

Sixteenth Congress
Republic of the Philippines
First Regular Session



Introduced by HON. Samuel D. Pagdilao

HOUSE BILL NO. **3835**

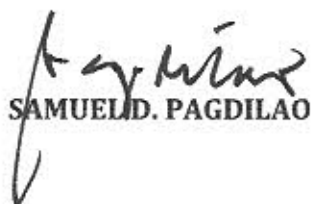
EXPLANATORY NOTE

Due to advances in technology, there has been a proliferation of Closed Circuit Television (CCTV) installations seen in cities and municipalities in our country. CCTV systems have been located in government buildings, business centers, malls, banks, parking facilities, schools, colleges, hospitals and other similar projects.

A common goal of most CCTV systems is to promote security and safety. Needless to say, peace and order has been a direct beneficiary of CCTV which contributes to better prevention, more efficient deployment of police and higher crime solution rate. First, a potential criminal who becomes aware of the presence of CCTV and its threat of surveillance may prevent or deter such person from committing a criminal act. Second, CCTV Cameras will also allow the police to monitor several areas all at once and thus, may facilitate effective deployment of police on areas where police assistance is necessary. This ensures that police resources are called upon only when necessary. Third, CCTV Cameras can be utilized in solving crimes since it will record the crimes that have happened and in the process identify the offender.

This bill mandates business establishments, schools and colleges, government buildings, plazas, major thoroughfares, and other similar areas to install and maintain CCTV cameras to prevent and deter crimes and to involve the community as partners of the police in its anti-crime and terrorism efforts.

Immediate approval of this bill is earnestly sought.


SAMUEL D. PAGDILAO

Introduced by HON. Samuel D. Pagdilao

**AN ACT MANDATING THE INSTALLATION OF CLOSED CIRCUIT
TELEVISION CAMERAS (CCTVS) IN PRIVATE ESTABLISHMENTS
AND GOVERNMENT OFFICES.**

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

Section 1. Title. – This Act shall be known as “*The CCTV System Installation Act.*”

Section 2. Declaration of Policy. – It is hereby declared the policy of the State to maintain peace and order within its territory and to ensure the safety of its people. Towards this end, the State shall employ new strategies and means to keep communities crime free and to promote the early resolution of crimes with the help of the public.

Section 3. Definition of Terms. – For purposes of this Act, the term:

- a) “Bank” means an establishment whose primary function is related to the custody, loan, exchange, issuance of money, extension of credit, or transmission of funds.
- b) “Shopping mall” means Building or series of buildings containing a mix of four (4) or more commercial establishments in a single development or on a single parcel.
- c) “Video Surveillance System” means a digital surveillance system including cameras, cabling, monitors, and digital video recorders (DVRs) that records in color with cameras and lens of a type, minimum resolution, number and locations approved by the Chief of Police, Lilo-an Police Station or his/her designee. This system must be capable of producing retrievable and identifiable images and video recordings on an approved media that can be enlarged through projection or other means, and can be made a permanent record for use in a criminal investigation. It shall also include without limitation any closed circuit video cameras (CCTV) or other cameras, video recorders, digital cameras [or], digital recorders or other technological devices used in the above manner.

- d) "Feeds" refer to the visual information transmitted by the CCTV Cameras.
- e) "Monitors" refer to the screen or other devices on which the feeds are viewed.
- f) "Schools" refer to secondary schools, colleges and universities with 1,000 or more student population.

Section 4. Mandatory Requirements. –

- a) All banks, department stores, shopping malls, secondary schools, colleges and universities, gasoline stations, pawnshops, lending institutions, convenience stores and similar establishments that are open for more than twelve (12) hours a day are hereby required to install a Closed Circuit Television (CCTV) or video surveillance system.
- b) Local Government units (LGU) and government agencies shall likewise install Closed Circuit Television (CCTV) in public buildings or places like markets, terminals, plazas or parks, main thoroughfares or in the entrance and exit points of the said LGU as maybe provided by law;
- c) Such establishments or government agencies, which installed surveillance system prior to the effective date of this ordinance, shall ensure they are in full compliance with this ordinance.

In all cases, the video surveillance systems shall be maintained in proper working order at all times and shall be in operation at least during office hours, or at the option of the owner for 24 hours, seven (7) days a week, and shall meet the minimum technological standards established in this Act.

Provided that for transparency purposes, the identity of the person or officer operating the CCTV system shall be sufficiently provided for.

Section 5. Preservation of Video Recordings. – The establishments shall retain the continuous digital images recorded by the system for no less than thirty (30) days for review and reference purposes. After 30 days, the feeds or recordings shall be preserved and stored for safekeeping for a period of not less than one (1) year, and maybe disposed of at the lapse of such period at the option of the owner. The feeds or digital images recorded by such system maybe presented when required by a court of competent jurisdiction the local police, National Bureau of Investigation (NBI), Criminal Investigation and Detection Group (CIDG), Philippine Drug Enforcement Agency (PDEA) and other similar government agencies as the case may be.

Section 6. Access by Law Enforcement Institutions. – If a crime occurs or

any person or employee of private establishments subject to this Act believes that a crime is committed, the concerned private establishment shall immediately contact the law enforcement institutions and provide immediate access to the media the CCTV/video recording thereof.

Section 7. Prohibitions. – It shall be unlawful for any person, not being authorized:

- a) To publish or broadcast, or cause to be published or broadcast, whether in print or broadcast media, or show or exhibit the saved video recordings through VCD/DVD, internet, cellular phones and other similar means or device and the public identification of any person in that video; or
- b) To sell or distribute, or cause to be sold or distributed, such video recording;

A violation of this section shall be liable for violation of laws relating to privacy.

Section 8. Confidentiality of Recordings. – Subject to Section 6 of this Act, the saved recordings shall be considered as confidential information. All recordings obtained or secured by any person in violation of the preceding Section of this Act shall not be admissible in evidence in any judicial, quasi-judicial, legislative or administrative hearing or investigation.

Section 9. Request for Video Recordings in any investigation or trial – The use of the save video recordings or record or any copies thereof as evidence in any civil, criminal investigation or trial of offenses shall be allowed upon written order of a court of competent jurisdiction.

Provided, that all recordings made under court authorization shall be deposited with the court in a sealed envelope or sealed package, and shall be accompanied by an affidavit of the proper officer granted such authority stating the number of recordings made, the dates and times covered by each recording, the number of tapes, discs, or records included in the deposit, and certifying that no duplicates or copies of the whole or any part thereof have been made, or if made, that all such duplicates or copies are included in the envelope or package deposited with the court. The envelope or package so deposited shall not be opened, or the recordings replayed, or used in evidence, or their contents revealed, except upon order of the court, which shall not be granted except upon motion, with due notice and opportunity to be heard to the person or persons whose conversation or communications have been recorded.

Section 10. Minimum Standards. – The CCTV or video surveillance system must be capable of delineating on playback of the system the activity and physical features of persons or areas within the premises and must be able to record such images on air approved form of media. For this purpose, it shall have at least met the following specifications:

- a) Have one dedicated channel for each camera in operation;
- b) Shall record at least 640x480 recording resolution level;
- c) Shall have the capacity to record at fifteen frames per second, per camera. For example, a system with 10 cameras would need to have a DVR capable of recording at least 150 frames per second.
- d) Shall have enough memory to retain data from all cameras for a period of thirty (30) days. One estimate has been provided that this would equal approximately 40 GB of hard drive memory per camera.
- e) Possess the ability to view and retrieve data while the system remains in operation.
- f) Possess the ability to produce DVD-R copy of desired data for evidentiary purposes on a format playable via Windows Player to a standard DVD player.
- g) Possess the ability to time stamp and "watermark" the recorded images.
- h) Shall be placed in a locked and secured location to prevent destruction of tampering.

For Cameras:

- i) Operate with a minimum of 180 Total Vertical lines (TVL) of resolution
- j) Shall have the ability to record color images during sufficient lighting and record in black and white during hours of low light.
- k) Each camera shall be matched to each specific application taking into consideration:
 - k.1.) the distance to target image
 - k.2.) "Lux rating" or compatibility with the amount of light available to include excessive amounts of sunlight
 - k.3.) View angle of camera in relation to area of a desired coverage
- l) Each camera shall have a clear and unobstructed view of the area of desired coverage.
- m) Cameras shall be positioned to capture "Head and Shoulder" images at exits, entrance and points of sale locations.

For Digital Video Recorder Monitors

- n) Each system shall have a monitor that may be assessed by the Police department and other law enforcement agencies for viewing of the recorded images.
- o) The monitor shall be of a Liquid Crystal Display (LCD) design with a screen no smaller than fifteen diagonal inches.

In all cases, each CCTV system shall have a dedicated power source to prevent intentional or accidental deactivation and preferably provided with Uninterrupted power supply (UPS)

Section 10. Placement of CCTV – The video surveillance system shall have

at a minimum, separate cameras dedicated to each register/check-out stand, entrance/exit, and parking lot or area designated for customer and or employee parking use.

The placement of cameras included in video surveillance systems required under this Ordinance shall be approved by the local government unit having jurisdiction over the area.

Provided, that an officer from the Local Government Unit (LGU) concerned or his/her duly authorized representative shall conduct an assessment of each site required to install a video surveillance system prior to installation, and upon approval notice which will be placed on plain view inside the premises. This approval notice will also inform customers and employees of the existence of the video surveillance system. a separate notice of the video surveillance system, in a form provided for by law, shall be placed on the parking area.

Provided further, that business establishments:

- a) whose aggregate assets based on their latest audited financial statements exceeds Fifty Thousand Pesos (P50,000.00) to Five Hundred Thousand Pesos (P500,000.00) to install at least one Digital Video Recorder (DVR) with four (4) channels of fixed CCTV's within their premises, dedicating at least one (1) CCTV with Infra Red (IR) range of 50 meters for monitoring the outer perimeters and facing the immediate street/road in front of their offices or stores;
- b) whose gross aggregate assets based on their latest audited financial statements exceeds Five Hundred Thousand Pesos (P500,000.00) to One Million Pesos (P1,000,000.00) to install at least one Digital Video Recorder (DVR) with eight (8) channels of fixed CCTV's within their premises dedicating at least one (1) CCTV with scanning/panning capability and with Infra Red (IR) range of 50 meters for monitoring the outer perimeters and facing the immediate street/road in front of their offices or stores;
- c) whose gross aggregate assets based on their latest audited financial statements exceeds One Million Pesos (P1,000,000.00) to install one or two Digital Video Recorder/s (DVR) with sixteen (16) fixed or panning CCTV's within their premises, dedicating at least two (2) CCTV's with scanning/panning capability and with Infra Red (IR) range of 100 meters for monitoring the outer perimeters and facing the immediate street/road in front of their offices or stores;

Section 11. Inspection. – For purposes of this Act, the concerned local government units shall be authorized to conduct regular inspections of the installed CCTV systems to determine whether the said system is in accordance with this Act and its implementing rules.

Section 12. Penalties. - Establishments subject to the mandatory requirements of this Act shall have six (6) months from its effective date to comply with the regulation set forth in this Act.

- a) A violation of the provisions of this Act by any owner or principal operator of the private establishments subject to this Act shall result in a notice of violation to be issued by the Local Government Unit concerned. The violators shall have thirty (30) days after receipt of the notice to provide proof of compliance to. If the violation continues after the 30-days period, the said establishment shall pay a fine in the amount of *Ten Thousand Pesos* (Php 10,000.00) and a suspension of its business permit or its permit to operate until the CCTV system is installed.
- b) For Government Offices, the non-installation of CCTV systems shall be considered as non-feasance and shall be subject to the proper penalties as provided for by law.

Section 13. Rules and Regulations. - The Department of Interior and Local Government, in consultation with the Philippine National Police (PNP), shall promulgate the rules and regulations for the implementation of this Act.

Section 14. Separability Clause. - If any provision or part hereof is held invalid or unconstitutional, the remainder of this Act or the provisions not otherwise affected shall remain valid and subsisting.

Section 15. Repealing Clause. - All laws, decrees, orders, rules and regulations or parts thereof inconsistent with this Act are hereby repealed or modified accordingly.

Section 16. Effectivity Clause. - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.