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Republika ng Pilipinas
Lungsod ng Dagupan
TANGGAPAN NG SANGGUNIANG PANLUNGSOD
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EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG PANLUNGSOD, DAGUPAN CITY, HELD ON JUNE 28, 2022.

PRESENT:

Hon. Dean Bryan L. Kua	City Vice Mayor & Presiding Officer
Hon. Karlos Liberato E. Reyna IV	Presiding Officer Pro Tempore, Member
Hon. Jose Netu M. Tamayo	Deputy Presiding Officer, Member
Hon. Michael B. Fernandez	Majority Floor Leader, Member
Hon. Luis M. Samson, Jr.	Asst. Majority Floor Leader, Member
Hon. Dennis C. Canto	Second Asst. Majority Floor Leader, Member
Hon. Maria Librada Reyna Fe M. Reyna	Minority Floor Leader, Member
Hon. Celia C. Lim	Asst. Minority Floor Leader, Member
Hon. Marvin V. Fabia	City Councilor, Member
Hon. Cisco Jay P. Flores	City Councilor, Member
Hon. Teresa T. Coquia	City Councilor, Member
Hon. Marcelino D. Fernandez	Liga ng mga Barangay President, Ex-Officio Member
Hon. Joshua Bon Bon F. Bugayong	Pederasyon ng mga Sangguniang Kabataan President, Ex-Officio Member

ABSENT:
NONE

ORDINANCE NO. 2248-2022

AN ORDINANCE MANDATING BUSINESS ESTABLISHMENTS OPERATING WITHIN THE TERRITORIAL JURISDICTION OF DAGUPAN CITY TO INSTALL A CLOSED-CIRCUIT TELEVISION (CCTV) SYSTEM AND PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF

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, Sections 447 and 458 of the said Republic Act 7160 provide in part, that the Sangguniang Bayan/Panlungsod shall enact ordinances for the general welfare of the municipality/city and its inhabitants pursuant to the above mentioned Section 16 of said law, and in this regard, enact and approves ordinance relative to the: (i) maintenance of peace and order in the municipality/city. (ii) suppression of lawlessness therein, and (iii) authorization of the issuance or permits and licenses upon conditions and for such purposes intended to promote the general welfare of the inhabitants of the municipality/city, regulating thereby any business which does not require government examination within the municipality/city and the conditions under which the license for said business may be issued or revoked;

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 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 that 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 Department of Interior and Local Government issued MC No. 2022-060, titled: "Amending DILG MC No. 2014-119, Directing Cities/capital Towns to require the installation of Closed-Circuit Televisions (CCTV) for certain business establishments in accordance with Section 16 (General Welfare Clause) of RA 7160 to support the maintenance of Peace and Order and Public Safety";

WHEREAS, this august body has received a communication dated May 23, 2022 from Ms. Marilyn B. Laguipo, DILG CLGOO, requesting favorable action on the said DILG MC.

NOW, THEREFORE, on joint motion of Councilors Michael Fernandez and Jose Netu M. Tamayo, duly and jointly seconded by Councilors Cisco Jay P. Flores and Marcelino D. Fernandez be it ordained by the Sangguniang Panlungsod of Dagupan Assembled in session duly assembled, that:

SECTION 1. TITLE OF ORDINANCE – This ordinance shall be known as: AN ORDINANCE MANDATING BUSINESS ESTABLISHMENTS OPERATING WITHIN THE TERRITORIAL JURISDICTION OF DAGUPAN CITY TO INSTALL CLOSED CIRCUIT TELEVISION SYSTEM (CCTV) AND PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF.

SECTION 2. SCOPE AND APPLICATION – The following business establishments are required to install CCTVs:

- 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 on 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, and other place of entertainment that draw in a considerable number of customers.
- Ports, 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.

excluding the land and building. And except it is a branch of a bigger enterprise.

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.

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 3. 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

- Signages indicating that the establishment/area is being monitored by a CCTV System must also be installed in areas that is 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 4. PRIVACY - All the establishments required to install CCTVs under Section 2 hereof shall comply with the following guidelines on privacy:

51 Establishments covered shall strictly comply with the National Privacy Commission's guidelines on the use of CCTV Systems, as detailed in NPAC Advisory no. 2020-04.

52 Video footage obtained through the CCTV System shall be retained for a maximum period of three (3) weeks in order to allow investigating authorities to properly retrieve & 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 5. 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 the entrances/exits;
- (ii) The centre 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 the business/ operations of the establishment.

b. From the exterior of the establishment (where the establishment is not located inside a mall or building which has its own exterior cameras):

- (i) All the 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. IMPLEMENTING OFFICES – The City Public Order and Safety Office (POSO), shall be responsible for the verification and determination of the relevant establishments' compliance with the directives of this Ordinance. The POSO shall specify when compulsory inspection of the installed CCTVs shall be conducted before the necessary clearance or certification therefor may be issued, which clearance or certification shall be a mandatory requirement for the issuance or renewal by the Business Permits and Licensing Office (BPLO) of a business permit or license. The POSO may thereafter conduct inspections during reasonable business hours, to determine continued compliance with this Ordinance post-issuance or renewal of such establishments' business

permit or license by the BPLO. For all the purposes, the POSO shall seek the advice and assistance of the local Chief of Police or his duly authorized representative.

SECTION 7. 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 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 captured video footage 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.

SECTION 8. PROHIBITION – The viewing of recorded or captured video footage or images shall be made with due respect to the privacy of individuals.

SECTION 9. PENALTIES – No business permit or permit to operate shall be issued to or renewed for the business establishments mentioned in Section 2 hereof unless the CCTVs as herein specified are installed and fully operational.

Non-compliance after Thirty (30) days from due notice from the City Government, a fine amounting to One Thousand Pesos (Php1,000.00) shall be imposed on any business establishment in operation found to be in violation of this Ordinance.

SECTION 10. APPEAL PROCESS – Any establishment found to be in violation of this Ordinance by the POSO may appeal the findings thereof to the Office of the Mayor within five (5) working days from being notified of its violation by the POSO, furnishing a copy of the appeal to the POSO prior to the filing thereof with the Office of the Mayor. Within five(5) workings days from receipt of the copy of the appeal, the POSO shall submit its answer to the Office of the Mayor, furnishing the business establishment a copy of the same on even date. Should the POSO fail to file its answer to the appeal within the given period, it shall be deemed to have opposed the matter within five (5) working days from receipt of the answer of the OPOS or from the day the period of filing therefor has lapsed, giving due notice to the parties involved. The decision of the 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 11. COMPLIANCE – Due to the current economic difficulties brought by the Covid-19 pandemic, businesses covered by the scope of this Ordinance shall have a period of Twenty Four (24) months from the effectivity of the same within which to comply with the directives hereof.

In case/s where existing CCTV systems are already installed prior to the effectivity of this Ordinance but do not meet the specifications contained in this ordinance, the concerned establishments shall be allowed a 3-year depreciation period of the previously purchased equipment prior to installing the new equipment with the required minimum specifications. The depreciation period shall commence from the effectivity of this Ordinance.

SECTION 12. 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 13. 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 14. EFFECTIVITY CLAUSE – This Ordinance shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

ENACTED UNANIMOUSLY.

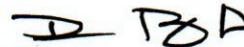
PRINCIPAL AUTHOR:


COUNCILOR MICHAEL B. FERNANDEZ

CO-AUTHORS:

COUNCILORS LUIS "CHITO" SAMSON

COUNCILOR JOSE NETU M. TAMAYO



DEAN BRYAN L. KUA
City Vice Mayor & Presiding Officer

ATTESTED:


RYAN C. RAVANZO
City Secretary

APPROVED:

MARC BRIAN C. LIM
City Mayor
Date: _____