



OFFICE OF THE SANGGUNIANG PANLUNGSOD

EXCERPT TAKEN FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG PANLUNGSOD OF THE CITY OF ALAMINOS, PANGASINAN HELD ON MARCH 03, 2015.

- | | | |
|-----------------|-----------------------------------|-------------------------------------|
| PRESENT: | Hon. Earl James C. Aquino | - City Vice Mayor/Presiding Officer |
| | Hon. Jose Antonio Miguel Y. Perez | - Presiding Officer/Pro-Tempore |
| | Hon. Joseph T. Bacay | - Majority Floor Leader |
| | Hon. Oscar A. Boling | - Minority Floor Leader |
| | Hon. Margielou Orange D. Humilde | - Member |
| | Hon. Rany S. De Leon | - Member |
| | Hon. Rufina J. Gabriel | - Member |
| | Hon. Perlito V. Rabago | - Member |
| | Hon. Fatima Ann S. Isla | - Member |
| | Hon. Orlando R. Go | - Member |
| | Hon. Salvador C. Camba, LBP | - Ex-Officio Member |
| ABSENT: | Hon. Jan Marianne R. Fontelera | - On Leave |

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ORDINANCE NO. 2015-02

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

EXPLANATORY NOTE

WHEREAS, Section 16 or the "General Welfare Clause" of Republic Act 7160 otherwise known as the Local Government Code of 1991, 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 458 (a) of the said Act further provides "that the Sangguniang Panlungsod as the legislative body shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the city and its inhabitants pursuant to Section 16 of the Code xxx", and in this regard, enact and approve ordinances relative to the maintenance of peace and order in the city, suppression of lawlessness and 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 city, regulating thereby any business activity within the city and the conditions under which the license for the said business may be issued or revoked;

WHEREAS, it is a proven fact by law enforcement agencies in the country 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 as evidence;

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 the City of Alaminos;

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WHEREAS, the Department of the Interior and Local Government (DILG), through the Philippine National Police Directorate for Research and Development (PNP-DRD), and in consultation with the Department of Science and Technology (DOST), has conducted a study as to the minimum technical specifications to be required of CCTVs to be installed;

NOW THEREFORE, on motion of Councilor Fatima Ann S. Isla, co-sponsored by Councilor Jose Antonio Miguel Y. Perez and Councilor Joseph T. Bacay duly seconded by Councilor Rufina J. Gabriel, Councilor Perfito V. Rabago and Liga ng mga Barangay President Salvador C. Camba, it was

BE IT ENACTED by the Sangguniang Panlungsod in session duly assembled to:

SECTION 1. TITLE – This ordinance shall be known as **ORDINANCE MANDATING BUSINESS ESTABLISHMENTS OPERATING WITHIN THE TERRITORIAL JURISDICTION OF ALAMINOS CITY, PANGASINAN TO INSTALL A CLOSED-CIRCUIT TELEVISION (CCTV) SYSTEM AND PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF**, or the CCTV Ordinance of Alaminos City.

SECTION 2. SCOPE OF COVERAGE – To provide support to efficient peace and order services by making use of modern technology within the territorial jurisdiction of the City of Alaminos, it is hereby mandated that business establishments that are commercial, industrial, educational, medical or dental in nature whose annual gross sales and receipts based on their latest audited financial statements or latest assessment by the City Treasurer exceeds Five Hundred Thousand Pesos (Php500,000.00) shall be required to install CCTVs within the vicinity of their business establishments.

SECTION 3. GENERAL POLICY:

- a. The CCTV shall be maintained in proper working condition at all times and shall be in continuous operation 24 hours a day, seven days a week and shall meet the minimum technical specifications set by this Ordinance.
- b. Business establishments that are engaged in services requiring privacy mechanisms should limit the installation of CCTVs to public and common areas, such as walkways, stairways, lobbies, reception areas, waiting lounge, pools and parking areas.
- c. All establishments covered by this ordinance shall be required to install a minimum of four (4) CCTV cameras/channels to afford full coverage of strategic locations. However, for business establishment whose area of business activity is less than four by four square meters (4x4 sq. m), a minimum of two (2) CCTV cameras is required, provided that such business activity is located within a mall or a bigger establishment. The following strategic locations are hereby recommended:
 - 1. From the interior of the establishment:
 - (i) All entrances/exits;
 - (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;

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2. 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 entrances/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 4. MINIMUM TECHNICAL SPECIFICATIONS – CCTV system to be installed shall meet the following minimum specifications:

CAMERA:

- Minimum 600 TVL camera resolution;
- Must be able to capture video footages at 0.1 Lux illumination;
- Should have auto-iris (either fixed or vari-focal);
- Should have Infrared LEDs enough to reach a distance of at least 20 meters for clear recording at 0 Lux (for areas where there is no continued sufficient lighting);
- Must have at least 70 degrees Lens Angle; and
- 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 one (1) month;
- Must have Time Stamping Feature; and
- Must have an interface for storage back-up.

OTHER COMPONENTS:

- At least four (4) cameras covering the areas of transaction and risk, provided that, at least one camera must be 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 enforcing authority/implementing agency;
- Should have centralized power supply for the DVR and cameras; and
- 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 hereby recommended:

- Cameras must be installed at strategic and secured location with maximum area of coverage;
- Cameras must be installed/mounted at a suitable height which allows for features of a person to be discernible;
- 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; and

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- 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.
- The Joint Inspection Team shall verify, determine and monitor proper functioning of the CCTV system.

SECTION 6. PRESERVATION OF VIDEO RECORDINGS – Owner(s) of business establishments shall preserve the camera recording for a minimum period of at least thirty (30) days. Upon the expiration of the period, the recordings may be deleted or overwritten, unless its preservation is required by a court order. The owner(s) shall not be held liable for the deletion or overwriting of recorded footage(s).

Owners shall ensure the accuracy of the time-keeping in conjunction with what has been recorded.

SECTION 7. JOINT INSPECTION TEAM – There shall be created a CCTV Joint Inspection Team, consisting of the representatives from Public Order and Safety Office (POSO), the Management Information Section (MIS) and the Business Permit and Licensing Office (BPLO).

SECTION 8. FUNCTIONS OF THE JOINT INSPECTION TEAM – The CCTV Joint Inspection Team shall:

- a- Be responsible for the verification, determination and monitoring of the relevant establishments' compliance with the directives of this Ordinance.
- b- Specify when compulsory inspection of the installed CCTVs must be conducted before the necessary clearance or certification may be issued.
- c- Conduct inspections during reasonable business hours to determine continuous compliance with the provisions of this ordinance for post-issuance or renewal of business permit or license by the BPLO
- d- Seek the advice and assistance of the Local Chief of Police or his duly authorized representative as the need arise.

SECTION 9. LOCAL GOVERNMENT PARTICIPATION IN THE INSTALLATION OF CCTV – The City Government of Alaminos shall allocate Two Million Pesos (PhP2,000,000.00) or ten percent (10%) of the annual budget of the Infrastructure Development Program, specifically the Wireless Internet Governance System (WINGS) Project, for the installation of CCTV systems along major thoroughfares of the city and areas of risk, i.e. intersections, alleys and the like. This fund shall also be used for technical training of MIS staff and/or members of the CCTV Inspection Team in the installation, handling and monitoring of CCTV systems.

Should business establishments require the expertise/assistance in the proper maintenance of their CCTV systems, the MIS should make their technicians available for this purpose.

SECTION 10. ACCESS TO RECORDINGS – If crime has been committed or the operator, employee, or owner of the establishment has reason to believe that a crime has been committed and 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 pertinent recordings to the police and other investigators.

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The operator, employee or owner of the business establishment shall also make available the camera recordings to the law enforcement authorities engaged in criminal investigation, provided that the assigned officer, investigator or person in authority shows a duly written order or subpoena issued to that effect by any Court or body with competent jurisdiction or an official written request from the City Mayor or the Chief of Police. The captured video footage or images may be used at any time to satisfy the written order or subpoena.

SECTION 11. PROHIBITION – The viewing of recorded/captured video footage or images shall be made with due respect to the privacy of individuals. These shall only be used for investigation purposes related to the commission of a crime. It shall be unlawful for any person to allow unauthorized or unofficial public use or public viewing or even broadcasting of any saved video recording from a CCTV. The same shall not, in any manner, be used to infringe on the privacy of individuals. Those found in violation thereof shall be prosecuted under applicable laws.

This prohibition shall also take into consideration the intellectual property, brand reputation, existing bank secrecy laws, and safety of the establishments and the individuals whose images may be captured in the subject footage, ensuring that the footage be used exclusively for investigation and prosecution purposes.

SECTION 12. PENALTIES – Establishment (s) covered by this Ordinance found violating any provision of thereof shall be penalized through the revocation of its business permit and/or permit to operate.

SECTION 13. APPEAL PROCESS – Establishment found to be in violation of this Ordinance by the CCTV Joint Inspection Team may appeal the findings thereof to the Office of the City Mayor within five (5) working days from being notified therein, furnishing a copy of the appeal to the CCTV Joint Inspection Team 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 CCTV Joint Inspection Team shall submit its answer to the Office of the Mayor, furnishing the business establishment a copy of the same on even date. Should the CCTV Joint Inspection Team 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 City Mayor shall decide on the matter within five (5) working days from receipt of the answer of the CCTV Joint Inspection Team or from the day the period of filing therefor had 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 laws or Rules of Court.

SECTION 14. COMPLIANCE – Business establishments covered by this ordinance shall have until the end of the current year from the effectivity of this ordinance within which to comply with the directives hereof. During this period, the Joint Inspection Team shall issue a certificate of compliance once the requirements of this Code have been complied with. Such certification will then form part of the requirements for new application or renewal of Mayor's Permit to operate business in the next succeeding years. A rule of "No CCTV, No Mayor's Permit" shall be enforced thereafter.

M/S

San Antonio

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SECTION 15. 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 16. REPEALING CLAUSE – All ordinances, rules and regulations or parts thereof in conflict with this Ordinance are hereby repealed, provided that vested rights shall not be impaired.

SECTION 17. EFFECTIVITY CLAUSE – This ordinance shall take effect fifteen(15) days after its publication in a local newspaper of general circulation.


ENACTED this 3rd day of March, 2015.

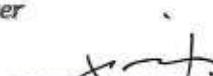
I **HEREBY CERTIFY** to the correctness of the foregoing ordinance consisting of six (6) pages including this page.


ATTESTED:


EARL JAMES C. AQUINO
City Vice Mayor/Presiding Officer

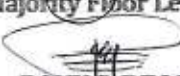

LUZ B. VALE
Secretary

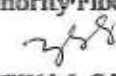

JOSE ANTONIO MIGUEL Y. PEREZ
Presiding Officer/Pro-Tempore


JOSEPH T. BACAY
Majority Floor Leader


OSCAR C. BOLING
Minority Floor Leader

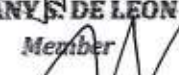

MARGIELOU ORANGE D. HUMILDE
Member


RANY S. DE LEON
Member


RUFINA J. GABRIEL
Member


PERLITO V. RABAGO
Member


FATIMA ANN S. ISLA
Member


ORLANDO R. GO
Member


SALVADOR E. LAMBA, LBP
Member

APPROVED BY:


ARTHUR F. CELESTE
City Mayor

3-18-15

Date