

04

CITY ORDINANCE NO. _____

AN ORDINANCE AMENDING CITY ORDINANCE NO. 06-2009 OR "AN ORDINANCE REQUIRING ALL BANKS AND OTHER FINANCIAL INSTITUTIONS IN THE CITY OF TUGUEGARAO TO INSTALL ALARM SYSTEM AND/OR CLOSED-CIRCUIT TELEVISION (CCTV) AND PROVIDING PENALTIES FOR NON-COMPLIANCE THEREOF" TO INCLUDE IN ITS COVERAGE CERTAIN BUSINESS ESTABLISHMENTS OPERATING WITHIN TERRITORIAL JURISDICTION OF TUGUEGARAO CITY AND PRESCRIBING PENALTIES FOR VIOLATIONS AND NON-COMPLIANCE THEREOF

Sponsored by:

HON. MARK ANGELO B. DAYAG
HON. RESTITUTO C. RAMIREZ
HON. RONALDO S. ORTIZ
HON. JUDE T. BAYONA
HON. GRACE B. ARAGO
HON. MARC ALDOUS C. BACCAY
HON. MARIA ROSARIO B. SORIANO
HON. ARNEL T. ARUGAY
HON. TIRSO V. MANGADA

WHEREAS, 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;

WHEREAS, DILG Memorandum Circular (MC) No. 2022-060 provides that local government units (LGUs) are enjoined to enact and/or amend ordinances on the installation of Closed-Circuit Television (CCTV) of business establishments in their respective localities;

WHEREAS, the foregoing MC states that Cities and Municipalities are encouraged to enact an ordinance prescribing the installation of CCTV Systems as a requirement in the issuance of business permits to 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 to those establishments that are prone to accidents, natural disasters, and other unforeseen incidents;

WHEREAS, law enforcement agencies in the country have already proven that CCTVs 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 /City'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 CCTV systems in business establishments within;

WHEREAS 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 to be required of CCTVs to be installed pursuant to this ordinance;

WHEREAS, the City enacted City Ordinance No. 06-2009 or An Ordinance Requiring All Banks and Other Financial Institutions in the City of Tuguegarao to Install Alarm System and/or Closed-Circuit Television (CCTV) and Providing Penalties for Non-Compliance Thereof";

WHEREAS, there is a need to amend City Ordinance No. 06-2009 to include businesses enjoined under DILG Memorandum Circular No. 2022-060 in order to ensure public safety and order, crime prevention and resolution.

NOW THEREFORE, be it **ORDAINED**, by the 9th City Council duly assembled in session to enact:

SECTION 1. TITLE. This Ordinance shall be known as an "An Ordinance Amending City Ordinance No. 06-2009 or 'An Ordinance Requiring All Banks and Other Financial Institutions In The City Of Tuguegarao To Install Alarm System And/Or Closed-Circuit Television (CCTV) and Providing Penalties For Non-Compliance Thereof' To Include In Its Coverage Certain Business Establishments Operating Within Territorial Jurisdiction of Tuguegarao City and Prescribing Penalties for Violations and Non-Compliance Thereof."

SECTION 2. Section 4 on Coverage of City Ordinance No. 06-2009 is hereby amended and shall be read as:

This Ordinance shall cover the following establishments:

- 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.
- 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, resorts, and other recreational facilities that draw in a considerable number of customers.
- Airports, 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.

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

SECTION 3. There shall now be incorporated Section 4-A on Minimum Technical Specifications and shall be read as:

SECTION 4-A. MINIMUM TECHNICAL SPECIFICATIONS – The CCTV system to be installed must meet the following specifications:

CAMERA

- High-Definition Analog or at least 2 Megapixel Digital Camera
- 0.1 Lux Minimum Illumination
- 2.8 mm to 3.6mm Focal Length
- Auto-Iris Focus Lens (fixed/vari-focal)
- 1/30s to 1/50,000s Shutter Speed
- ≥ 50-meter Infrared Ranged
- 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

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 Encoding) 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

VIDEO/AUDIO OUTPUT

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

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 4. There shall now be incorporated Section 4-B on Installation Guide which shall be read as:

SECTION 4-B. INSTALLATION GUIDE. The following installation Guide is recommended to be followed:

INSTALLATION

- 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 of physical harm to the storage devices 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 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.
- At least one staff or employee should be trained to operate the CCTV System

SECTION 5. There shall now be incorporated Section 4-C on Minimum Coverage which shall be read as:

SECTION 4-C. 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 the establishment is not located inside a mall or building which has its own exterior cameras).
 - (i) All entrances/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 of shots in relation to the angles thereof;
 - (iii) Parking lots and drive-through lanes (when applicable).

SECTION 6. Section 5 is hereby amended to include business establishments covered in the ordinance and shall be read as:

SECTION 5. CUSTODY OF RECORDS. **Business establishments,** banks, and other financial institutions operating in Tuguegarao City **which are covered in this Ordinance** are hereby required to keep the depository records taken from the operation of said closed circuit television for a period of thirty (30) days from the date of transaction for future reference in case the robbery occurs inside the establishment or client becomes the victim of a robbery after transacting business with the said bank or financial institution.

SECTION 7. Section 6 shall be amended to include business establishments covered in this ordinance and a provision for depreciation period for existing CCTVs which shall be read as:

SECTION 6. PERIOD OF COMPLIANCE. **Business establishments,** banks and other financial institutions are hereby given a period of sixty (60) days from the date of approval of this ordinance to comply with the requirements contained herein.

In cases where existing CCTV systems installed do not meet the specifications contained in the ordinances enacted or updated in compliance with this ordinance, the establishments shall be allowed a three (3)-year depreciation period of the previously purchased equipment prior to installing the new equipment with the recommended specifications.

SECTION 8. Section 7 shall be amended to include business establishments covered in this ordinance which shall be read as:

SECTION 7. IMPLEMENTATION. It shall be the duty of the **owner or** manager of the ~~bank, lending institutions, financial institutions, pawnshops and other similar business covered businesses under this Ordinance~~ to furnish the Offices of the Mayor and the Chief of Police of the City of Tuguegarao his/her DECLARATION OF COMPLIANCE under oath with this Ordinance.

The Declaration of Compliance shall be the basis of the Public Order, Safety and Security Office (POSSO) of Tuguegarao City, the Business Permit and Licensing Office (BPLO), authorized member of the Tuguegarao City PNP Station and the representative of the Security Office of the Bangko Sentral ng Pilipinas (BSP), **in case of banks and other financial institutions**, in conducting inspections ~~to banks and other financial institutions~~ for proper implementation of this Ordinance.

After due inspection and evaluation, the BPLO shall determine the compliance of the covered businesses and issue the necessary Business Permit for the concerned establishment.

SECTION 9. There shall now be incorporated Section 7-A on Inspection Team which shall be read as:

SECTION 7-A. INSPECTION TEAM. To effectively monitor and verify compliance of the provisions of this Ordinance, the City Mayor shall form an inspection team composed of the BPLO, the Information and Technology (IT) Office of the City Government, the PSSO, the Tuguegarao Component City Police Station, and the Barangay Officials of the concerned barangay where the subject business is located.

After inspections, the BPLO shall coordinate with the IT Office to analyze the information gathered to guarantee compliance and the proper issuance of business permits.

SECTION 10. There shall now be incorporated Section 7-B on Duties of the Barangay which shall be read as:

SECTION 7-B. DUTIES OF THE BARANGAY. The Barangay Officials having territorial jurisdiction over businesses or establishments covered in this Ordinance may conduct inspections and evaluations to determine their compliance with the provisions of this Ordinance. The same shall be reported to the BPLO not later than December 31 of each year, indicating the date of inspection and monitoring.

SECTION 11. There shall now be incorporated Section 8-A on Privacy and Viewing Prohibition which shall be read as:

SECTION 8-A. PRIVACY AND VIEWING PROHIBITION. The viewing of recorded or captured video footage or images shall be made with due respect to the privacy of individuals, in accordance with the provisions of the Data Privacy Act.

SECTION 12. There shall now be incorporated Section 8-B on Access to Recordings which shall be read as:

SECTION 8-B. 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 operator, employee, or owner of the business establishment shall also comply with the lawful implementation of cyber warrants in accordance with the Rule on Cybercrime Warrants, through A.M. No. 17-11-03-SC of the Supreme Court, if applicable.

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.

Failure to comply with this provision despite the observance of the proper procedures mentioned herein shall be subject the operator, employee, or owner of the establishment to the penalties provided under Section 10 (3) of this Ordinance.

SECTION 13. Section 9 shall be amended to include business establishments covered in this ordinance which shall be read as:

SECTION 9. PENALTIES AND ADMINISTRATIVE SANCTIONS. For non-compliance, ~~any banking and financial business establishment and other institutions covered in this Ordinance~~ found violating any provision herein shall be meted with the following penalty:

- a.) First Offense — fine of Three Thousand Pesos (P3,000.00)
- b.) Second Offense — fine of Four Thousand Pesos (P4,000.00)
- c.) Third Offense — fine of Five Thousand Pesos (P5,000.00) and/or non-issuance, revocation, or cancellation of business permit.

SECTION 14. Section 10 shall be amended to accommodate the changes in scope in this Ordinance which shall be read as:

SECTION 10. OTHER PENALTIES.

1. For violation of ~~the~~ first paragraph of Section 7 hereof, the **owner, manager** or any officer who falsely executed the Declaration of Compliance shall be held criminally liable for offense(s) defined and penalized under the Revised Penal Code.
2. For violation of **Sections 7-B, 8, and 8-A** hereof, any officer or person **found to have violated these sections may be** held criminally and administratively liable pursuant to relevant laws and regulations.
3. **For failing to comply or unjustly refusing to comply with Section 8-B hereof despite the observance of the proper lawful procedures prescribed herein, the operator, employee, or owner of the establishment shall be fined Three Thousand Pesos (P3,000), without prejudice to other sanctions which may be imposed by the court for failing to comply with a subpoena or any its lawful orders if a criminal proceeding is already instituted regarding a crime wherein the CCTV footage is involved.**

SECTION 15. IMPLEMENTING RULES. Within 30 days from the approval of this Ordinance, the Office of the City Mayor shall formulate the necessary guidelines and administrative procedures for the effective implementation of this Ordinance.

SECTION 16. 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 17. 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 18. EFFECTIVITY CLAUSE – This ordinance shall take effect after its approval by the City Mayor and publication in a newspaper of general circulation.