



Republic of the Philippines
City of Iriga
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OFFICE OF THE SANGGUNIANG PANLUNGSOD

EXCERPTS FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG PANLUNGSOD OF IRIGA CITY HELD ON MONDAY, JANUARY 25, 2010 AT THE CITY SESSION HALL, 2/F NEW CITY HALL BUILDING, STA. CRUZ SUR, IRIGA CITY.

PRESENT: HON. JOSE SG. VILLANUEVA, JR. - Vice-Mayor & Presiding Officer
HON. EMMANUEL T. ALFELOR, JR.
HON. OMAR ERASMO G. AMPONGAN
HON. RUFINO L. VILLAGOMEZ
HON. SOFRONIO SONNY B. MAGISTRADO
HON. DANTE C. OLIVA
HON. ROMULO M. CORPORAL, JR.
HON. RODOLFO L. TINO, JR.
HON. JESSIE S. ABONITE
HON. CRYSTAL C. BAYLON
HON. JOSE LL. GRIMALDO
- Ex-Officio Member (ABC President)

ABSENT: HON. CHRISTIAN EMMANUEL T. ALFELOR
- Ex-Officio Member (SK President)

ORDINANCE NO. 2010-02

AN ORDINANCE REGULATING THE ESTABLISHMENT AND OPERATIONS OF INTERNET CAFES OR COMPUTER RENTAL SHOPS/COMPUTER GAMING SHOPS OR CENTERS IN THE CITY OF IRIGA AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

WHEREAS, Internet or the computer based communication and information technology is undeniably the dynamic pillar of the emerging information highway intertwining borderless global economy today;

WHEREAS, the accelerating deregulation of said global economy portends internet explosion as computer companies strive to develop their own brands to address the increasing communication and Information Technology (I.T.) markets;

WHEREAS, entry of the country, including Iriga City, into so called "Internet Society" has definitely benefited people from all walks of life in term of having instant access world class information on varied topics;

WHEREAS, side by side with the immense gains of internet technology is the reality that pornographic, satanic, violent, as well as, rebellious sites are also accessible to users particularly minors which allegedly comprise the major bulk of the internet costumers in the locality;

WHEREAS, the ready access information technology has also breed "Hackers" or anarchic persons who destroy the legitimate files, hard disk and programs of others through the internet or through Local Area Networking (LAN);

WHEREAS, parents claims that their children are lured in computer games and learning to skip classes just to play the current computer game craze;

WHEREAS, some students are tempted to be absent from their classes because they could easily go to these establishment and instead of doing research, play internet games or chat;

WHEREAS, pursuant to the general welfare clause of R.A. 7160, also known as the Local Government Code of 1991, there is a felt need to enact a viable measure which shall not only provide appropriate defense mechanics designed to shield minor Internet users against the onslaught of pornographic, satanic, violent and rebellious sites without curtailing any person's right to information and entertainment.

NOW, THEREFORE, the Sangguniang Panlungsod of Iriga City in its Regular Session duly assembled, hereby ordains that

SECTION 1. Title. This ordinance is hereby called "The Internet Café, Joint Station, Center or Similar Business Regulatory Ordinance of Iriga City".

SECTION 2. Definition of Terms

- a. **Person** – refers to any natural or juridical entity.
- b. **Minor** – refers to person below 18 years old.
- c. **Internet** – refers to the worldwide system of computer networks in which a user at any one computer can directly get information from any other computer in the network.
- d. **Internet Café or Cyber Cafe** – refers to a café, coffee or espresso shop similar food and/or beverage serving place that has a number of personal computer connected to the internet and available for use to any computer-based communication and information technology site, joint station, café,

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center or similar business entity that provides electronic mail and other related services.

- e. **Internet Users** – refers to people who avail of the services of an internet café or cyber café in accessing data and information through the web or local area networking for the purpose of entertainment, news, LAN games, surfing, chatting, advertisement, and business.
- f. **Electronic Mail (E-Mail)** – refers to the exchange of computer-stored messages through the internet. e-mail messages usually encode in American Standard Code for Information Exchange (ASCII) text.
- g. **Local Area Network** – refers to a group of computer with associated devices that share a common communication line and typically shared resources and data by multiple computer users within a small geographic area.
- h. **LAN Games** – refers to a local area network gaming, a connection of two or more computer units attached to a device (hub/switch) that share common games as well as internet to each other.
- i. **Gaming Center** – refers to an establishment with two or more computer connected on local area network, which offers gaming services exclusively and does not have an internet connection.
- j. **E-Commerce** – refers to the conduct of business on-line, which among other things includes buying and selling products with digital cash and then Electronic Interchange (EDI).
- k. **On-Line Shopping** – refers to the act of purchasing on-line through the internet with the use of personal computer and peripherals with internet connection wherein payments is through credit cards or bank draft.
- l. **Surfing** – refers to the act of exploring a sequence of website in a random or unplanned manners.
- m. **Internet Chatting** – refers to talking to one or more people who are using internet simultaneously via the exchange of typed-in messages requiring one site as the repository for the messages "site chat" and a group of users who take part from anywhere on the internet.
- n. **Web Site** – refers to a collection of web based files on a particular subject that includes a beginning file called homepage which serves as "jumping board" to access other related pages on the site.

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- o. **Pornographic Sites** -- refers to a website which contains erotic images intended to cause sexual excitement, an obscene website.
- p. **Satanic Site** -- refers to the sinister, devilish, diabolic, wicked, evil and fiendish website.
- q. **Violent Site** -- refers to a website on the internet which downloads brutal, furious, vicious and forceful materials.
- r. **Irresponsible and Abusive use of Internet (Hackers)** -- refers to untrustworthy, capricious use and rude, sarcastic, abusive use of the internet. "Hackers", refers to a person who destroys the file, hard disks, program, file of others through the internet or local area networking.
- s. **Internet Pornography** -- refers to the visual representation or images showing obscene acts through any of the electronic devices or means, with the end in view of satisfying the lust or sexual desire of another, regardless of geographic location, including but not limited to the following: digital camera, camera-equipped mobile phones, webcam or similar gadgets.
- t. **Webcam** -- refers to video or digital camera, usually attached directly to a computer designed to take photographs or images and transmit them over the internet.

X SECTION 3. **Coverage.** The following internet-relating establishments shall be covered by this Ordinance, to wit:

- a. Any establishment with more than one (1) computer unit offering internet services including but not limited to e-mail, fax, games, surfing, chatting, on-line shopping and other similar services covered by the internet technology which are accessed for a fee;
- b. Other business establishments which offer a combination of services such as food and internet, bar and internet, recreation and other similar business fusions are still included as internet café and covered by this ordinance.

Section 4. **Classification of Computer Shops.** Computer shops are classified as follows:

- a. **Internet Shop** -- a place of business that has a number of networked personal computers with access to the internet for surfing, chatting, e-mailing and research and available for use by costumers for a fee by the hour or fraction of an hour. Also included are cyber cafe, arcades, lounges.
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- John D. Grayson

- b. **Computer Rental Shop** – refers to a business establishment with two (2) or more computer units that offers scanning, encoding, typing and printing services.
- c. **Computer Gaming Shop or Center** – refers to an establishment with two (2) or more computers connected on a local area network that exclusively offers either online games (connected to the internet) or LAN games (not connected to the internet)

Section 5. Guidelines on Computer Shop Operation. The owners and/or proprietors of computer shops shall comply with the following requirements, to wit:

1. To secure Barangay Clearance, business permit and other licenses required by the City Government of Iriga including those, which shall cover Internet Café expansion to other line 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 such other similar courses;
2. To provide a place that is comfortable to customers;
3. To have access to functional toilet facilities;
4. To offer proper ventilation, sound proofing and preferably air conditioning system within the premises;
5. To install filtering software against pornographic, satanic, violent and rebellious sites;
6. To display the necessary warning signs against hacking as well as access to pornographic, satanic, violent and rebellious sites;
7. To display the necessary warning signs against chatting and meeting with dubious and prevent chat pals. The aforementioned warning signs shall be written in bold letters measuring at least 10 cm. and shall be displayed in conspicuous places inside the covered business establishment;
8. Computer shops should not allow students below 18 years old during and between the hours of 7:00 A.M. to 11:00 A.M. and 1:00 P.M. to 4:00 P.M. except in the following instances:
 - a. Saturdays, Sundays, Holidays and days which are declared to be "No Classes" in their respective school;

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- b. For specific educational or study purposes such as necessary data gathering or statistical treatment. However, a permit from the class adviser, school principal or school head shall be required;
- c. Those who are playing on-line games in the presence and under supervision of their parents or guardians; and
- d. College students during their vacant hours.

For purposes of this paragraph, the establishment may use logbook and require their prospective customers to indicate the name, address, age, school and other personal circumstances in case they are doubtful of the true and correct age of the customer.

- 9. The operator shall put up a signboard in a conspicuous place in their establishment stating time of operation and the prohibition of students especially elementary and high school during school hours to play internet interactive games;
- 10. Entrance door of computer shops should be transparent and must not be blind tinted. Posters which display advertisements or pictures of online game characters maybe allowed but a space must be provided so that the people outside will be able to see the inside portion of the shop;
- 11. The operator shall set up monitor filter to safeguard radioactivity, if necessary;
- 12. The owner shall disallow the use, consumption as well as trade of prohibited drugs, intoxicating beverages and cigarettes within the premises of computer shop;
- 13. Downloading of movies which is a method of piracy is prohibited.
- 14. Betting in any form shall be strictly disallowed;
- 15. Not to allow minors, (whether students or out-of-school) to stay in the shop beyond 9:00 in the evening, except when accompanied by parent or guardian.

Section 6. Exemptions. Any educational institution, private home and corporate entity using internet through an Internet Service provider (ISP) for purposes other than the nature of business mentioned in the preceding Sections shall not be covered by this Ordinance.

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Section 7. Parental Authority and Custody. When there is probable cause to believe that the mother, father, or guardian induced the minor to engage in internet pornography, the City Social Welfare and Development Office shall temporarily assume the custody and parental authority over the minor.

Section 8. Disposition of Materials. Any material containing the lewd exhibition including the equipment used in the production/showing/printing of obscene and pornographic materials or equipments shall be confiscated by the members of the PNP, Task Force Pusog, CSU and Barangay Authorities and shall be used as evidence in court. Disposition or destruction of materials shall be made upon proper order of the court and/or competent authorities.

Section 9. Implementing Agencies. The Philippine National Police, Civil Security Unit, Task Force Pusog, Sangguniang Kabataan (SK) and Barangay Authorities, in coordination with the One Stop Shop Office, City Treasurer's Office (CTO), City Engineer's Office (CEO), City Social Welfare and Development Office (CSWDO), Department of Education (Dep-Ed) Iriga City, shall be incharge with the implementation of this ordinance.

Section 10. Penalties. Violation of any provision of this Ordinance shall be penalized as follows:

1. On the computer shop operator:

- 1st Offense - a Fine of not less than Php2,000.00 but not more than Php3,000.00
- 2nd Offense - a Fine of more than Php3,000.00 but not more than Php4,000.00
- 3rd Offense - a Fine of more than Php4,000.00 but not more than Php5,000.00 or an imprisonment of not exceeding six (6) months, or both, at the discretion of the court. The permit issued for the operation of the computer shop shall be revoked by the City Mayor through the Permit and Licensing Division.

2. On the minors:

- a) Minors who shall violate Section 5(8) shall be turned over to the parents/guardians. A report of the violation shall be furnished to the School Principal of erring students (minors) for proper disciplinary actions.

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- b) Minors who shall be found to be habitual violators (more than three violations) shall be penalized by a fine of One Thousand Pesos (Php 1,000.00) to be paid by the parents or guardians. In case of incapacity to pay the fine, the parents/guardian together with the erring child/ward shall render eight (8) hours each of community service.

Section 11. Regular Inspection/Visit. The inspection team, composed of representatives from the One-Stop-Shop Office, Philippine National Police and Task Force Pusog/CSU shall conduct regular inspection (not less than once a month) of abovementioned establishments during their business hours to ensure compliance with this Ordinance. The inspection team shall recommend appropriate measures to be applied on the establishment for the violation of the Ordinance.

In case of complaints received from any concerned citizen against a computer shop, the inspection team shall act within seven (7) days and submit a report to the Local Chief Executive not later than fifteen (15) days from the first inspection day.

Section 12. Separability Clause. If for any reason, any portion of this Ordinance shall be held unconstitutional or invalid by the court of competent jurisdiction, such judgments shall not affect or impair the other provision or parts thereof which shall continue to be enforced and in effect.

Section 13. Repealing Clause. All resolutions, ordinances and regulations inconsistent with this ordinance are hereby repealed and/or modified accordingly.

Section 14. Effectivity. This Ordinance shall take effect immediately upon completion of its publication in a newspaper of local circulation.

ENACTED: January 25, 2010

Sponsors: *Hon. Rodolfo L. Tino, Jr.*
Hon. Romulo M. Corporal, Jr.
Hon. Omar Erasmo G. Ampongan

WE HEREBY CERTIFY to the correctness of the foregoing Ordinance.

[Signature]
JOSE SG. VILLANUEVA, JR.
Vice-Mayor and Presiding Officer

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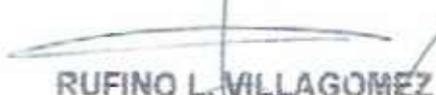
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EMMANUEL T. ALFELOR, JR.


ROMULO M. CORPORAL, JR.

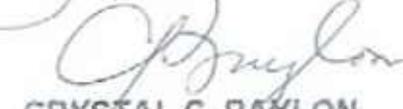

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RODOLFO L. TINO, JR.

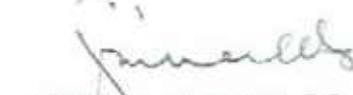

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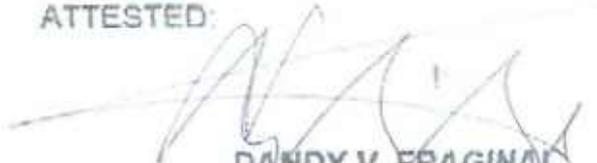

CRYSTAL C. BAYLON


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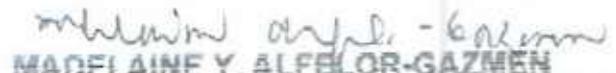

JOSE LL. GRIMALDO


CHRISTIAN EMMANUEL T. ALFELOR

ATTESTED:


DANDY V. FRIGINAL
Secretary to the Sanggunian

APPROVED:


MADELAINE Y. ALFELOR-GAZMEN
City Mayor

DATE APPROVED: 22 FEB 2010