

Republic of the Philippines
Province of Davao del Norte
CITY OF TAGUM

BEFORE THE 4TH CITY COUNCIL

EXCERPT FROM THE MINUTES OF THE 88TH REGULAR SESSION OF THE SANGGUNIANG PANLUNGSOD OF THE CITY OF TAGUM, PROVINCE OF DAVAO DEL NORTE HELD ON APRIL 7, 2009 AT THE SP SESSION HALL.

PRESENT:

Hon. ALLAN L. RELLON, MPA,	City Vice Mayor (Presiding Officer)
Hon. MARIA LINA F. BAURA,	Member
Hon. DE CARLO L. UY,	Member
Hon. RAYMOND JOEY D. MILLAN,	Member
Hon. VICENTE C. ELIOT, SR.,	Member
Hon. JOEDEL T. CAASI,	Member
Hon. ALAN D. ZULUETA,	Member
Hon. NICANDRO T. SUAYBAGUIO, JR.,	Member
Hon. REYNALDO T. SALVE,	Member
Hon. FRANCISCO C. REMITAR,	Member
Hon. CYRIL LEONARD L. MURING,	Member (SKF Representative)
Hon. ALFREDO R. PAGDILAO,	Member (ABC Representative)

ON LEAVE:

Hon. ROBERT L. SO,	Member
--------------------	--------

CITY ORDINANCE NO. 342, S-2009

“AN ORDINANCE PROVIDING REVISED REGULATIONS FOR THE OPERATION AND USE OF INTERNET CAFES/COMPUTER GAMES FOR STUDENTS DURING SCHOOL HOURS AND PROVIDING PENALTIES FOR VIOLATION THEREOF”.

BE IT ENACTED by the Sangguniang Panlungsod of Tagum in Session Assembled, that:

SECTION 1. TITLE OF THE ORDINANCE - This Ordinance shall be called “A Revised Internet Ordinance of Tagum City”.

SECTION 2. DEFINITION OF TERMS - For purposes of this ordinance, the following terms shall be defined as follows:

1. Internet – Refers to the interactive communication and information technology sourced through computers.
2. Internet Cafe - means a business establishment using worldwide web or internet system that enable users to view interact with a variety of information accessed through a computer connected to a Local Area Network (LAN).
3. Internet Service Provider (ISP) - refers to local or national network provider of internet services.
4. Internet User - refers to an individual, a corporation or institution utilizing or accessing data information through the internet for entertainment, games, advertisement, business, news and educational research purposes.
5. Accreditation – refers to the recognition accorded to an establishment or institution that meets the standard or criteria established by a body legally constituted for the purpose.
6. Student – refers to minor individual or minor person officially enrolled in the nursery, kindergarten, elementary or secondary level in any public and private educational institution.
7. Minor - any individual / person below 18 years old.
8. Class Hours – refers to from 8:00 am to 5:00 pm except for Saturdays, Sundays and Holidays.
9. Board - refers to the Internet Café Accrediting Board.
10. Out of school youth – refers to minor individual not enrolled to any educational institution.

SECTION 3. NATURE OF INTERNET CAFÉ ESTABLISHMENT – This section hereby explains the nature and scope of Internet Café establishment as follows:

-over-

- 3.1 Any establishment which includes residential units with more than one computer unit principally offering Internet services including, but not limited to, e-mail, fax, online and network games, chatting, sorting and other such services covered by the internet technology which are accessed for a fee.
- 3.2 Other business establishments that offer a combination of services such as food and internet bar and internet recreation, and others of similar nature. Internet and other combinations are still included as Internet Café and shall be covered by this ordinance.
- 3.3 Educational institutions, private homes and corporate entities using the internet through an Internet Service Provider (ISP) for purposes other than business shall not fall under the category of Internet Café establishment.
- 3.4 Internet Café establishment expanding to other lines of services such as offering short term courses which may run between one to six months and which may fall under computer programming, computer technology and other such similar courses shall apply for a permit to offer such courses from the Technical Education and Skills Development Authority (TESDA).

SECTION 4. OPERATION OF INTERNET CAFÉ ESTABLISHMENTS – Internet Cafe establishments shall follow the following guidelines for its operation:

- 4.1 Internet Café establishments are required to secure a Business Permit and other license required by the local government to operate;
- 4.2 Internet Café establishments which offer a combination of other services as defined in Section 3.2 of this ordinance are also required to declare in their business permits other lines of business other than internet services;
- 4.3 Internet café establishments should not allow students to stay in the premises of the establishment during their class hours unless for specific educational or study purposes such as data research or statistical gathering duly authorized by the teacher and approved by their principal or a school head, requiring the students to wear proper uniform for easy identification.
- 4.4 Internet café establishments shall not offer online and network gaming services during class hours to students and / or minors;
- 4.5 Prohibited drugs, intoxicating drinks, selling of cigarettes, and smoking are prohibited inside Internet Café establishments;
- 4.6 Selling of food and meals are allowed only when Internet Café establishment have declared in their original permit or license to operate such business indicating the selling of foods e.g.; refreshments etc.
- 4.7 Internet café establishments shall not allow computer hacker nor cause computer hacking to be practiced in their premises;
- 4.8 Internet café establishments must post in a conspicuous and visible area within the establishment a warning sign against accessing pornography and playing games by students during school hours.
- 4.9 Internet café establishments must be well lighted;
- 4.10 Internet café establishments offering a combination of services such as research games shall either provide headphones for every unit being used for gaming or reduce the volume of the gaming unit so as to prevent excessive sound that could disturb other users. Internet Café establishments may play music at a moderate volume;
- 4.11 Internet café establishments must provide for a means of downloading/saving information from the internet by the user, to be determined by the Board;
- 4.12 Operator of Internet café should strictly observe Curfew Hours for minors and out-of-school youth which is until 8:00 pm only including Saturdays, Sundays and Holidays except when these minors or out-of school youth are accompanied by their parents or guardians.
- 4.13 Internet café establishments must not use fully enclosed cubicle for every computer. Only half-closed shall be allowed, the specifications of which will be provided by the Board;

-over-

- 4.14 Internet café establishments offering the use of web cameras or web cams must not allow its users to use it for obscenity and lewd designs;
- 4.15 Internet café establishments shall be maintained under good sanitary condition;
- 4.16 Internet café establishment should not tolerate or promote indecent, lewd and immoral behavior inside the establishment.
- 4.17 Internet café establishments shall provide roving personnel to monitor its user's behavior to maintain decency inside the internet café.

SECTION 5. GUIDELINES FOR SERVICES OFFERED

- 5.1 The following services of Internet Café establishments are covered by this ordinance, especially viewing, sourcing and interacting with:
 - 1) Magazine archives
 - 2) Public and university resources
 - 3) Current world and business news
 - 4) Advertisements and shopping
 - 5) Sports and recreational services
 - 6) Entertainment and games
 - 7) Chatting and E-mail
 - 8) E-commerce and various printing and documentation needs
 - 9) On-Line Business transactions
 - 10) Other similar matter and/or services not falling under Section 5.2
- 5.2 Internet gambling, nudity, vulgar language depiction of graphic sex and all other forms of lewd pictorial representation are prohibited from being sourced, accessed or provided by internet café establishments and by all internet users, regardless of age. Corresponding penalty will be meted to establishments that allow violation of this section.
- 5.3 Chatting by minors which will lead to exploitation and experimentation with pedophiles and other sexual perverts shall be terminated by the establishment or its management at a time when it is deemed injurious to minors.
- 5.4 A floor rate for Internet use to be followed by all accredited Internet Café may be sent by the Board for compliance after proper consultation with owners and or authorized organization of Internet Café owners.

SECTION 6. CONSORTIUM LINKAGES AND NETWORKING WITH OTHER SECTORS OR AGENCIES. The following are the guidelines for consortium, linkages and networking of Internet Café with other sectors or agencies.

- 6.1 Internet Café establishments may enter into consortium with private educational institutions for the purpose of providing computer technology information to students without prejudice to its individual permit or license to operate.
- 6.2 Linkages or networking with government agencies for business purposes shall be regulated by existing applicable laws or regulations.

SECTION 7. ACCREDITATION OF INTERNET CAFÉ ESTABLISHMENTS. Accreditation of Internet Café establishments in the city shall take the following forms and processes:

- A. An Internet Café Accrediting Board shall be created expressly for the purpose of accrediting Internet Cafes in the city;
- B. The Board shall be composed of the following:

The City Mayor	-	Chairperson
The City Vice Mayor	-	Co-Chairperson
The City License Officer	-	Vice Chairperson

Members:

- 1. Chairperson Committee on Science and Technology;
- 2. Chairperson Committee on Women, Children, Family and Social Welfare

-over-

3. Representative from the Internet Café Association.
 4. Representative of the Technical Education and Skills Development Authority or TESDA;
 5. City Legal Officer or his duly designated representative;
 6. Representative of Non-government Organizations (NGO) identified with information technology-related advocacy to be appointed by the City Mayor upon recommendation of the body;
 7. Division Schools Superintendent or his duly authorized representative;
 8. Representative from the Department of Education (DepEd).
- C. All Internet Café establishments must be accredited as such by the Board.
- D. Accreditation shall be a requirement for the issuance of business permit or license to operate.
- D. SECRETARIAT. The personnel who will act as Secretariat of the accrediting body will be composed of four (4) employees from the City License Office and one (1) from the City Legal Office. The Secretariat shall be appointed by the accrediting board upon recommendation by the City License Officer and the City Legal Officer, respectively.

SECTION 8. FUNCTIONS OF THE ACCREDITING BODY. The following are the functions of the accrediting body:

1. Formulate policies and criteria to serve as guidelines for accreditations of Internet Cafes in the city;
2. To accredit Internet Cafes after complying with all the necessary requirements provided by the Board;
3. To conduct monitoring services and ocular inspections, on its own or in coordination with the school administrators and barangay officials, in pursuit of its functions in accrediting internet cafes in Tagum City and in order to determine if the duly accredited Internet Cafes have been following the provisions of this ordinance.
4. To recommend to the City Mayor through the City License Office the closure of any accredited internet café found violating in this ordinance.

SECTION 9. PUNISHABLE ACTS. Under this ordinance, the following acts committed by the Internet Café establishments shall be deemed punishable and subject to the penalties set forth under Section 10 hereof:

1. Operating an Internet Café without business permit or license;
2. Operating other business in combinations with internet services without the necessary business permit or license;
3. Allowing students to surf or source data/information other than those needed for study or educational purposes during prescribed class hours;
4. Selling or allowing the use or consumption of prohibited drugs and intoxicating drinks within the Internet Café premises;
5. Smoking and selling of cigarettes within its premises.
6. Allowing the use of internet facilities for fraud and deceit whether of sexual or business in nature, promotion of indecent and immoral behavior, the sourcing or accessing of depictions of nudity, graphic sex and all other forms of lewd pictorial presentations, injurious materials and confidential websites that are protected by the government, gambling, and other criminal activities.
7. Not abiding by the floor rate as set and prescribed by the Internet Café Accrediting Board.

SECTION 10. PENALTY. Violators of the ordinance shall be subject to the following penalties:

1. A fine of Three Thousand (P 3,000.00) Pesos for the first offense.
2. A fine of Five Thousand (P 5,000.00) Pesos for the second.
3. A revocation and non-renewal of Business Permit for the Third Offense. Provided, that for violations under Section 9, paragraph 6, forfeiture of computer units shall be imposed as an additional penalties.

-over-

CITY ORDINANCE NO. 342, s-2009, cont'd:

SECTION 11. SEPARABILITY CLAUSE. If for any reason, any Section of the ordinance is declared unconstitutional or invalid, the other sections or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 12. FUNDING. Any amount needed in the implementation of this ordinance shall be derived from the Office of the City Mayor or from any source of funds that may be made available for the purpose.

SECTION 13. REPEALING CLAUSE. City Ordinance No. 06, s-2001 as amended by City ordinance No. 227, s-2006 is hereby repealed.

SECTION 14. EFFECTIVITY. This ordinance shall take effect upon approval and publication in a newspaper of general circulation.

CARRIED AND APPROVED.

ENACTED AND PASSED this 7th day of April 2009.

I HEREBY CERTIFY to the correctness of the foregoing.

(Sgd) **REY A. BUHION**
Secretary to the Sanggunian

**ATTESTED AND CERTIFIED
TO BE DULY ENACTED:**

(Sgd) **ALLAN L. RELLON, MPA**
City Vice Mayor
(Presiding Officer)

APPROVED:

(Sgd) **REY T. UY**
City Mayor

May 04, 2009
(Date)

fname:CO34209
*ffm***