



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila



EIGHTEENTH CONGRESS
First Regular Session

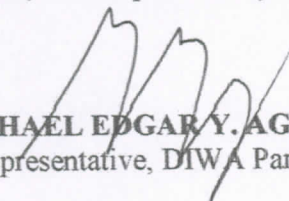
House Bill No. 858

Introduced by **DIWA Party-list Representative Hon. Michael Edgar Y. Aglipay**

EXPLANATORY NOTE

As public service providers, it is only just and fair to assure your patrons and customers the best possible security provisions. The protection of commuters in public transportation, particularly in buses, should, therefore, be of utmost importance because it is the right of every citizen to receive competitive and respectable services without having any fear or threat of being harmed. Considering that commuters make up 80% of the daytime population based on the data of the Department of Communication and Transportation, I believe that the State has an obligation to give proper attention to legislations that better ensure the safety and welfare of our commuters. This, I believe, could be attained by providing a closed-circuit television unit (CCTV) at every public bus in the country.

The use of high-definition CCTVs in public places has been proven to be efficient, and installing them in public transportation will definitely help ease the commuting population's fear amidst this growing number of commuter-related illegal activities. I believe that CCTVs will be of great help for identifying and catching offenders and preventing crimes in public transportation. Furthermore, CCTVs have been found to be an effective deterrent of criminal activities. This bill, based on the Committee Report No. 340 of the Committee on Transportation during the 17th Congress, seeks to elevate the safety and security standards in public transportation system, while particularly focusing on public buses.


MICHAEL EDGAR Y. AGLIPAY
Representative, DIWA Party-list



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AN ACT
MANDATING THE INSTALLATION OF SAFETY MONITORING
DEVICES IN PUBLIC UTILITY VEHICLES AND PROVIDING
PENALTIES FOR VIOLATION THEREOF

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

SECTION 1. *Short Title.* – This act shall be known as the “Public Utility Vehicle Monitoring Act”.

SECTION 2. *Declaration of policy.* – It is hereby declared the policy of the state to ensure the safety of its citizens, particularly the public transport users, from criminal activity such theft, robbery, homicide, kidnapping and the like. Towards this end, the State shall require all operators of public utility vehicles (PUVs) to install a close-circuit television (CCTV) and Global Positioning System (GPS) tracker on their motor vehicles as a means of deterring crime and of gathering the necessary information to help prosecute perpetrators of the aforesaid crimes.

SECTION 3. *Definition of Terms.* – As used in this act:

- (a) *Closed-Circuit Television* or CCTV refers to an electronic communication system equipped with a video camera or video cameras, capable of recording and storing signals or digital information and connected to a monitor or set monitors designed to perform surveillance over a limited area;
- (b) *Global Positioning System* or GPS refers to a navigational system that determines the latitude and longitude of a particular location on earth by calculating the difference in time it takes for signals sent from different satellites to reach a receiver at that location;
- (c) *GPS Tracker* refers to an electronic communication device that uses the GPS to determine, track and record its precise location, or of anything on which it is attached or mounted, at regular intervals;

- (d) *Operator* refers to any person or entity in whose name a Certificate of Public Convenience (CPC) is issued by the Land Transportation Franchising and Regulatory Board (LTFRB) to operate a public transport service for compensation and for a covered period of time;
- (e) *Public Utility Vehicle* or *PUV* refers to any duly registered public utility bus, taxicab, school transport service, tourist transport service, UV express service, bus rapid transit, airport bus, premium taxi, transport network vehicle service, shuttle bus and other motor vehicle as may hereafter be classified by the LTFRB or appropriate agency as such; and
- (f) *Tampering* refers to any act of intentionally dismounting, destroying or breaking the CCTV or GPS tracker or any other act intended to disable or hinder any of its functions. It includes the act of deleting or editing the contents of the storage device of the CCTV.

SECTION 4. *Mandatory installation of CCTV and GPS Tracker.* – Following the effectivity of this act, no public utility vehicle as herein defined shall be allowed to operate on any road or highway without the required CCTV and GPS tracker installed, duly authenticated, and sealed by the LTFRB. A minimum of two (2) units of CCTV shall be installed for every type of PUV. Replacement of damaged or stolen CCTV and GPS tracker must undergo the same process of installation, authentication and sealing.

The operator of a PUV shall be required to display a written notice boldly displayed in conspicuous location outside and inside the body of the PUV to inform the passengers that the PUV is equipped with CCTV and GPS tracker.

No operator shall be granted a CPC or franchise to operate a PUV without complying with these requirements: *provided*, That, in the case of PUVs which are already in operation prior to the effectivity of this act, the concerned operators shall comply with the mandatory installation of the CCTVs and GPS tracker upon renewal of registration or not later than six (6) months from promulgation of the implementing rules and regulations (IRR) of this act, whichever comes earlier.

SECTION 5. *Specifications and Standards of CCTV and GPS Tracker.* - The LTFRB, in coordination with the Department of Transportation (DOTr), the Department of Information and Communication Technology (DICT) and the Department of Trade and Industry (DTI) - Bureau of Products Standards of the CCTV and GPS tracker herein required, including the storage device which must be capable of recording at least thirty (30) calendar days of information before being overridden by subsequent ones. It shall also determine the required number and location of CCTVs for every type of PUV to ensure optimum view and usage.

SECTION 6. *Maintenance of a GPS Tracking server and CCTV Recording Archive.* – The LTFRB Central Office and its Regional Offices shall establish, maintain and manage a GPS tracking server and an archive for all CCTV recordings of PUVs which are subjects of complaints filed before it and of PUVs involved traffic incidents.

In coordination with the Land Transportation Office (LTO), the LTFRB shall likewise establish, maintain and manage a GPS tracking server and archive to be manned by authorized LTO personnel in LTO offices located in strategic areas for data gathering and to

ensure the effective monitoring of every registered PUV.

In implementing the provisions of this Act, the LTFRB or authorized LTO personnel shall require the operator of any PUV that is the subject of a complaint or a party to an incidents, to surrender the vehicle within twenty-four (24) hours from receipt of the order either for its storage device to removed or the contents thereof to be copied by the authorized officer for purpose of preserving the same Noncompliance with this order constitutes a violations of the provisions of this act. In the case of PUVs involved in vehicular incidents, the law enforcement officer conducting the investigation shall, within twenty-four (24) hours, report the incident to the LTFRB or authorizes LTO personnel. Noncompliance shall be dealt with according to administrative rules and regulations.

The CCTV archive a GPS tracking server herein mentioned shall be established within six (6) months following the promulgation of the IRR of this Act.

SECTION 7. *Confidential Nature of CCTV Footages.* – The confidentiality of the videos and other information captured by and stored in the CCTV shall be maintained. Unless otherwise authorized under this Act, the use, viewing, disclosure or publication of the contents of storage device, whether in whole or in part, is prohibited.

SECTION 8. *Use of CCTV Footage as Evidence.* – The LTFRB or any court of competent jurisdiction, in cases or complaints filed before it, may use the information captured by and stored in the CCTV for evidentiary purposes. Law enforcement agencies may, in the conduct of investigation pertaining to the cases filed before them, request for a copy of the CCTV recordings pertaining thereto, subject to the applicable provision of this Act.

SECTION 9. *Access to GPS Tracking Server.* – Upon official written request or electronic mail by a law enforcement agency, its agents shall be granted access to a particular GPS tracking record of the subject vehicle during the conduct of a criminal, administrative, or traffic investigation or police operation.

SECTION 10. *Penal provision.* – The following penalties shall be imposed upon the offender who is found to have committed punishable acts enumerated hereunder:

(a) A fine of five thousand pesos (P5,000.00), for the first offense; ten thousand pesos (P10,000.00), for the second offense; and fifteen thousand pesos (P15,000.00), for the third offense shall be imposed upon any person who:

- (1) Operates or allows another to operate a PUV without a working CCTV or GPS tracker, or without the required devices installed and sealed by the LTFRB;
- (2) Tampers with the CCTV or GPS tracker;
- (3) Operates or allows another to operate a PUV with a tampered CCTV or GPS tracker;
- (4) Fail to bring the PUV for purposes of removing the storage device of the CCTV or copying the contents thereof upon the order of the LTFRB; or

- (5) Fails to comply with the requirement of installation of CCTV and GPS tracker as provided in this act.

The offender's driver's license or franchise, as the case may be, shall be suspended for thirty (30) days, upon the fourth offense; ninety (90) days upon the fifth offense; and one hundred eighty (180) days, for the sixth offense.

For the subsequent offense, the franchise or driver's license of the offender shall be revoked or cancelled.

(b) A penalty of imprisonment ranging from one (1) year to three (3) years and a fine ranging from one hundred thousand pesos (P100,000.00) to two million (P2,000,000.00) shall be imposed upon any person who, not being authorized by law:

- (1) Publishes or broadcasts or causes to be published or to be broadcast, in whatever medium, any video or information stored or record in CCTV of a PUV; or
- (2) Sell or distributes or causes to be sold or distributed any such recorded or stored video or information.

(c) In addition to administrative penalties and damages, if applicable, a penalty of imprisonment ranging from one (1) year to three (3) years and a fine ranging from one hundred thousand pesos (P100,000.00) to two million pesos (P2,000,000.00) shall be imposed upon.

- (1) Any public officer or government agent who release, gives or transmit to another any stores or recorded CCTV footage or information obtained by reason of an authorized criminal, administrative or traffic investigation or police operation except when circumstances warrant media distribution to help identify and locate the whereabouts of a suspects or suspects of crimes, or to protect the welfare of the public in cases involving heinous crimes;
- (2) Any law enforcement agent who, by force intimidation, or any other means, gains access to the GPS tracking server without the any authority from the requesting agency as provided under this act;
- (3) Any officer of the LTFRB or LTO charged with the custody of archived video footages or Information who releases or transmits the same to persons not authorized for such possession or permits any unauthorized person to have access to or gain possession of such video footages or information; or
- (4) Any officer of the LTFRB or LTO charged with the maintenance of GPS tracking server who allows any unauthorized person to gain access to the tracking server or particular GPS tracking record.

The offenses punishable under subsection (b) and (c) herein shall be prosecuted in accordance with the provisions of Republic Act No. 10173 or the "Data Privacy Act of 2012" and other applicable laws.

SECTION 11. *Review of Pecuniary Penalties.* – Five (5) years after the effectivity of this Act and Every five (5) years thereafter, the LTFRB may, after public consultation with

stakeholder and concerned agencies, increase the amount of fine herein provided: *Provided*, that, such adjustment shall in no case be more than ten percent (10%) of the amount sought to be increased.

SECTION 12. *Random inspection of PUVs.* - The LFTRB may conduct unannounced ocular inspections on any PUV to ensure the proper implementation of this Act.

SECTION 13. *Public information campaign.* - The LFTRB shall, with the assistance of the Philippine Information Agency (PIA), conduct a continuing nationwide public information campaign within a period of six (6) months following the promulgation of the IRR of this Act.

SECTION 14. *Implementing Rules and Regulations.* - Within sixty (60) days after the effectivity of this Act, the LTFRB, in coordination with the assistance of the Philippines National Police (PNP), The Department of Justice (DOJ), the DTI-BPS, the DICT and other stakeholders shall promulgate the necessary rules and regulations for the effective implementation of this Act.

SECTION 15. *Separability Clause.* - If any provision of this Act is declared invalid or unconstitutional, the remaining provisions or parts thereof not otherwise affected thereby shall remain valid and subsisting.

SECTION 16. *Repealing Clause.* - All laws, decrees, executive orders and issuances, ordinances, rules and regulations, or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 17. *Effectivity.* - This Act shall effect fifteen (15) days after its publication in the *Official Gazette* or in a newspapers of general circulation.

Approved,