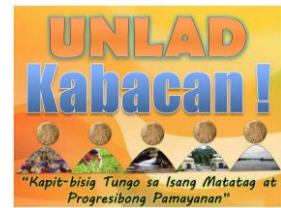




Republic of the Philippines
Region XII
Province of Cotabato
MUNICIPALITY OF KABACAN
LOCAL GOVERNMENT UNIT



EXCERPTS FROM THE MINUTES OF THE 41ST REGULAR SESSION OF THE 10TH SANGGUNIANG BAYAN OF KABACAN, COTABATO HELD ON JULY 06, 2017 IN THE DATU BUNDAS L. MAMALUBA SESSION HALL.

The session was called to order by the Presiding Officer at 9:00 o'clock in the morning and the following were:

PRESENT: Hon. Myra Dulay-Bade, Vice-Mayor/Presiding Officer
Hon. Herlo C. Guzman, SB Member
Hon. Rhosman S. Mamaluba, SB Member
Hon. Reyman L. Saldivar, SB Member
Hon. Manny K. Pedtamanan, SB Member
Hon. George E. Manuel, SB Member
Hon. Romeo G. Mantawil, SB Member
Hon. Ayesha J. Quilban-Flores, SB Member
Hon. Datuan L. Macalipat, SB Member

ABSENT: Hon. Raymundo B. Gracia, SB Member

RESOLUTION NO. 2017-092

RESOLUTION ENACTING AN ORDINANCE REQUIRING BUSINESS ESTABLISHMENTS OPERATING WITHIN THE TERRITORIAL JURISDICTION OF KABACAN, COTABATO TO INSTALL A CLOSED CIRCUIT TELEVISION (CCTV) SYSTEM AND PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF.

Sponsored by: **COMMITTEE ON PEACE & ORDER/PUBLIC SAFETY/
HUMAN RIGHTS AND DRUG ABUSE**
Chairperson: Hon. Raymundo B. Gracia
Vice-Chairperson: Hon. Romeo G. Mantawil
Member: Hon. George E. Manuel

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;

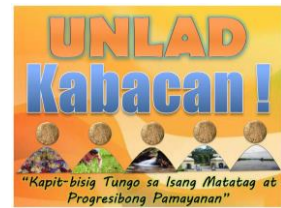
WHEREAS, Sections 447 and 458 of the of said Republic Act 7160 provide in part, that the Sangguniang Bayan shall enact ordinances for the general welfare of the municipality and its inhabitants pursuant to the abovementioned Section 16 of said law, and in this regard, enact and approve ordinances relative to the: (i) maintenance of peace and order in the municipality, (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, regulating thereby any business which does not require government examination within the municipality 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 Municipality'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 the Municipality of Kabacan;

Contact Information:

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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.

NOW. THEREFORE, after careful and thorough deliberation and discussion, on motion of Hon. Romeo G. Mantawil, duly seconded by Hon. Rhosman S. Mamaluba, the Sangguniang Bayan has-

RESOLVED, as it hereby resolves, to promulgate, as it hereby promulgates-

ORDINANCE NO. 034, s. 2017

AN ORDINANCE REQUIRING BUSINESS ESTABLISHMENTS OPERATING WITHIN THE TERRITORIAL JURISDICTION OF KABACAN, COTABATO TO INSTALL A CLOSED CIRCUIT TELEVISION (CCTV) SYSTEM AND PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF.

Be it ordained by the Sangguniang Bayan in a regular session that:

SECTION 1. TITLE OF ORDINANCE - This ordinance shall be known as: *AN ORDINANCE REQUIRING BUSINESS ESTABLISHMENTS OPERATING WITHIN THE TERRITORIAL JURISDICTION OF KABACAN, COTABATO 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 whose capitalization is One Hundred Thousand (P100,000.00) Pesos and above, to wit:

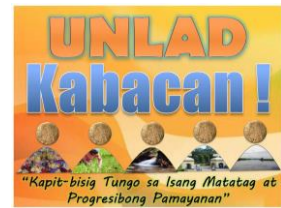
- a. Banks, financial institutions, pawnshops, money lenders, money remittance services, money changers, and the like;
- b. Business establishments that are part of a national chains or have several branches in other parts of the country, such as restaurants/fast food chains, 24-hour convenience stores, 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;
- e. Hotels, Inn, Grocery Stores, Boarding Houses (50 boarders), Buy & Sell of Agricultural Products (rice, corn, copra, palm oil, etc.).
- f. 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.

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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 clear recording at 0 Lux (for areas where there is no continued sufficient lighting); - 5With branches nationwide. 20t - Must have at least 70 degrees Lens Angle; - The Outdoor Camera must be vandal-proof or 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.

SECTION 5. INSTALIATION GUIDE- 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; - 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.

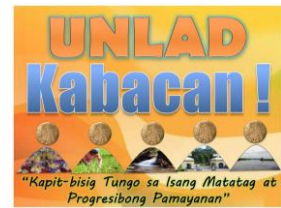
SECTION 6. MINIMUM COVERAGE - All the establishments mentioned under Section 2 hereof shall be required to install CCTVs as to afford a full coverage of the following:

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 mail 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 Kabacan Municipal Inspection Team composed of representatives from the Office of the Municipal Mayor, Business Permit and Licensing Office, Municipal Treasurer and/or representative, Municipal Health Officer and Sanitary Inspector, representatives from Municipal Social Welfare and Development Office, Municipal Engineer, Municipal Economic Enterprises and Development Office (MEEDO), MENRO, TMU Head, PNP and BFP, shall be responsible for the verification and determination of the relevant establishments' compliance with the directives of this Ordinance. The Kabacan Municipal Inspection Team shall specify when compulsory inspection of the installed CCTVs shall be conducted before the necessary clearance or certification therefore 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 Kabacan Municipal Inspection Team 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 Kabacan Municipal Inspection Team 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 *Two Thousand Five Hundred (Php2,500.00) Pesos* shall be imposed on any business establishment in operation found to be in violation of this Ordinance.

SECTION II. APPEAL PROCESS - Any establishment found to be in violation of this Ordinance by the Kabacan Municipal Inspection Team (KMIT) may appeal the findings thereof to the Office of the Mayor within five (5) working days from being notified of its violation by the KMIT, furnishing a copy of the appeal to the KMIT 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 KMIT shall submit its answer to the Office of the Mayor, furnishing the business establishment a copy of the same on even date. Should the KMIT 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 KMIT or from the day the period of filing therefore has lapsed, giving due notice to the parties involved. The

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Excerpts. Reso. No. 2017-092, embodying Ord. No. 034, s. 2017

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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 6 months 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 Fifteen (15) days upon approval and upon compliance with posting requirements pursuant to Section 59 of RA 7160.

ENACTED. July 06, 2017.

CERTIFIED CORRECT:

SGD. BEATRIZ S. MADERAS
Secretary to the Sanggunian

ATTESTED TO BE DULY ENACTED/ADOPTED:

SGD. MYRA DULAY-BADE
Vice-Mayor /Presiding Officer

APPROVED.

SGD. HERLO P. GUZMAN, JR.
Municipal Mayor

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