

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



SIXTEENTH CONGRESS
First Regular Session

House Bill No. **3261**

Introduced by Representatives
DIOSDADO MACAPAGAL ARROYO and GLORIA MACAPAGAL ARROYO

AN ACT
MANDATING THE USE OF SURVEILLANCE CAMERAS FOR THE SECURITY AND
SAFETY OF COMMERCIAL ESTABLISHMENTS

EXPLANATORY NOTE

The 1987 Constitution expressly provides that: *"It is a policy of the State to maintain peace and order and to protect the life and property of the general public."* The occurrence of theft, harassment, vandalism, and other such crimes has become increasingly common in many private commercial establishments. It is considered alarming since such incidents have been perpetrated in broad daylight while still a majority of them happening late night up to the wee hours of the morning. There is therefore an urgent need to secure these establishments which include banks, financial establishments, schools, gas stations, and the like.

This humble proposal is being introduced to address rising crime incidence and to show the inadequacy of proper security systems in most private establishments which are the usual target of criminal minds. The installation of surveillance cameras or closed circuit televisions ("CCTVs") can address any lack in security personnel and can also supplement existing security systems by empowering security and victims to review a record of events of the incident. This includes identification of the perpetrators and other related evidence of the crime while it also allows owners of commercial establishments to monitor a greater area with fewer personnel requirement. Real-time video feed can also be studied to better prepare security personnel by monitoring suspicious individuals to prevent the commencement of any planned criminal activity.

This proposed legislation aims to protect and empower the general public against criminal elements that threaten the State's peace and order. Its swift passage into law would uphold the State's worthy ideals to protect life and property.

We, therefore, urge our colleagues to ensure the swift passage of this bill into law.



DIOSDADO MACAPAGAL ARROYO
Second District, Camarines Sur



GLORIA MACAPAGAL ARROYO
Second District, Pampanga

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

House Bill No. **3261**

Introduced by Representatives
DIOSDADO MACAPAGAL ARROYO and GLORIA MACAPAGAL ARROYO

AN ACT
MANDATING THE USE OF SURVEILLANCE CAMERAS FOR THE SECURITY AND
SAFETY OF COMMERCIAL ESTABLISHMENTS

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

SECTION 1. *Short Title.* – This Act shall be known as the "Surveillance Camera for Commercial Establishments Act of 2013."

SECTION 2. *Declaration of Policy.* – Under Article II, Section 5, of the Constitution, it is the policy of the State to maintain peace and order, to protect life, liberty and property, and to promote the general welfare of the general public. As such, the surveillance and security of commercial establishments should be regulated to prevent criminal incidents in said establishments.

SECTION 3. *Definition of Terms.* – As used in this Act, the term:

- (a) "*Surveillance camera*" refers to electronic devices used for recording images of a particular area, premises, or place, such as but not limited to closed circuit televisions (CCTV's).
- (b) "*Video feed*" refers to the live input of a surveillance camera.
- (c) "*Video record*" or "*video recording*" refers to the electronic record of the images captured by a surveillance camera.

(d) "*Commercial establishment*" refers to any establishment used for commercial purposes and operating for, selling products to, or providing services to the general public. The term refers to establishments such as but not limited to retail stores, banks, financial institutions, supermarkets, schools, kindergartens, hotels, and restaurants.

(e) "*Covered establishment*" refers to any commercial establishment with work premises of not less than fifty (50) square meters.

SECTION 4. *Duties of Covered Establishments.* – It shall be the duty of all covered establishments to:

(a) Install and maintain in good working condition surveillance cameras within the premises of their work area (i.e., cashier's areas, aisles or areas that are obstructed from public view, entrance of restrooms, and the like);

(b) Install and maintain in good working condition surveillance cameras to monitor the perimeter of their establishment;

(c) Ensure that surveillance cameras are turned on and recording for twenty-four (24) hours per day and for seven (7) days per week;

(d) Ensure that video feeds are being monitored by security employees or personnel specifically tasked to do so;

(e) Keep a deposit of video recordings for a period of not less than thirty (30) days from the date of recording;

(f) In the instances covered by Section 8 of this Act, to make video recordings available upon request and to allow copies thereof to be made, at the expense of the requesting party.

SECTION 5. *Notice of Surveillance.* – The fact that surveillance cameras have been installed in an establishment shall be made known to the general public through a written notice displayed in the entrance of the establishment.

SECTION 6. *Prohibited Surveillance.* – The installation of surveillance cameras in any restroom, toilet, shower, bathroom, changing room, and other such areas where there is a reasonable expectation of privacy shall be prohibited.

SECTION 7. *Confidentiality and Non-disclosure of Recordings.* – The owner and/or manager of the commercial establishment shall maintain the privacy and confidentiality of the video feeds and records obtained as a result of establishment surveillance performed in accordance with this Act. Towards such end, said owner and/

or manager shall prohibit any use, viewing, disclosure, or publication of said video recordings.

SECTION 8. *Allowed Use and Disclosure.* – The use, copying, or disclosure of video records obtained pursuant to establishment surveillance performed in accordance with this Act shall only be allowed in the following instances:

- (a) Use, copying, or disclosure to a member or officer of a law enforcement agency in connection with and limited to the investigation or prosecution of an offense punishable by law or regulation;
- (b) Use, copying, or disclosure to further and in connection with any pending criminal or civil proceeding;
- (c) Use or disclosure that may be necessary to avoid an imminent threat to persons or property; or
- (d) Use or disclosure that may be necessary for persons to determine whether or not an offense was committed against their person or property, to ascertain the identity of a criminal perpetrator, and to determine the manner by which an offense was consummated.

It shall be the responsibility of the owner and/ or manager, or their agents, to ensure that the conditions for use, copying, or disclosure of video recordings are reasonably established before giving access to requesting parties. The extent of video recordings to be viewed, used, copied, or disclosed shall be limited to the images pertaining to the above-mentioned instances.

SECTION 9. *Penal Clause* – Any act or omission causing the violation of duties ascribed to commercial establishment under this Act shall be punishable with imprisonment not exceeding six (6) months, or a fine not exceeding One thousand pesos (P1,000.00), or both; without prejudice to other civil or criminal liabilities that may arise therefrom.

The owner and/ or manager of the establishment shall likewise be answerable for violations of this Act; provided that it is shown that the violation was due to his/her direct participation, lack of supervision, or negligence.

SECTION 10. *Implementing Agency.* – The Department of Interior and Local Government and the respective local government units with jurisdiction over the area wherein a covered establishment is located shall ensure the implementation and enforcement of this Act.

SECTION 11. *Separability Clause.* – If any provision or part of this Act shall be declared invalid or unconstitutional, the remaining parts or provisions not affected shall remain in full force and effect.

SECTION 12. *Repealing Clause.* – All laws, decrees, executive orders, issuances, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 13. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,