



QUEZON CITY COUNCIL

Quezon City
15th City Council

PO2011-24

PO2011-58

PO2011-43

52nd Regular Session

ORDINANCE NO. SP- 2139, S-2012

AN ORDINANCE MANDATING BUSINESS ESTABLISHMENTS OPERATING WITHIN THE TERRITORIAL JURISDICTION OF QUEZON CITY TO INSTALL CLOSED CIRCUIT TELEVISION SYSTEM (CCTV) AND PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF.

Introduced by Councilors RAQUEL S. MALANGEN, JOSEPH P. JUICO, RODERICK M. PAULATE, DOROTHY A. DELARMENTE, ANTHONY PETER D. CRISOLOGO, FRANCISCO A. CALALAY, JR., RICARDO T. BELMONTE, JR., ALEXIS R. HERRERA, PRECIOUS HIPOLITO CASTELO, EDEN "Candy" A. MEDINA, JULIENNE ALYSON RAE V. MEDALLA, GODOFREDO T. LIBAN II, JULIAN ML. COSETENG, ALLAN BENEDICT S. REYES, JAIME F. BORRES, GIAN CARLO G. SOTTO, EUFEMIO C. LAGUMBAY, EDCEL B. LAGMAN, JR., JESUS MANUEL C. SUNTAY, JESSICA CASTELO DAZA VINCENT DG. BELMONTE and RANULFO Z. LUDOVICA.

Co-Sponsored by Jose Mario Don S. De Leon.

WHEREAS, Section 16 of the Local Government Code or Republic Act No. 7160, also known as the General Welfare Clause provides in part that every local government unit shall exercise powers necessary for its efficient and effective governance and those which are essentials to the promotion of general welfare;

WHEREAS, since the 1960s, the use of closed-circuit TV (CCTV) cameras has been at the forefront of crime-fighting technology, ranging from improving deterrence of crime to the recording of evidence of criminal activity;

WHEREAS, the local government of Quezon City enacted Ordinance No. SP-1980 S. 2008, requiring the installation of CCTV systems in banks, malls, gasoline stations, supermarkets, pawnshops, money-changers and 24-hour convenience stores;

WHEREAS, to encourage the adoption and use of CCTV systems throughout the city, and in order to intensify the City's drive to solve criminality and to preserve visual footage as evidence, this August Body deems it proper to institutionalize the use of CCTV systems in business establishments within Quezon City.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF QUEZON CITY 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 QUEZON CITY TO INSTALL CLOSED CIRCUIT TELEVISION SYSTEM (CCTV) AND PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF.**

SECTION 2. SCOPE AND APPLICATION – Establishments that cater to a populous array of clients and who have voluminous monetary transactions are considered to be highly vulnerable to crime and are considered high-risk, and shall be required to install a closed circuit television (CCTV) or video surveillance system. The CCTV or video surveillance system shall be maintained in proper working order at all times, and shall be in operation at least during office hours, and shall meet the minimum technological standards set by this ordinance.

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SECTION 2.a. Covered Establishments – This Ordinance shall cover banks, malls, gasoline stations, supermarkets, pawnshops, money-changers, 24-hour convenience stores, schools, fast food restaurants/Quick Service Restaurants (QSRs) and car dealerships.

SECTION 2.b. Other Covered Establishments – This Ordinance shall also cover high-risk and/or particularly crime-vulnerable establishments which operate, transact and/or deal with any of the following, whichever will apply:

- i. Handle extensive monetary transactions as a regular course of business, amounting to the exchange of goods and/or services for a daily average amount of more than Fifty Thousand Pesos (Php50,000.00) or
- ii. Transact on an average daily basis with more than Two Hundred (200) clients.

SECTION 3. FEEDS AND RECORDINGS – The owner(s) of the business establishments shall preserve the camera recording for at least a period of one (1) year of its recording. It shall be unlawful to use or view any saved or archived video recording and unauthorized disclosure or identification of the identify of any person seen on video other than the complainant or victim(s) without the order of a competent court of justice or authority.

The owner(s) of said business establishment shall make available the camera recordings to the authorities engaged in the crime investigation upon written request stating the purpose thereof.

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SECTION 4. MINIMUM TECHNOLOGICAL STANDARDS –
The CCTV or video surveillance system must be capable of delineating on playback the activity and physical features of individuals and areas within the premises, and must be able to record such images on digital, optical or magnetic media.

For this purpose, the CCTV or video surveillance system shall meet the following minimum specifications:

- a. One dedicated channel per camera in operation;*
- b. 640x480 pixel resolution recording level;*
- c. Recording speeds of fifteen frames per second (15 fps);*
- d. Sufficient memory to retain data for at least thirty (30) days, with redundancy or back-up to preserve the data;*
- e. Time-stamping feature;*
- f. With retrieval and viewing functions while in operation;*
- g. Provided with independent uninterruptible power supply (UPS) system;*
- h. Data or captured images/footage can be stored on digital, optical or magnetic media for evidentiary purposes;*

SECTION 5. COVERAGE – *All the establishments mentioned under Sections 2a and 2b hereof which are located within the jurisdiction of the Quezon City are hereby required to strategically install, maintain and operate CCTV or video surveillance system inside and outside their premises where people normally transact business.*

SECTION 6. ACCESS TO RECORDINGS – If a crime has occurred, or the operator, employee or owner of the establishment has reason to believe a crime has occurred and has been recorded by the surveillance system, the operator, employee or owner of the establishment shall immediately contact the police, and shall provide access to the pertinent recordings to the police and other investigators. 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 7. PROHIBITION – The viewing of recorded or captured video footage or images shall be made with due respect for the privacy of individuals. It shall be unlawful for any person to allow the unauthorized viewing, recording, dissemination, use or even broadcasting of captured video footage or images, and the unauthorized public viewing of unidentified persons, clients or victims. Those violating this prohibition shall be prosecuted for violations of laws on the right to privacy and all other related laws.

SECTION 8. IMPLEMENTING OFFICE – The Business Permits and Licensing Office (BPLO) is mandated to make the Implementing Rules and Regulations (IRR) and the Department of Public Order and Safety (DPOS) is hereby tasked to assist the BPLO for the implementation of the IRR.

SECTION 8.a. Period Of Compliance – All establishments are hereby given a period of two (2) months after the publication of the Implementing Rules and Regulations (IRR) in a newspaper of general circulation, to comply with the requirements herein provided. ✓

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SECTION 9. EXCEPTIONS – Establishments which operate and are within the monitoring and purview of establishments that have existing and compliant CCTV systems shall be exempt from the scope of this Ordinance, and shall secure such exemption from the Business Permits and Licensing Office (BPLO). The BPLO shall issue the appropriate guidelines for the application for exemption, and it shall have the authority and discretion to determine whether the exemption sought is meritorious.

SECTION 10. PENALTIES – A fine not exceeding Three Thousand Pesos (Php3,000.00) shall be imposed on any establishment found in violation of this Ordinance on the first instance. Continued or subsequent failure to comply with the provisions of this Ordinance after thirty (30) days of the initial findings of non-compliance, shall subject the violator to an additional fine of Five Thousand Pesos (Php5,000.00) and shall constitute ground for the suspension, revocation or cancellation of the establishment's business permit.

SECTION 11. 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 12. 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.

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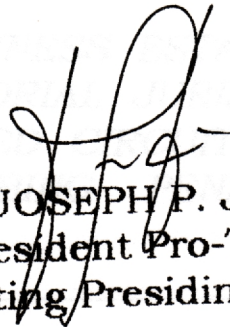


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SECTION 13. EFFECTIVITY CLAUSE - This ordinance shall take effect ten (10) days after its publication in a newspaper of general circulation.

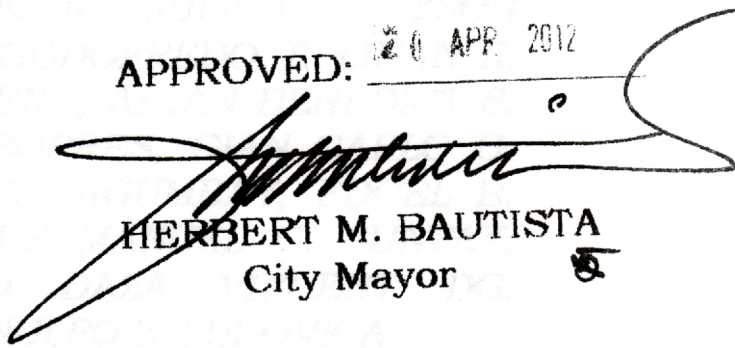
ENACTED: March 5, 2012.


JOSEPH P. JUICO
President Pro-Tempore
Acting Presiding Officer

ATTESTED:

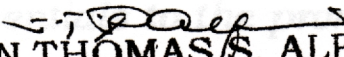

Atty. JOHN THOMAS S. ALFEROS III
City Gov't. Asst. Dept Head III

APPROVED: 20 APR 2012


HERBERT M. BAUTISTA
City Mayor

CERTIFICATION

This is to certify that this Ordinance was APPROVED by the City Council on Second Reading on March 5, 2012 and was PASSED on Third/Final Reading on March 12, 2012.


Atty. JOHN THOMAS S. ALFEROS III
City Gov't. Asst. Dept Head III