

SENATE

S.B. No. 3306



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Introduced By Senator Manuel "Lito" M. Lapid

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EXPLANATORY NOTE

The Constitution of the Philippines declares that it is a policy of the State to maintain peace and order and to protect the life and property of the general public. It is noted that the occurrence of theft, harassment, vandalism, and other such crimes is becoming increasingly common-place in many private commercial establishments. This is particularly alarming taking into consideration the need to ensure the safety of private establishments such as banks, financial establishments, schools, gas stations, and the like.

The rising crime incidence shows that there is an inadequacy in the security systems currently being implemented by private establishments. The installation of surveillance cameras or closed circuit televisions ("CCTVs") would address any lack in security personnel. CCTVs would also supplement existing security systems of establishments since it would empower security and victims to review a record of events that transpired. CCTVs would help victims identify perpetrators and would provide evidence of the crime. CCTVs would also allow owners of commercial establishments to monitor a greater area with fewer personnel requirement. The real-time video feed would also better prepare security personnel to monitor particularly suspicious individuals and to prevent the commencement of any planned criminal activity.

The present proposed legislation aims to protect and empower the general public against criminal elements that would threaten the State's peace and order. The passage of the present proposed legislation would uphold the State's worthy ideals to protect life and property.



MANUEL "LITO" M. LAPID  
Senator

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AN ACT  
MANDATING THE USE OF SURVEILLANCE CAMERAS FOR THE SECURITY  
AND SAFETY OF COMMERCIAL ESTABLISHMENTS

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

**SECTION 1. Short Title.** - This Act shall be known as the "Surveillance Camera Act for Commercial Establishments".

**SEC. 2. Declaration of Policy.** - Under Article II Section 5 of the Constitution, it is the policy of the State to maintain peace and order, to protect life, liberty and property, and to promote the general welfare of the general public. As such, the surveillance and security of commercial establishments should be regulated to prevent criminal incidents in said establishments.

**SEC. 3. Definition of Terms.** - As used in this Act, the term:

- (a) "Surveillance camera" refers to electronic devices used for recording images of a particular area, premises, or place, such as but not limited to closed circuit televisions (CCTV's).
- (b) "Video feed" refers to the live input of a surveillance camera.
- (c) "Video record" or "video recording" refers to the electronic record of the images captured by a surveillance camera.

(d) "*Commercial establishment*" refers to any establishment used for commercial purposes and operating for, selling products to, or providing services to the general public. The term refers to establishments such as but not limited to retail stores, banks, financial institutions, supermarkets, schools, kindergartens, hotels, and restaurants.

(e) "*Covered establishment*" refers to any commercial establishment with work premises of not less than fifty (50) square meters.

**SEC. 4. *Duties of Covered Establishments.*** - It shall be the duty of all covered establishments to:

(a) Install and maintain in good working condition surveillance cameras within the premises of their work area (i.e., cashier's areas, aisles or areas that are obstructed from public view, entrance of restrooms, and the like);

(b) Install and maintain in good working condition surveillance cameras to monitor the perimeter of their establishment;

(c) Ensure that surveillance cameras are turned on and recording for twenty-four (24) hours per day and for seven (7) days per week;

(d) Ensure that video feeds are being monitored by security employees or personnel specifically tasked to do so;

(e) Keep a deposit of video recordings for a period of not less than thirty (30) days from the date of recording;

(f) In the instances covered by Section 8 of this Act, to make video recordings available upon request and to allow copies thereof to be made, at the expense of the requesting party.

**SEC. 5. *Notice of Surveillance.*** - The fact that surveillance cameras have been installed in an establishment shall be made known to the general public through a written notice displayed in the entrance of the establishment.

**SEC. 6. *Prohibited Surveillance.*** - The installation of surveillance cameras in any restroom, toilet, shower, bathroom, changing room, and other such areas where there is a reasonable expectation of privacy shall be prohibited.

**SEC. 7. *Confidentiality and Non-disclosure of Recordings.*** - The owner and/or manager of the commercial establishment shall maintain the privacy and confidentiality of the video feeds and records obtained as a result of establishment surveillance performed in accordance with this Act. Towards such end, said owner and/or manager shall prohibit any use, viewing, disclosure, or publication of said video recordings.

**SEC. 8. *Allowed Use and Disclosure.*** - The use, copying, or disclosure of video records obtained pursuant to establishment surveillance performed in accordance with this Act shall only be allowed in the following instances:

(a) Use, copying, or disclosure to a member or officer of a law enforcement agency in connection with and limited to the investigation or prosecution of an offense punishable by law or regulation;

(b) Use, copying, or disclosure to further and in connection with any pending criminal or civil proceeding;

(c) Use or disclosure that may be necessary to avoid an imminent threat to persons or property; or

(d) Use or disclosure that may be necessary for persons to determine whether or not an offense was committed against their person or property, to ascertain the identity of a criminal perpetrator, and to determine the manner by which an offense was consummated.

It shall be the responsibility of the owner and/or manager, or their agents, to ensure that the conditions for use, copying, or disclosure of video recordings are reasonably established before giving access to requesting parties. The extent of video recordings to be viewed, used, copied, or disclosed shall be limited to the images pertaining to the above-mentioned instances.

**SEC. 9. *Penal Clause*** - Any act or omission causing the violation of duties ascribed to commercial establishment under this Act shall be punishable with imprisonment not exceeding six (6) months, or a fine not exceeding One thousand pesos (P1,000.00), or both; without prejudice to other civil or criminal liabilities that may arise therefrom.

The owner and/or manager of the establishment shall likewise be answerable for violations of this Act; provided that it is shown that the violation was due to his/her direct participation, lack of supervision, or negligence.

**SEC. 10. *Implementing Agency***. - The Department of Interior and Local Government and the respective local government units with jurisdiction over the area wherein a covered establishment is located shall ensure the implementation and enforcement of this Act.

**SEC. 11. *Separability Clause***. - If any provision or part of this Act shall be declared invalid or unconstitutional, the remaining parts or provisions not affected shall remain in full force and effect.

**SEC. 12. *Repealing Clause***. - All laws, decrees, executive orders, issuances, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

**SEC. 13. *Effectivity Clause***. - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,