

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

THIRTEENTH CONGRESS
First Regular Session

House Bill No. 4197



Introduced by **Rep. Rodolfo C. Bacani**

EXPLANATORY NOTE

The State has the right to protect the life and liberty of its citizens even aliens sojourning in the Philippines including property located within its jurisdiction. The 1987 Constitution in Section 5, Article II, declared as a State Principle that, "***The maintenance of peace and order, the protection of life, liberty, and property***, and the promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy." In fine, it is the duty of the government to ensure the security of the people and their property for the better enjoyment of their rights and to ultimately achieve a peaceful and orderly society.

As a police power measure, this bill aims to curb the rising incidences of crimes against persons and property. The cold blood murder of movie icon Nida Blanca in 2002 in an enclosed parking space at the Atlanta Centre in San Juan is a wake up call for the expedient enactment of a law to require building owners with enclosed parking spaces to install, maintain and operate closed circuit television cameras and other camera systems, as the case maybe, to guarantee not only security but to serve as a deterrent against the commission of crimes. Furthermore, the system to be installed will yield a source of evidence in case a crime has been committed, which in turn, will effectively aid police officers to identify the perpetrator/s and determine the circumstances thereto with the ultimate end of speedy dispensation of justice.

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


RODOLFO C. BACANI

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

THIRTEENTH CONGRESS
First Regular Session

House Bill No. 4197

Introduced by **Rep. Rodolfo C. Bacani**

AN ACT
TO REQUIRE ALL BUILDING OWNERS TO INSTALL, OPERATE AND MAINTAIN
SECURITY CAMERA SYSTEM IN ALL ENCLOSED PARKING SPACES PROVIDING
FOR PENALTIES FOR VIOLATIONS THEREOF AND FOR OTHER PURPOSES

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

SECTION 1. This Act shall be known as the "Mandatory Installation of Security Cameras System in All Enclosed Parking Spaces of Buildings by their Respective Owners Law".

SEC. 2. Declaration of Policy. - It is a policy of the State to protect the life and liberty of its citizens even aliens sojourning in the Philippines including property located within its jurisdiction.

SEC. 3. Definition of Terms. -

- a) Building - Any structure built for support, shelter or enclosure of persons, animals or chattels or property of any kind. The purpose for the construction and existence of the same being immaterial, whether intended for commercial purpose or not, as long as other persons other than the building owner frequents or conducts business therein on a regular or irregular basis.
- b) Enclosed Parking Space - A part of the building intended for the purpose of temporary storage of vehicles which cannot be ascertained to be secure during the reasonable hours of the day or during nighttime by reason of its being isolated brought about by the physical structure of the building.
- c) Security Camera System - An integrated electronic system of cameras (whether stationary or moving in a particular pattern) and television monitors installed for the purpose of capturing certain areas in a given place on a repeated basis.
- d) Building Owner - A natural or juridical person who is the registered owner of the building and the land where the former is erected or one who legally owns the building but possession of the land where the said building is erected is under any contract but not limited to lease or usufruct or one who leases or has possession of the building under any contract, who at the same time maintains the cleanliness, safety, and security of the premises of the same.

- e) Occupant - Any person who regularly or irregularly uses the enclosed parking spaces of buildings as a temporary storage of vehicles in any given time of the day or during nighttime regardless of his legal relationship or ownership of any floor, unit or room of the building with respect to the building owner as defined in the preceding paragraph.

SEC. 4. Application. - This law shall apply to all buildings owners as defined in this Act except to those who have already installed, currently operates and maintains security camera system/s in their respective building or buildings. The Secretary of the Department of Interior and Local Governments shall issue the necessary implementing rules and regulations to enforce the provisions of this Act.

SEC. 5. Period of Compliance. - After three (3) months from the issuance of the Implementing Rules and Regulations for the enforcement of this Act, building owners are hereby given three (3) months therefrom to install, maintain and operate security camera system.

SEC. 6. Inspection. - The municipal or city engineers or representatives in coordination with the local chief of police or their representatives through out the country shall have the power to inspect the installation, operation and maintenance of closed circuit television camera systems or security cameras. The period of inspection shall be determined in the implementing rules and regulations.

SEC. 7. Video Footage as a Source of Evidence. - All video footage captured or recorded by the respective recording equipment of authorized personnel which contains incidences of commission of crime/s shall become immediately available to police officers upon demand without need of a court order subject to the execution of a joint-affidavit by the authorized personnel, the head of security of the concerned building, the building owner or his authorized representative attesting to the veracity of the circumstances therein including the date and time of occurrence, among others.

SEC. 8. Tax Treatment and Incentive. - The expenses incurred for the purchase of the security cameras and other equipment reasonably necessary for the installation, operation and maintenance shall be treated as Ordinary and Necessary Expenses under Sec. 34 A (1) (a), Title II, Chapter VII of RA 8424 otherwise known as the National Internal Revenue Code during the taxable year when the said expenses were made. Likewise, all contracts of sale for the purchase or rentals of security cameras and other equipment essential for its installation, operation and maintenance shall be exempt from the Value Added Tax as embodied in Title IV Chapter I of the same Code. The Bureau of Internal Revenue is hereby directed to formulate the necessary revenue regulation and other issuance enforcing the same.

Sec. 9. The Secretary's Report. - The Secretary of the Department of Interior and Local Government shall submit an annual report to the Office of the President and to Congress regarding the implementation of this Act.

Sec. 10. Penalties. -

- a) Any person who deliberately fails to comply with Sec. 5 shall be punishable with an imprisonment of not less than 3 years but not more than 5 years or a fine of Two Million Pesos (P 2,000,000.00) or both. If the offender is a juridical person, the penalty shall be imposed upon the Chairman, President or General Manager or Managing Partner/s thereof who shall knowingly refuse compliance thereto.

- b) Any person who refuses the entry into the building of the municipal or city engineers or his duly authorized representatives together with the chief of police or his duly authorized representative for the purpose of conducting inspection or otherwise unduly obstructs the conduct of inspection as provided for in Section 6 of this Act shall be punishable with an imprisonment of not less than 1 year but not more than 3 years or a fine of Three Hundred Thousand Pesos (P 300,000.00) or both.
- c) Any person who unduly refuses to furnish a copy or copies of video footage containing the incidences of the commission of a crime upon demand by police officers or who deliberately refuses to execute the required joint-affidavit as required in Sec. 7 of this Act shall be punishable with an imprisonment of not less than 2 years but not more than 4 years or a fine of Five Hundred Thousand Pesos (P 500,000.00) or both.

SEC. 11. Separability Clause. - If, for any reason, any provision of this Act is declared unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SEC. 12. Repealing Clause. - All laws, decrees, orders, rules, and regulations, or portion thereof, inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 13. Effectivity Clause. - This Act shall take effect immediately following its publication in at least two (2) national newspapers of general circulation or in the Official Gazette.

Approved,