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Republic of the Philippines
PROVINCE OF BENGUET
La Trinidad
OFFICE OF THE SANGGUNIANG PANLALAWIGAN

REGULAR MEETING, November 17, 2008

PRESENT: HON. CRESCENCIO C. PACALSO, Vice-Governor, Presiding Officer
HON. ROGELIO P. LEON, Board Member
HON. JUAN M. NAZARRO, JR., Board Member
HON. NELSON C. DANGWA, Board Member
HON. APOLINARIO T. CAMSOL, Board Member
HON. NARDO B. CAYAT, Board Member
HON. EDDIE P. AMUASEN, Board Member
HON. MARCIANO T. INSO, SR., Board Member
HON. ALFONSO L. FIANZA, Board Member
HON. FLORENCE B. TINGBAOEN, Board Member
HON. BERNARD S. WACLIN, PCL President, Ex-Officio Member
HON. PACITO K. DONATO, Liga ng mga Brgy. Pres., Ex-Officio Member

ABSENT: HON. JOHNNY S. UY, Board Member (On OB)
HON. GRACE LYN G. CARBORO, SKF Pres., Ex-Officio Member (On OB)

PROVINCIAL ORDINANCE NO. 08 -130

AN ORDINANCE PRESCRIBING GUIDELINES AND REGULATIONS OF THE OPERATION AND SERVICE OF INTERNET CAFÉ AND OTHER SIMILAR ESTABLISHMENTS FOR THE PROTECTION OF CHILDREN

WHEREAS, the inter-connected network, otherwise known as the “internet” and similar advances in information technology are of enormous importance to education and research, to the conduct of business, and to the world of entertainment; it is a significant feature of modern life today and in the future;

WHEREAS, the internet has introduced a paradigm shift in the manner of communication and access to information because of its size, speed, inexpensiveness, indiscriminate nature, immediacy, privacy, intimacy, and inter-activeness; it has changed the way people think and act, the way people work and play and the way people view the world;

WHEREAS, the internet likewise carry risks, especially to children which include exposure to extreme violence and harmful materials through on-line gaming, photos and videos on the internet, VCDs, DVDs and instant messages sent to mobile phones; children are enticed to buy, sell or trade harmful materials such as drugs, weapons, pornographic material, sexual relations, through on-line shopping facilities and mechanisms; children are stalked by persistent unwanted communications, bullied by threats, slander, misuse of personal data and misinformation, and be groomed on-line by sex predators and pedophiles;

WHEREAS, the *Sangguniang Panlalawigan* of Benguet has the power, duty and function to grant franchises, approve the issuance of permits or licenses, or enact ordinances levying taxes, fees and charges upon such conditions and for such purposes intended to promote the general welfare of the inhabitants of the Province of Benguet;

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WHEREAS, the Province of Benguet recognizes the important role of private business establishments, especially internet café and other similar businesses, in the development of the Province;

WHEREAS, the Province of Benguet is also a Child Friendly Province that has the power, duty and responsibility to protect children from the negative consequences of unregulated use and access of the internet in internet cafés and other similar establishments;

WHEREAS, Section 16 of the Local Government Code of 1991 states that:

“SEC. 16 – General Welfare. - Every local government unit shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare.”

NOW THEREFORE, the Sangguniang Panlalawigan of Benguet adopts the following:

Section 1. Title - This ordinance shall be known as the “Child Friendly Internet Café Ordinance.”

Section 2. Policies and Principles - It is hereby reiterated and affirmed that the Province of Benguet promotes, protects and safe-guards the survival, development, protection and participation rights of all children, consistent with the Convention on the Rights of the Child and the Philippine National Strategic Framework for Plan development for Children (Child 21).

The Province of Benguet recognizes its vital role in protecting children against abuse, exploitation and violence, in all forms and means, including violence against children in cyberspace, brought about by use and access of the internet through internet cafés and other similar establishments.

Section 3. Definition of Terms - For purposes of this Ordinance, the following terms shall mean:

- a) Child - a person below eighteen (18) years of age;
- b) Child Pornography - any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child, the dominant characteristics of which is depiction for a sexual purpose. This includes, but is not limited to, the following:
 - i. Sexual intercourse, including but not limited to, genital-genital, oral-genital, anal genital, or oral-anal, whether between persons of the same or opposite sex;
 - ii. Lascivious simulated sexual intercourse where the genitals, breast, or pubic area of the child or his/her sexual partner is exhibited;
 - iii. Bestiality;
 - iv. Masturbation;
 - v. Sadistic or masochistic abuse;
 - vi. Lascivious exhibition of the breast, chest, genitals, buttocks or pubic area of a child.

- c) Cyberspace - the digital or virtual world that can be accessed through the internet;
- d) Internet - inter-connected network of computers, associated devices, and/or its peripherals that are connected either permanently or temporarily by transmission and/or communications facilities that provide the means of sending, communication, transmitting voice or non-voice data/information electronically;
- e) Internet café establishment - any establishment, including residential units, with at least one (1) computer unit, including associated devices and peripherals, connected to the world-wide-web or internet that enables an internet user to view and interact with a variety of information for a fee or any consideration. Services in an internet café establishment may include, but are not limited to:
 - i. E-mail and e-groups;
 - ii. Upload, download, update any data/information on any website;
 - iii. On-line and network gaming;
 - iv. Mailing lists and newsgroups;
 - v. Bulletin board;
 - vi. Chatting;
 - vii. Video conferencing and telephony;
 - viii. Surfing;
 - ix. Short message sendingInternet café establishment also include any lounge, arcade, hotel, resort or restaurant that may offer a combination of services such as food and internet, bar and internet, accommodations and internet, library services and internet, and other similar combinations.
- f) Internet use - any person, natural or juridical, using or accessing data/information in internet café establishments for any purpose.

Section 4. *Additional requirements for securing and renewal of business permit and other license to operate* - In addition to the regular requirements for securing and renewal of business permit and other license to operate, internet café establishments shall comply with all conditions outlined in this ordinance to ensure that its operation and services are child friendly and not harmful to the survival and development of the child.

Section 5. *Prohibition against installation of private cubicles or rooms* - All internet café establishments shall maintain open cubicles for each computer unit that will allow employee or staff of the internet café establishment to view the type of content or internet services being used.

Section 6. *Posting of Internet Safety Rules and/or Cyber Ethics Principles* - All internet café establishments shall post in a conspicuous place and in every cubicle, the following internet safety rules for children:

- i. Ask your parent or caregiver first if you plan to meet with someone you've met in the Internet. It should always be in a public place;
- ii. Tell your parent, caregiver, LAN administrator or ISP if you see bad language or distasteful pictures while you are online;
- iii. Be yourself and do not pretend to be anyone you are not;



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- iv. Do not tell anyone you meet on the Internet your home address, telephone number or schools name;
- v. Do not send anyone your picture, credit card or bank details;
- vi. Do not give your password to anyone, even your best friend;
- vii. Do not hang around a chat room if someone says or writes something which makes you feel uncomfortable or worried;
- viii. Do not respond to nasty, suggestive or rude e-mails or postings in UseNet groups;
- ix. If someone makes you an offer, which seems too good to be true, it probably is.

Section 7. Content Control - All internet café establishments shall control the type of content that can be accessed through its computer. A child internet user shall not be allowed to access nudity, sexual activity, and aggressive violence, unless this is an essential part of any educational requirement in school. When ever possible, the internet café establishment shall install filtering software that shall inhibit all internet user's access to pornographic websites.

Section 8. Reporting procedure - All internet café establishments shall adopt and inform all internet users of a procedure for reporting any intentional or accidental access to illegal, offensive or harmful content on the internet. The prescribed procedure shall be posted in every cubicle, including the hotlines of police stations and other law enforcement agencies, e-mail addresses of the administrator or of the internet service providers (ISP).

Section 9. Internet User's Logbook - All internet café establishments shall maintain an internet user's logbook that will be kept for at least 6 months. The logbook shall contain the name of the internet user, age, address, log-in time and log-out time, and signature, which shall personally be filled-up by the internet user. All internet users shall be required to show a valid ID to validate the information contained in the logbook.

Section 10. Internet user's conduct - All internet café establishments shall not tolerate or promote any internet user's indecent, lewd, sexually explicit and lascivious conduct inside the establishment. The employee or staff shall immediately call the internet user's attention to stop the conduct.

The employee, owner or manager shall immediately report the incident to the nearest police or law enforcement agency or the local social welfare office for further action, if:

- i. The internet user engaged in such indecent, lewd sexually explicit and lascivious conduct is a child;
- ii. The internet user accesses child pornography;
- iii. The internet user, whether a child or adult, is engaged in any illegal activity, such as computer hacking, identity theft, credit card fraud, cybersex, etc.

Any employee or staff of the internet café establishment who has any knowledge or learns of facts or circumstances that give rise to a reasonable belief that a child will be, or may be, or has been sexually exploited on-line or involved in the production, distribution, sale of child pornography shall immediately report the same, either orally or in writing or through other means to the nearest police or law enforcement agency or the local social welfare office.

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Section 11. *Special protection for child internet user* - A child internet user shall not be allowed to use the services of the internet café establishment during regular school hours for on-line or network gaming, e-mail, chat or any other service, unless express permission is given by the duly authorized school representative, parent or guardian. This express permission must be written and accompanied by the contact details of the duly authorized school representative, parent or guardian for verification purposes.

Section 12. *No smoking and consumption of alcoholic beverages* - No smoking of cigarettes, tobacco and other substances or serving and consumption of alcoholic beverages is allowed inside the premises of any internet café establishment, especially in the presence of a child internet user.

Section 13. *Cancellation of business permit or license to operate internet café establishments* - The Office of the Mayor, shall effect the cancellation of any business permits and/or licenses of any internet café establishments which violate the provisions of this Ordinance. If the internet café establishment is a corporation, partnership, association, club, establishment or juridical person, the owner, president, partner or manager thereof shall not be issued a new business permit or license to operate any similar establishment under a different name within the Province of Benguet.

All internet café establishments applying for new business licenses/permits or applying for renewal shall sign an undertaking that they shall comply with the provisions of this Ordinance. The undertaking shall also include that they shall not engage in any act that will promote, tolerate or facilitate any form of abuse, exploitation and violence against children. The non-signing or the subsequent violation of the above undertaking shall be a ground for the immediate denial or cancellation of the business licenses.

Section 14. *Ensure effective prosecution of cases* - The Provincial Government of Benguet shall ensure the effective implementation of this Ordinance.

Within one (1) month from passage of this Ordinance, the Local Council for the Protection of Children shall adopt implementing rules and regulations for the implementation of this Ordinance. At the minimum, the IRR shall include the visitation and inspection of internet café establishments by members of Barangay Council for the Protection of Children, or any other duly appointed local government body or agency, to monitor its compliance.

Section 15. *Information campaign against safety on the internet and child pornography* - The Provincial Government of Benguet shall undertake an information campaign on Child Safety on the Internet, Cyber Ethics, and other similar protective behavior in coordination with the Department of Education, non-government organizations, other concerned agencies, organizations and individuals.

Section 16. *Appropriation* - The initial amount of One Hundred Thousand Pesos (P100,000.00) is hereby appropriated out of any funds of the Provincial Treasury to cover the implementation of this Ordinance, which shall be an integral part of the LCPC Funds.



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Section 17. Penalties – The penalty for the violation of this ordinance shall be imprisonment of six (6) months to one (1) year and/or a fine ranging from P500.00 to P5,000.00. An Administrative Case will also be filed against government employees and officials who violate this ordinance and will be subjected to a penalty ranging from suspension of office to dismissal;

Section 18. Separability Clause - If, for any reason, any section or provision of this Ordinance is held unconstitutional or invalid, the other sections or provisions hereof shall not be affected thereby.

Section 19. Effectivity - This Ordinance shall take effect immediately upon its approval.


ROGELIO P. LEON
Board Member


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BERNARD S. WACLIN
PCL President, Ex-Officio Member


PACITO K. DONATO
Liga ng mga Brgy. Pres., Ex-Officio Member

CERTIFIED CORRECT:


PATRICIA C. MAYAMNES
Board Secretary 1

ATTESTED:


CRESCENCIO C. PACALSO
Vice-Governor and Presiding Officer

APPROVED:


NESTOR B. FONGWAN
Provincial Governor

Date: _____