Republic of the Philippines
Province of Samar
Municipality of Pinabacdao
OFFICE OF THE SANGGUNIANG BAYAN

MUNICIPAL ORDINANCE NO. 22-005

Series 2022

AN ORDINANCE REQUIRING BUSINESS ESTABLISHMENTS AND OTHER PLACES AND SPACES CONSIDERED AS HIGH RISK TO INSTALL VIDEO SURVEILLANCE CAMERAS OR CLOSED-CIRCUIT TELEVISION AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF AND FOR OTHER PURPOSES.

WHEREAS, Section 16 of the Local Government Code of 1991, provides that local government units shall exercise its powers expressly granted, and those that are necessarily implies therefrom, which are necessary and essential to the promotion of the general welfare of its inhabitants;

WHEREAS, Section 447 of the same Code provides that local government units measure may "maintain peace and order by enacting measures to prevent and suppress lawlessness, disorder, riot, violence, rebellion or sedition and impose penalties for violation thereof ;

WHEREAS, the Municipality of Pinabacdao, in active pursuit of programs and measures that endeavors to create an environment conducive to the advancement of the local trade and commerce and considers business its indispensable partner in the promotion of progress and development ;

WHEREAS, video surveillance or closed-circuit television (CCTV) can incidentally view behavior that has caused or likely to cause danger or damage to any person or property and help in the identification of the perpetrators thereof and therefore can help avert criminalities;

WHEREAS, CCTV has proven time and again in its usefulness in recounting details of criminalities and the identification of the perpetrators thus making incident and investigation reports speedy and thorough;

NOW THEREFORE, be it Ordained by the Sangguniang Bayan of Pinabacdao, Samar in session assembled that:

SECTION 1. TITLE. This Ordinance shall be known as **"The CCTV Camera Ordinance".**

SECTION 2. DECLARATION OF POLICY. It is hereby declared the policy of the Municipal Government of Pinabacdao, Samar to protect the security and well-being of its constituents from criminalities and lawlessness by enacting sound measures for the maintenance of peace and order within its jurisdiction.

It is also the policy of the Municipal Government of Pinabacdao to ensure that the fundamental rights of an individual to privacy is not and will not be unreasonably hampered or curtailed other that what is necessary for the protection of the welfare of the public in general.

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Feed Locations are limited to public spaces only and by the provision of proper safeguards against unauthorized viewing and/or disclosure of video recording made in accordance therewith.

SECTION 3. DEFINITION OF TERMS. For the purpose of this Ordinance, the following terms shall mean:

a) **Business Establishments –** refers to banks and their satellite offices, branches and automated teller machines (ATMs), money changers, pawnshops, credit facilities and other similar lending and financial institutions, as well as gasoline stations and service shops, hotels, inns, lodging houses, homestays, restaurants, specialty stores and facilities, clinics, shops, terminals, and other high risk places, spaces or establishments as may be identified.

b) **Closed-Circuit Television (CCTV)-** refers to video surveillance cameras used to transmit visual information to a monitor or a number of monitors.

c) **Feeds-** are visual information or images transmitted by video surveillance cameras to the monitors.

d) **Feed Locations –** areas that are covered or viewed by video surveillance camera.

e) **High Risk Areas-** refers to commercial/business establishments and other places and spaces with common business areas where there is greater degree of susceptibility to occurrence of accidents or criminalities because of the numerous financial, social or business interactions, or places and spaces where critical properties of the Municipality are situated.

f) **Monitors-** the screens or other devices on which feeds are viewed.

g) **New Establishments-** refers to newly created trading or commercial concerns undergoing application for business permit or the license to operate prior to the affectivity of this Ordinance.

h) **Old Business Establishments-** refers to existing business establishments that have duly secured current business permit or license to operate and are already operating at the time of the effectivity of this Ordinance.

i) **Recycling-** refers to the process by which records or tapes of feeds or visual information may be erased through the overrun by another or new visual information.

j) **Satellite Branches/Offices- refers to small extension offices of business concerns such that of banks or any financial institutions.**

k) **Homestays- a house/building for housing a number of persons for local and foreign tourist.**

l) **Designated Security Personnel – police or civilian personnel authorized to operate or use particular CCTV camera(s).**

SECTION 4. SCOPE OF APPLICATION AND INSTALLATION OF VIDEO SURVEILLANCE CAMERAS.

a) All business establishments with Five Hundred Thousand Pesos (Php 500,000.00) or more in capital like specialty stores, facilities, restaurants, gasoline stations, airline offices, hospitals, hardware, grocery and dry stores, shops, homestays, resorts and other high risk areas including industrial and manufacturing establishments;

b) All educational establishments in the Municipality of Pinabacdao, whether private or public irrespective of their locations;

c) All local government facilities, buildings and high risk areas shall likewise install Closed Circuit Television (CCTV) Camera in public buildings or places where the public

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frequentlyconverge like markets, terminals, plazas or parks, main thoroughfares or in entrance and exit points of the Municipality as may be recommended by the PNP.

SECTION 5. GUIDELINES FOR THE INSTALLATION OF CCTV. All facilities required to install CCTVs pursuant to the provisions of this Ordinance shall install and operate closed-circuit television camera which shall be maintained in proper working order at all times and based on the recommendation of the Public Officers who shall conduct the ocular inspections of the premises of the establishments.

SECTION 6. IMPLEMENTING OFFICE. The Business Permit and Licensing Offices (BPLO) and the Pinabacdao Police Station are hereby tasked to assist each other in the implementation of this Ordinance.

a) The BPLO and local PNP shall send duly authorized employees to inspect the premises of all business establishments covered by this ordinance by order of the Municipal Mayor. An especially designated sticker shall be posted by the inspection team on the establishment that have complied herewith.
b) An establishment found to be in violation hereof should be inspected again thirty (30) days after the date of the first inspection shall be deemed to have already violated this Ordinance.
c) Establishment that have already complied with this ordinance shall be inspected twice every year without prior notice to ensure that the CCTV system is operational and well maintained.
d) Establishments or facilities covered by this ordinance shall post signage on conspicuous places that is installed with CCTV.

SECTION 7. LIMITATION ON ITS USAGE. CCTV cameras, and its feed, shall be solely used in specified instances set forth in this ordinance, and use of CCTV cameras by such persons other than the owners and designated authorized to operate the same in any manner or location, or for any other purposes, is expressly prohibited.

a) **Law Enforcement and Crime Prevention**- CCTV cameras and any all feeds, shall be used for the purpose of providing surveillance in the service of law enforcement and crime prevention within the Municipality of Pinabacdao where there is documented criminal activity.
b) **Traffic Monitoring** – CCTV cameras and any all feeds shall be used for the purpose of traffic monitoring but are not intended to include enforcement of traffic violations. Notwithstanding the foregoing, the feeds from the CCTV cameras used for traffic monitoring may be used for lawful purpose in the event that such CCTV cameras, while being used for their primary functions, incidentally view behavior that has caused or is likely to cause danger to person or property.

SECTION 8. PROHIBITIONS. The feeds shall not be used for the following:

a) Broadcasting- broadcast by any of the authorized persons prescribed herein of any of the feeds or any of its parts or record or through any medium other than the monitors;
b) Viewing – feeds shall be viewed by any person/s other than those expressly authorized herein to view the records of feeds;
c) Transfer- Feeds shall not be transferred to any third party, whether for profit or not;
d) Reproduction – No person shall be allowed to copy any or all parts of records of the feeds.

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SECTION 9. PRESERVATION OF FEEDS. Feeds shall be recorded or otherwise stored by owner or owners of institutions or establishments for future use for a period of not more than fifteen (15) days.

After fifteen (15) days, the records or tapes of the feeds may recycled or destroyed unless otherwise a proper request for a specific log of any given feed shall have been made as provided for in the proceeding section. In such case, the properly requested specific record/s of feeds must be turned over, in its original and unadulterated form and substance, to the proper requesting authority.

SECTION 10. PROPER REQUEST FOR FEEDS. Stored or preserved feeds shall be used at any time to satisfy the following:

a) Any authorized subpoena or any written order of any court of competent jurisdiction; the local PNP, the National Bureau of Investigation (NBI), Criminal Investigation and Detection Group (CIDG), the Philippine Drug Enforcement Agency (PDEA) or the Municipal Mayor;
b) Any written request from the Chief Officer of the investigating body or authority calculating the advent of criminality for proper disposition of crime investigation and report;
c) Any written request from the duly constituted legislative body or assembly for purposes in aid of legislation.

SECTION 11. PENALTY CLAUSE.

a) On Section 4
   i. New business establishments (with capital of Five Hundred Thousand Pesos (Php 500,000.00) and above shall not be given a business permit if it has not complied with this ordinance;
   ii. Old business establishments (with capital of Five Hundred Thousand Pesos (Php 500,000.00) and above shall not be given a renewal of their business permits if they have not complied with this ordinance;
b) Any other violation on the provisions set forth in this ordinance shall be punishable by:

First Offense	: Fine of Two Thousand Five Hundred Pesos (Php 2,500.00)
Second Offense	: Revocation of Mayor's Permit

SECTION 12. FUNDING. An initial funding shall be allocated under the MOOE of the Municipal Mayor for implementation of this ordinance.

SECTION 13. REPEALING CLAUSE. All ordinances, rules and regulations or parts thereof in conflict with this ordinance are hereby repealed, provided that the rights that are vested upon the effectivity of this Ordinance shall not be impaired.

SECTION 14. SEPARABILITY CLAUSE. Should any provision, section or part of this ordinance declared as invalid by any court of competent jurisdiction, such judgment shall not affect or impair the remaining provisions, sections or parts hereof which shall continue to be in full force and effect.

SECTION 15. EFFECTIVITY CLAUSE. This Ordinance shall take effect upon approval, however a one (1) year grace period shall be given to an establishment to comply with the provisions of this Ordinance.

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I HEREBY CERTIFY that the foregoing Ordinance was duly enacted by the Sangguniang Bayan of Pinabacdao, Samar during its Regular Session on August 8, 2022.

MARY BERNARDETTE T. QUIJANO, LPT
Secretary to the Sanggunian

ATTESTED AND CERTIFIED

TO BE DULY ADOPTED.

HON. EDGAR M. TONELETE
Vice Mayor/Presiding Officer

APPROVED:

HON. TEODORICO A. MABAG
Municipal Mayor
Date: 8/8/22

HON. ALLEAN JOY J. SACAGUING
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