

HON. JULIUS G. JAMERO
SB Member

Republic of the Philippines
PROVINCE OF ZAMBOANGA DEL SUR
Municipality of Dumingag
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OFFICE OF THE SANGGUNIAN BAYAN

EXCERPT FROM THE MINUTES OF THE 65th REGULAR SESSION OF THE 11th SANGGUNIAN BAYAN OF DUMINGAG, ZAMBOANGA DEL SUR HELD AT THE MUNICIPAL SESSION HALL ON FEBRUARY 26, 2024.

OFFICERS/MEMBERS	POSITION	PRESENT	ABSENT	OB	OL
Hon. Edgardo G. Jamero	Municipal Vice Mayor	___/___	___	___	___
Hon. Julius G. Jamero	SB Member	___/___	___	___	___
Hon. Jo Vincent J. Morpos	SB Member	___	___/___	___	___
Hon. Dean Kaiser C. Tangalin	SB Member	___/___	___	___	___
Hon. Francis Joeray T. Gumban	SB Member	___	___/___	___	___
Hon. Jerson L. Cabahug	SB Member	___/___	___	___	___
Hon. Julito C. Mandac	SB Member	___/___	___	___	___
Hon. Percalixia Y. Bazar	SB Member	___/___	___	___	___
Hon. Efren A. Costanilla	SB Member	___/___	___	___	___
Hon. Domingo M. Gingco	Ex - Officio Member, LnB	___	___/___	___	___
Hon. Kirby Tracy V. Estillore	Ex - Officio Member, SK	___/___	___	___	___

Municipal Ordinance No. 11th-2-2024

AN ORDINANCE MANDATING ESTABLISHMENTS OPERATING WITHIN THE TERRITORIAL JURISDICTION OF THE MUNICIPALITY OF DUMINGAG, ZAMBOANGA DEL SUR, TO INSTALL A CLOSED-CIRCUIT TELEVISION (CCTV) SYSTEM, PROVIDING GUIDELINES FOR ITS IMPLEMENTATION AND PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF.

Be it ordained by the Sangguniang Bayan of Dumingag, Zamboanga del Sur in a session assembled, that:

SECTION 1. TITLE

This ordinance shall be known as the "CCTV Ordinance" in the municipality of Dumingag, Zamboanga del Sur.

SECTION 2. LEGAL BASES

Section 16 of the Local Government Code of 1991 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 essential to the promotion of general welfare.

Sections 447 and 458 of 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 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 license 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.

Municipal Ordinance No. 11th-2-2024
11th Sangguniang Bayan


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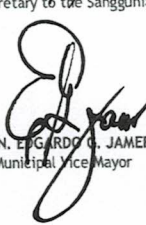

HON. PERCALIXIA V. BAZAR
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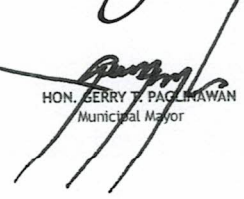

HON. EFREN A. COSTANILLA
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HON. DOMINGO M. GINGCO
Ex-Officio Member


HON. KIRBY TRACY V. ESTILLORE
Ex-Officio Member


JESSILYN PALON
Secretary to the Sanggunian


HON. ESGARDO C. JAMERO
Municipal Vice Mayor


HON. GERRY T. PAGLIAWAN
Municipal Mayor

DILG Memorandum Circular No. 2022-060 directs the cities/capital towns to require the installation of Closed-Circuit Televisions (CCTV) for certain business establishments to support the maintenance of peace and order and public safety.

In alignment with NPC Advisory No. 2020-03, the enforcement of this ordinance will strictly adhere to the National Privacy Commission's guidelines. Covered establishments are required to ensure full compliance with these guidelines to safeguard the privacy and rights of individuals while contributing to the overall security and well-being of the community.

SECTION 3. DECLARATION OF POLICY

It is hereby declared the policy of the municipal government of Dumingag, Zamboanga del Sur, to protect the safety 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 Dumingag 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.

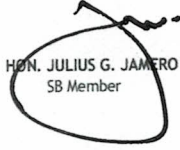
Thus, in the enactment and implementation of this Ordinance, the municipal government of Dumingag iterates and affirms its adherence and full respect for every individual's fundamental right to privacy by regulating the installation and use of video surveillance camera or CCTV. This is achieved by regulating the installation and utilization of video surveillance cameras or CCTV, with a specific focus on limiting their placement to public spaces. Furthermore, proper safeguards will be provided to prevent unauthorized viewing and disclosure of video recordings made in accordance with this policy.

SECTION 4. DEFINITION OF TERMS

- a. **Business Establishment** - refers to banks and their satellite offices, branches and automated teller machines (ATM), money changers, pawnshops, credit facilities and other similar lending and financial institutions, as well as gasoline stations, service shops, restaurants, hospitals, clinics, computer shops, internet shops, swimming pool or resort, conference hall and other similar establishment that cater to a large number of people, bus terminal, dormitories and other high risk places, spaces or establishments as may be identified.
- b. **Closed-Circuit Television (CCTV)** - refers to video surveillance cameras used to transmit visual information to a monitor or a number of monitors.
- c. **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.
- d. **Implementing Team** - shall be responsible for the verification and determination of the relevant establishments' compliance with the directives of this Ordinance, the team is composed of the Investigative Section of the Dumingag Municipal Police Station (DMPS), head of the task force or its designated representative, and personnel from the Municipal Engineering Office (MEO).

SECTION 5. SCOPE AND APPLICATION

All government and business establishments catering to a large number of customers or conducting transactions and operations which carry risks of being targeted by criminal activity, as well as those establishments that are prone to accidents, natural disasters, and other unforeseen incidents are required for the installation of CCTV.


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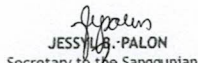

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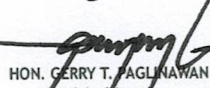

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Municipal Vice Mayor


HON. GERRY T. AGUINAWAN
Municipal Mayor

The mandatory installation of CCTVs applies to the following establishments, including but not limited to:

- All business establishments with a minimum capital investment of One Hundred Thousand Pesos (₱100,000.00) or more, excluding the value of the building structure and its facilities. This includes but is not limited to restaurants, cafés, gasoline stations, vehicle maintenance/service stations, hardware stores, grocery and dry goods stores, computer and cellphone shops, drug stores, water refilling station, billiard hall, bakery, and other establishments deemed as high risks.
- Financial establishment such as banks, pawnshops, money lenders, money remittance services, money changers, and others with similar transactions.
- Conference hall, reception hall, and other similar commercial establishments that cater to a large number of people.
- Barber shop, salon and spa, hospitals, clinics, and other medical facilities.
- Internet cafes, cockpit arena, fitness center, resorts, and other places of entertainment that draw in a considerable number of customers.
- Public transportation terminals and other similar establishments that cater to a large number of vehicles.
- All educational establishments in the municipality of Dumingag, whether private or public irrespective of their locations.
- All local government facilities, buildings, and high risks areas shall likewise install Closed-Circuit Television (CCTV) camera where the public frequently converge like municipal hall, barangay halls, wet market, cemetery, public transportation terminal, rural health unit, municipal gymnasium, and sports complex.
- In case where the establishment is leased to one or more tenants, the LESSOR is responsible for installing video cameras in the common areas. The LESSEE has the option to install video cameras within their leased premises. However, if the lessee's business capital is ₱100,000.00 or more, it is a requirement to install such cameras.
- Other business establishments 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 in continuous operation, and shall meet the technical specifications set by this ordinance.

SECTION 6. IMPLEMENTING GUIDELINES

In implementing, any business establishment covered by the scope of this Ordinance, whether for issuance or renewal of their Business Permit, must secure Certification or Clearance from the Implementing Team certifying that the establishment had already complied with the technical specifications set in this ordinance as requirement for their business permit application. The following procedures and guidelines must be followed prior to obtaining a Business Permit, to wit:

- New Businesses - new businesses are required to obtain a Certification or Clearance from the Implementing Team as requirement for their business permit application.
- Existing Businesses (in the process of permit renewal) - existing businesses still in the process of obtaining their business permit or renewing their permits must also obtain a Certification or Clearance from the Implementing Team as requirement for their business permit application.

Additionally, as outlined in DILG Memorandum Circular 2022-060, existing establishments with CCTV systems that do not meet the specifications outlined in this Ordinance will be granted a 3-year depreciation period for previously purchased equipment before being required to install new equipment meeting the recommended specifications.

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Municipal Mayor

SECTION 7. MINIMUM TECHNICAL SPECIFICATIONS

The CCTV system to be installed must meet the following minimum specifications:

a. 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
- $\geq$ 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 Casing

b. VIDEO/AUDIO INPUT

- 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 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
- Time stamping feature

c. VIDEO/AUDIO OUTPUT

- 720p or 1080p resolution
- 30 FPS
- At least 10 Megabits per second (Mbps) Video Bitrate and at least 64Kilobits (Kbps) Audio Bitrate

d. OTHER SPECIFICATIONS

- 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 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 8. INSTALLATION GUIDE

The following Installation guide is recommended to be followed:

- Cameras must be installed at a secure location with a maximum area of coverage 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.

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- c. CCTVs should be installed in well-lit areas and with consistent lighting to pick-up identifying details, such as facial features.
- d. The angle of the cameras should be considered to avoid lens flare and backlighting.
- e. 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.
- f. When possible, a back-up 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.
- g. When possible, dummy CCTV cameras should also be placed in a conspicuous area to deter possible criminal acts and protect the cameras.
- h. Signages indicating that the establishment/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.
- i. At least one staff or employee should be trained to operate the CCTV System.

SECTION 9. PRIVACY

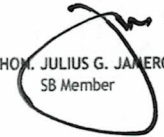
All the establishments required to install CCTVs under Section 5 shall comply with the following guidelines on privacy:

- a. 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.
- b. 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 10. 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 tellers, cashiers, cash registrars, sales counters, or areas leading to the vault/safe) according to the nature of business/operations of the establishment.
- b. From the exterior of the establishment (when establishment is not located inside a mall or building which has its own exterior cameras):
 - i. All entrances/exits;
 - ii. From the entrance/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 of shots in relation to the angles thereof;
 - iii. Parking lots and drive-through lanes (when applicable)


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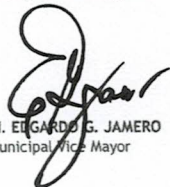

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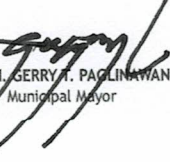

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SECTION 11. IMPLEMENTING OFFICES/TEAM

The Investigative Section of the Dumingag Municipal Police Station (DMPS), head of the Municipal Task Force or its designated representative, and personnel from the Municipal Engineering Office (MEO) shall be responsible for the verification, inspection and determination of the relevant establishments' compliance with the directives of this Ordinance.

The team shall conduct inspection to the installed CCTVs in business establishment before the necessary clearance or certification therefor may be issued. This certification or clearance will be issued by the Implementing Team, which clearance or certification shall be a mandatory requirement for the issuance or renewal of a business permit or license. The implementing team may thereafter conduct inspection on establishments that have already complied, without prior notice to ensure that the video surveillance system or CCTV is operational and well maintained. A special designated sticker shall be posted by the inspection team on the establishment that have complied herewith.

Further, the Implementing Team shall likewise be responsible for addressing any appeals or concerns covered by the scope of this Ordinance.

SECTION 12. FUNDING REQUIREMENTS

The municipal government of Dumingag shall allocate budget for the installation and maintenance of CCTV cameras on all municipal government facilities, church frontage, and along major thoroughfares, and entrance and exit points in the municipality.

Installation of CCTV cameras on all private establishments will be shouldered by the owner of the establishment.

SECTION 13. ACCESS TO RECORDINGS

In the event of a committed crime or when there is a reasonable belief that a crime has occurred and has been recorded by the CCTV, the operator, employee, or owner of the establishment shall promptly notify the nearest police station. Access to relevant recordings shall be provided to the police and other investigators.

Furthermore, the operator, employee, or owner of the business establishment, upon written request from the authorized or designated law enforcement officer or written order from a competent court specifying the particular time and day, shall make the camera recordings available for criminal investigation. The captured video footage or images may be utilized to comply with written orders or subpoenas from any court or body with competent jurisdiction.

SECTION 14. PROHIBITION

The viewing of recorded or captured video footage or images shall be made with due respect to the privacy of individuals. Access to the recorded footage shall be restricted to instances where a crime has been committed or when there is reasonable suspicion of criminal activity. Such access must be granted in accordance with legal procedures, and the operator, employee, or owner of the establishment shall cooperate with law enforcement authorities during criminal investigations. Additionally, any use of the captured video footage or images must comply with relevant laws and regulations, and unauthorized access or use shall be strictly prohibited.


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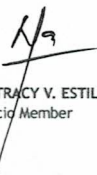

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SECTION 15. PENALTIES

No business permit or permit to operate shall be issued to or renewed for the business establishments mentioned in Section 5 hereof unless the CCTVs herein specified are installed and fully operational.

In the event that the installed CCTV cameras are defective, malfunctioning/non-functional, the owner of the establishment may report such issues to the implementing team IMMEDIATELY.

Upon receipt of the official report from the owner, the establishment is granted a period of one (1) month to promptly address the repair of the CCTV system. Subsequently, an inspection by the Implementing Team will be conducted one month after the receipt of the official report. Failure to make the necessary arrangements within the stipulated one (1) month repair period, constitute a violation of this ordinance. Additionally, in instances where the owner neglects to inform the implementing team about non-functioning and defective CCTVs, it will be considered as a violation of this ordinance.

Furthermore, any business establishment found to be in violation of this Ordinance will be subject to the following penalties:

First Offense	-	a fine of five hundred pesos (P500.00)
Second Offense	-	a fine of one thousand five hundred pesos (P1,500.00)
Third Offense	-	temporary closure of the establishment

Following either first and/or second offense, a three-month grace period will be allowed and given to the owner of the establishment for corrective measures. Subsequently, after the given period, an inspection will be conducted to verify compliance with this ordinance. If an establishment is temporarily closed due to a violation, upon complying with the directives set herein, the establishment must inform the Implementing Team to update their records accordingly.

SECTION 16. APPEAL PROCESS

Any establishment found to be in violation of this ordinance by the implementing team may appeal the findings thereof to the Office of the Municipal Mayor within five (5) working days from being notified of its violation by the implementing team, furnishing a copy of the appeal to the implementing team prior to the filing thereof with the Office of the Municipal Mayor. Within five (5) working days from receipt of the copy of the appeal, the implementing team shall submit its answer to the Office of the Municipal Mayor, furnishing the business establishment a copy of the same on even date. Should the implementing team 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 Municipal Mayor shall decide on the matter within five (5) working days from receipt of the answer of the implementing team or from the day the period of filing therefor has lapsed, giving due notice to the parties involved. The decision of the Municipal 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 17. 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 18. 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 19. EFFECTIVITY CLAUSE

This ordinance shall take effect after fifteen (15) days following the completion of the posting requirements in three (3) conspicuous places in the municipality of Dumingag and its publication in any newspaper of general circulation or posting of copies in all the municipalities and one (1) city within the province of Zamboanga del Sur.

Enacted: February 26, 2024

CONCURRED:

SANGGUNIANG BAYAN MEMBERS:

Hon. Julius G. Jamero

Hon. Dean Kaiser C. Tangalin

Hon. Jerson L. Cabahug

Hon. Percalixia Y. Bazar

Hon. Domingo M. Gingco

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Hon. Efren A. Costanilla

Hon. Kirby Tracy V. Estillore

ABSENT

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ATTESTED AND CERTIFIED
TO BE DULY ADOPTED

EDGARDO G. JAMERO
Presiding Officer/Municipal Vice Mayor

APPROVED: April 8, 2024

GERRY T. PAGLINAWAN
Municipal Mayor

I hereby certify that the foregoing ordinance is true and correct.

JESSYL B. PALON
Secretary to the Sanggunian