

Item No.: 15
Date: MAY 16 2023

Republic of the Philippines
PROVINCE OF LEYTE

SANGGUNIANG PANLALAWIGAN
PROVINCIAL LEGAL OFFICE
PROVINCE OF LEYTE

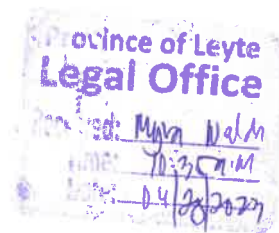
2nd INDORSEMENT
May 4, 2023

Province of Leyte
Legal Office
5-5-23

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary the attached Ordinance No. 160 of the SB of Matag-ob, Leyte, recommending for the declaration of validity pursuant to its power under Section 56 (c) of R.A 7160, the same being to the opinion of the Provincial Legal Office (PLO), an exercise of the power essential to the promotion of the General Welfare, Maintain Peace and Order, and Preserve the Comfort and Convenience of their Inhabitants", authorized under Section 16 of the Code.

Atty. **JOSE RAYMUND A. ACOL**
Asst. Provincial Legal Officer


Republic of the Philippines
PROVINCE OF LEYTE
Tacloban City



OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT
27 April 2023

The Provincial Legal Office is respectfully requested to review and submit recommendations, on the herein enclosed **MUNICIPAL ORDINANCE NO. 160 OF MATAG-OB, LEYTE, "CCTV CAMERA ORDINANCE."**


FLORINDA JILL S. UYVICO
Secretary to the Sanggunian

SP RECORDS
4272023



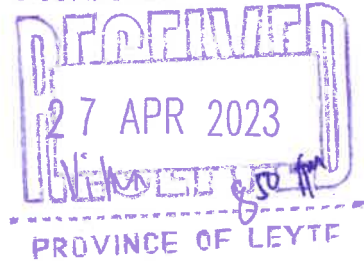
Republic of the Philippines
Province of Leyte
MUNICIPALITY OF MATAG-OB
OFFICE OF THE SANGGUNIANG BAYAN

-o0o-

INDORSEMENT

April 17, 2023

SANGGUNIANG PANLALAWIGAN



HONORABLE LEONARDO "SANDY" JAVIER
Vice-Governor
Presiding Officer
Sangguniang Panlalawigan of Leyte

Sir:

Respectfully forwarding to your good office the herein attached Municipal Ordinance No. 160 s. 2023 of the Sangguniang Bayan of Matag-ob, Leyte, entitled: "AN ORDINANCE REQUIRING BUSINESS ESTABLISHMENTS AND OTHER PLACES AND SPACES CONSIDERED AS HIGH RISK TO INSTALL VIDEO CAMERA/S OR CLOSED-CIRCUIT TELEVISION AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF AND FOR OTHER PURPOSES.", subject to review by the Sangguniang Panlalawigan.

Respectfully yours,


ANA MARIA SANORIA-ECIJA
Secretary to the Sanggunian



SANGGUNIANG PANGALAYUNGAN

Republic of the Philippines
Province of Leyte
MUNICIPALITY OF MATAG-OB
OFFICE OF THE SANGGUNIANG BAYAN

RECEIVED
27 APR 2023

HON. MARTIN LUTHER P. VELARDE
SK Federation President

HON. ROMEO N. ALBARIDA
SB Member

EXCERPTS FROM THE MINUTES OF THE 15th REGULAR SESSION OF THE SANGGUNIANG BAYAN HELD AT THE LEGISLATIVE SESSION HALL ON APRIL 11, 2023.

MUNICIPAL ORDINANCE NO. 160
(Proposed Municipal Ordinance No. 173)

HON. RODRIGO M. SUINIR
Liga ng mga Barangay President

HON. ARTEMIO T. ALMOROTO
SB Member

AN ORDINANCE REQUIRING BUSINESS ESTABLISHMENTS AND OTHER PLACES AND SPACES CONSIDERED AS HIGH RISK TO INSTALL VIDEO CAMERA/S OR CLOSED-CIRCUIT TELEVISION AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF AND FOR OTHER PURPOSES.

Author: Honorable Orlando C. Viacrusis

HON. RICARDO L. GIVA
SB Member

HON. JOEL N. DENOX
SB Member

WHEREAS, Section 16 of the Local Government Code of 1991, provides that local government units shall exercise its powers expressly granted, and those that are necessarily implied therefrom, which are necessary and essential to the promotion of the general welfare of its inhabitants;

WHEREAS, Section 447 of the same Code provides that local government units may "maintain peace and order by enacting measures to prevent and suppress lawlessness, disorder, riot, violence, rebellion or sedition and impose penalties for violation thereof;

HON. PAOLO ANTONIO C. LAURENTE
SB Member

HON. EVANGELINE C. CARNO
SB Member

WHEREAS, the Municipality of Matag-ob, in active pursuit of programs and measures that endeavours to create an environment conducive to the advancement of local trade and commerce and considers business its indispensable partner in the promotion of progress and development;

WHEREAS, video surveillance cameras or closed-circuit television (CCTV) can incidentally view behavior that has caused or likely to cause danger or damage to any person or property and help in the identification of the perpetrators thereof and therefore can help avert criminalities;

HON. EDUARDO E. TOLEDO
SB Member

HON. ORLANDO G. VIACRUSIS
SB Member

1
MUNICIPAL ORDINANCE NO. 160
(Proposed Municipal Ordinance No. 173)
Author: Honorable Orlando G. Viacrusis
April 11, 2023





HON. ROMEO N. ALBARIDA
SB Member

HON. ARTEMIO T. ALMOROTO
SB Member

HON. JOEL N. DENG
SB Member

HON. EVANGELINE C. CARNO
SB Member

HON. ORLANDO G. VIACRUSIS
SB Member

WHEREAS, CCTV has proven time and again in its usefulness in recounting details of criminalities and the identification of perpetrators thus making incident and investigation reports speedy and thorough;

NOW THEREFORE, be it ordained by the Sangguniang Bayan of Matag-ob, Leyte that:

SECTION 1. TITLE. This ordinance shall be known as "The CCTV Camera Ordinance".

SECTION 2. DECLARATION OF POLICY. It is hereby declared the policy of the Municipal Government of Matag-ob, Leyte, to protect the security and well-being of its constituents from criminalities and lawlessness by enacting measures for the maintenance of peace and order within its jurisdiction.

It is also the policy of the Municipal Government of Matag-ob to ensure that the fundamental rights of an individual to privacy is not and will not be unreasonably hampered or curtailed other than what is necessary for the protection of the welfare of the public in general.

Thus, in the enactment and implementation of this Ordinance, the Municipal Government of Matag-ob iterates and affirms its adherence and full respect for every individual's fundamental right to privacy by regulating the installation and use of the video surveillance camera or CCTV, ensuring that Feed Locations are limited to public spaces only and by the provision of proper safeguards against the unauthorized viewing and/or disclosure of video recording made in accordance therewith.

SECTION 3. DEFINITION OF TERMS. For the purpose of this Ordinance, the following terms shall mean:

- a) Business Establishments-refers to banks and their satellite offices, branches and automated teller machines (ATMs), money changers, pawnshops, credit facilities and other similar lending and financial institutions, as well as gasoline stations and service shops, hotels, inns, lodging houses, homestays, restaurants, specialty stores and facilities, hospitals, computer shops, internet shops, bus terminals, dormitories and other high risk places, spaces or establishments as may be identified.
- b) Closed – Circuit Television (CCTV) – refer to the video surveillance cameras used to transmit visual information to a monitor or a number of monitors.

HON. MARTIN LUTHER P. VELARDE
Sk Federation President

Liga ng mga Barangay President
HON. BENEDICTO W. SOMIN

HON. RICARDO L. GIVA
SB Member

HON. PAOLO ANTONIO C. LAURENTE
SB Member

HON. EDUARDO E. TOLEDO
SB Member



HON. ROMEO N. ALBARIDA
SB Member

HON. ARTEMIO T. ALMOROTO
SB Member

HON. JOEL N. BENDY
SB Member

HON. EVANGELINE C. CARNO
SB Member

HON. ORLANDO G. VIACRUSIS
SB Member

- c) Feeds – are visual information or images transmitted by video surveillance cameras to the monitors.
- d) Feed Locations – areas that are covered or viewed by video surveillance camera.
- e) High Risk Areas – refers to commercial/business establishments and other places and spaces with common business areas where there is greater degree of susceptibility to occurrence of accidents or criminalities because of the numerous financial, social or business interactions, or places and spaces where critical properties of the Municipality are situated.
- f) Monitors – the screens or other devices on which feeds are viewed.
- g) New Establishments – refers to newly created trading or commercial concerns undergoing application for business permit or the license to operate prior to the effectivity of this ordinance.
- h) Old Business Establishments - refers to existing business establishments that have duly secured current business permit or license to operate and are already operating at the time of the effectivity of this ordinance.
- i) Recycling - refers to the process by which records or tapes of feeds or visual information may be erased through the overrun by another or new visual information.
- j) Satellite Branches/Offices - refers to small extension offices of business concerns such that of banks or any financial institutions.
- k) Homestays - a house/building for housing a number of persons for local and foreign tourist.
- l) Designated Security Personnel - police or civilian personnel authorized to operate or use particular CCTV camera(s).

SECTION 4. SCOPE OF APPLICATION AND INSTALLATION OF VIDEO SURVEILLANCE CAMERAS.

- a) All business establishments with Five Hundred Thousand Pesos (Php500,000.00) or more in capital like specialty stores, facilities, restaurants, gasoline stations, airline offices, hospitals, hardware, grocery and dry goods stores, computer and cell phone shops, internet shops, homestays, resorts and other high risk areas including industrial and manufacturing establishments.
- b) All educational establishments in the Municipality of Matag-ob, whether private or public irrespective of their locations;

HON. MARTIN LUTHER P. VELARDE
SK Federation President

HON. RODRIGO N. SUNR
Liga ng mga Barangay President

HON. RICARDO T. GIVA
SB Member

HON. PAOLO ANTONIO C. LAURENTE
SB Member

HON. EDUARDO E. TOLEDO
SB Member

3
MUNICIPAL ORDINANCE NO. 160
(Proposed Municipal Ordinance No. 173)

Author: Honorable Orlando G. Viacrusis
April 11, 2023





HON. ROMEO N. ALBARIDA
SB Member

HON. ARTEMIO T. ALMOROTO
SB Member

HON. JOEL DENOY
SB Member

HON. EVANGELINE C. CARNO
SB Member

HON. ORLANDO G. VIACRUSIS
SB Member

c) All local government facilities, buildings and high risk areas shall likewise install Closed Circuit Television (CCTV) Camera in public buildings or places where the public frequently converge like markets, terminals, plazas or parks, main thoroughfares or in entrance and exit points of the Municipality as may be recommended by the PNP Provincial Director.

SECTION 5. GUIDELINES FOR THE INSTALLATION OF CCTV. All facilities required to install CCTV's pursuant to the provisions of this Ordinance shall install and operate closed circuit television camera which shall be maintained in proper working order at all times and based on the recommendation of the Public Officers who shall conduct the ocular inspection of the premises of the establishments.

SECTION 6. IMPLEMENTING OFFICE. The Business Permit and Licensing Office (BPLO) and the Matag-ob Police Station are hereby tasked to assist each other in the implementation of this Ordinance.

- a. The BPLO and local PNP shall send duly authorized employees to inspect the premises of all business establishments covered by this ordinance by order of the Municipal Mayor. A especially designed sticker shall be posted by the inspection team on the establishments that have complied herewith.
- b. An establishment found to be in violation hereof should be inspected again thirty (30) days after the date of the first inspection to determine if it has already complied herewith. An establishment that fails to comply during the second inspection shall be deemed to have already violated this Ordinance.
- c. Establishments that have already complied with this ordinance shall be inspected twice every year without prior notice to ensure that the CCTV system is operational and well maintained.
- d. Establishments or facilities covered by this ordinance shall post signage on conspicuous places that is installed with CCTV.

HON. MARTIN LUTHER P. VELARDE
SK Federation President

HON. RODRILDO N. SORIN
Liga ng mga Barangay President

HON. RICARDO L. GIVA
SB Member

HON. PAOLO ANTONIO C. LAURENTE
SB Member

HON. EDUARDO E. TOLEDO
SB Member





HON. ROMEO N. ALBARIDA
SB Member

HON. ARMANDO T. ALMOROTO
SB Member

HON. JOELYN DENOY
SB Member

HON. EVANGELINE C. CARNO
SB Member

HON. ORLANDO G. VIACRUSIS
SB Member

SECTION 7. LIMITATION ON ITS USAGE. CCTV cameras, and all its feed, shall be solely used in specified instances set forth in this ordinance, and use of CCTV cameras by such persons other than the owners and designated security personnel authorized to operate the same in any manner or location, or for any other purposes, is expressly prohibited.

a) Law Enforcement and Crime Prevention-CCTV cameras and any all Feeds, shall be used for the purpose of providing surveillance in the service of law enforcement and crime prevention within the Municipality where there is documented criminal activity.

b) Traffic Monitoring - CCTV cameras and any all Feeds shall be used for the purpose of traffic monitoring but are not intended to include enforcement of traffic violations. Notwithstanding the foregoing, the Feeds from the CCTV cameras used for traffic monitoring may be used for lawful purpose in the event that such CCTV Cameras, while being used for their primary function, incidentally view behavior that has caused or is likely to cause danger to person or property.

SECTION 8. PROHIBITIONS. The Feeds shall not be used for the following:

- a) Broadcasting-broadcast by any of the authorized persons prescribed herein of any of the Feeds or any of its parts or records on or through any medium other than the monitors;
- b) Viewing – Feeds shall be viewed by any person/s other than those expressly authorized herein to view the records of feeds;
- c) Transfer – Feeds shall not be transferred to any third party, whether for profit or not;
- d) Reproduction – No person shall be allowed to copy any or all parts of records of the feeds.

SECTION 9. PRESERVATION OF FEEDS. Feeds shall be recorded or otherwise stored by owner or owners of institutions or establishments for future use for a period of not more than fifteen (15) days.

After fifteen (15) days, the records or tapes of the Feeds may be recycled or destroyed unless otherwise a proper request for a specific log of any given feed shall have been made as provided for in the

HON. MARTIN LUTHER P. VELARDE
SK-Federation President

Liga ng mga Barangay President
HON. RODOLFO N. SORIN

HON. RICARDO L. GIVA
SB Member

HON. PAOLO ANTONIO C. LAURENTE
SB Member

HON. EDUARDO E. TOLEDO
SB Member





proceeding section. In such case the properly requested specific record/s of Feeds must be turned over, in its original and unadulterated form and substance, to the proper requesting authority.

SECTION 10. PROPER REQUEST FOR FEEDS. Stored or preserved feeds shall be used at any time to satisfy the following:

- a) Any authorized subpoena or any written order of any court of competent jurisdiction; the local PNP, the National Bureau of Investigation (NBI), Criminal Investigation and Detection Group (CIDG), the Philippine Drug Enforcement Agency (PDEA) or the Municipal Mayor;
- b) Any written request from the Chief Officer of the investigating body or authority calculating the advent of a criminality for proper disposition of crime investigation and report;
- c) Any written request from the duly constituted legislative body or assembly for purposes in aid of legislation.

SECTION 11. PENALTY CLAUSE.

a) On Section 4

i. New business establishments (with capital of Five Hundred Thousand (Php500,000.00) and above) shall not be given a business permit if it has not complied with this ordinance;

ii. Old business establishments (with capital of Five Hundred Thousand (Php500,000.00) and above shall not be given a renewal of their business permits if they have not complied with this ordinance;

b) Any other violation on the provisions set forth in this ordinance shall be punishable by:

- First Offense : Fine of Two Thousand Five Hundred Pesos (P2,500.00)
Second Offense : Revocation of Mayor's Permit

SECTION 12. FUNDING. An initial funding shall be allocated under the MOOE of the Municipal Mayor for implementation of this ordinance.

HON. MARTIN LUTHER P. VELARDE
SK Federation President

HON. RODOLFO N. SUAREZ
Liga ng mga Barangay President

HON. RICARDO L. GIVA
SB Member

HON. PAOLO ANTONIO C. LAURENTE
SB Member

HON. EDUARDO E. TOLEDO
SB Member

HON. ROMEO N. ALBARIDA
SB Member

HON. ARTEMIO T. ALMOROTO
SB Member

HON. JOEL N. DENOY
SB Member

HON. EVANGELINE C. CARNO
SB Member

HON. ORLANDO G. VIACRUSIS
SB Member




HON. ROMEON. ALBARIDA
SB Member

HON. ARTEMIO T. ALMOROTO
SB Member

HON. JOEL DENOY
SB Member

HON. EVANGELINE C. CARNO
SB Member

HON. ORLANDO G. VIACRUSIS
SB Member


HONORABLE VINCENT LYNBERN P. TACOY
Municipal Vice-Mayor
Presiding Officer

PN

APPROVED:

HONORABLE BERNANDINO G. TACOY
Municipal Mayor

24 APR 2023
Date Signed

HON. MARTIN LOTHER P. VELARDE
SK Federation President

HON. RODRILIO N. SUNIR
Liga ng mga Barangay President

HON. RICARDO L. GIVA
SB Member

HON. PAOLO ANTONIO C. LAURENTE
SB Member

HON. EDUARDO E. TOLEDO
SB Member

8
MUNICIPAL ORDINANCE NO. 160
(Proposed Municipal Ordinance No. 173)
Author: Honorable Orlando G. Viacrusis
April 11, 2023



Republic of the Philippines
Province of Leyte
MUNICIPALITY OF MATAG-OB
OFFICE OF THE SANGGUNIANG BAYAN
-o0o-

CERTIFICATION OF POSTING

THIS IS TO CERTIFY that copy of Municipal Ordinance No. 160 s. 2023 of the Sangguniang Bayan of Matag-ob, Leyte, entitled: "AN ORDINANCE REQUIRING BUSINESS ESTABLISHMENTS AND OTHER PLACES AND SPACES CONSIDERED AS HIGH RISK TO INSTALL VIDEO CAMERA/S OR CLOSED-CIRCUIT TELEVISION AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF AND FOR OTHER PURPOSES., have been posted in three (3) conspicuous places within the municipality of Matag-ob, Leyte starting from April 5, 2023. It shall continue to be posted therein until the required three consecutive weeks shall have been complied with.

This certification is issued in compliance with Section 59 of R.A. 7160, otherwise known as the Local Government Code of 1991.

Issued this 17th. Day of April, 2023.


ANA MARIA SANORIA-ECIJA
Secretary to the Sanggunian