



REPUBLIC OF THE PHILIPPINES
SANGGUNIANG PANLUNGSOD
CITY OF MANDALUYONG

ORDINANCE NO. 915, S-2023



AN ORDINANCE MANDATING CERTAIN BUSINESS ESTABLISHMENTS OPERATING WITHIN THE TERRITORIAL JURISDICTION OF MANDALUYONG 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 Panlungsod shall enact ordinances for the general welfare of the 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 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 city, regulating thereby any business which does not require government examination within the city and the conditions under which the license for said business may be issued or revoked;

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 City's drive to deter, prevent, detect, and solve criminality, and to preserve video recording as evidence, this Sanggunian deems it proper to require the use of CCTV systems in certain 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, pursuant to DILG issued Memorandum Circular (MC) No. 2022-060, LGUs are enjoined to enact an ordinance requiring the installation of CCTV in certain establishments in accordance with Section 16 of LGC to support the maintenance of peace and order and public safety.

NOW, THEREFORE, be it enacted by the Sangguniang Panlungsod of Mandaluyong in regular session duly assembled:

SECTION 1. TITLE OF ORDINANCE. This Ordinance shall be known as “AN ORDINANCE MANDATING CERTAIN BUSINESS ESTABLISHMENTS OPERATING WITHIN THE TERRITORIAL JURISDICTION OF MANDALUYONG TO INSTALL A CLOSED-CIRCUIT TELEVISION (CCTV) SYSTEM AND PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF”

SECTION 2. SCOPE AND APPLICATION. The following business establishments operating within the City of Mandaluyong are required to install CCTVs:

- a.) Financial establishments such as banks, pawnshops, money lenders, money remittance services, money changers, and others with similar transactions.
- b.) Business establishments that are part of a national chain or have several branches in other parts of the country such as restaurants/fast-food chains, convenience stores, grocery stores, drug stores, cafes, coffee shops and other similar establishments.
- c.) Shopping malls, shopping centers, supermarkets, wet markets or palengke, and other similar establishments.
- d.) Hospitals, laboratories, clinics, and other medical facilities.
- e.) Theaters, movie houses, arcades, internet cafés, and other places of entertainment that draw in a considerable number of customers.
- f.) Public transportation terminals, parking lots, and other similar establishments that cater to a large number of vehicles.
- g.) Car dealerships, gasoline/fuel stations, vehicle maintenance/service station.
- h.) Carwash.
- i.) Other business establishments that may be deemed necessary by the LGU considering the nature 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.

This Ordinance, however, does not prohibit the installation of any type of CCTV device in any business establishment not covered by Section 2 hereof, but is nonetheless highly encouraged in promoting safety and protection within their premises;

SECTION 3. MINIMUM TECHNICAL SPECIFICATIONS. The CCTV system to be installed must meet the following minimum specifications:

CAMERA
- High-Definition Analog or at least 2 Megapixel Digital Camera - 0.1 Lux Minimum Illumination - 2.8mm to 3.6mm Focal Length - Auto-Iris Focus Lens (fixed/vari-focal) - 1/30s to 1/50,000s Shutter Speed - 50-meter Infrared Range - 120dB Wide Dynamic Range - Pan and Tilt adjustment of 0 degrees to 180 degrees and Rotate adjustment of 0 degrees to 360 degrees - Outdoor cameras must be vandal-proof with IP 66 Weatherproof Casing
VIDEO/AUDIO INPUT
- Hybrid Type (accepts Digital and Analog signal), Minimum of four (4) camera input - Video and Audio Stream Input - H.264 (Advanced Video Coding) Video Compression and G.711u Audio Compression - 30 frames-per-second (FPS) recording capability per camera - Analog High-Definition Input (1080p@25FPS, 1080p@30FPS, 720p@25FPS, 720p@30FPS) - Hard Disk Drive storage system with enough capacity to accommodate the prescribed retention period below. (4TB Capacity is approximately sufficient for 40 days of recording for DVR with 4 cameras at 1080p) - Time stamping feature
VIDEO/AUDIO OUPUT
- 720p or 1080p resolution - 30 FPS - At least 10 Megabits per second (Mbps) Video Bitrate and at least 64 Kilobits (Kbps) Audio Bitrate
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 4. 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. Make sure that there will be no blind spots
-	Video recorders must be mounted at secure/concealed locations to protect them from deliberate tampering
-	Should not be installed in an area which is not well-lit at night and must be in an area with consistent lighting to pick-up identifying details, such as facial features
-	Consider the angle of the cameras to avoid lens flare and backlighting
-	Determine the following objectives and recording distance when installing CCTV Cameras: 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 area to deter possible criminal acts and protect the cameras
-	Signages indicating that the establishment/area is being monitored by a CCTV System must also be installed in areas that are 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 5. PRIVACY – All the establishments required to install CCTVs under Section 2 hereof shall comply with the following guidelines on privacy:

- 6.1 Establishments covered shall strictly comply with the National Privacy Commission's guidelines on the use of CCTV Systems, as detailed in NPC Advisory No. 2020-04.
- 6.2 Video footage obtained through the CCTV Systems shall be retained for a maximum period of three (3) weeks in order to allow investigating authorities to properly retrieve and 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 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 registers, 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. PRIMARY IMPLEMENTING OFFICES –

The Business Permits and Licensing Department (BPLD) shall be responsible for the verification and determination of the relevant establishments' compliance with the directives of this Ordinance. Proof of the installation of the necessary CCTVs shall be presented to the BPLD upon application or renewal of a business permit or license. At the minimum, the BPLD shall require a photo of the areas clearly showing where the CCTVs are installed. Likewise, the purchase order, manufacturer's certification and/or product catalogue showing the installed CCTV's compliance to the technical requirements must be presented to the BPLD upon application or renewal of the said license or permit. Submission of the required documents may be subject to a confirmatory inspection by the BPLD to ensure the establishment's actual compliance.

The BPLD, in the conduct of its general inspection shall include the assessment of the installed CCTVs to ensure that it is fully operational. Likewise, the BPLD acting on a complaint or on its own accord, after forming a reasonable and well-grounded belief that an establishment is operating in violation of this Ordinance, after due notice to the business establishment, may conduct an inspection specifically to ensure the establishment's compliance to the requirements of this Ordinance during reasonable business hours. Likewise, the BPLD is directed to include the inspection of the required CCTV in the conduct of its general inspection of business premises.

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.

Subject to the reasonable requirements of the NPC Advisory No. 2020-04 and other pertinent rules and regulations, 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.

SECTION 11. APPEAL PROCESS - Any establishment found to be in violation of this Ordinance by the BPLD may appeal the findings thereof to the Office of the Mayor within five (5) working days from being notified of its violation by the BPLD, furnishing a copy of the appeal to the BPLD 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 BPLD shall submit its answer to the Office of the Mayor, furnishing the business establishment a copy of the same on even date. Should the BPLD 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 BPLD 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. TRANSITORY PROVISIONS – New businesses applying for permits after the effectivity of this Ordinance are required to comply with the requirements of this Ordinance as a condition precedent to the issuance of their business permits and license.

Businesses that have an existing permit upon the effectivity of this Ordinance, shall have six (6) months to comply with the required installation and operation of CCTVs within covered areas in their establishment. However, businesses with existing CCTV systems but which do not comply with the minimum technical requirements of this Ordinance shall be given the privilege of using their system for the whole of Calendar Year 2023 but shall be required to be compliant upon renewal of their business license or permits for the Year 2024.

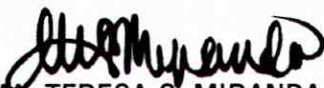
SECTION 13. SEPARABILITY CLAUSE - If for any reason, any section of this Ordinance shall be held unconstitutional or invalid, other sections which are not affected thereby shall continue to be in full force and effect.

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.

ENACTED on this 20th day of February 2023, in the City of Mandaluyong.

I HEREBY CERTIFY THAT THE FOREGOING ORDINANCE WAS ENACTED BY THE SANGGUNIANG PANLUNGSOD OF MANDALUYONG IN A REGULAR SESSION HELD ON THE DATE AND PLACE FIRST ABOVE GIVEN.


MA. TERESA S. MIRANDA
Sanggunian Secretary

ATTESTED BY:

APPROVED BY:


CARMELITA A. ABALOS
City Vice Mayor &
Presiding Officer

BENJAMIN S. ABALOS
City Mayor

Date: _____



DISTRICT I


ANTONIO DLS. SUVA, JR.
Councilor

ON SICK LEAVE
ANJELO ELTON P. YAP
Councilor


DANILO L. DE GUZMAN
Councilor


RODOLFO M. POSADAS
Councilor


CARISSA MARIZ S. MANALO
Council


ESTANISLAO V. ALIM III
Councilor


DARWIN A. FERNANDEZ
LnB President

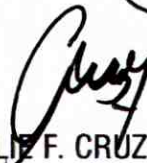
ABSENT
AEROL SEDRICK A. MANGALIAG
SK Federation President

DISTRICT II


BENJAMIN A. ABALOS III
Councilor


ALEXANDER C. STA. MARIA
Councilor


REGINALD S. ANTONIO
Councilor


LESLIE F. CRUZ
Councilor


MICHAEL R. OCAMPO
Councilor


MICHAEL ERIC G. CUEJILO
Councilor