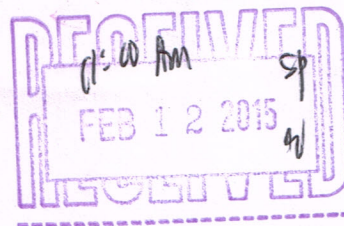


TERESITA J. VELOSO
SP Member



Republic of the Philippines
PROVINCE OF LEYTE
City of Baybay
-0000000-



DOMINADOR K. MURILLO
SP Member

Office of the Sangguniang Panlungsod

Excerpt from the

MINUTES OF THE 40TH REGULAR SESSION OF THE SANGGUNIANG PANLUNGSOD OF BAYBAY CITY, LEYTE HELD ON NOVEMBER 24, 2014 AT THE SP SESSION HALL, LEGISLATIVE BUILDING.

CITY ORDINANCE NO. 08 SERIES 2014

AN ORDINANCE MANDATING BUSINESS ESTABLISHMENTS OPERATING WITHIN THE TERRITORIAL JURISDICTION OF BAYBAY CITY TO INSTALL A CLOSED CIRCUIT TELEVISION (CCTV) SYSTEM AND PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF.

Sponsored and Introduced by: Hon. Rodolfo S. Palma, Jr.

WHEREAS, Section 16 of the Local Government Code of 1991 or Republic Act No. 7160, also known as the General Welfare Clause provides in part that every local government unit shall exercise powers necessary for its efficient and effective governance and those which are essential to the promotion of general welfare:

WHEREAS, Section 447 and 458 of the said Republic Act 7160 provide in part, that the Sangguniang Panlungsod shall enact ordinances for the general welfare of the city and its inhabitants pursuant to the abovementioned Section 16 of said law, and in this regard, enact and approve ordinances relative to the (i) maintenance of peace and order in the city, (ii) suppression of lawlessness therein, and (iii) authorization of the issuance of permits or licenses upon conditions and for such purposes intended to promote the general welfare of the inhabitants of the examination within the city and the conditions under the license for said business may be issued or revoked.

WHEREAS, law enforcement agencies in the country have already proven that Closed Circuit Televisions (CCTV) are among the most effective tools in crime deterrence, prevention, detection and solution since there is a video recording which can be used in addition to the testimonies of witnesses;

WHEREAS, in order to intensify the city's drive to deter, prevent, detect, and solve criminality, and to preserve video recording as evidence, this August Body deems it proper to require the use of CCTV systems in business establishments within Baybay City.

WHEREAS, the Department of Interior and Local Government, through the Philippine National Police Directorate for Research and Development, and in consultation with the Department of Science and Technology, has conducted a study as to minimum technical specifications to be required of CCTVs to be installed pursuant to this ordinance.

NOW, THEREFORE.

BE IT ORDAINED BY THE SANGGUNIANG PANLUNGSOD OF BAYBAY CITY IN REGULAR SESSION ASSEMBLED.

SECTION 1. TITLE OF ORDINANCE - This ordinance shall be known as AN ORDINANCE MANDATING COMMERCIAL OR SERVICE ESTABLISHMENTS, WHETHER PRIVATE OR PUBLIC, OPERATING WITHIN THE TERRITORIAL JURISDICTION OF BAYBAY CITY TO INSTALL CLOSED CIRCUIT TELEVISION (CCTV) CAMERAS AND OTHER VIDEO MONITORING DEVICES OR SIMILAR EQUIPMENT, AND PRESCRIBING PANALTIES FOR VIOLATIONS THEREOF. This is also known as CCTV Ordinance of Baybay City.

CRISTINO S. LORETO
SP Member

ALAN D. FERNANDEZ
SP Member

EDGARDO A. OMPOY
SP Member

ARTURO BLASA O. ASTORGA
SP Member

RODOLFO S. PALMA, JR.
SP Member

LOLITO C. MUÑEZ
SP Member

HERMOGENES E. TORREFRANCA, III
SP Member

DOMINADOR K. MURILLO
SP Member

RODOLFO S. PALMA, JR.
SP Member

LOLITO C. MUNIZ
SP Member

KERMOGENES E. TORREFRANCA, III
SP Member

SECTION 2. SCOPE AND APPLICATION - The following establishments are required to install CCTVs.

A. BUSINESS ESTABLISHMENTS WITH CAPITALIZATION OF NOT LESS THAN PHP. 200,000.00 WHICH ARE ENUMERATED HEREUNDER:

- a. Banks, financial institutions, pawnshop, money lenders, money remittance services, money changers, and the like;
- b. Business establishments that are part of a national chain or have several branches in other parts of the country, such as restaurants/fast food chains, 24-hour convenience stores, drug stores and the like;
- c. Shopping malls, shopping centers, supermarkets, movie houses, theatres, hospital and medical facilities, ports/airports/public transport terminals, places of entertainment, and the like which draw a considerable number of customers/patrons;
- d. Car dealerships, gasoline/fuel refilling/service stations; and
- e. Other business establishments with a capitalization below Php. 200,000.00 which the OPOS deems proper considering the type of business and potential risks in their respective areas.

B. GOVERNMENT INSTITUTION – Any public offices serving the general public owned or operated by the national or local government, government owned or controlled corporations, and other government agencies and instrumentalities thereof.

The CCTV shall be maintained in proper working order at all times, shall be in continuous operation, and shall meet the minimum technical specifications set by this ordinance.

SECTION 3. PRESERVATION OF VIDEO RECORDINGS – The owner(s) of the business establishments shall preserve the camera recording for at least seventy two (72) hours, or such period as the LGU deems proper.

SECTION 4. MINIMUM TECHNICAL SPECIFICATIONS – The CCTV system to be installed must meet the following minimum specification:

Camera:

- Minimum of 600 TVL Camera Resolution;
- Must be able to capture video footages at 0.1 Lux Illumination;
- Should have auto-iris (either fixed or vary-focal);
- Should have Infrared LEDs enough to reach a distance of at least 20 meters for clear recording a 0 Lux (for areas where there is no continued sufficient lighting);
- Must have at least 70 degrees Lens Angle;
- The outdoor Camera must be vandal-proof or IP 66 Weatherproof Casing.

Video Recorder:

- Minimum of four (4) camera input;
- Minimum of 640 x 480 video resolution;
- 30 frames per second (FPS) recording per camera;
- Should have Hard Disk Drive/s enough to store video recording for all cameras for at least 1 month;
- Must have Time Stamping Feature;
- Must have an interface for storage back-up.

TERESITA J. VELOSO
SP Member

CRISTELO S. LORETO
SP Member

ALAN D. FERNANDEZ
SP Member

EDGARDO B. OMPOY
SP Member

ARTURO ELISA O. ASTORGA
SP Member

Other Components:

- At least four (4) cameras covering the areas of transaction and risk; Provided that, at least one camera must facing the street from the entrance (when applicable), with the actual number of cameras to depend on the size of the establishment and nature of business, as determined by the LGU concerned;
- Should have centralized power supply for the DVR and cameras;
- Should have appropriate Uninterruptible Power Supply (UPS) to provide standard and reasonable back-up power to the Video Recorder and its cameras.

SECTION 5. INSTALLATION GUIDE - The following Installation Guide is recommended to be followed:

Installation Guide:

- Cameras must be installed at a secured location with maximum area of coverage;
- The Video Recorder must be mounted on a secured/ concealed location to protect the video footages from theft and/or deliberate destruction;
- Whenever possible, a back-up file stored in the DVD disk (on-site or remotely) shall be recorded for archiving purposes;
- Whenever possible, a dummy CCTV camera shall be installed in a conspicuous area in order to deter possible criminal acts and to protect the camera and the video footages.

SECTION 6. MINIMUM COVERAGE - All the establishments mentioned under Section 2 hereof shall be required to install CCTVs as to afford a full coverage of the following:

a. From the interior of the establishment;

(ii). the center of business activity in the establishment (including the tellers cashiers, cash registrars, sales counters, or areas leading to the vault/safe) according to the nature of business/operations of the establishment.

b. From the exterior of the establishment (when the establishment is not located inside a mall or building which has its own exterior cameras);

(i) All entrances/exits;

(ii) From the entrance/exits, a clear view of the area to and from the street(s) abutting the establishment, including frontage thereof, taking into particular consideration the clarity of shots in relation to the angles thereof;

(iii) Parking lots and drive-through lanes (when applicable).

SECTION 7. IMPLEMENTING OFFICES - The City Office of Public Order and Safety (OPOS) (or its equivalent), shall responsible for the verification and determination of the relevant establishments' compliance with the directives of this Ordinance. The OPOS shall specify when compulsory inspection of the installed CCTVs shall be conducted before the necessary clearance or certification therefor may be issued, which clearance or certification shall be mandatory requirement for the issuance renewal by the Business Permits and Licensing Office (BPLO) of a business permit license. The OPOS may thereafter conduct inspection during reasonable business hours, to determine continued compliance with this

Ordinance post-issuance or renewal of such establishments' business permit or license by the BPLO. For all these purposes, the OPOS shall seek the advice and assistance of the Local Chief of Police or his duly authorized representative.

The Office of Public Order and Safety (OPOS) shall be created by virtue of an executive order to be issued by the Local Chief Executive comprising of the following:

- PNP Chief
- SP Chairman, Peace and Order Committee
- City Treasurer Office
- Business Permit and Licensing Office (BPLO)
- Chamber of Commerce and Industry
- City Information Officer
- City Planning Office
- General Services Office (GSO)

SECTION 8. ACCESS TO RECORDINGS – If a crime has been committed or the operator, employee, or owner of the establishment has reason to believe that a crime has been committed and the same has been recorded by the CCTV, the operator, employee, or owner of the establishment shall immediately contact the nearest police station, and shall provide access to the recordings thereof.

The operator, employee or owner of the business establishment shall readily make available the camera recordings to the law enforcement authorities engaged in criminal investigation upon written request of the authorized or designated officer thereof with the particular time and day covered by the request therein specified.

The captured video footage or images may be used at any time to satisfy the written order or subpoena of any court or body with competent jurisdiction.

SECTION 9. PROHIBITION – The viewing of recorded or captured video footage or images shall be made with due respect to the privacy of individuals.

It shall be unlawful to any person to allow the unauthorized or unofficial use or public viewing of any save video-recordings from the CCTV relating to any incidents.

SECTION 10. PENALTIES - No business permit or permit to operate shall be issued to or renewed for the business establishment mentioned in Section 2 hereof unless the CCTVs herein specified are installed and fully operational.

- 1st Offense – Warning with the condition that the establishments shall install CCTV within 30 days from notice upon receipt.
- 2nd Offense – Fine of Php.2,000.00 with the condition that the establishment shall install CCTV within 15 days from expiration of 30 days and with the warning for the cancellation of the business permit
- 3rd Offense – Fine of Php. 4,000.00 and cancellation of the Business Permit

SECTION 11. APPEAL PROCESS – Any establishment found to be in violation of this Ordinance by the OPOS may appeal the findings thereof to the Office of the City Mayor within five (5) working days from being notified of its violation by the OPOS, furnishing a copy of the appeal to the OPOS prior to the filing thereof with the Office of the City Mayor. Within five (5) working days from receipt of the copy of the appeal, the OPOS shall submit its answer to the Office of the City Mayor, furnishing the business establishment a copy of the same on even date. Should the OPOS fail to file its answer to the appeal within the given period, it shall be deemed to have opposed the appeal on all its material points. The Office of the Mayor shall decide on the matter within five (5) working days lapsed, giving due notice to the parties involved. The decision of the City Mayor shall be final, and no motion for reconsideration shall be entertained thereafter, subject to such remedial measures as may be then available under the law or Rules of Court.

SECTION 12. COMPLIANCE - Business covered by the scope of this Ordinance shall have a period of ninety (90) days from the effectivity of the same within which to comply with the directives hereof.

SECTION 13. SEPARABILITY CLAUSE - If for any reason, any section of this Ordinance shall be held unconstitutional or invalid, other sections which are not affected thereby shall continue to be in full force and effect.

SECTION 14. REPEALING CLAUSE - All ordinances, rules and regulations or parts thereof in conflict with this ordinance are hereby repealed, provided that the rights that are upon effectivity of this Ordinance shall not be impaired.

SECTION 15. EFFECTIVITY CLAUSE - This ordinance shall take effect fifteen (15) days after publication in a newspaper of general circulation.

ENACTED, November 24, 2014.

RESOLVED FURTHER, to let certified copies of this ordinance be furnished to the Honorable Sangguniang Panlalawigan of Leyte for their information and appropriate action.

I HEREBY CERTIFY to the correctness of the foregoing ordinance which was duly adopted by the Sangguniang Panlungsod during its regular session held on November 24, 2014.

DIVINA C. CAINTIC
Acting SP Secretary

Attested and Certified
to be duly Adopted:

ATTY. EDEN C. BUTAWAN
SP Member & Presiding Officer

Approved by Her Honor:

MICHAEL L. CARI
Acting City Mayor

TERESITA J. VELOSO
SP Member

CRISTINO S. LORETO
SP Member

ALAN L. FERNANDEZ
SP Member

EDGARDO R. ONIYON
SP Member

ARTURO ELIA O. ASTORGA
SP Member

DONINADOR R. NURILLO
SP Member

RODOLFO S. PALMA, JR.
SP Member

LOLITO C. MUNIZ
SP Member

NEREYDENS E. TORREFRANCA, III
SP Member