigation and report; and
3. Any written request from the duly constituted legislative body or assembly in aid of legislation.

ARTICLE 12. PENALTIES. Failure to comply with any of the provisions of this Ordinance shall be punishable with the following:

A. On Article 4:

- i) New business entities – withholding of permit to operate;
- ii) Old business entities – suspension or revocation of business permit and Php 5,000.00 fine.

B. On Articles 9 - 11:

Violation of any of the provisions of Articles 9 to 11 shall be punishable by a fine of Php 5,000.00.

C. Unauthorized release of feeds

Unauthorized release or tampering of feeds shall be punishable by a fine of Php 5,000.00.

ARTICLE 13. REPEALING CLAUSE. - All ordinances, resolutions or issuance which are inconsistent with this Ordinance are hereby repealed or modified accordingly.

ARTICLE 14. SEPARABILITY CLAUSE. In the event that any provision of this ordinance is declared illegal, the validity of the other provisions shall not be affected by such declaration.

ARTICLE 15. EFFECTIVITY. This ordinance shall take effect thirty (30) days after its approval and publication in the newspaper of local circulation. Provided, however, that the establishments herein covered are given until January of the year following the effectivity of this ordinance to fully comply with its provisions.

Enacted: February 9, 2022.

I hereby certify to the correctness of the foregoing Ordinance which was duly enacted by the Sangguniang Panlungsod during its Regular Session held on February 9, 2022.

ATTY. ALLAN C. GALUNAN
Secretary to the Sangguniang Panlungsod

ATTESTED:

RAMON D. TORRES
City Vice Mayor-Presiding Officer

Approved _____ 2022.

NICHOLAS M. YULO
City Mayor