



Republic of the Philippines
City of San Carlos
Negros Occidental
OFFICE OF THE SANGGUNIANG PANGLUNGSOD
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EXCERPTS FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG PANLUNGSOD HELD ON THE 6th DAY OF AUGUST, 2015 AT 4:00 P.M. AT THE SP SESSION HALL

PRESENT:

Hon. EDGARDO B. QUISUMBING,	City Vice Mayor/Presiding Officer
“ ROMMEL T. DEBULGADO,	SP Member
“ CHRISTOPHER PAUL S. CARMONA,	SP Member
“ VICTORIANA C. CABILI,	SP Member
“ HERNAN V. ANTONIO,	SP Member
“ DICKSON N. YU,	SP Member
“ EDDIE L. APUHIN,	SP Member
“ FLEUR DE LIS V. MASCUÑANA	SP Member
“ EMMANUEL J. BAGUIORO,	SP Member
“ CLINT S. MANSUETO	SP Member
“ JONIE S. UY,	SP Member
“ CARLITO S. LASTIMOSO	SP Member (ABC Representative)

ABSENT: N o n e

ORDINANCE No. 15-2

AN ORDINANCE REQUIRING BUSINESS ESTABLISHMENTS TO INSTALL CLOSED-CIRCUIT TELEVISION (CCTV) CAMERAS FOR SECURITY REASONS

Introduced by Hons. ANTONIO, CARMONA and UY

Be it ordained by the Sangguniang Panlungsod of the City of San Carlos, in regular session assembled, that:

Section 1. Short Title - This Ordinance shall be known as, the “CLOSED CIRCUIT TELEVISION (CCTV) FOR SECURITY REASONS ORDINANCE of 2015”.

Section 2. Declaration of Policy - It is hereby declared the policy of the City Government of San Carlos to protect life, property, liberty and maintain peace and order , for the general welfare of its copnstituents.

Section 3. Definition of Terms - As used in this Ordinance, the following terms shall mean, as follows:

- a) **CCTV** – shall mean Closed Circuit Television also known as video surveillance, is the use of video cameras to transmit a signal to a specific place, on a limited set of monitors.
- b) **Business Estalishment** – refers to any establishment, used for commercial purposes and operating for selling products to or providing services to the general public. They shall include, but shall not be limited to, restaurants, schools, hospitals, malls, shopping centers, moviehouses, theaters, supermarkets, groceries, entertainment centers, office buildings, warehouses and other similar establishments .

Section 4. Installation of CCTV Cameras –

- a) All business establishments employing more than twenty (20) employees or with work premises of not less than fifty (50) square meters are hereby mandated to install and maintain in good working condition surveillance and/or closed circuit televisions (CCTV) cameras.
- b) Business establishments employing less than twenty (20) people or whose work premises is less than fifty (50) square meters, but whose transactions amount to not less than fifty thousand pesos (Php 50,000.00) each day, shall also install and maintain CCTV cameras.
- c) Business establishments shall ensure that their CCTV cameras are turned on and recording for twenty-four (24) hours each day and for seven (7) days each week. They shall keep and preserve video recordings from their CCTV cameras for a period of not less than thirty (30) days from the date of recording.
- d) The installation of CCTV cameras shall be a mandatory requirement before business permits or permit to operate are issued.

Section 5. Notice of Surveillance - The fact that surveillance/CCTV cameras have been installed in a business establishment, shall be made known to the general public, through a written notice prominently displayed at the entrance of the establishments.

Section 6. Prohibited Surveillance - The installation of surveillance/CCTV cameras in any restroom, toilet, shower, bathroom, changing room and other similar areas shall be prohibited.

Section 7. Confidentiality and Non-Disclosure of Video Recordings - The manager/owner of the business establishment shall maintain the privacy and confidentiality of the video feeds and recordings obtained, as a result of the surveillance performed, in accordance with this ordinance. Towards this end, the owner and/or manager shall prohibit the use, viewing, copying, disclosure or publication of said video feeds and recordings, for any purpose not allowed under this ordinance.

Section 8 - Allowed Use and Disclosure - The use, viewing, copying or disclosure of video feeds and recordings obtained, pursuant to the surveillance performed, in accordance with this ordinance, shall only be allowed in the following instances:

- a) Use, viewing, copying or disclosure to a member of 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, viewing, copying or disclosure, in connection with any pending criminal or civil proceedings; or
- c) Use, viewing, copying or disclosure that may be necessary for persons to determine whether or not an offense was committed against the person or their property, to ascertain the identity of a criminal perpetrator and to determine the manner by which the offense was perpetrated.

Section 9. Duties and Responsibilities of Establishments. – It shall be the responsibility of the owner and/or manager to ensure that the conditions for the use, viewing, copying, or disclosure of video feeds and recordings are reasonably established, before giving access to requesting parties. The extent of video feeds and recordings to be used, viewed, copied, or disclosed, shall be limited to the images, pertaining to the above-mentioned instances.

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

Section 10. Fines and Penalties – The following fines and penalties shall be imposed for non-compliance and violations of this Ordinance:

- a) For violation of Section 4, paragraph (c) of this Ordinance, a fine of ₱ 5,000.00 shall be imposed.
- b) For violation of Sections 6, 7 and 9 paragraph 2, of this Ordinance, a fine of ₱ 5,000.00 shall be imposed, without prejudice to civil or criminal action arising from the violation.

Section 11. *Implementing Rules and Regulations* - The City Mayor shall, within sixty (60) days, from the effectivity of this Ordinance, in consultation with appropriate government agencies and stakeholders, shall promulgate the necessary rules and regulations to implement this Ordinance.

Section 12. *Repealing Clause.* - All ordinances, executive orders and rules and regulations, or parts thereof, contrary to or inconsistent with any provisions of this Ordinance, are hereby repealed or modified accordingly.

Section 13. *Separability Clause.* - If for any reason, any part or provisions of this Ordinance be found unconstitutional by a court of law, such provision shall be severed from the remainder of this Ordinance and such action shall not affect the enforceability of the remaining provisions of this Ordinance.

Section 14. *Effectivity Clause.* - This Ordinance shall take effect upon approval and compliance with the mandatory posting and publication requirement, prescribed under R.A. 7160, otherwise known as, the Local Government Code of 1991.

ENACTED: August 6, 2015, by the affirmative votes of Hons. DEBULGADO, CARMONA, CABILI, ANTONIO, YU, APUHIN, MASCUNANA, BAGUIORO, MANSUETO, UY and LASTIMOSO.

I HEREBY CERTIFY to the correctness of the foregoing ordinance which was duly enacted by the Sangguniang Panlungsod during its regular session held at the SP Session Hall on August 6, 2015.

JUNE M. VILLARANTE
Secretary to Sanggunian

**ATTESTED AND CERTIFIED
TO BE DULY ENACTED:**

EDGARDO B. QUISUMBING, M.D.
City Vice Mayor/Presiding Officer

APPROVED by the City Mayor on _____, 2015.

GERARDO P. VALMAYOR, JR.
City Mayor

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