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| REPUBLIC OF THE PHILIPPINES | 1 | A RECEIVED TO |
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| S. No. | 202 | SILEO & IJUEX |

Introduced by SEN. SHERWIN T. GATCHALIAN

AN ACT

REQUIRING BUSINESS ESTABLISHMENTS, PUBLIC AND PRIVATE
BUILDINGS AND OFFICES, PARKS, PUBLIC AND PRIVATE SCHOOLS,
STREETS OR ALLEYS, AND OTHER PLACES OF PUBLIC
CONGREGATION TO INSTALL CLOSED-CIRCUIT TELEVISION (CCTV)
CAMERAS AS A MEANS TO DETER THE COMMISSION OF CRIMES

EXPLANATORY NOTE

The prevalence of crime continues to be unabated. As much as law enforcement has intensified its campaign to rid the communities of crime habitués, its efforts are sometimes inadequate, because criminals have likewise become resourceful and adept at avoiding capture. The public has become wary and have tried innovative means to guard themselves and their property. The emergence of the CCTV has been most helpful to the public in general because of its usefulness in detecting crimes, solving unresolved offenses, finding lost or misplaced items, and simply guarding the premises. Its roving surveillance, captures images in the most unguarded moments, take the perfect example of the Vhong Navarro incident. Without corroborative evidence of the events, captured in the CCTV footage of the condominium lobby and elevator, the veracity of the

allegations would still up to this day been hazy and inconclusive.

In order to protect ourselves, our families, and the community at large, the effectiveness of employing means to increase our safety and security is essential, hence the use of the CCTV. This bill mandates business establishments, public offices, public buildings, schools, parks, streets, alleys and public congregations to install CCTV cameras in order to discourage crime and assist the police in law enforcement.

Immediate approval of this bill is earnestly sought.

SHERWIN T. GATCHALIAN

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AN ACT

REQUIRING BUSINESS ESTABLISHMENTS, PUBLIC AND PRIVATE BUILDINGS
AND OFFICES, PARKS, PUBLIC AND PRIVATE SCHOOLS, STREETS OR
ALLEYS, AND OTHER PLACES OF PUBLIC CONGREGATION TO INSTALL
CLOSED-CIRCUIT TELEVISION (CCTV) CAMERAS AS A MEANS TO DETER THE
COMMISSION OF CRIMES

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

- SECTION 1. **Short Title**. This Act shall be known as the "CCTV Cameras"

 for Security and Crime Prevention Act."
- SEC. 2. **Declaration of Policy**. It is the policy of the State to maintain peace and order, protect life, liberty and property and to promote the general welfare. Towards this end, the State shall prescribe strategies and means to discourage crime and increase the safety and security of the public.
- SEC. 3. **Scope and Coverage**. The following are required to install CCTV cameras or video surveillance system in their places of operation:
 - a) Business establishments which include banks, malls, supermarkets, shopping centers, groceries, pawnshops, money remittance centers, money changers, gasoline stations, hotels, restaurants, fast food centers, convenience

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| 1 2 | stores, drug stores, movie houses, entertainment centers, hospitals, airports, seaports, transport terminals, warehouses and other similar places; |
|----------------------|--|
| 3 | b) Public offices and facilities; |
| 4 5 | c) Public and private schools including technical or vocational schools from primary, secondary and tertiary levels with at least one thousand (1000) students; |
| 6 7 | d) Parks or plazas, market places, main thoroughfares, and other places of public congregation; and |
| 8 9 10 | e) Other establishments which the city or municipality, through an ordinance, may require, due to the nature of business and potential risks in their respective areas. |
| 11 12 | SEC. 4. Duties of Covered Establishments. – All covered establishments shall: |
| 13 14 15 | a) Install and maintain CCTV cameras in strategic places inside and outside their premises frequented by the public or where people usually transact business and at heights free from human intervention and obstruction; |
| 16 17 18 | b) Ensure that the installed CCTV cameras are of high-quality resolution capable of delineating the activity and physical features of individuals and areas within the premises being recorded; |
| 19 20 | c) Ensure that the CCTV cameras are turned-on and recording for twenty-four (24) hours each day for seven (7) days a week; |
| 21 22 | d) Ensure that video feeds or recordings are being monitored or supervised by a personnel specifically tasked to do so; and |
| 23 24 25 26 | e) Make video recordings available within a reasonable period of time upon the request of the proper authorities and allow copies thereof to be made at the expense of the requesting party in accordance with Sections 5, 10 and 11 of this Act. |
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The licensing office of every city or municipality shall require the

installation of CCTV cameras or video surveillance system as a mandatory

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requirement before the issuance of a business permit or permit to operate and the renewal thereof.

SEC. 5. **Preservation of Video Recordings.** – Covered establishments shall retain the continuous digital images recorded by the CCTV cameras for not less than thirty (30) days for review and reference purposes. After thirty (30) days, the continuous digital images recorded shall be preserved and stored for safekeeping for a period to be provided in the implementing rules and regulations (IRR) of this Act, and may be disposed of after the lapse of such period at the option of the owner.

SEC. 6. **Mandatory Reporting.** – Whenever a crime occurs or when the owner, director, manager, proprietor, administrator or any employee of an establishment subject of this Act believes that a crime has been committed and has been recorded by the CCTV cameras of the establishment, the owner, director, manager, proprietor, administrator shall immediately contact the law enforcement authorities within twenty-four (24) hours upon knowledge of the commission of a crime and provide immediate access to the pertinent CCTV video recordings thereof.

SEC. 7. Access by Law Enforcement Agencies, Judicial and Quasi-Judicial Bodies. – The operator, employee or owner of the business establishment shall make available the video recordings of the CCTV cameras or video surveillance system to the law enforcement authorities engaged in criminal investigation upon written request of the authorized or designated officer thereof with the particular time and day covered by the request therein specified.

The captured video footage or images may be used at any time to satisfy the written order or subpoena of any court or body with competent jurisdiction.

- SEC. 8. **Notice of Surveillance**. The general public shall be informed that CCTV cameras have been installed in an establishment through a written notice displayed at the entrance of the establishment or in other conspicuous areas of the covered establishment as may be provided in the IRR of this Act.
- 30 SEC. 9. **Prohibited Surveillance**. In covered establishments as provided 31 in Section 3 of this Act, the installation of CCTV cameras in any restroom, toilet,

shower, bathroom, bedroom, changing room and other similar areas is strictly prohibited.

For covered establishments engaged in services which require privacy, installation of CCTV cameras or video surveillance system shall be limited to common areas and those accessible to the public including reception areas, lobbies, waiting lounges, hallways, stairways, pools, and similar areas.

- SEC. 10. **Confidentiality and Non-Disclosure of Recordings.** The owner, director, manager, proprietor or administrator of any establishment subject of this Act shall maintain the privacy and confidentiality of the video recordings obtained. The owner, director, manager, proprietor or administrator shall prohibit any use, viewing, disclosure or publication of the video recordings, whether in whole or in part by any unauthorized person.
- It shall also be unlawful for any person, not authorized by the owner, director, manager, proprietor or administrator of the establishment:
 - a) To publish or broadcast, or cause to be published or broadcasted, or show or exhibit the saved CCTV video recordings and the public identification of any person in that video through video compact discs, digital video discs, internet, cellular phones and other similar means or device;
 - b) To sell or distribute, or cause to be sold or distributed, such CCTV video recording; and
 - c) To release images or video recordings from the CCTV to the media, in case of law enforcement authorities, except when the circumstances warrant to help identify the perpetrator of a crime or locate the whereabouts of the suspect or suspects, or as a matter of public information, subject to other existing laws.
 - Prosecution for any violation of this Section shall be without prejudice to any liabilities for violation of other existing laws.
 - SEC. 11. **Allowed Use and Disclosure**. The use, copying, or disclosure of the video recordings obtained pursuant to the surveillance performed in accordance with this Act shall be allowed only under the following instances:

- a) To assist law enforcement authorities in connection with and limited to the investigation or prosecution of an offense punishable by law or any regulation;
- b) To aid or in furtherance of any criminal, administrative or civil proceedings;
 - c) To avoid an imminent threat to a person or property;

- d) To provide any person whose image has been recorded and who makes a request in writing to have a copy of the recording, access to the recording or copy the same which the applicant may use for any legitimate purpose as stated in the said request; and
- e) To help in the maintenance of public order and safety in a city or municipality and to intensify their drive to deter, prevent, detect, and solve criminality in their jurisdiction.

The owner, director, manager, proprietor or administrator of the establishment shall release or produce the CCTV video recordings to the requesting law enforcement authority or affected person within twenty-four (24) hours upon submission of the request.

- SEC. 12. Responsibility of the Owner, Director, Manager, Proprietor or Administrator before Disclosure. The owner, director, manager, proprietor or administrator of the establishment shall exercise prudence and necessary care before giving requesting parties access to the CCTV video recordings to ensure that the conditions for the use, viewing, copying or disclosure of the CCTV video recordings are made only in the instances enumerated under Section 11 of this Act. The extent of the CCTV video recordings to be used, viewed, copied or disclosed shall be limited to the images pertaining to the above-mentioned instances.
- SEC. 13. **Responsibilities of Heads of Offices and Other Officials in the Installation of CCTVs.** The heads of offices, in case of government offices and public buildings or facilities; the city and municipal mayors with respect to parks, streets, alleys and other places of public congregation in their respective territorial jurisdiction; as well as the owners, and administrators of schools or academic and learning institutions; and the owners and proprietors of business establishments, shall cause the installation of the CCTV cameras.

SEC. 14. *Minimum 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 or video on any approved form of media.

Other standard specifications of the CCTV cameras or video surveillance system to be installed by the covered establishments shall be provided in the IRR of this Act.

SEC. 15. *Inspection.* – For purposes of this Act, personnel from the Business Permits and Licensing Office (BPLO) of the concerned local government unit (LGU) assisted by personnel from the Philippine National Police are authorized to conduct regular inspection of establishments in their jurisdiction to ensure compliance with the provisions of this Act and to the minimum standard specifications for the CCTV surveillance system as may be provided in the IRR of this Act.

SEC. 16. **Compliance Period.** – Establishments subject to the provisions of this Act shall have six (6) months from the effectivity of the IRR to comply with the regulations set forth in this Act.

In cases where the covered establishments have existing CCTV cameras or video surveillance system but the specifications are below the specifications provided under this Act and its IRR, the covered establishments are to be allowed a three-year depreciation of their previously purchased equipment before being required to install the CCTV cameras or video surveillance system with the minimum specifications required by this Act and its IRR.

SEC. 17. **Priority Areas in Local Government Units.** – LGUs shall prioritize the areas in their jurisdiction where the installation of CCTV cameras or video surveillance system will significantly help in improving the safety and security of the locality taking into consideration the available statistics on crime incidence in the LGU during the previous years.

SEC. 18. **Assistance to Local Government Units.** – The Department of the Interior and Local Government shall implement a program to provide financial assistance to LGUs particularly the lower class municipalities, to enable these LGUs to comply with the provisions of this Act. The Secretary of the DILG shall issue the

necessary guidelines about the program including the eligibility of LGUS to avail of the program.

The DILG shall include in its budget proposal for the following year after the approval of this Act and for succeeding years, when necessary, the budgetary requirements for the program.

- SEC. 19. **Penalties.** a) Any violation of the requirements under paragraphs (a), (b), (c), and (d) of Section 4 of this Act shall result in the notice of violation to be issued by the regulatory agency or office. Within thirty (30) days after receipt of the notice, the violator shall provide proof of compliance. If the violation continues after the thirty (30) day period, the violation shall be punished with imprisonment not exceeding six (6) months or a fine not to exceed fifty thousand pesos (P50,000.00), or both, without prejudice to any liabilities for violation of other existing laws;
 - b) For LGUs, government offices, and other public facilities, failure to comply with Section 4 of this Act shall result in the notice of violation to be issued by the appropriate supervising authority. Within thirty (30) days after receipt of the notice, the violator shall provide proof of compliance. If the violation continues after the thirty (30) day period, the violation shall be punished with imprisonment not exceeding six (6) months or a fine not to exceed fifty thousand pesos (P50,000.00), or both. Non-compliance shall also constitute nonfeasance, and the local chief executive, head of office and other persons responsible shall be subject to the penalties provided for in appropriate laws;
 - c) Any person who is found to have willfully and knowingly destroyed, altered or concealed a recorded video or its storage medium with the intent to affect any criminal, civil or administrative proceeding or investigation shall be punished with a fine of not more than two hundred fifty thousand pesos (P250,000,00) or imprisonment of not more than one (1) year, or both, without prejudice to any liabilities for violation of other existing laws; and
 - d) Any person who violates Section 10 of this Act shall be punished with imprisonment not exceeding six (6) months or a fine not to exceed fifty thousand pesos (P50,000.00), or both, without prejudice to any liabilities for violation of other existing laws.

| 1 | SEC. 20. Appropriations For purposes of government offices and LGUs, |
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| 2 | the funding requirement to implement the provisions of this Act shall be sourced |
| 3 | from the regular appropriations of the agencies and LGUs concerned. |

- SEC. 21. *Implementing Agencies.* The Secretary of the DILG and the respective LGUs shall ensure the effective implementation of this Act. Public elementary and secondary schools shall, for purposes of the implementation of this Act, be under the jurisdiction of the Department of Education, while tertiary level schools shall be under the jurisdiction of the Commission on Higher Education. Technical-vocational schools shall be under the jurisdiction of the Technical Education and Skills Development Authority.
- SEC. 22. **National CCTV Strategy**. Pursuant to the declared policy of this Act, the DILG, with the assistance of the Department of Science and Technology, and in consultation with other concerned government agencies and stakeholders, shall formulate a National CCTV Strategy based on the following themes:
- 15 a) The need for standards in all aspects of CCTV or video surveillance system;
 - b) The need for clear guidelines on registration, inspection and enforcement;
- 17 c) Training of personnel from the covered establishments and law enforcement authorities;
- d) The use by law enforcement authorities of CCTV video recordings and evidence;
- e) Storage, volume, archiving and retention issues of CCTV video recordings;
- 22 f) The need for CCTV networks, whether live or stored;
- 23 g) Equipping, resourcing and standardization;
- 24 h) Emerging technologies, changing threats, and new and changing priorities;
- 25 i) Partnership working; and

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- j) Financial and resource management.
- SEC. 23. *Implementing Rules and Regulations.* Within ninety (90) days from the effectivity of this Act, the Secretary of the DILG, in consultation with

- the appropriate government agencies and other stakeholders, shall promulgate
 the necessary rules and regulations for the effective implementation of this Act.
- SEC. 24. **Separability Clause**. If any provision or part of this act is held unconstitutional or invalid, the remaining parts or provisions not affected shall remain in full force and in effect.
- SEC. 25. **Repealing Clause**. All laws, presidential decrees, executive orders, rules and regulations or parts thereof, contrary or inconsistent with the provisions of this Act, are hereby repealed or modified accordingly.
 - SEC. 26. *Effectivity Clause*. This Act shall take effect fifteen (15) days after its complete publication in any two (2) newspapers of general circulation.

Approved,

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