

SIXTEENTH CONGRESS
REPUBLIC OF THE PHILIPPINES
FIRST REGULAR SESSION

)
)



HOUSE OF REPRESENTATIVES

House Bill no. 2111

Introduced by Representative Peter M. Unabia

EXPLANATORY NOTE

A minor is one of the most important assets of the nation. Every effort should be exerted to promote his welfare and enhance his opportunities for a useful and happy life. A minor is not a mere creature of the State, hence his individual traits and aptitudes should be cultivated to the utmost in so far as they do not conflict with the general welfare.

Today, one of the biggest issues confronting the youth is the negative consequences of internet and computer addiction among the students. The youth, as young as seven years old would spend eight hours a day at cyber cafes playing online and off-line games instead of using the internet to do their homework.

It has been observed that minors, most of them in school uniforms, are seen in the internet cafes during class hours, instead of attending classes in school. In fact, teachers have also complained that school attendance of some students in some classes is very poor.

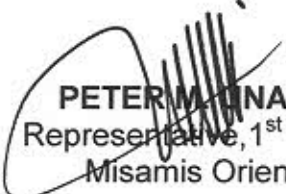
In fact, minors would come to use the internet cafes, often unlicensed for gaming purposes. Upon spending their money, the minors would become indebted to the café operator and offered the chance to clear the debt by performing indecent, sexual acts with largely foreign clients. Photographs and videos of the incidents would then be uploaded onto the internet and the minor would either pay the debt and leave or continue working to earn more money to fund their gaming.

The operations of these establishments have been inadequately regulated especially those in close proximity to educational institutions, contributing to the rise of internet child pornography.

Likewise, the entry of minors/students to internet cafes or computer rental shops/ computer gaming shops or centers 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.

For it is the youth who will eventually be called upon to discharge the responsibility of leadership in shaping the nation's future; nevertheless, the time that the minors spend at the cafes and video game shops provides negative impact on their education.

It is for these reasons that the immediate approval of this Bill is earnestly sought.



PETER M. TINABIA
Representative, 1st District
Misamis Oriental

SIXTEENTH CONGRESS

REPUBLIC OF THE PHILIPPINES
FIRST REGULAR SESSION

HOUSE OF REPRESENTATIVES

House Bill no. **2111**

Introduced by Representative Peter M. Unabia

AN ACT PROHIBITING THE ENTRY OF MINORS IN INTERNET CAFES OR COMPUTER RENTAL SHOPS/COMPUTER GAMING SHOPS OR CENTERS, PROVIDING PENALTIES FOR VIOLATION THEREOF AND FOR OTHER PURPOSES

SECTION 1. SHORT TITLE. This act shall also be known as the **INTERNET AND VIDEO - GAMING BAN FOR MINORS OF 2010**

SECTION 2. POLICY. - It is the policy of the State, consistent with the Constitution, to promote the general welfare, to safeguard the interest of the in and out of school youth and the entire young populace. For this purpose, the government shall institute a balanced policy whereby the use of technology such as internet cafes, videogame shops and the likes, be regulated in order to promote education and preserve the culture of Filipinos and at the same time ensure that the interest of businesses and stakeholders are not adversely compromised.

SECTION 3. PURPOSE. - It is the main thrust of this Act to:

- a. Prevent minors especially the students from hanging out at some Internet cafes and videogame shops/centers and other related establishments thereby promoting the sphere of education;
- b. Prevent the youth from excessively playing videogames thereby shielding them from becoming a video game addict which causes the commission of a crime by reason of desperation for money to feed their habit;
- c. Protect the minor from being the object of sexual exploitation by pedophiles, foreign or local.

SECTION 4. Definition of Terms. As used in this Act, the following shall mean:

- a) PERSON - refers to an individual, partnership, corporation or or any other business or legal entity
- b) MINOR - refers to a person below 18 years old.
- c) INTERNET - refers to the worldwide system of computer networks in which a User at anyone computer can directly get information from any other computer in the network.
- d) INTERNET CAFE - 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 customers for a fee by the hour or fraction of an hour. The business establishment may or may not be serving coffee and/or similar beverages. Also included are cyber cafe, arcades, lounges.
- e) COMPUTER RENTAL SHOP - refers to a business establishment with two (2) or more computer units that offers internet services, typing, printing services and gaming shop or center.
- f) COMPUTER GAMING SHOP OR CENTER - refers to a establishment with two 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)
- g) SCHOOL DAYS - Refer to the regular working days of the week, Monday to Friday excluding legal and special holidays

SECTION 5. PROHIBITED ACTS -

The owner/proprietor/manager/attendant of internet cafe's or computer rental shops/ computer gaming shops or centers shall be strictly prohibited from admitting or allowing minors, during school hours and school days to (a) Enter into such establishments, (b) Use the computer facilities in such establishments.

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.

If said establishment is owned by a partnership or a corporation, the managing partner or the president of the corporation shall be jointly held criminally liable as conspirator with the person admitting or allowing such a minor.

SECTION 6. AUTHORIZED RESEARCH/ACTIVITY FOR EDUCATIONAL PURPOSES.

a) Any establishment mentioned above allowing minors to enter said establishment during school days for purposes of research shall not be covered by this Act, provided that the minor shall carry a school identification and clearance or

permit signed by the principal or the teacher in charge concerned to be presented to said establishment otherwise admission refusal is a must.

b) For minors belonging to the out-of school youth or those who does not have a School Identification , they may enter and use the computer facilities provided it is not within or during schools hours and with the written approval from their parents.

SECTION 7. PRESUMPTION OF ADMISSION. Unless proven otherwise, Minors found inside such establishments is prima facie proof that the owner, manager, partner, attendant has consented or permitted entry thereof.

SECTION 8. DUTIES AND RESPONSIBILITIES OF OWNERS/PROPRIETORS/ MANAGERS OF INTERNET CAFES OR COMPUTER RENTAL SHOPS/COMPUTER GAMING SHOPS OR CENTERS.

Owners, proprietors/managers and attendants of internet cafes or computer rental shops/computer gaming shops or centers are required to perform and undertake the following measures in their operation:

- a) Ensure strictly that no person below majority age enters the said establishment during school days and school hours;
- b) Ensure strictly that no person below majority age uses a computer in the said establishment during school days and school hours;
- c) Permanently post a signage outside and inside the establishment showing the following statement in a clear and conspicuous manner: OFF-LIMITS TO MINORS

SECTION 9. Proof of Age Verification - In case of doubt as to the age of the client/customer, the owners, managers or attendants shall verify, by means of any valid form of photographic identification containing the date of birth of the bearer otherwise refuse admission so as to ensure that no person below the age of majority enters the said establishments

SECTION 10. REGULAR INSPECTIONS and POLICE VISIBILITY - The Philippine National Police in the locality shall conduct regular inspection and police visibility in the abovementioned establishments during their business hours to ensure compliance with this Act and make a semi - annual written report to the DSWD and NYC in the area

SECTION 11. PENALTIES. The following are the penalties for the violation of any provisions of this Act

- a) For 1st offense: a fine of P50,000 for violation of any of the provisions of this Act.
- b) For 2nd and 3rd offenses: Fine of 100,000 and/or revocation of business permit and license to operate and closure of the establishment or both at the discretion of the court.

SECTION 12. IMPLEMENTING RULES AND REGULATIONS - The DSWD in coordination with the National Youth Commission shall formulate the necessary Implementing Rules and Regulations for the efficient implementation of this Act.

SECTION 13. SEPARABILITY CLAUSE - Should any section or provision of this Act be declared as unconstitutional or invalid, other provisions which are not affected thereby shall continue to be in full force and effect.

SECTION 14. REPEALING CLAUSE - All laws, decrees, executive orders, rules and regulations, or part thereof, inconsistent with the provisions of this Act are hereby repealed.

SECTION 15. EFFECTIVITY CLAUSE - This Act shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

APPROVED: