

FIFTEENTH CONGRESS
First Regular Session
House Bill No. 5342



Introduced by: Congressman Mohammed Hussein P. Pangandaman
Representative, 1st Dist Lanao del Sur

EXPLANATORY NOTE

Over the years, there had been a steady increase in crimes happening in malls, shooting incidents, in particular. In 2011 alone, there have been three separate incidents of gun shooting in several malls, leaving four people dead.

On July 29, a security guard was killed in a shootout with Games and Amusement Board Employee inside a restroom of a shopping mall in Iloilo City. On September 14, Shella Macapugay shot and killed her husband, Abel, a sales clerk, after allegedly leaving her for another woman. A security guard who tried to stop the assailant killing herself was also shot and later died.

The latest unfortunate incident happened in a mall in the City of San Fernando, Pampanga wherein two male minors, of 13 and 16 years of age, were killed. The 13-year old has committed suicide after allegedly shooting the 16-year old.

In October of 2009, six men robbed a watch store in a prestigious mall in broad daylight. One robbed was left dead after a shoot-out with police men.

These are examples of instances, wherein given the proper training and knowledge of the guards, should have been avoided. Mall goers have gone thru security checks before entering these shopping establishments and the like (and sometimes even after exiting some stores). A lot have experience annoyance, and even frustration when they submit themselves to inspections. However, the question remains: Are the security checks in line with proper protocols? Do security personnel know how to properly execute the security check? Or do the security guards even know what they are looking for whenever they poke thru the person or bags of their patrons?

These are primary--yet vital--things that should be considered when we talk about security and protection of the customers, and the employees themselves. This is also a very significant matter to be looked into especially of the personnel and security guards who conduct the search.

This Bill aims to protect and secure the interests of the buying public for unreasonable searches. As for the security guards the burden of being blamed for untoward

incidents that happen in malls and other commercial places shall be with a basis. We cannot just make these guards responsible for these kinds of events because of lack of training and gadgets to attend to their duties.

In view hereof, early approval of this bill is earnestly sought.



MOHAMMED HUSSEIN P. PANGANDAMAN

Representative, 1st District of Lanao Del Sur

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**AN ACT REQUIRING ALL SHOPPING MALLS, GROCERIES, BANKS and
OTHER FINANCIAL INSTITUTIONS to INSTALL X-RAY SECURITY
ELECTRONIC SCANNERS on ALL of THEIR ENTRANCE for PURPOSES of
SECURITY of the ESTABLISHMENT as WELL as the PRIVACY of THEIR
PATRONS and CUSTOMERS.**

Section 1. SHORT TITLE – This Act shall be known as the “**Business Establishments Electronic Scanners Act of 2011**”

Section 2. DEFINITION OF TERMS – For purposes of this Act, the term;

- *Business establishments* – shall include, but not limited to, shopping malls, groceries, mini- marts, banks and other financial institutions;
- *Other financial institutions* – shall include, but not limited to, moneychangers, moneylenders, pawnshops, and the likes.
- *X-ray security electronic scanner* – is a device placed on the entrance doorway of the business establishment to frisk a person without making any physical contact;
- *Handheld metal detector* - is a device which responds to metal that may not be readily apparent.

Section 3. COVERAGE OF THIS ACT – All business establishments in the Philippines, SHALL place an X-Ray Security Electronic Scanner in the entrance door/s of their respective establishments; *Provided* that mini groceries, minimarts and the like shall issue handheld metal detectors to their security officers/guards. These gadgets shall be used to check the people and their belongings before they enter the establishment.

The security officer/guard on duty shall avoid any physical inspection on the body and/or the belongings of the person who intends to enter the establishment, but may otherwise do so if the X – Ray Security Electronic Scanners' or Handheld Metal Detectors' alarm goes off.

Section 4. PENALTY – Person/Persons who will violate this Act shall be punished with an imprisonment for a period of six (6) months and one (1) day to one (1) year, to the discretion of the court.

Section 5. IMPLEMENTING RULES AND REGULATION – The Secretary of the Department of Interior and Local Government and the Commission on Human Rights in coordination with the Philippine National Police shall issue the necessary rules and regulations to implement this Act.

Section 6. SEPERABILITY CLAUSE – If any part or provision of this Act shall be held unconstitutional or invalid, other provisions which are not affected shall continue to be in full force and effect.

Section 7. REPEALING CLAUSE – All laws, presidential decrees, executive orders, rules and regulations or parts thereof which are inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

Section 8. EFFECTIVITY – This Act shall take effect fifteen (15) days after its publication in at least two (2) national newspapers of general circulation.

APPROVED,