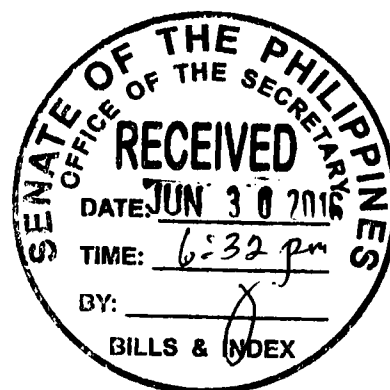


SEVENTEENTH CONGRESS OF THE]
REPUBLIC OF THE PHILIPPINES]
First Regular Session]

SENATE

S. No. 202



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

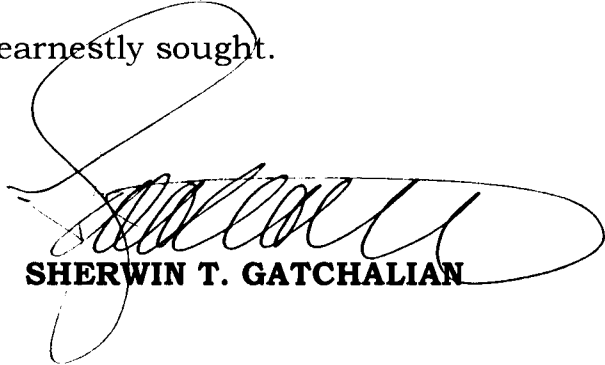
EXPLANATORY NOTE

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.

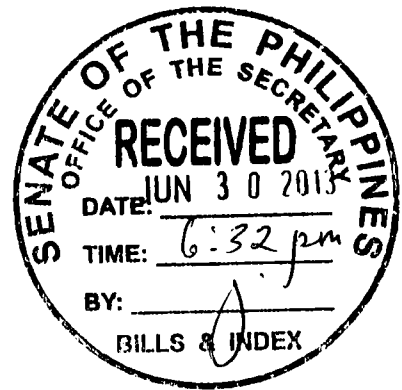
Immediate approval of this bill is earnestly sought.



SHERWIN T. GATCHALIAN

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

SENATE
S. N. 202



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

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

1 SECTION 1. **Short Title.** – This Act shall be known as the “CCTV Cameras
2 *for Security and Crime Prevention Act.*”

3 SEC. 2. **Declaration of Policy.** – It is the policy of the State to maintain
4 peace and order, protect life, liberty and property and to promote the general welfare.
5 Towards this end, the State shall prescribe strategies and means to discourage crime
6 and increase the safety and security of the public.

7 SEC. 3. **Scope and Coverage.** - The following are required to install CCTV
8 cameras or video surveillance system in their places of operation:

9 a) Business establishments which include banks, malls, supermarkets,
10 shopping centers, groceries, pawnshops, money remittance centers, money
11 changers, gasoline stations, hotels, restaurants, fast food centers, convenience

1 stores, drug stores, movie houses, entertainment centers, hospitals, airports,
2 seaports, transport terminals, warehouses and other similar places;

3 b) Public offices and facilities;

4 c) Public and private schools including technical or vocational schools from
5 primary, secondary and tertiary levels with at least one thousand (1000) students;

6 d) Parks or plazas, market places, main thoroughfares, and other places of
7 public congregation; and

8 e) Other establishments which the city or municipality, through an
9 ordinance, may require, due to the nature of business and potential risks in their
10 respective areas.

11 SEC. 4. **Duties of Covered Establishments.** – All covered establishments
12 shall:

13 a) Install and maintain CCTV cameras in strategic places inside and
14 outside their premises frequented by the public or where people usually transact
15 business and at heights free from human intervention and obstruction;

16 b) Ensure that the installed CCTV cameras are of high-quality resolution
17 capable of delineating the activity and physical features of individuals and areas
18 within the premises being recorded;

19 c) Ensure that the CCTV cameras are turned-on and recording for twenty-
20 four (24) hours each day for seven (7) days a week;

21 d) Ensure that video feeds or recordings are being monitored or supervised
22 by a personnel specifically tasked to do so; and

23 e) Make video recordings available within a reasonable period of time upon
24 the request of the proper authorities and allow copies thereof to be made at the
25 expense of the requesting party in accordance with Sections 5, 10 and 11 of
26 this Act.

27 The licensing office of every city or municipality shall require the
28 installation of CCTV cameras or video surveillance system as a mandatory

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

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

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

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

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

26 SEC. 8. **Notice of Surveillance.** – The general public shall be informed that
27 CCTV cameras have been installed in an establishment through a written notice
28 displayed at the entrance of the establishment or in other conspicuous areas of the
29 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,

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

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

7 **SEC. 10. Confidentiality and Non-Disclosure of Recordings.** – The owner,
8 director, manager, proprietor or administrator of any establishment subject of this
9 Act shall maintain the privacy and confidentiality of the video recordings obtained.
10 The owner, director, manager, proprietor or administrator shall prohibit any use,
11 viewing, disclosure or publication of the video recordings, whether in whole or in
12 part by any unauthorized person.

13 It shall also be unlawful for any person, not authorized by the owner, director,
14 manager, proprietor or administrator of the establishment:

15 a) To publish or broadcast, or cause to be published or broadcasted, or
16 show or exhibit the saved CCTV video recordings and the public identification
17 of any person in that video through video compact discs, digital video discs,
18 internet, cellular phones and other similar means or device;

19 b) To sell or distribute, or cause to be sold or distributed, such CCTV
20 video recording; and

21 c) To release images or video recordings from the CCTV to the media,
22 in case of law enforcement authorities, except when the circumstances warrant
23 to help identify the perpetrator of a crime or locate the whereabouts of the
24 suspect or suspects, or as a matter of public information, subject to other
25 existing laws.

26 Prosecution for any violation of this Section shall be without prejudice to any
27 liabilities for violation of other existing laws.

28 **SEC. 11. Allowed Use and Disclosure.** – The use, copying, or disclosure
29 of the video recordings obtained pursuant to the surveillance performed in
30 accordance with this Act shall be allowed only under the following instances:

1 a) To assist law enforcement authorities in connection with and limited to the
2 investigation or prosecution of an offense punishable by law or any regulation;

3 b) To aid or in furtherance of any criminal, administrative or civil
4 proceedings;

5 c) To avoid an imminent threat to a person or property;

6 d) To provide any person whose image has been recorded and who makes a
7 request in writing to have a copy of the recording, access to the recording or copy
8 the same which the applicant may use for any legitimate purpose as stated in the
9 said request; and

10 e) To help in the maintenance of public order and safety in a city or
11 municipality and to intensify their drive to deter, prevent, detect, and solve
12 criminality in their jurisdiction.

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

17 **SEC. 12. Responsibility of the Owner, Director, Manager, Proprietor**
18 **or Administrator before Disclosure.** – The owner, director, manager, proprietor
19 or administrator of the establishment shall exercise prudence and necessary care
20 before giving requesting parties access to the CCTV video recordings to ensure that
21 the conditions for the use, viewing, copying or disclosure of the CCTV video
22 recordings are made only in the instances enumerated under Section 11 of this Act.
23 The extent of the CCTV video recordings to be used, viewed, copied or disclosed
24 shall be limited to the images pertaining to the above-mentioned instances.

25 **SEC. 13. Responsibilities of Heads of Offices and Other Officials in**
26 **the Installation of CCTVs.** – The heads of offices, in case of government offices
27 and public buildings or facilities; the city and municipal mayors with respect to
28 parks, streets, alleys and other places of public congregation in their respective
29 territorial jurisdiction; as well as the owners, and administrators of schools or
30 academic and learning institutions; and the owners and proprietors of business
31 establishments, shall cause the installation of the CCTV cameras.

1 SEC. 14. **Minimum Standards.** – The CCTV or video surveillance
2 system must be capable of delineating on playback of the system the activity
3 and physical features of persons or areas within the premises and must be
4 able to record such images or video on any approved form of media.

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

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

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

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

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

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

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

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

6 SEC. 19. **Penalties.** – a) Any violation of the requirements under paragraphs
7 (a), (b), (c), and (d) of Section 4 of this Act shall result in the notice of violation to be
8 issued by the regulatory agency or office. Within thirty (30) days after receipt of the
9 notice, the violator shall provide proof of compliance. If the violation continues after
10 the thirty (30) day period, the violation shall be punished with imprisonment
11 not exceeding six (6) months or a fine not to exceed fifty thousand pesos
12 (P50,000.00), or both, without prejudice to any liabilities for violation of other
13 existing laws;

14 b) For LGUs, government offices, and other public facilities, failure to
15 comply with Section 4 of this Act shall result in the notice of violation to be
16 issued by the appropriate supervising authority. Within thirty (30) days after
17 receipt of the notice, the violator shall provide proof of compliance. If the
18 violation continues after the thirty (30) day period, the violation shall be
19 punished with imprisonment not exceeding six (6) months or a fine not
20 to exceed fifty thousand pesos (P50,000.00), or both. Non-compliance shall
21 also constitute nonfeasance, and the local chief executive, head of office and
22 other persons responsible shall be subject to the penalties provided for in
23 appropriate laws;

24 c) Any person who is found to have willfully and knowingly destroyed,
25 altered or concealed a recorded video or its storage medium with the intent to
26 affect any criminal, civil or administrative proceeding or investigation shall be
27 punished with a fine of not more than two hundred fifty thousand pesos
28 (P250,000.00) or imprisonment of not more than one (1) year, or both, without
29 prejudice to any liabilities for violation of other existing laws; and

30 d) Any person who violates Section 10 of this Act shall be punished with
31 imprisonment not exceeding six (6) months or a fine not to exceed fifty
32 thousand pesos (P50,000.00), or both, without prejudice to any liabilities for
33 violation of other existing laws.

1 SEC. 20. **Appropriations.** – For purposes of government offices and LGUs,
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.

4 SEC. 21. **Implementing Agencies.** – The Secretary of the DILG and the
5 respective LGUs shall ensure the effective implementation of this Act. Public
6 elementary and secondary schools shall, for purposes of the implementation of this
7 Act, be under the jurisdiction of the Department of Education, while tertiary
8 level schools shall be under the jurisdiction of the Commission on Higher
9 Education. Technical-vocational schools shall be under the jurisdiction of the
10 Technical Education and Skills Development Authority.

11 SEC. 22. **National CCTV Strategy.** – Pursuant to the declared policy of
12 this Act, the DILG, with the assistance of the Department of Science and Technology,
13 and in consultation with other concerned government agencies and stakeholders,
14 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;
- 16 b) The need for clear guidelines on registration, inspection and enforcement;
- 17 c) Training of personnel from the covered establishments and law
18 enforcement authorities;
- 19 d) The use by law enforcement authorities of CCTV video recordings and
20 evidence;
- 21 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
- 26 j) Financial and resource management.

27 SEC. 23. **Implementing Rules and Regulations.** – Within ninety (90) days
28 from the effectivity of this Act, the Secretary of the DILG, in consultation with

1 the appropriate government agencies and other stakeholders, shall promulgate
2 the necessary rules and regulations for the effective implementation of this Act.

3 SEC. 24. **Separability Clause.** – If any provision or part of this act is held
4 unconstitutional or invalid, the remaining parts or provisions not affected shall
5 remain in full force and in effect.

6 SEC. 25. **Repealing Clause.** – All laws, presidential decrees, executive
7 orders, rules and regulations or parts thereof, contrary or inconsistent with
8 the provisions of this Act, are hereby repealed or modified accordingly.

9 SEC. 26. **Effectivity Clause.** – This Act shall take effect fifteen (15) days
10 after its complete publication in any two (2) newspapers of general circulation.

Approved,