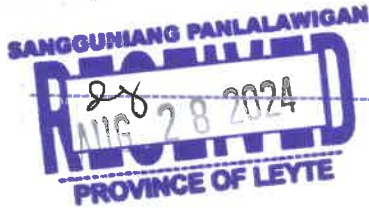
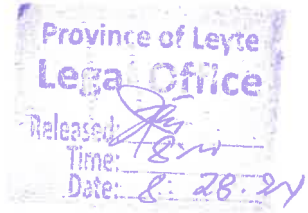




Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Palo, Leyte



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PROVINCIAL LEGAL OFFICE

2nd INDORSEMENT
August 23, 2024

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through SP Secretary, the attached Ordinance No. 01 of the Sangguniang Bayan of Merida, Leyte.

Issues/concerns for review is/are as follows:

- Ordinance No. 01 entitled: **“An Ordinance Mandating Business Establishments Operating within the Territorial Jurisdiction of Merida, Leyte to Install a Closed Circuit Television (CCTV) System and Prescribing Penalties for Violation Thereof.”**

REVIEW/RECOMMENDATION/LEGAL OPINION:

This office is of the opinion that the subject Ordinance is within the corporate powers of the local government unit particularly covered under Section 447 (1)¹, (ii)² (iii)³, Section 447 (3)⁴ and Section 16⁵ of the Local Government Code.

However, this office noticed that the specification is not properly indicated in Section 3 and was instead specified under Section 8. This office believes that Sections 7 and 8 on page 2 of said ordinance appear to be a clerical errors in its form being a duplication or repetition of Sections 14 and 15 (*Repealing and Effectivity clauses*).

This office recommends the declaration of its validity subject to the corrections or errors above-mentioned.

We hope to have assisted you with this request. Please note that the opinion rendered by this Office are based on facts available and may vary or change when additional facts and documents are presented or changed. This opinion is likewise without prejudice to the opinions rendered by higher and competent authorities.

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

¹ Section 447 (1) - Approve ordinances and pass resolutions necessary for an efficient and effective municipal government xxx

² Section 447, 1, (ii) - Maintain peace and order by enacting measures to prevent and suppress lawlessness, disorder, riot, violence, rebellion or sedition and impose penalties for the violation of said ordinances;

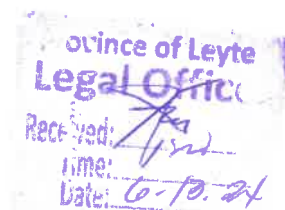
³ Section 447, 1, (iii) - Approve ordinances imposing a fine not exceeding Two thousand five hundred pesos (P2,500.00) or an imprisonment for a period not exceeding six (6) months, or both in the discretion of the court, for the violation of a municipal ordinance;

⁴ Section 447 (3)-Subject to the provisions of Book II of this Code, grant franchises, enact ordinances authorizing the issuance of permits or licenses, or enact ordinances levying taxes, fees and charges upon such conditions and for such purposes intended to promote the general welfare of the inhabitants of the municipality, and pursuant to this legislative authority shall.;

⁵ Section 16. General Welfare. - Every local government unit shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare. Within their respective territorial jurisdictions, local government units shall ensure and support, among other things, xxx promote health and safety, xxx.

Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte

OFFICE OF THE SANGGUNIANG PANLALAWIGAN



1ST INDORSEMENT
13 June 2024

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **MUNICIPAL ORDINANCE NO. 01, series of 2024 of the MUNICIPALITY OF MERIDA, LEYTE**, entitled: **An Ordinance Mandating Business Establishments Operating Within the Territorial Jurisdiction of Merida, Leyte to Install a Closed-Circuit Television (CCTV) System and Prescribing Penalties for Violation Thereof.**


FLORINDA JULI S. UYVICO
Secretary to the Board



Republic of the Philippines
Province of Leyte
MUNICIPALITY OF MERIDA

OFFICE OF THE SANGGUNIANG BAYAN

JUN 13 2024
SPB

13 JUNE 2024

THE SANGGUNIANG PANLALAWIGAN OF LEYTE
CAPITOL BUILDING
PALO LEYTE

DEAR HONORABLE MEMBERS;

I have the honor to submit to the Sangguniang Panlalawigan of Leyte copies of **MUNICIPAL ORDINANCE NO. 01, SERIES OF 2024 - "AN ORDINANCE MANDATING BUSINESS ESTABLISHMENTS OPERATING WITHIN THE TERRITORIAL JURISDICTION OF MERIDA, LEYTE TO INSTALL A CLOSED-CIRCUIT TELEVISION (CCTV) SYSTEM AND PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF"** enacted by the 18th Council of this Municipality, for review and consideration.

Hoping everything is in order.

Thank you.

Respectfully,


JOSELITO T. DELOS ANGELES
Secretary to the Sangguniang Bayan



Republic of the Philippines
Province of Leyte
MUNICIPALITY OF MERIDA

SANGGUNIANG BAYAN

SANGGUNIANG PANLALAWIGAN

JUN 13 2024
PUNSA

EXCERPT FROM THE MINUTES OF THE 77TH REGULAR SESSION OF THE SANGGUNIANG BAYAN (18TH COUNCIL), MERIDA, LEYTE HELD ON FEBRUARY 05, 2024 AT THE LEGISLATIVE BUILDING SESSION HALL.

-RESOLUTION NO. 18-24-013-

A RESOLUTION ADOPTING MUNICIPAL ORDINANCE NO. 06, SERIES OF 2022 "AN ORDINANCE MANDATING BUSINESS ESTABLISHMENTS OPERATING WITHIN THE TERRITORIAL JURISDICTION OF MERIDA, LEYTE TO INSTALL A CLOSED-CIRCUIT TELEVISION (CCTV) SYSTEM AND PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF."

NOW, WHEREFORE, ON MOTION OF Hon. Felipe H. Perez, Jr., Chairman Committee on Police, Peace and Order, and Public Safety/Disaster Preparedness, duly seconded by Hon. Nenfa C. Oyao and Hon. Stephanie M. Miralles, BE IT RESOLVED TO ENACT:

RESOLVED, as it is hereby Resolved to Enact the hereunder Ordinance:

-MUNICIPAL ORDINANCE NO. 01-
-Series of 2024-

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

WHEREAS, Section 16 of the Local Government Code of 1991 or Republic Act 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 for those which are essential to the promotion of general welfare;

WHEREAS, Section 447 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 above mentioned 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.

WHEREAS, law enforcement agencies in the country have already proven that Closed Circuit Television (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, 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 CCTB systems in business establishments within

WHEREAS, the Department of the Interior and Local Government, though 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.

NOW, THEREFOR, BE IT ORDAINED BY THE SANGGUNIANG BAYAN OF IN REGULAR SESSION ASSEMBLED.

SECTION 1. TITLE OF ORDINANCE - This ordinance shall be known as: AN ORDINANCE MANDATING BUSINESS ESTABLISHMENTS OPERATING WITHIN THE TERRITORIAL JURISDICTION OF MERIDA, LEYTE TO INSTALL CLOSED CIRCUIT TELEVISION SYSTEM (CCTV) AND PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF.

SECTION 2. SCOPE AND APPLICATION - The following business establishments are required to install CCTVs:

- **Financial establishments such as banks, pawnshops, money lenders, money remittance services, money changers, and others with similar transactions.**
- **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.**

-OVER-



(CONTINUATION MUNICIPAL ORDINANCE NO. 01, SERIES OF 2024, DATED FEBRUARY 05, 2024 .
.....//PAGE 02)

- *Shopping malls, shopping centers, supermarkets, wet markets or palengke, and other similar establishments.*
- *Hospitals, laboratories, clinics, and other medical facilities.*
- *Theaters, movie houses, perya, arcades, internet cafes, and other places of entertainment that draw in a considerable number of customers.*
- *Airports, ports, public transportation terminals, parking lots, and other similar establishments that cater to a large number of vehicles.*
- *Car dealerships, gasoline/fuel stations, vehicle maintenance/service stations.*
- *Other business establishment which the Sanggunian deems proper considering the nature of business and potential risks in their respective areas.*

The CCTV shall be maintained in proper working order at all times, shall be continuous operation and shall meet the minimum technical specifications set by this ordinance.

SECTION 3. MINIMUM TECHNICAL SPECIFICATIONS- *The CCTV system to be installed must meet the following minimum specification.*

SECTION 7. Revocatory Clause – *This franchise including the complimenting business permit to operate shall be automatically revoked or cancelled upon showing of any non-compliance of the conditions set forth therein, and for any violation of the provisions of PD449 and other pertinent ordinances, rules and regulations;*

SECTION 8. Effectivity – *This Ordinance shall take effect ten (1) days after posting the same in the Bulletin Board at the entrance of the Municipal Hall and two (2) other conspicuous places in the Municipality.*

CAMERA

- 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 Weatherproof Casting

VIDEO/AUDIO INPUT

- Hybrid Type (accepts Digital and Analog signal), Minimum of four (4) camera input
- Video and Audio Streaming Input
- H.264(Advance Video Coding) Video Compression and G,711u Audio Compression
- 30 frames-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



(CONTINUATION MUNICIPAL ORDINANCE NO. 01, SERIES OF 2024, DATED FEBRUARY 05, 2024 .
.....//PAGE 03)

VIDEO/AUDIO OUTPUT
<ul style="list-style-type: none">- 720p or 1080p resolution- 30 FPS- At least 10 Megabit per second (Mbps) Video Bitrate and at least 64 Kilobits (Kbps) Audio Bitrate

OTHER SPECIFICATION
<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 to depend on the size of the establishment and the nature of business, as determined by the LGU.- Centralized power supply for the Video Recorder and Cameras- Uninterruptible Power Supply (UPS) to provide standard and reasonable back-up power to the Video Recorder and Cameras.

SECTION 4. INSTALLATION GUIDE – The following Installation Guide is recommended to be followed:

INSTALLATION
<ul style="list-style-type: none">- 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.- 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, Plate Recognition (for Parking Lots = 3 to 4 feet.- When possible, a back- up system should be installed alongside the CCTV system to ensure that data is kept secure in the event or physical harm to the storage device such as fires, earthquakes, any form of deliberate tampering, and other similar situations.- When possible, dummy CCTV cameras should also be placed in a conspicuous area to deter possible criminal acts and protect the cameras.- Signages indicating that the establish/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.- At least one staff or employees should be trained to operate the CCTV System.

SECTION 5. PRIVACY – All the establishments required to install CCTVs under Section 2 hereof shall comply with the following guidelines on privacy:

5.1 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.

5.2 Video footage obtained through the CCTV Systems shall be retained for a maximum 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 6. MINIMUM COVERAGE – All the establishments mentioned under Section 2 hereof shall be required to install CCTVs as to afford a full coverage of the following:

a. From the interior of the establishment:

(i) All entrances/exits;

(ii) The center of business activity in the establishment (including the teller, cashiers, cash registrars, sales counters, or areas leading to the vault/safe) according to the nature of business/operations of the establishment.

-OVER-



(CONTINUATION MUNICIPAL ORDINANCE NO. 01, SERIES OF 2024, DATED FEBRUARY 05, 2024 .
.....//PAGE 04)

- b. From the exterior of the establishment (when the establishment is not located inside a mail or building which has its own exterior cameras):
- (i) All entrances and 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 shots in the relation to the angles thereof;
 - (iii) Parking lots and drive-through lanes(when applicable).

SECTION 7. IMPLEMENTING OFFICES- The Municipal office of Public Order and Safety (OPOS)(or its equivalent), shall be responsible for the verification and determination of the relevant establishments' compliance with the directives of this Ordinance. The OPOS 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 a business permit or license. The OPOS 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. For all these purposes, the OPOS shall seek the advice and assistance of the local Chief of Police or his duly authorized representative.

SECTION 8. 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 other investigators.

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.

SECTION 9. PROHIBITION - The viewing of recorded or captured video footage or images shall be made with due respect to the privacy of individuals.

SECTION 10. PENALTIES - No business permit or permit to operate shall be issued to or renewed for the business establishments mentioned in Section 2 hereof unless the CCTVs as herein specified are installed and fully operational. Further, a fine amounting to Two Thousand and Five Hundred Pesos (PhP2,500.00) shall be imposed on any business establishment in operation found to be in violation of this Ordinance.

SECTION 11. APPEAL PROCESS - Any establishment found to be in violation of this Ordinance by the OPOS may appeal the findings thereof to the Office of the Mayor within five (5) working days from being notified of its violation by the OPOS, furnishing a copy of the appeal to the OPOS prior to the filing thereof with the Office of the Mayor. Within five (5) working days from receipt of the copy of the appeal, the OPOS shall submit its answer to the Office of the Mayor, furnishing the business establishment a copy of the same on even date. Should the OPOS 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 Mayor shall decide on the matter within five (5) working days from receipt of the answer of the OPOS or from the day the period of filing therefor has lapsed, giving due notice to the parties involved. 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 12. COMPLIANCE - Businesses covered by the scope of this Ordinance shall have a period of from the effectivity of the same within which to comply with the directives hereof.

SECTION 13. 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 14. 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 15. EFFECTIVITY CLAUSE - This ordinance shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

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(CONTINUATION MUNICIPAL ORDINANCE NO. 01, SERIES OF 2024, DATED FEBRUARY 05, 2024.
.....//PAGE 05)

ENACTED BY THE SANGGUNIANG BAYAN (18TH COUNCIL) OF MERIDA, LEYTE AT ITS REGULAR SESSION HELD ON THE 05 DAY OF FEBRUARY 2024.

APPROVED UNANIMOUSLY.

SANGGUNIANG BAYAN MEMBERS


CHENIL C. CALDERON
Municipal Councilor
Assistant Floor Leader

JOEL A. MARSON
Municipal Councilor
(Forced Leave)


JESUS ANTONIO R. MARTINEZ
Municipal Councilor


EMARITO A. LUZARES
Municipal Councilor
Majority Floor Leader


CAMILLO L. DEJON
Municipal Councilor


FELIPE H. PEREZ, JR.
Municipal Councilor

NENFA C. OYAO
Municipal Councilor

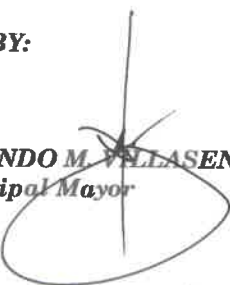

STEPHANIE M. MIRALLES
Municipal Councilor


RONILLO C. LABANG
Ex Officio (LNB President)

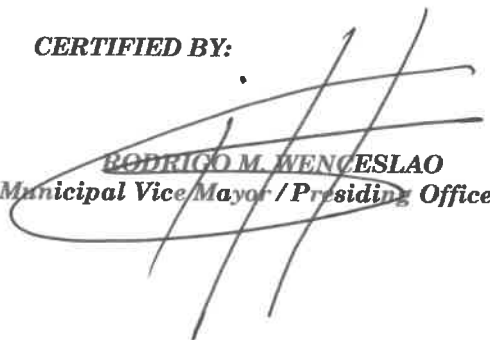

ASHLEY NOREEN J. DIAZ
Ex-Officio (Mun. Sk. Federation President)

APPROVED BY HIS HONOR, THE MUNICIPAL MAYOR ON February 21, 2024.

APPROVED BY:


ENGR. ROLANDO M. VILLASEÑICIO
Municipal Mayor

CERTIFIED BY:


RODRIGO M. WENCESLAO
Municipal Vice Mayor / Presiding Officer

ATTESTED BY:


JOSELITO T. DI LOS ANGELES
Secretary to the Sangguniang Bayan



Republic of the Philippines
Province of Leyte
MUNICIPALITY OF MERIDA

OFFICE OF THE SANGGUNIANG BAYAN

CERTIFICATION

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that MUNICIPAL ORDINANCE NO. 01, SERIES OF 2024 - "AN ORDINANCE MANDATING BUSINESS ESTABLISHMENTS OPERATING WITHIN THE TERRITORIAL JURISDICTION OF MERIDA, LEYTE TO INSTALL A CLOSED-CIRCUIT TELEVISION (CCTV) SYSTEM AND PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF" had been posted in three (3) conspicuous places in the locality within three (3) consecutive weeks from FEBRUARY 21, 2024 to MARCH 13, 2024.

THIS CERTIFICATION has been issued in compliance to Section 511 (1), Title One, book IV of RA 7160, otherwise known as the Local Government Code of 1991.

DONE AND ISSUED this 22nd of May 2024 at Merida, Leyte, Philippines.


JOSELITO T. DELOS ANGELES
Secretary to the Sangguniang Bayan