



Republic of the Philippines
 Province of Aklan
MUNICIPALITY OF MALAY
Office of the Sangguniang Bayan



EXCERPT FROM THE MINUTES OF THE 7TH REGULAR SESSION OF THE SANGGUNIANG BAYAN OF MALAY, AKLAN (2010-2013) HELD AT THE SB SESSION HALL, POBLACION, MALAY, AKLAN ON FEBRUARY 21, 2012.

Present:

- SB Member Wilbec M. Gelito, Acting Presiding Officer
- SB Member Esel L. Flores
- SB Member Jupiter Aelred G. Gallenero
- SB Member Natalie C. Paderes
- SB Member Dante C. Pagsuguiron
- SB Member Ric P. Calvario, Liga President
- SB Member Cristina R. Daguno, SK Federation President

Absent:

- Hon. Ceciron S. Cawaling, Acting Mayor
- SB Member Jonathan C. Cabrera (Sick Leave)
- SB Member Rowen T. Aguirre (Vacation Leave)
- SB Member Paterno S. Sacapaño Jr. (Sick Leave)

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MUNICIPAL ORDINANCE NO. 306
 Series of 2012

AN ORDINANCE REQUIRING ALL BUSINESS AND COMMERCIAL COMPLEXES AND ESTABLISHMENTS AND OTHER PLACES AND SPACES CONSIDERED AS HIGH RISK TO INSTALL CLOSE CIRCUIT TELEVISION (CCTV) CAMERA AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

(SPONSOR: HON. JONATHAN C. CABRERA)

WHEREAS, Sec. 16 of the Local Government Code of 1991 (R.A. 7160) provides that local government units shall exercise its powers expressly granted, and those that are necessarily implied therefrom, which are necessary and essential to the promotion of the general welfare of its inhabitants;

WHEREAS, Sec. 447 of the same code provides that local government units may "maintain peace and order by enacting measures to prevent and suppress lawlessness, disorder, riot, violence, rebellion or sedition and impose penalties for violations thereof";

WHEREAS, there are numerous unsolved cases in the Municipality of Malay, particularly in Boracay Island, that are mostly happening inside the premises of establishments such as thefts, robberies, including other costumer's complaints.

WHEREAS, there is a need to require various establishments in Boracay Island to assist the police authorities in the investigation, gathering of evidence and identification of suspects;

WHEREAS, the use of CCTV cameras has been proven to be an incredibly useful tool in aiding the police in investigations, preventing thefts and other crimes, protecting the company and employees against physical or verbal attacks from the general public, settling of disputes and keeping of records;

WHEREAS, The Municipality of Malay, is in active pursuit of programs and measures that endeavour to create an environment conducive to the advancement of local trade and commerce and considers business its indispensable partner in the promotion of progress and development.

NOW, THEREFORE, BE IT ORDAINED by the Sangguniang Bayan in SESSION ASSEMBLED, that:

SECTION 1. **TITLE**. This ordinance shall be known as the "CCTV CAMERA Ordinance of the Municipality of Malay."

SECTION 2. **DECLARATION OF POLICY**. It is hereby declared the policy of the Municipal Government of Malay to protect the security and well-being of its constituents from criminality 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 Malay to ensure that the fundamental rights of an individual to privacy is not and will not be unreasonably hampered nor 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 Malay reiterates 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, ensuring that Feed Locations are limited to *public spaces only* and by the provision of proper safeguards against unauthorized viewing and/or disclosure of video recordings made in accordance therewith.

SECTION 3. **DEFINITION OF TERMS**. For the purposes of this Ordinance, the following terms shall mean:

BUSINESS ESTABLISHMENTS - refers to banks and their satellite offices, branches and automated teller machines (ATMs), money changers, pawnshops, credit facilities and other similar lending and financial institutions, as well as other high risk commercial complexes or establishments as may be identified by the CCTV Camera Council.

CLOSED-CIRCUIT TELEVISION OR CCTV - refers to video surveillance camera used to transmit visual information to a monitor or a number of monitors.

COMMERCIAL COMPLEX ANDESTABLISHMENT - refers to a building or structure or a set of buildings or structures usually owned by a single owner, company or corporation housing under its roof several business entities of varied natures by various owners.

CRITICAL ASSETS - persons, properties or resources of the Municipality that may be in need of protection or recovery, or is in danger of destruction.

CULLING - the process by which records of feeds are picked out or selected to be discarded or destroyed.

DESIGNATED SECURITY PERSONNEL - police or civilian personnel authorized to operate or use particular CCTV camera or cameras.

FEEDS - are visual information or images transmitted by video surveillance cameras to the monitors.

FEED LOCATIONS - areas that are covered or viewed by video surveillance camera.

HIGH RISK AREAS - refers to commercial complexes and establishments or other places and spaces with common business areas where there is a 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 assets or properties of the Municipality are situated.

MONITORS - the screens or other devices on which Feeds are viewed.

NEW BUSINESS ESTABLISHMENTS - refers to newly created trading or commercial concerns undergoing application for business permit or the license to operate prior to the effectivity of this ordinance.

OLD BUSINESS ESTABLISHMENTS - refers to existing business establishments that have duly secured current business permit or the license to operate and are already operating at the time of the effectivity of this ordinance.

RECYCLING - refers to a process by which records or tapes of Feeds or visual information may be erased through overrun by another or new visual information.

SATELLITES BRANCHES/OFFICES - refers to small extension offices of business concerns such that of banks, airline companies and the like.

SECTION 4. SCOPE OF APPLICATION AND INSTALLATION OF VIDEO SURVEILLANCE CAMERAS. All business establishments and other commercial complexes and establishments and places and spaces considered as high risk areas as defined herein are hereby mandated to install video surveillance cameras and monitors in the premises of their establishments subject to limitations prescribed herein and by the CCTV Camera Council created for the purpose.

CCTV surveillance cameras are also hereby required of the Municipal Government to be installed in identified high risk areas and public spaces or places of the Municipality for protection, traffic monitoring and crime prevention and detection, its treasury, storage facilities, and other critical assets for protection and preservation.

The provision of the preceding paragraph likewise applies to all commercial establishments and financial institutions and government or non-governmental offices which may not be considered as high risk but have installed or affixed CCTV Cameras in their place of work or commerce *prior or subsequent* to the enactment of this Ordinance.

A written notice declaring the presence of a CCTV Camera or cameras in any business or commercial establishment/s so covered by this Ordinance must be posted by the owner/s in conspicuous place or places within the vicinity of the establishment.

SECTION 5. REQUIREMENT FOR BUSINESS REGISTRATION. A Certificate of Compliance (COC) must be secured by new business establishments specified in Section 4, paragraphs 1 and 2 from the CCTV Camera Council as a requirement by the Municipal Government for the approval of their business permit applications. Likewise, same COC shall be required of old business establishments, those in paragraph 3 of the same section included, as a requisite upon every renewal of their business permits.

SECTION 6. CREATION AND COMPOSITION OF CCTV CAMERA COUNCIL. A CCTV Camera Council shall be created as an oversight body tasked with the approval, control and supervision of all CCTV Camera use and installation composed of the Municipal Mayor or his designated representative as chairman, the Malay PNP and Boracay Special Tourist

Police Office Chiefs or of their designee as co-chairmen, the Municipal Engineer, Sangguniang Bayan Committee Chairman on Public Safety and two (2) members from the business sector within thirty (30) days after the approval of this ordinance.

SECTION 7. SPECIFIC POWERS OF THE CCTV CAMERA COUNCIL. The CCTV Camera Council shall have the following specific powers and functions:

1. Create and adopt Policies and Procedures Manual within sixty (60) days after its creation setting up the criteria and standards for CCTV cameras and monitors;
2. Maintain a log of all CCTV cameras and their corresponding feed locations, the dates of their approval, and the criteria used for their approval;
3. Maintain a log of the name/s of designated person/s authorized to handle, operate, and preserve the records or tapes of CCTV cameras of each establishment;
4. Create a task force that shall have visitorial powers to inspect, evaluate and monitor establishments with CCTV cameras at any given time so as to determine compliance with the ordinance;
5. Monitor and inspect all preserved/stored feeds, the date the records were taken, and determine when such records of feeds are due for recycling or culling;
6. Receive and/or approve application for CCTV installation prerequisite to issuance of Certificate of Compliance;
7. Recommend to the Municipal Mayor, the approval or renewal of business permits of establishments so affected by the ordinance as well as the suspension or revocation of the same;
8. Identify businesses, commercial complexes and establishments, or other places and spaces which may be considered as high risk as defined under the Ordinance; and
9. Perform such other duties and functions as may be set forth in the Policies and Procedures Manual.

SECTION 8. LIMITATIONS ON USE. CCTV Cameras, and any and all Feeds, maybe solely used in the specific instances set forth in this Ordinance, and use of CCTV Cameras by such persons other than the owners and designated security personnel authorized to operate the same in any manner or location, or for any other purpose, is expressly prohibited.

1. **LAW ENFORCEMENT AND CRIME PREVENTION.** CCTV Cameras, and any all Feeds, may be used for the purpose of providing surveillance in the service of law enforcement and crime prevention within the Municipality where there is documented criminal activity.
2. **MAINLAND/ISLAND SECURITY.** CCTV Cameras, and any and all Feeds, may be used for the purpose of providing surveillance in the service of mainland/island security, law enforcement and crime prevention, and disaster preparedness and recovery in areas identified as critical assets of the Municipality as may be set forth by any competent authority.
3. **TRAFFIC MONITORING.** CCTV cameras, and any and all Feeds, may be used for the purpose of traffic monitoring but are not intended to include enforcement of traffic violations. Notwithstanding the foregoing, the Feeds from CCTV Cameras used for traffic monitoring may be used for lawful purpose in the event that such CCTV Cameras,

while being used for their primary function, incidentally view behavior that has caused or is likely to cause danger to person or property.

SECTION 9. **PROHIBITIONS.** The Feeds shall not be used for the following:

1. **BROADCASTING.** Broadcast by any of the authorized persons prescribed herein of any of the Feeds or any of its parts or records on or through any medium other than the monitors;
2. **VIEWING.** Feeds shall not be viewed by any person/s other than those expressly authorized herein to view the records of feeds.
3. **TRANSFER.** Feeds shall not be transferred to any third party, whether for profit or not;
4. **REPRODUCTION.** No person shall be allowed to copy any or all parts of any records of the Feeds.

SECTION 10. **PRESERVATION OF FEEDS.** Feeds shall be recorded or otherwise stored by owner or owners of institutions or establishment for future use for a period of not less than three (3) months. Until the expiry of such time, the records or tapes of such Feeds may be recycled or destroyed unless otherwise a proper request for a specific log of any given feed shall have been made to the contrary as provided for in the proceeding section in which case the properly requested specific record/s of Feeds must be turned over, in its original and unadulterated form and substance, to the proper requesting authority.

SECTION 11. **PROPER REQUEST FOR FEEDS.** Stored or preserved Feeds may be used at anytime to satisfy the following:

Any authorized subpoena or any written order of any court of competent jurisdiction;

1. Any written request from the chief officer of the investigating body or authority ensuing the advent of a criminality for proper disposition of crime investigation and report; and
2. Any written request from the duly constituted legislative body or assembly for purposes in aid of legislation.

SECTION 12. **PENALTIES.** Failure to comply with any of the provisions of this Ordinance is punishable with the following:

ON SECTION 4:

1. **NEW BUSINESS ENTITIES** - withholding of permit to operate.
2. **OLD BUSINESS ENTITIES** - suspension or revocation of business permit and Php2,500.00 fine.

ON SECTIONS 9 - 11:

Violation of any of the provisions set forth in Sections 9 to 11 of this Ordinance shall be punishable by Php2,500.00 fine.

SECTION 13. **REPEALING CLAUSE.** All ordinances and resolutions inconsistent herewith are hereby repealed or modified accordingly.

SECTION 14. **SEPARABILITY CLAUSE.** In the event that any of the provisions of this ordinance is declared illegal, the validity of the other provisions shall not be affected by such declaration.

SECTION 15. **EFFECTIVITY.** This ordinance shall take effect thirty (30) days after its approval and publication in the newspaper of local circulation. Provided, however, that the establishments herein covered are given until January of the year following the effectivity of this Ordinance to fully comply with the provisions of Section 4. Provided, further, that the provisions of Section 5 for business applications and renewals are totally enforceable thereafter.

ENACTED. FEBRUARY 15, 2011.

APPROVED. FEBRUARY 21, 2012.

APPROVED. SP RESOLUTION NO. 2012-110, dtd. 4-18-12

PUBLISHED. MADYAAS PEN, dtd. 6-16, 23 & 30, 2012.

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I HEREBY CERTIFY to the correctness of the afore-quoted Municipal Ordinance.

ATTESTED:

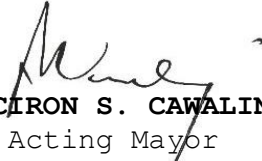


WILBEC M. GELITO
SB Member
Acting Presiding Officer



CONCORDIA S. ALCANTARA
Secretary to the Sangguniang Bayan

APPROVED:



CECIRON S. CAWALING
Acting Mayor