

MUNICIPAL ORDINANCE NO. 2023-02

“REQUIRING COMMERCIAL AND INDUSTRIAL ESTABLISHMENTS AND OFFICES TO INSTALL, MAINTAIN AND OPERATE CLOSED-CIRCUIT TELEVISION SYSTEM (CCTV), PROVIDING ACCESS THERETO TO AUTHORIZED TO LAW ENFORCEMENT AGENCIES AND/OR PUBLIC OFFICIALS, PROVIDING PENALTIES THEREOF AND FOR OTHER RELATED PURPOSES.”

Authored by:

Honorable Martin SJ. Angeles
*Municipal Vice Mayor and
Presiding Officer of the Sangguniang Bayan*

Co-Authored by:

Honorable Leo T. Santos
*Chairman
Committee on Trade and Industry*

WHEREAS, Section 16 of the Local Government Code of 1991 or Republic Act No. 7160, also known as the General Welfare Clause, provides in pan 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, Sections 447 of the of said Republic Act 7160 provide in part, that the Sangguniang Bayan shall enact ordinances for the general welfare of the municipality 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 municipality, (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 municipality, regulating thereby any business which does not require government examination within the municipality and the conditions under which the license for said business may be issued or revoked;

TANGGAPAN NG SANGGUNIANG BAYAN

BAKURAN NG BAHAY PAMAHALAANG BAYAN NG BUSTOS, BULACAN

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, the Department of the Interior and Local Government, through the Philippine National Police Anti-Cybercrime Group, has conducted a study as to the minimum technical specifications to be required of CCTVs to be installed pursuant to this ordinance.

WHEREAS, the Department of Interior and Local Government (DILG) issued Memorandum Circular No. 2022-060 Directing Cities/Capital Towns to require the installation of Closed-Circuit Televisions (CCTV) for certain business establishments in accordance with Section 16 (General Welfare Clause) of Republic Act No. 7160 to support the maintenance of peace and order and public safety.

WHEREAS, in order to intensify the Municipality'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.

NOW, THEREFORE, be it **ORDAINED** by the Sangguniang Bayan of Bustos, Bulacan, in Regular Session assembled:

Section 1. *Short title.* – This Ordinance shall be known for brevity as “**Bustos CCTV Ordinance**”.

Section 2. *Definition of terms.* – For purposes of this Ordinance, the following words and phrases shall be understood as:

- A. *Commercial establishments* – establishments devoted or intended to be uses for commercial purposes; such as but not limited to convenience stores, drug stores, hospitals and other medical facilities, clinics, fast food chains, restaurants, canteens, gasoline stations, banks, pawn shops, remittance center, money changer, repair shops, hardware/construction materials store, shopping malls and shopping centers, super markets, movie houses, etc.;
- B. *Industrial establishments* – establishments devoted or intended to be uses for industrial purposes; such as but not limited to factories, warehouses, trucking depot, etc.;
- C. *Offices* – refers to a specific space or portion of an establishment or building, intended or devoted for office works.
- D. *Newly established business* – shall be understood as new businesses on the status of commencing its business operation or

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as defined in the Revenue and Investment Code of Bustos, Bulacan;

E. *CCTV System*– Closed Circuit Television System.

F. *Sari-sari stores* – pertains to traditional or customary *sari-sari* stores, usually categorized as micro business, and usually located within the owner's dwellings.

Section 3. Coverage and scope. – The following establishments are required to install CCTVs:

- A. all industrial establishments;
- B. Financial establishments such as banks, pawnshops, money lenders, money remittance services, money changers, and others with similar transactions.
- C. 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, convenience stores, grocery stores, drug stores, etc.
- D. Shopping malls, shopping centers, supermarkets, wet markets, and other similar establishments.
- E. Jewelry shops and the like.
- F. Hospitals, medical laboratories, clinics, and other medical facilities with Annual Business Tax of Five Thousand Pesos (P5,000.00) or more.
- G. Theaters, movie houses, arcades, and other places of entertainment that draw in a considerable number of customers.
- H. Airports, ports, public transportation terminals, parking lots, and other similar establishments that cater to a large number of vehicles.
- I. Private Schools, Colleges, Universities and other educational institutions with Annual Business Tax of Five Thousand Pesos (P5,000.00) or more.
- J. Car or motorized vehicle dealerships.
- K. Gasoline/fuel stations, vehicle maintenance/service stations.
- L. Other Commercial establishments, buildings and offices with:
 - a. initial capitalization of Eight Hundred Thousand Pesos (P800,000.00) or more for newly established business, and
 - b. all commercial businesses with annual taxable business tax of Five Thousand Pesos (P5,000.00) or more.

Section 4. Exemptions. – The following establishments shall not be required to install CCTV:

- A. Commercial establishment with initial capitalization of less than Eight Hundred Thousand Pesos (P800,000.00) or annual

taxable business tax of less than Five Thousand Pesos (P5,000.00).

- B. Sari-sari stores.
- C. Businesses registered as Barangay Micro Business Enterprise (BMBE) in accordance with RA No. 9178 as amended by RA No. 10644.
- D. Commercial establishment owned, sponsored, funded or assisted by any government agency or operated through ~~grant or~~ subsidized by the government.
- E. Public Schools.
- F. Buildings and offices established for charitable purposes or for religious purposes.
- G. Government buildings and offices.
- H. Establishments with existing CCTVs installed in accordance with the specification and guidelines provided in this Ordinance.

Section 5. *Installation of CCTVs.* – All industrial and commercial establishment and offices covered by this Ordinance are mandated to install CCTVs on their respective establishment and offices.

Section 6. *Minimum specification of CCTV Systems.* – CCTV System to be installed by the owner of the establishment must meet the following minimum specifications herein set forth, which are:

- A. Camera –
 - a. High-definition Analog or at least 2 Megapixel Digital Camera
 - b. 0.1 Lux Minimum Illumination.
 - c. Auto-Iris Focus Lens (fixed/vari-facial)
 - d. 1/30s to 1/50,000s Shutter Speed
 - e. \geq 50-meter Infrared Range
 - f. Pan and Tilt adjustment of 0 degrees to 180 degrees and Rotate adjustment of 0 degrees to 360 degrees
 - g. Outdoor cameras must be vandal-proof with IP 66 Weatherproof Casing
- B. Video-Audio Input –
 - a. Hybrid Type (accepts Digital and Analog signal), Minimum of four (4) camera input
 - b. Video and Audio Stream Input
 - c. H.264 (Advanced Video Coding) Video Compression and G.711u Audio Compression
 - d. 30 frames-per-second (FPS) recording capability per camera
 - e. Analog High-Definition Input (1080p@25FPS, 1080p@30FPS, 720p@25FPS, 720p@30FPS)
 - f. Hard Disk Drive storage system with enough capacity to accommodate the prescribed retention period

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below. (4TB Capacity is approximately sufficient for 40 days of recording for DVR with 4 cameras at 1080p)

g. Time stamping feature

C. Video-Audio Output –

- a. 720p or 1080p resolution
- b. 30 FPS
- c. At least 10 Megabits per second (Mbps) Video Bitrate and at least 64 Kilobits (Kbps) Audio Bitrate

D. Other specifications –

- a. At least four (4) cameras covering the areas of transaction and risks. When possible, one camera must be facing the street/entrance, with the actual number of cameras to depend on the size of the establishment and nature of business.
- b. Centralized power supply for the Video Recorder and Cameras.
- c. Uninterruptible Power Supply (UPS) to provide standard and reasonable back-up power to the Video Recorder and Cameras.

Section 7. Installation. – installation of the CCTV Systems must conform with the following guidelines:

- A. Cameras must be installed at a secure location with maximum area of coverage of entrances/exits and areas of transaction or risk, making sure that there will be no blind spots.
- B. Video recorders must be mounted at secure or concealed locations to protect them from deliberate tampering.
- C. CCTVs should be installed in well-lit areas and with consistent lighting to pick-up identifying details, such as facial features.
- D. The angle of the cameras should be considered to avoid lens flare and backlighting.
- E. When possible, dummy CCTV cameras should also be placed in a conspicuous area to deter possible criminal acts and protect the cameras.
- F. Signage indicating that the establishment/area is being monitored by a CCTV System must also be installed in areas that visible and obvious to the public, and must use clear, plain, and concise language.
- G. At least one staff or employee should be trained to operate the CCTV System.

Section 8. Minimum coverage. – All the establishments covered by this Ordinance shall be required to install CCTVs as to afford a full coverage of the following:

A. From the interior of the establishment:

- a. All entrances/exits;
- b. 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):

- a. All entrances/exits;
- b. 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;
- c. Parking lots and drive-through lanes (when applicable).

Section 9. Privacy. – All the establishments required to install CCTV system hereof shall comply with the following guidelines on privacy:

A. Establishments covered shall strictly comply with the National Privacy Commission's guidelines on the use of CCTV Systems, as detailed in NPC Advisory no. 2020-04.

Video footage obtained through the CCTV Systems shall be retained for a period of three (3) weeks in order to allow investigating authorities to properly retrieve and prepare back-ups of the data relevant to any incidents that occur. Upon exceeding the prescribed period, video footage shall be permanently deleted from the system and all existing forms of back-up.

Section 10. Creation of Inspection team. – For purposes of this ordinance, hereby created is the inspection team composed of the following:

1. Chairperson - Municipal Mayor
2. Vice Chairperson - Sangguniang Bayan chairperson of the Committee on Peace and Order
3. Members -
 - (a) Head of PNP-Bustos
 - (b) Head of Business and Licensing Office
 - (c) Municipal Engineer

(d) Municipal President of Liga ng mga Barangay

(e) One (1) NGO representative

Section 11. *Powers, duties and functions of the Inspection team.* – The inspection team shall have the following powers, duties and functions:

1. Right to conduct route nary and special inspection of all commercial and industrial establishments;
2. Free ingress and egress during inspection;
3. Issue notice of warning/Notice of Non-Compliant and Notice of Violation;
4. Recommend to the Municipal Mayor for the suspension, cancellation or revocation of Business Permit of erring establishments;
5. To conduct surveys and assessment of compliant and non-compliant commercial and industrial establishment.
6. Study and recommend possible incentive to compliant establishment;
7. Study and recommend measures for successful implementation of this Ordinance or improvement in order to attain the purpose of this Ordinance.

Section 12. *Notice, time and day of Inspection.* – (a) The owner, president, manager or any other authorized personnel of an establishment to be inspected shall be served a Notice of Inspection not later than five (5) days from the time of inspection, by the Chairperson of the Inspection Team or his duly authorized personnel.

(b) The Notice of Inspection shall state the purpose of inspection, date and time of inspection.

(c) The inspection must be done during regular working days, Monday to Friday), within regular working hours or from eight (8) o' clock in the morning (8:00AM) up to five (5) o' clock in the afternoon (5:00PM).

(d) For purposes of this Ordinance, the inspection is limited only areas where CCTVs must be located and if CCTVs installed complies with the provisions of this Ordinance.

(e) The Inspection Team or its Chairperson, upon its discretion, may designate regular employee/s of the Municipality to conduct route nary or special inspection of establishments.

Section 13. *Post inspection activity.* – (a) After inspection, an specifically designed sticker shall be posted by the inspection team on the compliant establishments.

(b) Within ten (10) days from the time of the inspection, the Inspection Team shall submit to the Office of the Business Licensing Office the list of compliant and/or non-compliant establishments.

(c) For non-complaint establishments, a Notice of Non-Compliance shall be issued by the Inspection Team, within ten ~~(10) days from the~~ inspection to the owner, president or other duly authorized representative of the establishments, specifically indicating the violation/s committed and a recommendation to comply with this Ordinance within the period set forth in the succeeding provisions. The Notice shall likewise indicate the possible penalties to be imposed on the erring business.

Section 14. *Notice of Non-Compliance and Notice of Violation.*

– (a) Notice of Non-Compliance shall be issued by the Inspection Team upon findings that a business establishment has no CCTV installed or that the installed CCTV is not in accordance with the provisions of this Ordinance.

(b) Notice of Violation is issued by the Inspection Team, upon failure of business establishment to comply with of the minimum specification of CCTV, installation guidelines or minimum coverage within the period of compliance set forth in this Ordinance; or upon failure to report or refusal to provide access to recordings to authorized law enforcement agencies or public officials.

Section 15. *Role and function of other Implementing Office.* –

The following Offices shall be responsible for the implementation of this Ordinance:

A. The Business Permit and Licensing Office (BPLO) – The BPLO shall issue or renew business permit to all qualified applicants subject to post inspection to be conducted by the Inspection Team. However, in accordance with the period of compliance herein set forth, non-compliant business, after inspection, shall be processed in accordance with this Ordinance.

B. Philippine National Police (PNP-Bustos) or any other duly constituted crime investigation agencies in order to access CCTV recordings and proper custody thereof, shall:

a. immediately coordinate with the owner or duly authorized person of an establishment for the request of recordings, thru a written request, when a crime has been committed, or while the crime is being committed or about to be committed, during or immediately after an accident occurred, or during national or local emergencies or calamities; when there is a reasonable ground to believe that such recordings requested is vital for the prevention of crime,

- apprehension of suspects, resolving crimes and accidents, or in order to properly respond to emergencies and calamities.
- b. preserve the integrity of all recordings provided by the owner or duly authorized personnel of an establishment.
 - c. protect the privacy and identity of all disinterested persons and information exposed in the recordings.

Section 16. 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 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/or other crime investigation agencies.

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 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.

During times of calamities, local and national emergencies and other similar occurrences, the Inspection Team or its duly authorized public employee, upon written demand, shall also be allowed access to recordings.

Section 17. Prohibition on the use of information gathered through CCTVs. – The viewing of recorded or captured video footage or images shall be made with due respect to the privacy of individuals. Further, it is strictly prohibited to publish, communicate, and to post either verbal, written, via social media, or thru any form of communication, in whole or in part, to any individuals not involved in investigation or prosecution of offense/crime, or not authorized personnel during times of emergencies and calamities.

Section 18. Penalties. – (a) Without prejudice to other penalties imposed by other laws and at the discretion of court of jurisdiction, the following penalties may be imposed:

(a) subject to the period of compliance herein set forth, no business permit shall be issued to a non-compliant establishment.

(b) fine amounting to Two Thousand and Five Hundred Pesos (PhP2,500.00) shall be imposed on any business establishment

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N. Sanchez
M. Lopez
C. Lopez
A. Lopez
A. Lopez

or the owner thereof operating without installation of the required CCTV system.

(c) The following persons may be penalized:

(1) the owner of establishment or the person responsible, upon failure to report or provide access to proper authorities of the requested camera recordings;

(2) those who order, command, force, intimidate, lure, or cause the failure to report or provide access to proper authorities of the requested camera recordings, in any manner, may be penalized, at the discretion of the proper court, according to the following:

- a. *First violation:* Fine of One Thousand Pesos (Php 1,000.00) and/or imprisonment of 1 day to 10 days;
- b. *Second violation:* Fine of One Thousand Five Hundred Pesos (Php 1,500.00) and/or imprisonment of 11 days to 20 days;
- c. *Third and succeeding violations:* Fine of Two Thousand Pesos (Php 2,000.00) and/or imprisonment of 21 days to 30 days.

Section 19. *Appeal Process.* – Any establishment found to be in violation of this Ordinance may appeal the findings thereof to the Office of the Mayor within five (5) working days from being notified of its violation.

The Office of the Mayor, upon its discretion, may conduct investigation within ten (10) from the filing of appeal and shall decide on the matter within ten (10) working days therefrom. The decision of the 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 20. *Voluntary payment of fine.* – Person or any entities issued a Notice of Violation may voluntarily pay the fine in accordance with the provision of this Ordinance. In such case, the Municipality may no longer file a case in court for the particular violation, in order to avoid court litigation.

However, the said person or entity will still be required to comply with the installation of CCTVs in accordance with this Ordinance.

Section 21. *Compliance; period.* – (a) For new and existing businesses covered by the scope of this Ordinance with no CCTV shall have

a period of six (6) months from the receipt of Notice of Non-Compliance from the Inspection Team within which to comply with the directives hereof.

Commercial establishments covered by this Ordinance with existing CCTV but not in accordance with the specifications and other conditions set forth in this Ordinance shall have a period of two (2) years from the receipt of Notice of Non-Compliance to install CCTV in accordance with this Ordinance.

Section 22. *Implementing Rules.* - For the successful implementation of this Ordinance the Inspection Team shall approve implementing rules and regulation within thirty (30) days from effectivity of this Ordinance.

Section 23. *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 24. *Repealing Clause.* - All ordinances, rules and regulations or parts thereof in conflict with this Ordinance are hereby repealed, provided that the rights that are vested upon the effectivity of this Ordinance shall not be impaired.

Section 25. *Effectivity Clause.* - This ordinance shall take effect fifteen (15) days after its publication in a newspaper of general circulation in the province of Bulacan.

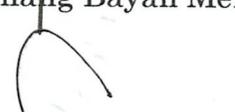
APPROVED and ADOPTED, 30th of January, 2023 by the Sangguniang Bayan at the Amado Raymundo Session Hall.


Marie Niña Nikkie Perez, MA
Sangguniang Bayan Member


Leo T. Santos
Sangguniang Bayan Member

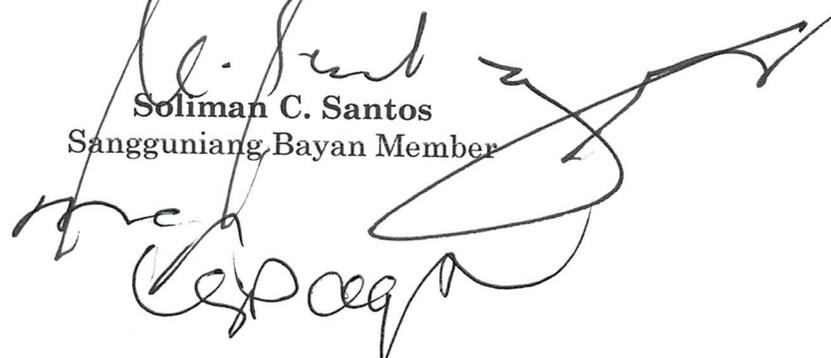

Phillip Wryner B. Santos
Sangguniang Bayan Member


Juliet DJ. De la Cruz
Sangguniang Bayan Member

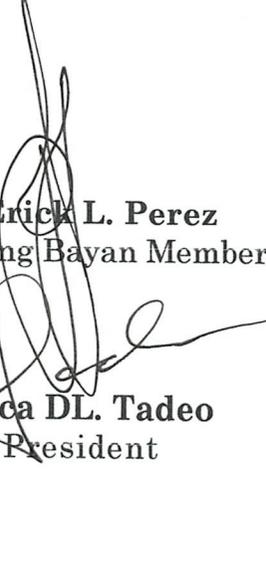

Aljhaneal E. Quiñones
Sangguniang Bayan Member

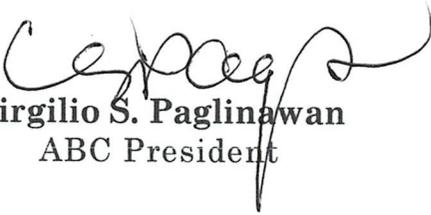

Soliman C. Santos
Sangguniang Bayan Member




Soliman C. Santos
Sangguniang Bayan Member


Wilfredo G. Canoza
Sangguniang Bayan Member


John Erick L. Perez
Sangguniang Bayan Member


Virgilio S. Paglinawan
ABC President

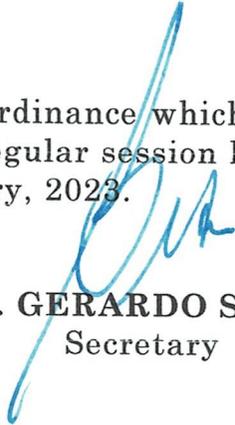

Angelica DL. Tadeo
SA President

ATTESTED:


Martin S.J. Angeles
Vice Mayor and
Presiding Officer of the Sangguniang Bayan

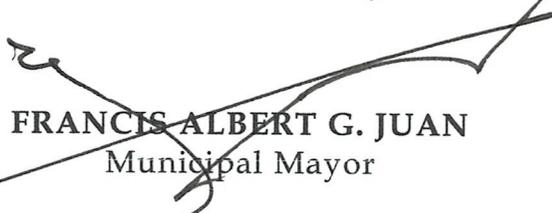
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CERTIFICATION:

I HEREBY CERTIFY that the foregoing ordinance which was duly adopted by the Sangguniang Bayan during its regular session held at the Amado Raymundo Session Hall on 30th of January, 2023.


ATTY. GERARDO S. BRIASA
Secretary


Attested:

Signed today, 20 of February 2023


FRANCIS ALBERT G. JUAN
Municipal Mayor





