

SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



Senate
Office of the Secretary

'17 MAR -7 A10:32

SENATE

SENATE BILL No. 1364

RECEIVED BY: _____

Introduced by **SENATOR LEILA M. DE LIMA**

**AN ACT
TO PRESERVE THE EVIDENCE GENERATED FROM SECURITY
CAMERAS**

EXPLANATORY NOTE

The Constitution, Article 2, Section 5 provides:

Section 5. The maintenance of peace and order, the protection of life, liberty, and property, and promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy.

Criminality is an ever present threat to our way of life. It requires from us unwavering vigilance. As a means to continuously monitor our surroundings and protect ourselves from criminal elements, we have embraced the tools on modern technology. The latest advances in video capture technology has allowed us to automatically video record events in real time, thereby gathering data that could be used as leads to aid our law enforcers in identifying and apprehending the culprits and as evidence for prosecution to build cases against them.

Recent events have shown that security cameras have been instrumental in recording criminal activities. This includes a customs officer accepting bribe money,¹ immigration officials caught carrying unexplained cash bundles,² and a woman shot dead by a robber.³

However, it was also shown that the videos recorded from security cameras are in danger of being destroyed by criminal elements who seek to remove any evidence of

¹ BOC employee caught on camera accepting money – Faeldon. *Rappler* (5 Sep 2016) Retrieved from: <http://www.rappler.com/nation/145271-bureau-customs-boc-employee-accepting-money-cctv>


² 2 immigration execs caught on video with 5 cash bundles. *Philippine Daily Inquirer* (13 Dec 2016) Retrieved from: <http://newsinfo.inquirer.net/853048/2-immigration-execs-caught-on-video-with-5-cash-bundles>

³ Woman slain by robber in Makati. *Philippine Star* (3 Dec 2016). Retrieved from: <http://www.philstar.com/metro/2016/12/03/1649684/woman-slain-robber-makati>

their participation in the crime. One recent example is the theft of the CCTV hard drive in the prison where the late Albuera Mayor Rolando Espinosa was killed.⁴ RCBC, on the other hand, alleged, albeit unconvincingly, that the CCTV was malfunctioning when a bogus account was opened for a suspected money laundering activity on February 2016.⁵

Thus, it is incumbent upon us to enact a law to preserve the recorded video as soon as an incident within the vicinity of the security camera is identified. As government offices and private establishments are usually unable to store recorded video data for a long time, it is prudent that the data, which can be used as evidence for criminal prosecution, be stored in a nationally maintained redundant storage system.

This bill provides for a mechanism in which videos recorded from security cameras are preserved and duly authenticated to aid our law enforcement agencies in their campaign against crime.


LEILA M. DE LIMA

⁴ CCTV hard drive ng kulungan kung saan napatay si Mayor Espinosa, kinuha umano ng CIDG. *GMA News* (5 November 2016) Retrieved from: <http://www.gmanetwork.com/news/story/587672/news/ulatfilipino/cctv-hard-drive-ng-kulungan-kung-saan-napatay-si-mayor-espinosa-kinuha-umano-ng-cidg>

⁵ William Go not in RCBC on Feb 1: bank. *ABS-CBN News* (15 March 2016). Retrieved from: <http://news.abs-cbn.com/video/business/v1/03/15/16/william-go-not-in-rcbc-on-feb-1-bank>



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**AN ACT
TO PRESERVE THE EVIDENCE GENERATED FROM SECURITY
CAMERAS**

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

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SECTION 1. *Short Title.* – This Act shall be known as the “*Security Camera Evidence Preservation Act*”.

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SEC. 2. *Declaration of Policy.* – The maintenance of peace and order, the protection of life, liberty, and property, and promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy. To this end, the State shall endeavor to raise the competitiveness of our law enforcement agencies by establishing a system of preserving evidence and maintaining their credibility.

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SEC. 3. *Definition of Terms.* – For purposes of this Act, the following terms are defined, as follows:

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1. *Covered private establishments* – are private establishments that cater to a high volume of public clientele, such as supermarkets, malls, theme parks, casinos, theaters, entertainment centers, convention centers, and hotels;

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- 1 2. *Government offices* – are offices operated by government agencies and
2 instrumentalities including, but not limited to, national, regional and local
3 offices of government agencies; provincial, city, municipal and, barangay halls;
4 halls of justice, and offices of government owned and controlled corporations;
- 5 3. *Law enforcement agencies* – are agencies tasked with investigating violations
6 of and enforcing the law, including, but not limited to, the Philippine National
7 Police, National Bureau of Investigation, Securities and Exchange Commission,
8 and Philippine Drug Enforcement Agency;
- 9 4. *Recorded data* – means the video data recorded by the security cameras and
10 stored in storage devices;
- 11 5. *Security cameras* – includes, closed circuit television systems (CCTV), internet
12 protocol cameras (IP cameras), video cameras, and other means to video record
13 live events; and
- 14 6. *Storage device* – means video tapes, optical disks, and other devices that store
15 recorded video data.

16 **SEC. 4.** *Registry of Security Cameras.* – The Department of Interior and Local
17 Government (DILG) and the National Intelligence Coordinating Agency (NICA) shall
18 establish and maintain a registry of all security cameras owned and operated by
19 government offices and covered private establishments. The DILG and NICA shall
20 institute measures to preserve the confidentiality of this registry.

21 **SEC. 5.** *Obligation to maintain and store data.* – All government offices and covered
22 private establishments who own and operate security cameras shall be required to
23 maintain recorded data from their security cameras for a period of two (2) months
24 from the date of recording.

1 **SEC. 6.** *Officer in charge of the security cameras.* – A public official from the
2 government office shall be designated by the head of the said government office as the
3 Officer-in-Charge of the security cameras (Security OIC). For covered private
4 establishments, the head of security or the manager of the establishment shall be the
5 Security OIC for purposes of this Act.

6 **SEC. 7.** *Responsibilities of the Security OIC.* – The Security OIC shall have the
7 following responsibilities:

- 8 1. Procuring the equipment necessary for security cameras and storage devices in
9 accordance with the existing laws and regulations on procurement;
- 10 2. Keeping the security cameras and storage devices in working condition;
- 11 3. Monitor daily the proper functioning of the security cameras and storage
12 devices;
- 13 4. Reporting within 24-hours from discovery to the DILG and DICT any
14 malfunction or defect in the security camera or storage device; and
- 15 5. Providing a copy of any recorded data to the DILG and NICA as may be required
16 under this Act.

17 **SEC. 8.** *Security Camera Handbook.* – Within one (1) year from the effectivity of this
18 Act, the DILG, in consultation with Department of Information and Communications
19 Technology (DICT) shall promulgate a Security Camera Handbook containing the
20 minimum standards and basic operation guidelines for security cameras and storage
21 devices. This handbook may be updated as often as practicable to incorporate any
22 technological advances. The DICT shall establish a support service for the
23 maintenance and operation of security cameras and storage devices.

1 **SEC. 9. Support Services.** – The DICT shall establish a support service for the
2 maintenance and operation of security cameras and storage devices in government
3 offices.

4 **SEC. 10. Incident Report.** – Whenever a crime is reported to any law enforcement
5 agency, the said agency shall file an incident report with the Security OIC of the
6 government office or covered private establishment in the vicinity of the scene of the
7 incident. The Security OIC shall immediately cause the preservation of the recorded
8 data on the day of the incident and transmit a duly authenticated copy to the DILG and
9 the National Intelligence Coordinating Agency (NICA).

10 **SEC. 11. Redundant Storage.** – The DILG and the NICA shall maintain a redundant
11 and secure storage of all recorded data transmitted by the Security OICs under this
12 Act. Such transmitted recorded data shall be maintained for at least twenty (20) years.

13 **SEC. 12. Subpoena of Recorded Data.** – The law enforcement agency investigating
14 the incident reported to the Security OIC or any court of law may subpoena the
15 recorded data from the DILG or NICA.

16 **SEC. 13. Penal Provisions.** – Any person who willfully destroys recorded data
17 required by this Act to be preserved shall suffer the penalty of imprisonment of *prision*
18 *mayor* or a fine of not less than One Hundred Thousand Pesos (P100,000) or both.

19 Any person who, through reckless imprudence, destroys recorded data required by this
20 Act to be preserved shall suffer the penalty of imprisonment of *prision correctional* or
21 a fine of not less than Fifty Thousand Pesos (P50,000) or both.

22 Any Security OIC who fails to report a malfunctioning security camera within 24-hours
23 from discovery shall be penalized with a fine of Fifty Thousand Pesos (P50,000).

1 If the offender is a public official, he shall likewise suffer the penalty of perpetual
2 disqualification.

3 The offenses defined under this Act shall be without prejudice to any liability of the
4 offender with regard to his participation in the crime recorded by the security cameras.

5 **SEC. 14. *Implementing Rules.*** – The DILG, in consultation with the DICT and NICA,
6 shall, within sixty (60) days after the effectivity of this Act, issue the implementing
7 rules and regulations of this Act.

8 **SEC. 15. *Appropriations.*** – Such amounts as may be necessary to implement this Act
9 shall be included in the next succeeding General Appropriations Act.

10 **SEC. 16. *Separability Clause.*** Should any provision of this Act be declared invalid,
11 the remaining provisions shall continue to be valid and subsisting.

12 **SEC. 17. *Repealing Clause.*** All laws, executive orders, or administrative orders, rules
13 and regulations or parts thereof, which are inconsistent with this Act are hereby
14 amended, repealed or modified accordingly.

15 **SEC. 18. *Effectivity.*** - This Act shall take effect fifteen (15) days after its publication
16 in the *Official Gazette* or in two (2) newspapers of general circulation.

Approved,