



District I:

ABSENT

HON. AVELINO B. SOLIS
City Councilor

HON. EDWIN G. GAWARAN
City Councilor

HON. MIGUEL N. BAUTISTA
City Councilor

HON. ROWENA BAUTISTA-MENDIOLA
City Councilor

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HON. LEANDRO A. DE LEON
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City Councilor

HON. VICTORIO L. GUERRERO, JR.
City Councilor - ABC Pres.

Attested by:

SHIELA S. LAZO

Supervising Admin Officer

Certified by:

HON. CATHERINE S. EVARISTO
City Vice Mayor/Presiding Officer

Approved by:

HON. STRIKE B. REVILLA
City Vice Mayor

Republic of the Philippines

CITY OF BACOR

Province of Cavite

OFFICE OF THE SANGGUNANG PANLUNGSOD

CITY ORDINANCE NO. CO 19-2016

Series of 2016

AN ORDINANCE INSTITUTING A LAW ENFORCEMENT SURVEILLANCE SYSTEM IN THE CITY OF BACOR, MANDATING AND REGULATING THE USE AND INSTALLATION OF DASHBOARD CAMERAS ON ALL POLICE CARS, BARANGAY PATROLS, AND CITY GOVERNMENT INSPECTION VEHICLES, REQUIRING THE USE OF BODY CAMERAS BY LAW ENFORCERS WHILE ON DUTY IN THE CITY OF BACOR, PROVIDING MECHANISMS TO PROTECT PRIVACY RIGHTS, AND PROVIDING PENALTIES FOR VIOLATIONS HEREOF.

Authored by:

ATTY. KHALID A. ATEGA JR.

Sponsored by:

Hon. Miguel N. Bautista, Hon. Rowena Bautista-Mendiola, Hon. Venus D. De Castro, Hon. Bayani M. De Leon, Hon. Leandro A. De Leon, Hon. Reynaldo M. Fabian, Hon. Edwin G. Gawaran, Hon. Victorio L. Guerrero Jr., Hon. Hernando C. Gutierrez, Hon. Roberto R. Javier, Hon. Gaudencio P. Nolasco, and Hon. Reynaldo D. Palabrica.

WHEREAS, Section 16 of Republic Act No. 7160 (also known as the "Local Government Code of 1991") empowered local government units to institute such plans and programs intended to protect and promote the general welfare.

WHEREAS, curtailing the rise of criminality and protecting peace-loving citizens are among the most crucial duties of the government.

WHEREAS, recent technological advances have made it possible to enhance law enforcement efforts while preventing the abusive exercise of the police power of the State

WHEREAS, the institutionalization of a system in the City of Bacor that would make use of cutting edge technology as tool of law enforcement would effectively promote the public welfare and reduce criminality.

NOW THEREFORE, be it ordained by the Sangguniang Panlungsod of the City of Bacor, Province of Cavite THAT:



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Article I

PRELIMINARY PROVISIONS

Section 1. Short Title. This Ordinance shall be referred to and cited as the "**Bacoor CRIMELESS (Criminality Monitoring, Eradication, and Law Enforcement Surveillance System) Ordinance of 2016**".

Section 2. City Government Policy. It shall be the policy of the City of Bacoor to promote the public welfare by using all the weapons in its arsenal including available cutting edge technology that would lessen or discourage the commission of crimes, prevent the abusive exercise of the police power of the state, promote professionalism and transparency in law enforcement, and create an effective evidence gathering mechanism that would vastly improve the administration of justice.

Section 3. Definition of Terms. The following words and phrases as used in this Ordinance shall have the following meaning/s:

3.1. Activation. Turning on of the camera surveillance system situated on the driven vehicle or on the body of the law enforcer.

3.2. Active aggression. A threat or overt act of an assault through physical means, coupled with the present ability to carry out the threat or assault, which reasonably indicates that an assault or injury to any person is imminent.

3.3. Active resistance. A subject's physical actions to defeat an attempt of a police officer, barangay official or traffic management constable at control and to avoid being taken into custody. **Verbal statements alone --even if vehement or offensive --do not constitute active resistance.**

3.4. Arrest. Apprehension of a person who violated a law, is suspected of violating a law, or is the subject of a warrant of arrest.

3.5. Automatic Activation. Process by which the body-mounted camera or dashboard-mounted camera will start recording events.

3.6. Automatic Deletion Protocol. Process by which the contents of various SD cards would be automatically deleted upon arrival of a fixed schedule.

3.7. Automatic Subject Notification Protocol. Process by which a subject of recording would be notified that he is being subjected to surveillance.



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3.8. Bacoor CRIMELESS (Criminality Monitoring, Eradication, and Law Enforcement Surveillance System). A system to be launched, developed, funded, and implemented by the local government of the City of Bacoor that would make use of car mounted and body mounted surveillance cameras and microphones in law enforcement work.

3.9. Bacoor City Crime Information Database. Digital records and data management system involving crime related information to be developed by the city government.

3.10. Bacoor Public Security Unit. A unit under the Office of the City Mayor principally tasked to secure facilities owned by the city government such as public schools and public markets.

3.11. Bacoor Traffic Management Department. A department under the Office of the City Mayor in charge of implementing the Revised Traffic Code and the traffic management program of the city government.

3.12. Camera. A device used to take and record high fidelity sounds and high resolution images under any weather or lighting conditions.

3.13. City Government Inspection Vehicles. Motor vehicles owned by the city government used for inspection and field work.

3.14. Editing-On-The-Fly Capability. Feature of digital cameras that allow users to edit recorded events even without prior authorization.

3.15. Evidence Flagging Protocol. Process to be observed when flagging the contents of an SD card.

3.16. Evidence Flagging. The marking of evidence involved in a case being investigated or subject of a court action.

3.17. Evidence Retention Protocol. Process by which evidence contained in SD cards is retained and preserved by the BCIC.

3.18. Intelligence Gathering Deactivation Protocol. Process that allows the temporary deactivation of cameras while a law enforcer is gathering intelligence.

3.19. Infrared. Invisible radiant energy, electromagnetic radiation with longer wavelengths than those of visible light, extending from the nominal red edge of the visible spectrum.

3.20. Law Enforcers. Police officers, traffic management constables, members of the BPSU, and barangay tanods.



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3.21. Personal Necessities Deactivation Protocol. Process that allows law enforcers to temporarily deactivate the cameras issued to them to attend to personal necessities.

3.22. SDHC. Secure Digital High Capacity

3.23. SD Card. Secure Digital cards.

3.24. Records Release Protocol. The process to be observed by the BCIC for the release of various records in its custody.

3.25. Records Review Committee. The committee that will review SD cards containing video and audio files that are subject of pending investigations and court cases for the purpose of determining the portions of the recording that should be released and which parts should not be released in order to protect the rights of third persons.

3.26. Records Review Protocol. The procedures to be observed by the Records Review Committee in reviewing SD cards containing video and audio files that are subject of pending investigations and court cases for the purpose of determining the portions of the recording that should be released and which parts should not be released in order to protect the rights of third persons.

3.27. Unauthorized Deletion Detection and Prevention Protocol. The computer program that would be developed by the BCIC in partnership with the private sector intended to detect and prevent attempts to delete, corrupt, or tamper with digital data kept within the archives of the BCIC.

Section 4. Rules on Interpretation. In case a conflict in the interpretation hereof arises between the English version of this ordinance and its Filipino translation, the provisions of this ordinance and its annexes appearing in English shall prevail.

The following rules shall be observed in the interpretation of this ordinance:

4.1. Words used in singular also include the plural. The reverse is also true;

4.2. Words used in the present tense shall also include the past tense. The reverse is also true;

4.3. The words "must", "shall", "will" and "may not" as used in this ordinance are mandatory;

4.4. The word "may" is permissive while "should" is advisory and not mandatory or required;

4.5. When used with numbers, "Up to X," "not



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more than X" and "a maximum of X" all include X;

4.6. Words or phrases not defined herein shall be interpreted in the context it was used in this ordinance and in consideration of the reason why the Sangguniang Panlungsod used the said terms;

4.7. In interpreting words and phrases not defined herein, the meaning of the said terms as popularly understood at the time the ordinance was approved shall be used;

4.8. Any word, phrase, or term not enumerated above but used in this ordinance shall be interpreted by taking into account the context in which it was used, its meaning as popularly understood, or its definition in either Black Law Dictionary or in the 2015 edition of Merriam - Webster Dictionary; and

4.9. Unless otherwise specified, any reference to the male gender in any provision of this ordinance shall also include the female gender and vice versa.

Section 5. Date of Effectivity. This Ordinance shall take effect immediately after it has been published at least once in a newspaper of general circulation and after the Sangguniang Panlalawigan of the Province of Cavite has approved it.

Section 6. Automatic Review. The Sangguniang Panlungsod shall automatically review this Ordinance once every three (3) years after its approval or whenever the need for such review arises.

Section 7. Due Process Requirements. The rudimentary requirements of administrative due process shall be strictly observed prior to the imposition of any of the penalties specified hereunder. Thus, the City Mayor and all other city employees under him shall ensure that persons against whom the said penalties are intended to be imposed shall be:

- (a) Notified in writing of the acts committed or not committed that constitutes a violation of this Ordinance;
- (b) Given at least 24 hours from receipt of the notice within which to comply with the particular provision of the Ordinance that was allegedly violated;
- (c) Exempted from facing criminal prosecution after the suspected offender voluntarily pays the corresponding fine for the offense allegedly committed; and



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- (d) Allowed to defend himself in a proper court of law before the imposition of any fine in case the suspected offender chooses to challenge the allegations against him.

Section 8. Repeal Clause. All ordinances, resolutions, or executive orders in conflict with the provisions of this Ordinance are hereby repealed or modified accordingly.

Section 9. Separability Clause. Any provision of this Ordinance nullified by any court of law shall not affect the validity of the remaining provisions hereof not affected by the said judicial declaration.

Article II

Regulatory Guidelines

Section 10. Rationale and Purpose of Bacoor CRIMELESS. The Bacoor Criminality Monitoring, Eradication, and Law Enforcement Surveillance System (the "System") intends to achieve the following:

- a) Develop and maintain a criminal identification database that would enhance police investigation work;
- b) Record crime scenes in high resolution video and audio formats in aid of forensic work and criminal prosecution;
- c) Record apprehensions for the mutual protection of law enforcers and of the subjects of apprehension;
- d) Use recorded data as training tools to improve the professionalism and skills of law enforcers;
- e) Discourage abuse of the exercise of police power; and
- g) Discourage the commission of crimes.

Section 11. Type of Equipment. The city government is hereby authorized to purchase cameras that have the following minimum characteristics:

A. Dashboard-mounted Cameras

- a) Capable of being mounted on the dashboard of police cars, barangay patrols, and city government inspection vehicles;
- b) Sturdy and shock resistant with few or no moving parts;
- c) Able to record high fidelity audio and high-resolution images in any weather or lighting conditions;



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- d) With infrared capabilities;
- e) Capable of recording events happening in front and at the rear of the vehicle;
- f) Equipped with GPS and crash sensors;
- g) Capable of being activated automatically or manually;
- h) Can record sound inside and outside the vehicle;
- i) Equipped with removable SHDC cards and capable of at least 64gb data storage;
- j) May be pointed towards any direction;
- k) With at least 690 TVL resolution and a light factor of not more than 0.1lux;
- l) With wireless microphones;
- m) Records on file cannot be edited on the fly by the user; and
- n) With inerasable digital timestamp.

B. Body-Mounted Cameras

- a) Image resolution of 5.0 megapixels or higher
- b) Loop recording capabilities
- c) Weather and shock resistant
- d) Can be pinned on the uniform of law enforcers
- e) Night vision/infrared capability
- f) With built-in microphone
- g) Capable of at least 6 hours of continuous recording
- h) 360° rotation capability
- i) Supports not less than 32GB MicroSD card
- j) With password protected files
- k) With rechargeable battery
- l) Displays the time and date when an event occurred and the name or ID number of the law enforcer who took the images
- m) Records on file cannot be edited on the fly by the user; and
- n) With inerasable digital timestamp.

Section 12. Research and Development. The city government is hereby authorized to conduct research and development studies that would identify the various products in the market that would best fit the minimum specifications mentioned above for the various dashboard-mounted and body cameras that would be used under the system in strict compliance with the various provisions of Republic Act No. 9184 and its various implementing guidelines. The said research and development studies shall be conducted by the Management Information System (MIS) Office of the City of Bacoor. The said research and development studies shall be concluded not later than 30 calendar days after the date of effectivity of this Ordinance. The results of the said studies shall be submitted by the MIS to the Sangguniang Panlungsod and the City Mayor



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right after the conclusion of the same.

Section 12.1. Administrative Liability of MIS. The failure of the MIS to comply with the preceding section within the periods above specified, or its giving undue advantage to any manufacturer or supplier of any dashboard mounted or body mounted cameras, shall render the employees assigned to the said office who are responsible for such wrongdoing administratively liable in accordance with pertinent laws and civil service regulations.

Section 13. Mandatory Installation and Use of Dashboard Mounted Cameras. The installation and use of dashboard cameras containing the various features mentioned above in the following government owned vehicles operating within the City of Bacoor are hereby made mandatory:

- a. Police Vehicles;
- b. Ambulances;
- c. Barangay Patrol Vehicles; and
- d. City Government Inspection Vehicles.

Section 14. Mandatory Installation and Use of Body Mounted Cameras. The installation and use of body mounted cameras containing the various features mentioned above by the following law enforcement officers assigned within the City of Bacoor are hereby made mandatory:

- a. Police Officers;
- b. Bacoor Public Security Unit (BPSU) personnel; and
- c. Bacoor Traffic Management Department (BTMD) constables.

Section 15. Specific Location of Dashboard Mounted Camera. The dashboard mounted cameras mentioned above shall be placed beneath the rear view mirror of the vehicles mentioned in Section 14 above. No car sticker or any other object shall be placed on any part of the said vehicles that would hinder or block the fields of vision or microphone reception of the said cameras.

Section 16. Specific Location of Body-Mounted Camera. The body mounted cameras mentioned in Section 15 hereof shall be pinned on the left hand breast pocket of the uniform of the law enforcement officers mentioned above. The said cameras shall not be blocked by anyone with handkerchiefs, items of clothing, or any other object that would hinder or impede the fields of vision or microphone reception of the said cameras.



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Section 17. Personnel Authorized to Operate System; Personnel Background Checks and Random Drug Tests. The various camera, equipment, software, and components of the System shall be only used, operated, maintained, developed, installed, repaired, and upgraded by persons specifically authorized by the City Mayor by way of an Executive Order to do so. Only personnel possessing the experience, training, qualifications, and aptitude to use, operate, maintain, develop, install, repair, and upgrade the said camera, equipment, software, and components of the System shall be authorized by the City Mayor. Due to the sensitive nature of the task to be performed by the said personnel, the Human Resources Development and Management Department (HRDMD) is hereby directed to conduct random and periodic background checks, drug tests, and psychological evaluations of the said city government employees with the assistance of the National Bureau of Investigation or the Philippine National Police prior to the grant of the said authority and once every year thereafter. The City Mayor shall consult with the Chief of the Bacoor PNP with regard the grant of such authority to the said individuals.

Section 18. Creation of the Bacoor Crime Information Center. A central database monitoring unit under the Office of the City Mayor that will keep track of, analyze, manage, archive and organize all crime related information affecting the City of Bacoor and its immediate environs to be known as the **Bacoor Crime Information Center** is hereby created. The said unit (to be referred to hereafter as the "BCIC") shall be comprised of various personnel whose qualifications, salaries, duties and functions shall be identified in a separate enabling ordinance.

Section 19. Powers and Functions of the BCIC. The BCIC shall have the following powers and functions:

- Compile, organize, analyze, archive, secure, and update all crime related data affecting the City of Bacoor and its immediate environs including those gathered with the use of the dashboard mounted cameras and body-mounted cameras mentioned above;
- Allow the Bacoor PNP, the BPSU, the BTMD, the various barangays of the City of Bacoor, the HRDMD, and various law enforcement units access to the above-mentioned data in relation to crime prevention activities;
- Quickly produce accurate, real time data in its custody for use in the investigation and prosecution of various cases;
- Maintain, implement, and develop security protocols of the System;
- Train, familiarize, assist, and update all the authorized



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users of the System;

- f. Report to the City Mayor, the Bacoor PNP, and the Bacoor Peace and Order Council any breach of security of any aspect or component of the System;
- g. Study and research ways by which to further improve the System;
- h. Monitor and prevent the deliberate tampering of various recorded files and data;
- i. Testify before any court of law on how crime related data in its safekeeping was handled, transferred, organized, analyzed, or managed;
- j. Coordinate and share information with various law enforcement agencies in the country; and
- k. Perform such tasks and duties as may be directed by the City Mayor or by way of an ordinance.

Section 20. Automatic Activation Protocol. A procedure governing the manner in which the dashboard mounted cameras and body-mounted cameras shall be turned on and shall begin recording to be known as "**automatic activation protocol**" is hereby instituted.

20.1. The automatic activation protocol for the various vehicles that would be equipped with dashboard-mounted cameras under this Ordinance are as follows:

- a) The camera shall be automatically activated upon the occurrence of any of the following:
 - Upon turning on of the emergency siren of the vehicle;
 - When the vehicle reaches a speed of more than 50kph;
 - When the vehicle makes a sudden, abrupt stop;
 - When the vehicle stops with the siren still on;
 - When there is an act of active aggression or active resistance against a law enforcer while performing his lawful duties;
 - When the law enforcer is conducting an arrest; or
 - When the vehicle collides with, or is hit by, another vehicle or with any object or person.
- b) The camera shall be installed in such a way that it shall automatically activate whenever any of the above-mentioned events occur;
- c) The camera shall begin recording once it is automatically activated and would be automatically deactivate when the ignition of



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Approved by:

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the vehicle is turned off.

20.2. The automatic activation protocol for body-mounted cameras to be used by the various law enforcers to be authorized under this Ordinance is as follows:

- The law enforcer shall turn on the camera as soon as his shift begins; and
- The camera shall not be turned off, blocked, or covered, until the shift of the law enforcer ends.

Section 21. Automatic Subject Notification Protocol while Using Body-Mounted Cameras. Whenever feasible -- such as when the safety of the law enforcer is not in immediate danger or when serving a warrant, conducting an investigation, acting on a complaint, or making an arrest -- the law enforcer using a body mounted camera shall verbally notify the subject of his interrogation, apprehension, or of the warrant being served that he is recording the succeeding events by clearly and audibly saying the following:

"**Ako po si** (state the name of the law enforcer) **ng** (state the name of the law enforcement unit where the officer is connected). **Narito po ako dahil** (state his business: i.e., to investigate, to act on a complaint, to serve a warrant, to make an arrest, or to inform the subject that he violated a city ordinance). **Nais ko pong malaman ninyo na ang mga susunod na mangyayari ay nire-record po ng suot kong camera at anumang sabihin o gawin ninyo ay maaaring gamitin laban sa inyo sa hukuman.**"

The failure of any law officer to make the above-mentioned verbal notification for no justifiable reason shall be deemed a violation of this Ordinance.

Section 21.1. Penalties for Violation of Section 21. The following penalties shall be imposed against any law enforcer who violates the preceding section:

First Offense	Suspension without pay for ten (10) consecutive days with mandatory re-briefing on human rights and the rights of an accused to be conducted by the City Legal Office.
Second Offense	Suspension without pay for twenty (20) consecutive days with payment of fine of Three Thousand Pesos (PhP3,000.00) .
Third Offense	Termination from service with a



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fine of Five Thousand Pesos
(PhP5,000.00).

Section 22. Automatic Subject Notification Protocol in the case of Vehicles with Dashboard-Mounted Cameras. Stickers shall be posted on the lower portion of the windshield and on both side of all vehicles equipped with dashboard-mounted cameras. The following words shall be printed on the said stickers:

"The public is hereby notified that this vehicle is equipped with evidence gathering cameras."

The Bacoor Peace and Order Council shall approve the size and design of the said stickers. The removal, defacement, or covering of the said stickers shall be considered a violation of this Ordinance.

Section 22.1. Penalties for Violation of Section 22. The following penalties shall be imposed against any law enforcer who violates the preceding section:

First Offense	Suspension without pay for ten (10) consecutive days with mandatory re-briefing on human rights and the rights of an accused to be conducted by the City Legal Office.
Second Offense	Suspension without pay for twenty (20) consecutive days with payment of fine of Three Thousand Pesos (PhP3,000.00) .
Third Offense	Termination from service with a fine of Five Thousand Pesos (PhP5,000.00) .

Section 23. The Personal Necessities Deactivation Protocol. The law enforcer using a body-mounted camera may turn off the device whenever he is doing any of the following:

- Answering a call of nature which in no instance shall exceed ten (10) minutes; or
- Discussing a personal matter with a relative, a friend, or a loved one which in no instance shall exceed ten (10) minutes.

After the expiration of the ten-minute period mentioned above, the law enforcer shall immediately turn on the camera. His failure to turn the camera back on after his personal



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necessity, or his turning on of the camera beyond the ten-minute period without any justifiable reason, shall be considered a violation of this Ordinance. **Provided that**, a law enforcer who attended to a personal necessity beyond the 10-minute period mentioned above, or who failed to turn on the camera despite the completion of the said personal necessity, is hereby required to explain in writing to his commanding officer why he should not be held liable for violating this provision. **Provided that**, the commanding officer of the said law enforcer is hereby directed to refer the said letter to the People's Law Enforcement Board (PLEB) of the City of Bacoor who shall then determine the culpability of the law enforcer concerned for violation of this Ordinance.

Section 23.1. Penalties for Violation of Section 23. The following penalties shall be imposed against any law enforcer who violates the preceding section:

First Offense

Suspension without pay for ten (10) consecutive days and performance of mandatory community work comprising of conducting lectures in high schools, colleges, or universities within the City of Bacoor on the various rights of the accused, or the evils of substance abuse, for a period not exceeding fifty (50) hours to be performed within the duration of his suspension. **Provided that** the schedule of such community work shall be formulated by the CHR and the performance of such community work shall be monitored and supervised by the PLEB.

Second Offense

Suspension without pay for twenty (20) consecutive days with payment of fine of **Three Thousand Pesos (Php3,000.00)** and performance of mandatory community work comprising of conducting lectures in high schools, colleges, or universities within the City of Bacoor on the various rights of the accused, or the evils of substance abuse, for a period not exceeding one



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hundred (100) hours to be performed within the duration of his suspension. **Provided that** the schedule of such community work shall be formulated by the CHR and the performance of such community work shall be monitored and supervised by the PLEB.

Third Offense

Termination from service with a fine of **Five Thousand Pesos (PhP5,000.00)**.

Section 24. The Intelligence Gathering Deactivation Protocol. A law enforcer in uniform equipped with a body-mounted camera may deactivate the said equipment whenever gathering intelligence related to a case being investigated by the law enforcement unit he is connected to falling under any of the following circumstances:

a. The life or safety of the person providing the intelligence would be jeopardized if he is recorded; or

b. If the intelligence asset requested that the camera be deactivated in exchange for the intelligence he would provide.

Provided that, any law enforcer who decides to deactivate the body-mounted camera due to any of the foregoing reasons shall submit a detailed report on: (1) why he chose to deactivate the camera, (2) the intelligence that he obtained while the camera was deactivated, (3) the time and date when the meeting took place and the place where it happened, and (4) the approximate length of the meeting or intelligence gathering. **Provided further that** the law enforcer concerned shall submit the report to the Chief of the Bacoor PNP within 48 hours after the meeting with the intelligence asset. **Provided lastly that** the Chief of the Bacoor PNP shall consider the report top secret and shall not divulge its contents unless ordered by a court of law or when the exigencies of public service demands such release.

Section 25. Ban Against Arbitrary Deactivation. Aside from the two reasons mentioned above and the circumstances constituting a personal necessity as provided under Section 23 hereof, no other ground may be used by the law enforcer equipped with a body-mounted camera to justify the deactivation of the said equipment.

Section 26. Penalties for Unauthorized Deactivation of Cameras. The following penalties shall be imposed against any



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law enforcer who deactivates the dash-mounted camera or body-mounted camera under his custody without any authority as provided under this Ordinance:

First Offense

Suspension without pay for ten (10) consecutive days and performance of mandatory community work comprising of conducting lectures in high schools, colleges, or universities within the City of Bacoor on the various rights of the accused, or the evils of substance abuse, for a period not exceeding fifty (50) hours to be performed within the duration of his suspension. **Provided that** the schedule of such community work shall be formulated by the CHR and the performance of such community work shall be monitored and supervised by the PLEB.

Second Offense

Suspension without pay for twenty (20) consecutive days with payment of fine of **Three Thousand Pesos (Php3,000.00)** and performance of mandatory community work comprising of conducting lectures in high schools, colleges, or universities within the City of Bacoor on the various rights of the accused, or the evils of substance abuse, for a period not exceeding one hundred (100) hours to be performed within the duration of his suspension. **Provided that** the schedule of such community work shall be formulated, and the performance of such community work shall be monitored and supervised, by the PLEB.

Third Offense

Termination from service with a fine of **Five Thousand Pesos (Php5,000.00)**.



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Section 27. Ban Against Deliberate Damaging or Tampering of Cameras and Evidence. The deliberate damaging or tampering of the cameras mentioned herein or of the evidence gathered with the use of such equipment is a violation of this Ordinance.

Section 27.1. Penalties for Violation of Section 27. Any person who violates Section 28 shall be meted with the following penalties:

First Offense Fine of **Three Thousand Pesos (P3,000.00)** and imprisonment of not less than six months.

Second Offense Fine of **Four Thousand Pesos (P4,000.00)** and imprisonment of not less than nine months.

Third Offense Fine of **Five Thousand Pesos (PP5,000.00)** and imprisonment of not less than twelve months.

In addition to the foregoing penalties, government employees or officials who instructed, coerced, or influenced another or who directly damaged or tampered with the said cameras or evidence shall also be **terminated from public service** pursuant to pertinent civil service rules and regulations.

Section 28. The Evidence Retention and Destruction Protocol. The following procedures shall be strictly observed in the retention, presentation, and destruction of data collected with the use body-mounted cameras and dashboard-mounted cameras:

28.1. Taking Custody and Archiving of Evidence

- The law officer equipped with a body mounted camera or the driver of the vehicle equipped with a dashboard-mounted camera, shall collect the SD (Secure Digital) card/s inserted within the camera;
- The law officer or driver shall take care not to damage either the camera or the SD card/s;
- The law officer or driver shall submit the SD card/s to the on duty Receiving Clerk of the BCIC;
- The BCIC Receiving Clerk shall require the law officer or driver to sign a logbook that details the control number of the SD card/s, the name of the law officer



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or driver, the date and time when the turn-over was made, and the outside appearance of the SD card/s before taking custody of the same;

- e) In the presence and in plain sight of the law officer or driver, the BCIC Receiving Clerk shall place the SD card/s in a clear, resealable, plastic evidence bag. He would then seal the bag and issue an evidence tag in favor of the law officer or driver to prove that the SD card/s were properly turned over to the BCIC. The law officer or driver shall then surrender the evidence tag he received to the Records Officer of his law enforcement unit;
- f) The Receiving Clerk shall then encode the various data contained in the logbook in his computer right after he takes custody of the SD card/s;
- g) The BCIC Receiving Clerk shall submit the SD card/s to BCIC Records Keeping Section;
- h) The BCIC Records Officer on duty shall sign the Receiving Clerk's logbook that details the control number of the SD card/s, the name of the law officer or driver, the date and time when the turn-over was made, and the outside appearance of the SD card/s before taking custody of the same;
- i) The Records Officer shall then encode the various data contained in the logbook in his computer right after he takes custody of the SD card/s;
- j) The Records Officer shall turn over the SD card/s to the Archiving Officer;
- k) The Archiving Officer shall sign the Records Officer's logbook that details the control number of the SD card/s, the name of the law officer or driver, the date and time when the turn-over was made, and the outside appearance of the SD card/s before taking custody of the same;
- l) The Archiving Officer shall encode the various data contained in the logbook in his computer upon taking custody of the SD card/s;
- m) Without opening the evidence bag containing the SD card/s, the Archiving Officer shall place a control number tag on the evidence bag and arrange the



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evidence bag in chronological order inside black evidence boxes marked as "FILED". Each FILED box shall have a control number written on the outside and shall be placed inside a highly secured, access controlled, 24-hour CCTV monitored Archiving Room within the BCIC;

n) The Archiving Officer shall then encode the control number he assigned to the evidence bag, the serial number of the SD card/s, the number of cards contained in the bag, the time and date when he archived the bag, and the outside appearance of the bag (whether "sealed and undamaged", "unsealed and undamaged", or unsealed and damaged") and the SD card/s inside (whether "in good order", "damaged", "smudged", "in good order and smudged", or "damaged and smudged") and the control number of the evidence box where he placed the SD card/s;

o) The Archiving Officer shall then lock the Archiving Room;

p) When the duty shift of the Archiving Officer is over, he would turn over the key to the Archiving Room to the Archiving Officer who take over from him. The turn over shall be recorded in the Archiving Officers' logbook and encoded in the computer of the Archiving Section. When the shift of the Receiving Clerk is over, the logbook of the Receiving Section shall be turned over by him to the Receiving Clerk who will take over his shift;

q) The Archiving Officer and the Receiving Clerk who took over the shift before them shall then perform the duties mentioned above.

28.2. Flagging of Evidence

a) Evidence in the custody of the Archiving Section may be flagged through a verbal or written request. The request to flag evidence should be done by the head of the law enforcement unit that intends to use the piece of evidence. The City Legal Office may also request for the flagging of a piece of evidence in relation to a case it is investigating or intends to file in court. The request should be made to the head of the Archiving Section. If the request was made verbally, the requesting party must submit a written request within the next three (3) days to the Archiving Section.

b) Evidence in the custody of the Archiving Section may



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be flagged if the SD card/s contain data needed in an ongoing investigation or action in court. In case the data would be used as evidence in a court action, the requesting party must obtain a subpoena from the court. Once the Archiving Section receives the subpoena, the head of the Section shall make a copy of the SD card/s and keep the original in the archives. The head of the Archiving Section shall then present the duplicate SD card/s in court and testify on behalf of the BCIC.

c) Once an SD card is flagged, the Archiving Officer shall remove the evidence bag from the FILED box and transfer it to a blue box marked as FLAGGED. The Archiving Officer shall attach a new control tag number to the evidence bag and encode the change of status of the evidence from FILED to FLAGGED in his computer.

28.3. Presentation of Flagged Evidence in Court

a) Considering that the amount of data contained in one SD card/s may exceed nine (9) hours of video footage, the head of the Archiving Section, with the assistance of the City Legal Office, shall request the court to specify the event/s recorded and the approximate period/s when they were recorded in a separate order so as to protect the privacy rights of other individuals not a party to the case.

b) If the court approved the request, the Archiving Section shall retrieve the data specified in the court's order and place them in a new SD card. The new SD card containing the required data shall be placed in a clear, sealed plastic evidence bag. A new control tag number shall be attached to the evidence bag before the head of the Archiving Section submits it to the court. If the court disapproves the request, the City Legal Office shall file a motion for reconsideration of the court's order and reiterate its stand that the public display of the of all the video footage contained in the SD card in question is a violation of the right to privacy of individuals who are not a party to the court case. If the court denies the motion for reconsideration, the City Legal Office shall file the appropriate legal action to protect the right to privacy of the individuals whose image or likeness were recorded and contained in the SD card in question.

28.4. Retention and Destruction of Evidence

a) All flagged evidence shall be retained by the BCIC as long as the case in which it is being used remains pending or unresolved. Once a case is decided by a court of law with finality as evidenced by a Certificate of Finality issued by the court last having jurisdiction over the case, the Archiving Section shall retain the evidence for another 365 days. Thereafter, the BCIC shall destroy the evidence. The Archiving Section head



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City Vice Mayor/Presiding Officer

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HON. STRIKE B. REVILLA
City Vice Mayor

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shall record the control tag number of the SD card/s to be destroyed in his computer.

b) The Archiving Section shall permanently delete the contents of all unflagged SD card/s sixty (60) days after they have been submitted to the BCIC.

Section 29. Evidence Security Protocol. The following protocol shall be strictly observed by the BCIC in protecting the evidence in its custody:

a) The Head of the BCIC shall randomly check the compliance of all employees of the BCIC to the various provisions of Section 29 and its subsections.

b) A software shall be developed and paid for by the city government with the help of consultants from the private sector that would allow the BCIC to prevent and detect any attempt to tamper or delete any evidence without authorization.

c) The said software and its source code shall be known as the **Data Protection and Security Program** and shall be wholly owned by the city government.

Section 30. Records Management Manual. Once constituted, the BCIC shall formulate a records management manual. The said manual shall be completed within sixty (60) days after the head of the BCIC has been appointed. The manual should identify the persons accountable for privacy compliance and privacy rights associated with the system. The manual should require officers, employees and contractors of the city government to adhere to it, and provide sanctions if they do not. It should provide a process to be followed in the event of inadvertent privacy and security breaches. Finally, it should provide procedures for individuals to challenge compliance with the manual. The proposed records management manual of the BCIC shall be subject to the approval of the Bacoor Peace and Order Council and of the Sangguniang Panlungsod.

Section 31. Development of the Bacoor Criminal Information Database (BCID). The BCIC shall develop a database, to be known as the **Bacoor Criminal Information Database (BCID)**, that would contain and organize the following information:

a) the personal details of a person accuse or convicted of violating a law or an ordinance;

b) the date, time and place when the said offense was committed;



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City Councilor

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City Councilor

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City Councilor

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City Councilor

HON. FERNANDO C. GUTIERREZ
City Councilor

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HON. ROBERT R. JAVIER
City Councilor

HON. VICTORIO L. GUERRERO, JR.
City Councilor - ABC Pres.

Attested by:

SHIELA S. LAZO

Supervising Admin Officer

Certified by:

HON. CATHERINE S. EVARISTO
City Vice Mayor/Presiding Officer

Approved by:

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c) the offense committed and the law or ordinance that was violated;

d) the number of times that the offender violated a particular law or ordinance and the name/s of the complainants or victims of his criminal act;

e) the nature of the injury or amount of damage caused by the offender;

f) the picture, fingerprint, blood type of the offender;

g) the court or venue where the case or complaint was filed;

h) the outcome of the case; and

i) the law enforcement unit in charge of the case or who initially took charge of the case.

Section 32. Free Access to the Database. All law enforcement units in the Philippines shall have free access to all the contents of the BCID. Provided, that the said law enforcement units shall not use any data it obtained from the BCID to violate the right to privacy of individuals.

Section 33. Penalties for Violation of Sections 28 to 33. Any person who violates Section 28 to 33 of this Ordinance, including their respective sub-sections, shall be meted with the following penalties:

First Offense Fine of **Three Thousand Pesos (P3,000.00)** and imprisonment of not less than six months.

Second Offense Fine of **Four Thousand Pesos (P4,000.00)** and imprisonment of not less than nine months.

Third Offense Fine of **Five Thousand Pesos (PP5,000.00)** and imprisonment of not less than twelve months.

In addition to the foregoing penalties, government employees or officials who instructed, coerced, or influenced another or who directly damaged or tampered with the said cameras or evidence shall also be **terminated from public service** pursuant to pertinent civil service rules and regulations.

Section 34. Release of Records Protocol. All requests for the release of any SD card in the custody of the BCIC or of any data contained therein for any purpose not related to an ongoing law enforcement investigation or pending court action must be accompanied by an order from a court having proper jurisdiction to order the release of such cards or data. **Provided,**



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the release of such cards or data should not be considered as an authority to publicize, publish, air, exhibit, duplicate, reproduce, sell, market, or disclose any data or information that may be prejudicial to the interests of third parties or that may be injurious to the right to privacy of the said individuals.

Section 35. Records Review Committee. A committee is hereby created with the following powers and functions:

- Review the contents of any SD card subject of a request or court order to determine if the data requested or subject of a subpoena is actually contained in the said card;
- Retrieve data contained in any SD card under the custody of the BCIC that is subject of a request, court order, or subpoena in order;
- Ensure that the rights to privacy of third parties not subject of such case or court action is protected;
- Release the data requested to the proper court or party;
- Require the requesting party to sign a waiver or undertaking exonerating the BCIC and city government from any liability as a result of such release and enjoining the requesting party from to publicizing, publishing, airing, exhibiting, duplicating, reproducing, selling, marketing, or disclosing any data or information that may be prejudicial to the interests of third parties or that may be injurious to the right to privacy of the said individuals; or
- Any other function as may be directed by the City Mayor for the purpose of giving effect to the foregoing provisions or as may be mandated by a resolution or ordinance passed by the Sangguniang Panlungsod.

Section 36. Composition of the Records Review Committee. The Records Review Committee shall be comprised of the following:

Chairperson

City Legal Officer

Members:

Head of the BCIC

Representative from the CHR



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SHIELA S. LAZO

Supervising Admin Officer

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HON. CATHERINE S. EVARISTO
City Vice Mayor/Presiding Officer

Approved by:

HON. STRIKE B. REVILLA
City Vice Mayor

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ORDAINED by Sangguniang Panlungsod of Bacoor,
Province, Cavite this 28th day of March 2016.

*This is to certify that the contents of the foregoing
Ordinance are true and correct and that it was duly passed in
accordance with law.*

Certified by:

HON. CATHERINE S. EVARISTO
City Vice Mayor/Presiding Officer

Attested by:

MS. SHIELA S. LAZO
Supervising Admin. Officer

Approved by:

HON. STRIKE B. REVILLA
City Mayor

(Date of Approval)