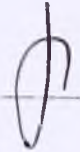


**TWENTIETH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
*First Regular Session***

]
]
]

25 AUG -7 P3:07

RECEIVED BY: _____



SENATE

S.B. No. 1119

Introduced by SEN. WIN GATCHALIAN

**AN ACT
PROVIDING GUIDELINES FOR THE INSTALLATION AND USE OF CLOSED-
CIRCUIT TELEVISION (CCTV) SYSTEMS, THE PROCEDURE FOR ACCESS TO
THE IMAGES AND RECORDINGS, THE PROHIBITED ACTS AND PENALTIES
THERFOR, AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

The use of Closed-Circuit Television (CCTV) Systems at home, in business establishments, and along the streets has been very common to deter the commission of crimes.

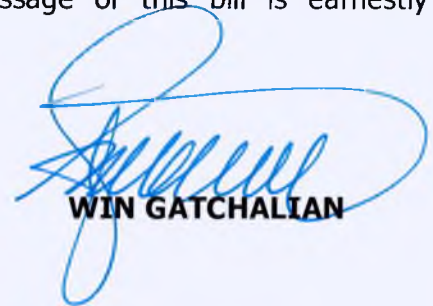
In line with the crime deterrence function of CCTVs, the Department of Interior and Local Government issued Memorandum Circular (MC) No. 2022-060 dated May 18, 2022 which encourages cities and municipalities to enact an ordinance prescribing the installation of CCTV Systems as a requirement in the issuance of business permits to establishments catering to a large number of customers or conducting transactions and operations which carry risks of being targeted by criminal activity, as well as to those establishments that are prone to accidents, natural disasters, and other unforeseen incidents. These establishments include (1) financial establishments such as banks,

pawnshops, money lenders, money remittance services, money changers, and other similar transactions; (2) business establishments that are part of a national chain or have several branches across the country such as restaurants/fast food chains, convenience stores, grocery stores, and drug stores; (3) shopping malls, shopping centers, supermarkets, wet markets, and other similar establishments; (4) hospitals, laboratories, clinics, and other medical facilities; (5) theaters, movie houses, *perya*, arcades, internet cafes, and other places of entertainment that draw in a considerable number of customers; (6) airports, ports, public transportation terminals, parking lots, and other similar establishments that cater to a large number of vehicles; (7) car dealerships, gasoline/fuel stations, vehicle maintenance/service stations; and (8) other business establishments that may be deemed necessary by the LGU considering the factors mentioned above.

To address the privacy issues in relation to the installation and use of CCTV systems, the National Privacy Commission issued Advisory No. 2020-04 or the Guidelines on the Use of Closed-Circuit Television (CCTV) Systems dated November 16, 2020, which applies to all personal information controllers and personal information processors engaged in the processing of personal data of data subjects through the use of CCTV systems operating in public and semi-public areas. These include CCTV systems that record videos, as well as those systems with both video and audio capabilities. The capture, use, retention, and destruction of video and/or audio footages obtained from CCTVs are considered as processing of personal data under Republic Act No. 10173, otherwise known as the Data Privacy Act of 2012.

Hence, this proposed legislation institutionalizes the parameters and guidelines for authorized CCTV installations, and further provides for prohibited acts and recordings, as well as penalties for such violations. This measure likewise provides a procedure for access and disclosure of recordings, the retention of such recordings, and the storage and preservation of CCTV recordings, taking into full consideration the right to privacy of people. By providing for such regulations, we will be able to foster confidence in the use of CCTV systems.

In view of the foregoing, the immediate passage of this bill is earnestly sought.




WIN GATCHALIAN

25 AUG -7 P 3 :07

**TWENTIETH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session**

]]]

RECEIVED BY



SENATE

S.B. No. 1119

Introduced by SEN. WIN GATCHALIAN

**AN ACT
PROVIDING GUIDELINES FOR THE INSTALLATION AND USE OF
CLOSED-CIRCUIT TELEVISION (CCTV) SYSTEMS, THE PROCEDURE FOR
ACCESS TO THE IMAGES AND RECORDINGS, THE PROHIBITED ACTS AND
PENALTIES THEREFOR, AND FOR OTHER PURPOSES**

*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 Act".

2

3 SEC. 2. *Declaration of Policy.* – It is hereby the declared policy of the State to
4 maintain peace and order, protect life, liberty and property, promote the general welfare,
5 value the dignity and privacy of every Filipino, and guarantee the full respect for human
6 rights. Towards this end, the State shall develop the guidelines for the installation, use
7 and utilization of the Closed-Circuit Television (CCTV) in public, private and residential
8 establishments with due regard to the privacy and civil rights of every individual as
9 provided under the 1987 Philippine Constitution and Republic Act No. 10173, otherwise
10 known as the "Data Privacy Act of 2012". The purpose for the installation of the CCTVs

1 is to maintain peace and order in the communities, promote crime prevention, and uphold
2 public safety and security.

3
4 SEC. 3. *Definition of Terms.* – As used in this Act:

- 5 a) *Closed-Circuit Television (CCTV)* refers to the use of video cameras to transmit
6 a signal to a specific place, on a set of monitors or a television system that
7 transmits images on a "closed 6 loop" basis, where images are only available
8 to those directly connected with the transmission system;
- 9 b) *Video Surveillance* refers to a closed-circuit television system for direct visual
10 monitoring and/or recording of activities on the premises or in a specific place;
- 11 c) *Private Installations* refer to CCTV Cameras installed in private establishments
12 such as, but not limited to, private subdivisions, condominiums and other
13 residential areas, business hubs, malls and shopping centers;
- 14 d) *Public Installations* refer to CCTV Cameras installed in public places such as,
15 but not limited to, government offices and instrumentalities, parks, streets and
16 highways, including public markets, airports and public transport terminals;
- 17 e) *Images* refer to recorded images in the CCTV Cameras; and
- 18 f) *Persons in Authority* refer to elements of the Philippine National Police (PNP),
19 Barangay Chairman, and the Barangay Tanods.

20
21 SEC. 4. *Purposes of CCTV Installation.* – The installation of CCTV in both private
22 and public establishments shall have the following functions:

- 23 a) *Crime Prevention.* The CCTV shall function as a tool of law enforcement and
24 crime prevention by way of effective monitoring of public places, such as
25 pathways and streets, parks and other areas;
- 26 b) *Traffic Monitoring.* The CCTV shall enable the viewing of a wider range of data images
27 on motorists, pedestrians and critical thoroughfares, to provide quicker apprehension
28 of road safety violators and pinpoint causes of traffic build-up;

- 1 c) *Surveillance*. The CCTV shall function as a surveillance tool that will allow security
2 agencies to monitor private establishments and ensure the safety and security of
3 individuals and the protection of private properties from theft and robbery;
- 4 d) *Household Affairs Monitoring*. The CCTV shall function to monitor households by way
5 of monitoring health, security and safety of household members, unauthorized access
6 to household premises, and general conduct of household affairs;
- 7 e) *Workplace Monitoring*. The CCTV shall function as a tool to monitor the general
8 administrative conduct of employees to aid in the review of employee workmanship
9 and performance; and
- 10 f) *Documentation for Institutional Purposes*. The CCTV shall function as a tool to
11 monitor the progress or development of data, or the sequences of events in a facility
12 or institution.

13 The data to be collected shall be relevant, adequate and not excessive for the
14 purposes for which they are obtained.

15
16 SEC. 5. *Guiding Principles*. – This Act shall have the following guiding principles:

- 17 a) The CCTV shall at all times be operated with respect to people's privacy and
18 their right to conduct or engage in lawful activities;
- 19 b) The owner/operator of the CCTV shall be publicly known to ensure
20 appropriate accountability and shall be appropriately registered before the
21 PNP;
- 22 c) Signage informing the public of the existence of CCTV cameras shall be
23 erected. It shall be visible, distinctive, and located in areas with good lighting;
- 24 d) The premise for use of CCTV as crime deterrent shall mobilize a quick and
25 adequate response unit from the persons of authority such as but not limited
26 to the local police force or barangay watchmen on reported incidents;
- 27 e) Persons of Authority shall develop a system for receiving, investigating, and
28 addressing complaints about alleged violations of privacy;
- 29 f) A recorded material shall not be released to the media except only to acquire
30 relevant information on the identity and whereabouts of an individual wanted

- 1 for a criminal offense, as well as provide the general public information of
2 critical concern in the community. In such cases, the recognizable
3 characteristics of other people in the footage shall be obscured; and
4 g) Tapes or still photographs shall be disposed of in a manner which does not
5 allow the reproduction of any of the recorded material.

6
7 SEC. 6. *Prohibited Acts and Recordings.* – It shall be unlawful for any person or
8 establishment to perform the following acts:

- 9 a) Install or use the CCTV on someone else's property;
10 b) Install or use the CCTV cameras in any restroom, toilet, bathroom, changing
11 room and other similar areas utilized for private activities;
12 c) Use CCTV with a device to overhear events, conversations ,or sounds without
13 the permission of the people involved;
14 d) Install CCTVs in public places without the display of due notice on the walls
15 or at the entrance of the establishment;
16 e) Install a CCTV in the external part of one's residential or private property that
17 encroaches on the private property of another or of a neighbor;
18 f) Install CCTV to monitor the conduct or performance in a workplace without
19 due notice to all employees;
20 g) Install and use CCTV as surveillance tool of particular individuals on behalf of
21 third parties or paying clients covered by a contract of engagement more
22 than the duration specified by the PNP;
23 h) Install and use CCTV inside a residence to manage one's family without notice
24 given to the staff and members of the household;
25 i) Sell or publish any recorded material or still photographs for commercial
26 purposes; and
27 j) Upload any image, recording or stills from the CCTV on the Internet for
28 entertainment purposes.

1 SEC. 7. *Procedure for Access and Disclosure of Recordings.* – Only authorized
2 persons shall have access to images and recordings from CCTVs. Viewing of the images
3 and recordings shall take place in a restricted area or in private conditions. All access
4 allowed or granted under the circumstances must be documented and for limited or
5 prescribed circumstances. The use, viewing, copying, or disclosure of images and
6 recordings performed in accordance with this Act shall be allowed in the following
7 instances only:

- 8 a) Upon a written request from a person in authority in connection with and
9 limited to an investigation for the prosecution of an offense punishable by
10 law;
- 11 b) Upon lawful order of the court, in connection with a pending criminal or civil
12 proceeding;
- 13 c) To determine whether an offense has been committed against a person or
14 property and to ascertain the identity of the perpetrator and the manner by
15 which the crime was committed;
- 16 d) Upon application in writing of any person whose image has been recorded
17 for a copy of the recording or its still images; and
- 18 e) Upon compliance with the Rules of Procedure set by security agencies
19 operating under the management of clients.

20 *Provided,* That law enforcement agencies shall not be allowed to release images
21 or recordings from the CCTV to the media, except only when the circumstances warrant
22 to help identify the perpetrator of a crime or locate his whereabouts, or as a matter of
23 public information: *Provided, further,* That the use, copying, or disclosure of images and
24 recordings shall be authorized within twenty-four (24) hours after submission of the
25 request, as herein specified.

26
27 SEC. 8. *Retention, Storage and Preservation.* – Unless otherwise reserved for a
28 specific purpose, including but not limited to when the events of a crime or pieces of
29 information need to be studied further for justifiable reasons, data of recordings shall not

1 be kept for more than thirty (30) days and should be automatically overwritten or deleted
2 beyond said period.

3
4 SEC. 9. *Penalties.* - Any act or omission by the owner and/or operator of the CCTV
5 in violation of the provisions of this Act shall be punishable with an imprisonment of not
6 less than six (6) months but not exceeding six (6) years, or a fine not less than Ten
7 Thousand Pesos (Php 10,000.00) but not more than One Hundred Thousand Pesos (Php
8 100,000.00), or both such fine and imprisonment at the discretion of the court.

9
10 SEC. 10. *Implementing Rules and Regulations.* - The Director General of the PNP,
11 in close coordination with the National Privacy Commission, the Secretary of Interior and
12 Local Government, the Secretary of National Defense, the Secretary of Transportation,
13 the Secretary of Information and Communications Technology, the Secretary of Justice,
14 the National Security Adviser, and the Director of the National Bureau of Investigation,
15 shall issue the necessary rules and regulations for the effective implementation of this
16 Act within six (6) months from the effectivity thereof.

17
18 SEC. 11. *Repealing Clause.* - All laws, presidential decrees, executive orders, rules
19 and regulations or part thereof, contrary to or inconsistent with the provisions of this Act,
20 are hereby repealed or modified accordingly.

21
22 SEC. 12. *Separability Clause.* - If any section or provision of this Act is held
23 unconstitutional or invalid, all other sections or provisions shall remain in full force and
24 effect.

25
26 SEC. 13. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication
27 in the Official Gazette or in any newspaper of general circulation.

Approved,

**TWENTIETH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES**
First Regular Session

]]]

25 AUG -7 P 3 :08

SENATE

RECEIVED BY

S.B. No. 1120

Introduced by SEN. WIN GATCHALIAN

**AN ACT
RENAMING THE BENHAM RISE AS "PHILIPPINE RISE" OR "TALAMPAS
NG PILIPINAS", NAMING THE UNDERSEA FEATURES THEREIN, AND FOR
OTHER PURPOSES**

EXPLANATORY NOTE

In line with the constitutional mandate to pursue an independent foreign policy based on national sovereignty, territorial integrity, national interest and the right of self-determination,¹ the Philippines formalized its claim for an extended continental shelf in the Philippine Rise Region with the UN Commission on the Limits of the Continental Shelf (UN-CLCS) on 8 April 2009. The Philippines presented scientific and technical evidence such as geodetic, bathymetric, geophysical, and geological data from national government agencies and international sources to support its claim, which was confirmed by the UN-CLCS on 12 April 2012, after a series of intensive deliberations.

The UN-CLCS, in its *"Recommendations of the Commission on the Limits of the Continental Shelf in Regard to the Submission Made by the Philippines in*

¹ Article II Section 7 of the Constitution

Respect of the Benham Rise Region on 8 April 2009" and adopted by the Commission², declared that:

"The Philippine islands, including Luzon, constitute the land mass in the region. The Benham Rise and its subsidiaries, the Molave and Narra spurs, form a composite morphological feature that constitutes the submarine prolongation of that land mass by way of the FOS envelope. The outer edge of the continental margin, established from the FOS of the Benham Rise Region by applying the provisions of article 76, paragraph 4, of the Convention, extends beyond the 200 M limits of the Philippines. On this basis, the Commission recognizes the legal entitlement of the Philippines to delineate the outer limits of its continental shelf beyond its 200 M limits in this region."

This is consistent with Article I of the 1987 Constitution, which provides that the seabed and subsoil and other submarine areas are part of the Philippine territory, and Article 76 of the United Nations Convention on the Law of the Sea (UNCLOS), which provides that the seabed and subsoil of the submarine areas are part of the continental shelf of coastal states. Thus, the Philippine Rise Region is within the sovereignty and jurisdiction of the Philippines.

On 16 May 2017, President Rodrigo Duterte signed Executive Order No. 25 renaming Benham Rise to Philippine Rise. The Philippine Rise³ is a natural submarine prolongation of the Luzon Island extending up to 318 nautical miles (589 kilometers), from the Eastern Philippine Seaboard facing the Pacific Ocean. The Philippine Rise Region is composed of the 200-nautical-mile continental shelf from the baselines of Luzon and the extension of the seabed and subsoil approximately up to 118 nautical miles beyond the legal continental shelf limits.⁴ It consists of a

² Adopted by the Submission on 2 April 2012, and submitted to the Commission on the Limits of the Continental Shelf for consideration and approval of the Commission.

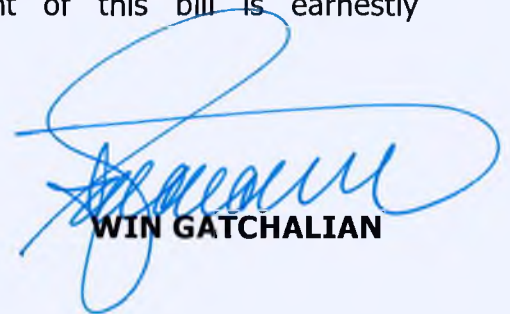
³ Foreign Service Institute – Center for International Relations and Strategic Studies.
<https://thinkasia.org/bitstream/handle/11540/7970/The-Philippine-Rise.pdf?sequence=1>

⁴ This can extend up to 350 nautical miles if the coastal State proves its right to claim an extended continental shelf (see UNCLOS III, Article 76, paragraphs 4(a), 5 and 6, in relation to Article 77).

plateau and the Molave and Narra Spurs and Saddles in the east and northeast. It is docked to Luzon through the Palanan Saddle in the northwest and the Bicol Saddle in the southwest, and moves with it as a single unit. The outer limits of the Extended Continental Shelf (ECS), as established on the basis of the Commission on the Limits of the Continental Shelf (CLCS) recommendations, are defined by 226 points, covering a seabed area of 135,506 square kilometers.

To further solidify our sovereignty over the Philippine Rise, this bill seeks to rename, through legislative fiat, the Benham Rise as "Philippine Rise" or "*Talampas ng Pilipinas*", thus, complementing both Executive Order No. 25 and the UN-CLCS Recommendation. Exercising the sovereign rights of the Philippine Government over the Philippine Rise is vital to protect our national interests over our national territories in the eastern seaboard, amid competing maritime claims in the West Philippine Sea.

In view of the foregoing, the enactment of this bill is earnestly recommended.



WIN GATCHALIAN