



REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT
DILG-NAPOLCOM Center
Quezon Avenue corner EDSA, Quezon City
Office of the Secretary

SEPTEMBER 15, 2014

MEMORANDUM CIRCULAR
No. 2014 - 119

TO : ALL MAYORS OF CITIES/CAPITAL TOWNS, PRESIDING OFFICERS AND MEMBERS OF SANGGUNIANs OF THESE CITIES/CAPITAL TOWNS, PNP PERSONNEL, DILG REGIONAL AND FIELD OFFICERS, AND OTHERS CONCERNED

SUBJECT : 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 REPUBLIC ACT NO. 7160 TO SUPPORT THE MAINTENANCE OF PEACE AND ORDER AND PUBLIC SAFETY



Section 16 of the Local Government Code of 1991 (RA 7160), otherwise known as the General Welfare Clause, provides that *“(E)very local government unit shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare. Within their respective territorial jurisdictions, local government units shall xxx maintain peace and order, and preserve the comfort and convenience of their inhabitants”*.

This General Welfare Clause is the delegation made by Congress to local government units (LGUs) of one of the fundamental powers of the State: police power. LGUs exercise this delegated police power through their respective local sanggunians¹. In the exercise of

¹ Roble Arrastre, Inc. vs. Villaflor, et al., G.R. No. 128509; Metropolitan Manila Development Authority v. Garin, G.R. No. 130230, 15 April 2005.

this power, local sanggunians are authorized to enact ordinances as may be necessary and proper for peace, good order, comfort, and convenience, among others, of the LGUs and their inhabitants, and for the protection of their property².

The local sanggunians may thus enact an ordinance requiring certain local businesses to install **Closed Circuit Televisions (CCTVs)**³ in their establishments, given the security and peace and order benefits that this particular equipment has been shown to offer.

In this regard, law enforcement agencies in the country have already proven that CCTVs are effective tools in crime deterrence, prevention, detection and solution since video recordings can now be used in addition to the testimonies of witnesses. CCTVs have become inexpensive especially when weighed in relation to the advantages in safety and security that this equipment can provide to business establishments and the public in general.

For this purpose, all cities/capital towns are hereby encouraged to prescribe the installation of CCTVs as a requirement to the issuance of business permits or permits to operate for the following business establishments, by enacting the corresponding ordinance⁴:

1. Banks, financial institutions, pawnshops, money-lenders, money remittance services, money changers, and the like;
2. Business establishments that are part of a national chain⁵ or have several branches in other parts of the country, such as restaurants/fast food chains; 24-hour convenience stores, drug stores, and the like;
3. Shopping malls, shopping centers, supermarkets, movie houses, theaters, hospitals and medical facilities, ports/airports/public transport terminals, places of entertainment, and the like which draw a considerable number of customers/patrons;
4. Car dealerships, gasoline/fuel refilling/service stations; and
5. Other business establishments which the Sanggunian deems proper, considering the nature of business and potential risks in their respective areas.

The aforesaid ordinance shall include, but shall not be limited to, the following provisions:

² Rural Bank of Makati vs. Municipality of Makati, G.R. No. 150763, 02 July 2004.

³A CCTV is a system which sends television signals to a limited number of screens. Video footages and images caught on camera are stored in a built-in or remote memory of the CCTV system within a given period.

⁴A sample ordinance is attached.

⁵With branches nationwide.

1. The following are the minimum specifications of the CCTVs to be installed:

CAMERA:
<ul style="list-style-type: none">- Minimum of 600 TVL Camera Resolution;- Must be able to capture video footages at 0.1 Lux Illumination;- Should have auto-iris⁶ (either fixed or vari-focal);- Should have Infrared LEDs enough to reach a distance of at least 20 meters for clear recording at 0 Lux (for areas where there is no continued sufficient lighting);- Must have at least 70 degrees Lens Angle;- The Outdoor Camera must be vandal-proof with IP 66 Weatherproof Casing.

VIDEO RECORDER:
<ul style="list-style-type: none">- Minimum of four (4) camera input;- Minimum of 640 x 480 video resolution;- 30 frames per second (FPS) recording per camera;- Should have Hard Disk Drive/s enough to store video recording for all cameras for at least 1 month;- Must have Time Stamping Feature;- Must have an interface for storage back-up.

OTHER COMPONENTS:
<ul style="list-style-type: none">- At least four (4) cameras covering the areas of transaction and risk. Provided that, at least one camera must be facing the street from the entrance (when applicable), with the actual number of cameras to depend on the size of the establishment and nature of business, as determined by the LGU concerned.- Should have centralized power supply for the DVR and cameras;- Should have appropriate Uninterruptible Power Supply (UPS) to provide standard and reasonable back-up power to the Video Recorder and its cameras.

2. The following Installation Guide is recommended to be followed:

INSTALLATION GUIDE
<ul style="list-style-type: none">- Cameras must be installed at a secured location with maximum area of coverage;- The Video Recorder must be mounted on a secured/ concealed location to protect the video footages from theft and/or deliberate destruction;- Whenever possible, a back-up file stored in the DVD disk (on-site or remotely) shall be recorded for archiving purposes;

⁶ A type of lens that allows maintaining the lighting level, and applicable where the light condition varies continuously, allowing the camera to adjust to get the best picture in the given lighting conditions.

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| <ul style="list-style-type: none">- Whenever possible, a dummy CCTV camera shall be installed in a conspicuous area in order to deter possible criminal acts and to protect the camera and the video footages. |
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3. The aforesaid business establishments shall 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).
4. CCTV recordings must be preserved for at least seventy-two (72) hours, or such period as the LGU deems necessary.
5. The ordinance must provide for the appropriate protocols on the use of the stored video footages, designating the official law enforcement agency and officer who shall be authorized to request for, receive, and have custody of such footages taking into consideration the privacy rights, intellectual property, brand reputation, existing bank secrecy laws, and safety of the establishment and the individuals whose images may be captured in the subject footage, ensuring that the footage be used exclusively for investigation and prosecution purposes.
6. Appropriate actions/sanctions must also be provided for non-compliance.
7. Cities falling under the First and Second Class Income Bracket per Department of Finance (DOF) Department Order 23-08 (29 July 2008) shall have a period of six (6) months from the effectivity of the Ordinance within which to comply with the directives

hereof, all other cities and capital towns shall in turn have the period one (1) year within which to comply with the same.

All covered cities and municipalities which may already have existing regulations and requirement of CCTVs are directed to amend/supplement the pertinent ordinances to be in consonance, and in accordance with, the requirements of this Memorandum Circular. All inconsistent provisions of earlier ordinances should be deemed repealed or accordingly modified. In cases where the existing ordinance does not provide specifications for the CCTV, or where the specifications are below those contained in the proposed MC, the covered establishments can be allowed a 3-year depreciation of their previously purchased equipment before being required to install the equipment with the minimum specifications required by the ordinance to be passed.

All concerned LGUs are advised that the enactment of such measure is crucial to the law enforcement and crime prevention deterrence, detection, and solution efforts of the government.

The ordinance should not specify any particular brand/model, manufacturer, supplier or distributor of the CCTVs, except for the indication of the minimum CCTV specifications herein provided, which are the result of studies conducted by the Department through the Philippine National Police Directorate for Research and Development⁷, taking into particular consideration the function and purpose of the CCTVs relative to crime investigation, prevention, and prosecution.

As Chairman of the City Peace and Order Council pursuant to Section 116 of Republic Act No. 7160 in relation to Executive Order No 773 s. 2009, the Mayors of the Cities covered by this Memorandum Circular are hereby urged to:

1. Set-up CCTV cameras of the City in strategic areas frequented by the public, including public terminals, public hospitals and schools, parks, and the like;
2. Provide incentives to compliant establishment, and possible financing (subject to availability of funds) to local businesses who may be unable to immediately comply with the CCTV requirements as embodied in the resulting ordinance;
3. Advise the Sanggunian of the importance of passing said Ordinance the earliest possible time, to aid in the peace and order situation in the city.

⁷ The Department of the Interior and Local Government also consulted with the Department of Science and Technology regarding the CCTV minimum specifications.

All DILG Regional Directors and the ARMM Regional Governor are hereby directed to:

- a. Cause the immediate and widest dissemination of this Memorandum Circular within their respective jurisdictions;
- b. Ensure that this Circular is effectively communicated to all concerned local authorities;
- c. Monitor compliance of the LGUs to the directives of this Memorandum Circular;
- d. Submit quarterly status reports to the DILG Bureau of Local Government Supervision regarding the foregoing.

For strict and immediate compliance.


MAR ROXAS
Secretary




DILG-OSEC OUTGOING 14-04263

ORDINANCE NO. _____, S. 2014

AN ORDINANCE MANDATING BUSINESS ESTABLISHMENTS OPERATING WITHIN THE TERRITORIAL JURISDICTION OF _____ 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 of 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 abovementioned Section 16 of said law, and in this regard, enact and approve ordinances relative to the: (i) maintenance of peace and order in the municipality/city, (ii) suppression of lawlessness therein, and (iii) authorization of the issuance of permits or 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.¹

WHEREAS, law enforcement agencies in the country have already proven that Closed Circuit Televisions (CCTV) 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 Directorate for Research and Development, and in consultation with the Department of Science and Technology, has conducted a study as to the minimum technical specifications to be required of CCTVs to be installed pursuant to this ordinance.

¹ Vide: Sections 447(a)(1)(ii) and (a)(3)(ii), and 458(a)(1)(ii) and (a)(3)(ii) of Republic Act No. 7160.

NOW, THEREFORE,

BE IT ORDAINED BY THE SANGGUNIANG BAYAN/PANLUNGSOD OF _____ IN REGULAR SESSION ASSEMBLED:

SECTION 1. TITLE OF ORDINANCE – This ordinance shall be known as: AN ORDINANCE MANDATING BUSINESS ESTABLISHMENTS OPERATING WITHIN THE TERRITORIAL JURISDICTION OF _____ 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:

- a. Banks, financial institutions, pawnshops, money lenders, money remittance services, money changers, and the like;
- b. Business establishments that are part of a national chain⁵ or have several branches in other parts of the country, such as restaurants/fast food chains, 24-hour convenience stores, drug stores, and the like;
- c. Shopping malls, shopping centers, supermarkets, movie houses, theaters, hospitals and medical facilities, ports/airports/public transport terminals, places of entertainment, and the like which draw a considerable number of customers/patrons;
- d. Car dealerships, gasoline/fuel refilling/service stations; and
- e. Other business establishments which the Sanggunian deems proper considering the type of business and potential risks in their respective areas.

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. PRESERVATION OF VIDEO RECORDINGS -- The owner(s) of the business establishments shall preserve the camera recording for at least seventy-two (72) hours, or such period as the LGU deems proper.

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

CAMERA:
<ul style="list-style-type: none">- Minimum of 600 TVL Camera Resolution;- Must be able to capture video footages at 0.1 Lux Illumination;- Should have auto-iris (either fixed or vari-focal);- Should have Infrared LEDs enough to reach a distance of at least 20 meters for

⁵With branches nationwide.

clear recording at 0 Lux (for areas where there is no continued sufficient lighting);

- Must have at least 70 degrees Lens Angle;
- The Outdoor Camera must be vandal-proof or IP 66 Weatherproof Casing.

VIDEO RECORDER:

- Minimum of four (4) camera input;
- Minimum of 640 x 480 video resolution;
- 30 frames per second (FPS) recording per camera;
- Should have Hard Disk Drive/s enough to store video recording for all cameras for at least 1 month;
- Must have Time Stamping Feature;
- Must have an interface for storage back-up.

OTHER COMPONENTS:

- At least four (4) cameras covering the areas of transaction and risk; Provided that, at least one camera must be facing the street from the entrance (when applicable), with the actual number of cameras to depend on the size of the establishment and nature of business, as determined by the LGU concerned;
- Should have centralized power supply for the DVR and cameras;
- Should have appropriate Uninterruptible Power Supply (UPS) to provide standard and reasonable back-up power to the Video Recorder and its cameras.

SECTION 5. INSTALLATION GUIDE – The following Installation Guide is recommended to be followed:

INSTALLATION GUIDE

- Cameras must be installed at a secured location with maximum area of coverage;
- The Video Recorder must be mounted on a secured/ concealed location to protect the video footages from theft and/or deliberate destruction;
- Whenever possible, a back-up file stored in the DVD disk (on-site or remotely) shall be recorded for archiving purposes;
- Whenever possible, a dummy CCTV camera shall be installed in a conspicuous area in order to deter possible criminal acts and to protect the camera and the video footages.

SECTION 6. 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 7. IMPLEMENTING OFFICES – The Municipal/City Office of Public Order and Safety (OPOS) (or its equivalent), shall be responsible for the verification and determination of the relevant establishments' compliance with the directives of this Ordinance. The OPOS 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 OPOS 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 these purposes, the OPOS shall seek the advice and assistance of the local Chief of Police or his duly authorized representative.

SECTION 8. 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 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.

SECTION 9. PROHIBITION – The viewing of recorded or captured video footage or images shall be made with due respect to the privacy of individuals.

SECTION 10. 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.

Further, a fine amounting to Five Thousand Pesos (PhP5,000.00) shall be imposed on any business establishment in operation found to be in violation of this Ordinance.

For purposes of this Ordinance, each day that a violation continues shall be a separate violation.

SECTION 11. APPEAL PROCESS – Any establishment found to be in violation of this Ordinance by the OPOS may appeal the findings thereof to the Office of the Mayor within five (5) working days from being notified of its violation by the OPOS, furnishing a copy of the appeal to the OPOS prior to the filing thereof with the Office of the Mayor. Within five (5) working days from receipt of the copy of the appeal, the OPOS shall submit its answer to the Office of the Mayor, furnishing the business establishment a copy of the same on even date. Should the OPOS fail to file its answer to the appeal within the given period, it shall be deemed to have opposed the appeal on all its material points. The Office of the Mayor shall decide on 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 12. COMPLIANCE - Businesses covered by the scope of this Ordinance shall have a period of _____ from the effectivity of the same within which to comply with the directives hereof.

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