

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

17TH CONGRESS
First Regular Session

House Bill no. **2639**

HOUSE OF REPRESENTATIVES	
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Introduced by Representative WES GATCHALIAN

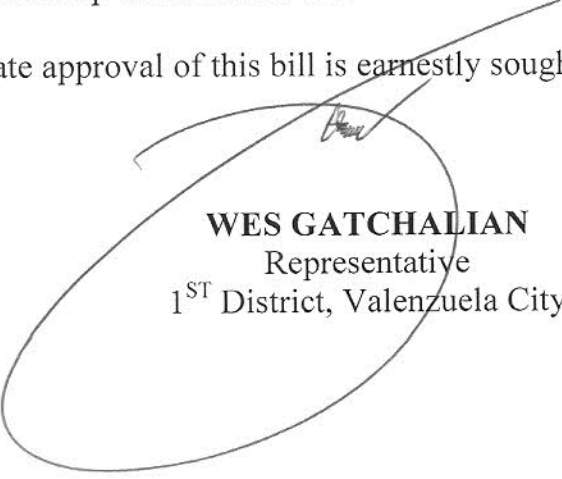
EXPLANATORY NOTE

Public safety and law and order are at the top in the pantheon of what the state is not only empowered but also duty bound to consider as compelling interest. As modes of criminality become more complex and with the constant threat of terror looming large, the state must respond by improving its means and capabilities in achieving these stated ends. It is in this spirit that this bill is proposing to make the installation of CCTV's, in certain specified and strategic areas, mandatory.

The proponent of this law believes that there is a two-fold rationale in how this measure will promote public safety and the better enforcement of law and order. First, it would give law enforcers a significant lead when a crime is committed where otherwise none would have been had. Several instances of public prominence, as well as the experience of other states, have effectively shown that oftentimes the presence of a captured footage in CCTV spells the difference between solving a crime and letting a criminal with a propensity to commit more heinous acts roam free. Second, the presence of CCTV's constitute an effective deterrence to the commission of a crime. It is elementary in criminal psychology that a person attempting to perpetuate a crime or do some legal wrong to a fellow citizen, is less likely to go through with his/her sinister plan when there is the threat that he/she would not be able to get away with committing such because his/her actions are being captured by a CCTV camera.

On a final sobering note, the alarming rise in acts of terror successfully committed in other more advanced states should serve as a chilling reminder to us Filipinos of how vulnerable we truly are to the same attacks. In an ideal world we would have no need to protect ourselves, but alas, we are not waking up in one. Therefore, the next best alternative is that we be able to protect ourselves, our families, and our communities, to the very best of our abilities. This proposed measure is a small step towards that end.

Immediate approval of this bill is earnestly sought.


WES GATCHALIAN
Representative
1ST District, Valenzuela City

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Introduced by *Representative* **WES GATCHALIAN**

AN ACT
REQUIRING BUSINESS ESTABLISHMENTS, GOVERNMENT OFFICES,
PUBLIC BUILDINGS, PARKS, SCHOOLS, STREETS, ALLEYS AND OTHER
PLACES OF PUBLIC CONGREGATION TO INSTALL CLOSED CIRCUIT
TELEVISION CAMERAS AS A MEANS TO DETER CRIME

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

SECTION 1. *Short Title.* – This act shall be known as the “CCTV Cameras for Crime Prevention Act of 2016.”

SECTION 2. *Declaration of Policy.* – It is the policy of the State to maintain peace and order, protect life, liberty and property, and to promote the general welfare. Towards this end, the State shall facilitate helpful strategies and means to discourage crime and increase the safety and security of the public without impinging on constitutionally protected rights.

SECTION 3. *Definition of Terms.*– For the purposes of this Act, the following terms shall be defined as follows:

- a) CCTV refers to the use of the video cameras to transmit a signal to a specific place, on a set of monitors/ a television system that transmits images on a “close loop” basis, where images are only available to those directly connected to the transmission system.
- b) *Government Office* refers to the administrative working space for public employees.
- c) *Public Buildings* shall include every building owned by the government or belonging to a private person but used or rented by the government although temporarily occupied by the same.
- d) *Park* shall refer to an area of land, usually in its natural state, having facilities for rest and recreation of the public, owned and managed by a city, municipality or state.
- e) *Schools* refers to any building, structure, court or space dedicated for education or learning whether public or private.
- f) *Public Congregation* refers to places or areas where a large crowd usually gathers like places of worship, sports stadium and the like.

- g) *Streets* shall mean a public thoroughfare where people may move about in public or private means of transportation, and where they may freely assemble or interact.
- h) *Alley* shall refer to a narrow lane, path or passageway, often for use of pedestrian
- i) *Business Establishments* refers to any establishment used for commercial purposes and operating for selling products to, or providing services to the general public. They shall include but shall not be limited to banks, restaurants, hospitals, malls, shopping centers, moviehouses, theaters, supermarkets groceries, entertainment centers, warehouses and other similar establishments.

SECTION 4. *Objective.* – The CCTV shall be utilized to promote crime prevention and uphold public safety with due regard to the privacy of every individual. It shall be installed and maintained to monitor and keep a recording of images in the premises of business establishments, government offices, public buildings, schools, parks, streets, alleys, and other areas of public congregation. It shall facilitate as an additional resource for law enforcement and security assistance whenever necessary and provide an effective crime deterrent by its threat of retrievable data recording.

SECTION 5. *Coverage.* – The installation of CCTV cameras shall be mandatory in all government offices, public buildings, schools, parks, streets, alleys, business establishments, and other areas of public congregation. This requirement shall likewise ensure that the CCTV cameras are working and turned on and recording for twenty-four (24) hours each day for seven (7) days each week. Data of recordings shall be kept for a period not less than sixty (60) days from actual date of recording.

In case of cities and municipalities, the funding requirements for the installation of the CCTVs shall be included in the General Appropriation Act of the Department of Interior and Local Government (DILG) in the year following its enactment, with the technical assistance of the Department of Science and Technology (DOST).

SECTION 6. *Persons Responsible.* – The Head of Office in case of government offices and public buildings and the City/Municipal Mayors with respect to parks, streets, alleys and other public congregations in their respective territorial jurisdiction, as well as the Owner/Administrators of academic/learning institutions with regard to schools, and the Owners/Proprietors of business establishments shall cause installations of CCTV's.

SECTION 7. *Notice of Surveillance.* – A signage informing the general public of the existence of the CCTV cameras shall be installed. It shall be visible, distinctive and located in areas with good lighting.

SECTION 8. *Procedure for Access and Disclosure of Recordings* – The access, disclosure, use, viewing, or copying of images and recordings performed in accordance with this Act shall only be allowed in the following instances:

1. Upon a written request from a person in authority in connection with and limited to an investigation for the prosecution of an offense punishable by law;
2. Upon lawful order of the court, in connection with a pending criminal or civil proceeding;

3. To determine whether an offense has been committed against a person or property and to ascertain the identity of the perpetrator and the manner by which the crime was committed;
4. Any person whose image has been recorded may make an application in writing for a copy of the recording or the still images;
5. Law Enforcement Agencies shall not be allowed to release images or recordings from the CCTV to the media, except only when the circumstances warrant to help identify the perpetrator of a crime or locate his whereabouts, or as a matter of public information.

The use, copying or disclosure of images and recordings shall be authorized within twenty-four (24) hours after submission of the request as herein specified.

SECTION 9. *Penalties.* – Any act or omission in violation of the mandatory requirement under this Act shall be punishable with imprisonment not exceeding six (6) months or a fine not to exceed fifty-thousand (P 50, 000.00) pesos, or both without prejudice to other civil or criminal liabilities that may arise therefrom.

The persons or officers enumerated under Section 5 shall be held answerable for violations of this Act; provided that it is shown that the violation was due to his/her direct participation, lack of supervision, or negligence. For government offices and public places, the non-installation of the CCTV's shall be considered as nonfeasance and the officers responsible shall be subject to the penalties provided for in appropriate laws.

SECTION 10. *Implementing Agency.* - The Department of Interior and Local Government and the respective Local Government Units (LGU) shall ensure the effective implementation and enforcement of this Act.

SECTION 11. *Implementing Rules and Regulation.* – Within thirty (30) days from the effectivity of this Act, the Secretary of Interior and Local Government, in consultation with appropriate government agencies and other stakeholders, shall promulgate the necessary rules and regulations to implement this Act.

SECTION 12. *Repealing Clause.* – All laws, presidential decrees, executive orders, rules and regulations or part thereof, contrary to or inconsistent with the provisions of this Act, are hereby repealed or modified accordingly.

SECTION 13. *Separability Clause.* – If any section or provision of this Act is held unconstitutional or invalid, all other sections or provisions shall remain in full force and effect.

SECTION 14. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its complete publication in any two (2) newspapers of general circulation.

Approved,