

Republic of the Philippines
Province of Davao del Norte
Municipality of Braulio E. Dujali
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BEFORE THE SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE 23RD REGULAR SESSION OF THE SANGGUNIANG BAYAN OF BRAULIO E. DUJALI, DAVAO DEL NORTE AND HELD AT THE SANGGUNIANG BAYAN SESSION HALL ON JUNE 23, 2011.

PRESENT:

HON. SAMUEL F. PACRES	Vice Mayor/Presiding Officer
HON. DONNA MAE L. BALDONADO	Sangguniang Bayan Member
HON. RESTIE E. TABIRAO	Sangguniang Bayan Member
HON. ROMULO S. ESMINO, JR.	Sangguniang Bayan Member
HON. DANIEL G. HILARIO	Sangguniang Bayan Member
HON. ALLAN S. PARAGUYA	Sangguniang Bayan Member
HON. JOELITO B. JURIANA	Sangguniang Bayan Member
HON. JULIAN J. DUJALI, JR.	Sangguniang Bayan Member
HON. RAMON D. MAGTULIS III	Sangguniang Bayan Member
HON. EDUARDO M. ZAPATA	ABC Pres/Ex-Officio Member
HON. MARCELINO O. FACULA	ABC Pres/Ex-Officio Member

ABSENT: NONE

MUNICIPAL ORDINANCE NO. 2011-130

Author: Hon. Restie E. Tabirao

“ AN ORDINANCE REGULATING THE OPERATION AND USE OF INTERNET CAFES/COMPUTER GAMES FOR STUDENTS, OUT OF SCHOOL YOUTH AND MINORS WITHIN THE MUNICIPALITY OF BRAULIO E. DUJALI AND PROVIDING PENALTIES FOR VIOLATION THEREOF”

BE IT ENACTED by the Sangguniang Bayan of Braulio E. Dujali in session assembled, that:

SECTION 1. TITLE- This Ordinance shall be called The Internet Ordinance of Braulio E. Dujali.

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 Café- 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. Computer Games- Various type of games that may be accessed through the computer/internet or a specially designed computer machine using a token or coin to signal a start of a particular game.
4. Internet Service Provider (ISP)- refers to the local or national network provider of internet services.
5. 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.
6. 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.
7. Student- refers to minor person officially enrolled in the nursery, kindergarten, elementary, secondary, or tertiary level in any public and private educational institution.

8. Minor- refers to an individual/person who is below 18 years old.
9. Out of school youth- refers to minor individual not enrolled in any educational institution.
10. Class Hours- the official time recognized and adopted by an educational institution as classes time usually from 7:00AM to 12NN to 1:00PM to 5:00PM.
11. Board- refers to the internet Café Accrediting Board.

SECTION 3. NATURE OF INTERNET CAFÉ/COMPUTER GAMES ESTABLISHMENT. This section hereby explains the nature and scope of Internet café/computer games establishment as follows:

3.1 Any establishment which includes residential units with more than one computer unit principally offering Internet services/computer games, including but not limited to e-mail, fax, online and network games, chatting, surfing 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 foods 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 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/COMPUTER GAMES ESTABLISHMENTS- Internet Café/Computer Games Establishments shall follow the following guidelines for its operation:

4.1 Internet Café/computer games establishments are required to secure a business permit and other license required by the local government to operate;

4.2- Internet Café/computer games 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 permit other lines of their business other than internet services.

4.3 Internet Café/Computer games Establishments shall not offer online and network gaming services/computer games services during class hours to students and minors.

4.4 Internet Café/computer games establishments should not allow students to stay in the premises during class hours.

4.5 Prohibited drugs, intoxicating drinks, selling of cigarettes, and smoking are prohibited inside internet café/computer games establishments:

4.6 Selling of food and meals are allowed only when internet café establishments 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 shall not allow computer hacker nor cause computer hacking to be practiced in their premise;

4.8 Internet Café/computer games establishments must post in a conspicuous and visible area within the establishment a warning sign against accessing pornography and playing games by students during class hours.

4.9 Internet café/computer games must be well lighted;

4.10 Internet café/computer games 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. Establishment 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 Operators of Internet café/computer games should strictly observe the time limit for minors which is until 9:00 PM only including Saturdays, Sundays and Holidays except when this minors are accompanied by their parents or guardians. After the time limit no children are allowed to stay inside the café.

4.13 Internet café establishments must not use fully enclosed cubicle for every computer. Only half closed cubicle shall be allowed, the specifications of which will be provided by the board;

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 shall provide roving personnel to monitor its users' to maintain decency inside the internet café.

4.18 Other establishments offering free internet access (WIFI) such as coffee shops, restaurants, etc. shall also notify the Internet Café Accrediting Board

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 email
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 violators 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 Standard rate for internet use to be followed by all accredited internet café may be set 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 establishment in the municipality 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 municipality.

B. The Board shall be composed of the following:

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

Members:

- 1.) Municipal Social Welfare Development Officer.
- 2.) Chairperson Committee on Women, Children, Family and Social Welfare
- 3.) Representative from the Internet Café Association.
- 4.) Municipal Legal Officer or his duly designated representative
- 5.) Representative of non-government organization identified with information technology related advocacy to be appointed by the city mayor upon recommendation of the body.
- 6.) District Coordinating Principal or his duly authorized representative (for elementary schools)
- 7.) Parent, Teacher Association Federation President.
- 8.) Duly elected Representative from the national high schools
- 9.) Chief of Police

C.) All Internet Café establishments must be accredited as such by the board.

D.) Accreditation must be a requirement for the issuance of business permit or license to operate.

E. SECRETARIAT: The personnel who will act as a Secretariat of the accrediting body will be composed of two employees from the Municipal License office and one from the Municipal Legal office. The secretariat shall be appointed by the accrediting board upon recommendation by the Municipal License officer and the municipal Legal officer, respectively.

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

- 1.) Formulate policies and criteria to serve as guidelines for accreditation 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 administrator and barangay officials, , in pursuits of its function in accrediting internet cafes in the municipality and in order to determine if the duly accredited Internet cafes have been following the provisions of this ordinance.
- 4.) To recommend to the Municipal Mayor through the Municipal License office the closure of any accredited internet café found violating 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 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 date/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 the 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 depiction of nudity, graphic sex and all other form 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.
- 8.) Operators allowing minors/students during classes' hours and beyond 9 pm.

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

1. A fine of One thousand Five Hundred Pesos (P1, 500.00) for the first offense.
2. A fine of Two thousand Five Hundred Pesos (P2, 500.00) for the second offense.
3. Revocation and non-renewal of Business Permit for the Third Offense, Provided, that for violation under Section 9, paragraph 6, forfeiture of computer units shall be imposed as an additional penalty.

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 Municipal Mayor or from any source of funds that may be made available for the purpose.

SECTION 13; EFFECTIVITY. This ordinance shall take effect upon approval.

CEERTIFIED to be enacted by the Sangguniang Bayan during the conduct of its 23rd regular session on June 23, 2011.

TEOFISTA F. BACLAAN
Sr. Administrative Assistant 1
(Secretary Designate)

Attested to be duly adopted:

SAMUEL F. PACRES
Vice Mayor & Presiding Officer

Approved:

LOLITA A. MORAL
Municipal Mayor

