Republic of the Philippines
# QUEZON CITY COUNCIL
Quezon City
18th City Council

PO2011-182

*56th Regular Session*

*ORDINANCE NO. SP-* 2163 *, S-2012*

***AN ORDINANCE REGULATING THE OPERATION OF INTERNET CAFES OR COMPUTER RENTAL SHOPS/COMPUTER GAMING SHOPS IN QUEZON CITY AND PROVIDING PENALTIES FOR VIOLATION THEREOF.***

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*Introduced by Councilor RAQUEL S. MALAÑGEN.*
*Co-Introduced by Councilors Francisco A. Calalay, Jr., Dorothy A. Delarmente, Anthony Peter D. Crisologo, Ricardo T. Belmonte, Jr., Joseph P. Juico, Alexis R. Herrera, Precious Hipolito Castelo, Alfredo D. Vargas III, Eden "Candy" A. Medina, Julienne Alyson Rae V. Medalla, Roderick M. Paulate, Godofredo T. Liban II, Julian ML. Coseteng, Allan Benedict S. Reyes, Jaime F. Borres, Jose Mario Don S. De Leon, Gian Carlo G. Sotto, Eufemio C. Lagumbay, Jesus Manuel C. Suntay, Jessica Castelo Daza, Vincent DG. Belmonte, Marvin C. Rillo, Ivy Lim-Lagman, Ranulfo Z. Ludovica and John Ansell R. De Guzman.*

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*WHEREAS, Section 16 in relation to Section 458 (4) (iv) of the Local Government Code of 1991 provides that,*

> *"Every local government unit shall exercise the powers expressly granted those necessarily implied therefrom, as well as powers necessary, x x x"*
>
> *"The sangguniang panlungsod as the legislative body of the city, shall enact ordinances x x x for the general welfare of the city and its inhabitants x x x, and shall. x x x"*

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"(iv) Regulate the establishment, operation and maintenance of cafes, restaurants, beerhouses, hotels, motels, inns, pension houses, lodging houses, and other similar establishments x x x;"

WHEREAS, computer education and information technology is the wave sweeping every corner of the globe;

WHEREAS, the globalization trend manifests worldwide advances in information technology evident by the abundance of internet establishments throughout the country;

WHEREAS, the operations of these establishments have been unsatisfactorily regulated giving rise to internet pornography;

WHEREAS, entry of minors to internet cafes or computer rental shops/computer gaming shops must likewise be regulated to prevent them from excessive playing of computer games especially during school hours that can adversely affect their performance in school.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF QUEZON CITY IN REGUAR SESSION ASSEMBLED:

SECTION 1. The City Government hereby regulates the establishment and operation of internet cafes or computer rental shops/computer gaming shops in Quezon City and provides penalty for violation thereof.

SECTION 2. As used in this Ordinance, the following terms shall mean as follows:

a. COMPUTER RENTAL SHOP- refers to any establishment engaged in the business of renting out more than one computer, whether or not with connection to the internet.

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b. *CLASS HOURS – refers to the required time period for classes in any given school day that has to be attended by the student as prescribed by the school.*

c. *PERSON – refers to any natural or juridical entity.*

d. *MINOR- refers to a person below eighteen (18) years of age whether or not enrolled for schooling.*

e. *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.*

f. *INTERNET PORNOGRAPHY – refers to the visual representation or images showing prohibited acts mentioned in Section 4 (a) hereof if 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.*

g. *WEBCAM – refers to a video or digital camera, usually attached directly to a computer, designed to take photographs or images and transmit them over the internet.*

h. *LAN (Local Area Connection) – refers to a group of computers with associated devices that share a common communication line and typically share resources and data within a small geographic area.*

i. *PORNOGRAPHIC SITE – refers to a website with display or erotic behavio[illegible] to cause sexual excitement.*

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j. *SATANIC SITE – refers to the sinister, devilish, wicked, evil and fiendish web site on the internet.*

k. *VIOLENT SITE – refers to a web site on the internet which downloads brutal, furious, vicious, and forceful materials.*

l. *SURFING – refers to the act of exploring a sequence of web sites in a random or unplanned manner.*

*SECTION 3. The Ordinance shall cover the following:*

a. *Any business establishment with more than one (1) computer unit, offering for a fee, services including but not limited to e-mail, game, chatting, surfing, research and other services which requires the use of computers and access to the internet. These business establishments are classified as the internet cafes or computer rental shops/ computer gaming shops.*

b. *Other business establishments which offer a combination of services such as food and internet, recreation and other similar business fusions requiring the use of computers and access to the internet, such as cyber café, arcades lounges and other similar establishments.*

*SECTION 4. The following acts are hereby prohibited among customers inside the internet cafes or computer rental shops/ computer gaming shops.*

a. *Perform or exhibit in front of a digital camera, computer video camera, camera equipped-mobile phones, webcam and the like, any of the following acts, either for free or for consideration, promise or reward:*

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a. 1 Actual or simulated sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between same or opposite sex.

a. 2 Bestiality (sexual relations with an animal)

a. 3 Masturbation

a. 4 Sadistic or masochistic abuse

a. 5 Use of vibrator or any instrument where the genitals, breast or pubic area of any person is exhibited.

a. 6 Watching somebody performing activities from (a.1) to (a.5)

a.7 Other activities which are of similar nature.

b. Surf the internet at websites which contain pornographic or lewd materials, satanic/violent materials or those that advertise or promote prostitution is likewise prohibited; and

c. Produce, distribute, and transmit images or visual representation depicting the above-cited prohibited acts in (a)

d. Use, consume or trade prohibited drugs, intoxicating liquor/beverages cigarettes within the premises.

e. Gamble on-line and/or bet among customers inside the premises.

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f. In the case of students or minor age, the following acts are likewise prohibited:

f.1 No student belonging to the elementary and high school levels shall be allowed to enter the premises of any computer rental shop during class hours from Monday to Friday;

f.2 Minors and/or students who will be doing research work/school work in internet cafes or computer rental shops shall be allowed only between the hours of 4:00 o'clock in the afternoon and 11:00 o'clock in the evening.

SECTION 5. Owners/proprietors/managers of internet cafes or computer rental shops/computer gaming shops are required to perform and undertake the following measures in the operation:

a. Ensure strictly that customers comply with Section 4 of the Ordinance. The I.Ds. and class schedule of students (minor) must be checked as basis for allowing/disallowing them to enter the premises.

It shall not be a defense for the owner, proprietor, manager, partner and attendant that he/she did not know or was not aware of the real age of the minor. Neither shall it be a defense that he/she did not know nor had any reason to believe that the minor is the one using the computer in an instance accompanied by an adult.

b. Post a signage at the entrance of their premises with the oriented words "ELEMENTARY AND HIGH SCHOOL STUDENTS ARE NOT ALLOWED DURING CLASS HOURS".

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c. Display necessary warning against access to pornographic and online gambling sites, "INTERNET PORNOGRAPHY AND ON-LINE GAMBLING ARE PROHIBITED"

d. Install filtering software to remove access to all pornographic and on-line gambling sites.

e. Provide transparency on the frontage of such establishments, as well as adequate standard lighting of the interior premises to allow unimpeded outside view of the individual computer monitors.

SECTION 6. The inspection team, composed of representative from the Business Permits and Licensing Office (BPLO) and the Philippine National Police-Quezon City (PNP-Quezon City), shall conduct regular inspection of above mentioned 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 an internet cafes or computer rental shops/ computer gaming shops, the inspection team shall act within five (5) days and submit a report to the local chief executive not later than ten (10) days from the first inspection day.

SECTION 7. The following are the penalties for the violation of this Ordinance:

a. First Offense – Owners/proprietors/managers of internet cafes or computer rental shops/computer gaming shops or centers shall be penalized by a fine of Two Thousand Pesos (P2,000) for violation of any of the provisions of this Ordinance, without prejudice to the filing of appropriate action in court for violation of this Ordinance and other laws.

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b. *Second Offense- Owners/proprietors/managers of internet cafes or computer rental shops/computer gaming shops or centers shall be penalized by a fine of Three Thousand Pesos (P3,000.00) for violation of any of the provisions of this Ordinance, and suspension of the business permit of the erring establishment for a period not exceeding one (1) month, without prejudice to the filing of appropriate action in court for violation of this Ordinance and other laws.*

c. *Third Offense- Owners/proprietors/managers of internet cafes or computer rental shops/computer gaming shops or centers shall be penalized by a fine of Five Thousand Pesos (P5,000.00) for violation of any of the provisions of this Ordinance, without prejudice to the filing of appropriate action in court for violation of this Ordinance and another laws. In addition, revocation of business permit and license to operate, and closure of the establishment shall be meted to violators.*

d. *Any person who shall perform any of the following acts under Section 4 (a) shall be penalized by a fine of Three Thousand Pesos (P3,000.00) without prejudice to the filing of appropriate action in court.*

e. *Minors who shall violate Section 4 (f) shall be turned-over to their parent/guardians. A report of the violation shall be furnished to the school principal for erring students (minors) for proper disciplinary action.*

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*SECTION 8. When there is probable cause to believe that the mother, father, or guardian induced the minor to engage in internet pornography, the Department of Social Welfare and Development-Quezon City (DSWD-Quezon City) shall temporarily assume the custody and parental authority over the minor.*

*SECTION 9. Any material containing the lewd exhibition shall be destroyed by the members of PNP-Quezon City in the presence of representative from the City Mayor's Office. The equipment used in the production/showing/printing of obscene and pornographic material shall be confiscated and used as evidence in court. Disposition of materials or equipment shall be determined by the court.*

*SECTION 10. The Philippine National Police Quezon City (PNP-Quezon City), Department of Public Order and Safety, and Barangay Governments, in coordination with the Business Permit and Licensing Office (BPLO), the Engineering Department, the DSWD-Quezon City and the Department of Education-Quezon City (DepEd-Quezon City), shall implement this Ordinance.*

*SECTION 11. The Office of the City Mayor shall formulate the necessary Implementing Rules and Regulations for the efficient implementation of this Ordinance.*

*SECTION 12. Any ordinance or provision thereof, rules and regulations and other issuances not consistent with this Ordinance is hereby modified, amended and/ or repealed accordingly.*

*SECTION 13. If for any reason or reasons, any part of this Ordinance shall be held unconstitutional or invalid, other parts or provisions thereof not affected shall continue to be in force and effect.*

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*SECTION 14. This Ordinance shall take effect thirty (30) days after the approval and dissemination to all concerned, including all private and public school in Quezon City.*

*ENACTED: May 14, 2012.*

RANULFO Z. LUDOVICA
President, Liga ng mga Barangay
and Ex-Officio Member
Acting Presiding Officer

*ATTESTED:*

Atty. JOHN THOMAS S. ALFEROS III
City Gov't. Asst. Dept. Head III

APPROVED: 29 AUG 2012

HERBERT M. BAUTISTA
City Mayor

*CERTIFICATION*

*This is to certify that this Ordinance was APPROVED by the City Council on Second Reading on May 14, 2012 and was PASSED on Third/Final Reading on May 21, 2012.*

Atty. JOHN THOMAS S. ALFEROS III
City Gov't. Asst. Dept. Head III

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