

Republic of the Philippines
Province of Cebu
CITY OF NAGA



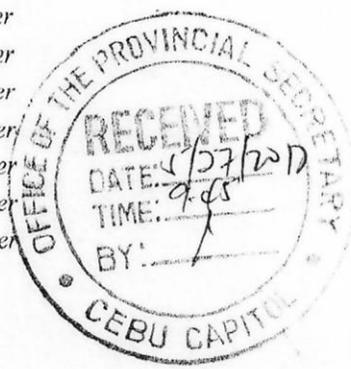
Excerpt from the minutes of the regular session of the Sangguniang Panlungsod of the City of Naga, Cebu held on February 27, 2013 at the Session Hall, City of Naga, Cebu.

Present:

- | | |
|--------------------------|---------------------------------|
| HON. DELFIN R. SEÑOR | - Vice Mayor/Presiding Officer |
| HON. ELMER Q. LAPITAN | - Sangguniang Panlungsod Member |
| HON. OTHELLO M. CHIONG | - Sangguniang Panlungsod Member |
| HON. ALEXANDER R. LARA | - Sangguniang Panlungsod Member |
| HON. NILO B. ALINSONORIN | - Sangguniang Panlungsod Member |
| HON. LETECIA F. ABANGAN | - Sangguniang Panlungsod Member |
| HON. PORFERIO V. RESABA, | - Sangguniang Panlungsod Member |
| HON. DOMINGA P. MILLENA | - Sangguniang Panlungsod Member |
| HON. RODRIGO A. NAVARRO | - Sangguniang Panlungsod Member |
| HON. VIRGILIO M. CHIONG | - ABC President |

Absent:

- | | |
|----------------------------|--|
| HON. ALEXA MANNA B. CHIONG | - SK President - o.b. |
| HON. CARMELINO N. CRUZ | - Sangguniang Panlungsod Member - o.b. |
| HON. VENCI R. DEL MAR | - Sangguniang Panlungsod Member - o.b. |



ORDINANCE NO. 2013-005

AN ORDINANCE PRESCRIBING RULES AND REGULATIONS FOR THE OPERATION OF COMMERCIAL INTERNET CAFES THROUGHOUT THE CITY OF NAGA, CEBU

WHEREAS, this administration recognizes the need to revise and update Resolution No. 008-I-2008 approved on March 3, 2013 which adopted Ordinance No. 2007-005 of the Cebu Provincial Government entitled "Prescribing Rules and Regulations for the Operation of Commercial Internet Cafes through the Province of Cebu and Providing Penalties for the violations thereof";

WHEREAS, this Body sees the need to act on the complaints from parents and guardians of children and reports of School authorities that pornographic, violent and satanic websites are being accessed and indecent activities are being boldly done by internet users inside these establishments;

NOW THEREFORE, Be it ORDAINED by the Sangguniang Panlungsod of the City of Naga, Cebu, on motion of Hon. Dominga P. Millena, seconded by Hon. Rodrigo A. Navarro that:

I.T. Cortez
5/29/2013

SECTION 1. Title. This Ordinance shall be known and cited as the "Comprehensive Internet Cafe' Operation Regulations Ordinance of the City of Naga, Cebu"

SECTION 2. Policy. It is hereby declared a policy of the City of Naga, to:

- Adhere to the generally-accepted moral principles or norms of decency and propriety.
- Protect the public, especially the most vulnerable segment of its constituency, from obnoxious influence and harmful effects arising from the deregulated use, misuse and abuse of highly advanced information and communication technology.
- Prohibit and condemn any and all forms of sexual exploitation, pornographic exhibition, satanic and violent presentations, or other similar indecent and improper shows or conduct performed inside public or private establishments via the internet.

SECTION 3. Definition of Terms. As used in this Ordinance, the following terms and phrases shall mean as follows:

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5/27/2013 [Signatures]

Received by: 5/27/13 [Signature]

Internet - refers to the electronic communications network that connects computer networks and organizational computer facilities around the globe.

Internet café' - refers to a place offering public access online computers for web surfing, and electronic mail transmission and sometimes also serving as an internet service provider. It shall likewise refer to a place where the public can use a computer with Internet access for a fee, usually per hour or per minute.

Internet users - refers to individuals who avail themselves of an Internet café' to access information or data through the web or local area networking for purposes of news, business and such other electronic-related purposes.

Electronic mail - refers to a system of sending and receiving messages via computers attached to a network.

Internet chatting - refers to a conversation by individuals using the Internet simultaneously through exchange of typed-in messages requiring one site as repository for the messages "site chat" and a group of users taking part from anywhere on the Internet.

Web site - a collection of files or "pages" linked together and are stored in the World Wide Web.

Hacker - refers to one who breaks into systems, and destroys or steals data, and performs destructive or illegal acts with computers and networks.

Pornographic site - refers to any obscene web site depicting erotic pictures or malicious figures suggestive of sexual perversity.

Satanic site - refers to a web site that portrays devilish, wicked, evil or fiendish scenes or facts revolting to man's religious senses.

Violent site - refers to any brutal, sadistic, cruel, outrageous or inhuman materials downloaded in the website on the Internet.

Primary and secondary level students- refers to the duly enrolled pupils or students in the primary, elementary and high schools, respectively, whether public or private.

School hours - refers to the prescribed hours or time pupils are required to attend classes, i.e from 7:30 AM to 5:00 PM and night high school of from 4:00 PM to 9:00 PM.

School authorities - refers to a Principal, Head Teacher, Class Adviser or Guidance Counselor of a primary, elementary or high school, whether public or private.

Minor - A child below the age of majority, or below 18 years old.

SECTION 4. Coverage. This Ordinance shall cover any and all establishments with more than one computer units offering internet services to the public, including but not limited to, fax, electronic-mail (e-mail), games, surfing, chatting and such other related services or similar functions covered by the internet technology which are accessed for a fee.

SECTION 5. Exemption. Any school, private home, or corporate entity using the internet through an Internet Service Provider for purposes other than profits or business shall be exempt from the coverage of this Ordinance.

SECTION 6. Rules and regulations on the use and operation of commercial Internet Cafés.

The owners/proprietors, operators and/or managers of commercial Internet café's shall comply with the following requirements before they can start operating the business, viz:

- 6.1 To secure a business permit and other licenses required by the Office of the Mayor, including those which shall cover Internet cafes' expansion to other line of services, such as offering short term courses which may run between one month to six months and which may fall under computer programming, computer technology and other related courses;
- 6.2 Provide a minimum area of 2.5 square meters per computer installed;
- 6.3 Provide transparent partitions and avoid enclosed cubicles to ensure visibility and prevent illicit and indecent activities on the Internet;
- 6.4 Install a licensed filtering software against pornographic, satanic, or violent web sites;
- 6.5 Utilize licensed software only;
- 6.6 Provide at least two separate functional toilets for male and female customers;
- 6.7 Install safe and proper ventilation inside the premises;
- 6.8 Install proper and sufficient fire safety devices as well as provide fire exits;
- 6.9 Display within the premises conspicuous warnings against hacking or access to pornographic, satanic, or violent sites;
- 6.10 Display within the premises, conspicuous warnings against chatting with dubious and pervert chat pals;
- 6.11. Disallow the possession, use, or trade of intoxicating drinks and/or prohibited drugs inside the premises;
- 6.12. Deny entry of primary and secondary level students into the premises and access to Internet services during school hours, unless they are expressly authorized by their respective school authorities for purposes of educational tour, study, or research and such other related activities;
- 6.13. Prohibit the entry of firearms, explosives, or deadly weapons inside the premises, except when the entrants are members of the police, military, or of any other law enforcement agencies and the entry is in line with the performance of their regular duties and functions;
- 6.14. Secure accreditation from the Internet Café Association of Cebu or any legitimate organization of owners/proprietors of Internet cafes within the Province of Cebu.
- 6.15. Display within the premises conspicuous warnings against illicit, lewd, sexually explicit, indecent, lascivious conduct and other related activities inside the establishment;
- 6.16. Report to law enforcement agencies any knowledge that gives rise to a reasonable belief that a child will be, may be, or has been sexually exploited online within their establishment.
- 6.17. Disallow drinking of alcoholic drinks and smoking inside the premises.
- 6.18. Maintain an Internet users' logbook containing the name, age, address, log-in and log-out time and signature of the user;

SECTION 7. Enforcement. For the efficient implementation of this Ordinance, the Business Permit section under the Office of the Mayor is hereby empowered to impose the following pre-application requirements for the issuance and/or re-issuance of a business permit/license:

- 7.1. Sanitary permit covering two separate functional toilets for male and female from the Health Unit of the City.
- 7.2. Copy of the permit issued by the Department of Education covering short-term courses, which may run between one month to six months and which may fall under computer programming, computer technology or other such similar courses.

- 7.3. Permit covering occupancy ratio, computer spacing and ventilation system from the Office of the Building Official of the City.
- 7.4. Fire safety clearance from the Office of the City Fire Department.
- 7.5. Copy of the accreditation issued by the ICAC or any other legitimate organization of owners/proprietors of Internet cafes in the City.
- 7.6. Other such permits necessary as may be deemed necessary for the issuance of a business permit.
- 7.7. The installed filtering software against pornographic, satanic, or violent web sites shall be verified and confirmed by the City's information technology department;
- 7.8. Construction of transparent partitions and or absence of enclosed cubicles to ensure visibility and prevent illicit and indecent activities in the Internet premises shall be verified and confirmed by the City's Office of the Building Official.

The Philippine National Police shall be required to conduct random inspections of Internet café's in the City to ensure compliance to sections 6, 7 and 8 of this Ordinance.

The Information Technology department of the City shall also conduct monthly inspections of Internet café's in the City to ensure compliance to sections 6.4, 6.5, and 7.7 of this Ordinance

SECTION 8. Prohibitions. The City has deemed it necessary to impose the following prohibitions. Thus, it shall be unlawful for any Internet café' to:

- 8.1 Allow all customers access to any pornographic satanic and violent sites within its establishment.
- 8.2. Allow its minor-clients to access Internet service and/or stay within its premises beyond the curfew time of 10:00 PM.
- 8.3. Allow its clients to conduct illicit and indecent activities using the internet facility.
- 8.4. Sell alcoholic drinks to their clients and allow drinking such within their premises.
- 8.5. Sell cigarettes to their clients and allow smoking within their premises.
- 8.6. Allow entry into the premises and availment of internet service to primary and secondary students during regular school hours, unless they are expressly authorized by their respective school authorities for purposes of educational tour, study, or research and such other related activities.
- 8.7 Allow entry of persons with firearms, explosives or deadly weapons inside the premises, except when the entrants are members of the police, military, or any other law enforcement agencies, provided that the their entry is in line with the performance of their regular duties and functions.

SECTION 9. Penalties. Violations of any part or parts of the provisions of this Ordinance by the Internet café's owners/proprietors, operators, or managers shall subject them to the following penalties:

First Offense	-	P 1,000 fine
Second Offense	-	P 3,000 fine
Third Offense	-	P 5,000 fine and revocation of business permit/license

For this purpose, the Office of the Mayor shall keep a logbook specially intended for recording inspection reports and violations, for reference and documentation.

Penalties for violations of any part or parts of this Ordinance by the Internet Cafe Owners/Operators/Managers against applicable laws and statutes including Republic Act 9775, otherwise known as the Anti-Child Pornography Act of 2009 and the Revised Penal Code, shall also be imposed, aside from the revocation of permit/license and a fine of P5,000.00.

SECTION 10. Separability Clause. If any part or parts of this Ordinance shall be declared invalid or unconstitutional, the other parts not so declared shall remain in full force and effect.

SECTION 11. Repealing Clause. Any and all other Ordinances of the City of Naga which are inconsistent herewith are hereby deemed repealed, amended or modified accordingly;

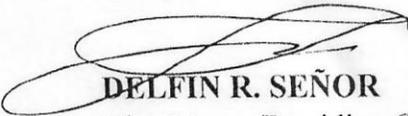
SECTION 12. Effectivity Clause. This Ordinance shall take effect fifteen (15) days after its publication in a newspaper of general circulation and posting in conspicuous places in the City.

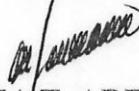
UNANIMOUSLY APPROVED this 27th day of February 2013.
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May 16, 2013

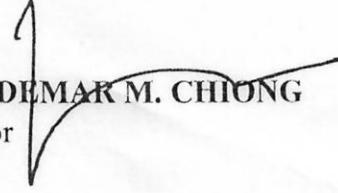
I HEREBY CERTIFY to the correctness of the afore-quoted Ordinance taken from the minutes on file.

ATTESTED BY:


DELFIN R. SEÑOR
Vice Mayor/Presiding Officer


DELZA T. ARELLANO
Secretary to the Sanggunian

APPROVED BY:


VALDEMAR M. CHIONG
Mayor