

09

Item No.: 09
Date: JUL 25 2023

Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte

SANGGUNIANG PANLALAWIGAN
JUL 20 2023
PROVINCE OF LEYTE

PROVINCIAL LEGAL OFFICE
2nd INDORSEMENT
July 14, 2023

Province of Leyte
Legal Office
releas
Th
Date: 7.17.23

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 090-23 of the Municipality of Leyte, Leyte, recommending for the declaration of its validity, pursuant to its power under Section 56 (C) of R.A. 7160.

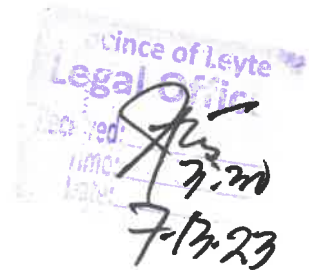
The Provincial Legal Office is of the opinion that the Ordinance is in line with Section 16 of the Local Government Code which promotes the General Welfare, Safety and Security of its populace. The office further opines that the locations of the CCTV's does not violate the people's right to privacy, as guaranteed by the Constitution.


ATTY. JOSE RAYMUND A. ACOL
Asst. Provincial Legal Officer


Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT
13 July 2023



The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **MUNICIPAL ORDINANCE NO. 090-23** of the MUNICIPALITY of **LEYTE, LEYTE**, entitled: AN ORDINANCE REQUIRING BUSINESS ESTABLISHMENTS TO INSTALL VIDEO SURVEILLANCE CAMERAS OR CLOSED-CIRCUIT TELEVISION AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF AND FOR OTHER PURPOSES.


FLORINDA JILL SUYVICO
Secretary to the Sanggunian



Republic of the Philippines
MUNICIPALITY OF LEYTE
LEYTE
-o0o-

Office of the Sangguniang Bayan

1st ENDORSEMENT
July 13, 2023

Respectfully forwarded to the Honorable Sangguniang Panlalawigan in session, through the Sangguniang Panlalawigan Secretary, Province of Leyte, Palo, Leyte, the herein **Municipal Ordinance No. 090-23 Entitled "AN ORDINANCE REQUIRING BUSINESS ESTABLISHMENTS TO INSTALL VIDEO SURVEILLANCE CAMERAS OR CLOSED-CIRCUIT TELEVISION AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF AND FOR OTHER PURPOSES.**

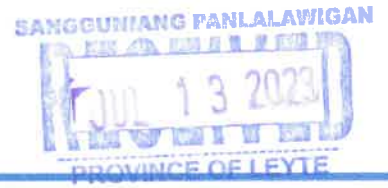
Attached herewith are the following :

1. Municipal Ordinance No. 090-23
2. Certificate of Posting
3. Certificate of Publication (to follow)

VILMA D. COMBATE
SB Secretary



Republic of the Philippines
 MUNICIPALITY OF LEYTE
 L E Y T E
 -oOo-



Office of the Sangguniang Bayan

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION BY THE SANGGUNIANG BAYAN HELD ON JUNE 19, 2023 AT THE SB SESSION HALL NEW MUNICIPAL BUILDING, LEYTE, LEYTE

Present:

| | | |
|-------------------------------|-------|------------------------------------|
| Hon. Armando M. Ysidoro, | ----- | Mun. Vice Mayor/ Presiding Officer |
| Hon. Paquito D. Pelipel, Jr., | ----- | SB Member |
| Hon. Lileth I. Gatchalian, | ----- | -do- |
| Hon. Edward Jay A. Durante, | ----- | -do- |
| Hon. Rowil G. Batan, | ----- | -do- |
| Hon. Aida A. Delantar, | ----- | -do- |
| Hon. Alex A. Dagandan, | ----- | -do- |
| Hon. Eulogio E. Capacio, | ----- | -do- |
| Hon. Gualberto G. Meracap, | ----- | -do- |
| Hon. Jerry G. Apacible, | ----- | ABC President |
| Hon. Asefa Gail V. Granados | ----- | SK Fed. President |

MUNICIPAL ORDINANCE 090-23

Author: HON. ALEX A. DAGANDAN

AN ORDINANCE REQUIRING BUSINESS ESTABLISHMENTS TO INSTALL VIDEO SURVEILLANCE CAMERAS OR CLOSED-CIRCUIT TELEVISION AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF AND FOR OTHER PURPOSES

WHEREAS, Section 16 of the Local Government Code of 1991, provides that Local Government Units shall exercise their 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, Sections 477 and 458 of the 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 license for said business may be issued or revoked;

WHEREAS, the Municipality of Leyte, in active pursuit of programs and measures that endeavor 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 Memorandum Circular No. 2022-060 of the Department of Interior and Local Government (DILG) is hereby passed to amend DILG MC No. 2014-119, titled: 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, video surveillance cameras or closed-circuit television (CCTV) can incidentally view behavior that has caused or is 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;

Handwritten signatures and initials are present on the page, including a large signature on the left side and several smaller ones at the bottom and right side.

WHEREAS, CCTV has proven time and again its usefulness in recounting details of criminalities and the identification of perpetrators thus making incident and investigation reports speedy. Thus, 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 required of CCTVs to be installed pursuant to this ordinance

NOW THEREFORE, through the motion of the **Hon. Eulogio E. Capacio**, be it Ordained by the Sangguniang Bayan of Leyte, Leyte in session assembled 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 Leyte, Leyte to protect the security and well-being of its constituents from criminalities and lawlessness by enacting sound measures for the maintenance of peace and order within its jurisdiction.

It is also the policy of the Municipal Government of Leyte 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.

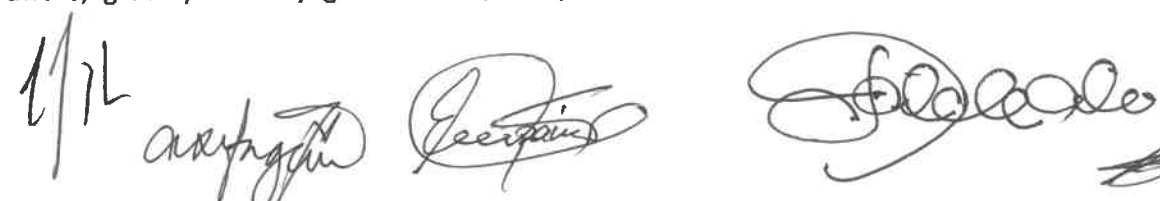
Thus, in the enactment and implementation of this Ordinance, the Municipal Government of Leyte iterates and affirms its adherence and full respect for every individual’s fundamental right to privacy by regulating the installation and use of video surveillance cameras or CCTV, ensuring that Feed Locations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

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

- a) **Business Establishments** - refers to banks and their satellite offices, branches, automated teller machines (ATMs), money changes, pawnshops, credit facilitates, 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) **Close-Circuit Television (CCTV)** – refers to video surveillance cameras used to transmit visual information to a monitor or several monitors.
- 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 a video surveillance camera.
- e) **Monitors** – the screens or other devices on which feeds are viewed.
- f) **New Establishments** – refers to newly created trading or commercial concerns undergoing application for a business permit or the license to operate before the effectivity of this ordinance.
- g) **Old Business Establishments** – refers to existing business establishments that have duly secured current business permits or licenses to operate and are already operating at the time of the effectivity of this ordinance.
- h) **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.
- i) **Satellite Branches/Offices** - refers to small extension offices of business concerns such that of banks or any financial institutions.
- j) **Homestays** – a house/building for housing several persons for local and foreign tourists.
- k) **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 **One Hundred Fifty Thousand Pesos (Php150,000.00) or more in the 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 Leyte, whether private or public irrespective of their location.
- 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 converges like markets, terminals, plazas or parks, main thoroughfares, or in entrance and exit points of the Municipality as may be recommended by the Philippine National Police – Municipal Police Station Chief of Police.

SECTION 5. MINIMUM TECHNICAL SPECIFICATIONS AND GUIDELINES FOR THE INSTALLATION OF CCTV.

All facilities required to install CCTV under the provisions of this Ordinance shall install and operate closed circuit television cameras which shall be maintained in proper 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. The CCTV system to be installed must meet the following minimum specifications:

| CAMERA |
|---|
| <ul style="list-style-type: none"> - High-Definition Analog or at least 2 Megapixel Digital Camera - 0.1 Lux Minimum Illumination - 2.8mm to 3.6mm Focal Length - Auto-Iris Focus Lens (fixed/vari-focal) - 1/30s to 1/50,000s Shutter Speed - ≥50-meter Infrared Range - 120dB Wide Dynamic Range - Pan and Tilt adjustment of 0 degrees to 180 degrees and Rotate adjustment of 0 degrees to 360 degrees - Outdoor cameras must be vandal-proof with IP 66 Waterproof Casing |
| VIDEO/AUDIO INPUT |
| <ul style="list-style-type: none"> - Hybrid Type (accepts Digital and Analog signal), Minimum of four (4) camera input - Video and Audio Stream Input - H.264 (Advanced Video Coding) Video Compression and G.711u Audio Compression - 30 framers-per-second (FPS) recording capability per camera - Analog High-Definition Input (1080p@25FPS, 1080p@30FPS, 720p@25FPS, 720p@30FPS) - Hard Disk Drive storage system with enough capacity to accommodate the prescribed retention period below. (4TB Capacity is approximately sufficient for 40 days of recording for DVR with 4 cameras at 1080p) - Time-stamping feature |
| VIDEO/AUDIO OUTPUT |
| <ul style="list-style-type: none"> - 720p or 1080p resolution - 30 FPS - At least 10 Megabytes per second (Mbps) Video Bitrate and at least 64 Kilobits (Kbps) Audio Bitrate |
| OTHER SPECIFICATIONS |
| <ul style="list-style-type: none"> - 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 depending on the size of the establishment and nature of the business, as determined by the LGU - Centralized power supply for the Video Recorder and Cameras - Uninterruptible Power Supply (UPS) to provide standard and reasonable backup power to the Video Recorder and Cameras |
| INSTALLATION |

[Handwritten signatures and initials on the left side of the page]

[Handwritten signatures and initials on the right side of the page]

[Handwritten signatures and initials at the bottom of the page]

- Cameras must be installed at a secure location with a maximum area of coverage of the entrance/exits and areas of transaction or risk, making sure that there will be no blind spots.
- Video recorders must be mounted at secure or concealed locations to protect them from deliberate tampering.
- CCTVs should be installed in well-lit areas and with consistent lighting to pick up identifying details, such as facial features.
- The angle of the cameras should be considered to avoid lens flare and backlighting.
- The following objectives and recording distance when installing CCTV Cameras shall be determined: General Surveillance = 10 feet or greater, Facial Recognition = 5 to 7 feet, and Plate Recognition (for Parking Lots) = 3 to 4 feet.
- When possible, a backup system should be installed alongside the CCTV system to ensure that data is kept secure in the event of physical harm to the storage devices such as fires, earthquakes, any form of deliberate tampering, and other similar situations.
- Signages indicating that the establishment/area is being monitored by a CCTV System must also be installed in areas that are visible and obvious to the public and must use clear, plain, and concise language.
- At least one staff or employee should be trained to operate the CCTV System.

SECTION 6. IMPLEMENTING OFFICE. The Local Philippine National Police Anti-Cybercrime Group (or its equivalent), shall be responsible for the verification and determination of the relevant establishments' compliance with the directives of this Ordinance. The Local Philippine National Police Anti-Cybercrime Group 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 a mandatory requirement for the issuance or renewal by the Business Permits and Licensing Office (BPLO) of business permit or license per DILG Memorandum Circular No. 2022-060. The Local Philippine National Police Anti-Cybercrime Group may thereafter conduct inspections 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.

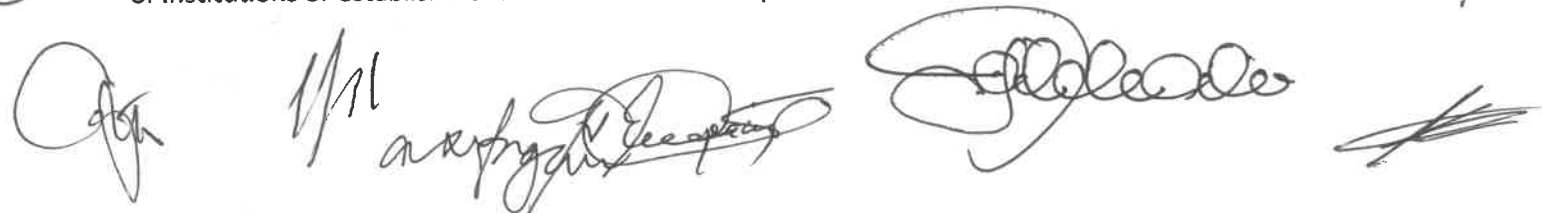
SECTION 7. LIMITATION ON ITS USAGE. CCTV cameras, and all their feed, shall be solely used in specified instances outlined in this ordinance, and use of CCTV cameras by such persons other than the owners and designated security personnel authorized to operate the same in any manner or location, or for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

- a) **LAW ENFORCEMENT AND CRIME PREVENTION** – CCTV cameras and all feeds, shall be used to provide surveillance in the service of law enforcement and crime prevention within the Municipality of Leyte where there is documented criminal activity.
- b) **TRAFFIC MONITORING** – CCTV cameras and all feeds shall be used for 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 purposes if such CCTV cameras, while being used for their primary function, incidentally view behavior that has caused or is likely to cause danger to a 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 the records of the feeds.

SECTION 9. PRESERVATION OF FEEDS. Feeds shall be recorded or otherwise stored by owners 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 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, to wit:

- a) Any authorized subpoena or any written order of any court of competent jurisdiction; the Municipal Police Station, 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 criminality for the proper disposition of crime investigation and report; and
- 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 a capital of One Hundred Fifty Thousand Pesos (Php150,000.00) and above) shall not be given a business permit if it has not complied with this ordinance;
- ii. Old business establishments (with a capital of One Hundred Fifty Thousand Pesos (Php150,000.00) and above) shall not be given a renewal of their business permits if they have not complied with this ordinance.

b) Any other violation of the provisions outlined in this ordinance shall be punishable by:

- | | | |
|-----------------------|---|--|
| FIRST OFFENSE | : | Fine of Two Thousand Five Hundred Pesos (Php2,500.00); |
| SECOND OFFENSE | : | Revocation of Business Permit/ Permit to Operate |

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

SECTION 13. REPEALING CLAUSE. All ordinances, rules, and regulations or parts thereof in conflict with this ordinance are hereby repealed, provided that the rights vested upon the effectivity of this Ordinance shall not be impaired.

SECTION 14. SEPARABILITY CLAUSE. Should any provision, section, or part of this ordinance be declared invalid by any court of competent jurisdiction, such judgment shall not affect or impair the remaining provisions, sections, or parts hereof which shall continue to be in full force and effect.

SECTION 15. EFFECTIVITY CLAUSE. This Ordinance shall take effect upon approval, however, a one (1) year grace period shall be given to an establishment to comply with the provisions of this ordinance.


SO ORDAINED.

APPROVED this 19th day of June 2023, at Leyte, Leyte, Philippines.


PAQUITO D. PELIPEL, JR.
SB Member


LILETH I. GATCHALIAN
SB Member


EDWARD JAY A. DURANTE
SB Member


ROWIL G. BATAN
SB Member


AIDA A. DELANTAR
SB Member


ALEX A. DAGANDAN
SB Member



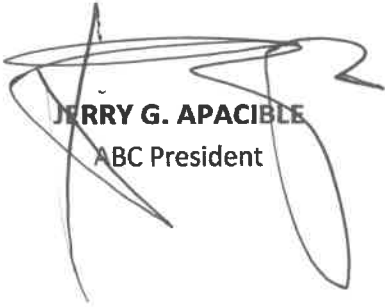




EULOGIO E. CAPACIO
SB Member



GUALBERTO G. MERCAP
SB Member



JERRY G. APACIBLE
ABC President



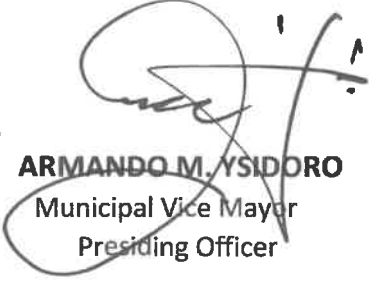
ASEFA GAIL V. GRANADOS
SK Federation President

Certified Correct:



VILMA D. COMBATE
SB Secretary

Attested:



ARMANDO M. YSIDORO
Municipal Vice Mayor
Presiding Officer

Approved:



ARNOLD JAMES M. YSIDORO
Municipal Mayor



Republic of the Philippines
MUNICIPALITY OF LEYTE
L E Y T E
-oOo-

Office of the Sangguniang Bayan

CERTIFICATE OF POSTING

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that Municipal Ordinance No. 090-23: " AN ORDINANCE REQUIRING BUSINESS ESTABLISHMENTS TO INSTALL VIDEO SURVEILLANCE CAMERAS OR CLOSED-CIRCUIT TELEVISION AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF AND FOR OTHER PURPOSES, has been posted in three (3) conspicuous places in this Municipality.

This certification is issued this 13TH day of July , 2023 at Leyte, Leyte, Philippines.


VILMA D. COMBATE
SB Secretary