

SEVENTEENTH CONGRESS OF THE]
REPUBLIC OF THE PHILIPPINES]
First Regular Session]



16 JUL 28 AM 11:06

BY:

SENATE

S.B. No. 908

Introduced by SEN. WIN GATCHALIAN

AN ACT
REGULATING THE OPERATION AND MAINTENANCE OF INTERNET CAFES,
OR COMPUTER RENTAL SHOPS, AND OTHER ESTABLISHMENTS
OFFERING COMPUTER SERVICES TO MINORS, PROVIDING PENALTIES
FOR VIOLATION THEREOF, AND FOR OTHER PURPOSES.

EXPLANATORY NOTE

The Internet has become the most popular source of information used by the general public today. The world is literally at the tip of your fingertips when you browse the Internet. The Internet has allowed the dissemination of information to be readily available to the public. As such, it has become a valuable tool for research and study used by not only students of the Philippines but also the general public as well.

Although the use of the Internet in the Philippines is quite popular, research shows that majority of households in the country do not have Internet access at home and in most cases do not even own a computer at home. For this reason, the Philippines ranks among the top countries in South East Asia where Internet cafes and computer shops are extremely popular. These establishments have allowed those without Internet access at home to be able

to use the Internet and conduct work on a computer.

The proliferation of these establishments has become a double edged sword because on one hand, they have allowed the masses to obtain and acquire information from the Internet and conduct work on a computer without having to invest in a computer or internet access at home. But on the other hand, most, if not all of them, also provide entertainment to their customers through computer games that are played online, offline, or over a local area network. These games are usually played by minors.

Being that minors have an impressionable mind, these games occupy so much of their mind that it has become prevalent that minor students become addicted to these games and their school work suffers from too much preoccupation with video games. Instead of using the Internet positively for research or school work, most minors go to the computer shops to play games instead. Alarmingly, these establishments are located near schools regularly visited by minor students even during regular class hours and visits often last late into the night, exposing them to danger during those hours. Unscrupulous and irresponsible computer shop owners have allowed and tolerated minors to avail of their services even during class hours and even allow them to play into the late hours of night in exchange for a quick profit without thought to the negative effects of excessive gaming to the welfare and safety of the minors.

Internet cafes and computer shops have been inadequately regulated, especially with regard to the protection of minors who patronize these establishments. Section 13, Article II of the 1987 Constitution provides that "[t]he State recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual, and social well-being". How will the youth realize their role in nation-building when the excessive playing of video games in these establishments hinders their development and education? The youth will not be able to realize their potential when majority of their time is spent inside computer shops playing games instead of studying.

This bill aims to regulate and limit the access of minors to Internet cafes and computer shops in line with the constitutional mandate of the State and its police power to protect and preserve the public good and welfare of the people.

In view of the foregoing, the approval of this bill is earnestly sought.



WIN GATCHALIAN

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SECRETARY:

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Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

1 SECTION 1. **Short Title.** - This Act shall be known as the "Internet
2 Café Regulation Act."
3

4 SEC. 2. **Declaration of Policy.** - It is hereby declared the policy of the
5 State "to protect and promote the physical, moral, intellectual, and social well-
6 being of the youth." Pursuant to this, the State shall regulate the access of
7 minors to internet cafes, computer rental shops, and other similar
8 establishments, in order to promote the education and welfare of the Filipino
9 youth, without compromising the interests of legitimate businesses.
10

11 SEC. 3. **Purpose.** - It is the main thrust of this Act to:
12

- 1 a) Prevent minors from loitering, playing offline or online video games,
2 and browsing the Internet in computer rental shops during school
3 hours and school days;
- 4 b) Prevent minors from excessively playing online and offline video
5 games and access the internet in computer rental shops on non-
6 school days;
- 7 c) Protect the safety of minors by limiting the time period within which
8 they may be allowed access to computer rental shops.

9
10 SEC. 4. **Definition of Terms** - As used in this Act, the following shall
11 mean:

- 12 a) "*Cancelled Schooldays*" refer to days when students are normally
13 required to attend regular classes but were cancelled as declared by
14 the President, the Commission on Higher Education, the Department
15 of Education, the Local Government Unit within their respective
16 jurisdictions, or other government and educational agencies
17 authorized by law to declare suspension of regular classes;
- 18 b) "*Computer Rental Shops*" refer to a business establishment with two (2) or more
19 computer units that offers Internet services, typing,
20 printing services, online and offline video games, or video games
21 played over a local area network;
- 22 c) "*Holidays*" refer to legal and special holidays as declared by law,
23 local special holidays as declared by Local Government Units within
24 their respective jurisdictions, and religious holidays as declared by the
25 minors' respective educational institutions;
- 26 d) "*Internet*" refers to the worldwide system of computer networks in
27 which a user at any one computer can directly obtain information
28 from any other computer in the network;
- 29 e) "*Internet Cafe*" refers to a place of business that has a number of networked
30 personal computers with access to the internet for browsing, chatting
31 e-mailing, and research and available for use by customers for a fee. It
32 may or may serve coffee, similar refreshments, and food. Also
33 included are cyber cafes, arcades, and lounges;

- 1 f) "Minor" refers to a person below 18 years of age;
- 2 g) "Person" refers to an individual, partnership, corporation, or any other
3 business or legal entity;
- 4 h) "School Days" refer to the days when students are required to attend
5 regular classes normally Mondays to Fridays, excluding legal and special
6 holidays as declared by law;
- 7 i) "School Hours" refer to the time within a day where students are
8 required to attend school as determined by the Department of Education, the
9 Commission on Higher Education, or the Local Government Unit concerned;
- 10 j) "Vacation" refers to days between academic school years, when
11 students and instructors are off school for a period of eight (8) weeks
12 or more, as determined or otherwise authorized by the Commission on
13 Higher Education or the Department of Education;
- 14 k) "Weekends" refer to Saturdays and Sundays.
- 15

16 **SEC. 5. Prohibited Acts. -**

- 17 a) The owner, proprietor, manager, or attendant of internet cafes,
18 computer rental shops, and other similar establishments providing
19 computer services shall be strictly prohibited from admitting or
20 allowing minors within school hours and during school days as
21 determined by the Department of Education, the Commission on
22 Higher Education or the Local Government Unit concerned to enter
23 and use the computer facilities in their establishments;
- 24 b) The owner, proprietor, manager or attendant of Internet cafes,
25 computer rental shops, and other similar establishments providing
26 computer services shall be strictly prohibited from admitting or
27 allowing minors to be present or to use the computer facilities inside
28 their establishments during weekends, holidays, cancelled schooldays
29 and during vacation between the period of 7:00 pm to 7:00 am.
- 30

31 **SEC. 6. Exceptions to this Act. -** Authorized purposes or activities for
32 minors:

- 33 a) Any internet cafe, computer rental shop, and other similar

1 establishments that allow a minor to enter and use its computer
2 facilities during schooldays but after the designated school hours,
3 shall not be covered by this Act: *Provided*, That the minor presents an identifica-
4 tion card and a written permit or clearance signed by the
5 parent of the minor or either the school principal or teacher in charge
6 of a minor student permitting him or her to utilize the computer
7 facilities in their establishment: *Provided, further*, That in no case however, shall
8 the minor be allowed to stay inside the establishment
9 beyond 7:00pm unless accompanied at all times by his/her parent or
10 legal guardian;

11 b) Any internet cafe, computer rental shop, and other similar
12 establishments that allow a minor to enter and use its computer facilities during
13 schooldays or within school hours, shall not be
14 covered by this Act, *Provided*, That the minor is accompanied at all
15 times by his/her parent or legal guardian;

16 c) Any Internet cafes, computer rental shops, and other similar
17 establishments that allows a minor to enter and use its computer
18 facilities during weekends, holidays, cancelled schooldays and during
19 vacation between the times of 7:00 pm to 7:00 am shall not be
20 covered by this Act, *Provided*, That the minor be accompanied at all
21 times by his/her parent or legal guardian;

22
23 **SEC. 7. *Presumption of Admission.*** - Minors found within internet
24 cafes, computer rental shops, and other similar establishments are to be
25 considered as prima facie proof that the owner, proprietor, manager, partner, or
26 attendant has consented or permitted to the entry of such minors. The owner,
27 proprietor, manager, partner, or attendant shall not be excused from liability
28 when a minor is found under the circumstances enumerated under this Act
29 nor can he or she claim ignorance of the presence or the true age of the minor.

30
31 **SEC. 8. *Duties and Responsibilities of Owners, Proprietors, Managers or***
32 ***Attendants of Internet Cafes or Computer Rental Shops.*** - Owners, proprietors,
33 managers, or attendants of internet cares or computer rental shops are hereby required

1 to perform and undertake the following measures in the operation of their business:

- 2
- 3 a) To post in their establishments, in a conspicuous area, a clear and
- 4 readable sign that indicates that no minors are allowed within the
- 5 premises during school days and school hours as well as within the
- 6 time of 7:00 pm to 7:00 am during weekends, holidays, cancelled
- 7 schooldays, and during vacation;
- 8 b) To be vigilant in the inspection of identification cards of their patrons
- 9 and ensure that no minor be allowed in their establishments during
- 10 the prohibited periods mentioned.
- 11

12 SEC. 9. **Proof of Age Verification** - In case of doubt as to the age of the

13 client/customer, the owners, proprietors, managers or attendants of Internet

14 cafes or computer rental shops shall verify, by means of any valid form of

15 identification containing the date of birth of the bearer otherwise, they must

16 refuse admission in order to ensure that no minor is allowed access to said

17 establishments.

18

19 SEC. 10. **Regular Inspection of Internet Cafes or Computer Rental**

20 **Shops.** - The Philippine National Police or the authorized persons of the Local

21 Government Unit concerned in the locality shall conduct regular inspection in above-

22 mentioned establishments during their business hours to ensure

23 compliance with this Act and shall make an annual written report to the

24 Department of Social Welfare and Development and the Chief Executive of the

25 Local Government Unit concerned of their findings.

26

27 SEC. 11. **Penalties.** - The following are the penalties for violation of any

28 provisions of this Act:

29

- 30 a) 1st offense - a fine of P50,000 for violation of any of the provisions of
- 31 this Act;
- 32 b) 2nd offense - a fine of P100,000 for violation of any of the provisions of
- 33 this Act;

1 c) 3rd and succeeding offense - a fine of P150,000 and/or the revocation
2 of business permit and license to operate, and closure of the
3 establishment or both at the discretion of the Courts.
4

5 If the establishment is owned by a partnership or a corporation, the
6 managing partner, or president of the corporation shall be jointly held liable
7 with the person allowing a minor inside the premises of the establishment or to
8 use of the computer facilities in such establishment during the periods
9 prohibited by this Act.
10

11 SEC. 12. **Implementing Rules and Regulations.** - The Department of
12 Social Welfare and Development, in coordination with the Local Government
13 Units, the Philippine National Police and the National Youth Commission, shall
14 formulate the necessary Implementing Rules and Regulations for the efficient
15 implementation of this Act.
16

17 SEC. 13. **Separability Clause.** - Should any Section or provision of this
18 Act be declared as unconstitutional or invalid, other provisions which are not
19 affected thereby shall continue to be in full force and effect.
20

21 SEC. 14. **Repealing Clause.** - All laws, decrees, executive orders, rules
22 and regulations, or part thereof, inconsistent with the provisions of this Act are
23 hereby repealed.
24

25 SEC. 15. **Effectivity Clause.** - This Act shall take effect fifteen (15) days
26 after its publication in the *Official Gazette* and/or in at least two (2) national newspa-
27 pers of general circulation.

Approved,