



SENATE

'19 SEP 25 A9 :36

S. No. 1073

RECEIVED BY: _____

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

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

EXPLANATORY NOTE

Lawlessness and anarchy have become so pervasive that the maintenance of peace and order, as mandated by Article II, Section 5 of the 1987 Constitution, has seemingly taken a backseat. Said provision reads: “[t]he 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.”

An ever present threat to the Filipinos’ way of life, criminality requires from us unwavering vigilance. Efforts to cleanse our society from the evils that surround us should be heightened by the State to send a strong message to the people – their protection is one of the State’s paramount concerns.

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 have 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.

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, strong these footages may be, danger lurks that could erode the effectivity of these pieces of evidence if not properly preserved and held important. Video recordings of criminal activities have been shown to be the subject of interest of those who aim to have them destroyed with the goal of removing any trace of evidence of the perpetrators' participation in the crime. An example of these crooked efforts is the theft of the CCTV hard drive in the prison where the late Albura 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

These footages have, in many instances, served as the key to solving many criminalities that would have otherwise evaded prosecution.⁶ Justice that would have been denied from grieving families is rightfully served thanks to the availability of CCTV footages.⁷ 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.

¹ "BOC employee caught on camera accepting money – Faeldon." Rappler. (5 September 2016) Available at: <https://www.rappler.com/nation/145271-bureau-customs-boc-employee-accepting-money-cctv> <last visited on 16 May 2019>

² Aurelio, Julie, Gil Cabacungan and Balagtas See, Aie. "2 immigration execs caught on video with 5 cash bundles." Philippine Daily Inquirer. (13 December 2016) Available at: <https://newsinfo.inquirer.net/853048/2-immigration-execs-caught-on-video-with-5-cash-bundles> <last visited on 16 May 2019>

³ Ramirez, Robertzon. "Woman slain by robber in Makati." Philippine Star. (3 December 2016) Available at: <http://www.philstar.com/metro/2016/12/03/1649684/woman-slain-robber-makati> <last visited on 16 May 2019>

⁴ "CCTV hard drive ng kulungan kung saan napatay si Mayor Espinosa, kinuha umano ng CIDG." GMA News. (5 November 2016) Available at: <http://www.gmanetwork.com/news/story/587672/news/ulatfilipino/cctv-hard-drive-ng-kulungan-kung-saan-napatay-si-mayor-espinosa-kinuha-umano-ng-cidg> <last visited on 16 May 2019>

⁵ "William Go not in RCBC on Feb 1: bank." ABS-CBN News. (15 March 2016) Available at: <http://news.abs-cbn.com/video/business/v1/03/15/16/william-go-not-in-rcbc-on-feb-1-bank> <last visited on 16 May 2019>

⁶ Lim, Francis. "CCTV footage as evidence." Inquirer.net (17 October 2014) Available at <https://business.inquirer.net/180469/cctv-footage-as-evidence> <last visited on 17 September 2019>

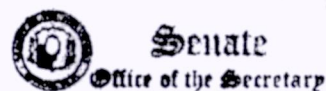
⁷ Locsin, Joel. "Cops to zero in on frat hazers with help of condo CCTV." GMA News. (30 June 2014) Available at: <https://www.gmanetwork.com/news/news/metro/368027/cops-to-zero-in-on-frat-hazers-with-help-of-condo-cctv/story/> <last visited on 17 September 2019>

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.

Early approval of this measure is sought.


LEILA M. DE LIMA

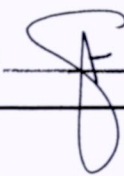
EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



'19 SEP 25 A9 :36

SENATE

S. No. 1073

RECEIVED BY: 

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

**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:

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

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

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

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

- 1 2. *Government offices* – 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* – agencies tasked with investigating violations of
6 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* – the audio-video data recorded by the security cameras and
10 stored in storage devices;
- 11 5. *Security cameras* – include 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* – 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
22 covered private establishments who own and operate security cameras shall be
23 required to maintain recorded data from their security cameras for a period of two (2)
24 months 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
18 of this Act, the DILG, in consultation with Department of Information and
19 Communications Technology (DICT), shall promulgate a Security Camera Handbook
20 containing the minimum standards and basic operation guidelines for security
21 cameras and storage devices. This handbook may be updated as often as practicable to
22 incorporate any technological advances.

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
5 enforcement agency, the said agency shall file an incident report with the Security OIC
6 of the government office or covered private establishment in the vicinity of the scene
7 of the incident immediately after the incident occurred but not later than forty-eight
8 (48) hours from the date of the incident. The Security OIC shall immediately cause the
9 preservation of the recorded data on the day of the incident and transmit a duly
10 authenticated copy to the DILG and the NICA.

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

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

18 Sec. 13. *Penal Provisions.* – Any person who willfully destroys recorded data
19 required by this Act to be preserved shall suffer the penalty of imprisonment of *prision*
20 *mayor* or a fine of not less than One Hundred Thousand Pesos (₱100,000) or both.

21 Any person who, through reckless imprudence, destroys recorded data required
22 by this Act to be preserved shall suffer the penalty of imprisonment of *prision*
23 *correccional* or a fine of not less than Fifty Thousand Pesos (₱50,000) or both.

1 Any Security OIC who fails to report a malfunctioning security camera within
2 24-hours from discovery shall be penalized with a fine of Fifty Thousand Pesos
3 (P50,000).

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

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

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

12 Sec. 15. *Appropriations.* – Such amounts as may be necessary to implement this
13 Act shall be included in the next succeeding General Appropriations Act.

14 Sec. 16. *Separability Clause.* - Should any provision of this Act be declared
15 invalid, the remaining provisions shall continue to be valid and subsisting.

16 Sec. 17. *Repealing Clause.* - All laws, executive orders, or administrative orders,
17 rules and regulations or parts thereof, which are inconsistent with this Act are hereby
18 amended, repealed or modified accordingly.

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

Approved,